

“Outrageous as it was for the law that prevailed against so many to be undone by the author himself (τὸν κατὰ τοσοῦτων ἰσχύσαντα νόμον ὑπ’ αὐτοῦ πάλιν λυθῆναι τοῦ γράψαντος), the misfortune that beset Pericles in his own house ... made the Athenians yield, and thinking he had suffered enough ..., they consented to him enrolling his bastard in the phratry (συνεχώρησαν ἀπογράψασθαι τὸν νόθον εἰς τοὺς φράτορας), giving the boy his own name.” (Plut. *Per.* 37.5)

The citizenship law that Pericles authored in 451/0, requiring that both parents be *astoi* (*Ath.Pol.* 26.4), should have excluded the son born to him by Aspasia. But, as Plutarch reports, after Pericles lost his legitimate sons, the Athenians allowed him to bring that other offspring into the phratry (hence into the deme and citizenship). Plutarch reports this measure as a compassionate concession of the demos, putting aside their anger against Pericles *père*. Scholars have interpreted it uniformly as a specific decree granting citizenship to the younger Pericles alone (Stadter, *Comm. Plut. Per.* [1989], 340; Humphreys, *Family* [1993], 64; more cautiously, Patterson, “Those Athenian Bastards,” *ClAnt.* 9 [1990], 60-2). But such a privilege (for this one Athenian) seems unlikely in this period, and it is not quite what Plutarch describes. This paper offers a new explanation that both agrees with Plutarch’s report and better suits the historical context.

Pericles the younger was certainly not the only exception. Indeed, after the war had ended, when democracy was restored and the citizenship law took effect ‘from Eukleides’, it was notorious that many citizens born before 403 would not stand scrutiny if they were subjected to the stricter standard. The erosion of authority evidently began soon after 450: aggressive prosecutions in the 440s seem to have stirred a backlash; eventually it was necessary to provide a remedy against pretenders to citizenship for whom *neither parent* was qualified. (Krateros *FGrHist* 342 F4a; *pace* Erdas, *Cratero* [2002], 92). In this context, I suggest, Pericles authored a broad reform, one that opened citizenship to many, and this measure paved the way for Aspasia’s son.

Philochoros (*FGrHist* 328) F35a refers to a statute that probably served this purpose: it guaranteed that *gennêtai* and *orgeônes*, once accepted in their group, must be admitted to the phratry. Andrewes (*JHS* 81 [1961]) argued that this measure, along with Krateros F4, belonged to the 430s and aimed at restoring the severity of the law, as (supposedly) these groups (esp. noble *genê*) were more jealously guarded than the phratry. The decade of the 430s seems right (*pace* Lambert, *Phratries*<sup>2</sup> [1998], 43-9), but the purpose may have been just the opposite: to liberalize the law (Arnaoutoglou, *Thusias heneka* [2003], 40-44). Many of these groups were not elite clubs. And even among the elite an influential father might confirm his son in the *genos* without identifying the mother (Andoc. 1.127). By the measure that Philochoros reports, any such candidate for the phratry was automatically admitted. The year of this reform remains uncertain, but Plutarch’s testimony is consistent with a date in the 430s: Pericles loosened his own law to bolster the ranks, then used that reform to bring Aspasia’s son into his phratry, and the Athenians mercifully consented.

