

**PERICLES' CITIZENSHIP LAW
OF 451-50 B.C.**

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**PERICLES' CITIZENSHIP LAW
OF 451-50 B.C.**

Cynthia Patterson

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**PERICLES' CITIZENSHIP LAW
OF 451/0 B.C.**

For

R. and N.

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Preface

This monograph is a revised version of a dissertation submitted in August 1976 for the degree of Ph.D. in Ancient History from the University of Pennsylvania. In revising I have tried to correct mistakes, clarify arguments, improve organization and take account of relevant work published since 1976. I have not attempted to reform or recast the manuscript as a whole or to fill all bibliographical holes. The result is therefore still a dissertation (with too many footnotes) but one which I hope those interested in the history and society of Athens will find useful. In re-reading and revising I have become convinced that whether or not the specific answers proposed here prove correct, the questions are very much worth raising.

I am grateful for the criticism and suggestions of Martin Ostwald, Donald Lateiner, Sally Humphreys, Seth Schein, Brook Manville and especially Michael Jameson. The responsibility for the views expressed and arguments used is of course my own.

Finally, I have not attempted to achieve complete consistency in the transliteration of Greek proper names, but have generally used familiar Latinized forms for familiar names (Pericles, Thucydides, Piraeus) and direct transliterations from Greek for less familiar ones (Kratinos, Boiotos).

New York, N.Y.
October 1980

C. B. P.

I. Introduction

The ancient testimonia for Pericles' citizenship law of 451/0 B.C. are few. Aristotle, Ath. Pol.² 26.4, says that

in the archonship of Antidotos, on account of the large number of citizens (dia to plēthos tōn politōn) and on the proposal of Pericles, they [the Athenians] decided that anyone not born from both citizen parents would not have a share in the city (mē metechein tēs poleis hos an mē ex amphoin astoin ē gegonōs).

and Plutarch, Pericles 37.2-5, that

When the dēmos apologized for its harshness towards him and Pericles straightway took up again the affairs of the city and was chosen general, he asked that the law on bastards (ton peri ton nothōn nomon), the law he himself had introduced earlier, be relaxed so that his name and family would not be left completely bereft of a successor. This is how the law came about. When Pericles was at his height in power in the government many years before and when he had, as has been said, legitimate sons, he wrote a law that only those born from two Athenians were ^V Athenians (monous Athēnaious einai tous ek duein Athēnaiou gegonotas). And when the king of Egypt sent a gift of 40,000 medimnoi of grain to the dēmos, it was necessary to distribute it among the citizens (tous politas). Many law suits arose from this law against nothoi who had up to then escaped its notice and were overlooked, and many fell victim to the sycophants. In fact, those who were sold into slavery after being convicted were only a little less than 5,000, and those who remained in the politeia and were judged Athenians were found to be 14,040. While it is strange that a law which prevailed against so many should be relaxed by the one who wrote it, the present personal (peri ton oikon) misfortune of Pericles (who seemed to be paying the price for his arrogance and disdain) moved the Athenians to pity. And thinking that he had suffered retribution and was in need of human sympathy, they agreed to enroll his illegitimate son among the phraters giving him Pericles' name.

These are the two most important sources and perhaps represent independent

traditions. Apart from differences in terminology³, Aristotle cites the law with an archon date and in an annalistic context while Plutarch gives no date and connects the law with events (the 'return' of Pericles and the Egyptian grain gift) not mentioned in the Ath. Pol..

Then, Aelian, Varia Historia 6.10 says that

Pericles, when general of the Athenians, wrote a law [that said] if someone were not born from both citizen parents he should not have a share in the city (ean mē tuchētis ex amphoin huparchōn astōn, toutōi mē meteinai tēs politeias). Retribution came to him from this law.

and the Suda, s.v. dēmopoiētos; that

Pericles son of Xanthippos, although he wrote a law that [said that] he who was not born from both [citizen parents?] should not be a citizen (ton mē ex amphoin astupoliten mē einai), when many years later he lost his legitimate sons, unwillingly and grieving, having relaxed his own law and having behaved in an unseemly way, and being at the same time pitiable and hateful, he obtained the things he desired. Still only at length and with difficulty, by entreaty and bribery, did he make his illegitimate son by Aspasia of Miletus a dēmopoiētos.

These sources follow, for the most part, the Plutarchian tradition. Aelian's phrasing of the law, however, is Aristotelian (close to Politics 1278a34-35 or 1275b31-32 as well as to Ath. Pol. 26.4) and the Suda's is unique.⁴

Despite the paucity of references the importance of this law is clear, both for the character and career of Athenian democracy and for the larger issue of the relation of the Greek polis to its membership. In the 19th century it was possible for some sceptics to separate Pericles from his citizenship law, to consider it "impossible" that he ever proposed such a law and to dismiss Plutarch (with Aelian and the Suda) as unreliable.⁵ But the discovery in 1890 of the Athēnaiōn Politeia with its corroborating testimony and its definite dating left that position

untenable--and left Athenian historians with the task of interpreting the cause and effects of Pericles' law.

Most interpretations have had a strong ideological-political cast.

Pericles is either a demagogue catering to a selfish demos which wants its privileges protected⁶ or a democrat concerned to prevent aristocratic foreign (marriage) connections from influencing public decisions or policies⁷ or an aristocrat attempting to prevent the "debasement" of the Athenian population.⁸ The usual approach is also static and non-developmental; there has been little interest in considering how Pericles' law changed citizenship rules or what place it had in the development of Athenian city law and civic organization. Usually, the law is simply viewed as an amendment to pre-existing statutes which are assumed rather than investigated.

Paradoxical as it may sound, since the law is now a standard piece of historical information which few writers on fifth century Athens fail to mention, Pericles' citizenship law has been neglected. Recent studies of Athenian politics and society have offered new, less stereotyped, less static models for understanding the history of fifth century Athens,⁹ but tend still to view the citizenship law in generally the terms described above.¹⁰ This monograph is an attempt to begin to remedy that situation.

Chapter II considers the evidence for rules and procedures used before 451/0 for determining membership in the Athenian citizen body. In what is perhaps the most revisionist argument of the study, the chapter concludes that there was no polis law defining or controlling membership of the demes and phratries before Pericles set forth his requirement for "having a share in the city." The laws of Solon, the tyranny of Peisistratus, and the civic and political reorganization of Cleisthenes affected the way in which Athenians participated in their city as well as their self-image as Athenians, but until the mid-fifth century traditional rules

and identity (both deme and phratry membership) were sufficient to determine who was an Athenian citizen.

Chapter III considers the pléthos of citizens in 451/0, an issue often ignored, dismissed as irrelevant, or put in vague terms such as 'the population of Attica was growing rapidly' or 'more people were now living in Athens.' Due to the nature (or lack) of the evidence, the arguments of this chapter will be the least conclusive, although still highly relevant to an understanding of the citizenship law and also, again, at odds with some customary views on population growth in Athens. It is argued first that there was indeed a pléthos of citizens in 451/0—probably as many as there were twenty years later at the start of the Peloponnesian war for which Thucydides gives us our most precise information on citizen population; and second, that this is a significant increase from the time of the Persian wars thirty years earlier and that such an increase could not, on general demographic principles, be entirely "natural," i.e., due to an increase in births or decrease in deaths.

Chapter IV takes up the immediate political context of Pericles' law--the demands and growth of the empire and democracy, the changing attitudes towards citizenship, and changing relationship between the public and private realm which these developments entailed. Consideration of the career and politics of Pericles up to 451/0 leads, finally, to an analysis and interpretation of the citizenship law. The law is viewed as part of a larger (Periclean) effort to make Athens institutions suit her new position as an 'imperial' city, to make her in fact "most self-sufficient (autarkestatē) in all things both in war and in peace" (Pericles, in Thucydides, 2.36.3). In particular, the law reflects the need and desire to mark distinctly the city's boundaries and clearly set forth one essential criterion for 'having a share in the city' of the Athenians.

A Conclusion takes up briefly some further implications of this interpretation of Pericles' law, and an Epilogue (also briefly) considers the status of Pericles' law in the period 451/0 to 403 B.C.

Finally, two appendices discuss first, Athenian citizenship terminology and second, some Athenian classes and class terminology important for an understanding of fifth century politics and society. In the former and in the monograph as a whole, I will use 'citizens' to refer to members of Athenian families and the Athenian community, male and female. An Athenian citizen will be considered to be one who takes part as an Athenian in the life of the city, and who as an Athenian owes obedience to and is entitled to the protection of the laws of the city—whether or not he can vote or hold office. This is admittedly contrary to the usage of many (contemporary) ancient historians¹¹ but is in accord with both Athenian and modern English usage.

Introduction: Footnotes

1. For the Athenian terms translated by the standard 'citizenship law' see Appendix 1.
2. Throughout this monograph I refer to the author of the Athēnaiōn Politeia as Aristotle. In general I am not convinced by attempts to deny Aristotle's authorship, and the similarities in view between the Ath. Pol. and the Politics seem to me striking. But for purposes of this monograph I do not think a resolution of the question is necessary.
3. Again see Appendix 1 for a full discussion of the terminology used in these accounts.
4. Astupolitēs is not in LSJ. Rather than a rare noun meaning 'citizen' formed from the rare astupoleō ("go up and down in a city, live in it, frequent the streets" --LSJ) it may be a corruption from mē ex amphoin astōn politēn mē einai of Politics 1278a34-35.
5. See the comments of O. Müller, Untersuchungen zur Geschichte des Attischen Bürger- und Eherechts (Leipzig, 1899), pp. 813-814. Müller cites Duncker's argument that Plutarch's story was simply the result of the favorite rhetorical theme of a law-giver 'hoist by his own petard'.
6. This is the view, e.g., of Tod, Walker and Adcock in CAHV, pp. 5, 102, 167; and of Beloch, Griechische Geschichte II.I², p. 191.
7. E.g., Fritz Schachermeyr, Perikles (Stuttgart, 1969), pp. 50-51. L. Gernet, "Les nobles dans la Grèce antique," Anthropologie de la Grèce antique, p. 342, and S.C. Humphreys, "The Nothoi of Kynosarges," JHS 94 (1974) 93-94, also consider the law as aimed at noble, extra-city relationships, but do not claim that it is per se democratic. Gernet suggests that it reveals the homogeneity of the polis against the internationalism of the nobility. For Humphreys' view see Chapter IV, p. 99.
8. The quotation is from Hignett, HAC, p. 346. The view is endorsed, for example, by Harrison, The Law of Athens I, p. 25 note 2; McGregor, "Athenian Policy at Home and Abroad," (Semple Lecture, 1966), p. 10; Burn, Pericles and Athens (New York, 1949), p. 92; Kagan, The Outbreak of the Peloponnesian War (Cornell, 1969), p. 104. See Chapter IV for a full consideration of these traditional views.
9. As, for example, W.R. Connor, The New Politicians of Fifth Century Athens or such papers of S.C. Humphreys as "Economy and Society in Classical Athens," Anthropology and the Greeks, pp. 136-158, or "Public and Private Interests in Classical Athens," CJ 73 (1977-78) 97-104.
10. For example, S.C. Humphreys in her interesting and perceptive article, "Public and Private Interests in Classical Athens," (referred to in note 9) speaks of "the dogmatic separation of public and private life which led to Perikles' citizenship law" and adds in parentheses, "to prevent families based

on international dynastic marriages from using their private relationships to manipulate foreign policy" (p. 99). She claims that "a decisive hardening of the public/private boundary" is confirmed by "Perikles' repudiation of his citizen wife in order to set up what was evidently a widely known and stable relationship with a foreign woman, just in the years when his own law had made marriage with foreign women impossible" (*ibid.*). It is not clear to me that Pericles' law did make "impossible" a marriage to a foreign woman or that it had anything to do with his relationship with Aspasia. The public/private analysis has not been profitably applied to the citizenship law. And while J.K. Davies, "Athenian Citizenship, the Descent Group and its Alternatives," *CJ* 73 (1977-78) 105-121, offers an impressive formal analysis of alternative ways of defining a citizen body (although I doubt that what he terms alternatives were in Athens really so, see the Conclusion), he assumes the existence of a legal and procedural system in which Pericles' law simply 'closed the last remaining loophole' (p. 118).

11. See, for example, the article of Davies referred to in the previous note, p. 105.

II. Athenian Citizenship Before 451/0 B.C.

It is generally assumed that before 451/0 Athenian law required only that the male parent be Athenian for his son to be Athenian also, i.e., that Pericles' law replaced an older, less exclusive, law on the same subject.¹ A further assumption is that this 'narrowing' of the ranks is a final democratic step accompanying the development of 'radical' democracy.² The second point will be taken up in Chapter IV, but it should be clear that before embarking on a discussion of 'why the law was changed' we need first to consider what rules did exist before 451/0 and, even more important, who made them and who enforced them. Was there a city law, a nomos or thesmos, defining or regulating city membership before 451/0? An examination (1) of the various segments of Attic society, the demes, phratries, genê, and tribes, and of the way in which they regulated their and the city's membership; and (2) of the effect of the political development of Athens from Solon through Cleisthenes on the 'citizenship responsibilities' of these groups, will suggest that the answer to the last question is 'no.'³ Before 451/0, it will be argued, citizenship was essentially a local concern, the business of the phratries and (after 507) the demes, whose members were the Athenian citizens. Furthermore, Pericles' law itself did not necessarily define citizenship³ but simply set forth a minimum necessary condition which needed to be met by all Athenians. This conclusion in itself will not solve the problem of the cause or purpose of the law, nor does it deny that the law was restrictive or, in some sense, 'democratic'; but it will suggest that the law's importance lies as much in laying down a standard qualification for Athenian citizenship (having a share in the city)⁴ as in what specifically that qualification was.

The Athenian polis was a community built up of smaller communities or

social groups, most important, the demes (villages or, after 507, city districts), phratries (hereditary 'brotherhoods'), and tribes (made up either of demes or phratries). Although some groups were hereditary and based on real or imagined kinship (phratries and the 'old' Attic tribes) and some originally local (demes and the Cleisthenic tribes), neither sort is comparable to administrative districts into which a modern population (or country) might be divided for purposes such as voting or registration in the army.⁵ First, the deme, phratry and tribe are, in the first instance, groups of men not geographical divisions;⁶ and second, and more important, it was to a large extent through and by virtue of his membership in the deme, phratry and tribe that an Athenian exercised his citizen rights and responsibilities. The polis thus had something of a "double character"⁷; on the one hand it was itself a whole, with organs and procedures of government (one "polis," one agora, one prytaneion, archons, generals, courts etc.) while on the other it was simply the aggregate of other smaller bodies which had an organization and officials of their own. Such a society could perhaps be called federalistic⁸ but the use of that term should not lead one to assume that the relation between the whole and its parts was static or always clearly defined. Rather it is possible to view the history of Athens in the sixth and fifth centuries as reflecting the increasing influence and authority of the whole of the Athenians, the dēmos, against any or all of its parts (dēmoi or others), along with a similarly increasing concern with the boundaries between Athenian and non-Athenian rather than between one Athenian and another.

How was the Athenian identified before 451/0 and who saw to it that he (and she) was identified properly? The answer to the first question is quite simply that an Athenian was one who belonged to an Athenian (or Attic) family, an oikos, which--as has been recognized from Aristotle on--was the primary unit of the

polis.⁹ The oikos could be a 'great house'¹⁰ (as, for example, the Alcmeonidae) or a family with barely a house at all;¹¹ the important thing was that it and its members were accepted into the larger Attic social organization, the phratries (and through them the tribes) who then provide the answer to the second question.

The origin and nature of the phratry is not a closed question, but I follow the view of A. Andrewes that it was formed "at the close of the dark age" as a "local following of the local great family"¹² and as such contributed to the early political development of the polis. It seems likely that originally the phratry had a part in military organization (cf. Iliad 2.362) but in classical times it is more in evidence in domestic matters involving the family. Whatever its artificial or local origins, the phratry took on a hereditary character through the male line and attributes of a kinship group (e.g., common cults and festivals and perhaps the name phratry itself--depending on how that word was understood by classical Greeks). From an origin, perhaps, as protector and protected of one dominant family, the phratry developed into the protector of all its individual families,¹³ the same sort of responsibility delegated to the archon eponymous (Ath. Pol. 56.6-7) for the city at large. Through the Apatouria with its celebration and noting the important transitions--birth, adulthood (and entrance into the phratry proper), marriage--the phratry legitimized and secured the proper succession and passing on of individual oikoi.¹⁴ In Dracon's homicide law, republished by the Athenians at the end of the fifth century, phratry members appear as the protectors of the family through their duty to prosecute and capacity to pardon the murderer of a fellow phrater for whom no relatives (up to the second cousin) exist.¹⁵ This law also shows clearly that Athenians and phratry members were co-extensive--even probably in the late fifth century,¹⁶ or that anyone who was not a phratry member was effectively atimos.¹⁷ It is noteworthy

that for Homer, the aphrētor is also anestios and athemistos (Iliad 9.63). In Athens, at least until 507/6 when Cleisthenes made the deme the new administrative and political unit of the polis and very likely through the fifth century, being an Athenian, an astos instead of a xenos,¹⁸ and being insured the right to have one's murderer prosecuted, depended on being a member of a phratry.

What were the rules for acceptance into the phratries (and after 507 into the demes) and so into the Athenian citizen body? There may have been variations among various phratries as to procedure¹⁹ but it seems clear that the essential requirement was the same for all. The continuation of the individual oikos through legitimate male succession was of prime importance to the phratry and the basic rule was that only a legitimate son was a member of the phratry to which his oikos belonged.²⁰

The identity of the son's mother would usually have been of less interest than that of his father. There may have been no distinction drawn between a woman from within the phratry, one from another phratry and one from another polis, although the last was probably the least common. The nomoi (customary practices) of the Athenians by which Cleisthenes, the Sicyonian tyrant, gave his daughter to Megacles the Athenian (Herodotus 6.130) were probably the same as those which applied when an Athenian father gave his daughter to an Athenian man.²¹ Still, the phrater's wife needed to be recognized as such. A man could have only one, and only her sons could be heirs and members of the phratry. There was no official marriage ceremony, but only a simple entrusting (enguēsis) of a woman to her husband by either her "father or brother of the same father or grandfather on her father's side" (Demosthenes 46.18), followed at some point by the consummation of the marriage. The marriage would be announced to the husband's phratry with his celebration (or sacrifice) of the gamēlia.²² If the marriage were ever

disputed there would need to be witnesses. Furthermore, although women were not apparently "enrolled" in the phratry registers as were men, and the origin of a wife might have been of little consequence,²³ in the fourth century there does seem to have been some sort of official presentation at birth of daughters as well as of sons (Isaeus 3.71ff.).²⁴ It should not be thought that this presentation was only necessary (and in effect) after the law of 451/0 was enacted. Even before Pericles' law it would have been necessary to be able to identify a legitimate daughter, should her father die without a male heir. In such a case, the daughter would become an heiress, although not as a true property owner but as a sort of 'place-holder' until she could produce a true (male) heir.²⁵

The phratry decree commonly called the "Demotionidai Decree" (I.G. II².1237) requires that those acting as witnesses at the introduction of new members into the phratry swear that the father is introducing a legitimate son from a married wife (gnēsion eg gametēs). I suggest that this is a traditional oath, and can be taken as accurately reflecting the practice of Attic phratries as a whole. The procedure of which it is a part is also for the most part traditional and a good indication of customary practice in at least one particular phratry.

I.G. II².1237 is actually a set of three decrees or a phratry probably called 'Dekeleis',²⁶ dating from the beginning of the fourth century and setting forth the procedure for introduction of new members into the phratry. The procedure has three main steps: (1) the diadikasia (debate, discussion), (2) the vote of the phratry and (3) possible appeal against an adverse vote to the Demotionidai, apparently a genos within the phratry.²⁷ None of these steps is itself an innovation of this particular decree, but procedural innovations are made within the first two steps and the fines imposed on unsuccessful candidates and their official supporters are set forth. The diadikasia itself is, as Andrewes notes

(JHS 81 (1961) 3), taken "for granted" kata ton nomon ton Demotionidōn (I.G. II² 1237 14-15). Similarly it is only the manner of voting which is under discussion, not the fact of the vote itself. In this situation I think it is, not an unlikely assumption that these three steps—discussion, vote and appeal—were the traditional way of doing things.

The Demotionidai play an important role in the admission procedure. It is according to their nomos that the diadikasia is held, the main copy of the register of members is in their keeping, and they act as a court of last resort for those denied membership (lines 14, 21, 30-31). Clearly, as Wade-Gery notes ("Demotionidai," p. 129), these people were the "experts"; they are the 'keepers of the books' for the phratry and the final arbiters of phratry decisions.²⁸ Considering this authority a vestige of 'aristocratic rule' Wade-Gery comments, "The Law of the Phratry perhaps still resides unwritten in their breasts; if not, it resides written in their keeping" ("Demotionidai," p. 131). However, in the fourth century the "Law" according to which the diadikasia was held could hardly have been an arcane matter. 'Customary practice' is probably a better translation of nomos and that seems to have meant that the father introduced his son, swore the proper oath and produced witnesses to do the same. Then any phrater who wished could probably have voiced an objection. The special influence of the gennētai would then have had more to do with how they carried out the nomos than with what the nomos itself entailed.

The "Demotionidai Decree" then reveals the phratry as an autonomous body with its own officials, procedure, records and "board of experts." Other phratries may have managed things in a slightly different way, but the substance of the requirements and of the procedure is likely to have been much the same.

For the admission procedure of the demes there is less detailed information.²⁹ Their relation to the phratries will be considered along with the reforms of

Cleisthenes. For now it can be said that when the deme was instituted as a political unit of the state in 507 it probably modeled its rules and procedures on the pre-existing phratry--on the nomos of a genos perhaps, although it had no such 'official' elite in its own ranks. Many demesmen were also fellow phraters (the 'big men' might be the same for both), and in fact it cannot be shown that there was ever any essential difference in the criterion for membership of the two groups.³⁰

From the phratries were constituted the four 'Attic' tribes (Geleontes, Hopletes, Argadeis and Aigikoreis--Herodotus 5.66.2) and from the demes after Cleisthenes the ten new 'Cleisthenic' tribes. And the tribes, either old or new, constituted the Athenian demos.³¹

What control or influence did the demos as a whole have on who was admitted to the phratries or (after 507) the demes? Is there any evidence for a law of the polis--as distinct from that of the Demotionidai or other genos relevant to a single phratry--dealing with eligibility and admission? For the pre-Solonian age there would probably be general agreement on negative answers. It has been argued recently that Solon first gave Athens a politeia both in the sense of constitution and of citizenship, i.e., a new identity as Athenians.³² This is persuasive. Before Solon the distinctions within Attic society, between rich and poor, esthlois and kakoi and so forth, may have overshadowed any distinction between Athenians, or members of Attic phratries and oikoi, and foreigners. There may have been some obscurity about the status of marginal members of the society, the hektemoroi and others who were no longer masters of themselves and their property. While there is no clear indication that phratry membership was an issue in the pre-Solonian troubles,³³ certainly when a man could be sold abroad 'legally or illegally' (Solon, frag. 36, West) he was no longer a member of his

hereditary phratry. Solon, by bringing back to Attica those sold abroad and otherwise 'freeing' the 'enslaved', recognized a real and meaningful status of Athenian. And in his poems he shows himself distinctly proud to be one.³⁴

It is not evident, however, that Solon's legislation affected the basic responsibilities of the phratries for their and through them the city's membership. He provided a politeia which embraced and distinguished all Athenians,³⁵ but did he modify the rules which determined who was an Athenian? ↴

The essential points for consideration are first Solon's inheritance laws and their relation to citizenship, and second the supposed Solonian laws found in the Digest (42.22.4), in Plutarch's life of Solon (24) and in Philochoros fragment 35a.

It was once claimed (by O. Müller)³⁶ that Pericles' citizenship law was simply a reenactment of an earlier law of Solon. The idea, however, was based on a mistaken interpretation of Birds 1660-66 and of Plutarch, Themistocles 1, and otherwise had no foundation. Themistocles cannot be assumed to have been a nothos in any but the post-451 sense (i.e., born of a foreign mother) which needless to say would not have applied to him when he was alive. Peisthetairos in this section of the Birds (see below, p. 16) does claim to cite a law of Solon to the effect that Heracles as a nothos will not inherit the estate of Zeus, but this law says nothing of foreign spouses. To be sure, it is because Heracles is ek xenēs (a mortal is a xenos in the realm of the gods) that Peisthetairos considers him a nothos, but this is not said in relation to the Solonian law but some ten lines earlier (1651) in relation to no particular law at all.³⁷ Thus the two key "facts" in Müller's tour de force analysis of nothoi and the Athenian citizenship law(s) turn out not to be facts at all.

Still, Solon was concerned with the integrity of the individual oikos and ↴

with the proper succession which would insure that integrity.³⁸ Aristotle refers briefly to Solon's law on inheritance and heiresses (Ath. Pol. 9.2), and Plutarch quotes two laws intended to insure that an epiklēros would bear children for her father's oikos (Solon, 20). As has been suggested,³⁹ the essential feature of the classical procedure of epidikasia by which a male (paternal) relative claimed an heiress and her estate may have been instituted by Solon. Such a system attempted to prevent the dissolution of individual oikoi through lack of true heirs. On the Solonian view, it seems, true heirs could only be legitimate sons. In Aristophanes' Birds, we find the following exchange:

Herakles: Well, but suppose my father leaves me all
as bastard's heritage?

Peisthetairos: The law won't let him. Poseidon here,
who now excites you on, will be the first to
claim the money then, as lawful brother, and
your father's heir. Why here, I'll read you
Solon's law about it.

"A bastard is to have no right of
inheritance (nothōi de mē einai
anchisteian) if there be lawful
children (paidōn ontōn gnēsion).
And if there be no lawful children
(ean de paides mē ὄsi gnēsioi) the
goods are to fall to the next of
kin."

1660-1666 (Rogers trans.)

There is no certain interpretation of this 'comic quotation.' Possibly two laws to the same effect are combined, with possibly the phrase "or if there are not lawful children" omitted from the first.⁴⁰ Possibly two different rules are combined, the first (the Solonian one?) implying that in case there were no gnēsioi, nothoi might in fact inherit and the second (a later one) denying nothoi any part in the family whatsoever.⁴¹ Whatever the correct resolution, the law

does show the 'state' through its lawgiver concerning itself in the interest of maintaining its oikoi population, with what before Solon's archonship was perhaps a private or familial prerogative. If there is a genuine Solonian law involved, then Solon in effect denied the nothos (as nothos) a place both in the family and in the city. On the other hand, the law puts forth no independent criterion for membership in the body of Athenians. Overall, Solon's concern was with the property holding system of Attica; no rules on to metechein tēs poleōs are set forth.⁴² Again, by bringing back to Attica those Athenians who had been sold as slaves or had fled from debt (Solon, frag. 36 = Ath. Pol. 12.4) Solon restored in effect citizenship or the status of being Athēnaiοi to these men. He enabled them to again be part of an Athenian oikos. But the qualifications for citizenship (or the status of Athēnaiοs) per se were not (it seems) an issue.⁴³ And more important, the clearest evidence of legitimacy will have been membership in the (paternal) phratry. A son whom the phratry admits is gnēsios. 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, at least if there were other legitimate (gnēsioi) children. Certainly nothoi might be accommodated in other ways (perhaps by adoption, even if irregular; see Demosthenes 40.11) but as nothoi they were not part of family or state. 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.

In the Digest (42.22.4) a law is attributed to Solon which guarantees to (among others) demes, phratries, thiasoi, and sussitoi their own rules unless "demosia grammata" stand in the way. The first problem which arises is, does this law belong to the historical Solon? Andrewes comments, "This is not an

antiquarian's quotation from the axones but a lawyer's reference, so that the law as here presented may contain accretions" (JHS 18 (1961) 12 n. 40). We could go one step further and suggest that the whole law may be an accretion, a law passed later than Solon--possibly much later--and simply attributed to him as the founder of Athenian law.⁴⁴ In addition to the thiasoi, which Andrewes argues were a fifth century Athenian creation (art. cit. pp. 9-12), the sussitoi are not known as an Athenian institution at all.⁴⁵ But whatever is decided about the authenticity of the groups mentioned in this law, the law itself does not necessarily imply a restriction on the phratry's control of its membership. That would result only if there were dēmosia grammata on this matter--which is just the point at issue.

Plutarch admits to being puzzled ($\pi\alpha\rho\epsilon\xi\epsilon\iota\delta'$ $\alpha\rho\rho\beta\lambda\nu\; \kappa\alpha\lambda\;\delta\;\tau\omega\nu$ $\delta\eta\mu\omega\omega\eta\tau\omega\nu\;\nu\omega\mu\sigma\zeta$), or to finding puzzlement in his sources, about a law of Solon which definitely has to do with citizenship (Solon 24). This law provided that citizenship not be given except to those who were in exile from their homeland or who came to Athens with their whole household in order to practice a craft (epi technēi). Although modern puzzlement may be over how the 'jealously exclusive' Athenians could have approved such wholesale admission of aliens,⁴⁶ Plutarch's was apparently caused by the negative phrasing of the law. He goes on to explain that Solon did not mean to drive others away, but rather to call to Athens trustworthy permanent citizens.

But what really was this law proposing? Is it an enfranchisement of all foreigners in permanent exile or settled in Athens epi technēi? Or does it simply permit such foreigners--and not any others--to become citizens? The usual interpretation is the former, and the motivation is often found in 'epi technēi'; the law will provide incentive to foreign trade and needed stimulus to Athenian economy.⁴⁷

The second interpretation, however, is also reasonable and would suggest, as Plutarch noticed, that the thrust of the law was against the acceptance of aliens in general rather than for the acceptance of certain sorts of aliens. It would then indeed be a 'state' requirement or precondition to be met, but also compatible with the phratries' making the actual decision on whether or not to admit someone.⁴⁸ Their freedom of choice was simply somewhat restricted. This interpretation gains in credibility if attention is given to the other class of aliens involved--the exiles--and not restricted to the craftsmen. It is not likely that the Athenians or particular groups of Athenians would present with citizenship any and all who were in permanent exile. But there may well have been "desirables" among the exiles (e.g., pro-Athenians exiled by anti-Athenian decisions) so that their addition to the city would not have been excluded.

A further problem is caused by the fact that this law does not provide for a one-time extraordinary admission, such as was perhaps voted before the battle of Arginusai, but apparently establishes a general policy. It would seem to be one of the 'laws of Solon which the Athenians [of classical times] no longer used' (cf. Ath. Pol. 8.3 on the naucrary laws). When did they stop using it?⁴⁹

One might simply admit aporia and say no more. I only offer the suggestion here that the law (1) if Solonian reflects the relative openness and lack of centralized control of archaic Athens but (2) given the unusual phrasing⁵⁰ and the lack of a reference to an axon, may be unauthentic or perhaps belongs to a later time, possibly the post-Persian war years when exiles were abundant in the Greek world.

Finally we come to the law quoted by Philochoros (fragment 35a, Jacoby) and often attributed to Solon:

τοὺς δὲ φράτορας ἐπάναγκες δέχεσθαι καὶ τοὺς
δρυεῶνας καὶ τοὺς διμογάλακτας, οὓς γεννήτας καλοῦμεν.

The phraters must admit both the orgeōnes and the
homogalaktes, whom we call gennētai.

This is most commonly taken as a guarantee of the right of 'commoners' (as opposed to 'nobles') to membership in the phratries.⁵¹ Dracon's law on homicide shows that all Athenians were members of phratries in his time (see above, p. 10); the idea is that before Solon, aristocratic gennētai could and did unjustly prevent 'commoners' from entering the phratry--presumably by either bending or ignoring the law of the phratry or genos, not by imposing it--and so from being citizens and Athēnaioi. Andrewes, however, has raised serious objections to this view.⁵² His main points are: (1) the law so understood would take all power of decision away from the phratry, i.e., they would be forced to admit everyone automatically; (2) the phrase kai tous orgeōnas kai tous homogalaktas is then construed "the orgeōnes as well as the gennētai" which is not the most natural reading; (3) "the epigraphic evidence on orgeones would never by itself have suggested to anyone that orgeones formed the main body of commoners in the phratry" (p. 1) and finally (4) Philochoros mentions this law in his fourth book which has the probable limits of 462 and 405 B.C. Andrewes then goes on to suggest (and argue) that the law quoted by Philochoros should not be considered part of a digression but fits very well into the mid-fifth century. This view seems to me correct⁵³ and the fragment will be discussed in the next chapter in relation to the citizenship law.

Aristotle (Ath. Pol. 9) considered that two of Solon's most "popular" (or "populist") innovations were establishing the right of any Athenian (ho bouleomenos) to seek redress on behalf of the wronged and the right of appeal to the law

court (for all Athenians). One would like to know if these principles applied to the case of someone denied admission to a phratry. Or, on the other hand could ho boulomenos prosecute someone who (he thought) was improperly accepted into a phratry and so into the polis: did the graphē xenias exist at this time? The self-contained and self-determined procedure of the phratry of I.G. II² 1237 might suggest that it did not; certainly there is no indication there that decisions of that phratry will be appealed to anyone but the Demotionidai.⁵⁴ Further, a psēphisma of the second half of the fifth century recorded by Krateros provides that

if someone born from two foreigners (ex amphoin xenoin) acts as a phratry member (phratrizēi), it is possible for whoever is willing (ho boulomenos) of the Athenians (who have the right--hois dikai eisi) to prosecute; and the case will be allotted on the last day of the month to the nautodikai.⁵⁵

There are a number of possible ways to understand the implications of this law, but the most natural interpretation would be that it creates the right of ho boulomenos to prosecute in such a case. (For further discussion see Chapter IV, pp. 108-111). Theoretically, another possibility would be that the clause "from two foreign parents" is new, that previous to this it was possible for ho boulomenos to prosecute if someone born of one foreign parent entered a phratry. But the right to prosecute if someone were born of one foreign parent logically includes the right to prosecute if he were born of two foreign parents. Further, such a shift does not find a suitable context in the 450's - 430's B.C. One might argue that the law sets up a special procedure (with nautodikai as magistrates in charge) for hearing cases against 'pure-bred' aliens and that such cases had previously been tried in the same way as those against someone with one foreign parent who

entered a phratry. But the emphasis of the law as quoted does not support that view. Therefore, I would argue that the specific right of ho boulomenos to prosecute an alien unjustly claiming to be a citizen (phratry member) should not be assumed before the mid-fifth century.

There may have been other ways of bringing to public attention and prosecuting a xenos who was acting like an astos. If the 'law of Solon' quoted by Demosthenes 57.31:

it is not possible for a xenos to work or carry on business
(ergazesthai) in the agora

is genuine, then Athenians might take that opportunity to expose the fraudulent citizen.⁵⁶ To sum up so far, it is likely that at least through the time of Solon's legislation, entry into the phratries and citizen body was the business of individual phratries and proceeded according to their individual rules. A man's (and woman's) kinsmen, real or fictitious, and neighbors—not the polis as a whole—determined his status and judged him an astos or xenos.

Before considering the effect Cleisthenes had on Athenian citizenship rules, a few words about Peisistratus are in order. A policy of enfranchisement is often attributed to Peisistratus. This is based both on a general notion of what a tyrant was likely to do⁵⁷ and on Aristotle's explicit statement (Ath. Pol. 13.5) that Peisistratus was supported by those "not pure in family" (tōi genei mē katharoi). As is apparent from the next sentence beginning "a sign of this is..." Aristotle's evidence for this claim was that after the expulsion of the tyrants the Athenians made some sort of investigation of their membership⁵⁸ "since many were being citizens improperly" (hōs koinōnountōn tēs politeias ou prosēkon--ibid.). A further complication is that in the Politics Aristotle says that Cleisthenes enrolled in

the tribes "foreigners and resident slaves" (1275b37).

A common view which attempts to tie together the Aristotelian evidence is that under Peisistratus (and Solon) foreigners entered the ranks of Athenians. Then, after the expulsion of the Peisistratids, they were expelled by the resurgent Athenian aristocrats⁵⁹ but soon reinstated although not completely 'cleared' by Cleisthenes.

This is a economical theory, but perhaps a little too much so. The one piece of real evidence (not contained in Herodotus) is that in the wake of the tyranny the Athenians examined their membership. We do not need to suppose (if Aristotle did) that this was an aristocratic action headed up by Isagoras. It may simply have been an 'anti-tyranny' action. It is clear that Peisistratus brought foreigners to Athens as mercenaries or artisans and he himself had a foreign wife. It is also possible that Peisistratus managed to have some enrolled as Athenians, as landowners, house-holders and phratry members. If that were so, it is then likely that after Sparta rid Athens of the tyrants, Athens would have rid herself of the tyrants' friends. These would not necessarily be the same "xenoi and douloi" supposedly included in the new civic organization of Cleisthenes (see below). Further, despite Aristotle's terming this a diapsēphismos which in the fourth century would be voted by the assembly, there is no sure indication that the procedure was such in 510/9.

Rather than through any 'open admissions' policy, Peisistratus and his sons affected Athenian citizenship by making it more distinctive, more a thing of value. The Greater Panathenaea, a festival in which all Athenians could participate, is a good example of the increased awareness and importance of being an Athenian brought by the Peisistratids.⁶⁰ But despite whatever 'extra-legal' pressure was put upon phratries or gene, Herodotus (1.59.1) and Thucydides (6.54.6)

agree that Peisistratus did not disturb the nomoī of Athens--including the traditional rules for admission to the citizen body.

With the reorganization undertaken by Cleisthenes the constitutional history of Athens takes a new turn. Herodotus reports that Cleisthenes replaced the four tribes of Athens with ten new tribes (5.66), that he increased the number of phylarchs accordingly from four to ten, that he distributed the demes among the ten tribes (5.69) and finally that Cleisthenes was the one "who established the tribes and the democracy for the Athenians" (6.131). Aristotle in the Ath. Pol. has somewhat more to say:

...he distributed the whole population into ten tribes instead of the previous four, with the aim of mixing up the population so that a greater number would be citizens (hopōs metaschōsi pleious tēs politeias). This is the origin of the proverbial saying: No tribe-investigation! It was directed against those who wanted to check on family backgrounds (ta genē). Then he established a Council of Five Hundred instead of the existing one of Four Hundred, taking fifty from each tribe, whereas previously there had been one hundred from each of the previous four tribes.... At the same time, he divided the whole country into thirty parts composed of demes, ten from the district around the city (peri to astu), ten from the shore district (tēs paralias), ten from the shore district (tēs mesogeiou). These parts he called Trittyes and assigned three of them by lot to each tribe, in such a way that each tribe would have one portion from all the main regions of the country. He made those who lived in each of the demes fellow-demesmen, so that they would not, by addressing one another by their father's names (patrothen), expose the newly enrolled citizens, but would call them by the name of their demes. This is the reason the Athenians speak of one another by the names of their demes.

Ath. Pol. 21 (after von Fritz-Kapp)

A similar tradition (already referred to earlier) is found in the Politics where we read that Cleisthenes "enrolled in the tribes many foreigners and resident

slaves (πολλοὺς γὰρ ἐφυλέτευσε ξένους καὶ δούλους μετοίκους - 1275b37).

On Aristotle's view, Cleisthenes was definitely interested in increasing the number of citizens. But Aristotle is not likely to be unbiased on this issue⁶¹ and although an increased citizen population may have been the result of his re-organization (if there were a significant number of people left out of the old system but included in the new), we cannot assume that that was his main purpose. If Cleisthenes' system included some "slaves and foreigners," that does not mean that he 'enfranchised' them. The demes enrolled the Athenian citizens as the phratries had before them.

Separating out the 'facts' which Aristotle provides from the motives he imputes and bringing the result together with Herodotus' account, we can at least conclude that Cleisthenes was the author of the classical Athenian administrative structure, built up of some 170 demes divided into 30 trittyes and then into 10 tribes. The council of 500, fifty from each tribe, appears a natural result of the ten new tribes, as does the characteristic Athenian 'board of ten', the most important being the ten generals. In fact, Aristotle says in chapter 22 that the generals were first elected from the ten tribes five years later in the archonship of Hermokreon (501/0) and that in this same year the Council of 500 first swore the oath which "they still swear today" (22.1).⁶² The implementation of Cleisthenes' new administrative system may have required several years so that these innovations can also be directly attributed to him.⁶³ All told, Cleisthenes provided Athens with the essential organizational features of classical democracy. In this sense he could be said to have "established the democracy."

Did Cleisthenes system entail a new attitude towards citizenship, or new rules? Aristotle thought so. Although he says explicitly that Cleisthenes let everyone have their genê and phratries and priesthoods kata ta patria, he emphasizes

the importance of the deme and attributes the origin of the nomenclature, personal name plus deme name, to Cleisthenes. And in his account of the Athenian 'constitution' in his own day the demesmen are responsible for the initial scrutiny and admission of new citizens belonging to their deme (i.e., 18-year-old sons). Appeal to a dikastērion is possible and finally the Boule considers the candidates (42.1-2). Put together with Ath. Pol. this account suggests that Aristotle thought Cleisthenes made the demes the curators of citizenship--as they were in his day--and simply ignored the phratries' role. But Aristotle was bound to deny the phratries any importance in the Cleisthenic reorganization, since in his mind the system was devised to enable new citizens to join the ranks of the old unobtrusively. They would be noticed in the old phratries but not in the 'new' demes, so Aristotle seems to have thought.

That this was Cleisthenes' motive is highly dubious.⁶⁴ To mention only one problem, why should the use of the father's name necessarily have revealed the neopolitai?⁶⁵ Further, it is evident from other sources that membership in a phratry continued to be an important criterion of membership in the polis throughout the classical period. A grant of citizenship from 409 B.C. says (with some restoration but not of the word phratry):

...that Thrasybulos should be an Athenian and enrolled in a tribe and phratry of his choice.

M-L 85, 15-17.⁶⁶

In fourth century speeches having to do with citizenship, membership in a phratry (and the testimony of phratry members as to birth and parentage) is vital evidence for membership in the city (see, for example, Demosthenes 39, 40, Against Boiotos; 57, Against Eubourides; [Demosthenes] 59, Against Neaira). And the psēphisma included in Krateros' collection (see above page 21) reflects the fifth century

importance of the phratry as does the law quoted by Philochorus, if in fact it belongs to the same mid-fifth century period.

It is not justifiable to assume that the system of deme scrutiny, registration, review by the Boule and possible appeal to a dikastērion emerged full-blown from the head of Cleisthenes.⁶⁷ Rather, it would probably have developed during the course of the fifth century, based initially on phratry procedure but also affected by the growth of the jurisdiction of the popular courts and of the power of the Boule. By the later fifth and through the fourth century, the phratry was no longer the arbiter of citizenship; that responsibility belonged to the dēmos itself. By then, the phratry—even though the testimony of its members was still important—could find itself having simply to acquiesce in the decision of a public arbitrator (see Demosthenes 40.11).

One recent commentator has written:

In the form of the new administrative δημοτική structure the Attic State, now for the first time in its history, was put on a firm, unshakable basis, in contrast to the previous state of a loose conglomerate of overlapping blocks determined by such diverse factors as region, clan allegiance, communion of cult, kinship; a clearly defined procedure, regulated by the principle of due process of law and placing the responsibility with the δημόται,⁶⁸ was finally created for the purpose of controlling and administering citizenship.

Certainly the dēmotai now held a responsibility they had not before. They comprised a new legal entity whose members made up the new tribes, and as such they were responsible for their and the tribes membership. The deme did not have hereditary officials, 'keepers of the books' or of the 'law,' and this is a significant difference.⁶⁹ Nor did the Cleisthenic tribes have hereditary 'tribe kings' as did the old Attic tribes. But I do not think we know of a 'new' different "clearly defined" procedure. (Procedures there must have been and it would

be helpful to know more about them. See the comments of Andrewes, "Cleisthenes' Reform Bill," CQ 27 (1977), pp. 241-245). There were new attitudes toward (and methods of dealing with) regional differences and loyalties⁷⁰ and towards the organization of the citizen body; membership in a deme now had political significance and it is likely that the practice of using the deme name was more common from the time of Cleisthenes. But initially, I submit, admission to a deme was regulated in much the same way as admission to a phratry, by an introduction, discussion and vote, not kata ton nomon of any genos but still kata ta patria.

Thus, although Aristotle implies (Politics 1278 28ff.) that citizenship rules were a persistent concern of cities in his day, the historical experience of Athens was somewhat different. Through the early fifth century citizenship was determined by one's neighbors and kin on a traditional and familial basis. Bonner and Smith's comment (The Administration of Justice from Homer to Aristotle, I, p. 319) that "a man's right to citizenship could always be tested in court by anyone by means of a *ypaoñ Ecvlaç* is, as far as I can tell, justified by nothing other than their thinking that it ought to be so. On the other hand, the appearance in the mid-fifth century of three decrees having to do in some way with citizenship--Krateros, fragment 4; Philochoros fragment 35a; and Pericles' citizenship law--suggests that it was at this time that the "state," perhaps under the influence of Pericles, began to take a direct role in setting criteria for its membership. This is the context in which the citizenship law of 451/0 should be considered.

In both Ath. Pol. (26.4) and Politics (1278a28ff.) Aristotle connects the Periclean citizenship law with a large population. Did a pléthos of citizens prompt the entry of the state into the business of determining citizenship? The demographic question deserves a chapter of its own.

Chapter II: Footnotes

1. For example, "In 451 Pericles persuaded the assembly to modify the rules for entitlement to citizenship by a law which decreed that a man's parents must both be citizens for him to be a citizen" (W.K. Lacey, The Family in Classical Greece, p. 100). Hignett implies something similar when he says, "Until 451/0 Athenians could intermarry freely with members of other states; the children born of such unions were legitimate and were citizens of the state to which the male parent belonged" (HAC, p. 343) as does J.K. Davies with "Pericles' citizenship law, closing the remaining loophole" (Athenian Citizenship: the Descent Group and its Alternatives, The Classical Journal 73 (1977-78), p. 118). An exception is R. Sealey who says, "The law of 451/0 may mark growing pride in Athenian citizenship, but it is not easy to say how great a change it made, since the immediately preceding conditions are not known.... Conceivably even before 451/0 assemblies of demesmen may have insisted, commonly or increasingly, that both parents of a candidate must be citizens before they would accept him" (A History of the Greek City States, p. 299). A further exception is Brook Manville who in his recent dissertation (The Evolution of Athenian Citizenship, Yale University 1979) offers an historical analysis of the development of Athenian citizenships to the end of the 6th century B.C.

2. Pierre Leveque (The Greek Adventure, English trans.) says under the heading 'The Final Consolidation of Democracy', "Finally, a law of 451/0 limited citizenship to men born of fathers and mothers who were citizens" (p. 255).

3. It is often assumed that Pericles' law included regulations on marriage. E.g., MacDowell refers to the "other provision of Perikles' law, invalidating marriage between a citizen and an alien" (The Law of Classical Athens, p. 67). Although the law as we know it would certainly discourage such marriages, it is not necessary to assume that marriage was here at issue. For more on this point see Chapter IV.

4. For discussion of this phrase see Appendix I, pp. 153-160. In using metechein tēs poleōs Pericles emphasized that membership in the city as a whole--not in a particular deme or phratry--was his concern. This seems a sufficient answer to Harrison's query, "Why did it [sc., Pericles' law] not simply say that from then on the children of mixed marriages were to be nothoi" (The Law of Athens I, p. 65).

5. Cf. U. Paoli, Studi di Diritto Attico, pp. 207-208.

6. For this view of the demes see W.E. Thomsen, "The Deme in Kleisthenes' Reforms," SO 46 (1971) 72-79; and D.M. Lewis, review of Eliot, The Coastal Demes of Attica, in Gnomon 35 (1963), 723-725.

7. Paoli, Studi di Diritto Attico, p. 222.

8. "Carattere quasi-federale," Paoli, ibid.

9. See the recent account of W.K. Lacey, The Family in Classical Greece, chapter I. After Aristotle (Politics I, 1251a-b) the fundamental analysis is of course that of Fustel de Coulanges, La Cite Antique.

10. See Andrewes, The Greeks, p. 81.

11. I do not subscribe to the view that owning land (or a certain amount of land) was ever a requirement for being an Athenian. For holding office, yes, but metechein tēs archēs is not equivalent to metechein tēs poleōs (see Appendix I, pp. 164-166).

12. Andrewes, The Greeks, pp. 80 and 81. This is a summary of views which Andrewes argues more fully in two articles: "Phratries in Homer," Hermes 89 (1961) 129-240; and "Philochorus on Phratries," JHS 81 (1961) 1-15. Other important studies on the phratry to which reference will be made are:

M. Guarducci, "L'istituzione della Fratelia nella Grecia antica e nelle Colonie Greche d'Italia," Memorie della Accademia Nazionale dei Lincei, Ser. VI, vol. VI (1937), hereafter referred to as "Guarducci."

Wilamowitz, Aristotles und Athen, vol. II, chapter 1.

Wade-Gery, "Demotionidai," Essays in Greek History, pp. 116ff.

Nilsson, Cults, Myths, Oracles and Politics in Ancient Greece, Appendix II.

13. Guarducci, p. 19ff.

14. W.K. Lacey emphasizes the military role of the phratry and leaves affairs of the family to the genē. But in the fourth century at least the phratry was involved in disputes over inheritance, legitimacy (and names). One role need not exclude the other, and the genos should be understood as a group functioning within a phratry, not beside it. On the role of the genos within the phratry see below.

15. I.G. I² 115.11-29. See the text and commentary of F. Stroud, Drakon's Law on Homicide, University of California Publications: Classical Studies, Vol. 3 (1968).

16. Membership in a phratry is also part of the citizenship grant made to Thrasybulous in 409 B.C. (M-L 85.16) and is a usual feature of such decrees after that time (see M.J. Osborne, "Attic Citizenship Decrees," BSA 69 (1972) 129-158). For the effect of Cleisthenes' reorganization of the Athenian state on the relationship between phratry and city membership see below pages 25-28.

17. Atimos literally is 'without honor or value.' On the development of this important term and its meaning from 'outlaw' to 'disenfranchised' see most recently M.H. Hansen, Apagoge, Endeixis, and Ephegesis Against Kakourgoi, Atimoi and

Pheugontes, A Study in the Athenian Administration of Justice in the Fourth Century B.C. (Odense, 1976), pp. 55-90, and B. Manville, The Evolution of Athenian Citizenship (dissertation, Yale University 1979), Appendix. See also below note 42 and Chapter V (Conclusion) pp. 135-136.

18. For this contrast (astos/xenos) see Appendix I pp. 156-158.

19. For some variations evident in the fourth century see Paoli, Studi di Diritto Attico, p. 222 and also the comment of B. Manville, The Evolution of Athenian Citizenship, p. 23 note 26: "The inconsistent testimony of the sources may suggest that different phratries enrolled their members differently, at slightly different stages of the child's life." But Manville's further claim that "the notion of legitimacy may not have existed much before Solon" (ibid.) seems to me very unlikely. For the status of the nothos see note 20.

20. I say this categorically (with the clear implication that illegitimate sons and daughters were not part of the Athenian 'citizen-body', despite the current debate on the issue. The evidence is quite one-sided, especially in that those who argue against 'nothoi as citizens' use the evidence of basic practice and principle while those who argue the opposite use particular problem cases. For example, see the particular objections of Mac Dowell ("Bastards as Athenian Citizens," CQ 26 (1976) 88-91) and the answers of P.J. Rhodes ("Bastards as Athenian Citizens," CQ 28 (1978) 89-92). And while it is true that we do hear of nothoi being accepted into the phratries, they are not accepted as nothoi. Pericles son of Pericles was no longer a nothos when in 429 by the vote of the demos he was accepted as his father's heir and registered in his father's phratry (Plutarch, Pericles 37.5); and when Callias introduced to the genos of the Kerukes a son whom he had previously considered illegitimate, he simply reversed his former stand and swore that the son was in fact legitimate (Andocides I.127. Cf. Demosthenes 40.11 and the comments of Wolff, "Marriage Law and Family, Organization in Ancient Athens," Traditio 2 (1944) 79-82) and Harrison, The Law of Athens I, 68-70).

The status of nothoi (illegitimate, born from unwed parents) is clearly put forth by Wolff (op. cit. pp. 75-82). The main points are:

- (1) Illegitimate sons were not admitted to the phratries nor were they eligible for adoption.
- (2) Illegitimate sons were not their father's heirs.
- (3) Illegitimate sons were not citizens of Athens, true Athenaiοι. For daughters, see below.

The same position is held by Ledl (WS 29-30 (1907-8)) who considers the rights of anchisteia and politeia "untrennbar" (vol. 30, p. 230 and passim).

Wolff also suggested (pp. 82-3), on a 'straight' reading of Isaeus 3.45-52, 55, that the situation may have been somewhat different in the case of an illegitimate woman. (This case is one emphasized by Mac Dowell, art. cit.) Phile was apparently illegitimate and unable to be an epiklēros of her father's estate, but was given in marriage to an Athenian and so supposedly could bear legitimate Athenian children. But the evidence of this speech should perhaps not be taken at face value. There seems to have been something suspicious about the citizen-

ship of Phile's maternal uncle, Nicodemus—he was prosecuted for xenia and only escaped by a margin of four votes (37)—and so also about Phile's mother and Phile. As long as Phile (or her kurios) did not press the issue and claim the estate, well enough was left alone (others besides Phile might suffer if her mother turned out to be a xenē). But when she claimed the estate of her father Pyrrhus after the death of his adopted son Endius, the truth (or at least partial truth) of her status was brought into the open. We can assume that if the prosecution in this case was successful, Phile's children were no longer considered legitimate.

See also the comments of Rhodes (art. cit., above) who suggests quite reasonably that it might have been easier for a nothē born of two Athenian parents to act like an astē than for a nothos since the latter had to go through the process of deme registration (p. 91).

A final argument, also noticed by Rhodes (p. 91, note 12), can be mentioned. If Pericles' law, which denied to any not born from two Athenian parents the right to 'share in' the city, could be popularly termed a "law on bastards" (Plutarch, Pericles 37), then the normal assumption is that bastards did not have a share in the city—or citizenship.

21. Cf. the comments of A. Ledl, WS 20 (1908) 203-4.

22. Guarducci, p. 39.

23. Cf. Ledl, WS 20 (1908) 214-227.

24. Guarducci, p. 37. Hignett thinks (apparently) that women and children were registered with the phratry and not only introduced (HAC, pp. 56, 60 note 2), but he has failed to distinguish presentation and registration.

25. For further discussion of the position of women in Athens see Appendix I, pp. 161-167.

26. I follow here the interpretation of Wade-Gery ("Demotionidai"), contra Wilamowitz, on the name of the phratry of I.G. II² 1237, i.e., that the Demotionidai are a smaller group within a phratry called Dekeleis or the Dekeleia 'House.' S.C. Humphreys has pointed out that it is not impossible for a whole phratry called Demotionidai to first vote on the admission of a new member as part of the ritual of the Apatouria and then if there were an appeal vote again as Demotionidai in a more legal setting with witnesses present and testimonies given ("Anthropology and the Classics," Anthropology and the Greeks, p. 26). But this possibility affects only one of Wade-Gery's arguments. I am aware that P. Bourriot in his recent dissertation the genos (Recherches sur la nature du génos, Lille, 1976) also argues that the name of the phratry is Demotionidai. However, I know his view only in the summary given in the review of N. R. E. Fischer in JHS 99 (1979) 193-95. In what follows I continue to assume that the phratry is called the "Dekeleis" phratry and that the Demotionidai are a smaller group, probably a genos, within that phratry. However, if this is not correct I do not think it would affect substantially the larger argument of this chapter.

27. Again, see Wade-Gery, "Demotionidai" and also the comments of Andrewes, "Philochorus on Phratries," JHS 81 (1961)1ff.

28. It is possible that the Demotionidai once had the authority to reject an admitted candidate as well as to admit one who had been rejected. But this would have been not an arbitrary authority to reject candidates, but rather an authority to uphold the law, as with those whom the phratry had rejected.

29. Aristotle, Ath. Pol. 42.1-2 is the most complete account, but may not reflect accurately the practices of earlier periods. In the second half of the fourth century the procedure was as follows:

...the right of citizenship belongs to those whose parents have been citizens. They are enregistered on the rolls of demes at the age of eighteen. When they come up for enrollment, their fellow demesmen decide by vote under oath the following: first, whether they appear to have reached the legal age--and if they do not appear of the right age, they return to the state of boys; secondly, whether the candidate is freeborn and of such parents as the law requires (ei... gegone kata tous nomous). If they decide that he is not free (eleutheros) he appeals to the law court and the demesmen choose five men from among themselves as his accusers; and if it appears that he has no right to be enrolled, the city sells him into slavery, but if he wins, the demesmen are compelled to enroll him. After this the Council examines those who have been enrolled, and if someone appears to be younger than the eighteen years, the Council fines the demesmen who enrolled him.

(von Fritz-Kapp trans.)

MacDowell (art. cit. above note 23) cites Aristotle's failure to mention legitimacy, the need for married parents, as evidence for believing that nothoi were citizens. While it is true that gegone kata tous nomous does not necessarily refer to legitimate birth, it is also true that Aristotle is here concerned with the official and legal machinery of citizenship, not traditional practices. I consider legitimacy part of the latter and as much a requirement for belonging to the citizen body in the fourth century as in the fifth or sixth.

Also, as Rhodes (art. cit., above note 23), notes, the Ath. Pol. is an "insecure basis for argument" (p. 89) since it is a "text which abounds in omissions (p. 91)". And a further problem in this account is Aristotle's implication that if a deme rejects a candidate as "not free" (apparently "not entitled to citizenship" here, see von Fritz-Kapp, note 147) he necessarily appeals to the law court, and is sold into slavery if he loses his case. But surely a man could simply acquiesce in the deme's decision.

Finally, although Aristotle describes the system in the second half of the fourth century, it can be noted that Wasps 577 indicates a role for the dikastēria by 422 in scrutinizing new candidates for membership into the demes.

30. The main difference appears to have been age of enrollment. An Athenian became a dememan at eighteen, a phrater at (most likely) sixteen, (see J. Labarbe, "L'âge correspondant au sacrifice du θυσίαν et les données historiques du sixième discours à Isée," BAB 39 (1953) 358-394.

Phratry membership was thus probably an important piece of evidence for gaining deme membership. There is no indication in the sources that while legitimacy was required for the first it was not for the second. (See note 29 for the omission of legitimacy as a requirement in Ath. Pol. 42.1.)

31. In both the old and the new tribes there were smaller groups, three to each tribe, called trittues. These were intermediate between the deme and tribe and phratry and tribe. Although little is heard of trittues, they do have a recognized place in both the pre-Cleisthenic and Cleisthenic system.

32. B. Manville, The Evolution of Athenian Citizenship (dissertation, Yale, 1979), p. 91.

33. For possible objection on the basis of Philochoros fragment 35a (Jacoby) see below pp.

34. See the comments of B.M.W. Knox in Athens Comes of Age, From Solon to Salamis, "Literature," (AIA Symposium, Princeton University, 1978), pp. 44-45.

35. Manville implies that Solon opened up the category 'Athenian' to those who had before not belonged to it, that after Solon's reforms "men who had settled in Attika, recently or long before, could take part in political life, share any privilege of court, assembly, or law..." and that under the tyranny of Peisistratus, the demos included "freed hektēmoroi, foreign craftsmen, men of slave descent, landless immigrants, foreign mercenaries loyal to Peisistratos, itinerant traders, alien workers...." (The Evolution of Athenian Citizenship, p. 149). This seems a little extreme. In order to be part of the demos tōn Athēnaion a man (and his family) would still have to be accepted into the Athenian social and political organization and into a phratry.

J.K. Davies argued that under Solon "the boundary between 'free residents' and 'citizens' became, or remained, permeable" ("Athenian Citizenship," The Classical Journal 73 (1977-78), p. 115). This seems quite true, but no so much because of Solon's law, as because of the traditional, local way in which the boundary was drawn. (See below for discussion of the law on 'becoming a citizen' attributed to Solon by Plutarch.)

36. Untersuchungen zur Geschichte des Attischen Bürger- und Eherechts, (Leipzig, 1899), pp. 825-826 and passim.

37. See A. Ledl (WS 29-30 (1907-1908) 173-227; 1-46, 173-230) for a complete critique of Müller's theory (WS 30 (1908) 199-200 on the misinterpretation of the Birds passage). The main points of the theory are:

- (1) Before Solon, nothoi (here as always in this argument thought to be those born of an Athenian man and a foreign woman) were citizens. These were the days of the "Geschlechterstaat" (p. 857) when the 'nobility' did not intermarry with the 'commons' but when both groups could marry outside Attica.
- (2) Solon forbade foreign marriage and deprived nothoi of their citizenship.

- (3) Damasias, in the interest of his (attempted) tyranny, restored the civic rights of nothoi, but did not give them a position equal to that of gnēsioi. They were not admitted to the phratries but rather to the newly created synteleia at the Kynosarges gymnasium. Their position was not altered by Peisistratus who also enjoyed the support of these mē genei katharoi. Themistocles was, then, enrolled at Kynosarges as a youth.
- (4) With the fall of the Peisistratids, Isagoras revoked the rights of nothoi and abolished the synteleia at Kynosarges. Cleisthenes was deprived of his citizenship.
- (5) Cleisthenes restored the citizenship of nothoi (just how he was able to do anything when not a citizen is unclear) and made them completely equal with the gnēsioi. The synteleia at Kynosarges was abolished.
- (6) Pericles, in the interest of limiting the number of those enjoying the new-found privileges of Athenian citizenship, reenacted Solon's law.
- (7) In 411 the special status of citizen nothoi and the Kynosarges synteleia were reinstated (due mainly to oliganthrōpia).
- (8) In 403 the "democratic"--Solonian and Periclean--rule was restored and the Kynosarges synteleia abolished once again.

The best place to read a general outline of this theory is in Müller's "Überblick" (pp. 857-865). Reference will again be made to these Untersuchungen in the Epilogue on the fate of Pericles' law after 451/0. They will fare no better there. For the Kynosarges synteleia see Chapter IV, note 115 page 128.

38. This integrity can be thought to have been under pressure from the claims of the wider kinship group or the genos of which it was a part (cf. Lacey, The Family in Ancient Greece, pp. 88-90) or simply from the possibility of dissolution if there were no heirs. The need for enough hoplites to fill the ranks of the Athenian army may also have been a factor influencing Solon.

39. See Manville, The Evolution of Athenian Citizenship, pp. 97-99, note 17.

40. This was suggested by A. Ledl (WS 20 (1908) 176) who considers the law to be pre-Solonian. Humphreys also proposed that two laws were combined, one on nothoi and one on inheritance (JHS 94 (1974) 89 note 5).

41. Wolff, "Marriage Law and Family Organization in Ancient Athens," Traditio 2 (1944) pp. 88-89.

42. Solon's law on stasis (as reported by Aristotle, Ath. Pol. 8.5) stipulated that anyone who did not take part in civic strife should be atimos and 'have no share' in the city (ἢ οὐ στασιαζούσης τῆς πόλεως μὴ θῆται τὰ δηλα μηδὲ μεθ' ἔτέρων, διημον εἶναι καὶ τῆς πόλεως μὴ μετέχειν). Even if this law is authentic and properly understood by Aristotle (see the doubts expressed by E. Ruschenbusch, ΣΟΛΩΝΟΣ ΝΟΜΟΙ frag. 38 and note), it should not be taken to mean that Solon understood atimia as not having a 'share in the city' as opposed to 'being an outlaw' (as suggested by B. Manville, The Evolution of Athenian Citizenship, p. 90, and Appendix, p. 184). Tῆς πόλεως μὲν μετέchein may be a later para-

phrase or explanation. Notice that Plutarch Solon 20.1 says only that such a man should be atimos.

See the Conclusion for some further comments on atimos and atimia.

43. This point is made by Martin Ostwald in an unpublished paper read at Stanford University in 1974.

44. For this phenomenon see, e.g., the comments of Hignett, HAC p. 17ff.

45. On syssitoi see Busolt-Swoboda, 698ff., 746, 754ff. and G. Morrow, Plato's Cretan City, pp. 389-398. Syssitoi were a well-known Cretan and Spartan institution; Morrow considers the Athenian common meals for magistrates a survival of this practice (op. cit., p. 391 note 333).

46. See, for example, McGregor, "Athenian Policy at Home and Abroad," (Sengle Lecture, 1966, Vol. 2), p. 14, who accuses Solon of "un-Athenian activity."

47. E.g., Busolt-Swoboda, II, p. 835; Bury-Meiggs⁴ p. 123. However, see the more cautious and careful comments of D. Whitehead, The Ideology of the Athenian Metic (Cambridge Philological Society, Supplementary Volume number 4, 1977) pp. 141-142.

48. For a phratry to admit a foreigner probably involved some form of adoption or perhaps the recognition of a new oikos (through marriage?). The obstacles were not insurmountable.

49. Busolt-Swoboda think very soon ("Das Gesetz verlor fruhzeitig seine Geltung" --p. 945). In support of this claim it is noted that in later times more was required of a recipient of Athenian citizenship than residence. But on the second interpretation suggested above, residence does not automatically bring citizenship but simply permits it. More could have been required.

More recent opinion favors a validity until the time of Cleisthenes when "Athenian concepts of citizenship were drastically realigned" (Davies, "Athenian Citizenship," CJ (1977-78) p. 117). According to Davies, Cleisthenes reforms' momentarily 'equated' the inhabitants of Attica with "those who were in the segmental descent groups that mattered," (p. 115 and 114) in this case the demes. For further consideration of Davies' analysis, see Chapter V (Conclusion).

50. The phrase didonai genesthai politas is not a usual formula for bestowing citizenship. The normal and earliest known formula is that found in the decree honoring the Samians (I.G. II² 1.12--M-L 94.12), Samios Athenaios enai. See M. J. Osborne, "Attic Citizenship Decrees," BSA 69 (1972) 129-158.

51. E.g., Guarducci, pp. 14-15; Nilsson, Cults, Myths, Oracles, and Politics, pp. 159-161; Hignett, HAC, pp. 61-2, 390-1. On Nilsson's account, the orgeones actually seem to be equated with the thetes to whom Solon gave "certain political rights" (p. 161). Are the gennētai then equal to the three upper telē? That seems unlikely.

52. JHS 81 (1961) 1-2 on the difficulties of the usual interpretation, 2-15 on the possible new interpretation.

53. It might be noted that Nilsson's argument, "that this reform of the phratries was effectuated before the democratic reforms of Kleisthenes is confirmed by a passage in Aristotle in which he says that Kleisthenes let everyone keep the gene and phratries and the priesthoods in accordance with the custom of their fathers" (*op. cit.*, p. 161), carries no weight against Andrewes' claim that the "reform" took place after Cleisthenes.

54. In the fourth century, of course, when this decree of the phratry was passed, the decision of the phratry could be overruled by the demos. I am simply suggesting that the traditional nomoi of the phratry imply that this had not always been the case.

55. Fragment 4 (Jacoby). See Jacoby's commentary (*FGrH* IIIb) for a discussion of the date and below, Chapter IV, pp. 109-111. The fragment comes from book 4 of Krateros' collection of Athenian decrees, roughly the 450's to 430's. The phrase "hois dikai eisi" would appear to be an earlier version of hois exesti common in fourth century laws, meaning "those who have the right to bring cases." See Harrison, The Law of Athens II, pp. 82-85, who, however, only mentions the later phrase.

56. This suggestion is made by B. Manville, The Evolution of Athenian Citizenship (dissertation Yale University, 1979), p. 89.

57. See, for example, the comments of Hignett, HAC, p. 112.

58. Aristotle uses the term diapsēphismos, the term used for a scrutiny of the citizen registers in his day, but this is probably an anachronism. Later on, Aristotle says that the saying "No tribe investigation (mē phulokrinein)" originated during Cleisthenes' reorganization of the Athenian state and that this was reorganization of the Athenian state and that this was directed against "those who wanted to check on family backgrounds (ta genē)" (Ath. Pol. 21.2). This may refer to the investigations of 510 and may suggest that Cleisthenes and his followers adopted a looser attitude toward deme and phratry registration than did his opponents. But it should not be taken to mean that 'aristocrats' were trying to limit the citizen population to gennētai or members of genē in the sense of 'clan' (as offered as a possible view by Lacey, The Family in Classical Greece, p. 85 and note 5, p. 273.) On the term and the institution see Appendix II. pp. 186-193.

59. This is a common view whether it is thought that these aristocrats were gennētai insisting on genos membership (see note 58) or less well defined 'nobles' who wished to deny civic membership to 'more humble' Athenians (see, e.g., Manville, Evolution of Athenian Citizenship pp. 147, 150, 179). The latter view founders on the problem of noble 'class' identification, for which see Appendix II.

60. On the Greater Panathenaea (fostered if not instituted by Peisistratus and his sons) see J.A. Davison, JHS 78 (1958) 23-42. Other 'improved benefits' were fountains (Thucydides 2.15.2), temples (for the 'building program' of the Pisistratids see Joh S. Boersma, Athenian Building Policy from 561/0-4-5/7 B.C., Scripta Archaeologica Groningana 4, 1970), road markers (with inscribed moral messages-- [Plato], Hipparchus), and perhaps local judges (Ath. Pol. 16.5--see Chapter IV note 53, p. 121).

61. In general for Aristotle's view of the relation between population and citizenship see Day and Chambers, Aristotle's History of Athenian Democracy, Chapter II. On Aristotle's view, Cleisthenes was one of those politicians who wanted to increase the citizen body, who would go to the length of admitting aliens (cf. 1278a27ff. where illegitimate children, children of a slave or of a citizen mother only are all considered *xenoi*) to achieve his end. The charge that Cleisthenes "made tribesmen of foreigners and resident slaves" (1275b37) could reflect conservative opposition to Cleisthenes new system from those who considered the demes to be acting or have acted without proper control, and as such is important for understanding later or contemporary perception of Cleisthenes' reorganization. But the motives and particular role of Cleisthenes in the events of 507 can not be understood solely along such lines.

Population, either too much or too little, was a problem Aristotle worried about and which he assumed an active statesman would worry about also. See also below Chapter III, note 68, pp. 77-78.

62. This actually is somewhat in error since several clauses of the bouleutic oath as it was sworn in the fourth century can only have been added after this date. For the most recent discussion of the bouleutic oath, see Rhodes, The Athenian Boule, pp. 190-100.

63. K. Kinzl, in a paper delivered at the annual meeting of the Association of Ancient Historians in May, 1975 at Ohio State University, suggests "that we lump together whatever innovative legislation was enacted from the return of Kleisthenes to 501/500 under the heading "Kleisthenic Reforms" and delineate the general thrust and spirit of reform in its immediate significance and in its far-reaching meaning. This will certainly do a greater service to the historical Kleisthenes than will a personality cult." (page 3). Kinzl further suggests (pages 5-7) that Herodotus' démokratia in 6.131 means (or meant originally in the source which he used) dēmoikratia and refers to Cleisthenes' establishment of the deme as the basic political unit. However, as Kinzl himself notes, Herodotus in all other cases uses dēmoikratia (and the related verb) in its 'classical' sense. And it is entirely reasonable to suppose that Herodotus himself applied the word in that sense to Cleisthenes' "reforms."

64. See Day and Chambers, 111-120; Hignett, 138-142.

65. Wilamowitz' solution (Aristoteles und Athen II, 169ff.) that the new citizens had no recognized fathers, but only patrons, is a good attempt to make sense of Aristotle but is not the most natural interpretation of the passage.

66. It is true that the decree giving citizenship to the Plataeans (inserted into [Demosthenes] 59.104) says only that the Plataeans are to be distributed among the demes and the tribes. In another case of wholesale enfranchisement (I.G. II² 1 = M-L 94) only the distribution into tribes is mentioned for sure (34). There is room for restoration and Meiggs-Lewis restore mention of the demes. Probably such enfranchisement of whole poleis, whose members would not be expected to move to Athens (?), would have called for somewhat different procedures than for individuals. J.K. Davies, in fact, argues that the Samians are given not citizenship but isopoleiteia since they keep their own institutions and are not expected to move to Athens (CJ 73 (1977-78) p. 107).

67. Since writing this I have noticed that this image is also used by D. Whitehead, The Ideology of the Athenian Metic (Cambridge 1977) p. 145: "It would be naieve, surely, to imagine the metoikia springing fully-formed from Cleisthenes' head."
68. K. Kinzl, "The Origin of Δημοκρατία and the Early Development of Athenian Democracy," (unpublished paper delivered at the Association of Ancient Historians, Ohio State University, May 1975) p. 2.
69. W.K. Lacey's claim that "Cleisthenes effectively ended the power of the old aristocratic families to control admission to citizenship" (The Family in Classical Greece, p. 84) may be true, although it implies that we know more about the early procedure and organization of the demes than we in fact do and that there would be no place in the 'democratic' demes for upper class influence.
70. See D.M. Lewis, "Cleisthenes and Attica," Historia 12 (1963) 22-40, for an account of how Cleisthenes may have distributed demes into trittues so as to weaken the influence of local cult centers. Perhaps the most striking example is that of the Marathonian tetrapoleis; Probalinthos was severed from Marathon, Oinoe and Tricorynthos and put in a different trittys.

III. The Population of Athens; 480 - 450 B.C.

A.W. Gomme's Table I in his The Population of Athens in the Fifth and Fourth Centuries B.C.¹ has become, at least in the English-speaking world, the standard and convenient source for discussions of Athenian population. His figures for the fifth century citizen population are:

| | Males 18-59 | | | Total |
|-----|-------------|---------|---------|---------|
| | hoplites | thetes | total | |
| 480 | 15,000? | 20,000? | 35,000? | 140,000 |
| 431 | 25,000 | 18,000? | 43,000 | 172,000 |

It is important to note the question marks and possible, when one examines the method of calculation, to insist that all eight figures should be thought of as, at best, guesses. (In any case, the sum can be no less questionable than its parts.) The calculation which produces the 25,000 hoplites of 431 proceeds from a figure (Thucydides 2.13) which perhaps is more reliable than that underlying the 15,000 of 480 (Herodotus 9.28), but in fact is the product of at least two major assumptions which are problematic if not questionable. This calculation can serve as an example of the difficulties involved in any attempt to 'quantify' the fifth century Athenian population, even when the ancient figures are "our most precise" (Gomme, Population p. 4).

Thucydides (2.13.6-9) reports that in 431 Pericles encouraged the Athenians by telling them that their city had 13,000 hoplites not including those in the forts and 16,000 hoplites, composed of the "youngest," "oldest" and metics, guarding the walls. In addition, there were 1,200 cavalry (including mounted archers) and 1,000 regular archers.

The difficulty lies in determining what proportion of the 16,000 "reserve"

was Athenian. Gomme's two assumptions are (1) that the "reserve" included those 20-49 year-olds unfit for regular duty as well as the youngest and oldest, the 18-19 and 50-59 year-olds; and (2) that the metics were about 5,500 in all, that since "3,000 of them took part in a small sector of the active operations (Megara, 431), with the citizen army, and they were in all probability, not so thoroughly organized as the citizens ... we may assume that there were at least 2,000 or 2,500 more--organized, unfit and old--of hoplite census: say 5,500 in all" (p. 5). It is interesting that neither of these assumptions is accepted by Jones (Athenian Democracy, Appendix p. 161ff.) who on his part assumes that the "oldest" included 40-60 year-olds and, on the basis of the 1900-1 census figures for India,² concludes that a force of some 14,000 20-40 year-olds (including hoplites and cavalry) implies 9,000 men of the ages 18-19 and 40-60. (He also takes account of an additional factor and argues that the 13,000 active hoplites included approximately 4,000 cleruchs.) However, since his total result, 23,000, is not very different from Gomme's 25,000, the fundamental differences in method are apt to be overlooked.³

The use by Jones of Burn's India-based age structure points to another characteristic of both his and Gomme's analyses which should cause uneasiness. This is the application of modern demographic data and, more important, modern demographic experience to ancient Athens. While it is very likely that the age structure of Athens (and Rome) was similar to that of India in 1900, this can be deduced on the basis of general mortality levels in pre-industrialized (or pre-modern) societies, not on the basis of ancient evidence. (As Keith Hopkins has shown, the ancient evidence for life expectancy and age-structure in the Roman Empire gives an impossible demographic picture when considered individually and not as averages.⁴) Furthermore, we cannot assume that Athens would have reacted demographically in the same way as India just because of this similarity. Jones

notes (p. 177) that "modern populations of the same pattern as the Athenian--those of Egypt and India, for instance--respond very rapidly to economic prosperity." But in these cases economic prosperity was not the only factor involved; improved nutrition or medical care probably came along with prosperity in the 20th century, and that is something we cannot necessarily assume for classical Athens. (See further below p. 43).

A better approach is simply to abandon references to the particular experience of modern countries and turn instead for estimates of mortality rate and age structure in Athens to the U.N. model life table most appropriate for a pre-industrial society such as Athens.⁵ We can take Table 35 for a life expectancy at birth of about 25 years as a likely model for Athens.⁶

The modern world has experienced in the last two centuries (and is in some areas still experiencing) an abnormally high rate of population growth. Before the eighteenth century the world's population grew at rates beneath .3% per year (often well beneath) while today it is growing at rates ranging from .1% in West Germany and Switzerland to 2.9% in India and 3.3% in Mexico to 6.1% in Kuwait, with an overall rate of 1.8% resulting in a doubling of the population every ca. 38 years.⁷ This has had, I think a clear effect on modern discussions of possible Athenian population growth in the fifth century. A brief comment on the term "natural increase" will serve as an illustration. Demographically "natural increase" or "natural growth" is neutral; it is simply the number of births minus the number of deaths within a population over a given period of time and can be either positive or negative. One gets the impression, however, when reading Gomme, Jones and others that given certain conditions (such as "prosperity") "natural increase" is "naturally" positive and rapid. The term then takes on a certain ambiguity of meaning which is perhaps most blatant in the following comment of

Hignett:

Apart from the exclusion of fraudulent claimants on the one hand and the natural growth of population on the other, the citizen-body had remained constant.

(History of the Athenian Constitution, p. 346)

It is hard to be sure just what is meant by this statement and specifically by the word 'natural.' Gomme and Jones are more careful in their usage but nonetheless imply that it was only natural for Athens to "naturally increase" during her prosperous fifth century. The "startling" figures of Thucydides (Jones, Athenian Democracy, p. 161) become then somewhat less startling. But, in fact, we ought to be startled. Populations can react in varying ways to an increase in wealth and as noted earlier it will seldom be the only factor involved. And modern, post-industrial revolution, population growth was a complex result of many interlocking factors, most of which were not in effect in the ancient world.⁸ The possible effects of increasing wealth on a pre-modern population are well indicated by E.A. Wrigley (Population and History, New York, 1969, figure 4.1). For example, an increase in "real income" will result (on the model given) in a decrease in age at marriage, leading to increased population, which however will then lead further to a decrease in "real income." Or, an increase in real income might result in greater "demand for industrial goods" and a greater "proportion of the population in towns and cities," leading, however, to increased mortality and a decreased population.

There are, then, two main faults in Gomme's (and Jones') calculations of fifth century Athenian population. First, the basic ancient evidence, such as it is, is obscured with problematic assumptions and calculations; and second, modern notions of the "natural" behavior of a population are imported into discuss-

sions of ancient data.

Perhaps some, already despairing of any reliable 'census' figures for the ancient world, would now suggest giving up the enterprise altogether. But Gomme's insistence that the subject not be ignored, that "we must make what we can of the evidence at our disposal" (p. 12) still stands. And it is possible, I think, to remedy these faults somewhat and make the evidence speak more convincingly.

First, the ancient figures should be used as directly as possible, with a minimum of assumptions or calculations weakening the credibility of the ancient figures. This will often involve giving up the calculation of "total" or absolute figures. Given the nature of the evidence, we will mostly be concerned with adult citizens fit for military service. But for the purpose of ascertaining the demographic background of Pericles' citizenship law absolute, total figures are less important than comparisons. We need to know if, and how, the population was changing during the first half of the fifth century B.C. Even with this limitation the evidence will not be very accommodating; not many ancient figures, including those of military strength, are really comparable, and some assumptions are unavoidable in interpreting these figures.

Second, when the attempt is made to interpret the changes suggested by the ancient evidence, modern experience should be avoided. The U.N. model life table for a life expectancy of 25 can be used for any estimates of mortality, age-structure or sex-ratio needed,⁹ but more importantly the growth of the Athenian citizen population must be considered in the light of what is known of the demographic behavior of pre-industrial populations. Wrigley compares a pre-industrial population to water in a bathtub which has a tap of limited capacity and a plug-hole of large diameter (Population and History p. 62). That is, dramatic change in pre-industrial populations stems from dramatic losses, not gains.

Such populations typically experienced sharp short-term fluctuations while in the long run remaining just about the same or growing almost imperceptibly. In some Western European communities there appears to have been a cyclical pattern of short-term fluctuation; a crisis causing a severe drop in population will be followed by a period of rapid growth (perhaps 1% per year) which will replace the loss and provoke another crisis within about one generation.¹⁰ (One interesting result of such cyclical crises is a "wave-like surge in numbers with a periodicity of about a generation" (Wrigley, Population and History, p. 69).) Such a cyclical pattern is not necessary if a society adapts properly to its resources.¹¹ It is only important to note for the Athenian context that sharp fluctuations are normally short-term, that rapid increase is usually preceded by a time of sharp decrease.¹²

The limited ability of a pre-industrial population to grow significantly over an extended period of time is evident from the mortality levels of Model Life Table 35 (life expectancy ca. 25 years). Some 60% of the children born each year will die before age thirty. This means, very roughly, that each woman on the average will have to bear five children just to replace the existing population. Other relevant factors affecting pre-industrial populations, such as the negative effect of urban life, will be mentioned later.¹³

We can return now to the population of Athens.¹⁴ Was Aristotle right in thinking that it was the large number of citizens¹⁵ which prompted Pericles to propose his law? The first specific figures for the Athenian population come from the era of the Persian Wars. The pre-Persian war or, perhaps more significantly, pre-Cleisthenic population is beyond recovery, but there are a few bits of indirect evidence which can be mentioned. First, Athens as a city took no part in the general Greek colonization of the 8th and 7th centuries. Some Athen-

ians may individually have taken part, but it is likely that Attica was not over-crowded at this time and actually had room for 'internal colonization'.¹⁶ The polis of Athens comprised about 1,000 square miles of territory¹⁷ or 256,000 hectares. Assuming that not more than half of this land was cultivatable¹⁸ we might get a rough estimate of the potential Attic population subsisting on the land alone. If four hectares (10 acres) will support a family of four at subsistence level,¹⁹ then 128,000 hectares of cultivatable land could support some 30,000 families. Even with other sources of income, it seems likely that in the 8th and 7th centuries there were significantly fewer Attic families than this.

During the 6th century Athens struggled for many years with her neighbor Megara over Salamis. (See in particular Plutarch, Solon 8ff.). When we note that Megara provided only 3,000 hoplites at Plataea and 20 ships at Salamis, we might wonder how Athens could have had trouble with a city which was so small relative to fifth century Athens. This, however, should not tempt one to venture any estimate of 6th century Athenian population as about equal to that of Megara. It is important to note that this was before Cleisthenes' reorganization of the Athenian tribal--and so military--system. If Athens was less unified and centralized in the 6th century than in the 5th, if the relationship of phratry to tribe to city was less well defined, she might have been less able to take advantage of available manpower.²⁰

Thus, the Persian war figures are not only our first specific evidence for the Athenian population but also come from the period in which such figures are perhaps first possible. Although Gomme classes Herodotus among the "incompetent authorities" on military strength (Population p. 3) it is also possible to think that Herodotus had access to "official muster rolls" of the Greek forces during the years 480-479 and that his figures in Books 8 and 9 have "a prima facie claim

to acceptance."²¹ I follow the latter opinion, in part because whatever we think about Herodotus' Persian figures, his figures for the Greek armies have an internal consistency and show the relative strengths of the Greek cities generally as one would expect them, in part because it seems possible that he could have consulted some sort of official sources (or obtained official information indirectly), and in part because if these figures are not accepted there is very little other evidence of any greater credibility on which to rely.

Herodotus, then, reports that the Athenians supplied 127 ships at Artemision, manned with the help of the Plataeans (8.1), 180 ships at Salamis (8.43), and 8,000 hoplites at Plataea (9.28). For this last battle Herodotus gives no figures for the light-armed contingents (the psiloi) of the individual cities. (Nor does Thucydides give specific figures for psiloi strengths or losses during the Peloponnesian war. It is probable that there were no katalogoi or rosters from which such numbers could be calculated either in Athens or elsewhere.²²) He does, however, note that the total Greek light-armed force excluding the helots was just about equal to the total hoplite force excluding the Spartiates (9.29). But even if this is reliable it does not necessarily mean that there were 8,000 Athenian psiloi at Plataea (pace Gomme, Population, p. 15).

Of these engagements only Salamis was a total effort involving (it is reasonable to suppose) virtually all fit Athenians of military age. Artemision involved only part of the Athenian fleet and at the time of the battle of Plataea (on the same day, according to Herodotus, 9.90, 100) another Hellenic force of 110 ships was fighting at Mykale.²³ However, it is probable that the Athenians would have reserved as many experienced hoplites as possible for the expected land battle and that 8,000 represents almost the entire Athenian hoplite force. There would have been some heavy-armed soldiers on board the Athenian ships at

Mycale; if the Athenians sent 60 ships (the same proportion of the whole as they provided at Salamis) these might have amounted to some 600 hoplites.²⁴ Late sources for the battle of Marathon report that the Athenians had 9,000 hoplites in that battle.²⁵ This alone would not necessarily be convincing, but together with the 8,000 hoplites at Plataea it supports the supposition that at the beginning of the 5th century Athens had about 9,000 hoplites fit for battle.²⁶

To get any idea of the size of the total Athenian military force during the Persian wars it is necessary to try to interpret the figures for the battle of Salamis. This is more difficult than is sometimes thought. Since at the time of the battle Athens had been evacuated and ravaged by the Persians,²⁷ it is a safe assumption that nearly all Athenians who were able were serving with the Athenian fleet. Athens provided, Herodotus reported, 180 ships and in addition lent 20 other ships to the Chalcidians. The normal theoretical figure in the later fifth century for the crew (rowers and fighters) of a trireme at full strength and able to move at top speed was 200.²⁸ Herodotus applies this principle to the Persian ships at Artemision (7.184) and also notes that Cleinias the son of Alcibiades "was serving in his own ship with two hundred men, and paying for it all himself" (8.17). But Herodotus may not have known how many men actually manned the triremes in 480. A trireme could move with considerably less than 200 men. Although the Athenians would no doubt have made every effort to have every oar covered, it is possible that they fought at Salamis with as few as 150 men per ship.²⁹ Further, how many non-Athenians were serving with the Athenians at Salamis? Probably there would have been the foreigners resident in Athens,³⁰ perhaps slaves,³¹ and anyone else whom the Athenians could recruit. In any case, their lending of 20 ships to the Chalcidians, employment of Plataeans and, in the Themistocles decree, resident aliens clearly suggests that they were not sufficient to man the ships.

themselves.

In at least partial recognition of this situation Jones (Athenian Democracy, p. 8) subtracts 6,000 metics from 36,000 (200×180) to get 30,000 Athenians. But his 6,000 metics seem to have been chosen for no other reason than to produce the desired result of 30,000.³² For the problem of this figure see below.

Some alternative calculations are at least as credible as Jones'.

1. On a moderate assumption of 150 Athenians on the average per ship at Salamis, supplemented by as many others as possible, there would have been 27,000 Athenians in 480; if there were 125 per ship, there would have been 22,500.

or

2. The Decree of Themistocles (Meiggs-Lewis 23.18ff.) calls for the mobilization of a total of 23,000 including metics. Each of 200 ships is guaranteed 1 trierarch, 10 marines, 4 archers and 100 rowers--or 115 men. No doubt any extras would have been welcomed in the final "filling" (line 37) of the ships, but this was the number which the decree implies was known to be available.

If we could be sure of the authenticity of this part of the decree and of the correctness of the crucial reading $\alpha[\nu]\alpha\dot{\epsilon}\omega\tau\circ\tau$ in line 32, these "mobilization provisions" would become the most important evidence for the size of the Athenian population at the time of the Persian wars. However, since doubt is possible on both these points,³³ the evidence of the decree can only be considered as a possible alternative to the higher figures of Gomme and Jones. In any case, from the Persian war evidence it can be said that in 480 Athens had about 9,000 fit hoplites and a total population insufficient to man 180 triremes for battle. This is the evidence which is secure enough to serve as the main basis for later comparison.

I turn now to some other calculations for the Athenian population at the

beginning of the fifth century. Beloch did not devote much time to this problem but considered 25,000 as a minimum required for the manning of 180 ships.³⁴ Ehrenberg, following Beloch, set the number of Athenians in 480 at 25-30,000, but did not discuss the issue.³⁵ By far the most elaborate calculation is that of Jules Labarbe. In his book La Loi Navale de Thémistocle (Liege, 1957) Labarbe proposed through a number of different arguments that the population of Athens grew from 30,000 in 499 to about 38,000 in 480 (p. 199ff.). Since these arguments are based on many problematic assumptions, it will serve no purpose to go through them in detail here. I will only mention briefly the arguments he uses.

1. Herodotus' report that Aristogoras misled 30,000 Athenians in 499 (5.97) is to be believed since it ought to have come from Hecataeus who as a Milesian ought to have known how many Athenians Aristogoras won to his (Milesian) side (p. 159).
2. Herodotus' account of the battles of Plataea and Salamis suggest (to Labarbe) 35-36,000 Athenians (pp. 187-192).
3. The various stories involving the surplus from the silver mines can be reconciled (and explained) by supposing that in 483 there was a new surplus of 100 talents in addition to previously existing yearly surpluses of 100 talents. Although Themistocles prevented its occurring, the payment of this sum of 200 talents (1,200,000 drachmae) over a three year period at a rate of 10 drachmae per head (Herodotus 7.144) to all males over 16 (Labarbe's explanation of Herodotus' term orchidion) implies 40,000 such citizens (pp. 21-79).
4. The arguments of (3) (plus some others) lead to the conclusion that the Athenian "treasury" would have contained 48-50 talents at the time of the evacuation in 480. It is reported (Aristotle Ath. Pol. 23.1) that at that time the Areopagus distributed eight drachmae per head; this again produces some 36,000-38,000 Athenians (p. 130ff.; p. 200).

The 30,000 Athenians of 499 will be considered further, but the rest of this adds very little to our knowledge of the size of the Athenian citizen body.

From what has been said earlier it should be clear that Herodotus' Persian war figures cannot be made to reveal any secure number for the total population of Athens at that time; points 3. and 4. are built up from complex (and often ingenious) arguments, for which I refer the reader to the book itself. Labarbe comes out with a total population increasing by 8,000 in less than 20 years. This is a rapid rate of growth (over 1% per year) which Labarbe, citing the example of Hungary in the 1920-30's, considers not unusual and as in fact a good "explanation" for the "audacity" of Athenian political and military behavior in this period (pp. 206, 211). Such comments show considerable less demographic awareness than is shown by either Gomme or Jones.

"30,000 Athenians" is a figure whose value is extremely hard to judge. The number first appears in the Herodotus passage cited by Labarbe:

It seems to be easier to mislead many than one, if he [Aristogaras] was not able to mislead Cleomenes but succeeded with 3 myriads of Athenians.

(5.97)

Then later he repeats the number when he reports that Dikaios saw "a cloud of dust coming from Eleusis, such as would be raised by about three myriads of men" (8.65). And 30,000 continues to be used of the Athenians by Aristophanes, Plato and the author of the pseudo-Platonic Axiochos. In the Ecclesiazousae a servant speaks of "citizens being more than three myriads in number" (1131-2); in the Symposium Socrates says that an audience of "more than 30,000 Hellenes" saw Agathon's victorious play (175e); and the author of the Axiochos mentions "three myriads in assembly" at the trial of the generals of Arginusai (369). It is immediately apparent that "30,000" was a stock literary figure for an assembled mass of Athenians--or Athenians and foreigners. The tὸν Ἑλλῆνον of the Symposium

passage suggests that Agathon's play was presented at the Dionysia when foreigners would be present.³⁶ That this figure could bear no relation to the actual number involved is shown by the Symposium passage. As Gomme notes (Population, p. 3) the theater of Dionysos did not hold "more than 13,000 people."³⁷

Further, 30,000—or 3 myriads—was a common figure for an 'indeterminately large' number from at least the time of Hesiod (Works and Days 252; see also Empedocles, frag. 115).³⁸ Aristophanes also uses 30,000 in this sense; it appears in the Knights when the Paphlagonian says to the Sausage Seller:

You will repent this, but I will seize you as the thief
of 3 myriads [of drachmas] (828-9);

and again later when Demos complains:

And I despise you both, waiting now for 30,000 ages
(trismuriopalai) and ages, ages and ages (propalai,
palai; palai) (1156-7).

Then again in the Birds:

From Libya came about 30,000 cranes who had swallowed
down foundation stones (1136-7)

and

But we sent them as mounted archers, 30,000 falcons
(1178-9).

And both Herodotus' comment about the dust rising from Eleusis and about Aristagoras could be understood in this sense rather than as a specific reference to the number of Athenian citizens.

Gomme (p. 3) considered 30,000 so "completely conventional" (a figure for

the Athenian population) as not to be worth discussing, even though "it may have been based originally on a fairly accurate estimate." But why would an accurate estimate have been the same as a stock figure for 'a lot'? It seems at least possible that 30,000 citizens were attributed to Athens because Athens was generally thought of as (and was, relative to other Greek cities) a poluanthrōpotatē polis (cf. Xenophon, Hellenica 2.3.24; Thucydides 2.54).

Still, if 30,000 was an accurate estimate, when was "originally"? The most common answer is Labarbe's: It belongs at the beginning of the fifth century just where Herodotus put it.³⁹ Russell Meiggs has provided the only real argument for putting it there.⁴⁰ Noting that ostracism and laws directed against an individual required a minimum of 6,000 votes, that in certain court cases the failure of the prosecutor to get one-fifth of the jurors' votes brought a fine and atimia, and finally that 6,000 is one-fifth of 30,000, he concluded "Was 30,000 the real total of Athenian adult males enrolled on the deme registers at the time of Cleisthenes' reforms?"⁴¹

One could object that Meiggs has combined two different things; a quorum of total voters is not quite analogous to a minimum of votes cast in one way. That is, although 6,000 was thought of as a representative quorum of all the Athenians, we cannot be sure that that quorum was one-fifth.⁴² However, even if we accept Meiggs' inference and grant 30,000 citizens, do they necessarily belong to the "time of Cleisthenes' reforms"? I suggest rather that if 'three myriads' was ever an "accurate estimate," it could as well have been an estimate made in the second quarter of the fifth century as the end of the sixth.

6,000 was also the total number of jurors for the classical dikasteria. These 6,000, like a quorum, represented the whole citizen body--even when divided up into various smaller courts they are called hoi Athēnaioi by litigants. There

is, I think, general agreement that the development of these dikastēria into their classical form took place in the second quarter of the fifth century.⁴³ The actual creation of the jury courts from the old Heliaia cannot be assigned to either a person or to a date, but Hignett suggests that "Ephialtes' reforms effected a transference of jurisdiction from the Areopagos to the Heliaia so extensive that it created a need for new popular courts" (HAC p. 217).⁴⁴ It would have been at this time (late 460's, early 450's) that the figure 6,000 was chosen as the quorum of Athenians and the manner of their selection determined. Also, rules of procedure, including the requirement of one-fifth of the votes, might have been devised at this time. If it is objected that these classical rules could have been adopted from existing assembly and Heliaia procedure, it can still be claimed that the specific numbers, 6,000 as one-fifth of 30,000 belong to the 460's. Further, the rule of the quorum of 6,000 would logically have been applied to the Cleisthenic (if it was Cleisthenic) law on ostracism--certainly a measure directed against one man. It need not show that the number 6,000 goes back to 507 (or 487).

The fragmentary bouleitic oath (I.G. I² 114) specifies several actions (e.g. declaration of war) which the Boule cannot take aneu to demeo to Athenaion plethuontos. This demos plethuon is probably again the quorum of 6,000 whose presence enables the assembly to act on an important matter.⁴⁵ P.J. Rhodes argues convincingly that these clauses belong to the time of Ephialtes' reforms, that "restrictive clauses were incorporated in the oath at a time when the boule's powers were not reduced but considerably increased."⁴⁶

Thus, it seems to me likely that there was a concern in Athens in the late 460's-early 450's for insuring a representative ekklēsia and courts, and that the idea of a quorum of 6,000 arose at this time. If 6,000 is to be considered one-fifth of the total population, it can only suggest that there were some 30,000

Athenians in the 460's--but not necessarily fifty years earlier. Just as Herodotus may have projected the isēgoria of the 460's back to the time of Cleisthenes,⁴⁷ so he may have assumed 30,000 Athenians in 499.

Gomme defends his 35,000 citizens in 480⁴⁸ with a different sort of argument. This is that "the total citizen population in 500 must have been large to make Cleisthenes' constitution workable" (p. 25 note 2). He then cites Wilamowitz, Aristoteles und Athen II, pp. 207-8. It is a little odd to refer for support to these pages of Aristoteles und Athen since Wilamowitz is there arguing for a total Athenian population of 60,000 in the middle of the fifth century, and his point of departure is not the needs of the Cleisthenic constitution but of the Athenian empire (cf. Aristotle, Ath. Pol. 24.3). Still, we may follow Gomme's lead and ask, how many citizens did Athens need in 480 to make the Cleisthenic system "workable"? The crucial body at this time is surely the Boule. It needed 500 men of at least 30 years⁴⁹ each year. The rule (if it was Cleisthenic) allowing only two terms (Ath. Pol. 62.3) meant that at least 250 new bouleutai would be needed each year. But if, as Rhodes assumes (The Athenian Boule, p. 2) the bouleutai officially (and originally, I suppose) came from the three upper tele,⁵⁰ then the needs of the Cleisthenic constitution do not help very much in estimating the Athenian population at this time. We already know that there were about 9,000 (fit) hoplites in 480 and it seems probable that at least in the later fifth century these were roughly equal to the citizens of zeugitēs status and above.

Consideration of the probable age structure of Athens (by means of the model life table), however, shows that it is unlikely that both the census qualification and limitation to two terms were in effect at the same time. A population of 30,000 (adult males 20 and over)⁵¹ would have slightly under 1,000 men reaching age 30 every year, a population of 25,000 about 750, of 15,000 under 500,

and of 10,000 only about 300. Since not all eligible Athenians can be assumed to have served all their allowed terms, it appears unlikely that a population of 10,000 (or 15,000) could have supported a council with a limitation to only two terms. On the other hand, 750 or 1,000 new 30-year-olds each year can be considered realistic for providing 250 new councilors each year. The matter is not decisive for the total population of Athens, and certainly does not prove the necessity of 35,000 citizens in 480.⁵²

The basic problem remains the difficulty in estimating the non-hoplite population of Athens. I will resort now to a somewhat theoretical and generalized argument which will not result in any specific figures but will, I hope, further undercut the common acceptance of 30,000 or 35,000 Athenians in 480. Figures such as these for the total Athenian citizen body imply a preponderant non-hoplite (or roughly thetic) class; estimates of ratios of non-hoplite/hoplite range from 1.33/1 (Gomme) to 2/1 (Jones) or even 3/1 (Labarbe). The apparent belief that such ratios are reasonable or normal for the classical period seems to be due in part to a misunderstanding of the nature of Athenian society and of the Athenians' comments on their society. Aristotle's dictum (Politics 1291b7-14) that the 'few are the rich and the many the poor'--an antithesis common in the later fifth century--does not necessarily suggest a large and poor "proletariat" sitting at the base of the pyramid of society. The characteristic Greek tendency to divide society into two opposing classes, the rich and the poor, the good and the bad, useful and the worthless, etc., has misled some modern commentators who are accustomed to thinking of a middle class in between and of a basic conflict between the middle and lower classes (the bourgeoisie and the proletariat). The hoplites are then the middle class and classed with the few 'have's' against the many 'have-not's'. A prominent example of this thinking is found in the often

repeated comment that Ephialtes was successful in his "radical" reforms in large part because of the absence from Athens of 4,000 hoplites (and their leader Cimon.)⁵³ But at the time of Ephialtes' reforms non-hippeis or non-pentakosiomedimnoi hoplites were not eligible for the archonship nor therefor for the Areopagus. Why should they be considered the supporters of Areopagite privileges any more than the non-hoplite thetes?

The distinction between few and many, rich and poor, in Athenian society is not between hoplite and thete but rather between the really rich (in Athenian terms), perhaps the hippeis and pentakosiomedimnoi (but perhaps not even all of these), and the rest of the Athenians.⁵⁴ Many of the thetes and zeugitai would have been small landowners, the hippeis and pentakosiomedimnoi somewhat larger landowners. In comparison to some 1,000 knights (Thucydides, 2.13; Aristophanes, Knights 731), 20,000 or so other Athenians would be polloi enough.

Much of the preceding argument has been negative in import and is intended to point out both the difficulties involved in estimating the size of the Athenian population and also in various presuppositions underlying Jones' apparently innocent calculation:

At Salamis (480) the Athenians manned 180 triremes, which required 36,000 men. As Attica had been evacuated and no army was mustered this figure probably represents the whole able-bodied population including resident aliens, so that [my emphasis] the citizens may be reckoned at about 30,000.⁵⁵

We must be satisfied with saying (as on page 49) that Athens had about 9,000 fit hoplites in 480 and not enough citizens to man 180 ships herself. The number of (fit) non-hoplites is not ascertainable, but we need not think of them as being much more numerous than the hoplites. 12,000 non-hoplites fit for military

service may be a reasonable figure. Perhaps 30,000 can be considered a maximum for the Athenian (adult, male) population, fit and unfit in 480.

It would be helpful to know more about the composition of the Athenian citizen body in 480. Despite the serious deficiency of evidence in this regard (e.g., the impossibility of determining the number of non-hoplites) it is possible to make a few brief comments. First, it is likely that in 480 land was the main source of wealth for Athenians, and that the gradations in size of holding were (to modern eyes) small. (See Appendix 2, pp. 177 -178). The mines were being worked and there was a pottery industry (of high quality), but the number of Athenians involved in these activities would have been comparatively small and probably not sufficient to alter the basically homogeneous character of Athenian society. Second, the proportion of the population living in a true urban situation was small. Gomme (p. 37ff.) recognized the importance of ascertaining the relative "country and town" populations, but his method is not entirely satisfactory. He correctly noted that not all of the "town-demes" (those peri to astu) were urban and so restricted his urban population to the demes within the Themistoclean walls whose bouleutai number 65-70 or "not more than one-seventh of the whole" (p. 37). On the assumption of 35,000 Athenians in 480 there would then be about 5,000 adult male citizens living within the walls.⁵⁶ But urban living is not simply living within walls. More important criteria are based on living conditions or life-style, characterized by high density settlement and non-landed income.

That sort of information is not easily extracted from the ancient evidence, but it is possible on the one hand to calculate the (citizen) population per square kilometer within the city walls implied by various population estimates and on the other to note what the archaeological record suggests about settle-

ment of the astu in 480.

One-seventh of Gomme's 140,000 total citizen population (now including women and children)⁵⁷ is 20,000. The area within the city walls was only about 2.15 sq. km.⁵⁸ which results then (for Gomme's population) in about 9,300 people (excluding foreigners and slaves) per square kilometer. A smaller, but still realistic, figure of 100,000 or 14,300 within the walls results in about 6,650 Athenians per sq. km. By way of comparison we can note that 12th century London had a density of 10,800 people per sq. km. while Greater Athens in 1960 had some 4,620 per sq. km.⁵⁹ Travlos estimated the total population (including foreigners and slaves) possible within the walls in the classical period as 36,000 or about 17,000 per sq. km.⁶⁰ A density of either 9,000 or 6,000 per sq. km. is relatively high, as is clear when one tries to visualize 20,000 people living in an area the size of that enclosed within the Themistoclean walls. And even if we assume only some 1,000 resident aliens and 2,000 slaves within the walls in 480, this would raise Gomme's urban population to 25,000,⁶¹ or about 11,000 people per sq. km. That does not leave much room for later fifth century urbanization and perhaps is a further indication that 35,000 is too high for 480. 14,000 Athenians (including women and children and about one seventh of 100,000) with the same number of aliens and slaves results in a somewhat less dense 8,000 people per sq. km. I think the latter is the more reasonable figure.

Further, there is some archaeological evidence suggesting that settlement within the wall was less "urban" at the beginning than at the end of the 5th century, as seems reasonable. The most systematically excavated (and published) area of private settlement in the astu is the valley between the Pnyx and the Areopagus probably belonging to the deme of Melite and called by the excavator "an industrial district of ancient Athens."⁶² The name derives from the many

workshops/houses found in the area. It is important to note, however, that only one of these workshops can be shown to be operating as such in the fifth century.⁶³ Thus to speak of the area as industrial in the fifth as well as the fourth century is somewhat misleading. Residential houses are attested from the second quarter of the fifth century (perhaps one of these belonged to Themistocles, cf. Plutarch, *Themistocles* 22.2), and the roads along which the houses are built go back into the archaic period,⁶⁴ but 'industrial development' so to speak seems to have occurred in the early fourth century. Further, the existence of a cemetery in use within this general area up until the beginning of the fifth century suggests a more "rural" type of settlement at that time than 100 years later.⁶⁵

In any case, whatever is made of the preceding comments, it is possible to say that at the time of the Persian wars the contrast in living conditions and in lifestyle between Athenians within the walls⁶⁶ and those without was less than it would become. And the Piraeus, which in the fourth century was probably the most thoroughly urban part of Attica, was still in 480 unfortified (and 'unplanned') and only recently transformed from one of the four coastal tetrakōmoi into the main harbor of Athens.

The sex ratio of classical Athens has been the subject of some debate. It has been argued, generally on the basis of prosopographical evidence, that there were significantly fewer women in the citizen population of Athens than men and that this was due in large part to female infanticide.⁶⁷ This is a dangerous line of argument, since, as Gomme notes (p. 81), "the vast majority of names are of office-holders of one kind or another, from a field in which women did not compete," and even when families are known to have had daughters the names of females are often not known. Further, the prosopographical data do not represent a cross-section of all Athenians but rather are skewed towards the

wealthier, socially prominent (or legally active) Athenians. It is possible that the "demographic behavior" of wealthier Athenians was slightly different from the average.⁶⁸ In general and on the average, an Athenian family could probably ill afford infanticide. With only some 57% of all children born reaching the age of 5 and less than half reaching the age of 30,⁶⁹ an average Athenian family might well have wanted every child it could keep alive. Who knew what might happen in the future? This is not to deny that infanticide was at times practiced or that females may have been the victims more often than men; some women may have been especially fertile or some families especially poor, and in such cases children (especially females) may not have been wanted. But infanticide is not likely to have been frequent and common.

Sarah Pomeroy states that her "perception" is of an uneven (in favor of men) sex ratio "in all social strata throughout classical antiquity."⁷⁰ This perception is not substantiated by any clear evidence.⁷¹ In the discussion which follows I will assume that the sex ratio in classical Athens was not significantly different from that of the model life-table no. 35 population (see above p. 42). The risk of dying at any particular time is different for the two sexes but the ratio can generally be assumed to be close to 1:1--unless other factors such as war enter in.⁷²

This has been a long discussion of the population of Athens in 480, especially considering the small amount of evidence. But in any attempt to detect change it is important to establish a clear starting point. The rest of this chapter will assess the evidence for the Athenian population in (particularly) the thirty years after Salamis, and then finally attempt to analyze such changes as seem to have occurred.

The next fixed point after the Persian wars in a consideration of the

Athenian population is usually the outbreak of the Peloponnesian war (as in the discussions of Gomme and Jones). But in order to evaluate Aristotle's dia to plêthos tôn politôn we need to have some idea of the size of the population half-way between these two points. Gomme implies that there was a steady (even) rise throughout these years,⁷³ and so if we were to draw a graph we would just take the mid-point on the curve. But a priori it is doubtful that a pre-industrial population would grow in such a way--to the extent proposed by Gomme. Jones, on the other hand, distinguishes the hoplites from the rest of the Athenians and claims that their numbers especially increased rapidly in the second half of the Pentakontaetia.⁷⁴ However, it will be seen that, contrary to both these views, the evidence suggests that most of the population growth may have in fact occurred between 480 and 430 occurred within the first 20-30 years.

The next cluster of figures useful for the study of fifth century Athenian population are again military figures and come from Thucydides' report of the events of the 450's. In what follows I have given a few crucial events their generally accepted dates⁷⁵ and otherwise followed Thucydides' ordering.

In 460 or 459 two hundred ships of the Athenians and their allies were diverted from operations in Cyprus in order to come to the aid of the Libyans who had revolted from Persia.

(1.104)

At apparently about the same time the Athenians sent a fleet to Halicis where they were defeated by the Corinthians.

(1.105.1)

After this war broke out between Aegina and Athens. There was a large sea battle involving allies on both sides. The Athenians captured 70 ships and began a siege.

(1.105.2)

Then, aroused by the presence of the Corinthians and their allies in the Megarid, the Athenians put together a force from the oldest and the youngest (hoplites and psiloi) and fought a successful battle at Megara.

(1.105.3-6)

[At about the same time (kata tous chronous toutous) the Athenians began building the long walls to Phaleron and the Peiraeus.

(1.107.1)]

In 457 (probably) the Athenians marched pandēmei against the Peloponnesians at Tanagra. The force totaled 14,000 including 1,000 Argives and an indeterminate number of other allies.⁷⁶ The Peloponnesians were victorious in a battle involving great loss (phonos polus) on both sides.

(1.107.5-7)

Sixty-two days later the Athenians marched back into Boeotia and defeated the Boetians at Oenophyta.

(1.108.2-3)

[Meanwhile, they finished the long walls.]

(1.108.3)]

After this, (meta tauta) Aegina surrendered and agreed to tear down its walls, turn over its ships and pay tribute.

(1.108.4)

Meanwhile, the Athenians and their allies still in Egypt met disaster.⁷⁷ Fifty additional Athenian and allied ships arrived too late to be of help and most of these (tas pollas) were also lost.

(1.109)

Then (?)⁷⁸ the Athenians sent a force including Boeotians and Phocians to Pharsalus to restore the exiled Thessalian king, Orestes.

(1.111.1)

And a little later (meta de tauta ou pollai) 1,000 Athenians sailed with Pericles to Sicyon, defeated the Sicyonians, and then sailed to Oeniadae, besieged the town but failed to take it.

(1.111.2-3)

Three years later (451) a five years truce was agreed upon by the Athenians and the Peloponnesians.

(1.112.1)

To use Labarbe's terms, the activities of the Athenians between 459 and 454 definitely show audacity and energy and give an impression of an abundance of citizens. They apparently were not reluctant to operate on at least three fronts simultaneously (e.g., in Egypt, Aegina and Megara)⁷⁹ and until the Egyptian disaster were not set back by defeat. So how many Athenian citizens were there at this time?

It is of course true that the Athenians had allied support in these operations and Athenian metics (and other xenoi) could have been rowing alongside the Athenians.⁸⁰ These factors (and some other uncertainties--see notes 82 and 83) make it impossible to extract from Thucydides' record any precise evidence for the size of the Athenian population. However, one can still see what that record implies--given certain conservative assumptions of the usual level of Athenian participation and of the number of men on each trireme. What follows is not an argument for actual numbers of citizens, but rather for the probability of a significant increase in citizen population from 480 to 450.

I assume that by the 450's Athenian allies were preferring to pay rather than fight (Thucydides 1.99) and that over all (taking account of metics and other xenoi) at least one-third of the forces in these years were Athenians.⁸¹ Then, Thucydides implies clearly that the siege of Aegina began before and ended after the battle of Tanagra and that the expedition to Egypt left before the battle with Aegina and remained there throughout the following six years, apparently coming to its disastrous end after the surrender of Aegina. Therefore, we might quantify the evidence in this way:

- 1) If the 200 ships in Egypt each had a complement of 175 men there would have been 35,000 men involved and 11,700 Athenians.⁸²
- 2) If the Athenians and their allies captured 70 Aeginetan ships, they may have numbered about 100 themselves. Again giving each ship 175 men, this would result in c. 5,800 Athenians. There may have been a considerable number of Athenians of hoplite as well as non-hoplite status engaged in the siege, since Thucydides says that the Corinthians thought that Athens would be very weak without them and in fact Athens had to call out the youngest and oldest to resist the Corinthians in the Megarid.⁸³ I assume here that all the Athenians engaged in the sea battle remained during the siege.
- 3) The pandēmei army at Tanagra is somewhat difficult to understand. It cannot (it would seem) mean 'with all their military force' since troops were still engaged elsewhere. It probably means 'with all available forces'--or perhaps 'from all the age groups' including the youngest and oldest. If we give the other allies some 1,000 along with the Argives, this would result in 12,000 Athenians (plus some psiloi?).
- 4) Adding the results of 1, 2, and 3, we have at least 29,500 Athenians all involved in military operations at the same time.

In addition to these c. 29,500 there were the possible light-armed troops at Tanagra or those Athenians working on the long walls or those serving as magistrates at home or abroad. In all, some 40,000 Athenians is perhaps a minimum figure for the Athenian (adult, male, militarily or politically active) population in the 450's.

This figure, 29,500 is intended only as a suggestion; the real total is unascertainable. However, it is important to realize the order of magnitude of the Athenian military force in the 450's implicit in Thucydides' account of these years. Certainly it should be at least clear that the Athenians in the 450's would have had little difficulty manning 200 ships at a time of complete mobilization.⁸⁴

Consideration of the various cleruchies and colonies sent out by Athens in the 440's supports the idea that the city was overflowing with citizens in

the mid-fifth century. With substantial losses in Egypt on even the most conservative estimate,⁸⁵ and additional losses elsewhere (e.g., the phonos polus at Tanagra), the Athenians still were able (or felt the need) to send out perhaps 6-8,000 Athenians to colonies and cleruchies in the next decade. Jones⁸⁶ has collected the evidence on cleruchies and colonies and has calculated that "several thousands" were sent off as colonists (600 to Sinope, 1,000 to Brea, 1,000 or 2,000 to Histiaia) while several thousand others (a minimum according to Jones of 3,000) were given klēroi. Although I do not think it is crucial to the present argument, a few words are probably necessary on Jones' theory on cleruchies. Drawing the common distinction between a colony as an entirely new and independent polis and a cleruchy as simply an outpost of Athenian citizens,⁸⁷ Jones then argues that cleruchs would have remained on the regular military registers and not necessarily have lived on their klēroi at all. "It would have been a fantastic waste of manpower to sterilise 2,700 able-bodied citizens as a permanent garrison of Lesbos" (Athenian Democracy, p. 176). In the context of post-plague Athens this statement is surely true. But if Thucydides' "they sent out" (apepempsan) had become a "term of art" (p. 175) by 427 it was not necessarily such twenty years earlier. It is possible to suppose that in the 440's the cleruchs did go out and live on their assigned lots, serving as garrisons for control of the Athenian allies. They probably were liable for military service if need arose, as were, we can imagine, the colonists also. But the point here is simply that in the 440's, after the loss of perhaps some 10,000 Athenians in the wars of the 450's, Athens could afford to send out at least 3,000 and perhaps as many as 8,000 citizens to live in foreign lands, sometimes quite distant (e.g. Thrace, Sinope) and sometimes close by (e.g. Euboea).

If we now move from the 450's to 431, it appears that while the losses were

probably replaced and perhaps more Athenians became hoplites (see below) the population as a whole had not necessarily grown beyond the level of the 450's. Turning once again to Thucydides' figures for the hoplite strength of Athens in 431, we find that there were at that time 13,000 hoplites plus some others in the forts and 16,000 (including metics, youngest and oldest) guarding the walls. In addition there were 1,200 cavalry and mounted archers. The proportion of metics in the hoplite reserve is the main 'unknown' in these figures. Jones' method in replacing the unknown by a specific figure is preferable to Gomme's,⁸⁸ although his claim that the "oldest" include 40-60 year-olds is not susceptible of proof. But his 23,000 hoplites (7,000 oldest, 2,000 ephebes and 14,000 others including 1,000 cavalry) or 18,000 hoplites if his method but not his claim on the "oldest" is followed⁸⁹ are comparable with 8,000 hoplites at Plataea (plus some with the fleet, see pp. 47-48 above) and show at least a doubling of the Athenian hoplite population. It is possible that, as Jones suggests (Ath. Dem. p. 177), increasing wealth resulted in more Athenians being able to afford hopla and so explains some of this increase. This factor would have had more effect in the second half of the century (e.g. with the sending out of colonists and cleruchs) than in the first half, and so still leaves us with the inherent probability that there were abundant non-hoplite Athenians in the 450's who moved up into the ranks of hoplites in the following decades. Further, these 23,000 (or perhaps 18,000) Athenian hoplites are not directly comparable with 12,000 hoplites at Tanagra, when other Athenian forces contained hoplites (see note 83). These 12,000 may be the youngest and oldest plus any others available from all the age groups.

The hoplite population could well have been on the order of 15,000 in 457—an increase of at least 33% in a little over 20 years. And the non-hoplite population may have increased more dramatically. If we assume c. 40,000 Athenians

in the 450's, the number of *thetas* would have increased from perhaps 15,000 to 25,000. Finally, although calculation of actual number of non-hoplites in 431 is not possible,⁹⁰ neither Gomme nor Jones suggests that they numbered much more than 20,000, so resulting in just about the same total (c. 40,000) as was suggested as a minimum for the 450's. The main change in the population from the 450's to 431 would not then have been in total numbers but in proportion of hoplites to non-hoplites. Athenians were wealthier in 431 than the 450's, but not necessarily more numerous.

The ancient evidence, then, suggests that the citizen population of Athens may have grown as much as 50% in the course of about 20 years, from 25-30,000 in 480 to some 40,000 in the early 450's. An increase of 100% from 25,000 to 50,000 may even be possible. Furthermore, two negative factors affecting the Athenian population in this period are masked by these figures. First, we might expect that the first few years after Salamis and the Persian ravaging of Athens (and Attica?) would have been lean ones. Food may have been scarce, marriages postponed and fewer children born. It is difficult to judge how pervasive an effect this might have had (just as it is hard to judge how much of Attica was actually ravaged) and there would have been "fat" years immediately following in which losses were replaced. Still, together with whatever military losses Athens suffered at Salamis, Plataea and Mycale,⁹¹ these would have been losses which the population would have to replace before growing beyond its pre-war level.

A second negative factor (perhaps even more difficult to estimate) is the urbanization of Athens, the increasing proportion of Athenians living in urban conditions during the fifth century. Aristotle reports that Aristides encouraged the Athenians to come into the astu "from the fields" and take up the business of their state and empire (Ath. Pol. 24.1). Even if this is regarded as unhistorical,⁹²

one can hardly doubt that new opportunities for employment in public works (walls or, in the second half of the century, temples), public business or private trade would have led an increasing number of Athenians to take up residence in the astu, either within the walls or a short distance without. Due to crowding, unsanitary conditions and a rapid spreading of disease, and possible food shortages more acute than in the country, pre-industrial (or pre-modern) cities have a uniformly negative effect on natural population growth.⁹³ They depend on surplus from rural areas to maintain constant size or to increase.⁹⁴ London, for instance, was growing rapidly in the early 18th century (from 550,000 in 1700 to 900,000 in 1800) but actually required "a net immigration of perhaps 8,000-10,000 a year... to make good the burial surplus and allow the city to continue to grow" (Wrigley, Population and History, p. 150). This factor would have had a proportionately smaller effect on Athens, but ought to have been significant. The Piraeus especially, which we can assume grew rapidly during the fifth century, would have been no doubt a very unhealthy place to live.⁹⁵

These two negative factors are completely unquantifiable, but they do suggest that the gross increase in the citizen population is likely to have been even larger than the evidence suggests.

How, then, is such an increase to be explained? The standard response of 'increasing prosperity means increasing population' is unsatisfactory both on demographic (see above, p. 43) and historical grounds.⁹⁶ We can imagine significant increase in Athenian prosperity in the 460's, 450's, and 440's, but it is difficult to believe that in the years (or decade) immediately following Salamis very many Athenians became very much richer. As noted earlier a recuperative "boom" is to be expected with a return to normal conditions, but growth of 50% or even 25% above 'pre-crisis' level requires something more. The Athenian evidence does not seem to fit the

model of a population suffering significant losses during some sort of demographic crisis, then recovering rapidly to increase by perhaps 25% in a generation when it would be "ripe for a further severe check" (Wrigley, Population and History, p. 70). Not only does the Athenian population seem to have grown at the rapid rate of 1% per year in the first two decades following Salamis, but it retained its higher level over a period longer than one generation.

In view of these considerations, I think that one explanation of the "startling" increase in the Athenian population that should be considered is "non-natural increase,"⁹⁷ i.e., the admission or entry of non-Athenians into the demes and phratries, resulting in the creation of new Athenians. This may immediately be rejected by some on the grounds that it would be un-Athenian or that the sources say nothing of it. But we should not suppose that later fifth and fourth century attitudes were necessarily those of the early fifth century.⁹⁸ Furthermore, even in the later fifth century the Athenian dēmos made the Plataeans (429) and Samians (405) citizens and perhaps give citizenship to those who rowed at Arginusae (406) or helped in the restoration of the democracy (403).⁹⁹ The evacuation of Attica and subsequent battle of Salamis were crises as major as Arginusae, and it seems entirely possible that Athenian demes, phratries and tribes were willing to admit those who fought with Athenians in defence of Athens. In more settled times after 479 it is also possible to suppose the newcomers or resident aliens entered the ranks of Athenians, for reasons of common military service, special skills or special wealth, or simply marriage. Such new Athenians--and perhaps some of their children¹⁰⁰--provide the best explanation for the rapid growth of the Athenian population and for the noticeably abundant citizen population in the 450's.

Then it is possible that economic prosperity enabled the population to

remain at this high level down to the time of the Peloponnesian war. If the children born in a "boom" are lucky enough to find a wave of prosperity and an expanding economy awaiting them when they come of age, there is more chance that the increase will be permanent and not cyclical.¹⁰¹ And Athens in the mid-fifth century was able to employ and support a larger number of citizens than would have been conceivable fifty years earlier.

Finally, the silence of the sources is perhaps less crucial if it is accepted that these admissions did not depend upon and were not the result of decisions of the dēmos tōn Athēnaiōn, but were the responsibility of the individual demes and phratries. And some foreigners would have entered the demes and phratries not by 'official' acceptance as an alien but by fraudulently pretending to be a native Athenian.¹⁰²

Thus, Aristotle seems to have been correct at least in believing that there was a plēthos of Athenians in 451/0 B.C. The possible relation between this situation and Pericles' citizenship law will be taken up in Chapter IV.

Chapter III. Footnotes

1. P. 26. Hereafter, in this section, this book will be referred to as "Gomme, Population." Gomme's discussion of the population of Athens in 431 B.C. in his A Historical Commentary on Thucydides (II pp. 33-39) does not differ significantly from his earlier comments. Other estimates of the Athenian population will be discussed below.
2. Jones here follows A.R. Burn's analysis of the population of Roman Africa under the Principate (Past and Present 4 (1953), 2-31).
3. D. Whitehead (The Ideology of the Athenian Metic, Cambridge, 1977) briefly considers Thucydides 2.13 for the purpose of estimating the metic population and comes to no conclusion other than "something has gone seriously wrong" (p. 98). I think, however, that he dismisses too quickly the usefulness of Thucydides' data.
4. "The Probable Age Structure of the Roman Population," Population Studies 20 (1966) 245-264.
5. See "Age and Sex Patterns of Mortality, model life-tables for under-developed countries," United Nations Population Studies, no. 22, New York, 1955.
6. See Keith Hopkins, art. cit., p. 264 and p. 250, n.14, who sets the Roman range as 20-30 years. For what this suggests about possible Athenian population growth see below.
7. The specific figures are cited in The New York Times, Sunday, August 31, 1980, Section E, p. 2. For the average figure see Population Facts at Hand, (UNFPA, New York 1980).
8. For a concise account of the complex problem of the relationship between the industrial revolution and modern population growth see E.A. Wrigley, Population and History (New York, 1969), p. 146ff. D.E.C. Eversley, "Population, Economy and Society," in Population in History, is also helpful for the non-specialist.
9. The model life tables are of course not infallible. They are built on the basis of actual census data which can contain errors, but overall they "tabulate high probabilities" (Hopkins, art. cit., p. 251). The life table represents a stable population, i.e. one with a constant age and sex pattern. This may not always have been the case in Athens, but distortions of the structure caused by such things as war or plague would have been temporary, barring significant permanent change in fertility.
10. Wrigley, Population and History, p. 70, and in general Chapter 3, p. 62ff.
11. Such proper adaptation of population to resources, not the danger of rapid, natural, population growth is, I suggest, the basic concern of ancient 'population policy.' See also below note 68.
12. Such rapid increase (or more properly, replacement) is "one of the most

widely documented phenomena of demographic history" (Eversley, art. cit., p. 44) and is most clearly due to the "boom" of marriages and births after a period of scarcity and want. Decreased mortality due to the "weeding out" of weaker members may also play a role (see Eversley, loc. cit.; Wrigley, Population and History, p. 68).

13. See also the comments of D. Engels, "The Problem of Female Infanticide in the Greco-Roman World," CP 75 (1980), pp. 112-120.

14. In the following discussion "population of Athens," unless otherwise noted, will refer to the adult, male citizen population of military age and ability. I take age 60 to be the upper limit, age 18 the lower limit of military service.

15. It should be noted that $\delta\alpha\tau\pi\mu\nu\delta\omega\tau\omega\pi\omega\tau\omega\pi\omega$ does not mean 'due to the "rapid growth of the population"' as Gomme (p. 12) and Hignett (p. 245) seem to think. To translate the phrase that way would be to prejudge the issue at hand.

16. Cf. the comment of B. Manville, (The Evolution of Athenian Citizenship, dissertation, Yale University, 1979, p. 46): "We might suspect that at least some of the restless Megarians, Korinthians, Euboians were not so restless as to travel to Magna Graecia or Ionia but resettled closer to home, in Attica."

17. Ehrenberg, The Greek State, p. 27.

18. For what it is worth, we can note that in 1960 only about one-third of Attica (excluding Greater Athens) was cultivated. (Economic and Social Atlas of Greece, Table 301).

19. See Appendix II, p. 202, note 19.

20. In this context it seems possible that one of the reasons Solon was concerned with the enslavement and sale abroad of Athenians was the effect that such practices had on the Athenian military strength.

21. Both quotations are from How and Wells, A Commentary on Herodotus, Appendix XIX, p. 363.

22. This should not be taken to imply, however, that lists of non-hoplite thetes were not kept in Athens. For some comments on the katalogoi and the lexiarchikon grammateion see M.H. Jameson, "Apollo Lykeios in Athens," Archaiognosis 2 (1981) note 25.

23. I accept Herodotus' 110 ships despite the objections and clever reconstruction of Munro (JHS 24 (1903) 146-7). It is most reasonable that the Greeks would have had a significantly smaller fleet in 479 when they were fighting on two fronts than in 480 when they were fighting on one.

24. By the time of the Peloponnesian War, the heavy armed soldiers on Athenian triremes (epibatai) were usually thetes. But they may have been self-armed hoplites in 479.

25. Nepos, Miltiades 5.1; the Suda s.v. "Ιωνιας". Justin (2.9) gives 10,000 Athenians plus 1,000 Plataeans instead of the 9,000 Athenians plus 1,000 Plataeans of Nepos and the Suda. He appears to have added in the Plataeans twice.
26. I am following Gomme in drawing a distinction between fit and unfit hoplites. However, I think it possible that only those who were fit would be put on the katalogoi in the first place.
27. It is not clear, however, to what extent Attica as a whole was ravaged.
28. See, for example, Thucydides 6.8.1 and 31.1 on the preparations for the Sicilian expedition and also Plato, Critias 119a-b. In general on the crew of the trireme see Casson, Ships and Seamanship in the Ancient World (Princeton, 1971), p. 300ff. and Morrison and Williams, Greek Oared Ships 900-323 B.C. (Cambridge, 1968), pp. 254-279.
29. See the comments of M.H. Jameson, "The Provisions for Mobilization in the Decree of Themistokles," Historia 12 (1963) 394 and notes 18 and 19.
30. Cf. lines 30-31 of the Themistocles' Decree (Hesperia 31 (1962) 310-315; M-L 23).
31. If there were empty places it is hard to imagine that slaves would not have been employed. On Athenian use of slaves in warfare see R. Sargent, CP 22 (1927) 209-11, 264ff. Cf. also Isocrates 8.48.
32. Jones elsewhere (Athenian Democracy, Appendix, p. 165) calculates that there were 7,000 metics in 431. I think one would expect more of an increase than his figures imply.
33. In general I think the decree contains an authentic tradition of a decree proposed by Themistocles. However, since 20,000 was a stock figure for the population of Athens in the fourth century (e.g., Plato, Critias 112b; Dem. 25.51) this may be a part of the decree which was affected by fourth century transmission. See also the objections of Meiggs in Bury-Meiggs⁴, p. 530. The reading ἀνθρώποις was not in the first edition of the inscription (Hesperia 29 (1960) 198-223) and thus has sometimes been missed (e.g. by Podlecki in his Life of Themistokles (Montreal, 1975), p. 148). It is accepted by Meiggs and Lewis.
34. Die Bevölkerung der Griechisch-Römischen Welt, p. 60; 99. This is based on the idea that the ships in 480 were smaller than in the latter part of the century.
35. The Greek State (New York, 1964), pp. 33 and 248.
36. Despite Athenaios' statement (5.217a) that it was performed at the Lenaia.
37. Also we might wonder if the total citizen body took part in the assembly vote of 499 or the condemnation of the generals.
38. The prefix τοιχ- has a similar effect in the word τοιχωτῶν ; see B. Hemberg, Eranos 52 (1952) 172-190, esp. 178 and note 28.

39. See also Jones, Athenian Democracy, p. 161.
40. CR 78 (1964), 2-3.
41. Ibid., p. 3.
42. The question of the use of the quorum in Athens is an interesting one which has not been much studied. Bonner and Smith, for example, discuss extensively (The Administration of Justice from Homer to Aristotle II, chapter 7, *passim*) the role of the 6,000 without ever considering what fraction this was of the total. E.S. Stavely (Greek and Roman Voting and Elections) mentions a "quorum" of 6,000 for certain meetings of the Athenian assembly (p. 78) and notes that "the total citizen population at the time of Pericles has been estimated at between 50,000 and 60,000" (*ibid.*). He does not give his source or clarify what is meant by "the time of Pericles" or discuss when this 'quorum' was instituted.
43. See Hignett, HAC, pp. 216-221.
44. Bonner and Smith (The Administration of Justice I, pp. 222-223) prefer a date in the 470's, but Hignett's opinion now the generally accepted one. See, for example, A. Andrewes, The Greeks, p. 179.
45. See Bonner, "The Minimum Vote in Ostracism," CP 8 (1913) 223-225. Rhodes (The Athenian Boule, pp. 194-207), however, considers τὸ δέμο τὸ Ἀθεναῖον πλεθύοντος as meaning simply 'Athenians in assembly.'
46. Op. cit., p. 206. But see previous note.
47. G.T. Griffith, "Isogoria in the Assembly at Athens," Ancient Society and Institutions: Studies Presented to V. Ehrenberg, 115-38.
48. The number is close to 36,000 (180 x 200) but is not based directly on 180 ships at Salamis. 15,000 hoplites come from 8,000 at Plataea (?) and from "the possible increase of citizen population between 480 and 430" (p. 25 note 1); 20,000 is then added on the basis of the 180 ships and the Cleisthenic constitution. Needless to say, "the possible increase in citizen population" is just what I am trying to determine.
49. The one piece of direct evidence for this age qualification is Xenophon, Memorabilia 1.2.35, but it is also specified in the regulations drawn up for Erythrai (M-L, 40.11).
50. See also Chapter IV, p. 92. Although Rhodes states a belief in this census qualification he goes on to cite population figures (Gomme's) for the whole citizen population (Athenian Boule, pp. 2-3).
51. The 18- and 19-year-olds are left out here simply in order to use the round numbers 30,000 and 10,000. In the first population they would number about 2,400 and proportionally less in the others.
52. But, it is a decisive argument against there being a limitation to two terms

and an exclusion of thetes at the same time. Thus when we know there was a limitation to two terms we should probably assume that there was no exclusion of thetes.

The council set up for Erythrai had 120 members and no one could serve twice within a period of four years (Meiggs-Lewis 40.12). Assuming that each man served as often as possible and taking 20 years as the length of the average career (to account for mortality after age 30), then each Erythraian would serve four terms. This would require then 30 new men each year. A population of 3,000 would have 100 men reach 30 every year and does not seem too large for Erythrai which paid a maximum of seven talents tribute.

53. See, for example, Hignett, HAC, p. 196.

54. Andrewes (The Greeks (New York, 1971), p. 210) says something similar when speaking of the revolution of 411: "But the ordinary hoplite remained suspicious of the intentions of the extremists and in the end sided with the people instead. The noticeable social gulf here was rather between the middle class and the really rich, roughly the division between hoplite and cavalry." I would only object that the hoplites ("middle class") and the "people" or demos are not really so distinct. As Jones (Athenian Democracy, p. 90) remarks, "I have depicted a society in which, except for a small group of relatively very rich men at the top and a larger group of casual labourers at the bottom, wealth was evenly distributed, and the graduation from the affluent to the needy very gentle." See also Rhodes, JHS 92 (1972) 123 and below Appendix II, pp. 177 - 178. In 480 both extremes of the social scale may have been even less pronounced.

55. Athenian Democracy, p. 8.

56. Here and in what follows I follow Gomme in assuming that enough Athenians were still living in their demes in 480 to justify considering the bouleutai quotas as accurately reflecting the population of various parts of Attica. (I am also assuming, of course, that the number of bouleutai a deme chose was based on its population.) Themistocles Phearrios, with a house in Melite (Plutarch, Themistocles 22.2) is a prominent exception who does not, I think, affect the validity of this assumption.

The bouleutai quotas are known from fourth century and later inscriptions, but the usual (probably justified) assumption is that the quotas go back to the original Cleisthenic distribution. See John Traill, The Political Organization of Attica, Hesperia Supplement 15 (1975) for a general discussion of the bouleutai lists and quotas.

Finally, it might also be noted that although there were apparently some sort of pre-Themistoclean walls in Athens (see Eugene Vanderpool in OPOE, p. 156ff.), the walls serving as the boundaries of urban living for Gomme are Themistoclean--and post-480.

57. This is calculated by multiplying 35,000 by 4. This is satisfactory for present purposes, but probably the factor should be closer to 4.5 for a population likely to have had a life expectancy at birth of 25 years. (Gomme argues on p. 75ff. for an average Athenian family of 4--against those who thought the number

should be lower.)

58. J. Travlos, Poleodomikē Exelixis tōn Athenōn, p. 71. Only about half of this area was taken up by private settlement.

59. W. Petersen, Population (New York, 1975), p. 378 and Social and Economic Atlas of Greece, Table 202, for London and Athens respectively.

60. Travlos, op. cit. (above note 44), p. 72.

61. I follow Gomme (p. 25, note 4) in multiplying the residents aliens by 3, since a larger proportion of these were apt to be bachelors.

62. Rodney Young, "An Industrial District of Ancient Athens," Hesperia 20 (1951), 135ff.

63. See Hesperia 20 (1951), 187-252. The exception is House F in which "a central floored area was surrounded, probably on all sides and certainly on three, by tanks or vats set beneath floor level" (p. 229). The earliest phase of this building was "around the middle of the fifth century" (p. 232).

64. See the discussion of these roads in Hesperia 20 (1951), 145-168.

65. Rodney Young, "Selputuræ Intra Urbem," Hesperia 20 (1951), 69ff.

66. Quite a few Athenians may have lived within the walls and have owned land without. Probably one such was Themistocles Phrearrrios and there would have been more as the fifth century progressed. But see note 56 above.

67. See Gomme, Note C, p. 75ff., for references to this discussion. Recently Sarah Pomeroy has reopened the discussion in her Goddesses, Whores, Wives and Slaves, pp. 68-70, 227-230, and was answered by D. Engels, "The Problem of Female Infanticide in the Greco-Roman World," CP 75 (1980) 112-120.

68. Wealthier Athenians may have tended to marry younger wives than the average Athenian, and a young wife would have more child-bearing years ahead of her than an older one. Also, a richer woman might have been better nourished and so less prone to miscarriage, stillbirth, and perhaps infertility. One other factor which could conceivably have led to a wealthy woman bearing more children is the practice of employing wet-nurses. A woman who did not nurse her child would become pregnant again sooner than one who did. (For this and the other factors see Wrigley, Population and History, p. 100ff.).

If, then, richer families tended to have more children, they would have had more of a chance to be selective and more of a motive for infanticide. But we should also not assume that there was no knowledge in Athens of methods of birth control.

For methods of birth control known in the fourth century see A. Preuss, "Biomedical Techniques for Influencing Human Reproduction in the Fourth Century B.C.," Arethusa 8 (1975) 237-263. Preuss, however, apparently assumes (contrary

to the implications of the medical writers he cites) that restricting the natural growth of the population (i.e., the number of births) was a major concern in classical Greece. But concern with numbers of citizens--clearly a concern of both Aristotle and Plato--is not necessarily concern with numbers of citizen births. (On the "population policy" of Plato's Republic, see J.J. Mulhern, "Population and Plato's Republic," Arethusa 8 (1975) 265-281.) Preuss' claim that "In classical Greece we see an agricultural economy becoming progressively more urban, and consequently the desirability of having many children giving way to the desirability of having few" (p. 240) is not obviously true.

69. Calculated from United Nations Model Life Table no. 35. See also the arguments of Engels (above note 67) to the same end.

70. Goddesses, Whores, Wives and Slaves, p. 227.

71. The pelvic studies of Lawrence Angel, purporting to show 4.3 births per woman with 1.6 juvenile deaths resulting in 2.7 survivors per female which Pomeroy cites on this point, are not very helpful. It is surprising that she goes on to comment, "According to these calculations the Athenian population would have increased each generation, and indeed Aristotle stated that Pericles' citizenship law was enacted because of the large number of citizens" (p. 68). Angel's "classical" skeletons are few and range over the 6th, 5th and 4th centuries. See E. Badian's review of Pomeroy in New York Review, Oct. 30, 1975 for further criticism.

72. On the probability of an unequal sex ratio (in favor of women) in Athens after the Sicilian expedition, see the Epilogue, p. 142.

73. E.g., page 48.

74. Athenian Democracy, p. 179. Jones thinks that both prosperity and inflation played a part in increasing the number of hoplites (p. 180). It does seem possible that--in the second half of the pentakontaetia--prosperity might have increased the proportion of Athenians able to supply their own hopla. For the effect of inflation, see Appendix II, note 24, p. 202.

75. See Russell Meiggs, The Athenian Empire, (Oxford, 1972), p. 92ff.

76. It is usually assumed that these 14,000 are hoplites (e.g., by Jones, Athenian Democracy, p. 161) although Thucydides does not specifically say so; but since he does not seem to have known specific figures for psiloi in the rest of his History, this is probably a fair assumption.

77. The size of the loss involved here is a matter of dispute. See below note 82.

78. Thucydides gives no chronological indication. Meiggs (Athenian Empire, p. 111) suggests that this and the following expedition may have been decided upon before news of the Egyptian disaster reached Athens.

79. The Erechtheid casualty list (I.G. I² 929 = M-L 33) lists tribesmen dying in Egypt, Phoenicia, Malieis, Aegina and Megara.

80. See the discussion of D. Whitehead, The Ideology of the Athenian Metic (Cambridge Philological Society, Supplementary Volume, number 4, 1977), pp. 84-86. His comment, "...we lack a typical, representative document to show the relative proportions of citizens and metics (and others) in a trireme under normal circumstances" (p. 85) indicates the problem at hand.

It is noteworthy that Thucydides does not mention metics in his account of any of these events, as he does for the Megara campaign thirty years later (2.31.2). The implication is that serving as a hoplite was not yet an official duty of the metic who could afford it in the 450's (as it was in the 430's) and further that metic service in the fleet was voluntary, unorganized and "not a service but a job of work" (Whitehead, p. 86). The calling up of "xenoi registered with the pole-march" to serve in the fleet in 480 ("Decree of Themistocles"--M-L, 23.30-31) was perhaps the result of extraordinary circumstances.

81. It is notable, but hardly decisive for any argument that Plutarch says that Pericles sent out 60 ships every year for eight months, on which sailed "polloi politōn" (Pericles 11.4).

82. There is admittedly a tendency to think that not all of the 200 ships stayed in Egypt. (See the account of this position and counter-arguments given by Meiggs, Athenian Empire, p. 104ff.). But nothing in Thucydides' text suggests that he did not think that they all stayed. To assume that they would have been needed at home would be to assume something about the size of the population--and that is just what I am trying to ascertain.

83. Jones (Athenian Democracy, p. 161) thinks that there were "not many" hoplites engaged in Egypt and Aegina, but Thucydides' account seems to suggest otherwise.

84. Cf. the estimate of Wilamowitz, based on Aristotle 24.3, referred to above on p. 55.

85. If it is assumed that there were only 40 ships involved at the end of the campaign and (for purposes of calculation) that the whole crew of 175 on each ship, 40 plus the relieving 50, was lost, then the losses would have been on the order of 5,750 men.

86. Athenian Democracy, p. 168ff.

87. As Jones notes (Athenian Democracy, p. 168) the distinction is not always clear in literary sources. Possibly it is not appropriate for fifth century usage.

88. See above, page 41. As noted there, the age-group proportions used by Jones are very similar to those of the model-life-table population with life expectancy at birth of 25 years.

89. This would result in some 10,000 metics which might be considered too many vis-a-vis the citizen hoplite population.

90. The calculations of Gomme (p. 12ff.) and Jones (Ath. Dem., p. 9) remain guesses.

91. These losses are probably of less significance for overall population growth than the effects of changed rates of marriages and births. As Eversley noted (art. cit. p. 52, see note 7 above) in relation to the plagues of medieval Europe, increased mortality in the adult population has less effect in a population with an already low life expectancy than decrease in fertility.

92. Day and Chambers (pp. 35, 124-125) regard this as simply another characteristic democratic move which Aristotle attributes to Aristeides.

93. See Wrigley, Population and History, p. 97ff.

94. Since the urban population is usually a small fraction of the whole in such societies, the rural surplus need not be huge in order to keep a city alive.

95. E.A. Wrigley's "demographic contour map" (Population and History, figure 3.7, p. 99) is suggestive of what might have been the situation in Attica. His "seaport" has a negative population growth of 20 per 1,000 per year.

96. It should be clear from what was said earlier (pp. 42-43) that Jones' claim, "increase in wealth meant...that larger families survived" (Athenian Democracy, p. 180) is demographically simplistic and not necessarily true of the Athenian population.

97. Again, other explanations such as a significant drop in infant and child mortality or a significant increase in the number of live births per woman seem less reasonable. (See also D. Engels, CP 75 (1980) 112-120).

98. For a few comments on Athenian xenophobia or exclusivity and its probable origin in the mid-fifth century, see the Conclusion.

See also A. Billheimer, Naturalization in Athenian Law and Practice (Princeton 1917), pp. 24-27 for a collection of testimonia suggesting that the Athenians and other Greeks were not entirely unaware that less exclusive practices had existed in Athens. The scholiast to Thucydides I.2, for example, says, "οἱ Ἀθεναῖοι τὸ πόλιαν εἶδος μεταβόσουσαν πολιτεῖας, τοτεπον δὲ σκέψη.

Naturalization, however, should be distinguished from honorary bestowal of citizenship, which after 451/0 was the only legal way a foreigner could become an Athenian. The historicity of reported grants of citizenship before the latter fifth century is doubtful. See, for example, J.W. Cole, "Not Alexander but Perdikas," GRBS 18 (1977) 25-29.

99. Although Thucydides implies that the Plataeans were Athenian politai (3.63) and had a share of the politeia (3.55) already at the end of the sixth century, [Demosthenes] 59.104 and Isocrates 12.94 imply that 'Plataeans became Athenians' only after their city was destroyed by the Spartans. See Gomme, HCT II, pp. 339-340.

For the Samians, see I.G. I² 1 (M-L, 94).

Diodorus (13.97) says that those who fought at Arginusae were made citizens. However this is not supported by Xenophon, Hellenica 1.6.24 or Aristophanes' Frogs

190 and 693 and some modern historians consider only the freeing of slaves for service in the fleet as historical (e.g., J.K. Davies, "Athenian Citizenship," CJ 73 (1977-78) p. 120 with note 91).

The bestowal of citizenship on democratic allies seems to be recorded in I.G. II² 10, but there is much difficulty in restoration. See Tod II.100.

100. A new group of citizens, if settled, married and producing children soon after 480 would by the 450's have almost a double effect on the population size because of their own 'baby-boom.'

101. See Eversley, art. cit. (note 8), p. 50ff. This Athenian prosperity and expansion, however, was in a sense artificial since it was based not on any permanent improvement in production or opportunity such as occurred in the Industrial Revolution, but on the opportunities and funds provided by the Empire. And the population seems to have dropped back to a lower level with the loss of the Empire. (See Gomme, Population.)

102. For further comment on this phenomenon and its likelihood in the urban environment of the astu and Piraeus, see Chapter IV, pp. 83-84.

IV. Pericles, Politics in the Mid-Fifth Century
and the Citizenship Law

It is difficult to over-emphasize the importance of the Persian wars for subsequent Athenian history. This was as decisive a turning point as any in Greek history. As has been seen, the demographic impact of the wars and their aftermath was certainly significant but is hard now to evaluate with any certainty or precision. It is easier to offer judgments on the effects on general morale, economic well-being and social and political institutions. I will here only make a few comments relevant to Pericles and the citizenship law.

To begin, the victories first at Marathon in 490 and then Salamis in 480 (and to a lesser extent those of Plataea and Mykale in 479) gave the Athenians a boost in confidence in themselves and their leaders. Miltiades and Themistocles had proposed daring, novel strategies; the Athenians had followed them and had won. A new generation of Athenian leaders--Aristeides as well as Themistocles, Xanthippus as well as Miltiades--arose,¹ audacious, highly ambitious for themselves and Athens, and outward looking, more concerned with the 'international' position of Athens than with local or regional rivalries.² It was as stratēgoi (generals) that these men led Athens and Athenians, and it seems fair to say that their success and prestige in that office led to a decline in the importance or attractiveness to the political elite of the archonship which in 487 became an office chosen by lot not vote (Ath. Pol. 22.5).³ The new brand of leaders created a new 'imperial' image of Athens, further sharpening the Athenian's awareness of himself as an Athenian as opposed to a member of one region or one deme or another. Indeed, it is not

going too far to say that the Persian wars gave the city of Athens a common heroic heritage or ideal⁴ and a new meaning to 'being an Athenian' or 'having a share in the city.'

From the 470's on there were also more obvious concrete advantages to being an Athenian. Although pay for public office and for jury service, and opportunities for employment in building projects or enrichment through a cleruchy were for the most part later, 'second-generation' developments, still the almost "continuous" military campaigns after 479 gave Athenians plenty of opportunity for military employment and rewards,⁵ and also for developing skill--and a consciousness of skill--as naval rowers.⁶ It seems a justifiable conclusion that after 480 more Athenians spent more time in Athenian business, either on shipboard or in the assembly, and that the increased profits of Athenian 'foreign policy' would have enabled them to do so.⁷

As important as the actual wages paid to an Athenian was the fact of the state or 'league' treasury which paid them. The well-known story (Ath. Pol. 27; Plutarch Cimon 10) that Cimon used his own resources to win support while Pericles used the city's can be read in various ways,⁸ but certainly indicates the importance and size of the public treasury by the 450's. (Themistocles' success in convincing the Athenians not to distribute the surpluses of the mines but to use them for state purposes, i.e., a fleet, is a major step in the direction of later imperial finance.) Similarly, the popular (i.e., open to all Athenians and representing the demos of Athens) court in the form of the dikasteria and the popular assembly, both meeting in the city, assumed greater importance and new responsibility in the decades after 480; and the Boulē, representative of all Athenians, became the city's executive body. The older--institutionally and probably also demographically--

council of the Areopagus, composed of ex-archons with life tenure, might have seemed a vestige of former times.⁹

The distinction between the public, political realm and the private, familial and local realm becomes increasingly apparent and relevant.¹⁰ Public monies were distinct from private (cf. the story about Cimon and Pericles noted above); public leaders were increasingly politicians, professionals or 'experts' distinct from local or traditional elites who might seem to be 'amateurs'¹¹ in comparison. The state, hoi Athēnaiοi or ho dēmos ho Athēnaiōn,¹² was more often the focus of attention and emerged as more distinct by the mid-fifth century. By the middle decades of the fifth century there were not only popular dikastēria with state pay, but also, for example, a more developed system of public record keeping, the public or state funeral for those who died in war,¹³ and a state qualification for citizenship. When 'Paphlagon' in Aristophanes' Knights calls upon "gerontes hēliastoi, phratores triobolou" ("veteran jurors, phraters of the 3-obol"--255) to defend him against the Knights, we can see that the new public, Athenian identity was by the 420's replacing or assuming more importance than the traditional, familial or local one.¹⁴

Thus, 'the Athenians' in the years following Salamis became an increasingly powerful and privileged group of people. (Again, to quote the Knights: "Proud, O demos, they say/ Thee, a Tyrant and King/ All men fear and obey"--1111-1114, Rogers trans.). Internal differences fade in importance and the distinction between Athenian and outsider sharpens, as the 'Delian League' turned into the 'Athenian Empire'. The latter point, however, requires some qualification. In several respects the Athenian empire attempted or tended to unite the allies to Athens. They were served (or miserved) by the Athenian courts (see, e.g., the regulations for Chalcis, I.G. I² 39 = M-L 52 75ff; cf. Thucydides, 1.77.1), given Athenian institutions (e.g., the council set up in the decree for Erythrae, I.G. I² 10, line 8ff.), ordered to

use Athenian coinage (M-L, 45) and to participate as colonists in Athenian festivals (M-L, 69, 57-8). The element of compulsion is important, but even more significant is the fact that it was never as Athenians that the allies used Athenian institutions. At the same time that the allies were bound more closely to Athens as hēgemōn or tyrannos, mētropolis or paradeigma, they were excluded more distinctly from 'having a share' in the city of the Athenians.

Many of these general points will come up again later on and some of course are major topics in their own right.¹⁵ The aim here has been only to 'set the stage' for the entry of Pericles into Athenian politics.¹⁶

Plutarch reports that Pericles belonged to the tribe Acamantis, the deme Cholargos, and to a prominent family (prōtos oikos) and genos on both sides (Pericles 3.1). Indeed, his mother's uncle was Cleisthenes and his father was Xanthippos, the Athenian general at Mykale; there is no doubt that these were prōtoi oikoi.¹⁷ By prōton genos Plutarch apparently means simply that his more remote ancestors were also distinguished (cf. the use of genos for Pericles' 'family' in the larger sense elsewhere in the biography, e.g., 33.1, 37.2. See also Appendix 2, pp.189-91). This, too, seems true. Not much is known about Xanthippos' ancestors but they could well have been prominent, and Cleisthenes was an Alcmeonid, a descendant of the 6th century Alcmeon who gave Athens her first Olympic victory.¹⁸ Both families were wealthy--probably among the wealthiest families of Athens. Tradition attributed the Alcmeonid wealth to a very lucrative visit to King Croesus of Lydia (Herodotus 3.128.5). This, together with the story that Megacles led the "party of the coast" in the mid-6th century (Ath. Pol. 13.4), has been interpreted as evidence that the family's wealth came from commerce.¹⁹

But while it is possible that the family grew wealthy with the new trade oppor-

tumities and economic expansion of the 7th and 6th centuries, there is no need to suppose that Alcmeon, Megacles or Cleisthenes were in fact merchants. And Pericles can with confidence be called a 'gentleman farmer' (cf. Plutarch, Pericles 16). Xanthippos probably left Pericles a sizable estate,²⁰ most likely in the family deme north of the city walls but still peri to astu.

Neither Xanthippos nor Cleisthenes is known to have been a member of a particular genos in the restricted sense used for groups such as the Eumolpidai or Boutadai, or to have been associated with any particular Attic cult.²¹ Davies comments that this lack of cult connection might have prevented the Alcmeonids "from exercising effective power in its [the family's] own home-land through cults and phratries in the way open to the old-established units of Athenian politics such as the Bouzygai or Praxiergidai",²² and goes on to suggest that this situation led the Alcmeonids to seek "alternative power bases" of which 'taking the demos as its hetairos' was but one. We might also suppose that the Alcmeonids and other families in a similar position were more amenable to change in the political organization and administration than were the more locally entrenched families--but not necessarily more amenable to 'pure democracy' or 'rule of the masses.' Neither Cleisthenes nor Pericles may have cared any more for that than did their younger relative Alcibiades.²³

Pericles was born ca. 494 B.C.²⁴ He would have been about six when his father prosecuted Miltiades on the charge of "deceiving the people" in the matter of the Paros expedition (Herodotus 3.136) and 11 or 12 when Xanthippos was ostracized. The ostracized were recalled for the battle of Salamis (Ath. Pol. 22.8; cf. "The Decree of Themistocles"--M-L. 23 lines, 45-47) and Xanthippos served as general of the Athenian fleet in 479 (Herodotus 9.114), but Pericles was apparently considered too young to fight in any of the battles of 480-479.²⁵

It is sometimes implied (or stated) that Pericles got his politics from his mother--i.e., that he was an Alcemonid democrat²⁶ or an Alcemeonid family politician pursuing the personal interests of his family.²⁷ Or, on the other hand, it is said that while the Alcemonids were certainly no democrats, Pericles was no Alcemeonid.²⁸ Rather, he followed his father in belonging to the Themistocles-Aristeides faction, which was democratic.²⁹ Despite the admitted importance of the family in Athenian politics,³⁰ I do not find this sort of attempt to classify Pericles according to the assumed 'party membership' or previous behavior of his family convincing.

The ideological 'party politics' model of Athenian politics has been sufficiently attacked,³¹ but as indicated in the Introduction, its influence lingers on in interpretations of Pericles and the citizenship law. There are basically two things wrong with viewing Athenian politics in the decades after Salamis as a struggle between radical democrats and conservative aristocrats. First, it suggests that the Athenian upper-class or 'aristocracy' was a recognizable interest group, a 'nobility' represented among others by Cimon and Thucydides son of Melesias, and that 'democrats' like Pericles or his maternal great uncle, Cleisthenes, were 'renegade' nobles who took the demos as their hetairos. However, it is not clear that a single monolithic 'nobility' existed in fifth century Athens (see Appendix 2, pp.187-193) and to assume that it did or that Cimon was its spokesman is probably a very misleading simplification. A common notion is that Cimon represented the 'best people,' perhaps those calling themselves the kaloi kagathoi. But probably any Athenian prominent in Athenian political life at this time was from the upper reaches of society and might lay claim to that term. Furthermore, from a different point of view we might consider Cimon, along with his father Miltiades, as one of the

more radical Athenian leaders, ready to take up the challenge and opportunity of a maritime (naval) empire.³²

Second, while in one sense all Athenian politicians at this time were 'aristocrats', in another they were all democrats. In so far as Athens was a democracy in the mid-fifth century,³³ the Athenian politicians played the democratic 'game.' To be sure, there were disagreements over particular rules and institutions--sometimes bitter disagreement, as that over the function of the Areopagos. But except for the anonymous dissidents of 457 (Thucydides 1.107.4),³⁴ or someone like Hippias of a previous generation who would return Athens to tyranny, Athenian politicians at this time were not (in so far as we know them) revolutionaries.³⁵

Still, it is legitimate to speak of radicals vs. conservatives as long as we do not limit ourselves to ideological or 'class' meanings for the terms or assume that every issue will have divided Athenians down the same lines. Some Athenians may have been radical on one issue (e.g., the desirability of the naval empire) and conservative on another (e.g., the role of the Areopagus in Athenian governments).³⁶ Thus, if we reject the view that mid-fifth century politics was a struggle between democracy and oligarchy we do not need to suppose that there were no ideas but only families behind Athenian politics, i.e., that politics was simply a matter of various families struggling for power. There were certainly other issues which could arouse strong feeling and action. To return to Pericles, we should then perhaps be content with Davies' comment quoted earlier and with saying that Pericles came from a family accustomed by wealth and inclination to play an active and innovating (or 'radical') part--often for high stakes--in Athenian politics.

Pericles' relationship with Themistocles is important for the nature of

the part he came to play and can to a certain extent be documented. The first known public action of Pericles was his service as choregos in 473/2 for Aeschylus' Persians,³⁷ a play clearly favorable to Themistocles at a time when not all of Athens was so disposed. It is possible to go further and believe that Pericles admired Themistocles (as Thucydides admired them both) not only for his strategy at Salamis but also for his intelligence, foresight and vision of Athenian greatness. At least Pericles followed a Themistoclean policy in advising the Athenians in 431 to rely on their ships and their walls--at the expense of the countryside--and perhaps in an earlier interest in the Piraeus and the long walls.³⁸ Both men had a vision of a militarily invincible 'imperial' Athens of which the essential features were walls and a large fleet, an idea which may not have appealed so strongly to all Athenians, aristocrats or not.

In addition to Themistocles' untrained "natural" genius (Thucydides 1.138) Pericles seems also to have been influenced by the more theoretical thinking of fifth century philosophers. Plutarch reports that Pericles spent much time as a young man with Anaxagoras of Clazomenae from whom he acquired his "proud mind" and "lofty thought" (Pericles 5.1) and, we may suppose, some knowledge of Ionian natural philosophy. Perhaps the more practical-minded theoreticians or sophists interested Pericles even more. His son reportedly tried to "slander" Pericles by telling of a full day spent in discussion with Protagoras on the problem of responsibility in a case of involuntary homicide (Plutarch, Pericles 36.5), and Pericles may have been behind the choice of Protagoras as nomothetēs of Thurii.³⁹ Similarly, it is possible (and perhaps probable) that Pericles was responsible for bringing in the political theoretician and town planner Hippodamus of Miletus to plan both Thurii and the Piraeus in the mid-fifth century.⁴⁰ Certainly, philosophy in the fifth century was not an armchair

profession nor was it 'conservative' and it is hard to imagine that Pericles' association with such men would not have affected his views on Athenian government, at least to the extent of recognizing where Athens departed from the ideal.⁴¹ The Piraeus, having grown rapidly in a short space of time, no doubt needed some 'radical', rational planning, and Pericles may have thought the same of some of the institutions of Athens.

Pericles was not a man who enjoyed the public limelight; he preferred to work behind the scenes and offer his advice and proposals to the city through the agency of friends and associates (Plutarch, Pericles 7.7). This causes some difficulty in evaluating his political ideas and activity. The tendency (ancient and modern) to make Pericles, as "uncrowned king" of Athens from 460-430 B.C., responsible for every significant decision or development within these years is clearly unjustified.⁴² On the other hand, Plutarch just as clearly implies that Pericles was behind more than that for which he took direct credit. No certainty is claimed for the account of Pericles' political activity up to 451/0 which follows (or for the suggestions about influences already made); it is simply a "likely story"--but perhaps somewhat more likely than those in which Pericles appears in the guise of an ideological democrat or demagogue or 'aristocratic' family politician.

By at least the age of 22 Pericles was kurios tōn hautou ("master of his own property")⁴³ and on the way to proving himself a very efficient if unorthodox manager of his private affairs.⁴⁴ This desire for efficiency combined with a willingness to innovate are characteristic of Pericles' activity in the area of judicial organization during his 30's. Ephialtes, a "just and incorruptible man," (Ath. Pol. 25.1) was the main force behind the judicial reforms of 462/461, and their attribution to Pericles (Ath. Pol. 27.1) is probably an example of just

that tendency noted earlier.⁴⁵ But it is not impossible that Pericles was a friend and supporter of Ephialtes as Plutarch claims (Pericles 10.7). The story that Themistocles was also an ally of Ephialtes in this effort (Ath. Pol. 25.3), although chronologically unlikely, might support the idea that Pericles--almost certainly a supporter of Themistocles--was also a supporter of Ephialtes. The most common interpretation of Ephialtes' reforms, through which, according to Aristotle (Ath. Pol. 25), certain judicial responsibilities were taken away from the Areopagos and distributed among the assembly, boulē and dikasteria, sees them as a step toward 'radical' democracy and a blow against aristocracy.⁴⁶ While it is true that the members of the Areopagos at this time came from the two highest telê and the reforms can be seen as depriving the rich of their unique right of jurisdiction, it is also true that the Areopagus was both an 'anomaly'⁴⁷ and probably overworked. The issue is obscured by uncertainty as to just what jurisdiction the Areopagus had before 462,⁴⁸ but it seems possible that it was not managing fairly or to the satisfaction of all Athenians the cases (perhaps increasing in number) which came before it. Both Aristotle and Plutarch report that the reforms were preceded by numerous suits against members of the Areopagus for mismanagement and perhaps corruption (Ath. Pol. 25.2; Pericles 10.8). Might not some of the charges have been true? Perhaps the natural thing to do, given the increasingly active role played by more Athenians, would be to divide the responsibility for hearing cases among other groups or magistrates, and this is apparently what Ephialtes proposed--while at the same time leaving the council its religious duties and 'hallowed' position as foundation of Athenian law. The Areopagus continued to be a subject of controversy in the years following 462, at least up to the production of Aeschylus' Eumenides in 458, and Ephialtes was assassinated by Aristodikos

of Tanagra (Ath. Pol. 25.4). It would be over-confident to assume that we can understand the details of this controversy--or the reason for Ephialtes' assassination.⁴⁹ Judicial reform, eventually resulting in the classical system seen most clearly in the fourth century, was apparently a drawn out process and one which aroused bitter debate. But it makes more sense to view the issue as between the merits of the old, traditional way of judging and delegating judicial authority, and the new 'modern' and public dikastēria, rather than between 'radical' democracy and aristocracy. Archons and Areopagites still had considerable responsibilities after the reforms of 462, and were members of the two upper telē. In 457 zeugitai were admitted to the archonship (Ath. Pol. 26.2) but thetes were apparently never officially eligible. (Although P.J. Rhodes assumes that thetes were also officially excluded from the Boule (The Athenian Boule, p. 2) the evidence for such a restriction is inconclusive and there are demographic arguments against it. (See Chapter III, p. 55). We could then view Pericles and Ephialtes as radical reformers but not necessarily as democrats. While it seems true that Athens did become more democratic during the course of the fifth century, with more Athenians taking part in their government, this per se may have been a subsidiary issue or development. Increasing participation was a necessary consequence of the growth in size and scope of the city's government, and it may have been the latter, rather than democracy in itself, which aroused most protest from 'conservatives' with local authority and interests or simply a firm opposition to change in traditional institutions.

The new system of dikastēria depended on some 6,000 jurors daily (Ath. Pol. 24.3; Aristophanes Wasps 661-2. If the figure does not in fact go back to the 450's, there still would have been need of a large number.). In order to insure that enough Athenians would participate, Pericles himself proposed

that the jurors be paid for their service (Ath. Pol. 27.3; cf. Gorgias 515e). The principle of payment for public service was startlingly new and would remain characteristic of the Athenian democracy.⁵⁰ Later tradition attributed Pericles' innovation to demagoguery and a desire to woo the "masses" away from Cimon (see e.g., Ath. Pol. 27.3; Plutarch, Pericles 9.3), and Plato considered it responsible for making the Athenians "*ἀργοὺς καὶ δειλοὺς καὶ λάλους καὶ φυλαργύρους*" (lazy and worthless and loquacious and money-loving—Gorgias 515e). It is clear that the new system made possible (and required) a greater amount of public participation, which Plato considered dangerous—but which Pericles apparently thought essential. It did not, however, give something for nothing; two obols was probably significantly less than the average day-wage for a laborer and insufficient to support a family.⁵¹ I believe a fair conclusion is simply that Pericles believed in a system of popular courts and that if remuneration were provided there would be enough qualified Athenians willing and able to serve. If we do not fall into the trap of thinking of Athenian society as divided into a few rich and "masses" of poor, this may not seem such an unreasonable belief.

It may be possible to credit Pericles with another judicial innovation which seems both centralizing and standardizing in effect. This is the creation⁵² in 453/2 of the dikastai kata dēmous, a group of thirty judges who apparently traveled among the demes giving preliminary judgments in cases which might come before the dikastēria or final judgements in cases involving small claims (Ath. Pol. 26.5; 53.1). The judges were most likely chosen three from each tribe (one from each trittus?), and whether or not each judge was responsible for the demes of his native trittus the result would have been to give Athens a more uniform system of settling disputes. Aristotle does not name an author for

this institution (in 453/2). It could have been one of Pericles' spokesmen, someone like Archeistratos (connected with Ephialtes at Ath. Pol. 35.2) whose name dropped out of the tradition.

Aristotle linked Pericles' supposed role in shearing the Areopagos of its former powers with his "turning the city toward sea power" (27.1) as the most important features of his early 'popular' career. He does not specify just what Pericles did to promote nautikē dynamis--it would seem that Themistocles and Aristides had already turned the Athenians decisively in that direction. But Pericles did probably take a special interest in the Piraeus, in the planning of its civic, religious and private sectors (see above, p. 170) as well as in the building of ships and ship yards (cf. Gorgias 455d). By the time of Aristotle the Piraeus had its own astynomoi, agoranomoi, metronomoi and sitophulakes (Ath. Pol. 50-51). We might assume that the need for some of these magistrates was already apparent by the mid-fifth century when the physical plan was laid out. Finally, if the nautodikai, who might have been instituted about this time, had a special concern with port jurisdiction in the fifth century as they did in the fourth,⁵³ then they could be another indication of Periclean interest in both the Piraeus and the judicial system.

By 451/0, then, to judge from the available evidence, Pericles had shown himself an innovative politician--a radical if one likes that term--concerned with adapting the city's institutions (and physical plan) to its changing situation and needs. In his Funeral Oration (of 431/0) Pericles claimed that he and his generation had inherited their archē, added to it and "rendered it most self-sufficient (autarkestatē)--or able to take care of itself--in all things, both in war and in peace" (Thucydides 2.36.3). Pericles in 450 probably had more faith in the ability of the average Athenian to rule himself (cf. Thucydides 2.41)

than did Plato in 399,⁵⁴ and he promoted large-scale participation of Athenians in the city's institutions, most clearly in the courts. But to reduce everything to demagoguery or radical 'democratic' ideology does not do justice to the complexity of the Athenian situation in the mid-fifth century (e.g., her emergence as an "imperial" city) or to the originality and durability of the proposals (of Pericles as well as others) for dealing with that situation.

With this sort of a career behind him⁵⁵ (I am supposing) Pericles in 451/0 proposed that μὴ μετέχειν τῆς πόλεως δις ἀν μὴ εἶ ἀμφοῖν ή γεγονός (Ath. Pol. 26.4).⁵⁶ Before beginning a discussion of the motive (or purpose) of this law, a few words are necessary on just what it does and does not say. It simply establishes a necessary condition--two citizen parents--for citizenship. In so far as it is quoted in the sources, it does not declare marriages illegal between xenoi and astoi.⁵⁷ There would be laws to that effect in the fourth century (see [Demosthenes] 59.16 and 52 and below, p. 133), but in 450 marriage may still have been entirely a matter of private contract. However, since the effect of the law was to put a man or woman with only one Athenian parent in the same class with the nothos,⁵⁸ Plutarch could refer to the law as being "about the nothoi" (Pericles 37.2).

The failure of the law (in so far as it is preserved) to say anything about legitimacy per se, the absence of some form of gamos in the law, has been considered a problem or simply a gap to be filled.⁵⁹ But when we realize that the law provides not a definition but only a necessary condition of citizenship and that legitimacy was probably required kata ta patria, the problem disappears. Finally, there remains the real problem of whether or not the law was intended to be "retroactive," i.e., whether it applied to those born before 451/0. On the one hand it is argued that if the scrutiny of 445/4 was an enforcement of

the law, as Plutarch seems to have thought (*Pericles* 37.4), then the law would clearly have been retroactive.⁶⁰ On the other, it is noted that the disenfranchised are simply called by Philochoros (frag. 119, Jacoby) xenoi pareggrammenoi (foreigners falsely enrolled), that Cimon was not deprived of his citizenship, and that retroactive enforcement would be unfair and ex post facto.⁶¹ The last objection can hardly be decisive, nor can the individual case of Cimon (*pace* Whitehead, The Ideology of the Athenian Metric, p. 149), given the necessity of finding someone "willing" to prosecute the case. (Also, Cimon died soon afterwards.) However, an immediate enforcement of the law entailing a scrutiny of all those on the lexiarchika grammateia was perhaps beyond the capacity of the Athenian system. Would a man of 50, for instance, be able to supply the necessary witnesses to prove double Athenian parentage? In addition to witnesses to his father's enrollment he would probably need witnesses to his mother's father's enrollment to prove that she also was a citizen. Furthermore, there is no mention of such a wholesale scrutiny in 451/0. (For the events of 445/4 see below and note 64.)

But an immediate enforcement of the law at the time of entry into the phratry (or possibly the deme)⁶² is entirely possible and also fits best the language of the law: No one is to be a shareholder in the city who does not have two Athenian parents. On this interpretation, the scrutiny occasioned by the grain gift in 445/4 can be considered an enforcement of this rule; the xenoi involved would have included both those with one and those with no Athenian parent, who had managed to be admitted to the citizen rolls fraudulently during the last six years.⁶³ But Cimon and others like him (including 'pure-bred' xenoi who might have become citizens before 450/1) would not have justly suffered under the law. Finally, understanding the law as providing an immedi-

ately effective criterion for entry into the phratries again suggests that the law was provoked not by foreign marriages but by foreigners becoming demesmen and phraters and so Athenians.⁶⁴

What caused Pericles to propose this law or the demos to accept it? The general character of my answer should already be evident. But before making that answer explicit, some old and new views need to be considered. I will begin with what seems to me to be a complete "red herring," the notion that the law was provoked by a concern for "racial purity."⁶⁵ The position is most clearly stated by Hignett who notes that the "aliens" in the Piraeus included

not merely Greeks from the Athenian Empire and the rest of Greece, but non-Greek elements and even Orientals. To allow citizens to intermarry with such might entail a debasement of their racial purity that would be viewed with alarm by progressive statesmen who could take a long view.⁶⁶

(HAC p. 346)

This view is endorsed by numerous other authors. C.M. Bowra, for example, writes, "He [Pericles] may even have believed that the Athenians were congenitally superior to other Greeks and that this should be recognized by practical measures" (Periclean Athens, p. 93).

Is there any foundation for such views? First, it is important to note that the word genos, often translated "race" (see LSJ s.v. genos) bears little resemblance to the English "race" in its biological sense (the sense in which I presume Hignett is using it). If we want to translate genos as "race" then we must be willing to speak of races of birds, old men and women as well as of Greeks and Persians.⁶⁷ There does not seem to be a Greek equivalent of "race"

used to refer to any biological sub-species of mankind. Certainly the Greeks noticed physical differences (cf. Xenophanes, frag. 16, Diels-Kranz), but language and culture appear to have been the more important group differentia. Plato, for instance, considered the foreigner's education (or culture) and not his "race" the greatest obstacle to his becoming a citizen of Magnesia (Laws 741a). (Plato actually may have only had other Greeks in mind here, but the point still stands. He was concerned with "purity" but not "racial purity.") The nature of the distinction Dorian/Ionian is analogous. Although these two groups are often termed "races" by modern writers, the only real criterion for distinguishing a Dorian from an Ionian was dialect and to a certain extent culture.⁶⁸ (Athens and Sparta are usually taken as the archetypal representatives of Ionian and Dorian cultures,⁶⁹ but in fact both are probably very atypical. There may have been much less cultural difference between, say, Miletus and Corinth than the Ionian/Dorian dichotomy suggests.)

In any case, "orientals" or barbarians (the only xenoi who might conceivably be considered a non-Greek "race" on modern terms) were in all probability a small minority of the free foreign population of Attica. Certainly the Athenians would have objected to non-Greek-speaking xenoi in their assemblies or law courts, but it seems unlikely that such would have attempted to become (or pass themselves off as) Athenians. And if there was a concern lest these barbarians "debase" the citizen stock, would not it be something of an overreaction to pass the law which Pericles proposed? Most of the people affected by the law would have been Greek-speaking non-Athenians, who probably differed little in language, appearance or even culture from the average Athenian.⁷⁰ Thus, to explain the law by means of a concern for "racial purity" will not do. Simple dislike of foreigners becoming Athenians is another matter, and will be discussed below.

The argument that the citizenship law was directed at the "aristocratic practice of contracting marriage alliances with leading families in other states--a practice which created sympathies and loyalties which were liable to obstruct rational policy both toward Athens' subjects and her rivals"⁷¹ rests on two unproven (and perhaps unlikely) assumptions. (In addition it implies that the main concern of the law was with marriage--and not deme and phratry admission practices. As already noted, I think this is mistaken.) First, then, it assumes that extra-Athenian marriage was a unique characteristic of the Athenian aristocracy (again assumed to be a unified and clearly defined group) and second, that such a practice would necessarily have seemed to Pericles an obstruction to "rational policy." The idea that foreign marriage was generally a habit of the Few is widespread,⁷² but perhaps unjustified considering how little we know about the practices of the Many.⁷³ And can we assume from the examples of Miltiades, Neocles and Megacles that it was necessarily a widespread habit among the "better sort" at large--or more to the point, that it was particularly widespread in Athens in the mid-fifth century? What marriages between foreigners and Athenians of Pericles' generation do we really know of? The case of Cimon--now his own marriage not his father's--is again central to the argument. Pericles reportedly reviled the sons of Cimon (Lakedaimonios, Thettalos and Eleios) as not gnēsioi in name but othneioi and xenoi (Plutarch, Pericles 29.2). Plutarch explains that these were the sons of an Arcadian mother (ibid.). In his Cimon, however, Plutarch reveals that, according to Stesimbrotos, Lakedaimonios and Eleios were ek gunaikos kleitorias (16.1). Since it has been probably correctly noted that this phrase "is not to be understood geographically but sensu obscoeno,"⁷⁴ and since the statements of both biographies probably stem from the same source, we are left with no sure evidence of a foreign wife for Cimon. Davies accepts a good Athenian wife,

Isodike, as the mother of Cimon's sons,⁷⁵ but then states that "the Tendenz ascribed to Pericles by Stesimbrotes bears a curious resemblance ([ένοια και] οὐεῖσθαι) to the effect, and presumably the intention of Pericles' citizenship law of 451/0" (APP, p. 305). This is somewhat cryptic. If Pericles thought it disgraceful to give such names to Athenian children (as he may well have) he would have proposed a law on name-giving and not citizenship.⁷⁶ Or, if Pericles accused Cimon's sons of being illegitimate--not born of his 'wedded wife'--he would not have needed a new law to justify the insinuation that they should be considered xenoi--whether they had a foreign mother or not.

The second assumption is perhaps more demonstrably false. Rather than forming an obstacle to foreign policy, friends in foreign lands were essential to Athenian foreign relations. Ambassadors were often those with private connections to a foreign city or power,⁷⁷ and while proxenoi were officially friends of the demos as a whole and not of individual Athenians, the proxenos might well have come to his position through the friendship of individual Athenians. Informal friendships could have been useful also. (If Cimon did have a wife from Arcadia the relationship might not have helped Athens much--but it would not necessarily have hindered Athenian policy either.) Pericles himself had foreign friends; the most notorious was Aspasia of Miletus but they also included Archidamos, one of the kings of Sparta (Thucydides 2.13.1). Finally, marriage was not the only way to form foreign friendships. The citizenship law did not prevent Pericles' relationship with Aspasia; would it have prevented others from doing something similar?

Aristotle's suggestion (followed by some modern commentators)⁷⁸ that "the large number of citizens" was responsible for the law of 451/0 has more substance. For at least it can be said with some certainty that there were a

large number of Athenians in 450 in comparison with 480. The arguments involved, however, encounter some difficulties.

First, if there were 'too many' citizens in 450, for what were they too many? For military purposes, one would expect, 'the more the better' would have been the common opinion. Aristotle may have thought there were too many for the purposes of 'good government' (cf. Politics 1326a, 26-28) but he thought the 5,040 families of Plato's Laws were too many for the sort of state envisaged by Plato (Politics 1265a 14-19). His view is that of an anti-democratic fourth century philosopher and probably ought not to be taken as reflecting fifth century opinion.

Gomme argued along Aristotelian lines, saying, "the chief motive was a fear lest the population would continue increasing and eventually make the constitution unworkable."⁷⁹ Gomme, however, also supported his estimate of 35,000 citizens in 480 with the claim, "the total citizen population in 500 must have been large to make Cleisthenes' constitution workable."⁸⁰ Surely the machinery of Athenian government was not quite so delicate. We can imagine that the administration of Athens and her empire in 450 required substantially more participating citizens than did the administration of Athens alone in 480 (cf. Ath. Pol. 24.3).

Or were there "too many" Athenians living in the city or the Piraeus, or "too many" who wanted to own land outside of the city and the Piraeus? Both of these are probably valid considerations, but would the citizenship law have been the appropriate remedy? This brings me to the main difficulty of the dia to plêthos tōn politōn theory--viz., how would the law have affected the size of the citizen population? It can at least be said that if, as seems most likely, the law was not applied retroactively to those (such as Cimon) who were already

enrolled in the deme registers, then it would not have had an immediate negative affect on the citizen population. It can be added that no immediate drop in citizen numbers is suggested by the events of the 440's or the military figures for 431. Beyond this our view of the law's effect depends on what we suppose to have been the nature (and cause) of the increase in population up to this time and also the matrimonial habits of fifth century Athenians. If the population only grew "naturally" in the first half of the fifth century and if the type of foreign marriage legal or at least common before 451 was that between an Athenian man and a foreign woman, then, it has been concluded, the law will have had no effect on the size of the population--unless we further suppose that if deprived of foreign wives Athenian men would choose not to marry at all.⁸¹ (This is the chain of reasoning which led Gomme to suggest that a lobby of fathers of unmarried women was behind the law.)⁸² However, since the first premise is probably false,⁸³ the conclusion cannot stand--whether or not the second is true.⁸⁴

When it is realized that the growth of the population between 480 and 450 was most likely due in large part to the admission of foreigners into the demes and phratries, it will be evident that the law would have had the effect of eliminating the possibility of any significant further growth by excluding non-natural increase (unless of course the dēmos decided to amend its rule). Now the population would only grow "naturally." Still, the effect of the law on the population would not have been immediately negative and it is reasonable to assume that it did not aim to reduce a 'too large' population. Colonies (or cleruchies), the traditional solution, would have been more efficient in that regard. Nor would it prevent any further overcrowding in the astu or Piraeus. Foreigners might still live there and Athenians still continue to move there.

Is the only recourse now to the explanation (or motive) which some have

thought obvious from the outset, i.e., "Athens for Athenians" or the selfishness of the demos in its new-found privilege? Proponents of this view often like to draw a distinction between the motives of the demos and those of Pericles.⁸⁵ Pericles is either simply acting as a demagogue catering to the will of the people in order to enhance his own position or taking advantage of the baser motives of the demos for his own more "refined" ⁸⁶ purposes. Although such notions are well in accord with the character of the Plutarchian Pericles, the Olympian intellectual free "from the superstitions of the multitude whom it was his task to guide"⁸⁷ or the demagogic Aristotelian Pericles, they may not fit so well the historical Pericles. It is entirely possible that Pericles was just as parochial and interested in what was best for the Athenian demos as was the average member of that demos.

The possibility of a connection between the increasing value (legally, financially and also emotionally) of Athenian citizenship and the law of 451/0 is a serious one, and should be viewed in the context of the opening comments of this chapter. The increased value of Athenian citizenship may have led more than a few xenoi to attempt to pass themselves off as citizens. This, combined with increased contact and social intercourse (in court, festivals, military campaigns) would have made it difficult to be sure of who was an Athenian and at times created serious problems, especially when there was a grain distribution, but also in regard to jury duty or other public offices. I have suggested that most of the increase in the citizen population was due to the enrollment of foreigners in the demes and phratries in the years after the battle of Salamis. In so far as such enrollment (of xenoi, metroxenoi, or patroxenoi) continued during the 460's and 450's it may have occurred primarily in the urban demes, where most of the xenoi would have lived, and have been

least conspicuous where most of the non-agricultural employment would be found, and where the citizen rosters would need the most shoring up.⁸⁸ In any case, it is likely that the urban population by the mid-fifth century had taken on a distinctly cosmopolitan (and to a rural Athenian, perhaps foreign) flavor. We might imagine the irritation of the agroikos who arrived in the agora after a long walk to find a suspiciously foreign-looking or foreign-sounding asteios ahead in line for either grain or jury duty.⁸⁹ While "racial purity" is certainly out of place, "Athens for Athenians" could have been a slogan which rallied a large number of Athenians. And the "self-interest" explanation cannot be dismissed, as it is by Hignett (HAC, p. 346), on the grounds that the law would not have reduced the number of Athenians. It would have prevented further rapid increase in the citizen population which is also a way of protecting the interests of those who are already citizens.

In general it would seem there was a need in 451/0 for a standard qualification for citizenship, for who could be considered an Athenian. Athenians, as the rulers of an empire (or archē), had to be identifiable, distinct from the 'related' but still 'foreign' allies. Athens was a polis not a territorial state; its politai or astoi remained distinct from inhabitants of the allied cities or xenoi. On a practical level, when an allied city could be fined five talents for the murder of an Athenian in its territory (I.G. I² 10-11) it was crucial to know just who was to be considered an Athenian.

It may now be possible to weave together the threads of the preceding arguments into an interpretation which does not seem 'of whole cloth'. The citizenship law of 451/0 B.C. can best be understood as a remedy proposed in response to an immediate problem and at the same time as one step in the development of a unified Athenian state and of Athenian citizenship, the public, legal

status of "being an Athenian." In both of these ways the law seems to have been successful; the problem apparently was solved and, except for a period during the Peloponnesian war when it perhaps was ignored, the law became a permanent part of the code of the Athenian democracy.⁹⁰

The immediate problem is revealed by (but not equal to) the plēthos tōn politōn in the 450's. I argued in Chapter III that there were perhaps some 15,000 more Athenians in the 450's than in 480 and suggested that the bulk of the increase was due to the admission to the demes and phratries of non-Athenians in the years following the battle of Salamis. Further, there would probably have been a 'boom' (post-crisis) generation born in the 470's, and a larger than usual proportion of the plēthos in the 450's would have been young men recently come of age.⁹¹ (Perhaps we might attribute some of the daring of these years to youthful confidence--cf. Thucydides 2.8 on the young men who were eager for, and inexperienced in, war at the opening of the Peloponnesian war.) Thus the jump in (adult) citizen numbers would have been rather sudden and dramatic in just these years.⁹² The advantages of an abundant fighting force are clear, but such a force also needed to be fed and housed. It seems likely that Athens in the mid-fifth century was short on food. (The episode of 445/4 is perhaps the most important clue, but Athenian interest in Boeotia and Egypt is also revealing.) By this time Attica had no more "frontier"--or room for internal expansion, and an increasing number of Athenians may have been landless or the owners of marginally supportive plots. As emphasized in the preceding chapter (pp. 56, 68) the size of the thetic (or non-hoplite) population in the fifth century can only be guessed at, but it seems possible that the thetes comprised a greater proportion of the citizen body in 450 than in either 480 or 430. The short-lived land empire (c. 457-446) may have served a double purpose: not only

could the 'bread-basket' of Boeotia help feed Attica but Boeotian hoplites could also supplement the Athenian hoplite force.

The difficulties caused by a rapid increase in the citizen body--and by a possibly disproportionate increase in the poorer class--are the symptoms of what I have termed the immediate problem addressed by Pericles' citizenship law. These difficulties could be (and were) solved by exploitation of allied funds or aggrandizement in mainland Greece of the traditional remedy, colonization. Urban planning in the Piraeus could at least bring some order to a town which might have resembled mid-19th century San Francisco in lawlessness and disorder. But the immediate problem which was of concern to Pericles in 451 was the possibility that further admissions--and further increase in the citizen body--might occur uncontrolled. Since there was no enforceable standard qualification, no central control over admission, the demos as a whole--the state--had no means of controlling its own size. Athens was a participatory democracy made up of individual shareholders; it was not possible to open the gates and allow any who wished to be Athenians--unless the meaning of that term were substantially altered. Self interest and self identity demanded that the city clarify just who an Athenian would be and that the number of Athenians be kept relatively constant. Thus two citizen parents became the standard, necessary condition for sharing in the city of being an Athenian. While the language of Pericles' proposal suggests that some demes and phratries were ignoring the origin of one parent or both, Gomme is probably also right to insist that "the law of 451 was an attempt to restore what was regarded as normal; it was in accord with average sentiment."⁹³ Although the origin of a potential citizen's mother was not usually a matter of inquiry before 451, it seems likely that Athenians usually married other Athenians. And since it was approved by the Athenian assembly, the

law could very well have been "in accord with average sentiment." But popular or average sentiment is movable, it admits of persuasion. In the increasingly 'urban' atmosphere of the astu and the Piraeus--where a man did not necessarily know his neighbors or his neighbors' parents--it may have been difficult to know who was who. A foreign craftsman in permanent residence in Athens may have been able to persuade a dème or phratry to admit him or his son or an Athenian man to marry a daughter or give a daughter in marriage--especially, it could be added, if he fought alongside the Athenians in battle. Of course, exceptions in behalf of individuals such as Thrasyboulos (M-L 85.15-16) or groups such as the Samians (M-L 94.12) were still possible, but henceforth would be made on the vote of the demos.

Once there was a city or 'state' criterion for citizenship, it is likely--and logical--that there were also city procedures and regulations for seeing that the law was enforced. While it is not possible to know whether or not Pericles on that day in 451/0 included any judicial measures in his proposed decree, we might suppose that either at that time or soon after the right of appeal from the dème's decision to the demos (the dikasteria) and the right (or duty) of ho boulomenos to prosecute someone who was fraudulently claiming to be a citizen (this may or may not have been called the graphê xenias at this time) were established.

As was argued in Chapter II, there is no evidence to suggest or reason to suppose that the demos exercised these responsibilities before 451, but after 451 it is both logical and, by the mid-440's, confirmed by some evidence.⁹⁴ There is no direct ancient testimony for this important constitutional development. Instead, as is often the case in ancient history, we have two odd fragments of legislation which suggest changes of a more general nature. These are the frag-

mentary decrees⁹⁵ contained in Krateros frag. 4 (Jacoby):

εάν δέ τις εἾ αὐτοῖν Εἴνοιν γεγονὼς φρατοίζῃ,
διώκειν εἶναι τῷ Βουλομένῳ λθηναῖσιν, οἵς δίκαι
εἰσὶ. λαγχάνειν δὲ τῇ ἐνη καὶ νέᾳ πρὸς τοὺς ναυτοδίκαιας.

and if someone born from two foreigners acts as a phratry member, it is possible for whoever is willing of the Athenians (who have the right) to prosecute; and the case will be allotted on the last day of the month to the nautodikai.

and in Philochoros frag. 35a (Jacoby):

τοὺς δὲ φράτορας ἐπάναγκες δέχεσθαι καὶ τοὺς
δρυεῶνες καὶ τοὺς δμογάλακτας, οὓς γεννήτας
καλοῦμεν.

The phraters must accept both the orgeônes and the homogalaktai, whom we call gennêtai.

(It should be emphasized that these are odd bits of information, which were chosen by the Byzantine lexicographers for their value in illustrating the usage of certain words (orgeônes, nautodikai) not for their importance in the development of Athenian law or justice. We can therefore expect some difficulty in making complete legal sense of them.) The first problem lies in giving these fragments a date. The basic chronological limits will be the limits of the books from which they are extracted.⁹⁶ For the Krateros fragment this will be roughly the late 450's to, at the latest, the 430's,⁹⁷ and for the Philochoros fragment c. 462 to the end of the Peloponnesian war.⁹⁸

Andrewes argued that the two fragments (along with a provision for the creation of thiasoi from which nothing remains) belonged to the same law, which he dated to the 430's. The date depends in large part on interpreting the

citizenship law as affecting only those born after 451:

...complications were likely to arise in the case of metroxenoi born before the passage of the law but not yet enrolled in the demes by 451/450, and these would be specially acute in the middle 430's when the demes came to deal with candidates allegedly born just before 451/450.

("*Philochorus on Phratries*,"
JHS 81 (1961), p. 13.)

But this situation would not have arisen if the law was an order to the phratries and demes to begin immediately admitting only those born of two Athenian parents. Further, Andrewes' rejection of the possibility that these fragments are part of the law of 451 (proposed for the Krateros fragment by ATL III pp. 9-12) on the grounds that citizenship was not the phratries' business in 451⁹⁹ is also unnecessary--if the conclusions of Chapter II are accepted. And finally, while it is "economical" (Andrewes, art. cit. p. 14) to have both fragments come from the same law, it is also possible that there were two (or more) decrees having to do with the phratries passed in the years 450-430, or that one or both of these fragments was not a main clause but a 'rider' tacked on to a law whose main concern may even have been something other than phratries or citizenship.

While I am not so optimistic as the authors of ATL about attributing Krateros frag. 4 to Pericles' citizenship law, I think it can be argued that that fragment and possibly also the Philochorus fragment belong to decrees passed in the early 440's, in the wake of the citizenship law. As suggested earlier, the most natural interpretation of Krateros frag. 4 is that this fragmentary law

established the right of ho bouleomenos to prosecute a 'pure-bred' xenos for acting as a citizen and assigned such cases to the nautodikai.¹⁰⁰ That these magistrates presided over cases of aliens who fraudulently passed as citizens is understood in two fragments of old comedy from roughly the beginning of the Archidamian war. In Kratinos' Cheirones there appeared the lines:

καὶ πρῶτον μὲν παρὰ ναυτοδικῶν
ἀπάγω τρία κνέδαλ ἀναιδῆ.¹⁰¹

And first before the nautodikai I lead three shameless beasts.

and in Aristophanes' Daitaleis:

εθέλω βάψας πρὸς ναυτοδίκας Εἶνον εξαίφνης . . .¹⁰²

I am willing, sailing to the nautodikai, [to prove you] an alien in an instant.

Andrewes' belief that the Krateros fragment cannot be from a law giving such jurisdiction in citizenship cases to the nautodikai depends on the idea that a law about citizenship would "refer to illegal membership of the deme as well as (or rather than) the phratry" ("Philochoros and Phratries", p. 13). But the reference to the phratry alone might suggest that phratry membership at this time was still the most characteristic and perhaps essential sign of citizenship. Then, too, the phrase "from both foreign [parents]" has been taken as excluding any possible relationship with the citizenship law of 451/0 which required two citizen parents, not just one.¹⁰³ This objection also can be countered. It is entirely possible that fragment 4 deals only with one type of graphē xenias, that where the defendant was accused of being wholly foreign.¹⁰⁴ Cases of 'half-bred' Athenians could have come before another set of magistrates.

Busolt-Swoboda suggested the polemarch (page 1095, note 12); perhaps it was rather the thesmothetai who in Aristotle's time were responsible for seeing that graphai xenias (and dōroxenias--or retaining fraudulent citizenship by means of bribery) came before the dikasteria (Ath. Pol. 59.3). Thus the clause quoted by Harpo-cration to explain nautodikai may have been preceded by one stating that ho boulomenos could prosecute someone of half-Athenian (or half-foreign) parentage who entered a phratry and that such cases would come before the polemarch or the thesmothetai.¹⁰⁵

The little that is known about the nautodikai, one of the more obscure boards of magistrates in fifth century Athens, supports the idea that cases of 'pure-bred' xenoi acting as citizens would have been put under their jurisdiction. The earliest reference to nautodikai is in I.G. I² 41.4 (SEG X 37), containing the regulations set down for Hestiaia in 446 (?), where they would seem to be imperial officials.¹⁰⁶ While it has been suggested that their institution belongs in the sixth century,¹⁰⁷ it seems more reasonable to suppose that they were created just about the time they are first in evidence, a time when nautikai dikai were probably increasing. In any case, the nautodikai were already in existence when Krateros fragment 4 was voted and probably also in 451/0--(if the Krateros fragment does not itself belong in that year). And they were concerned with judicial cases involving allies and perhaps other foreigners. Thus it would have been natural to turn over to these magistrates the newly established graphē xenias in cases of allies or foreigners who attempted to act as Athenians.¹⁰⁸

A few words are probably necessary on the $\chi\sigma\epsilon\nu \delta\delta\acute{\epsilon}\chi\omega\acute{\nu}$ of I.G. I² 342.38 and 343.89, the Parthenon accounts for the years 444/3 and 443/2. In 444/3 xen odikai contributed "at least 9,148 and at most 32,148 drachmai" (Cohen, Ancient Athenian Maritime Courts, p. 172) to the building of the Parthenon; the sum for

443/2 does not survive. These officials are then not heard of again in either epigraphic or literary sources until the fourth century.¹⁰⁹ In view of this Cavaignac proposed that these magistrates were responsible for trying the numerous suits of xenia which attended Psammetichos' grain gift in 445/4, and that their funds came from the sale of unsuccessful defendants into slavery (cf. Plutarch Pericles 37).¹¹⁰ Korte then went further and claimed that xenodikai had charge of graphai xenias in 442 but were replaced by the nautodikai by 437.¹¹¹ (The latter date depends on the production of Kratinos' Cheriones between 436 and 431; see note 104 and reference). All of this is somewhat elaborate--especially when we remember that the sole basis of both theories is "xen"...in two fifth century inscriptions. Although the xen...who contributed to the Parthenon expenses may have had something to do with the conviction of fraudulent citizens in 445/4 (and the coincidence in years is striking), they need not have been the magistrates responsible for bringing such cases to trial. (E.g., they may have been the magistrates who took charge of the selling of convicted aliens as slaves--and also the selling of the property of these aliens; cf. Cohen, Ancient Athenian Maritime Courts, p. 172). It seems best to suspend judgment on the xenodikai. There is more solid evidence for the nautodikai as the magistrates responsible for a certain class of graphē xenias. In addition to the logic of having this graphē established soon after 451, there is another reason for supposing that Krateros fragment 4 belongs in the 440's rather than the 430's:

That book IV could have begun before 451/450 is no positive argument for assigning F4 to that year, but it cannot be so very much later; the fact that book IX included a document from Sept. 411 prevents us from allowing a long span to book IV.
 (Andrewes, "Philochoros on Phratries," note 44, p. 13) ¹¹²

It seems not an unreasonable hypothesis that Krateros fragment 4 is part of a law establishing the graphê xenias--or a law concerned with one class of this graphê, that it is one judicial correlate of Pericles' citizenship law. The other important correlate, that rejected candidates might appeal to the dikastêria, may also have been instituted about this time. Appeal was already apparently possible for those rejected at the grain distribution in 445/4 (see note 64), and by 422 and the production of Aristophanes' Wasps, overseeing the enrollment of new citizens is a well known responsibility of the dikastêria (parodied at line 58).

It is more difficult to put Philochorus fragment 35a into a chronological or 'citizenship' context, and what follows is at best a guess. The most natural interpretation of Philochorus 35a is, as Andrewes noted (JHS 81 (1961) 1-2), that phratry members are required to accept into their membership two smaller sub-groups, the orgeônes and homagalaktes (= gennêtai). The law is apparently a grant of privilege to these two groups; they are not required to undergo the normal phratry enrollment procedure, and Andrewes shows that the fourth century evidence supports such a privilege for (at least) the gennêtai.¹¹³

If the preceding arguments are accepted, then it would also make sense to view this regulation as passed after 451/0. Then it would be simply a procedural concession to the gennêtai (and orgeônes). The basic criterion of Pericles' law would still apply to those groups--and a supposed gennêtes could still be prosecuted by anyone who thought he was a citizen or phratry member unlawfully. But for gennêtai and orgeônes the original phratry enrollment was automatic. Presumably it was thought that the genê and orgeônes had adequate admission and enrollment procedures of their own. Further, it seems just possible that already before 451/0 some genê insisted on Athenian parentage on both sides and that the law

quoted by Philochoros is in part a recognition of this fact. The psephisma peri Plataeon recorded in [Demosthenes] 59.104 states that the Plataeans are to have a share in all in which the Athenians share, kai hierōn kai hosion, except for the archonship(s) and any priesthood or religious office which is ek genous. But their children will be eligible for these offices also--if, the author explains in Chapter 106, they are born "from a wedded citizen (astēs) wife."¹¹⁴ Taking genos here in the Eumolpidai, Kerykes, Eteoboutaidai sense (see Appendix 2, pp. 189-191) the qualification suggests that the Athenian genē may have been more rigorously exclusive than the Athenian citizen body as a whole and that this was due to the religious (or cult) functions they fulfilled in the state. The priests and priestesses of Athenian cults must be Athenians kat' amphoteros.

If this were so, then once the Athenians had made the standard rule requiring two Athenian parents for Athenian citizenship, they might (soon afterward?) have made clear the privilege of the genos to have its own scrutiny recognized by the phratry. But again this was a concession on procedure not on qualifications.

Pericles' proposal of a standard qualification for 'having a share in the city' thus may have prompted the judicial and procedural innovations recorded by Krateros frag. 4 and Philochoros frag. 35a. Further related developments may be the institution of the synteleia of nothoi at Kynosarges¹¹⁵ and perhaps the delineation (or further delineation) of the status of xenos metoikos or 'metic.' The latter along with other implications and consequences of Pericles' citizenship law will be taken up in the Conclusion.

In sum, for this chapter, we can say that the middle decades of the fifth century were a time of intense development of the Athenian polis, both in the physical and in the institutional sense. These years saw the creation and

development of an urban civic center and of civic institutions, and the broadening of the base of participation with the admittance of *zeugitai* to the archonship and with the institution of payment for public service. This was due in large part to the extraordinary position the Athenians found themselves in after the Persian Wars, but perhaps even more to the energy and ability of the extraordinary leaders who first seized the opportunities which were there and then, in the second generation, led the Athenians in the formation of a cohesive, imperial city. Pericles was one--and perhaps the most influential--of these second generation leaders, and his citizenship law fits well with his other known political innovations and with the general situation and needs of Athens in 451/0. The law is only one piece of a larger development, the emergence of a public status of being an Athenian--now determined and controlled by city rules and procedures--but it is no less important for being so.

Chapter IV. Footnotes

1. Cf. the suggestion of Davies (in a review of W.R. Connor's The New Politicians of Fifth Century Athens) that the 480's saw "young, 'new politicians' moving into the vacuum left by the Alkmeonidai" (Hermes 47 (1975) p. 378), and also the comments of W.G. Forrest (The Emergence of Greek Democracy) who, however, sees the change as from an "Alkmeonid tail" wagging the 'demos-dog' to the demos taking "charge of its tail for good" (p. 203). But certainly that demos still had leaders.

Just why the Alcmeonids lost their position in or control of Athenian politics is a topic for another occasion; their attitude toward Persia seems to have been an important factor.

2. I find R. Sealey's claim (A History of the Greek City States, p. 257; cf. 184-185) that Themistocles "was resented not because of any distinctive policy but because he came from the deme Phrearrowi, far outside the city" highly improbable.

3. The point is not new; cf. Wilamowitz, Aristotle and Athens II.88. It makes more sense (pace Hignett, HAC p. 175) to view the change from election to the lot as following rather than producing a decline in the prestige of the archonship.

4. Aeschylus' Persians can be viewed in this light. But by the later fifth century the idea of the heroic 'Marathon-fighters' was perhaps somewhat hackneyed and could be mocked on the comic stage (see, Gomme, "Aristophanes and Politics," More Essays in Greek History and Literature, p. 85).

5. See S.C. Humphreys, "Homo politicus and homo economicus," Anthropology and the Greeks, pp. 169-171. On page 171 she speaks of "continuous Athenian military activity" which followed the Persian wars.

6. See Appendix 2 for comment on the extent to which 'naval skill' was a special point of Athenian pride.

7. M.H. Jameson has emphasized the importance of agricultural slavery for Athenian participatory democracy ("Agriculture and Slavery in Classical Athens," CJ 73 (1977-78), esp. pp. 122 and 140, and suggested (p. 141) that "the Persian Wars, with the expansion of mining and ship-building before them and the influx of unprecedented booty after, may have provided the initial impetus in all three areas of slavery (mines, professions and household)."

8. S.C. Humphreys notes that the story implies "a difference not only of quality but of range" ("Public and Private Interests in Classical Athens," CJ 73 (1977-78) p. 102). W.G. Forrest sees in it evidence that Cimon was an "open-handed local dynast at heart" while Pericles was a "class politician" (Emergence of Greek Democracy, p. 219).

9. See below, pp. 172-173 for a discussion of the 'reform' of the Areopagus.
10. This distinction is currently popular in discussions of Athenian and Greek history (as, for example, in the papers, and comments and discussion, at the Princeton conference entitled "Kinship, Politics and Economy in Classical Greece," the papers for which were published in CJ 73 (1977-1978)). It is potentially a very appropriate and fruitful distinction, but it is not always clearly applied.
11. Cf. Connor, The New Politicians of Fifth Century Athens, pp. 108-127, ('The Indispensible Expert').
12. See Appendix 1 for a discussion of the terms the Athenians used to describe their community or civic membership.
13. Cf. Forrest, The Emergence of Greek Democracy, p. 219: "The state should take over from the family responsibility for those who have died in its service." Forrest follows Jacoby (JHS 64 (1944) 36-66) in dating the introduction of the state funeral to the 460's. Thucydides terms it a patrios nomos (2.34.1). See the comments (contra Jacoby) of A.W. Gomme, HCT II p. 94.
14. The Wasps is another play in which the relationship--and at times confusion--between the public and private realms is a major theme. For example, the chorus of Wasps claim to have heard that "The Athenians one day would judge law suits in their own houses" (800-801).
15. On the development and character of the Athenian empire see especially R. Meiggs, The Athenian Empire (Oxford, 1972).
16. The account which follows will be somewhat different from R. Sealey's "The Entry of Pericles into History," in Essays in Greek Politics.
17. In general for matters of Pericles' family, see J.K. Davies, APP, pp. 368-384; 455-460.
18. See Davies, APP, p. 371. I follow Wade-Gery and Davies (APP, p. 370) in considering the Alcmeonids to be a (very remarkable) family and not a genos in the restricted sense used of the Boutadai or Eumolpidai.
19. E.g. Schachermeyr, Perikles, p. 17. Cf. Bury-Meiggs⁴, p. 126.
20. Evidence for Pericles' wealth includes his chorēgia in 473/2 (I.G.II² 2318.9-11), his offer to contribute to a project of uncertain character in the 430's (I.G.II² 54 = Hill, Sources 69) and the story that Pericles offered to pay for the Parthenon (Plutarch, Pericles 24.1-2).
21. Davies, APP, p. 369 (on family of Cleisthenes); p. 459 (a less explicit statement on the family of Xanthippos, simply a denial of its belonging to the genos Bouzygai). Davies believes that the family of Alcmeon was of Eupatrid status on the grounds that its members held the archonship before 580. I do not think that this is conclusive; it depends completely on Wade-Gery's theory

of the pre-Solonian "caste" of Eupatridai. Pericles is not called a Eupatris; Alcibiades may have been a member of the group--but on his non-Alcmeonid side (see Appendix 2, p. 188).

22. Ibid., p. 370.

23. Cf. the comment of Forrest, The Emergence of Greek Democracy, p. 200, that Cleisthenes' descendants "are not distinguished for any love they show toward the results of their ancestor's work."

24. See Davies, APP, p. 457 for the evidence.

25. Ex silentio but, as Davies notes (see preceding note), some confirmation for a birth date c. 494.

26. E.g., Kagan, The Outbreak of the Peloponnesian War, p. 59: "The Alcmaeonid Cleisthenes founded the Athenian democracy and the Alcmaeonid Pericles fostered its development."

27. Sealey, "The Entry of Pericles into History," Essays in Greek Politics, pp. 64-65.

28. W.G. Forrest, "Themistocles and Argos," Classical Quarterly 54/10 (1960) 233.

29. Ibid., p. 235.

30. The assembly's election of Pericles as a prosecutor of Cimon after the siege of Thasos (Plutarch, Pericles 10.6; Cimon 14.5) may in part have been due to the memory of Xanthippos' prosecution of Miltiades.

31. See W.R. Connor, The New Politicians, pp. 3-9.

32. On all accounts Cimon was also committed to a friendly relationship with Sparta (see Plutarch, Cimon 16.8; also Thucydides 1.102); another good indication is that he named his son Lacedaimonius). This combination of imperial and pro-Spartan policy provides a good example of the deficiency of a simple democrat/aristocrat model for early fifth century politics.

33. The official ineligibility of the thetes to the archonship and perhaps the Boule in 450 (but see Chapter III, pp. 55-56 and above p. 92) is an "oligarchic element" counterbalancing the "democratic" lack of property qualifications for voting in the assembly (cf. de Ste. Croix, "The Character of the Athenian Empire," Historia 3 (1954/5), pp. 40-41).

34. These dissidents are mysterious characters and we might even wonder if they ever really existed. They cannot be seen to have had any real effect on the course of events in Athens or in Greece in general. Again, Thucydides says that it was in "suspicion" of these activities that the Athenians marched out to Tanagra (108.1). Perhaps they were an invention of some Athenians to explain the Spartan delay in Boeotia or of some Spartans to promote discord in Athens.

If they did exist they probably were oligarchs in the sense that they are said to have wanted to katapausein [ton] dēmon (107.4) and so probably wanted to put political power in the hands of a few (including themselves). They also wanted (according to rumor, it seems) to put an end to the building of the long walls (ibid.); this was an oligarchic idea at the end of the fifth century--was it already such when the walls were still being built?

35. On this point see also the comments of R. Sealey, "The Entry of Pericles into History," Essays in Greek Politics, pp. 60-61, 66-67.

36. Not everyone would have seen the logical connection between empire and 'radical' democracy noticed by the 'Old Oligarch' ([Xenophon], Constitution of the Athenians) or considered the career of Cimon to have entailed a "fatal contradiction" (Hignett, HAC, p. 193).

37. See note 20 above. I think it unlikely that this play simply fell to Pericles by the lot or any other "objective" method.

38. The North and South walls need not have been due to Pericles, but the Middle wall was, according to Plato (Gorgias 455e), built on the urging of Pericles (cf. Plutarch, Pericles 13.7). It might be added that Cimon helped supply the funds for the foundations of the North and South walls (Plutarch, Cimon 13.6). On the Piraeus see page 94.

Other possible "Themistoclean" aspects of Pericles' leadership are (1) an interest in the West (see V. Ehrenberg, "The Foundation of Thurii," AJP 69 (1948) 155). I am, however, not so confident as Ehrenberg in the legitimacy of attributing to Pericles the responsibility for all Athenian policy in the 440's. And (2) an interest in a well stocked central treasury (Herodotus 7.144 on Themistocles and the profits from the mines; Plutarch, Pericles 12 on Pericles' support of the appropriation of League funds for Athenian purposes).

The possible influence of Themistocles on Pericles has of course been recognized (e.g., by Jacoby, FGrH IIIb (Supplement), 123 and 387), but not always to great profit. Forrest, for example, uses this relationship to prove that Pericles was a Democrat not an Alcmeonid (art. cit.--above note 28-- pp. 233-235).

39. Protagoras' association with the founding of Thurii is reported by Heracleides Ponticus (frag. 150 = Diogenes Laertius 9.50). Diodorus does not mention Protagoras in his account of the colony, but the story is generally accepted (see Ehrenberg, "The Foundation of Thurii," p. 168). Since Pericles is likely to have known Protagoras (if the sophist had visited Athens already by the mid-440's) it is a reasonable guess that Pericles was responsible for the choice of Protagoras as lawgiver for Thurii. But we cannot really be sure. The anecdote about the two men reported by Plutarch (above p. 9) is not dated and could as easily have taken place in the 430's as the 440's. Pericles might have come to know Protagoras after the foundation of Thurii rather than before.

40. Aristotle, Politics 1267b37ff.; Harpocration, Photios s.v. 'Ιπποδαμεῖα, on the Piraeus; Diodorus 12.10.7 on Thurii.

For the date of Hippodamos' laying out of the Piraeus and for a consideration of the substance of the Hippodamian plan see J.R. McCredie, "Hippodamos of Miletus," in Studies Presented to George M.A. Hanfmann (Mainz, 1971), pp. 95-100.

41. Again, the notion that Pericles was influenced by philosophers is not new (it goes back at least as far as Plutarch). What I am suggesting is that the influence may have been more practical--and less ideological--than is usually assumed; that, for example, Pericles may have absorbed from Protagoras (when he came to know him) less of a 'theory of democracy' (cf. Ehrenberg, "The Foundation of Thurii," p. 16, n. 40) than an interest in the possibilities of legislation or rational planning.

42. See de Ste. Croix, The Origins of the Peloponnesian War, pp. 27-8, 73, 76-7 (n. 31), 79. The term "uncrowned king" is his, but of course has its root in Thucydides 2.65.

43. Davies, APP, p. 456.

44. Plutarch, Pericles 16. He sold all of his harvest in mass and then bought supplies as needed from the market.

45. Aristotle's attribution of the reforms to Pericles alone in Chapter 27 may be due to his following a source with this anachronistic tendency.

46. E.g., Hignett, HAC, pp. 193-213. Hignett claims (p. 195) that "It was not the unworthiness of the Areopagites to exercise their powers which was denounced by the radicals but the retention of such wide powers in a progressive state by a council whose members were appointed for life." I do not see how he can be sure that the issue was so limited.

47. Forrest considers the Areopagus an "anomaly" because it represented 'personal' as opposed to 'constitutional' authority. (Emergence of Greek Democracy, pp. 215-216). We might more easily suppose that it was an anomaly because a council of ex-archons (whether or not they were members for life) would no longer represent the character and interests of Athenian leadership, which now tended to use the generalship as a basis of power (Forrest, however, rejects this possibility as insufficient--p. 216).

48. See P.J. Rhodes, The Athenian Boule, pp. 179-207 and 201-207, for a discussion of the Areopagus before 462.

49. On this point cf. Forrest, The Emergence of Greek Democracy, pp. 212-215. It is possible that, as Forrest claims, Aeschylus was a radical on the issue of the Areopagus and in the Eumenides (indirectly) supported the limitation of its responsibility. Just what other advice he was giving the Athenians is not entirely clear. When he warns against "muddying" the laws "with foul infusions" (lines 693-4, Lattimore trans.) it is possible that he is referring to something that we know nothing about or that never came to pass. On the political aspect of this play, see especially Podlecki, The Political Background of Aeschylus' Plays; Dover, JHS 77 (1957); Dodds, The Ancient Idea of Progress (Oxford, 1973), pp. 45-63.

50. Although M.I. Finley (The Ancient Economy, p. 173) claimed that Athens was unique in this regard, G.E.M. de Ste. Croix (CQ 25 (1975) 48-52) has shown that at least Rhodes in the 4th century and Iasus in the 3rd provided pay for some public service. The conclusion, however, that "quite a number of Greek democracies made use of political pay, in the fifth and fourth centuries and later" (p. 52) is somewhat overconfident; its main basis is the belief that Aristotle made use of a wide range of historical examples in his comments on state pay in the Politics.

Pay for public service at Rhodes may have been instituted in conscious imitation of Athens at the time of the synoikismos of the Rhodian cities (408/7). The Rhodians also adopted the deme system (see Ehrenberg, The Greek State, p. 30) and called in Hippodamas (who had already planned the Piraeus and Thurii) to lay out their new city (Strabo, 14.2.9). The degree to which Athens served as a model for other Greek cities is an interesting topic for investigation, especially in the light of Thucydides 2.37.1. As noted earlier in this chapter, there was a certain amount of forced imitation of Athens by the allies.

51. See A.H.M. Jones, Athenian Democracy, p. 135, note 1 and pp. 17-18.

52. Aristotle actually says that the deme judges were reinstated at this time (26.5) since he believes that they were originally established by Peisistratus (16.5). On this see Day and Chambers, pp. 95-96.

53. For the problem of the nautodikai and their function see E. Cohen, Ancient Athenian Maritime Courts (Princeton, 1973), pp. 162-183 and also below pp. 110-111.

54. Pericles also had more faith than Plato in his own ability to make Athens an autarkestatē and well governed city (see Gorgias 515e ff.).

55. Notice the 'domestic' character of Pericles' early political activity. 'Foreign affairs' certainly affected Pericles' early political activity, but were not apparently his main concern.

56. I am assuming here that Aristotle's is the "documentary" version of the law and that Plutarch (Pericles 37.3) gives a paraphrase. This assumption rests primarily on the annalistic context of the reference and the use of astoin. The dual seems especially appropriate to the fifth century (cf. Jacoby, FGrH IIIb (Supplement) Notes, p. 379, n. 27, who uses the term "documentary" and Chapot ("AUTOE" Revue des Etudes Anciennes 31 (1929) 7). Astos, even in the singular or plural, was not a word Aristotle tended to use in his own discussion. For what it is worth, we can also note that in the funeral oration (Thucydides 2.35.46) Pericles twice uses metechein to describe the nature of Athenian civic participation (37.1, 40.2).

However, it may be possible that Aristotle's formulation derives from the reenactment of the law in 403 (see the Epilogue, p. 145) and has no more real claim to be 'documentary' than Plutarch's version, which uses the epigraphic phrasing "einali Athēnaious".

57. Hignett's statement (HAC, p. 343), "Presumably it also enacted that henceforth no Athenian man could contract a valid marriage with a woman who was not an Athenian citizen," is unjustified and unnecessary. But MacDowell (The Law in Classical Athens, p. 67) simply speaks of the "other provision" of Pericles' law "invalidating marriage between citizen and an alien."

58. See Chapter II note 20, pp. 31-2 (on nothoi).

59. Hignett (HAC, p. 343) says simply, "There is nothing in this clause as we have it to exclude from the citizenship those whose parents were both Athenian citizens but had never married, and it is usually assumed that, as being of pure Athenian descent, they were not excluded from the citizenship either before or after 451/0." Bury-Meiggs⁴, however, follow Busolt-Swoboda I, p. 222, and solve the problem by simply incorporating legitimacy into their "paraphrase" of the law:

...a decree was introduced by Pericles...that in the future the name of no child should be admitted whose father and mother were not Athenian citizens legitimately wedded" (page 217).

"In the future" it can be noted is also an addition and begs an important question. See below, pp. 95-97.

60. This is the position of Tod, Walker, and Adcock in CAH V, pp. 5, 102-3, 167-8.

61. Hignett, HAC, p. 345.

62. This has also been suggested (for somewhat different reasons) by S.C. Humphreys, "The Nothoi of Kynosarges," JHS 94 (1974) 92). Since admission to the phratry is generally considered to have taken place two years before admission to the deme (see Humphreys, op. cit. n. 12), one of the admissions would then have to have been decisive. I suggest that it was still phratry membership which was considered the key to citizenship.

63. It is probably unnecessary to insist that the relation between the citizenship law of 451 and the grain gift of 445/4 with its attendant scrutiny is an either/or question--that either the gift provoked an enforcement of the law (the first enforcement according to the CAH V authors--above note 61) or the events of 445/4 had nothing to do with the law of 451/0 (the position of Hignett, HAC, p. 345).

There is actually no reason to think that the grain distribution occasioned a complete scrutiny of the deme registers (see Jacoby, FGrH IIIb (Supplement) p. 476). Neither Plutarch nor Philochoros speak of a diapsēphismos, the fourth century term for a full-scale scrutiny by the demes of their membership, as having been carried out at his time. Plutarch's comment ...οι δὲ μελαντες εν τῃ πολιτεια καλ κριθεντες Ἀθηνατοι μόριοι και τετρακισχιλιοι και τεσσαρδικοντα το πληθος εγναθοντα (Pericles 37.4) is usually taken to mean (e.g., by Jacoby, op. cit. p. 463) that he not only thought that a full-scale scrutiny had been carried out but also believed that Athens had a total of

14,040 citizens when it was all over. However, he need not be read in that way. He could have meant that of those who applied and whose status was examined 14,040 were found to be Athenians.

Perhaps the course of events in 445/4 was something like this:

The grain arrived in the Piraeus and an announcement was made that all Athenians might come and collect a share. [Whether the amount that each man would receive was set beforehand or calculated after it was clear how many qualified claimants there would be is a problem. But the idea that the amount was set beforehand might find some support if we suppose that Psammetichos sent what he thought would be one medimnos per Athenian; on this see the comments of Jacoby (op. cit. n. 4 on Philochoros frag. 119) who thinks that Philochoros' 30,000 medimnoi--Plutarch says 40,000--are evidence for 30,000 citizens. Jacoby is probably right in insisting that shares would not have been limited to thetes or city dwellers (op. cit. p. 467), although these may have been the majority of those in need.] At the distribution point the claimants were divided into tribes, and appropriate magistrates, demearchs and tribe officials were present to verify that each claimant was actually an Athenian. If a man were rejected by the deme or tribe official, he might then appeal to a dikastērion. But if he lost, he would be sold into slavery. According to Plutarch (Pericles 37) nearly 5,000 men suffered this fate.

If this were the system, then the fraudulent claimants could have included (very brazen or hungry) xenoi with no connection to a deme at all as well as those whose enrollment in the deme was questioned, and almost 5,000 rejected applicants is perhaps not so unlikely. In so far as the claim of someone demonstrably enrolled in a deme could be question it would have been on the basis of the law of 451/0 and the complaint would have been that the man was not born of two Athenian parents yet had been admitted to a deme after 451/0. Thus the state distribution of 445/4 can be seen as the first major test of the state citizenship law of 451/0.

64. The reenactment of the law in 403 is actually of no help in the question of whether or not the law of 451/0 was retroactive. The law as quoted by Eumelos (PGrH 77, frag. 2) only adds the qualification τΟÙΣ δΕ πΡΟΩ ΕΩΚΛΕΙΔΟΥ διΕΓΓΕΙΛΟΔΑΙ. The possible ambiguity of this clause may have been recognized in fourth century Athens as well as today, cf. Demosthenes 57.30.

65. The concept (or "myth") of race is a modern invention. See Ashley Montagu, Man's Most Dangerous Myth: The Fallacy of Race, esp. chapter I, pp. 1-26. Montagu, writing in the 1940's, calls the modern conception of race "the tragic myth of our tragic era" (p. 8). It is unfortunate that it has been employed so widely in regard to Greek history. The issue is not simply a semantic one,

a simple matter of how one chooses to translate genos or ethnos. When the Dorians can be thought of as somehow innately slow, dull, conservative and the Ionians as innately quick, lively and innovative, we should realize that ancient historians have adopted more than just the modern term for the different sub-species of man.

66. For other proponents of this view see Introduction, note 8.

67. See Appendix 2, pp. 189-191, for comment on the word genos.

68. Kagan, for example, refers to Dorians and Ionians as "races" (The Out-break of the Peloponnesian War, p. 347) but rejects the idea that such "differences of race" determined the policy of any Greek city. Bury-Meiggs⁴, on the other hand, are duly cautious about terming Dorians and Ionians "races" (p. 212) but consider the Peloponnesian war as "the culmination of that antagonism between Dorian and Ionian of which the Greeks of this period never lost sight" (p. 245). It seems likely, however, that this antagonism was a product of the Spartan-Athenian tensions of the fifth century (see next note). In general on the error (and dangers) of using the term "races" for Dorians and Ionians see E. Will, Doriens et Ioniens (Paris, 1956).

69. This may have its roots in the post-Persian war conflicts between the Athenians and Spartans over the leadership of the Greek world. Cf. Thucydides' comment that the Spartans sent the Athenians home from Ithome "fearing the enterprise (to tolmēron) and revolutionary character (to neoteropoion) of the Athenians and at the same time considering them allophalous (1.102). And a developed version of the idea that the Spartans and Athenians are two different sorts of people is found in the first speech of the Corinthians in Sparta (Thucydides I.70--note again the characterization of the Athenians neoteropoioi 70.2). Allophulos, however, as used by Aeschylus (Eumenides 851) and Plato (Laws 629d) carries no implication of 'racial'--biological or genetic--differences. Rather it means simply foreign--xenikos as opposed to astikos.

70. Many of the Greek xenoi in Attica would have been Ionians, who the Athenians liked to think were originally Athenian colonists (cf. Euripides, Ion 157Off.). They considered themselves closely related, and similar institutions such as the Apatouria (Herodotus 1.147) suggest that there was a certain truth in the claim.

71. S.C. Humphreys, "The Nothoi of Kynosarges," JHS 94 (1974) 93.

72. E.g. Humphreys, ibid., Gomme, Essays in Greek History and Literature, p. 87; McGregor, "Athenian Policy at Home and Abroad," p. 10; Connor, The New Politicians, p. 171.

73. Also the idea that foreign marriages were confined to Athenian men marrying foreign women may be likely but has no basis in the evidence (such as it is). See below note 83.

74. Davies, APP, p. 304, A.E. Raubitschek, RE 18, 2 (1942), 2000.

75. Lakedaimonios, in any case, was considered an Athenian citizen since he

served as stratēgos in 433 (Thucydides I.42.2). See Davies APP, p. 306, for other evidence on Lakedaimonios and the other sons.

76. It can be noted that Cimon was not alone in giving such names to his children. Peisistratus also had a son named Thettalos (Ath. Pol. 17.3, 18.2) and Themistocles called three of his daughters Asia, Italos and Sybaris (Plutarch, Themistocles 32). In a casualty list from (?) the 440's (M-L 48.79) there appears a Naxiades and in one from 412/22 (I.G. I² 950.14) an Eretrieus. (The last could possibly be an ethnic, but if so it would be the only ethnic of the list.) [Chal]-kideus is a secretary of the Hellenotamiae in 442/1 (I.G. I² 203.2); Hel[iespon]-tios is a treasurer of Athena in 438 (I.G. I² 359.12; and Salaminokles (a different sort of foreign-root name which could be connected with the battle of Salamis) is epistates of the Parthenon accounts in 446/5 (I.G. I² 340.37).

77. On this, see the comments of S.C. Humphreys (in another article), "Public and Private Interests in Classical Athens," CJ 73 (1977-78) 100-101.

78. E.g., A. W. Gomme. See note 79.

79. Essays in Greek History and Literature, p. 87. This statement is not really compatible with his other remark on this issue, on the same page of the same essay, note 1. Also, although Gomme may not have been aware of the implication, it suggests that the main growth in population in the pentakontaetia had occurred by 450.

80. The Population of Athens, p. 26, n. 3.

81. HAC, p. 346.

82. Essays in Greek History and Literature, p. 87, n. 1.

83. See above Chapter III, pp.

84. Actually one might normally assume that in 450 (before most of the cleruchies were sent out) that Athenian women married foreigners more often than did Athenian men. There were probably more unmarried foreign men in Athens than women.

85. E.g., A.R. Burn, Pericles and Athens, pp. 92-3; S.C. Humphreys, JHS 94 (1974) 93, also makes this distinction.

86. The word is Burn's, and the purpose is again the "purity" of the citizen body (Pericles and Athens, p. 92).

87. This phrase belongs to J.B. Bury and appears in the recent fourth edition (Bury-Meiggs⁴) of his History of Greece, p. 215.

88. See above Chapter II, pp. 68-69 for the negative demographic effects of urban living.

89. Plutarch (Pericles 37) says that some were accused unjustly in the spurt

of citizenship suits in 445/4. Perhaps there were some genuine Athenians such as those who had spent considerable time abroad or in the company of foreigners who (to some) were indistinguishable from xenoi.

90. It is commonly thought (and said) that Pericles' law was repealed during the Peloponnesian War, but there is no actual evidence for this other than its 'reenactment' in 403. For further discussion see the Epilogue.

91. This would have been a "bulge" generation. See p. 45 above and the reference to Wrigley, Population and History cited there.

92. If we suppose some 30,000 Athenians in c. 462, then perhaps about 10,000 young Athenians came of age in the 450's.

93. Essays in Greek History and Literature p. 86.

94. For the grain distribution and scrutiny of 445/4 see above note 64, pp. 122-3. See also the discussion below p. 108ff. of Krateros, fragment 4.

95. Andrewes noted ("Philochorus on Phratries," p. 2) that the δέ of Philochorus frag. 35a, "shows that it was not the sole or the main clause." The same might be said of the δέ in Krateros frag. 4. (Actually, since Andrewes thinks the fragments are from the same law (p. 14) he necessarily thinks both are fragmentary laws.)

96. For Krateros this is sufficient since it seems clear that his collection of psephismata was arranged in chronological order (see ATL III p. 10); for Philochorus, who was writing an historical narrative with the possibility of digressions, the situation is more complicated. See the argument below p. 113

97. For the upper limit see Jacoby FGrH IIIb on Krateros frag. 4 and ATL III p. 10. Their disagreement over the exact terminus post quem is not crucial at this point. It involves in part the citizenship law, and the relation of that law to this fragment will be discussed below. The lower limit is very uncertain, but since Book IX contained material from 410/9, Book IV ought to have ended by at least the 430's. (In fact, I think it likely that it did not go further than the 440's, see below p. 198.) On the Book IX fragments see Jacoby and ATL loc. cit.

98. Jacoby, FGrH IIIb (Supplement), pp. 251-2.

99. "Philochorus on Phratries," p. 13.

100. I accept Harpocration's (s.v. ναυτοδίκαι) classification of the nautodikai as magistrates, similar to the thesmotetai. They might have had more real judicial authority than the thesmotetai at this time because they dealt with foreign or allied cases.

101. Edmonds, fragment 233, cited by the scholiast to Aristophanes' Birds 766. The date is in the later 430's; see Edmonds, Fragments of Attic Comedy I, p. 105.

102. Fragment 225, cited by Harpocration, s.v. nautodikai; the date is 427, see the ancient testimonia, Edmonds, op. cit. p. 629.

103. E.g., Harrison, The Law of Athens II p. 24. Harrison thinks that Krateros frag. 4 "is the less strict rule that prevailed before 451/0." It is, however, not clear whether he thinks the law from which the fragment came was actually passed before 451. If he follows Jacoby in thinking that Krateros' fourth book has an upper limit of 446 (see note 98 above for reference), then one wonders what he thought the purpose of the law was. But, as will be seen, the Krateros fragment does not necessarily imply "the less strict rule."

104. This possibility is also recognized by, for instance, the authors of ATL (III p. 10), Busolt-Swoboda (p. 1095 note 1) and Andrewes ("Philochoros and Phratries", p. 13). Since Andrewes believed that the fragment came from a law dealing with phratries but not citizenship, he suggested that the cases not covered by the fragment of the psēphisma quoted by Harpocration (but dealt with in an earlier clause) were under the jurisdiction of the phratry alone.

105. Harrison (The Law of Athens II, p. 24 n. 2) finds a dividing up of jurisdiction in citizenship cases "hard to believe." But a difference in status of the defendant (i.e., whether he had one or no Athenian parent) could (reasonably, I think) have led to a difference in procedure and jurisdiction.

106. See E. Cohen, Ancient Athenian Maritime Courts, pp. 162-184, for the most recent and complete discussion of the nautodikai. Cohen suggests (pp. 163, 176) that the nautodikai of the fifth century may be a wholly different board from the commercial magistrates of that name in the fourth century. I will be concerned only with the fifth century nautodikai, who on the most natural interpretation would originally have had something to do with things nautika but who may very early on have been concerned also with imperial matters.

107. G.F. Schoman, Die Verfassungsgeschichte Athens nach Grote's History of Greece, p. 42ff.; Schwahn RE s.v. nautodikai. These references are from Cohen (op. cit., pp. 162-3, note 12). See also his brief comments in the same note.

108. If we could be sure that the nautodikai in the fifth century also had charge of commercial cases involving foreigners in the emporion as they did in the fourth century, then we might assume that many of these fraudulent citizens were sailors and merchants in the Piraeus. However, there is no clear evidence for nautodikai as commercial magistrates in the fifth century even though it seems likely (see note 110). Jacoby's claim that graphai xenias were assigned to the nautodikai not because of their connection with commerce per se, but because the "seasonal character" of commerce gave them free time (FGrH IIIb on Kraterus frag. 4, p. 191) sounds strange--and is based both on the idea that all graphai xenias came before the nautodikai at this time and a belief that nautodikai were in fact commercial magistrates in the fifth century.

109. They appear in the very fragmentary I.G. II² 46 and 144, both of which seem to be concerned with symbolaia among foreigners. See Cohen, Ancient Athenian Maritime Courts, p. 173 for further discussion.

110. E. Cavaignac, "Études sur l'histoire financière d'Athènes au V^e siècle (Paris, 1908), p. lxvii.

111. A. Körte, "Die Attischen Xenodikai," Hermes 68 (1933) 240ff.

112. Reference is to the argument of ATL III p. 9-12. As noted earlier the authors think it "virtually certain" (p. 10) that Krateros frag. 4 is part of the citizenship law. But that is hardly necessary.

113. "Philochoros and Phratries," pp. 3-9. I assume that were there enough evidence a similar privilege could be shown for the orgeōnes.

114. I assume that when Plataeans became Athenians, they--both male and female--were astoi not xenoi, and so a Plataean would not have to have married an Athenian woman in order to pass on his citizenship to his children or for his children to be able to serve as archon. However, as the restrictions cited by [Demosthenes] indicate, these new Athenians were not yet full members of the community. For a discussion of the term astos see Appendix I.

115. The argument for a post-451 date for the synteleia at Kynosarges depends on the suggestion in Plutarch (Themistocles 1) and in Demosthenes (23.213) that its members were nothoi by virtue of having a foreign parent. This is why Themistocles, who in his day was probably considered gnēsios, was associated with the group and why Demosthenes compares this synteleia (which no longer existed in his day--ibid.) with one in Oreus which enrolled Charidemos, the son of a foreign mother. It is reasonable that such an institution would have been thought desirable in the 440's (?) and also that it would have disappeared by the mid-fourth century. For a full discussion of this institution see A. Ledl, WS 30 (1908) 43-46, 188-193, and S.C. Humphreys, JHS 94 (1974) 88-95. Both authors argue for a post-451 date. The sons of a foreign mother (or father) who had not been admitted to a phratry by 451/0 would have seemed an obvious anomaly. They were to be considered nothoi and xenoi yet were sons of a married Athenian and possibly siblings of Athenians. They may not have been numerous, nor (pace Humphreys, p. 93) were they all necessarily from the upper class, but they would have been conspicuous and the upper class ones especially so. These young men were perhaps not content with a metoikos status. Thus it is probable that either formally or informally (so Humphreys, p. 92) a special synteleia was set up in connection with the cult of Heracles (who was thought of as being in a similar situation, cf. Birds, 1661). In the 420's perhaps there was still a public interest in the synteleia (see Humphreys discussion on pp. 85-89 of the decree proposed by Alcibiades--Poleman frag. 78, Preller), but by the time of Demosthenes the synteleia had ceased to exist.

V. Conclusion

"Classical Athens defined the membership of its citizen body...rigorously in terms of descent" (J.K. Davies, "Athenian Citizenship: The Descent Group and its Alternatives," CJ 73 (1977-78) 105). Although one might quarrel with the word 'defined' since at no point in the archaic or classical periods is there evidence of a law of Athens stating "an Athenian citizen is...,"¹ this statement correctly emphasizes the important point that Athenian citizens were first and foremost thought of as members of Athenians families or of the Athenian 'descent group.' A non-Athenian could only become an Athenian by being accepted and entering into that descent group--into the oikos, phratry and deme, and tribe.² As has been emphasized (Chapter II, p. 10) even groups which in reality had no 'familial' relationship (the Cleisthenic tribe, the phratry or the genos) were thought of in familial terms. At the base of Athenian society (and the Athenian 'descent group') was the individual family (the oikos) which had thus both a private and a public character. It was both the epitome of private life, as a self-contained unit of husband, wife and children with interests often at odds or at least different from those of the public realm or the state, and also, as the basic unit of that public realm, the object of public concern and rules. Thus although marriage was essentially a matter of private contract, it was at least from the time of Solon subject in certain instances to state regulations. The need to insure, for example, that a heiress find a husband and produce children resulted in the judicial marriage called epidikasia (Demosthenes 46.22) and in laws regulating the 'private' life of the heiress and her husband (Plutarch, Solon 20). Similarly, atimia--a form of punishment reserved especially for public crimes³--was in the fourth century imposed upon a citizen who married off a foreign woman as though

she were Athenian ([Demosthenes] 59.52) or refused to divorce an adulteress (*Ibid.*, 87), and a "similar punishment"⁴ was imposed on a woman taken in adultery (*Ibid.* and Aeschines 1.183). By the fourth century, descent group solidarity was substantially "buttressed" (Davies, *art. cit.*, p. 106) by law. Private relationships were still of course possible, but in the important and now clearly 'public' matter of producing legitimate heirs and citizens, Athenians were subject to strict rules.⁵

Pericles' citizenship law is usually considered as a law about marriage and to have included restrictions on marriage such as those known from [Demosthenes] 59.16-17. But although related rules and procedures probably changed after 451/0 (see Chapter IV 107-115), there is no evident reason to assume that the law itself included any provision other than the one quoted by Aristotle, Plutarch, Aelian or the Suda: Athenians are only those with two Athenian parents. And while the law would have severely discouraged marriages between Athenians and foreigners, it is not clear to what extent that was in fact happening at this time. The law makes good sense, taken simply as quoted, in its mid-fifth century context: no one should be admitted to the demes and phratries who is not born from two Athenians.

It is still profitable to view Pericles' law as a legal buttress to the solidarity of the Athenian descent group. The Athenians were now a closed 'familial' group; 'adoption' was possible only on the decision of the group as a whole. I have suggested, however, that the law indicates a significant shift in focus. It does not say that only those born of two Athenian parents are legitimate⁶ or can inherit property, but that only they will 'have a share in the city.' It is a public, 'state,' criterion for a public status.

How are we to view this public insistence on a descent group criterion? If a public or 'state' criterion was necessary in 451/0, was the Periclean rule the

only possibility? J.K. Davies subtitled his article on Athenian citizenship "The Descent Group and its Alternatives" and postulated "in Athenian terms" three possibilities for determining citizenship:

- (1) those who were in the segmental descent groups that mattered (gene, phratries, and demes):
- (2) those who perform military and other essential roles on behalf of the State: and
- (3) those who have economic resources above a certain level.
(art. cit., p. 114)

It should be noted that Davies is operating with an Aristotelian definition of the citizen: 'he who has a share of deliberative and judicial office' (see the discussion of Aristotle's definition in Appendix 1). He is accordingly concerned above all with alternative ways of defining the office holding class in Athens. But even granting this restriction, there is serious reason to question his use of the word 'alternatives.' For example, Davies says that Solonian Athens "cares mainly about defining...the office-holders, moves strongly away from defining it in terms of a version of criterion (1) and towards defining it in terms of criterion (3) "wealth (ibid.). But certainly wealth was not a real alternative to being a member of an Athenian family, but a criterion for choosing office-holders from within the body of Athenian families. A wealthy non-Athenian would not be able to run for office of treasurer of Athena any more than a somewhat poorer non-Athenian (with wealth at the level of the thes) would be entitled to attend the assembly. And although Cleisthenes may have broadened Athenian citizenship to include (in the demes and tribes) some who before were not included (see Chapter II, p. 25) he did not thereby introduce any alternative criterion for citizenship. On the contrary. In order to be citizens the (presumed) xenoi and metoikoi douloi

(Aristotle, Politics 1275b37) must be brought into the "segmental descent groups that mattered," the demes, tribes and the phratries.⁷ Finally, in the turmoil of the last years of the fifth century it is not clear that anyone was proposing a criterion for citizenship alternative to one based on descent. If the oligarchic program "specified inter alia that 'not more than 5,000 should take part in public affairs,' and these were to be those most able to contribute with their moneys and their bodies" (Davies, art. cit., p. 118), there is no reason to think that this included foreigners as well as Athenians. The natural interpretation is that this proposal was again a restriction on participation in public affairs to a certain group within the larger body of Athenians.⁸

Thus, it seems to me that family membership or membership in the Athenian descent group was the "largely uncontroversial" (Davies, p. 105) basis for civic membership in Athens. What was controversial was the degree to which the 'segmental groups' were free to 'adopt' members, or just how to insure that descent remained the basis of Athenian citizenship. And the "sense of siege, of barricades being manned" noticed by Davies (art. cit., p. 110) derives from the Athenian fear (realistic or not) that Athenians were no longer Athenians--a fear which developed alongside the 'obsessive' idea that Athenians were a special and distinct group of people, autochthonous and 'unmixed' with barbarians.⁹ It was not the descent-group criterion of citizenship that was under pressure, but rather the solidarity or identity of that descent group itself.

Pericles' citizenship law was a response to this pressure¹⁰ and indeed provided a substantial buttress to the 'familial' solidarity of the Athenian citizen body. Such a law is only passed when it is needed or thought to be needed. I discussed in Chapter IV the reasons for which this law seemed necessary. Generally speaking this had to do with the development of Athens after the Persian wars into

an urban and imperial center. I will conclude here by commenting briefly on a number of related issues. By agreeing to Pericles' proposal in 451/0 the Athenians drew a tight line around their civic membership. They closed their 'descent group' to outsiders--except on the occasion of public 'adoption' (e.g., as of the Plataeans, [Demosthenes] 59.104 and Thucydides 3.55 with the commentary of A.W. Gomme, HCT II, pp. 339-340). The criterion itself was not revolutionary--rather it was natural and probably "in accord with common sentiment"¹¹--but the making of a city law was. It seems to me probable that this law was both the result of the increasing consciousness of an Athenian identity and the cause of further development of the belief that being Athenian was a distinct and distinctly valuable status. With Pericles' law the Athenians isolated themselves from outsiders (except for the "inflow that remained a trickle"--Davies, art. cit., p. 121). It was the first step on a course which would eventually require further regulations (e.g., those on marriage quoted by [Demosthenes] 59.16-17)¹² to be supported by further rationale or ideology. By the end of the fifth century the "obsession" (Davies, art. cit., p. 111; he also terms it a "neurosis"--ibid.) was well entrenched. The suggestion of a foreign name or a foreign accent or, worst of all, a foreign parent was the easiest and most common way to impugn someone's right to membership in the community of the Athenians. But, again, I consider this the result not of pressure on the idea that Athenians should be members of Athenian families and 'family' groups, but rather of first, the Athenian perception that their traditional self-identity as Athenians was being lost or sacrificed with the growth of Athens into a cosmopolitan urban center and ruler of a maritime empire, and second, of the law of 451/0 itself which starkly drew the boundary in a way which could not easily be ignored by Athenians or foreigners (although many no doubt continued to try to ignore it, thereby producing 'anxiety' and insecurity¹³ for themselves and their

families).

Pericles' law drew a clear boundary between the Athenian and the foreigner (between the astos and the xenos), but on the latter, (out)side there was an important further division. Some xenoi were permanent residents of Athens and Attica and some were not. The evolution of the status of the xenos metoikos or ' metic' in Athens is not well documented,¹⁴ but the formulation of a distinct status for the resident foreigner, with rights (to the protection of the law) and responsibilities (for military service and financial contribution) could only have emerged as the status of citizen became likewise distinct.¹⁵ The most common view held now is that the metic status was a Cleisthenic innovation or the result of the Cleisthenic reorganization of the Athenian state.¹⁶ That some arrangement was made at that time for keeping track of and registering alien residents seems entirely possible, but it is not necessary to suppose that the status was then fully defined--nor that Cleisthenes' reorganization was the most important watershed in the development of the 'politēs' concept.¹⁷ The "Decree of Themistocles" calls upon the foreigners registered with the polemarch ($\tauοὺς$ δὲ Ε[π]ους ἐκ τῶν ἀπογεγραμμένων μετὸ αὐτοῖς [πολε]μ[άρχ]ω[ν] --M-L 23. 30-31) to man the ships along with the Athenians before the battle of Salamis. This suggests--although admittedly the evidence of this decree is not secure--that there was a recognition in 480 of a class of aliens permanent enough to be registered and also that the term metoikoi had not yet been 'officially' assigned to them. By the 460's the deme of Scambonidai I.G. I² 188.52-3) uses the term metoikos (μετόικος) τὸς μετοίκ[ος λαος]/Εν -51-3) which may indicate an official city status of which one feature was having a share in such distributions. It seems plausible that the mid-fifth century saw significant development in the main features of the classical status of resident foreigner, such as the requirement of registration with a deme, the guarantee of

legal rights or institution of the metoikion.¹⁸ This may have been part of the Periclean legislation, or the result of it, or perhaps an anticipation of it, but in any case it makes sense in the same context in which we have viewed Pericles' citizenship law.

Finally, a very brief comment on what Pericles' law suggests about the mid-fifth century Athenian 'concept of the citizen'.¹⁹ The phrases used in the two main quotations of the law (Aristotle, Ath. Pol. 26.4; Plutarch Pericles 37), metechein tēs poleōs and einai Athēnaious ('to have a share in the city' and 'to be Athenians'), both suggest to me a 'wholistic' attitude toward citizenship. Pericles did not (apparently) say that someone who was not born from two Athenian parents could not own land or vote or hold office or be a juror or hold a public priesthood--or be a politēs, but simply that he (or she) could not be a part of the community of Athenians. We might suppose then that citizenship in 451/0 was considered not so much a collection of rights (and duties) as simple belonging, having a share in the city and everything it stood for. Although three decades later the Athenians could offer an alien the right to own land but not make him a citizen (the first known example is I.G. I² 83), it seems possible that Pericles' citizenship law stands at the beginning of the development of a abstract and divisible notion of citizenship. Further, the older and simpler attitude toward membership in the Athenian community was not lost; in 405 the Athenians honored the Samians by decreeing that "Σαυλος·Αδηναιος ξενι (M-L 94.12)²⁰ and in 403 they re-enacted Pericles' law in the same terms in which it was originally proposed.²¹ This conclusion, if valid, has implications for our understanding of the terms atimos and atimia in Athenian usage. It is generally recognized that the meaning of atimos changed from "outlaw" in the archaic period (7th and at least early sixth centuries) to "deprived of rights" in the late fifth and fourth centuries.²² And

by the later period it was possible to speak of 'partial atimia'--the loss of only certain rights such as holding office or speaking in the assembly.²³ Although the tendency now is to view this change as occurring with Solon or perhaps Cleisthenes, it probably should be viewed as a gradual and not necessarily complete change.²⁴ The crucial years may indeed have been again mid and late fifth century which saw the related development in the concept of citizenship.

According to one late (20th century!) report the citizenship law of 451/0 was passed "with an absolute minimum of trouble."²⁵ It is difficult to be sure about that, and we might doubt the reliability of the source, who goes on to attribute the lack of opposition to a "political bargain between Pericles and Cimon" (ibid.). But it is striking that we hear of no debate or objections, such as were raised over the building of the Parthenon (Plutarch, Pericles 12) and actually very little about this law at all.²⁶ Can the silence of the sources be trusted? Was there no opposition? I am not confident of an answer to either question, but would suggest that if there had been opposition it may have come from those 'anonymous' Athenians least likely to receive the attention of poets and historians, namely, phratry or deme officials (or ordinary members) who wanted to hang on to their prerogatives, or from conservatives opposed to changing the traditional rules of the Athenian state. Perhaps, however, Pericles, speaking in his Olympian voice on behalf of his own proposal, was able to convince the majority of Athenians that the rule was both necessary for maintaining their traditional polis society and in their own best interest. And that, it seems to me, would not have been 'making the lesser argument the greater.'

Chapter V. Footnotes

1. As was noted in Chapter IV (p. 95) Pericles' law did not provide a 'definition' of citizenship but only a minimum necessary condition.
2. I argued that after Cleisthenes membership in a phratry was still an essential part of citizenship, but that is not crucial to the point made here.
3. See M.H. Hansen, Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes (Odense University Classical Studies Vol. 8, 1976) pp. 72-74. For further comment on this term, see pp. 135-136.
4. Ibid., p. 56. Hansen believes that "atimia was, of course, a penalty incurred by men only."
5. It is clear, however, that the rules were not always followed, and the proliferation of rules about who can marry whom perhaps reflect a certain laxness in obeying and enforcing Pericles' law of 451/0.
6. I would argue that Plutarch's referring to Pericles' law as the "law about nothoi" (Pericles 37) is due to the popular perception that this law put children of a foreign parent in the same position as nothoi. For the nothoi of Kynosarges see Chapter IV, note 115, p. 128.
7. See note 2, above.
8. See the Epilogue for a brief discussion of the various proposals about who should manage the affairs of Athens which were put forth in the last years of the fifth century.
9. See the comments of D. Whitehead, The Ideology of the Athenian Metic (Cambridge Philological Society, supplementary volume no. 4, 1977) pp. 113-114 and especially Plato's Menexenus 245c-d. However, it should be noted that a hatred of tēs allotrias phuseōs (245d) does not necessarily mean a hatred "of other races" as Whitehead translates it.
10. Compare the development of American ideas on citizenship in the 18th and 19th centuries under the pressure of first the conflict with England and then the war between the states. (See J. Kettner, The Development of Athenian Citizenship, 1608-1870, University of North Carolina Press, 1978).
11. A.W. Gomme, "The Law of Citizenship in Athens," Essays in Greek History and Literature, p. 86.
12. If foreigners could live with Athenians as though they were married it may have been difficult to keep the boundaries clear and to enforce Pericles' law. I do not know of any argument dating the marriage laws quoted by [Demosthenes] 59. 451/0 is a terminus post quem, but the rules may not have been thought necessary until the fourth century.

13. According to Davies, art. cit., p. 111, the "rigid descent rules...generated obsessions, anxieties, and insecurities."

14. "A 'history' of the Athenian metic can never be written: the data are so sparse that vast expanses of metic history are totally undocumented, even in the classical period" (D. Whitehead, The Ideology of the Athenian Metic, p. 140).

15. "For it is the appearance and rigid maintenance of the polites concept which is one--but only one--of the ideological foundations of the metoikia" (ibid.) amounts to much the same argument.

16. E.g., Davies, art. cit. pp. 116-117; Whitehead, The Ideology of the Athenian Metic, p. 145, with note 24.

Whitehead, however, does not believe that the entire set of rules regulating the participation of the metic were instituted by Cleisthenes (ibid.).

17. This seems to be Whitehead's view (The Ideology of the Athenian Metic, pp. 140 and 147).

18. On these and other features of the metic status see now Whitehead, The Ideology of the Athenian Metic, pp. 75-97, who also views them as post-451/0 developments. It seems possible that the metoikion was a product of Peloponnesian War.

19. See Appendix 1 for a discussion of Athenian citizenship terminology and what it implies about the way Athenians viewed their civic membership.

20. See M.J. Osborne, "Attic Citizenship Decrees," BSA 69 (1972) 129-158, for a discussion of the terminology of such decrees.

J.K. Davies regards this decree as actually bestowing isopoliteia on the Samians (art. cit., p. 107), but although that may have been de facto the result of the decree it is not what the words say.

21. See Chapter IV, note 57 for a discussion of the 'documentary character of Aristotle's quotation of Pericles' law and the Epilogue for its reenactment.

22. See M.H. Hansen, Apagoge..., (full reference in note 4), p. 75ff.

23. Ibid., p. 61ff.

24. For this view see B. Manville, The Evolution of Athenian Citizenship (dissertation, Yale University, 1979) Appendix. The arguments presented there were expanded in a paper read at the annual meetings of the American Philological Association in Boston, December 1979.

25. A.R. Burn, Pericles and Athens (New York, 1949), p. 93.

26. It is possible that the issue of 'who can be (or become) an Athenian?' was already in the air in 458 when Aeschylus' Eumenides was produced. It might be

argued that Aeschylus was taking an anti-Periclean position when he has Apollo argue that the son bears no real relation to his mother (657-660). But it seems more likely that he is simply--for purposes of Orestes' defence--making use of the common idea that the woman provides the receptacle, the man the seed (cf. Sophocles, Antigone 569). Plato (e.g., Timaeus 50d) and Aristotle (e.g., On the Generation of Animals 729bl-20) adapted the idea to philosophical purposes.

Furthermore, attention should be paid to the values defended by the Eumenides as well as to the biological theory of Apollo. The Eumenides lose their case in court but win a position of honor in Athens; and they very clearly value the maternal as well as the paternal side of the family (e.g., 545-549). Athena establishes the Eumenides as the protectors of fertility and marriage in Athens (834-836). Thus the Eumenides become the guardians of the 'bond between husband and wife' of which Apollo has spoken so fervently (213-220).

Epilogue

The Citizenship Law From 450 TO 403 B.C.

The account which follows is intended only as a brief sketch of the evidence for the status enjoyed by Pericles' citizenship law during the second half of the fifth century—or until 403 when it was essentially reenacted. In particular, the complexities both of the effect of war and plague on the citizen population and of the constitutional revolutions of 411 and 404 will be given short shrift. These topics, however, deserve full treatment of their own and are beyond the scope of this monograph.

The citizenship law, I argued, went into effect the day it was voted by the assembly; it was not retroactive but applied to all future admissions to the demes and phratries. In so far as the citizen population cannot be seen to have increased significantly in the years 450–430 (see Chapter III, pp. 66 – 68) we can assume the law was generally effective. The citizen population only grew 'naturally' in these years. It is likely that the total wealth and general well-being of the citizen body increased during these twenty years. The sending out of cleruchies benefitted those who stayed at home as well as those who left.¹ Allied funds used for Athenian public works and the revenue gained from allied business in Athens also were an economic boon for Athenians, especially perhaps the city dwellers.

The first occasion suggested for an annulment of the citizenship requirement of two citizen parents is in 429, after the losses from the Plague or more specifically after Pericles' loss of his legitimate sons.² Plutarch ends his discussion of the citizenship law and Egyptian grain gift with the comment,

While it is strange that a law which had prevailed against so many should be relaxed (*luthēnai*) again by the same man who proposed it, Pericles' personal misfortune...moved the Athenians to pity and... they allowed his bastard son (*nothos*) to be enrolled in the phratry, taking his (Pericles') name.

(Pericles 37.5)

The usual interpretation of this passage is best; the law was not officially revoked but only "relaxed" in the sense that its provisions were not to be applied to its author. The [^]demos, with its jurisdiction over citizenship, voted that an exception should be made and that Pericles' illegitimate son³ should be considered legitimate, and as such enrolled in the phratry of his father. The passage does not prove that nothoi, either of one or of two Athenian parents, would henceforth be citizens. Pericles son of Pericles was no longer a nothos.

Aristophanes' Birds 1646-1670 supports the preceding conclusion.⁴ When Poseidon tries to dissuade Heracles from ceding Olympos to the birds, arguing that Heracles would thereby lose his patrimony, Peisthetairois points out that since Heracles is "of a xenes gynaikos" (1651) he is a nothos and not heir. Heracles suggests that Zeus might give him the estate anyway "as the bastard's share" (1656) but Peisthetairois replies that the law does not allow that and cites a "law of Solon":

A nothos will not be heir when there are legitimate children; if there are no legitimate children the goods shall go to the nearest in kin.

(1660-1666)

Heracles is stunned, and Peisthetairois asks him if Zeus has ever introduced him to the phratry (1669). "No, he did not!" answers Heracles, "and I have been wondering about that for some time" (1670). Even with its comic intent this

passage shows clearly that in 414 when the play was produced 1) nothoi could neither be heirs nor phratry members and 2) the child of a xenê was in the popular mind a nothos. The first is the Athenian rule kata ta patria and the second Pericles' citizenship law.

The idea that Pericles' law was annulled after the Sicilian disaster has found some modern proponents.⁶ The basis of the argument is a story told by Diogenes Laertius on the authority of Aristotle. The Athenians, he says, "because of the shortage of men," voted "to marry (gamein) one astê and have children (paidopoiesthai) from another," and further that Socrates was one who took advantage of (or obeyed) the law (Lives of Famous Philosophers 2.26). The decree is not dated, but Muller's suggestion that it belongs soon after the Sicilian disaster is generally accepted and seems plausible.⁷

Muller takes this law as evidence that nothoi were now given civic rights and Wolff argues that the pre-Periclean and pre-Cleisthenic rules were reinstated, on his view that nothoi were part of the oikos and foreign wives were allowed.⁸ But what does this law really say? The wording astên mian... kai ex heteras (one astê...and from another) suggests that foreign women (xenai) are not under consideration. When there was a severe shortage of Athenian men and conversely an abundance of Athenian women, as there must have been after the defeat in Sicily (cf. Aristophanes; Lysistrata 591-3), the concern was least the productive years of Athenian women be wasted.⁹ Sarah Pomeroy, in discussing this point, notes that in the "three known cases of bigamy all the wives were Athenian," (Goddesses, Whores, Wives and Slaves, p. 67, see below for inappropriateness of the word 'bigamy'), but goes on to conclude that the "situation of Athens before 451 was restored....Athenian men could marry foreign women..."(ibid.). The evidence does not support the latter conclusion.¹⁰

The law does not make bigamy legal nor does it make nothoi citizens. A man can marry one astē and paidopoieisthai from another. Paidopoieisthai is considered a key feature of marriage by the author of [Demosthenes] 59 (see paragraph 122); the idea that it is the producing of legitimate children is clear. Thus the effect of the law quoted by Diogenes was to create a special status, which was neither marriage nor concubinage, through which more Athenian women could bear legitimate children, future citizens, even though they were not married.¹¹ It is hardly conceivable that an Athenian ever needed a special law in order to be able to father (illegitimate) children of a prostitute.

It is more difficult to determine whether or not the oligarchic revolutions of 411 and 404/3 disturbed the status of Pericles' law in any way. The common idea is that these revolutions did deprive many Athenians of their citizenship rights, that, one could say, additional conditions were added to those set forth by Pericles.¹² It is not clear, however, that citizenship (in the sense in which it was of concern to Pericles in 451/0) or 'who is to be an Athenian' was an issue in either revolution. Rather, the issue was which Athenians were to rule, to hold power and control ta pragmata. This seems most evident in the revolution of 411 when the oligarchic program as represented by Thucydides was to 'turn over ta pragmata to the 5,000' (e.g., 8.65.3, 8.97.1-2; cf. Ath. Pol. 33.1-2). The 5,000 are spoken of as "ruling" (archein, Thucydides, 8.92.11); is this not perhaps the same thing as prassontes or holding office? The qualifications for being an Athēnaios, for metechein tēs poleōs (kai hosion kai hieron) and for participating in the assembly were not, it seems, changed.¹³ However, we can imagine that there would have been substantially fewer meetings of that assembly and also of the dikasteria.

The reign of the Thirty was a reign of terror, but these oligarchs did take an interest in the Athenian laws. Aristotle notes that they "took down" the laws of Ephialtes and Archestratos "concerning the Areopagites" (Ath. Pol. 35.2) and tried to clarify the testamentary laws (ibid.). They may even have intended a complete revamping of the Athenian code (see the discussion of A. Fingarette, Hesperia 40 (1971) 333-335). But whether or not the Thirty also "took down" (or altered) Pericles' law of 451/0 (thus changing the qualification not only for participation in the assembly but also for the ownership of land and participation as an Athenian in the city's cults) is unclear. Aristotle's account of the fall of Theramenes is terminologically confusing in this regard. Theramenes objected that the Thirty had not "given over ta pragmata to the beltistoi" (36.1) and soon after was convicted of opposing the 400 in 411, for which crime the penalty was loss of the right "to have a share in the existing constitution" (koinônein tês parousês politeias 37.1). Then Theramenes, being "outside the politeia" (ibid.) was put to death by the Thirty who had decreed that they were empowered (as autokratores) to put to death any tôn politôn who was not in the katalogos of the 3,000 (ibid.). Are those outside the politeia still politai? Aristotle seems to use politeia to refer to the (supposedly) governing inner circle of 3,000 (as well as the form of the government which was then in force) who were supposed to be those controlling ta pragmata (cf. 36.1, 38.2). But if the other Athenians were still considered Athènaioi and politai, their citizenship had become a paltry possession when they could be put to death at will by the Thirty. It could be argued that (as in 411) the issue was not who was a member of the community but who would be the rulers of that community, and that the Athenians at Phyle and Mounychia fought to restore not their citizenship but rather the value of that citizenship.

In 403, under the restored democracy, it was voted that

μηδένα τῶν μετ' Εὐκλείδην ἀρχοντα μετέχειν τῆς πόλεως,
διὸ μὴ διμφω τοὺς γονέας ἀστούς ἐπιδεῖξηται, τοὺς δὲ
πρὸς Εὐκλείδου ἀνεξετάστους ἀφεῖσθαι.

no one of those [coming of age¹⁴] after the archonship of Eukleides, who can not show that both his parents are astoi should have a share in the city; but those before Eukleides should be left unexamined.

(Eumelos frag. 2, from
Scholiast to Aeschines 1.39)

What was the reason for this reenactment of Pericles' law of 451/0? To answer this question we should look not so much to the events of the reign of the Thirty as to those of the first months of the restored democracy. After restoring their democracy the Athenians were convinced of the need to clarify just what Athenian law would be and to continue the codification of the 'laws of Dracon and Solon' begun in 410.¹⁵ The law quoted by Andocides (1.85,87),

'Αγρότῳ δὲ νόμῳ τὰς αρχὰς μὴ χρήσθαι . . .

'that magistrates should not use an unwritten law'

sums up the now agreed upon principle of Athenian law. This is the situation which called for a restating and reinscribing of the citizenship law of 451/0. The fact that it was not to apply to 'those of age and enrolled'¹⁶ before 403' does not mean that a different law had prevailed before 403. It suggests rather that it was recognized that in the turmoil of the preceding decade the law had been ignored (cf. Isocrates 8.88), and that in accordance with the general policy of amnesty those who had been illegally admitted to the citizen body were allowed to remain. The law quoted by Demosthenes (43.51),

νόθως οὐ μηδὲ νόθη μὴ εἶναι διγονοτελαν μήθε
ἰερῶν μῆθε' δαίμων, ἀπ' ἔκκλείδου δοχοντος,

that the nothoi and the nothe should have no right of inheritance (or no place among the closest relatives who are entitled to inherit), neither in "family cult" nor "material goods."¹⁸

is of the same character.¹⁸

Further, the question of who could be (or become) an Athenian was in the air in the first months after the fall of the Thirty. The issue seems to have been 'ought the privilege of citizenship to be tended?' and if so 'to whom?'.¹⁹ Soon after the 'return from the Piraeus' Thrasyboulos proposed that all those who had "come back from the Piraeus together" should be given a "share of the politeia" (Ath. Pol. 40.1, cf. Aeschines 3.195). The decree was passed but Archinos objected that it was "against the laws" (paranomos) and the court upheld the objection (ibid. plus [Plutarch] Lives of the Ten Orators 835). The law reportedly fell on a procedural point (the lack of previous approval by the Boule, see [Plutarch], loc. cit.) but again the idea that after the first rush of enthusiasm the Athenians began to think of their self-interest and of the dangers of setting such a precedent is not unreasonable. A more moderate decree of enfranchisement was eventually agreed upon (I.G. II² 10) and the general principle, the necessity of two citizen parents, was again set out as law for the demes and phratries.

To reiterate once again, Pericles' citizenship law essentially set a negative requirement; it was intended not as a definition of what Athenian citizenship was, but as a minimum qualification for admission to the demes and phratries which all demes and phratries were to observe. As such, it may have been ignored and exceptions were made, but it cannot be shown to have been

revoked or modified during the period between its enactment in 451/0 B.C. and reenactment in 403 B.C.

Epilogue. Footnotes

1. Cf. Jones, Athenian Democracy, p. 169.
2. See Beloch, Griechische Geschichte III.1, p. 14, note 1.
3. This son is usually assumed to be the child of Aspasia, and usually thought to be a nothos in the traditional sense of the word as well as the new. But it seems just possible that Pericles married Aspasia.
4. Again, Contra Beloch, Gr. G. III.1, p. 14, note 1.
5. See above Chapter II. pp. 16 -17 and notes for a discussion of this passage.
6. In addition to O. Müller, Untersuchungen zur Geschichte des Attischen Bürger- und Eherechts (Leipzig, 1899) pp. 786-811, these include H.J. Wolff, Traditio II (1944) 85-86, and S. Pomeroy, Goddesses, Whores, Wives and Slaves, pp. 66-67; Jacoby, F. Gr. H. IIIb (Supplement), n. 35 on Philochoros frag. 119, thinks it "more likely" than an annulment in 429.
7. Untersuchungen p. 797. Wolff likes 411 because he sees the law as essentially oligarchic (op. cit. p. 86). A 413-412 date is simply taken for granted by, for example, Pomeroy, op. cit., p. 66 and Lacey, The Family in Classical Greece, p. 113.
8. Müller, Untersuchungen, pp. 797-798; Wolff, op. cit., p. 86).
9. Perhaps this is also the correct context in which to put the grant of epigamia with (or to) the Euboeans (Lysias 34.3). Lysias however, says this was done when Athens had her "walls, ships, money and allies" (ibid.). Müller (Untersuchungen p. 812) thought the grant must have been made before the Sicilian expedition. The difficulty in giving this measure a date and placing it in relation to the Euboean revolt, in ascertaining just what it implied and in deciding who these Euboeans are (can they possibly be former Athenians now living in Euboea as colonists?) makes me wary of any definite conclusions.
10. A. Ledl, WS 30 (1908) 38-46 followed by Hignett, HAC, p. 345, also rejects Müller's view. See also the comments of W.K. Lacey, The Family in Classical Greece, p. 113.
11. Lacey (The Family in Classical Greece, p. 113) remarks that this arrangement "accords fully with the Athenian view of marriage--as an arrangement for maintaining the oikoi, and (in the case of the city) for replenishing the supply of citizen soldiers."
12. E.G. Hignett, pp. 273, 274. I think that we often tend to approach this question in too Aristotelian a manner, considering only the political rights of

the citizen. But were rights of inheritance, or of participation in public cult to be taken away from all but the 5,000 in 411, or all but the 3,000 in 403?

See the Conclusion, p. 132 for J.K. Davies discussion of 'alternative' criteria for citizenship in the oligarchic program of the last years of the fifth century.

13. See de. Ste. Croix, Historia 5 (1956) 1-23, for an analysis of the revolution of 411 along these lines, and contra Rhodes, JHS 92 (1972) 115-127.

14. See note 16.

15. On the codification of the laws see especially the articles of S. Dow, Hesperia 30 (1961) 60-68; Historia 9 (1960), 270-293; and Massachusetts Historical Society, Proceedings 71 (1953-7), 1-36. Also, Andocides 1 and Lysias 30.

16. As with the law of 451/0, I think the law would have been effective for all future admissions to the demes and phratries. I agree with Humphreys, JHS 94 (1974), 91-92, that Demosthenes 57.30 is not decisive evidence against this idea.

17. So Harrison (The Law of Athens I., p. 130) translates "hierōn kai hosion" here.

18. Similarly Theozotides in his decree on the public support for orphans of fathers who had died in battle (Lysias, frag. vi, Bude; cf. R. Stroud, Hesperia 40 (1971) 280-301, for what seems to be a fragment of the decree proposed by Theozotides and opposed by Lysias' client) was careful to exclude nothoi. We need not assume (as does Stroud, p. 299) that before 403 such orphan nothoi had legally received state support.

Theozotides also excluded (according to Lysias) poiētoi (adopted sons), a move which has caused some puzzlement (e.g., Humphreys, JHS 94 (1974), n. 14). Perhaps the adopted son was thought to have a natural father to whom he could turn for support. Or perhaps the poiētoi are not the adopted sons of men who had fallen in battle but the natural sons (of those men) who had since been adopted.

19. However, if Lysias has not distorted the nature of Phormisios' proposal (Lysias 34) there were also some Athenians (or one Athenian) willing to make narrower the qualifications for citizenship. According to the hypothesis of Dionysios of Halicarnassos, after the 'return' from the Piraeus Phormisios proposed that the exiles be accepted back and "that the politeia be turned over not to all but to those who owned land." Dionysios adds, "The Lacedaemonians also were in favor of this being done." The number of Athenians excluded from ta koina by this measure--again according to Dionysios, but the figure may come from part of Lysias' speech which has not survived--was 5,000. (It might be noted that this is the same number--5,000--which was said by Plutarch to be disenfranchised in 446. See above p.123, n. 63.

Lysias certainly makes it sound as if Phormisios' proposal would turn the landless 5,000 Athenians into xenoi; he also claims that these would include hoplitas pollous kai hippeas kai toxotatas (34.3). The whole thing seems somewhat odd. The proposal does not really fit into what is known of late fifth century oligarchic ideology; it sounds suspiciously Spartan. Was Phormisios acting as the spokesman of the Spartans, who perhaps did not understand the nature of Athenian society?

It should be noted that Lysias himself was personally involved in the debates about citizenship in these months. He is said to have been one who enjoyed a brief moment of citizenship under the decree of Thrasybulos ([Plutarch] Lives of the Ten Orators, 835). As a metic he probably owned no land.

Appendix 1. Citizenship Terminology in Athens

"Pericles' citizenship law," the title of this monograph, is the common designation for the rule proposed by Pericles in 451/0 B.C. which Aristotle simply quotes and Plutarch terms the "law about bastards." (See the Introduction for full texts.) There are important questions about language and terminology implicit in this designation which need to be raised, but often are not. What are we calling 'citizenship' and whom are we calling citizens? Does this law in any of its formulations reflect legal or technical terminology of citizenship or citizen status? How did the Athenian refer to community membership and what does this language reveal about their understanding of the nature of such membership or their 'concept' of citizenship?

I begin with the terminology and discussion of terminology of a non-(native)-Athenian, but a non-Athenian who is extremely influential for the development of political theory and who also was himself influenced by Athens. Aristotle opens Book III of the Politics with the question 'what is a state?' (1274b34) and quickly moves on via the notion that a state is a composite made up of citizens (politai) to ask 'who is a citizen and what is the meaning of the term?' (1275a1-2). The definition he offers is a functional one; citizens are identified by what they do and "the most suitable" (1275a33) definition of a citizen (polites) is he who shares in the 'indeterminate' office (ἀδιπέργος δοκχή-1275a32) of assemblyman or juryman or as later modified "he who has the power to take part in deliberative or judicial office (exousia koinônein arches bouleutikê̄s ē̄ kritikê̄s)" (1275b18-19). Thus, for Aristotle a citizen "simply" or "without qualification" (αὐλός) is one who is actively participating in the business and decisions of his city. Children and old men (those relieved of state duties¹), and likewise resident foreigners,

are only "qualified" citizens (οὐχ ἀνὴρ -1275a16). There is no need even to mention women.

So we have a clear, concise definition. But "in practice" (πρὸς τὴν χρήσιν-1275b21-22), continues Aristotle, a citizen is defined as one of whom both the parents are citizens (... μολέτην τὸν εἴς αὐτοτέλους πολίτην). This raises a number of problems. First, how do we regard someone who acts like a citizen but does not really qualify (by this definition or any other concerned with parentage)? How do we regard the members of a new city?² For Aristotle, the functional definition wins out; he who holds some kind of rule or office is a citizen and must be called a citizen, whether or not we doubt his claim to that name (1276a5).

A related problem arises when rules of a city change:

There are many constitutions (politeiai) where the law goes to the length of admitting aliens to citizenship. There are, for example, some democracies where a man who has only a citizen-mother (politis) is admitted; and there are many states where the same privilege is given to persons of illegitimate birth. But the policy of extending citizenship so widely is due to a dearth of genuine citizens (ḡn̄esioi politai); and it is only a decrease of numbers which produces such legislation. When the population increases again first sons of a slave-father or slave-mother are disqualified; then those who are born of a citizen-mother but an alien father (tous apo gunaikōn); and finally citizenship is confined to those who are of citizen parentage on both sides (tous ex amphoīn astōn).

-1278a27ff. (Barker trans.)

So Aristotle argues that there are different kinds of citizen in different states, but the citizen is still functionally defined. Some states will simply have better citizens than others (1278a40-bl).

A problem which Aristotle seems not to appreciate, however, is raised in part by the terminology of the rules he quotes. A politēs may be the active politically participating male but what about the astoi (male or female)?

Metechein arches is clear as Aristotelian citizenship, but what about metechein tēs poleōs?³ In fact, although Aristotle does not discuss them, astoi and metechein tēs poleōs are the terms appearing in Pericles' 'citizenship' law as quoted in the Ath. Pol., while politēs does not appear in any version of that law.

Although Aristotle's definition of politēs appears to clearly reflect the experience of democratic Athens where the right to make decisions, judicial and political, was a noticeable privilege of the adult male member of the community, it is not an entirely adequate definition nor is it necessarily authoritative for understanding the way in which Athenians used group terms and defined their (civic) membership.⁴ For this we must turn to Athenian usage, to the term astoi as well as politai, to metechein tēs poleōs⁵ and hoi Athēnaiοi. The importance of the last is indicated both by the fact that Plutarch quoted Pericles' law simply as "Athenians are only those born from both Athenian parents" (Pericles 37.4), and that when 'citizenship' was given by Athens, the recipient was simply "to be an Athenian" (e.g., I.G. II² 1.12 = M-L 94.12).

Aristotle rarely uses the term astoi and when he does he is either directly or indirectly quoting an Athenian author or Athenian institutions.⁶ The Athenians, just as they were reluctant to give up the old use of astu for settlement or town and polis for citadel, also held onto the term astoi for the members of their community along with the more standard fourth century term politai.⁷ Is there a difference between the two? What does each imply? Neither term referred only to those living in the town or citadel of Athens itself; in historical times Athenian politai and astoi are living throughout Attica. After the synoikismos of Attica (whenever and whatever it was) Athens and its acropolis were the pre-eminent astu and polis of Attica as a whole.

It has been claimed, however, that in Athens astoi and politai refer to

distinct groups of people. Bekker, Anecdota, 257 s.v. Eupatridai

ἐκαλούντο οἱ αὐτὸς τὸ δότυ οἰκαντες καὶ μετέχοντες
βασιλικῶν γένους καὶ τὴν τῶν βερῶν ἐπιμέλειαν ποιῶντες.

they are called [Eupatridai] who live in the town itself and ,
have a share of 'royal family' and have a concern with
religious cults.

has been taken (e.g., by A. Gomme, Population of Athens, p. 38 note 1) to mean that in earliest times in Athens astoi referred to Eupatridai who lived in the astu. This seems unjustified. The first part of this anecdoton may simply be a recognition of the fact that many prominent Athenian families and many Athenian genē did have their centers "around the town."⁸ But C. Hignett also claimed that "in Solon's time the dōtu is the residence of the nobles who in his poems are the astoi and as such contrasted with the nevlyxpol" (HAC, p. 35 note 3). This is not born out by the fragments of Solon's poetry. In fragment 4⁹ Solon warns that Athens will never perish by the will of Zeus and the immortal gods, but that the astoi themselves risk destroying their own city "being persuaded by money." He then goes on to speak of δημονού δέ τηγειώνων διδικος νόος ("the unjust mind of the leaders of the people")--suggesting that it is the hēgemones who are putting the city in danger. But this does not mean that the astoi equal the hēgemones. Solon uses astoi in contrast with theoi; it is Athens' own citizens who are causing her troubles and specifically it is the hēgemones. Throughout the fragments of Solon's poems the division within the city is that between the dēmos and its hēgemones (frag. 6), the dēmos and the megaloi andres (the people and the great men--frag. 9) the kakoi and the esthloī (the vile and the worthy--frag. 34) and other such oppositions. When Solon says (at the time of Peisis-

tratus' designs on a tyranny),

Δεῖξει δὴ μανῆν μὲν ἐμὴν βαῦς χρόνος αστοῖς,
δεῖξει, ἀνθείης ἐς μέσον ἐρχαύενς

A little time will show my madness to the astoi when truth comes out into the open.

(frag. 10)

there is no reason to think he is not talking to all the Athenians. According to Diogenes Laertius (1.49) it was the Boule that accused Solon of being mad, but this does not restrict the meaning of Solon's astoi to that Boule. These two passages (in fragments 4 and 10) comprise the sum total of Solon's use of astoi.¹⁰

Unless more convincing evidence is adduced, it is not necessary to suppose that astoi retained in Athens any more local meaning than did politai¹¹ or that it referred to a particular stratum of the population. Further, such a distinction would be a deviation from common early Greek usage. A brief consideration of that usage will both support this claim and also provide a background for interpreting classical Athenian usage.

In so far as the terms astoi and politai appear in Homer¹² they seem to be essentially synonyms for the members of the community or citizens, but seen perhaps from different points of view. Hector urges battle with the Achaians lest Troy be taken and the politai killed (Iliad 15.557-8); there politai are the citizens as warriors. But when Iphidamos left Thrace and his young wife to come to Troy to help the astoi, the Trojan community as a whole is in view.¹³ So Odysseus in the Odyssey is covered with mist so that neither "wife nor astoi nor friends will recognize him" (13.192). Put together with wife and philoī, astoi has a clear 'communal' sense; astoi are "one's own" in the civic realm. So, perhaps, we might consider the politai coming to draw water from King Alcinous'

well (Odyssey 7.131) or from the fountain outside of the asty of Ithaca (17.206)¹⁴ as viewed in a more public perspective: water was provided by the ruler to the ruled. Post-Homeric reveals another 'connotative' aspect of astos significant for Athenian usage astos is frequently paired and contrasted with xenos.¹⁵ An astos is an insider, one of one's own while a xenos is an outsider.

Grant him the pleasure of veneration in the sight of citizens
and strangers, his friends (μοτὸν μαὶ μοτὶ ξείνων).

or

Thrice Olympionician the house I praise, gentle to fellow
citizens (μοτοῖς), ministrant to foreigners (ξένοις).

Pindar, Olym. 7.89-90 and 13.1-3
(Lattimore trans.)

A xenos can be a guest-friend as in these lines or in another situation a hostile enemy, but never part of the community or an astos.¹⁶ The contrast is fundamental to the meaning of both terms and is well evidenced in Athenian usage, literary and legal. Sophocles' usage in the Oedipus at Colonus is a good example. Oedipus is a xeinos epi xenas (stranger before strangers, 184); he addresses the chorus as xenoi (e.g., 206) as they also do him (e.g., 214). From the viewpoint of the Athenian chorus Oedipus and his daughter are xenoi among astoi, and the two Thebans can also see their position in this way. At the opening of the play Oedipus says

... μανθάνειν γὰρ πήμεν
Ξένοι πρὸς μοτῶν, ἀν δ' ἀκούσαμεν τελεῖν.

...for we must learn/xenoi from astoi, and do what
we hear.

(12-13),

a sentiment which Antigone echoes at 171. Theseus too, when berating Creon for

his conduct, says

... ἀλλ' ἡπειρόμαν
Ἐένον παρ' ἀστοῖς ἃς διαιτάσθαι χρεῶν.

...but I would know how a xenos must conduct himself among astoi.
(927-928);

He would never act in a foreign land as Creon has acted in Attica.¹⁷ Astos and xenos convey the same contrast in the fourth century marriage law quoted by [Demosthenes] 59.16:¹⁸

'Εαν δὲ Εένος ἀστῇ συνοικῇ τέχνη ἢ μηχανῆ ἥτινεσσι
καὶ έὰν ἡ Εένη τῷ ἀστῷ συνοικῇ

If a xenos cohabits with an astē by any way or means whatever...
and if a xenē cohabits with an astos...

In Thucydides the opposition is almost always explicit. Astos and xenos nearly always appear together and usually in the plural form.¹⁹ For example, both astoi and xenoi joined in the funeral procession (2.34.1) or almost everyone in the city, astoi and xenoi, saw off the Sicilian expedition (6.30). (See also 1.24.4; 6.16.3; 27.4). The astoi appear to be the community at large, easily summed up in the plural form, and set against the outsiders, the xenoi. As one would expect; the term is prominent in laws dealing with various categories of people and their relationship to one another. See, for example the laws on marriage referred to above or Plato's Laws 849a-d, 845d-e, 866c, 872a, 882a, 938c.

Accordingly, the first implication of the phrase "born from both astoi" in the law of Pericles would be 'born from astoi, not xenoi.' Under astoi in the

lexicon of LSJ we find, however, a stronger conclusion:

townsman, citizen, Il.11.242, Od.13.192 etc: dist. from
 πολίτης, δοτός being one who has civil rights only,
 πολιτεύματος, one who has political rights also.

Arist. Pol. 1278a34;

As we have seen, at 1278a34 in the Politics Aristotle is speaking of progressively restrictive laws on who is to be a citizen and concludes (apparently quoting the Periclean rule) "finally they make politai only those (born) from two astoi." Is there a distinction made here between those with civil and political rights? Apparently LSJ is thinking of women as included in the astoi but not as possible politai, which makes (Aristotelian) sense. But did a woman even have "civil rights"²⁰ in Athens? And only seven lines earlier Aristotle uses the feminine form of politēs: "In some democracies he is a citizen who is born from a politis" (1278a28) and the Periclean rule is phrased elsewhere (1275b22) by Aristotle as "only those born from two politai are politai." The distinction of LSJ appears ill-founded.²¹

Paoli (Studi di Diritto Attico, chapter 3) argued along similar lines and distinguished astoi from politai as those who due to age or sex do not carry arms or hold office (p. 198). Thus women and underaged males are astai and astoi, not politai. Politis, he claims, is not "official language" (ibid.), However it is not clear to me just what Paoli's 'official' language is. (See below for 'epi-graphic' language.) Astos(oi) and polites(ai) are much more common than politis(ides) but do not have an obvious 'official,' as opposed to common usage, meaning. Although it is undeniable that women did not carry arms or hold office in Athens, nowhere is it ever said (or implied) that this was due to or a sign of their status as astai. The woman's exclusion from these activities was due to

the simple fact that she was a woman. Viewed against the outsider, she was an insider, an astē. Within her society her place was so commonly accepted and traditional that no specific term was needed to describe it--other than that of her sex. In Athens as elsewhere in Greece a woman was usually a gumē.²²

As for the underaged, Paoli offers no example of their specifically being referred to as astoi. When a father introduced his son to the phratry he might refer to him as an astos ("knowing him to be an astos born to him from a wedded astē"--Demosthenes 57.54), but certainly the contrast with xenos and xene is implicit. Otherwise, as far as I can see, until he reached the age of eighteen an Athenian was referred to within his community as a pais. If at the time of enrollment into a deme an Athenian did not appear to be the proper age, he would return palin eis paidas (Ath. Pol. 42.1). Similarly, Isaeus speaks of the eighteen-year-olds as paides epi dietes ἡβῆσαν (children two years past puberty--8.31, 10.12). And the law quoted by Isaeus 10.10:

δὲ γὰρ νόμος διαφέρειν κωλύει παιδὶ μὴ τετελευταῖναι
μηδὲ γυναικὶ πέρα μεδίνουν κοιτῶν.

The law expressly prevents it being possible for a child (pais) or a woman (gumē) to make a contract worth over one medimnos of barley.

shows clearly that 'child' and 'woman' were sufficient indication of legal status. Different stages of childhood might be recognized (as of the meirakion or ephebos) but the main legal and social distinction was between child and adult. It is hardly an unusual situation.

On the other hand, astos is frequently used in Attic in reference to political rights and military service. In Aristophanes' Birds Euelpides claims

that he and Peisthetairois are φυλῆ καὶ γένει τιμηνεοι / αστοὶ μὲν ἀστῶν....(honored in tribe and family, astoi among astoi--33-34); he is not boasting of a second class position. Again, when in the Ecclesiazousae Blepyros asks,

ὅπαντά τ' αὐταῖς έστι προστεταγμένα
Δ τοῖσιν αστοῖς. Εμελεν;

has everything been assigned to them (the women) which was the concern of the astoi?

(459)

he specifically means such things as office-holding, assembly and jury duty.²³ Thucydides speaks of the lightarmed troops astōn kai xenōn (4.94.1) and a fifth century inscription mentions, in relation to the cult of Apollo Lykaios τοχόστοις τός τε αστ[οῖς] καὶ χοένοις ... (archers both astoi and xenoi).²⁴ In sum, it seems most unlikely that the legal distinction which Paoli describes existed when no law makes use of it and common usage directly flaunts it.²⁵

If astoi and politai were not 'legal' or 'official' terms (as opposed to terms in common use which might also be used in legal enactments), it is still apparent that their usage was affected by the legal and political development of the Athenian democracy. If we accept the view that polites in broad Greek usage suggests a political, public context while the astos suggests a domestic, communal one,²⁶ then it will be clear that in fifth century Athens the term polites increasingly came to carry connotations which excluded women. The polites in Athens became Aristotle's polites, one who took an active part in his city by voting and judging.²⁷ When Homer's politai draw water or Herodotus' Babylonian politai cross the bridge built by their queen (1.186), they will be men and women; but in fifth century Athens when the politai vote or judge they were only men. Thus in Athenian usage politai does not usually include women.²⁸

There remains the feminine ('unofficial') hē politis. It first appears (as far as I know) in Athens in the second half of the fifth century. Perhaps it was coined just because of the increasingly male connotation of polites²⁸. The term is never ambiguous as to status. Whether it is used by Sophocles (Electra 1227), Euripides (Electra 1335), Demosthenes (e.g., 57.43), Plato (Laws 814d) or Aristotle (Politics 1278a28) it carries no implication of legal or political rights. The basic use--(and the term is not at all common)--seems to be rhetorical, either to address a female chorus (Sophocles and Euripides) or to emphasize that all members of the community, politai and politides, will undergo military education (Plato)²⁹ or that an Athenian woman is an insider from any point of view (Demosthenes).

Athenian women, when not referred to as gynaikeis, were more likely to be called astai than politides and could be included in the collective astoi. (For notable cases when they are not, see Thucydides 2.34.4 or Aristophanes, Eccles., 459, quoted above.) Again, this is due not to any 'official' meaning of astos, astē, or to the 'official' second class position of women. Rather it stems from the fact that the key feature of a woman's citizenship or membership in the community was her status as an insider not an outsider, an astē³⁰ not a xenē, and she would not normally be referred to in active, 'political' contexts which called for the use of politai. Athenian women, we might say, were certainly citizens as opposed to non-citizens, understanding 'citizens' in the broader, not solely political or Aristotelian, sense of members of the community or state, entitled to the protection of the city and owing it allegiance and service,³⁰ but their citizenship was for the most part passive or indirect. Athenian fathers married their daughters to Athenian husbands in order to produce more Athenian sons. The woman (wife and daughter) was the vital yet "invisible" link. After 451/0

an Athenian would prove his citizenship by citing the name and *deme* of his father and of his mother's father. (See the "Demotionidai Decree," I.G. II² 1237, lines 119-120.) A woman would have had little occasion for directly proving her citizenship, but indirectly it became an issue in cases involving her father, husband or sons.³¹ There was as much of a contrast between a xenê and an astê as between a xenos and an astos. Athenian mothers, daughters and wives were not aliens, and as in modern English citizen and alien are mutually exclusive terms.³²

In addition to his claim about astos and politês, Paoli argued that "in rigorous terminology" (Studi di Diritto, p. 198) hoi Athênaioi was restricted to adult male Athenians. It does seem that hoi Athênaioi (or ho dêmos ho Athênaion or abbreviated ho dêmos) is about as close as the Athenians came to an "official" term for their citizen body. This is the way in which they referred to themselves in the official documents (decrees, treaties, administrative records) inscribed on stone. When citizenship is given to the Samians (I.G. II² I-M-L 94) it is said that Σαμιοὶ Αθηναῖοι ἔνει (12). It is also true that women (and children) did not normally fall among the Athênaioi. Clearly they had no part in the making of treaties or decrees, but it is also striking that virtually all of the forty-odd appearances of Athênaioi (in various cases) listed in Todd's index to Aristophanes refer only to men. Further, reference is typically to formal, public activity of these Athênaioi. See for example, Acharnians 498, 645, Knights 811, Lysistrata 1229, where reference is to speaking "among" or "to the Athenians," or Birds 40-1 'Αθηναῖοι δέ τε /έπι τῶν δικῶν δόσαιτε πάντα τὸν βίον ("The Athenians always are singing about law cases their whole life long"), or Archarnians 630 and 632, the Athenians tachybouloi and metabouloi. At Knights 764 and 832 the phrase ton démon ton Athênaion is used, and in parody of "official" language Bdelykleon swears, φῦλι προδάκω τὸν Αθηναῖον μολοκυρτόν

("To the 'rabble' of Athens I'll ever be true" --Wasps 666, Rogers' trans.).

The women of the Thesmophoriazousae seem to separate themselves from hoi Athēnaiοi in their opening prayer to Demeter and Kore:

Θεοι πόλεων τήνδε καὶ Εύνοον τὴν νῦν
κάλλιστα καριστα ποιήσαι,
πρωτηρείας μὲν πόλει τῇ Ἀθηναῖων,
τυχηρᾶς δ' ἡμῖν αὐταῖς
καὶ τὴν δράσαν καὶ τὴν ἀγρεύσαν
τὰ βέλτιστα περὶ τὸν δῆμον τῶν Ἀθηναῖων
καὶ τὸν τῶν γυναικῶν
ταῦτην νικᾶν.

that this assembly and gathering now
achieve the best and noblest things,
most beneficial to the city of the Athenians,
and favorable to us, too.
and that she, who does and counsels
the best things for the demos of the Athenians,
and also for that of the women,
be victorious.

(302-309)

Thus, it could be said that hoi Athēnaiοi refers usually to the collective, active Athenian citizenry, i.e., the adult male members of the Athenian community. Again, the restriction of the term to males is the result of common usage and traditional division of male/female responsibilities, not of legal or official definition; women did not appear in courts or assemblies where hoi Athēnaiοi in the fifth century most often made themselves heard. But women did participate actively in their city's cults and in this realm they too might be recorded as Athēnaiοi (or Athenaiαι)³³: the priestess of Athena Nike was chosen "from all the Athenians" ("ἐξ Ἀθηναίων ἡμα[δού]", M-L 44.4). Plutarch's version of Pericles' citizenship law states that an Athenian must be born "from two Athenians" (Pericles 37.4). This may not be an exact quotation (see Chapter IV p. 56) but the usage cannot be said to be 'incorrect' or 'unrigorous.'

An Athenian, however, did not need to use either astos, politēs or Athēnaios to express his belonging in the city, his citizenship. He could simply say 'I have a share in the city' (metechō tēs poleōs or metesti moi tēs poleōs). Creon says to Oedipus "I, too, have a share in the city. It is not yours alone" (Oedipus Tyrannos, 630), and the phrase, with variation, is common in the fourth century orators (e.g., Demosthenes 57.1, δεῖσθαι μὲν μετὸν τῆς πόλεως ἔμενον or 57.2, τὸ προσπέμπειν μὲν τῆς πόλεως or 39.31, εἰ τῆς μὲν πόλεως ... μετέστη αὐτόν). The phrase appears in the Ath. Pol.'s "documentary"³⁴ version of Pericles' law (mē metechein tēs poleōs) and is perhaps more helpful than astos or politēs alone in understanding what 'belonging' or citizenship meant in Athens and also the way in which women possessed this citizenship.³⁵

The verb metechein illustrates the close and immediate involvement of the citizen with his polis and with its pragmata. He had a "share in" the city just as in a piece of land or in a cult of a god (or hero) or in his family or in all of these together. There is a concreteness in the idea which is more than metaphor. The polis was the community of its citizens and its wealth belonged to them as did its land. Aristotle picked out the exousia to judge and rule as the most important ways in which a citizen shared in his city (Politics 1275a22-23) and Plato (Laws 768b) also comments:

δὸ γὰρ δικαιώνυμος οὐ εἶσουσας τῷ συνδικάτῳ μετέπειν τὸ
μερότελον τῆς πόλεως οὐ μέτοχος εἶναι.

For if someone is without a share in the capacity to judge, he thinks that is completely without a share in the city.

Certainly these were important aspects of (male) citizenship in Aristotle and Plato's day, but they do not exhaust the meaning of metechein tēs poleōs (as

Plato's 'he thinks' and the context of his comment also suggest). In addition to material, judicial and political "shares," an Athenian would have considered his participation in his city's cults--and in the benefits which resulted from proper relationships with the gods--as an essential part of his citizenship or "sharing in" Athens. Conversely, loss of citizenship, atimia, meant exclusion from all civic cults as well as from the assembly.³⁶ Family membership was analogous and formed the basis of community membership. In his speech against Boiotos Mantitheus says,

τῶν πατρῴων ἔχεις τὸ μέρος μετὰ τὴν τοῦ πατρὸς τελευτῆν.
ἰερῶν, δοτῶν μετέχεις.

You have some share of the paternal estate after the death of our father, you have a share in the cults of the gods and business of the city.

(Dem. 39.35).

Having a share in hiera kai hosia, the cults of the gods and business of the city, is part of Boiotos' patrimony. The closeness in conception between family and city membership had been emphasized somewhat earlier:

is it not strange if while on account of this name you have a share of the city and of the property left by him [our father] you then, casting off this name, expect to take on another?

(39.31)

How did an Athenian women 'share in' her family or her city? A wife did not legally own her dowry (i.e., she could not dispose of it as she wished) nor did an heiress own her inheritance. On her marriage, the wife brought a dowry to her husband's house. If he died or divorced her without children she would then take it back to her father's house. If she had children, they would inherit the

dowry apart from their paternal inheritance. The dowry traveled with the woman and may have helped to ensure her welfare, but was never hers to do with as she wished. It belonged as she did to her family.³⁷ Similarly, the heiress (*epiklēros*) was a passive carrier of her father's estate (or her mother's dowry) which she would with luck—and some legal support—³⁸ pass on to a son, a true active heir.

The analogy with city membership is clear. The woman's citizenship was equally restricted and potential; it was something to be passed on to children but not actively exercised in the assembly or jury-courts. These (male) children were her most conspicuous contribution to the welfare of the city:

τούρπου γάρ μοι μέτεστι
καὶ γάρ ἀνδρας εἰσέρχω.

I have a share in public service;
for I contribute men.

(*Lysistrata* 63)

But certainly the value of the daughters was also realized. Again, the Athenian woman herself was most conspicuous in attending and conducting civic cults of the gods (see the preceding chorus in the *Lysistrata* 640ff.). In that context women were 'active' citizens and were referred to as such. After detailing the disgrace and sacrilege which Neaira and her daughter have brought upon the city (the daughter had married the archon basileus), [Demosthenes] says that the "wisest of the women" will be angry if Neaira is acquitted because,

αὐταῖς ταῦτην κατηξίουτε μετέχειν τῶν τῆς πόλεως
καὶ τῶν ἱερῶν.

you deemed her worthy, equally with them to have a share in
the affairs of the city and the cults of the gods.

[Demosthenes] 59.111

In conclusion, we can say that the Athenians had a rich and varied terminology for belonging to the community or being a citizen which is both more and less inclusive than Aristotle's. In addition to polites which does seem to imply active, political participation, Athenians could use astos, Athenaios or 'having a share in the city,' none of which in any way denotes a 'second class' citizenship or an inferior way of belonging to the community but each of which is capable of including the politically non-active citizen, most prominently the Athenian women. However, while Aristotle with his criterion of function, of what one does, was able to include both young boys and old men and resident foreigners in a "qualified" ($\sigma\delta\chi\alpha\lambda\mu\kappa$) citizenship. Athenian terminology drew a sharp line based not on function or service rendered but on group origin. Despite his service in the army or financial contributions a metic was a xenos and despite her lack of such contribution, an Athenian woman was as astē.

Having said so much, it is necessary to add that Aristotle's definition may reflect a loosening of once tightly connected privileges and duties of citizenship, but not a loosening of boundary distinction inherent in Athenian ideas of citizenship. An astos is still an insider, an xenos an outsider. Beginning from the late fifth century it was increasingly possible to divide up citizenship, to give one piece of it (e.g., the right to own land) to one xenos, another piece (e.g., the right to pay taxes like an Athenian) to another. This reflects considerable development of an abstract idea of citizenship from a simple notion of 'belonging' for which the experience of the fifth century was crucial. For some comments on this development see Chapter III.

Appendix 1: Footnotes

1. "Tous gerontas tous apheimenous"--1275a15. Presumably Aristotle means 'relieved of military service' since in Athens, at least, old age did not relieve a man of the right and duty to attend the assembly or law court. The argument is not entirely clear.

2. See Chapter II, pp. 25-6 for a discussion of Cleisthenes' neopolitai.

3. Similar questions can be asked of J.K. Davies very Aristotelian discussion of citizenship, "Athenian Citizenship: the Descent Group and the Alternatives," The Classical Journal 77 (1977-78) 105-121. Like Aristotle, Davies rigorously defines citizenship in terms which exclude women (p. 105) but occasionally slips, as when he says that Neaira's daughter was given to Stephanos 'as if she were a citizen' (p. 112) or that the case against Neaira was first that "she was not a citizen" (p. 112). Similarly Aristotle, in the passage quoted on page 2 (1275b20) refers to a law saying that a citizen is one who is born from two citizens. These are trivial objections, but the questioning of the functional definition is not.

4. It is also a narrow and restricted meaning of the English 'citizen'. The O.E.D. gives as a first definition of citizen:

1. An inhabitant of a city or (often) of a town; esp. one possessing civic rights and privileges, a burgess or freeman of a city.

and

1b. used also as feminine. Lond. Prodigal III.i.243, I'll have thee go like a citizen, in a guarded gown and a French hood.

The second definition is the more 'political' one:

2. A member of a state, an enfranchised inhabitant of a country, as opposed to an alien [my emphasis]; in U.S., a person, native or naturalized, who has the privilege of voting for public office and is entitled to full protection in the exercise of political rights.

The American usage referred to is more broadly indicated in the American Heritage Dictionary:

1. A person owing loyalty to and entitled by birth or naturalization to the protection of a given state.

This last seems to me the best general, over-all, definition of a citizen. (See note 3 for the situation in which it was developed by the American courts.) The English

word of course has a history of its own, not related to the Greek polites or astos; but, as will be seen, the different aspects or meanings in the definitions quoted above are reflected in the Athenian terms astos, polites or metechein tēs poleōs.

5. The degree to which metechein tēs politeias was equivalent to--or used as the equivalent of--metechein tēs poleōs in Athens in the fifth century is not entirely clear. Thucydides, for example, generally uses politeai for 'form of government' or 'the government' (1.18.1, 2.37.1 on the Spartan and Athenian 'constitutions' or 8.73.2, 76.5, 97.2 on 'the government' or 'those in power' in Athens in 411.) But at 3.55.3, in relation to the Plataeans he uses the phrase politeias metalambanein.

By the end of the fifth century the two phrases seem to be used interchangeably. Lysias (34.3) seems to use metechein tēs politeias as the equivalent of metechein tēs poleōs (see Epilogue, p. 149). And that usage (with the variant koinōnein tēs politeias) is standard in fourth century and later writers. It occurs in Plato (e.g., Laws 753a), Aristotle (e.g., Ath. Pol. 21.2, Politics 1268a18, 1275b32, 34), as well as in Aelian's version of the citizenship law. Politeia is also restored in I.G. II² 10.7 (the enfranchisement of democratic allies), but I find the restoration dubious; see the discussion of Tod (II.100).

The history of the many senses of politeia deserves further study but cannot be undertaken here. In general, we might suppose that Athenian usage in 450 was simpler and more concrete than in 403 and that Athenian epigraphic usage was simpler and more concrete than literary usage. The Samians are simply "to be Athenians" (M-L 94.12). For further comment on epigraphic usage see M.J. Osborne, "Attic Citizenship Decrees: A Note," BSA 6^o (1972) esp. pp. 150-155.

6. In addition to Politics 1278a34 (quoted above p. 2), Aristotle uses astos at Politics 1300b32, when speaking of the court system and in particular of a court which hears cases xenois pros astous, and at Rhetoric 1394a34, when quoting Euripides' Medea 297. I think it is fair to say that in the first two instances he has in mind respectively the Athenian citizenship law and the Athenian court system. (1300b29-30 in the Politics contains a reference to the Athenian court at Phreatto.)

Actually the manuscripts have autōn for astōn at 1278a34, the latter being the emendation of Bekker. It is interesting that Stahr (failing to see the 'quotation' of Athenian law) rejected this on the ground that astos is a very rare word in Aristotle (see the edition of Congreve, 1874, p. 121).

7. On this point see V. Chapot, "AETOΣ," Revue des Etudes Anciennes 31 (1929) 7-12; and, more fully developed, D. Cole, 'Asty' and 'polis': "City" in Early Greek, (dissertation, Stanford University, 1976) pp. 255ff. Thucydides and Plato reveal a tendency to limit the use of astos; see the examples cited below in the text.

8. G. Alföldy (Revue Belge de Philologie d'Histoire 47 (1969) 37) has produced (for an article about the Athenian synoikismos) an interesting map showing the way in which the '-idai families' and other recognized genē clustered peri to astu. See Appendix II for a discussion of the Eupatridai and genē.

9. All fragment numbers refer to the edition of M.L. West, Iambi et Elegi, (Oxford, 1971).

10. It is interesting that in another context and another poet astoi has been taken to refer to the 'commoners'. So L. Jeffery reads Pindar, Pythian 3.70-71

ὅς Συρανδασσοι, νέμει, βασιλεύς
πρᾶμς δοτοῖς, οὐ φθονέων δημοσίς, Εελ-
νοὶς δὲ θαυμαστὸς πατήρ.

There are three terms here, and the real contrast is between the first and the last.

11. D. Whitehead (The Ideology of the Athenian Metic, p. 60) suggests that in Thucydides 6.54 ("Aristogeiton ἀνὴρ τὸν astōn, mesos politēs") "astos might indeed be in an archaic, locative sense." But Aristogeiton's family was not from the astu of Athens, but the deme of Aphidna (Plutarch, Mor. 628e). Moreover, astos (or astoi) never has such a sense in the rest of Thucydides' History. See p. 157.

12. Astos appears once in the Iliad (11.242) and once in the Odyssey (13.192), politēs three times in the Iliad (2.806, 15.558, 22.429) and twice in the Odyssey (7.131, 17.206).

13. Cole ('Asty' and 'Polis', p. 138) comments that astos has "connotations of family and home."

14. Note that in these instances women will be among the politai. Neither men or women of Phaeacia will be politai in Aristotle's sense.

15. See D. Cole, 'Asty' and 'Polis', (dissertation, Stanford University, 1976) p. 247. D. Whitehead terms the contrast "a mere cliche," (The Ideology of the Athenian Metic, p. 60).

16. It is noteworthy that we hear of foreigners being made politai but never astoi (e.g., Thucydides 1.2.6, 3.63.2, 5.4.2; or Herodotus 5.57, 7.156, 8.75, 9.35) which fits well with the political, public connotation of politēs. One did not become an astos by a legal or official act; but did one become an astos at all? Apollodorus claims that Neaera was neither left an astē by her ancestors nor been made a politēs by the demos ([Demosthenes] 59.107). If we think in terms of the contrast astos/xenos then certainly the new citizen ought to have been included with the astoi, insiders as they now were; but there are indications that their position was in certain respects peculiar. Just as the adopted son could not dispose of his adopted father's property by will but had to produce a direct heir to carry on the family (see W.K. Lacey, The Family in Classical Greece, p. 146), so the new (adopted) citizen was subject to various restrictions which did not apply to his 'native born' children (e.g., he could not hold the office of archon or an hereditary priesthood-- Demosthenes 59.104; cf. Herodotus 5.57). Even though the law quoted in this speech refers formulaically to children born "ex astēs gunaiκος kai eggūtēs" (106) we might still conclude that while the parent(s) had been made a politēs(ai) only the children were haplōs astoi or citizens.

See next note for Oedipus' "astos eis astous telō" (O.T 222).

17. The position of Oedipus--and Sophocles' usage--in the Oedipus Tyrannos deserves a further comment. Wilamowitz argued that since Oedipus himself says "ἄστος εἰς ἄστον τελεῖ--22" and Teiresias calls him a "Ἐγὼ... πετουμένος-452," the metic in Athens was considered as astos (Hermes 22 (1887) 224-5; see D. Whitehead, The Ideology of the Athenian Metic, p. 60). But surely that is an unnecessary conclusion--and not supported by any other examples (Thucydides 90.0 and 94.1 do not provide such support). The riddle of Oedipus' identity is a major theme of the play and Sophocles seems to be playing on this in these passages. In fact, Oedipus is an astos 'by birth' in Thebes, not a xenos at all. (See also the comments of Whitehead, Ibid.)

18. See Chapter V (Conclusion) for the substance of these laws and a brief discussion of their importance.

19. "The phrase astōn kai xenōn has become almost a formula in Thucydides," (Cole, 'Asty' and 'Polis', p. 356). It is also common in his contemporaries, e.g., Aristophanes, Acharnians 508, Birds 32; Euripides, Heracleidai 411, Suppliants 355, 843.

20. "Civil" rights ought to include rights of ownership and contract which only belonged to Athenian women in a limited way if at all (see Lacey, The Family in Classical Greece, pp. 138-139, 151-153, and 170-171).

21. See also the comment of D. Whitehead, The Ideology of the Athenian Metic, p. 60: "This eccentric statement is not borne out by any of the instances cited."

22. Note for example, that Thucydides (2.34.4) first says that "whoever wishes astōn kai xenōn" joins in the state procession and then adds, kai gunaikes pareisin hai prosēkousai. Their position as female relatives here is more important than their being 'insiders'.

23. Although Aeschylus' usage is a special case in that he is less affected than other Athenian writers by current usage (see Cole, 'Asty' and 'Polis', pp. 275-279 and 365-366), still if astoi implied any doubt of full political rights he would probably have managed not to have used it when Athena chose the members of the Areopagus "astōn tōn emōn ta beltata" (Eumenides 437).

24. I.G. I² 79. (For the identification of the cult see the forthcoming I.G. I³ 138 and M.H. Jameson, "Apollo Lykeios in Athens," Archaiognosis (198)). This is the only epigraphical occurrence of astos listed in the index to I.G. I².

25. Although A.H.W. Harrison simply refers his reader to Paoli for the difference between the two words (The Law of Athens I, p. 188 note 2), on that same page he refers to "...the fully qualified citizen, the πολίτης or ἄστος." Likewise D.M. MacDowell speaks of the "citizen (polites or astos)" and does not discuss any possible distinction. V. Chapot (ΑΣΤΟΙ, Revue des Etudes Anciennes 31 (1929) 7-12) objected to the distinction drawn by LSJ and other lexicographers as did Glenn Morrow (Plato's Cretan City, 112 note 51). The issue has not been extensively debated.

26. See above p. 6. Cf. Cole, 'Asty' and 'Polis', pp. 137-138, 238-239, 245-247,

358-359. I do not follow Cole in all his suggested connotations of astos and politēs (e.g., that astos usually suggests good-will and harmony, politēs ill-will and rivalry--pp. 238-239), but the basic distinction between the communal, 'familial' astoi and public, political politai seems sound.

27. For a good example of the political sense of politēs see Thucydides use of the phrase agathos politēs (e.g., 3.42.5; 5.9.2, 14).

28. Apart from Athena in the Eumenides being prophronos toward the politai, I know of no use of politai which can be definitely understood to include women. Aristophanes' Ecclesiazousae would be a natural place to expect to find such usage, but the women in that play do not refer to themselves as politai or politides. The closest they come is to ask Praxogora to disclose the "myriad benefits" she will bring to the "politēn dēmon" (574-75). Here the adjective politēs is equivalent to "of the polis" (see LSJ s.v. politēs II.) and does not exclude the female half of the polis. But in the phrase "οὐτις πολιτῶν πλεῖον ἢ τριακούσιων ὄντων τὸ πλῆθος"-1131 ("who out of more than 30,000 politai") it is clear that only adult males are included (On '3 myriads' of Athenians, see Chapter III pp. 51-55.

Two occurrences of politai in the Lysistrata, both of which seem to implicitly exclude--or contrast with--women, will further illustrate the point. At 341ff. the female chorus pray to Athena that instead of seeing the women burned they will see Hellas and the politai saved from war and madness. War is clearly the business and responsibility of the men, the politai.

Then, at 1041-43, the chorus addresses the male audience (τοιούτους) and says that they have not come to 'scold' any "of the politai," but rather to say and do "good things." In both cases, I think politai is best understood as including only adult males.

29. Something should probably be said here about the female guardians of Republic V (451c ff.). Granted that these select women do pursue the same business of the city (epitedeuma...pros dioikesin poleōs--455b, cf. 455d) as the male guardians, Plato does not establish this by calling them politides. Rather they are simply gunaikēs and so distinct from the politai. The concluding lines of the argument of this section are worth noting:

--What then? Are these (the guardians) not the best of the other citizens (politōn)?

--Yes, indeed.

--And what then? Will these women not be the best of the women (gunaikōn)?

--Yes, this too, he said.

(456e)

Plato uses politis only once, in the passage on military education noted in the text. Certainly nothing can be deduced from this occurrence about the position

of women in Plato's Laws. Their position there is ambiguous--largely, it would seem because of the way Plato has mixed Athenian traditions, philosophical innovation and philosophical modification of Spartan traditions. Much is left up in the air. "Plato's provision that women also should serve in the duties of the state, even in military service against the enemy (785b, 805a,c), would mean that they attend the assembly as well; but there is not a hint that Plato has this point in mind in any of the references that follow in this section" (Morrow, Plato's Cretan City, pp. 157-8).

30. See above note 4. In 1822 Judge Mills of the Kentucky Court of Appeals offered this definition of citizenship:

A citizen...is one who owes to the government allegiance, service, and money by way of taxation, and to whom the government in turn, grants and guarantees liberty of person and of conscience, the right of acquiring and possessing property, or marriage and the social relations, of suit and defence, and security in person, estate and reputation.

(quoted in J.H. Kettner, The Development of American Citizenship, p. 322.)

This opinion was in dissent from the majority which held the view that "not the place of a man's birth, but the rights and privileges he may be entitled to enjoy" make a man a citizen (ibid., p. 321).

The constitutional and political issues of pre-Civil War America are of course very different from fifth century Athens, but these opinions are good examples of alternative ways of looking at citizenship, and of the difficulties raised by each. The majority had tried to account for women and children by reasoning that these

are generally dependent upon adult males, through whom they enjoy the benefits of those rights and privileges; and it is a rule of common law, as well as of common sense, that females and infants should, in this respect, partake of the quality of those adult males who belong to the same class and condition in society, and of course they will be or will not be citizens, as the adult males of the same class are or are not so (ibid., p. 321).

Mills pointed out that this excluded "widows and maids of mature age" and also "the unprotected orphan" (ibid., p. 322).

It is noteworthy that the 'functional' definition eventually lost out; both the majority and the minority in the Dred Scott case (1857) rejected the idea "that citizenship could be determined by examining the rights a person actually enjoyed" (Kettner, op. cit., p. 332). Justice Taney found other reasons to deny the citizenship of free black Americans (ibid., p. 326-328).

31. In their commentary on Varro's story (quoted by Augustine, The City of God VIII, 9) of how the Athenian women in 'pre-historic' times lost the vote, matri-

linear filiation, and the name Athēnaiai, Austin and Vidal-Naquet claim that the story "can hardly have originated before the citizenship law of Pericles in 451 or 450" and that the loss of the name means that "they are not citizen women, but only daughters of citizens" (Economic and Social History of Ancient Greece, pp. 186-187). I do not follow their reasoning. If the position of Athenian women changed after 451/0 it ought to have been in the direction of more recognition as citizens; their status was now essential to that of their children. The best way of proving a woman's citizenship was demonstrating that her father (and maternal grandfather, if we want to keep the series going) was a recognized citizen. But this is simply due to the fact that citizenship was public and active while a woman's was, for the most part, private. Presumably the priestess of Athena Nike was chosen "from all the Athenians" (M-L 44.4) by means of lists of husbands and fathers. See below pages 162-163 for more comments on the term Athēnaioi.

32. The metic, it should be remembered, was a xenos metoikos. See the Conclusion for a few comments on the origin of this classification. And see above note 17 for the (mistaken) view that an metic could be considered an astos.

33. I do not regard the story of Varro (quoted by Augustine, The City of God XVIII, 9) as authoritative on this point. See note 31.

34. Jacoby, PGrH IIIb (Supplement) Notes p. 379, n. 27 uses this term. See above Chapter IV p. 121 note 56.

35. Notice that this usage is not exclusively legal or official but is found in tragedy, oratory and law.

36. On atimia see Harrison, The Law of Athens II, p. 169ff.; MacDowell, The Law in Classical Athens, pp. 73-75; and most recently M.H. Hansen Apagoge, Endeixis and Ephegesis against Kakougoi, Atimoi and Pheugontes and B. Manville, The Evolution of Athenian Citizenship, Appendix.

37. For a detailed discussion of the Athenian dowry system see Harrison, The Law of Athens I, pp. 45-60, Wolff, Traditio 2 (1944) 53-65 and Lacey, The Family in Classical Greece, 109-110.

38. Not only did the city require that an heiress' next of kin on her father's side either marry her or find her a husband, but a law of Solon also required the husband of an heiress to have sexual intercourse with her not less than three times each month. If he was unable to do so then she should turn to his next of kin (Lacey, The Family in Classical Greece, pp. 139-145 and p. 89, citing Plutarch, Solon 20.4).

Appendix 2. Some Athenian Classes

The family was the most important group to which an Athenian belonged and through which he* participated in the institutions and life of the city. But outside his family the Athenian belonged to a variety of groups or classes¹ which determined how he participated, and affected his attitudes toward fellow participants or "shareholders" in the community. Such classes, whether legally defined orders or unofficial statuses², are of obvious importance to an understanding of Athenian citizenship and Athenian politics. In this appendix I will consider fifth century Athenian usage of class terminology and what it implies about Athenian views of social, economic or political distinctions. This will be primarily a descriptive essay but incorporating, where appropriate, comments of an analytical nature.³ Finally, although I will emphasize here the divisions within the Athenian citizen body, it is important to remember that the most important class, status, and order of Athenian society was the Athenians themselves.⁴

For purposes of distributing offices (or archai) the Athenians were divided into what can be called four orders:⁵ the pentakosiomedimnoi, hippeis, zeugitai and thètes. These orders were called telè (or timēmata) and were based on a type of property rating, whose exact nature is unclear. According to Aristotle (Ath. Pol. 7.3) membership in a telos (in the time of Solon) was determined by quantity of agricultural yield; the pentakosiomedimnos produced 500 medimnoi (dry) or metrētai (liquid) per year, the hippeus 300, the zeugitai 200 and the thètes less than 200. This leaves many questions unanswered, most

* I am using the generic 'he' here, although in fact what I will say will bear mostly on active, political and military, functions of citizenship.

prominently: What is the significance of the names? Are medimnoi of wheat and barley, metrētai of wine and oil, all considered equal in value? And what of non-agricultural income?

Aristotle thought that the telē existed before Solon (Ath. Pol. 7.3), Plutarch attributed them to Solon (Solon 18.1), while Plato simply links them with the "palaia politeia" (Laws 689b). Perhaps it is possible to reconcile Aristotle and Plutarch by supposing that Solon set definite minimal qualifications and added the 500-bushel-men⁶ to what were before three traditional orders, the horse owners,⁷ the owners of a team of oxen⁸ and those who owned neither (and who might hire themselves out as laborers either because they did not own land or because they did not own enough land to support their families). Further, Aristotle's account is most certainly a summary, and we might suppose that even from the time of Solon the system could take account both of the different value of wheat and barley, oil and wine, and of non-agricultural income. In the early sixth century grain, oil and wine were 'common currency'; they were what most Athenians counted their wealth by and so formed the natural basis of Solon's system. It is usually assumed, however, that at least by the middle of the fifth century the Solonian system (as reported by Aristotle) of determining membership by annual yield had been changed to one based on total property value (now definitely including non-landed property). This seems possible although there is no direct evidence for it.⁹ The word timēma, which Plato uses for the 'ancestral' divisions of the citizen body (Laws 698b), does mean in the fourth century the total value of an estate (see Demosthenes' speeches against his guardians (27-29) and de Ste. Croix, "Demosthenes' Tēmēma and the Athenian Ekklesioplē in the Fourth Century," Classica et Mediaevalia 14 [1953] 30ff.). But again, it is possible that

agricultural yield was retained as the common denominator for comparing different sorts of property or income.¹⁰ The telos of the owner of a pottery workshop, for example, might have been determined by calculating how many bushels (or measures) his pots were worth.

When (and if) the tele were determined by total property, what was the new scale of values? A.H.M. Jones has argued that 200 medimnoi were valued at 200 drachmae and then multiplied by 10 to get a value for the total zeugitēs census of 2,000 drachmae or 20 minae.¹¹ This value (if not the method by which it was produced) is generally accepted and may be correct, but it should be noted that the evidence behind it is minimal. The figure of 20 minae "is an inference from Diod. XVIII.18.4-5, on the assumption that Antipater set up a hoplite franchise."¹² And that is about all. Thucydides (3.50.2) says that each kleros on Lesbos brought the Athenian cleruch two minae annual rent which on a somewhat high rent percentage of 10% would indicate a total property value of 20 minae.¹³ If we assume that a cleruch was expected to be zeugitēs, this might support Jones' calculation. (See below for the equation of zeugitai and hoplites.)

Whether or not Jones' argument is valid, we still need to ask: "How rich was a pentakosiomedimnos, how poor was a thēs in terms of land?" No precise answers are possible, due to lack of evidence on agricultural yield and reliable figures for price of land in classical Athens.¹⁴ I will offer here only a few observations on the scale of land-holding implied by the Solonian system.¹⁵ First, it can be noted that the range between 200 and 500 bushels is not extreme, and we need not assume that the majority of thetes were at the lower end of the 199-000 bushel range.¹⁶ The system was--to modern eyes--one of small gradations. Second, 200 medimnoi of grain is a considerable amount. At a maximum yield of

20-25 medimnoi per hectare¹⁷ or about 2 medimnoi per plethron, this would mean a minimum plot of about 8 hectares of 80 plethra with no allowance for fallow. On this same method of reckoning the pentakosiomedimnos would need about 20 hectares or 200 plethra planted with grain (each year--again no fallow is counted in here). This at least seems to be the right order of magnitude since two of the largest Athenian estates we know of are each 300 plethra or about 30 hectares (those of Alcibiades as reported by Plato Alcibiades I.123c and of Aristophanes as reported by Lysias 19.19).¹⁸ Alcibiades and Aristophanes probably had other sources of income in addition to their land, but the fact still stands that in classical Athens a farm of 30 hectares was considered very large.¹⁹

These calculations are not wholly satisfactory or at all comprehensive,²⁰ but they at least suggest that a thè̄s was not necessarily destitute nor landless, or even many times poorer than a pentakosiomedimnos.²¹ (This is not to deny that great extremes in wealth in fact existed--as between the poorest thes and the richest pentakosiomedimnos.) The system did not address itself to extremes of wealth, but set three minimum-yield requirements all suggesting moderate sized property holding. We ought, therefore, to be wary of accepting Athenian talk of plousioi and penētēs at face value²² and especially of equating the penētēs with any one or two of the telē.

The difficulty in coming to any firm conclusions about the 'real' wealth of the members of the four telē is in large part due to the infrequency with which the telē are mentioned (in any context at all) in the literary and epigraphic sources of classical Athens.²³ This does not mean that the orders were obsolete throughout this period for they do seem to have been used officially, e.g., in determining who was eligible for the colony at Breia (I.G. I²45.40-42) or who would be called up for service on the fleet in 427 (Thucydides 3.16).

Although in Aristotle's day requirements that certain offices be held by members of certain telē were "on the books" but ignored (Ath. Pol. 7.4, 47.1), we cannot assume that this was the case in the fifth century. As the two examples given above show, membership in one of the four telē was a matter of record; and Aristotle also notes (Ath. Pol. 26.2) that in 458/7 ("in the sixth year after Ephialtes' death") the archonship was opened to the zeugitai, which certainly shows that the telē were important at that time (cf. also the Anthemion dedication, Ath. Pol. 7.4, quoted below).

It is sometimes assumed (e.g. by Glotz, Ancient Greece at Work, p. 169; Jones, Athenian Democracy, pp. 166-167) that inflation and general prosperity during the course of the fifth century resulted in a mass movement upwards into higher telē.²⁴ If this were true the effect would perhaps have been to lessen the significance of the Solonian system.

Probably sometime during the fifth century Anthemion jumped two orders and set up a statue on the acropolis with this inscription:

Διφίλου Ἀνθεμίων πήνες διέθηρε θεότις, 25
Θητικοῦ μντὶ τέλους λιπάδι διειπάσσενος.
- Ath. Pol. 7.4

Anthemion son of Diphilos dedicated this, after he exchanged his 'thetic' telos for the 'hippic'.

It would be interesting to know if there were many others like him.

It is possible that the lack of prominence of the telē in social and political discussion reveals a paradoxical situation: the official orders (telē), based on property, which determined the manner in which an Athenian participated in his city's government may not, in the fifth century, have 'cut at the (social or political) joints' in the Athenian citizen body.

Political issues were not directly drawn on these lines; social status was not directly linked to telos membership. The Athenians in the classical periods saw other sorts of classes (or classifications) as more significant.

The military classes (or orders), based on type of participation in battle, were significant. A possible objection to the suggestion of the preceding paragraph is that the military classes were equated with the Solonian telē, the thetes serving as light-armed soldiers or as rowers, the zeugitai as hoplites and the hippeis (and pentakosiomedimnoi) in the cavalry. A reference to a military class, then, would essentially be a reference to a Solonian telos. This equation is in fact generally taken for granted (e.g., by Jones, Athenian Democracy, Appendix, p. 161ff. and French, "Solon's Hoplite Assessment," Historia 10 (1961) 512ff.) and is not without some ancient support. Harpocration (s.v. ΟΜΙΤΕΣ) quotes Aristophanes and Antiphon to the effect that thetes were those who could not supply their own armor. Thucydides 6.43, on the manning of the Sicilian fleet, has been taken as support for this: "...in all 5,100 hoplites, and of these there were 1,500 Athenians from the katalogos, 700 thetes (as) epibatai of the ships...." Aristotle (Ath. Pol. 4.2) says that the politeia of Dracon was given over to those who could bear arms. Since he speaks later (5.1) of the pentakosiomedimnoi, hippeis and zeugitai as members of the council of 400 and notes the new privileges given by Solon to the thetes (7.3, 9), we can assume that according to the tradition Aristotle followed the thetes were those who could not supply their own hopla.

However, when we recognize that the "constitution of Dracon" is probably an invention of the late fifth century,²⁶ it is striking that all these statements go back to the same period--the last decades of the fifth century. Further, all references have to do with thetes as non-hoplites; the other telē

are not mentioned. Thucydides 3.16 says that the Athenians manned a fleet (at the time of the Mytilenean revolt) with their own citizens, except for the pentakosiomedimnoi and hippeis. As noted earlier this shows that the telè were still 'operative' official orders; it does not show that the two upper telè were officially equated with the cavalry. It appears that at the end of the fifth century the thètes and the non-hoplites were usually the same people--and so the cavalry and hoplites were usually those of the zeugitès census and above. Nothing more than this can legitimately be concluded from the evidence available.

If we try to imagine how the system worked in practice, it appears even more unlikely that membership in a Solonian telos necessarily implied a certain type of military service. Service as a hoplite depended on having hopla, but would this always depend on annual produce or value of total property? Although wealth was, of course, a limiting factor, we could imagine a zeugitès who was experienced as a hoplite continuing to serve as a hoplite even though he lost his property and became officially a thès. Or, was it likely that the son of rich pentakosiomedimnos would serve as a light-armed soldier because he had not yet come into his inheritance?²⁷ Or perhaps a thès, full of zeal and philotimia, would acquire hopla and enroll himself in the katalogos. Would the Athenians have objected? The katalogoi were lists of men eligible to be called upon to serve as hoplites (Thucydides 6.43, 8.24.2) or cavalry (Ath. Pol. 49.2).²⁸ It seems possible (although there is no proof) that as with liturgies enrollment was in the first instance voluntary. But if the rolls were not filled or if it were brought to the attention of a katalogeus that a man who was able to serve had failed to enroll in the proper register, the katalogeis would have done some drafting. In this context and in view of the evidence presented above, it is

likely that thetic status (during the Peloponnesian war) legally excused a man from the duty of serving as a hoplite. Similarly, falling beneath some higher level would excuse a richer Athenian from service in the cavalry. Perhaps that higher level was a 300-bushel farm (or the equivalent), perhaps not. Thus, there was some correspondence, at least in the later fifth century, between the cavalry and hoplites and those of zeugitai status and above, and between the rowers and light-armed and those of thetic status. But even this may not have been a hard and fast rule.²⁹

The military classes, the cavalry, the hoplites, the light-armed (including archers) and the rowers, can be considered orders based on wealth.³⁰ They were also status or prestige groups, although their prestige may have varied with time and the fortunes of the Athenian state. The chorus of knights in Aristophanes' Knights are rich, long-haired and proud of their and their fathers' service in the cavalry. But the cavalry was not a particularly prominent part of the Athenian army, and the wealthiest Athenians also could serve "in the ranks" as hoplites (e.g., Alcibiades at Potidaea--Plato, Symposium 221a; see also Lysias 16.3). While the horsemen were showier, it was the hoplites who were the backbone of the city and the respect paid them was not diminished as Athens 'turned toward sea power.' Rather, they may have increased in stature as Athenian sea power grew, and they came to represent the ancestral 'heroic' virtues of steadfastness, courage and public service.³¹ But, on the other hand, the growth of the Athenian empire and navy brought a recognition of the virtues of one group in the lower military orders--the rowers. Athenian rowers were skilled (Thucydides 1.142) and Athenians were proud of their "beautiful triremes" (Birds 108). In the same chorus in which the 'Wasps' of Aristophanes Wasps speak proudly of themselves as 'Marathonomachoi' (1075-90--the word Marathon

fighters is not used but the reference to the Persian Wars is clear), they also emphasize their ability to row:

'Twas not then our manhood's test,
Who can make a fine oration?
Who is shrewd in litigation?
It was, who can row the best?

-(1094-1098, Rogers trans.)

And in the final lines of that chorus they equate the value of blisters produced by spear and oar (...κώπην μῆτε λόγχην μῆτε φλύκταιναν -1119). However, it still may be that rowing in a trireme did not command the social respect given to a hoplite or knight. The rower's position in this respect was perhaps similar to that of the artist:

No youth of proper character longs to be Phidias or Polyclitus.
For it does not of necessity follow that if the work delights you
with its grace, the one who wrought it is worthy of your esteem.³²

It is important to emphasize that neither the Solonian nor the military orders should be taken as economic classes in the Marxist sense determined by relationship to the means of production. As noted in Chapter III (pp. 56-57) the hoplites can not be considered a "middle class" with economic and political interests distinct from the "proletariat" or aristocracy. Thetes, hoplites and hippeis could be land owners and likewise all three might by the end of the fifth century be landless and earn their living through industry or trade.³³ But when we hear that the "party of the Coast included ...the bulk of the middle classes" (Bury-Meiggs, A History of Greece p. 126) or that "the democracy ...imposed a considerable measure of conformity with the customs of the numerically dominant middle and lower-middle-classes" (Lacey, The Family in Classical Greece, p. 156), it is all too easy to transfer modern social and economic class

relationships to ancient Athens. A brief consideration of the meaning of the Greek term μέσοις (middle, middling, moderate) as applied to citizens will help indicate the inappropriateness of such modern economic categories.

The mesoi have a precarious existence indeed in Greek terminology; they are very likely to be squeezed out by the (terminological) extremes on either side, the prōtoi and the commons, the few and the many, or the rich and the poor.³⁴ The situation is clear in Aristotle who says that the city "is bound to be divided into classes--the rich, the poor, and the middle class (mesoi)" but then continues, "with the rich possessing and the poor being without the equipment of the heavy-armed soldier" (Politics 1289b32, Barker trans.) with no trace of the mesoi. Later on, he has more to say:

In all states there may be distinguished three parts, or classes, of the citizen-body--the very rich; the very poor and the middle class which forms the mean (mesoitoutōn). Now it is admitted, as a general principle, that moderation and the mean are always best.
-1295b1-4, Barker trans.

and

...a state which is based on the middle class is bound to be the best constituted in respect of the elements of which on our view, a state is naturally composed.

-1295b25-27, Barker trans.

For Aristotle the pressure on the mesoi is not only terminological; the mesoi very often are the victim of the political struggle between the poor and the rich; whichever one gets the upper hand establishes its own constitution (1296a16). The mesoi in Aristotle are the non-extremists who are content with their moderate position and wealth but who unfortunately have a very poor track record in maintaining a government and very easily drop out of sight. They are neither very poor nor very rich, but otherwise have no special economic or class

characteristics. They are very far from the modern or Marxist notion of the "middle class" or bourgeoisie.

Two Athenian mesoi will further illustrate the nature of the term. According to the Ath. Pol., Solon was "in his wealth (ousia) and business (pragmata) one of the mesoi" (5.3). Similarly in the Politics, Solon is one of the few legislators who have been mesos (1296a18). On the Aristotelian view, Solon is not an extremist in economic or political terms (the two are linked); he is also not a rising middle-class merchant as is easily suggested by the common translation 'middle-class' and an emphasis on his trading-sight-seeing travels (Plutarch, Solon 2,25). Again, this time on Thucydides view, Aristogeiton was a mesos politēs (6, 54.2). This has been variously translated ("a citizen in the middle rank of life"-Crawley; "a citizen in a middle condition"-Hobbes; "a citizen of the middle class"-Jowett) and presents some problems. Herodotus says that he was a member of genos Gephyraioi (5.53) and otherwise he would seem to belong to the leisured Athenian elite. Perhaps the best way to understand the phrase is again that Aristogeiton was not an extremist in wealth or 'politics'; he was satisfied with a moderate but certainly comfortable property and was a friend of neither the tyrant nor the dēmos.³⁵ He was hardly bourgeois. Thus, we can see that the meaning of the Athenian and Aristotelian mesos is distinctly different from modern English 'middle-class.' This will come as no surprise to most, but still provides a very clear example of the distance between modern and ancient 'class' terminology.

Nor should the official orders be considered political interest groups. They determined the nature of a man's political and military participation but not necessarily his vote. The Periclean building program, for example,

might have been supported by urban voters of all orders or by those from any order or deme who were responsive to the Periclean ideal. A discussion of political interest groups in fifth-century Athens necessarily begins with the Athenian 'upper-class' itself whence political initiative generally came. (What Athenians do we know from the 'lower-class'? Cleon or Hyperbolus will not qualify.³⁶) But the Athenian 'upper-class' is hard to pin down. Who were they? Neither Pentakosiomedimnoi nor cavalry seems a sufficient description. A common modern recourse is to the term 'nobility'. But despite its attractiveness to many, this term is in fact no better than the vague 'upper-class', and is furthermore apt to be misleading.

Wilamowitz, while commonly using Adel in a loose sense, declared that there never was "ein rechtlich irgendwie abgesonderter Stand der Adligen" in Athens (Staat und Gesellschaft, p. 74). Essentially he was saying that no order of nobles had ever existed in Athens. A true nobility would be a hereditary and legally defined group with special rights and duties in various spheres of Athenian life. Wade-Gery took up the challenge of Wilamowitz' claim and by a careful reading of the fragments of the Ath. Pol. (plus Plutarch, Theseus 25 and Thucydides 2.14) attempted to show that until 580 or the creation of the telè such a nobility, with privilege in the areas of law, religion and office holding, did exist in Athens in the form of the "caste" of Eupatridai. Apart from the fact that "caste" is not an appropriate term for a class such as Wade-Gery describes,³⁷ there is some difficulty in seeing how his essentially pre-historic nobility (Theseus to Solon) operated in historical (post-Solon) Athens—or in accepting his (and Aristotle's) inferences about pre-historic events. Still, there was a class of people called Eupatridai in historical

Athens, and one must try to determine what sort of a class they may have been then.

The most important pieces of evidence are the sixth century inscription from Eretria, Χαρίον Ἀθεναῖος Εὐπατριδῶν (I.G. XIII 9.296), Pollux 8.111 φυλωματιλεῖς τοῦ Εὐπατριδῶν and (to a lesser extent) Aristotle Ath. Pol. 13.2. Chairion seems to be the same man who, as treasurer of Athena, made a dedication on the Acropolis c. 550 (DAA, p. 364, no. 330) and whose son, calling himself Alchimachos ἀρρένων πατρός (DAA, p. 10, no. 6) erected a statue on the acropolis c. 525. This was a proud, prominent, and wealthy family.³⁸ Pollux' entry is of help in understanding the nature of their prominence. The phulobasileis are not, for us at least, well-known figures, but they would be the 'kings' of the four old (pre-Cleisthenic) Attic tribes. They judged homicide cases involving inanimate objects and animals (Ath. Pol. 57.4, cf. Plato, Laws, 873e) and also have a part in the cult regulations laid down in the surviving part of the late fifth century Athenian calendar (LSCG, Supplement, 10.38-39, 40, 45-46, 53). There may have been other responsibilities of which we have no record. Again, the standard Aristotelian and modern view is that until 580 B.C. the archonship was the special responsibility of the Eupatridai. There is little sure evidence for this (essentially it depends on the historical validity of Plutarch Theseus 25.). The Alcmeonidae are an interesting problem in this regard. No genos can be attributed to them; they are not called Eupatridai,³⁹ and the only real argument for calling them so is that members of the family are known to have held the archonship before 580 B.C.

If these tribe-kings were chosen exclusively from the group of families

known as the Eupatridai, we can consider that group an official religious elite in historical Athens.⁴⁰ Calling them an order or a nobility is, however, another matter. An order, as Finley notes, stands in relation to other orders. Further, it should be a recognized division of the population as a whole. Aristotle (*Ath. Pol.* 13.2) reports that after the '*Damasias stasis*' ten archons were chosen, five from the Eupatridai, three from the Agroikoi and two from the Demiousgoi. This might be sufficient for considering the Eupatridai (and Agroikoi and Demiouroi) a legal order of the Athenian state--if it can be trusted. Wade-Gery was willing to believe the story with the qualification, "These are of course not farmers and artisans (in the first quarter of the sixth century!) but wealthy Hippies (or Pentakosiomedimmoi) admitted by Solon despite their non-noble estate."⁴¹ But why call them dēmiourgoi and agroikoi if they really were not? *Ath. Pol.* 13.2 is puzzling; is it an authentic piece of archon list tradition or is it a piece of theory similar in nature to *Ath. Pol.* fragment 3?⁴² Unfortunately, there are no historical references to such orders of farmers and craftsmen in Athens to help solve the puzzle.⁴³

Another problem is understanding reference to the Eupatridai as a genos. Davies (*APF*, p. 11) notes that the Athenian Eupatridai in Hellenistic times "tend to behave as a genos in the Delphic sources" and that they are "described as a genos consistently from c. 180 B.C. ...through the Roman period...till A.D. 200," but believes that this is a late development. Plutarch is speaking anachronistically when he terms Andocides "genous Eupatridōn" (*Lives of the Ten Orators*, 834), and when Isocrates says that Alcibiades

πρὸς μὲν ταῦταν ἦν Εὐπατριδῶν ὁ τὴν εὐγένειαν τοῖς αὐτῆς ἐπωνυμίας δόδιον γνῶναι, πρὸς γυναικῶν δ' Ἀλκμεωνιδῶν. (Isocrates 16.25)

was on his father's side 'of the Eupatridai' whose nobility ['good birth'] is easily recognized by the name, and on his mother's side 'of the Alcmeonidai,'

he is referring to a "caste" not a *genos* (APF, p. 12). I am not convinced that we need limit ourselves to these two possibilities. If genos is taken simply as 'family' (see further below), genous Eupatridōn presents little problem, although on the other hand it is not particularly helpful in understanding just what sort of 'family' group this was. However, it seems possible that the Eupatridai could have been considered a genos of genē (now understood as in the specialized sense of 'clans' used by Davies) with traditional responsibilities, particularly in relation to cult, in the four old Attic tribes. Further, their association with the town of Athens as well as with 'kingly' rites and responsibilities (see Bekker, Anecdota 257, quoted in Appendix I, p. 154) suggests that they were an early, particularly urban, Athenian elite retaining those old privileges into the classical era.⁴⁴ But I do not think that we need assume that before Solon they alone were eligible for political office.

It is also frequently said (or assumed) that the Eupatridai were the class of Athenian gennētai, members of individual genē or 'clans,' and as such made up the pre-Solonian Athenian nobility.⁴⁵ This view too presents difficulties.

First, while genos could refer to a 'Body of Gennetai' (Wade-Gery, "Eupatridai," p. 108 note 1) that is hardly the most common meaning. Instead of saying that genos "means both 'Caste' (e.g., Hdt. 2.164) and 'Body of Gennetai'

(ibid.)",⁴⁶ we should say that genos is the natural Greek word for a natural (as opposed to artificial) group or kind of almost any sort. (See LSJ under genos.) The most basic meaning is that of origin, descent, family or offspring (e.g., Aristophanes' Frogs 946, Birds 1451 or Thucydides 2.80.1). But the Greek notion of natural and 'familial' relationship was not limited by strict ideas of "blood" or heredity. The Athenians as a whole could be called a genos (Aristophanes, Wasps 1077, Birds 1867, 1696) as could the Chalcidians (Thucydides 4.61) or the Ionians (Herodotus 1.56) or Dorians (Thucydides 1.24). The barbarians were a genos (Birds 1700) but could also be divided into genē of Persians, Lydians, Medes or Thracians (e.g., Herodotus 1.6, Birds 833, Thucydides 7.27). And within these there could be further genē (Herodotus 1.101, 125 on the divisions within the Medes and Persians). Then, men (anthrōpoi) as a whole are a genos (Plato, Rep. 5,473c, Symp. 189d; Aristophanes, Birds 699, 1239) as were the gods (e.g., Birds 700, 702, Thesmophoriazousai 312, 960). Finally, some other possible genē were women (Plato, Rep. 10, 620a; Aristophanes, Lysistrata 137) old men (Wasps 223), birds (Birds 699, 1227) and frogs (Frogs 240). All this citation is simply to show the flexibility of the word genos and of the Greek notion of "natural" relationship which it implied. Isocrates is not necessarily comparing incomparables in the comment on Andocides (16.25); both the Alcmeonidai and the Eupatridai can be considered 'family' groups even if neither is an official "body of gennētai."⁴⁷

Certainly the word genos could refer to such a "body of gennētai," a group of families claiming a common (mythical) ancestor and sharing in the superintendence of a common cult.⁴⁸ One of the more famous examples was the Eumolpidai who claimed descent from Eumolpus and who provided the Eleusinian

cult with its hierophantes. But what reason is there to suppose that the Eumolpidai and others with similar responsibilities in themselves constituted a noble class or order? The idea depends to a large extent on what I consider a mistaken interpretation of Philochorus fragment 35a (Jacoby) for which see Chapters II p. 20 and IV pps. 113-114. The gennētai seem to be an elite group within a phratry, but this does not necessarily mean that they constituted a legally recognized city elite. The genē were hereditary local groups with local cults, and while many of these cults were important for the city as a whole (e.g., the cults of Athena Polias and the Eleusinian goddesses) there is no evidence to suggest that gennētai as a whole were considered a unified order. Membership in a particular genos brought particular privilege, but it did not bring privilege in another genos or in the institutions of the city as a whole. The last is, I think, a minimum condition for considering gennētai the Athenian nobility. Nor does calling the Athenian gennētai (or Eupatridai) a 'nobility' serve any purpose in discussing historical (and especially 451/0 B.C.) Athenian politics and offices did not depend then on membership in a genos. The whole force of Wade-Gery's argument on Eupatridai (and to a lesser extent those about the genē) is for the existence of a nobility which after 580 was politically obsolete. The gennētai and Euptaridai might be proud, family-conscious elitists who looked back to a real or imagined time when their rule was unquestioned, but they can no more be said to be a classical Athenian nobility than the descendants of the 'original' members of the Massachusetts Bay Company can be called a modern American one.

Using 'nobility' to denote a status⁴⁹ (not an order), Ehrenberg termed the kaloi kagathoi (and chrēstoi, plousioi, etc.) the "nobles" as against the "commons" despite the "false and modern flavor in that antithesis" (The People of Aristotle

phanes, p. 75). It is true that the term kaloi kagathoi was characteristic upper-class self-description,⁵⁰ but the "false flavor" is quite strong. If we are to speak of the nobles versus the commons then the nobles ought at least to be a recognizable class--not only from their point of view but also from that of the non-noble. But kalokagathia does not provide such a clear articulation. A large part of being kaloskagathos was a matter of "life-style" (Ehrenberg, People of Aristophanes pp. 99, 107), of having the means (and desire) to spend time in gymnasia, in training horses or in 'politics'. The kalikagathoi were wealthy. On the other hand, there is a strong moral 'flavor' to kaloskagathos; the kalikagathoi were the good and the worthy, not only the rich and the conspicuous. Use of the term implied approval. But whether one is a good or a bad noble ought not to affect membership in the nobility itself;⁵¹ a bad kaloskagathos however is not possible. Despite his wealth and presumably his life-style Cleon was 'voted out' of the class by Aristophanes and Thucydides. A kaloskagathos in their opinion was not violent, loud, and did not speak perizōsamenos (Ath. Pol. 29.3; cf. Thucydides 3.36.6.)⁵²

Similarly, the right of Alcibiades to be called kaloskagathos would not have been unanimously granted by all Athenians (or by the same Athenian at different stages of Alcibiades' career)--although Alcibiades himself probably never doubted his title to the name. In sum, while those kaloi kagaboi οὐρανούχειοι (Thucydides 8.48.6)⁵³ were as Ehrenberg claims a status group with self-conscious social, political and economic goals and habits, and certainly were an important segment of the Athenian upper-class and of the politically active upper class, it is probably misleading to call them the Athenian nobility.

Perhaps the basic misconception behind attempts to speak of an Athenian nobility is the idea that the Athenian upper-class was a monolithic

class, order and status group. To a certain extent this idea may result from the very use of the word 'nobility.' Terminology has a strange power; as O. Reverdin said in regard to 'party,' "These words, which are inappropriate, turn out in effect to create that thing in the mind of those who employ them, and thus falsify their vision of historical reality."⁵⁴ To use the standard Greek dualistic analysis, the Athenian upper-class is simply the wealthier or more powerful as opposed to the poorer or less powerful and it is not even clear just where we should draw the line between the two. (For Davies' "liturgical class" see below.) We should not suppose that the various Athenian elites considered in the preceding pages are necessarily all equivalent, i.e., that gennētai = kaloi kagathoi = pentakosiomedimnoi = cavalry, and = the politically active. Rather, these different segments (or classes) or different aspects of the Athenian upper-class most probably represent the stuff of which Athenian politics were made. Not every gennētēs or pentakosiomedimnos or member of the cavalry would adopt the life style (or values) of the kalos kagathos or take an active part in the running of the Athenian state,⁵⁵ but when an upper class Athenian did become a 'politician' his 'politics' would depend on the sort of upper class Athenian he was or on the nature of his "power base."⁵⁶

Finally, a comment on the Athenian upper class as the "liturgical class." In the introduction to his Athenian Propertied Families J.K. Davies argues that a "usable basic criterion does exist for defining membership of the Athenian upper class, and that this is the performance of public liturgies" (p. xx). With the prestige won by such services, rather than by any legal privilege the "liturgical class" enjoyed special political leverage. An estate of four talents, Davies suggests (xxiv), would definitely put an Athenian in this class.⁵⁷

Although Davies' catalogue of liturgical families covers three centuries

(600-300 B.C.) the overwhelming majority of them belong in the period 400-300 (see the table on p. xxvii), and this is where the wealth and leverage of his class is best documented. The class as such is less evident in the fifth century, especially in the first three-quarters of the century! This is due not so much to the admitted scarcity of information about prominent Athenians in the fifth century as compared with the fourth, as to the absence of the liturgical system as Davies describes it through much of the fifth century. The eisphora was a product of the Peloponnesian war, when it is clearly a liturgy ("Old Oligarch," 3.4) and Paphlagon can threaten the Sausage Seller:

ἔγώ σε ποιήσω τρίπο
αρχεῖν, διαλλομοντά τῶν
ουρανοῦ, πολεμᾶν ωδὴν ἔχοντ'.

(Knights 912-14)

I will make you serve as
trierarch, spending your own
money, and having an old ship.

But the mention of trierarchs in the "decree of Themistocles" (M-L 23.18,27) does not seem to refer to a liturgy. Whatever one's views on the authenticity of the decree, this should urge caution in pushing the liturgy back too far into the fifth century. Perhaps it, like the eisphora, was a product of the Peloponnesian war. The chorègia, of course, goes back through the fifth century, but by itself does not justify the term "liturgical class." Many of the public services of rich fifth-century Athenians were not formal liturgies but voluntary, one-time, gifts, such as Cimon 13.8) or his financing of the foundations of the long walls (ibid. 13.7) or (in an apparently longer-term gift) his opening up of his estate--and its produce--to his fellow demesmen (Ath. Pol. 27.3; Plutarch, Cimon 10.2). Pericles and his sons apparently offered to help finance a public project of unknown character

in Athens in the 430's (I.G. I² 54.13-16), and the story was told that Pericles offered to pay for the Parthenon (Plutarch, Pericles 24.1-2).

Davies shows that by the later fifth century "there came to be a rough equation in contemporary language between the people who performed liturgies and the people called πλούσιοι or εὐπόροι (p. xx). The earliest of his examples is again the "Old Oligarch" 1.13. It is clear that many rich Athenians of the fifth century would have taken advantage of the popularity which their wealth spent in public causes could bring them; it is less clear that they formed a class recognized or characterized by the regular performance of official liturgies. Therefore, despite its applicability to fourth century Athens and the admitted importance of liturgies, voluntary or involuntary, in Athenian politics, I do not think that the concept of a liturgical class will solve the problem of defining the fifth century Athenian upper-class.

Just as the upper-class can be considered to have been composed of "criss-crossing categories,"⁵⁸ so in the Athenian citizen population as a whole there were significant vertically distinguished classes and interest groups. Two of these to which reference has already been made in passing are the town and the country dwellers and the young and the old. Wealth was an all-pervasive factor in Athenian social and political life, but it was not always the most prominent or visible factor. Although Alcibiades wore purple robes (Plutarch, Alcibiades 16.1) and the young knights wore their hair long (Knights 580, 1121), Athenians in general dressed simply (Thucydides, 1.6; "Old Oligarch," 1.10). In this situation a zeugites speaking in the assembly might not have been distinguishable from a pentakosiomedimnos, but a shepherd from Phyle would very likely appear (and sound) quite different from a potter from the Ceramicus, as would a 60-year-old from a 20-year-old.

The opposition--potential or actual--between the town (astu) of Athens and the rest of Attica is often noted in discussions of the Peloponnesian war and sometimes no doubt exaggerated (as, for example, by J.A.O Larsen, Representative Government in Greek and Roman History, p. 3, who says that the townsmen must have "carried the decree to abandon the countryside" at the outbreak of the war over the reluctance of the country people).⁵⁹ S.C. Humphreys, on the other hand, has emphasized the cohesion of the Athenian state: "The Athenian countryman had a close and direct relationship with the city; he voted in its assembly, bought and sold in its markets, took part in its religious festivals, sued in its courts, had the same political rights and obligations--including that of military service--as the urban population" ("Town and Country in Ancient Greece," Anthropology and the Greeks, p. 134). Thus, in comparison with other city/town relations, as, for example, in Hellenistic Alexandria or medieval Europe (Humphreys, ibid., pp. 133-134), Athens and Attica were remarkably homogeneous. However, when Athens of the mid-fifth century and later is viewed in relation to other Greek poleis or to itself at the beginning of the fifth century, the contrast city/country seems more significant.

Humphreys states that "the urban/rural boundary did not coincide with the opposition between rich and poor" and that while the 'urbane' town dweller (asteios) was distinguished from the country 'bumpkin' (agroikos), "there is little sign of a grouping of interests, of a conscious solidarity corresponding to the division of economic activity and manners" (ibid. p. 133). The first is of course true and is why this division is a vertical one; the second depends on just how much solidarity one demands of a solidarity group. Perhaps there were no true solidarity groups in Athens at all--apart from the Athenians themselves. The "urban/rustic contrast" in Aristophanes is certainly largely "cultural"

rather than "political" (Humphreys, ibid. p. 245 note 12), for example the picture of the farmers smelling of garlic, arriving for the assembly at the last moment in the Ecclesiazousae, 290ff.). But Praxagora's comment

'It is necessary to launch the ships'
The poor agree; but the rich and
the farmers do not.

(197-198)

although again fourth century and comic, is still revealing. The opposition town/country is not only relevant to the time of the Peloponnesian war and afterward. It must have become increasingly noticeable during the Pentakontaetia when Athens grew into a cosmopolitan center and the Piraeus into a major port (cf. Humphreys' comments in another paper, "Economy and Society in Classical Athens," Anthropology and the Greeks, pp. 141-14). Furthermore, there were other issues besides war and ships, such as the building of temples or organization of sacrifices or the development of a centralized judicial system, on which town and country men might differ. The changes in intellectual, social and economic climate during the course of the fifth century would have affected the town (and the Piraeus) more than the country and resulted also in different 'political' attitudes.⁶⁰

"When the rate of change is very great the grandson has to cope with an environment of which his grandfather had no experience at a comparable age, and nothing the old man can say seems relevant" (Dover, Greek Popular Morality, p. 106). Fifth century Athens, as has already been said, underwent such a period of change: art, drama, education, warfare, public decision-making (and record-keeping) were all very different at the end of the century from what they were at the beginning. In the 420's (and perhaps earlier) Marathon and Salamis were

already events in the "heroic" past. As Dover notes (*ibid.*) this is the situation in which a "generation gap" is likely to be important. Indeed, the opposition old/young is prominent in Aristophanes (e.g., in the Clouds and the Wasps). (See also, Eupolis, frag. 118; Thucydides 1.80.1, 6.13.1; Euripides, Suppliants 232-7; Sophocles, Oedipus at Colonus 1229-1235.) The opposition is most evident in the sources and most discussed in relation to the generation of Alcibiades,⁶¹ but we should not discount the possibility of its importance for the generation of Pericles or his father. "What evidence there is suggests strongly that the 480's with young 'new politicians' moving into the vacuum left by the Alkmeonidai or the 450's with the young 'new politicians' moving into the vacuum left by Kimon and Ephialtes, were not essentially different [from the situation in the later part of the century]."⁶²

It is important to remember that Athens was not a typical Greek polis. If it became the 'model' of democracy for Plato and Aristotle, the uniqueness of the achievement still remains.⁶³ The preceding discussion of classes and class terms suggests, I think, that Athenian society was also not 'typical'. Individual elements may be paralleled in other cities; Chalcis had its class of wealthy hippobotai ("horse-feeders", Hdt. 5.77, 6.100), Syracuse its gamoroi ("sharers in the land," Hdt. 1.155). Chios had a 'popular' council (and a large slave population) reflecting the participation of the demos, and Megara for one had a potentially similar arrangement of inland astu and separate port/harbor(s). But the combination of various criteria for status, privilege and service within the city and the pressures of a expanding urban center (and harbor) and the economic, social and political possibilities opened by a maritime empire resulted in a distinctly untypical 'unfossilized' social structure and society, the society which was responsible for the classical Athenian cultural and political achievement.

Appendix 2: Footnotes

1. I use 'class' here in the neutral sense of 'a group ranked together as having common characteristics or status' (adapted from Webster, fifth edition).

2. I follow the usage of M.I. Finley (The Ancient Economy) who defines an order as

a juridically defined group within a population, possessing formalized privileges and disabilities in one or more fields of activity, governmental, military, legal, economic, religious, marital and standing in a hierarchical relation to other orders (p. 45),

and a status (less succinctly) as an unofficial (non-juridically defined) group sharing common economic, social or political position pp. 46-50).

These meanings will be assumed through the rest of this appendix.

3. In both narrative accounts and structural analyses of the Athenian state there seems to be a tendency to take the accumulated traditional view of Athenian society as a starting point for analysis. Eupatridai are a nobility; zeugitai are hoplites; thetes are poor, etc. In this appendix I am suggesting that we need to examine carefully the evidence for the social and 'class' structure of Athens before we go to more sophisticated analysis. An argument is only as good as its underlying premises.

4. Cf. Finley, The Ancient Economy, pp. 47-48. It can be noted here that in Plato's Laws the groups or orders receiving different treatment under the law are the astoi (citizens), xenoi (foreigners) and douloi (slaves). See, e.g., the laws on homicide, 865-873. Athenian law recognized a similar division (cf. D.M. MacDowell, The Law in Classical Athens p. 67ff.; Austin and Vidal-Naquet, Economic and Social History of Ancient Greece p. 95ff.).

It can still be quite true that "from a social point of view the Athenians did not constitute a single social class" (Austin and Vidal-Naquet, op.cit. p. 103). Lysias and his brothers, Athenian metics, might be a part of an urban upper-class social circle from which poorer Athenians citizens were excluded.

5. See the definition given above, note 2.

6. Bushel is not an exact translation of medimnos; a medimnos was c. 42% larger than a bushel, c. 50 as opposed to c. 35 liters. A metrētēs (measure) of oil or wine was c.40 liters. See M. Lang, Agora 10, pp. 46 and 58.

The apparent artificiality of the name "500-bushel-men" as compared with the other telē led me to the idea that this telos was added by Solon (cf. L.H. Jeffery, Archaic Greece, p. 93). However, the grave of a "rich Athenian lady"

from the 9th century (published by E. L. Smithson in Hesperia 37 (1968) pp. 77-116) produced a chest with five model grammaries on top, perhaps indicating (as Smithson suggests, p. 96) that the woman was the wife (or daughter) of a pentakosiomedimnos.

7. Horses were a luxury and were used for racing, hunting, warfare or just pleasure. A man who owned a horse probably also owned oxen.

8. It is possible that the zeugitai were so called because of the figurative 'yoke' binding together the hoplite phalanx (as argued by Adcock, The Greek and Macedonian Art of War (Berkeley, 1957), p. 5) and that the hippeis were simply the cavalry. But it is not probable.

The telê had their main purpose in determining eligibility for offices (cf. Ath. Pol. 7.4, Plato, Laws 698b, Isaeus 7.39). As will be seen, the thetes were generally thought of in the latter part of the fifth century as the non-hoplite class, and hippeis is the word used for 'cavalry.' But no complete equation of tele with military classes seems to have been made. Zeugitês and thès are not military terms, and it is not clear whether or not all those who qualified for the telos of hippeus also were eligible for service in the cavalry. Unfortunately, Aristotle (Ath. Pol. 49) does not say specifically what size ousia qualified a man for the cavalry. The Knights of Aristophanes' Knights are clearly members of the cavalry (see, e.g., 595ff) but are they also members of the telos of hippeis?

The communis opinio is also against Adcock's view. See Hignett, HAC p. 101 and the references given there.

9. Different dates have been proposed for a change from a criterion of annual yield to one of total property value. Busolt-Swoboda (II, p. 837) voted for the time of Cleisthenes, Beloch (Gr.G. II² p. 89) for the era of the Persian wars and Hignett (HAC p. 143) for the mid-fifth century--and Pericles. B. Manville (The Evolution of Athenian Citizenship, dissertation, Yale University, 1979, pp. 111-112, note 39) has suggested that there was a monetary equivalent from the start: "I believe the change came with Solon himself; the new system required the machinery for assessing any Athenian, and thus the development of equivalents." If it is necessary to assume that there was ever an official monetary equivalent, Manville's view seems to me very plausible, remembering, as he does, that for sacrificial equivalents, "a sheep and a drachma were reckoned as a medimnos" (Plutarch, Solon 23.3).

10. Cf. Jeffery, Archaic Greece, p. 92.

11. Athenian Democracy, p. 142, note 50. Presumably the value of the property of hippeis and pentakosiomedimmoi would be calculated in the same manner. Since Jones believes in fifth century inflation (e.g., p. 166) it is a little odd that he thinks the "Solonian scale of values" (p. 142 n. 50) was used in figuring the total property values.

12. Athenian Democracy, p. 142, note 50. See below, pp. 180-183, on the equation of hoplites and zeugitai.

13. For the possibility that this was about the value of the average 'family farm'

see below note 19.

14. I follow de Ste. Croix in his scepticism on the value of land prices used by Jones, Jarde and others (see "The Estate of Phaenippus," Ancient Society and Institutions, p. 114). Using one fourth century price, Jones calculates that 20 minae (his 'timema' for a zeugitēs) would buy "perhaps a holding of 5 acres with house and stock" (Athenian Democracy, p. 79). But that seems too small (see note 19). Is it not likely that the price given by Lysias (19.29, 42) is 'rhetorically' inflated? V. N. Andreyev (Eirene 13 (1974) 5-46) suggested, on the basis of fourth century Athenian sales of public land, a basic price half that of Jones' or 50 drachmas per plethron. (One hectare = c. 2.5 acres = c. 10 plethra. 1 mina = 100 drachmas.) This seems more reasonable but cannot be decisive for earlier and general price levels. See note 19 below for Andreyev's 60 plethra 'zeugitēs farm.'

15. Any attempt to calculate exact equivalencies in land for the Solonian tele is riddled with problems. Apart from ignorance about such crucial matters as fallowing customs or ratio of seed to yield, or whether the seed was included in the Solonian assessment, the apparent equating in value of dry and liquid measures (Ath. Pol. 7.3) suggests that not size but what was planted could have determined the status of an estate. Olive trees need more land to produce a measure of oil than wheat needs to produce a bushel of grain, while vines need less. The most usual situation may have been a mixture of agricultural products.

16. In 403 there were apparently some 5,000 landless Athenians (Dionysius, hypothesis to Lysias 34). As has been noted (e.g., by Jones, Athenian Democracy p. 80), these 5,000 are not necessarily co-terminous with the thetes. In fact, Lysias says they included "many" hoplites and knights (34.4).

17. This figure is given by French (Historia 10 (1961) 511). De Sanctis (Attis, p. 299) gave a figure of c. 23 medimnoi per hectare or just under 10 medimnoi per acre. Similarly, Beloch (Griechische Geschichte I² p. 303 n. 2) put the Attic yield, "in einem unfruchtbaren Lande...bei primitiven Wirtschaftsmethoden," at 12-14 hecto-liters per hectare or again about 23 medimnoi per hectare.

18. Despite the specific statements on circumference and yield, the size and value of Phaenippus' estate remains obscure (see de Ste. Croix, "The Estate of Phaenippus," Ancient Society and Institutions, p. 109ff.). The speaker of [Demosthenes] 42 claims that the estate produces 1,000 medimnoi of wheat and 800 metretai of wine, but Phaenippus has sworn that the yield was not "to dekaton meros" of those figures (29, 5). And while the speaker says that the estate measures forty stades in circumference, the actual area would depend on the contour (as de Ste. Croix points out, the speaker is trying to make the estate seem as large as possible). De. Ste. Croix sets 100 acres as the minimum size of a piece of land enclosed by 40 stades; this is still "the largest single Athenian estate of which we have any details" (art. cit. p. 112), but it all need not have been suitable for agriculture. No doubt Phaenippus was one of the wealthier Athenians—he served in the cavalry (24) and might have had additional sources of income such as his wood-carrying donkeys (30)—but the information given about his estate by [Demosthenes] 42 is of little help in estimating average Attic yield per acre.

19. Other discussions of the scale of land holding in Athens have come to similar conclusions. See most recently A.B. Cooper, "The Family Farm in Greece," CJ 73 (1977-78) 168-172 and M.H. Jameson, "Agriculture and Slavery in Classical Athens," ibid., p. 120 and note 13. V.N. Andreyev ("Some Aspects of Agrarian Conditions in Athens in the Fifth to Third Centuries B.C.," Eirene 12 (1974) 5-46) argued that the average farm was approximately 60 plethra in size and worth 2,000-3,000 dr. This may be true, but it is not necessary to assume that the average farm was the 'zeugite farm.' The calculation in the text suggested a larger figure. 60 plethra (or about 6 hectares) strikes me as perhaps low, since it has been estimated by K. Hopkins that 4 hectares would support a family of four at subsistence level, with no allowance for fallowing (see Jameson, art. cit., p. 131; a family of four is a correction from the printed five known to me through personal communication.) Further, as Cooper notes (ibid.) Hamish Forbes considers 80-90 plethra (c. 8 hectares) as a minimum plot necessary for a modern Greek to make an adequate living.

20. It is clear, of course, that a family did not live on grain alone and that these rudimentary calculations have not taken account of necessities such as oil for cooking, lighting and soap or fodder for animals. (My thanks to S. Humphreys for this point.) More exact calculations would be desirable but are not necessary, I think, for the point being made here.

21. It seems odd, then, that all those beneath the 200 medimnoi level were called thetes, a term carrying the implication of hired labor. Perhaps this is a case of the lowest ranking members of a class giving a name to the whole. But the term remains a puzzle.

22. See the comments of M.I. Finley (The Ancient Economy, p. 41) on penes and plousios. ("A plousios was a man who was rich enough to live properly on his income (as we should phrase it), a penēs was not. The latter need not be property-less or even, in the full sense, poor: he could own a farm or slaves, and he could have a few hundred drachmas accumulated in a strong-box, but he was compelled to devote himself to gaining a livelihood" (ibid.)).

23. For example, pentakosiomedimnos appears once in Thucydides (3.16) but not at all in Herodotus, the I.G. I² index, or Aristophanes. Zeugitēs appears once in the I.G. I² index (45.41-2) but not at all in Herodotus, Thucydides or Aristophanes. Thēs is also rarely used, while hippeus appears frequently--as a cavalry member.

24. The idea that inflation caused this "upward mobility" involves some confused thinking. First, the Solonian value of one drachma per medimnos is assumed to be the standard on which the figures in produce were translated into drachmae. Then, since the prices at the end of the fifth century appear higher, inflation is assumed. And many more Athenians would have been able to qualify as zeugitai. But when did the supposed change-over to monetary values occur? If it was sometime in the fifth century it would have been odd to use a Solonian price as standard--if there had been inflation. Further, as suggested earlier, there is perhaps no reason to think that the agricultural basis for the assessment was ever eliminated. Adjustment could have been made for non-agricultural income while keeping the agricultural yield as the standard.

Second, Jones and Glotz claim that inflation will help explain the increase in the number of hoplites from 480 to 431. Granted that there was such an increase, can this have been due to inflation? An equation is made between hoplites and zeugitai, and since membership in the telos of zeugitēs was 'cheaper' in 431 than in 480 there were more hoplites in 431 than 480. But service as a hoplite was based on real wealth, on the ability to provide a set of hopla. If a thè̄s' 50 medimnoi were in 430 valued at 200 drachmae, how would that enable him to own his own armor any more than in 480? (Presumably the cost of armor would have been inflated also.)

For the question of the increase in hoplites between 480 and 431 see Chapter III and for the equation hoplites = zeugitai, see below pp. 180-183.

25. Raubitschek (DAA, p. 206) noted that if Aristotle saw this dedication it should be post-480 and suggested that this was Anthemion, father of Anytos the late fifth century politician. Plato (Meno 90a) praises that Anthemion for the way he made his fortune through sophia. Davies (APF, p. 40) says "attractive but not certain."

26. See Hignett, HAC, p. 5 with references.

27. The problem of the son who was not yet 'kurios tōn heautou' is a problem in any case. To what telos did he belong? French (Historia 10 (1961) 512) also imagines this situation. His explanation is, "Solon's assessment was minimal, i.e., each Zeugites farm was expected to supply at least one hoplite.

W.K. Lacey suggests that "when a man underwent his dokimasia and was approved, he was enrolled in his deme as a citizen in the oikos of so-and-so, and this gave him his status as a citizen, and the financial standing enjoyed by his oikos at the same time" (The Family in Classical Greece, pp. 128-129).

28. These lists are distinct from the lexiarchika grammateia which were lists of all Athenians for general purposes of civic participation.

29. It also can be noted that the property requirement for a strategos cited by Deinarchos (in Demosthenem 71) is not that of any Solonian telos but simply γῆν ἐντορθανεκτήσια; cf. the 'Decree of Themistocles' (M-L, 23) 20-22.

30. See the definition given above, note 2.

31. When the Athenians try to restore the 'ancestral constitution' they think in terms of turning things over to the hoplites. On the ideal of the "Marathon-fighter" in Aristophanes see Ehrenberg, The People of Aristophanes (London, 1943), p. 299ff, but like many features of Athenian society this glorification of the past could be mocked. See the comments of A.W. Gomme, "Aristophanes and Politics," More Essays in Greek History and Literature, p. 85.

32. Plutarch, Pericles 2.1-2 (Finley's translation, The Ancient Economy, p. 54).

33. See above, note 16.

34. See Chapter III, pp. 56 - 57 for further comment on the Greek tendency to divide the citizen into two parts.

35. Or, if we regard the tyrant as a 'friend of the demos' then perhaps we could say that Aristogeiton was neither a supporter of the populist regime nor so opposed as to go into exile.

36. Cf. W.R. Connor, The New Politicians of Fifth Century Athens, pp. 158-159.

37. See M.I. Finley, The Ancient Economy, chapter 2, note 20 (p. 185), who comments that castes (on the most accepted definition according to which the essential features would be "separation in matters of marriage and contact...division of labour...and finally hierarchy") "did not exist in the ancient world...when ancient historians write caste, they 'order.'" Wade-Gery's Eupatridai are correctly called an order, or an estate, as he sometimes terms them (e.g., "Eupatridai," p. 92). I do not know what he intends by the "Eupatrid race" (p. 104).

38. See Davies, APP, pp. 12-15 on this family. Only pentakosiomedimnoi were eligible for the office of treasurer of Athena (Ath. Pol. 47.1).

39. The Leipsydriion scholion (Ath. Pol. 19.3) refers to the andras...agathous te kai eupatridas. Since as the Ath. Pol. says a few lines earlier the Alcmeonida were the leaders of the exiles, there were probably some members of the family of Leipsydriion. But, as is commonly recognized, eupatridai is used here in a poetic, non-technical sense. These were men 'of good family' who "then showed what sort of parentage they were from" (τοτ' ἔσεισαν οὖν πατέρων δακον -ibid.)

Cf. Sophocles, Antigone 162, 859, 1081.

40. It is as 'tribe-kings', then, that Eupatridai are said to be βασιλικοί γένους (Bekker, Anecdota 257, c.v. Eupatridai).

41. "Eupatridai," p. 102.

42. This fragment describes the Athenian state as being composed of 30 genē, 12 phratries and 4 tribes. Only the four tribes are historical; the other numbers are based on the model of the days of the month and months of the year. Similarly, in Ath. Pol. 13.2 only the Eupatridai are known to be historical.

Although Ath. Pol. frag. 3 has been taken as historical (most recently by F. Bourriot in his dissertation Recherches sur la nature du genos, Lille, 1976, known to me only through the review of N.R.E. Fischer in JHS 99 (1979) 193-195), I find that view unlikely.

43. Aristotle's agroikoi, Plutarch's geomoroi (Theseus 25.2) and various mentions of georgoi (e.g., Schol. Plat. Axioch., p. 465 Bk., see Wade-Gery, "Eupatridai," p. 88) are all usually taken to refer to the same group of people. It is not clear, however, that this assumption is justified (see R. Sealey, A History of the Greek City States, p. 118). The later references are of no help in resolving the puzzle of this "order."

F.R. Wüst (Historia 8 (1959) 1-11) attempts to give these orders a place in historical Athens by suggesting that before Solon there were only two Stände with political rights, the Eupatridai (the Adel) and the geomoroi (the freie Bauern). The dēmiourgoi (or craftsmen) were without political rights as were the hektemoroi. When the hektemoroi were 'freed,' they, along with the craftsmen, were admitted to the tribes, given certain political rights and became the third "Stand."

But in the accounts of Solon's reforms there is no mention of these orders. Were craftsmen so numerous in 6th century Athens as to give their name to the third order? The fact that the telē probably existed before Solon as traditional classes (orders?) also makes Wüst's theory unlikely; the telē have a much greater claim for historicity.

Manville also accepts the lower two classes on what seems to me, the dubious ground that "the classes existed for Aristotle, and we should assume that early Athenians knew more, not less, about them than he did" (op. cit. p. 31 note 60). There is too much theoretical discussion of political forms and development in the time of Aristotle to assume that he necessarily reflects an accurate and popular tradition. Nor am I convinced that the problem is solved by assuming that "Eupatrids, agroikoi, dēmiourgoi were social classes" (ibid.) not orders.

44. This is approximately the suggestion of R. Sealey (A History of the Greek City States, pp. 116-119), also found in "Eupatridai; Essays in Greek History," p. 41.

45. M. Nilsson, Cults, Myths, Oracles and Politics (Lund, 1951), Appendix II, considers the genetai as 'nobles' as does Hignett, HAC, esp. pp. 61-67. Hignett follows E. Meyer (G.A. III² p. 278ff.) in identifying (contra Wade-Gery) gennētai and Eupatridai. Gernet, also, identified the two groups ("Les nobles dans la Grèce antique," Anthropologie de la Grèce Antique, p. 334).

46. Herodotus 2.164 (the passage Wade-Gery relies on for the meaning of genos as "caste") speaks of the seven genē of Egypt—which turn out to be seven occupational groups such as priests, warriors or interpreters. The fact that these Egyptian groups might be similar to true castes does not mean that genos had such a meaning for Greeks in general or for Herodotus (as his use of the word in other contexts shows).

47. See Davies, Athenian Propertied Families p. 369 for the suggestion that the family of Cleisthenes was not associated with any particular genos or Attic cult. Davies believes that the Alcmeonidai were among the Eupatridai on the grounds that they held the archonship before 580. However, if the existence of Wade-Gery's pre-Solonian nobility is admitted to be unproved, then Isocrates' use of the names (above p. 17) might more naturally be taken to imply that the Alcmeonidai were also not Eupatridai.

48. See Wade-Gery, "Eupatridai," pp. 86-87.

49. The "original" Roman nobility was a status not an order (cf. Finley, The Ancient Economy pp. 46-47).

50. For a good, brief discussion of this term, with references, see G.E. M. de Ste. Croix, The Origins of the Peloponnesian War, pp. 371-376. Also K.J. Dover, Greek Popular Morality, pp. 41-45.

51. While there were consular senators of whom Cicero did not approve, he would not have questioned their status as nobles.

52. Connor considers Cleon's improper style only part of his rejection of the values of the kalokagathoi and of "old politics" (The New Politicians pp. 87-136). More important, according to Connor, were his rejection of traditional philia relationships and espousal of dēmo-philia. However, J.K. Davies (Hermes 47 (1975) pp. 374-378) has pointed out that the 'old versus new politics' model can be something of a simplification. The changes in fifth century Athenian politics were not so simple, not so complete, and Cleon's politics were not entirely new.

53. It is not entirely clear how successful these men were in getting other Athenians to recognize their special title to this name. In the fourth century Cleon's relatives would probably not have thought of him as anything but kaloskagathos. Mantitheos (Demosthenes 40.25) says that Cleon μαλιστα μάντων εν τῇ πόλει ἔδουκεν.

By the end of the fifth century many of these same men had voluntarily retired from politics. The most famous case is that of Plato but there were certainly others. See the comments of W.R. Connor, The New Politicians of Fifth Century Athens, p. 175ff.

54. "Remarques sur la vie politique d'Athènes au V^e siècle," Museum Helveticum 2 (1945) 201-202, quoted (in the English given above) by Connor, The New Politicians, p. 7. Something similar, I think, has happened with the word 'race'. See above Chapter IV pp. 97 - 98.

55. Cf. Connor, The New Politicians of Fifth-Century Athens, pp. 179-180 and note 70 (with references) on the apragmōnes in Athens in the later fifth century.

56. Davies, in his review of Connor's New Politicians (Hermes 47 (1975) 374-378), speaks of late fifth century politics as "an uneasy competitive symbiosis of various power-bases, some (cult-linked ἴσχυρεῖα: athletic prowess) antique and crumbling, some (wealth: overseas clientela: military competence) well-established and taken for granted, others (display oratory) strident and ostentatious precisely because novel, tentative, and unincorporated" (p. 378). I think that similar competition of "power-bases" probably existed earlier in the century. Davies also notes (p. 376) the possibility that the role of the genē was essentially passive. It should be recognized that some gennētai may have been more concerned with local than state business.

57. This is for the fourth century. "The corresponding figures for the fifth century may well have been rather higher, but one cannot say by how much" (p. xxiv).

58. M.I. Finley, The Ancient Economy, p. 51.

59. I doubt that the actual town-dwellers were numerous enough to do that even if not all the citizens outside Athens came in to vote. Thucydides does say that "tous pollous" (most) of the Athenians were at that time still living in the country (2.14.2).

60. Perhaps the key to understanding the charges of foreign birth made against many of the "new politicians" in the later fifth century lies not in their being "non-nobles" or "nouveaux riches" (which some at least were not), but in their living and doing business in the city where foreigners were plentiful and connections to paternal estates perhaps weakened. For further comments on the importance of the town/country contrast see Chapter IV , pp. 103 - 104.

61. See, for example, W.G. Forrest, "An Athenian Generation Gap," Yale Classical Studies 24 (1975), 37-52.

62. J.K. Davies, Hermes 47 (1975), 378.

63. Resemblances between other democracies and Athens may very often be imitations of the 'model' (see Chapter IV, note 50, p. 121).

Bibliography

Abbreviations used:

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| <u>AJA</u> | <u>American Journal of Archaeology.</u> |
| <u>AJP</u> | <u>American Journal of Philology.</u> |
| <u>APF</u> | J.K. Davies, <u>Athenian Propertied Families</u> , 600-300 B.C., Oxford, 1971. |
| <u>Ath. Pol.</u> | <u>Aristotle, Athenaion Politeia.</u> |
| <u>ATL III</u> | B.D. Meritt, H.T. Wade-Gery and M.G. McGregor, <u>The Athenian Tribute Lists</u> , vol. III, Princeton, 1950. |
| <u>BAB</u> | <u>Bulletin de l'Académie Royal de Belgique</u> |
| <u>Busolt-Swoboda</u> | G. Busolt and H. Swoboda, <u>Griechische Staatskunde</u> I, II, Munich, 1920, 1926. |
| <u>Bury-Meiggs⁴</u> | J.B. Bury and R. Meiggs, <u>A History of Greece to the</u> <u>Death of Alexander the Great</u> , fourth edition, New York, 1975. |
| <u>CAH V</u> | <u>The Cambridge Ancient History</u> , vol. V, Cambridge, 1927. |
| <u>CJ</u> | <u>Classical Journal.</u> |
| <u>CP</u> | <u>Classical Philology.</u> |
| <u>CQ</u> | <u>Classical Quarterly.</u> |
| <u>CR</u> | <u>Classical Review.</u> |
| <u>DAA</u> | A.E. Raubitschek, <u>Dedications from the Athenian</u> <u>Akropolis</u> , Cambridge, Mass., 1949. |
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| I.G. | <u>Inscriptiones Graecae</u> , Berlin, 1873- |
| JHS | <u>Journal of Hellenic Studies</u> . |
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| LSJ | H.G. Liddell, R. Scott and H.S. Jones, <u>A Greek-English Lexicon</u> , ninth edition, Oxford, 1940. |
| M-L | R. Meiggs and D.M. Lewis, <u>A Selection of Greek Historical Inscriptions to the end of the Fifth Century B.C.</u> , Oxford, 1969. |
| SO | <u>Symbolae Osloensis</u> . |
| RE | Pauly-Wissowa, <u>Real-Encyclopädie der classischen Altertumswissenschaft</u> , Stuttgart, 1893- |
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| WS | <u>Wiener Studien</u> . |

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