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## HOW WAS ORDER MAINTAINED IN CLASSICAL ATHENS? A RESPONSE TO ADRIAAN LANNI

As Adriaan Lanni has reminded us, social sanctions are “typically understood to be imposed by third parties with no involvement of public institutions. As a consequence, self-help or retaliation by an injured party is generally not included, as well as the outcomes of private arbitration and other private disputes resolution procedures...” On these grounds she has addressed the problem of the role played by these sanctions in the process of maintaining order and harmony in the Athenian society, starting from two arguments: 1) Athens “had almost no formal coercive apparatus to ensure order or compliance with law: there was no professional police force or public prosecutor, and nearly every step of the legal process depended on private initiative.” 2) “and yet Athens appear to have been a remarkably well ordered society.”

Lanni however – although moving from some arguments shared by authors such as D. Cohen, V. Hunter and D. Allen – challenges their opinion that social sanctions played a fundamental role in the process of maintaining order. As she correctly writes, “the puzzle of Athens’s orderliness will be found by focusing neither on informal nor formal means of social control, but on the complex interaction between the two mechanisms.” I fully share this observation even if on my opinion in Athens the existence of public coercive apparatus was far from being irrelevant. Enforcing the laws, of course, was not an exclusive prerogative of the polis; nevertheless Athens had a good corpus of laws that did not regulate only public matters but also several aspects of private life (probably not so freely as Pericles’ funeral oration wanted the Athenians and us to believe). Even if upon private initiative, the courts applied the laws: at least in the opinion of part of the scholarship, that I share, the rule of law existed in Athens. Every year a whole array of officials was elected: among them the Eleven, in charge of controlling the prison, of arresting criminals and executing death sentences, with the help of a group of Scythian archers, later substituted by a group of public slaves. Not to speak of the functions of the *agoranomoi*, the *sitophylakes* and other officials who ensured the respect of rules in the markets... In my opinion the coercive power of the Athenian state was such that it can be quoted (in addition to her arguments) to support Lanni’s opinion that “informal social control cannot fully explain the high level of social order in Athens.” This however does not mean that social sanctions played an irrelevant role.

On the contrary. As Lanni observes social norms were not limited to enforcing norms that were not regulated by statute, and they did not govern only private matters. Which means that they were widely diffused, even if, according to Lanni, usually applied only in cases that involved serious violations of norms. And given the fact that Athens was a shame culture, they were very effective, as Demosthenes explicitly states in *Against Aristogeiton*. According to Demosthenes, Athenians avoided misbehaving because they feared the shame that would fall on them (*aischunomenoi*, is the word he uses). Among the cases that confirm the effects of shaming it is worth recalling the realm of rules supposed to regulate the sexual relationships we call homosexual. In this area of behavior the pressure of the *demou phemis*, with the negative consequences on the *time* of the person who experienced it, did not strike only he who violated the law forbidding prostitutes to speak in public (cf. Aeschines *against Timarchos*). Social reprobation fell also on those who violated the social rule designed to guarantee the educational value of a pederastic relationship that imposed an asymmetry between the age of the *erastes* (adult) and the *eromenos* (a *pais*). The sanction was the ridicule that struck those who persisted as adults in being “loved” and not “lovers” of another man, as Aristophanes more than abundantly demonstrates with his rich and imaginative vocabulary used to ridicule them: starting from *katapugones*, passing to *leukopygoi* (in which the white color of the implied body part was considered sign of effeminacy), arriving to the cruel *chaunopktoi* and *lakkoproktoi* (where the excessive use of that body part reduced it to a cistern).

It is true that there are many cases of persons that continued to occupy key social and political roles while being socially disapproved. Bob Wallace gave us several examples. To these we could add the case of Demosthenes, who since his childhood, as he himself says, was called with the nickname *battalos* because of his stammering. But Aeschines and his political opponents called him *batalos*, with only one *t*, and *batalos* meant *pygè* (c. *Tim.* 113 and 126 and *De falsa legatione* 99). This however did not prevent him from continuing to perform his activities peacefully. If not in his case, however, in many others (perhaps for people uncertain of their social status) *demou phemis* and shaming produced severe psychological and social consequences.

Concerning the other forms of social sanctions, I will suggest a different interpretation of Likidas’ stoning, the only case, as Lanni notes, where social sanctions involved the use of physical violence. In Lycurgus (1, 122), Likidas is sentenced to death by the Council (a fact not mentioned in Hdt. 9, 4-5), and stoned to death by the Counselors, who had taken off their wreaths, to emphasize that they were imposing punishment as private citizens, rather than city officials. In my opinion, Likidas’ stoning was not a social sanction, but an act of public revenge, as well as the reaction of the Athenian women, who urged their neighbors to flock to Likidas’ house and stone his wife and children (Hdt. 9, 5); and in accordance after all with the character that stoning has regularly in the sources, starting from the

famous Homeric verse, where Hector says to Paris that, were not the Trojans as fearful as they were, Paris would wear a stone *chiton*.

A further point of possible discussion is the idea that social sanctions' effectiveness was diminished by the fact that Athens was not a face to face community as Ed Cohen gave us good reasons to believe with reference not only to the polis in its whole but also to the *demoi*. Part of scholarship continues to think that at least the *demoi* were face to face (for example V. Hunter, p. 149). But for our purpose this fact – even if proved to be true – would not be relevant. Certainly for social sanctions to be effective it is necessary that the behaviors (righteous or blameworthy) of each person must be known, if not by all, from many members of the group. But even if the fifth and fourth century BC Athens was not a face to face community, there were some places, as Lanni remembers, that acted as centers to spread information. One of them was the court in which both the prosecution and the defense orations contributed to make a good number of citizens aware of the opponents' blameworthy behaviors. Another place was the *agora* where the information reached also the non-citizens. To these I would add the *ekklesia*, in which, four times a month – according to Mogens Hansen's calculations – sat about 30,000 citizens, out of a total of 200,000 inhabitants. But these 30,000, outside the meetings, talked to friends and acquaintances, not necessarily citizens, and discussed also the private affairs they had acknowledged, thanks among other things to the *dokimasia*. As Aristotle says in the *Athenaion Politeia*, regarding the *dokimasia* of archons, the usual questions that were posed concerned such facts as tax payment, how they treated parents, if they had served the army. And the president of the sitting, after asking the designated archon the usual questions, asked the assembly: "Is there someone who wants to accuse this man?", a very generic question that seems to suggest the uttermost freedom in posing the questions, confirmed by the fact that according to Dinarch the *dokimasia* involved also the assessment of the *tropos* of the person subjected to it.

Finally, there is one more aspect of the problem that in my opinion would deserve to be deepened. The effectiveness of social sanctions depended on the almost irresistible capacity of *peitho* to generate conformism. The best evidence of this comes from a globalized world as ours. As McLuhan taught us, today's mass media had the effect of introducing in our cultures (fundamentally *guilt-cultures*) some elements traditionally typical of *shame cultures*, in which the fear of being socially blamed and the dread of feeling inadequate, losing self-esteem, induces to conform to the values, the life styles, even the aesthetical canons proposed as models. Today as yesterday, the effectiveness of social sanctions depends on the strength of the persuasion means. Among the latter, a fundamental role in Athens was played by theater, the mass communication means of the polis (as epics in the archaic age). I will limit myself to one example, Euripides' two plays dedicated to Phaedra. In the first *The Veiled Hippolytus*, Phaedra was a rebel. From the few surviving fragments we apprehend that she tries to seduce Hippolytus who covers is

face with a veil to defend himself (hence the title of the tragedy). In the second, *The Crowned Hippolytus*, put on the stage after just a few years in 428, she is a model wife, who fights with all her forces against the love (guiltless) that Artemis has aroused in her for Hippolytus. Well, this unusual, or better unique, twofold and different representation of a same character confirms the enormous capacity of tragedy to influence audiences. Athenian women, worried about their reputation, rebelled to the representation of the first Phaedra. As Aristophanes imagines in the *Tesmophoriazouse*, to defend their honor they would have decided to kill Euripides. And Euripides thought it better to make amends writing the second *Phaedra*.

There would be many more things to say on such an interesting and stimulating paper, but my time has run short. I just want to add that Lanni's paper, as usual, invited us to rethink a basic aspect of the relations between Athenian law and Athenian society.