Demokratie, Recht und soziale Kontrolle
im klassischen Athen

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Das Historische Kolleg fördert im Bereich der historisch orientierten Wissenschaften Gelehrte, die sich durch herausragende Leistungen in Forschung und Lehre ausgewiesen haben. Es vergibt zu diesem Zweck jährlich bis zu drei Forschungsstipendien und ein Förderstipendium sowie alle drei Jahre den „Preis des Historischen Kollegs".

Die Forschungsstipendien, deren Verleihung zugleich eine Auszeichnung für die bisherigen Leistungen darstellt, sollen den berufenen Wissenschaftlern während eines Kollegjahres die Möglichkeit bieten, frei von anderen Verpflichtungen eine größere Arbeit abzuschließen. Professor Dr. David Cohen (Berkeley, Cal.) war – zusammen mit Professor Dr. Gerhard Besier (Heidelberg), Prof. Dr. Wolfgang Reinhard (Freiburg i.Br.) und Dr. Lutz Klinkhammer (Rom) – Stipendiat des Historischen Kollegs im Kollegjahr 1997/98. Den Obliegenheiten der Stipendiaten gemäß hat David Cohen aus seinem Arbeitsbereich ein Kolloquium zum Thema „Democracy, Law, and Social Control in Classical Athens" vom 16. bis 19. Juni 1998 im Historischen Kolleg gehalten. Die Ergebnisse des Kolloquiums werden in diesem Band veröffentlicht.

Das Historische Kolleg, bisher vom Stiftungsfonds Deutsche Bank zur Förderung der Wissenschaft in Forschung und Lehre und vom Stifterverband für die Deutsche Wissenschaft getragen, wird ab dem Kollegjahr 2000/2001 in seiner Grundausstattung vom Freistaat Bayern finanziert; seine Stipendien werden aus Mitteln des DaimlerChrysler Fonds, der Fritz Thyssen Stiftung, des Stifterverbandes und eines ihm verbundenen Förderunternehmens dotiert. Träger des Kollegs ist nunmehr die „Stiftung zur Förderung der Historischen Kommission bei der Bayerischen Akademie der Wissenschaften und des Historischen Kollegs".

Inhalt

David Cohen

Introduction

This volume of essays grew out of a conference on Democracy, Law, and Social Control at the Historisches Kolleg. The starting point for this conference was the question of how to understand the mechanisms of social control that operated in the participatory democracy of classical Athens. Since most previous approaches to this question have been quite narrow in focus, my aim was to bring together an international group of leading scholars in law, classics, history, anthropology, and social theory who shared a common interest in different aspects of social control. Since different disciplines have tended to approach social control from a variety of perspectives, the goal was to explore the way in which comparative studies can enrich our understanding of processes of regulation, socialization, normalization, and deviance in traditional societies, and particularly those of classical Greece and, to a lesser extent, Rome. The participation of classicists and ancient historians whose work focuses upon these two cultures provided a central focus. At the same time, because the participants' contributions addressed not only law, but also religion, magic, gender, slavery, economy, war, and so on, we were able to move beyond the narrow concentration of formal coercive institutions that has too often characterized studies in this area.

Even more importantly, the vital contribution of scholars whose work involves other disciplines and historical areas provided us with comparative perspectives and theoretical models framing the general issues regarding social control that transcend any particular historical setting. The contribution of some of those scholars, such as Dieter Simon, Robert Bartlett, Peter Landau, and Christian Meier, was made through forms of participation other than publication of formal papers, but was nonetheless invaluable in stimulating the thinking of the authors represented in this volume. – Readers will note the absence of an index, which was felt to be unnecessary as the individual contributions are heavily thematic and analytical.

Athenian society of the classical era was a face-to-face society. In recent years some ancient historians (e.g. Osborne and Cartledge) have questioned this, arguing that historians like Moses Finley were naïve in assuming that all Athenians knew one another and that social control operated in Athens in the direct way familiar from studies of small village communities. Their doubts, however, rest upon the assumption that a face-to-face society can have no more than a few hun-

dred members, all of whom know one another intimately. As a review of the literature of Mediterranean anthropology reveals, what matters instead are the *qualitative* characteristics of social interaction. It is these, of course, which distinguish social control in Athens from anonymous modern mass urban societies.

Athens was a face-to-face society, but one which differed in important respects from the smaller communities which have been the object of so many anthropological studies of social control. Not only did Athens posses a large and stratified population composed of citizens, slaves, metics, and foreigners, but it also exhibited the complex centralized governmental and regulatory institutions of a state, albeit of a rather peculiar kind from the perspective of a modern state. Thus, although there were law courts, there was no state controlled coercive mechanism for the investigation or prosecution of crime, or for the enforcement of judgments in private lawsuits. Although there were state officials who were appointed to regulate many aspects of economic and public life, they differed radically from the modern bureaucracies whose disciplinary and normalizing activities have been studied by contemporary scholars of deviance and social control.

Above all, Athens was also a participatory democracy. Only a minority of the Athenian population were full citizens, but the participatory nature of Athenian law and politics makes it difficult to distinguish, for example, between official and unofficial, judicial and extra-judicial mechanism of social control. It was for this reason that I selected the title „Democracy, Law, and Social Control" for the conference. The challenge is to understand the way in which social control operates in that particular type of direct, participatory democracy that we find in classical Athens. This was a democracy centrally grounded upon an ideology of equality, but which also privileged the wealth elite in crucially important ways and excluded the majority of free inhabitants, to say nothing of slaves, from the exclusive male citizen club which alone governed. It is unfortunate that originally planned contributions on the most important disenfranchised groups, women and slaves, could not be included here, but it is worth noting the importance of extending the study of social control to the way it operated for these groups who categorically did not participate.

As I suggested above, though the city of Athens was inhabited by a fairly large scale urban society, it was not so large so as to exclude, in qualitative terms, those forms of social knowledge and face-to-face interaction which distinguish it from a modern metropolis. As Aristotle famously argues in his *Politics* it was part of the defining characteristic of a Greek polis to be just such a face-to-face community. On his account if a polis is too large it cannot embody the moral community which makes a polis a distinctive form of political community. Above all, a polis must not be so large that it cannot deliberate collectively. And it must not be so large that citizens cannot have the knowledge of one another which is necessary for effective participatory politics. So while Athens may have differed in important respects from modern or traditional very small-scale face-to-face communities, it also displayed many similarities in the patterns by which social norms are articulated, interpreted, enforced, and reproduced.

The papers in this volume broaden the context of the study of social control beyond the realm of formal judicial mechanisms of coercion. Including often neglected fields like religion and magic, as well as reflections upon political and legal theory, they also bring to bear the experience of other societies with very different institutional structures and traditions. These, together with perspectives of anthropology, philosophy, and social theory represented by other contributors, invite us to think beyond conventional accounts of social control and, I hope, beyond the temporal and spatial boundaries of classical Athens.

Verzeichnis der Tagungsteilnehmer

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Prof. Dr. David Cohen, Berkeley, Cal. (Stipendiat des Historischen
   Kollegs 1997/98)
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Jon Elster

Norms, Emotions and Social Control*

I. Introduction

The term "social control" is multiply controversial. (i) It suggests that "society" is capable of acting to "control" the behavior of its members. Yet societies cannot act: only individuals can. (ii) It is often also taken to suggest that the purpose of control is a benign one, that of reducing the extent of behavior that is in some sense harmful to society. Yet some mechanisms of social control are capable of causing harm as well as of containing it. (iii) The term suggests, finally, that the behavior that is to be controlled is independent of the control mechanisms. Yet these mechanisms can generate the very behavior they regulate. They can serve as pyromaniacs as well as firefighters, putting out the fires they have set. Note the difference between (ii) and (iii). According to (ii), suppression of behavior through social control may be harmful. According to (iii), harmful behavior suppressed by mechanisms of social control may itself be caused by these mechanisms.

In the older literature on social control, these implied "suggestions" were part and parcel of the research paradigm. On the one hand, these writings tended to violate the principle of methodological individualism. On the other hand, they often fell into an unthinking functionalism according to which the needs of "society" create their own satisfaction. In the more recent literature, these suggestions are less prominent[1]. Yet the very term "social control" has an insidious tendency to guide the mind along the lines of (i) – (iii) above. It would be better if one substituted "mechanisms of social control" for "social control", and even better if one simply talked about "social norms".

I am assuming, in fact, that social norms provide the mechanism of social control. By this assumption I exclude the *law* as a vehicle of social control. This is a purely stipulative definition, and hence cannot be defended by argument. Yet I am prepared to argue that the differences between social norms and legal systems are so numerous and important that for most purposes it would be unhelpful to group

[1] For an explicit rejection, see: R. *Bartlett*, Trial by Fire and Water (Oxford 1986) 34–42, who also provides some samples of the older literature. For other samples, see my: Norms of revenge, in: Ethics 100 (1990) 862–85.

them together, either as explananda or as explanantia. Although legal and social norms have in common that both are enforced by sanctions, they differ in that legal sanctions are formal, carried out by specialized enforcers who have a clear self-interest in enforcing the sanctions (they would lose their jobs if they failed to do so). Social sanctions, by contrast, are informal (there is no code stipulating the appropriate level of disapproval or ostracism for spitting in the street or rate-busting); their enforcement is diffused among the population at large; and it's not clear that the enforcers have any interest in doing what they do. Also, whereas one can assert (albeit not without some conceptual problems) that laws express the will of "society" and that they tend to protect its members against harmful behavior, there is no basis for making similar claims about social norms. Finally, whereas social norms are intimately linked to the emotions, laws and their enforcement need not owe anything to the latter.

The distinction between legal and social norms is not entirely hard-and-fast. In some cases, a moral norm against doing X gives rise both to a legal ban on X and to a social norm against X. Violence against children is an example. Also, a legal norm can generate a social norm. If there is a legal ban on driving faster than 60 miles per hour, some people will express disapproval of those who exceed that speed. Conversely, some legal norms may simply formalize a preexisting social norm. Social norms against incest antedate laws against incest. Yet all these examples involve benign norms, which in some obvious sense benefit the members of society. Social norms that suppress socially useful behavior or generate socially harmful behavior are less likely to be encoded in law. Also, as noted below, laws may be necessary because the appropriate norms are lacking.

I now proceed as follows. In Section II I consider the reciprocal relation between emotions and social norms. In Section III I turn to the behaviors that are prescribed or proscribed by social norms. Section IV offers a brief conclusion. Although the main thrust of the paper is general, the more extensive illustrations are taken from ancient Greece.

II. Emotions and social norms

The relation between emotions and social norms is twofold. Most obviously, the emotions of shame and contempt ensure the efficacy of social norms. At the same time and somewhat more paradoxically, emotions (along with other motivations) can themselves be the target of social norms.

Emotions as the support of social norms. Social norms as I understand them are non-outcome-oriented injunctions to act. In their simplest form, they take the form of unconditional imperatives: "always wear black at funerals". They may be contrasted with outcome-oriented imperatives: "always wear black in strong sunshine" (as do people in Mediterranean countries to maintain circulation of air between the clothes and the body). In a more complex form, they can be conditional

imperatives that make the action contingent on the past behavior of oneself or others rather than on future outcomes to be achieved. Norms of reciprocity, for instance, have this form: help those who help you, and harm those who harm you. For these norms to be *social* rather than merely private rules, they have to be shared with other members of the relevant culture or subculture.

Social norms affect action through the disapproval meted out to norm-violators. There are two distinct mechanisms involved. On the one hand, disapproval often goes together with material sanctions. One can refuse to have any dealings with a norm-violator, or punish him directly in a variety of ways. For some writers, this is the main way social norms operate[2]. On the other hand, disapproval often induces painful feelings in the norm-violator. Two correlative emotions are involved: contempt in the observer of the norm-violation and shame in the norm-violator. As Aristotle noted, the deterrent effect of shame must be distinguished from the deterrent effect of the concomitant material sanctions. "Shame is the imagination of disgrace, in which we shrink from the disgrace itself and *not from its consequences*" (Rhetoric 1384a; italics added).

In my opinion, the emotional sanctions are more important than the material ones. In fact, the latter matter mainly in so far as they are vehicles for the former. When I refuse to deal with a person who has violated a social norm, he may suffer a financial loss. More importantly, however, he will see the sanction as a vehicle for the emotions of contempt or disgust, and suffer shame as a result. The material aspect of the sanction that matters is *how much it costs the sanctioner to penalize* the target, not how much it costs the target to be penalized. The more it costs me to refuse to deal with him, the stronger he will feel the contempt behind my refusal and the more acute will be his shame. Although high costs to the sanctioner often go together with high costs for the target, as when the sanctioner renounces the opportunity for a mutually profitable business transaction, this need not be the case; and even when it is the case, my claim is that the costs to the sanctioner are what makes the sanction really painful to the target. It tells him that others see him as so bad that they are willing to forego valuable opportunities rather than have to deal with him.

Besides shame, the emotion of *guilt* is also capable of modulating behavior. Although both emotions are probably found in all societies, their relative importance differs. Ancient Greece, for instance, was closer to the shame end than to the guilt end of the continuum[3]. For the Greeks, "goodness divorced from a repu-

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[2] *D. Abreu*, On the theory of infinitely repeated games with discounting, in: Econometrica 56 (1988) 383–96; *G. Akerlof*, The economics of caste and of the rat race and other woeful tales, in: Quarterly Journal of Economics 90 (1976) 599–617; *R. Axelrod*, An evolutionary approach to norms, in: American Political Science Review 80 (1986) 1095–1111; *J. Coleman*, Foundations of Social Theory (Cambridge, Mass. 1990).
[3] *D. Cairns*, Aidos: The Psychology and Ethics of Honour and Shame in Ancient Greek Literature (Oxford 1993) 27–47; *B. Williams*, Shame and Necessity (Berkeley 1993); *K. Dover*, Greek Popular Morality (Indianapolis 1994) 220–23.

tation for goodness was of limited interest"[4]. Conversely, what they feared was being *seen* to act badly rather than the bad action itself. This being said, the Greeks carved out a conception of guilt within their conception of shame. Bernard Williams observes the Greeks were concerned with many of the things that we associate with guilt rather than shame, such as indignation, reparation and forgiveness[5]. There is also something like a concept of guilt in Aristotle's discussion of shame. He writes that we are not "ashamed of the same things before intimates as before strangers, but before the former of what seem genuine faults, before the latter of what seem conventional ones" (Rhetoric 1384 b). Also, he notes, we feel friendly "towards those with whom we are on such terms that, while we respect their opinions, we need not blush before them for doing what is conventionally wrong; as well as towards those before whom we should be ashamed of doing anything really wrong" (1381 b). Something like the shame-guilt distinction appears here, then, as a distinction between shame before strangers and shame before friends, or, equivalently, between shame for conventionally wrong actions and shame for genuinely wrong actions[6].

Even in societies that have a more prominent place for guilt, shame provides the stronger motivation. A.O. Lovejoy quotes Voltaire as saying that "To be an object of contempt to those with whom one lives is a thing that none has ever been, or ever will be, able to endure", Adam Smith as asserting that "Compared with the contempt of mankind, all other evils are easily supported", and John Adams to the effect that "The desire of esteem is as real a want of nature as hunger; and the neglect and contempt of the world as severe a pain as gout and stone"[7]. Modern psychologists also assert that the burning feeling of shame is more intensely painful than the pang of guilt[8]. To my knowledge, people rarely commit suicide out of guilt. By contrast, six Frenchmen killed themselves in 1997 after they were caught in a crackdown on pedophilia.

Feelings of shame must have been unusually strong in the competitive world of the Greeks. Aeschylus, for instance, "wrote his plays for performance at a dramatic competition with the hope presumably of securing first prize"; hence when

[4] *Dover*, Greek Popular Morality 226. We may contrast this attitude with that of *Montaigne*: "The more glittering the deed the more I subtract from its moral worth, because of the suspicion aroused in me that it was exposed more for glitter than for goodness: goods displayed are already halfway to being sold." (The Complete Essays [Harmondsworth 1991] 1157f.) Similarly, *Pascal* wrote that "the finest things about [fine deeds] was the attempt to keep them secret" and that "the detail by which they came to light spoils everything" (Pensées, *Sellier* [ed.], 520).
[5] *Williams*, Shame and Necessity 91.
[6] In his discussion of "conscience" *Dover*, Greek Popular Morality 220–223 by and large agrees that the Greeks did not have our (non-religious) concept of guilt, but also cites "passages which seem to carry a suggestion (perhaps in some cases illusory) that self-respect and the prospect for self-contempt are genuine motives" (221).
[7] *A.O. Lovejoy*, Reflections on Human Nature (Baltimore 1961) 181, 191, 199.
[8] *M. Lewis*, Shame (New York 1992) 77; *J.P. Tangney*, Assessing individual differences in proneness to shame and guilt: development of the self-conscious affect and attribution inventory, in: Journal of Personality and Social Psychology 59 (1990) 102–11, at 103.

he left Athens for Sicily "it will occasion no surprise that one reason advanced in antiquity for his departure from Athens was professional chagrin, defeat at the hands of the young Sophocles or at the hands of Simonides"[9]. Among the Greeks, losing was always shameful; in fact "defeat is *aischron* [shameful] even when the gods cause it"[10]. The value attached to glory in the Greek world was so strong that shame could attach not only to losers but also to non-contestants. Thus in Xenophon's Memorabilia (III.7.1) Socrates and Charmides agree that "a man who was capable of gaining a victory in the great games and consequently of winning honour for himself and adding to his country's fame, and yet refused to compete" could only be a coward. Moreover, as I argue below, feelings of shame were intensified by the fact that nobody bothered to hide their contempt.

Emotions as the target of social norms. Typically, social norms prescribe or proscribe specific forms of *behavior*. Social norms targeting emotions would not seem to make much sense. In the standard case, observed violation of a norm triggers a sanction that provides an incentive to respect the norm. Emotions, however, are largely unobservable; also they cannot be modified by incentives. It is nevertheless indisputable that people can feel ashamed of their emotions or lack of emotion. One is supposed to be happy at one's wedding day or sad at a funeral, and failure to experience these emotions is likely to induce shame. Because of strong social norms against envy people often feel ashamed when they experience this emotion. In societies that value courage very highly, people may be ashamed of being afraid.

If emotions were nothing but involuntary and unobservable mental states it would indeed be paradoxical to have norms targeting them. Yet emotions also have physiological and behavioral *expressions*, which are often observable and at least partly under the control of the will. Some of the emotion-related norms do in fact only target the expression of emotions. These "display rules", as Paul Ekman calls them, are mainly rules of etiquette[11]. Just as there is a norm enjoining me to wear black at a funeral, there is one that tells me to put my face in serious folds even if I was not particularly close to the deceased. The behavior is intended to show respect for those who grieve, not to make them (or others) believe that I am grieving. In other cases, a person may simulate emotional expressions (or hide them) in order to make others think that he is (or isn't) in a specific emotional state. One reason for doing so is squarely instrumental: I may fake anger, to get my way; or hide my anger, to avoid attack. Another reason is provided by the need to abide by a social norm. I may try to hide my fear or my envy because of the opprobrium often attached to these emotions, or simulate grief when I *was* close to the deceased.

[9] *P. Walcot*, Envy and the Greeks (Warminster 1978) 50f.
[10] *A. W. H. Adkins*, Moral Values and Political Behaviour in Ancient Greece (New York 1972) 60.
[11] *P. Ekman*, Biological and cultural contributions to body and facial movement in the expression of the emotions, in: *A. Rorty* (ed.), Explaining the Emotions (Berkeley, Los Angeles 1980) 73–102.

I would like to place the issue in a larger perspective, by considering the general phenomenon of norms that are directed towards the motivation behind behavior rather than towards the behavior itself. For this purpose I shall use the tripartite classification of emotions suggested by La Bruyère: "Nothing is easier for passion than to overcome reason; its greatest triumph is to conquer interest" (Characters IV.77). I shall understand the ideas of passion (or emotion) and interest more or less in their everyday sense. As for reason, I shall understand it as any kind of impartial (disinterested and dispassionate) motivation, aimed at promoting the public good, individual rights, and the like.

In any given society, these motivations (and their subspecies) will appear in a normative hierarchy. Some will be valued highly, others tolerated, still others despised. These evaluations set up a pressure on individuals to misrepresent their motivations to others so as to appear in a more favorable light[12]. For illustration, consider the Melian dialogue in which the Athenians make the following statement to the Melians:

For ourselves, we shall not trouble you with specious pretenses – either of how we have a right to our empire because we overthrew the Mede, or are now attacking you because of wrong that you have done us – and make a long speech which would not be believed; and in return we hope that you, instead of thinking to influence us by saying that you did not join the Spartans, although their colonists, or that you have done us no wrong, will aim at what is feasible, holding in view the real sentiments of us both; since you know as well as we do that right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must. (5.89)

Here, the Athenians very explicitly claim that they will *not* try to misrepresent their real motives. Commenting on this and other passages, A. H. M. Jones writes that "If these speeches are intended to reproduce the actual tenor of Athenian public utterances, it must be admitted that the Athenians of the fifth century were [...] a very remarkable, if not unique, people in admitting openly that their policy was guided purely by selfish considerations and that they had no regard for political morality". In fact, he finds the speeches so implausible that he concludes that "Thucydides, in order to point his moral, put into the mouths of Athenian spokesmen what he considered to be their real sentiments, stripped of rhetorical claptrap"[13]. Even the notoriously frank Greeks, in other words, would not be that frank. In other cultures, presumably, the pressure towards misrepresentation would be even stronger.

In ancient Greece, the unavowability of envy, *hybris* and interest induced commoners as well as kings to present actions thus motivated in a different light. Plutarch writes that "men deny that they envy [...]; and if you show that they do, they allege any number of excuses and say they are angry with the fellow or hate

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[12] They also set up a pressure on individuals to misrepresent their emotions to *themselves*, as when an envious person redescribes the situation so as to justify the more acceptable emotion of righteous indignation. For reasons of space, I ignore this phenomenon here. For reasons that I do not understand well, it does not seem to be prominent in the writings of the Greeks.
[13] *A. H. M. Jones*, Athenian Democracy (Baltimore 1957) 66f.

him, cloaking and concealing their envy with whatever other name occurs to them for their passion"[14]. In classical Athens, this tendency was revealed by the practice of denouncing others, who claimed to act for the sake of revenge, of being really motivated by envy. In David Cohen's summary, the orator Lysias "argues that his opponent will falsely claim that he brings the prosecution out of enmity so as to get revenge, but in fact it is only out of envy because the speaker is a better citizen. [...] The desire for revenge apparently would be seen by the judges as a legitimate reason for prosecuting, so the speaker must deny that this is the case. Meanspirited envy, on the other hand, reflects badly upon the accuser's character and indicates that the suit is unreliable."[15]

In Athens, *hybris* was a punishable offense and, moreover, a strongly disapproved form of behavior. There was a legal category, *graphe hybreos*, which enabled victims (or others) to prosecute hybristic behavior. Against accusations of *hybris* therefore, it was expedient to represent one's behavior as motivated by a more acceptable urge. In the Politics (1311 b), Aristotle tells a story about a tyrant, Archelaus, who was killed (among other reasons) because one of his boyfriends decided that their association had been based on "*hybris* not on erotic desire". Aristotle then offers the advice to tyrants who want to stay in power, that in their acquaintances with youth, they should appear to be acting from desire rather than from *hybris*[16]. In other contexts, those accused of *hybris* represent their behavior as motivated by revenge. Although there may have been truth in their allegations of having been wronged, they might still be guilty of *hybris* if the revenge was disproportionate to the offense[17].

In classical Athens, there were "sycophants" or professional accusers who initiated public lawsuits (*graphe*) for private gain, either because they could hope for a share of the fine or because they hoped that even innocent plaintiffs would settle in private rather than taking the risk of litigation. As sycophants were regarded with deep suspicion, it was important for them to misrepresent their motivation. As explained by Mogens Herman Hansen, it was more effective to disguise their interest as passion than to try to pass themselves off as motivated by impartial motives: "When a citizen appeared in court as a public accuser his first anxiety was [...] to dispel any suspicion that he was a sycophant. He could stress his public-spiritedness, but that tends to make ordinary folk even more suspicious, and usually there was a much more cogent argument to deploy: he could declare that the accused was his personal enemy and that he was using his citizen right to prosecute for revenge and not for gain."[18]

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[14] *Plutarch*, On envy and hate.
[15] *D. Cohen*, Law, Violence and Community in Classical Athens (Cambridge 1995) 82f.
[16] Politics 1315 a; see also *Cohen*, Law, Violence and Community in Classical Athens 145 and *N. R. E. Fisher*, Hybris (Warminster 1992) 30f.
[17] *Fisher*, Hybris 509 (summarizing his analyses in earlier chapters, notably Ch. XI).
[18] *M. H. Hansen*, The Athenian Democracy in the Age of Demosthenes (Oxford 1991) 195; see also: *J. Ober*, Mass and Elite in Democratic Athens (Princeton 1989) 212 for a similar comment.

Innumerable speeches of the Greek orators make it clear that the desire to en-
hance the glory of the polis was at the apex of the hierarchy of motivations. As the
passage just cited implies, claims to be public-spirited were not always taken at
face value. Dover also notes that the category of "polypragmosyne" or meddle-
someness was used about "the man who claims always to be ready to prosecute in
the city's interest"[19]. Yet this fact does not exclude – on the contrary, it presup-
poses – the primacy of public-spiritedness. The other passages I have cited suggest
that in the hierarchy of motivations, reason was ranged above revenge (a passion),
which was above interest, which was above envy and hybris (also passions). Of
the latter two, envy seems to have been viewed as the most despicable. In spite of
the legal ban on *hybris*, an Alcibiades fascinated his fellow-citizens in a way that
an envious person could never do.

An important feature of the Greeks can be summarized by saying that they
were (relatively) *unashamed of shaming*. Robert Levy writes that in Tahiti, there is
both control by shame (*ha'ama*) and control of shame: "Although gossip is an im-
portant part of ‚shame control', the words designating gossip have a pejorative
tone, and gossiping is said to be a bad thing to do. Ideally, the behavior which
would produce shame on becoming visible has to spontaneously force its way into
visibility; people are not supposed to search out shameful acts. Such a searching
out is itself a *ha'ama* thing."[20] Ancient Greece, by contrast, was a world with very
little emotional tact, a world in which a man was not afraid to express disapproval
of others merely because they were born ugly or poor – just as a child in our own
society may express spontaneous disgust at the sight of a disfigured person. Ober
cites a law "that forbade anyone to reproach any Athenian, male or female with
working in the agora"[21], presupposing both a tendency to disapprove of such
work and a tendency to disapprove of the disapproval. In modern Western so-
cieties, the latter is sufficient to neutralize the former, either because the one is
very strong or because the other is very weak. Among the Greeks, the relative
strength of the two tendencies was such that a law was needed.

III. Social norms and behavior

Writers on social norms tend to assume that they are by and large utilitarian, either
in the sense of benefiting all members of society or in the sense of benefiting some
at the expense of others[22]. Many also tend to assume that the benefits *explain* why
the norms exist[23]. Contrary to these writers, I believe there are norms that do not

[19] *Dover*, Popular Greek Morality 188.
[20] R. *Levy*, The Tahitians (Chicago 1973) 340.
[21] *Ober*, Mass and Elite in Democratic Athens 276.
[22] For a more refined classification, see: *J. Coleman*, The Foundations of Social Theory
(Cambridge, Mass. 1990) 246–49.
[23] Again I refer to *Coleman* (ibid., Ch. 11).

benefit anyone, and that even when a norm does provide benefits one cannot as-
sume without further argument that these have explanatory power. Here I shall
focus on the behavioral effects of norms, leaving the explanatory issues aside[24].

Norms that benefit everyone. It is undeniable that some social norms work out
to the benefit of everybody. The norm against spitting in public has (or had)
beneficial hygienic effects. The norm against incest reduces the number of persons
born with genetic defects. The norm of voting in general elections sustains democ-
racy, to everybody's benefit. Norms against envy give more room for innovation
and entrepreneurship. Norms against vengeance reduce overall levels of violence.
At a more general level, the norm of reciprocity works out to the benefit of all, at
least when combined with the norm that others should be trusted if and only if
they have not shown themselves to be unworthy of trust ("Fool me once, shame
on you; fool me twice, shame on me").

In the Greek context, it is at least arguable (but hardly provable) that the strict
norms of accountability may have worked out to everybody's benefit in the long
run, even if on a given occasion they may have led to manifestly unjust out-
comes[25]. The Athenian mode of accountability did in fact resemble the legal
principle of strict liability[26]. Theirs was not only a "shame-culture", but also a
"results-culture"[27], in which people were held accountable for the outcome of
their actions regardless of mitigating or extenuating circumstances[28]. If this prin-
ciple was adopted in Western societies today, it would probably have undesirable
results on the whole. In a society that was almost constantly at war, such as the
Athenian democracy, it may have been useful overall. As Dover notes, "a nation at
war turns itself into an organization with a specific and definable purpose, and it
deals more severely with negligence and inefficiency than a nation at peace; the
more perilous its situation, the less importance is attached to distinctions between
incapacity, thoughtlessness and treachery."[29] I leave it to the reader to ponder
whether the perilous situation *induced* the adoption of the results-culture, or
whether this attitude was simply a useful by-product of the shame-culture.

Norms that benefit some at the expense of others. Some norms have a utilitarian
aspect by favoring some members of society at the expense of others. In contem-
porary Western societies, the norm against smoking in public benefits (or is be-
lieved to benefit) non-smokers, at the expense of smokers. Norms of equality
serve the interest of those who are badly off at the expense of those who are well
off. In hierarchical societies, norms of deference serve the upper tiers of the social

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[24] I discuss those issues in: The Cement of Society (Cambridge 1989) 147–49.
[25] The following draws on my: Accountability in Athenian politics, in: *B. Manin, A. Prze-
worski, S. Stokes* (eds.), Democracy, Accountability and Representation (forthcoming from
Cambridge University Press).
[26] *Williams,* Shame and Necessity, Ch. 3.
[27] *Adkins,* Moral Values and Political Behaviour in Ancient Greece 61.
[28] For other examples of strict-liability societies see: *R. Edgerton,* Rules, Exceptions and the
Social Order (Berkeley, Los Angeles 1985) 161 f.
[29] *Dover,* Popular Greek Morality 159.

system at the expense of the lower ones. I assume that the norms are held by those whom they harm as well as by those whom they benefit. Hence the statement "Children should be seen and not heard" does not, in my terminology, express a social norm unless it is one to which children also subscribe[30]. When adults enforce this principle merely through their power to punish children we are dealing with a very different phenomenon from what we observe when members of a subordinate class police each other to ensure the proper deference to their superiors. In the latter case, but not in the former, emotions also come into play.

Many Greek writers and their modern commentators have asserted a strong behavioral impact of norms of equality in such matters as ostracism, liturgies and jury sentencing[31]. Yet in most cases, alternative explanations are possible. Ostracism could be used somewhat like our general elections, to decide between two alternative policies by expelling the proponent of one of them. To the extent that it was directed against individuals rather than against policies, the motivation is not necessarily one of envy. Alcibiades, for instance, was widely seen to be hybristic, and the fear that he might use power to set up a tyranny was not at all implausible[32]. As Paul Veyne has argued, convincingly to my mind, the Greek system of liturgies was based on more complex motivations than fear of egalitarian envy[33]. And if the Greek juries imposed heavy fines on rich defendants, the motive may have been interest rather than envy. In a hand-to-mouth economy such as Athens there was always "a temptation to jurors to vote in the interest of the treasury when money was short, and an informer dangled before their eyes a fat estate whose owner, he alleged, had been guilty of some serious offense"[34]. More generally, the Athenians were much too susceptible to norms of wealth and status for any simple egalitarian view of their society to make sense[35].

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[30] Here my terminology differs from that of: *Coleman*, Foundations of Social Theory 247, from whom I take this example.
[31] *Walcot*, Envy and the Greeks, is a useful summary.
[32] *Fisher*, Hybris 87.
[33] *P. Veyne*, Le Pain et le cirque (Paris 1976) Ch. II.
[34] *Jones*, Athenian Democracy 58, citing three speeches by *Lysias* (30, 27, 19). A proposal by Aristotle would, if implemented, have provided an ingenious way of testing the envy hypothesis versus the interest hypothesis. In the Politics, he notes that "The demagogues of our own day often get property confiscated in law-courts to please the people" (1320 a), because the people has a direct financial interest in the size of the state coffers. He then goes on to recommend "a law that the property of the condemned should not be public and go into the treasury but be sacred. Thus offenders will be as much afraid, for they will be punished all the same, and the people, having nothing to gain, will not be so ready to condemn the accused". In terms of La Bruyère's trichotomy of motives, Aristotle claims that if you remove any *interest* the people might have in the outcome, they will decide in accordance with *reason* or justice, thus assuming that they would not be moved by *passion*, e.g. by envy.
[35] *Ober*, Mass and Elite in Democratic Athens 224f., 287f. His argument is based on the fact that the classical orators offered elitist arguments when addressing the democratic jury. *Dover*, Greek Popular Morality 34f. discusses whether the jurors were prosperous or simply liked to be treated as if they were, and opts, tentatively, for the former alternative. *Ober* argues (op.cit., p.141) that the jurors were representative of the population as a whole; see also:

Norms that benefit no one. I have discussed norms that benefit all and norms that benefit some at the expense of others. But some norms do not benefit anyone[36]. Consider the norm in our society against walking up to the person at the head of the bus queue and asking to buy his or her place in the queue. This practice, if allowed, would not harm anyone. The person asked to give up the place is free to refuse. If the offer is accepted both parties to the transaction will be better off and no third parties will be hurt. By blocking such potential Pareto-improvements, the norm makes everybody worse off. Or consider the pointless suffering induced by norms of etiquette, which penalize people for wearing the wrong kind of clothes or having the wrong kind of haircut. The argument that these norms are useful in that adherence to them "will declare one's group identity to other members and to nonmembers"[37] may be adequate in some cases, but hardly in all. When a small girl comes home crying because her friends ridicule her purchase of the wrong sort of pram for her doll, no useful function is served. These may seem to be inconsequential matters, and in one sense they clearly are. Yet as Tocqueville noted, although "nothing, at first sight, seems less important than the external formalities of human behavior [...], there is nothing to which men attach greater importance"[38]. Proust and Edith Wharton would have concurred.

Some norms that are unambiguously consequential also fail to provide any benefits. In my view, norms of revenge fall in this category[39]. The Mediterranean and Middle Eastern societies that subscribe to these norms have levels of violence and mortality rates among young men far above what is found elsewhere. The idea that the practice of revenge is a useful form of population control is too arbitrary to be taken seriously. The idea that norms of revenge provide a functional equivalent of organized law enforcement in societies with a weak state is also fallacious, albeit more subtly. Norms of revenge and the larger code of honor in which they are usually embedded set, as I said in the opening paragraph, as many fires as they put out. In many cases, the question "whether feuds created more disruption than they controlled"[40] may be answered in the affirmative.

In dueling and feuding societies, many people do in fact engage in deliberate provocation, to insult or offend another. Moreover, one cannot achieve honor by insulting just anybody. In Iceland, "the possession of honor attracted challenges, because that was where honor was to be had"[41]. For a medieval knight, the "prime concern must be pursuit of distinction, and a challenge should never be rejected.

M.H. Hansen, The Athenian Democracy in the Age of Demosthenes (Oxford 1991) 186 (the poor and the elderly were the majority in the courts).

[36] This statement is slightly inaccurate. Usually, some individuals benefit *ex post* from the operation of the norms discussed below. This is compatible with the idea that nobody benefits *ex ante*, and a fortiori with the idea that the average benefit is negative.

[37] *Coleman*, Foundations of Social Theory 258; also: *P. Bourdieu*, La distinction (Paris 1979).

[38] Democracy in America 605.

[39] The following draws on my "Norms of revenge".

[40] *C. Boehm*, Blood Revenge: The Anthropology of Feuding in Montenegro and Other Tribal Societies (Lawrence 1984) 183.

[41] *W. I. Miller*, Bloodtaking and Peacemaking (Chicago 1990) 33.

Rather he should go out of his way to confront others."[42] Montaigne refers to "what is said by the Italians when they wish to reprove that rash bravery found in younger men by calling them *bisognosi d'honore*, ‚needy of honour': they say that since they are still hungry for that reputation, which is hard to come by, they are right to go and look for it at any price – something which ought not to be done by those who have already acquired a store of it."[43] The behavior of Meidias when he slapped Demosthenes in public during a festival conforms to this pattern.

Athenian society was based, roughly speaking, on the pursuit of glory through competition and of honor through confrontation. More than anything, the Athenians wanted to excel and to stand out. Other societies have been based squarely on the norm against sticking one's neck out. In Aksel Sandemose's "Law of Jante" (a mythical small town in Denmark), the fourth of the ten commandments is "Thou shalt not fancy thyself better than *we*"[44]. Keith Thomas writes that in many primitive societies, beliefs in witch-craft "are a conservative force, acting as a check on undue individual effort. Similarly, in twelfth-century England the chronicler William Malmesbury could complain that the common people disparaged excellence in any sphere by attributing it to demonic aid."[45] Unlike egalitarian norms that have a redistributive effect, the norm against sticking one's neck out does not benefit anyone.

IV. Conclusion

I have argued elsewhere[46] that the idea of "social order" can be understood in two distinct ways. On the one hand, social order is the solution to the Hobbesian dilemma, the achievement of the cooperative solution to a collective action problem. On the other hand, social order is the avoidance of chaos, the realization of a stable and predictable state of affairs. This state may be abysmally bad, but at least it offers no surprises.

The idea of "social control" may be taken in a similarly dual sense. On the one hand, the control may target individuals who engage in non-cooperative behavior. On the other hand, they may target individuals who deviate from expectations. In either case, the control may be achieved through the vehicle of social norms. Some norms promote cooperation by punishing non-cooperators. Other norms pro-

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[42] *V. Kiernan*, The Duel in European History (Oxford 1986) 33.
[43] *Montaigne*, The Complete Essays 839; *R. F. Bryson*, The Point of Honor in Sixteenth-Century Italy (New York: Publications of the Institute of French Studies, Columbia University 1935) 28, cites a sixteenth-century Italian writer to the effect that "giving [insults] pertains to the nature of man; because everyone seeks distinction, one mark of which is to offend fearlessly".
[44] *A. Sandemose*, A Fugitive Crosses his Track (New York 1936) 77.
[45] *K. Thomas*, Religion and the Decline of Magic (Harmondsworth 1973) 644.
[46] In the Introduction to: "The Cement of Society".