Civil Society in Ancient Greece: The Case of Athens

Roderick T. Long
The Economics of Anarchy:  
A Study of the Industrial Type

Dyer D. Lum  
1890

I have repeatedly been asked to write a brief summary of the aims sought by Anarchists which could be read and discussed in the various clubs that are studying economic questions. With this end in view the following pages are submitted, trusting that they may be a help to those who are earnestly seeking the rationale of the Labor Question. — Dyer D. Lum.

Available at: sonv.libertarianleft.org/distro/
Civil Society in Ancient Greece: The Case of Athens

Some writers have so confounded government with society, as to leave little or no distinction between them; whereas they are not only different, but have different origins. Society is produced by our wants, and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices. The one encourages intercourse, the other creates distinctions. The first is a patron, the last a punisher. Society in every state is a blessing, but government even in its best state is but a necessary evil; in its worst state an intolerable one. ... ~ Thomas Paine, Common Sense (1776)

Great part of that order which reigns among mankind is not the effect of government. It has its origins in the principles of society and the natural constitution of man. It existed prior to government, and would exist if the formality of government was abolished. The mutual dependence and reciprocal interest which man has upon man, and all the parts of a civilized community upon each other, create that great chain of connection which holds it together. ... In fine, society performs for itself almost everything which is ascribed to government. ~ Thomas Paine, Rights of Man (1791-92)

Did the Greeks Have Civil Society?

Thomas Paine’s distinction between government and society is fundamental to the liberal tradition - as is his preference for assigning a narrow scope to the former and a wide scope to the latter. In recent years, the term “civil society” has come to be applied to the vast array of voluntary, spontaneously evolved institutions intermediate between the individual and the state; in short, “civil society” today means roughly what Paine meant by “society.”

It is often thought that the notion of an autonomous sphere of “civil society,” separate from and largely unregulated by the state, is one that has little or no application in the ancient Greek world. There, we are told, society and state were merged into one entity, the polis - a term which, we are told, cannot be translated as either “society” or “state,” since it was both. The polis, so the story goes, was an organic community whose authority governed every aspect of life; and people had no sense of their own individuality apart from their role in the polis. The only conception of “freedom” available to the Greeks was (according to, for example, Benjamin Constant's famous essay “The Liberty of the Ancients Compared With That of the Moderns”) the freedom to participate in political life; but freedom in one’s day-to-day life was negligible and undesired.

Is this an accurate picture of Greek society? I do not think it is. Rather, it seems heavily influenced by the ideals of the Greek philosophers - particularly Plato (and to a lesser extent Aristotle). These thinkers did not draw a distinction between society and state; they advocated sweeping authority of political communities over their members; they saw the interests of the individual as organically united with the interests of society as a whole; and
they attached little importance to individual liberty or autonomous spheres of voluntary activity. But were the philosophers mirroring the ideals of their society — or criticising them? By and large, these philosophers were deeply alienated from the cultures in which they lived. They were constructing ideals that they saw as antithetical to Greek society as it actually existed. It is therefore inadvisable to read their ideals into Greek social reality.

It is especially strange to accept as descriptive of ordinary life the philosophers’ ideal of an organic unity between self-interest and the public good. Even the most cursory reading of Greek history reveals people with a highly developed sense of their own individuality as persons distinct from the community and often with distinct interests as well. The pages of Thucydides’ *History of the Peloponnesian War* are filled with tales of citizens intriguing against or betraying their communities, or fleeing to start a new career elsewhere. Far from being happy cogs in the communitarian whole, Greeks seem to have been all too individualistic.

Students of Greek culture are of course not unaware of this phenomenon, but they tend to see it as simply the flip side of their major premise. Collective unity was the hallmark of Greek culture, and when it broke down, so did society in general. The counterpart to the social theories of Plato and Aristotle is the amoralism of Sophists like Thrasymachus, Antiphon, and Callicles, who saw human beings as naturally antisocial and competitive. The Sophist view is the distorted mirror image of the Platonic-Aristotelean view; and neither recognises Paine’s distinction between society and state. For Plato and Aristotle, humans are naturally social beings, and therefore the state is naturally ordained as well; for the Sophists, the state is an artificial contrivance, and therefore so is social cooperation in general. Paine’s view of social cooperation as natural and governmental restriction as artificial falls between the cracks.

But there was a third view in Greek society, differing from both the authoritarian collectivism of the philosophers and the nihilistic amoralism of the Sophists (both of whom tended toward oligarchy in their political sympathies). This third view was the ideology of the Greek democrats.
sympathies). This third view was the ideology of the Greek democrats. No surviving philosophical text defends this view, and it must be reconstructed largely either from descriptions by its critics or from passing references in literary sources and legal documents. But this ideology was the one that achieved practical implementation in Athens (the polis we know the most about) as well as in other Greek democracies. Admittedly, we know rather little about the functioning of Greek oligarchies (the polis we know second most about, Sparta, was so distinctive and atypical that generalisations are risky); but an examination of democratic theory and practice reveals a picture of Greek society utterly at odds with the conventional view. The conception of freedom endorsed by democratic ideology was not simply the freedom to participate in political decision-making (though that was part of it) but, as Aristotle laments, the freedom to “do as one pleases.” Aristotle’s complaint, in the Politics, was that the democrats did not fund sufficient freedom in consenting to a legal framework, but also wanted considerable autonomy within that framework. Likewise, writers like Plato in the Republic, and the anonymous author (known as the “Old Oligarch”) of the pseudo-Xenophontic Constitution of the Athenians, criticise democracy for allowing excessive personal freedom, and placing insufficient stress on the respect owed by the lower orders to their social superiors. Democratic Athens in particular allowed considerable scope for private action free from governmental interference, both in market transactions (Athens was one of the chief commercial centers of the Mediterranean) and in expression of opinion (Athens was likewise a magnet for philosophers and poets from all over the Greek world). These ideals are confirmed in Pericles’ famous funeral oration, recorded (or invented?) by Thucydides:

“We do not get into a state with our next-door neighbour if he enjoys himself in his own way .... We are free and tolerant in our private lives; but in public affairs we keep to the law. ... [E]ach single one of our citizens, in all the manifold aspects of life, is able to show himself the rightful lord and owner of his own person, and do this, moreover, with exceptional grace and versatility. ... Future ages will wonder at us, as the present age wonders at us now. ... Make up your minds that happiness depends on being free. ...”

(Thucydides, II. 37-43)

What the Greeks meant by demokratia (literally, “people power”) encompassed not only popular participation in political institutions, but also the substantial independence of civil society from political governance.

Even the point about the untranslatability of polis is doubtful. As Hansen (1989) points out, resident aliens, lacking the right to participate in politics, were regarded as not being members of the polis; yet they were certainly members of society, often being deeply involved in the economic and cultural life of the city. Hence polis means “state” and not “society.” The democrats (in Athens and presumably elsewhere) had a perfectly good grasp of the difference between state and society, even if the philosophers
did not.

The tendency to focus only on legally codified, governmental aspects of Athenian life has often led historians to severely underestimate the extent of freedom within civil society. For example, Cohen (1992) argues that the ancient Athenian economy has often been dismissed as unsophisticated because in fact so many transactions were in the “underground economy,” and so not recorded in official documents. Cohen (1992) and Hunter (1994) also show that historians have underestimated the extent of participation by women in Athenian economic life by focusing on “official” expectations rather than on actual practice:

“Cumulated, the evidence reveals that ... women engaged in a whole series of transactions that mimicked those of men, as codified in law. Not only did they own property, including land, but they gave gifts to their children and drew up wills accepted as valued by those around them. Women’s authority to do so was neither granted, protected, nor prohibited by law. It was spontaneous and un-codified, exercised in the private sphere, a matter of family practice, being widely and publicly accepted outside the household as within the competence of women.”

(Hunter (1994), p. 29; cf. Cohen (1992), Chapter 4.)

The Emergence of Democracy

The rise of democracy (in the Greek sense, including both popular participation in governance and the protection of civil society from such governance) was the result of trade. In an age when sea travel was easier, safer, and quicker than travel by land, Greece, with its peninsulas, islands, dominance in the Aegean, and strategic location in the eastern Mediterranean near the Hellespont, with access to the markets of southeastern Europe, northern Africa, and western Asia, was ideally suited to become a commercial society. Trade brought Greeks into frequent amicable contact with other cultures, thus promoting the cross-fertilisation of ideas that so deeply shaped the roots of Western culture:

“[O]ur Western civilization is the result of the clash, or confrontation, of different cultures .... Let us look for a moment at the origin of Greek philosophy and Greek science. It all began in the Greek colonies: in Asia Minor, in Southern Italy, and in Sicily. these are the places where the Greek colonists were confronted with the great civilizations of the East, and clashed with them, or where, in the West, they met Sicilians, Carthaginians, and Italians such as the Tuscans.” (Popper (1994), p. 38)

Perhaps even more importantly for our purposes, trade undermined the socioeconomic hierarchy of traditional aristocratic society. As Forrest (1975) has argued, in an analysis that deserves more attention than it has received, trade, and the increased prosperity it brought, had two important results. First, it caused a shift of wealth within the ruling class, as fortunes began
to be accumulated by people in the lower ranks of the aristocracy, who now had the resources and influence to contemplate challenging the power of their superiors. Second, it brought higher living standards to the common people, thus creating a prosperous middle class whose members could now afford armour and weaponry (previously the exclusive prerogative of the wealthy nobility) and so had become a force to be reckoned with. In combination, these two factors meant that ambitious but low-ranking aristocrats had an incentive to enlist the military might of the common people on their side in their struggle to supplant the existing aristocratic ruler. To do so, they had to promise various concessions to the commoners, and whatever the sincerity of these promises, they had to make good on at least some of them, some of the time, in order to maintain their newly-won power. As a result, the intestine struggles within the aristocracy resulted in greater and greater rights being granted to the people, pushing all the Greek states in the direction of democracy. Some, like Athens, traveled all the way and became full-fledged democracies; others, like Corinth, traveled only part of the way and became oligarchies, though even oligarchies almost always had some avenue for popular participation.

One state, Sparta, became so alarmed at the process of transformation it was starting to undergo that it attacked the problem at its root by banning all commerce, whether in goods or in ideas; the result was a grim collectivist barracks that indeed knew no distinction between state and society - but Sparta always remained exceptional. Plato’s ideal polis was in large part modeled on Sparta, and he shared their hostility to commerce (though not their enthusiasm for imperialism or their denigration of philosophy). In Plato’s eyes, commerce catered to the base, appetitive part of the soul. Plato also was no enthusiast of competition; he reasoned (in Republic I) that since there is just one right way of doing things, all the wise people will do the same thing, so that it is only unwise people who try to outdo each other. In contrast, ordinary Greek mores placed a high value on competition (there were very few team sports in Greece, because they always wanted to know which individual was the best), and the poet Hesiod speaks for the majority in distinguishing healthy (market-oriented) from unhealthy (war-oriented) forms of rivalry:

“I see there is not only one Strife-brood on earth, there are two. One would be

The rise of democracy (in the Greek sense, including both popular participation in governance and the protection of civil society from such governance) was the result of trade
commended when perceived, the other is reprehensible, and their tempers are distinct. The one promotes ugly fighting and conflict. But the other rouses even the shiftless one to work. For when someone whose work falls short looks towards another, towards a rich man who hastens to plough and plant and manage his household well, then neighbour vies with neighbour as he hastens to wealth: this Strife is good for mortals.” (Hesiod, Works and Days.)

The rise of commercial society thus brought liberal, democratic institutions in its train; and these institutions had a profound impact on the development of the Greek conception of rationality. In the jury courts and public assemblies of democratic and quasi-democratic states, success in arguing one’s case involved finding arguments that would appeal not simply to the quirks of the king or noble whose favour one sought to win, but to a diverse public audience. (Nor was the task of persuasion delegated to representatives — lawyers in the jury courts legislators in the assembly — but was instead conducted directly, so ordinary citizens had to develop speaking skills.) This arguably led to the epistemological ideal that people’s opinions, to be justified, should be able to withstand intersubjective criticism and scrutiny, and appeal to objective and universal standards of public acceptance; it also led to the ethical ideal that (in contrast to the aristocratic glorification of violence reflected in the Homeric epic) persuasion rather than coercion was the appropriate mode of social interaction. In the words of the orator Lysias:

“They [= the founders of Athenian democracy] believed that it was the way of wild beasts to be forcibly ruled by one another, but that the proper way for men was to define justice by law, to convince by reason, and to serve both by their actions.

I shall discuss three areas in which Athenian democracy assigned a substantial role to the spontaneous forces of society as opposed to the centralised mechanism of the state: banking, the arts, and the provision of legal services.

**Private Banking in Athens**

The importance of private banks (called trapezai) in the Athenian economy is only beginning to be recognized. Many historians have dismissed the trapezai as little more than pawnbrokers or coin-changers; but a closer examination of the evidence, thanks mainly to the research efforts of Cohen (1992), reveals that banks were crucial to the city’s ability to function as a center of international trade.

“At Athens, hundred of ship cargoes were required annually to satisfy Attica’s enormous need for food and other items. Virtually all of these cargoes were dependent on loans. these financings, together with the additional loans generated by the Piraeus’s
dominant position as an entrepôt for the eastern Mediterranean, provided creditors with an opportunity to absorb over many transactions the risk of a total loss from the sinking of a single ship.”

(Cohen (1992), pp. 140-141.)

“The bankers also expedited commerce ... through credit-enhancement devices that utilized bank deposits in place of coins. ... By guaranteeing payments of funds at far-off locations, the banks ... allowed customers to avoid the dangers and inconvenience inherent in transporting a large amount of coins or bullion. Thus when Stratokles needed funds available at the distant Black Sea, to which he was about to journey, he was able to leave his own money on loan in Athens and carry instead a bank guarantee of payment of principal and interest on 300 Cyzicene staters.”

(Cohen (1992), pp. 15-16.)

In short, the Athenian bank system allowed the citizens of Athens to participate in what classical liberals have called a “Great Society” of international exchange and cooperation.

The Athenian state pursued a policy of laissez-faire toward these banks, as indeed toward commercial transactions in general.

“The trapezai were unincorporated businesses operated by individual proprietors or partners, almost entirely free of governmental regulation; modern banks are almost always corporate institutions, invariably governed by official regulation. ... At Athens, banking “powers” and business arrangements were determined without state interference — by economic, not legal, constraints. Governmental “charters” permitting specified activities, or limiting competition, were nonexistent. ... In sharp contrast to virtually all modern systems ... loans from the trapezai were explicitly independent of parochial legal governance. Indeed, concerning contractual provisions, Athenian law seems to have mandated the primacy of “whatever arrangements either party willingly agreed on with the other.” ... In contractual contexts there is frequent reference to Athenian law mandating absolute government noninvolvement in the conditions and terms of nongovernmental dealings .... Financial arrangements were subject to no control other than that of market conditions. ... Athenian bankers were free to vary the conduct of their operations .... No activity was governmentally proscribed, no activity was governmentally mandated. ... [T]he absence of governmental restriction or economic monopoly ... resulted in wide variance in the terms on which, and the mechanisms through which, bankers sought funds.”

(Cohen (1992), pp. 9, 41-44, 112.)

Yet the state received no quid pro quo, no special favourable treatment, from the banks in exchange for this hands-off policy:

“Because of their perceived lack of commitment to repay loans, the city-states, including Athens itself, did not enjoy a favorable credit standing and consequently were able to borrow funds only “short term, accompanied by heavy security, [at]
Clearly, Athenian bankers regarded their economic freedom not as a conditional grant but as theirs by right, and were able to rely successfully on that expectation.

But trapezai were more than simply financial institutions with paying customers. They had a personal character as well. (As such, they had something in common with the eranoi, or mutual-aid societies, which also existed.)

“The banker’s personal network of friends and his prestige as a professional were as significant as even the possession of vast monetary resources. Indeed, banking was so intensely personalized at Athens that business and social relations tend to coalesce. ... The son of Sopaios “used” the bank of Pasion: when a personal crisis arose ... he immediately consulted with Pasion, for their relationship was such that he “trusted” the banker “exceedingly, not only about money, but about all other matters as well.” ... Financial “use” of an individual implied close involvement with him in other aspects of life. ... Demosthenes ... describes, in a commercial context, the business-cum-social relationships involved in “using” (khrômenos) someone.”

The Athenian bank was a profit-driven, market phenomenon; yet at the same time it served a variety of social needs as well.6

Private Patronage of the Arts in Athens

We tend to think of Athens as a community in which the arts were paradigmatically public: both publicly funded and publicly consumed. For architecture and sculpture, Pericles’ grand public works come to mind. For the performing arts, the model case is the great dramatic festivals where citizens went to see the comedies of Aristophanes and Menander, and the tragedies of Aeschylus, Sophocles, and Euripides. These dramatic performances were embedded in a celebration both religious and civil, on public property and open to public view.

This is true enough, but hardly the whole story. In his dialogue Protagoras, Plato has Socrates give the following amusing description7 of his visit to the house of Callias, a wealthy Athenian who was hosting a number of prominent visiting Sophists (including Protagoras, Prodicus, and Hippias):

“I think that the porter ... was annoyed at the throngs of people that the number of sophists was bringing to the house. At any rate, when we knocked at the door, he opened it and saw us. ‘Ah, sophists,’ he said; ‘he’s busy,’ and at the same time he slammed the door with both hands as hard as he could. We began knocking again, and he kept the door closed and said, ‘Didn’t you hear? He’s busy.’ ‘My dear sir,’ I said, ‘we haven’t come to see Callias, nor are we sophists. Don’t worry. We’ve come to see Protagoras. Just tell them we’ve come.’ So eventually, with
great reluctance, the fellow opened the door to us.

When we came in we found Protagoras walking in the colonnade [with Callias and his relatives]. Those who were following them listening to the conversation seemed mostly to be foreigners — Protagoras collects them from every city he passes through, charming them with his voice like Orpheus, and they follow the sound of his voice quite spellbound — but there were some Athenians in the procession too. I was absolutely delighted by this procession, to see how careful they were that nobody ever got in Protagoras’ way, but whenever he and his companions turned round, those followers of his turned smartly outwards in formation to left and right, wheeled around and so every time formed up in perfect order behind him. ...

And after him I recognized ... Hippias of Elis, sitting in a chair in the opposite colonnade. ... they seemed to be asking Hippias questions on science and astronomy, and he was sitting in his chair giving a detailed decision on every question. ... Prodicus of Ceos was also in town. He was in a room which Hipparchus previously used as a store-room, but now because of the number of visitors Callias had cleared it out too and turned it into a guest-room. Prodicus was still in bed, wrapped up in a great many sheepskins and blankets, as far as I could see. ... I was very eager to hear Prodicus — for I think that he is a wonderful man, and very learned — but his deep voice made such a booming noise in the room that the words themselves were indistinct. ... We were all pleased at the prospect of hearing wise men talk ....”

(Plato, Protagoras 315c-371d.)

As Plato’s tongue-in-cheek tone makes clear, he did not regard Callias’ salon as a particularly valuable contribution to the arts. Nevertheless, his account offers us an example of how private individuals used their wealth to act as patron to itinerant intellectuals, offering a forum where Athenians could come to hear them discourse on science and philosophy. Such thinkers sometimes charged a hefty fee for their lecture courses, but in a context like this, interested Athenians could evidently arrive uninvited and absorb culture for free. The audience received intellectual stimulation, the speakers received room and board, and the host received prestige and goodwill from his patronage.

Private Law in Athens

One of the most remarkable features of Athenian democracy is the extent to which legal services themselves (dispute resolution and enforcement) were the province of civil society rather than of the state. Laws were passed by the state (or at any rate through the state, via popular referendum), and applied by governmental courts (manned by juries). But there were no police, and no public prosecutors. All suits were treated as civil suits, prosecuted by the victim; offenses against the community as a whole were prosecuted by self-selected individuals on behalf of the larger society, rather like class-action suits today. (No distinction between crimes and torts was recognised.) And
One of the most remarkable features of Athenian democracy is the extent to which legal services themselves (dispute resolution and enforcement) were the province of civil society rather than of the state.

... 

But the most intriguing aspect of the Athenian “private law” system is the privatisation of enforcement:

“The ancient city-state had no police other than a relatively small number of publicly owned slaves at the disposal of the different magistrates .... [T]he army was not available for large-scale police duties [because it] was a citizen militia, in existence as an army only when called up for action against the external world. [Yet] a Greek city-state ... was normally able to enforce governmental decisions. ...”

(Finley (1994), pp. 18-24.)

“Most of the major tasks of policing — investigation, apprehension, prosecution, and even in some cases enforcement of court decisions — fell to the citizens themselves. For private initiative and self-help were the rule. ... Here punitive enforcement is not the result of coercion by a central authority but of autonomous self-regulation on the part of the community. ... For many of the functions that the modern state now entrusts to bureaucracy, police, or judiciary were embedded in a variety of social institutions. ...”

(Hunter (1994), pp. 3-5.)

“Since there were no regular police in Athens, such street fights were not uncommon, and it lay with the spectators to decide who was in the right and restore order. ... It is clearly recognised as a duty of bystanders to help any victim of violence; this was very necessary in a city so ill-policed as Athens, for the safety of the community depended upon active support of the law by all well-constituted citizens. ... It will be noticed that...
the State made no provision for arrest and bail; these were private transactions. This led to abuses, such as ... wrongful detention ... but each man involved took care always to provide himself with witnesses .... There was no police-force; hence the bystanders took a lively interest.”

(Freeman (1963), pp. 105, 128, 177.)

Even tax collection was privatised:

“From his own assets, the wealthy contributor of proeisphora paid immediately the total amount of eisphora due from a number of other taxpayers. In return, he was given the right ... to recover his excess payment from the various obligors.” (Cohen (1992), p. 197.)

For many, this aspect of Athenian society will seem the most primitive and undesirable feature of the entire system. But government’s monopoly of force, like all monopolies, has a tendency toward inefficiency and abuse of power, so it should be no surprise that the privatisation of such legal services as adjudication and enforcement has its defenders today; see, for example, Bell (1991-92), Loan (1991-92), and Benson (1990). Hunter (1994) also argues that by assigning law enforcement to civil society, the Athenian system fostered ties of cooperation among its citizens:

“The Dark Side of Civil Society

In the three aspects of Athenian civil society that we have reviewed — banking, arts, and policing — the reliance on “friends” and “patrons” is crucial. One’s banker was not just an anonymous market participant, but a trusted advisor on whom one relied in times of crisis. Artistic and cultural events were conducted under the sponsorship of wealthy citizens. Finally, if one needed to execute a court judgment against a powerful neighbour, it would help to have wealthy and influential friends.

The worry I wish to consider is this: in a community that assigns so much responsibility to civil society, what is to prevent the phenomenon of patronage from translating itself into domination by a wealthy elite?

As I have written elsewhere:

“The political communities of the classical world ... had surprisingly weak and
decentralized governments, with nothing we would recognize as a police force. Yet, notoriously, these city-states were class societies, in which powerful elites managed to maintain dominance. ... Where did the power of the ruling class come from, if not from a powerful state? ... [R]uling classes maintained their power through the device of patronage.... In effect, the wealthy classes kept control not through organized violence but by buying off the poor. Each wealthy family would have a large following of commoners who served their patrons’ interests (e.g., supporting aristocratic policies in the public assembly) in exchange for the family’s largesse.”

(Long (198), pp. 334-335.)

As an example, the Athenian aristocrat Cimon used to open his fields and orchards to the free use of anyone who needed them; and this generosity was repaid by loyal political followers. Finley (1994) argues:

“If Greek ... aristocrats were neither tribal chieftains nor feudal war lords, then their power must have rested on something else ... [namely,]their wealth and the ways in which they could disburse it. ... [Solon established] the right given to a third party to intervene in a lawsuit on behalf of someone who had been wronged. ... No classical state ever established a sufficient governmental machinery by which to secure the appearance of a defendant in court or the execution of a judgment in private suits. Reliance on self-help was therefore compulsory and it is obvious that such a situation created unfair advantages whenever the opponents were unequal in the resources they could command. The Solonic measure [was] designed to reduce the grosser disparities, characteristically by a patronage device rather than by state machinery.”

(Finley (1994), pp., 45, 107.)

It was to check the power of the rich that the democratic regime relied on what strikes many today as one of its strangest features: sortition, or the selection of public officials by lot. For us, democracy is synonymous with elections; but the Greeks generally regarded elections as an oligarchic, anti-democratic stratagem, on the grounds that an election is most likely to be won by the candidate with the greatest visibility and the largest campaign chest, and so would be skewed in favour of the rich. Sortition was a means of enduring proportional representation.

Among other checks on the power of the rich was the prosecution for an illegal proposal (in case of conviction the proposal, if it had been passed into law, was automatically repealed; jury courts thus had the power of judicial review) and, most famously, the ostracism, in which the citizens could vote to expel from the city any person they chose, for any reason.

This last provision has been attacked as an example of majority rule gone mad:

“Though the anecdote may have been invented as a joke which related that an Athenian voted for the banishment of Aristides because he was tired of hearing Aristides called The Just, the thing was not impossible by the democratic system. In Roman law a man must be charged with a specified act having known
penalties, and convicted on something more positive than opinion, to incur sentence. He could not be guilty for no cause.” (Paterson (1993), Chapter 3.)

But while I do not endorse the institution of ostracism, this criticism is unfair for two reasons. First, the Athenians were at least as committed to due process as the Romans were, and ostracism, far from being representative of democratic procedure generally, was the sole exception to the ordinary requirement of due process. Second, Paterson makes it sound as though Aristeides was being ostracised for frivolous reasons. On the contrary, as I have pointed out elsewhere:

“The farmer was not simply being cantankerous, envious, or malicious; when a prominent politician gets a name like “the Just” or “the Great” attached to his name, thus being treated with the kind of reverence and deference more appropriate to a king than to a fellow-citizen, from the Athenian point of view this is a danger sign that the individual is getting too powerful and poses a danger to his nation’s freedom. The formal ostracism was a kind of pre-emptive strike.” (Long (1996a), p. 14.)

The ancient opponents of democracy generally favoured what was called a “mixed constitution,” i.e., an amalgam of democratic and oligarchic features. (This was the favoured model of Thucydides, Aristotle, and Polybius, as well as of the later Plato; among its modern admirers are Machiavelli, Montesquieu, and Madison.) The supposed advantage of the mixed constitution was that it would balance the interests of the rich against those of the poor, rather than allowing either group to run roughshod over the other; such a balance was desirable both ethically (it being unjust for one group to dominate the other) and pragmatically (since a society could not long remain stable without attracting substantial support from both groups). The goal is laudable; but how well-suited are the means? In later centuries the favoured model of a mixed constitution was the Roman Republic; but by any objective standard its institutions were biased in favour of the upper class. This suggests that the advocates of the mixed constitution may have overcompensated for the power of the poor and undercompensated for the power of the rich; perhaps the Athenian democrats came closer to striking the
right balance.

But this leaves us with a question. Those of us who call ourselves classical liberals are evidently the modern heirs of the Athenian democrats, favouring a radical and thoroughgoing redistribution of power from the state to civil society. Is there any limit to how far this redistribution should be pursued, and if not, what private mechanisms might be developed within civil society to replace the curbs on plutocracy that the Athenians built into the structure of their government?9

This paper was first presented at the Liberty Fund Conference on Civil Society, Arlington VA, 29 May 1998.

Notes

1 This was not the original meaning of the term. In Locke, for example, “civil society” means society organized as a state (almost the precise opposite of its current meaning). One participated in civil society insodar as one was a citizen. The present-day meaning is largely the result, ironically enough, of Marx’s influence (see “On the Jewish Question,” for example), and to a lesser degree Hegel’s.

The term “civil society” is sometimes used broadly, to cover all non-governmental aspects of society, including the market, and sometimes narrowly, to exclude both government and market. I shall be using it in the broad sense (which seems to be Marx’s meaning as well), since the distinction between market phenomena and other voluntary social interactions is not easily drawn. The narrow definition seems to be attractive primarily to communitarians who like intermediary institutions but remain hostile to the market. Paine’s use of “society” clearly follows the broad definition.

2 This freedom was not complete, of course, and Athens’ reputation for tolerance has been tarnished by the execution of Socrates. It should be noted, however, that this fact, though monstrously unjust, was a rather exceptional case, occurring under unusual circumstances (social panic in the aftermath of a devastating conquest, tyranny, and civil war).

3 See Kagan (1969) for an argument that “recorded,” while not precisely accurate, comes closer to the truth than “invented.”

4 In fairness to Plato, there is an individualistic side to this argument: he is criticising the tendency to view self-worth in comparative terms, in terms of getting the better of somebody else, rather than in terms of measuring up to one’s own standards.

5 Or depicted in it, anyway. It is far from obvious that the author(s) of Homeric epic shared the values of the protagonists whose exploits such epics chronicled.

6 This is another reason for preferring the broad to the narrow definition of civil society when analysing ancient Greece: the distinction between market and non-market aspects of the non-governmental sphere inevitably becomes blurred.

7 Perhaps an ironic “reply” to Aristophanes’ description of Socrates’ salon in the Clouds.

8 Though in fact Athens was never a pure majority-rule system. the ability of courts to strike down unconstitutional legislation was one departure from majoritarianism; another was the prohibition on laws specifying named individuals.

9 For some preliminary thoughts on this question, see Long (1998).

Ancient Sources

Anonymous. Dissoi Logoi.
Aristophanes. Comedies.
— Politics.
Demosthenes. Orations.
Herodotus. Histories.
Hesiod. Works and Days.
Isocrates. *Orations.*
Lysias. *Orations.*
Menander. *Comedies.*
Plato. *Dialogues.*
Polybius. *Histories.*
Thucydides. *History of the Peloponnesian War.*
— *Estate Manager (Oeconomicus).*
— *Hellenica.*
— *Recollections of Socrates.*
— *Resources of Athens (Poroi).*

**Modern Sources**


---

**By Roderick T. Long**

Dr. Long specializes in Greek philosophy; moral psychology; ethics; philosophy of social science; and political philosophy (with an emphasis on libertarian/anarchist theory). He has also taught medieval philosophy and eastern philosophy. He is the author of *Reason and Value: Aristotle Versus Rand* (Objectivist Center, 2000) and *Wittgenstein, Austrian Economics, and the Logic of Action* (Routledge, forthcoming 2012); and co-editor of *Anarchism/Minarchism: Is a Government Part of a Free Country?* (Ashgate, 2008) and of the Journal of Ayn Rand Studies. He runs the Molinari Institute and Molinari Society; serves as webmaster and archivist for the Alabama Philosophical Society; blogs at Austro-Athenian Empire; serves as faculty advisor to the AU Libertarians; and is a senior scholar at the Ludwig von Mises Institute, a co-founder of the Alliance of the Libertarian Left, and a member of the board of the Foundation for a Democratic Society.
Markets Not Capitalism,  
ed. Gary Chartier & Charles W. Johnson

“Libertarianism is often seen as a callous defense of privilege in the face of existing (and unjust) inequalities. That’s because it too often is. But it doesn’t have to be, and this fascinating collection of historic and current argument and scholarship shows why. Even readers who disagree will find much to think about.” – Ken Macleod, author of Fall Revolution

Available at: minorcompositions.info/?p=230
ALLiance Journal: a grassroots, shop-floor, dirt cheap, tabloid aspiring to inspire the Left-Libertarian Movement to delusions of grandeur. We are full of piss and passion; and we will never stop even in the face of singularity, peak oil or Ragnarok. Check us out at alliancejournal.net or libertyactivism.info.

**ALLiance aims to be a movement journal for the Alliance of the Libertarian Left (ALL).**

The *Alliance of the Libertarian Left* is a multi-tendency coalition of mutualists, agorists, voluntaryists, geolibertarians, left-Rothbardians, green libertarians, dialectical anarchists, radical minarchists, and others on the libertarian left, united by an opposition to statism and militarism, to cultural intolerance (including sexism, racism, and homophobia), and to the prevailing corporatist capitalism falsely called a free market; as well as by an emphasis on education, direct action, and building alternative institutions, rather than on electoral politics, as our chief strategy for achieving liberation.