

Escaping the *Polis*: A Legal Interpretation of Aristippus' Philosophy

Juan Bautista Bardi

BOOK 2 of Xenophon's *Memorabilia* starts by describing a conversation held between Socrates and one of his most controversial disciples: Aristippus of Cyrene. Xenophon puts into the mouth of the Cyrenaic philosopher a phrase considered key to his political thinking:¹ "I, for my part, in fact don't confine myself to any *politeia* but am a foreigner everywhere" (*Mem.* 2.1.13).²

Scholarship on this passage has adopted very diverse methodological approaches, some focusing on its internal connections within *Memorabilia*,³ others on establishing a dialogue with the rest of the *corpus Xenophonteum* and with the writings of other members of the "Socratic circle."⁴ More overarching investi-

¹ From the outset, I state my disagreement with those readings which wholly deny any political dimension in Aristippus' philosophy. Cf. J. Wallach, *The Platonic Political Art: A Study of Critical Reason and Democracy* (University Park 2001) 74.

² For translations of *Memorabilia* I follow A. L. Bonnette, *Xenophon. Memorabilia* (Ithaca 1994), with adaptations; for Diogenes Laertius, R. D. Hicks (Loeb), with adaptations. For the rest of the Cyrenaic *corpus*, translations are mine. All Cyrenaic fragments and testimonies are cited from C. Mársico, *Los filósofos socráticos. Testimonios y fragmentos I* (Buenos Aires 2013: 'FS'), indicating their equivalent in the edition of G. Giannantoni, *Socratis et Socraticorum Reliquiae I-IV* (Naples 1990: 'SSR').

³ D. Johnson, "Aristippus at the Crossroads: The Politics of Pleasure in Xenophon's *Memorabilia*," *Polis* 26 (2009) 204–222.

⁴ K. C. Blanchard, Jr., "The Middle Road of Classical Political Philosophy: Socrates' Dialogues with Aristippus in Xenophon's *Memorabilia*," *Review*

gations have even interpreted it as anticipating certain Aristotelian notions.⁵ But despite these different points of view, most tend to share a common methodological trait: trying to explain Aristippus' proposal by harmonizing it with the rest of his philosophical production, especially with the epistemological fragments and those on the themes of pleasure and affections.

This perspective, however, is not free of difficulties.⁶ The first arises from the unsystematic character of the sources we possess on Aristippus' thinking. If we add the fact that many of the testimonies stem from Christian authors repudiating "Cyrenaic hedonism," the attempt to harmonize the different sources becomes complicated and demands great caution. The second arises from the hypothesis—supported by Giannantoni, though rejected by Döring, Zilioli, and Mársico⁷—based on the testimony of Diogenes Laertius⁸—that Aristippus had not in fact

of Politics 56 (1994) 671–696; M. Nancy, "Le choix d'Aristippe (Xénophon, *Mémoires* II 1)," in G. Giannantoni (ed.), *La tradizione socratica* (Naples 1995) 71–87; K. Urstad, "Aristippus and Freedom in Xenophon's *Memorabilia*," *Praxis* 2 (2008) 41–55, and "Aristippus on Freedom, Autonomy, and the Pleasurable Life," in A. Stavru et al. (eds.), *Socrates and the Socratic Dialogue* (Leiden 2017) 179–201; M. Tamiolaki, "Public et privé dans le dialogue de Socrate avec Aristippe (Xén. *Mém.* II, 1, 1–33)," *ÉtPlaton* 6 (2009) 141–151; R. Illarraga, "Enkrátēia y gobierno. El gobernante insensato de Aristipo y su aparición en Ciropedia," *Méthexis* 30 (2018) 1–30.

⁵ Especialmente F. Zayas, "Un extranjero en su propia tierra. Aristipo como modelo del ápolis aristotélico," *Eidos* 18 (2013) 124–147. See also D. O'Connor, "The Erotic Self-sufficiency of Socrates: A Reading of Xenophon's *Memorabilia*," in P. A. Vander Waerdt (ed.), *The Socratic Movement* (Ithaca 1994) 151–180.

⁶ See V. Tsouna McKirahan, "The Socratic Origins of the Cynics and Cyrenaics," in *The Socratic Movement* 377–378.

⁷ G. Giannantoni, *I Cirenaici: raccolta della fonti antiche* (Florence 1958) 77 ff.; *SSR* III 174 ff. K. Döring, *Der Sokratesschüler Aristipp und die Kyrenaiker* (Mainz 1988) 1–70. U. Zilioli, *The Cyrenaics* (Oxford 2012) 5. Mársico, *Los filósofos socráticos* 48.

⁸ 2.86–87 (*FS* 589 = *SSR* IV A.172).

developed a theory, but only an *agoge*, i.e. just a way of life. Accordingly, to find systematicness in his thought does not seem possible; that theoretical structure would have been elaborated subsequently by his disciples, precisely by Aristippus Metrodidact, grandson of the Socratic.

Faced with these difficulties, I will advance here a methodological approach that complements the aforementioned one.⁹ Aristippus' proposal will be interpreted mainly in the light of its historical context. The emphasis will especially be on how classical Attic law treated foreigners and citizens.¹⁰

Why did Aristippus hold the life of a foreigner to be the easiest and most pleasant one? Can the "foreigner" that Aristippus describes be framed in any legal category recognized by classical Attic law, or is he *sui generis*? And finally, how radical was his proposal? These questions will be addressed in the hope that the answers will be a contribution toward understanding a larger conundrum, the relation between the individual and the *polis* in classical Greece.

1. Context: the position and function of the dialogue

As a starting point, it is necessary to contextualize the dialogue in which Aristippus' claim is made and to determine the

⁹ For a similar methodological approach see M. Tamiolaki, "A Citizen as a Slave of the State? Oligarchic Perceptions of Democracy in Xenophon," *GRBS* 53 (2013) 31–50. For an identical one, but applied to another corpus, see E. J. Buis, *El juego de la ley. La poética cómica del derecho en las obras tempranas de Aristófanes (427–414 a.C.)* (Madrid 2019).

¹⁰ The decision to confine the investigation to classical Attic law comes from two reasons. First is the fact that the discussion between Socrates and Aristippus has classical Athens as its geographic and temporal context. The second is an unavoidable obstacle in the study of 'Greek law', the scarcity of sources and its disputed unity. This obstacle is often circumvented by projecting Attic law onto the rest of Greek legal practice, an approach that will be used here in discussing *atimia*. For an analysis of this second aspect see M. Gagarin, "The Unity of Greek Law," in *The Cambridge Companion to Ancient Greek Law* (Cambridge 2005) 29–40.

argumentative function that the “foreigner” plays.¹¹

The discussion between Socrates and Aristippus starts with an enquiry about what should be the best possible education if one is to acquire the capacity of “ruling” (ἄρχειν, 2.1.1). Both arrive at a patently Socratic conclusion: he who pretends to rule others will have to first rule himself.¹² *Enkrateia* is thus presented as the distinctive characteristic of the ruler, what distinguishes him from those who are ruled (2.1.6–7).¹³ Socrates then redirects the conversation by asking Aristippus which of the two positions, ruler or ruled, he would prefer to occupy. As will be shown, the figure of the foreigner will enter the conversation to open a third alternative beyond the pure dichotomy presented by Socrates.¹⁴

Aristippus begins his response by distancing himself from those who “wish to rule” (τῶν ἄρχειν βουλομένων, 2.1.8). Although it might seem counter-intuitive, he claims that rulers are those who suffer the most: “For cities in fact think they deserve to deal with their rulers just as I deal with my house servants” (καὶ γὰρ ἀξιοῦσιν αἱ πόλεις τοῖς ἄρχουσιν ὡσπερ ἐγὼ τοῖς οἰκέταις χρῆσθαι).¹⁵ Therefore, as Aristippus wishes “to live as

¹¹ Johnson, *Polis* 26 (2009) 205, agrees that the “dramatic context” of the discussion is crucial for understanding the arguments defended by both speakers.

¹² For the relationship between *enkrateia* and “rule” in the philosophy of Aristippus and Xenophon see now Illarraga, *Méthexis* 30 (2018) 3–11.

¹³ According to Mársico, *Los filósofos socráticos* 356: “Socrates and Aristippus share a common opinion in relation to the value awarded to self-control, but they differ in relation to the field to which he who possesses self-control should devote his life. While Socrates gives priority to the political dimension, Aristippus emphasizes the individual one, triggering the dissenting positions which become explicit afterwards” (translation mine).

¹⁴ Cf. Aristotle’s dichotomy, alternately ruling and being ruled, *Pol.* 1279a8–21, 1332b12–36. See R. Mayhew, “Rulers and Ruled,” in G. Anagnostopoulos (ed.), *A Companion to Aristotle* (Chichester 2009) 526–539.

¹⁵ In line with the methodology proposed here, Johnson, *Polis* 26 (2009)

easily and as pleasantly as possible” (ῥᾶστά τε καὶ ἥδιστα βιοτεύειν, 2.1.9), it is understandable that for him wishing to rule is a “great senselessness” (πολλὴ ἀφροσύνη, 2.1.8). At first glance it appears that he would content himself with not exercising any public office in the *polis*, in other words, simply to be ruled. But he rapidly clarifies that he would not, as well, wish to occupy that political category (2.1.11).¹⁶

The originality of Aristippus lies in proposing a “middle road” (μέση ... ὁδός) in order to escape this dichotomy of either “rule” (ἀρχῆς) or “slavery” (δουλείας).¹⁷ This road, which passes through “freedom” (ἐλευθερίας) and drives straight to “happiness” (εὐδαιμονίαν), will be that of the foreigner (2.1.11).¹⁸

2. *Foreigners in classical Attic law*

With the passage now seen in context, two interdependent questions arise. First, how could Aristippus have conceived the life of a foreigner as the one of greatest ease and pleasure? The

207, has seen in this argument a reference to the process of *euthynai* to which citizens who had held public offices were subject.

¹⁶ The theme of which of the two lifestyles was more pleasant also appears in Xenophon’s *Hiero*. The similarities between the initial position of Hiero and Cyrenaic hedonism has been pointed out by C. Mársico, R. Illarraga, and P. Marzocca, *Jenofonte/Pseudo-Jenofonte, La constitución de los lacedemonios, Hierón, La constitución de los atenienses* (Buenos Aires 2017) 175 n.5.

¹⁷ For Blanchard, *Review of Politics* 56 (1994) 683, it is actually Socrates who is able to travel a middle road by placing “himself neatly between the politician—whose essential activity is to seek office and make policy, and the sophist—who rejects all forms of political responsibility.” But a debatable aspect of Blanchard’s reading is his regarding Aristippus as not a truly Socratic philosopher and, thus, associating him with the sophistic movement.

¹⁸ Tamoliaki, *ÉtPlat* 6 (2009) 147, rightly interprets this passage in the light of a central theme which underpins all the *corpus xenophonticum*, the tension between public and private life. Thus she holds that “the slavery that Aristippus refuses concerns both public and private life. By contrast, the freedom he approves goes beyond both spheres, public and private” (translation mine).

second question, intimately connected, is how should the word *xenos* be understood? For as Whitehead has warned, it presents an “extremely wide semantic range—with inherent ambiguities.”¹⁹ Aristippus could be using *xenos* in its most general sense, simply referring to a foreigner with no intended precision. But also, in a narrower legal usage, it could be denoting either a non-resident foreigner unconnected with Athens or, on the other hand, a metic. Furthermore, it could be read as meaning “personal guest friend” or “host.”²⁰

To help clarify these issues, it is necessary to consider the legal regulation and treatment that foreigners received under classical Attic law in comparison to the situation experienced by citizens.

Although agreement among scholars is not complete, it can be stated that, after the reforms introduced by Pericles in 451/0,²¹ the category of citizen became restricted to the sons of both Athenian parents who had reached the age of eighteen and were duly inscribed in their respective demes.²² I acknowl-

¹⁹ D. Whitehead, *The Ideology of the Athenian Metic* (Cambridge 1977) 11.

²⁰ For the more general use see Ar. *Pax* 297; Lys. 20.19; Isoc. 2.22; Aeschin. 1.40, 43, 158; Dem. 21.56, 60, 193. For “personal guest friend” or “host,” Thuc. 2.13.1; Lys. 19.19; Isoc. 17.38, 43; Dem. 15.15. For “non-resident foreigner,” Dem. 13.23, 20.67 (doubted by Whitehead). For *xenos* in reference to metics, Ar. *Ach.* 504; *Eq.* 326, 1408; *Pax* 644; *Av.* 1431. On Xenophon’s treatment of metics in *Poroi* see J. B. Bardi, “La población en la reflexión jurídico-política de Jenofonte: el rol de los metecos atenienses en *Poroi*,” *Synthesis* 27.2 (2020), and D. Whitehead, *Xenophon Poroi (Revenue-Sources)* (Oxford 2019).

²¹ Analysis of Pericles’ law of citizenship: C. Patterson, *Perikles’ Citizenship Law of 451/0* (New York 1981); E. Carawan, “Pericles the Younger and the Citizenship Law,” *CJ* 103 (2008) 383–406; J. H. Blok, “Perikles’ Citizenship Law: A New Perspective,” *Historia* 58 (2009) 141–170. The literary sources are Arist. *Ath. Pol.* 26.3–4, *Pol.* 1278a32–34; Plut. *Per.* 37.

²² This definition follows that of P. B. Manville, *The Origins of Citizenship in Ancient Athens* (Princeton 1990) 8. D. M. MacDowell, *The Law in Classical Athens* (Ithaca 1978) 66–68, rejects registration in the deme as a necessary

edge that this definition presupposes that in classical Athens it was not possible—as it is today—to draw a strict difference between the acquisition of citizenship and participation in the affairs of the *polis*, and furthermore that this form of participation was restricted to activity in the political organs of the city. Other approaches, where descent is given priority, tend to extend participation to other activities, such as religious ceremonies and thus the umbrella of citizenship is conceived to cover other groups usually excluded by the traditional definition, mainly Athenian women.²³

Naturally, not every person who lacked the status of citizen was necessarily considered a foreigner. Slaves were excluded from both categories.²⁴ The problem emerges in regard to daughters of both Athenian parents, as well as their under-age sons, whose position Manville elegantly characterized as “ambiguous.”²⁵ Faced with this complexity, many scholars have proposed a “spectrum” or “gradation” of statuses so as to encompass the situation of those social groups that were neither

requirement, arguing that this would imply confusing citizenship with *phratría* and the capacity to inherit. The inclusion or not of this requirement depends on the legal treatment of *nothoi*; for a synthesis on the debate see P. J. Rhodes, *A Commentary on the Aristotelian Athenaión Politeia* (Oxford 1981) 496–497.

²³ See for example C. Patterson, “Hai Attikai: The Other Athenians,” *Helios* 13 (1986) 49–67; D. Cohen, “Women in Public: Gender, Citizenship, and Social Status in Classical Athens,” *Symposion 2001* (2005) 33–45; J. H. Blok, *Citizenship in Classical Athens* (Cambridge 2017) 1–3 and 100–147. For a contrary position see N. Loraux, *Born of the Earth: Myth and Politics in Athens* (Ithaca 2000) 25: “there were no female citizens, only Athenian women who were daughters and wives of citizens.”

²⁴ A. R. W. Harrison, *The Law of Athens: The Family and Property* (Oxford 1968) 169–183; S. C. Todd, *The Shape of Athenian Law* (Oxford 1993) 184–192.

²⁵ Manville, *The Origins of Citizenship* 12.

slaves nor foreigners nor citizens strictly speaking.²⁶ But leaving aside these intermediate categories, it can fairly be stated that after 451/0 foreigners were those free persons (both men and women) who had not been born from Athenian parents. Within this category, a well-known division must be acknowledged: foreigners who did not reside in Athens and those who did (*metoikoi*, required to register in a deme under the patronage of a *prostates*).²⁷

To avoid a schematic presentation, it is enough to recall that in the political field, foreigners, whether residents or not, could not hold any public office or assist, talk, or vote in the *ekklesia*.²⁸ In the economic field, they were not allowed to acquire real estate in Attica and had to pay a tax, the *xenika tele*, if they wanted to trade in the Agora.²⁹ Metics had to pay another tax,

²⁶ This concept was famously coined by M. I. Finley, “Was Greek Civilization Based on Slave Labour?” in *Economy and Society in Ancient Greece* (London 1981 [1959]) 97–115, “The Servile Statuses of Ancient Greece” (1960) 133–149, and “Between Slavery and Freedom” (1962) 116–132. It was recently followed by C. S. Bearzot, “Né cittadini né stranieri: apeleutheroi e nothoi in Atene,” in *Il cittadino, lo straniero, il barbaro, fra integrazione ed emarginazione nell’antichità* (Genoa 2005) 77–92, and D. Kamen, *Status in Classical Athens* (Princeton 2013) 1–7.

²⁷ Older works tended to consider the status of metics as a privilege awarded to select foreigners, cf. U. von Wilamowitz-Möllendorff, “Demotika der attischen Metoeken,” *Hermes* 22 (1887) 107–128, 211–259; Harrison, *The Law of Athens* 189. However, after the seminal work of Whitehead, *The Ideology of the Athenian Metic*, approaches tend to agree that it was a burden that resident foreigners had to endure.

²⁸ For a general account of the rights and duties of foreigners see MacDowell, *The Law in Classical Athens* 75–78; Manville, *The Origins of Citizenship* 11.

²⁹ Metics could be awarded a special authorization (*enktesis*) for ownership of a house (*oikias*) or both land and house (*ges kai oikias*): J. Pečirka, *The Formula for the Grant of Enktesis in Attic Inscriptions* (Prague 1966); Whitehead, *The Ideology of the Athenian Metic* 30, who cites *IG II²* 351, 360, 373, 505, 551, 554, 786, 835.

the *metoikion*, in order to reside in Athens.³⁰ In the judicial field, some actions were reserved only for citizens, such as the *graphe hybreos* or the *graphe xenias*,³¹ and upon a demand initiated against a foreigner an Athenian citizen could ask for sureties (*engyetai*) to guarantee that the accused would not abandon the *polis* and escape Athenian jurisdiction. Finally, there were judicial organs specialized for dealing with cases in which foreigners were parties, the best known being the polemarch, who adjudicated cases involving metics.³²

3. *The foreigner's life as the easiest and most pleasant*

In light of this adverse legal situation, to call the life of a foreigner, whether resident or not, that of greatest ease and pleasure would be, at the least, highly counter-intuitive. In fact, this inferior status and the difficulties faced by foreigners are expressly pointed out by Socrates. While accepting that in a legendary past the situation faced by foreigners was considerably more dangerous than the current one (2.1.14),³³ he

³⁰ For the time lapse after which the payment of the *metoikion* could be demanded see Ph. Gauthier, *Symbola. Les étrangers et la justice dans les cités grecques* (Nancy 1972) 108–111; Whitehead, *The Ideology of the Athenian Metic* 75–76; E. Lévy, “Métèques et droit de résidence,” in R. Lonis (ed.), *L'étranger dans le monde grec* (Nancy 1988) 47–67.

³¹ For *graphe hybreos* see N. Fisher, “The Law of Hubris in Athens,” in P. Cartledge et al. (eds.), *Nomos: Essays in Athenian Law, Politics and Society* (Cambridge 1990) 123–138; C. Carey, “Rape and Adultery in Athenian Law,” *CQ* 45 (1995) 407–417, at 410; Buis, *El juego de la ley* 92–92. For *graphe xenias*, A. W. Gomme, “Two Problems of Athenian Citizenship Law,” *CP* 29 (1934) 123–140, at 129–130; R. Osborne, “Law in Action in Classical Athens,” *JHS* 105 (1985) 40–58, at 56.

³² On the role of the polemarch see Harrison, *The Law of Athens* 193–199; R. K. Sinclair, *Democracy and Participation in Athens* (Cambridge 1988) 31; Todd, *The Shape of Athenian Law* 195–196.

³³ Socrates refers to the period when travelers were frequently assaulted by Sinis, Sciron, and Procrustes, all highwaymen killed by Theseus; cf. Plut. *Thes.* 8, 10, 11.

disputes Aristippus by contrasting his vulnerable position to that of citizens: “and into whatever city you enter, you rank below all its citizens, and are one of those specially marked down for attack by intending wrongdoers” (εἰς ὅποιαν δ’ ἂν πόλιν ἀφίκη, τῶν πολιτῶν πάντων ἤττων ὄν, καὶ τοιοῦτος, οἷοις μάλιστα ἐπιτίθενται οἱ βουλόμενοι ἀδικεῖν, 2.1.15).

A way of understanding Aristippus’ proposal, although quite partial and legalistic, is the following. If the Cyrenaic philosopher chose to be a foreigner rather than a citizen, it is because he preferred to endure the limitations and duties of the former rather than endure those of the latter, thus with the rights awarded by citizenship not valued enough to offset the pains. This would be a full inversion of the value normally attributed to the privileges and obligations in being a citizen: participating in the political life of the city or providing it with a trireme or a chorus would not be considered worthy of praise.

But if this narrow legalistic interpretation is transcended for a moment and the abundant fragments and testimonies that doxography has conserved from Aristippus are included to the analysis, a complementary answer seems possible. As will be shown, one of the distinctive aspects of Aristippus’ lifestyle and doctrine was his taste for luxuries and somatic pleasures. In this connection it is not fortuitous that he was apparently the first Socratic to charge for his teachings, a practice usually attributed to sophists.³⁴ Furthermore, the Cyrenaic philosopher, possibly compelled by banishment from his birthplace,³⁵ pursued an itinerant life, his presence attested in Athens, Aegina, Megara, Corinth, Rhodes, Regium, Syracuse, Lipari, and

³⁴ For Aristippus charging fees see Diog. Laert. 2.65 and *Suda* s.v. Aristippus (FS 353–354 = SSR IV A.1). However, Diogenes Laertius also reports that other Socratics, such as Antisthenes (2.62) and Aeschines of Sphettus (4.4), charged for their teachings as well.

³⁵ For his banishment, *Gnom. Vat.* 28 (FS 537 = SSR IV A.131).

Asia.³⁶ Among all these destinations, it was in the court of Dionysius of Syracuse that he could best conduct his licentious lifestyle. In contrast to Plato, Aristippus received lavish presents from the tyrant,³⁷ participated in his symposiums, and indulged in food, drink, and dance, often wearing women's clothes and using perfume.³⁸

Xenophon when writing the *Memorabilia* could well have been thinking of Aristippus' Syracusan facet.³⁹ But Xenophon's emphasis, though it does not necessarily imply a distortion of Aristippus' theories, tends to darken the central nucleus of Aristippean hedonism: for his philosophy was far from being an unrestrained pursuit of somatic pleasures. If there is one thing that characterized Aristippean hedonism, it was the capacity of balancing the enjoyment of the most delightful refinements, without becoming enslaved by them.⁴⁰ The key point was not to ascetically renounce pleasures, nearer to Antisthenes' philosophy,⁴¹ but to channel them. Stobaeus transmits a highly il-

³⁶ Athens, Plut. *De cur.* 2.516C (FS 357 = SSR IV A.2); Aegina, Pl. *Phd.* 59C (FS 373 = SSR IV A.14); Megara, Diog. Laert. 2.62 (FS 392 = SSR IV A.23); Corinth, Diog. Laert. 2.71 (FS 432 = SSR IV A.49); Rhodes, Vitruv. *De archit.* 6.1.1 (FS 437 = SSR IV A.50); Regium, *Suda* s.v. Aeschines (FS 400 = SSR IV A.25); Lipari, *Socr.epist.* 29 (FS 647 = SSR IV A.226: from Aristippus to his daughter); Asia, Diog. Laert. 2.79–80 (FS 513 = SSR IV A.107); for Syracuse see below.

³⁷ Plut. *Dion* 19.7 (FS 403 = SSR IV A.27); Diog. Laert. 2.81–82 (FS 426–427 = SSR IV A.39–40).

³⁸ The most relevant sources are Diog. Laert. 2.78, *Suda* s.v. Aristippus, and Ath. 544D–E (FS 409, 411 = SSR IV A.31).

³⁹ But cf. Athenaeus 544D, who appears to suggest that his period in Aegina was the model for Xenophon (FS 388 = SSR IV A.20).

⁴⁰ For Aristippean hedonism see K. Lampe, *The Birth of Hedonism. The Cyrenaic Philosophers and Pleasure as a Way of Life* (Princeton 2015) 27–35.

⁴¹ For the philosophy of Antisthenes see F. Decleva Caizzi, "Antistene," *StudiUrb(B)* 1–2 (1964) 48–99, and *Antisthenis fragmenta* (Milan 1966); A. Brancacci, *Oikeios logos: La filosofia del linguaggio di Antistene* (Naples 1990), and *Antisthène: le discours propre* (Paris 2005); C. Mársico, "The Methodological

lustrative fragment: “Masters pleasure not he who abstains but he who makes use of pleasure without being carried beyond bounds. Likewise, masters the ship and the horse not he who does not make use, but he who drives them where desires” (κρατεῖ ἡδονῆς οὐχ ὁ ἀπεχόμενος, ἀλλ’ ὁ χρώμενος μὲν, μὴ παρεκφερόμενος δέ· ὡσπερ καὶ νεὸς καὶ ἵππου οὐχ ὁ μὴ χρώμενος, ἀλλ’ ὁ μετὰγων ὅποι βούλεται, Stob. 3.17.17 [FS 493 = SSR IV A.98]). His relationship with the courtesan Lais is also suggestive, since Aristippus boasted that he could “enjoy” (ἀπολαύω) her (Ath. 588E–F [FS 482 = SSR IV A.92]) without minding whether she loved him. Unlike the rest of her lovers, among whom we find Diogenes the Cynic and Demosthenes, he was capable of possessing her without being possessed *by* her.⁴² This importance attributed to *enkrateia* is where his philosophy shows one of the clearest Socratic influences, but with the singularity that “Aristippus encrypts in the exercise of pleasure the path to its control, and by extension, self-control.”⁴³

However, what is most relevant for the present work is that, as a corollary of this self-control with regard to pleasures, Aristippus developed an aptitude that had strong social and political implications: he was capable of “adapting himself to place, time, and person, and of playing his part appropriately under whatever circumstances” (ικανὸς ἀρμόσασθαι καὶ τόπω καὶ

Dimension of Antisthenic Philosophy,” in V. Suvák, *Antisthenica Cynica Socratica* (Prague 2014) 226–245.

⁴² For different versions of this anecdote see Cic. *Fam.* 9.26.2 (FS 485 = SSR IV A.95); Lactant. *Div. inst.* 3.15.15 (FS 486 = SSR IV A.95); Ath. 544D (FS 488 = SSR IV A.96); Diog. Laert. 2.74–75 (FS 489 = SSR IV A.96); Clem. Al. *Strom.* 2.20.117.5–118.1 (FS 490 = SSR IV A.96); Theodoret *Graec. affect.* 12.50 (FS 491 = SSR IV A.96).

⁴³ Mársico, *Los filósofos socráticos* 54. Aristippus conceived “pleasure” (*hedone*) and “pain” (*ponos*) as the only two possible “affections” (*pathe*) that could be experienced by the body: Diog. Laert. 2.86 (FS 589 = SSR IV A.172). Thus, what *enkrateia* provides is the criteria for analyzing those *pathe* and pursuing the most pleasant life available.

χρόνῳ καὶ προσώπῳ καὶ πᾶσαν περίστασιν ἄρμοδίως ὑποκρίνασθαι), whence his most famous nickname, “the royal dog” (βασιλικὸν κύνα, Diog. Laert. 2.66 [FS 441 = SSR IV A.51]). Faced with the frequent rages of Dionysius which often culminated in offenses to his person, such as being relegated to the worst seats or being spat upon,⁴⁴ the Cyrenaic always responded by trying to show himself in control of the situation and capable of adapting quickly to the new circumstance. For this reason it was said that Aristippus was the only one considered able “to flaunt in robes or go in rags” (χλανίδα φορεῖν καὶ ῥάκος, Diog. Laert. 2.67 [FS 448 = SSR IV A.57]).

In view of these fragments and testimonies it is possible to state that, if Aristippus could hold the life of a foreigner to be the most pleasant one, it was by virtue of his disposition to accommodate the different material situations that confronted him. Despite all the legal limitations and all the duties that pressed upon a typical foreigner, he was able to enjoy a life full of luxuries thanks to the fees paid by his students and the patronage of tyrants, while not suffering when fortune was unfavorable.⁴⁵ This interpretation would follow the lines proposed by Dorion, supported also by Urstad and Tsouna, for whom Xenophon would be playing with the polysemic meaning of *xenos*:⁴⁶ not only “foreigner” but also “personal guest friend” or “host.” Enlarging on the legal meaning, Aristippus had been able to find a way to turn to his favor the traditional Hellenic *xenia*, the ancient moral and religious obligation to provide

⁴⁴ Diog. Laert. 2.73 (FS 419 = SSR IV A.36); Ath. 544C–D (FS 418 = SSR IV A.36).

⁴⁵ Johnson, *Polis* 26 (2009) 221–222, considers that there is an insurmountable contradiction between the “middle path” proposed by Aristippus and the fact that he needed the court of a tyrant to pursue it.

⁴⁶ L. A. Dorion, *Xenophon. Mémoires* (Paris 2011) 135; Urstad, *Praxis* 2 (2008) 46 n.15; Tsouna, in *The Socratic Movement* 386 n.64.

housing and material aid to a visiting foreigner.⁴⁷

Nevertheless, to end here would obscure the most disruptive aspect of his proposal. It is not irrelevant that Socrates, after listening to Aristippus, exclaims in a teasing way: “Quite a clever trick, what you’re saying now” (τοῦτο μέντοι ἤδη λέγεις δεινὸν πάλαισμα, 2.1.14). Socrates will not only reject the convenience of his proposal but its very feasibility by arguing that, if the “road” does not pass through “rule” or “slavery,” then it will also not pass “through human beings” (δι’ ἀνθρώπων) (2.1.12). In the eyes of Socrates, the type of foreigner portrayed by Aristippus is incompatible with community life. But in the eyes of the Cyrenaic, it opens the door to a new form of relationship between the individual and the community that would ultimately deny the traditional logic imposed by the *polis*. As Tsouna states: “it is not freedom *in* the city but *from* the city.”⁴⁸ In a similar line, Mársico condenses it in the following way: “Aristippus’ position is apolitical, but this does not mean the foolish attitude of wriggling out of political affairs, since that would imply falling prisoner to Socrates’ criticism; in a political organization it is not possible to avoid the alternative of being either with those who exercise power or those who are ruled. On the contrary, Aristippus tries to transcend the opposition and declare himself apolitical in the sense of non-belonging to any political organization by adopting a form of marginality that is associated with that of the foreigner. This would imply not only that public affairs are seen as alien, but also—and more importantly—the possibility of stepping out of the game of political relationships, like one who changes country and leaves behind all political webs, rendering them

⁴⁷ G. Herman, *Ritualised Friendship and the Greek City* (Cambridge 1987); G. J. Basile, “*Xenia*: la amistad-ritualizada de Homero a Heródoto,” *Emerita* 84 (2016) 229–250.

⁴⁸ Tsouna, in *The Socratic Movement* 386.

aleatory and transitory.”⁴⁹

Although the debate regarding the ‘apolitical’ character of Aristippus’ thinking has been pursued several times,⁵⁰ surprisingly it has never been assessed in the light of the legal phenomena. I believe that this can be used as a new thermometer to measure the alleged radicalness of his proposal. Thus I will try to determine whether the model that the Cyrenaic proposed—a foreigner voluntarily detached even from his own *polis*—had any correlate in the Attic legal framework or if, ultimately, we are confronting a *sui generis* model.

4. *The Aristippean foreigner in the light of classical Attic law*

What does it mean to be a foreigner “everywhere” (πανταχοῦ)? Aristippus explains it in the following way: “I, for my part, in fact don’t confine myself to any *politeia*.” The reason why I do not yet translate *politeia* is that here lies the key to understanding the model of the foreigner that Aristippus proposes. This task is not easy, and that is reflected in how Zaragoza decides to translate it, “ciudadanía,” just as Bevilacqua and Dorion opt for “cittadinanza” and “citoyenneté,” while Marchant prefers “community.” Mársico chooses “organización política,” positioning near Bonnette, who opts for “regime.”⁵¹

From these diverse approaches it appears that there have been two distinct ways to translate the word. One is more abstract, highlighting the status or legal quality that a person enjoyed in a *polis*; the other is more factual, stressing the social bond that united the members of a community. This is crucial

⁴⁹ Mársico, *Los filósofos socráticos* 358–359 n.121 (translation mine).

⁵⁰ See nn.3–5 above.

⁵¹ J. Zaragoza, *Jenofonte. Recuerdos de Sócrates* (Madrid 1982); Dorion, *Xenophon. Mémoires*; F. Bevilacqua, *Senofonte. Memorabilia* (Turin 2010); E. C. Marchant and O. Todd, *Xenophon: Memorabilia, Oeconomicus, Symposium, Apology* (Cambridge 1923); Mársico, *Los filósofos socráticos*; Bonnette, *Xenophon. Memorabilia*.

not only because the Athenian *politeia* implied a civic experience that encompassed both facets,⁵² but also because understanding this doubleness opens the door to a more complete interpretation of the passage.

While translating “citizenship” would not necessarily impede reaching the interpretation advanced below regarding Aristippus’ position, it might be confronted by an important risk, of falling into the partial and legalistic reading mentioned at the beginning, i.e. that Aristippus simply repudiates the rights and duties that came with being a citizen and prefers those that fell on foreigners. As has been shown, the step that Aristippus takes is larger, attempting to be a foreigner *even* in his own *polis*. But how far was this possible under classical Attic law?

Of course, the chief problem here is that Athenian regulation was not concerned with the status that individuals had in other jurisdictions, but this *per se* does not prevent us from drawing some important conclusions.

On the one hand, the category of non-resident foreigners seems to satisfy perfectly well the Aristippean itinerant lifestyle. They lacked a permanent residence in Attica and were not obliged to pay the *metoikion*, so long as they remained in the *polis* only for a determined period of time.⁵³ However, that category of foreigner is at odds with, or at least does not address, Aristippus’ other key requirement, for that foreigner did not necessarily lose the political-legal link that bound him to his *polis* of origin. It is significant that this was true of metics as well, for it

⁵² For these two aspects of the Athenian *politeia* see C. Mossé, “Citoyens actifs et citoyens ‘passifs’ dans les cités grecques: une approche théorique du problème,” *REA* 81 (1979) 241–249; J. Bordes, “La place d’Aristote dans l’évolution de la notion de *politeia*,” *Ktema* 5 (1980) 249–256; Manville, *The Origins of Citizenship* 4–8.

⁵³ The period is debated. P. Gauthier, *Symbola* 108–111, urged that it was one month, on the argument that the *metoikion* consisted in a payment of twelve drachmas (one per month).

was very probably open to them to return to their *polis* of origin and resume their citizen rights.⁵⁴

Therefore, while under Athenian eyes Aristippus' *xenos* would be considered a non-resident foreigner, this category alone is insufficient to explain his proposal. To fully decode in legal terms this double exclusion, from both the host *polis* and the *polis* of origin, analysis of a field very different from the treatment of foreigners should be included. His proposal seems to fit the situation of a citizen who had temporarily emigrated to another city, but only provided that he had first been punished with *atimia* in his own city.⁵⁵

The traditional view of this legal figure, founded upon Heinrich Swoboda's seminal works and with modifications still supported by most scholars, postulates an evolutionary development of the meaning of *atimia*, in two stages and with the Solonian reforms as the turning point.⁵⁶ Thus, by the begin-

⁵⁴ Whitehead, *The Ideology of the Athenian Metic* 71–72, supports this position with two main arguments: first, that the “X, son of Y, of city Z” formula of foreigners' tombstones shows the persistence of the link with the original *polis*; and second that Athenians' ability to resume their citizen rights after being metics elsewhere was the likely usual practice in other *poleis*. Cf. W. Jaeger, *Paideia* II (New York 1943) 53–54, who took Aristippus to be referring to a metic.

⁵⁵ Against the traditional majority view of *atimia* see M. Youni, “The Different Categories of Unpunished Killing and the Term ἄτιμος in Ancient Greek Law,” in *Symposium 1997* (2001) 117–137; “*Atimia* in Classical Athens: What the Sources Say,” in *Dike: Essays on Greek Law in Honor of Alberto Maffi* (Milan 2019) 361–378; “Outlawry in Classical Athens: Nothing to Do with *atimia*,” in *Symposium 2017* (2019) 137–161. Her position has been supported by C. Joyce, “*Atimia* and Outlawry in Archaic and Classical Greece,” *Polis* 35 (2018) 33–60.

⁵⁶ H. Swoboda, “Arthmios von Zeleia,” *AEM* 16 (1893) 49–68; *Beiträge zur griechischen Rechtsgeschichte* (Weimar 1905) 1–42 and 152. For works which follow, at least in part, Swoboda's findings see A. R. W. Harrison, *The Law of Athens: Procedure* (Oxford 1971) 169–176; M. H. Hansen, *Apagoge, Endeixis, and Ephegesis against Kakourgoi, Atimoi, and Pheugontes* (Odense 1976) 55–90; P.

ning of the fourth century, a citizen who had lost his *time* not only was considered deprived—usually absolutely—of political rights and privileges, but also of his honorability as an active member of the *polis*.⁵⁷ As conviction for *atimia* tended to be lifelong, and could even affect the heirs of the condemned, it was a virtual political expulsion of that individual from the city (whether or not he physically abandoned it).⁵⁸ It would be daring to affirm without qualms that the model for Aristippus' proposal was an *atimos* who then abandoned his *polis*, but what is remarkable is that the political-legal exclusion which a Greek would try to avoid by all means, and which Attic law reserved as one of the most severe sanctions, was voluntarily chosen by Aristippus.

Returning to the translation of *politeia*, if instead of “citizenship” the alternative “community” is chosen, the risk is of reaching a quite radical conclusion about the social dimension of Aristippus' proposal. By no means is his foreigner someone who positions himself as an absolutely autarchic being outside

B. Manville, “Solon’s Law of Stasis and *Atimia* in Archaic Athens,” *TAPA* 110 (1980) 213–221; S. Vleminck, “La valeur d’ἀτιμία dans le droit grec ancien,” *EtCl* 49 (1981) 251–265; R. Sealey, “How Citizenship and the City Began at Athens,” *AJAH* 8 (1983) 97–129; S. Humphreys, “A Historical Approach to Drakon’s Law on Homicide,” *Symposion 1990* (1991) 33–35; Todd, *The Shape of Athenian Law* 365; P. Liddel, *Civic Obligation and Individual Liberty in Ancient Athens* (Oxford 2007) 186–187; S. Dmitriev, “Athenian *atimia* and Legislation against Tyranny and Subversion,” *CQ* 65 (2015) 35–50.

⁵⁷ For the moral implications of *atimia* see A. Maffi, “Ἀτιμάζειν ε φεύγειν nei poemi omerici,” *Symposion 1979* (1983) 251–260; E. Poddighe, “L’ἀτιμία nel διάγραμμα di Cirene: la definizione della cittadinanza tra morale e diritto alla fine del IV secolo A.C.,” *Aevum* 75 (2001) 37–55; Kamen, *Status in Classical Athens* 78.

⁵⁸ For the differences between physical expulsions from the *polis*, including exile and ostracism, and the loss of political membership see S. Forsdyke, *Exile, Ostracism, and Democracy: The Politics of Expulsion in Ancient Greece* (Princeton 2005) 7–11.

of society.⁵⁹ This would not be consistent with the lifestyle he pursued; furthermore, in his philosophy there is a constant vindication of the intersubjective realm, evidenced by the importance attributed to the verb *ὀμιλέω*. When asked for the profit he derived from philosophy, he usually answered: “the ability to associate with everyone confidently” (τὸ δύνασθαι πᾶσι θαρρούντως ὀμιλεῖν, Diog. Laert. 2.68 [FS 502 = SSR IV A.104]). Moreover, in a fictitious conversation with Diogenes the Cynic, who mocked him for his lifestyle at the court of Dionysius, Aristippus retaliated: “And if you knew how to associate with men, you would not be washing vegetables” (καὶ σύ ... εἴπερ ἦδεις ἀνθρώποις ὀμιλεῖν, οὐκ ἂν λάχανα ἔπλυνες).⁶⁰

From what has been presented, I consider that translating *politeia* as “political organization” allows us to understand in a more complete way this doubling, wherein the case is made for abandoning all political-legal ties in any *polis*, but without falling into a radical antisocial position, nor a partial and legalistic one. It is not fortuitous that the verb Xenophon puts in the mouth of Aristippus in 2.1.13 is *κατακλείω*, “shut in” or “enclose” (LSJ)—the verb that Herodotus chooses for how the Egyptians put mummies in sarcophagi (2.86.6–7). Metaphorically, Aristippus would thus be proposing to ‘un-mummify’ Greek political experience, eliminating the legal clothing in which the *polis* wrapped individuals. With his foreigner we have

⁵⁹ I agree with Zayas, *Eidos* 18 (2013) 133–134, that Aristippus, in opposition to Aristotle, would reject the idea that only inside the *polis* is it possible to achieve *autarkeia*, but the thesis of this paper is less radical as to the desire to achieve individual *autarkeia*.

⁶⁰ Diog. Laert. 2.68 (FS 396 = SSR IV A.44). As Mársico, *Los filósofos socráticos* 288 n.30, points out, “the contact between Aristippus and Diogenes the cynic is historically impossible, since there is no notice that Diogenes had gone to Syracuse.” This encounter can be explained by the thesis of F. Sayre, *Diogenes of Sinope: A Study of Greek Cynicism* (Baltimore 1938) 106–110, that the fame of Diogenes caused him to be included in many anecdotes traditionally said of others.

a new type of intersubjective bonding outside of the structuring filter of the *polis*. This thesis could be operating in fragments such as the following, which seems to acquire a clearer meaning: “Should all laws be repealed, we shall go on living as we do now” (ἐὰν πάντες οἱ νόμοι ἀναιρεθῶσιν, ὁμοίως βιωσόμεθα).⁶¹ The political-legal structure of the *polis* is not the only possibility for life in community.⁶²

5. Conclusion

I have tried to show how a focus on the legal background to the conversation between Socrates and Aristippus provides instruments for understanding the political position of the Cyrenaic philosopher.

By considering the disadvantageous legal situation that foreigners had to endure in a *polis* we can see why describing their life as the easiest and most pleasant would be not only counter-intuitive but, more precisely, highly provocative and defiant. And even when Aristippus’ fragments and testimonies about his lifestyle and philosophy are included in the analysis, awareness of the legal treatment of foreigners remains indispensable, principally because it helps us to see beyond those interpretations that find in Aristippus’ proposal a mere abuse of the traditional Greek hospitality owed to any *xenos*.

Furthermore, assessing the word *politeia* in the passage shows how attempting to frame Aristippus’ foreigner into any of the legal categories recognized by classical Attic law proves insufficient to grasp the complexity of his proposal. Relying on

⁶¹ Diog. Laert. 2.68 (*FS* 508 = *SSR* IVA.105).

⁶² Therefore the interpretation of Dorion, *Xénophon. Mémoires* 136, who denies the possibility of generalizing Aristippus’ proposal without falling into anarchy, can be questioned. He holds that the lifestyle of Aristippus is only possible in so far as everyone continues to live in the habitual scheme of the *polis*, guaranteeing security and housing to itinerant philosophers such as the Cyrenaic.

the idea of *atimia* clarifies the double political-legal exclusion that Aristippus seeks.

Everything suggests that we have a *sui generis* figure elaborated by the Cyrenaic philosopher, aimed at questioning the static, limiting, and even suffocating tie that chained the individual to the *polis*, but without rejecting the possibility of living in community. In a society in which the *polis* model was starting to show its fissures, Aristippus was already foreseeing possible outcomes for this political-legal structure. Thus it is not surprising that many have seen Aristippus' thinking as an anticipation of Hellenistic cosmopolitanism.⁶³

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Universidad de Buenos Aires
Facultad de Filosofía y Letras
Facultad de Derecho
juanbautistabardi@gmail.com

⁶³ See for example Mársico, *Los filósofos socráticos* 359, and Bevilacqua, *Senofonte. Memorabili* 385 n.43. Others, like J. Luccioni, *Les idées politiques et sociales de Xénophon* (Paris 1947) 120, more than a mere anticipation, have not hesitated to fully characterize his position as cosmopolitanism. For those who reject this label see Tsouna, in *The Socratic Movement* (1994) 386. n.65, and Dorion, *Xénophon. Mémoires* 136.

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