Lysias 12 and Lysias 31: Metics and Athenian Citizenship in the Aftermath of the Thirty  

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The speeches Lysias 12 Κατὰ Ἐρατοσθένους and Lysias 31 Κατὰ Φιλανωνός date to roughly the same time period, 403–401 B.C.¹ The former was likely delivered at the accountability proceeding (ἐὑθυνα) of Eratosthenes, one of the Thirty who sought to remain in Athens under the terms of the reconciliation agreement of 403.² The latter formed part of the competency hearing (δοκιμασία) for Philon, a man selected by lot to serve on the reconstituted boule.³ Both speeches fault the defendants for their actions during the tyranny.⁴ Moreover, they


²T. Murphy, “The Vilification of Eratosthenes and Theramenes in Lysias 12,” AJP 110 (1989) 40–49, at 40, places the speech in the “twenty-day period following 12 Boedromion, 403.”

³Weissenberger (supra n.1) 401 argues for a date shortly before 401/0 B.C. “spätestens zur Dokimias des Frühjahres 401.”

⁴Under the terms of the reconciliation agreement, Athenians were not to pursue grievances against one another which dated to the rule of the Thirty. On orators’ frequent disregard of this principle of μὴ μνημοσύνειν (Ath.Pol. 39.6), see P. J. Rhodes, A Commentary on the Aristotelian Atheniaon Politeia² (Oxford 1993) 472.

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employ a similar rhetorical gambit: they use metics as a point of reference in evaluating the deeds of the accused, who were citizens. In particular, the speeches note that some metics acted better than did some citizens. One implication of this argument is that from the point of view of the polis, good μέτοικοι are preferable to bad πολίται. Lysias takes this good metic/bad citizen comparison one step further. In casting Eratosthenes and Philon as individuals devoted to money and inclined to place their own good above that of the polis, he assimilates them to the worst of metic stereotypes. These speeches of Lysias provide valuable evidence for Athenian attitudes towards citizenship during the restoration of the democracy. In particular, they suggest that at least some Athenian citizens saw shortcomings in distinctions based solely on heredity. The fact that the city subsequently reinstated Perikles' citizenship law of 451/0 should not obscure the importance of Lysias' claim that birth alone is insufficient for citizenship. Indeed, the orator's explicit formulation that people must also want to be citizens, and the apparent willingness of some of his citizen listeners to countenance it, deserves just as much notice as Athens' famed political moderation after the overthrow of the Thirty.

1. Bad citizens and good metics

One prominent claim of both Lysias 12 and Lysias 31 is that in the turbulent times of the rule of the Thirty, civic status was an unreliable predictor of men's behavior. He argues that under the circumstances, some metics proved to be better Athenians than did some citizens. In Lysias 12, the orator says that his father Kephalos was persuaded to immigrate to Athens by

5 Lysias' speech Πρὸς Ἰπποθέρσοιν employs the same gambit (fr.1.135–206 Gernet-Bizos), but is not treated in this article because its date may be substantially later (e.g., after 394). If T. Loening, "The Autobiographical Speeches of Lysias and the Biographical Tradition," Hermes 109 (1981) 287–289, is correct that it dates to 403 or 402, this further strengthens the arguments advanced here.
Perikles, and that his family lived there quietly for many years. They were supporters of the democracy and stayed out of the law courts, neither harming anyone nor being harmed. The advent of the Thirty changed all that. The oligarchs executed his brother Polemarchos and would have done the same to Lysias had he not escaped. He fled to Megara, and his family’s property was confiscated. He summarizes this period in his family history thus (12.20):

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αλλ’ οὕτως εἰς ἡμᾶς διὰ τὰ χρήματα ἐξημάρτανον, ὡσπερ ἄν ἔτεροι μεγάλων ἀδικημάτων ὁργήν ἔχοντες, οὐ τούτων ἀξίους γε ὑντας τῇ πόλει, ἀλλὰ πάσας (μὲν) τὰς χορηγίας χορηγήσευτας, πολλὰς δ’ εἰσφόρας εἰσενεγκόντας, κοσμίους δ’ ἡμᾶς αὐτῶς παρέχοντας καὶ τὸ προστατάμενον ποιοῦντας, ἔχθρον δ’ οὐδένα κεκτημένους, πολλοὺς δ’ Ἀθηναίων ἐκ τῶν πολεμίων λυσσαμένους· τοιούτων ἡξίωσαν οὕχ ὁμοίως μετοικοῦντας ὡσπερ αὐτοὶ ἐπολιτεύοντο.
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But they were wronging us on account of money, in the way that others might who are angry at great injustices. We did not deserve these things with respect to the city, but had fulfilled all our choreic duties, and had paid many special taxes; we were orderly and did what was assigned us, made no enemies, and ransomed many Athenians from our foes. They deemed us worthy of such treatment, and as citizens conducting the government behaved far differently than we who were metics.6

Throughout the passage Lysias emphasizes the differences between his family and the Thirty. He and his relatives acted like the best sort of citizens; their civic virtue shone all the more brightly when viewed against the actions of Eratosthenes and his cohorts. The final phrase sums up these differences in conduct: the opposition between μετοικοῦντας and ἐπολιτεύοντα is pronounced, and is strengthened by the οὕχ ὁμοίως ... ὡσπερ construction. The conduct of Lysias and his family, who were μέτοικοι, was unlike, i.e., superior to, that of the Thirty, who were πολίται governing Athens.

6The text is that of Hude. All translations are my own.
Lysias 31 adopts the same tactic, attacking Philon by comparing his conduct with that of the metics who fought alongside Thrasyboulos. While they risked life and limb to help the demos, Philon took no side in the struggle, fleeing to Oropos. At one point in the trial, the unnamed accuser urges the jurors to punish Philon on the following grounds (31.29):

> tìς δ’ οὖν ἄν εἰκότως ἐπιτιμήσειεν ύμίν, εἰ τοὺς μετοίκους μέν, ὃτι οὐ κατὰ τὸ προσήκον ἐαυτοῖς ἐβοήθησαν τῷ δήμῳ, ἐτιμήσατε ἄξιος τῆς πόλεως, τούτον δὲ, ὃτι παρὰ τὸ προσήκον ἐαυτῷ προύδωκε τὴν πόλιν, μή κολάσετε, εἰ μή γε ἄλλῳ τινὶ μείζονι, τῇ γε παρούσῃ ὑτίμησιν.

Who would not rightly blame you, if you honored in a fashion worthy of the city the metics because they assisted the people out of proportion to their obligation, but will not punish this man because he betrayed the city contrary to his obligation, if not with some greater penalty, then at least with the present dishonor?

As in the passage from Lysias 12, antitheses drive home the point. The τοὺς μετοίκους μέν is balanced by the τούτον δὲ: on the one hand the metics, on the other this man Philon (who as a prospective βουλευτής was a citizen). The metics helped the people, the citizen betrayed the city; the metics acted out of proportion to their obligation, Philon acted contrary to his obligation.

Whitehead has categorized remarks of this sort as an a fortiori topos resting on a largely negative stereotype of metics at Athens: "if (mere) metics do or suffer something, then surely citizens ..." According to him, such comparisons focus attention primarily on citizen behavior; Lysias is urging his listeners to raise their expectations for citizens. Yet the comparisons here also have the effect of ennobling metic behavior. In Lysias 12.20, for instance, the lines leading up to the metic/citizen compari—

son stress that the orator and his family served as choregoi, paid taxes, were orderly, made no private enemies, ransomed Athenian prisoners. In a phrase, they did what was assigned to them by the city, to προστατόμενον ποιοῦντας. Likewise, Lysias 31.29 reminds the audience that metics comprised a substantial portion of Thrasyboulos’ support. In fighting for the city, these men went beyond the call of duty (οὐ κατὰ τὸ προσήκον ἑαυτῶς). Thus even though the primary thrust of Lysias’ metic/citizen comparisons was to cast the defendants in a bad light, they also contained an important implication which stood conventional civic wisdom on its head: with regard to the πόλις, good metics were preferable to bad citizens.

2. Eratosthenes and Philon: metaphorical metics

The primary effect of these metic/citizen comparisons was to contribute to the negative portraits of Eratosthenes and Philon. Yet Lysias does more than suggest that these two failed to live up to what was expected of citizens. With the metic/citizen comparison hanging in the air, Lysias goes one step further: he shrewdly recasts the defendants as metics of

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8Whitehead 58 notes that the word κόσμος is frequently applied to metics in honorific decrees. On Lysias’ use of the term see R. Seager, “Lysias Against the Corndealers,” Historia 15 (1966) 179.

9Lysias’ language here recalls that of IG II 10.8 in which rewards are assigned to those who assisted the demos in the Piraeus καὶ ἐποίον τὰ προστατημένα. Many of those referred to in the inscription were of course metics.

10On metic support for Thrasyboulos see P. Krentz, The Thirty at Athens (Ithaca 1982: hereafter KRENTZ) 84, and 73 on Lysias’ own involvement in supplying the forces at Phyle with mercenaries and shields.


12For the thorough-going way Lysias set about this in the case of Eratosthenes see Murphy (supra n.2). Lysias went to similar lengths against Philon, claiming that his mother had not even trusted him to bury her properly. See Weissenberger (supra n.1) 178: “auch in diesem Abschnitt demonstriert der Logograph seine Meisterschaft, mit einem Minimum an Beweismaterial ein Maximum an Wirkung zu erzielen.”
the worst sort. According to him, both men are devoted to money, and place their own good above that of the city. The orator lays great stress on the fact that at one point Philon actually took his possessions and, fleeing, chose to live as a metic at Oropos rather than as a citizen at Athens. Lysias 12 and Lysias 31 thus portray Eratosthenes and Philon as stereotypical metics, men for whom possessions trump polis.

In the popular imagination, metics were strongly linked with money. Several things contributed to this reputation. First and foremost, economic factors prompted many men to leave their native lands and immigrate to Athens. Second, metics were often artisans and traders rather than farmers, and as such had more frequent dealings with money. Legal restrictions comprised a third factor. Metics at Athens were barred from the ownership of land and houses. They were thus denied some of the most significant investment opportunities open to Athenian citizens, and forced to store their assets in forms that tended to be more portable, less visible, and more easily concealed. The fact that metics held so many of their resources in this form of undoubtedly prompted

13Whitehead 18: "the fact that so many did choose to 'Αθηνέσι μετοικεῖν cannot plausibly be attributed to the attractions of metic-status as such but the more general assets of Athens—which, for the majority, meant the economic activities of a large city and major port."

14P. Krentz, “Foreigners Against the Thirty: IG II 10 Again.” Phoenix 34 (1980) 298–306, at 305, notes that of the 69 identifiable professions listed for the (non-citizen) honorees of IG II 10, 31 were "in handicrafts or small manufacturing, and 19 in trade and selling." R. Randall, “The Erechtheum Workers, AJA 57 (1953) 203, notes that 39% of the workers listed in the Erechtheum building inscriptions were metics.


17I use the term in a loose, descriptive sense here. V. Gabrielsen, “ΦΑΝΕΡΑ and ΑΦΑΝΗΣ ΟΥΣΙΑ in Classical Athens,” ClMed 37 (1986) 103–104, suggests that the distinction between φανερὰ ούσια and αφανῆς ούσια had more to do with an owner’s attitude towards his possessions than their nature per se.
popular speculation about the extent of their wealth, particularly in a community the size of ancient Athens. This combination of factors led to a linkage between metics and money in the popular mind. Indeed, when in 403 the Thirty decided that they wanted money, their thoughts turned to metics as a group. According to Lysias 12.6–7,

Θέογνις γὰρ καὶ Πείσων ἔλεγον ἐν τοῖς τριάκοντα περὶ τῶν μετοίκων, ὡς εἰέν τινες τῇ πολιτείᾳ ἀχθόμενοι· καλλίστην οὖν εἶναι πρόφασιν τιμωρεῖσθαι μὲν δοκεῖν, τῷ δ' ἔργῳ χρηματίζεσθαι.

Theognis and Peison were speaking among the Thirty about the metics, that some of them were hostile to the government. They said that there was a wonderful pretext for seeming to take revenge, but in fact to make money.

The Thirty's desire to settle political scores is described as a convenient excuse concealing the real motive: profit. The fact that metics were marginal figures less capable of resistance (both legally and otherwise) undoubtedly played a part in their selec-

18 Plato's portrait of Kephalos in *Republic* I contains a vivid example of both the visibility of metic wealth and the public comment it occasioned. At 329e Kephalos has claimed that he bears the trials of old age well because of his good character—he notes that he is both κόσμιος (see supra n.8) and εὐκολος (having a good disposition). Sokrates responds: "'O Kephalos, I think that most people do not believe you when you say this, but think that you bear old age easily not on account of your character but because you have amassed a great fortune' (διὰ τὸ πολλὴν χρυσὶαν κεκτήσαται). 'You speak the truth', said Kephalos."

19 Some scholars have challenged the accuracy of this account of the metic proscriptions. Krentz 80–82 sees them as genuinely politically motivated. So does D. Whitehead, "Sparta and the Thirty Tyrants," *AncSoc* 13–14 (1982) 105–130, who notes the ways in which the Thirty sought to reshape Athens along the lines of Sparta. He sees in the metic proscriptions an interesting parallel with the Spartan *krypteia's* attacks on helots: "The issue was fundamentally one of principle—of nerve, indeed ... Could the Thirty themselves, each and every one of them, pick out a victim and kill him? As the regime met mounting opposition, unflinching resolve was vital, and such a *rite de passage* would certainly sort the men from the boys" (128). It seems likely that all three motives (financial, political, and initiatory) were involved. For the purposes of the argument here, however, what matters is that Lysias could plausibly claim to a citizen audience that the proscriptions were motivated by metics' money.

20 For the disadvantages metics faced in legal actions see Rhodes (supra n.4) 654–655.
tion as victims. Yet their suitability as a target for confiscations only makes sense if they had, broadly speaking, a reputation for wealth.\textsuperscript{21}

Thus Lysias locates the persecution of his family within the broader context of the Thirty's desire for money. In particular, he focuses on why the Thirty wanted money. According to him, Theognis and Peison claimed the government was in tight financial straits (12.6): ἐλεγον ἐν τοῖς τριάκοντα ... πάντως δὲ τὴν μὲν πόλιν πένεσθαι, τὴν (δ') ἀρχὴν δεῖσθαι χρημάτων ("they were saying among the Thirty ... that the city was extremely short of money, and their government lacked funds").\textsuperscript{22} One possibility is that the Thirty needed this money to pay Sparta in return for the hoplite garrison sent to Athens to bolster their regime.\textsuperscript{23} Yet according to Lysias, the Thirty's desire for money sprang less from political necessity than common venality. Indeed, he immediately follows the oratio obliqua reporting the speech of Theognis and Peison with a set of editorializing remarks. He claims that these two easily persuaded the rest of the Thirty because they thought nothing of killing men, but set great store by seizing money (12.7): ἀποκτινώναι μὲν γὰρ ἀνθρώπους περὶ οὐ·

The venality of the Thirty is the point of detail after damning detail in Lysias 12. Peison's rapturous gaze upon Lysias'

\textsuperscript{21} The sources disagree about how many metics were targeted by the Thirty. Lysias (12.7) mentions ten, Xenophon (Hell. 2.3.21) thirty, and Diodorus Siculus (14.5.6) sixty. According to Lysias, Theognis and Peison were speaking about metics as a group (περὶ τῶν μετοίκων, 12.6).

\textsuperscript{22} Kreß 81 rightly asks how Lysias would have known what was said at this meeting. Here too what Lysias claims is more important than its truth value.

\textsuperscript{23} Xen. Hell. 2.3.21: ἔδοξε δ' αὐτοῖς ὡς ἔχοις καὶ τοῖς φρουροῖς χρήματα διδόναι, καὶ τῶν μετοίκων ἔνα ἔκαστον λαβεῖν, καὶ αὐτοὺς μὲν ἀποκτείναι, τὰ δὲ χρήματα αὐτῶν ἀποσεμήνασθαι ("And they decided, so that they might be able to pay the garrison, for each of them to seize one of the metics, and to kill the men, and to confiscate their possessions"). Kreß, Xenophon Hellenika II.3.11–IV.2.8 (Warminster 1995) 129, is skeptical of this claim.
wealth (12.10), the catalogue of assets he seizes (12.11), even Melobios’ theft of the earrings from the ears of Polemarchos’ wife (12.19) all serve to emphasize the Thirty’s greed. In his description of Peison’s behavior at chapters 8–10 Lysias provides a convenient distillation of his view of the motivations of the Thirty as a whole. Lysias was at home entertaining foreigners (ξένοι) when the oligarchs burst in. The intruders drove out his guests and handed Lysias himself over to Peison. Here Lysias, fearing the worst, bribed Peison to let him escape (12.8): ἐγὼ δὲ Πείσωνα μὲν ἡρώτων εἰ βούλοιτό με σῶσαι χρήματα λαβῶν· ὁ δὲ ἔφασκεν, εἰ πολλὰ εἴη (“I asked Peison if he would be willing to save me in return for money. He agreed, if it was a lot”). Peison seems to employ a sliding scale in which every favor has its price. Lysias promised to give him a talent of silver and, doubting Peison’s trustworthiness, made his captor swear an oath (12.9) This Peison did, calling down destruction upon himself and his children should he betray Lysias (12.10). Yet just moments later he reneges, seizing three talents of silver, four hundred Cyzicene staters, one hundred Darics, and four silver phialae (12.11). Peison values money so much that he stains his honor, endangers the lives of his children, and insults the gods. Lysias’ reason for describing Peison’s behavior at such length is of course to tar Eratosthenes with the same brush. In their devotion to lucre, Eratosthenes and his friends fit popular stereotypes about metics.

Another reproach commonly directed against metics at Athens was that they put their own desires ahead of the good of the polis.24 In the idiom of late fifth-century political invective, metics were often suspected of doing whatever they wanted, ποιεῖν ὁ τι ἄν βούλονται. This charge was an all-

24Eur. Supp. 888–900 explicitly describes one of the seven attackers of Thebes, Parthenopaios, as a metic whose interests coincided fully with his city’s. Yet as Whitehead 37 notes, this idealizing description implies that the opposite was more likely true: metics’ interests were generally thought to diverge from those of their host polis.
purpose bludgeon that could also be applied to citizens. Yet it may have been thought to have a special application to metics. In Lysias 22 Ἐκάτω τῶν σιτοπώλων, for instance, the following exchange takes place between a citizen accuser and a metic defendant (22.5):

Eipè σὺ ἐμοί, μέτοικος εἶ; Ναί. Μέτοικεῖς δὲ πότερον ὡς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσῃς ὃ τι ἄν βούλῃ;

"Tell me, are you a metic?"  "Yes."  "And do you live as a metic in order to obey the laws of the city, or to do whatever you want?"

Here the accuser posits a dichotomy: a metic either obeys the laws or does what he wants. However, the accuser has not offered the defendant a neutral choice here; he has stacked the deck. For elsewhere we find obedience to the laws strongly linked to citizenship. In Crito, for instance, the Laws tell Sokrates that they offer all Athenians a clear choice upon coming of age: take their property and emigrate (μετοικεῖν) elsewhere, or remain in Athens and obey the laws (51D–E). Thus the citizen accuser in Lysias 22 puts the accused metic in a hard place. Of course he must say that he resides in Athens to obey the laws, but the pointed mention of his metic status calls into question his claim.

Lysias has recourse to this ποιεῖν ὃ τι ἄν βούλωνται formula when he begins his final summation for the jurors against Eratosthenes (12.84–85). He urges them to convict the man, and marvels at his audacity in even presuming to defend his conduct at an ἐνδοκρίνημα. Eratosthenes must either be contemptuous of the jurors, or be relying on the assistance of unnamed oligarchic accomplices who have come to the court as spectators to influence the jury. Lysias notes their presence, and urges the jurors to

25 Seager (supra n.5) 179: "for individuals to do ὃ τι ἄν βούλωνται is in democratic Athens an unfailing sign of sedition."

consider the deterrent effect of their vote. He claims that the oligarchic audience has not come so much to help Eratosthenes, but

\[\text{ἡγούμενοι πολλήν ἀδειαν σφίσι ἐσεθαί τῶν (τε) πεπραγμένων καὶ τοῦ λοιποῦ ποιεῖν ὃ τί ἃν βούλωνται, εἰ τοὺς μεγίστων κακῶν αἰτίους λαβόντες ἀφήσετε.}

thinking that they will enjoy much amnesty for their deeds and have much freedom to do whatever they want in the future, if you [jurors] will acquit those guilty of the greatest evils now that you have them in hand (12.85).

Here Lysias tries to tie Eratosthenes to his oligarchic brethren, who (like him) await the opportunity \\[\text{ποιεῖν ὃ τί ἃν βούλωνται.}\] Thus in his speeches Lysias often turns to a truism of civic ideology: citizens live in the city intending to obey the laws, whereas non-citizens do not. Against Eratosthenes, the orator employs this “truth” in a novel way: he claims the oligarchs put their own desires ahead of obedience to the laws, and as such are more akin to metics than citizens.

Lysias adopts a similar approach in the case against Philon. At 31.5–6 he attacks his opponent’s suitability to serve on the boulê, and describes at some length the class of people to which he belongs:

\[\text{ἔγὼ γὰρ οὐκ ἄλλους τινὰς φημι δίκαιον εἶναι βουλεύειν περὶ ἡμῶν, ἢ τοὺς πρὸς τῷ εἶναι πολίτας καὶ ἕπιθυμοῦντας τοῦτον.}


touτοις μὲν γὰρ μεγάλα τὰ διαφέροντα ἐστίν εὐ ἐν τὲ πράττειν τὴν πόλιν τὴνδε καὶ ἀνεπιτηδείως διὰ τὸ ἀναγκαίον σφίσιν αὐτοῖς ἠγείσθαι εἶναι μετέχειν τὸ μέρος τῶν δεινών, ἀσπερ καὶ τῶν ἀγαθῶν μετέχουσιν ὡσι δὲ φύσει μὲν πολίται εἰσὶ, γνώμη δὲ χρώνται ὡς πᾶσα γῆ πατρίς αὐτοῖς ἐστίν ἢ ἢ ἢ τὰ ἐπιτηδεία ἔχοσιν, οὕτω δηλοὶ εἰσὶν ὃτι κἂν παρέντες τὸ τῆς πόλεως κοινὸν ἀγαθὸν ἐπὶ τὸ εὐτωτῶν ἱδιὸν κέρδος ἔλθων διὰ τὸ μὴ τὴν πόλιν ἄλλα τὴν ὧσιν πατρίδα εὐτοίς ἤγείσθαι.}

For I say that it is unjust for any others to serve on our council

27 Xenophon (Hell. 2.3.23) notes that the Thirty got rid of Theramenes because they considered him an obstacle to doing whatever they wanted to (τῷ ποιεῖν ὃ τί βούλοιντο).
except those who, in addition to being citizens, also want to be citizens. For it makes a great difference to them that this city fares well and suitably, because they think it is necessary for them to have a share of its horrible fortunes, just as they also share its good things. But all those who on the one hand are citizens by birth, yet on the other are of the opinion that every land in which they have their daily needs met is their homeland, these clearly would pursue their own private gain even if it meant abandoning the city’s common good, because they think their homeland is not their polis but their possessions.

There are several things to note about this passage. First, Philon is ranked among those who are citizens by birth (φύσει) yet think that every land in which their necessities are met is their homeland. Moreover, the strong possibility exists that the interests of such people will diverge from those of the city. While true citizens cannot fare well when Athens fares poorly, this is not true for the likes of Philon: when the going gets tough, they truly get going. In this regard Philon and his ilk are cast as stereotypical metics with no lasting attachment to any particular land. For them, πατρίς means not polis but possessions: home is where the οὐσία is.

Here again Lysias uses powerful antitheses to stress the contrast. According to him, Philon and friends would sacrifice the good of the city for their own private well-being. They pursue τὸ ἐχθτὸν ἡδίων κέρδος while eschewing τὸ τῆς πόλεως κοινὸν ἀγαθὸν. τὸ κέρδος, financial gain, outweighs τὸ ἀγαθὸν, a less tangible good. The former is described as ἡδίων, a private possession, the latter as κοινὸν, belonging to the public. ἐχθτὸν points out that such men are concerned above all with themselves; their interest in the πόλις is minimal. In many ways, then, this passage is an expanded description of men who do ὁ τί ἐν βούλωνται. In this regard Philon seems a stereotypical metic. Lest anyone miss the point, Lysias pounds it home moments later. Philon did more than resemble the average metic: he actually became one. After Thrasyboulos and his forces moved from
Phyle to the Piraeus, Philon acted differently from all other citizens (τὰ ἐναντία ἀπασί τοῖς ἄλλοις πολίταις ἐποίησε, 31.8). Lysias describes his departure from Attica thus (31.9):

συσκευασαμένος γὰρ τὰ ἐαυτοῦ ἐνθένδε εἰς τὴν ὑπεροπίαν ἐξόκησε, καὶ ἐν Ὀρωπῷ μετοίκιον κατατιθεῖς ἐπὶ προστάτου ὑκεί, βουληθεῖς παρ’ ἐκείνοις μετοικεῖν μᾶλλον ἢ μεθ’ ἡμῶν πολίτης εἶναι.

Having collected his things, he emigrated from here beyond the border, and paying his metic fee in Oropos was living under the supervision of a prostates, wanting to be a metic among them rather than a citizen with you.

Lysias’ description stresses several demeaning elements of Philon's life as a metic in Oropos. First of all, he had to pay the fee charged by the community for the right to reside there. Moreover, he was forced to live under the supervision of an Oropian citizen who served as his legal representative. Lysias' citizen audience would likely have found the choice of such a life unbecoming. Thus as in the case against Eratosthenes, Lysias portrays Philon as a stereotypical metic whose possessions and private interests mean more to him than his citizenship.

3. A new criterion for citizenship: τοῦς πρὸς τῷ εἶναι πολίτας καὶ ἐπιθυμοῦντας τούτου

For much of the second half of the fifth century the Athenian democracy strictly enforced Perikles' law of 451/0 restricting citizenship to those born of two Athenian parents. However, the strategic and tactical necessities of the Peloponnesian War led to a blurring of the distinctions between Athenians and non-

28 For arguments that metics likely found this unpalatable see Whitehead 76.
29 For a detailed summary of the various views on the nature of the προστάτης see Whitehead 90–92.
Upon assuming power, the Thirty reacted by re-establishing and strengthening the distinction between citizens and non-citizens. They restricted the franchise to 3,000 and expelled many non-citizens from the ἀστυ proper. The Thirty were in turn toppled by Thrasyboulos and his supporters, who included many non-citizens. Thus as the Athenians went about restoring the democracy in 403, they had several significant decisions to make regarding citizenship. The most important of these concerned which criteria to employ, and how (if at all) to address any resulting inequities.

The metic/citizen comparisons in Lysias 12 and Lysias 31 contain evidence for Athenian attitudes towards citizenship during this important period. Beneath the speeches' rhetorical surface lie at least three important propositions. The first is that the citizen/metic distinction was to a certain extent arbitrary and unfair. While some metics (such as Lysias' family and the supporters of Thrasyboulos) deserved to be citizens on the basis of their devotion to Athens, some citizens (such as Eратosthenes and Philon) did not, given their pursuit of money and self-interest. A second proposition is that the rigid separation of metics and citizens based solely on heredity was not in the best interests of the city. The remarks at Lysias 31.5 are particularly suggestive here. Lysias argues that it is not enough...
to be born a citizen; one should also want to be a citizen. The only ones who belong on the council (or in the demos for that matter) are τοὺς πρὸς τῷ εἶναι πολίτας καὶ ἐπιθυμοῦντας τοῦτον. Citizens should thus have an affective attachment to their πόλις, and be willing to put its good above their own. Lysias' description of those who fail to meet this standard begins with the phrase οἵσοι δὲ φύσει μὲν πολίται εἶσι. This reference to φύσει calls to mind the Sophistic νόμος/φύσις debate of the late fifth century; Lysias' suggestion that φύσις in and of itself should not suffice for citizenship hints at a role for νόμος. In political terms, it suggests the possibility of enfranchising deserving non-citizens by legal means. Finally, a third proposition is that there are those who fit the metic stereotype: some people really do place their own interests before those of the polis. Given this fact, the indiscriminate bestowal of citizenship should be avoided.

Lysias' metic/citizen comparisons and their underlying propositions should not be interpreted as isolated views or special pleading by the orator on behalf of his fellow metics. On the contrary, they seem to have had at least a modicum of support among Athenian citizens. For Lysias was first and foremost a successful logographer: as such, his primary goal was to win cases. And this in turn meant playing to the views of his audience. Lysias would certainly have been hesitant to put forward notions known to be offensive to his citizen listeners. Lysias is particularly noteworthy in this regard because its audience was probably a jury of citizens drawn exclusively from the

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35 On the νόμος/φύσις distinction see M. Ostwald, From Popular Sovereignty to the Sovereignty of Law (Berkeley 1986) 260–266.

36 For Lysias' own fortunes as a metic see [Plut.] Mor. 835c–836d. The strong probability that speech 31 was not delivered by Lysias makes the claim of special pleading even less likely in that instance.

37 His track record was such that he is said ([Plut.] 836A) to have lost his case with only two of the hundreds of orations he authored.
upper classes. Lysias 12 and Lysias 31 thus suggest that at least some Athenian citizens were sympathetic to redressing inequities created by the traditional Periklean citizenship criteria. Indeed, before it was blocked by Archinos on a charge of γραφὴ παρανόμων, Thrasyboulos’ proposal to enfranchise his supporters (including metics and slaves) passed the Athenian ekklesia.

In the end, however, Athens’ response to questions involving citizenship proved to be conservative. With regard to criteria, the city voted down Phormisios’ proposal to restrict the franchise on the basis of both birth and land ownership, adopting instead the measures of Aristophon and Nicomenes to reinstate Perikles’ citizenship law. With regard to specific individuals, Thrasyboulos’ decree failed. And while a subsequent similar measure, IG II 10, again sought to reward his supporters, its provisions are unclear; as David Lewis recently noted, in the absence of new fragments “there can be no certainty about the date or nature of the awards.” Thus the prevailing post-Thirty attitude towards non-citizens was ultimately stingy. Archinos, the blocker of Thrasyboulos’ decree, had his own proposal enacted. Men who claimed to have accompanied the demos back

38 Ath. Pol. 39.6 states that εὕρωναί for those of the Thirty, the Ten, and the Eleven who chose to remain in Athens were to be held ἐν τοῖς τὰ τιμήματα παρεχομένοις. See Rhodes (supra n.4) 470.
39 [Plut.] Mor. 835r; Ath. Pol. 40.2.
40 According to Dion. Hal. Lysias 32, Phormisios proposed τὴν δὲ πολιτείαν μὴ πᾶσιν ἄλλα τοῖς [τὴν] γὰρ ἔχουσι παραδούναι.
41 Ostwald (supra n.35) 507–508.
43 By contrast, Cohen (supra n.32) 68 characterizes the reenactment of the Periklean measure as an “extraordinary liberalization.” His view, based largely on Nicomenes’ rider, does not take into account the restrictive tenor of the other measures described above.
from Phyle were vetted by the council; those surviving this scrutiny received a block grant of a thousand drachmas to perform sacrifices and dedications. As Aeschines notes, this left each man an olive wreath and the sorry sum of less than ten drachmas.\(^{44}\) A proposal of Theozotides was likewise adopted. This measure provided state support for the orphans of those who died fighting to restore the \textit{demos}. However, it was careful to limit this support to children of \textit{γνήσιοι} citizens who died; metic children were passed over.\(^{45}\) Non-citizens even received little when it came to reversing the expropriations of the Thirty. While lands and houses were restored to their previous (citizen) owners, holders of moveable property were not so lucky: they had to repurchase their belongings from the current possessors.\(^{46}\) (As noted above, metics were barred from owning land or houses.) Only in death, it seems, did Athens make no distinctions between citizens and metics in rewarding the valorous. According to [Lysias] 2 \textit{Ἐπιτάφιος}, those \textit{κτεῖνοι} who died fighting for the restoration of the \textit{demos} were mourned and buried at public expense along with the citizens.\(^{47}\)

In the fourth century Athens was repeatedly praised for its political moderation and consequent success in implementing the reconciliation agreement.\(^{48}\) Indeed, the encomia continue to this day. According to Ostwald, "the nexus of events that ended the war between Athens and the Lacedaemonians and at

\(^{44}\) Aesch. 3.187. Scholars now associate this measure with the remains of the decree published by A. Raubitschek, "The Heroes of Phyle," \textit{Hesperia} 10 (1941) 284–295. Note however that in the context of the speech it is in Aeschines' interest to minimize the award made to the returnees.


\(^{46}\) Lys. fr.1.34–47. Some metics were probably de facto property owners, concealing their ownership through citizen middlemen. (For a later example of the phenomenon see M. Leimo and P. Remes, "Partnership of Citizens and Metics: The Will of Epicurus," \textit{CQ} 49 [1999] 161–166.) Such metics would have been particularly harmed by the terms of the reconciliation.

\(^{47}\) Lys. 2.66. Note that the orator describes these men as \textit{πατρίδω τὴν ἀρετὴν ἠγαλλόμενοι} ("believing that excellence was their homeland").

\(^{48}\) E.g. Aeschin. 2.176, \textit{Ath.Pol.} 40.3, Dem. 24.135.
the same time terminated the hostilities between the oligarchical remnant in the city and its opponents in the Piraeus constitutes one of the most inspiring episodes in Athenian history, if not even in human history.”

While Athens’ reputation for evenhandedness between oligarchs and democrats is deserved, we should not forget those to whom the reconciliation was less kind: metics. Indeed, it is unclear that even the metics who fought alongside Thrasyboulos ever received much in the way of tangible gratitude from the city. Thus in praising the democratic restoration we should at the same time remember Lysias and those Athenians sympathetic to the notion that civic merit was not necessarily linked to birth. Although their voices did not carry the day during the period 403–401, they made an important if fleeting statement. In claiming that only τοὺς πρὸς τὸ εἶναι πολίτης καὶ ἐπιθυμοῦντας τούτου should be citizens, Lysias provided one of the first explicit formulations of the “consent” principle of citizenship.

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49Ostwald (supra n.35) 497. Krentz 120 comments that “overall, the Athenians earned the congratulatory words of Aristotle … [the reconciliation] must be judged a triumph—a brilliant one, for a Greek polis.”

50To interpret IG II² 10 as a grant of citizenship to these metics (Ostwald [supra n.35] 508–509; Whitehead [supra n.42]) seems to go beyond the current evidence. See supra 20.

51On the continuing legacy of the “consent” principle in U.S. citizenship law see P. Schuck, Citizens, Strangers, and In-Betweens: Essays on Immigration and Citizenship (Boulder 1998) 207–216. I wish to thank Prof. Jerise Fogel and the anonymous referee at GRBS for their invaluable assistance. I also wish to thank the National Endowment for the Humanities, whose Summer Stipend (1998) provided me with generous support during the initial stages of this project.