Dear Readers,

This is a draft of a chapter from my book project (tentatively titled *Classical Greek Theory and the Politics of Immigration*), hence its style of presentation.

Metics (*metoikoi*) refer to immigrants as well as the Athenian-born children of immigrants. They lived in classical Athens as free persons but without citizenship, which was inherited by blood. I frequently call Athens or the democracy an “autochthonous order,” which is a nod to the myth but also, as I argue earlier in the book, a way of saying that Athens distinguished citizens through a language of natural difference or blood.

While I am of course grateful for any feedback, I would especially appreciate comments on the following issues, which I am still working on:

- How might the second part of the chapter be better structured?
- How could I make the connections between blood, witnessing, avowal, and potentiality clearer or more emphatic?
- How could the chapter better address the overarching questions I pose in the introduction (p.5)?
- Does the conclusion add to the argument or does it seem disjointed?

Thanks for reading,

Deme
CHAPTER SIX

Escaping Detection

…It is easy for resident aliens and foreigners to participate in the constitution, since the excessive size of the population makes escaping detection easy.

—Aristotle, Politics

The search for motives, the demand that everybody display in public his innermost motivation, since it actually demands the impossible, transforms all actors into hypocrites; the moment the display of motives begins, hypocrisy begins to poison all human relations… In politics, more than anywhere else, we have no possibility of distinguishing between being and appearance. In the realm of human affairs, being and appearance are indeed one and the same.

—Hannah Arendt, On Revolution

In the mid-fourth century B.C.E., a man called Euxitheus risked enslavement by appealing his deme’s decision to disfranchise him. He argued boldly to an Athenian jury that the deme’s wrongful accusations of his foreign origins reflected the citizenry’s prejudices and the personal enmity of his accuser. Apart from working a menial job in the agora, he had not done “any of the things that men improperly made citizens are seen doing,” like paying the metic tax or seeking membership in just about any deme that would have him (my emphasis, 57.55).¹ He was a man known for doing what citizens do.

For one already found guilty of masquerade, Euxitheus’s remarks seem tone-deaf, recalcitrant even. Spoken as though the basic machinations of an autochthonous regime were still opaque to him, the question—How could I be a metic when no one has seen me act like one?—sets before us, by way of circumvention, what cannot be said outright: in Athens blood counts more

than deeds yet deeds are apparently not expressive of blood. Without stating or adopting its strictures, Euxitheus has managed to conjure the autochthonous order that ousted him. We have seen this rule of exclusion before. It is the order Ion invokes from the safe distance of Delphi to decline the invitation to immigrate, the lie Socrates dares reference only obliquely to a knowing and embarrassed Glaucon before openly concocting his own. But Euxitheus, for his part, need only signal democracy’s well-known love of deeds to call it into question. An accomplished Athenian has been stripped of citizenship. His very appearance in court as a newfound metic bespeaks the overriding value of origins and dramatizes political status as a natural truth that is easy to miss and all the more necessary to decipher. But when Euxitheus suggests that people need to see him acting like a metic before making him one, he does more than recall the autochthonous dictum that acts of citizenship simply reveal (they do not prove) a pre-given Athenianness. He raises, more explicitly than previous texts, the problem of evidence. If not through metic acts, exactly how does the truth about the metic manifest itself?

The preceding chapter closed by showing that Pericles’s Funeral Oration figures Athenian acts as inimitable, expressive deeds that follow from an assertion of autochthonous birth. Pericles, I argued, drew on practices of display and spectatorship to construct an exceptionalist narrative in which citizen acts must be seen by others in order to be admired and approximated. But these spectators, whom the oration frequently imagines as non-Athenians, are only “mere” witnesses. They do not judge or attest to the meaning of Athenian acts, at least not officially, since the value of citizen deeds is inherent in their doing. Thus nearly displaced from a space of inherited birthright onto one of heroic, autonomous action, Athenian acts are well positioned to establish and maintain the hierarchy of the city “without recourse to either proof or investigation” or even the myth of autochthony: their function is “nothing more than to develop…and dramatize an order of truth that is given from the beginning.”

At the same time that Pericles dismisses the need for poets like Homer to sing Athens’ glory, he thus tries his own hand at the role, mobilizing an archaic notion of poetic meaning to make citizen acts, like his own epitaphios logos, seem like performative not

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3 See Foucault on the race in Homer in Wrong-Doing, Truth-Telling 38.
expressive truths, the sorts of pronouncements that, in Marcel Detienne’s phrase, “were never challenged or demonstrated.”

Athenian expansionism’s dependence on a notion of non-citizen imitation, however, produces serious problems for, indeed provokes, Pericles’s insinuation that mimetic acts do not verify but simply follow from the truth of an autochthonous regime. One way of guarding against the dangers associated with the mobility and mingling that are brought on by an expansionist politics is to advocate the Periclean solution of a mimetic ideal, which creates the conditions for a logic of passing by reassuring (threatening?) the city that real imposters always have a tell. In this way, the Funeral Oration removes from mimesis the subversive implications I drew out of Plato’s figuration of democracy in the last chapter, where I argued that mimesis described the performance of membership tout court and exposed the rigid, naturalized lines of difference on which Athenian accusations of passing depend to be its own kind of noble lie.

The extent to which democratic politics courts the risks Pericles would prefer we discount becomes even clearer in the trial I read here. Until now, citizen masquerade has operated as a subtext through which Euripides, Plato, and Thucydides variously explored democratic citizenship’s grounding in claims of blood. Here, by contrast, it is the ostensible crime and, as such, provokes us to ask a new set of questions about the democratic need to demonstrate something (blood) that, by its nature, cannot be witnessed but must nevertheless be accounted for politically and symbolically. That demand, we shall see, does more than turn citizenship into a legal question (of parentage) with a right answer. It turns citizenship into a risky kind of speaking, risky not because it is heroic but because it is suppliant. The one on trial, like the witness who vouches for him, proves his Athenian origins by avowing its truth.

Before turning to Demosthenes’s speech in detail, however, I wish to note one final point of comparison with the Funeral Oration. When Pericles figures democratic citizenship as an autonomous performance that needs no verification, he does so, rather boldly, under the dramaturgical conditions of a judicial regime. The juries that the demos composes in Athens end up soliciting testimonial evidence that will, in some instances, help draw and re-draw the boundaries of the demos that has constituted them. Pericles delivers his oration, in other words, to a citizenry that functions, as a legal body, through proof. There is, as Euxitheus has already indicated, nothing mere

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5 Detienne 52.
about witnessing in this city. Just as in Pericles a spectatorship of foreign, aspirational emulation produced the Athenian citizen, so in Demosthenes a perceptual relation is said to constitute the Athenian, only here it is a citizen witnessing or, better, its oration that is called on to do that verifying work.

Against Eubouleides picks up precisely where Thucydides’s text leaves off. That is the point at which the aspirations of blood-based membership and the expansionism and mobility it enables confront the demands of a democratic politics that entertains its citizens, as the Eumenides do, to judge not by use of oaths or liturgical-like truths but by arguments and inference. Democracy demands a demonstration of what it also insists evades and transcends proof. The Athenian court is tasked with re-opening the gap between the authentic citizen and his indistinguishable imposter, to affirm mimesis as “mere” mimicry.

The willfully naïve remark with which I opened the chapter now appears, on second glance, to be a clever reprisal of the Periclean conceit that acts need witnesses, only here by way of a negative formulation—no one has seen Euxitheus doing the things metics do—it produces a disturbing absence. In matters of blood-based membership, we are left wondering, is there anything to see? Against Eubouleides takes up the web of practices that constitute this peculiar Athenian notion of inherited-performed citizenship as an object to know. It provokes us to ask not only, What will count as evidence of citizenship in this peculiar regime? but, How does that proof produce the semblance of citizenship’s self-evidence if it seems incapable of securing anything at all? If in democracy, the law court is called on to verify a membership order that acquires so much of its power by eluding proof, what does a trial over mistaken identity produce except the endless demand for certainty? Demosthenes’s speech will infer, perform, but, fittingly, never name verification as a problem of the democracy’s own making. It will seek to defend a man’s citizenship and his innocence, but it will do so by exposing that burden as an aporia.  

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6 On the Eumenides point, see Detienne 104-5. Before jurors could judge evidence, however, they ironically took a dikastic oath that “enjoined them to judge in accord with the laws.”

7 The impulse to cast the problem of citizenship this way is also, as Mary G. Dietz observes, in Aristotle, whose “difficulties” theorizing the citizen “underscore the fact that citizenship is neither a fixed nor stable notion, much less an immutable essence, but a permanently open puzzlement (aporia) and an anxiety for the city.” See Dietz, “Between Polis and Empire,” APSR (2012) Vol. 106, No. 2: 275-293. 289
Making Blood Work

Against Euboulides presents Euxitheus as the sympathetic, luckless victim of a sykophant out for revenge, still bitter over an unrelated trial at which Euxitheus testified against the man’s interests. Demosthenes casts the accuser as a familiar Athenian type. He is the litigious parasite who abuses his citizen privilege of prosecution by targeting vulnerable, innocent Athenians for personal gain. Euboulides may be the officiating demarch in the deme of Halimous (a position even Euxitheus has held) but he is the real fraud, in other words, an unscrupulous citizen who fixed the vote against Euxitheus because he knew deme protocol well enough to disregard it.

Under Euboulides’s watch, the deme is said to have committed a dazzling number of injustices to ensure Euxitheus’s citizenship was overturned procedurally. The decision to strike him from the official register of members occurred at a hearing so sparsely attended that the few citizens present did not know (or like) Euxitheus well enough to identify him as a member of their own deme. Only thirty people were left by the time the vote was called and “among this group were all those whom Euboulides had set up” (57.10). Eubulides provided no witnesses to support the accusations he leveled against Euxitheus’s family, no evidence of any paid metic taxes. He didn’t need to, Euxitheus intimates. The hearing was so well orchestrated “that the vote on Euxitheus’s case took place in the gathering darkness,” a ploy to ensure each citizen could be counted two or three times.

Euxitheus does not rest his appeal on these lapses in procedure, however. The accusations of his non-Athenian parentage are false, he says, whether they were properly pursued or not. The only “just” (dikation) thing now, he says, is for him to “show” (deiksai) the jury his dual Athenian parentage. He sets out to destroy the abusive innuendo that has turned him into a metic (57.17). Where Euboulides failed to, Euxitheus will perform “a kind of dokimasia within the trial, identifying

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8 A sykophant is a professional denouncer who targets innocent people through judicial institutions in exchange for payment or favors. On the abusive connotations of the term, see Robin Osborne, “Vexatious Litigation in Classical Athens,” in Nomos: Essays in Athenian Law, Politics, and Society.

9 Following their expulsion from Thrace in northern Greece by Philip II of Macedon, a large number of Athenians (or people claiming to be) migrated to Athens. This may have been the impetus for 346’s assembly decree, instructing demes to check on and clean up their members’ lists. See Bers 108. See also Plutarch 170-201.

his parents, their parents, and their tombs, and providing witness testimonies deposed under oath.”

Yet rather than discount all the unfortunate family details used against his client, Euxitheus will masterfully demonstrate their polyseamousness and suggest that to accuse a poor, working Athenian family of fraudulent citizenship is not only un-supportable but un-democratic.12

Was Euxitheus’s father’s Western Greek accent a sign of his non-Athenian origins, as Euboulides claims, or the years he spent as a loyal Athenian soldier, captured and sold into slavery while fighting abroad in the Peloponnesian War? As for the work Euxitheus and his mother Nikarete do selling ribbons in the agora, it is a job not exclusively done by metics and so, he counters, it is a certain sign of economic standing not blood. “If we were rich, we would not be selling ribbons, nor would we be in such dire straits,” Euxitheus says. “But what does this have to do with our ancestry (genei)?” (57.35).13

It is a rhetorical question worth reflecting on at length. How can one citizen point to another’s work to expose a counterfeit citizenship? Through what chain of specifically Athenian signifiers does a marker of economic standing become a sign of passing in a city that has legally eliminated economic barriers to membership? We might note, for now, the striking lack of “natural” facts above for inferring Euxitheus’s political difference and the need to rely instead on a series of performative enactments—not only speaking and working but also (their) witnessing, interpreting,

11 Lape 204. As James Fredal helpfully glosses the term, a dokimasia (“examination” or “scrutiny”) was a legal and political process that gauged the “fitness” of a citizen to perform his political duties. One was likely to experience a few in a lifetime. “An initial dokimasia was held for all young men nominated for membership to the rank of citizen. A more intense level of ‘scrutiny’ was held for men entering office… Any citizen could challenge the nomination of the candidate… The examination was performative: It declared authoritatively the citizen’s fitness to fill the position for which he was nominated.” Fredal, Rhetorical Action in Ancient Athens: Persuasive Artistry from Solon to Demosthenes (Carbondale: Southern Illinois University Press, 2006) 159.

12 Ober notes that this speech is unusual for suggesting the “use of slanderous topoi” based on birth or past occupations “unjust in principle.” Speeches that do take up this sort of rhetoric concern attacks on the orators themselves, and their responses tend to argue that they are living in “Accordance with the highest standards of the old-fashioned aristocratic code of behavior,” a tactic that would not work in Euxitheus’s situation. Mass and Elite 281.

13 Whether Euxitheus himself was poor is not clear, given that he could afford to hire Demosthenes to compose a speech for him. Christopher Carey goes as far as to wager that Euxitheus was “evidently rich, while his parents were by his own admission paupers.” But even if Euxitheus had been wealthy, it would not have discredited the other claims he makes in the speech since “we cannot rule out the possibility that Euxitheus increased the family wealth by his work in the market.” Worth stressing here, I think, is the idea that, regardless of how lucrative they could make one in Athens, certain forms of work left one vulnerable to accusations of foreignness. See Carey, “Artless Proofs in Aristotle and the Orators,” in Ed. Edwin Carawan, Oxford Readings in Classical Studies: The Attic Orators (Oxford: Oxford University Press, 2007) 243 and 243 fn.20.
and testifying—to establish his bloodline. If Euxitheus is any measure, the practices Athens uses to secure incontrovertible knowledge of ancestry are ambiguous in their meanings and effects. A lived practice of membership can apparently stand just as easily for authentic citizenship as it can for passing. It is for this reason that the argument against Euxitheus had to presuppose some (additional) signs to mark the distance between these two ways of living. To make that difference apparent to the deme, Euboulides did not simply point to Euxitheus’s family tree. He organized the accusation of foreignness around the meaning of work.

The anxiety over Euxitheus’s appropriate place in the city can hardly be understood apart from the “rather loose relationship (and getting looser all the time) between hierarchies of wealth, status, and power” in classical Athens or the “inefficient perpetuation of these advantages from one generation to another.”14 Demosthenes’s speech skillfully demonstrates that all the family details Euboulides has deemed metic actually reflect the range of hardships that could befall any Athenian family living through the political and economic upheaval of the late fifth and early fourth centuries.15 During and after the Peloponnesian War, “fortunes came and went with alarming rapidity.”16 The “city’s generally depressed financial condition” also pushed citizen women into paid work despite the heavy stigma their visibility carried in Athens.17 We learn, for instance, that after Nikarete’s first husband chose to marry her off to Euxitheus’s father so that he could pursue a more profitable match, she was in a few years destitute with two children and a new husband away at war. Nikarete turned to wet nursing to support her family and she was hardly alone. Euxitheus offers to name all the citizen women “nurses (tithai), wool workers (erithoi), and grape pickers (trugetriai)” he knows (57.45).

Euboulides might have been able to persuade his supporters that only a servile (and foreign) past could account for the family’s unimpressive occupational history, but slavery was just “one factor in a multitude which contributed to the experience of poverty” in Athens.18 As Nikarete’s

14 Davidson, Courtesans and Fishcakes, 234-5
16 Davidson 184.
18 Claire Taylor, “Social Dynamics in Fourth-Century Athens: Poverty and Standards of Living,” forthcoming in Die athenische Demokratie im 4. Jh, ed. Claudia Tiersch (Steiner: Stuttgart) 240, 242. It is worth noting that one implication of Euboulides’s accusations is that members of Euxitheus’s family would have been former slaves who, upon gaining their freedom, became metics.
own life suggests, economic mobility in Athens depended on “family circumstances such as marriage, inheritance, and gender” as well as a person’s “social relationships, economic activities, and personal networks.”

Euxitheus acknowledges that work is frequently coded as a state of dependency in Athens, but he is adamant that neither ribbon selling nor nursing can be certain proof of anything but poverty. In fact, the evidence Euboulides is said to have rallied against him does not so much attest to as trouble the cleavages presumed to exist between citizen, metic, and slave experiences in Athens.

None of the performative acts used against Euxitheus are enough to settle the question of his ancestry because, regardless of what Euboulides would have the jury believe, they are done by citizens and foreigners alike. If the initial hearing against Euxitheus deployed foreignness as a strategy for modeling not what citizenship is but what it should be, then in Euboulides’s view a real Athenian is one who triumphs over adversity and accumulates wealth. That position was hardly novel. Nikarete’s work may have helped the family survive, but it ultimately “brought no advantage” to the family, Euxitheus admits, precisely because it was “the source of all the slander” about them (57.42). So common was the censuring of a man or woman for working in the marketplace that the city eventually legislated it as “evil speaking” (kakēgoria). It was slander that convinced the deme to disfranchise him, Euxitheus says. The accusations against his mother are not just false but illegal.

Just as the initial case against Euxitheus depended on mobilizing Athenian prejudices against the working poor, Euxitheus’s appeal seeks to expose the other citizenly anxieties this bias may be working to manage. Even though “Solon’s prohibition on debt-slavery guaranteed a free citizenry as one of the cornerstones of democracy,” writes Victoria Wohl, “Athenians recognized that extreme

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19 Taylor 240.
20 Ironically, Demosthenes’s own origins were called into question twice by the orator Aeschines (2.183, 2.22; 3.172) who accuses him of having Scythian (servile) ancestry and thus no genuine claim to Athenian citizenship. Deborah Kamen points out that the use of slave invective against known free or freed men was not infrequent and wages that it reflected Athenian anxiety over the increasing use of manumission and naturalization, which revealed the fluidity and, I would add, the artifice of the city’s “natural” political distinctions. See Kamen, “Servile Invective in Classical Athens,” *Scripta Classica Israelica* vol. XXVIII (2009) 43-56: 55. And footnote 32 to Ober (in this chapter).
21 Ironically, such mobility and materialism are best exemplified by wealthy metics like Xouthos and Cephalus. Indeed, what Ober calls “lust for gain over honor” was typically “ascribed to metics.” Mass and Elite 275.
22 Even if “Athenians did not think such reproaches were fair in a court of law,” writes Ober, “at some point in the past… slander based upon occupation had been common enough to spark the concern of the lawmakers.” Mass and Elite 276.
23 Lape 206, citing 57.30.
poverty could render that civic freedom meaningless.” Euxitheus fastens to this instability in his speech as a way of inciting the jurors’ recognition of their own vulnerability. “Poverty forces the free to do many servile and abject things,” he says, and “it would be more just (dikaioteron) if they would be pitied for that, men of Athens, than destroyed further” (57.45).

Having demonstrated the undecidable meaning of work, Desmosthenes may seem to have rescued his client from a narrative in which he becomes an outed metic. The expressive capacities of work should dissipate in a democratic regime with no wealth qualification for citizenship. And while Euxitheus may evoke this celebrated democratic axiom, it is, importantly, not what he says. “We did nothing wrong, after all, if we were poor, but only if we were not citizens; and the present case is not about our luck or our fortune but about our descent” (57.45). Ribbon selling and nursing, as metonyms for economic standing, are irrelevant to questions of citizenship in a regime where only ancestry counts. There is much at stake in these deceptively simple, even Periclean lines, with their admonishing reference to the criminalization of poverty and their autochthonous emphasis on the singular (and egalitarian) importance of blood. The remarks aim to direct the jury’s attention away from work, which is unrevealing, back to kinship, what the law counts for citizenship. Justice would seem to consist in pulling apart two distinct forms of difference that have become unfortunately and unfairly intertwined, as if the symbolic integrity of one did not depend on the other, as if Euxitheus’s ancestry could, after all, speak for itself, without the help of his labor. The problem, as we know from Euboulides’s strategy, is that while genealogy may be the only thing that matters, it is elusive and insufficient. Taken at face value, Demosthenes’s speech reasons that the link between work and foreignness does not hold up (in court) because in addition to violating the formal definition of the demos, whose members come from every economic stratum, it contradicts the political realities of Athenian life: the jurors deciding Euxitheus’s fate would have known firsthand that many Athenians end up working in the agora.

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25 In Plato’s *Republic*, both poverty and wealth can “corrupt” artisans. Without claiming, however, that poverty leads to crime, the text nevertheless prepares the ground for this idea when it figures the transformative power of poverty over character. Like wealth, it has “a damaging effect both on what craftsmen produce and on the craftsmen themselves” (421d-e).
Such considerations of law and fact would seem like good reasons to conclude, with Victor Bers, that the evidence against Euxitheus is “flimsy and mean-spirited”\(^{26}\)—were it not for the substantial matter of the city’s symbolic order, which ensures that precisely this kind of “trifling”\(^{27}\) proof is charged with the endless potential for political manipulation. We could speculate from the inconclusive nature of the evidence brought against him that Euxitheus is really an Athenian, but the problem is that indeterminacy is precisely what the Athenian idea of passing depends on exploiting too. It would be worth emphasizing, at this point, that the case for Euxitheus’s disfranchisement depended, among other things, on a *rhetorical* association of work with foreignness. That dimension is occluded by those readers who, concerned with evaluating the strength of the evidence, find it is proof of nothing besides a personal feud. If the speech permits this juridical reading, it also permits one in which the indeterminacy of the evidence bears a deeper meaning. The democracy’s symbolic economy, according to which a citizen, or his accuser, is tasked with producing the *signs* of a counterfeit citizenship, necessitates the representation of work as a criminal act so that poverty can stand in for the (ostensible) crime of citizen passing (where ancestry should but cannot). In taking up this oft-noted but little-analyzed feature of the case against Euxitheus, Demosthenes enables us to see that the poor citizen is not simply protected by a blood-based criterion that guarantees citizen standing to the “earth-born” but is instead uniquely endangered by and because of it.

\(^{26}\) Bers 20003, 108. On this point, Lape writes that Euxitheus reframes “the legal issue, shifting it from possible allegations of his mother’s servility to the question of his opponents’ slanderous speech, an offense that in this case also constitutes a harm to democratic ideology,” and in so doing plays “on the sympathies of the democratic jury” (209). Lape is right to say that the speech seeks to “point out that [his mother’s employment history] has no bearing on the matter of either his own or her citizen identity,” but that evaluation cannot address the pressing question of how one comes to depend on the other rhetorically, as I will address here. Lape, who reads the speech more as forensic practice than forensic rhetoric, neglects to consider—despite her interest in the “racialized” ideology of democratic Athens—how the symbolic politics of class and foreignness are working together to produce Euxitheus’s predicament. On “the desire to render the rhetoric of forensic oratory transparent,” see Wohl, *Law’s Cosmos* 13. As I address briefly in the second section, Wohl argues that this scholarly tendency “has its roots in forensic oratory itself, as it seeks to deny its own status as a self-interested and potentially deceitful *logos.*” To avoid that interpretive complexity is indeed to fall prey to one of the genre’s rhetorical conceits but it is also in this particular case to buy into the logic of Athenian exceptionalism.

\(^{27}\) This is Carey’s term in “Artless Proofs,” 242.
Euboulides is said to have drawn on tropes of the working poor to render Euxitheus’s and his mother’s lives abject. 28 Athenian discourse frequently linked trade to non-citizenship by representing it as servile and feminine. 29 “The underlying assumption of the rhetorical attack upon the occupation of one’s opponent,” explains Josiah Ober, is that “working as a hired laborer limited the personal freedom of the hired man.” 30 The figuration of work as a condition of dependency on an employer and thus on someone like a master or a husband serves an idealized portrait of the democratic citizen as an autonomous, free man. 31 Within this social discourse an occupation like wet nursing could be cast as a “shameful response to financial hardship” in spite of the fact—or, rather, because—it provided women “networks of relationships, primarily with other women, which could be drawn on when necessary” to make them more not less self-sufficient. 32 Wet nursing might seem to lend itself particularly well to castigation if, to some extent, all work was construed as an act of using the body for profit, but selling ribbons was not without its own over-determined associations with the body. In Aristophanes, the job may refer euphemistically to prostitution, a trade for which both men and women lost their citizen privileges. 33 It is also worth noting that the ribbon trade that renders Euxitheus’s background so self-evidently foreign is itself in the business of producing status signs (Pl., Sym. 212c). 34 Ribbons were primarily worn by women and male victors. Here, it is their selling that is made to do that work.

28 In the fifth and fourth centuries, there were a number of terms for the “poor” to designate the destitute as well as those who worked for a living. Taylor (2015) 238-9.
29 For more on slavish occupations and their associations with which logographers like Demosthenes (rather than their clients), see Ober, Mass and Elite 272-279.
31 In the Politics, Aristotle draws a fine line between artisans and slaves, arguing that those who perform necessary tasks for an individual are slaves but those who perform them for the community are craftsmen and laborers (1278a). He argues for the exclusion of craftsmen from citizenship in the best city on the grounds that, while they are essential to its functioning as a city, they lack the time to hold office and run the risk of growing disaffected.
32 Taylor 2015, 247.
33 I am grateful to Laura McClure for alerting me to this possible connection in Aristophanes’ Thesmophoriazusae, where the character of the garland-seller is a widow and, like Euxitheus’s mother, must support her children by working in the agora. She weaves garlands in the myrtle district (443-458). See David Kawalko Roselli, Theater of the People: Spectator and Society in Ancient Athens (Austin: University of Texas Press, 2011) 172. Fredal, drawing on Halperin and Winkler, explains (160) that “prostitut[ing] oneself was to become the slave of something over which one ought to be master, including especially one’s own passions—desires and fears.”
34 As Roger Brock notes, “Both ribbons and garlands can be seen as luxury goods, principally for the
Whatever their specific occupations, citizens who worked alongside slaves and foreigners in the agora were, by their association, always potentially guilty (of passing). Yet symbolic connections between work, poverty, and non-citizenship did not rest exclusively on figurations of dependence. The Athenian legislation of property, on my reading, also helped ensure that wage work could operate as a sign of natural difference. Although the city did not restrict landless Athenians from ruling, it barred metics, who did not share in rule, from owning land. So long as property-less-ness characterized some citizen lives but constituted all non-citizen experiences in Athens, landed property was aligned with citizenship and employment with foreignness. Such restrictions could be read as the traces of an older, aristocratic association between citizenship and landed money, but they reveal much more than the familiar class bias Euxitheus invokes in his speech. For in a genealogically stratified and expansionist city, blood-based rules on property seek to make the difference between Athenians and metics more, not less, apparent, to address, perhaps even to solve, the conundrum that is posed by a legal regime that asks for proof of what isn’t or shouldn’t be seeable. Yet the land limits that aspire to make metics status more legible are ironically the very ones that produce a degree of ambiguity and openness around citizenship claims. They make a trial like Euxitheus’s inevitable: if landless employment can signify a counterfeit citizenship, the link between work and foreignness makes poor citizens particularly susceptible to accusations of passing and exclusion.

Euxitheus’s predicament is thus not adequately explained by readings that follow his ostensible lead in casting the disfranchisement in terms of aristocratic envy or class division. The many references to ancestry in the speech are just one indication that the premise for this trial, that is to say, Euxitheus’s illegibility, could only emerge under the specific symbolic conditions of Athenian democratic expansionism—within a membership order that claims blindness to wealth at the same time that it delimits such inclusiveness by blood. In a city where assimilated, even native-born symposium.” Brock, “The Labour of Women in Classical Athens,” The Classical Quarterly, Vol. 44, No. 2 (1994), pp. 336-346. 340. See also Davidson, Courtesans and Fishcakes. 35 These restrictions, however, certainly did not make all metics poor. 36 As I pointed out in in the introduction, Ober’s argument (Mass and Elite, 288) that “the enduring influence of aristocratic ideology led the Athenians to believe that some people really might be better or worse than others by virtue of their birth” does not attend sufficiently to the expansionist (or what I call “autochthonous”) reasons for the persistence, or resilience, of “aristocratic” arguments about inherent nature, birth, and virtue in democratic Athens. This is curious in part because, toward the end of the book, he makes the brief but striking point that the divisive language used to distinguish among the citizenry now worked primarily to separate “noncitizens—especially metics and slaves” (291).
“foreigners” can live as free persons, permanently excluded from membership but passing as citizens, how could employment not excite a particularly strong anxiety? For it is in and through work that the natural difference between citizens and metics will be revealed as fundamentally indeterminate and in need of policing.

The speech’s exhortation to the jury to disentangle Euxitheus’s poverty from his ancestry desires to establish some degree of certainty for the litigant and his case at the same that it reveals the impossibility of this task. For in attempting such a wishful pulling apart, the speech lays bare a rhetorical strategy not wholly dissimilar from the scholarly habit, explored in the first chapter, that persistently casts the Athenian achievement of expansive citizenship in predominantly economic terms. Important as it may be, the critical impulse that privileges the city’s disaggregation of citizenship from economic status works to conceal the index of blood difference to which citizenship was (newly and) simultaneously tethered in Athens. To read Desmothenes’s figurations of the (citizen) poor primarily in relation to other *citizens,*“then, is as idealizing as Euxitheus’s invitation to disentangle his ancestry from his economic standing, that is, to think about descent apart from work. Although they approach the issue from opposite directions, both moves end up simplifying questions of Athenian citizenship by isolating their supposedly determinative feature (class or blood) and masking the extent to which, Euboulides knew, these issues must be considered in tandem. If historical studies have generally wagered that naturalized differences between citizens and non-citizens helped Athenians avoid *stasis* and preserve democratic unity above and beyond the fissures of class, 38 Euxitheus’s case suggests there is more to this story. The mandate to preserve the integrity of the metic-citizen distinction makes it justifiable, even necessary, to pursue class antagonism. The Athenian poor gained an unprecedented privilege with democracy, but they also became newly construable as deceptive, unlawful, and un-Athenian precisely because blood does not speak for itself.

The idea that a blood-based order betrays the (poor) citizens it promises to protect from exclusion finds powerful expression in the characterization of Euxitheus’s parents. Consider the Peloponnesian War in which Euxitheus’s father fights and eventually acquires a foreign accent. The

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37 As Steven Johnstone notes, “[A]ny account of Athenian democracy that considers only the relations between citizens is less an account of power in that society than a recapitulation of an interested ideology of power,” in *Disputes and Democracy* (Austin: University of Texas, 1999) 141n50.
38 See, for instance, Davidson 1997; Lape 2010.
exceptionalist discourse that enabled Athenian expansion and required his service belongs to the same logic that makes it possible to read an Athenian soldier as a counterfeit citizen. Similarly, the military service that put Thucitus’s nativity at risk is the identical reason for Nikarete’s employment, an activity that, in the same symbolic order, can be used to disqualify her. The blood-based politics that require these citizen acts simultaneously render them impossibly Athenian. If expansionism exacerbated economic instability in the city, it also made economic mobility the sign of a more malignant kind of movement, a political mobility that was secretive, unnatural, and necessary to expose. The seemingly foreign but ultimately indecipherable behavior of Thucitus and Nikarete threatens the coherence and stability of the metic-citizen dyad by inviting their sudden exclusion from citizenship. In the speech, this confusion is only ostensibly a matter of fraud. It is also the effect of a democratic membership order that depends for its salience on oppositions it cannot seem to uphold. The more Athens seeks to actualize its exceptionalism, the more it seems to endanger the incorrigible status its blood-based citizenship promises to secure for Athenians regardless of their wealth. The city’s efforts to maintain the difference between citizens and metics would seem to put its democratic ideal at perpetual risk.

**The Signs of Being a Metic**

Did Euxitheus walk away from court a reinstated citizen or slide further down the membership hierarchy into slavery? There is no record of the jury’s ruling, and this uncertainty may be one reason scholarship has tended to read the speech juridically, preferring to decide Euxitheus’s fate as a jury might rather than ask what theoretical insights the speech’s engagement with blood and class may be working to provoke. David Whitehead, for instance, arrives at Euxitheus’s innocence through a faith in the Athenian democratic system as Cleisthenes imagined it.**40** Had Euxitheus really been a metic, he concludes, the people of Halimous would have noticed his imposture sooner and blocked him from reaching his position of prominence (57.48). “Athenians assumed that a citizen’s birth identity would be common knowledge in his (or her) local neighborhood,” as one scholar puts

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40 Whitehead’s belief in (or acceptance of) the demos’ ability to detect the autochthonous with certainty leads him to disregard the ways the speech treats the notion of membership as a conscious epistemological identity with suspicion. Whitehead, *Demes of Attica* 85. For the argument that Athens was “not a face-to-face society,” see Kostas Vlassopoulou, “Free Spaces: Identity, Experience, and Democracy in Classical Athens,” *Classical Quarterly* 57.1 (2007) 33-52. 36 and Johnstone 2.
it, and so we might say the same about Euxitheus’s. After all, as Ober notes, “[i]t was the duty of citizens to remain on guard against surreptitious infiltration by outsiders.” By these accounts, democracy withholds rightful membership only in exceptional cases, when sykophants prove too persuasive or clever to resist. Euxitheus’s illegibility would seem to have nothing to do with the city’s figuration of citizenship as an expressive attribute. Any anxiety about knowing who someone “is” in Athens is apparently resolvable at the level of institutional practice.

At first glance, Demosthenes’s speech may seem to invite this romantic, proceduralist reading. The orator sometimes presents Euboulides’s pursuit of Euxitheus as a clear-cut case of corruption, motivated by class prejudice, solvable by recourse to the city’s egalitarian and judicial ideals. “I have been clearly acknowledged all along...by all my current accusers, as a citizen,” Euxitheus says (57.48), registering his faith in their previous decisions. How could a democracy place overarching importance on one of its practices—the diapsēphis that produced his non-citizen status—while discounting a host of others (like his or his father’s appointments to magistrate) that bear the opposite meaning? In disavowing Euxitheus’s citizenship, the deme overturned a number of its previous judgments. Wouldn’t it seem more sensible to call into question the only one that excluded him?

So important is it (for the argument) to stake the integrity of the city’s institutions on Euxitheus’s innocence and vice versa that at times the speaker finds himself in the curious spot of suggesting everyone, even his own accuser, is law-abiding: “Euboulides would not have allowed this alien, as he now says I am, to serve in magistracies or to be selected to draw lots for the priesthood alongside him,” Euxitheus proposes. “And as my enemy from long before, he would not have waited until this opportunity now, which no one anticipated, if he had known such a thing about me then. But he did not know (ou sunidei) it” (49, emphasis added). Euxitheus’s closing reference to knowledge, a kind of bearing witness in Greek, begs for a layered reading. Does Euboulides not know it because he lacked the information, as most readers assume, or because such facts of blood are un-witnessed and in a strict sense unknowable? To suggest his accuser would have acted on information about his foreignness if he’d had it, that he would have possessed that information if

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41 Lape 210.
42 Ober, Mass and Elite 266
there were any to have is, as Foucault tells us in another context, to mount a defense of (im)plausibility, a “typically” sophistic strategy.43

According to Victoria Wohl, Greek forensic oratory tends to construct a world of “legal agents” in which everyone, even criminals, are said to “commit their crimes with an eye toward the defense they will make in court.”44 By presupposing that “the entire world works like the law,” Demosthenes’s speech is able make “the people just and the laws democratic” even as it sets out to prove they are engaged in deception and corruption. Oratory finds a way around this apparent contradiction by constructing an opposition between “the honest, transparent oratory of the speaker and the deceitful oratory of his opponent.”45 It is to the litigant’s advantage to make a predictable, litigious actor out of a sykophant like Euboulides: the move augments the power of the law and, more specifically, the juridical discourse of the orator. Here, it has the specific effect of restoring faith in the institutions that more often than not attested to the truth of Euxitheus’s citizenship.

The extent to which readers are drawn into deciding Euxitheus’s innocence or ascertaining the intentions of his accuser may reflect the seductiveness of this sophistic strategy, which is working to “conceal its status as rhetoric.”46 Demosthenes involves his client in laying out the political events of his life in a procedural story, but he also has him thematize the hiddenness and ambiguity of the law’s criterion for membership to such rhetorical excess that he also introduces undecidability into the logic of Athenian citizenship even as he organizes these unsettling insights into a juridical-institutional account. What are the effects of this narrative doubling? The speech evokes the greatness of the law courts and the litigiousness of the citizens not, or not only, to re-secure the institutions that granted him citizenship but also to present their limits. The oration facilitates discernment of how the very problem readers are tempted to solve (for the jury) is produced by democracy as a problem with no definitive solution.

Such irresoluteness comes out in the speech in several ways, perhaps most obviously when Euxitheus discusses his political status as a fact that, though “natural” and legal, can be rendered false by way of the same acts of swearing and judging that had previously demonstrated its truth. Yet few lines can begin to capture the orator’s concern with the aporia Euxitheus confronts as the

43 Foucault, Wrong-Doing, Truth-Telling 73.
44 My emphasis. Wohl 22.
45 Wohl 25.
46 Johnstone 3.
sentences uttered near the end when, following a list of exasperated factual questions—Where did I pay the tax on metics? Who in my family ever did?—the speech suddenly gives way to desperation of a frightfully contagious, because democratic, kind:

Now, how could anyone show (epideixeen) you more plainly that he has a share in the city? So let each of you, men of Athens, think how he would show that his relatives were the same from the start using another method than I have: by having them give testimony under oath. Feeling confidence in myself for these reasons I have turned to you for refuge.47

Euxitheus began his appeal by announcing that the only “just” thing would be for him to “show” (deiksai) the jury his Athenian parentage (57.17). Now, nearing the end, he claims to have done the job using the only “method” (tropos) available to one in Athens. Just what is entailed in this democratic demonstration of an antecedent status, however, is far from clear. For, despite the “confidence” Euxitheus has in his “display,” he ends the line in trepidation, pleading for the jurors’ protection.

Ober interprets the sentence as indicating that the appeal used the “same tokens” all Athenians have at their disposal: phratry members, relatives, demesmen and members of the genos.48 Perhaps. But the list Ober has in mind is spoken much earlier in the oration (57.24), in a context that, not insignificantly, raises more questions about witnessing than it actually solves. Following the reading aloud of testimonies (deposed by kin and demesmen at an earlier date),49 Euxitheus rattled off that list in order to—and this is key—head off worries about the impostures of his witnesses. “How could I manage to rig all these pseudo-relatives?” he asks plaintively (57.24). That question is not “merely” rhetorical. For while the length of the list is meant to eradicate the judges’ doubt, it also airs a concern with the authenticity not of his Athenian parentage but of the testimonies he needs to establish that “fact.” Does the legal requirement to have people “give testimony under oath” solve the problem of (verifying) Euxitheus’s identity or simply keep it alive? The line in the

47 Dem. 57.55-56 (Bers trans.)
48 Ober, Mass and Elit 263, quoting from the early parts of the speech. The question is how the demonstration of the speech differs from what Euxitheus says it entails.
49 As David C. Mirhady explains, the practice of “committing evidence to writing was completed sometime in the 370s, when it appears that witnesses were no longer required actually to give testimony in court at all. While their presence was still required, they did not speak; their prerecorded testimony was simply read aloud to the court by the court secretary.” Demosthenes, he adds, was the first orator to “be able to exploit the full ramifications of the shift” to written evidence, which he calls “documents.” “Demosthenes as Advocate: The Private Speeches,” in ed. Ian Worthington, Demosthenes: Statesman and Orator (London: Routledge, 2000) 184.
passage that harkens back to the Athenian mode of demonstration, that is, to the presentation of his sworn witnesses, actually calls into question the ability of such evidence, indeed of such a method, to secure the truth of Euxitheus’s claim once and for all. The question of what is involved in showing one’s citizenship is still far from settled.

Athens relied on live witnesses to attest to a person’s Athenian citizenship, above and beyond any available documentation, at a number of communal events. From a “modern perspective,” comments Adele Scafuro, the fact that Athens had “no central or local archive” for preserving “a written record of the births of polis inhabitants” seems “startling in view of the strict requirements of citizenship.” But, as S.C. Humphreys notes, “[a]n Athenian could not even imagine relying on official registration procedures [or] written documents.” Questions of identity “were phrased in relation to persons, living and dead.” That structure, she maintains, had to do with Athens’s evolution from “a small community” to a large city with an “urban court” and “a loss of knowledge.” If, by the period of the Cleisthenic reforms, “Athens had ceased to be the sort of face-to-face society in which members knew each other by sight (if it had ever been) and could judge character on the basis of firsthand knowledge,” it was, as James Fredal puts it, “difficult or impossible, even given the importance of rumor and common report, to know the character, or phusis, of every citizen.” Nevertheless, “citizens’ claims for leadership status and public influence made it important to know just what sort of men they were…” Amid urban expansion and mobility from the countryside, witnessing techniques aspired to “recreate in court the social context from which the litigant had been detached” not to “establish the facts.”

As we might expect, however, disputes “concerning the identification of citizen and familial status were so significant—and so liable to error—they warranted the privilege of retrial.” The promise of future trials did not guarantee “the testimony of a truthful witness” but “a stage for [further] witness testimony,” an opportunity for more talk and presumably further accusation. Scafuro calls this a “deficiency” in the witness system of status-identification because it produced

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52 Fredal 161.
53 Humphreys 144-6, 141.
54 Scafuro 179.
55 Scafuro 180.
claims of false witnessing (the only way to undo “identifications of witnesses”). But it is not only that. The deposition that metonymizes a person’s kinship, that stands in, as work did, for the blood that is un-seeable finds itself vulnerable to the same accusations of hypocrisy that the citizen who finds himself in court does. If “in any court case we must accept the possibility that witnesses are lying,” then “the special concern of Athenians to establish citizen status through witnessing techniques” over and above any written record of registration ensures that the trustworthiness of those whose function is to establish the character of the one on trial is also in question. It would seem, to borrow Agamben’s formulation, that “what defines the trial is neither guilt… nor punishment but rather accusation…without which the whole edifice of law would fall apart.”

Commentators on the speech have occasionally noted that Against Euboulides is an unusual case because, by contrast with other forensic speeches we have, its witnesses were made to take an oath. If the hearing that excluded Euxitheus was carried out by people under “an oath of special solemnity,” then the appeal to overturn would have been strengthened by sworn witnesses. But the risks borne by a judicial system centered on witnessing emerge emphatically in Euxitheus’s trial precisely because they are not mitigated by the unusual fact of swearing. For while an oath grants authority to the speaker’s otherwise untrustworthy words by putting that speaker in danger of divine vengeance, that threat only wishfully eliminates the political risk it is designed to bear. Consider that, beyond binding jurors and witnesses, oaths already provided for citizen status in Athens in several other ways. Thucritus swore an oath when claiming Euxitheus as his legitimate child and, eventually, like all citizens, Euxitheus took one to join his deme at 18.

56 Scafuro 178. Mirhady comments in his essay on Demosthenes that “too much has been made of the possible corruptibility of witnesses in Athens,” a remark he backs up by noting that the “references to it are relatively rare” and suggesting that such unusual witnesses should be understood in stark terms as “co-conspirators” (188). But the significant theoretical point about witnessing concerns precisely the “possibility” of lying that Mirhady wishes to downplay when he emphasizes instead the (paucity of) actual cases of fraudulent speech. What Mirhady missesis that lying as a potentiality is always present and thus structuring the witness’ relation before the law.

57 Christopher Carey, “Artless Proofs,” in Attic Orators 245.
58 Scafuro 180.
59 In Euxitheus’s deme, curiously, the deme register of citizens has gone missing.
61 Sommerstein and Bayliss 87, 88. Note, however, that following the 370s, witnesses did not testify in court but confirmed, by speech, the validity of a deposition drafted ahead of time. See Sommerstein and Bayliss.
62 See Richard Janko, Oath and State in Ancient Greece (check page) and Johnstone.
that “the dependability of a litigant’s speech” is “not guaranteed by a preexisting trust in the speaker.” By the logic that necessitates the oath, the speaker’s suspiciousness is, as it were, already there. We are now very far from the reassuring juridical reading that suggested much earlier that the task of proving citizenship is, at bottom, a matter of following the right procedure. The Athenian membership order would appear to produce the problem of citizen identity its judicial institutions are called on to (re)solve over and over.

What are the political and symbolic conditions under which a democratic citizen emerges as one who will have to tell the truth about parentage—a truth that is impossible to establish once and for all? Take, for instance, something Euxitheus says much earlier in the speech when defending his father’s reputation against the claim that he had lived as a secret foreigner. The charges that “no one brought to the man while he was alive” (57.27) were nevertheless effective at casting doubt on the purity of Euxitheus’s bloodline. Euxitheus thinks the accusations against Thucritus are unfair in one sense because they were never proven and will remain that way: his father has died and so he cannot defend himself. But what might seem like strangely specific circumstances for revoking a man’s citizenship are, on closer look, an allegory for the conditions under which all democratic difference is produced. The presentation of Thucitus’s meticness as a suspected crime, regardless of whether it would hold up in court, turns out to be deeply illuminating of the acquisition of political status. For while it is true that Euxitheus’s citizenship was, until his disfranchisement, established on his sworn ancestral claims, it is also the case that it was actually and only temporarily secured by a lack of suspicion, the yet-un-actualized doubt that surrounds anyone’s status in Athens. Put another way, Euxitheus inherits his political status as one inherits not a criminal act but a potential crime. Just as he had formerly inherited its absence, he now takes on the potential criminality of his father’s. And so what makes Thucitus suspect is not merely his accent but what makes any democratic citizen vulnerable to doubt, the figuration of citizenship as a potentiality. A citizenship of propensity

63 Johnstone, 2.
67 While this rendering of potentiality contrasts sharply with the concept’s theorization in Aristotle’s Politics, it would be interesting to consider whether it is informing the metic theorist’s discussion, which, on Mary Dietz’s (2012, 286) persuasive reading, seems to bear an (opposite) emancipatory possibility. “The difference between the nonparticipating citizen and the excluded resident alien can be grasped in terms of political capacity (dunamis), specifically as a matter of the potentiality to be or to do (or not to be or to do). The alien possesses a potentiality to exercise (actualize) political capacity, but cannot (because disallowed), whereas the citizen possesses a potentiality to exercise (actualize) political capacity, but does not (because disaffected).”
demands a form of speech that can always be doubted, for the effect is to make every citizen a potential metic:

Now please, gentlemen of the jury… let no one shout, let no one get angry at what I am about to say. I think of myself as an Athenian, just as each of you does; I thought my mother was from the start, the woman I have been describing to you, and I was not pretending to be her son while really the son of another woman. And the same thing, men of Athens, goes for my father. So if you rightly take it as a sign (σήμειον) of people being aliens (xenoi) that they are exposed as hiding the identity of their true parents and pretending they are someone else’s children, then surely the opposite should show that I am a citizen. I would not, after all, claim to have a share in the city, while inscribing myself as the son of an alien woman and man. Instead, if I knew this was the case, I would have searched for people to claim as my parents. But I did not know such a thing, and so, sticking with my real parents, I claim my rightful share in the city. (50-51, emphasis added)

Euxitheus’s argument appears to rest on a claim about intentionality and performance. Regardless of who his parents really are, he has lived thinking of them as Athenians. He has acted as if he were an Athenian by blood. By this logic, a metic is one who knowingly conceals a secret. Euxitheus, however, has hidden nothing because he has known of nothing to hide. Even if he bears an initial indelible stain, he is, unlike Oedipus, an innocent man precisely because that mark is invisible to him.

And yet, for one thing, Demosthenes has persistently indicated that judgments of political standing are made on the basis of signs and that such political truths are not incontrovertible. The speech has emphasized the practices (of bearing witness) that produce naturalized knowledge of parentage and citizenship. Here he has Euxitheus say he interprets (upolambano) himself to be an Athenian the same way all Athenians understand themselves to be. He appeals to what he knows about his parents, details that previously evaded any stable interpretation not simply because the meaning of an accent will depend on the context in which it is understood but also because, had he known his parents were not Athenian, he says, he would have found others who were. Much is at stake in the curious admission that he would simply have chosen other parents. It reminds the jury that it is not parentage per se but the act of claiming Athenians as parents that counts for citizenship. The utterance stands for the bond that is decreed to secure blood-based citizenship (or not), much like the depositions by witnesses.
But there is something else. The law insists the citizen-metic distinction turns on an idea of verifiable natural difference. Euxitheus suggests, on the contrary, that the sign of being a metic is not “being” a metic. It is to have been exposed as the bearer of a secret. There is, on this account, no expressive, unequivocal foreignness that precedes the act of exposure. It, or Athenianness for that matter, is thus a product of its own verification, of the court’s demand that one tell the truth about oneself over and over. Read from this angle, Euxitheus’ lines take on additional meaning. Everyone is a secret-bearer and anyone a metic so long as what separates a citizen from a non-citizen, what turns one into the other is not the possession of a secret but an act of exposure, a charge of lying and a demand for truth-telling. It is for this reason that Thucitus’s suspected crime stands not only for Euxitheus’s political difference but also for democratic citizenship more generally. Every citizen is a potential metic in Athens because everyone is potentially guilty of pretending, of being caught in the act of masquerade.

We are finally in a better position to return to the question I posed earlier about what might be entailed in the democratic method for demonstrating parentage Euxitheus invokes and why in the space of one line its invocation should be marked by a curious shift in tone from confidence to desperation. How could anyone show (epedeixein) the jurors more plainly that he has a share in the city, he asks. Euxitheus’s many acts of citizenship, for which there is, in point of fact, ample proof, can do nothing to save him here. But can the bearing of a secret?

The display of citizen status, one’s own or another’s, consists consist in a certain kind of speech—a declaration, a pledge, an avowal—by the accused but also by his (always-about-to-be accused) witnesses. Here, the use of the word epideiknumi (to display, to give a specimen), though perhaps unremarkably oratorical, reminds us that citizenship status emerges in a judicial regime of proof as a hidden characteristic. That is why, both before and beyond any performance of citizenship, there is always a promissory declaration (many of them in fact) that can be called a bluff. Insofar as the city compels the citizen to avow his blood (and it always does), Athens makes each citizen a latent metic. That is also why Euxitheus ends his proof in an act of pleading, seeking “refuge” in the jurors’ ability to understand his precariousness as their own (potential) condition. It is not only that each one of the jurors stands in danger of accusation. It is also that the mode of demonstration available
Conclusion

What does it take for a life of citizenship practice like Euxitheus’s to become a life of passing? How does Athens make it possible for all to live as potential hypocrites?

In his recounting of the dubious vote that disfranchised him, Euxitheus does something telling. He chooses not to pin the injustice of the decision exclusively on fraud but reports that he is “fearful of the city’s current keen excitement over the disenfranchisement of citizens” (57.2). Euboulides, he says, “chose a time of contention” over the citizenry’s composition to “make his move against” him.\(^7\) This *sykophancy* was in some larger sense opportune.

Anxieties about Macedonian political ambition, expansion, and dominance lurk behind the scenes of this trial. Just a few years earlier, Philip II of Macedon had expelled a number of persons claiming Athenian descent from Thrace. They immigrated to Athens and joined the citizenry on the basis of claiming Athenian blood ties. Concerns about the legitimacy of their incorporation may have precipitated the *diapsēphisis* that disenfranchised Euxitheus.\(^7\) The rightful expulsion of some, says Euxitheus, has justified the detection of all and rendered “victims of plotting” like him guilty by association (57.2). While it is true that demes can get ancestry wrong, whether for reasons of “ambition, envy, [or] personal hatred” (52.6), such suspiciousness is only the apparent effect of the particular political moment. As Euxitheus himself suggests, once it is possible for some to be rightfully excluded, all are at risk.

Reflecting on the suspicion, fear, and personal enmity that dominated France after its Revolution, Hannah Arendt remarked that once “they had equated virtue with the qualities of the heart,” Robespierre and his followers saw “intrigue and calumny, treachery and hypocrisy

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69 Johnstone notes that litigants engaged in “rituals of weeping and supplication” during their appeals to the jury and concludes that this was a way of “enacting the democracy’s power” (15). This interpretation of the ritual does not begin to address what supplicating, in particular, reveals about the law or, even more specifically, the law’s demand for proof of that which belies it. The city’s demand for acts of avowal and disavowal positions positions the citizen, ahead of time, as a potential criminal and, as such, he can be endlessly challenged.

70 Usher 262.

71 Bers 2003, 108.
everywhere.” But since the human heart is “a place of darkness,” which “no human eye can penetrate with certainty,” innermost motives are not actually for public display.

However deeply heartfelt a motive may be, once it is brought out and exposed for public inspection it becomes an object of suspicion rather than insight… Unlike deeds and words, which are meant to appear, whose very existence hinges on appearance, the motives behind such deeds and words are destroyed in their essence through appearance; when they appear they become ‘mere appearances’ behind which again other, ulterior motives may lurk, such as hypocrisy and deceit.  

If things of the heart do not belong to the realm of publicity, what happens when democracy posits them nevertheless as the unchanging natural ground of citizenship practice? If the fateful mood of suspicion after the French Revolution “arose directly out of this misplaced emphasis on the heart as the source of political virtue,” we might ask of Athens whether the mood of suspicion Euxitheus describes has arisen not from infiltrating metics and encroaching Macedonians but from a misplaced emphasis on blood as the source of political virtue. It is precisely because questions of the heart cannot be accessed with certainty or in their essential form; because once exposed to light, they can always be differently interpreted, that they are opinions, not discoveries of essential truths. Yet insofar as the polis insists on the contrary and promises that citizen performance is an accurate expression of the internal attribute that guides it, politics becomes a hunt for hypocrites, a search for what can never be known with certainty, because that is a truth that cannot prevail outside the life of the soul and within the realm of human affairs, which is the realm of performance. The search for hypocrites, then, does not occur only in times of crisis, and it leaves no one invulnerable to exposure.

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