General Introduction

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CHAPTER ONE

GENERAL INTRODUCTION

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1. *Introduction*

Just weeks before the start of the second Penn-Leiden Colloquium on Ancient Values, on the topic of Free Speech in Classical Antiquity, the unconventional Dutch politician Pim Fortuyn was murdered—a political crime that no Dutch citizen would have believed possible in the Netherlands. At the time, it was almost automatically assumed that the motive for the murder was to be sought in Fortuyn's outspokenness on topics long considered off-limits by more politically correct representatives of 'Dutch tolerance'. His killer, on the other hand, after his arrest persisted in a consciously chosen strategy of total silence: the opposition between his exercise of the right to remain silent and the ultimate denial of the right of free speech in another was striking.

At the same time, in the United States the Supreme Court of Virginia was reconsidering whether cross-burning should be protected under the First Amendment, in a reexamination of the arguments made in the classic R.A.V. case on the same topic.[1] This case has occupied not only legal scholars, but also philosophers and linguists. People are entitled to their communicative symbols, so one argument goes, but what exactly does this particular symbol translate into? Does the burning cross in the yard of an African American family indeed signify a

[1] R.A.V. are the initials of the white juvenile who had been arrested for burning a cross inside the fenced yard of a black family. He was charged with violating St. Paul's Bias-Motivated Crime Ordinance, which prohibited the placement of any symbol on public or private party that aroused anger in others on the basis of race, color, creed, religion, or gender. The trial court dismissed this charge on the grounds that it was overbroad and impermissibly content-based under the First Amendment. The Minnesota Supreme Court reversed, holding that the ordinance prohibited only 'fighting words', which were not protected under the First Amendment. But the US Supreme Court held that the St. Paul ordinance was indeed invalid under the First Amendment. For a description of this case, see Matsuda et al. 1993, 133ff. That volume contains a fascinating series of papers on 'hate speech', viewed from the perspective of critical race theory. On the R.A.V. case, see in particular also Butler 1997, 52ff.; the connection between this case and ancient ideas on free speech was also made in Sluiter 2000.

statement of opinion or does it represent, not speech, but aggressive behavior, standing in for an outright attack? In the former case, it could claim First-Amendment protection, in the latter not. And what if it *is* a form of speech? What then is its correct translation? An opinion of the form 'I think you should not be living here'? In that case it could again claim First-Amendment protection. The opinion is offensive, but it can be combated in a free exchange of ideas. On the other hand, it is not hard to argue that the burning cross is more accurately translated into a racist threat. The distinction between words and acts on which the first Amendment is premised ('as long as we are talking, we're not shooting') is crucial in this case—but is it a valid one? Freedom of speech is not only a value that, like other societal values, is created through the use of language: in this case, the value is also *about* language, and one's view of language and the way it works may influence one's views on First-Amendment protection.

One way to look at the problem of freedom of speech, for instance, is through an application of the theory of the performative.[2] Linguists and philosophers have long been convinced that words and deeds are *not* necessarily essentially different. Words always 'do' things, like ordering or asking (this is their illocutionary force), some words (performatives) do what they say, e.g. when saying 'I promise', I have made a promise; however, in this case the performative is illocutionary, its action takes place within the confines of language. Other words presuppose that they are capable of having a direct effect in the world out there, e.g. when I have 'persuaded' you, you have undergone a change through my use of language only ('perlocutionary performatives').

So in the light of these ideas on how language works, one might rephrase the problem of the R.A.V. case: is the statement allegedly contained in the burning-cross symbol an intra-linguistic device, a so-called 'illocutionary performative'? Then it remains within the framework of language and deserves First-Amendment protection. However, might it not be considered a perlocutionary performative, a speech-act directly affecting its addressee? Hate speech may have definite perlocutionary effects, it seems, it is like getting hit, and produces the effect of physical paralysis.[3] If the burning cross was considered a perlocutionary perfor-

[2] See Austin 1979 and 1975; Searle 1969; for application to this case, see Butler 1997; Sluiter 2000.

[3] Lawrence, in Matsuda et al. 1993, 68; Butler 1997, 4. Cf. in a different (and much more benevolent) setting, Pl. *Meno* 80a f., see below section 3.

mative, it might not be granted First-Amendment protection—if the judges were willing to consider these views on language, which so far they have not been.[4]

In the Western world, the value of freedom of speech is generally believed to first emerge within the Greek world—it will be a point of debate in this book whether we are actually correct in thinking so, or whether a distinction needs to be made between our notions of 'freedoms', including freedom of speech, and a notion of 'free speech'. However that may be, free speech in classical Antiquity will be at the center of attention in this volume. After having explored the value of ἀνδρεία 'manliness', 'courage', in the first volume that came out of the Penn-Leiden Colloquia on Ancient Values (Rosen and Sluiter 2003), this second volume will concern itself with a set of issues that does not focus primarily on the construction of personal identity or communal group identity, but that will center on representations of power relationships, real or perceived, within society at large or smaller group formations, and on political ideology. These power relationships underlie the different practices of free speech, literary, social, military, philosophical or political. They are also important in ancient theoretical reflection on the topic of free speech. Just like *andreia* 'manliness', 'courage', 'free speech' is a concept that is constructed through language, and that lends itself to various kinds of rhetorical manipulation. In addition, however, free speech is also a concept that *concerns* language itself, that is somehow *about* language, and its societal functions, and this is an issue that we will briefly address in this introduction.

In keeping with our principle of firmly basing our investigations on the ancient lexicon, and only then extrapolating to wider-reaching conclusions, this is a book about παρρησία on the Greek side, and (mostly) *libertas* and *licentia* on the Roman side. This chapter will briefly introduce the semantics of παρρησία (section 2), then discuss the relationship between free speech and other contemporary views on language

[4] On formulating criteria for First-Amendment protection, see e.g. Matsuda 1993, 36ff. Butler 1997, 39 points out that only a perlocutionary interpretation of a speech-act (i.e. one that assumes a certain direct effect on the hearer) will identify speech and behavior to such an extent that legal action might be possible. As long as the speech act 'acts' in an illocutionary way only, i.e. within the framework that has been created by speech itself, First-Amendment protection will remain in force. Butler herself is of the opinion that the solution for 'hate speech' is not to be sought in legal regulation, but in the self-regulating potential of language, which is capable of creating new interpretative frameworks for even the most offensive utterances.

(particularly on rhetoric) in Antiquity (section 3). In section 4, we will briefly address the repression of free speech and the major differences that became obvious during the conference between Greek and Roman attitudes toward free speech. Section 5 gives a preview of the different contributions.

2. *The semantics of free speech*[5]

In contradistinction to *andreia*, which is invariably held to be a good thing (even when somebody perversely applies it to something which really *is* bad), and which is generally articulated as a value, virtue, and norm, *parrhêsia* may in and of itself be used as a simple descriptor, e.g. of a practice commonly associated with democracy, which may be evaluated as either a good or a bad thing depending on the views of the speaker. Given the frequent occurrence of the term in authors who endorse democratic political practice (e.g. Euripides, Demosthenes), its evaluation tends to be positive more often than negative in our fifth- and fourth-century sources. However, a first occurrence in a decidedly negative sense is found in Euripides *Orestes*, in the messenger speech describing the legal proceedings against Orestes. This is how the mob orator who will carry the day is described (902ff.):[6]

> Then there stood up
> a man with no check on his tongue, strong in his brashness
> He was an Argive, but no Argive, suborned,
> Relying on noise from the crowd and the obtuse license of his tongue,
> Persuasive enough to involve them in the future in some misfortune.
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> (tr. Kovacs)

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[5] We thank Michiel Cock for collecting most of these data on the semantics of παρρησία. In all passages cited below, the actual term παρρησία occurs in the same context as the words actually quoted. The concept of *parrhêsia* is discussed by Radin 1927; Peterson 1929; Schlier 1954; Scarpat 1964 (who also pays attention to the Latin terminology); Bartelink 1970; Raaflaub 1980 and 1985; Sluiter 2000; Foucault 2001 (these are the famous 1983 lectures). This section will concentrate on παρρησία We will not go into the semantics of ἐξουσία (ποιητική) here (e.g. D.H., *CV* 19; Strabo 1.2.17), or on the Latin terms *libertas* (for which see Scarpat 1964), *luentia* (e.g., as 'open speech' *Rhet. ad Her.* 4.36.48–50; Quint. 9.2.27–28; as 'poetic licence', Hor. *AP* 46–59), *oratio libera* (e.g. Quint. 9.2.27–28) and *inretuentia* (*Carmen de figuris vel schematibus* 130). These concepts will be discussed by Raaflaub, Chrissanthos, and Braund in this volume. Nor is this the place to discuss (e.g. Stoic) notions of 'calling a spade a spade' (εὐθυρρημοσύνη), although this is also associated with παρρησία (see below).

[6] The verse in which the actual word παρρησία occurs is generally held to be an

κἀπὶ τῷδ' ἀνίσταται
Ἀνὴρ τις ἀθυρόγλωσσος, ἰσχύων θράσει·
Ἀργεῖος οὐκ Ἀργεῖος, ἠναγκασμένος,
θορύβῳ τε πίσυνος κἀμαθεῖ παρρησίαι,
πιθανὸς ἔτ' αὐτοὺς περιβαλεῖν κακῶι τινι.

The negative impression left by παρρησία is due at least in part to the explicit adjective ἀμαθεῖ, but by this point of the description it is unlikely that even παρρησία by itself would have been interpreted positively. The man has already been described in terms that remind one of Thersites.[7] The mob orator is, moreover, opposed to the next speaker in the meeting, who is called courageous (*andreios*, E. *Or.* 918—contrast *thrasei* in vs. 903), and is described as someone who works the land with his own hands (*autourgos*, 920), but at the same time is smart about arguments (vs. 921).

Negative evaluations of *parrhêsia* are also found in Plato and in Isocrates, not only in connection with its political use (e.g. in the familiar passage from the *Areopagiticus*, Isoc. 7.20), but also e.g. in a personal social setting, as when the 'lover' in Plato's *Phaedrus* is described as importuning his *erômenos* with inappropriate praise and insufferable reproaches: when the lover also happens to be drunk, his words are not just insufferable but also embarrassing, since the lover avails himself of a 'wearisome and unrestrained explicit speech' παρρησίᾳ κατακορεῖ καὶ ἀναπεπταμένῃ, (Pl. *Phdr.* 240e6)—once more the negative connotation is enforced, and maybe even produced, by the addition of overtly negative adjectives—a procedure that is in itself fitting for the *vox media* constituted by παρρησία. 'Saying all' in itself is not evaluative in

interpolation, be it one that is entirely possible in the context of late fifth-century tragedy (Willink, ad loc.).

[7] Cf. especially the term ἀθυρόγλωσσος used here with ἀμετροεπής and ἀκριτόμυθε at *Il.* 2.212 and 246. Although in the *Iliad*, the *term* παρρησία is not used, a lot of attention is paid to Thersites' relation to language. In just three verses (*Il.* 2.212–214) the narrator mentions this aspect four times. He is called ἀμετροεπής, 'not knowing the right measure in words'; his verbal style is indicated by the verb ἐκολῴα 'he brawled' (*Il.* 2.212), and his most characteristic property ('what he knows in his heart') are his 'many words that recognize no κόσμος, no natural order' (2.213); moreover, he uses those for brazen and orderless (*kosmos*, again) fights with kings (2.214). Odysseus agrees with the narrator. He calls Thersites ἀκριτόμυθε, admits that he is a good speaker, but denies him the right to argue with kings since he is a worthless fellow himself (2.246ff.). On Thersites, cf. e.g. Rankin 1972.

a positive or negative sense.[8] Again, in Isocrates the word παρρησία may be closely linked with overtly negative phrases like (Isoc. 16.22): 'they revile with excessive indecency and audacity' (λοιδοροῦσι δὲ λίαν ἀσελγῶς καὶ θρασέως), or it may be put on an equal footing with κακηγορία.[9]

In democratic ideology, *parrhêsia* is a positive value, and again this positive evaluation is mostly emphatically reinforced by the context:[10] people 'flourish' in their *parrhêsia*,[11] it is associated with the courageous expression of one's beliefs, however unpopular they may be.[12] It always involves frankness,[13] and the full disclosure of one's thoughts[14]—in that sense it is opposed to dissimulation, hiding one's real thoughts[15] or the unpleasant truth, or to silence applied as a discourse strategy to get one's way,[16] as the strategy of a 'moderate politician',[17] or as the despi-

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[8] For a discussion of the terms ἐλευθέρως λέγειν, ἰσηγορία and παρρησία, see Raaflaub 1985, 277ff.; cf. Raaflaub 1980, 31ff.; 35.

[9] Isoc. 11.40 (Busiris) περὶ μὲν τῆς πρὸς ἀλλήλους κακηγορίας ... τῆς δ' εἰς τοὺς θεοὺς παρρησίας 'libels against each other ... loose-tongued vilification of the gods' (tr. Van Hook).

[10] Cf. e.g. E. fr. 737 N. καλόν γ' ἀληθὴς κἀτενὴς παρρησία, 'true and earnest *parrhêsia* is a good thing'—implying that other varieties are conceivable. Unqualified declarations of the fact that *parrhêsia* is good, e.g. in Menander's *Sententiae* (line 60; 623 Jaekel).

[11] θάλλοντες, E. *Hipp.* 422.

[12] See the contributions of Balot and Roisman in this volume, and e.g. Pl. *Lg.* 835c4.

[13] Cf. Isoc. 2.3 'furthermore, freedom of speech and the privilege which is openly granted to friends to rebuke and to enemies to attack each other's faults' (tr. Norlin) (ἔτι δ' ἡ παρρησία καὶ τὸ φανερῶς ἐξεῖναι τοῖς τε φίλοις ἐπιπλῆξαι καὶ τοῖς ἐχθροῖς ἐπιθέσθαι ταῖς ἀλλήλων ἁμαρτίαις); Ar. *EN* 1124b29 'to speak and act openly' (λέγειν καὶ πράττειν φανερῶς).

[14] E.g. E. *Phoen.* 391 'to say what one thinks' (λέγειν ἅ τις φρονεῖ); Dem. 4.51 'and today, keeping nothing back, I have given free utterance to my plain sentiments' (tr. Vince) (ἃ γιγνώσκω πάνθ' ἁπλῶς, οὐδὲν ὑποστειλάμενος, πεπαρρησίασμαι). Notice that ἁπλῶς itself is also a signal word for the presence of παρρησία.

[15] κρυψίνους, X. *Ag.* 11.5; forms of ἀποκρύπτομαι, e.g. Dem. 6.31; Isoc. 12.218 (where this is actually deemed wise).

[16] Παρρησία is the favorite mode of expression of the Cynic philosophers, yet the Cynic Demonax shames the people into the right kind of behavior by just looking at them without saying anything, Lucianus *Vita Demon.* 64. On the Cynics, cf. Sluiter forthcoming

[17] As in the debate between Demosthenes and Aeschines on the right measure of participation in public discourse: a middle course between *polupragmosunê* (and a desire to make money) and a lack of commitment to the public interest. Cf. Aesch. *In Ctes.* 218 τὴν δ' ἐμὴν σιωπήν... ἡ τοῦ βίου μετριότης παρεσκεύασεν; 220; Dem. 18.308, which also deals with the problem that the general public is of course likely to engage in ἡσυχία, so that the speaker has to be careful to dissociate behavior that is reproachful in a politician from the legitimate behavior of the Athenian people as a body. We thank Tazuko van Berkel for her research on *parrhêsia* and silence.

cable attitude of someone lacking in political commitment.[18] Silence may of course also be imposed on a party, thus suppressing their access to free speech.[19] In *parrhêsia* there is no holding back, a concept often expressed by the verb ὑποστέλλομαι, 'to draw back, impose restrictions on oneself, refrain from saying'.[20] It is also linked in an interesting way with truth: the *parrhêsiast* must necessarily believe in the truth of what he is saying, or at least in the fact that to the best of his knowledge what he is saying is true.[21] Since frankness may also involve a certain lack of consideration for societal niceties,[22] it also becomes associated with an uncouth manner—this is how we find it as a form of comic *ponêria*. 'Calling a spade a spade' is part of the concept of *parrhêsia*.[23] It is strongly opposed to notions of 'flattery'.[24] And it is disinterested.[25] A passage that manages to bring together a great many of these aspects of the semantics of παρρησία is found at the end of Demosthenes' fourth Philippic oration (10.76):

> There you have the truth spoken with all freedom (παρρησία), simply in goodwill and for the best—no speech packed through flattery with mischief and deceit, and intended to put money into the speaker's pocket and the control of the State into our enemies' hands.
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> (tr. Vince, adapted)

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[18] On ἡσυχία, cf. Balot in this volume.

[19] See Greenwood in this volume.

[20] E.g. Pl. *Ap.* 24a; E. *Ba.* 668; Dem. 4.51; 19.237, Isoc. 9.39.

[21] Cf. e.g. Dem. 11.17 εἰρήσεται γὰρ τἀληθῆ, 'for the truth will be told'; [Dem.] 60.26 τὴν παρρησίαν ἐκ τῆς ἀληθείας ἠρτημένην οὐκ ἔστι τἀληθὲς δηλοῦν ἀποτρεψαι, 'it is not possible to turn away *parrhêsia* from making clear the truth, since it depends on the truth'.

[22] It will not be πρὸς χάριν, e.g. Dem. 3.3; 4.51.

[23] Cf. n. 5 above. The proverb τὰ σῦκα σῦκα, τὴν σκάφην σκάφην λέγει ('he calls a fig a fig and a trough a trough') (Arsenius & Paroemiogr. Apophthegmata, Cent. 15, section 95b, line 1; cf. Apostolius, *Paroem.Gr.* [Leutsch] 658) is linked with the outspokenness of friendship ([Demetr.] *De elocutione* 239), and it is explicitly linked with παρρησία in Lucian's *Quomodo hist. conscr.* 41, in his description of what it takes to be a good historian: 'That, then, is the sort of man the historian should be: fearless, incorruptible, free, a friend of free expression and the truth, intent, as the comic poet says, on calling a fig a fig and a trough a trough etc.' (tr. Kilburn) (Τοιοῦτος οὖν μοι ὁ συγγραφεὺς ἔστω· ἄφοβος, ἀδέκαστος, ἐλεύθερος, παρρησίας καὶ ἀληθείας φίλος, ὡς ὁ κωμικός φησι, τὰ σῦκα σῦκα, τὴν σκάφην δὲ σκάφην ὀνομάσων). The reference may be to Aristophanes, see *CGF* (Kock) 451. We are grateful to the students of the 'free speech' seminar in Leiden, particularly to Casper de Jonge and Carolien Trieschnigg, for research on this issue.

[24] E.g. Dem. 9.3.

[25] Isoc. 15.43 εἰ μὲν οὖν μοι συνοίσει κατειπόντι τὴν ἀλήθειαν, οὐκ οἶδα.

> Ταῦτ' ἐστὶ τἀληθῆ, μετὰ πάσης παρρησίας, ἁπλῶς εὐνοίᾳ τὰ βέλτιστ' εἰρημένα, οὐ κολακείᾳ βλάβης καὶ ἀπάτης μεστός, ἀργύριον τῷ λέγοντι ποιήσων, τὰ δὲ πράγματα τῆς πόλεως τοῖς ἐχθροῖς ἐγχειριῶν.

Given that παρρησία is a word that, in and of itself, allows for very flexible application, and that will always confront us with the question of 'who gets to speak and what is it they get to say', the rhetoric of free speech is a particularly fruitful area of study. Power over discourse is a central feature in any societal equilibrium, and the perception of its importance and effects is bound up with what one thinks about the workings of language in general.

3. *The linguistics of free speech*

Oligarchs and aristocrats have their own views on free and equal speech. However, for an Athenian in the fifth and fourth centuries BCE the concept is especially poignant, and it is no coincidence that the 'Greek' papers in this volume mainly concentrate on that period. We want to argue that developments in theories of language and political developments go hand in hand in this respect, and that the ideology of language embodied in the concept of παρρησία is somehow related to views about the functioning of language emerging in the same period. The fifth century, of course, witnesses the rise of rhetoric, and the deep conviction that language is an instrument that can be used to influence other people. It is a form of behavior that can produce direct and momentous effects in the world out there—in that sense, the concept of 'perlocutionary effect' of the speech-act theoreticians was old news.

In Homeric society, speaking well is an essential skill for kings and leaders, and one that commoners can and should do without. One of the interesting effects of the radical political changes in the fifth century is that ever larger groups require such skills in more and more contexts (e.g. legal and political). It stands to reason that these are favorable circumstances for studying the persuasive effects of language, and such study will yield a more systematic insight into rhetorical techniques, which in turn will make it all the more desirable that the instrument of language be available to all on any given topic. Rhetoric is in part the result of democratic practice, and increases in turn the importance of free speech—for it is free speech which guarantees access to the powerful instrument of language.

There are good reasons to assume that particularly efficacious language had long been the province of poets, seers, and kings pronouncing judgment to express their special insight into the truth. Public speaking was, at least theoretically, the privilege of this small and select group.[26] And whereas early philosophers took a particular interest in language as the key to truth and reality, the conception of language as a tool, something to be used to persuade people, was the special contribution of the later fifth- century sophists. We will concentrate here in particular on the ideas of Gorgias, who made an overwhelming impression on the Athenians when he first visited their city in 427 BCE.[27]

Gorgias held the view that language and reality are incommensurable entities: when talking about a color, the means of communication is essentially different from the nature of the thing communicated—in that sense, real or direct communication through language is impossible, since language will always involve creating a 'version' of reality.[28] What one does in talking, is to influence the opinions of the audience with one's own version of reality, a representation which will always contain a form of deceit (ἀπατή). Language will not allow one to transfer knowledge, but eloquence will persuade people, and persuasion (πειθώ) is the purpose of eloquence.

In his *Praise of Helen*, Gorgias defends the reputation of the woman for whom people had gone to war. There are, he says, only four possible reasons for her to have followed the Trojan Paris: because of a decision of the gods, i.e. necessity; because she was forced by violence; because she had been persuaded by the power of the word; or because of Love (of course). The striking point is that under none of these circumstances is she to be blamed. Yet, how is it possible that if one allows oneself to be persuaded by words, one is not responsible for the ensuing action? That is because the *Logos* is a powerful master,[29] causing violent emotional reactions in the audience. It is a drug, a psychagogic medium,[30] and since one's psyche is somatic, it produces

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[26] Cf. Detienne 1967; Sluiter 1997, 155ff.

[27] In the light of Gorgias' own views on language (for which see below), it is interesting to note that Diodorus Siculus, who reports the visit, uses the word ἐξέπληξε for this effect (D.S 12.53).

[28] Cf. Segal 1962, 109f.

[29] *Enc. Hel.* 8

[30] *Enc. Hel.* 10b = 14: Just like some *pharmakoi* end illness, and others end life, 'so too some speeches cause sorrow, some cause pleasure, some cause fear, some give the hearers confidence, some drug and bewitch the mind with an evil persuasion' (tr. MacDowell) (οὕτω καὶ τῶν λόγων οἱ μὲν ἐλύπησαν, οἱ δὲ ἔτερψαν, οἱ δὲ ἐφόβησαν, οἱ δὲ

a 'bodily effect'—the perlocutionary force of language could hardly be expressed more clearly.[31]

A glimpse of this Gorgianic vision on language is also seen in Plato's *Meno*. There, the character Meno describes in similar terms the effect of total paralysis that Socrates' questioning produces in him (Pl. *Meno* 80a f.):

> And now you are casting your spells over me, and I am simply getting bewitched and enchanted, and am at my wits' end. And if I may venture to make a jest upon you, you seem to me both in your appearance and in your power over others to be very like the flat torpedo fish, who torpifies those who come near him with the touch, as you have now torpified me, I think. For my soul and my tongue are really torpid, and I do not know how to answer you. (tr. Jowett)
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> καὶ νῦν, ὥς γέ μοι δοκεῖς, γοητεύεις με καὶ φαρμάττεις καὶ ἀτεχνῶς κατεπάδεις, ὥστε μεστὸν ἀπορίας γεγονέναι. καὶ δοκεῖς μοι παντελῶς, εἰ δεῖ τι καὶ σκῶψαι, ὁμοιότατος εἶναι τό τ' εἶδος καὶ τἆλλα ταύτῃ τῇ πλατείᾳ νάρκῃ τῇ θαλαττίᾳ· καὶ γὰρ αὕτη τὸν ἀεὶ πλησιάζοντα καὶ ἁπτόμενον ναρκᾶν ποιεῖ, καὶ σὺ δοκεῖς μοι νῦν ἐμὲ τοιοῦτόν τι πεποιηκέναι, [ναρκᾶν]· ἀληθῶς γὰρ ἔγωγε καὶ τὴν ψυχὴν καὶ τὸ στόμα νάρκω, καὶ οὐκ ἔχω ὅτι ἀποκρίνωμαί σοι.

The effect of Socrates' words is direct and physical, and Meno is powerless to defend himself against it—this is again an ancient description of the perlocutionary force of words.

It is this Gorgianic vision of language as an incapacitating drug, whose victims cannot be held responsible for their behavior, that seems to be underlying one of the most alarming tendencies of the Athenian Assembly. If a decision gets to be regretted or leads to calamitous results, the Assembly will not accept responsibility for it, but turns around and blames, charges, and condemns the proposer of the now reviled motion. And the grounds for doing so is that surely the speaker has deceived the Assembly (ἀπατή).[32] Only with hindsight can one

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εἰς θάρσος κατέστησαν τοὺς ἀκούοντας, οἱ δὲ πειθοῖ τινι κακῇ τὴν ψυχὴν ἐξεφαρμάκευσαν καὶ ἐγοήτευσαν).

[31] Cf. Segal 1962, 104ff. Physical effects are, e.g. a shiver of fear, or the tears that accompany feelings of pity, *Enc. Hel.* 9. According to Plato, too, Gorgias puts *peithô* in the soul, i.e. it is a physical addition to the soul, Pl. *Grg.* 452e. Cf.also Segal 1962, 133.

[32] The best-known example is probably the trial of the generals after the battle at the Arginusae and its sequel. After the generals had been tried and condemned to death in an unlawful way, the Athenians came to regret this procedure, and they decided to sue the ones 'who had deceived the people' (ἐξηπάτησαν, X. *Hell.* 1.7.35). The terminology of ἀπατή is standard in these cases. In *Gorgias*, the term is used in a more specific

establish whether a speaker was a courageous *parrhesiast*, who urged his honest conviction on the Assembly, or a deceiver, who used his words as dangerous weapons of persuasion to lure the people into pernicious action.[33] It takes a certain view on how language works to justify these side-effects of the ideology of *parrhêsia*. And the newly developed ideas on rhetoric provide the theoretical background to it.[34]

4. *Suppression of speech and strategies of circumvention*

In writing and thinking about free speech, one is inevitably also dealing with its repression—and that history, too, starts in classical Antiquity, both in the political and the artistic realm. In the *Iliad* (2.212ff.), Odysseus silences the subversive dissident Thersites, and in the *Odyssey* (1.374ff.) a first attempt to suppress an artistic voice, and hence to exercise literary censorship, is prevented when Telemachus tells his mother that she cannot stop the bard Phemius from singing about the homecoming of the Achaeans, even if the topic makes her sad.

Stesichorus' *palinodia* gives us the paradigmatic example of an author recanting, eating his own words, a first in a series of examples of authorial self-criticism studied in depth in a recent book by Obermeier.[35]

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way to refer to the inability of language to coincide with reality. Those are nuances that get lost in the wider use of the term. See further Hesk 2000. On the risks of political leadership, cf. Sinclair 1988, 138–161, particularly 1988, 152ff. on the 'general principle of personal responsibility for public acts', and 1988, 160 with n. 118 on the notion of 'misleading'. And cf. Balot in this volume, on e.g. Dem. 10.75 dealing with the revisability of decisions.

[33] See e.g. Lys. 20.20: 'For even when one of our citizens here persuades you with mischievous advice, it is not you who are to blame, but your deceiver' (tr. Lamb) (οὐδε γαρ εἰ τις τῶν ἐνθαδε μη τα ἀριστα λεγων πειθει ὑμᾶς, οὐχ ὑμεῖς ἐστε αἰτιοι, ἀλλ' ὁ ἐξαπατῶν ὑμᾶς).

[34] See also Schloemann 2002, esp. 144 on the effects of the emergence of rhetoric with its use of writing in the democratic audience's perception of the role of writing in the public sphere. Schloemann's book on 'Freie Rede' had not come out when this manuscript was finished.

[35] Obermeier 1999, 20 distinguishes three main categories: (a) apologies to pagan deities or to God, with 'the author expressing a sense of having jeopardized his spiritual well-being', (b) literary apologies to earthly audiences, mostly of women, repenting of earlier misogynistic attitudes, (c) apologies for varying literary offenses directed to a more general audience. In the Greco-Roman context, authors apologize mostly to divinities or women, 'primarily in *post-culpam* attempts to alleviate or avert punishment' Obermeier 1999, 43, cf. 21. Where women are involved, the apologies are mostly ironical. Cf. also Cairns 1978.

One can draw a virtually uninterrupted line between Stesichorus and the effects of censorship in the Republic of South Africa between the early 1960s and about 1980, as described by Coetzee in his 1996 book *Giving Offense*. The very existence of the office of, not 'censorship', but 'publications control',[36] 'by forcing the writer to see what he has written through the censor's eyes ... forces him to internalize a contaminating reading'.[37] The same mechanisms of censorship may be observed in e.g. China and the former Soviet Union.

Throughout history, attempts have been made to suppress, curb, or destroy free speech, and time and again, classical Antiquity is where we have to look first—ironically the same place where we look for the birth of the concept of free speech. Book-burning and other forms of book-destruction in antiquity, for example, are studied at exhaustive classificatory length in Speyer 1981.[38] Destructive activities directed against books include 'Verbergen, Verbrennen, ins Wasser werfen, Zerschlagen von Ton- oder Bronzetafeln, Zerreissen von Papyrus oder Pergament'.[39] However, the existence of repression itself may have counterintuitive and paradoxical effects: on the one hand, it may enhance interest in a given text in the general public,[40] a phenomenon witnessed again in our time, e.g. in the case of Salman Rushdie. In fact, it may incite this interest even if the intrinsic quality of the text does not warrant it.[41] On the other hand, it may also stimulate the creativity of authors to find ways to escape detection, yet not so effectively that a knowing audience will themselves fail to apprehend their (veiled) meaning. Again, there is an example in myth in the violent imposition of silence on Philomela by Tereus, and her inspired used of embroidery to tell her story even without a tongue. Although the phenomenon of veiled speech is espe-

[36] Coetzee 1996, 34. The ratio of censors to writers was higher than ten to one.

[37] Coetzee 1996, 36

[38] On book burning, see also Pease 1946. He explains the choice to burn books from the fact that (a) it is definitive; (b) it is suitable to make a public display out of it; (c) it exploits the purifying power of fire, (d) it produces a sympathetic magic effect, in that the books stand in for the author (1946, 158f, cf. Speyer 1981, 30).

[39] Speyer 1981, 25ff Ray Bradbury's 1953 novel *Fahrenheit 451* has the ultimate theory of book-burning: it is the final solution to the cumbersome fact that there will always be somebody, some minority or interest-group, that takes offense over any given book Better to burn the lot.

[40] Cf Pease 1946, 159.

[41] Cf. Speyer 1981, 68 with n. 144 citing Tac. *Ann.* 14 50.2 'the books were sought after and frequently read as long as it was dangerous to get a hold of them; but soon, the fact that it was permitted to have them caused them to be forgotten' (*conquisitos lectitatosque* [sc. *libros*] *donec cum periculo parabantur; mox licentia habendi oblivionem attulit*).

cially connected with the language of Aesop, it can be observed especially on the Roman side, where literary free speech is thematized much more than the practical political aspects of free speech. In fact, it soon emerged during the conference that the Greek and Roman sources generally tended to offer decidedly distinct sets of questions: On the Greek side the issues constantly obtruding themselves concerned the status of *parrhêsia* as a right or otherwise, and the limits of *parrhêsia* (when is it acceptable, and when not? What contents and contexts does it involve? Who have it and who don't?). On the Roman side, the practice of veiled language was emphasized and problematized.

There are even artistic genres, from antiquity to the present, which seem to *depend* upon suppression and censorship—or at least the fear of it—for their very existence.[42] Satirical writers, for example, tend to assume that at least some segment of their audience will take offense at their work, and much of what they write about is inspired by a paradoxical, perhaps even perverse, co-dependence on their putative censors. We will find illustrations of this phenomenon from antiquity discussed in this collection, but one timely example leaps to mind: only a few weeks before this Introduction was written, the comedian Lenny Bruce was officially pardoned for his violation of American obscenity laws, nearly forty years after his death. Bruce's act, especially in his last years when he was continually being indicted on obscenity charges, increasingly thematized his legal skirmishes, to such an extent that one wonders what would be left for him to satirize if the law ceased to care about his material. There can be no scandalous discourse without someone to be scandalized, no call for *apologia* without an assumption that one is necessary, whether we are talking about Greek comic *aischrologia* or the 'four-letter words' of Lenny Bruce and his successors.

5. *In this volume ...*

In this volume we will encounter the practice of free speech in different (at times intersecting) contexts, political, philosophical, social, literary, and military. Literary texts include Hesiod, tragedy, comedy, satire, Thucydides, Plato, Ovid, Vergil, and Tacitus. Some papers will look at

[12] Cf. Rosen and Marks 1999.

the politics of the concept and try to assign it a place in the history of concepts and ideas. Its special link with democracy will be investigated, but it will also be studied in connection with aristocracy and the Roman republic. Its philosophical use by Plato and Aristotle will be investigated. Some papers focus on the question of who the agents of free speech are, and who are excluded. And we will also see more lateral approaches, proceeding by way of extrapolation from what was learned from direct observation of the use of the term (as, e.g. in the paper by Hanna Roisman, or that by Eric Casey).[43] In general, what will emerge is the great variety of 'practices of free speech', not all reducible to the same theoretical concept or evaluation of it.

We begin in archaic Greece: Jeremy McInerney concentrates on *isêgoria* and relates this notion of equality in access to speech to the egalitarian circumstances imposed by the practice of colonization. He reconstructs the experience of colonization from archaeological evidence and from Homer and Hesiod (e.g. his list of sea nymphs), suggesting that our oldest poetic texts reflect the impact of the colonial experience on the poetic imagination (chapter 2). Kurt Raaflaub investigates notions of (political) equality, liberty, and free speech in aristocratic contexts, starting in archaic Greece, but then encompassing a sweeping range (Athens, Sparta, Rome); he explains why no counter-concept to rival democratic 'free speech' was ever developed in such contexts from the fact that equality within an exclusive group outweighed the notion of freedom (chapter 3).

In chapter 4, Eric Casey investigates the language ascribed to the dead, using funerary inscriptions as evidence. Although παρρησία is not explicitly at issue here, the discussion provides access, on the one hand, to the voices of women and children, parties excluded from public speech in life, and on the other hand, investigates several aspects of the issue of freedom and constraint of speech not dealt with elsewhere. The prematurely dead, for example, are paradoxically depicted as having a complete mastery of language, and yet are bemoaned for their lack of voice—Casey discusses these and other paradoxes of the communicating dead at length.

Chapters 5 through 8 deal with the classical literature of the fifth century, Greek drama and historiography. Extrapolating from what we

[43] Cf. Sluiter and Rosen 2003, 4 for the principle of starting from the lexicon, but not restricting oneself to places where the actual term itself occurs.

know about free speech, Hanna Roisman (chapter 5) studies women's free speech in Greek tragedy, particularly in the *Seven Against Thebes, Antigone, Agamemnon* and the two *Electras*. She demonstrates that women's public speech may not have been universally condemned, but that a more complex picture emerges particularly where women's speech serves as a vehicle of opposition to tyranny—in the service of such a public cause it may win approval, but it is not supposed to serve as a vehicle of personal expression. Even if women's speech may have been found disruptive and subversive in many circumstances, the material studied suggests that there was also room for other views. In chapter 6, Stephen Halliwell tackles the issue of comic free speech, and particularly the notion of αἰσχρολογία 'shameful speech', not as the object of legislation, but rather as a societal practice. He investigates Greek anxieties about shameful speech with its low-life implications, making use of the evidence of Theophrastus, and then concentrates on Old Comedy, where the dynamics of laughter and shame are profoundly changed by the performance setting; finally, he addresses the relationship between shameful speech and democratic ideology, pointing at the uneasy aspects of παρρησία. Alan Sommerstein provides a meticulous assessment of all the evidence about the alleged attempts to prosecute Aristophanes with a view to establishing what we can learn about attitudes among the Athenian public concerning slander in comedy (chapter 7). He concludes that comic satire was generally regarded as potentially damaging to its targets, and that Aristophanes was at some time charged as a result of his auctorial activities. However, attempts to seek legal recourse after comic slander decreased in frequency in the fifth century—it simply did not seem to work: writers of comedy were not to be held to a higher standard of reticence than anyone else. In chapter 8, Emily Greenwood analyses the relationship between spoken and written word in Thucydides, and looks especially into the role and function of silence in the *History*, suggesting a relationship between Thucydides' own practice as a historiographer, who determines and controls access to communication with his audience, and Pericles controlling the Athenians, if necessary by the imposition of silence.

Chapters 9 through 12 focus on Athenian democratic ideology and practice. In a provocative paper, David Carter argues that παρρησία in the Greek context cannot be considered a 'right'; the closest the Athenians come to that concept is in their view of 'freedom'. In the case of free speech, the 'right' is not protected, there is no recourse in having it taken away, and its undermining is not thought typical of tyrants.

Rather, παρρησία is an attribute of citizenship, a characteristic form of self-confident behavior that tends to accompany it (chapter 9). In chapter 10, Robert Wallace explores θόρυβος as a democratic instrument against the undesirable exercise of 'free speech': speakers in the Assembly could speak freely, but the *dêmos* was under no obligation to listen. Wallace defends the position that this instrument was used with discretion. Ryan Balot and Joseph Roisman study the practice of political rhetoric. In chapter 11, Ryan Balot analyses the conflict between the perceived benefits and the potential hazards of free speech, and relates it to an emergent discourse on civic courage, and its embodiment in Athenian public speakers. The speakers expressed the belief that it is their courage which enables them 'to make a unique contribution to the quintessentially democratic ideals of deliberation to which they subscribed'. At the same time, democratic free speech also produces courage. In chapter 12, Joseph Roisman reconstructs a different but complementary facet of the democratic relationship between free speech and courage, by setting out the role played by the values and ideology of masculinity and courage in the power struggles between the *dêmos* and the speakers. The people held the power, viewed themselves as more moral than the speaker, and could use the instrument of *thorubos* at all times. The speaker strongly projects the notions of manliness and courage to justify his free speech.

In chapters 13 and 14, we turn to philosophy. Marlein van Raalte demonstrates the special characteristics of 'Socratic' vs. 'Athenian' *parrhêsia*: a form of *parrhêsia* in which the ruthless search for truth, however unpleasing, is paramount. This requires certain features, a form of shamelessness among them, which makes the character of Callicles in the *Gorgias* an unexpectedly suitable fellow in nonconformist frankness. In the *Apology*, the unbridgeable gap between the Socratic practice of free speech and the wishes of the polis becomes clear; in the *Republic* and *Laws* the potential political consequences of the opposition between Socratic and Athenian *parrhêsia* are thought through (chapter 13). In chapter 14, John Mulhern refutes the Foucauldian suggestion that for Aristotle *parrhêsia* belongs to ethics, but not to politics, by demonstrating that categorial analysis can be applied to the Aristotelian notion of *parrhêsia* throughout his work, and that τὰ ἠθικά and τὰ πολιτικά can be brought under one system if one takes the point of view of the political actor, the πολιτικός. Παρρησία in Aristotle is not a virtue, it is a descriptor of a certain type of speech, which is sometimes rightly adopted and sometimes not.

The last four chapters take us into the Roman world. Stefan Chrissanthos demonstrates in chapter 15 that the notion of *libertas* and the concomitant exercise of free speech played a considerable role in the Roman military. Soldiers had relevant historical and contemporary political knowledge, which they used in communicating with their commanders. This in turn influenced the way military leadership shaped its strategy and the conditions of service. The exercise of free speech by Roman soldiers had significant effects on concrete campaigns. Chapters 16 through 18 concern literary representations of the need for veiled speech. Victoria Pagán reads the Orpheus story in Ovid against the disappearance of the praise of Gallus in Vergil's *Eclogues*, and conjures up the image of the silenced poet–politician from Orpheus' speech. She frames her contribution as an analysis of speaking before superiors (chapter 16). In chapter 17, Mary McHugh analyses the Tacitean vision on veiled and figured speech in the speech he gives to Cremutius Cordus, and particularly in the digression at *Ann.* 4.32–33, which frames his narrative of Cremutius Cordus' treason trial. Cremutius Cordus failed in his used of figured speech, where Tacitus himself succeeds. Susanna Braund studies Roman satire and the sometimes tense relationship between *libertas* and *licentia*, a striking example of how the rhetoric of free speech is constructed through a careful choice of terminology: *libertas* is always good, and if it refers to free speech, it will always be the good kind. *Licentia* implies going further than the norm: it may refer to a form of free speech that the speaker does not approve of, and it can be threatening. The threat of *licentia*, and the way it could confront the audience with unpleasant truths is always lurking behind the satirists' use of their *libertas*. And satire's critics will see *licentia* only.

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