The Ancient Greek City-State

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In a key sentence from book III of the _Politics_, Aristotle (1276b1-2) suggests that the _polis_ may be a _koinonia_ of _politai_ arranged in respect to the _politeia_. What is at stake in this claim? The _Politics_ is typically (and fruitfully) read as a teleological theory of the state as a natural entity. Moreover, M.H. Hansen has recently argued that the term _polis_, when used of a “community” rather than of a physical “city,” means state and not a fusion of state and society. Here I will argue that when analyzing the _polis_, neither the state/society distinction nor the community/city distinction can be fully sustained at the level of either Aristotelian theory or Athenian practice. Viewing the _polis_ as at once society and state can, I think, contribute in meaningful and useful ways to our understanding of Aristotle’s _polis_ and the historical _polis_.¹

First, definitions: If we posit a human population inhabiting a given territory, “society” is the sum of participants in the overall set of rules, norms, and practices whereby social goods (e.g. rights, privileges, powers, property) are produced and distributed. This larger society will encompass sub-societies with specialized rules and norms; the interaction between sub-societies helps to determine the structure of the whole society. “State” denotes the arrangement by which formal political power (legitimate coercive authority backed by physical force) is distributed among recognized institutions and deployed by them. Thus the procedural rules of governmental institutions fall largely outside the purview of this paper, but some “political” aspects of production and distribution are within its scope.² I will attempt to make three points: 1. When Aristotle uses the term _polis_ he always assumes the existence of, and sometimes refers specifically to, the society at large. 2. In the _Politics_, in modern liberal democratic theory, and in Athenian practice alike, the problem of stabilizing the political regime is inseparable from issues of social justice. 3. While fourth-century Athenian social practice did recognize a distinction between state and civil society, that distinction was far
from clearcut and interchange between the public and private spheres was constant and meaningful.

Aristotle

In several passages from Book III Aristotle seems specifically concerned with the state:

The politeia is an ordering (taxis) of the polis in respect to various powers (archai) and especially [in respect to the power] which is authoritative over all (hes kurias panton). For what is authoritative (kurion) everywhere is the governing body (politeuma) of the polis, and the governing body is the politeia (politeuma d'estin he politeia). I mean, for example, that in democracies the demos is authoritative (kurios), while by contrast it is hoi oligoi in oligarchies; we say that the politeia too is different in these [two] cases. (1278b8-12) ... politeia and politeuma signify the same thing (semainei iouton), and politeuma is the authoritative element (to kurion) in politeis, and ... it is necessary that the authoritative element be one person, or a few, or the many (1279a25-28).^3

The abstraction politeia is thus identified with the politeuma (cf. 1308a6-7), which is the element (either an individual or a sociological part, e.g. hoi oligoi) of the polis that is authoritative (kurion). If the politeia is only a state (according to the definition used above) "authoritative over all" would mean the monopoly of legitimate authority to deploy force both internally (within the polis, e.g. by inflicting legal punishments) and externally (e.g. by dispatching military expeditions).^4 This formulation leaves aside the question of social goods and yet the politis is deeply concerned with how social goods are produced and distributed.

When Aristotle uses politeia as an abstraction that "signifies the same thing" (has the same root meaning) as the authoritative governing element, he is not merely defining the institutional "locus of sovereignty." In book II Aristotle (1273a21-25) noted the intimate connection between the ideological predisposition (dianoia) of hoi polloi (regarding wealth requirements for office) and the form taken by the politeia, and (1273a39-b1) states specifically that whenever the authoritative element (to kurion) assumes something to be worthy of honor, by necessity this opinion (doxa) will be adopted by the rest of the citizenry.^5 The authoritative element is (at least in a democracy) the sociologically defined segment of the polis which takes the lead in establishing and maintaining the terms by which the members of a koinonia as a "community of interpretation" (in the terminology of Stanley Fish) will discuss the world and will (in the terminology of J.L. Austin) perform, through felicitous speech acts, social realities within the world. Ergo, the term politeia embraces not only the constitution (legal arrangement of governmental institutions), but the ideology (the system of beliefs by which actions are organized) and social practices promoted by the dominant sub-society within the polis. And hence, "politeia is the particular way of life (bios tis) of the polis" (1295b1).^7

For Aristotle, that way of life is founded on social relations. Sociological articulation into "parts" (mere, moria: especially economic classes [e.g. 1303a1-2, 1318a30-33], but also occupational groups, families, etc.) defines a polis' politeia, just as physical attributes determine an animal's species (1291a23-38).^8 Governmental powers (archai) are distributed according to preexisting relations of power (dunamis) among the parts (1290a7-13). Thus, while Aristotle surely does have the state in mind at 111.1278b-1279a, his discussion presumes that the state will be embedded in a matrix of preexisting social divisions and practices. We may now hazard a more elaborate restatement of the key sentence: "the polis is a koinonia of citizens whose practices and norms are arranged in respect to the beliefs and powers of the dominant sub-society (i.e. politeia/politeuma)." Turning from general to specific, "the polis of Athens is a koinonia of Athenian citizens; because the demos is the authoritative element in this polis, the Athenian koinonia is arranged in respect to the ideology of the mass of ordinary citizens."

The definition of the polis as a koinonia of citizens might seem to exclude noncitizens from consideration. And yet Aristotle devotes much space in the Politics (especially in book I) to categories of noncitizens: children, women, slaves, and free males. The tension between conceptualizing the koinonia that is the polis as a society of citizens and as a more heterogeneous entity that includes noncitizens is evident in the beginning of book III: Aristotle begins by stating that for one investigating the politeia it is necessary to decide "what the polis is (ti pote estin he polis)." He then points to a dispute among those who use the term polis: some say it was not "the polis" that performed some action (peprachenai ten praxin), but rather "the tyrant" or "the oligarchy" (1274b32-36), on the grounds that such regimes exist through domination (toi kratein) rather than for the common advantage (to koinei sumpheron: 1276a12-13). But if the polis is not simply equated with its government, then it must be equated with the territory and its residents (or some part of them) and therein lies the problem:

We see that the entire activity of the politikos and the legislator is concerned with the polis,
and the politia is a certain ordering of those who inhabit the polis (ον τεν πολιν οικουντων εστι τασις τις). But since the polis belongs among composite things (ον συγκεκριμένων), and like other composite wholes is made up of many parts (μεριών), it is clear that the first thing to be sought is the politis; for the polis is a certain multitude (πληθος) of politai. (1274b32-41)

In this brief passage, Aristotle uses polis in two different ways: first, when explaining that politia is a certain ordering of "those who inhabit the polis," he clearly means polis as a geographical term (polis as city or territory: "geo-polis"), and here the "inhabitants" so ordered must include noncitizens. In the second part of the passage, "the polis is ... the citizens" (polis as community of citizens: "politeico-polis"). The difficulty of separating the affairs of the politeico-polis from the larger society is intrinsic to Aristotle's understanding of ta politika. His primary concern was with the citizens (those who "had a share" in the polis) and with how the politia was affected (sustained or threatened) by sociological subdivisions within the citizenry. Yet he could not ignore the fact that citizens and noncitizens (those lacking a share) cohabited within the geo-polis. More to the point, he saw that explaining the terms of their cohabitation was fundamental to a comprehensive understanding of what sort of koinonia the polis was. Aristotle could distinguish "the advantage of the entire polis" from "the common (koinon) advantage of the politai,". Thus, while he focused on citizen-society, he assumed the existence of a broader society (koinonia tes zoes: 1278b17) of which the citizenry formed only one (key) part. In the opening passage of book I, the polis is described as a koinonia politike which is "most authoritative of all and encompasses (περιεχουσα) all the other [sorts of koinonia]" (1252a5-6). One of the purposes of the Politics is to explain how the broader society could be encompassed by the narrower citizen-society. If we translate koinonia as "society," then in the key sentence Aristotle is asking "what sort of society is the polis?"

But why "society" rather than (e.g.) "partnership"? The answer is Aristotle's concern with the fundamental significance of difference, inequality, and autarky in the definition of the polis. Autarky, which demanded both an ability to defend against aggression and a sufficiency of material goods, was the end (telos) of the polis and was best for it (beltiston). Defense required military service; material sufficiency required productive labor. Depending on the politia, the citizens themselves (or some of them) might work productively, but much of their time and energy was devoted to "political" affairs: deliberation, rule, and military service. Thus it was unlikely that the citizens could, by themselves, produce enough substance to maintain the polis' autarky. Noncitizen residents of the geo-polis were not distracted from production by direct participation in politics and the surplus value of their labor was necessary for the polis to remain autarkic. Thus the presence of noncitizens in the polis was foundational rather than epiphenomenal; they were removed from the koinonia, the polis could not exist.

Moreover, the primary productive unit of polis society was the oikos. Within the confines of the koinonia that was the oikos, the (adult free male) citizen was master (despoies: 1260a7-10). But to produce the material goods that sustained the oikos itself (on the micro-economic level) and the polis as a whole (on the macro-economic level) he relied upon cooperation (based on a recognition of mutual interests) as well as coercion in dealing with noncitizen oikos members (his wife, children, and slaves — if he had them: 1252b9-12, 1323a5-6). The productive oikos was the basic building block of the polis (1253b2-3); in Aristotle's naturalized developmental scheme, oikoi banded together into villages and villages into a polis in order to achieve autarky (1252b15-16, 27-29). Thus, at the fundamental level of the productive activity which allowed the polis to achieve its telos, the interests of citizens and noncitizens were conjoined.

Aristotle claims that the oikos was characterized by "masterful" and "economic" relationships and the polis by "political" relationships and he describes the society-building process as natural. Yet only the first of the three steps in this process (formation of 1. oikos, 2. village, 3. polis) did not involve human choice (ουκ εκ προαιρεσεως: 1252a28). The society-building process may be regarded as quasi-contractual in that it was rational and consensual. It was rational in that even the involuntary first stage (which brought together master and slave, man and woman into an oikia) furthered the common material and security interests of all parties. The second stage was consensual because the relevant parties (masters of oikiai) are assumed to be capable of recognizing and acting in their own interests: their households were joined together in part in order to gain a long-term (με εφεμερον: 1252b16) necessity — the avoidance of unjust treatment. Thus, while natural, the society-building process is not automatic or naturally predetermined. Although Aristotle's theory does not aim at the social contract, it is founded upon a contractarian assumption: the polis could not exist without the prior agreement of households to live together justly and profitably.

Aristotle's polis is logically prior to the individual or oikos (1253a18-19), but it is neither historically prior nor a precondition for human existence. Although Aristotle knows of no historical period in which men ordinarily lived outside oikoi, he states that "in antiquity" (to archaiou) families were
scattered and each was under the sole authority of the head of household (1252b23-24). Man is the most "political" of animals (1253a7-8), but living together and cooperating in human affairs is always difficult (chalepon: 1263a15-16, cf. 1286b1). Thus, although "there is in everyone an impulse (horpe)" to live in a politike koinonia, nonetheless he who first brought men together (to live in a polis) was the cause (aitios) of the greatest of goods.21 Moreover, once achieved, the polis can be destroyed by improper, unjust actions by its members (phtheiroun ten polin: 1281a18-20, book V passim). In sum, the desirable natural telos of the polis is (unlike an oak, a horse, or an oikos) predicated upon human agency, consent, and practice, even though not predicated upon the free choice of each individual.22

Slaves were obviously problematic from the point of view of consent: it was difficult for anyone living in a society that valued eleutheria as a primary good to argue plausibly that a slave would recognize his best interests in the productive practices organized by his master. Enter Aristotle's elaborate theory of natural slavery: The assumption that being ruled as a human possession was a natural condition for certain people allowed Aristotle to postulate that "the same thing is advantageous for the master and slave" (1252a34) and that slavery was therefore just (1255a1-3). This explained affection between slave and master (1255b12-15). Despite his innate inability to deliberate about or to choose the circumstances of his life (1260a12, 1280a34), the slave was rational and could be expected to understand that his best interests were furthered by his membership in the koinonia of the oikos.23

Women were, collectively, a part of the polis constituting half of its population (1269b15-17) and were necessary to oikos and polis alike for biological reproduction (1252a26-31). No woman could be a politai, but her interests were conjoined to those of her politai-husband through the institution of marriage. Although (unlike the slave) she possessed deliberative ability, her lack of citizenship could be justified by her natural "lack of authority" (1260a12-13) which led her to enter into a relationship that offered her protection.29 Male children were (potential) future politai. When properly educated (i.e. after he had been coerced into mastering and internalizing the principles of the politeia), and after his deliberative faculties had matured (1260a13-14, 31-32), the child would come to understand his true interests clearly. Ensuring through education that children understood their interests to be one with those of previous generations of politai guaranteed the political and cultural reproduction of the polis.25 Aristotle concludes book I with a general sug-

gestion that, since the household as a whole (oikia...pasa) was a part (meros) of the polis, and since women made up fully half the free population and children were future sharers in the politeia, that it is clear that both wives and children of citizens should be educated "looking towards (blepontas pros) the politeia" (1260b15-20). Here noncitizens are connected to both polis and politeia and so are surely to be regarded as encompassed within the koinonia of the polis.26

Aristotle emphasizes the necessity to the polis of the concept of difference when, at the beginning of book II, he refutes Plato's Republic as a valid description of a polis on the grounds that it was based on a higher level of commonality (or sameness) than any actual polis could tolerate. Aristotle points out that Plato's polis attempted as far as possible to be entirely one... And yet it is evident that as it becomes increasingly one it will no longer be a polis. For the polis is in its nature a certain sort of multitude (plethos), and as it becomes more a unity it will be an oikos instead of a polis and [then] a human being instead of an oikos... So even if one were able to do this, one ought not to do it, as it would destroy the polis. Now the polis is made up not only of a number of human beings, but also of human beings differing in kind; a polis does not arise from persons who are similar (eu homon). (1261a15-24).

Not only is actual sameness ontologically destructive, but so is perfect ideological homogenization: "that 'all say the same thing' is in one way fine (kalon) but impossible, while in another way it is not even productive of concord" (homonomion: 1261b31-32). The differences necessary to allow the existence of the polis pertain between citizens and noncitizens who possess different sorts of arete: 1259b18-1260b20, but there must also be inequalities among the citizens themselves: As we have seen, Aristotle can describe the polis as a multitude (plethos) of politai and a composite entity, made up of "parts." The parts are both households and sociologically defined subgroups of the politai. The latter includes especially the penetes and the pleites, but also the well-born and the base-born, and the skilled and the incompetent.27 In his discussion of Plato's Laws and the ideas proposed by Phaleas of Chalcedon (1264b26-1267b20), Aristotle denies that it would be either possible or desirable to eliminate all differences in wealth (or income - cf. 1309a15-16) by equalizing property holdings.

The upshot is that each politai necessarily played various and differentiated roles in the polis. As a master of an oikos, his interests were attached to those of women, children, and slaves (if he had them). His interests might also be connected, at least through relations of production and
exchange; with free foreigners — metics, visitors to the polis, or men he met when he travelled outside the polis. As a member of an economic class, his interests were identified with those of one part of the citizen body and likely to be in conflict with another. He might further identify his interests with other groups within the citizenry, e.g. the well-born or the highly skilled and this identity could potentially lead to conflict. Finally, he was a politai tout court, and in this role he must identify his interests fully with those of his fellow politai and with the polis. But the politai interest in autarky meant that even when acting in the public sphere he could not ignore the existence of noncitizens, nor did he shed his sociological identity.

As he moved from the public sphere to the private, the citizen’s role and behavior must necessarily change: most obviously he was a master within his oikos and a deliberating equal among his fellow-citizens.30 He played yet other roles when his polis was at war, when he engaged in economic relations with fellow-citizens and foreigners, and when he dealt with members of different sociological subgroups as (e.g., in the case of an Athenian) phrater, demesman, and Initiate.29 If the citizens were unable to move with facility from sphere to sphere, unable in practice to differentiate between the behavior appropriate to each role and to mix spheres where appropriate, the polis would not survive: it would fail to reproduce itself culturally, would lose its autarky, or would degenerate into civil war.

In sum, Aristotle’s polis is a pluralistic, differentiated society as well as a state.30 It is a plethos (or plethe) of persons subdivided into diverse groups (mere, moria). These groups inhabit a common territory (1260b40-1261a1) but their interests are not identical, nor are their desires standardized. Their interests cannot be homogenized because perfect communalization and perfect material equality are unattainable. A safe and stable polis cannot be achieved by equalizing the distribution of goods, or by eliminating sources of conflict through ideological means.31 Aristotle’s problem at this point (which I take to be the central problem of the Politics and of the historical Greek polis) was how to “preserve” (sokrat) the polis in the face of the competing interests of society’s composite parts.

For Aristotle, predicating a natural hierarchy on naturalized slavery and naturally subordinate women (which linked the interests of slaves and women with the interests of the citizens through a utilitarian calculus), solved one part of the puzzle of how to preserve the polis. Yet the polis was founded on politeia: to change the politeia was to change the polis (1276b10). Because politeia was identified with politeuma, stability — saving the polis — meant avoiding any change in the criteria for becoming a politai. It also meant functionally integrating, through a just distribution of social goods, the identities and practices of various naturalized social groups — the residents of the geo-polis clustered into parts. The system which determined who was a politai and how social goods were distributed was the politeia. Thus the polis was preserved through the integrative and distributive powers of the politeia.

I have suggested above that Aristotle’s discussion of polis, politeia, and politeuma leads to a definition of politeia as including the “ideological” system of norms, beliefs, and practices on the basis of which social goods were distributed. My argument that politeia must include ideology is strengthened by Aristotle’s claim that the polis is not to be preserved through equalization of material goods but rather through just and consensual inequality, i.e. through the willing agreement to continue the current form of politeia by the various “parts” of the polis: “If a politeia is going to be preserved, all the parts of the polis must wish it to exist and to continue on the same basis” (1270b21-22).

Although conceivably disaffection of any part of the polis could endanger the politeia, Aristotle is primarily concerned about the threat from the military and “militarizable” classes: disgruntled groups of free males.33 He did not regard either justly treated (1330a32) “natural” slaves or women as serious threats.34 This makes sense in light of his theory of polis formation: women and slaves were integrated into the koinonia of the oikos through a purely natural (nonvolitional) process (1252a26-34). The next two steps (village and polis building) required (free male) heads of oikoi and then the “kingly” heads of komai to leave behind the realm of absolute mastery (1252b15-22, 27-30; cf. 1285b31-33) and enter into a political life that entailed “being ruled” as well as ruling. Compromising pristine authority was in a sense natural in that it allowed the polis to achieve its telos of autarky and the politeia to “live well.” But it was a voluntary compact (an exchange of sovereign authority for happiness), and so (unlike the fully natural oikos) liable to breakdown under the pressure of circumstances. Breakdown meant civil war and the destruction of the polis. Aristotle’s concern with preserving the polis through management of existing relations between free males points to the residual quasi-contractarian element in his natural scheme.35

Aristotle’s focus on disgruntled free males as a potentially dangerous category explains why the “uncorrupted” regime that he rather confusingly calls “polity” (politeia) was concerned to keep those sharing in the politeia more numerous than those not sharing (1297b4-6). It may also
help explain why he regarded democracy as the best of the debased regimes (e.g. 1289b4-8): in a democracy, other than metics, there was no militarizable body of free men stranded outside the citizen body, and within that body the numerically superior ordinary citizens were the dominant element (politeuma; cf. 1302a8-13, 1302b25-27). Yet majority rule could not ensure stability (1294b34-41); in a democracy, as in other regimes, the dominant element was responsible for enunciating a politeia that would win the willing consent of all other parts. Individual members of the koinonia must believe that their interests as subgroup members were likely to be protected by the continuation of the current regime.

The politeia thus had to do a lot of work in the koinonia that was the polis. It was the ideology which maintained the authoritative status of the current politeuma. It was the cultural means by which the politai created and reproduced over generations their distinctive identity within the whole society and the legal means whereby they formulated rules for ordering the koinonia as a whole. The politeia must define the extent and legitimate occupants of the public sphere and coordinate the various private spheres. It must provide the individual with norms for conducting his private relations with members of other oikoi and other sub-societies, and for moving from the private sphere to the public. It must ensure that his behavior (when multiplied by similar actions of many individuals) did not destabilize the authority of the existing politeuma. It must distribute social goods equitably and protect the interests of all parts of the polis. Only if it did all these things could the politeia preserve its own integrity and that of the society.

In sum: the politeia by which the society was organized, while devised (in large part) by a part of the citizenry, must win and retain the voluntary consent of all citizens and (at least indirectly) those noncitizens connected to them. And this means it must generally be regarded by the members of society as a just system. A just politeia provided for stability through principles governing the distribution of material goods, political rights, and status privileges, such that each of the parts regarded it as worthwhile to support the current socio-political order. Thus, if the polis is a society, the politeia represents the terms of the social contract. It is, indeed, also the basis of procedural law. But the politico-polis (community of citizens) is a subset of the polis-as-society and neither polis nor politeia will be preserved intact if the politeia qua social contract is regarded as substantively unjust by any social group capable of bringing destabilizing force to bear. State institutions provided an important part

of the social context, but any analytic hierarchy in which prescriptive state laws (how a law-making authority at a given time thought an institution was supposed to work) are elevated above actual social practice (how it was in fact used at a given time) can result in a serious misunderstanding of the polis. Aristotle makes this exact point when he states that a a polis may be oligarchic or democratic according to its nomoi, but in disposition and actual practice it may be the opposite (1292b11-21). Returning to Aristotle’s zoological analogy: viewing the polis as a society provides the substantive tissue and sinew without which the polis-as-state would be no more than a heap of unarticulated procedural bones.37

**John Rawls**

The understanding of the polis as a society developed above is indebted not only to Aristotle’s Politics, but also to the moral philosophy of John Rawls. In *A Theory of Justice*, Rawls defines “a society” as

a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them... these rules specify a system of cooperation designed to advance the good of those taking part in it... [However] a society... is typically marked by a conflict as well as by an identity of interests... There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed... A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares. These principles are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.38

Rawls goes on to suggest (4-5) that a (utopian) “well-ordered society” is regulated by a public and universally-shared conception of justice, and that this conception of justice in turn limits the pursuit of other ends (i.e. regulates desire) and so constitutes the society’s “fundamental charter.” Like Aristotle, Rawls sees political equality as intrinsically desirable, but rejects complete equalization of access to most social goods (things that any rational person would want more rather than less of) as neither feasible nor desirable.39 Rawls substitutes for equalization the “difference principle” by which inequality is to be allowed, but regulated by selecting social institutions on the basis of their maximization of payoffs to the
"least advantaged" member(s) of society. Thus, Rawls' well-ordered society would permit distinctions in wealth and income, but its institutions would ensure that as the rich got richer, so did the poor.10

Rawls attempts to generate the fundamental, substantive principles of social justice appropriate to a well-ordered society by a complex thought experiment: He employs a conception of "justice as fairness" – a version of social contract theory (derived primarily from Locke and Kant) – to mediate what he sees as fatal flaws in utilitarian and intuitionist traditions of moral philosophy. Briefly, Rawls posits a group of rationally self-interested persons in an "original position" of equality. They must unanimously agree on the fundamental social rules under which they (and their descendants) will govern themselves forever. The catch is that they must debate possible rules under a "veil of ignorance" – that is to say, while each player has a basic understanding of economics, psychology, and politics, he does not know who he is: he is ignorant of his economic and social status, his powers and abilities, even his desires (other than his desire for justice). Finally, Rawls assumes that under the conditions of uncertainty that he has established, the players will employ the rather conservative "maximin" principle of decision-making – that is, each player will attempt to reduce his risk of falling below a minimum standard (he will seek to maximize his minimum) rather than choosing to gamble by risking his minimum in hope of a potentially higher payoff.41

The final results of this thought experiment (the hypothetical agreement that arises from the negotiations within the original position) are two "principles of justice":

I. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

II. Social and economic inequalities are to be arranged so they are both (a) to the greatest benefit of the least advantaged... (b) attached to offices and positions open to all under conditions of fair equality of opportunity.52 (302).

The working of these two principles is further defined by two "priority rules" which state, in essence, that liberty is prior to all other goods (ergo I cannot be compromised to increase any other good) and that the principle of justice enunciated in I is prior to (and so cannot be compromised in favor of) efficiency of production or the overall welfare of the society. Thus, Rawls' well-ordered society is characterized by equal liberties (right to vote and hold office; freedom of speech, assembly, conscience, and thought; freedom of the person and to hold property; freedom from arbitrary arrest and seizure: 61) and unequal, but fair, distributions of material goods and other powers.

Can Rawls' theory of the just society really help us to understand the polis as a society? A Theory of Justice, while very influential, has been attacked as a universal, objective description of social justice on a variety of grounds including the following: (a) the veil of ignorance robs the players in the original position of the resources with which to make humanly meaningful decisions; (b) the maximin rule is an excessively conservative decision-making principle; (c) the liberality of the two principles of justice are the result of liberal assumptions Rawls has built into the original position rather than a logical outcome of negotiations within it.13 Moreover, we must keep in mind that Rawls did not concern himself with classical antiquity or the polis. Finally, his moral philosophy is far from identical to that of Aristotle. Most centrally, at least for our purposes, Rawls' theory avoids teleological naturalism in favor of a genuine and individual-centered social contract. Rawls' lexically ordered principles forbid fixed hierarchies based on naturalized categories of persons. The first priority rule thus disallows the institution of slavery, regardless of any advantages accruing to slaves and masters (cf. 62-63). But the two philosophers' goals are not antithetical: both are interested in substantive rather than merely procedural justice, in ends rather than simply means, in a society that is the best possible not simply in one that is functionally workable. Rawls' conception of justice is much more extensive than Aristotle's "common interest" (to koinei sumpheron: 1282b16-18), but both men tend to see justice as congruent with goodness. Both imagine the well-ordered society as a balance of political equalities and social inequalities; both are interested in stable (ideally permanent) regimes. In sum, I believe that there is sufficient common ground between Aristotle and Rawls on the subject of the just society to make measuring an actual society against the gap between their positions into a useful exercise.44

Athens

Athens in the fourth century B.C. was a society characterized by (a) fundamental differences between citizens and noncitizens, and inequalities between sociologically-defined groups within the citizenry; (b) both conflict and identity of interests between and within the diverse groups; (c) a set of rules, norms, and practices – enunciated by the demos (mass of ordinary citizens qua dominant political element) and perpetu-
ated by popular ideology – which required the consent of potentially disruptive subgroups (notably the Athenian elites). Since Athens was a relatively stable society in the fourth century, we may ask (following Aristotle and Rawls) whether the various parts of the Athenian polis consented to the politeia enunciated by the demos because they recognized it as substantively just, or whether their consent was coerced or based on deception.45

The rest of this paper focuses on a few of the ways the polis of Athens resolved or avoided destabilizing problems that have beset other societies (especially conflicts between households and between rich and poor citizens). It concludes by asking whether Athens' social stability was secured justly.46 This exercise seems to me worthwhile in that it allows us to explore the “fit” between two important theories of society and a concrete historical example. It helps to define the extent to which Aristotle took Athens as a model and suggests responses to some of Rawls' critics.37 Measuring classical Athens against carefully articulated conceptions of the well-ordered society should also make it easier to compare Athens to other human societies: In what ways was Athens historically distinctive? Can Athens be assimilated to the model of either “Mediterranean society” or Western society generally? Was the Athenian politeia more or less just than other known societies?

If, like Aristotle, we begin with the oikos, we may ask how the Athenian politeia affected the private realm and mediated between civil society and the state.48 What rules governed an Athenian's behavior as he moved from oikos to ekkelesia or dikasterion, from the role of despotes within his oikos to deliberating polites? Were these roles integrated or differentiated? Did the Athenian citizen enter the public realm as a representative of his oikos, or as an individual? Did he carry forward the interests of the noncitizens with whom he was associated? The first question confronting us is whether in practice a distinctly private sphere can be distinguished from the Athenian public sphere.49 Although scholarly opinion has ranged between the poles of complete integration of the private within the public realm and more or less full distinction, recent work on the Athenian family (and its constituent members) seems to point towards a middle ground: The polites did not forget his role as oikos-member when he entered the public realm; certain accepted techniques of self-representation within public institutions allowed, encouraged, or even required him to make that membership explicit.50 Yet the demos did try to keep public and private spheres sufficiently distinct as to prevent private interests from unduly influencing public decision making. The differentiation of the citizen's public and private roles was an important factor in the overall structure of Athenian society. On the other hand, the limited and conditional nature of that differentiation ensured that public decision-making performed a significant role in the functional integration of the constituent sub-societies of the Athenian polis.51

The Athenian approach to the education of future citizens illustrates the interplay of public and private realms.52 The amount and kind of “formal” education that a given child received was left to the discretion of his oikos; there were no public schools, no standard curriculum. The state showed no interest in ensuring that Athens was a literate society or even that citizens could read public announcements.53 Nor, until the reform of the ephebeia in the mid-330s, did the Athenian state involve itself in formally educating future citizens in social values.54 The contrast with Aristotle's best possible polis seems stark: The incomplete book VIII of the Politics is a detailed discussion of the educational system which would ensure that children developed the arete which would reproduce, over generations, the polis and its politeia. Yet the Athenians were actually no less interested than Aristotle in socio-cultural and political reproduction. They tended to believe, however, that the experience of life in the democratic polis, including participating in informal public discussion of the decisions made in Assembly and lawcourts, would in itself provide a normative education (koine paideia: Aeschines 1.187) in social values. Rather than entering into the complexities of arranging by democratic means to create and maintain a necessarily coercive public institution, the Athenians supposed that the democratic politeia would imbue future citizens with its values through exemplary decisions by its deliberative and judicial institutions and thereby gain their voluntary assent to its central principles.55 Meanwhile, the system of choosing public officials by lot simply took for granted that those Athenians who chose to enter the lottery would be well enough educated to fulfill the duties of office. There was no “civil service examination”; access to whatever advantages office-holding might have offered remained open to all.56

How permeable was the boundary between the world of the citizen and of the oikos, when it came to public deliberation?57 Noncitizens lacked isegoria, and thus had no formal right to participate in public debate. Yet Aristotle could have found in Athens the empirical proof of his conviction that women possessed deliberative ability (to bouleutikon). Most Athenian women did not live truly secluded lives. Anecdotal evidence shows that some women went regularly to the agora and that the Athenian citizen discussed public matters with female (as well as juvenile male) members
of his oikos. Although normal Assembly procedure assumed that citizen speakers would be addressing citizen audiences, noncitizens (e.g. ambassadors) could address the Assembly if invited to do so by an appropriate decree (Aesch. 2.58). Spectatorship was not unknown in the Assembly and common in the dikasteria. Women gave legally binding depositions before the dikasteria for private disputes and, even before the public state-appointed arbitrators (beginning in ca. 400 B.C.) for private disputes was itself evidence for the overlapping of public and private spheres. By the latter part of the fourth century,metics and even slaves were participating (as principals and uncoerced witnesses) in certain trials before the People's courts. Finally, complex networks of gossip and rumor played a major role in public decision-making and flowed easily across social borders. Gossip permeated Athenian society, linking the private life of its targets with his public performance, and (at least potentially) allowed all residents of the geo-polis to participate in the enforcement of social norms. Because Athenian norms tended to equate a politician's public behavior with his public value, gossip and rumor had profound effects on political practice.

On the other hand, differentiation of public and private roles had significant effects on Athenian social behavior and distinguishes Athens from other Mediterranean societies. As Paul Millett has recently argued, when compared to the society of ancient Rome, Athens is remarkable for its lack of emphasis on patron-client relationships. Although it is certainly possible to find evidence for specific instances of "patronistic" behavior, Athens does not manifest the characteristics of a society fundamentally defined by clientage. Lesser oikoi were not formally tied to "great houses" and relations of power were not institutionalized into a public/private power pyramid. While there were indeed a few very wealthy families in Athens, these families were unable to control Athenian society through the matrix of reciprocal and inter-familial, but unequal and cross-generational, obligations that typifies the society based on patronage. This conclusion has profound consequences for our understanding of Athenian society. While the lower-class Athenian (and his family) might work for and/or be in debt to members of the upper classes, the Athenian citizen did not enter the public sphere as his employer/creditor's client. His vote was not owned or directly controlled by another and thus Athenian decision-making was dominated by interests, desires, and perceptions of the many rather than of the few. The democratic political system was implicated in, and in turn strengthened, a set of social norms which discouraged clientage in private life.

The differentiation of public and private roles meant that the common (at least in Mediterranean societies) and socially volatile notion of esteem as inviolability (i.e. "that object of pride which must be defended at all costs") seems to have found its primary locus in the individual citizen rather than in the oikos. Whereas in other Mediterranean societies the "flashpoint" of potentially catastrophic dishonor tended to be the household (and especially female relatives qua sexual beings or objects), in Athens it was, imprimis, the citizen's body and his standing. The prime target of the hubristic man was held to be the bodily integrity or rights of other citizens; arrogantly disrespectful behavior of this sort (hubris) called for public action. This suggests, in turn, that the ordinary Athenian often represented himself in public as individual citizen and member of the citizen group. His irreducible need for esteem may more accurately be described as a cooperative desire to ensure the maintenance of the personal dignity properly accorded to each citizen, than as a competitive desire to augment his family's honor. Consequently, he was likely to demand from those in his society equal recognition rather than (or at any rate, before) special distinction. And thus the Athenian politeia was fundamentally democratic (based on equal dignity), rather than hierarchical (based on differential honors).

This certainly did not preclude Athenians from lusting after honors; philotimia was a psychological state well known to Athenian public speakers (and their audiences) as to philosophers. But in democratic Athens desire for outstanding honor remained a psychological condition (albeit a common one within elite status groups) rather than a generalized, definitive social value. The Athenian was an eleutheros (free from the threat of being subjected to unanswerable indignities) before he was a philotimos — the democratic insistence on the public recognition of individual dignity is one reason that eleutheros" was regarded as the definitive value of a democracy (e.g. 1294a9-11). Public honor and distinction had (in most cases) to be earned, rather than demanded on the basis of membership in a particular oikos. And this meant that the Athenian demos, as the ultimate source of major public honors, could employ philotimia and its satisfaction as a form of social control over the elite. Likewise, atimia (and its verb forms) in Athens meant, imprimis, disenfranchisement (rather than personal or familial dishonor): it represented a withdrawal by the citizen group of its guarantee to safeguard someone's claim to equal dignity.

The issue of wealth inequality and the tension between economic classes will serve as a final illustration of public-private interchange. If the heads of wealthy and impoverished oikoi met as equal individuals in
the public realm, did the Athenian polis promote anything resembling Rawls’ difference principle? Arguably it did: As I (among others) have argued elsewhere, the system of public liturgies, along with certain legal procedures (notably antidosis) and the operation of the social norm of charis within the People’s courts, served a redistributive function within the polis. The richest Athenians were required and encouraged to materially subsidize (in direct and indirect ways) their poorest fellow-citizens. Moreover, the democratic procedures of the Assembly and courtroom prevented the private-realm wealth-power of the rich man (and of the rich as a class) from being generalized into an unassailable position of socio-political superiority. As Demosthenes emphasized time and again in Against Meidias, the collective legal power of the people could and should be used to humble any hubristic rich man who threatened the individual and collective dignity of the citizens. Indictments of wealthy litigants signalled to the wealth elite as a class that their control of material resources did not place them outside the norms of society or render them invulnerable to the wrath of the many. He who violated the dignity of his fellow citizen would be punished by the collectivity. And thus the practice of Athenian law served social ends. The principle of hierarchy was undermined in favor of democratic equality at the level of material distribution and everyday social behavior. As a result, power was discontinuous, rather than becoming a naturalized, seamless web. If we are to believe the complaints of various critics of Athenian democracy, this discontinuity may even have affected the treatment and behavior of noncitizens.

If we follow Aristotle in focusing on the koinonia of citizens, fourth-century Athens provides quite a close fit to Rawls’ well-ordered society. First, the fundamental principles of the politeia, reenacted in the democratic restoration of 403 (which one might almost think of as the Athenian “original position”), remained stable for some 80 years (cf. Ath. Pol. 41.1). The details of how the rules worked remained revisable through the enactment of nomoi and psephismata; but, as Aristotle (1289a13-15) recommended, (procedural) laws were enacted with a view to the (substantive) politeia, rather than vice versa. In accord with both Aristotle and Rawls, the Athenian politeia was founded on a balance between acknowledged social distinctions and political equalities. The Athenian emphasis on liberty as individual and collective dignity and on equal access to deliberative assemblies and public office (and its associated rewards) is a practical example of Rawls’ first principle of justice and first priority rule; it also confirms Aristotle’s (e.g. 1291b4-35, 1317a40-b17) comments about the priority of freedom and political equality in the democratic politeia. Moreover, the Athenian tolerance for economic inequality, counterbalanced by legal redistributive mechanisms which kept inequalities of power and (to some extent) of resources, seem to be reasonable approximations of Rawls’ second principle of justice. In this respect, Athens also conforms to Aristotle’s requirement for dissimilarity within the polis.

Thus, if we stay within the citizenship, the Athenian social contract at least roughly recapitulates the principles developed within Rawls’ thought experiment. Moreover, in emphasizing dignity before honor, the Athenians do seem to have employed what could be described as a maximin principle of limiting risk under conditions of uncertainty. The conditions of Athenian citizen society are, of course, far from an empirical proof of the universality of Rawls’ principles or the assumptions that underlie them. The Athenian preference for a maximin approach to decision-making may, for example, find its roots in the realities of peasant culture and subsistence agriculture rather than in human nature. But in light of criticisms that have been leveled at Rawls’ theory (and Rawls’ own retreat from claims of universality), it is notable that the Athenian citizenry does seem to have come up with something like Rawlsian social justice without the problematic veil of ignorance and without a knowledge of liberal democratic principles, practices, or institutions.

When we move to the broader koinonia of those resident within the geopolis, the Athenian social order no longer conforms closely to Rawls’ model of justice. Although Athenian society was stable and more or less autarkic in the fourth century, the legally mandated and socially accepted positions of slaves, women, and metics violate Rawls’ first principle. Yet, without attempting an apologia, it may be worthwhile noting a few points in Athens’ favor. Most obviously, no other known polis, and no other known complex ancient society, even approximates the Rawlsian ideal of social justice, either at the level of whole society or of citizen society. Next, certain social practices and fourth-century changes in legal procedure might be read as a (tentative and conditional) extension of certain basic liberties to certain noncitizens. The emphasis on citizen dignity over family honor, the lack of formal clientage, and discontinuities within the manifestation of power may have ameliorated (again in tentative and conditional ways) the oppression of noncitizens. Finally, (unlike Aristotle) the Athenians never succeeded in representing unjust social relations to themselves as completely natural. No doubt most Athenians managed, most of the time, to ignore the contingent, prob-
lematic, and exploitative nature of their own social system. But the contradiction of a just society of citizens embedded in an unjust society at large created unease and ambivalence for which critics of the Athenian regime (e.g., Plato in the Republic, Aristotle in Politics VII and VIII) attempted to find theoretical solutions. Yet those theoretical solutions seem, on the whole, rather less just than Athenian practice when viewed from a Rawlsian perspective. Moreover, that unease found a public forum in Athens: by sponsoring tragedy and comedy in the Theater of Dionysos, the Athenian state not only sanctioned, but institutionalized the exploration of problems of social justice. Nothing in Aristotle's surviving text suggests that his best possible state would have encouraged this sort of introspection. Thus, if Rawlsian and Aristotelian visions of the just society can be regarded as distinct trajectories intersecting a common ground, the trajectory of fourth-century Athenian society intersects that same ground and at a point somewhere between the two.

In conclusion, the Athenian state is not fully coextensive with Athenian society at large. It is misleading to claim complete homology or total isomorphism between the behavior of individual citizen, government institutions, the citizenry, and the society as a whole. Yet both Aristotelian and Athenian politeiai were deeply interested in the production and distribution of social goods; "state" (as defined above) does not exhaust the meanings of polis in the Politics or in Athens. If the politico-polis was not fully homologous to the polis as a society, nor was it separable from it. The citizenry remained an internally diverse subset of a larger society; the practices of the political sphere affected the larger society, and vice versa. The state remained socially embedded; social norms were created, maintained, and revised by the operations of state institutions. The polis was a koinonia defined by tensions generated by the play of difference between and within the society of citizens, civil society, and society at large. Attempts to deal with these tensions provided the substance of Aristotle's Politics and Athenian politics.

A final word of caution: Describing the polis in the functionalist and contractarian terms I have employed in this essay cannot offer a fully satisfactory explanation of the phenomenon of the polis. The approach I have adopted here takes society as self-sufficient and so ignores the consequences of international relations. Moreover, it defers the important issue of the polis as a system for creating meaning; it leaves aside the positive content of citizenship as self-identification and empowerment. In Aristotle's terms it skirts the telos (living well) and focuses on somewhat pedestrian antecedent conditions. The picture of the polis presented here is thus only a sketch of certain features; it lacks the color and detail that make for real social existence. But I think that attempting to define the terms of the social contract underpinning the polis is worthwhile. For most modern readers, any assessment of the spiritual meanings the politai devised for themselves is likely to be based on a prior moral judgment of the polis as a society. After weighing Athenian society in the scales of social justice we may still wish to celebrate the ideals of democratic, participatory citizenship; but we will have reminded ourselves of the deep and enduring injustices which characterized even the best of polis.

Bibliography

Fish, Stanley. 1980. Is There a Text in This Class? The Authority of Interpretive Communities. Cambridge, Massachusetts: Harvard University Press.
Notes

1 The society/state distinction became prominent in western political thought in the late eighteenth and early nineteenth century, especially in Hegel's *Philosophy of Right* (1821). For a review of the issue as it applies to the *polis* see Murray 1990a with bibliography. *Polis* as neither state nor society, but a political sphere which renders the former irrelevant and the latter marginal: Meier 1984, 7-44. *Polis* as state only: Hansen 1989b, 16-21, 1991, 55-64, taking his definition of "state" from the fields of international law and jurisprudence. What I mean by useful and meaningful is explained in Ober 1989b. I would like to thank the other participants at the Copenhagen Greek Polis colloquium for many useful comments. Special thanks are due to Barry Strauss for his thoughtful commentary and to Mogens Hansen. My difference with the latter over Aristotle's definition of *polis* is in part attributable to my "unitarian" conviction that books 1 and 2 of the *Politeia* should be read in conjunction with books 3 and 4.

2 My definitions leave much in abeyance (notably issues of how meanings and identities, collective and individual, are constructed — see conclusions, below). They should be regarded only as starting points for distinguishing an understanding of *polis* = both state and
society" from "polis = state only." In other work I employ a more extensive definition of the term "state." On civil society see Bobbio 1989, 23: the "complex of relations not regulated by the state and so the residue once the realm in which state power is exercised has been well defined."  

3 The plural archai is here better translated as "powers," or "authorities" (LSJ s.v. II.1) than the more usual "magistracies" or "government offices" (LSJ s.v. II.4) because demos is used here as a sociological or a political term ("the mass" or "the whole of the citizenry" compared with oligoi), rather than as an institutional term ("the Assembly"). Cf. 1289a15-18: politeia is a taxis, peri tas archai, in what manner they are distributed (renomenata), what element is kurion in respect to the politeia, and what is the telos of each koinonia. Translations of The Politics are adapted from C. Lord in Aristotle 1964.  

4 Cf. Hansen 1989, 41 n. 126: "The polis was a legitimate political power which — apart from a few survivals of legitimate self help — monopolized the use of force."  

5 Problem with sovereignty concept: Ober 1989b: For the ideological nature of politeia, cf. 1294a 19-20: it is idsteuthe, ploutos, ariste that "contend for equality" within the politeia.  

6 Fish 1980; Austin 1975. For a fuller definition of what I mean by "ideology" see Ober 1989b, 38-43. Cf. 1286a2-3 where Aristotle makes a sharp distinction between the study of nomoi and the study of politeia; 1289a13-15: nomoi are and should be enacted pros tas politeias and not vice versa; 1289a18-20: distinctly different nomoi are among the things (ergo not the sum of distinguishing characteristics) by which a politeia is distinguished (ton delounton), according to which archontes rule.  

7 Compare 1292a32-34: ideally nomos should rule overall (archon pantos), yet in specific cases archai and taute politeia should judge (krinein). In practice, the reality of power (ergo not krateus) is sometimes quite different from the existing nomos: 1292b11-21.  

8 Compare 1286b27-90a8, 1289b 38-91a10.  

9 On the embeddedness of politics in society see Finley 1983 and the references gathered in Ober 1991a, 113 n.2.  

10 Cf. Hansen 1989b, 19: "the polis did not present all who lived within its borders, but only the politeis, i.e. the citizens."  

11 Since Aristotle (1276a13-16) then attempts to refute the distinction by pointing out that certain democracies exist through domination, it is clear that the "same" in question were supporters of democracy against oligarchy or tyranny. Politiai which look to the common advantage are in accord with unqualified justice, demoikos politeis look to the advantage of archontes alone (1279a17-21).  

12 Aristotle cannot be using aikousia as a synecronym for politeia in light of the discussion in book I, esp. 1252a20-21: we must investigate "what the polis is composed of (ex hon suggeskein)," followed by a discussion of the relationship between free men, women, and slaves. See also 1277a7-10: the polis is made up of (sunsteken), inter alia, husband and wife, master and slave. Cf. below, n. 25.  

13 pros tas polies holos sunmerhoren kai pros to koinon ton polis (1283b40-42), taking the kai as conjunctive rather than explanatory: "and the common advantage" rather than "that is to say, the common advantage."  

14 Lord and Jowett translate "partnership"; Sinclair, "association"; LSJ s.v. includes "society" among various possibilities, including "communion" and "fellowship."  

15 Definition of autarkia: 1252b 27-53a1. Aristotle's ideal of autarky does not imply a degree of self-sufficiency that would obviate all interest in trade (e.g. 1321b14-18: trade is the readiest way to achieve autarkia), but rather an absence of dependence upon any foreign power; cf. Nixon and Price 1990.  

16 See 1277b2-3: "[it is] not [the case that] all those are to be regarded as citizens without whom there would not be a polis" (with specific reference to children and banausoi); 1252a 26-34: the polis is built up of union between "those who cannot live without one another": men and women, masters and (natural) slaves. I do not mean by this that the polis is necessarily "based on" slavery; but it is (materially) "based on" the labor of noncitizens — including women, children, and metic. For discussion see Wood 1986; with Ober 1991b.  

17 At 1280b 33-35, the building blocks of the polis that will live well and autarkically are oikos and gene, which I take to be the equivalent of oikos and koinos.  

18 Cf. 1280a 32-34: prooressis is a precondition for the existence of the polis.  

19 1252a 34-1253a1: I identify the long-term necessity as avoidance of injustice on the basis of 1280a 25-1281a1, where avoidance of injustice is linked with material prosperity as concerns of living, and contrasted to the telos of living well.  

20 What I am calling Aristotle's social contractarianism differs substantially from modern versions (e.g. Hobbes, Locke, Rousseau). First, since the process of polis formation is natural, the parties are impelled to join together. Next, Aristotle puts little emphasis on individuals. After the first step (forming the natural partnerships of man-woman, and slave-master), the parties to the contract are heads of oikoi (along with koinoi and gene). Moreover, while living together ensures justice and material security, these are not the ultimate purpose of the koinonai; nor sufficient conditions for the existence of the polis (1280b 23 - 1281a1: a passage taken by J. Barnes in Miller 1991, 21, as an explicit rejection of "the view that the state's authority rests on any 'social contract' "). Yet these are necessary conditions (1280b30-31). Finally, while a eudaimonia is the highest good of the politeis and of the polis as a koinonai politeis, living under a regime of justice and enjoying material security is (at least by implication) the highest good accessible to women, slaves, and other noncitizens.  

21 1253a 29-31. See also 1285b6-9 where the process of being brought together (to sunagagen) is one of the benefits that members of a pleros willingly (hakontai) received from heroic monarchs of the past. Thus the process was voluntary, rather than imposed. Cf. 1286b 40-4: the coercive power of constitutional monarchs should be inferior to that of to pleis; once again, it is the consensual nature of the political order.  

22 Cf. 1278b 15-30. While modern contract doctrine postulates the social contract as a way of escaping the state of nature, Aristotle assumes it as a precondition of attaining a natural state. The modern contractarian begins and ends with the contract; Aristotle imports an implied contract to get his developmental scheme off the ground (to transform a scattering of oikoi into a polis) and retains it as a means to achieving the stability that is a precondition to the end of living well. The contract, for Aristotle, thus conjoins two natural conditions (oikos and autarkic, eudaimonic polis). These important distinctions must not obscure the common element: the necessity of human agency and consent in the formation of a complex society. Harris (forthcoming) points out the links between Hobbesian contract theory and classical theory's natural teleology.  

23 The slave was assumed to be capable of rational understanding (1259b 28, 1260b 5-7) and (unlike the banausoi) was part of koinonai of the oikos (koinonai em. 1260a 39-40).  

24 For Aristotle on women and their role in the polis, see Saxenhouse 1991.  

25 Gently coercive nature of education: 1259b 10-11; education pros tas politeias is the
greatest of those things which preserve the polis, although the most overlooked: 1310a12-14. Cf. the legal decision in Board of Education v. Pico (457 U.S. 853 [1984]) which endorsed the right of the state to "inculcate" in its citizens "the democratic ideology that informs its institutions" (with comments of Harris [forthcoming]). On education as cultural reproduction and the problem of coercion, see Gutmann 1987, 3-48.

26 Cf. 1280b30-35: "the polis is ... a koinonia in living well of both auxes and gene for the sake of a complete and autarkic life"; 1280b40-81a2: "the polis is a koinonia of gene and koum for the sake of a complete and autarkic life."

27 On the necessity of inequality to the polis see 1280a7-25; 1282b14-83a23. Economic class, status, and order, and their place in Aristotle's understanding of the polis: Ober 1991a.

28 Of course in Athens a man of twenty was a citizen, yet he might not yet be the master of an auxes. The complexities introduced by this disjunction between public and private standing are explored in Strauss (forthcoming).

29 If we look ahead to Athenian practice, there is in each case a significant grey area between public and private spheres: The soldier might be unable to serve the state as a hoplithe without aid from a neighbor (Lyssias 16.14, 31.15, 19); if captured by the enemy he might depend on private beneficence to bring him home (Lyssias 19.59; Dem. 8.70-71). The trader in grain was legally required to ship his cargo to Athens (Ath. Pol. 51.4; Dem. 34.37, 35.50-51; Lycurgus 1.27). Membership in a phratry (an association with links to cult, neighborhood, and perhaps kinship) could be brought forward to prove citizenship in the state (Dem. 57.54; cf. Hedrick 1991, who emphasizes the political as opposed to the tribal origin of the phratry). The mix of public and private political interaction in the demos is too complex to sketch here, but see Whitehead 1986, esp. 223-252; Osburne 1985. The Initiate might sit on a jury of fellow Initiates empanelled by the state to try sacrilege (Andocides I).

30 On the concept of differentiation see Luhmann 1982; with discussion in Ober 1991a, 117, 132-133. On the issue of differentiation my understanding of the polis is closer to that of M. Weber than to that of E. Duckheim; for the distinction see Murray 1990a.

31 Cf. 1297a7-13, where Aristotle explicitly rejects deception of the demos (one is tempted to say that he rejects false consciousness) as a route to good order. On conflict in Aristotle's polis see Yack 1985.

32 Compare 1281b21-30, 1294b34-41, 1296b14-17, 1309b16-18, 1267a39-40: a part of the polis that "shares in nothing" (oudenos meteehon) will be hostile (allo/rion) to the polis; 1274a17-18: Solon made the Athenian demos kurios regarding elections and audits, lest it become doulos and thereby polemos. This last is an example of the hostility and instability that results from the enslavement of those who are not "natural" slaves (see 1255b14-15). Ideological stability is prior to preserving a specific set of institutional relationships between governmental entities, which is why Ath. Pol. can see the demokratia of 462 to that of his time (with interruptions of 411 and 404) as essentially continuous.

33 Potential destabilization of polis from disaffected polis and other free males: 1277b33-78b5, esp. 1278a37-40: the free male who does not share in the prerogatives (timai) of citizenship is equivalent to (hapser) a metic, and in some polis this is concealed for the sake of deceiving the (excluded) inhabitants.

34 Nevertheless, women could be described as a plethus, comparable to the plethus of males (1269b15-17). Since women possessed the power of deliberation (1260a12-13), this plethus could presumably organize itself for common action. These sorts of considerations provoked much unease in other literary genres, notably Aristophanic comedy and Euripidean tragedy; see below.

35 A voluntary compromise of personal sovereignty is also entailed in the "best politeia," whose citizen will be de aromen kar pioutraumenos of ruling and being ruled by turns: 1284a1-3; cf. 1277a12-25. The non-deterministic role of nature in social relations is further underlined by the assumption that all deviant regimes (which are the commonest forms of politeia) are to be regarded as unnatural (para phainin: 1287b30-41). Demokratia is one of these, yet it is "not easy" for any regime other than democracy to arise now that polis are large: 1286b20-22.

36 Cf. 1276b29: koinonia d'estin he politeia.

37 For the tendency of Athenian law to focus on procedural, rather than substantive matters, see for example Todd and Millett 1990. The flesh and bones metaphor was previously employed, in reference to the relative importance of political factions and the "Constitution," by Connor 1971, 4-5. Connor's approach is attacked by Hansen 1989a. My own concern is more with substantive social practices than with political factions, but I believe thatConnor's strictures on the limits of narrowly constitutional history (i.e. the evolution of procedural rules) remain valid.


39 Rawls 1971, 61, states his general conception of justice as follows: "all social values... are to be distributed equally unless an unequal distribution... is to everyone's advantage." Primary social goods are rights and liberties, opportunities and powers, income and wealth: Rawls 1971, 62, 92. Cf. Wolff 1977, 75.


42 Rawls 1971, 302-303; cf. 60-90.

43 See, for example, discussion in Wolff 1977; Barber 1988, 54-90; Pegge 1989. Rawls has defended and refined his theory in a series of articles, e.g. Rawls 1987.


46 Here I deliberately avoid the question of whether, in an ideological society, voluntary consent is possible. I deal with this issue in detail in several forthcoming studies devoted to criticism (by Thucydides et al.) of Athenian democracy.

47 For another approach to "historicism" political theory see Wallach (1992). The sort of analysis I am proposing is inevitably based on limited evidence, but would have been much more difficult two decades ago, before the flowering of studies of democratic Athens as a state (for which see the bibliography in Hansen 1991) and as a society, for which see the studies cited below.

48 Cf. Hansen 1989b, 19: "Family life... belonged in the private and not in the public sphere...the polis did not regulate all matters but only a limited range of social activities, mostly those connected with the state."
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Law of Oligarchy" - first
leIll.
in more detail in Ober 1991 (German edition) and
in 1911 (English and Italian); see Michel's
1962. Ober 1989a was intended in part as a challenge to
elitist political theory in general and Michel's' Iron Law
in particular.

Patronage as reciprocal but unequal obligations that can endure between family

I am not making an argument for priority (i.e. claiming that open social relations came
first and thus democracy flourished, or vice versa). Rather I suppose that a non-clinicalist
social culture and a democratic political culture were mutually empowering and so grew
up together.

Male honor and the family in Mediterranean society: Cohen 1992, with literature

Definition of hubris as willfully and gratuitously inflicting shame (aschino) upon
another: Arist. Rhet. 1378b23-26. Hubris as an assault on the individual in Athens:
Murray 1900b; Fisher 1990. The alternative argument, that adultery and hubris fit
Mediterranean norms of honor and shame associated with family and sexuality: Cohen 1990.
Aristotle (Rhet. 1391a14-19) links hubris and adultery as misdeeds typical of the newly
wealthy.

For the two models of honor, distinction, hierarchy vs dignity, recognition, democracy,
see Taylor 1989. On Athenian conceptions of the individual self, honor, and dignity, see
also Gouldner 1969, 87-110. I explore the issue of honor and dignity in more detail in Ober
forthcoming.

core concept of honor as aggressive masculinity I am going against the grain of some recent
anthropologically oriented work on Athenian society, e.g. Halperin 1990; Cohen 1992. I
tend to think that the aristocratic value of honor has been overgeneralized to a universal
Athenian (or Greek) value. What makes Athens distinct from other societies is not its
hierarchical tendencies, but rather its egalitarian tendencies. Thus, even those who follow
Foucault 1980 in assuming a high degree of isomorphism of political and the private should
be looking for tendencies to equality and distributive justice at the private level, since these
ideals dominate the Athenian public realm.

The exception that proves the rule is honors done the descendents of the tyrant-
slayers, Harmodius and Aristogeiton: Taylor 1991, 1-5. Athenian ligiants did indeed
mention great deeds of their ancestors in court, but tended to do so as part of an argument that
they themselves are likely to act in the same way, rather than as part of demand for

Redistributive function of liturgies, taxes, and fines: Ober 1989a, 199-202; Osborne

Cf. discussion in Ober 1989a, 209-211
Our series of papers is linked by the definition given in book III of Aristotle's *Politics*. — 'The polis is a kind of community (koinonia); it is a community of politai in a politeia' — and I have been asked to write about the *polis* as an independent unit and as a member of a hegemony or a part of a federal state. I have extended my brief somewhat, to include smaller units within the *polis* as well as *poleis* within a larger unit.

The theme which I explore happens to be highly topical, more so than could have been realised when the planning for this meeting was begun in the early summer of 1989 (and the Danish referendum of 1992 made it more appropriate than ever that this theme should have been discussed in Denmark in 1992). What is a state? What kind of unit should be the sovereign body, and what kinds of power should be enjoyed by smaller units within the sovereign body or by larger units in which the sovereign body is included? What should the relationship be between what was Yugoslavia and its constituent parts, or what used to be called the Soviet Union and its constituent parts, or the United Kingdom and its constituent parts? Has Europe a 'federal destiny', and if so what does this mean for the European Community and for the separate states which have joined in that Community?

It is a notorious fact that classical Greece was bedevilled by tension between impulses to unity and impulses to separation. The world of the Greeks, the mainlands surrounding the Aegean and the islands of the Aegean, is divided geographically into a large number of small habitable areas, communication between which is not particularly easy, so that natural units tend to be small units, as they do not (for instance) in much of Italy. It is not clear that bronze-age Greece was based on small independent units, but there were small units in the Greece which emerged from the dark age into the archaic period, and a strong attachment to one's local unit was something which persisted into the classical period and beyond.