

## BOOK REVIEW

*Creating a Constitution: Law, Democracy, and Growth in Ancient Athens.* By FEDERICA CARUGATI. Princeton, NJ and Oxford, UK: Princeton University Press, 2019. Pp. xiv + 241. Hardback, \$39.95. ISBN 9780691198712.

The restoration of democracy following the removal of the Thirty Tyrants in 403 BC has been a source of lively disagreement among scholars for many years. The 4<sup>th</sup>-century democracy was different from its 5<sup>th</sup>-century predecessor, but what exactly did the “transition” in the Athenian political system entail? Carugati reopens an old subject but succeeds in doing so from a sufficiently fresh angle, that she raises questions that have not been asked, or at least not as directly and thoroughly as she asks them. Mostly avoiding the long-standing debate about how truly “democratic” the post-403 regime was, she emphasizes the cohesiveness of the political system that resulted from the restoration and even argues that it can be conceived of as a “constitution.” The core of the book (Chapters 2–4) studies how Athenians were able to build a working social consensus about the fundamental principles of government and enshrine those ideas in a system that was “self-enforcing” (see below for this term), creating a stable and prosperous society as a result. Rather than worrying about supposed limits on “popular sovereignty,” Carugati concerns herself with the broader purposes of the new system—rationalizing and systematizing Athenian governance.

Although I have just framed this book in terms of its interaction with the debate about the 4<sup>th</sup>-century democracy, the book itself opens with questions about the modern world. Carugati (2) asserts that “we live in an era of constitution-making,” and asks how a modern country might create a “stable, growth-enhancing constitution.” Athens’ successful experiment in the 4<sup>th</sup> century provides a “unique laboratory” for getting traction on this thorny problem. This book thus contributes to the burgeoning number of historical studies of ancient political, legal and economic structures that are heavily informed by modern social scientific research. Josiah Ober’s work has been seminal in this regard, and his imprint on Carugati’s book is evident throughout. The prospective reader should be prepared for a theory-heavy introduction, a number of graphs and data analyses

throughout the chapters, and a smattering of modern jargon. This comparative method has yielded important insights into the ancient material and has often asked thought-provoking questions. But the theoretical framework can also become tyrannical, imposing questions on the ancients that they were not asking, or at least not in the terms presented. Moreover, the overzealous pursuit of statistical verification leads to overreaching: building a framework whose constituent parts are a series of questionable suppositions. The danger is especially acute in a content area where statistics are hard to come by. The reader must be careful to distinguish gold and straw.

The introduction frames the book's contribution within the context of recent work on constitution building. Chapter 1 summarizes Athenian democratic development before 403, and Chapter 2 introduces Carugati's first major point, the interpretation of the restored democracy as a "self-enforcing constitution," the first of its kind, complete with limits on government's action, incentives to abide by the rules and mechanisms for enforcing compliance. This chapter, along with Chapter 4 (see below), I found to be the most compelling. Together, they make a push toward a new way of thinking about the post-403 democracy that has great merit.

The next two chapters (Chapters 3 and 4) contend that this uniquely formal constitution proved the basis for Athenian stability and prosperity in the 4<sup>th</sup> century. Chapter 3 is devoted to an application of the median voter theory to decisions in an Athenian lawcourt of the 4<sup>th</sup> century. The assumptions required are large and rather problematic. For instance, in order to apply the median voter theory, Carugati must assume that (1) "the range of policy choices can be represented as a single, one-dimensional continuum ... and voters face a binary choice" (2) "voters' preferences are single-peaked" and (3) "actors have complete information." Each of these is open to objection. Decisions in courts, especially Athenian courts, were simply more complicated.

The next chapter (Chapter 4) is more successful, explaining the incredible fiscal renaissance of 4<sup>th</sup>-century Athens at least partially in terms of its legal and political stability. Carugati argues that the new constitutional structures allowed the Athenians to make a "credible commitment" to various actors, including metics and foreigners, that was "incentive compatible" for all involved.

Chapter 5 is an exercise in counterfactual history. Carugati asks whether Athens would have experienced such levels of prosperity if the city had become an oligarchy rather than a democracy, and she uses two similar crises in Syracuse and Rome as a control group. These three city-states, however, are so different that

any attempt to isolate a single factor as a sine qua non for economic growth seems optimistic. Plenty of hard work and rigorous analysis went into the chapter, but lack of an adequate data set is an unsurmountable obstacle to such statistical methodology. The counterfactual frame is a bold move, but it stems from the tendency of the social sciences to reduce historical processes to a handful of quantifiable forces understood in materialistic terms. The complexity of human events defies this logic.

The book succeeds in making a valuable contribution both to ancient history and political science, and the ambition of the project should be taken into account when one quibbles about the less successful aspects of the argument. The analysis is often guilty of oversimplification, but the redirection of the question about the 4<sup>th</sup>-century democracy toward its “constitutional” structure has led to a number of important insights (especially in Chapters 2 and 4) from which scholars studying both ancient and modern politics will benefit.

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