cray artist. In identifying themes and patterns that emerge from a careful study of the anecdotes he has certainly enhanced our appreciation of their role in the Histories, and he supports his position with an abundance of evidence. The index of references to Herodotus lists 347 passages that have been cited. Yet much of the argument is subjective and one wonders if the case has not been seriously overstated. In insisting that Herodotus deliberately chose anecdotes because they illuminate certain themes, Flory in effect deprives him of the ability to tell a good story for the sake of telling a good story. And somehow that does not seem quite right.

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In this book, which incorporates the conclusions of a number of articles published over the past twenty years, Sealey sets himself a formidable task: to demonstrate that—contrary to popular and scholarly opinion from antiquity to the present—Athenian démokratia was not democracy. Rather, classical Athens was a Rechtsstaat: a republic whose primary attribute was not rule of the people, but rule of law. Despite his valiant efforts, Sealey fails in his purpose; few readers will be completely convinced by his radical conclusions, which I believe would appear as startling to Demosthenes and Aristotle as they will to modern scholars. But it would be wrong to dismiss this book simply because its conclusion is unconvincing. The analytic processes which Sealey employs are as important as the conclusion itself, and likely to be more influential. Sealey's arguments on the nature of law have found many adherents and kindred spirits. Rather than attacking Sealey's use of the term 'republic' (with its specifically anti-democratic connotations) for the Athenian political order, we should concentrate on the question of whether 'rule of law'—as Sealey defines it—pertained at Athens. Is 'rule of law' compatible with democracy: the political power (kratos) of the people (dème)?

For Sealey, the "rule of law" is incompatible with the power of the people. He views law ideally as an independent entity: "given" by human agency but, once created, a force which ensures fairness and to which human decisions must conform. (e.g., pp. 52, 96-97) Sealey sees the function of law as teleological; once the law has been given, it naturally leads to the creation of "civil society" which in its political manifestation is the Rechtsstaat. The law, once created, could be amended, but was beyond the power of men to change in any fundamental way and so was a stabilizing force which promoted continuity; this Sealey sees as a primary good. (chapter 1) Hence the relationship of law to state and society was unidirectional—the law influenced citizens by ensuring that their relations with one another were fair and decent, but neither the collective nor the individual actions of citizens changed the nature of the law.

The "people" envisioned by the lawgivers (a term Sealey prefers to "lawmakers," perhaps because the latter implies fallible human intervention in what amounts to a superhuman sphere) were, according to Sealey (chapter 2), "standard citizens," who are not to be confused with ordinary or average citizens. "Standard citizens" were "men of substance;" there were perhaps nine to ten thousand of them in the fourth century and so they were "rather less than half of the adult male citizens" (p. 7), but "the values and norms of behavior recognized by the standard citizen determined the values and norms of behavior for the whole society." (p. 5) Athenian politics and society were, therefore, defined by the wealthiest one-third (or so) of adult Athenian males. Since the law was specifically concerned with "standard citizens" as individuals, it was unconcerned with inequality between economic classes. Indeed, Sealey specifically contrasts the view of society as defined by class with "civil society" in which class is invisible and has no legal meaning. For Sealey, Karl Marx's central mischief was in perversely redefining "civil society" as
"bourgeois society." The patient work of centuries [here Sealey implies a continuity from Greece to Rome through the mid-nineteenth century] to bring about the rule of law has been dismissed as merely achieving the interests of a class, and arbitrary rule is justified in the name of the proletariat." (p. 148)

But Marx was not the first philosopher to recognize the political significance of class. In the Politics Aristotle defined "democracy" and "oligarchy" in explicitly class [leisure class vs. laboring class] terms; indeed, the minority status of the rich in oligarchies and the numerical superiority of the poor in democracies were, for Aristotle, epiphenomenal, since oligarchy pertained wherever the leisure class ruled (even if they were a majority). Conversely, he believed that a regime in which a poor minority ruled would have to be defined as a democracy (Politics, 1279b17-1280a4, 1290a30-b20). Aristotle argued that if property were leveled, the regime would change, and so dismissed the views of theorists who supposed that lowering class tension through eliminating differences of property-holding would preserve the existing regime (Politics, 1309b38-1310a2, cf. also 1296a21-32, 1303b13-17).

Aristotle, therefore, recognized the reality of class and class conflict in the constitutional realm, and this contemporary witness cannot be lightly dismissed. But Scaley does not think much of Aristotle's analysis of Athens' legal order. (pp. 3, 97-98) Sealey quite rightly points out (p. 91) that the speeches of the Athenian orators "are the best source of information for the way Athenian institutions worked." If the legal system recognized only standardized individuals, we would expect to find little evidence for class consciousness or class interests in extant speeches delivered before Athenian juries. But in his speech Against Meidias [e.g., 21.98, 112, 138, 203-4, 212], Demosthenes plays heavily upon the anger, resentment, and fear he assumes the lower-class jurors feel when confronted with the arrogance of the upper class. He asks (21.209) the jurors to imagine what would happen if the rich [hot ploutos] became masters of Athens and if "one of you, the many and demotic" were to offend one of them and be tried by a jury of wealthy men. Would not their words be, "The slanderer, the pest! That he should be allowed to commit hubris and yet breathe! He should be only too happy if he is allowed to live!"

Against Meidias may represent an ideological extreme, but class consciousness is overt in many other fourth-century Athenian orations as well [e.g., Lysias, 7.21, 24.17, 31.6, 31.11-12; Isocrates, 20.18-20; Demosthenes, 18.102-108, 24.112, Exordium, 2.3).

The examples I have cited above suggest that Athenian law courts were involved with the regulation of class tensions. The legal system was not run by and for "standard citizens" — a concept unrecognized by the orators— but by and for the entirety of the citizen body: ho demos. Ordinary laboring citizens, most of whom were poorer than Sealey's "standard citizen," dominated juries numerically. It was the demotic norms and values of the citizen masses that defined Athenian legal culture and the form and content of legal rhetoric, as Aristotle acknowledges in the Rhetoric (e.g., 1367b7-12, 1390a25-27, 1395b11, 1395b27-1396a31, 1415b28-32). Through the use of law and jury courts, ordinary Athenians could defend themselves as a class against the power of the wealthy elite (the key point in Against Meidias). Consequently, the existence of class tension and the need to regulate inter-class conflict were among the most important motives for the deep and abiding Athenian fascination with both democracy and law. Democracy meant that law would be made and deployed in the interest of the many, not of the few.

The Athenians had great respect for their laws, but unlike Sealey they saw law as embedded within the democratic matrix of politics and society. In Against Meidias (21.223) Demosthenes reminds the jurors that it is the authority of the laws that makes them, the jurors, authoritative and masters of the affairs of the state. Taken out of context, this might seem to support Sealey's argument for the superiority and independent power of law. But Demosthenes goes on to ask:

What is the strength of the laws? For if one of you is wronged and cries out, will the laws come running up and offer aid? No, they are just inscribed letters
and they have no power to act independently. So what provides their power? You—but only if you support them and keep them masterful in support of he who is in need. Thus the laws are authoritarian through you, and you through the laws. (21.223-24)

So, the laws exist in praxis, in the actions of jurors who were ordinary citizens motivated by [inter alia] class consciousness—not in an abstract realm which excludes class and other social realities.

Sealey believes (p. 17) that "the Athenian judiciary was independent of...political organs." He bases this conclusion on an analysis of the relative sovereignty of the law and decisions of the courts vis à vis the decisions made by the citizen Assembly. (pp. 39, 44-45, 50, 69, 97, 107) This argument rests on a view of sovereign power as authority that is specifically institutional, unitary, legally defined, and inscribed (pp. 91-98)—a view that has its origins in early modern Europe. The concept of sovereign authority was developed in the sixteenth and seventeenth centuries in the context of debates over the sources and legitimacy of the power wielded by monarchs. The kratos of the Athenian démos cannot be explained with recourse to the conceptual system devised by monarchy theorists (a system Sealey himself [p. 66] rejects as useless for analyzing Athenian law), because the people's power was not unitary, institutionally based, or legally limited. The Athenian démos deployed its power—its ability to define legitimate action and to make policy—in Assembly, courtroom, and other institutional forums, but also in the public spaces of city and village where citizens met and communicated informally. The kratos of the démos was demonstrated by the willingness of Athenian elites to participate (through paying liturgies, standing for office, and offering their advice in Assembly) in a system which they did not control. Popular power was also manifested in the acquiescence by the rich to a value system that tended to frown upon public display of wealth (e.g., Thucydides, 1.3.6-4). Evidence of private wealth might sometimes be displayed in public, but this was ordinarily acceptable only when private wealth could be shown to have benefited the démos—for example when a rich litigant reminded the jury of his theatrical productions and provision of military equipment to the state. The willingness of laboring-class jurors to accept a display of wealth in these circumstances was an important element in maintaining social peace in Athens. But the operative mechanisms were as much ideological as they were legal.

Ideology was also operative in the evolution of the terminology of birth status. Sealey claims (p. 134) that language referring to "gentlemen" and "virtue" "fled from the public oratory of the fourth century...." Not so; the terminology of aristocracy did not flee, it was appropriated by the people for their own purposes. The virtues of good birth (eugeneia) and gentlemanliness (kalokagathia) were applied by fourth-century orators to the many, and the people became the arbiters of what constituted excellence (e.g., Lysias, 19.14-15, 30.14; Aeschines, 1.134). This is especially notable in fourth-century funeral orations (e.g., Lysias, 2.20; Demosthenes, 60.7; Hyperides, 6.6-7). The Athenian masses never lost their respect for excellence and high birth, but through ideological control of public speech they removed these virtues from the realm of the privileged few. Excellence and high birth became the common possession of the many.

Sealey is one with scholars from the opposite side of the political spectrum (e.g., the late M.I. Finley and G.E.M. de Ste. Croix) in his love of Athens and his conviction that the study of ancient Athenian politics is of great modern relevance. Sealey is specifically concerned with using the Athenian example to refute Marx and materialist historians influenced by Marx. I would agree that Athenian political history offers a significant challenge to traditional Marxist interpretations of history, but not because Athenian law and legal procedure were blind to class and status. Rather, the great lesson of Athenian law and politics is that through control of the political and legal sphere the citizen masses can effect meaningful changes in class relations without equalizing property-holding.

Although I disagree fundamentally with its central thesis, there is much
in this book I found useful and valid. No serious student of ancient Athens can afford to ignore Sealey's discussion of the origin of homicide law, the significance of inheritance and dowry, and the meaning of attimia (to cite just a few examples). Perhaps Sealey's greatest contribution, however, is in keeping social historians honest. Sealey challenges those who see politics as embedded in social relations to defend their views vigorously and rigorously. His arguments on the nature of the Athenian political order have done much to stimulate debate and to clear away simplistic assumptions. The study of the Athenian political order is today one of the most exciting and active areas of ancient Greek history, and a good deal of the credit is due to Raphael Sealey. His book deserves a wide audience, which should not be limited to ancient historians. All those interested in the meaning of law and popular power owe it to themselves to take up Sealey's challenge.

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Sansone divides his study into two parts, the genesis of sport, and the nature of Greek athletics. In section one he attempts to define sport and establish its origin. Sansone persuasively rejects theories that have sport evolving from religion, funeral games, attempts by man to improve his hunting and military skills, or the basic human instinct to compete. Sansone argues that sport developed from primitive hunting practices and defines sport as the ritual sacrifice of physical energy. The Greek athlete offered his agonistic achievement to the gods as if it were a sacrificial animal, or a burnt offering. He maintains that the athlete was a substitute for the sacrificial animal and through this ritual sacrifice the athlete gained great status in his community. Sansone by comparing Greek sport with the Cherokee, the Timbira, the aborigine kangaroo hunters of Australia, and other primitive people concludes that hunting cultures shared common practices many of which survived in ritual form in the Greek agones of the classical period.

Sansone bases his theory, to a great extent, on the following arguments. Cherokee ball games and the Olympic games have a common origin. The Cherokees abstained from sexual intercourse and certain foods for a week to a month before competition as did the athletes at Olympia. The original purpose of many of these practices, though forgotten, became ritualized and survived because Greeks felt that they were conducive to success, not only in the hunt, but in war and agonistic competition. The woolen fillets and crowns of vegetation, worn by ancient athletes, were connected to camouflage. To suppress his scent primitive man hunted naked, and scored his skin and smeared his body with fat or dung. Greek athletes anointed themselves with olive oil, competed in the nude, and used a stirrill, which originally had been an instrument of scarification with a serrated cutting edge, to take off the oil and sweat. Early hunters felt that semen represented energy and vital fluids that made them stronger and to prevent its loss practiced infibulation. Greek athletes tied the foreskin of their penis with a string believing this would give them added strength.

Why would the Greek hunter of the classical age, who used many of the techniques of the paleolithic period, not wear wreaths or fillets? Sansone (p. 87) argues that the hunters of the historical period did not use camouflage because it was "unsportsmanlike." They did, however, use blinds and traps and Xenophon (Cyropaedia, 1. 6. 28) emphasized the importance of tricks and deceit in hunting. Furthermore, it is not clear whether certain rituals can be traced back to the primitive hunter. Sansone's assertion that the turkey bone, which the shaman used to scratch the body of the Cherokee athletes before they competed in lacrosse, was analogous to the Greek stirrill and that these instruments were connected to the primitive hunter is rather tenuous. Why would a hunter wish to lacerate his skin? The scent of blood could alert prey. Athletes engaging in combat sport often prepare themselves with ritual-