CHAPTER 2

Democratic Eleutheria *as Positive Freedom*

> ἐν δὲ ταῖς δημοκρατίαις ταῖς μάλιστα εἶναι δοκούσαις δημοκρατικαῖς τοὐναντίον τοῦ συμφέροντος καθέστηκεν, αἴτιον δὲ τούτου ὅτι κακῶς ὁρίζονται τὸ ἐλεύθερον. δύο γάρ ἐστιν οἷς ἡ δημοκρατία δοκεῖ ὡρίσθαι, τῷ τὸ πλεῖον εἶναι κύριον καὶ τῇ ἐλευθερίᾳ· τὸ μὲν γὰρ ἴσον δίκαιον δοκεῖ εἶναι, ἴσον δ' ὅ τι ἂν δόξῃ τῷ πλήθει, τοῦτ' εἶναι κύριον, ἐλεύθερον δὲ [καὶ ἴσον] τὸ ὅ τι ἂν βούληταί τις ποιεῖν· ὥστε ζῇ ἐν ταῖς τοιαύταις δημοκρατίαις ἕκαστος ὡς βούλεται, καὶ εἰς ὃ χρῄζων, ὡς φησὶν Εὐριπίδης·
>
> (Arist. *Pol.* 1310a25–34)

> In democracies – those that are held to be especially democratic – the opposite of what is advantageous has come about. The reason for this is that people define freedom badly. For there are two things by which democracy is thought to be defined: the empowerment of the majority, and freedom. For it is held that the just is equality, that equality is the empowerment of whatever seems right to the mass, and that freedom is doing whatever one wishes. Thus in such democracies each man lives as he wishes, and "for what he happens to crave," as Euripides says.[1]

In this passage, Aristotle suggests not only that freedom is essentially linked to democracy, but that democrats peculiarly define "freedom" as doing "whatever one wishes" (ὅ τι ἂν βούληται).[2] Aristotle is not alone in his

[1] All translations of Aristotle's *Politics*, unless otherwise noted, are slight modifications of Keyt 1999.

[2] This passage, as well as 1317b11–7 discussed on pages 26–7, is critical of democracy's view of freedom. Indeed, Aristotle explains this understanding of freedom as a "bad definition" linked to democracy's decline. Aristotle is in fact reporting democrats' views of freedom, albeit interspersed with his critical comments (Hansen 2010b: 12–3). Aristotle's criticisms attribute to democrats an absolute sense of equality and a desire for anarchy as a consequence of their freedom. While these corollary ideas are Aristotelian rather than democratic, other sources substantiate the definition of democratic freedom as doing "whatever one wishes" (see further discussion in Section 2.2). Filonik 2019 takes the approach that living however you wish was not a democratic value, but fully invented by democracy's critics. He takes issue with Aristotle's (and Plato's) formulation of freedom as total lawlessness expressed by phrases like doing "whatever one wishes." His view depends on collapsing the idea of

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formulation. Phrases describing the ability to do "whatever one wishes" or to live "however one wishes" (ὡς βούλεται) in a democracy are widely used by ancient critics and sympathizers alike.[3] This understanding of freedom is central to Athenian democracy. This chapter explores the concept of freedom through the heuristic tools of philology and the model of positive and negative freedom. Employing Berlin's distinction between negative freedom as "freedom from coercion" and positive freedom as "freedom to act," many scholars have interpreted these phrases as representing negative freedom for the individual in the private sphere, in contrast to positive freedom in the public sphere as political participation.[4] Using a modification of Berlin's model, I propose instead that these phrases indicate an ability to act on one's volition, and thus that *eleutheria* was considered by Athenians to be positive freedom, or individual autonomy, across both spheres.

Democratic freedom aimed at each citizen achieving "whatever he wished" or, similarly, living "however he wished." These phrases and their meanings appear in passages from the historians, tragedians, philosophers, and in laws and decrees. Both sympathetic and critical receptions of democratic freedom claim this feature as a central tenet of democracy. Rather than expressing negative freedom in the private sphere, where the government is not allowed to interfere, and positive freedom in the public sphere, where citizens have the ability to participate in politics, these discussions of doing "whatever one wishes" put forward an understanding of freedom as general autonomy. That is, each citizen is conceptualized as free, and therefore as an autonomous agent across the private-public divide. In this way, positive freedom is a central aspect of a citizen's identity. Of course, Athenians also wished to be free from interference by others, but a distinctive feature of democratic freedom was the insistence on the self as master: as a citizen, one did what one wished.

doing "whatever one wishes" with "not being restrained by the laws." I argue that neither does the phrase itself automatically indicate opposition to the rule of law, nor does there need to be a conflict between individual wishes and a legal framework in Athenian ideology (further explored in Chapter 4). Filonik indeed concedes that the disparaging uses in oratory might "indicate that the accused was pushing the limits of what to some degree could have been a recognized idea, even if worded differently and linked to freedom in a less absolute manner" (2019: 16). I do agree that we should not let Aristotle's bias affect our own views, since it is "a conscious manipulation and abuse of the concept found in publicly pronounced democratic ideology" (Filonik 2019: 18). The critical work Aristotle does is the very reinterpretation of positive freedom into anarchy and licentiousness. This chapter excavates the democratic sense of positive freedom beneath his criticism.

[3] Several examples of these phrases are treated later; passages not treated below include Arist. *Pol.* 1316b24–5, 1318b39–41, 1319b30; Isoc. 7.20, 12.131.

[4] For example, Andrews 2004; Hansen 2010a; Wallace 1996. See also Chapter 1.

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This chapter reveals the ways in which Athenian democracy relied on a positive valuation of freedom in private and public life, offering a refined conception of democratic *eleutheria* that helps us more clearly understand not only Athenian values and ideology, but also policies and practices. This aspect of freedom developed over the course of changing historical conditions. The core, however, can be identified throughout the fifth and fourth centuries, including in how Athenians of those eras interpreted the reforms of their foundational lawgiver, Solon. To connect doing "whatever one wishes" to positive freedom, I turn first to the free-slave dichotomy and its role in defining freedom to show that slavery indicated a lack of *both* negative and positive freedom (Section 2.1). The relationship between free status and slavery plays a significant role in defining democratic freedom starting with pre-democratic Solonian Athens. Doing "whatever one wishes" has previously been interpreted as negative freedom in part because slaves have been defined as essentially bereft of negative freedom. Hansen, for example, claims that to live "however one wishes" was "a negative form of freedom *by being opposed to slavery*" (emphasis mine).[5] The contrast with slavery is meant to show that these standard phrases could only refer to negative freedom. Slaves, though, are understood as the complete antithesis of free men. Their subjugation is not limited to denying them negative freedom. The essence of the status distinction is that a slave has a master, whereas a free man does not. As we shall see, positive freedom completes the understanding of the qualities of a free man in contrast to the slave.

Next, through readings of several well-known passages concerning freedom, I demonstrate that Athenian *eleutheria* was not conceived of solely as freedom from constraints, but also as autonomy, or the ability to act according to one's own desires, expressed by phrases similar to doing "whatever one wishes" (Section 2.2). This developing strain of freedom's meaning was expressed in a variety of ways, eventually becoming linked to a more standardized phrase in the fourth century. Freedom as autonomy was a contested value. Its centrality was not only maintained by democrats, but also by critics who perceived it as one of democracy's shortfalls.

At the scale of the *polis*, the institutional application of this configuration of freedom is evident both in the concept of voluntarism that motivated the various processes of government and in the elaborate system of accountability to the *dēmos* (Section 2.3). The Athenians did not require participation in government and even preferred to tolerate vacancies in some cases rather

[5] Hansen 2010a: 321. See also Edge 2009: 35.

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than initiate a forced "draft" of citizens to fill positions.[6] From executing the law to filling an archonship, citizens self-selected for various tasks and positions. Voluntarism has been considered both peculiar and inefficient in a system dedicated to rule by the people, since compulsory participation would seem to be a more effective means of securing that goal. But voluntarism was valued as a robust expression of positive freedom: as a citizen, one did what one wished, even if that was rejecting political participation. The counterpart to voluntarism was political accountability through the various scrutinies (δοκιμασίαι) and examinations (εὔθυναι), which provided those who either did not self-select or were not selected the opportunity to exert control over governmental offices. While other city-states also had systems of accountability, Athens' deployment and justification of the processes were framed as protective of their citizens' positive freedom. Accountability preserved the citizen's ability to do what he wanted within the law and safeguarded his power as a member of the *dēmos*.[7] While other democratic values, such as equality, have been identified as both justifying and being reinforced by these institutions, the extent to which positive freedom plays a role has not been recognized.[8] Finally, I show that the conception of external freedom attributed to Sparta and Persia provided a foil for democracy's idiosyncratic definition of freedom (Section 2.4).

2.1 Slavery: Lack of Positive or Negative Freedom?

The basic statutory meaning of the term "freedom" (ἐλευθερία), whence the others ultimately derive, is in contrast to slavery (δουλοσύνη). The abstract noun is predated by the adjective "free" (ἐλεύθερος), the only form found in Homer. In his epics, notably, the word is not used for persons directly, but only in the stock phrases "taking away the day of freedom" and "*krater* of freedom," in contrast with "to ward off the day of slavery."[9] As Raaflaub has shown, in Homeric society freedom was an issue only in times of war, wherein one's status could change quite suddenly.[10] In this context, personal status was linked with the external freedom of the city. Otherwise, being free was not sufficient to elevate one's status, since the lowest rung of the free was not substantially superior to the enslaved. While at

[6] Hansen 1991: 232–3.
[7] For oligarchs characterized as avoiding democratic accountability, see Chapter 3, Section 3.3.
[8] The closest to an exception is Tamiolaki 2013: 45 n. 46. See also Chapter 1.
[9] Day of freedom: *Il.* 6.455, 16.831, 20.193; *krater* of freedom: 6.528; day of slavery: 6.462–3.
[10] Women and children in particular would be the ones in danger, since men would be killed in defeat (Raaflaub 2004: 23–4).

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the personal level freedom was important, free status was not the key to social or political standing as opposed to proximity to nobility, and a sense of internal freedom for citizens was not the main focus of *eleutheria*.[11] Likewise, Hesiod's lack of engagement with freedom indicates he had little concern for the concept as it regarded the daily life of the citizen-farmer.[12] The conception of freedom changed in post-Solonian Athens, although its contrast with slavery remained one of its key features. In pre-democratic Athens, land shortages combined with the practice of debt-bondage resulted in forced downward mobility for the free poor. Solon set into motion the firm separation of slave and citizen by forbidding the enslavement (or debt-bondage) of free Athenians.[13] The city thus dramatically changed the sociopolitical landscape by linking political status and power to civic status with ramifications extending to social standing. The reform created a normative, in addition to a legal, distinction: free Athenians are not slaves and further ought not to be. The division was transformed into a difference of kind.

By the fourth century, this was anachronistically considered one of Solon's "most democratic" reforms, despite his lack of democratic intentions ([Arist.] *Ath. Pol.* 9.1). The position of slaves, as opposed to the position of the free, was directly and frequently employed in the definition of democratic freedom. What, then, is it to be enslaved? How should we understand Athenian "freedom" in contrast with "slavery"? In some ways, the slave represents the person with the most restrictions placed upon him by another. As such, he completely lacks negative freedom. The slave master represents the ultimate interference or domination, since he has a say in whatever aspect of the slave's life he desires.[14] The slave is also, quite literally, not his own master. Not only is there potential maximum restriction on his action, but he also has no say in the creation of those restrictions. O. Patterson, in his seminal work *Slavery and Social Death*, emphasizes how the power dynamic in the master–slave relationship differs from other forms of domination. Slavery is indeed the extreme domination of another, and so the complete negation of negative freedom, to be sure, but the slave is also powerless and "in his powerlessness the slave became an extension of his master's power. He was a human surrogate."[15] The slave, in

[11] Raaflaub 2004: 31–2. [12] Raaflaub 2004: 37–41.

[13] For a view that distinguishes between debt-bondage and enslavement, see Harris 2002.

[14] One must take into account not only active coercion, but also the prevalent passive coercion caused by the threat of punishment.

[15] O. Patterson 1982: 4. Lewis 2017 has argued that the defining feature of slavery is legal ownership, not power. He critiques Patterson's taxonomic claims but grants that the approach is useful for analyzing the social effects of slavery and foregrounding the slave's experience. See also Lewis 2018: 29 n. 15 for his response to Patterson's response. Both the legal and social aspects are relevant for

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other words, cannot bring his own desires to fruition but instead fulfills the will of another. In this way, a slave also lacks positive freedom.[16] Thus, while slavery is often used as an example of complete lack of negative freedom, it also paradigmatic of a lack of positive freedom.

We find this same idea in Greek thought. Aristotle, in taking the relationship between slave and master as a basic building block of the household and *polis*, divides enslaved and free by the fact that a slave is entirely *of* another:[17]

> διὸ ὁ μὲν δεσπότης τοῦ δούλου δεσπότης μόνον, ἐκείνου δ' οὐκ ἔστιν· ὁ δὲ δοῦλος οὐ μόνον δεσπότου δοῦλός ἐστιν, ἀλλὰ καὶ ὅλως ἐκείνου. (1254a11–3)
>
> Accordingly, whereas the master is only master of his slave, but does not belong to him, the slave is not only the slave of his master, but belongs to him wholly.[18]

This passage is part of Aristotle's explication of the slave's role as a possession and tool for the master, albeit a living one (1253b31–2). Although, unlike O. Patterson, Aristotle begins with a definition of slavery based on ownership, the slave's condition is further defined by complete powerlessness. Insofar as he is property, the slave is entirely defined by his relationship with his master, expressed through the objective and possessive uses of the genitive.[19] Aristotle, moreover, does not define the relationship through the amount of control the master enforces. For example, he does not claim that the essential nature of a slave is that one is prohibited from doing *x* or forced to do *y*. In explaining the nature of slavery, Aristotle emphasizes the slave's possession by another, which renders him an object without autonomy in his own right. Like O. Patterson's "human surrogate," a tool does not have its own ends. Just as tools are used to accomplish crafts, the slave is used to achieve the desires of the master. Thus, a slave, as far as Aristotle is concerned, is defined by serving another's ends. Since the slave is entirely

identifying the holistic relationship between slavery and freedom on the ideological level in this book.

[16] Ideologically speaking; this is not to deny all of a slave's actual agency, nor to claim that slaves could never have a free action. For the reality of slave resistance, see McKeown 2011.

[17] This way of speaking is not peculiar to Aristotle: for example, when the speaker describing an enslaved Pasion says he will show, literally, "that [Pasion] was *of* somebody," he means that "he belonged to somebody [as a slave]" (ὅτι κἀκεῖνος ἦν τινῶν, Dem. 36.48).

[18] Translation from Saunders 1995.

[19] For the view that Aristotle is an outlier in antiquity and that slavery was mostly viewed as a relation of domination rather than ownership, see Vlassopoulos 2011, *contra* Finley 1980 and Lewis 2017, among others. This view is compatible with my view of the slave's lack of self-mastery. Either way, the slave still complies with the master's will, whether one thinks of a slave as an owned tool or as a dominated Other.

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the possession of another, he is at the most basic level not in possession of himself and cannot take part in a purposive life.[20] A person desires positive freedom because he wishes "to be the instrument of [his] own, not of other men's, acts of will."[21] In Aristotle's theoretical model, a slave cannot act on his own will. Even if owned by a benevolent master, who restricted his action little if at all, a slave would still not be in charge of himself in an important sense.

The slave's lack of autonomy appears in nonphilosophical texts as well. We find a comic representation of this idea at the beginning of Aristophanes' *Plutus*. The play opens with Karion, the slave of the protagonist Khremylos, lamenting that he has a foolish master. In his capacity as slave, he must suffer along with Khremylos since:

> τοῦ σώματος γὰρ οὐκ ἐᾷ τὸν κύριον
> κρατεῖν ὁ δαίμων, ἀλλὰ τὸν ἐωνημένον. (6–7)
>
> . . . the deity won't let the *kurios* be in charge of his own body, but puts it in the power of the purchaser.[22]

Free adult men are empowered, or *kurios*, over themselves, their dependents, and their possessions.[23] Thus, Karion here is complaining not simply that he has no freedom from restriction, but that he is not the one "in charge." That is, while a free person is his own *kurios* and so the author of his own actions, a slave does not have the autonomy necessary to bring his desires to fruition. His "natural" position as *kurios* is undermined. The distinction between agent (τὸν κύριον), that is, the one who acts, and autonomy (τοῦ σώματος κράτειν), that is, authority over that action, is remarkable. As in Aristotle's reckoning, the slave acts in the service of another. The issue is not *how much* restriction is placed on the slave, but rather *who* is in power. In the hyperbolic claims of comedy, he does not even control his own body. The joke here is that a *kurios*

[20] "Any human being that by nature belongs not to himself but to another is by nature a slave; and a human being belongs to another whenever, in spite of being a man, he is a piece of property" (ὁ γὰρ μὴ αὑτοῦ φύσει ἀλλ' ἄλλου ἄνθρωπος ὤν, οὗτος φύσει δοῦλός ἐστιν, ἄλλου δ' ἐστὶν ἄνθρωπος ὃς ἂν κτῆμα ᾖ ἄνθρωπος ὤν, 1254a14–6). Slaves and animals cannot make a state "because they do not participate in happiness nor in a life that involves choice" (διὰ τὸ μὴ μετέχειν εὐδαιμονίας μηδὲ τοῦ ζῆν κατὰ προαίρεσιν, 1280a33–4).

[21] Berlin 2002: 178.

[22] Translation, with modifications, from Sommerstein 2001. In his commentary, Sommerstein adds a more literal translation: "doesn't let the [sc. body's] *owner* [*kurios*] control the body" (emphasis mine). While a master owns a slave, a *kurios* "owns" himself. Olson's translation also draws attention to the "natural" versus "purchased" master, contrasting the purchaser who controls the body "as opposed to its real owner" (Olson 1989: ad loc.), as does the earlier van Leeuwen, who translates *kurios* as "the one whom nature herself has made master" (*quem ipsa natura fecit dominum*; 1904: ad loc.).

[23] Chapter 4 deals more in depth with the word *kurios*.

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is not able to rule, since that autonomy should be the natural state of a *kurios*, as well as the tongue-in-cheek claim by the slave to be *kurios* at all, since slaves have masters, and so are not *kurioi*.[24] Compare also the expression describing an emancipated Phormion in Demosthenes' *For Phormion*, "being of himself" (καθ' ἑαυτὸν ὄντι, 36.4).[25] This difficult phrase seems to get at that same tricky idea of separating personal agency from autonomy.[26] Until he is freed, a slave is not by or of himself. Both of these instances outside of Aristotle's theorizing exemplify a general conception of slavery as undermining not simply negative freedom but also the ability to self-govern. Domination weighs heavily on the slave, but we should not ignore the other side of the coin, namely the inability of the slave to act for himself.

Discussions of slavery, then, do not necessarily imply only the absence of negative freedom but also of positive freedom. Insofar as slavery is the foil for freedom, self-mastery as the ability to formulate and achieve desires is an intelligible layer of meaning. This element of freedom is connected to autonomy. In contrast to modern philosophical perspectives on autonomy, the ancient democratic view advanced here does not hold reason or another arbiter of the true self as key to self-mastery.[27] The "self" is not a disconnected higher agent but rather a free person acting under his own will, oriented toward action in the world instead of entirely inwardly. Thus, acting on one's desires is autonomy *simpliciter*, before the concept becomes tangled up with "higher" senses of self.[28] By "autonomy," then, I mean the thinnest version thereof before its ratiocination. Recognizing oneself (the agent) as the author of one's own actions was sufficient for authenticity.[29] This view does not create a continuous thread from Athens to Kant and the Enlightenment concept of a person, nor does the use of "autonomy" here need to imply a Kantian "neutral reason" or Rawlsian "original position." Instead, it is meant to convey that the concept "free" included laboring for one's own cause, whatever that might be.[30]

[24] Sommerstein sees the paradox as a principled critique of slavery rather than as a joke (Sommerstein 2001: ad loc.).

[25] Or "being by himself."

[26] Καθ' ἑαυτὸν ὄντι is translated as "his own master" (Paley and Sandys 1886: ad loc.) and "being separate" (Kamen 2013: 22). The exact denotation of this phrase is disputed, since there seem to be no other instances of this use. However, its connotation of independence is not contested. The context implies that it is marking Phormion's change in status.

[27] This is also in contrast to Plato's attempt to define self-control as reason's rule over the soul.

[28] That is, the agent's decision is both the sufficient and necessary qualification for the authenticity of desires. See Chapter 1.

[29] The lay democratic view is therefore neither necessarily a procedural nor a substantive view of autonomy.

[30] In this sense it is a content-neutral view of autonomy. Feminists have challenged traditional views of autonomy and pressed a relational sense of autonomy recognizing the embeddedness of individuals in relationships. Some philosophers have argued that in fact relationships are constitutive of autonomy, and

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Democratic autonomy is rooted in the contrast with slavery, where one must complete the orders of another whether one wants to or not. While freedom can be separated from autonomy by distinguishing the authenticity of desires versus the conditions for acting on those desires, the nontechnical use of "autonomy" employed here is instead the very ability to bring forth desires, to act in accordance with one's judgments, which are made authentic by being from the agent himself. The repercussions of such a formulation are manifold in the citizen's private and public identities. Focusing solely on the lack of negative freedom in slavery obscures the role of autonomy in developing those identities.

2.2 I Do What I Want: Positive Freedom

Slavery provides the comparandum for one of our most explicit, if critical, definitions of democratic freedom. In his *Politics*, Aristotle pinpoints freedom as an underived principle of democracy:

> Ὑπόθεσις μὲν οὖν τῆς δημοκρατικῆς πολιτείας ἐλευθερία (τοῦτο γὰρ λέγειν εἰώθασιν, ὡς ἐν μόνῃ τῇ πολιτείᾳ ταύτῃ μετέχοντας ἐλευθερίας· τούτου γὰρ στοχάζεσθαί φασι πᾶσαν δημοκρατίαν)· (1317a40–1317b2)
>
> A fundamental principle of the democratic constitution is freedom. (For this is what people are accustomed to say, on the ground that only in this constitution do they have a share of freedom – which is what they declare every democracy aims at.)

He elaborates on the two signs (σημεῖα) of this freedom which he also calls markers (ὅροι) of democracy itself. One sign is the practice of rotation of offices (1317b9–11). This depends on the idea of democratic justice which is based on equality. Since free men are equal insofar as they are free, it is only right to share offices equally through rotation. Aristotle further claims that alternate rule is entailed by the second sign of freedom:

> ἓν δὲ τὸ ζῆν ὡς βούλεταί τις. τοῦτο γὰρ τῆς ἐλευθερίας ἔργον εἶναί φασιν, εἴπερ τοῦ δουλεύοντος τὸ ζῆν μὴ ὡς βούλεται. τῆς μὲν οὖν δημοκρατίας ὅρος οὗτος δεύτερος· ἐντεῦθεν δ᾽ἐλήλυθε τὸ μὴ ἄρχεσθαι, μάλιστα μὲν ὑπὸ μηθενός, εἰ δὲ μή, κατὰ μέρος, καὶ συμβάλλεται ταύτῃ πρὸς τὴν ἐλευθερίαν τὴν κατὰ τὸ ἴσον. (1317b11–7)

that oppressive external conditions can render an agent non-autonomous, regardless of any psychological state (e.g., Oshana 2006). I hazard that there is a nascent idea of such a relational autonomy in the Athenian democratic view: each citizen views his freedom as only properly expressed in a democracy.

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> Another [sign] is to live as one wishes. For they say this is the function of freedom, if indeed it is a feature of one who is enslaved not to live as he wishes. This, then, is the second mark of democracy. And from this has come the call not to be ruled, preferably not by anyone, or failing that, [to rule and be ruled] in turn. And in this way the second mark contributes to the freedom based on equality.

The very function (ἔργον) of freedom for democrats is to live "however one wishes," which is diametrically opposed to the plight of slaves. Democrats, Aristotle claims, have taken a juridical status and expanded the meaning to define who can and cannot live as they wish.

Defining freedom, thus, is "the most controversial form of democratic liberty" for the ancients;[31] in fact, Aristotle goes so far as to interpret this as a desire not to be ruled at all. The presumption of anarchy, although not representative of actual democratic goals, reflects a fear concerning the democratic definition of freedom.[32] For scholars wishing to see negative freedom as the predominant conception at Athens, this passage shows that *eleutheria* is primarily freedom from interference, in this case, by a ruler. But if we attend to the choice of language, there is a more prominent aspect. We must note that the purpose of not being ruled is to live according to one's own lights, whatever they may be. Wishing to be the master of one's actions is the most basic sense of autonomy. The elimination of a literal ruler is a secondary means of securing this state, since a free Athenian must be in control of himself. Positive freedom is about being one's own master, and living "however one wishes" expresses that desire. Aristotle intertwines this freedom with another foundational democratic element, equality of citizens. As for the political ramifications, since Athenian democrats are not literal anarchists, they settle on ruling in turn. This is a practical matter, an institutional solution. The underlying ideology, or underived principle, is absolute citizen self-governance, an idea considered preposterous to nondemocrats.

In addition to interpreting democratic freedom as anarchy, Aristotle connects this view of freedom with democracy's self-destruction (*Pol.* 1310a27–8). Although he is clearly criticizing positive freedom, this is no reason to dismiss his views as unrepresentative. As Hansen has shown, Aristotle purports to be representing a democratic viewpoint, and corroboration from other texts can connect his observations to Athens in

[31] Hansen 2010b: 6. Compare the passage at the beginning of this chapter, Arist. *Pol.* 1310a25–34.
[32] Democracy alleged as anarchy: for example, Pl. *Rep*. 560e5, Arist. *Pol.* 1319b27–32.

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particular.[33] While interspersed with critical comments, this passage nonetheless provides us with a clear statement of democratic freedom as doing "whatever one wishes."

The origin of Aristotle's specific formulation may be found in Plato.[34] Book 8 of the *Republic* is dedicated to the cycle of constitutional degeneration, during which Socrates and his interlocutors analyze the characters of various polities and people like them. In regard to democrats and democracies, Socrates asks,

> Οὐκοῦν πρῶτον μὲν δὴ ἐλεύθεροι, καὶ ἐλευθερίας ἡ πόλις μεστὴ καὶ παρρησίας γίγνεται, καὶ ἐξουσία ἐν αὐτῇ ποιεῖν ὅτι τις βούλεται; (557b4–6)
>
> Well, in the first place, aren't they free? And isn't the city full of freedom and freedom of speech? And isn't there license in it to do whatever one wishes?[35]

The similarity between Aristotle's and Plato's phrases suggests a calcification of a general phrase designating positive freedom in technical discourse. Socrates also links the ability to do "whatever one wishes" to each citizen arranging his private affairs as he would like (557b8–10). Living freely is not confined to the private sphere, however:

> Τὸ δὲ μηδεμίαν ἀνάγκην, εἶπον, εἶναι ἄρχειν ἐν ταύτῃ τῇ πόλει, μηδ' ἂν ᾖς ἱκανὸς ἄρχειν, μηδὲ αὖ ἄρχεσθαι, ἐὰν μὴ βούλῃ . . . (557e1–3)
>
> There is no compulsion to rule in this city, even if you are qualified to rule, or to be ruled if you do not want to be.

Socrates goes on to elaborate all the ways citizens do not submit to anything unless they wish to, including the laws. Putting aside the exaggerated fear of anarchy, one can see that the essential critique is that the actions of citizens in both the private and public realms are subject to their own wishes. A man described as "believing in legal equality" (ἰσονομικοῦ, 561e1) and "democratic" (δημοκρατικός, 562a2) likewise does what he wants by fulfilling his desires in an undisciplined fashion. He satisfies desires that come up "as if by lot" (ὥσπερ λαχούσῃ, 561b4–5). While Plato's particular concerns give such language negative connotations, we should, once again, not dismiss the critique out of hand as disconnected

[33] Hansen 2010b: 11, 13 and Hansen 2010a: 319ff. For other texts, see this section.

[34] Although a preceding lacuna prevents complete analysis, Aristotle appears to attribute to Plato the idea that democracy fails in the cycle of constitutions in the *Republic* "because it is open to them to do whatever they wish – the cause of which [Socrates] says is too much freedom" (διὰ τὸ ἐξεῖναι ὅ τι ἂν βούλωνται ποιεῖν· οὗ αἰτίαν τὴν ἄγαν ἐλευθερίαν εἶναί φῆσιν. *Pol.* 1316b23–5).

[35] Translations of the *Republic* are from Reeve 2004 with slight modifications.

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from democratic values. The democratic city and man are seen as entirely out of control precisely because each citizen is the author of his own actions without qualification.[36]

The various phrases denoting doing "whatever one wishes" are not restricted to philosophical texts. The historians, too, associate democracy with the same idea. In the postclassical period, Polybius, also interested in a cycle of degenerating constitutions, follows Plato and uses the phrase disparagingly. He claims that democracy is more than simply the masses being empowered to do "whatever they wish."[37] While the vicissitudes of the late fifth century, in particular Athens' defeat by Sparta, gave critics ammunition to take aim at various democratic ideas, those targets indicate what democrats valued. By the fourth century, to do "whatever one wishes" had been formulated in a set phrase-type to explain a key democratic view of freedom.

The classical historians also express the sentiment of "doing what one wishes" as freedom. While the fourth-century Xenophon adheres most closely to the phrase's parameters, we find Herodotus as early as the second half of the fifth century articulating positive freedom as one of the principles of democracy. In the so-called constitutional debate, the democratic notion of positive freedom prevails even when democracy does not. After seven Persians orchestrate the overthrow of the usurpers of the throne, they discuss the three main types of constitutions they might install in Persia: democracy, oligarchy, and monarchy.[38] Although their conversation is set in the last quarter of the sixth century, it is widely agreed that the debate explores a topical theme in Herodotus' contemporary Greek world through historical Persian mouthpieces.[39] Consequently, we can use it as a source for fifth-century Greek thought. More specifically, Forsdyke has

[36] In fact, Plato's criticism in the *Republic* of democracy as lacking true freedom lies in what he sees as its lack of proper self-control. By equating moderation with self-control, Plato's Socrates makes the argument that people are only truly in control of themselves when reason rules the soul (see Book IV). Thus, in this model, democrats fulfilling desires at random cannot truly do what they wish, undercutting their own values and leading to the tyrant, who is most enslaved. The democratic rebuttal would be to reject his understanding of self-control, or autonomy.

[37] οὐδὲ δημοκρατίαν, ἐν ᾗ πᾶν πλῆθος κύριόν ἐστι ποιεῖν ὅ τι ποτ' ἂν αὐτὸ βουληθῇ καὶ πρόθηται· (6.4.4–5).

[38] This passage has been considered the very beginning of Greek political philosophy by How and Wells 1912 on 3.80. Scholars have noted that the true contrast is between tyranny and democracy (e.g., Raaflaub 1989: 41–5).

[39] How and Wells 1912 on 3.80; Asheri, Lloyd and Corcella 2007 on 3.80–2. The context is not exhausted by the Greek world, though. The debate was filtered through a legitimate Persian perspective: Munson 2009; Pelling 2002, especially 127–9. Raaflaub has argued the "primary purpose of the debate must have been precisely the discussion of the virtues and vices of democracy" (1989: 44–5).

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shown that Herodotus employed popular, *polis*-wide traditions from Athens in constructing his history.[40] Thus, the *Histories* can be used to "extract some central themes, symbols, and ideas of Athenian democratic ideology," including this passage.[41]

The first to suggest a form of government is Otanes, who advocates for handing over rule to "the middle" (ἐς μέσον, 3.80.2). Although the term *dēmokratia* is not used here, his emphasis on equality under the law (ἰσονομίη), elections by lot, and collective decisions makes it clear that he represents the democratic viewpoint.[42] Democracy is not victorious, though. In the end, convinced by Darius' defense of traditional monarchy, the makeshift council votes to restore a king to rule Persia. Otanes recognizes the validity of the vote and realizes that one of them will have to be made king.[43] He bows out of the competition and claims "I wish neither to rule nor to be ruled" (οὔτε γὰρ ἄρχειν οὔτε ἄρχεσθαι ἐθέλω, 3.83.2). Without the possibility of equality, Otanes rejects the concept of ruling altogether. As the mouthpiece for democracy, he would be hard-pressed to rule with absolute power over free men or to be ruled, since either option would deny each person's equality and concomitant ability to self-govern. In withdrawing from the pool of candidates, Otanes demands that neither he nor his descendants be subject to the Persian king. The other Persians agree, with the result that:

> καὶ νῦν αὕτη ἡ οἰκίη διατελέει μούνη ἐλευθέρη ἐοῦσα Περσέων καὶ ἄρχεται τοσαῦτα ὅσα αὐτὴ θέλει, νόμους οὐκ ὑπερβαίνουσα τοὺς Περσεών. (3.83.3)
>
> And still, to this day, the House of Otanes ranks as the only free one in all of Persia: though it never breaks the laws of the Persians, it is obedient to the king only to the degree that it wishes to be.[44]

Herodotus, as narrator, thus equates freedom with the ability to choose. The point is not lessened but heightened within the confines of a monarchy where the subjects are referred to as slaves of the Great King. Rather than conclude the episode with the monarch relieving Otanes' household of restrictions or duties, Herodotus ends on the ability of

[40] Forsdyke 2001. Specifically regarding Athens' liberation from the Peisistratid tyranny, see also Thomas 1989: 238–82.

[41] Forsdyke 2001: 330.

[42] Otanes is associated with democracy even more explicitly at 6.43.3, where Herodotus says his intention was to "democratize" Persia (δημοκρατέεσθαι).

[43] Otanes' suggestion of possible ways to select the king is still democratic-leaning: by lot or by election (3.83.2).

[44] All translations of Herodotus are based on Holland 2014, with modifications.

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Otanes' household to decide the amount they wish to be ruled. In this tiny democratic outpost in Persia, the defining feature is the achievement of the household's will (θέλει). Once again positive freedom asserts itself as a fundamental characteristic of democracy.[45]

Herodotus' account of the military success of newly democratic Athens likewise focuses on the role of individual autonomy. After the Spartans' attempt to install an oligarchy in Athens following the Peisistratid tyranny, the Athenians spontaneously "as though of one mind" besiege them on the Akropolis and expel them from the city (τὰ αὐτὰ φρονήσαντες, 5.72.2).[46] "The Athenians" then take the lead on all subsequent action: they recall Kleisthenes and other exiles, plan military operations, and rebuff enemies on several fronts. No leader is mentioned in any part of the decision-making or execution. Herodotus interprets their impressive victories thus:

> Ἀθηναῖοι μέν νυν ηὔξηντο· δηλοῖ δὲ οὐ κατ' ἓν μοῦνον ἀλλὰ πανταχῇ ἡ ἰσηγορίη ὡς ἐστὶ χρῆμα σπουδαῖον, εἰ καὶ Ἀθηναῖοι τυραννευόμενοι μὲν οὐδαμῶν τῶν σφέας περιοικεόντων ἦσαν τὰ πολέμια ἀμείνους, ἀπαλλαχθέντες δὲ τυράννων μακρῷ πρῶτοι ἐγένοντο. δηλοῖ ὦν ταῦτα ὅτι κατεχόμενοι μὲν ἐθελοκάκεον ὡς δεσπότῃ ἐργαζόμενοι, ἐλευθερωθέντων δὲ αὐτὸς ἕκαστος ἑωυτῷ προεθυμέετό <τι> κατεργάζεσθαι. (5.78)
>
> So Athens came to flourish – and to make manifest how important it is for everyone in a city to have an equal voice (*isēgoria*), not just on one level but on all. For although the Athenians, while subjects of a tyrant, had been no more proficient in battle than any of their neighbors, they emerged as supreme by far once liberated from tyranny. This is proof enough that the oppressed will never willingly pull their weight, since their labors are all in the service of a master – whereas when freed, each was eager to achieve for himself.

Freedom from tyrants is tied to equality of speech (ἡ ἰσηγορίη), the type of speech that is associated with political participation, such as in the Assembly, and that is a hallmark of democracy.[47] Herodotus explicitly connects freedom to act in the city with freedom to act for oneself.[48] While the narrative focused on the actions of whole collective ("the Athenians"),

[45] In specific, the democratic values expressed in Herodotus reflect Athenian democracy (Forsdyke 2001).

[46] For the importance of the spontaneous uprising in establishing democracy, see Ober 1996: 32–52.

[47] For a summary of the distinction between *isēgoria* and *parrhesia* (the quality of frank speech, often translated as "free speech"), see Carter 2004: 199–202.

[48] Similarly, Lysias' funeral oration describes Athens as casting out the tyrants in favor of establishing democracy "in the belief that the greatest harmony is for everybody to be free. They allowed everybody to share in the hopes that result from danger and governed themselves with a freedom of spirit" (ἡγούμενοι τὴν πάντων ἐλευθερίαν ὁμόνοιαν εἶναι μεγίστην, κοινὰς δ' ἀλλήλοις τὰς ἐκ τῶν

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the emphasis on each man (ἕκαστος) achieving for himself (ἑωυτῷ) when freed highlights the role of individual citizen will.[49] To be sure, the tyrant, represented as slave master (δεσπότης), suppressed the Athenians' negative freedom since he exercised complete domination. Yet it is not only the negative freedom from a tyrant that prompted Athenians' newfound superiority; as explained by Herodotus, it is their enthusiasm for realizing their own will. The internal freedom of the city is enmeshed with the positive freedom of each citizen.

The effects and meaning of freedom in Herodotus are embedded in the context of the Persian War. The image of monarch as slave master conjures up the Great King, in Greek eyes the ultimate despotic threat. In fact, Herodotus has his Xerxes claim just the opposite as the narrator's explanation of positive freedom's effects in the passage quoted. When Demaratos, the exiled Spartan king, tells Xerxes that the Spartans would be ready to battle the whole Persian army with only one thousand men (7.102.3), Xerxes takes issue with his premise that men "equally free" (ἐόντες γε ἐλεύθεροι πάντες ὁμοίως, 7.103.3) would be better soldiers than those the under compulsion of an absolute monarch. Demaratos is specifically describing Spartans, but the king conflates them with all Greeks in general. Xerxes as despotic monarch views freedom as engendering at minimum cowardice and perhaps even anarchy, claiming men "allowed to go free" (ἀνειμένοι δὲ ἐς τὸ ἐλεύθερον, 7.103.4) would never take on a larger force or become "better" (or "braver," ἀμείνονες, 7.103.4). For the king, his own will should be realized, not the will of his subjects. In the description of the Athenians' freedom in 5.78, Herodotus focused on the achievement-oriented power of the liberated subjects, who do in fact become better because of freedom. At issue in both scenes is the imagined relationship between will achievement and freedom. Without the exact phrasing of later fourth-century texts, Herodotus associates the ability to act upon one's desires, or positive freedom, with the development of democracy in Athens.

In a different context, Thucydides continues to recognize the link between positive freedom and democracy toward the end of the fifth century. Any discussion of democratic ideology must grapple with

κινδύνων ἐλπίδας ποιήσαντες ἐλευθέραις ταῖς ψυχαῖς ἐπολιτεύοντο, Lys. 2.18). Translation from Todd 2000.

[49] Balot deploys this scene to highlight the democratic courage that emerged from the Athenian revolution of 508/7 (2014: 97–103). While Balot's focus is on the deliberative nature of courage informed by proper emotions, he also notes the newfound reciprocity by which the good for the individual and city could coincide.

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Thucydides' report of Perikles' funeral oration. Whether Thucydides is judged a cynical critic of democracy or a democratic idealist, the speech itself is recognized as a *locus classicus* of democratic thought. It is generally agreed that while Thucydides' hand cannot be ignored, the speech must largely correspond to the general premises of Periklean ideas.[50] The setting, with its large audience, and the occasion, a customary oration for the year's war casualties, lend themselves to sweeping statements and patriotic popular sentiment: fertile ground for defining democracy.

Perikles begins his eulogy traditionally, but soon departs from convention. Rather than detail the military exploits of fallen soldiers, he launches into an encomium of the "city of the present."[51] The Peloponnesian War had made conspicuous for Athenians the differences between Athens and other *poleis*, a recurring point in Thucydides' text. Perikles links Athens' greatness to its government and its citizens' character, both of which are unique to Athens (2.36.3–37.1). He describes both public and private life as based on the same principles:

> ἐλευθέρως δὲ τά τε πρὸς τὸ κοινὸν πολιτεύομεν καὶ ἐς τὴν πρὸς ἀλλήλους τῶν καθ' ἡμέραν ἐπιτηδευμάτων ὑποψίαν, οὐ δι' ὀργῆς τὸν πέλας, εἰ καθ' ἡδονήν τι δρᾷ, ἔχοντες, οὐδὲ ἀζημίους μέν, λυπηρὰς δὲ τῇ ὄψει ἀχθηδόνας προστιθέμενοι. (2.37.2)
>
> The freedom which we enjoy in our government extends also to our ordinary life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbor for doing what he likes, or even to indulge in those injurious looks which cannot fail to be offensive, although they inflict no real harm.[52]

The opening phrase has been variously translated and interpreted, with the problem lying in how to read ἐλευθέρως. Just how does a citizen go about "freely" being a citizen (πολιτεύομεν)?

Many scholars, invoking the familiar slave-free dichotomy, take it to mean "in a manner befitting free men."[53] Raaflaub sees democracy as the constitution with the most individual negative freedom, which allows those liberal qualities to develop, in turn shaping foreign policy.[54] Gomme and Rhodes, on the other hand, focus on the public realm: they highlight the check on the "tyranny" of any one class, preventing a single

[50] Bosworth 2000; Raaflaub 2004: 228–9.
[51] Bosworth 2000: 4; compare Rusten 1989 on 2.34–47.2.
[52] All Thucydides translations are Strassler and Crawley 1996 with some modifications.
[53] Thus the adverb corresponds to the adjective ἐλεύθερος in its meaning as ἐλευθέριος (LSJ s.v. II).
[54] Raaflaub 2004: 229–30.

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class from monopolizing political power.[55] In Perikles' claim that the administration of the government is in the hands of the many (ἐς πλείονας) and that the laws apply equally (κατὰ μὲν τοὺς νόμους . . . τὸ ἴσον), but that men of merit (κατὰ δὲ τὴν ἀξίωσιν) are honored with elected office (2.37.1), they see a check on class-specific power as the mechanism that allows the citizens to live freely (ἐλευθέρως). Negative freedom from other classes, in other words, is the central concern for Gomme and Rhodes. Another approach takes ἐλευθέρως to mean something more like "liberally" in modern English. Rusten translates it as emphatic: "It is with tolerance that we behave . . . ."[56] Whether or not this interpretation also suggests an ideal typology of the free man, it, too, interprets the nature of ἐλευθέρως πολιτεύομεν as negative freedom, since citizens do not have to fear the coercion of other citizens or their sidelong glances. One might paraphrase, "as democratic citizens we do not infringe on each other's activities, and we keep their and our own negative freedom intact." The threat is perceived as coming from other individuals rather than at the institutional level, as Raaflaub, Gomme, and Rhodes see it.

Hornblower takes a slightly different tack while employing the distinction between positive and negative freedom. He sees the first part of this claim as indicating that citizens live in a manner appropriate for those in a free *polis*, and he points to the inheritance of a free Athens praised at 2.36.1.[57] That passage, he argues, invokes not the individual, negative freedom from state interference, but the external positive freedom of the city "to pursue a foreign policy . . . which is a precondition for imperialism."[58] Perikles' claim of conducting public life in a free manner in 37.1 accordingly means acting in "an open and generous way characteristic of citizens of a state which is free in the 36.1 sense."[59]

I agree with Hornblower that freedom is not simply negative individual freedom, but I think there is another layer to "enjoying freedom" that pertains to the citizen. Besides negative freedom, Perikles is also ascribing positive freedom to the Athenian citizen as an individual. In order to see how this is implicit in Perikles' words, we must first expand our focus to include more of Chapter 37. The second part of the opening sentence after πολιτεύομεν, which relates to private life, goes largely unremarked in Hornblower's commentary, although it seems closely linked to the political passage before it. There is good reason not to separate the public

[55] Gomme 1956: ad loc.; Rhodes 1988: ad loc. [56] Rusten 1989: ad loc.
[57] Hornblower 1991: ad loc. [58] Hornblower 1991: ad loc. [59] Hornblower 1991: ad loc.

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and private in these sections.[60] This applies to not only the sentence at hand, but the surrounding lines as well. We should, then, read the previous section, 37.1, closely with 37.2. The first section of Chapter 37 concentrates on public life:

> Χρώμεθα γὰρ πολιτείᾳ οὐ ζηλούσῃ τοὺς τῶν πέλας νόμους, παράδειγμα δὲ μᾶλλον αὐτοὶ ὄντες τισὶν ἢ μιμούμενοι ἑτέρους. καὶ ὄνομα μὲν διὰ τὸ μὴ ἐς ὀλίγους ἀλλ' ἐς πλείονας οἰκεῖν δημοκρατία κέκληται· μέτεστι δὲ κατὰ μὲν τοὺς νόμους πρὸς τὰ ἴδια διάφορα πᾶσι τὸ ἴσον, κατὰ δὲ τὴν ἀξίωσιν, ὡς ἕκαστος ἔν τῳ εὐδοκιμεῖ, οὐκ ἀπὸ μέρους τὸ πλέον ἐς τὰ κοινὰ ἢ ἀπ' ἀρετῆς προτιμᾶται, οὐδ' αὖ κατὰ πενίαν, ἔχων γέ τι ἀγαθὸν δρᾶσαι τὴν πόλιν, ἀξιώματος [2] ἀφανείᾳ κεκώλυται. ἐλευθέρως δὲ τά τε πρὸς τὸ κοινὸν πολιτεύομεν καὶ ἐς τὴν πρὸς ἀλλήλους τῶν καθ' ἡμέραν ἐπιτηδευμάτων ὑποψίαν, οὐ δι' ὀργῆς τὸν πέλας, εἰ καθ' ἡδονήν τι δρᾷ, ἔχοντες, οὐδὲ ἀζημίους μέν, λυπηρὰς δὲ τῇ ὄψει ἀχθηδόνας προστιθέμενοι. (2.37.1–2)
>
> Our constitution does not copy the laws of neighboring states; we are rather a model to others than imitators ourselves. Its administration favors the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the [2] obscurity of his condition. The freedom which we enjoy in our government extends also to our ordinary life. There, far from exercising a jealous surveillance over each other, we do not feel called upon to be angry with our neighbor for doing what he likes or even to indulge in those injurious looks which cannot fail to be offensive, although they inflict no real harm.

Perikles comments here on the administration of the state, the rule of law, and political activity; all are clearly part of the public sphere. The opening sentence of 37.2 then turns to the private sphere. Since Perikles' aim is to show the greatness of Athenian character and the principles that run through these closely related realms, this section should correspond to the one before it. The phrase ἐλευθέρως πολιτεύομεν is the grammatical and ideological hinge that connects them. It both regards public or political activity (πρὸς τὸ κοινόν), looking back to 37.1, and daily private life (τῶν καθ' ἡμέραν ἐπιτηδευμάτων), looking forward.

The idea of acting freely in the public sphere in 37.1 includes an element of equal opportunity and the assurance that poverty does not create an

[60] Or, as Hornblower puts it, to separate the constitution of the Athenians and the way of life of individuals (1991 on 2.36.4).

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insurmountable barrier to public service. But recognition of merit is also emphasized. Andrews has seen these lines as indicative of Athens' institutional positive and negative freedom.[61] He labels equal access to public participation as a positive freedom, and the protection from majority tyranny a negative one. Given the close connection with what follows, we should expect parallels in 37.2, when the focus shifts to private lives. There Perikles tells us that Athenians do not get angry when a neighbor does "what he likes." Reciprocally, each citizen can do what he likes with impunity. The question is not whether one can do what one wishes; that is taken for granted. Perikles says that in addition to that freedom, no one cares when someone exercises it. Besides expressing a negative freedom from interference by each other, the phrase also implies that positive freedom of action is inherently democratic: every man does as he wishes, and citizens happily tolerate it.[62] Hence, there is a nice symmetry between public and private freedoms. To be sure, acting freely may simply mean acting as befits a free man, but here that is specified as doing what one wishes in peace.[63]

Nikias' speech to his captains before the final battle of the tragic Sicilian Expedition echoes the sentiment. He includes all the standard pre-battle admonitions, which are programmatic enough that Thucydides does not recreate his address but rather reports it all in indirect speech. Part and parcel of such a set speech is the appeal to preservation of one's homeland and way of life. Athenian freedom is presented as positive freedom and autonomy: "He reminded them of their country, the freest of the free, and of the unfettered discretion allowed to all in it to live as they please" (. . . πατρίδος τε τῆς ἐλευθερωτάτης ὑπομιμνήσκων καὶ τῆς ἐν αὐτῇ ἀνεπιτάκτου πᾶσιν ἐς τὴν δίαιταν ἐξουσίας, 7.69.2). The idea of positive freedom in this

[61] Andrews 2004. He sees "living as one wishes," though, as fellow citizens respecting one another's negative freedom. But this ignores the active grammatical and conceptual sense in living "as one wishes" or doing "as one wishes."

[62] Tamiolaki argues that individual freedom in the speech is not well defined, since Thucydides is mostly interested in the external freedom of the city (2010: 248–56). Part of the inconsistency she cites is a confusion between individual and political freedom, and so the passage at 2.37.2 would be better if the extreme freedom was explicitly limited to the private sphere as a "freedom of a way of life, namely as freedom of action" (*comme liberté de mode de vie tout court, à savoir comme liberté d' action*, 253) in contrast to the rule of law in the public sphere. The broad application of democratic freedom as achieving outcomes in both spheres, I hope to have shown, is in fact one of its features.

[63] Compare Lysias' *Funeral Oration,* where he writes that earlier Athenians believed that free men "do not act unwillingly" (μηδὲν ποιεῖν ἄκοντας, Lys. 2.14). While these epideictic or exhortative forms of oratory tend to represent positive freedom as an uncomplicated good, forensic and symbouleutic oratory appear equivocal. Chapter 3 examines and attempts to resolve this tension.

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passage is far removed from the specialized language of philosophers and instead situated in the routine content of the general's speech to his troops. The implication is that positive freedom resonates emotionally with the soldiers, suggesting that it is a deeply embedded value for the Athenians, and thus worth fighting for.[64]

The historians do not always portray the idea of doing "whatever one wishes" in a positive light. Writing after the conclusion of the Peloponnesian War, Xenophon reveals the potentially nefarious result of the *dēmos* doing "whatever it wishes" in the Arginousai debate. When some speakers object to Kallixenos' proposal that the generals be tried together on the grounds of illegality, "the majority shouted that it would be terrible if someone prevented the *dēmos* from doing whatever it wished" (*Hell.* 1.7.12).[65] The capital punishment of the generals *en bloc* is a low point in the war, exposing critical flaws in Athenian democracy. Whatever value the author places on this rendering of freedom, however, the framing of the debate in these terms indicates its significance to democratic ideology.[66] Christ has shown that, while Xenophon clearly portrays the *dēmos* as making a terrible decision, he is not despairing of democracy.[67] Xenophon uses the episode, he argues, to highlight the role of elite leadership in a democracy. The model leader in this view is Euryptolemos, who comes quite close to persuading the people not to put the generals to death by making a strong case for abiding by the law, another democratic value. Euryptolemos' speech still invokes the principle of positive freedom: he encourages the *dēmos* to act lawfully in order to avoid impiety and deception, and thereby "with full knowledge punish the wrongdoers by any penalty you wish" (τοὺς ἀδικοῦντας εἰδότες κολάσεσθε ᾗ ἂν βούλησθε δίκῃ, 1.7.19). Later Euryptolemos asks what they fear: "Is it that you will not be able to kill or free whomever you wish, if you judge according to the law, but you will be able to do so, judging against it?" (ἢ μὴ οὐχ ὑμεῖς ὃν ἂν βούλησθε ἀποκτείνητε καὶ ἐλευθερώσητε, ἂν κατὰ τὸν νόμον κρίνητε, ἀλλ'

[64] Balot has argued that Athenians had a distinctive sense of courage that was "cognitively richer, more deliberate, and more purposive than the courage of nondemocrats" rooted in the public life of the city and enabling *eudaimonia* (2014: 3). I would add that beyond informing courage by means of free speech, such a democratic courage is made possible by democratic freedom as autonomy.

[65] τὸ δὲ πλῆθος ἐβόα δεινὸν εἶναι εἰ μή τις ἐάσει τὸν δῆμον πράττειν ὃ ἂν βούληται.

[66] Gish 2012 holds the view that Xenophon is not in fact a hostile critic of democracy. He interprets this scene as the *dēmos* protecting democracy against harmful *stasis* and interprets this phrase "as an explicit affirmation by the *dēmos* of its right to act and judge as it sees fit – an articulation of the principle of popular sovereignty which in essence defines *dēmokratia*" (Gish 2012: 183). I agree that the *dēmos* is represented as defending a particular principle here, but would specify it as positive freedom and Xenophon's presentation of it as a critique.

[67] Christ 2020: 17–26.

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οὐκ ἂν παρὰ τὸν νόμον . . . ; 1.7.26). The question strikes at the core of the *dēmos*' concerns and reframes the debate in terms of who is allowed to do what, and why, in relation to the rule of law. His reference to the idea of the citizens being able to do what they wish legitimizes their concern, even if it is to plead against it with another piece of ideology. Freedom did not exist in an ideological vacuum. Xenophon's account may suggest that it should not trump other democratic principles, but its inclusion in the debate is a testament to its currency in the constellation of democratic principles.

In sum, Athenians act freely in the political sphere and likewise in the private sphere – the capacity to act is a key part of that freedom. Like the philosophers, the historians also emphasize the importance of citizens' autonomy: in spirit, if not in letter, they underscore the ability of a citizen to do "whatever he wishes." In this way, democracy effectively turns the conversation of freedom toward personal capacities instead of state interference.

2.3 Institutional Effects

In the preceding sections, I have largely examined extraconstitutional and generalized notions of doing "whatever one wishes." One of the aspects of positive freedom that recommends it as a hermeneutic device is its relevance to both the private and public spheres, and to both ideology and practice. Forms of political participation, whether in the Assembly, courts, or magistracies, have long been seen as institutionalized positive freedom, based on a certain conception of Berlinean positive freedom.[68] Apart from political participation *simpliciter*, positive freedom is furthermore the grounds for one of the most striking features of Athenian democracy, voluntarism, and the corresponding system of magistrate accountability.

Voluntarism, or the principle of individual, nonobligatory initiative, was the starting point for most Athenian democratic processes. Designating who was responsible or eligible to engage in a particular activity, the principle was most often expressed in a familiar phrase using a form of the verb "to wish" (βούλομαι), the same verb found in the standardized expressions of positive freedom in the fourth century. Frequently, undertakings applied to "whoever wishes from the Athenians to whom it is permitted . . . " (Ἀθηναίων ὁ βουλόμενος οἷς ἔξεστιν . . .).[69] Inscriptions and speeches attest to its technical use in laws and decrees as well as Athenians' general familiarity with the

[68] See Chapter 1.

[69] We should take the limitation "to whom it is permitted" (οἷς ἔξεστιν) as excluding those who have been disenfranchised, rather than, say, women.

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language. The laws and decrees directly transmitted through inscriptions encompass a variety of topics, from financial to religious, where the primary agent is "whoever wishes" to initiate action. For instance, the earliest extant law from the reestablished fourth-century democracy, a 375/4 law about silver coinage, allows "whoever wishes of the Athenians to whom it is permitted" to report the officials to the *Boulē* if they do not enforce the law (*AIO* 819.34).[70] The laws quoted in the orators likewise show a general application of the phrase, such as a law on impeachment procedure (εἰσαγγελία) specifying that "whoever wishes from the Athenians to whom it is permitted" may prosecute the case (Dem. 24.63).[71] Elsewhere in their speeches, the orators also use the phrase in summarizing or paraphrasing laws and procedures, indicating its general familiarity as marked legal language.[72]

Often shortened simply to the generalizing participle, *ho boulomenos*, this phrase expresses a formal feature of Athenian democracy and is used in various legal and administrative contexts.[73] For instance, Kleinias' fifth-century decree regarding tribute allows "whoever wishes" of Athenians, and even allies, to accuse someone of mischief regarding the tribute (*AIO* 297.34). Phratry, *genos*, and deme decrees also employ the same expressions regarding various activities.[74] In general, public prosecutions were not in

[70] Other examples include *Agora* XVI: 56 face A line 25: the most extensive extant law about Eleusinian mysteries, dated before 367. The action which pertains to "whoever wishes" is unclear.

[71] This law is shown to be a genuine document in Canevaro 2013a: 151–7, where he also refers to the phrase under consideration as the "typical formula." See also the law against marriage between a citizen and foreigner, specifying who is allowed to prosecute: [Dem.] 59.16. For the argument that it is a genuine fourth-century law, see Kapparis 1999: ad loc. Canevaro finds the evidence inconclusive (2013a: 183–7).

[72] Aeschin. 1.23: discussing Assembly procedure, who could speak at the Assembly; Aeschin. 1.32: summarizing a law on who could bring a scrutiny (δοκιμασία); [Dem.] 58.14: speaker prefacing a law on debt, who could inform against a debtor (ἔνδειξις), with the variation τῶν πολιτῶν instead of Ἀθηναίων; [Dem.] 59.90: describing the enfranchisement procedure's final safeguard, who could bring a suit for an illegal decree (γραφὴ παρανόμων) after citizenship has been awarded to an unworthy candidate; Isoc. 20.2: who could bring a suit for *hubris*; Isae. 6.3, Dem. 43.7, 48.10: anyone who wishes is permitted to contest an inheritance.

[73] Examples of legal inscriptions with the participle but not the complete phrase include *IG* I^3 236a.13: late fifth-century trierarchy law, somehow limiting or specifying the trierarch's duties, but context is unclear; *IG* II^3 429.40: a law for repair of the Piraeus walls after the battle of Chaironeia, who may submit plans or specification to the Council for the walls. Oratory corroborates this use, including [Dem.] 59.86: a summary of adultery laws allowing for a woman to suffer ὑπὸ τοῦ βουλομένου if she attempts to attend a sacrifice regardless of her conviction as an adulteress; Dem. 43.54: quoting the law on heiresses. See also [Arist.] *Ath. Pol.* 56.6: the prosecutor in a suit for mistreatment of parents is simply "whoever wishes to prosecute" (τῷ βουλομένῳ διώκειν).

[74] For example, *RO* 37: a Saliminioi *genos* decree from 363/2 that concludes with the warning that if anyone attempts to rescind it he is liable to prosecution by "whoever wishes" (l. 97); *RO* 5: the early fourth-century phratry decree from Dekelea, specifying "whoever wishes" of the phratry members

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the purview of specialists but of whoever wished, *ho boulomenos*, to bring one.[75] Solon is credited with creating a type of public suit that could be brought by "whoever wished," the *graphē*. Previously, suits could only be brought by the victim, or in some cases, by a magistrate.[76] A very old example of a public suit, from either the Solonian laws or soon after, is the law prohibiting the torture and ransom of a convicted murderer where *ho boulomenos* can prosecute (Dem. 23.28).[77] The fourth-century author of the Aristotelian *Athenian Constitution* goes as far as to take Solon's introduction of the *graphē* as one of his most "democratic" reforms (9.1).[78] The author's assessment creates a misleadingly neat line of democratic development from Solon to the fourth century. What it does accurately reveal, however, is the way this type of claim and *ho boulomenos* language had become institutionalized and synonymous with democracy.

A narrower understanding of voluntarism has focused on the legal sphere.[79] In this context, the "high degree of responsibility private citizens bore for initiating, conducting, and executing judgments of legal actions . . . would shock most modern Westerners."[80] Rubinstein has shown that the "volunteer prosecutor" was a widespread Greek phenomenon, often used to regulate officials, and likely was not invented in Athens.[81] Although not unique to Athens, the *ho boulomenos* "is regarded, entirely justifiably, as a hall-mark of Athenian democracy" and was considered such by the Athenians themselves.[82] In her study, she notes the great local variation in the terminology for the volunteer prosecutor and

may exact payment of a fine due from someone who has been ejected from the phratry and lost his appeal (ll. 42–4).

[75] For example, Dem. 43.54.

[76] Not all charges were public suits after Solon. Certain offenses still triggered private suits (*dikē*) which could only be brought by the victim or next of kin.

[77] Canevero 2013a: 48–55 argues for the authenticity of this document and its archaic language. Public suits were also the mechanism by which to block or repeal legislation (the suit against an illegal decree, γραφὴ παρανόμων, and the suit against an inexpedient law, γραφὴ νόμον μὴ ἐπιτήδειον θεῖναι).

[78] τὸ ἐξεῖναι τῷ βουλομένῳ τιμωρεῖν ὑπὲρ τῶν ἀδικουμένων . . .

[79] For instance, in arguing that most law enforcement was achieved by officials rather than private individuals, Harris details the roles and responsibilities of magistrates in assessing fines, protecting honorands, and so on in the fourth century (2013: 28–44). He asserts that there are very few instances of *ho boulomenos* in the fifth century regarding the volunteer prosecutor, citing one certain (*IG* I^3 34.34), one entirely restored (*IG* I^3 68.46), and two in very fragmentary inscriptions (*IG* I^3 14.8, *IG* I^3 41.61) (2013: 352). The role of the *ho boulomenos* is much broader, however. The examples with the participle and with other forms of the verb *boulomai* throughout both centuries should also be considered.

[80] Christ 1998: 521.

[81] Her evidence includes at least one nondemocratic *polis*, Opous (Rubinstein 2004).

[82] Rubinstein 2004: 92.

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the details of its execution. Rather than argue for Athenian origin or singularity, I am interested in the relationship between freedom and the role of voluntarism as it developed in Athens. My use of "voluntarism" is broad, incorporating all the instances where citizen initiative took precedent, not only in his role as prosecutor. The citizen as *ho boulomenos* in this sense is such an essential component at all levels of the democratic machine that Hansen has called him "the real protagonist of the Athenian democracy" and Rubinstein, too, concludes her study acknowledging that "while there could be *hoi boulomenoi* without democracy, I think the Greeks would have found it impossible to think of a democracy without *hoi boulomenoi*."[83] Obviously, the term *ho boulomenos* did not literally apply to everyone who wished to do something, but only to fully enfranchised citizens. It is, therefore, shorthand for a citizen specifically; the class of the "ones who wish" overlaps precisely with the class of full citizens.[84]

Other variations in legal and procedural language employ the finite form of the verb *boulomai* to the same end as the uses in Section 2.2. For example, the formula for decrees granting citizenship expressly allowed the honorand to choose the tribe, deme, and phratry "which he wished" (. . . ἧς ἂν βούληται). In line with other legal developments, different versions are found in the fifth century before becoming standardized in the fourth.[85] Similarly, consider Demosthenes' paraphrase of Solon's law permitting the childless man to bequeath his property to "whomever he wishes" (ᾧ ἄν τις βούληται, 20.102). In procedural language, the question τίς βούλεται with the relevant complementary infinitive ("Who wishes to do *x*?") is common. For example, the expression τίς ἀγορεύειν βούλεται; ("Who wishes to speak?") opened Assembly meetings starting in the fifth century.[86] During the examination of candidates for office (*dokimasia*), those present were asked whether anyone wished to bring a charge against the potential magistrate, "does anyone wish to accuse this man?" (τούτου βούλεταί τις

[83] Hansen 1991: 72. Rubinstein 2004: 112.

[84] For the use of the participle with the article as labeling an entire class, see Smyth 1124. Rubinstein defines the *idiotēs* as a semitechnical term denoting "the 'atom' of the citizen-body as opposed to the collective whole" and deems it equivalent to the *ho boulomenos* (2002: 127). I take *ho boulomenos* as my point of departure instead, but I agree that it denotes the citizen as the core building block. I differ, however, in that I see the individual as powerful outside of the collective, when Rubinstein emphasizes his power only as a part of the decision-making collective (2002: 131, *passim*).

[85] The so-called enrollment clause was an integral part of the decree and might be considered part of the statement clause which made the honorand a citizen (M. Osborne 1983: 158). The formula was fairly regular, for example, *IG* II^3 1 452: 21–3 (Osborne D22). An early variation still employs the verb *boulomai*, for example, *IG* II^2 25: 10–13 (Osborne D9).

[86] Ar. *Ach*. 45; Aeschin. 1.27, 3.2 (with participle instead); Dem. 18.170.

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καταγορεῖν;).[87] Inscriptions also attest to the use of the finite forms of *boulomai* to express voluntarism. An ordinance regarding the Eleusinian mysteries from the second quarter of the fifth century gives discretion to the Athenians to use some funds "however they wish" (*h*ό[τι] ἂν βόλο[νται], *AIUK* 4.2 no.1 face C 34).[88] Like the fuller phrase found in laws, this wording puts the burden of the political apparatus on the individual's willingness rather than compulsion or deserts. These phrases are elaborations of the principle of self-selection, or voluntarism. That is, the political process depended on citizens to select themselves for various roles. Whether a position was chosen by lot or by vote, the first step was a citizen's self-selection to the pool of candidates, just as, whether a decree passed or not, someone first had to be willing to initiate the proposal.[89]

Since much of Athenian legal language is not technical, such word choices are telling. From 410 to 400, Athens reviewed and revised its law code, amending inconsistencies and distinguishing between laws and decrees. The result was greater standardization. As shown earlier, the feature of voluntarism and the language of volition already existed in the fifth century. Just as the fourth-century literary texts employed a more calcified phrase to reflect a sentiment found in more fluid expressions during the previous century, so the formalization of the fourth-century legal language reflects an already extant principle of voluntarism, closely linked to positive freedom. In addition to fifth-century decrees and laws, Euripides establishes the connection between freedom and voluntarism in the *Suppliants* (422). His protagonist Theseus, who functions as a democratic mouthpiece, proclaims:

> τοὐλεύθερον δ' ἐκεῖνο· Τίς θέλει πόλει
> χρηστόν τι βούλευμ' ἐς μέσον φέρειν ἔχων;
> καὶ ταῦθ' ὁ χρῄζων λαμπρός ἐσθ', ὁ μὴ θέλων
> σιγᾷ. (438–41)
>
> And freedom is this: "Who wishes to put before the city some proposal which is good for it, if he has one?" The man who wants to do this wins fame, while he who is unwilling stays silent.

Not unlike Herodotus' earlier assessment of relationship between freedom and *isēgoria*, Theseus lays bare how freedom, voluntarism, and citizen will

[87] [Arist.] *Ath. Pol.* 55.4; Aeschin. 3.23, during the audit.
[88] Since the inscription is fragmentary, it is not certain what the complementary verb is, but it is parallel to what the Athenians do with the money of Athena on the Acropolis.
[89] Otanes imposes a sort of self-selection in Hdt. 3.83.2–3, but the results are necessarily different since he is living under a monarchy.

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are intertwined. The poet uses other verbs of willing (ἐθέλω and χρῄζω) instead of *boulomai*, but the essence is the same: the ability to answer the herald's call, to be one who can act if so willing, is freedom itself.[90] Voluntarism, as well as the phrases themselves expressing self-selection, draws attention to the agent's ability to make a choice where public action is concerned. The use of the verb *boulomai* literalizes the internal motivation and expresses it in practical terms: the impetus for action is codified as dependent on a citizen's desire.

The use of *ho boulomenos* as a ready substitution for the everyman citizen further marks the insistence on one's willingness to act and subsequent ability to do so as essential to citizenship.[91] A passage from Aeschines succinctly expresses the importance of the citizen as *ho boulomenos* and designates him as a definitive feature of democratic identity. In defending his occasional rather than persistent activity in the Assembly, he claims that professional politicians are "not from democracy, but from another constitution. In oligarchies it is not whoever wishes, but whoever is in power that addresses the people, but in democracy it is the one who wishes that does so and whenever it seems good to him" (οὐκ ἐκ δημοκρατίας, ἀλλ' ἐξ ἑτέρας πολιτείας. ἐν μὲν γὰρ ταῖς ὀλιγαρχίαις οὐχ ὁ βουλόμενος, ἀλλ' ὁ δυναστεύων δημηγορεῖ, ἐν δὲ ταῖς δημοκρατίαις ὁ βουλόμενος καὶ ὅταν αὐτῷ δοκῇ, 3.220). The equality of opportunity and centrality of each man's autonomy versus obligation are tied into the democratic process. Positive freedom undergirds this language of willingness and the corresponding institutions that allowed those desires to come to fruition. This ability was not confined to the public sphere or to collective action but was a value that permeated all aspects of citizen life. Just as democracy rejected outside rule, it also rejected a separate arbiter of desires. As a free man, the democratic citizen must be empowered to be the author of his own actions.

At first glance, self-selection is a mysterious aspect of ancient democracy. One might expect a polity that emphasizes a high percentage of citizen participation, at least in theory, to require that very participation as a matter of fact. Just as selection by lot and rotation of offices guaranteed that low-level political positions could be filled with the most wide-ranging selection of applicants, mandatory participation would assure the inclusion

[90] Compare *Supp.* 352ff. where freedom is identified with equal votes, another means of political participation. Although *thelō* is rarely used in Attic inscriptions, most of its occurrences occur in the fifth century, seven by my count, while only two appear in the fourth despite a much larger corpus. I hazard this is due to standardization.

[91] The voluntary nature and unlimited scope of his action characterize the *idiotēs*/*ho boulomenos* (Rubinstein 2002: 131–9).

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of a broad cross-section of the citizenry. In contrast, liturgies and military conscription were not based on self-selection but instead on clear obligation.[92] In the legal and political spheres, however, Athenians preferred to tolerate vacant political positions and to leave infractions untried rather than to compel citizens to act.[93]

Farrar, for one, has suggested that this puzzling aspect of democracy, self-selection, was its most important institutional feature, more so even than selection by lot or rotation. She has claimed it is not just an assumption of aristocratic privilege, but "a quintessentially democratic challenge to the elite."[94] The aristocratic model of government saw rule as the obligation of a class of citizens predetermined to be capable of rule. A democratic system dependent on self-selection not only eliminates extra-political power, since it makes citizenship the sole criterion for fitness to rule, but it also relocates the decision to rule to the individual. Each citizen may choose to participate, but none is required to do so. Farrar convincingly demonstrates how this creates a sense of continuity between political actors and the whole *dēmos*, as well as how it filters participation in the most democratic of ways, since each individual is endowed with the same choice. Rather than being represented by another citizen, each Athenian could imagine himself in any given political office.[95] She sees the voluntarism encapsulated by *ho boulomenos* as a "pro-equal-freedom, anti-entitlement practice: any citizen may speak . . . and no one must speak, or indeed take political action of any kind."[96]

While I agree with Farrar's assessment, I would like to unpack further what it means for a citizen to be equated with *ho boulomenos*. Freedom is certainly part of it, but not just the negative freedom from personal obligation or from a ruling class. The participle pinpoints and articulates the ability to act on one's decisions as an essential ideological aspect of citizenship. It is self-government at a basic level. The procedural language

[92] While there could be volunteers for military service, conscription was the main mechanism for marshaling a force (Christ 2006: 48–9).

[93] Hansen 1991: 232–3. For an ancient critique on the fact that no one is required to participate, see Plato *Resp*. 557e1–3, discussed in Section 2.2. While systems of social and institutional pressure were implemented to encourage sufficient participation. For compulsion and persuasion to meet obligations, see Christ 2006: 40–4, *passim*. The theoretical premise that citizens did so of their own will is evinced by the language and the self-description of participation in the orators.

[94] Farrar 2010: 192.

[95] Although Rubinstein elides the *ho boulomenos* and the *idiotēs* in contrast to the magistrates, she comes to a similar conclusion about the *ho boulomenos* himself: "What distinguished the *idiotēs*/*ho boulomenos* from the magistrates is this: he acts on his own initiative voluntarily and not *ex officio*, and he holds no position which in anyway separates him from his fellow citizens" (2002: 131).

[96] Farrar 2010: 192.

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corresponds both in essence and in diction to the descriptions of democratic freedom that we saw earlier (namely, the variations on "to do whatever one wishes"). That is, the mechanism of voluntarism allowed any Athenian citizen *qua* citizen not only to be free from a ruling class, which might exclude him, but also to be free to act by choosing to participate. While there is no explicit use of the term *eleutheria* in immediate proximity to such uses of *boulomai*, both the process and the diction arise from the freedom of the citizen and indicate that this freedom should be understood as positive freedom.

As we saw in Plato and Aristotle, the reliance on "whoever wishes" in ideology and institutional practice is a source of critique. Outside of the philosophers, the so-called Old Oligarch also explores it in his pamphlet of the 420s.[97] The dangerous freedom associated with democratic freedom is not limited to the private sphere but also forms part of his institutional analysis. The Old Oligarch describes it as central to the functioning and maintaining of Athenian democracy. Since democracy depends on the poor to supply the fleet, he reasons, it is consistent to allow them a share in offices and "to permit whoever wishes of the citizens to speak" (λέγειν ἐξεῖναι τῷ βουλομένῳ τῶν πολιτῶν, 1.2).[98] Reiterating this idea, he claims that in the Assembly, "any worthless man who wishes can stand up and find something good for himself and those like him" (λέγων ὁ βουλόμενος ἀναστάς ἄνθρωπος πονηρός ἐξευρίσκει τὸ ἀγαθὸν αὑτῷ τε καὶ τοῖς ὁμοίοις αὑτῷ, 1.6). The self-interest alluded to is intended to discredit the democratic process, since it will benefit the poor and base citizen majority. Embedded in this critique is the democratic institutional and ideological principle of positive freedom, where each may participate by means of the enshrinement of *ho boulomenos* in the democratic process in order to attain his own ends.

The principle of voluntarism has been opposed to the rule of law by ancient and modern critics. As a consequence, modern scholars have challenged its centrality to Athenian democracy. Harris is a fierce proponent of the rule of law at Athens in opposition to an emphasis on voluntarism, which he equates with a mistaken primitivist view of Athenian society.[99] He focuses on a magistrate's capacities to execute the law and on the restrictions on private citizens' use of self-help. To be sure, self-help has been used in scholarship to describe Athens as a feudal society, wherein

[97] The date of composition is disputed. The prevailing view sets it in the fifth century (440–420). See Hornblower 2000 for a much later date in the fourth century.
[98] Greek text for [Xenophon's] *Constitution of the Athenians* from Marr and Rhodes 2008.
[99] Harris 2013: 21–59. *Contra*, for example, Christ 1998; Hunter 1994.

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the courts merely extended competition for honor rather than offered law-based dispute resolution.[100] Rather than perpetuate the dichotomy between voluntarism and rule of law, I suggest there is a middle ground wherein the positive freedom recognized as central to democratic citizenship worked in harmony with self-imposed laws.[101] As one of several democratic values, like the rule of law, it could occasionally compete with those other values, but generally was assumed to function in concert with them. Furthermore, the voluntarism expressed by *boulomai* phrases is not exhausted nor circumscribed by technical cases of self-help. Assuredly, the magistrates had real duties and responsibilities, including the oversight and execution of certain laws. The ability of an Athenian to act upon his wishes, however, does not negate the power or processes particular to a magistrate, nor vice versa. A citizen's identification with being *ho boulomenos* in legal and political procedures, whether or not he ultimately had to, for example, submit claims to an archon, squares with his autonomy. Voluntarism, supported by both institutional and non-institutional types of evidence outlined earlier, need not automatically resist the rule of law.

The necessary complement to voluntarism was the complex system of accountability for individual political actors. The accountability apparatus set democracy apart from monarchy and oligarchy, constitutionally and in the minds of Athenians. Aeschines claims, for instance, that "there is nothing in all the city that is exempt from audit, investigation, and examination" (ἀνυπεύθυνον δὲ καὶ ἀζήτητον καὶ ἀνεξέταστον οὐδέν ἐστι τῶν ἐν τῇ πόλει. 3.22).[102] Monarchy, assimilated to tyranny, represented completely unaccountable power.[103] Oligarchies, themselves conflated by democrats with tyranny, were also imagined as run by unaccountable elites.[104] Historical oligarchies may have actually had more stringent oversight and behavioral controls than acknowledged by Athenian popular discourse, but they referred those powers to select individuals rather than to the *dēmos*.[105] The rendering of accounts to the people and the key role of individual initiative set Athenian democratic accountability apart.[106]

[100] Exemplified by the approach of D. Cohen 1995a. [101] See Chapter 4.
[102] See also Aeschin. 3.17. [103] Landauer 2019: 59–69, 80–2.
[104] Chapter 3, Section 3.3, treats the stereotype of the unaccountable oligarch. For oligarchy as tyranny, see Mitchell 2006.
[105] On behavioral control, Simonton 2017a: 93–9. On *euthunai*, Simonton 2017a: 189 n. 8.
[106] Landauer stresses that these popular and discretionary elements, along with the unaccountability of the *dēmos* as jurors and Assemblymen, made democratic accountability distinctive (Landauer 2019: 25–59).

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The mechanisms for accountability ultimately relied on the individual citizen's will to pursue a charge. The many layers of accountability began with the preemptive scrutiny (δοκιμασία) that was automatically employed to check the formal eligibility of citizens at various points.[107] In the fourth century, an initial scrutiny took place when a male citizen came of age, verifying that he was of age and "free and born in accordance with to the laws" (*Ath. Pol.* 42.1), that is, of two married Athenian parents.[108] Additional scrutinies were held before holding any magistracy (ἄρχαι), including membership in the Council.[109] The various processes occurred in the Assembly, the people's courts, and the Council. For the initial scrutiny and for the incoming Nine Archons and Council, the matter was at first the province of the Council, but, if rejected, the candidate had the ability to refer it to a dikastery. The scrutinies for the rest of the magistrates took place before a dikastery from the beginning. During the scrutiny before taking office, candidates were asked about their lineage, family shrines, and proper conduct regarding their parents, taxes, and military service ([Arist.] *Ath. Pol.* 55.3). After witnesses supporting the candidate's claims were produced, those present were asked "does anyone wish to accuse this man?" (τούτου βούλεταί τις καταγορεῖν; 55.4). Rhetors, the unofficial "politicians" of ancient Athens, did not undergo a scrutiny prior to addressing the Assembly but were subject to a retrospective scrutiny (δοκιμασία ῥητόρων), also before a panel of dikasts, if they committed specific types of unseemly conduct.[110] That scrutiny was initiated by *ho boulomenos*. [111]

In addition to some procedures that applied during an official's tenure, at the end of his term an official underwent a routine audit of his performance (εὔθυνα).[112] Procedures such as the impeachment of a magistrate or *rhetor* (εἰσαγγελία) only occurred if someone "who wished" brought an accusation during his term. Regularly scheduled audits at the end of the term also involved *ho boulomenos*, just as in the initial scrutiny.[113]

[107] On the *dokimasia*, Harrison 1971: 200–7. There were also scrutinies for ephebes and enfranchised citizens that similarly could be referred to the dikastery. The scrutiny of a rhetor is exceptional in that it is retrospective rather than prospective, but this consistent with informal role of the rhetor. Scrutinies which differ on procedural grounds include the *dokimasia* for disabled citizens and cavalry.

[108] While the text refers to fourth-century procedure, there was likely a form of the *dokimasia* when male citizens came of age in the fifth century (Rhodes 2017 on §42).

[109] Harrison 1971: 201–3, 5–7.

[110] Listed at Aeschin. 1.28ff. as mistreatment of parents, desertion, prostitution, and dissipation of an inheritance. See also Harrison 1971: 204–5 and Todd 1993: 116.

[111] ἐπαγγειλάτω Ἀθηναίων ὁ βουλόμενος, οἷς ἔξεστιν (Aeschin. 1.32).

[112] On the εὔθυνα, Harrison 1971: 208–11.

[113] Rhetors were specified as subject to impeachment for being bribed into proposing bad policy (Hyp. 4.8). The process was unique in how it protected the informant and encouraged him to come

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Auditors from each tribe were required to be available at the statues of the eponymous heroes for "anyone who wished" to submit a charge against an official undergoing his audit.[114] Likewise, while there were institutionalized accountants (λογισταί) to review each official's financial accounts and to bring a charge themselves, they were required to accept any brought forward by a citizen.[115] Some of the procedures begin with boards of officials or particular officials, but the opportunity for citizen intervention is present throughout the process and the end is found in front of the *dēmos* whether in a courtroom or on the Pnyx. The picture that emerges from this elaborate system is the institutionalization of each citizen's power of oversight. The citizen *qua* citizen, not officeholder, had the ultimate ability to do what he wished.

Why the need for this elaborate system of oversight? Accountability procedures address the problem of rule inherent in democracy. Namely, that individual people must hold office (and in fact social elites often tended to do so), but the *dēmos* must be in power by definition.[116] Officeholders threaten the ability of those not in office to do "whatever they wish." Accountability functions to protect the freedom of the rest of the citizens and keep them in power. In this way, the *dēmos* maintains authority and exercises control although it does not itself hold office.[117] Notably, dikasts and Assemblymen *qua* dikasts and Assemblymen were themselves not subject to any of these reviews or procedures.[118] Thus, a male confirmed as a citizen upon reaching adulthood was ultimately able to hold others accountable. The check on the powers of each

forward. To begin with, the informant had the option of either bringing the case to the Council, which could then be referred to the courts or Assembly, or going straight to the Assembly. He was, moreover, not subject to a penalty if he did not receive a fifth of the votes, unlike other public suits. For an overview, see Harrison 1971: 50–9; Todd 1993: 113–5; [Arist.] *Ath. Pol.* 43.4. Hansen 1975 provides a full treatment. The εἰσαγγελία could also be used for mistreatment of orphans or heiresses and for misconduct of arbitrators.

[114] [Arist.] *Ath. Pol.* 48.4.

[115] Based on [Arist.] *Ath. Pol.* 48.5, Harrison thinks that it is possible the auditor (εὔθυνος) had the unparalleled power to throw out any charge without making recourse to the *dēmos* (1971: 210–1). I follow Todd, who implies this was not the case (1993: 113).

[116] For a view that defines *dēmokratia* as the shift in power from individualized officeholders as a class to the *dēmos*, see Cammack 2019.

[117] Lane 2016 suggests that the people's oversight and election of officers, rather than its eligibility to hold office, makes them *kurios*, or empowered. In her view, *kurios* represents the concept of sovereignty. See Chapter 4 for my view on the people and the citizen as *kurios* instead as autonomy.

[118] Outside of the initial scrutiny upon coming of age, that is. Hoekstra 2016 posits that in the fifth century, at least, the *dēmos* functioned as tyrant since it had the ultimate power of accountability and was unaccountable itself. Landauer argues that these "basic asymmetries in Athenian accountability practices structured Athens' politics in far-reaching ways and are central to understanding the discourse on counsel developed in our fifth- and fourth-century literary sources" (2019: 28).

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magistrate was wedded to the individual citizen's will in theory and practice. As an extension of voluntarism, these mechanisms protect the rule of the *dēmos*, a rule which aimed at maintaining positive freedom.

2.4 Nondemocratic Freedom

The democratic conception of freedom as doing "whatever one wished" (ὅ τι ἂν βούληται) may be further clarified by contrasting it with competing conceptions of freedom. As previously discussed, in the earlier world of Homer, *eleutheria* was purely a civic status defined in contrast to slavery and was only relevant when the external status of the settlement was threatened. As points of comparison contemporary with classical Athens, let us turn to the freedom of the Persians and the Spartans, two groups the Athenians used in many ways to define themselves. These two examples also have the advantage of representing monarchic and oligarchic government types, respectively.[119] From the point of view of the Athenian imaginary, their freedom is centered on the external freedom of the state at the expense of any individual freedom, in contrast with the individual positive freedom of Athenian ideology.

For Athenians, the Persians represented the antithesis of freedom insofar as they were ruled by the absolutely sovereign Great King. However, Herodotus' Persians do not present themselves as lacking freedom.[120] He has them assert that their freedom is by virtue of, and not in spite of, their monarchy. An exemplary passage is found in Book 1 of his *Histories*, where Cyrus interprets a dream as indicating that Darius is plotting to overthrow his rule. When he tells Darius' father, Hystaspes, of his dream and its signification, Hystaspes is quick to reassure Cyrus of his own allegiance. He does so with an appeal to freedom:

> Ὦ βασιλεῦ, μὴ εἴη ἀνὴρ Πέρσης γεγονὼς ὅστις τοι ἐπιβουλεύει, εἰ δ' ἔστι, ἀπόλοιτο ὡς τάχιστα· ὃς ἀντὶ μὲν δούλων ἐποίησας ἐλευθέρους Πέρσας εἶναι, ἀντὶ δὲ ἄρχεσθαι ὑπ' ἄλλων ἄρχειν ἁπάντων. [3] εἰ δέ τίς τοι ὄψις

[119] While the Spartan constitution is hardly a paradigmatic example of oligarchy, Athenian self-definition in contrast to Sparta bears out its use as an ideological point of comparison.

[120] Gruen 2011 has argued that the traditional view of Herodotus' *Histories* as pitting Greek freedom against barbarian despotism, and thus elevating the Greek constitutional form above the Persian, is overstated. He considers Herodotus' portrayal as more nuanced, showing both Greeks and Others in positive and negative lights. Despite this, I aim to show here that there was a substantial difference in his presentation of Persian freedom in contrast to what I have identified as democratic positive freedom. Whether that includes a normative claim beyond the descriptive one is immaterial to my conclusions.

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> ἀπαγγέλλει παῖδα τὸν ἐμὸν νεώτερα βουλεύειν περὶ σέο, ἐγώ τοι παραδίδωμι χρᾶσθαι αὐτῷ τοῦτο ὅ τι σὺ βούλεαι. (1. 210.2–3)
>
> My Lord, may there not be a Persian man born who would think to conspire against you – but should there be one, then he merits immediate death. Why, it was you who found the Persians slaves, and made of them free men – you who found them ruled by others, and made of them rulers of the world. [3] My son has been plotting a revolution against you – that is the message of your dream? Very well, then – I deliver him up into your hands for you to deal with however you wish.

Looming in the background of any discussion of freedom in Persia is the commonplace use of "slaves" to refer to the subjects of the Persian king, including those who were otherwise juridically free.[121] How can his subjects be both free and slave? This difficulty is resolved once we accept that Hystaspes is referring to the external freedom of the state rather than internal individual or political freedom. The enslavement Hystaspes mentions is the domination of the Persians by the Medes. When they are freed, they themselves become rulers over the Medes, and others. Rather than exchange former slavery for simple freedom from external forces, the Persians exchange slavery for mastery thanks to Cyrus.[122] This, too, however, is not an individual feature of any one Persian. In the references to slavery and rulership, Herodotus' Persians appear to be interested in freedom for the collective rather than the individual.[123] Not only does Herodotus call attention to external freedom but he underscores the lack of individual freedom with Hystaspes' offer to surrender his son for Cyrus to treat "however he wishes." The language indicates his utter submission to Cyrus at the same time it foregrounds Cyrus' ability to achieve his desires. In other words, the only individual in Persia with the power to achieve his

[121] Dandamaev 2005 treats the range of free and slave status from the perspective of different Near Eastern kingdoms. He notes that, while juridically free, subjects of the Persian king were considered his slaves (2005: 221).

[122] Avery 1972; Tamiolaki 2010: 88–91.

[123] See Tamiolaki 2010: 215–20. Mitchell 2014 instead maintains that Cyrus' rule brought a "Greek freedom" to Persia, one that included what she calls "civic" or "individual" freedom, and includes ruling over others. She sees two aspects as important for understanding Cyrus' freedom: when individual freedoms are used for communal ends there is political strength (105) and Cyrus is a constitutional monarch who rules subject to the laws, which in turn protect civic freedom (106–8). As we shall see with the Spartans, the inability of the Persians to affect their laws seems to me a qualitatively different type of freedom and relationship to the laws. It requires the submission of individual wills to a community goal, not simply seeing the individual and collective as complementary. Finally, Cyrus himself may display different types of free characteristics as the exception that proves the rule. The repeated emphasis on externally focused freedom for Persia indicates how Herodotus at the very least is representing their freedom as externally focused.

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desires is Cyrus, the king. His supremacy is thus established by securing Persia's external freedom and expressed by doing whatever he wants.[124] Freedom of action for all Persians would conflict with Cyrus' absolute monarchy, thus pitting the freedom of the individual against the system of rule under which he lives. The king's monopoly on this ability depends on the fact that, for his subjects, external freedom takes precedence over internal freedom.[125] As individuals, they cannot do as they wish publicly or privately (not even in another man's dream!).

In the constitutional debate discussed in Section 2.2, Darius likewise attributes Persia's freedom to the monarch Cyrus (Hdt. 3.82.5). Rather than seeing democracy as the bastion of freedom, Darius argues that a monarchic constitution should be maintained because Persians were "liberated by one man" (ἐλευθερωθέντας διὰ ἕνα ἄνδρα, 3.82.5), again referring to liberation from the Medes by Cyrus. Freedom is essentially passive: when Darius asks the council, "where did freedom come from and who gave it?", he places agency solely on the authority figure, not on the people themselves (3.82.5). Herodotus presents the Persians valuing freedom in relation to the whole state; external freedom is the key element in their identification as free.[126] It is important to note that in the *Histories'* context of the Persian Wars, where the external freedom of Greek states lied in the balance, this kind of freedom is not unimportant. Additionally, in the historical context of Herodotus' authorship, the interrogation of the relationship between freedom and empire, too, is salient. That is to say, although distinguished from democratic freedom, the terms by which Persian freedom is described would not be foreign or unwelcome to a Greek audience. Yet even if there is a positive element of freedom as mastery over others, rather than simply defined as lack of domination, it is not the same as mastery over self. Herodotus' discussions of Persian

[124] Similarly, Xenophon's Cyrus refers to himself as divinely sanctioned to treat others however he wishes, even without a trial (Δῆλον ὅτι ᾧ ὁ θεὸς ἔδωκε καὶ ἄνευ δίκης χρῆσθαί σοι ὅ τι βούλοιτο. Xen. *Cyr.* 3.1.6).

[125] Compare Pindar calling Aitna, ruled by a monarch, a city founded "with god-built freedom" (*Pyth.* 1.61). This, too, appears to be crediting the tyrant with freeing his people from an external threat. Raaflaub 2004: 90 instead sees an internal freedom of civic harmony. That, still, would fall short of democratic positive freedom.

[126] Although here I am arguing for the Greek view of Persian freedom, Munson 2009 has in fact claimed that we should trust Herodotus' portrait of the Persians due to his access to Persian elites. The constitutional debate, along with other passages, is a "fragment of a larger ongoing conversation between mid-fifth-century Persian elites and their Greek neighbors, especially in Asia, about how to be Persian, rulers and free" (Munson 2009: 470). For Darius' speech in particular as structured for Persians, see Pelling 2002. Hence, one might argue that this was in fact a Persian view that reconciled monarchy and freedom, perhaps even as a challenge to Greek views.

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freedom writ large does not take into account the individual Persian.[127] Looking again at the Athenians after their expulsion of the Spartans, the contrast is striking.[128] Democratic freedom was presented as enacted by citizens, enhanced by individuals, and complementary to the constitution. In Persia, freedom was brought by one man and is an external attribute of the collective, while individual freedom conflicts with the constitution.[129]

The fifth-century historians further complete the picture of Athenian freedom by portraying Spartan freedom as limited at best. Herodotus' hand in constructing the "Spartan mirage" may distort our view of how Spartans imagined themselves, we can, however, deduce what Athenians believed about the rival *polis*. While not entirely blinded by Athenian ideology, Herodotus was quite influenced by it.[130] As Millender has shown, the polarity between Sparta and Athens is a central organizational theme in his work.[131] Her article focuses on how his treatment of the Spartan kings as despots aligns them more closely with barbarian autocrats than Greeks to draw out the contrast with Athens. Another way he does so, I submit, is in how he represents the differences in their understanding of freedom. In Book 7, Demaratos, the exiled Spartan king, extols the virtues of the Spartans to Xerxes, claiming that as free Greeks they will never surrender to Persian enslavement (7.102.1–3). Xerxes is incredulous that men without a master would be able to fight effectively at all. Demaratos reaffirms their freedom, but with the caveat that they consider the law a more compelling master than even the Great King: "Free though they are, you see, yet they are not altogether free. Set over them as their master is the law – and of that they are far more terrified than ever your men are of you" (ἐλεύθεροι γὰρ ἐόντες οὐ πάντα ἐλεύθεροί εἰσι· ἔπεστι γάρ σφι δεσπότης νόμος, τὸν ὑπερδειμαίνουσι πολλῷ ἔτι μᾶλλον ἢ οἱ σοὶ σέ, 7.104.4). The city and its men are praised as free, but the law's regulation of citizen life is emphasized as above freedom. The use of the word for master (δεσπότης) especially underscores the perceived subordinate relationship between Spartans and the

[127] The exception to this is the Persian king, whose own status affects the collective status of the Persians (Tamiolaki 2010: 88–91; Mitchell 2014: 108). As mentioned, he is the only man who has any sort of positive freedom as the ability to achieve outcomes.

[128] See pp. 31–2.

[129] Other examples of the focus on the external freedom of the Persian empire include: the Armenian king describes his revolt from Cyrus as seeking freedom (Xen. *Cyr.* 3.1.10, 3.2.15); the peace between the Armenians and the Chaldaians is described as being free from each other, since neither would be subject to the other (3.2.23).

[130] Forsdyke 2001; Millender 2002a: 27–9. [131] Millender 2002a.

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law, representing a crucial Athenian criticism of Spartan values.[132] Thus, Spartans have more freedom than Persians, but a limited freedom compared to Athens.[133] While Athenians view themselves as having no master, and accomplishing their wishes in the *polis*, they view the Spartan notion of freedom as limited to being free from external powers, while they are enslaved to laws they cannot change.[134]

Since Thucydides is not so much writing about the war between Athens and Sparta as "the war the *Athenians* fought versus the Peloponnesians," he shows little interest in depicting the political processes within Sparta.[135] What treatment there is of Spartan freedom aligns with Herodotus' earlier treatment. Like Demaratos, Thucydides' King Archidamos also appeals to freedom in a moment of Lakedaimonian self-definition during the debate at Sparta about whether to go to war with Athens. While defending the Spartan temperament, derided as slow and overly patient, he reminds his audience that they "inhabit a city that has always been free and well-thought of" (καὶ ἅμα ἐλευθέραν καὶ εὐδοξοτάτην πόλιν διὰ παντὸς νεμόμεθα. Thuc. 1.84.1–2).[136] He then elaborates on their education, supreme fealty to the laws, and dedication to a life of severity (1.84.2–4). As in Herodotus, the city is praised as free, but the law's regulation of citizen life is the key component of their way of life. In both Herodotus and Thucydides, "free" for the Spartans signifies the external freedom of the city from an outside ruler, such as the Persians or other Greeks. The status of individual freedom within the city is not considered. These representations are markedly different than Thucydides' treatment of freedom in moments of Athenian self-definition, where he instead elevates the individual. Rather than freedom as oppositional to rule when not limited to collective external freedom, democratic freedom is more capaciously

[132] Millender (2002b) argues that Demaratos' description, rather than reflecting a Panhellenic or a specifically Spartan view, represents the Athenian criticism of Spartan legality. The Athenians' negative stereotype of Spartan valor is rooted in part in their different understanding of freedom. The *locus classicus* of this view is Thuc. 2.40.2–5. For a discussion of Athenian courage versus Spartan courage, see Balot 2014: 25–39, 206–11; Tamiolaki 2010: 226–8.

[133] Tamiolaki 2010 argues that Athenian freedom in Herodotus is "*plus complète*" than in Sparta or Persia, but is ultimately defined as freedom from tyranny (211–15) and external freedom (215–28). As Sections 2.2–2.3 show, I disagree that there is not a defined Athenian individual freedom in these texts. For the view that Herodotus favors any constitutional government, not democracy in particular, in opposition to monarchy, see Rhodes 2018.

[134] Jordović 2019 imagines the difference in freedom comes from different interpretations of equality. Since Spartans do not control their laws, unlike Athenians, but rather are subject to them as imposed from above, they become a source of constraint rather than freedom.

[135] Raaflaub 2006: 216–20, quote at 220.

[136] Raaflaub argues that his speech depicts an ideal Sparta, in the way that Perikles' funeral oration depicts an ideal Athens (2006: 218). Both idealizations are deconstructed in later books.

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defined as individual freedom to act and is still compatible with democratic rule.[137]

While the negative view of an authoritarian Sparta in the fifth century gives way to a more idealized version of the "Spartan mirage" in the fourth century, extreme state control and obedience continue as recognizable Spartan features.[138] Xenophon, a writer with intimate knowledge of Sparta, provides a more nuanced view of Sparta, but still foregrounds state control and compulsory obedience.[139] The family of freedom words appears just a scant three times in his *Constitution of the Lakedaimonians*.[140] The adjective is used twice to describe a personal status and seems to indicate full citizens.[141] In one of those uses, the abstract noun, *eleutheria*, appears alongside the substantivized adjective:

> ἐν δὲ τῇ Σπάρτῃ ὁ Λυκοῦργος τοῖς [μὲν] ἐλευθέροις τῶν μὲν ἀμφὶ χρηματισμὸν ἀπεῖπε μηδενὸς ἅπτεσθαι, ὅσα δὲ ἐλευθερίαν ταῖς πόλεσι παρασκευάζει, [3] ταῦτα ἔταξε μόνα ἔργα αὑτῶν νομίζειν. (7.2–3)
>
> In Sparta, however, Lycurgus prohibited free men from having anything to do with the acquisition of wealth; he ordered them to consider that their only appropriate activities were those that promote freedom for cities.[142]

Lipka notes that this is one of several instances in different texts where Xenophon expresses the belief that "one can better focus on warfare if exempted from daily business."[143] In other words, "freedom" is simply the external freedom of the city, for that is what is protected by military might. Xenophon uses "free men" as a shorthand for Spartiates, linking their free status to their citizenship. That free status, however, in a departure from the norm at Athens, is interpreted as best suited for keeping *cities* free.

As presented by the historians, in Sparta and in Persia, individual positive freedom is imagined to conflict with the government. Spartans and Persians both fear the despotism of external rule, but internally freedom of action lies outside their abilities. Against this background, the presentation of doing "whatever one wishes" in these texts as the Athenian ideal as conspicuous. Aversion to external rule was a general feature of

[137] For instance, in the funeral oration, where Perikles' claim that Athenians live freely in the public and private spheres, and yet respect the laws. See pp. 32–6.
[138] Hodkinson 2005: 256ff.
[139] For a brief overview of different scholarly interpretations of Xenophon's views on Sparta, see Christensen 2017: 376–80.
[140] "Freedom" (ἐλευθερία, 7.2); "free" (ἐλεύθερος; 1.4, 7.2).
[141] The inaccurate use appears to be Athenian influenced. It implies a categorical similarity between helots, perioikoi, and other non-Spartiates. See Lipka 2002 on 1.4.2.
[142] Translations from Lipka 2002. [143] Lipka 2002 on 7.2.3.

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Greek *poleis*, regardless of political affiliation.[144] Democratic freedom is a shift to the internal freedom of the city and to the individual's ability to pursue his own ends, not simply the absence of external rule.

2.5 Conclusion

Freedom in Greece was initially conceived of primarily as a juridical status for individuals and independence from outside domination for *poleis*. As democracy developed, a distinctive strain of freedom emerged from new ways of imagining the relationship between civic status and political life. The characteristic feature of democratic freedom was its positive conception as autonomy that straddled the public-private divide. This was not the only way in which Athenians understood how to be free, or even what they unanimously believed was the most important part of their *politeia*. However, both the novelty of positive freedom and its effect on institutions demonstrate its utility for understanding democratic ideology.

The shift in focus to active, individual, self-governance was Athens' unique addition to "freedom," and one that is both praised and critiqued throughout our sources. As a result, phrases that express an ability to do "whatever one wishes" are specifically identified with democratic freedom. The struggle to interpret the meaning and desirability of doing "whatever one wishes" is evidence that it was central to democratic thought. This interpretation is not incompatible with the discourse on freedom versus slavery but is in fact borne out by the dichotomy. Moreover, the historians, legal language, and bureaucratic procedure attest to positive freedom as a democratic value developed throughout the fifth and fourth centuries. By the time the fourth-century philosophers discuss such freedom, the language has ossified into such formulas as doing "whatever one wishes" (ὅ τι ἄν βούληται) or living "however one wishes" (ὡς βούλεται). Democratic freedom stands in opposition to the purely external interpretations of freedom at Sparta and Persia. Practically, it gave rise to procedural components in various aspects of Athenian administration and law, most notably voluntarism and a robust system of political accountability to the citizenry. Theoretically, positive freedom provided a distinctive point of contrast between Athenian democracy and other systems of government, as a core marker of identity for better or worse. A democratic citizen was free: he did what he wished.

[144] For this sense of freedom as developing in reaction to contact with the despotic rule of the Great King during the Persian Wars, see Raaflaub 2004: 58–87.

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