

DID THE GREEKS INVENT DEMOCRACY?

The Greeks invented the words “city,” “democracy,” “people,” “oligarchy,” “liberty,” “citizen.” It is therefore tempting to suppose that they invented the eternal truth of politics, or of our politics, with only one exception: slavery is the major difference between their democracy and democracy as such. For there must exist an eternal politics about which it is possible to philosophize instead of simply writing history. Therein, across the ages, could be found the central essence of politics; despite their diversity, political regimes would have a functional analogy to one another which could be represented in a variety of ways: establishing justice, making men live in peace with one another, defending the group, exercising a domination of the master class over the forces of production.

But suppose that all this is only an appearance and that the words deceive us. Suppose that, in these various periods, what was termed politics was always underlaid by presuppositions which escaped the consciousness of its agents, which likewise escape posterity, too busy to recognize its own facial features in its ancestors, even in the most banal fashion. In this case, the same

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words, vague analogies, would hide invisible and enormous differences from us, just as the trees can hide the forest.

These are a few parts of that hidden part of the iceberg which we are going to attempt to clarify here. The largest of these fragments, but not the only one, we may call the militancy of the ancient citizen. It corresponds relatively to what Claude Nicolet, in a beautiful book, called the profession of citizen.¹ For an ancient citizen did not have human and civic rights, no liberties or even liberty. He had obligations. If we were to return to ancient Athens, we would find not the democratic semi-ideal of Western countries, but the mental climate of activist political parties.

Semi-ideal, for there was, just as in our own times, a militancy for democracy or for human rights. It was not simply an ideology or totally a practice. This militant “presupposition,” which was never professed expressly but which was everywhere present, came into conflict of course with indifference and passive resistance to its applications. It mystified profiteers and victims about the reality of social relations, true enough. It nevertheless filled the air with imperatives which sought obedience, it limited inventiveness and the choice of arguments in polemics, it inspired reformist and revolutionary politicians and it paralyzed expressions of wrath and claims.

To understand just what a strange conception of State-society relations this civic militancy was, we must begin by making a quick detour into more recent centuries. The contrast is all the more apparent if we apply a little political ethnology.

Politics has always sought the well-being of people. But of what people? For us, people are what make up the population. In exactly the same way as when a statistician speaks of a germ population or even a population of trees. Within the confines of a national territory there lives a human population which works, reproduces, goes on vacation. The doctrine of the public authorities was for a long time not to get involved, *laissez faire*. For such

¹ C. Nicolet, *Le métier de citoyen dans la Rome républicaine*, N.R.F. 1976.

liberalism was by itself reputed to lead to the best for the population. Today we think that the welfare of the population is better assured if the State does get involved. Public intervention channels demography, the economy, social changes and tourism. In other words, what we call politics today is comparable to the task of a forestry warden. He does not allow nature to grow wild and unchecked, but nor is he the proprietor of his charge. He is not managing it for his own profit like a grower would. On the contrary, he seeks what is best for nature itself, and to do this he respects and follows natural tendencies. He restricts his own action to organizing these tendencies. We could also compare politics to a policeman assigned to direct automobile traffic. The policeman does not allow cars to be driven in just any manner, but neither does he decide where drivers are to go. Nor does he redistribute car ownership. He organizes the natural movement of cars and pedestrians. He controls the flow.

This was not yet the case even two hundred years ago. At that time politics consisted in making its subjects happy. And what made them happy? Having a king. It was believed that they needed no more than this. The king was a sort of gentleman-farmer, the lord of the manor. He did not organize nature's happiness, like our forest warden, but he used nature for his own profit. His subjects were not a population but a flock over whom he was the shepherd. The art required of him was to be able to shear his sheep without skinning them. The king, in fact, had a domain in which there lived a human fauna which found its subsistence where it could and which frolicked about as it liked. This was not the king's business. He only took his share of nature's wealth. Thanks to this tax he could exercise his kingly profession, which was entirely limited to relations he had with other kings, his cousins and rivals. The king, as we see, had his own business to attend to, and his subjects had theirs; and the king's affairs were called Matters of State, which were not the affairs of his subjects. The king involved himself as little as possible in the activities of his subjects who, for their part, would have been none too happy to see the royal tax collector come too close. The less he had to do with them, the better they liked it. At least until, thanks to a certain Colbert, the king changed from a gathering economy to a planting economy and set aside for his own interests certain sectors of his domain. If

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he noticed that there was traffic on a road or a river going through his lands, he would not tamper with this natural flow other than to exact a tax on this resource.

Now let us return to the Greek or Roman city. The group sociology of each of these miniature States bears less resemblance to that of a modern nation, whether democratic or not, than to a militant political party. An ancient city was not made up of a population with its leaders, of a civil society which was governed as distinct from the State. It was made up of its very population, with its economic and social life, but only inasmuch as all or part of this free population was required to be militant in an institution which existed in its midst and which was the city. The governed and public authorities were difficult to distinguish. Everyone took part in the operation. The civic institution did not exploit its population like a king. It made it be militant. Public authorities were simply like the rest, only elected or accepted by their comrades as their leaders. As Christian Meier wrote in his splendid research,² “society, with all its inequalities, remained essentially what it was, but it produced a break between the political level and the social level,” accompanied by intense politicization. “Here,” said an Athenian, “the man who is not in politics is not considered a peaceful man but a bad citizen.”³

What, then, was the relation between the city and society? It cut each citizen in half. It was just about the same relation as exists in a modern party between the militant as such and the militant as a private individual, immersed in the middle of economic forces and social relations. For example, each citizen earned his living in whatever way he could, was rich or poor, and property was sacrosanct. The citizen was required to put all his efforts and his resources at the disposal of his brothers with a zeal which was more spontaneous than that of a simple taxpayer. We know that civic celebrations and also certain weaponry expenses were generally financed by the wealthiest citizens who felt themselves morally

² Ch. Meier, *Die Entstehung des Politischen bei den Griechen*, Suhrkamp Verlag, 1980, p. 255.

³ Thucydides, II, 40, 2; cf. Meier, p. 248 ff. That which Meier calls the “political identity” of a society is the same thing as what we are here calling presuppositions or “discourse” (in Foucault’s sense). On politicization, pp. 289-292.

obligated, or were made to be morally obligated to do so. For such civic patronage grew out of two very different motivations. In this world where city and society formed an equivocal or antagonistic couple, liturgies and philanthropy had a social motivation. The rich man displayed and legitimated his wealth by giving it away, and these ostentatious presents were no less spontaneous than self-serving. But the second motivation was civic and more restrictive. Although not a formal obligation like a tax, philanthropy was still a moral obligation. However, for a militant, morality was very stringent, for he had to do all that he could and should not be stingy in counting out his share. He could not deprive his own of his dedication.

In short, political thinking in Greece, as well as in Rome, always hesitated between two formats. One, conforming most often with reality, admitted the fact that some govern and others are limited to obeying orders. Obviously the governors are not of a different race than the governed; they are not the masters of the latter. They come from the ranks of the governed and they will return to their place. But still, governing is a specialized activity. In the second format, on the other hand, the distinction between governors and governed is less important than the larger whole which unites them all and which is the civic body made up of activists. The governor is only a citizen who is more active than the others, who has received responsibilities from his peers. Such was the format through which it was constantly necessary to interpret reality or even to apply to reality. The hesitation between the two formats is palpable in the last six pages of the *Discourse on the Crown*. Here Demosthenes concedes to the crowd of Athenians who are his judges that day that "it is truly possible to live peacefully without being wrong and without disserving the city. This is the kind of existence which most of you lead, my dear fellow-citizens." Having made this concession, the orator goes on to paint a picture of a good citizen as an activist who assumes a number of tasks instead of simply fulfilling the obligations prescribed by public authorities. The citizen advises the people in the assembly, serves

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as ambassador, spends his fortune to construct ramparts or war ships. The good citizen, in our eyes, is a politician by calling. The difference with other periods is clear. A prince of the *ancien régime* expected from the subjects of his kingdom only their fidelity or their negligence and that they pay their taxes. Of a modern population is demanded only that it does not disrupt the possibilities of living together in a certain system. An entire population which must be attended to has to be brought to cede to a minimum of civic virtue, public order and military docility. An ancient city, on the other hand, considered that in a certain manner its citizens had chosen it (this is what the Laws of Athens say to Socrates in *Crito*) and it expected of them the zeal of professional soldiers.

There is, then, no limit to what a city can expect of its citizens. When Xenophon writes that “a good citizen respects the law,”⁴ he does not mean that it suffices not to violate the written code to fulfill one’s duty. For what was at that time called the Law was a great deal more than we understand by this word.⁵ The Law was all the laws, unwritten customs, political decisions, orders from authorities and, more generally, the collective will which had a legitimacy beyond temporary legalities.⁶ The Law was the genius of Athens. In *Crito*, Socrates’ patriotism was bound to the laws and not to the land, nor to ancestors nor to the Nation. To obey the Law meant to dedicate oneself with zeal to the will of the group. To obey, and not to complain: a militant serves his party, he does not use it to improve his lot. His political activity is in addition to his social life and remains distinct from it. It can be sensed that the presupposition of militancy will be more clearly and durably successful to the extent that it does not affect owners’ interests.

Thus militant zeal defined, alongside society, a political arena in the restricted sense of the word.⁷ There resulted a collective passion, a politicization of thinking which gave ancient Athens a falsely modern air. That the citizen was also a militant also means that, in the words of H. Rehm, he was not the object of the government but its instrument.⁸ He was not governed, he was used

⁴ Xenophon, *Memorabilia*, I, 2, 41.

⁵ On the Law, see a wonderful page in Ehrenberg, *L’Etat grec*, p. 164.

⁶ Xenophon, *Memorabilia*, IV, 4, 2.

⁷ C. Meier, *op. cit.*, *Entstehung*, p. 151, 216 with note 196, 42 ff, 86, 213.

⁸ H. Rehm, *Geschichte der Staatsrechtswissenschaft*, p. 78.

in order to govern. This State was a strange vessel in which there were no passengers. Apart from the captain (or rather, the pilot, as he was called⁹), there was no crew. When Plato or Aristotle speak of the vessel of State,¹⁰ they mention only the sailors.¹¹ Whoever belonged to the ship was considered as taking part in its operation. In a revealing slip attesting to his modernity, a recent translator,¹² otherwise excellent, wrongly spoke of a crew and passengers. Nothing is indifferent in a text, and the form cannot be distinguished from the content. The so-called nuances of expression, far from being indifferent manners of speaking, often betray depths of thought, misunderstandings between the ancients and ourselves.¹³ If we omit these nuances, we render the text trivial and think we have found “eternal” truths.

Bourgeois liberalism arranges cruises where each passenger must make do as he can; the crew only provides collective goods and services.

The Greek city, on the other hand, was a vessel on which the passengers were the crew. Individuals, with their different and varying capacities and wealth, found themselves obliged to cross the time of history and its reefs.¹⁴ They organized themselves into survival groups and each one contributed his best to the common good.

What was the source of this particular concept which dominated thinking and even practice to a certain extent? Two possible origins can be imagined: war and the Commune. War, in the classic age, was half of a citizen's life.¹⁵ Max Weber compared the warlike

⁹ For the *gubernator* or pilot was at the same time the captain of the ship, as Jean Rougé has shown in *Studi in onore di Edoardo Volterra*, vol. 3, p. 174.

¹⁰ The metaphor of politician as *gubernator* has been studied by C.M. Moschetti, *Gubernare rem publicam. Contributo alla storia del diritto marittimo e del diritto pubblico romano*, Milano Giuffrè, 1966.

¹¹ Thus Plato, *The Republic*, 488 A, and Aristotle, *Politics*, 1276 B 20.

¹² Tricot's note on *Politics*, 1286 B 20.

¹³ On the method, see Oswald Ducrot, *Dire et ne pas dire*, 2nd ed., p. 13: “It is possible to seek in any text the implicit reflection of the profound beliefs of the period; by this is meant that the text is consistent only if it is complemented by these beliefs. And this is true even if it is known that it is not offered as an affirmation of them.”

¹⁴ Plato, *Laws*, 758 A 5; “A city is governed and directed through the swell of other cities;” Polybius, VI, 44.

¹⁵ Aristotle, *Politics*, 1254 B 30 and 1333 A 30; Xenophon, *Memorabilia*, II, 1, 6.

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democracy of antiquity to the merchant city of the Middle Ages.¹⁶ Perhaps militant zeal and group solidarity also had a more political origin. Christian Meier has shown what was the nature of Cleisthenes' reform: to mobilize the peasant masses in order to shield them from the domination of the *eupatrides*.¹⁷ Perhaps these origins are also a false problem. The militancy format might have been invented from models of thinking borrowed from areas far removed from political and military action, if we can believe at least in invention in history.

A coincidence of history, or perhaps its inventiveness, has thus juxtaposed a politics of equality and of solidarity in civic virtue with a society just as unequal and splintered as many others. There is no need to add that since political life is quite sensitive to social forces, the result was more complicated and also more ideological or, if we prefer, edifying. The poor of Rome were enjoined to have their love for the city take precedence over a hideous cupidity. It remains true that antiquity thought of politics in terms of militancy as naturally as we think of it in terms of democracy, and at that time it could not be thought of otherwise. Such is the ambiguity of the word ideology: an apology, but one with blinders. This can be seen by considering the relation between political activism and the social forces of the times, in other words between civic virtue and leisure.

To grasp the importance of leisure, or of what was so called, we must first understand the very special nature of the Greek city as "democratic." A city was an institution which appeared in the midst of humans, and positions within this institution were normally reserved to privileged individuals,¹⁸ who could live in leisure, obviously because they were rich. Sometimes the circle of the

¹⁶ P. Vidal-Naquet, *Le chasseur noir*, Maspero, 1981, p. 149; C. Meier, *Entstehung*, *op. cit.*, pp. 66, with regard to Aristotle, *Politics*, 1297 B 20.

¹⁷ C. Meier, "Clisthène et le problème politique de la polis grecque", in *Revue internationale des droits de l'antiquité*, XX, 1973, p. 115-159.

¹⁸ One either belongs or does not belong to the city; some feel themselves "excluded from the city" (*Laws*, 768 B) and suffer from this.

privileged was enlarged to include all the “people” (as in Athens), but this was either a great privilege or abusive laxism.¹⁹ Plato returned to healthy doctrines. All the participants in his model city were to have the means enabling them to devote themselves exclusively to civic life, for which they had to have leisure.

It is clear that the Greeks framed the question of politics in a manner which is roughly the inverse of the manner in which we approach it. Plato’s purpose was not to make men happy, nor to make men live in peace with one another, nor to provide human society with a sovereign. He did not attempt to order human fauna but to bring into existence among men a well constructed institution, the city. It was as if he were recruiting a regiment, or rather, in this case, a contemplative order. He was not seeking to structure the human masses, but to assemble a fine regiment, and to do this the recruits had to be hand-picked. Plato intended to recruit a city of leisurely people, just as if he were recruiting for a monastery monks who were sufficiently rich to spend all their time singing hymns and never having to work.

This is the presupposition of the *Laws*²⁰ (and it has been too little noted) which is no different from the presupposition implied by political thinking and practice of the Greeks in general. The Greeks did not ask questions about social life. They set about constructing a well-made city instead of living in amorphous tribes like the Barbarians or in passive kingdoms like the Orientals. When Aristotle wrote that man is a political animal, he was not attempting to organize humanity. He meant that the ideal, the *telos*, of the accomplished man was to live in a *polis* rather than somewhere else. In other words, he meant that the Greeks were superior to the Barbarians and they were humanity’s masterpiece.²¹

The ancient problematic and that of modern man have intersect-

¹⁹ So much so that even beggars and slaves were entitled as citizens, exclaimed the Athenian Theramenes (Xenophon, *Hellenica*, II, 3, 48). This text does not indicate the slightest hesitation with regard to slavery. To the contrary, Theramenes attempts to make his adversary sense how ridiculous extreme democracy is and he uses a hyperbole which his adversary himself found hyperbolic: It is as if we were to elect children who have barely reached the age of reason or give citizenship to plowing oxen. It is evident that no one had ever dreamt of opening the city to slaves, nor even to foreigners!

²⁰ Cf. Veyne, *Le pain et le Cirque*, p. 205-207.

²¹ M. Defourny, *Aristotle, Etudes sur la “Politique,”* Paris, 1932, p. 383.

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ed, for there were Greek cities expanded to include all the people, and, conversely, it has happened that modern cultures separate active citizens from passive citizens. Nevertheless, both problematics arise from two diametrically opposed points of view. Modern thought begins with a population over which the political man takes responsibility and asks how these men can be organized into citizens. The Greeks only asked who would be given the title of citizen, and the responsibility they took on was to make a well-composed city. It is evident how useless it would be to speak of "the" eternal democracy from the Greeks down to us. A modern democracy may be limited to active citizens only. For the Greeks the movement was centrifugal. Some cities were enlarged to include the entire *demos*. We go from universality toward the institution; they began with the institution and, although they forged on to their democracy, they never thought of universalism as either an ideal or as something to be regretted. And one thing was possible for them that would be unthinkable to us. They were able to go into reverse and to return to a limited suffrage based on property holdings, whereas for us universalism is a natural right whose total realization can tolerate restrictions initially, but which can never be revoked once it has been fully realized.

This is why the Greeks, when they speculated, drew up constitutions, the *Laws*. They did not write *The Mirror of Princes*, obviously, but neither did they conceive *The Social Contract* or *Leviathan*. They did not seek to discover society's origins. Their speculation consisted in founding an ideal city, and this design revolves around reality: the foundation of real cities which received legislation from their founders, which had first selected their future citizens. Plato's *Laws* had as their purpose the foundation of a colony.²² But how and why was the city of the philosopher reserved for the rich? And why was leisure hereditary? For in Plato's city, successions and inheritances exist. Plato insists on this; every man has a desire for eternity and wants to leave his goods to his descendents.

²² See especially *Laws*, 704 A-C; 707 E-708 D; 735 E-737 B; 744 BC.

In Plato's city each citizen was to receive a patrimony which would remain his property. He could enrich himself and multiply his patrimony as much as four times over. Citizens did not have to work; this was so evident for Plato that he only mentions it incidentally, or rather as the minor in his syllogism. "What kind of life will these men lead, for everything needed for their subsistence will be available in appropriate amounts, while the crafts will be left to others and the farms will be abandoned to slaves who will supply a sufficient share of the fruits of the earth to our men that they can lead well-ordered lives."²³

The young Aristotle, who also designed a city, was no less rigorous. "Citizens should lead a life which is neither that of the merchant nor of the craftsman (for such ways of life are base and contrary to quality). Nor should future citizens be farmers, for one needs leisure both to develop quality and for political activities."²⁴

We can easily surmise that leisure was not measured with stopwatch in hand, but that it designated a permanent lifestyle. It meant wealth and, in the best case, wealth based on land.²⁵ Plato affirmed in the *Laws* that a citizen worthy of the name should do

²³ *Laws*, 806 DE.

²⁴ Aristotle, *Politics*, 1328 B 35; the word *arete* is better translated by "quality" than by "virtue" which beclouds the nuance and makes many pagan texts unintelligible. "Virtue" opposes moral value alone to other advantages, true or false; "quality" designates both virtue and the ennobling title of a "man of quality." To be rich was a quality.

²⁵ The problem of the devalorization of "work" in antiquity is not a simple one. This devalorization varied according to social classes, as De Robertis had no difficulty in showing. This variation itself can be explained by four variables: (1) what was work in the eyes of the ancients, i.e., the fact of being dependent on another or on things is not what we mean by work; (2) the place of work in the ancient definition of a social individual is not the same as in our own times; a noble shipbuilder was noble and not a shipbuilder (he simply built ships); a non-noble shipbuilder, on the other hand, was defined as a shipbuilder, for the lesser people were defined by their professions; this is why work was highly esteemed among the lower classes; (3) a case by itself was the very special devalorization of trade and manual crafts; (4) although a notable was not defined by his economic activities, he was still proud of being skillful in business or in agriculture; this was an appreciated talent, another quality. As for the superstition which valorized agriculture and devalorized trade and crafts, see the pleasant arguments with which Xenophon attempts to rationalize this valorization of agriculture (*Economics*, IV, 2 and V, 4). On the double attitude of the Greeks and of Plato toward the crafts, on the hesitation between two models ("the political sector separates what the technical sector unites") see P. Vidal-Naquet, *Le chasseur noir*, p. 289: "Etude d'une ambiguïté: les artisans dans la cité platonicienne."

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nothing, and then two pages later said that this same citizen “should spend several hours each night to fulfill a good part of his political duties, if he is a magistrate, or, if he is not, his economical duties,”²⁶ meaning his domestic tasks, watching over his farms cultivated by his slaves. The rich man is a man of leisure not because he does not work, but because he depends on nothing and on no one according to the ancient concept of work. In this sense the man of leisure has no profession. He identifies himself with the possession of a patrimony, and there is nothing to do in order to possess. One need only live. That it is still necessary to manage this patrimony is obvious, but that is not really work but rather an exercising of the right of property.

It is not necessarily true consequently that the large property-owner was an absentee landlord and that he needed only maintain a level of income sufficiently high to be able to keep his rank. On the contrary, he often sought to develop his productivity in order to pass on to his children an even richer patrimony. It is consequently even less true that his management was autarkic. Quite to the contrary, he produced in order to trade on near or distant markets. However, the market was the means of enriching oneself; it was not the end ordering the rationality of this control. This end remained a familial one: to pass on a patrimony to one’s children. To cite a marvelous page in Alain Guillemin,²⁷ “They were true landed *entrepreneurs* and they were interested in making a profit. They organized their operations rationally in order to meet market requirements. However, the principle underlying this rationality was not a maximizing of gains, as for a capitalist *entrepreneur*, but management of a patrimony to be handed on to one’s children. This patrimony was not conceived in a synchronous fashion as jurists might; it was based on the duration of the family. To this end these notables willingly opposed the immorality of the commercial search for an immediate profit”.

²⁶ *Laws*, 806 D and 808 B.

²⁷ A. Guillemin, *Le pouvoir et l’innovation; les notables de la Manche et le développement de l’agriculture, 1830-1875*, Centre de sociologie rurale, 1980, vol. I, pp. 251-257. As M. Godelier has written somewhere (I quote from memory), “the intentional rationality of economic behavior is not an absolute but depends on the hierarchy of social relations.”

When Aristotle, in embracing or embraced pages at the beginning of *Politics*, compares good chrematistics to bad, which is immoral, he does not argue any differently. The cult of autarky was not the refusal of exchanges. It meant that an exchange was a means, but it was not the end of patrimonial rationality. The age-old disdain for trade lasted until the creation of anonymous capitalism in which the operation was no longer the patrimony of a dynasty attempting to perpetuate its social and political power. This dynasty is best situated on the ownership of land, but not exclusively. A commercial, artisan or banking operation can also be managed like a patrimony rather than like an anonymous machine for producing profits. In that case the dealer or artisan, since he shares the dynastic ends of the leisure class, will be presumed not to work. The ideology of leisure is an ideology of patrimonial rationality. Roman law found an expression for this: "to manage like a good *paterfamilias*." Either one owns a landed patrimony which one manages or has managed, or else one looks after a trade or craft, but on a large scale so that one is not considered simply a trader or an industrialist.²⁸ One remains oneself. For work or profession evokes the concept of need, of running the risk of being without. If one was rich and one worked to remain so or to become even more so, one was not really working since the threat of necessity was still far off. Resources simply poured in; one did not have to amass them laboriously. The few hours a day or a night devoted to this did not really count. They were simply a prosaic necessity much like getting dressed in the morning. A slave, on the other hand, was never a person of leisure,²⁹ even if he had free time, since he lived as a dependent of his master.

Here the two mechanisms come into play the which can be regrouped under the name ideology: valorization and presupposition. Leisure was valorized as admirable since it was the privilege

²⁸ It was to be similar later in Rome where the *artes liberales* did not retain their liberal character unless they were exercised by a free man; when exercised by a slave or an emancipated person they were in no way liberal. After the works by De Robertis and D. Nörr, see also J. Christes, *Bildung und Gesellschaft: die Einschätzung der Bildung und ihrer Vermittler in der Antike*, Darmstadt, 1975.

²⁹ This was a proverb (Aristotle, *Politics*, 1334 A 20).

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of the socially dominant class. And political philosophers, who saw everything through the lenses of a militant's presuppositions, placed civic virtue in relation to leisure. It was their way of evaluating the social powers which they shared or were subject to. The rich lived in leisure and were politically influential. These two facts, or rather these two forces, were valorized by justifying one by the other. Throughout the *Laws*³⁰ and Aristotle's *Politics*, a *leitmotiv* recurs so insistently that it betrays a hint of unease or of bad will: only wealth can provide the leisure which allows one to become involved in public affairs. Wealth is justified by political activity, and this is then transformed into a privilege reserved for the rich.³¹ In the name of political realism. But was it really true that the rich had, as sole occupation, to become involved in public affairs and that, stopwatch in hand, the poor were never ever to find the time to devote to this? Of course not. We are here in the realm of fiction. In fact, Plato and even Aristotle³² elsewhere stigmatize the apolitical nature of the rich who think only of earning money and who are totally unconcerned with the city. But for them this is not right; it is wrong. The rich are wrong not to conform always with their essence.

The hint of unease on the part of our Athenian thinkers comes from the fact that they still had echoing in their ears a contrary phrase³³ which was repeated in their city. "It is possible to look after one's own personal affairs, which are different for each person, and the affairs of the city." *Politics* opposes this on many occasions with arguments whose inconsistency uses every possible tactic: (1) Those in need have little time to devote to the city; they can hardly be expected to become involved in politics. (2) Those in need are not worthy to look after the city, for a person in need

³⁰ *Laws*, 846 D; more generally the *Laws* are a program which engulfs the rich in a kind of civic contemplative life where they have no leisure time to become involved in their money matters.

³¹ Christes, *op. cit.*, p. 25: "The disdain for work came from the ideal of political life: he who must earn his living does not have the leisure to fulfill his vocation to be a man of politics." Euripides, *Suppliant Women*, 419: the herald of an oligarchical city declares, "Even if a poor peasant is not ignorant, his work will prevent him from looking after communal affairs."

³² For Plato see the end of this article; for Aristotle, *Politics*, 1286 B 13.

³³ Said by Pericles in Thucydides, II, XL, 2.

is not a person of quality. They should be forbidden to become involved in politics, reserving this privilege for men of leisure. (3) Those in need are above all concerned with earning a living and are happy to leave politics to the wealthy;³⁴ they judge themselves. Politics is left to the rich as it should be, for they have the leisure for it, and because having leisure is a quality, a “virtue,” which creates a right. Distributive justice requires that unequal merits be accompanied by unequal rights.³⁵

Our purpose was not so much to stigmatize an ancient ideology as to show how independent elements have been systematized: leisure and civic virtue. This required a syllogism whose major premise presupposed while the minor premise revalorized. In politics, the Good is to be militant. But leisure is the Good. Therefore men of leisure are militant while the needy cannot be, should not be and do not wish to be. The actual state of affairs in which the rich had, or claimed, full authority over politics is valorized as a whole, for every power is taken as good and is content with itself.³⁶ Ideology as valorization is reduced to this, and this prestige of power is as sensitive to those who are subject to it³⁷ as to those who possess it. Sensitive to power like common mortals, philosophers accept as the Good this relation between leisure and political power. Consequently they seek to justify it, to give a foundation to this actual fact. They “know in advance” that it is well-founded; they shield themselves with the superiority of this conviction. It was of little importance to them that their argument was not perfectly developed in every detail. The certitude of the conclusion was no less indisputable.

³⁴ Aristotle, *Politics*, 1318 B 10 and 1319 A 30; cf. Polybius, IV, 73, 7-8.

³⁵ On distributive justice in politics, see *Laws*, 744 BC and 757 B-E; Aristotle, *Politics*, 1280 A 10, 1282 B 20, 1301 A 25; *Nicomachean Ethics*, 1131 A 25; Isocrates; *Areopagiticus*, 21.

³⁶ As for saying that ideology serves as justification in the eyes of others, this is a functional and finalist supposition which the facts disprove (one can sing one's own praises because of arrogance or defiance; one can affirm one's strength instead of justifying oneself; often ideology is not read or known but by its own beneficiaries; one can also be silent and persist in one's arrogance, etc.).

³⁷ Those who are subject to power can react against it in the form of anger and revolt; they can also “overcompensate” for it by affirming the superiority of humility and the eminent dignity of the humble who will have their reward when the last will become the first.

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Nevertheless, this connection was contingent in two ways. The exercise of politics was not in the hands of the socially dominating class except in ancient societies in which various kinds of superiority could be accumulated.³⁸ The same individuals controlled power, wealth, culture. It was no less contingent that the contents of politics was experienced or thought of as militancy rather than a thousand other things whose production relationships would have been just as well accommodated. We are not asking if the State was or was not the instrument of the dominating class, but only if the rich made the political profession their own or if the roles were distinct as in our own times. Plato and Aristotle, we have seen, affirm both that men of leisure govern and that too often they refuse to govern. The reason for this is that they do not conceive of the valorization of leisure which is not based on the civic presupposition of their time. Militancy, a type of “discourse” issuing from a coincidence of history, belongs to a series independent of the economy, as Cournot would say. But it has modified in its own manner the ancient valorization of wealth.

It has also modified real struggles. As the young Marx wrote, “The sole object of existence and will was the political State precisely as political.” There was, in Athens, a curious split between the political arena and social powers. The people demanded democracy, was proud to have it and to be able to “have its say” in public and international affairs,³⁹ if not in economic matters.⁴⁰ But its respect for the social superiority of its notable citizens, for the valorization of leisure, remained intact. The butchers and leather

³⁸ Cf. *Le pain et le Cirque*, p. 117, which develops an idea of Robert Dahl.

³⁹ On freedom as the right to have one’s say, see Meier, *Entstehung*, *op. cit.*, p. 294 and in *Geschichtliche Grundbegriffe* by Brunner, Conze and Koselleck, vol. II, p. 427, s.v. “Freiheit.” *Isegoria* is the right to state one’s opinion in politics without having to remain silent and allow the powerful alone the right to speak. *Parresia* is the right to candor in political speaking, or the courage to have such candor, without fear of the powerful.

⁴⁰ Meier, *Entstehung*, *op. cit.*, p. 259.

workers of Athens said nothing to contradict this. As Christian Meier wrote, the poor Athenian did not invent for himself a table of values which was his own, as distinct from the *bourgeoisie*,⁴¹ which was long excluded from the political arena. It can then be understood what this democracy was. For the people, participation in politics was a kind of point of honor, a way of affirming its dignity before the powerful. The people rediscovered its pride in the political arena alone, just as in future ages they would find it in the Church where they would be equal to the great in society. Political democracy was the opium of the people. In Athens it was the people who made up the juries, and exercises of justice was a civic right *par excellence*.⁴² What satisfaction for the jurors to see the wealthiest persons brought low before the jurisdiction of the people."⁴³

As for those who were not of the people, they were able to accept this enlarging of the city to the entire people; but they did not really desire democracy, even if they were not oligarchs at heart. Whether they were loyal toward the people or only resigned, they were no less wary of this democratic phenomenon which characterized their country. Democracy was a reality whose defects they knew only too well. It was not an ideal which they would have shared while avowing its imperfections. Thucydides or Euripides were only partly sincere in the praise of democracy which they put into the mouths of Pericles or of Theseus. These men of leisure and culture were understanding of the ideals of the people they loved, through whom they governed and who had to be taken as they were.⁴⁴ Aristophanes was certainly not an oligarch. He lampooned the people's regime because a satirist is, by definition, not a panegyrist. But, even without being against it, he secretly resented it. He acted as if his people's audience agreed with him in thinking that the defects of the people's government were patently evident and that one could only be indulgent toward them. But ultimately the people were not so dumb! They knew well that they were being

⁴¹ *Entstehung*, p. 256.

⁴² *Laws*, 768 B.

⁴³ Aristophanes, *Wasps*, 575.

⁴⁴ *Ion*, or book VIII, in which Thucydides speaks in his own name, gives a different tone than the *Suppliant Women* or the speech of Pericles in book II of Thucydides.

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fooled! In the final analysis the people thought like the knights,⁴⁵ those good and wealthy men who were the very incarnation of civic virtue.

In sum, the men of leisure retained sufficient superiority to allow themselves to be paternal with regard to this democratic rarity. This is the symptom, that with social power their political power remained intact and the people themselves retained their respect for the powerful. Consider the language, embarrassing for the modern reader, which a Demosthenes can dare use against Eschines in front of all the assembled people.⁴⁶ "I am of more worth than Eschines and I was born better than he. I would not want to seem to be insulting poverty, but I must say that my lot as a child was to attend good schools, to have had enough wealth not to be driven by need to perform shameful tasks. As for you, Eschines, your lot, as a child, was to sweep, like a slave, the classroom where your father taught..." This was not an occasion where it would have been good to offend the people, for the people on this day were acting as judge. Demosthenes did not offend them. He won his case triumphantly. His clean property-owner's conscience could explain itself. Wealth brought on other kinds of superiority, and there were not⁴⁷ other scales of values nor concurrent forces which, in our age, would encourage him to be more modest.

In short, the people agreed with the notables in thinking that democracy was not self-evident. We said a little earlier that democracy was perceived as an expansion of a privilege rather than as the realization of a universalist right. This fragile political conquest would not resist even for two centuries against social powers. In

⁴⁵ Aristophanes, *Knights*, 1111-1150.

⁴⁶ *On the Crown*, 10 and 256-258.

⁴⁷ Or at the least such barely existed. There was a real sense of civic solidarity which led to monetary loans between citizens as a form of fraternal conduct which did not interfere with property rights. From Isocrates to Cicero this brotherly conduct is highly vaunted. There also (Isocrates, *Areopagiticus*, 44; Aristophanes, *Plutus*) were praises of work (farming as well as trade). "Persons of a lower condition were, in the past, directed toward agriculture and trade, for it was recognized that indigence is born of laziness and that criminality arises from indigence" (Isocrates). Rather than asking what the Athenians thought of work, it would be better to ask what they thought of workers. They looked down on them because they were socially inferior. Work, nevertheless, was not a bad thing. It was good for the little people, even if not so for the privileged classes.

the 300's the notables were to take power and not let go of it.⁴⁸

It remained for the thinkers to bless this development by explaining that a city needed citizens who brought to it their fortune and their leisure,⁴⁹ and to save the honor of thought by carefully distinguishing between the obligation of the rich to contribute more to the city by governing it and their presumed right to govern because they were rich.⁵⁰ Wealth, then, did not serve to guarantee the freedom of active citizens, as was later repeated from 1789 to 1848. It was reputed to allow them to do more good for the city. It is true that the argument could have been turned around. If these patrimonies were redistributed, the city would have even more useful citizens. The most famous social reformers of antiquity, the Gracchi, reasoned in this manner. They proposed to fortify the city and not look after the happiness of individuals.⁵¹ The presupposition of their politics remained militancy.

Ancient democracies were always fragile and endured only for the length of a collective passion. Should this brevity be attributed to a peculiarity of constitutional technique? We know that these

⁴⁸ It was with Aristotle that citizenship ceased being a function and became a status instead. There then existed the governed as opposed to the governors. See C. Mossé, "Citoyens actifs et citoyens passifs dans les cités grecques: une approche théorique du problème", in *Revue des études anciennes*, LXXXI, 1979, p. 241. Even during the century-and-a-half of democracy, Athens had its clan of oligarchs who remained on the sidelines and watched the deeds of democracy. "What would the people become without us?" they said often (Pseudo-Xenophon, *The Athenian Republic*); "Have nothing in common with those people" (Theophrastus, *Characters*, XXVI, "The Oligarch," 3). It is clear how special this attitude is. These oligarchs felt themselves to be foreigners in Athens. This is understandable; Hellenic patriotism was group patriotism, that of a concrete group. One was either in the democratic group or one remained aloof. But the city and the civic body were the same thing and so it was not possible to think of an eternal Athens existing beyond the deviation of democracy, like *Action Française* serving eternal France and hating the Republic, or De Gaulle preferring France to the French people. Alcibiades' career is a good example of this patriotism of a concrete group. Athens is the Athenians, that is the men with whom Alcibiades quarreled in favor of another city, and with whom he then made up. This takes place between one man and other men. After the defeat of Athens in 405, the oligarchs had the city's ramparts torn down to the sound of flutes as for a festival. They did not feel involved in the defeat of an eternal Athens; they cast their lot with the rival group.

⁴⁹ Aristotle, *Politics*, 1283 A 14 and *passim*.

⁵⁰ *Politics*, 1280 A 25 and 1316 B 1; see also 1328 B 37-1329 A 3. The rich have the obligation to serve the city; they are its slaves, says Isocrates (*Areopagiticus*, 26).

⁵¹ Appian, *Civil Wars*, I, 7-9,26-37.

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were all direct democracies. Antiquity did not know the representative system. However, wrote Max Weber,⁵² "Every direct democracy tends to transform itself into a government of notables."

No doubt, but constitutional law is not here responsible. Notables do not assume the inheritance of power because they have the time and the competence to govern but because they are socially powerful. Wealth is surrounded by such prestige that its power makes itself felt. This prestige is even more decisive than the economic blackmail that a rich man can exercise on those who are dependent on him. If this has not been the case in the West for the past one or two centuries, the reason for it is simply the professionalization of the political trade. The *bourgeoisie* governs, no doubt, but not the *bourgeois*.

Direct or indirect democracy? This alternative is not simply a technical point which, because it is technical, can be isolated from its historic context. They are not two varieties but two formations which cannot be compared. Athenian democracy could only be direct. Not because this kind of government is technically possible when the political tasks are not too complicated and the State in question is a small city whose entire citizenry could be assembled in a public square, but because that which we call direct democracy was historically an attempt to strip the notables of the political part of their general influence by transforming citizens into activists. On the other hand the indirect democracy of the modern Western world is a means of legitimating the power which professional politicians exercise over a passive population. These specialists are elected, true enough, but begin by electing themselves (by becoming, or being urged to become, a candidate), and the electoral system inevitably falsifies the general will which does not exist in advance and which it helps to shape. The relation between electors and the politics practiced by elected officials is even more removed if this is possible. The disparity between governors and governed is as flagrant as in those times in which the people had masters. The difference is that the representatives of the people can no longer consider themselves as masters of the governed. The true role of a popular election is not to choose representatives but to

⁵² *Economie et société*, French tr., Plon, 1971, vol. I, p. 298.

show that they do not govern by divine right since their power is uncertain. Elections are a lottery which remind everyone that power is only lent to the governors who are not like the king, who was the legitimate owner of his kingdom.

Ideology, as we know, is nothing other than the satisfaction which every power has in itself. It thinks of itself in laudatory terms, but what terms are laudatory? Those which each age considers to be such. Capitalism calls itself liberalism in the age of Liberty, and the rich Greeks said they were serving the city. Plato, who believed everything said by his society, was philosophical in the sense that he took it literally.⁵³ He systematized the inconsistent affirmations which emanated from distinct powers.

Plato did not for an instant doubt the superiority of the rich⁵⁴ and their right to command. Only the rich directed their belief in their superiority against the poor. Plato turned this around and gave them duties. The doctrine of leisure held that a rich man did not work even when engaged in an activity which, performed by a less rich person, would be called work. Plato required that they really cease to work, and to arrive at this end he instituted as many holidays as there are days in a year.

Plato termed the idle rich of his day oligarchs, for he did not want to honor them with the name aristocrat. He chided them for seeking to enrich themselves even more instead of using their leisure time well, time which, because of their greed, they put to evil use: they worked. Their love of riches "left them not a moment of respite to look after anything other than their private

⁵³ It would be tempting to contrast Plato's attitude with the universalism of the Stoics who conferred the status of citizen on the poor and the slave. Still the reasons for this universalism must be examined. It arises less from a consideration of the poor and the slave as such than from a wariness of wealth, as of every false advantage which does not ensure security, autarky. The rich and the powerful can be ruined or be reduced to slavery. They do not have autarky against these acts of fate unless they learn to scorn wealth and freedom. In short, the true subjects of Stoic universalism are the privileged.

⁵⁴ According to his *Seventh Letter*, 334 BC, the strength of a city comes from its civic corps, namely elderly citizens of noble birth with a large fortune.

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properties. The soul of each of these citizens is given over to becoming rich and never thinks of anything other than making a larger profit each day. Each of them was ready to learn any technique imaginable or to exercise any trade as long as he could make money by doing so, and he was unconcerned about the rest.”⁵⁵ This had to be stopped, for the citizen worthy of the name “already has a sufficient profession, that of creating a well-ordered city and of not altering it; and this is not simply an accessory activity.”⁵⁶

“There should be no trade with profit as its goal.”⁵⁷ Exports and imports were to be reduced to a minimum. The young Aristotle was not of a different mind. A city is not just a collection of shops; it does not need exaggerated profits and should not have a too-large harbor. A smaller shop, so to speak, would suffice...⁵⁸ Both on the level of each individual citizen or of the city itself, the number one enemy is greed, i.e., wealth. A Vichy-type fear of an economic development which would depose the dominant class? Not at all. The idea was more disconcerting. It was that of autarky in the ancient sense of the word. It is necessary to be economically independent, or better, it is necessary not to depend on the economy because commerce is greed and indulgence which means political decadence. This idea of autarky had an extremely weak influence on economic conduct in antiquity and a great influence on ideas. It had about the same degree of reality as civic militancy, or rather, it is the same idea. If one is interested in profit, then one neglects the public good. If we want to measure the importance of the militant presupposition in ancient thinking, it suffices to realize

⁵⁵ *Laws*, 831 C. The idle and hard-working greedy are described in *The Republic* as kinds of obsessed and inhibited puritans who think only of amassing and saving.

⁵⁶ *Laws*, 846 D.

⁵⁷ *Laws*, 847 D.

⁵⁸ Aristotle, *Politics*, 1327 A 30, a text which we translated in our own manner in *Annales E.S.C.*, 1979, p. 230 and n. 70. In this article we attempted to show that there was a strange contrast between the ideal of autarky and its realities which were hardly autarkic. We were unable to explain this contrast. This was because we had not understood the extent in the ancient subconscious of that submerged continent which we have termed, for better or for worse, the presupposition of militancy. The autarkic ideal, the theoretical prohibition of trade and international commerce, are a part of this continent. The reality was much different. See, for example, L. Gernet, *L'approvisionnement d'Athènes en blé*, p. 375 ff.

that it was as large as the theme of indulgence and decadence which has filled libraries from Solon⁵⁹ and Plato to Rousseau by way of a half a millennium of “decadence” in Rome, from Cato to Elagabal or Romulus Augustulus.

We must admit that this theme remains incomprehensible for us. Are injustice, rivalries and indiscipline consequently the fruit of wealth⁶⁰ and does this ruin cities? Becoming wealthy supposes that citizens are looking out for their own selfish interests rather than the public good alone. However, we know⁶¹ that it is not possible to do two things at the same time. Moreover, wealth causes a loss of self-control. The wealthy no longer obey the Law and they become ambitious.⁶² Wealth also creates jealousies and internal struggles.⁶³ How was it possible to have thought in this way for more than two thousand years? In what way were the United States a more fragile power than the poor but virtuous Japan in 1941? Do poor countries not have social conflicts? And how can the collective dimension, where the destiny of societies is played out, be reduced to the virtue of individuals? It is made up of material forces, of automatic reactions, of aggregate effects, of false consciences. The “virtue” of each individual is more consequence than cause, supposing that this virtue is socially more useful than selfishness. Sluggishness overcomes us in the presence of the ancient sermons on decadence. We listen passively and give up trying to find a meaning in this too naive sociology.

We can only find sense in this if we are able to elucidate two or three presuppositions. Society does not subsist of itself. It needs a continually creative energy or else degeneration sets in. This energy is individual and ethical, for the collective and material dimension is unknown. Ethics is a moral effort against temptations. The

⁵⁹ For Solon see his fragment 3, verses 5-10. On the emptiness of the theme of the decadence of Roman morals at the end of the Republic, see F. Hampl, *Das Problem des “Sittenverfalls”*, in *Historische Zeitschrift*, 1959, p. 497.

⁶⁰ *Laws*, 678 BC.

⁶¹ See note 31.

⁶² An excess of wealth makes it difficult to submit to reason and public authority (Aristotle, *Politics*, 1295 B 5-20); only poverty can create restraint while wealth produces indiscipline (Isocrates, *Areopagiticus*, 4). For the ancients, to be rich meant to think that one could do whatever one wished (this is the double meaning of *luxuria* in Latin).

⁶³ Plato, Aristotle, Polybius (VI, 57).

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decadence of cities is as natural as old age:⁶⁴ no inertia, no “invisible hand” which makes societies endure longer independently from individual designs and which engages in social welfare with an aggregate of selfish instincts. Disorder is more natural than order and effort alone will maintain cities in shape. Militancy is not borne up by anonymous forces. It is distinct from society, as we know, and is an act which transforms a society into a city. Thus there could be no city if there were no Law, which checks its militants and makes itself obeyed by them.⁶⁵ Without the Law everything disintegrates. It creates the city. Nor need it be either too advanced or too far behind customs and the state of society, as modern laws so prudently are. It creates this society, puts it in shape and fashions morals by a training process called education. It can distance itself from society to reform it and to revolutionize it. Plato’s *Laws* were considered Utopian dreams, whereas their revolutionary audacity is but an illustration of the ancient legislator’s voluntarism.

This voluntarism was also characteristic of citizens who actively obeyed the Law. There was no salvation apart from the virtue of each one. Ancient thinking explained social data using the elements it knew best: the individual and morality, when it was not the gods and Fate. Politics is moved by psychology. But how, more precisely, did a lack of self-control lead to greed? What are the sources of indiscipline and ambition? No one knew much about these questions, and no one sought to find out. From Plato to Sallust, the details of the process had been described in various manners, when it was not simply left unsaid or rather considered as evident. It was evident that as soon as ethical restraints⁶⁶ fell, every conceivable vice rushed in to fill the void. Evil nature spread. There was only one way to prevent this from happening: to train individuals with the Law which establishes morals. If morals are

⁶⁴ Polybius, VI, 9 and 57. Just as humanity subsists, after each period of decadence everything begins anew and constitutions evolve in cycles.

⁶⁵ See an essential page of the *Laws*, 875 A-D.

⁶⁶ Man is made to suffer; it is dangerous if he lets himself go (*Laws*, 779 A). The lack of self-control is the source of all lack of discipline and of every excess (734 B). Only self-control allows triumphing over pleasures (840 C). Political life is always opposed to pleasure.

bad, or in other words if the Law was no longer being obeyed, or if this Law itself was bad, then there was no remedy possible.

Militancy was a permanent ethical restraint, and voluntarism impregnated everything that Greek and Roman society believed and wanted to be. From classical Athens to Quintillian, education, to mention only this aspect, taught the child to be subject to good order (*eutaxia*) and also to shun softness. There was an obsession in Greece and Rome with virility. It was not simply fear and bitterness that were marked by moral militancy. When they experienced the nightmare vision that everything was collapsing in the city, they conceived of this catastrophe as decadence, a decaying of social muscle. They did not envisage a tide of distributionists, of chaos and anarchy, in the way more passive citizens of Police or Welfare States would. Fundamentally they had fear of themselves. And opponents in their midst shared these fears. For from Plato to Saint Jerome there were men who felt themselves to be living in exile in society as it existed, who thought that society was badly constructed and who felt their days were sad. Like André Breton renouncing bourgeois society, they lived constantly in "a certain state of fury". When they tried to formulate the bases of their unease, they did not single out the gap between the ideal of true liberation and the paucity of bourgeois freedoms. They accused the gap between the militant ideal (which they supposed had been real back in the good old days) and social reality. Try, after that, to say if a Juvenal was a leftist or a rightist. In the militant presupposition, ethical requirements were rolled together with political conservatism. Plato lived this handicap for the militant conscience his entire life, from *Crito* to the *Laws*.

This ancient democracy had as its ideal that its citizens were its slaves. Its creative movement was the opposite of that in our democracy. Modern times have achieved a zone of freedom and of a private life as opposed to the State. Athenians had no freedoms except those the city left to them. A modern State is not concerned with the morality of its citizens other than in specifically defined

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cases, whereas the right of an ancient city to look into the private lives of its citizens was unlimited, even if it was rarely exercised.

Comparing the freedom of the ancients to that of modern man, Benjamin Constant said that the city was free but that the citizens were its slaves. Jellinek⁶⁷ has shown that it was too much to say that “for the ancients as well as for modern men, the individual enjoys a sphere of free activity, independent of the State, except that antiquity was never able to comprehend the legal nature of this sphere of independence,” to guarantee freedoms formally. But rather than being a void or a simple lack of knowledge, was it not instead the symptom of a radical difference? As Menzel said⁶⁸ in this memorable study of the trial of Socrates, “it is no less true that this freedom was simply a fact, that it had never been a subjective right which could be opposed to the State.” Even if they are often violated or reduced to nothing, human rights do still exist for us. What existed in Greece, on the other hand, was the right of the city to look into the private affairs of the individual and this right was nothing other than a corollary to the militant presupposition. The citizen was not a sheep in a flock of the governed but an instrument of the city which expected of him the private morality which our States expect from their agents. The right of inspection had the same degree of reality, then, as the militant “discourse;” it was rarely used in practice. It was applied in the trial of Socrates. To institute liberties opposed to the city would have been unthinkable and immoral. It was already too much that the city was reduced to formulating prohibitions and specifying them one by one. Good citizens needed only draw up equally detailed prescriptions; their conscience would suffice to dictate to them in each case what should or should not be done.

Isocrates preferred civic morality to written laws. Only the ignorant “could think that men are better when laws are more detailed,” as if morality could be inculcated by decree! “It is not in this way that quality and virtue are developed. These come from every-day habits. The number and definition of laws are the sign that a city

⁶⁷ Georg Jellinek, *Allgemeine Staatslehre*, 3rd ed., 1921, p. 307.

⁶⁸ Adolf Menzel, *Hellenika*, Vienna, 1938, p. 59.

is poorly organized and that it is reduced to throwing up barricades against faults in order to remove many of them. If we follow the true path of civic virtue, we need not fill the walls with the texts of laws, but we should inscribe duty in the soul.”⁶⁹ In sum, when citizens know how to govern themselves and when their zeal for the law dictates their conduct, there is no further need of barricades. But what if their zeal was deficient? In that case the simplest thing to do would be for the city to inspire their consciences directly with a masterly eye instead of channeling them for better or for worse with barricades. We can guess the rest: the militant ideal, which was readily inquisitorial, and the most laxist reality, in which all that is required is that the law be respected, correspond respectively to the two possible modes of power between which Greek thinking hesitated.

The best modality would be that the city have a direct connection to the soul of its subjects instead of governing them from the outside with orders and prohibitions. If citizens were fully educated in obedience to the rules, in *eutaxia*, each of them would bear the Law of the city in his soul, and the city would not be reduced to governing *en masse* an antire flock of citizens, limited to correcting their faults after the fact. Each citizen would follow the right path. But since this ideal is almost never realized, since education is never perfect (and this is why we talk about it so much), the city is forced to substitute itself for the deficiencies of conscience. It attempts to monitor the private morality of each one.

But why monitor it, instead of saving public severity for acts which harm others or are detrimental to society as a whole? Why should private vices be of concern to the State? This is what we will see further on. For the Greeks, in any case, it was evident that one’s private life was not indifferent to the State. When they attempted to explain why, they noted that prevention was better than a cure. Indulgence and wealth create undisciplined characters, as we know, and “love of innovation is also caused by habits in private life. It is good to create some sort of magistracy which will keep an eye on those whose way of life is not without danger for the constitution.”⁷⁰ It is good to prevent bad masters from corrupt-

⁶⁹ Isocrates, *Areopagiticus*, 39-41.

⁷⁰ Aristotle, *Politics*, 1288 B 20, Tricot transl.

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ing youth.⁷¹ No one protested against this principle; neither Plato nor Xenophon invoked freedom of conscience in defense of Socrates. Legally atheism⁷² was to be condemned in their eyes, and they did not argue other than from the facts. Socrates was not really an atheist. Had he been, Plato would have been the first one to make him drink the hemlock. The death penalty awaited the impious in the city of *Laws* whose citizens lived under the surveillance of all authorities and in the midst of denouncers whom Plato does not refer to as sycophants. Real cities sometimes instituted magistrates responsible for private morality: ephors, gyneconomes, the censors of Rome, the Areopagus in Athens.

It is no surprise to learn that the activity of these inquisitors remained or was limited to creating examples. An ancient archon was excluded from the Areopagus for having dined in an inn,⁷³ which was considered very loose conduct.⁷⁴ Nor did a good citizen dissipate his patrimony⁷⁵ on pleasures. An Athenian who ate with courtesans dared reply to the censure of the Areopagus that he could do what he wished with his money.⁷⁶ It is true that this defender of the right to a private life was no longer to be considered a citizen and that he became the agent of the kings of Macedonia who at that time held Athens as a protectorate.

⁷¹ On the legal basis for the accusation against Socrates of having corrupted youth, see Menzel, p. 26. In my opinion we must suppose that corruption was judged not from its material effects (the acts of youths qualified as corrupt), but from the content of instruction. Corruption was thus what we would call an opinion violation (but this expression would have had no meaning for a Greek).

⁷² "Socrates does not honor the same gods as the city." For *theos nomizein*, see Menzel, p. 17, and W. Fahr, "Theos nomizein," *zum Probleme der Anfänge des Atheismus bei den Griechen*, Hildesheim, 1969, which shows, p. 156, that Plato changed the meaning of this expression to conform to his own religious views. For the Greeks, religion was defined not by the criterion of a profession of faith in which one confessed "belief" in the gods, but from cultic practices. It is clear that the practice supposed belief, just as action supposes intention.

⁷³ Athenaeus, XIII, 566 F. That is Hyperides, fr. 138 Kenyon.

⁷⁴ Isocrates, *Areopagiticus*, 49. In Rome the "good" emperors, enemies of licence, forbade inn-keepers to sell food.

⁷⁵ One of Solon's laws prescribed etimy for those who squandered their patrimony (Diogenes Laërtius, I, 55). The censors of Rome manifested the same severity toward the knights, who, as public figures, were made (as were Greek citizens theoretically) to follow a stricter morality. See Quintilian, VI, 3, 44 and 74. Abderus punished the philosopher Democritus for having squandered his patrimony (Athenaeus, 168 B).

⁷⁶ Athenaeus, IV, 167 E-168 A and 168 EF. A Roman knight responded similarly to the reproaches of a censor, "I thought my patrimony belonged to me" (Quintilian).

Aristotle had in fact said that tyranny was indifferent to private morality,⁷⁷ no doubt because a tyrant no longer has fellow citizens but only slaves.

Could the Athenians, on the other hand, remain indifferent to the impiety of one of their fellows? Socrates' irreligiousness only involved the obligations of individual morality (there was no State religion forming a special order of things). But "every militant is a public person," as a proverb somewhere puts it. Socrates was condemned. He could have escaped, but the Laws of his country told him in a dream not to do anything. "What are you thinking of, Socrates? Do you want to ruin us, the Laws, and with us the city itself?"⁷⁸ For only the Laws allow a city to maintain itself.⁷⁹ Socrates preferred to undergo an unmerited death than to give an example of disobedience to the laws and to ruin thereby what was in his eyes the framework of his country. He is comparable to those old Bolsheviki who, when condemned in a rigged trial, died without a word out of party patriotism and in order not to disrupt an organization in which discipline was the primary force. This is perhaps sublime; what if it was not sublime? It would be revealing.

Revealing of what ancient politics believed itself to be.

If we ask how individual morality is important to the State, a thousand responses, all false, can be and have been made by political leaders: fear of scandal and of contagious example, protection of individuals, magical fear of the consequences of impiety on society, the idea that personal morality is the weak point in the thread and that if this point breaks, the social fabric will unravel. These bad reasons are of little importance; rationalizations count less than the force which obliges beliefs in them and causes them to reappear time after time. Bergson termed this force social obliga-

⁷⁷ Aristotle, *Politics*, 1919 B 30.

⁷⁸ Plato, *Crito*, 50 AB.

⁷⁹ Aristotle, *Rhetoric*, I, 4, 1360 A 19; cf. *Politics*, 1310 A 35: "to live in obedience to the constitution is not slavery but, on the contrary, salvation" (for the city, and citizens with it); Plato, *Laws*, 715 D.

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tion, for he placed moral energy in the pressure exercised by others, by society, and not in a Kantian imperative. Opinion cannot help but be scandalized by private vices. If it wants to be political, it will give its moral indignation a political rationalization. If it is armed with a secular arm, it can be rigorous, even if the accused party's wrong is completely a matter of something he thought about in his mind. There is no specific nature original to politics. The first state of indistinction is offered in Plato's *Laws* where morality and civic obligations are on the same level. The State can impose a private morality as long as it is not distinct from society and its opinion. It remains to be seen in what case opinion has a secular arm available. We are going to rediscover here the two modes of authority between which the Greeks hesitated.

When authority is exercised directly, opinion reigns and the city is nothing other than the sum of its members. To govern is not a special profession with its own maxims and *esprit de corps*. The same individuals govern the city, that is themselves, and constitute public opinion, source of obligation, always ready to censure others and consider deviations as a personal challenge. The city harasses a fellow citizen whose conduct is scandalous just as it stirs itself up against an enemy city. Let us suppose, on the other hand, that a specialized structure takes power or that all power is handed over to it. This separation of roles would entail the creation of a special domain, that of politics, which would issue from a new kind of authority. For the governing team, citizens are no longer peers whose private lives are the subject of neighborhood gossip and their eventual deviations are not a matter of State. They do not compromise the survival of the civic flock. Politics now deals with no more than the collective interest. It matters little if the flock frolics as long as two of them do not fight or bring disorder into the ranks. All that counts is public order and public welfare: The rest belongs to private life. There is no need to give private life a formal right to be free; but perhaps even more than this is done, for it is forgotten.

Preferences are divided between these two forms of authority, which is understandable. Their respective efficacy is practically the same, and in our own times we have seen dictatorial regimes float between puritanism and a laxism wrongly supposed to be depoliticizing without their authority being either increased or diminished

in any way. On the other hand the feelings they provoke and the efforts they require are unequal. For professional politicians, control over the life of each is nothing more than useless zeal which is tacitly renounced. Politics occurs at the level of mass effects. If an official puritanism is imposed nevertheless, it will be so less as a method of governing than by way of a threat. To forbid moral laxism means forbidding subversive ideas as well and means that each citizen must feel himself to be the instrument of the State which is the conscience of its members.

Thinkers, on the other hand, took puritanism seriously. Plato, Isocrates and Aristotle preferred the method of control of conscience to that of controlling the overall conduct of the flock. They reproached Athenian democracy for having abandoned the former and for allowing everyone "to live as he wants",⁸⁰ for it is human to impute inevitable evolutions to a political regime which one does not like. Intellectuals are fearful and proselytes. Less sensitive to aggregates than politicians, they become disturbed by isolated disorders which they take to be symptoms. Their ethical zeal causes them to distinguish poorly between politics and individual morality which they take to be a political necessity. Public opinion has the same reflexes. It assimilates the government of civic aggregates to educative control of a household and demands severe authority.⁸¹

Antiquity constantly witnessed the rebirth of a militant ideal which had little to do with its actual politics except when reformers undertook to instill an even more demanding ideal. For in periods of agitation the civic ideal was taken quite literally. Socrates had

⁸⁰ Aristotle, *Politics*, 1310 A 30 and 1317 B 10; Isocrates, *Areopagiticus*, 37 and 20 (cf. *Politics*, 1290 A 25); Plato, *The Republic*, 557 B.

⁸¹ Immorality is either a direct threat to the city or a disturbing symptom. In the absence of public surveillance, morals become corrupt (Isocrates, *Areopagiticus*, 47); when each person does only as he pleases it is a sign that the city is disintegrating and that the citizens are as independent from one another as cities themselves are from one another (Aristotle, *Politics*, 1280 B 5). In antiquity the recurring theme of current disorders in morality was due to a quite natural illusion. Politics was conceived as nothing less than a control over every instant, whether this control came from the moral sense of each one, formed by education, or whether it came from public authority. However, it was confirmed that unfortunately such control hardly existed. The conclusion was that people surely were taking advantage of this to act badly. The theme of decadence in reality masked the irreality of the ideal.

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the misfortune to live during one of these periods of zeal. It is true that, with regard to the ideal itself, he was of the same opinion as his murderers.

René Char must have the last word: "History is a long succession of synonyms for the same word. To refute this is a duty."

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