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978-1-107-04168-4 - Politics and the Street in Democratic Athens

Alex Gottesman

Excerpt

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This traveler's eye-witness description of Athens is one of the few that have come down to us:

The city is completely dry, poorly watered, and badly laid out because of its age. Most of the houses are shabby; few are serviceable. A visitor suddenly seeing it would not believe that this is the famous city of the Athenians. But then, he would believe it. Its Odeon is the most beautiful in the whole world. The theater is notable, big and amazing; the luxurious temple of Athena is worth seeing, the so-called Parthenon overlooking the theater, inspiring awe in those who see it. Also awe-inspiring is the Olympeion. It is half-finished but the outline is clear. It would be even better if it were finished! There are three gymnasia, the Academy, the Lyceum, and Cynosarges. They are thick with trees and grassy.

Ἡ δὲ πόλις ξηρὰ πᾶσα, οὐκ εὐυδρος, κακῶς ἐρρυμοτομημένη διὰ τὴν ἀρχαιότητα. Αἱ μὲν πολλαὶ τῶν οἰκιῶν εὐτελεῖς, ὀλίγοι δὲ χρήσιμοι. Ἀπιστηθεὶ δ' ἂν ἐξαίφνης ὑπὸ τῶν ξένων θεωρουμένη, εἰ αὐτὴ ἔστιν ἢ προσαγορευομένη τῶν Ἀθηναίων πόλις μετ' οὐ πολὺ δὲ πιστεύσειεν ἂν τις. Ἰδεῖον τῶν ἐν τῇ οἰκουμένη κάλλιστον· θέατρον ἀξιόλογον, μέγα καὶ θαυμαστόν Ἀθηναῖς ἱερὸν πολυτελές, ἀπόψιον, ἄξιον θεᾶς, ὁ καλούμενος Παρθενῶν, ὑπερκείμενον τοῦ θεάτρου μεγάλην κατάπληξιν ποιεῖ τοῖς θεωροῦσιν Ὀλύμπιον, ἡμιτελές μὲν, κατάπληξιν δ' ἔχον τὴν τῆς οἰκοδομίας ὑπογραφὴν, γενόμενον δ' ἂν βέλτιστον, εἴπερ συνετελέσθη· γυμνάσια τρία, Ἀκαδημία, Λύκειον, Κυνόσαργες, πάντα κατάδενδρα τε καὶ τοῖς ἐδάφεσι ποώδη.

(Heraclides Criticus I. 1)¹

His reaction to seeing the city for the first time is disbelief. This is not the Athens he imagined or expected. It is a dry and shabby mess. But

¹ See the commentary of McNerney in *BNJ* 369A. The text was previously commonly attributed to Dicaearchus.

quickly, as if from a bird's eye, he glimpses its familiar monuments, some of which still stand today as emblems of Athenian democratic achievement: the Parthenon on the Acropolis, the Theater of Dionysus on its slopes, the parks on the outskirts of the city. Now he feels sure that he has found the right place.

Like this third-century visitor to the city, we also tend to focus on certain aspects of Athens. The textual and physical remains compel our mind's eye away from the city's shabby, crowded, and badly laid-out parts. Owing in no small part to the availability and bias of our sources, we focus on the Acropolis or on the theater or (in a sense) on the parks at the outskirts where the philosophers had their schools. The traveler overlooked the Agora completely, which can rightly be considered the political, administrative, economic, and social center of the city. We do not ignore it; indeed, it is one of the most intensely studied sites of the ancient world. But there we tend to fix our attention on the governmental institutions that most resemble to our eyes the halls of power: the Council and the courts, and above all the Pnyx, where the Assembly met about a third of a mile to the south.

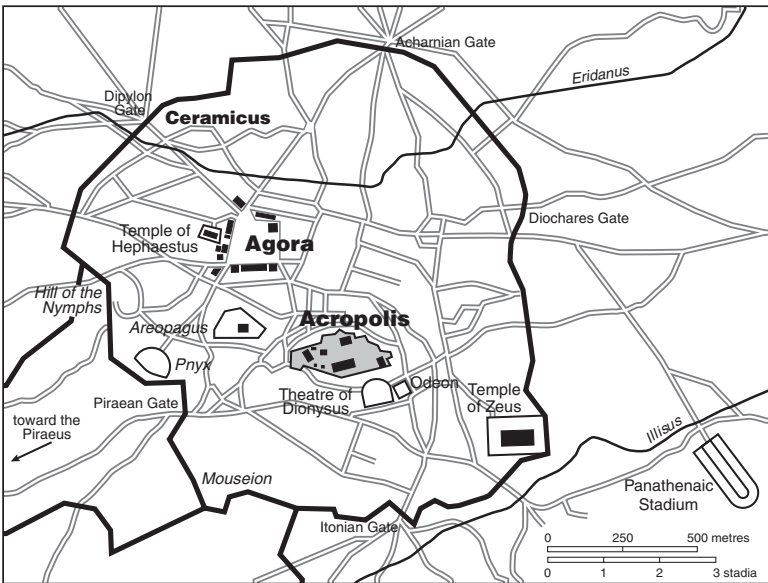


Figure 1. Map of ancient Athens, c. 430 BCE. (Credit: Wikimedia Commons)

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We focus on the institutions in part because of their archaeological presence, in part because they are recognizable and comprehensible to us, but most importantly because the Athenians focused on and talked about them. This was where they made the big, life-and-death decisions. In the Assembly thousands of citizens would listen to debates on proposals that the Council had put before them. They voted by raising their hands and a simple majority would decide the issue. That is how they settled questions of foreign and domestic policy, including deciding on whether they should go to war.

The courts also attracted the passions and interests of Athenians. There the vote of panels consisting of hundreds of ordinary citizens decided whether an accused would live or die, or go into exile and lose everything. It was also great entertainment. The jurors would erupt in an uproar when the speaker made a controversial claim or scored a good blow. We also hear about bystanders sitting outside the courts and listening to the proceedings. Aristophanes pokes fun at the Athenian passion for jury service, depicting an old man so drunk with the rush it gives that he is physically incapable of acquitting anyone. He compares himself to Zeus, since “large men with soft hands” grovel before him and seek to entertain him in exchange for his vote (*Wasps* 553–4). While everyone is accountable to the juror, the juror is accountable to no one, he says. The courts were such landmarks and fixtures that when another of Aristophanes’ characters is shown the city on a map he does not believe it, “Nah!” he says. “That’s not Athens. Where are the jurors?” (*Clouds* 206–8). Aristophanes is poking fun of course, but the joke only works if his audience took the role of juror quite seriously and considered the courts central to how they viewed themselves. Indeed, court speakers never tire of reminding their audiences that their decision, right here and right now, will resonate and affect the character of Athens and the opinion others have of it. We do not have to rely only on literary evidence to get a sense of the Athenians’ attachment to their courts. Some Athenians were buried with the bronze plaques that served to allot volunteers to jury panels.² Presumably they did so because the plaques meant a great

² The vast majority of *pinakia* with known provenances come from graves (sixteen of the twenty-two in Kroll 1972). It is quite likely that most of those of unknown provenance also come from graves (see Galanakis and Skaltsa 2012).

deal to them: “In heroic times the Greek aristocrat was buried with his bronze sword and armor; in the ... fourth century an Athenian might be buried with his bronze allotment plate” (Kroll 1972: 9). Isocrates saw men standing around in front of the courts hoping to get allotted to a jury. He suggested that the payment motivated them above all else (7. 54). Plato mockingly compared the gathering of men around the institutions to the gathering of bees around honey (*Rep.* 565a5). Payment for service was surely an important reason for the Athenians’ interest in the Assembly and the courts, but the fact that they were buried with their allotment plaques suggests there was more to it than that.

And yet: the native Athenian focus on the institutions, and the scholarly focus that tracks it, crops “shabby” Athens out of the picture and consequently gives us an incomplete account of Athenian political life. The institutions were an important part of public life, the center of it in many ways, but they were not the whole of it. The public in the institutions was not the whole of the public. The public-at-large was more likely to be found in the workshops, shops, the stoas, and houses all over Athens. This public included not only citizens but foreigners, women, and slaves. This truth is often acknowledged but not given the full weight it deserves. It is therefore crucial to understand in what ways the “center” of Athenian politics, the institutions, related to the “periphery,” the Street of my title. What tensions did the coexistence of the two public spheres incite, and what practical and conceptual responses did it elicit from politicians, theorists, and ordinary Athenians?

APPROACHING THE ATHENIAN PUBLIC SPHERE

Spurred in no small part by the rise of new forms of communication, theorists and historians have taken a keen interest in the topic of the “public sphere.” Jürgen Habermas’ *Structural Transformation of the Public Sphere* (1989 [1962]) has set the stage for this investigation. In Habermas’ story, in the seventeenth and eighteenth centuries something peculiar happened in northern Europe. People started getting together and discussing things in a way they had not done before. New forms of sociality arose in the new cafes and salons. The increasing use of the printing press led to the creation of a large and

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diverse reading public hungry for information and ideas. For the first time in history a truly self-conscious public came into being that was critical of political decision-makers and determined to hold them to account. What made this development special was that this public sphere cut across status boundaries: in cafes anyone could speak and listen to the debate; they were critical of the government; and they focused specifically on the public interest, issues of common concern to everyone. As Habermas puts it, “The rational-critical debate of private people in the *salons*, clubs, and reading societies was not directly subject to the cycle of production and consumption, that is, to the dictates of life’s necessities” (160). But in time, the story goes, the true public sphere wilted when “special interests” took over. The public sphere was no longer the province of rational-critical discussion but of advertising, opinion polls, and public relations. As parochial interests overspread civil society a public of debaters became a mass of consumers. And that is where we find ourselves today, looking for a way to reclaim some of the lost potential of that moment in history.

Such is Habermas’ story. The mixture of historical description and normative content in his account has sparked lively discussion and criticism, with some taking issue with his theory and others with his history.³ One of the most pertinent lines of criticism has taken aim at his assumption of the existence, ideal or otherwise, of *a* public sphere. The cafes and salons that are so central to his account, it suggests, were only a small part of associational life. His focus on these excluded, for instance, the “plebeian public sphere” of the working class, and the reading groups of women. These were no less important, or important in different ways, than the male debating clubs on which Habermas concentrated. They too might function as potential sites for “rational-critical” debate and the creation of a public conscience. There are always multiple public spheres, in other words, some more enduring and institutionalized than others. The challenge is to understand each one on its own terms and how it intersects and diverges from the others.

³ See especially the essays collected in C. Calhoun 1992, along with Habermas’ “Further Reflections” in that volume.

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Habermas paid Athens scant attention; for him it was simply a way-station on the road to the modern public sphere.⁴ I would not argue that he ought to have because Athens was closer to his ideal type of the public sphere than he realized. Far from it. Rather, Habermas' notion of the public sphere is useful to keep in mind as a model because it calls attention to the complex ways in which institutional and non-institutional politics might relate to each other in opposition and complementarity, and to the consequences that might have for political action and theory. Athens was a direct democracy, not a representative government like the European nations were or were becoming during the time of interest to Habermas. Nonetheless, Athens also featured a bifurcation between institutional and non- or extra-institutional modes of politics which we can trace in discourse and practice.⁵ It did not have cafes or salons, but it did have multiple and overlapping arenas of informal sociality.

The study of Athenian democracy over the last thirty years has been defined by a long-standing debate between two scholars, Mogens Hansen and Josiah Ober.⁶ Writing very much within the same continental tradition as Habermas, Hansen set out to recover all the realia and facts about the political institutions that were to be found in the sources.⁷ Underpinning his empiricist project is the firm belief that in Athens "political life was thoroughly institutionalized" (Hansen 1989c: 110). He argues that other forms of associational life

⁴ He deals with it most explicitly in the following passage: "The Greek model of the public sphere lacked both characteristics [private and polemical], for the private status of the master of the household, upon which depended his political status as citizen, rested on domination without any illusion of freedom evoked by human intimacy. The conduct of the citizen was agonistic merely in the sportive competition with each other that was a mock war against the external enemy and not in dispute with his own government" (52). The main source for Habermas' view of the "Greek model of the public sphere" is clearly Arendt 1998 [1958], herself basing her view on an idealizing reading of Aristotle.

⁵ See Forsdyke 2012, who rightly points out that the official/unofficial divide is a constant in the Greek world, and maps fairly closely with the elite/non-elite divide. As we will see, the correlation between elite/non-elite was far from coextensive with the official/unofficial. See also Wolin 1994, who draws the useful distinction between "constitutional democracy" and "democratic constitutionalism." The first privileges a static view of the establishment of norms that then seek to constrain democratic forms of politics. The second sees democracy as a series of moments that is only partially captured in an institutional norm.

⁶ For a good recent review of scholarship on the topic see Azoulay and Ismar 2007, who have the added virtue of including major contributions from both sides of the Atlantic.

⁷ Individual contributions collected in Hansen 1983a; 1989a. Summary overviews in Hansen 1987; 1991.

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did not compete for Athenians' attention and loyalties. There were no labor unions or political parties. The Assembly was, by definition, the end-all and be-all of politics. A study of Athenian democracy is a study of its institutions.

On this point Josiah Ober has been one of Hansen's most vocal critics. Hansen's account, Ober argues, underplays social differences and inequalities.⁸ Not everyone could participate in the institutions in the same way. There a self-appointed class of elite orators dominated the spotlight; these were elite in education, wealth, and temperament. And yet the elite did not dominate politics because they had to compete against each other for the approval of the democratic mass. They had to cater to it, but more importantly to give voice to ideological positions that the typical man in the Athenian street might share. This amounted to a form of subordination of the vocal elite to the interests of the silent mass.

Ober essentially characterizes Athenian democracy as a submerged iceberg only the top of which is visible from an institutional perspective. And this is an approach I follow here. But Ober does not consider the dynamics in play between the institutional and extra-institutional arenas; how concrete activity outside related to or influenced what went on inside the institutions. In more recent work in which he studies Athenian social networks' role in aggregating practical knowledge, he thus focuses primarily on the institutions, especially the Council (Ober 2008). Taking a page from Habermas, one place we should be looking more closely at is the various Athenian associations, such as kinship groups (*phrateres*), cultic groups (*orgeônes* or *thiasoi*), and clubs (*hetaireiai*) that met in the symposia.⁹ These were for the most part not like the clubs or groups of revolutionary Europe that loom large in Habermas' story. They were not, normally, about expressing criticism of the government or for imagining political alternatives. In fact one feature of the groups – aside from the *hetaireiai*, about whose internal workings we know very little – was that they replicated or imitated practices of the polis, such as assigning

⁸ Explicit criticism in Ober 1989a. At length study in Ober 1989b. Response in Hansen 1989b.

⁹ There has been a flurry of interest in the topic, exemplified by the ongoing Copenhagen Associations Project. Specifically connecting associations to democracy is now Kierstead 2013.

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officers by lot and publishing honorific decrees for benefactors.¹⁰ As for the *hetaireiai*, they resembled mutual support societies, helping their members in their financial and legal dealings.¹¹ The one exception was during the revolutionary waves of 411 and 404, when the *hetaireiai* served as hotbeds of anti-democratic discourse and organization. This was far from the norm, however. Far from serving an antagonistic function to governmental institutions, associations were an important complement to the institutions, as well as a potential resource for those who sought to influence them.

This book's approach differs from other studies of Athenian democracy by examining the conjunctions and the disjunctions between the institutional and the non-institutional public spheres. While I follow Ober's intuition that there was more to politics than went on in the institutions, I also follow Hansen's view that the institutions were singularly central to Athenian political experience. They were how Athenians made sense of themselves and their politics. Athenians would probably agree with Hansen's claim that everything of importance happened in the Council, the Assembly, and the courts. But they would not disagree with Ober's position that "mass ideology" crucially informed what happened in the institutions. In this introduction I would like to sketch out very briefly the two public spheres as ideal types (keeping references and argument to a minimum). In reality, as the rest of the book will show at greater length, the boundary between them was porous and shifting.

THE INSTITUTIONAL PUBLIC SPHERE

By "institutional public sphere" I mean the sphere of the Council, the Assembly, and the courts. Institutional time and space were clearly marked as separate and special. In the Council, a slight and permeable barrier marked the separation between authorized participants and onlookers (Ar. *Kn.* 640–2; Xen. *Hell.* 2. 3. 51). For the Assembly, a banner went up to tell citizens that it was time to come down to the Pnyx, the normal meeting site for most of the classical period.¹² A red rope went out to close down the area to regular traffic. When the

¹⁰ Seminal is R. Osborne 1990. See more recently N. Jones 1999; Ismard 2010.

¹¹ Still fundamental here is G. M. Calhoun 1964 [1913].

¹² See especially Hansen 1987.

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audience had assembled and was standing or sitting (although mostly sitting), sacrifice purified the space and then the herald stepped forth and announced the meeting open with the ritual call, “Who wishes to speak?” Although in theory anyone could speak at that point, there was a recognizable group of habitual speakers who had the skill and inclination to speak. These were called *rhetores*, “speakers,” or *politeuomenoi*, “they who engage in politics.” Nor could they speak about any matter they wished in any way they wished. A basic principle of Athenian government was that nothing could go before the Assembly unless the Council put it on the agenda for the meeting. Failure to stick to the topic, or a choice to engage in personal abuse, could lead to a steep fine (Aeschin. 1. 35). Only citizens could attend. This meant, in principle, that everyone in the audience was an adult male born of a citizen father and citizen mother in lawful wedlock and raised as their legitimate son. Athenians took all their important decisions here, ranging from how to fund pressing needs at home to how to deal with problems and opportunities abroad. The moment of decision must have been electric. Aeschylus describes it with a striking metaphor tinged with religious awe: “The air shuddered [ἔφριξεν αἰθήρ] as the assembled demos raised their right hand to ratify the proposal” (*Suppl.* 607–8; cf. *Pl. Rep.* 387c).

Courts were just as important for politics as the Council and the Assembly. Like them, they also limited who could participate and how they could do so. Again, in most cases only citizens could serve as jurors.¹³ At least in the fourth century, the jury selection process was quite complex, involving several rounds of allotment and assignment in order to collect a random but also representative sample of the Athenian citizen body on every jury.¹⁴ The courts also had specific norms of communication. Freer than in the Assembly, but less free than in the Areopagus, an oath enjoined speakers to stick to the topic, but, judging from extant oratory, this was interpreted with considerable latitude (*AP* 67. 1).

¹³ The big exception was maritime cases, where non-Athenians could participate without requiring a citizen-intermediary. The special nature of this field of law was probably because foreigners were very important for the grain trade. See E. Cohen 1973; Lanni 2006: 149–73.

¹⁴ The court procedure changed over time. For reconstruction of the phases of development see Boegehold 1963; 1995. Bers 2000 rightly underscores the ritualistic nature of the late fourth-century procedure, about which we know the most. The effect was to separate jury service from ordinary experience.

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It was no easy task to speak. As a character in a fragment of Euripides put it, “fear strikes the mouth dumb and prevents the mind from saying what it means” (Eur. *Fr.* 67 N). The speaker here refers specifically to a homicide trial, but the principle was valid more widely. The challenge of addressing an audience of hundreds, if not thousands, helps explain the appearance at the end of the fifth century of professional speech-writers, who undertook in exchange for a fee to advise the insecure speaker in all aspects of his case, including writing his speech for him (but not speaking in his stead). Modern students are struck by how amateurish Athenian courts and jurisprudence were in comparison to ours or the Romans’, that privilege professional expertise and a specific legal idiom. Although Athenian rules were rudimentary, one ignored them at his peril; for instance, about what kind of case to bring under a given set of circumstances.¹⁵ All this would have made the prospect of entering the arena of the courts especially daunting for the average citizen.

We should also consider the theater to be part of the institutional public sphere, alongside the Council, the Assembly, and the courts. Discourse here could be critical of core democratic values, but it was sanctioned by the democratic authorities. There is no way to be sure about who made up the audience, or how drama contributed to public opinion, if at all.¹⁶ The case for tragedy is especially elusive and hotly debated.¹⁷ A powerful taboo prevented tragedians from referring to current events too explicitly, but that has not stopped scholars from detecting attempts to intervene in public discussion about an issue or event. The pro-Argos aside in Aeschylus’ *Eumenides* (762–74) is the most explicit of such moments. The case for Old Comedy is easier. The plays of Aristophanes, as of those of his contemporaries such as Alexis, Cratinus, and Eupolis, abound in gossip about prominent individuals, though here too it is hard to know exactly what the playwrights intended, or what effect they had on public opinion.¹⁸ Here informal talk could be quoted, adapted, and transformed into

¹⁵ See R. Osborne 1985b.

¹⁶ Arguing for a wide audience, see most recently Roselli 2011.

¹⁷ Key contributions to this debate, over how and in what sense tragedies were political, are Goldhill 1987; Ober and Strauss 1990; Meier 1993 [1988]; Griffin 1998; Goldhill 2000. A particularly clear-eyed overview of the controversy can be found in Carter 2007. See most recently Villacèque 2013.

¹⁸ See most recently Sidwell 2009; Bertelli 2013.