

SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



DEMOCRACY: A LIFE  
*STATEMENT*

BY  
PAUL CARTLEDGE

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# Democracy: A Life

## *Statement*

Paul Cartledge

### I

#### *Status quaestionis*

**M**y book *Democracy: A Life* was originally published by the Oxford University Press (New York, followed by Oxford) in March/April 2016. Coincidentally – in the sense that the timing of publication had not been specifically so targeted – that fell in the middle of two crucial democratic campaigns: the EU referendum campaign in my own country (due to be held on June 23, 2016), and the US Presidential campaign.

To accompany the book's publication, and typically prompted by it, I engaged in a raft of associated publicity activities: spots on radio and tv (local as well as national), blogs, online interviews, podcasts, book festival and bookshop presentations: the usual slew – except that I do not myself use 'social media' (Facebook, Twitter, the like) and so relied on the kindness of friends who do to spread

the word (not only of the book's existence but also of the associated public events).

The book was itself based on a four-year (2009-13) series of 24 lectures delivered to Cambridge University undergraduates in their final year reading for either the Classical or the Historical Tripos degree. (Numbers fluctuated between 15 and 20, typically half Classicists, half Historians; invited lectures were delivered by generous colleagues in Politics – Gareth Stedman-Jones, David Runciman; supervisions – i.e., individual tutorials – were conducted not by me, but by Classics Faculty colleagues, postdocs and graduate students.) The pedagogic inspiration and slant were for me crucial, so I was especially pleased whenever I was invited to address undergraduate societies both inside and outside Cambridge, and indeed secondary schools. (I once, to my initial alarm, found myself unexpectedly talking about democracy with a class of 13-year-olds at a newly founded state school near Cambridge.)

Almost exactly two years after its first publication *Democracy: A Life* was reissued by Oxford University Press, the main text unchanged barring a few small corrections but afforded with what I hoped was a significant new 'Afterword.' In those three pages I was able to comment on what in less formal, oral/aural contexts I would refer to as the most extraordinary – *atopos*, the ancient Greek word, literally without or out of place, catches it precisely – period for democracy in my personal experience of it during the past half century of my active and self-conscious political life (I 'came of age' politically in March 1968, aged 21) in both the UK and Ireland. That period of almost exactly 12 months encompassed the 'Brexit' referendum (over 33 million voters), the US Presidential election (a popular vote registered by some 129 millions), the French Presidential election of 2017 and the 'snap' – i.e., out of the normal cycle – General Election called by UK Prime Minister Theresa May

in June 2017 (which to her and our consternation resulted in a ‘hung’ Parliament, no one political party having secured by itself an overall governing majority).

The subject of this Symposium could therefore hardly be more important or more topical. As I write this (April 2019), up to one million (*sic*) voters are expected to participate over several weeks in the current Indian general election. By contrast, on one fixed day in May 2019 Australians will be invited to vote in theirs, under a system in which voting is legally compulsory. At first blush one might therefore think that democracy was in a robustly healthy state, or at any rate that democracy’s glass was still at least half-full. Against that I would suggest that democracy – in the shape of our Western, indirect, representative, parliamentary versions of democracy – is surely in crisis. In the ancient Greek sense of *krisis* – a moment of decision. The crisis has several key aspects, not least the rise of what is far too vaguely and emotively labelled ‘populism’, in fact all too often a toxic compound of anti-elitism, nationalism, and racism.

One of the most key aspects, or so it seems to me from a political-theoretical as well as pragmatic viewpoint, is the relationship between the UK’s normal, that is representative, mode of doing democracy and the quite recent and frequent resort to the referendum. The latter may on the surface seem to be a mode of political decision-making that offers a useful solution to deep-seated, intractable problems of the normal mode. The latter has been developed, often painfully, since the later 17th century in Europe, and takes variant forms – including the UK’s mixed constitution (an odd combination of a ‘constitutional’ monarchy with an elected lower chamber and an unelected upper chamber, the House of Lords). But in fact, at least when it is misunderstood and mismanaged, as it conspicuously was in the UK in 2016, the referendum mode complicates or even threatens to destroy our

normal mode. It cannot simply be used as an add-on or get-out-of-jail card. Historically, (versions of) direct democracy are or rather were the normal mode not of US but of the Ancient Greeks – who of course invented it. The question that we – or most of us – have yet to resolve is whether electoral, parliamentary democracy and direct democracy are oil and water, chalk and cheese, even fire and ice – or are they rather or can they be made somehow compatible, even complementary?<sup>1</sup>

## II

### **Aims and Objectives: *Demokratia* and/versus Democracy**

1. Being one of those historians who believe – with Benedetto Croce – that all history is contemporary history (i.e., although history-iography is about the past, or rather a past or pasts, it is the historian who makes history out of such past facts as s/he believes to be authentic and credible and tells that history in a way or ways that are deemed meaningful to contemporary and ideally also future audiences), I am – and have as long as I can remember always been – concerned with ‘how to do things with history’ (the title of a wonderful collection of essays kindly edited and dedicated to me by distinguished former students and present colleagues, also published by OUP/New York, 2018). This modified, ideally nonvicious presentism is the concern underlying and informing my

<sup>1</sup> Already during the botched campaign for the 2016 UK ‘Brexit’ Referendum I tried to sound some notes of due caution: <http://www.historyandpolicy.org/opinion-articles/articles/referendums-ancient-and-modern> (April 26, 2016). For my more or less immediate – July 25, 2016 – and disabused reaction/reflections, see my paper in *Eidolon*: <https://eidolon.pub/brexitology-brexitography-7d644c389f4f>. (A later set of responses is here: <https://adfamiliares.classicsforall.org.uk/paul-cartledge-chews-over-the-issues-involved-in-discussing-democracy-ancient-vs-modern/>)

long-run history of democracy both ‘ancient’ and ‘modern’. Or rather, ancient (c. 500-300 BCE) as compared/contrasted with variously post-ancient and modern. (To clarify: the book’s subtitle ‘A Life’ was not actually of my own devising and should not mislead readers into supposing I think democracy to be something retrospectively analysable into an organic, let alone evolutionary life-cycle of birth, life and death. But insofar as it suggests subjective interpretation – ‘a’ life, not ‘the’ life – and conjures associations of animate, material, human activity rather than static institutional sterility, I am not entirely unhappy with it.)

2. The book had and has three main objectives:

i. to try to describe and explain how and why *demokratia* – both the word and the thing (or rather things) came into being during the 6th and 5th centuries BCE in ancient Hellas. I started therefore with and from linguistics: sociolinguistics and etymology. The English word ‘democracy’ and its contemporary equivalents (often simply a loan-word in other contemporary languages) mean something very different from the *kratos* of the ancient Greek demos. Nor was ancient Greek *demokratia* itself unambiguous or unambivalent. *Kratos* meant might, power, strength unambiguously enough, but demos could be construed in several ways: village (ward, parish in political terms), the People in the sense of the entirety of a citizen body of a polis or citizen-state, and/or ... the majority/mass of such a citizen body, i.e. the poor majority. So, for the interpretation theoretical or practical of *demokratia* an awful lot depended on one’s point of view, and that in turn – if Aristotle is to be trusted (as I believe he is) – depended essentially and chiefly on one’s socioeconomic status.

ii. to try to describe and explain how versions of *demokratia* spread and developed in the ancient world, and then all became diluted and eventually turned on their head between the 4th century BCE and the 6th century CE (when, in Christian Byzantine

Constantinople, the word *demokratia* could be (ab)used to mean ‘riot’, an extreme form of popular political misbehaviour or mob-rule). Two particular ‘moments’ were deemed to be of the greatest significance to the – or at least my – (hi)story: the Hellenistic, and the Roman Republican. In the post-Classical, post-Alexander (the Great) Hellenic world of the eastern Mediterranean in the third and second centuries BCE the term *demokratia* retained all its currency of the 5th and 4th centuries. But did – to take the sharpest, Athenian example – *demokratia* in official Athenian parlance mean the same in the 270s or 170s as in the 370s? Unsurprisingly – not. But then the Athenian *demokratia* of the 370s was not by any means identical to that of the 470s (if indeed – scholarly opinions differ – one grants the existence of any sort of *demokratia* in the 470s, as I would myself insist). However, in my view *demokratia* in the 270s at Athens had already taken on the protean, less than scientifically exact, emotive tone and sense that ‘democracy’ has acquired in our own times. It signified more independence (of a territorial monarch) and republican (non-monarchical) governance rather than full-blooded People Power.

The Roman Republic is a rather different issue. It would have been mighty odd if what passed for a Late Republican (c. 150-50 BCE) Roman ‘constitution’ had in any serious way replicated the direct-rule, full-on, transparent form of actively participatory people-power practised in (infinitely smaller-scale) Greek cities of the 5th and 4th centuries, since all leading Roman Republican theorists were quite adamant that that form of citizen self-rule was an extremely bad thing, to be avoided and if possible exterminated. But the romanising Greek historian-politician Polybius of the 2nd century BCE had not scrupled to talk of a Greek-style demotic dimension to the Roman Republican mode of decision-making and governance, and his lead has been followed by several influential modern historians. It was therefore necessary for me to distinguish as sharply as I could in reasoned argument the Rome of Cicero



from the Athens of Demosthenes, politically speaking, in terms of ideology ad practice alike.

There was no Latin equivalent of *demokratia*. But roughly half the Roman imperial world was in its upper layers Greek-speaking, and *demokratia* retained a currency, albeit in ever more grossly degenerate forms. I singled out two low points: the second-century rhetor Aelius Aristides hymning the Roman empire as a ‘perfect democracy – under one man’, and John Malalas’s sixth-century branding of a riot in the Constantinopolitan hippodrome as an example of *demokratia*, meaning mob-rule. (There had always been anti-democratic critics who thought of *demokratia* in that way; it may indeed have been they who gave *demokratia* its – bad – name.).

iii. My third and final main aim was to sketch in (very broad, even crude) outline how and why, beginning in the 17th century in England, then spreading to the US and France in the late 18th, and more widely in the 19th, popular republican politics was revived and in time given the old Greek-derived label of ‘democracy’ – even though that old word was now being re-used and re-purposed in a new sense almost opposite to its original one: government of the people and ideally for the people, but emphatically not (despite Lincoln at Gettysburg) by the People. ‘People’ of course has always been a term of artfulness, never mere literal descriptiveness. What I consider to be the toxic, cancerous growth of ‘populism’ today is a lineal ideological descendant of such grossly, abusively loose usage.

### III

#### Conclusions

To conclude on a comparativist – and cautious – note. The past is a foreign country: they did things very differently there. I mean,

they did digital democracy (voting with their hands and fingers in various ways) but not digital in our modern, IT sense, so no Facebook, no Cambridge Analytica, indeed no communication at a distance whatsoever – and no cyberwarfare of any kind in the ancient Greek world of Hellas. Hooray! Moreover, in perhaps no other area of life is the comparison or rather contrast between then and now, between ancient Greece and the contemporary world, potentially more misleading and damaging than in the sphere of ‘politics’ and ‘democracy’. Aristotle’s *Politika* meant ‘Matters to do with (the peculiar ancient Greek state-form) the polis or citizen-state’, not ‘politics’ in any of our senses. *Demokratia*, as noted above, could mean rule by the poor masses as well as government of/by/for ‘the People’.

On the other hand, I am not arguing that ancient direct democracy and modern representative democracy are at all times and in every possible way incompatible. There may even be a case for holding referendums at a national as well as at the local level, depending on circumstances and on local political history and culture. But caution – and precision – must always be the watchwords. I have hated being proved right, but it has frankly to be admitted that, following – and in the gloomy light of – the outcome of that Referendum, some palpably serious damage has been inflicted upon the already complicated and eclectically mixed UK constitutional process.

Yet amidst the gloom there are some shafts of light. Some scholars and commentators, for example, would sensibly wish us to distinguish in regard to referendums between genuine, bottom-up direct democracy and clumsy exercises in top-down and top-heavy party-political strategizing. Others – not least those who have firsthand experience of it – would point to the current, relatively sophisticated and extensive Swiss practice of operating direct-democracy initiatives via referendums within a

representative democracy; though admittedly this is within a very young (only post-1972) full-adult-suffrage democracy, and within a nation-state of which as many as one quarter of its legal residents are not qualified as voting citizens. But do we need more referendums? Perhaps – but only if and when they are more carefully moderated and thought through in advance than was the disastrously framed and managed UK ‘Brexit’ referendum of June 23, 2016.

Recent discussions such as that on the BBC radio World Service strand ‘The Real Story’<sup>2</sup> and that in the pages of *le Monde*<sup>3</sup> also give hope for a brighter future, whereas British parliamentary ‘debate’ in both the Lower (elected, Commons) and the Upper (unelected, Lords) Houses of Parliament very sadly does not. All, or most of us, though, would surely agree with Pierre Zémor, former President of France’s national commission on Public Debate, that “For democracy to be representative, it must be participatory”.<sup>4</sup> The question is how that participatoriness is to be managed and tended in the most fruitful ways.

## IV

### Reaction and Counter-Reactions: the way forward

<sup>2</sup> <https://www.bbc.co.uk/programmes/w3cswkfj>

<sup>3</sup> Marie-Anne Cohendet and Jean-Baptiste de Montvalon, “Le référendum, démocratiquement correcte ?,” *Le Monde*, also 23 Février 2019.

<sup>4</sup> “Pour que la démocratie soit représentative, il faut qu’elle soit participative,” *Le Monde*, 23 Février 2019.

Reviews of the 2016 hardback of *Democracy: A Life* to date include: R. Fuller;<sup>5</sup> J. Hanink;<sup>6</sup> J. Kierstead;<sup>7</sup> and B. Dobski.<sup>8</sup> But what I hope this Symposium will do above all is take the story, the argument, forward, along parallel lines to those sketched by Brook Manville and Josh Ober in their recent *In Search of Democracy 4.0*.<sup>9</sup>

Were I to be writing *Democracy: A Life* now, I would be obliged to take such fresh commentary into account. Plus the work of my new best friend Paolo Bellini.<sup>10</sup> And like Andrew Gamble and Tony Wright, co-editors of the new essay collection *Rethinking Democracy*,<sup>11</sup> I would wish to dedicate it – not only as before to John Lilburne and Josh Ober but also – to “our grandchildren, citizens of the future.”

*Clare College, Cambridge*

<sup>5</sup> *LA Review of Books*, April 15, 2016.

<sup>6</sup> “Democracy When?,” *Eidolon*, June 20, 2016. <https://eidolon.pub/democracy-when-c42cc2494faa>

<sup>7</sup> *POLIS* 35 (2018): 603-6.

<sup>8</sup> *Society* 55 (2018): 568-71.

<sup>9</sup> “In Search of Democracy 4.0: Is Democracy as We Know It Destined to Die?,” *IEEE Technology and Society Magazine* 38(1), March 2019: 32-42.

<sup>10</sup> Such as (in English): “Good government, democracy and liberalism” ([http://fqp.luiss.it/files/2018/03/PPI\\_01\\_Bellini\\_vol7\\_n3\\_2017-1.pdf](http://fqp.luiss.it/files/2018/03/PPI_01_Bellini_vol7_n3_2017-1.pdf));

“Virtualization of the Real and Citizenship: People, Power, Society, and Person”: ([http://fqp.luiss.it/files/2016/11/6\\_Bellini\\_PPI\\_vol6\\_n3\\_2016.pdf](http://fqp.luiss.it/files/2016/11/6_Bellini_PPI_vol6_n3_2016.pdf));

“Conflict, tolerance and power legitimization”: ([http://www.metabasis.it/articoli/21/21\\_Bellini.pdf](http://www.metabasis.it/articoli/21/21_Bellini.pdf)); “The Technological imaginary of power and the myth of the saviour” ([http://www.metabasis.it/articoli/12/12\\_Bellini.pdf](http://www.metabasis.it/articoli/12/12_Bellini.pdf)).

<sup>11</sup> Andrew Gamble – Toni Wright (eds.), *Rethinking Democracy*, Wiley-Blackwell, in association with Political Quarterly, 2019.

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DEMOCRACY AND ITS IMPLICATIONS  
AN INTRODUCTION

BY  
FABRIZIO SCIACCA

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# Democracy and Its Implications. An Introduction

Fabrizio Sciacca

**P**aul Cartledge offers us a valuable opportunity to review, currently of a problematic and dramatic nature, the question of *what is democracy* and its important implications.<sup>1</sup> In dealing with such an abused topic, these pages will not follow a chronological order but, rather, a logical-conceptual itinerary that is, by necessity, trans-historical. I will look at the concepts that bind some of these problems together and I will try to propose some reasoning. So, what is democracy?

If we answer the question following the etymological tradition then it brings us to a series of contradictions, the first of which implies that democracy as a government of the people, according to such a conception, is an impossible form of government. In this sense I agree with the difficulty posed by Hans Kelsen, regarding

<sup>1</sup> Cartledge 2016.

the question of defining ‘people’ in these terms, besides the problem of the object being its own power.<sup>2</sup>

Furthermore, democracy, in this sense, would be a political form (such as aristocracy and monarchy) and the same classical objections can be raised against it by the likes of Herodotus, Xenophon and the Athenian Anonymous, to name but a few. Indeed, faced with these, democracy would certainly be open to a technocratic argument; that a political professionalism would be difficult to find in most people or even entirely in themselves. In this sense, it would appear more reliable, according to the teaching of Plato, to accept the government of a few or even that of one. Therefore, the road should be another, especially considering that, in the modern age (at least from John Locke onwards), democracy was and is always conceived as ‘representative’, or as a power entrusted, not to the people directly but to its representatives. And here is the slippery ground that lies at the root of the problem of

<sup>2</sup> “But the question as to what is the interest of the people may be answered in different ways, and what the people themselves believe to be their interest is not necessarily the only possible answer. It may even be doubted whether there is such a thing as an opinion of the people about their own interest and a will of the people directed at its realization. Hence a government may consider itself to be a government for the people—and as a matter of fact every government does so—although it may not be a government by the people at all” (Kelsen 1955, part II, 2). Kelsen has a relativist conception of politics which does not coincide with a pluralist conception of politics (which we will later see exemplified by Rawls and therefore with the idea of pluralism of values). Values, as Kelsen sees them, exist as a possibility alongside others, and as such they do not need to be further justified. To opt for a value and not for another implies a moral choice that admits the possibility of  $x$  having values other than  $y$ , without the values of  $y$  having to be indifferent to  $x$  and vice versa. The object of knowledge is a value of justice (i.e. freedom or equality), that’s all. The values are relative. What is important to know, for Kelsen, is the best practicable value: for Kelsen that is democracy, as the fulfilment of values such as equality and freedom.



representation. Representative form is simply a constitution that guarantees the separation of executive and legislative powers because democracy (in its direct form) necessarily consists of a founding ‘despotism’, “because it sets up an executive power in which all citizens make decisions about and, if need be, against one (who therefore does not agree).<sup>3</sup> From this we see the definition of democracy does not consist in that of ‘government’ of the people, but in its own sovereignty: a term alien to ancient thought, which appeared at the end of 500 BC together with the idea of ‘state’, the latter understood as the political organization of a company. The concept of sovereignty indicates the power of command in a political society and therefore the power of command in a form of state. It is therefore the work of juridical rationality, which is expressed as the transformation of force into legitimate power. The alternative political forms to democracy would no longer be those traditionally drawn, such as the government of one or a few but in the totalitarian or autocratic governments, that is, the dictatorship of one; one party, one class or one race. In this vision, the degenerate form of democracy would still be the government with the greatest majority.

The Greeks had posed valid considerations of this problem from the very beginning in terms designed to smooth the path through this very dilemma. At the end of the fourth century BC, in Athens there was a debate that had culminated in the constitution of Cleisthenes and its dissolution with the advent of the Thirty Tyrants. This debate concerns the very essence of democracy. It is power of the *demos*, or of the *demos* according to the *nomos*. If we want to better understand the real meaning of modern democracy and the elements that emerged in that debate twenty-five centuries ago, it is first necessary to ask what today could be a source of democratic ontology? Not the laws, because

<sup>3</sup> Kant 1983, 114.

they form the object of democratic government, and therefore are downstream of democracy. Not even natural law, which is hardly compatible with the legal conceptions of our time or with the philosophical principles concerning the human condition; equality, freedom, human rights, enshrined in the Declaration from Eighty-nine onwards. We must look elsewhere. For example, there is a possible ethical motivation to democracy. What do we mean?

Equality appears to be closely linked to democracy. Just like freedom, equality is certainly a relative and philosophically friable notion. In its purest state, it would be impossible to even conceive of it. However, whatever conception of equality is adopted (equality of what?), it is difficult to support a democracy of inequality. The utopians who have described equality (from Phaleas of Chalcedon and Hippodamus of Miletus to Thomas More, Francis Bacon, Tommaso Campanella and so on) have always theorized an equality relative to the human condition: economic, social, legal, religious and political. Of course in this sense relativity is limited, for example, in political equality, which becomes an historical or diachronic relativity and proceeds with the same methodology as democracy. Democracy is indeed an *idée-force* that necessarily expands towards equality, otherwise it loses its ethical motivation and turns into an opposite Polybian or Aristotelian system: the government of the largest number.

Equality (or rather the continuous search for an approximation towards equality) is therefore the ethical motivation of democracy. In what way? Here the discourse gets complicated because we would first need to understand what kind of equality modern democracy could relate to: as other political systems, such as socialism and communism are inspired by the same concept of equality. The boundaries between democracy and socialism, on this side of the political topography, are very uncertain. I recall the relativistic position of Kelsen, stated in the epilogue, according to

which democracy, as a political system, is not necessarily tied to a given economic system, which also justifies, for Kelsen, the failure of all attempts to prove the existence of a closer relationship between democracy and capitalism rather than between democracy and socialism.<sup>4</sup> Democracy and socialism, however, tend to move toward equality: the first, with a strong emphasis on equalizing everyone's political capacity (whereas socialism is merely moving towards economic equality). Both also affirm a concept of equality which is not only legal, but social. This is an equal assumption whose meaning is enshrined by the Italian Constitution (art. 3). A central point to the problem is that equality is an impossible condition of freedom, but also as difficult (if not as impractical) as freedom to be pursued. In fact, there is a need for a constant commitment by public institutions to provide resources to reduce inequalities that society perpetually produces. The problem of welfare is a significant aspect of this. Simply put, democracy serves to do things, not produce ideas (democracy is already an idea): either democracy is interventionist or not at all. And if that's not democracy, what is? Is it possible for a democracy to exist in an economic and social system that does not pursue equality? Is a true democracy possible in our contemporary globalized world? What does this word really mean today?

Modern democracy could be defined, in the words of Tucidides, as *apathy*: a lack of direct participation by the citizens towards the most important decisions is an intrinsic value of the ancient polis. A representative, modern democracy is a semantic denial of its etymological root: 'power of the people' is an anti-nomic and

<sup>4</sup> "The result of the foregoing analysis is that the attempts at showing an essential connection between freedom and property, as all other attempts to establish a closer relationship of democracy with capitalism rather than with socialism or even the exclusive compatibility of democracy with capitalism, have failed. Hence our thesis stands that democracy as a political system is not necessarily attached to a definite economic system" (Kelsen 1955, 94).

misleading expression. According to the ‘democratic’ principle of representation, no political decision is in itself ‘democratic’: (in a representative sense) the conditions are anything but. From this point of view, the legitimization of democracy based on an ethical motivation inspired by the protection of individual rights is not an endogenous element of the democratic procedure, and not even a necessary one: it could be a possible contingency of any form of government.

From a logical point of view, an autocratic government could guarantee even better expressions of equal individual freedoms rights or abilities. Isaiah Berlin explicitly points this out: “Just as a democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society, so it is perfectly conceivable that a liberalminded despot would allow his subjects a large measure of personal freedom”.<sup>5</sup> One could say, thus, that in Frederick the Great’s Prussia men with imagination and originality were less persecuted and less oppressed by certain democratic institutions.

John Stuart Mill’s annoyance with democracy is well known, given the only valid form of government but also potentially the most oppressive. A first danger of democracy “lies in the sinister interest of the holders of power: it is the danger of the class legislation; of government intended for (whether really effecting it or not) the immediate benefit of the dominant class, to the lasting detriment of the whole”.<sup>6</sup> A second: false democracies will also go into disrepair. “In the false democracy which, instead of giving representation to all, gives it only to the local majorities, the voice

<sup>5</sup> Berlin 2017, 176.

<sup>6</sup> Mill 2008, 299.

of the instructed minority may have no organs at all in the representative body”.<sup>7</sup>

Even a great defender of democracy like Alexis de Tocqueville is forced to admit that “when the equality of conditions grows up amongst a people which has never known, or has long ceased to know, what freedom is (and such is the case upon the Continent of Europe), as the former habits of the nation are suddenly combined, by some sort of natural attraction, with the novel habits and principles engendered by the state of society, all powers seem spontaneously to rush to the centre. These powers accumulate there with astonishing rapidity, and the State instantly attains the utmost limits of its strength, whilst private persons allow themselves to sink as suddenly to the lowest degree of weakness”.<sup>8</sup>

As Elias Canetti also points out in one of the most beautiful pages, “No one has ever really believed that the opinion of the majority is a vote for both dominance and wisdom”.<sup>9</sup> In modern parliamentary majorities, democratic expectations are based on consent. Consensus is not a resipiscent manifestation of will, but it is technically a vote. In this sense, consensus is the precondition for the legitimacy of power. Legitimization assumes the consensus: it is a metaethical value that underpins political power. A vote is none other than two possibilities contained in the need for binary logic: Yes or no. To think that in these two possibilities there is a superior form of abstraction that has two explanations. The first is political, the second is philosophical.

Good politics is generally motivated by an attempt to solve problems rather than create them. Moreover, politics is not called to solve the problems posed by philosophy, but to solve the

<sup>7</sup> *Ibid.*, 313.

<sup>8</sup> Tocqueville 1863, II, 369.

<sup>9</sup> Canetti 1960, 213 (my translation).

previous problems created by politics itself. Domestic politics, particularly, has mostly tried to solve problems that political governments have failed to resolve or, worse, that their precedents have created. Of course, to say that politics works with democratic logic (procedural resolutions adopted by majority vote) is not the same as saying that politics is in itself sensitive to ethical inspirations. In general, politicians make use of ethics (or rights) to use rational arguments aimed at explanations or to obtain consent. In the Aristotelian tradition, these are rhetorical instruments aimed at creating expectations of trust in their recipients. Politics therefore has a psychological aspect that aims to communicate the idea that salvation exists and is of this world, and that is what we aim to convey through rhetorical argument. The purpose of this policy is transcendental: making knowledge possible through the communication of sensitive data.

The philosophical explanation can be stated as follows: philosophers deal with theories and elaborate schemes. When they are good, theories are generally the fruitful product of the pen and reason. It is perfectly explainable, therefore, that a philosophical theory is an attempt at a coherent arrangement of thought, equipped with rational arguments and sometimes ethical inspirations. Yes, the philosopher poses problems and does not think of solving them. He asks questions more than he answers. Therefore, a true philosophical theory is never an answer to a problem, but it is the position of the problem itself. All respectable philosophical theories of democracy, from the ancients to the moderns of today, are not real objects but interpretative devices on the real world, which is a lot more than ordinary life and common sense. At a closer look, every philosophical theory (even those about democracy) come from nothing that democrats do: they are the troubled fruit of a single mind, often desperate if not tormented, born of a tree in a desolate clearing. It is difficult to conceive of a less democratic human expression than this. Every

philosophical theory, when it really is such, does not need to be deliberated by a majority or even a minority: indeed, as such, it just needs to be genuine, authentic, and certified. Even when expressed in forums or public discussions, the account of a philosopher is the narration of a philosophical activity that occurs without interlocutors: it is the narration of the self inter faced with the desert, with silence, with extrusion from the world and its noisy thoughts. In good substance, it is a miracle of human nature to be still able to pursue philosophical activity through the pervasive desertification of technological communication.

Therefore, every self-respecting philosophical theory, even theories about democracy, are not images of the real world, but interpretations of dreams or possibilities. So, the problem of democracy in this real world is a false problem: it simply does not exist – it has no foundation. Politicians use democracy to govern and convince. Philosophers, since they have never governed, are interested in democracy merely for interpretation: to draw difficult sketches on the white sheet of their mind. Political philosophy is essentially philosophy. When discussing politics or democracy, it can neither answer nor convince. The genuine philosopher, indeed, succeeds in his intent when he posits against common sense, when he bypasses the calcifications of hearsay and satire. From this point of view, political philosophy is hopelessly anti-democratic, it is an antipodic expression of distance from all that *democratically* can pass through political language. Politics, conversely, has nothing philosophical about itself but it can convey something to philosophy. Politics reveals to philosophy the existence of an imperfect real world: for the philosopher, however, it is an object at the extraneous and impenetrable philosophical reaches, a reality not even interpretable. Philosophy always interprets itself, never reality. Philosophy and politics are, therefore, ontological objects hopelessly distant and parallel. They arrive, however, at the same result: by placing democracy at a distance from ethics and higher

life forms it gives the evidence of a world without transcendence, full of idols and far from God.

Society always remains a political, conflicting place. In a democracy, there is a fight to resolve the conflict aimed at enforcing the rules. Unlike ancient democracy, the modern democratic system considers conflict a structural element of the human condition, which also exists in the transition between rational accounts and passionate accounts of conflict. The modern subject seeks to control the world through position of the law, which does not create justice, but allows its existence. In a model like the Hobbesian one, the conflicting situation for excellence, war, is overtaken in the position of an order that represents the shift from naturalness to that of regularity. Thus, the modern state derives its legitimacy by an acquisition of strength from a subject, the sovereign, who formally stands as a fulcrum between the weights of equality and freedom. These are the social parameters that formally render substantially independent sovereign states. They are such because they adhere to a process of common regulation for regulatory needs providing interstate balance but also to address the risks of advancing multinational non-state organizations. Nation states lose skills. The best index of progress is in the field of international relationships where even today democratic confrontation appears and implementations are aimed at softening the conflict between internal politics and foreign policy. Therefore the problem is at the international level, always constituted by the extension of a liberal-democratic model as a point of reference for the construction of a global policy: the neoliberal design of a destatized world market society. A difficult and distant prospect.

Finally, apart from the idea of global justice, one cannot simply circumvent the problem of the relationship between global rights and democracy. Global rights (understood as human rights) and



democracy appear reciprocally connected, since this is the premise for the realization of a public autonomy framed by a moral subject. However, this connection binds the two terms until they are intricate. Human rights presupposes the principle of universality and contains the venerable claim to be politically neutral, but other parts are likely to become inefficient if they are taken away from the trade-off between laws of the market. Yet, universality and autonomy are two supreme principles of a modern political philosophy that is oriented towards pluralism. This claim is subjected to a process that is far from over: what about the relationship between international law and democracy? It's probably not inaccurate to argue, as Joseph Weiler did, that the policy of international law has little to do with democracy, where democracy is present in the non-reducible size and shape of a state.<sup>10</sup> This is probably in line with the pessimistic outlook held by Paul Cartledge in the epilogue of his volume.<sup>11</sup>

*University of Catania*

<sup>10</sup> Weiler 2009, 103.

<sup>11</sup> Cartledge 2016, 305.

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



MODELS OF INCLUSION AND  
EXCLUSION IN DEMOCRACY ANCIENT  
AND MODERN:  
A RESPONSE TO PAUL CARTLEDGE'S  
*DEMOCRACY: A LIFE*

BY  
CAROL ATACK

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# Models of Inclusion and Exclusion in Democracy Ancient and Modern: A Response to Paul Cartledge's *Democracy: A Life*

Carol Attack

**T**here is a tension within *Democracy: A Life* between the biographical metaphor of the title, and the obvious discontinuities within the history of democracy: the failure of Athenian democracy, the attenuated democracy of Hellenistic cities under imperial rule, the long periods between antiquity and the relatively recent past when democracy was not a significant element of top-level politics. On the other hand, the biographical metaphor provides a useful warning that democracy's continuing existence is not to be taken for granted. Democracies die, and democracy itself may die too; the publication of *Democracy: A Life* was followed by many other works focused on the end imagined for democracy, rather than the beginnings which are at the heart of the former (for example

Levitsky and Ziblatt 2018; Runciman 2018).<sup>1</sup> The epilogue to the paperback edition of *Democracy* strongly asserts the importance of distinguishing between the democracy of the classical Greek polis and that of the modern nation state, but (Cartledge 2018, 316, cf. Cartledge 2016b).

The biographical metaphor generates personifications. In his *How Democracy Ends*, a contribution to the flourishing genre of expressions of concern for democracy's well-being, David Runciman plays down the idea of democracy on its death-bed, and suggests instead that it is undergoing a 'mid-life crisis' (Runciman 2018: 5). He genders this experience through his analogy with a middle-aged man buying a powerful motorcycle; although the man may be foolish, his underlying maturity will, in Runciman's analogy, prevent serious damage ensuing. The masculine gender of democracy in the analogy is itself something of a surprise, given the familiarity of feminine personifications of abstract concepts from Greek and Roman culture. The image from an Athenian legal inscription (the Decree of Eucrates, 337/336 BCE, *SEG* xii 87/RO 79) of a divine female figure, often identified as the personified *Demokratia*, crowning the mature adult male citizen, identified as personifying *Demos*, is familiar to all students of

<sup>1</sup> This response draws on two papers; firstly, 'The Fragility of Democracy', presented at St Hugh's College, Oxford, November 2017, at various schools and university open days thereafter, and as 'The Fragility of Democracy in the Classical Now', in the Classical Now seminar series, Faculty of Classics, Oxford, in October 2018, and secondly "'A pattern for others": exploring contemporary crises of democracy through the example of classical Athens', first presented at the workshop 'Democracy, Now and Then' hosted by the Philosophy department at the University of Uppsala, and later developed in a review article for *History of Political Thought* (Atack 2017). I am grateful to discussants at all these presentations, especially Anders Dahl Sørensen and Oda Tvedt, and to Mathura Umachandran.

ancient Greek politics.<sup>2</sup> This image itself deploys personification at a time of crisis, or perceived crisis, as the decree it decorated was itself intended as a warning against the risks of political upheaval and the seizure of power by elite factions. Democracy was being celebrated and depicted – by the Athenians – precisely because she was thought to have become insecure in a political climate of internal and external threats.

This response pursues those two images of democracy as evidence that our conceptualisation of democracy is not straightforward, and that the term is invoked to name quite distinctive political phenomena and structures. It argues that thinking about these differences, and the social ontologies and hierarchies of power which they represent, can be highly productive for our understanding both of ancient and modern politics. It considers the consequences of asserting continuity with democracy's ancient past, and also the consequences of the opposite approach, of accepting the differences, but choosing to make contemporary democracy more like its ancient predecessor. In particular, boundaries of exclusion and inclusion, and the hierarchy of humans this generates, deserve more attention. These practices of exclusion and inclusion generate a complex ontology; this paper argues that approaches drawing on intersectional theory and standpoint ethics can be used to generate an account of Athenian democracy which focuses on the experience and situation of non-citizens, both as abstract entities within a theoretical framework and as lives lived, often in adversity.

<sup>2</sup> See Cartledge 2016a, 208-09; classic interpretations are Ostwald 1955, 119-28 and Wallace 1989; see also Lawton 1995 for more on the visual language of Athenian decrees.

## I

### **Time and periodisation in the history of ancient democracy**

As Paul has noted in his *Statement*, the period immediately following the publication of the book in 2016 was an eventful one in which many certainties about how modern democracy operated were tested, both in regard to elections and the direct participation of the electorate in direct consultations. While in previous decades it was possible to write a teleological history of the road to democracy, in which linear processes led unwaveringly to the universal triumph of a form of government discovered by the Greeks and regained through struggle and reform, now the assertion of democracy had begun to look more like the less confident posturing of the Athenian inscription, aware of potential threats at home and abroad.

But even that response might be something of a phantom, as Runciman's characterisation of a mid-life crisis rather than end-of-life terminal illness suggests. The fears expressed by the Law of Eucrates never quite materialised, although there was an upsurge in factionalism as Athens faced the loss of its political hegemony and indeed independence.<sup>3</sup> Past historians of democracy have seen Athens' defeat by the Macedonians and incorporation into empire and kingdoms as marking an end-point, while historians now assert continuity of Athenian political institutions and practice into the Hellenistic age.

<sup>3</sup> Although one might argue that the *politeia* introduced under Phocion (Plutarch *Phocion* 27.3, Cartledge 2016, 241), which contained a property qualification, brought an end to the democracy of the classical period, it might be better to see this as a reconfiguration in which more adult males joined the many other adults of citizen and non-citizen status excluded from political participation.



The problem here is in the definition of democracy, which turns out to be more slippery and fluid than ancient historians have acknowledged. If by democracy you mean the precise system of Athens and insist on self-sufficiency and separateness of the polis as a self-governing community, Athens ceases to be a democracy after 323 BCE. If by democracy you mean collective and collaborative decision-making with established procedures for participation, Athenian democracy continued to thrive for some considerable time. Asking what the Athenians meant by *demokratia* is not particularly helpful; as the first three chapters of *Democracy: A Life* suggest, there is no clear starting point by which a specific set of political practices were labelled with that name.

But the fluidity of democracy's character should be seen as a productive starting point for posing and answering questions both about what the Athenians valued in their political arrangements and what we value in ours. What is it that is valuable about democracy? Is it the self-sufficient autarky and independence from any greater political entity, being the top element in any hierarchy? The wreath which *Demokratia* places on *Demos*' head on the Law of Eucrates suggests a special, almost hieratic or even godly status for the democratic citizen, just like the status claimed by Aristophanes' rascally juror Philocleon almost a century earlier (*Wasps* 548-9, cf. the chorus of jurors at 619-24). No one is to be of greater authority than the citizen. The citizens are the ultimate decision-making body, as indeed they are to the Brexiteers asserting the permanence of the 'will of the people'. Cartledge rightly criticises this conception and points to the disastrous incompatibility of the citizenry-wide referendum with the workings of representative democracy.

But it is surely the conception of the democracy as a monadic entity which underlies the claim to sovereignty that is more dangerous. Again, it is not the minutiae of ancient democratic

practice that reward investigation, but the political and social ontology that is more clearly visible in the political theorising of Aristotle and Plato. What are the characteristics of a democracy? If only an entity with the characteristics of autarkic self-sufficiency idealised by Aristotle (in the face of contemporary developments) counts as a democracy, almost all modern nation-state democracies fail the test, given that they participate in and benefit from international military, economic and political organisations, and have ceded the impossibility of political isolation and economic autarky for the benefits of partnership and cooperation. This might be a conceptualisation of democracy which has as its descendant the sovereignty which the Brexiteers wish to protect (Cartledge 2016, 2018).<sup>4</sup> And indeed, many of their arguments exemplify what might be labelled as an anachronistic form of democratic primitivism, wedded to a deeply simplistic political ontology.

In a revised model of democratic participation, linked to cooperative interaction with international bodies, negotiation with allies, and a framework in which polis self-government is one layer of a more complex system, Hellenistic democracy begins to look like a more useful model for modern political systems than the isolated, autarkic classical polis. This poses a challenge to the framing of the Cartledge account of ‘Hellenistic Democracy’, exemplified by the question mark appended to the phrase in the title of his Chapter 14, and subtitle ‘Democracy in Deficit c. 323-86 BCE’ (Cartledge 2016a, 231).<sup>5</sup> But rather than mourn the loss of Athens’ independence, the historian might benefit from seeing

<sup>4</sup> See Kinch Hoekstra’s exploration of the possibility that the popular majority in democratic Athens provided a form of sovereignty (Hoekstra 2016).

<sup>5</sup> On Hellenistic political thought and the awareness of adaptations of democracy and its gradual emergence as a component within mixed constitutions equivalent to Aristotelian *politeia*, see the essays in Canevaro and Gray 2018, especially Ma 2018 on Hellenistic Athens.

the more complex and nuanced forms of polis governance and interdependency that developed in the early Hellenistic world.<sup>6</sup>

As more details of the self-governance of Hellenistic cities across the Greek world emerge from a closer focus on epigraphic evidence, the claim long made by historians such as Philippe Gauthier, that the early Hellenistic period saw the high-water moment of democracy in antiquity, becomes harder to dismiss; acknowledging the diversity of cities in size, wealth and degree of subjection, he nonetheless concludes that from 330-300 BCE “la démocratie était le régime normal, voire ancestral, de toute cité libre” (Gauthier 1993, 218).<sup>7</sup> The incorporation of newly published or newly re-interpreted inscriptions into the histories of Greek cities continues to enable new insights into the institutions and practices of polis life in a wide variety of cities.<sup>8</sup>

Another chapter in the history of ancient democracy’s reception illuminates the point that the focus on the isolated polis was an unproductive dead-end in constitutional thinking and practice. Wilfried Nippel points to Droysen’s analysis of the career of Alexander the Great and the parallel he drew between Macedon and Prussia, at a point where Prussia’s dominance was creating a new nation-state. Athens, in Droysen’s analysis, had missed its opportunity to exercise leadership over a larger group of states.<sup>9</sup> The drive towards federalism rather than the exercise of empire, the world of Hellenistic Greece rather than the classical Delian League, was a more relevant comparator from the perspective of a

<sup>6</sup> Defenders of Hellenistic democracy concede that the rise of Rome and its growing power over an expanding region led to an eventual reduction in and even an end to democracy within many cities.

<sup>7</sup> More on the relative fates of democracy and oligarchy in the Hellenistic world in Simonton 2017, 275-86.

<sup>8</sup> See Papazarkadas 2017 and Mackil 2014 for two examples, relating to Athens and Boeotia respectively.

<sup>9</sup> Nippel 2015, 245-46, citing Droysen 1925.

Prussian commentator, in a historical context where a similar process was underway. This example underscores the importance of standpoint and perspective in the use of Athenian democracy and its history; different elements and episodes will speak to different audiences at different times.

## II

### **Inclusion and exclusion**

A second ontological question arises from questions of inclusion and exclusion; who gets to participate in democracy, and what constitutes the kind of participation that counts? Again, the relief on the Law of Eucrates provides a helpful illustration. The ‘people’ of democracy it depicts is determinedly and singly masculine (and also quite mature). Athenian democracy permitted a larger proportion of free male citizens to participate in the political and legal life of the city than many other cities. Yet it is an important feature of modern democracy that it is universal and inclusive, enfranchising all adult citizens. That at least is the aspiration, but the exclusions from citizenship and participation in ancient Athenian democracy offer another point of comparison that is productive. Thinking about the exclusions of Athenian democracy may provide a way to think about the continuing exclusions in modern democracies which limit and hedge universalism.

It has become a standard practice when teaching ancient democracy to issue a series of disclaimers, recognising some of the key differences between ancient democracy and modern. Although there may be an element of performance in this, of the kind decried by conservatives as ‘virtue-signalling’, making such a disclaimer notes important differences that should be of concern. Versions of this can be found across many introductory texts, and there is a

version in *Democracy: A Life* too. Halfway through chapter 8, Paul observes:

So far, by and large the discussion in this and the preceding chapter has been confined to the male half of the Athenian citizen population. What about the female half? A good question, and a difficult one to answer. (Cartledge 2016a, 133)

Over the next four pages, the problematic position of Athenian women of citizen-status families is explored, the way in which they both are and are not demonstrably ‘citizens’. One model to which *Democracy: A Life* points is the work of Josine Blok, who has argued for a reformulation of our idea of the citizen to acknowledge the role of women in another important aspect of ancient polis life, managing the city’s relationship with the gods through the performance of ritual (Blok 2017). There is much that is attractive in such a reformulation, particularly in the emphasis it brings to the performative aspects of citizenship, which have been noted by other authors looking at slightly different topics.<sup>10</sup>

However, while Blok suggests that Aristotle’s definition of the citizen should be discarded in favour of a formulation which is more inclusive of the contributions to the polis of both men, as political actors within the assembly and law courts, and women as performers of ritual, there does seem to be some difficulty in broadening the idea of the citizen so much that the differential status of men and women within the Athenian polity is flattened out.

<sup>10</sup> For example Duplouy 2018. See also Goldhill and Osborne 1999.

But noting the exclusion and then bracketing it from further consideration is perhaps as problematic as ignoring it entirely. The position of women of citizen status, and of enslaved and free non-citizen men and women, in democratic Athens should not be a subsidiary detail to set to one side. It is a significant expression of the nature of Athenian democracy and one increasingly recognised as a problem within many apparently universalist modern democracies.<sup>11</sup> Many of those studying Athenian history in the present may belong to such groups (as women, or resident aliens) or to those descended from such groups and maintaining an identification with them (the descendants of individuals formerly enslaved within a society, now formally enfranchised but still bearing the legacy of past enslavement and continuing disadvantage). ‘That was then, this is now’ is no longer an acceptable position to take. While the classical world has long inspired political actors beyond elite male citizen,

As with Hellenistic democracy, the advent of new resources and methodologies has enabled a reframing of discussion. An important new perspective here has been opened up by the application of new feminist methodologies to ancient history.

Two examples of such approaches are Susan Lape’s work on comedy and Esther Eidinow’s work on the impiety (Eidinow 2016; Lape 2004). Lape has explored the differing statuses and experiences of women in democratic Hellenistic Athens through readings of New Comedy, particularly those plays of Menander in which the distinct statuses of household members, the interactions of free and enslaved citizens and non-citizens, drive the plot and manipulate the expectations of the audience. Eidinow excavates the stories of women prosecuted for impiety in Athens and finds

<sup>11</sup> It should be noted that both in his teaching and his publications, Cartledge has pioneered gender studies approaches and topics, for example in Cartledge 1981, 1993, 1998.

problematic evidence of misogyny, the operation of rumour, and the inevitable conclusions when women's association with informal religion comes into contact with a masculine and misogynist legal system. Her case studies suggest that impiety laws operated as a mode of policing women of widely differing social status, from the celebrity *hetaira* Phryne to the more lowly Ninon. The association of women with religion was not, in the end, the advantage that Blok's model implies. A conclusion which Eidinow does not draw is that the trial of Socrates fits into the gendered pattern, suggesting that the accusation against him was partly underpinned by a critique of his aberrant performance of masculinity (see Cartledge 2009, 76-90).<sup>12</sup>

The most recent wave of feminism to inform research is the intersectional approach first developed by law professor Kimberlé Crenshaw to explore the specific experiences and knowledge of women of colour.<sup>13</sup> Crenshaw makes a powerful case for both the equity involved in considering those perspectives, and the utility of doing so. Her work exemplifies the benefits of standpoint approaches, in which the distinctive epistemic status generated through individual and embodied experience produces knowledge otherwise not available.<sup>14</sup> The experiences of women of colour in the USA, in seeking protection and redress for acts of violence, provides a perspective on the failure of the state to protect its citizens and provide them with equitable access to justice.

<sup>12</sup> I apply a queer theory reading to Plato and his Socrates in Attack forthcoming.

<sup>13</sup> On the development of intersectional feminism, see Carastathis 2014; Carbado et al. 2013; Crenshaw's original formulation is in Crenshaw 1989, 1991. I am grateful to my students on the 'Sexuality and Gender in Greece and Rome' paper at Oxford for insisting on the importance of an intersectional approach to ancient Greek society.

<sup>14</sup> Two foundational papers on feminist standpoint approaches are Hartsock 1983 and Haraway 1988.

Intersectional feminism offers a way to unpick the distinctive experience of people of different statuses, groups and ethnicities within social and political structures. Applying new theories enables new readings of canonical texts whose potential for illuminating our understanding of Athenian democracy might be thought to have been exhausted. Rebecca Futo Kennedy has deployed it to explore the distinctive experience of immigrant women of metic and enslaved status within Athens, and the way in which the experience of such status was strongly gendered (Kennedy 2014). She reads Athenian tragedy to explore the way in which it contributed to hostility to non-Athenians and their exclusion from the fifth-century democracy, starting with Aeschylus' *Suppliant Women*. For Cartledge this play represents democracy's appearance on stage (Cartledge 2016a, 84-85); for Kennedy it is representative of the ambivalent views of Athenians about immigration, in tension with Athenian ideology and myth, that would develop into the citizenship laws of the 450s.

Demetra Kasimis has applied a more theoretical approach to the status of immigrants in Athens (Kasimis 2016). She explores the ramifications of Plato's Noble Lie (*Republic* 3.414e-415d) with its myth of citizen autochthony; suggesting that Plato's story connects Athens and Kallipolis, and that the Lie provides an account of the construction of citizenship and its transformation into a natural category with direct parallels to Athenian autochthony myth. Her reading shows how careful attention to the dialogue of Greek theoretical models with political myth can be fruitful. In her recent monograph Kasimis pairs close reading of Athenian texts from many genres with insights from contemporary political theory and its questions and debates elsewhere. She develops a view of the Athenian politics in which the metic, rather than the citizen, is the focus of interest (Kasimis 2018: 20). This enables a critical exploration of the way in which Athenian democracy was constructed as a regime of exclusion based upon



the central political myth of the earth-born citizen. She uses Demosthenes 57, *Against Euboulides*, in which Euxitheus pleads to have his registration as a citizen restored, on the basis that he has not engaged in non-citizen activities, as a case study in the policing of the boundaries between citizen and non-citizen by Athenians through their courts (Kasimis 2018, 145-67). This speech makes a brief appearance in *Democracy* (Cartledge 2016, 107-108), where it is used to explore the operations of local-level politics, with a brief note on the Athenian disdain for women working outside the home or providing bodily services; the plaintiff is aware that his mother's work selling ribbons and as a wet-nurse counts against him, with neither occupation befitting a citizen woman according to Athenian ideals. The experiences of Euxitheus and his mother show how citizen and non-citizen bodies occupy different civic spaces and have different boundaries, resulting in them occupying distinctive spaces and functions in the hierarchical political ontology that underlay the city's ideology and *politeia*.

Such intersectional and highly theorised explorations of Athenian democracy reveal a complex matrix of identities and experiences in which the male citizen can no longer be the only focus of attention, but simply identified as the holder of a particular privileged status. The creation, ordering and policing of such status and its consequences enable different questions to be asked; why, for example, does bodily integrity operate as such a critical site for establishing status? With this broader perspective, and acknowledging the position of non-citizens and their lack of protection, democracy itself starts to look more like a broad-based oligarchy, with an identity rather than a wealth qualification. Rather than simply presenting us with a world in which everyone but the male citizen is bracketed from consideration, this approach uses historical and literary examples in which Athenian politics is beset by problems of inclusion and exclusion, and difficult cases. Given the current crises over migration, tensions at the borders of

wealthy nations, and the disputed status of European citizens within Britain, comparisons of ancient and modern democracy begin to look more immediately compelling.<sup>15</sup>

Again, this suggests a problematic identity with the democracy of the modern nation state. But holding up Athens as an ideal which can easily be reconfigured as a model of and for inclusive political participation persists as a trope of democratic theorising.

### III

#### Different models

Another claim for discontinuity between ancient and modern democracy has been made by Josh Ober in his *Demopolis*, which takes an analytical approach to the relationship between democracy's past, present and future (Ober 2017). Casting a sharper distinction between the democracy of Athens and that of the modern nation-state is important for Ober's claim that the latter could embrace a different form of democracy. Athenian democracy, rather than being a precursor of modern liberal democracy, provides Ober with the equivalent of a thought-experiment, designed to exclude or at least separate liberal ideology from the underpinnings of any democratic constitution (Ober 2017, 1-5, 162-68). Ober suggests that the twenty-first century Demopolis of his thought experiment would include a wider range of residents than classical Athens did, because the constitution is legitimated by its provision of political goods (Ober 2017, 94-97). Ober usefully notes that Aristotle's political ontology of Athenian democracy is incomplete in failing to account for the exclusion of economically active male residents such as himself, a metic and

<sup>15</sup> For two other views on the Athenian reception of refugees, see Gray 2017 on the classical and Hellenistic periods, and Rubinstein 2018 on the fourth century.

thus one of the figures whose treatment Kasimis identifies as central to generating an understanding of the structures and limits of Athenian democracy.

Rather than being the part of Greek democracy we should pass over, we should find value in exploring its social ontology, and the consequences of building a society in which multiple types of status are assigned to people yet only one status permits political participation. Athenians' negotiations of the tensions explored at the limits of this system, as explored by Kennedy and Kasimis, illuminate many present political debates – on setting limits to political participation, on determining physical borders and the inclusion and exclusion they demarcate, and recognising inequalities and the need to rectify them. A history of Athenian democracy focused on those denied participation may have more lessons for us now. While *Democracy: A Life*, and Cartledge's subsequent writing, have much to say on both ancient democratic practice and the problems of modern democracies, now is the time to consider the inclusions and exclusions of the *polis*, and the complex ontology on which it was based.

*St Hugh's College, Oxford*

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



WHY DEMOCRACY?

BY  
KYLE HARPER



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## Why Democracy?

Kyle Harper

**R**electing on on a spate of Athenian victories that followed hard on the democratic reforms of Cleisthenes, the historian Herodotus observed, “So Athens flourished. Now, the advantages of everyone having a voice in the political procedure are not restricted just to single instances, but are plain wherever one looks. For instance, while the Athenians were ruled by tyrants, they were no better at warfare than any of their neighbors, but once they had got rid of the tyrants they became vastly superior. This goes to show that while they were under an oppressive regime they fought below their best because they were working for a master, whereas as free men each individual wanted to achieve something for himself.” (Herod. Hist. 5.78, tr. Waterfield) Enhanced military might is not typically considered a primary virtue of democracy in our own world, where democracy is more likely to be construed as an end in itself, a context for human flourishing, or an instrument for achieving justice (Ober 2017). But as Herodotus suggests, at least some ancient Greeks perceived a direct connection between

political form and military performance. Unabashedly, military power was a justification for participatory political regimes.

In *Democracy: A Life*, Paul Cartledge has offered the single best one-volume history of ancient democracy, with an eye on its various afterlives. The book has many virtues, starting with an enviable combination of erudition and plain good sense. The strength of the book is to offer a fresh account of how “people power” really worked and how it developed over time. Cartledge emphasizes political praxis, the importance of institutions that effectively placed decision-making power in the hands of the people. The book truly is a biography focused on a certain kind of political regime, with pointillist detail that captures the various manifestations of democratic practice at different times and places. One feature of ancient democracy that emerges from this treatment – maybe familiar to specialists, but often lost in general accounts – is how varied, resilient, and adaptable “people power” was, even in classical Greece.

As a historian of Rome, I suppose it is my duty to respond to the book’s chapters on Roman democracy – or rather, Rome’s lack of democracy. In my view, that is only possible within a comparative framework, so I will use Cartledge’s book as a jumping off point to ask, Why Democracy? This is meant not in a normative sense (i.e. why might we view democracy as a legitimate form of political regime), but in a causal sense (i.e. why did democracy emerge in ancient Greece at all, and why not in other places). It is an observation, rather than a critique of a book that already does so much, to remark that Cartledge’s study does not develop strong models of explanation for *why* ancient Greece birthed such a distinct form of governance. But if we accept his punchy claims in the Prologue, that people power as it developed in ancient Greece is uniquely important, then it is crucial to account for why this happened. And, the best way to do so is inevitably

comparative. Think of democracy as a like a peacock. We can admire its feathers and consider its distinctive evolution. But we can learn more by imagining how all ground-dwelling birds evolved and what ecological factors shaped different evolutionary pathways.

Ancient Greek democracy was a species of political regime, within the genus of participatory constitutions. Democracies evolved (*avant la lettre*) in late archaic Greece, that is in Iron Age agrarian societies on either side of the Aegean (Robinson 1997). These bare facts already suggest at least some necessary, though not sufficient, conditions, for instance a certain level of technological development to support at least modest urbanization and social complexity, limited literacy to support complex ideologies, and fiscality. But since most Iron Age polities across the world did not spawn anything like Greek-style people power, the conditions that fostered democratic political development must be sought in the particular features of archaic Greece.

In an ultimate, exogenous sense, Greece's physical ecology was a conducting factor (Sallares 1991; Horden and Purcell 2000). The rugged terrain, jagged coastlines, and numerous islands fostered small-scale, fragmented polities that for centuries resisted imperial integration (Ober 2015). The environment thus promoted interstate competition. In the archaic period, the Greeks were on the geopolitical fringes, between the more advanced eastern Mediterranean littoral and Persia on one side, and the Macedonian-Thracian hinterland on the other. The Greeks exuberantly benefited from access to maritime trade routes, and economic development was precocious, creating real intensive growth (Morris 2004).

I rehearse these familiar facts because these form the contingent factors that aligned to drive what ought to be seen as the proximate cause for the emergence of democracy, the dynamics of military

competition and military mobilization. In short, Herodotus was right. Aristotle in the *Politics* (1297b15-28) also traced the evolution of participatory political regimes in terms of military evolution. He developed the first version of the hoplite theory, that the shift from cavalry to massed heavily-armored infantry warfare drove a shift from aristocratic to broad-based politics (Salmon 1977). Cartledge notes this ancient idea and its modern reception in passing. No mention is made of the theory – in some ways adumbrated already by the grumpy anti-democratic *Old Oligarch* – that there was a further connection between naval power and radical democracy, especially in Athens.

The need of small, relatively independent city-states to mobilize mass numbers of citizens for war, whether infantry or navy, was the essential context for the emergence of participatory institutions. Of course, democracy was not the only adaptive response to this need, as the mere existence of oligarchies proves. But democracy, and its attendant values like equality before the law, emerged through political bargaining around military mobilization. In a study of this phenomenon, Walter Scheidel observed (2005), rightly in my view, “‘Democratizing’ events in Athenian history may be plotted as a series of responses to military inducements.”

In short, even if this list does not exhaust all of the sufficient conditions for ancient democracy, it comprises the most important necessary conditions that contingently aligned in archaic and classical Greece to foster the development of radically participatory politics: Iron Age technology, commercial wealth, basic if limited literacy, political fragmentation and interstate competition, infantry and naval warfare requiring mass mobilization, political bargaining between elites and masses. Any answer to the question Why Democracy? would have to include this list. These are the ecological conditions that allowed the

evolution of democracy. Sometimes a peacock evolved; sometimes other plump ground-dwelling birds.

I rehearse this familiar context as a prologue to a discussion on Cartledge's treatment of Rome. The Romans do not fare well through his lens. Not only was the republican constitution undemocratic, but "in the process of empire-building Rome had of set purpose endeavored to stamp out all traces of the old Greek democratic institutions and spirit." *Democracy: A Life* introduces the argument of Fergus Millar (1998) that Rome's republican constitution had a genuinely democratic element. Cartledge critiques this view, accepting what I would regard as the strong majority consensus that Millar overstates the democratic nature of Rome's political regime (Mouritsen 2017).

Cartledge is then rather rough on the Roman Empire, which no modern scholar regards as democratic in the least. He glancingly cites the famous oration of Aelius Aristides in praise of Rome, in which the young speaker calls the regime a *demokratia*. This is a "calamitous verbal collapse" (265) of which he "should surely have been ashamed" (273), a true "nadir" (274) in the history of political thought and language! We then learn that the *Constitutio Antoniniana* of AD 212 granting citizenship to all free inhabitants of the empire was merely a "token gesture." (One wonders if some of those metics would not have appreciated such a token gesture in a Greek world that was notoriously jealous of citizenship status.)

Quibbles aside, Cartledge's presentation of Roman political institutions is credible and convincing. Ancient Rome was plainly never a democracy at any point in its long political career. Once again, though, the more interesting question perhaps is Why?, or in this case, Why not? Rome too was an Iron Age polity, at first on a small scale. Not strictly coastal, it was more or less closely connected to the sea via river. Like Greece, it was for long on the edges of more advanced civilizations and enjoyed the "advantages

of backwardness” during its period of ascent (maybe the supreme example of such in all of history). And, most importantly, the Roman *res publica* achieved levels of mass military mobilization that were parallel to anything in the Greek world.

The brief scope accorded to Rome in *Democracy: A Life* does not allow much room for assessing Roman political development. It is one thing to dissect the Polybian account of Rome’s constitution to arrive at the verdict that it was not a democracy. It is another to ask why and whether it might have realistically been at any point. A comparative framework could highlight the possibility that in the very early republic, such an outcome might have been conceivable. Indeed, elements of the republican constitution can be interpreted as precisely the kind of elite-mass political bargaining that occurred across Greece. The *secessio plebis*, or at least the early instances of the practice, to the extent the sources are reliable (e.g. Livy 2.23), are models of political bargaining that resulted in constitutional concessions. Early on, the Roman state might have become more democratic. At least sociologically, it was plausible.

The Greek parallels urge us to consider how the Romans were able to maintain both constitutional legitimacy and military mobilization on such a mass scale (Scheidel 2005). Cartledge is right to highlight similarities between Rome and Greek oligarchies. But there is a crucial difference. Very early on, Rome became a conquest society (Hin 2013). A militaristic culture developed which solidified the legitimacy of the state. Sharing the benefits of predation became as important in Rome as sharing the benefits of political decision-making in Greek democracies. As a conquest state, Rome’s history is more closely paralleled in the rise of Macedon, with the obvious exception that the Romans were ideologically and constitutionally committed to non-monarchy (i.e. republicanism). As Cartledge notes, imperial expansion made genuinely participatory decision-making impractical or impossible.

The Roman citizenry was too far-flung by the middle republic to constitute a real *demos* in the Athenian sense. So, while there may have been a brief window when democratic possibilities were truly conceivable, it quickly closed, and Rome became something else altogether, a kind of oligarchic-controlled conquest state.

This conquest state had various and complex ways of maintaining its legitimacy beyond the kind of bargaining represented by struggles over the share of the spoils. Some of these mechanisms were cultural and religious, including fanatically patriotic ideologies. Some were institutional, such as the reverence for the ancestral constitution and the growing body of Roman law (Schiavone 2012). In comparative perspective, one of the truly fascinating feats of Roman political development was the transition from a predatory, extractive imperial regime to something else, a form of imperial governance that sought to legitimate itself even in territories it had conquered. This transition largely started under Augustus. What mattered most was legitimation among provincial elites, the remnants of local oligarchies. But one part of this process was the gradual and piecemeal conversion of subjects into citizens. The *Constitutio Antoniniana* was the consummation of this process and perhaps not quite as trivial as Cartledge suggests (Kulikowski 2016, 100).

None of this is to argue in the slightest that Rome was a democracy at any point under the republic or the empire. But historians of Rome have taken seriously the ways in which the imperial regime transitioned to normative governance and sought to legitimate itself among its subjects (Ando 2013; Noreña 2011). We can remain clear-eyed about this. Sheer power, convertible to violence when necessary, remained the essential basis of the imperial regime. But naked power does not really explain the longevity or the nature of the Roman imperial regime. And it is within the constellation of ideas and norms that the empire used



to communicate with its citizens and subjects that we might find a very young Greek provincial on the make giving a sycophantic speech to a Roman Emperor and flattering him as the bulwark of “democracy.” A shameful verbal collapse, maybe, but one that could be read within the history of Roman political development.

The contingent circumstances that aligned to give rise to participatory democracy in archaic and classical Greece were gone within a few centuries. It is ultimately neither surprising nor especially profound to discover that Rome was not a democracy. Peacocks are not turkeys. But we can understand both peacocks and turkeys better by comparing them and considering their similarities *and* their differences. Rome was an Iron Age state that achieved mass military mobilization due to an array of legitimating mechanisms, including ideological and constitutional ones. The ideal of republicanism – based on non-monarchy and a mix of constitutional organs – was not democratic, but it was born in broadly similar ecological conditions. The Roman case does accentuate the true radicalism of Greek people-power.

Trying to account for the causes of democracy’s emergence and success might have relevance for other parts of Cartledge’s argument, including his passing critique of scholarship that seeks non-western historical precedents for democracy. It would also allow further questions about modern democracy. As he notes, popular sovereignty instantiated in representative institutions has become a foundation-stone of political legitimacy in the modern, western, liberal order. The role of ideology is perhaps more dominant in the modern context. But to what extent have interstate competition and political bargaining to support military mobilization contributed to modern popular governance? One final set of questions seems also prompted by Cartledge’s sweeping study. To what extent might federal systems, as envisioned by Madison, or non-state associations, as envisioned by Tocqueville,

allow for genuinely participatory decision-making on the ancient Greek model? Must participatory decision-making concern *ta politika* in the sense of the highest matters of state sovereignty, such as justice and war?

Cartledge is to be thanked for giving us a lucid history of democracy that sets on a firm foundation our understanding of how it really worked, where it existed, and how it changed over time. Any inquiry into *why* things were the way they were must operate from a sound understanding of how things actually were. His study encourages us to come back to the crucial question of *Why Democracy?* I will close by quoting with approval Cartledge's own reflections on ancient Greek historiography. "True history properly so called is about causation and causality" (253).

*University of Oklahoma*

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
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REPLY TO PAUL CARTLEDGE'S  
*DEMOCRACY: A LIFE*

BY  
JAMES KIERSTEAD

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## Reply to Paul Cartledge's *Democracy: A Life*

James Kierstead

It's been a about a couple of years now since I read Paul Cartledge's excellent, and highly readable, 'life' of democracy, and almost a year since my review of it was published in *Polis* (Kierstead 2018a). What Professor Cartledge probably doesn't know is that my review was rejected from the journal that originally commissioned it for being too harsh! Professor Cartledge himself, of course, had no need of such 'protection,' and when the review did come out in *Polis* I was delighted to see an email from him thanking me for the close reading I'd given his work. A robust but friendly exchange ensued over email; and I'm now doubly delighted to have the opportunity of continuing that conversation with him here.

At the core of Cartledge's statement for this volume is a summary of the three main objectives he had for his book. The main effect this section had on me was to remind me once again of how much I found to agree with in his basic view of the history of democracy. I think he is right, for example, that democracy first came into being in ancient Greece. At least, to use my own preferred formulation (one that Cartledge would no doubt accept),

the earliest examples of states under popular control that we have good evidence for are in ancient Greece. Cartledge arrived at this point mainly by insisting on a definition of democracy that includes popular control over institutions, and by rejecting the more nebulous criteria (public discussion, say) for democracies that have been employed by scholars such as Amartya Sen.<sup>1</sup> I think he was right to do so, though (as I noted in my review) I do wish he'd engaged a bit more with the more concrete claims some have made about democratic societies in other parts of the world.

I also agree with Cartledge that Greek democracy had begun to head downhill by the later Hellenistic period, a period in which *demokratia* came to be used to signify something less than the radical popular government of the classical democracies. On this question we may be in the minority among contemporary scholars, many of whom would stress the rich civic life evidenced in inscriptions from *poleis* in the Hellenistic period. But if we look hard at the institutions, and who is dominating them (not infrequently, from now on, hereditary elites), I think it's hard to conclude that the *demokratiai* of the third or second centuries are essentially unchanged with respect to their classical antecedents. Stephen Lambert's recent book has only added to the list of ways in which third-century Athens, in particular, was less of a *demokratia* than it had been.<sup>2</sup>

The most important thing I agree with Cartledge about is his overall picture of democratic history. This overall picture is one in which democracy, after, as we've seen, being first fully realized by ancient Greeks, more or less vanishes from the face of the earth, before becoming first respectable, then popular, and finally the hegemonic and even virtually universal political ideal that it is today. I agree with Cartledge not only that this is how things

<sup>1</sup> See e.g. Sen 2003.

<sup>2</sup> Lambert 2017.



happened, but also that, at some point between democracy’s decline and its ultimately triumphant re-birth, its meaning changed in a way in a way that should command attention, and even, perhaps, cause us some concern. (As we have seen, Cartledge focuses overwhelmingly on the West, but it’s worth noting that Egon Flaig’s more global survey of majority-rule ultimately supports the same overall picture of democratic history.)<sup>3</sup>

Cartledge is at his learned best when he points to two particularly striking moments which bring home how far the meaning of the word *demokratia* sank in Roman times: the first is the second-century Greek intellectual Aelius Aristides’ praise of Rome as ‘a perfect democracy – under a single ruler’ (i.e. the Roman emperor); and the second is the sixth-century Byzantine author John Malalas’ use of the word to mean nothing more than ‘a riot.’ And Cartledge rightly follows up by reminding us how, in seventeenth and eighteenth-century Europe and America, the ‘old word’ democracy was ‘re-used and re-purposed in a new sense almost opposite to its original one: government *of* the people and ideally *for* the people, but emphatically **not** (despite Lincoln at Gettysburg) *by* the People’ (all the emphasis there is Cartledge’s).

This, though, brings me to what I disagree with in Cartledge’s position. Because after the sentence I just quoted above, he immediately continues, “‘People’ of course has always been a term of artfulness, never mere literal descriptiveness. What I consider to be the toxic, cancerous growth of “populism” today is a lineal ideological descendant of such grossly, abusively loose usage.’ It’s easy to sympathize with the complaint about the term ‘the people’ being misused, as it surely has been, by leaders of many different ideological stripes, in a range of different places and periods. But we need to be cautious about concluding from this that the use of

<sup>3</sup> Flaig 2013; see my review in Kierstead 2015.

the term has *always* been an artful or manipulative one. There are many different ways of trying to gauge the people's will, and all of them fall somewhat short of perfection,<sup>4</sup> but that doesn't mean that we can't speak coherently of the 'people' at all. After all, to claim that we can't would seem to make the whole idea of 'the rule of the people' impossible from the get-go.

As for the recent growth in 'populism,' it's again easy to sympathize – claims to be the true representative of the people have long been a staple of political rhetoric, and all of us can no doubt think of certain politicians whose claims in this regard strike us as particularly hollow and unscrupulous. But as Cartledge is surely aware, there's also a long history of terms like 'mob-rule' being bandied about by people who simply aren't happy with the way majority views are going, in an attempt to delegitimize them. And though 'populism' can admit of a more precise meaning, I'm not the only one who thinks that it's often used nowadays to refer to democratic politics that the speaker happens to disagree with.<sup>5</sup>

An excellent ancient example of this sort of thing was highlighted by Cartledge's own Cambridge predecessor Moses Finley – another Greek historian who did distinguished work on democracy, ancient and modern – in a now classic paper on Athenian demagogues.<sup>6</sup> As Finley showed, these 'demagogues,' far from being some kind of aberration, as aristocratic historiographers have tended to claim since antiquity, were really part and parcel of the democratic system. How can you have a truly democratic system without politicians that some people don't like, but others very much do? There's no evidence that Cleon was ever

<sup>4</sup> For a good survey of various voting systems (and their drawbacks) see Riker 1982.

<sup>5</sup> See e.g. Holbrook 2019.

<sup>6</sup> Reprinted in Finley 1973, 38-75.

‘milkshaked,’ but we might ask similar questions in the age of Nigel Farage.

This is the main reason I’m disappointed, and even a little bewildered, by Cartledge’s approach to contemporary democracy – that though he professes dismay at the way democracy has moved away from its ancient roots as a system in which the people actually rules, he nonetheless seems uncomfortable with the most well-known recent attempts to add some people power to our supposedly democratic systems. This discomfort seems to apply both to radical left-wing schemes to inject more popular involvement in government through e-democracy, popular assemblies, and the like,<sup>7</sup> and referenda, one recently example of which, at least, has been seen as a victory for the right.

What I’m referring to, of course, is the Brexit referendum (though it’s worth bearing in mind that a good number of left-wing voters voted Leave, just as a significant number of right-wing voters opted for Remain).<sup>8</sup> It’s this event, above all, that seems to have shaken Cartledge’s belief in referenda, something that he might (he hints) be in favour of in other circumstances. He asks, for example, ‘Do we need more referendums?’ and answers, ‘Perhaps – but only if and when they are more carefully moderated and thought through in advance’ than the Brexit referendum, which he calls ‘disastrously framed and managed.’

But it’s hard to see how the Brexit referendum itself (as opposed to, say, the negotiations with the EU which followed) was disastrously managed. At least, Cartledge’s complaints in the *Eidolon* piece he links to seem to me to be ill-founded. That there was no upper age-limit (say, 75) is unsurprising, since democratic systems tend to grant an equal vote to every adult citizen. That the

<sup>7</sup> Cf. e.g. Cartledge’s closing comments in Cartledge 2016, 312-314.

<sup>8</sup> See e.g. Moore 2016.

decision was taken by simple majority was exactly as it should be, since super-majorities effectively give those voting for the status quo more power, something that's inconsistent with the central democratic premise of political equality.<sup>9</sup> That the results varied by demographic group and by region is neither here nor there – the *demos* for the purpose of that vote was clearly defined beforehand, and it was abundantly clear that this was a decision for the UK as a whole. That makes majorities against Brexit in parts of the country that have considerable autonomy in other contexts (Scotland, for example) irrelevant. The fact that the turnout was 'only' 72%, and that it wasn't an absolute majority of the country that voted for Brexit is similarly irrelevant – referenda are often decided by a simple majority of votes cast (an approach that was used, as Cartledge knows, by the ancient Athenians in their Assembly and elsewhere).

I don't mean any of this to come across as a peevish statement of my own political preferences. As a matter of fact, I myself Brabstained from the referendum, not because I didn't think the issue was interesting or important (on the contrary, I thought it was both those things), but because after considering arguments on both sides I found that I didn't feel able to vote one way or the other. The problem I have with Cartledge's distaste for the referendum in the context of his recent work on democracy is that I find it very difficult to find *democratic* objections to it.

Cartledge calls the referendum an exercise in 'party-political strategizing,' and anybody who has been following British politics over the last few decades will acknowledge that part of the reason it was held was because David Cameron thought the easy victory for Remain that would surely result would silence the Eurosceptics that had frequently threatened to tear the Conservative Party apart

<sup>9</sup> See now esp. Schwartzberg 2013.

in the past. Cameron’s desire to outflank the United Kingdom Independence Party (UKIP) also clearly played a role. Be that as it may, it’s hard to see why any of this should matter to a consistent democrat, for whom the most important consideration should surely be that a major European nation made a decision on a major national issue by a majority vote that was open to all.

Cartledge does have a few other arguments against the referendum, though again they are more clearly expressed elsewhere (in the *Eidolon* and *History and Policy* pieces he links to) than in the statement itself. These do have to do with democracy, but they’re arguments that I was surprised to hear from someone who’s done so much to remind us of the real citizen power that was at the heart of ancient Greek democracy. The first argument is, as he puts in the *History and Policy* piece, that referenda ‘go flat counter to the very essence’ of modern representative democracy. But it’s implicit in the kind of terms Cartledge uses of this modern system (‘indirect, representative’ he calls it in *Eidolon*) – that its claim to legitimacy is ultimately a derivative one; and it derives, of course, from the legitimacy of *popular* rule – this, after all, is the only reason that it’s called a ‘democracy’ at all. That’s quite clear in the very concept of ‘representation,’ which involves a delegate ‘representing’ the views of a certain segment of the populace.<sup>10</sup>

Now, it’s true that a few of the most influential framers of our current systems – James Madison, for example, and Edmund Burke – played up what they saw as the advantages of having elite delegates depart from the express views of their constituents when they saw fit (or, in Cartledge’s words, when they thought it was in the people’s “best interests”).<sup>11</sup> But it’s hard to see these as *democratic* arguments, rather than as a result of the scepticism men like Madison still retained for the idea of thorough-going popular

<sup>10</sup> Pitkin 1967 is a classic discussion of the concept.

<sup>11</sup> See esp. Madison, *Federalist* 10 and Burke, *Speech to the Electors of Bristol*.

rule. As it happens, the less democratic features of Madison's constitution have been replaced or modified over time, as Americans have increasingly grown to embrace the democratic ideal. Members of the Electoral College, for example, are now mostly bound (either legally or by custom) to respect the preferences of voters, rather than 'filtering' popular views in the way that Madison had intended. From a democratic perspective, that makes excellent sense. There may not be a huge problem with representatives taking care of purely technical matters that voters don't care much about. But on subjects that they do care about, it's surely more democratic for representatives to work to effect the people's will, rather than their own.

Hence the power of the referendum, which allowed the people to make clear what their view was on a major issue, in a way that plainly had to take precedence over the personal preferences of MPs (a majority of whom were in favour of staying in the EU). Here Cartledge falls back on educated scepticism about what 'the people' really means, asking, "Who exactly is this 'we'?" But who exactly this 'we' is for the purpose of the referendum was carefully defined in the run-up to the vote. Cartledge later calls 'the people' a "complicated and controversial theoretical concept," and while it's true that the notion has received no shortage of theoretical attention, that doesn't mean that it's necessarily incoherent. (A recent philosophical investigation has suggested that the idea of group agency is, after all, a perfectly respectable and practicable one).<sup>12</sup> In any case, as we've seen, it would be impossible to imagine any kind of democracy without some conception of 'the people.' Besides, if 'the people' is a coherent enough concept for it to supply representatives to our parliaments, why is it unworkably complicated when it comes to a direct vote on a major public issue?

<sup>12</sup> List and Pettit 2011.

But Cartledge’s reservations about ‘the people’ aren’t just about its coherence as a concept. At the end of his *Eidolon* piece, he also complains that the issue of whether or not the UK should be in the EU was “simply too big and complex a matter” to put to a popular vote. I hope he will understand if I say I found this line of attack especially surprising from a historian of democracy, since it constitutes, as he must know, one of the oldest anti-democratic arguments on record, one which goes back at least to Plato.<sup>13</sup> Of course, the fact that an argument is ancient doesn’t mean that it’s necessarily wrong; nor, for that matter, does the fact that it’s anti-democratic (though that does make it an odd choice for a proponent of democracy). And Plato’s way of thinking about this does seem reasonable enough: after all, if we need brain surgery, we turn to a qualified neurosurgeon – we don’t crowdsource the job. But if that’s the case with decisions that are important for us as individuals, shouldn’t it be even more the case when it comes to decisions facing the nation?

But if Plato’s question is an ancient one, I think we can answer it with a response that is equally ancient, and preserved in Plato’s own writings. I am referring to the so-called ‘Great Speech’ spoken by the intellectual (or ‘sophist’) Protagoras in the Platonic dialogue that’s named after him. In this speech, as I have explored in more detail elsewhere, Protagoras suggests that when it comes to ethical considerations, all human beings are more or less equal.<sup>14</sup> We all have the roughly the same capacities and obligations for moral decision-making; and this makes moral decision-making different from the various types of technical expertise, in which it’s common for certain individuals to attain a much higher level of ability than others. As Protagoras saw, political decisions are largely ethical or

<sup>13</sup> For the resurgence of this Platonic argument in the wake of the referendum result, see Kierstead 2016.

<sup>14</sup> Kierstead 2018b.

normative in content, not empirical; they tend to be concerned with what we *ought* to do as a community, not with how the world is.

At least, they aren't concerned *primarily* with how the world is; matters of fact may come into political decisions, but political decisions aren't limited to matters of fact. The Brexit referendum is a good example: the question was whether the UK should leave the EU, and to me (and other democrats of various political persuasions) it made perfect sense to refer that question to all members of the British *demos*. Matters of fact were certainly relevant in that context, and many matters of fact were debated during the campaign that led up to the referendum, as experts from a range of relevant fields (law, economics, history) weighed in. Ultimately though, the question of whether Britain *ought* to leave the EU wasn't a factual one; and, as David Hume suggested, you can't derive an *ought* from an *is* (*Treatise of Human Nature*, 3.1.1).

Cartledge also complains about the 'shoddy mendacity' of the Leave campaign. He has every right to his opinion, of course, but I again find it surprising that this leads him to question the democratic nature of the vote. (At least, he frames this as one of the main reasons he supported a petition to hold a re-run of the referendum.) But judgments about the tenor of a public debate are to a considerable extent subjective; as is notorious, what to one person may seem like an audacious speaking of truth to power may seem to another the lowest sort of sophistry. It's hard to think of a major political campaign that didn't involve some accusations of lying, exaggeration, bad faith and so on. I am myself an advocate of civility, but I think it may be in the nature of political debate, where different groups of people view things in very different terms, that *some* accusations of dishonesty – and some clear examples of it – will always be involved. We are back, it seems, with Finley, forced to admit that what some point to as ugly



aberrations may actually be an inevitable and necessary part of governing ourselves through debate and disagreement.<sup>15</sup>

I do have some sympathy with Cartledge’s view that referenda, ideally, should take place against a background of civic education. With the Athenian example in mind (as it is often for Cartledge), I would be particularly in favour of a system in which citizens learned by doing – where they were so routinely participating in discussion and debate, in ‘ruling and being ruled’ (to use Aristotle’s phrase), that such things became second nature. At the same time, there’s surely a risk that complaints that our culture still isn’t democratic enough will simply become a new way of casting doubt on democratic decisions.

Cartledge’s reservations about the people’s ability to make decisions in the current circumstances culminate in the suggestion that major votes should have some sort of review-mechanism built into them. This is something he explicitly says the ancient Athenians did, and while I agree they often passed decisions through several different voting bodies, I don’t have quite the same picture of this phenomenon as Cartledge does.

Cartledge refers to ‘fail-safe mechanisms or at least legally enshrined safeguards against potentially lethal once-and-for-all decisions.’ His first example is the Assembly’s reversal of the previous day’s decision to massacre the rebellious Mytilenaeans, an extraordinary procedure, if certainly a fortunate one (especially for the Mytilenaeans). His second example is from an even more extraordinary period – the oligarchic revolt of 411, which began with an Assembly voting the democracy out of existence, and ended with democracy being restored. Neither of these are really

<sup>15</sup> For disagreement (often of a fairly major sort) as an inevitable part of democracy, see my closing remarks in Kierstead 2019.

examples of fail-safe mechanisms, or even legally enshrined safeguards against lethal once-for-all decisions.

Cartledge's third example is the Athenians' condemning of six generals to death all at once after the Battle of Arginusae in 406. He calls this "a disastrous decision" that the Athenians "later legislated to prevent ever happening again by depriving the Assembly as such of its lawmaking and jurisdictional functions." Cartledge is evidently referring to the reforms surrounding the introduction of the *nomothesia* (law-making) procedure around the end of the fifth century. From this point on, a distinction was to be made between more permanent laws (*nomoi*) and one-off decrees (*pséphismata*), with the former established by a panel of *nomothetai* (law-makers). I think this did introduce some limits to what the Assembly could do, but I'm not sure if even this should be described as a "fail-safe mechanism for... potentially lethal once-and-for-all decisions"; after all, the *nomothetai* were relatively powerless to police decrees (as long as they didn't contravene a law), and a major foreign policy decision like Brexit would probably have been a decree rather than a law.

Cartledge's final example of a safeguard, ostracism, is also a slightly strange one in this context. Ostracism certainly could, and, for a while, certainly did help to ease potentially destabilizing tension between rival politicians. It could also act as a check on the most ambitious statesmen, who would be aware that doing something that really outraged the *demos* could lead them to being kicked out of Athens for a decade. But again, it's hard to see this procedure as a fail-safe mechanism for one-off decisions. And (though I'm not sure Cartledge was suggesting this) a similar procedure might not have prevented Brexit. Britain has long been among the most Euro-sceptic of European nations,<sup>16</sup> something

<sup>16</sup> See Carl, Dennison and Evans 2018.

which casts doubt on the idea that any individual politician’s behaviour during the 2016 campaign was responsible for the result.

There is a more philosophical objection to the idea that there should be fail-safe mechanisms against potentially lethal once-for-all decisions. This is that virtually all political decisions are in some sense once-for-all,<sup>17</sup> and many are in some sense lethal. Of course, this was often quite literally the case with ancient states, but, in modern states too, many decisions (to do with the health care system, say) can result in more or fewer deaths down the line. All the same, it’s clear that there are decisions which put an unusual number of lives in the balance – a decision to get involved in a nuclear war, for example. So it may well be reasonable to add another layer of decision-making to certain decisions. (Though I would also be in favour of putting the decision about which decisions get extra consideration into popular control).

I think we should take care that we do this in a way that enhances democracy rather than diminishes it. Cartledge says that ‘democracy isn’t a single, self-evident good,’ and I agree with him in the sense that there’s no perfect procedure for finding out the people’s will. There is, instead, a range of more or less satisfactory procedures, each with their own advantages and disadvantages, but each with a roughly equal claim to be called democratic. Since every democratic procedure has its deficits, it’s arguable that the best democracy is one in which several procedures are combined, so that they can counteract the deficiencies of the others. For example, first-past-the-post is easy to understand, but can lead to unrepresentative parliaments. Voters find proportional representation more opaque, but it’s also more accurate. The best solution is to combine them, with FPTP being used for some public bodies, and PR for others.

<sup>17</sup> A point stressed by Flaig 2013.

There's been a movement to have a second referendum on Brexit, and it looks to me that Cartledge would be in favour of that. While I agree that such a move wouldn't be positively undemocratic, though (and even has ancient precedent, in the cancelling of the plan to obliterate the Mytilenaeans), it is open to democratic objections; on the face of it, the idea of immediately second-guessing a decision of the people looks democratically problematic (especially if we only second-guess some referenda and not others).

That's why I myself would be more in favour of another option which has been mooted<sup>18</sup>: a citizens' assembly, randomly selected from the population, that could steer a path towards a successful Brexit. MPs' views are out of step with the balance of views on Brexit in the populace as a whole, and this is something that can (and probably has) caused problems since the referendum was held. An allotted citizens' assembly would have much more representative views on the issue. As democratic as it would be, though, it would also represent a different kind of democratic procedure from the referendum, and might thus help counter-act some of its inevitable deficits. (A citizens' assembly, for example, would be able to engage in a kind of complex democratic deliberation that is more difficult in the context of a yes/no referendum.)

But by now we're already having the sort of conversation Cartledge invites us to have at the end of his statement – a conversation about 'the way forward,' which makes use of democratic history to see how we might successfully deepen and enhance citizen participation in politics. As a contribution to this goal (which I share), I wanted to raise one final issue, on that's been

<sup>18</sup> For example, by the Green MP Caroline Lucas. See Lucas 2019.

much in the news of late. This is the issue of polarization. US Democrats and Republicans are strikingly farther apart on most issues than they were only fifteen years ago,<sup>19</sup> and something similar seems to be happening in other democratic countries. Citizens seem increasingly hostile towards those with different politics and worldviews.

Since polarization is currently a big problem, it won’t be too surprising that I don’t have a simple solution to it. I think one promising way forward, though, is to create contexts in which people of different views get to know each other and gain more experience at discussing public issues with each other in a reasonable and civil way. Organizations dedicated to creating such contexts already exist, of course;<sup>20</sup> if the problem gets worse, though, we might want to take a cue from the Athenian reformer Cleisthenes, and involve the state in creating groups of randomly-designated citizens and having them work together. These could, for example, take the form of regular citizens’ assemblies, something which might make our systems more democratic *and* help reduce polarization.

Professor Cartledge ends his statement by saying that, were he to write a life of democracy now, he would add “to our grandchildren, citizens of the future” to the dedication. It’s clear that he has a sincere concern that the history of democracy continues in a positive direction. What I’ve tried to do here is to ask whether the kind of referendum democracy we’ve seen recently is really all that out-of-step with the value of ‘participatoriness’ that he clearly holds dear. Since I do agree with Cartledge that we need to think carefully about our democratic institutions and culture and make sure we get them right, I’ve also made some suggestions of my own on that front. After all, I, in the end, have the same desire

<sup>19</sup> See e.g. Pew Research Center 2014.

<sup>20</sup> E.g. Bridge USA.

to see our democracies flourish as Cartledge does. What I've written here is meant as a contribution to that same goal.

*Victoria University of Wellington*

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



“PEOPLE POWER” & ITS  
DISCONTENTS:  
PAUL CARTLEDGE ON DEMOCRACY  
ANCIENT & MODERN

BY  
JAMES E. MILLER



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# “People Power” & Its Discontents: Paul Cartledge on Democracy Ancient & Modern

James E. Miller

**D***emocracy: A Life* is the latest in a long line of modern works that have helped to restore the good name of ancient democracy, despite a still powerful tradition that remains deeply hostile to the very idea of popular self-government. As Cartledge tells us in his contribution to this symposium, he came of age in the late Sixties, when he was swept up in the radical protest movements of those years. He considers himself a friend of democracy. And because of his unabashed interest in the fate of self-government today – like the Italian philosopher Croce, he believes that “all history is contemporary history” – Cartledge deserves a prominent place alongside those Anglophone scholars who have followed in the footsteps of George Grote, the nineteenth century classicist and contemporary of John Stuart Mill who almost single handedly turned Athenian democracy from “a conservative bugbear to an argumentative resource for liberals” (Kierstead 2014, 165).

Before saying more about what I think is distinctive about Cartledge's work, it is worth pausing to note just how successful Grote's transvaluation of Athenian democracy has been. Some years ago, Jennifer Roberts wrote a very fine book entitled *Athens on Trial*, recounting the anti-democratic tradition in Western thought (Roberts, 1994). But if one were to focus only on Anglophone scholarship since Grote wrote, one might just as well title such a book *Athens Exonerated*.

For a large number of contemporary historians (including Mogens Hansen and Josiah Ober), ancient Athens now represents the gold standard for democracy, ancient and modern, both in theory and practice. Typical is the attitude of the Italian scholar Dino Piovan, who argues that his own reassessment of ancient Athenian democracy "may yet be seen to constitute a useful point of reference, at a time when the current model of democracy finds its legitimacy questioned" (Piovan, 2008, 305).

But it is precisely in this context – of essentially favorable accounts of ancient Athens – that Cartledge's worth stands out, in large part because of his mature ambivalence about the feasibility, indeed, the desirability, of "people power."

Because I share some of his ambivalence, I am grateful for the book he has written. I admire its tone of tart realism, its refusal to gloss over the manifold defects and difficulties that provoked conflicting evaluations of democracy in its first incarnation, and for over two thousand years. Reading his book was a bracing experience: it felt like somebody had thrown open the windows in a musty old seminar room, and let in some fresh air.

It now felt more possible than ever to admire the ancient Athenians and their democratic practices without pretending – as political theorists like Hannah Arendt have been wont to do – that the Attic polis was a paragon of "public freedom," and a wholly

admirable rebuke to the pseudo self-rule served up in modern societies under the false label of “democracy.”

Cartledge of course marvels at the extent of political participation in ancient Athens. But he also concedes it was sometimes onerous – “participatory democracy with a vengeance,” as he puts it (Cartledge 2016, 111). While there is something to the idea, championed by Grote, and J.S. Mill, and Arendt as well, that direct participation in politics can help forge a shared civic culture, it could also, as Cartledge’s history shows, breed conflict and polarization (what the Greeks called “*stasis*”), so that faction, sedition, even civil war were chronic threats.

In thinking about Greek democracy, one may choose to minimize such tensions and contradictions, and celebrate instead the extraordinary fact that all the citizens of Athens, at the height of its democracy, exercised virtually unfettered power, directly in the Assembly and the popular courts, and by random selection to staff up virtually all of the city’s other offices. But Cartledge refuses to gloss over the limits of what the Athenians were able to accomplish.

And in this crucial respect, I believe his work marks a real break within the vindicatory approach to ancient Athens inaugurated by Grote.

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As his essay for this symposium shows, Cartledge is similarly gimlet-eyed when he turns his attention to current affairs, and focuses on the threats posed by both Brexit and the Trump movement to pluralism, tolerance, and the civil rights of minorities.

He thinks that modern democracy, like the ancient variety, is neither “unambiguous” nor “unambivalent” (Cartledge 2019, 7).

The reason for such reservations is, I think, straightforward: Cartledge admires liberalism as well as democracy. Unlike “democracy,” the word “liberalism,” it’s useful to recall, was a relatively late addition to our political lexicon.

In Europe, the word first comes into wide usage in the nineteenth century by various political theorists and statesmen in France, Germany, and Italy, united in their horror at the bloodshed of the French Revolution, but otherwise varied in their positive views. Some focused on promoting commerce and free trade, some stressed juridical limits to state power, others on building a strong state to promote the common good, and still others, some religiously motivated, on fostering citizens who were “liberal” in the classical sense, of being unselfish and magnanimous (Rosenblatt 2018).

In the United States, liberalism was introduced even later into the jargon of American politics by a group of reformers who believed that the federal government could be a tool for positive social change; Teddy Roosevelt Progressives in 1912, they became Wilsonian Democrats from 1916 to 1918, and embraced “liberalism” as a way to distinguish themselves from sectarians of any political party as well as from revolutionary advocates of socialism or communism.

As Paul Cartledge well knows, democracy, when it first appeared in Greece, had nothing to do, either in theory or in practice, with any such modern conception of liberalism.

In classical Athens, democracy presupposed shared norms, a shared religious horizon, and a shared projection of egalitarian ideals; it revolved around periodic public assemblies in which all the citizens met as one, and had, as its characteristic procedure, the

random selection of citizens to fill almost all the key offices of justice, administration, and government. As Socrates discovered at his trial for impiety and corrupting the youth in 399 B.C., the ordinary citizens of ancient Athens had little patience for nonconformists. Their collective freedom to wield their power was perfectly compatible with the complete subjection of the individual to the community.

Modern democracy, which revolves around an idea of popular sovereignty utterly alien to the thinking of the ancient Greeks and most powerfully expressed in Rousseau’s concept of the general will, also has no necessary connection to liberalism. As Rousseau pointed out in his *Social Contract*, a sovereign people can sanction any form of government *they* choose. They might prefer a democratic government, such as ancient Athens enjoyed; or they might prefer a natural aristocracy, or even a king. Indeed, a people may ask its officers to wield its sovereign will as a weapon against perceived enemies. The Protestant champions of the idea of popular sovereignty in the sixteenth century summoned the power of the people for the express purpose of dethroning rulers with whose religious views they disagreed: “It was not religious liberty they sought, but the elimination of wrong religions” (Morgan 1988, 98).

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In the summary of his book in this symposium, Cartledge proposes that we sharply counterpose the Greek word “*demokratia*,” understood literally as “people power,” to “democracy,” an English word that, he remarks, “was re-used and re-purposed in a new sense almost opposite to its original one.”

I favor a slightly different view of how democracy has evolved in modern times. In *Can Democracy Work?*, my own recent history, I analyze four major approaches to understanding modern

democracy, moving chronologically from “the assertion of popular sovereignty in revolutionary Paris in 1792, to the rise of a commercial republic of free individuals in America,” who shared a faith in the virtues of the common man, but entrusted most of their political power to representatives periodically elected by those lucky enough to enjoy the franchise (Miller 2018, 13). I then recount the struggle for social and political equality waged by nineteenth century European socialists, who (unlike the era’s liberals) argued that popular self-government required an egalitarian economy as one of its preconditions. Finally, I show how in the twentieth century, first in America and then around the world, the idea that democracy entailed the robust participation of ordinary people in government gave way to a vaguer belief that democracy merely required politicians responsive to “public opinion,” as ascertained via market research and public opinion polling, supplemented by periodic elections of representatives – a far cry indeed from the direct engagement in politics enjoyed by the citizens of ancient Athens.

Yet despite these vicissitudes, I believe that the word democracy, at its core, even today, implies “people power” – just as it did in ancient Athens.

That’s why democracy, when it’s taken seriously, *still* represents a potentially disruptive challenge to privileged elites – and also, to be blunt, a potentially existential threat to liberal institutions and values.

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Cartledge avers that democracy today is facing a crisis, a moment of decision. And for democrats who are also professed liberals, like Cartledge and myself, this is certainly true. As Brexit and the Trump election have both shown, it’s clear that the friends

of liberty in representative democracies like the UK and US must fight to defend key liberal institutions and norms against the onslaught of illiberal adversaries.

And yet, at the same time, I also believe that we are living through a global golden age of democratic participation. For *democracy* as such – unlike liberalism – seems to be more universally honored than ever before in human history, and still taken seriously as *people power*, for better or worse.

It is a familiar story: Out of the blue, it seems, a crowd pours into a city square, or gathers at a barnstorming rally held by a spellbinding orator, to protest hated institutions, to express rage and anger at the betrayals of the current ruling class, to seize direct control of public spaces. To label these frequently disruptive moments of collective freedom “populist,” in a pejorative sense, is to misunderstand a constitutive feature of the modern democratic project.

Yet these episodes of collective self-assertion are invariably fleeting and stand in tension with the need for a more stable constitution of collective freedom, embodied in the rule of law, and representative institutions that can operate at a larger and more inclusive scale, both national and international. Even worse, these large-scale institutions are prone to frustrate anyone hoping to play a more direct and personal role in political decision making.

This means that the modern democratic project is inherently unstable. Frustrated in practice, the modern promise of popular sovereignty recurrently produces new efforts to assert the collective power of a people, however narrowly or expansively defined. If observers like the apparent result, they often hail an event as a renaissance of the democratic spirit; if they dislike the demands being made, then they are liable to dismiss these episodes of collective self-assertion as mob rule, or populism run amok. No



matter. Since 2011, the world has seen wave after wave of democratic revolts on the streets of various capital cities, and also at ballot boxes.

The list of uprisings is long, and colorful, and worth recalling, with all of its ups and downs, from the Yellow, or “People Power” Revolution of 1986 in the Philippines, to China’s Tiananmen Square democracy protests of 1989; from the Velvet Revolution in Czechoslovakia that same year, to the mainly non-violent, so-called “color revolutions” that followed, including the Rose Revolution in Georgia in 2003; the Orange Revolution in Ukraine in 2004; and the Green Revolution in Iran in 2009. This set the stage for an explosion of global popular protest in 2011, when the overthrow of Tunisia’s government in January inspired Egyptian protesters to occupy Tahrir Square in Cairo, triggering a series of democratic uprisings in Oman, Yemen, Libya, and Syria – the so-called Arab Spring – which in turn helped inspire Spanish radical democrats to occupy Madrid’s central town square, the Puerto del Sol, which in turn helped inspire American protestors to “Occupy Wall Street” by erecting a tent city nearby in Manhattan’s Zuccotti Park.

Ever since, the world has been on a roller coaster ride of democratic revolts, some liberal, some not, some peaceful, some not, from Kiev in 2013 and 2014 to the yellow vest movement in France today – the latest in a line of sometimes chaotic popular movements, all explicitly meant to “take back control,” in the words of the Brexit slogan.

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Democratic revolts against remote elites can obviously create perverse results – but so can democratic elections. In any case,

these disquieting outcomes are essential to the continued vitality, and viability, of modern democracy – even as (and precisely because) they challenge the status quo, destructive (and illiberal) though that challenge may sometimes be.

Despite the obvious risks, both Rousseau and Thomas Jefferson nevertheless invoked a relevant maxim in defense of their own radical faith in giving political power to ordinary citizens. The Latin phrase they both cited is in fact an eighteenth century forgery (*Malo periculosam, libertatem quam quietam servitutem*) – but its sentiments are worth repeating in translation: “I prefer a dangerous freedom to peaceful slavery.”

It seems an apt motto for these dark times, at least to this liberal democrat.

*New School for Social Research*

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



WHAT DID ‘DEMOCRACY’  
MEAN TO GREEK DEMOCRATS?

BY  
JOSIAH OBER

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## What Did ‘Democracy’ Mean to Greek Democrats?

Josiah Ober

**P**aul Cartledge’s splendid book, *Democracy: A Life* invites us to think anew about the meaning of democracy, ancient and modern. He offers his readers a wealth of evidence and thoughtful assessment bearing on the question of what democracy meant to the Athenians and what it does and ought to mean today. He insists, rightly I think, that there is real value in returning to the Greeks, as a unique and valuable source of historical insight on the question of democracy’s meaning. Of course, democracy, since its *Greek* (as Cartledge stresses) invention, has been an “essentially contested concept” (Gallie 1955). There has never been any reasonable hope of coming to a settled agreement on a single, standard definition. But there is, by the same token, real value in considering the range of meanings that have been attached to the term, from antiquity to the present. Indeed, I take it that one of the aims of the book is to remind readers of meanings (notably those associated with social democracy and strict limits on the political privileges of elites) that seem now to be in danger of being lost. A second goal is to push

back against other meanings (notably right-wing populism) that seem now to be ascendant.

As one of Professor Cartledge's older American friends (full disclosure: old enough and close enough to be given the great honor of being the dedicand of this book), and as a fellow long-time laborer in the vineyards of democratic theory as well as Greek history, I offer two sharply contrasting definitions of the word. I follow these modern, resolutely American, conspicuously mid-20<sup>th</sup> century, definitions with a series of speculations about definitions of *demokratia* that might have been in play in classical Greece. I offer these to Paul Cartledge as a counter-invitation, in hopes that he will find them interesting and provocative enough to justify his own response. And I offer them as well to all other historians and political theorists who believe, with me, that it could be, at least occasionally, worthwhile to play a game of "speculative history of ideologies."

In 1943, in response to a request from the Writers' War Board to provide a definition of democracy, E.B. White – later to be the author of *Charlotte's Web* (1952) and co-author of the best manual on writing coherent English prose ever written (Strunk and White 1959, with many subsequent editions) – responded as follows:

"Surely the Board knows what democracy is. It is the line that forms on the right. It is the don't in don't shove. It is the hole in the stuffed shirt through which the sawdust slowly trickles; it is the dent in the high hat. Democracy is the recurrent suspicion that more than half the people are right more than half the time. It is the feeling of privacy in the voting booths, the feeling of communion in the libraries, the feeling of vitality everywhere. Democracy is a letter to the editor. Democracy is the score at the beginning of the ninth. It is an idea which hasn't been disproved yet, a song the words of which have not gone bad. It's the mustard on the hot dog and the cream in the rationed coffee. Democracy is a request from a War Board, in the

middle of a morning in the middle of a war, wanting to know what democracy is (White 1943).

On the other side, we might evoke the austere, “realist’s view” of E.E. Schattschneider, a prominent student of American politics and stern critic of pluralism who served as President of the American Political Science Association in 1956-57.

Democracy is a competitive political system in which competing leaders and organizations define the alternatives of public policy in such a way that the public can participate in the decision-making process. (Schattschneider 1960: 141).

Resisting the temptation of delving into the form, context, normative implications, and intellectual and aesthetic associations of those sharply opposed modern definitions (noting the ways in which White recalls Walt Whitman and John Dewey; how Schattschneider follows in the wake of Joseph Schumpeter and anticipates William Riker), I turn to the main work of this short essay. That consists in posing a question provoked by thinking about the wide range of views on democracy that were in play when and where I grew up and as I developed my own life-long obsession with the power of the people: What would a representative sample of ordinary, presumptively patriotic, “middling” Athenian citizens in the age of Pericles or Demosthenes think if they had been confronted with White’s love letter and Schattschneider’s deflationary realism? Or, to put it a bit differently – and dodging cross-cultural confusions (editor? coffee? the public?) – what did Athenians *hear* when someone spoke the word *demokratia*?



Obviously there would never have been a single answer to that question. Even were we, counterfactually, able to ask them, and they willing to answer, the range of responses would surely be wide. But we can at least guess at some of the possible answers across that range. More ambitiously, if necessarily more speculatively, we might suggest which of those answers would have been more and which less common - which would be near the middle point of a normal distribution and which off on the left or right tail. And we might, finally, ask whether the answers from the Age of Pericles would be relevantly similar or wildly different from those from the Age of Demosthenes. Speculating about the range of things an Athenian citizen might hear in the word *demokratia*, and the relative frequency of hypothetical responses to a request for a definition might be seen as little more than a parlor game. But I suppose that it provides one way for Greek historians and political theorists to explore areas of agreement and disagreement concerning the background ideological conditions under which democracy was practiced in Athens and other Greek poleis.

Below is my own, idiosyncratic but not unconsidered, selection of ten possible answers that I suppose ordinary Athenians might have given when asked, in say 443 or 343 BCE, by some classical era equivalent of the 1943 US War Board, for a definition. I have ventured to guess where I imagine that Paul Cartledge and I are in agreement and where we would still need to “agree to disagree” – but perhaps I have got some or all of that wrong. I trust that he will let me and the other readers of this collection of essays know, either way.

“*Demokratia* is...”

1. A name for a manual of procedure: “The established rules by which we conduct lotteries for office, determine how votes are cast and counted, draw distinctions among jurisdictions, and so on.”

2. A normative and descriptive claim about political values: “Every citizen deserves to live with freedom, equality, and dignity – and so we do, so long as we preserve our *politeia*.”

3. An aspiration: “The ideal of good government at which we aim and sometimes seem to approach.”

4. A warning: “We the people are armed, unified, and dangerous – you anti-democrats had better not try anything. Or else.”

5. A war cry: “To arms, fellow citizens! The danger is clear and present. The enemy within must be defeated!”

6. A social boundary claim: “We, the earth-born natives, the free, the adult men, the masters, the great and good Demos, are the ones that matter around here – all others are ... well, ‘Other’.”

7. A slur turned into a defensive boast: “The elite sneer at our isonomic *politeia*, by calling it people-power: So be it– and so much the worse for them.”

8. A celebration of joint action: “We, all of us citizens together, have the capacity, collectively, to get things done.”

9. A gloating victory slogan: “We, the people, have won, you elites lost; now we will dominate and you must submit.”

10. An elegiac lament: “Something precious, fine, and gone. We once had it but, while we still like to pretend, we know it is lost. We cannot find our way back.”

This list hardly exhausts the answers I suppose might be given by a pro-democratic Athenian sometime in the classical era. And of course we could readily imagine a whole different set of responses from the anti-democratic opponents of the people’s rule. But the list is at least a place to start in seeking to specify areas of agreement and disagreement among historians of Greece and political theorists who have an abiding interest in the phenomenon of democracy in the ancient Greek world.

I think that Paul Cartledge and I, along with many (although certainly not all) students of Greek democracy are likely to say that #1 (manual of procedure) would be almost universally taken for granted. “Doing democracy” – as an assemblyman, a councilman, a juror, a lotteried office-holder, a demesman, an infantryman or rower in the fleet, among any number of other civic roles – was a regular part of the ordinary Athenian’s life.

As a result, I suppose that most Athenians had a pretty solid grasp of the manual – indeed the grasp was likely to have been solid enough that a citizen could readily afford to attach deeper and more value-laden meanings to the word democracy without losing touch with the practical aspects of democratic citizenship. So I think that Cartledge, like me, would expect that #2 (value claim) and #3 (aspiration) would be quite prevalent among the responses from our imagined survey of ordinary Athenian citizens. The emphasis on the three values of #2 might be somewhat different in the fifth and fourth centuries, the assumed frequency of the approach to the aspirational ideal of #3 might have varied, and some of the procedures referred to in #1 would be different. But the similarities across the classical era would, I suppose, outweigh the differences.

Moving into somewhat more tendentious terrain: Surely, at certain moments in the history of both the fifth and fourth centuries, #4 (warning) and #5 (war cry) were very much to the fore. “Democracy” as a warning to its opponents hovered in the near background, ready to be activated at the level of collective action, at least from the later fifth century through the later fourth. It was made explicit in the Oath of Demophantos and, some 75 years later, in the Eukrates law (Teegarden 2014). My own sense, however, is that democracy would have been a war cry, raised against “the enemy within” only rarely during much of the classical period. Paul Cartledge might, however, see #5 as rather more

central to the ordinary, business-as-usual connotations that most members of Athens’ democratic community attached to the word.

Cartledge’s work has often stressed #6 (boundary claim), which I agree will have operated in the background of the social attitudes of many Athenians. But I would contend that it was not at the forefront of the popular idea of *demokratia* as such. Cartledge seems committed to # 7 (slur to boast), as I am not. I suppose that, whatever the origins of the term and whenever it was first coined (on which, see, recently, Lambert 2019), by the time of Pericles, and a fortiori of Demosthenes, *demokratia* was enthusiastically embraced by the ordinary citizens. Had there been negative connotations in its first use (which I continue to doubt, for reasons discussed in Ober 2017), those had been long forgotten.

For me, #8 (celebration of joint action) is the key response (again Ober 2017), the one that I suppose would be enthusiastically endorsed by most Athenians most of the time. While there were certainly moments in which collective action failed – famously in 411 BCE (Thucydides 8.46), those failures were fleeting. The steady conviction that “yes we can” do it *together* was the necessary (if not sufficient) condition for the first emergence of democracy in 508/7, for Athens’ political development in the two decades thereafter, for the decision to resist the Persians at Salamis, for the building out of an Aegean empire. That conviction sustained the democracy through the long Peloponnesian War and enabled it to be regained after the two oligarchic coups of the late fifth century. It kept the Athenians on course as a civic community through the institutional experiments and the foreign policy tumult of the fourth century.

Although surely there were, no doubt, always a few democrats – and occasionally more than a few – who would have happily answered with #9 (victory gloat), I think Cartledge and I are in agreement that they were always a minority. At least the ethos of

the democracy strongly discouraged *acting* on that sort of view (viz. the Amnesty of 403 BCE), and there is little evidence in the preserved public discourse of the classical Athenian democracy for a gloating attitude. That absence is noteworthy in that elsewhere, for example during certain of the democratic interludes at Argos, one might have heard a gloating response from a much larger cross section of the ordinary citizen population. Athens' relative stability in the face of social diversity, persistent economic inequality, and under the pressure of dramatic exogenous shocks, remains worth attending to, especially in light of the frequency of *stasis* in most of the rest of the Greek world (Arcenas 2018).

I believe that Cartledge would not suppose, as I do not, that #10 (elegiac lament) would have been often voiced, by ordinary Athenians, before the later fourth century BCE. Lament was certainly, by the fourth century, a staple of the rhetoric of certain elite Athenians (notably Isocrates in the *Areopagiticus*) – in reference to an imaginary long-lost “ancestral democracy” under which a benevolent elite directed the activities of a grateful demos. The fourth-century demos was indeed invited (for example by Demosthenes) to look back on the fifth-century imperial era as a past era of unequalled grandeur and state-level glory. But the democracy remained vibrant, and was known to be so. At least one of the major accomplishments of later-twentieth-century ancient Greek historians was putting to rest an old and persistent notion of “post-Peloponnesian War democratic decline.”

There is much more debate about the status of democracy, real and perceived, in the post-classical Hellenistic world. Cartledge aligns himself with those (notably his teacher G.E.M. de Ste Croix 1983: esp. 518-527), who suppose that the Macedonians effectively put democracy to death and thus that post-classical Greek pretensions to democracy (in literature and documentary inscriptions) was a sham. I tend to come down on the other side

of that debate (see, for example, Ma 2018) and so I suppose that through the third and even into the second century BCE elegiac lament would have been neither an appropriate, nor a common response across much of the Greek world. That said, the history of post-classical democracy is surely among the most exciting frontiers of twenty-first century Greek history. All those concerned with debates about the status of Hellenistic governments calling themselves democracies will need to attend to Cartledge's concerns about what happened to the idea and practice of collective self-government by ordinary citizens in the age of Alexander and his successors. Those debates are particularly salient in the twenty-first century, an era, as Paul Cartledge reminds us in the envoi to his stimulating book, when the question of whether and how democracy can be preserved in the face of growing inequalities of wealth and power is once again a painfully open question.

*Stanford University*

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



DEMOCRACY'S  
UNFULFILLED PROMISE:  
RESPONSE TO PAUL CARTLEDGE,  
*DEMOCRACY: A LIFE*

BY  
JENNIFER TOLBERT ROBERTS



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# Democracy's Unfulfilled Promise

## Response to Paul Cartledge, *Democracy: A Life*

Jennifer Tolbert Roberts

**I**n this remarkable tour de force Professor Cartledge combines a knowledge of history that is both broad and deep with a passionate concern for the welfare of the human race. His magisterial study is most welcome at a time when democracy is under assault in many parts of the globe. Civil liberties and political rights around the world have fallen to their lowest point in over than a decade (Abramowitz 2018). According to a study undertaken by Freedom House, 71 countries suffered declines in civil and political liberties in 2017, marking the twelfth consecutive year of decline in global freedom (Freedom House 2018). Rightist, “populist” parties with no concern for equality or freedom are gaining strength in continental Europe. In Myanmar, Aung San Suu Kyi, President of the National League for Democracy, has sat idly by in the face of the persecution and genocide of the Rohingya Muslim ethnic minority. Appallingly, many of the 40.3 million souls who today live in slavery can be found in democratic countries; by far the largest

number of slaves – close to 20,000,000 – live in that purportedly democratic country, India.

Meanwhile, the perils of majoritarian tyranny have been made plain by the recent Brexit campaign in Britain, where in a scenario sensitively described by Prof. Cartledge xenophobic rabble-rousers appealed to the worst in voters to push through a disastrous decision by an insufficiently informed public – and by a minority of the electorate (Cartledge 2016, 316); the United States for its part is in the grip of a tyrannical minority, elected by a similarly small fraction of the citizenry, that has applied itself energetically to the task of eroding democracy whenever possible both at home and abroad.

The reasoning behind the situation in the United States, where I live, is instructive. It is not Michels' Iron Law of Oligarchy that explains current circumstances. Rather, the much-revered Founding Fathers, recoiling from what they knew of Renaissance Florence and what they believed about classical Athens, methodically designed the government to squelch any democratic tendencies. Professor Cartledge aptly cites the words of James Madison, who was quick to distinguish the American republics from “the turbulent democracies of ancient Greece and modern Italy,” insisting in *Federalist 14* that

in all very numerous assemblies, of whatever characters composed, passion never fails to wrest the sceptre from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob.”  
(Cartledge 2016, 294; Rossiter 1961, 342)

Alexander Hamilton for his part found it “impossible to read the history of the petty republics of Greece and Italy without feeling sensations of horror and disgust at the distractions with which they were continually agitated” (Rossiter 1961, 71). It was

John Adams, however, who was the most dedicated to demonstrating the evils of democracy both in general and in Athens, where, he complained, Solon had “put all power into hands the least capable of using it” (C. Adams 1850-56, 4. 479). The problems inherent in democracy, Adams argued, might be obviated by a representative government – but not too representative; for his commitment to government by property-holders was absolute, property being “surely a right of mankind as really as liberty.” Majority rule was unthinkable as it would occasion “the eight or nine millions who have no property...usurping over the rights of the one or two million who have.” No votes for *thetes* in Adams’ universe! “The moment the idea is admitted into society, that property is not as sacred as the laws of God...anarchy and tyranny commence” (C. Adams 1850-56, 6. 9). As Professor Cartledge points out, even the more egalitarian Thomas Jefferson, responsible for the appearance of the “inalienable rights” to “life, liberty, and the pursuit of happiness” in the Declaration of Independence, conceived the last of these rights as “inseparable from the ownership of real property, which – contradictorily, one might have thought – did not exclude property in humans, in which the Virginian Jefferson himself generously indulged” (Cartledge 2016, 295).

And indeed property qualifications were written into law in the new nation across the Atlantic. As a rule, states limited the franchise to property-owning white males, well under 10% of the population. Notions of the primacy of property would play a significant role in the rise of Ronald Reagan and the entire conservative movement in the United States. Responding to genuine problems with skyrocketing property tax assessments in California, lobbyist Howard Jarvis took the ball of discontent and ran with it, arguing that “The most important thing in this country is not the school system, nor the police department, nor the fire department. The right to preserve, the right to have property in

this country, the right to have a home in this country, that's important." The result of his agitation was the passing first of California's 1978 Proposition 13 placing limits on the taxation of property, then tax cutting referenda in numerous other states, and overall a burgeoning anti-big government movement that still thrives in the U. S. today. (Haberman 2016; cited in Taylor 2019, 186).

The founders devised another curb on the masses in the form of a Senate, Madison (most likely) arguing in *Federalist 63* for a Senate to protect the populace when "stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men," they "may call for measures which they themselves will afterwards be the most ready to lament and condemn"; what wretched suffering, the author asks, would not the Athenians have escaped "if their government had contained so provident a safeguard against the tyranny of their own passions?" (Rossiter 1961, 384)

Although proportional representation was written into the House of Representatives, the composition of that Senate was a sticking point, for the prospect of a similar proportionality awakened alarm in framers from the smaller states. The Virginia plan called for a bicameral legislature with each chamber represented proportionally to population. The New Jersey Plan, on the other hand, entailed legislature in a single chamber that would function on the basis of one vote per state, as had been the case with the Articles of Confederation. Neither plan was adopted; the current legislative system of the United States, with all states having equal representation in the Senate but each state enjoying proportional representation in the House of Representatives, is the product of what is known as the Connecticut Compromise.

Disagreement also marked the means of selecting a chief executive. Options considered were selection by Congress or a group thereof, chosen by lot; by the governors or legislatures of

the states; or direct election by the populace. The existing system, the Electoral College, entailed another compromise between the interests of larger and smaller states: each state would receive proportional representation – plus one Elector for each senator; in other words, proportional representation plus two. Beginning in 1872 it became the practice for all the Electors to cast their ballots for the candidate who carried their state; today only Maine and Nebraska depart from this rule. It is thus quite possible for a candidate to become President without winning the popular vote, as has been the case in five presidential elections.

Representation in the U. S. Senate, where Wyoming with its 2019 population of 573,720 has the same number of senators as California with its 39,776,830, is now grossly disproportional, granting mammoth powers to voters in the least populous states, and the Electoral College system has opened the door to ludicrous “victories” at the presidential level, as in the 2016 election when Hillary Clinton, though receiving some 2,864,974 more votes than Donald Trump, was “defeated.” The diminution of minority votes by gerrymandering and voter suppression is staggering. In the nearly 230 years since the first census was taken in 1790, no question regarding citizenship has ever been asked, but the government has recently sought to introduce one. Why? As I was composing this response, news broke of a sensational discovery on the hard drive of late expert cartographer and gerrymanderer extraordinaire Thomas Hofeller: a citizenship question, Hofeller argued, would be required to gather the data that would make possible a redistricting “advantageous to Republicans and non-Hispanic whites.” Hofeller’s “digital fingerprints” are plainly visible on the Justice Department’s attempt to add the question (Wines 2019; Stohr and Dolmetsch 2019).

Facilitated by the 2013 Supreme Court decision *Shelby County v. Holder*, moreover, which declared two provisions in the historic 1965 Voting Rights Act to be unconstitutional, impossible

standards for voting have significantly shrunk the number of citizens eligible to vote. In North Dakota, a new voter identification law has diminished the voting power of Native Americans; in Georgia and Wisconsin, thousands of African-Americans have found themselves disqualified. And of course the disfranchisement of felons even after release perfectly encapsulates the reverse engineering that has been deployed (the same reverse engineering that underfunded African-American schools and then posed literacy tests for voting): more African-Americans are arrested for the same crimes than whites, and people with felony convictions represent about 8% of the general population but some 33% of African-Americans (Flurry, 2017). Selective closing of polls has targeted African-Americans with surgical precision, and new voting requirements rationalized by the myth of voter fraud have, one might say, compounded the felony. In the 2004 presidential election, a blood-curdling flyer that purportedly originated from the “Milwaukee Black Voters League” was distributed in African-American sections of the city to spread misinformation:

SOME WARNINGS FOR ELECTION TIME

IF YOU’VE ALREADY VOTED IN ANY ELECTION THIS YEAR  
YOU CAN’T VOTE IN THE PRESIDENTIAL ELECTION.

IF YOU [OR ANYBODY IN YOUR FAMILY] HAVE EVER BEEN  
FOUND GUILTY OF ANYTHING, EVEN A TRAFFIC VIOLATION,  
YOU CAN’T VOTE IN THE PRESIDENTIAL ELECTION.

... IF YOU VIOLATE ANY OF THESE LAWS YOU CAN GET TEN  
YEARS IN PRISON AND YOUR CHILDREN WILL BE TAKEN  
AWAY FROM YOU (Wang 2012).

And none of this takes into consideration way in which the interference of foreign powers in the election process has entailed a calculated exploitation of racial conflict. Masterminded by Vladimir Putin and implemented by his ally Yevgeny V. Prigozhin, owner of the Internet Research Agency based in St. Petersburg, the Russian campaign against American democracy specifically sought to exploit the racial tensions that have been the legacy of slavery. Of 81 Facebook pages created by the Internet Research Agency known to the Senate, 30 targeted African-American audiences; over time these pages racked up some 1.2 million followers (Shane and Frenkel 2018). The material put out by the Russians on social media platforms such as Facebook, Twitter, and YouTube was calculated to inflame justifiable rage about rates of poverty and incarceration among African-Americans, as well as police brutality directed towards them, in order to divert their focus from traditional political institutions (Swaine 2018). Highlighting racial injustice in America was, of course, nothing new for Russia. Predictably, the Soviet Press pounced on the violence in Little Rock, Arkansas following the *Brown v. Board of Education* Supreme Court decision that struck down school segregation as unconstitutional, pointing out that people who “dream of nooses and dynamite...who throw rocks at defenseless Negro children – these gentlemen have the audacity to talk about ‘democracy’ and speak as supporters of freedom” (“This Must Be Said,” *Current Digest of the Russian Press* 1957, 25; Anderson 2018, 18). What was new in the 2016 election was the targets of the Russian efforts: not the world public but the African-American community in the United States.

The slavery of which racial tension in the United States is the legacy played a large role in the shaping of the Electoral College (as well as the House of Representatives). Historians have been prone to believe the support of slavery was in fact the purpose of the College’s creation. Regardless of intent, disproportionate voting



power ended up in southern hands, for in the face of southern distress about determining proportionality in terms of free people only, the framers enshrined into law the infamous Three-Fifths Compromise that counted each slave as three fifths of a human being. We may comfortably dismiss any notion that the slaveholders--among whom I have many ancestors--voted in the interests both of themselves and their human “real estate.” By the early nineteenth century, with the evident success of the American experiment, the notion of democracy no longer occasioned as much alarm. Thomas Jefferson felt comfortable proclaiming himself a democrat. The Democratic Party was probably founded around 1828 by supporters of President Andrew Jackson. *Democracy* came in time to be a “virtue word,” and everybody who lacked the opportunity to rule alone or as part of a secure oligarchy seemed to want some.

Professor Cartledge has done a superb job here of laying out the differences between the illiberal democracies of Greece and the liberal democracies of the modern world. In his 2009 *Ancient Greek Political Thought in Practice (Key Themes in Ancient History)* (Cartledge, 2009), he has also zeroed in expertly on the thinking responsible for one of the most dramatic instances of democratic illiberality, the execution of Socrates. One thing ancient and modern democracies share, however, is their dependence on exclusionary principles. Just as capitalism flourishes on the backs of millions of workers who take home only a smidgen of what corporate executives do, so democracy is shored up by the presence of out-groups. These groups – women, people of color – have played a role in the evolution of democracy in the modern world quite similar to that played by women and slaves in the ancient.

I do not refer here to the logistical support services provided by wives and various blue- and pink-collar workers that enable men to function as captains of industry and government, important as this is, but rather to the psychological support rendered to the

entire edifice by the knowledge that the perquisites of the system are not universally shared. It has been argued that the Athenian economy was dependent on slavery. I'm not sure. But what the democracy did depend on was the existence of out-groups against which the body of voters and office-holders could define itself, and that enabled the aristocracy to accept the diminution of its power since, after all, its members still belonged to the elite, newly defined as an elite of male citizens. A voter, furthermore, was to a considerable degree defined by what he was not. He was not a woman. He was not a slave. He was not a foreigner. He was a full-fledged member of a club surrounded by a majority that was denied access to the clubhouse: women, slaves, non-Athenians.

After the Persian Wars, moreover, the binary opposition Greek/non-Greek became immensely important in the Hellenic consciousness (Hall, 1989). In his tragedy about the Battle of Salamis in 480, *The Persians*, the Athenian playwright Aeschylus made a point of having Xerxes' mother remind the chorus that even should the expedition against Greece fail, Xerxes will continue in power as before, for he is not accountable to the state for his actions: he is not *hyp euthynos polei* (213). The choice of language underlines the supreme unAthenianness of the phenomenon, for at Athens all outgoing officials were subject to exit hearings known as *euthynai*. Within thirty days of laying down their offices, all Athenian office-holders were required to submit their records for audit, and any citizen who wished was invited to lodge a grievance. Only when this scrutiny and any prosecutions arising from it had been completed was it legal for a man to set out on a journey, transfer his property to another, or make a votive offering to a god. The contrast with Xerxes' absolute power could not be more conspicuous.

Some of the contrasts Aeschylus takes pains to draw in the play oppose Persians to all Greeks, not merely Athenians. Who, Xerxes' mother asks the chorus of Persian elders, is master over these

Greeks? “They are the slaves or subjects of no man,” comes the reply (242). The exchange is calculated to underline the contrast between the Greeks, who are free, and the residents of Persia, all regarded as slaves of the king. The playwright underlines the Persians’ luxury, softness, and downright effeminacy. Variants of the adjective *habros* – soft, luxurious, delicate – pop up frequently in the play in one form or another. Xerxes and the Persian elders who make up the chorus are described as wearing *peploi*, a characteristic female garment associated with women and non-Greeks – particularly non-Greeks who are being assimilated to women. The highly emotional wailing in which Xerxes indulges after his defeat would have been considered distinctly demeaning to a man in Greece, where mourning was women’s work. Xerxes himself was accused by his fellow Persians of *anandria*, cowardice and (literally) unmanliness (755).

Despite his enormous interest in and respect for the various peoples of the known world, the historian Herodotus did much to entrench in the Greek mind the notion of a binary opposition between Greeks and Persians or *barbaroi*, as the Greeks called them: people whose speech sounded to them like bar, bar, bar. In his *Histories* Herodotus deploys an imaginative recreation of a conversation between two Greeks and the “barbarian” commander Hydarnes to highlight the opposition of Greek freedom to Persian enslavement. Advised to defect to Persia on the promise of a fine reward from Xerxes, the Spartans reply:

Your advice to us, Hydarnes, is one-sided; half of it is based on knowledge, but the other half on ignorance. You know very well what it is to be a slave, but having never tasted freedom, you do not know whether it is sweet or not. Believe me, if you should get a taste of it, you would advise us to fight for it not with spears but with axes (7. 135. 3).

The mention of Sparta may seem incongruous where democracy is under discussion, but in fact it is very apt. For as Plato's relative Critias was said to have observed, nowhere was a free man more free or a slave more enslaved than in Sparta. Though hardly democratic with its two royal houses, its five ephors (overseers, largely of the kings), and its *gerousia* (Council of Elders), Sparta certainly echoed democracies in its division of the populace into purportedly equal citizens and state slaves, the helots, who engaged in food production so that Spartan men could devote themselves to military preparation on a full time basis. The story that the legendary lawgiver Lycurgus had once upon a time divided the land into nine thousand equal plots and allotted one to each Spartan male undergirded the myth that all citizens were economically equal. Though in fact some allotments were more fertile than others, an aggressive ideology of equality discouraged richer Spartans from doing anything to call attention to their situation; ostentation was practically unheard of, and wealth was far more likely to be concealed than paraded. The brutality of helotage was extreme; every year the ephors declared war on the helots so that they could be murdered without their killers incurring civil or religious liability. But the notion of dividing the populace into insiders and outsiders echoed the ideology of democracies: the presence of slaves served not only to highlight the privileges of the citizenry but to unify the citizen body.

An analogous situation prevailed in the new American nation and has persisted, though it has morphed into a different form, to this day. In 1832, Thomas Dew, president of the College of William and Mary, maintained that it was precisely in the slaveholding states of antiquity that "the spirit of liberty glowed with most intensity" and attributed the same dynamic to slavery in the southern states, where, he suggested, "The menial and low offices being all performed by blacks, there is at once taken away the greatest cause of distinction and separation of the ranks of

society.... Color alone is here the badge of distinction, the true mark of aristocracy, and all who are white are equal in spite of the variety of occupation” (Dew 1832). Jefferson Davis, future president of the Confederacy, summed up the southern slaveholders’ conviction that only slavery made equality possible when he wrote that “White men have an equality resulting from a presence of a lower caste, which cannot exist were white men to fill the position here occupied by the servile race” (Coates 2017, 67).

Orlando Patterson in his 1991 book *Freedom in the Making of Western Culture* underlined the parallel with Athens: it was to slavery, he wrote, that the Athenians owed their ability to see themselves as united in a shared enterprise, as “kinsmen, kith and kin against a world of unfree barbarians” (Patterson 1991, 99). Admirable – indeed, amazing – as it was in contrast to the oligarchy it superseded and the oligarchies that persisted elsewhere in Greece concurrently, the Athenian democracy was conceived in exclusion, as I argued 25 years ago in the book on which Professor Cartledge has been kind enough to lavish praise in his first chapter (Cartledge 2016, 33-34). The exclusion entailed a wide variety of out-groups that were often assimilated to one another: women, slaves, non-Greeks, animals, children, although of course some children would grow up to be group members. Aeschylus in the *Persians* identified slavishness and femaleness as the defining characteristics of “barbarians.” I mention animals not because their inclusion in the voting body is on the table anywhere but because Greeks often grouped them with women, slaves, and barbarians. Despite his inclusion of women in the government of the ideal state sketched out in *The Republic*, Plato’s dialogues frequently class women with slaves, children and animals. A chaotic government like democracy, he depicts Socrates as saying, is like a fancy cloak embroidered with many different colors – the sort of thing that would appeal to women and children (*Republic* 557c). Slaves in a

democracy, Socrates complains, are just as free as their owners, and an alarming freedom and equality characterizes the relation of the sexes. Even the animals are freer in a democracy: donkeys and horses saunter down the road at will, bumping into anyone who declines to yield to them. Slaves, women, animals all behave with license under democracy (563b-c; Roberts 1995). In Plato's *Timaeus* we read that men who have lived their lives badly can expect to be reincarnated as women. If they still persist in wickedness, they will next return as animals (*Timaeus* 42b-c). Aristotle presented a somewhat different construct in the *Politics* when he identified three forms of rule: free over slave, male over female, adult over child (1260a).

In his 1993 article on Greek slavery, Professor Cartledge has written at length and in depth about the centrality of slavery to Athenian democracy, not simply in terms of its contribution to the economy but with respect to the Athenian democracy's very conception of itself: an "odd mixture," he writes, "of maximum liberty for adult male citizens combined with maximum servitude for tortured and whipped slaves." And not in Athens alone. Citing Moses Finley's famous observation that "One aspect of Greek history, in short, is the advance hand in hand, of freedom and slavery," he states his preference for the formulation of Harvard professor Nathan Huggins: slavery and freedom, white and black, are joined at the hip. Although, Professor Cartledge concludes, "freedom and slavery may seem - or be made to seem for ideological purposes - polar opposites, in actual historical fact they have been mutually interdependent, both in Classical Greece and in the modern United States" (Cartledge 1993, 176, with n. 38).

As we have learned from the ancients, mention of slaves must be complemented by mention of women. We will leave for now issues regarding children and animals, although not without observing that the enemies of Athens (and, by extension, of civilization) portrayed in defeat on the Parthenon include most

prominently Amazons and the wild half-man, half-horse Centaurs. In Professor Cartledge's construct, Greek slavery not only inflicted vile harm on the slaves but "also warped and poisoned the outlook of free Greek citizen men towards not just slaves but also free women (including their own wives, mothers, sisters, and daughters)" (Cartledge 1993, 177). Other paradigms, however, have also been put forward. In 1944 the prominent Ukrainian-American psychoanalyst Gregory Zilboorg argued that it was men's discovery that they could subjugate women that led to a concept of mastery prompting the phenomenon of enslavement (Zilboorg 1944). More recently historian Gerda Lerner has maintained that "The oppression of women antedates slavery and makes it possible." In order to make those they have subjugated by force into slaves, she suggested, "men must have known that such a designation would indeed work. We know that mental constructs usually derive from some model in reality and consist of a new ordering of past experience. That experience, which was available to men prior to the invention of slavery, was the subordination of women of their own group" (Lerner 1986, 77). Compare the remarks of the American slaveholder George Fitzhugh in *Sociology for the South*, published in 1854 and the first book to contain the word "sociology" in its title: "Marriage is too much like slavery not to be involved in its fate." (Wish 1960, 205)

In the course of very generous observations on my book *Athens on Trial: The Antidemocratic Tradition in Western Thought* (Roberts 1994) Professor Cartledge has argued that the exclusion of women from the political process in Athens was unremarkable, given "that almost no Greek male conceded that they possessed the natural potential for full and equal political empowerment" and has suggested that before we cast blame on the Greeks "we must recall that the total political exclusion of women was also the practice almost everywhere in the world right down to the latter half of the twentieth century" (Cartledge 2016, 33-34). I think, though, that in

a discussion of the exclusionary history of democracy this issue is worth revisiting. Arguments that did not persuade Professor Cartledge in 1994 may not persuade him now, but perhaps I can put forward some new ammunition in support of my suggestion that this exclusion carries considerable significance.

In Athens, women were not merely excluded from the political process but barred from every public sphere (except, as Professor Cartledge has reminded me in conversation, that of religion), encouraged to remain indoors at home wherever possible while their husbands formed the important bonds of life – social, civic, sexual – with other men. It was the beautiful male body that was glorified in both highbrow and popular culture, not, as today, the beautiful female body. While Athens is hardly the only democracy to have prohibited women from voting, serving on juries, or holding political office – as recently as the 1960s women were barred from jury service in three states in the United States – it was conspicuous for the precedence it gave to ties among men.

Already in 1874 the Irish polymath John Pentland Mahaffy, graduate of Trinity College, Dublin where Professor Cartledge has taught, commented on the consequences of the advent of democracy at Athens, observing that

[the] result of this equality upon the position of woman is obvious... A common man, with an actual vote, would become of more importance than an Alcmaeonid lady, who might possibly of old have swayed her ruling husband; and so with the development of political interests, gradually absorbing all the life of every Athenian, there came, in that deeply selfish society, a gradual lowering in the scale of all such elements as possessed no political power. Old age and weaker sex were pushed aside to make way for the politician--the man of action--the man who carried arms, and exercised civic rights (Mahaffy 1874, 137).



Almost exactly a hundred years later feminist historian Sarah Pomeroy would express very similar ideas:

after the class stratification that separated individual men according to such criteria as noble descent and wealth was eliminated, the ensuing ideal of equality among male citizens was intolerable. The will to dominate was such that they then had to separate themselves as a group and claim to be superior to all non-members: foreigners, slaves, and women (Pomeroy 1975, 78).

The suggestion that this phenomenon is not limited to Athens appears in the work of classicist Eva Keuls, one of the fiercest champions of the notion that women were denigrated there. Athens, Keuls wrote, provides “a kind of concave mirror in which we can see our own foibles and institutions magnified and distorted” (Keuls 1985, 12). Similarly Marilyn Arthur’s 1984 article in which the author maintained that “the democracies of ancient Greece secured liberty for all its [sic] citizens by inventing a system of private property which required women to legitimate it and slaves to work it” was entitled “Early Greece: The Origins of the Western Attitude to Women” (Arthur 1984, 36).

Over half a century ago the British Marxist philosopher and classical scholar George Thomson identified the connection between the subjugation of women and the foundation of Athenian democracy in his *Aeschylus and Athens* (Thomson 1941, then 1968). The climax of Aeschylus’s 458 trilogy *The Oresteia* is portentous for the establishment of the polis, ending as it does in the taming of the bloodthirsty snake-haired Furies – the embodiment of female physicality and emotionality – who seek vengeance for Orestes’ murder of his mother, and the acquittal of Orestes for that murder: only the father, claims Apollo, is the true parent, while the mother merely babysits the embryo until it is ready to be born (and Athena, sprung from the head of her father

Zeus, chimes in that she has done just fine without a mother). As an archaic tribal system yields to the new order of the polis, Thomson argued, the protection and transmission of private property would be essential; “if,” he wrote,

we ask why the dramatist has made the outcome of the trial turn on the social relations of the sexes, the answer is that he regarded the subordination of women, quite correctly, as an indispensable condition of democracy. Just as Aristophanes and Plato perceived that the abolition of private property would involve the emancipation of women, so Aeschylus perceived that the subjection of women was a necessary consequence of the development of private property.” (Thomson 1968, 269)

A generation later American classicist Froma Zeitlin offered a detailed critique of the way in which the trilogy traces a progression from the matriarchy of the unnatural husband-slaying Clytemnestra (who assumes the traditional male roles of ruler and taker of life) to the patriarchy established with the resolution of Orestes’ dilemma: he is acquitted via the new institution of the masculine democracy, where power is relocated in a system of male-staffed courts (Zeitlin 1978).

In the *Oresteia*, the legal system of the male democracy now supersedes the law of the family, associated with the female, whose ultimate contribution to the community, their fertility, is now denied. Male reason dethrones female emotion. In the words of feminist theorist Nancy Hartsock, the Furies

appear as elements of the archaic “old religion,”... primitive, lawless, regressive, and tied to the forces of earth and nature, while the male, “bright Apollo,” is seen as leading toward the future – law abiding, orderly, and by implication part of the world of reason. Because of the danger the female presents to the male world, the plays can be read as a statement of the importance fifth-century Athenians gave to domesticating the forces of

disorder. Failing this domestication, they feared, the male community could not survive (Hartssock 1985, 192).

The belief that the social order necessarily posited the subjugation of women persisted, along with a connection between such subjugation with slavery and democracy. Slaveholders in the antebellum south of the United States were alarmed by the number of women (and champions of women's rights) among abolitionists; recall the remarks of George Fitzhugh on the natural bond between marriage and slavery. Throughout history, Fitzhugh believed, the organization of society had been a patriarchal structure predicated on subordinate females and servile labor. Today, the nexus has taken a slightly different form and now ties together capitalist democracy with discrimination against women and people of color. In 2007 Polity Press published *Contract and Domination*, a work that brought together two important scholars, political scientist Carole Pateman and my City University of New York colleague philosopher Charles Mills. Pateman had published an epoch-making book in 1988, *The Sexual Contract*, followed immediately by *The Disorder of Women: Democracy, Feminism, and Political Theory* in 1989; in 1997 Mills had published a compelling book that traces the same phenomenon in racial terms, *The Racial Contract* (Pateman and Mills 2007; Pateman 1988; Mills 1997). The social contract theory that had come into being in early modern Europe and has continued into modern times, both authors have argued, can better be understood as a compact by which white men came together to ensure the domination of women and people of color. A fraternal contract among free white males, the social contract that so influenced America's founders, Mills reminds us, came into being at a particular time in history: "the golden age of contract theory (1650 to 1800) overlapped with the growth of a European capitalism whose development was stimulated by the voyages of exploration that increasingly gave the contract a *racial*

subtext. The evolution of the modern version of the contract... with its proclamations of the equal rights, autonomy, and freedom of all men, thus took place simultaneously with the massacre, expropriation, and subjection to hereditary slavery of men at least apparently human” (Mills 1997, 63-64). In 1776 that dedicated contractarian John Adams expressed horror that the contagion of the American revolution had prompted rebelliousness in all quarters: that children and apprentices had become disobedient, schools grown turbulent, “that Indians slighted their guardians, and negroes grew insolent to their masters” – and worse still, that he has heard from his wife the redoubtable Abigail Smith Adams that “another tribe, more numerous and powerful than all the rest, were grown discontented”: the tribe of females. “Depend on it,” he cautioned her, “we know better than to repeal our masculine systems....” (J. Adams 1776; J. Adams and A. Adams 2001) It is certain in theory, he wrote to the perilously egalitarian Massachusetts judge James Sullivan,

that the only moral foundation of government is the consent of the people, but to what an extent shall we carry this principle? Shall we say, that every individual of the community, old and young, male and female, as well as rich and poor, must consent, expressly to every act of legislation?... [Women’s] delicacy renders them unfit for practice and experience, in the great business of life, and the hardy enterprises of war, as well as the arduous cares of state.” (J. Adams 1776; C. Adams 1850-56).

Both in reputation and reality, moreover, democracy has been vitiated by its intimate relationship with a pernicious unbridled capitalism that is eating away at the fiber of the presumed “community” – a situation compounded by the lower wages accorded to women and the lower incomes of people of color. Irrespective of race and gender, a burgeoning economic inequality

is steadily undermining the fabric of the state. As of 2017, eight men possessed the same amount of wealth as the 3.6 billion people who comprise the poorest half of the human race; six of these men lived in the ostensibly egalitarian United States. (Oxfam International, 2017). The operative word, of course, is “ostensibly.” Principles of equality abstracted from real life fail to address the disabilities under which years of injustice have placed so many of its purportedly equal citizens who continue to be “othered” in a variety of ways too numerous to detail here. I had the privilege of rereading Professor Cartledge’s book this year in tandem with activist Astra Taylor’s meticulously researched *Democracy May Not Exist, But We’ll Miss It When It’s Gone*. “If we believe that democracy should serve all of society,” she writes, “how can we call ourselves democratic when workers juggle multiple jobs as record-breaking profits flow to owners and investors? When millions of people, disproportionately poor and people of color, are locked behind bars? When access to learning and lifesaving treatments are denied to those who can’t pay?” (Taylor 2019, 9). As Franklin Roosevelt observed, “Necessitous men are not free men.” In the United States, African-American families hold about \$5.04 for every \$100 in white family wealth (Badger 2017; Thompson 2018). As of 2014, a quarter of all Native Americans and Alaska natives were living in poverty (Krogstad 2014), and women in the United States are three times as likely as men to fall below the poverty line.

These are dark days for democracy. Of course, as Professor Cartledge has reminded us, there are pockets of hope. Developments such as the robust citizen participation in the redrafting of the national constitution in Iceland that he cites (Cartledge 2016, 310) are immensely heartening. Yet like Professor Cartledge I remain deeply concerned. Under attack from both right and left, democracy needs to reassess how it can best earn the confidence of the diverse electorate by serving the needs of all. It

is likely that this will entail some degree of uncoupling itself from capitalism. In contemplating what democracy has and had not achieved in the world, Professor Cartledge's book has performed an immensely important service.

*City University of New York*

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SYMPOSIUM  
THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



DEMOCRACY: A LIFE  
*RESPONSE*

BY  
PAUL CARTLEDGE

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# Democracy: A Life *Response*

Paul Cartledge

## I

### *Preamble*

**T**his is not the first time that I have responded to a – brilliant – collection of papers somehow prompted or provoked (I dare not say inspired) by work of my own. I did so first in a volume that arose from a Cambridge seminar convened to mark my retirement in 2014 from my post as the inaugural A.G. Leventis Professor of Greek Culture in the Faculty of Classics, University of Cambridge: Allen et al. 2018. ('Allen et al. 2018' is just one of the titles listed in the *Appendix* to this *Response*. This contains a selection of relevant titles published in or after 2016 that could not be properly discussed or even in many cases cited in the following *Response* itself. The list is as long as it is, in part because my 'life' of democracy includes 'modern' and 'contemporary' as well as 'ancient' democracy, in part because it includes important works cited by my respondents, but in even more telling part because of the state of 'democracy,'

globally speaking, in recent and current times, or rather thanks to the (generally parlous) state we're in.)

That collection was what might in other circumstances have been called a *Festschrift*, and – in accordance with the rules of that genre, and so far as the work of mine discussed or mentioned there was concerned – altogether too gently positive. The present exercise, for the existence of which we are indebted to the good offices of Professors Paolo Bellini, Fabrizio Sciacca and Massimo Palma, is a very different matter.

It is a virtual symposium: at its heart are seven responses, or ripostes, to my 2016/2018 monograph, *Democracy: A Life*, topped and tailed by my prefatory *Statement* and my *Response* (to the responses/ripostes). The exercise, so far from being mere navel-gazing, would seem to be all too timely. For it's official: we live in an 'age of autocracies.' This is not only my judgement. The Foreign Affairs Select Committee of the UK Parliament, a cross-party committee, has just published a report entitled "A cautious embrace: defending democracy in an age of autocracies.". Jenny Roberts's response below backs that up: on its first page (p. 95) she writes that "democracy is under assault in many parts of the globe," and on its last (p. 114) she reiterates that these are "dark days for democracy."

What is to be done? What can academics and public intellectuals specifically contribute both to improve debate about and to remedy the actual political situation, whether globally or more locally? It's in that spirit that I set out on my quest for democracy ancient and modern a dozen years ago, but it's in a spirit of greater despondency than I could possibly have imagined then that I find myself writing these words now.

Full disclosure: The choice of respondents was indeed something in which I had a hand, but of editorial control or even

influence have I had none. It is for readers to judge, of course, but my firm conviction is that that denial has been all to the good; indeed, believing as I do that debate, open, free and critical debate, is of the essence in any properly democratic discussion – of democracy, or whatever – I can only say that, the tougher the criticism of that sort directed towards my *Democracy* book, the better. At risk of appearing either merely sycophantic or altogether too keen to indulge in *captatio benevolentiae*, I am bound to say that I was and am astonished both by the generosity of my respondents in giving up their time and effort to this project and by the quality and practical utility of their responses.

I couldn't have hoped or indeed thought it worthwhile to respond to all or even most of the many significant points made either against the book or in some relation to it. I have chosen to organise my Response under five headings: three are the three main 'objectives' I set out in my 'Statement,' above; these are framed by the other two, namely, the issue/problematic of definition(s), and a sections of thoughts as to possible/viable future directions of democratic theory and democratic practice.

Under the first four of these headings I have aimed to respond appropriately to as many as possible of the most important points made by all or most of the respondents, often choosing just one or two respondents' responses as the focus. I have not found this easy! Only under the fifth and final heading do I cut loose, or play fast and loose, as it may well seem, and indulge in some 'blue-skies' thinking – or wish-fulfilment.

### **I. What is/was *demokratia* – and democracy? Definitions ancient and modern**

When I was cutting my philosophical and meta-philosophical teeth as an Oxford undergraduate in the late 1960s, what was

known as “Oxford philosophy” was all the rage. I mean, it was a cause of burning significance both to its proponents and to its equally fierce opponents (such as Ernest Gellner). In a nutshell: suppose the topic of the day – or the weekly tutorial – to be “personal identity,” the ‘Oxford’ approach was before all else to ask or demand: ‘what do you mean by “person”, what do you mean by “identity”?’ Only once the – mainly linguistic – possibilities of those interrogatives had been exhausted, and that might quite legitimately mean writing most of or even the whole essay, only then might one turn, reluctantly, to examine the substantive as opposed to the formal, semantic issues.

But of course it’s not a merely formal issue to ask and try to resolve the question, what do you mean by ‘*demokratia*’ – or by ‘democracy’? Today, when the UK constitution – unwritten, but with significant written elements – is again a matter for open discussion and question, it almost seems superfluous to make that point. The former question, however, regarding the meaning(s) of (ancient Greek) *demokratia*, is easier to get at, to prise open, than the latter. Carol Attack’s response is the one that I have found most challenging and provocative, in the best senses, in this regard, though all respondents have something telling to say.

I’m sometimes tempted to say that “there was no such thing as ancient Greek democracy,” and I generally prefer to write “democracy in ancient Greece”. At one extreme, Athens had three or four versions of its patent *demokratia* between about 500 and 322 BCE, and other versions subsequently (see further below); and many cities never had any version whatsoever. But Dr Attack wishes to push the envelope further, and question the link posited between any monadic conception of democracy and any claim to popular sovereignty. I myself find the idea let alone the practice of ‘sovereignty’ something of a challenge – in antiquity as today; so I leave readers to tussle with that conundrum.



Josh Ober comes at me from a different angle, on the definitional side of things. As usual, he manages to frame his questions in such a way as to open up new, fruitful perspectives. As it happens, I agree with all ten of his thought-experimental representations of the democratic views of ‘a representative sample of ordinary, presumptively patriotic, “middling” Athenian citizens’, though I might want to tweak the wording in some cases, and possibly slightly rearrange their order. However, I would also want to add one further, cardinally definitional democratic thought: that for such “middling” democrats democracy was in its originary, foundational myth-symbolism anti-tyrannical, that is regarded as the very antithesis of all that tyranny was and stood for and did. It would be more controversial, because tending to represent or favour a more extreme rather than “middling” democratic view, to make a bow to Aristotle and his political-theoretical nostrum that democracy essentially was the rule of the poor – over the rich - citizens, irrespective of whether the poor were or were not also the many/majority of citizens.

## II

### **How and why did ancient *demokratia* first come to be, in the 6th/5th centuries BCE?**

Quite apart from the transnational, or even global, definitional question of whether it was within ancient Hellas, the ancient Greek world of politics, that democracy properly – or at any rate plausibly – so labelled first made its appearance, there subsists the no less interesting and important question of why something that by c. 450 BCE had come to be so labelled, as *demokratia*, had emerged. Kyle Harper, while addressing chiefly the issue of Roman ‘democracy’ or rather its absence (below), has suggestive remarks on why this

matter of origins is a continuing – and possibly unresolvable – issue.

But it is Josh Ober – who has of course made me think and re-think all sorts of democracy-related issues, as well as being the joint dedicatee of the *Democracy* book (along with ‘Leveller’ John Lilburne...) – who has most influenced me with regard to the (or at least a plausibly possible) Cleisthenic ‘revolution’. Indeed, it is he who has most influenced my own take on the crucial century or so from c. 550 to 450 BCE. But this may also be the point to draw attention to what I feel in retrospect I may have somewhat underplayed in the book: this is the specifically French contribution to the study of ancient Greek democracy over the last half-century or so, beginning indeed with the joint 1964 study by Pierre Vidal-Naquet and Pierre Lévêque of Cleisthenes and his putatively highly intellectual revolution and ‘invention’ of democracy. From those two scholars, and the incomparable ‘Jipé,’ J-P. Vernant, there is a direct line of intellectual descent via Nicole Loraux, Pauline Schmitt and François Hartog to today’s stars, Vincent Azoulay and Paulin Ismard. And that is by no means a complete listing. Part of that ‘invention,’ a key part according to Vernant and Vidal-Naquet, was the invention of tragedy as a popular religio-political art form of a decidedly democratic character; I was therefore heartened to read the contribution of Anhalt 2017 to enriching the picture of Athenian democracy as culture.

Both Atack and Roberts very properly here raise sharply the question of inclusivity – who was a democratic citizen? (Kasimis 2018 also explores the ‘limits’ of Athenian democracy from a feminist perspective.) Roberts in turn raises another causal, inclusivity issue: slavery. First women, then slaves – that, so she argues, was how the ancient Athenians and other Greeks widened the net and deepened the reach of very obviously non- or anti-

democratic exclusivity and oppression. Paulin Ismard too (2019) has argued that the cancer of slavery penetrated to the very vitals of ancient Athenian democracy. Aristotle's notoriously sexist formulation – all women by their very, unalterable nature lack the ability to make their ratiocinative capacity active and authoritative – seems to provide the pseudo-intellectual underpinning for what was in fact a crudely masculinist way of (conceiving political) life.

Yet there is another side, if a very much feebler one, which should at least be put. Athenian women were 'citizens' and even sometimes referred to as *politides*, using the feminine grammatical gender of *politai*. Athenian citizen women were graciously permitted to celebrate women-only religious festivals, whereas there were no citizen men-only festivals. Aristophanes's counter-cultural satirical comedy *Women Attending the Ecclesia* (probably c. 392) arguably does imply or betray a certain feminism. Finally, following 451 BCE, and the citizenship law proposed by Pericles, at least half of a – male – citizen's citizen entitlement had to be female: his mother had to be a lawfully accredited Athenian citizen woman, and probably also lawfully married to his father.

There were also exclusively female citizen priesthoods – as there were also exclusively male ones. However, in the case of one new, exclusively female official religious position, that of priestess of the cult of Athena Nike as instituted probably in the mid-5th century BCE, it is possible to argue that a parallel female route had been opened up – of course by the citizen men, voting in their men-only Assembly: for the new priestess was to be selected, not by a mere matter of hereditary succession thanks to the accident of birth, nor even by the – oligarchic – method of election, but by the democratic method of the lot and from all Athenian citizen women.

### III

#### **How and why did *demokratia* spread, transmogrify, degenerate, disappear from the 4th c BCE to the 6th CE?**

Carol Atack (pp. 30-32) rightly suggests that a pluralist, non-monadic definition of *demokratia* would allow us to look with greater sympathy on the kind of *demokratia* that Athens among others experienced in the post-Alexander Hellenistic period. This is where a great deal of recent fruitful work has been done. Josh Ober likewise suggests that he has sympathy for a much more strongly positive view of post-Alexander Hellenistic democracy at Athens and elsewhere than I have been willing to express. But on this I remain quite adamant: one of the prime conditions of a polis's being a polis properly so called – any polis, not one of a democratic as opposed to an oligarchic or monarchical political complexion – was *autonomia*, which, as Mogens Hansen has demonstrated, essentially meant freedom from external political interference. With the best will in the world no one could describe post-Alexander Athens, the Athens of Callias of Sphettus, say, as 'autonomous' in that sense. Hellenistic Rhodes arguably was – but then, again arguably, it wasn't democratic.

'Hellenistic' from a Greek point of view was also 'Middle and Late Republican' from a Roman standpoint, and Kyle Harper's brilliant essay focuses, sharply, on "the Roman question." It was a considerable relief to me to find him declaring unequivocally that "Ancient Rome was plainly never a democracy at any point in its long political career" (p. 49; cf. p. 51), a fact that "is ultimately neither surprising nor especially profound" (p. 52). Maybe not, but, given the widespread tendency to confuse (dare I say 'mere') republicanism with democracy, that is not uninteresting or unimportant. Which takes us conveniently on to my penultimate interrogative heading.

## IV

### **How and what was ‘democracy’ from the 17th century CE to the present?**

This portion of my book was – of course – the sketchiest. Jim Miller’s response is therefore for me the one carrying the most heft. He is committed, as I am, to a ‘liberal’ form of democracy. I therefore make mention here of Josh Ober’s deeply insightful thought-experiment in “democracy before liberalism” (2017); also of Jim’s New School colleague Helena Rosenblatt’s “lost history” of liberal ideas going all the way back to Rome (2018).

Jim Miller has of course written not only a response to my book but an entire book on parallel but also significantly different lines from 1792 to the present (2018). He helpfully summarises here (pp. 79-80) what he takes to be the “four major approaches to understanding modern democracy.” But then he does something, takes a step, which probably James Kierstead (below) would approve but which I still resile from, namely to identify modern ‘democracy,’ the word, with the ancient, on the grounds that it “at its core, even today, implies ‘people-power.’” To me, that smacks rather more of wish-fulfilment than it does of ironclad realism, and to be vulnerable to the blatantly ideological “will-of-the-people” sort of misappropriation that I go on to criticise below.

## V

### **What is to be done, democratically speaking?**

There is nothing new under the sun – to take one salient example from Classical Athenian history, Cleon was a democratic-demagogic ‘populist.’ However, the practical application of the thoroughly and essentially democratic notion of responsibility/accountability that was inbuilt into the democratic

system of Classical Athens reined him in. It took a major defeat and massive foreign intervention by non- or rather anti-democratic Sparta to terminate for a fortunately short while all democratic safeguards at Athens.

Or is there really nothing new? Once upon a time there was something called the ‘democratic deficit’ – now there’s a democratic surplus. It is partly knowingly willed, partly self-inflicted. Thanks to the ever-more widespread resort to direct-democracy referendums, the results of which are weaponised as ‘the will of the people’, and thanks partly to the *Zeitgeist* – we seem to be living in an age of authoritarian populism, one that to my possibly jaundiced eye seems to be teetering ever more precariously on the brink of the f-word – fascism (Stanley 2019; Traverso 2019).

Even if my readers are unwilling to follow me that far, there does seem to be a growing consensus that democracy in the digital age is qualitatively different from any democracy known or practised in the pre-social media, pre-post-truth age. The dread words ‘Cambridge Analytica’ (cf. Kaiser 2019) almost say it all. There is indeed a case for holding that Shoshana Zuboff’s *The Age of Surveillance Capitalism* is among the top half-dozen most important books published since 2000. But I would also wish to include in that list Peter Pomerantsev’s *This Is Not Propaganda*, not least for its truly terrifying subtitle, *Adventures in the War Against Reality*. There is not, however, a consensus on how to come to terms with, or what to do about, that fact, or rather – from a liberal-democratic perspective – how to preserve the liberal in ‘liberal democracy’ without permitting catastrophically free rein to digitally driven disinformation on a mass scale.

James Kierstead has taken and again takes (esp. p. 61) me to task in a number of ways; here I focus just on his disagreement with me over how ‘democratic’ the June 2016 UK/EU referendum was, and – consequently – how respectful one ought to be of its

outcome, both on its own terms then, and with the benefit of 40+ months' hindsight. Let me be clear: I was not and am not disappointed in principle; I did think that even our limited – representative, etc. – democracy had been hollowed out, that there was a democratic deficit that needed to be remedied, and that in principle a mass plebiscite involving e-voting might be a route to effecting those changes and improvements. On the other hand, as I wrote (in a blog) already during the 2016 Referendum campaign and before the result, I did not think that a yes/no binary referendum was a suitable vehicle for addressing the immensely complex and by no means only political problems that the referendum was allegedly designed to address, nor did I think that those who advocated a referendum of this type were sufficiently cognizant of the very nature and history of the UK's democratic – or part-democratic – constitution, and so sufficiently aware of the risk that they might actually be jeopardising the very stability of our parliamentary system. Such has sadly proven to be the case.

But, had I been in any doubt about the wisdom or justifiability of my negative views, for example on the grounds that as a convinced 'Remain' voter I was merely prejudiced, such doubts would have been dispelled by one 'argument' proposed wilfully and often ignorantly by both intellectual and non-intellectual defenders of both the Referendum process as such and its result. This is the claim that the process and the vote amount to, or constitute, "the will of the people," and that the (single) meaning of that phrase is both transparently and unambiguously self-evident. It hardly needs saying that there's no such – unambiguous - thing: both 'will' and 'people' require very careful unpacking, not to mention the singularity of 'the' in each case.

Of course, it's a very academic point to note that the phrase ultimately was coined in Rome, and frequently used by a thinker and politician whom no ancients and few moderns would label a

‘democrat,’ namely Cicero: *voluntas populi*. Lex Paulson’s recent Sorbonne doctoral thesis is a masterclass on that. But even without that peculiarly ancient intellectual buttressing I would still ask “will of the people” proponents to ask themselves whether the June 2016 result was obtained by fair (it certainly wasn’t by entirely legal) means, whether a vote on such a fundamental issue carried by fewer than 40 per cent of the potential (as distinct from the actually voting) electorate should be considered binding on the other 60 + per cent, and, not least, whether the ‘facts’ (as opposed to the emotions) involved have or have not changed, significantly, since June 2016. When the facts change, my opinions change too, is a useful nostrum – though it can always be debated what are the facts, and which of them are the most decisively significant. However, many, vital facts not only have demonstrably changed since June 2016, not least demographically speaking, but have actually become widely apparent for the first time in a way they were either unapparent or deliberately misrepresented or suppressed during the first half of 2016.

Which takes me on finally to the few positive, practical suggestions I have as to how politics, at least UK politics, might be done and conceived rather better in the future. Let there, first, be light rather than heat. If deliberation is to bear its etymological connotation of deliberate (adjectival sense), then let us begin to hurry forward slowly, that is, deliberately. If there must be referendums of any kind – and the Swiss among others have shown that they can be managed well – then let there be more genuinely advisory as opposed to once-for-all referendums or plebiscites. And let there be super-majorities for referendums on basic issues and principles that are to be honoured with implementation – or at least let the vote be advisory in the first instance, and duly observed as such afterwards, with proper further popular consultation and parliamentary deliberation, before implementation. That in itself would not be purely, or puristically,



democratic, but it would obviate the possibility of endless dissension of the kind that threatens the very democratic system itself.

I once was an advocate of doing away with political parties – returning to the ancient Greek, party-free system, since parties seemed to me to have become toxic. They still seem to me to be toxic, and not only in the UK, but, as long as one has a functioning representative system of governance, representatives are obliged to sign up to and be held to account for policies that are not merely personal expressions of will or desire. Churchill wittily said democracy was the worst governmental system – apart from all the rest that have been tried. Ditto political parties. We in the UK operate a party-based, “first-past-the-post” electoral system, among the greatest virtues of which it was once argued was that it was a way of ensuring strong, stable governments. That argument has now failed empirically. Some form of proportional representation – not that rejected by referendum in the UK in 2012! – must be carefully devised and, after due deliberation involving a constitutional reform commission or commissions chosen at least in part by lottery, passed through Parliament. Parliament in the UK today comprises two chambers: the ‘upper’ chamber, or House of Lords, is anachronistic not only in its very title (there are ‘Ladies’ there too) but in its – unelected – mode of recruitment. At least some significant proportion of the membership of both Houses should be selected by lottery. I could go on, but... I’m not a politician.

Those who wish for further guidance on this would be well advised to read Scott & Makres 2019, hot off the press, which includes a series of uncomfortable practical ‘lessons’ drawn from comparing ancient with modern democracy; cf. Alev Scott 2019. Alternatively, on “how democracies die,” Levitsky & Ziblatt 2018 makes for equally uncomfortable reading, as does Mounk 2018,

with his to me almost unthinkable (hitherto) opposition of ‘The People’ and ‘Democracy.’ Astonishing as it would once have seemed, there is now a need, as a matter of extreme urgency, for “defence of democracy” (Fuller 2019).

### **Envoi**

To conclude: all my respondents’ responses are hugely worth reading in their own right, independently and not merely or only as responses to my work. Would I have – should I have – written *Democracy: A Life* very differently, in light of them? Of course I should, and I hope would, had I had them before me. Fail again – only fail better!

*Clare College, Cambridge*

## Appendix

### A selection of relevant titles published 2016-2019

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THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



THE FOUNDATIONS OF DEMOCRACY:  
CITIZENSHIP, EQUALITY AND THE  
COMMON GOOD

BY

GIOVANNI GIORGINI

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# The Foundations of Democracy: Citizenship, Equality and the Common Good

Giovanni Giorgini

## Introduction

**P**aul Cartledge's *Democracy. A Life* (2016) is a landmark work in the history and interpretation of democracy as well as the culmination of the author's investigations of this political regime. Considering the ultra-bimillennial history of this form of government, the debate about when and where it originally started, the quarrel about the genuine meaning of the word itself, the very idea of embarking on such an enterprise is *nur fur die Schwindelfreie* and requires competence in many intellectual fields.<sup>1</sup> Cartledge shows that he not only knows Greek history to the minutest detail but also that he is at home with theories and concepts and with different historical periods beside the classic age. In addition, he possesses a style that renders reading the book not only easy but also intriguing and riveting: one is

<sup>1</sup> On problems of definition and origins see Ober 2008.

always looking for what is going to happen next in the history of this regime. Surely, the fact that the author taught courses on democracy for the previous 4 years helped shaping the colloquial tone which he was able to retain in the book, including puns and impromptu comments which keep the reader's attention high. Briefly, this book displays all the qualities which make a work have a long-lasting impact on classical scholarship as well as on different lay audiences.

The fact that Cartledge's prose stands out for its clarity, his arguments are always sensible, and the organization of the book is intuitive should not lead us to think that this is only an historical account of what democracy is and of its instantiations in various epochs. For the book has a strong, and therefore debatable, thesis which the author spells out right from the beginning: we should take democracy to mean what the Greeks -who invented it- took it to mean. Literally. Democracy is the *kratos* of the *demos*, which means that the people effectively exercise power through certain institutions, such as the assembly and the courts. This is a strong definition of democracy because it identifies democracy with a specific way of organizing power and expunges from this definition regimes which recently have been so labelled, or proto-democracy, quasi-democracy, and so on. If we take democracy to mean literally that the people exercise power, through their public arguments on the market-square and through their votes, we cannot include under this heading, say, regimes where an emperor granted free speech to his citizens or tolerated religious diversity. Free speech and toleration are ingredients of democracy, as well as general elections and majority rule, but in order to have democracy proper you must empower the people. The people must be able to make decisions about peace, war, diplomacy, taxation and other such vital political issues; in addition, as Cartledge repeatedly reminds us, in ancient democracies the people exercised their power also by sitting in people's courts. Cartledge is fond to quote

President Lincoln's Gettysburg address and his famous definition of democracy as "power of the people by the people and for the people"; and he is right in doing so, because that description encapsulates the essence of democracy. By 'people' Lincoln meant the entire American population, adopting and expressing an 'inclusivist' view of the *demos*; the people as in the opening sentence of the Preamble to the American constitution (1788): "We the People of the United States." Not the 'people,' the commoners as opposed to the aristocrats or the poor as opposed to the wealthy, the 'stasiastic' concept of democracy.

By adopting this strong definition of democracy, Cartledge rules out the likely existence of a "democracy of others", or the possibility to track and write a "hidden history of democracy".<sup>2</sup> In addition, he rightly insists that it is more correct to speak of ancient democracies, in the plural, because there were different democratic experiences, and even Athens, the city about which we know most, experienced different types of democracy (which Cartledge duly examines). But this does not mean that we should adopt a loose standard in judging political experiences and in describing them as 'democratic.' I happen to be fully in agreement with this position. I also believe that it is only if we take 'democracy' in its strong and original sense that we can hope to learn something that we can import into our contemporary battered liberal democracies. Starting, for instance, by questioning whether they are actual democracies or are, or have become, some other sort of regime.

Being in agreement with so much, conceptually and historically, of what Cartledge writes, I prefer to focus on some loci of dissent and, even more, to explore the implications of some moments in the history of democracy that he narrates. The timespan of the book is so wide that it would be a fruitless exercise to spot

<sup>2</sup> I am here referring to the provocative but, in the end, unpersuasive works of Sen 1999 and 2006; Isakhan and Stockwell (eds) 2011.

historical experiences or authors that have been neglected in the narrative. Instead, I intend to focus on the circumstances of the first democratic experiment in Western civilization to argue three theses. First, ‘democracy’ was the response to a crisis generated by an immediate problem which Cleisthenes, after due consideration and initial neglect, decided to tackle in an innovative way, clearly foreseeing the consequences in the near future, though obviously only dimly those in the far future. The very fact that the word *demokratia* appears only many decades after Cleisthenes’ reforms indicates that it took time for people to conceptualize the result of his actions as having established a regime which effectively gave the power to the *demos*. Democracy was the result of Cleisthenes’ actions in specific circumstances but not of a long-term project he devised in the year 508/7 BCE. Second, Cleisthenes’ great innovation consisted in extending *isonomia*, “equality before the law,” originally an aristocratic value and catchword, to all Athenian (free, adult, male) citizens, to the *demos*. Coined as an aristocratic value, *isonomia* became a civic value in Athens and acquired the meaning of “equality before the law and implemented through the law”: equality was one of the basic values of the new regime and new laws were made to render it effective and not only nominal. Third, the new course in politics was ideologically founded upon the overthrow of tyranny and thus the secrecy, privacy and whimsical will of the tyrant was replaced by publicity, law and the common good. Citizenship, equality and the common good are the foundational values of democracy.

## I

### **What Cleisthenes saw and Isagoras missed**

I wish to start right at the beginning (which is usually a good thing to do), namely when democracy was first established in

Athens by Cleisthenes in the year 508/7 BCE. Cartledge swiftly but aptly summarizes thus the circumstances in which Cleisthenes operated:

Herodotus' Cleisthenes engaged in what is represented as being at first nothing more elevated than a head-to-head struggle for honour and power with rival aristocrat Isagoras [...] Their forces were evenly matched, indeed so much so that each felt obliged to turn for extra support to highly unconventional sources (Cartledge 2016, 65).

This is quite correct, but it is worth exploring the matter more deeply because the problem at hand, from which 'democracy' originated, is still one of the hottest issues for contemporary democracies: citizenship. I will have to proceed slowly and in a detailed manner, but I hope that the result will justify my decision.

The broader political issue after the expulsion of the Pisistratid tyrants from Athens (511 BCE) was what content to give to the word 'freedom': Athens was now free from the tyrants and had to envisage what kind of political community to be in the future. We must bear in mind that the political scenery had changed dramatically after the experience of tyranny. One of the hottest issues was the admission of non 'genuine' people into the citizenship effected for their purposes by the tyrants; these people and their families, however, had been dwelling in Athens for decades when tyranny was terminated. The pace of the years 511-508 BCE was frantic. Herodotus V, 66 writes that Cleisthenes, "finding himself in a condition of inferiority, enlisted the people into his comradeship." I prefer to translate literally Herodotus' statement, who uses the puzzling expression *ton demon prosetairizetai*; a unique verb, which was already incomprehensible to Aristotle one century later. In fact, in the *Constitution of the Athenians* Aristotle (or one of his pupils), who evidently used Herodotus as a source

for Cleisthenes' reforms, made an identical statement but was forced to change the phrasing to make himself understood to his readers. He wrote that: "Cleisthenes, having got the worst of it in the comradeships, enlisted the people on his side, offering to hand over the citizenship to the multitude" (*AP* 20.1). The phrasing of Herodotus' and Aristotle's narratives disclose a situation of struggle between opposed factions (*stasis*), which saw involved aristocratic political clubs, comradeships (*hetairiai*). Cleisthenes' decision to enrol the common people into his political club should be interpreted as a move to gain the support of the people, which then turned into the decision to extend to all Athenian citizens the same privileges and access to political power that solely the aristocrats previously held. This act extends to the common people the equality among peers of the aristocracy and signals the 'ennobling' of the Athenian *demos*, which will become a *topos* in 5<sup>th</sup> century BCE Athenian democratic propaganda. By enlisting the people in his comradeship Cleisthenes means to transform the *demos* into a politically active agent.

We should interpret Herodotus' statement in a vague and generic sense. Cleisthenes probably promised to defend the interests of the *demos*, to become their mouthpiece; he meant to let out of the political limbo in which it was confined a presence in the Athenian political life which was still publicly and politically unacknowledged. Our sources speak of two phases in the post-tyrannical political contest: the first is a confrontation between Cleisthenes and Isagoras which still takes place in an aristocratic dimension; the second goes beyond a simple struggle between clans and sees the *demos* as an active protagonist on the political scene. What was at stake was the archonship for the year 508/7 and initially neither of the two competitors had identified the real issue in the political match nor the way to prevail. Subsequently Cleisthenes, finding himself in a weaker position among the aristocrats, tried to find allies outside his class, enlarging the basis



of support of his clan. And here is the real change. By making this move, the Alcmeonids adopted a political programme which aimed not at solving private disputes which became public and impinged upon the *demos* regardless of its motives and needs; with this turn the Alcmeonids made the reasons of the *demos* their own. The ideology of *isonomia* was thus substantiated with new content and there was no reversal of the post-tyrannical civic conquests. Cleisthenes rejected the policies of the tyrants, which benefited the *demos* in order to make it an instrument of their plans; he identified in the *demos* one of the components of the political community and redesigned accordingly the administrative and political offices. Cleisthenes' attitude is very different from Pisistratus', whom Aristotle describes as "an extreme lover of the people" (*demotikotatos*: *AP* 13.4) and whose programme is summarized in the invitation he gave to his fellow-countrymen after disarming them with a stratagem:

He, when he had finished the rest of his speech, told his audience not to be surprised at what had happened about their arms, and not to be dismayed, but to go away and occupy themselves with their private affairs, while he would attend to all public business (*AP* 15.5).

A little later Aristotle reiterates that Pisistratus wanted his citizens to "be engaged in their private affairs, so as not to desire nor to have time to attend to public business" (*AP* 16.3). Pisistratus' "love for the people" is a personal thing, the result of his mild and liberal nature, to which he added political calculation, since the *demos* was his innovative basis of support. Pisistratus did not want the people to meddle with public affairs, he wanted to keep them in a private dimension. Cleisthenes, on the contrary, wanted the *demos* to enter the public dimension and to have an active decisional role in public matters (*ta koina*). This is confirmed

by Isocrates' judgment, which reflects the subsequent interpretation of Cleisthenes' reforms current in the 4<sup>th</sup> century BCE: "Cleisthenes expelled the tyrants and brought the people back to power".<sup>3</sup>

Let's now have a look at the political programmes of the two contenders. Isagoras' proposal to ban the Alcmeonids and other 700 families, dissolve the Assembly and establish himself and 300 "friends" as "sovereign (*kyrious*) of the city," with the support of Sparta, is a clear attempt at creating a strict oligarchy at Athens. We may debate to what extent these were Isagoras' own proposals or the price he had to pay for Spartan support; but this is not relevant here. Aristotle informs us that Cleisthenes' reforms were passed under the archonship of Isagoras (508/7 BCE). If Isagoras was elected archon for that year he must have been in a stronger position than Cleisthenes and the Alcmeonids were evidently somehow isolated among the Athenian aristocratic families: probably Isagoras' initial programme was somewhat generic and polarized the hostility against the Alcmeonids. On the other hand, if Cleisthenes succeeded in having his reforms passed under Isagoras' archonship, these clearly had a conspicuous popular support: they were not overtly partisan, and in any case Isagoras was not able to come up with a convincing counter-proposal. Cleisthenes and Isagoras initially offered solutions which were still anchored in an aristocratic dimension, full of regionalism, particularism, clientelism and selfishness. Cleisthenes, however, had a clearer vision of the political reality: he was aware of the changes that Pisistratus' tyranny had brought about in Athens and realized that it was not possible to keep the *demos* out of public

<sup>3</sup> Isocrates, *Areopagiticus* 16; this statement is repeated in *Antidosis* 232 and 306; *De bigis* 26-27. Isocrates believed – anachronistically but with a very interesting interpretation of the events – that Solon had already admitted the people to power: see *Antidosis* 231-232; *Areopagiticus* 16.

affairs anymore. When he was defeated for the archonship, he immediately realized what the cause of his failure was and acted accordingly. Perhaps Cleisthenes previously thought that he could win his contest with Isagoras even without making this dramatic turn in Athenian political practice; his defeat persuaded him that it was impossible to successfully operate in politics at Athens without tackling the problem of the *demos*. In admitting the *demos* to the management of *ta pragmata* Cleisthenes acted as an excellent, non-partisan, statesman: his reforms stemmed from a realistic evaluation of the political circumstances; they were not a mere attempt to overturn the balance of power with Isagoras through an alliance with the people, which could then easily be dissolved. The important political point here is that the *demos*, which is absent from Herodotus' and Aristotle's account of the expulsion of the tyrants, revolts against Spartan occupation: the people siege and chase the Spartans out of the city while at the same time calling back the Alcmeonids and the other exiled families. The *demos* has become a politically active agent and will remain so in the future, to eventually become the arbiter of Athenian politics.

We are now in a better position to examine the heart of the matter, the most profound issue in the contest between the two Athenian leaders: citizenship. Or, more specifically, the revision of citizens' list and the prospective disenfranchisement of many people who were not "of pure descent" (*katharoi*). Aristotle informs us that "after the deposition of the tyrants the Athenians enacted a revision of the roll, because many people shared the citizenship who had no right to it" (*AP* 13.5). The *diapsephismos* must have been a measure on which all leaders were agreed. Our sources do not indicate that Isagoras promoted it and Cleisthenes opposed it, so it would be rash to postulate that Cleisthenes did not approve of this proposal. This measure was in line with other post-tyrannical policies: it aimed at restoring a situation altered by the previous regime, which had introduced several foreign people

into the tribes, thereby sapping the homogeneity of the *ghene*. I can't see how Cleisthenes could have opposed such anti-tyrannical measure. In addition, if he had done so in the first place, all the new families introduced by the Pisistratids would have supported him right from the start; it would then be difficult to explain his initial defeat in the contest with Isagoras.

A passage from Aristotle can help us here. Aristotle writes that “Cleisthenes, after the expulsion of the tyrants, enrolled in his tribes many resident aliens who had been foreigners or slaves”.<sup>4</sup> I believe that in proposing his reforms Cleisthenes could then count on the support of Athenian citizens of dubious origin, probably slaves sold abroad because of debt or citizens who had emigrated and then returned to Athens after Solon's reforms; these were Pisistratus' supporters and felt threaten by the revision of the roll and possible disenfranchisement. Herodotus V, 72-73 uses the word *epistia* to describe these families, which is a unique occurrence in his text. Aristotle (*AP* 20.3) translates the Herodotean expression with *oikias*, “households”, which is an interpretation and not an explanation, and subsequently speaks of “newly enfranchised citizens” (*neopolitai*: *AP* 21.4). Herodotus' choice of word refers to non-legalized family groups, namely not inserted in the ordinary structure of Athenian citizenship: these were probably those people who received citizenship from Pisistratus and included craftsmen, tradesmen, peasants attracted to Athens by the great economic expansion under the tyrants. It was not a negligible part of the population and the prospective disenfranchisement impacted heavily upon the population. Aristotle speaks of 700 families; moreover, the revision was implemented quite effectively if we trust Andocides, who writes that after the expulsion of the tyrants “some were killed, some exiled, some were allowed to

<sup>4</sup> Aristotle, *Politics* III 2, 1275 b 36-38.

remain in the city disenfranchised”.<sup>5</sup> In response, Cleisthenes proposed to extend citizen rights to all the families living in Attic territory, thereby re-integrating all the ‘spurious’ families in a different civic framework: the new tribes, the demes, the tritties, the use of the demotic instead of the patronymic were all measures conceived to further this plan. All of Cleisthenes’ reforms reveal a well-devised plan to give a complete and consistent answer to the problem at hand and the requests of the *demos*.

## II

### ***Isonomia*: the most beautiful name of all**

About the effect of Cleisthenes’ reforms Aristotle writes:

These reforms made the constitution much more democratic than that of Solon; for it had come about that the tyranny had obliterated the laws of Solon by disuse, and Cleisthenes aiming at the multitude had instituted other new ones, including the enactment of the law about ostracism (*AP* 22.1).

There are several interesting pieces of information in this passage. Aristotle follows the 4<sup>th</sup> century interpretation of Solon as the creator of democracy in Athens; his statement that Cleisthenes “aimed (*stochazein*) at the multitude” renders well Cleisthenes’ original intention, to put the multitude at the centre of his concerns and make it an active political agent. But the most interesting piece of information for my purposes is the attribution to Cleisthenes of the law about ostracism. Historians disagree about this attribution because it appears strange that a law used for the first time in the year 488/7 BCE (ostracism of Hipparchus) had been passed 20

<sup>5</sup> Andocides, *De mysteriis* 106.

years before; the confusion in the ancient sources only complicates the matter but this question of attribution needs not interest us here. The instrument itself – the possibility to exile someone while allowing him to retain his property and civil rights – is perfectly in line with the general purpose of Cleisthenes' reforms: creating equality before the law at Athens and avoiding that some aristocrat should imitate Pisistratus and become tyrant. It is the counterpart of *isonomia* because it aims at preventing that someone uses one's excessive power to fulfil one's anti-democratic ambitions.<sup>6</sup> Perhaps the most interesting fact is that the receiver of an ostracism procedure needed not have been accused, or convicted, of a crime; someone can disrupt democratic equality and be a concern for the city simply by being who and what one is; their very being is an 'objective' threat to democratic equality.

Moreover, I find very interesting the explanation given by Plutarch for the existence of this instrument of democracy. In his *Life of Aristides* he writes that after the victory in the Persian wars the Athenian *demos* was elated and, at the same time, "vexed with those who towered above the multitude in name and reputation". He adds this reflection:

Now the sentence of ostracism was not a chastisement of base practices, nay, it was speciously called a humbling and docking of oppressive (*baruteras*) prestige and power; but it was really a merciful exorcism of the spirit of jealous hate, which thus vented its malignant desire to injure, not in some irreparable evil, but in a mere change of residence for ten years (*Aristides* 7.2).

<sup>6</sup> In addition, Sara Forsdyke persuasively argued that ostracism was a ritual through which the people, consisting of ordinary Athenian citizens, reminded aristocrats of the power of the *demos* to intervene when conflicts among the elite threatened the entire polis. See Forsdyke 2005.

A similar judgement can be found in his *Life of Themistocles*, where Plutarch speaks of the ostracism incurred by Themistocles and explains that the Athenians wanted thus to curtail “his dignity and pre-eminence, as they were wont to do in the case of all whom they thought to have oppressive power (*dynamei bareis*), and to be incommensurate (*asymmetrous*) with true democratic equality (*isoteta demokratiken*).” He adds this consideration:

For ostracism was not a penalty, but a way of pacifying and alleviating that jealousy which delights to humble the eminent, breathing out its malice into this disfranchisement (*Themistocles* 22.3).

There are certain people in a democratic arrangement who are excessive, literally too “heavy”, for democratic equality; these people do not violate a specific law but are deemed “disproportionate, outsized” for the democratic standards simply because of what they objectively are.

### III

#### **Tyranny, secrecy and the beauty of the public sphere**

When Herodotus staged his debate on the forms of government, he had the supporter of the “rule of the many”, Otanes, argue two complementary theses. First, to put it in Lord Acton’s words, that “power tends to corrupt and absolute power corrupts absolutely.” Otanes is adamant in arguing that the monarch, simply because he is a sole ruler and is unaccountable to anyone, will inevitably transform into a tyrant. Tyranny brings about secrecy, killing without due trial, rape, overthrow of ancestral customs and laws. This is because government is predicated upon the whimsical will of the tyrant, which is unpredictable. Second, he

describes the rule of the many as “doing nothing of what the tyrant does”: democracy is from the beginning the opposite of tyranny because it is based on something predictable -the rule of law. Democracy is characterized by publicity, by “putting everything into the middle” -to use Herodotus’ beautiful metaphor.

Subsequent authors reinforced this idea which became the main ideological pillar of democracy: the power of the people is inherently the opposite of tyranny.<sup>7</sup> One of the major point on which all authors insist is that tyranny brings about a ‘privatization’ of politics, which is by definition public and common: even if a tyrant were ‘good’, he would not benefit his city or State because he is interested only in his and his family’s fortune. The tyrant signals the entrance of the private into the public dimension and the inevitable transformation of the *res publica* into a *res privata*. From Herodotus, through Machiavelli and Tocqueville, up to Leo Strauss and Hannah Arendt, the tyrant has been characterized as the exponent of ‘the private’.

The new kind of tyranny we should fear inside our liberal democracies has two different faces. There is, on one hand, the intrusion of the private into politics: this is when private interest succeeds in entering the political decision-making process; for instance, when big corporation executives work side by side with lawmakers in designing laws. The rules to prevent this from happening should be strict and strictly enforced. There is, on the other hand, a growing tyranny of conformism, which subtly spreads an ideology of material happiness and consumerism antithetical to political participation and involvement: politics is a corrupt and dirty matter; no-one expects any happiness to come from the political dimension. This new kind of tyranny cannot be

<sup>7</sup> I have argued for this and for the complementary view, to the extent that tyranny becomes the mirror opposite of democracy when democratic ideology starts to form in the age of Cleisthenes. See Giorgini 1993.



opposed only by political and legal means; it requires an accompanying new ideology of political participation, a new ‘republicanism’.

## Conclusion

### Democracy, an unfinished project

I believe that the Greek democratic experience can teach us some fruitful lessons. Cleisthenes’ reforms, I have argued, aimed at resolving in a revolutionary way, as required by the circumstances, a specific problem: what content to give to Athenian liberty after the rule of the tyrants came to an end. This included the prickly problem of deciding who was going to be included into the citizenship. Cleisthenes’ inclusion of new and ‘spurious’ elements, united in their support of “equality before the law and through the law,” paved the way to a new regime – democracy. It is my persuasion that contemporary liberal, democratic States should wake up from their torpor and face the question with an audacity similar to Cleisthenes’: who is to be considered citizen in this time of migrations? The pressure at the borders, the concerns of the present citizens must be faced and require a visionary answer: I mean an answer which encapsulates a vision of what contemporary liberal democracies want to be or to become. It is true that ancient Athenian democracy provides us with a twofold answer. Cleisthenes’ decision to include into Athenian citizenship all integrated people in the territory of Attica, underpinned by the ideology of *isonomia* and other measures, laid the foundations for a new regime -democracy. On the other hand, at the peak of Athenian democracy (451/0 BCE), Pericles’ law to limit citizenship only to people having both Athenian parents marked a formidable restriction;<sup>8</sup> its approval by the Athenian

<sup>8</sup> Plutarch, *Pericles* 37.2, the law “on bastards”. See Kamen 2013.

*demoi* reveals that a political entity senses that it cannot expand indefinitely and, at some point, prefers to limit the access to what it considers a privilege. Where should we take our bearings? Are culture and integration in a community the requirements for citizenship, or is it lineage and blood? If we wish to opt for Cleisthenes, we should remember that citizenship is accompanied by law-abidingness, the other side of *isonomia*.

Secondly, democracy is founded on equality and cannot work without a certain degree of equality. In the days when Marxism was still a strong ideology, the Italian political philosopher Nicola Matteucci published an essay titled (in translation) “Of the Equality of the Ancients Compared to that of the Moderns” (Matteucci 1989), echoing Benjamin Constant’s famous lecture. Matteucci intended to show that the ancient notion of equality embodied in the ideal of *isonomia* was very different from the contemporary, Marxist notion of egalitarianism: the former was an equality before the law which left inequality of wealth, status and social standing untouched -legal equality. The latter was the ambition to achieve equality in every respect, by forcing unequal to be equal; total (or maybe totalitarian) equality -egalitarianism. The horrors of the 20<sup>th</sup> century make us rightly wary of the ideal of total equality and we should not fall back on ideas which have been disproved by history itself. However, remembering the tyrannical experience, the Athenians took into serious consideration the possibility that someone could exploit his excessive power, of whatever kind, to become tyrant and devised the legal tool of ostracism. Today, in our liberal democracies, we do not fear so much Caesarism and the power of the military, and I am far from arguing for some measure like ostracism; however, there are still two sources of power and great inequality that should worry us, because they tend to transform democracies into oligarchies where there is no common good in sight. They need therefore to be tackled through constitutional measures devised to control the power of elites; and,

even more, we should pose the problem of what kind of elite is acceptable in a true democracy.<sup>9</sup>

The first is the power of money. The earliest document of Western civilization is Hesiod's *Works and Days* (7<sup>th</sup> century BCE): it is the lament of the poet, who has been robbed of his inheritance by his brother Perses; he used the money to bribe the judges who ruled against Hesiod! If there is a lesson to be learnt is that money has been king since the dawn of our civilization. Even in our contemporary democratic societies a few individuals and corporations are so rich to have an overwhelming power as compared to ordinary citizens. A hedge fund which can put 100 million dollars a day in the government bond market can destroy the sovereign debt of a small State. One individual or a corporation who can file a "strategic lawsuit against public participation" (SLAPP) can effectively silence critics who are not willing or cannot afford the cost of a legal defence in a long trial. These are a threat to public speech and, often, a way to cover one's own malfeasance. It is reasonable that stricter regulations should be enforced in both cases in order to curtail not liberty but rather licence, in some cases licence to kill.

The second is the power of information. Already in 1922, the far-sighted journalist Walter Lippmann alerted us to the difficulty of having a true democracy when ordinary people are not able to form a correct opinion on public issues due to lack of information and the complexity of the modern world. He saw that the accuracy (or lack thereof) of news and the unequal access to sources of information were fundamental problems that sapped the foundations of democracy (Lippman 1922 and also 1937). The situation has but worsened with the contemporary social media

<sup>9</sup> See the interesting proposals advocated, in the wake of Machiavelli's *Discourses*, by McCormick 2011.

which can filter and tailor information, making people live in voluntary or involuntary “information cocoons” and “filter bubbles”.<sup>10</sup> Information asymmetry and ‘bubbles’ that hinder fair, productive debate are a threat to democracy. The road is open for a transition from democracy to ‘epistocracy’, but it is always risky to demand the realization of the common good to a selected, albeit competent, few.

The ghost of Plato is always lurking somewhere and haunting democracies of any epoch. It hides in the most unexpected places. From the proposal of plural voting for recognisably competent citizens by the pillar of Victorian liberalism John Stuart Mill and his contemporary epistocratic acolytes,<sup>11</sup> to the soft or “libertarian paternalism” of radical legal theorist Cass Sunstein and economist Richard Thaler.<sup>12</sup> The philosopher-king is the deadliest enemy of democracy for he believes he knows that the others know nothing.

*Bologna University*

*Columbia University*

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<sup>10</sup> The two terms have been popularized by Cass Sunstein and Eli Parisier, respectively. See Sunstein 2001 and Parisier 2011.

<sup>11</sup> Mill 1862; see for instance Mulligan 2018.

<sup>12</sup> I am thinking especially of Sunstein & Thaler 2008. Critics of the view of human beings as rational agents, Sunstein and Thaler argue that “choice architects” should nudge people into making better choices for themselves about, say, their diet, health care, retirement plan.

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THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



ANCIENT AND MODERN DEMOCRACY  
A SHORT REAPPRAISAL

BY  
DINO PIOVAN

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# Ancient and Modern Democracy: A Short Reappraisal<sup>1</sup>

Dino Piovan

## I

### **Ancient and modern democracy: only different in size?**

**T**he word ‘democracy’ reminds us unavoidably to ancient Greece. Its etymological meaning is *keratos* of the *demos*, i.e. ‘power of the people’, as all school texts say. It is very frequent that they pay homage to the ancient origin of democracy, but they normally add immediately afterwards that classical Athens was a direct democracy, which is impossible to achieve today. Our political systems – so they pretend – are necessarily representative governments. These are an adaptation of the democratic concept

<sup>1</sup> An earlier version of this paper was published into Italian as *Il ritorno dell'agorà. Una riflessione sulla democrazia, antica e moderna*, in *Classici contro*. Edited by A. Camerotto and F. Pontani, Milano-Udine: Mimesis 2012: 67-79. I thank Grey Musser for helping me to revise this English version.

to the nation-state dimensions, too large to be governed as the classical *polis*.<sup>2</sup>

In fact it was not the question of the territorial size that drove the founders of modern representative systems to reject the Athenian model of direct democracy. This is proven by two arguments, a logical one and an historical one. First of all if the size had been so decisive, they would have constituted smaller communities just like classical Athens, whose size covered the whole region of Attica and was inhabited by a few thousands of people. It would not have been so difficult in the XVIII century England, when the enfranchised people were only 280,000 in a population of 8 million.

However what is probably most important is the historical argument. The Fathers of US Constitution e.g. did not want at all to found a democracy like the ancient one; on the contrary that is exactly what they wanted to avoid by instituting a representation. It is enough to quote the words of James Madison, the great architect of the 1787 US Constitutional Charter; his goal was:

To refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations (Hamilton, Jay, Madison 1787).

In short what Madison and others did not want was a system in which a common man, whose wisdom was unproved, could influence decisions involving public interest directly, even by

<sup>2</sup> Cf. e.g. Sartori 1962, 251. Against the argument of the dimensions cf. Castoriadis 2010.

standing up in a lively assembly to say his' piece, as was done in ancient Athens.<sup>3</sup> Governance must be done by those with wisdom (today one might say the technicians).<sup>4</sup>

## II

### **The classical democracy: participation, equality and lot**

In fact the Fathers were afraid that the ignorant persons could decide on the public life without adequate thought, as the many ancient critics of democracy were<sup>5</sup>. Just to mention one name for all, Plato. In the *Protagoras* e.g. he portrays Socrates as clearly skeptical of the mechanisms of Athenian democracy. How is it possible – he wonders<sup>6</sup> – that when Athenians need to build they seek an architect, and if they need to fit out a navy they look for a ship owner, but when the point is to decide what is better for the city they stand up to advice smiths and cobblers, merchants and ship owners, rich ones and poor ones, nobles and plebeians? It is an evident critique against the popular government, and we could find it elsewhere too in the Platonic works; it is directed both against the *isegoria* (the equal right to speech publicly) and the choice of officers by lot without selection.

Indeed the Athenian people consulted the technicians about technical questions, listened to them but then it was themselves, met in assembly, to give the final word. The people did not give to

<sup>3</sup> About the reinvention of democracy in the 18<sup>th</sup> century United States cf. Cartledge 2018, 293-298.

<sup>4</sup> A very recent proposal of the wisdom government is Jason Brennan's epistocracy: cf. Brennan 2016.

<sup>5</sup> For a larger review of ancient and modern critics to Athenian democracy cf. Piovan 2008.

<sup>6</sup> Cf. Plato, *Protagoras*, 319 c-d.

anyone else – to any representatives, to any experts – the right to declare war or peace, to maintain or to change the law in force, or how and where to spend its financial resources and so on. But they were not those irrational and ignorant people so labeled by the critics; otherwise we could not explain the extraordinary success gained by this city in the democratic period (not *despite of* democracy but *because of* it). As a matter of fact the average Athenian citizen was provided with much higher discernment about public affairs than the inhabitants of modern states. For, on the contrary to Plato, they were a people that got a continuous political *paideia* ('education'), surely not in the Platonic Academy but in the daily institutional and administrative activity. As Protagoras says in the homonymous dialog, the effective teacher of Athenian citizen is the *polis* itself and its educational work lasts throughout their lifetime: by attending assemblies and tribunals as well as by carrying out various public services as a city councilor, juryman or officer.

The Athenian classical democracy was indeed distinguished not only by the assembly of all citizens, which is of course its central organ; this system is more complex and more sophisticated than it may appear.<sup>7</sup> There is a Counsel, of 500 members divided into branches of 50, drawn by lot among the volunteers; so it has nothing to do with the Roman Senate, whose members were chosen depending on the wealth and stayed in office for life. The tasks of the Counsel were of fundamental importance because it organized the assembly agenda and also presented the decrees to approve. Not to mention the popular court, which especially in the 4th century BCE judged very political questions as well as legislative ones: e.g. whether a bill of law or even an already approved decree are legitimate or not (in modern words we would

<sup>7</sup> For a systematic description of Athenian democratic institutions cf. Hansen 1999; for its historical development Cartledge 2018.

say: whether it is constitutional or unconstitutional). Completing the system there were 600 officers with executive or administrative functions filled every year by different people according to the basic principle of the officer turnover. So annually the system required at least 1,100 citizens willing to be drawn by lot from a total of about 20,000 enfranchised ones to function. It was a very high percentage of population involvement, when compared to those of 20<sup>th</sup> and 21<sup>th</sup> centuries. We may conclude that the possibility for everyone to be active part of the system was much more than a rhetorical slogan.

The choice of lot might seem strange to us, but it may be important to note that was not caused by a religious factor, as it was sometimes explained in the past. It was instead a way to support equality among the citizens, to put all people on the same level; together with the principle of officer turnover (they were in office a year on average) it involved a large number of people regardless of their social, economic or cultural condition. The possibility of abuses by officers was impeded both by the duration and by the duty of account at the term of office. It was not a formal examination but everyone could present a charge and if the accusation was considered justified was thereafter judged by a popular court. Transparency and responsibility were not simply formal principles, but consciously pursued and concretely applied by the Athenian political system.

### III

#### **Elections and leaders in Athens**

One should add that the lot was not the only method to nominate the officers; also the Athenians used the elective method for the rough 100 offices with financial and military tasks. It was

thought that for these offices a greater experience was necessary, like for the *strategoí*, ‘generals.’ We would not deny that to be elected to these offices were the most prominent personalities; at least in the first period of democracy they mainly came from rich and noble families, like Cimon and Pericles, Nicias and Alcibiades. Not accidentally Aristotle said that lot was democratic while election was aristocratic<sup>8</sup>. However they were not representative in the modern meaning: they were influential leaders in the assembly – that is true – but continuously checked by the people. Their suggestions should always get through the popular assembly, their influence could be put up for discussion at any time, as it happened even to Pericles. The status of being a political leader in classical Athens is not comparable to that of contemporary democracies; those politicians were not supported by parties<sup>9</sup> and they had to share their power with other colleagues according to the principle of collegiality. The job of demagogue, as at a certain point they were labeled, often with contempt, by the critics of the system, was a tiring and very stressing role just because it was based essentially on the personal credibility, the charisma, on the ability to convince the others without the help of machine politics or by means of mass media. It was an informal power but not an institutional one. It was a fragile leadership and that explains how even prestigious personalities such as Miltiades, the winner of Marathon, or Themistocles, the winner of Salamina, were subjected to the ostracism, i.e. the exile decreed by a secret ballot through the pots.

The ostracism was not the product of the popular envy towards the best, as it is sometimes presented by the ancient writers who were against popular government; it was an extreme measure that was devised to prevent an over rich, powerful, or strong person

<sup>8</sup> Cf. Aristotle, *Politics*, 4.9, 1294 b.

<sup>9</sup> For the question whether or not parties existed in ancient Athens cf. Piovan 2015.

from restoring tyranny, which was eliminated at the end of 6<sup>th</sup> century by much effort. It was not a very liberal method, admittedly, and the Athenians dismissed it themselves before the end of V century BCE.

Therefore, the Athenians acknowledged that leaders were important but they avoided raising them above the common citizens. They used them without idolizing them and by ensuring that they did not become too powerful. It was a system that willfully avoided an excessive personal power; there was no room for what in modern history is labeled Bonapartism. That should not be taken for granted: e.g., many people today speak too often about the “Pericles’ government,” a label that bears out the idea that Athenian democracy was only a formal fiction but behind it there was hidden the real supremacy of rich and educated elites. This idea is supported by the famous opinion of Thucydides: Athens would be a democracy by name, in fact the prime citizen would rule. But he softens this authoritative statement a bit later himself by saying that Pericles dominated the people not more than the people dominated him; and we should not forget that according to other writers like Plato, Pericles deserved to be convicted as a demagogue who simply would have restricted himself to indulge the popular passions.<sup>10</sup>

Certainly the Athenian system did not conceive of the principle of power separation, which already Locke and then more completely Montesquieu formulated in the 18<sup>th</sup> century to limit the power of absolute monarchies. Yet classical democracy contained its rationale, mechanisms to check power by splintering it and dispersing it. Of course it was not a perfect system, but which system is? It is possible to bring up the errors and horrors of 200 years of democratic history, of which the most quoted examples

<sup>10</sup> Cf. Thucydides 2.65 and Plato, *Gorgias*, 515 d-516 d. About the so-called Periclean monarchy cf. Azoulay 2016.

are the death sentence for the victorious generals at Arginusae (406 BCE), which was illegal because passed for all the accused together and not separately as required by law,<sup>11</sup> and the death sentence for Socrates (399 BCE), who became a martyr for freedom of conscience as is portrayed by the writings of Plato. It is critical to understand that Socrates had been living undisturbed for 30 years while criticizing the principles of popular rule in the public square, and it was the charge of *asebeia*, ('impiety') which would determine the conviction<sup>12</sup>. This was a religious offence that in modern times would be called heresy. As everybody knows, heresy has always been an offence with dangerous consequences. To make an irreverent comparison: it seems that after these two sentences the Athenians regretted them bitterly. Conversely four centuries were needed before listening to some apologies for the trial of Galileo, charged with heresy by the catholic Inquisition (and we are still waiting for Giordano Bruno).

The dissent of Socrates reminds us that Athenian democracy was a more pluralist system than it is often said: pluralist in a cultural, social and economic meaning. The legal equality indeed did not entail an economic one and hence the distribution of wealth was not homogenous at all; however the rich were obliged to contribute to the public expenditure by the *liturgies*, 'public services,' e.g. to set up a fleet or also the theater shows. The wealth was not persecuted but Athenians attempted to channel it towards broader social benefits.

In conclusion, it was a system not exempt from mistakes; it is evident that who thinks as Plato that politics must be *episteme*, 'exact science,' cannot help being unsatisfied with democracy; but the point is that politics is not *episteme* but *doxa*, 'opinion'; in it differing

<sup>11</sup> About the trial of these generals cf. Cartledge 2018, 120-121.

<sup>12</sup> The trial of Socrates is still very controversial: cf. Stone 1988; Bonazzi 2018; Cartledge 2018, 175-180; Pelloso 2019.



opinions confront themselves and this is the *raison* that makes the majority government legitimate. At least on that Athenians saw more clearly than Plato.

## IV

### **The modern democracy: the triumph of representative system**

If compared with ancient democracy, it is immediately obvious that the modern version is indirect or representative in nature. Where does this come from? The Parliament is in fact a fruit of Middle Ages, it comes from those intermediate corps (named general states or assembly) that the king consulted when he needed to raise taxes. The delegates were representatives for some social classes to a sovereign body such as an absolute monarchy. Because of this, Rousseau claimed that the representatives were a feudal organism and the people should not have representatives (Rousseau 1762, book III, chap. 15).

Earlier I quoted James Madison, the great architect of the 1787 American constitution who apparently did not want to found a democracy. But we could say the same on the representative systems born in the same period in Europe, e. g. in France. Let us look at the famous lecture by Benjamin Constant, *The liberty of ancient compared to that of modern*, that he held in Paris in 1819 and contained moderate and antijacobinical ideas. He refuted ancient democracy as in it “the individual, almost always sovereign in public affairs, was a slave in all his private relations”; the modern freedom “must consist of peaceful enjoyment and private independence”; the representative system is necessary because it “is nothing but an organization by means of which a nation

charges a few individuals to do what it cannot or does not wish to do herself” (Constant 1988, 311, 316 and 325).

I would attract your attention to the fact that the modern citizens Constant thinks of are not common men: they are a minority group of the society, the rich owners; only these, according to him and the liberals of 19<sup>th</sup> century, have the right to vote. The antithesis between politics and private life does not concern all people, only those who accumulated wealth. The others – that is implicit – have neither the possibility to take part in the public life nor wealth to enjoy.

Surely since Madison’s and Constant’s ages there were important changes; in a very gradual manner we passed from a restricted suffrage, exclusively reserved for the richest ranks, to the universal one, first only for men and then, eventually, for women too. The representative system has nevertheless been kept intact to characterize the modern democracy. This shares with the ancient one some basic assumptions: first of all the legal equality among citizens, then the idea that everyone has the right to contribute to the public life; but it distinguishes itself from that on essential points. The people do not normally decide anything directly but instead elect representatives who are unbounded by promises made to the electors (there is the so called “prohibition to imperative mandate”), but provided with an almost total autonomy. At no time during their mandate can the representatives be removed, even when their political actions are unequivocally disapproved of by their electors. So they form a separate body from the rest of the citizens, without a proper accountability. Hence the famous joke of Rousseau, who spoke about the English system so: Englishmen are free once every five years, then for the rest time they are slaves!

As a matter of fact there was and still is a democratic element: periodically there are free elections, in which the voting people can

distrust their representatives retrospectively. This is the reason why Bernard Manin (Manin 1997), a French political scientist living in the USA, defines the representative government (he prefers to avoid using the word ‘democracy’) as a mixed system, that amalgamates two elements: an oligarchic one (the few that govern) and a democratic one (the many that elect the few, confirm them or disapprove of).

## V

### **The triumph of Neoliberalism and the crisis of representative democracy**

Coming to more recent years, after 1989 we have often heard the proclamation of the end of history and the triumph of western liberal democracy, which according to its bards would be bound to stay as the only form of government. In fact the number of countries that present themselves as democratic has reached its zenith: most of the UNO members would be so classifiable. So for the first time in history democracies are the majority in the world. All this emphasis however cannot conceal that there is a serious and deep crisis, not only in Europe but all over the world; we cannot be content with an empty and triumphalist rhetoric. The causes are different, some are old and others newer.

First, there is the separation between the rulers and the ruled; this was a rift already present at the beginning of representative government and has remained even after the transition from liberal state to mass democracy, which has been, at least until recently, a party system. So has arisen a class of professional politicians. To paraphrase a joke of Gaetano Mosca, a conservative, Italian political observer of early 20<sup>th</sup> century, they make themselves elected more than are elected; in liberal states of 18-19<sup>th</sup> centuries

there were rich and notable persons to be elected while in mass democracy we have party leaders and party officials. This point gets a theoretical legitimization by most political scientists: according to them participation should be limited and oriented. As Joseph Schumpeter, one of most influent political scholar in XX century, asserted:

The voters outside of parliament must respect the division of labor between themselves and the politicians they elect. They must not withdraw confidence too easily between elections and they must understand that, once they have elected an individual, political action is his business and not theirs.<sup>13</sup>

Or as wrote Samuel Huntington, the theorist of “the clash of civilizations”:

The effective operation of a democratic political system usually requires some measure of apathy and non-involvement on the part of some individuals and groups.<sup>14</sup>

In sum, in the mainstream political scientists’ opinion, we must not disturb the bus driver!

Yet while the rift between citizens and professional politicians is no recent event, in the last decades other phenomena have worsened the quality crisis of contemporary democracy. First of all there is the tendency to weaken the national state in favor of economic globalization. Hence if one nation-state ruled and controlled the trades with other states by establishing limits, since

<sup>13</sup> Schumpeter 1942, 147.

<sup>14</sup> Huntington 1975, 36-37, quoted in Barber 1984, 95. About Hungtinton's idea of democracy cf. Miller 2018, 217-226.

roughly 1980 it has given up the control over economy more and more and the concept that democracy has to serve market has prevailed. This process has come to favor economic and financial oligarchies so that they are able to influence single governments without accounting for their deeds to anyone. This hegemony<sup>15</sup> of Neoliberalism has entailed a series of consequences: privatizations, deregulations, drastic cuts to the welfare state (education, health, pensions), the collapse of mass parties (reduced to electoral and personalized organizations), switch of important parts of produced wealth from wages and salaries to profit, i. e. from working and middle classes to the upper-class. The contemporary state is no longer able to resolve actual disparity through public services.<sup>16</sup>

The weakening of national state has allowed the enhancement of such IGOs as the World Bank, the International Monetary Fund and the World Trade Organization, none of which are elected organs; moreover they lack transparency and are able to deeply influence countries with crippling debt. An emblematic example is the Greek government of G. Papandreou, which in December 2011 was compelled to revoke the early decision to submit the severe austerity agreements with EU to popular referendum. This process has run parallel with the reduction of citizens to passive political consumers, who are only bound to choose which prepackaged product they can buy, while their representatives are unable to affect the big economic and financial problems. As in the USA: not even President Obama in his two terms could curb the excessive power of financial oligarchies in spite of his electoral

<sup>15</sup> I am using the word 'hegemony' in the meaning of Antonio Gramsci 1992-2011.

<sup>16</sup> There is a massive bibliography about Neoliberalism and its effects; I would suggest as amongst the more important and synthetic books Harvey 2005 and Judt 2010.

promises, and the race to presidency has been for decades influenced by wealth.

## VI

### **Back to Agora?**

How to respond to this crisis? For years some people have longed for a technocratic model, which would consist in trusting to experts in order to reach consensual aims such as steady economic growth. In fact this solution is only an illusion: in politics there are no technical decisions and decisions are always political, whether or not they are technically grounded. Cutting social expenditures or defense, e.g., is no technical question at all, although it is an old rhetorical strategy to pretend that it is. As a matter of fact we need to return to participation if we want to step out of illegitimate and ineffective polity; but participation has to be understood as not limited to electoral moments, i. e. as mere assent to rulers of the day, but as a public sphere in which collective needs are articulated. On the other hand we were only able to pass the barriers of wealth and sex and gain universal suffrage in the course of a long and hard struggle over more than a century; this was the result of social movements mobilization and definitely no gracious courtesy from the top.

Yet if we look beyond institutional politics, we realize that the idea and practice of democracy are not in decline at all. There are many expressions of an alternative, spontaneous and unguided democracy that is distinctly at odds with the model of the passive consumer citizen; I am talking about the mobilizations from the bottom of society, which confront institutional power without the

aim replace it.<sup>17</sup> As examples, we can think of district committees in local areas, which claim the right to voice their own opinions about critical questions concerning their community, and of social forums on a global scale. In the last ten years the movement of Spanish *Indignados*, the American *Occupy Wall Street*, the so-called Arab Springs and the Hong Kong popular protest just this year have attempted (and are still attempting, at least in the last case) to occupy the modern *agora* in a more than metaphorical sense.

Even if we cannot enter into details here, it is also worth touching on the different institutional experiments, performed in Europe, North America and in the rest of the world and named as deliberative democracy and participative democracy.<sup>18</sup> Examples of the first one are citizen juries, Consensus conference, deliberative polls, etc., in which are formed committees with a few citizens, often casually chosen. For some days they explore a question of public interest with which they are informed accurately by experts and at the end they voice their opinion. This is a model that focuses on discussion and argument, yet it has some weak points: it has little force in its effects (committee's opinions are only consultative), is occasional and involves a very limited number of citizens.

The participative model is instead grounded on the “open door,” i.e. on the non-selective and non-occasional participation of all interested citizens. The most famous example is the Porto Alegre shared budget, a very studied case both because of its longevity and its effective success. While in the first years were involved roughly 3,000 people, over the years this figure has

<sup>17</sup> Cf. especially Rosanvallon 2006; about the dangers of the so-called populism cf. Mounk 2018.

<sup>18</sup> Also here the bibliography is massive. Amongst many important things one can see: Sintomer 2007; Florida 2012 and 2017.

reached up to 30,000, in the assemblies that are due to decide a not irrelevant portion of the city budget.

It is not that I am hoping for a full-time citizen model, for an all-absorbing democracy that does not leave space for anything else, but for a model in which spending one's own week-end in a shopping center is not considered more pleasant, more interesting, more stimulating than being involved or at least interested in public affairs and participating to public life. It is more that to overcome a hegemonic paradigm, that of consumption and consumer (I am still using the word "hegemonic" in a Gramscian meaning), which seems to most people the only possible and suitable life style.

J. S. Mill said that men believe as natural what they are used to and as impossible what they do not know. If studying Athenian democracy can teach us that contemporary democracy is not the only possible one, then indeed it will not have been useless.

*University of Verona*



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THE LIFE, THE IMAGE AND THE PROBLEMS  
OF DEMOCRACY



FICHTE ON DEMOCRACY  
AND REVOLUTION  
SKETCHES FOR A NORMATIVE ACCOUNT

BY  
ELENA ALESSIATO

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# Fichte on Democracy and Revolution.

## Sketches for a normative account

Elena Alessiato

### Introduction

**I**n the Terror Year 1793 Johann Gottlieb Fichte anonymously published two essays in which he stood up for the freedom of thinking and for the right of each citizen *qua* human (rational) being to lay claim to an equal and just State. At the collective level he defended the right of people to choose and change their own form of government. Some years later (1796), in the broader frame of a philosophical inquiry on the coercive power of the right and on the normative and juridical status of the State, Fichte addresses again some of those issues.

The paper aims at giving an account of the basic issues of Fichte's stances not (only) from a historical perspective but mainly from a normative point of view, showing analogies between Fichte's argumentation and some modern normative approaches to State justice. With targeted reference to John Rawls' hypothesis concerning the original position and Seyla Benhabib's proposal of a universalistic model of deliberative democracy, some essential issues for democracy will be discussed:

the dual link between reason and justice, on one hand, and reason and freedom, on the other hand, people's sovereignty to choose their form of government, the mutual control of State and citizenship. What ensues is a new way of considering Fichte's contribution to the political thought of modern democracy.

## I

### **Fichte in political traditions**

Democracy is both old and young. If its birth is settled in the ancient Greek world, its political institutionalization dates back to the last two centuries when many peoples in the world gained the power to choose and to establish a form of self-government in which all citizens are considered as equal and equally entitled to take part in the government. Self-government of the people and legal equality of the citizens are to assume in our consideration as fundamental components of modern democracy (Petrucciani 2014, 112-113). Self-government implies also the faculty to change not only the persons but also the forms of government, if they are considered no more suitable for people life, security and wellbeing. People's sovereignty expresses itself both in power acceptance and in power rejection, both in giving itself a law-based constitution and in breaking a constitutional law no more considered as just.

Fichte is an author not immediately put in connection with the history of democracy. A not marginal problem discussing political issues with reference to him is represented by the fact that in his work different State models are advocated – from the legal contract to the closed commercial State as exemplar of a rational State, from a *Rechtsstaat* to a *Nation-* and *Kulturstaat* (Schottky 1991) – making difficult to find, among attitudes and proposals which

are not always consistent with each other, a linear stance.<sup>1</sup> This difficulty applies to the issue of democracy as well.

For our sketches we will consider the first stage of Fichte's political work, in particular the writings between 1793 and 1796. In these writings Fichte confronted the question about the lawfulness of the State, i.e. its accordance with the law assumed as rational ground of rightfulness. In Fichte's argumentation some elements ascribable to the theoretical discussion on democracy and its content are to trace – or at least this is what we intend to expose.

## II

### A constitutional democracy

The idea of democracy does not seem to play an important role in Fichte's political thought. The only important exception at this sentence is given by the treatise on natural law. In the *Naturrecht* (1796) the issue appears with a negative meaning. In continuity with the ancient tradition, which challenged the ruling power of the people, democracy is represented there as a form of government legally admitted but unstable and not secured from the jurisdictional point of view. The cause of its inherent injustice is the fact that democracy recognizes no distinction between the judging power exerting the law and the role of being subjected to the law: judge and involved part are the same, unified in the people community. The absence of intermediating powers and the lack of limits to people's liberty let open the door to those

<sup>1</sup> The only common denominator of Fichte's political thought is probably represented by the idea and concept of freedom (Pareyson 1976, 2011; Braun 1991).



dangers of tyranny and brutality that traditionally the opposers discover in democracy. “A *democratic* constitution, in the most proper meaning of the word, would be the most insecure one among all since not only violent acts from everybody, as one would be out of the State, would be continuously to fear, but, from time to time, also the blind fury of an agitated mass, which in the name of the law would unfairly act.” (*GA I/3*, 439)

The strong impressions delivered by the Parisian Terror have their echoes here. In order to avoid those dangers, Fichte deduced the necessity to make the power accountable. This goal gets to be achieved through what Fichte imagined to be a fictional representation of power (the word he uses here is *Repräsentation*). This is directed at divorcing the ruling power – in which he puts together the executive and the judicial power – from the control power, which guarantees for justice and honesty to the extent in which the power is submitted to inspection and check out system. The “Ephorate” (*Ephorat*) is the institution Fichte conceived to make a form of government legitimate and legal (*GA I/3*, 448; Rampazzo Bazzan 2006; Städtler 2017) – no matter how many people are involved in administrating the power and how they are selected. Keeping aside the discussion about the best form of government – a question about which, Fichte remarks, not the jurisprudence but politics has to decide – what is here to stress is his sensitivity for power excesses and his purpose to find legal devices for the power control. In his view, democracy stands for a particularly fearful example of uncontrolled and unlimited power.

At a more sharpened way of looking at the question, however, we can notice that this content of democracy corresponds “only” to “the most proper meaning of the word” (*GA I/3*, 439). But there is also a more restricted meaning of the word permitting a positive evaluation of the democracy. This positive evaluation

rests on the constitutionalization of the public political power. Make the power constitutional means to make it submitted to the law.

The big issue of political philosophy and legal philosophy is the establishment of a form of civil life in which the individuals can live together in a free, stable and safe way, and this is the topic at stake in Fichte's essay on the natural right (Shell 1992). The supposed condition for this is a coercive law (*Zwangsgesetz*) to be put into effect, according to which "from each violation of the right [...] the same violation of the own right [of the injuring individual] necessarily and inevitably follows" (*GA I/3* 430).

The coercive law implies a relationship of proportionality between the renunciation of the individual at his claims and the power of the law mutually recognized. It is well known that in the tradition of contractualism the device that gets to be supposed to establish life in common is the contract by which individuals waive some kind of rights (first of all, the right of taking revenge on injustice by himself) in order to set up a political body, the State, acting as law holder and administrator (Schottky 1995; Hopfl and Thompson 1979). Fichte calls *res publica* (*gemeines Wesen*) a legitimate political body established by a contract and instituting a proportional relation between force (*Gewalt*) and right (*Recht*) (*GA I/3* 132). This happens according to a constitutional law (*constitutionelles Gesetz*) from which an order of law, i.e. all other State laws, descend (*GA I/3* 438).

This considered, democracy is in so far admitted by Fichte as a rightful form of government as it turns itself into a *res publica*. A constitutional democracy is legitimate, not democracy in itself, and admitting this Fichte shows to adhere to a stream within the democratic tradition which is not trivial at all (Vile 1998; Zuckert 2012). This means that in order to be legitimate two fundamental principles of the political thought has to come to conjunction in

democracy: the rule of law and people's sovereignty (Petrucciani 2014, 128-178). The first one, ensuing from the tradition of classical liberalism (Epstein 2017; Zuckert 2012), is guaranteed by the contract setting up the effective power of the right by reason (*GA I/3*, 389-403, 401); the second one expresses the peculiar democratic issue within a constitutional structure (Birch 1993). The balance between these two issues makes necessary to provide the State with an institutionalized system of distinct powers, to which Fichte gives a different interpretation from the classical one of the liberalism. If this one provides for the separation between the legislative, the executive, and the judicial power, for Fichte the fundamental distinction runs between the executive power and the control power: this coincides with "the right of supervising and judging how the power is managed" (*GA I/3*, 440), or, said in an other way, with the faculty of verifying that the public power is exercised in conformance with its own goal (*GA I/3*, 439).

It is at this point that the *Ephorat* enters the scene. It works as the institution asked to ascertain and assure that the civil power keeps on being responsible in front of itself and against the people. Only the verifiability of the performed conformity between public power and people's goals vouches for the constitutionality of the power-based state action and therefore for the rightfulness of its laws. Actually, in this frame, the *Ephorate* is only one of the forms in which the principle of constitutionalized power finds an institutionalized translation. The second one is the principle that people's power, i.e. the executive power, needs representatives (*GA I/3*, 440). The number of selected persons who can be charged with this duty and the ways of their selection (election, nomination, transmission, co-optation) can change, originating different forms of government, going from the monarchy to aristocracy passing through pure or mixed democracy (*GA I/3*, 441-442). What indeed makes the difference

for Fichte is the distinction between a despotic State and a *res publica*, shaping also the ways in which democracy can be realized.

In the absence of control and representation what ensues is a democracy “in the sense explained above,” that is to say, “a constitution [which] not only [is] not political, but absolutely contrary to the right” (*GA* I/3, 440): a tyrannical or “despotic democracy” (Ciliberto 2011). Consistent with the right is on the contrary the democracy “in the narrow meaning of the word”, that is to say, that one which “has representatives (*eine Repräsentation*)” and that “*for this reason* is a legitimate constitution” (*GA* I/3, 442). The rule of law, consisting in tutelage forms against the arbitrary confusion of overlapping powers and against the uncontrolled power of the people, requires also the necessity to make the democratic participation of the people in the government mediated and graduated. In order to meet this need the mechanism of representation has been devised, whose fictional character has not rarely also been questioned and challenged as not-democratic (Manin 2017, 154, Kelsen 1984, ch. 1, 2). By suggesting this solution, Fichte shows to believe that the rule of law keeps a priority on the *demos* because it works as an essential condition for each democratic freedom.

Not the form of government (how many people are elected and by how many people the power is exerted) seems to be decisive for Fichte, rather the system of checks and balances by which the supervision both of the power and of the people is guaranteed. These forms, established by law, vouch for the effective validity of people’s constituent power, that is to say, of people sovereignty (*GA* I/3, 450ff.).

### III

#### People's rupture power

People's constituent power, however, can express itself also in an other way. It is the form in which people's sovereignty comes to the point to oppose the power of law: it is an "extra-constitutional form" (Fonnesu 1994, XXII).

In order to make this possibility happen and to recognize it as legitimate, two conditions have to occur: the people have to act unanimously, by constituting themselves into a unitary and unified body, and unanimously it has to be recognized that "the injustice has risen to the highest" (*GA I/3*, 457), without any exception. When this happens, it means that the law, from being a law of mutual security, has changed into a law of injustice and repression. If the people, for this reason, decide to act against this law, one can speak of a revolution, which is not a private but a collective act. It represents the moment in which "the only allegedly common will represented by the governing people is challenged, in this only case, by the real common will of the people" (Fonnesu 1994, XXII). The revolution is the upheaval through which people manifest their will to change power modalities, forms of government, and leading persons. In that moment the people call back their whole sovereignty, laying claim to self-government.

According to Fichte the legitimate contract rests on unanimous consent (*GA I/3*, 454). This ensues from implying an original right (*Urrecht*) corresponding to the faculty of each individual of being a free causality to itself (*GA I/3*, 404). By force of this faculty each man gives consent to adhere to the social contract, for whose efficacy the reason accounts. In a specular way, this faculty, given by reason, is also the same permitting the citizens to leave the State in the moment in which

they do not accept any more its deliberations (*GA I/3*, 455) and do not recognize any more the State law as a rightful law. Fichte admitted this opportunity, but he does not care much about it. What matters to him is less the will of minorities and much more the chance to restore soon the inner unanimity needed to consider the political body as legitimate and sovereign – what happens in the moment in which, very simply, the opponents of the State “move away from the borders of the State” (*GA I/3*, 455).

Only these few passages are dedicated by Fichte to this problematic – and for the democratic thought crucial – issue regarding the civil criticism, the disobedience against the public power and the relationship between minorities and majorities. A reason for this can be found in the fact that Fichte is engaged here in identifying the conceptual and normative conditions for the establishment and the functioning of the State as the institution in which the fundamentally social character of the human being can come into effect in an universally recognized and civil way. Admitted that the individuals have the right both to create and to leave the State, and that “man can also surely renounce his own rights” (*GA I/3*, 398), the task of the transcendental philosopher stops here, letting the determination of the single content of criticism, and reaction to them, to the political struggle. After all, the same attitude is showed by Fichte dealing – or better, neglecting of dealing – with the issue regarding the choice of the best form of government (*GA I/3*, 442). Nevertheless, the impression issuing here is that Fichte’s overemphasis on the concept of people unanimity, how much hypothetical this supposition may be (*GA I/3*, 400-403, 437), lets the space open for the suspicion that minorities and opponents can be easily excluded from the State – what is proper of each despotic and totalitarian government, even of authoritarian democracies.

To challenge the State, up to the point of going off it, is an act of rebellion (*Rebellion*), equivalent to an act of private citizens performed against the State. “The people (as a whole) is never a rebel” because “rebellion happens only against a superior. But on earth who is higher than the people?” (*GA I/3*, 456-457). People’s unanimity calls for revolution. This is in fact a different issue: the revolution is a collective act aiming at calling back the consent to the State, suspected or charged to have betrayed its goals, and at restoring a new order conceived in conformity both with the rule of law and the people wellbeing. So, admitted that the revolution consists properly in a break of the law order carried out at collective level and in unanimous way, the inherent logic in it suggests to consider it as the radical act through which people’s sovereignty tries to express and impose itself against an order of law become un-democratic, that is to say, injurious for citizen’s dignity and harmful for their freedom. In this alternation of continuity and rupture, people can manifest what has been also called their “negative power” (Urbinati 2006, 27). The goal of such general rising consists in restoring the claim to a legal order fitting the need of people for security and justice – which are the grounds for which a State had been established, and still has to be established.

If the people do not rise, this means *either* that the oppression and the general insecurity have not yet become enough perceptible, or that they do not exist, or *that* the people have not yet awaked to the will for freedom and to the clear insight of their rights, they have not yet grown for the big juridical deal with whose decision they are entrusted (*GA I/3*, 458).

As Luca Fomesu writes, the French Revolution finds here its philosophical justification (Fomesu 1994, XXII).

## IV

### The French Revolution

The French Revolution, broken out in 1789, generated a tremendous impact throughout all Europe. Intellectuals, beyond and on the other side of the French border, were affected by such an overcoming event and they reacted to it, as the case may be, with interest, anxiety, excitement, fear, or enthusiasm (Ritter 1965; Baioni 1969; D. Schulthess, P. Muller 1989; La Vopa 1989; Racinaro 1995; Gonnelli 1996; Alessiato 2016).

Fichte himself didn't remain indifferent. On the contrary the Revolution gave him the impulse to reflect on some essential political issues and to write two essays, both published as anonymous in 1793: *Zurückforderung der Denkefreiheit von den Fürsten Europens, die sie bisher unterdrückten* and *Beitrag zur Berichtigung der Urteile des Publikums über die französische Revolution*. The basic political issues covered here are essentially, on one hand, the equal right of the people to choose their own government and, in extreme case, to be legitimised to the revolution and, on the other hand, the duties of the State making it a rightful State – in the double meaning of legitimate and right: namely, a State built up according to the law and exerting rightful laws. For both issues, the impact of the French Revolution was crucial because for the first time in the history of mankind it had shown the will of a people to turn upside down a political system perceived as unjust in order to fix it in accordance with universal values. In that happening Fichte, like many others, wanted to see something “important for the whole mankind,” “an opulent picture for a big text [concerning] the human right and the human value” (GAI/1, 203).

In these writings Fichte, not even properly speaking of democracy or of a democratic form of government, argues for



basic issues of democracy, like the equality of citizens in front of the law and their right to choose their own form of government. Some of these issues will be deepened or reformulated in the following *Grundlage des Naturrechts*, so making admissible to consider all these three texts inside the same conceptual and temporal frame. In our opinion, the analysis of Fichte's way of claiming these principles in those essays will not only make possible to put also a thinker like him in connection with the glorious tradition of democratic thought, but it will also allow us to identify some normative preconditions implied by the building of a democratic system of life.

## V

### **In defense of freedom**

In the first essay, Fichte defends the freedoms of thought, speech, and press, so he takes implicitly sides against the censorship, which at that time checked the conformity of all books and published writings to the traditional morals and to the official religious doctrine. Fichte's defense proceeds from the distinction between alienable and inalienable rights: inalienable rights are those rights connected to the accomplishment of the moral law that is kantianly affirmed as the "law in us," the law of our conscience (Clarke 2016, 57f.). This moral law recommends that the human being has to stay free by any extraneous influence, without observing or obeying any law but the law which he gives to himself, that is the reason law. Given that this law qualifies the human nature, the man has the right to be able to follow this law and to realize it in the world: he has the right to live under those conditions which make him able to fulfill his "duty" as a moral subject, i.e. the duty given him by the moral law. The right of free speaking, the right of moral

accomplishment and the right of searching the truth belong to that kind of conditions. Therefore they have the status of inalienable rights. To these rights the rulers can lay no claim, against them the politicians are allowed to do nothing: “The free search about every possible object of thinking, to any possible direction and endlessly, is undoubtedly a human right.” Consequently, Fichte warns the rulers not to lay claim to “our freedom of thought” since they have “no right” on it, “no decision on what is true and what is false; no right to determine the objects of our research or to fix the limit of it; no right to prevent us from imparting the results of it, no matter if they are true or false, to whom and how we want” (*GA* I/1, 182-183, 187). What strictly ensues is that the government can wield his power only on the alienable rights, which are established and regulated by the social pact lying at the basis of the social order.

It is clear that by his defense of human being’s inalienable rights Fichte combines together the Kantian moral philosophy, advocating the moral autonomy of each human being, with ideas issuing from the tradition of contractualism, which distinguishes between the natural law and the legal-judicial thought, so gaining the normative prerequisite for the social contract. More than this, however, what in our perspective is to point out is that Fichte upholds here a basic principle of the democratic constitution: it is the untouchable equal right of each human being to be recognized and treated in a civil State as he actually is and finally has to be: as a *human* being. This right issues as a consequence from the fact of being a rational being and is a sufficient ground for becoming a citizen of the State. In this way, Fichte recommends for a normative philosophical frame, which is assumed to exist prior to each historical and political reality. It is postulated as the inviolable and intangible foundation for human dignity (*Würde*). By arguing so, Fichte shows to advocate a deeply modern understanding of the legal status of the citizen and of the

connection of it to its moral justification (Clarke 2018). In fact, in Seyla Benhabib's words, "for moderns, the moral equality of individuals *qua* human beings and their equality as citizens are imbricated in each other. The modern social contract of the nation-state bases its legitimacy on the principle that the consociates of the nation are entitled to equal treatment as rights-bearing persons precisely because they are human beings; citizenship rights rest on this more fundamental moral equality, which individuals enjoy as persons. 'The rights of Man' and 'The rights of the Citizen' are coeval for the moderns" (Benhabib 2002, 175).

The two dimensions come to unity by means of the postulation of a social contract (James 2011, 30f.). In it individuals liberally waive some of the personal rights ensuing from their original right. In this way the passage from the natural to the civil state, from the original right to the positive and positively (i.e. through law) secured order of rights, may take place<sup>2</sup>. The remark made by Fichte in the *Naturrecht* applies also for this dualism between "man" and "citizen." There, in fact, Fichte underlines the fictional character of the concept of an original, i.e. natural, right (James 2014). "There is no state of original rights, and there are no original rights of the human being. He has really rights only in community with the others, and he can [...] be thought only in the community with the others. Hence an original right is a mere fiction (*Fiktion*)" (*GA* I/3, 403-404). At the same time he points up that the mental operation of abstracting such a right from the positive rights of the *res publica* is absolutely necessary in order to identify the

<sup>2</sup> For a critical approach to Fichte's contractualism see recently Martin 2006 and Baur 2006.

juridical status of the human being and the normative requirements for the life in common.<sup>3</sup>

On the basis of the fictional representation of the human being, as member of the natural state and potential member of the civil State, it is possible to distinguish, as Fichte does, between the human being and the citizen, between “*Menschheit*” and “*Bürgerthum*” (*GA* I/4, 17). The citizen is the one who, submitting himself to the State, makes himself subject of the law. But this act of self-subjection is motivated by the need to have secured and guaranteed the freedom and the right which are due to him as human being, and for whose protection the public power has been established as the only legitimate and efficacious authority (Clarke 2019, 331-332). The hypothetical and theoretical distinction between man and citizen, which at conceptual and philosophical level is necessarily to perform, comes to reconciliation in the historical and juridical political practice.

Inherent in this view is an issue which will be made explicit in the second Fichte’s text: it regards the moral neutrality of the state of nature, that quite automatically implies its potential of becoming a field for morality (Neuhouser 1994; Kersting 2001). Unlike Hobbes, the state of nature is for Fichte morally neither bad nor good, but with the possibility of being good and morally

<sup>3</sup> On the abstraction in Fichte see Kim 2014. In the same book remarks are made by many authors on Fichte’s philosophical method, with the result that Fichte’s transcendental approach is clarified with reference to the mental operation of abstraction and fictionalism (Kim 2014, 11-70) – which is interesting also for our consideration of the artificial “devices” or hypothesis assumed in the frame of the social and political thought (right, state of nature, contract). The methodological function of fictionalism for Fichte’s transcendental approach has been repeatedly and brilliantly highlighted by Daniel Breazeale: for instance, Breazeale 2014, 103ff. On this line Estes 2006 speaks of “hypothetical imperative.”

performed. This attitude results from Fichte's consideration of the human being as a dynamic and not pre-fixed *synolon* of nature and reason, instinct and rationality, whose balance is continuously to re-create and to secure. The uncertainty is in Fichte's view strongly consistent with liberty (Alessiato 2018). To say, as Fichte does, that "perfection is the highest and unattainable goal of the man and his endless perfecting is his mission" (*GA I/3*, 32), means to assume that the human being is perfectible. This not pre-determined openness, which is proper for Fichte's consideration of the practical and historical world (Ivaldo 2012; Nomer 2010, 489), issues from a pre-historical assumption, regarding the reasonable character of the human being, that is to say, the always persisting possibility for the human being to bring the natural impulses under the control of the reason, so setting up a process of progressive rationalization of the natural world, whose aim is the conscious and free realisation of the reason law on earth. "To subdue to us everything is irrational, to master it freely and according to our proper law, is the final goal of the human being" (*GA I/3*, 32).

The state of nature is the condition in which the human being obeys only to his own law, without external coercion. Since what is valid for me (according to the not coercive will-based power of the reason) is also valid for the other, the human beings are tied together by a moral bond, based on mutual acknowledgment and rational recognition. This moral relationship is implied according to Fichte by any form of not-solipsistic life, namely by any possible situation where more than one human being has to live together with another. The possibility itself of physical proximity between human beings relies on this moral connection. That means that the human beings are morally capable of living together in a society (Verweyen 1975; De Pascale 2012). In fact, according to Fichte's radical view, the society stands for a natural state without legal bonds or contracts but only determined by

means of the moral reciprocity existing between humans beings, namely, at the last instance, by the moral rational law (*GA* I/1, 276f.). For Fichte, the state of nature is already in itself a social state of life. What is, however, important to make clear in order to avoid superficial or naïve interpretations of Fichte's stance is that a moral possibility does not still mean effectual feasibility. The non-automatic correspondence issues from the open and unstable character of human nature, namely from the fact that the human being is a perfectible but not yet perfect being. What in the state of nature is missing is the assurance of the temporal continuity of the moral bond, from which also the institutional (in)stability derives. The openness of human nature reveals its dark side. The State as a social agreement between rational and sensitive beings comes into being in order to secure them in their natural rights against arbitrary violence and irrational choices (Duso 1993). But the original point is made clear from the philosopher: "It is a big mistake to believe that the state of nature of the man will be abolished by the social contract; it can never be suppressed, but keeps on continuously existing simultaneously with the State" (*GA*, I, 1: 277-278). The human being goes on with being moral also inside the State order. Similarly, his value as a human being is not dependent on the State but proceeds from his rational nature, therefore, is prior to any social, juridical, and political order. Human being and citizen are theoretically to be distinguished but in the concrete validity of their issue they are also for Fichte coeval.

## VI

### **The right of revolution: people and sovereignty**

The second essay, *Contribution to the Rectification of the Public's Judgment of the French Revolution*, is uncompleted. It deals with the

question of the right of the people to make a revolution and to change their government or the form of government. Fichte maintains that people have this kind of right and therefore that a revolution, under certain conditions, is rightful and legitimate. It is rightful and legitimate, that is to say allowed and justified and even necessarily demanded by the moral law, when a government acts and makes laws contrary to it, that is to say when a State by means of its own activity prevents human beings subjected to its power from fulfilling the law of their reason and from accomplishing their last tasks.

Fichte repeats here the distinction, already declared in the first essay, between alienable and unalienable rights, with the consequence that the social contract refers only to alienable rights, that is only to the external conditions for pursuing the moral law and fulfilling the moral duty: it does not refer to the inner conscience and the inner will of the human beings. From these assumptions, he draws the idea that no political form is unalterable and eternal. It is good only that political constitution which makes the human beings able to continuously carry out the moral destination connected to the accomplishment of the moral law, creating the conditions for the implementation of it and for the fulfillment of the moral duty set by the law. For this reason the right of the people to change the constitution of their country cannot be considered as alienable: on the contrary, it has to be preserved, therefore the free attempt to change a wrong or unsuitable or unmoral constitution is rightful.

By using Fichte's words, it is possible to build such a syllogism, which sums up his argument for the legitimacy of the revolution, considered as the extreme attempt of the people to bring a State back to its accordance with the imperatives of the moral law:

1) “I have the right to be free and to do my duty means: nothing and nobody has the right to prevent me from it.” (GA I/1, 220)

2) “Only the moral law rules the human being as a human being and sets up to him an end in itself. The firstly following, foreclosing prerequisite of any morally possible State affiliation is that the final aim of it does not contradict the final aims of any individual prescribed by the moral law; that its attainment does not inhibit or hamper it. A final aim violating these cardinal laws is already in itself damnable, for it is unjust.” (GA I/1, 221) In fact, a State setting up different ends from those of the moral law is neither just nor moral, nor consistent with the reasonableness of the human being.

3) *Ergo*: “No constitution is unalterable [...] No human being (has) the right to resign his humanity.” (GA I/1, 254)

Also, the second essay shares the same normative prerequisite of the first one, corresponding to the assumption of the reasonable, and for this reason progressively and endlessly rationalizable nature of the human being. Compared to the first essay, this second can be considered as an extension and a radicalization of the consequences previously drawn. The essay defending the freedom of speaking, arguing and standing for opinions puts the focus of the attention on the individual, implicitly promoting and securing the social function of the scholar by searching the truth. This assumed, the second writing incorporated an enlarged political perspective. A collective political subject comes on the scene: it is the people, generated by means of a will-based contract between individuals and acting in their political role as the subject of right(s) and sole holder of sovereignty. The right, and corresponding power, to choose and change the form of their own government and of their political organization is part of this sovereignty.<sup>4</sup> Inspired by the great

<sup>4</sup> A problematic discussion of this issue is delivered by Zenker 2017.



event of the French revolution, Fichte gives a legal formalization to a collective subject, the people, whose norm of action is democratic, namely established in accordance with their shared and self-determined power. The same attitude finds acknowledgment also – as we have seen – in the *Naturrecht*, both at the level of the individual (*GA I/3*, 455) and at the level of the whole people acting “as a one and only man” (*GA I/3*, 457).

At this stage Fichte did not deliver material determinations of the people: he did not outline their distinctive character nor describes contents of their essence. This will be made in the late political works, like die *Grundzüge* or, as the title already suggests, the *Reden an die deutsche Nation* (Raddrizzani 2008). In the previous essays, the author’s perspective stays on a formal and logical level of discussion: the political subject is here still represented through abstract and a-historical terms, and for this reason it maintains a normative power which enables to consider it as a universal model. People’s right of speech begins, Fichte observes, in the presence of a collective contract clinched by individuals in a free and consensus-based way. Up to that moment, we have only one single subject, i.e. the whole mankind (*die ganze Menschheit*) (*GA I/1*, 258). The tight link between people and State is given by the central role taken for both by the social contract, meant as the mutual agreement between individuals on the combined transfer of rights and on the reciprocal recognition of duties. One contract, we can synthesize, originates a State, to which a people corresponds. John Rawls’ minimalistic definition of the State as a “union of unions” (Rawls 1971, 527) suits also this context. The comprehension given to the function of the social contract is in both cases minimalistic. A commentator has noticed that “in Rawls’ theory, the social contract is not used to set up a particular form of government. Rather, the guiding idea is that the object of the social contract is the principles of justice for a society.” (Lehning 2009, IX) Similarly in the anonymous text of 1793

Fichte's hypothesis of the social contract is not directed to defend a particular form of government in opposition to others. This step will be made some year later in the *Naturrecht*, yet still only in a juridical and argumentative perspective and not in a political one, by confronting the different options of managing the power from a juridical point of view. The political determination will be rather given in 1800 by the *Closed Commercial State*.

What is discussed in 1793 is more fundamental and regards both the possibility to rationally establish a form of social life conforming to the unalienable rights of the human being and simultaneously the moral justification for the break-up of that contract for the same symmetrical reason, that is to say the lost concordance of that social pact with the unalienable rights of the human being. However distant their respective theoretical proposals may be, both Fichte and Rawls are interested in delivering a formal and normative scheme of political thinking. This should be able to take into account, for Rawls, "a moral conception of justice for a democratic society wherein persons regard themselves as free and equal citizens" (Freeman 2019); for Fichte, the irrepressible right of each human being to fulfill his moral duties and pursue his final destination (*GA I/1*, 174).

Regarding Fichte's argumentation from this prescriptive and artificial perspective, the fact that Fichte's discourse is played not at the historical level but on a meta-historical and constructivist<sup>5</sup> stage clearly emerges. What remains unexplained is under which conditions it becomes possible to speak of a group of individuals in term of a people. Only the final target point is made clear, namely, the fact that "all members of the State are equal" (*GA I/1*, 254). However essential this assumption can be – having

<sup>5</sup> For a comprehension of "Political Constructivism" see the corresponding chapter in Rawls 1993, 89-129.

become a binding principle of each modern democratic constitutionalism – it does not give an account of the requirements for such an equality status. Who is actually entitled to set up the unification process and who is empowered to manage it? Who can join the State-defined group? Which are the conditions required by the affiliation? Which type of rights and duties are at the core of the social contract and who is qualified to decide them? Finally, who decides whom is qualified to decide for others?

Many of these questions are not answered nor dealt by Fichte. However, what is sufficiently interesting for us is that the large spectrum of problematic issues stimulating the actual debates on citizenship – entitlement, conditions, restrictions – are already present on the background of Fichte's conceptualization of the State understood as a mere contract not even more important than other forms of social agreement.

The potentially universal extension of the rational logic underlying the constitution and the political action of a people, up to the moment of a collective upheaval of the State, makes Fichte's stance even more radical. This potential political radicality follows from a philosophical attitude asserting the inalienable right of the subject – it may be individual or collective – of being reasonable, that means the capability of following through the law of reason and of pursuing the imperative of progressive perfectibility. No surprise that this potential radicality implied by Fichte's argumentation was clearly identified by the political authorities of his time, which considered his writings as potentially subversive and denigrated his, in the meantime discovered author, as "Jacobin", that is to say – according to the vocabulary of that time – as a radical democratic thinker.

Democracy is conceptually connected to equality. Democracy should be the form of government where people of equal citizens

have the faculty to determine their own form of political power and organization. The thesis that equality goes through the tension with the opposite value of the liberty is postulated by a prestigious tradition (Bobbio 1995; Maffettone 1991; Carter 2005). In fact, one of the classical criticisms exerted to democracy by his antagonists is that the equality between individuals, which are as such socially different historical subjects, prejudices the freedom of each individual to express himself according to his proper nature.

By Fichte, it is interesting to notice that his “Jacobin” stance develops from a philosophical attitude focusing both on moral and consequently political freedom at the individual level and on the equal right for freedom at the collective level. What issues, it is a peculiar form of balance between the two controversial issues. It is this balance which enables Fichte to assert, firstly, that the claim for the unalterability of a political constitution is rationally unacceptable “because directly contradicts the higher goal of the mankind” (*GA I/1*, 259), coincident with its endless perfectibility, and, secondly, that “the will of the State originates only from the will of everybody. [...] If I keep my obligation, and the State keeps its own obligation, then the contract is executed.” (*GA I/1*, 280-281) As a consequence of the absence or lack of such reciprocity by this mutual exchange of rights between the individual, the people and the State, the possibility of a revolutionary act aiming at redressing the balance is by Fichte rationally included and morally justified. In so far that people’s constituent power comes to expression in it, by even a radical degree, the revolutionary event helps to shape people’s democratic freedom of self-determination, consisting in choosing forms and modalities of their own collective life.

## VII

### The normative function of a “zero point” hypothesis

An eloquent sign of the consideration into which Fichte took the Revolution is an assessment of him in a letter (1795), where he compares his philosophical system, on which he has been working in the previous years and which has been published in 1794, to the effects issuing from the French Revolution:

“My philosophy is the first philosophy of freedom; the French Nation aims at freeing the human being by the chains of an external power, in the same way, my philosophical system aims at freeing him by the chains of the thing-*an-sich* and by the influence of the external reality [...] so that the human being can be free, he can decide on himself by himself” (*GA* III/2, 298).

Fichte says that the first ideas about his philosophy of freedom came to him by writing the essays on the Revolution.

What he admired in the French Revolution was the fact that for the first time in the history a people had become aware of the possibility to use the human reason for changing the reality and for choosing autonomously the way they wanted to be governed. Taking into account the connection between reason and liberty, Fichte saw a parallelism between the Revolution and his own philosophy: the central issue of this was, in fact, the idea that the reason itself creates the conditions for its own fulfillment and for the accomplishment of the prescriptions laid down by itself – in the last resort it is the reason which creates its own reality and the connected conditions of (and for) humanity (Rohs 1991, 22-23; Sinigaglia 2017). The defense of the French Revolution means for Fichte the defense of the human reason, of his activity and capability for creating a new, more reasonable world. And this faculty must be assured to each individual *qua* human being. So

each human being has to be awarded the right to be properly himself, equal to all the other and without any consideration neither for social, economic, professional differences nor for ethnical origin or status. In Fichte's view, democracy ensues by the shared will to safeguard the right of each human to be integrally himself and equally together with the others. According to this political order, the will is upheld by the reason.

Reason orders the human beings to form an association, which vouches for the freedom and the safety of each individual, a form of partnership which every man joins voluntarily in order to get liberty and security ensured. This form of association is the State issuing from a social contract settled by each individual with all the others and by the all with the individual. In this agreement, each individual voluntarily waives some rights, some piece of liberty (essentially the faculty to individually take private revenge on somebody for injustices) in return for legal security.

But the same reason orders, under certain conditions, to leave the State. This can happen when the State violates the law of reason, that is when the State violates the normative condition lying at the base of its legitimacy. This normative clause prescribes that each individual has to recognize its own reason in the laws and decisions taken by his State – what means that each individual has to recognize the State laws *as if* they would be decisions and manifestations of his own (rational) will, that is to say, *as if* he himself would have chosen in that way. If the State gives up his function of being the rational State of every rational being and then fails to respect his duty, then the individual has the faculty to break the contract and move out of the State.

In these writings, Fichte admits a very easy possibility of “State exit”. The State is continuously submitted to check out and to the examination by its subjected people, which compare the States decisions with the prescriptions of the universal reason

according to which 1) all human beings are created equal – with the same reason, the same dignity, the same duties – and 2) each human being can accept no law except the law of his own reason (Rousseau's influence is at this point evident). This means that in coherence with the Kantian idea, the properly free will is not the license of doing everything one wants but, on the contrary, it accounts for the will accorded with the moral idea of duty, namely with a moral obligation towards his own reason like that of each other human being.

According to the Fichte author of these “Jacobin” writings, leaving the State is very easy: it is enough that the citizen takes back his consent to the State. As the agreement with the others in order to join the State is free and voluntary, similarly also the withdrawal is:

The binding nature of social contracts arises only from the will of the contracting parties, and this will can change, so it is clear that the question, whether they can modify their contract and the question whether they can enter into a contract, are fully the same. [...]. That all contracting parties need to agree and that no one can be forced to enter into a contract follows directly from the above. Otherwise, a law **would be imposed** to it by means of something different from its will. [...] Is not an immutable constitution something contradictory and impossible? [...] The question sounds like this: does not clash the unalterability of any constitution with the destination of mankind set up by the moral law? (*GA I/1*, 240)

The acknowledgment and following observance of the State laws depend on the consistency of these with the moral law and the ensuing rights. These not given, the citizen has the right to “change his mind,” to reformulate the requirements of his obedience and to give reason to his dis-obedience. The outcome of Fichte's artificial and constructivist approach admits no half-

measure: “Now one changes his will and from this moment he is no more member of the contract in front of the invisible court of law; he has no more claim to lay to the State and the State no more claims on him” (*GA I/1*, 264).

Fichte doesn't give explanations about the real ways to retire from the State, about what this actually means for the individual and what then happens to him. The only specification he offers concerns the reference to the “unsichtbaren Richterstuhle,” the “invisible court of law,” which makes us think at an interior court of law coincident with the personal moral conscience. Can disobedience be only an interior act of conscience? In this case, would this have still a political meaning or only a moral connotation, which makes it invisible to the public world? A passage in *Naturrecht* (*GA I/3*, 451) seems to suggest such a not reconcilable tension.

If, on the contrary, we assume that disobedience has a public, effective political consistency, we can also admit that Fichte's proposal for the “State exit” is too easy because it is portrayed as a quite utopian and unrealistic act. If any citizen is legitimated to change his mind at any moment and at any public decision, how can the State stand up to disorder, selfishness, and particularism? In fact, one of the recurrent criticism launched against Fichte's stance is that of naïvety: Fichte's proposal looks too easy, oversimplified and failing to take into account a large number of questions about its feasibility. By means of his proposal, it is as if Fichte would authorize an anarchic disintegration of the State (Schottky 1995, 159-175), which brings the revolution from a collective to an individual level. Each citizen can do his personal revolution: but then what is still revolution? It seems that in this essay Fichte delivers a formally minimal idea of revolution, still holding the connotation of a private-law, yet simultaneously



postulated as reproducible in large-scale: revolution as a contract-break (*GAI*/1, 291).

It is not meaningless in this frame to notice that the anarchic risk is implicitly inherent in any doctrine taking the State as an artificial device established in a constructivist and voluntarist way through the will, the choice and the decision of many individuals. Martin Walzer focuses the point: “Liberalism is distinguished less by the freedom to form groups on the basis of these identities than by the freedom to leave the groups,” with the consequence that “association is always at risk in a liberal society” (Walzer 1990, 15). By keeping central the idea of a contract-break, some years later, in the *Grundlage des Naturrechts*, Fichte – as we have seen – will distinguish between a rebellion as an individual act shaping a private decision and the revolution as a collective act bringing the people to unity.

In order to keep this danger under control and to ward it off, modern doctrines standing for the contractualistic origin of the State minimize the role of individuals’ consent by their mutual State agreement. This is understood in a static way, as a decision *a priori* which fixes the power extension of the State and the consequent status of its members. John Rawls gives a transparent version of this assumption: “Then, we are not seen as joining society at the age of the reason, as we might join an association, but as being born into a society where we will lead a complete life” (Rawls 1993, 41). No matter how theoretically fecund and still functional that hypothesis might be: such a rigid comprehension of the boundaries of a civic community, to which a static and homogeneous vision of his internal cohesion corresponds, seems to be put under strong stress by our multicultural societies and by the following critical debates concerning the different degrees of permeability of State boundaries, the endangered State sovereignty in identity policies,

the national or international management of the immigrant flows. Finally, it appears overwhelmed and surpassed by our global times (Benhabib 2002, 168).

By underlining the consensus-based nature of the State and its continuous dependency on the will of its members, Fichte intensifies the risk of political and even institutional chaos. At the same time, he leaves the State more open for political accommodation, legal adjustments, and rational tests. Formally, he suggests the always persisting possibility of pursuing a State politics which may be irreversibly fixed on moral (philosophical) principles, yet flexible on legal regulations, including transformations, restyling, adaptation and harmonization. The only thing that cannot be called into question is the conformity of the human being with the moral law ruling his conscience and with the requirements for the accomplishment of his final task. If at the level of the individual human being there are core principles which cannot be deteriorated, neglected, falsified, or distorted, at the level of the political play space of negotiation comes into being, where people can meet and project together their future and their mutual way of being. After all, Fichte suggests: “the truth is a common patrimony of this higher world, free as the air and destined to be simultaneously enjoyed by a multitude of spirits, without that this diminishes it” (*GA* I/1, 289).

Apart from the critical point, which is possible to notice in Fichte’s legitimation of revolution and that we can call “the anarchic breach”, what it is important to remind is the historical meaning of such a normative view. What for Fichte is at stake in this context, is the right-based liberty of each citizen, consisting in his right as a human being, as a moral and rational agent.

We have to consider the type of State at Fichte’s time: an absolute, non-democratic, monarchical, hierarchical, patrimonial,

and centralizing State, exerting an unlimited and absolute power over its subjected and holding the power to decide for their life or death. These were exposed to the mercy and the license of prince's will. Against such a State, which wanted to keep the individual in a condition of docility, submission, and juridical inability, Fichte contends for the right of the citizens to have their rights acknowledged also by the State, he claims for putting the State (and its decisions, actions, and laws) under the control of the citizens and under the pressure of their freedom of arguing and thinking, so that the rights of the citizens are admitted as inviolable and incoercible limits to the State will: Fichte wants to reduce, check and moderate the power of the State through the firm claim for the human and juridical rights of each citizen.

What Fichte writes at the end of the Preface to *Zurückforderung der Denkfreiheit* is to remind because it combines together far-sightedness and civil courage: “No Prince, You are not our God. From Him we look for blessedness; from you (we expect) the protection of our rights. You are not supposed to be beneficent towards us; you should be equitable” (*GA I/1*, 172).

By postulating both the individual and the collective right to break the State contract, Fichte thinks about the possibility for the citizen(s) to go in a sort of “zero point” (*Nullpunkt*) space in which an unjust State, or even a no-more-legitimate State, exists no more for the individual: it is like it stops existing for the individual. Fichte admits the hypothesis of a “zero point” area in which the human being is alone out of the State but in front of his conscience, of his rational will, of his reason, that is to say, in front of the natural (the rational) law.

This is the important point: according to Fichte to be out of the State does not mean to stay out of the law and out of the society, more radically said, out of the reason, in a “nobody's land” in which each man is fighting against every other, in a kind

of war state like that described by Hobbes as a “*bellum omnium contra omnes*.” On the contrary, according to Fichte also in this condition something very important (more important than the State itself) still exists and is kept outside the State: this is the natural law, that is the law of our nature conceived as a rational being (*vernünftiges Wesen*). The natural law is the law of the reason that governs our conscience and that is at the head of our proper liberty as rational (moral) being (James 2004). So the “zero point” following the act of breaking the social contract applies to the State, but it is in itself not completely empty of values: the moral law is there still persistent and valid. The act of resetting the State to the zero level basically endangers the political institution raised by the contract. But regarded under moral conditions, its effectiveness is always still relative. That results from the fact that the moral law is valid (then, has value) in itself, it doesn’t need the existence and the tutelage of the State for being worthy of regard. It needs the intervention and the force of the State only for becoming (more) effective, for getting efficacy and certainty.

We can fictionally expound Fichte’s argument in this way: we have the rational law, that is like the seal of God in us, “a divine sparkle in our conscience” (*GA* I/1, 173). Its presence in us suggests that we are able to act and to live according to the prescriptions of the reason. But as human beings we are finished beings, so we are weak, we often fail in controlling and disciplining our pulsions, passions, and sensible instincts. So we need the help of an artificial organism enforcing the rational natural law and fixing the conditions for the fulfillment of our duties: this organism is the State. Nevertheless, we keep full control upon it because the State itself is subjected to our reason and to the check of our conscience. What is postulated here is a limited, minimal State. It originates from only a particular type of contract which, like every other contract, can be rescinded when it no more satisfies the conditions for which it has been

established and the grounds according to which the individuals have entered into it. At this regards, Fichte uses the famous image of the four circles to depict the consequent relationships between the field of the conscience, correspondent to the larger circle, and the others, progressively smaller, of the natural law, of contracts in general, and of the particular social contract giving origin to the State:

The domain of the conscience encompasses everything; that of the social contract the least of all. Everybody is allowed to draw back from the center to the boundary, and even to go out of the domain of the natural law [...]; but nobody goes out of the domain of the conscience if he is not a beast (*GA I/1*, 279).

In other terms: the right of the ‘man’ and the right of the ‘citizen’ are axiologically coeval, but historically the human being has to become citizen of a State in order to make his right properly and constantly secure(d).

## VIII

### **The social contract as a rational hypothesis**

Two issues are worthy to be noticed in this approach. The first one is the fully artificial and functional character of the State. There is in Fichte’s view no hint for State sacralization. The State works and has to act simply as a historical and strategical instrument to carry out in history the task of the human being, that is to accomplish his own *Bestimmung*, the perfect coincidence between nature and reason, and so to make the law of reason achieved in the reality. This functional relativist consideration of the State will represent a constant element in Fichte’s political

thought, still in the phases in which the State will take a major role in the organization of the human life. But also in those conceptual configurations the aim of the State will be to make itself progressively useless and superfluous. This functional understanding of politics fits in the modern secularization of the democratic State, depriving it of any claim on ontological superiority.

The second point to stress is again the a-historical and a-temporal character of Fichte's hypothesis concerning the end of the State, such as previously the hypothetical construction regarding its origin was. We have seen how innovative Fichte's comprehension of the state of nature in comparison with the previous traditional ideas (especially Hobbes) is. The "null point" – however relative, as we have seen, it may be – from which the State originates and to which it can at every moment theoretically return, reminds in a paradigmatically functional way Rawls' original position. In the frame given by his theory of justice as fairness this position has been thought as the equivalent to the state of nature postulated in the traditional theories of the social contract<sup>6</sup> (Rawls 1971, 12): both have a hypothetical character. The use of such an "*as-if*-tool" (Appiah 2017) has a creative function concerning the working out of a conceptual device (the social contract, the State) fixing the ideal requisites for the life-in-common. More precisely it helps, by Fichte, to challenge the question about the unalterability of political constitutions and the legal and moral limits of the State action; by Rawls, to pinpoint the principles of justice regulating social institutions and political relations between moral persons who are free and equal, have a sense of justice and a conception of their rational good, yet have different conceptions of their personal good, as well as different

<sup>6</sup> This equivalence is contested by Freeman 2019.

religious, philosophical, and moral views. Inherent in this “thought experiment” (Rawls 1971, 17) is also the fiction of the well known “veil of ignorance”, consisting in an imagined situation in which all parties are deprived of all particular knowledge about themselves and the others, namely knowledge concerning identities, social role, contingent capacity and circumstances – in a word, all kind of knowledge which could bias the judgment of the parties on the principles of justice and therefore result in unfairness and impartiality. In fact, what this fictional hypothesis aims to is the achievement of a strict position of equality, objectivity, and symmetry between persons as a starting point for their fair agreement on constitutive principles about the basic structure of the society.

Original position and “veil of ignorance” work in Rawls’ philosophy not only as hypothetical pre-requisites for the construction of a fair society but also as paradigmatic patterns for the preservation of the social justice in it. That kind of “null point,” wherein no social and economic differences nor race and gender classifications are known and wherein only the moral capacity and the ability for rational choices of the parties pertain and are in force, incorporates a normative idea of pure procedural justice. Therefore it seems pertinent to say that Rawls “used the original position in two capacities – as an analytic device and as a justificatory device” (Mukherjee and Ramaswamy 2011, 485). This applies in the sense that, by entering that abstract (through abstraction from any particular difference and contingent circumstance) and neutral (without moral determination but the capacity as free and equal moral persons) “null point,” the parties account time by time for the principles of fairness enabling each of them to pursue their ends and fundamental interests as free and equal persons. The original position, which – Rawls says – we can “enter [...] at any time simply by reasoning for principles of justice in accordance with the enumerated restrictions on

information” (Rawls 1993, 27), represents the “ground zero” of differences: it works as a standard of universal measure useful to organize our convictions and principles of justice, clarify their implications, question our judgments and consequently assess the pertinent standards of justice and democracy in the State. Like by Rawls the “device” of the original position, similarly by Fichte the hypothesis of an original state of nature is functionally subordinated to the constructivist goal of working out the juridical and legal requisites necessary for the establishment of a social agreement between rational agents (Ferry and Renaut 1994, 152).

In that original state of nature an original right – we have seen – is placed, or better, is to postulate, whose fictional character issues from the necessity of performing a reason-based act of abstraction from the social rights (James 2014, 345). This abstraction has a philosophical function because it allows to detect the rational and constitutive grounds for the necessary constitution of the State. As an interpret observes: “Fichte’s concept of right therefore obtains its binding force not from the ethical law, but rather from the general laws of thinking and from enlightened self-interest, and the force of such considerations is hypothetical rather than categorical. The theory of right examines how the freedom of each individual must be externally limited if a free society of free and equal individuals is to be possible” (Breazeal 2001, 2018).<sup>7</sup>

<sup>7</sup> The same author has interestingly reflected on the philosophical role of fiction in Fichte’s philosophy, coming to the point of considering his philosophy as “fictional.” This perspective can fit also in our frame, limited to the political thought and to the fiction devices applied in it. Cf. Breazeale 2002. With reference to this topic see Crowe 2008.



The hypothesis of a rational contract freely endorsed by individuals represents the other side of the same theoretical hypothesis – that of the state of nature – because it corresponds to the device to apply, under suggestion of the reason, in order to get over the permanent conflict and insecurity inherent in the state of nature.<sup>8</sup> From the “a priori deduction of intersubjectivity,” performed proceeding from the analysis of the structure of self-consciousness and of the requirements for the self-positing of it,<sup>9</sup> Fichte comes to propound the “citizen’s contract”, producing what we can call a “contract theory of the State” (Breazeal 2001, 2018), whose necessity is grounded on reason. This rational necessity is the same applying also to Rawls’ hypothesis of the “original position,” and in general to each theory which settles the origin of the State in the union of free and equal wills put together through a rational (and legal) mechanism.

So, the transit from the state of nature to the civil state immediately implies also the determination of the moral conditions and juridical limits for the action both of the State and of the citizens. Framed the original pattern given by the rational State, coming to life by means of an hypothetical contract shaped by rational law, the way of acting of the historical State and of his representatives (the princes, at Fichte’s time) is continuously confronted with and assessed through it. In this way, the philosopher delivers, on one hand, to the State a norm for the justification of its power claims and decisions and, on the other hand, to the citizens a powerful, however ideal, tool of power control. To show in which extent these tools can be applied is the

<sup>8</sup> On the artificial character of the State cf. the classical Skinner 1999 and Bobbio 1989.

<sup>9</sup> See Nomer 2010, 469-490. See also Herbert 1997, 201-202.

purpose of both anonymous Fichte's writings, which in their sequence show a remarkable degree of modernism and a consistent escalation of radicalism.

Thus, after having championed the "right of voice" of each citizen meant as his irrepressible right of freely speaking, questioning and criticizing the power and searching the truth, Fichte goes a step beyond. Since the possibility of withdrawing the consent to the State is admitted and has to be constantly preserved and kept open, each citizen acts as the persistent holder of an "exit strategy tool"<sup>10</sup> making himself master of his own State by virtue of his own reason. This is the modern achievement of Fichte's political thought, which finds a manifest correspondence, though in a radicalized measure, with the democratic principle asserting the equal right of each citizen of taking part in the political life of his own State.

## IX

### **Norms of democracy: Pluralism and Accountability**

The natural law (law of reason, the law of God in us) is what distinguishes the human being from animals. Giving up and betraying the reason, or permitting that this law is betrayed from other, also from the State, is unacceptable because it would mean for the human being to renounce his peculiar dignity and to give away his own humanity. In such conditions, the "State exit" has to be possible and is totally rightful.

<sup>10</sup> The terminology is allowedly delivered by the famous essay by Hirschman 1970.

As an individual can exit the State, so several individuals can do. Toward each other, and towards the State they left, they stay under the sole natural law. If those who have isolated themselves want to associate with each other and to enter into a new contract by any desired condition, so by virtue of the natural law, into whose domain they have drawn back, they have the full right to it. – So a new State is born. The revolution [...] is completed. The renunciation of the previous contract and the association to a new one belong to each revolution. Both acts are legitimate, hence also any revolution by which both happen by rights, namely through a free will” (GA I/1, 291).

Each citizen is awarded a big power and a huge trust: namely, the ability to decide by free will what is consistent with the moral law, namely the law in itself, which is a track and an evidence of the universal law. Apart from the optimistic and confidence-based anthropology Fichte asserts in this view, the political meaning of this faculty is not to underestimate.

The faculty of each citizen to get out of the State works like a hypothetical threaten: it has the value of a warning addressed towards the State. It is like saying: “Hey State, keep attention! You can not do whatever you want, you can not decide only for your interest or for the advantage of a small clique of privileged people, you have to give account to us which are your citizens, you are not absolute and all-powerful, you are tied to our rational will and control.” In order to stress and to point out this principle, which will become a central issue of the modern State of right (*Rechtsstaat*) and a basic principle of constitutionalism and liberal thought, Fichte radicalizes the power of the individual in face of the State, bringing his freedom of choice to its extreme consequences.

What we have made clear until now is that according to Fichte the constitution of the State is always reversible and involves each citizen, whose free decision and consent represent the effective requisite of each political constitution. If these issues are entitled

to be called – *ante litteram* – as democratic, we can go even further by pointing out how Fichte’s standpoint shows similarities with some stances claimed by modern theories in order to formulate conditions useful to ground both consolidation and enlargement of democratic issues in pluralistic societies. In particular, it seems quite astonishing that Fichte’s idea of the State building at the stage of these early writings can be correlated, in a fictional and enlarged frame, to the normative requirements postulated by an advocate of a pluralistic model of deliberative democracy like Seyla Benhabib. These requirements, in Benhabib’s words, are: 1) the “egalitarian” reciprocity, according to which the members of minorities have to enjoy all rights the majorities do; 2) the voluntary self-ascription, according to which the choice to join or belong to a group should lie exclusively in the individual, not in automatisms set down by groups or by the State; finally, 3) the unlimited “freedom of exit,” namely the liberty of leaving an identity group, combined with the symmetrical liberty of associating and joining a new group (Benhabib 2002, 131).

It is patent that Benhabib’s discourses concern the issue of cultural identities, detecting the normative requirements for the pacific co-habitation of different identity groups inside a multicultural State or society. On the contrary, Fichte’s stance fits in the still more traditional contractualist tradition aiming at establishing a civil order. But, once the correct distance between the two projects gets measured, some correspondences are still to draw. Fichte clearly maintains that “all the members of a State are equal,” and this legal status is – at this stage of his thought – not a consequence of the State-entry but an evidence implied by the moral status of the individual as a human rational being. No matter which the origin, the social status, the economic or social power may have been. The social pact is grounded on the mutual reciprocity that the parties are willing to recognize to each other: “Where the moral law is silent, nothing forces but our own will.

My *right* relies on the *obligation* (of another); then, in the last analysis, on his will. [...] I make a promise in return for another (promise)” (*GA I/1*, 260-261).

The ideal subscription of an agreement with others and the self-ascription to the social contract giving rise to the State should be completely free and will-determined. This point, for which Fichte is affected by Rousseau’s approach, accounts for the basic argument of the whole exposition: “The compulsory nature of the civil laws [results] from the voluntary acceptance of them by the individual” (*GA I/1*, 238). From this claim a radical consequence, as we have noticed, has been drawn: each individual has to be left free to choose and to assess the reason-conformity of the contract, without external coercion or social pressure (*GA I/1*, 240). The freedom of thinking and of questioning the power is an explicit and socially performed expression of such freedom. The same freedom is implied by the exit strategy, that is to say by the right ascribed to the individual to leave the State community whose he is a member of for eventually establishing by contract another community or joining a different group – assumed that the moral sphere is much more inclusive and larger than the sphere delimited by the State or by any other form of civil contract. These conditions mark Fichte’s idea of the State in a sense that we can properly call democratic in a modern sense.

Implied in the described conditions of the State building is still an element, which Fichte recognized in advance as an important rule of modern democracies: the principle of accountability for State officers and political actors in front of the citizenship. Consistent with the rule of law in opposition to the rule of men<sup>11</sup>,

<sup>11</sup> “It is the law that should rule by means of the prince, and he has to be strictly subject to it. [...] The prince as prince is a machine vivified by the law” (*GA I/1*, 369).

the core of this principle lies in the idea that each personal and political power is (should be) submitted to higher principles than personal convenience, cultural tradition, or social habits. We have seen that the issue of the power-control emerged already in the *Naturrecht*, where Fichte maintained the necessity of separating the executive power of the community from the faculty of supervision. This duality should work as a prerequisite for the accountability and law-conformity of the power against the dangers of arbitrariness and tyrannical violence coming from a democratic constitution.

Two years earlier, in the so-called “Jacobin” writings, the principle of accountability had been already declared, actually asserted with emphasis. Fichte’s stance there, however, is more radical because his defense of this instance proceeds from a properly democratic principle, namely the alleged equality of each human being *qua* rational human being, then subjected to the rational law. From this equality-status both the right of each member of the State of being recognized as a subject of right and the right of the citizens to call the rulers to account for their power administration ensue. The principle of accountability grows out of the idea of right which applies for each member of the State and, even more broadly, for each human being *qua* rational being. Thus, “the master has to assure maintenance to the slave which conveys to him the control over his forces; he is not a good man; the subjected person has the full right to claim for this. Any human being has to live; this is his unalienable right. [...] Your slave is a human being” (*GA I/1*, 315-316).

Fichte’s stance shows a revolutionary power to shake any conventional social order and make it tottering in the name of the universality of human rights: in front of these no classes, origin, economic status are still more valid. The only fact making the difference is the belonging to the human race. High is also the

responsibility expected by the prince: he counts as simply the first among others like him, towards whom he has to give an account for his own actions, omissions, decisions, and behaviours. The social superiority of the prince does not exempt him from the control by his subjects as citizens. By forestalling the modern idea of accountability Fichte addresses directly the prince:

You received offices and dignities in the State; awards and attestations of honor; you give support to the *miserables* and give bread to the poor – but it is a lie if one says that these are benefactions. You are not requested to be beneficent. The office you get is not a gift; this is a part of your responsibility that you load on the shoulders of your fellow citizens if you give it to the worthiest; it is a robbery at society's expense, and at the **worthiest's**, if the least worthies get it (*GA I/1*, 188).

Here we find the outspoken idea that the public function is not a privilege in the ancient meaning of a “present,” a grant, a private concession given from the superior to a subordinate as a benefit or as a compensation for private advantages. If it were so, that post would be subordinated to the mercy and arbitrary will of the most powerful, as in the ancient patrimonial form of State (as Max Weber called it) happened (Weber 1980, 130, 133f). On the contrary, the public post is an employment, which calls the officer, who has been charged with, for responsibility towards the people for which it is wielded. It is not an easy play, but a heavy practice: that post stands for public service. It is not granted on the basis of private favor but assigned on the basis of moral integrity, professional competence, and public utility. Thus, the fact that the last chapters of Fichte's *Beitrag* deal with the claim of a meritocratic society, protesting against inborn privileges and aristocratic hierarchy (*GA I/1*, 299-404), seems consistent with this perspective.

In this outlined frame two issues are to highlight. They account for the modernity of Fichte's view and discover in his thought hints of democratic sensibility. The first point is the normative ground of accountability: it ensues from the faculty of each citizen to make the claim of his own reason effective. In fact, by virtue of the equal reason for which each citizen accounts, each citizen has the power to claim for recognition, and recognition means here to be acknowledged as a social and political subject, namely as the free holder of equal rights. No other grounds must count in front of the court of justice. Evidently, this claim opens the way to the democratic issue of the full sovereignty of the people.

Secondly, the principle of accountability implies the mutual control of State and citizenship. Accountability applies in a double direction: it proceeds both from the popular basis against the summit of the social pyramid and from the top power towards the people. The State has the power to manage the law and, if necessary, the authority for strategically exerting right and force in order to preserve the rational civil order. Reciprocally, the citizens are in charge to preside over the effective application of their rights as citizens, up to the point of withdrawing their personal consent to the no-more-legitimate-State. Since this power-to-be-in-charge-of ensues from the free exercise of reason, this connection of bilateral control between State and citizens should not be understood in patriarchal and pre-modern terms, as a mechanism of subordination of the citizens to the State in exchange of social protection. On the contrary, it should be translated into mutual responsibility, so setting a basic and innovative principle of the modern liberal-democratic State.

It is interesting to notice that during the years Fichte has modified his point of view about the factual civic contents implied by such a link of mutual responsibility between the State and the citizenship. In the *Closed Commercial State*, for instance, the



social and legal protection ensured by the State to the citizen will be made dependent on his work activity. The connection between right and work will be made so tight that it will apply both from the top down and from the bottom up. It will go from the State to the citizens since the State can subordinate the full exercise of the citizenship rights to the obligation of each citizen to work; at the same time, it will proceed also from the citizen to the State in so far the citizen can demand from the State the right to have and to get a work in order to fulfill the first law-connected imperative prescribing that “each individual should be able to live by his work” (*GA I/4*, 22). If deprived of such a right, the citizen has the correlate right to violate the laws of the social order and to commit acts of insubordination by means of which he aims at providing by himself what the social order is not able to give him (*GA I/7*, 88-89).

In the *Grundlage des Naturrechts* Fichte identifies such an act of insubordination as “revolt.” But considered inside the more radically affected frame given by the writing on the French Revolution, that right can be considered as a radicalized extension on the social field of the previous right, thematized in the second anonymous writing and concerning the political level, which – as we have seen – enabled each citizen to enter or exit the State and similarly empowered a people to choose or change the form of their constitution and self-organization.<sup>12</sup> This right accounts in our comprehension for the “core ideal” of each political project, which wants to be defined as democratic. In Gerhard Leibholz’s words: it is possible “to designate Fichte as the State philosopher of the German democratic thought in so far he, in the statements of his thought which he often changed, defends the principles of

<sup>12</sup> A seminal understanding of these right also in economic terms is actually present already in *GA I/1*, 285 and *GA I/1*, 323-324.

people's sovereignty and the principle of universality and equality of the political rights associated with the rejection of hereditary- or richness-based privileges" (Leibholz 1921, 18).

If political philosophy ensues from the theoretical attempt to make "meet the individual and the collective" (Figal 1995, 70), Fichte's contribution to it, regarding the issue of democracy, can be seen in the fact that, despite the authoritarian radicalization of State power in the *Closed Commercial State*, the link between State and citizenship is going to stay valid and effective, so accounting for a confirmation of the fact that the status of the full nominal right of each citizen will be no more questioned by Fichte. More or less directly, this can be considered as an evidence of the fact that the French Revolution – a major step in the history of people's rights (and in the story of political thought as well) – was not only a magnificent event but also an irreversible one. The whole 19th and 20th century debates about the legal requirements of the democratic State and the normative requisites of a social order based on social justice ensue also from that event, despite the theoretic difficulties, the practical problems and the historical limits connected with the achievements of the declared postulates – difficulties and problems which are still at stake in our so called "mature" democracies.<sup>13</sup>

*Suor Orsola Benincasa University, Naples*

<sup>13</sup> For some reports on the "health" of democracy in our world see "*Democracy index 2012: Democracy at a standstill*". *Economist Intelligence Unit*. 14 March 2013. Retrieved 24 March 2013; more recently "Freedom House: Democracy Scores for Most Countries Decline for 12th Consecutive Year", VOA News, 16 January 2018. Retrieved 21 January 2018; see also Fuchs and Roller 2018.

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