

Residential Restrictions on the Athenian Ostracized

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I SHALL OFFER here an explanation for the Athenian decision to restrict the places of residence for ostracized politicians.¹ My conclusion will be that the Athenians were concerned lest the ostracized might continue factional activism or even collaborate with foreign adversaries of Athens if permitted to establish themselves in the vicinity of Attica, especially on Aegina. Institutionally, an ostracism served to terminate the rivalry between two leading claimants to leadership, an outcome that was impeded by any opportunity at close hand for continued participation in Athenian politics.

The Sources

In the archonship of Hypsichides (482/1 or, more probably, 481/0), the Athenians recalled those citizens who had been ostracized during the previous decade and placed residential restrictions on those who might be ostracized in future.² Our authority is the *Ath.Pol.* (22.7):

τέταρτῳ δ' ἔτει κατεδέξαντο πάντας τοὺς ὠστρακισμένους ἄρχοντας Ὑψιχίδου, διὰ τὴν Ξέρξου στρατείαν· καὶ τὸ λοιπὸν ὥρισαν τοῖς ὀστρα-

¹ The following works will be cited by author: R. DEVELIN, "Two Notes Concerning *Ath. Pol.* (1 and 22.8)," *Liv.Cl.Monthly* 9.5 (1984) 76; R. GOOSSENS, "Le texte d'Aristote, Constitution d'Athènes, XXII, 8, et l'obligation de résidence des Athéniens ostracisés," *ChrEg* 20 (1945) 125–38; A. E. RAUBITSCHKE, "Theophrastos on Ostracism," *ClMed* 19 (1958) 72–109; P. J. RHODES, *A Commentary on the Aristotelian Athenian Politeia* (Oxford 1981).

² The relative date for the archonship of Hypsichides is τετάρτῳ δ' ἔτει, "in the fourth year," which if reckoned from 483/2, the archonship of Nicodemus, would yield 480/79, a year that belongs to Calliades (Diod. 11.1.2; *Marm. Par. FGrHist* 239A51). Following F. Blass, *Aristotelis ΠΟΛΙΤΕΙΑ ΑΘΗΝΑΙΩΝ*⁴ (Leipzig 1908) 133, J. Carcopino, *L'ostracisme athénien*² (Paris 1935) 153f, wished to count from 485/4, the year of Xanthippus' ostracism, which marked a watershed for the *Ath.Pol.*'s account of the 480's. Rhodes 281 finds this improbable and opts for a mistake in composition or transmission (e.g. τρίτῳ δ' ἔτει of earlier editors). Plut. *Arist.* 8.1 has τρίτῳ δ' ἔτει, presumably counting from 483/2, yielding 481/0 for the recall and the year of Hypsichides, but also places Xerxes in Thessaly and Boeotia, properly dated to 480/79. If, however, we discount a tendency to delay the recall and to exaggerate the imminence of the invasion of Attica, Plutarch might be taken to direct us toward 481/0, perhaps early 480 (cf n.31 *infra*).

κιζομένοις, ἐντὸς Γεραιστοῦ καὶ Σκυλλαίου κατοικεῖν, ἢ ἀτίμους εἶναι καθάπαξ.

Any historical discussion of the residential clause must begin with an observation on motivations, which should not be controversial. The limitation on places of residence is to be connected with the decision to recall citizens who had been ostracized earlier, for a change of such practical significance for the continued viability of this institution would hardly have been made in the atmosphere of crisis preceding the Persian invasion without specific relevance. The recall and restriction could have been linked in several ways, not necessarily mutually exclusive: the restrictive clause might have furthered the intention behind the recall itself; it might have been a precaution meant in some way to insure the effectiveness of the recall; it might have been designed to render such a recall unnecessary in the future. Our best information on the ostracized of the 480's concerns Aristides, who is said to have been recalled through the agency of Themistocles (Plut. *Them.* 11.1, cf. 5.7, 12.6; *Arist.* 7.1, 25.10; *Nep. Arist.* 1.2). Like *Ath. Pol.* 22.8, Plutarch also mentions a *psephisma* by which, along with Aristides, all the ostracized were permitted to return. Therefore when we consider the relationship between the act of recall and the imposition of residential restrictions for the future, we are also in fact deciding whether a connection can be made between Themistoclean policy and the significance of the restrictive clause.

The essential feature of the limitation on allowable sites of residence is a matter of geography, and here there is controversy. The testimony of the *Ath. Pol.* is suspect because of information in a fragment of Philochorus (*FGrHist* 328 F 30):

ὄστρακισμοῦ τρόπος· Φιλόχορος ἐκτίθεται τὸν ὄστρακισμὸν ἐν τῇ τρίτῃ γράφῳ οὕτω· “ὁ δὲ ὄστρα[κισμὸς τοιοῦτος]· προχειροτόνει μὲν ὁ δῆμος πρὸ τῆς ὀγδόης πρυτανείας, εἰ δοκεῖ τὸ ὄστρακον εἰσφέρειν. ὅτε δ' ἐδόκει, ἐφράσσετο σανίσιν ἢ ἀγορά, καὶ κατελείποντο εἴσοδοι δέκα, δι' ὧν εἰσιόντες κατὰ φυλὰς ἐτίθεσαν τὰ ὄστρακα, στρέφοντες τὴν ἐπιγραφὴν ἐπεστάτουν δὲ οἱ τε ἐννέα ἄρχοντες καὶ ἡ βουλή. διαριθμηθέντων δὲ ὅτω πλείστα γένοιτο καὶ μὴ ἐλάττω ἑξακισχιλίων, τοῦτον ἔδει τὰ δίκαια δόντα καὶ λαβόντα ὑπὲρ τῶν ἰδίων συναλλαγμάτων ἐν δέκα ἡμέραις μεταστῆναι τῆς πόλεως ἔτη δέκα (ὑστερον δὲ ἐγένοντο πέντε), καρπούμενον τὰ ἑαυτοῦ, μὴ ἐπιβαίνοντα ἐντὸς Γεραιστοῦ τοῦ Εὐβοίας ἀκρωτηρίου” . . . μόνος δὲ Ὑπέρβολος ἐκ τῶν ἀδόξων ἐξωστρακίσθη διὰ μοχθηρίαν τρόπων, οὐ δι' ὑποψίαν τυραννίδος· μετὰ τοῦτον δὲ κατελύθη τὸ ἔθος, ἀρξάμενον νομοθετήσαντος Κλεισθένους, ὅτε τοὺς τυράννους κατέλυσεν, ὅπως συνεκβάλῃ καὶ τοὺς φίλους αὐτῶν.

After ἀκρωτηρίου Jacoby reckoned both a lacuna and a shift in source, but there is no good reason to follow him in the latter conclusion.³ His text also reflects a crucial emendation: the manuscripts contain the words ἐντὸς πέρα τοῦ, which Dobree corrected to ἐντὸς Γερα(ι)στοῦ.

This fragment is compiled from lexical notices.⁴ Much of the same passage is also transmitted in a papyrus containing fragments of Didymus' commentary on Demosthenes *Against Aristocrates* (23.205).⁵ The lexical notices are, in all likelihood, derived from Didymus.⁶ Unfortunately the papyrus does not preserve the crucial clause relating to the limitation on residence for the ostracized.

The expression ἐντὸς πέρα τοῦ is meaningless; and it is difficult to suggest any other word beginning with περα- that could be the object of the preposition ἐντός. We must either accept the emendation Γεραιστοῦ or posit the abbreviation of a longer phrase. The preposition ἐντός is often juxtaposed with πέρα (and with πέραν and περαιτέρος), so that Philochorus may actually have said something like μὴ ἐπιβαίνοντα ἐντὸς Γεραιστοῦ τοῦ Εὐβοίας ἀκρωτηρίου καὶ Σκυλλαίου, ἀλλὰ κατοικοῦντα πέρα Γεραιστοῦ. . . .⁷ A possible parallel abbreviation appears in the indication of date in F30 for the *procheirotonia* as it now stands (cf. *Ath.Pol.* 43.5).⁸ It is, in any event, the negation in Philochorus of the clause specifying Cape Geraistus that is chiefly

³ Cf. 286–88 *infra*; see also J. J. Keane, “The Text of Androtion F6 and the Origin of Ostracism,” *Historia* 19 (1970) 1–11, esp. 6–8.

⁴ *Lex. Rhet. Cantab.*, ed. E. O. Houtsma (Leiden 1870) s.v. ὀστρακισμοῦ τρόπος; cf. *Lexicon Vindobonense*, ed. A. Nauck (St Petersburg 1867) 354f; Claudius Casilon (of Alexandria) s.v. ὀστρακισμοῦ τρόπος in M. E. Miller, *Mélanges de littérature grecque* (Paris 1868) 398.

⁵ F. Blass, “Neue Papyrus Fragmente im Ägyptischen Museum zu Berlin,” *Hermes* 17 (1882) 148–63; see also H. Diels and W. Schubart, *Didymi de Demosthene Commenta* (Leipzig 1904) 46f.

⁶ On Didymus' use of the *Atthis* of Philochorus, and his great importance as the source of later notices on ostracism, see Jacoby *ad* F30 (IIIb Suppl. I 315); Raubitschek 81–83.

⁷ Cf. e.g. App. *Pun.* 32 (135); Strab. 4.3.4 (194), 5.1.4 (212), 7 fr.34, 14.1.47 (650), 15.1.27 (697f); Plotin. *Enn.* 4.5.7. Raubitschek (103f) emends Philochorus to agree with the *Ath.Pol.*: μὴ ἐπιβαίνοντα εἰς τὸ πέραν τοῦ Εὐβοίας ἀκρωτηρίου. He cites Xen. *An.* 3.5.2 and *Hell.* 1.3.17, where διαβαίνω appears with εἰς τὸ πέραν. The syntax of διαβαίνω, however, differs from that of ἐπιβαίνω, which is not found with εἰς τὸ πέραν. Note e.g. Diod. 13.49.6: τοὺς μὲν ἐπιβεβηκότας στρατιώτας διεβίβασαν εἰς . . .; Liban. *Ep.* 1518.3: νῦν δὲ ἐπιβαίνειν Σπάρτας καὶ διαβαίνειν . . . Εὐρώταν; App. *Celt.* 16 (59): (Ariovistus) ἐπιβαίνων τῆς πέραν Αἰδοῦοις. LSJ s.v. A.III.1 note Diod. 14.84.1, ἐπέβαινε εἰς Βοιωτίαν, but here the meaning is not ‘disembark’ or ‘enter’ but ‘invade’ (cf. Plut. *Caes.* 23.2). Later, ἐπιβαίνω took on a variety of constructions with εἰς: [Callisthenes] *Hist.Alex.*, ‘invade’ (rec. α 3.18.5 Kroll); ‘mount’ (rec. β 1.41.33 Bergson); ‘devolve’ (rec. β 2.7.3). At Acts 20.18, 21.4 it means ‘go to’ and ‘enter’. But these are hardly relevant for the text of Philochorus.

⁸ See Jacoby *ad loc.* (p.316).

significant, for in response editors have opted to emend the *Ath.Pol.*: Wyse suggested ἐκτός for ἐντός, and Kaibel proposed to insert μὴ before κατοικεῖν.⁹ The alternative of emending Philochorus to bring him into line with the *Ath.Pol.* is less attractive, since the simplest error, an insertion of the negative into F30, seems less likely than the corruptions hypothesized for the *Ath.Pol.*¹⁰ As will be seen below (291–96), the historical evidence supports the view that the residence restriction barred the ostracized from the proximity of Attica. Of the two emendations, I should prefer Kaibel's suggestion that the clause be negated.¹¹

Ostracism in the Atthidographers

An alternative to emendation is simply to accept disagreement between the two authorities.¹² This is *prima facie* unlikely, if only because both passages seem to mention Cape Geraistus, which suggests that the same original evidence (rather than a lack or an ambiguity of testimony) lay behind both accounts. Consideration of the other evidence on ostracism presented by Philochorus leads to the same conclusion. F30 is derived from the third book of his *Atthis*, as are FF20–33. F22 mentions the tricephalic Hermes, dedicated by Procleides or Eucleides, an *erastes* of Hipparchus, son of Pisistratus.¹³ F20 describes an Areopagus of fifty-one non-Eupatrids, an arrangement that was perhaps implemented by the Pisistratids.¹⁴ FF24–29 involve

⁹ W. Wyse, "Notes on the Text of the ΑΘΗΝΑΙΩΝ ΠΟΛΙΤΕΙΑ," *CR* 5 (1891) 105–23, accepted by F. G. Kenyon, *Aristotle on the Constitution of Athens*³ (London 1892) 80f; J. E. Sandys, *Aristotle's Constitution of Athens*² (London 1912) 96f. G. Kaibel, *Stil und Text der ΠΟΛΙΤΕΙΑ ΑΘΗΝΑΙΩΝ des Aristoteles* (Berlin 1893) 177, whose emendation was printed by Kenyon in *Aristotelis ΑΘΗΝΑΙΩΝ ΠΟΛΙΤΕΙΑ* (Oxford 1920) at 22.8; cf. Carcopino (*supra* n.2) 48–51. A. Tovar, "Sobre la naturaleza de la 'Constitución de Atenas de Aristoteles', con algunas notas criticas," *REC* 3 (1948) 153–66, esp. 163, admits the need to emend. C. Hignett, *A History of the Athenian Constitution* (Oxford 1952) 164, accepting the emendation ἐκτός, asserts that the limitation belonged to the ostracism law from its inception.

¹⁰ Cf. G. De Sanctis, Ἄρθισ³ (Florence 1975) 476f n.40. Rhodes (282) seems to undervalue the clear negation of the clause when he observes that the defect of the lexical notices (which contains only a single point) means that F30 cannot be used to emend the *Ath.Pol.* See also M. A. Levi, *Commento storico alla respublica Atheniensium di Aristotele I* (Milan 1968) 241f.

¹¹ It may have been rather more natural to use ὀρίζω, 'bound', with ἐντός, 'within', than with ἐκτός. Cf. e.g. Eur. fr.14.3f Page, *GLP* (=von Arnim, *Suppl. Eur.* p.26); *Anth.Pal.* 14.114.4f; Strab. 4.1.2 (189).

¹² Develin 76; note also the improbable (to my mind) hypothesis of Goossens (128) that Philochorus adverts to a separate restrictive clause that was exactly opposite to ours, dating from the Peloponnesian War.

¹³ Also Lysander of Sicyon, a *kitharistes* mentioned in F23, might have been promoted and patronized by Hipparchus. See Jacoby *ad* F23.

¹⁴ Jacoby *ad* F21 opts for a Solonian date for F20f, but the oath mentioned in the latter could have been discussed in connection with Cleisthenes (*cf. Ath.Pol.* 22.2).

the names, their derivation, and the tribal affiliation of various demes. They belong to the narrative on the Cleisthenic reforms of 508/7 (and somewhat thereafter). The foundation of the cult of Herme Agoraios with an archon date is noted in F31; unfortunately the archon Kebris is otherwise unattested, but a Pisistratid date is most probable.¹⁵

Book 3 of Philochorus, therefore, treated Athens under the Pisistratids and Cleisthenes. Its point of termination is less clear. Mention of the Laconian town Aithaia (F32) in connection with the Helot revolt of *ca* 465 (Thuc. 1.101.2) would, as Jacoby suggests, extend the book another thirty years, but this link is speculative. If Philochorus incorporated a discussion of the tradition on Spartan troubles with the Helots around the time of Marathon (Pl. *Leg.* 692D, 698E), it is not inconceivable that a perioecic town in Messenia would have been mentioned in the course of his treatment of Spartan behavior in 490.¹⁶

Consequently Philochorus' general discussion of ostracism, preserved in F30, was probably attached either to his narrative on the Cleisthenic reforms or to an account of the first use of this procedure in 488/7. Philochorus preserves the following details on ostracism, which are compared below with the two other most detailed treatments of the institution and with the less detailed but similar treatment of Pollux (*y*=substantially the same data; *p*=partial reproduction).¹⁷

Philochorus F30	Plut. <i>Arist.</i> 7.2–5	Σ <i>Arist. Eq.</i> 855b	Pollux 8.19
preliminary vote		<i>y</i>	
vote in enclosed <i>agora</i> with ten entrances	<i>p</i>	<i>y</i>	<i>p</i>
voting by tribes on an inscribed sherd	<i>p</i>	<i>y</i>	<i>p</i>
archons/ <i>boule</i> preside	<i>p</i>	<i>y</i>	
counting of votes/6,000 minimum	<i>y</i>	<i>y</i>	<i>y</i>

¹⁵ Unknown archons: from the 540's, 4; 530's, 8; 520's, 3; 510's, 8; 500's, 4; 490's, 2; 480's, 2.

¹⁶ F33 explains the derivation of the *theorikon*; Jacoby prefers 454–449 to earlier suggestions of the 460's but would like to emend the book number to 6. Alternatively the *theorikon* may have been introduced as an analogy into a treatment of the disbursements of the fiscal surplus from Laurium made before the Themistoclean naval legislation (Hdt. 7.144.1).

¹⁷ The ancient testimonia are extensively quoted and discussed in Raubitschek, and the most significant or independent sources are also reproduced by Jacoby *ad* F30 (315f).

(Philochorus F30	Plut. <i>Arist.</i> 7.2–5	Σ <i>Arist. Eq.</i> 855b	Pollux 8.19)
conclusion of business/ departure in ten days		y	
(leaders ostracized, through <i>phthonos</i> ; not in F30)	y*	p	y
for 10 (later 5?) years	y		
enjoyment of property	y		
residence clause			
last ostracism, Hyperbolus establishment by Cleisthenes	y*	y	

*Order differs from F30.

As Raubitschek argued, the similarities are quite noticeable, especially when the parallel order of Σ *Eq.* 855b and F30 is considered.¹⁸ Particularly striking is the notice taken of the demise of the institution—which is invariably traced to the unworthiness of its last victim, Hyperbolus—in F30, Σ *Eq.* 855b, and *Arist.* 7.2f. There is, however, no intrinsic reason that Philochorus or anyone else had to treat the end of ostracism in the context of its beginning or earliest use. A common portrayal of ostracism thus appears to lie behind these accounts.

Raubitschek traces the common features of post-Aristotelian accounts to Theophrastus' *Nomoi*. Following Bloch, he observes that Σ Lucian *Timon* 25 (p.30 Rabe), citing Theophrastus, contains language on the end of ostracism similar to that in Σ *Ar. Eq.* 855b.¹⁹ Adding the correlations between Σ *Eq.* 855b and Philochorus F30, one might posit Theophrastus as the common authority, but it seems unlikely that Philochorus derived his information from Theophrastus rather than from earlier Attidography. The undeniable similarities between Philochorus and sources assumed to derive their information on ostracism from Theophrastus may stem from their mutual derivation from earlier *Atthides*. Theophrastus himself (and probably the author of the *Ath.Pol.*) drew upon an uncontroversial treatment of ostracism

¹⁸ Diod. 11.55.3 offers several similarities on a smaller scale: see Jacoby 315f, and *infra*.

¹⁹ Raubitschek 77–83, following H. Bloch, “Studies in Historical Literature of the Fourth Century B.C.,” *HSCP* Suppl. 1 (1940) 303–76, esp. 357–61, who, however, saw the Σ *Eq.* as combining Theophrastus and Philochorus, an impression also traceable to the descent of both from an earlier Attidographic authority. See also W. R. Connor and J. J. Kearney, “Theophrastos on the End of Ostracism,” *AJP* 90 (1969) 313–19, who support Raubitschek's thesis.

in an earlier Atthidographer. It seems unlikely that Theophrastus had the time to do independent or far-ranging research for the *Nomoi*, a work that, to the best of our knowledge, was synthetic and possibly prescriptive in character.

A serious shortcoming of Raubitschek's hypothesis is that it compels him to argue that the account of ostracism in Diod. 11.55.3 is derived from Timaeus, and not from Ephorus, the main source for the Athenian history in Book 11.²⁰ Diodorus is linked to the single authority by his characterization of ostracism as involving *ταπείνωσις*, 'abasement', rather than *κόλασις*, 'punishment', the very same terms used in Plutarch's *Aristides*. Another objection is that the main tradition presented in Plut. *Nic.* 11.4–10, *Alc.* 13.4–9, and *Arist.* 7.3f traces the ostracism of Hyperbolus to a compact between Alcibiades and Nicias. Theophrastus is, however, cited for the minority view (*Nic.* 11.10) that Phaeax conspired with Alcibiades against Hyperbolus (*cf.* *Alc.* 13.8).²¹ If Theophrastus, rather than an Atthidographer, is the key figure in the transmission of the ancient consensus, we would expect his view on the ostracism of Hyperbolus to prevail. But Theophrastus does not appear to be the primary source used by Plutarch for the ostracism of Hyperbolus or for ostracism in general.

The likelihood of this view is enhanced if the most notorious discrepancy in the evidence on ostracism, namely its origin, is removed. If we accept the argument that Androtion has been distorted by Harpocration to state that ostracism originated shortly before it was first used, we avoid conflict with its attribution in the *Ath.Pol.* to Cleisthenes.²² Philochorus F30 also attributes the creation of ostracism to Cleisthenes, and indeed this underlying similarity between the *Ath.Pol.* and Harpocration on the origins of ostracism parallels the agreement I suggest between the phrasing of the *Ath.Pol.*'s statement on the residence clause and that of Philochorus. Accordingly, the general treatment of ostracism may be seen as transmitted from one

²⁰ Not probative for Raubitschek's hypothesis is his argument (93–96) that since Diodorus connects his general treatment of ostracism to the specific case of Themistocles, his source mentioned no other ostracisms. But *Σ Eq.* 855b seems to indicate that the original source had a list of the ostracized (incomplete in the existing citations). Any intermediary, such as Ephorus, could have included an excerpt from the general survey to the ostracism he considered most significant, *e.g.* that of Themistocles. Plutarch or his source attached excerpts from the same overview to his treatment of the case of Aristides, and Didymus commented on a Demosthenic passage referring to Themistocles.

²¹ *Cf.* A. E. Raubitschek, "Theopompos on Hyperbolus," *Phoenix* 9 (1955) 122–26.

²² See U. Wilamowitz-Moellendorff, *Aristoteles und Athen* I (Berlin 1893) 123 n.3; K. J. Dover, "Androtion on Ostracism," *CR* 77 (1963) 256f; G. V. Sumner, "Androtion F 6 and *Ath. Pol.* 22," *BICS* 11 (1964) 79–86; Keaney (*supra* n.3).

Atthidographer to another (or, at the very least, from Androton to Philochorus) without major alteration.²³ Similarly, it is unlikely that there was a divergence of views on the residential limitation among Atthidographers that would justify emending Philochorus instead of the *Ath. Pol.* This conclusion can also be supported by considering the significance of the configuration of the prohibiting clause.

The Geography of the Restrictive Clause

In Philochorus F30, the residential limitation appears in conjunction with a provision that the ostracized leave Attica within ten days of his rejection by the voters. Presumably, before the limitation was added, he might exit Athenian territory by land or sea, just crossing the border if he chose. In point of fact, however, the first victims of ostracism seem to have gone mainly to Aegina (see *infra*). A departure by ship would have been advisable in any event, since such an exit from Attica through the Piraeus (or Phalerum) could be a declarative action and a public event, and so more verifiable than a claim to have crossed the border by land at a particular time. Leaving by sea, the ostracized avoided the possibility of prosecution (probably with *atimia* as a punishment) for failing to observe the ten-day limit, and could also save the time needed to reach the border by land if there was any delay in settling his affairs. The limit for the settlement of persons ostracized might thus represent conditions, in terms of popular geography, set in anticipation of a departure from Attica by ship. Hence the Athenians had no need to lay out four points in order to create a quadrilateral within which (or outside which, if one does not emend the *Ath. Pol.*) the ostracized could not dwell: their purpose was served by establishing that the ostracized could not disembark (ἐπιβαίνειν) or settle (κατοικοῦν) until his ship had passed Cape Geraistus or Cape Scyllaeum. Although Geraistus and Scyllaeum do not appear elsewhere together, each is used individually as a landmark, as a stage on a journey, or as a reference point.²⁴

On this interpretation, the geographical provisions of the residential clause are parallel to the terms of the 'Peace of Callias', sup-

²³ Other discrepancies, such as the five-year term of ostracisms (*cf.* Philochorus F30; Diod. 11.55.2) and the nature of the 6,000 vote threshold (*cf.* F30 and Plut. *Arist.* 7.6), can be explained as extrapolations from specific cases or distortions of intermediaries rather than as disagreement in the primary authorities. See Jacoby 316f; Hignett (*supra* n.9) 165f. *Cf.* Raubitschek, "Philochorus Frag. 30 (Jacoby)," *Hermes* 83 (1955) 119f; Raubitschek 82f on an emendation to Didymus in *P. Berol.* 5008 and 102f on the duration of ostracism.

²⁴ Geraistus: Hom. *Od.* 3.177, Hdt. 8.7.1, Dem. 4.34, Callim. *Del.* 4.199, Strab. 10.1.8 (446), Plut. *Ages.* 6.4, Ael. *Arist.* 3.22, Liban. *Or.* 1.16, Eust. *Il.* 2.537. Scyllaeum: Thuc. 5.53, Strab. 8.6.1 (368), 10.5.1 (484), Paus. 2.34.7f.

posedly concluded between Athens and Persia during the height of the Athenian ἀρχή. In the predominant tradition, the Persians agreed, *inter alia*, not to sail within the Cyanean rocks or Chelidonian islands (ἐνδον δὲ Κυανέων καὶ Χελιδονίων μακρᾶ νηὶ καὶ χαλκεμβόλω μὴ πλέειν: Plut. *Cim.* 13.4). The corresponding restraint on Persian land forces is sometimes phrased in similar terms: οὐτ' ἐντὸς Ἄλυσος περὶ στρατοπέδω καταβαίνειν (Isoc. 12.59; note also 7.80; cf. Dem. 19.273, Diod. 12.4.5, Ael. Arist. 13.153, Aristodemus *FGrHist* 105 F13.2).²⁵ The geographical restrictions on the Persians are conceptualized in terms of limitations on their possible movements (not as linear boundaries), as are the restrictions on departures from Attica by the ostracized. Moreover, when an area is distinguished, often by a word like ἐντός, reference is almost always the forbidden, rather than the permitted, zone (cf. *Suda* s.v. Κίμων). An unemended *Ath. Pol.* and previous understandings of the significance of the two capes in the residential restriction remove these two similarities (see *infra*). One is justified in remaining skeptical of the historicity of the Peace (cf. Callisthenes *FGrHist* 124 F16, Theopompus 115 F153).²⁶ Yet even a skeptic may grant that these testimonia probably preserve fifth-century formulations of what constituted acceptable behavior by the Persians (if not the terms of Athenian proclamations or truces with satraps).

The two capes are not then the two termini for a line of demarcation,²⁷ but simply two landmarks to be observed by an ostracized traveling by sea. Nor, on this interpretation, can Geraistus and Scyllaeum be the eastern and western limits of the area within which the ostracized had to dwell, for the two capes do not inscribe a geometric figure within or without which habitation was mandated.²⁸ The import of Scyllaeum, the southeastern promontory of the Argolic Acte, is easy to deduce: the ostracized had to leave the Saronic Gulf. But if that were the sole purpose of the clause, could not the other marker have been provided by Cape Sunium? The setting of a boundary within Athenian territory may, however, have been perceived as open to distortion. Although the law directed removal of the ostracized from Athenian territory, a reference to Cape Sunium in this amendment might well have been twisted to imply the permissibility of an establishment on the eastern shore of Attica. Thus Cape Geraistus was chosen, as the next point of orientation to the northeast. Another

²⁵ For other expressions reporting the same provision: Isoc. 7.80, 12.79; cf. 4.120; *Suda* s.v. Κίμων.

²⁶ See R. Meiggs, *The Athenian Empire* (Oxford 1972) 487–95.

²⁷ Develin 76 posits such a line which, sufficiently extended, would allow Cimon to remain within it even while in the Chersonese! See also Goossens 126.

²⁸ Cf. Kenyon (*supra* n.9) 80f.

factor in naming Cape Geraistus was probably more important: just as the Athenians tried to bar the ostracized from the Saronic Gulf, they may also have wished to close the Euripus (and with it Chalcis and Eretria) to them.

On this understanding of the clause, what was to stop the ostracized from sailing into the Argolic Gulf or around the northern coast of Euboea to reach the Isthmus or Boeotia by land? Cimon may have done something like this, if he traveled from the Chersonese to Tanagra (see *infra*).²⁹ One must assume that the Athenians did not distinguish between an initial debarkation in a prohibited locale and the subsequent appearance of the ostracized in a coastal location. A visit to Eretria or Cenchreae by one of the ostracized thus left him open to prosecution leading to *atimia*. Nonetheless, it is also clear that mere proximity to Attica was not the primary consideration in the limitation on residence. Cimon was not, it seems, forbidden from Tanagra, which, after all, is much closer to Attica than many sites within the Saronic Gulf. Rather, the significance of phrasing the residential limitation in terms related to sailing from Attica suggests that an establishment by the ostracized in a littoral site within the prohibited area was its chief concern. This conclusion, in turn, suggests that ease of communication with Attica played a larger rôle in the formulation of the clause than did linear distance from Athens. In other words, residence in Plataea, for instance, was less objectionable than an establishment at Troezen. Regular and expeditious contact with Attica took place by sea, and this sort of facility of interaction may be precisely what troubled the Athenians (see 299–304 *infra*).³⁰

To recapitulate: the limitation on place of domicile for the ostracized forbade them the shores of the Saronic Gulf and perhaps the Euripus, so barring them from places with easy contact with Athens—*i.e.* from Aegina, Eretria, and Megara, but not Thebes, Argos, and perhaps even Corinth (as distinguished from Cenchreae, its port on the Saronic Gulf).

The Habitation of the Ostracized in the 480's

Why the Athenians should have wanted to implement a restriction on habitation is explained by the behavior of the first group of the

²⁹ It is not certain that, in the 480's, it was anticipated that the ostracized might move about, or known whether in fact they did so. With so much of Greece in Persian hands, transience might have been suspect as medism. In any case, good reasons will be suggested *infra* for the ostracized to stay in contact as close as possible with Attica.

³⁰ Cf. Kaibel (*supra* n.9) 177.

ostracized during their exile. The whereabouts of Aristides is most clearly attested: all sources agree that he spent his ostracism on Aegina.³¹ That he was not alone in choosing a refuge there can be inferred from a fragment of Old Comedy (Kock, *Adesp.* 3.40, p.406) that preserves a proverbial expression explained by Zenobius: Βουκολήσεις τὰ περὶ τὸν βοῦν ὡς ἐπὶ τὸ πλεῖστον οἱ ὀστρακιζόμενοι μεθίσταντο εἰς Αἴγιαν, ἔνθα ἦν βοῦς χαλκῆ παμμεγέθης.³²

The ox lurking behind the expression “caring for affairs concerning the ox” (“tending the matters of the ox” or “cheating in the affairs of the ox”) was a bronze dedication. It presumably stood in some conspicuous place (e.g. the marketplace) in the city of Aegina, where it may have acted as a landmark at which Athenians congregated while conducting local business. As such, it served as a haunt for ostracized Athenians seeking to maintain contact with their fellow citizens and home. We have already accounted for one of those ostracized who, for the most part (ἐπὶ τὸ πλεῖστον), went to Aegina, namely Aristides. Among those ostracized later, the only possibility is Thucydides son of Melesias (a doubtful one, I shall argue below). Accordingly, the gloss ought to refer to others of the first group. Their prominence and collective residence on Aegina was striking enough to promote the expression βουκολεῖν τὰ περὶ τὴν βοῦν to proverbial status.³³

No evidence excludes the possibility that others ostracized in the 480's stayed on Aegina. We do know from Lycurgus' *Against Leocrates* that Hipparchus son of Charmus was accused of *prodosia*, presumably for medism, and condemned to death *in absentia*. Quite

³¹ [Dem.] 26.6; *Suda s.vv.* Ἀριστείδης; Δαρεικούς; Aristodemus *FGrHist* 104 F 1.1.4; cf. Hdt. 8.79.1; Plut. *Arist.* 8.2; Σ Ael. *Arist.* 46.194, 3.613 (Dindorf). Reflecting Atthidography, Plut. *Them.* 11.1 attributes his recall to a proposal of Themistocles. The Themistocles Decree has the ostracized recalled just before the evacuation (M/L 23.45–47). Herodotus seems to portray Aristides as coming home directly from Aegina before the battle of Salamis (Hdt. 8.79.1), but this notion may have been encouraged by a conflation of Aristides' return from exile with his return from an embassy to Aegina: one that entailed escorting the statues of the Aeacids (Hdt. 8.64.2, 8.83.2; see J. B. Bury, “Aristides at Salamis,” *CR* 10 [1896] 414–18), or another to deal with Athenian refugees on the island (H. B. Mattingly, “The Themistocles Decree from Troizen: Transmission and Status,” *Classical Contributions: Studies in Honour of Malcolm Francis McGregor* [Locust Valley, N.Y., 1981] 79–87). Plut. *Arist.* 8.1 has Xerxes virtually on the borders of Attica before the recall. Nep. *Arist.* 2.1 marks the next, erroneous, deduction: *interfuit autem pugnae navali apud Salamina, quae est prius quam poena liberaretur*; cf. 1.5: *sexto fere anno*. See *supra* n.2.

³² Zenobius *apud* Miller (*supra* n.4) 384; see Goossens 129–33. A. Meineke, *Hermes* 3 (1869) 451–58, compared this line to *Eq.* 284–302. Goossens supposed a trochaic dimeter standing behind the line being glossed.

³³ Nothing compels us to follow Goossens (131) in believing that the comedy Zenobius cites to illustrate the proverb must have been contemporary with the events—the presence of the ostracized on Aegina—that gave it currency.

possibly Hipparchus, in fear of the mood of the *demos*, did not return to Salamis (*Leoc.* 117f; Harp. *s.v.* "Ἱππαρχος) when the ostracized were directed there to await (individual?) disposition (M/L 23.45–47). That his defection took place as late as 481/0 rather than earlier (after his ostracism) may be inferred from an implicit comparison with Leocrates, the defendant whom Lycurgus prosecuted for his absence from Attica during war. A flight by Hipparchus when the arrival of the Persians was imminent would indicate a similar pattern. In contrast, Xanthippus returned to command against the Persians (Hdt. 7.33, 8.131.3, 9.114.2, 9.120.4), and Megacles son of Hippocrates seems to have returned, for his son retained his citizenship.³⁴ Megacles may well have spent his exile on Aegina. It is likely that his uncle, the Alcmaeonid reformer Cleisthenes, had been responsible for a Delphic oracle urging a delay in retaliation against Aegina *ca* 506 (Hdt. 5.89.2).³⁵ The fate or later activity of Callias son of Cratius, the likeliest candidate for the victim of ostracism in 486/5 (unnamed in the *Ath. Pol.*), is unknown.³⁶ Consequently it is possible that, besides Aristides, some or all of the other four ostracized were present on Aegina to be recalled by the Athenians.

As we have observed, the Themistocles Decree contains a clause directing the ostracized to go to Salamis until the *demos* can reach a decision about them (M/L 23.45–47): τοὺς μὲν μεθεστηκότας τὰ [δέκα] ἔτη ἀπιέναι εἰς Σαλαμίνα καὶ μένειν αὐτοὺς ἐ[κεί] ἕως ἂν τι τῶι δῆ[μω]ι δόξηι περὶ αὐτῶν. Here a recall initiated by Themistocles is combined with provisions for manning the fleet and for evacuation of Attica. This is not the place to review the mass of scholarship on this inscription;³⁷ in

³⁴ J. K. Davies, *Athenian Propertied Families* (Oxford 1971) no. 9688 (p.381), citing Σ Pind. *Pyth.* 7 *inscr.* a; *IG* I³ 297–99, 322–24; *Ar. Ach.* 614–16.

³⁵ A parallel for Cleisthenic involvement in the oracle concerning Aegina is the almost contemporary Delphic pressure, at Alcmaeonid prompting, on Sparta to expel the Pisistratids (Hdt. 5.63.1f). See T. J. Figueira, *Aegina and Athens in the Archaic and Classical Periods: A Socio-Political Investigation* (diss. Pennsylvania 1977) 261f. Although counseling delay in retaliation against Aegina does not prove a pro-Aeginetan stance on the part of Cleisthenes and other Alcmaeonids, it would offer a basis for Megacles in seeking sympathetic refuge there.

³⁶ E. Vanderpool, *Ostracism at Athens* (= *Lectures in Memory of Louise Taft Semple*, Ser. 2.6 [Cincinnati 1973]) 235f; P. J. Bicknell, *Studies in Athenian Politics and Genealogy* (= *Historia Einzelschr.* 19 [Wiesbaden 1972]) 64–71, and "Athenian Politics and Genealogy; Some Pendants," *Historia* 23 (1974) 146–63, esp. 148f.

³⁷ See, in general, M/L pp.48–54; M. H. Jameson, "Waiting for the Barbarian: New Light on the Persian War," *G&R* 8 (1961) 5–18. In favor of authenticity: B. D. Meritt, "Greek Historical Studies," *Lectures in Memory of Louise Taft Semple: First Series (1961–1965)* (Princeton 1967) 95–132, and the works cited in n.40. *Contra*: C. Habicht, "Falsche Urkunden zur Geschichte Athens im Zeitalter der Perserkriege,"

my view, the document is not a later revision of a single, authentic proposal by Themistocles, but rather draws on fifth-century traditions (possibly through an *Atthis*), including such documentary material as *psephismata* proposed by Themistocles in 481–480.³⁸ Plutarch seems to treat the decree ordering the evacuation and that directing the recall as two separate enactments (*Them.* 10.4, 11.1). Most commentators have doubted that the prohibitions on residence, associated by the *Ath. Pol.* with the recall, can have followed (lines 47ff) what survives.³⁹ The use, however, of *τοὺς μεθεστηκότας* for the ostracized, as well as the two-stage restoration procedure, suggests derivation from a genuine *psephisma*, as these details are unlikely to have been fabricated.⁴⁰

The evacuation mentioned in this inscription dates the recall to 480/79, not the archonship of Hypsichides (482/1 or 481/0) as asserted in the *Ath. Pol.* and probably in Atthidography. Even the multi-staged restoration envisaged in the decree should have ended before 480/79.⁴¹ On the most economical assumption, Xanthippus returned early enough in 480 to be elected general for 480/79 (Hdt. 8.131.3) before he participated in the evacuation (Plut. *Them.* 10.10; Arist. fr.399; Philoch. *FGrHist* 328 F116). Some argue that Aristides commanded as a *strategos* at Psytalleia (Hdt. 8.95; Plut. *Arist.* 9.1). The need for *homonoia* cited in the decree (44f) also renders improbable a protracted procedure of restoration spanning 481/0 and 480/479.⁴² Consequently the segregation of the ostracized on Salamis cannot have followed their return to Athens; moreover, the nature of the

Hermes 89 (1961) 1–35. For the recall: S. M. Burstein, “The Recall of the Ostracized in the Themistocles Decree,” *CSCA* 4 (1971) 93–110.

³⁸ I. Hahn, “Die Echtheitsfrage der Themistokles-Inschrift,” *Acta Antiqua* 13 (1965) 27–39, discerns three constituent decrees, including one in 481/0 for the recall of the ostracized. On fifth-century provenience: C. W. Fornara, “The Value of the Themistocles Decree,” *AHR* 73 (1967) 425–33; G. Huxley, “On Fragments of Three Historians,” *GRBS* 9 (1968) 309–20.

³⁹ Cf. A. E. Raubitschek, “A Note on the Themistocles Decree,” *Studi in Onore di Luisa Banti* (Rome 1965) 285–87.

⁴⁰ D. M. Lewis, “Notes on the Decree of Themistocles,” *CQ* n.s. 11 (1961) 61–66, and Raubitschek (*supra* n.39) 285–87, who cite Philochorus F30 and Σ Eq. 855; add Kock, *Adesp.* 3.40. On the two stages: M. H. Jameson, “A Decree of Themistokles from Troizen,” *Hesperia* 29 (1960) 198–223, esp. 222. The criticisms of Habicht (*supra* n.37) 8 were answered by H. Berve, *Zur Themistokles-Inschrift von Troizen*, *SBWien* (1961) 21–25.

⁴¹ C. Hignett, *Xerxes' Invasion of Greece* (Oxford 1963) 463, 465; M. Chambers, “The Significance of the Themistocles Decree,” *Philologus* 111 (1967) 157–69; Burstein (*supra* n.37) 96–98. Cf. Raubitschek (*supra* n.39) 286f, who finds confirmation for Nep. *Arist.* 1.5–2.1 (*supra* nn.2, 31).

⁴² Hignett (*supra* n.41) 465; cf. Burstein (*supra* n.37) 107–10.

decision about them by the *demos* would become completely opaque in that case.⁴³ In the decree the ostracized could easily be directed to Salamis, perhaps from a single place, nearby Aegina.

Like the sources that had Aristides returning around the time of Salamis (*supra* nn.2, 31), the compiler of the inscription places the recall at a moment of intense drama, the evacuation of Attica. He might well have been influenced by the instruction that the ostracized go to Salamis. This allusion to Salamis, however, is probably coincidental and does not prepare for or predict a battle there.⁴⁴ Salamis was not Athens, but was under Athenian control, so that an order to go there could test the reaction of the ostracized and thereby their loyalty. Hence there is no need to imagine a rump assembly on Salamis (*cf.* Hdt. 8.41.1) to decide on the ostracized (the sort of decision normally lying with the *strategoí*?).⁴⁵ The decree used by the compiler of the inscription belonged to the archonship of Hypsichides, when the Athenian government continued in being at Athens to decide the fate of the ostracized.

Places of Exile for the Later Victims of Ostracism

My interpretation of the nature of the limitation on residence is further supported by the surviving evidence on the activity following ostracism of those expelled after 480.⁴⁶ Let us consider them in chronological order:

(1) Themistocles was ostracized *ca* 470. He lived in Argos and traveled in the Peloponnesus (Thuc. 1.135.2f; Diod. 11.55.4; Plut. *Them.* 23.1–6; Nep. *Them.* 8.1–3; Aristodemus *FGrHist* 104 F 1.6.1, 1.10.1; *cf.* Pl. *Grg.* 516D; Cic.

⁴³ See M/L p.51 for the possibility that the ostracized were already in Athens. Burstein (*supra* n.37) 98–102 noted that ἀπιέναι does not belong to normal usage for restorations. In our interpretation, the *psephisma* used by the compiler did not so much restore the ostracized as mark a first step towards a decision on restoration. Moreover, an exception occurs in a decree of 363/2 on the reincorporation of Iulis on Ceos into the Second Confederacy (Tod II 142). In lines 49–51 three pro-Athenian Ceans in exile (*cf.* 36f, 53) are sent home: ἀπιέναι εἰς Κέω ἐπὶ τὰ ἑαυτῶν. One is not, however, forced on this analogy to conclude with Burstein that the ostracized in the Themistocles Decree are to ‘depart’ Athens for Salamis. If ἀπιέναι suggests that a single place was visualized from which they would leave for Salamis, that place might well have been Aegina. See N. G. L. Hammond, “The Narrative of Herodotus VII and the Decree of Themistocles at Troezen,” *JHS* 102 (1982) 75–93, esp. 86f n.44.

⁴⁴ Hammond (*supra* n.43) 86 defends an authentic, unitary decree dated to September 481 and sees the ships posted at Salamis as a guard against a still hostile Aegina.

⁴⁵ *Cf.* Jameson (*supra* n.37) 13.

⁴⁶ Kenyon (*supra* n.9: 81) noted that Themistocles, Hyperbolus, and, with reservations, Cimon were counter-indicative to an unemended *Ath.Pol.*; Sandys (96f) admits Themistocles and Hyperbolus; Beloch, *Gr. Gesch.*² II.2 143 n.1, notes Themistocles, Cimon, and Hyperbolus.

Amic. 12.42).⁴⁷ Thus his behavior during his ostracism is accommodated by my understanding of the amendment on residence.

(2) Cimon was ostracized in 462/1 (Plut. *Cim.* 17.3; *Per.* 9.5; Nep. *Cim.* 3.1; Pl. *Grg.* 516D). When he was eventually recalled, he seems to have been living in the Chersonese (Andoc. 3.3; cf. Aeschin. 2.172).⁴⁸ While ostracized Cimon appeared at Tanagra, where he offered to fight with his tribesmen (Plut. *Cim.* 17.4f, *Per.* 10.1–3). The *boule* ordered the generals to turn him away, which suggests that his petition was referred to them. There is no suggestion that either his domicile in the Chersonese or his appearance at Tanagra was illegal. In either case his legal status is explained by my hypothesis on the residence clause.

(3) Associated with the fall of Cimon is the ostracism of Menon the Thessalian (Hesych. s.v. *Μενωνίδαι*), if Menon was indeed ostracized.⁴⁹ He had received citizenship, presumably under the patronage of Cimon, for the military aid he brought to the Athenians besieging Eion, in perhaps 477/6 (Dem. 23.199, [Dem.]13.23). Raubitschek tentatively identifies him with the Menon of Pharsalus who brought help to Athens in 431 (Thuc. 2.22.3); but the latter could equally be the son of the ostracized Menon.⁵⁰ A Thucydides the Pharsalian, son of a Menon, was probably the son of the Menon of 431 (Thuc. 8.92.8; Marcellin. *Vit.Thuc.* 28; Σ Ar. *Ach.* 703a, d; Σ *Vesp.* 947b). If these Pharsalians are correctly associated with the Menon who was ostracized, that man withdrew to his home city after his ostracism, an action reconcilable with the hypothesis presented above.

(4) The movements of Thucydides son of Melesias after his ostracism present the only significant challenge to my reconstruction. The biographical tradition on the historian Thucydides, the son of Olorus, preserves information derived from stories about Thucydides, son of Melesias. The anonymous biographer of Thucydides the historian concludes an account composed in large part of details from the life of Thucydides son of Melesias (including his rhetorical skill and opposition to Pericles) with the statements that he composed his history on Aegina and there practiced usury ruinous to the Aeginetans (6f). The last details—exile and usury on Aegina—are also reported by Marcellinus (*Vit.Thuc.* 24). One reaction has been to attribute them to the career of Thucydides son of Melesias also.⁵¹ Yet the assertion that the history

⁴⁷ See A. Andrewes, "Sparta and Arcadia in the Early Fifth Century," *Phoenix* 6 (1952) 1–5; W. G. Forrest, "Themistokles and Argos," *CQ* n.s. 10 (1960) 221–41, esp. 232–40.

⁴⁸ The emendation *Κίμωνα τὸν Μιλτιάδου* for *Μιλτιάδην τὸν Κίμωνος* is virtually compulsory, given the context. The similarity of the notice of Andocides to the other testimonia suggests concord in the Atthidographic tradition (Theopomp. *FGrHist* 115 F88; Plut. *Cim.* 17.8, *Per.* 10.4f; Nep. *Cim.* 3.2f).

⁴⁹ See A. E. Raubitschek, "Menon, Son of Menekleides," *Hesperia* 24 (1955) 286–89, who cites the relevant ostraca in his n.2.

⁵⁰ A. W. Gomme et al., *A Historical Commentary on Thucydides* V (Oxford 1981) 312f.

⁵¹ H. T. Wade-Gery, "Thucydides the Son of Melesias," *Essays in Greek History*

of Thucydides was written on Aegina should be treated cautiously, for it suggests that there were more points of congruence in the biographical traditions about these two prominent namesakes than the simple confusion caused by the identity of their names. Perhaps both men had connections with Aegina: Thucydides son of Melesias through his father's patronage of Aeginetan athletes (Pind. *Ol.* 8.53f; *Nem.* 4.93, 6.65), and Thucydides the historian through a period spent in the Athenian *apoikia* on Aegina. In that case, one might suggest a chronological context during his ostracism for the encounter of Thucydides with King Archidamus of Sparta in which the Athenian was asked who was the better wrestler, he or Pericles (Plut. *Per.* 8.5; *Mor.* 802c). Thucydides answered that his victories were negated by Periclean rhetoric. Surely this episode makes best sense if its dramatic frame was after the final fall, so to speak, when Thucydides was ostracized.⁵² In that case, Thucydides visited Sparta during his period of ostracism, a visit reconcilable with my hypothesis but not with reconstructions based on an unemended *Ath. Pol.* The lack of unequivocal testimony on the movements of Thucydides after his ostracism renders his case inconclusive as evidence on the provisions of the residential clause.

(5) Hyperbolus represents a straightforward case: he was assassinated on Samos in 411 during his period of ostracism (Thuc. 8.73.3; cf. Theopomp. *FGrHist* 115 F96; Σ Ar. *Pax* 681b; Σ *Vesp.* 1007b). His place of residence, on any interpretation, clearly lay outside Geraistus and Scyllaeum.⁵³

The Restrictive Clause in Athenian Politics

Alternative understandings of the amendment to the law of ostracism are less consistent with the evidence. Clearly the interpretation offered above cannot simply be reversed, so that the ostracized were confined to the Saronic Gulf. Themistocles' settlement in Argos so soon after the amendment should be proof against that suggestion. Thereafter all the ostracized, with the arguable exception of Thucydides son of Melesias, lived outside the limits. One is then forced back on the interpretation that proposes Geraistus and Scyllaeum as the termini of a line east or west of which the ostracized must stay.⁵⁴ This notion seems more appropriate to scholars accustomed to thinking of fifth-century boundaries in terms of lines of demarcation on maps (cf. *supra* 288f on the Peace of Callias). Would not an Athenian tend to

(Oxford 1958) 239–70, esp. 261f; Goossens 132 n.1; cf. Beloch (*supra* n.46), who considered the notice worthless.

⁵² F. Jacoby, "Some Remarks on Ion of Chios," *CQ* 41 (1947) 1–17, who observes that Stesimbrotus is a possible source.

⁵³ Connor and Keaney (*supra* n.19) 314 rightly reject the possibility that the phrase *μη̄ ὑπακούσαντος τῷ νόμῳ*, used by Σ Ar. *Eq.* 855b to explain the desuetude of ostracism, can mean that Hyperbolus flouted the residence clause; they prefer to emend.

⁵⁴ Develin 76; Goossens 126.

lump together passing Cape Scyllaeum on the way to Argos and on the way to Rhodes, though the two places are on either side of the proposed line? Certainly the movements of Cimon seem to undermine this approach: he was on both sides of the line during his ostracism, in the Chersonese and visiting Tanagra.

Another approach is to invalidate most of the evidence from the later ostracisms by assuming that the ostracized were later freed from any restriction or that they were eventually confined to places within the Athenian ἀρχή.⁵⁵ Nothing, however, supports such an assumption, and perhaps a fatal objection may be raised against it. Philochorus F30 provides a general overview of ostracism (shared by other Atthidographers): although it was appended to the passage of the ostracism law by Cleisthenes or to an account of the early ostracisms, this survey previewed the end of the institution in the ostracism of Hyperbolus. The survey may also have contained a list of the victims of ostracism (*cf.* Σ Ar. Eq. 855b and *supra* n.20). Such an overview would not have troubled to treat a short-lived alteration in the institution, one that affected only one ostracism (that of Themistocles). On the contrary, such a sketch would be more likely to note a more enduring restriction—one confining the ostracized to the ἀρχή, for example—or the lack of any restriction at all, a situation that perhaps characterized the ostracisms of Cimon, Menon, Alcibiades the Elder, Thucydides, Damon, and Hyperbolus.

This interpretation is borne out by Σ Vesp. 947a, which derives from the same tradition as Σ Eq. 855b (an Atthidographer via Didymus: see *supra* 283). The former passage distinguishes ostracism from exile by noting that victims of permanent exile have no fixed place of habitation or term of exile, while the ostracized do (καὶ τόπος ἀπεδίδοτο καὶ χρόνος).⁵⁶ This seems to be a condensed reference to the limitation clause given at greater length in Philochorus F30, and indicates the general relevance of the clause in separating exile from ostracism in popular perspective.

A final consideration suggests that the restrictive clause in *Ath. Pol.* 22.8 continued in force throughout the fifth century. If the ostracized did not obey the restriction on residence, they became ἀτίμους . . . καθάπαξ, “deprived of civil rights . . . immediately (or absolutely).” The term καθάπαξ, when used to specify a variety of *atimia*, appears to have a technical sense (Dem. 21.32, 87; [Dem.] 25.30; *cf.* παντάπασι, Andoc. 1.75); unfortunately there is debate over its precise meaning.

⁵⁵ For the former: Wilamowitz (*supra* n.22) 114 n.25, Kenyon (*supra* n.9) 80f, Goossens 127f, Develin 76; for the latter, Raubitschek 104f.

⁵⁶ *Cf.* *Anecd. Bekk.* 285.20, *Suda s.v. ὀστρακισμός*; Sandys (*supra* n.9) 97.

Paoli and Harrison argue that it denotes *atimia* falling short of its archaic connotation of 'outlawry' (less likely, in my view), while Swoboda and Rhodes reserve its use for precisely the most stringent meaning.⁵⁷ In contrast, Hansen makes the attractive (though inconclusive) argument that *καθάπαξ* distinguishes permanent *atimia* from the *atimia* resulting from indebtedness to the state, which might be remedied through payment.⁵⁸ Nonetheless, the mere existence of such distinctions is more important, for our purposes, than their precise definition. It is tempting to enter the debate on just when *atimia* in its original sense of outlawry (where its victim might be killed with impunity) was supplemented by other less drastic deprivations of civil rights. Here, however, one encounters a similarly complex and confused set of hypotheses in which less than absolute forms of *atimia* might have appeared as early as Draco or as late as 460–405.⁵⁹

It is enough for our purpose to note that the variety of *atimia* denominated by *kathapax* in *Ath.Pol.* 22.8 must be nearly complete loss of civil rights or even outlawry, inasmuch as it represented a further and lasting degradation from temporary exile for an ostracized citizen. The most closely contemporary instance of *atimia* is the declaration against Arthmius of Zeleia as *polemios* and *atimos* (an outlaw, as the orators specify), an enactment variously assigned to Themistocles or to Cimon.⁶⁰ Another parallel appears in a law against subversion, especially by members of the Areopagus, proposed by Eucrates in 337/6 (*SEG* 12 87.20f), which seems to preserve the terminology of legislation of at least the Cleisthenic period.⁶¹ Neither

⁵⁷ A. R. W. Harrison, *The Law of Athens* II (Oxford 1971) 169–71; U. E. Paoli, *Studi di diritto attico* (Florence 1930) 316 and n.2. Cf. H. Swoboda, "Beiträge zur griechischen Rechtsgeschichte," *ZSav* 26 (1905) 149–84, esp. 154; Rhodes 282f and "Bastards as Athenian Citizens," *CQ* N.S. 28 (1978) 89–92.

⁵⁸ M. H. Hansen, *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes* (Odense 1976) 67f.

⁵⁹ See Swoboda (*supra* n.57) 153f and "Arthmios von Zeleia," *AEM* 16 (1893) 49–68, esp. 54–63, who opts for a pre-Solonian origin; he is followed, among others, by M. Ostwald, "The Athenian Legislation against Tyranny and Subversion," *TAPA* 86 (1955) 103–20, esp. 107f. Adduced in support of this view are *Ath.Pol.* 8.5, 16.10; *Plut. Sol.* 19.4. Hansen (*supra* n.58: 78–80) proposes a Cleisthenic date; E. Ruschenbusch, *Untersuchungen zur Geschichte des athenischen Strafrechts* (Cologne 1968) 20f, adopts a date *ca* 460.

⁶⁰ *Polemios* and *atimos*: *Dem.* 9.41–43, cf. 19.271f; *Ael. Arist.* 13.190 with scholia (III 327 [Dindorf]); 46.218 with Craterus *FGrHist* 342 F14; *Plut. Them.* 6.4; cf. *Aeschin.* 3.258; *Din.* 2.24f. Cimon: Craterus; Themistocles: *Plut.*; *Ael. Arist.* 46.303. In addition to Swoboda (*supra* n.57) see Meiggs (*supra* n.26) 508–12; Habicht (*supra* n.37) 23–25.

⁶¹ Special precautions against disloyalty by the Areopagites might have had precedents after the expulsion of the Pisistratids, when the Areopagus was filled by Pisis-

document utilizes the term *καθάπαξ*. Accordingly, it is unlikely that the restriction on residence originally used this qualifier for *atimia*, which is not then attested before the fourth century. Thus the restriction was not a short-lived provision, but one that lasted long enough (presumably until the codification of Athenian law at the end of the fifth century) to undergo routine modernization of its terminology.

The Historical Background of the Recall of the Ostracized

In order to preserve the reading of the papyrus with an interpretation of the two capes as the termini of a line of demarcation not to be passed, it has been argued that in 481/0 it was more important to exclude the ostracized from contact with the Persians than to bar them from the vicinity of Attica.⁶² This approach seems to confound the very nature of ostracism with legal procedures directed at prosecutable offenses. Ostracism was framed to pre-empt a potential tyrant before he committed acts attempting tyranny, acts punishable with *atimia*. Accordingly, an assumption by an ostracized politician of residence in Persian territory would have been interpreted as medism on the analogy of the behavior of the Pisistratids. So imprudent a person would have been condemned to death *in absentia* as was Hipparchus Charmou. The Athenians were ready to stone to death the councilman who did nothing more than suggest that Mardonius' proposals of 479 to the Athenians be tendered to the *ekklesia* (Hdt. 9.5.1–3; cf. Dem. 18.204; Lycurg. *Leoc.* 122; Cic. *Off.* 3.11.48). As for secret treasonous communications with the Persians, these could be conducted from anywhere—Aegina or even Attica, at least in the minds of the Athenians. The approaches supposedly made to Aristides (discussed *infra*) were of this nature. It should be noted that the first three ostracized were condemned for being friends of tyranny (*Ath. Pol.* 22.6). This charge is likely to have subsumed sympathy for the Pisistratids at the Persian court, indicated by holding political positions that could be interpreted as pro-Pisistratid, rather than provable acts of medism. In conclusion, other recourses against open medism were available, while the residential limitation was unavailing against covert communication.

trated ex-archons. Cf. Ostwald (*supra* n.59) 120–25, who finds echoes of Draconian legislation.

⁶² Wilamowitz (*supra* n.22) 114; De Sanctis (*supra* n.10) 476f n.40; Rhodes 282; Develin 76; Goossens 126f, who also envisages a desire to keep the ostracized near Attica to be recalled. Would not a strong expectation of such recalls have vitiated the institution of ostracism itself? It is more likely that the Athenians acted to forestall recalls than to facilitate them; cf. Carcopino (*supra* n.2) 49.

It was against a threat by no means so vulnerable to prosecution as outright medism that the limitation on residence was introduced. The tradition on Aristides provides the essential evidence.⁶³ The Athenians are said to have been motivated to recall Aristides out of a fear that he would medize, taking many of his fellow citizens into the enemy camp (Plut. *Arist.* 8.1, *Them.* 11.1). The *Suda* reports the Persian approach in greater detail, a bribe of 3,000 darics designed to corrupt Aristides on Aegina (*s.vv.* Ἀριστείδης, Δαρεικούς). Just as Herodotus reflects mid-fifth-century Athenian views on Aristides (an incorruptible and unselfish patriotic foil to the devious Themistocles), Plutarch, who probably reflects the *Atticides*, introduces this anecdote into his *Aristides* (8.1) only to emphasize how erroneous was the Athenian judgment of the statesman (*cf.* *Them.* 11.1). This tradition takes it for granted that there was then no evidence for treasonous, medizing communication initiated by Aristides.

Perhaps groundless anxiety among Athenians became a problem for their leadership because of the ability of Aristides to affect the political decisions of many fellow citizens. This facility was to a large extent predicated upon the proximity of Aegina to Athens, and on the regularity and ease of maritime communications between them. Thus the continuing authority of an ostracized leader was based on his demonstrated capacity for influencing the political decisions of his supporters. Themistocles and others in power could now take no other effective steps to relieve public fears. Removing the ostracized farther from Attica would have been difficult, as it demanded the cooperation of the Aeginetans and perhaps even of the ostracized, who could always claim the status of suppliants. The ostracized could even have been frightened into bolting towards territory held by the Persians (*e.g.* Hipparchus). Present expedients were unavailing, inasmuch as it was the *prior* political activities of the ostracized that made them dangerous as leaders for both the irresolute and the disaffected. Now the political influence of the ostracized made it necessary to recall them in order to preserve *homonoia* (M/L 23.44).

The decision to recall the ostracized was probably connected closely with the reconciliation between the Athenians and the Aeginetans that was consummated at the meeting at the Isthmus in autumn 481 (*cf.* Hdt. 7.145.1). In the less likely event that the recall preceded reconciliation (see *supra* n.44), it removed from Aegina several influen-

⁶³ See A. E. Raubitschek, "Das Datislied," in K. Schauenberg, ed., *Charites: Studien zur Altertumswissenschaft* (Bonn 1957) 234–42; L. Piccirilli, "Aristide de Egina? Per l'interpretazione degli ostraka Agora Inv. P 9945 e P 5978," *ZPE* 51 (1983) 169–76. Raubitschek also discusses Agora Inv. P 9945, which identifies Aristides as a brother of Datis (or Dareius: Bicknell, *Historia* [*supra* n.36] 158).

tial Athenians, the constructive quality of whose intervention there was not assured. If reconciliation came before the recall (*supra* n.2), the accession of the Aeginetans to the Greek cause might have reassured the Athenians both that their ostracized had been neither advocates of medism nor tainted by a prospective Aeginetan medism.

In the crisis of 481–480 the threat of Persia was paramount, but it was equally possible to envisage similar complications for Athenian policy towards Greek adversaries that arose from the existence of refuge(s) for the ostracized near Attica.⁶⁴ The stay of Aristides and the other ostracized on Aegina spanned a period of both warfare and reconciliation between the two cities (*cf.* Hdt. 7.144.2). Athens' policies towards Aegina were undoubtedly complicated by the presence there of leading Athenians who were not only available as advisers but also influential at home. Later, the presence in Argos of Themistocles, who presumably approved of (if he did not encourage) Argive efforts to undermine Sparta's Peloponnesian hegemony, created an analogous problem (*supra* n.47). The majority of the Athenians, unprepared for a breach with Sparta, reacted by receiving Spartan (or Spartan-inspired) accusations against him (see *infra*).

Moreover, a concealed danger existed. If an Aristides could affect the behavior of his fellow citizens, there was also the risk that he could influence the policy of the people among whom he was living. In 490 the Aeginetans had decided to medize, only to have their intention stymied by the intervention, against considerable resistance, of King Cleomenes of Sparta (Hdt. 6.50.1f, 61.1, 73.1f). On the eve of Xerxes' invasion the Aeginetans had joined the Hellenic League (7.145.1). Although the decision to recall the ostracized probably followed the reconciliation with Aegina, there may have remained considerable doubts in Athenian minds concerning the Aeginetan will (contrasting with the attitude of the ostracized) to persevere against Persia. Accordingly, a defection to Xerxes by Aristides might inspire further defections, not only in Athens but perhaps also on Aegina.

A connection has long been made between the ostracism of Aristides and the promulgation of the Themistoclean naval program, which proposed to use the expanded fleet against Aegina.⁶⁵ The naval bill

⁶⁴ Demosthenes exploited the same possibility when he lived on Aegina during his exile in 323 (Plut. *Dem.* 26.5, 27.6; *cf.* *Mor.* 846E, 849A).

⁶⁵ Beloch (*supra* n.46) 142. For other views, see I. Calabi Limentani, *Plutarchi Vita Aristidis* (Florence 1964) lxiii–lxv. Yet the Themistoclean naval legislation signified radical changes in the Athenian military apparatus and, because it superseded the naucratic system, promised changes in the political equilibrium between classes. Even if its opponents did not foresee the emergence of Periclean democracy, they may have risked being perceived as pro-Aeginetan for their preference for compromise with Aegina rather than acquiescing in the 'extreme' measures forwarded by Themistocles

and the ostracism are closely juxtaposed in the *Ath. Pol.* (22.7), especially if the phrase ἐν τούτοις τοῖς καιροῖς will bear the meaning 'in this context'. And Plutarch implicates Themistocles as most responsible for the ostracism of Aristides (cf. 282 *supra*). Raubitschek has added another dimension to our understanding of the relationship between Aristides and the Aeginetans by noting an ostrakon (Agora Inv. P 5978) accusing him of hostile acts toward a group of suppliants. Raubitschek identifies these with the fugitives of the uprising of the *demos* under the leadership of the Aeginetan politician Nicodromus (Hdt. 6.88, 90). The Athenians had planted the fugitives from the failed coup at Sunium. The ostrakon, on this interpretation, establishes that the attitude of Aristides towards the two Aeginetan factions was controversial during the campaign leading up to his ostracism. Perhaps Aristides hoped to defuse further conflict between Athens and Aegina by removing an exacerbating influence, the presence of 'renegade' Aeginetans in Attica as citizens.⁶⁶ The beneficiaries of a defeat of the naval bill and those of an expulsion of the Aeginetan fugitives would have been the same Aeginetan elite.

Further direct evidence for the influence of Aristides on Aegina and, concomitantly, both for his ability to affect Aeginetan policy towards Athens and for his willingness to intervene in Athenian affairs on behalf of Aegina, would be provided by the historicity of Aristides of Aegina. This namesake of the statesman is described in the apocryphal epistles attributed to Themistocles as having acted as his accuser on the occasion of his condemnation for medism ([Them.] *Ep.* 11, p.751.31 Hercher). Despite recent scholarship upholding their historical value,⁶⁷ the epistles do not rank high as sources of verifiable

as necessary against Aegina. See T. J. Figueira, "The Chronology of the Conflict between Athens and Aegina in Herodotus Bk. 6," *QUCC* (forthcoming), and "Xanthippos, Father of Perikles, and the *Prutaneis* of the *Naukraroi*," *Historia* 35 (1986) 257-79.

⁶⁶ See Raubitschek (*supra* n.63) 240-42. Nonetheless, an argument from the mere fact of Aristides' residence on Aegina during his ostracism should not be the prime determinant of a pro-Aeginetan attitude. Cf. Piccirilli (*supra* n.63) 170f. The Aeginetan oligarchs might have accepted any ostracized Athenian leader as a matter of policy. Of particular significance (if an answer could be reached) would be whether Xanthippus was among the ostracized residing on Aegina. It is likely that Xanthippus shared the anti-Aeginetan stance of his son Pericles, for both of whom see Figueira, *Historia* (*supra* n.65) 275-79.

⁶⁷ See N. A. Doenges, ed., *The Letters of Themistocles* (New York 1981) 64-115; also R. J. Lenardon, "Charon, Thucydides, and 'Themistocles'," *Historia* 15 (1961) 28-40, who suggests Charon of Lampsacus as a source for some of the data uniquely found in the epistles, and *The Saga of Themistocles* (London 1978) 154-93. Cf. C. Nylander, "ΑΣΣΥΡΙΑ ΓΡΑΜΜΑΤΑ: Remarks on the 21st 'Letter of Themistokles,'" *OpAth* 8 (1968) 119-36 (134-36 on Charon), who finds valuable evidence on the scripts of the Persian Empire in *Ep.* 21.

evidence on the career of Themistocles.⁶⁸ Accordingly, a first impulse is to postulate sheer fabrication by the author of *Ep.* 11 in attaching to an Aristides the epithet *Aeginetes*, a creation perhaps generated by the associations of Aristides Lysimachou with Aegina noted above.⁶⁹

Yet if this Aeginetan is a doublet of Aristides Lysimachou, he is an incongruous one; the biographical tradition on Aristides portrays him as standing aloof from the attacks on his former adversary (Plut. *Arist.* 25.10). Indeed the letters themselves take the position that Aristides was innocent of guilt for the ostracism of Themistocles (*Ep.* 3 [p.742], 18 [757], 19 [758]), only turning on him after his condemnation for medism (*Ep.* 4 [p.743], 8 [748], 9 [750], 12 [752]; cf. Luc. *Cal.* 27). Aristides the Aeginetan is noted in connection with the hearing that led to the condemnation of Themistocles, when charges were heard from Alcibiades, Stratippus, Lacratides, and Hermocles (?) of Athens, and Aristides of Aegina, Dorcon (?) of Epidaurus, and Molon (?) of Troezen (and still others). Clearly, the dramatic setting is the proceedings against Themistocles by the Hellenic League (Diod. 11.55.4–8, cf. Plut. *Them.* 23.6; Ephor. *FGrHist* 70 F119). Aristides and the other accusers were trierarchs who had served at Salamis and thereafter resented Themistocles' support for awarding the *aristeia* to Ameinias, the brother of Aeschylus, addressee of the letter.⁷⁰ Strikingly, Diodorus reports that Themistocles did not anticipate a fair hearing at these proceedings specifically because of allied behavior in denying the Athenians the *aristeia* at Salamis (11.55.6).

The author(s) of the epistles drew on sources—apparently good ones—other than Thucydides: *Ep.* 9 shows a knowledge of the story (probably Atthidographic) how Callias *Lakkoploutos* became rich (cf. Plut. *Arist.* 5.7f; Σ *Ar. Nub.* 63a; *Suda* s.v. *λακκόπλουτον*). Like the list of Themistocles' Argive friends in *Ep.* 1 (741.4f), or the list of those connected with the oath disavowing complicity with Themistocles in *Ep.* 8, the list of enemies in *Ep.* 11 (748.4f) is plausible. But we can do

⁶⁸ For a generous view of their literary character, see J. L. Penwill, "The Letters of Themistokles: An Epistolary Novel?" *Antichthon* 12 (1978) 83–103, who postulates two independent series, 1–12 and 13–21, with distinctive characterizations of Themistocles. Cf. W. Niessing, *De Themistoclis Epistulis* (diss.Freiburg 1929) 55f; Doenges (*supra* n.67) 17–41.

⁶⁹ Piccirilli (*supra* n.63) 171–74; Doenges (*supra* n.67) 80.

⁷⁰ A. J. Podlecki, *The Life of Themistocles* (Montreal 1975) 131, is troubled by the implication that Themistocles was accused for his generalship rather than his dealings with Pausanias. But once the connection had been made between Themistocles and Pausanias' negotiations with the king, his enemies were bound to ransack his actions as a commander in the fleet for the first symptoms of medism—the message of Sicinnus (Hdt. 8.75.1–3; Aesch. *Pers.* 355–60; Thuc. 1.74.1) and the advice to Xerxes to withdraw (Hdt. 8.110.2f; Thuc. 1.137.4).

no more than speculate (along with Doenges) that an *Atthis* lies behind the anecdote.⁷¹

If Aristides existed, his rôle as an enemy of Themistocles is illuminating about Aristides Lysimachou and the Aeginetans. An Aeginetan accuser of Themistocles attacked the Athenian in connection with his leadership in the allied fleet of 480; from an anti-Persian Aeginetan, such a charge was received as credible. The name Aristides is not otherwise attested in the Aeginetan aristocracy,⁷² and it may be that he was named for the Athenian Aristides. He may then have belonged to an Aeginetan family that took pride in a connection with Aristides Lysimachou. He joined in the accusations of the Alcmeonid Leobotes, whose kinsman Megacles may have spent his ostracism on Aegina (*cf.* Plut. *Them.* 23.1; Craterus *FGrHist* 342 F 11; *cf.* Plut. *Arist.* 25.10).

In the crisis of 481–480 the Athenians recalled the ostracized; for the future they insured that they could never be *compelled* to make a similar decision. The ostracized would be removed from cities (such as Aegina) that had been and could be expected to be regional adversaries of Athens. Likewise they were separated from their following in Attica by relegation to locations less opportune for communicating with Athens. Whether the amendment of the law of ostracism was a success can only be gauged through that most difficult form of historical analyses, an inquiry into non-occurrences. No one of the major figures later ostracized is known to have exercised an influence similar to that attributed by Plutarch to Aristides in 481/0. Themistocles was convicted of medism while ostracized. Whether or not we believe that Cimon was recalled or served out his ten years, it is tolerably clear that his activities on his return were undertaken in co-operation with Pericles and his faction.⁷³ It is only on the return of Thucydides son of Melesias, and not by remote control, that a campaign of harassment against Pericles' associates revived.⁷⁴ On the basis of these surviving data, scarcely random, the limitation on place of residence for the ostracized does not seem to have been unsuccessful.

⁷¹ See Doenges' thorough discussion of the sources for the letters (*supra* n.67: 414–54). At 73f, 314, while noting that several names have become unrecognizable, Doenges argues that the whole list derives from an Atthidographic source.

⁷² *Cf.* G. Welter, *Aigina*² (Athens 1962) 107–10.

⁷³ Plut. *Cim.* 17.8f; *Per.* 10.3–6; *cf.* Theopomp. *FGrHist* 115 F 88; Nep. *Cim.* 3.2f; Andoc. 3.3; Aeschin. 2.172.

⁷⁴ Satyrus fr.14 (*FHG* III 159=Diog. Laert. 2.12). See D. Kienast, "Der innenpolitische Kampf in Athen von der Rückkehr des Thukydides bis zu Perikles' Tod," *Gymnasium* 60 (1953) 210–29.

Conclusion

Ostracism was designed by Cleisthenes to meet a danger out of the past, namely that an unscrupulous popular politician would exploit *stasis* in order to establish himself as a tyrant. Ostracism forced the *demos* to confront this possibility every year, allowing it to pre-empt a potential tyrant before he had committed illegalities. Cleisthenes, however, had designed his reforms well: the regional parties did not revive, and tensions between the old aristocracy and other groups lost their place at the center of the political stage. When ostracism was first used, its chief connection with its Cleisthenic origin was the identification of its first victims as partisans of the Pisistratids. The rôle of ostracism in politics was now to choose between two candidates for political supremacy so that the winner of the vote might acquire a mandate (entirely unofficial), which was especially significant in the upcoming election of *strategoï*. It is a tribute to the quality of Themistoclean propaganda that an artificial struggle against a single antagonist could be imposed on a political reality with many factional leaders, shifting alliances, and partisan successors vying to replace each ostracized leader.

The uninterrupted influence of ostracized politicians, such as that of Aristides from nearby Aegina, undermined the rationale for invoking a vote of ostracism. The opportunities available to the Aeginetans in the continuing political activity of the ostracized must have been provocative to Themistocles and his sympathizers, for whom the Aeginetan oligarchs were hybriatic aggressors, medizers, and enemies of both their own *demos* and that of Athens.⁷⁵ The residential restriction was meant to preclude just the sort of extraneous influence that had prompted the recall. The clause also contained an implicit message useful to Themistocles in asserting authority over his returning enemies: it served as a permanent reminder that the behavior of the exiles on Aegina had not been entirely blameless; and it suggested that any threat to *homonoia* had come from the side of the ostracized.

Seen in this way, the expansion of the basic law of ostracism confirms two of the several possible links between recall and residential restriction I suggested at the outset: it rendered any future recall unnecessary and it served to encourage political co-operation with Themistocles on the part of the former exiles by implicitly associating their rehabilitation with the troubling conduct of (at least) Aristides.

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⁷⁵ See Figueira, *Historia* (*supra* n.65).