Authority and Legitimacy in the Classical City-State

By M. I. FINLEY

A J. C. Jacobsen Memorial Lecture

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Synopsis

The ancient Greek city-state (*polis*) was by definition a small, autonomous, self-governing community, as was Rome (except in size) during most of the Republican period. This paper deals with two aspects: 1) its legitimacy, its entitlement to lay down binding rules; 2) conversely, why were the citizens obligated (a moral concept) to obey?

It was generally accepted that the good life was possible only within the framework of a city-state. For most people the test was a pragmatic one; they did not concern themselves with such abstract notions as legitimacy or political obligation, but neither did the theorists, in contrast with the long modern tradition in political thought. The psychological underpinning came from the ideology, the matrix of prevailing beliefs and attitudes, often unformulated or unconscious. Three areas are singled out for examination:

1) belief in long continuity stretching back to legendary time;

2) persistent (often annual) military activity in which citizen militias participated under the command of the same men who were also the higher civil officials;

3) the pervasive religious ritual, most of it public and under state auspices.

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My title contains two conceptual terms, 'authority' and 'legitimacy', that require definition, and two, 'classical' and 'city-state', that are strictly speaking artificial terms, technical jargon. 'City-state' is the modern, conventional English translation of the Greek word *polis*, paralleled by the German *Stadtstaat* but not used in French or Italian, languages that make do with plain *cité*, *città*. 'City-state' is a rather desperate attempt to capture the notion of an autonomous, self-governing community so small in both area and population that 'state' alone seems an inappropriate, even an absurd, label. The largest and most populous Greek *polis* was Athens, with a territory (the district of Attica) no more than that of the Duchy of Luxemburg today and an adult male citizenry of 35–40,000 at its peak, a total population not exceeding 300- or 350,000. The scale then descended rapidly: the great majority of Greek *poleis*, many with no more than 10,000, even 5,000, citizens, would have been lost within the confines of a modern metropolis. Yet each called itself a *polis*, rightly so.

All translations, whether 'city-state' or '*cité*', conceal the essential point that a *polis* was not a territory (though it occupied a territory); it was people, a community (in the strong sense) of its members, its *politai*, its citizens. Failure to appreciate that distinction properly is exacerbated by the double sense of *cité*, *città*. It goes back a long way. Rousseau protested in the eighteenth century: 'Le vrai sens de ce mot (Cité) s'est presque entièrement effacé chez les modernes; la plupart prennent une ville pour une Cité et un bourgeois pour un Citoyen. Ils ne savent pas que les maisons font la ville, mais que les Citoyens font la Cité.'[1] Greek linguistic practice was decisive on this point. Both literary sources and official documents invariably said that the Athenians passed a decree, declared war on the Spartans, or signed a treaty with the Milesians; never that Athens went to war with Sparta, and so on. There was of

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1 : Rousseau, *Le Contrat social*, Bk. I, ch. 6. I owe this reference to C. Ampolo, 'Le origini di Roma a la "Cite antique"', *Mélanges de l'Ecole française de Rome: Antiquité* 92 (1980) 567–76.

course a city of Athens, a limited, defined space within the territory of the Athenian *polis*, Attica, and one would journey from Sparta to Athens—perhaps to negotiate with the Athenians or to declare war on them. One would also journey to Athens from Marathon, a small town in Attica whose citizen-inhabitants were both Marathonians and Athenians. That linguistic distinction between place and people, *ville* and *cité*, was never violated.

Had Rousseau known the English term 'city-state' he could have pointed to a further confusion, arising from the word 'city'. It is only by courtesy that the centres of many of the smaller *poleis* are called 'cities' with its modern overtone of urbanism. At best they were small towns, scaling down to mere villages. Even the majority of Athenian citizens were peasants living in scattered rural villages down to the fourth century B.C., not residents of either the city of Athens or its harbour-town, the Piraeus, the two genuinely urban areas of the *polis*.

The essential point that is not to be lost sight of is that the Athenian peasants were full members of the community, full citizens. In other *poleis*, those like Corinth which were not democratic, their political rights were restricted, but they were still citizens. That had never been the case in history before the Greeks and the Romans (or Etruscans) separately invented that unique social and political structure we call the city-state. Presumably there were earlier analogous political communities in the Near East, among the Phoenicians at any rate, who then carried their institutions to Carthage in the west. The only non-Greek state included by Aristotle in his collection of 158 monographs about individual 'constitutions' was Carthage. That work is lost, though some of the information survives in his *Politics* (especially 1272b24–73b26), and I can find no ground for thinking that there was any significant diffusion from the Phoenicians to the Greeks or Etruscans (who, I take it, laid the foundations on which Roman political institutions were developed). That is why I believe it is correct to say that the Greeks and Romans 'invented' the city-state. Certainly it is the classical city-state that made its mark on subsequent history, not the possible Phoenician one about which we know effectively nothing anyway.

I thus employ 'classical' as a synonym for 'Graeco-Roman', just as the classical languages are Greek and Latin. That is another, deeply rooted modern convention, which many will think reflects a now outdated, and even indefensible, cultural value-judgment. Perhaps I should therefore state explicitly that in retaining the word 'classical' as a convenience, I am not implicitly or subconsciously carrying with it the

familiar overtones of cultural superiority or beauty or perfection or whatever. I have in the past been found 'guilty of a certain romanticizing of Athenian government' and of misapplying the term 'democracy' to a citizen-body that was a narrow minority excluding women, slaves and others.[2] It does not seem to me that a structural analysis of the classical city-states in *their own terms* requires a litany of explicit moral condemnation. It is certainly true that their citizen-bodies were minorities exploiting large numbers of men and women, free and slave, and one is welcome to disapprove of them heartily. It still remains to examine and explain how such an original system of social and political organization came into being, how it functioned, why only some city-states were pragmatically successful and politically stable for long periods, what were the ideologies underpinning the structures and why the city-state ultimately came to an end.

'City-state' is of course a generic term, a structural type, within which there were substantial variations, in size, in constitutional or governmental institutions, in the degree and duration of stability. In the end, analysis must concentrate on three of them, Athens, Sparta and republican Rome, because the surviving ancient evidence for the others is so scanty and inadequate. Three more different city-states would be difficult to imagine. Yet all three shared enough of the fundamental elements that warrant their inclusion as species of the genus city-state, as we shall see in a moment. First, however, it is worth looking at what we may call 'grey areas'. The autonomy of the *poleis* that were subject to Athens during the fifth century B.C. was a partial one only. Later the Greek *poleis* under the suzerainty of the Seleucids, the dynasty centred on Syria that arose following the conquest of Alexander the Great, and still later those in the eastern half of the Roman Empire, had an even more restricted autonomy. Plutarch gave the game away. In an essay entitled *Political Precepts*, written probably about A.D. 100 in order to instruct an upper-class youngster with political ambitions, Plutarch (in his role as essayist, not as biographer) wrote at length, sententiously, with many quotations from ancient Greek and Latin authors and many exemplary stories, but his advice remained within narrow confines: decorous behaviour, honesty, a moderate way of life, the choice of the right friends and patrons, and above all rhetoric. I can find not a single sentence in the essay about matters of substance,

2: Reviews by J. R. Fears in *Annals of the American Academy of Political and Social Science* 410 (1973) 1978, and B. Hindess in *Sociological Review* 23 (1975) 678–97, respectively.

nothing that illuminates politics.[3] And, lest any reader be misled, Plutarch introduced a blunt reminder midway in the piece (*Moralia* 313 D–E): 'When you enter into any post you must not only consider the calculation of Pericles . . . , "Take care Pericles, you are ruling free men, you are ruling Greeks, citizens of Athens"; but you must also say to yourself, "You who hold office are a subject, in a *polis* controlled by proconsuls, by Caesar's procurators."'

Republican Rome presents another kind of grey area, thanks to the steady conquest of Italy. By the end of the third century B.C. Rome already exceeded Athens on a scale of ten to one in territory, and in population by perhaps eight to one, and the expansion was to continue relentlessly. Yet to the end of the Republic, despite the imperial reality, Rome retained the machinery, and in a way even the concept, of a city-state. Greeks of the fifth or fourth century B.C. would have found this self-contradictory because, on their view, a *polis* was a community requiring direct face-to-face interchange among its members. Although a Roman citizen had to appear personally in Rome whenever he wished to participate in the affairs of the city-state, to vote for officials or to attend the meetings of the different assemblies (*comitia*), that had become physically impossible for the numerous citizens who resided as far away as Campania in the south or the Po Valley in the north (and eventually even farther).

How, then, can one sensibly include the expanded Rome, Athens, Sparta and such a tiny Greek *polis* as Thespis in Boeotia within a single class of states, the city-state? That is a question that can be asked of all classificatory terms; one need only think of the zoölogical genus, mammals, which includes mice, whales, giraffes and humans. The decision rests on the principles of each particular classification, on the elements that are considered, and can be rationally defended, to be necessary and sufficient for inclusion despite a large number of differences in other elements. The same principle is involved in all other political classifications, in the determination of what is included and what excluded within the genus state, for example, or empire or monarchy. Always there are what I have called grey areas, and then the analyst is compelled to make delicate choices. The swollen size of the

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3: Nothing could be more illuminating than the contrast with the short dialogue between Socrates and Glaucon in Xenophon, *Memorabilia* 3.6. There Socrates' advice to the young man is concentrated on the need for detailed knowledge about public finance, military resources, defence, the silver mines and food supply; cf. Aristotle, *Rhetoric* 1359b19–60a37.

Roman citizen-body is one such, the restricted autonomy of the city-states within the Athenian empire is another, but the emptiness of the self-government left to the cities within the Roman Empire removes them from the city-state class altogether.

One classificatory criterion of a city-state is beyond dispute. Any state is a structure in which the decisions of authorized individuals or bodies are binding and enforceable over everyone subject to its rule, and which in principle has the right to make decisions over the whole range of human behaviour unless it surrenders that right in one or another sphere, religion for example or communication (orally or in writing). That right may be contested in any particular sphere—conflicts between church and state are the most obvious and longstanding instances—but a defeat of the state in such a contest weakens it without undermining its classification as a state. States have varied, and continue to vary, enormously in many ways, but in the present context one variation matters above all others: who has the acknowledged right or power to make the binding decisions and how are those decisions reached? In one type of state, they are reached by discussion and argument and ultimately voting; in the city-state more narrowly by the votes of the citizens as a whole or (in oligarchies) of a sector of the whole participating directly, not by representatives as in a parliament. An ancient democracy, such as the Athenian, marked one end of the range of possibilities: all the fundamental policy decisions—about war and peace, foreign relations, taxation, the rules of citizenship and property, and so on—were made by the assembly, in which every adult male citizen was eligible to participate. (That individual officials were empowered to enforce market regulations, command the armies, or preside over the public cult is another matter, of course.) At another extreme, in the Roman Republic, popular participation, in the assemblies or in the election of annual officials (e.g. consuls), was severely hemmed in by complicated rules and weighted voting. Yet even then there was a sufficient measure of public debate and voting and the retention in sufficient measure of the rule of law, by contrast with the monarchical system introduced by Augustus. Once the principle was introduced, *Quod principi placuit legis habet vigorem* ('What the emperor decides has the force of law'), such discussion as there may have been was purely advisory; the decision-making on all points of policy was firmly in the hands of one man, the emperor, without formal restraint.

I have already stressed the originality of the Greeks and Romans in inventing a wholly new way of organizing the life of a community, a

step which imposed on them further continuing inventiveness as new and often unanticipated problems or difficulties arose that had to be resolved without the aid of precedents or models. I now must stress the fact that throughout the early history of the city-state, practice preceded theory. Precise dates are meaningless, but roughly we may locate the emergence of the city-state in the Greek world from its embryonic phase to soon after 600 B.C., in Rome to about 450 or 400 B.C. Another hundred years or more were to pass before the city-state was fully formed, to continue the biological metaphor, and it is only the complete city-state shat we shall be concerned with. It was then, too, that the first attempts were made in Greece—the first not only in the classical world but the first in all history—to reflect consciously on the state, government and politics. Reflection was not yet systematic analysis, but it was serious and controversial, as we glimpse it from the middle of the fifth century B.C. in the histories of Herodotus and Thucydides, in an anonymous oligarchic pamphlet, in fragments or quotations from the philosopher-teachers collectively known as Sophists, and, perhaps most significant of all, in the Athenian drama.

This last deserves closer consideration. In *The Suppliant Women* of Euripides, produced at the Theatre of Dionysus late in the fifth century B.C., there is a lengthy political digression, during which Theseus says the following (lines 430–442 in the translation by Tom Jones):

> In earliest times, before there are common laws,
> One man has power and makes the law his own:
> Equality is not yet. With written laws,
> People of few resources and the rich
> Both have the same recourse to justice. Now
> A man of means, if badly spoken of,
> Will have no better standing than the weak;
> And if the lesser is the right, he wins
> Against the great. This is the call of freedom:
> 'What man has good advice to give the city,
> And wishes to make it known?' He who responds
> Gains glory; the unwilling may hold their peace.
> For the city what can be more fair than that?

This is said by Theseus in the course of a debate with a herald from Thebes, the playwright's spokesman for one-man rule, against whom Theseus quotes the formula with which the herald regularly opened the discussion in the Athenian assembly, 'What man has good advice to give the city and wishes to make it known?' I am not now concerned with the rather mysterious process by which Thesus, a legendary king

of olden times, had now become the patron-saint of Athenian demo-
cracy, nor with the accuracy of his analysis. What interests me is the
fact that at the competition in tragedy, the high point of the annual
public festival in honour of the god Dionysus, before audiences as large
as 14,000, the playwrights included politics among the great moral
themes that they illumined and debated. This is a remarkable pheno-
menon that can scarcely be overestimated. As the philosopher-sociologist
Alasdair MacIntyre has strikingly phrased it in his most recent book,
'The Athenians had not insulated, as we have by a set of institutional
devices, the pursuit of political ends from dramatic representation or
the asking of philosophical questions from either. Hence we lack, as
they did not, *any* public, generally shared communal mode either for
representing political conflict or for putting our politics to the philo-
sophical question.' [4]

'Communal mode' is the key phrase. The world in which these first
political reflections arose was one made up of what I have already called
'face-to-face' societies,[5] in which there was continuing contact from
childhood with public life, and therefore a larger element of political
education (in a strict though not a formal sense) in the process of
growing up than in most other societies before or since. Citizens were
members of varied formal and informal groups—the family and the
household, the urban neighbourhood or the village, military and naval
units, occupational groups, upper-class dining clubs, innumerable private
cult associations. As in all Mediterranean societies, furthermore, people
congregated out of doors, on market-days, on numerous festive occasions,
and all the time in the harbour and in the town- or village-square. All
these venues provided opportunities for news and gossip, for discussion
and debate, hence for continuing political education.

The communal means of communication was then by talk, by the
spoken, not the written, word. The ability to read and write became
fairly common in many advanced parts of the classical world, but
alphabetism is not genuine literacy. In the assemblies and the courts,
in particular, everything was presented orally, not only the arguments
of politicians or advocates and the testimony of witnesses but even the
documents that were submitted, which were read out. Hence the oration
and the dialogue became major literary genres, preserving the flavour
and some of the function of the actual dialogue and the actual speech.

4: A. MacIntyre, *After Virtue, a Study in Moral Theory* (London 1981), pp. 129–30.
5: I take the phrase from Peter Laslett's interesting essay in *Philosophy, Politics and Society*,
   ed. Laslett (Oxford 1956), ch. 10.

Only the élite (and their direct agents) consulted documents and books. The people as a whole relied exclusively on oral communication, regardless of their ability to read and write, for there were *no* mass media, *no* popular 'literature', *no* popular pamphlets or broadsheets, *no* popular magazines or novels. That was the reality behind Aristotle's famous proposition (*Politics* 1326b3–7), 'A state composed of too many will not be a true state, for the simple reason that it can hardly have a true constitution. Who can be the general of a mass so excessively large? And who can be herald, except Stentor?'

In principle, the power of a city-state was total over everyone who entered its territory, including the citizens themselves, the members of the community. The *polis*, in Jacob Burckhardt's phrase, was *unentrinnbar* (inescapable) unless one chose to run away literally, to go into exile.[6] It could kill, either directly through capital punishment or indirectly by ordering men to go into battle; it could take away property, by taxation or confiscation; it could lay down and enforce rules regarding religion, economic behaviour, family relations (including the right to marry and to inherit), inter-personal relations, and so on through the whole gamut of human behaviour. That it did not always do so was the consequence of its own exercise of self-denial, explicitly or tacitly, not of any over-riding concept of natural rights or inalienable rights, or of the acknowledged existence of a higher political or moral authority. Principles existed, of course, called justice, the rule of law, ancestral tradition (*mos maiorum*), and though one should not underestimate their influence on governmental behaviour, it is noteworthy that the state itself was the sole arbiter both of their content and of their applicability in any specific instance. Normally, the city-state respected these principles or norms: it is a mistake to deny that on the ground that their norms were often radically different from ours, or appeared to be so, as in the legal approval of slavery or in the execution of Socrates or in the Roman practice of decimation as a method of military discipline, the arbitrary execution of every tenth man in a brigade or platoon.

The history, governmental machinery, rules and policies, norms and beliefs of the ancient city-states are well enough known, but the aspects I want to discuss have been neglected by historians. And so at last I come to authority and legitimacy. What other than the mere ability

6: J. Burckhardt, *Griechische Kulturgeschichte* (Wiss. Buchgesellschaft ed., 1956) I 77. For what follows immediately, see M. I. Finley, *Economy and Society in Ancient Greece* (London 1981), ch. 5.

to coerce and punish gave the city-state its claim, its title, to rule and to expect obedience? Where, in other words, did it obtain its legitimacy? (Parenthetically, I am obviously not concerned with the narrower use of legitimacy to mean the title of a particular royal dynasty to rule within a state.) What warranted the authority of its agents—assemblies, senates, consuls—to lay down rules in its name and to expect obedience? Conversely, what was the basis of the political obligation of its members and what were the limits to that obligation, if any? Concretely, why *should* (or *ought*) a citizen accept as binding on him an order to go to war, to pay taxes, or to stand trial on a charge of impiety? The alternative question, Why *does* a citizen pay taxes and so on?, is of a different order because it can be answered by reference to fear of punishment or to inertia or habit, explanations that lack a moral dimension.

It is indisputable that the stable city-states retained widespread allegiance for long periods of time. That is a tautology, for allegiance is a 'social fact' unlike obligation, which is a moral or ideological category.[7] It is no less indisputable that many Greek city-states were unable to command sustained allegiance and went from one *stasis* to another. *Stasis* is a portmanteau Greek word meaning civil strife, and in its extreme form civil war. The 'cycle of constitutions' became a stock theme among ancient political writers and detailed accounts of *stasis* fill the pages of the ancient historians. But throughout these accounts legitimacy was never challenged or proclaimed by the rebels, nor was a right of rebellion or even of civil disobedience formulated in general terms. *Stasis* was avowedly a clash of interests, nothing more, whether or not it was covered by rhetoric about justice or equality. Aristotle cut through the rhetoric in his lapidary statement (*Politics* 1279b6–9), 'Tyranny is the rule of one man to the advantage of the ruler, oligarchy to the advantage of the rich, democracy to the advantage of the poor.'

None of this is in the least surprising. In most states, past and present, abstract analysis of such concepts as legitimacy is left to a small number of political thinkers. Most people, when they discuss government and politics, concern themselves with specific policies, such as foreign affairs or taxation or price controls, or with a few broad ideological notions (to which we shall return). The state as such is accepted on existential grounds: its legitimacy rests in its continued and successful existence. There is 'a broadly utilitarian consensus that political obligation is owed

7: John Dunn, *Political Obligation in Its Historical Context* (Cambridge 1980), p. 157.

(and only owed) to political forms towards which it is to the long term
collective advantage to acknowledge it'.[8] In the city-states the premise,
one might say the axiom, was widespread that the good life (however
that was conceived) was possible only in a *polis*; that the regime was
expected to promote the good life; that therefore correct political judg-
ments, the choice between conflicting policies within a *polis*, or, if matters
reached such a stage, the choice between *polis* regimes, should be deter-
mined by which alternative helped advance the good life. The main
divergences were thus in practical judgments, not in the premises. The
good life, it should be stressed, had a substantial material component,
and the fundamental disagreement normally rested on material interests.
To be sure, the beliefs and arguments often included appeals to justice,
fairness, proportional equality or innate ability to rule, but, however
honestly believed or deeply felt, they did not challenge the legitimacy
of the city-state as the only possible political condition for the good life.
That notion remained the frame within which the practical disagree-
ments were thrashed out.

Even Plato and Aristotle agreed with the central premise, much as
they disagreed with the conclusion because they were logically compelled
by their over-arching theory of the nature of man and of the cosmos to
reject *all* current political judgments as false to a greater or lesser extent.
Yet they, too, made no sustained effort to defend or justify the premise
that the good life is possible only in a city-state. Aristotle's famous
definition (*Politics* 1252b9–53a39) of man as a *zoön politikon* (often
mistranslated as a 'political animal') is comprehensible only in the
light of his metaphysics, specifically of the doctrine that everything in
'nature' has its specific purpose, function, end (*telos*) which it must
strive to achieve or attain. A correct translation of *zoön politikon* therefore
requires a cumbersome paraphrase—man is a being whose highest goal,
whose *telos*, is by nature to be a member of a *polis*. Otherwise he cannot
live the truly good life, the life for which he has the potential by nature.

The rhetoric about who other than Stentor could be herald can
scarcely be considered a serious attempt to *demonstrate* that proposition.
And there is no other. That is to say, the great theorists of antiquity
felt no need to grapple with the problem of legitimacy, which today
'figures at the very heart of our concern with the nature and value of
modern society' as 'a main dimension of *political culture*'.[9] It is not at

8: *Ibid.*, p. 202.
9: J. G. Merquior, *Rousseau and Weber: Two Studies in the Theory of Legitimacy* (London
    1980), p. 1.

all obvious why a problem that came to the fore in the Middle Ages and has been important ever since should not have arisen in antiquity, and I confess that I have no explanation to offer. The suggestion that its appearance in the Middle Ages was 'prompted by the collapse of direct rule in the ancient world' does not convince.[10] For one thing, direct rule 'collapsed' in the ancient world too long before legitimacy first became a subject of reflection in the Middle Ages. It collapsed in large parts of the Greek world when monarchies were established by the successors of Alexander the Great, and again in Rome with Augustus (and indeed earlier when the armies of Sulla, Pompey and Caesar intervened at critical moments in the decision-making process). All this stimulated discussion enough, some of it at the level of interest, some at the level of rights and wrongs, but none of it in any systematic way about the title to rule, about legitimacy. It cannot seriously be maintained that Augustus' rhetorical claim to have restored the *res publica* or the scattered statements in the writings of the Roman jurists resting imperial authority on a grant by the 'senate and people' are on the same level of discourse as the line of doctrines that stretches from William of Occam through Bodin, Hobbes, Locke, Rousseau to, say, Gramsci.

In the absence of a serious consideration of legitimacy, one cannot expect to find genuine reflection about authority within the city-state or about its converse, the political obligation of the individual citizen to the state as a whole or to its agents. The latter had delegated authority: it could not possibly be disputed that delegation was unavoidable for the innumerable day-to-day activities required of the state, whether policing the market-place or building a temple or minting coins or leading an army into battle. The sole question was whether civilian and military officials acted properly or not in any given instance, a mere question of fact. Strict controls over officials, with severe penalties for malfeasance (which need have no suggestion of criminal behaviour), can be documented profusely in the Greek sources. Not even those strange anomalies, the two hereditary kings of Sparta, were immune; nor generals and ambassadors who were given plenipotentiary powers in specific assignments, but who could subsequently be overruled and punished (even capitally) for steps they took under those unlimited powers.

10: *Ibid.*, p. 2, who follows R. Polin in the symposium volume, *L'idée de légitimité* (*Annales de philosophie politique*, no. 7, Paris 1967). Polin asserts the view without argument (pp. 17–18) and, in my judgment, proceeds to undermine it in the succeeding few pages.

As for the converse, the obligation to obey, the deafening silence in the sources suggests the prevalence of a truism, namely, that it is self-evident that the members of a community should obey the community's rules and decisions, I know of only two discussions deserving of notice in the surviving literature. One is the 'cynical' line among the Sophists of the late fifth century B.C., exemplified by Callicles and Thrasymachus in two dialogues of Plato's, the *Gorgias* and the *Republic*. Schematically stated, their view was that the city-state arose from a conspiracy by the weak to curb the 'natural' power of the strong. However, any similarity with modern social-contract theory is misleading because those Sophists rejected the conclusion, familiar from Thomas Hobbes, that such restraint on the 'natural' power of the strong is a necessary condition for a civilized society. They offered no title to rule, no concept of legitimacy, for one governmental system, one type of state, over any other, unless it be for tyranny in its pejorative sense of despotism.

The other discussion, and a very odd one it is, is Plato's in a brief early dialogue, the *Crito* (which may be a genuine reflection of the views of Socrates).[11] Socrates in prison, awaiting execution, firmly rejects the offer of his friends to procure his escape. His argument, in brief, is a minimally conrractarian one: any man who has chosen throughout his long life to remain a resident and citizen, and who, furthermore, has served on the council and has carried out his military duties, has thereby agreed to obey the law and the decisions of legitimate authorities. Therefore an act of disobedience, even when the decision was an unjust one, would be morally wrong. There are insuperable difficulties: the argument contradicts the view Plato has Socrates express in the *Apology* (37E–38A); it is incompatible with everything Plato himself believed; it can be controverted as an argument without any reference to its historicity. Despite all that, the text of the *Crito* exists, and its very exceptionalism tells us enough about the low ranking of political obligation (and also of civil obedience) among explicit ideological concerns and disputes in antiquity.

It will have been noticed that Rome has scarcely appeared in my discussion so far, in particular that the ancient writers I have quoted

11: The most elaborate analysis, uneven in quality and cogency, of the 'interesting bad argument' is that of A. D. Woozley, *Law and Obedience: The Argument of Plato's Crito* (London 1979). A short preliminary account appeared in *The Philosophy of Socrates*, ed. G. Vlastos (Garden City, N.Y., 1971), pp. 299–318. I have not forgotten the jejune 'dialogue' between Socrates and Hippias in Xenophon, *Memorabilia* (4.4.12–25), to which it is impossible to give credence.

or referred to were all Greeks. The situation is perplexing. Republican Rome, the city-state of Rome, had all through its history a sufficient number of institutions and situations to stimulate the kind of political reflection and analysis that we have seen among the Greek city-states. True, the Romans were not faced with the puzzle of the great variety of constitutional arrangements in the classical Greek world that was the starting-point for Greek political reflection and speculation in the fifth century B.C. There may have been variety in Italy, but the sole Roman concern with their neighbours (in and out of Italy) was to conquer them. This they did with calculated ferocity, accompanied by contempt. There was nothing there requiring analysis or explanation. But there was, for example, the excessive authority of the higher officials, the consuls and praetors, endowed for their year in office with *imperium* (a term that had no Greek equivalent) and in effect immune in practice from any accounting, or there was the enormous power that the Senate arrogated to itself in the course of time. Why is there no trace of serious discussion of such essential political matters?

The extent of the silence cannot be exaggerated, at every level. No doubt there was private discussion and disagreement, at home, in the shops and taverns and wherever else people met, but of such talk we can know nothing. What is striking, however, is the absence of *public* discussion. On the popular, relatively unsystematic level, if I may repeat my earlier quotation from Alasdair MacIntyre, the Romans, too, 'lacked any public, generally shared communal mode for putting their politics to the philosophical question'. Roman dramatists, notably, were men of low social status who rarely dared jibe at important public figures and never discussed fundamental questions of political institutions or obligations.[12] On the more systematic, analytical and speculative level, we have to come down as late as the Greek historian Polybius, writing in the middle of the second century B.C., before there was any. And he was a Greek writing for Greeks, trying to fit Rome into the concepts of Greek constitutional history and theory, so unsucessfully that, in the words of our leading authority on Polybius, Frank Walbank (who is much more sympathetic to Polybius then I am), he was blinded 'to an extraordinary degree to the elaborate texture of political life which throughout this period ensured the domination of the *nobiles*'.[13]

Anyway, Polybius' 'philosophical' views were without influence or

12: See H. D. Jocelyn, 'The Poet Cn. Naevius, P. Cornelius Scipio and Q. Caecilius Metellus', *Antichthon* 3 (1969) 32–47.
13: F. W. Walbank, *Polybius* (Berkeley 1972), p. 155.

even resonance among contemporary Romans. Indeed, not before Cicero (and his younger contemporary, the historian Sallust) do we encounter *Roman* political reflection in any way comparable with that with which the Greeks had been familiar from the fifth century B.C.[14] By the time Cicero composed his *Republic* between 54 and 51 B.C., furthermore, the Roman city-state was entering its final decade. Both the *Republic* and its companion work, the *Laws*, are filled with valuable insights into the working and the 'spirit' of the Roman political system. However, the pretension that Plato was his model—hence the titles of the two books—is preposterous. Like Mommsen, I find them 'as unphilosophical as unhistorical'.[15] Their language and tone are rhetorical, not philosophical; even when he borrows the Stoic concepts of 'natural law' and 'natural reason', he turns them into mere rhetoric, into terms of 'approval for whatever idea (one) wanted to recommend at any particular time'.[16] But then, in the *Republic* he himself insisted more than once that what an experienced Roman statesman of olden times had to say is 'much more fruitful than the whole body of Greek writings' (1.23.17).

One passage from the opening of the third book of the *Laws* will suffice to illustrate: 'As the laws stand over the magistrates, so the magistrates stand over the people; it can truly be said that the magistrate is articulate law (*lex loquens*), the law a silent magistrate. Nothing is so appropriate to the rule (*ius*) and order of nature ... as *imperium*, without which neither a household nor a city-state (*civitas*) nor a people can exist, nor the whole of nature nor the universe. For the latter obeys god ....' The passage closes with the formulation of a statute that opens as follows: 'The commands (of magistrates) shall be just, and the citizens shall obey them willingly and without demur.'

Little reflection is needed to expose the lack of rigorous thinking or indeed of any logic behind this beautiful rhetoric. There is no rational justification for the statement that a household, a city-state and the cosmos all follow the same rules of behaviour, and indeed Aristotle in

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14: We must allow for the possibility that earlier examples have been lost, perhaps in the speeches of Cato or of Tiberius Gracchus. However, in the case of Cato there is good reason to accept Plutarch's statement (*Cato* 23.1) that he was hostile to philosophy and philosophers, so that he is unlikely to have constituted an exception; see A. E. Astin, *Cato the Censor* (Oxford 1978), ch. 8, 10.

15: T. Mommsen, *Römische Geschichte* (Deutsche Taschenbuch Verlag ed., 1976) V 287 (= III 622 in the standard ed.).

16: G. Watson, 'The Natural Law and Stoicism', in *Problems in Stoicism*, ed. A. A. Long (London 1971), pp. 216–38, at p. 235.

the opening pages of his *Politics* had easily demolished such a notion with respect to the household and the city-state alone. And Socratic dialectic would have destroyed in equally short space the neatly balanced 'the magistrate is articulate law, the law a silent magistrate'. Yet Cicero was a very powerful and influential rhetorician who expressed consummately the traditional ideology of the Roman élite; that is to say, the combination of beliefs and attitudes, often unformulated or subconscious and certainly neither coherent nor necessarily consistent, which underlay their thinking and their behaviour. And not only the élite. For several centuries, Roman citizens *en masse* willingly and with little demur obeyed the commands of the magistrates, whether just or not, in particular the command to march into battle year in and year out.

A ruling ideology is of little use unless it is accepted by those who are being ruled. That acceptance was widespread not only in Rome but in the more stable Greek city-states is evident, given the relatively small coercive power available internally.[17] I say this without any implication of Machiavellianism or of a 'devil theory' of history. No one said to himself, We must find an ideology that will bend the people to our will; nor did the mass of the people regularly and consciously say to themselves, Our attitudes and beliefs require us to take a particular course of action. Ideology, or rather the set of ideologies, a *Weltanschauung*, is the matrix of attitudes and beliefs out of which people normally respond to the need for action, including the need arising from a command, without a process of ratiocination leading them back to the attitudinal roots or justification of their response. When Roman legionaries and Athenian hoplites received a call-up order, or when citizens attending an assembly meeting reached the stage of voting for or against a proposal, they responded as a matter of course, called duty, in the first example, they decided in the second example according to concrete considerations. Only an eccentric or on occasion a professional philosopher engaged himself in a lengthy disquisition on legitimacy, authority and obligation. No doubt these abstract concepts were touched on from time to time in private conversations, and under such special circumstances as the Athenian theatre they were brought to the surface in a public discussion. Basically, however, the links between ideology and behaviour were indirect and invisible. Can we uncover them, if

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17: I shall argue the point of little coercive machinery in my forthcoming book, *Politics in the Ancient World*. Limitations of space compel me merely to assert it here.

only speculatively? That is what I shall attempt to do in the final section of this essay, concentrating on three elements of the matrix.

The first is the belief in long continuity stretching back to legendary time. Such appeals to the past are a commonplace throughout history.[18] A notable example is the insistence of even divine-right monarchs in modern history on the long duration of their dynastic line, 'proved' by complicated and not infrequently dubious genealogies: 'consecration by time' was often a more powerful ideology than consecration by God in the face of competing dynastic claims or revolutionary threats.[19] Cognate in the ancient city-state was the attribution of the system as a whole and of detailed institutions and practices to legendary figures, notably Theseus in Athens, Lycurgus in Sparta, Romulus in Rome; or to men who may have been historical, such as the Roman 'kings' Numa Pompilius and Servius Tullius (I know no way to determine whether they actually existed or not), but whose exploits and laws were no less legendary. The concern was not with historical inquiry or accuracy but with what an American historian identified as a 'usable' past.[20] Constant appeal to what the Greeks called *nomos* and the Romans *mos maiorum*, habitual practice, usage, custom, especially when embodied in the works of the ancient culture-heroes, helped to consecrate 'national' identity, and therefore identification with the system, a sense of common involvement, belief in the legitimacy of the regime. All this was unreflective, habitual, but no less powerful for that.

The second aspect of ideology was dialectically connected with the whole complex of military institutions and activities. That is a subject I have deliberately postponed to this point and I must treat it briefly and schematically. In principle, there was no separation between the civil and military 'departments' of government. The army (but not the navy) was a militia of all citizens between the ages of eighteen and sixty who were financially capable of arming themselves, and the highest commands were held in the field by ranking civilian officials.[21] There was no military caste or military élite, though military glory was

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18: I have discussed the point in detail in my Cambridge Inaugural Lecture, *The Ancestral Constitution*, reprinted in my *Use and Abuse of History* (Cambridge 1974), ch. 2.

19: P. Bastid, p. 5 in the symposium cited above in n. 10.

20: H. S. Commager, *The Search for a Usable Past* (New York 1967).

21: I ignore the military use of allies, subjects, mercenaries or freed slaves. However important they may have been in military terms, they were at most marginal with respect to the issues we are considering.

important for individual reputations and careers. Of course, these schematically stated rules were subject to many variations and even departures from the fundamental principle in the course of centuries, but for our present purposes only specific peculiarities of each at the three most stable city-states, Sparta, Athens and Rome, need to be singled out.

In Sparta the militia constituted the whole citizen-body, dedicated from the age of seven to a full-time military life, commanded by the two hereditary kings, or, when additional generals were required, by men chosen from the ranks. In Athens during the great imperial period of the fifth century B.C., the ten generals (*strategoi*) were annually elected and were eligible for repeated re-election, decisively breaching two rules, namely, that officials were normally chosen by lot and that their annual tenure of office was not renewable. A large proportion of the *strategoi* were elected because of their political importance, not for their military skills. And then there was the large Athenian navy, made up in the ranks, among the rowers, of volunteers from the sector of the citizen population that was too poor to enter the militia and for whom the naval pay, though low, was essential in attracting men to the service. The key role of the navy in achieving and maintaining Athenian power abroad introduced a dimension into the ideology that was absent elsewhere so far as we know.

As for Rome, it offered a whole series of peculiarities, quantitative, qualitative or both together, setting it apart for all other city-states. To begin with, there was a uniquely military flavour in the political terminology. The root-sense of the untranslatable *imperium* was 'order', 'command', and its visual symbols were the *fasces* (Etruscan in origin), carried by lictors who were always in attendance on consuls and praetors. Contemporary Romans needed no learned gloss to make the connection with the military basis of civic authority, especially as the annually elected consuls, and when necessary the praetors, were also the commanding generals during their year in office. There was nothing comparable in the Greek city-states, nor did the latter develop an institution like the formal triumph, a prize that the historian Livy (30.15.12) called 'the most magnificent distinction' that could be awarded in Rome. Like *imperium*, the triumph had a marked sacral aspect,[22] and that was one expression of the central place of war in the religion, notably in the formal ritual system, of the Roman state.

22: H. S. Versnel, *Triumphus* (Leiden 1970).

The Greeks of course also began and conducted wars with appeals to the gods and offered thanks at the end, but the Greek sacral calendar lacked the series of military festivals that filled the pontifical Roman calendar for the whole of the campaigning season, and their war-god Ares had virtually no cults in contrast to the very powerful and constantly worshipped Mars.[23] Nor was there a Greek paralled to the *sacramentum*, a particularly solemn oath of loyalty to his general that every Roman soldier and officer swore each time he was called up, and which he was required to repeat each time the general was changed.[24]

Behind the ritual lay a hard reality. War was a normal part of life: there is nothing in modern experience quite like it. Not all periods in Greek history compared in intensity with the Persian and Peloponnesian wars, but there were few years in the life of most Greek city-states, and hardly any two years in succession, without some military engagements in which the brunt of the fighting was borne by citizen militias. The Roman experience was even more stupendous. It has been estimated that during the half-century of the Hannibalic and Macedonian wars, ten percent and often more of all Italian males (Roman citizens and the citizens of their Italian 'allies') were at war year by year, and that this ratio rose during the wars of the first century B.C. to one in every three males. Analysed differently, the available figures suggest that in the early second century B.C. possibly half of all Roman citizens served in the army for seven years altogether.[25] Furthermore, Roman campaigns became progressively lengthier than the Greek and more distant from home, Roman army discipline much stricter.

In sum, we are faced with something beyond the obedience and discipline that characterizes armies in many periods of history: we are dealing with whole citizen-bodies in whose psyche obedience to military authority had become embedded, and I suggest that the consequence was an important contribution to the ideology of political authority and legitimacy. 'One of the finest of your laws', said the Athenian to the Spartan in Plato's *Laws* (634D), 'is the one absolutely prohibiting

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23: See H. Le Bonniec, 'Aspects religieux de la guerre à Rome', in *Problèmes de la guerre à Rome*, ed. J.-P. Brisson (Paris and The Hague 1969), pp. 101–15; W. K. Pritchett, *The Greek State at War*, vol. 3 (Berkeley 1979), pp. 154–63.

24: Any supposed parallel with the 'ephebic oath' in Athens is essentially false. Once in his life, on coming of military age, a young man swore a generalized oath of loyalty to the community, not of loyalty to an individual commander.

25: P. A. Brunt, *Italian Manpower 225 B.C. – A.D. 14* (Oxford 1971), Pt. IV; K. Hopkins, *Conquerors and Slaves* (Cambridge 1978), ch. 1, respectively.

any of the young men from inquiring whether any of the laws is good or not.' I cannot imagine that when the Spartans met in assembly they suddenly dropped their normal habits of mind while they listened to speakers who were otherwise the very men from whom they took orders without questioning or hesitation. Nor can I believe it to be pure coincidence that it was precisely in Sparta and Rome that direct popular participation on political affairs was kept to a low level, that, for instance, the political assemblies were restricted to voting yea or nay on measures proposed by the higher officials, without the right to debate or amend. It was also precisely Sparta and Rome that failed to provide public occasions for 'philosophical' discussions of political questions, and failed to produce a literature of serious political reflection by historians, publicists, orators or philosophers.

And finally we come to religion, the third aspect of the ideology, the most complex and in a way the most paradoxical of all. Religion was pervasively visual, so to speak, in the classical world, with its landscape crowded with altars, shrines, temples and sacred precincts. The calendar, too, was crowded with sacred days and festivals, each with its strict rituals meticulously observed, sometimes with consequent delay and some disruption of both public and private business. No public action and few private ones were undertaken without supplicating the gods beforehand through prayers and sacrifices and without repaying them for success afterwards with gifts and dedications. The hand of the state was omnipresent: there was no canon law distinct from civil law, for both were laid down and enforced by the same organs of the state. And the Romans extended religiosity so much further that Greek observers were moved to awed comment (Polybius 6.56.6). Cicero attributed Rome's greatness to divine favour in return for strict observance of the rites and cults established by Romulus and King Numa (*On the Nature of the Gods* 3.5). His passing over the many changes and innovations in the rites since the heroic age is characteristic of the search for a usable past, but it nevertheless points to the basic fact that proof of the rightness of ritual procedures was a simple pragmatic one, and no other ancient state passed that test with such high marks.

Clearly the psychological effects of a continuous, massive, solemn sharing in state rituals that passed the pragmatic test over long periods included reinforcement of the sense of 'national identity' and of the belief in the rightness, the legitimacy of the system and of those in authority in it. That is obviously important, but there were limits. Justice may have come from the gods—that was widely accepted—and

the gods endowed man with reason and with the potential to discriminate morally and therefore politically, but neither Greek nor Roman religion had either the substantive doctrines or the ecclesiastical machinery to sanction (or legitimate) a particular ruler, regime or system. In constitutional crises, there were frequent appeals to ancestral tradition but not to religious sanction. Much as one may have hoped for divine support in advocating or resisting change, there was no basis for believing that the gods were concerned with the substance of a political issue. Not only in times of *stasis*: there is neither documentary evidence nor reason to suppose that policy-making was ever determined or deflected by reference to divine will or divine precept. The conduct of a battle was occasionally disrupted by a festival or an unfavourable omen: the Romen élite, represented by the augurs, manipulated the rites of consulting the gods in order to delay action, but delay is not determination of policy, and it was anyway excused because the *time* was deemed unfavourable, not the action itself. There was no divine right, no theodicy in the classical world before the triumph of Christianity. In other words, the ideology of legitimacy and authority was a multifarious one, as was the city-state system which the ideology helped legitimate.

Ideology alone could of course not preserve the city-states. The overwhelming majority were simply too small either to provide minimal utilitarian satisfaction for long periods or to defend themselves against external aggression. That proved true even of Sparta, with an adult citizen population of only nine or ten thousand at its peak that declined steadily (for reasons I cannot discuss) to a thousand or so by the middle of the fourth century B.C. A major military defeat at the hands of Thebes in 371 B.C. left Sparta a mere shadow, living in a mirage that is of interest and importance only as a mirage, not as a functioning city-state. Only Athens remained a genuine exception among the Greeks, until Macedonian power proved too great, and even then the Athenians tried half a dozen times to reestablish their independent democratic system before succumbing finally in 261 B.C.[26] Rome, as always, went in a different direction: her fatal flaw stemmed not from weakness but from excessive growth and strength. By the time Rome had conquered half the world, by the middle of the second century B.C., the city-state

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26: Perhaps Rhodes and Marseilles were also exceptions, as they retained their independence until the Roman conquest, but we know nothing about their political life or thinking.

machinery and ideology were becoming wholly anachronistic. In the language of Max Weber, for the great majority of Romans the system had ceased to be purpose-rational (*zweckrational*) or its ideology value-rational (*wertrational*). It was only a matter of time when the whole complex was swept away, to be replaced by absolute monarchy.

New structures and new systems required new values, new ideologies, new theories. The survival in later eras, including much of the modern era, of rhetoric drawn from classical writers, notably Ciceronian, creates an illusion that city-state values and theories about the state constituted a genuine legacy. Thomas Hobbes' bitter and contemptuous attacks on Aristotle should help to dispel the illusion.[27] For a genuine intellectual legacy one must turn to metaphysics, logic, personal ethics, not to political thought. In the field we have been considering, the classical city-state still provides rich ground for historical reflection; it does not provide models.

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27: See J. Laird, 'Hobbes on Aristotle's Politics', *Proceedings of the Aristotelian Society* 43 (1942–3) 1–20. As always one can cite a few exceptions, the most important being the limited one of the interest of Rousseau and of the English Utilitarians (notably John Stuart Mill and George Grote) in the participatory democracy of Athens.

Det Kongelige Danske Videnskabernes Selskab
Historisk-filosofiske skrifter
Hist. Filos. Skr. Dan. Vid. Selsk.
Priser excl. moms / *Prices abroad in DKr.*