



Regulating Empathy in Ancient Greece

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Regulating Empathy in Ancient Greece

A dissertation presented

by

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to

The Department of the Classics

in partial fulfillment of the requirements

for the degree of

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in the subject of

Ancient History

Harvard University

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Regulating Empathy in Ancient Greece

Abstract

Ancient Greek culture presents us with a paradox, the coexistence of a nearly unanimous and unquestioning acceptance of exploitation and collective acts of violence with a robust and modern-seeming culture exploring the moral duties owed by one person to another. In this dissertation, I will argue that this paradox is the result of a conflicted attitude towards empathy, which was seen as a benefit for strengthening intracommunal bonds but also as a threat to cultural practices, such as slavery, believed to be necessary. As a result of this anxiety, they developed a set of social norms that strictly limited empathy to their social and political in-groups, while denying it to outsiders. These norms conflicted with a natural tendency to feel empathy towards those, like slaves, for whom it should theoretically be denied. As a result of this conflict, the experience of empathy in ancient Greece was ambivalent and unsettling.

In chapter two I will propose that litigants' appeals to the pity of jurors in Athenian legal trials represented a discourse defining the Athenian community through empathy by limiting it according to the values of the ideal citizen. The strength of this discourse will also be used to explain how the Athenian state managed to secure a high degree of compliance from its citizens despite a lack of formal methods of coercion. I will also explore how empathy could not be completely contained within the limits imposed by the legal system. This chapter will therefore present two sides of empathy in ancient Greece: the norms that were often effective in limiting it in ways believed to be prosocial, and the tendency to experience it in ways incompatible with these norms.

In chapter three I will discuss the diachronic development of moral attitudes towards collective acts of violence against social and political outsiders. The world of the late Dark Ages and early Archaic Period (roughly the eighth and seventh centuries BC) had few moral sanctions preventing violence against those outside of one's circle of family members and intimate friends. But the norms permitting this level of violence towards outsiders became increasingly problematized during the fifth and fourth centuries BC. The high level of intercommunal violence revealed, for example, by the Homeric poems conflicted with a tendency to experience empathy spontaneously that could not be completely suppressed. I will argue that Panhellenism (the belief that the members of the various ancient Greek communities shared an ethnic and cultural identity) represented a way of addressing the increasing discomfort felt concerning the permissive attitude towards violence of the Dark Ages by developing objective moral duties, defined by ethnicity, towards others. At the same time, the development of moral duties based on Panhellenism was interdependent with attitudes defining "barbarians" as undeserving of empathy and, consequently, a new manifestation of cultural bigotry.

In chapter four I will examine an exception to the normal rules limiting empathy in ancient Greece, narratives of monarchic legitimacy depicting the monarch experiencing empathy in exceptional ways. These narratives were a part of attempts to portray monarchs as able to transcend the informal rules limiting empathy for everyone else as a part of their claims to charismatic authority. Monarchic empathy does not represent an attempt to subvert the norms restricting empathy, but it did rely upon the widespread desire for a freer experience of it. By exceptionalizing monarchic empathy as a part of their claims to elevated, often divine, statuses, these narratives of charismatic authority confirmed the norms of empathy for everyone else while also offering a vicarious liberation from them.

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Chapter 1. The Study of Empathy in History

In his classic 1835 study of American values and society, *Democracy in American*, Alexis de Tocqueville discusses an excerpt from the letters of the 17th century aristocrat the Madame de Sevigny:

Your letter from Aix, my daughter, is droll enough. At least, read your letters over again before sending them, allow yourself to be surprised by the pretty things that you have put into them and console yourself this pleasure for the trouble you have had in writing so many. Then you have kissed all of Provence, have you? There would be no satisfaction in kissing all Brittany, unless one liked to smell of wine... Do you wish to hear the news from Rennes? A tax of a hundred thousand crowns has been imposed upon the citizens; and if this sum is not produced within four-and-twenty hours, it is to be doubled, and collected by the soldiers. They have cleared the houses and sent away the occupants of one of the great streets and forbidden anybody to receive them on pain of death; so that the poor wretches (old men, women near their confinement, and children included) may be seen wandering around and crying on their departure from this city, without knowing where to go, and without food or a place to lie in. Day before yesterday a fiddler was broken on the wheel for getting up a dance and stealing some stamped paper. He was quartered after death, and his limbs exposed at the four corners of the city. Sixty citizens have been thrown into prison, and the business of punishing them is to begin tomorrow. This province sets a fine example to the others teaching them above all that of respecting the governors and their wives, and of never throwing stones into their garden. Yesterday, a delightful day, Madame de Tarente visited these wilds; there is no question about preparing a chamber or a collation; she comes by the gate, and returns the same way...¹

De Tocqueville uses the above passage to shock the reader with Madame de Sevigny's ability to dismiss the suffering of her social inferiors without concern or effort. But he also argues that it shows another side to her personality, an epistolary author whose humanity, cultivation, and generosity had justly made her letters an admired work of literature. Her persona as a civilized woman of letters might seem to be at odds with her callousness towards the citizens of Rennes but, de Tocqueville argues, we can understand this seeming contradiction by appreciating the social and political factors that shaped her capacity for empathy. Rather than simply judging her morals, de Tocqueville considers how she had learned boundaries from her

¹ De Tocqueville 2010: 991-992.

social context with respect to her expression of empathy. He theorizes that, unlike democracies, whose values encourage broad compassion in accordance with political cultures based on the broad participation of citizens, the aristocratic culture to which Madame de Sevigny belonged created strong boundaries of empathy between social classes.² In other words, her internalized rules of empathy reflected and reinforced the pattern of political authority in her culture—as they did for de Tocqueville and in his imagined reader. Although de Tocqueville does not go so far as to justify or excuse her indifference towards the citizens of Rennes, he argues that we should seek to understand her capacity for empathy as a product of its political and social context rather than merely dismissing it as a moral failing.

De Tocqueville's perspective on the social construction of empathy has an obvious application to ancient societies, which were often characterized by radically different moral values and social structures from those of the modern day. But this intriguing approach towards the social construction of empathy within historical contexts has not been widely imitated since de Tocqueville's time. The aim of this dissertation is to provide an explanation of the social construction of empathy in ancient Greece during the fifth and fourth centuries BC, which has not been a significant research topic in general. A particularly useful aspect of de Tocqueville's approach as a model of how to fill this gap is his emphasis on how cultures develop informal but consistent rules of empathy that respond to the problems presented by their environments and internal social tensions. By looking at empathy as something that the ancient Greeks culturally constructed in response to the challenges that their society faced, we will hopefully gain a deeper understanding of why their moral and social values took the form that they did.

² De Tocqueville 2010: 987-994.

While de Tocqueville presents us with an intriguing hypothesis, experiments in the field of psychology allow us to test his explanations and, wherever they prove to be valid, to build on them in order to understand better the internal logic of the moral and social values of ancient Greece. Drawing on the rich body of modern-day research on the dynamics of empathy and cooperation available today, we will develop his theory that empathy is conditioned by its social and political context into a sustained study of how ancient Greek society of the fifth and fourth centuries BC generated and inculcated a system of empathy into its members. Furthermore, we will attempt to explain some of the factors influencing this system of empathy as well as how it was regarded by some prominent members of ancient Greek culture. If we maintain de Tocqueville's idea that empathy is culturally constructed in response to environmental and internal challenges, a number of relevant questions present themselves with implications for the study of ancient Greek social and intellectual history, emotions and values. Can we define a unitary set of norms regarding the expression of empathy in ancient Greek society? If so, which cultural and environmental factors influenced how empathy was defined in ancient Greece? Which cultural institutions encouraged individuals to adopt the dominant norms of empathy in their culture and how did they do so? Were these norms broadly accepted or do we find substantial evidence for social deviance³ in the expression of empathy? In order to answer these questions, we will draw upon contemporary psychological studies into the nature of empathy in addition to a broad range of sources from our time period and the centuries preceding it.

In this dissertation I will interpret the social norms that defined empathy in ancient Greece, with a focus on the fifth and fourth centuries BC. I will apply a concept that I have termed "the social regulation of empathy" (defined in more detail below), in order to describe

³ Scott and Marshall 2009b.

what I regard to be a fundamental ambivalence characterizing empathy in ancient Greece.⁴

Although seen as a necessary faculty for building communities, empathy could also be a source of anxiety as potentially problematizing the social structures and habits believed to be necessary for the survival of the community, such as broad-based participation in warfare and economic systems based on the exploitation of slaves. Attitudes towards empathy tended to be conflicted as innate tendencies towards it competed with social values dictating that it be strictly limited. In order to understand this conflict, we will survey sources in three categories, Athenian law, the history of attitudes towards the morality of collective violence, and the theories of monarchy constructed in the fourth and third centuries BC. I will then interpret these sources using the findings of modern-day psychological research. By the end of this dissertation, I hope to have explained the conflicted nature of empathy in ancient Greece while also accounting for the reasons why they maintained such strict cultural norms regarding empathy. But it would be useful first to establish some general points about how empathy is defined, and, more specifically, its pertinence to social and moral categories.

Defining Empathy

Research into empathy since De Tocqueville's time has greatly advanced our understanding of its underlying mental processes and of its neurological and evolutionary roots. But even a clear definition has not been easy to arrive at. Despite its derivation from Greek, empathy is a neologism based on the German *Einfühlung* coined in 1909 by the psychologist Edward Titchener to describe the process of appreciating the emotional content of a work of art.⁵

⁴ A summary definition of the social regulation of empathy would be the collective effort to impose social norms of empathy within a community, as well as the tension between this effort and the tendency to experience empathy according to the beliefs of individuals.

⁵ See Ganczarek, Hünefeldt and Belardinelli 2018 for a discussion on the transition from aesthetic theory to psychology.

This migration from art criticism to psychology has not helped to clarify the meaning of empathy and its subsequent broad popularity has meant that it can mean many different things depending on its context and usage. Multiple modern psychological studies have offered greater precision, but a complete consensus has not emerged. For the purposes of this paper I will treat empathy as a composite of the three mental skills named and defined by Jamil Zaki, mentalization (perceiving the thoughts of another), experience sharing (taking on the emotional state of another) and mind perception (recognizing another as having an equivalent mental state to one's own).⁶ As this definition makes clear, empathy is fundamentally a process of perceiving and experiencing the mental state of another, aspects of empathy often called, respectively, cognitive and affective. A useful consequence of Zaki's tripartite definition of empathy is the clear distinction it allows for between its cognitive and affective aspects, the related but distinct processes of perceiving the mental state of another and of identifying with that state. Recent studies into the neurological foundations of empathy have shown that its cognitive and affective side are often, but not always, linked.⁷ Even though these two manifestations of empathy can be experienced separately, they tend to be unified into an integrated process of perceiving and identifying with the mental and emotional state of another person.

As a mental faculty empathy seems to be fundamental to humanity and even many species of social mammals.⁸ From an evolutionary perspective, it is typically interpreted as a psychological mechanism encouraging cooperation in the context of complex and dynamic social groups.⁹ It conferred a significant advantage in managing social stressors and in maintaining social cohesion. Animals displaying empathy cooperate in flexible and adaptive groups unlike

⁶ Zaki 2014.

⁷ Decety 2010; Preston and de Waal 2002; Batson 2009; Zaki and Ochsner 2012.

⁸ Decety 2011.

⁹ De Waal 2008.

the rigid hierarchies followed e.g. by social insects. Interestingly, this relationship between a certain type of social structure and empathy was predicted by none other than Aristotle who noted as a characteristic trait of humans their adaptive sociality, their capacity to form flexible and dynamic social groups unlike those of, for example, ants or bees.¹⁰ Recent studies have added other intelligent social mammals to this category including dolphins, elephants and apes, all of whose social groups resemble Aristotle's description of human sociality and who, revealingly, share our capacity for empathy. Empathy seems to be a crucial emotional resource for animals with flexible and dynamic social groups as a means of negotiating between the needs of individuals and those of others.¹¹ We can regard it as a core cognitive faculty possessed not just by humans but by other animals who display the sophisticated and adaptive sociality described by Aristotle.

The Role of Empathy in Defining Moral and Social Categories.

Even though empathy is a common mental faculty of humanity, its actual expression is mediated by environmental and cultural factors. Our evolutionary heritage of dependence on social groups for survival means that we are likely to develop bonds of empathy with the members of groups to which we belong.¹² Moreover, achieving a sense of belonging to desired social groups is a fundamental human need that these bonds fulfill.¹³ At the same time, an evolutionary heritage of intergroup competition and limits on the effective group size of our ancestors have developed a tendency in us to restrict the empathy we experience towards out-group members. This is especially true in the context of intergroup competition where the

¹⁰ Aristotle *Politics* 1253a7-9. See Depew 1995; Arnhart 1994 for discussion of the unique way in which humans are political according to Aristotle.

¹¹ See Silk 2023.

¹² Szanto and Krueger 2019.

¹³ Baumeister and Leary 1995.

empathy shared by members of an in-group can even be a driver of empathic exclusion and aggression against outsiders.¹⁴ Cultural values and beliefs play an additional role in shaping our expression of empathy, not just in how we determine boundaries between extending and withholding it, but also in what types of empathy we choose to express for different occasions.¹⁵ The boundaries and internal logic of our capacity for empathy are therefore strongly influenced both by the universally human dynamics of group behavior and the culturally specific set of values that we have internalized.

The ways in which we habitually withhold and express empathy are immensely important in determining how we relate to others. The experience of empathy towards another is strongly associated with affording him or her personhood, a moral and legal category granting someone access to fundamental rights and dignity.¹⁶ A consequence of ascribing personhood to someone is a tendency to identify with him or her and to believe that fulfilling his or her needs is important. Empathy is closely connected to our capacity for “theory of mind,” the ability to perceive mental states equivalent to our own in others.¹⁷ Empathy is also associated with prosocial behavior in general and we are more likely to cooperate with those towards whom we experience empathy.¹⁸ Conversely not experiencing empathy towards a person is strongly correlated with othering him or her, a process of defining another as intrinsically alien, foreign or unlike oneself, usually in a negative sense.¹⁹ Unsurprisingly, we are far more likely to see those we have othered as competitors or enemies and to exclude them from both cooperation and empathy. Interpersonal empathy therefore plays an important role in how we build communities, how we evaluate our

¹⁴ Zaki 2014: 1611; Cikara et. al. 2014.

¹⁵ Cassels et. al 2010; Atkins et al 2016.

¹⁶ Dillard 2012; Hoffman 1986.

¹⁷ Seyfarth and Chemey 2013.

¹⁸ Cameron et. al. 2020; Zaki and Mitchell 2013.

¹⁹ Canales 2000; Eichbaum et. al. 2023: 652; Cikara et. al. 2011.

moral duties towards others and in determining the boundaries between our social in- and out-groups. The boundaries that we construct in our expression of empathy are also strongly correlated with how we fundamentally perceive the inherent rights of others and even their humanity.

The role of empathy in determining political, social and moral categories initially seems to be a promising topic for historical research, but if there were little evidence for the expression of empathy in ancient Greece it would be very difficult or even impossible to study this topic. Luckily for us, even though empathy in a modern sense was rarely explicitly discussed in ancient Greece, it was often embedded into other topics, many of which we will examine in the coming chapters. For example, I will argue in the second chapter that attempts by orators to elicit pity in Athenian legal courts can be seen as a process of defining the boundaries of empathy within their community in accordance with the patriotic and civic values of the state. The fact that empathy was a frequent indirect topic of discussion allows us to reconstruct how empathy was conditioned by social and environmental factors, a fact that opens empathy up to historical analysis and interpretation. I will show in the coming discussion that empathy was actually the object of sustained interest in both elite and popular levels, despite its nearly complete lack of explicit discussion. By looking at the assumptions and normative statements made by authors who participated in these discourses, we can reconstruct some of the values of the society of which they were a part.

Empathy's inherent nature, its sensitivity to cultural and environmental conditioning, its role in building social and moral categories and its presence in Greek moral thought make it a good candidate for a historical inquiry as long as we remain sensitive towards the idiosyncrasies of ancient Greek culture. Even though we cannot gain the type of firsthand data that would be

available to us if we were studying people from a modern-day culture, the existing sources are extensive enough for us to reconstruct the dominant norms of the past by closely examining the common assumptions made by ancient authors. Using this reconstruction as a basis, we should be able to develop a profile of how ancient Greek culture defined empathy.

For the rest of this chapter, I will first define some of the methodological traditions which I will be using in my own approach, surveying first the historians of the ancient world whose research has been vital in my application of psychology to the ancient world, and then discussing the ancient sources I will be using as well as some assumptions that I will be bringing to them. Then I will discuss the role of empathy in cooperation and in building communities, arguing that it is extremely important to both of these processes, but that there are also practical reasons to limit empathy through social norms. Finally, I will lay out and summarize the rest of this dissertation.

The Use of Scholarship on Ancient Emotions and Values

My application of research from the field of psychology to the ancient world depends upon recent methodological and theoretical contributions to the history of emotions especially by the research of David Konstan,²⁰ Angelos Chaniotis,²¹ and Douglas Cairns.²² Before the work of these authors emotions were typically either seen as universal or as so culturally specific as to be irrecoverable, either way invalidating them as a subject of research. But these scholars have shown how with patient and close reading of texts we can reconstruct the emotions of many ancient authors as well as the intended responses of their audiences. Their approaches have emphasized the socially specific ways in which emotions were expressed and represented as well

²⁰ E.g. Konstan 2006.

²¹ E.g. Chaniotis 2018.

²² E.g. Cairns 1993.

as how the genre conventions of the surviving sources affected their representations of emotion. By imposing strict semantic specificity, consistent close readings of texts, and by rigorously avoiding presentist readings of ancient emotions, these scholars have demonstrated that it is possible to use the surviving historical sources in order to interpret their intended emotional reception. Similar methods will work for the reconstruction of ancient Greek empathy.

In addition to the methods of the above scholars for understanding the emotional life of the ancient Greeks, I have relied upon a scholarly tradition of reconstructing their moral and social values. Kenneth Dover's 1974 *Greek Popular Morality* represented a turning point in the moral and social historiography of ancient Greece. Although he was not the first author to attempt a general explanation of the unspoken but fundamental moral values of ancient Greek culture—nor even the first of his generation—²³ his work still stands out for its breadth of coverage and for its author's refusal to rely on excessively essentializing and systematizing explanations.²⁴ In general he favored ancient sources aimed at a mass audience especially the orators, largely neglected at his time, in order to reconstruct what "ordinary and unphilosophical" Athenians would have thought about morality.²⁵ Implied in this phrase is perhaps his most significant contribution, the invention of the concept of "popular morality" and the methodological implications of studying this topic.²⁶ Foremost among these was his framing of his topic in terms of the social sciences while remaining firmly grounded in the methods of interpretation traditional to his own field of the classics, literary analysis and philology.²⁷ Rather than attempting to come up with entirely consistent rules, he embraced the inherent messiness of

²³ Adkins 1960; Lloyd-Jones 1971 are also both good studies of moral and social values of the ancient world.

²⁴ Carey 2023: 162-163.

²⁵ Carey 2023: 152, 162. Excerpted from Dover 1974: 2.

²⁶ Note that popular in this context is in contrast to explicitly philosophic approaches not a socio-economic elite see Carey 2023: 149.

²⁷ Carey 2023: 151.

popular concepts of morality and emphasized the diversity of ways in which individuals would have related to these concepts. At the same time, he developed methods for reconstructing the often-fuzzy assumptions that formed the bases of shared moral beliefs and asserted that these assumptions could be articulated by modern scholars as consistent and coherent ideals about the world.

Greek Popular Morality remains an important work and has not been surpassed in doing equal justice to such a broad range of topics. But with respect to each subject it covers, the conversation has continued up to the present day and in many cases our understanding has improved with the greater focus that has characterized more recent scholarship. For example, not all of the subjects his book covers are of equal importance and recent scholarship has deepened our understanding of the centrality of shame and honor in the ancient Greek system of values.²⁸ Recent scholarship has also been particularly skillful in interpreting the relationships between social values, law, and the exercise of political power in democratic Athens.²⁹ One theme running throughout these more recent studies of Greek social values and morality has been a greater appreciation of how normative values and patterns of authority in ancient Greece were often mutually reinforcing of and associated with a politically dominant group within a given community.³⁰ As a result, recent scholars have improved our understanding of the contingency, contestability, and instability of ancient Greek popular morality.

Informed by the works of these modern scholars, I hope to return the problem of defining Greek popular morality without overestimating our ability to define moral first principles in the diverse and complex society represented by the ancient Greek *poleis*. My approach will be

²⁸ Fisher 1992; Cairns 1993; Cohen 1991.

²⁹ Lanni 2009; Lanni 2021; Forsdyke 2022; Ober 1989.

³⁰ Ober 1998.

extensive rather than intensive and while I will not be able to study individual topics in as much detail, I hope to give a good overall sense of some of the attitudes, ideas and prejudices that were common in ancient Greece and to interpret the relationships between these cultural phenomena. In what I see as this study's main contribution, I emphasize the tension and ambiguity in the relationships between the beliefs of individuals and their socially normative values. Ancient Greek culture tended to inculcate a binary attitude towards empathy, the boundaries of which typically corresponded to the dichotomy between social and political insiders and outsiders. Despite the evident reluctance that many felt in adopting this norm, many did so, and I hope to account for some of the reasons why this dichotomy was so influential, while also explaining the discomfort it inspired in many. This dissonant combination of an overt acceptance of social norms that are also a source of anxiety will be a major theme in the rest of this dissertation as I attempt to explain why and how the ancient Greeks continued to tolerate their conflicted relationship with empathy.

The Use of and Approaches to Ancient Sources

I will argue that in ancient Greece empathy was collectively defined through a process that I will refer to as the "social regulation of empathy." This process may be defined as one where members of a society collectively generate informal rules governing the expression of empathy for themselves. These rules tend to reflect the challenges and constraints of a given society, as they are understood by its members, and to support this society's social and political structures. Therefore, the social regulation of empathy may be seen, in part, as a process of adaptation to the environment. This is not to deny the importance of ideas and values in shaping a culture's idiosyncratic concept of empathy, or to claim that the norms concerning empathy could be understood purely from a functionalist perspective. Nevertheless, these intangible

factors have been better explored than the adaptive and environmental ones and so they will not be a primary focus of this dissertation.

In ancient Greece the social regulation of empathy was a process where bonds of empathy between members of the social in-group of the *polis*, especially adult male citizens in good standing, were reinforced while members of out-groups, especially enemies, slaves and those deemed to be bad citizens were excluded. This categorization of empathy based on the distinction between in- and out-groups was continuously reinforced and rarely problematized overtly due to the role it was believed to play in ensuring the continued survival and prosperity of society as a whole. As a result, this fairly harsh system of empathy became a part of the dominant culture of *polis* society in ancient Greece.³¹ By dominant culture I mean the values and norms within the *polis* associated with the ruling class of adult male citizens and imposed as normative on society as a whole.

Since the ancient Greeks discussed empathy less as an abstraction and more as a phenomenon embedded into various cultural institutions, the sources used for this dissertation will be correspondingly broad. In the second chapter I will begin with a focus on a specific time and place, Athenian legal speeches from the late fifth and fourth centuries BC, as an example of how a community in ancient Greece could define itself through empathy by means of a public discourse on the appropriate boundaries of pity. By focusing on a relatively narrow case study, I hope to show how the social regulation of empathy supported cooperation within ancient Greek *poleis* and to explore some of the reasons why it took the form that it did. In the third chapter I will focus on the diachronic changes in attitudes towards violence beginning with the late Dark Ages, as portrayed by Homer, and then moving on primarily to historical works of the fifth and

³¹ Scott and Gordon 2009c; Susen 2016.

fourth centuries. By looking at the history of changing attitudes across a variety of genres I hope to show how and why people resisted their culture's norms of the social regulation of empathy while also accounting for why there is so little evidence for overt criticism of these norms despite this fact. In the fourth chapter I will focus on narrative trope which I call "surprising empathy" in tragedy and history, showing how this originally literary trope was incorporated into narratives meant to establish the legitimacy of actual and would-be monarchs. By focusing on these political and historical works, I hope to explain an exceptional and revealing example of the rules of empathy being broken. Throughout these chapters, I will attempt to keep my use of sources consistently broad to avoid making this dissertation a study of the portrayal of empathy within one or more genres of literature and to keep it an interpretation of the assumed and hidden assumptions shared by ancient Greek authors.

In order to understand the relationship between individuals and the social regulation of empathy I have borrowed Freud's model of how individuals internalize socially normative values from *Civilization and its Discontents*. In this book, he examines the paradox that we generate social norms while also rebelling against them due to the tension between our psychological needs and our collective responsibility to maintain social stability. For Freud this conflict is fundamental and irresolvable, and he defines one of the characteristic traits of civilization as the ongoing repression of our id, Freud's term for the subconscious desires of the human psyche.³² An unrestrained id would be a terrifying thing and it would be simplistic to reduce Freud's model to an unqualified criticism of the social repression of a natural and desirable freedom. Indeed, the conflict between the id's desires, of which we are frequently not consciously aware, and our

³² Freud 1989a: 50-52.

internalized social rules, to which we often consciously desire to adhere, is one of the dynamics inevitably characterizing human consciousness according to Freud.

Freud's study focuses on the conflict between our innate drive towards the immediate satisfaction of our base desires and the collective effort to discipline and repress these instincts in the interests of society as a whole. I, in contrast, will focus on the conflict between an innate tendency towards empathy and the social rules limiting its expression in ancient Greece. As a result, I have adapted his model to my own study of the social regulation of empathy in ancient Greece. Throughout the examples that we will examine, we will see a clear tension between a theoretical ideal of empathy, where insiders and outsiders are clearly distinguished, with its actual experience where the boundaries were often quite a bit more muddled. An immense amount of effort was spent to inculcate the normative ideal of empathy into *polis* citizens and through this effort we can see the tension and resistance involved in internalizing it. Explicit and open deviance from these norms is not common and difficult to detect, but the fourth chapter of this dissertation will examine an exceptional case where the informal rules of empathy were broken in fifth and fourth centuries Greece.

Much as, according to Freud, primitive instincts are repressed in the service of collective wellbeing without being eliminated or weakened, so was the desire for a more open and freer expression of empathy repressed in ancient Greece without being eliminated. The tension between ineradicable instinct and social conditioning was also similarly a result of the tension between individual emotional needs and those of the collective wellbeing. The tension in Freud between the infantile and violent desires of the id and the need to maintain social stability is immediately apparent, but it is less clear why a similar dynamic of repression would be practiced with respect to empathy in ancient Greece. Some reasons for the repression of empathy include

the threat it presented to slavery, an economic basis of the Greek *polis*, and how the regulation of empathy enhanced the social mobilization of resources, especially military resources. I will summarize some of the most prominent reasons in the following section of this introduction and examine them in more detail in chapters two and three of this dissertation. But, in general, the ancient Greek norms of the social regulation of empathy can be understood in terms of how they reflected and reinforced the patterns of cooperation of this culture and in how they responded to internal and external threats to social stability, as they were understood.

Freud's theories on resistance of individuals to prosocial norms help us to understand the complicated and conflicted process through which we internalize the norms of our dominant cultures. In any given moment, individuals may be expected to fall on a spectrum in terms of the extent to which they assimilate their own beliefs to the dominant ones of their culture. One's feelings towards the values of one's social environment will typically be characterized by a degree of ambivalence, even if there is little evidence for overt criticism of these beliefs. Positions on this spectrum will change between individuals and within individuals over time, but it is rarely or even never the case that an individual completely internalizes or rejects the social norms of his or her environment. A broader consequence of Freud's theory is that conflicted responses to dominant social values are the norm and should be treated as such.

As a final point, I have always disagreed with F. Scott Fitzgerald's aphorism, "The test of a first-rate intelligence is the ability to hold two opposed ideas in mind at the same time and still retain the ability to function." The truth, in my opinion, is that conflicting or even contradictory beliefs are much more common than Fitzgerald suggests. Our aversion to cognitive dissonance, the unpleasant tension, first theorized by the psychologist Leon Festinger, experienced when our beliefs are not in accordance with our actions, helps to explain how the ancient Greeks responded

to the conflict between their innate tendencies towards compassion and the socially constructed rules of their environment.³³ One consequence of Festinger's theory is that in order to avoid cognitive dissonance we often change our beliefs to fit our past actions rather than vice versa. This fact highlights the importance of civic and social rituals and military participation in ancient Greece in reinforcing the dominant norms of the social regulation of empathy. Continuous reinforcement of the dominant social values through rituals and collective actions would have encouraged individuals to accept these values despite their doubts and reservations. Our tendency to avoid cognitive dissonance and to adapt our values to our actions explain this odd-seeming combination of tension and stability. Using the social regulation of empathy as a framework helps us to appreciate the ambivalence with which many ancient Greeks are likely to have regarded the dominant concepts of their societies while also understanding the enduring appeal of these beliefs. The psychological theory of cognitive dissonance, in turn, provides a convincing explanation for how ancient Greeks negotiated between these two conflicting realities, how norms characterized by tension and conflict can be surprisingly stable and enduring. I hope that my approach will help avoid the unhelpful dichotomy where we either make the culture of the ancient Greeks a stage in a teleological process that leads to modern morality or dismiss them as morally deficient for not following our values.

Empathy, Cooperation, and Culture

De Tocqueville's theories of how empathy is conditioned by its cultural and political context turns out to be at least partially supported by modern-day psychological experiments and theory. Multiple modern studies have supported his intuition that the expression of empathy is learned from our environments, and that the specific ways in which we express empathy are

³³ Festinger 1957.

closely correlated with how we categorize others into in- and out-groups. Less frequently studied today are de Tocqueville's conclusions on how empathy is regulated in support of the dominant social and political systems within a given society and how culturally specific rules of empathy influence the dynamics of cooperation. At the same time his brief account of this topic leaves open a number of issues and implications, and his explanation of the underlying psychological factors governing the social regulation of empathy is unsatisfactory. His theory that empathy has a hydraulic relationship with its intensity—that is to say that the more broadly empathy is extended the weaker it becomes—has not been supported by modern-day studies and we must look elsewhere in order to explain why empathy is simultaneously extended and limited by cultural norms.³⁴ One way to begin to understand this relationship is to look at the dynamics of group cooperation from a game theory perspective and to see how empathy affects these dynamics.

In order to understand the regulation of empathy in the cultural norms of ancient Greece we need first to look at how culture and empathy are relevant to the dynamics of cooperation in general. This general model will help us to understand the structural factors influencing how the ancient Greek social regulation of empathy took the form that it did. Furthermore, an exploration of the relationships between culture, empathy and cooperation in general will provide a theoretical justification for interpreting the social rules of empathy as a response to the inherent challenges presented by cooperation. As we will see in the following discussion, there are practical reasons for social groups both to encourage and to limit empathy, and these reasons will be useful for developing our interpretation of the social regulation of empathy in ancient Greece.

³⁴ Cameron, Inzlicht and Cunningham 2015; Shaw, Batson, and Todd 1994 (cited in Cameron, Inzlicht and Cunningham 2015); Cameron and Payne 2011 (cited in Cameron, Inzlicht and Cunningham 2015); Zaki 2019.

Robert Axelrod's 1984 *The Evolution of Cooperation* provides us with an excellent starting point to understand how the underlying structural features of cooperation influence the social regulation of empathy.³⁵ In this book he presents his results from a series of experiments modeling repeated iterations of a game based on the scenario known as the "prisoner's dilemma." The rules of this game are simple: two players choose whether to cooperate or defect and then both decisions are revealed. Mutual cooperation awards each player three points while mutual defection awards one point to both players. A mixed result means that the defecting player wins five points, while the cooperating player wins none. At the time of Axelrod's experiment, it had long since been observed that, regardless of one's opponent's decision, defection maximizes one's score in a round of this game.³⁶ As a result, the prisoner's dilemma had typically been used as a scenario illustrating the difficulty in ensuring cooperation in situations governed by rational self-interest. Axelrod's innovation was testing strategies over multiple iterated rounds of this game in order to evaluate various cooperative and competitive strategies. To this purpose he developed a computer program, according to which digitally simulated players followed strategies submitted by experts from a variety of fields including statistics, game theory and computer programming over two hundred iterated rounds of the prisoner's dilemma.³⁷ During each round two random players, each following one of the previously submitted strategies, would be selected to compete in the prisoner's dilemma game described above. By conducting multiple experiments, with different compositions of cooperative and competitive strategies, Axelrod hoped to learn fundamental truths about the dynamics of cooperation and competition in complex systems.

³⁵ Axelrod 1984.

³⁶ Poundstone 1992.

³⁷ Axelrod 1984: 31.

The results of Axelrod's experiments revealed many of the strengths of cooperation as a strategy as well as the circumstances in which cooperation can arise. Throughout multiple experiments a surprisingly simple strategy was confirmed as the strongest, one that he calls "tit-for-tat." This strategy dictates that the player initially chooses to cooperate and then follows the previous move of its opponent, with a later refinement adding the additional rule of forgiveness for one defection. In following tit-for-tat, over the course of many interactions, cooperation maximizes the individual scores of those willing to do so while habitual defectors are punished by mirroring their decisions to defect. This model of cooperation is also known as "reciprocal cooperation" due to its reliance on the behavior of one's opponent. Axelrod proposed four reasons explaining why tit-for-tat is a successful strategy: it avoids unnecessary conflict by cooperating as long as the other player does so, it recognizes and punishes defectors, it forgives initial defection from players thereafter willing to cooperate, and it is characterized by clarity of behavior meaning that opponents can recognize and adapt to a tit-for-tat player's pattern of action.³⁸ Essentially, tit-for-tat shows that it pays in the long term to be "nice" while also punishing those players who consistently choose defection. The iterative nature of the interactions is crucial for allowing the emergence of cooperation, which is in the long-term self-interests of individuals over repeated interactions despite its short-term cost. As shown by Axelrod's experiments, mutual prosperity through cooperation emerges even when players' actions are governed by simple rules designed to maximize their personal scores.

This all seems quite promising as a simulation of the development of human societies as cooperative systems, but there are a few serious limitations in making this extrapolation. First of all, Axelrod's experiments reveal potentially fatal vulnerabilities of reciprocal cooperation. Even

³⁸ Axelrod 1984: 175-77.

though tit-for-tat served the long-term best interests of everyone involved, mutual prosperity through cooperation only emerges so long as a sufficient number of cooperators are able to form “clusters of interaction.”³⁹ Should a sufficient number of players choose to defect consistently or if cooperative players never interact with each other through bad luck, then the mutually assured prosperity gained through cooperation never has a chance to develop. In addition, Axelrod noted the vulnerability of reciprocal cooperation to exploitative strategies, ones that usually cooperate while occasionally defecting, a limitation that recent studies have confirmed and further developed.⁴⁰ Players following these exploitative strategies will be able to surpass the scores of their cooperative opponents parasitically, imposing a collective cost on the total score of the players of the game as a whole while increasing their personal scores. A sufficiently large population of exploiters is even capable of ruining the cooperative status quo attained by a predominance of tit-for-tat.⁴¹ These two shortcomings of reciprocal cooperation demonstrate some of the structural weaknesses of cooperation from the perspective of rational self-interest and game theory. Cooperation does not always emerge in a series of random interactions, and if it does emerge it is vulnerable to exploitation.

In addition to the limitations of Axelrod’s proposed dynamic of cooperation within his own framework, there are difficulties in applying it to real-world human behavior.⁴² Some applications of his model to human interactions fall apart in the details due to the difficulty of quantifying reward and cost in complex and socially specific settings.⁴³ Additionally, all interactions in Axelrod’s experiments were random and so they don’t account for our ability to

³⁹ Axelrod 1984: 64, 68.

⁴⁰ Axelrod 1984: 119-20; Press and Dyson 2012; Stewart and Plotkin 2012.

⁴¹ Axelrod 1984: 120.

⁴² Gilbert 1996.

⁴³ Gelman 2007; Boyd 1988.

choose our interaction partners.⁴⁴ In the real world, humans have a much more sophisticated ability to respond to the dispositions of their opponents than the relatively simple rules of tit-for-tat and this ability needs to be accounted for. There is also no indication in the experiment as to why people would initially choose cooperative strategies. Initial choices matter because, as mentioned above, it is necessary for a sufficient number of cooperators to exist in order for cooperation to emerge as a successful strategy. If human nature were hypothetically oriented more towards competition than cooperation, the initial conditions allowing for the emergence of cooperation would not exist. So, due to the following limits, Axelrod's model cannot alone serve as a basis for understanding cooperation in real-world scenarios: the score maximizing behavior of his experiments does not always convincingly translate into the pursuit of real-world goals, we can and do choose partners with whom to interact, and reciprocal cooperation does not explain why humans would be inclined to cooperate initially.

In order to make the transition from Axelrod's game theory-based model to human social behavior we have to consider the roles played by factors outside of the typical boundaries of game theory, culture and empathy. The limitations of the cooperative systems modeled by Axelrod's experiments, both according to the experiments' own assumptions and in their application to human behavior, demonstrate the limits of rational self-interest and reciprocal models of cooperation to explain cooperation in real-world human societies. Only by looking at how culture and empathy address these limitations in the real world can we understand the dynamics of cooperation in real-world human social behavior. Like emotions, empathy and culture have been dismissed as irrational by many, but they represent efficient adaptations to the dynamics of cooperation.

⁴⁴ Gilbert 1996.

Humanity's unique capacity for culture, "a general term for the symbolic and learned aspects of human society," helps to explain why human cooperation is so much more extensive than that of other similarly cooperative species.⁴⁵ One problem in explaining the emergence of cooperation from the perspective of evolutionary theory is that, purely considering rational self-interest, individuals are incentivized to avoid contributing to the collective wellbeing of a group to which they belong while taking the benefits of living in a society. We have already seen a hint of this problem from the perspective of game theory where vulnerability of reciprocal cooperation to exploitative strategies was noted by Axelrod. This vulnerability raises a difficult question: if selfish behavior were favored by natural selection, then why is cooperation so prevalent and robust across cultures? Evolutionary solutions that work for other social animals, such as kinship and policing, do not scale up to the level of even relatively small human communities such as hunter gatherer tribes.⁴⁶ A common solution to this problem is provided by the cultural development of norms punishing free riding or defection⁴⁷ resulting in an environment that, perhaps, created an environment conducive for the genetic evolution of prosocial psychological traits.⁴⁸ Furthermore, without the ability to transmit behavioral traits through culture, there would be no way for complex systems of cooperation to be transmitted to and incrementally adapted by new generations.⁴⁹ As a result, Axelrod's experiments show how relatively simple forms of cooperation can emerge, but they do not explain how humans can cumulatively adapt their methods of cooperation across generations.⁵⁰ Cultural memory, the

⁴⁵ Boyd and Richerson 2009; Scott and Marshall 2009d; Silk and House 2016.

⁴⁶ Boyd and Richerson 2009: 3283 Ratineks and Wenseleers 2005; Dijker 2011; Silk 2023; Leimar and Hammerstein 2010.

⁴⁷ Hereon I will refer to both free riders, those who take benefits without contributing, and defectors, those who take benefits while imposing a collective cost, as exploiters.

⁴⁸ Boyd and Richerson 2009: 3286-3287.

⁴⁹ Boyd and Richerson 2009: 3284-5.

⁵⁰ Boyd and Richerson 2009: 3282-3286.

ability to transmit norms to others, is necessary to explain the gradual growth of cooperation into the immensely complex and sophisticated forms that it has taken across human cultures both historical and existing in the present day.

Finally, culture represents a way of defining rules of empathy for group members. Even though the role of culture in defining empathy and the role of empathy in encouraging cooperation have both been separately studied, this dissertation represents the first time, as far as I'm aware, that the two concepts have been explicitly connected. One of my initial premises is that culture defines the expression and boundaries of empathy within a society in specific ways as an adaptation to internal and external pressures. In order to see how the way in which a culture defines empathy is relevant to the social dynamics of cooperation it will be useful to see the role that empathy plays in cooperation in general. By looking at this role, we will be able to see how the cultural defining of empathy is crucial for applying Axelrod's simple model to human behavior.

On the most basic level, empathy is an essential component of our capacity to develop a theory of mind which, in turn, is a necessary first step in understanding the behavior of others. Through our capacity for the theory of mind we can understand that others face dilemmas in cooperation that are equivalent to our own, enabling us to predict, and therefore to respond to, their future behavior. This ability to understand other people as having an equivalent mental state to one's own allows for the development of real-world evolutionary strategies of cooperation more sophisticated than the reciprocal cooperation modeled by Axelrod. We deliberately choose our interactions with others based on our knowledge of their dispositions obtained through both personal experience and hearsay. Our ability to intuit the dispositions of others has been

theorized to be essential in making optimal choices about cooperation partners.⁵¹ This ability distinguishes us from the random interactions of Axelrod's digitally simulated players and represents a significant advantage for real-world human cooperation in creating clusters of cooperation, one of the preconditions for cooperation to emerge as a viable strategy according to Axelrod.

In addition to the advantage gained from being able to understand each other better, experiencing empathy towards a person also naturally predisposes us to cooperate with him or her. Culturally developed empathy between the members of a society therefore mitigates the risk posed by selfish or exploitative strategies posed by purely game theory-based models of cooperation by creating a positive feedback loop in which increased empathy results in increased cooperative behavior, which increases empathy and so on. Even more promising, empathy has been shown to cause people to choose cooperative strategies altruistically, showing the limits of attempting to understand human behavior purely from the perspective of rational self-interest.⁵² In order to understand cooperation in human societies we must account for our ability to act altruistically, or to incur a personal cost in order to benefit others. Despite the assumption of many evolutionary theorists that humans are inherently selfish, recent studies have provided strong and compelling evidence that we also possess a strong tendency towards altruistic actions.⁵³ Altruistic behavior is especially prevalent in interactions between members of a social group where individuals are more likely to prioritize the wellbeing of another person or the group over him or herself.⁵⁴ Even though the exact connection between empathy and altruism has been variously argued, there is a clear and strong correlation with experiencing empathy

⁵¹ Robin 1996; Sewell 2010; Melo and Kazunori 2020.

⁵² Sautter 2006.

⁵³ Zaki and Mitchell 2013; Silk and House 2016.

⁵⁴ Jung-Kyoo and Bowles 2007.

towards a person and a tendency to take altruistic actions on his or her behalf.⁵⁵ The immense advantages to cooperation represented by altruistic behavior represent another reason for a society to encourage empathy internally due to the risk of exploitative strategies. Furthermore, as noted above, in order for cooperation to emerge according to Axelrod's experiment, humans cannot be excessively competitive by nature. Fostering empathy within a society therefore creates one of the necessary preconditions allowing for the emergence of systems of cooperation which cannot emerge or continue to exist if a sufficient number of members chose not to follow a cooperative strategy.

The limits of Axelrod's theory of cooperation in explaining human behavior reveal how important it is to consider the cultural development of empathy in order to understand the dynamics of cooperation. But there are also costs and risks associated with extending empathy to another that we must consider in order to understand the adaptive pressures associated with defining empathy through culture. Empathy can take a psychological toll on individuals, and there are many types of interactions where we face a strong individual and collective incentive to limit or withhold empathy towards another person. Due to these costs and risks, we may expect that cultures will tend to limit as well as to encourage empathy and that the specific ways in which a society defines empathy will closely relate to how it structures cooperation. In order to understand how the pressures to limit empathy influence and are influenced by the dynamics of cooperation, it will be worthwhile to examine some of the specific reasons why empathy can be problematic, both in general and for ancient Greek culture specifically.

One reason to limit empathy can be shown by a thought experiment. A person who felt equal empathy for everyone would constantly have to face difficult moral decisions since we live

⁵⁵ FeldmanHall et. al. 2015; Batson and Moran 1999; Rumble et. al. 2010.

in a world where scarce resources must be allocated to the unlimited wants of humanity. Since extending empathy towards another person predisposes us to want to help that person, the experience of empathy towards a huge number of people that one would be unable to help would represent a considerable mental burden by complicating our decisions in allocating our limited available resources. We can see this factor in the fact that, even though modern-day Western cultures generally embrace extending empathy towards others in theory, we limit our actual experience of it due to our psychological and physical limits.⁵⁶ The memorable formulation of Mother Teresa “whenever I meet someone in need, it's really Jesus in his most distressing disguise” reveals the psychological burden that extensive empathy can cause. The impracticality of her solution for most people, dedicating one’s life to the most pressing needs of the neediest, reveals this tension taken to its logical conclusion. Even in a context where social and moral norms encourage a broad expression of empathy, such as those of today, most people will limit their experience of it to prevent the impossible dilemmas that excessively broad empathy would cause due to humanity’s unlimited wants in a world of limited means.

One other reason to limit empathy is the direct cost it imposes upon the person experiencing it. On the most basic level, experiencing empathy towards another is cognitively taxing, a factor that has been shown to lead to people actively avoiding it.⁵⁷ The cognitive load that empathy entails represents one reason to limit it; if extended too broadly empathy can become a burden upon one’s cognitive capacity. Moreover, empathizing with someone experiencing a negative emotional event causes one to take on that person’s negative emotion due to the process of experience sharing. The vicarious experience of negative emotion has been shown in a recent study to have harmful long-term mental health impacts upon healthcare

⁵⁶ Waytz 2016.

⁵⁷ Cameron et. al. 2019.

providers who intuitively develop means of limiting the empathy they experience for their patients.⁵⁸ This dynamic represents an additional reason to limit empathy towards those experiencing a negative emotional event in order to avoid adopting their distress. Empathy is inherently cognitively taxing and can be a source of unpleasant or even overwhelming emotions when the object of empathy is experiencing a negative emotional event. Repeated interactions with others experiencing negative emotions can even overwhelm our ability to cope, and when one feels empathy for a large number of others whom one is unable to help, feelings of helplessness and despair can result. Empathy's cognitive burden and the need to avoid being overwhelmed with unpleasant emotions felt through experience sharing therefore present us with another reason to limit empathy for our own mental health.

An additional reason to limit empathy is the necessity of punishing exploiters within cooperative systems. The experience of empathy towards another person disposes us to identify with that person, to cooperate with him or her and wish for his or her general wellbeing. This tendency, although useful when shared between cooperators, represents a liability when it is necessary to designate exploiters for punishment. The carefully nurtured empathic bonds shared with those designated by society as exploiters will become the source of confusing and unpleasant emotions for those with a direct or indirect role in their punishment. It is psychologically far easier to commit acts of violence against those who have been socially othered, and the limiting of empathy towards those who are to be punished therefore makes sense from the point of view of ensuring the collective wellbeing.⁵⁹ We can expect that empathy will be limited towards those believed to be free riders or exploiters as a part of partially excluding them from the society of cooperating members and isolating them in the process of their punishment.

⁵⁸ Weisz and Cikara 2021.

⁵⁹ Klimecki et al. 2016.

This tendency is all the more true for ancient Greece when we consider the fact that punishment in the premodern world was usually justified as retribution and by the example punishment set for the rest of the community, unlike in the modern world where it is typically justified as rehabilitation.⁶⁰ During the actual execution of their punishment we can expect that empathy will be further limited in order to avoid the sympathetic experience of their distress, a tendency associated with empathy that presents a further psychological barrier to their punishment.

Another reason to limit empathy is the result of the specific dynamics within ancient Greek society which depended in part on the systematized exploitation of slaves.⁶¹ Aristotle is a characteristically perceptive and blunt observer in his description of slaves as “living tools,” a term that emphasizes the necessity of dehumanizing enslaved people.⁶² Although not explicit, Aristotle’s reasoning on the justification for slavery seems to run along the lines that there are not enough resources to ensure the prosperity of everyone so it’s better to deprive a part of society of all but the most essential resources to allow at least a portion to achieve a civilized life.⁶³ If we may take his reasoning as an articulation of a common ancient opinion, and this generalization seems more or less to ring true,⁶⁴ it is striking how much it differs from apologists in 19th century America where slavery had to be justified as not doing violence against the enslaved through the development of racial theories.⁶⁵ No matter how outrageous and hypocritical we might find the

⁶⁰ Cohen 2005.

⁶¹ On the role of slavery in the ideology of freedom and citizenship see Finley 1980; Tuplin 2007.

⁶² Aristotle *Politics* 1253b33, 1329a1; Heath 2008: 264, 267. On the role of social institutions in dehumanizing the enslaved see Finley 1980: 163.

⁶³ For the logic of this justification based on the limits of agricultural productivity in a pre-mechanized world see Finley 1975: 190.

⁶⁴ Many ancient utopias have no slaves suggesting that the acceptance of slavery was not wholehearted and that it was seen, at least by many, as a sort of necessary evil see Devecka 2013 and the longing for an *automatos bios* in *Beasts* by Krates Fr. 16. Discussed in Faurey 2006: 21. See also Dubois 2006; Devecka 2013; Finley 1975: 178-192. Stories of the fantasy of a world where slavery would be unnecessary are preserved in Athenaeus, *The Learned Banqueters* 267–69. See Forsdyke 2012: 55-58; Forsdyke 2021: 200.

⁶⁵ There is some similarity to 19th century racial theories in Aristotle’s theory of the “natural slave.” But even though Aristotle’s theory of the “natural slave” suggests a similar justification to apologists of 19th century Atlantic slavery

apologies of Atlantic slavery to be, the need of 19th century slave owners to justify slavery at all is a highly revealing difference from slave owners of the ancient world where slavery was generally accepted as a part of life. In the context of a culture where no moral pretext existed for systematically degrading part of its members into “living tools,” limiting empathy emerges as an important cognitive skill in order to maintain this frankly and (for the most part) unapologetically exploitative economic system. Due to the connection between experiencing empathy towards a person and ascribing personhood towards him or her, empathy for slaves would have complicated their exploitation and this in turn would have problematized a core economic basis of society.

In addition to their use of slave labor, the ancient Greeks lived in a world with a high level of intercommunal violence. Recent studies of collective violence have noted a recurring dichotomy of societies engaging in these acts, which strengthen internal group identities while hardening perceptions of victims as belonging to an out-group. The resulting societal trait has been called “parochial altruism” because of the way in which members these groups typically display a high level of internal cooperation, while competing, often violently, with outsiders.⁶⁶ As mentioned above, withholding empathy from others is connected to othering them, a process that is associated with increased participation in collective acts of violence against those othered. The need to mobilize resources against outsiders reveals a strong incentive to limit the empathy experienced towards social out-groups. From its effect on in- and out-group identities we can see the role of acts of collective violence in defining communities and how the limiting of empathy towards outsiders is useful in mobilizing social resources to commit acts of violence that are

the difficulties in applying this theory to real-world slavery suggest that this theory was not meant to have practical applications to extant system of slavery see Heath 2008.

⁶⁶ Jung-Kyoo and Bowles 2007; Rusch 2014; Baillet, Wu and de Dreu 2014; Bowles and Gintis 2011: 133-146.

perceived to be necessary for the wellbeing of the community. These acts, in turn, reinforce the group identity of participants, increasing their willingness to participate in future acts of collective violence. These factors are particularly pertinent given the military system employed by ancient Greek *poleis* where success depended on the active participation of a large percentage of their potential soldiers while the exclusion of women and (generally speaking) slaves increased the burden upon adult citizen males.⁶⁷ The need to mobilize this group extensively and frequently to meet external threats suggests that empathy towards outsiders will be carefully managed to increase the rate of participation in collective violence against external enemies. The tendency of collective acts of violence to increase participants' affiliation with their group and overall in-group cohesion also represents a socially useful byproduct.

Although insufficient as a sole explanation, Axelrod's model of cooperation serves as a useful framework within which to approach the dynamics of cooperation in general and social regulation of empathy in ancient Greece specifically. He demonstrated through his experiments how cooperation spontaneously emerges in repeated interactions defined by simplified rules based on rational self-interest provided that a sufficient number of cooperators exist and interact with each other. He furthermore demonstrated that the resulting system is effective at ensuring collective prosperity but is vulnerable to disruption from exploitative strategies. But, in order to understand this process in the real world we need to consider the role played by culture and empathy. Purely self-interested humans without culture, incapable of empathy, and making decisions solely on the basis of rational self-interest would not have been able to cooperate to the extent that humanity has been able to. Our capacity for empathy explains our ability to invent and sustain complex cooperative groups while culture emerges as an important factor in

⁶⁷ Sargent 1927.

developing and maintaining empathy. Only by considering both culture and empathy can we understand how the cooperative systems modeled by Axelrod have been able to emerge and flourish as they historically have.

From this discussion so far, we can see the roles of empathy and culture in maintaining social cohesion and why defining empathy through culture has enabled the exceptional level of complexity of cooperation attained by human societies. At every level intragroup empathy emerges as an important catalyst for cooperation in real-world societies. At the same time, an excess of empathy is just as damaging as a deficiency, and we can expect that cultures will develop internal limitations on empathy in order to mitigate its harmful effects. By analyzing the specific ways in which they do so we can learn important and revealing traits of the environment to which a given culture has adapted and how it has done so. As a result, I propose that cultures will tend to develop rules of empathy reflecting and supporting its patterns of cooperation. In other words, the process that I have called “the social regulation of empathy” may be seen as a close relative to the social construction of systems of cooperation and collective action.

In the case of ancient Greece specifically, these general principles of empathy and cooperation help us to understand how and why this culture categorized people into those for whom empathy was encouraged and those for whom it was denied. It would go too far to suggest that the norms of empathy can *only* be understood as byproducts of the dynamics of cooperation, but the degree of mutual influence was high. In ancient Greece, the categories of those excluded from empathy primarily consisted of slaves, “bad” citizens and public enemies, and we can immediately see why it was beneficial to do so. Slaves could be exploited with a cleaner conscience if they were excluded from empathy, and exploitative citizens represented a risk to the collective wellbeing. At the same time, the exclusion of public enemies from empathy would

have been a benefit for the mobilization of human and material resources against collective threats. While these groups were excluded from empathy, the bonds between citizens were reinforced through public and private rituals that emphasized their relationships based on their shared identity as citizens. This dichotomy between inclusion and exclusion can be explained by the two sides of empathy—it supports cooperation within social groups, but it can be detrimental if it is too broad.

As we will see in future chapters, the cultures of ancient Greek *poleis* enforced fairly strict boundaries of empathy that were congruent with the boundaries between social in- and out-groups both within and externally to their communities. The social regulation of empathy in the classical *polis* developed into this form due, in part, to the tensions inherent in their culturally specific social and political structure and a combination of the internal and external threats faced by them. One of my goals in presenting this explanation is to resolve an apparent contradiction in ancient Greek culture—the coexistence of the nearly unanimous and unquestioning acceptance of exploitation and collective acts of violence with a robust and modern-seeming culture exploring the moral duties owed by one person to another. In order to resolve this paradox, it will be necessary to appreciate the resistance of individuals towards the social regulation of empathy as well as the reasons why this resistance never led to a challenge arising from the creation of alternative cultural norms. I believe that it is insufficient to explain this cultural tension purely from the perspective of the intellectual history of ancient Greece and that we must also consider the role played by the dynamics of cooperation and the pressure on ancient Greeks to adapt to their environment. The harsh and violent world in which the classical Greeks lived, and their consequent need to maintain any competitive edge, ensured that this culturally constructed

dichotomy between empathic inclusion and exclusion would be maintained even though it disturbed many.

Chapter Summaries

In the second chapter, “Building a Community through Collective Pity and the Social Regulation of Empathy in Athenian Law,” I will examine an example of how the boundaries of empathy were defined within a community through an interpretation of appeals to pity made by the Athenian orators. The role of pity in Athenian law will serve as an example of how the political structure of the *polis* influenced the social regulation of empathy. I will argue that, partially as a response to structural traits of the *polis*, empathy was internally limited to citizens in good standing and that a significant means of doing so were public appeals during litigation to experience pity in accordance with the civic values of the state. This effort to define internal rules for the expression of empathy can be understood as a response to the need to mobilize resources and to punish defectors in a cooperative system with limited formal means of ensuring compliance with collectively made decisions. The attempt to inculcate patriotic rules of empathy came into conflict with an innate tendency to experience it towards fellow citizens and even slaves regardless of their statuses within the community. All the same, the exceptional coherence and strength of this discourse contributed towards the creation of a society characterized by a high degree of social mobilization despite its limited formal means of coercion. The strict social regulation of empathy within the Athenian state reveals one reason to encourage empathy for some while limiting it for others—the resulting rules of empathy can serve as a method of mobilizing human and material resources for collective benefit.

In the third chapter, “Violence and Empathy towards Outsiders from the End of the Dark Ages until the Late Classical Period,” I will review the historical development of attitudes

towards empathy in the context of changing attitudes concerning acts of violence committed against outsiders from the time of Homer until the early fourth century BC. In this chapter we will see how the need to survive in an often threatening and uncertain world encouraged harsh attitudes towards the members of hostile communities where they were mostly excluded from empathy. At the same time, the diachronic development of this attitude reveals that many felt that an absolute dichotomy in empathy based on the distinction between enemies and allies to be unsatisfactory, and that considerable efforts were made to develop greater nuance in determining from which enemies empathy ought to be withheld and why. Nevertheless, the continuing and rarely *per se* questioned use of brutal methods of warfare, such as the sacking of cities, also demonstrates an enduring belief in the practical necessity of excluding members of hostile communities from empathy despite the doubts that many felt. As a result of this tension, the history of attitudes towards violence reveals both the discomfort that many felt towards the dominant social norms of empathy as well as the enduring reasons for these norms to survive. In support of the dominant norms, mass participation in acts of collective violence served as a self-fulfilling prophecy that seemed to prove the inevitability of inter-communal violence while also repressing doubts due to the effect of cognitive dissonance.

In the fourth chapter, “Surprising Empathy in the Development of New Theories of Monarchy in the Fifth and Fourth Centuries BC,” I will examine a revealing exception to the rules of empathy of the ancient Greek *polis*, the construction of monarchical ideology in the late fifth and early fourth centuries BC. In this chapter I will argue that narratives about monarchs and would-be monarchs emphasized their ability to feel what I call “surprising empathy,” the experience of empathy in ways that would be inappropriate for an ordinary member of a *polis*. Surprising empathy was simultaneously a way of distancing monarchs from ordinary citizens

while also making use of the tension between the ideal of the social regulation of empathy, where the rules were clear and publicly determined, and its reality, where emotional responses were often conflicted and individualized. The evident value of investing monarchs with the ability to experience empathy more freely than their subjects reveals the discomfort that many felt about the repression of empathy in ancient Greek culture. At the same time, monarchic narratives of surprising empathy were akin to festivals, clearly regulated and defined episodes where the normal rules could be subverted temporarily to release the tension caused by social restrictions. The appeal of monarchic surprising empathy therefore reveals both the desire to transcend the boundaries of empathy but also the perceived necessity of the existing system of the social regulation of empathy. Much like festivals, these narratives were not intended to subvert the established social order but served to reinforce it by providing a carefully managed release.

In my fifth and final chapter, “The Ancient Greeks and Us,” I will briefly summarize some general conclusions and then suggest how the social regulation of empathy of ancient Greece fits into its long-term historical context. I will suggest some of the ways in which the ancient Greek social regulation of empathy differs from that of today and how, over time, we developed our own idiosyncratic attitudes towards empathy. In making this comparison I hope to reinforce the point that the social regulation of empathy cannot solely be understood as a cultural phenomenon, but that it also represents a response to the immediate and contingent circumstances of a given society, as they are understood by its members.

Chapter 2. Building a Community through Collective Pity and the Social Regulation of Empathy in Athenian Law

But the law is not an instrument to find out truth. It is there to create a fiction that will help us move past atrocious acts and face our future.

-Hilary Mantel, *The Mirror and the Light*

Athenian law, which has been described as simultaneously primitive and sophisticated, presents us with an example of ancient Greek practice that is both strange and familiar.⁶⁸ In many ways the law courts served as a forum for disputes over status in the community, and in this sense it may be seen as inherently different from modern concepts of justice and the rule of law.⁶⁹ But litigants also had to limit their arguments within narratives of justice, fairness and respect for the law. This constraint suggests a way in which Athenian law is not dissimilar from its modern equivalent.⁷⁰ Both perspectives have merit; the Athenians' concept of legal procedure is often strikingly different from our own, but they also demonstrated recognizable characteristics such as a belief in the impartiality of the law and the inalienable rights of litigants.⁷¹ In this chapter we will have a chance to see Athenian law as both primitive and sophisticated by examining the role played by empathy in legal decision-making.

One striking difference between Athenian and modern law is how, unlike the modern ideal of law as an emotionally detached process, the Athenian practice of law was characterized by strong emotions. This contrast is in part a result of how emotions were socially constructed differently in ancient Greece from in the modern day, and this difference has significant implications for the role of law in Athenian society. Partially due to these differences, I will argue that collective experiences of pity in the Athenian courts served to define an Athenian

⁶⁸ Todd 1993: 64.

⁶⁹ Cohen 1995; Rhodes 1998: 161.

⁷⁰ Johnstone 1999: 40-42, 46-54, 106-7; Harris 2013.

⁷¹ Harris 2013.

community through the social regulation of empathy. The pity experienced in the context of the Athenian legal system was not only a subjective emotional experience, but also an inherently empathetic emotion that defined the Athenian community.⁷² In their attempts to elicit emotions in support of their cases, orators participated in a public discourse defining the boundaries of empathy within their community. This process of defining community through collective experiences of pity strongly reinforced civic communal identities of jurors⁷³ and was a served to inculcate the values of citizenship into them.

Although the prominent role played by the emotions might seem to be a primitive aspect of Athenian law, it was an efficient adaptation to structural limitations of the *polis*. The social regulation of empathy through collective experiences of pity may be seen as a response to the state's lack of formal methods of coercion. In the absence of a "monopoly of the use of legitimate force" ancient Athens managed to achieve a high level of social and military mobilization by strictly defining empathy for members of its community in such a way as to ensure a high level of cooperation and a strong spirit of public service.⁷⁴ I will therefore argue that law courts served as a venue for the education of Athenian citizens where their participation in legal procedures aligned their individual experiences of empathy with those of the ideal citizen. Litigants' attempts to construct persuasive legal narratives played a crucial role in this process because informal but influential norms limited judicially appropriate pity to those litigants who could successfully lay claim to patriotic and civic values while presenting a

⁷² For another view on how collective emotional experiences could define community in ancient Greece see Chaniotis 2011.

⁷³ I translate the Greek word *dikastes* (pl. *dikastai*) as "juror," but "judge" would also be an appropriate translation. Athenian *dikastai* had much broader latitude to determine cases than modern-day jurors. A discussion of the role of Athenian *dikastai* in theory and practice may be found in Lanni 2006: 31-40.

⁷⁴ On the way in which emotions were constructed in ancient Greece, see Chaniotis 2018. On how the legal system informally enforced compliance with social norms, see Lanni 2009: 721-729.

persuasive legal narrative in support of their cases.⁷⁵ Jurors, through the process of voting, affirmed the binding and normative nature of the prosocial values to which litigants appealed as a large part of the basis on which they made their legal decisions. The complex and sometimes conflicting motivations of litigants and jurors were therefore unified in defining a consistent set of Athenian values that rewarded and punished behavior based on the extent to which it served the public wellbeing. The resulting moral system was an effective alternative to the formally coercive institutions usually thought to be a defining characteristic of a state.

This process of collectively defining empathy was an efficient adaptation to the challenges inherent in the structure of the classical Greek *polis*, but this does not mean that it was completely successful or without a cost. We can see the limits of the social regulation of empathy in the frequent appeals of orators not to feel pity for the sufferings of their opponents and their families. These appeals presuppose experiences of empathy conflicting with those of the ideal citizen as defined by Athenian culture. By looking at these appeals against the experience of pity by Athenian litigants, we will see a final aspect of the social regulation of empathy: the tension between attempts to define clear rules of empathy and an innate tendency to experience it spontaneously when confronted with the suffering of others. The primary focus of this chapter will be an interpretation of how this dynamic influenced the behavior of male citizens through the creation of traits associated with imagined “good” and “bad” citizens and the creation of norms encouraging the expression of empathy towards the former and its denial to the latter. At the end of this chapter, we will also explore how the implicit rules of empathy of the legal system created distinctions between social categories as well, especially that between slaves and freemen.

⁷⁵ For a discussion of why the statements in legal speeches may be taken as expressing social norms see Dover 1974: 8-14; Lanni 2009: 701.

Athenian law presents us with a valuable example of the role played by the internal dynamics of ancient Greek *poleis* in the social regulation of empathy. Pity, as incorporated into the Athenian legal process, strengthened the bonds of empathy between citizens while restricting it to their antitheses both according to social and moral values (bad citizens) and status (slaves). Informal procedural norms regarding the extending and withholding of empathy defined the relationship between citizens in accordance with these social and moral categories. These norms restricted pity to those litigants who could successfully persuade the jury both of their case in a legal sense, but also of their standing as good citizens according to three core values of the Athenian democracy. These values were: 1) *Hubris*, a legal and social category of behavior defining antisocial behavior that was typically associated with the wealthy, 2) *Sycophancy*, also a category of antisocial behavior, associated with excessive litigiousness and a lack of the masculine virtue that Athenian citizens were expected to possess and 3) *Reciprocity*, a principle to return “like for like,” meaning, in a legal context, that favor should be shown towards those litigants who have benefitted the *polis*. The mechanism by which these boundaries were made was an ideology where jurors were encouraged to align their experiences of pity with those of an ideal juror whose emotional experiences reinforce the authority of the state. This effort to define pity, and therefore empathy, in such a way as to reinforce the authority of the state conflicted with the natural tendencies of jurors to pity litigants regardless of their legal cases or their qualities as citizens. As a result, the role of pity in Athenian law may be seen as an example of the creation of a community through the social regulation of empathy as well as how the social regulation of empathy could conflict with natural tendencies towards it.

Pity in an Ancient Athenian Legal Context

The Athenians prided themselves on their readiness to pity others and regarded this emotion as a defining characteristic of their city.⁷⁶ Pity could also be seen as one of the traits fundamentally separating Greeks from “barbarians,” and it played an important role in distinguishing “us” from “them” in both Athenian and Pan-Hellenic levels of discourse.⁷⁷ The prominence of pity in the creation of self-definitions of community in ancient Greece makes it an emotion well suited for the study of the creation of an Athenian identity in the courts. This is already promising, but there are also more specific reasons to interpret the pity expressed in the Athenian legal system as a way of building a community through empathy. We will see that consistent norms restricted appropriate pity towards those litigants who could successfully persuade the jury of the plausibility of their cases and of their value to the community as good citizens of Athens. By looking closely at the specific ways in which pity was evoked we should be able to understand better how this emotion was implicated in the process of defining an Athenian community through the social regulation of empathy. The pity we will be examining, “judicial pity,” as I will refer to it, was a specifically forensic and public form of this emotion shaped by its legal setting and the role taken on by jurors.

But, before moving on to the speeches themselves, we will review a few ancient Greek cultural traits relevant to pity’s role in law, and law’s role in the ideology of the state. First we will examine how pity was socially constructed in ancient Greece as a pain felt at the unmerited misfortune of another, the legal implications of this cultural idiosyncrasy, and the relevance of pity to empathy in ancient Greece.⁷⁸ An important aspect of all of this will be the way in which

⁷⁶ Tzanetou 2005. Konstan 2001: 118. The sentiment that pity is distinctively Athenian is expressed in Demosthenes 24.171; Isaeus 4.55-56; Isocrates 12.170, 4.53, 15.20; Lysias 209; Andocides 3.28.

⁷⁷ Christ 2013. Hall 1989: 158-59.

⁷⁸ Konstan 2001: 64-66. Anaximenes *Rhetoric to Alexander* 34.5.

the Athenian legal system relied on persuasive narrative to fulfill the role of evidence in modern legal systems, and how pity was incorporated into these narratives. Then we will review how the ritualized process of the Athenian legal system was used to construct citizen identity through discourses defining the idealized state and citizen identity. With these preliminary points made, we will discuss the speeches themselves.

The culturally specific traits of pity in ancient Greece, in combination with the ritualized process of Athenian law, ensured that Athenian judicial pity didn't only represent a subjective emotional response, but was strictly defined within and limited by legal narratives and patriotic values. In general, pity (*oiktos* or *eleos*) in ancient Greece defined a more specific and limited emotional experience than in the present day, one that implied a moral evaluation of the person pitied.⁷⁹ The relationship between pity and moral evaluation relied on the cultural construction of pity in ancient Greece as an emotional response to the perception of another's unmerited suffering. It was also recognized that people could feel sorrow for the suffering of another as an instinctive response to that person's pain, but this response was categorized differently from pity as sympathy (*sumpatheia*) and was suspected in the context of the legal process as indiscriminate and potentially misleading.⁸⁰ Pity, in ancient Greece, should therefore be understood to be a specific type of what we today would call pity, as indicating the feeling of sorrow for another person in a position of difficulty out of recognition that his or her suffering is undeserved. In the legal context which we are considering, this means that appeals to pity played a role in defining civic and social values of the Athenian state.

⁷⁹ Leigh 2004.

⁸⁰ See Konstan 2001: 57-58, 63. 128-136 for an in-depth explanation of how, according to Aristotle, pity constituted a special example of the broader category consisting of feelings of sympathy for another person. It should also be noted that ancient authors were not always as exact as Aristotle in restricting pity to a response to unmerited suffering, even though it does seem that an influential cultural norm defined pity in this way. See also Sternberg 2005: 40-43.

In order to be successful in their appeals to pity, litigants had to embed them into a convincing narrative supporting their legal cases while avoiding the implication that they were presenting themselves as deserving pity despite having a weak case.⁸¹ Attempts to elicit pity represented an oratorical strategy employed by Athenian litigants to build persuasive narratives presenting themselves as the wronged party in agonistic legal dramas.⁸² These narratives were an important component of the legal process since ancient Athens did not have a direct equivalent to modern legal systems' methods of evidence collection and admissibility, in the absence of which, legal decisions often had to be made on the bases of plausibility and hearsay.⁸³ In this context, persuasive legal narratives served as a substitute for the role of evidence in a modern court, not necessarily due to a difference in the theoretical basis of law, but as a necessary concession to the limitations of the system of which they were a part.⁸⁴ As a result, jurors were obligated by their role to limit their experiences of pity to those litigants making persuasive legal cases and whose suffering was hence unmerited.⁸⁵ In addition to its connection to unmerited suffering, ancient Greek pity did not have the condescending implication that it can in the modern day, but was connected to what we today would call empathy.⁸⁶ These two culturally specific traits of pity, its construction as a response to unmerited suffering and its connection to empathy, reveal the role played by this emotion in determining legal cases and in defining empathy for participants in the

⁸¹ Konstan 2000: 142; Cairns 1999. To cite a particularly clear illustrative example, the speaker of *Isaeus* 2.47 is careful to make an essential connection between his appeal to pity and his innocence.

⁸² The role of performance in persuasive oratory is discussed in Hall 1995; Gagarin 1994; Carey 1994. For the role of narrative in legal persuasion in general see: Olson 2014. For the agonistic side of Athenian law see Cohen 1995: 61-86. For the reliance on probability in the absence of evidence in the modern sense see Lanni 2006: 59-64. For how the overall past behavior of a litigant could be used in trials see Lanni 2009: 724-725.

⁸³ Allen 2014; Gagarin 2003; Gagarin 2014.

⁸⁴ On the more stringent rules of relevance in homicide and maritime and the significance of this difference for the rule of law in Athens see Lanni 2006: 75-114, 149-174.

⁸⁵ The connection of pity to innocence in Athenian law may be seen in how rare expressions of remorse were see Konstan 2001: 36; Cairns 1999; Leigh 2004.

⁸⁶ Sternberg 2006: 12-17, 32-35; Walton 1997: 50; Alford 1993: 265-66.

legal process. Due to judicial pity's dependence on persuasive legal narratives, this emotional experience was highly relevant to the legal and civic identities constructed in the Athenian law courts.

It is also important to consider the legal context within which appeals to judicial pity were made, an environment that integrated the experience of pity into the articulation and normalization of the values associated with Athenian citizenship. Institutions like the judicial oath and elaborate methods of assigning jurors to specific cases transformed the courts into ritualized spaces where jurors would adopt the responsibilities of their public role.⁸⁷ This role was not limited to the legal process as it is more strictly defined today. Law in ancient Athens has been defined as a “semi-autonomous sphere,” in contrast to the modern concept of an independent judiciary.⁸⁸ In other words, although we should not dismiss ancient Athenians' commitment to the concepts of justice and fairness, their legal process was implicated in questions of community membership, identity and emotional experience to a far greater degree than is the case in the modern Western legal systems. The ancient Athenians believed in the necessity of delivering fair and accurate verdicts, but, in practice, their legal system was embedded in a complex network of rituals and traditions that determined the boundaries of the community.⁸⁹ In this context, judicial pity was an emotion that included its recipients in the “imagined community” of ancient democratic Athens while excluding those from whom it was withheld.⁹⁰ We can therefore define judicial pity as a context-dependent emotion characterized as

⁸⁷ Bers 2000: esp. 554-56. See also Connor 1988 for the creation of Athenian identity through the performance of the judicial oath.

⁸⁸ Johnstone 1999: 126-131; Lanni 1999: 36.

⁸⁹ See e.g. Forsdyke 2005; Forsdyke 2008; Lanni 2009.

⁹⁰ Term imagined community borrowed from Anderson 1983 to describe the construction of community in the emerging nations of the 18th and 19th centuries based on an abstracted notion of the state. According to his theory, an imagined community is one whose members feel that they share an identity through their participation, across multiple social strata, in super-local rituals, habits and behaviors. Examples of the ways in which community was “imagined” at this time includes new forms of participation in federal politics and the rapidly increasing

public, evaluative, and connected to the creation of an ideology of Athenian citizenship. A litigant's appeal to judicial pity was also one to his greater claim to represent the values of the Athenian state. The juries' experiences of pity in turn served as an emotional language defining the boundaries of their community in their decision based upon the persuasiveness of the cases made by litigants.

Pity's Role in Defining Athenian Citizen Values

As we can see from this overview of the cultural background of judicial pity, it was an emotion used to build persuasive narratives in support of legal cases through the evocation of empathy in the context of a process where Athenian values were defined and inculcated. We will therefore look at these appeals to pity not only as legal stratagems, but also as a way of building an Athenian community defined by shared experiences of empathy. We will first examine some of the characteristic features of appeals to pity which are a common feature of Athenian legal speeches. These appeals could be both verbal and performative and the delivery of many speeches was accompanied by crying, supplication and displays of one's family to show the consequences of failure.⁹¹ It is not unusual for them to be quite frank, and Antiphon 5.73 presents us with a typical example:

I deserve pity and not punishment from you because it is just to punish those who have committed crimes while pitying those who are in undeserved danger. It would be better for you to use your power to save me rather than destroying me as my enemies wish.⁹²

The normative language in this passage connects judicial pity to legal innocence while also separating it from a merely reflexive response to another's hardship. This dichotomy reveals an implicit acknowledgement of the distinction between pity, properly considered and justified

consumption of newspaper media. The construction of community in Athens has also been examined in Loraux 2002; Anderson 2003; Johnstone 1999: 131-133; Giovannini 1991.

⁹¹ Johnstone 1999: 114-15.

⁹² Antiphon 5.73.

by its recipient's lack of blame for his or her suffering, and a not-necessarily-justified sense of compassion for another.⁹³ The contrast between pity and punishment, correlated to one between innocence and guilt, highlights the judicial role of emotions in the Athenian legal system. It is revealing that Antiphon doesn't distinguish between punishment and acquittal but rather punishment and pity, showing the equivalence between pity and acquittal. The implied counterpart to pity and acquittal in this passage is not only punishment but also anger, the emotion believed to be due to the guilty.⁹⁴ Punishment in Athens was a fundamentally angry process and a part of the sociological role of punishment was to provide an outlet for and a healing of collective anger against those believed to be malefactors.⁹⁵ The relationship between pity and acquittal on one hand and anger and punishment on the other was so close as to allow for a seamless transition between each emotion and its associated legal decision. Pity and anger were complementary opposites in the Athenian judicial system, correlated to acquittal and condemnation as the possible outcomes in the legal dilemma represented by a trial. As we can see from Antiphon's plea, the role of the jury wasn't one of delivering dispassionate judgements but of experiencing the correct emotion based on the merit of the legal case of a given litigant.

But how could juries know whether their feelings of pity and anger were targeted towards the appropriate litigants? Or, put in terms of our discussion of the cultural construction of pity in ancient Athens, how could jurors tell whether their experiences of pity were justified as responses towards the litigant whose suffering was unmerited and who therefore had the stronger legal case? The feelings of the Athenians about the role of the emotions could be quite ambivalent as we can see in Demosthenes 19.227-228 where the speaker admonishes the jury:

⁹³ Konstan 2001: 128-136 on the moral implications of pity.

⁹⁴ Allen 2000; Konstan, 2007: 418-423. Anger, in parallel with pity, was supposed to be defined by the interests of the community see Herman 2006: 276-78.

⁹⁵ Allen 2000. Counter argument made by Harris 2017.

Each of you fails to cherish those who benefit the city and to hate those who harm it; you have your own private motivations that lead you astray, pity, jealousy, anger, a desire to be generous to those asking for favors among countless others.⁹⁶

It is interesting to note that Demosthenes criticizes the inappropriate influence that emotions can have on legal decisions without problematizing them fundamentally.⁹⁷ The fault, he claims, comes not from the role of emotions in decision-making, but from jurors experiencing emotions based on private and selfish motivations rather than regulating their emotions in consideration of the public good and their civic responsibilities. He maintains that emotions are an essential guide in making legal decisions, but also admits that they can be deceptive due to the idiosyncratic and potentially selfish motivations of jury members. Note how two of these inappropriate emotional responses are “pity” and a tendency to be generous towards those in hardship and asking for help. In addition to revealing his ambivalence about the role of emotions in Athenian law, Demosthenes also demonstrates how the jury’s duty to express pity only in a judicially appropriate manner could conflict with their innate tendencies towards empathy. Demosthenes’ ideal juror is one who experiences emotions in accordance with his public role, feeling benevolence towards those who benefit the city while hating those who harm it. But he admits his imperfect reality where jurors are inevitably influenced by elements of their own dispositions and could only partially regulate their emotions to resemble those of the ideal juror. In this passage, Demosthenes reveals the cultural belief that jurors should save their pity for those who are loyal servants to the state and their anger for its enemies. But he also displays an awareness that jurors will inevitably be swayed by inappropriate influences including envy for the wealthy, inappropriate pity for litigants displaying pathetic scenes, and a natural sense of humanity leading them to indulge supplicants asking for mercy. Demosthenes’ ambivalence

⁹⁶ Demosthenes 19.227-228; cf. Dem. 18.277, 26.17, 37.47, 45.6, 58.31; Lysias 19.6, 14.40.

⁹⁷ *Pace* Rubinstein 2013.

towards the role of the emotions in Athenian law reveals the extra-legal aspects of judicial pity, especially its role in defining the imagined Athenian community of “good” citizens.

Demosthenes’s admonition to the jury reveals an assumption that jurors were expected to recognize appropriate pity by considering the broader facts concerning the character of litigants.⁹⁸ In practice, pity should be felt towards those who can provide evidence of past patriotic behavior and rejected towards those who cannot. The legal value of pity based on evidence of patriotic values was partially justified by an appeal to the generalization that a truly “good” citizen would not have committed the crime at hand.⁹⁹ This argument relies on a chain of reasoning where pity, the emotion due to the litigant with a stronger legal case, should rely on evidence of patriotic deeds which reveal a good citizen who would not commit crimes or bring a false case against another. This belief that human nature was stable and predictable and therefore that a truly “good” person on trial wouldn’t commit the “bad” deed represented by a crime or a false accusation, is a common legal assumption in the ancient world.¹⁰⁰ Although this assumption would be an obvious fallacy in a modern judicial system, it can also, in part, be explained by the reliance of law on plausibility of narrative instead of weight of evidence due to the limitations upon the judicial methods available to ancient states as was mentioned above. It should also be noted that litigants frequently remarked upon the weakness of character evidence, further suggesting that the reliance of the legal system on plausible narratives was not a sign of a lack of the concept of the rule of law in theory.¹⁰¹ Nevertheless, despite their doubts, character evidence was frequently used to construct plausible narratives of guilt and innocence and did play a strong

⁹⁸ Lanni 2006: 41-73.

⁹⁹ Discussion of character evidence in the courts may be found in Lanni 2006: 59-64

¹⁰⁰ Serafim 2017: 25-34; Lanni 2006: 59-64. See Aristotle *Rhetoric* 1356a for idea that the character of the speaker constitutes a “proof” of his claim.

¹⁰¹ Lanni 2006: 60-64.

role in Athenian legal strategies. As we can see from the internal logic of Demosthenes' admonition to the jury above, ancient Athenian jurors were expected to regulate their emotions based on the claims to patriotism made by the litigants of the case at hand. While acknowledging that the emotional responses of jurors could be misdirected, Demosthenes' ideal juror would be one who regulates his emotional responses in accordance with the needs of the state, not one for whom emotions play no role in legal decisions.

Demosthenes' ideal juror is one who considers not only the facts that would be legally admissible in a modern court room but also broader factors, such as how a litigant has fulfilled his duties as a citizen. As we can see from this feature of his admonition to the jury, the emotions experienced by Athenian jurors were shaped by narratives of civic responsibility and identity. Although not legal in the modern sense, these narratives reveal the setting-specific nature of the pity experienced in the courts and its implications for the social regulation of empathy. The judicial pity evoked in the context of the legal process was a distinctively and explicitly public form of this emotion which orators carefully distinguished from its private equivalent. This dichotomy between public and private emotions is a result of the civic role adopted by jurors as representatives of the *demos*. An important aspect of fulfilling the responsibilities of this role was the adoption of appropriate emotional responses, a process aided by the ritualistic aspects of the Athenian legal system as mentioned above. We can therefore infer from the Demosthenes quotation above and other parallel examples that, as a part of the Athenian legal process, participants constructed a civic identity based on the regulation of pity and empathy in accordance with the needs of the state.¹⁰² In addition to their role in delivering legal judgements, juries determined which litigant made the more persuasive claim to represent the behavior of a

¹⁰² For the creation of an imagined idea of the Athenian state see Anderson 2003; Loraux 2002: 27-28.

patriotic citizen and, through the binding nature of their legal decisions, they defined the ideal citizen for the city as a whole in accordance with their judgement.¹⁰³ Their pity and anger created emotional barriers between “good” and “bad” citizens, defining the imagined Athenian community through the expression and withholding of empathy.

We can see another important aspect of how appropriate judicial pity was defined in the Athenian courts in the appeals of prosecutors to jurors that they not pity a defendant merely because of the negative consequences to him and his family. A typical example may be seen in Demosthenes 19.238

Do not give way to them [family members speaking in support of Demosthenes’ opponent, Aeschines] but consider this: it is their duty to consider the wellbeing of this man, but your duty to consider that of the laws and the entire *polis* and especially to remember the oaths, by virtue of which, you now sit in your present role. If they beg you to acquit him, only ask yourselves whether he is guilty of a crime against the *polis* or not.¹⁰⁴

In the above passage, Demosthenes stresses how the judicial oath, sworn by jurors at the beginning of their service to the state, obligates jurors to withhold pity from those who are a threat to the *polis*.¹⁰⁵ Previously in his speech he dismissed Aeschines’ supporting speakers as shameless (*anaideis*) and blustering (*melagophonoi*). It is revealing that he does not now present them as doing anything wrong *per se* by supporting Aeschines in the above passage. Despite Demosthenes’ previous tone of opprobrium towards Aeschines’ family, he now portrays them as only fulfilling their duty by coming to his aid due to their loyalty to him. But this loyalty is contrasted with and eclipsed by the far more important one that the jurors have taken on by swearing the judicial oath. Demosthenes’ point isn’t a contrast between right and wrong ways to experience pity, but one between the lesser duty to pity one’s family members who are in trouble

¹⁰³ Lanni 1999.

¹⁰⁴ Demosthenes 19.238 cf Demosthenes 19.310, 21.99, 22.18-20; Lysias 12.29, 1.3, 27.12, 15.9, 14.40; Dinarchus 1.55.

¹⁰⁵ Harris 2013: 101-137.

and a greater one to withhold pity from those who threaten the commonwealth given the setting-specific role of jurors as representatives of the *demos*.

Unspoken but crucial in the above passage is the empathy that Demosthenes predicts that the jury will experience for Aeschines as a natural and instinctive emotional response to his plight. In anticipating this response, he allows for unmediated and instinctive emotional responses which the jurors will have to manage in order to fulfill their responsibilities. The dichotomy in the above passage between everyday emotional experiences and those appropriate for jurors reveals the role played by the regulation of emotion in the Athenian legal process. Jurors were expected to regulate their emotions in accordance with the patriotic values of the state and in doing so to determine which of the two litigants deserved to be affirmed as the winner in a zero-sum contest between incompatible narratives. The results of these contests were two-fold but mutually reinforcing: enforcement of the law and defining the community in terms of the traits deemed to characterize “good” citizens. In his prosecution speech against Aristogeiton Demosthenes provides another revealing description of the traits of judicially appropriate pity:

So what help could this man [Aristogeiton, Demosthenes’ opponent] expect [because his legal case is weak], gentlemen of Athens? All he has is the help that comes from your temperament, the help that litigants do not provide for themselves but that all of you bring from home, namely pity, sympathy and benevolence. But it would not be just or holy to provide this help to this foul man.¹⁰⁶

Here Demosthenes mixes a subtle complement for the jurors’ capacity for pity with overt criticism of doing so indiscriminately.¹⁰⁷ He emphasizes the obligations inherent in their public role in support of his argument that they should suppress their natural feelings of pity when presented with litigants who are undeserving of it. His use of the pairing of “just or holy” refers

¹⁰⁶ Demosthenes 25.81.

¹⁰⁷ Dover 1974: 195-201.

directly to the judicial oath which conferred a religious duty upon jurors to regulate their emotions in accordance with the needs of the *polis*. Elsewhere, when it benefits his argument, he is ready to emphasize the role of pity. We should bear in mind the specific and argumentative purpose of his claim here which should not be taken simply as a criticism of judicial pity in general. Indeed, part of his persuasive strategy in this passage is to gain the jurors' sympathy by complimenting their senses of pity while also defining this emotion to benefit his case. But his description of situationally inappropriate pity as something brought from home (*oikothen*) in support of his attempt to show its invalidity in this case is highly revealing. Implicit in his claim is a contrast between appropriate emotional responses in the public and private spheres. The pity he refers to is specifically the sort of pity that one experiences in the context of the *oikos* but which would be inappropriate in the context of the court room.¹⁰⁸ Elsewhere he brings the distinction between public and private emotions to an even greater extent where the prosecutor asks the audience to imagine that the laws themselves are prosecuting the defendant.¹⁰⁹ Through his use of personification the prosecutor elides the subjectivity of emotions he attempts to evoke, aligning them with an idealized personification of the state.¹¹⁰ In regulating their emotions appropriately, the individual identities of the jurors merge into a single representative of the will of the state. As a result of this assumed and role-dependent identity, Athenian jurors did not only deliver legal judgments but also answered broader questions of how to define citizen membership through their emotional experiences.

The inappropriate "pity brought from home" described by Demosthenes seems to be equivalent to a sort of natural and instinctive empathy that jurors would feel by identifying

¹⁰⁸ Rubinstein 1998; Roy 1999.

¹⁰⁹ [Dem.] 59.115. See de Brauw 2001-2002 for the use of laws in building legal narratives.

¹¹⁰ De Brauw 2001-2002.

themselves with a defendant or his family members without regulating their emotions in accordance with their public role. This duty of jurors to manage and modify their emotional responses in accordance with their role reveals the complexity and ambiguity accompanying judicial pity. Jurors in ancient Athens weren't expected to make dispassionate judgements, as is the case in modern Western legal systems, but to assume the emotional responses appropriate to their public role. But, despite strong cultural norms limiting pity to unmerited suffering, the ancient Athenians allowed for the existence of a natural sense of compassion as well, while limiting appropriate judicial pity to the litigant with a stronger case.

The tension between proper judicial pity and a natural sense of compassion indicates that the cultural construction of pity as a response to unmerited suffering should not be taken as a universally followed rule but as a normative value drawn upon by litigants as a part of moral suasion used to shape the jurors' experiences of pity in ways beneficial to their cases. The challenge, from the point of view of an individual litigant, was to define judicially appropriate pity in a way that benefited his case by persuading jurors of their moral obligation to conform their experiences of pity to his definition. Regardless of how manipulative we regard this process to have been—and although self-interested it was probably not completely cynical—it incidentally created a collective identity for jurors based on their participation in the legal system.¹¹¹ The competitive attempts of litigants to persuade juries of their interpretations of appropriate judicial pity therefore amounted to a process of defining and inculcating a citizen identity through the regulation of empathy in accordance with an imagined patriotic ideal. Through their legal decisions, jurors determined which litigant made the more persuasive claim

¹¹¹ Johnstone 1999: 94, 102.

to judicially appropriate pity and, in doing so, affirmed the winner's self-portrayal as the one that truly represented the values of the state.

The majority of direct appeals to pity were made by defendants, not a surprising fact given that, as the ones on trial, defendants faced more severe consequences for losing the case.¹¹² The immediate danger that the trial represented could be drawn upon as a rhetorical resource suited to appeals to pity. However it remains striking how rare it was for prosecutors, even when they present themselves as direct victims of a crime of a defendant, to use pity to secure the sympathy of the jury.¹¹³ We can partially explain this asymmetry by the dynamics at work in the court room and the setting-specific roles taken on by prosecutors and defendants.¹¹⁴ Pity, in this context, was far better suited for defendants, who found themselves in the position of having to demonstrate not only their innocence in legal terms but also their integrity as citizens, and hence their worthiness to be pitied. We have noted how “pity” is often tantamount to “acquit” and was diametrically opposed to both anger and condemnation. This fact, in addition to the fact that the preponderance of appeals to pity were made by defendants, suggests that pity's most prominent role was in the dilemma about whether the defendant deserved empathy or not. The connection between pity and acquittal shows pity's role in determining, through the social regulation of empathy, the boundaries of a community consisting of Athenian citizens in good standing with their *polis*. Judicial pity in addition to being a tactic used by litigants, was also an emotion, the expression or withholding of which would decide the question implied by the trial: is the defendant worthy of pity as one of the “good” Athenian citizens?

¹¹² Johnstone 1999: 111-12.

¹¹³ Johnstone 1999: 111.

¹¹⁴ Johnstone 1999: 97.

A further hint of the dynamics at work in appeals to pity is provided by the fact that most of the cases where prosecutors did make appeals to pity were made by orphans (defined in Athens as citizens below the age of majority and without a living father) suing their guardians.¹¹⁵ Two relevant factors help to explain this pattern. First, orphans charging their guardians with misconduct were particularly able to present themselves as the responsibility of the jury. Orphans were particularly thought to deserve pity due to their vulnerability and Athenian civic values included a strong sense of responsibility for them.¹¹⁶ Additionally, orphans, in losing their protectors, could claim to represent a special type of vulnerability not only in themselves, but for the state as a whole, since they represented a part of the next generation of citizens that required the citizen body as a whole to fulfill the role of their *kurios*, or social guardian. The situation of orphans suing their guardians was correspondingly one with particular interest to the state due to the importance of inheritance. Inheritance and the transfer of property was of a matter of paramount concern to the state since the *polis* was seen as a collection of *oikoi* the preservation of the integrity of which was vital for its continued success.¹¹⁷ The importance of maintaining *oikoi* for the health of the state suggests the civic importance of cases of alleged misconduct by the guardians of orphans. Taken together, these two features of cases of orphans suing their guardians show that this was a special case with particular significance to Athenian identity and the continued survival of the Athenian state.¹¹⁸ This exception to the general rule of pity being evoked only by defendants confirms the social and ideological significance of judicial pity.

¹¹⁵ Johnstone 1999 118; MacDowell 1978: 93.

¹¹⁶ Rubinstein 2013: 140-48.

¹¹⁷ Aristotle, *Politics*, 1.1253b; Delios 2019; MacDowell 1978: 92-108; Roy 1999.

¹¹⁸ The special status of orphans in the legal system is also confirmed by the fact that a category of *graphe* (a public offence as opposed to a *dike* which represented a private complaint. The distinction between the two is roughly equivalent to that between criminal and civil law in modern legal systems.) protected orphans against mistreatment (*kakosis*). *Graphai* covered crimes that were especially violent, those committed against people who couldn't defend themselves, and those that represented a fundamental threat to the state. On the difference between *dikai* and

The two factors described above, the special status of orphans and the importance of inheritance for the state, help to explain this exception to the general rule where only defendants appeal to pity. It wasn't typically sufficient to be able to present oneself as having been personally wronged in order to justify appealing to the jury's sense of pity as a plaintiff. But the welfare of orphans was an issue in which all Athenian citizens shared a particular interest, and these cases had a special significance for Athenian identity and the continued health of the community. Much as defendants could appeal to the jury's pity due to the risks they faced, so could orphaned prosecutors of their guardians use their lack of *kurioi* to demonstrate their membership in a special category of citizens who deserved pity and protection.¹¹⁹ In explaining this exception, we understand better the role of pity in the ancient Athenian courts in general. Pity, in the context of the courts, was not just a factor of having been personally wronged but had to be justified through its incorporation into a narrative pertaining to Athenian identity and the collective interests of the jurors as representatives of the *demos*. It was usually far easier for defendants to request pity since as potential losers of their court cases they could present themselves as being at risk of losing their good standing with the community through the legal, economic, and social consequences of conviction.¹²⁰ Plaintiffs needed to be able to make a similar sort of connection between themselves and the process of defining Athenian identity in order to make these appeals. Orphans were particularly able to make this connection and hence were particularly apt to use appeals to pity.

graphai see MacDowell 1978: 57-66; on the *graphe* for abuse of orphans see MacDowell 1978: 94. The special legal category protecting orphans was suggested by Adriaan Lanni in her comments on a draft of this dissertation.

¹¹⁹ Johnstone 1999: 118.

¹²⁰ Social consequences of losing cases meant that they could exaggerate the harm that loss would entail see Johnstone: 112-13, n.13; Lanni 2009: 707 for social shaming as a part of the punishment entailed by losing a court case.

As we have seen, litigants were careful to distinguish the pity they asked for from the less discerning emotion that one might experience in response to suffering in the course of everyday life. They sought to evoke an emphatically public and patriotic form of pity, one defined by the role played by jurors. Unsurprisingly, defendants are careful to characterize the pity they are requesting as public and merited, while prosecutors attempt to persuade jurors to repress their senses of sympathy for defendants on the same basis. Defendants often describe the pity they ask for as “just,” a qualification that suggests the legal and ideological role of pity and its limits in the court room. In contrast, plaintiffs are quick to point out the limits of pity appropriate for the role of the jurors when they attempt to show their opponents as possibly deserving of pity in some sense but not worthy of the public pity that jurors are expected to exhibit. We have seen how judicially appropriate pity was only expressed towards those who could convince jurors of their patriotic virtue. But what were the specific requirements for pity to be considered “just” in ancient Athens? In other words, which recurring traits made someone worthy of the pity of jurors according to the dominant values of ancient Athens to which the orators appealed? We will now see how orators followed a number of informal rules in their attempts to evoke pity, a review of which will help to understand how these attempts were implicated in the building of an Athenian community through the public regulation of empathy.

Rule of Pity 1: The Litigant is an Ordinary Citizen, Not Excessively Wealthy or Characterized by Hubris

Athenian society was divided between a leisured elite, representing 5-10% of the total citizen population, and a broad stratum of citizens who had to work for a living.¹²¹ Most, if not all, orators came from the leisured class while most jurors did not, and the resulting dynamic meant that orators were put in the awkward position of having to supplicate those they are likely

¹²¹ Ober 1989: 192.

to have regarded as their social and economic inferiors in order to win legal cases.¹²² Jurors, in contrast, found themselves in an exciting and unaccustomed position of power over the self-identified elite of their city, men whom they might justly suspect of secretly (and, often, not so secretly) regarding them with condescension and contempt.¹²³ The interactions resulting from this relationship reveal much about the implicit rules governing judicial pity. These interactions could often be formulaic as litigants competed to demonstrate their democratic credentials and to distance themselves from the negative associations with wealth. But the somewhat scripted nature of these appeals does not mean that they were empty of meaning. In their consistency they reveal the fundamental and enduring nature of the social tensions which they were meant to address.

One recurring and defining personality trait in the relationship between litigants and jurors was *hubris*, a distinctively Greek trait that may be defined as a desire to take pleasure in the humiliation and subordination of others.¹²⁴ Aristotle defines *hubris* as a vice often associated with the wealthy that leads to arrogance and demeaning behavior directed towards others.¹²⁵ *Hubris* was enough of a concern to have been a *dike timetos*, an offence whose punishment was determined in a separate trial and was without a penal limit.¹²⁶ At the same time it is not entirely clear what it would mean for someone to have been guilty of *hubris* as a formal category of crime.¹²⁷ Regardless, I will be using this word in an extended sense to stand in for the negative associations with wealth in ancient Athens including arrogance, contempt for authority, hostility

¹²² See esp. Ober 1989; good discussion also in Bers 2009: 68-105. There are exceptions to this general rule including Demosthenes 57, a man who openly discusses his family's poverty and Lysias 24 a man litigating over a very small pension.

¹²³ Ober 1998.

¹²⁴ Fisher 1992; Cairns 1996.

¹²⁵ Aristotle Rhetoric 1378b23–30. For the implications of *hubris* for sexual violence and the honor culture of ancient Greece, see Cohen 1991.

¹²⁶ Phillips 2014: 83.

¹²⁷ MacDowell 1976; MacDowell 1978: 129-32 Fisher 1992.

towards the democracy and a tendency to inflict humiliation on others. This trait had strong and negative social and political implications. *Hubris* was typically a crime of the wealthy and powerful who were seen as naturally tending to victimize the humble and weak members of Athenian citizenry.¹²⁸ It was a powerful invective to characterize one's enemy as hubristic and thereby to cut him off from empathy. The other side of this dynamic was that litigants needed to demonstrate that they were not hubristic in order to secure the sympathy of the jury. Litigants' efforts to present themselves as humble ordinary citizens, worthy of pity, may be seen as a counter to the potential charge of *hubris*.

The speaker in the following passage by Lysias claims:

It is a custom accepted as just among all that we should be, when considering multiple men who are guilty of the same crime, most angry at those men who are most able to avoid punishment for their crimes, while also having sympathy for those who are poverty-stricken or physically disabled because they are not entirely responsible for having committed their crimes. This man [i.e. the speaker's opponent] deserves no sympathy (*sungnomes*) according to this custom.¹²⁹

This passage creates a familiar dichotomy that categorizes anger, guilt and punishment on one side in contrast to pity, innocence and acquittal on the other. But it also shows how the emotions incorporated into the Athenian legal process were not binary or absolute. Lysias creates a spectrum for the expression of both anger and pity, one in which crimes committed by the wealthy are worthy of greater anger. Greater anger against the wealthy is justified by their ability "to avoid punishment," or, in other words, to flout the authority of the *demos*. This rationalization responds to the potential threat that wealthy Athenians represented to the authority of the state, and the often-competitive relationship between them and the majority of the less-wealthy citizenry, who were also more likely to be seen as representative of the *demos*.¹³⁰ In

¹²⁸ The political implications of *hubris* are analyzed in Ober 2005: 113-124.

¹²⁹ Lysias 31.11; cf. Lysias 20.35.

¹³⁰ A revealing assumption is expressed in Aristotle *Politics* 1279b where democracy is described as rule of the poor as opposed to oligarchy as rule by the wealthy.

contrast, the degree of sympathy afforded to poverty-stricken and physically disabled criminals seems to come from an awareness that some turn to crime only out of desperation. This contrast primarily serves to deny the claims to empathy made by wealthy criminals, whose ability to avoid punishment represents a real threat to the stability of the state. But, in addition, Lysias also affords a very modern-seeming degree of compassion towards those who only resort to crimes due to straitened circumstances.

According to Lysias' contrast between two types of criminals, anger and pity should not only separate the guilty from the innocent, but also correlate with the degree of threat to the authority and stability of the state that a criminal represents. Even though Lysias does not explicitly use the word *hubris* in the passage above, he draws upon the *hubris*-like negative associations with wealth in Athens: arrogance, self-entitlement and hostility towards the democracy. Furthermore, he proposes that the social status of criminals should be considered in the decision of how much empathy they deserve. This normative claim reveals more about how the Athenian community was defined through the social regulation of empathy in the legal process. Lysias portrays wealthy criminals as hostile outsiders to the community who deserve to be excluded from empathy because of their self-imposed alienation from it. In contrast, those guilty of crimes due to desperate poverty or disability "are not entirely responsible" for illegal actions committed only because of their lack of better options. They do not deserve to be completely excluded from community-defining empathy because their crimes were not motivated by the anti-social and destructive motives of wealthy criminals that would make them a much greater threat to the state. Anger and pity, the withholding and expression of empathy,

define the emotional process by which these boundaries of the imagined community were made.¹³¹

The connection made above between wealth, *hubris* and unworthiness of wealthy criminals for judicial pity may also be seen in Demosthenes 21 where the speaker directly characterizes his opponent's *hubris* as a result of his arrogance due his wealth and self-perceived importance. This trial represents an explicit accusation of *hubris* where Demosthenes presents Meidias, the defendant, as hostile to the jurors personally and as a threat to the entire city because of this character flaw.¹³² Particularly revealing is Demosthenes' admonition not to feel pity for Meidias:

Nothing terrible or worthy of pity will happen to Meidias if he should come to possess equal wealth to the majority of you, you whom he now insults (*hubrizei*) and denigrates as beggars. Nor would it be terrible or worthy of pity if he should be stripped of the excessive wealth that he now possesses, the very thing that is now driving him to commit *hubris*. If you do this, I do not believe that any man could justly say to you "Do not try this case according to the laws, gentlemen jurors; do not help the victim of this terrible crime; do not stand by your oath; grant this personal favor to us." For this is essentially how they will plead with you, even if they do not use these exact words.¹³³

This passage explicitly confirms the close associations between *hubris*, excessive wealth, hostility towards the democracy, and the defendants undeserved appeal to pity. Explicit description of why *hubris* was so damaging to Demosthenes personally is given in 21.72. Demosthenes here uses one of his favorite arguments for withholding empathy, of which we have already seen an example: emphasizing how the jurors' obligation to their duty includes managing their natural predisposition to experience empathy for litigants. Much as in the earlier passage from 19.238 he predicts that the jurors will experience sympathy for the defendant while also

¹³¹ See n. 90 on the idea of imagined community.

¹³² Also see Demosthenes 21.219-220; 21.218; 21.225. For discussions of the social implications of this speech see Spatharas 2017; Ober 1994. Also note that the actual charge being brought against Meidias has been disputed see Demosthenes 2008: 75-87.

¹³³ Demosthenes 21.211 Cf. Demosthenes 21.198, 21.210, Lysias 31.11, Isocrates. 15.151-52.

characterizing him as unworthy of judicial pity. His explicit connection of acts of *hubris* with excessive wealth clearly demonstrates the class-based implications inherent in this charge.¹³⁴ These associations served as a convenient shorthand in order to justify the exclusion of an opponent from empathy. Much as in Lysias 31, this exclusion represents both a rhetorical strategy and also a way of defining Athenian citizenship through contrast with the dangerous vice of *hubris*.

The character studies in Lysias 31 and Demosthenes 21 reveal one of the unwritten rules determining how judicial pity was expressed in the Athenian courts. Wealthy litigants were vulnerable to a rhetorical strategy where they could be portrayed as hubristic, a trait associated with anti-democratic political sympathies, and with contempt for the authority of the courts in general as well as for the jury members individually. Such a person could be presented as unworthy of pity because of the hostile relationship that could be portrayed as existing between him and the jury members, the threat that he represented to the legitimacy and stability of the *polis*, and his deviant hyper-aggressive desire to humiliate others. The role played by *hubris* in restricting pity demonstrates an important feature of how empathy was regulated in the Athenian courts. As we have seen, jurors were expected to regulate their pity in accordance with their public role, and this responsibility came into conflict with their natural tendency to experience sympathy as an immediate and spontaneous emotional response. Part of the responsibility entailed by their public role was enforcing the democratic and egalitarian norms characterizing the imagined community of Athens.¹³⁵ Litigants competed to minimize any association between themselves and the negative traits of the wealthy and to connect themselves to the jurors. For those litigants attempting to undermine the legitimacy of their opponents, the trait of *hubris*

¹³⁴ Cairns 2003.

¹³⁵ Lanni 2010; Cammack 2022. On the use of imagined community with respect to Athens see n. 90

served as a justification supporting their attempts to persuade jurors to accept their proposed boundaries of empathy by defining the described person as a threat to the state and as hostile to the jurors personally.

The role played by *hubris* in ancient Athenian rhetoric reveals one of the ways that judicial pity socially regulated empathy and defined the Athenian community. Public performances of a certain set of values have a way of becoming truly held by those performing them; by forcing wealthy litigants to compete to demonstrate their credentials as regular and humble citizens the Athenians encouraged elite buy-in into the Athenian political system. Although many elites resented the rule of the *demos*, many others participated in the system enthusiastically and voluntarily, and this rhetorical *topos* of renunciation of *hubris* represented an effective way of encouraging elite participation. Additionally, this process defined the imagined Athenian community by restraining empathy from those members deemed to be characterized by *hubris*.¹³⁶ As a result of this process of exclusion, the Athenian community was defined in contrast to this dangerous, antisocial tendency, and the Athenian community was further affirmed through the empathy defined in the context of the judicial process.

Democratic Athens has been characterized as society that negotiated the inherent tension caused by the coexistence of a vastly unequal distribution of wealth and a strictly egalitarian political system.¹³⁷ One way of managing this tension was the creation of a clearly defined Athenian civic identity that defined roles and behavioral restrictions for the various socioeconomic classes within the city.¹³⁸ The conventional use of *hubris* in oratory as an antithesis to the proper behavior expected of an Athenian citizen meant that this trait played an

¹³⁶ For imagined community see n. 90.

¹³⁷ Ober 1989: 192-204.

¹³⁸ See for example Gyax 2020.

important role in the creation of Athenian civic identity. The legal process served as a primary means of articulating and inculcating Athenian identity in contrast to *hubris* and through the social regulation of empathy. The difference between inclusion and exclusion in the idealized community of “good” Athenian citizens was determined by the extension and withholding of empathy towards litigants who used *hubris* as a self-serving justification to convince jurors to accept their proposed boundaries of pity. The results of trials were, in turn, assertions of which litigant’s narrative was the one truly representing Athenian identity. As a result of this process, *hubris* assumed a significant role in setting the moral values which defined the dominant ideology of the state in democratic Athens. The social regulation of empathy through judicial pity, with *hubris* setting the outer limits of justified empathy, was a central aspect of the creation and normalization of these values.

Rule of Pity 2: The Litigant has not been Excessively Litigious or a Sycophant

The polar opposite of the hubristic man in terms of his typical social background, the sycophant was an equally detested figure from whom litigants had to distance themselves in order to be successful in eliciting judicial pity from the jurors.¹³⁹ In the word’s most strict sense, which is unrelated to its modern-day meaning, a sycophant was essentially a “habitual prosecutor,” who was typically not a member of the elite of Athens, and used prosecution or the threat of prosecution for selfish motives, typically personal financial gain.¹⁴⁰ The Athenian legal system did not have public prosecutors and allowed for anyone willing (*ho boulomenos*) to prosecute individuals for crimes against the state.¹⁴¹ Perhaps another necessary adaptation to the limited reach of the state, this system could also be misused for blackmail or simply in pursuit of

¹³⁹ Osborne 1990; Harvey: 1990.

¹⁴⁰ OCD s.v. sycophants Harvey 1990: 109.

¹⁴¹ Christ 1998a: 48-71. But exceptions were made for certain particularly serious crimes Todd 1993: 92.

the portion of fines awarded to successful prosecutors in some public cases.¹⁴² In the extended sense of the word, sycophancy was associated with specious and overly quibbling legal language and with manipulative and dishonest behavior in general. It served to define a certain type of bad citizen—overly clever, malicious, greedy, and petty. As a negative archetype, the sycophant served as a figure against whom Athenian values could be defined. The traits associated with this character were constructed as the inverse of those of the ideal citizen and limiting empathy towards them served as a confirmation of imagined Athenian values in the judicial process.

It is not clear whether sycophancy was a formal category of crime for which someone could be prosecuted, but an accusation of sycophancy wasn't limited to its narrowly legal definition; "sycophant" and its associated words came to stand for a range of malicious, overly litigious and pettifogging behavior in the courts.¹⁴³ When Demosthenes discusses a law in detail he apologizes for "acting like a sycophant (*sukophantoumen*) in this matter" using this extended usage of the word.¹⁴⁴ Demosthenes' apology demonstrates the subtle range of meanings associated with sycophancy. In his apology he admits that his reference to the detailed meaning of the law could be interpreted as a sign of the pedantic and litigious pettiness characterizing a sycophant while also emphasizing the necessity of going into the details of the law for his immediate legal argument. This contrast serves to distance himself from sycophancy by limiting it to intentionally misleading and excessively sophisticated legal reasoning and defining his risky legalistic argument as justified by the particulars of the case at hand.

Given its range of meanings, I will be using sycophancy as representative of a range of related behaviors that were seen as not entitling a litigant to empathy, in addition to its more

¹⁴² Osborne 1990 presents a more positive view of the reality of sycophants.

¹⁴³ Osborne 1990: 85-6.

¹⁴⁴ Dem. 23.61.

limited formal sense. These behaviors included the use of overly precise or sophisticated legal language and excessively litigious behavior, such as making frivolous legal accusations, prosecuting without attempting to mediate first, and prosecuting for inappropriate reasons, usually greed or envy.¹⁴⁵ The association between overly legalistic rhetoric and sycophancy was also the result of how excessively sophisticated language was believed to signal the motivations of a litigant.

Lack of anger, excessively litigious behavior, and the use of overly legalistic language were associated with sycophancy in part because of the role emotions were supposed to play in the legal process in general. Anger, typically seen by the ancient Greeks as a response to personal injury or to injustice in general, could be used as a sign of a prosecutor's sincerity and pure intentions.¹⁴⁶ Of course not all anger was acceptable and it was also important for a litigant to justify his anger as legitimate, proportionate and reasonable.¹⁴⁷ But while *hubris* may be seen as the result of an excess of violent passion, sycophancy was equally damning as its opposite, a lack of the honest and clean motivation for litigation that anger was believed to have signaled.¹⁴⁸ Overly sophisticated legal arguments, as we can see in Demosthenes's apology, could be seen as a sign of a cold-blooded lack of justified anger and therefore made a prosecutor suspected of litigating for selfish, hypocritical, and likely sycophantic, reasons. We can see similar associations in Demosthenes' worry that his preference for water instead of wine will open

¹⁴⁵ On the role of out-of-court settlements, arbitration, and reconciliations in Athenian law see Alwine 2015: 31-36; Scafuro 1997: 117-141; Todd 1993: 41-42, 123-125.

¹⁴⁶ Lanni 2004: 285; Bers 2009: 141-154. For a discussion of cultural norms defining when anger justified retaliation see Allen 2000: 153-156. This aspect is also emphasized in Aristotle's definition of anger which is caused by "the appearance of contempt (*oligoria*) against him or one of his intimates...for an undeserved slight." Aristotle *Rhetoric* 1378a. See also Rhodes 1998; Todd 1998.

¹⁴⁷ The moral norms of controlling anger are discussed in Harris 2001: 157-200. On the conflict between the value of revenge and cooperative values Lanni 2006: 28-31.

¹⁴⁸ Men without anger are mocked by Hesiod *Works and Days* 304 as "drones lacking a sting," see discussion of the consequences of this metaphor for ancient Greek masculine identity in Allen 2000: 53.

himself to accusations of his opponents for having an excessively mannered and artificial style.¹⁴⁹ Demosthenes' preference for water could be made relevant in a public setting because it could be portrayed as a sign of his lack of the passionate and masculine exuberance believed to motivate the honest, forthright behavior expected of a model citizen.¹⁵⁰ Thus, while it might seem strange to us that anger would cast a prosecutor's motivations in such a favorable light, the legal role of this emotion depends upon the internal logic connecting the various associations with sycophancy to the role of anger in defining masculine identity in ancient Greece. One of the traits that litigants competed to claim was a kind of just and authentic anger that was believed to be a characteristic of a litigant bringing a legitimate case and which was the inversion of the manipulative and specious motivations of a sycophant.

In addition to its role in defining inappropriate motivations to litigate, sycophancy also described a certain type of dysfunctional relationship between an individual and his community. Litigants emphasize patriotism and dedication to public service as traits defining good citizens, subtle complements to the jurors for fulfilling their role. In contrast, social alienation from his community, despite his citizenship, defined the sycophant as a bad citizen. Even worse, sycophancy represents a deliberate mockery of the proper relationship connecting individuals to the community and therefore has an element of perversity to it.¹⁵¹ Much in the same way as Demosthenes' preference for water could be taken as a deviant lack of masculinity, so did sycophancy represent a type of immorality resulting from a failure to live up to the expected traits of a male citizen. There is an interesting parallel in the gender implications of this failure to

¹⁴⁹ Demosthenes 6.30; 19.46.

¹⁵⁰ On this accusation and its implications see Worman 2004: 10-15. Even though it is fair to say that anger needed to be portrayed as reasonable and proportionate Harris 2017 goes too far in claiming that Athenian litigants avoided presenting themselves as angry at all.

¹⁵¹ Perversity was also implied to the ancient Greeks in the lack of masculinity revealed by a lack of anger see Allen 2000: 53.

the way *hubris* defined dangerously hyper-masculine behavior caused by excessive and uncontrolled violent passions. In contrast, sycophancy, also seen as a sign of a deviant gender identity, resulting from the sycophant's hidden and therefore "female" motivations to prosecute and his consequent failure to display the justified anger associated with the sincere and forthright behavior believed to be characteristic of a worthy male citizen. The appropriate behavior of a citizen lay between these two extremes; a "true" man was expected to act with both passion and restraint. Aeschines provides an explicit definition of sycophancy where these sides of it are apparent:

Know well, Athenian gentlemen, how a man's reputation (*pheme*) differs from sycophancy. Reputation has no connection to slander, but slander is sycophancy's sibling. I will clearly distinguish between these two concepts. Reputation is when a group (*plethos*) of people say, on their own accord and not based on any false pretext, that some matter has happened. Sycophancy is when a single man (*eis aner*) insinuates suspicion in the minds of the many and falsely accuses someone before the *ekklesia* and the *boule*. While we make sacrifices to the concept of reputation among the *demos* (*pheme demosia*) as if to a god, we prosecute sycophants as malefactors (*kakourgoi*) of the *demos*. So do not confuse the most noble with the most shameful of things.¹⁵²

Aeschines' definition emphasizes the difference between the group (*plethos*) from the individual (*eis aner*) in distinguishing between sycophancy and *pheme*. There is a mystical quality to this passage in the way that *pheme* is the result of social processes but transcends them as a god, or at least something resembling one, while sycophancy represents a hijacking of this process for selfish ends.¹⁵³ Even if we should take the idea of *pheme* as a god metaphorically, as a metaphor it would emphasize how *pheme* is greater than the individual participants in the creation of an individual's reputation. The relationship between *pheme* and individuals reflects the ritualized way in which the individual identities of the jurors merge as a collective representation of the *demos*. This parallel complemented the jury while also emphasizing their

¹⁵² Aeschines 2.145.

¹⁵³ cf Aeschines 1.117-131 where a similar but more in-depth definition of *pheme* is made.

sacred obligation to make decisions in accordance with the laws.¹⁵⁴ In contrast to *pheme*, the sycophant is an outsider who has deliberately cut himself off from the community of good citizens. A sort of inverted reflection of the hubristic man, who opposes the democracy because of his arrogance, the sycophant was seen as an enemy of the people due to his greed and willingness to misuse the legal system. His lack of a justified claim to empathy is revealed by Aeschines' strongly moralizing word choice of sycophancy as "the most shameful thing." The depth of the contempt he expresses for sycophants is matched by his awe of *pheme* and the symmetry between the two is an indication of how sycophancy was believed to be a corruption of the fundamentally defining duties of a citizen.

The common values to which Aeschines appeals show the public and judicial role of sycophancy in setting the limits of empathy in accordance with the dominant values of Athens.¹⁵⁵ As we can see from this passage, sycophancy was simultaneously a rhetorical tool in the hands of litigants and also a way of defining and inculcating the dominant public values of Athens. According to these values, misuse of the judicial system is connected to selfish, individualistic motives, and defines a person as unworthy of empathy as a malefactor (*kakourgos*). In defining sycophancy as a dysfunctional relationship between alienated individuals and their community, Aeschines reveals how it was used to define the imagined community of Athenian citizens in good standing with the *polis*.¹⁵⁶ Much as Lysias in 31.11 characterizes wealthy criminals as standing outside of and threatening the community of Athens, so does Aeschines' portrayal of a sycophant imagine this stock character as someone who has cut himself off from the community and threatens it with discord and injustice.

¹⁵⁴ Connor 1988.

¹⁵⁵ Osborne 1990: 91.

¹⁵⁶ For the idea of "imagined community" see n. 90.

In addition to its role in building a hostile characterization of one's opponent, the figure of the sycophant was a negative archetype, similar in many ways to *hubris*, against which litigants defined themselves in front of juries in support of their attempts to gain jurors' empathy. The potential for these two vices, *hubris* and sycophancy, to be seen as parallel is clear in Demosthenes who begins one of his accusations (53) by presenting himself not as a sycophant but as the victim of *hubris*. The emphatic positioning of sycophancy in the beginning of this speech reveals the importance of this trait in defining the Athenian community through empathy. The pairing of sycophancy and *hubris* also reveals the central importance of these two concepts in defining Athenian identity. Soon after his defense of himself against the imagined charge of sycophancy, Demosthenes assures the jury that they would have even more sympathy (*sungnome*) for him if he had the time to detail all of the wrongs that he had suffered at the hands of the defendant (53.3). The internal logic of this claim clearly reveals an assumption that a sycophant would not be entitled to empathy while a citizen pursuing legitimate punishment for wrongdoing would be entitled to the jurors' empathy. This association between empathy, sycophancy, and a given litigant's motivations shows how litigants used sycophancy to define the relationship between litigants, juries, and the state through the social regulation of empathy.

From its use in Demosthenes, we can see the connection between sycophancy, empathy, and the process of imagining the Athenian community in the court room. As litigants competed to distance themselves from the figure of the sycophant, they reinforced and inculcated a set of values which harshly judged the antisocial tendencies that this stock character embodied. One of the constraints on the narratives constructed by litigants was the need to present oneself as reasonable, willing to mediate, and generally avoidant of conflict.¹⁵⁷ In the Athenian imagination,

¹⁵⁷ Johnstone 1999: 43, 58-59.

sycophancy was the stereotypical cause of excessively litigious behavior. As litigants competed to distance themselves from this negative archetype, they defined sycophancy as an antithesis to the appropriate litigation brought by “true” Athenian citizens and enforced the norms punishing this behavior. One of the ways of punishing those who exhibited the traits of a sycophant was to exclude the person from the empathy expressed in judicial pity and, in doing so, the imagined community of Athenian citizens in good standing with the *polis*.¹⁵⁸ This punishment simultaneously represented a legal penalty (since those characterized as sycophants were likely to lose their cases) and a social one (since sycophants were socially alienated as outsiders against whom Athenian citizenship was defined).

Rule of Pity 3: The Litigant Can Demonstrate a Positive Reciprocal Relationship with the *Polis*

Athenian litigants liberally referred to their good services to the state in their attempts to elicit pity from jurors. These appeals can be so explicit as to resemble open bribery but there is more here than it might seem due to the influential cultural norm of reciprocity in ancient Greece. Both the frankness of these appeals and the underlying message of reciprocity are apparent in this passage by Lysias:

And yet, gentlemen jurors, if someone displays his children while sobbing and lamenting for you to take pity on the children because they would lose their citizen rights on his account, you pardon the crimes of the father because of the children. You do this not knowing whether these children will grow into good or bad men. But you know that we have been loyal to you and that our father has never done anything wrong. So it would be far more just for you to reward those whom you know to be good men than those whose futures are unknown to you. We have experienced the opposite fate of most men who bring forward their children and plead with you while we do so by bringing forth our father begging you not to deprive us of our citizen rights but instead to take pity on our old father and on ourselves.¹⁵⁹

¹⁵⁸ See n. 89.

¹⁵⁹ Lysias 20.34; discussed in Konstan 2000: 139-140. cf Dem. 21.184-185; Lys. 3.47, 18.27, 20.30, 21.25; Isaeus 4.27, 7.37-41; [Dem.] 50.64.

This passage creates an intriguingly direct connection between the pity that the speaker claims to be his due and the practical benefits that he claims the city has and will continue to gain from his actions. The speaker's argument might seem to imply that the "pity" he asks for is nothing more than a cynical euphemism for an appeal to the jurors' self-interests. But it would be a mistake to reduce the relationship between the speaker and the jury to a purely transactional exchange of favors. It is revealing that pity and therefore the acquittal of the speaker is described as "more just" due to his family's positive reciprocal relationship with the *demos*. Lysias' employment of such explicitly moralizing language suggests that there is more to his appeal to pity than is immediately apparent. In order to understand the subtext of the appeal to pity in this passage, we will first have to look at the role of reciprocity in ancient Greek relationships.

Reciprocity was, in general, an important structuring principle in Greek relationships.¹⁶⁰ As long ago as the late Dark Ages, as portrayed in the Homeric poems, exchanges of gifts and services served as a basis for building mutually beneficial relationships between friends.¹⁶¹ One of the ideas underlying these relationships is the norm that like should be exchanged for like, as the moral maxim, common in ancient Greece, "help your friends and harm your enemies" expresses.¹⁶² But these exchanges, and the relationships resulting from them, were seldom reducible to the material values of gifts alone.¹⁶³ According to Marshal Sahlins's anthropological model of reciprocal relationships, they were an example of generalized and not balanced reciprocity.¹⁶⁴ His model of generalized reciprocity describes a relationship where the exact values of exchanged goods and services did not need to be equivalent so long as they remained

¹⁶⁰ For the role of reciprocity in social, moral, and political norms see Lanni 2009: 701-702; Konstan 1998; Millett 1998a; Gill 1998; Schofield 1998.

¹⁶¹ Donlan 1982.

¹⁶² Dover 1974: 180-184; Blundell 1989: 26-59.

¹⁶³ Gill 1998; van Wees 1998.

¹⁶⁴ Sahlins 2004: 110-116.

roughly in balance to the extent that participants could feel that they were making these exchanges on the basis of equality.¹⁶⁵ Far more important than the material value of exchanges was the resulting relationship built on trust, mutual respect, and the lack of a power hierarchy.¹⁶⁶ Furthermore, as we can see in the passage above, reciprocity was a moral value as well as a structuring principle of relationships. Friendship was supposed to be based on equality, and generalized reciprocity served as a way of asserting and maintaining these friendships, which played such a foundational role in ancient Greek concepts of justice and morality.¹⁶⁷ The essence of this passage is not just “we should be pitied because you can expect for us to return the favor” but “we should be pitied because of the relationship we share with you the evidence of which is the favors we have done and will continue to do for you.”

In this passage we can see one of the factors that could make jurors consider a litigant’s suffering to be unmerited and therefore worthy of pity, an appeal to a relationship between litigants, the state and the jurors based on the principle of reciprocity. Again, we see in this passage an essential duality in the experiences of empathy of ancient Athenian juries where they were expected only to experience pity towards litigants with superior legal cases, but where they were also assumed to feel a natural sense of sympathy for defendants due to the inherent dangers of the legal process. The implied logic in this passage is that pity, in order for it to be just, should be based on the relationship-structuring principle of reciprocity and not a merely instinctive response to the hardships represented by the legal process. These limits imposed on pity say much about the jury’s role and how jurors modified their emotional responses based on their perceptions of their role as jurors. In order to fulfill their responsibilities, jurors should adopt

¹⁶⁵ Sahlin 2004: 132-167.

¹⁶⁶ For the use of reciprocity in creating a community in ancient Athens see Konstan 1998.

¹⁶⁷ Konstan 1997: 80-82

emotional responses appropriate to their role; this meant saving their pity for those engaged in a positive reciprocal relationship with the *demos*.

It is worth noting that this relationship although reciprocal, was also heavily unequal.¹⁶⁸ The relationship between an individual and his city could never resemble one between two people because of the qualitative difference and the massive differential of power between the two.¹⁶⁹ As a result of this fundamental inequality, the model of reciprocity expressed here differs substantially from one that would typically exist between two people. Due to its greater power, the state does not have to fulfill its side of the relationship and occupies a position of dominance over individual citizens.¹⁷⁰ At the same time, the state can be constrained to fulfill its obligations through the use of moral suasion in accordance with popular ideas of justice.¹⁷¹ As a result of this inequality, the pity requested by defendants was not defined as a transactional exchange of favors, but in accordance with the moral norm that like should be returned for like. Implicit in litigants' assertions of their reciprocal relationship with the state is an acknowledgement that they were akin to suppliants beseeching a victorious enemy or the gods for just mercy.¹⁷² This power dynamic is relevant for several reasons. It shows and enacts the subjugation of the individual to the state, flattering the jurors for the power inherent in their role while also reinforcing the authority of the *demos*. In addition, this act references the important cultural practice of supplication, a distinctively Greek cultural practice of putting oneself at the mercy of another who is acknowledged to be in a superior position of power.¹⁷³ But even as this contrast

¹⁶⁸ Johnstone 1999: 122-125.

¹⁶⁹ The basis of Greek concepts of friendship on equality is explained in Konstan 1996: 74-78. Johnstone 1999: 116 compares the relationship between litigants supplicating juries to that of worshippers supplicating gods.

¹⁷⁰ A part of the ritual of supplication is the right of the one supplicated to deny the request. See Naiden 2006: 3-27.

¹⁷¹ For a parallel example see Yunis 1996: 237-277.

¹⁷² For appeals to juries as a "figurative" form of supplication see Gould 1973: 101; Johnstone 1999: 115-118.

¹⁷³ On the formal role of supplication in Greek law see Naiden 2006: 171-218. Johnstone 1999: 116-123.

emphasizes the jury's power over the individual, it also seeks to constrain the actual use of this power through the use of the normative values of justice.

The role of reciprocity in regulating judicial pity indicates one way that it socially regulated empathy and defined the Athenian community. These appeals implicated litigants and juries in public performances where a past relationship built on the principle of reciprocity served as one of the factors justifying the extension of pity towards a litigant. These public performances and juries' responses to them defined and inculcated the value of reciprocity as one of the defining relationships between individuals and the state. The public and collective experience of regulating empathy encouraged juries to consider the relationships of litigants with the *polis* as paramount in determining whether they were justly entitled to empathy or not.¹⁷⁴ The regulation of pity and empathy, in turn, served as an emotional experience that defined an imagined Athenian community consisting of good and worthy citizens. The normative values defined in these trials ensured that the social regulation of empathy would not only influence participants but also the broader citizenry.

Appeals to reciprocity were ultimately appeals to justice in the context of the ideology of Athenian citizenry and the Greek moral value of returning like for like. Implicit in these appeals is an acknowledgement that jurors could use their power to harm innocent litigants but that to do so would be unjust. This argument reinforces the power of the state while also attempting to control it through appeals to popular concepts of justice. By incorporating the ideology of reciprocity in their self-described relationships with the state, litigants carefully justified appeals to pity by defining themselves as having a reciprocal relationship with the city while attempting to refute their opponents' attempts to do the same. In these legal tactics, and through the juries'

¹⁷⁴ Johnstone criticizes the characterization of juries having "collective experiences" in Johnstone 1999: 121, but I agree with the counter argument made by Victor Bers in Bers 2009: 137.

responses to them, participants in the legal system defined Athenian civic identity through the idea that individuals with a healthy relationship with the state, in terms of reciprocity, should be pitied while restricting the pity experienced only as a response to suffering in general.

Judicial Pity, Informal Rules, and the Values of Democratic Athens

These above-mentioned informal rules governing appeals to pity reveal how judicial pity defined the Athenian community through the social regulation of empathy. The three examples we have seen, *hubris*, sycophancy and reciprocity, provided jurors with a moral framework for how they should express and limit empathy in the court room in the context of legal dilemmas on whether to acquit or convict a defendant. We can roughly define from these three examples the civic and patriotic values of democratic Athens and the traits of the ideal citizen against whom litigants were evaluated. According to this set of ideals, the ideal citizen must be neither one of the arrogant, antisocial and treacherous elites, nor someone cynically willing to misuse its legal system for selfish ends; he must be easygoing and willing to resolve conflicts through mediation, and he must have a proven positive reciprocal relationship with the city. Within the constraints represented by these three values, litigants constructed legal narratives in their attempts to secure the sympathy of the jury and to demonstrate the legal merit of their positions.¹⁷⁵ Through the process of voting, jurors in turn chose which of these narratives to accept and reject.

The effect of performing this ideology of citizenship was reinforced by the agonistic framework of Athenian law. In other words, the practice of law was in part defined by competitions for status between litigants and served as a kind of social theater where elite litigants put themselves forward to be judged by juries in their role as the representative of the

¹⁷⁵ The role of narrative, as opposed to formal legal thinking, in Athenian law is emphasized in Asper 2020. The role of narrative in Athenian legal procedure is described more sympathetically in Lanni 2006: 9-11; the somewhat cynical stance towards the rule of law suggested by rhetorical handbooks is portrayed as not representative of actual legal practice in Carey 1996. On mediation see Todd 1993: 123-125.

city.¹⁷⁶ As has been mentioned but bears repeating, this view of the Athenian courts should not blind us to the ways in which the Athenians also practiced the rule of law in a more modern sense or to their efforts to render fair and accurate verdicts. But, despite this important qualification, it is fair to state that a dynamic of social theater was an important part of Athenian law, even if it was not the only one.¹⁷⁷ As a result of this dynamic, the winning litigant was affirmed not only as a legal victor but also as the one whose offered narrative was approved by the jury in their capacity as the representative of the *demos*. As we have seen, this act of judging litigants was heavily implicated in the defining of community through the social regulation of empathy. As a result, the legal process in Athens represented an evolving negotiation of the boundaries of the community, based on collective experiences of empathy. These performances of the civic values of Athens in its law courts reinforced a system of socially regulating empathy that supported the ideology associated with the state of Athens. We have noted that this ideology was one that defined its community as consisting of good citizens in contrast to those possessing traits, such as *hubris*, which defined bad citizens. But the antithesis to Athenian citizenship wasn't only the citizens who failed to embody the correct values, but also included many categories of social outsiders including slaves, metics (free non-citizen residents of Athens), women and enemies.

While it was relatively easy to collapse this variety of types of outsiders into a theoretical antithesis of citizenship in rhetoric, in practice, these dichotomies often failed to capture the complexity of everyday life. The Athenian identity articulated in oratory was not just a mirror to the beliefs or experiences of jurors, but a discursive stratagem employed by litigants to improve

¹⁷⁶ This view has been championed by Cohen esp in Cohen 1995.

¹⁷⁷ For a parallel account where justice is based on popular performances where an offender is humiliated see Forsdyke 2008.

their chances of winning their cases.¹⁷⁸ In clearly defining an eternal Athenian identity they sought to persuade jurors to identify themselves with their city in ways that benefitted their own cases.¹⁷⁹ This tactic seems to have been relatively successful, but it only describes one domain of the lives of the jurors, one that the surviving sources heavily bias our interpretations in favor of.¹⁸⁰ But the surviving sources also give us a hint of how complicated status and community membership could be in practice in ancient Athens. In one, admittedly polemical and biased, example, the anti-democratic writer of *Athenian Constitution* complained that you had to be careful of whom you struck in Athens because the slaves and citizens were dressed so similarly as to be indistinguishable.¹⁸¹ This author's snobbery regarding the ambiguity of status does reflect realities documented in legal¹⁸² and in economic¹⁸³ life. Occasional acts of manumission of slaves and enslavement of the freeborn also meant that status could be more fluid than the often ideologically charged claims of authors suggest.¹⁸⁴ Even though manumitted slaves were not normally given citizenship, slaves, freedmen and metics could also be enfranchised under certain circumstances.¹⁸⁵ Indeed perhaps the inherent ambiguity of status was one of the reasons for the severity of laws dividing citizens from slaves as well as the appropriation of aristocratic values for democracy.¹⁸⁶ Athenian ideology expressed a confident assertion of the distinction between citizens and slaves to assert the citizenry's identity as a kind of "natural aristocracy"

¹⁷⁸ Johnstone 1999: 132

¹⁷⁹ Thomas 1994. Cited in Lanni 2004: 283.

¹⁸⁰ The tension between the theory of citizenship and everyday reality is discussed in Vlassopoulos 2007b. See also Millett 1998b.

¹⁸¹ [Xenophon] *Athenian Constitution* section 10

¹⁸² Many examples where the statuses of an individuals are contested are discussed in Vlassopoulos 2018.

¹⁸³ For a discussion of free and enslaved workers in the Erechtheum see Silver 2006.

¹⁸⁴ Example discussed in Deene 2011. The status of freedmen in ancient Greece is discussed in Zelnick-Abramovitz 2005; Zelnick-Abramovitz 2009; Finley 1964. Enslavement was a possible legal penalty as well see Isaeus 12 and Demosthenes 57.

¹⁸⁵ MacDowell 1978: 79-83.

¹⁸⁶ For example, Pericles in Thucydides 2.40 "We are lovers of nobility (philokaloumen) with restraint." For discussions of the appropriation and democratization of aristocratic values see Raaflaub 1994: 109-10; Christ 2013; Loraux 1986.

regardless of the humble socio-economic backgrounds of many of its members. But, in reality, citizens had to contend with many situations where status was ambiguous or didn't clearly reflect any kind of innate nature. The assertion of clear boundaries between citizens and slaves was not a reflection of reality but an attempt to impose a stable and idealized fantasy on the messy and emotionally complicated experiences of everyday life.

Nevertheless, law courts served as a quasi-theatrical space where the traits associated with "good" male citizens could be constructed through legal performances contrasting them to various othered identities including "bad" citizens, but also those with antithetical statuses such as slaves, sycophants, women etc. Through the agonistic framework within which law was practiced, this act of imagining the traits of an ideal citizen and of identifying the litigant who best embodied these traits affirmed the dominant values of citizenship for juries and through them the *demos* as a whole.¹⁸⁷ High rates of participation meant that many citizens took part in the legal process as jurors and would therefore have had direct experience in the social regulation of empathy through judicial pity. But even for those who did not actively participate, the strength of the Athenian ideology of citizenship and the expression of this ideology through numerous institutions with broad participation such as the Greater Dionysia, the Eleusinian Mysteries and the *ephebeia*, just to name a few, ensured the extension of the implicit rules governing the appropriate extension of pity towards litigants to the citizenry as a whole. Even though the results of trials may have in reality represented a single, possibly non-representative decision by a minority of citizens, they were widely believed to be manifestations of the will of the state.¹⁸⁸

¹⁸⁷ Note that Athens was not a face-to-face society and we should not imagine that the results of legal trials could have spread through rumor alone. See Ober 2008: 74; Lanni 2009: 717.

¹⁸⁸ Thomas 1994.

The experience of judicial pity in the courts represents an important way that the abstract ideology of the state was defined, realized, and internalized.

Those failing to elicit pity in the courts were doubly punished: as likely losers in their cases and as the loser of an agonistic zero-sum contest to be included in the imagined community of Athens.¹⁸⁹ Admittedly our sources skew our perspective in favor of important and politically relevant cases, but it nonetheless seems clear that the social consequences of loss could be as bad or even worse than the practical ones; a significant aspect of the effects of legal decisions was their informal impact on social inclusion and status.¹⁹⁰ Judicial pity in the courts of Athens played a complex role in defining an Athenian community. Legal decisions on whether to convict or acquit a defendant represented a process where the informal rules of empathy were affirmed as the criteria separating good citizens from the bad. Simultaneously, these informal rules of empathy directed jurors to recognize worthy appeals to pity based on how well litigants had lived up to their duties as citizens. As a result of this process, collective experiences of pity supported the civic values of the state through the social regulation of empathy and created an Athenian community through a dynamic process of defining the boundaries of empathy. The consistency and effectiveness of the use of judicial pity as a legal stratagem meant that the abstract values associated with the Athenian state were not only theoretical norms but internalized guidelines defining the appropriate bases for anger and pity.

Social Regulation of Empathy as a Response to the Limits of the Polis

We might ask at this point whether we can venture a convincing functionalist role for the interdependence between judicial pity, the social regulation of empathy and the process of

¹⁸⁹ See n. 90.

¹⁹⁰ For example for the punishment of *atimia* as a social sanction depriving a victim of honor and status see Joyce 2018; Macdowell 1978: 73-75; Kamen 2013: 71-78.

defining the Athenian community through the legal system. Even though it would be grossly reductionist to assume that social norms can be completely explained as environmental adaptations, many do develop in response to external pressures or internal social stressors.¹⁹¹ Such an explanation seems plausible for judicial pity, with its strong emphasis on patriotic and civic values and its robust role in creating legal and moral norms. One functionalist basis for ancient Athens' system of socially regulating empathy can be found in the need to mobilize resources in a society lacking strong formal institutions to enforce compliance with centrally made decisions.¹⁹² The limited extent of Athens' formal state apparatus will be a useful piece of evidence for explaining judicial pity in the context of empathy's role in the dynamics of cooperation, as defined in the introduction chapter of this dissertation. For the rest of this section, I will argue that the social regulation of empathy through judicial pity in ancient Athens represented an effective solution to an inherent problem of cooperation that was exacerbated by the idiosyncrasies of the Athenian state.

Ancient Greek *poleis* generally lacked formal coercive institutions and largely relied on self-help, the participation of volunteers and interested parties, to enforce collectively made decisions, including legal ones.¹⁹³ This feature challenges our notion of how to define a state and, indeed, Moshe Berent has argued in a series of articles that the classical *polis* was not a state at all but was more akin to "tribal" or stateless communities.¹⁹⁴ His claims, although provoking and persuasive in many respects, are not perfect, nor have they won universal acceptance.¹⁹⁵ While it

¹⁹¹ Scott and Marshall 2009a.

¹⁹² For another perspective on Athenian social norms as a response to limited state apparatus of coercion see Lanni 2009: 695.

¹⁹³ Christ 1998b.

¹⁹⁴ A balanced discussion of the historiographical debate on the roles of state and society in Athens may be found in Hunter 1994: 185-189.

¹⁹⁵ Responses to the portrayal of *poleis* as stateless communities may be found in Hansen 2002: esp. 30-39. See also Anderson 2009; Harris 2013: 21-59.

might be too radical, and, perhaps, a bit pedantic, to focus on defining Athens as a “stateless community” in contrast to the Weberian model of the state, Berent’s perspective represents a valuable shift in perspective away from teleological and anachronistic assumptions regarding the roles of politics and society in ancient Greek *poleis*. Especially useful is his emphasis of how political authority was exerted in ancient Athens in a way qualitatively different from that of the nation state that has dominated political theory since the 19th century. While the standard historical narrative of the development of the modern nation state has been one, broadly speaking, of increasingly centralized authority through the development of formal institutions and legitimate centralized power, this capacity was so limited in ancient Athens as to make it a mystery of how they were able to deploy human and material resources in collective actions. In order to understand how the ancient Athenians mobilized the resources potentially available to them, we clearly must identify some alternative to the formal and legitimate coercive mechanisms typically associated with the state.

Despite lacking many of the formal powers of a modern nation state, the Athenians consistently deployed an impressive extent of their available resources against external threats. They fought the Peloponnesian War to the absolute limit of their strength despite heavy battlefield casualties, the widespread death and social dislocation resulting from a devastating plague, and the catastrophic losses resulting from the failure of the Sicilian expedition.¹⁹⁶ The trauma of this conflict, its conclusion in utter defeat, and the self-slaughter perpetuated by the thirty tyrants, the oligarchic government imposed by their victors, did nothing to dim the ardor of the Athenians for military service. They would remain intermittently but frequently at war for at least for another century. Throughout this period they continued to deploy an impressively high

¹⁹⁶ Rhodes 2010: 160-161.

percentage of its citizen manpower. Even the crippling losses suffered in the Battle of Chaeronea (338 BC) against Philip II of Macedon didn't prevent enthusiastic participation in the Lamian War (323-322 BC) against Macedonian hegemony less than a generation afterwards.¹⁹⁷ This record of military participation would be impressive in itself, but it is even more so given the exceptionally stressful and brutal nature of hoplite warfare, and the heavy casualties often suffered by winners and losers alike.¹⁹⁸ When compared to the necessity faced by many other societies to devote extensive resources towards internal policing, the relative readiness of the Athenians to participate in military service stands out as an example of highly effective example of the voluntary mobilization of resources.¹⁹⁹ Somehow, Athens was able to display a trait of highly organized and structured communities, a high rate of military participation, despite its limited institutions to enforce state power.

This ability to mobilize military resources would be impressive enough on its own, but Athens' record of military participation also represented a broader pattern of compliance with social norms. On the most basic level, the historical evidence suggests that the Athenians were unusually peaceful and well-ordered in their conduct with each other.²⁰⁰ Citizens traveling through the countryside of Attica did not have to arm themselves against rural banditry, a perpetual blight on many cultures until the modern era, and the rate of urban violence also seems to have been quite low.²⁰¹ Their level of participation in public affairs also seems to have been relatively high.²⁰² Athens was consistently able to fund yearly festivals and its powerful navy

¹⁹⁷ Rhodes 2010: 311-13, 317. The attitudes of the Athenians in the Lamian War are described by Pausanias 1.25.3-6 = Austin 28.

¹⁹⁸ Ray 2009: 301-304; Krenz 1985; Ridley 1979.

¹⁹⁹ Raaflaub 2000. Desertion, draft dodging and other forms of cowardice were formally illegal, but these laws could only be enforced by volunteers and the actual application of this law seems to have been sporadic Christ 2006: 63, 133.

²⁰⁰ Evidence assembled in Herman 2006: 206-215. Also see Lanni 2009: 693.

²⁰¹ Herman 2006: 133-34.

²⁰² Hansen 1991: 298-320; Lanni 2009: 693; Yunis 6-7.

despite a reliance on the semi-voluntary liturgy system as a partial replacement for direct taxation.²⁰³ The fact that wealthy Athenians were willing, more or less, to submit themselves to the often-onerous burden of liturgies reveals that even many Athenian elites, stereotypically natural opponents of the democracy, identified with and endured personal sacrifices for their political system.²⁰⁴ In another form of indirect taxation that seems to have been highly effective, hundreds of citizens every year were selected by lot to serve as unpaid magistrates. These duties could represent a considerable obligation while subjecting even honest citizens to the risk of prosecution for corruption during *euthune*, a mandatory review of the integrity of magistrates at the end of their service, the results of which were often determined as much by political factors as the need for accountability.²⁰⁵ As these examples demonstrate, Athens was not just a community with a strong culture of martial service, but one with an exceptionally strong set of social values overall. These values are evident both negatively (from the absence of internal violence) and positively (from the extent of participation by its citizens in public affairs).

As we can see from the contrasting norms in Athens between internal peace and externally focused aggression, carefully defined forms of violence were important in many ways to the Athenian state. In addition to the external deployment of violence against enemies of the state, continuous use of internal violence was necessary in order to maintain continued control over the large population of slaves. But this was a highly controlled and deliberate form of violence and there is no sense from the surviving sources that a tendency towards violence was a

²⁰³ Lanni 2009: 693-694. See Gygax 2020 for a discussion of the role and influence of the tradition of elite financial contributions to the Classical Athenian state, including the liturgy system.

²⁰⁴ The fourth century reform of system into *summorai* suggests a continued willingness to work within the liturgy system while also seeking compromise to prevent personal ruin. For the reform of the financial obligations of the wealthy see Christ 2007; Gabrielsen 1994. Speeches on the *summorai* system are Dem. 14, 20.

²⁰⁵ Lanni 2009: 693; Todd 1993: 112-13; Borowiak 2011: 79-99; Roberts 1982: 6-11; Lape 2016.

threat to the stability of the state.²⁰⁶ The Athenians themselves were aware of and celebrated this distinction between their behavior within and outside of their community, as we can see in this passage by Demosthenes

I recognize the authority that the courts have in disputes between ourselves, but it is in battle and through the use of our weapons that we must overpower our enemies, and through warfare that the state finds its salvation. For voting will not bring victory to men under arms, but it is rather those who have defeated the enemy through the use of arms who will win for you the right to vote or to lead your lives however you want and without fear. We should be terrifying when we are under arms but benevolent when we are in court.²⁰⁷

Demosthenes characterizes Athenian social control of violence by emphasizing how two modes of behavior contrast with but also support one another. According to his dichotomy, a “terrifying” (*phoberous*) attitude in warfare and “compassionate” (*philanthropous*) behavior in the law courts are both necessary for the continued survival of the community. Violence, externally focused, enables the gentler and desirable principle of *philanthropia* to prevail in the environment created by personal restraint and respect for the law. Demosthenes’ contrast between these two types of behaviors reveals an assumption of his audience’s preference for tolerant and benevolent behavior, implicitly a natural tendency towards enemies that must be resisted, but also their belief in the necessity of ensuring broad participation in externalized violence. His distinction between Athenian external and internal behavior describes a community whose members defined themselves as highly effective in creating boundaries between in- and out-groups and in restraining violence towards the former while deploying it strategically against the latter.²⁰⁸ These two contrasting attitudes demonstrate the importance of citizenship in defining the public values of the Athenian community. As a part of an attempt to persuade the

²⁰⁶ In the disciplined nature of external violence in contrast to orderly behavior within the city see Harris 2001: 157-158.

²⁰⁷ Demosthenes 13.16-17.

²⁰⁸ On the Athenian legal system as a way of enforcing the informal norms of the community see Lanni 2009: 710.

assembly, Demosthenes could confidently and baldly assert that behavior morally expected of an Athenian citizen depended upon the status of the person with whom he was interacting. At the same time, Demosthenes presents fearsome behavior towards enemies as an unpalatable necessity imposed by the existence of external threats to a community whose members would generally prefer more humane behavior in general. *Philanthropia*, although preferable and a defining characteristic of the internal behavior of the Athenian community, cannot be assumed to be appropriate for human interactions in general. It is a privilege that must be protected as diligently as a delicate hot house orchid.

Restraint of internal violence is clear in Demosthenes' view of Athenian values, but his characterization of the legal system with *philanthropia* suggests much higher expectations of the behavior between citizens. As this description of the moral values implicit in the legal system suggests, Athenian ideology nurtured a culture of mutual cooperation and even trust within its male citizen elite. Internal bonds of *philanthropia* between citizens created an exceptionally intimate community encouraging mutual help, the fulfillment of socially expected duties and consideration in social behavior. We can see practical evidence of these bonds in the evidence that citizens helped each other financially through security- and interest-free loans.²⁰⁹ Mutual aid was complemented by strong norms of personal restraint, and a reluctance, generally speaking, to perform actions that could be considered to be insulting by another. There were good reasons for these clear limits on behavior given the touchy and competitive honor culture of ancient Greece where even the appearance of insult could have serious consequences.²¹⁰ But they also represented an internalized norm of consideration for each other's feelings, and it would be excessively cynical to strip this culture of restraint of its moral value merely as a practical means

²⁰⁹ Millett 1991: 127-159.

²¹⁰ Herman 2006: 258-309.

of limiting violence.²¹¹ These close relationships were also reinforced through rituals both public and private. For an example of the latter, the social ritual of the symposium has been interpreted as a *Männerbund*, a male social community defined by practices meant to create an environment of equality, openness, and intimacy between participants.²¹² Symposia, with their emphasis on relaxation, informality, and fun, parallel the social role of judicial pity in a different context. Despite their differences in origin and intended purpose, both institutions effectively defined communal bonds through an environment specifically crafted to encourage openness and shared identity.

Even though Demosthenes' description of Athens' bitter and often *ad hominem* legal battles as a sign of a "love of humanity" might seem bizarre at first glance, it is very much in keeping with the role of judicial pity in defining the Athenian community through empathy. It is important to recognize an implied limitation on *philanthropia* to those Athenian citizens who "truly" represent the citizenry. As we have seen in the previous discussion of judicial pity, orators frequently appealed to a largely consistent set of norms in legal settings where pity defined inclusion into an imagined body of "good" and therefore "true" Athenian citizens, including the speaker and his audience, in contrast to one's opponent who, as a socially alienated "bad" and therefore "false" citizen, did not deserve pity.²¹³ In both cases the imagined group of good citizens are assumed to be the norm while bad ones are exceptionalized and identified with one's opponent and threats to the state who deserve punishment and not empathy. This underlying logic was so consistent and strong that Demosthenes could assume that his audience would not

²¹¹ Dover 1974: 201-205; Herman 2006: 201-02, 390-391.

²¹² Murray 1983.

²¹³ Cf. Dem. 23.70 and 21.43 where the tolerance and humanity of the legal system is explicitly explained as a recognition between deliberate crimes and unintentional ones. Also, as we have seen previously in this chapter, the idea that judicial pity is limited to those innocent of accused crimes was so ingrained in the legal system as to not necessitate mention see Dover 1991: 176-178.

take his description of the role of *philanthropia* to include the citizens that we would call free riders and defectors but that the Athenians would call deviant, bad citizens. It could be accepted as a matter of course that the informal social rules defining the legal system wouldn't apply to the occasional bad apple.

Demosthenes' implicit limitation on *philanthropia* meant, in practice, that informal but strong norms limited effective appeals to pity to those incorporated into convincing legal and patriotic narratives and that this limitation played an important role in defining citizen identity within the Athenian community through the social regulation of empathy.²¹⁴ By implicating jurors in a collective emotional experience where their boundaries of empathy defined the limits of the imagined Athenian community, litigants created strong emotional bonds as the material out of which an ideology of community membership was built. The resulting Athenian community displayed strong parochial altruism with its characteristic contrast between strong norms encouraging internal cooperation, while also focusing violence towards external competitors.²¹⁵ Of course there was always a healthy dose of fantasy to the idealized Athenian community imagined in the courts and the assembly, but it also represented an influential moral standard that shaped everyday beliefs and actions.²¹⁶ The norms restricting appeals to the collective emotional experience of judicial pity represented a way of making this moral standard one that Athenian male citizens would internalize.

In a useful parallel to Demosthenes' view of the role of *philanthropia*, Pericles in Thucydides' funeral speech remarks upon the power of the patriotic and civic values articulated in the legal system from a different perspective. He praises the Athenians for their extensive

²¹⁴ On informal enforcement of social norms through law see Lanni 2009: 717-719; Hunter 1994: 96-119.

²¹⁵ For parochial altruism see Bowles and Gintis 2011: 133-146; Rusch 2014; Baillet, Wu and de Dreu 2014.

²¹⁶ Herman 2006: 63-71.

participation in politics and law claiming that the Athenians regard those who fail to take part “not as merely unambitious but useless.”²¹⁷ As we can see from this quotation, the Athenians proudly thought of themselves as belonging to a state that strongly inculcated the values of citizenship into its members. Pericles’ choice of “useless” (*achreion*) to describe apolitical citizens reveals how the Athenians encouraged public service through the creation of social norms.²¹⁸ This word intentionally expresses two meanings; the apolitical citizen is useless in the more literal sense of not advancing the welfare of the state but he is also useless in a general sense (i.e. not worthy as a man).²¹⁹ Pericles’ proud description of how the Athenians used shame to encourage public service shows that the *philanthropia* described by Demosthenes complemented a culture that strongly encouraged participation in public affairs through the development of moral sanctions against political quietism. The “love of humanity” with which he characterizes the legal system reveals a culture of pity, tolerance, and forbearance, but also one that limits empathy to those who can show themselves to be good citizens.

As we can see in the implicit limits on Demosthenes’ *philanthropia* and the use of shame according to Pericles, my depiction of Athens as an intimate society that nurtured internal bonds of empathy between male citizens is not to present an idealized view of Athenian citizenship as one of utopian harmony and fraternity. The use of informal social sanctions to enforce compliance with social norms is apparent in Thucydides’ quotation above where Pericles blurs the line between willing participation and coercion.²²⁰ Bonds of empathy may have strengthened the inclusion of citizens into the Athenian community, but they could also be taken away from

²¹⁷ Thucydides 2.40 cf. 2.63.

²¹⁸ For some of the social and political implications of this term see Hornblower 1991: 305, 339.

²¹⁹ For the military implications of *achreion* see s.v. LSJ.

²²⁰ Also see Lanni 2009: 700 for the consequences for failing to abide by social norms due to the importance of character evidence in legal decisions.

those deemed to be “bad,” whether through deviant behavior, as in the law courts, or merely a lack of enthusiasm, as is expressed by Pericles. The implicit threat of social isolation and of being seen as a bad citizen by one’s peers must have been potent, and this fear no doubt helped to ensure compliance with social norms.²²¹ The well-documented practice of shunning in Amish communities presents us with a parallel example of how social isolation could be both an effective means of ensuring cooperation and a terrifying punishment.²²² Even if the practical consequences of a public shaming in the court room might not have had the direct negative consequences that formal coercion would have had, in this culture, with its strong moral emphasis on honor, standing and reputation, such a result is sure to have been keenly felt.²²³ The state can exert power over individuals in many ways, of which formal and direct methods of punishment are only the crudest example. As we discussed in the introduction, Freud in *Civilization and its Discontents* constructs a useful theory for understanding the tension caused by the conflict between individual tendencies towards certain beliefs and behaviors and the moral systems that societies internalize into their members. According to his model, where an individual’s attitude at any given moment is the result of a constantly shifting give-and-take between his or her disposition and the values of the community of which they are a member, Athens succeeded remarkably in shifting the balance in favor of the community. But its effectiveness in ensuring cooperation within the state shouldn’t blind us to the psychological pressures that it exerted upon its community members or how the bonds between them could have been so intimate as to be claustrophobic.

²²¹ Lanni 2009: 717-718.

²²² But see Lanni 2009: 725-726 for how consequences of social shaming in Athenian law were not absolute and citizens could regain their good status with their community. On Amish shunning see Hostetler 2005: 154-160.

²²³ For a criticism of the description of ancient Greece as a “shame” culture as opposed to a modern-day “guilt” culture see Cairns 1993: 27-47.

An important aspect of how judicial pity represented an adaptation to a state with limited formal coercive means was the role played by empathy in the dynamics of cooperation. In the introduction chapter we saw several aspects of this role: by allowing for an understanding of another's actions through the theory of mind, by encouraging altruism, and by developing an inherent predisposition towards cooperation within a community. The high level of social cohesion displayed by ancient Athens shows that sufficiently strong bonds of empathy within a community can even serve as an effective substitute for the formal coercive institutions of the state. The fact that we are more likely to identify with those towards whom we experience empathy also means that it was highly effective in building a sense of community. A strong community, in turn, reinforces the bonds of empathy between its members, further increasing their tendencies towards prosocial and cooperative behavior, and so forth. At the same time, limiting the empathy experienced towards bad citizens, slaves, and enemies represented a useful adaptation for, respectively, punishing free riders and defectors, maintaining the economic exploitation of slaves, and in encouraging participation in acts of collective violence against external threats. By structuring law courts in such a way that participation reinforced the values of citizenship through collective judicial pity, the Athenians created the conditions for a society with an exceptionally high level of voluntary participation. They defined informal rules of pity that took advantage of empathy's role in the dynamics of cooperation: increasing cooperation within their in-group while mobilizing resources against perceived threats.

The values expressed in the legal system were influential in defining citizens' understandings of their moral duties and how they gained self-esteem, even if they are likely to have made daily concessions to the ambiguities of everyday life. As a result, the role of pity in Athens' judicial system was not just the result of amateurism or of a more tolerant attitude

towards arguments that today would be dismissed as irrelevant.²²⁴ One of the fundamental roles of the Athenian legal system was the creation of an imagined community of Athenian citizens through the social regulation of empathy.²²⁵ Despite their varied and conflicting motivations, the orators jointly defined and inculcated a model of empathy defined by the patriotic values of Athens.²²⁶ Due to the agonistic setting of lawcourts, juries publicly affirmed their approval of one litigant over another.²²⁷ By this process they also asserted the moral authority of the Athenian civic values since litigants were judged according to these values. This process created an Athenian identity based on powerful emotional experiences and empathy, an identity that was internalized to the extent that they could serve as a means of mobilizing resources without the need for the direct coercive institutions typically believed to be necessary for the state-like mobilization and coordination of resources.

Limit on the Social Regulation of Empathy 1: The Use of Families to Stage Pathetic Scenes in the Court Room

The strength of the set of values associated with Athenian citizenship does not, however, mean that it completely dominated experiences of empathy. Indeed, the very strength and consistency with which these moral values were asserted can paradoxically be taken as evidence of the opposite, as well. As is often the case, public oratorical assertions of the inevitability and ubiquity of a certain set of values were made in the context of narratives meant to convince an audience, and therefore reveal the speaker's lack of confidence in the assertion being made. Furthermore, the rhetorical *topos* of making a concession to the jurors' tendency to experience spontaneous and unmediated empathy for defendants must have had an element of truth to succeed as a rhetorical device. So, we have already seen an example of how the social regulation

²²⁴ Rhodes 2004.

²²⁵ See n. 90.

²²⁶ Rubinstein 1998.

²²⁷ Cohen 1995: 61-86.

of empathy through judicial pity was not an absolute imposition of values on individuals but was limited by the tendency of jurors to feel sympathy for litigants on trial without considering the public values of Athens. We will further explore these limits through an example where we can clearly see the tension between the ideal of the social regulation of empathy and its complicated and often-conflicted reality: the practice of litigants staging their families in person as a persuasive strategy.

Additional evidence for the ambiguity inherent in the social regulation of empathy is shown by the Athenians' complicated feelings towards the use a persuasive stratagem where a defendant attempts to elicit pity by displaying his family and appealing to the suffering that a negative judgement would cause. Although seen as effective, this practice was often regarded with a measure of distain, most famously by Socrates in *Apology* where he refuses to engage in this practice on the grounds that it was personally demeaning and a distraction from pertinent facts of the legal case at hand. Of course, neither Socrates nor Plato was exactly a friend to Athens' democracy, and this passage can be, and has been, interpreted as elitist criticism of a generally accepted and characteristically democratic practice. But, despite Socrates's self-presentation as *sui generis* in *Apology*, he was more a product of his environment than his portrayal by Plato would make him seem.²²⁸ For example, Apollodorus attempts to counter his opponent's use of this tactic and denigrates it in terms that are not so different from those of Socrates

Consider that there will never be a shortage of people attempting to use the law to take your property. They will fabricate orphans and heiresses in order to claim that they are

²²⁸ *pace* Konstan 2000: 141-142 where Socrates is presented as truly in opposition to accepted Athenian practice. Note that even Socrates 35b hints that this practice was not entirely accepted in his claim that it has made Athens a laughingstock of the rest of Greece. Cf. Isocrates 15.321 another elitist author who rejects the practice of elicitation of pity through the display of his family on similar grounds to those of Socrates. Also for Socrates' clever use of this tactic while appearing to condemn it see Lewis 1993. But also see below where I argue that rhetorical appeals to pity were acceptable; only the actual presentation of families was looked down upon.

worthy of your pity; they will tell you about their old age, their poverty and their responsibilities to take care of their mothers and weeping they will use whatever words they think are most likely to deceive you, all to cheat the city out of collecting the fines that they owe it, but if you disregard these tricks and convict them, you will do what is truly just.²²⁹

Clearly this sentiment was meant to speak directly to the beliefs of the jury members and was a strong assertion with which the author felt confident that the audience would identify. Its placement in as the closing comment of the speech also gives it a strong emphasis as the finale of Apollodorus' legal narrative. His criticism of his opponent's use of his family to elicit pity is more categorical than some of the previous uses of the rejection of pity *topos* that we have seen. Unlike previous examples where a litigant attempts to deny pity to his opponent based on his supposed guilt without denying the role of pity in the judicial process in general (e.g. Lys. 31.11) or conceding the appropriateness of pity towards a defendant in a non-legal sense (e.g. Dem. 19.238), Apollodorus expresses a degree of suspicion about the very concept of appeals to pity based on the staging of pitiable domestic scenes. This practice is presented as inherently manipulative and as a fundamental threat to the integrity of the legal process and to the commonly held property of the citizenry. The distinction is subtle, but significant; the lack of any concession or qualification given to defendants using their families to elicit pity suggests that Apollodorus is constructing a stereotype of bad citizenship reminiscent of previous examples of sycophancy and *hubris*. According to his claim, the use of this tactic is, by itself, a sufficient sign of a bad citizen.

Criticism of the use of families to elicit pity was itself a rhetorical device and there are, albeit less common, contradicting examples of this practice being mentioned favorably (Demosthenes 25.84) and of actually being employed, although only, I believe, once (Aeschines

²²⁹ [Dem.] 53.29.

2.152).²³⁰ But it is not surprising that feelings could be contradictory on the subject or that authors will sometimes try to frame this practice in favorable terms when it suits their case. It would be just as much an error to say that everyone was absolutely morally opposed to this tactic as it would be simply to accept Socrates' biased portrayal of this practice as completely normal. It is also important to note that criticism centered specifically on the physical presentation of one's family; rhetorically evoking them through emotive description did not have the same gauche connotation as actually displaying them did.²³¹ The distinction between the two can be in large part be explained by the difference between rhetorically creating one's family in imagination of jurors as a part of constructing a persuasive narrative vs. merely displaying them as a visual aid.²³² Ancient evidence for a distinction between the two is provided by Aristotle's definitions of *technoi* and *atechnoi pisteis* which show that at least some ancient Greeks saw a qualitative difference between persuasion by argumentation vs by visual effect.²³³ As we can see from these caveats, the ancient Athenians' feelings towards the use of families to elicit pity were not uniformly critical: the rhetorical creation of imaginary family scenes was not looked down upon, and there are examples of this practice being mentioned without the criticism that it normally attracted. But in order for the far more numerous times that this practice is deprecated to be effective, they had to speak to underlying anxieties that the jurors would have felt about its use.²³⁴ In order to make a satisfactory account of this practice we need to explain both the use of this practice and the factors that prevented it from being completely accepted.

²³⁰ Lysias 20.34 is a possible but, I think, unlikely example.

²³¹ E.g. And. 1.148-149.

²³² Carey 1994: 33 on the distinction between rhetorically evoking one's family vs. actually producing them. Also the pity evoked for family members is sometimes also bound up on the services the family has done for the state, e.g. in Andocides 1. This last point was suggested by Adriaan Lanni in an earlier draft of this dissertation.

²³³ Aristotle *Rhetoric* 1356a-1357a.

²³⁴ Cf. Aeschines 1.92 Where the Areopagus is praised because of its more stringent rules of admissibility.

When we look closer at Aeschines' use of his family to elicit pity, the ambivalence felt in popular attitudes about the Athenian legal system becomes even more apparent. First of all, his actual deployment of this tactic was not overwhelmingly successful. Even though Aeschines technically won the case, he did so by such a narrow margin as to constitute a defeat for his political faction. Given his popularity and the severity of the punishment that would have to face if defeated (as a prosecution for treachery, he would have been put to death) it is notable that he was almost convicted. Furthermore, Demosthenes' surviving prosecution speech does not present particularly compelling or conclusive evidence to support his accusation. But Demosthenes does correctly predict that Aeschines will display his family in an attempt to elicit pity and skillfully uses his opponent's predicted use of this tactic in order to build his insulting characterization of Aeschines as a tragic actor. This slur, a frequent one used by Demosthenes against Aeschines, relied on Aeschines' actual history as an actor, the negative associations with this profession in ancient Athens, as well as his oratorical style which emphasized vivid description and emotional delivery. But in this case specifically, it also has a connotation which responded to the negative associations with staging tragedy-like scenes in the context of legal debate.²³⁵ By pointing out the blatant and excessive theatricality of this stratagem, Demosthenes developed a characterization of his opponent as sleazy and manipulative—an actor attempting to play the role of an honest citizen.²³⁶ We cannot know directly if Demosthenes' attempt to counter Aeschines' use of familial drama was successful or not, but, given the overall success of a case that was weak in terms of evidence, it seems to have struck a chord with the jurors. Perhaps the widespread fear of this tactic represents not so much its efficacy, but rather a consistent tendency among our

²³⁵ This disparaging characterization as a criticism of the excessive theatricality of this practice may be found in Apostolakis 2017.

²³⁶ Harris 2017: 237.

sources, virtually all from elite backgrounds, to underestimate the intelligence and discretion of the largely non-elite jury members.

A further sign of criticism of this practice in principle is provided by Aristophanes in *Wasps* where he satirizes the appeal of this practice to juries, represented in the person of Philocleon, a comically exaggerated character who is essentially addicted to the intoxicating thrill of power and intense emotions provided by jury service²³⁷

Then, when I have entered the court, I allow my wrath to be soothed by their supplications. In trials I never do the things that I have promised [i.e. to vote according to the judicial oath in a fair manner and according to the facts] even though I do listen to the arguments of defendants attentively. And, oh, how they flatter the jury! Some of them wail over their poverty and invent all sorts of hardships that they have suffered, and some amuse us with stories or something funny from Aesop. Others make jokes in the hope that laughter will calm my anger, and if this doesn't work to win me over, they produce their little children, leading them, both boys and girls, by the hand. I listen eagerly as they prostrate themselves and bleat like sheep all together. And then the father approaches me just as we would a god and trembling with fear, he begs me like a suppliant to save him from facing any accountability for his misdeeds, "If ever you have rejoiced in the voice of lambs take pity on the voices of my children." Then, since I am fond of piglets, I allow myself to be persuaded by his daughter, and we let go of some of our anger for this man. Is it not a great power to make even the wealthy an object of ridicule?²³⁸

The role of Attic comedy in providing social criticism for the citizenry as a whole suggests that we should take this hostile portrayal of the use of families in law as a serious criticism intended to have fairly broad appeal.²³⁹ It is notable that the humor of Aristophanes' caricature of an Athenian juror does not only rely on his exaggeratedly crude sensibilities, but more specifically on his blatant and unconcerned neglect of his duty as a juror. Philocleon is not only a lout, but an irresponsible one at that, one who makes important legal decisions based on such factors as: the amusement that litigants offer him, the extent that they are willing to debase themselves in flattering him, and how far they appeal to his sense of pity, not defined according

²³⁷ Davidson 1998: 139-144 for this scene as depicting a kind of addiction.

²³⁸ *Wasps* 560-573 cf 976-978.

²³⁹ Carey 1994: 33 describes this tactic as the "crudest method" of attempting to elicit emotions, and "much criticized and satirized." See also Konstan 1985.

to its proper role in law, but so trivially that he openly describes it as the ancient equivalent of the modern day fascination with internet cute animal videos.²⁴⁰ Much as we have seen Demosthenes (19.227-228) criticizing jurors for not aligning their emotions in accordance with the values of the state, so does Aristophanes mock Philocleon for emotionally responding to litigants based on his selfish and idiosyncratic personality traits instead of his civic role. This criticism is similar to other actual examples of admonitions to juries that we have seen; Philocleon's fundamental problem as a juror isn't his emotionality but rather the triviality of his reasons for experiencing emotions as a juror. Even if a skilled orator like Demosthenes or Aeschines could occasionally construct it differently, Aristophanes' critical attitude towards the use of families to elicit pity supports the interpretation that there existed a broader consistent sense that this practice was considered to be inappropriate. It shows that this tactic was common enough to be the butt of his humor while also being controversial enough to make its mockery acceptable.

There are three readily apparent reasons why this practice inspired such prevalent discomfort. First, it appealed to emotion based on the sympathy inspired by an inherently sad scene and was not justified by reference to the dominant civic values of the state. In addition, it violated the courtroom standard of behavior that emotional appeals should only be made in the context of the construction of narratives establishing the legal merit of a litigant's case. Finally, it was excessively emotional and violated a basic sense of decorum that litigants should conduct themselves with a degree of emotional restraint.²⁴¹ The underlying feature connecting these three reasons is how this practice broke the norms making courts places with two, mutually reinforcing, intended roles: strengthening the values of the state and delivering fair and accurate

²⁴⁰ Also a vulgar joke, *choiridion*, the diminutive of a pig, is crude slang for the female genitalia.

²⁴¹ Harris 2017.

verdicts.²⁴² Most relevantly to my argument, this practice counteracted the role of the courts as a place where Athenian civic identity was articulated and inculcated through judicial pity and the construction of the imagined ideal citizen. Rather than reinforcing the authority of the state in accordance with the social regulation of empathy, unjustified emotional appeals to pity took advantage of and encouraged empathy as an innate response to the sight of sad scenes.²⁴³

Even if this norm could be manipulated in practice by skilled orators, bringing the family in person into the court room was too blatant of a violation of the standards of jurisprudence to have been fully accepted in Athenian legal practice. We have already seen a hint of the logic of why this practice was seen as inappropriate in Lys. 20.34 where the jury is criticized for extending pity to the children of defendants without knowing whether they would turn out to be good citizens or bad. A similar case is made by Dinarchus in 1.109 where he anticipates and attempts to counter his opponent's expected display of his family through an emphasis of the greater obligation to feel pity for the state as a whole rather than for individual families within it. In both of these examples, explicit and strong emphasis is given to the moral obligation to consider the needs of the state in regulating experiences of judicial pity, and the use of families as pathetic displays is criticized as a violation of this norm. Lysias and Dinarchus both frame the natural and instinctive responses of sympathy in response to suffering as a dereliction of their duty as jurors. According to the dominant values of Athens, judicial pity was a legal tool and a method of reinforcing the civic values of the state, and only evoked in accordance with informal and unspoken but influential standards of evidence and argumentation. Even though it was absolutely acceptable to describe the suffering of one's family in the context of building a

²⁴² On the relationship between the law, strictly defined, and popular concepts of justice see Lanni 2006: 72-73.

²⁴³ For a discussion of pity as a response to visual stimulus see Sternberg 2005: 25-36.

persuasive narrative, actually staging them in the style of an evocative moment from tragedy was a step too far.

The critical attitudes towards the use of families as a prop to elicit pity present us with an example of how the social regulation of empathy had to overcome an inherent resistance against attempts to limit empathy in ways that were believed to be for the common good. Whether out of a genuine sense of responsibility or because of their appreciation of the practical value of appealing to dominant norms, litigants tended to reinforce the idea that pity should be limited towards those who could simultaneously prove their innocence and their patriotism. But the fact that they could, and occasionally did, make the opposite case cautions us against a simplistic model where we assume that the values espoused by the state were completely adopted by the ancient Athenians. Pity as a result of instinctive natural sympathy in response to the visual representation of scenes of suffering was recognized in jurors as an inconvenient tendency that orators had to acknowledge and mitigate to reinforce the social value of limiting pity in accordance with the social regulation of empathy. At the same time even though there may have been considerable moral pressure to limit the narratives in the courtroom to patriotic and prosocial ones, the inherent natural sympathy of jurors towards scenes of suffering was sometimes considered to be too valuable a resource to pass up. Or, from a more cynical point of view, the staging of families by litigants to elicit pity may be interpreted as a high-risk maneuver where the advantage of appealing to the natural sympathy of jurors had to be weighed against the possibility that social norms would cause an appeal to the suffering of their families to backfire.

The use of families to elicit pity in Athenian legal cases reveals a fundamental tension in the social regulation of empathy, even in a relatively successful case study as the construction of judicial pity within Athenian law. Widespread qualms regarding the propriety of this practice

conflicted with a belief in its efficacy. Despite near universal acceptance, in theory, at least, of the norm that judicial pity should be limited according to the values of the state, jury members were also widely believed to be disposed to experience sympathy out of a natural sense of empathy towards litigants and their families. One of the dynamics inherent in the Athenian legal system was a constant struggle to align empathy within persuasive legal narratives through appeals to the jurors' patriotism and civic service. Even if this effort never could have "succeeded" in an absolute sense, the courts seem to have been remarkably effective in instilling an attitude towards empathy that was widely believed to be in the collective interests of the Athenians. Nevertheless, the constant push and pull between an innate tendency to empathize with litigants and the social norm limiting pity towards those litigants making a strong legal case is one of the characteristic features of the Athenian legal system.

Limit on the Social Regulation of Empathy 2: The Ambiguity of Feelings towards Domestic Slaves

The distinction between right and wrong ways to feel pity as a juror contributed to the construction of an Athenian civic identity by defining the traits that made a good citizen. But the construction of Athenian male citizen identity was not only performed in the legal system in contrast to "bad" citizens but other categories of anti-citizens as well, including slaves, metics, and women. In order to establish how these other categories were used to create identity we will shift focus from what was said in court to the implicit norms inherent in the legal process. One way we can see this is through the rules of participation and partial exclusion of women and metics, which reinforced their ambiguous status in society as, respectively, women: free citizens subordinate to their *kurioi* and metics: free residents who were not citizens. Generally speaking, both were cut off from the intimate bonds made in the courts between citizen males, but they

could also be included in a highly controlled and limited manner.²⁴⁴ The legal system confirmed their ambiguous status between full members of the imagined community and absolute outsiders.²⁴⁵ In addition to showing how the structure of the legal system contributed to the creation of Athenian male citizen identity, this example reminds us of how the identities made in this setting were not always mutually exclusive but could account for ambiguous cases that might be insiders in some senses and outsiders in others.

A more binary example of how the legal process reinforced the rules of empathy is provided by the strange practice of *basanos*, the legal torture of slaves before giving evidence. As an inquisitorial tool *basanos* has some obvious flaws that were noted at least on one occasion by the Athenians themselves.²⁴⁶ Most notably, why would a mandatory preliminary session of torture incentivize slaves to give honest testimonies? Wouldn't it make more practical sense to use torture as a threat to ensure honesty rather than applying it as a mandatory precondition? In the surviving sources *basanos* was usually applied in practice as a process of challenge and response; litigants routinely bring it up as proof of their honesty with challenges to their opponents to use it on their own slaves or by expressing their willingness to subject their own slaves to it. But there is also no indication of it being actually performed. At the same time neither is there any indication of an attempt to discontinue this procedure formally, despite periodic legal reform being something of a feature of Athenian democracy in the fourth century.²⁴⁷ There are many reasons why *basanos* could have been performed but not recorded in the surviving speeches, but it is still surprising that there is not even indirect evidence of *basanos*

²⁴⁴ MacDowell 1978: 76-77; Kapparis 2018: 70-115.

²⁴⁵ See n. 90 for an explanation of the phrase "imagined community."

²⁴⁶ The reliability of torture is criticized in Antiphon 5.32.

²⁴⁷ For a description of fourth century legal reform in Athens see Lanni 2006: 142-148; Hansen 1999: 161-77. The reliability of *basanos* is also praised in Isaeus 8.10-12 and Demosthenes 30.37.

being performed despite its fairly frequent mention. It has been a perplexing institution that has defied attempts to find a consistent explanation.

For all of its acknowledged and obvious limitations as a legal procedure, *basanos* served another purpose very well, as a social performance of the ideology of citizenship based on a staged collective and public act of withholding empathy from slaves. Demosthenes provides us with a hint of this side of the Athenian legal process in a speech where he contrasts citizens with slaves in terms of the vulnerability of the latter to physical abuse and the former's protection from it:

Indeed, if you want to know the difference between a free man and a slave, this is the most significant: slaves must pay a price for their mistakes with their bodies, but free men can keep theirs safe from harm even in the worst scenarios possible.²⁴⁸

Demosthenes' tone in this passage is matter of fact. His point isn't that the role of violence in defining the boundary between slaves and freemen is either right or wrong, just that it is a defining feature of how slavery and citizenship practically function in Athenian society. Of course, this distinction's use as a supporting claim in the context of persuasive oratory implicitly makes it something he does not expect his audience to criticize directly. But his tone and the role of this distinction in his argument suggests that, even if he isn't problematizing this cultural feature of status in Athens, he's also not saying that it's something that should be celebrated like the *philanthropia* inherent in the legal system (Dem. 13.17). Demosthenes' somewhat somber tone is made more obvious by the role of this argument in his speech in emphasizing the impropriety of the humiliation of the violence that he claims his opponent has inflicted on free citizens. The point of his distinction between slaves and freemen is not to celebrate the value of citizenship in contrast to slavery, but to use the degrading nature of the violence inherent in

²⁴⁸ Dem. 22.55. Discussed in Forsdyke 2021: 195-99.

slavery as a way of defining the capacity of humiliating violence to create subordinate relationships based on clear power hierarchies in general. Much as we have seen Demosthenes presenting externalized violence as necessary and justified without celebrating it (in Dem. 13.16-17), so does he use the internalized violence used to maintain slavery as an important part of the defining of citizen identity without elevating it to the status of a core defining value or principle of the state.

The theoretical distinction between slaves and freemen articulated by Demosthenes was embodied in reality through the practice of *basanos*. His attitude, not quite ambivalent but also not praising of the moral value of violence's role in maintaining slavery, could also be paralleled in the paradoxical role of *basanos* as a procedure that is frequently mentioned but never actually enacted. An important detail in understanding the social role of this practice is the domestic status of the slaves that are offered to be subjected to torture. An obvious side to litigants' reluctance to do so is the financial investment that slaves represented and the fear that the physical and psychological damage inflicted during torture would diminish their value. But I think it is highly likely that there was more to it than that. To cite two parallel illustrative examples of the types of relationships that can develop between masters and domestic slaves, writers from the ante bellum South and the Russian Empire frequently mention their deeply affectionate feelings towards their unfree nurses, frequently describing them as closer than their relationships with their own mothers.²⁴⁹ The resulting relationships between owners and surrogate mother figures were, of course, deeply conflicted and fraught, but memories of tenderness and care during childhood's vulnerability could not be completely obliterated by the continued use of violence necessary for maintaining the ownership of unfree people. These

²⁴⁹ Figs 2002: 120-30; Kolchin 2003: 93-132; Howe 2007: 56-57.

relationships formed despite their social environment of the systematic violence used to maintain servitude, suggest that socially created categories designed to dehumanize unfree labor can be effective in perpetuating the system without completely eliminating the capacity of owners to feel empathy for their human property.

Ancient Greece mostly lacks the confessional or intimately autobiographical genres of literature that would give us similar insight into the conflicted relationships between domestic slaves and their owners but we can see a hint of this in the case of the freedwoman nurse in ([Dem.] 47.55, 58-60, 67, 81).²⁵⁰ The speaker uses her, despite her status as a former slave, to elicit pity from the jurors through extended and evocative description of her loyalty to the speaker and his affection for her due to his childhood memories of care. He describes her as

an elderly woman who was my nurse, a kindly and trustworthy person whom my father had set free. After she was freed, she had lived together with her husband, but when he had died and she herself was elderly, there was no one to take care of her, so she came back to me. It was the least I could do to ensure that neither the woman who had been my nurse nor the other slave who had taken care of me as a boy should live in want.²⁵¹

This rhetorical role of this passage relies on the expectation of an audience who would be receptive towards a relationship of mutual kindness and care shared across the boundaries separating citizens from slaves. Even more intriguing is the intended effect of her desperately brave attempt to prevent the illegal seizure of the speaker's property and the brutality the speaker's opponent showed in violently overpowering her in 47.58. Ancient Athens was a society that institutionalized the torture of slaves while also exploiting their labor on an industrial scale in hellish conditions in the Laurion mines, but this passage proves that feelings about slaves were not consistently callous. Even though there is also a clear aspect of condescension in this portrayal, genuine and deep affection is not only something that the speaker claims to feel, but is

²⁵⁰ This episode is discussed in Wohl 2010: 98-112.

²⁵¹ Demosthenes 47.55-56.

also something that he expects the jurors will approve of. The feelings on display in this passage resemble the exaggerated and sentimentalized description of the loyalty and affection of enslaved nannies in the ante-bellum South and enserfed nannies in Imperial Russia. It is the personal relationship shared between the speaker and his former nurse that makes her such a fitting character to elicit the sympathy of the jury; unlike the anonymous laborers engaged in repetitive and demeaning work, she is presented as having become a member of his family despite her low social status as a freedwoman.

There are a few other hints of the sympathy that individuals could feel for the suffering of slaves, none of them conclusive on its own but persuasive, in aggregate, in suggesting that there is more to the story than the sources explicitly tell us.²⁵² One of the most evocatively plaintive comes from fiction, Tecmessa's appeal to Ajax in Sophocles' tragedy *Ajax*. In this scene Tecmessa, a Phrygian princess enslaved by the hero Ajax, attempts to convince him not to commit suicide in atonement for the shame of his god-sent episode of madness through an appeal to the bonds of affection that have developed between them.

You are the only one who can keep me safe. So hold on to your memories of me. Memories of past pleasures should be important to a man. For it is always the case that kindness begets kindness. But for a man who has enjoyed himself and then fails to remember the pleasure he has experienced, he can no longer be considered a noble man.²⁵³

Tecmessa's reference to an affectionate relationship between herself and Ajax (491) is likely to seem strange to many modern readers given that she also acknowledges the violence with which this relationship was created, not just in her own enslavement but in the complete eradication of her family and her people (485-491). And, indeed, although emotionally evocative, her devotion towards him might not have been the most realistic portrayal of the emotions of

²⁵² Discussed in Sternberg 2006: 1-20.

²⁵³ Sophocles *Ajax* 519-523.

enslaved and sexually exploited women. But this scene does seem reminiscent of the stereotyped but genuinely affectionate description made by the speaker of [Dem.] 47 of his formerly enslaved nurse. Perhaps the emotional resonance of Tecmessa's portrayal is not so much due to its realism, but to its articulate projection of the conflicted feelings of slave owners onto their property. Sympathetic and stereotyped characterizations of female domestic slaves as loyal and loving often might have expressed a, perhaps often unconscious, awareness of how cruelly these women were used and discarded, despite the affection that their owners might have felt towards them.

The attempt in Sophocles' tragedy of Tecmessa, at the absolute bottom of the social hierarchy as a war prize, to influence the behavior of Ajax, at its pinnacle as one of the most exalted heroes, through morally normative language while also acknowledging his dominance over her resembles the appeals to reciprocity made by litigants to juries and may be seen as a manifestation of similar cultural practices and assumptions. But her assertiveness, boldness, and daring in making an implicit threat that Ajax's failure to fulfill his obligation to protect her would make him ignoble and unmanly is far beyond the gently prodding insinuations of Athenian litigants. Her skillful use of language, the basic cogency of her point in terms of the moral principle of reciprocity, and especially her bravery in asserting her rights all suggest that we are meant to identify with her and not just see her as a passive victim. In addition, Tecmessa's evident tenderness towards Ajax makes his brusque dismissal of her (527-528) seem all the crueler and callous by contrast, and the chorus' plea to Ajax to accept her request also suggests that Sophocles' portrayal of her was meant to elicit his audience's sympathy (525-526). Even though Ajax's flat rejection of her appeal is entirely in keeping with his portrayal in this play, and can be justified by the heroic values that serve as his moral guidance, it certainly does not seem

that Ajax's actions are meant to be entirely praiseworthy.²⁵⁴ Of course, the intended reception of this passage—by an audience with little to no notion that slavery was morally wrong—is difficult to guess. But it is hard to imagine any way that it could work as a piece of literature if its audience wasn't expected to have a degree of mixed feelings about the violence inherent in slavery and discomfort at the casual sexual use and equally casual disposal of female slaves.²⁵⁵

The pleasure that Tecmessa asks Ajax to remember does serve as a euphemism for the sexual gratification that he has gained from her enslavement, but also the domestic companionship that she has provided and their connection through the son that she has borne.²⁵⁶ Her heartfelt and brave pleading and Ajax's dismissive callousness in response might have created an uncomfortably familiar scene for its audience members, many of whom are likely to have acted as Ajaxes in miniature in their own households. A more precise analysis of the intended emotional effect of this scene would require too long a digression, but it is sufficient to prove my point that it reveals something that is not often apparent in the surviving sources, a tension between the intimacy experienced for domestic slaves and the use of violence to maintain their subjugation. Even if it would almost certainly go too far to say that it is intended as a criticism of how Athenian men treated their female slaves, its emotional effect would not be possible if they did not entertain some doubts concerning their behavior.

Differences in genre and setting guided the different emotional responses towards the suffering of a fictional slave as an audience member of a tragedy, and the actual suffering of slaves proposed to be subjected to *basanos*. But in order for *basanos* to work as a persuasive

²⁵⁴ At the very least, his actions seem to represent a mistaken inversion of Homeric values as a pursuit of honor without considering the social context of his actions; see Sorum 1986 for a discussion.

²⁵⁵ See example in Lysias 1.18.

²⁵⁶ Cf. Achilles' complaint against the taking of Briseis by Agamemnon in the *Iliad* in Il. 9.328-373 where he emphasizes her value as a "spear-won" (*doriktete*) prize but gives even more emphasis to the affection that he has developed for her.

stratagem, it had to be an act that litigants were reluctant to perform. As we have mentioned, the financial reluctance is obvious, but I think this reluctance also reveals the intimacy often experienced between masters and their domestic slaves. Other examples of conflicted feelings about the use of violence against domestic slaves suggest that *basanos* can be seen in light of a characteristically Athenian distinction between the innate “pity brought from home (Demosthenes 25.81)” and the judicial pity which was seen as appropriate for their role as the representatives of the *demos*. The *basanos* performance dismissed the complicated but intimate relationships between litigants and their slaves who were also members of their *oikoi* from the legal space in the same way as their tendencies to experience sympathy for litigants without considering their legal cases or their quality as citizens.²⁵⁷ The lack of evidence for carrying out *basanos* in contrast with its continued presence in litigants’ performances and in official laws also makes more sense in this context. In order for *basanos* to fulfill a function as a performance of citizenship through a public affirmation of the boundaries of empathy it did not have to be enacted, only incorporated into persuasive legal narratives and thereby symbolically affirmed as a feature of Athenian law and society.

The role of *basanos* reveals one of the less palatable sides of the Athenian legal system, its part in creating the emotional boundaries necessary for an exploitative social and economic system. Nonetheless it is a relief, for a modern observer interested in finding common ground with the ancient Greeks, that Athenian male citizens did not simply turn off their awareness of the humanity of their slaves despite all of their social conditioning to do so. Even more so, there was a degree of willingness, in certain settings at least, to explore the contradictions and ambiguities inherent in their relationships with their domestic slaves. Of course, it bears

²⁵⁷ But it should also be noted that the dismissal of pity for domestic slaves from the public and civic setting of the courtroom was also not universal. See discussion above on Demosthenes 47.55-56.

repeating that it is highly unlikely that Sophocles' sympathetic portrayal of Tecmessa was meant to shame his audience into treating their slaves better, but the analogy between her and the most vulnerable and exploited Athenians could hardly have escaped his audience nor are they likely to have been so dense as to miss the broader implications of her predicament.

As a legal ritual meant to impose certainty in an inherently ambiguous type of relationship, *basanos* can be seen from a few perspectives. From the perspective of a litigant, *basanos* served as a useful way for him to signal his dedication to his civic role within a legal setting or to put his opponent in the uncomfortable position of having to do the same. Either way, its persuasive value within the construction of plausible legal narratives was a result of the conflict that male citizens might feel between their personal feelings of intimacy for domestic slaves and the obligation, emphasized and legitimized by law's formal and public setting, to use violence to maintain control over them. Much as Demosthenes emphasizes the authority of judicial pity by dismissing the sort of empathy that was "brought from home," so are ambivalent feelings towards domestic slaves banished by the austere and public setting of the legal trial. From the perspective of the male citizenry as a whole, the public good of this practice was an enforcement of the emotional barriers between slaves and their owners in order to strengthen the bonds between citizens and deny them to slaves. Nevertheless, the continuous reassertion of these barriers is also evidence of the anxiety that they could fail—with disastrous consequences for the privileged social position of the male citizen elite of Athenian society.

Basanos as a performance of ideology reveals how the ancient Athenian law courts, through the social regulation of empathy, categorized the members of the Athenian community by status to reinforce dominant power structures. The social and political role of this procedure is illustrative of how different morality was in ancient Greece compared to modern-day concepts;

the values espoused by the state were often not justified as moral through reference to religious belief or an abstracted set of universal first principles but more as necessary adaptations to the environment. As a result, we do not find an equivalent in ancient Greece to the recurring tension within Abrahamic and Buddhist societies between the state's role in imposing expedient values vs. objectively moral ones.²⁵⁸ Ancient Greek culture was not a society that openly valued compassion as an end in itself or humanity as an abstraction. The value of individuals as significant factors in shaping the social construction of moral behavior came from their statuses within the state.²⁵⁹ We can see a manifestation of this difference in the fact that sympathy for slaves typically was typically expressed for those with whom a citizen had a personal relationship. There is much less evidence for conflicted feelings for the vast majority of the enslaved workforce employed as anonymous "living tools" in agriculture and industry. Nevertheless, a certain stubborn tendency towards compassion persisted and could conflict with the limits defined by the needs of survival, as they were perceived. In one sense, the struggle between this tendency and the values espoused by the state resembles the way in which people today struggle to live up to moral ideals while accommodating to real life (because of a socially defined norm seen as needing to be complied with, even though everyday life necessarily involves compromise). But in other ways the effort of the ancient Athenians to live up to the public values of their state was very different from anything in the modern world (because the norm wasn't so much justified as moral in a modern sense, but as rules of behavior that were in the collective best interests).

²⁵⁸ For example, the edicts of the Buddhist king Asoka are an example of a ruler renouncing violence after witnessing the horror of war that he had created. See Asoka 1959.

²⁵⁹ Siedentop 2014.

The Unity of Greek Law

In this chapter, we have examined the relationship between judicial pity and the social regulation of empathy in Athenian law. But Athens was a highly unusual *polis* and, before moving on to the next chapter, we need to consider an important and inconclusive historical debate known as “the unity of Greek law.” This debate has primarily been a response to the predominantly Athenian origin of the surviving legal evidence from ancient Greece and the extent to which this evidence can be said to reflect ancient Greek legal tradition as opposed to a specifically Athenian one. This question is highly relevant since my goal in this dissertation is to develop a theory of the social regulation of empathy in the Greek world in general and not just in democratic Athens. On one side of the debate, the social role of Athenian law and Athens’ non-representative political system have led many scholars to characterize it primarily as a product of the radical democracy. Those scholars making the opposite case have frequently cited similarities in the surviving evidence of non-Athenian law. But the most comprehensive surviving comparandum, the inscribed legal code of Gortyn in Crete, suggests at least some substantial difference in legal traditions, for example, in the laws regarding marriage and inheritance. At the same time, it does not seem to have been the case, nor does it seem inherently plausible, that Athenian law was a complete historical oddity displaying no shared heritage with the other legal systems of the ancient Greek world. After all, the influence of Panhellenic cultural concepts regarding social organization, justice, and the nature of humanity is clear in many of the surviving genres of literature, and the influence of these ideas on law should not be denied out of hand. But even if we can generalize some aspects of Athenian law, how do we determine which parts of it were Greek and which parts were just Athenian?

The concept of Greek legal unity was categorically rejected by Moses Finley who argued that proposed similarities between the ancient Greek legal systems were so self-evident, vague, and universal that, in his memorable phrasing, “there can be no argument, but there is equally nothing worth discussing.” A useful moderation of this extreme position was made by Michael Gagarin in his proposed distinction between “unity of procedure” and “diversity of substance.” This methodological framework, although not without its critics, represents a good reference point in this important debate for us to make our own case. It is worth quoting him at length

But there is another aspect of law that has been generally overlooked in this debate, namely procedure, broadly understood as the process of litigation and the organization of justice (legislation, courts, judges/jurors, magistrates, etc.). In this general area we can find features that are similar for, if not all *poleis*, at least for most of those for which we have evidence, and (just as important) that have not been ubiquitous in legal systems outside of Greece.

One of these common procedural traits includes the deliberate avoidance of formalism in favor of systems where litigants argue their cases in front of an audience with broad authority to decide cases in accordance with their interpretations of established laws. The laws themselves tended to be intentionally vague and publicly accessible as a further means of empowering jurors to enforce norms as they deemed best. Concomitant with these two features was an emphasis on amateurism and openness instead of specialization and professionalization. A final trait noted by Gagarin and in keeping with the previous ones mentioned, was a prominent but limited role played by the written word in the public display of laws coupled with a preference for orality in other respects. More recent studies have supported his position, while also adding substantive legal similarities such as in the construction of *hubris* as a category of crime and in the punishment of this crime. Even though protection against socially degrading conduct is common in ancient legal systems, the ancient Greek approach to this protection is distinctive in “protect[ing] personal dignity, as opposed to Anglo-American systems that protect reputation,

but not dignity.” These similarities between Athenian law and the evidence for other ancient Greek legal systems are not trivial and they provide us with grounds for proposing certain aspects of a Greek legal unity.

Even though we must be cautious in applying any conclusions based solely on Athens to the Greek world as a whole, there does seem to be some ways in which we can make this extrapolation. The social role of law and its function in defining citizen identity is probably a feature of shared cultural attitudes towards community membership, justice and the relationship between laws and the social norms of the community of which they are a part. The limited institutional reach of the *polis* is another feature that was not limited to Athens but common to the broader Greek cultural world. My interest in this chapter is less in law’s substance, the specific rules and categories made through it, but its procedure, the way in which the law enforced norms, values, and the boundaries of membership in the community of which it was a part. Luckily, it is on this level that a unity of Greek law seems most likely. Even if an interpretation based on Athens would probably not fit in all of the details to another system—and it is an important caveat that the case study examined in this chapter is of only a single *polis*, and a highly unusual one at that—the overall values implicit in the structure and intended role of law was similar enough in the Panhellenic world of the *polis* that we would be very likely to find similar dynamics in other *poleis* despite their differences in political and social systems.

Conclusion

In the next chapter, an interpretation of the diachronic development of attitudes regarding collective acts of violence against outsiders, we will look more deeply into the relationship between the explicit acceptance of the values associated with the state and the unease that these values inspired. I will also attempt to answer an important question: if Greek male citizens were

so uncomfortable with the norms of their culture, why is there so little evidence of attempts to change them? My proposed functionalist role of judicial pity goes some way towards answering this question, but it is not sufficient on its own. The structural and functionalist value of judicial pity begs the further question of why the Greeks thought they needed a substitute for a monopoly of the legitimate means of violence. We have already seen the sentiment expressed that violence, although generally accepted as a fact of life and as a necessity for the continued functioning of society, was not celebrated as a positive good in itself. Now we will explore in greater detail these two aspects of ancient Greek attitudes towards violence: a belief in its necessity for the continued survival of the community and persistent (although often unacknowledged) doubts of its morality in an objective sense.

Chapter 3. Violence and Empathy towards Outsiders from the End of the Dark Ages until the Late Classical Period.

War deprives us of peace and security; it is a violent teacher of a different way of life and eventually makes most men like itself.

-Thucydides, *History of the Peloponnesian War* 3.82.2

Introduction

There is a paradox in ancient Greek attitudes towards violence against those outside of their communities. In diplomacy, law and political theory, a commonly expressed opinion held that “the customs of all humanity” permitted the mass enslavement and even utter extermination of the populations of defeated cities.²⁶⁰ But the surviving evidence from ancient Greece includes sensitive depictions of the victims of war in tragedy, an emphasis on divine justice in poetry and pitiable scenes of the suffering caused by war in history. In these literary sources, and in others like them, it seems that the ancient Greeks held a sustained and widespread interest in the suffering of others, an interest at odds with the permissive attitude towards violence mentioned above. Although there is no reason that cultural beliefs should be completely consistent, the stark and largely unacknowledged contrast between these two perspectives begs for an explanation. In this chapter, I will apply my theoretical model of the social regulation of empathy²⁶¹ to attempt to explain this paradox. Social developments from the mid eighth century BC until the end of the fourth century BC, especially those associated with the rise of the *polis*, will turn out to be of fundamental importance in understanding the development of attitudes towards violence against outsiders. While the world of the Dark Ages, as revealed by the Homeric poems, had few

²⁶⁰ See e.g. Xenophon, *Cyropaedia* 7.5.72, Xenophon, *Memorabilia* 4 2.15. Discussion of attitudes towards victory in Krentz 2007: 180-183. For other examples where the idea that victory entitles the victor to the property of the defeated see Garland 1987: 10-14. For a good general discussion see Kiechle 1958.

²⁶¹ As I define in more depth in the methodology chapter of this essay, the social regulation of empathy is the collective pressure to define empathy in such a way as to maximize its value to the collective wellbeing of society. This dynamic is often in tension with the actual experience of empathy.

restrictions forbidding acts of violence against outsiders, by the Archaic and Classical periods a new critical attitude emerged challenging the permissive Homeric attitudes towards violence against outsiders, leading to a new expression of empathy for outsiders.

Despite these doubts and reservations about the norms of regulating violence towards outsiders during the Dark Ages, the practice of ancient Greek warfare remained largely the same. Modern psychological studies have shown that we are particularly likely to withhold empathy in competitive environments and that this tendency is stronger when we perceive a threat to our safety and to that of our communities. The combined influence of the pessimistic expectations of ancient Greeks and the reality of their violent and unforgiving environment sustained an ultra-competitive worldview towards outsiders and perpetuated a culture of strict regulation of empathy towards them, even as this attitude was increasingly problematized due to new difficulties in explaining and justifying violence. As a result of the conflict between Homeric norms and these new doubts, the experience of empathy towards outsiders was characterized by tense ambivalence during the fifth and fourth centuries BC.

I will argue that, during the late fifth and fourth centuries, a significant part of the appeal of Panhellenism, the ideology that Greeks shared a single cultural and ethnic community was in how it represented a new social norm of how individuals should relate to outsiders.²⁶² This new norm based on Panhellenism better accounted for the ambiguities inherent in a culture where a perceived need to perform acts of collective violence against outsiders often conflicted with the empathy felt towards them. As we shall see, this new system of regulation of empathy based on Panhellenism had its own, disturbingly familiar, dark side, and I will suggest that cultural bigotry and human rights were both conceptualized within a single framework of social and moral

²⁶² On Panhellenism in the fifth and fourth centuries, see Mitchell 2007.

thought in fifth and fourth century BC Greece. This new morality therefore represents a set of norms of the social regulation of empathy that was more humane towards those sharing an ethnic identity but also more hostile towards outsiders. But before we can look at this development, we need to understand its prehistory during the period from the late Dark Ages (roughly the eighth century BC) until the late Archaic Period (roughly the end of the sixth century BC) in order to understand the cultural heritage within which it occurred.

Homeric norms regarding violence towards outsiders, which originated in the late Greek Dark Ages and early Archaic period (from the eighth to the early sixth centuries BC), are the most withholding of empathy and the most alien in comparison to our own. One of the most influential norms regarding violence in this period was a moral framework where cooperation, friendship, and restraints on violence were all associated.²⁶³ This distinctively Greek form of friendship, known as *philia*, created a multitude of subjective moral universes, each one of which was centered on an individual and bounded by his or her personal relationships. One of the features of *philia* is that it was seen as a complementary opposite to *echthra*, the relationship between enemies. According to this system of values, much as one is morally obligated to refrain from violence against friends, so should one seek to harm one's enemies.²⁶⁴ The complementary moral system based on one's relationships defined by *philia* and *echthra* created a moral framework where the experience of empathy is regulated based on the degree to which one's relationship to another is mutually helpful or harmful. According to this set of values, one's obligation to another depended on his or her relationship to that person, not universally applicable standards of behavior as is typical in modern Western cultures.

²⁶³ By "friends" I include categories that would not, in the classical period, be considered friendship including hierarchical relationships and inherited *xenia*. See Konstan 1997 on how *philia* acquired a specific definition only later. See also Konstan 1996.

²⁶⁴ Blundell 1989: 26-59; Woodruff 2013; Dover 1974: 180-84.

The regulation of empathy based on the distinction between *philia* and *echthra* began to be challenged in the fifth and fourth centuries by a sense that the expression of empathy should be defined in accordance with objective factors. The most popular of these factors was Panhellenism, but others, such as an extension of *philia* and *echthra* to define the relationships between entire communities, also existed. This shift marks a profound transformation in the social regulation of empathy away from the subjectivity of the Homeric epics to a set of values where empathy is constructed in accordance with objective factors as well. The inclusion of objective factors, such as ethnicity, in the cultural construction of empathy represents a profound shift in the social regulation of empathy away from the mostly competitive and subjective world revealed by the Homeric epics.²⁶⁵

This dramatic transformation may be understood as a response both to the social changes of the late Dark Ages and Archaic periods and to the inherent stresses and tensions caused by the Homeric *philia*-based system of regulating empathy. As the Homeric world developed into one of *poleis*, leagues and confederations, the Homeric system of regulating empathy in accordance with personal relationships began to seem somewhat out of place in the context of changing self and social definitions. At the same time, the Homeric *philia*-based system continued to provide a moral framework, often serving as a set of expectations about the world against which various authors articulated a range of responses. Although criticized or rejected entirely by some, individual responses to the Homeric norms of regulating empathy fell on a broad spectrum and this system continued to be relevant.

Explaining and justifying violence against outsiders had to contend with the ambiguity of real-life experiences of empathy during the entire period under consideration. We have a natural

²⁶⁵ Scodel 2008: 22; Adkins 1971: 3; Adkins 1960: 6-7, 46.

tendency to experience empathy towards others and this tendency conflicted with the restrictive norms of ancient Greek social regulation of empathy in both the Homeric and post-Homeric periods. As a result, experiences of empathy were often disturbingly ambiguous and fraught with tension and internal conflict throughout the entire period described in this chapter. In the social environment of the original authors and audiences of the Homeric poems, this tension is mostly perceptible only through a careful reading of the subtext of the poems. But, by the fifth century BC the competitive, subjective, and permissive norms regulating violence against outsiders of the Dark Ages came under new explicit criticism out of a developing sense that empathy should be extended beyond one's circle of *philoi*. Simultaneously, many continued to justify violence against outsiders as necessary for survival and there was no simple development from a culture that permitted violence against outsiders to one that restricted it.

The Use of the *Iliad* as a Social Historical Source

Before moving on, we need to consider an influential case that has been made against using the *Iliad* as a source for its historical context. In this chapter I follow the view that the Homeric poems, in their current forms, primarily originate from the late eighth or early seventh centuries and that they can serve as a historical source for that time.²⁶⁶ But an influential case has been made against the construction of a “Homeric society” based on the poems. The argument has been particularly well made by Paul Cartledge and is worth quoting in its entirety:

[The Homeric epics] were the products of a centuries-long oral tradition unconstrained by properly historical attention to accuracy, authenticity and consistency – indeed, of a tradition constrained rather to mutate and evolve in accordance with the changing circumstances and expectations of the poets' audiences. If it is indeed the case that no imaginative poet can be expected to be as consistent and authentically realistic as the historian might wish or demand, then this is true to the ultimate degree of the poets of the Homeric tradition of oral epic. In short, arguments for the existence of a genuinely historical, single and uniform Homeric ‘society’ or ‘period’ or more vaguely ‘world’ seem monumentally unpersuasive. My own view, which the mountain of recent investigation

²⁶⁶ See Raaflaub 1997a: 625 for an argument in favor of the use of Homer as a historical source.

has merely reinforced, is that Homer's fictive universe remains immortal precisely because it never existed as such outside the poet's or poets' fertile imagination(s) – in much the same way as Homeric language was a *Kunstsprache* never actually spoken outside the context of an epic recital.²⁶⁷

This criticism, although valid, may be overcome since we are attempting to reconstruct a general sense of the moral values of the Homer's²⁶⁸ audience and not attempting to argue that the social practices depicted in the poem directly reflect those of its contemporary society. Even if it is impossible to identify the specific social practices of the real-world Dark Age society in the *Iliad*, the poem must, like all literature, communicate recognizable values to its audience and we can study those values to reconstruct the assumptions of its audience. Despite the difficulty in doing so, we are therefore justified in attempting to reconstruct the beliefs and values of the original audiences of the poem.²⁶⁹

By deconstructing and accounting for the specific ways in which the *Iliad* used its exaggerated and mythological setting to define the morality of its own time, we will be able to form a reasonably clear idea of its contemporary values despite the poem's lack of a specific historical setting. Two factors support this approach. One, the values of the poem closely resemble those portrayed in the next oldest sources available, suggesting that it depicts the values of a historical warrior aristocracy that largely persisted until the Archaic Period.²⁷⁰ And two, the *Iliad's* extensive and sympathetic use of *exempla*, stories presented as models to be imitated, suggests that we are meant to read the poem as a whole in this way.²⁷¹ Given this internal and external evidence, I believe that we can interpret the heroic values expressed in the poem as ones

²⁶⁷ Cartledge 2001: 157. Quoted in Raaflaub 2011: 4.

²⁶⁸ For the sake of simplicity I will refer to "Homer" as the author of the *Iliad* and the *Odyssey* in the understanding that both poems were the result of long traditions of oral composition. For the thematic and stylistic unity of the poems and its impact on the question of their authorship see West, 2011.

²⁶⁹ Point made in Scodel 2002: 32; Raaflaub 2011: 5; Osborne 2009: 146.

²⁷⁰ On ancient reception in general: Hunter 2018. For an argument of the essential historicity of the *Iliad* based on the resemblance of Homeric society to archaic Greek society see van Wees 1992: 162-64; Osborne 2006: 216-218.

²⁷¹ Howie 1995.

its audience would have recognized and mostly identified with. Therefore, in the absence of strong evidence not to do so, I believe that we can use the *Iliad* as a source for its historical context, insofar as taking the essential values expressed in the poem as ones that an audience from the late Dark Ages would have identified and sympathized with.

One of the greatest contributions of sociocultural readings of the Homeric poems has been the reconstruction of a code of behavior followed by the heroic warrior aristocracy making up virtually all of the protagonists of the poem.²⁷² This set of moral and social expectations, to which I will refer as the heroic values, emphasize personal honor, status, and glory earned on the battlefield. According to this set of values, the most noble aim in life is the reputation gained from attaining these goals, which is typically known by its Greek term, *kleos*. The resulting social world of the Homeric heroes has been described as a world of zero-sum competition and one where external signifiers of honor are equivalent to honor itself. But *kleos* is also a social value that exists in the space defined by one's relationship to others.²⁷³ One could not have *kleos* as an isolated individual and the pursuit of a noble reputation is also one of a specific type of relationship with one's community. Moreover, although it is true that honor can be acquired from external factors such as social status and wealth, the characters of the *Iliad* also show a high degree of sensitivity to the difference between the honor gained through wealth and that gained through deeds.²⁷⁴ The *Iliad* also contains numerous examples of considerate behavior and attempts to mediate conflict among characters who share a bond of *philia*, demonstrating that their relationships can be cooperative as well as competitive.²⁷⁵ As a matter of fact, one of the central narrative arcs of the poem is a rule-proving exception to the effectiveness of normal

²⁷² On the social status of Homeric *basileis* as a historical aristocracy see Luraghi 2013: 132-33.

²⁷³ See e.g. Clarke 2004: 77-78.

²⁷⁴ Van Wees 1992: 64; Scodel 2008: 25.

²⁷⁵ On the collaborative aspects of *Iliad's* heroes see Scodel 2008: 22; Adkins 1971: 3; Adkins 1960: 6-7, 46.

methods of conflict resolution to end the feud between Achilles and Agamemnon, the disasters resulting from this failure, and the healing of Achaean society when the feud is finally ended.²⁷⁶ The central importance of the Achilles-Agamemnon feud as an exception to the norm shows the robust role of *philia* in Homer's moral universe in restraining the competition that resulted from the individual pursuits of *kleos* by the heroes.

For the purposes of this essay, I will interpret the *Iliad* as an *exemplum* expressing the dominant social values of its time. Despite my reading of it as expressing conventional values, I also believe that the poem expresses a deep and subtle sense of irony: the fact that the most important thing in life, the pursuit of honor, comes at the cost of its worst thing, death. But this paradox, far from showing the futility of war, actually highlights the importance of the honor gained through warfare by emphasizing the heavy responsibility that this pursuit represents. One of the things that makes the heroes of the poem morally impressive is their ability to bear the burden of an awareness of their mortality with their dedication to *kleos* as a limited but best possible experience of immortality. I will present this moral responsibility shown by the *Iliad*'s protagonists as serving a didactic function in the historical conflict between private and public violence during the late Dark Ages, that of inculcating a sense of the superiority of benefitting the community over private interests.

Conditions of Homeric World and the Social Role of Friendship

The Homeric poems, probably composed in their current form at some point between the late eighth and early seventh centuries BC, provide invaluable insight into its contemporary society, a pivotal period of Greek social evolution.²⁷⁷ The perspective of the poems is from the

²⁷⁶ For Achilles as "the crisis of exception," and the efforts to heal Achaean society after the rift between him and Agamemnon see Elmer 2013: 63-85.

²⁷⁷ Raaflaub 2006: 450-51 on situating the Homeric poems in Greek history. Also see Strasburger 1953.

agathoi, largely autonomous warrior chieftains bound to one another in a complex network of competitive and cooperative relationships.²⁷⁸ In this environment, establishing and maintaining a system of cooperation represents a fundamental social challenge. The members of this warrior elite tend to compete with each other—often violently—and this centrifugal force must be mitigated in order to maintain social stability. The fundamental cooperative bond connecting these chieftains is one of *philia*, a relationship analogous to “friendship” in English, which was crucial for maintaining Homeric society.

As we have explored above, although we cannot speak of a Homeric society in the sense of one that would have exactly resembled the one depicted in the poems, we can study the values and assumptions that pervade the poems as ones that would have reflected those of its contemporary society.²⁷⁹ Despite their archaizing and fantastical elements (e.g. the use of bronze and chariots in warfare) the Homeric poems embodied the normative values of their time, and we can study those values to understand the assumptions with which Homer’s original audience would have approached his poems.²⁸⁰ Understanding these assumptions will, in turn, allow us to understand the fundamental values of the society in which the poems were composed. In this section, I will attempt to use the concept of *philia* in the Homeric poems to understand the ways in which its society regulated empathy.

In most cases *philia*-based words can be rendered as “friend,” “dear,” “beloved,” or some similar English equivalent, but there are puzzling exceptions. The word often seems to be articulating something closer to a possessive sense rather than an affective bond. For example, *philia*-based words are often used to describe a hero’s “dear limbs,” his vital organs, and even his

²⁷⁸ Adkins 1963; Adkins 1972 for this reading of Homeric society. For a contrasting point of view see Rihll 1986.

²⁷⁹ Latacz 2014: 103 on the use and limits of Homeric poems as historical sources.

²⁸⁰ Raaflaub 2006: 456; Strasburger 1953: 105; Latacz 2014.

personal property such as clothing and bedding.²⁸¹ We can make sense of this discrepancy by regarding *philia* words as primarily describing the resources, both human and material, upon which characters can rely.²⁸² The world depicted in the epics is an extremely hostile one and heroes have to draw on a network of human and material resources—including their own limbs and organs. *Philia*, according to this interpretation, does not necessarily involve anything like love or friendship in the Christian senses of these words; it's a way of designating the people and things which will help one to achieve one's goals and establishing cooperative relationships in an environment usually marked by competition. This interpretation emphasizes the institutional and instrumental side of *philia* and portrays it as not necessarily involving an affective component.²⁸³ For personal relationships of *philia*, much more important than any affective component was the practical necessity of institutions such as *xenia*, ritualized guest-friendship, that established and maintained cooperative relationships.

This instrumental and institutional interpretation of Homeric friendship has merit, but it should also not be overstated. There are many examples of a *philia* word being used to specify an affectionate attitude without a component of cooperation due to a shared recognition of a mutual advantage.²⁸⁴ In general, *philia*-based words always seem to involve a component of positive affect, albeit sometimes in an extended and poetic sense.²⁸⁵ For example, the use of *philos* to describe limbs and vital organs does not need to be translated as possessive in the narrowest sense but may be seen as expressing a sense of a hero appreciating his reliance on his own capabilities in the deadly environment of battle—they are “dear” to him because he is fighting

²⁸¹ Adkins 1963.

²⁸² Scott 1982.

²⁸³ See Donlan 1989 for a good summary of this reading.

²⁸⁴ Read Hooker 1987: 55; Konstan 1997: 28-33.

²⁸⁵ Konstan 1997: 30; Robinson 1990; Hooker 1987: 57.

for his life.²⁸⁶ It is also difficult to ignore the relationship of Achilles and Patroclus which may be exceptional in its intensity, but also serves as one of the main narrative themes of the *Iliad*.²⁸⁷ It hardly seems likely that their intimate and genuine friendship would have such an important role if this relationship were not centrally relevant to the intended reception of the story as a whole. So, the case for a strong reading of *philia*-based words as possessive does not stand up to the evidence, and we cannot reject a significant affective component to these words which were used to describe affectionate and mutually supportive relationships. At the same time, *philia*-words do also commonly have a practical and instrumental connotation that is largely absent in the modern language of friendship and affection.²⁸⁸

While *philia* played an institutional and instrumental role in Homeric society, we should not underestimate the affective bonds that would have been formed therein. To an extent the genre of epic, concerned with achievements and deeds, may bias our reading in favor of a relatively emotionless and pragmatic reading of the role of *philia* in the poems. The affective side of *philia* is simply less relevant to epic themes than its institutional side and is therefore underemphasized. At the same time, it is clear that friendship plays a prominent social role, defining the cooperative networks that sustain Homeric society. In the uncertain and threatening world described by Homer, friendship allowed for mutual trust and cooperation in an environment usually characterized by suspicion and competition. Even if we cannot say that *philia* only or even primarily conveys unemotional bonds of cooperative social institutions, it clearly does play a prominent role in the institutions maintaining the stability of Homeric

²⁸⁶ Konstan 1997: 30; Robinson 1990.

²⁸⁷ Konstan 1997: 24-33; Hooker 1989.

²⁸⁸ A balanced account of these two ways of interpreting *philia* is in Hooker 1987.

society.²⁸⁹ At the same time it would overstate the evidence to claim that these bonds were not simultaneously ones of mutual affection.

In Homeric society *philia* was a moral principle, a framework for society and a structure for the social regulation of empathy all at the same time.²⁹⁰ Due to the institutional role played by *philia*, the norms of empathy in Homeric society can be characterized by a clear dichotomy between in- and out-groups. In this society, intimate groups of *philoï* were united in intense affective bonds and in mutual support in opposition to a threatening external world. It should therefore come as no surprise that little empathy is experienced towards those outside of one's *philoï*. But the extent of exclusion of outsiders from empathy is remarkable. We will see that the lack of pity towards outsiders was a positive feature of Homeric society and not an absence that would be corrected by an evolution of morality. In other words, the restrictive Homeric norms of regulating empathy were a product of their specific historical circumstances and not merely an indication of the primitiveness of the depicted world. Homeric society inculcated into its warrior elite a set of values dictating that killing their enemies and maintaining their senses of honor should take precedence over their private motivations for fighting. What I mean by this will be best shown by three illustrative examples.

Outsiders and Empathy in Homer

When Menelaus is about to spare the life of the captured Trojan, Adrastos, Agamemnon encourages him to kill him instead through an application of *a fortiori* logic: “may none of the Trojans escape destruction at our hands, not even the children still in their mothers’ wombs. May all the people of Troy be utterly destroyed, uncared for and forgotten.”²⁹¹ Agamemnon’s proposal

²⁸⁹ Van Wees 1992: 44-48.

²⁹⁰ cf. Konstan 1997: 28-42 for attitudes towards friendship in the late dark ages and archaic periods in general.

²⁹¹ *Iliad* 6.57-60.

is harsher even than the norm in the Homeric world, which entailed killing the male inhabitants and enslaving the women and children of captured cities.²⁹² He justifies this greater extent of violence as a necessary recompense to redeem Menelaus of the shame of having had his wife abducted by a Trojan prince.²⁹³ After Menelaus chooses to follow his brother's advice and kill Adrastos, Homer explicitly approves of Agamemnon's advice "Agamemnon persuaded his brother because his counsel was good."²⁹⁴ As this passage makes clear, the motivation of the Greeks in the Trojan War, fulfillment of the collective oath to defend the honor of Helen's husband, was a perfectly legitimate justification for the utter annihilation of the Trojan people.²⁹⁵ Homer may sympathize with the Trojans individually, but there is little doubt in the *Iliad* of their collective guilt for refusing to surrender Paris.²⁹⁶ In the context of this war aim, for Menelaus to capture Adrastos alive would represent a preference for material gain, since Adrastos could then be ransomed or enslaved, over Menelaus' obligation to avenge his damaged honor.

Menelaus' reasoning for sparing Adrastos initially is revealed in Adrastos's choice not to appeal to his sense of mercy but to the material benefit that would be gained from a ransom.²⁹⁷ It is nowhere directly stated in the text that the initial decision to spare Adrastos' life was motivated by pity.²⁹⁸ This episode portrays the primary duties of Homeric warriors—the pursuit of personal honor and killing one's enemies—as a morally right course of action in this scene by

²⁹² On the relationship between this proposal and Homeric norms see Kiechle 1958. See Konstan 2007a: 179-80. for a discussion on the morality of this proposal.

²⁹³ *Iliad* 6.55.

²⁹⁴ *Ibid.* 6.37-71.

²⁹⁵ Cf. 13.620-625 where Menelaus explains his motivations as the restitution of his honor. The motivation of punishing Trojan treachery by killing instead of ransoming a captive recurs in 4.148-16 and 11.122-42. Although a bit extreme, Finley 1979: 108-124 makes good points. A more moderate interpretation may be found in van Wees 1992: 183-99.

²⁹⁶ On the collective guilt of the Trojans see van Wees, 2010: 239-40; Allan 2006: 4-6.

²⁹⁷ *Iliad* 6.45-51.

²⁹⁸ Also see Kelly 2014 who argues against the interpretation that attitudes towards defeated opponents become more brutal as the poem progresses based on the lack of any indication of a tradition where the killing of battlefield supplicants is regarded as unethical.

characterizing its alternative, sparing one's enemies, as an action motivated by greed. The episode immediately following this scene further supports this interpretation. After Menelaus decides to kill Adrastus, Nestor, a hero associated with wisdom and good advice, upon seeing the Achaeans stopping in the midst of battle to strip their slain foes of armor, encourages them to remember their duty to fight: "My friends, the hero-Danaans, servants of Ares, do not stop now to strip your slain enemies of their armor ... let us kill now and then, when the fighting is over, let us strip the armor off of our dead enemies."²⁹⁹ Nestor's exhortation further emphasizes the contrast of this scene as one between the competing interests of material gain and honor. Its placement immediately following the dialogue between Menelaus and Agamemnon supports the interpretation that both episodes should be seen as juxtaposing inappropriate private motivations with duties to honor and public service. In both cases, a set of values is expressed where violence against outsiders is portrayed as the proper duty of a warrior in contrast to the pursuit of personal wealth which is dismissed as selfish and short-sighted in the context of battle. Menelaus' act of battlefield "mercy" is framed not as a result of pity but of greed.

In order to understand the cultural context of Menelaus' dilemma, we will first look at a closely following episode, the gift exchange between Glaucus and Diomedes.³⁰⁰ In this scene, Glaucus, a Lydian prince in service of Troy, and Diomedes, a Greek warrior, recognize that they share a bond of *xenia*, ritualized guest-friendship that can be inherited from one's ancestors, and decide not to fight. In order to recognize each other, they exchange armors and agree to avoid each other on the battlefield. At first glance, this story might seem to be one of friendship transcending battlefield animosity, but it is important to recognize that this episode has the structure of a joke. Homer ends the scene with a surprising observation "Then indeed did Zeus

²⁹⁹ Ibid. 6.64-71.

³⁰⁰ Ibid. 6.120-236.

take away the wits of Glaucus since he exchanged gold for bronze with Diomedes, giving armor worth a hecatomb (i.e. a value of one hundred oxen) for one worth nine oxen.³⁰¹ We have seen that, although frankly acquisitive, Homeric society values honor in the abstract sense above the honor gained by material possessions and it seems unlikely that the point of this scene is that material possessions should be valued more highly than personal relationships in general. The aphoristic sense of “to exchange gold for bronze” further suggests that the ultimate point of this scene is not so much the material loss of the exchange but a failure to appreciate some aspect of the true value of social relationships.³⁰²

In the Glaucus and Diomedes exchange scene the concept of empathy between enemies is introduced only to be dismissed as a punch line. The meaning of Glaucus’ and Diomedes’ exchange has been convincingly interpreted in the context of the social role of competitive of gift-giving in the Homeric world, and a comparative approach has suggested how heroes used gift exchange to maximize their own honor by increasing the value of their possessions through the clever manipulation of norms.³⁰³ According to this interpretation, this scene depicts Diomedes, who has just enjoyed exceptional success over his enemies on the battlefield, crowning his achievement through a social victory over his gullible enemy Glaucus.³⁰⁴ The significance of this passage, according to this interpretation, further emphasizes the point made in the previous two examples involving Menelaus and Nestor that the duty of a warrior on the battlefield is to kill his enemies.

The gift-exchange between Glaucus and Diomedes ends up reflecting the zero-sum competitive dynamics of the battlefield even as it represents an attempt to transcend those

³⁰¹ Ibid. 6.234-236.

³⁰² Traill 1989.

³⁰³ Donlan 1989.

³⁰⁴ Ibid.

dynamics. It is important to note that although gift-exchanges in Homer can be competitive or utilitarian, they are also a way of reinforcing relationships through mutual benefit; the giver gains a reputation for generosity and wealth while the receiver gains the gift.³⁰⁵ But when gift-exchange occurs in the context of battle, it takes on a quality of the duel to the death that should have taken place in its stead. Glaucus' failure to appreciate this fact resulted in him making a humiliating mistake by signing a separate peace with Diomedes, clearly the superior warrior and the victor in their exchange.³⁰⁶ This competition therefore ends up reflecting the relative skills of the participants and taking on the qualities of the duel it was meant to replace. Hostility between the Achaeans and the Trojans turns out to be intractable and not solvable by peacetime rituals of sociability. In this scene the appealing possibility of laying aside hostility serves to emphasize the proper role of a warrior on the battlefield—to kill his enemies.³⁰⁷ Its proximity in the text to Menelaus' dilemma and Nestor's exhortation further suggests that the three passages may be analyzed in tandem as examples where a hero's neglect of his duty to kill is criticized and mocked.

In each of the three scenes just discussed a warrior inappropriately chooses not to kill his enemies due to a private motivation and is admonished for doing so. Nowhere is the distance between Homeric society and the present day clearer than in these scenes. Although modern commentators have found Glaucus' and Diomedes' decision not to fight moving and have been puzzled by Homer's comment, to its original audience this scene would have been a clear affirmation of the precedence of the duty to kill one's enemies over one's personal feelings of

³⁰⁵ Hooker 1989b. Also see Sahlins 2004: 193-96; van Wees 1992: 228-237. See also previous chapter on the morality of reciprocity in ancient Greek culture.

³⁰⁶ Traill 1989.

³⁰⁷ Cf. *Iliad* 7.300 where Hector and Ajax similarly exchange gifts declare friendship and cease hostilities, only to fight to the death in 15.300 and 17.123-140.

affiliation. These three scenes, taken together, give us a clear insight into the heroic values of the *Iliad*. Preferring ransom to revenge, stopping battle to strip dead enemies of their armor and laying aside hostilities to engage in gift exchange are all presented as inappropriate preference of personal motivations over duty. In Homeric society empathy is nurtured and continuously renegotiated within a social group, but it is categorically rejected when it comes to the group's enemies.

In order to appreciate the significance of these scenes, we need to see them in the context of the practice of warfare of the late Dark Ages, which was still largely conducted as informal raids by aristocratically led warrior bands. In this practice of warfare, public and private motivations would not have been clearly distinguished; personal relationships and the pursuit of booty would have been indiscriminately mixed with one's obligations towards one's community as a motivation to fight.³⁰⁸ But a social dynamic of this period was the ongoing—and ultimately largely successful—attempt to redefine warfare as something done for the collective benefit of and within the control of the community.³⁰⁹ Homer, by emphasizing Menelaus' venal motivations in his act of battlefield mercy and by juxtaposing this scene with the selfish act of stopping mid-battle to strip armor, took a didactic role in inculcating this value of public responsibility over private motivations. In this context we can see the social value of *kleos* as an incentive for warriors to fulfill their duties to the community.³¹⁰ Aristocratic violence, tamed and harnessed to the collective welfare of their societies, was historically transformed from a threat to a defense of the community and a support of its social cohesion. The primacy of the duty to kill one's enemies

³⁰⁸ On the “taming” of aristocratic raiding warrior bands by communities see Gabrielsen 2007: 250-253; Serrati 2013: 319-21; Raaflaub 1997: 27-30; Allen and Cairns 2011: 138. For communal values in the Homeric poems see Greenhalgh 1972.

³⁰⁹ Ibid.

³¹⁰ Reciprocal nature of relationship between Homeric heroes and the communities of which they are members in van Wees 2020: 35-39.

might seem fearsome and horrible to us today, but it was an important social development of Homer's time in transforming warfare from an endeavor motivated by the pursuit for booty and private relationships to a duty performed for the community.

Perhaps an additional factor explaining the denial of empathy towards outsiders may be found in the conditions following the collapse of the Mycenaean palace system from 1200 until 1000 BC. Greece during this time would have been an uncertain and threatening world, and it seems that both piracy and endemic violence were common.³¹¹ For example, the commonality of piracy is suggested by its frequent depiction on vases, its role in Odysseus's adventures and by widespread archaeological evidence of settlements moving away from vulnerable coastal locations to defensible ones inland and on high grounds.³¹² In this environment a high level of intercommunal violence would have been an adaptive trait for a community's survival, for both its survival—as a defense against outsiders—and as a means of increasing its wealth through the acquisition of booty.³¹³ Homer, and presumably his audience, may not have been entirely comfortable with the cruelty of the duties placed on the warrior elite, but they felt it to be necessary for survival.

In the three scenes we have just discussed we can see how deliberate the limiting of empathy outside of the bonds of *philia* was. The brutality of intercommunal violence in the *Iliad* should be seen in the light of the social role of the heroic values in controlling collective violence and the instability and ruthlessness of the poem's historical context. These values played a strong role in this development by providing a social incentive to fight in situations without immediate material gain or obvious personal motivations. Although not moral by our standards, a strict

³¹¹ Snodgrass 1971: 365-368; Vangelis 2015. Eder and Lemos 2020: 139-143; Rihll 1993: 88. Luraghi 2006.

³¹² Rihll 1993: 79-80; Kirk 1949: 144-153 (cited in Rihll 1993).

³¹³ For ancient evidence supporting this view see the discussion below on Thucydides 1.51.

withholding of empathy from one's enemies represented a decision in favor of one's honor, and therefore communal interests, instead of personal relationships or material gain. The situation depicted in the Glaucus and Diomedes scene must have happened frequently. Guest friendship was an important social practice in ancient Greece until long after Homer's time, and there's no doubt that it led to mixed feelings when *xenoi* faced each other on the battlefield. The *Iliad*'s depiction of norms of empathy where enemies are excluded should therefore be seen as an ideal that its audience accepted to varying extents. By presenting failures to kill in uncertain circumstances as selfish prioritizations of personal interests over duty, Homer provided a justification for the complete exclusion of enemies from empathy during warfare. But we should also remember that the extent to which individuals resembled this ideal must have varied by person and situation.

Despite the lack of empathy shown towards opponents in the *Iliad* we, as the audience, are invited to pity the Trojans, for example, in the scene of Hector's farewell to Andromache.³¹⁴ This suggests that callousness towards enemies was not the automatic result of a primitive culture's lack of ability or curiosity but a deliberate choice to restrict empathy during warfare. Our perspective from outside of the narrative means that our own sense of empathy is not directly implicated in the violence of the Trojan War. This distance means that we can appreciate the humanity of both sides while also accepting that characters within the poem could not. Furthermore, the basic legitimacy of mass slaughter of the inhabitants of Troy is never questioned despite the empathy the audience is invited to feel for them, and the responsibility of

³¹⁴ *Iliad* 6.447-89. Also see a highly relevant discussion in Kelly 2014: 160-62 of *Iliad* 21.106-13 where Achilles, during his transcendence in battle, dismisses an appeal to pity made by a defeated enemy with "a dissonant brew of disdain and empathy" in his acknowledgement of the inevitability of death for all but also an affirmation of the duty to fight and die on the battlefield while boasting of his own superiority as a warrior.

the Trojans for the war is emphasized several times throughout the poem.³¹⁵ At the same time, we can see hints that this strict dichotomy was more complicated in practice.

Before his duel with Hector, Achilles replies to Hector's proposal that the winner will treat the body of the loser with respect:

Hector, my unforgivable enemy, do not speak to me of agreements. There can be no reliable oaths between lions and men, nor can wolves and sheep be of one mind, since each inevitably wishes ill upon the other.³¹⁶

Achilles' attitude, terrible as it is, speaks to an essential truth regarding the inevitability of conflict in the Homeric world. His implacable hostility does go beyond acceptable limits when he incurs the disapproval of the gods for his mistreatment of Hector's corpse and, in the end, he recognizes his error in returning it to Priam for a proper burial. But, as we can see from other examples of scenes of agreements between enemies being criticized or problematized, Achilles' dedication to his vengeance against Hector would have been more ambiguous to Homer and his original audience than it is for us. Its two essential points—that intercommunal violence is inevitable and that it is natural for the strong to triumph over the weak—reflect ones made implicitly and explicitly by Homer throughout the poem. Achilles is not entirely wrong, and he is of such superlative fighting prowess that it is fair for him to compare himself to a lion among men. For him to agree with Hector's proposal would be a foolish act of giving away something of value to his enemy in exchange for nothing since his victory is all but assured. The audience's expected reaction to Achilles' response was probably one of admiration for how completely Achilles lived up to the heroic values, mixed with disapproval for his transgression of the limits of violence by refusing to respect the rights due to Hector's corpse. Homer also does not entirely discount Hector's more modern-seeming values, but they do not have the preeminence that a

³¹⁵ Konstan 2007a; van Wees 2010.

³¹⁶ *Iliad* 22.261-64.

modern reader might see them as having. The conflicting perspectives between these two characters reveals the *Iliad's* role in teaching the harsh Homeric values to its listeners while also revealing a degree of discomfort with these values.

The fact that pity is never shown towards a defeated opponent in the *Iliad* is revealing, but so is the *possibility* of enemies recognizing a shared bond, even if only to mock this possibility. Since no system of socially regulating empathy could possibly suit every possible experience of empathy that individuals might experience, conflict between social norms and individual experiences is inevitable in any specific instance of the social regulation of empathy. The model of social regulation of empathy presented in the *Iliad* is one that was well suited to the dangerous world of late Dark Ages Greece but we can also see indications of the ways in which it was unsatisfying. Homer implicitly allows for its limitations in his need to reject the possibility of empathy existing between opposing combatants in the gift exchange scene between Glaucus and Diomedes. The *Iliad* served as an authoritative model embodying the values which its audience members were ideally supposed to hold. But the idiosyncrasies of its original audience members mean that it would have been interpreted differently by different people and the extent to which these values were taken on must have varied both between individuals and within an individual over time. Emotions are inherently messy and tend to violate the neat boundaries set by social ideals. Factors such as intimate social contact, competing institutions, such as *xenia*, and personal beliefs at odds with socially dominant ones would have made reality more ambiguous than how the *Iliad* depicts it. Homer's presentation of the ideal behavior of warriors reveals the social norms encouraging this behavior but also the difficulty that at least some individuals would have had in fitting this mold.

Social norms mandating a high level of violence towards outsiders are adaptive in environments of high levels of intercommunal violence, like that of Dark Ages Greece, and the need to adapt to this environment had profound effects on empathy. We tend to restrict empathy in the context of competitive relationships and in situations where we perceive our social group to be under threat. Both of these cases are extremely conducive towards the development of norms restricting the empathy felt for those perceived to be a threat in order to mobilize social resources against them. This tendency goes some way towards explaining the origin of the Homeric *philia*-based system of regulating empathy. Of course, it also forms a positive feedback loop where a high level of intercommunal violence supports a belief in the inevitability of intercommunal violence. The system of regulating empathy in the Homeric society might have been brutal and laden with contradictions, but it would also be slow to change due to the high cost of weakness during this time as is shown in the pitiless attitude towards the Trojans in the *Iliad*.

The resulting norms of empathy were ones of strict regulation to the exclusion of outsiders. The cultural environment reflected in the *Iliad* is one of strong emotions but also strong emotional boundaries where social outsiders are usually regarded with indifference, suspicion or anger. In this context, war was accepted as a part of life both terrible and glorious.³¹⁷ This is the restless world portrayed in Herodotus's accounts of Greek colonists ruthlessly expelling, exploiting and exterminating indigenous peoples without any indication of guilt, the world of Archilochus, Hybrias, and Tyrtaeus openly celebrating their power over others, the

³¹⁷ Pace interpretations of Homer's view of war as ambivalent or even critical. Denunciations of war in the *Iliad* such as Zeus's to Ares 5.89-90 reflect the feelings of characters towards one another or their current situation, not war in general. The depiction of peace on Achilles' shield, often used as evidence that Homer didn't celebrate war, only presents one side of the dichotomy between war and peace that defined existence. A discussion of how characterizations of the *Iliad* as anti-war fail to do justice to the complexity of war in the poem may be found in Schein 2015.

world of the *Odyssey* with its blasé attitude towards piracy.³¹⁸ All of these sources reveal the same attitude that I have reconstructed from the *Iliad* regarding violence where outsiders can be excluded from empathy.³¹⁹

This moral attitude dividing the world into predators and prey would not last and Homer reveals the fragility of this norm even in his time. Nevertheless, in a violent and uncertain world where private aristocratic violence had to be tamed in service of communal wellbeing, it was an attitude well adapted to survival. Homer's subjective *philia*-based morality would continue to influence both moral thought and the social regulation of empathy for centuries after his time, but it would not remain unquestioned.

The Conditions of Fifth Century Greece

By the mid fifth century BC Homer's intimate social world bounded by the relationships of kin and *philoï* had given way to one characterized by abstracted communities, especially the *polis*.³²⁰ This political transformation was accompanied by a social change where people no longer just relied on a limited network of supporters, but lived in cooperative social systems in a more modern and abstracted sense, "imagined communities," as defined by Benedict Anderson.³²¹ This change challenged the dominant Homeric norms which made a strict dichotomy between insiders and outsiders based on *philia*. We have seen some evidence that this dichotomy was by no means absolute even during Homer's time, but it seems that we should regard the *Iliad* as a morally authoritative text that expressed the dominant norms of its social

³¹⁸ Rihll 1993. Cf Song of Hybrias in van Wees 2013: 61-62, which is described as follows: "The Song of Hybrias thus affords a unique glimpse of an archaic ideology which regards the imposition of serfdom as a legitimate and admirable goal of war."

³¹⁹ There are exceptions to this general rule e.g. the friendship made between the Phaeacians and Odysseus in the *Odyssey*. But the point isn't that outsiders are inevitably treated with hostility, just that there is no socially mandated norm extending empathy towards them. See Konstan 1997: 36 for how the institution of *xenia* can cause strangers to become *philoï*.

³²⁰ On this development see Raaflaub 1993; Herman 2006: 265-281.

³²¹ Anderson 1983. See n. 90.

context. These norms were the intellectual heritage to which fifth century Greeks responded in their attempts to understand their world, and which were increasingly criticized throughout the fifth century as community became abstracted and extended to people outside of one's immediate network of kin and *philoí*.

This transformation in the structuring of community forced a reevaluation of increasingly atavistic seeming Homeric norms. With greater distance from the Hobbesian world following the Late Bronze Age collapse (twelfth century BC) it was no longer so easy to justify violence based on the perpetual war believed to be fought between all human communities. The limited horizons of small and intimate social groupings united in self-defense against a hostile world had grown into those of *poleis*, leagues, alliances and other more stable and structured diplomatic relationships. We tend to extend empathy to those with whom we expect to cooperate and to withhold it from those with whom we expect to compete. The Homeric norms became an increasingly awkward fit in this new world where communities were connected by a variety of complex ties and cooperation was no longer structured primarily on kinship and *philia*.

The uncompromisingly binary attitude of the Homeric poems would have been difficult to maintain at any rate. As we can see in the story of Glaucus and Diomedes, real-life experiences of empathy would have often been contradictory and complex. Sometimes enemies would have shared a relationship such as one of *xenia*, and strangers could not always be simply excluded from empathy. The *Iliad* invites us to sympathize with the enemy Trojans, and in doing so allows for more ambiguity than it might seem from the words and actions of the Achaean protagonists alone. Although effective at meeting the challenges to survival, the Homeric system of socially regulating empathy placed a considerable burden on warriors to exclude outsiders from empathy and it didn't do a good job in accounting for the real-world ambiguities of the

experience of empathy. This system was therefore inherently unstable and it is not surprising that it would later be criticized.

Against the background of these changes, the Homeric norms of the social regulation of empathy began to lose their position of unquestioned cultural dominance while never fading to irrelevance. The decreasing validity of Homeric norms meant that there was no socially accepted framework for how to experience empathy when engaging in violence against outsiders. The resulting vacuum represented a moral crisis due to the absence of a normative social and moral explanation for collective violence against outsiders. In this context, Panhellenism provided an influential answer: empathy could be categorized as owed to one group (fellow Greeks) and not to another (barbarians). The growth of Panhellenism therefore reveals the need for a replacement of the Homeric norms and the increasing relevance of ethnicity to the social regulation of empathy.

At the same time, Homeric norms didn't become irrelevant or vanish but still provided a set of assumptions regarding the world, albeit ones that many would question and problematize. In the fifth century, violence against outsiders was still often justified and explained as a result of the need to survive in a hostile and threatening world. But we can see that this sort of explanation was increasingly criticized during this time. The tension between the Homeric heritage and the increasing sense that outsiders shouldn't be absolutely excluded from empathy meant that the experience of empathy in Classical period Greece was conflicted and ambivalent.

The Transformation of Empathy during the Fifth Century

One of the themes of Sophocles' *Ajax* is the incompatibility of Homeric values with the Sophocles' contemporary society of mid fifth century democratic Athens.³²² This conflict is

³²² Sophocles 2011: 44-46.

apparent when the goddess Athena invites Odysseus to mock his enemy Ajax, now driven insane by the goddess, and he is instead seized with pity for the frailty of humanity:

Athena: Do you see the power of the gods, Odysseus? Who was wiser than him? Who was better at achieving great deeds than this man?

Odysseus: I know of no one. But, seeing him as he is now, I pity the unfortunate man, even though he was hostile to me.³²³

This distinctly un-Homeric empathy towards a humiliated enemy reveals the magnitude of the social changes since the time of Homer. A world where empathy is extended in accordance with one's relationships of *philia* has transformed into one where a consideration of shared humanity also plays a role. The tension inherent in this change is one of the main themes of Sophocles' tragedy. His portrayal of Ajax was not only a reflection of nostalgia for Homeric values, but also an exploration of the extent to which these values were out of place in his time.³²⁴ Homeric morality hadn't been completely replaced by Sophocles' time, but it did have to compete with new values, a conflict that is embodied in the contrast between Odysseus and Ajax in Sophocles' play. In order to understand this development, we first need to examine how the social and political changes of the sixth and early fifth centuries BC influenced the social regulation of empathy.

The first challenge to the uncontested primacy of the distinction between friends and enemies as a basis for the social regulation of empathy came not from moral thought but a creative appropriation of a religious taboo to practical political ends. In the sixth century BC members of the Delphic amphictyony, a religious association based upon the shrine of Delphi, agreed to observe limits on violence in warfare against one another and sanctified this agreement

³²³ Sophocles *Ajax* 118-122.

³²⁴ Overall analysis of the intended meaning of the play discussed in Knox 1961.

by an oath on the shrine itself, the Amphictyonic Oath.³²⁵ At this point, it is not intercommunal violence in itself that is the concern, but of limiting it for the mutual advantage of a specifically defined and limited community.³²⁶ Its role was more like that of the Geneva Convention than of a moral code and was reinforced by an expectation of reciprocal forbearance, the moral weight of the oath and a sanctions clause calling for the collective punishment of violators. The original role of this oath may be compared to other contemporary agreements to limit behavior in war such as the agreement only to use proper hoplite weapons.³²⁷ The underlying attitude is one of developing rules governing the conduct of warfare to ensure a fair fight as Herodotus defines Greek culture by localizing an ironic criticism of it in a Persian general:

[The Greeks] formally declare war and then they find the most well-situated and flat location and go there to fight. The result of this is that even victors sustain terrible losses, while I won't even begin to speak of the defeated, for they are utterly destroyed.³²⁸

We can see from this passage that these early rules of war are not so much a result of humanitarian concerns but an attempt to make it a fair agonistic competition. But, despite its lack of moral intent (in the modern sense at least) the significance of the Amphictyonic Oath should not be underestimated. Delphi's role in this oath and the profound holiness of this shrine ensured that this agreement would be an influential model for a new kind of restraint in warfare.³²⁹ The influence of Delphi was translated into greater influence of the Amphictyonic Oath whose violation would have been seen as a particularly egregious crime due to an extension of the religious restriction against harming shrines. As if through a kind of numinous radiation

³²⁵ Foundation of amphictyony reported in Hdt. 7.200, sacred land oath in Aeschines 3.109-10. Oath against certain measures in war is mentioned in Aeschines 2.115. Accounts of the foundation of Amphictyony are found in Strabo 420 and Pausanias 10.8.1.

³²⁶ Historical sources are too contradictory for us to be certain about the Amphictyony's original members; see Bowden 2003: 70-72.

³²⁷ Ober 1994a on the early attempts to create rules for hoplite warfare. For a counter argument see Krentz 2002.

³²⁸ Herodotus, 7.9. For a summary of the interpretation of this passage as an epitome of a Greek way of war and an argument against this interpretation see Konijnendijk 2016.

³²⁹ For the influence of Delphi as a model of social organization see Forrest 1982: passim but esp. 312-13. For influence of the oath itself see Hammond 1982: 352.

spreading through contagion, the Amphictyonic Oath gradually gained a moral significance far beyond what was likely to have been originally intended.³³⁰ Additionally, the recursive nature³³¹ of the Delphic amphictyony made it well suited to create a new sense of community, clearly and internally defined and in clear distinction to outsiders. As the construction of community changed, so would the social regulation of empathy.

One of the assumptions sustaining the Homeric attitude towards war was a belief in the inevitability of virtually unlimited inter-communal violence. The Amphictyonic Oath lay somewhere between a religious taboo and an act of political self-definition and, in addition to its direct influence, it also reveals the beginning of a world where people feel empowered to change their circumstances and to redefine their inherited norms.³³² A world where customs can change is one where the humane treatment of defeated opponents becomes conceivable, and therefore one where the strict exclusion of outsiders from empathy becomes more difficult to justify.³³³ At the same time, its world was one where the relationships between individuals were increasingly defined by abstracted identities like citizenship rather than one where all were directly connected by dyadic relationships. This development of something approximating politics in its modern sense challenged the social regulation of empathy based on Homeric patterns of cooperation.

Odysseus' lines from *Ajax* that I quoted at the beginning of this section reveal how deep the questioning of Homer's ethical division of the world into friends and enemies had become by the mid fifth century. Homeric society, led by aristocrats sharing horizontal intercommunal bonds

³³⁰ But see Bowden 2003 for an argument against seeing the Delphic Amphictyony as originally having had this role.

³³¹ by recursive I mean the fact that membership in the amphictyony of Delphi is legitimized by Delphi itself.

³³² On the social and political roles of amphycionies in late archaic Greece see Brock and Hodkinson 2002: 25-26. On the transformation in Greek culture from a fairly rigid attitude towards inherited norms to a more flexible one see Ostwald 1969: 20-56.

³³³ van Wees 2013: 72-74 on changing norms from archaic to classical periods where the subjugation of fellow Greeks into serf-like statuses like that of the helots began to be seen as immoral.

had largely transformed into one of vertically organized *poleis*.³³⁴ In this new environment, relationships were increasingly defined by abstract concepts such as citizenship. This new concept of citizenship bound community members in new collective identities connecting themselves internally to each other and externally to the citizens of other *poleis* by relationships analogous to the private ones of *philia* and *echthra*. These new identities forced a reevaluation of the rejection of intercommunal empathy in Homer because it was no longer possible to divide the world between *philoï* and outsiders, as the creation of new forms of identity problematized the structuring of empathy solely along the lines of one's personal relationships. For the first time entire communities could be seen as deserving empathy even if they were one's enemies, and the logic of the Homeric norms could be openly questioned for the first time.

Unlike the essentially amoral battlefield conventions discussed above, the fifth and fourth centuries saw an increasing sense of disapproval towards the normalization of intercommunal violence in Homeric society. This change in values was noted by Thucydides,³³⁵ in the context of the change in attitude towards piracy from the time of the *Odyssey* and his, noting that they

engaged in piracy under the leadership of the most powerful among them both for personal gain and to provide for the benefit of their communities (literally “for their own sakes and for the nourishment of those who were weak (*heneka auton kai tois asthenesi trophes*) [i.e. the needy of their own communities] ... Most people lived in this way back then, and they did not see anything shameful about it but even saw it as honorable.”³³⁶

Thucydides remarks on the change from a set of values where outsiders could be preyed upon freely to one where moral norms limited the extent of acceptable aggression towards outsiders. As he correctly observes, piracy in Homer's time was not the result of moral primitivism, but represented a different set of values developed as an adaptation to the harsh

³³⁴ Of course relationships between aristocrats continued to be important.

³³⁵ Thucydides 1.5.1, cf. 1.12.

³³⁶ Thuc. 1.5.1 cf Aristotle *Politics* 1256b2 who agrees with Thucydides that piracy used to be considered a normal means of subsistence.

conditions of the Dark Ages. But by Thucydides' time, intercommunal relationships were no longer seen in the context of an amoral state of nature where the need to survive justified unlimited violence against outsiders. He explores this change in his claim that in the past people "did not see anything shameful about it [piracy]," a distinction between the past and present as the difference between an older set of values where outsiders could be freely preyed upon to his contemporary one which set limits on the predation of outsiders. At the same time, his claim that piracy was committed for the benefit of the needy members of the pirates' own communities reveals an awareness of the social value of the violence that it represented. This change is also apparent in the changing attitude towards war. Unlike in Homer's time, war began to be seen, according to some at least, as avoidable and pointless as in Herodotus' formulation "No one is such a fool to choose war over peace; in peace children bury their fathers in war fathers bury their children."³³⁷ Homer, as we have seen, portrayed war as a natural and inevitable part of life, tragic, but also glorious. In contrast, by the fifth century BC communities were no longer seen as engaged in a perpetual war against outsiders. Despite this change in attitudes, the exigencies of the Peloponnesian War saw new extents of cruelty and violence that clashed with this new sensibility. Homeric values could be reaffirmed in this new world of moral doubts although they were inevitably transformed in the process.

Homeric Norms in a Changed Culture

During the fifth century BC Homeric norms could still be held as valid even as they came under increasing pressure as we can see from Thucydides' account of Cleon's speech in the Mytilenean debate in 427 BC. Mytilene had been a member of Athens' Delian league, originally a cooperative organization dedicated to fighting Persia but increasingly an instrument of Athens'

³³⁷ Herodotus 1.87.4 cf. Plato *Laws* 627c-630d.

imperial ambitions. By this time the Athenians had begun to see the league as synonymous with their empire (*arche*). During the Peloponnesian War waged between alliances headed by Athens and Sparta, Mytilene had unilaterally left the league. Perceiving this with a mixture of the outrage felt at the betrayal of an ally and the fear from a rebellion of a subject, the Athenians conquered Mytilene and initially decided to deal with the city harshly—killing the male population and enslaving the women and children. Repenting of this decision, they changed their mind in the assembly and Cleon, a leading politician of the time, delivered a speech attempting to persuade the Athenians to maintain their original decision. It is in the context of this political debate that he opines concerning the relationship between pity and power:

I have often thought to myself that states with democratic systems of government are incapable of ruling over others and I especially think so now in the context of your change of mind with regards to Mytilene [in adopting a less harsh punishment]. Living in a democracy, you enjoy daily security and freedom from internal plots, and you maintain the same attitude towards your allies that you have towards each other. You don't understand that by going soft (*malakizesthai*) in this way—whether because you give in to pity or because you have been persuaded by them [i.e. the delegation from Mytilene]—you will not gain their gratitude. You don't see that your rule is a kind of tyranny over unwilling subjects who are forever plotting against you. They don't obey you out of good will but because you are stronger than they are.³³⁸

Cleon makes a dichotomy where the difference between social insiders and outsiders determines the boundary of pity and hence empathy. We can see from the underlying logic of this argument that many of the dominant norms regarding empathy had endured from Homer's time until Cleon's. Much as Homer depicted a world where empathy was extended to *philoï* and withheld from foreigners, Cleon makes an essential difference between relationships within a community and those between that community's members and outsiders. In both the Homeric and Cleonic examples, while members of a community can share a cooperative reciprocal relationship, with respect to outsiders they are engaged in a perpetual struggle for dominance. We

³³⁸ Thucydides 3.37.

have seen how the strict exclusion of outsiders from empathy served an important social function during Homer's time and Cleon's speech suggests that this cultural norm endured at least until the late fifth century BC. Despite all of the changes separating Cleon's time from Homer's, the highly restrictive Homeric attitude about empathy towards outsiders could still be portrayed as a necessary adaptation to an uncertain and threatening world.

But much has also changed since Homer's time; the Athenians are not connected by personal and dyadic bonds of *philia* but through their shared membership in an abstracted community.³³⁹ It is also implied in Cleon's speech that the Athenians would naturally feel pity for the Mytileneans despite their status as hostile outsiders. In order for the Athenian assembly members to take the measures necessary for their community's survival, Cleon asserts that they must manage their natural feelings of pity and deliberately choose to be ruthless. Once again, we see here a subtle hint of empathy's tendency to be expressed towards others regardless of the social categories that we create. While in the *Iliad* this tendency was only indirectly alluded to, here it is directly addressed, and this difference shows the changed intellectual environment of the fifth century BC. For Cleon this new attitude is dangerous because it hinders the Athenians from taking the unpalatable but necessary measures for maintaining their empire. Unlike in the *Iliad* the exclusion of outsiders from empathy cannot be assumed but must be justified as politically necessary.

Cleon's warning against "giving way to pity (*oikto endote*—literally allowing, permitting or yielding to pity)" demonstrates the complicated relationship the Greeks had towards empathy during the late fifth century BC. His phrasing reveals the fundamental desirability of empathy which he describes as a natural tendency that must be resisted. At the same time the internal logic

³³⁹ Athens was not a face-to-face society see Lanni 2009.

of his broader argument against showing mercy to the Mytileneans shows the danger empathy was believed to pose. If the Athenians give in to the temptation of pity they will become soft or weak (*malakizesthai*) and thus fail to perform the actions necessary for their security. *Malakos*, the word from which *malakizesthai* is derived, has a subtle range of meanings relevant to the code of the masculine honor culture of ancient Greece. In the context of the contrast between a set of praiseworthy masculine traits and an antithetical one of shameful feminine ones, it suggests profoundly undesirable characteristics: weakness, effeminacy, softness and vulnerability.³⁴⁰ This word choice is an important and revealing one which expresses the feared scenario to which Cleon appeals: pity leads to a failure to take adequate reprisal against their enemy Mytilene, resulting in the Athenians becoming soft, which leads to potential rivals feeling contempt for them, finally resulting in a greater risk of Athens itself becoming a victim. Cleon's explicit comparison between the natural desirability of empathy and the risk it poses is not present in the *Iliad* and reveals the intellectual changes separating it from Thucydides' history. While Cleon may maintain Homer's harsh attitude towards outsiders, he also must allow for conflicted and ambiguous feelings where enemies are not absolutely excluded from empathy. Unlike Menelaus' "mercy," depicted as motivated by greed rather than pity, the Athenians have the potential to make a decision based on empathy with their enemy.

According to Cleon, domestic politics provide an education in human relationships generally. In this context, Athens' democracy, a system teaching amity, openness and the non-violent resolution of conflicts, teaches all the wrong lessons for dealing with outsiders.³⁴¹ Cleon presents cruelty and brutality as necessary for maintaining *arche* and he characterizes the

³⁴⁰ LSJ s.v. *malakos*.

³⁴¹ Cf. Previous chapter where Demosthenes makes a similar contrast between the *philanthropia* experienced within Athens and the fearsome violence to be mobilized against external threats.

Athenians as unused to the harsh necessities demanded by international politics.³⁴² He creates a fundamental distinction, familiar from the *Iliad*, defining the moral expectations when dealing with insiders vs. outsiders. Much as Homer depicted a world consisting of communities internally bound by bonds of *philia* and whose members regard most outsiders with hostility, suspicion or indifference, so does Cleon portray the Athenians as a tightly knit community that is essentially alone in a hostile world. At the same time, his harsh worldview has to contend with feelings of pity and mercy as he describes in a later passage of the same speech:

Do not give way to the three things that ruin empires: pity, empty rhetoric (literally “the pleasure of words”) and reasonableness (*epieikeia*). For pity is justly returned towards those who are similar to oneself (*tous homoious*) and not towards those who would not pity us in return but are our natural enemies ... do not therefore become traitors to your own interests but bring yourselves back to your mental state when they rebelled and you wanted more than anything to crush them. Don’t show weakness towards a present threat and do not forget the danger of the past.³⁴³

From this passage we can learn more of how Cleon defines the regulation of empathy. Here he emphasizes the point not that caring about the suffering of outsiders is inherently wrong, but rather that giving in to these feelings would invite disaster due to the practical realities of Athens’ position of hegemony in their *arche*.³⁴⁴ As in the previous passage from his speech, he creates a rigid distinction between citizens and foreigners and calls upon the Athenians to regulate their faculties of empathy in such a way as to exclude outsiders. We have seen that even during the time of Homer the exclusion of outsiders from empathy was nowhere near as complete or total as it might seem, but the need to make room explicitly for these uncomfortable and inconvenient feelings differentiates these two passages of Thucydides’ history from the *Iliad*.

³⁴² Cf. Pericles’ funeral oration in Thucydides where the Athenian *arche* is described as an unjust tyranny that is also too dangerous to let go of in 2.63.

³⁴³ Thucydides 3.40.

³⁴⁴ For an overview of attitudes that pity could be a danger by problematizing necessary actions see Konstan 2005.

The baseline response can no longer be assumed to be one of reflexively excluding outsiders from empathy, which is no longer assumed to be limited to one's social in-group.

Cleon's method of managing the Athenians' natural senses of pity in the passage above is psychological and instrumental. His essential argument is something along the lines of "you can't safely experience pity for the Mytileneans, so you need to manage this emotion. Imagine the fear and anger you experienced when they initially rebelled as a way of stifling your natural senses of pity in order to take the distasteful actions that are necessary to your security." In the previous chapter we discussed how the ancient attitude towards the emotions tended to be more instrumental and circumstantial than in the modern day, and this difference is important for understanding Cleon's exhortation. For him, pity and anger are emotional tools to motivate the appropriate response to a given situation and this perspective is in line with the ancient view on emotions in general. At the same time, he admits that emotions can also be spontaneous and irrational. This tension between the spontaneity and the instrumentality of emotion is reminiscent of the role of pity in Athenian law as simultaneously a way of expressing and reinforcing the rules defining community membership, but also as a natural tendency that can dangerously disrupt the boundary between insiders and outsiders. Similarly to the Athenian orators, Cleon views pity as a potential danger to the collective wellbeing because it can problematize necessary collective acts of violence. While the orators use the cultural prestige of the judicial oath and the setting of the courtroom as a way of managing inappropriate pity, Cleon evokes anger and fear to smother it.

This passage also contains a notable repetition from the previous one which reveals what this danger is: going soft (*malakisthentes*). His emphatic repetition of a *malakos*-derived word reveals some of the internal logic of Cleon's claims and the values he espouses. Greece was

always a tough competitive environment and never more so than during the Peloponnesian War.³⁴⁵ In these two passages Cleon expresses an assumption that must have been shared by many. In order to survive, a city needed to cultivate a reputation for toughness and strength, or it would risk attracting contempt and predation. The danger of being perceived to be *malakos* was particularly acute given the harsh honor culture of ancient Greece.³⁴⁶ The contemptuous implication of *malakos* suggests that weakness was not just seen as an external threat but also as a personal failing in the context of the moral importance of shame in the ancient Greek system of values.³⁴⁷ Through some clever rhetoric Cleon has turned the situation around; the Athenians might think that they are doing something noble by being lenient towards the Mytileneans but what they are really doing is letting themselves become *malakoi* and therefore worthy of contempt.

Cleon's warning against becoming *malakoi* as a result of pity suggests one way that the social regulation of empathy was conceptualized in fifth century Greece. In the previous chapter we have seen that the Athenians went to great lengths to cultivate a sense of empathy that reinforced their state's model of ideal citizenship. Cleon's speech presents us with a similar dynamic where Athenian citizens should experience empathy towards one another while excluding hostile outsiders. In Cleon's speech, we can see that fear powerfully motivated the creation of these dichotomies—fear of both the moral implications of shame and the practical consequences of weakness.³⁴⁸ The combined effect of these two fears goes a long way to explaining the paradox of a culture that embraces pity while also permitting the ruthless

³⁴⁵ On attitudes towards the defeated in war see van Wees 2011.

³⁴⁶ Burckhardt 1998: 96, 117-18. For this attitude in warfare see van Wees 2004: 123, 126.

³⁴⁷ On the roles played by shame in ancient Greece and a criticism of rigidly defining it as a "shame culture" in contrast to "guilt cultures" see Cairns 1993: 27-47. On the moral role of shame in ancient Greek values see Konstan 2003.

³⁴⁸ Van Wees 2011; van Wees 2010.

punishment of enemies. It's not that the Greeks couldn't feel pity for e.g. slaves and their enemies, but rather that pity was feared as problematizing the structures believed to be necessary for the success and survival of their communities.

It should also be noted that moral considerations are not completely absent from Cleon's speech, forming a secondary but still important justification for taking revenge on the Mytileneans. He makes two arguments for the morality of his proposal. The first argument is contained in his phrase above "pity is justly returned to those who are similar" and withheld from those who would not return it. According to this logic, pity, in order for it to be just, should be part of a reciprocal relationship and not extended as an impulse alone. The moral role of reciprocity and the way in which pity could be limited to a mutually cooperative social relationships are both discussed in the previous chapter. The second argument is located elsewhere in the speech where he emphasizes the moral culpability of the Mytileneans in rebelling.³⁴⁹ But despite the effort to provide a moral rationalization for his proposed action, the main argument that he presents is one of expediency.

Cleon's view may be taken as an extreme position for his time and is not likely to have been completely representative of the dominant view in Athens or of ancient Greece generally. Most people are likely to have been influenced by attitudes similar to his, but also by feelings of compassion and humanity as he admits.³⁵⁰ We must keep in mind that this speech was delivered in the context of Athens' total war with Sparta where Cleon and his audience had every reason to expect that defeat would result in Mytilene's fate occurring to Athens. As the Thucydides quotation with which I began this chapter suggests, war tends to have a brutalizing effect on

³⁴⁹ Thucydides 3.39

³⁵⁰ For the debate between him and the political advising a more moderate response see Nichols 2015: 51-68, a good interpretation of this moral dilemma for the most part, although I believe that she underestimates the practicality of Cleon's proposal, and its basis in one strain of thought in ancient Greece.

moral values making violence more acceptable than during peace. Additionally, Cleon's approach may have been plausible enough to have been taken on by the Athenians, but it was never so influential as to have been accepted as the dominant ideology of the state. His harsh caricaturing in comedy also suggests that stance was only one of many options and one considered by many to be distasteful.³⁵¹ The goal of this speech, after all, was to persuade the Athenians, and one of his ways of doing so was to assert the inevitability and justice of his claims.³⁵² These three caveats warn us against simply taking his comments as representative of the beliefs of the ancient Greeks in general. Cleon's opinions weren't shared by all, this speech was delivered in the context of total war, and in this speech, he attempts to persuade his audience by presenting his claims as natural and self-evident.

Despite these caveats, his fundamental logic is sound and reveals the assumptions of the culture of which he was a part. Despite the revulsion many would have felt towards his pessimistic cynicism, Cleon wielded considerable power in Athens, and his rhetoric, in order to be successful, must have appealed to some commonly shared beliefs and values of his audience. The reason his view could gain such considerable traction is hinted at within his statement itself: "do not forget the terrible fate that awaited you [if the revolt succeeded]." Destroying the city of Mytilene was conceivable for the Athenians because of their fear of the same fate if they were to be seen as an easy target. This fear was fully justified as we can see in the debate over whether Athens should suffer the fate of Mytilene by the victorious Sparta-led coalition at the end of the Peloponnesian war.³⁵³ It is notable that they were not saved by considerations of humanity, but

³⁵¹ Heath 1987; Macdowell 1995: 80.

³⁵² The literary role of this speech in characterizing Cleon as a slippery, sophistic, and amoral cynic should also be noted. The role of literary presentation in Thucydides' portrayal of Cleon may be found in Woodhead 1960 as well as a (less convincing) attempt to rehabilitate Cleon's character.

³⁵³ Xenophon, *Hellenica* 2.2.20. Discussed in Kagan 2003: 478-481.

out of a sense of deference to Athens' role in fighting the Persians and, perhaps more importantly, by the Spartans' desire to avoid creating a political vacuum in Attica that could be exploited by their then-ally the Thebans.³⁵⁴ The behavior that the citizens of *poleis* expected of victors made callousness a necessity of survival and provided a logic for the social regulation of empathy as proposed by Cleon. In this context anger could be presented as a virtue as it allowed for the members of the demos to overcome their natural reluctance to perform hideous but necessary acts.

Cleon's appeal to the fears of the Athenians reveals one way that empathy could be constrained in ancient Greece. Despite Cleon's appeal to morality and justice, his emphasis is on a dynamic expressed in the *Iliad*, the belief that the world was a fundamentally competitive harsh environment. Acts of collective violence believed to be in defense of one's own have been shown in modern studies to correlate with the psychological necessity of dehumanizing victims.³⁵⁵ This "us vs. them" mentality seems to be deeply ingrained in human nature, but we are far more likely to adopt it when we perceive ourselves to be under threat. Nevertheless, Cleon's arguments also reveal how this mentality was challenged during the fifth century. Unlike in Homer's time, outsiders cannot be assumed to be divided into predators and prey, and violence against them must be justified by an appeal to *Realpolitik* and self-preservation.

The Right of Conquest

The Homeric social regulation of empathy, based on the distinction between *philoï* and *echthroï*, continued to influence morality, but we can see its influence starting to lose its position of unquestioned dominance during the fifth and fourth centuries BC. We can see the continuing

³⁵⁴ Ibid.

³⁵⁵ On collective violence and the psychology of warfare see Bostock 2010; Belvadi, Rinella, Hogg: 2020; Sell and Lopez 2020; Lopez 2020; Majolo 2019; Zefferman and Mathew 2015.

but declining relevance of Homeric norms in the historiographical trope of a “right of conquest.”³⁵⁶ This idea is usually mentioned with a degree of ambivalence revealing a range of often conflicted responses to this idea.³⁵⁷ One of the clearest articulations of the right of conquest may be found in Xenophon’s *Cyropaedia* 7.5.73, written in the mid-fourth century BC, where Cyrus encourages his fellow Persians not to let pity stop them from depriving the Babylonians, whom they have just conquered, of their land, property, and freedom:

Let no one of you think that he does not have a right to these things [the lands and possessions of the Babylonians], for it is an law (*nomos*) amongst all of humanity that when a city (*polis*) is taken in war, the possessions and the bodies of its citizens are at the disposal of the victor. So you do not have these things unjustly and whatever you permit them [the Babylonians] to keep, you will do so only out of your sense of benevolence (*philanthropia*).

Although coming from a Persian king, the concept presented here should be interpreted in the context of similar ones in the Greek intellectual tradition.³⁵⁸ Despite some similarity to the moral attitude of Homer, the abstract and theoretical nature of this *nomos*, its reference to the limits on behavior imposed by *philanthropia* and the fact that this right needs to be argued for explicitly, reveal the vastly transformed intellectual environment of the time of Xenophon compared to Homer’s. The baseline expected behavior of conquerors might remain much the same as it did in Homer’s time, but we can see clear indications of a new moral pressure to impose limits on this behavior. Implicit in this statement is the fact that the right of conquest is not self-evident, and that people might feel uncomfortable with the lack of moral justification in

³⁵⁶ See e.g. Xenophon, *Cyropaedia* 7.5.72, Xenophon, *Memorabilia* 4 2.15. Discussion of attitudes towards victory in Krentz 2007: 180-183. For other examples where the idea that victory entitles the victor to the property of the defeated see Garland 1987: 10-14. For a good general discussion see Kiechle 1958.

³⁵⁷ See esp. Kiechle 1958.

³⁵⁸ See Gray 2010: 54-55. Cyrus is generally presented as an ideal ruler and it is highly likely that Cyrus’ views are sympathetically presented here. An interpretation of Xenophon’s attitude towards Cyrus as more ambivalent may be found in Whidden 2007. But for evidence for this scene being portrayed sympathetically see Grey 2010: 148-50. Also see Kiechle 1958: 129. See also Tuplin 1996 for how Cyrus is appropriated to embody Xenophon’s own political philosophy in the context of Greek traditions.

this formulation of the right of conquest.³⁵⁹ Despite these indications of discomfort, Cyrus can expect that *philanthropia* will not limit the behavior of his men because they saw the Babylonians as a wealthy and decadent people doomed to be overthrown. His confidence in dismissing *philanthropia* relies in large part upon the idea of the cycle of civilizations: poverty leads to toughness which leads to the acquisition of wealth through violence which leads to decadence, making a civilization vulnerable to other poor tough ones and so forth.³⁶⁰ This implicit narrative of the cycle of cultural decadence provides a justification for the predatory actions of the Persians, who are represented as merely taking part in civilizational cycle that is a natural part of intercommunal relationships.

In Cyrus' encouragement to his men, Xenophon also encodes a good deal of irony in the fact that the Babylonians play the same role in relation to the Persians of *Cyropaedia* that the Persians of Xenophon's time will later play to the Greeks, one of an ethnically foreign people of greater wealth and sophistication, but who are also decadent and ready to fall.³⁶¹ There is an air of naturalness and inevitability to the conquest of the Babylonians which is reinforced by the reader's expected awareness that the cycle will come around such that the Persians will be to the Greeks just as the Babylonians were to the Persians during the time of Cyrus. The contemporary relevance of Cyrus' articulation of the right of conquest further suggests that Xenophon meant for it to be read sympathetically. The fact that it is the Babylonians' time to fall according to the cycle of civilization takes the moral responsibility away from the Persians for taking from them and justifies their exercise of the right of conquest. But Cyrus' dismissal of *philanthropia*

³⁵⁹ Evidence, admittedly late, for explicit disapproval of the right of conquest is also provided by Aelian *VH* 6.1.4 (quoted and discussed in van Wees 2013: 38-39). A discussion of the value attached to victors acting with "moderation" (i.e. not making full use of the right of conquest) may be found in Karavites 1982a: esp. 124-132.

³⁶⁰ Analyzed in Herodotus in Forsdyke 2006.

³⁶¹ In Xenophon *Cyropaedia* 8.8 Xenophon concludes with an elaborate description of how the contemporary Persians have declined physically and morally since Cyrus's day with an emphasis on their military weakness. A justification for war against the Persians is made in Xenophon *Agésilas* 7.7.

implicitly allows for it to serve as a limit if the Babylonians did not fit this pattern. Additionally, despite the similarity in behavior, Homer did not have to use quasi-legalistic language as a justification to exploit a conquered people; he could just assume exploitation to be fact of human behavior and the established order of the universe. Cyrus' need to justify conquest to his own people reveals a degree of ambivalence in this passage. Its role as an argument against feeling empathy for the defeated Babylonians raises the possibility of empathy even for those with whom one has nothing in common, even though it does so by explicitly arguing against empathy in this situation.

The right of the stronger to dominate the weaker increasingly lost its assumed validity during the late fifth and fourth centuries, although it continued to influence shared moral beliefs. Plato routinely uses a concept of the inherent justice of the rule of the stronger over the weaker to represent the crass mainstream beliefs that he seeks to replace.³⁶² The responses towards the violence with which Athenian imperialism was maintained during the fifth century may be taken as more representative of mainstream opinion. Thucydides has the ambassadors respond to an appeal to mercy due to justice with an infamous formulation “the strong do as they will the weak suffer as they must.”³⁶³ The unpopularity of this attitude's brutality and the evident efforts of the Athenians to redeem their tarnished reputation in the foundation of the Second League in the mid fourth century BC are clear indications of changing times.³⁶⁴ There is nothing in the idea expressed by the Athenian ambassadors that would be essentially alien to Homer, although it is subtly altered and perhaps made less defensible by being so frankly and clearly expressed.

³⁶² E.g. Thrasymachus in Plato *Republic* 338c-343c and in Plato *Laws* 625a-627c.

³⁶³ Thucydides 5.89.

³⁶⁴ For contemporary responses towards the violence with which Athenian imperialism was conducted see Did. Sic. 15.23.4 (quoting Ephorus) and Lys. 14. Thuc 2.37.3, Xen. Hell. 2.1.31. Evidence for the fourth century BC Athenians attempting to restore their reputation can also be seen in the foundation *stèle* of the Second Athenian League, Rhodes & Osbourne 2003: 22. For fourth century Athenian attitudes towards imperialism, see Griffiths 1978.

The disapproval Athenian arrogance engendered is especially apparent from the fate of the Athenian captives from the Battle of Aegospotami, put to death in an act of collective punishment for earlier Athenian mistreatment of Spartan prisoners.³⁶⁵ The justification with which this decision was made shows that by this time the moral right to kill captives could not simply be assumed. This moral framework within which retributive violence was conducted shows an example of the process of defining moral duties in an environment where limits on violence are normally expected to be observed. An additional example may be found in Euripides' *Heracleidai* where the customs of the Greeks are said to “forbid the killing of prisoners who were taken alive on the battlefield.”³⁶⁶ The uniqueness of this example reveals how new this sense of limits on violence still was in the late fifth and early fourth centuries, but Euripides' reference to this *nomos* in the popular art form of tragedy reveals how the moral anxieties about an absolute right of conquest had risen to the extent that such a claim could be plausibly made to the socially mixed audience of Athenian tragedy.

Although Homeric norms persisted, something resembling modern morality had been developed in ancient Greece by the late Classical period and with it came new challenges for the social regulation of empathy. As I have mentioned in the introduction chapter of this dissertation, we face considerable pressure to empathize with those with whom we cooperate and vice versa for competitive relationships and, due to this pressure, the social regulation of empathy often corresponds to the practical structures of cooperation in a society. We should therefore ask at this point whether the Greeks of the fifth and fourth centuries experienced anxiety due to the fading strength of the Homeric division of the world into friends and enemies.

³⁶⁵ Xenophon *Hellenica* 2.1.31-32. See Kiechle 1958: 141 for this decision described, as a regelrechten Kriegsverbrecherprozess. See also Crowley 2020.

³⁶⁶ Lanni 2008: 480; Euripides *Heracleidai*: 961-1011 (cited and discussed in Lanni 2008).

The Cultural Construction of Moral Codes Based on Ethnicity

The passages from *Cyropaedia* and Thucydides' history discussed above show that Homeric norms could still be held while the responses to them also reveal the increasing discomfort these norms caused. The weakening validity of the Homeric exclusion of outsiders from empathy led to a socially disruptive vacuum as a result of the lack of an effective means for managing the emotional distress from empathizing with those whom one had harmed. During the time of Homer, this distress was not given explicit expression due to the belief that conflict between groups was natural and inevitable. This view was challenged during the fifth century by an increasing tendency to empathize explicitly with outsiders—even those with whom one was engaged in hostilities. The lack of a socially accepted explanation for this new expression of empathy created an inherently unstable situation where new responses were likely.

The most widely adopted answer to this crisis was found in a new logic for the social regulation of empathy, ethnicity. Panhellenism, the belief that Greeks were united into a single cultural community, was already visible in the Homeric poems, but it became a much stronger cultural force in the years after the defeat of Xerxes' invasion of Greece in 480 BC, especially in the fourth century BC.³⁶⁷ An attractive feature of this concept was how it provided a new basis for the social regulation of empathy, one better suited to the political reality, psychological needs and dominant moral beliefs of fifth and fourth century BC Greece. During the second half of the fifth century BC, inter-Greek warfare increased in intensity while shared cultural ties and an increasing sense of collective identity made it more difficult to discount Greek enemies as undeserving of empathy. Panhellenism explained this emotional distress as a result of the common identity shared by Greeks and the resulting empathic bonds that problematized violence

³⁶⁷ Flower 2000.

against them.³⁶⁸ This new basis can be seen in fourth century attempts to limit inter-Greek warfare through humane treatment of prisoners and captured cities while also arguing for cooperation against a common threat, Persia.³⁶⁹ But, at the same time, the practice of warfare during and after the Peloponnesian War became increasingly brutal and total and these new sentiments did not translate to a change in practice.³⁷⁰ Panhellenism might not have been particularly effective in preventing inter-Greek warfare but it gave a logical explanation for the emotional distress caused by it and therefore played a major role in the changing norms of the social regulation of empathy.

In the more politically structured world of the fifth and fourth centuries BC it was simply no longer possible to think of all enemies as equally undeserving of empathy. In addition to Panhellenism, another way of managing the emotional distress resulting from this incompatibility was the idea of entire citizen bodies being connected by *philia* or *echthra*.³⁷¹ An early but clear example is provided by Herodotus, who criticizes the citizens of Sybaris for not publicly mourning the sacking of Miletus despite the fact that “no cities were ever joined in such a strong friendship” and despite the public mourning the Milesians had earlier shown for the Sybarites.³⁷² Much as with their individual equivalents in the context of relationships between families, these civic relationships of public *philia* and *echthra* were inherited from one generation to the next. *Philia* as a diplomatic relationship between communities allowed for the experience of empathy for outsiders while also controlling and defining it in terms of its

³⁶⁸ For example, on the growing attitude that slavery was justified by a non-Greek ethnicity see Rosivach 1999.

³⁶⁹ For example, Xenophon *Agesilaus* 7.7; Plato, *Republic* 5.469 – 74; Aristotle *Politics* 1255-1256; Isocrates 4.108; Plut. Lysander 13 = Theoph. Fr. 137. The idea that inter-Greek wars were bad and wars against Persia were good was stated by Gorgias with unusual clarity in DK 82 B 5b, see analysis and comparisons with other authors in Raaflaub 2009: 230-31.

³⁷⁰ Serrati 2013: 328-30.

³⁷¹ For the use of imagined kinship networks to define the relationships between political communities see van Wees 2004: 8-9.

³⁷² Hdt. 6.21.

traditional terminology and its role in the traditional framework of values. In addition to Panhellenism, these new forms of communal friendship and hostility represented attempts to reconcile the practice of the social regulation of empathy with contemporary experiences. The development of communal *philia* shows that Panhellenism was not the only answer to the crisis caused by the decline of the validity of Homeric norms and that there was no simple cause and effect relationship between new concepts of ethnicity and new forms of social regulation of emotion.

The difference between the logic of the social regulation of empathy based on values such as Panhellenism and communal relationships with the *philia*-based system of Homer's world was qualitative as well as quantitative. The essential difference was the extension of empathy towards those outside of one's immediate social circle. The inclusion in empathy of those with whom one does not have regular social intercourse represents a change from the instinctive affiliation that humans feel towards those with whom they are familiar to moral norms defining empathy through abstract and objective moral values. The characters of the *Iliad* all knew each other and lived in a world where they had a personal relationship with everyone they considered to be morally relevant. Outsiders from their direct experiences, like the Kikones in the *Odyssey*, did not have to be defined as *echthroi* in order to justify violence against them because they were simply seen as morally irrelevant.³⁷³ The Homeric social regulation of empathy through the categorization of others arose naturally from our tendency to empathize more with those with whom we are familiar and especially those with whom we share membership in a face-to-face community. In contrast, according to the new system of the fifth and fourth centuries BC, many of the people towards whom one was expected to experience

³⁷³ Van Wees 1992: 207-258 for attitudes towards plunder in Homeric poems.

empathy would never have been actually met and therefore would have remained members of an abstracted “imagined community.”³⁷⁴ The inclusion of people who must be imagined into empathy represented a radical change because of the introduction of a rational justification in addition to personal intimacy as a moral imperative to experience empathy for another. Unlike the earlier, limited, attempt to restrict violence among the members of the Delphic amphictyony, something approaching the modern concept of human rights emerges in during the fifth century when empathy was extended towards members of Greek ethnicity.

The other side of the question of why and towards whom ethnically based empathy should be extended, was one of why and which non-Greeks didn’t deserve empathy, and the development of Panhellenism as a moral basis also required a clearer definition of “the barbarian.”³⁷⁵ The idea of barbarians as inherently inferior began to take hold during this time, justified variously through the influence of climate, the developmental effects of a servile relationships in familial and social structures, cultural decadence and more.³⁷⁶ During this time, the complex and nuanced portrayal of Persians in, for example, Aeschylus’ tragedy, *The Persians*, began to change in the century from 450 BC until 350 BC into what would be long-lasting stereotypes of Asiatic servility, despotism,- and excess.³⁷⁷ The boundary between Greek and barbarian could remain permeable in a world where conflict and cooperation were defined in terms of the pattern of intermittent but perpetual intercommunal violence between Greek and Persian communities alike. But greater precision was required in a world increasingly defined by

³⁷⁴ Term borrowed from Anderson 1983. See n. 90 for a definition of imagined community.

³⁷⁵ The use of otherness of barbarians to define a Greek ethnicity may be found in Hartog 1988; Cartledge 2002a: 51-73.

³⁷⁶ See for example Hartog 1988: 322 for a discussion of political authority of the barbarians as inherently hierarchical.

³⁷⁷ Herodotus may be seen as an interesting intermediary who sometimes shows the Persia as a complex and dynamic culture (in the debate on forms of government in 3.80-3.84) and sometimes as an oriental despotism. On ethnic categorization of non-Greeks through the trait of *hubris* Fisher 1992: 115-16.

an opposition between Greek and barbarian cultures.³⁷⁸ The defeat of the second Persian invasion under king Xerxes by a united coalition of Greeks *poleis* gave a boost to the concept of a Greek cooperative community, which would become progressively more clearly defined in opposition to an alien and othered barbarian world.³⁷⁹ This new idea was mutually interdependent with a new logic of the social regulation of empathy which would not solely be defined along the lines of personally-held relationships of *philia* but would also become expressed and withheld according the boundaries separating Greeks from the barbarians. Due to the close connection between expected cooperation and empathy, it was equally important to define the group towards whom empathy should not be extended and why as it was to define Greek ethnicity as a basis for a new type of empathy.

This increasingly definite and absolute boundary between Greeks and barbarians in the Greek imagination meant that non-Greeks could still be treated according to harsh Homeric norms. This was clearly the case for Xenophon where he excuses the massacre and enslavement of the city of Kedreia on the grounds that “the inhabitants had mixed with the barbarians (*mixobarbaroi*).³⁸⁰” The logic of Xenophon’s apology is that by default empathy is not experienced towards outsiders, but that an exception was made for other Greeks. Put differently, the culturally specific *nomoi* of the Greeks which defined their behavior between themselves and were referenced by Euripides in his *Heracleidai* above, mandated some restraints on violence but, in their absence, the *nomoi* of humanity in general, which allowed for the enslavement and slaughter of defeated populations, and were described as a “right of conquest” by Xenophon in

³⁷⁸ Mitchell 2007: 39-75.

³⁷⁹ The construction of “the barbarian” as a category is discussed in Hall 1989: 56-100. The lack of an ethnic justification for the collective violence in the *Iliad* is described in Konstan 2007a: 179. Also see Xenophon *Agésilas* 7.7 and Isocrates *Panegyricus* passim for accounts of Persians as the archetypal enemy of Greeks.

³⁸⁰ Xenophon *Hellenica* 2.1.15; Kiechle 1958: 141-42 n.2.

Cyropaedia, applied. This idea was taken to the farthest extreme in the writing of Isocrates for whom the new attitude towards barbarians could justify a campaign to enserf the inhabitants of the Achaemenid Empire.³⁸¹ To him externally focused aggression against Achaemenid Persia appealed both as a means of imperialistic exploitation and also as a way of creating “concord” (*homonoia*) and peace between the Greek cities.³⁸²

This new relevance of ethnicity to the social regulation of empathy raised new problems. We have seen evidence of a moral pressure to justify why ethnicity should exclude barbarians from empathy. Additionally, as was the case with the previous Homeric system of social regulation of empathy, the ethnically based system of empathy regulation didn’t always do a good job of accounting for the ambiguities of real-life experiences of empathy. In the next chapter, we will see examples of this shortcoming in the evidence that the exclusion of barbarians from empathy was nowhere near as neat or complete as authors suggest. A final problem in the new system of social regulation of empathy was the difficulty in making an agreed-upon definition of ethnicity. Previously, it had been permissible for Greekness to be defined by an uncertain and shifting collection of cultural, linguistic and racial³⁸³ traits, but greater precision was needed in a world where ethnicity defined a more important moral boundary than had previously been the case.

We can see the importance of ethnicity for the social regulation of empathy in the many attempts during the fifth and fourth centuries BC to define the boundary between Greeks and non-Greeks. It is not surprising that the definitions were varied and often incompatible, as is revealed in the ambivalent reactions to the Messenians who spoke the Greek language but not

³⁸¹ Discussed in Zing 2014.

³⁸² See e.g. Isocrates 2, 4, 12.

³⁸³ I am using racial in a more limited sense here as coming from a common origin of descent. I do not mean to imply a racial attitude towards the world in the modern sense.

free citizens of a *polis*.³⁸⁴ The ambivalent responses to whether they could be considered Greeks or not played a major role in defining the range of responses towards their subjugation in the harsh regime of Spartan helotage.³⁸⁵ As culturally and linguistically Greek they could claim membership in the Panhellenic community, but their lack of a *polis* meant that they could also be seen as lacking some necessary Greek cultural traits and their ethnicity was in some ways indeterminate. Furthermore their status as an ethnically Greek group enslaved and kept *in situ* in a situation more in some ways like medieval serfdom than ancient chattel slavery was not unique but was reflected in the subordinate statuses held by numerous other Greek and non-Greek groups across the ancient Mediterranean.³⁸⁶ On the other extreme of the social spectrum, Herodotus' depiction of the efforts of the Macedonian monarchy to have themselves included in the Olympic games reveals the same concern with ethnicity as a way defining inclusion in the Panhellenic community.³⁸⁷

Possible criteria for defining the Greek ethnicity abounded: language, membership in Panhellenic cultural customs like the Olympic games, the practice of cultural norms and behaviors belonging to one of the Greek subgroups like Ionians and Dorians, definition in opposition to and as the inverse of the "barbarian" (typically at this time the Achaemenid Persians), the biological determinism of *Airs Waters Places* mentioned above, Isocrates' package of cultural traits in *Panegyricus* etc. The expanding multiplicity of definitions shows the increasing relevance of Greek ethnicity to moral and political thought but also the impossibility of determining collectively agreed upon boundaries. In the atmosphere of increasingly influential

³⁸⁴ See Luraghi 2008 on the creation of a Messenian ethnic identity. For the conquest and enserfment of ethnic communities in the Archaic period see van Wees 2013. One reading of an uncertain passage in Isocrates 8.28 suggests that Messenian helots could be seen as lacking Messenian ethnicity due to their status as slaves.

³⁸⁵ Cartledge 2002b: 347-356.

³⁸⁶ Van Wees 2013: 72.

³⁸⁷ Hdt. 5.22; 8.137-38.

Panhellenism, defining the boundaries of Greek ethnicity became a question of defining the boundaries of cooperation and empathy and was of the utmost importance in moral and political thought of the time.

We can see the connection between empathy and cooperation in the fact that discussions of ethnicity are usually made in the context of attempting to define marginal cases such as the Messenians and the Macedonian monarchs.³⁸⁸ The need to define these cases as Greek or non-Greek resulted from the increasing acceptance of Panhellenic identity and the increasing importance of this identity in structuring cooperation and empathy. In a world where Greek ethnicity determined the boundaries of empathy, unclear cases, such as the Macedonian monarchy and the Messenians, represented troubling and disruptive exceptions. From the perspective of the Messenians and the Macedonian monarchs themselves, inclusion in a Greek cultural world was a question of the highest political importance since it meant theoretical access to certain basic rights and dignities as a member of a Greek and therefore civilized culture.

One reason for the importance of limiting empathy along seemingly objective categories such as ethnicity was the fact that the social limits denying empathy to outsiders were becoming blurred.³⁸⁹ Unlike the Homeric world, where exceptions had to be made for those included in empathy, the exclusion of cultural outsiders from empathy in the fifth and fourth centuries had to be exceptionalized. It must be remembered that our own culture is unusual in its insistence on the universality of humanity across barriers of ethnicity, political affiliation and culture. As an example of the implicit limits common in premodern times, the often-quoted phrase of Aristotle “man is a political animal (*zoon politikon*)” would more literally be translated as “man is an animal properly belonging to the *polis*.” The elision in meaning between the two implications of

³⁸⁸ See Bowersock 1995 for a description of the fluidity of Greek ethnicity.

³⁸⁹ See introduction chapter for why limiting empathy was important.

politikon as “belonging to a *polis*” and as “political” in the modern sense is highly revealing of Aristotle’s assumptions regarding the influence of culture. For him, and for most of his compatriots, cooperative civilized life implies *Greek* cooperative civilized life. Persians can’t be *zoa politika*, according to Aristotle, because they live in a society not defined by the civilized and collaborative structures of the *polis* but in a world only governed by the brute exercise of dominion, subordination, and violence.³⁹⁰ The effect of living in such a world is a stunted development of their ability to engage in cooperative civilized life. Persians therefore cannot be considered to be truly civilized, according to Aristotle, despite their wealth and sophistication.

Even while it dismisses them as developmentally stunted humans, redefining Persians as deficient humans due to developmental factors also implies a counterfactual: “if they *had* been raised in the proper environment of a polis, they would be ethnically Greek and therefore fully developed humans and entitled to empathy.” Of course, this point shouldn’t be taken too far, since Aristotle also justifies the exclusion of barbarians from empathy through contemporary biological thought where the developmental influence of climate was associated with national characteristics.³⁹¹ This alternative not-quite-racial logic can be best understood in a development of the historiographical tradition of portraying non-Greek cultures in terms of both the exotic locations they inhabit and how they embody otherness with respect to Greek cultural traditions.³⁹² The inconsistency between these two accounts is not a problem because both explain, according to different rationales, the distinction between Greeks and barbarians as a result of developmental factors, whether social or environmental, and not an inherent biological

³⁹⁰ This stereotype was frequently applied to the Persians, for example, in the recurring historical scene of the Persian king needing to whip his soldiers to get them to fight in contrast to the willing participation of Greek soldiers in war e.g. in Herodotus 7.223. An expression of this attitude towards the Persians may also be found in Euripides *Helen* 273-76 where Helen states that “among the barbarians, all are slaves except for one.”

³⁹¹ This concept expressed in Aristotle *Politics* is similar to the environmental theories of the Hippocratean *Airs Waters Places*.

³⁹² Hartog 1988: 322-39; Lloyd 1988 for Egypt as an example.

difference between them. According to both, the child of Persian parents raised by a Greek family would count as Greek and the inverse is also true. The factors defining the barrier between Greeks and barbarians weren't the result of something directly analogous to later racial theories, but of a concept of culture as a learned and internalized trait.

Aristotle's developmental arguments for excluding Persians from empathy demonstrates the logic of how and why empathy was limited to the Greek cultural world. Far from asserting the universality of political cooperation within the various cultures making up humanity, his claim that mankind is naturally "political" expresses the unique ability of the members of the *polis* culture to attain their inherent but otherwise unrealized potential. The fact that this assumption remains implicit in the writing of the always careful and methodical Aristotle reveals how obvious and fundamental its author felt it to be. But Aristotle's argument also shows how much his world had changed since the time of Homer. By implicitly equating humanity with Greek humanity, he allows for the theoretical inclusion of outsiders in empathy through his need to define exactly why barbarians are to be excluded from empathy. Persians aren't excluded because they are party to a perpetual conflict existing between all communities, as would have been the case in Homer, but because this exclusion is justified by their stunted development and consequent failure to develop their potential humanity. Even though the end result would be the same according to either justification, the reasoning is quite different.

Despite the visionary plans of writers like Isocrates, a world where a united Greece stood in opposition to a clearly defined *Barbaria* never became reality.³⁹³ Unity, when it did come, would be attained only through the extreme violence of Philip II and would last only as long as it was actively enforced by Macedonian power. Meanwhile, the actual practice of inter-Greek

³⁹³ Zing 2014.

warfare was little changed despite these new beliefs and reservations. The expectation that victors show restraint in inter-Greek warfare was nothing so formal as a law of war and was often frustrated in practice.³⁹⁴ Moreover, the mutual hatreds engendered by conflict often trumped any humanitarian concern.³⁹⁵ Over time a distinction tended to be applied between those cities that had to be stormed and those that surrendered, as the indiscriminate savagery of a sack was justified by heavy casualties usually suffered during the storming of a city.³⁹⁶ The familiar grim appeal to revenge and military necessity justified the continuing use of brutality despite the moral reservations that these pretexts could cause. The excuses typically offered in ancient Greece for continuing to engage in collective acts of violence might not have been particularly robust, and were not accepted as valid by many, but the need for any pretext was a highly significant change from the Homeric norms.

As a final point, the contradictory and conflicted attitude towards moral duties in the fifth and fourth centuries BC is not at all surprising. As I have emphasized already, ideas, much like emotions, are messy; outside of the rarefied attempts by philosophers to impose order, the majority of humanity must make the most out of the various concepts that they have internalized. But, at the same time, it would be a mistake to dismiss the moral transformation between Homer's time and that of Isocrates. Something exceptional had emerged in Greece during the fifth and fourth centuries: a concept of objective moral duties that transcended specific relationships between actors.

³⁹⁴ Lanni 2008; Crowley 2020.

³⁹⁵ Van Wees 2007: 286; Karavites 1982.

³⁹⁶ Van Wees 2010; De Huys 1987; Karavites 1982.

Conclusion

I began this chapter by noting the paradox inherent in attitudes towards violence against outsiders in fifth century Greece, and I hope that my discussion has gone some way in resolving this paradox. The cultural heritage from the time of Homer was one of heavily restricting empathy for outsiders and these norms, which played an important role in the social developments of the Dark Ages and Archaic period, never completely lost their influence. At the same time, the shortcomings of a culture of such heavily restricted empathy are apparent from a close reading of the *Iliad* where we can see evidence that these norms were by no means universal or absolute. Discomfort with the brutality of this worldview was likely to have been a significant reason for the desire for a less subjective way of looking at empathy towards outsiders beginning in the fifth century BC. Evidence for this discomfort may be seen, for example, in the use of Panhellenic ideas as a way of defining the world as divided between Greeks, who deserve empathy even if they are enemies, and barbarians, who do not even outside of warfare. None of these new ways of socially regulating empathy was completely effective, and we can see that ambiguity, discomfort and conflict continued to make the experience of empathy towards outsiders fraught and ambiguous.

The fifth century BC also saw a different response: the cynicism of Cleon which was in many ways an appeal to the culture of empathy that had been inherited from Homer's time. His reaffirmation of Homeric norms was maintained and justified by a fear of weakness and a pessimistic worldview. There was a deep and irresolvable cultural contradiction between the sense that outsiders were entitled to empathy with the fear that allowing this empathy would lead to weakness and vulnerability. The humanity of Sophocles' Odysseus in *Ajax* and the cynicism of Thucydides' Cleon therefore represent two poles in a continuum of attitudes towards empathy.

But even for Cleon, empathy for an enemy cannot be merely dismissed or ignored but must be acknowledged as an inconvenient emotional response that must be managed through the evocation of contradicting emotions of fear and anger.

The reasons why cultures become callous towards the suffering of outsiders are contingent, inter-dependent and idiosyncratic. One aspect I hope to have brought forth is the practical necessity of collectively defining and focusing violence, and how this necessity can conflict with both our natural tendency to experience empathy and culturally specific concepts of how empathy should be experienced. It is much easier to justify the exclusion of others from empathy when it is felt to be necessary to do so in the context of highly competitive and violent environments.³⁹⁷ In these contexts, the exclusion of outsiders from empathy can serve the highly practical purpose of mobilizing social resources against exterior threats by controlling and directing aggression, and cultures will often choose relatively binary regimes of socially regulating empathy in these circumstances.

To give a relatively recent and well-documented illustrative parallel, the indiscriminate bombing of civilians, still considered by the allied nations of the Second World War to be a war crime at the beginning of the war and frequently criticized since its end, gradually became an acceptable and even celebrated tactic as the war progressed. This change was justified in part as retribution for similar cruelties perpetuated by German and Japanese armies and by the extreme extent of the violence already conducted in the war in general. This example shows that it is not only “culture” that allows for such extreme extents of violence, but the brutalization of values that occurs in the context of a fight for survival. We are fortunate to live in a time of a historically low level of endemic collective intercommunal violence, and our distance from the

³⁹⁷ Zaki 2014; Bostock 2010.

conditions of the Second World War means that we can look back on it from the more detached perspective of historical hindsight, much as Homer and his audience had access to a broad sense of empathy that was inaccessible to the characters of the *Iliad*. Given that ancient Greeks lived through an almost perpetual Second World War in terms of casualties as a percentage of their population it is not surprising that they also continued to justify a culture where empathy was strictly regulated despite their doubts.³⁹⁸ Panhellenism was attractive in this context because it could serve as a framework defining one's moral duty to experience empathy towards others, even as it introduced a new ambiguity in defining the exact difference between Greeks and barbarians and in justifying the exclusion of barbarians from empathy.

Nevertheless, Panhellenism was never developed into an effective code of conduct that limited violence in war. But this is not surprising, for the consequences of failure in conflicts of the ancient Mediterranean were unimaginably high, as is communicated through the historiographical verb *andrapodizai* which defines the act of killing the adult males of a conquered community while selling the women and children into slavery. The cold precision of this verb (it is probably based on analogy with the Homeric word for stock animals *tetrapodon* and communicates "the transformation of people into stock animals")³⁹⁹ and its prevalence in historiography reveal how terrifying the consequences of warfare were in the ancient world.⁴⁰⁰ The male citizens of defeated *poleis* could expect not just their own deaths but the utter eradication of their culture, the rape and enslavement of their children and wives and the humiliation of total defeat in the context of their unforgiving honor culture as factors adding to

³⁹⁸ Contrary to a common assumption, casualties in hoplite battles were very high: see Krentz 1985.

³⁹⁹ LSJ s.v. *andrapodizo*.

⁴⁰⁰ Gaca 2010; van Wees, 2010: 244-45.

the pressure to restrict empathy.⁴⁰¹ Fear of this fate explains Cleon's ability to justify the continued exclusion of outsiders from empathy even in the context of new doubts.

In this environment of ongoing intercommunal competition with a high cost of failure, the withholding of empathy from outsiders was seen as necessitated by survival pressures. Violence, anger and callousness, all of which are aided by the withholding of empathy, were far less problematized in ancient Greece than they are today because of the role these emotions played in ensuring the continued survival of the community.⁴⁰² During the fifth and fourth centuries BC, despite all the new reservations of that time, violence continued to be prized for its perceived necessity in maintaining the continued safety of one's self and community.⁴⁰³ The fostering of externalized violence through the social regulation of empathy was aided by the instrumental way according to which emotions were seen in the ancient world.⁴⁰⁴ As we have touched on in the previous chapter, and as we can see in Cleon's speech above, emotions were seen more in terms of their circumstances than as subjective experiences, and they were less seen as autonomous from rational thought. For example, according to Aristotle, anger implied a belief that one had been wronged unjustly and included mental processes that a modern person would categorize as thoughts about his or her anger.⁴⁰⁵ These two features of ancient emotions meant that they were seen in a far more instrumental way and that there was much less of a tendency to separate an individual, his emotional experience and the action taken in response to the emotional experience. As a result of this functionalist view, emotions that are often

⁴⁰¹ See Ammann 2023 for an overview of the cultural influence of collective violence in ancient Greece.

⁴⁰² For the extensive integration of reminders of collective violence into the landscape see Arrington: 2023.

⁴⁰³ See Konstan 2007a passim but esp 181 and see Aristotle *Rhetoric* 1382a1-14 for an example of an ancient perspective on how anger is useful for survival. For the role of anger in administering justice see Allen 2002.

⁴⁰⁴ See Konstan 2006.

⁴⁰⁵ Ibid.

problematized in the modern world were more readily accepted in ancient Greece.⁴⁰⁶ Aristotle makes the point explicitly but was only giving voice to a belief that was frequently implicit when he wrote that no emotions are good or bad in themselves, but need to be judged morally based on how well suited they are to their specific context.

Anger and hatred played important roles in restricting empathy when it was believed to be necessary to do so for the survival of the community.⁴⁰⁷ The ancient Greek view of emotions provides an intellectual historical context for our understanding of the social regulation of empathy in ancient Greece. They saw emotions as adaptations to the environment and were very deliberate in defining emotions collectively to maximize their survival advantage for the group. As I have mentioned in the introduction to this essay, the experience of empathy is highly correlated with our expectations of future cooperation and competition. As a response to this tendency, the social regulation of empathy represents an adaptation to the patterns of cooperation believed to be necessary for the survival and success of the group.

But we also need to appreciate the role of unpredictable cultural and intellectual factors in the social regulation of empathy. Like all social structures, the social regulation of empathy does not follow a logical or teleological path and is also affected by, for example, dominant moral concepts, psychological needs, and a desire to avoid cognitive dissonance. The transformation of the social regulation of empathy during the fifth and fourth centuries BC was a complex and often contradictory process showing the interdependence between shared beliefs concerning cooperation and morality with the social regulation of empathy. Homeric norms never truly vanished, but their power and appeal weakened in the context of new feelings of pity for the

⁴⁰⁶ See Sell, Lopez: 2020 on the relationship between participation in collective violence and the emotions of anger and hatred.

⁴⁰⁷ Konstan 2007a.

victims of collective violence and these feelings needed to be explained and managed socially. Although not the only answer by any means, Panhellenism represented an influential solution to this crisis. Through categorization, a powerful tool in resolving contradiction, it gave expression to the distress caused by the harm inflicted against one group (the Greeks) while providing a morally acceptable reason to withhold empathy from another (the barbarians). At the same time, it introduced new tensions and contradictions that had to be managed.

In the Homeric poems a person's moral duty to others is overwhelmingly determined by his or her specific relationships to them. Beginning in the fifth century BC Greek writers began to develop a different system based on the objective identities of other people. One of the most influential of these new objective factors was ethnicity and the creation of an imagined Greek community defined in contrast to a barbarian other. While Homer could, without contradiction, approve of the duty of individual warriors to kill their opponents mercilessly while also sympathizing with both sides, writers in the fifth and fourth centuries BC defined objective moral duties for the first time even as they invented justifications for categorically excluding outsiders, especially non-Greek "barbarians," from these obligations. Panhellenism presented an attractive framework within which the social regulation of empathy could be defined in the context of these new attitudes towards morality during the fifth century. As is often the case in the history of ideas, abstractions are invented along with the opposites. Pacifism becomes conceivable in contrast to total war; the development of a concept of human rights arises at the same time as the systematic dehumanization of certain groups. Therefore, it is not surprising that categorical inclusion and exclusion of empathy were developed in tandem. But the invention of objective moral obligations signals a massive shift in the history of the social regulation of empathy. In the context of this intellectual development, the regulation of empathy was

transformed from a necessity, imposed by universal realities of communal survival, to a moral duty, generated and defined by culture. This development in concepts of morality was therefore interdependent with the discovery of empathy in a more recognizable and modern sense, extended or withheld according to objective criteria and not as a purely subjective experience resulting from one's personal relationships.

Despite the magnitude of this development in moral thought, dominant opinion in ancient Greece never embraced anything like pacifism or a modern sense of moral duties to outsiders. Many ancient Greeks understood and were repulsed by the brutality and violence of their actions during war. But they could rationalize their actions as morally acceptable as they were treating others that they expected to be treated themselves if the roles were reversed. It didn't help that honor and reputation played such a significant role in the self-worth of male *polis* citizens living within a culture where a failure to reciprocate violence with violence was seen as a humiliation. Nevertheless, the ongoing use of such brutal methods as the act of *andrapodizai* required psychological mechanisms for restraining empathy for the victims of war. These mechanisms included the logic of retribution and reciprocity, a belief that brutality was necessary for survival and the ethnic categorization of enemies. We have seen that these mechanisms were only partially effective, and that justifying violence was never easy or simple. Empathy, like many emotional experiences, is not easily contained in socially specific definitions and tends to overrun the boundaries that we attempt to erect around it. Nevertheless, the ongoing necessity of maintaining a regime of limited empathy towards outsiders was rarely questioned since to do so would be to risk everything and suffer total ruin. Given the uncertainty and terrifying violence of their world, it is hardly surprising that feelings towards empathy were ambivalent and complicated in ancient Greece.

Chapter 4. Surprising Empathy in the Development of Theories of Monarchy in the Fourth and Third Centuries BC

A little Madness in the Spring
Is wholesome even for the King,
But God be with the Clown –
Who ponders this tremendous scene –
This whole Experiment of Green –
As if it were his own!

Emily Dickinson, A Little Madness in the Spring (1356)

Introduction

Up to this point we have looked at two examples of how the rules of empathy were defined within ancient Greek *poleis*: in chapter one on the role of pity in Athenian law and in chapter two on the history of cultural attitudes towards warfare. The sources we have seen have been, for the most part, unified in espousing a strict regimen of excluding those believed to be a threat to social stability from empathy. At the same time, we have seen consistent conflict, sometimes only subtextually present, between the theoretical and ideal depiction of clearly defined empathy and actual transgression of empathy's socially constructed boundaries. In this chapter we will explore this tension in an unlikely example, one in which the rules of empathy were deliberately and explicitly broken: the theories of monarchy developed during the fourth and third centuries BC. These political theories will turn out to be relevant to the social regulation of empathy because of how the legitimacy of monarchs was connected to their ability to transcend the rules of empathy as defined within *poleis*. The connection between rule breaking empathy and monarchic legitimacy provides us with new insight into the tension inherent in the social regulation of empathy in ancient Greece. Additionally, the important role played by empathy in the justification of monarchy in the fourth and third centuries BC provides an interesting new aspect of the emergence of monarchic ideology during this time.

Fourth and third century theories of monarchy exceptionalized the person of the king in order to imbue him with the charisma necessary to transcend political and social conventions prohibiting the concentration of power in an individual in ancient Greek *poleis*. I use the term “charisma,” which I have borrowed from Weber, to refer to a source of legitimacy based on one’s personal characteristics.⁴⁰⁸ Charismatic authority is the special “something” that elevates a ruler above his or her subjects; personal traits—not institutional sources of legitimacy or appeals to practical benefits—legitimize the rule of charismatic rulers. The charismatic authority inherent in fourth and third centuries BC theories of monarchy is crucial for understanding the connection between monarchy and the social regulation of empathy. A significant aspect of monarchic charisma resided in the monarch’s freedom to transgress social rules, including those limiting empathy. Therefore, narratives of monarchs experiencing atypical empathy should be interpreted in the context of an ideology distancing them from ordinary *polis* citizens as a part of the construction of an ideology of monarchic charismatic legitimacy.

It should also be stated that the charismatic ideology of monarchy did not prevent the Hellenistic kingdoms from becoming, in practice, states with extensive bureaucracies and formal institutions.⁴⁰⁹ At the same time, while this qualification applies to the practical extension of power, it does not mean that the theoretical legitimacy of the Hellenistic kings was based on

⁴⁰⁸ Weber describes charismatic authority as “actual revelation or grace resting in such a person [an authority figure] as a savior, a prophet, or a hero” in Weber 1978: 954. For applications of this concept to the Hellenistic monarchies and its context within traditional models of authority see Modanez de Sant Anna 2013; Gruen 1985. For an example of the use of the legacy of Alexander as a source of charisma see Erskine 2002. For warfare as a way of claiming charismatic authority see Chaniotis 2005: 57-77.

⁴⁰⁹ The need of Hellenistic monarchies to balance direct state control through a formalized bureaucracy with minimal state interference to gain the consent of their subjects is analyzed in Monson 2015. Jones 1964: 16 describes the “vast bureaucratic administrative machines” developed in the Hellenistic monarchies. A contrasting description of the early administration of the Ptolemaic kingdom as largely a continuation of the Pharaonic systems with minimal interference can be found in Lloyd 2011. A balanced account of how Hellenistic kings used a mixture of personal rule and formal institutions in Strootman 2014.

institutions. Their model of monarchy, first theorized and legitimized during the fourth and third centuries BC, remained a profoundly charismatic institution in the way it was represented, even though its theoretical basis could clash with the reality of their rule and authority. But at the same time, it would be a mistake to claim that charismatic authority “only” existed in the ways that monarchs presented themselves or were imagined by their subjects. As we will see in the rest of this chapter, perceptions were of critical importance to both aspiring and actual monarchs during the fourth and third centuries BC. Belief in the charismatic authority of a monarch served an important role in securing consent and legitimacy for the state based on his person, even as this belief could contradict the reality of state authority in the Hellenistic monarchies.

Monarchic legitimacy through charisma drew upon long-standing cultural attitudes towards exceptionalism in ancient Greece, an example of which was a literary trope where a socially alienated character of high status was depicted as experiencing empathy in a situation in which he or she would normally not be expected to do so. This literary trope, which I will call surprising empathy, was adapted to monarchic and proto-monarchic theories and practices in the years between the end of the Peloponnesian war (403 BC) and the death of Alexander (323 BC) and developed further by the Hellenistic monarchs. The success of surprising empathy as a part of monarchic ideology depended on the—mostly unconscious—resistance to and unease with the norms of empathy within the *polis* where empathy had to be carefully and strictly managed to support its social and political structures. By setting a carefully staged example of violating these norms, kings allowed for an imaginary liberation from them while at the same reinforcing their validity for others. The surprising empathy of monarchs does not, therefore, represent overt criticism of the social regulation of empathy in ancient Greece, but it does reveal the tension inherent in this process and the only partial congruence between theoretical constructions of

empathy and actual experiences of it. The social role of monarchic empathy may be compared to that of carnivals, spaces where norms may be violated and then reinforced when they are reinstated by exceptionalizing their violation.

At the turn of the fifth to fourth century BC, monarchy only survived in communities on the margins of the Greek-speaking world, and its future did not seem to be a promising one.⁴¹⁰ But, in a startling turn of events, in 337 BC the Macedonian king Philip II established himself as the hegemon of the mainland Greek *poleis* with his establishment of the League of Corinth. Furthermore, his victory was not only military but was also ideological—he had even been invited to take this position by at least some citizens of the Greek *poleis* now lying under his authority.⁴¹¹ Although monarchy would never end up replacing the existing governments of Greek *poleis*, it gained increasing legitimacy during the first half of the fourth century BC as a form of authority which ruled over territorial states within which *poleis* were embedded. During this time, it was developed as political system that was appealing to many as a regional power fundamentally different from the more intimate and local oligarchies and democracies that directly ruled over *poleis*.⁴¹² For example *stasis*, a term for factional conflict within a *polis*, was an endemic problem in the post-Peloponnesian War period and monarchs attempted to position themselves as effective external mediators or patrons during this time.⁴¹³

⁴¹⁰ Walbank 1984. A partial exception, the Spartan kingship, was anomalous as a duarchy and as an institution with a carefully circumscribed role for the king. See Milender 2017.

⁴¹¹ For example, by Isocrates in his *Letter to Philip*, 5.16. Favorable responses to Philip in mainland Greece are discussed in Beck and Buckler 2008: 236—38. For a discussion of the establishment of Macedonian hegemony over the *poleis* of southern Greece see Ellis 1976: 181-210.

⁴¹² On the use of *autonomia* as a political justification for hegemony by both *poleis* and Hellenistic kings see Bosworth 1992. The goals and intentions of Philip II for his hegemony over the southern Greek *poleis* are discussed in Buckler 1994.

⁴¹³ A classic description of the social disruption from the combined effects of *stasis* and the Peloponnesian War is Thuc. 3.82-84. A description of case studies of *stasis* in the fourth century may be found in Lintott 1982: 222-238. For a detailed fourth century example of a Macedonian king serving as a mediator between the rival factions in a *polis* after the resolution of a period of violent *stasis* see Driscoll 2016. For a description of the problem of *stasis* see Börm 2018; Finley 1975: 129-131, Rhodes 2015. For how the Hellenistic kings replaced the previously existing hegemonical structures within which cities existed see Strootman 2011b.

Monarchy did not become, and was probably never intended to be, a replacement for the existing governments of *poleis*; the position it filled was more analogous to that of the unpopular hegemons of trans-local leagues and alliances, Athens, Sparta, and Thebes.⁴¹⁴ In practice, royal authority over *poleis* would never become absolute; Hellenistic kings could overwhelm any individual *polis* without difficulty, but they had to make concessions due to the impossibility of ruling them all through direct military force.⁴¹⁵ Due to the necessity they faced of gaining at least a degree of consent to their authority, the Hellenistic kings ruled through compromise as well as violence, presenting themselves as powerful foreign benefactors rather than direct rulers and using a careful mixture of persuasion and coercion.⁴¹⁶ In this chapter we will see an important aspect of the construction of this ideology of royal power, the creation of a monarchic identity that stood outside of the *polis* while still being able to interact with it. A significant aspect of this identity was the way in which monarchs could experience empathy in a way that was enviable but also inimitable.

Despite individual differences and some exceptions, Greek *poleis* participated in a political system and ideology based on the participation and consent of a class of citizens responsible for their cities in mutually reinforcing political and military roles.⁴¹⁷ Although citizenship didn't secure by itself equal political participation in most systems, it consistently provided access to basic protections and a right to dignity, both of which were denied to many

⁴¹⁴ See e.g. Low 2018; Karavites 1982b; Karavites 1984. Discussion of the hegemony (*hegemonia*) in fourth century politics in Buckler and Beck 2008: esp. in 128-39; Low 2015. The ideological fantasy of the "autonomous *polis*" in contrast to actual practice, where *poleis* were often integrated into regional power structures, is discussed in Hansen 1995.

⁴¹⁵ Ma 1999; Ma 2003. For the continuing ability of *poleis* to maintain a degree of independence while ceding authority to external powers see Shipley and Hansen 2006.

⁴¹⁶ See Strootman 2020; O'Neill 2000; Dickenson 2013 for the relationship between Hellenistic kings and the formal institutions of *poleis* within their domains.

⁴¹⁷ Eder 1991: 169-196; Whitehead 1991: 135-154. For the connection between written law and the ideology of the *polis* see Gagarin 2008. For the role of military service in guaranteeing political enfranchisement see Garlan 1975: 86-103.

outsiders.⁴¹⁸ Crucial to the connection between citizenship and political legitimacy was a belief in the rough equality between members of the *poleis* in both political and moral senses. Within this ideological system, written law, formal institutions, and citizenship were all developed as safeguards against the usurpation of power by a single group or an individual.⁴¹⁹ Where the title of king (*basileus*) survived the transition to *polis*-type systems, it was usually transformed into a specialized inherited office, as in Sparta, or into a purely ceremonial and ritual office as in Athens. The strength of this ideology is illustrated in the fact that tyrannies, monarchies of the seventh, sixth and early fifth centuries BC, did not last more than one or two generations in the majority of *poleis*.⁴²⁰ The failure of tyranny to develop into a stable political system demonstrates the broad appeal of the citizen-based political system of the *polis* and the lack of long-term viability of monarchy as a model of *polis* governance. Fourth century BC Greece might not seem to have been the most likely environment for the development of new theories of monarchy, but the changed environment of the post-Peloponnesian war Greek-speaking world offered an opportunity for political experimentation and innovation. In order to understand why some Greek writers found monarchy an appealing alternative to the pattern of authority characterizing *poleis*, it is necessary first to examine the culturally specific attitude towards exceptionalism in ancient Greece and then to see how exceptionalism functioned in a political context.

For the rest of this chapter, we will begin with a discussion of relevant cultural attitudes towards acts breaking cultural and natural boundaries, behavior that I will call “exceptionalism,” as a way of claiming political authority in ancient Greece. This section will focus on the way in which exceptionalism could be used to claim a right to legitimate authority beyond the extent

⁴¹⁸ For the construction of identity based on citizenship in contrast to outsiders see Cartledge 2002a: 105-132.

⁴¹⁹ But written laws were not a part of the Spartan Lycurgan system see Cartledge 1978.

⁴²⁰ On the failure of tyranny due to dominant cultural and political ideologies see Nock 1930: 62.

that would normally be permissible. In the next section, I will use the Spartan generalissimo Lysander as a case study of how aspirants to monarchic authority represented themselves as superhuman figures as a way of justifying their power through narratives of exceptionalism. In this section, I will make the case that these claims to monarchic authority reveal a distinctive attitude towards monarchy in the fourth and third centuries BC when it was legitimized through transgressive acts as a part of narratives of exceptionalism. After this, we will make a detour into literary criticism to discuss my interpretation of the motif of surprising empathy in order to establish the necessary background for how this motif was incorporated into narratives of monarchic legitimacy. Then we will bring the previous threads of discussion together in an analysis of three narratives of monarchs claiming legitimacy through surprising empathy as a part of claiming the authority conferred by exceptionalism. Finally, I will conclude this chapter with some remarks on aspects of the cultural attitudes towards empathy in ancient Greece revealed in its role in theories of monarchy.

Greatness through Exceptionalism in Ancient Greece

One of the clearest articulations of a dominant and widespread attitude to how exceptionalism can lead to greatness is provided by Pericles in Thucydides' history of the Peloponnesian War in his eulogy of the Athenian soldiers who had died in the war: "We have forced (*katanangkasantes*) every sea and land to be an open path (*esbaton*) for our daring and everywhere we have left eternal monuments both for good and evil."⁴²¹ *Katanagkasantes* is an unusual word that would be used both for torture and resetting a dislocated shoulder; it indicates the strenuous use of physical force to twist or shape an object. It is a vivid metaphor and, together with the pairing of "good and evil," it reveals a belief that transgressive, violent and

⁴²¹ Thucydides. 2.41. Note that "evil" does not have the same strictly moral sense that it does in English.

even morally disturbing acts can have a role in securing the greatness of a people or an individual. As we can see from this example, exceptionalism in ancient Greece was associated with a transcending of limits, the consequences of which could be both destructive and beneficial. This attitude of ambivalence towards exceptionalism is conveyed in Pericles' image of land and sea being forced into becoming "an open path to the daring" of Athens, a striking metaphor combining violence, surpassing of limits, and the attainment of national greatness.⁴²² Pericles' praise of Athens characterizes an influential strain of thought in ancient Greece where the unpalatable and destructive acts involved in the accomplishment of great deeds are not apologized for or minimized, but can even be celebrated as an indication of exceptionality through the surpassing of moral and political conventions.

A similar set of assumptions to those expressed by Pericles may be found in the prooemium of the *Iliad* which introduces Achilles' destructive wrath (*menis*) as a distinguishing characteristic of his heroic identity that is paradoxically both celebrated in the poem and also a source of lamentation for many of the characters within it.⁴²³ An important aspect of this paradox is the fact that neither Achilles' wrath nor the sorrow that it causes is morally judged—indeed the complementary duality between lamentation and celebration serves as one of the central themes of the poem.⁴²⁴ As I will discuss in greater detail when I interpret one of Achilles' scenes in the *Iliad*, his character reflects a common attitude in ancient Greece where individuals striving to surpass normal limitations were praised even as their tendencies towards violence and destructiveness were also acknowledged. Unlike systems of thought influenced by the Abrahamic religions, the natural limits restraining humanity were not always moralized. Even if

⁴²² Hornblower 1991: 309.

⁴²³ The relationship between grief and glory in epic may be found in Nagy 1979: 94-117.

⁴²⁴ For a discussion of the role of anger in Achilles' heroism see Muellner 1996. For the connection between heroism and death see Clarke 2004; Griffin 1980: 103-43.

most people were commanded by popular wisdom to “think mortal thoughts,” figures capable of exceeding those limits could be greatly admired.⁴²⁵

As a final example of the complicated cultural attitudes towards exceptionalism in ancient Greece, Aristotle presents self-sufficiency (*autarkeia*) as the natural goal (*telos*) and the best possible attainment (*beltiston*) for humanity but also as one which, if fully attained, would make someone either a god or a beast.⁴²⁶ His juxtaposition of subhuman brutality and superhuman divinity in the ultimate natural goal of humanity nicely expresses the ambivalence of exceptionalism in Greek thought. Aristotle uses this distinction in support of an argument for the natural sociability of humanity, and exceptionalism is simultaneously ennobling and dehumanizing, admirable and disturbing in his writing.⁴²⁷ It is primarily a theoretical goal and not one that most people could ever hope to attain, but one who could do so would be beyond the moral judgement of others either as a god or a beast. The difference between these two outcomes is not so much a moral one, at least in the word’s modern sense, but in how transgressive acts committed within a narrative of heroic daring to overcome limits (e.g. Pericles’ “eternal monuments”) were ennobling, whereas those that were merely sordid crimes without a heroic narrative were debasing. Either way, the end result of exceptionalism is alienation from human society. Aristotle portrays these individuals as no longer able to accept the limits of living within a political system whether that means that they are elevated through greatness as a god or lowered to the status of a beast.

The ancient Greek concept of greatness through exceptionalism became a foundational cultural attitude drawn upon in the construction of theories of monarchic legitimacy in the fourth

⁴²⁵ For the cultural associations with this Delphic maxim and its rejection see San 1995.

⁴²⁶ Aristotle, *Politics* 1.1253a 27–9.

⁴²⁷ cf. Traditional myths about heroes performing both terrible crimes and glorious deeds such as Herakles murdering his family and then completing the labors.

and third centuries BC. Later writers would describe Hellenistic kings as *nomoi empsuchoi* (sing: *nomos empsuchos*) or living *nomoi*.⁴²⁸ *Nomos*, often translated according to its common meaning as law had a much wider semantic range including “custom,” “religious practice,” “tradition,” and “social norm,” which reveals the way in which monarchs claimed legitimacy through exceptionalism. Essentially, a *nomos* is any belief, practice, or law that defines a community.⁴²⁹ As a living *nomos* a monarch is less the head of society and closer to being a society in himself, and his legitimacy is a result of his transcendent personal nature. As a result, the monarchic concentration of power in an individual was justified through an appeal to that individual’s exceptionalism as an excuse for breaking the egalitarian social norms of the *polis*. In the rest of this chapter, I will argue that justifications for monarchic authority portray monarchs as fundamentally transgressive figures, capable of violating conventions in a way similar to Pericles’ Athens, Achilles in the *Iliad*, and Aristotle’s self-sufficient man. These justifications required a completely new vocabulary of political legitimacy based not on institutions but on the personal traits of exceptional individuals.

Early Theories of Monarchic Legitimacy through Exceptionalism

The treatment of monarchy in two works of political philosophy from the first half of the fourth century BC, Aristotle’s *Politics* and Plato’s *Republic*, represent a good starting point to understand the emerging concepts of political legitimacy through exceptionalism during that time. Despite the restricted and socially elite intellectuals making up these works’ intended audience, they enable us to see some of the reasons for the appeal of exceptional individuals attaining monarchic power for many Greeks in the post-Peloponnesian War period. Monarchy

⁴²⁸ For an overview of the sources for philosophic theories of kingship see Schofield 1999: 742-44. Discussion of kings as *empsuchoi nomoi* in Brock 2013: 14; Walbank 1984: 80-81.

⁴²⁹ LSJ s.v. *nomos*.

was seen both as a solution to the shortcomings of *poleis* and as a system legitimized by the personal characteristics of the monarch. This emphasis on the person of the ruler cast formal institutions of government as hostile to monarchic authority, the legitimacy and functioning of which depended solely upon the characteristics of the monarch and not structural features like written law. Both *Politics* and *Republic* portray a legitimate monarch as ruling without complex political structures and laws, such as those of *poleis*, because of his transcendently exceptional nature.

At this early stage in development of theories of monarchy, it was typically presented more as a theoretical extreme in the spectrum of political types and less as a practical form of government.⁴³⁰ Nevertheless, these theoretical explorations of how rule by one man could work and even be justified in an ancient Greek political context developed a framework within which later more popular theories of monarchy would be articulated. The fundamental change from the justifications of the philosophic monarchies of Plato and Aristotle to those of the fourth and third centuries BC lay in the transformation of legitimacy from the monarch's possession of exceptional knowledge (in Plato) or exceptional virtue (*arete*) (in Aristotle) to his exalted, often divine, status. But the essential underlying logic in favor of monarchy was present at the beginning: an individual's transcendently exceptional personal traits, whether conceived of in philosophic terms or as superhumanity, conferred a legitimate mandate to a monarch's possession of absolute power.

Plato, in his *Republic* develops the theory that philosopher-kings are uniquely qualified to be leaders because of their knowledge of the Idea of the Good.⁴³¹ According to him, the fundamentally deficient constitutions of existing Greek states served as little more than cynical

⁴³⁰ Luraghi 2013.

⁴³¹ Plato, *Republic* 504d; 519c; 540a-b.

pretexts for the interests of dominant political groups while also imposing mediocrity on exceptional individuals: “each group in power makes laws to its own advantage ... they proclaim this system, beneficial for themselves, to be just for those ruled by them and they punish anyone who goes against this system calling him ‘law-breaker’ and ‘unjust.’⁴³²” As an alternative, he proposes *Kallipolis*, literally the “beautiful city,” run according to his principles of philosophy. His experiment in creating his ideal state in the Syracusan tyranny of Dionysius and Dion demonstrates that his new type of monarchy was not completely limited to the realm of speculative philosophy but was meant to be enacted in the real world.⁴³³ At the same time, the complete failure of this experiment reveals the impracticality of his theory of monarchy in securing popular legitimacy for real-world rulers.⁴³⁴ Nevertheless, his underlying logic anticipates later, more successful attempts to implement monarchic authority.

Plato’s philosopher-kings may lack the capacity for outright “evil” in Athens’ greatness according to Pericles, but they are similarly above conventional morality and in no way accountable to the other members of *Kallipolis*. Their transcendent knowledge allows them to create institutions which Socrates’ interlocutors find surprising and disturbing.⁴³⁵ Furthermore, the concept of the “noble lie” shows that Plato justifies acts that would be perceived to be wrong according to conventional morality, provided that they are a part of a narrative of greatness through exceptionalism.⁴³⁶ Despite the differences between the exceptionalism of the

⁴³² Plato, *Republic* 1.338e.

⁴³³ In the *Republic* Socrates insists multiple times that the ideal state is a real goal and not just a theoretical construct e.g. 450c–d, 456bc, 473c, 499b–d, 502a–c, 540d–e. Also cf. the tradition that Plato advised the Macedonian monarchy, mentioned in Plato’s fifth letter, which may be spurious. This tradition is reported in Athenaeus *Deipnosophistae*, 11.506d–f. A discussion of the tradition of Plato advising the Macedonian monarchy is in Moore 2019.

⁴³⁴ A discussion of the careers of Dionysius and Dion, including their relationship with Plato, can be found in Westlake 1994.

⁴³⁵ E.g. responses to communal marriages Plato, *Republic* 457D–460A.

⁴³⁶ Introduced in Plato, *Republic* 414b–e.

philosopher-kings and that of democratic Athens, in both cases we find the same relationship between greatness and acts considered to be “evil” by many. Socially constructed norms, such as those defining family relationships and those obligating honesty wouldn’t apply to the philosopher-kings because their knowledge allows them to transcend the limits of any given culture. As figures so elevated in knowledge as to be beyond the limited concepts of good and evil held by the majority, they are not accountable to any standards except for their own understanding of objective reality.

Aristotle was more ambivalent about monarchy; he did not see it as suitable for most political communities, but he also portrayed it as the best possible form of government in its ideal form.⁴³⁷ In his *Politics* he usually examines political philosophy within a set of assumptions based on the archetypal Greek *polis*. But he also allows for situation when an individual would have virtue (*arete*)⁴³⁸ of such superiority that the ordinary rules would not apply:

It is not right to exile, ostracize or kill such a man (one who possesses exceptionally superior virtue) nor would it be right to think it reasonable for him to take a turn in being ruled over (i.e. due to a turn over of political offices) *for it is not according to nature that a part surpasses the whole*. So, in the case of a man of such overwhelming superiority the result is that the only task left to the other citizens is to obey him and that he be made a ruler not as a holder of a temporary office but invested with absolute and permanent authority. (italics mine).⁴³⁹

According to Aristotle’s analysis, a man of exceptional virtue could not be a citizen of a *polis* because his superiority would undermine its basis of legitimacy, the equality of its citizen stakeholders. In the italicized part of the quotation, we can see that a man of sufficiently superior virtue would naturally possess political authority over the other members of his political

⁴³⁷ Monarchy described as the best possible government in 1288a and 1284a Aristotle presents monarchy as the best form of government in its ideal state. But its degenerate form, tyranny, is it at its worst. His solution, the mixed state, is the best practical system of government and not the best theoretical one.

⁴³⁸ Note *arete* has a range of meanings, not all of which are implied by “virtue” in English. Etymologically, it carries the meaning “well adapted to the task for which it is meant to perform” s.v. LSJ *arete*. Virtue in this case implies, in addition to moral excellence, traits such as practical skill at governing, strength of character and courage.

⁴³⁹ Aristotle, *Politics* 1288a25 cf. 1278a9-10.

community as a monarch-by-nature. By looking more closely at the connection between exceptional virtue and monarchic authority, we will be able to learn an important aspect of the theoretical justification of monarchy in Aristotle's time.

Aristotle's monarch-by-nature would represent the "whole" of his political community in one sense because he would be the sole holder of legitimate authority. In order to understand why this is so, we need to remember that in Aristotle's philosophy the legitimate authority of a person or group of is based on superior *arete*; a radical asymmetry in *arete* would result in asymmetrical political authority.⁴⁴⁰ The monarch-by-nature represents the whole of the community as his superior *arete* would make him the sole holder of legitimate authority. His authority is analogous to that invested in the citizenry of most *poleis*, legitimate due to their collective claim to *arete*, but applied to an individual rather than a group.⁴⁴¹ In addition to this sense, other members of the community are also "parts" of the state in a more literal level of meaning—because of the authority invested in the monarch, they would be responsible for executing their ruler's commands in the same way that the limbs of the body perform the actions decided upon by an individual's rational mind. Aristotle's description of the monarch-by-nature as the "whole" of his community shows how different such a political and social system would be from those of existing *poleis*. Unlike the ideal within a *polis* of a careful balance of powers to mitigate internal class tensions, the monarchic state would be more analogous to a single body headed by an individual of godlike authority.⁴⁴²

⁴⁴⁰ see Aristotle Politics 1332a32–8, 1282a–1283b 1278a, 1288a. For the connection between virtue and political theory in Aristotle see Annas 1996.

⁴⁴¹ On the superiority of the monarch-by-nature invalidating the theoretical basis of the *polis* Aristotle, *Politics* 1282a.

⁴⁴² Aristotle's discussion of the best constitution implies Politics 1289a30, 1332a32–38. For a discussion of the coexistence of two ideal political systems, monarchy and the balanced constitution, see Miller 1995: 191–251 esp. 234–39.

An interesting and revealing assumption regarding this man of exceptional virtue is that he presents the state with a dilemma: neutralizing him through exile or death or giving him supreme command of the state. Despite the evident injustice of the former choice, Aristotle acknowledges the reasoning behind it as basically sound as a means of maintaining the authority of the citizen body.⁴⁴³ The logic behind his limitation of the possible communal responses to the existence of a monarch-by-nature to these two options may be compared to his concept of the man without a political community being a beast or a god. Much like the man who possesses perfect self-sufficiency, the monarch-by-nature could not be integrated into his political community and must be alienated through expulsion or through his investment with complete authority. Later in the same text Aristotle describes the monarch-by-nature as “a god among men,⁴⁴⁴” indicating that he possesses the socially alienating exceptional nature that would make a person a god or a beast.

The dilemma presented by the monarch-by-nature between exile and absolute authority is the result of the culturally specific associations with exceptionalism in ancient Greece, where an exceptional nature implies a tendency to transgress normal social rules and boundaries. Aristotle’s reasoning for the extremity of the two options, exile and absolute authority, is further explained by his claim in the passage quoted above (Aristotle, *Politics* 1288a25) that a man possessing exceptional *arete* would be unable to participate in government as a regular citizen because doing so would force him to accept a subordinate status with respect to his fellow citizens. Thus, such an act would be against his nature and also unjust due to an asymmetry in virtue. Aristotle’s contrast between “a part” and “the whole” shows how unnatural this arrangement would be; it would be as bizarre as a person’s limbs making decisions for the mind.

⁴⁴³ Aristotle, *Politics* 1284 a18-a22.

⁴⁴⁴ Aristotle, *Politics* 1284 a10-11.

According to Aristotle an individual worthy of monarchy would be incompatible with a formal system of political offices or institutional authority due to his exceptional virtue which would make it neither just nor practical to subject him to the authority of his fellows.

Plato's and Aristotle's legitimate monarch both draw on culturally specific attitudes towards greatness, exceptionalism, and political authority in ancient Greece. According to this line of thought, an individual of exceptional personal greatness may transgress moral and social boundaries in ways most people could not. We have seen this concept in Plato's noble lie⁴⁴⁵ and in Aristotle's theory that institutional limits are incompatible with legitimate monarchy. Plato's philosopher-king occupies a unique and alienated position as the one ruling over the state while also standing outside of many of its institutions—he perpetuates the noble lie while also seeing beyond it. Similarly, Aristotle's ideal monarch must either be destroyed by the state or given absolute power over it; he cannot be integrated into the political system as a regular citizen. In both cases exceptional personal characteristics legitimize absolute power while also alienating the ideal monarch from his society. The three features of a legitimate monarch shared by Aristotle and Plato, exceptionalism, anti-institutionalism and alienation from society, reveal common cultural attitudes concerning legitimate monarchic rule which will become fundamental to later theories of monarchy.

The basis of monarchic authority on the exceptionalism of the monarch would prove to be an influential justification later taken up by Alexander and his successors, who favored an ideology based on their persons and not institutionalized legitimacy. We can see this fact in the use of the language of friendship to define relationships between kings and their courts.⁴⁴⁶ The

⁴⁴⁵ Plato, *Republic* 414b-415e.

⁴⁴⁶ On the informal and improvisational nature of Hellenistic court culture see Walbank 1984: 68-70. On the ideology of high officials as friends of the king see Herman 1981; Strootman 2011a.

designation of high officials as “friends” of the king made their status dependent on their intimacy with the king and not their formal positions in the court.⁴⁴⁷ The use of the language of friendship reveals an aversion to formal political language that characterizes the ideology of Hellenistic monarchies. It also reflects Plato’s and Aristotle’s observations that monarchic government is inherently opposed to *polis*-type institutions where authority depends upon political offices. The fact that the later real-world monarchs defined their authority through their informal and personal relationships reveals their deliberate rejection of institutional authority.⁴⁴⁸ As this example demonstrates, Aristotle and Plato responded to shared cultural ideas regarding authority in their theories of monarchic authority. Their construction of theories of monarchy based on philosophy would turn out to be far too theoretical to be practical, but they accurately perceived how personal qualities could be connected to monarchic authority for exceptional individuals. Evolving theories of monarchic authority would take a form very different from that of a *polis* in which citizenship, political offices, and written law legitimized power. Monarchical rule, in contrast, would be defined as a personal and intimate system of rule by an exceptional individual invested with absolute power.

Legitimacy through Divine Monarchy in the Fourth and Third Centuries BC

The philosophic exceptionalism articulated by Aristotle and Plato was probably too erudite and abstract ever to serve as an effective basis for rule in the real world. But during their time another form of exceptionalism emerged: living mortals assuming divine status for the first time in recorded Greek history. This innovation claimed legitimacy not through contemporary political philosophy but historical precedent, cultural archetypes and a rationalization of the

⁴⁴⁷ For a discussion of the transformation of the concept of friendship during the Hellenistic period through its association with the power hierarchies of the Hellenistic monarchies see Konstan 1997: 93-120.

⁴⁴⁸ For a description of the reliance of the Hellenistic monarchs on continued reinforcement of their charismatic authority see Gehrke 2013.

radically increased power that individuals had come to possess.⁴⁴⁹ Divine monarchy, although not a universal justification in claims to monarchic authority, represents an extreme example of how an individual's charisma and ability to transcend limits could legitimize his political power.

Claims to divinity served the same role for real-world monarchs that exceptional philosophic traits did for the theoretical ones of Aristotle and Plato. If would-be monarchs could assume superhuman status, as began to be the case during this time, they could make a convincing case of possessing the status theorized in a different context by Aristotle and Plato as allowing exceptional individuals to transcend the egalitarianism of Greek *poleis*. In these claims to superhuman status by proto-monarchic figures of this time, we can see that Aristotle and Plato were not alone in connecting exceptionalism to monarchy but that they were responding to the broader political environment of their time. The construction of authority based on an individual's divinity might lack the philosophic justification of Aristotle's and Plato's theories, but it represented a way of drawing on the same cultural attitudes towards exceptionalism to legitimize monarchy. In the same way that the possession of exceptional *arete*, for Aristotle, and the knowledge of the good, for Plato, freed the ideal monarchs of philosophy from the restrictions of the *polis*, so did claims to superhuman status allowed powerful men in the real world to create an ideological framework for monarchic rule through their claims to exceptionalism.

It would miss the point to ask whether the divine honors paid to living people were genuinely believed in or not. This practice existed in the murky half-light of convenient belief and inherited tradition where things are not typically so simple. At the same time, no single concept of divinity dominated in ancient Greece and gods were not worshipped because of their

⁴⁴⁹ On the new political environment of the time see Gomez-Castro 2017.

transcendent natures, but because of their ability to provide benefit and inflict harm.⁴⁵⁰ The ability of mortals to attain this status after death had been long recognized not just for major gods, such as Heracles, but also for more prosaic figures like city founders. We have seen a translation of this traditional practice to living political rulers in Aristotle's description of the monarch-by-nature as a "god among men." The uncertainty as to whether this phrase was meant literally or not is revealing. Whether Aristotle's monarch-by-nature truly was meant to be a god or not in a literal sense is less important to his theory than the fact that a monarch-by-nature had the power to be, in effect, a god. This pragmatic attitude towards divinity seems strange to us only because of how our own cultural expectations, especially those developed within the Abrahamic religions, emphasize the transcendence of God. The strand of ancient Greek religious tradition of mortals attaining divine status, combined with their more pragmatic attitude towards divinity, suggest that the divine honors presented to monarchs were not disingenuous, while also not constructing them as gods in a transcendent sense.

The fourth century BC seems to have been a time when the boundary between men and gods was particularly porous and when, for the first time, the power possessed by living people could serve as a justification for divine honors.⁴⁵¹ The strange story of Menecrates a successful Syracusan physician of the mid fourth century BC, who called himself "Zeus" due to his healing powers is revealing. There's too little context to his story to know exactly what to make of it but enough exists to say something of its cultural *Zeitgeist*.⁴⁵² The justification for Menecrates' claim to divine status is preserved in a letter, quoted in Athenaeus, that he is said to have written to

⁴⁵⁰ Chaniotis 2003.

⁴⁵¹ The early evidence for divine honors offered to living mortals analyzed in Friedrichsmeyer 1979; Sanders 1991; Habicht 2017: esp. 1-5, 93-99, 161-177.

⁴⁵² reported in Plutarch, *Agesilaus* 21; Athenaeus 7.289-290^a; Suda s.v. Μενεκράτης. For a discussion of Menecrates and his role in the history of divine mortals see the discussion in Versnel 2011: 439-443.

Philip II of Macedonia: “You, indeed, are king of Macedonia, but I am king of medicine, and you are able, when you please, to put men to death, who are in health, but I am able to save those who are sick ... I, Zeus, give them life.”⁴⁵³ This letter demonstrates an important feature of how mortals could claim divine status during the fourth century BC.⁴⁵⁴ Menecrates justifies his claim to superhuman status through his ability to help those who recognized him and not through the possession of transcendent traits like omnipotence or omniscience.

Even if Menecrates’ divine pretensions were reported by later authors as a sign of eccentricity or even insanity, his claim was nonetheless a part of the cultural currents of his time. Even these later authors admit his popularity during his life, nor does he seem to have been commonly seen as a lunatic by his contemporaries.⁴⁵⁵ Most of the time the power upon which superhuman status was based was political, but the case of Menecrates suggests a larger pattern whereby individuals regarded to have exceptional power, in one sense or another, were given superhuman status.⁴⁵⁶ Many of these people only survive as names, but they do suggest a strong tradition of claims to divine and heroic status before Alexander the Great. It seems likely that Philip II was also worshipped during his life, as—it is likely—were several Syracusan tyrants beginning with Dionysius I.⁴⁵⁷ Syracuse in particular seems to have been a hotbed for ideas of mortal divinity, perhaps due to its idiosyncratic tradition of tyranny.⁴⁵⁸ Clearchus, tyrant of Heraclea Pontica, interestingly another polis on the margins of the Greek-speaking world, also

⁴⁵³ Athenaeus 7.289.

⁴⁵⁴ It is especially revealing given Philip’s own likely pretensions to divine status see Friedrichsmeyer 1979; Versnel 1973 on the evidence for divine honors paid to Philip while he lived. See Dio. Sic. XVI 92.5, 95.1; Versnel 2011: 488-89 on Philip’s elevation to a thirteenth Olympian god after his death.

⁴⁵⁵ Sanders 1991: 277-78; Taeger 1957: 164-65.

⁴⁵⁶ Taeger 1957: 164; Badian 1981. For discussions of other possible claims to divine or heroic status by living people during the fourth century see Habicht 2017: 3-16; Friedrichsmeyer 1981; Versnel 2011: 442-43 for a general overview and Sanders 1991: 283 on Clearchus of Heraclea Pontica; Sanders 1991; 2017: 5 on Dion of Syracuse; Chaniotis 2003: 434 for other examples.

⁴⁵⁷ Sanders 1991: 280-81, 286.

⁴⁵⁸ Sanders 1991: 282.

seems to have experimented with assuming a divine status calling himself “the son of Zeus” and naming his own son *Keraunos* (lightning), in reference to Zeus’ characteristic attribute and power.⁴⁵⁹ A few other examples of individuals assuming divine status during this time survive, but as little more than names.⁴⁶⁰ With these aspects of the cultural background established we will now turn to the first documented case of the political use of this tradition, the Spartan generalissimo Lysander in the early fourth century BC.

From the late Peloponnesian War until his downfall at the hands of his former *eromenos* Agesilaus in 396 BC Lysander dominated Spartan policy despite coming from a low-status background as a *mothax* in this ultra-status conscious *polis*.⁴⁶¹ As the primary architect of the Spartan victory in the Battle of Aegospotomi, which effectively decided the Peloponnesian War in Sparta’s favor, and then of Spartan hegemony after the war, he attained a level of personal power well beyond that of any other person in living memory.⁴⁶² Lysander’s political power is even more remarkable when we consider that it lacked any clear institutional basis. Perhaps the vulnerabilities entailed by the informality of his power and his humble background as a *mothax*, contributed to his risky decision to assume a divine status, despite traditional norms prohibiting the worship of living persons. Elevation to divine status would have made his background moot while also giving a theoretical alternative to authority exerted through institutions or formal positions of power. Regardless, at some point during the apogee of his influence, he was recognized as a god by the members of the oligarchic faction of Samos, which he had returned to

⁴⁵⁹ Taeger 1957: 164.

⁴⁶⁰ Fredricksmeyer 1981: 151-58.

⁴⁶¹ *Mothax* probably indicates a Spartan with a helot parent, but the meaning of this word is uncertain and could also be a term for Spartans who, despite having been born to a respectable background, were raised in such severe poverty as to require the support of the state. Either way it seems to have been a significantly pejorative category to which to belong. See Hodkinson 2000: 354-358; Hodkinson 1997: 55-62. Ancient descriptions of the status of *mothakes* are in Athenaeus 271e-f. Aelian, VH 12.43.

⁴⁶² Gomez-Castro 2017.

power. This faction expressed their thanks by establishing a regular cult dedicated to him, renaming their annual festival to Hera the Lysandreia and erecting a statue dedicated to him.⁴⁶³

The then-unique honor of being recognized as a living god was the result of an interaction between different needs: Lysander's need to create a theoretical foundation for his political power and the Samian oligarchs' dependence on his support to maintain their power over their democratic rivals, who enjoyed a broader base of support in Samos. Perhaps his lowly background as a *mothax* can partially explain his unconventional decision to support his authority with a claim to divinity. We don't have enough evidence to know directly what he was thinking but an interesting parallel may be found in Alexander's claim to be the son of Zeus-Ammon, and how his divine parentage distanced him from the Macedonian royal house in his formation of a new concept of monarchy.⁴⁶⁴ Although there is no direct evidence of similar thinking on the part of Lysander, it is compelling to see his assumption of divinity as a way of neutralizing the social stigma associated with a lowly, possibly even servile, background.

The pragmatic reasons for Lysander's apotheosis should not lead us to underestimate the immensity of this step in the history of monarchic political authority.⁴⁶⁵ There is a huge difference between granting divine honors to the dead as opposed to someone still living, both practically and religiously. We have seen how Greek *poleis* maintained a rough balance of power between citizens predicated on their citizens' social, moral and political equality. Aristotle and Plato upset this balance should the existence of an exceptional individual undermine the fragile harmony characterizing the *poleis*' traditional system of governance and authority. A cult

⁴⁶³ Athenaeus 696e-697c = Duris, FGrH 76 F 26 and 71; Paus. 6,3,14-15. The accuracy of Duris' account has been confirmed by a statue base bearing Lysander's name see Cartledge 1987: 82-86.

⁴⁶⁴ For Alexander's attempts to distance himself from his family see Badian 1963.

⁴⁶⁵ Hamilton 1984: 5-9. A plausible but unproved direct influence on the ideology of Dionysius of Syracuse is proposed in Sanders 1991.

dedicated to Lysander provided an ideal way of conferring this exceptional status upon him in the context of more popular concepts of authority and legitimacy. At the same time, Lysander's divinity served the same role in the politics of Samos as philosophic exceptionalism did in the philosophy of Aristotle and Plato in providing a justification for an individual to claim a type of authority not possible for a citizen of a traditional *polis*.

It might be objected that these honors shouldn't be taken too literally and were less about Lysander's nature and more about the radically asymmetric relationship between him and the members of the Samian oligarchic faction. There is some truth to this objection. There is a subtle but important difference between granting divine honors to a person and conceiving of that person as a god vested with the attributes of an Olympian deity.⁴⁶⁶ The practical benefits for both parties further support an interpretation of Lysander's divine honors more as an exceptionally high civic honor rather than as a recognition of divinity in the sense that we would understand it.⁴⁶⁷ But, at the same time, we cannot escape the fact that there is no indication in our sources that Lysander's divine honors were not meant in the most obvious and literal sense. Lysander is specifically reported as receiving *paeans*, hymns of praise for a divine patron that left no doubt as to his status.⁴⁶⁸ To get a sense of how divine mortality might have been conceptualized, it might be helpful to look at a later example of a hymn offered to a mortal divinity, the Ithyphalic hymn offered to Demetrius by the Athenians in 291/0 BC:

Hail son of the most powerful god Poseidon and Aphrodite! For the other gods are either far away or they do not have ears, they do not exist, or, if they do, they do not take any notice of us. We beseech you because you are present, not made of stone or wood but a true god.⁴⁶⁹

⁴⁶⁶ For a discussion of the belief involved in the Hellenistic ruler cult see Versnel 2011: 465-480.

⁴⁶⁷ Habicht 2017: 161-176 primarily interprets the meaning of these cults as high civic honors in reward for acts that benefit the city. See also Chaniotis 2003: 432-33.

⁴⁶⁸ Plut. *Lysander* 18.

⁴⁶⁹ Athenaeus 7.253d-f = Duris FGrHist 76 F 13.

Attempts to dismiss the divinity of Demetrius in this hymn as ironic or disingenuous have been unconvincing, and the most plausible interpretation is to take this strong assertion of Demetrius' divinity seriously and literally.⁴⁷⁰ We cannot make a direct equivalence between Lysander and Demetrius since a century and the transformative career of Alexander the Great separate the two. But a closer look at Demetrius' hymn will nonetheless be a useful in exploring how mortals could be considered to be divine and, if used with caution, could help fill in the missing evidence of how Lysander's divinity was conceptualized.

Despite the literality of Demetrius' divinity in this hymn it should also be noted that he is not a god by virtue of transcendent attributes but as a result of his political power.⁴⁷¹ The praise of Demetrius in this hymn is reminiscent of Menecrates' boast to have taken the place of Zeus due to his skill as a healer. In both cases godlike power can allow mortals to assume, at least in certain contexts, the position of the traditional deities. It is difficult to know exactly how a living (and eventually a dying) divinity would have been understood in fourth and third centuries BC Greece, but, as we can see in the above quotation, Demetrius' divinity seems to have been a metaphysical extension of his power to confer benefit and inflict harm. His immense personal political power gave him the ability to exert his will upon reality to a god-like extent in contrast to the unresponsive statues of the traditional gods. The hymn goes on to explain: "First make us peace, dearest one, for you have the power." This hymn is therefore another example of how an appeal to the moral and social value of reciprocity served to influence the use of another person's or corporate body's overwhelmingly superior power. In return for a recognition of his divinity, Demetrius is not only asked to make peace with the Athenians, but also to declare war on the

⁴⁷⁰ Chaniotis 2011: 157-159; Versnel 2011: 444-456.

⁴⁷¹ This understanding of the nature of divinity especially with regards to divine monarchs see: Fredricksmeier 1981: 148. Chaniotis 2003: 432; Green 2003.

Aitolians, whose lawless and destructive crimes have made them the Sphinx, a monster out of myth which Demetrius is asked to “slay” as a modern-day hero. The relationship established in this hymn is therefore mutual and reciprocal, but also unequal, and similar to the relationship between litigants and juries in Athenian legal trials. The Athenians conferred divine authority upon Demetrius’ while also attempting to exert a degree of control over his use of that authority by constraining it through traditional ideas of justice in casting the Aitolians as a monster and Demetrius as a heroic monster slayer.

We have seen how the offer of divine honors to Lysander was a reciprocal offering for the authority he had conferred upon the Samian oligarchs over their *polis*. His divinity should be seen simultaneously as a justification for and a manifestation of his power. At the same time, the Athenian hymn to Demetrius also demonstrates that the divine status offered to powerful mortal patrons is not necessarily a mere cipher for practical power. This hymn, despite its temporal distance from the career of Lysander, can tentatively be used to indicate that Lysander’s divinity is what it seems to be. It is likely that, in elevating Lysander to a divine status, the Samians not only demonstrated their subservience to him, but also attempted to shore up their own political position through the creation of a living divine patron who would support them politically. However we are meant to conceive of his divinity, Lysander’s claim to superhuman status reveals an idea in political practice which was explored in philosophic theory by Aristotle and Plato. Monarchy, the extreme concentration of power in an individual person, could be justified and even necessitated if that individual possesses a nature that significantly transcended that of his fellows. Aristotle called the man with exceptional *arete* “like a living god among men” and this would have applied *a fortiori* to powerful individuals who were literally conceptualized as living divinities.

From Lysander at the beginning of our period to Demetrius at its end, a series of powerful and innovative figures developed a set of practices which justified kingship through a form of royal charisma that was associated with their claims to a superhuman status. Symbolically significant acts distancing and elevating the monarch were essential to this process and these acts reveal the same basic traits of monarchy theorized by Plato and Aristotle: exceptionalism, anti-institutionalism, and alienation from society. For example, Rolf Strootman has interpreted the theatricality of the public royal appearances of Hellenistic kings as a means to assert their authority through displays of personal magnificence. By evoking wonder, admiration, and envy from their audiences, they not only legitimized their positions as kings, but also invented those positions by playing a role “both as a man and as the incarnation of royalty.”⁴⁷² In this case, we can see how perception and images supported monarchs’ legitimacy through their invention of a persona as exceptional individuals endowed with immense splendor and power.

Culturally specific attitudes towards exceptionalism in ancient Greece supported these claims to legitimacy. For an individual to claim monarchic power, he had to present himself as qualitatively superior his others in status, often as a heroic or divine figure.⁴⁷³ During the course of the fourth century BC, a coherent ideology of monarchy emerged from the disparate perspectives of politicians, philosophers and historians. Despite significant differences between e.g., the philosophic transcendence theorized by Plato and the divine honors received by Lysander, a clear pattern emerged by mid-third century BC. Justifications for monarchic rule consistently relied on claims to exceptional status and charisma, not institutions. The exceptionalism and charisma inherent in monarchic authority is reflected in the Suda’s, a

⁴⁷² Strootman 2014: 42.

⁴⁷³ For the later development of legitimacy through the ruler-cult see Erskine 2014.

Byzantine-period encyclopedia which extensively drew upon now-lost historians, entry on kingship:

Kingship is a form of rule that is beyond any kind of accountability (*anupeuthunos*). Those who are morally good are not only free, but also kings. For kingship is a form of rule that cannot have any institutional oversight (*anupeuthunos*) and it is therefore a form of authority that only the wise can maintain.”
[Quotation from Diogenes Laertius, the Life of Zeno of Citium 7.122]

Kingship:

It is neither royal blood (lit. *phusis* nature, origin, or descent) nor justice which gives monarchies to men but the ability to command an army and govern a state competently (*nounechos*), as was the case with Philip and Alexander's Successors. For in no way did the lineage of Alexander's son help him because of his weak soul (*dia ten psuches adunamian*). But those who were in no way related became kings over almost the entire inhabited world.⁴⁷⁴

According to this definition, kingship is less a form of government than a description of an individual person holding absolute power unconstrained by institutional legitimacy or limits. The author of this passage seems to have responded to an expected assumption that a definition of kingship would primarily consist of a description of its structure and legal basis. He emphatically rejects both of these approaches to define kingship as the authority claimed through the practical ability to wield power. Even though this definition says much more about what kings aren't than what they are, it illustrates the exceptionalism, incompatibility with formal institutions, and charismatic authority of monarchy as it began to be theorized in the fourth and third centuries BC.

In the Hellenistic period the traditional, philosophic, and moral senses of greatness through exceptionalism would become a more coherent monarchic identity by Antigonos Gonatas' melding together of stoicism and Macedonian traditions.⁴⁷⁵ But during the fourth

⁴⁷⁴ Suda s.v. βασιλεία. Commentary from Suda On Line used for my own translation above.

⁴⁷⁵ See Waterfield 2021: 206–230; Erskine 2011.

century this ideology was a still nascent theory for a range of authors and political actors for whom monarchy represented an appealing alternative to traditional structures of authority. At the same time, despite the differences between political theories of Aristotle and Plato on one hand the political practice of Lysander on the other, in both cases monarchy was justified through the monarch's personal claim to charisma as a result of the culturally specific concept of exceptionalism. The essential features of the ideology of the Hellenistic kings, curiously expressed as a kind of non-government in the Suda entry, were there from the beginning.

The concepts of exceptionalism in Greek thought were idiosyncratic and complex, as were the ways in which these concepts were used to construct monarchic ideology in the fourth and third centuries BC. As I have mentioned, the surpassing of norms was seen as a potentially violent act embodied in deeds that could be great in both positive and negative senses. This set of cultural beliefs meant that transgressive acts could support a claim to superhuman status, provided they were interpreted as a part of the sort of greatness claimed by Pericles for Athens in the passage quoted earlier in this chapter. The marriage of Ptolemy II to his full sister Arsinoe, probably in 273/2 BC, and the flaunting of this violation of taboo and traditional norms through his adoption of the title Philadelphos (sibling-lover) provides a revealing example of the way in which Pericles' "eternal monuments for good and evil" would work in legitimizing monarchical power.

This event reveals how transgression of a social norm, in this case, incest, could be seen as an act that communicated royal majesty even as it evoked disgust.⁴⁷⁶ Recent scholarship has disproven the traditional interpretation of this practice as a borrowing from Pharaonic practices, and we must look elsewhere in order to explain it.⁴⁷⁷ The intended effect of incestuous marriage

⁴⁷⁶ Ager 2005.

⁴⁷⁷ Gkikaki 2014.

becomes more clear in the context of how the Ptolemies attempted to craft a royal persona for themselves through an appropriation of the traditional vice of *truphe* (luxury, decadence, depravity).⁴⁷⁸ By abandoning the traditional ancient Greek moral value of restraint and living lives of unparalleled splendor, magnificence and luxury—even to the extent of the indulging themselves in taboo forms of sexuality, they put themselves at an unreachable distance from their subjects. The point has been well made by Sheila Ager: “It is in this context that we should see Ptolemaic incest: in the context of a freedom which springs from power and which gives rise to power's expression both in luxurious display and uninhibited sexuality.”⁴⁷⁹ Seen from this perspective, incest elevated the Ptolemies above their subjects, while also flaunting their ability to transcend natural boundaries. Their forbidden sexual union may have been repugnant to their subjects, but, if it could be contextualized as an expression of the privileged and sanctified position of the king, it could make Ptolemaic autocratic authority otherworldly and even supernatural.⁴⁸⁰

We have looked at the conferring of exceptional status upon politically powerful individuals from the perspectives of philosophy, religion, and family structure all of which point in the same direction: an appeal to exceptional, even superhuman status can justify an otherwise unacceptable concentration of power in an individual person. Traditional associations with exceptionalism allowed an exceptional individual to break the social and political boundaries associated with the egalitarian ethos of the *polis*. Monarchic power was therefore fundamentally transgressive and depended on the theoretical construction of the monarch as someone who could claim the distinctively Greek concept of exceptionalism while also inspiring the awe that

⁴⁷⁸ Ager 2005: 23-28; Ager 2006; a discussion of the complicated legacy of *truphe* at the end of the dynasty may be found in Chauveau 2000: 44-45.

⁴⁷⁹ Ager 2005: 25.

⁴⁸⁰ For this marriage as a divine one see Gkikaki 2014: 115-118.

would raise him to the status of a god, rather than lowering him to that of a beast.⁴⁸¹ The monarch's consequent freedom from normal political and social boundaries could manifest itself either as exceptional wisdom and benevolence or as depravity and violence. The emerging theory of monarchy emphasized the absolute freedom of the monarch to act and feel in ways that would normally not be permitted. Unlike normal citizens, who are constrained by the written laws, traditional values, and social norms of their *poleis*, a monarch was in himself a law which transcended moral, legal and even natural boundaries, as we can see in Ptolemy II's incestuous marriage. By forcing his subjects to accept his incestuous marriage, Ptolemy made them complicit in confirming his superhuman status and was probably effective in transforming disgust into awe.

Before examining the incorporation of empathy into this theory of monarchic legitimacy, we have to make a detour in order to interpret the literary depiction of surprising empathy in ancient Greece. In the following section, I will define and analyze this motif. Surprising empathy, I will argue, reveals a widespread and deeply felt ambivalence regarding empathy in ancient Greece. The use of surprising empathy by monarchs to justify their power reveals how it was a transgressive act meant to inspire both unease and admiration. This ambivalence will help to explain the role empathy played in asserting monarchic legitimacy through the violation of normal boundaries. I will finally argue that monarchic empathy legitimized monarchical power through a claim to exceptionalism.

⁴⁸¹ A hint of a similar extreme dichotomy to that which Aristotle described the man of perfect self-sufficiency as presenting to his community may be seen in the tradition of Ptolemy II's marriage being mocked as "unholy" (*ouk hosien*), a reference to the Greek expression of incestuous marriage as an "unholy marriage" (*gamos anosios*). This is discussed in Gkikaki 2014: 116.

The Literary Motif of Surprising Empathy

Literary motifs—the recurring character types, situations and images of works of literature, historiography and drama from a given culture—are useful tools but also hazardous for reconstructing the intellectual history of a given culture.⁴⁸² These patterns serve as one of the basic elements out of which narratives are made and reveal shared beliefs. But they could also lead to essentialist or reductionist interpretations if sufficient credit is not given to diversity of opinion, the complexity of how shared beliefs in a society influence individuals and the possibility of motifs having multiple or ambiguous meanings. Despite these caveats, motifs can be useful when attempting to reconstruct the cultural ideas and assumptions that influence narratives. In this section I will analyze a recurring motif in ancient Greek literature, poetry drama and historiography which has not, as far as I am aware, been previously described and which I have called surprising empathy. We will examine and compare three well-known examples from a range of different genres and periods of time: the return of Hector's body by Achilles in the *Iliad* book 24, Xerxes' compassion for his soldiers in book 7 of Herodotus' history, and the characterization of Prometheus in Aeschylus' tragedy, *Prometheus Bound*. After this discussion and analysis, I will comment on the social context of surprising empathy and interpret the cultural traits which it reveals. Finally, I will suggest how this motif is relevant to this paper's study of the use of empathy in the emergence of monarchic ideology during the fourth century BC.

The basic pattern of surprising empathy is as follows: a character, hereafter referred to as the "subject" of the motif, experiences sudden empathy for another in a situation where it would normally not be expected. The subject is of extremely high, often royal or superhuman, status

⁴⁸² Baldick 2008; Beckson and Ganz 1989.

and alienated socially due to such factors as: an incompatibility of values, a lack of equal peers, an innate tendency to commit disruptive acts, conflicting allegiances or values, hierarchical conflict, a fundamental imbalance of power or, as is often the case, a mixture of the above. In addition, the subject is typically an unpredictable, dangerous figure and potentially a source of social chaos and conflict. Although not necessarily “bad” in a moral sense, a judgement which would most likely be anachronistic in any case, the danger posed by these characters is related to the association of dark destructive actions with exceptionalism as we have seen in Pericles’ praise of the Athenian for erecting “eternal monuments for both good and evil.” The experience of surprising empathy is therefore an act that is admirable but also fraught with tension and ambiguity. By experiencing empathy in unpredictable and transgressive ways, the subjects of this motif reveal their exceptionality and connection to socially disruptive behavior.

Before discussing the first example it should be noted that mercy towards defeated enemies and innocent victims of violence was not expected in the Greek-speaking world from Homer through the Classical period.⁴⁸³ The usual outcomes for defeated opponents were immediate slaughter, enslavement, and holding them captive in the hope of securing a ransom.⁴⁸⁴ As we have seen in the previous chapter, killing rather than sparing a defeated opponent could even be praiseworthy, since to do so meant passing up on material gain in favor of honor.⁴⁸⁵ The commonly recurring aphorism in Greek culture, “harm your enemies and help your friends,” despite criticism from Plato and other philosophers, expressed the way that many ancient Greeks regarded their moral obligations towards others to be.⁴⁸⁶

⁴⁸³ For example, in Pritchett 1974: 53-82; Krentz 2007.

⁴⁸⁴ The concept of a “right of conquest” is discussed in the previous chapter.

⁴⁸⁵ Expressed in *Iliad* 6.37-71. See previous chapter.

⁴⁸⁶ Dover 1974: 180-184; Blundell 1989: 26-59. Also see previous chapter.

It is therefore all the more striking in the scene near the end of the *Iliad* when Achilles chooses to return Hector's body to his father, Priam. In this scene Achilles experiences a moment of intense empathy with Priam's suffering as Priam reminds Achilles of his own father.

So [Priam] spoke and a desire for weeping for his father arose in Achilles. He took the old man's hand and moved him gently away. The two wept bitterly - Priam, as he lay at Achilles' feet, weeping for Hector, and Achilles both for his father and for Patroclus, till the house was filled with their lamentation.⁴⁸⁷

It is tempting for a modern reader to identify with an interpretation of this scene where a shared sense of humanity overcomes the brutality of warfare and the cultural obligation to kill one's enemies.⁴⁸⁸ According to this interpretation, Achilles has learned to accept and appreciate the frailty of humanity and the inevitability of death by this point of the poem. This interpretation is partially correct, but fails to account for the rest of this scene, the events of which complicate any reading of its intended message as one of shared humanity transcending the values of heroic warfare. Despite his moment of intense empathy for Priam, Achilles later threatens to kill him for asking to be released from the polite obligation to sit with him despite that fact that Priam's murder would violate both Achilles' promise to protect him and his religiously protected status as a suppliant.⁴⁸⁹ A terrified Priam agrees to sit down only to be abandoned by Achilles who immediately rushes out of the tent.⁴⁹⁰ The final words of the scene also indicate Achilles' conflicted feelings regarding his uncharacteristic failure to kill an enemy when he asks for forgiveness from Patroclus' spirit for failing to avenge him through Priam's death.⁴⁹¹ Although it would be a mistake to interpret Achilles' conflicted feelings as invalidating the shared humanity depicted earlier in the scene, it is also clear that in his experience of empathy Achilles has neither

⁴⁸⁷ *Iliad* 24.468-688.

⁴⁸⁸ A case for this interpretation is presented in Zanker 1994: 115-126.

⁴⁸⁹ *Iliad* 24.501-571.

⁴⁹⁰ *Iliad* 24.571-573.

⁴⁹¹ *Iliad* 24.592-595.

overrode not transcended the traditional obligation to kill one's enemies. To make full sense of this scene, we must account for both of these factors—Achilles' capacity for pity as well as for violence.

Achilles in this scene shows a capacity for empathy unusual in the *Iliad*, but he remains mercurial, unpredictable, and quick to anger. The empathy portrayed in this scene should be interpreted in the context of Achilles' exceptionally heroic nature which grants him the freedom to ignore social norms such as in his withdrawal from the war at the beginning of the *Iliad* and his comparison of himself to lions and of his opponents to sheep, as discussed in chapter 2 of this dissertation. The role of empathy in this scene may be compared to the refrain from Kipling's "The Ballad of East and West:"

Oh, East is East, and West is West, and never the twain shall meet,
Till Earth and Sky stand presently at God's great Judgment Seat;
But there is neither East nor West, Border, nor Breed, nor Birth,
When two strong men stand face to face, though they come from the ends of the earth!

The return of Hector's body, much like the recognition of shared humanity in Kipling's poem, creates a special exemption where the normal boundaries between people may be transgressed, and, in doing so, confirms the existence of those boundaries. Much as Kipling's poem affirms the racial difference between Europeans and Asians by transgressing them in the explicitly exceptionalized context of "two strong men," so does the return of Hector's body reinforce the heroic values displayed elsewhere in the *Iliad*. Achilles' empathy is not a model of behavior, and Homer affirms Greek heroic values by making their transgression dependent upon Achilles' exceptional status.

Looking at evidence from the rest of the poem, we can see how Achilles fits the surprising empathy motif. He spent much of the poem withdrawn from the fighting, both literally and figuratively isolating himself in his hut, refusing to accept gifts and reintegrate into society

in book 9.⁴⁹² His physical removal from society signals his exceptionality and his social alienation. Even after he reconciles with Agamemnon and reintegrates into the Achaean army, his extravagant generosity during the funeral games of Patroclus in book 23 distances him from his fellow warriors by demonstrating his absolute commitment to honor above material wealth and by creating multiple obligations of reciprocity through his unusually generous gift-giving.⁴⁹³ His unusual generosity means that he is still separated from his fellow warriors even after he chooses to rejoin society. I mentioned above how the *Iliad*'s proemium introduces him as a force causing violence and sorrow, but which is also being celebrated in the act of the recitation of the poem. In addition to his threats against Priam discussed above, Achilles commits numerous other transgressive acts throughout the poem, many of which amount to serious violations of social and religious norms: his human sacrifice of twelve Trojan youths,⁴⁹⁴ his fight with the river Scamander⁴⁹⁵ and the defilement of Hector's body.⁴⁹⁶ The *Iliad* is structured around Achilles' wrath, its consequences and final resolution, and the empathy displayed in the return of Hector's body forms the poem's denouement.⁴⁹⁷ As with Achilles actions throughout his entire career, Homer presents his surprising empathy for Priam as admirable, awesome, and, for most people, inimitable.

Moving from poetry to history, the Persian monarchy in Herodotus' history generally serves as a cultural foil against which Greekness is defined.⁴⁹⁸ Persian culture is characterized as

⁴⁹² *Iliad* 9.114-713.

⁴⁹³ *Iliad* 23.257-897 See analysis in Donlon 1993: 70-72 on Achilles' exceptional generosity as a sign of his continuing social alienation and his supreme dedication to honor above material wealth.

⁴⁹⁴ *Iliad* 23.170-183.

⁴⁹⁵ *Iliad* 20.73.

⁴⁹⁶ *Iliad* 22.380-400.

⁴⁹⁷ For the role of anger in structuring the narrative of the *Iliad* see Muellner: 1995.

⁴⁹⁸ Hartog 1988: 322 "the question of power, barbarian—hence royal power set in opposition to the world of the city runs right through the *Histories*, constituting an important element in its organization." Explicit contrast of Greek vs Persian political systems is expressed by Xerxes Herodotus, *Histories* 7.103-04. Also see Konstan 1987.

the inversion of Greek traits, usually (although not always) to the disadvantage of Persia which is represented as valuing material wealth over honor, as using coercion instead of persuasion and as governed by autocracy instead of collective self-government.⁴⁹⁹ It is therefore something of a surprise when Xerxes watching his magnificent, doomed army about to cross the Hellespont is struck with a sense of the transitory nature of life:

When he saw the whole Hellespont covered with ships, and all the shores and plains of Abydos full of men, Xerxes first declared himself blessed, and then wept. His uncle Artabanus perceived this, he who in the beginning had spoken his mind freely and advised Xerxes not to march against Hellas. Marking how Xerxes wept, he questioned him and said, "O king, what a distance there is between what you are doing now and a little while ago! After declaring yourself blessed you weep." Xerxes said, "I was moved to compassion when I considered the shortness of all human life, since of all this multitude of men not one will be alive a hundred years from now."⁵⁰⁰

This moment of sorrow in the face of the inevitability of death occurs in the context of the invasion of Greece which is presented as the ultimate expression of monarchic and Persian excess and folly.⁵⁰¹ Elsewhere in Herodotus' work, Xerxes acts as a typical autocrat: cruel, arrogant, and unpredictable. For example, when the bridge spanning the Hellespont is swept away by a sudden storm he responds with impulsive anger, executing the bridge's workmen and ordering the straits to be whipped.⁵⁰² This attempt to punish divine forces by a mortal is reminiscent of Achilles' fight with the river Scamander and reveals a similar dangerous tendency to transgress the natural boundaries of humanity. Xerxes' belief in his power and right to punish natural and divine forces shows the dark side of Persian monarchy in Herodotus' portrayal, a dark side that may be compared to the destruction and sorrow inherent in Achilles' heroism. But Xerxes' lack of social boundaries also allows him to attain a moment of almost cosmic

⁴⁹⁹ Hartog 1988; Konstan 1987.

⁵⁰⁰ Herodotus, *Histories* 7.44-46.

⁵⁰¹ For the use of authoritarian and excessive Persia as a way of defining libertarian and restrained Greece see Konstan 1987.

⁵⁰² Herodotus, *Histories* 7.34-36.

perspective just as Achilles is able, for a moment, to transcend the hatred and violence of warfare and experience exceptional pity for his enemy.

Although different in many respects, Xerxes and Achilles both possess exceptional power and a tendency to transgress limits, both fundamentally defining traits of the surprising empathy motif. Another similarity between the two may be seen in their shared social alienation—the autocratic power possessed by Persian kings isolates them from the other aristocrats who would otherwise be their peers, just as Achilles spends most of the *Iliad* physically and socially separated from the society of the Achaeans.⁵⁰³ For example, king Darius remarks how Indians and Greeks both permit acts considered to be sacrilegious by the other culture whereupon Herodotus speaks directly to the reader with a quotation by Pindar that “custom (*nomos*) is the king of everything.”⁵⁰⁴ In this context, a Persian king makes a wise observation on the multiplicity of cultural norms, a moment of insight allowed by his culturally isolated position. His cosmopolitan perspective is also signaled by the fact that he expresses the wisdom of a Greek poet despite being a Persian monarch. Although often portrayed unsympathetically, Persian kings are also capable of gaining an exceptional perspective on life.⁵⁰⁵ Of course in other acts such as the burning of temples by Xerxes⁵⁰⁶ and Darius,⁵⁰⁷ their elevated status is portrayed as a dangerous lack of restraint. There are two sides to the exceptionality of the Persians kings in Herodotus’ history, a dichotomy that is in keeping with ancient Greek ideas of exceptionalism in general.

⁵⁰³ The social alienation and absolute authority of the Persian king is suggested by the common ancient Greek saying that he is the only free man in Persia, everyone else being slaves. See Aeschylus, *Persians* 242; Euripides, *Helen* 276. For the alienation of Achilles see *Iliad* 23.257-897 with analysis in Donlon 1993: 70-72.

⁵⁰⁴ Herodotus, *Histories* 3.38.

⁵⁰⁵ Cf the sparing of Croesus Herodotus *Histories* 1.45-140.

⁵⁰⁶ Herodotus *Histories* 5.102.

⁵⁰⁷ Herodotus *Histories* 1.144.

Much as Achilles is alienated through his unparalleled skill and unwavering dedication to honor, so are Persian monarchs alienated through their absolute power. Also as with Achilles, their alienation and exceptional status allow them to break the rules which constrain most people—with mixed consequences. This combination of traits explains Xerxes' surprising empathy. While a modern reader might interpret this scene as revealing Xerxes' humanity, in the context of the literary motif of surprising empathy, it is a part of his portrayal as a dangerous and unpredictable autocrat who can also attain a perspective unavailable to most of humanity. Achilles and Xerxes both experience surprising empathy as a consequence of their ability to violate the social norms that limit the perspectives and actions of most people. But, far from invalidating these norms, their very violation emphasizes Xerxes' and Achilles' importance as exceptionalized, destructive characters.

Before looking at a final example of surprising empathy, it is worth mentioning that we have actually already seen and briefly discussed an example of this motif in tragedy in the previous chapter, Odysseus' pity for Ajax in Sophocles' play of the same name.⁵⁰⁸ Even though this play's version of Odysseus is humane, conciliatory, and reasonable, this is an atypical role for him to take. For example, in Sophocles' *Philoctetes* Odysseus is a clever and shifty character who borrows from the language and rhetorical tricks of the play's contemporary sophists to manipulate the straightforward and naïve Neoptolemus.⁵⁰⁹ Similar traits are also apparent in the *Odyssey* in which he is introduced as a man of heroic "cunning of mind." Odysseus' behavior betrays his capacity for lies and cleverness throughout his adventures.⁵¹⁰ Deceit and trickery are even made fundamental to his nature in his ancestry from the deceptive and larcenous Autolycos,

⁵⁰⁸ Discussed in previous chapter.

⁵⁰⁹ The cultural associations and morality of Odysseus' character in this play are discussed in Blundell 1987.

⁵¹⁰ Athena notes his tendency towards deception in *Odyssey* 13.291–95 in her description of him as *kerdaleos* "crafty, cunning" *epiklopos* "thievish" and *poikilometes* or "a man with a mind that is always changing."

an ancestor whose ominous name, “the lone wolf” has connotations both predatory and antisocial.⁵¹¹ The background events of Sophocles’ play also suggest that his portrayal of Odysseus might not have totally eschewed his traditional nature. Tradition made Ajax’s murderous rage a response to Odysseus’ sly manipulation during the trial over the disposition of Achilles’ armor, to claim the prize which rightfully belonged to Ajax as the best of the Achaeans still living.⁵¹² As a character based in many ways on the archetypal trickster, another side to Odysseus’ surprising empathy for Ajax becomes clear. His compassionate sorrow for an enemy out of an awareness of the common plight of humanity is not in any way invalidated by these associations with his character, but it is only one side of an ambiguous and disruptive figure, typical of the subject of the surprising empathy motif.

Prometheus Bound begins as the titan Prometheus, one of the previous generation of gods, whom Zeus and the Olympian gods have just overthrown and replaced, is about to be punished for his repeated violations of Zeus’ will. The first scene of the tragedy establishes the nature of Zeus’ authority as his henchmen, the divine personifications of power (*kratos*) and violence (*bia*), command an unwilling Hephaistos to chain Prometheus to a rock in preparation for his torture. This characterization of Zeus as a violent ruler is emphasized throughout the play; he is described as a “cruel monarch without any accountability” (*trachus monarchos oud’ hupeuthunos*),⁵¹³ whose reign over the gods is openly described as a “tyranny” (*turannida*)⁵¹⁴ and as “lawless” (*athetos*).⁵¹⁵ Prometheus’ pity for mankind led him to violate the commands of

⁵¹¹ *Odyssey* 19.395-402.

⁵¹² Ajax is described as the best of the Achaeans, excepting Achilles, in *Iliad* 2.768-79; see also Nagy 1999: 31-32. The tradition that Odysseus used dishonest methods to win the trial over Achilles’ arms is mentioned in Pindar. *Nem.* 8. 23–34. This tradition is discussed in Williams 1980.

⁵¹³ Aeschylus, *Prometheus Bound* 326.

⁵¹⁴ *Ibid.* 10; 326.

⁵¹⁵ *Ibid.* 150.

Zeus three times: saving humanity from destruction at the beginning of Zeus' reign,⁵¹⁶ later granting them "blind hope" as a means of staving off despair due to the inevitability of death,⁵¹⁷ and bringing them fire,⁵¹⁸ a symbolic gift that catalyzed the human capacity for technology and civilization.⁵¹⁹ Prometheus has clearly rebelled against authority in this play, but, given the nature of that authority, does he really embody the dangerously transgressive tendency to violate natural and social boundaries which characterizes the typical surprising empathy subject?

Some aspects from this summary of the play are more obviously suited to the surprising empathy motif than others. As a titan, Prometheus is a high-status outsider, whose alienation from the ruling Olympian gods is emphasized by his pity for Typhon, the primeval enemy of the gods whose monstrous form is wholly unlike the beautiful and anthropomorphic Olympians.⁵²⁰ In addition, his pity for humanity certainly crosses its usual boundaries as a deeply felt and genuine emotion coming from someone in position of complete superiority over the one pitied.⁵²¹ His violation of Zeus' decree should, theoretically, be a transgression of divine justice, proverbially equated with the will of Zeus, and examples of characters criticizing Prometheus' for his recalcitrant arrogance throughout the play support this interpretation.⁵²² But, given the fact that he prevented the unjustified extermination and then immiseration of humanity, it is hard to interpret Prometheus' pity not as a fundamentally transgressive act but only as a violation of the arbitrary commands of a tyrant. The frequent references to the brutality of Zeus' rule and its reliance on terror and violence cast further doubt on a reading of the play according to which Prometheus' punishment is justified.

⁵¹⁶ Ibid. 236-243.

⁵¹⁷ Ibid. 252.

⁵¹⁸ Ibid. 254.

⁵¹⁹ Ibid. 456-70.

⁵²⁰ Ibid. 354-359 cf. 210-225.

⁵²¹ Ibid. 241.

⁵²² Ibid. see e.g. 320-331, 178-180 and 944-952. Allan 2006: 1-6.

Although savage and tyrannical, Zeus' cruelty and violence are not without reason. As a new ruler he is expected to be harsh due to the instability of a newly-formed regime which still lacks a firm basis of established authority.⁵²³ The temporal setting of this play during the transition between the defeat of the titans and the secure establishment of Zeus' rule over the gods is an important detail. *Prometheus Bound* does not depict the justice of Zeus as it existed in the world of its contemporary audience, but as an early stage in the etiology of Zeus' authority over the world. It is also worth considering that this play was the first of a trilogy. It is possible that its sequels would have depicted the moderation of Zeus' authority by the introduction of justice and a reconciliation between Zeus and Prometheus.⁵²⁴ If this reconstruction of the rest of the trilogy is correct, then this play isn't necessarily depicting Zeus as an illegitimate ruler, but rather as one whose use of power is still raw and violent out of the necessity to establish a divine order that will later be based on justice.⁵²⁵ This interpretation is attractive as a parallel narrative to that of the *Oresteia* where the Furies' vengeance is contained and harnessed through the invention of law. Perhaps a similar theme of primeval divine fury being moderated and reconciled through justice would have balanced out the portrayal of Zeus' authority in *Prometheus Bound*, showing its necessary evolution into a more moderate form without presenting it as ever having been illegitimate. But even if this is too speculative, the transitional time in which *Prometheus Bound* was set allows us to reconcile the two interpretations of Prometheus as a character who defies the natural order of the universe and as one who experiences admirable compassion for humanity. Despite all of the reasons for him to be a

⁵²³ Ibid. 35.

⁵²⁴ This reconstruction of the rest of the play is proposed and discussed in Lloyd-Jones 1971: 95-103.

⁵²⁵ The divine order as a result of a resolution of feuding between Zeus and Prometheus is described in Allan 2006: 27-28.

sympathetic character, Prometheus' defiance of Zeus' authority represents an impediment to the establishment of the natural and divine order of the universe.

An aspect of the cultural background of this play also makes the ambivalence in Prometheus' punishment more apparent. An important strain of traditional thinking in ancient Greece emphasized humanity's lack of cosmic importance in contrast to e.g. Adam and Eve, made in God's image in Genesis.⁵²⁶ Although questioned by philosophers of the fifth century BC and later, the portrayal of humanity as destined to misery and subordinate to fate and the gods is common in older sources.⁵²⁷ The legitimacy of the rule of the gods isn't based on their benevolence but on the reality of their overwhelming power. As Heraclitus wrote "War is the father of everything and the king of everything; it has revealed both gods and men [i.e. it has revealed the difference between gods and men] while also making some men slaves, others free."⁵²⁸ In this fragment the rule of the gods over humanity is equated to the rule of freemen over slaves, both of which are the result of "war," i.e. the strong's domination over the weak. Implied in this parallelism is the idea that the gods do not need to justify their supremacy over humanity any more than freemen need to justify their power over their slaves; both are manifestations of a universe structured according to power hierarchies. This pessimistic attitude towards humanity's place in the universe is hinted at in Prometheus' reference to his gift of "blind hope" to prevent despair, suggesting that our ability to endure life only comes from our lack of awareness of its bleakness.⁵²⁹ Humanity's traditional lack of importance in ancient Greek

⁵²⁶ Lloyd-Jones 1971: 33-34, 102-103 discusses the Prometheus myth in the context of a cultural idea of divine justice where humanity occupies a minor role.

⁵²⁷ For a discussion of this traditional wisdom and its criticism by Aristotle see Segev 2022: 113-57.

⁵²⁸ Heraclitus, fr. 53, originally in Hippolytus, *Refutation of All Heresies* 9.9.4.

⁵²⁹ Cf. also *Iliad* 24.525-26.

thinking shows how Prometheus' mercy can be both transgressive, from a cosmic perspective, while also being the salvation of humanity.

Even though we are likely to sympathize with Prometheus' pity, Aeschylus' play asks us to consider his deeds in its context as an early stage in the creation of the currently existing divine order. From the perspective of the gods, his benevolence towards humanity conflicts with Zeus' securing of his authority, and is therefore analogous to the transgressive, socially disruptive aspects of Achilles, Xerxes, and Odysseus on a divine scale. As with all of these three characters, Prometheus' pity marks him as a source of social disorder while also portraying him sympathetically as someone able to experience forms of empathy usually thought to be too dangerous. His ambivalent portrayal is an excellent illustration of how the ancient Greeks regarded empathy. Prometheus' empathy is simultaneously an act of admirable mercy towards humanity, as well as a rebellion against the creation of the divine order of the world of Aeschylus and his audience.

The surprising empathy motif reveals the ambivalent feelings regarding empathy in the Greek *polis*. Empathy was felt to be a necessary but profoundly dangerous faculty which had to be controlled to prevent social disruption.⁵³⁰ In this context, a strong social value developed which restrained empathy so that its expression reinforced, or at least did not threaten, social norms. Ancient Greeks were keenly aware of how various groups such as slaves, barbarians, *atimoi* (politically disenfranchised citizens) and women were excluded from the social in-group of the polis. Their social norms regulating empathy supported the political and cultural exclusion of these groups. Of course, feelings were often far more conflicted and contradictory than the idealized values theorized by orators and philosophers, and everyday experience involved far

⁵³⁰ I have discussed the perceived necessity of restraining empathy in depth in the previous chapter.

more ambiguity and allowance for exceptions than is immediately apparent from literary sources. But we can nevertheless say that, as an ideal, norms of empathy existed in the *polis* that defined a social order supported by the enfranchisement of adult citizen males in good standing with their *poleis*. Due to this social context of a strict regulation of empathy, literary depictions of characters experiencing it in surprising ways were not seen as representing an ideal model of behavior which was available to all, but as a marker of their status as outsiders and as exceptional. At the same time, these scenes reveal the fundamental appeal of empathy for a Greek audience and how the responses of audiences to these scenes would have been complex and conflicted. Even if audiences were not expected to emulate scenes of surprising empathy directly, these scenes were also written to evoke a sympathetic and admiring response for the ability to transcend social boundaries.

The Role of Empathy in Royal Ideology

I hope to have demonstrated the following points in this chapter so far. 1) A new anti-institutional ideology of charismatic rule in the fourth century BC, one in which a monarch's will replaced the rule of law, legitimized monarchy. According to this ideology, monarchic government was seen as incompatible with existing *polis* governance structures. Would-be monarchs and their apologists justified demands for power through the monarchs' exceptional traits, variously defined by different authors, but consistently justified by monarchs' elevated, often divine, statuses. 2) Empathy in ancient Greek culture was perceived with conflicted feelings of admiration and anxiety. Although empathy had a strong role to play in moral and social theory, it was also seen as a potential threat to social and political stability due to the challenge it could pose to the exclusion of certain outsiders from political, social, and moral rights. 3) Surprising empathy, a literary trope in which a character experiences empathy in

situations where her or she would not normally be expected to do so, depends on the same cultural attitudes towards exceptionalism that are apparent in the justification of monarchy where exceptionalism is defined by ambivalent pattern of transgressive actions associated with both good and bad outcomes.

In this section I will synthesize these ideas regarding monarchic theory, empathy and exceptionalism to examine the incorporation of the surprising empathy motif into proto-royal ideology through three examples: Xenophon's *Agesilaus*, Isocrates' works addressed to the Cypriot ruler Nicocles and Alexander the Great's treatment of the captured women of Darius III's family after the battle of Issus. In each of these examples we will see how monarchs used the surprising empathy motif to fashion a monarchic persona based on exceptionalism. Depicted as experiencing surprising empathy, these three rulers highlighted the benevolent, consensual, and moderate nature of their uses of power, while also transcending fundamental social conflicts experienced by their audiences. These scenes were therefore intended to be regarded with admiration, but also an eerie sense of distance. Much like the historical and literary figures we have already examined, we will have to account for how these acts could have been appealing as well as inspiring a sense of unease.

Xenophon wrote *Agesilaus*, a panegyric biography of the Spartan king of the same name, soon after his death in 358 BC. This is a work that would have been more at home in one of the Hellenistic kingdoms than the competitive and jealous world of the polis.⁵³¹ A strong theme in Xenophon's portrayal is the extreme extent of Agesilaus' virtue in virtually every possible respect, and his depiction of Agesilaus' virtue impresses in how comprehensive, and even

⁵³¹ Konstan 1997: 93-120 on the transformation of ideas of friendship from *poleis* to the Hellenistic kingdoms.

excessive, it is. Some of his virtues, such as piety⁵³² and courage⁵³³ are what we would expect in an ideal ruler, while others are more surprising. For example in addition to the obviously public virtues, Agesilaus is depicted as refraining from boasting about his own accomplishments while also tolerating it in others.⁵³⁴ In the context of ancient Greece's highly competitive culture based on reputation and honor, self-presentation played a far more significant social role than it does today and boasting was more tolerated.⁵³⁵ Xenophon's praise for refraining from boasting also shows that it could be seen as boorish. Yet, Agesilaus' tolerance and restraint also has an implication of withdrawing from competitive display due to his complete confidence in his own superiority. It represented a way of winning the game by refusing to play.⁵³⁶ This lordly refusal to compete signaled a form of prestige and authority completely different from those which a normal citizen would aspire towards.

A key trait of Xenophon's *Agesilaus* is the emphasis given to Agesilaus' obedience to laws. This feature does not contradict, but actually emphasizes the point made earlier regarding the anti-institutional aspect of charismatic authority in ancient Greece. In *Agesilaus* this virtue represents a kind of heroic subjugation of the king to the interests of his people⁵³⁷ rather than a literal supremacy of the laws over the will of the monarch. Paradoxically, Agesilaus' humbleness legitimizes and confirms his majesty; Xenophon's praise of his "restraint" in following the laws subtly hints at his power to disregard them while also celebrating his self-control and virtue. From the two examples of Agesilaus' modesty and his subjugation to the laws, we can see that this work does not just praise Agesilaus within the framework of the values of the *polis* but

⁵³² Xenophon, *Agesilaus* 10.11.

⁵³³ Xenophon, *Agesilaus* 5.6.

⁵³⁴ Xenophon, *Agesilaus* 8.1-2.

⁵³⁵ Burckhardt 1998: 160-213.

⁵³⁶ Cf Plutarch's description of him conspicuously turning down a statue because his deeds were a better monument in Plutarch, *Sayings of the Spartans*, 251.

⁵³⁷ Xenophon, *Agesilaus* 7.2-7.3.

qualitatively raises him above other people. The character portrayed in *Agesilaus* is not so much a private biographical portrayal of an individual person as an attempt to fashion a royal public persona that justifies political authority through a ruler's superlative virtue.

During Agesilaus' campaign into Asia Minor, his army pillaged and enslaved the local inhabitants in accordance with the practice of warfare during his time. Violence against non-combatants was so normal in war that it could be assumed in the descriptions of military campaigns by historians and were only mentioned if there was a specific reason to do so.⁵³⁸ Nor did Xenophon disapprove of these actions in general; on the contrary, he mentions his own raids for slaves and booty in his *Anabasis* with a clear lack of concern for the effects of these acts on his own carefully crafted self-presentation.⁵³⁹ Considering how normal these actions were, how they were considered to be a necessary part of the conduct of war, and how problematic empathy could be, it is striking when Agesilaus displays humane concern for the children enslaved during his ravaging of the countryside:

Often when moving camp he noticed little children (*paidaria*), the property of merchants, who had been left behind (i.e. because they were not sufficiently valuable to be taken as slaves) ... he took responsibility over these young children so that they might be brought somewhere safe.⁵⁴⁰

First of all, we should note the theatricality of this act, which is not intended to be taken as Agesilaus experiencing a change of heart regarding the legitimacy of violence against non-combatants. Later in the same campaign, Agesilaus' pillaging of Asia Minor is portrayed as a legitimate means of war with no sense of internal contradiction.⁵⁴¹ Elsewhere in the same work,

⁵³⁸ D'Huys 1987; van Wees 2010.

⁵³⁹ See Xenophon, *Anabasis* 6.6.38 for one example of this. Nor was he alone in this respect---see chapter 2. Despite occasional discomfort expressed towards the brutality of war, the legitimacy of enslavement and mass executions was never in serious doubt since it was believed to be necessary and natural. Attitudes towards pillage are in Pritchett 1972; Pritchett 1991. For the abduction of women in the *Anabasis* as an act that "glorifies the taking of captives as the prerogative of victors" see Lee 2004: 150. See also Xenophon, *Anabasis* 3.1.19-22, 3.2.28.

⁵⁴⁰ Xenophon *Agesilaus* 1.21.

⁵⁴¹ Xenophon *Agesilaus* 1.33, 2.23.

Xenophon expresses explicit anxiety about the brutalization of Greek civilians in warfare, but he also affirms the moral and legal acceptability of these methods with respect to barbarians, as are the children in the quotation above.⁵⁴² Implicitly, and probably unconsciously on the part of Xenophon, Agesilaus' pity towards the children in the passage above does reveal a degree of anxiety regarding violence against non-Greek civilians—otherwise the praise of Agesilaus' humanity in the quotation above wouldn't make sense. But at the same time, for Xenophon the essential legitimacy of these actions is not in doubt. In the end, his attitude towards wartime violence against civilians was complex and contradictory. On the surface he accepts these methods as acceptable against barbarians but not Greeks. But, despite his explicit claims to the contrary, a degree of moral anxiety about the suffering of non-Greeks is also evident.

The social gulf separating the slave merchants and Agesilaus is important for understanding the implications of this scene. Xenophon's description of the abandoned slave children draws our attention to the petty venality of the merchants who serve as a foil for the royal magnanimity displayed by Agesilaus. Even though the cultural attitudes towards the mercantile professions in ancient Greece are too complex and varied to be summarized here, it is fair to say that criticism of the merchant class and commercial trade was one of the most influential strands of thought in ancient Greece as early as the poems of Homer and Hesiod.⁵⁴³ One reason may be found in the common tendency of aristocrats across cultures to look down upon those engaged in social roles considered to be insufficiently dignified. But there are also some idiosyncratically ancient Greek reasons for this distain that will be useful to review.

⁵⁴² Xenophon *Agesilaus* 7.4-5. See previous chapter on the creation of moral norms based on Greek ethnicity. Cf. Polyaeus 2.26 which depicts Agesilaus' fury upon discovering that the citizens of Lampsacus had used Greek slaves in their mines.

⁵⁴³ Odysseus insulted as resembling a trader in *Odyssey*, 8.145-64. Trade as a profession is criticized in Hesiod *Works and Days*, 641-94. See Morley 2007: 79-89; Peacock 2020 for a discussion of these views.

Trade and the exchange of money were commonly seen as degrading because of how they put people in the power of others and were therefore regarded as “slavish.”⁵⁴⁴ A strong prejudice also existed depicting merchants as motivated by greed instead of the culturally esteemed goals of honor, status, and public service, making them suspect as untrustworthy and dishonorable.⁵⁴⁵ These two associations with the merchant class caused them to be seen as an inversion of the hoplite-based values which defined the ideology of the *polis*. Added to these prejudices, the fact that merchants were often both low-status freemen and non-citizens of the *polis* on whose behalf they were trading was an additional feature marking them as outsiders from and alien to the values of the citizenry.⁵⁴⁶ Commerce in slaves was seen as especially shameful due to the role of degrading violence in and distasteful nature of their trade.⁵⁴⁷ These social prejudices against slave merchants suggest that the contrast between Agesilaus and the slave traders isn’t one between two competing standards of behavior in warfare, but between two categorically opposing orientations towards life: one oriented towards dishonorable profit and the other towards honor.

Despite its radically different manifestation, Agesilaus’ compassion for the abandoned slave children relies upon the same internal logic leading other would-be monarchs to display luxury, incest and excess. His deviation from the normal behavior in warfare in favor of a spontaneous and ingenuous act of compassion towards those who could never hope to repay his generosity, far from being meant to be taken as a moral archetype, is a sign of an extreme extent of personal magnanimity and freedom. His behavior demonstrates a certain kind of excess

⁵⁴⁴ Dover 1974: 40-41; Vernant 2006: 248-270.

⁵⁴⁵ Dover 1974: 170-180.

⁵⁴⁶ For money as subversive to the moral economy of the *polis* see von Reden 1997. For the social status of full-time traders see Reed 2003: 43-61.

⁵⁴⁷ Fisher 1993: 37; Reed 2003: 25; McKetchnie 1989: 178-203. See Xen. Sym. 4.36 where slave trading is morally equated to stealing cf. Aristophanes, *Wealth* 520-21.

in virtue through its rejection of the compromises that most men must make to survive in the crass commercial world of trade, exchange, and enslavement.⁵⁴⁸ The slave merchants in this episode represent the opposite: dishonorable motivations antagonistic to the praiseworthy ones of Agesilaus. As the absolute bottom of the hierarchy of honor, they provide contrast and symmetry to Xenophon's real focus, that of emphasizing Agesilaus extraordinary virtue. Xenophon probably expected his audience to place themselves somewhere in between these two extremes, seeing themselves as living by a higher standard than that of the slave merchants while not being able to reach that of Agesilaus. The social contrast implicit in this scene makes Agesilaus a kind of super-aristocrat, not quite divine, but one whose dedication to honor is beyond any standard to which a regular *polis* citizen would aspire.

In contrast with the magnanimity of Agesilaus, the callousness of the merchants towards the children in leaving them to die in the passage above is entirely in keeping with the negative stereotypes of merchants as men narrowly concerned with profit over all else and as embodying a shallow and ignoble values. Even though their behavior was likely to have been a fairly common and accepted practice during war, Xenophon's emphasis on their mean-spirited selfishness supports his portrayal of the exceptionality and splendor of Agesilaus' regal benevolence. By going far beyond the normal limits of empathy in showing compassion for enslaved foreigners, he established the distance, exceptionality and virtue which intellectuals such as Plato and Aristotle theorized as essential traits for legitimate monarchs. All this does not mean that his display of kindness and generosity was not meant to be a sign of genuine compassion, but that his deed was a part of the fashioning of a royal persona in contrast with the

⁵⁴⁸ Cf. Aristotle, *Nicomachean Ethics* 1224a on the great-souled man's disdain for external goods such as socially conferred honor and luxury. The depiction of Agesilaus resembles Aristotle's great-souled man in several ways.

expectations of a normal citizen, represented, in extreme form, by the behavior of the slave merchants.

Despite this caution against taking this scene as an overt criticism of the role of pillage in warfare, its panegyric role relied on a conflicted attitude towards empathy. Empathy, as we have seen, was regarded with complex and ambivalent feelings as something both desired but also feared due to its potential to be socially disruptive. Even if Agesilaus' actions were not meant as a model for imitation, Xenophon must have assumed that his audience would have approved of Agesilaus' mercy as well as reading it as an act that distanced Agesilaus from them. His pity for the abandoned children is framed as a natural and desirable response, but as only one that a supremely powerful and noble man could actually permit himself to feel. It parallels Cleon's justification of the destruction of Mytilene that we examined in chapter two, where he carefully defines empathy as a desirable but dangerous challenge to the violent actions necessary for Athens' survival. The difference between Cleon's empathy and that of Agesilaus is that whereas Cleon presents a conventional argument that socially disruptive forms of empathy must be repressed, Agesilaus demonstrates his contempt for the normal rules of empathy in a display of confidence and magnanimity. The implicit danger inherent in the widespread imitation of Agesilaus' actions would have been two-fold: as a threat to the practices of war (examined in chapter 3) and as a threat to the systemic violence inherent in slavery (examined in chapter 2).

The role of Agesilaus' actions in the above passage reveals a sense of anxiety regarding the violence against outsiders during the regular conduct of war that was rarely expressed openly and probably not consciously acknowledged by many. By pointing out the deeply buried desire for a gentler world, Agesilaus demonstrates a kind of freedom tied both to his elevated political

role and his exceptional virtue.⁵⁴⁹ This freedom to act and feel in defiance of the unwritten rules of empathy was in turn an important aspect of his legitimacy as a ruler. The thoroughness of repression of empathy towards the suffering of non-Greek civilians in warfare makes this scene a particularly effective claim to legitimacy as a deeply transgressive act that is also admirable. Agesilaus' highly public and performative (although not necessarily disingenuous) moment of empathy reveals an emotion that people experienced but were probably not entirely conscious of. It created an imaginary space where the cruelty of war can be temporarily set aside and where the suffering of the innocent in war doesn't have to be accepted as an inevitable part of life.

The ability of monarchs to reveal and transcend social tensions that were not openly discussed is also shown in Isocrates' three Cypriot letters. Addressed to Nicocles, ruler of the partially hellenized city of Salamis in Cyprus, these open letters anticipate the mirror of princes genre of literature.⁵⁵⁰ Similarly to Xenophon's proto-panegyric to Agesilaus, they represent a fascinating midpoint between the politics of the classical *polis*, where the pursuit of power is characterized by jealous competition between citizens, and that of the Hellenistic kingdoms where access to political power is determined by the closeness of one's relationship to the reigning monarch. Written by Isocrates from multiple perspectives, all of these letters express Isocrates' own political philosophy and theory of justice and may be taken as programmatic statements of his own ideas.⁵⁵¹ Three purposes for this work are readily apparent: the application of practical and moral suasion to influence Nicocles' behavior, promulgation of the use and moral value of Isocrates' school of rhetoric and philosophy, and finally, the presentation of an argument in favor of Nicocles' rule, particularly in Athens.⁵⁵²

⁵⁴⁹ See previous chapter for why empathy towards outsiders was so taboo in Greek culture.

⁵⁵⁰ Luraghi 2013: 139-144.

⁵⁵¹ Mirhady 2000: 137-38, 157-58; Usher 1990: 7-14; Livingstone 1998: 270-280.

⁵⁵² Livingstone 1998: 273.

Although of a different genre and purpose, there is much that is familiar from Xenophon's biography of Agesilaus in Isocrates' portrait of the ideal ruler characterized and justified by his superlative and universal virtue. Like Xenophon in his depiction of Agesilaus, Isocrates emphasized the ability of the monarchs of Cyprus to overcome normal limitations as a justification for their power. To quote an example written from the perspective of Nicocles' father Euagaros "I thought it was fitting for kings to be better than their subjects to the degree that they have higher positions."⁵⁵³ This claim is reminiscent of Aristotle's that exceptional virtue legitimized monarchy but reverses the logic: instead of exceptional virtue necessitating the investment of autocratic power from the community, here autocratic power necessitates the acquisition of exceptional virtue as a justification after the fact. The specific values he is depicted as embodying are mostly public ones, familiar from Xenophon's portrayal of Agesilaus: piety,⁵⁵⁴ moderation (*sophrosune*),⁵⁵⁵ justice (*dikaiosune*),⁵⁵⁶ self-control,⁵⁵⁷ and continuous self-sacrifice for the wellbeing of his community.⁵⁵⁸ Less obvious is the role of sexual morality in Isocrates' conception of the ideal monarch and this feature is revealing of how empathy was integrated into monarchic legitimacy during the first half of the fourth century BC. In addition to those virtues more obviously pertinent to his qualifications as a ruler, Isocrates also has Nicocles characterize himself as a model husband:

I find those men guilty of a great injustice who marry women and make a life-long partnership with them but do not show them any affection. These men distress their wives by seeking gratification elsewhere and simultaneously would be horrified if they were treated with such contempt. These men might be just in their other relationships, when it comes to marriage they are failures, even though they should really look after this

⁵⁵³ Isocrates 3.38.

⁵⁵⁴ Isocrates 3.32.

⁵⁵⁵ Isocrates 3.29.

⁵⁵⁶ Ibid.

⁵⁵⁷ Isocrates 3.31.

⁵⁵⁸ Isocrates 3.5-7.

relationship most of all because it is more intimate and more important than any other they might have.⁵⁵⁹

On one level Nicocles' advice on marriage serves as a microcosm of his monarchy as a symbolic marriage to his realm. On this level the message is clear: much as he is a gentle and reasonable husband, heading his household through consent and not violence, so will Nicocles be a moderate and just ruler. The metaphor of the king as father was a venerable one going back to descriptions of Zeus as king and father in the very beginning of Greek literature.⁵⁶⁰ While referencing the conventional image of the state as a family with the king at its head, this variation avoids cliché by reinventing the metaphor of the king as a father into the king as a husband. The transformation of king-as-father to king-as-husband also made this association less obviously hierarchical, since wives had a greater ability to assert a degree of independence within the family than did children.⁵⁶¹ The reformulation of the relationship between king and people as a marriage lent a new vitality to a familiar sentiment while also softening its representation of Nicocles' rule as a direct power hierarchy that was abhorrent in traditional Greek political thought.⁵⁶²

In addition to its role as a metaphor for a certain type of monarchy, this passage also reveals much about the ways in which monarchs responded to social tensions in an attempt to secure their own legitimacy in Greece during the first half of the fourth century BC. Isocrates' attitude towards marital fidelity is a rare exception to the often-bleak impression we get of

⁵⁵⁹ Isocrates 3.36-37.

⁵⁶⁰ Calhoun 1935.

⁵⁶¹ For the informal power of wives in families in ancient Athens see Cox 2011; Cohen 1989. For the possibility that sources exaggerate the control over female sexuality see Roy 1997. For the right of fathers to reject children after birth see Dasen 2011: 297. See also Dover 1974: 95-106.

⁵⁶² For a discussion by Aristotle on how domestic relationships are based on a clear power hierarchy and are therefore not appropriate models for political relationships see Aristotle, *Politics* 1254a20; 1255b15-30.

domestic relationships in ancient Greece.⁵⁶³ Sexual fidelity, consideration for the feelings of one's wife and equality between spouses in any sense, although not unparalleled, were not the typical values associated with marriage, which is usually presented as a state where the wife ideally submits to the will of the husband.⁵⁶⁴ In order to understand the context of Isocrates' depiction of marriage, it will be helpful to look at a representative example of the norm.

A good example of the emotional complexities resulting from this traditional attitude is provided by Lysias' *On the Murder of Eratosthenes*, a defense speech written for a man named Euphiletos, who had killed his wife along with the man with whom she had committed adultery, Eratosthenes.⁵⁶⁵ His defense is based on what we today would call justifiable homicide. Athenian law permitted the killing of a wife and adulterer, provided that they were caught *in flagrante delicto* and the husband could prove his ignorance of the affair up to the moment of the killing. These requirements seem to have existed for the purpose of preventing entrapment or killings based on rumor, and as a concession to the "hot blood" a husband was expected to feel at the moment of learning of his wife's adultery.⁵⁶⁶ The jury's expected suspicion against which Euphiletos makes his argument seems to be that he had betrayed his duty as a husband to his wife either by prostituting her, or in using her infidelity as a pretext for murdering Eratosthenes. Lysias, a master of the rhetoric of *ethopoieia*, the construction of sympathetic personas in legal speeches, attempted to counter these suspicions by presenting Euphiletos as a somewhat simple and ordinary, but ethical and proper, Athenian.⁵⁶⁷ His legal techniques are therefore very revealing of the attitudes that Lysias believed to be normal in marriages.

⁵⁶³ Pomeroy 1975: 79-119. For the fear of women as embodying a threat to the community see Eidinow 2016. A disturbing theory that sources significantly underreport domestic violence against women may be found in Llewellyn-Jones 2020.

⁵⁶⁴ View from Xenophon, *Oeconomicus* 3.10-15, 7.4-10.13.

⁵⁶⁵ For a general analysis of this speech see Herman 2006: 175-183.

⁵⁶⁶ Allen 2000: 117.

⁵⁶⁷ Carey 1989: 10-11, 61-62; Lysias 1990: 61.

The way in which Euphiletos presents his marriage to the jurors in support of his legal case reveals the desires and anxieties underlying many marriages in ancient Greece. He describes his marriage to his wife as initially quite happy, and the way in which he does so is revealing:

So for some time I was disposed neither to cause her any grief, nor to allow it to be in her power to do whatever she wished; I watched over her as much as I could and I gave her the proper amount of attention. But when our child was born, I immediately began to trust her completely and I entrusted all of my affairs to her, believing that we now shared the greatest intimacy (*hegoumenos tauten oikeioteta megisten einai*). Oh, gentlemen of Athens! She was the most wonderful wife in those days, a clever, thrifty administrator of the household and an excellent manager.

Although this example reveals the suspicion felt and control exercised by many Greek husbands it also shows another side: vulnerability, fear of shame, and a desire for intimacy.⁵⁶⁸ Litigants in Athens had to be extremely careful to avoid evoking contempt in their appeals for pity. It says much that the expert speech writer Lysias expected that an audience of jurors would be sympathetic to a cuckold who had “allowed,” as they might have seen it, his wife to carry on an affair. Euphiletos admits his failure in one sense but attempts to portray it as a sympathetic failure committed out of misplaced trust, a trust his audience could understand and empathize with. Of course, he must have also assumed that his audience would not find fault with his wife’s murder, but in order to gain their sympathy, he also had to present her adultery as a betrayal of the trust he had naively but generously placed in her.

The conflicted emotions present in the passage above help us to understand the social context of Nicocles’ marital advice. Nicocles’ warm, trusting relationship with his wife transcends the complicated and conflicted emotions of ancient Greek men in marriage which are on display in *On the Murder of Eratosthenes*. This description therefore played a similar role to that of Agesilaus’s compassion. Although both acts are quite humble in appearance, they were

⁵⁶⁸ This legal case is similarly put into the context of conflicted attitudes towards women in Athenian culture by Cohen 1990: 148-151.

actually grandiose ones which responded to the fundamental anxieties and emotional conflicts experienced by many of the male citizens of ancient Greek *poleis*. The fear of betrayal by one's wife was a major anxiety directly pertaining to the core values of masculinity and honor held by ancient Greek *polis* male citizens.⁵⁶⁹ The confidence and trust expressed in the passages above by Isocrates is a subtle claim to the sort of exceptional virtue which Aristotle proposed as legitimizing monarchy, and which was fundamentally at odds with the ideological basis of the *polis*. The jealous control of wives and the restriction of empathy from the innocent victims of war were not oversights or the result of moral primitiveness but active choices in response to environmental threats as they were perceived. The violation of these norms by rulers reveals both the desire to transcend them and the perceived impossibility of doing so for others. Within the *polis* a strict culture defined by frequent warfare, fear of social disorder, and suspicion in domestic relationships elicited conflicted feelings about the experience of empathy towards those belonging to restricted categories. Although greater expression of empathy was desired, it was also feared as disruptive and dangerous.

Alexander the Great, who was reported to have said “to me every good barbarian is a Greek, every bad Greek is a barbarian,” often exemplified the monarchic freedom to transgress social boundaries, and his experience of empathy was no exception.⁵⁷⁰ In the same way that his freedom to ignore ethnic boundaries was the result of his elevated status and not part of an ideology of humanism in the modern sense, so was his experience of empathy a part of the monarchic ideology of transgression of social boundaries and not a generalizable moral

⁵⁶⁹ Scheidel 2008; Scheidel 2009 present an interesting interpretation of the relationship between attitudes towards marriage and citizenship in ancient Greece. For other interpretations of this law in the context of attitudes towards sexuality, the role of women and society see Cohen 1991: 98-132; Carey 1995; Harris 1990.

⁵⁷⁰ Plutarch, *Life of Alexander* 27.8; Arrian, *The Anabasis of Alexander*, 7.9-7.10; Eratosthenes fr. 154, 155 = Strabo 1.4.9.66, 17.1.19.

sentiment.⁵⁷¹ This fact is apparent in the story, related by multiple authors, of his chivalrous treatment of Darius III's wives and female relatives captured in the aftermath of the battle of Issus.⁵⁷² Much as Achilles saw his own father in Priam, Alexander experiences empathy for the Achaemenid women through his own relatives as an intermediary, seeing them as his sisters and mother, an aspect of this scene that the sources emphasize many times.⁵⁷³ As his emotional connection to the Achaemenid women through his own female relatives clearly demonstrates, this scene is an example of the incorporation of surprising empathy into portrayals of monarchs. This episode reveals the same conflicted attitudes towards empathy that we have seen in our analyses of Agesilaus and Nicocles.

In the episode within which this scene occurs, Alexander is shown through several anecdotes to exemplify a truer form of kingship than Darius' overwrought and superficial pomp. As this scene's narrative context suggests, Alexander's pity confirms the legitimacy of his possession of the Achaemenid throne due to his natural and unpretentious royal magnificence.⁵⁷⁴ On this level Alexander's unusual chivalry may be interpreted as a symbolic confirmation of his conquest of Persia. Victory over Darius on the battlefield is crowned with an even more humiliating and complete victory in the domestic sphere as he takes possession of the royal women not through violence but by winning over their consent to transfer their allegiance from Darius to himself due to his magnanimity.⁵⁷⁵ The Achaemenid women carried the identity of the royal house both literally, as mothers and potential mothers, and symbolically, as embodiments of the Achaemenid line and of the honor of their male relatives and husbands. Capturing them

⁵⁷¹ The concept of Alexander as a social reformer who believed in the unity of mankind was proposed by Tarn 1933. This interpretation has been criticized by Badian 1966; Bosworth 1980.

⁵⁷² Curtius Rufus 3.12.19, 25, 3.12.21, 4.11.3; Diodorus Siculus 17.37.6, 17.38.4-7; Justin 11.12.6-7. Cf. Plutarch, *Alexander* 22.4.

⁵⁷³ Carney 1995: 569.

⁵⁷⁴ On this scene and legitimacy see Carney 1996: 569.

⁵⁷⁵ Sexual relationships and eventual marriage of Alexander to Persian women in *Ibid.*: 571-579.

was especially significant given the honor culture of Greece where a failure to defend one's female relations was understood to be a particularly potent humiliation. At the same time, by staging his conquest of Darius' women as gentle and consensual, Alexander demonstrated that his conquest of Darius' realm would not be as a tyrant but as a benevolent monarch; this episode complements his violence on the battlefield with persuasion off of it.

As a final level of meaning of this scene, Alexander's pity may also be seen as an act affirming his replacement of Darius' role in the royal family.⁵⁷⁶ His gentleness and protectiveness are the traits that Darius himself would be expected to show as the *kurios* (eldest male protector) of the family. By assuming this role, Alexander begins the domestic replacement of Darius in anticipation of and in support of his political replacement. The gentleness characterizing Alexander's actions is similar in purpose to Isocrates' use of Nicocles' attitude towards marriage as a symbolic manifestation of his method of rule. As monarchs the distinction between their private *oikos* and the public sphere was blurry. Thus, there is a literal level in which their gentle treatment of women serves as a representation of their proclaimed model of rule.

But Alexander's and Nicocles' restrained behavior towards women also demonstrate a model of monarchical power crafted to appeal to Greek political sensibilities. Rather than getting their way with women through force, Nicocles and Alexander are represented as using persuasion to win their consent. These methods have an obvious translation to their claims to public authority as reasonable, just, and moderate rulers. The political implications of Alexander's pity caution us against seeing this episode as a universal model of behavior. His

⁵⁷⁶ Ibid.: 577-78.

actions need to be seen in light of specific dynamics at play in his attempt to craft a legitimate claim to the Achaemenid throne.

Alexander's pity is also complicated by the fact that the threat of sexual violence in this scene is explicit and clear. Greece had no preexisting tradition of chivalrous treatment of women in warfare; usually they would be raped and enslaved without regard to their previous social status.⁵⁷⁷ Plutarch describes Alexander's behavior therefore as a notable exception to the expected behavior of a conqueror:

But Alexander seems to have thought it more kingly to conquer himself than his enemies. He did not touch them ... and he complemented their beauty with the beauty of his self-control and moderation.⁵⁷⁸

Despite his admiration for Alexander's behavior, Plutarch does not use his self-control as a basis for criticizing sexual violence during warfare in general. Moreover, the emphasis given to self-control suggests that this scene is one that goes counter to its audience's expectations due to Alexander's exceptional virtue. Much as Achilles' pity for Priam should not be seen as a renunciation of violence but as a sign of Achilles' ability to violate social norms and expectations, so does Alexander's restraint not serve as the basis of an argument for better treatment of women in warfare, but rather as a moral example of the value of mastering oneself.⁵⁷⁹ But, at the same time, in order for this scene to work, Plutarch had to have expected that his audience would approve of Alexander's actions. Similarly to our interpretation of Achilles' scene with Priam, in order to understand Alexander's empathy in this scene, we need to understand both the normalization of sexual violence in his culture but also why violating these norms would have been seen as admirable.

⁵⁷⁷ In addition to Carney 1995 see Pritchett 1991: 203-273; Laani 2008; D'Huys 1987.

⁵⁷⁸ Plutarch, *Alexander* 21.4-5. cf. Diodorus Siculus 17.37-38; Arrian, *Anabasis* 2.12; Curtius Rufus 3.12.18-23; Justin 11.9-12.

⁵⁷⁹ Carney 1996: 568

Although this episode does not normalize Alexander's behavior, it also reveals the essential appeal of mercy and pity even while exceptionalizing these emotions as signs of Alexander's magnificence. Modern studies have explained the recurring prevalence of sexual violence against women in ethnic conflicts both as symbolically significant (by demonstrating the powerlessness of their male protectors) and as literal attacks against a hated ethnicity (by fathering children of mixed ancestry).⁵⁸⁰ Given the ethnically charged pretext of Alexander's invasion of Persia, which he justified as revenge for the burning of temples during Xerxes' invasion of Greece, and its goal, the eradication and replacement of the Achaemenid dynasty, it is all the more likely that Achaemenid royal women would have been raped both as a symbolic revenge against the Achaemenid line and as an act to ensure its literal destruction.⁵⁸¹ Furthermore, Alexander's burning of Persepolis shows that his justifications for the invasion of Achaemenid Persia were sufficient cause for him to engage in acts of spectacular violence when they suited his political ambitions.⁵⁸² So it is neither the case that his restraint was due to some aspect of his political objectives overall nor due to a limit on the extent of violence he believed to be morally permissible. We must find some other explanation.

These specific reasons to treat the Achaemenid women harshly are not incidental but part of the point of this scene. A desire to take revenge on the Achaemenids explains why Alexander is praised for his "restraint" in this act of pity. A clear subtext of how this scene could have gone another way for someone lacking his restraint indicates how his decision is a part of crafting his royal persona. As with Achilles in his scene with Priam, violence and pity do not cancel each other out but are juxtaposed as two possibilities. Alexander's forbearance in choosing pity over

⁵⁸⁰ On attitudes towards revenge see Kerrigan 1997: 2-29.

⁵⁸¹ On motivations of Alexander see Brunt 2003.

⁵⁸² Ibid.

violence demonstrates his confident superiority because he does not need to indulge himself in taking revenge against his enemy in the way that others would have done. But authors describing this scene are also at pains to show that he could have chosen otherwise, and sexual violence hangs over this scene as a palpable but unrealized outcome. Alexander's restraint is a sign of his self-control, his freedom to act in unusual ways and his absolute confidence in his own power and is not a template for how women should be treated in general.

By conspicuously forbearing to do what is so strongly expected, Alexander shows himself to possess royal traits similar to the ones that we have seen in Nicocles and Agesilaus, behavior serving to set himself apart from and above regular Greek *polis* citizens. As with the Agesilaus scene, the Alexander scene reveals that ancient Greeks were not completely comfortable with some of their harsh norms even if these norms were rarely criticized directly. The ideological significance of Alexander's actions shows the appeal—in theory, at least—of restraining sexual violence against women in war, while also showing that most people were not expected to exhibit this restraint. Sexual violence against women in warfare might have been normalized as a part of taking revenge on one's enemies, but that didn't mean that people were entirely comfortable with it. This seeming paradox may be explained by the environment of uncertainty and violence to which the Greeks felt they had to adapt themselves.⁵⁸³ Cruel customs, like the rape of captured women, were partially justified by the need to maintain face and a tough reputation in an environment that was seen to be brutally unforgiving of weakness.⁵⁸⁴ This episode of Alexander and the Achaemenid women reveals both the discomfort with and the belief in the necessity of such customs in warfare.

⁵⁸³ I describe the belief in the necessity of violence in the previous chapter.

⁵⁸⁴ Ibid.

Alexander's pity for the Achaemenid women may also be compared both to Agesilaus' pity for the abandoned slave boy and Achilles' pity for Priam. Much like Achilles, his ability to set aside enmity and find the common humanity with his former enemy (it is a significant similarity that the women are said to remind him of his female relatives just as Priam reminds Achilles of his father) show him to be an exceptional outsider capable of experiencing empathy in situations where others would not allow themselves to do so. Much as did Agesilaus, Alexander advertises his lack of concern with how things are usually done, displaying a kingly confidence in creating and living by his own social norms as a "living law." Part of the significance of pity for Achilles, Agesilaus and Alexander lies in how their experience of this emotion broke the normal rules restricting empathy. We can see from these examples that the surprising empathy experienced by monarchs is a performative and exceptionalized act which needs to be seen in the context of the limits put on empathy in *poleis*. It is worth repeating that this fact does not mean that this emotional experience was not genuinely felt, or not intended to inspire genuine admiration from its audience, only that it was also intended to create a sense of the spooky royal otherness essential to the charismatic authority of monarchy.

Monarchy and Empathy

We have seen that in ancient Greece empathy could be a source of considerable anxiety due to its potential to disrupt the political and social structures believed to be necessary for the continued survival of the community. As a result of this anxiety, ancient Greeks developed a tradition of socially regulating empathy to exclude those for whom the expression of empathy was believed to be a threat to social stability, and this tradition conflicted with a natural tendency to experience empathy regardless of social rules. The new monarchic ideology of the fourth and third centuries relied upon culturally specific concepts where exceptional individuals were

defined by transgressive acts that could be both good (in the sense of “beneficial to others”) and bad (in the sense of “harmful to others”). As a result of the connection between exceptionalism and monarchic legitimacy, monarchs were free to break the customary rules of the *polis*, violating the norm of equality because of their superior, often divine, statuses and justifying their monopolization of authority and legitimacy.

An important part of the exceptionality claimed by monarchs was the incorporation of the narrative trope of surprising empathy according to which a high-status individual experiences empathy in a situation where it would not normally be expected. The surprising empathy experienced by monarchs was a fundamentally transgressive act, similar to the violation of social rules like the prohibition against incest and the worship of living persons. Acts of generosity, compassion, and chivalry by monarchs therefore should be seen as the other side of their mercurial cruelty, despotic power, and incest. What unites these two categories of behavior is the freedom to perform socially disruptive acts, the culturally specific associations with exceptionalism, and the way that monarchic surprising empathy responded to the tension between a belief in the necessity of social norms and the desire to break them.⁵⁸⁵

The three examples of monarchic empathy we have looked at, Alexander’s for the Achaemenid women, Agesilaus’ for the abandoned slave boy and Nicocles’ for his wife are much stranger and more complex than attempts to confer benevolent and admirable traits upon rulers. Each episode was carefully crafted to address and surpass a scenario characterized by irresolvably conflicted emotional responses experienced by many citizens of *poleis* in various scenarios where the withholding of empathy was normalized: the ravaging of enemy peoples in war, the conflicted relationships between husbands and wives, and the rape of the women of

⁵⁸⁵ The mixture of horror and desire towards that which is culturally forbidden is described well in Freud 1989a; Freud 1989b.

defeated opponents. The ideological role of these scenes reveals that an aspect of the justification of monarchy was the creation of an imagined space where the culturally constructed rules constraining empathy could be transcended. Within this space, the monarch could perform the desirable actions normally made taboo for the ancient Greeks.

The transgressive aspect of monarchic surprising empathy confirmed the special status of monarchs while also reinforcing the rules for everyone else by exceptionalizing their violation. The conflicted responses that many felt in response to these scenarios gave these scenes of monarchic actions a powerful emotional resonance because of the longing many felt for a situation where basic kindness would prevail over the brutal calculus of revenge and the necessity of survival. At the same time, the qualitative superiority and exceptionality communicated by these acts betrays how they were meant to create a sense of the eerie and extraordinary authority held by monarchs. But, even if the longing to violate the norms restricting empathy could not be fulfilled in everyday life by most people, a vicarious and imaginary liberation could be experienced as an audience member of a monarch's surprising empathy. These narratives therefore present an exchange, of sorts, between their audiences and the monarchs they depict. The audiences of scenes of monarchic surprising empathy gained a partial and imagined release from the norms of the social regulation of empathy, while monarchs gained a tacit acceptance of their exceptional and privileged status that played such a prominent role in their claims to legitimacy.

In their own way, these acts of monarchic surprising empathy broke the rules of society just as much as Ptolemy II's marriage to his sister. But, unlike incest, these performances of empathy did not rely on the disgust from violations of a social and religious restriction, but on the audiences' conflicted and ambivalent responses to the unrestrained empathy which monarchs

were portrayed as experiencing. The incorporation of surprising empathy into narratives of monarchic legitimacy reveals the tension between the social regulation of empathy and our natural tendency to experience it. A part of the exceptionalized freedom of monarchs was their ability to feel empathy towards those, like slaves and the victims of war, whose exclusion from empathy was believed to be necessary. The empathy experienced by monarchs relied upon the desire to break the boundaries of empathy in the *polis* and the mixture of envy, admiration, and anxiety many would have felt for those able to do so.

Conclusion

Monarchic empathy allowed for an indirect experience of a different way of relating to others that could only exist outside of the *polis*. Narratives of monarchic empathy were the rule proving exceptions to the social regulation of empathy in ancient Greece. They allowed for a release from the harsh norms imposed within *poleis* while also limiting this release to the unique person of the monarch. Monarchic theories of legitimacy made use of this dichotomy between repression and release as a justification for the elevated political and social status held by monarchs. At the same time, these episodes of surprising empathy served as representative microcosms of their political rule. The exceptionality that these scenes would have conferred upon Agesilaus, Nicocles, and Alexander justified their concentration of political authority while also representing them as just wielders of an extent of power that would normally be beyond what an individual would have been expected to use responsibly.

Despite the exceptions made in these narratives of monarchic legitimacy, the everyday experience of empathy for most people throughout the Hellenistic period continued much as it had before. The open and free empathy displayed by monarchs could never be generalized, so long as the ideology of the *polis* remained basically the same. Deconstructing these harsh norms

for ancient Greeks in general would have required some sort of fundamental reworking of ideology of the *polis* that was unlikely in practice, and never achieved outside of the most radical realms of political philosophy.⁵⁸⁶ As a result of this, narratives of monarchic empathy did not humanize monarchs but rather created an exciting and dangerous scenario where one could experience an imaginary world where the rules of empathy could be broken.

Theories of monarchy from the fourth and third centuries BC have often been judged harshly as lacking theoretical depth and coherence, and the role of these theories has often been portrayed as little more than a flimsy pretext for the reality of monarchic power.⁵⁸⁷ I hope to have shown in this chapter that the theoretical justification of monarchy was more complex and nuanced than has been appreciated. The incompatibility between monarchic rule and the rule of law, as we have seen in our discussion of Aristotle, explains the emphasis in theoretical works on the personal virtues of the monarch and the virtual lack of discussion of formal institutions of monarchy. This lack may be explained by the fact that a theory justifying monarchy by an appeal to institutions would have called into question the theoretical basis of monarchy on the ability of monarchs to transcend the normal political limits, and therefore the institutions, of the *polis*. So, it is not surprising that in theories and narratives supporting the rule of monarchs their personal virtues take the place of institutional design in defining their use of power. At the same time, the imagined functioning of monarchy as personal rule diverged sharply from the reality of its implementation in the Hellenistic kingdoms, where extensive bureaucratic institutions were developed. But this stark conflict between reality and theory is not unique to the Hellenistic

⁵⁸⁶ There are a couple of possible counter examples of such a radical reworking of *polis* done in reality: Lipari islanders might present a counter example, albeit one from a marginal community on the fringes of the Greek world see Figueira 1984. Also cf stories about the foundation of the utopian Ouranopolis by Alexarchus, brother of Cassander, discussed in Athenaeus, 3.98; Pliny, *Naturalis Historia*, 4.10.17.

⁵⁸⁷ For example, in Walbank 1984.

period, nor is the simultaneous co-existence of contradicting realities, one belonging to the theoretical basis of a state and, another to the actual institutions defining its everyday exertion of authority.⁵⁸⁸

Aristotle's discussion also reveals the difficulty of integrating monarchs into the internal government of *poleis*. The same tensions that made tyranny unviable beyond the short term in the seventh, sixth and early fifth centuries BC would have continued to make monarchy a destabilizing and unpopular form of direct *polis* government in the fourth and third centuries BC. But Hellenistic monarchy did thrive in a space more closely analogous to the one occupied by inter-*polis* political organizations, such as *koina* and *summachiai*.⁵⁸⁹ In order to develop an ideological basis for this system, monarchs relied on the theoretical construction of monarchy by authors of the fourth century BC. These theories allowed them to stand outside of *poleis* while also having a means of interacting with them.⁵⁹⁰ Monarchic surprising empathy played a crucial role in the development of this ideology by creating an emotional experience that connected but also distanced monarchs from *polis* citizens through the portrayal of their behavior as admirable and enviable but also as inimitable and fundamentally other. Hellenistic monarchy thrived in the spaces between cities figuratively as well as literally, incorporating performances of empathy in ways outside of the norms constructed within *poleis*. Narratives depicting monarchic empathy exceptionalized the empathic range of monarchs, giving them a unique freedom from the social regulation of empathy. Since these performances of empathy were designed to be admired and envied, they reveal the ambivalent feelings many ancient Greek citizens of *poleis* must have felt towards the way in which empathy was socially regulated in the *polis*.

⁵⁸⁸ The idealized monarchy constructed by Hellenistic philosophers is described in Murray 2007.

⁵⁸⁹ See descriptions of the functioning of monarchical power in Ma 1999; Ma 2003; Strootman 2020.

⁵⁹⁰ Ibid. also Strootman 2018.

I have claimed repeatedly that the norms of empathy in classical Greece should be seen as a collective choice and not as a failure to live up to our more humane standards, and the role of empathy in monarchic ideology reveals a new facet of this fact. Many people might not have liked the fact that they were expected to close off empathy in ways seen to be necessary, but they felt that the risk of doing otherwise was too great. But even if it was only experienced vicariously, the ideological construction of monarchy allowed for the imagining of a freer world and the appeal of this world was a significant aspect of the draw of monarchy in general. The fact that the proposed exchange between monarchs and their audiences was highly unequal—real-world political authority in exchange for an imaginary space where the rules of empathy may be broken—is an example of a familiar sleight of hand in politics where an appealing fantasy is traded for power in reality. Regardless, the complexity of feelings about the empathy inherent in this exchange is representative of ancient Greek ambivalence towards empathy in general.

Chapter 5. The Ancient Greeks and Us.

L.P. Hartley in his 1953 novel, *The Go-Between*, memorably described the past as “a foreign country: they do things differently there,” and the restrictive norms of empathy in ancient Greece are certainly an example of this principle. The essential point that de Tocqueville wrote concerning Madame de Sevigny applies as much to us today as it did to his audience of the mid-19th century. Norms of empathy are not only a part of the moral and intellectual history of the culture that created them, but are also defined by its social structure, its socially constructed dynamics of cooperation, and the survival pressures faced by its members, as they understand them. Ancient Greece was in many ways a strange and shocking world for us today, but, before we condemn them too harshly, we need to remember that they lived in a world where it was necessary to invent a word to communicate the act of “killing all the men and enslaving the women and children” of a conquered community. Perhaps we would be better than they were if in a similar situation? It is certainly possible, but the deadening of compassion for the civilians belonging to enemy nations during the Second World War, even in the relatively tolerant and humane societies of the U.K. and the U.S.A., suggests that we haven’t completely transcended the cruel logic of war, which, as Thucydides observed, “eventually makes most men like itself.”

But there is a clear and fundamental difference between the attitudes towards empathy of today when compared to those of ancient Greece. The world they lived in, at least according to an influential attitude within it, can be expressed by the folktale, related by Nietzsche in *The Birth of Tragedy*, about the encounter between King Midas and the nature deity Silenus.⁵⁹¹ When

⁵⁹¹ Originally in Aristotle *Eudemian Ethics* 1215b19-24.

Midas successfully coerces Silenus to reveal the secret of human happiness to him, Nietzsche translates the god's response (a bit loosely, but eloquently) as follows:

Stiff and unmoving, the daemon remains silent until, forced by the King to speak, he finally breaks out in shrill laughter and says: "Wretched, ephemeral race, children of chance and tribulation, why do you force me to tell you the very thing which it would be most profitable for you not to hear? The very best thing is utterly beyond your reach: not to have been born, not to be, to be nothing. However, the second-best thing for you is to die soon."⁵⁹²

I hope to have shown by this point that this painful awareness of the ephemerality of happiness and life was, in part, at least, a reflection of a set of cultural norms developed in response to a world far harsher and more violent than ours. The bleak and stark pessimism expressed above captures the paradox of empathy in ancient Greece well—how they desired a happier and freer world, but also saw its reality as a harsh one to which they had to adapt. At the same time, I also hope to have made a convincing case that the callous brutality advocated by Cleon was by no means completely representative of ancient Greek attitudes towards empathy. But they were also unfortunate enough to live in an environment where fear and hatred could reasonably be portrayed as useful emotions and compassion as mere squeamishness.

Even if, in practice, we also ultimately end up limiting our capacity for empathy, the fact that we do at least maintain an ideal, however impossible a one to attain in practice, of empathy for everyone should not be dismissed as hypocrisy or an unrealistic fantasy. But how and when did our gentler world emerge? A full account would be far beyond the scope of this chapter, but a few particularly pertinent closing remarks occur to me. One factor that should be accounted for, the influence of the universal love and brotherhood espoused by Christianity, has been used to

⁵⁹² Nietzsche 1999: 22-23. See discussion in Brennan 2018. Similar sentiments expressed by the chorus in Sophocles *Oedipus at Colonus*: 1211-1238; Theognis fr. 425-26; Plutarch, *Consolation to Apollonius* 27; Aeschylus *Prometheus Bound* 252 (discussed in chapter four of this dissertation). Note that this attitude was not universal and is cited by Plutarch and Aristotle specifically to argue against it. See Segev 2020.

explain the transition from the fundamentally collectivist world of antiquity to the one of today where moral values based on individuality and individual rights have taken a central place.⁵⁹³ But this narrative cannot, on its own, explain the transformation of empathy since the time of the ancient Greeks until today. As far as I am aware, European culture in the Middle Ages wasn't notably more empathetic than that of ancient Greece, and this fact suggests that a narrative where the unempathetic religious culture of the ancient world gave way to an empathetic one dominated by Christianity would be incomplete. The change from the ancient world's attitude towards empathy to that of the present day seems to have been less a gradual evolution and more a sudden transformation.

Rather than Christianity, I would point to a cultural transformation from the second half of the 18th century to the early 19th century as the origin of our modern attitude towards empathy. Writers of this time were aware of the significance of this change and of the contrast between the still changing norms of their own society and those of the ancient world. A recent history of the period has described it in the following way: "Virtue became less the harsh and martial self-sacrifice of antiquity and more the modern willingness to get along with others for the sake of peace and prosperity." The difference between their contemporary world, based on sociability and commerce with that of the antiquity, based on self-sacrifice and warfare, was frequently remarked upon.⁵⁹⁴ One of the most perceptive of these writers, Benjamin Constant explained this transformation in his essay, "The Liberty of the Ancients when Compared to the Moderns," as one from a world where survival and prosperity was guaranteed by the exploitation of unfree labor and the acquisition of wealth through warfare to his more moderate contemporary world of

⁵⁹³ Siedentop 2014.

⁵⁹⁴ Wood 2009: 11-14.

commerce and cooperation.⁵⁹⁵ I think that his narrative can also be applied to the changing social norms of empathy as two following examples will illustrate.

Even though the consequences of this transformation for the norms of empathy can be imagined, one clear example is provided by the changing cultural attitudes towards women.⁵⁹⁶ Infamously described by Aristotle as developmentally flawed males, women, during the end of the 18th century began to be seen as possessing a certain kind of virtue that contrasted with the martial values of antiquity, and was characteristic of the more sociable and humane contemporary world. Of course, this attitude represented a new way of controlling women through the creation of a concept of “feminine virtue,” but it also was the first step towards the creation of a concept of real equality between men and women, even if the path would not be a straight one.⁵⁹⁷ Similarly to this new attitude towards women, this period of time also saw the beginning of a theory of punishment that was not mostly based on the need to hurt criminals to set an example for the rest of society. The idea that criminals could be guilty and still have rights was essentially an invention of this time.⁵⁹⁸ As these two examples illustrate, the culture of this period represents the beginning of a widespread sense that empathy should not just be deployed strategically to ensure the survival of the community, but that it should even be applied to those considered to be outsiders.

Revealingly, this is also the time when the direct ancestors of modern theories of empathy were first articulated.⁵⁹⁹ This new interest suggests that the greater compassion for women and criminals of this time was indicative of a radical shift in attitudes towards empathy.

⁵⁹⁵ Constant 1988.

⁵⁹⁶ Wood 2009: 502-502.

⁵⁹⁷ McPherson 1988: 33-37.

⁵⁹⁸ Wood 2009: 491-95; Masur 1989: 50-70.

⁵⁹⁹ E.g. Hume 1978; Smith 2009.

Understanding, compassion, and tolerance were becoming less luxuries to be jealously hoarded for privileged groups and beginning to be seen as virtues in themselves. Of course, violence and exploitation would continue to be broadly deployed against “them” for the benefit of “us” for many years and they haven’t vanished in the modern world either. But hypocrisy, as Orwell wrote, is preferable to outright cynicism.⁶⁰⁰ I don’t have a single explanation for why this change occurred at that time, but I can hazard a guess that it was an example of a “tipping point” where a broad range of, in themselves quite modest, intellectual and social changes resulted in a relatively quick catastrophic change of inherited norms.⁶⁰¹

One last point I’d like to make concerning our relationship with the ancient Greeks is expressed well in a poem by Yeats:

Surely among a rich man's flowering lawns,
Amid the rustle of his planted hills,
Life overflows without ambitious pains;
And rains down life until the basin spills,
And mounts more dizzy high the more it rains
As though to choose whatever shape it wills
And never stoop to a mechanical
Or servile shape, at others' beck and call.

Mere dreams, mere dreams! Yet Homer had not sung
Had he not found it certain beyond dreams
That out of life's own self-delight had sprung
The abounding glittering jet; though now it seems
As if some marvellous empty sea-shell flung

⁶⁰⁰ In his essay “The Lion and the Unicorn” in Orwell 1970: 41-78.

⁶⁰¹ Term borrowed from Malcolm Gladwell in Gladwell 2000.

Out of the obscure dark of the rich streams,
And not a fountain, were the symbol which
Shadows the inherited glory of the rich.

Some violent bitter man, some powerful man
Called architect and artist in, that they,
Bitter and violent men, might rear in stone
The sweetness that all longed for night and day,
The gentleness none there had ever known;
But when the master's buried mice can play,
And maybe the great-grandson of that house,
For all its bronze and marble, 's but a mouse.

O what if gardens where the peacock strays
With delicate feet upon old terraces,
Or else all Juno from an urn displays
Before the indifferent garden deities;
O what if levelled lawns and gravelled ways
Where slippered Contemplation finds his ease
And Childhood a delight for every sense,
But take our greatness with our violence?

What if the glory of escutcheoned doors,
And buildings that a haughtier age designed,
The pacing to and fro on polished floors
Amid great chambers and long galleries, lined
With famous portraits of our ancestors;
What if those things the greatest of mankind
Consider most to magnify, or to bless,

But take our greatness with our bitterness?⁶⁰²

Ancient Greece has left us a legacy no less paradoxical than the owners, artists, and architects of the Anglo-Irish mansions, upon whose grandeur and whose history of violence Yeats comments on above. The ancient Greeks have also left behind artistic works of penetrating beauty as well as a record of systemic violence. Coming to terms with the two sides of this tradition is an important part of appreciating their legacy with the right mixture of respect and honesty. One of the most touching remnants of their world is the uncanny beauty of their literary and artistic achievements as an expression of “the sweetness that all longed for night and day,/The gentleness none there had ever known.”

⁶⁰² Yeats 2004.

Bibliography

- Adams, W.L. and Borza, E.N., eds. 1982. *Philip II, Alexander the Great and the Macedonian Heritage*. Lanham: University Press of America.
- Adcock, F. E. 1953. "Greek and Macedonian Kingship." *Proceedings of the British Academy*, 39: 163-180.
- Adkins, A.W.H. 1960. *Merit and Responsibility: a Study in Greek Values*. Oxford: Clarendon Press.
- . 1963. "'Friendship' and 'self-sufficiency' in Homer and Aristotle." *The Classical Quarterly*, 13 (1): 30-45.
- . 1971. "Homeric Values and Homeric Society." *The Journal of Hellenic Studies*, 91: 1-14.
- Ager, Sheila. 2005. "Familiarity Breeds: Incest and the Ptolemaic Dynasty." *The Journal of Hellenic Studies*, 125: 1–34.
- . 2006. "The Power of Excess: Royal Incest and the Ptolemaic Dynasty." *Anthropologica*, 48 (2): 165-86.
- Allan, William. 2006. "Divine Justice and Cosmic Order in Early Greek Epic." *The Journal of Hellenic Studies*, 126: 1-35.
- Allan, William and D. Cairns. 2011. "Conflict and Community in the Iliad." In *Competition in the Ancient World*, edited by Nick Fisher and Hans van Wees, 113-46. Swansea: Classical Press of Wales.
- Allen, Danielle. 2000. *The World of Prometheus: The Politics of Punishing in Democratic Athens*. Princeton: Princeton University Press.
- Allen, James. 2014. "Aristotle on the Value of "Probability," Persuasiveness, and Verisimilitude in Rhetorical Argument." In *Probabilities, Hypotheticals, and Counterfactuals in Ancient Greek Thought*, edited by Victoria Wohl, 47-64. Cambridge: Cambridge University Press.
- Alwine, Andrew. 2015. *Enmity and Feuding in Classical Athens*. Austin: University of Texas Press.
- Ammann, Sonja. 2023. "Introduction." *Collective Violence and Memory in the Ancient Mediterranean*, edited by Sonja Ammann, Helge Bezold, Stephen Germany, and Julia Rhyder, 1-20. Leiden: Brill.
- Anderson, Benedict. 1983. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso.
- Anderson, Greg. 2003. *The Athenian Experiment: Building an Imagined Political Community in Ancient Attica, 508-490 B.C.* Ann Arbor: University of Michigan Press.
- . 2009. "The Personality of The Greek State." *The Journal of Hellenic Studies* 129: 1–22.
- Annas, Julia. 1996. "Aristotle on Human Nature and Political Virtue." *The Review of Metaphysics*, 49: 731–54.

- Apostolakis, Kostas. 2017. "Pitiable Dramas on the Podium of the Athenian Law Courts." In *The Theatre of Justice*, 133-56. Leiden: Brill.
- Arnhart, Larry. 1994. "The Darwinian Biology of Aristotle's Political Animals." *American Journal of Political Science*, 38 (2): 464–85.
- Arrington, Nathan. 2023. "Material Responses to Collective Violence in Classical Greece." *Collective Violence and Memory in the Ancient Mediterranean*, edited by Sonja Ammann, Helge Bezold, Stephen Germany, and Julia Rhyder, 159-188. Leiden: Brill.
- Asoka. 1959. *The Edicts of Asoka*, edited and translated by N.A. Nikam and Richard McKeon. Chicago: University of Chicago Press.
- Asper, Markus. 2020. "Storytelling in Greek Law Courts." In *Thinking in Cases: Ancient Greek and Imperial Chinese Case Narratives*, edited by Markus Asper, 49-66. Berlin: De Gruyter.
- Atkins, David, Ayse Uskul, and Nicholas Cooper. 2016. "Culture Shapes Empathic Responses to Physical and Social Pain." *Emotion*, 16 (5): 587–601.
- Axelrod, Robert. 1984. *The Evolution of Cooperation*. New York: Basic Books.
- Badian, Ernst. 1963. "The Death of Philip II." *Phoenix*, 17 (4): 244-250.
- . 1966. "Alexander and the Greeks of Asia." In *Ancient Society and Institutions. Studies Presented to Victor Ehrenberg on his 75th Birthday*, edited by Ernst Badian, 37-70. Oxford: Blackwell.
- . 1981. "The Deification of Alexander the Great." In *Ancient Macedonian Studies in Honor of Charles F. Edson*, edited by H. Dell, 27-71. Thessaloniki: Institute for Balkan Studies.
- Baillet, Daniel, Junhui Wu, and Carsten K. W De Dreu. 2014. "Ingroup Favoritism in Cooperation: A Meta-Analysis." *Psychological Bulletin*, 140 (6): 1556–81.
- Baldick, Chris. 2008. "Motif." In *The Oxford Dictionary of Literary Terms*, 3rd ed. Oxford: Oxford University Press.
- Balme, Maurice. 1984. "Attitudes to Work and Leisure in Ancient Greece." *Greece & Rome*, 31 (2): 140-152.
- Batson, Daniel. 2009. "These Things Called Empathy: Eight Related but Distinct Phenomena." In *The Social Neuroscience of Empathy*, edited by Jean Decety and William Ickes, 1-15. Cambridge: MIT Press.
- Batson, Daniel, and Tecia Moran. 1999. "Empathy-Induced Altruism in a Prisoner's Dilemma." *European Journal of Social Psychology*, 29 (7): 909–24.
- Baumeister, Roy F, and Mark R Leary. 1995. "The Need to Belong: Desire for Interpersonal Attachments as a Fundamental Human Motivation." *Psychological Bulletin*, 117 (3): 497–529.

- Beck, Hans and John Buckler. 2008. *Central Greece and the Politics of Power in the Fourth Century BC*. Cambridge: Cambridge University Press.
- Beckson, Karl and Arthur Ganz. 1989. "Motif." In *Literary Terms: a Dictionary*, 3rd ed. rev. and enl. New York: Noonday Press.
- Belavadi, Sucharita, Mark Rinella, and Michael Hogg. 2020. "When Social Identity-Defining Groups Become Violent: Collective Responses to Identity Uncertainty, Status Erosion, and Resource Threat." In *The Handbook of Collective Violence: Current Developments and Understanding*, edited by Carol Ireland, Michael Lewis, Anthony Lopez and Jane Ireland, 17-30. Routledge: London.
- Berent, Moshe. 2000. "Anthropology and the Classics: War, Violence, and the Stateless Polis." *Classical Quarterly*, 50 (1): 257–89.
- Bers, Victor. 2000. "Just rituals. Why the Rigmarole of Fourth-Century Athenian Lawcourts?," in *Polis and Politics. Studies in Ancient Greek History Presented to Mogens Herman Hansen on his 60th Birthday*, edited by P. Flensted-Jensen, Th. Heine Nielsen & L. Rubinstein, 553-562. Copenhagen: Museum Tusculanum Press.
- . 2009. "Genos Dikanikon: Amateur and Professional Speech in the Courtrooms of Classical Athens." *Hellenic Studies Series*, 33.
- Blundell, Mary. 1987. "The Moral Character of Odysseus in *Philoctetes*." *Greek, Roman and Byzantine Studies*, 28 (3): 307-329.
- . 1989. *Helping friends and Harming Enemies: a Study in Sophocles and Greek Ethics*. Cambridge: Cambridge University Press.
- Börm, Henning. 2018. "Stasis in Post-Classical Greece: The Discourse of Civil Strife in the Hellenistic World." In *The Polis in the Hellenistic World*, edited by Henning Börm and Nino Luraghi, 53-83. Stuttgart: Franz Steiner Verlag.
- Borowiak, Craig Thomas. 2011. *Accountability and Democracy: the Pitfalls and Promise of Popular Control*. Oxford: Oxford University Press.
- Bostock, William. 2010. "The Psychological Preconditions for Collective Violence: Several Case Studies." *Journal of Alternative Perspectives in the Social Sciences*, 2 (1): 273-297.
- Bosworth, A.B. 1980. "Alexander and the Iranians." *The Journal of Hellenic Studies*, 100: 1-21.
- . 1992. "Autonomia: the Use and Abuse of Political Terminology." *Studi Italiani Di Filologia Classica*, 10: 122-152.
- Bowden, Hugh. 2003. "The Functions of the Delphic Amphictyony before 346 BCE." *Scripta Classica Israelica*, 22: 67-83.

- Bowersock, G. W. 1995. "The Barbarism of the Greeks." *Harvard Studies in Classical Philology*, 97: 3–14.
- Bowles, Samuel and Herbert Gintis. 2011. *A Cooperative Species: Human Reciprocity and its Evolution*. Princeton: Princeton University Press.
- Boyd, Robert. 1988. "Is the Repeated Prisoner's Dilemma a Good Model of Reciprocal Altruism?" *Ethology and Sociobiology*, 9 (2): 211–22.
- Boyd, Robert, and Peter J. Richerson. 2009. "Culture and the Evolution of Human Cooperation." *Philosophical Transactions of the Royal Society of London. Series B. Biological Sciences* 364 (1533): 3281–88. <https://doi.org/10.1098/rstb.2009.0134>.
- Brauw, Michael de. 2001-2002. "'Listen to the Laws Themselves:' Citations of Laws and Portrayal of Character in Attic Oratory." *The Classical Journal*, 97 (2): 161-176.
- Brennan, Katie. 2018. "The Wisdom of Silenus: Suffering in The Birth of Tragedy." *Journal of Nietzsche Studies*, 49 (2): 174–93.
- Brock, Roger. 2013. *Greek Political Imagery from Homer to Aristotle*. London: Bloomsbury.
- Brock, Roger and Stephen Hodkinson. 2002. "Introduction: Alternatives to the Democratic Polis." In *Alternatives to Athens: Varieties of Political Organization and Community in Ancient Greece*, edited by Roger Brock and Stephen Hodkinson, 1-31. Oxford: Oxford University Press.
- Brunt, P.A. 2012. "Alexander's Aims." In *Alexander the Great: a Reader*, 2nd ed., edited by Ian Worthington, 62-70. Routledge: New York.
- Buckler, John. 1994. "Philip II, The Greeks, and The King 346-336 B.C." *Illinois Classical Studies*, 19: 99-122.
- Buckler, John and Hans Beck. 2008. *Central Greece and the Politics of Power in the Fourth Century BC*. Cambridge: Cambridge University Press.
- Burckhardt, Jakob. 1998. *The Greeks and Greek Civilization*, translated by Sheila Stern, edited and with introduction by Oswyn Murray. New York: St. Martin's Press. Originally published in 1872 as *Griechische Kulturgeschichte* by Leipzig: A. Kröner.
- Cairns, Douglas. 1993. *Aidos: The Psychology and Ethics of Honour and Shame in Ancient Greek Literature*. Oxford: Oxford University Press.
- . 1996. "Hybris, Dishonour, and Thinking Big." *The Journal of Hellenic Studies*, 116: 1-32.
- . 1999. "Representations of Remorse and Reparation in Classical Greece." In *Remorse and Reparation*, edited by Murray Cox, 171-178. London: Jessica Kingsley Publishers.
- . 2003. "The Politics of Envy: Envy and Equality in Ancient Greece." In *Envy, Spite and Jealousy: The Rivalrous Emotions in Ancient Greece*, edited by David Konstan and N.K. Rutter, 235–252. Edinburgh: Edinburgh University Press.

- . 2014. “Exemplarity and Narrative in the Greek Tradition.” In *Defining Greek Narrative*, edited by D. Cairns and R. Scodel, 102-136. Edinburgh: Edinburgh University Press.
- . 2015. “The first Odysseus: Iliad, Odyssey, and the Ideology of Kingship.” *GAIA. Revue interdisciplinaire sur la Grèce ancienne*, 18 (1): 51-66.
- Calhoun, G. M. 1935. “Zeus the Father in Homer.” *Transactions and Proceedings of the American Philological Association*, 66: 1–17.
- Cameron, Daryl, Cendri Hutcherson, Amanda Ferguson, Julian Scheffer, Eliana Hadjiandreou, and Michael Inzlicht. 2019. “Empathy Is Hard Work: People Choose to Avoid Empathy Because of Its Cognitive Costs.” *Journal of Experimental Psychology*. 148 (6): 962–76.
- Cameron, Daryl, Paul Conway, and Julian Scheffer. 2020. Empathy Regulation, Prosociality, and Moral Judgment. *Current Opinion in Psychology*, 44, 188–195.
- Daryl, Cameron, Michael Inzlicht and William A. Cunningham. 2015. “Empathy Is Actually a Choice,” *The New York Times*, July 10, 2015.
<https://www.nytimes.com/2015/07/12/opinion/sunday/empathy-is-actually-a-choice.html>
- Cammack, Daniela. 2022. “The Popular Courts in Athenian Democracy.” *The Journal of Politics*, 84 (4): 1997–2010.
- Canales, Mary. 2000. “Othering: Toward an Understanding of Difference.” *Advances in Nursing Science*, 22 (4): 16–31.
- Carey, Christopher. 1989. *Lysias. Selected Speeches*. Cambridge: Cambridge University Press.
- . 1994. “Rhetorical Means of Persuasion.” In *Persuasion: Greek Rhetoric in Action*, edited by Ian Worthington, 26-45. London: Routledge.
- . 1995. “Rape and Adultery in Athenian Law.” *Classical Quarterly*, 45 (2): 407–17.
- . 1996. “Nomos in Greek Rhetoric and Oratory.” *The Journal of Hellenic Studies*, 116:33-46.
- . 2023. “Dover and Greek Popular Morality.” In *Scholarship and Controversy: Centenary Essays on the Life and Work of Sir Kenneth Dover*, edited by Stephen Halliwell and Christopher Stray, 149-166. London: Bloomsbury Academic.
- Carney, Elizabeth. 1996. “Alexander and Persian Women.” *American Journal of Philology*, 117 (4): 563-583.
- Cartledge, Paul. 1978. “Literacy in the Spartan Oligarchy.” *The Journal of Hellenic Studies*, 98: 25–37.
- . 1987. *Agisilaos and the Crisis of Sparta*. London: Duckworth.
- . 2001. *Spartan Reflections*. Berkeley: University of California Press.
- . 2002a. *The Greeks a Portrait of Self and Others*, 2nd ed. Oxford: Oxford University Press.
- . 2002b. *Sparta and Lakonia: a Regional History, 1300-362 BC*, 2nd ed. London: Routledge.

- Cassels, Tracy, Sherilynn Chan, and Winnie Chung. 2010. "The Role of Culture in Affective Empathy: Cultural and Bicultural Differences." *Journal of Cognition and Culture*, 10 (3-4): 309–26.
- Chaniotis, Angelos. 2003. "The Divinity of Hellenistic Rulers." In *A Companion to the Hellenistic World*, edited by Andrew Erskine, 431-445. Malden: Blackwell Publishing.
- . 2005. *War in the Hellenistic World: a Social and Cultural History*. Oxford: Blackwell Publishing.
- . 2011. "The Ithyphallic Hymn for Demetrios Poliorketes and Hellenistic Religious Mentality." In *More than Men Less than Gods Studies on Royal Cult and Imperial Worship*, 157-195. Proceedings of the International Colloquium Organized by the Belgian School at Athens (1-2 November 2007). Leuven: Peeters.
- . 2018. "The Social Construction of Emotion: a View from Ancient Greece." *Current Opinion in Behavioral Sciences*, 24: 56-61.
- Chauveau, Michel. 2000. *Egypt in the Age of Cleopatra: History and Society under the Ptolemies*, translated from French by David Lorton. Ithaca: Cornell University Press. Originally published in 1997 as *L'Egypte au temps de Cleopatre* by Paris: Hachette Literatures.
- Choi, Jung-Kyoo, and Samuel Bowles. 2007. "Coevolution of Parochial Altruism and War." *Science*, 318 (5850): 636–40.
- Christ, Matthew. 1998a. *The Litigious Athenian*. Baltimore: Johns Hopkins University Press.
- . 1998b. "Legal Self-Help on Private Property in Classical Athens." *The American Journal of Philology*, 119 (4): 521-545.
- . 2007. "The Evolution of the Eischora in Classical Athens." *Classical Quarterly*, 57 (1): 53–69.
- . 2013. "Demosthenes on Philanthropia as a Democratic Virtue." *Classical Philology*, 108 (3): 202–22.
- Cikara, Mina, E. Bruneau, J.J. Van Bavel, and R. Saxe. 2014. "Their Pain Gives Us Pleasure: How Intergroup Dynamics Shape Empathic Failures and Counter-Empathic Responses." *Journal of Experimental Social Psychology*, 55: 110–25.
- Cikara, Mina, Matthew M. Botvinick, and Susan T. Fiske. 2011. "Us Versus Them: Social Identity Shapes Neural Responses to Intergroup Competition and Harm." *Psychological Science*, 22 (3): 306–13.
- Clarke, Michael. 2004. "Manhood and Heroism." In *The Cambridge Companion to Homer*, edited by Robert Fowler, 206-219. Cambridge: Cambridge University Press.
- Cohen, David. 1989. "Seclusion, Separation, and the Status of Women in Classical Athens." *Greece & Rome*, 36 (1): 3–15.

- . 1990. “The Social Context of Adultery in Athens.” In *Nomos: Essays in Athenian Law, Politics and Society*, edited by Paul Cartledge, Paul Millett, and Stephen Todd, 147-165. Cambridge: Cambridge University Press.
- . 1991. “Sexuality, Violence, and the Athenian Law of 'Hubris.'” *Greece & Rome*, 38 (2): 171-188.
- . 1995. *Law, Violence, and Community in Classical Athens*. Cambridge: Cambridge University Press.
- . 2005. “Theories of Punishment.” In *The Cambridge Companion to Ancient Greek Law*, edited by Michael Gagarin and David Cohen, 170-190. Cambridge: Cambridge University Press.
- Connor, W. R. 1988. “«Sacred» and «Secular»: Ἱερὰ καὶ ὅσια and the Classical Athenian Concept of the State.” *Ancient Society*, 19: 161–88.
- Constant, Benjamin. 1988. *Political Writings*, translated and edited by Biancamaria Fontana Cambridge: Cambridge University Press.
- Cox, Cheryl. 2011. “Marriage in Ancient Athens.” In *A Companion to Families in the Greek and Roman Worlds*, edited by Beryl Rawson. Chichester: John Wiley & Sons.
- Crowley, Jason. 2020. “Surviving Defeat: Battlefield Surrender in Classical Greece.” *Ancient History*, 8 (1).
- Dasen, Véronique. 2011. “Childbirth and Infancy in Antiquity.” In *A Companion to Families in the Greek and Roman Worlds*, edited by Beryl Rawson. Chichester: John Wiley & Sons.
- Davidson, James. 1998. *Courtesans & Fishcakes: the Consuming Passions of Classical Athens*. New York: St. Martin's Press.
- Decety, Jean. 2010. “The Neurodevelopment of Empathy in Humans.” *Developmental Neuroscience*, 32 (4): 257–67.
- . 2011. “The Neuroevolution of Empathy.” *Annals of the New York Academy of Sciences* 1231 (1): 35–45.
- Deene, Marloes. 2011. “Naturalized Citizens and Social Mobility in Classical Athens: The Case of Apollodorus.” *Greece and Rome*, 58 (2): 159–75.
- Delios, Athanasios. 2019. “The Protection of Oikoi under Extinction by the Eponymous Archon in Ancient Athens: The Law and Its Application.” *Studia Iuridica*, 80: 59–70.
- Demosthenes. 2008. *Demosthenes, Speeches 20-22*, translated with introduction and notes by Edward Harris. Austin: University of Texas Press
- Depew, David. 1995. “Humans and Other Political Animals in Aristotle's History of Animals.” *Phronesis*, 40 (2): 156–81.

- Devecka, Martin. 2013. "Did the Greeks Believe in their Robots?" *The Cambridge Classical Journal* 59: 52–69.
- D'Huys, Viktor. 1987. "How to Describe Violence in Historical Narrative: Reflections of the Ancient Greek Historians and their Ancient Critics." *Ancient Society*, 18: 209-250.
- Dickenson, Christopher. 2013. "Kings, Cities and Marketplaces: Negotiating Power through Public Space in the Hellenistic World." In *Public Space in the Post-Classical City*, edited by Christopher P. Dickenson and Onno M. van Nijf, 37-75. Proceedings of a One Day Colloquium held at Fransum 23rd July 2007. Leuven: Peeters.
- Dijker, Anton. 2011. "Physical Constraints on the Evolution of Cooperation." *Evolutionary Biology*, 38 (2): 124–43.
- Dillard, Carter. 2012. "Empathy with Animals: A Litmus Test for Legal Personhood?" *Animal Law Review*, 19: 1-21.
- Donlan, Walter. 1982. "Reciprocities in Homer." *The Classical World*, 75 (3): 137-175.
- . 1985. "Pistos Philos Hetairos." In *Theognis of Megara: Poetry and the Polis*, edited by Thomas J. Figueira and Gregory Nagy, 223-44. Baltimore: Johns Hopkins University Press.
- . 1989. "The Unequal Exchange between Glaucus and Diomedes in Light of the Homeric Gift-Economy." *Phoenix*, 43 (1): 1-15.
- . 1993. "Dueling with Gifts in the 'Iliad' - as the Audience saw it." *Colby Quarterly*, 29 (3): 155–72.
- Dornum, Deirdre Dionysia von. 1997. "The Straight and the Crooked: Legal Accountability in Ancient Greece." *Columbia Law Review*, 97 (5): 1483–1518.
- Dover, Kenneth. 1974. *Greek Popular Morality in the Time of Plato and Aristotle*. Oxford: Blackwell Publishing.
- . 1991. "Fathers, Sons and Forgiveness." *Illinois Classical Studies*, 16 (1/2): 173–82.
- Driscoll, Eric. 2016. "Stasis and Reconciliation: Politics and Law in Fourth-century Greece." *Chiron*, 46: 119-55.
- Dubois, Page. 2006. "The History of the Impossible: Ancient Utopia." *Classical Philology*, 101 (1): 1–14.
- Dunbar, Robin. 1996. *Grooming, Gossip, and the Evolution of Language*. Cambridge: Harvard University Press.
- Eder, Walter. 1991. "Who Rules? Power and Participation in Athens and Rome." In *City States in Classical Antiquity and Medieval Italy*, edited by Anthony Molho, Kurt Raaflaub, Julia Emlen, 169-197. Ann Arbor: University of Michigan Press.
- Edson, C. F., 1933. ' Legitimus honor. A note on Hellenistic ruler-worship,' *Harvard Theological Review*, 26: 324-25.

- Eichbaum, Quentin, Charles-Antoine Barbeau-Meunier, Mary White, Revathi Ravi, Elizabeth Grant, Helen Riess, and Alan Bleakley. 2023. "Empathy Across Cultures – One Size Does Not Fit All: From the Ego-Logical to the Eco-Logical of Relational Empathy." *Advances in Health Sciences Education: Theory and Practice*, 28 (2): 643–57.
- Eidinow, Esther. 2016. *Envy, Poison, and Death: Women on Trial in Classical Athens*. Oxford: Oxford University Press.
- Ellis, John. 1976. *Philip II and Macedonian Imperialism*. Princeton: Princeton University Press.
- Elmer, David. 2013. *The Poetics of Consent: Collective Decision Making and the Iliad*. Baltimore: The Johns Hopkins University Press.
- Erskine, Andrew. 2002. "Life after death: Alexandria and the body of Alexander." *Greece & Rome*, 49: 163–79.
- . 2011. "Between Philosophy and the Court: the Life of Persaios of Kition." In *Creating a Hellenistic World*, edited by Andrew Erskine and Lloyd Llewellyn-Jones, 177–194. Swansea: Classical Press of Wales.
- . 2014. "Ruler Cult and the Early Hellenistic City." In *The Age of the Successors and the Creation of the Hellenistic Kingdoms (323–276 B.C.)*, edited by Hans Hauben and Alexander Meeus, 579–98. Leuven: Peeters.
- Fairey, Emily. 2006. "Slavery in the Classical Utopia." PhD Dissertation. The City University of New York.
- FeldmanHall, Oriel, Tim Dalgleish, Davy Evans, and Dean Mobbs. 2015. "Empathic Concern Drives Costly Altruism." *NeuroImage*, 105: 347–56.
- Festinger, Leon. 1957. *A Theory of Cognitive Dissonance*. Stanford: Stanford University Press.
- Figes, Orlando. 2002. *Natasha's Dance: a Cultural History of Russia..* New York: Metropolitan Books.
- Figueira, Thomas. 1984. "The Lipari Islanders and Their System of Communal Property." *Classical Antiquity*, 3 (2): 179–206.
- Finley, M. I. 1964. "Between Slavery and Freedom." *Comparative Studies in Society and History*, 6 (3): 233–49.
- . 1975. *The Use and Abuse of History*. London: Chatto and Windus.
- . 1978. *The World of Odysseus*, Rev. ed. New York: Viking Press.
- . 1980. *Ancient Slavery and Modern Ideology*. London: Chatto and Windus.
- Fisher, N.R.E. 1992. *Hybris: a Study in the Values of Honour and Shame in Ancient Greece*. Warminster: Aris & Phillips.
- . 1993. *Slavery in Classical Greece*. London: Bristol Classical.

- Flower, Michael. 2000. "From Simonides to Isocrates: The Fifth-Century Origins of Fourth. Century Panhellenism." *Classical Antiquity*, 19 (1): 65-101.
- Forrest, W.G. 1982. "Delphi 750-500 BC." In *The Cambridge Ancient History, Volume 3, Part 3, The Expansion of the Greek World, Eighth to Sixth Centuries BC*, 2nd ed., edited by D. John Boardman, N. G. L. Hammond, 305-20. Cambridge: Cambridge University Press.
- Forsdyke, Sara. 2005. *Exile, Ostracism, and Democracy the Politics of Expulsion in Ancient Greece*. Princeton: Princeton University Press.
- . 2006. "Herodotus, Political History and Political Thought." In *The Cambridge Companion to Herodotus*, edited by Carolyn Dewald and John Marincola, 224-41. Cambridge: Cambridge University Press.
- . 2008. "Street Theatre and Popular Justice in Ancient Greece: Shaming, Stoning and Starving Offenders inside and outside the Courts." *Past & Present*, 201: 3-50.
- . 2012. *Slaves Tell Tales: And Other Episodes in the Politics of Popular Culture in Ancient Greece*. Princeton: Princeton University Press.
- . 2021. *Slaves and Slavery in Ancient Greece*. Cambridge: Cambridge University Press.
- . 2022. "Ancient and Modern Conceptions of the Rule of Law." In *Ancient Greek History and Contemporary Social Science*, edited by Mirko Canevaro, Andrew Erskine, Benjamin Gray and Josiah Ober, 184–212. Edinburgh: Edinburgh University Press.
- Foxhall, Lin and A.D.E. Lewis. 1996. "Introduction." In *Greek Law in Its Political Setting: Justifications Not Justice*, edited by L. Foxhall and A.D.E. Lewis, 1-8. Oxford: Oxford University Press.
- Fredricksmeyer, E.A. 1979. "Divine honors for Philip II." *Transactions of the American Philological Association* 109: 39-61.
- . 1981. "On the background of the ruler cult." In *Ancient Macedonian Studies in Honor of Charles F. Edson*, edited by H. Dell, 145-56. Thessaloniki: Institute for Balkan Studies.
- . 1997. "The Origin of Alexander's Royal Insignia." *Transactions of the American Philological Association*, 127: 97–109.
- Freud, Sigmund. 1989a. *Civilization and its Discontents*, translated and edited by James Strachey and with a biographical introduction by Peter Gay. New York: Norton. Originally published in 1930 as *Das Unbehagen in der Kultur* by Wien: Internationaler psychoanalytischer Verlag.
- . 1989b. *Totem and Taboo: Some Points of Agreement between the Mental Lives of Savages and Neurotics*, translated and edited by James Strachey and with a biographical introduction by Peter Gay. New York: Norton. Originally published in 1913 as *Totem und Tabu: Einige Übereinstimmungen im Seelenleben der Wilden und der Neurotiker* by Leipzig: H. Heller.
- Fritz, K. von 1941. "Conservative reaction and One Man's Rule in Ancient Greece." *Political Science Quarterly*, 56: 51-83.

- Gabrielsen, Vincent. 2007. "Warfare and the State." In *The Cambridge History of Greek and Roman Warfare*, edited by P. Sabin, H. Van Wees, & M. Whitby, 248-272. Cambridge: Cambridge University Press.
- . 2010. *Financing the Athenian Fleet: Public Taxation and Social Relations*. Baltimore: The Johns Hopkins University Press.
- Gaca, Kathy. 2010. "The Andrapodizing of War Captives in Greek Historical Memory." *Transactions of the American Philological Association*, 140 (1): 117-161.
- Gagarin, Michael. 1989. *Early Greek Law*. Berkeley: University of California Press.
- . 1994. "Probability and persuasion: Plato and early Greek rhetoric." In *Persuasion: Greek Rhetoric in Action*, edited by Ian Worthington, 26-45. London: Routledge.
- . 2003. "Telling Stories in Athenian Law." *Transactions of the American Philological Association*, 133 (2): 197-207.
- . 2005. "The Unity of Greek Law." In *The Cambridge Companion to Ancient Greek Law*, edited by Michael Gagarin and David Cohen, 29-40. Cambridge: Cambridge University Press.
- . 2008. *Writing Greek Law*. Cambridge: Cambridge University Press.
- . 2014. "Rhetoric as a Source of Law in Athens." In *Symposion 2013*, edited by Martin Dreher, Adriaan Lanni, Alberto Maffi, and Julie Vélissaropoulos-Karakostas, 131-144. Wien: Verlag der Österreichischen Akademie der Wissenschaften.
- . 2014. "Eikos Arguments in Athenian Forensic Oratory." In *Probabilities, Hypotheticals, and Counterfactuals in Ancient Greek Thought*, edited by Victoria Wohl, 15-29. Cambridge: Cambridge University Press.
- . 2021. "Classical Athens' Radical Democratic 'Rule of Law.'" In *The Cambridge Companion to the Rule of Law* edited by Jens Meierhenrich, Martin Loughlin, 25-38. Cambridge: Cambridge University Press.
- Ganczarek, Joanna, Thomas Hünefeldt, and Marta Olivetti Belardinelli. 2018. "From "Einfühlung" to Empathy: Exploring the Relationship Between Aesthetic and Interpersonal Experience." *Cognitive Processing* 19 (2): 141-45.
- Garlan, Yvon. 1975. *War in the Ancient World: a Social History*. London: Chatto & Windus.
- . 1987. "War, Piracy, and Slavery in the Greek World." In *Classical Slavery*, edited by Moses Finley, 9-27. London: F. Cass.
- Gehrke, Hans-Joachim. 2013. "The Victorious King: Reflections on the Hellenistic Monarchy." In *The Splendors and Miseries of Ruling Alone: Encounters with Monarchy from Archaic Greece to the Hellenistic Mediterranean*, edited by Nino Luraghi, 73-98. Stuttgart: Franz Steiner Verlag.
- Gelman, Andrew. 2007. "Methodology as Ideology: Mathematical Modeling of Trench Warfare." Available at SSRN: <https://ssrn.com/abstract=1010642>.

- Gilbert, Daniel. 1996. "The Prisoner's Dilemma and the Prisoners of the Prisoner's Dilemma." *Business Ethics Quarterly*, 6 (2): 165-178.
- Gill, Christopher. 1998. "Altruism or Reciprocity in Greek Ethical Philosophy?" In *Reciprocity in Ancient Greece*, edited by Christopher Gill, Norman Postlethwaite, and Richard Seaford, 303-328. Oxford: Oxford University Press.
- Giovannini, Adalberto. 1991. "Symbols and Rituals in Classical Athens." in *Athens and Rome, Florence and Venice. City States in Classical Antiquity and Medieval Italy*, edited by A. Molho, K. Raaflaub and J. Emlen, 459-78. Stuttgart: Steiner.
- Gkikaki, Mairi. 2014. "The Royal Sibling Marriage of Ptolemy II and Arsinoe II: Incestuous and yet Holy." *Hephaistos*, 31: 113-21.
- Gladwell, Malcolm. 2000. *The Tipping Point: How Little Things Can Make a Big Difference*. Boston: Little, Brown.
- Gómez-Castro, Daniel. 2017. "A Spartan Warlord: Lysander and the Creation of a New Greek Empire." In *War, Warlords, and Interstate Relations in the Ancient Mediterranean*, edited by Toni Naco del Hoyo and Fernando López Sánchez., 54-63. Leiden: Brill.
- Gould, John. 1973. "Hiketeia." *The Journal of Hellenic Studies*, 93: 74-103.
- Gray, Vivienne. 2010. *Xenophon's Mirror of Princes*. Oxford: Oxford University Press.
- Green, Peter. 2003. "Delivering the Go(o)ds: Demetrios Poliorcetes and Hellenistic Divine Kingship." In *Gestures. Essays in Ancient History, Literature, and Philosophy presented to Alan L. Boegehold*, edited by G.W. Bakewell and J. Sickinger, 258-77. Oxford: Oxbow Books.
- Greenhalgh, P. A. L. 1972. "Patriotism in the Homeric World." *Historia: Zeitschrift Für Alte Geschichte*, 21 (4): 528-37.
- Griffin, Jasper. 1980. *Homer on Life and Death*. Oxford: Oxford University Press.
- Griffiths, G.T. 1978. "Athens in the Fourth Century." In *Imperialism in the Ancient World: the Cambridge University Research Seminar in Ancient History*, edited by P.D.A. Garnsey and C.R. Whittaker, 129-144. Cambridge: Cambridge University Press.
- Gruen, Erich. 1985. "The Coronation of the Diadochoi." In *The Craft of the Historian: Essays in honor of Chester G. Starr*, edited by John W. Eadie and Josiah Ober, 253-271. Lanham: University Press of America.
- Gygax, Marc. 2020. "Classical Athens and the Invention of Civic Euergetism." In *Benefactors and the Polis*, edited by Marc Domingo Gygax, Arjan Zuiderhoek, 69-95. Cambridge: Cambridge University Press.
- Habicht, Christian. 2017. *Divine Honors for Mortal Men in Greek Cities: the Early Cases*, translated by John Noel Dillon. Ann Arbor: Michigan Classical Press. Originally published in 1970 as *Gottmenschentum und griechische Städte*, 2nd ed. by Munich: Beck.

- Hall, Edith. 1989. *Inventing the Barbarian: Greek Self-Definition through Tragedy*. Oxford: Clarendon Press.
- . 1995. "Lawcourt Dramas: the Power of Performance in Greek Forensic Oratory." *Bulletin of the Institute of Classical Studies*, 40: 39-58.
- Hamilton, Charles. 1982. "Problems of Alliance and Hegemony in Fourth Century Greece Reconsidered." *Mouseion*, 26 (3): 297-318.
- . 1991. *Agesilaus and the Failure of Spartan Hegemony*. Ithaca: Cornell University Press.
- Hamilton, J.R. 1984. "The Origins of the Ruler Cult." *Prudentia*, 9.
- Hammond, N.G.L. 1982. "The Peloponnese." In *The Cambridge Ancient History, Volume 3, Part 3, The Expansion of the Greek World, Eighth to Sixth Centuries BC*, 2nd ed., edited by D. John Boardman, N. G. L. Hammond, 321-359. Cambridge: Cambridge University Press.
- Hansen, Mogens. 1991. *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology*. Oxford: Blackwell.
- . 1995. "The Autonomous City-State. Ancient Fact or Modern Fiction?" In *Studies in the Ancient Greek Polis*, edited by Mogens Herman Hansen and Kurt Raaflaub, 21-43. Stuttgart: Franz Steiner Verlag.
- . 2002. "Was the 'Polis' a State or a Stateless Community?" In *Even More Studies in the Ancient Greek Polis*, edited by Thomas Heine Nielsen, 17-47. Stuttgart: F. Steiner.
- Hansen, Mogens, and J.A. Crook. 1999. *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology*, rewritten, reorganized and retranslated by J.A. Crook. Norman: University of Oklahoma Press. Originally published in 1991 by Oxford: Blackwell Publishing.
- Harris, Edward. 1990. "Did the Athenians Regard Seduction as a Worse Crime Than Rape?" *The Classical Quarterly*, 40 (2): 370-377.
- . 2001. *Restraining Rage: the Ideology of Anger Control in Classical Antiquity*. Cambridge: Harvard University Press.
- . 2013. *The Rule of Law in Action in Democratic Athens*. Oxford: Oxford University Press.
- . 2017. "How to 'Act' in an Athenian Court: Emotions and Forensic Performance." In *The Theatre of Justice: Aspects of Performance in Greco-Roman Oratory and Rhetoric*, edited by Sophia Papaioannou, Andreas Serafim, Beatrice da Vela, 223-42. Leiden: Brill.
- Harris, Jason. 2017. "Scholarship and Leadership on the Black Sea: Clearchus of Heraclea as (Un)enlightened Tyrant." *CHS Research Bulletin*, 5 (2).
- Hartog, Francois. 1988. *The Mirror of Herodotus: the Representation of the Other in the Writing of History*, translated by Janet Lloyd. Berkeley: University of California Press. Originally published in 1980 as *Le miroir d'Hérodote* by Paris: Gallimard.

- Harvey, David. 1990. "The Sykophant and Sykophancy: Vexation Redefinition?" In *Nomos: Essays in Athenian Law Politics and Society*, Edited by Paul Cartledge, Paul Millett and Stephen Todd, 103-138. Cambridge: Cambridge University Press.
- Heath, Malcolm. 1987. *Political Comedy in Aristophanes*. Göttingen: Vandenhoeck & Ruprecht.
- . 2008. "Aristotle on Natural Slavery." *Phronesis*, 53 (3): 243–70.
- Henrich, Joseph, and Michael Muthukrishna. 2021. "The Origins and Psychology of Human Cooperation." *Annual Review of Psychology*, 72 (1): 207–40.
- Herman, Gabriel. 1981. "The 'Friends' of the Early Hellenistic Rulers: Servants or Officials?" *Talanta*, 12: 103-49.
- . 2006. *Morality and Behaviour in Democratic Athens: a Social History*. Cambridge: Cambridge University Press.
- Hodkinson, Stephen. 1997. "Servile and Free Dependents of the Spartan Oikos." In *Schiavi e dipendenti nell'ambito dell'oikos e della familia: atti del XXII Colloquio Girea: Pontignano (Siena), 19-20 novembre*, edited by Mauro Moggi and Giuseppe Cordiano, 45-71. Pisa: Edizioni ETS.
- . 2000. *Property and Wealth in Classical Sparta*. Swansea: The Classical Press of Wales.
- Hoffman, Daniel N. 1986. "Personhood and Rights." *Polity*, 19 (1): 74–96.
- Hooker, J. 1987. "Homeric φίλος" *Glotta*, 65 (1/2): 44-65.
- . 1989a. "Homer, Patroclus, Achilles." *Symbolae Osloenses*, 64 (1): 30-35.
- . 1989b. "Gifts in Homer." *Bulletin of the Institute of Classical Studies*, 36 (1): 79-90.
- Hornblower, Simon. 1991. *A Commentary on Thucydides, Volume I: Books 1-3*. Oxford: Clarendon Press.
- . 2007. "Warfare in Ancient Literature: the Paradox of War," In *The Cambridge History of Greek and Roman Warfare*, 2 vols., edited by Philip Sabin, Hans van Wees, Michael Whitby, 1:22–53. Cambridge: Cambridge University Press.
- Hostetler, John. 2005. "Letter to Amish Bishops Concerning Shunning. In *Writing the Amish: the Worlds of John A. Hostetler*, edited by David Weaver-Zercher, 154-160. University Park: The Pennsylvania State University Press.
- Howe, Daniel. 2007. *What Hath God Wrought: the Transformation of America, 1815-1848*. Oxford: Oxford University Press.
- Howie, Gordon, 1995, "The *Iliad* as *Exemplum*." In *Homer's World*, edited by Øivind Andersen and Matthew Dickie, 141-173. Bergen: P. Åström.
- Hume, David. 1978. *A Treatise of Human Nature*, Oxford: Oxford University Press. Originally published in 1739-1740.
- Hunter, Richard. 2018. *The Measure of Homer: The Ancient Reception of the 'Iliad' and the 'Odyssey.'* Cambridge: Cambridge University Press.

- Hunter, Virginia. 1994. *Policing Athens: Social Control in the Attic Lawsuits, 420-320 B.C.* Princeton: Princeton University Press.
- Jackson, Alastar. 1995. "War and Raids for Booty in the World of Odysseus." In *War and Society in the Greek World*, edited by John Rich, and Graham Shipley, 64-76. London: Routledge.
- Johnstone, Christopher. 1996. "Greek Oratorical Settings and the Problem of the Pnyx: Rethinking the Athenian Political Process." In *Theory, Text, Context: Issues in Greek Rhetoric and Oratory*, edited by Christopher Johnstone, 97-128. Albany: State University of New York Press.
- Johnstone, Steven. 1999. *Disputes and Democracy: the Consequences of Litigation in Ancient Athens.* Austin: University of Texas Press.
- Jones, A. H. M. 1964. "The Hellenistic Age." *Past & Present*, 27: 3–22.
- Joyce, Christopher. 2018. "Atimia and Outlawry in Archaic and Classical Greece." *Polis*, 35 (1): 33–60.
- Kagan, Donald. 2003 *The Peloponnesian War*. New York: Viking.
- Kamen, Deborah. 2013. *Status in Classical Athens*. Princeton: Princeton University Press.
- Kapparis, Konstantinos. 2018. *Athenian Law and Society*. London: Routledge.
- Karavites, Peter. 1982a. *Capitulations and Greek Interstate Relations: the Reflection of Humanitarian Ideals in Political Events*. Göttingen: Vandenhoeck & Ruprecht.
- . 1982b. "'Ελευθερία and 'Αὐτονομία' in Fifth Century Interstate Relations." *Revue Internationale Des Droits de L'antiquité*, 29: 145-162.
- . 1984. "The Political Use of 'Ελευθερία' and 'Αὐτονομία' in the Fourth Century Among the Greek City-States." *Revue Internationale Des Droits de L'antiquité* (1954) 31: 167.
- Kelly, Gordon. 2014. "Battlefield Supplication in the "Iliad"." *The Classical World*, 107 (2): 147–67.
- Kerrigan, John. 1996. *Revenge Tragedy: Aeschylus to Armageddon*. Oxford: Oxford University Press.
- Kiechle, Franz. 1958. "Zur Humanität in der Kriegführung der griechischen Staaten." *Historia: Zeitschrift für Alte Geschichte*, 7 (2): 129-156.
- Kirk, G.S. 1949. "Ships on Geometric Vases." *Annual of the British School at Athens*, 44: 93-153.
- . 1985. *Iliad: A Commentary: Volume I, Books 1-4*. Cambridge: Cambridge University Press.
- Klimecki, Olga, Patrik Vuilleumier, and David Sander. 2016. "The Impact of Emotions and Empathy-Related Traits on Punishment Behavior: Introduction and Validation of the Inequality Game." *PloS One* 11 (3): e0151028–e0151028.
- Knox, Bernard. 1961. "The Ajax of Sophocles." *Harvard Studies in Classical Philology* 65: 1–37.
- Kolchin, Peter. 2003. *American Slavery, 1619-1877*. New York: Hill and Wang.
- Konijnendijk, Roel. 2016. "Mardonius' Senseless Greeks." *The Classical Quarterly*, 66 (1): 1–12.

- Konstan, David. 1985. "The Politics of Aristophanes' Wasps." *Transactions of the American Philological Association* 115: 27–46.
- . 1987. "Persians, Greeks and Empire." *Arethusa*, 20 (1/2): 59–73.
- . 1996. "Greek friendship." *American Journal of Philology*, 117 (1): 71–94.
- . 1997. *Friendship in the Classical World*. Cambridge: Cambridge University Press.
- . 1998. "Reciprocity and Friendship." In *Reciprocity in Ancient Greece*, edited by Christopher Gill, Norman Postlethwaite, and Richard Seaford, 279–302. Oxford: Oxford University Press.
- . 2000. "Pity and the Law in Greek Theory and Practice." *Dike*, 3: 125–145.
- . 2001. *Pity Transformed*. London: Duckworth.
- . 2005. "Pity and Politics." In *Pity and Power in Ancient Athens*, edited by Rachel Sternberg, 48–66. Cambridge: Cambridge University Press.
- . 2006. *The Emotions of the Ancient Greeks: Studies in Aristotle and Classical Literature*. Toronto: University of Toronto Press.
- . 2003. "Shame in Ancient Greece." *Social Research*, 70 (4): 601–630.
- . 2007a. "Anger, Hatred, and Genocide in Ancient Greece." *Common Knowledge*, 13 (1): 170–87.
- . 2007b. "Rhetoric and Emotion." In *A Companion to Greek Rhetoric*, edited by Ian Worthington, 411–425. Oxford: Blackwell Publishing.
- Krentz, Peter. 1985. "Casualties in Hoplite Battles." *Greek, Roman and Byzantine Studies*, 26 (1): 13–20.
- . 2002. "Fighting by the Rules: The Invention of the Hoplite Agôn." *Hesperia: The Journal of the American School of Classical Studies at Athens*, 71 (1): 23–39.
- . 2007. "War." In *The Cambridge History of Greek and Roman Warfare*, 2 vols, edited by Philip Sabin, Hans van Wees and Michael Whitby, 1:147–185. Cambridge: Cambridge University Press.
- Kurke, Leslie. 1999. *Coins, Bodies, Games, and Gold: the Politics of Meaning in Archaic Greece*. Princeton: Princeton University Press.
- Kyriakou, Poulheria. 2001. "Warrior Vaunts in the Iliad." *Rheinisches Museum für Philologie*, 144 (3/4): 250–77.
- Lanni, Adriaan. 1999. "Precedent and Legal Reasoning in Classical Athenian Courts: A Noble Lie?" *The American Journal of Legal History*, 43 (1): 27–51.
- . 2004. "'Verdict Most Just:' The Modes of Classical Athenian Justice," *Yale Journal of Law & the Humanities*, vol. 16, iss. 2, article 1.
- . 2006. *Law and Justice in the Courts of Classical Athens*. Cambridge: Cambridge University Press.
- . 2008. "The Laws of War in Ancient Greece." *Law and History Review*, 26 (3): 469–489.

- . 2009. "Social Norms in the Courts of Ancient Athens." *The Journal of Legal Analysis*, 1 (2): 691–736.
- . 2014. "The Need for Comparative Law in the Search for Greek Legal Unity: A Response to David Phillips." In *Symposion 2013*, edited by Martin Dreher, Adriaan Lanni, Alberto Maffi, and Julie Vélissaropoulos-Karakostas, 99–102. Wien: Verlag der Österreichischen Akademie der Wissenschaften.
- Lape, Susan. 2016. "The State of Blame: Politics, Competition, and the Courts in Democratic Athens." *Critical Analysis of Law: an International & Interdisciplinary Law Review*, 3 (1): 87–113.
- Latacz, Joachim. 2014. "'Between Troy and Homer: The so-called Dark Ages in Greece,'" in: *Homers Ilias: Studien zu Dichter, Werk und Rezeption (Kleine Schriften II)*, edited by Thierry Greub, Krystyna Greub-Fracz and Arbogast Schmitt, 89–104. Berlin: De Gruyter. Originally published in 1994 in *Storia, Poesia e Pensiero nel Mondo antico. Studi in Onore di M. Gigante* by Napoli: Bibliopolis.
- Lee, John. 2004. "For there Were Many *Hetairai* in the Army: Women in Xenophon's *Anabasis*." *The Ancient World*, 35 (2): 145–165.
- Leigh, David. 2004. "Forgiveness, Pity, and Ultimacy in Ancient Greek Culture." *Ultimate Reality and Meaning*, 27 (2): 152–61.
- Leimar, Olof, and Peter Hammerstein. 2010. "Cooperation for Direct Fitness Benefits." *Philosophical Transactions of the Royal Society of London. Series B. Biological Sciences* 365 (1553): 2619–26.
- Leschhorn, Wolfgang. 1984. *Gründer der Stadt: Studien zu einem politisch-religiösen Phänomen der griechischen Geschichte*. Stuttgart: F. Steiner.
- Livingstone, Niall. 1998. "The Voice of Isocrates and the Dissemination of Cultural Power." In *Pedagogy and Power*, edited by Yun Lee Too and Niall Livingstone, 263–81. Cambridge: Cambridge University Press.
- Llewellyn-Jones, Lloyd. 2020. "'Knocking Her Teeth Out with a Stone': Violence Against Women in Ancient Greece." In *The Cambridge World History of Violence*, 3 vols., edited by Matthew S. Gordon, Richard W. Kaeuper, and Harriet Zurndorfer, 1:380–99. Cambridge: Cambridge University Press.
- Lloyd, Alan. 1988. "Herodotus' Account of Pharaonic History." *Historia: Zeitschrift Für Alte Geschichte*, 37 (1): 22–53.
- . 2011. "From Satrapy to Hellenistic Kingdom: The Case of Egypt." In *Creating a Hellenistic World*, edited by Andrew Erskine and Lloyd Llewellyn-Jones, 83–105. Swansea: Classical Press of Wales.
- Lloyd-Jones, Hugh. 1971. *The Justice of Zeus*. Berkeley: University of California Press.
- Lopez, Anthony. 2020. "The Evolution of Warfare." In *The Handbook of Collective Violence: Current Developments and Understanding*, edited by Carol Ireland, Michael Lewis, Anthony Lopez and Jane Ireland, 3–16. Routledge: London.

- Loraux, Nicole. 1986. *The Invention of Athens: the Funeral Oration in the Classical City*, translated by Alan Sheridan. Cambridge: Harvard University Press. Originally published in 1981 as *L'invention d'Athènes: histoire de l'oraison funèbre dans la "cité classique"* by Paris: Éditions de l'École des hautes études en sciences sociales.
- . 2002. *The Divided City: on Memory and Forgetting in Ancient Athens*, translated by Corinne Pache with Jeff Fort. New York: Zone Books. Originally published in 1997 as *La cité divisée: l'oubli dans la mémoire d'Athènes* by Paris: Payot.
- Low, Polly. 2015. "Empire and Crisis in Fourth Century Greece." In *Deformations and Crises of Ancient Civil Communities*, edited by Valerij Goušchin and P.J. Rhodes, 63-72. Germany: Franz Steiner Verlag.
- . 2018. "Hegemonic Legitimacy (and its Absence) in Classical Greece." In *Ancient Greek History and Contemporary Social Science*, edited by Mirko Canevaro, Andrew Erskine, Benjamin Gray, and Josiah Ober, 433-454. Edinburgh: Edinburgh University Press.
- Luraghi, Nino. 2006. "Traders, Pirates, Warriors: The Proto-History of Greek Mercenary Soldiers in The Eastern Mediterranean," *Phoenix*, 60 (1): 21-47.
- . 2008. *The Ancient Messenians: Constructions of Ethnicity and Memory*. Cambridge: Cambridge University Press.
- . 2013. "One-Man Government: The Greeks and Monarchy." In *A Companion to Ancient Greek Government*, edited by Hans Beck, 131-145. Chichester: John Wiley & Sons.
- Lysias. 1990. *Lysias: Selected Speeches*, with a commentary by Christopher Carey. Cambridge: Cambridge University Press.
- Ma, John, 1999. *Antiochos III and the Cities of Western Asia Minor*. Oxford: Oxford University Press.
- . 2003. "Kings" in *A Companion to the Hellenistic World*, edited by Andrew Erskine, 177-195. Blackwell Companions to the Ancient World. Oxford: Blackwell Publishing.
- MacDowell, Douglas. 1976. "Hybris in Athens." *Greece and Rome*, 23 (1): 14-31.
- . 1978. *The Law in Classical Athens*. Ithaca: Cornell University Press.
- . 1995. *Aristophanes and Athens: an Introduction to the Plays*. Oxford: Oxford University Press.
- Majolo, Bonaventura. 2019. "Warfare in an Evolutionary Perspective." *Evolutionary Anthropology*, 28: 321-331.
- Masur, Louis. *Rites of Execution: Capital Punishment and the Transformation of American Culture, 1776-1865*. Oxford: Oxford University Press.
- McKechnie, Paul. 1989. *Outsiders in the Greek Cities in the Fourth Century B.C.* London: Routledge.
- McPherson, James. 1988. *The Battle Cry of Freedom: The Civil War Era*. Oxford: Oxford University Press.

- Melo, Celso de, and Kazunori Terada. 2020. "The Interplay of Emotion Expressions and Strategy in Promoting Cooperation in the Iterated Prisoner's Dilemma." *Scientific Reports*, 10 (1): 14959–14959.
- Millender, Ellen. 2017. "Kingship." In *A Companion to Sparta*, edited by Anton Powell, 452–479. Hoboken, NJ: Wiley Blackwell.
- Miller, Fred. 1995. *Nature, Justice, and Rights in Aristotle's Politics*. Oxford: Oxford University Press.
- Millett, Paul. 1998a. "The Rhetoric of Reciprocity in Classical Athens." In *Reciprocity in Ancient Greece*, edited by Christopher Gill, Norman Postlethwaite, and Richard Seaford, 227–254. Oxford: Oxford University Press.
- . 1998b. "Encounters in the Agora." In *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*, edited by Paul Cartledge, Paul Millett, and Sitta von Reden, 203–228. Cambridge: Cambridge University Press.
- Mirhady, David and Yun Lee Too transl. and comment. 2000. *Isocrates I*. Austin: University of Texas Press.
- Mitchell, Lynette. 2007. *Panhellenism and the Barbarian in Archaic and Classical Greece*. Swansea: Classical Press of Wales.
- Modanez de Sant Anna, Henrique. 2013. "Domination and Legitimacy in Early Hellenistic Basileia: The Rise of Self-Proclaimed Kings." *CHS Research Bulletin*, 1 (2).
- Monson, Andrew. 2015. "Hellenistic Empires." In *Fiscal Regimes and the Political Economy of Premodern States*, edited by Andrew Monson and Walter Scheidel, 169–207. Cambridge: Cambridge University Press.
- Moore, Kenneth R. 2019. "Of Philosophers and Kings." In *The Historiography of Alexander the Great*, edited by Krzysztof Nawotka Josef Wiesehöfer and Agnieszka Wojciechowska, 21–42. Wiesbaden: Harrassowitz Verlag.
- Morley, Neville. 2007. *Trade in Classical Antiquity*. Cambridge: Cambridge University Press.
- Muellner, Leonard. 1996. *The Anger of Achilles: Mēnis in Greek Epic*. Ithaca: Cornell University Press.
- Murray, Oswyn. 1983. "Symposion and Männerbund." In *Concilium Eirene XVI Proceedings of the 16th International Eirene Conference, Prague*, edited by Pavel Oliva and Alena Frolíková, 47–52. Prague: Kabinet pro studia řecká, římská a latinská.
- . 2007. "Philosophy and Monarchy in the Hellenistic World." In *Jewish Perspectives on Hellenistic Rulers*, edited by Tessa Rajak, Sarah Pearce, James Aitken, Jennifer Dines, 13–28. Berkeley: University of California Press.
- Nagy, Gregory. 1999. *The Best of the Achaeans: Concepts of the Hero in Archaic Greek Poetry*, rev. ed. Baltimore: Johns Hopkins University Press.
- Naiden, F. S. 2006. *Ancient Supplication*. Oxford: Oxford University Press.

- Nichols, Mary. 2015. *Thucydides and the Pursuit of Freedom*. Ithaca: Cornell University Press.
- Nietzsche, Friedrich. 1999. *The Birth of Tragedy and Other Writings*, edited by Raymond Geuss and Ronald Speirs, translated by Ronald Speirs. Cambridge: Cambridge University Press. Originally published as *Die Geburt der Tragödie, Oder: Griechentum und Pessimismus* in 1872 by Leipzig: E.W. Fritzsche.
- Nock, Arthur. 1930. "Σύνναος Θεός." *Harvard Studies in Classical Philology*, 41: 1-62.
- Nussbaum, Martha. 1986. *The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy*. Cambridge: Cambridge University Press.
- Ober, Josiah. 1989. *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*. Princeton: Princeton University Press.
- . 1994a. "The Rules of War in Classical Greece." In *The Laws of War: Constraints on Warfare in the Western World*, edited by Michael Howard, George J. Andreopoulos, and Mark R. Shulman, 12-26. New Haven: Yale University Press.
- . 1994b. "Power and Oratory in Democratic Athens: Demosthenes 21, Against Meidias." In *Persuasion: Greek Rhetoric in Action*, edited by Ian Worthington, 85-108. London: Routledge.
- . 1998. *Political Dissent in Democratic Athens: Intellectual Critics of Popular Rule*. Princeton: Princeton University Press.
- . 2005. *Athenian Legacies: Essays on the Politics of Going on Together*. Princeton: Princeton University Press.
- Olson, Greta. 2014. "Narration and Narratives in Legal Discourse." In *Handbook of Narratology*, 2nd ed., edited by Peter Hühn, et. al., 371-383. Berlin: De Gruyter.
- O'Neil, James. 2000. "Royal Authority and City Law under Alexander and his Hellenistic Successors." *Classical Quarterly*, 50 (2): 424-431.
- Orwell, George. 1970. *The Collected Essays, Journalism and Letters of George Orwell Volume II: My Country Right or Left 1940-1943*, edited by Sonia Orwell and Ian Angus. London: Penguin Books.
- Osborne, Robin. 1990. "Vexatious Litigation in Classical Athens: Sykophancy and the Sycophant." In *Nomos: Essays in Athenian Law Politics and Society*, Edited by Paul Cartledge, Paul Millett and Stephen Todd, 83-102. Cambridge: Cambridge University Press.
- . 2006. "Homer's Society." In *The Cambridge Companion to Homer*, edited by Robert Fowler, 206-219. Cambridge: Cambridge University Press.
- . 2009. *Greece in the Making: 1200-479 BC*. London: Routledge.
- Ostwald, Martin. 1969. *Nomos and the Beginnings of the Athenian Democracy*. Oxford: Clarendon Press.

- Peacock, Mark. 2020. "Wealth and Commerce in Archaic Greece: Homer and Hesiod." In *Wealth, Commerce, and Philosophy*, edited by Eugene Heath and Byron Kaldis, 11-30. Chicago: University of Chicago Press.
- Phillips, David. 2014. "Hubris and the Unity of Greek Law." In *Symposion 2013*, edited by Martin Dreher, Adriaan Lanni, Alberto Maffi, and Julie Vélissaropoulos-Karakostas, 75-98. Wien: Verlag der Österreichischen Akademie der Wissenschaften.
- Pomeroy, Sarah. 1975. *Goddesses, Whores, Wives, and Slaves: Women in Classical Antiquity*. New York: Schocken Books.
- Poundstone, William. 1992. *Prisoner's Dilemma*. New York: Doubleday.
- Press, William and Freeman Dyson. 2012. "Iterated Prisoner's Dilemma Contains Strategies That Dominate Any Evolutionary Opponent." *Proceedings of the National Academy of Sciences*, 109 (26): 10409–13.
- Preston, Stephanie, and Frans de Waal. 2002. "Empathy: Its Ultimate and Proximate Bases." *The Behavioral and Brain Sciences*, 25 (1): 1–20.
- Pritchett, Kendrick. 1974. *The Greek State at War: Part 1*. Berkeley: University of California Press. Originally published in 1971 as *Ancient Greek Military Practices: Part 1* by Berkeley: University of California Press.
- . 1991. *The Greek State at War: Part 5*. Berkeley: University of California Press.
- Raaflaub, Kurt. 1993. "Homer to Solon: the Rise of the Polis, the Written Sources." In *The Ancient Greek City-State*, edited by Mogens Hansen, 41-105. Copenhagen: The Royal Danish Academy of Sciences and Letters.
- . 1994. "Democracy, Power, and Imperialism in Fifth-Century Athens." In *Athenian Political Thought and the Reconstruction of American Democracy*, edited by J. P. Euben, J. R. Wallach, and J. Ober. Ithaca: Cornell University Press.
- . 1997a. "Homeric society." In *A New Companion to Homer* edited by Ian Morris and Barry Powell, 624-648. Leiden: Brill.
- . 1997b. "Soldiers, Citizens and the Evolution of the Early Greek Polis." In *The Development of the Polis in Archaic Greece* edited by L.G. Mitchell and P.J. Rhodes, 35-40. London: Routledge.
- . 2000. "Father of All, Destroyer of All: War in Late Fifth-Century Athenian Discourse and Ideology." In *War and Democracy: A Comparative Study of the Korean War and the Peloponnesian War*, edited by David McCann and Barry Strauss, 307–56. Armonk: Sharpe.
- . 2006. "Historical approaches to Homer." In *Ancient Greece: from the Mycenaean Palaces to the Age of Homer*, edited by Sigrid Deger-Jalkotzy and Irene S. Lemos, 449-62. Edinburgh: Edinburgh University Press.
- . 2009. "Conceptualizing and Theorizing Peace in Ancient Greece." *Transactions of the American Philological Association*, 139 (2): 225-250.

- . 2011. "Riding on Homer's Chariot: The Search for a Historical 'Epic Society.'" *Antichthon*, 45: 1-34.
- Ratnieks, F.L.W, and T Wenseleers. 2005. "Policing Insect Societies." *Science*, 307 (5706): 54–56.
- Ray, Fred Eugene. 2009. *Land Battles in 5th Century B.C. Greece: a History and Analysis of 173 Engagements*. Jefferson: McFarland.
- Reden, Sitta von. "Money, Law and Exchange: Coinage in the Greek Polis." *The Journal of Hellenic Studies*, 117: 154-176.
- Reed, C.M. 2003. *Maritime Traders in the Ancient Greek World*. Cambridge: Cambridge University Press.
- Rhodes, P. J. 1994. "The Polis and the Alternatives." In *The Cambridge Ancient History. Volume 6: The Fourth Century BC*, 2nd ed., edited by D.M Lewis, John Boardman, Simon Hornblower and M. Ostwald, 565–91. Cambridge: Cambridge University Press.
- . 1998. "Enmity in Fourth Century Athens." In *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*, edited by Paul Cartledge, Paul Millett, and Sitta von Reden, 144-161. Cambridge: Cambridge University Press.
- . 2004. "Keeping to the Point." In *The Law and the Courts in Ancient Greece*, edited by L. Rubinstein and E.M. Harris, 137–158. London: Duckworth.
- . 2010. *A History of the Classical Greek World, 478-323 BC*, 2nd ed. Chichester: Wiley-Blackwell.
- . 2015. "Instability in The Greek Cities." In *Deformations and Crises of Ancient Civil Communities*, edited by Valerij Gouschin, and P.J. Rhodes, 27-46. Germany: Franz Steiner Verlag.
- Rhodes, P. J. and Robin Osborne. 2003. *Greek Historical Inscriptions 404-323 BC*. Oxford: Oxford University Press.
- Richter, Daniel. 2011. *Cosmopolis: Imagining Community in Late Classical Athens and the Early Roman Empire*. Oxford: Oxford University Press.
- Ridley, Ronald. 1979. "The Hoplite as Citizen: Athenian Military Institutions in Their Social Context." *L'Antiquité Classique*, 48: 508-548.
- Rihll, Tracey. 1986, " 'Kings' and 'commoners' in Homeric society," *LCM* 11: 86-91.
- . 1993. "War, Slavery and Settlement in Early Greece." In *War and Society in the Greek World*, edited by John Rich, and Graham Shipley, 77-107. London: Routledge.
- Roberts, Jennifer. 1982. *Accountability in Athenian Government*. Madison: University of Wisconsin Press.

- Robinson, D. 1990. "Homeric φίλος,: Love of Life and Limbs, and Friendship with One's Θυμός." In *"Owls to Athens:" Essays on Classical Subjects Presented to Sir Kenneth Dover*, edited by E.M. Craik, 97-108. Oxford: Oxford University Press.
- Rosivach, Vincent. 1999. "Enslaving "Barbaroi" and the Athenian Ideology of Slavery." *Historia: Zeitschrift Für Alte Geschichte*, 48 (2): 129-57.
- Rowlandson, Jane and Ryosuke Takahashi. 2009. "Brother-Sister Marriage and Inheritance Strategies in Greco-Roman Egypt." *The Journal of Roman Studies*, 99: 104–39.
- Roy, J. 1997. "An Alternative Sexual Morality for Classical Athenians." *Greece & Rome*, 44 (1): 11–22.
- . 1999. "'Polis' and 'Oikos' in Classical Athens." *Greece & Rome*, 46 (1): 1-18.
- Rubinstein, Lene. 1998. "The Political Perception of the Idiotes." In *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*, edited by Paul Cartledge, Paul Millett, and Sitta von Reden, 125-143. Cambridge: Cambridge University Press.
- . 2013. "Evoking Anger through Pity: Portraits of the Vulnerable and Defenceless in Attic Oratory." In *Unveiling Emotions II: Emotions in Greece and Rome: Texts, Images, Material Culture*, edited by Angelos Chaniotis and Pierre Ducrey, 136-65. Stuttgart: Franz Steiner Verlag.
- Rumble, Ann, Paul Van Lange, and Craig Parks. 2010. "The Benefits of Empathy: When Empathy May Sustain Cooperation in Social Dilemmas." *European Journal of Social Psychology*, 40 (5): 856–66. <https://doi.org/10.1002/ejsp.659>.
- Rusch H. 2014. "The Evolutionary Interplay of Intergroup Conflict and Altruism in Humans: a Review of Parochial Altruism Theory and Prospects for its Extension." *Proc. R. Soc. B.* 281: 20141539.
- Sahlins, Marshall. 2004. *Stone Age Economics*, with a new pref. London: Routledge. Originally published in 1972 by Chicago: Aldine-Atherton.
- San, Debra. 1995. "Thinking Mortal Thoughts." *Philosophy and Literature*, 19(1): 16–31.
- Sanders, L.J., 1991. "Dionysius I of Syracuse and the Origins of the Ruler Cult in the Greek World." *Historia: Zeitschrift für Alte Geschichte*, 40 (3): 275-287.
- Sargent, Rachel L. 1927. "The Use of Slaves by the Athenians in Warfare. I." *Classical Philology*, 22: 201.
- Sautter, John. 2006. "Empathy and Collective Action in the Prisoner's Dilemma." *Hendricks Symposium-Department of Political Science*. 14.
- Scafuro, Adele. 1997. *The Forensic Stage: Settling Disputes in Greco-Roman New Comedy*. Cambridge: Cambridge University Press.
- Schein, Seth L. 2015. "'War—What Is It Good For?' in Homer's Iliad and Four Receptions." In *Homeric Epic and its Reception*. Oxford: Oxford University Press.
- Schofield, Malcolm. 1986. "Euboulia in the Iliad." *Classical Quarterly* 36 (1): 6–31.

- . 1998. “Political Friendship and the Ideology of Reciprocity.” In *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*, edited by Paul Cartledge, Paul Millett, and Sitta von Reden, 37-51. Cambridge: Cambridge University Press.
- . 1999. “Social and Political Thought.” In *The Cambridge History of Hellenistic Philosophy*, 739-69. Cambridge: Cambridge University Press.
- Scodel, Ruth. 2002. *Listening to Homer: Tradition, Narrative, and Audience*. Ann Arbor: University of Michigan Press.
- . 2008. *Epic Facework: Self-Presentation and Social Interaction in Homer*. Swansea: The Classical Press of Wales.
- Scott, John, and Gordon Marshall. 2009a. “Norm.” In *A Dictionary of Sociology*. 3rd ed. rev. Oxford: Oxford University Press.
- . 2009b. “Deviance.” In *A Dictionary of Sociology*. 3rd ed. rev. Oxford: Oxford University Press.
- . 2009c. “Dominant Culture.” In *A Dictionary of Sociology*. 3rd ed. rev. Oxford: Oxford University Press.
- . 2009d. “Culture.” In *A Dictionary of Sociology*. 3rd ed. rev. Oxford: Oxford University Press.
- Scott, Mary. 1982. “Philos, Philotēs and Xenia.” *Acta Classica*, 25 (1): 1–19.
- Segev, Mor. 2022. *The Value of the World and of Oneself: Philosophical Optimism and Pessimism from Aristotle to Modernity*. Oxford: Oxford University Press.
- Sell, Aaron and Anthony Lopez. 2020. “Emotional Underpinnings of War: an Evolutionary Analysis of Anger and Hatred.” In *The Handbook of Collective Violence: Current Developments and Understanding*, edited by Carol Ireland, Michael Lewis, Anthony Lopez and Jane Ireland, 31-46. Routledge: London.
- Serafim, Andreas. 2017. *Attic Oratory and Performance*. Abingdon: Routledge.
- Serrati, J. 2013. “Government and Warfare.” In *A Companion to Ancient Greek Government*, edited by Hans Beck, 317–331. Chichester: John Wiley & Sons.
- Sewell, Martin. 2010. “Emotions Help Solve the Prisoner’s Dilemma.” In *Proceedings of the Behavioural Finance Working Group Conference: Fairness, Trust and Emotions in Finance*, 1-6.
- Seyfarth, Robert and Dorothy Cheney. 2013. “Affiliation, Empathy, and the Origins of Theory of Mind.” *Proceedings of the National Academy of Sciences*, 110 (2): 10349–56.
- Shaw, Laura, Daniel Batson, and Matthew Todd. 1994. “Empathy Avoidance: Forestalling Feeling for Another in Order to Escape the Motivational Consequences.” *Journal of Personality and Social Psychology*, 67 (5): 879–87.
- Shipley, Graham and Mogens Hansen. 2006. “The Polis and Federalism” in *The Cambridge Companion to the Hellenistic World*, edited by G.R. Bugh, 52-72. Cambridge: Cambridge University Press.

- Siedentop, Larry. 2014. *Inventing the Individual: The Origins of Western Liberalism*. Cambridge: Harvard University Press.
- Silk, Joan. 2023. "Between-Group Cooperation in Bonobos." *Science*, 382 (6672): 760–61.
- Silk, Joan and Bailey House. 2016. "The Evolution of Altruistic Social Preferences in Human Groups." *Philosophical Transactions of the Royal Society of London. Series B. Biological Sciences* 371 1687: 20150097–20150097.
- Silver, Morris. 2006. "Slaves versus Free Hired Workers in Ancient Greece." *Historia: Zeitschrift Für Alte Geschichte*, 55 (3): 257–63.
- Smith, Adam. 2009. *The Theory of Moral Sentiments*. 250th anniversary ed., introduction by Amartya Sen; edited, with notes, by Ryan Patrick Hanley. New York: Penguin Books. Originally published in 1790.
- Snodgrass, Anthony. 1971. *The Dark Age of Greece: An Archaeological Survey of the 11th to 8th Centuries BC*. Edinburgh: Edinburgh University Press.
- Sophocles. 2011. *Ajax*, edited with introduction, translation and commentary by Patrick Finglass. Cambridge: Cambridge University Press.
- Sorum, Christina. 1986. Sophocles' "Ajax" in Context. *The Classical World*, 79 (6): 361–377.
- Spatharas, Dimos. 2017. "The Mind's Theatre: Envy, Hybris and Enargeia in Demosthenes' Against Meidias." In *The Theatre of Justice: Aspects of Performance in Greco-Roman Oratory and Rhetoric*, edited by Sophia Papaioannou, Andreas Serafim, Beatrice da Vela, 201–222. Leiden: Brill.
- Sternberg, Rachel. 2005. "The Nature of Pity." In *Pity and Power in Ancient Athens*, edited by Rachel Sternberg, 15–47. Cambridge: Cambridge University Press.
- . 2006. *Tragedy Offstage: Suffering and Sympathy in Ancient Athens*. Austin: University of Texas Press.
- Stewart, Alexander and Joshua Plotkin. 2012. "Extortion and Cooperation in the Prisoner's Dilemma." *Proceedings of the National Academy of Sciences*, 109 (26): 10134–35.
- Strasburger, Hermann. 1953. "Der soziologische Aspekt der homerischen Epen." *Gymnasium*, 60: 97–114.
- Strootman, Rolf. 2011a. "Hellenistic Court Society: The Seleukid Imperial Court under Antiochos the Great, 223–187 BCE." In *Royal Courts in Dynastic States and Empires*, edited by Jeroen Duindam, 63–89. Leiden: Brill.
- . 2011b. "Kings and Cities in the Hellenistic Age." In *Political Culture in the Greek City after the Classical Age*, edited by Onno M. van Nijf and Richard Alston with the assistance of C.G. Williamson, 141–154. Leuven: Peeters.
- . 2014. *Courts and Elites in the Hellenistic Empires: The Near East After the Achaemenids, c. 330 to 30 BCE*. Edinburgh: Edinburgh University Press.

- . 2018. "The Return of the King: Civic Feasting and the Entanglement of City and Empire in Hellenistic Greece." In *Feasting and Polis Institutions*, edited by Floris van den Eijnde, Josine H. Blok, Rolf Strootman, 273-296. Leiden: Brill.
- . 2020. "To be Magnanimous and Grateful: The Entanglement of Cities and Empires in the Hellenistic Aegean." In *Benefactors and the Polis: the Public Gift in the Greek cities from the Homeric World to Late Antiquity*, edited by Marc Domingo Gygax and Arjan Zuiderhoek, 137–178. Cambridge: Cambridge University Press.
- Suda On Line: Byzantine Lexicography. "basileia," translated by Catherine Roth with commentary by Catherine Roth, David Whitehead and Elizabeth Vandiver, last updated 7 February 2016. <http://www.stoa.org/sol-entries/beta/147>.
- Susen, Simon. 2016. "Towards a Critical Sociology of Dominant Ideologies: An Unexpected Reunion between Pierre Bourdieu and Luc Boltanski." *Cultural Sociology*, 10 (2): 195-246.
- Szanto, Thomas, and Joel Krueger. 2019. "Introduction: Empathy, Shared Emotions, and Social Identity." *Topoi* 38 (1): 153–62.
- Taeger, Fritz. 1937. "Isokrates und die Anfänge des hellenistischen Herrscherkultes." *Hermes*, 72: 355-360.
- . 1957. *Charisma. Studien zur Geschichte des antiken Herrscherkultes*. Stuttgart: W. Kohlhammer.
- Tarn, William. 1933. "Alexander the Great and the Unity of Mankind." *The Proceedings of the British Academy*, XIX.
- Thomas, Lewis. 1993. "Identifying Rhetoric in the "Apology:" Does Socrates Use the Appeal for Pity?" *Interpretation*, 21 (2): 105-114.
- Thomas, Rosalind. 1994. "Law and Lawgiver in the Athenian Democracy." In *Ritual, Finance, Politics: Athenian Democratic Accounts Presented to David Lewis*, edited by Robin Osborne and Simon Hornblower, 119-133. Oxford: Oxford University Press.
- Todd, Stephen. 1993. *The Shape of Athenian Law*. Oxford: Clarendon.
- . 1998. "The Rhetoric of Enmity in the Attic Orators." In *Kosmos: Essays in Order, Conflict, and Community in Classical Athens*, edited by Paul Cartledge, Paul Millett, and Sitta von Reden, 162-169. Cambridge: Cambridge University Press.
- Traill, David. 1989. "Gold Armor for Bronze and Homer's Use of Compensatory time." *Classical Philology*, 84 (4): 301–5.
- Tuplin, Christopher. 1996. "Xenophon's Cyropaedia: Education and Fiction." In *Education in Greek Fiction*, edited by Alan H. Sommerstein, Catherine Atherton, 65-162. Bari: Levante.
- . 2007. "Fear of Slavery and the Failure of the Polis." *Actes Du Groupe de Recherches Sur l'Esclavage Depuis l'Antiquité*, 29 (1): 57-74.

- Turkeltaub, Daniel. 2020. "Homeric Humor." In *The Cambridge Guide to Homer*, edited by Corinne Ondine Pache; associate editors, Casey Dué, Susan Lupack, Robert Lamberton, 149–51. Cambridge: Cambridge University Press.
- Tzanetou, Angeliki. 2005. "A Generous City: Pity in Athenian Oratory and Tragedy." In *Pity and Power in Ancient Athens*, edited by Rachel Sternberg: 98–122. Cambridge: Cambridge University Press.
- Usher, Stephen, ed., trans., comment. 1990. *Isocrates Panegyricus and To Nicocles*. Warminster: Aris & Phillips.
- Vangelis, Samaras. 2015. "Piracy in the Aegean during the Postpalatial Period and the Early Iron Age." In *The Mediterranean Mirror: Cultural Contacts in the Mediterranean Sea between 1200 and 750 B.C.*, edited by Andrea Babbi, Friederike Bubenheimer-Erhart, Beatriz Marín-Aguilera, Simone Mühl, 189–204. Mainz: Verlag des Römisch-Germanischen Zentralmuseums.
- Vernant, Jean-Pierre. 2006. *Myth and Thought among the Greeks*, translated by Janet Lloyd and Jeff Fort. New York: Zone Books. Originally published in 1965 as *Mythe et pensée chez les Grecs* by Paris: Librairie Franois Maspero.
- Versnel, Henk. 1973. "Philip II and Kynosarges." *Mnemosyne*, 26 (3): 273–279.
- . 2011. *Coping with the Gods: Wayward Readings in Greek Theology*. Leiden: Brill.
- Vlassopoulos, Kostas. 2007a. *Unthinking the Greek Polis: Ancient Greek History beyond Eurocentrism*. Cambridge: Cambridge University Press.
- . 2007b. "Free Spaces: Identity, Experience and Democracy in Classical Athens." *Classical Quarterly*, 57 (1): 33–52.
- . 2016. "Xenophon on Persia." In *The Cambridge Companion to Xenophon*, 360–75. Cambridge University Press.
- . 2017. "Slavery, Freedom and Citizenship in Classical Athens: Beyond a Legalistic Approach." In *Critical Readings on Global Slavery*, 4 vols., edited by Damian Alan Pargas and Felicia Roşu, 2:334–58. Leiden: Brill.
- Waal, Frans de. 2008. "Putting the Altruism Back into Altruism: The Evolution of Empathy." *Annual Review of Psychology*, 59 (1): 279–300.
- Walbank, F. W. 1984. "Monarchies and Monarchic Ideas." In *The Cambridge Ancient History Volume 7 Part I*, 2nd ed., edited by F. W. Walbank, A. E. Astin, M. W. Frederiksen, and R. M. Ogilvie, 62–100. Cambridge: Cambridge University Press.
- Walton, Douglas. 1997. *Appeal to Pity: Argumentum ad Misericordiam*. Albany: State University of New York Press.
- Waterfield, Robin. 2021. *The Making of a King: Antigonus Gonatas of Macedon and the Greeks*. Oxford: Oxford University Press.

- Waytz, Adam. 2016. "No, You Can't Feel Sorry for Everyone: The Idea of Empathy for All Ignores the Limits of Human Psychology." *Nautilus*. April 7, 2016. <https://nautil.us/no-you-cant-feel-sorry-for-everyone-235887/>.
- Weber, M., 1978. *Economy and Society: An Outline of Interpretive Sociology*. Translated and edited by Guenther Roth and Claus Wittich. Berkeley: University of California Press. Originally published in 1976 as *Wirtschaft und Gesellschaft*, 4th ed by Tübingen: Mohr.
- Wees, Hans van. 1992. *Status Warriors: War, Violence and Society in Homer and History*. Amsterdam: J.C. Gieben.
- . 1998. "The Law of Gratitude: Reciprocity in Anthropological Theory." In *Reciprocity in Ancient Greece*, edited by Christopher Gill, Norman Postlethwaite, and Richard Seaford, 13-50. Oxford: Oxford University Press.
- . 2004. *Greek Warfare: Myths and Realities*. London: Duckworth.
- . 2007. "War and Society." In *Cambridge History of Greek and Roman Warfare*, edited by P. Sabin, H. Van Wees, & M. Whitby, 273-299. Cambridge: Cambridge University Press.
- . 2010. "Genocide in the Ancient World." In *The Oxford Handbook of Genocide Studies*, edited by Donald Bloxham and A. Dirk Moses, 239-258. Oxford: Oxford University Press.
- . 2011. "Defeat and Destruction: The Ethics of Ancient Greek Warfare." In *Böser Krieg exzessive gewalt in der antiken kriegsführung und strategien zu deren vermeidung*, edited by Margit Linder and Sabine Tausend, 69-110. Graz: Grazer Universitätsverlag.
- . 2013. "Conquerors and Serfs: Wars of Conquest and Forced Labour in Archaic Greece." In *Helots and The Masters in Laconia and Messenia: Histories, Ideologies, Structures*, edited by Nino Luraghi and Susan E. Alcock, 33-74. Washington, D.C.: Center for Hellenic Studies.
- . 2020. "Heroic Benefactors?: The Limits of Generosity in Homer." In *Benefactors and the Polis*, edited by Marc Domingo Gygax and Arjan Zuiderhoek, 15-43. Cambridge: Cambridge University Press.
- Weisz, Erika and Mina Cikara. 2021. "Strategic Regulation of Empathy." *Trends in Cognitive Sciences*, 25 (3): 213-227.
- West, Martin. 2011. *The Making of the Iliad: Disquisition and Analytical Commentary*. Oxford: Oxford University Press.
- Westlake, H.D. 1994. "Dion and Timoleon," in *The Cambridge Ancient History. Volume 6: The Fourth Century BC*, 2nd ed., edited by D.M Lewis, John Boardman, Simon Hornblower and M. Ostwald, 693-722. Cambridge: Cambridge University Press.
- Whidden, Christopher. 2007. "The Account of Persia and Cyrus's Persian Education in Xenophon's *Cyropaedia*." *The Review of Politics*, 69 (4).

- Whitehead, David. 1991. "The Norms of Citizenship in Ancient Greece." In *City States in Classical Antiquity and Medieval Italy*, edited by Anthony Molho, Kurt Raaflaub, Julia Emlen, 135-154. Ann Arbor: University of Michigan Press.
- Williams, Dyfri. 1980. "Ajax, Odysseus and the Arms of Achilles." *Antike Kunst*, 23 (2): 137-145.
- Wood, Gordon. 2009. *Empire of Liberty: a History of the Early Republic, 1789-1815*. Oxford: Oxford University Press.
- Woodhead, A.G. 1960. "Thucydides' Portrait of Cleon." *Mnemosyne*, fourth series, 13 (4): 289-317.
- Woodruff, Paul. 2013. "In Place of Loyalty: Friendship and Adversary Politics in Classical Greece." *Nomos*, 54: 39–51.
- Worman, Nancy. 2004. "Insult and Oral Excess in the Disputes Between Aeschines and Demosthenes." *American Journal of Philology*, 125 (1): 1–25.
- Yeats, William Butler. 2004. "Meditations in a Time of Civil War." In *The Tower a Facsimile Edition*, with an introduction and notes by Richard J. Finneran, 4-15. New York: Scribner. Originally published in 1928 by London: MacMillan and Co.
- Yunis, Harvey. 2018. *Taming Democracy: Models of Political Rhetoric in Classical Athens*. Ithaca: Cornell University Press.
- Zaki, Jamil. 2014. "Empathy: a Motivated Account." *Psychological Bulletin*, 140 (6): 1608-1647.
- . 2019. *The War for Kindness: Building Empathy in a Fractured World*. New York City: The Crown Publishing Group.
- Zaki, Jamil and Jason P. Mitchell. 2013. "Intuitive Prosociality." *Current Directions in Psychological Science: a Journal of the American Psychological Society*, 22 (6): 466–70.
- Zaki, Jamil and Kevin Ochsner. 2012. "The Neuroscience of Empathy: Progress, Pitfalls and Promise." *Nature Neuroscience* 15 (5): 675–80.
- Zanker, Graham. 1994. *The Heart of Achilles: Characterization and Personal Ethics in the 'Iliad.'* Ann Arbor: University of Michigan Press.
- Zefferman, Matthew and Sarah Mathew. 2015. "An Evolutionary Theory of Large-Scale Human Warfare: Group-Structured Cultural Selection." *Evolutionary Anthropology*, 24:50–61.
- Zelnick-Abramovitz, Rachel. 2005. *Not Wholly Free: the Concept of Manumission and the Status of Manumitted Slaves in the Ancient Greek World*. Leiden: Brill.
- . 2009. "Freed Slaves, Their Status and State Control in Ancient Greece." *European Review of History*, 16 (3): 303–18.
- Zingg, Emanuel. 2014. "Absoluter Krieg in der Antike?-Isokrates (Archidamos [§ 73-84]) im Vergleich mit Clausewitz, Daudet und Ludendorff." *Antike und Abendland* 60 (1): 113-140.