

# The Athenian Decree for the Naturalisation of the Plataeans

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THE CITIZENS OF PLATAEA were the first group of foreigners ever to be granted Athenian citizenship en masse. The sequence of events leading to their naturalisation began with the unprovoked attack on Plataea by Thebes in March 431. This incident signalled the outbreak of the Peloponnesian War and provided the excuse for the two-year siege of Plataea by the Peloponnesian army (autumn 429–summer 427). On a dark, wintry night in 428, 212 men succeeded in their attempt to cross the enemy lines and reach Athens, where they joined the civilian population of Plataea, evacuated before the beginning of the siege. The rest surrendered in the summer of 427 and, after a mock trial before a panel of Spartan judges, were put to death, while the few women left in the city were enslaved. Later the whole town was razed to the ground.<sup>1</sup> Thus the surviving Plataeans found themselves in Athens, and several sources attest that they were received in their new homeland as Athenian citizens.

The Athenian citizenship of the Plateans is mentioned twice in Thucydides (3.55.3, 63.2), but no details are given. Several other sources provide more information about their naturalisation (Dem. 59.104ff; Lys. 23 *passim*; Isoc. 12.94; 14.51; Diod. 15.46.6; Ar. *Ran.* 963f; Hellanicus, *FGrHist* 4 F171). Among these, the most comprehensive account is Apollodorus' digression, in the speech *Against Neaira* (Dem. 59.104ff), quoting a document alleged to be an extract from the decree awarding Athenian citizenship to the Plataeans. This document is supported by further information on the terms and provisions of this decree contained in the narrative of the speech. There is an apparent disagreement, however, between the account of Apollodorus and that of Thucydides: Apollodorus states that the naturalisa-

<sup>1</sup> Thuc. 2.22–27, 71–78; 3.20–24, 52–69.

tion of the Plataeans did not take place before the destruction of their city; Thucydides would imply that by the time of the trial of Plataea's defenders before the Spartan judges the Plataeans were Athenian citizens. Moreover, the document quoted in the *Against Neaira* cannot be dated in its present form before the summer of 427.

Scholars until recently tended, in one way or another, to bypass Thucydides' information, accepting, in general, the account of Apollodorus and the authenticity of the quoted document, and dating the naturalisation of the Plataeans to the summer of 427, *i.e.*, shortly after the destruction of Plataea. Two recent studies, however, have questioned the reliability of the information in the *Against Neaira*, thus reopening the whole debate and re-examining many of the details. For Prandi the document, as quoted at Dem. 59.104, is a revised version of the original; Hammond, relying mainly on the authority of Thucydides, has questioned Apollodorus' account and the authenticity of the decree on the view that the speech *Against Neaira* is an unreliable source.<sup>2</sup>

The authenticity of this decree is central to the debate, for if what is quoted at Dem. 59.104 comes from the original decree, inevitably it should be treated as a source of unchallengeable authority. At the same time, previous studies—though stressing the importance of the rather vague references to this event in Thucydides and Aristophanes—tend to underrate the significance of Lysias' *Against Pancleon*, which offers reliable evidence regarding the status of the Plataeans in Athens and their position before the Athenian law. One of the main objectives of this study is therefore to assess the main sources and examine their reliability. I intend to discuss the text of the decree and, responding to Prandi and Hammond, to defend its authenticity, compare the information from Apollodorus with that from Thucydides, argue that the intention of this decree was practical rather than honorary, and try to clarify some details of the incident. In contrast to previous studies, I argue that those Plataeans who intended to make full use of the rights guaranteed by this award of citizenship found themselves in a position

<sup>2</sup> L. PRANDI, *Platea: momenti e problemi della storia di una polis* (Padova 1988: hereafter 'Prandi') 111–17; N. G. L. HAMMOND, "Plataea's Relations with Thebes, Sparta and Athens," *JHS* 112 (1992: 'Hammond') 146f, with many scholars in the past, disregards the evidence from Dem. 59 as a whole. Although some of this information may be unreliable, the whole cannot be dismissed without good reason.

practically equal to that of Athenian citizens, inasmuch as the restrictions imposed upon the naturalised Plataeans were merely ceremonial formalities with no real significance for their legal status. I also maintain that the naturalisation of the Plataeans was a solution advantageous for all sides and enabled the Plataeans to choose the degree of their integration into Athenian society.

### The Decree and Its Context

The document quoted at Dem. 59.104 is as follows:

#### ΨΗΦΙΣΜΑ (1) ΠΕΡΙ ΠΛΑΤΑΙΕΩΝ

Ἴπποκράτης<sup>3</sup> εἶπεν (2), Πλαταιέας εἶναι Ἀθηναίους ἀπὸ τῆσδε τῆς ἡμέρας, ἐπιτίμους (3) καθάπερ οἱ ἄλλοι Ἀθηναῖοι, καὶ (4) μετεῖναι αὐτοῖς ὄνπερ Ἀθηναίοις μέτεστι πάντων, καὶ ἱερῶν καὶ ὀσίων, (5) πλὴν εἴ τις ἱερῶσύνῃ ἢ τελετῇ ἐστὶν ἐκ γένους, (6) μηδὲ τῶν ἐννέα ἀρχόντων (7), τοῖς δ' ἐκ τούτων (8). κατανεῖμαι δὲ τοὺς Πλαταιέας εἰς τοὺς δήμους καὶ τὰς φυλάς. ἐπειδὰν δὲ νεμηθῶσι, μὴ ἐξέστω ἔτι (9) Ἀθηναίῳ μηδενὶ γίνεσθαι Πλαταιέων, μὴ εὐρομένῳ παρὰ τοῦ δήμου τοῦ (10) Ἀθηναίων.<sup>4</sup>

(1) ΨΗΦΙΣΜΑ om. S (2) εἶπε RVAfVcVk (3) ἐπιτίμους Cobet; ἐντίμους codd. (4) καὶ om. S<sup>ac</sup> (5) ἀλλὰ μὴ τῶν ἱερῶσυνῶν ante

<sup>3</sup> Ἴπποκράτης Ἀρίφρονος Χολαργεύς, a well-known politician, was elected general in 426/425 and again in 424/423, when he invaded Boeotia with the Athenian army and was killed at the battle of Delium. See Thuc. 4.66–67, 77, 89ff; KirchPA 7640; J. K. Davies, *Athenian Propertied Families, 600–300 B.C.* (Oxford 1971) no. 456.

<sup>4</sup> [Decree regarding the Plataeans

Hippocrates proposed that the Plataeans become Athenian citizens from this day, with the same rights as the rest of the Athenians, and that they have a share in everything related to religion and the state, in which the Athenians have a share, except for any hereditary priesthoods or rites, nor the nine archons, but their offspring. The Plataeans are to be distributed among the demes and the tribes. After they have been distributed, none of the Plataeans can become an Athenian citizen, without the consent of the Athenian people.]

For the text quoted here I have collated photocopies of all the main and some of the later Mss. transmitting Dem. 59. In the parentheses I record all variations for the sake of accuracy, although some of these variations do not affect this study. The abbreviations of the later Mss. are: V=Coislinus 339; Vc=Vaticanus 69; Vd=Vaticanus 70; Vk=Vaticanus 1407; Af=Ambrosianus 235.

πλὴν add. Riehemann: ante μηδὲ Osborne: lacunam ante πλὴν ind. Carey (6) τούτων μὴ μετεῖναι αὐτοῖς ante μηδὲ add. Reiske (7) λαχεῖν (vel γενέσθαι) post ἀρχόντων add. Reiske (8) ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον post τοῖς δ' ἐκ τούτων add. Osborne: lacunam ind. Reiske (9) ὅτι Vd (10) τῶν RVdVκ

The number of proposals and supplements put forward by scholars reflects the view that what is quoted here cannot be the complete form of the original decree but, if authentic, only an extract from it (*cf.* a genuine law at Dem. 23.86, an extract of legislation quoted more extensively at Dem. 24.59). Reiske<sup>5</sup> pointed out an obvious gap after τοῖς δ' ἐκ τούτων, where the sentence is unfinished. Osborne added ἂν ὧσιν ἐξ ἀστῆς γυναικὸς καὶ ἐγγυητῆς κατὰ τὸν νόμον (*cf.* Dem. 59.106): this suggestion probably reflects the meaning of the omission, as I shall explain later. Riehemann added ἀλλὰ μὴ τῶν ἱερωσυνῶν before πλὴν εἴ τις, though Osborne thought that these words ought to be added before μηδέ, not only for the sake of the meaning but also to avoid a single μηδέ. Carey, confusing these two suggestions, prints a lacuna before πλὴν.<sup>6</sup> The proposal of Riehemann is based on Dem. 59.106, where the orator says μὴ ἐξεῖναι αὐτῶν μηδενὶ τῶν ἐννέα ἀρχόντων λαχεῖν μηδὲ ἱερωσύνης μηδεμιᾶς. He thus understands that the decree banned the Plataeans from all priesthoods. In his view, the phrase πλὴν εἴ τις ἱερωσύνη ἢ τελετὴ ἐστὶν ἐκ γένους refers not to Athenian but to Plataean priesthoods. The Plataeans, however, did not need the power of this decree to maintain their own traditional family rites.<sup>7</sup> Osborne, on the other hand, understands πλὴν ... ἐκ γένους as referring to Athenian hereditary priesthoods. But, if we accept the text as modified by Osborne, those would be included in the general ban from priesthoods. In any case, the single μηδέ suggests that something from the original decree has been omitted before it, but we cannot tell

<sup>5</sup> Although the editors attribute the remark to Blass, Reiske first wrote: "post verba τοῖς δ' ἐκ τούτων aliqua desiderari."

<sup>6</sup> J. Riehemann, *De litis instrumentis quae extant in Dem. quae fertur oratione adversus Neaeram* (Leipzig 1886) *ad loc.*; M. J. OSBORNE, *Naturalization in Athens* (= *VerhBrussels* 43.98, 44.101, 45.109 [Brussels 1981–83: hereafter 'Osborne']) I 28 with the criticism of D. M. MacDowell, *CR* 35 (1985) 317–20; C. Carey, *Apollodoros against Neaira [Demosthenes]* 59 (*Warminster* 1992) 140; J. Trevett, *Apollodoros the Son of Pasion* (Oxford 1992) 189.

<sup>7</sup> *Cf.* P. Roesch, *Études Béotiennes* (Paris 1982) 91–255.

exactly to which term this single μηδέ corresponded.<sup>8</sup> Although the omission of καί before μετεῖναι by S<sup>ac</sup> may be a mistake of the copyist, it is still possible that S<sup>ac</sup> preserves the original reading here too. If so, καί would have been added by a grammarian who intended to give a continuous flow to the text at this point. In addition, the formulas expected in a decree of this type are lacking.<sup>9</sup> The condition of ἀνδραγαθία, an essential component of any naturalisation decree, is also missing.<sup>10</sup>

Before we attempt to answer the question whether these textual difficulties can be taken as evidence against the authenticity of this document, we need to consider how an extract from the original document could have been included in the text of the speech in the first place. Burger has convincingly shown that none of the documents quoted in the speech *Against Neaira* was included in the stichometric edition.<sup>11</sup> This, however, does not mean that all these documents are spurious, as some scholar could have retrieved at least some of them from archives at a later date and incorporated them into the body of the speech.<sup>12</sup> The original decree should have been available in the 340s, and Apollodorus probably consulted it and presented a copy or an extract to be read during the trial. An editor of the speech might have inserted an extract of the original document into the body of the speech. If the document as quoted in the speech is this extract, then apparently it contained only those sections that the editor thought relevant, though others—such as the formulas heading the decree—were omitted. Some sections provided in the orator's narrative were also left out. This is why partial quotation of the original document and its total omission from the stichometric edition do not speak against its authenticity. As with most of the documents quoted in the Attic orators, one needs to consider its language, content, and context in order to be able to defend or reject authenticity.

The language of the document does not betray forgery. Osborne (II 13) finds unusual features, but attributes these to

<sup>8</sup> Cf. G. H. Schaefer, *Apparatus Criticus et Exegeticus ad Demosthenem* (London 1826) V *ad loc.*

<sup>9</sup> Osborne II 13; A. S. Henry, *The Prescripts of Athenian Decrees* (= *Mnemosyne* Suppl. 49 [Leiden 1977]).

<sup>10</sup> Cf. e.g. IG I<sup>3</sup> 102 line 6ff, 113 line 5ff; II<sup>2</sup> 1 line 9, 25 line 3.

<sup>11</sup> F. Burger, "Stichometrisches zu Demosthenes," *Hermes* 22 (1887) 654.

<sup>12</sup> Cf. D. M. MacDowell, *Demosthenes, Against Meidias* (Oxford 1990) 43-47.

the early date of the decree and the unusual circumstances of its composition, and he does not believe that this speaks against the authenticity of this text. I can see nothing suspicious, either:  $\nu\epsilon\acute{\iota}\mu\alpha\iota$  might be expected instead of  $\kappa\alpha\tau\alpha\nu\epsilon\acute{\iota}\mu\alpha\iota$  (cf. *IG II<sup>2</sup> 1 line 33*), but this is a minor variation that need not cast a shadow over the authenticity of the entire document.

Prior to the objections of Prandi and Hammond, the argument regarding authenticity turned on points included in the decree but omitted by the orator in his narrative.<sup>13</sup> Apollodorus does not mention the following:

- (1) the Plataeans were given full political rights;
- (2) they would be distributed in demes and tribes by the state; they would not choose a deme, as naturalised individuals did;
- (3) they were not entitled to hereditary priesthoods and rites;
- (4) this decree would be valid from the day of its introduction;
- (5) the name of the person who proposed this decree.

A number of provisions that, according to the orator (*Dem.* 59.105f), were included in the decree are not part of the sections quoted here, but they are paraphrased in his narrative. Those statements might also speak for the authenticity of this document in the sense that, if this document were a fabrication based on the context, one would expect that these statements would be included.

(1) The orator says that the Plataeans had to undergo a personal scrutiny ( $\kappa\alpha\tau' \acute{\alpha}\nu\delta\rho\alpha$ ) before a law-court. They would be questioned to make sure that they were Plataeans and friends of the Athenian demos. (2) The names of the naturalised Plataeans would be inscribed on a stone stele, which would be placed on the Acropolis. (3) The archonships and those priesthoods closed to the Plataeans would be open to their offspring from an Athenian woman in lawful wedlock.

There are also some discrepancies between the decree and the account provided by the orator in his narrative: (1) The document states that no other Plataean could become an Athenian citizen after the distribution into demes and tribes by virtue of

<sup>13</sup> Cf. O. Staeker, *De litis instrumentis quae extant in Demosthenis quae feruntur posteriore adversus Stephanum et Adversus Neairam orationibus* (Halle 1884) 53ff; E. Drerup, "Über die bei den attischen Rednern eingelegten Urkunden," *NJbb Suppl.* 24 (1898) 364; A. Diller, *Race Mixture among the Greeks before Alexander* (= *IllStLangLit* 20.1-2 [Urbana 1937]) 108ff; W. Gawantka, *Isopolitie* (Munich 1975) 77f n.31; Osborne II 11ff; Trevett (*supra* n.6) 188f; Carey (*supra* n.6) 139f.

the decree. It does not, however, exclude normal naturalisation procedures. Apollodorus says that no other Plataean could become an Athenian citizen after their distribution. (2) The document specifies that the naturalised Plataeans would be excluded from the archonships and hereditary priesthoods. Apollodorus says that the Plataeans would be excluded from the archonships and all priesthoods.

We can easily explain the first discrepancy on future naturalisation procedures for Plataeans who did not become Athenian citizens by virtue of this decree as Apollodorus' deliberate distortion of the wording. The provision that the Plataeans must first undergo a personal scrutiny (κατ' ἄνδρα) before a law-court<sup>14</sup> to ensure that no intruders would benefit from this 'blanket' naturalisation and register themselves by pretending to be Plataeans is clearly a reflection of the generally stringent attitude of the Athenians when allowing foreigners to share their citizenship privileges. This scrutiny had an additional purpose: to exclude any political enemies of Athens among the Plataeans from obtaining citizenship. Once the personal scrutiny of the Plataeans before the law-court had been completed, the new citizens were to be distributed to the demes and tribes. Their names would be included in the lists of citizens of the demes (Lys. 23.2f), and a comprehensive register would be inscribed on a stone stele. According to Apollodorus, this register of the naturalised Plataeans had a double purpose: to honour these men by preserving the event for the memory of future generations and to serve as a quick check in case of doubt or dispute over individual citizen status. Display of an inscribed stele on the Acropolis was standard practice with naturalisation decrees.<sup>15</sup> Once this procedure was completed, individual Plataeans who had not yet registered (e.g. absentees from Athens or residents in other cities—thus persons with questionable loyalties) could not be covered by the provisions

<sup>14</sup> All Athenian citizens passed a scrutiny before the boule during the passage from adolescence into adulthood, where questions were addressed to them to make sure that they are Athenian and of the right age: see P. J. Rhodes, *The Athenian Boule* (Oxford 1972) 171ff.

<sup>15</sup> Cf. *IG* I<sup>3</sup> 113 line 29, II<sup>2</sup> 19 line 9, 25 lines 13ff. At Lys. 23 the speaker does not say that he checked the identity of Panoleon with the stone stele. Gawantka (*supra* n.13: 177 n.31) suggested that Panoleon might be written on the list and this is why the prosecutor does not mention it. But if Panoleon was born after 427, which seems very likely, for he sounds like a young, fit adult in the narrative, he would not have been included in this list, which contained only the names of those who became citizens in 427.

of this decree and would have to follow normal naturalisation procedures. Apollodorus distorts the phrase of the decree *μη ἐξέστω ... Ἀθηναίων*, presenting it as a definite ban (*καὶ ὕστερον ... δικαστήριω*) because it suits his argument to present the ban as more drastic than it actually was. The provision of the decree is less definite; for any Plataean, genuinely pro-Athenian, who for some reason had not been able to register by this time, the procedure of a personal naturalisation decree presented to the assembly would remain an option.

The extent and nature of the restrictions imposed upon the Plataeans has been a central point in the whole debate, as these also define the limit of their rights and reflect the position of the new citizens in Athens. To begin with the archonships, we read in the decree that the Plataeans were banned from appointment as archons, and this information is confirmed by the narrative (Dem. 59.106). This restriction, however, did not apply only to the Plataeans and, as it seems, to all naturalised citizens subsequently. Not all native Athenian citizens were entitled to the nine archonships. Disabled citizens, for example, were excluded, and the basileus was required to have a wife of citizen birth who was virgin at the time of their marriage.<sup>16</sup> Male prostitutes were also excluded. Aeschines incorporates this law in his narrative at 1.9: *ἄν τις Ἀθηναίων, φησίν, ἔταιρήσῃ, μη ἐξέστω αὐτῷ τῶν ἐννέα ἀρχόντων γενέσθαι, ὅτι οἶμαι στεφανηφόρος ἢ ἀρχή, μηδ' ἱερωσύνην ἱερώσασθαι*. By the time of Aristotle, Athenian citizens undergoing scrutiny at their entry to office as archons had to be able to display citizen birth from both sides, if not three generations of Athenian citizenship, as some scholars have suggested.<sup>17</sup> We do not know, however, whether this was a legal requirement in 427. It is possible that such a law did not exist at that time. If this is the case, new citizens could not be automatically disqualified in 427, so it was necessary to include the explicit prohibition in the decree.

The archons probably had to be members of a phratry at the time of Aristotle.<sup>18</sup> If this is true, it is very likely that this was a requirement in 427, because one could hardly suppose that new

<sup>16</sup> See Lys. 24.13; Arist. *Ath. Pol.* 55.3; Dem. 59.75; P. J. Rhodes, *A Commentary on the Aristotelian Athenaiion Politeia* (Oxford 1981) 510ff; C. Hignett, *A History of the Athenian Constitution to the End of the Fifth Century B.C.* (Oxford 1952) 224f.

<sup>17</sup> Arist. *Ath. Pol.* 55.3; Poll. *Onom.* 8.85; Osborne IV 175; Rhodes (*supra* n.14) 178 and (*supra* n.16) 617f.

<sup>18</sup> Cf. Arist. *Ath. Pol.* 55.3; Rhodes (*supra* n.16) 617f.

legislation strengthening the involvement of phratries in state offices would have been introduced after this date. This requirement is related to the question whether the Plataeans would be allowed to join a phratry. Individual naturalised citizens were allowed to choose a deme, a tribe, and a phratry, but a different procedure seems to have been followed in mass naturalisations (*IG II<sup>2</sup>* 17 lines 25f, 25 lines 4ff). The decree ordered that the Plataeans were to be distributed by the state, and the same applied to the naturalisation of the Samians in 403/402.<sup>19</sup> The archons would distribute the new citizens into demes and tribes. That there is no mention of phratries in these decrees could mean either that the new citizens were not entitled to join phratries at all, or that the state was at this stage concerned only with obligatory memberships, *i.e.*, enrollment in a deme and consequently a tribe, leaving optional memberships—in a phratry, for example—for the individual to arrange as he wished.<sup>20</sup>

Prandi maintains that membership in a phratry was obligatory for Athenian citizens and for this reason concludes that the Plataeans did not acquire full Athenian citizenship. But the link between citizenship and phratry has long been debated. S. D. Lambert<sup>21</sup> has recently confirmed the widely accepted view that in the classical period citizenship was separate from phratry membership, although most native Athenians would in fact be members of a phratry. Thus the Plataeans would not need membership in a phratry in order to be able to exercise their citizenship rights. When, for example, the prosecutor (*Lys.* 23.2) is told that Pancleon, the accused, is a Plataean—therefore an Athenian citizen—he asks which is his deme and which is his tribe. Although there is no reference to a phratry, Pancleon was nevertheless treated as an Athenian citizen before the law and could not be summoned to the polemarch, the magistrate responsible for legal disputes with foreigners.

<sup>19</sup> *IG II<sup>2</sup>* 1 (Tod II 97) lines 33f; C. Koch, "Integration unter Vorbehalt—der athenische Volksbeschuß über die Samier von 405/404 v.Chr.," *Tyche* 8 (1993) 63-75.

<sup>20</sup> As the tribes consisted of demes, distribution to a tribe could only be effected through assignment of the new citizen to a deme.

<sup>21</sup> S. D. LAMBERT, *The Phratries of Attica* (Oxford 1993: hereafter 'Lambert') 25-59.

Osborne<sup>22</sup> thinks that the state could not impose new members upon the phratries because they were traditional bodies with their own rules and entry requirements. Lambert (50 with n.117) disagrees, suggesting that the Plataeans were not distributed into phratries automatically because they were not native Athenians. Yet a number of individual naturalised citizens were offered membership in a phratry of their own choice. Osborne is probably right in seeing potential procedural difficulties in the automatic distribution of large numbers of new members into traditional bodies with different entry requirements and procedures, and in making a distinction between individual and mass naturalisations. Individual naturalised citizens in many cases wished expressly to be absorbed into Athenian society—as, for example, Pasion and his family did. They were mostly powerful individuals whose interests were promoted by influential Athenians, and it would be easier for them to become accepted by a phratry; the Athenian demos offered them the constitutional option, if they wished to claim it. A mass naturalisation presented complications: apart from the number of the new citizens and the variable entry procedures from one phratry to another, it seems doubtful that the majority of the Plataeans would wish to become members of Athenian phratries if this membership was not essential for their status as citizens in Athens. The Plataeans had their own traditional institutions and they might naturally prefer to maintain them.<sup>23</sup> Those who desired further integration into Athenian society through membership in a phratry could probably seek it individually. By failing to dictate automatic distribution of the new citizens, the decree did not ban membership in phratries, and it would be reasonable to suppose that what was offered to individual naturalised citizens would not be denied to the Plataeans.

If, on the other hand, membership in a phratry was a requirement for the archonships, the failure to distribute all Plataeans into phratries automatically would not in itself be sufficient to deny them these offices, for some of the newcomers might obtain membership in a phratry individually at a

<sup>22</sup> Osborne IV 182f. After 334, Osborne claims (*Eranos* 72 [1974] 175ff), no naturalised citizen could register with a phratry. See also Lambert 50–57.

<sup>23</sup> Cf. Roesch (*supra* n.7) 91–225. In fact, the majority of the Plataeans might be quite keen in keeping their traditional institutions, as these would be the unifying factor in their effort to maintain their separate identity.

later stage. This is why the decree had to go one step further and explicitly mention the ban from the archonships.

In this document the Plataeans were also banned from hereditary priesthoods and rites. The orator's narrative (59.106), however, states that they were banned from all priesthoods. Riehemann and Osborne believe that this ban appeared in an omitted passage, which the orator paraphrases. This suggestion, however, is not supported by the preserved wording of the document. In the first place, there would be no need to mention hereditary priesthoods and rites specifically if a complete ban had been imposed, given that these, of all priesthoods, would be the least likely to pass to Plataeans. Besides, the preceding sentence, μέτεστι πάντων καὶ ἱερῶν καὶ ὀσίων, rather supports the view that not all priesthoods would be closed to the Plataeans. This sentence is overlooked by those who argue for a complete ban; but because of its comprehensiveness, when contrasted with πλὴν εἴ ... γένους immediately following, it can only imply that *all other* priesthoods and rites, except the hereditary ones, were indeed open to the Plataeans. ἱερῶν καὶ ὀσίων can only mean anything related to religion and the state,<sup>24</sup> and in this context it indicates that except for the archonships and the hereditary priesthoods, all other privileges of Athenian citizens were conferred to the Plataeans.

One might consider why hereditary priesthoods and rites would be mentioned explicitly, as these were also closed to all Athenians who did not belong to the particular *genos* in charge of these rituals. But if certain Plataeans should desire closer integration into Athenian society, they could in theory enter one of these families by adoption and thus become eligible for the priesthoods traditional to this family. The decree intends to block this or any other avenue that might lead a Plataean to one of these offices.

Before attempting to explain why the Athenians would impose such a ban, we need to consider briefly the general law

<sup>24</sup> See W. Wyse, *The Speeches of Isaeus* (Cambridge 1904) 535: "The combination ... *sacra profanaque*, is comprehensive enough to embrace all the rights of a citizen." A. Maffi, "Τὰ ἱερὰ καὶ τὰ ὄσια. Contributo allo studio della terminologica giuridicosacrale greca," in J. Modrzejewski and D. Leibs, edd., *Symposium 1977 (=Akten der Gesellschaft für griechische und römische Rechtsgeschichte 3 [Cologne 1982])* 33–53, gives a good account of the bibliography concerning the meaning of this phrase. See also W. R. Connor, "ἱερὰ καὶ ὄσια and the Classical Athenian Concept of the State," *AncSoc* 19 (1988) 159–88.

that Apollodorus mentions at 59.92f. In his words, this law excluded naturalised citizens from archonships and all priest-hoods, but extended this right to their offspring born from a citizen woman in lawful wedlock. Some elements in his narrative, however, cast doubt on its accuracy. The only part of the law that he quotes word for word is ἐὰν ὄσιν ἐκ γυναικὸς ἀστῆς καὶ ἐγγυητῆς κατὰ τὸν νόμον, a sentence perhaps included in the decree of 427. Instead of a recital of the law before the court, he offers to explain to the jurors in detail how this law was made. His expression μεγάλη καὶ περιφανεῖ μαρτυρία ἐγὼ ὑμῖν δηλώσω is suspicious; in other parts of the speech (e.g. 62, 82, 118f) Apollodorus uses similar devices when he is short of direct evidence. Apparently he did not have a copy of the law at hand; one wonders why, knowing how meticulous he could be with such things. Finally, he speaks as if this particular law had enacted this law, failing to explain how legislation concerning only the Plataeans could introduce a law with general validity. His presentation at this point is confusing and seems contrived to suit his argument.

Such a law is recorded nowhere else; still, even with the difficulties stated above, this would not necessarily discredit the entire narrative. Apollodorus may not have produced the law in court because he thought that a detailed explanation would be more effective, leaving a lasting impression in the minds of the jurors. His assertive tone in claiming that such a law existed—and the likelihood that Apollodorus should have first-hand knowledge of it, being a citizen by decree himself (Dem. 53.18: κατὰ ψήφισμα πολίτης)—increases the credibility of his testimony. Osborne (IV 173–76) suggested that this law was part of the Periclean law of citizenship of 451, on the grounds that the treatment of the Plataeans would have been modelled on existing legislation. Apart from the possibility that the Periclean legislation of 451 was far less extensive than some scholars assume,<sup>25</sup> and that this grant to the Plataeans was in

<sup>25</sup> The law of Pericles simply defined that a person would be a citizen if both parents were Athenian citizens. Although this provision to some degree affected other laws, there is no evidence that this statute included any other provisions. C. Patterson, *Pericles' Citizenship Law of 451–0 B.C.* (Salem [N.H.] 1981) *passim*, takes the view that the legislation introduced by Pericles was extensive. But cf. K. R. Waters, "Perikles' Citizenship Law," *ClAnt* 2 (1983) 314–36. See also Hignett (*supra* n.16) 343–47; Rhodes (*supra* n.16) 331–35; R. Sealey, "How Citizenship and the City Began in Athens," *AmJAnchHist* 8 (1983) 97–129.

many ways unprecedented, the slender evidence available does not support this suggestion. Apollodorus clearly states that this law was enacted in 427, and this information cannot be dismissed outright. Further, if such a law existed in 427 there would be no need for a special reference to this ban in the decree. The Plataeans, like other naturalised citizens, would have to comply with existing laws. Although it is likely that Apollodorus is not mistaken when he sets the origin of this law in 427, we still need to explain how a new law with general validity was established in a decree concerning an individual group.

Naturalisation grants were rare in the fifth century and so far the Athenians had no reason to feel wary of traditional religious duties being performed by naturalised foreigners, because the chances were minimal.<sup>26</sup> The Plataeans, however, were a large group. Their number increased the possibility that some of these traditional offices would pass into the hands of persons with no Athenian blood. This caused anxiety about the proper performance of these rites, and thus a restriction was introduced that confirmed the exclusive character of these offices. This restriction does not appear in any of the decrees of naturalisation approved after 427. It is unlikely that the Plataeans, whose loyalty to the Athenian demos remained legendary throughout the classical period, were denied a function that was conferred on naturalised citizens afterwards; it therefore seems reasonable to suggest that no naturalised citizen after 427 had access to these offices. Probably the exclusion was customarily extended to all citizens who obtained naturalisation after 427 and was crystallized in a law in later years, either during the general review of the laws of Athens in 403, or in the 380s. Whatever the case, the silence of the later decrees should be interpreted as a confirmation of the fact that by then this ban would appear to be self-evident. By the 340s, when Apollodorus delivered his speech, it was a law. If this explanation is correct, Apollodorus is, more or less, right to refer the law back to 427.

It is impossible to tell whether this law excluded naturalised citizens from all priesthoods, as Apollodorus suggests, or only

<sup>26</sup> It was believed that Menon from Pharsalos became ἐπώνυμος in 473/472 soon after his naturalisation, but R. Develin, *Athenian Officials* (Cambridge 1989) *s.v.*, is doubtful whether the eponymos of 473/472 and Menon from Pharsalos are the same person. If not, we do not know of a naturalised citizen who occupied any archonship or priesthood.

from hereditary priesthoods and rituals, as the text of the decree would imply. If we take the first option, it would mean that in the years after 427 an extended ban was crystallized in the law. If we take the second option, which I find more likely, we need to assume that Apollodorus (as he does at 59.106) reports the law inaccurately by presenting the ban as more extensive than what it actually was, because this suits his argument. Then, the law would simply have embodied the restriction as set in the decree concerning the Plataeans.

The Athenians were meticulous in the observance of religious rules and rituals in connection with state offices. One example, which Apollodorus uses in the same speech (59.74–78), is sufficient to illustrate their attitude. A person appointed as *basileus* was required to have a wife who was virgin at the time of their marriage and a citizen by birth. The first of these restrictions surely derives from an ancient tradition that she would be given as a wife to the god Dionysus in a symbolic *hieros gamos* at the festival of Anthesteria. The second requirement is clearly a fifth-century addition, introduced after Pericles' law limited citizenship to those born of two Athenian citizens. The restriction of access to the archonships and hereditary priesthoods and rites that was imposed upon the naturalised Plataeans should be seen within the frame of such religious scruple and not exaggerated; put simply, some traditional offices were expected to remain conservative and closed to newcomers. That these restrictions were intended to safeguard the proper performance of traditional rituals rather than discriminate against the Plataeans is made clearer by the entitlement of their offspring from citizen women to the archonships and hereditary priesthoods and rites. Naturalised citizens were citizens by decree (κατὰ ψήφισμα), and citizenship was not conferred automatically on their womenfolk.<sup>27</sup> Although other cities did confer citizenship on women (Osborne IV 150 with n.58), the Athenians did not, as they

<sup>27</sup> D. Whitehead, "Women and Naturalisation in Fourth-Century Athens. The Case of Archippe," *CQ* NS. 36 (1986) 109–14, has suggested that the status of the wives of naturalised citizens remained unspecified. C. Carey, "Apollodorus' Mother: The Wives of Enfranchised Aliens in Athens," *CQ* NS. 41 (1991) 84ff, has claimed that they remained metics. I believe that Whitehead is right, because the wording of the law at Dem. 59.92 (τοῖς δ' ἐκ τούτων ... νόμον) suggests that the possibility of a naturalised citizen having legitimate sons from a non-citizen woman remained open even after his naturalisation. These sons, as those the man might already have, would be citizens by decree.

could hardly imagine their own women, not to mention the women of naturalised citizens, exercising their citizenship rights without the 'protection' of a male relative acting as an agent. Again, the law was probably not intended to exclude the wives of naturalised citizens: for an Athenian, it was simply irrelevant to confer citizenship upon them. Citizenship in women was all-important for their offspring, for they could be citizens only if their mother was a citizen. But the offspring of naturalised citizens were entitled to citizenship in any case by virtue of the decree conferring this status on their father, regardless of the status of their mother, for whom there was no need for special provision. These women would not be Athenian citizens in the sense that Athenian women by birth were citizens, but they would not be in the same position as metics, for they could give birth to citizens by decree. If a naturalised Plataean chose to marry an Athenian woman, then his offspring would be Athenian citizens by birth, being born of two Athenian citizens and thus entitled to the archonships and hereditary priesthoods and rites. Alternatively he might already be married or choose to marry a Plataean woman. Their offspring would be citizens but only by virtue of this decree (κατὰ ψήφισμα), which conferred Athenian citizenship on the descendants of the Plataeans. In this case their offspring, being citizens by decree and not by birth, were subject to the restrictions on the archonships and priesthoods.

In conclusion, the discrepancies between the document and its context can be explained as the orator's intentional distortion of the text of the decree in order to present some provisions as being more definite and extensive than they actually were. For these reasons, Prandi's suggestion that this document is a revised version of the original decree should be rejected. The Plataeans, after their distribution into demes, would be subject to the same laws as any other Athenian, and there would be no reason to revise the naturalisation decree. The discrepancies, along with the other differences between the decree and its context, support the case for the authenticity of this document; a forger could easily avoid these differences by composing a document closer to its surroundings. That the document and the context supplement each other adds to the case for authenticity of the document. The omitted sections seem to be less a result of negligent copying than the decision of the editor who decided to insert the document in the text. For this reason, it would be best not to attempt additions to the transmitted text

of the decree. As everything suggests that this document is an authentic extract, we need to explain now the discrepancy with the references in Thucydides.

### Discrepancies between Apollodorus and Thucydides

Thucydides concludes his narrative at 3.68 with the destruction of Plataea and does not return to the fate of the remaining Plataeans in Athens. During the trial before the Spartan judges, however, the Plataeans (3.55.3) and the Thebans (3.63.2) each mention that the former were Athenian citizens. On the other hand, Apollodorus (Dem. 59.104) and Isocrates (12.94) state that the naturalisation of the Plataeans did not take place before the destruction of their city. More significantly, this document cannot be dated before summer 427. The naturalisation also cannot be placed much later than the summer of 427, as the awkward status of the Plataeans in Athens would have required an immediate clarification.<sup>28</sup>

Busolt believes that Thucydides has confused the dates in presenting the naturalisation of the Plataeans as an event before the trial of 427. Others have suggested that the Plataeans had been granted Athenian citizenship en masse once before, but this would have been an honorary grant, for the Plataeans were not expected to live in Athens.<sup>29</sup> Until this date, however, naturalisation grants had been rare and confined to individuals (Osborne IV 145–50, esp. 146 nn.25f); and in any case, apart from the two references in Thucydides—which are too vague to support this explanation—there is no corroborating evidence. Prandi (112f) suggested that Thucydides has backdated the naturalisation of the Plataeans for effect, in order to emphasize the close ties between Athens and Plataea. Hammond (146f), rejecting the authenticity of the decree and on the whole suspicious of Apollodorus' account at Dem. 59.104ff, argues that the naturalisation took place some time before the trial of the last defenders of the city, *i.e.*, between 431 and 427.

It would suit Thucydides' purposes to backdate slightly the naturalisation of the Plataeans in order to emphasize the close

<sup>28</sup> Cf. Gawantka (*supra* n.13) 176 with n.27.

<sup>29</sup> G. Busolt, *Griechische Geschichte bis zur Schlacht bei Chaeroneia* (Gotha 1904) III 1038ff; others: D. M. MacDowell, *The Law in Classical Athens* (London 1978) 71 and CR 35 (1985) 319; M. Amit, *Great and Small Poleis* (Brussels 1973) 75–78; Carey (*supra* n.6) 139.

ties between Athens and Plataea and to stress the reluctance of the Athenians to fight the Spartan army even for fellow citizens. This change would hardly upset the historian's sequence of events and would offer the advantage of making the point clearer. For this reason, a deliberate distortion cannot be excluded. Nevertheless, it seems that Thucydides was no longer interested in the Plataeans' fate after the destruction of their city, and this is why they drop out of his narrative after the trial of 427. Although he, like any Athenian of his time, was aware that the Plataeans received Athenian citizenship, Thucydides had no wish to examine fully the events surrounding their naturalisation. His failure to mention the event may even indicate that he did not know precisely when it happened and under what circumstances.<sup>30</sup> As it suits his purpose to mention the Plataeans' Athenian citizenship in their speech, as well as that of the Thebans, he does so without much thought to the minor distortion of the dates. For these reasons, Apollodorus and Isocrates are probably correct in placing the decree in the aftermath of the slaughter of the remaining defenders of Plataea and the destruction of the city, *i.e.*, in or shortly after summer 427.<sup>31</sup>

### The Position of the Plataeans in Athens

Prandi and Hammond, by questioning the reliability of the information drawn from the document, side with previous scholars' views of special, less extensive "Plataean citizenship rights."<sup>32</sup> Prandi seems convinced that the Plataeans did not become Athenian citizens "a tutti gli effetti"; Hammond believes that only the 212 men who escaped to Athens received citizenship (without considering that some of the 212 were probably Athenians) and that a number of Plataeans already in Athens before the escape never received citizenship. Hammond also believes that only the sons of those Plataeans who married an Athenian wife could inherit Athenian citizenship,

<sup>30</sup> E. Badian, "Plataea between Athens and Sparta," in H. Beister and J. Buckler, edd., *Boiotika: Vorträge vom 5. internationalen Bötien-Kolloquium* (Munich 1989) 95ff, emphasises the insufficient knowledge of Thucydides regarding events in the early years of the *Pentekontaetia*.

<sup>31</sup> Cf. G. Mathieu, *La réorganisation du corps civique athénien à la fin du v<sup>e</sup> siècle*, *REG* 40 (1927) 74.

<sup>32</sup> See Mathieu (*supra* n.31) 74f; Osborne III 33ff.

and goes so far as to argue that the slaves who acquired citizenship after the battle of Arginusae did not acquire Athenian but Plataean citizenship, with the consent of the Plataeans, who needed men. Worthington finds this last suggestion possible, although he admits that there is no strong support for it in the sources.<sup>33</sup>

The decree, as quoted at Dem. 59.104, leaves no doubt that all the surviving pro-Athenian Plataeans were granted Athenian citizenship with full rights in all spheres of life, with certain insignificant restrictions that affected many other Athenians as well. Moreover, those Plataeans who opted for integration were unlikely to feel the impact of these restrictions. Even if no such ban had been imposed, the chance to be appointed by lot as archons among the thousands of eligible Athenian citizens, or to be adopted by a family that drew its name and rites from an ancient tradition (and thus later to be in charge of hereditary rituals), although theoretically possible, would be negligible. This strengthens the likelihood that these restrictions were confined to religious observance. We can see how little this affected the chances of becoming a distinguished member of Athenian society if, for example, we consider Pasion and his family in the fourth century. Although at least the same, if not more stringent, restrictions applied to them, it did not prevent this former slave from becoming one of the richest and most prominent members of Athenian society, or his son Apollodorus from marrying an Athenian woman from a well-off and respected family and becoming actively involved in politics and occupying a seat in the boule (Dem. 59.2).

The majority of the Plataeans did not wish to be absorbed by another city or marry into Athenian families. They remained a separate group, meeting once a month (*cf. e.g.* Lys. 23.6); and in 421, when they were offered the land of Scione, most left. What really mattered to them while in Athens was the guarantee of citizenship rights for themselves and their offspring. This would enable them to appeal to the same laws as other Athenian citizens for the protection of their interests. The spirit of the phrase ἐπιτίμους καθάπερ οἱ ἄλλοι Ἀθηναῖοι, which enshrines their full political rights—ἐπίτιμος (as opposed to ἄτιμος) being the *terminus technicus* for a person with full political rights—is reflected with more clarity in the decree granting naturalisation

<sup>33</sup> I. Worthington, "Aristophanes' 'Frogs' and Arginusae," *Hermes* 117 (1989) 359ff.

to the heroes from Phyle (*IG II<sup>2</sup> 10* [Tod II 100] line 6): νόμοις δὲ τοῖς αὐτοῖς περὶ αὐτῶν τὰς ἀρχὰς χρῆσθαι οἷς καὶ περὶ τῶν ἄλλων Ἀθηναίων. The confirmation that the Plataeans ought to be treated as Athenian citizens before the law is provided by *Lys.* 23.5, where the prosecutor explains how he took great pains not to appear arrogant and insolent (ὕβριζειν), as he would have been by a haling a Plataean, and consequently an Athenian citizen, to the polemarch, the archon responsible for legal proceedings involving foreigners.

Equality of treatment before the law, unrestricted access to the the assembly, the administration and the law-courts, and equality of financial opportunity in Athens were unconditionally offered to the Plataeans. These important privileges were stringently reserved. Resident aliens (μέτοικοι) had none of these rights; disfranchised Athenians (ἄτιμοι) could give birth to Athenian citizens but were deprived of the rest of these privileges. The naturalised Plataeans' entitlement to all these rights can only be interpreted as an expressed will on behalf of the Athenians to share their privileges with them (ὄνπερ Ἀθηναίους μέτεστι πάντων) in all spheres of life, religion excepted.

The Plateans' reluctance to accept integration into the institutions of their fellow Boeotians is one of the most notable examples of a small Greek city very proud of its independence and separate identity. To say that the citizens of this city would be reduced to second class citizens in another city, or, even worse, be put in a similar position as former slaves, would be unthinkable in 427, and exactly this is Aristophanes' point when, in order to show how desperate things were in 406-405, he says that the former slaves were placed in a similar position to that of the Plataeans (*Ran.* 963f). The spirit of the entire struggle of the Plataeans evolved around their sense of independence and their pride in their separate identity. Second-class citizenship rights and a position distinctly inferior to that of the citizens of their host city would represent a fatal blow to this pride, and such a blow was certainly not intended by the Athenian demos.

Award of full citizenship rights was the most dignified and practical response to some of the problems facing these proud and loyal allies. Had the Plataeans remained in Athens as resident aliens (μέτοικοι), this would have resulted in a significant reduction of their civil rights, for metics had restricted access to the law-courts, limited property rights, no access to the administration of the city, paid higher taxes, and

needed an Athenian citizen (προστάτης) to represent them in most of their dealings with the state. Such a solution, apart from the virtual humiliation, would create additional difficulties when, for example, *προστάται* would have to be found for such a large number of refugees. Naturalisation removed all these drawbacks at one stroke. It was also politically expedient. At a time when unrest dominated the Athenian alliance and Mytilene had revolted, the Athenians could use the Plataeans as a positive example to encourage the loyalty of their allies, as they sought to use Mytilene as a negative example to avert further revolt.

The naturalisation of the Plataeans was not only a reflection of the feelings of the Athenian demos at the news of the total destruction of Plataea, the first in a series of major cruelties during the Peloponnesian War, but also an emergency measure intending to deal with a series of problems in a practical, dignified, and expedient manner. It enabled the Plataeans to live in their new homeland without having to face discrimination or disadvantage, and at the same time allowed them to maintain their identity, if they wished, by letting them choose their degree of integration into Athenian society.<sup>34</sup>

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