

Princeton/Stanford Working Papers in Classics

Democratic Athens as an Experimental System:  
History and the Project of Political Theory.

Version 1.0

November 2005

Josiah Ober

Princeton University

Abstract: Athens as a case study can be useful as an “exemplary narrative” for political science and normative political, on the analogy of the biological use of as certain animals (e.g. mice or zebrafish) as “model systems” subject to intensive study by many researchers.

© Josiah Ober. [jober@princeton.edu](mailto:jober@princeton.edu)

*What is a historical case study good for?*

Can the political history of classical Athens legitimately be regarded as a case study: an experimental system or exemplary narrative, useful for investigating various aspects of democracy and related phenomena? I hope to show that the answer to that question is yes, but first it seems necessary to pose an analytically prior question: What is the *goal* of the investigation? What precisely is the use-value of the case? What, in short, is the exemplary narrative supposed to be good for?

Those questions may make a proper historian a bit queasy. She might reasonably ask: Need history be good for something other than historical knowledge itself? The point is that as soon as I say that the historical experience of (e.g.) classical Athens is an experimental system, I seem to have abandoned the historian's tried and true ground of supposing that it is sufficient to say that Athenian history is worth studying for its own sake. I admit to a personal fondness for this sort of traditional historian's propriety. So, as a preliminary gesture, let me plant a stake in the ground (in Greek terms: a *horos*) by saying that I actually do suppose that Athenian history is interesting for its own sake. I will try to advance the argument for the use-value of Athens as an exemplary narrative as far as possible beyond that marker. I may be forced to give some of the ground in front of the stake by the end of the day. But the stake of "Athens interesting for its own sake" is the point behind which I would not retreat without making a desperate stand.<sup>1</sup>

The most obvious answer to the "exemplary for what?" question is, I suppose, "exemplary for other periods of history." Which is to say that the case of democratic Athens might usefully be deployed for comparative methods of argument in historiography because, via close attention to a range of similarities and differences, the history of Athenian political development might tell us something meaningful about other periods of human experimentation with democracy and related forms of political organization. I think that such a claim, carefully framed, could be supported. I am very much in favor of comparative arguments in history, and I have quite often made reference to "exemplary narratives" drawn from the history of early modern Europe (e.g.) in order to make a point about antiquity – especially in seeking to extend the range of interpretive possibilities that might be considered by historians of antiquity.<sup>2</sup> But I do not have anything new to say about the method of comparative history – the advantages and problems with the comparative approach have been a matter of discussion for a long time among historians (students of antiquity will be likely to think, for example, of Plutarch's *Parallel Lives*), and I can see no very obvious way that the theory of "the case" would allow me to add anything fresh or original to those discussions.<sup>3</sup>

Is it reasonable, then, to look *outside* the discipline of history in seeking to establish a use-value for the Athenian case? On the face of it, yes. The use-value of a given biological "model system" is not de facto limited to a particular academic discipline. The mouse is used in experiments by both medical pathologists and behavioral psychologists. *Drosophila* have proved just as useful for evolutionary biologists investigating geographic diffusion of visible traits as they have for molecular biologists who analyze the structure of individual genes. Arguably, the conceptual category "model system" connotes interdisciplinary use-value. So, if the exemplary historical narrative qua *experimental* system is indeed analogous to a biological *model* system, its use-value should potentially exceed the disciplinary domain of history per se. I will return, at the

end of this essay, to similarities and differences between model and experimental systems.

I propose, then, to ignore comparativism within the discipline of history, and to argue instead that “historical narratives” can be usefully exemplary, can serve as “experimental systems” outside the discipline of history as such. The most obvious extra-historical field for which the case of Athenian democracy might seem to have use-value is political sociology. Classical Athens offers an example of a fairly rare and yet analytically significant socio-political phenomenon: direct participatory democracy as the primary system of governance for a society that was fairly large (i.e. too big to be explained in terms of face-to-face interactions), quite complex (literate, socially differentiated), and politically independent (i.e. not subject to superior external or internal political authority).<sup>4</sup> There has been at least sporadic interest among political scientists in classical Athens as a case study in direct democracy. Some of my own earlier work on Athens was aimed at convincing political scientists that the Athenian case challenges the universality of the so-called “Iron Law of Oligarchy,” which asserts that participatory democracy will inevitably degenerate into oligarchy for structural reasons involving leadership roles.<sup>5</sup> But I propose leaving political sociology to one side for the time being in order to focus on the possibility that the historical case of democratic Athens may be usefully employed within a different academic field: ethical and political theory. That is to say, I want to argue that the Athenian case may be useful for normative thinking about problems of justice, rights, and obligations.<sup>6</sup>

I am quite aware that asserting that a particular historical case might usefully inform normative theory means confronting a familiar obstacle – and the obstacle may be regarded by some students of normative theory as simply impassible. The brick wall in question is defined by David Hume’s famous assertion that “one cannot derive an ‘ought’ from an ‘is’.”<sup>7</sup> And so, presumably (perhaps a fortiori), not from a ‘was.’ An expansive interpretation of the scope of Hume’s dictum might, therefore, seem to write history out of ethical and political philosophy.

Before exploring ways to get around the wall, we should ask whether there is any very good reason to *want* to get around it. After all, the experimental system must, by definition, model something that relevant disciplinary practitioners actually care to learn more about. If consideration of the historical case does not offer something needed (or anyway valued) by normative theory, it seems senseless to proceed with the endeavor of inviting political theorists to take cognizance of the case of classical Athens. It may come to seem akin to urging astrophysicists to begin experimenting with fruit-flies, on the grounds that experiments on *drosophila* have materially advanced other scientific fields.<sup>8</sup>

Claiming that experimenting with historical cases could usefully advance the project of normative theory is not, on the face of it, much easier to sell than fruit-flies to physicists. Political theorists are very interested in texts written in the historical past (by, e.g. Hobbes, Locke, and Mill), but they tend to regard past historical practice as irrelevant to their scholarly project and they have long tended to regard “historicism” as a gross methodological error.<sup>9</sup> Theorists use the charge of “historicism” somewhat loosely and in ways very reminiscent of the ways some historians’ use the term “essentialism”: In each discipline-specific argumentative context, she who fails to defend herself against the damaging charge must regard her argument as effectively refuted. This casual and pervasive use by political theorists and historians of terminological short-hand to produce

knock-down methodological refutations has, I think, unnecessarily limited intellectual intercourse between political theorists and historians.<sup>10</sup> By way of personal anecdote: When I first came to Princeton in 1990, I frequently attended meetings of the Political Philosophy Colloquium (which centered, then as now, on the general problem of liberalism and its critics) and meetings of the Davis History Seminar, then focused on imperialism and colonialism. I was graciously welcomed in both forums, but I quickly found that framing interventions in each venue, without leaving oneself open to knockout punches of “historicism” on the one hand, or “essentialism” on the other, was a severe challenge (even for someone professionally involved, as I was and am, in the study of rhetoric).

Now, the strong Humean imagined above might say that “historicism” is not just a scare-term like “essentialism,” that it serves a function that is more serious than simply shoring up current canons of disciplinary taste. He might suggest that “historicism” for the political theorist is equivalent to the historian’s concern with “anachronism” – i.e. shorthand for a methodological error that is so basic as to render any claim infected by the error invalid a priori. For instance, in response to a historian’s charge of “essentialism” I might respond: “yes indeed, my argument does assume that some particular and modest aspects of human behavior are innate, rather than socially constructed and contingent, but I hope to convince you that making this sort of essentialist assumption will allow me to explain a fuller range of the historical phenomena we are seeking to understand.” I suppose that most historians would be willing to hear me out, judging the potential validity of my “essentialist” assumption on the basis of its explanatory power or lack thereof. On the other hand, I would expect to be regarded as simply ridiculous by all serious historians if I claimed, “my argument does in fact assume that persons living in an earlier age intuitively anticipated the meaning of much later developments and shaped their behavior accordingly.” Or, a fortiori, that “my argument does in fact assume that earlier event A was caused by later event B.” My point here is that I believe “historicism” (as I am using the term) in political theory is actually more like “essentialism” in history and less like “anachronism” – that is to say, an acknowledged danger and an interpretive tendency easily taken too far, but not a vicious methodological error.

The dominant (within the Anglo-American philosophical tradition) approaches to problems of justice and ethics may be broken out (somewhat artificially and schematically) as Millsian consequentialism/utilitarianism, Kantian deontology, Hobbesian social contract theory, and Habermasian deliberation.<sup>11</sup> And each of these approaches does indeed respect Hume’s dictum in that each avoids basing moral claims upon assumptions that are in any strong sense historical. In each case, however, concerns arising from fairly recent historical experience and (at least in the case of Mills and Hobbes) from the study of the history of Athenian democracy, played a role in the original formulation of the particular approach to the problems of justice and ethics.<sup>12</sup> That is to say, in each case history played some role in the formulation of the moral problem to be addressed, although not in the formal solution of the problem (the establishment of the normative claim itself, which was grounded in each case in ahistorical premises).<sup>13</sup> My point here is that one may accept the force of Hume’s dictum, and still allow history to play a role in framing the agenda of problems that normative theory seeks to address.

So history would seem to have a familiar (if delimited) place in moral philosophy. Yet I think it is fair to say that the bulk of recent work within each of the powerful traditions of moral philosophy noted above remains quite studiously ahistorical. Many, if not most, modern moral and political philosophers (at least those working within the dominant Anglo-American analytic tradition) remain quite safe from attack by those wielding the methodological scare-term “historicism” in that historical cases are kept marginal in the arguments they advance.<sup>14</sup>

Contemporary moral philosophers tend to advance and to defend their substantive arguments by means of “hypothetical cases” or “thought experiments” rather than historical cases – and these hypotheticals and thought experiments typically tend toward either the bland or the bizarre.<sup>15</sup> The purpose of the hypothetical is to reduce the issue under discussion to its simplest, most mundane or extreme, and thus most accessible elements. This allows for the proposition in question to be tested by reference to the moral intuitions of the audience. For example, the proposition “one must never break a promise” might be tested by the following hypothetical case: “John has promised Mary that he will go to a movie with her tonight. But meanwhile, John’s family is endangered by a flood. Should John take Mary to the movie, or save his family from the advancing flood waters?” Since the obvious intuitive answer is “save the family,” the original proposition seems to require revision. Of course not all hypotheticals need be quite so banal or obvious. John Rawls’ well-known thought experiment involving choice-making by individuals ignorant of their actual life circumstances and personal preferences (which are hidden behind a “veil of ignorance”) is an example of just how powerful and productive an apparently bizarre thought experiment can be when it is well constructed and worked through in detail. There has, of course, been a great deal of important work on moral and political philosophy done by such methods in the last generation. Yet, I will polemically assert, the perpetuation of a systematic methodological insulation of political theorizing from the messiness of history leads to a potentially serious problem.

The problem is that the ahistoricism of the hypothetical and the thought experiment threatens to deracinate normative claims from the more complex aspects of lived experience. The emphasis on bland or bizarre hypotheticals, rather than genuinely complicated historical circumstances, means that normative claims may have relatively little purchase on the complicated practical issues that confront many people, much of the time, and in many aspects of their lives.<sup>16</sup> Thus, to the extent to which the political theoretical project succeeds in the rigorous exclusion of history, it also threatens to distance itself from the hope of making practical ethics a genuinely meaningful category.

So, to put the issue in bald terms: Because much of the common experience of ethical and political life is overtly embedded in history, denying the relevance of history works against any hope of arriving at a robust understanding of ethical behavior or “the political.” Taking this claim on board, which means adding the historical case study to the hypothetical and the thought experiment in the arsenal of tools regularly employed by theorists when exploring political and ethical problems, does indeed entail the risk that there will be some contamination of normative claims by concerns that are frankly historical (whether or not they are “historicist”) in nature. Scrupulous Humeans may feel that the risk is not worth taking. But for those who suppose that the practical benefits of returning political philosophy to a closer dialogue with history outweigh the risk of blurring the ought/is distinction, the question becomes something like this: Given that an

engagement with history must be part of any serious investigation of justice, rights, and obligation, what sort of historical case study will best allow us to test and perhaps to extend the scope of our normative intuitions?<sup>17</sup>

First, by analogy with the biological model system, we should obviously seek a historical case that will allow us to explore those particular normative issues that we actually care about. This means that we would expect the case to manifest those features that we suppose must be part of any account of justice (e.g.) that will make sense to us, here and now. And so, I would propose that at a minimum, the case should have some bearing on the values of liberty, equality, dignity of the person, and reciprocity.<sup>18</sup>

Next, like a biological model system, we would want the historical case to be generally accessible to practitioners. This means it should be sufficiently rich and fully articulated genuinely to flesh out our intuitions. Yet it should not, at any given point in our investigation, be so overwhelmingly complex as to require a great deal of highly specialized research in order to decipher the general outline. The case must be “true to life,” but that liveliness must not require that political theorists become specialist historians in order to appreciate it.

Finally (unlike the biological model system), I think that we would want the historical case to be *near* enough to us that we could actually identify empathetically with the historical agents in question, as well as remaining *distant* enough for us to gain some critical distance from those agents. It should allow us to learn from both difference and from similarity.<sup>19</sup>

Does the historical Athenian experience with democracy fit this bill of particulars? I should emphasize at this point that what I am primarily referring to is the actual practice of Athenian democracy and the public rhetoric typical of Athenian democratic institutions, rather than Athenian political theorizing as such. It is not, therefore, the familiar question of “did Plato have some ideas about justice that a modern theorist might regard as valid or at least as interesting?” But rather, “does the history of democracy in classical Athens yield a case that would allow modern political theorists to test their current assumptions about the relationship between values and practices?”

In various ways, democratic Athens does seem to offer the sort of experimental system that political theorists who want to test normative intuitions against an exemplary narrative case might find useful, for (at least) the following five reasons.

- Classical Athens manifested a distinctive form (direct democracy within a complex, literate, mid-sized society) of a general type of human organization (democratic governance). Both specific form and general type are indeed of great interest to many contemporary theorists. Both have obvious contemporary real-world relevance. Although we will need to be very careful about equating ancient to modern systems of value, it is certainly reasonable to assert that the values of freedom, equality, dignity of the person, and reciprocity were central to the way Athenian democrats (and Athenian critics of democracy) thought about their political lives.
- Democratic Athens has a finite history, with a fairly clear beginning (ca. 508/7-462 B.C.), a well documented middle (ca. 462-322 B.C.), and an end (although there is less agreement about this last, democracy is certainly gone after the Roman general Sulla’s sack of the city of Athens in 88 B.C.).
- There is a large, quite detailed, but finite and thus manageable, body of primary evidence for understanding the case. Virtually all the primary evidence for Athenian

democracy is widely available (standard text editions, standard epigraphical corpora – and most of this is now readily available on the internet). Therefore testing new theories is relatively easy. Theories which are not supported by reference the available evidence can be falsified and thus decisively rejected. Yet this potential for falsification still leaves a lot of leeway for competing explanations for specific historical phenomena, since there are a variety of useful and meaningful ways of organizing the existing evidence.<sup>20</sup>

- Despite its great chronological distance from us, Athens and its history does (historically speaking at least) matter to us. Athens has been used by political writers as a case study of the relationship between political development and ethical norms since at least the middle decades of the fifth century B.C., and that relationship has been particularly important as a topos of western political thinking since the late Renaissance.<sup>21</sup> The Athenian case was especially to the fore in the seventeenth through nineteenth centuries, when most of the major accounts of moral philosophy (noted above) were developed.
- There is currently quite a high degree of agreement among specialists in the history of democratic Athens about basics: chronology, structure and function of primary institutions, role of public rhetoric and political ideology. There is still considerable room for debate, however, among proponents of explanatory theories that are variously institution centered, individual-agent centered, and discourse/ideology centered.<sup>22</sup>

#### *Using the Athenian case.*

Having claimed that employing historical case studies may be methodologically useful for political theorists, and that the Athenian case is a potential example of an exemplary narrative useful for political theorizing, it is only fair to point out that for the past 15 years or so, I have been attempting to work within the still ill-defined interdisciplinary terrain between classical Athenian history (institutional, social, political, intellectual) and political theory. Throughout, I have simultaneously been attempting to refine the case itself (i.e. trying to clarify the history of Athenian democracy, explaining how and why it worked in practice) and running political theoretical “experiments” on the case in an attempt to better understand various political and ethical problems that are of contemporary relevance.<sup>23</sup> The “experiments” seek to show how various phenomena familiar in one way or another to us from contemporary political/ethical discourse (e.g. “rights”) change when they are resituated within a system based on a strong conception of citizenship and a political commitment to participatory democratic decision-making.<sup>24</sup>

It is because of this recursive relationship between the case and the theory that Athens should be regarded as an “experimental system” rather than a “model system”: I am, as it were, struggling to refine my strain of mouse while simultaneously running experiments on them. This means that the model is not really a fixed quantity, its external properties are always to some degree in flux and so I cannot reduce my attention to a single variable: my understanding of the “historical” mouse changes somewhat as a result of each “theoretical” experiment performed upon it.

It would admittedly be methodologically tidier to stabilize the model system (i.e. finalize the exemplary narrative) and then do the experiments (i.e. test normative conceptions against that fixed narrative). And something like that approach is, I think,

taken by some political theorists who have looked to Athenian democracy as an example (positive or negative) of a type of politics, and who have adopted for the purpose a rather thin and wooden “textbook” account of Athenian history. The problem with this “model system/fixed exemplary narrative” approach is that the history does not end up doing much real work. It remains insufficiently thick (rich, fully articulated) to allow genuine testing of the starting-point normative intuition. And so history serves as little more than a straw figure for demonstrating the inherent validity of the original intuition.<sup>25</sup>

My own approach assumes that the case itself (the narrative of Athenian history) will inevitably tend to get richer and more fully articulated as a result of the experiments run upon it (the testing of intuitions). I suppose that a virtue may arise from this necessity, in that (if we remain very sensitive to what is going on) the recursive process can lead to genuine and substantive gain in our understanding of history *and* will extend the range of our normative theorizing. The process remains interactive and pragmatic: there is no “final” state for either our understanding of the case itself or for our normative thinking about politics and ethics. Yet, at various points in the ongoing process, we should be able to stand back from the process and give a reasoned account of the current state of state of our understanding of both history and theory.<sup>26</sup>

It would certainly be foolish to claim that Athens can usefully model all or even most of the phenomena that a political theorist might be interested in exploring. There are some very real limits to the range of political phenomena that can effectively be analyzed through the Athenian case, because there are some modern values, institutions, and practices that have no very meaningful analogues in Athenian practice. For example, the system of “party politics,” as we understand it on the basis of the historical experience of the Anglo-American world (and elsewhere) since 18<sup>th</sup> century, has no real analogue in Athens. The attempt to identify structures that resemble political parties in democratic Athens will eventuate either in a definition of “party politics” that is so expansive and baggy as to be analytically meaningless, or in a serious misreading of Athenian political practice. This point was made clearly enough by Greek historians in the 1960s through early 80s; their work invalidated earlier attempts to explain the operations of Athenian “political parties.” They showed that the analytic category “Athenian party politics” simply did not effectively organize the very considerable evidence for individual and group behavior in Athenian political life: Too many phenomena apparent in the sources had to be left out of the “party politics” story, and too much behavior not mentioned by the source evidence had to be imaginatively restored.<sup>27</sup>

If “party politics” is the negative example drawn from the field of political science, there are, I believe a good number of positive examples of “political theoretical” experiments that can be run on the Athenian case. I list a four here, drawn mostly from my own work.

- The relationship between the political regime and its critics is an important one in contemporary political theory. The salutary role of criticism is obvious enough when the regime in question is overtly vicious and the critics are calling for liberation from tyranny. But the legitimate role of critics is more difficult to explain when, for example, critics of a constitutional democracy call for its revolutionary overthrow. One possible approach is to divide critics into “good internal” critics (those who call upon the constitutional regime to be true to its own highest principles) and “bad external” critics who reject the values embraced and nurtured by constitutional

democracy.<sup>28</sup> Consideration of the Athenian case usefully complicates the basic scenario by introducing the problem of “demotic discursive hegemony” and the need for the critic of democracy to create a discursive space, a new vocabulary of politics, in order to gain a voice with which to carry out his critical project. Success by critics in the creation of discursive space can then be seen as an essential part in the maintenance of a robust conception and practice of free and frank speech – and as playing an important role in preventing hegemonic democratic political language from closing off the potential for genuinely original responses to evolving political challenges.<sup>29</sup>

- The concept of “rights” stands at the center of the modern liberal political thought. But what exactly is the ontological status of a right? Where do “natural” or “inherent” rights come from and how do they come to be “inalienably” attached to individuals? It has long been accepted that there is no exact ancient counterpart for the modern concept of “right,” although recent work by Fred Miller on Aristotle’s *Politics* asserts that something quite similar to a conception of a natural right was implicit in Aristotelian language of political entitlement.<sup>30</sup> Consideration of the Athenian case points to certain legal immunities (especially immunity from outrage: *hubris*) as important elements of Athenian law. These immunities have strikingly “rights-like” attributes – in that they protect the immunity-holder against threats to his or her freedom, equal standing, and dignity. Notably, in Athenian law, immunity from outrage was (in principle) legally extended to *all* residents of Athenian territory (free and enslaved, male and female, adult and child), not just to citizens. But the preservation of the widely distributed immunity-right was not via recourse to state authority mustered through a constitutional guarantee, but via the active exercise of participation-rights that were restricted to the enfranchised citizenry (i.e. adult native males).<sup>31</sup>
- The meaning of citizenship is an increasingly important topic in contemporary political theory, and one of the key issues involved with citizenship is naturalization: Through what processes does one become an enfranchised member of the political community? Exploration of the public rhetoric associated with naturalization processes in Athens demonstrates the conceptual centrality of reciprocity. Some modern commentators have been struck by the overtness of the exchange relationship: Athenian grants of citizenship were accompanied by a frank expectation of ongoing public benefactions. The Athenian citizenry (*demos*) clearly believed that it was imperative that newly enfranchised citizens acknowledge that naturalization was a relatively rare and jealously-guarded privilege, one that could only be granted by the *demos* through special decree in public assembly. The point was to ensure an appropriately high level of reciprocal gratitude on the part of the recipients, who would be morally required to pay back their collective benefactors with reciprocal benefactions. The rhetoric of naturalization thus reveals the extent to which the citizen body as a whole was integrated through a sense of reciprocal obligations. This recognition has much to say to theorists concerned with the prevalence of public virtues, with how citizen virtue is manifested.
- The inculcation of public virtue, via formal educational institutions, is a related concern of contemporary theorists. Some recent theorists have worried about the relationship between teaching the sorts of civic virtues regarded as essential for the

maintenance of a democratic state and the protection of the rights of minorities (especially religious minorities) to educate their children as they wish.<sup>32</sup> Turning to the Athenian case, one is immediately struck by the *absence* of formal educational institutions, an absence critically remarked upon by Athenian philosophers. But the Athenians clearly did suppose that the polis provided a thoroughly adequate education in public virtues and citizenly decorum – through the procedural practices of democratic institutions and the substantive decisions of public bodies. Decision-making institutions - especially the courts, Assembly, and Council – were regarded as fulfilling especially important educational roles, but public religious rituals, military service, and the everyday life of the public square were also regarded as playing an important part in educating the Athenians.<sup>33</sup>

In each example cited above, a familiar issue within contemporary political theory emerges as a recognizable issue within the Athenian case. But in each example the familiar framing of contemporary issue must be reconfigured as it is run through the mill of Athenian political history. The democratic Athenians are seen to share certain of the contemporary theorist's concerns, but to have addressed those concerns in ways that are likely to be unfamiliar and perhaps even disconcerting to contemporary assumptions. The point is not that modern liberals embrace freedom, equality, dignity, and reciprocity and Athenians failed to do so – but that in each case Athenian conceptions of the value in question has very different roots and their loyalty to the value is differently manifested in practice. Throughout, the Athenians are more frankly pragmatic in their approach to political problems, and less concerned with establishing unassailable foundations for belief and behavior than are most modern political philosophers.

But of course, not only are Athenians more overtly pragmatic in their democratic commitments than most moderns, they were much less concerned with the universalization of core values, either within Athenian society or beyond the borders of Athenian territory. Full citizenship was always limited to adult males, and ordinarily limited to natives. Citizens held a monopoly on most participation rights and enjoyed privileged access to other social goods. Chattel slavery was prevalent - although scholars continue to debate just how prevalent it was, and how important slave-labor was in the larger Athenian economy. Systematic moral concern about the institution of slavery seems to have been rare. Most Athenian women were not cloistered within their homes (as was once widely assumed), but their freedom of movement was considerably less than that of Athenian men. Women lacked most participation rights and in most respects they lacked equal (or any very meaningful) standing before the law. Athenians tended to be frankly chauvinistic: they often regarded other Greeks as dull-witted, and non-Greeks as lacking the capacity for creating self-governing communities.

One of the major unresolved issues within Athenian socio-political history remains the extent to which the privileges of the citizens were established and maintained through the systematic oppression of non-citizens. Was the edifice of Athenian democracy -- with its “quasi-modern” concern with free speech, political criticism, extension of legal immunities to the weak against affronts offered by the powerful, and so on – constructed upon a strictly hierarchical denial of political privileges to non-citizens? Or was oppression simply part of the cultural background? Whereas some classical scholars have suggested that democracy at Athens necessitated an *increase* in the

oppression of slaves and women, others have suggested that the historical tendency of the democratic system was to blur the lines of established social distinction, by extending a growing set of “citizen-like” privileges to at least some categories of non-citizens.<sup>34</sup>

This debate will be resolved (if ever) by Greek historians working on the detailed evidence for Athenian social relations. But questions about the relationship between democracy and the wider Athenian society are being debated (at least in part) because Greek historians are aware of the value of the case to contemporary political thought. We continue to care as much as we do about Athens in part because Athens is, and long has been, an exemplary historical narrative for participants in western civilization.

### *Conclusion: Similarity and Difference*

In conclusion, I return to the question with which I began: What is the nature of the understanding we expect to gain from the establishment of a historical case study? When we “experiment” on the case, do we hope for knowledge that is essentially true, or can we be satisfied with contingent truth? Are we seeking values that are transcendental or culturally situational? Are we looking for regularities across cases, or seeking to explain what is distinctive about the particular case?

I suppose that the very act of studying the usefulness of exemplary historical narratives for non-historical disciplines, signals a dissatisfaction with the epistemological dichotomies enacted by the language of the set of questions laid out in the previous paragraph. History, on some important level, is about difference: to study a past society is to engage with contingency, distinction, and imperfection. Normative theory, by contrast, is committed to ideals and universality: with establishing what is just, right, and good everywhere, always, and for everyone. Yet in neither case can this be the whole story. When history looks only to difference, it risks being reduced to a banal list of discrete and unrelated facts: “this happened, then that, then some other thing,” ad infinitum. Presumably it is the hope of finding some way to transcend this regress into meaningless distinction that leads historians to employ analytic models and methodological paradigms derived from other disciplines.<sup>35</sup> Meanwhile, moral theorists confront the concern that actually completing the normative project of “getting it right” would result in claustrophobic homogenization. The loss of the diversity of experience and capacity for surprise and change seems, at least to some, a terrible price to pay for moral certainty.<sup>36</sup>

Although I have focused here on political philosophy, the difference/similarity point can, I think, be generalized: It simply makes no sense for practitioners of “nomological” disciplines (i.e. those concerned more with establishing regularities than with celebrating contingency and diversity) to turn to the sort of rich and articulated exemplary historical narratives I am advocating here, if their only goal is more securely established “laws” – whether these be laws of economics, social behavior, governmental organization, international relations, or whatever. The complex narratives that I suppose are potentially valuable as historical case studies are unlikely to yield simple corroboration of basic “laws” – not without a prior stripping away of the complex features that makes the case interesting to work with in the first place.

The only really useful historical case is one that is rich and fully articulated enough to challenge the capacity of any general law to adequately model the fullness of human experience. Non-historians who do engage with thick exemplary historical narratives do so, I suppose, because they sense that when framing general laws, it is

important to be forcefully reminded just how messy human experience really is. If nothing else, the historical case can serve to preserve within our conceptual schemata some salutary clutter, a healthy residue of surprise and puzzlement, a modesty about the capacity of our intuitions and behavioral laws to capture the peculiar reality of our actual lives.

Forthcoming in A. Creager et al. (eds.) *Science Without Laws: Model Systems, Cases and Exemplary Narratives*. Duke University Press.

## NOTES.

<sup>1</sup> The military metaphor is deliberate, and meant to recall the Greek association of boundary markers, analogies from warfare, and “taking a political stand.” See J. Ober, “Greek Horoi,” in David B. Small, *Methods in the Mediterranean: Historical and Archaeological Views on Texts and Archaeology* (Leiden, E.J. Brill, 1995). I have tended to cite my own work in this essay, for reasons that I seek to explain below.

<sup>2</sup> E.g. Michael Zuckerman, “The Social Context of Democracy in Massachusetts,” *William and Mary Quarterly*, 25 (1968), 523-44, an influential article explaining the peculiarly democratic political practices typical of villages in colonial Massachusetts by reference to the impossibility of maintaining order without the voluntary cooperation of adult males whose property fell below the statutory voting limits. Or the relationship between the refusal of the National Assembly to obey the French King’s order to disperse and the subsequent storming of the Bastille, J. Ober, *The Athenian Revolution: Essays on Ancient Greek Democracy and Political Theory*, Princeton, Princeton University Press, 1996), ch. 5.

<sup>3</sup> Of course just because I don’t myself see how the theory of the case would allow a rethinking of comparative approaches to history doesn’t mean that I assume that such a rethinking is impossible.

<sup>4</sup> The other classic case of direct democracy, certain of the Swiss Landsgemeinde, suffer from the analytic defect of being ultimately subject to federal authority. Cf. Mogens H. Hansen, *The Athenian Ecclesia: A Collection of Articles 1976-1983* (Copenhagen, Museum Tusulanum Press, 1983), 207-26.

<sup>5</sup> Iron law of oligarchy: Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy* (New York, Collier Books, 1962), with Moses I. Finley, *Democracy Ancient and Modern* (London, Hogarth, 1985). My own work on this: J. Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton, Princeton University Press, 1989), and Ober, *Athenian Revolution*, chapter 3.

<sup>6</sup> Although self-described political theorists tend to have their appointments in political science departments, and self-described political philosophers in philosophy departments, and there may be some difference in the language in which “theorists” and “philosophers” typically frame their arguments, I intend no analytic distinction in this paper between political theory and political philosophy.

<sup>7</sup> David Hume, *A Treatise of Human Nature* (Oxford, Oxford University Press, 1978).

<sup>8</sup> The point is not, of course, that astrophysicists should be systematically uninterested in model systems as such, it is that the known properties of the particular system in question have (on the face of it) no relevant bearing on the questions and problems that interest astrophysicists.

<sup>9</sup> David Kettler, “Historicism,” in David Miller, *The Blackwell Encyclopaedia of Political Thought* (Oxford, B. Blackwell, 1987), s.v., offers a judicious discussion of the sometimes polemical use the term by political theorists, noting, however, that in all versions of historicism “reject an approach to the presuppositions and structure of knowledge grounded upon a universal theory of human nature, in favour of an approach grounded upon historically-localized knowledge of a historically changing world.”

<sup>10</sup> There are, of course, notable examples of intellectual historians (e.g. Quentin Skinner) who are taken seriously by political theorists. And some moral philosophers certainly do take history seriously, e.g. Amartya Sen’s well-known demonstration that famine does not occur in societies featuring constitutional democracies and freedom of information. And one could cite examples of the resort to history by moral philosophers with very different agendas: e.g. “natural lawyers” such as John Finnis, who attempt to ground arguments against homosexuality on assert to be a consistent historical pattern of legal response to homosexual behavior by “decent societies.”

<sup>11</sup> Of course there are many important variants of each approach, and some very influential approaches that borrow from two or more of them; for example John Rawls’ influential work on justice seeks to undergird Kantian intuitions about rights with a social contract thought experiment.

<sup>12</sup> Hobbes translated Thucydides, and regarded Thucydides as a staunch opponent of democracy. J.S. Mill lauded the massive Greek history written by George Grote, the first modern historian to find Athenian democracy frankly admirable. See, Jennifer T. Roberts, *Athens on Trial: The Antidemocratic Tradition in Western Thought* (Princeton, Princeton University Press, 1994), 246-47; Nadia Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago, University of Chicago Press, 2002).

<sup>13</sup> Hobbesian social contract theory is an interesting case here in that Hobbes (like Rousseau and other social contract philosophers) founds his conception of justice on the mythic “pseudo-historical” moment at which the voluntary contract was struck between sovereign and subjects. The thought experiment that grounds the moral project is projected into a mythic past. Plato (*Republic*) and Aristotle (*Politics* book 1), rely on similarly pseudo-historical myths of origin.

<sup>14</sup> I recognize that this may be something of an overstatement, and I will note various examples of historical sensitivity on the part of political theorists in the notes, below.

<sup>15</sup> For example, Judith Jarvis Thomson's 1999 Tanner lectures at Princeton, on "Goodness and Moral Requirement," featured an extended hypothetical centered on the act of ringing a doorbell. I don't doubt that it was sound moral philosophy, but it is hard to find much meaningful connection between an argument about doorbells and the moral dilemmas confronted by most people.

<sup>16</sup> This may be part of the reason that some of the most interesting contemporary American political theory is concerned with matters of constitutional law. The legal issue, emerging from an actual problem that exists in complex historically situated human relations, here takes the place of the deracinated hypothetical. Other theorists have employed different means to try to get more real life into political theorizing, for example by experimenting with dialogue format; see for example, Daniel Bell, *Communitarianism and Its Critics* (Oxford, Oxford University Press, 1993).

<sup>17</sup> I am assuming that "we" (the normative thinkers willing to poke about a bit in history imagined as the audience of this paper) share a particular history that inclines us to embrace certain normative values: i.e. that we are heirs to a long and entrenched (although diversely interpreted) liberal tradition. Compare the "historically situated" arguments made by John Rawls, *Political Liberalism* (New York, Columbia University Press, 1996) to the earlier universalist stance of John Rawls, *A Theory of Justice* (Cambridge, Mass., Harvard University Press, 1971). Those who (for example) embrace a set of values centered on firm social hierarchy, divinely ordained law, and unquestioning obedience to superiors, while rejecting the primacy of individual liberty, political equality, and the dignity of the person, will (I suppose) prefer to look for a very different sort of exemplary historical narrative.

<sup>18</sup> Of course we may care about many values other than these "core liberal" values.

<sup>19</sup> I am assuming that it is the relative lack of empathy of the experimental biologist for individual mice and fruitflies that enables him to undertake various sorts of experimental work on them. Whether that lack of empathy (and the behavior it facilitates) is ethically justifiable has, of course, been the focus of recent philosophical studies of animal rights. The ancient historian escapes the experimental biologist's ethical dilemma in that, by definition, his research can have no affect on the well-being of the actual (long departed human) objects of his study.

<sup>20</sup> Useful and meaningful: Ober, *Athenian Revolution*, Chapter 2.

<sup>21</sup> See Robert, *Athens on Trial*.

<sup>22</sup> For the record, I am usually identified with the last of these. For critical responses to my approach, cf. introductory notes to chapters of Ober, *Athenian Revolution*.

<sup>23</sup> Example of refining the case itself: Ober *Athenian Revolution*, chapter 5, an attempt to sort out the events that led to the establishment of democracy, with special reference to

“demotic agency.” For an example of political theoretical experimenting with the case, see J. Ober, “Quasi-rights: Participatory Citizenship and Negative Liberties in Democratic Athens,” *Social Philosophy & Policy*, 17 (2000), 27-61, an attempt to clarify nature of “rights” by contrasting contemporary conceptions of “inherent rights” with Athenian pragmatic conception of pragmatically established and maintained immunities.

<sup>24</sup> Of course, these are not the only ways that Athenian democracy differs from a modern liberal regime. Athens was also a slave-holding society that limited political rights to men. See further, below.

<sup>25</sup> E.g. D.L. Phillips, *Looking Backward: A Critical Appraisal of Communitarian Thought* (Princeton, Princeton University Press), 129-48.

<sup>26</sup> These methodological assumptions inform the projects that led to two collections juxtaposing essays by theorists and ancient historians: J. Peter Euben, J. Wallach, and J. Ober (eds), *Athenian Political Thought and the Reconstruction of American Democracy* (Ithaca, Cornell University Press, 1994) and J. Ober and C. W. Hedrick (eds), *Demokratia: A Conversation on Democracies, Ancient and Modern* (Princeton, Princeton University Press, 1996).

<sup>27</sup> Barry S. Strauss, *Athens after the Peloponnesian War: Class, Faction and Policy 403-386 B.C.* (London, Croom Helm, 1986), with literature cited.

<sup>28</sup> Michael Walzer, *The Company of Critics: Social Criticism and Political Commitment in the Twentieth Century* (New York, Basic Books, 1988). Note that Walzer’s approach is to treat actual historical cases of political critics.

<sup>29</sup> J. Ober, *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule* (Princeton, Princeton University Press, 1998).

<sup>30</sup> No ancient concept of rights: Martin Ostwald, “Shares and Rights: ‘Citizenship’ Greek Style and American Style,” in Ober and Hedrick, *Demokratia*. Contrast F. D. Miller, *Nature, Justice, and Rights in Aristotle's Politics* (Oxford, Oxford University Press, 1995).

<sup>31</sup> Ober, “Quasi-Rights.

<sup>32</sup> Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Cambridge, Mass., Harvard University Press, 2000).

<sup>33</sup> J. Ober, “The Debate over Civic Education in Classical Athens. Education in Greek and Roman Antiquity,” in Y. L. Too (ed.), *Education in Greek and Roman Antiquity* (Leiden, E.J. Brill, 2001), 273-305.

<sup>34</sup> Ediface built on oppression: J. Roberts, “Athenian Equality: A Constant Surrounded by Flux,” in Ober and Hedric, *Demokratia*. More blurriness all the time: E. E. Cohen, *The Athenian Nation* (Princeton, Princeton University Press, 2000).

<sup>35</sup> Cf. Ober, *Athenian Revolution*, chapter 2.

<sup>36</sup> And hence, Isaiah Berlin’s notion of the only genuine good as commitment to a diversity of goods. Perhaps it is not not surprising that his work in ethical theory is based on intellectual history: embracing history is a central part of Berlin’s project, even while he remains horrified at the excesses that emerge from history. See, further, J. Gray, *Isaiah Berlin* (Princeton, Princeton University Press, 1996).