

Deliberative Democracy and Aristophanic Comedy

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The theory of deliberative democracy is the leading account of democracy in contemporary political theory. At the center of the deliberative account is an ideal of deliberation, in which citizens engage in reasoned discussion about political matters in an environment of mutual respect. Deliberation in accounts of this sort acts as a normative ideal towards which democrats should strive, but also as a defining feature of any system that claims to be democratic.

A key strength of the deliberative account is the centrality that it gives to reasoned discussion, a value that is indisputably widespread among democrats. To this extent, the theory maps onto our intuitions about what democracy consists in. But in placing an ideal of deliberation at the center of its account, the theory risks sidelining other values which we might think of as essential to democracy.

One such value is unrestricted free speech. Deliberative democrats clearly value free speech, but often only to the extent that it fosters or contributes to rational discussion. Unrestricted free speech, though, might plausibly be seen as essential to democracy, in that it helps ensure genuinely equal participation in political discourse—not only for the poor and the downtrodden, but for the unreasonable and uncivil as well.

In this paper, I argue that classical Athenian democracy crystallizes this challenge to the deliberative conception of democracy. It does so because Athenians enshrined at the heart of their political culture a form of discourse that was aggressively irrational and uncivil. Attic old comedy, as an integral part of the state dramatic festivals, served to showcase and celebrate the democratic value of unrestricted free speech—or, as the ancients called it, *parrhēsia*.

In the rest of the paper I will proceed as follows. First, I present a brief outline of the theory of deliberative democracy, and sketch out one possible criticism of it. Next, I address methodological issues. In a third section, I describe the ancient ideal of *parrhēsia*, contrasting it with *isēgoria* (equal

political speech) and linking it to comedy. I conclude by considering how my argument might contribute to a long-running debate in the study of Aristophanic comedy.

Deliberative Democracy and Unrestricted Free Speech

The deliberative conception of democracy is grounded in an ideal of deliberation. In a minimal formulation, the ideal involves citizens engaged in reasonable discussion of political problems under conditions of mutual respect. Discussion is “reasonable” when arguments advanced by participants are supported by reasons and evidence, rather than (for example) appeals to authority or emotion. In this ideal, decisions are determined not by hierarchical fiat or even aggregation of preferences, but by what Habermas calls “the forceless force of the better argument”.¹

There are many ways in which the deliberative account of democracy is an attractive one. Government by rational discussion has obvious claims on us: it may enable us to employ and develop our essential faculties as social animals;² it may be more efficient than government by diktat; and it is certainly more pacific and less socially disruptive than alternatives. More importantly, government by discussion clearly reflects one value that has been dear to democrats since the Enlightenment (at the latest).

Deliberative democrats also had good reasons to want to move away from the aggregative model of democracy and find a different theory that could replace it. Ever since Arrow showed that there were intractable problems in aggregating individual preferences into collective decisions while remaining true to a few other basic democratic values, the weaknesses of aggregative democracy have seemed to threaten the viability of the entire democratic project (at least in the world of theory³).

All the same, the deliberative conception of democracy has its limitations. I focus on only one line of criticism here: that in putting an ideal of rational deliberation at the center of its account of democracy, the deliberative account sidelines other values which are arguably of equal or greater importance in capturing what we aspire to as democrats. This happens both in theory (in terms of the role deliberative democrats allow non-deliberative

1. For a fuller introduction to deliberative democracy, see e.g. the papers collected in J. BOHMAN and W. REHG, *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, MIT Press, 1997); J. ELSTER, *Deliberative Democracy* (Cambridge, Cambridge University Press, 1998). The quotation is from J. HABERMAS, *Theorie des kommunikativen Handelns* (Frankfurt, Suhrkamp, 1981), vol. 1, p. 47.

2. For the argument that democratic politics fulfills our nature as social animals (ultimately Aristotelian in inspiration), see J. OBER, “Natural Capacities and Democracy as a Good-in-Itself”, *Philosophical Studies*, 132, 2007, p. 59-73.

3. K. ARROW, *Social Choice and Individual Value* (New Haven, Yale University Press, 1951). The kind of problem identified by Arrow (and earlier by Condorcet) has seldom been observed in actual parliaments or congresses.

values) and in practice (a claim borne out by experiments performed with deliberating groups).

A brief review of Rawls' concept of public reason may help illuminate the first of these claims, that deliberative democrats' focus on rational discussion can crowd out other plausibly democratic values. Rawls' idea of public reason involves constraints on the types of argument that can be advanced by public officials engaged in discussion of matters of fundamental political importance. In particular, it asks that individuals appeal only to principles that they can reasonably expect others to endorse.

Two features of Rawls' conception of public reason are especially relevant here. The first is its demanding nature. In excluding all reasons which fail to appeal to broadly acceptable principles, it disqualifies from public discourse not only religious doctrine but also idiosyncratic preferences. The second feature I want to emphasize here is the narrowness of its application. Rawls' idea of public reason applies only to government representatives engaged in discussion of constitutional matters.

The development of Rawls' views on this topic is revealing. In his initial formulation of the concept in *Political Liberalism*, Rawls failed to be clear about its precise scope and content, that is, who should be governed by it and what topics of discussion it should constrain. The original formulation left open the possibility that the idea applied to citizens in general rather than exclusively to public servants, and to political discussion of all types rather than to matters of constitutional import alone.⁴

Critics accordingly attacked the idea that constraints should be set on the conversations that ordinary citizens have about politics in the public sphere; and understandably so, since the idea clearly violates basic democratic intuitions about equality of participation and the freedom of speech. In subsequent formulations of his idea—especially “The Idea of Public Reason Revisited”—Rawls tried to make clear once and for all that the concept was a defensibly narrow one that had no bearing on civil society.⁵

4. See Lecture 6, “The Idea of Public Reason”, in J. RAWLS, *Political Liberalism*, New York, Columbia University Press, 1993, p. 212-54. At 214 Rawls writes that the limits of public reason only apply to “constitutional essentials”, but it later seems that the category is a reasonably expansive one (see e.g. 229, n. 10). At 252 public reason is said to be relevant not only to government officials, but also to “citizens when they engage in political advocacy in the public forum”. Throughout (e.g. 213, 253) Rawls speaks of “citizens” engaging in public reason in a way which suggests the concept is not restricted to public officials.

5. J. RAWLS, “The Idea of Public Reason Revisited”, *University of Chicago Law Review*, 64, 1997, p. 765-807. At 442 he insists that the idea has definite features which, if ignored, can make it “seem implausible, as it does when applied to the background culture”. He then stipulates that it applies to “fundamental political questions” and is relevant to “government officials and candidates for public office”. Cf. the similar assurances on 443 and 444: “The idea of public reason does not apply to the background culture with its many forms of non-public reason nor to media of any kind. Sometimes those who appear to reject the idea of public reason actually mean to assert the need for full and open discussion in the background culture. With this political liberalism fully agrees.”

Rawls narrowed the scope of his concept of public reason by stipulating that it applied only to government officials, and by making clear that it concerned fundamental political questions. But the move to restrict the scope of public reason to public servants might be thought to have undermined Rawls' claims that his concept is central to the idea of democracy.⁶ If public reason applies only to a narrow elite, it is difficult to see how it might link up with the democratic commitment to popular input in decision-making.

How is the development of Rawls' views on this topic relevant here? It is relevant in that it suggests that any standard of deliberation that is as demanding as Rawls' idea of public reason has to be extremely narrow in its application in order to have any appeal. Any attempt to apply such a constrictive concept more broadly will be contested by democrats concerned about the values of equal participation and the freedom of speech. At the same time, any ideal of deliberation which is to be meaningful needs qualifying criteria that define it and give it substance.

To give the theoretical line of criticism I am presenting here more specificity, it might be helpful to examine more closely the values that rational deliberation is accused of crowding out. There are two linked values. The first is unrestricted freedom of speech, the liberty to make statements of a sort that would be excluded by any meaningful ideal of deliberation. The second is equality of participation for the entire citizenry.

It might be claimed that both these values are intuitively democratic. This certainly seems to be the case with respect to equal participation for the entire citizenry. But many people (including deliberative democrats) appear to lack the intuition that unrestricted free speech is a basic democratic value. So it is better to offer an argument that it is. The argument offered here is that unrestricted free speech is a key part of democracy in that it safeguards equal participation in political speech by all citizens.

It might be objected that deliberative democrats do, in fact, place a high value on equal participation and free speech. Most have followed Rawls in including the freedom of speech in the system of liberties basic to a liberal society. Moreover, it is fundamental to any ideal of deliberation that the participants in a discussion should be treated equally and should be free to argue for any position they like.

Deliberative democrats clearly do value both freedom and equality. But the prominence they give to the ideal of deliberative rationality places limits on these values in various ways. Deliberative democrats value equality of speech among the participants in a discussion, but seldom insist that participation should be widespread, perhaps because of anxieties about the scala-

6. *Ibid.*, p. 441: "The idea of public reason...belongs to a conception of a well-ordered constitutional democratic society...[it is] part of the idea of democracy itself". Cf. J. RAWLS, *Political Liberalism*, *op. cit.*, p. 215: "Public reason is characteristic of a democratic people".

bility of deliberative practices. They insist on the freedom of participants to argue for any position they like, but only within the bounds of rationality.

Ideals of deliberative rationality can thus place limits on the democratic values of the freedom of speech and mass participation. The deliberative values that result from such restrictions, and which flourish within the bounds set by rationality, are domesticated versions of their wilder ancestors. Instead of equality for all and unrestricted free speech, deliberative democrats value the equality of participants in a discussion, and the freedom to make whatever arguments one likes as long as they are reasonable.

It remains to be seen how deliberative norms might compromise other democratic values in practice. Sanders, in her article "Against Deliberation", appeals to experiments involving deliberating groups.⁷ The ideals of rationality and civility appear to be differentially accessible to various subsections of society; in particular, people of lower social class and from already marginalized ethnic groups are more regularly accused of failing to meet deliberative standards than individuals who enjoy high status, extensive educations, and membership of privileged communities.

We might be tempted to conclude from these facts that we should simply maintain our standards of rationality and civility while excluding or re-educating those who fail to live up to them. And certainly, rationality and civility have their claims. But it is questionable whether they are specifically democratic claims, and it is worth remembering that these ideals were supposed to be central to a conception of *democracy*. If it seems inaccurate to refer to an institutional set-up which effectively excludes certain individuals from participation as *democratic*, this may suggest that any satisfying account of democracy will include values other than narrowly deliberative ones.

Methodological Issues

My main argument is that the centrality of comedy to Athens' democratic institutions and culture highlights the absence of the ideal of unrestricted speech in contemporary accounts of deliberative democracy. But before I can develop that argument, there is some work to be done in considering whether it even makes sense to appeal to Aristophanic comedy as a challenge to modern-day deliberative democrats. There are several points at issue.

First, why is classical Athens relevant to modern democratic theory? Athenian democracy represents a historical instance of a strong form of democracy in practice. In spite of important reservations that we may feel about the exclusiveness of its citizenry, the form of self-governance engaged in by its significant free male population satisfies most of the intuitions we

7. L. SANDERS, "Against Deliberation", *Political Theory*, 25 (3), 1997, p. 347-76.

have about what the rule of the people should consist in. In view of this, the practice of Athenian democrats should be of interest to those engaged in formulating theories of what democracy is or should be.

If the deliberative account is supposed to be definitive of democracy as well as offering an ideal for democrats to aspire to, the classical Athenian case should be of particular interest. Since ancient societies differ substantially from modern ones, testing contemporary definitions of democracy against its classical instances allows us to be sure that those definitions are attentive to phenomena that are characteristic of democracy itself, and are not simply attendant circumstances of modernity.

But if deliberation is simply or mainly an ideal, it may be objected that Athenian practice can do nothing to discredit that ideal, any more than the fact that people lie discredits the ideal of honesty. But if the unembarrassed practice of a substantial group of Christians (say) is in regular contravention of an ideal we claim for that faith, we might want to question whether it is really essential to Christianity. In an analogous way, the fact that Athenians placed obscene comedy at the center of their democratic practice might lead us to wonder how essential the ideals of rationality and civility really are to democracy.

It might be said that the theory of deliberative democracy developed in the context of modern large-scale and representative democracies and was designed to apply chiefly to our societies. It might be best simply to point out that these theories fail to take ancient democracy into account in any way and to advise deliberative democrats active now to remember to add a proviso to their work to the effect that what they are saying is only meant to apply to modern industrial democracies.

But this exaggerates the instructive differences between ancient and modern democratic societies into an insuperable barrier. It underestimates the breadth and flexibility of the deliberative theory, and fails to take the theory's aspirations to universality seriously. Most models of deliberative democracy involve only vague institutional criteria (such as procedures reflecting political equality) which the Athenian *polis* plainly met.

A second methodological problem is why Attic old comedy, a feature of an ancient democracy, should be considered relevant to the contemporary theory of deliberative democracy in a way that TV and internet satire, genres that have a lively and continuing presence in modern democracies, are not. My answer is partly that TV and internet satire—in all their unrestricted glory—might indeed be thought to play a greater role in what we intuitively affirm to be democratic polities than theorists sometimes give them credit for.

My more substantive response is that because of the nature of the modern distinction between the state and civil society, no contemporary democratic culture grants as central a place to satire as classical Athens did

in the case of comic theater. The Old Oligarch appears to consider the theatre a democratic institution worth discussing in conjunction with the assembly, the council, and the courts.⁸ And this is not surprising, if we remember who ran the dramatic festivals as well as what they involved.

The festivals were run by public servants who enjoyed well-defined roles: the *chorēgoi* or producers were appointed by magistrates and had the power to compel citizens to act in a chorus and to exempt them from military service; comic poets applied directly to the central state for choruses and received a stipend for their work from the same source; and judges for the competition were selected by lot from Athens' ten tribes, their appointment subject to confirmation by the *chorēgoi* and the central council.

The Great Dionysia, the largest comic festival, was very plainly a civic occasion. It involved, as Henderson says, "marches, parades, processions, sacrifices, ceremonies honoring benefactors both foreign and Athenian, [and] diplomatic demonstrations"⁹. It also included the presentation to the city of the *ephēboi* or cadets who had recently come of age, including those had been raised at the people's expense after being orphaned by war, as well as of the silver tribute of Athens' allies to the presiding *archon*, a magistrate selected by lot.

The Theater of Dionysus had space either for between 4,000 and 7,000 citizens, or for around 15,000¹⁰; the Pnyx, where meetings of the assembly were held, could accommodate around 6,000. The dramatic festivals thus either rivalled meetings of the assembly as the largest regular gatherings of citizens in classical Athens, or comfortably exceeded them. But if the status of the dramatic festivals as democratic institutions were still in doubt, we could notice the similarity of the comic competition to other venues for public speech. Like the assembly or the courts, the theater presented assembled citizens with individual members of the elite in discursive competition, each courting the attentions and favour of the *dēmos*.¹¹

8. [Xen.] 2.18.

9. J. HENDERSON, "The Demos and the Comic Competition", in J. WINKLER and F. ZEITLIN (dir.), *Nothing to do with Dionysus?*, Princeton, Princeton University Press, 1990, p. 271-314 (p. 279).

10. This is the subject of ongoing controversy. For the lower figure, see S. PERRIS, "Mythbusting with Dionysos", *New Zealand Association of Classical Teachers Bulletin*, 40, 2013, p. 10-18 (p. 11), where the lower figure is supported with references to E. CSAPO, "The Men Who Built the Theatres: Theatropolai, Theatronai, and Arkhitektōnes", in P. WILSON (dir.), *The Greek Theatre and Festivals: Documentary Studies*, Oxford, Oxford University Press, 2007; and H. GOETTE, "An Archaeological Appendix", in P. WILSON, *op. cit.*, p. 116-121. For the higher figure, N. VILLACÈQUE *Spectateurs de paroles! Délibération démocratique et théâtre à Athènes à l'époque classique*, Rennes, Presses universitaires de Rennes, 2013 (p. 79-80, n. 64), supporting J.-C. MORETTI, "The Theater of the Sanctuary of Dionysus Eleuthereus in Late Fifth-Century Athens", *Illinois Classical Studies*, 24-25, 2000, p. 377-98. I am grateful to Simon Perris and Noémie Villacèque for discussion of this controversy—which I regret I cannot go into here.

11. For the civic nature of the festival of Dionysus see J. HENDERSON, "The Demos and the Comic Competition", *art. cit.*; "Attic Old Comedy, Frank Speech, and Democracy", in D. BOEDEKER and K. RAAFLAUB (dir.), *Democracy, Empire, and the Arts in Fifth-Century Athens*, Cambridge, Harvard University Press, 1998, p. 255-73; and "Drama and Democracy", in L. SAMONS (dir.) *The*

Isēgoria, Parrhēsia, and Comedy

These lengthy preliminaries have been necessary, since the claim that Aristophanic comedy challenges the theory of deliberative democracy would have little purchase if it could be maintained that the theory had no applicability to classical Athens in the first place. But I move on now to my main argument. It is that old comedy—and in particular the strand of the genre that survives in the work of Aristophanes—provided a forum not for deliberation, but for unrestricted speech (*parrhēsia*).¹² This unrestricted speech can be contrasted with the more deliberative value of equal political speech (*isēgoria*).

That *isēgoria* was a foundational value of the Athenian democracy is well known. The concept has a long history, and appears to pre-date the institutional reforms of Cleisthenes (508/7). Formal introduction and reaffirmation of the concept with application to the citizen assembly was a key part both of Cleisthenes' reforms and those of Ephialtes a few decades later (462). When Herodotus makes his famous claim that Athens' dramatic improvement in military performance after the expulsion of the Peisistratid tyrants shows what a fine thing free government is, the word he uses is not *dēmokratia* but *isēgoria*, free and equal speech.¹³

That the wilder claims of *parrhēsia* also had a place in the democratic imaginary is less well established, but emerges clearly from a number of contemporary texts, where it is often twinned with the concept of freedom (*eleutheria*). Socrates in Book 8 of Plato's *Republic* describes the democratic city in particular as "packed with *eleutheria* and *parrhēsia*". In Euripides' *Hippolytus*, Phaedra hopes that her husband and children can live "free (*eleutheroi*) and flourishing in *parrhēsia*" in Athens. Theseus in the same playwright's *Suppliants* gives a prominent place in his elogium of democracy to the ability of the weak to repay the verbal abuse of the rich in an equally vituperative currency.¹⁴

Cambridge Companion to the Age of Pericles, Cambridge, Cambridge University Press, p. 179-195. For further arguments that the festival was one democratic institution among others, see J. OBER, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*, Princeton, Princeton University Press, 1989, p. 152-5. Note finally that the Theatre of Dionysus was occasionally the site of assembly meetings ([Arist.] *Ath. Pol.* 20.4).

12. David Carter's paper in this volume suggests that *parrhēsia* was a feature of tragedy as well as comedy. This provides a complement to my own focus on comedy, and reinforces the argument that the dramatic festivals were fora for unrestricted free speech.

13. For *isēgoria* in Athenian democracy, see G. T. GRIFFITH, "Isēgoria in the Assembly at Athens", in E. BADIAN (dir.), *Ancient Society: Studies Presented to Victor Ehrenberg*, Oxford, Oxford University Press, 1966, p. 115-381; for the history of the concept, see K. RAAFLAUB, "Des freien Bürgers Recht der freien Rede", in W. ECK *et al.* (dir.), *Studien zur antiken Sozialgeschichte: Festschrift F. Vittinghoff*, Cologne, Böhlau, 1980, p. 7-57. Hdt. 5.78: "It is clear that *isēgoria* is a fine thing not only in one respect but in all, since while they were ruled by tyrants the Athenians were superior in war to none of their neighbours; but once they had thrown off the tyrants they were the best by far."

14. Plato, *Rep.* 557b; Eur. *Hipp.* 421-3; Eur. *Supp.* 433-41. Cf. also Eur. *Ion* 671-5, where the eponymous hero prays that the person who bore him turns out to be Athenian "so that through my mother I might have *parrhēsia*" (cited by Carter).

This last example suggests that *parrhēsia* was associated with democracy because it was a way in which the poor and weak could control, or at least strike back at, the strong and rich.¹⁵ But other passages remind us that this was not the whole story. *Parrhēsia* was also occasionally lauded or appealed to by members of the elite: it is part of Aristotle's portrait of the magnanimous man in Book 4 of *Nicomachean Ethics*, and also features in Socrates' attempts to draw out Callicles in Plato's *Gorgias*.

The common factor in all of these cases is *parrhēsia*'s ability to break down artificial boundaries surrounding speech. In Theseus' vision, the weak man can say what he likes to the rich man despite their difference in conventional status. In *Gorgias*, Socrates encourages Callicles to state his views openly, even though it may seem like his radical perspective will be unwelcome. Aristotle's magnanimous man is the exception that proves the rule: his occasional use of irony when dealing with the masses is seen as the only limitation on his *parrhēsia*.¹⁶ *Parrhēsia* is thus speech that is free not only from institutional constraints, but from social and ideological restrictions as well.

What do *isēgoria* and *parrhēsia* amount to? Both are regularly translated by the phrase "the freedom of speech", but they are different in several ways. Etymologically, *isēgoria* suggests equality (*isos*) of political speech—*agora* being a public space, popular assembly, or anything said in either of those contexts. *Parrhēsia* suggests that everything (*pan*) can be said (*rhēsis* being a more general word for speech). *Parrhēsia*, unlike *isēgoria*, was not limited to politics.

The two concepts also had different histories. *Isēgoria* seems to have been associated with rational deliberation and equality between participants in discussion all along—but for a long time it applied exclusively to aristocratic deliberators. *Parrhēsia* appears to have emerged from the less restrained contexts of village festivals and cultic celebrations. It is an integral

15. Cf. two further examples cited by Carter. At Eur. *El.* 1055-59, the downtrodden Electra entreats her powerful mother Clytemnestra to "grant her *parrhēsia*". At Eur. *Bac.* 668-72 the messenger asks King Pentheus "whether I should speak to you with *parrhēsia*".

16. Plato *Gorg.* 492d: Socrates says that it is noble of Callicles to have set out his view by "speaking frankly (*parrēsiazomenos*); for you are clearly saying things now which others think, but don't want to say out loud". Plato *Gorg.* 521a: Socrates tells Callicles, "you are right to continue saying what you think after making a good start at speaking frankly (*parrēsiazesthai*)". Arist. *NE* 1124b: "For the magnanimous man it is a necessity to be candid and a lover of transparency (since hiding things is characteristic of people who are afraid, as also caring less for the truth than for opinion), and to speak and act in an open way—since the magnanimous man is a plain-speaker (*parrēsiastēs*) in his habit of being abrasive and truthful, except when he is being ironic to the people (*pollous*)". Eur. *Or.* 902-906 (cited by Carter) might also be considered an example of the *parrhēsia* of the big man: it features an Argive speaker described as "a loudmouth, strong in his brashness" (903), who speaks against Orestes "trusting in the hubbub (*thorubōi*) and in untutored frankness (*amathei parrhēsiai*)"; though he seems to be poor and not a native Argive (903), his swagger is underwritten by the support of the royal Tyndareus.

part of a long literary tradition of invective, normally iambic in meter and anti-tyrannical in spirit.¹⁷

Isēgoria is a value of the public sphere, whereas *parrhēsia* is unrestricted. *Parrhēsia* has its place even in private life, where, Isocrates says, it forms part of a man's education, involving as it does criticism from both friends and enemies.¹⁸ *Isēgoria*, by contrast, is primarily a political value, one which seems to have come to prominence in the aristocratic councils of the archaic period before being adopted by democrats as one of the guiding values of their deliberative institutions.

Isēgoria and *parrhēsia* are thus different values. The distinction between them might be said to resemble the distinction I drew earlier between deliberative norms and alternative democratic values. *Isēgoria* reflects a concern to accord equality and autonomy to participants in discussion, without stipulating that participation in that discussion should be open to all (and perhaps primarily with a view to fostering rational discourse). *Parrhēsia* insists on unrestricted freedom of speech either as a democratic value in its own right or as a crucial safeguard to genuine popular involvement in public discourse.¹⁹

If the Athenians had paid attention only to *isēgoria*, their practices and institutions might provide a straightforward historical confirmation of the viability of the deliberative model of democracy. And nobody will deny that Athenian institutions did see a great deal of deliberation. But the Athenians also honoured *parrhēsia*. They held this wilder value equally sacred, making it a central and sacred part of their democratic life by institutionalizing it in dramatic festivals.²⁰

That comedy played this role was noticed by contemporaries. Isocrates complains in his speech "On the Peace" that even though this is a *dēmokratia* there is no *parrhēsia* except "here in the assembly for the most mindless and self-centered and in the theatre for producers of comedy". It was also the subject of boasts by Aristophanes himself, or at least of characters in his play who seem at times to speak for him. In *Acharnians*, for example, Dikaiopolis (after breaking the dramatic illusion and taking on

17. For *isēgoria*, see again K. RAAFLAUB, "Des freien Bürgers Recht der freien Rede", art. cit. For iambic invective, E. DEGANI, "Aristofane e la tradizione dell'invettiva", in J. BREMER and E. HANDLEY (dir.), *Aristophane*, Geneva, Fondation Hardt, 1993, p. 1-36.

18. At 2.3 Isocrates writes to Nicocles that one element in a man's education is "*parrhēsia* and the openly granted opportunity for friends to censure and enemies to denounce each other's errors".

19. Cf. A. SAXONHOUSE, *Free Speech and Democracy in Ancient Athens*, Cambridge, Cambridge University Press, 2006, p. 24: "The Athenian freedom of speech is the affirmation of the equality of participation and self-rule". This may approximate to my view. Carter sees *parrhēsia* as partly deliberative, but none of the passages he cites in support of this contention (e.g. Eur. *Tro. Wom.* 903-13, Soph. *OT* 543-44) contain the word *parrhēsia*. Cf. also Momigliano (quoted by SAXONHOUSE, *op. cit.*, p. 94): "*Isēgoria* implied equality of freedom of speech, but did not necessarily imply the right to say everything. On the other hand, *parrhēsia* looks like a word invented by a vigorous many for whom democratic life meant freedom from traditional inhibitions of speech."

20. As well as in some other ways. For a trireme named after *parrhēsia*, *IG* II² 1624.81.

the playwright's *persona* by insisting that "comedy too knows what is just") proclaims that he will say "things that are terrible, but true".²¹

Comedy was also associated with obscenity and verbal abuse (*aischrologia* or *kakēgoria*), both strong manifestations of *parrhēsia*. In a fragment of Lysias, the orator demands to know whether this is "not the man who commits such offenses against the gods that it is shameful (*aischron*) for the rest of us even to mention them, though you hear of them from the comic poets every year?" The Athenian in Book 10 of Plato's *Laws*—speaking, perhaps, for the author himself—discusses measures to ensure that *kakēgoria* has no place in the ideal city of Magnesia, and chief among them is the banning of comedy.²²

The statement that Aristophanes' comedies are obscene does not need much support. They are obscene at the level of plot, episode, and language. For lewdness of plot, we need think only of the sex-strike that drives the action of *Lysistrata*; for episodic obscenity, of Blepyrus defecating on stage in *Ecclesiazousai*. The obscenity of Aristophanic language is indicated by the regularity with which his characters unapologetically employ scatological or sexual swearwords. This contrasts strongly not only with the decorum of most Greek literature in the archaic period, but even with that of Menander, another comic poet writing in Athens, in his case shortly after the decline of the democracy. On the rare occasion that Menander's characters mention sex, they apologize.²³

That Aristophanic comedy involves verbal abuse is similarly well-known. The genre (or the work of its only surviving author) has an overwhelmingly negative bent: only nine men are ever praised in Aristophanes, all of them either dead or politically inactive. As in the case of obscenity, verbal abuse pervades every aspect of Aristophanic comedy. It motivates entire plays: *Knights*, for example, an anti-Cleon vehicle. It provides the focus of climactic scenes: the trial scene in *Wasps*, for instance, also an attack on Cleon. And asides denouncing fixtures of Athenian life (Cleisthenes the catamite, for one) constantly interrupt the dramatic action.²⁴

A final element of *parrhēsia* that Aristophanes' plays highlight is their freedom from the constraints of reasonableness. This freedom is (again)

21. Isoc. 8.14; *Ach.* 500-501.

22. Lysias fr. 35 Thalheim; *Laws* 935d.

23. For obscenity in Aristophanes, see first K. DOVER, *Aristophanic Comedy*, Berkeley, University of California Press, 1972, p. 36-41. Blepyrus defecating: *Ecclesiazousai* 311-477. For prudishness in Menander, see e.g. Moschion in *Sam.* 47-50: "I hesitate to tell you the rest... The girl got pregnant". Cf. also the slave in *Phas.* 39-43, who apologizes to his master for swearing, calling it "rather vulgar". Cf. K. DOVER, *Greek Popular Morality in the Time of Plato and Aristotle*, Oxford, Blackwell, 1974, p. 206-7, on changing attitudes to obscenity. For Menander's historical context, see E. HANDLEY, *The Dyskolos of Menander*, Bristol, Bristol Classical Press, 1965, p. 7-10.

24. Only nine men praised: J. HENDERSON, "Attic Old Comedy, Frank Speech, and Democracy", art. cit., p. 269. Trial scene: 799-1008. Cleisthenes: e.g. *Cl.* 355; for more, see K. DOVER, *Aristophanes: Clouds*, Oxford, Oxford University Press, 1970, *ad loc.*

visible on several levels. There are fantastical plots (*Birds*, in which Pisthetairos oversees the creation of city in the sky) and equally absurd episodes (the beginning of *Peace*, in which Trygaeus ascends to the abode of the gods on the back of a giant dung-beetle). Coherent characterization is broken up by restless shifts in tone, register, and even genre: Dikaiopolis in *Acharnians*, for example, is meta-tragic at one moment and broadly orgiastic the next. Aristophanes' artistry is not limited to speaking the truth in an unembarrassed way. He also speaks untruths and spins yarns that are entirely in the realm of fictionality. He is not only free of the restraints of shame and propriety, but also unconstrained by consistency, realism, and genre. His works thus suggest that *parrhēsia* went beyond "frank speech" and came closer to the ideal of "unrestricted speech" that I have been arguing should be central to our conception of democracy²⁵.

I end this section with an important objection. It might be said with some justice that speech at Athens in general was not entirely free, and that comic speech in particular was subject to restrictions. Citizens who had committed one of several "unspeakable" infractions called *aporrhēta* (which included throwing one's shield away in battle, draft-dodging, and prostitution) could lose their right to *isēgoria*; falsely accusing another of such crimes was actionable calumny. A pair of decrees limiting free speech seem to have been passed in the latter half of the 5th century: that of Morychides around 440, and that of Syrakosios around 415. Aristophanes himself was indicted to the Council by Cleon in 426 for denigrating the *polis* in front of foreigners, ridiculing it, and committing *hybris* against the people.²⁶

Objections along these lines cannot deny that Aristophanes' plays, more or less in the form we have them, were performed in later fifth century Athens. In view of this fact, it appears that we are forced to conclude either that the evidence for legal restrictions on free speech is unsound, or that they failed to have much practical impact. In fact, the truth most likely lies in a combination of these two alternatives. The decree of Syrakosios depends entirely upon a fragmentary complaint by the comic poet Phrynichus. At the same time, Aristophanes' plays include barbs against shield-throwers, which contravenes the restrictions on *aporrhēta*. It is not surprising that Cleon's suit against Aristophanes seems to have failed. Whatever laws may have existed, Attic old comedy, with all its scurrilous virulence, inhabited a central and institutionalized place at the heart of the Athenian democracy.²⁷

25. Trygaeus on the dung-beetle: 1-179. On "discontinuity of characterization", in Aristophanes, see K. DOVER, *Aristophanic Comedy*, *op. cit.*, p. 59-65; M. SILK, *Aristophanes and the Definition of Comedy*, Oxford, Oxford University Press, 2000.

26. For the evidence on *aporrhēta*, see J. LIPSIVS, *Das Attische Recht und Rechtsverfahren*, Leipzig, Reisland, 1905, p. 646-54. Decree of Morychides (440/39 or possibly 437/6): *Σ Ach.* 67. Decree of Syrakosios: next note. Aristophanes and Cleon: *Ach.* 370-82, 496-519, 628-32; *Wasps* 1284-91.

27. Decree of Syrakosios: inferred from Phrynichus fr. 27=Σ *Birds* 1297 (from the *Monotropos* of 415): "[Syrakosios] deprived me of those I wanted to ridicule"; connections with the Hermokopidai are

Aristophanic Comedy and Athenian Democracy

The main aim of this paper was to present Athenian culture (especially comedy) as a provocative counter to the deliberative theory of democracy. But it may in its course have made contributions of a different sort. In characterizing old comedy as an institutionalized forum for *parrhēsia*, it adds to the longstanding scholarly debate on the nature of the relationship between Aristophanic comedy and Athenian democracy. In what remains, I add substance to this claim.

I want first to admit that there is one longstanding debate in Aristophanic studies that I make no contribution to. This is the debate about Aristophanes' particular political views: whether he was an oligarch or a democrat, a conservative or a radical.²⁸ I make no claims about what the playwright believed, and my central argument is not tied to any particular account of his politics. My view is that old comedy was a vital part of radical Athenian democracy in that it provided space and time for unrestricted free speech to flourish.

This unrestricted free speech was linked to equal access to speech by people of all classes. We have seen that *parrhēsia* could be appealed to by both aristocrats and the poor, both in their way vulnerable to restrictions on speech. Aristophanes can be seen at various points either to be providing a voice to the common man (through characters such as Dikaiopolis) or in presenting the views of the old elite (in his frequent attacks on members of the late 5th century's "new politicians"). Which tendency was the stronger is not my concern here.

The debate I do think this paper can contribute to is that concerning the nature of the relationship between Aristophanes and democracy. Many have asserted its existence, and some have backed their claims up with evidence for a temporal correspondence between the most lively periods of comedy and the most radical phases of democracy at Athens. Many mechanisms have been suggested that might have linked comedy and democracy. They appeal variously (among other accounts) to the idea of the poet as advisor, as a check on politicians, and as a beacon of free speech.²⁹

speculative. Shield-throwers pilloried in comedy include Kleonymus, for whom see e.g. *Cl.* 353; for more, see K. DOVER, *Aristophanes: Clouds*, *op. cit.*, 1970, *ad loc.*

28. For differing views of Aristophanes' politics, see first the classic treatments of A. GOMME, "Aristophanes and Politics", *Classical Review*, 52, 1938, p. 97-109; and G. DE STE. CROIX, *The Origins of the Peloponnesian War*, Londres, Duckworth, 1972 (Appendix 29). For a sample of more recent views, see A. SOMMERSTEIN, *Aristophanes: Lysistrata/The Acharnians/The Clouds*, Londres, Penguin, 1973 (Introduction); J. HENDERSON, "The Demos and the Comic Competition", *art. cit.*; T. HUBBARD, *The Mask of Comedy: Aristophanes and the Intertextual Parabasis*, Ithaca, Cornell University Press, 1991, and A. BOWIE, *Aristophanes: Myth, Ritual and Comedy*, Cambridge, Cambridge University Press, 1993.

29. Temporal correspondence: J. HENDERSON, "Drama and Democracy", *art. cit.*, p. 180. For a survey of suggested mechanisms, see C. CAREY, "Comic Ridicule and Democracy", in R. OSBORNE and S. HORNBLLOWER (dir.), *Ritual, Finance, Politics: Athenian Democratic Accounts Presented to David*

My description of Aristophanes' role as complementing or challenging deliberative values by providing a strong dose of *parrhēsia* represents a development and reformulation of this last option, which sees the poet as a symbol of free speech. It makes the claim more precise: in this account, Aristophanes is not simply contributing to political debate by saying what he believes is true, but exposing the incompleteness of the deliberative ideal by energetically transgressing whatever conventional restrictions he saw around him. The poet, of course, did not think of his task in these terms. But there is no doubt he enjoyed breaking through the barriers of convention, and hearing the sound of their collapse in the laughter of his fellow Athenians.

B

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Lewis, Oxford, Oxford University Press, 1993, p. 69-83. For skepticism about comedy's impact on politics, see M. HEATH, *Political Comedy in Aristophanes*, Göttingen, Vandenhoeck & Ruprecht, 1987 and S. HALLIWELL, "Comedy and Publicity in the Society of the *Polis*", in A. SOMMERSTEIN *et al.* (dir.), *Tragedy, Comedy and the Polis*, Bari, Levante, 1993. Note that my view here (that comedy was a symbol of *parrhēsia*) avoids making the sort of claims about direct comic influence on political events that Heath and Halliwell find implausible.

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