

THE NOTHOI OF KYNOSARGES*

OUR main pieces of evidence about the bastards who exercised in the gymnasium of Kynosarges not far outside the walls of Athens are the following:

(1) Plutarch, *Themistocles* 1: Themistocles' mother was a Thracian (or Carian) and he therefore exercised at the gymnasium of Kynosarges where the *nothoi* were enrolled (*syntelein*), the gymnasium being sacred to Heracles because he, too, being the son of a divine father but a mortal mother, was a *nothos* among the gods. Themistocles persuaded aristocratic friends to exercise with him at Kynosarges and thus abolished social discrimination between pure-born Athenians and *nothoi*.

(2) Demosthenes, XXIII, 213 (probably 351 B.C.): Charidemos 'is enrolled among the *nothoi* in Oreos, like the *nothoi* of Kynosarges here in the old days' (*εἰς τοὺς νόθους ἐκεῖ συντελεῖ, καθάπερ ποτ' ἐνθάδ' εἰς Κυνόσαργες οἱ νόθοι*). Charidemos' mother was from Oreos, his father—according to Demosthenes—unknown. The context shows that *nothoi* did not have citizenship in Oreos.

(3) Polemon F.78 Preller (Athenaios 234e): a decree in the Herakleion at Kynosarges proposed by Alcibiades and giving the name of Stephanos son of Thucydides (son of Melesias) as secretary, prescribed that 'the priest is to sacrifice the monthly offerings with the *parasitoi*. These are to be appointed from among the *nothoi* and their sons according to tradition. And if anyone does not wish to be a *parasitos*, this matter also is to be brought before the court'.¹

Modern historians are on the whole agreed that Themistocles was not a *nothos*. The importance of the text is that it assumes that the *nothoi* of Kynosarges were *nothoi* in a sense which did not exist before the passing of Pericles' law of 451–0 B.C. restricting citizenship to those born of citizen parents on both sides. Far from proving that the connection between Kynosarges and *nothoi* already existed in Themistocles' youth, it suggests the reverse.

Demosthenes' passage should not, I believe, be taken to indicate that for him the *nothoi* of Kynosarges were born out of wedlock but not necessarily of foreign mothers. The point of the comparison is not the definition of *nothoi* but the existence of a separate category of *nothoi* registered and recognised by the state. This did not exist in the Athens of Demosthenes' day (where from the state's point of view *nothoi* were not distinguished from other resident non-citizens, as I shall argue more fully below), but he thought that the *nothoi* of Kynosarges (in the second half of the fifth century?) had been such a group.

Polemon's decree is shown to be a decree of the state by its provision that someone (the *archon basileus*?) shall introduce (*εἰσαγέτω*) the case of anyone who does not wish to be a *parasitos* to the court: the term *eisagein* in this sense is used only of presiding magistrates.² The citation of name and patronymic of the secretary of the Council indicates that the decree had a heading of this form, like *IG I*² 57 (Meiggs–Lewis 65), 423 B.C., and *IG I*² 81, 421/0; from 421 onwards there was an increasing tendency to include the archon's name in

* I should like to dedicate this anthropological note to the memory of Professor Daryll Forde, in gratitude for the warm welcome he gave me when I first came to the department of Anthropology in UCL. I should also like here to thank D. M. Lewis for criticising an earlier draft of the paper and supplying several essential references.

¹ *Ἐν Κυνόσαργει μὲν οὖν ἐν τῷ Ἡρακλείῳ στήλῃ τις ἔστιν, ἐν ἣ ψήφισμα μὲν Ἀλκιβιάδου, γραμματεὺς δὲ Στέφανος Θουκυλίδου · λέγεται δ' ἐν αὐτῷ περὶ τῆς προσηγορίας οὕτως · τὰ δὲ ἐπιμήγνια θνήτω ὁ ἱερεὺς*

μετὰ τῶν παρασίτων. οἱ δὲ παράσιτοι ἔστων ἐκ τῶν νόθων καὶ τῶν τούτων παίδων κατὰ τὰ πάτρια · ὅς δ' αὖ μὴ θέλη παρασιτεῖν, εἰσαγέτω καὶ περὶ τούτων εἰς τὸ δικαστήριον.

² See Wade-Gery, *Essays in Greek history*, 1958, 178–9 (*BSA* 1940). Attempts have been made to emend the text (A. Mommsen, *Feste der Stadt Athen im Altertum*, 1898, 162 n. 4) but it seems quite unexceptionable as a reference to provisions in the lost earlier part of the decree.

decree headings and/or preambles and so, since Polemon or his source would have been likely to copy an archon-date if there had been one, the decree may well belong in the 420s.³ A very fragmentary decree on stone (*IG I² 129*) also concerns the Herakleion of Kynosarges and has a rider proposed by Alcibiades. Since this decree was found on the Acropolis and the first part of it ends with provision for the setting up of a single copy, presumably there, it seems to be a different decree from that recorded by Polemon. There is therefore some slight ground for supposing that Alcibiades concerned himself with the Herakleion at Kynosarges in the Athenian assembly on two separate occasions.⁴

This evidence on the *nothoi* of Kynosarges seems to me to provide clues which point towards a solution of the problem of the civic status of *nothoi* in general at Athens. Modern Western societies attach considerable importance to physical paternity, and modern scholars have tended to attribute this attitude to the ancient Athenians also, asserting that *nothoi* born of two Athenian parents surely had citizenship after Pericles' law of 451 and so, by implication, that *nothoi* begotten by Athenian fathers were given citizenship by Solon.

Athenian law recognised the claims of physical paternity to the extent of allowing a father to give up to 10 (or 5) minas as a 'nothos' share' (*notheia*); this law is mentioned in Aristophanes' *Birds* (1650 ff.). The same passage however makes it clear that *nothoi* were not admitted to the father's phratry, and the same was true for the demes (Demosthenes LVII 53). *Nothoi* were not eligible for adoption. Nor was a *nothos*, as has sometimes been suggested, admitted to the deme of his mother's family. The case of Boiotos and Pamphilos (Demosthenes XXXIX–XL) affords no basis for this theory, since if they had failed to obtain recognition as legitimate sons they would have been fatherless (their father had accused their mother of adultery) and could not therefore have proved that they had two Athenian parents. The idea that they had rights in 'their mother's deme' betrays the influence of modern institutions. The situation was that if their father had persisted in disowning them their mother's brothers would have attempted to adopt them, swearing in accordance with *her* version of events that they were born of citizen parents and in wedlock.

Now if *nothoi* had citizenship, some office or body must have been responsible for examining their claims to the status. The phratries and demes, which normally fulfilled this function, did not admit *nothoi*. Possibly the eponymous archon or the Council of 500 might have been responsible: but the account of their functions in the Aristotelian *Athēnaiōn Politeia* makes no mention of *nothoi*, and the archon's responsibility for the care and preservation of *oikoi* rather speaks against an interest in *nothoi* who were excluded from the father's *oikos*, at least if there were legitimate offspring.⁵ It has been suggested or implied that the gymnasium at Kynosarges might have fulfilled this function, but, as has been shown above,

³ W. S. Ferguson's assertion (*The Athenian Secretaries*, 1898, 28) that headings with the secretary's name are found only in decrees dealing with foreign affairs and those proposed by special commissions is not borne out by the evidence now available; in particular the use of headings on decrees concerning religious matters is well documented.

⁴ *IG I² 129* contains in l.3 a form of *συλλέγω* or one of its compounds, but though one might think of a military muster or of the probable responsibility of the *syllogeis tou dēμου* for the assembly-registers, the field of choice is wide and the fragmentary remains of the next three lines appear religious in content. The *syllogeis* in any case had religious as well as secular functions (Rhodes, *The Athenian Boule* 129–30).

⁵ Aristophanes, *Birds* 1660 ff. (*Νόθω δὲ μὴ εἶναι ἀγχιστεῖαν παίδων ὄντων γνήσιων. εἰάν δὲ μὴ ᾤσ', γνήσιοι τοῖς ἐγγυσιῶν γένους μετεῖναι τῶν χρημάτων*) has been

taken to indicate that in the absence of legitimate offspring *nothoi* received a share of the estate; but Dem. XLIII.51 (*νόθω δὲ μηδὲ νόθη μὴ εἶναι ἀγχιστεῖαν μὴθ' ἱερῶν μὴθ' ὀσίων ἀπ' Εὐκλείδου ἀρχοντος*; cf. Isaios VI.47) does not mention this qualification. See Harrison, *The Law of Athens, I. The Family and Property*, pp. 62 ff. The reference to Eukleides does not imply that the law was changed in 403/2, but that *nothoi* who had acquired citizenship or inherited before that year were to retain their rights. I suspect that Aristophanes has taken phrases from two laws, one on *nothoi* and one on intestate inheritance, and linked them with the added phrase *παίδων ὄντων γνήσιων* to make them sound like a single law which tells the poor *nothos*, 'if there are legitimate offspring you have no rights—and if not, you still have no rights'.

the evidence about Kynosarges speaks of *nothoi* born of foreign mothers, those deprived of citizenship by Pericles' law, rather than of citizen *nothoi*.⁶ The main aim of this attempt to put forward a new interpretation of the situation of the *nothoi* of Kynosarges is to show that there is no reason to take their existence as evidence that Athenian-born *nothoi* had citizenship.

A satisfactory analysis of the treatment of *nothoi* in ancient Greece does not to my knowledge exist, and I can only indicate impressions here. In Homer their treatment and prospects appear to vary according to the situation in individual *oikoi*; a father seems to be able to give an illegitimate son the status and property he wishes, subject to the willingness of legitimate sons to abide by his dispositions after his death. Solon's law in Athens abolished this flexibility and so worsened the position of *nothoi*. Marriage, legitimacy and citizenship were tied together in the law of Athens, and of other Greek city-states insofar as we know them. It is only in the Hellenistic period, when the altered distribution of political power had changed the relevance of citizenship, changes in the economy had changed attitudes to inheritance, and procedures of registration and legal proof had improved, that grants of citizenship to *nothoi* are—quite frequently—attested.

Furthermore, the whole question of the relationship between citizenship and gymnasia is far from clear. We are not at all well informed about the organisation of Athenian gymnasia in the archaic and classical periods, and widely different views of their early history have been held. J. Delorme (*Gymnasion*, Paris 1960) connects the institution of gymnasia with the development of hoplite warfare, and on this view it perhaps would not be surprising to find *nothoi* admitted to gymnasia but compelled to train apart from citizens, although one would rather expect to hear of a separate gymnasium used by the more numerous metics. But there is little evidence in support of this association between the gymnasium and the hoplite. The Academy gymnasium seems to have been founded by the Pisistratids who were not much inclined to encourage the practice of arms among their subjects. The Panathenaic games had been founded in 566, just before Pisistratus' first coup; the torch-races in honour of Prometheus and Hephaistos which started from the Academy may go back to the time of the tyrants; Charmos, one of their kinsmen, dedicated an altar to Love just outside the gymnasium; and although Hipparchos' death was cited by later writers as proving that tyrants should beware of homosexual love, it shows rather that its encouragement was one of the ingredients in the tyrants' attempts to win over the younger members of rival families. Gymnasium, competitions in tragedy and dithyramb, chariot-racing and *kalos*-names on vases all go together. Furthermore, Delorme himself has emphasised that gymnasia were planted with trees for shade: not very suitable for hoplite manoeuvres. Aristophanes' Trygaios was worn out by marching *out* to the Lykeion and marching off again *from* there, complete with shield and spear (*Peace* 353 ff.); the scholion to this passage, and the related notices in the Suda and Hesychios (*s.v.* 'Lykeion') speak of the use of the gymnasium as a place for mustering and arming, not for practice manoeuvres. The cavalry gave displays at the Lykeion and at the Academy (Xenophon, *Hipparchikos* III 1, 6, 14), and schooled their horses at the gymnasia, but for their military training riding in rough country was considered more important (*ibid.* I 18–20, *Memorabilia* III 3.6). When Agesilaos exercised his hoplites in the gymnasia of Ephesus they practised the ordinary peacetime sports (Xen. *Ages.* I 25, 27), in order to compete at the games he promised them.⁷ The idea of teaching boys to fight with arms—hoplomachy—is described

⁶ See also below on Antisthenes.

⁷ In which some additional competitions in marksmanship for *non-hoplites* were included. Target practice was indeed the only type of military training which could be introduced into the gymnasium without calling into question the nudity which was

the hallmark of the institution, and probably did increase in importance in the Hellenistic period when the connection between gymnasia and military training grew closer; even catapult machines were sometimes introduced. Cf. also Plato *Laws* 804 c–d.

as an innovation regarded with some doubts in Plato's *Laches* (dramatic date soon after 424?).

Altogether it seems preferable to associate the origins of the gymnasium with increases in the popularity and number of athletic competitions in the sixth century; the element of democratisation which the public gymnasium undoubtedly represents is to be associated in Attica at least with the foundation of new pan-Athenian games which were a more serious matter than the local races and wrestling-matches run by phratries at the Apatouria, but were open to those who could not afford to travel to Olympia or Delphi.

Like several other types of public building, gymnasia seem to have owed their construction to private individuals until the Periclean era. Hipparchos built the wall round the Academy and Kimon planted it with trees, but the Lykeion was built from public funds with Pericles as chief building commissioner (Philochoros, F.37). On the organisation of routine maintenance there is no evidence. Possibly the tribal gymnasiarchs who trained teams for the torch-races from the Academy also saw to the running of the gymnasium; but references seem to associate them strictly with a single event rather than with duties lasting throughout the year. Even at the time when the *Athēnaiōn Politeia* was written, Athens had no State gymnasiarch unless the *kosmētēs* of the *ephēboi* was responsible—and since at this time the *ephēboi* still did their training well away from the city, first in Piraeus and then on the frontiers, there is no compelling reason to associate their supervisors with the gymnasia.⁸ Two other solutions suggest themselves, but neither seems very likely. One is that gymnasia were so closely associated with cult buildings that they were administered by priests and paid for out of cult funds. Herakles at Kynosarges at least had some money, taken over by the Treasurers of the other Gods in 434/3; but to judge from the sums recorded in the treasurers' records for 426/5–423/2 (Meiggs–Lewis No. 72; 100 dr. in all) he was not rich. The alternative is to suppose that gymnasia were leased by the state (or even by priests) to contractors who ran them as privately owned *palaistrai* were run. This does not necessarily mean that those who exercised in a gymnasium would have to pay entry fees; the manager would himself be a professional trainer (*paidotribēs*) who would charge fees for instruction, and could collect a commission from other teachers—athletic and sophist—who used the premises. It seems fairly certain that the city at this date did not provide teachers of any kind. But I do not feel by any means sure that either of these is the right answer. My main concern here is to point out that we know almost nothing about the organisation of gymnasia in the fifth century. Slaves were forbidden by law to strip and exercise in gymnasia (Aeschines I 138), but no source states that metics were excluded; foreign teachers were certainly admitted (Plato, *Euthydemos*).

There are therefore some slight indications that the congregation of *nothoi* in Kynosarges was not due to the fact that they were excluded from other gymnasia. They can scarcely in any case have been excluded from privately-owned *palaistrai*, of which there were several in Athens by the late fifth century. There are also some indications, again rather tenuous, that citizens did not cease to use the gymnasium of Kynosarges. Andocides claimed to have broken his collar-bone riding 'in Kynosarges' just before the mutilation of the Hermai in 415 (I 61): he was probably in a riding-school within or attached to the grounds of the

⁸ See Davies, *JHS* 1967, pp. 35–6, 40. In *IG I² 84* (Sokolowski, *Lois sacrées* 13) we should probably read *λεχσάρα]χοι*, as Wilamowitz suggested, in 1.20; *γυμνασάραχοι* seems to be impossible in 1.35 and is far from certain in 1.37; in any case the reference is to the torch-races at the Prometheia. The gymnasiarchy as an ephobic liturgy did include responsibility for gymnasia but belongs to the Hellenistic period. *Γυμνασάραχος* in the law cited in Aeschines I.2 seems merely to mean 'whoever is in charge of the

gymnasium', and the law in any case probably is not genuine; § 10 may refer to the creation of a magistracy for the supervision of schools and *palaistrai* (or did the law merely specify which existing magistracy was to be responsible for suits arising from it?), but schools and *palaistrai* are not gymnasia and the law seems to have been passed after 404/3 (Lysias XXI.4). *Γυμνασάραχος* in charge of the Lykeion in Ps.-Plato *Eryxias* 397c, 399a, but this is hardly reliable evidence.

gymnasium.⁹ Three decrees of the tribe Antiochis have been found not far from the probable site of the Herakleion, one headed by a relief of Herakles and (presumably) his son Antiochos:¹⁰ it seems likely that the *hieron* of Antiochos which was the tribe's official headquarters was attached to the sanctuary of his more famous father in the fourth century, and had been there since the reforms of Kleisthenes. Alcibiades, as we have seen, was sufficiently interested in the cult of Heracles at Kynosarges to make one, if not two proposals about it in the assembly. Apparently no stigma was attached to association with Kynosarges.

Syntelein eis Kynosarges, commonly translated 'to be enrolled at Kynosarges', seems to have been something of a technical term at Athens. Plutarch uses the phrase in a metaphor (*Amatorius* 750 F) as well as in the *Life of Themistocles*. But *syntelein eis* has two technical usages, one political and one religious. It could be used to express political affiliation (of communities) or categorisation (of individuals), where a word suggesting obligations rather than rights was not out of place. But it was also (and no doubt earlier) a term for the payment of contributions for sacrifices. Kynosarges is not the name of a status-category (note the awkwardness of Demosthenes' expression in XXIII. 213); but it could be used as the name of the well-known shrine located on the spot. To take *syntelein eis Kynosarges* in the religious sense also fits the position of the *nothoi* as *parasitoi*, an office which seems to have been closely connected with the collection of contributions (in kind) for religious festivals.¹¹

It is not necessary to believe that it was compulsory for all *nothoi* to contribute to the cult of Herakles. Both gymnasia and cult offices were still in the middle of the fifth century largely if not entirely monopolised by the well-born and the well-to-do. My suggestion is that a group of upper-class boys disfranchised by Pericles' law adopted the gymnasium of Kynosarges as their centre and the fellow-*nothos* Herakles as their patron. The choice of Kynosarges may have been due merely to the fact that some of the leading members of the group were already in the habit of using that gymnasium; or it may be that Kynosarges appealed to them as being, even at that date, less closely integrated into the religious and military life of the city and the tribes than the Academy and (if it already existed) the Lykeion. They either created a new *thiasos* for the cult of Herakles formed entirely of *nothoi* or, perhaps more probably, acquired a predominant position in an existing organisation. (The sanctuary, according to Herodotus VI. 116, already existed at the time of Marathon, and the wording of Polemon's decree suggests that the priest was not a *nothos*.) In either case, this *thiasos* came to serve as a rallying-point for upper-class *nothoi* and a substitute for the phratry and deme from which they were excluded. Membership was voluntary and so was the defiant adoption of the name '*Nothoi*' to identify the group and distinguish them from the metics whose status they shared.

This development would be all the more understandable if, as I believe, Pericles' law disfranchised (and disinherited) all sons of non-Athenian mothers who had not yet been enrolled in the demes as citizens when it was passed. The wording of the law was somewhat ambiguous: 'He who has not been born of two citizen parents is not to share in citizenship' (*μη μετέχειν τῆς πόλεως ὅς ἂν μὴ ἐξ ἀμφοῖν ἀστοῖν ἦ γεγονώς*, *Ath. Pol.* 26.4, cf. Aelian, *V.H.* VI. 10); but in the absence of birth registers the only effective way to put the law into operation was to instruct demes and phratries that *from the date when the law was passed* they were not to admit any candidate who was not of Athenian parentage on both sides.¹² It is true that the speaker of Demosthenes LVII, referring to the re-enactment of

⁹ See J. K. Anderson, *Ancient Greek Horsemanship*, 1961, 103.

¹⁰ Ch. Karouzos, *Archaiologikon Deltion* 8, 1923, 83-102 (*SEG* III. 115-17); J. Travlos, *Arch. Analekta Ath.* 3, 1970, 6-14.

¹¹ Mommsen, *Feste* 162 ff.; Wilamowitz, *Aristoteles und Athen* II. 43.

¹² Admission to the phratry took place two years earlier than admission to the deme (J. Labarbe, *Bull. Acad. Roy. Belg.* 39, 1953, 358-94); there might therefore have been a small number of *nothoi* under the new ruling who already belonged to phratries but were not yet citizens. It is just possible that the law of Krateros (*FGH* 342) F.4, ending with the

the law in 403/2, claims that his father would have been a citizen even if he had only one Athenian parent, since he was born before the archonship of Eukleides (*γένεονε πρὸ Εὐκλείδου*, § 30). But he spoke carelessly in any case since this would only have been true if the one Athenian parent was the father; and nothing turned on the date of his father's birth, for he was not only born but old enough to be a prisoner-of-war before Eukleides (§ 18). The law of 403/2 as quoted by the Peripatetic Eumelos does not specify that it concerns only those born after Eukleides (*Σ Aeschines I. 39: μηδένα τῶν μετ' Εὐκλείδην ἄρχοντα μετέχειν τῆς πόλεως, ἂν μὴ τοὺς γονέας ἀστοὺς ἐπιδείξῃται, τοὺς δὲ πρὸ Εὐκλείδου ἀνεξετάστους ἀφείσται*).

Unfortunately we do not have any decisive prosopographical data to settle the matter. Antisthenes, and Pericles' son by the Milesian Aspasia, Pericles II, both of whom were definitely *nothoi* by the provisions of the law of 451, may have been born after it was passed. Hermogenes the Socratic seems to have been an illegitimate son of Hipponikos son of Kallias of Alopeke (Plato *Kratylos* 384c, 391b-c); Hipponikos married Pericles' ex-wife c. 455 and if Hermogenes was the son of a preceding marriage with a non-Athenian he would have been born before 451 (Davies, *Athenian Propertied Families* 262-3, 269). But no source states that his mother was foreign; he may have been younger than his legitimate brother Kallias. He is however of interest in any case as a *nothos* from one of the leading Athenian families who could be politely addressed as 'son of Hipponikos' but got none of the family property, 'was always longing to make money but had bad luck every time' (*Kratylos* 384c), might consider going begging to his rich brother for favours (391c), cared for philosophy and consorted with intellectuals, apparently leading the life of a gentleman of leisure despite his poverty, and was at one time taken up as a *parasitos* by another friend of Socrates, Diodoros (Xen. *Mem.* II. 10).

For the re-enactment of the law in 403/2 the only case for consideration is that of Timotheos son of Konon, whose mother according to Athenaios 577a was a Thracian *hetaira*. Timotheos was born before 414/3 (Davies, *APF* 507-8) and was still able to take part in a campaign in 356/5; but Nepos (*Timotheus* 4) says that by this time he was *magno natu et magistratus gerere desisset*, so perhaps a birth-date in or before 420/19, which would have allowed him to enter his deme before 403/2, is not impossible.

Two interpretations of Pericles' law have been put forward. The traditional view is that it was enacted to please the *demos*, whose appreciation of the financial and other privileges attendant on citizenship led them to favour a restriction of citizen numbers. This line of interpretation goes back to ancient sources which connect the law with a revision of the register of citizens on the occasion of a large gift of corn from Egypt in 445/4, which is said to have resulted in the expulsion of 4,760 persons. Jacoby (*FGH III b Supp.* 328 F 119) has thoroughly criticised this tradition, which in any case does not provide a motive for a law securely dated six years earlier than the gift of corn. His own view is that the law was not applied retrospectively either in 451/0 or in 445/4, but was deliberately formulated in an ambiguous way which would permit retrospective application, to give Pericles a weapon to hold over the heads of his opponents Kimon and Thoukydides son of Melesias, both born of foreign mothers. This really does not seem to me credible: the parentage of Kimon and Thoukydides was surely too well known for their status to be left in doubt for more than a very brief interval. Is it not simpler and more plausible to assume that what Pericles wanted to do was what the law undoubtedly must have accomplished, that is, to stop Athenians from marrying foreign women? As Jacoby pointed out, such marriages were characteristically (though not exclusively) found in the upper class. Pericles' aim, I would suggest (whatever the motives of the *demos* in voting for the law) was to put a stop to the

provision that the *nautodikai* are to try anyone born of two non-Athenian parents who enters a phratry, had in an earlier section regulated or clarified the position of these *nothoi*. But I cannot pursue the

question of Krateros' law here. Andrewes' suggestion, *JHS* 1961, 1-15, that Philochoros F.35 belongs to the same law seems to me to be ruled out by the use of the archaic word *δμογάλακτες*.

aristocratic practice of contracting marriage-alliances with leading families in other states—a practice which created sympathies and loyalties which were liable to obstruct rational policy both towards Athens' subjects and towards her rivals.

If I am right, Pericles' law deprived those born of foreign mothers between 469/8 and 451/0 of both citizenship and inheritance, and among them a significant number will have belonged to leading Athenian families. Pericles' own son by Aspasia may even have been one of them, although it is perhaps more probable that he was born in the 440s.¹³ When Pericles asked the *demos* in 430 or 429 to grant the boy citizenship he based his appeal on the fact that his two legitimate sons had died in the plague, apparently implying that it was his own lack of heirs and not his son's status which moved him. Such a group might well continue to remain in close association with their age-mates in the citizen upper class, including half-brothers and cousins with whom they had grown up. Alcibiades' interest in the cult of Heracles at Kynosarges may be due to the fact that as Pericles' ward he was brought up with his near-contemporary and remote cousin Pericles II. Plutarch's story about Themistocles may be more than a foolish mistake, if the free association of citizens and *nothoi* at Kynosarges was a reality in the years after 451; Pericles' critics surely pointed out that his law, if passed earlier, would have deprived the city of the services of his hero Themistocles, and from there it was a short step to jokes making Themistocles responsible for the behaviour of the *nothoi*. Be that as it may, the assumption that the *nothoi* were an upper-class group who created their own organisation probably implies that they were not sufficiently numerous to monopolise one of the three—or possibly only two—gymnasia of Athens. It also explains why they had disappeared before Demosthenes' time. It was one thing for a young man to proclaim himself one of the *Nothoi* when Pericles' law was still fresh in Athenian memories, but a different thing to do so a generation later when hearers would be likely to assume he was the son of a prostitute. During the Peloponnesian war it was not difficult to gain entry illicitly to demes and phratries, especially those based on villages evacuated for fear of Spartan invasions; in the later years of the war Pericles' law was tacitly disregarded if not formally repealed.¹⁴ Although it was re-enacted in 403/2, no new association of '*Nothoi*' appeared: the disfranchised melted imperceptibly into the by now numerous and respectable metic category. Possibly the decree quoted by Polemon already reflects a reluctance of *nothoi* and their sons to identify themselves openly with the group. But the provision for taking reluctant *parasitai* to court does not necessarily prove that reluctance was common—we do not know at all what the main purpose of the decree was—and in any case the motives for attempting to decline the office may have been financial. Nevertheless the *nothoi* of Kynosarges do seem to have died out. Polemon's search for documents concerning *parasitai* apparently did not yield any further material from Kynosarges. By the time Antisthenes,¹⁵ after Sokrates' death, began to teach at

¹³ The fact that Plutarch *Pericles* 37 speaks only of entry to the phratry and not to the deme suggests that the request was made before Pericles II's seventeenth birthday (J. M. Carter, *BICS* 1967, 51–7) and in all probability in time for the Apatouria of his sixteenth year; he may well have been born as late as c. 444.

¹⁴ Lysias in his speech *Against Theozotides* (*P. Hibe*h I. 14) attacked Th. for proposing to exclude *nothoi* and adopted sons from the number of the war orphans supported by the State; but the partial copy of the decree which has now been found in the Agora (Agora I. 7169, Stroud *Hesperia* 1971, 280–301) shows that Th. was not trying to economise at the expense of the orphan, but proposing to extend the same privileges to those whose fathers had died

fighting against the oligarchs in 404/3. He had evidently worded his proposal in such a way that Lysias could attack him for excluding *nothoi* and adopted sons, but this does not prove that the earlier law on war orphans had specified their right to support. One would expect adopted sons to have been included and *nothoi* excluded, but since questions of status were not fought out until the time of entry to phratry and deme it may not have been difficult for orphan *nothoi* to claim support.

¹⁵ Diog. Laert. VI. 1–13. Antisthenes' mother was Thracian and is said in one passage to have been a slave; if so she must have been freed before his birth. One would like to put his father in the mining family of Kytheros (Davies, *APF* 38–9), but the connexion cannot be proved.

Kynosarges, the gymnasium-days of his fellow *nothoi* ('kaum später als 450 geboren', *RE*) were over. But the connection between Cynics and Kynosarges was more than mere etymology. Antisthenes gave the Greeks a new picture of Herakles, 'the man of toil' (and of Cyrus—'the mule', half Mede and half Persian?); and his wisecracks show the same spirit as the cult of Herakles the *nothos*: 'Even the gods had a Phrygian mother'. 'One can be a wrestler without being born of two wrestler parents.' 'The well-bred men are those who are virtuous.'

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