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978-0-521-72158-5 - Free Speech and Democracy in Ancient Athens

Arlene W. Saxonhouse

Excerpt

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Prologue

Four Stories

THE FIRST: THERSITES

In the second book of Homer's *Iliad* a character named Thersites appears. According to Homer, Thersites was "the ugliest soldier at the siege of Troy/ Bowlegged, walked with a limp, his shoulders/ Slumped over his caved in chest, and up top/ Scraggly fuzz sprouted on his pointy head."¹ Homer continues the insults: Thersites was "a blithering fool/ And a rabble rouser, [who] had a repertory/ Of choice insults he used at random to revile the nobles," and yet this blithering fool with a pointy head steps into the circle of kings who are deliberating about whether to end their siege of Troy. There Thersites states his views and the words Homer gives to this rabble rouser are not at all those of a blithering fool. Instead, in many instances, he repeats the speech Achilles gave in Book 1: Agamemnon is greedy, he does not appreciate the energy and ability of Achilles or of the men who fight for him. Yet, this Thersites who has spoken truth to power is an intruder into the Assembly of the deliberating kings. For this, Odysseus "was on him in a flash. . . . 'Mind your tongue, Thersites. Better think twice/ About being the only man here to quarrel with his betters. I don't care how bell-toned an orator you are,/ You're nothing but trash.'" Odysseus strikes Thersites, leaving bloody welts on his back and tears in his eyes (2.212–77). Obviously, Thersites was not allowed to speak freely. The aristocratically structured society of the Achaean camp excluded him from participation in political deliberation. In particular, Thersites did not show what the Greeks called *aidôs*, shame, respect, for those in positions of authority or for the norms that governed the community of the Achaeans laying siege to the city of Troy.

Insofar as we impose continuities on history, we can say that the birth of democracy in ancient Athens is marked by the entrance of Thersites into

¹ Here I use Lombardo's translation; elsewhere throughout this book, I use Lattimore's translation of Homer.

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the deliberative circle, by opportunities granted to the everyman to speak in the Assembly, even if his head is pointy with scraggly fuzz growing on it.² Accompanying this expansion of the deliberative circle is the freedom of speech, the freedom to say what one thinks without the restraints that shame or respect for the prestige of the “kingliest” of men might place on what is said. Thersites as Athenian citizen need not fear the staff of Odysseus when he speaks the same words as an Achilles – or when he speaks his own.

THE SECOND: DIOMEDES SON OF TYDEUS

In the fourth book of the *Iliad* the king Agamemnon comes upon the son of Tydeus, “high-spirited Diomedes.”³ But Diomedes is not fighting well and Agamemnon urges him on with the vision of his father’s courage, “Tydeus, that daring breaker of horses . . . [whose way was never] to lurk in the background/ but to fight the enemy far ahead of his own companions” (4.365–73). So spoke Agamemnon scolding Diomedes. The strong Diomedes did not answer, so “in awe and shame (*aidesthēis*) before the rebuke of the awe-inspiring (*aidoioio*) king” (402)⁴ was he. After much battle and several books in which Diomedes proves his courage on the battlefield, he no longer displays the same awe before the mighty king of the Achaeans. He has proven himself as a warrior and now sees himself as one who no longer needs to hold back his speech in respectful awe and shame before the king.

In the ninth book of the *Iliad* Agamemnon has called yet another meeting of the Achaeans, again to propose a return to their “beloved homeland” (9.27). This time it is not the misshapen Thersites who opposes the proposal, but now the proven warrior Diomedes son of Tydeus breaks the silence, transferring the language of battle to the discourse of the agora. “I will be the first to fight with your folly,” he says to Agamemnon. He claims this as his “right” (*themis*)⁵ in the agora of princes and so he speaks and insults Agamemnon. “With scepter he [Zeus] gave you honor beyond all/ but he did not give you a heart (*alkēn*), and of all power this is the greatest” (9.33–9). Diomedes then urges Agamemnon to retreat with the numerous ships that lie on the shore while those who are brave and strong will stay to finish the war they came to fight. “So he spoke, and all the sons of the Achaeans shouted/ acclaim for the word of Diomedes, breaker of horses” (9.50–1). The

² As Ober (2003b: 6–7) nicely describes the democratic scene: “Now the vote of ‘nobody, son of nobody’ had precisely the same weight in deciding the outcome of a debate as that of the noblest scion of the noblest house. Moreover ‘nobody, son of nobody’ might actually choose to raise his voice in public – if not as a formal speaker in the citizen Assembly, then in concert with his fellow nobodies attending that Assembly as voting members, hooting and jeering at the distinguished men who dared to speak.”

³ I am grateful to Dean Hammer for alerting me to the significance of the Diomedes passages.

⁴ My own, not Lattimore’s, translation.

⁵ See Hammer (2002: 132–3) for a fuller discussion of the use of *themis* here.

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staff of Odysseus does not come down upon his back as it did on the back of Thersites. Nevertheless, while he has earned his stature as a warrior, he is still a youth, speaking with audacity before powerful Agamemnon, ruler of the troops at Troy. This time the aged Nestor rises and speaks to Diomedes. Even though he accepts the validity of Diomedes' words, he still warns: "Yet you have not made complete your argument,/since you are a young man still and could even be my own son" (9.56–7). Thus, the aged Nestor speaks his own views, "since I can call myself older than you are . . . and since there is none who can dishonour/the thing I say, not even powerful Agamemnon" (9.60–2). This time it is age, not nobility nor beauty, to which the speaker turns to assert his authority over another in speech. Underlying the portrayals of the Achaean kings in deliberation in Book 2 and in Book 9 is a hierarchy controlling both who speaks and what is spoken. Diomedes is not excluded from the deliberative circle as was Thersites, but the impetuous youth who has gained the stature to speak through his deeds on the battlefield must nevertheless yield to the deliberate wisdom of the aged Nestor. And it is the latter's speech that ultimately persuades Agamemnon to send his embassy to Achilles.

The transition to democracy in the fifth and fourth centuries in Athens is marked by the purging of the hierarchies so evident in these scenes of deliberation in the *Iliad*. There, in democratic Athens, there will be no limits on who can speak, on what they can say, on the insults they can hurl at their supposed superiors. There we will find the healing of Thersites' welts; there we will find the shedding of Diomedes' awe, his *aidôs*; there we will find the dismantling of a hierarchy of age.

THE THIRD: THRASYMACHUS

We are settled comfortably in the home of Cephalus awaiting dinner. Socrates has posed to Cephalus the uncomfortable question of what is justice and watched him bequeath to his son Polemarchus the question. Polemarchus has fared no better than his father under the probing questioning of Socrates, and the Sophist Thrasymachus, eager for the young men gathered at Cephalus' house to pay him to learn the art of rhetoric, has intervened challenging Socrates to provide himself the meaning of justice. Socrates demurs, opening the way for Thrasymachus to present his own famous (or perhaps infamous) definition: justice, Thrasymachus tells Socrates and his potential students, is nothing other than what is the interest of the stronger. He then waits for the expected applause. "But why do you not offer any praise?" (338c) he asks. None is forthcoming. Instead, Socrates demolishes the defenses that Thrasymachus offers for his definition, asking questions about what the words "stronger" and "interest" – so crucial for Thrasymachus' definition – may mean. At last, he brings Thrasymachus through assorted twists and turns in the argument to the point where Thrasymachus must agree that the just man is good and wise and the unjust man unlearned and bad. This is not

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where Thrasymachus wanted to be when he started out challenging Socrates a few moments earlier. Socrates has twisted his words so that he appears weak before those he had sought to impress. And, as Socrates famously reports the event: “Thrasymachus produced a wondrous amount of sweat, since it was summer – and then I saw what I had never seen before, Thrasymachus blushing” (350d).

Thrasymachus, so cocksure and daring, so eager to recruit the young men gathered in the Piraeus as students in the art that will give them the tools by which they can become the “stronger,” persuading the many to serve their own interests, reveals his weaknesses under the piercing questioning of a persistent Socrates. He has challenged Socrates to a duel and he has lost. He is vulnerable and those vulnerabilities have been uncovered by Socrates’ skills. He stands, in a sense, naked before others now with the inadequacies of his speech revealed. Thrasymachus is aware that others are gazing at him, those from whom he wants praise and applause – and employment. His blush reveals his concern with what others think; the blush reveals his shame. It is this quality of shame that allows Thrasymachus to reenter the *Republic* in Book 5 and become a founding member of the city of Callipolis.

THE FOURTH: SOCRATES IN JAIL

At dawn Crito arrives in Socrates’ jail cell, eager to convince his old friend to take advantage of the opportunity he and others have arranged for him to escape from jail. Socrates is not so willing to run and rather engages Crito in discourse about whether he should run away. Crito pleads with Socrates to accept Crito’s willingness to spend whatever it takes to arrange for the escape and asks: “What reputation would be more shameful than to appear to make more of money than of friends?” (44c). But, responds Socrates, why should Crito care about his reputation, about how he appears. Or to phrase it another way, why should he feel shame before others? So eager is Crito to persuade Socrates that he ignores the admonition not to care about the opinion of the many that he continues to appeal to Socrates with similar language: “How I am ashamed (*aischunomai*) on your behalf and on behalf of us your companions lest it seem the entire affair concerning yourself has been done with a certain lack of courage on our part . . . O Socrates, see to it that these things are not shameful along with bad for both yourself and us” (45d–46a). Socrates is not persuaded by these appeals. Instead, he offers in response a revised view of what is shameful. “Is not being unjust (harming, *to adikein*) both bad and shameful (*aischron*) in every way for those who are unjust?” he asks (49b).

In an act of friendship, Socrates offers Crito a speech that the laws and what is shared in the city (*hoi nomoi kai to koinon tês poleôs*, 50a) might make and in their voice he asks himself whether he as a man of seventy with but a little time left to live would not be “ashamed” to think his life so

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valuable that he would run away. Ashamed before whom, we should ask. If he is speaking about the many who will judge him now a coward, he would be reversing the earlier conversation with Crito that concluded that he should not care about what the many may think. Unlike Crito, Socrates is not governed by the opinion of the many. The Laws, which we can call the speech of the many over time, in Socrates' recitation evoke a shame before the many. Their speech, though, appeals to Crito, not Socrates. They explain to Crito, living within a world in which one cares about how one appears before others, why Socrates must stay. They explain nothing to Socrates.⁶

From Crito's concern with the self as viewed by others, Socrates turns the conversation to an independence, to a shame that comes into being in relation to a justice that exists independently of the "laws and the community" of which he is a part. The universals to which he turns release him from shame before his fellow citizens and his friends, and thereby release his speech and his actions. Socrates freed from the expectations that others may have, that others try to impose on him, defines for himself the source of shame.

These four stories capture the themes that will dominate this book: democracy as the expansion of the deliberative circle not only in the admission of Thersites to the circle, but in the freedom to speak both the truth and insults without the young Diomedes' initial awe before "those who hold the scepter" and those who are more advanced in years. It is democracy as the egalitarian world that has shed the hierarchies of tradition. In the expanded deliberative circle gathered for the sake of self-rule, criticism and counsel, affronts and demands find expression by those who are uninhibited by shame. And as awe before others disappears from the councils of kings and democracy replaces the hierarchical world that characterized the Achaeans before Troy, so does awe before others disappear from the life of the Socratic philosopher. We have seen Thrasymachus blush when Socrates uncovered his vulnerabilities, but can we imagine Socrates ever blushing? I think not. And I argue that Socrates' failure to blush – to care what others think of him, to be ashamed were he to stand openly with his vulnerabilities revealed – lies behind the decision of the Athenians to execute him. Those who condemned him let the community's need for the sort of shame that Socrates resisted override its commitment to the freedom of speech on which their self-rule was based. The democratic regime cannot in the end practice complete shamelessness, cannot ignore its history or its traditions. The democratic regime cannot be pure in its commitment to unbridled speech.

We tend to delight in Thrasymachus' blush; we delight because the failings of the self-assured, pompous Sophist are suddenly revealed. His private motives become apparent, his inadequacies uncovered, and his vulnerabilities

⁶ See especially Weiss (1998: chap. 8), but also Congleton (1974).

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exposed before those he expected to impress with his wit and strength. We also tend to glory in Socrates' resistance to shame, in his (ironic) pride in his claimed weakness (his ignorance). We delight in the notion that indeed we cannot imagine Socrates blushing, that he speaks freely without reverence for the traditional hierarchies of the world in which he lives, without concern for what others may think of him. His independence delights us. We savor this Socrates in part, I suspect, because it also appeals to our democratic spirit, a devotion to openness and to an egalitarianism that does not force us to appear to be other than we are before supposed superiors. We also feel a sympathy that I doubt Homer intended for Thersites with his welts, for again the democratic egalitarianism in us wants to be inclusive, to ask all to join in deliberation about our common future (be that the fate of the Achaeans or the communities in which we currently live) without regard to status, wealth, age, or physical appearance.

The philosophic and the Socratic and the democratic all seem to connect here in their common opposition to hierarchy and to shame. And yet, as the myth told by the character Protagoras in a Platonic dialogue of the same name (and to be discussed in detail in Chapters 3 and 8) suggests, the polis or the political community can only come into being after humans receive (courtesy of Zeus in Protagoras' myth) the gift of shame, *aidôs* in the Greek, a word that includes reverence and the perception of the self as others see one. The tension in our democratic lives as independent, autonomous creatures is the resistance to the limits that this *aidôs* may cast over us and yet the need that any community has for it. The balance is delicate and while Thersites' welts have no place in the modern democratic world, Thrasymachus' blush might.

This volume explores the significance and implications of understanding democracy as the venue for the freedom of speech, the opening of public speech to all, and specifically the rejection of shame or *aidôs* as a limit on what one says. Little excuse is necessary to pursue issues of free speech today. It has become a focal point for many contemporary controversies – whether they be debates about political correctness and Stanley Fish's claim that there's no such thing as free speech; or discussions of deliberative democracy where ideal speech situations require that all participants speak openly; or arguments from feminist theorists about the need to limit speech demeaning to women; or concerns about the misuse of the internet as inhibiting – or, on the contrary, opening up – the opportunities for meaningful debate. Mostly, when the topic of free speech arises today in America, attention turns to the First Amendment and, given the protections affirmed there, the grounds on which one can or cannot limit speech in the contemporary world. Or, more recently, the Fourteenth Amendment and questions of equal protection come into play when free speech debates surface. I aim to take the concept of free speech away from the intellectual and political framework in which the debates about free speech are currently nestled, though in

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Chapters 1 and 2 I try to connect those debates to our understanding of democratic principles. I discuss free speech instead as it appears in the practice and writings of the ancient Athenians freed from the liberal language of rights and protections that dominates (and, I believe, inhibits) contemporary discussions. I present free speech as grounded in the democratic environment of self-rule that developed in the Athens especially of the fifth and fourth centuries BCE and explore its place in the theoretical foundations of democracy.

The issue of freedom of speech in ancient Athens has often, indeed mostly, been raised in the context of the trial of Socrates who was accused of corrupting the young and introducing new gods into the city.⁷ I. F. Stone's popular book *The Trial of Socrates* emerged from the great bewilderment Stone – that notable defender of the freedom of speech – felt at Athens' supposed betrayal of its principles with the execution of Socrates. For Stone, who correctly equated free speech with democratic practice in Athens, it was Socrates' unrelenting attacks on the recently reinstituted and insecure democracy that accounted for his execution. Nevertheless, Stone still could not forgive the Athenians for their violation of his beloved principle of free speech, which was so integral to his own understanding of democracy.

In what follows I go beyond Stone's focus on the trial of Socrates to propose that the issue at hand in Socrates' trial in 399 BCE was not Socrates' hostility to Athenian democracy, but rather the incapacity of any regime – even, or especially, one devoted to openness of speech in the practice of self-rule and equality for those allowed to participate in that self-rule – to ignore the needs of “shame,” that which restrains behavior not simply through laws or the threat of punishment, but by the sensitivity to the judgmental gaze of others and to the historical and social setting in which one lives. We can perhaps describe (as I try to do in Chapter 2) the emergence of the earliest democratic society as an act of historical amnesia. Cleisthenes, the so-called founder of Athenian democracy, liberated Athens from the patriarchal tribes that had dominated Athenian political history previously and replaced them with new units apparently created simply by administrative fiat.⁸ Democracy as an open regime depends on such historical amnesia, a breaking away from the chains of the past in order to allow those living in the present to make choices for themselves, to rule themselves. Shame, as respect for modes of behavior derived from and dependent on the past, on decisions that others

⁷ Since I began this project there has been a flurry of activity by historians of ancient Greece on this topic. See most especially, Rosen and Sluiter (2004).

⁸ Different moments in Athenian history surface in different interpretations of that history as the founding moment of Athenian democracy. See Chapter 2, pages 40–2 for a discussion of why I focus on Cleisthenes.

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have made and traditions established well before one was born, sets limits on both the exercise of democratic self-rule and the freedom of speech that goes along with it.

The Athenian practice of free speech – *parrhêsia*, the saying of all by the unbridled tongue – becomes a hallmark of the democratic regime, to such an extent that *Parrhêsia* becomes the name of one of the ships built with public funds. As I point out in Chapter 4, the term *parrhêsia* flows through the defenses of democracy in the fifth and fourth centuries and appears often in the Platonic dialogues as Socrates eggs his interlocutors on to practice *parrhêsia*, to speak freely – without shame – since they are conversing in the democratic city of Athens. Free speech in both politics and philosophical inquiry is bound up with the rejection of shame, with an independence from a limiting past. The execution of Socrates was not an expression of the excesses of democracy, but a violation of Athens' basic democratic principles. Athens, when it executed Socrates, acknowledged the city's dependence on *aidôs* and was eager to preserve its traditions, to resist the exposure of their inadequacies that Socratic *parrhêsia* was ready to uncover. Socrates, in contrast, uninhibited by respect for the past and free from limits imposed by the judgmental gaze of others, was the truly democratic man. The rejection of shame, though, as Protagoras makes clear in his myth, also creates a certain groundlessness and loss of foundations that exposes a society to a profound instability. Shame and free speech represent opposing points in the political order that play off one another in the construction of a stable democratic polity. The authors and experiences of ancient Athens enable us to explore the nature and implications of this opposition for democratic regimes.

Contained within the analysis below of free speech and shame in a democracy is the place of philosophy in a democratic society. Through a study of selected Platonic dialogues (primarily the *Apology of Socrates* and the *Protagoras*), I contend that Plato illustrates the compatibility between philosophy and democracy in the common rejection of shame. Thus, contrary to the familiar readings of a Platonic hostility to democracy, I find a Plato sympathetic to a democratic Socrates struggling against the socially controlling power of a hierarchically based shame.⁹ The challenge that Plato faces is whether the forms (*eidê*) are an adequate alternative to the historically grounded feelings of shame in providing new foundations for a political

⁹ Certainly there are numerous places in the Platonic dialogues that suggest hostility to the rule of the people. Book 6 of the *Republic* with its parables of the boat, of the wild beast and the corruption of the philosophic soul is just one notorious example. Yet, Socrates does adopt the principle of *parrhêsia* as the guide for his philosophic engagement. For other ways in which I believe the antidemocratic Plato is too harshly embedded in our consciousness, see Saxonhouse (1996: chap. 4).

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order that previously depended so much on the power of *aidôs* – whether *eidōs* can replace *aidôs*.¹⁰

While the Athenians, in their praise of their democracy and in the rhetoric of the fourth-century orators, exalted *parrhêsia* as emblematic of their status as free men in a free city, it is in the texts that I analyze in the second half of this volume that we find the hesitations about the practice. Free speech may lead to the egalitarianism denied poor Thersites, it may be at the foundation of the deliberations on which self-rule is based, and it may be the condition for the investigations by a Socratic philosopher, but it also has its limits. Aristophanes, Euripides, Thucydides, and Plato's *Protagoras* all offer poignant reservations about the “unbridled tongue” as they uncover the dangers of free speech and the challenges it poses to the very ideal of self-rule.

I recognize that by using the language of freedom of speech as a translation of *parrhêsia* I am wading into a deep pond – or really an ocean – of controversy about speech within the political community, whether any assertion of such freedom is merely a figment of the imagination, whether speech may really serve to oppress rather than liberate, and even what constitutes “speech,” whether it is words spoken or any form of communicative behavior.¹¹ I do not propose that we turn to the ancient authors in order to arbitrate between those caught up in the midst of these numerous controversies, but rather to suggest how the experience of the ancient Athenians offers insights into the connections between democracy and the practice of speaking without regard to hierarchy and shame.

By removing the discussion of freedom of speech from the controversies of political correctness, pornography, the internet, and the like that inhabit the contemporary world and by setting it within the realm of the Athenian political experience, we do not discover answers to the troubling question of where precisely we ought to set limits on freedom of speech, but we come to understand better its place in the foundational principles of democratic regimes and the practice of philosophic inquiry. Perhaps we generate greater problems by pointing to the instability of regimes founded on freedom of speech and democratic principles unmoderated by the inhibitions of shame, but my goal here is not to provide certain answers. It is rather to open alternative ways of thinking about the issues raised by free speech when we set ourselves loose from the language of individual rights. The story of free speech and shame, as I see it, is the story of the possibilities and limits of democracy. Athens as the first democratic regime and the writings of its self-reflective authors let us explore this story. The first half of what follows illustrates the potential that the Greeks saw in the liberation of speech; the

¹⁰ I return to this point in Chapter 8, pages 198–204.

¹¹ The essays in Bollinger and Stone (2002: 22) provide a series of discussions of such issues.

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second half, though, uncovers through the analyses of specific ancient texts the limits – indeed the dangers – of free speech.

Bernard Williams, for one, at the beginning of *Shame and Necessity* argues against progressivism with regard to the ancients (1993: 5–6), a practice that has had a long and illustrious career bound up in the question of whether we have improved/degenerated/remained unchanged since the time and thought of the ancient Greeks. Williams is also well aware of the dangers of romanticizing the past. I intend to do neither, but rather assert the claim that the ancients can help us think through our contemporary issues and dilemmas. This book is an effort to justify such an assertion.