

The problem of non-institutional politics

The ancient Greek tongue and the political practice of the Athenians offer us a precious – and, in my opinion, universally valid – distinction among three spheres of human activities that the overall institution of society must both separate and articulate: the *oikos*, the *agora*, and the *ekkleisia*.

(Castoriadis 1997b: 7)

When he was an old man the lawgiver Solon met the tragedian Thespis. The art of tragedy was just starting to come into its own and Solon wanted to see the new art for himself. After the performance (presumably a sensational one) he pulled Thespis to the side and asked him, was he not ashamed to speak lies before so many people? Thespis replied that it was just play (*paidian*). This remark made Solon furious. He struck his staff on the ground and exclaimed, “If we honor and praise such play we will soon find it in our contracts!” (Plut. *Sol.* 29. 6–7). Right on the heels of this story in Plutarch’s narrative follows another that seems to prove Solon right. Pisistratus appears in the Agora claiming that “enemies of the people” had attacked him; in reality he had wounded himself. Solon immediately sees through the ploy. Again he pulls aside the “actor” and confides to him, “You are not playing the part of Homeric Odysseus very well, son of Hippocrates. You are deceiving your fellow citizens, while he wounded himself to deceive his enemies” (30. 1). He was referring to Odysseus’ famous ploy when he disfigured and disguised himself as a beggar in order to infiltrate Troy (*Od.* 4. 244). Sure enough, the wily Pisistratus subsequently used the bodyguard that the demos gave him for his protection to claim sole rule over Athens. He outfitted them with distinctive clubs and used them as his personal enforcers. This trick would become proverbial. Plato called it “the storied tyrannical

request” which invariably leads to the concentration of power in the hands of one man (*Rep.* 566b5). Aristotle described it as an example sufficiently well known to support the argument that “whoever is plotting for the tyranny requests bodyguards” (*Rhet.* 1357b35).

But Solon was not just an astute critic of theatricality. He was able to see through it because he was also an actor himself.¹ Plutarch has a third story from Solon’s younger days that illustrates this. The Athenians were engaged in a long and fruitless war over the island of Salamis. Tired of the war they passed a law forbidding anyone to even mention it on the penalty of death. As Plutarch tells it, Solon evaded this prohibition with the help of a stunt similar to Pisistratus’ (8. 1–3). He knew, somehow, that public opinion was secretly in favor of resuming the war but the prohibition prevented it from manifesting. People were not discussing it because they were afraid of violating the law and thus no collective action was possible.² But Solon had a plan. He first spread a rumor around the city that he was insane. This was important in setting the stage for his performance. Putting on a felt hat (perhaps signifying a convalescent state), he burst into the Agora, stood on the herald’s stone, and broke out into an elegiac song he had composed and memorized about Salamis.³ “A large crowd ran together.” The performance got people talking and led to public debates about the war; even Pisistratus himself spoke publicly in favor, presumably at an Assembly meeting.⁴ And thus the war resumed thanks to a theatrical stunt.

So Solon seems to want it both ways. He criticizes others for introducing theatricality into serious business and politics where it does not belong, but he is not above using it himself when it suits his interests. This is not merely hypocrisy. In the figure of Solon I find the manifestation of a basic tension in Athenian politics. Informal forms and forums of communication presented a challenge to Athenian institutions

¹ “The themes of theatricality, feigned behaviour, the spilling over of the poetic into the political, swarm around the figures of Solon and Peisistratus” (Irwin 2005: 274); cf. D.L. 1. 49–50. For the relationship between Solon and Pisistratus see Irwin 2005: 263–80. For Solon’s warning about Pisistratus’ trickery see also P. Oxy. 664. 2–6.

² As Ober (2008: ch. 3) would put it, they had a “coordination problem.”

³ See Irwin 2005: 139–42 for the significance of the hat (echo of Telephus or Odysseus in rags); Noussia-Fantuzzi 2010: 203–10 suggests the entire story is based on the fragment of the ode, a symposium being the more likely original venue rather than the Agora.

⁴ In Polyaeus, the poem itself instills the Athenians with a martial energy (1. 20. 1). There is no mention of formal legislation.

and the status hierarchies they relied on. And yet the resources they provided were simply too important for politicians to ignore.

In a nutshell, the reason for the tension had to do with the fact that “stunts” like Solon’s and Pisistratus’ should not have been necessary. The Assembly and the courts were supposed to be reliable conduits of the demos’ deliberations and judgments. Decisions were immediately binding on the whole city; there was no mechanism of appeal from a jury verdict, no higher court. The political institutions did not represent the demos; they *were* the demos. Non-institutional politics represented a *conceptual* challenge to this illusory but necessary equivalence between institutions and public. I say conceptual rather than actual because it is not the case that non-institutional politics were a completely different means of doing politics or provided a political voice to those who would not have one otherwise. They were not on a par with the “contentious politics” that are familiar in the mass media era: protests, rallies, marches.⁵ The challenge of non-institutional politics was conceptual because it challenged the efficacy of institutional procedure as a mechanism sufficient in itself for the production of social knowledge.

The tension between the two kinds of politics arose because both were after the same prize: public opinion. Deliberative politics sought to influence it by involving large numbers of citizens in communal rituals of knowledge-creation.⁶ By raising their hands to vote in the Assembly, or casting a ballot in a trial, they were also participating in the deliberative arena, endorsing the policy or legal arguments before them while also contributing to their dissemination throughout the city, and indeed (as I argued in the previous chapter) to their enforcement. Politics outside the institutions provided unmediated access to the resources of the public sphere, rumor and gossip, while bypassing the institutional channels, or worse, while influencing their operation. Street politics sought to put protagonists into certain familiar roles and identities: the victim, the transgressor, the champion, the leader. They sought to put the public in a particular mood that would make it receptive to subsequent arguments or ideas, influencing the outcomes of votes in the Assembly and courts.

⁵ On the terms “contentious politics” see Tilly 2008.

⁶ For an analysis of Athenian rituals as knowledge-creating practices, see Ober 2008.

Solon's Salamis Ode paved the way for a formal decision to go war over Salamis. Pisistratus by his act of self-wounding presented himself as the embattled champion of the people against those who wished them ill. In turn, heightened interest and emotion would make a formal decision or act more likely to take effect.

From an institutional perspective, only the contest between the formal, opposing speeches should matter. The system worked best when the orator undertook to present himself as he really was, and to provide the honest and best advice that he sincerely believed in.⁷ As Demosthenes describes the ideal *rhetor*–audience relationship: “It is the duty of a well-intentioned [*eunou*] and just citizen to submit to being heckled [*thorybêthênai*] ... about a position that he has convinced himself will benefit the city ... And yours is to endure the speeches of both sides so that if a better alternative than the course on which you have embarked should appear, you can take it” (*Ex. 5. 1–2*).⁸ Aristotle's *Rhetoric* can be read in part as an attempt to delimit the bounds of institutional reason, famously counting as “out of bounds [*ἔξω τοῦ πράγματος*]” anything to do with manipulative performance (1358a22, 1404a).⁹ Aristotle's attempt to delineate a pure art of argument-based rhetoric as a form of institutional communication finds an analogy in practical attempts to keep apart the institutional from the non-institutional.

SEPARATING THE INSTITUTIONAL FROM THE EXTRA-INSTITUTIONAL

As we saw in the previous two chapters, politics' main arena, the Agora, was a fluid space without sharp, “natural” boundaries. Commerce and industry rubbed shoulders with politics, statuses to some extent blended, and institutions depended on social flows that by their own logic ought to remain external to them. This was a source

⁷ See Liddel 2007: 236–8.

⁸ On the ethics of sincerity (and the performance) of the *symbolos* see Yunis 1996: 247–68; Duncan 2006; Mader 2007.

⁹ See Bers 2009, who reads this as an attempt to delimit professional from amateur. I agree with Bers, but would add that the division was not only between professional and amateur but more importantly between institutional and extra-institutional kinds of performance. “Professionals” also engaged in amateur kinds of behavior when it suited their interests, as we will see in this chapter and the next.

of discomfort for some. They sought to draw sharper boundaries between the political and legal institutions and the Athenian Street. These boundaries were literal and metaphorical.

Literal barriers went up to separate institutional from non-institutional space and time. For instance, ostracism, according to Philochorus (*FrGrH* 328 F 30), took place in the Agora. For the procedure they cleared the Agora of the temporary structures we discussed above, and wooden barriers closed it off to ordinary traffic. The barriers left ten openings through which the citizens would file, one opening per tribe, to lay down their potsherds scratched with the name of the person they would most like to see exiled for the next decade. Similarly when juries were selected, a barrier with ten openings separated the procedure from ordinary life (*AP* 63. 2, 65. 1). A barrier also closed off the Assembly when it was in session.¹⁰ A simple barrier closed off the Council; a simple rope declared the Royal Stoa off limits when the Areopagus deliberated inside. At those times “silence falls and everyone steps outside” ([*Dem.*] 25. 23).¹¹ Once the barrier went up a different code of conduct applied. If we could be transported back in time we would probably be shocked at what counted as institutional decorum in Athens. But such things are relative. As noted above, one of the characteristic features of the Areopagus’ proceedings is that the speakers had to refrain from extraneous subjects (*Arist. Rhet.* 1354a23). Assembly speakers also customarily refrained (for the most part) from excessive personal insult and vituperation.¹² The courts allowed greater leeway, but there too structural constraints limited who could speak, how, and about what.

Physical barriers limited access but not the flow of information. Spectators were inevitably part of the proceedings, as I mentioned above.¹³ And the Agora was always just beyond the barrier, threatening

¹⁰ [*Dem.*] 59. 90; *Dem.* 18. 169; *Ar. Ach.* 20–1, *Ecl.* 300–3.

¹¹ See Lavelle 1982; Boegehold 1995: 195–201.

¹² Aeschines claimed there was a law against it (1. 35); if he’s right it either did not exist in the fifth century or it did not stop Cleon from hurling abusive language at his opponents, a knack he was famous for (*AP* 28. 3; *Ar. Ach.* 377–82; *Plut. Nic.* 8. 6). Demosthenes’ published Assembly speeches are indeed largely free of the personal invective he displays in the forensic speeches, as is pointed out by Goldstein 1968: 115 (cf. *Exordia* 11, 20, 31, 52, 53. 1–2; *Plut. Dem.* 11. 4–5).

¹³ See Roux 1976; Lanni 1997.

to contaminate the political with the commercial. Aristophanes plays with the anxiety this provoked in a scene in the *Knights*, where the Sausage-seller tells how he managed to influence the Council even though he was not an authorized participant. When the barrier to the Council went up, only authorized participants could enter or speak. The Sausage-seller is sitting just next to it, listening to Cleon speak of conspiracies and plots, when he figures out how to stop him. He collects his courage by summoning the gods of the Agora and the spirit of the Agora itself, “in which I was raised from a child, give me boldness and a resourceful tongue and a shameless voice [Βερέσχεθοί τε καὶ Κόβαλοι καὶ Μόθων, ἀγορά τ’ ἐν ἧ παῖς ὦν ἐπαιδεύθην ἐγώ, νῦν μοι φράσος καὶ γλώτταν εὐπορον δότε φωνήν τ’ ἀναιδῆ]” (636–7). A favorable omen appears (a *katapygôn* breaks wind to his right), the Sausage-seller breaks down with his rump the flimsy barrier (*kigklis*) separating the Council, and he shouts in the tones of a messenger: “O Council, I have great news and wanted to share it with you first: since war first broke out I’ve never seen a better price on anchovies!” (642–5). The Council rushes out in response to this news, “leaping over the barriers” (675) to snatch up the bargains, leaving Cleon behind chattering meekly about pressing official matters such as hearing a messenger from Sparta concerning a peace treaty. But the councilors are too preoccupied with the low prices of small-fry. “About a treaty, now? Now that anchovies are at a good price, we don’t need a treaty. Let the war grind on!” (670–2).

Aristophanes’ scene of the Sausage-seller breaking down the barrier to the Council with news of bargains on anchovies plays with elite worries about the too-close relationship between the Agora and the political institutions. The Sausage-seller is even more a creature of the Agora (*agoraios*) than Cleon.¹⁴ But, it turns out, so are all the councilors. All it takes is a mere push on the barrier to turn the Council into a bargain-shopping menace, throwing the entire proceedings into chaos. The councilors’ preoccupation with bargains on fish leads to more war and suffering.

Elite anxieties about keeping the institutional and the extra-institutional apart also registered in a discourse critical of

¹⁴ Cf. Millett 1998. See Ostwald 1986: 215–16 for charges of politicians being *agoraioi*. For the fourth-century adaptation of the concept see Rosenbloom 2004b.

extra-institutional forms of political communication.¹⁵ Above I expanded on Finley's characterization of Athenian public life as an intense political education with multiple and overlapping opportunities for political discussion, such as in workshops and social gatherings. Interestingly, when orators refer to such discussions outside the political institutions it is almost always from a critical perspective. Sociality itself is not the target of the criticism. As the speaker of Lysias 24 states approvingly, it is normal to socialize in workshops (20; cf. [Dem.] 25. 52). Rather, the threat arises when informal sociality impinges on institutional concerns. For example, people discuss a court case or they trade information that is relevant to a discussion in the Assembly. Then the activity of "standing around with crowds and sitting in the workshops" becomes "telling stories [*logous epoi-eto*]" (Isoc. 18. 9).

The notion of *logopoiein* is closely tied with fiction and low status.¹⁶ There is not a single instance of a speaker admitting to engaging in *logopoiein* himself, just as it is quite rare to find an orator discussing rumor in a positive light.¹⁷ It is always something his opponents do or people do in general, and the information they spread is invariably erroneous or purposefully misleading. It is in fact the orator's duty to counter the lies of *logopoiōi* with the truth. "My enemies were spreading this story [*elogopoioun*] about me, intending to slander me" (And. 1. 54). "These are the kinds of stories they spread [*logopoiountas*] about me, lying obviously" (Lys. 16. 11). "Rumor-mongers [*hoi*

¹⁵ O'Neill 2003 studies a similar type of critical discourse in the Roman Republic. There too we find expressions of disdain against informal gatherings (*circuli*) because they could undermine the elite's self-representation as the shapers of public opinion in the institutions.

¹⁶ See Kurke 2011: 370–82.

¹⁷ The exception is Aeschines' *Against Timarchus*. The daring rhetorical strategy of this speech is to argue that rumors are invariably true (1. 127). Demosthenes and Aeschines' sparring on this point suggests that it was a novel strategy, and a losing one at that. Demosthenes argues that if rumor is always true, the rumor that Aeschines took bribes must be true (19. 243–4). In his reply Aeschines tries to distinguish between rumor (what he says about Timarchus) and sycophancy (what Demosthenes says about him): "Rumor has nothing in common with slander, but slander is related to sycophancy. Rumor is when the crowd of citizens of its own will without prodding asserts that a deed is a fact. Sycophancy is when a speaker brings a charge before an audience and slanders someone in the Assembly and the Council" (2. 144–5). He seeks to reverse the normal values, arguing that informal, non-institutional rumors are always true whereas institutional, formal attacks are often false because motivated by personal hostility. For the implicit link between sycophants and rumor-mongering see Doganis 2007: 102–8.

logopoiountes] are the dumbest people of all” (Dem. 4. 49).¹⁸ Similar disdain, and similar status anxiety, tinges Theophrastus’ portrait of the *logopoiios*. This type of person claims to have inside information:

He knows a soldier or a slave of the piper Asteus or Lycon the contractor just back from the battle, from whom he says he heard the news. His reports of their stories are such that no one can criticize. He relates that they tell him that Polyperchon and the King have won the battle and Cassander has been taken captive. And if someone were to ask him, ‘Do you believe that?’ he’ll say, ‘They’re shouting it up and down the city, everyone’s talking about it and saying the same thing. It was a real bloodbath!’ And he points to the faces of the people of consequence; he has seen them all with an altered look. And he also says that he overheard that they’ve got someone who came from Macedonia four days ago locked up in a house, and he knows all this.

καὶ ἔστιν αὐτῷ ἢ στρατιώτης ἢ παῖς Ἀστείου τοῦ αὐλητοῦ ἢ Λύκων ὁ ἐργολάβος παραγεγονώς ἐξ αὐτῆς τῆς μάχης, οὗ φησιν ἀκηκοῦναι. αἱ μὲν οὖν ἀναφοραὶ τῶν λόγων τοιαῦταί εἰσιν αὐτοῦ, ὧν οὐθεὶς ἂν ἔχοι ἐπιλαβέσθαι. διηγεῖται δὲ τούτους φάσκων λέγειν, ὡς Πολυπέρχων καὶ ὁ βασιλεὺς μάχην νενίκηκεν, καὶ Κάσανδρος ἐζώγρηται· καὶ ἂν εἴπη τις αὐτῷ· “σὺ δὲ ταῦτα πιστεύεις;” φήσει τὸ πρᾶγμα βοᾶσθαι γὰρ ἐν τῇ πόλει, καὶ τὸν λόγον ἐπεντείνειν, καὶ πάντας συμφωνεῖν ταῦτα γὰρ λέγειν περὶ τῆς μάχης· καὶ πολὺν τὸν ζῶμὸν γεγρονῆναι. εἶναι δ’ ἑαυτῷ καὶ σημῖον τὰ πρόσωπα τῶν ἐν τοῖς πράγμασιν· ὄραν γὰρ αὐτῶν πάντων μεταβεβληκότα· λέγει δ’, ὡς καὶ παρακῆκε παραρὰ τούτοις κρυπτόμενόν τινα ἐν οἰκίᾳ, ἤδη πέμπτην ἡμέραν ἦκοντα ἐκ Μακεδονίας, ὅς πάντα ταῦτα οἶδε.

(*Char.* 8. 7–8)

He starts by saying that he has a reliable source but as he talks the source recedes from him. It turns out his knowledge is based on the look of the faces of those who actually have information, or on another rumor. He likes to feel important but really knows nothing more than anyone else. The role of such ignoramuses in propagating baseless claims is clear: by insisting that the whole town is talking he brings about the very thing he is asserting. Note the topics that he talks about relate to the kinds of issues that might arise within

¹⁸ Compare Lysias’ grain-merchants who are always on the lookout for bad news or manufacturing it themselves [*poieisthai logous*] in order to scare up prices and boost their profits (Lys. 22. 14). Here the activity does not impinge on politics, but on economics. The similarity is that it impedes established hierarchies and channels of exchange.

the Council or Assembly, relating to foreign affairs and the conduct of war.

Theophrastus describes other talkers: the garrulous person (*adoleskhês*), the babbler (*lalos*), and the malicious gossip (*kakologos*). Each exhibits a different aspect of the character flaw of talking too much.¹⁹ The *adoleskhês* literally says everything that comes to mind, like what dream he had or what he had for dinner, or what holiday is coming up (3. 2; cf. Plut. *De Gar.* 504f). The *lalos* likes to monopolize the conversation. If people ask him to tell them what happened in the Assembly he tells them about a speech once given by a speaker many years ago, and one given in Sparta even longer ago, and (of course) the speeches that he himself once gave to great acclaim (7. 7). The *kakologos* is fond of malicious gossip, such as impugning the status of others and commenting on their sexual proclivities and marital relations (28. 4). But the *logopoios* appears especially villainous when seen from the perspective of the political institutions. His talk threatens to disrupt established hierarchies of communication. “In what workshop, what stoa, what part of the Agora don’t [such types] spend their days, striking their audience dumb?” (8. 15). His portrait, as painted by orators and by Theophrastus, is a negative image of how communication should work: institutional concerns should remain within the institutions.

There is obviously something self-serving about the near-universal condemnation of *logopoiein* in our sources. Demosthenes condemns rumor-peddling on multiple occasions (4. 49, 21. 104, 57.64), but according to an accuser he also engaged in it himself, or rather hired others to do it for him (Din. 1. 35). But how could he *not* hire them? Athenian public life was intense and discussion was unceasing. Matters settled one day became unsettled the next. How did public opinion shift, for instance, in the case of Mytilene if not by means of discussion in informal settings, in places such as the workshops and stoas and the Agora, which the orators depict as the haunts of the *logopoioi*? A politician, or anyone with business before the Assembly or the courts, would be making a serious mistake if he or his associates did not make the rounds of the workshops and the Agora and try to talk up his side and talk down his opponent’s. As I argued in

¹⁹ See Worman 2008: 296–307.

the previous chapter, this kind of social networking is precisely what enforced a decision.

THE PROBLEM OF SUPPLICATION

What is interesting is not that Athens was a face-to-face society with a robust extra-institutional public sphere, but that the activity of this public sphere looked inimical when seen from an institutional perspective. One practice that critics especially singled out for condemnation was supplication (*hiketeia*). People who engage in this form of theatrical display within the institutions, argued the critics, derail the institutions' correct operation by introducing superfluous elements of emotion and flattery. These were superfluous because in the deliberative institutions (as Solon suggested to Thespis) the citizen had an obligation to appear as he really was.²⁰ Theatrical displays, they charged, are fitting for women, not for citizens. And yet despite the critical voices, as we will see in the next chapter, at some point in the fourth century the Athenians decided to *institutionalize* supplication by turning it into a regularly scheduled procedure for addressing the Assembly and the Council. Here too was a case where the close relationship between Solon and Pisistratus was emblematic of Athenian politics.²¹

The ritual of supplication enjoyed an exceptionally long life. Its earliest occurrence is in the opening scene of the *Iliad*, and it recedes into the practice of church asylum in the fourth century CE.²² There were different ways to perform it. A common one was simply to sit on or next to an altar, whereby the suppliant declared himself to be in need of protection. The altar was especially sacred, and by sitting on it the suppliant meant to present any potential violence he might face at the hands of his pursuer as an act of sacrilegious theft of the god's property. In Athens a common form of supplication entailed placing a "suppliant's branch," *hiketêria*, on an altar in lieu of one's person. The branch signified that someone wanted to bring an urgent petition or request to public attention.²³ Once the matter

²⁰ See Duncan 2006.

²¹ For the tradition that they were lovers, see *AP* 17. 2; Plut. *Sol.* 1. 4–5.

²² See Gould 1973; Naiden 2006; Ducloux 1994.

²³ Andocides (1. 110–16) provides an intriguing vignette involving this kind of supplication. Here the situation was complicated by the fact that, according to him, his opponents sought

was settled the suppliant was supposed to remove the branch. If the petition was not successful, the branch would lie on the altar as a silent witness to the injustice.²⁴

Several plots of tragedies revolve around an act of supplication. Poets found in the ritual a convenient frame in which to explore issues of power, identity, and responsibility.²⁵ It is quite likely that representation of the ritual on stage influenced the way the ritual was performed and received. An important feature of the ritual, whether on stage or in real life, was that it produced a fixed triangle of roles.²⁶ As soon as a suppliant appeared the audience expected to see a villain in pursuit and a hero who would defend the suppliant and champion his interests. This tripartite structure of the ritual (suppliant – pursuer – defender) was quite useful for suppliants and their sponsors. It allowed them to triangulate their position and that of their opponents against a frame of tradition-sanctioned assumptions and expectations. The presence of a suppliant was an implicit claim that his pursuers were impious villains, for it was considered an impiety to harm or threaten suppliants. As for the suppliant's sponsors or protectors, it allowed them to present themselves in the mold of traditional, virtuous heroes, like so many latter-day Theseuses.²⁷ Naiden (2006) rightly argues that not all suppliants were successful, and that successful suppliants had to argue and plead their case. But once someone took on the role (or was permitted to take on the role, which was not the same thing at all), the bias was against the pursuer.

The basic plot of suppliant drama is simple. A suppliant appears and explains his or her plight, convincing a champion that he or she is worthy of protection. The champion then leads the people in a righteous war against those who seek to reclaim the fugitive.

to “frame” him with presenting the petition while in fact he had nothing to do with it. This is because the branch was placed on the altar of the Eleusinion, which was apparently considered off-limits to such petitions.

²⁴ See, e.g., Eur. *Suppl.* 258–62; Servais 1967.

²⁵ See Isoc. 12. 168; Pl. *Menex.* 239b. On “suppliant drama” see Bernek 2004. On suppliant drama as exploration of identity see Grethlein 2003; as exploration of power and responsibility see Tzanetou 2012.

²⁶ For this see Kopperschmidt 1967.

²⁷ On Theseus see in general Walker 1995; Mills 1997.

Euripides' *Suppliants* and *Children of Heracles* are examples of the genre at its most basic.²⁸ In this section I focus on the play that is most interesting from my perspective, Aeschylus' *Suppliants*. The oldest example of the genre, *Suppliants* is the first play in what would have been a trilogy surrounding the arrival of the Danaids in Argos, the war against the Egyptians that their arrival sparked, and the internal turmoil that followed. The whole story perhaps served as the founding myth for the institution of marriage, not unlike how the Oresteia performed a few years later served as a founding myth of the Areopagus.²⁹ The play that we have revolves around the Danaids' arrival and the decision of Argos' king and demos to accept their supplication. Interestingly, Aeschylus presents that process as marred by a theatricality that implicitly undermines the city's political institutions. In the opening scene the Danaids call their suppliant boughs *encheiridia* (21), which commonly describes a dagger or a knife.³⁰ The play thematizes supplication as a tool.³¹

As is common in suppliant dramas, the play starts with the suppliants' arrival. Then the ruler appears and asks the reason for their supplication. When they tell him that they want protection from their cousins, Pelasgus hesitates to accept the supplication without consulting the people: "I would not do it without the demos, though I have the power" (398–9). Nor is he willing to consult the people, because the Danaids have not convinced him that their claim is just. He proposes instead to offer sacrifices and pious prayers in the hope that it will all be well for the girls, though he does not expect that it will (450–4). The argument that does convince him is no argument

²⁸ In the *Suppliants* Theseus champions the children of the dead Seven against Thebes against the herald's demand for their expulsion from Athens. They ask him to help reclaim the bodies of their fathers. He leads the city to war in order to do so. In the *Children of Heracles*, Theseus' son Demophon (a stand-in for Theseus whom genealogical chronology makes unavailable) champions the children of Heracles against the demands of Creon that they be extradited to face trial. This too leads to war. Aristotle describes the myth of the Heraclidae as one of the topics which any orator who seeks to move the Athenians to war should know (*Rhet.* 1396a). Brock 1998 usefully discusses the nuances in the different versions of the myths in tragedy and oratory.

²⁹ See Garvie 1969. The date of the *Suppliants* is generally accepted as 463/2.

³⁰ See Friis Johansen and Whittle 1980: ad loc.

³¹ On the play the following are helpful: Meier 1993 [1988]; Zeitlin 1992; Gödde 2000; C. Turner 2001. Each finds something unsettling in the way that the Danaids are presented, although none reads the play as I do, as a critique of extra-institutional politics.

at all, but the Danaids' threat to hang themselves from the sanctuary's trees like so many votive offerings (463).

This is clearly an arbitrary decision. There is no compelling, reasonable argument for why Argos should undertake to defend foreign girls against their cousins. Their claim to be related to Argos through Io does not persuade Pelasgus, and it certainly would not have persuaded the Argive people. (At least we can speculate that it would not because he does not repeat it in the Assembly later.) To get the people to fall in line behind his decision to go to war, accordingly, requires extra-institutional work. In his first and only address to the girl's father, Danaus, Pelasgus instructs him to transport the Danaids' suppliant boughs from the extra-urban sanctuary where they are located to altars throughout the city, "so that all the citizens see evidence of this supplication and talk does not fall against me." The sight of the suppliant boughs, he suggests, will make the demos "more favorably disposed [*eumenesteros*], because everyone bears good will towards the weaker" (480–9). Danaus asks for an escort to show him where to put the branches and for protection because he worries that his outlandish appearance might bring him harm (492–9). Pelasgus consents to the escort and adds the striking detail that his men are not to speak to those who will gather (501–2). This can only be called a publicity stunt. Just as the silent procession will evoke the people's interest and attention, the branches that will be placed throughout the city's altars will orient their sentiment in a way that favors the Danaids. As Pelasgus says, when the people see the branches they will become "more favorably disposed."³²

Aeschylus juxtaposes the orchestration of the publicity stunt with a glimpse of the subsequent meeting of the Assembly. In doing so, he shows us how extra-institutional pressure translates into an institutional outcome that binds the whole city to a course of action for the wrong reasons. For in the Assembly Pelasgus draws on the sentiment

³² Most readers interpret Pelasgus as a straightforward tragic figure, trapped between his desire to be pious and his obligation to his city. Sommerstein (1997) notes the manipulation surrounding the Danaids' supplication and has proposed a specific historical event as the inspiration behind Aeschylus' plot. He suggests that Cimon's support of the Spartan suppliant Pericidas could have been the historical occasion (Plut. *Cimon* 16. 9–10; Ar. *Lys.* 1138–44). In my reading of the play, Aeschylus is criticizing non-institutional politics more generally, rather than one event which might have been recent enough to resonate with some audience members.

that the publicity stunt has created in order to pass legislation that commits the city to war if the Egyptiads forcibly try to drag their cousins away. Interestingly, the Assembly's decision is framed in the form of a decree resembling quite closely extant decrees of the Athenian Assembly:

The Argives decreed [*edoxen*] unambiguously ... We are to be resident aliens in this land, free and immune from reprisals with the asylum of mortals: no inhabitant or foreigner may lay hands on us. And if force is applied, the citizen who does not help is to be disfranchised and an exile by the demos driven.

ἔδοξεν Ἀργείοισιν οὐ διχορρόπως ...
 ἡμᾶς μετοικεῖν τῆσδε γῆς ἔλευθέρους
 κάρρυσιάστους ζύν τ' ἀσυλία βροτῶν
 καὶ μήτ' ἐνοίκων μήτ' ἐπηλύδων τινὰ
 ἄγειν· ἔαν δὲ προστιθῆ τὸ καρτερόν,
 τὸν μὴ βοηθήσαντα τῶνδε γαμόρων
 ἄτιμον εἶναι ζύν φυγῆ δημηλάτῳ.
 (605–14)

This decree is a jarring anachronism that serves to underscore how the extra-institutional machinations of Danaus, the Danaids, and Pelasgus have translated into an official pronouncement.³³ Indeed, when the Egyptiad herald appears and tries to drag away the girls, Pelasgus confronts him not in his own name, which in fact he refuses to tell him, but in the name of the people, who have issued a publicly displayed decree (942–9). The line immediately before the ones quoted above is in fact the earliest instance of the term *democracy*, as Ehrenberg first pointed out (1950: 522–4). The chorus ask their father, “in which way does the *powerful* hand of the *demos* prevail [δήμου κρατοῦσα χεῖρ ὅπη πληθύνεται]?”³⁴ Remarkably, the word's

³³ Freedom-from-seizure (*asylia*) provisions are quite rare from Athens in the classical period (*IG* II² 286 is the only secure example; the term is restored in 12 and 81). But they are found elsewhere more frequently in the early classical period, for example, from Thessaly (*IG* IX 2. 257.4 – c. 460–450), from Crete (*IC* 4. 78.3 – c. 500; *IC* 1.8.4.3 – c. 460–450), from Elis (*IvO* II.6 – c. 500–475), and Locris (*IG* IX 1² 717.4 – c. 475–450). As Rigsby 1996 argues, they were probably little more than honors, not commitments to go to war. On the gap between proclamations of pious intent and actions see Christ 2012.

³⁴ There is an additional political resonance in Aeschylus' use of the term *πληθύνεται*, which might echo the archaic formula *δημος πληθύων* found in *IG* I³ 105, the fragmentary regulations for the Council published c. 409. Ryan 1994 argues that the term might be Solonian.

first occurrence is found in a context in which a publicity stunt serves to undermine, and ultimately overthrow, the Argive democracy itself. I say undermine because the decree, as I noted, has been passed as the result of manipulation. The decree commits the city to war. Pelasgus very clearly knows this (342), but in the Assembly (as Danaus narrates it) he speaks nothing of war, speaking instead only about the “heavy” wrath of Zeus that would fall on the city if they do not respect the Danaids’ supplication. This is the language of the Danaids (347, 616). Their talk, it seems, has infiltrated the Assembly, sweeping along the entire city into a bad decision.

Euripides has a very different take on how a supplication *should* lead to war in his own *Suppliants*. His treatment of the theme tracks Aeschylus’ quite closely, suggesting that perhaps he is responding to it. The situations of the two plays are quite similar, a group of foreign suppliants arriving at the city with a request that will ultimately lead to war. Euripides’ play starts from the supplication of the children and mothers of the heroes who died in a vain attempt to conquer Thebes in the fratricidal war between Eteocles and Polyneices, the sons of Oedipus. Just as Pelasgus initially rejects the Danaids, so Theseus also initially rejects the supplication. As the Danaids’ claim of kinship failed to convince Pelasgus, so the children’s uncle Adrastus fails to convince Theseus by pointing out the distant bond of kinship that exists between them. Theseus does not see what kind of argument he could relate to the citizens to persuade them to go to war in order to compel the Thebans to let them bury the dead: “By saying what good thing to my citizens?” (247). In both plays the kings change their minds under the influence of female persuasion. In Aeschylus it is a threat to commit suicide in a sanctuary. In Euripides it is a well-reasoned speech.

Aethra’s speech in support of Adrastus’s request is eloquent and cogent.³⁵ It draws on a common rhetorical division between interest and justice, arguing that to accept the suppliants’ request would be both just and in the interest of Theseus himself and of Athens. It is just because it would be acting to enforce the “law of the Greeks”

If Aeschylus is trying to evoke a feeling of hoary democratic origins here, it might suggest that the term had already gone out of fashion by his time.

³⁵ See Foley 2001: 278 ff.; Mendelsohn 2002: 164–9.

that one must bury the dead (311). It is in the interest of Theseus because it would bring him glory (306). And it is in the interest of the city because it would also bring it glory (315), and allow it besides the opportunity to expand its influence (323). Her realpolitik argument immediately changes Theseus' mind. Given how closely it aligns with standard readings of this myth in Athenian oratory, we can assume that Euripides' audience would also have found her arguments compelling.³⁶

Pelagus initially told the Danaids: "I would not do this without the people, though I have the power [οὐδέ περ κρατῶν]" (Aesch. *Suppl.* 398–9). Theseus also claims to be able to bend the people to his will but prefers to consult with them first:

I want the whole city to also decide on this, and it will so decide if I want it. But if I also supply an argument I might have the demos more favorably disposed.

δόξαι δὲ χρήζω καὶ πόλει πάσῃ τόδε.
 δόξει δ' ἐμοῦ θέλοντος· ἀλλὰ τοῦ λόγου
 προσδοῦς ἔχοιμ' ἄν δῆμον εὐμενέστερον.
 (Eur. *Suppl.* 349–51)

The difference is that Theseus aims to make the citizens "more favorably disposed [*eumenesteros*]" with a reasoned argument. As he tells the herald who comes to demand the suppliants' extradition: "This city is not ruled by one man, it is free" (404–5). It is tempting to read into this that he feels ready to approach the Assembly because his mother has given him the rhetorical tools with which to do so.³⁷ In contrast to Theseus, as Sommerstein notes, "Pelagus is shown as obtaining this decision by blatant manipulation" (1997: 75). He seeks to make the people "more favorably disposed [*eumenesteros*]" (Aesch. *Suppl.* 488), the same word precisely as Theseus uses, but not by means of an argument; rather, by means of a theatrical stunt. Pelagus wants to put the people in a receptive mood so that they do

³⁶ "It is easy to see [from the stories about suppliants] that at that time our city was also hegemonic. Who would undertake to supplicate those who were weaker or those who were subject to someone else? ... Though already admired because of their other deeds, these works [defending the suppliants against Thebes and Sparta] made them flourish all the more" (Isoc. 4. 57–9).

³⁷ Note the definite article at 350–1, *tau logou prosdous*, which we might take to refer specifically to the *logos* that Aethra has just modeled for him.

not blame him (484–5), even though before he arranged the stunt he imagined the possibility of their doing just that and complaining, “you honored foreigners and destroyed the city” (401). I would also note a neat verbal echo. Aeschylus characterizes Pelasgus’ assembly speech as “people-persuasive turns,” *strophas* (623), which nicely echoes the *strophous*, “twists,” of the Danaids’ robes by which they threatened to hang themselves, and finally persuaded Pelasgus to endorse their request (457).³⁸ Both tragedians depict female discourse transmitted to the formal institutions but only Euripides portrays it in a positive light.

Thus, the Danaids’ supplication is not just a simple supplication to the Argives, involving an approach, a ceremony, a request, and a judgment – the definition of supplication recently proposed by Naiden (2006). It entails stage-managing and directing, orchestrating and contriving. Danaus directs his daughters how to sit and speak (191–203). He revealingly calls their supplication “the might of contrivance [*mêkhanês ... kratos*]” (209). In Chapter 5 I will study more closely such *mêkhanai* or “stunts” that can (mis)shape public opinion.

The play ends on a high note: the Egyptian herald is chased away and the girls enter the city as metics.³⁹ The danger they pose is not yet apparent. In the sequel we know that Pelasgus will lose his life in the war, which will lead to temporary Egyptian occupation of the city, and the Danaids will murder forty-nine of their fifty cousins. The consequences of theatrical manipulation of institutional procedure are only hinted at in the extant play. But there are several such hints. A particularly striking one is the demos’ unexpected grant of a bodyguard to Danaus (774–5). Danaus’ receipt of a bodyguard is unsettling for three reasons. First, he seems to have addressed the demos himself without his sponsor, Pelasgus, being present. Second, he went to get help for his daughters, and yet he returns with protection for himself, well after the danger is past (leaving aside the problem that the same actor had to play the herald!). Finally, he receives a bodyguard, something that, as commentators point out, is strongly

³⁸ Cf. Pl. *Rep.* 405c: *strophas strophizesthai* of using rhetorical maneuvers to get away with injustice.

³⁹ See Bakewell 1997.

reminiscent of one of the means by which the tyrant Pisistratus seized power. We have already mentioned that particular stunt at the beginning of this chapter and we will consider it again in the next.

I suggest that Aeschylus' play serves to highlight a tension between theatricality outside of the civic institutions and institutional reason. It does this by foregrounding the work that goes into orchestrating theatrical stunts, and how that influences institutional procedure. Aeschylus hints at the consequences such performances can have as they are transmitted throughout the city and influence public opinion. The fact that the city formally commits itself to a course of action for no good reason and based solely on a "contrivance" means to call attention to a problem, as Aeschylus sees it, in the political heart of Athens, namely the undue influence of publicity stunts on public deliberation. This was a problem because such stunts stoked powerful emotions that could cloud the issues and lead to bad public decisions. If my reading of his *Suppliants* is along the right lines, perhaps Aeschylus would have preferred a different kind of politics in which spectacle in the street did not shape public opinion. Perhaps Aeschylus would have found it preferable, and more democratic, if public opinion were formed entirely by free and open deliberation in the civic institutions; or if theatricality were confined to the theater. But this was not how Athens worked.

"PITIALE THEATRICALS": FURTHER CRITICS OF
SUPPLICATION

Aeschylus' *Suppliants* is the only suppliant drama that explicitly characterizes the use of supplication as a *mékhanê*, or publicity stunt. But Aeschylus is not alone in expressing a concern that supplication might undermine the work of the deliberative institutions. Other authors also criticize the practice as one that corrupts political procedure by introducing elements that should be extraneous to it. Whereas Aeschylus and the other tragedians equate supplication with asylum in a sanctuary, the critics focus on supplication as a request during lawcourt speeches. But both critiques hinge on the fact that supplication displays seek to influence a procedure unduly. A quick survey of these criticisms can serve to flesh out Aeschylus' critique and show what was behind it, namely a certain anxiety about

status and correct forms of communication. A recurring refrain is that exposing citizens to scenes of supplication is to seek to make them respond emotionally rather than rationally to argument, and that this can undermine the institutions' integrity as well as the status of the audience members as good citizens.

Scenes of supplication were quite common in the courts. In Aristophanes' *Wasps* Philocleon likes being a juror precisely because he gets to watch the theatrics of tall men with soft hands who humbly parade their children before him during their scrutinies:

He begs me trembling as if I were a god to acquit him in his scrutiny: 'If you like the voice of a lamb, pity the voice of my son!' Or, if I like little piggies, he tries to persuade me with the voice of his daughter!

κᾶπειθ' ὁ πατήρ ὑπὲρ αὐτῶν
 ὥσπερ θεὸν ἀντιβολεῖ με τρέμων τῆς εὐθύνης ἀπολύσαι·
 "εἰ μὲν χάρεις ἄρνός φωνῆ, παιδὸς φωνὴν ἐλεήσαις."
 εἰ δ' αὖ τοῖς χοιριδίοις χάρω, θυγατρὸς φωνῆ με πιθέσθαι.
 (*Wasps* 571–3)

Johnstone (1999) counts nineteen instances in the preserved orations in which speakers supplicate the jury in this fashion, and fifteen in which speakers anticipate that their opponents will do so. For example, Demosthenes anticipates that his opponent Midias might present himself surrounded by his children, who will supplicate the jurors for pity. He asks the jurors to respond to such a spectacle by imagining Demosthenes surrounded by the laws of the city (as if he were their father!), and that they are supplicating the jurors to act out of obligation and duty to them, not out of pity (21. 186–8). Demosthenes makes a stark contrast between supplication on the one hand and duty to the laws on the other. He opposes supplication's appeal to emotion to the obligation to act in a deliberative, rational, and *official* manner. This distinction is basic. We find it expressed clearly in Lysias' *Against Alcibiades II*, where the speaker asks his audience to imagine a situation in which an official supplicated the jury. "What custom would be more shameful, or what could be more terrible for the city?" (15. 3).⁴⁰ What would happen,

⁴⁰ Although editors generally insert <en> after "terrible" I do not include it in my translation. The dative τῇ πόλει works fine on its own with δεινότερον. Lysias' claim is an exaggeration

he asks, if archons made emotional displays to try to sway the jury in one way or another in cases involving the estates of heiresses? Lysias insists that a fundamental distinction exists between acting in an official capacity and an unofficial one. The difference is that the official must necessarily be impartial, and above all unemotional.

This line of criticism is very much in keeping with conservative criticisms of Athenians' emotionality and its influence on their decisions. For instance, Thucydides (6. 24. 3) famously characterizes the decision to invade Sicily as one that the Athenians made under the influence of a strong passion (*erôs*). Powerful emotions of anger led the Athenians to decide to punish the Mytileneans, and equally powerful emotions of regret led them to change course the following day (3. 36. 2). The need to insulate political decisions from out-of-place emotions was a common theme, and not just in Thucydides. A long line of critics echoed some variety of the charge.⁴¹ According to Antiphon,

There are no more devious counselors than anger [*orgê*] and slander [*diabolê*].⁴² An angry person cannot reach a good decision, it is impossible. For it corrupts that with which a person deliberates, his judgment [*gnômê*].

ὄργης καὶ διαβολῆς, ὡς τούτων οὐκ ἂν γένοιτο ἕτεροι πονηρότεροι σύμβουλοι. οὐ γὰρ ἔστιν ὃ τι ἂν ὀργιζόμενος ἄνθρωπος εὔ γνοίη· αὐτὸ γὰρ ᾧ βουλεύεται, τὴν γνώμην, διαφθείρει τοῦ ἀνθρώπου.

(5. 72)

It was perfectly reasonable to *feel* emotions. In fact, as Allen (2003) points out, orators (except Antiphon) frequently seek to make their audience feel anger. The issue is that orators should seek to persuade their audience by means of argument, not performance. Thus Aristotle, who was an astute observer of society if ever there was one, and was in addition quite interested in emotions and in how the orator might arouse or subdue them in his audience by means of a

but not an unrealistic one. The point is that if officials engaged in theatrical pleas this would undermine the city's legal system.

⁴¹ On "critics" of democracy see Ober 1998b. While the distinction between reason and emotion is a basic one, not every critic makes it the same way. Emotions in Thucydides, for example, are not the same concepts, or do the same kind of work, as the emotions in Plato or Aristotle. See, e.g., Koziak 2000; Konstan 2006; Tarnopolsky 2010.

⁴² Aristotle also seems to consider *diabolê* an emotion (*Rhet.* 1345a16–7; cf. *Pl. Apol.* 28b).

well-crafted argument, thought that appeals to emotion per se do not belong to the art of the orator. Addressing them to jurors is "to make a ruler crooked before intending to use it" (*Rhet.* 1354a25–6). Scenes of supplication are especially problematic because they are conducted in the wrong "code": in the code of Thespis rather than in the code of Solon.

The problem with displays of supplication was that they personalized the request and brought in elements of theatrical emotion that should be extraneous to the official public sphere. Thus, at the conclusion of his imaginary defense speech, the *Antidosis*, Isocrates suggests that he has no intention of supplicating for mercy. He does not intend to engage in the behavior that Procleon so enjoys in the lawcourts. The reason he will not grovel or bring out family members to do so is because he wants to be acquitted solely on the strength of his arguments (*logous*), both spoken and written, not because his performance influenced the jury emotionally (15. 321). The thrust of such passages is that the work of the juror is to evaluate the arguments of the speakers, and nothing else. The tendency of theatrics to muddy the distinction between the personal and the official, the rational and the emotional, is most notably elaborated in a passage of Plato's *Apology*, which Isocrates probably had in mind in the passage just cited. Here Socrates explains why he refuses to supplicate though many others have supplicated over trivial matters and he is fighting for his life (34c). Socrates will not supplicate because to engage in these "pitiable theatrics [*dramata*]" (35b7) would be to demean both himself and the jurors. To an impartial observer those who supplicate are "no different than women" (35b2).

It is easy to gloss over this comment as an all-too typical expression of deep-seated misogyny. And it might be that in part. But here the gendering of supplication as feminine also draws on traditional notions of gender hierarchy to mark the practice as illegitimate in both form and content. Women were not allowed to speak in court, even in their own defense. Whatever expressive capacity they had in court derived from an institutionally illegitimate form of speech. Think of the story about Phryne, who escaped the death penalty only because her defender stripped off her clothes to show her "divine" beauty (Athen. 13. 590e–1a). Supplication was similar in this perspective in that it relied on a manipulative display. The gendering

of supplication also serves to provide a foil against which to define legitimate conduct suitable for a citizen:

The juror is not empanelled in order to dispense justice as a favor, but to judge it. His oath is not to do a favor for whoever he decides, but to try the case according to the laws.

οὐ γὰρ ἐπὶ τούτῳ κáθηται ὁ δικαστής, ἐπὶ τῷ καταχαρίζεσθαι τὰ δίκαια, ἀλλ' ἐπὶ τῷ κρίνειν ταῦτα καὶ ὁμώμοκεν οὐ χαριεῖσθαι οἷς ἂν δοκῆ αὐτῷ, ἀλλὰ δικάσειν κατὰ τοὺς νόμους.

(Pl. *Apol.* 35c)

Here Plato puts his finger on the central problem involving scenes of supplication in the democratic polis: they allowed people to undermine the politics of deliberation by means of an inappropriate, extra-institutional form of expression. The suppliant was not appealing to the Athenians' sense of the rule of law. He was appealing directly to their emotions. Instead, Socrates insists, a defendant "should not beseech the juror, nor should a man who begs be acquitted. He should instruct and persuade [διδάσκειν καὶ πείθειν]" (35c). Decisions (κρίνειν) should be based on reasoned argument, not emotions or passions (cf. *Rep.* 582d). Suppliants, conversely, are asking for the jurors' personal favor. As a recipient of supplications, each juror would have felt himself in the position of a king, as Aristophanes' Philocleon admits (*Wasps* 549). In tragedy, kings are the normal addressees of supplications. Socrates would rather die than corrupt the institution of the court by appealing to the jurors' emotions, even though that will make the jurors feel hostility toward him. He has too much respect for the laws of Athens, as he reiterates in the *Crito*, to do otherwise. His uncompromising stance construes displays of supplication as contrary to decision-making based on the careful weighing of arguments. Such are the only kind of decisions, he suggests, that a juror should allow himself to make.⁴³

It is tempting to put Plato's criticism down to that of a disillusioned voice in the wilderness. My reading of Aeschylus, Euripides,

⁴³ Compare Plato's account of the courts in Magnesia. Not only are there to be no supplications, but no oaths either (*Laws* 949b). In fact there is to be only one speech from each side, followed by prolonged "interrogation [*anakripsis*]" from each juror starting from the oldest and proceeding by age. Trials are perforce to last three days, not one as in Athens. The jurors are to take notes and return to them each day (855d–6a). This is an extreme form of the deliberative ideal he alludes to in the *Apology*.

and Aristophanes, however, suggests that Plato expresses an idea which they would have agreed with, and certainly many in their audiences as well. Demosthenes cites a law that forbade anyone from performing supplications in the Council or Assembly about a verdict once it had been reached (24. 50). This suggests that many considered acts of supplication an undue influence and sought to curtail them. The law seems to allow the opportunity to perform the ritual but sets a strict limit to it. Court speeches often conclude with imagined scenes in which the relatives of the defendant come forth and collectively plead for the favor of the jurors, suggesting that the conclusion of the speech was seen as an acceptable occasion for such displays.⁴⁴ Plato's argument takes that notion of a limit to supplication to its logical conclusion. He prods his readers to ask, why forbid supplication after a verdict has been reached but not before it? We might answer this question: As the story about Solon and Thespis with which I began this chapter makes clear, the people who dominated the Athenian institutions did not so much seek to eliminate theatricality but to appropriate it. The next chapter considers how that worked, keeping the focus on the case of supplication.

⁴⁴ But see Bers 2009, who argues that a speaker would not necessarily have acted out his appeal to pity every time we read "I supplicate you" in the preserved orations.