

The Periclean Citizenship Law of 451/0 B.C.

June 2007

Introduction

In this essay I will be examining the Periclean Citizenship Law¹ of 451/0 B.C.² I will be focusing primarily on the possible motivations which may have caused the law to come into effect, as well as examining, to a lesser extent, the situation before the law. In addition, I shall briefly look at the events following the law in the second half of the fifth century, and its re-enactment in 403/2.

When examining the possible motivations of the law, there are two possible viewpoints to consider. One is why Pericles put forward the motion and the other is why the demes, through the assembly (*ekklesia*), accepted it. I will be concentrating on the latter question, primarily because I believe it is more useful to examine the motivations of a group rather than an individual (albeit an important one) and also because it is often difficult to ascertain why a given individual acted in a particular way in one specific instance. In addition, as a politician Pericles would have been dependent, to a certain extent, on the goodwill of the citizenship body in order to carry on in his various positions of power. As such, his personal motivations for putting forward the motion may well have been similar to the reasons for the assembly accepting it, in as much as he may have been trying to court popular support by proposing a measure which he believed would be welcomed by the assembly, even if he personally had nothing to gain from the law itself (in fact, having fathered a son with a foreign mistress, Aspasia, Pericles actually stood to lose out from the introduction of the stricter requirements for citizenship in this respect).

Finally, I shall look at a particular paper by Cohen (1997), which questions the current scholarly opinion as to the interpretation of two words (*astoi* and *politai*) which are contained within the text of the citizenship law. Despite being published nearly ten years ago, this question has not, to the best of my knowledge, been addressed by the academic community.

I believe that this is an important area to examine, for several reasons. First and foremost, a significant amount of the available literature on Classical Athens (particularly longer works on the subject) makes reference to Pericles' Citizenship Law as an important turning point (Whitehead (1977, p.149) describes it as 'the next watershed in the ideology of the metic'), yet they fail to adequately explain why. Often these texts concentrate on the consequences

¹Unless specified otherwise, all references to 'citizenship law' or simply 'the law' used in the text refer to this particular law.

²All dates are in B.C. unless otherwise specified.

of the law rather than the factors which might have caused it to come into effect in the first place. Other authors skip over the issue (e.g. Finley (1983, p.102) describes the citizenship law as being ‘of great importance in the shaping of the Athenian system in the course of the fifth century’, but offers no explanation as to why this is the case) or simply point to the reason given in the *Constitution of Athens* (the ‘large number of citizens’, which I shall discuss in detail later). Manville (1990, p.217) goes as far as to state unequivocally that ‘clearly, Athenians were more jealous about sharing the more robust privileges and prestige of their citizenship’, without giving any justification for this sweeping statement. With the exception of Patterson (1981), I have been unable to find any material which addresses the possible motivations behind the citizenship law in a satisfactory manner, and none which takes into account Cohen’s claim that the current interpretation of *astoi* is incorrect.

The wording of the law

Our primary source for Pericles’ Citizenship Law is the *Constitution of Athens*, the authorship of which is usually attributed to Aristotle.³ There it is stated that ‘it was decreed, on a motion of Pericles, that a person should not have the rights of citizenship unless both of his parents had been citizens.’ (*Ath. Pol.* 26.4).⁴ Plutarch also attests the law in his Lives: ‘he [Pericles] proposed a law that only those who could claim Athenian parentage on both sides could be counted as Athenian citizens’ (Plutarch, *Pericles*, 37.3), but unfortunately we do not know what Plutarch’s source was for this information.

³There is an ongoing debate as to who composed the *Constitution of Athens*, and several prominent scholars have expressed doubts about the assumption that it was written by Aristotle – including Rhodes (1993, p.63), who states that ‘on the evidence which we have, Aristotle could have written the work himself, but I do not believe that he did’ (although he goes on to add ‘that does not diminish the interest and importance of A.P.’). There is insufficient space here to go into all the arguments for and against the assertion that Aristotle was the author of the *Constitution of Athens*, and for the purposes of this essay I will mostly be considering what the text says as opposed to who was the original author.

⁴The same basic principle is also rephrased later in the text: ‘The present constitutional order is as follows: the right of citizenship belongs to those whose parents have been citizens.’ (*Ath. Pol.* 42.1).

The situation before the citizenship law

As mentioned previously, the *Constitution of Athens* gives us a concise account of the citizenship law (*Ath. Pol.* 26.4). However, we have no such account of the situation before this law was enacted.⁵ At best we can make educated guesses as to how the process of becoming a citizen took place and what the criteria (if indeed any existed, beyond being free and male – the two criteria which are not disputed) were for being granted citizenship. There are several possibilities for how citizenship might have been determined before 451, and I will briefly discuss them here.

The first possibility, and the one which is most readily accepted by scholars at present, is that citizenship was hereditary in the male line – i.e. if your father was a citizen, then you would also be eligible for citizenship, provided of course that you were male yourself and had not been disqualified from citizenship for any particular reason. This assumption is put forward by (amongst others) Rhodes (1993, p.332): ‘Before Pericles’ law was enacted, any son of an Athenian father by a lawfully wedded wife⁶ (whether or not she was an Athenian) was a γνήσιος, a legitimate son who would be acknowledged as a citizen when he came of age’.⁷ There is also a mention of citizenship on only one side being required in one of the orations of Demosthenes,⁸ although this refers to the re-enactment of the law in 403/2, and so we cannot say for sure that this was the case before the initial introduction of the citizenship law in 451/0.

Another possibility for the situation before the law was introduced is that citizenship was already heredity in both the male and female lines, and Pericles was merely proposing a ‘tidying up’ decree which was intended to enforce the status quo rather than tighten up the requirements for citizenship. Sealey (1976, p.299) suggests this as a possibility: ‘Conceivably even before 451/0 assemblies of demesmen may have insisted, commonly or increasingly,

⁵‘The law of 451/0 may mark growing pride in Athenian citizenship, but it is not easy to say how great a change is made, since the immediately preceding conditions are not known.’ (Sealey 1976, p.299)

⁶For a discussion on whether illegitimate children could hold citizenship status, both before and after the citizenship law, see Harrison (1968, pp.63-65), Lacey (1968, pp.103-105), MacDowell (1976) and Rhodes (1978). Sons born outside of wedlock could not inherit property, but the question of whether this restriction also prevented them from becoming citizens is still open to debate.

⁷Also, see Hignett (1952, p.343), Davies (1977, p.118) and Patterson (1981, p.8) for statements to the same effect.

⁸‘even if he was a citizen on one side only, he was entitled to citizenship’ (Dem. 57.30).

that both parents of a candidate must be citizens before they would accept him.’

The final possibility for the situation before the law was introduced is that there were no fixed requirements for citizenship and the process of acquiring citizenship was done on something of an ad hoc basis, with no consistent rules as to how new citizens should be enrolled (if indeed any records were kept).⁹

Since we have no firm evidence for how citizenship was decided before 451, we must select one of the possible scenarios and work under the assumption that it most closely reflects the situation before the citizenship law came into effect. The argument which I find most convincing is that citizenship was heredity in the male line before the citizenship law was introduced, primarily because of the existing amount of support for it in modern literature (and the lack of any significant evidence for any other theory) and also the reference in Demosthenes 57 (even though this refers to the law’s re-enactment in 403/2). As such, I shall be basing my evaluation of the possible motivations for the law on the assumption that the requirements for citizenship before 451 were to be a free male whose father was an Athenian citizen.

Possible motivations for the law

Perhaps the most obvious possible motivation for the introduction of the citizenship law is the one given to us directly in the *Constitution of Athens*, i.e. that it came about ‘in consequence of the increasing number of citizens’¹⁰ (*Ath. Pol.* 26.4). The way in which this motivation for the law is described suggests to me that a large number of citizens was considered to be a negative trait and a situation which was to be avoided if at all possible. Presumably the fact that the number of citizens was increasing would not be a problematic situation in itself – after all, the alternative to an increasing number of citizens is a body which is stagnant or falling in numbers – but

⁹‘Was there a city law ... defining city membership before 451/0? An examination ... will suggest that the answer ... is “no”.’ Patterson (1981, p.8).

¹⁰The Greek text uses the word *πληθος*, which LSJ defines as ‘great number, multitude, esp. of people’. Different translators have interpreted the word as ‘increasing’ or ‘large’, and in this case, given that the citizenship laws were being tightened (which would therefore reduce the number of citizens at some point, or at least restrict the rate of growth), I would suggest that ‘too large’ is perhaps the best way to render this word – i.e. the number of citizens was not just large (which could on its own be interpreted as meaning many different things), but so much so that it was a cause for concern.

the consequences of a citizenship body which was perceived to be ‘too large’ might be cause for alarm in some quarters.

A secondary factor to consider in terms of this possible motivation is the fact that the law would come about as a result of a vote at the *ekklesia*, which was only open to citizens. Therefore, the group of people who would decide whether the requirements for citizenship – which brought with it political participation, power and influence – should be tightened, were the ones who already held citizenship. As such, they would have a vested interest in ensuring that their influence was not diluted by allowing too many people to have the right to participate in the democratic process and potentially able to wield political power within Athens.

In addition to a citizen’s eligibility to participate in the democratic process, there were several other factors that made Athenian citizenship a desirable status to hold. Boegehold (1994, p.60) briefly lists some of the privileges of being an Athenian citizen, including protection against torture, a share in gifts of corn to the state and the ability to own, inherit and bequeath property. Some of these privileges were unlimited in that they did not rely on a shared resource, so the benefit they provided would not be diluted by a large number of citizens. One example of this is protection against torture – it does not make any difference whether there were one thousand or ten thousand citizens, each one would still enjoy this privilege to the same extent. On the other hand, some privileges involved limited resources that had to be shared between all citizens, and in such cases the total number of citizens would affect the benefit to each individual. The distribution of a gift of corn to the state is a good example of this¹¹ – obviously the same amount of corn distributed amongst a greater number of citizens would mean that each individual would receive a smaller share, so there is a powerful selfish incentive for existing citizens to restrict citizenship (and therefore its privileges) to the smallest possible number of people.

However, although the *Constitution of Athens* specifically claims that the large number of citizens was the driving factor behind the introduction of a more stringent requirement for citizenship, it fails to provide us with any explanation or reason why a citizenship body of this size would be a situation which the existing citizens (some of whom would, as mentioned previously, be voting on the proposed motion) would wish to avoid. Presumably if the author wished to portray this situation in a negative light, he would have either expressly or implicitly given some reasons as to why an increasing

¹¹We do have an attested example of such a gift from 445/4, which I shall discuss later as one of the events following the introduction of the citizenship law.

number of citizens would be undesirable. It is possible that at the time it was written such a situation was generally considered to be a negative trait and thus the author did not see any reason to elaborate on his statement, or that he was merely recording the current situation and did not feel that he was in a position to pass judgement one way or the other. I would suggest that the latter reason is particularly relevant as the *Constitution of Athens* does appear to be written primarily as a text which describes how various processes took place, as opposed to being a critique of how democracy was structured in Athens.

In addition to the omission of an explanation as to why a large citizenship body should be seen as an undesirable trend, there are several compelling reasons why a large number of citizens could be viewed in a positive light. The first, and perhaps most important, is related to war – an prominent concern at the time that the citizenship law was introduced, considering that it fell between the end of the Persian Wars and the build up of the tensions that would eventually result in the Peloponnesian War. Citizens were liable for military service¹² and trained for two years after examination.¹³ As such, an increasing number of citizens would result in a larger group of men who were liable to be called up for military service,¹⁴ which would be a valuable asset in a time of conflict. Whilst superiority of numbers does not necessarily ensure victory, it is certainly a factor which comes into consideration in warfare, both in determining the outcome of individual battles and in terms of the ability of a state to sustain military losses over a prolonged period of time.

Continuing on the theme of war, one of the strengths of Athenian democracy was that it provided citizens with a significant degree of influence and a vested interest ('share in the polis') in how the city was run, which they would not receive under any other form of government at the time (e.g. monarchy or oligarchy). This would, I suggest, encourage them to be more willing to take up arms in times of war and to fight longer and harder because they are protecting their freedom rather than just an area of territory which they happen to live in. Contrast this with people living under a monarchy – the worst overall outcome for them under a war (other than death and

¹²When men liable to military service are sent on an expedition, a notice is put up which says that the classes from such and such an Archon and eponymous hero to such and such an Archon and eponymous hero are to participate in the expedition.' (*Ath. Pol.* 53.7)

¹³*Ath. Pol.* 42.2-5 gives a detailed description of the process of the training for *epheboi* (boys who have just passed their examination (*dokimasia*)).

¹⁴'Then when states became larger and those with arms became stronger, the number of sharers in the constitution [i.e. citizens] became larger.' (Aristotle, *Politics* 1297b16-28).

destruction of property, which are risks whatever the form of government) is the replacement of their current ruler by another king – they have no significant personal freedoms to lose. I would therefore suggest that this reason would encourage the current citizens to keep the franchise open to a large number of people, rather than trying to restrict the eligibility for citizenship.

If we do assume that the introduction of more stringent requirements for citizenship was as a direct result of there being too many citizens, surely it would be sensible to make the law apply retrospectively? Otherwise it would take at least one generation before the citizenship body would start to shrink in size down to whatever was considered to be an acceptable/manageable level. However, it would appear that the law was not applied retrospectively. Whilst we do not have any evidence which directly attests whether the law was retroactive or not, we do have examples of people who were citizens before 451 who do not appear to have had their status stripped following the introduction of the law, even though they did not meet the new requirements for citizenship. Perhaps the most well-known example of this is Cimon, who had an Athenian father, Miltiades, but whose mother, Hegesipyle, was a Thracian and therefore a foreigner (Plutarch, *Cimon*, 4.1). Under the new rules, he would not be classed as a citizen, as his parents were not both Athenians, yet he held the position of *strategos* until his death in 449 (Thucydides 1.112). Since such an office could only be filled by a citizen, Cimon must have continued to hold this status after the law was passed, so one would assume that this means that the law was not applied retrospectively.

The final reason for not viewing a large number of citizens as a situation to be avoided brings us back to the political participation issue. We are told that a citizen cannot hold office more than once, with the exception of the council (twice) and the military offices ('several' times, which could mean ten or more in some cases¹⁵) (*Ath. Pol.* 62.3). Part of the reasoning behind this restriction was undoubtedly an intention to prevent any one person gaining too much power by holding office for several consecutive terms, and thus beginning to exert an undue influence within Athens. However, such a restriction can only be effective if there is a citizen body which is sufficiently large in number to ensure that there will be at least one person (preferably more, otherwise there is not much point in selecting officials by lot or election) in each period of office (however long that may be) who is eligible to serve in that capacity. Allowing the size of the citizen body to grow

¹⁵For example, Pericles held the position of *strategos* (general) for at least ten consecutive years.

would alleviate this problem by increasing the number of people eligible for office (and possibly a greater variety of people as well, which could be seen as an additional benefit), but introducing stricter criteria for citizenship would make it more difficult to ensure that there would be a sufficient number of eligible candidates to allow every office to be filled.

Having put forward a number of reasons why a large number of citizens would be a positive situation, which I believe more than counteract the negative aspects of such a rise, I do not think that there is any rational reason for the assembly to have voted in a measure which would tighten up the criteria for citizenship based solely on a perception that there were too many citizens. However, I think it is plausible that this reason could have been part of the overall motivation that led to the introduction of the citizenship law, and also that the assembly may have not thoroughly examined all the possible issues before proceeding to a vote.

The large number of citizens is the only direct motivation which I have been able to find in the ancient sources, so I shall now move on to examine some of the arguments put forward in modern literature. Humphreys (1974, pp.93-94) suggests that one motive for the law was to ‘put a stop to the aristocratic process of contracting marriage-alliances with leading families in other states – a practice which created sympathies and loyalties which were liable to obstruct rational policy both towards Athens’ subjects and towards her rivals.’ However, I do not believe this was a driving factor behind the introduction of the law, for several reasons.

First and foremost, the question ‘Why pass a law restricting citizenship when your aim is to prevent or curtail foreign marriages?’ arises from this argument. Surely if the assembly wished to restrict marriage-alliances with foreign states, it would be more sensible to pass a decree which banned marriages between Athenians and foreigners, rather than introducing more stringent requirements for citizenship? Admittedly, there is a possibility that tightening up the criteria for citizenship might affect marriage decisions, as a man might decide to take an Athenian for his wife instead of creating a foreign marriage-alliance in order to ensure that his sons would become citizens, but this seems like an indirect and ineffective way to tackle this problem – if indeed it existed in the first place.

Secondly, Humphreys’ assertion implies that such marriage-alliances were exclusive to the aristocracy, yet she offers no evidence to back up this claim or any indication of the criteria which she would like to see satisfied in order for someone to be considered to be a member of the aristocracy. Without such a definition, it is difficult to assess the accuracy of this statement.

The final reason why I believe this proposed motivation to be somewhat unsubstantiated is that I do not think that marriage-alliances with other states would have been seen as a practice which should be actively discouraged. The political relationships created by such marriages could be extremely useful in diplomatic engagements with foreign states. Indeed, Humphreys herself draws attention to the fact that, whilst we do not possess complete records for the process by which ambassadors in Athens were nominated, it is clear from the extant information ‘that “private” qualifications often determined their selection’ (Humphreys 1977, p.100). She also goes on to state that ‘they [the ambassadors] might be chosen for their ties of heredity proxyeny or *other personal links* with the state to which the embassy was despatched’ (Humphreys 1977, p.100) (emphasis mine). After blood relations, the next most powerful personal links which one might consider are those connections which are created, directly or indirectly, by marriage. Surely Athens would not attach importance to such relations if they were considered to obstruct rational policy towards her subjects?

A further motivation for the introduction of the citizenship law is suggested by Hignett (1952, p.346): ‘to allow citizens to intermarry with such [non-Athenians] might entail a debasement of their racial purity that would be viewed with alarm by conservatives, and the alarm might be shared by progressive statesmen who could take a long view.’ Here we have an attempt to maintain racial purity as another possible motivation for the introduction of the citizenship law, both from the point of view of the existing citizens (whom I presume ‘conservatives’ refers to) and politicians such as Pericles (the ‘progressive statesmen’). However, Patterson dubs this suggestion as a ‘complete red herring’ and suggests that ‘the word *genos*, often translated “race” ... bears little resemblance to the English “race” in its biological sense’ Patterson (1981, pp.97-98)¹⁶. I would suggest that *genos* is similar to *politês*, in so much that in both cases their English translations (‘race’ and ‘citizen’ respectively), whilst suitable enough for most purposes, do not reflect the true meaning that the words held in Classical Greece (e.g. our concept of ‘citizen’ is different to the Greek idea of a ‘share in the polis’).

There also appears to be little evidence to suggest that marriages between Athenians and non-Athenians were frequent enough to debase the racial purity of the Athenians, even if we accept that a desire for purity may have existed at the time. Our main source of evidence for marriages are gravestones, but Davies (1977, p.111) states that he is aware of ‘only three marriages between citizen and non-citizen which are recorded on gravestones before the

¹⁶Also, ‘racial purity is certainly out of place’ (Patterson 1981, p.104).

second century B.C.¹⁷ This factor, combined with the Greek meaning of the word *genos*, suggests to me that racial purity is not likely to have been a motivation for the introduction of the citizenship law.

Having examined a number of possible motivations for the introduction of the citizenship law, I am not convinced that any one factor was solely responsible for the decision to tighten up the requirements for citizenship, as they all seem to be flawed in several, often significant, ways. However, I believe it is possible that a combination of the factors mentioned above could have been instrumental in the assembly's decision to accept Pericles' motion.

Events following the citizenship law

Our earliest attested example of the enforcement of the citizenship law after its introduction relates to the gift of grain to Athens from the king of Egypt in 445/4.¹⁸ According to Plutarch, this action led to a string of lawsuits (perhaps launched by selfish citizens who wanted the smallest possible number of people to have a share in the grain so that each of the remaining citizens would receive more?) and 'as a result, nearly five thousand people were convicted and sold into slavery, while those who retained their citizenship and were acknowledged to be true Athenians were found after this scrutiny to number 14,040.' (Plutarch, *Pericles* 37.5). Plutarch directly connects this set of expulsions with the citizenship law, but unfortunately we are not told whether the law was applied retrospectively or whether the five thousand who were stripped of citizenship acquired this status between 451 and 445.

In 431 Athens saw the outbreak of the Peloponnesian War, and during the time of this conflict the citizenship law seems to have largely been ignored – no doubt the Athenians had slightly more pressing matters on their mind than whether boys wishing to become citizens had an Athenian father and mother. However, the citizenship law was reenacted in 403/2¹⁹, and from

¹⁷Davies goes on to explain that the custom of citizens marrying non-citizens had become frequent by the turn of the first century, but I believe this is too far displaced in time from the citizenship law to be associated with it in any way.

¹⁸'the king of Egypt presented Athens with 40,000 measures of grain and this gift had to be distributed among the citizens'. (Plutarch, *Pericles* 37.3-5)

¹⁹'no one of those [coming of age] after the archonship of Eukleides, who can not show that both his parents are *astoi* should have a share in the city; but those before Eukleides should be left unexamined.' (Eumelos frag. 2, from Scholiast to Aeschines 1.39, quoted in Patterson (1981, p.145)); 'For if you are misled into the belief that our mother was not an Athenian citizen, neither are we citizens, for we were born after the archonship of

then on it seems to have been enforced, as we can see from later court cases involving the question of whether a person has citizenship status or not.²⁰

Cohen's heterodoxy

Although the vast majority of scholars interpret the text of the citizenship law as stating (with slight variations on the wording) that in order to be a citizen, both of one's parents must be citizens, there is one scholar, Edward E. Cohen, who suggests that a different interpretation is necessary. Cohen's main argument is built around his assertion that 'the Greek words *politai* (sing. *politês*) and *astoi* (sing. *astos*) carry sharply-differentiated significations' – i.e. the two words have different meanings and cannot simply be used as synonyms for 'citizen' (Cohen 1997, p.60). As this view does not conform to the generally accepted interpretation, it is sometimes referred to as 'Cohen's heterodoxy'.

In an attempt to demonstrate the validity of his argument, Cohen (1997, pp.60-62) provides numerous examples of *astos* being used in contrast to *xenos*, and he suggests that this demonstrates his definition of *astos* as 'local resident'.²¹ However, I would suggest that the choice of *astos* instead of *politês* (which could be used legitimately if we assume for a moment that the two are synonyms) is not due to the specific meaning of the word but because its form contrasts in a more pleasing way. Both the singular and plural forms of the words used in this way (*astos* vs. *xenos* and *astoi* vs. *xenoi*) have the same endings and therefore, I would suggest, would work better as a contrast in literature than *politês* and *xenos* would. What Cohen is suggesting as proof of a word's meaning could simply be a linguistic preference shared by the various authors whom he has quoted.

Cohen (1997, p.70) also points to the case of Demosthenes 57, arguing that this provides evidence to back up his claim that *astoi* and *politai* should not be treated as synonyms. However, all this demonstrates is that having both parents who are *astoi* means that Euxitheos should be accepted as a *politês*,

Euclides.' (Isaeus 8.43).

²⁰One of the best surviving examples of this is Dem. 57, in which the appellant, Euxitheus, goes to great lengths to demonstrate that both his father and his mother were Athenians and so he too should be considered to be a citizen.

²¹'In pre-classical narrative, *astos* continues to carry the meaning of an "insider", often in explicit, otherwise in implicit contrast to its complementary opposite of *xenos* (a "local" person as against a "foreigner").' (Cohen 1997, p.60)

which is what the citizenship law states in the first place. It does not, in my opinion, prove that the two words in question have different meanings, since they are simply being used in the same way as in *Ath. Pol.* 26.4.

Returning to the wording of the citizenship law, at present it stands as ‘a person should not have the rights of citizenship unless both of his parents had been citizens’ (*Ath. Pol.* 26.4). However, this translation assumes that *πολιτῶν* and *ἄστοι* should both be interpreted as ‘citizens’ or ‘citizenship’. If, on the other hand, we assume that Cohen is correct in suggesting that the two words have different meanings, then the law might now read ‘a person should not have the rights of citizenship unless both of his parents had been residents [of Attica]’. This is a significant difference, and one which could have several potential ramifications for the way in which we currently view the possible motivations and consequences of the citizenship law.

The main potential problem that occurs if we accept Cohen’s argument is that allowing someone to have citizenship if both of his parents are local residents is actually an easier requirement to meet in most cases than the pre-451 assumption that your father had to be a citizen in order to gain citizenship yourself. This throws into question several of the motivations for the introduction of the law – particularly the argument that the citizenship body was ‘too large’ (if this was the case then why would the requirements for citizenship be relaxed, this would surely only exacerbate the problem?). Alternatively, this could bring up the question of whether the situation before the citizenship law as we currently see it is incorrect, and perhaps residency in Attica of just one parent was sufficient to secure citizenship before 451.

The primary factor which makes me dubious about accepting Cohen’s argument is the way in which he puts forward his reasons for believing that *astoi* and *politai* are not synonyms, and how he presents the evidence to back up this claim. Cohen makes a number of firm statements, as opposed to suggestions, which makes him appear, in my opinion, to be taking a black and white approach to the argument, stating the case unequivocally rather than suggesting that the evidence upon which he relies points towards a particular conclusion when interpreted in a given way. Cohen makes this clear when he refers to Scafuro’s translation of *Ath. Pol.* 26.4,²² where he states ‘Scafuro

²²‘whoever has not been born of two *astoi* parents has no share in the polis.’ (Scafuro 1994, p.156). However, the only difference between Scafuro’s translation of this text and the others is that he has simply transliterated the word *ἄστοι* rather than interpreting it as ‘citizen’ or ‘resident’. As far as I can tell, Scafuro does not give any indication of what he interprets *astoi* to mean, so I do not believe that this translation lends any weight to Cohen’s argument.

translates it literally, and *correctly*' (Cohen 1997, p.67 n.64) (emphasis mine). I take this to mean that if you agree with Cohen then you are right, but if you disagree with his interpretation (as is the case in every other translation of *Ath. Pol.* 26.4 that I have come across), then you must have made a mistake in your translation. This presentation of his interpretations as facts instead of opinions makes me doubt Cohen's argument, as he appears to offer this purely on his own authority.

Finally, Cohen is arguing that his interpretation is correct and that the current opinion on the meaning of *astoi* and *politai* (which includes work by several prominent scholars) is wrong. Whilst Cohen has made an interesting point, which I would like to see addressed by other scholars, I think that in order to overturn the status quo one needs to provide a watertight set of arguments, backed up by a significant amount of evidence, both of which must be sufficiently overwhelming to make people reconsider their current assumptions. In my opinion, Cohen has failed to provide that level of arguments and evidence, and therefore, whilst I think his suggestions are interesting, I am not wholly convinced of the correctness of his assertion that *astoi* and *politai* are not synonyms.

Conclusion

In this essay I have examined several motivations for the Periclean Citizenship Law of 451/0, along with a brief discussion of the situation before and after it was enacted. I have also looked carefully at Cohen's heterodoxy which, if correct, could have serious ramifications for how we analyse the cause and effects of the citizenship law. In summary, my final conclusions, based on what I have already discussed, are as follows. Firstly, the requirement for citizenship before 451 was most likely to have been to have an Athenian father. Secondly, the reason for the law being passed was due to a number of factors, none of which are without their disadvantages. Thirdly, the events following the law suggest that it was not applied retrospectively, either in the first instance or following its re-enactment in 403/2. Finally, Cohen's heterodoxy, whilst an interesting discussion in many respects, is not sufficiently convincing to warrant a reconsideration of the wording of the citizenship law.

Bibliography

- Aristotle (1974), *Aristotle's Constitution of Athens and Related Texts (Translated with an Introduction and Notes by Kurt von Fritz and Ernst Kapp)*, Hafner Press, New York.
- Aristotle (1981), *The Politics (Translated by T.A. Sinclair, revised and represented by Trevor J. Saunders)*, Penguin, Harmondsworth.
- Boegehold, A. L. (1994), Pericles' Citizenship Law of 451/0 B.C., in A. L. Boegehold & A. C. Scafuro, eds, 'Athenian identity and civic ideology', Johns Hopkins University Press, Baltimore, pp. 57–66.
- Cohen, E. E. (1997), The *astoi* of Attika: Nationality and citizenship at Athens, in G. Thür & J. Vélissaropoulos-Karakostas, eds, 'Symposion 1995 : Vortäge zur griechischen und hellenistischen Rechtsgeschichte', Böhlau, Köln, pp. 57–95.
- Davies, J. K. (1977), 'Athenian citizenship: The descent group and the alternatives', *Classical Journal* **73**(2), 105–121.
- Demosthenes (1939), *Demosthenes. 6, Private orations L-LVIII ; In Neaeram LIX (with an English translation by A.T. Murray)*, number 351 in 'Loeb classical library', Harvard University Press, London.
- Finley, M. I. (1983), *Politics in the ancient world*, Cambridge University Press, Cambridge.
- Harrison, A. R. W. (1968), *The Law of Athens ([Vol.1], The family and property)*, Clarendon Press, Oxford.
- Hignett, C. (1952), *A history of the Athenian constitution to the end of the fifth century B.C.*, Clarendon Press, Oxford.
- Humphreys, S. C. (1974), 'The Nothoi of Kynosarges', *Journal of Hellenic Studies* **94**, 88–95.

- Humphreys, S. C. (1977), 'Public and private interests in Classical Athens', *Classical Journal* **73**(2), 97–104.
- Lacey, W. K. (1968), *The Family in Classical Greece*, Cornell University Press, New York.
- MacDowell, D. M. (1976), 'Bastards as Athenian citizens', *Classical Quarterly* **26**(1), 88–91.
- Manville, P. B. (1990), *The origins of citizenship in ancient Athens*, Princeton University Press, Princeton, New Jersey.
- Patterson, C. (1981), *Pericles' Citizenship Law of 451-50 B.C.*, Monographs in Classical Studies, Arno Press, New York.
- Plutarch (1960), *The rise and fall of Athens : nine Greek lives : Theseus, Solon, Themistocles, Aristides, Cimon, Pericles, Nicias, Alcibiades, Lysander (Translated by Ian Scott-Kilvert)*, Penguin, Harmondsworth.
- Rhodes, P. J. (1978), 'Bastards as Athenian citizens', *Classical Quarterly* **28**(1), 89–92.
- Rhodes, P. J. (1993), *A commentary on the Aristotelian Athenaion Politeia*, Clarendon Press, Oxford.
- Scafuro, A. C. (1994), Witnessing and false witnessing: proving citizenship and kin identity in fourth-century Athens, in A. L. Boegehold & A. C. Scafuro, eds, 'Athenian identity and civic ideology', Johns Hopkins University Press, Baltimore, pp. 156–198.
- Sealey, R. (1976), *A history of the Greek city states, ca 700-338 BC*, University of California Press, London.
- Thucydides (1972), *History of the Peloponnesian War (Translated by Rex Warner with an introduction and notes by M. I. Finley)*, Penguin, Harmondsworth.
- Whitehead, D. (1977), *The ideology of the Athenian metic*, Cambridge Philological Society, Cambridge.