JOSIAH OBER

ATHENIAN LEGACIES

ESSAYS
ON THE
POLITICS OF
GOING ON TOGETHER

Athenian Legacies

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Essays on the Politics of Going On Together

Josiah Ober

For my students, my teachers

Contents

Abbreviations

For abbreviations of classical authors and works, see the *Oxford Classical Dictionary*, 3d edition. Oxford: Oxford University Press, 1996.

Ath. Pol.	*Athēnaiōn Politeia*
CAH	*Cambridge Ancient History*. 1st edition 1923–39; 2d edition 1961–. Cambridge: Cambridge University Press.
DK	*Die Fragmente der Vorsokratiker*. Ed. Hermann Diels and Walther Kranz. 6th ed. Berlin: Weidmann, 1966–67.
F	Fragment (of a lost work by an ancient author)
GHI	*A selection of Greek historical inscriptions*. Ed. Marcus N. Tod. 2 vols. Oxford: Clarendon Press, 1962.
HCT	Gomme, A.W. (with Antony Andrewes and Kenneth J. Dover). *A Historical Commentary on Thucydides*. 5 vols. Oxford: Clarendon Press, 1945–81.
IG	*Inscriptiones Graecae*. Berlin, 1873–
Loeb	Loeb Classical Library. Cambridge, Mass., and London: Harvard University Press.
LSJ	*A Greek-English Lexicon*, compiled by Henry George Liddell and Robert Scott, revised and augmented throughout by Sir Henry Stuart Jones, 9th ed., with supplement. Oxford: Oxford University Press, 1968.
OCT	Oxford Classical Texts. Oxford: Clarendon Press.
OGIS	*Orientis Graeci Inscriptiones Selectae*. Ed. W. Dittenberger. 2 vols. Leipzig: Hirzel, 1903.
RO	*Greek Historical Inscriptions* 404–323 B.C. Ed. P. J. Rhodes and Robin Osborne. Oxford: Oxford University Press, 2003.
SEG	*Supplementum Epigraphicum Graecum*. 1923–
SIG	*Sylloge Inscriptionum Graecarum*. Ed. W. Dittenberger. 3d edition. 4 vols. Leipzig: Hirzel, 1915–24.
Teubner	B. G. Teubner Velangsgesellschaft. Leipzig.
West	Martin L. West, *Iambi et elegi graeci*, 2d ed. 2 vols. Oxford: Clarendon Press, 1991–92.

Preface

THE TERM "LEGACY" is not always used in a positive sense: Modern organizations struggle to free themselves from the constraints of legacy systems (like antiquated proprietary software), and social comedians have long mocked legacy hunters for fawning upon those they despise. The phrase "historical legacy" is quite frequently used in a negative sense as well, as in "legacies of Nazism" or "colonial legacies" (see, for example, Adelman 1999 on "the problem of persistence" in Latin American history). But "historical legacy" can also be employed in a positive sense, and is often associated with value terms like "rich" and "vital." Negative historical legacies threaten to constrain us from going forward or even to drag us back into an unhappy past; they are useful only as warnings of what we must work to overcome or avoid. Positive legacies, by contrast, are resources that we may call on to further progressive goals. As rightly valued resources that make the past useful in desirable ways, positive legacies are worthy of our esteem and should be preserved.

Coming to grips with the positive as well as the negative legacies offered to us by the past—including the deep cultural past—is essential if the members of human communities (whether they are nation-states or other purposeful organizations) are to find a way to go on together into a better future. This book is devoted to defining those conditions under which the project of going on as a community might come to be regarded (as I believe it should be) as a fundamental human good for the political animals we are. It is meant to show how the complex historical legacy of classical Athens could be a valuable resource in furthering that project. This is not an entirely new undertaking. An unexpected pleasure of working on this book was coming to realize how often I had been anticipated, in the concerns that animate these essays and in some of their conclusions about Athens and democratic politics, by one of the fathers of modern liberalism, J. S. Mill (see, in detail, Urbinati 2002).

The essays offered here were composed under diverse circumstances, and published in a wide variety of venues. Yet each seeks to answer a question set by Sheldon Wolin, in the course of a late-night conversation at a conference on ancient and modern democracy. Wolin's question may be formulated as follows: "How can the historical experience of democracy (especially Athenian democracy) become a positive legacy for subsequent generations of political theorists and historical actors *while remaining true to its revolutionary origins*?" Wolin worried that as soon as a revolutionary moment is domesticated as a "useful legacy from the

past" it loses its power to challenge and potentially to overthrow the complacent and ultimately oppressively constraining order of things that constitutes "ordinary political life." Because I believe that the interest and value of Athenian democracy lies in the conjunction of its revolutionary character and its capacity to provide us with "legacy resources" for our own theory building, I felt that Wolin's question demanded an extended answer.

The essays presented here were written with multiple audiences in mind: political theorists, moral philosophers, classicists, and students of cultural studies. I have translated all unfamiliar Greek terms, and have kept use of the Greek alphabet to a minimum. Those without much previous knowledge of Athenian political history may find the short primer on Athenian political development, offered in chapter 5, helpful prior to reading chapters 6 through 10. The last two chapters introduce categories of evidence (archaeology, epigraphy, iconography) that may be less familiar to some readers than are classical Greek texts, but I hope these chapters will be no less interesting for that. Eight of the chapters were previously published; I have revised each of them slightly for this collection, but I have not systematically updated the references to secondary literature.

I wrote these pieces as a member of the faculty of Princeton University's Department of Classics and Center for Human Values; each essay bears the stamp of Princeton's distinctive and extraordinary intellectual environment. Yet I also spent time as a visitor in Cambridge University (Clare Hall), at the Université de Paris (I: Sorbonne, Centre George Glotz), and at the University of California at Irvine (Department of Classics and College of Humanities); and the final editing was done at the Center for Advanced Study in the Behavioral Sciences in Stanford; so I like to think that there are Cambridgian, Parisian, and Californian traces as well. My thanks to the many people in each of those very different places who helped to make my visits productive and enjoyable. Earlier versions of these essays were presented as lectures at a number of universities and colleges. I thank the organizers of those events and the audiences, respondents, and correspondents who prompted me to refine my grasp of the issues addressed here.

My faculty colleagues in Princeton and elsewhere have been a constant source of inspiration; a number of them are thanked by name in the notes. But this book is dedicated to those who have been my students (albeit many now hold faculty positions). They have, through their writing and their conversation, their substantive comments and their critical queries, helped me to think through my own projects. I cannot hope to acknowledge each student with whom I have worked and from whom I have learned something of value, but several of them deserve special

Athenian Legacies

Introduction: Climbing the Hill of Ares

THIS COLLECTION OF ESSAYS on Athenian political culture is a sequel to my previous collection, *The Athenian Revolution* (1996), in a very specific sense: Those earlier essays centered on democracy's revolutionary origins; these concern what must come after a revolution if the diverse members of a political community are to go on together. Both the energies inherent in revolutionary moments and the techniques of collective "going on" must be taken into account by any theory of democracy that claims to take history and culture seriously. Both revolution and going on are historical and cultural processes. While I take the human propensity to culture making as a natural endowment, particular cultures are the products of history, and history is made by willful agents. Political culture includes the values, structures, and practices of a community, along with the evolving social and political identities from which it is constituted. Ancient Athens becomes more valuable for us as modern history-making agents and for democratic theory building when we recognize it as a particular, historically unique polis with a distinctive political culture—rather than categorizing it, generically, as "the polis." Historical Athens was much more diverse and much more conflicted than the generic and idealized polis often imagined by political theorists (from Aristotle to Arendt and beyond). Because it is concerned with diversity and conflict as well as solidarity, the study of Athenian politics can contribute, not only to discussions about democracy's original potential, but also to democracy's possible future.[1]

The approach to Athens offered here rejects backwards-looking "polis nostalgia." It seeks to specify what is admirable in Athenian political culture, while never forgetting the evils permitted and promoted by the structural injustices of Athenian slavery, imperialism, and exclusion of women from active citizenship. The Athenian failure to generalize access to the freedom, equality, and security characteristic of participatory citizenship was a profound moral failure. But acknowledging that failure of moral imagination need not, in and of itself, lead to a general indictment of the

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[1] Recent political theoretical work drawing upon Athenian critical theory and democratic practice includes books by D. Allen, Balot, Euben, Farrar, Lane, Monoson, Saxonhouse, Villa, and Wallach (see bibliography). Use of Athens for political theorizing need not be "positive." Lape 2004, for example, concludes that apparent Athenian democratic resilience proved false in that it was grounded on an incapacity to acknowledge the political agency of anyone other than native males.

values and practices typical of Athenian democratic self-governance. A historically disciplined account of politics that addresses normative concerns should allow the experience of an ancient city-state to interrogate and challenge, rather than simply to reify our modern intuitions about the possibilities of political life.[2] The practice of democracy in Athens is in some ways different from all contemporary versions of democracy (e.g., parliamentary, constitutional, deliberative, strong). But after all, it makes little sense to ask modern readers to grapple with Greek antiquity unless doing so will yield understandings not readily available in more familiar places.

Going On Together

At the heart of each of these essays is the attempt solve a mystery. How did the Athenians manage to go on together as an internally diverse and democratically governed community, one that sought (if never altogether successfully) to promote conditions of justice, in the face of so many circumstances that made going on so very difficult? We can sharpen that question by personalizing it: Why did Socrates choose to live in the city of Athens and obey its laws, despite his belief that other places were better governed (see chapter 7)? Why did Athenian resident foreigners and slaves risk their lives in joining the pro-democracy uprising against an oligarchic government in 404 B.C. (see chapter 8)? Why did so many Athenians choose to subordinate their individual and sectarian group interests in favor of working to maintain a community, even though that meant living and working with persons and groups who were very different from themselves?

The "going-on-together" question thus has descriptive and analytical dimensions, but it is also has normative force: Going on together under (always imperfect) conditions of democracy and justice should be valued in much the same way that we value the more familiar political goods of liberty and equality. Going on together implies these political goods and like them it is a condition of human flourishing. To pose the historical question of how going on together was possible for the Athenians, without assuming that "false consciousness" provides an easy answer, is to assert the moral equality and capacity for agency of people who were constrained in their choices (even the juridically unfree).[3] It denies that "plurality" and

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[2] My use of Athenian history for theory building was recently the subject of a sustained critique by a leading ancient Greek historian of the positivist school (Rhodes 2003). I am pleased that in the course of his extended normative argument about why historical positivists ought not approach history in the way I do, Rhodes does not find factual errors in my work; see chapter 8, below.

[3] This formulation assumes that even slaves had some capacity to choose to work to build or to undermine a given community: see chapters 4 and 8, below.

"diversity" are distinctively modern political concerns. It acknowledges humans as political animals who will truly flourish only in sustainable communities, but regards every human community as an artifact of historical circumstances. Moreover, it supposes that socially experienced difference among people is produced in large part by revisable human judgments and willful actions. Unless we are willing to regard cultural differences as objective "facts of nature," we have no warrant for simply assuming, a priori, that Athens was in fact more culturally homogeneous than a modern nation-state.[4] If going on together is intrinsically valuable, then we should also value the processes by which the Athenians achieved that choiceworthy end and did so without resorting to forms of homogeneity that denied the value of personal freedom and without confusing equality with sameness.

The Athenians *chose* to go on together, chose it as something of value, in the face of experienced difference and periodic conflict. That choice was not foreordained: In the course of classical Greek history many poleis degenerated into a sustained civil strife that ran roughshod over written law and social convention, and ultimately extinguished the possibility of a sustained civic community: Thucydides (3.70–85) sketches a famously harrowing portrait of the dissolution of the once-great polis of Corcyra, and notes grimly that this was only one example of a pattern of collapse that affected many communities. The historical record bears him out; in the century following the Corcyrean civil war catastrophic intra-polis conflict was a frequent occurrence in the Greek world. For Thucydides' younger contemporary, Plato, and for Plato's student, Aristotle, the problem of political conflict within the city was the central problem of Greek political theory.[5]

In the *Republic* Plato employs the conflicted polis as a way to address the problems of moral psychology: His use of the polis as a model of the human soul means that solving the problem of justice, by instituting a proper system of civic education and thereby ending conflict in the city, entails an end to troublesome internal conflict within the soul of the individual. Although modern democratic theory necessarily approaches the question of

[4] While classical Greek antiquity was admittedly unfamiliar with the non-negotiable religious beliefs associated with fundamentalist versions of revelation-based monotheism, the ancient Mediterranean-western Asian world was extremely diverse in terms of religious practices, just as it was diverse in terms of language, ethnicity, dress, eating habits, and so on. Many of the horrors and benefits of modernity (colonialism, imperialism, ethnic cleansing and forced migrations of ethnic groups, mixed economies, "globalized" trade networks, etc.) have recognizable counterparts in the Mediterranean-western Asian world that was the context of ancient Athenian political culture. While we must not overlook the differences (e.g., in technology and scale), we must not allow "ancient v. modern" to do more explanatory work than it can bear.

[5] For a catalogue of Greek civil conflicts, see Gehrke 1985. For an introduction to civil conflict as a key problem in Greek history and political thought, see Ober 2000.

"politics as soulcraft" quite differently, Plato's central insight—linking the political life of the community to the moral-political psychology of individuals—remains extremely powerful. In hopes of making Plato's insight relevant to democracy, the second half of this introductory essay looks at some of the political choices made by a particular Athenian individual in the course of a lifelong civic education.

The answers to the problem of civic conflict offered by Greek philosophers centered on eliminating the very possibility of strife by carefully managing diversity within the community at large, and by eliminating diversity within the the body of active, participatory citizens. The solutions (notably Callipolis of Plato's *Republic* and the "polis of our prayers" of Aristotle's *Politics*) focused variously on reifying and naturalizing social and psychological differences (Plato's gold- silver- bronze- and iron-souled classes in the *Republic*; Aristotle's notorious theory of natural slavery) and on strong forms of civic education that intentionally left no room for resistance to the dominant culture or the development of alternative personal identities. Arlene Saxonhouse has rightly pointed to the "fear of diversity" that underlay these radical theoretical solutions to the problem of conflict.[6]

It is tempting to extrapolate from these *philosophical* responses to the imagined threat of intracommunity strife by Athens-based writers to the *historical* response of the Athenian polis to the actual fact of conflict. Yet that temptation must be resisted because the historical Athenian response was actually substantially different. While determined to find and celebrate commonalities among Athenians (some, like "autochthony," were exclusivist, exclusionary, and expressly fictive), the polis also frankly acknowledged that the umbrella term "Athenian" covered a highly diverse range of social identities. Although it is certainly true that the polis publicly promoted an ideology of "proper Athenian-ness" (e.g., in the "All Athens" Panathenaic Festival) and periodically presented its members with an idealized conception of the Athenian past (e.g., in the ritualized funeral orations over the war dead), it is also clear that these expressions of ideological coherence were countered by frank acknowledgments of diversity and conflict—notably in Athenian drama, legal process, and religious ritual.[7] The Athenians were historically familiar with internecine strife (see chapters 3, 8, 10). Yet time and again they managed to pull themselves out of the

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[6] Saxonhouse 1992.

[7] A good deal of work by Hellenists in the last twenty years has sought to explain Athenian culture either as an "hegemonic" expression of coherence or as a "subversive" expression of diversity. The fact that both sides in this debate have been able to muster considerable evidence for their divergent position points, I believe, to an emerging consensus in favor of a "both-and" explanation (see Manville 1997) that acknowledges the role of culture in both reification of coherence and its subversion. See, recently, Wilson 2000, Hesk 2000, Wohl 2002, Lape 2004.

degenerative cycle of retributive violence that shattered Corcyra and so many other classical Greek poleis. They did so, not by retreating from the challenges of change and difference into a fantasy of sameness and change-lessness, but by finding democratic means by which to meet political challenges. It is in exploring those means that contemporary theorists may learn something of value from the Athenian experience of politics.

These essays were written in a millennium-spanning decade, 1995–2004. Some of my earlier work on Athenian political practice was written in the previous half-decade, 1989–1994, a historical moment of boundless democratic optimism. Democracy was the catchword of that era, and celebrating democracy's Athenian origins suited the festive atmosphere of the time.[8] But it was not entirely clear, in the years immediately following the collapse of the Soviet Empire, why political theorists should bother to learn much about ancient history in building their models of democracy. At a moment sometimes proclaimed the "end of history," the modern world seemed to be doing very well with the models readily at hand.

Since 1994 history has resumed with a vengeance. We survey a world in which the question, What conditions might allow the members of a deeply divided community to go on together under something approximating conditions of justice? is posed with increasing urgency. And we are more than ever aware that the failure to answer that question entails profound human suffering. Under such circumstances nondemocratic approaches to politics, posing as solutions that are realistic in that they put good ends (constitutional order) ahead of fallible means (democratic process), may come to seem increasingly attractive (see chapter 5). I believe that people who promote such approaches are wrong, but they rightly point to the need to think more seriously about democracy's costs. This book's "imagined ideal reader" has been sobered by the limited applicability of the standard models of democracy to the challenges of group identity and violent conflict, yet remains willing to believe that an always-imperfect democracy might ultimately be preferable to even the most benevolent autocracy. For such a reader, learning something of Athenian political history may seem worth the effort.

Each of these essays draws attention, from different angles, to tensions within the Athenian democratic political community and within Athenian political identities. And each essay suggests that these tensions were in a strong sense productive rather than destructive: The solution to the mystery of going on together is not to be sought, I argue, in construing Athenian democracy as a neutral space in which tensions arising from diversity and inequality are finally resolved. Rather the solution lies in recognizing in democracy a sophisticated means for transforming into productivity the

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[8] See, for example, Ober and Hedrick 1993; Morris and Raaflaub 1998.

potential divisiveness arising from diversity. That transformation is effected through an ongoing discursive acknowledgment of difference, and through a willingness to make and carry out public decisions in the face of unresolved tensions. As Danielle Allen reminds us, at any given moment in history the processes of what I am calling "democracy as diversity management" will require sacrifices by some people, and these processes necessarily leave certain individuals and groups in a position of loss and disappointment. But, by the same token, the democratic process holds out the promise that the ledger will be balanced over time and that today's losers will be tomorrow's winners.[9] A careful historical account of democratic politics should be able to answer the essential question of how well that promise was kept. This may not yet be the most familiar way of looking at democracy and political culture, but it can explain a lot about politics in classical Athens and, I would argue, about the still unrealized potential of modern political life.

Contemporary democratic theory, in its dominant communitarian and liberal versions, is, of course, very concerned with identities, difference, and tension arising from pluralism within political communities (understood primarily as nation-states). In modern political theory there is a tendency to emphasize two primary sites of tension: between the state and the individual as "rights-holder," and between the state and groups within it that lay claim to special rights or recognition (see chapter 4). The persistence of state-individual and state-group tensions may be regarded as inevitable, but it is not ordinarily regarded as productive. The challenge of democratic politics is thus typically understood as finding ways to enable the state to achieve public purposes without doing undue damage to individuals or groups and distributing public goods as fairly as possible among them. The appropriate way of dealing with tensions between the state's purposes and its constituent groups and individuals is addressed variously in communitarian and liberal accounts. In the communitarian story the state is responsible for promoting civic values and the common good; democracy is the means by which the reified will of a fundamentally homogeneous citizenry is publicly expressed. In the standard liberal account, the state is responsible for maintaining the rule of law and for fair distribution of valued resources. Democracy ensures that individuals have the opportunity to define and express their own wants, but democracy is possible only because the rule of law provides a secure place (inaccessible to majoritarian pressure) for expertise and thereby prevents selfish group interests from devolving into competitive interest-based majoritarianism.

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[9] Importance of democratic fairness as achievable only over time: Allen 2004.

Much of the energy of recent political theorizing has been generated by attempts to accommodate individual and group identities, and to find a way past the reductive "either-or" choice of regarding either the good of the individual, of groups, or of the community at large as the indispensable starting point of politics.[10] Proponents of deliberative democracy seek to replace the conception of democratic decision making as a zero-sum contest among interests with a conception of decision making as a cooperative reciprocity-based process of seeking the best answer. Neorepublican accounts attempt to replace Benjamin Constant's and Isaiah Berlin's negative conception of liberty as noninterference with a more positively inflected conception of liberty as noncoercion. Various postmodernist approaches to political theorizing seek to take into account the ways in which the identities of individuals and groups have been constructed by historically contingent (and hence contestable and revisable) relationships of power. Each of these approaches seems to me promising, yet none can yet be regarded as definitive. And so there remains room for other models of democratic politics to be considered as complementary alternatives—including a model based in part on the political culture of classical Athens.[11]

In the pages that follow, I will have some things to say about standard liberal and communitarian conceptions of politics and political identity. I will argue that Athens is in some conceptually relevant ways less "thick" (i.e., homogeneous and unified) in terms of its political culture (its *politeia*, a term that embraces much more than institutional structure) than enthusiastic communitarians and suspicious liberals alike have often supposed it to be. I will argue that Athenian identities were considerably more diverse than would be tolerable in a genuinely thick culture, and by the same token that much more valuable for contemporary theorizing. Among the primary goals of this book is to develop a historically sensitive line of investigation within democracy studies, by expanding the standard accounts of the formative tensions that have given rise to what Michael Sandel calls "democracy's discontent."[12] This means unpacking the familiar box of the structuring tensions of democratic political life in some unexpected, and (I hope) productively unsettling ways.

At the heart of the tensions that defined Athenian political life, and thus the lives and moral-political psychologies of individual Athenians, was the contrast between an outwards-looking "centrifugal" push toward social diversity and an inwards-looking "centripetal" pull towards political coherence. Rather than expending vain effort in an attempt to finally

[10] See, for example, Gutmann 2003.

[11] Deliberative: Dryzek 2000; Gutmann and Thompson 1996. Republican: Skinner 1998; Pettit 1997. Postmodern: Brown 1995; Butler 1997.

[12] Sandel 1996.

resolve that dichotomy through strong homogeneity or "once-and-for-all" constitutional enactment, Athenian politics existed, and flourished, through a refusal to give up robust commitments to both diversity and coherence. Although one might (with Plato) suggest that the inability to choose between coherence and diversity is, in and of itself, evidence for conceptual incoherence, it is clear that the Athenians did not see matters that way.

The essays in this collection explore several particular aspects of the general "diversity-coherence" theme, looking at issues that emerge from the interplay of commitments to diversity and coherence within Athenian political culture and within Athenian "souls." Prominent among these issues are the following:

- *Boundaries.* The tension between an orientation to dynamic, experimental, future-oriented expansionism on the one hand and a concern for consistency in judgment, respect for the legacies of the past, and acknowledgment of established limits on the other (esp. chapter 9).
- *Identities.* The interplay between the senses of self that are given by prepolitical "private" associations (e.g., the family), or created by individual effort (e.g., Plato's Socrates), or gained through participation in the institutions and practices of democratic self-governance (esp. chapter 4).
- *Knowledge.* The simultaneous recognition of the political value of rewarding merit and technical expertise and a conviction that "rule by experienced amateurs" promotes the resilience of the community by educating citizens, and by allowing for the aggregation of what is known and thereby promoting innovation (esp. chapter 2).
- *Persistence.* The recognition of the contingency and thus fragility of any existing political order (including democracy), and an acknowledgment of the losses that make possible both its continued ordinary existence and its recovery from crisis (esp. chapter 10).

Although my contention is that the tensions intrinsic to boundaries, identities, knowledge, and persistence are essential and indeed structural components of Athenian political culture, it is tempting to seek to resolve these tensions by one of two strategies. The first strategy draws a neat separation between ideas and practices. Thus, in terms of boundaries, it might seem possible to claim that mainstream Athenian political culture was expansive, but that conservative Athenian intellectuals urged an acknowledgment of limits. Likewise, one might define a strong sense of "citizen identity," a devotion to amateurism, and confidence in resilience as typical of Athenian

democratic political culture. Conversely, one might see a concern for "personal identity," an attachment to expertise, and a recognition of contingency and fragility as typical of the thinking of democracy's critics—among others, Plato. In the *Republic*, Plato seemingly set himself staunchly against Athenian-style diversity (which he characterizes as "many hued-ness"— *poikilia*). He famously suggested that an ideal-type well-ordered political community (a "best polis" or "polis constructed in words") might provide a model of an integrated human soul and thus a means to construct a new moral psychology, a fully grounded personal identity. Plato characterized the "democratic soul," by contrast, as a chaotic hodgepodge of ungrounded desires—and thus as incapable of consistently formulating morally relevant projects either for good or evil. I will offer a very different account of the diverse "democratic soul" at the end this chapter.[13]

In both the *Republic* and the *Laws* Plato develops a vision of an ideal political community that is limited in size, ruled by experts, resistant to variation, and very durable—although ultimately doomed (like all human communities) to catastrophic change. Thucydides, Aristotle, and Isocrates (among others) might likewise be made into staunch proponents of consistency, who rejected the inherent diversity and mutability of Athenian political culture. But any attempt to situate "critics and their ideas" on one side of the diversity-coherence question and "Athens and its practices" on the other leads to dangerous oversimplification. We should not forget that the citizens of Magnesia (the polis of Plato's *Laws*) are periodically to send out explorers who will seek to discover useful innovations.[14] Although the give and take between Athens' political culture and Athenian critical intellectuals is indeed an essential part of my story, and the debate between the political culture and its intellectuals was fierce and sustained, the relationship between political culture and political theory in Athens was productively recursive: It is reductive and misleading to resolve the tension between diversity and coherence by splitting ideal theory off from democratic practices (see chapters 6, 10).

An alternative strategy to resolving the various contrasting tendencies that emerge from the urges toward diversity and coherence is the resort to an explanation based on diachronic historical change: Thus, one might posit that the dynamic expansionism of the imperial fifth century B.C. yields to a chastened acceptance of limits in the postimperial fourth century B.C. According to this view the community orientation of the fifth century devolves into the individualism of the fourth, and the amateurism characteristic of the fifth century is replaced by the political domination of

[13] My thanks to Zena Hitz, whose Princeton University dissertation (2004) has clarified for me Plato's account of the democratic soul (among other problems).

[14] Among the major developments in modern Platonic political theory has been taking the later political dialogues, *Statesman* and *Laws*, seriously. See, for example, Bobonich 2002.

experts in the fourth. In sum, fifth-century confidence and optimism might be regarded as transmogrifying into a fourth-century pessimistic recognition of political ephemerality. Once again, that story is reductive and historically indefensible.

We should indeed acknowledge that things *did* change in substantial and relevant ways over the course of time in democratic Athens. Few historians these days are likely to disagree with the assertion that paying careful attention to diachronic change is essential to the historical enterprise. But allowing diachronic change to provide a causal explanation powerful enough simply to dissolve the tensions of democratic Athens is to fall into a mode of analysis which necessarily ignores salient historical continuities and thereby evacuates much of the value of the long-term historical case to the project of rethinking democratic theory. In the end, neither the strategy of splitting off the ideas of intellectuals from the culture in which they lived nor leaning on historical change can resolve the structuring tensions within Athenian political culture. And so we are left with the more interesting and demanding task of seeking to understand democracy through paying close attention to how enduring tensions sustained it.

Enter Theogenes

I have suggested above that the structured tension between coherence and diversity was part of what allowed citizens of Athens to find a workable course through a confusing world. That world presented a never-ending series of sharp challenges. The temptation was always present to answer those challenges by recourse to a fixed set of unquestionable cultural verities—such as a thick and unitary tradition about the past. Athenian democracy is worthy of our attention because the Athenians by and large resisted that temptation but nonetheless found ways to go on together as a community.

In order to make the political and psychological concerns about boundaries, identities, knowledge, and persistence that motivate this book more accessible and transparent, it may be helpful to consider a particular citizen, interacting with others in his city, and at two particular moments in Athenian history. The first moment, described in this section, occurs around the middle of the fourth century B.C. The date cannot be precisely determined but the events are documented and (on the whole) credible. The second moment, described in the following section, is a historical fiction—a product of my own imagination but grounded in the relatively full historical record for Athens in 335 B.C. Both moments, the chronologically uncertain real one and the chronologically precise fictive one,

center around the doings of a historical individual: Theogenes of the deme (township) Erchia.[15]

Our knowledge of Theogenes' life is almost entirely limited to what we are told by the wealthy and litigious Athenian politician, Apollodorus, in *Against Neaera*, a legal speech of prosecution preserved in the extensive corpus of Demosthenes' dicanic (i.e., courtroom) orations. Some time in the 340s B.C. Apollodorus addressed a court of Athenian judges, speaking in support of a younger brother-in-law. The two men sought to secure the conviction of a woman named Neaera on the charge of falsely presenting herself and her daughter, Phano, as native Athenians and thereby breaking the laws governing legitimate marriage and the procreation of citizens, and potentially corrupting the Athenian citizen body.[16]

The issue of political identity is immediately to the fore in this courtroom drama: Apollodorus was himself the son of a manumitted slave, Pasion, who had been naturalized as an Athenian citizen. The issue of how to define and patrol the boundaries between "we, who are the Athenians" and "those residents of Athens who are not Athenian citizens" is a framing concern of the speech. Knowledge is also an issue: just how is anyone to know who among the residents of Athens is a citizen, and who is not? Apollodorus repeatedly argues that the persistence of Athens, as a social and political community defined by Athenian identity, was riding on the answer to that question, which he personalized as, who *is* Neaera, really? The identity issue underlying the Neaera question is, he suggests, *the* sociopolitical challenge confronting the Athenians. In the course of his prosecution speech, Apollodorus lays bare tensions about how Athenian identities are established and the role of popular and expert knowledge in the sociopolitical project of boundary setting. He claims that the survival of the democratic community depends upon getting the answer—and thus the court's verdict—right. A wrong verdict would, he argues, result in a collapse of the requirement that citizen men marry only native-born women and thus in the collapse of the rules of social intercourse—inter alia, nice Athenian girls will choose to become prostitutes. The wrong answer to the Neaera question will, in short, fatally violate the boundaries that sustain the existence of the polis as a community of citizens.

Yet, as Apollodorus readily admits in the course of his speech, the woman Neaera herself was merely a target of convenience. The real object of his legal attack is Neaera's consort (or perhaps husband), Stephanus,

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[15] Theogenes may possibly have belonged to the deme Kothokidai (cf. *SEG* 28.149.7) but he was more likely of the deme Erchia (cf. Kroll 1972, 163). He is described in [Demosthenes] 59.72, 80–84. The speech, included in the corpus of Demosthenes was probably delivered in the 340s B.C.

[16] Editions and commentaries on the speech: Carey 1992; Kapparis 1999. Victor Bers (2003) offers a lively new translation. Career of Apollodorus: Trevett 1992.

an Athenian citizen who was a current political enemy (and former legal opponent) of Apollodorus. The speech is an exercise in using the legal process for conjoined personal and political ends by exposing the "private lives of public enemies."[17] *Against Neaera* offers a vivid portrait of Athens as a highly diverse community, in which adults and children, citizens and foreigners, free and slave, neighbors and strangers, men and women, worked and played, fought and loved, formed and broke alliances (political, marital, and otherwise), all the while negotiating complex personal identities that were deeply informed by the democratic political culture of the city that they co-inhabited. Underlying the prosecution's case is an abiding Athenian concern with "coherence as nativity," which was put under considerable pressure by the self-evident fact of Athenian social diversity, made manifest for the jurors in the non-native ancestry of Apollodorus himself. It was sharpened by the fact that no individual Athenian actually knew a large proportion of his fellow citizens by face or name. Under such circumstances, "social knowledge," and thus trust and social capital, was necessarily constructed out of multiple overlapping networks of association, friendship, kinship, and collegiality.

Theogenes enters Apollodorus' story because he was chosen, by lottery, to serve a year's term as Basileus—one of the nine annually appointed archons, public magistrates charged with important ritual, legal, and civic duties. Upon being chosen Basileus, Theogenes appointed Stephanus to be his assessor (*paredros*). He also married Phano; that is, he took her as his legitimate wife, with the intention of producing children who would be Athenian citizens. Phano was presented to him as the daughter of Stephanus and his Athenian wife. Theogenes is introduced by Apollodorus (59.72) as "a man of good birth (*eugenēs*), but poor (*penēs*) and without experience in affairs (*apeiros pragmatōn*)." Each term in this rhetorical tricolon helped to build a clear picture of Theogenes in the minds of the Athenian jurymen, yet each is susceptible to misinterpretation by modern readers.

Far from implying that Theogenes was an impoverished aristocrat innocent of Athenian political culture, Apollodorus sketches for the jury an Athenian Everyman. Theogenes was "well born" because he was a native Athenian, "poor" because he worked for a living, and "inexperienced in affairs" in that he trusted his fellow citizen, Stephanus, too readily. In Apollodorus' narrative, Theogenes' inexperience became dangerous when he appointed an unscrupulous political hack as his *paredros*, and then took at face value Stephanus' claims regarding Phano's lineage. This proved to be a near-fatal error. It is central to Apollodorus' case that Stephanus lied

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[17] Cf. Wallace 1994.