

## PERIKLES' CITIZENSHIP LAW: A NEW PERSPECTIVE\*

“It remains a puzzle” – this is Kurt Raaflaub’s verdict on Perikles’ Citizenship Law (henceforth: PCL) in his overview of fifth-century Athenian history.<sup>1</sup> PCL seems, to the best of our knowledge, to have been the first definition of citizen status by *polis* consensus and also the first law proposed successfully by the most eminent politician of classical Athens, bearing his name.<sup>2</sup> The major source on this law, the Aristotelian *Athenaiôn Politeia* (*AthPol* 26.4), mentions the proposer, the archon year and main contents of the decree explicitly: hereafter, only those born from two citizen parents would be Athenian citizens. It is therefore not the decree itself, but its political purpose that is puzzling. Why did Perikles issue this law? According to *AthPol*, he did so “owing to the large number of citizens”. Many historians have accepted this explanation and tried to make sense of the way in which the number of citizens would have been “too large”. Yet there are reasons for serious doubt about the validity of this clause. After looking briefly at the phrasing of the law, I will discuss several influential interpretations and the problems they entail. Although some substantially help our understanding of the historical context of PCL, they do not succeed in explaining convincingly the significance of the law or the moment of its creation. The core of the problem, I will argue, lies in the perception of Greek citizenship, conceived too narrowly in current historiography as the right to participate in political decision making. In the second part of this article, I offer a conception of Athenian citizenship that foregrounds participation in cults as essential to membership of the citizen community and thus creates a new perspective on PCL.

\* After its inception as my inaugural lecture at Utrecht University (May 2002), this article has benefited greatly from comments by colleagues, notably the members of the European Network for the Study of Ancient Greek History (Freiburg i.Br., April 2004), the participants at the Norman Baynes Meeting (Birmingham, May 2007), the members of the Dept. of History at UCLA (Los Angeles, April 2008) and of the Dept. of Classics at Brown University (Providence, RI, April 2008); I am grateful to them and particularly to my hosts. Special thanks I owe to Stephen D. Lambert, Kurt Raaflaub and the anonymous referees of *Historia* for constructive criticism of the draft. No one but myself is responsible for remaining flaws.

1 K. A. Raaflaub, “The Transformation of Athens in the Fifth Century” in D. Boedeker, K. A. Raaflaub (eds.), *Democracy, Empire and the Arts in Fifth-Century Athens* (Cambridge, Mass. / London 1998) 35.

2 Perikles is named by Plutarch (*Kim.* 17.6, *Per.* 10.3 f.) as the mover of the proposal to recall Kimon from ostracism, possibly in 453 (for the date R. Develin, *Athenian Officials 684–321 BC* [Cambridge / New York 1989] 78), but this was not a law.

## 1. The text of PCL

The original text of the decree is lost, but several quotes or paraphrases remain that can be classified in order of relevance and thus contribute to a reconstruction.

## A. References to PCL mentioning the law and Perikles as its proposer explicitly:

1. *AthPol* 26.3–4:

καὶ τρίτῳ μετ' αὐτὸν ἐπὶ Ἀντιδότου διὰ τὸ πλῆθος τῶν πολιτῶν Περικλέους εἰπόντος ἔγνωσαν, μὴ μετέχειν τῆς πόλεως ὃς ἂν μὴ ἐξ ἀμφοῖν ἀστοῖν ἦ γεγονώς.

“And in the third year after this, when Antidotos was archon, they decided, owing to the large number of citizens, on the proposal of Perikles that no one who was not born from both *astos* parents, would participate in the polis”.

2. *Ael. VH.* 13.24: Καὶ Περικλῆς ἔγραψε μὴ εἶναι Ἀθηναῖον, ὃς μὴ ἐξ ἀμφοῖν γέγονεν ἀστοῖν.

“And Perikles drew up a law that he who had not been born from both *astos* parents, would not be an Athenian”.

3. *Plut. Per.* 37.3: Περικλῆς [...] νόμον ἔγραψε, μόνους Ἀθηναίους εἶναι τοὺς ἐκ δυεῖν Ἀθηναίων γεγονότας.

“Perikles [...] drew up a law that only those who were born from two Athenians, would be Athenians”.

4. *Suda* (Δ 451) s. v. δημοποίητος: Περικλῆς γὰρ ὁ Ξανθίππου νόμον γράψας τὸν μὴ ἐξ ἀμφοῖν (ἀστὺ)πολίτην μὴ εἶναι.

“a citizen by decree: Perikles the son of Xanthippos drew up a law that he who was not from both (*astoi*) would not be a citizen (*politês*)”.

## B: No explicit mention of the law or Perikles, but (possible) excerpts from PCL:

5. *Philochoros, FGrHist* 328 F 35a: (Phot. / *Sud.* s. v. ὀργεῶνες)· τοὺς δὲ φράτορας ἐπάναγκες δέχεσθαι καὶ τοὺς ὀργεῶνας, καὶ τοὺς ὁμογάλακτας, οὓς γεννήτας καλοῦμεν. “and the phratry-members had to accept the *orgeones* and the *homogalaktes*, whom we call *gennêtai*”.

6. *Krateros, FGrHist* 342 F 4: (Harp. / *Sud.* s. v. ναυτοδίκαι):

ἐὰν δὲ τις ἐξ ἀμφοῖν ξένοι γερονῶς φρατρίζη, διώκειν εἶναι τῷ βουλομένῳ Ἀθηναίων, οἷς δίκαι εἰσί·

“[...] if someone born from both foreign parents acts as if he were a phratry-member, he may be prosecuted by anyone of the Athenians who so wishes who may take legal action...”

7. *Arist. Pol.* 1278a34–5: τέλος δὲ μόνον τοὺς ἐξ ἀμφοῖν ἀστῶν πολίτας ποιοῦσιν.

“.. in the end, they only make those citizens who are born from both citizen parents”.

## C. Reinforcement of PCL after the Peloponnesian War; echoes of PCL?

8. Schol. Aeschin. 1.39 = Eumelos, *FGrHist* 77 F2

Εὐμηλος ὁ Περιπατητικὸς ἐν τῷ τρίτῳ Περὶ τῆς ἀρχαίας κωμῳδίας φησὶ Νικομένη τινὰ ψήφισμα θέσθαι μηδένα τῶν μετ' Εὐκλείδην ἄρχοντα μετέχειν τῆς πόλεως, ἂν μὴ ἄμφω τοὺς γονέας ἀστοὺς ἐπιδείξῃται, τοὺς δὲ πρὸ Εὐκλείδου ἀνεξετάστως ἀφεῖσθαι.

“Eumelos the Peripatetic philosopher says in the third book *On the old comedy* that a certain Nikomenes laid down a decree that no one was to participate in the *polis* as of the archonship of Eukleides, who could not demonstrate that both his parents were *astoi*, but that those who had been enrolled before Eukleides should be left in peace”.

9. Ath. 13.577b:

Ἄριστοφῶν δ' ὁ ῥήτωρ, ὁ τὸν νόμον εἰσενεγκὼν ἐπ' Εὐκλείδου ἄρχοντος ὃς ἂν μὴ ἐξ ἀστῆς γένηται νόθον εἶναι...

“The orator Aristophon, the same who proposed in the archonship of Eukleides that he, who was not born from an *astê*, was a *nothos*...”

10. Is. 6, *Philoct.*, 47; [Dem.] 43, *Macart.*, 51; Schol. Aeschin. 1.39:

ἐκεῖ μὲν γάρ ἐστι νόθος μηδὲ νόθη εἶναι ἀγχιστείαν μήθ' ἱερῶν μήθ' ὀσίων ἀπ' Εὐκλείδου ἄρχοντος

“for according to the law no male or female bastard has any claim based on kinship to *hiera kai hosia*, as of the archonship of Eukleides (403/2)”.

There is no doubt about the date. The assignment of Antidotos to the year 451/0 in *AthPol* is backed by Diodoros Siculus (11.91.1) referring to the corresponding Roman consul year.<sup>3</sup> The dating of inscribed decrees to archons became a regular practice only after the 420s, but occasionally the archon was named in decrees before 420.<sup>4</sup> Whether PCL was in fact inscribed on stone we cannot tell; there may have been only an archival copy of the law which at some point mentioned the archon, as we shall see below. *AthPol* mentions a series of archons in precisely this section: Mnesitheides, probably 457/6 (26.2); Lysikrates, 453/2 (26.3); and Antidotos, 451/0 (26.4). Dealing in chronological order with changes in the *politeia*, the author seems to draw here on (a source based on) lists of archons and of laws.<sup>5</sup>

How close are the extant fragments to the original? Aelian seems to have made use of *AthPol*, whereas Plutarch discusses PCL in a different context than *AthPol* does,

3 Develin, *Athenian Officials* (as in n. 2) 79.

4 For instance, *IG* I<sup>3</sup> 4 A and B (485/4).

5 Besides being inscribed on stone, decrees of the Athenian assembly were recorded in writing by the secretary of the Council and stored, perhaps increasingly from the 460s onwards; J. P. Sickinger, *Public Records and Archives in Classical Athens* (Chapel Hill / London 1999) 62–92; on the use of *AthPol* of such records, including the Solonian lawcodes, P. J. Rhodes, “The Reforms and Laws of Solon: an Optimistic View” in J. H. Blok, A.P.M.H. Lardinois (eds.), *Solon of Athens. New Historical and Philological Approaches* (Leiden / Boston 2006) 248–260, and more generally P. J. Rhodes, *A Commentary on the Aristotelian Athenaion Politeia* (Oxford 1981) hereafter *CAAP*. How precisely Mnesitheides, the first *zeugitês* archon, fits in the enactment of the new law expanding eligibility for the archonship to the third property class, remains unclear, cf. Rhodes, *CAAP* ad 26.2; 330.

namely Perikles' loss of his legitimate sons in the plague of 430/29 and the grant of legitimacy to his son with Aspasia by the *dēmos*. His reference depends at least in part on other sources, presumably various Attidographers.<sup>6</sup> Philochoros and Krateros provide information not present in *AthPol* and may have drawn independently on the same source as *AthPol*. Whether Philochoros' fragment 35a in fact refers to PCL is disputed; the connection was based on its presumed position in book 4 of his *Atthis* dealing with the fifth century, whereas recently arguments have been advanced to situate it in book 3, discussing a.o. the laws of Solon.<sup>7</sup> Krateros' fragment from his book *On Laws* seems to be a stronger case for a connection with PCL. By his time of writing (late fourth, early third century) the dual he uses (ἐξ ἀμφοῖν ξένοι) was no longer common, except occasionally in formal contexts and might reflect a phrase from an earlier source here. The verb φρατίζειν is very rare – apart from this fragment it is only attested in a phratry decree of the Demotionidai of 396/5 (*IG* II<sup>2</sup> 137.37–8); in Krateros' work it may also reflect the original decree he discussed. The fragment itself could either have been a part of PCL or of later, additional legislation.<sup>8</sup> Fragments 8–10 refer to the reenforcement of PCL after its relaxation in the Peloponnesian War; the decree proposed either by Nikomenes or Aristophon was based on PCL in contents, but we cannot be certain about verbal similarities.

When taken together, the extant references to the text offer an idea of what the statute may have looked like. The majority of the testimonia shows its phrasing in the negative: he who is not born from... will not be... The regular formula in laws of this kind would be “he who...” (τις...) or “if someone...” (ἐάν τις...) or a stipulation followed by ὅς. The reference closest to this formulation is the one in no. 1, *AthPol* plus no. 2, Aelian, and is reflected in no. 8. The two *astos* parents are referred to in the dual in *AthPol* and Aelian and we find nearly the same words (ἐξ ἀμφοῖν ἀστῶν) in no. 7, Aristotle's *Politics*. In these respects, *AthPol* offers something that could be close to the original but could also be a fourth-century phrase. Plutarch (no. 3) offers only a paraphrase, the *Suda* (no. 4) reflects the original in the dual but not its typical formula.

Next, the law needed a clause prohibiting someone without two *astos* parents from having citizen status. P.J. Rhodes and J. Keaney both regard μετέχειν τῆς πόλεως (to participate in the *polis*) as the relevant quote from the law.<sup>9</sup> However, all other occur-

6 Plutarch *Per.* 37 also relates PCL to the *diapsēphismos* of 445/4 after the grant of corn to Athens by the Egyptian king Psammetichos; his figure of the 14,040 legitimate citizens differs slightly from the 14,240 given by Philochoros (*FGrHist* 328 F 119). See Rhodes, *CAAP* (as in n. 5) 332–333 that PCL is unlikely to have been used as a retroactive tool against unqualified citizens.

7 Fr. 35a has been attributed to the fourth book because fr. 35b explicitly situates a reference to *homogalaktes* in book 4 (cf. A. Andrewes, “Philochoros on Phratries”, *JHI* 81 [1961] 1–15; S. D. Lambert, *The Phratries of Attica* [Ann Arbor 1998<sup>2</sup>] 46–49). C. Theodoridis, “Eine unbeachtete Buchangabe zum Bruchstück des Philochoros über die Attischen Orgeonen”, *ZPE* 138 (2002) 40–42 has shown that a hitherto overlooked ms. passage mentions Philochoros' discussion of the *orgeones* in book 3, which suggests that Fr. 35a also belonged there; however, this does not preclude Philochoros' returning to the *gennētai* in book 4.

8 Lambert, *Phratries* (as in n. 7) 45–47.

9 Rhodes, *CAAP* (as in n. 5) 335; J. J. Keaney, *The Composition of Aristotle's Athenaion Politeia. Observation and Explanation* (New York / Oxford 1992) 157.

rences of μετέχειν τῆς πόλεως date to the fourth century; the reference in this sentence to the reinforcement decree of the late fifth century (no. 8) could either be a borderline case or a later paraphrase.<sup>10</sup> In the fifth century, we meet in such contexts with μετέχειν τῶν τιμέων (e. g. Hdt. 4.145.13–21) and μετεῖναι (μοῖ) τῆς πόλεως (e. g. Soph. *OT* 628–630). Μετεῖναι (μοῖ) with genitive indicates having a claim to something due to membership of the group, while μετέχειν τῶν τιμέων refers to the roles (τιμαί) one is to fulfil due to one's acknowledged status (τιμή). Another possible phrasing could have been μετεῖναι τῶν ἱερῶν καὶ τῶν ὀσίων (to have a share in the *hiera* and *hosia*).<sup>11</sup> This phrase, to which I will return later, captures the intimate connection between membership of the *oikos* and that of the *polis* by sharing in the *hiera* and *hosia* of both. As of Solon, the rights of inheritance, including citizenship, were restricted to legitimate offspring, and the same cluster of rules was reinforced after the Peloponnesian War.<sup>12</sup> Perhaps this explains why Plutarch saw PCL as a law predominantly “about *nothoi*” (bastards).<sup>13</sup>

All these expressions designate what citizenship could involve as to *having* or *doing* certain things, but the law first of all had to bar someone without two *astos* parents from *being* a citizen. The most common way of referring to a citizen in the mid-fifth century was not by using the word *politês* (as in no. 4, the Suda) but by using the *ethnicon*, or better, *politicon*, in the case of Athens by saying someone was an *Athênaios* /a.<sup>14</sup> Linguistically,

- 10 A systematic TLG-search shows that μετέχειν beginning in the Theognidea occurs frequently in multiple configurations, but the significant combination with *polis* is only attested in the fourth century.
- 11 The same phrase is used in Apoll. *Neaira*, 94–106, a decree of 427 granting Athenian citizenship to a group of Plataians: μετεῖναι αὐτοῖς ὄνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων ... “the Plataians shall ... share in everything in which the Athenians share, both *hiera* and *hosia*...”; see also below.
- 12 On the main principles concerning legitimacy, inheritance and citizenship, A. R. W. Harrison, *The Law of Athens* (Oxford / London / Indianapolis 1971) vol. 1, 61–62; C. Patterson, “Those Athenian Bastards”, *CA* 9 (1990) 40–73; Lambert, *Phratries* (as in n. 7) 25–58; E. Carawan, “Pericles the Younger and the Citizenship Law”, *CJ* 103 (2008) 383–406; part of Solonian law: S. Lape, “Solon and the Institution of the “Democratic” Family Form”, *CJ* 98 (2002/3) 117–139. Whether *nothoi* with two Athenian parents who had not been married with *engye* or *epidikasia* were legitimate and citizens, is controversial (see Harrison, *The Law of Athens* vol. 1, 61–68; S. C. Todd, *The Shape of Athenian Law* [Oxford 1993] 178–179). Accepting the impact of a Solonian law on legitimacy, I agree with a.o. H. J. Wolff, “Marriage Law and Family Organization in Ancient Athens: a Study in the Interrelation of Public and Private Law in the Greek City”, *Traditio* 2 (1944) 43–95; H. J. Wolff, “Die Grundlagen des griechischen Eherechts”, *RHD* (1952) 1–29, 158–181; P. J. Rhodes, “Bastards as Athenian Citizens”, *CQ* n. s. 28 (1978) 89–92; Patterson, “Those Athenian Bastards”; Lambert, *Phratries*; A.-M. Vêrilhac, C. Vial, *Le mariage grec du VIe siècle av. J.-C. à l' époque d'Auguste* (Paris 1998) 55 against a.o. Harrison, *The Law of Athens* vol. 1, 65–68; D. M. MacDowell, “Bastards as Athenian Citizens”, *CQ* n. s. 26 (1976) 88–91 that they were not. A clause to this effect would not have been required in PCL because the norm already existed. The view of D. Ogden, *Greek Bastardy in the Classical and Hellenistic Periods* (Oxford 1996) 44–58 that PCL marked the victory of the phratries, which would have required double Athenian parentage, over de the *genê*, requiring only one, is unconvincing because his assumptions about these descent rules and the underlying Athenian patrilinearity are unfounded.
- 13 Plut. *Per.* 33, with Patterson, “Those Athenian Bastards” (as in n. 12).
- 14 J. H. Blok, “Becoming Citizens. Some Notes on the Semantics of „Citizen“ in Archaic Greece and Classical Athens”, *Klio* 87 (2005) 7–40; see also M. J. Osborne, *Naturalization in Athens* vol. 1 (Brussels 1981) 15–16 on the use of Ἀθηναῖος εἶναι in naturalisation decrees until 229 BC.

then, the wording in the passages of Aelian and Plutarch is the most likely one to have been used in PCL. Next, the law presumably articulated what citizen status entailed. The two phrases used in our sources therefore reflect both sides of citizenship. If one is born from two *astos* parents, one *is* an *Athênaios* (the formula is phrased in the negative, but arguably amounts to the same). Being an *Athênaios/a* implies *having* and *doing* things, namely having a share (*meteinaî*) in the *polis*, that is its *hiera* and *hosia*, and participating in its *timai*.<sup>15</sup> Finally, as the law was not retroactive but marked a boundary in time prescribing future action, the archon was probably mentioned as well in a phrase comparable to the decree on the reinforcement of PCL in 403/2 (no. 8: μετ' Εὐκλείδην ἄρχοντα; no. 10: ἀπ' Εὐκλείδου ἄρχοντος): as of archon Antidotos, no one who was not born from two *astos* parents... etc.<sup>16</sup> *AthPol*, however, uses a construction with ἐπί, fitting its chronological scheme rather than following the clause of the decree with μετά or ἀπό.

In sum, the text of the law probably included μὴ Ἀθηναίων εἶναι ὃς ἂν μὴ ἐξ ἀμφοῖν ἀστοῖν ἢ γεγονώς and a clause on the archon year, while at some point the phrase μετεῖναι τῆς πόλεως or μετεῖναι τῶν ἱερῶν καὶ τῶν ὀσίων or μετέχειν τῶν τιμέων may also have been used. The reference in *AthPol* thus comprised a phrase in the last part (ὃς ἂν μὴ ἐξ ἀμφοῖν ἀστοῖν ἢ γεγονώς) that may have been a literal quote from the law, whereas the first part (καὶ τρίτῳ μετ' αὐτὸν ἐπὶ Ἀντιδότου διὰ τὸ πλῆθος τῶν πολιτῶν Περικλέους εἰπόντος ἔγνωσαν, μὴ μετέχειν τῆς πόλεως) seems to be a paraphrase of the decree by the author of *AthPol*. The clause διὰ τὸ πλῆθος appears within this paraphrase; whether it likewise reflects late fourth-century discourse or rather the original text needs to be investigated.

## 2. Current interpretations

Now that the wording of the law has been reconstructed in outlines, we can look at the main issue: its aim and political meaning. PCL is not only the first extant definition of a citizen's qualification in Greece as a whole and in Athens itself, but it also involved a fundamental change.<sup>17</sup> Until then, there must have been an (unwritten) rule that Athenian

15 Lambert, *Phratries* (as in n. 7) 27 with n. 9 compares the qualification by birth with a passport, giving access to participation (in this case male participation in politics).

16 I owe this important observation to David Phillips (UCLA). On the non-retroactive effect of PCL and its reinforcement, Rhodes, *CAAP* (as in n. 5) 332–334, Patterson, “Those Athenian Bastards” (as in n. 12), Carawan, “Pericles the Younger and the Citizenship Law” (as in n. 12).

17 J. Davies, “Athenian Citizenship: the Descent Group and the Alternatives”, *CJ* 73 (1977) 105–121; C. Patterson, *Perikles' Citizenship Law of 451/0* (New York 1981, reprint 1987); C. Patterson, “Athenian Citizenship Law” in M. Gagarin, D. Cohen (eds.), *The Cambridge Companion to Ancient Greek Law* (Cambridge 2005) 267–289. Solon created a conceptual notion of a coherent citizen body by absolutely abolishing debt slavery, thus establishing collective responsibility for the freedom of all citizens (see J. Ober, “The Athenian Revolution of 508/7 BCE: Violence, Authority, and the Origins of Democracy” in C. Dougherty, L. Kurke [eds.], *Cultural Poetics in Archaic Greece. Cult, Performance, Politics* [Cambridge 1993] 215–232), whereas Kleisthenes probably incorporated in his new system in 508/7 many free residents of Attika who were not Athenians by descent (on the historical kernel of this report, Davies, “Athenian Citizenship: the Descent Group” 116–117; Rhodes, *CAAP* [as in n. 5] ad 21.4), as, according to tradition (Plut. *Sol.* 24.4), Solon had done before him.

citizens were they who were legitimate children of (at least) *one* Athenian. Now PCL laid down that only those born from *two* citizen parents were to be Athenians. Why this break away from traditional practice that one citizen parent was sufficient?

Several developments converged in the decades before PCL that may well have made the Athenians more conscious of the significance of their citizen status. Firstly, the demographic composition of the population of Attika had changed markedly after the Persian Wars by an influx of non-Athenians. For those immigrants who intended to stay for a prolonged time at Athens, *metoikia* was created, a recognised status involving participation in several *polis* festivals, first of all the Panathenaia.<sup>18</sup> Intensified awareness of one's (real or imagined) cultural identity not only among migrants but also among the receiving population is a well-known response to a relatively strong wave of immigration. Secondly, Cynthia Patterson has argued in her pioneering work on PCL (1981) that whereas the number of regulations pertaining to Athenian citizens increased, not all Athenian associations seem to have required the same qualifications for citizens to be accepted. Hence at some point it would have been necessary to define for the whole *polis* who was an Athenian citizen.<sup>19</sup> Thirdly, as Stephen Lambert (1998) has suggested, with the rise of Athens as an imperial power since the 470s and the internal strengthening of democratic political structures from the 460s onward, Athenian citizenship was becoming more valuable, also attracting people claiming this status if it was not theirs.<sup>20</sup>

All these factors together created a political atmosphere in which a law defining who was an Athenian citizen was likely to be received favourably. But they do not explain why PCL changed the rules; the law could simply have stated that one *astos* parent was required and legitimate descent was to be scrutinised more strictly. Nor do they explain why the law was proposed and passed precisely in 451/0, a moment which on closer inspection appears to have been an unlikely one for measures restricting the number of citizens. So yet another factor must have played a role – what might this be?

- 18 On *metoikia*, D. Whitehead, *The Ideology of the Athenian Metic* (Cambridge 1977); on numbers of metics and *metoikia* as marked by inclusion in Athenian cults, J. H. Blok, "Fremde, Bürger und Baupolitik im klassischen Athen", *Historische Anthropologie* 15 (2007) 309–326. The date of the creation of *metoikia* is disputed; G. W. Bakewell, "*Metoikia* in the *Supplices* of Aeschylus", *CA* 16 (1997) 209–228 suggests the 460s, but S. Wijma will argue for its emergence in the 470s, based on representations of figures who must be metics in their typical outfits and with typical attributes participating in a cultic context on vases dated to the 470s (Pan Painter, arf kylix, Oxford; arf amfora, New York; Brygos Painter, lekythos, Paestum, etc.).
- 19 Patterson, *Perikles' Citizenship Law of 451/0* (as in n. 17): the *polis* was now to decide for all its composite bodies (demes, phratries) which criterion to use when ascertaining citizenship; cf. Todd, *The Shape of Athenian Law* (as in n. 12) 177–178. R. Osborne, "Law, the Democratic Citizen and the Representation of Women in Classical Athens", *Past and Present* (1997) (no. 155) 3–33 discusses in particular the effects of the Athenian empire and of freed slaves on the composition of the citizen body. On the role of associations in the Athenian *polis*, U. Walter, *An der Polis teilhaben. Bürgerstaat und Zugehörigkeit im archaischen Griechenland* (Stuttgart 1993); Lambert, *Phratries* (as in n. 7); N. F. Jones, *The Associations of Classical Athens. The Response to Democracy* (New York / Oxford 1999).
- 20 Lambert, *Phratries* (as in n. 7) 43, n. 81.

Most historians who have tried to solve the puzzle have taken *AthPol*'s clue of "the large number of citizens" seriously. As it is not easy to see what "too many" in an absolute sense might be, we should look for "too many" in a relative sense, that is, too many Athenians for a particular purpose or in view of a particular problem.<sup>21</sup> This purpose or problem, of course, should have something to do with being a citizen. Let me discuss a representative selection of the explanations offered so far, with the main objections against each of them.

### 2.1. "Too many": privileges of Athenian citizenship

The first line of argument takes the many legal, political and financial privileges of Athenian male citizens as a starting point. Such privileges, notably payment for service in the *dikastêria*, would require that citizenship should be limited to manageable numbers.<sup>22</sup> However, it is not at all certain that *misthos* was available to citizens before 451. *AthPol* (27.1–4) mentions Perikles' initiative to pay for service in the *dikastêria* as a measure in the expanding democracy and motivated by his desire to rival Kimon's *euergesia*. The text does not state, however, that Perikles did so while Kimon was still alive, whereas the chronological framework of *AthPol* in this passage concerns developments after PCL, not before it.<sup>23</sup> More importantly, the democratic system of Athens was neither predicated on nor directed towards restricting the number of citizens. From the 460s onwards, ascending democratic ideology favoured participation by all citizens. Nor was there any practical need to restrict the size of the *dêmos*: the quorum of the Assembly, like the 'pool' from which *dikastai* were drawn, and the overall size of the Council and

- 21 Rhodes, *CAAP* (as in n. 5) 333; Raaflaub, "The Transformation of Athens in the Fifth Century" (as in n. 1) 35. Conversely, M. H. Hansen, *The Athenian Democracy in the Age of Demosthenes. Structure, Principles, and Ideology* (Oxford 1991) 53 (hereafter *ADD*) just asserts that there must have been too many male citizens in 451/0 for the *polis* to "function properly".
- 22 E. M. Walker, "The Periclean Democracy" in *CAH V* (Cambridge 1927) 102; Davies, "Athenian Citizenship: the Descent Group" (as in n. 17) 106 on citizenship as a collective material interest; Hansen, *ADD* (as in n. 21) 38.
- 23 *AthPol* 27.3; Arist. *Pol.* 1274a8–9 only mentions Perikles' instituting the *misthos*, not a date. Hansen *ADD* (as in n. 21) 38, 188 presumes that *misthos* for the *dikastêria* was instituted shortly after Ephialtes, thus being the only payment for citizens at the time of PCL. As the text of *AthPol* suggests a different order of events, however, my impression is that historians have dated the *misthophoria* before PCL in order to explain the latter. *AthPol* mentions critics who saw *misthos* as a cause of bribery of the courts, with Anytos being the first one to do so to escape his indictment after his failed command at Pylos (425; *AthPol* 27.4–5), whereas Kleon raised the sum from 2 to 3 obols (Schol. *Vesp.* 88, 300). All this points to institution of *misthophoria* in the 440s or 430s. The grant of corn by Psammetichos to the Athenian citizens in 445/4 and the ensuing *diapsêphismos*, allegedly removing nearly 5000 people from the citizen lists (Philoch. *FGrHist* 328 F 119; Plut. *Per.* 37.2; Hansen, *ADD* [as in n. 21] 53) has also been advanced as evidence that the Athenians were intent on restricting the number of those who would benefit materially from being an Athenian citizen. It can hardly be maintained, however, that PCL was made foreseeing such an event, and the *diapsêphismos* rather illuminates the severity with which Athenians used laws as weapons against each other (see also Davies, "Athenian citizenship: the descent group and the alternatives" [as in n. 17] 111 with further ref.).

*dikastêria* remained the same regardless of the size of the population and so would the *misthos* for the *dikastai*, whether there were 50,000 male citizens or 30,000.<sup>24</sup>

Landed property was limited, however, according to Alan Boegehold (1994): perhaps there were too many Athenians for the available land, leading to innumerable court cases on inheritances.<sup>25</sup> But how limited was it? The archaeological record shows that throughout the fifth and fourth centuries, Athens continued to fill in its arable land and increased its production.<sup>26</sup> No shortage of land in absolute terms can be discerned in the decades before or after PCL. More poignantly, in these decades, Athens created several clerouchies and colonies; clearly, the city had other and even more profitable means of finding landed property for its citizens.<sup>27</sup> Finally, we need to keep in mind that in these years landed property was an asset to, but not a requirement for citizenship: in this respect no change of the law was necessary.<sup>28</sup>

## 2.2. "Too many": mixed marriages

A second line of argument takes the frequency of marriages of Athenians to non-Athenians as a starting point. Opinions diverge as to whether such marriages would really have increased the numbers of citizens to such an extent that a decree against them would be necessary. Patterson (1981) has defended a significant increase in citizen numbers due to unions of citizens with *metics*, and Walters (1983) due to unions of male citizens and female slaves.<sup>29</sup> Other historians, among them Rhodes, Raaflaub, and De Ste. Croix, have doubted an increase in numbers of citizens or point out that PCL would not effectively limit the numbers because it was not retroactive. But they do not doubt a significant increase in mixed marriages.<sup>30</sup> Robin Osborne has drawn attention to the numerous Athenian men leaving Attika in the framework of the Athenian empire and

24 The quorum for important decisions by the *dêmos* was always 6000, a fixed number representing the *dêmos* in its entirety; cf. Hansen, *ADD* (as in n. 21) 130–132.

25 A. Boegehold, "Perikles' Citizenship Law of 451/0 B. C." in A. Boegehold, A. Scafuro (eds.), *Athenian Identity and Civic Ideology* (Baltimore 1994) 57–66.

26 S. Forsdyke, "Land, Labor and Economy in Solonian Athens: Breaking the Impasse between Archeology and History" in Blok & Lardinois (eds.), *Solon of Athens* (as in n. 5) 334–350.

27 By contrast, S. Hornblower, *The Greek world, 479–323 BC* (London / New York 1983) 35–36, attributes PCL to the wish to restrict the material advantage of partaking in clerouchies to citizens only.

28 On the economic qualification of thetes, K. A. Raaflaub, "Athenian and Spartan *eunomia*, or: What to Do with Solon's Timocracy?" in Blok & Lardinois (eds.), *Solon of Athens* (as in n. 5) 390–428; H. v. Wees, "Mass and Elite in Solon's Athens: the Property Classes Revisited" in *Solon of Athens*, 351–389.

29 Patterson, *Perikles' Citizenship Law* (as in n. 17); K. Walters, "Perikles' Citizenship Law", *CA* 2 (1983) 314–336.

30 Raaflaub, "The Transformation of Athens in the Fifth Century" (as in n. 1) 29 on possible anxiety about the influx of numerous foreigners; on mixed marriages E. Ruschenbusch, *Athenische Innenpolitik im 5. Jahrhundert v. Chr.* (Bamberg 1974) 83–87; Rhodes, *CAAP* (as in n. 5) 333–334; G. E. M. de Ste. Croix, "The Athenian Citizenship Laws" in *Athenian Democratic Origins and other Essays* (D. Harvey, R. Parker [eds.] [Oxford 2004]) 247; R. Sealey, "On Lawful Concubinage at Athens", *CA* 3 (1984) 111–133. S.C. Humphreys supposed PCL to have been retroactive for children

probably getting wives elsewhere. Such unions would have been considered undesirable, creating a tension that PCL wanted to remove.<sup>31</sup>

However, these explanations need an additional argument as to why precisely these unions were considered undesirable. In this context, Sally Humphreys has pointed to the foreign marriages of the elite, arguing that close links between aristocrats of different *poleis* would encumber Athenian rational policy making.<sup>32</sup> However, *proxenia* remained an important factor in Athens' foreign policy, rational or not, and did not need a law on descent and citizenship to bring it under the control of the *dêmos*. On the contrary, throughout the fifth and fourth centuries Athens accorded honours to prominent foreigners to reward them for favours granted to the city and encouraging them to carry on in the same way.<sup>33</sup> And, to be precise, PCL did not prohibit foreign marriages, even if it made such unions decidedly unattractive; prohibition of marriages to non-Athenians only came about in the early fourth century.<sup>34</sup>

### 2.3. Ethnic exclusivity: the myth of autochthony

Some historians, finally, see in the requirement of two Athenian parents an attempt at ethnic purity. This proposition was first raised shortly after World War II by C. Hignett (1952) and was refuted by Patterson (1981) and Boegehold (1994), but has recently been revived in a new shape. The Athenian autochthony myth is taken to be a racial theory of sorts and of such ideological force as to induce the Athenians to protect themselves

not yet adults in 451/0 ("The Nothoi of Kynosarges", *JHS* 94 [1974] 88–95), followed by Davies, "Athenian Citizenship: the Descent Group" (as in n. 17) 107.

- 31 Osborne, "Law, the Democratic Citizen and the Representation of Women in Classical Athens" (as in n. 19); Carawan, "Pericles the Younger and the Citizenship Law" (as in n. 12) 389–391.
- 32 Humphreys, "The Nothoi of Kynosarges" (as in n. 30). Undercutting relations between Athenians and other *poleis* would affect particularly prominent *metroxenoi*; that PCL cannot have been meant as a weapon against such *metroxenoi*, notably Kimon (as F. Jacoby had suggested) has been refuted conclusively by Rhodes, *CAAP* (as in n. 5) 333 and De Ste. Croix, "The Athenian Citizenship Laws" (as in n. 30) 233–234. Moreover, Carawan, "Pericles the Younger and the Citizenship Law" (as in n. 12) 389–390, argues convincingly that, due to the numerous clerouchies and the empire, the influx of new citizens with one Athenian parent was presumably more frequent among the non-elite than among the elite.
- 33 A. S. Henry, *Honours and Privileges in Athenian Decrees* (Hildesheim 1983); A. Misiou, "Reciprocal Generosity in the Foreign Affairs of Fifth-century Athens and Sparta" in C. Gill, N. Postlethwaite, R. Seaford (eds.), *Reciprocity in Ancient Greece* (Oxford 1998) 181–198; intra-polis obligations due to proxeny and isopoliteia, P. Low, *Interstate Relations in Classical Greece. Morality and Power* (Cambridge 2007) 43–54; political effect in fifth c.: M. Domingo Gygax, "Contradictions et asymétrie dans l'évergétisme grec: bienfaiteurs étrangers et citoyens entre image et réalité", *DHA* 32 (2006) 9–23; M. Domingo Gygax, "Les origines de l'évergétisme. Échanges et identités sociales dans la cité grecque", *Mètis N.S.* 4 (2006) 269–295, 285–290, with bibl.; continuity into fourth c.: S. D. Lambert, "Athenian State Laws and Decrees, 352/1–322/1: III. Decrees Honouring Foreigners, B. Other Awards", *ZPE* 159 (2007) 101–154; S. D. Lambert, "Athenian State Laws and Decrees, 352/1–322/1: II. Decrees Honouring Foreigners A. Citizenship, Proxeny and Euergey", *ZPE* 158 (2006) 115–158.
- 34 Harrison, *The Law of Athens* (as in n. 12) 1, 26–29.

against non-Athenian blood.<sup>35</sup> But where would this ideology come from and why would it have come about?

In this context, it is relevant to distinguish between different elements of the myth that came to be subsumed in the epitheton *autochthôn* and the chronological order of their emergence. First, *autochthôn* conveys the contention that the Athenians had never migrated but always lived in Attika, implying that a core of the population had remained the same over time.<sup>36</sup> The first authors reflecting this idea are Herodotus, including it as an argument in the speech of the Athenians claiming command of the fleet against the Syracusans before Salamis (7.161),<sup>37</sup> and Thucydides, in the early history of Greece (1.2.5–6) and in Perikles' funeral oration (2.36.1).<sup>38</sup> As the direct speeches in Herodotus are his own rather than his protagonists',<sup>39</sup> whereas Perikles' oration arguably retains some of the speaker's ideas, the earliest written traces of this notion thus date to the late 430s. The epitheton *autochthones* is first applied to the Athenians in Aristophanes' *Wasps* (l. 1076) of 422 and *Lysistrata* (l. 1082) of 412, both times in a mocking way.

Second, the Athenians claimed a special relationship with the hero Erechtheus, whose roles as earth-born king of Athens and founder of the Athenians took a long time to come about.<sup>40</sup> Hom. *Il.* 2.546–8 mentions “the men who held Athens, the strong-founded citadel, the deme of great-hearted Erechtheus, whom once Athena tended after the grain-giving fields had born him, and established him to be in Athens in her own

35 C. Hignett, *A History of the Athenian Constitution to the End of the Fifth Century BC* (Oxford 1952) 345–347; Patterson, *Perikles' Citizenship Law* (as in n. 17) 97–98; Boegehold, “Perikles' Citizenship Law” (as in n. 25) 58 and see the comments of De Ste. Croix, “The Athenian Citizenship Laws” (as in n. 30) 233. Revival: Ogden, *Greek Bastardy* (as in n. 12) 66; A. Stewart, *Art, Desire, and the Body in Ancient Greece* (Berkeley / Los Angeles 1997) 171, 196–9.

36 See also V. Rosivach, “Autochthony and the Athenians”, *CQ* n. s. 37 (1987) 294–305. I discuss the Athenian autochthony myth more extensively in “Gentrifying Genealogy: on the Genesis of the Athenian Autochthony Myth”, in C. Walde, U. Dill (eds.), *Antike Mythen. Medien, Transformationen, Konstruktionen. Festschrift für Fritz Graf* (forthcoming 2009).

37 Hdt. 7.161: ἀρχαιότατον μὲν ἔθνος παρέχόμενοι, μόνοι δὲ ἔόντες οὐ μετανάσται Ἑλλήνων; “we are the oldest people, as we are the only ones of the Greeks who never migrated”. Herodotus does not use the word *autochthones* for the Athenians, however, but for other peoples (Carians: 1.171; Caunians: 1.171; Boudini: 4.109; Arcadians: 8.73).

38 Thuc. 1.2.5–6: “Attica [...] was free from internal quarrels from the earliest times by reason of the thinness of its soil, and therefore was inhabited by the same people always (ἄνθρωποι ἄκουσι οἱ αὐτοὶ αἰεὶ). [...] it was owing to these migrations (elsewhere) that the other parts of Hellas did not increase in the same way as Attica; for the most influential men of the other parts of Hellas, when they were driven out of their own countries by war or sedition, resorted to Athens as being a firmly settled community, and, becoming citizens, from the earliest times made the city still greater [...]” 2.36.1: “For this land of ours, in which the same people never ceased to dwell (αἰεὶ οἱ κοῦντες) in an unbroken line of successive generations, they (the ancestors) by their valour transmitted to our times a free state” (transl. C.F. Smith, Loeb).

39 M. de Bakker, *Speech and Authority in Herodotus' Histories* (diss. Amsterdam UvA 2007).

40 R. Parker, “Myths of Early Athens” in J. Bremmer (ed.), *Interpretations of Greek Mythology* (London 1987) 187–214; E. Kearns, *The Heroes of Attica* (London 1989) 110–133, 160; Rosivach, “Autochthony and the Athenians” (as in n. 36).

rich temple".<sup>41</sup> The passage testifies to the strong bond between Erechtheus, Athena and Athens; the time when the hero resided there is projected into the deep past and no direct lineage between him and the Athenians is suggested. If a line in the Pythia's opening speech in Aeschylus' *Eumenides* (l. 13) of 458, mentioning "children of Hephaistos" who built the road for Apollo leading to Delphi, refers to the Athenians, it would be the first expression of the belief in the Athenians' descent from Erechtheus, the son of Hephaistos and Gê, but this interpretation is neither unequivocally clear nor compelling.<sup>42</sup> More impressive is the evocation of the Athenian Pythais in this passage and of the strong bonds between Athens and Pythian Apollo in the early history of the city as the background to the tragedy.<sup>43</sup> Erechtheus' roots below the earth and the Athenians' descent from this hero are addressed unambiguously in Sophokles' *Ajax*: "Crew of the ship of Ajax, descendants of the underworld sons of Erechtheus...".<sup>44</sup> In Euripides' *Erechtheus* (late 420s) the protagonist figures as the founder-king of Athens, his wife Praxithea, daughter of the rivergod Kephisos, is to be the first priestess of Athena Polias and the slain opponent Eumolpos will be the ancestor of the *genos* Eumolpidae. The main figures in this mythological complex had been depicted in Athenian art since the early sixth century, such as a black-figure fragment of the 580s showing Kekrops and his daughters.<sup>45</sup> Around the middle of the fifth century, red-figure vases show Athena, Hephaistos, Kekrops, Gê and Erichthonios (= Erechtheus) in various combinations which clearly signify Erechtheus' birth from the earth but cannot be read unambiguously as allusions to the myth of autochthony of all Athenians. H.A. Shapiro convincingly argues that these vase paintings refer on the one hand to the cultic traditions in Athens of Athena and Hephaistos, on the other to "the continuity of Athenian kingship, despite the lack of traditional family ties and bloodlines"; in its wake, the genealogy of the Athenians was recurrently under construction in the course of the fifth century.<sup>46</sup> The belief that the Athenians themselves were born from the earth is not easy to find before

41 Transl. R. Lattimore, slightly modified. In *Pyth.* 7.10, Pindar refers to the Ἐρεχθέος ἄστοί, meaning either the Athenians or only the Alkmaionidai, but in no case suggesting descent.

42 Reading as "the Athenians": A. H. Sommerstein, *Aeschylus Eumenides* (Cambridge 1990) ad loc.; R. Parker, *Polytheism and Society at Athens* (Oxford 2005) 86 (in discussion of Pythais); doubt about "Athenians", reading as "craftsmen": A. J. Podlecki, *Aeschylus Eumenides. Edited with Introduction, Translation and Commentary* (Warminster 1989) ad loc.

43 Parker, *Polytheism* (as in n. 42) 85–87.

44 Soph. A. 201–2: ναὸς ἀρωγὸὶ τῆς Αἴαντος, γενεᾶς χθονίων ἀπ' Ἐρεχθειδῶν (OCT). On the date: A.F. Garvie, *Sophocles Ajax. Edited with Intro., Transl., Comm.* (Warminster 1998) 8: "nothing contradicts a date in the 440s, but certainty is impossible."

45 Athens, Nat. Museum, Akropolis 585a; H. A. Shapiro, "Autochthony and the Visual Arts in Fifth-Century Athens" in Boedeker & Raaflaub (eds.), *Democracy, Empire, and the Arts in Fifth-Century Athens* (as in n. 1) fig. 1.

46 Shapiro, "Autochthony and the Visual Arts in Fifth-Century Athens" (as in n. 45) 139. On the cultic meaning of Erichthonios see G. J. Baudy, "Der Heros in der Kiste. Der Erichthoniosmythos als Aition athenischer Erntefeste", *AuA* 38 (1992) 1–47. The full, though inconsistent stories of the *autochthôn* kings accumulated over time are recounted in Apoll. *Bibl.* 3.1415.

the mid-fourth century, when the theme was common in *epitaphioi* and elaborated by Plato (*Timaeus*, *Critias*, *Menexenus*).<sup>47</sup>

Finally, being *autochthôn* could spill over in the contention that the Athenian population consisted only of Athenians, without any foreign blood. In the *Erechtheus* of Euripides, Praxithea's speech includes a passage that might be its first sign:

“To begin with, we are an autochthonous people, not introduced from elsewhere; other communities, founded as it were through board-game moves, are imported, different ones from different places. Now someone who settles in one city from another is like a peg ill-fitted in a piece of wood – a *politês* in name, but not in his actions.”<sup>48</sup>

*Politês* means ‘inhabitant of a *polis*’ and can, but does not necessarily imply active political participation; here, it is implicitly contrasted with *astos*, a citizen born from citizen parents.<sup>49</sup> A peg can never become an organic part of the wood into which it is inserted and the simile implies that the coherence of an immigrant with the original population will never be absolute. Yet the passage is ambiguous in its allusion to a wider context: is the coherence of the Athenians founded upon the continuity of the core of its people or does the passage imply that the Athenians never allowed foreigners into their community at all? The last possibility is hard to reconcile with the equally prominent claim of the Athenians (dramatised a.o. in Euripides’ *Suppliants* and *Herakleidai*) to have accepted suppliants and other foreigners seeking refuge in their midst. Nor does the passage contend that foreigners never did or would marry into the original population – all Athenians knew that this had happened, certainly before PCL. The unambiguous claim that the Athenians never allowed foreign blood to mingle with their own, is not found before the mid-fourth century, when Isocrates (*Panath.* 124) calls the Athenians “unmixed”.

In sum, to go by the evidence, the belief that the Athenians descended from Erechtheus in mythical times seems to have emerged around the 450s, the claim that the Athenians always lived in Attika is attested in the 430s but may have been around somewhat before that time, and the epitheton *autochthôn* was applied to the Athenians in the 420s. All other, more stringent assertions follow on these, most prominently in the fourth century.

According to N. Loraux, however, any evidence of an element of a myth represents its existence in full shape: Homer’s *Iliad* would signify the core of the myth of Athenian

47 A passage in Lys. 2.17: “[the ancestors] had not been collected, like most peoples, from every quarter, and had not settled in a foreign land after driving out its people, but being *autochthones* they had gained the same land as mother and fatherland” (αὐτόχθονες ὄντες τὴν αὐτὴν ἐκέκτηντο μητέρα καὶ πατρίδα) is ambiguous, referring to the earth either as a ‘literal’ mother or as an equivalent of πατρίς, μητρίς being very rare. Unambiguous: Hyp. *Or.fun.* 7.

48 Eur. *Erechth.* Fr 360 (= Lyk. *Leocr.* 100); C. Collard, M. J. Cropp, K. H. Lee, *Euripides, Selected Fragmentary Plays*, vol. I (Warminster 1995) 7–13: ἢ πρῶτα μὲν λεῶς οὐκ ἐπακτὸς ἄλλοθεν, αὐτόχθονες δ’ ἔφουμεν· αἱ δ’ ἄλλαι πόλεις πεσσῶν ὁμοίως διαφοραῖς ἐκτισμέναι ἄλλαι παρ’ ἄλλων εἰσὶν εἰσαγώγιμοι. ὅστις δ’ ἀπ’ ἄλλης πόλεος οἰκίση πόλιν, ἀρμὸς πονηρὸς ὥσπερ ἐν ξύλῳ παγεῖς, λόγῳ πολίτης ἐστί, τοῖς δ’ ἔργοισιν οὐ. On the date late 420s or soon after: Collard / Cropp / Lee, 155. A similar view is expressed in Eur. *Ion*, ca. 410, 668–675.

49 Blok, “Becoming Citizens” (as in n. 14).

autochthony that eventually was turned into a powerful political force by the thrust of the Athenian empire and the democracy in the *epitaphioi*, calling for the closure of the Athenian *polis*. In other words, the centuries-old autochthony myth culminated in PCL.<sup>50</sup> Shapiro disagrees with Loraux' assumptions about evidence of elements of myths, but supposing likewise that the myth forged strong ideological support for the democracy, he suggests it was intended in particular to trump the Spartans, descendants of the immigrant Herakleidai, with whom the Athenians had been in armed conflict for almost a decade at the time of PCL.<sup>51</sup> Vincent Rosivach, too, sees opposition to the Spartans as the chief motive underlying the idea of autochthony, which originally did not mean more than continuous habitation of one's own land, whereas the notion of being "earth-born" was added after the Persian Wars, contributing to a glorifying perspective of the past.<sup>52</sup> But if PCL was the political outcome of a mythological claim bolstering democracy and directed against the Spartans, what exactly would have been its political value at this stage of the war, probably just after the Five Years Truce of 451?<sup>53</sup> By contrast, the most far-reaching versions of the autochthony myth, which do not just claim continuity of habitation in Attica but also pretend that no foreigners were ever incorporated into the Athenian population, all post-date PCL by at least 30 years and seem rather to belong to the fourth century. In its radical form, then, the myth can better be understood as an effect than a cause of PCL.

### 3. Demographical observations: (too) few

Although some of these views offer a valuable analysis of the social and political situation in Athens in the mid-fifth century, they fail to explain satisfactorily why PCL would have been motivated by a *plêthos* of Athenians. Beside the objections just mentioned, these interpretations are weakened by a conspicuous lack of supporting evidence. Such a lack is, unfortunately, often the case in our field, but here it is felt acutely. Written sources record Athens acquiring land beyond its borders and archaeological evidence shows the filling in of the Athenian countryside; we hear nothing about tensions due to a shortage of land. Nor is there any evidence suggesting discontent about increasing numbers of

50 N. Loraux, *The Invention of Athens. The Funeral Oration in the Classical City* (Cambridge, Mass. 1986); see N. Loraux, *The Children of Athena: Athenian Ideas about Citizenship and the Division between the Sexes* (Princeton 1993) 8, claiming with C. Lévi-Strauss that all versions of a myth are representations of this myth in its entirety. This premise is unconvincing in the light of the strongly divergent and changing features of the myth over time. The obvious incompatibility of the autochthony myth, which, in Loraux' view, denied that women were Athenians, with PCL, which stated that they were indispensable mothers of citizens, was countered, she argues, by the Athenians' automatic mental response subordinating female to male. Her assumption that women were not Athenians and the opposite of citizens because the word *Athenaia* for female citizen did not exist (*The Children of Athena*, 111–123), however, is unfounded (see below, n. 99, the decree of the priestess of Athena Nike, and Blok, "Becoming Citizens" [as in n. 14]).

51 Shapiro, "Autochthony and the Visual Arts" (as in n. 45) 131.

52 Rosivach, "Autochthony and the Athenians" (as in n. 36); reference to PCL 303 n. 34.

53 On the probable date of PCL within the First Peloponnesian War, G. E. M. de Ste. Croix, *The Origins of the Peloponnesian War* (Oxford 1972) 196.

mixed marriages in the years before PCL.<sup>54</sup> And only if one assumes that, before this law, large numbers of Athenian men and women alike had married non-Athenians rather than each other, would the effect of PCL in the long run have been a decrease in the number of citizens, or a less rapid growth than would otherwise have been the case.<sup>55</sup> But that does not imply that this effect of the law was also its cause, that Perikles had expected this effect or proposed his law with this purpose in mind. Instead, I agree with those historians who have argued that *AthPol's* statement about PCL having been issued "owing to the large number of citizens" is unlikely to be historically accurate. This leaves us with the question why *AthPol* thought this had been the case, a question which will be answered in due course. Let us first take a closer look at the numbers of Athenians.

There can be little doubt that in the course of the fifth century until the Peloponnesian War the population of Attika, of both citizens and immigrants, increased. Estimations of this increase are extremely tentative, however, due to the lack of data and to unknown variables.<sup>56</sup> More illuminating is the social and psychological impact of the war losses in the fifteen years before PCL, in particular those due to the so-called First Peloponnesian War (460–445/5). After the Persian Wars, the nature of Greek warfare itself had changed, as Hans van Wees has argued, now involving the martial efforts of entire *poleis*.<sup>57</sup> This growing warfare intensity with huge manpower cost lives among the adult male population on an unprecedented scale. In the fifteen years before PCL, Athens had been waging war on two fronts at several locations. The total losses of these years were at the lowest estimation 16,000 men, perhaps amounting to a third of the adult male population, both of the hoplite class and rowers on the fleet.<sup>58</sup> *AthPol* (26.1)

54 Only Raaflaub, "The Transformation of Athens in the Fifth Century" (as in n. 1), aware of the need for evidence, suggests the expulsion of allegedly illegitimate citizens in 445/4 to be a sign of such discontent.

55 Rhodes, *CAAP* (as in n. 5) 333; De Ste. Croix, "The Athenian Citizenship Laws" (as in n. 30) 247.

56 H. van Wees, *Greek Warfare. Myths and Realities* (London 2004) 241–243 argues that in 432/1 Athens had ca. 13,000 citizen hoplites of fighting age (Thuc. 2.13.6–7; Diod. 12.40.4), whereas in 480 Athens had 20,000 adult men of fighting age, implying 33,000 adult male citizens; in 479 at Plataia (Hdt. 9.28.6), Athens sent 8,000 hoplites into the field. M.H. Hansen, *Three Studies in Athenian Demography* (Copenhagen 1988) 14–28, estimates the number of adult male citizens in 432/1 at 60,000, relying not only on numbers of hoplites, but also ephebes-lists of the fourth c. and demographic life-cycle tables. With an annual, natural increase of 0.8% (a high estimation, Hansen, *Three Studies*, 20) the adult male citizen population would have increased from 480/79 to 465 from 33,000 (Van Wees) to ca. 40,000. Between 465 and 450 natural increase would have been ca. 4,000 but estimated war dead were ca. 16,000 (affecting birth numbers for two decades), leaving ca. 28,000 adult male citizens in 450. Conversely, calculating backwards from Hansen's 432/1 figures, the adult male citizen population would have been ca. 50,000 in 450. Even allowing for a substantial immigration in the three decades between the Persian wars and PCL, to ascribe the discrepancy to ca. 22,000 immigrants all turned into citizens due to mixed marriages (see also main text) is scarcely plausible and at odds with the estimated figures for proportions of metics to citizens (between 3:1 and 4:1). This shows, in my view, that inevitably (too) many conjectures are involved in these calculations, such as to deaths to other causes than recorded warfare losses, the proportion of hoplites to the overall male population, fighting ages etc., for the figures to be truly reliable.

57 Van Wees, *Greek Warfare* (as in n. 56) ch. 9 and 10.

58 Battle of Drabeskos (464): ca. 2000 (C. W. Clairmont, *Patrios Nomos. Public Burials in Athens during the Fifth and Fourth Centuries B. C.* [Oxford 1983] 129); the Athenian casualty list of Erechtheis

itself mentions the drain on the number of citizens only a few lines before mentioning PCL.<sup>59</sup> These losses were not only dramatic in terms of human suffering, but also with regard to the military and political power of a *polis* claiming imperial supremacy and engaging in ever growing wars. E. Robinson rightly underlines the blow struck by the Egyptian disaster to the entire Delian League and to the confidence of Athens as its self-proclaimed leader.<sup>60</sup> From this perspective, there were not too many Athenians in 451, but too few. In Athens itself, where the majority was to vote for Perikles' law, the dwindling number of citizens must have been felt daily. Reinforcement of their numbers would probably have been welcome, even due to mixed marriages, notably in frontier settlements such as clerouchies where such unions may have been more frequent.<sup>61</sup>

In the face of these contradictions, the problem needs a different approach. In a comparative analysis of marriage patterns in ancient Greece, Anne-Marie VÉrilhac and Claude Vial observe that in the classical period several Greek *poleis* practiced a system of predominant exogamy of families combined with endogamy within the *polis*.<sup>62</sup> Some *poleis* adopted the requirement of two citizen parents for full citizenship rights in the course of the classical and Hellenistic era, with varying details on the rights of *nothoi*. Such double affiliation systems are attested for *inter alia* Byzantium, Cos, Miletus, Rhodes, Tenos, and Delos. These cities did not adopt this system when they were under Athenian control, but when they were *not* under Athenian control. VÉrilhac and Vial argue that

in wars in Egypt and other places of one year of warfare (*ML* no. 33; *IG* I<sup>3</sup> 1147; Clairmont 20a; ca. 460) shows 177 legible names for Erechtheis alone, amounting to a total of ca. 1500–2000 Athenian casualties, considering that all tribes would have been involved in one campaign or other in one year; battle of Tanagra (Thuc. 1.107; 458/7): Athenians, Argives (1000) plus allies in total 14,000 men, heavy losses on both sides – 4000 Athenians? The Egyptian campaign (456–454): Thucydides' record (1.104) of 200 ships plus men involved in the campaign cannot be the accurate number of ships lost: P. Salmon, *La politique égyptienne d'Athènes, VIe et Ve siècles av. J.C.* (Brussels 1965) 246–253; A. J. Holladay, "The Hellenic Disaster in Egypt", *JHS* 99 (1989) 176–182; E. W. Robinson, "Thucydidean Sieges, Prosopitis, and the Hellenic Disaster in Egypt", *CA* 18 (1999) 132–152. Instead: 80 ships and 16,000 men (Salmon) or 100 ships and 20,000 men (Holladay) or "15.000 bis 20.000 Gefallenen, Vermissten und Gefangenen" (K.-W. Welwei, *Das klassische Athen. Demokratie und Machtpolitik im 5. und 4. Jahrhundert* [Darmstadt 1999] 101), a number including Athenians, *metics* and allies; Athenians: 8000? Or 5000 to 6000 (Robinson, "Thucydidean Sieges", 150)? On the proportion between hoplites and naval troops, Rhodes, *CAAP* (as in n. 5) 326–328; Van Wees, *Greek Warfare* (as in n. 56) 241–243. If, with suspension of disbelief, we accept the figures discussed in n. 56, Athens would have ca. 43,000 adult men in ca. 460.

59 "... many had been killed in war [...] thus it regularly happened that two or three thousand of the men sent out were killed, and the casualties fell on the better sort of both the ordinary people and the wealthy." Transl. P. J. Rhodes. On this contradiction within *AthPol* 26, also Raaflaub, "The Transformation of Athens in the Fifth Century" (as in n. 1) 35.

60 Robinson, "Thucydidean Sieges" (as in n. 58) 150.

61 Osborne, "Law, the Democratic Citizen and the Representation of Women" (as in n. 19); Carawan, "Pericles the Younger and the Citizenship Law" (as in n. 12).

62 VÉrilhac & Vial, *Le mariage grec* (as in n. 12) 42–50, 79–81; see also J. Wilgaux, "Entre incestes et échange. Réflexions sur le modèle matrimonial athénien", *L'homme* 154–155 (2000) 659–676, for a more sophisticated model covering practices between endogamy and exogamy within a *polis*. Other cities are known to have entered an *epigamia* treaty with one another, effectively implying a dual affiliation system.

*polis* endogamy by law was intimately connected to a city's identity as an independent community – expressing a feeling of self sufficiency, political confidence and pride in its ancestral traditions. Internal relations rather than pressures from outside thus stimulated cities to such citizenship policies. From this comparative perspective, Athens' decision to base citizenship on two *astos* parents was an early instance of a wider Greek pattern in which marriage was intimately connected with citizenship and civic identity. Considering this pattern, mixed marriages were probably not very frequent at Athens before PCL.<sup>63</sup>

This assessment based on a variety of evidence is corroborated by Aristotle's arguments on citizenship policy in the *Politics* (1280b): *polis* endogamy and family exogamy strengthen coherence within a community and a well-ordered city requires double affiliation. Only in case of demographic scarcity it takes recourse to a one-citizen-parent system – a device which only democracies tend to use, thus Aristotle.<sup>64</sup> In his view, the change from massive numbers to restricted citizenship meant a turn for a better *politeia*.<sup>65</sup> This Aristotelian discourse is unmistakable in the account of Athenian policy in *AthPol* 26 and 27. As we just found that “the great number of citizens” belonged to the part of the sentence that is a paraphrase by the author of *AthPol* and not a quote from the law, this clause can now be understood as an Aristotelian viewpoint added by *AthPol* to explain PCL, inadvertently creating an inconsistency between the loss of manpower mentioned at the beginning of this paragraph and the alleged *plêthos* of citizens at its end.

- 63 In 229, the formula used in granting citizenship to non-Athenians was changed, simplifying the legal situation of the wives and children of (increasing numbers of) naturalised men and hence facilitating acceptance of non-Athenian women as the mothers of Athenian citizens (M. J. Osborne, *Naturalization in Athens* vol. 3–4 [Brussels 1983] 152–153; M. Niku, *The Official Status of the Foreign Residents in Athens, 322–120 B.C.* [Helsinki 2007] 18–20). The requirement of double citizen descent thus relaxed in favour of one Athenian parent, as had been the case before PCL. Whether this change signifies *de jure* abandonment of PCL or just a practical adjustment is a matter of debate (see also S. D. Lambert, “LGPN and the Epigraphy and History of Attica” in *Festschrift Elaine Matthews*, forthcoming with further references). Yet after 229/8 the majority of Athenians continued to marry among themselves: some non-Athenian women married to Athenian men and a few non-Athenian men married to Athenian women with legitimate offspring are attested, but they were very few (Ogden, *Greek Bastardy* [as in n. 12] 81–82; T. Vestergaard, “Milesian Immigrants in Late-hellenistic and Roman Athens” in G. J. Oliver [ed.], *The Epigraphy of Death. Studies in the History and Society of Greece and Rome* [Liverpool 2000] 81–110; Vêrilhac & Vial, *Le mariage grec* (as in n. 12) 78–79; S. D. Lambert, “The Greek Inscriptions on Stone in the Collection of the British School at Athens”, *BSA* 95 [2000] 485–516). Whether the male descendants from these unions participated fully in political office is contested. Only after 120 BC, numbers of mixed marriages increased somewhat (Niku, *The Official Status of the Foreign Residents*, 20). These conclusions, based on numerous inscriptions of the second century BC to the first century AD, corroborate the impression of the scarcer and more disparate fifth-century evidence.
- 64 Arist. *Pol.* 1278a27–35. In fact, this is the exact opposite of what *AthPol* claims Perikles did: strengthening the democracy by *reducing* the number of citizens and requiring two citizen parents; see also J.-M. Hannick, “Droit de cité et mariages mixtes dans la Grèce classique. À propos de quelques textes d'Aristote”, *AC* 45 (1976) 135–148; Davies, “Athenian Citizenship” (as in n. 17). Likewise the radical democracy of fourth-century Athens was based on a two-parent system. In accordance with his teleological principles, Aristotle regarded the effects of endogamy such as he could observe when it had been in place for a long time, as the necessary outcome of an inherent development.
- 65 *Pol.* 1319b7–15 and *passim*.

Conversely, against this background of huge losses due to war, the striking analogies between the issuing of PCL in 451/0 and its reinforcement in 403/2 illuminate the possible reasons why PCL was proposed and accepted at precisely this moment.<sup>66</sup> After the distressing and chaotic times of prolonged warfare, a general need may have been felt to create order and face the future on a better basis than before.<sup>67</sup> Descent from two Athenian parents would raise the virtue of Athenian citizens in their own eyes, making up in quality for quantitative losses. To that purpose, PCL changed the status of citizenship by community decision from the traditional “preferred” and “common” to “strict” and “obligatory” with regard to birth from two Athenian parents. Just why exactly these rules would upgrade citizen identity and bolster a sense of ancestral traditions is a question that needs to be addressed now. To that end, we may follow the lead of the law itself, namely that citizenship was defined by descent and put into practice in μετεῖναι/μετέχειν τῆς πόλεως.

#### 4. Citizenship: descent and μετεῖναι/μετέχειν τῶν ἱερῶν καὶ τῶν ὀσίων

Looking somewhat closer at PCL, we can better appreciate its novelty. While legitimate birth had been the requirement of citizenship for a long time, its validation had taken place in a series of rituals. For at least two centuries, the phratries had been in charge of these practices and this they continued to do when Kleisthenes added the deme system as the formal administrative unit of adult male citizens for political purposes.<sup>68</sup> Athenian kinship was bilateral, with a strong emphasis on the patrilinear side.<sup>69</sup> Although Athenian men could marry non-Athenian women relatively easily and have legitimate (citizen) off-spring, they probably rarely did so due to the values of *polis* endogamy, as we just saw.<sup>70</sup> Citizenship through the mother was possible by acceptance of her legitimate child with a non-Athenian in the phratry of her father, which amounted to adoption into his family, but was surely exceptional.<sup>71</sup>

66 On the reinforcement: Verilhac & Vial, *Le mariage grec* (as in n. 12) 59; Davies, “Athenian citizenship” (as in n. 17) 77–78; Carawan, “Pericles the Younger and the Citizenship Law” (as in n. 12).

67 I owe to David Yates (Brown University) the observation that both after-war periods were analogous in the need to create order.

68 Lambert, *Phratries* (as in n. 7); on phratry rituals situated between *oikos* and *polis*, J. H. Blok, “Sacrifice and Processions on Attic Black- and Red-figure Pottery: Reflections on the Distinction between ‘Public’ and ‘Private’” in E. Moormann, V. Stissi (eds.) *Festschrift Herman Brijder* (forthcoming, 2009).

69 On the role of the father, F. Gherchanoc, “Le lien filial dans l’Athènes classique: pratiques et acteurs de sa reconnaissance”, *Mètis* 13 (1998) 313–344.

70 The adjective *metroxenos* (having a foreign mother) not only reflects this more regular occurrence but perhaps also some uneasiness about descent of a non-Athenian mother. Cf. Verilhac & Vial, *Le mariage grec* (as in n. 12) 46 on the value expressed in Athenian drama that women should marry within their *polis* of origin.

71 Considering the numerous war casualties among Athenian men, (wealthy) metic men would have been attractive partners for Athenian girls (cf. Raaflaub, “The Transformation of Athens in the Fifth Century” [as in n. 1] n. 145, 355) but no attested cases are known.

PCL defined the qualification for the first time in written law and simultaneously raised its standards. Citizenship now had to be proven of both parents and also of the parents of both parents. The fact that one parent was not sufficient to confer citizenship made the other parent more valuable in this respect. In so doing, PCL had two side effects. Set off against the traditional prominence of fathers (men) as those transmitting and validating citizen status onto children on behalf of the community, PCL raised the value of mothers (women) as shareholders in citizen status beyond any doubt.<sup>72</sup> Moreover, PCL highlighted the value of individual citizens. Although one's *timê* (status) as a citizen was based on legitimate birth, one's actual roles (*timai*) in the *polis* depended on the wealth of one's *oikos*. The Solonian property classes, the only qualification operating among Athenian citizens, implied the wealth of each *oikos* in its entirety.<sup>73</sup> Known as *telê* or *timêmata*, the property classes continued to regulate participation in the *boulê* and other *archai* in Kleisthenes' political system.<sup>74</sup> Qualification based on wealth by definition highlighted inequalities among citizens. Focusing on the descent of each parent, however, PCL evaluated each citizen in equal measure as a member of an Athenian family regardless of wealth and thus enhanced the equality of all citizens. This new emphasis on individual membership of the *polis* of both men and women is reflected in the terminology now coming into use for individual citizens (*politês, politis, astos, astê*).<sup>75</sup> Likewise, the new word *politides*, first attested in the 420s, articulated the indispensable role of female citizens, and grave *stelai* portrayed the family as the origin of *polis* membership, as Robin Osborne has convincingly argued.<sup>76</sup>

What citizen status in classical Athens involved was not formally defined but usually summarised in the phrase *μετεῖναι/μετέχειν τῆς πόλεως*. However, some situations required stating clearly and emphatically what citizenship entailed. Such a moment was the swearing of an oath of allegiance to the *polis* by young men entering adult roles as citizens, known as the 'ephebic oath', and such was the case when citizenship was at stake, because a citizen ran the risk of losing it, or conversely, when a non-Athenian was

72 PCL raised the value of the patriliney of the mother (bride-givers) relative to the patriliney of the father (bride-takers) as component of any citizen's bilateral descent, as Wilgaux, "Entre inceste et échange" (as in n. 62) puts it; in so doing the law foregrounded the significance of women as members and transmitters of their patriliney.

73 The *oikos* was not men's private property, as L. Foxhall, "Household, Gender and Property in Classical Athens", *CQ* n. s. 39 (1989) 22–44 has shown, but a household consisting of movable and real property belonging to the patrilinear family and the dowry of the wife, run by husband and wife according to the traditional division of labour, and represented by men in the legal or political context of the community; for details C. A. Cox, *Household interests. Property, Marriage Strategies, and Family Dynamics in Ancient Athens* (Princeton 1998). On the Solonian property classes (*AthPol* 7.2–3) L. Foxhall, "A View from the Top. Evaluating the Solonian Property Classes" in L. G. Mitchell, P. J. Rhodes (eds.), *The Development of the Polis in Archaic Greece* (London / New York 1997) 113–136; Van Wees, "Mass and Elite in Solon's Athens" (as in n. 28).

74 On the disparity of (landed) wealth in classical Athens and its impact on political participation, L. Foxhall, "Access to Resources in Classical Greece" in P. Cartledge, E. E. Cohen, L. Foxhall (eds.), *Money, Labour and Land. Approaches to the Economies of Ancient Greece* (London / New York 2002) 209–220.

75 Blok, "Becoming Citizens" (as in n. 14) 30–31.

76 Osborne, "Law, the Democratic Citizen and the Representation of Women" (as in n. 19).

naturalised into an Athenian by a citizenship grant.<sup>77</sup> In such contexts, we find a fixed formula with slight modifications explicitly articulating what citizens were expected to be and to do: to be a citizen means *μετεῖναι* or *μετέχειν τῶν ἱερῶν καὶ τῶν ὀσίων*. This was the core business of the *polis*: participation in cult and in human practices pleasing to the gods or sanctioned by divine law – as I would translate this phrase for practical purposes.<sup>78</sup>

Before exploring this any further, we should note that in this core business political participation and military duties (the features considered typical of men's citizenship) were not mentioned at all. These privileges could be included in men's *timai*, but they were not stated to be so explicitly, nor were they included necessarily: for instance, not all citizen men were granted this privilege in the oligarchic periods of Athenian history, whereas in other respects such as inheritance rights and participation in cults they remained citizens. The normal Greek definition of citizenship by descent was essentially unclear about the right to political office.<sup>79</sup> For this very reason, Aristotle created a new definition of his own that would leave this ambiguity behind.<sup>80</sup> By contrast, what was stated explicitly at Athens was that citizenship meant participation in *τὰ ἱερά καὶ τὰ ὀσία*, the exchange between the human community and the gods according to ancestral tradition (*τὰ πάτρια*). The significance of this notion for the concept of the *polis* has been explored by W.R. Connor,<sup>81</sup> but his arguments can be taken considerably further; I discuss a few implications briefly.

- 77 Ephebic oath (defence of the *hiera kai hestia*): *RO* 88. 8–9; Lyk. *Leocr.* 77; P. Siewert, “The Ephebic Oath in Fifth-century Athens”, *JHS* 97 (1977) 102–211. Citizenship at risk: Dem. 57.3; granting citizenship: Apoll. *Neaira*, 104; Dem. 23 (*In Arist.*) 65; general: Th. 2.52.3–4; Lys. 30.25; Antiph. 5.62; Dem. 23.40; *AthPol* 46.3; of the *oikos*: Dem. 43.51; 39.35; Is. 6.47; 9.13.
- 78 On the meaning of *ta hiera kai ta hestia*, see A. Maffi, “*Ta hiera kai ta hestia*. Contributo alla studio della terminologia giuridico-sacrale greca” in J. Modrzejewski, D. Liebs (eds.), *Symposion 1977* (Cologne 1982) 33–53; W. R. Connor, “‘Sacred’ and ‘Secular’: *Hiera kai hestia* and the Classical Athenian Concept of the State”, *AncSoc* 19 (1988) 161–188, and below, note 86.
- 79 On the ambiguities of political participation in Greek uses of the word citizen, Arist. *Pol.* 1277b33–1278b17, with Blok, “Becoming Citizens” (as in n. 14) 31–36; such ambiguities and exceptions were unacceptable in a definition conform Aristotle's logic, cf. C. Johnson, “Who is Aristotle's Citizen?” *Phronesis* 29 (1984) 73–90.
- 80 Arist. *Pol.* 1275a1–1276b8, notably 1275b17–24 (OCT): τίς μὲν οὖν ἐστὶν ὁ πολίτης, ἐκ τούτων φανερόν· ὃ γὰρ ἐξουσία κοινωνεῖν ἀρχῆς βουλευτικῆς καὶ (other ms.: ἢ) κριτικῆς, πολίτην ἤδη λέγομεν εἶναι ταύτης τῆς πόλεως, πόλιν δὲ τὸ τῶν τοιούτων πλῆθος ἰκανὸν πρὸς αὐτάρκειαν ζωῆς, ὡς ἀπλῶς εἶπεῖν. ὀρίζονται δὲ πρὸς τὴν χρῆσιν πολίτην τὸν ἐξ ἀμφοτέρων πολιτῶν καὶ μὴ θατέρου μόνον, οἷον πατρὸς ἢ μητρὸς, οἱ δὲ καὶ τοῦτ' ἐπὶ πλεον ζητοῦσιν, οἷον ἐπὶ πάππους δύο ἢ τρεῖς ἢ πλείους. “Who (or what) is a citizen is therefore clear from these arguments: we can now state that he who possesses the right to share in bouletic or judicial office, is a citizen of that polis, and a polis is a group of such people that is sufficient to maintain independence of life, speaking generally. *But in practice* they draw a line that a citizen is someone from both citizen parents and not just from one side only, that is from the father or from the mother; and some others follow this principle even further, that is to two or even more generations”.
- 81 Connor, “‘Sacred’ and ‘Secular’” (as in n. 78).

Μετεῖναι (μοῖ) τῆς πόλεως means that one has a claim to a share in the city, based on one's birth in an Athenian *oikos*.<sup>82</sup> Having a share meant first and foremost participation in *ta hiera*, the cult of the gods, offering sacrifice and sharing in festivals in their honour. In Christiane Sourvinou-Inwood's words, "each significant grouping within the *polis* was articulated and given identity through cult."<sup>83</sup> Cult created not only identity, however, but life in its entirety: human efforts and responsibility could only yield proper results if supported by the gods, due to the gifts to the gods and the gifts of the gods in return.<sup>84</sup> By sharing the cults of the gods, every member of the community had a part in maintaining this relationship; in this sense, the *polis* comprised a covenant between all its human members and the gods. Creating communities in this way and the concomitant covenants operated from the level of its smallest unit, the *oikos*, to the comprehensive level of the *polis* and even at supra-*polis* level between all Greeks.<sup>85</sup> On the meaning of *ta hestia*, unlike *ta hiera*, there is no scholarly consensus. Here, it should suffice to say that in my view *ta hestia* entailed all things humans do or have that testify to a *hosios* life, that is what is pleasing to the gods or complies with divine order.<sup>86</sup> *Ta hestia* included first and foremost organizing festivals and the money required to do so, observance of ritual purity, just behaviour towards friends, guests, and even enemies, burial of the dead according to ancestral rites, but in fact everything one could do or use in a *hosios* way – as the gods wanted it to be.

Citizenship, in sum, meant having a share in *hiera kai hestia* of the *oikos* and of those of the *polis*, in other words the exchange of the entire community with gods due to tradition and/or created in collective agreement. Being a citizen meant being born a member of this community and having one's share in this ancestry and property, and the

- 82 See the testimonia 8–10 above; and e. g. Dem. 39.35; Dem. 57.51. See also J. Bordes, *POLITEIA dans la pensée grecque jusqu'à Aristote* (Paris 1982) 50–58 on being an Athenian (εἶναι Ἀθηναῖος) and sharing (μετεῖναι) in the city as identical concepts.
- 83 C. Sourvinou-Inwood, "What is *Polis* Religion?" in O. Murray, S. Price (eds.), *The Greek City. From Homer to Alexander* (Oxford 1990) 310.
- 84 A comprehensive discussion of Athenian *hiera* and of the "gods at work", Parker, *Polytheism and Society* (as in n. 42).
- 85 Dem. 23.38–41 provides an illuminating representation of the levels of community from *oikos* to supra-*polis* construed around shared *hiera*, in this case *e negativo* as Demosthenes discusses exclusion of a murderer from such communities in which his victim used to participate. On participation in cult communities at all levels Parker, *Polytheism and Society* (as in n. 42), at *polis* level N. Evans, "Feasts, Citizens, and Cultic Democracy in Classical Athens", *AncSoc* 34 (2004) 1–25, at supra-*polis* level as source of law Low, *Interstate Relations in Classical Greece* (as in n. 33) 118–126.
- 86 On *hosios* and *ta hestia* recently J. Rudhardt, *Notions fondamentales de la pensée religieuse et actes constitutifs du culte dans la Grèce ancienne* (Geneva 1992<sup>2</sup>) 30–37; G. Jay-Robert, "Essai d'interprétation du sens du substantif *hosiê* dans l'Odyssee et dans les Hymnes Homérique", *REA* 101 (1999) 5–20; L. J. Samons II, *Empire of the Owl. Athenian Imperial Finance* (Stuttgart 2000) 28–30, 325–329; J. Chadwick, *Lexicographia Graeca: Contributions to the Lexicography of Ancient Greek* (Oxford 1996) 221–226, argues in a semantic analysis that *hosios* cannot mean "secular", a conclusion corroborated by J. H. Blok, "Deme Accounts and the Meaning of *hosios* Money" (forthcoming, *Mnemosyne* [2009]) respecting the use of *hosios* money. A. Willi, "Nosos and *hosiê*: Etymological and Sociocultural Observations on the Concept of Disease and Divine (Dis)favour in Ancient Greece" *JHS* 128 (2008) 153–171, arguing against Chadwick, is unconvincing, misrepresenting Chadwick's argument and working from too small and unrepresentative a selection of occurrences of *hosios*.

right to marry within the community to perpetuate the group itself and its relations with the gods in one's offspring as acknowledged by the community (*gnêsios*). Membership of the community therefore included male and female citizens alike.<sup>87</sup> Being a member and claiming one's share converged in one's *timê*, one's justified expectations of how to be valued by the community and concomitantly to one's due share in its *timai* and *archai*. Athens thus exemplified a wider Greek pattern of a conception of the *polis* as comprising (ac)claimed common ancestry, endogamy and property, created and sustained in exchange with the gods.<sup>88</sup>

### 5. Descent and *polis timai*

Having situated the *timê* of a citizen in his or her share in shared ancestry, property and cults of the *oikos* and the *polis*,<sup>89</sup> we may appreciate the particular significance of those Athenians whose *timê* already required double Athenian parentage before PCL. They were the members of the *genê*, groups of families who by tradition held the privilege of officiating the major *polis* cults, that is those cults in which subgroups of the *polis* or the entire *polis* community participated.<sup>90</sup> In these cults, the exchange between the *polis* and the gods, inaugurated by the *archegetai* of the *genê*, was perpetuated by their successors. How the *genê* came to acquire this privilege was recounted in aitiological myths, that all, despite interesting differences in details, situated the origins of the *genos* and their office in the mythical past of Athens.<sup>91</sup> Well-known examples of *genê* include the Eumolpidai, Kerykes and Philleidai, serving the Mysteries at Eleusis; the Salaminioi, with the cults of Athena Skiras and of Pandrosos, Aglauros and Kourotrophos, and last but not least the priestess of Athena Polias and the priest of Poseidon Erechtheus belonging to the Eteoboutadai. After Solon, the *genos* priesthoods were the only *timai* within the *polis* that could be attained exclusively through birth. Moreover, within the *genê*, I would argue, double Athenian descent was required to be eligible to office.

87 Symmetrical terminology for male and female citizens: Apoll. *Neaira*, 111–12; on the context of this terminology, Blok, “Becoming Citizens” (as in n. 14) and J. H. Blok, “Recht und Ritus der Polis”, *HZ* 278 (2004) 1–26.

88 Greek pattern: Hdt. 4.145.13–21; 8.144, 2; cf. Low, *Interstate Relations in Classical Greece* (as in n. 33) 56–67; in Athens, Is. 9.1–21.

89 Scrutiny of citizens ascertained precisely this connection, see Dem. 57.25–57.

90 S. B. Aleshire, “Towards a Definition of “State Cult” for Ancient Athens” in R. Hägg (eds.), *Ancient Greek Cult Practice from the Epigraphical Evidence* (Stockholm 1994) 9–16 and S. Georgoudi, “Sacrifices dans le monde grec: de la cité aux particuliers: quelques remarques”, *Ktêma* 23 (1998) 325–334 provide valuable points of departure, but the definition of *polis* cults deserves a more comprehensive analysis.

91 On the *genê* F. Bourriot, *Recherches sur la nature du génos. Étude d'histoire sociale athénienne – périodes archaïque et classique* (Lille 1976); D. Roussel, *Tribu et cité* (Paris 1976); on the early origins of the *genê*, Kearns, *The Heroes of Attica* (as in n. 40); full lists of the *genê* in R. Parker, *Athenian Religion. A History* (Oxford 1996) 55–66 and appendix 2; further discussions in S. D. Lambert, “The Attic *genos*”, *CQ* n. s. 49 (1999) 484–489; C. J. Smith, *The Roman Clan: the Gens from Ancient Ideology to Modern Anthropology* (Cambridge 2006).

The priesthoods of the *hiera patrôia* of the *polis* belonged to the paternal heritage of the *genos* families; eligibility for office was transmitted like *oikos* property to *genos* family members. If there were no direct descendants in either the male or the female line, the inheritance would pass to the *anchisteia*, with preference for the paternal side and, failing that, for the maternal side.<sup>92</sup> In the case of an *epiklêros*, the paternal heritage was transferred by her as legitimate descendant of her father and continued within the *oikos* of her husband, under the name of his patrilinear family.<sup>93</sup> In *genos* families, the regular inheritance rights of women were particularly important because a female *gennêtês* would take her share of the paternal heritage into the family into which she married, including eligibility for priestly office. The situation was particularly compelling in *genê* with female priestly offices: if the male line had only male issue, the family still had to turn to its descendants in the female line to find candidates to be priestess – a situation comparable with epiklerate, but only pertinent to the right to eligibility for priestesshood. In such *genê*, the aim of the family was to produce not a son, but rather a daughter, who would be able to fulfil the priestesshood. But also in *genos* families with male priesthoods, inherited eligibility could be transmitted through daughters or the inheritance in its entirety could be passed to *anchisteia* on the side of women in case of no close kin on the paternal side. Legal conflicts between *gennêtai* over inheritances were set apart from other litigation over such matters: *genos* cases were dealt with by the Archon Basileus, who was in charge of all *polis hiera*, other inheritance cases by the Archon (Eponymos).<sup>94</sup>

In sum, the fact that the *genê* comprised those families who inherited eligibility to priestly office of the *hiera patrôia* – that is the traditional covenant of exchange of the *polis* with the gods – and the logic of Athenian inheritance law required that *gennêtai* married only Athenians, who likewise had a share in the *hiera patrôia*. Among the well-known Athenians who married non-Athenians before PCL, there are no attested *gennêtai* and definitely no *genos* priests and priestesses.<sup>95</sup> Due to this necessary en-

92 On kinship and inheritance at Athens see e. g. Is. 11.1–5; I summarise here Harrison, *The Law of Athens*; Vêrilhac & Vial, *Le mariage grec*; Wolff, “Marriage Law and Family Organization”; Wolff, “Die Grundlagen des griechischen Eherechts”, all as in n. 12; S. C. Humphreys, “Kinship Patterns in Athenian Courts”, *GRBS* 27 (1986) 57–91; V. Hunter, “Agnatic Kinship in Athenian Law and Athenian Family Practice: its Implication for Women” in B. Halpern, D. Hobson (eds.), *Law, Politics, and Society in the Ancient Mediterranean World* (Sheffield 1993) 100–121; C. Patterson, *The Family in Greek History* (Cambridge, Mass. / London 1998); Wilgaux, “Entre inceste et échange” (as in n. 62); M. Edwards (ed.), *Isaeus* (Austin 2007) 5–7.

93 See e. g. Is. 10.23. *klêros* = the part falling to this family = heritage, property. The meaning of *epiklêros* is discussed by Vêrilhac & Vial, *Le mariage grec* (as in n. 12) 102; Patterson, *The Family in Greek History* (as in n. 92) 91–103; cf. Todd, *The Shape of Athenian Law* (as in n. 12) 228–231. Epiklerate must have been fairly common: statistically, one in five families has only girls, and the high mortality in ancient Greece due to war, poverty and disease must have had disastrous effects on the survival of families.

94 *AthPol* 56 and 57. On litigation among *gennêtai*, D. D. Feaver, “Historical Development in the Priesthoods of Athens”, *YCIS* 15 (1957) 123–158.

95 The single possible exception might be Themistokles, who was a *mêtroxenos* but was said in late Hellenistic times to have been a member of the *genos* Lykomidai. Plut. *Them.* 1.1; 2.1 mentions his obscure birth as son of Neokles of Phrearrioi, but says in 1.4 that he belonged to the Lykomidai

dogamy, the *genê* could boast uninterrupted descent from the Athenians of old, that is being *ithageneis* – of “straight” or “right” descent, an epithet carried by most Athenian *genê* according Hesychius.<sup>96</sup> Their entitlement to priestly office was founded on this claim.<sup>97</sup> Considering that the idea of Athenian autochthony was based mainly on the contention that the core of the Athenian population never migrated, but had lived in Attika since times immemorial and had transmitted the identity of the Athenians in their relation with the gods over time, it is not difficult to envisage who could claim to be this core: the *genê* – and precisely this historical claim is presented in Euripides’ *Erechtheus*. In this sense, the *genê*, even those of apparently humble backgrounds or modest means, constituted an aristocracy of sorts among the Athenians.<sup>98</sup> Although officiating male priests as a rule distanced themselves from actual politics, the *genê* enjoyed great prestige and informal authority. The Eumolpidai had a high reputation as guardians of traditional piety, whereas the Eteoboutadai in particular could be counted among the true aristocracy of the *polis*, not so much due to their wealth as by virtue of their office, their lineage and its antiquity. In the late fourth century Habron, son of the Eteoboutad politician Lykourgos, set up a genealogical overview of his branch of the family holding the priesthood of Poseidon, displaying their descent from Gê and Hephaistos at the shrine of Boutes in the sanctuary of Poseidon Erechtheus on the Akropolis.<sup>99</sup>

because after its destruction by the Persians he rebuilt the *telesterion* of the Mysteries of Phlye, of which the Lykomidai were in charge. The Lykomidai were wealthy and all carried the demoticon Phlyeus, so Davies accepts the existence of two branches, a prominent one of Phlye and a modest one of Phrearrioi (*APF* no. 6669; 212, 216–217; no. 9238, 346–347). However, after the war Themistokles also built the sanctuary of Artemis Aristoboule in Melite (*Plut. Them.* 22.2–3; *Mor.* 869c–d) that had nothing to do with the Lykomidai. His membership of the *genos* is not reported in classical sources, whereas Themistokles became a popular figure for Athenocentric emulation in late Hellenistic times, compare Themistokles, son of Theophrastos of Hagnous, of 20/19 BC who as *dadouchos* belonged to the *genos* Kerykes (K. Clinton, *Eleusis; the Inscriptions on Stone. Documents of the Sanctuary of the Two Goddesses and Public Documents of the Deme* [Athens 2005] no. 300). I share the doubt of Parker, *Athenian Religion* (as in n. 91) 305 on Themistokles’ status as *gennêtês*; he certainly was not a priest. A similar case is Andokides, wrongly claimed to be one of the Kerykes in [*Plut.*] *Mor.* 834c because Andokides recounts (1.132) that he introduced friends into the Mysteries (Davies, *APF* no. 828, 27). A *gennêtês* who married a non-Athenian probably lost his/her eligibility for the *genos* priesthood.

96 For all *ithageneis genê*, Parker, *Athenian Religion* (as in n. 91) appendix 2; further discussion of Athenian autochthony and of *ithageneis* in particular, J. H. Blok, “Gentrifying Genealogy” (as in n. 36).

97 A similar connection between cultic *polis* office and descent is attested in the wife of the Archon Basileus, the Basilinna, who by tradition had to be a daughter of two *astos* parents to be qualified to perform the *hieros gamos* with Dionysos (*Apoll. Neaira*, 74–76). Moreover, her marriage to the Archon Basileus had to be her first marriage, a requirement also to be met by the women responsible for the cult of Athena Pallenis: *Athen.* 6.235a, with R. Schlaifer, “The Cult of Athena Pallenis (Athenaeus VI 234–235)”, *HSCP* 54 (1943) 35–67. Conversely, the allegedly non-Athenian Gephyraioi were probably excluded from certain priesthoods, Lambert, *Phratris* (as in n. 7) 53, n. 120.

98 Cf. S. D. Lambert, “Aristocracy and the Attic Genos: a Mythological Perspective” (forthcoming).

99 [*Plut.*] *Vit. X or.* 843e–f; R. v. d. Hoff, “Tradition and Innovation: Portraits and Dedications on the Early Hellenistic Akropolis” in O. Palagia, S. V. Tracy (eds.), *The Macedonians in Athens, 322–229 BC* (Oxford 2003) 173–185.

By requiring two Athenian parents for citizen status, PCL in due course would turn all Athenians into a great *genos* and give them the same qualification to hold *polis* priesthoods. By elevating the *dêmos* to the same *timê* as the *genê* following on the democratisation of the preceding decades, Perikles took the final step in upgrading the *dêmos* and creating equality among all citizens, also respecting birth. As we just saw, PCL effectuated a new sense of individuality and equality regarding descent of citizens, notwithstanding continuing inequalities in terms of property. What did PCL mean for actual participation in *timai* and *archai* of the *polis*?

The first and most spectacular change concerned *polis* priesthood. Now that the *dêmos* met with the same qualifications as the *genê*, they were similarly eligible for officiating *polis hiera*. As with *archai*, the democratic aim was not so much to take office out of the hands of the elite; such an idea would be antithetical to the essence of *ta patria* and would be particularly inconceivable regarding the traditional cults. Instead, office was made accessible to ever wider sections of the *dêmos* and this procedure was now applied to priesthood itself. Whereas no new *genê* were established after 450, new cults were assigned to a new type of priesthood. Like the *genos* priesthoods, this priesthood was to be filled by lot, but unlike the *genos* priesthoods it was allotted among all Athenians.<sup>100</sup> The first case known to us of the so-called democratic priesthoods drawn by lot from all (*ex hapantôn*) without further qualifications, was the priestess of Athena Nike, allotted among all Athenian female citizens.<sup>101</sup> The date of the decree regulating the procedure of her installation and details on the new sanctuary is contested, with some arguments in favour of the early 440s and others pointing to the mid 420s.<sup>102</sup> The absence in the decree of consultation of an oracle, notably of Apollo, at the installation of the new priesthood, a normal feature of important changes in cult practice and

100 The means of selection among the *genê* are debated: S. B. Aleshire, "The Demos and the Priests: The Selection of Sacred Officials at Athens from Cleisthenes to Augustus" in R. Osborne, Simon Hornblower (eds.), *Ritual, Finance, Politics. Athenian Democratic Accounts Presented to David Lewis* (Oxford 1994) 325–337 has argued for predominantly *klêrôsis ek prokritôn*, but in some *genê* strict heredity; likewise Parker, *Athenian Religion* (as in n. 91) 292–293: *prokrisis* could even mean a list of just one person from which to select. Bourriot, *Recherches sur la nature du génos* (as in n. 91) 342 and note 593 decided on sortition from specific branches of the *genos*, membership of which was by definition hereditary. I find the evidence for allotment from all relevant *gennêtai* (*AthPol* F2; *IG* II<sup>2</sup> 1146, l. 1–7; *RO* no. 37; ll. 8–16) more compelling, combined with the fact that *prokrisis* was unnecessary on theoretical grounds: P. Demont, "Le tirage au sort des magistrats à Athènes: un problème historique et historiographique" in F. Cordano, C. Grottanelli (eds.), *Sorteggio pubblico e cleromanzia dall'antichità all'età moderna* (Milan 2001) 63–82 argues that *prokrisis* provides qualification. *Gennêtai* were qualified by birth; the data on *genos* families and priests in the classical era are compatible with straight allotment (see J. H. Blok and S. D. Lambert, "The Appointment of Priests in Attic *genê*", *ZPE*, forthcoming).

101 *ML* 44; *IG* I<sup>3</sup> 35: ll.3–6 ... [τεῖ] [Ἀθηναῖαι τεῖ Νί]κει ἡέρεαν ἡ ἐ ἄγ [κλ- ερομένη λάχε]ι ἐχς Ἀθηναίων ἡπα[σὸ] [ν καθίστα]σθαι... (...) "... (proposed) to appoint as a priestess for Athena Nike a woman who will be chosen by lot from all Athenian women..." The Pythia, allotted from all women of Delphi, may have served as an additional source of legitimacy for her role; fifth-cent. evidence: *Eur. Ion*, 1320–3; see further G. Roux, *Delphes, son oracle et ses dieux* (Paris 1976) 64–69.

102 Earlier date: *ML* 44; J. Lougouvaya-Ast, "Myrrhine, the First Priestess of Athena Nike", *Phoenix* 60 (2006) 211–225; later date H. B. Mattingly, "The Athena Nike Dossier: *IG* I<sup>3</sup> 35/36 and 64 A–B", *CQ* n. s. 50 (2000) 604–606.

cult personnel,<sup>103</sup> suggests that the decision may have been part of a larger program for which divine approval had been received. This could be Perikles' program of constructing *hieros* buildings on the Akropolis, but no certainty is possible in this respect. The reference in this decree to *Athenaiiai*, rather than to *gynaiikes Athenaiôn*, probably reflects the status of women as individual citizens, which had become more prominent due to PCL. In serving Athena on behalf of the *polis* on the Akropolis, the priestess of Athena Nike was the democratic counterpart of the priestess of Athena Polias.<sup>104</sup> More priestly functions of this kind were to follow, the next one being the priestesshood of Bendis (date uncertain, between 429 and 412) and the male priesthood of Asklepios created in 420, probably first among all Athenians, later rotating by *phyle*.<sup>105</sup>

The essential connection between birth in an Athenian *oikos* from two Athenian parents and eligibility for priesthood is borne out by the naturalisation decree of the Plataians. Several hundred Plataians, who had survived the sack of their city in 427, were granted Athenian citizenship *en masse*. In spite of the suspect origin of the text, namely a quote in a fourth century lawsuit, the core of this decree may be considered genuine.<sup>106</sup> The relevant text (Apoll. *Neaira*, 104) runs:

Ἴπποκράτης εἶπε, Πλαταιέας εἶναι Ἀθηναίους ἀπὸ τῆσδε τῆς ἡμέρας, ἐπιτίμους καθάπερ οἱ ἄλλοι Ἀθηναῖοι, καὶ μετεῖναι αὐτοῖς ὥνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων, πλὴν εἴ τις ἱερωσύνη ἢ τελετή ἐστὶν ἐκ γένους, μηδὲ ἐξεῖναι μηδενὶ αὐτῶν τῶν ἐννέα ἀρχόντων λαχεῖν [μηδὲ ἱερωσύνης μηδεμιᾶς], τοῖς δ' ἐκ τούτων, [ἂν ὧσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον.]

“On the motion of Hippokrates it is decreed that the Plataians shall be Athenians from this day, valued (*epitimos*) just like the other Athenians, and that they share in everything in which the Athenians share, both *hiera* and *hosia*, save any priesthood or ritual which belongs to a *genos*, and it shall not be permitted to any of them to be drawn by lot for the office of the nine archons [or for any priesthood], but that their descendants might be so drawn, [if they were born from an Athenian *astê* and by *engyê* according to the law].”<sup>107</sup>

103 See e.g. H. Bowden, *Classical Athens and the Delphic Oracle. Divination and Democracy*. (Cambridge 2005) ch. 5; Parker, *Polytheism* (as in n. 42) 105–106.

104 J. B. Connelly, *Portrait of a Priestess. Women and Ritual in Ancient Greece* (Princeton / Oxford 2007) 63.

105 Parker, *Athenian Religion* (as in n. 919) 126–129; 172–185.

106 Apoll. *Neaira*, 104, with Osborne, *Naturalization in Athens* (Brussels 1982) vol. 2, 11–12; vol. 4 (as in n. 63) 176–181; K. Kapparis, “Critical Notes on Ps.-Dem.59 ‘Against Neaira’”, *Hermes* 123 (1995) 19–27; K. Kapparis, *Apollodoros “Against Neaira” [D. 59]. Ed. with Intr., Comm., and Transl.* (Berlin 1999). Unlike (semi-)fictional laws in fourth-century oratory, this decree mentions the proposer, the phrasing is typical (Lambert, *Phratries* [as in n. 7] 51–52, n. 116) and its contents are not simply derived from the context. Suggestive (but not decisive) of authenticity is also the absence of typically fourth-century terminology of citizenship, notably *metechein* and *politeia*, which is used by the speaker in the context of the decree (105, 106) (cf. Bordes, *POLITEIA dans la pensée grecque* [as in n. 82] 50, 66–69).

107 The clauses “if they were born from...” and “or for any priesthood” have been added by the editors from the context (Osborne, *Naturalization in Athens* [as in n. 63] doc. D 1, 28; K. Kapparis, “The

The decree shows how naturalisation and hence citizenship was effectuated in two stages. Naturalisation, comparable to adoption in the *polis* – as if one was born – took place in the first generation. The adopted Plataians were to be a part of the same *timê*-structure as the other Athenians and to participate in the regular *hiera kai hosia* of the *polis*. They were also to become members of demes and *phylai* (as stated further down in the text), but could, of course, not be members of an *oikos*.<sup>108</sup> The Plataians were thus eligible for participation in regular *polis* offices, but the decree explicitly excluded eligibility for priesthoods, both those belonging to a *genos* and all other religious offices. This *timê* would be granted to the next generation, when and if the new Athenians married original citizens whose children thus would be born of two Athenian parents in an Athenian *oikos*.<sup>109</sup> Now that all Athenians were eligible for priesthood by allotment, it was imperative to retain the necessary requirements and bar newly-made Athenians from standing for allotment for priesthood.

If priesthood was a *timê* for which being born from two Athenian parents was essential, the same condition was attached in the decree to eligibility for an *archê*, namely the archonship. The main reason would be presumably that the duties of this office were very close to priesthood, since the archons were responsible for major *polis* sacrifices and festivals. The office of Archon Eponymos even encompassed the legitimacy of all *polis* offices and thus the ultimate responsibility for all exchanges between the city and the gods.<sup>110</sup> In the early fifth century, double Athenian descent was not a prerequisite for the archonship; Themistokles is a well-known example of a *mêtroxenos* who was an archon. But expectations and conditions had changed since then. PCL created a new norm for citizenship, enforced in the *diapsêphismos* of 445 and, if we accept the earlier date for the priestess of Athena Nike, put into practice in *polis* priesthood. By 427, a

Athenian Decree for the Naturalisation of the Plataeans”, *GRBS* 36 [1995] 359–381), the first because this was the regular legitimacy formula at Athens, the second because *genos* priesthood was only accessible to *gennêtai* by definition and as a single clause would amount to a truism, whereas the additional regulation regarding other *polis* priesthoods and the archonship would make sense as restriction among otherwise all accessible *timai*. On the phrase ἐπιτίμους καθάπερ ... καὶ μετεῖναι ... πάντων ... πλὴν, Bordes, *POLITEIA* (as in n. 82) 68–70.

108 Membership of demes and *phylai* in this case did not include membership of *phratries*, probably because their large numbers would have swamped the existing associations; Lambert, *Phratries* (as in n. 7) 51–53.

109 *IG* I<sup>3</sup> 1363 comprises a group of grave stelai that seem to testify to the presence of the Plataian-Athenians and to the unions they made: a. Ξένων (FRA 6118) and Θόγα (FRA 6106; not attested in Athens); b. Δορκιῶν (FRA 6084; no Athenian attestations) and Καλλίς (FRA 6110; attested in Athens but also in Lebadeia, Orchomenos and Thebes); c. Κορνῶ (FRA 6111; not in Athens); d. Θεομνάστο[ς] (FRA 6104; many attestations in mid-Greece and Boiotia) and Νικοστράτα (FRA 6116; regularly attested in mid-Greece); e. Ἀπολλόδορος (FRA 6071) f. Φερενίκα (FRA 6136; often in mid-Greece) g. Τιμῶ (FRA 6132; also attested in Athens) h. ...στράτη. This group includes on the face of it: (d) a couple of Plataian husband and wife, (b) a couple of Plataian husband with Plataian or Athenian wife; (c and f) two Plataian women; (e and g) two Plataian or Athenian men; (h) an Athenian woman. The stelai were all found together in a single plot; the single names could belong to single people or to couples not commemorated on one stone. The group of stelai suggests that some Plataians married among each other, whereas some married Athenians.

110 Archons: *AthPol* 55–58; Archon Eponymos: 56.2.

whole generation had been raised on this qualification. Due to the plague, however, the norms of PCL were relaxed, most famously to allow Perikles to enroll his *nothos* son with Aspasia as a full citizen into the phratry after both his *gnêsios* sons died in 430. In the later stages of the war, a variety of evidence shows that PCL was relaxed even more due to extreme human losses. E. Carawan has argued attractively that the temporary relaxation of PCL was effectuated in two stages, valid for all Athenians, the first in 430/29 allowing *nothoi* to be legitimated if a family had no *gnêsioi* children left, the second in 411–403, allowing acceptance of *nothoi* besides *gnêsios* children.<sup>111</sup> If this is correct, the decree of 430/29 may also have barred the new “*ex-nothos*” citizens from priesthood and archonship because they had not been born from an Athenian *astê* and in an Athenian *oikos*,<sup>112</sup> and such a clause would have been relevant for the Plataians as well.

Moreover, in the early fifth century eligibility for the archonship was limited to the first two property classes; a few years before PCL, it had been extended to the third property class. In the later fifth and the fourth century, the property classes gradually lost their significance as qualification for *polis* offices, except for high financial duties. By the time of *AthPol* (55.1), the archonships were filled by double allotment, *phyle* by *phyle*. If birth did indeed, as I argue here, operate as a counterweight to property, virtue by descent as equal to wealth in the *timê* of Athenian citizens, the extension of eligibility for office to all citizens regardless of wealth was made possible by making descent from two Athenian parents conditional for participation in the *polis*. In this context it seems telling that in particular the archons were questioned as to their ancestral cults of Apollo Patrôios and Zeus Herkeios and their ancestral tombs before entering office.<sup>113</sup>

## 6. Conclusions

The common views of Athenian citizenship as defined by political rights, military duties or landownership cannot fully explain the purpose and date of the single extant law on citizenship, although previous interpretations of PCL have shown why Athens would have welcomed a communal decision defining criteria of citizenship around the mid-fifth century. Considering the losses in human lives and the blow to its selfconfidence that Athens had suffered by the end of the 450s, it is utterly unlikely that PCL was issued owing to the large number of citizens, as *AthPol* supposed in its paragraph dealing with the law. Athens rather needed measures to revive its morale: Perikles proposed his law when after depressing years of war the citizens had to face the future with new confidence.

111 Carawan, “Pericles the Younger and the Citizenship Law” (as in n. 12); this is a more nuanced view than Vêrilhac & Vial, *Le mariage grec* (as in n. 12) who argue that PCL must have been temporarily abolished entirely between 429 and 403, and more plausible than Osborne, *Naturalization in Athens* vol. 3 T 5, who takes Perikles minor to have been an individual case of naturalisation.

112 One could even claim (as the defendant does in Is. 9, 25) that the connection of a child with its mother remained the same after its adoption into another patrilinear family.

113 *AthPol* 55.3.

Citizenship, I have argued, entailed legitimate descent, that is sharing in the *hiera kai hestia* of the *oikos*, as conditional to sharing in the *hiera kai hestia* and the *timai* of the *polis*. Continuing earlier policies aiming at increasing citizen equality, PCL was motivated by precisely what it claimed to be doing: raising the requirements of legitimate descent and hence of participation in the *polis*. By emulating the *genê*, who guarded their inherited *timai* of *polis* priesthood by claiming uninterrupted, exclusively Athenian descent, Perikles sought to gentrify the *dêmos* to the same status. Such a higher consciousness of one's identity as a citizen would lift the spirits at a moment when countless citizens had perished due to prolonged warfare. Quality of descent was also reflected in the idea, becoming popular at that time, that the Athenians were the heirs of the cult of Erechtheus, the hero born from Athena, Gê and Hephaistos. The model of the *genê* can also explain why PCL was formulated the way it was, namely as a rule of descent that would encourage endogamy, rather than as a prohibition to marry non-Athenians. Descent was the traditional mode of conceptualising citizenship because the heart of the matter was the transmission of *ta hiera kai hestia patrôia*. By making the *dêmos* equal of the *genê* in descent, PCL made one great *genos* of the Athenians and in due course made them all qualified to represent the *polis* in exchanges with the gods by officiating public *hiera*.

We can speculate whether eligibility of all Athenians for priesthood was Perikles' purpose right from the start, or that this possibility arose once citizen descent had been upgraded. With an early date for *IG I<sup>3</sup> 35*, the establishment of the priestesshood of Athena Nike, one may think of a coherent program of Perikles for the revival of Athens in which one step followed soon after the other: after the truce with Sparta PCL, and after the peace with Persia the building program including the new cult of Athena Nike. If the priestess were only to be selected from among all women when the generation of 451/0 reached a satisfactory age – say, 16 years – we would arrive at a date of ca. 435, either of *IG I<sup>3</sup> 35* itself or of the first allotment. In order to implement and demonstrate the social significance of the new type of priesthood, perhaps its revolutionary change in eligibility of candidates would first be applied to an ancestral cult rather than to a cult that was in itself an innovation – in other words, that the priestesshood of Athena Nike was inaugurated before that of Bendis. For the time being, however, this question must remain unanswered. In any case, the Plataian decree of 427 signals full awareness of the connection between two Athenian parents and *polis* priesthood.

Another effect of the inauguration of *polis* priesthood seems more secure. Once this office had been founded and proven to be acceptable to the gods, other *polis* offices could be filled on the same conditions. This was particularly relevant in case of allotment when no other qualifications except citizen birth were required. By creating the conditions of *polis* priesthood and in this respect operating as *ktisis* of *polis* office, PCL was the essential step in the final democratisation of the *polis*. All evidence taken together corroborates the conclusions of Vêrilhac and Vial that *polis* endogamy focused on internal relations in the first place, and only next would bear on the *polis*' attitude towards the outside world.

The model of the *genê* was so successful, that the Athenians had convinced themselves within a few decades they had always been a one-track people. Whereas Perikles' funerary oration of 431, as represented by Thucydides, cast Athenian virtue in terms of

political wisdom rather than mythical autochthony, ten years later Euripides portrayed the simultaneous origins of the Eteoboutadai and Eumolpidai as well as of the Athenians in his tragedy *Erechtheus*. And after another century, the Athenians even believed that in days of yore all Athenians were *gennêtai*.<sup>114</sup>

I add a final consideration. Even if Perikles had no objective in mind about the size of the citizen body, he must have expected that his law would affect the behaviour and self-awareness of the Athenians. That was, of course, its aim. But the law could also create social tensions within the community of Athens, even if he could not foresee the trouble it would cause himself. He must have considered the gains of the law to be such as to outweigh this and other possible disadvantages. Only the final democratisation of the *polis*, I suggest, was of such consequence to him as to validate this decision.

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114 *AthPol* F2 (Chambers; F3 Kenyon); slight variations on the same theme in F2 a, b and c. "Aristotle says that the whole Athenian population (πληθος) was divided into farmers and craftsmen, and that they consisted of four *phylai*; each of the *phylai* was divided into three parts, which they called trit-tyes and phratries, and each of those had thirty *genê*, and each *genos* was composed of thirty men. Those who thus belonged to the *genê* they called *gennêtai*. [...] from among whom the priesthoods for each were drawn by lot, like Eumolpidai and Kerykes and Eteoboutadai [...]"