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THE MYTH OF AUTOCHTHONY, ATHENIAN
CITIZENSHIP AND THE RIGHT OF *ENKTESIS*:
A LEGAL APPROACH TO EURIPIDES' *ION**

I. Athenian citizenship and the politics of exclusion¹

In Athens, the majority of the elements of the civic body had acquired their status of *politai* as a direct consequence of being the legitimate offspring of other citizens, i.e. of being children who were born regularly (and publically recognized as such) from parents officially married who already had Athenian citizenship. Until the middle of the fifth century, it would be enough, in principle, that the father was a citizen, in order to pass the same right of full citizenship to his descendants. Under these circumstances, citizenship of the progeny would not be affected even when marriage was celebrated with a foreign woman.² This principle would suffer an important change under Pericles, in a law passed in 451/0, which determined that both parents ought to be already citizens, if they wanted their offspring to have the same rights of citizenship. The law in question is mentioned briefly by the Aristotelian *Constitution of the Athenians* (*Ath.* 26, 4). The author of the *AP* justifies this measure as a way of controlling “the large number of citizens”, and this may be an indication that, when approving this law, the Athenians wanted to circumscribe, within a less wide circle of people, the civic prerogatives granted by the democratic regime. Scholars who

* This study has first been presented at the XVIII^e Congrès de droit grec et hellénistique, Paris, 7-10 September 2011. I would like to express my gratitude to the organization, for having invited me to participate in the conference, and to Adele C. Scafuro, for her most useful response to my paper, published in this same volume. I also wish to thank Manuel Tröster, who read an earlier version of this paper and whose comments helped me to improve it, especially at the linguistic level.

¹ The legal principles evoked in the first part of this study were discussed at greater length in Leão 2010. In the present contribution, only the main lines of the argumentation are taken from that previous paper, where the questions involving those issues are analysed in detail.

² There are, in fact, several examples of important citizens who had a foreign mother (*metroxenos*). This is the case of Megacles, one of the most important members of the Alcmaeonidae family, who, in the first half of the sixth century, had married Agariste, daughter of Cleisthenes, tyrant of Sicyon: one of his children was the future creator of democracy at Athens, also named Cleisthenes. Cf. Herodotus 6, 130, 2. On a similar situation concerning Themistocles and Cimon, whose rights of citizenship were never questioned, see Rhodes 1981, p. 279, 324-325.

studied this much debated question have suggested other complementary reasons, like the desire to preserve the racial purity of the Athenians, the concern with the potential threat of losing suitable husbands for the young women of the best aristocratic families, the intent to dissuade Athenian noblemen from establishing alliances with citizens of other poleis or even to prevent the prosperity of the empire from being shared by too many people.³ Despite the appeal of all these possibilities, the global effect of Pericles' citizenship law seems quite obvious and indisputable: to limit the number of *politai*, by putting into practice a more restrictive interpretation of the *ius sanguinis*.⁴ As a consequence, children born from mixed marriages would not have (at least total) access to the rights of citizenship, although ancient sources are ambivalent concerning this problem.⁵

It is not improbable, however, that the other above-mentioned reasons were present as well in the minds of the Athenians, when they decided to approve Pericles proposal. Fifth-century democracy expanded, as no other regime, the basis of popular sovereignty, but it could not be possible to increase indefinitely the number of citizens, without suffering the risk of putting under pressure the very nature of direct democracy. As a consequence, just as the importance of Athens in the Greek world was increasing (making more desirable the status of Athenian citizenship) so were augmenting the mechanisms that prevented a direct inclusion of new elements with full citizen rights, thus reinforcing as well certain forms of exclusion.

³ E.g. Harrison 1968-71, I, p. 26 n. 1; MacDowell 1978, p. 67; Rhodes 1981, p. 332-333; Stadter 1989, p. 334-335; Boegehold 1994. Papageorgiou 1997, p. 124, thinks that the law aimed at preventing especially Athenian *politai* living abroad from marrying local women, with the undesirable consequence of spreading Athenian citizenship throughout other parts of the Attic empire. More recently, Blok 2009, p. 268-270, sustained that behind this regulation may have been the aspiration to eliminate an inequality that persisted even after Cleisthenes' reforms: the access to priesthoods. As Blok puts it (p. 270), "this inequality was only removed with the introduction of Pericles' Citizenship Law, which raised the *dêmos* to the same *eugeneia* as the *genê* and effectively opened the priesthood to all Athenians now that they were of Athenian descent on both sides." The idea that Pericles wanted to "democratize" that access, thus reducing some of the privileges of the more traditional aristocratic families, is an acute argumentation, but applicable only to those inhabitants that were already fully integrated as *politai*.

⁴ When mentioning the same law, Plutarch (*Per.* 37, 2-5) also indicates that, after the death of his legitimate sons, Pericles managed to convince the Athenians to grant citizenship to the son he had from Aspasia (named Pericles as the statesman). Cf. also Aelian, *VH* 6, 10; 13, 24; frg. 68 (= *Suda* s.v. *demopoiotos*). Vide Stadter 1989, p. 340; Papageorgiou 1997, p. 1-2.

⁵ There are several other implications of this law that remain obscure, although they are secondary to the objectives of this study. The sources pertinent to the way Athenian law dealt with mixed marriages and illegitimate offspring are collected in Harrison 1968-71, I, p. 61-68.

II. Autochthony

Fifth-century Athenians could not ignore the fact that, from an historical perspective, there was a considerable number of *politai* whose ancestors did not correspond to the citizen profile defined by Pericles' law. Those *politai* were not only to be found among humble people (like the craftsmen and exiles included at the time of Solon's reforms, the descendants of the mercenaries hired by Peisistratus or the former slaves and foreigners incorporated by Cleisthenes), but also members of the most influential aristocracy, as happened with the Alcmaeonidae. Furthermore, that this historic awareness had crystallized on the Attic civilizational matrix is shown by the fact that, on the mythical plane, the Athenians were quite prone to present themselves as a distinctly hospitable people, with a high sense of justice, and thus receptive to support and to include elements that were mistreated by other societies – as tragedy insistently illustrates.⁶ Accordingly, the disposition of 451/0 seems at first sight contradictory, because it appears to be a step back in democracy. Nevertheless, the risk of contradiction is more evident to those who live in modern states, whose citizenship habits are characterized by participation in representative democracies, than for those integrated in a polis like Athens, where the ideal of direct involvement in the rule of the city-state demanded that the citizen body and the territorial dimensions of the polis were kept within certain limits. This did not prevent the Athenians from cultivating hegemonic ambitions, and even if Attic supremacy started by being justified by the need of facing the threat of new Persian invasions, as time passed and this threat became less evident, Athens had to find other forms of legitimising, at the ideological level, not only the moral superiority of the democratic regime, but also the natural and necessary character of its military, political, and economic authority. This double demand of internal and external legitimization would be reinforced by the myth of autochthony,⁷ which gained consistency throughout the fifth century, probably soon after Pericles managed to gain approval for the citizenship law.⁸

Although the myth of autochthony is particularly distinctive of the Athenians, the fact is that other poleis claimed for themselves the same kind of legendary origin. In a stimulating passage, Diodorus Siculus goes to the point of stating that

⁶ Forsdyke 2005, p. 234-239; Leão 2010, p. 446-449.

⁷ The term "autochthony" is in fact a modern creation, because the Greeks did not coin this abstract noun, using only *autochthon* and the plural *autochthones* to designate the concept. Vide Miller 1982, p. 13.

⁸ Vide Rosivach 1987, p. 294-297; Bearzot 2007, p. 9-13; Blok 2009, p. 256-263. This does not mean that the idea of linking the Athenians with a chthonic imaginary did not have a much earlier parallel, at the cult level, as happened with Cecrops, and especially with Erechtheus and Erichthonius, who were perceived on the mythical plane as ancestors of the Athenians. On this question, vide Loraux 1984, p. 35-73; Valdés Guía 2008.

Greek and barbarians alike tended to cultivate this idealized perception of their past (1, 9, 3):

περὶ δὲ τῆς τοῦ γένους ἀρχαιότητος οὐ μόνον ἀμφισβητοῦσιν Ἕλληνες, ἀλλὰ καὶ πολλοὶ τῶν βαρβάρων, ἑαυτοὺς αὐτόχθονας λέγοντες καὶ πρῶτους τῶν ἀπάντων ἀνθρώπων εὐρετὰς γενέσθαι τῶν ἐν τῷ βίῳ χρησίμων, καὶ τὰς γενομένας παρ' αὐτοῖς πράξεις ἐκ πλείστων χρόνων ἀναγραφῆς ἠξιῶσθαι.

Again, with respect to the antiquity of the human race, not only do Greeks put forth their claims but many of the barbarians as well, all holding that it is they who are autochthonous and the first of all men to discover the things which are of use in life, and that it was the events in their own history which were the earliest to have been held worthy of record [transl. C. H. Oldfather, Loeb Classical Library].

Diodorus is writing in the first century B.C., i.e. in a period when the term *autochthon* had been in use for several centuries. The most neutral use of the term is equivalent to sustain that a certain person was “natural of the land” or “native”. The strongest metaphorical connotation of the expression (recorded mainly after the last quarter of the fifth century) corresponds to “be born from the earth” meaning those who were believed to “have sprung from the earth,” thus establishing a direct affiliation link with the soil of the motherland.⁹ However, in a much quoted study dealing with those questions, Rosivach managed to demonstrate that initially *autochthon* did not have this meaning, starting to be used in order to designate the kind of population that, from immemorial times, “always inhabited the same soil,” and because of that could not be considered immigrant or invader.¹⁰ From this idea of ‘living for a long time in the same place’ other implications derived, which in fact can be detected in the above-quoted text of Diodorus: the idea of being the first inventor (*protos heurètes*) of several *technai*, of farming the land and the wheat (inseparable from the decision of abandoning the nomadic stage of life), of being able to accomplish important deeds and of recording them to posterity – that is, to do all the things that distinguish and mark a more advanced level of civilization.

All these positive qualities constitute a pattern that can easily be identified with the cultural position of Athens, even if the first occurrences of the term, when applied to a certain people, were initially not used to name Attica. In effect, those references appear in the works of Herodotus and Thucydides, and it is worth stressing that neither of the two authors applies the expression *autochthones* to designate the Athenians, perhaps because they were quite aware of the fact that there was in Attica a significant number of former immigrants (ἐπήλυδες) that had come

⁹ In this sense, it may be equivalent to γηγενής (e.g. Plato, *Soph.* 247c and 248c).

¹⁰ Rosivach 1987, p. 297-301.

from other regions.¹¹ Nevertheless, Herodotus puts in the mouth of the Athenian ambassador to the tyrant Gelon of Syracuse the statement that the Athenians had the longest lineage and were alone, among the Greeks, to have never changed their place of habitation.¹² Thucydides also says that, due to the aridity of the soil, Attica managed to escape internal strife and was, from very ancient times, inhabited by the same people.¹³ In other words, even if the two historians do not apply the term *autochthones* to the Athenians, they nevertheless recognize that they fulfil the main conditions that correspond to the essence of the concept in its initial sense: to be an ancient population living in Attica ever since time immemorial. The existence there of elements that were, on the contrary, *epelydes* does not affect the nature of the Attic *ethnos* as a whole, and has the advantage of allowing a certain degree of total inclusion of alien elements (recorded both at the mythical and historical levels).¹⁴

To sum up: from an initial use of the term *autochthones* to designate the Athenians as a people that “inhabited since immemorial times the same land”, the concept underwent a notable expansion, which would endow the myth of autochthony with a more idealized and propagandistic meaning, visible in the highly metaphorical connotation of a special civilization, which “sprung directly from the soil.”

To this evolution contributed the tradition, present already in Homer (*Il.* 2, 546-548), that depicted the Athenians as a people descendant from Erechtheus – a figure that, like that of Erichthonius, strongly contributed to the idea of “being born from the soil.” Although this myth is independent from that of autochthony and has a much more ancient exploitation at the level of cult and of the artistic themes depicted in Attic pottery, it must have contributed to expand the implications of the term *autochthon*, by favouring the idea of a congenital connection with the earth. In this process of semantic amplification, an important role was played by funerary speeches (*epitaphioi logoi*), precisely by the way they combine a moment of great collective emotion with the necessity of patriotic exaltation and the highly symbolic gesture of giving the bodies of the dead soldiers back to the motherland that had

¹¹ Blok 2009, p. 251-252, 254-255 and 263-264, advances this same explanation of the apparent “reluctance” of Herodotus and Thucydides to designate the Athenians as *autochthones*. In fact, Herodotus (1, 144-147) goes to the point of making ironic comments on the mixed character of the Ionic population – which on the contrary used to be proud of its pure ancestry.

¹² Herodotus 7, 161, 3: ἀρχαιότατον μὲν ἔθνος παρεχόμενοι, μῦνοι δὲ ἐόντες οὐ μετανάσται Ἑλλήνων.

¹³ Thucydides 1, 2, 5: τὴν γοῦν Ἀττικὴν ἐκ τοῦ ἐπὶ πλεῖστον διὰ τὸ λεπτόγεων ἀστασίαστον οὖσαν ἄνθρωποι ὄκουν οἱ αὐτοὶ αἰεὶ.

¹⁴ Just as it opens the path to different kinds of exclusion and inclusion, like the one pertaining to land possession, as shall be discussed later (*infra* section III).

reared them.¹⁵ This kind of political and epideictic oratory seems to have been quite cultivated, although almost all those speeches are now lost. Of what has been preserved, a particularly interesting case is the famous funeral speech that Thucydides (2, 35-46) puts in the mouth of Pericles, as well as the *Epitaphioi* attributed to three of the orators: Hiperides 6, Demosthenes 60, and Lysias 2 – even if the last two are frequently (but not unanimously) considered to be spurious.¹⁶ To this group must be added Plato's *Menexenus*, a work sometimes interpreted as a kind of *tour de force* with parodic intent, but which can nevertheless represent a valid example of the *topoi* used for the glorification of Athens.

This is not the place to evoke in detail the moments that marked the evolution of the term *autchthon*, which, when it occurs in those contexts, while keeping the initial meaning of “to inhabit since time immemorial the same land,” also appears frequently with the expanded notion of “springing from the earth.”¹⁷ Nevertheless, it is worthwhile to recall a brief passage of the *Epitaphios* attributed to Demosthenes, because of the way it can provide the catalysis for the next section (60, 4):

Ἡ γὰρ εὐγένεια τῶνδε τῶν ἀνδρῶν ἐκ πλείστου χρόνου παρὰ πᾶσιν ἀνθρώποις ἀνωμολόγηται. οὐ γὰρ μόνον εἰς πατέρ' αὐτοῖς καὶ τῶν ἄνω προγόνων κατ' ἄνδρ' ἀνενεγκεῖν ἐκάστω τὴν φύσιν ἔστιν, ἀλλ' εἰς ὅλην κοινῇ τὴν ὑπάρχουσαν πατρίδα, ἧς αὐτόχθονες ὁμολογοῦνται εἶναι. μόνοι γὰρ πάντων ἀνθρώπων, ἐξ ἧσπερ ἔφυσαν, αὐτὴν ὄκησαν καὶ τοῖς ἐξ αὐτῶν παρέδωκαν, ὥστε δικαίως ἂν τις ὑπολάβοι τοὺς μὲν ἐπήλυδας ἐλθόντας εἰς τὰς πόλεις καὶ τούτων πολίτας προσαγορευομένους ὁμοίους εἶναι τοῖς εἰσποιητοῖς τῶν παίδων, τούτους δὲ γνησίους γόνω τῆς πατρίδος πολίτας εἶναι.

The nobility of birth (εὐγένεια) of these men has been acknowledged from time immemorial by all mankind. For it is possible for them and for each one of their remote ancestors man by man to trace back their being, not only to a physical father, but also to this land (πατρίδα) of theirs as a whole, a common possession, of which they are acknowledged to be the indigenous children (αὐτόχθονες). For alone of all mankind they settled the very land from which they were born and handed it down to their descendants, so that justly one may assume that those who came as migrants (ἐπήλυδας) into their cities and are denominated citizens of the same are comparable to adopted children (τοῖς εἰσποιητοῖς τῶν παίδων); but these men are citizens of their native land (πατρίδος) by right of legitimate birth (γνησίους ... πολίτας) [transl. Norman W. DeWitt, Loeb Classical Library].

¹⁵ Although in a different context, Isocrates expresses this notion in a paradigmatic statement (*Panegyricus* 4, 25: μόνους γὰρ ἡμῖν τῶν Ἑλλήνων τὴν αὐτὴν τροφὸν καὶ πατρίδα καὶ μητέρα καλέσαι προσήκει).

¹⁶ Cohen 2000, p. 94-95 and n. 99.

¹⁷ Cohen 2000, p. 96-102, presents a suggestive synthesis of the main variants that occur in those texts.

This text is a good example of the way different topics connected to the myth of autochthony may be interwoven with one another. In effect, the orator states first that a common origin is given not by the soil, but by the *patris* itself from which they sprung and which they have always inhabited. The orator then establishes a comparison between these true sons of legitimate birth (*gnesioi politai*) and the descendants of former immigrants (*epelydes*), who, despite being officially considered citizens of the same legal status, are in fact morally positioned at a lower level, as if they were adopted children (*eispoietai paides*). It is interesting that, in this definition of a pure ancestry, the orator inscribes a series of three phenomena marked by the logic of exclusivity (μόνοι γὰρ πάντων ἀνθρώπων): to spring from the earth (ἐξ ἧσπερ ἔφυσαν), to inhabit it with a feeling of full legitimacy (ταύτην ὄκησαν), and finally to hand it down to the offspring of those same pure citizens (ἐξ αὐτῶν παρέδωκαν). This idea of a special link between the nurturing soil and a moral right of property has not caught, so far as I know, the due attention of scholars who have dealt with the question of autochthony, even if it is a promising detail. In fact, it helps to provide a better understanding of certain specificities connected to land possession (*enktesis*), a right strongly connoted with the partial inclusion of metics and foreigners, a legal process which could (or not) lead to the final granting of full citizenship.

III. The right to *enktesis*

One of the ways of making a partial inclusion of foreigners consisted in granting them the status of metics. In more recent studies, a metic is no longer seen as someone holding a privileged position among foreigners, and is identified preferably with a *xenos* who simply chose the option of living in a polis different from his own. As a consequence, the registration in the quality of a metic is not a special privilege that one aims at gaining in the future, but rather a formality that needs to be observed for longer stays.¹⁸ This understanding is also reflected in the interpretation of the term *metoikos*, which should be translated not as if it were permeated with the principle of hospitality (“someone who has a residence among us”), but more with the neutral tonalities of “someone who changes residence,” i.e. an “immigrant.” From a juridical perspective, a *metoikos* was not a citizen, but had the advantage of being legally integrated in the community, and thereby should have a higher degree of protection than a simply non-resident *xenos*.

Apart from this, it was possible for a polis to grant some other special privileges to foreigners (who may not always have already had the status of metics). Among those marks of personal distinction, there are two that deserve more attention, because of the practical consequences they involve: *isoteleia* and *enktesis*. *Isoteleia* (“equality of taxation”) made metics comparable to citizens in what concerned the

¹⁸ An obligation that was extended to freed slaves. Vide Whitehead 1977, p. 6-10; Todd 1995, p. 195.

payment of taxes and could imply exemption from the *metoikion* – an important privilege from a symbolic perspective, because this tax constituted a public statement of the inferior status of a metic.¹⁹ The second feature that deserves attention relates to the tenure of land (*enktesis*) concerning Attic soil, a privilege in principle exclusive to full citizens. As a consequence, the granting of *enktesis* of land, or of a house, or of land and a house had a highly emblematic meaning.²⁰

Isoteleia and *enktesis* corresponded, in practice, to aspects characteristic of the status of a *polites*, which could either be granted independently or constitute steps towards a possible future concession of full citizenship.²¹ Taking into account the important economic role played by foreigners in general and metics in particular in cities devoted to commerce, like Athens, it seems somehow contradictory that those persons did not have the capacity to have the right of tenure over land and houses – a limitation that would prevent them from getting, for example, a loan with real security based on those possessions.²² That is the reason why an author like Xenophon (*Vect.* 2, 6) has grounds to suggest that one of the forms of making Athens more attractive to visitors would be to grant more easily the right of *enktesis* to metics.²³ Even if the inscriptions register with some regularity the giving of *enktesis*, it remains a fact that the poleis saw the concession of this privilege as an exception.²⁴ On the other hand, the fact that those same inscriptions record that *enktesis* was given to a certain person and to “his descendants” has been interpreted as a sign that this right was not automatically hereditary – a detail that constitutes a clear indication of the defensive and exceptional character of this mechanism.

A limitation of this kind in what concerns the right to own property should be understood precisely against the backdrop of the emblematic importance attributed to land possession, a symbolism that finds in the myth of autochthony perhaps its most paradigmatic expression. In effect, the different interpretations of the term *autochthon* insist on the idea that the status of a *polites* of pure ancestry stands in a

¹⁹ The non-payment of the *metoikion* could lead a metic to be fined with slavery. The severity of this punishment must be justified not so much by the monetary value involved (which was relatively low), but by its symbolic character, because the failure to pay the *metoikion* could be interpreted as an attempted usurpation of citizenship. Vide Whitehead 1977, p. 75-76.

²⁰ On other kinds of privileges and distinctions granted to foreigners, vide MacDowell 1978, p. 78-79; Ferreira 2004.

²¹ Meyer 1993, p. 113 n. 41; Lambert 2006, p. 115-116.

²² Harrison 1968-71, I, p. 237-238, who also states (p. 153) that no *xenos* or *metoikos* could take a gift of land by will, unless that person had already been granted the right of *enktesis*.

²³ Inscription n° 77, from 338/7 BC, analysed by Rhodes-Osborne 2003, p. 380-384, constitutes an elucidative instance of this practice, often granted in connection to the position of *proxenos*. For other examples of the concession of *enktesis*, vide *ibid.* inscriptions n° 75, 94 and 95. Pečírka 1966 is the work of reference for the formula used to grant *enktesis*.

²⁴ Biscardi 1982, p. 189-190.

primordial, long-lasting and even congenital connection between the citizens and the land where they live – a territory that can therefore be considered “mother-land,” because it nurtured its sons since the day of their birth, and because it is ready to receive them back in the womb after the time of their death. This understanding keeps being valid whether *autochthon* is interpreted as one who “lived since time immemorial in the same land” or as that person who “sprung directly from the soil.”

The passage in the funeral speech attributed to Demosthenes (60, 4), and commented on in the previous section, constitutes a clear example of that sentiment towards the Attic soil. And Plato’s *Menexenus*, despite its parodic nature, is deeply embedded in this same imaginary.²⁵ Just before bringing this section to a close, it is worth quoting a small passage of the *Menexenus*, because of the way it elucidates the implicit connection between citizenship, autochthony, and land possession (237b-237c):

τῆς δ’εὐγενείας πρῶτον ὑπῆρξε τοῖσδε ἢ τῶν προγόνων γένεσις οὐκ ἔπηλυσ οὐσα, οὐδὲ τοὺς ἐκγόνους τούτους ἀποφηναμένη μετοικοῦντας ἐν τῇ χώρᾳ ἄλλοθεν σφῶν ἠκόντων, ἀλλ’ αὐτόχθονας καὶ τῶ ὄντι ἐν πατρίδι οἰκοῦντας καὶ ζῶντας, καὶ τρεφομένους οὐχ ὑπὸ μητρειᾶς ὡς οἱ ἄλλοι, ἀλλ’ ὑπὸ μητρὸς τῆς χώρας ἐν ἧ ὄκουν, καὶ νῦν κεῖσθαι τελευτήσαντας ἐν οἰκείοις τόποις τῆς τεκούσης καὶ θρεψάσης καὶ ὑποδεξαμένης. δικαιοτάτον δὴ κοσμήσαι πρῶτον τὴν μητέρα αὐτῆν· οὕτω γὰρ συμβαίνει ἅμα καὶ ἡ τῶνδε εὐγένεια κοσμουμένη.

Now as regards nobility of birth (δ’εὐγενείας), their first claim thereto is this – that the forefathers (προγόνων) of these men were not of immigrant stock (ἔπηλυσ), nor were these their sons declared by their origin to be strangers (μετοικοῦντας) in the land sprung from immigrants, but natives sprung from the soil (αὐτόχθονας) living and dwelling in their own true fatherland; and nurtured also by no stepmother (μητρειᾶς), like other folk, but by that mother-country (μητρὸς τῆς χώρας) wherein they dwelt, which bore them and reared them and now at their death receives them again to rest in their own abodes. Most meet it is that first we should celebrate that Mother (μητέρα) herself; for by so doing we shall also celebrate therewith the noble birth (εὐγένεια) of these heroes [transl. W. R. M. Lamb, Loeb Classical Library].

Even accepting that Plato’s main goal is to ridicule recurrent *topoi* in the strategy of glorifying Athens, especially in a funeral context, the passage is still illustrative of the real oratorical practice behind it, because parody only works when there is an effective model with which it can establish an implicit dialogue. And that model brings into view the creed of a privileged relation with the motherland – which was important in the Greek imaginary as a whole, but particularly distinctive of Athenian feelings towards their past. Even if it seems undeniable that this idea developed at

²⁵ Cf. 237a-238d.

the service of political and ideological propaganda together with the myth of autochthony, it remains true that its presence may be detected in the sociological structure that justifies a prerogative specific to the status of a *polites*: the right of owning land and the other kind of property that stands over it (houses), as well as the capacity to transfer these possessions to one's descendants. This helps to understand the relevance attributed to *enktesis*, a right that was granted to elements alien to the civic body in the sequence of a procedure destined to provide special honours to someone particularly worthy of them. In effect, if the land can be seen as a *mother* – in a metaphorical and denotative sense –, it becomes self-evident that a true, diligent and devoted son cannot alienate it frivolously.

IV. Euripides' *Ion*

The principles evoked in the previous sections are visibly operative in Euripides' *Ion*, a tragedy that critically explores the contradictions arising from the myth of autochthony, precisely because of the levels of exclusion that it may promote, projecting that same incoherence to the point of paradox. The approach suggested in this part of the study intends to analyse the way the legal horizon (as it was probably perceived by the common Athenian) may stimulate an enlightening comprehension of the connections established between the legal backdrop and the interpretation of a literary work.

Right from the beginning of the play, it becomes clear that the problem of autochthony will assume a central position in this Euripidean drama, as is made evident by the prologue pronounced by Hermes. In effect, in the *précis* he provides of the circumstances that surrounded the irregular conception and birth of Ion, the topic of autochthony is repeatedly evoked, either implicitly when Creusa is presented as being “the child of Erechtheus” (line 10: *παῖδ' Ἐρεχθέως*), or through the express identification of Erichthonius as the “earth-born” (lines 20-21: *τοῦ τε γηγενοῦς Ἐριχθονίου*). As was discussed above (section II), the connection between the primeval history of Athens and the deeds of Erechtheus and Erichthonius goes back to very early times, thus being prior to the development of the myth of autochthony. However, by the time of Euripides the two traditions have already been merged, in the sense that they contributed to expand the scope of the term *autochthon*, by favouring the idea of a nurturing relation between the land and the Athenians.²⁶ Besides, a few lines later Hermes reinforces this same view very clearly, when he recalls the instructions he had received from Apollo, by the time Ion was born: “go to the native-born people of glorious Athens” (lines 29-30: *ἔλθὼν λαὸν εἰς αὐτόχθονα κλειῶν Ἀθηῶν*).²⁷

²⁶ In the particular case of Ion, the myth of Erichthonius offered even more advantages, because of the obvious similarity in the way both were conceived (with references to rape and to the abandoning of the newborn in a cave – a clear chthonic symbol). For more details, vide Lourenço 1994, p. 40 n. 5.

²⁷ All translations of the *Ion* are taken from Oates-O'Neill 1938.

This insistence on the autochthony of Creusa and the Athenians will result in an even sharper contrast with Xuthus, whose marriage with the young lover of Apollo is presented as an uneven association, even taking into consideration that it had been justified by extraordinary circumstances. The way Hermes expresses the question synthesizes in a quite efficient manner the juridical essence of the convenient solution found by Apollo to solve the delicate situation of Creusa's *oikos*, from a political and social perspective (lines 57-73):

Κρέουσα δ' ἡ τεκοῦσα τὸν νεανίαν
 Ξούθῳ γαμεῖται συμφορᾶς τοιαῶσδ' ὕπο·
 ἦν ταῖς Ἀθήναις τοῖς τε Χαλκωδοντίδαϊς,
 οἱ γῆν ἔχουσ' Εὐβοῖδα, πολέμιος κλύδων·
 ὃν συμπονήσας καὶ συνεξελὼν δορὶ
 γάμων Κρεούσης ἀξίωμ' ἐδέξατο,
 οὐκ ἐγγενὴς ὢν, Αἰόλου δὲ τοῦ Διὸς
 γεγὼς Ἀχαιός. χρόνια δὲ σπεύρας λέχη
 ἄτεκνός ἐστι καὶ Κρέουσ'· ὢν οὐνεκα
 ἦκουσι πρὸς μαντεῖ' Ἀπόλλωνος τάδε
 ἔρωτι παίδων. Λοξίας δὲ τὴν τύχην
 ἐς τοῦτ' ἐλάυνει, κοῦ λέληθεν, ὡς δοκεῖ·
 δώσει γὰρ εἰσελθόντι μαντεῖον τόδε
 Ξούθῳ τὸν αὐτοῦ παῖδα καὶ πεφυκέναι
 κείνου σφε φήσει, μητρὸς ὡς ἐλθὼν δόμους
 γνωσθῆι Κρεούσηι καὶ γάμοι τε Λοξίου
 κρυπτοὶ γένωνται παῖς τ' ἔχηι τὰ πρόσφορα.

But Creusa, the mother of the child, married (γαμεῖται) Xuthus in these circumstances: a wave of war came over Athens and the Chalcidians, who hold the land of Euboea; he joined their efforts, and with them drove out the enemy by his spear; for this he received the honor of marriage (γάμων) with Creusa; he was no native (οὐκ ἐγγενὴς ὢν), but born an Achaean from Aeolus, the son of Zeus. Though married a long time they are childless (ἄτεκνος); so they have come to this oracular shrine of Phoebus, in longing for a child. Loxias is driving fortune (τὴν τύχην) on to this point, nor is he forgetful, as he seems. For he will give his child to Xuthus on entering this shrine, and he will say the boy was born from Xuthus, so that Creusa may recognize the child when he comes to her house, and Phoebus' union (γάμοι) with her may be kept secret, and the boy have his due.

This passage comprises some particularities that are worth being stressed. The first, although secondary to my purposes, is the ambiguity resulting from the use of *gamos* (and its derivatives) to denote the association of Creusa with Xuthus and with Apollo. In the first case, it implies an allusion to the wedding celebration, but in the second it means simply a physical relation. By choosing a similar term to describe,

in close connection, two different situations, Euripides contributes to the ambivalent nature of the relation between Creusa and Apollo, as it is presented throughout the play.²⁸ Another important aspect for the development of the plot derives from the fact that Xuthus is considered a foreigner, a situation that, despite Xuthus' illustrious divine ancestry, clearly disturbs his position in the structure of government at Athens. This limitation is accentuated by the circumstance that his matrimony with Creusa is "childless" (*ateknos*), thus putting at risk the continuity of their *oikos*.²⁹ It is due to this kind of reasoning that the solution found by Apollo constitutes such an obsessively expedient lie: by making Xuthus believe that Ion is his son, and by leading Creusa to find and accept Ion as her lost son, the god safeguards the façade of a convenient morality, because he manages to conceal the act of sexual abuse, to grant the continuity of the *oikos* in terms socially acceptable, while still preserving as well the priority of autochthony in defining the access to the government of Athens.

Within this twisted chain of multiple conveniences, two other principles end up contributing to the same outcome, even if apparently they are contrary to each other: the erratic evolution of the events (underlined by the reference to *tyche*) and the apparent lack of interest on the part of Apollo – when in the end it becomes clear that everything corresponded to a plan premeditated by the god. This is to say that the opening words of Hermes not only present the antecedents of the drama, but they also enlighten the essence of the legal horizon that is taken as reference, besides suggesting, right from the beginning, the opportune solution found by Apollo to solve the problem. It is this chain of intentions that the different parts of the drama will repeatedly confirm, as shall be underlined in the last part of the present analysis, by the evocation of some significant moments in the argumentation used by the characters.

When Ion first enters the scene, he shows that he has accepted the social position of a child that had formerly been left abandoned, and because of that has no identified progenitors (lines 109-111): "For as I was born without a mother and a father (ἀμήτωρ ἀπάτωρ τε γεγώς), I serve the temple of Phoebus that nurtured me." Despite this, the young man feels that he has a special link with Apollo, whom he addresses, with intense dramatic irony, by saying that "Phoebus is a father to me"

²⁸ This is important namely to understand the kind of language that is used to describe the topic of rape. I owe this point to A. Scafuro, who brightly identifies what she calls a "code of 'female' shame-directed discourse" in the way Creusa and other tragic heroines speak about the experience of rape. See Scafuro 1990, especially p. 138-149, for the case of Creusa in Euripides' *Ion*.

²⁹ In effect, part of the considerations expressed by the Chorus during the First Stasimon serves to underline the importance of having offspring (lines 472-491), especially because of the role played by legitimate children in keeping the patrimony and in defending the state.

(line 136: μοι γενέτωρ πατήρ). The explanation to this filial affection towards the god is not to be found in the hope that he might be son of Apollo – a fact that Ion obviously ignores – but in the gratitude for having food and protection in the temple of the god. In effect, this kind of compensatory reasoning is to be expected from the ethics characteristic of the relations between master and slave, as Ion himself recognizes: it is natural to serve (lines 182-183: δουλεύσω, θεραπεύων) the person who provides him food and shelter (lines 137-139: τὸν βόσκοντα, τὸν δ' ὠφέλιμον).³⁰ This compensation principle applies as well to the correlation between parents and legitimate children, although following a completely different logic: in effect, as a kind of payment for the *paidoboskia/paidotrophia*, the legitimate son must later be able to provide *geroboskia/gerotrophia* to his parents. Those two principles are, nevertheless, directly proportional, because they are observed by persons who have the same social status. By contrast, the obligations cultivated by master and slave stand precisely in the awareness of a clear statutory disproportion.³¹

The first dialogue between Ion and Creusa brings to mind the whole imaginary connected to Erichthonius, Erechtheus and autochthony, thus giving the hint to recall the idea, suggested already in the prologue by Hermes, that the marriage between Creusa and Xuthus constitutes an uneven association. It is worth recalling this short dialogue (lines 289-293):

{ Ion } πόσις δὲ τίς σ' ἔγῃμ' Ἀθηναίων, γύναϊ;
 { Cr. } οὐκ ἀστὸς ἀλλ' ἐπακτὸς ἐξ ἄλλης χθονός.
 { Ion } τίς; εὐγενῆ νιν δεῖ πεφυκέναι τινά.
 { Cr. } Ξοῦθος, πεφυκὼς Αἰόλου Διός τ' ἄπο.
 { Ion } καὶ πῶς ξένος σ' ὄν ἔσχεν οὔσαν ἐγγενῆ;

Ion: *But what Athenian married you, lady?*

Creusa: *No citizen (ἀστὸς), but a foreigner from another land (ἐπακτὸς ἐξ ἄλλης χθονός).*

Ion: *Who? He must be someone of noble birth (εὐγενῆ).*

Creusa: *Xuthus, born from Aeolus and Zeus.*

Ion: *And how as a stranger (ξένος) did he have you, a citizen (ἐγγενῆ)?*

This passage is particularly helpful in analysing the way the topic of autochthony becomes increasingly amplified throughout the Euripidean drama. To the question of Ion, who had the natural expectation that Creusa was married to an Athenian, she significantly answers that she did not marry a “citizen” (ἀστὸς), but rather a

³⁰ Further in the drama, when dialoguing with Creusa (lines 309-311), Ion says he is a slave (*doulos*) of Apollo, even if he ignores the circumstances that led him to that situation.

³¹ This question is explored in greater depth in Leão “*Paidotrophia et gerotrophia dans les lois de Solon*”, a work still unpublished, presented in Paris (Sorbonne, Institut de droit romain) in February 2011.

foreigner, to whom she refers by using a periphrasis in which the notion of ‘land’ is underlined: Xuthus is identified as “a foreigner from another land” (ἐπακτὸς ἐξ ἄλλης χθονός). Ion insists on the idea that this person must be someone of noble birth (εὐγενῆ), but not even Xuthus’ divine ancestry keeps Ion from being surprised by the fact that a foreigner (ξένος) was able to marry a native woman (ἐγγενῆ). Creusa will later explain that her marriage to Xuthus was a “dowry of war and the prize of his spear” (line 298: φερνάς γε πολέμου καὶ δορὸς λαβὼν γέρας), a prize to the way he fought in defence of Athens.³² What is striking in this situation is not the carrying out of a marriage under such circumstances, but the fact that Xuthus had decided to remain in Athens.³³ In effect, mixed marriages were relatively frequent in Athens, at least until Pericles’ citizenship law was approved (*supra* section I), but it was usually the woman that moved to the *oikos* of the husband and not the opposite. It is this detail, together with the autochthony of Creusa, that debilitates Xuthus’ position, as a foreigner, in a city like Athens – even if he descended from Zeus and had accomplished deeds significant enough to make him worthy of that marriage.

Those circumstances are present again when Xuthus reveals to Ion that the young man is his son, in a dialogue permeated by equivocal humour and ambivalence, especially in the way Xuthus approaches Ion, who in a first reaction thinks he is being sexually harassed.³⁴ The ambiguity continues in the fact that Xuthus has forgotten to ask the god about the identity of the child’s mother, an important detail that provokes cunning comments from both men (line 542):

{Ιων} γῆς ἄρ’ ἐκπέφυκα μητρός; {Ξο.} οὐ πέδον τίκτει τέκνα.

Ion: *Then perhaps I was born from mother earth. X.: The earth bears no children.*

The intense irony of the passage is double, because both characters seem to criticise the myth of autochthony.³⁵ Xuthus quite directly, and Ion subtly when he suggests a possibility that is only a sardonic comment, which leads him, almost immediately, to suggest that Xuthus may have gone in the past to an ‘unlawful bed’ (line 545: ἡλθεῖς ἐς νόθον τι λέκτρον;), as a more credible origin of his birth. When Xuthus confesses that he did have such an adventure in his youth, Ion can finally leave behind the condition of slave (line 556: ἐκπεφεύγαμεν τὸ δοῦλον), but not even the

³² Hermes had previously mentioned this detail, too (lines 58-64).

³³ The marriage between Oedipus and the queen of Thebes (Laius’ widow and Oedipus’ own mother), as a reward for having freed the city from the Sphinx, has in common with the position of Xuthus the fact that both men were granted an exceptional recompense, in the sequence of particularly important services performed on behalf of the city that received them.

³⁴ Wilamowitz-Moellendorff 1926, p. 111, underlined already that this scene had the appearance of “*ein erotischer Überfall*”.

³⁵ Conacher 1967, p. 284 n. 53, saw already in the words of Xuthus a mockery of this Athenian myth.

reputed divine lineage of Xuthus, which now extends to Ion as well (line 559), would be enough to liberate him from being considered an illegitimate son (*nothos*) – significantly the same term used by Ion a few lines before to qualify the supposed “unlawful bed” of Xuthus. In effect, according to the Athenian law, a son of a furtive relationship of a citizen could have the paternity recognized, thus acquiring the status of a free person, but would nevertheless be considered *nothos*, and suffer important legal limitations.³⁶

Even if this Euripidean drama sends us to the mythical past of the city, it keeps being quite clear that another comment made by Ion, at the end of the Second Episode, presupposes an audience aware of the legal expectations of an Athenian citizen, by the end of the fifth century (lines 585-592):

{Ιων} οὐ ταῦτὸν εἶδος φαίνεται τῶν πραγμάτων
 πρόσωθεν ὄντων ἐγγύθεν θ' ὀρωμένων.
 ἐγὼ δὲ τὴν μὲν συμφορὰν ἀσπάζομαι,
 πατέρα σ' ἀνευρών· ὧν δὲ γινώσκω, πάτερ,
 ἄκουσον. εἶναί φασι τὰς αὐτόχθονας
 κλεινὰς Ἀθήνας οὐκ ἐπέισακτον γένος,
 ἴν' ἐσπεσοῦμαι δύο νόσω κεκτημένος,
 πατρός τ' ἐπακτοῦ καὐτὸς ὧν νοθαγενής.

Ion: Matters do not have the same appearance from far off as when seen close up. I welcome my fortune, finding my father in you. But hear, father, what I have in mind. It is said that the famous Athenians are natives of the land (αὐτόχθονας), not a foreign race (οὐκ ἐπέισακτον γένος), so that I shall burst in on them with two ailments, my father a foreigner (πατρός τ' ἐπακτοῦ), and myself of bastard birth (καὐτὸς ὧν νοθαγενής).

This passage condenses the social tensions that were perhaps under debate when the *Ion* was performed – if it was in fact produced ca. 413/12, close to the time of the Sicilian expedition, the disastrous outcome of which represented a serious setback to the Athenian democracy, thus preparing the path to the oligarchic coup that would follow soon after that.³⁷ In other words, Ion's argumentation reflects the negative consequences of the myth of autochthony, when articulated with Pericles' citizenship law: although in the end he is a free person and has his (fake) paternity recognized by Xuthus (who himself descends from Zeus and is married to an illustrious and autochthonous citizen), Ion feels that, in the eyes of the other Athenians, he will never go beyond the status of a *nothos* (νοθαγενής) – a limitation

³⁶ For more details, vide Leão 2005, p. 21-22 and 28.

³⁷ The oligarchic rebellion of 411, which would give rise to the ephemeral government of the Four Hundred. On this question, vide Ferreira-Leão 2010, p. 229-231. On the date of the *Ion*, vide Lourenço 1994, p. 14-15.

that will rule out any possibility of being entirely accepted as a full member of the community of true *autochthones*.³⁸

Xuthus is well aware of those risks; because of that, and also not to grieve the feelings of his wife, who he thought was sterile, he decides to take Ion back to Athens in the quality of a “pretended visitor” and not as his son (line 656: ἄξω θεατὴν δῆθεν, οὐχ ὡς ὄντ’ ἐμόν), until an opportune moment (*kairos*) would allow him to convince Creusa to let Ion “hold the sceptre of the land” (line 660: σκῆπτρα τᾶμ’ ἔχειν χθονός). Even if it is not openly said, Xuthus seems to plan to present Ion as a guest that is visiting the city (*theates*), in order to prepare with due time a progressive integration of Ion, perhaps by making him a metic or an adoptive son, then a citizen, and finally an heir to the throne. Even if this strategy is mere speculation, the fact is that the final goal will be attained: Ion will be integrated, thus securing the continuation of the *oikos* of Xuthus and Creusa, as well as the government of Athens. However, as Athena will explain in the final *ex machina* scene, this was due ultimately to the effective autochthony of Ion, and not to the false paternity of Xuthus (lines 1571-1572): “Creusa, take your son and go to the land of Cecrops (Κεκροπίαν χθόνα); set him on the royal throne (θρόνουσ τυραννικούσ). For he was born from Erechtheus and is fit to rule my land (τῆς ἐμῆς ὄδε χθονός)”.

Euripides thereby expands the topic of autochthony to the most surprising paradox: although Xuthus has a notable ancestry, which goes back to Zeus himself, his contribution to the solution of the problem is solely instrumental. The author goes so far as to sustain, through the words of Creusa (lines 1539-1545), the apparently impious statement that, in the case of being declared son of Apollo, Ion would be a simple bastard, without a “wealthy home or a father’s name”. This gives an intense irony to the final words of Athena, when she exposes the advantages of a divine plan (tacitly approved by mortals as well), whose sole objective is to safeguard a solution socially effective because it preserves a deception that proves to be, in the end, convenient to all. Autochthony spoke louder behind the scene, but social convenience apparently managed to keep its rules, whose absurdity is underlined by the juridical crossroad originated by them: contrary to the dominant legal practice, the female lineage took advantage, even if formally the male lineage was safeguarded as well, because a former *nothos* (son of Apollo, but not of Xuthus), recognized as *gnesios* by his fake father, will get the royal throne – when in fact Xuthus was simply a foreigner and hence someone not able to pass to a putative son the government of Attica, the polis *par excellence* of autochthonous citizens. This is no doubt a crooked reasoning, but it is on this same twisted

³⁸ The similarity of this reasoning with the implications of the passage (discussed *supra* section II) from the *Epitaphios* (60, 4) attributed to Demosthenes is self-evident. One can find here even the clear connection between autochthony and the right to possess (and to rule over) land. Cf. lines 1295-1303, especially Creusa’s statement: “An ally would not be an inhabitant of the land” (line 1299: ἐπίκουρος οἰκῆτωρ γ’ ἂν οὐκ εἶη χθονός).

argumentation that the democratic fallacy of the myth of autochthony rests – a myth that is so cunningly unveiled by Euripides.

The best way to give an official disposition to this convenient fraud that interests everybody is to recall the fine Euripidean irony concentrated in the superior statement of Athena – which shall provide as well an appropriate closure to this analysis (lines 1595-1603):

καλῶς δ' Ἀπόλλων πάντ' ἔπραξε· πρῶτα μὲν
 ἄνοσον λοχεύει σ', ὥστε μὴ γνῶναι φίλους·
 ἐπεὶ δ' ἔτικτες τόνδε παῖδα κἀπέθου
 ἐν σπαργάνοισιν, ἀρπάσαντ' ἐς ἀγκάλας
 Ἑρμῆν κελεύει δεῦρο πορθμεῦσαι βρέφος,
 ἔθρεψέ τ' οὐδ' εἴασεν ἐκπνεῦσαι βίον.
 νῦν οὖν σιώπα παῖς ὄδ' ὡς πέφυκε σός,
 ἴν' ἢ δόκησις Ξοῦθον ἠδέως ἔχηι
 σὺ τ' αὖ τὰ σαυτῆς ἀγάθ' ἔχουσ' ἴηις, γύναι.

Apollo has done all things well: first, he had you give birth without pain, so that your family would not know about it; when you bore this child and put him in his clothes, he ordered Hermes to take up the baby in his arms and bring him here; he nurtured him, and did not allow him to die. Now do not reveal that he is your son, so that Xuthus may have his belief in content and you too may go forth with your blessings, lady.

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