CHAPTER 1

Introduction
Freedom, Power, and Athenian Democracy

In the prelude to the final battle of the tragic Sicilian Expedition, the Athenian general Nikias gives his captains one last speech to embolden them for the daunting combat that lies ahead. Thucydides tells us that he appealed to their families, to the gods, and to the Athenian fatherland itself, the freest place of all, where each had the ability to live his life in his own manner (7.69.2).[1] Even in the darkest of times, freedom was a core concept of classical Athenian democracy, worth fighting and dying for. What did that freedom mean to Athenian citizens? Nikias' speech seems to suggest that freedom lies in the citizen living in accordance with his desires. In a law court speech some years later, however, the orator Lysias questions the consequences for laws and political institutions if someone is allowed to do whatever he likes with impunity (14.11).[2] The following chapters approach these questions and paradoxes both through classical philology and through political and sociological theory. These two approaches combine in the service of intellectual and social history to develop a new understanding of Greek freedom that may, in turn, inform how we understand freedom today.

What, then, is the nature of the ideological difference between *eleutheria*, or "freedom," in democracy and other ancient constitutions? No *polis* promoted itself as anti-freedom or lacking freedom.[3] Even Sparta considered itself a free *polis*, despite its restrictive citizenship requirements and regimented lifestyle.[4] Monarchies, too, could market themselves as

[1] "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). All Thucydides translations are Strassler and Crawley 1996 with some modifications.

[2] "You should bear in mind that if everybody is allowed to do whatever he likes, there will be no point in having laws, or meeting as an Assembly, or electing generals" (ἐνθυμηθῆναι δὲ χρὴ ὅτι, εἰ ἐξέσται ὅ τι ἄν τις βούληται ποιεῖν, οὐδὲν ὄφελος νόμους κεῖσθαι ἢ ὑμᾶς συλλέγεσθαι ἢ στρατηγοὺς αἱρεῖσθαι). Translation modified from Todd 2000. All translations of oratory adapted from the University of Texas Oratory of Classical Greece series.

[3] See Chapter 2 for further discussion.

[4] For example, Thuc. 1.84.1.

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free.[5] In general, however, oligarchies and monarchies did not promote freedom as a political slogan.[6] While in a monarchic or aristocratic system political actors were certainly of free status, distribution of power was contingent instead on other factors, thus rendering personal freedom conditionally important. Perhaps we can say that democracy is unique in the way that it set the personal freedom of the indigenous Athenian as the nominal baseline for political participation, collapsing personal and political freedom. The conflation of personal freedom and a political sense of "free" cannot alone account for democracy's status, per Nikias, as "the freest of all." That is, democracy cannot simply be full of freedom because all of its citizens, who are free men, participate in politics. This explanation only begs the question. Free men in every *polis* participated in the political life of the city. The persistence of the relationship between freedom and democracy requires us to investigate what form democratic freedom took that diverged enough from other regimes' uses of *eleutheria* to create this lasting attachment.

The shift from a civic status to an overarching ideology marks democratic freedom as unique in ancient Greek politics. In Plato's *Republic*, democracy, like the other constitutions, falls short of Kallipolis' ideals. The cause of democracy's shortcomings and eventual devolution into tyranny is attributed to its blind pursuit of its ultimate good. Plato's Socrates tells us this central good is "freedom: surely you'd hear a democratic city say that this is the finest thing it has, so that as a result it is the only city worth living in for someone who is by nature free" (τὴν ἐλευθερίαν, εἶπον. τοῦτο γάρ που ἐν δημοκρατουμένῃ πόλει ἀκούσαις ἂν ὡς ἔχει τε κάλλιστον καὶ διὰ ταῦτα ἐν μόνῃ ταύτῃ ἄξιον οἰκεῖν ὅστις φύσει ἐλεύθερος, *Resp*. 562b–c).[7] While this analysis of the outcome of freedom is highly philosophical and idiosyncratic, Plato's focus on freedom as a central element of democracy is far from exceptional. The association of democracy with freedom is well established by both democrats and their critics. His commentary suggests that there is a continuous concept from personal status to freedom in the *politeia*, making democracy the only suitable place for someone who is free. This requires a substantial shift in the meaning of "free" to a more general conception. In addition, freedom's ideological independence signals its value as a signature of democracy. Unlike, for instance, majority rule, which depends on another concept, such as equality, to ideologically motivate it, freedom is an organizing principle in democracy. Freedom

[5] For example, Pind. *Pyth*. 1.61; Hdt. 3.82.5. [6] On oligarchies, see Simonton 2017a: 93.
[7] Translations of the *Republic* are from Reeve 2004.

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itself was used to justify institutions and practices, such as political inclusivity and alternating rule.[8] The attempt by oligarchic sympathizers in Athens to reappropriate freedom by reconnecting it to traditional noble and liberal qualities further demonstrates the significance of freedom to the democratic brand.[9] Thus, while Athenian democracy was not necessarily singular in promoting any kind of freedom, it was marked as engaging with freedom in a unique manner. Alongside other values, such as equality, freedom was central both to democratic propaganda and critique.[10] The nature of this freedom that so pervaded democratic thought in the classical period is the subject of this book. Since Athens remains the best attested democracy, in terms of available evidence, the conclusions reached in this book primarily pertain to Athenian democracy.

No feature of Athenian democratic ideology, however, was timeless and fixed. Although the democracy continued mostly unbroken from 508/7 to 323, it was hardly static. The turn of the fourth century brought about self-conscious changes after Athens' defeat by Sparta and the city's terrorization at the hands of the Thirty tyrants.[11] Despite these differences, the fifth and fourth centuries did not create two disconnected polities or ideologies.[12] I take the entire span of the classical period to be relevant for defining democratic freedom. While the fourth-century evidence reveals new inflections of freedom, there is a continuity with what came before it. Rather than a complete account of freedom's development over 125 years, I aim to uncover what pieces persisted and in what form they did so.[13] In other words, after "excavating" the sherds of democratic freedom from classical Athens, I do not intend to cobble together an aggregate amphora representative of the period.[14] Instead, by tracking the similarities and noting the contrast between these pieces, I will construct an argument about the features that seem to have persisted through the changes and remained salient.

[8] Arist. *Pol.* 1317b1–12.

[9] See Raaflaub 1983 for the oligarchic counter to democratic freedom. For the philosophical adaptation, with echoes of aristocratic freedom, see F. Miller 2016 on Plato and Keyt 2016 on Aristotle.

[10] For commonalities between classical democracies, see Robinson 2011: 222–30. Freedom specifically is treated at 224, 228.

[11] I count Kleisthenes' reforms as the beginning of democracy and the death of Alexander as the end. For the debate on the starting date of Athenian democracy, see Raaflaub, Ober, and Wallace 2007.

[12] Even Hansen, who argues that fourth-century democracy was distinct in important ways from the fifth century, holds that "ideals change more slowly than institutions" (Hansen 1991: x). Accordingly, sources from both centuries can be adduced for Athenian democratic ideology.

[13] For the diachronic development of freedom in the fifth century, see Raaflaub 2004.

[14] For the idea of "excavating" a concept, see Edge 2009: 1.

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Although freedom is a worthy object of study in its own right, it is also key to understanding Athenian democratic ideology and notions of citizenship.[15] Democracy as a political arrangement can be defined by its legal and political practices, but these alone do not fully distinguish it from other governments. Behind the institutions lies the ideology that shapes those practices and differentiates it from other regimes. The debate between constitutional and nonconstitutional approaches to ancient democracy has illuminated the utility of the latter. The constitutional view's emphasis on institutions has produced scholarship that has elucidated many of the fine points of the political and legal workings of Athenian democracy.[16] Since the constitutional approach views the institutions of democracy as sufficient to evaluate democracy, one consequence is that the political system and the social sphere become sharply separated and the political is seen as supreme. But scholars have questioned the presumed objectivity of such an approach and pointed out its limitations.[17] An approach through intellectual history and sociological principles strives instead to reveal the ideology that gives rise to such institutions. Likewise, in the study of ancient citizenship, rather than focusing on citizenship as a list of concrete political rights alone, scholars have looked at the complex character of citizenship as "a legal status, but [which includes] also the more intangible aspects of the life of the citizen that related to his status," allowing for a broader view of the political.[18] By recognizing the extralegal aspects of citizenship, this mode of inquiry provides a broader view of the citizen as engaged in both the public and private realms.[19] Employing this enhanced view of citizenship and democracy, I will show in this study how understanding freedom and power beyond their formal aspects enriches understanding of democratic ideology and practice.

[15] "Liberty" is an equally suitable translation of *eleutheria*. I do not distinguish between these terms in English. There have been attempts at forming technical distinctions between "liberty" and "freedom": for example, Pitkin 1988; Williams 2001.

[16] This approach is epitomized by the work of the prolific and erudite Mogens Hansen. Recently, New Institutionalism has provided a modified approach that considers institutions central to analyzing polities but recognizes the embeddedness of institutions, an approach exemplified by Edward Harris and his students.

[17] Ober 1996: 107–22 makes the point succinctly.

[18] Manville 1990: 7. See also Boegehold and Scafuro 1994.

[19] The view that citizenship is not merely a static legal designation leads to another related development in the realm of citizenship studies: the notion of citizenship as constantly performed and reinforced. See, for example, Goldhill and Osborne 1999 on general performance culture in democratic Athens; Farenga 2006 applies an approach from performance studies to Athenian citizenship.

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The excavation of the Athenian conception of freedom requires both evidence and tools. With the goal of investigating what "freedom" came to mean in popular ideology, this study is founded upon a philological approach across genres. Although ordinary language cannot entirely exhaust all of the meanings of "freedom" as a technical or conventional concept, philology remains a key starting point. A phrase-type anchored by the verb "to wish" (typically βούλομαι) recurs in how people spoke about democratic freedom in Athens.[20] Aristotle provides a succinct definition of *eleutheria* in Athens when he reports on the view in Plato's *Republic* that the democratic constitution will inevitably degenerate "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 φησιν, *Pol.* 1316b23–25).[21] Freedom, then, is linked with the ability to do "whatever one wishes." As we shall see, there were variations, both in emphasis and in diction, over time. The core of acting upon one's desires persisted and was further refined into more political conceptions into the fourth century. In the Aristotelian and Platonic view, this core meaning created utter chaos and anarchy. Democratic sympathizers, on the other hand, considered such a denotation as central to their freedom and the success of their democratic *politeia*. This simple but powerful observation is the root of the following investigation.

The philological inquiry at the heart of this book is framed by political and social theory. To begin with, I employ a modified form of the Berlinean distinction between positive and negative freedom to argue that the phrase "[to do] whatever one wishes" and similar ones indicate positive freedom. Berlin's distinction between negative and positive freedom distinguishes between freedom *from* something and freedom *to* act. That is, negative freedom indicates the absence of restrictions. Positive freedom, instead, is "being one's own master."[22] The focus of this latter conception is not so much *how much* power an authority has over one, but *who* has authority.[23] In other words, positive freedom concerns itself with the agent that has power over an individual.

[20] It is not a fixed phrase that is identical each time, thus "phrase-type."

[21] Translations of the *Politics* Books V–VI from Keyt 1999.

[22] Berlin 2002: 178.

[23] Taking a cue from Gallie 1956, I use "conception" here instead of Berlin's "concept" in order to distinguish between a singular central concept ("freedom") and differing historically situated uses or conceptions thereof. Compare Edge's "spectrum" analogy: "rather than viewing liberty as one concept, or two, or three, we might usefully view it as a spectrum" (Edge 2009: 42, see also 1–2, 41–44). I distinguish multiple conceptions within one concept. Closer is Nelson 2005. He allows that there may be more than one "concept" of freedom. In his view, however, removing constraint is the essence of the idea.

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Modern ideas about freedom, however, do not map perfectly onto the Athenian model. Berlin's very explication of his model has elements at odds with antiquity. He sees negative and positive freedom as neither equal to, nor compatible with, each other. Since, for Berlin, being one's own master implies self-governance of desires, he posits that it requires a self to be ruled and a "true self" to rule. Berlin further suggests that this true self can be found in identification with a group. The group becomes the guardian of the most important values and so dictates the proper desires of the individuals within it. In this way, Berlin warns, positive freedom can lead to a kind of enslavement, as an individual subsumes himself to the group identified with his "greater" or "true" self, and the group rules quite tyrannically. Concerned about the potential for paternalism, fascism, and the bifurcation of the self, Berlin asserted that negative freedom is the better of two competing sorts.[24] Consequently, Berlin and subsequent theorists have relegated positive freedom to a communal value and deemed it incompatible with individual negative freedom. Negative freedom has been understood as individual freedom itself, especially as a safeguard against the state. This normative assessment has had implications for how scholars conceive of freedom altogether. Following Berlin, liberals and democrats have made this interpretation of negative freedom a central value.[25] Thus, mentions of "individual freedom" in general can designate negative freedom in particular, connoting protections in the private sphere. Another consequence of liberalism has been that positive freedom has been decoupled from self-mastery and instead fully defined by political participation or rights.[26] Democracy, according to this view, has a unique relationship to freedom since positive freedom is found in the public realm of citizen participation and self-governance, whether directly or through representation, while negative freedom guards individuals from government interference in the private sphere.

[24] Berlin 2002: 178–81.

[25] For a summary, see J. Gray 1986: 57–61; Habermas 1995: 127: "Liberals have stressed the 'liberties of the moderns' . . . the core of subjective private rights."

[26] For example, Hansen 2010a: 311. For a critique of simplifying Berlinean positive freedom to "exercising collective control," see Taylor 1979: 176. The slippage is in part due to Berlin's own equation of positive freedom with Constant's "ancient liberty," which is political participation at best. For Berlin's summary of Constant's ancient and modern liberty, see Berlin 2002: 209–10; see also Gray 2013: 56ff.; Pettit 1997: 18. For more on Constant, see page 7. For the view that democracy uniquely combines negative freedom in individual protections with positive freedom of collective self-rule through political participation, see Dahl 1989: 88–9, 93; Dahl and Shapiro 2015: 51–4.

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Although based on premises incompatible with antiquity, the resulting view of freedom has nevertheless colored assessments of Athenian freedom.[27] In this context, Athenian democracy has fared variously in modern thinkers' assessments of its freedom. Berlin himself claims that in the ancient world there was no notion of individual, or negative, liberty.[28] He cites Constant as a supporting source and sees his own positive-negative distinction respectively mapping onto Constant's "ancient" political freedom and "modern" individual freedom: lacking the modern invention of negative freedom, ancient citizens were free in the public sphere by means of their political participation, but enslaved in their private lives by the collective.[29] A careful reading of Constant shows that he did in fact hold this view with respect to most Greek city-states, but he took those to be modeled after Sparta.[30] Athens was the exception precisely because of its inclusion of individual freedom.[31] Still, Constant's view that the ancients in general knew only a collective political freedom, with which positive freedom was conflated, was pervasively applied in later literature.[32] And since individual freedom is currently the most prized in liberal doctrine, this has amounted to a repudiation of Athenian claims to freedom for many scholars.

There are, however, exceptions to this trend. Hansen, for one, has defended Athens by claiming that it did in fact value both kinds of freedom. He does so by appealing to the same private-public divide found in modern democracies: in Athens, "a positive political freedom in the public sphere is contrasted with a negative individual freedom in the private sphere."[33] His argument employs the democratic value of "living as one wishes," described earlier, as key to showing the value of negative freedom in the private sphere.[34] This view is paradigmatic of the general application of positive/negative freedom to Athenian democracy for most

[27] For a critique of the misuse of antiquity simply as a means to further one's present concerns through contrast, see Wallach 2016.

[28] Berlin 2002: 176.

[29] Constant summarized at Berlin 2002: 209–10; Constant's speech "The Liberty of the Ancients Compared with that of the Moderns" of 1819 is reprinted in Constant 1988: 307–28.

[30] Constant 1988: 311–13; Hansen 2010a: 315.

[31] Constant 1988: 312, 315–16. Although he does not go so far as to claim that Athenian freedom was identical to modern freedom, he does note its distinction in antiquity allowing it at least a modicum of "modern liberty." *Contra* Edge 2009: 3 n. 8.

[32] For instance, the division between ancient and modern liberty is employed in Habermas 1998: 50–1, 258; Rawls 2001: 2, 143–4. An exception to this view, albeit undeveloped, is Tamiolaki 2013: 45–6 and 45 n. 45, who sees it akin to Berlin's self-mastery but notes it is controversial among critics.

[33] Hansen 2010a: 329. See also Hansen 1996: 99.

[34] "The other aspect of freedom 'to live as one likes' . . . must be a form of individual freedom . . . it is opposed to the political sphere" (Hansen 2010a: 320, see also 324–26, and Hansen 1996: 95).

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scholars who do not deny Athenians' negative freedom.[35] For Hansen and others, the sentiment expressed in these types of phrases is noninterference and, as such, exemplifies individual negative freedom in the private sphere. The background of Hansen's defense of negative freedom in Athens is important. His goal is both to adjudicate between Constant's and Berlin's positions on ancient democracy and to rescue Athens from its modern detractors, who highly value negative freedom.

A critique of freedom altogether has arisen from Western democracy's debt to liberalism. Any deficiencies in liberalism have been transferred to the notion of freedom deployed under that doctrine, rendering freedom's value for the individual today hotly contested.[36] Of course, the existence of other values in competition with freedom does not make it a less valuable area of study. On the contrary, new ways of perceiving democracy, the individual, and autonomy allow us to think more critically and precisely about what freedom in fact entails for the Athenian case and perhaps for our own.

While the goals of scholars working to bolster or to undermine the liberal tradition may be worthwhile, my own project has the rather different aim of reconsidering individual freedom within ancient ideology. Political participation is a key element of self-government in the public sphere for Athenians, but we should resist the urge to collapse positive freedom entirely into political freedom. This does not amount to an invalidation of claims about individual freedom or negative liberty in Athens altogether. Instead, I shall reexamine the value of "individual freedom" itself by looking for a fundamental sense of freedom applicable to the individual citizen in both the private and public realms as described in Athenian texts, rather than assuming that personal freedom is necessarily synonymous with modern conceptions of negative freedom.

Negative and positive conceptions of freedom cannot be absolutely divided according to modern democracy's clear bifurcation of the public and private domains. The Athenians had established public and private spheres, to be sure, but the boundaries were more permeable than we take them to be in modernity. The greater overlap distinguishes Athens from the modern states treated by Berlin, Constant, and others. Accordingly, any distillation of "freedom" in ancient Athens must be intelligible in both the private and public spheres.

[35] For example, Wallace 2009.
[36] Albeit occasionally veiled under the idea of "rights" instead of "freedom."

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It follows that the concept of the "state" in Athens varied considerably from our own. The treatment of freedom as a quality that extended from the private to the political sphere bears this out. Following in part Aristotle's sharp division between rulers and ruled in his *Politics*, some scholars have superimposed the form of the modern state upon Athens. Aristotle criticizes extreme democratic freedom as at odds with the *politeia*. Democratic freedom is unsound, "for one should not think it slavery to live in harmony with the constitution, but safety" (οὐ γὰρ δεῖ οἴεσθαι δουλείαν εἶναι τὸ ζῆν πρὸς τὴν πολιτείαν, ἀλλὰ σωτηρίαν, 1310a34–36). He represents the democrat as equating the roles of the citizen and the state with those of slave and master. In this model, freedom drives a wedge between the state and the citizen, the rulers and the ruled.[37] Democracy, however, is the type of polity in which rulers and ruled should be most identified with one another. While a political class existed to some degree, there was continuity between citizens and the actors in the government, unlike in modern democracies.[38] The magistrates had certain rights and responsibilities in office, even including the physical imprisonment of other citizens, but their role was still highly circumscribed legally by the control of the *dēmos* and extralegally by the notion that any citizen could be in their same role shortly, due to rotation, selection by lot, and voluntarism. The Aristotelian model presupposes a hard distinction not viable in Athens. I instead take the continuity between citizen and *polis* to be a fundamental feature of Athens.[39]

Furthermore, a separate role for individuals in office does not make a modern state. Rather, it is the mechanism for filling those roles and their functions that constitute a modern state. The Athenians distinguished

[37] Keyt 1999: ad loc. criticizes this passage on the grounds that it inconsistent with Aristotle's own views on democracy as essentially a despotic state of the poor over the wealthy and his theory of natural slavery.

[38] See Farrar 2010: 197.

[39] Works that represent the beginning of this approach include: Osborne 1985: 6–10; Manville 1994: 24–5; Wood 1996. This position differs from that of, for example, Hansen 1998 and Harris 2013. Harris focuses on the hierarchical position of officials, the limitation on the particularly physical modes of self-help for the private citizen, and the nature of private initiative as secondary to institutional mechanisms such as the Areopagus to argue that Athens was a state because the system monopolized coercive force (Harris 2013: 21–59). Harris maintains that the individual's power of physical self-help was limited and interprets the fact that "procedures were enacted to prevent the abuse of this right, [as] a clear sign that the Athenians were very reluctant to allow private individuals to enforce the law" (Harris 2013: 58). The limits on physical force for private citizens mirror those for magistrates, however. Harris acknowledges, for instance, that officials practiced "restraint" in enforcement in order to protect the sanctity of the citizen body (Harris 2013: 40–4). For the importance of citizen initiative, or voluntarism, as a concept beyond the ability, for example, to levy fines or to use coercion, see Chapter 2.

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between magistrates in law and in fact, but they were not a permanent, bureaucratic force. The popular bodies, the Assembly and the courts, could be identified even less with a disconnected government. The Council, although sometimes considered a magistracy, was so diffuse that upwards of two-thirds of male citizens over the age of forty would have served on it at some point.[40] Decisions were not attributed to a detached state, but to the citizenry: As in other Greek *poleis*, "the Athenians" (οἱ Ἀθηναῖοι) made treaties and wars, and their embodiment in the Council and Assembly made laws and decrees.[41] In sum, the citizens were the machinery of state, not subject to it. The people, as empowered over and identical to office-holders, created a fundamentally different idea of statehood from the modern one.

The lack of a modern state does not, however, make the application of modern political theory to Athens an exercise in futility. This ought to encourage us to be both intentional and precise in our application of modern political theory, as well as flexible. There was an apparatus of government, after all, and the relationship between the institutions of that government and the citizen at large can be fruitfully investigated. But differences in the type of state demand caution against viewing the government as a detachable entity for study. An ideology of freedom must accordingly apply to the citizen in both the social (or private) and political (or public) realms. The absence of an impersonal, potentially oppressive government radically alters the modern division between positive and negative freedom. Since the importance of negative freedoms in the private sphere against an oppressive government fades, freedom's desirability proceeds instead from the individual's self-conception of his own freedom and power.

[40] Hansen 1991: 249.

[41] For example, waging war: "The Lakedaimonians and Athenians made war upon each other with their allies" (οἱ Λακεδαιμόνιοι καὶ Ἀθηναῖοι ἐπολέμησαν μετὰ τῶν ξυμμάχων πρὸς ἀλλήλους· Thucy. 1.18.3); making a treaty and taking an oath: "There shall be an alliance between the Athenians and the Rhegians. The oath shall be sworn by the Athenians" (χσυμμαχίαν εἶν]αι Ἀθεναίοις καὶ [Ῥεγίνοις· τὸν δὲ *h*όρκο]ν ὀμοσάντον Ἀθεναῖ[οι], *AIUK* 4.2 no. 4.9–11); passing a decree: "be it decreed by the Athenians that there shall be citizenship for them and their descendants" (ἐψηφίσθαι Ἀθηναίοις ε͂ναι αὐτοῖς καὶ ἐκγόν[οις πολιτείαν·] *RO* 4.5–6). The *polis* itself can at times be said to act. For the argument, with examples, that this indicates the abstraction of a *polis* akin to a modern state, see Hansen 1998: 67–73. I do not agree that this abstracted sense is equivalent to a modern state; the Athenians could think of their polity as a continuous unity outside of individual experience, but the relationship of that individual to the whole and the inclusion of social elements in the whole mark it as different.

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While Berlin's model is not exhaustive, it is productive because it is not inherently tied to the public-private dichotomy. Rather than bringing the individual into focus by sacrificing the community, or vice versa, the positive-negative distinction reformulates the question into one of ideology. This is a constructive means of getting at just what *eleutheria* meant as a value for Athenians – a value that gave rise to self-identity and political practices. Understanding positive freedom closes the gap between private and public life emphasized by current scholarship. That is, a positive conception of freedom *can* entail powerful individual freedom, instead of being a poor precursor of, or even inimical to, negative freedom. As O. Patterson remarks in his monograph on freedom, the history of the West may perhaps be defined by the struggle of determining which aspect of freedom to emphasize.[42] Athenian democracy need not lack negative freedom or a conception thereof to stress this other aspect. In sum, Athenian democracy was uniquely identified with freedom because of the positive freedom that undergirded individual citizen identity, expressed as the ability to do "whatever one wishes" (ὅ τι ἂν βούληται), or to live "however one wishes" (ὡς βούλεται). This capacity for self-mastery is not exhausted by the concept of negative liberty, however defined.

Allowing for these conditions, my view answers two general challenges presented to the traditional Berlinean model of positive/negative freedom. Both of these challenges, although they have different conclusions, focus on the role of others (through coercion or domination) as a reaction against an inwardly focused freedom in order to fully explicate freedom. On the one side, MacCallum has argued against the separation of positive and negative freedom. He views the core meaning of freedom as a relationship between agent (*x*), obstacle (*y*), and action (*z*): the freedom of *x* from *y* to do *z*.[43] While MacCallum's view has not been employed directly in interpretations of Athenian freedom, he raises the question of the positive-negative model's heuristic value. Even granting MacCallum's suggestion, however, the Athenian's description of freedom as doing "whatever one wishes" is unique among its contemporaries for refocusing the issue from the *y* to the *z* in both the private and public spheres. This shift is a significant defining feature of democratic freedom.

[42] Patterson uses the metaphor of different "notes" in a chord, for example, 1991: 3, 5.

[43] MacCallum 1967. For a rebuttal of MacCallum, see Christman 2005. Edge 2013 builds from MacCallum to suggest a "social" or "holistic" model of freedom in order to prescriptively maximize freedom in society. Opportunity and access are key points of freedom for his view. Edge is concerned with contesting the liberal notion of freedom as an individual characteristic unconnected with outside forces (i.e., "conditions," such as poverty).

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On the other hand, rather than dismissing the positive-negative division altogether, Skinner has argued for a third concept of freedom.[44] Known variously as neo-Roman, republican,[45] or neoclassical[46] liberty or freedom, this third concept is a refinement of negative freedom from noninterference to nondomination. These approaches emphasize that simple subjection to another's will diminishes freedom, rather than only actual interference doing so.[47] Proponents trace this understanding of freedom back to Roman legalistic definitions of freedom in contrast to slavery.[48] Edge brings a nuanced perspective by interpreting Athenian freedom as a neoclassical type of freedom, but adding the marked difference that Athenian ideology held that freedom could be achieved only in the political equality of democracy.[49] Like Hansen, he, too, has a stake in defending Athens from thinkers who "equate such participatory democracy with the annihilation of individual freedom."[50] Edge accordingly incorporates the value of living "however one wishes" as evidence of individual negative freedom, albeit of the republican species, since "the fact that you were not under the will of others and, therefore, free from the control of others, meant you could live your life in your own way."[51] Unlike other scholars, he distinguishes between political participation and Berlin's positive freedom as self-mastery.[52] In fact, he views Athenian freedom as specifically developed in opposition to positive freedom, which he associates with Plato and oligarchy.[53] Edge's application of neoclassical freedom augments the idea of coercion, but that is still different in kind from the self-mastery entailed by positive freedom.

Even more inclusive senses of negative freedom fall short of modeling the Athenian conception of freedom. Democratic freedom encompassed, in part, negative freedom, but it was more than the lack of another's dominating will. As Christman has put it, "seeing freedom as a quality of agency is different, conceptually, from seeing it as an absence of something,

[44] Skinner 2002. [45] Pettit 1997. [46] Edge 2009.
[47] See also, for example, Berlin 2002: 169; Hobbes 1985: ch. 21.
[48] Skinner 2002: 248–50; compare Pettit 1997: 31–2. [49] Edge 2009. [50] Edge 2009: 44.
[51] Edge 2009: 31. [52] Edge 2009: 5–6.
[53] The Athenian account of freedom, far from being a theory designed to defend the vast and uncontrolled accumulation of power, was actually a negative, protective notion that provided a refuge from doctrines and arguments that very much resemble the Berlinean notion of positive freedom and that were unleashed by democracy's opponents in order to win power and control over the masses and, precisely, prevent them from exercising the individual liberty they cherished. (Edge 2009: 45)

Lane argues against positive freedom in Plato, but for very different reasons than mine (2018). See Chapter 6.

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no matter how robust one's conception of that 'something' turns out to be."[54] Lack of obstacles or domination may be a necessary component of Athenian freedom, but it is not a sufficient account. Hansen's description of negative freedom as "connected with the concept of fundamental rights that protect one's person and property and guarantee that one *can* live as one pleases" is representative of the issue (emphasis mine).[55] It is from this focus on opportunity to a focus on the actual activity or agency of the individual that the Athenians bring to the foreground.[56] The act of desire formation and achievement in the public or private sphere is the unique conception of freedom championed by classical Athenians and goes beyond the absence of "susceptibility to interference."[57]

Another word for this is "autonomy," but in a simple sense. Borrowed from a Greek term with an explicitly political and interstate meaning, "autonomy" (*autonomia*) can be applied metaphorically to an individual.[58] The earliest use we have of autonomous (*autonomos*) is, in fact, a metaphorical one. As Sophocles' Antigone walks toward the cave where she will be enclosed alive by King Kreon, the chorus reflects upon her future death and tells her "you alone among mortals will go down | to Hades still living, a law until yourself (*autonomos*)" (820–1).[59] This metaphorical use has evolved into its own concept. In modern philosophical discourse, personal autonomy refers to an agent's ability to govern himself.[60] The agent in a brute sense always initiates action. The amount of control the agent has over the motives and judgments that initiate the action, however, is not a given. In other words, to continue the political metaphor at the heart of the term, the agent may be the government of a person and initiate action, but the government may be a puppet regime controlled by external forces. Thus, in contrast to freedom as the plain ability to act, modern "autonomy" is concerned with the source and authenticity of the desires the agent acts upon. This nuanced and complex understanding of autonomy is a product of the philosophical tradition.

Instead of wading into the murky sea of differentiating the source of desires, the ancient democratic expression of freedom as autonomy makes the claim for legitimacy of desires very simply as doing "whatever one

[54] For example, "domination." Christman 2005: 80. [55] Hansen 1996: 95.
[56] Another way of conceptualizing the distinction is between the "opportunity concept" latent in negative freedom and the "exercise concept" in positive freedom. See Taylor 1979.
[57] Pettit 1996: 577.
[58] The Greek term was originally an interstate term, whose meaning has been thoroughly treated in Ostwald 1982.
[59] Translation from Blondell 1998. [60] For example, Buss and Westlund 2018.

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wishes." Rather than divide the self into a "higher" component ruling over a "lower" one, Athenian ideology appeals to an understanding of the "true self" of the democratic citizen as merely the formulation of desires.[61] In the unencumbered act of choosing is the licentiousness feared by oligarchs, Plato, and later neoclassical writers.[62] As O. Patterson has succinctly noted, there are "two interacting histories of freedom. There is the history of freedom as ordinary men and women have understood it . . . Paralleling this has been the history of people's efforts to define 'true freedom,' to arrive at the essence of what freedom really is, if we only thought about it logically, or moralized correctly."[63] While a dominant track of the Western philosophical tradition going back to Socrates has exercised itself in defining a "true self" sufficient for autonomy or freedom, I prioritize what freedom meant for ordinary Athenians.[64]

The following chapters, through the use of a wide-ranging selection of Greek texts, explore how this self-mastery was understood and its consequences. Tracing the connection between phrases built around the verb *boulomai*, ("to wish") such as doing "whatever one wishes" or living "however one wishes," and democratic freedom, Chapter 2 demonstrates that freedom is the ability to bring one's will to fruition. In other words, freedom is the capacity to have meaningful volition across the private-public divide. In this way, positive freedom is a central aspect of a citizen's identity, rendering accounts focused on negative freedom incomplete. By defining themselves as free in contrast to slaves, Athenians understood their actions and decisions to emanate from themselves rather than a master (ὁ δεσπότης). This central distinction was applied to the political sphere in rejecting tyrants, but also at the individual level insofar as one related to the *polis*. The institutional importance of this configuration of freedom is evident in the concept of voluntarism that motivated the various organs and processes of government and in the accountability of officials. The terms in which positive freedom was expressed and its legal role become more standardized in the fourth century, but the roots begin in the previous century.

[61] The positing of a "true self" is a typical worry supporters of negative freedom have regarding positive freedom, for example, Berlin 2002: 178ff.; Edge 2009: 6. For a different defense against liberal arguments regarding the danger of a "true self" in positive freedom, see Christman 1991.

[62] *Contra* Edge 2009: 39. [63] O. Patterson 1991: 2.

[64] As a point of inquiry, it might be useful to wonder whether here the distinction becomes one of concepts and not conceptions. Perhaps the search for "true freedom" or the "true self" is where the concept of autonomy differs from freedom simplex.

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What is striking about this conception of freedom is the strong connection it creates to the personal agent. Freedom is defined as not simply a prerequisite personal status for citizenship, in contrast to birth or wealth, but a personal capacity for action. The individual is at the center of the decision-making process and the subsequent action taken. Of course, Athenians also wished to be free from interference by others, but the defining and distinctive feature of democratic freedom was the insistence on the self as master of action; as a citizen, one did what one wished.

Chapter 3 further evaluates freedom as doing "whatever one wishes" as it was fully developed in fourth-century oratory. As several scholars have noted, doing "whatever one wishes" appears to be ambivalent in forensic oratory.[65] These views underscore that, since Athens was not an anarchic state, extreme freedom could be glossed as a threat to sociopolitical stability. In contrast to prevailing scholarship, however, I argue that the most dominant principle, even in these texts, is the preservation of positive freedom, or autonomy, as justification for the litigant's position. While acting "however one wishes" may be presented as objectionable, those instances do not in fact assert that the agent is acting freely, but that he is limiting the ability of others to do so. The rule of law and the distinction between public and private are not the determining factors for whether an action is deemed acceptable or unacceptable. Instead, *who* is doing "whatever they wish" and *whom* they affect by doing so are key to parsing the conflicting valuations. In particular, the limitation of another citizen's ability to do what he wishes, either as an individual or as part of the *dēmos*, can condemn the action. Bad characters, whether an oligarchically inclined citizen or an ungrateful metic, can also be rebuked as undeserving of positive freedom and for abusing the power that attends it. Doing "whatever one wishes" is not a byword for antidemocratic action, but it gains such a connotation because of the particular actors or victims of the actions. It is the abuse of the natural qualities of a citizen that leads to censure.

The focus on infringement of citizen freedom in courtroom disputes calls attention to underlying competing claims to power. In Chapter 4, I argue that we can better understand Athenians' relationship to their government and laws through the interplay of freedom and power. Every adult male citizen by definition would have been free, but this also made him *kurios*, or empowered, as opposed to ceding his power to a slave master. When substantivized, *kurios* indicated an institutionalized role in

[65] For example, Liddel 2007: 20–24.

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Athens. The *kurios*, or head of the household, serves as a model to understand an individual citizen's self-identification with power across the public-private divide and his relationship to the apparatus of government. The lens of the household *kurios* generates an understanding of the citizen's power that encompasses his role in both private and public domains. As a conceptual metaphor, *kurios* represents the proper power of citizens in the city.[66] While the term *kurios* originates at the individual level and in the household, it is applied metaphorically to politics. The metaphor is not limited to a linguistic phenomenon, but also structures thought across the different domains. Thus, qualities of the term *kurios* in its original domain, the household, correspond systemically in the applied domain, the city. Not only limited to power as domination, or power over, *kurios* also indicated the power to act.

In Athens, individual citizens were not the only ones with power. The laws and the corporate citizen body, too, were understood as distinct empowered entities. Forensic oratory provides cases where claims to power, whether between individuals or an individual and the state, are competing rather than complementary. Still, citizens' identification of their own power with the laws and the *dēmos* as a whole is distinct from the modern conception of the individual versus the state. As a continuation of the issues explored in previous chapters, Chapter 4 contributes to the debates regarding sovereignty and the rule of law by framing the alleged conflict as a negotiation of power on multiple levels.

Chapter 5 presents a case study in order to show that the ideology of freedom and power engendered real consequences for the residents of Attica. In particular, the freedom and power of citizens was buttressed by the exclusionary effects on noncitizens. My reading of Apollodoros' *Against Neaira* ([Dem.] 59) exemplifies the practical result of the ideology of freedom on Athenians at all levels of society. This prosecution speech alleges that Neaira, a resident foreigner, has pretended to be an Athenian citizen by marrying a citizen and passing her offspring off as citizens, both violations of Athenian law. As an outsider and a female sex laborer, Neaira represents the antithesis of the model citizen. Neaira's arrogation of citizenship privileges, though, gives her a measure of positive freedom and power that she should not have. This case is ideal for the presentation of conflict between the law and citizens since it calls into question the limits of citizenship and demonstrates how a transgression can impair the citizen jury's own power. The prosecution attempts to show that instead of doing

[66] For conceptual metaphors, see Lakoff and Johnson 1980.

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"whatever she wishes," Neaira deserves to be subject to others doing "whatever they wish" to her. In contrast to other readings of the speech, I show that power struggles are central to the prosecution's arguments. Apollodoros' characterization of her transgressions as a force that destabilizes citizenship indicates the centrality of autonomy and power to citizen identity. Hence, the importance of positive freedom and power was not simply theoretical, but practical.

The approach to freedom and power developed throughout these chapters provides another way to interpret and understand Athenian political thought from the ground up. In the concluding Chapter 6, I suggest other inquiries that unfold when we take seriously the notion of the citizen as free and empowered. Elucidating the complex relationship between citizen freedom and power produces insights not only into political ideals in ancient democracy, but also into modes of self-fashioning in a highly competitive, participatory society. These topics lie at the heart of democratic thought, from the discursive principles that structure political procedures to the citizen's navigation between the limitations of law and the expression of individual will.

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