THE ANCIENT ATHENIAN AND THE MODERN LIBERAL VIEW OF LIBERTY AS A DEMOCRATIC IDEAL

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AS THE TITLE of my paper suggests, my intention is to compare Athenian *eleutheria* with political freedom in Western democracies, and to discuss differences and similarities between the ancient and the modern concept of liberty. For many years the fashion has been to emphasize the differences. The purpose of my paper is to advocate a swing of the pendulum and argue that the undeniable differences are overshadowed by the striking similarities. My paper must therefore be read as a plea, not as an attempt to present a so-called "objective" or "balanced" view of the problem.

Today the term *democracy* denotes both a set of political institutions and a set of political ideals[1]—ideals that are believed to be furthered by democratic political institutions more than by any other form of government.[2] As a set of political institutions, democracy is commonly defined as a political system in which power—directly or indirectly—rests with the whole of the people.[3] As a set of political ideals, democracy is connected first of all with liberty, next with equality.[4] It is remarkable how, in this respect, modern democracy resembles ancient Athenian *dēmokratia.*

In liberal democratic thought democracy, liberty, and equality form a triad and are often described as the three points of a triangle.[5] As for the ancient view, I will restrict myself to quoting two passages, one from a champion and one from an opponent of popular government. Let me begin with three lines from Aristotle's *Politics* which in one sentence condense what he repeats throughout this part of his treatise:

> For if liberty (*eleutheria*) and equality (*isotēs*), as is thought by some, are chiefly to be found in democracy (*dēmokratia*), they will be best attained when all persons alike share in the government to the utmost. And since the people are in the majority, and the opinion of the majority is decisive, such a government must necessarily be a democracy.[6]

Here we learn that *dēmokratia* was both a political system and a set of political ideals, that the two central ideals were *eleutheria,* "liberty," and *isotēs,* "equality," and that the concepts of *dēmokratia-eleutheria-isotēs* were commonly juxtaposed so as to form a triad.[7]

Now Aristotle disliked democracy, but his critical account of the democratic

principles is confirmed, for example, by Pericles' praise of popular rule in the funeral oration as reported by Thucydides:[8]

> It has the name democracy (*dēmokratia*) because government is in the hands not of the few but of the majority (*es tous pleionas oikein*).[9] In private disputes all are equal (*pasi to ison*) before the law; and when it comes to esteem in public affairs, a man is preferred according to his own reputation for something, not, on the whole, just turn and turn about,[10] but for excellence, and even in poverty no man is debarred by obscurity of reputation so long as he has it in him to do some good service to the State. Freedom is a feature of our public life (*eleutherōs politeuomen*); and as for suspicion of one another in our daily private pursuits, we do not frown on our neighbor if he behaves to please himself or set our faces in those expressions of disapproval that are so disagreeable, however harmless.

In this famous passage we are supposed to be persuaded that Athens is a *dēmokratia,* that its political system is based on the principle *es tous pleionas oikein,* and that the basic ideals of democracy are *pasi to ison* and *eleutherōs politeuomen.*

It is important to keep in mind that the concepts of freedom and equality overlap—both in modern political thought and in ancient Athenian democratic ideology. Freedom of speech, for example, is seen sometimes as a kind of equality, but sometimes as a kind of liberty protected by the democratic constitution.[11] In Athens every citizen's right to address his fellow citizens is commonly called *isēgoria,* and the term indicates that the ideal is viewed as a kind of equality.[12] It is every citizen's *equal* right to speak that is stressed. But in Euripides' *Supplices,* for example, the same right is also described as a kind of liberty.[13] The situation is similar in modern liberal democracy. Discussions of equality invariably lead to the question, Equality of what? and to many liberal democrats the obvious answer has been, Equality of liberty![14] Thus liberty and equality tend to coalesce precisely as *eleutheria* and *isotēs* tended to coalesce in ancient Athens.

There is yet another similarity between modern and ancient democratic ideology that concerns the relation between liberty and equality: To modern champions of participatory or radical democracy, equality is more important than liberty, but to liberal democrats liberty matters more than equality.[15] The Athenians held similar views: In classical Athens—and as far back as the sources go—*eleutheria* eclipsed *isotēs.*

Many historians hold that the central aspect of democratic equality and of democratic ideology altogether was *isonomia.*[16] But the term *isonomia* is poorly attested in classical Athens.[17] First, it is not found in symbouleutic and forensic speeches, whereas the terms *eleutheria* and *eleutheros* are commonly used. Next, the names a state gives its warships often reflect its slogans and political values. In the Athenian navy several triremes were called *Dēmokratia* and *Eleutheria;*[18] one was called *Parrhēsia,*[19] but there is no sign of any trireme ever being called *Isonomia.*[20] Third, the political cults did not include *isono-*

mia: both *dēmokratia* and *eleutheria* were made divine and worshiped by the Athenians, *Dēmokratia* in its own right as a separate goddess,[21] *Eleutheria* in connection with the cult of Zeus Eleutherios;[22] but *isonomia* was never represented as a goddess and never connected with any form of worship. All three observations indicate that the key concept of Athenian democratic ideology was *eleutheria,* not *isonomia.*

So much for the close connection between *eleutheria* and *isotēs* and the similar connection between liberty and equality in liberal democratic theory. I now turn to the main question and ask, What is political liberty? and what was *eleutheria* in ancient Athenian democratic thought?

By way of introduction I will briefly point out that in sources describing classical Athens we can detect at least seven different uses of the noun *eleutheria* and the adjective *eleutheros.*

1. The most common use of *eleutheros* is in the sense of "free" as opposed to being a slave (*doulos*).[23] This sense of *eleutheria*, however, is not particularly democratic since slaves existed in all poleis independent of their constitutions.
2. *Eleutheria* was regularly invoked as a basic democratic ideal in debates that contrasted democracy and tyranny, cf. the famous dictum of Democritus: "Poverty under democracy is as much to be preferred to so-called prosperity under an autocracy as freedom to slavery."[24] The opposite of this form of *eleutheria* was being enslaved in a metaphorical sense, i.e., being subjected to a despotic ruler. Note that in Democritus *dēmokratia* is linked with poverty, *penia,* just as it is in the next case.
3. When status was at stake, *eleutheros* often had the meaning of being freeborn in the sense of being a born citizen.[25] In such a context one would expect *eleutheros* to denote both citizens and free foreigners as opposed to slaves (see 1 above), but there can be no denying that *eleutheria* used in a democratic polis about descent was restricted to citizens and excluded both free foreigners and slaves.[26] This type of *eleutheria* was a specific democratic value and formed the basis of one view of democratic equality: according to Aristotle democrats believed that since they were all *eleutheroi* (by descent) they ought to be equal in everything.[27] In Aristotle *aporos* is used synonymously with *eleutheros*[28] and the antonyms are *plousios* or *euporos.*[29] So in this case democracy is opposed to oligarchy, not tyranny.
4. In classical Athens all citizens were both entitled and expected to participate in the running of the democratic institutions—not, as one might have expected, as voters in the Assembly, but rather by taking turns in filling all the magistracies. "To rule and be ruled in turns" was described as *eleutheria* and conceived of as a kind of freedom to be found in democracies only.[30]
5. The most controversial form of democratic liberty, however, was the ideal that everybody had a right to live as he pleased (*zēn hōs bouletai tis*) without being oppressed by other persons or by the authorities.[31] It is sometimes stressed that a person's *eleutheria* in this sense was restricted by the (democratic) laws;[32] other sources emphasize that the principle *zēn hōs bouletai tis* applied to the private and not to the public sphere of life.[33]

6. Next, *eleutheros* is often used in the sense of *autonomos* as against being dominated by others (*hypēkoos*).[34] But again, *eleutheria* in the sense of *autonomia* applied to oligarchies—and sometimes even to monarchies—as well as to democracies. It was the freedom *of* the polis, whereas democratic liberty was freedom *within* the polis.[35]
7. Finally, *eleutheros* is sometimes taken by the philosophers to denote a person who is self-restrained.[36] *Eleutheria* in the sense of "self-control" is not far from some modern philosophers' view of positive freedom (cf. *infra*); but though often focusing on self-control, Plato and Aristotle hardly ever take it to be a kind of *eleutheria,*[37] and furthermore, *eleutheria* in this sense has no bearing on political and especially on democratic freedom.[38]

Only four of these seven uses are specifically connected with democracy, namely: *eleutheros* (a) in the sense of being a free-born citizen, (b) in the sense of being entitled to participate in the running of the political institutions, (c) in the sense of living as one pleases, and (d) in the sense of not being subjected to a despotic ruler. The four uses can in fact be reduced to two: the right to participate in political decision-making is inextricably bound up with being a full citizen by birth (a + b);[39] and the right to live as one pleases is often opposed to being ruled, especially by a monarch, and any kind of interference by others in one's private life is rejected as illegitimate and undemocratic (c + d).[40]

Now, how are these two types of freedom related to the notion of liberty advocated in Western democracies in the twentieth century? In contemporary liberal democratic theory liberty is commonly subdivided into negative freedom and positive freedom.[41] Negative freedom is freedom from oppression by the state or by other individuals. Positive freedom is harder to define in one sentence. Following Kant, Hegel, and Isaiah Berlin, philosophers take positive freedom to be some form of self-government or self-mastery, a notion that implies that one is divided into two selves, and that "positive freedom" consists in allowing one's true self to dominate one's other self.[42] Students of political theory take a somewhat different view: they interpret self-determination as an entitlement to participate in collective decision-making, i.e., in a democracy, to be politically active in a free society.[43] Since it is *political* liberty that interests us in our context, I will concentrate on the second line of thought and subscribe to the following description of positive freedom: "There is a link between liberty and democracy through the connection between self-government and self-determination: the self-determined—the free—individual is the self-governing individual. Here individual liberty is seen to involve participation in, rather than the absence of, government."[44] The negative and the positive aspects of freedom are essentially opposed: if we suppose that every aspect of life can be regulated by political decision-making, there is, in principle, no guaranteed freedom from political oppression, but if, on the other hand, we maximize freedom from public interference with the different ways citizens live, there is no polit-

ical decision-making left in which citizens can participate. The negative and the positive aspect of freedom can only be reconciled if combined with a distinction between a public sphere, in which positive political freedom operates, and a private sphere, in which negative individual freedom is protected against interference from the state.[45] Freedom in the private sphere is connected with the concept of fundamental rights that protect one's person and property and guarantee that one can live as one pleases, as long as he or she respects the laws. Freedom in the public sphere is connected with free elections and with every citizen's right to participate in politics.

Like its modern counterpart, ancient democratic *eleutheria* had two aspects: freedom to participate in the democratic institutions and freedom to live as one pleased. The dual nature of *eleutheria* is most clearly described by Aristotle in the *Politics:*

> A basic principle of the democratic constitution is liberty. That is commonly said, and those who say it imply that only in this constitution do men share in liberty; for that, they say, is what every democracy aims at. Now one aspect of liberty is being ruled and ruling in turn. . . . Another element is to live as you like. For this, they say, is what being free is about, since its opposite, living not as you like, is the condition of a slave. So this is the second defining principle of democracy, and from it has come the ideal of not being ruled, not by anybody at all if possible, or at least only in turn.[46]

According to Aristotle liberty is partly political participation by ruling in turn, partly freedom from political oppression by not being ruled but by living as one pleases. A positive political freedom is contrasted with an individual negative freedom. Aristotle's description of democratic liberty is stated in general terms and there is no explicit reference to Athens, but all the sources show that in this respect the Athenians conformed to the norm.[47] The ideal "to live as one pleases" is praised as a fundamental democratic value by Otanes in the Constitutional Debate in Herodotus,[48] by Athenian statesmen in Thucydides' speeches,[49] and by the Orators in the speeches they delivered before the People's Court.[50] And to rule in turn is singled out by King Theseus in Euripides' play as an essential feature of Athenian democracy.[51]

The view I have presented here is one I have developed and advocated in two recent publications,[52] but it is not the prevailing view among students of ancient history and philosophy. The fashion today is to emphasize the differences between ancient Athenian *eleutheria* and modern democratic liberty: the Athenians, it is said, had no notion of individual rights; the polis was a type of society that permeated all aspects of life; consequently there was no "private sphere" out of reach of the polis, and no notion of what we call negative freedom, i.e., freedom from oppression by the state and its government. Furthermore, "positive freedom" in modern thought is far from the ancient notion of freedom as political participation. And, to top it all, an insuperable difference

is that ancient *eleutheria* was intimately related to the opposition between the free and the slave, whereas, in the modern world, the absence of slavery places the concept of liberty in a very different setting.[53] I respond with five points.

1. The view of Isaiah Berlin and many philosophers that positive freedom is self-determination in the sense of self-control, is far from the Athenian view of political freedom as citizen participation in running the democratic institutions. But, as I noted above, political scientists prefer to see this aspect of freedom as individual self-determination *through participating in the creation of the social order*. When political freedom is connected with political participation, the similarity between ancient Athenian and modern political freedom becomes apparent.
2. To illustrate the gulf between modern negative freedom and ancient *eleutheria,* some scholars adduce Benjamin Constant's illuminating essay *De la liberté des anciens comparée à celle des modernes.* Here ancient *political* liberty is taken to consist of collective decision-making by all citizens in assembly, whereas modern liberty is *individual* and consists in guarantees against infringements of every person's right to live as he or she pleases. This type of freedom is, according to Constant, unknown in ancient Greece and Rome.[54] But those who adduce Constant usually forget to add that he explicitly excepts classical Athens from his general analysis of ancient liberty. In Athens, he says, the concept of freedom was very similar to the modern concept, allegedly because commerce was an important factor in the Athenian economy.[55] Whether Constant's explanation is right or wrong is debatable. The important point is that he detected the obvious similarity between ancient Athenian *eleutheria* and the "modern" type of liberty he experienced in his own age. What separates him from us is that he took Sparta and not Athens to be the model of a Greek polis and thus based his analysis of ancient liberty on Sparta and on the philosophers (who admired Sparta more than Athens), whereas he took Athens to be the exception. One of the first to take the opposite stand was George Grote, who maintained that in most respects Athens was the rule and Sparta the exception. Consequently he believed that the democratic ideal of every man's right to live as he pleased was typical of classical Greece.[56] I prefer to avoid generalizations, but following Constant and Grote, I would like to stress the similarity between the Athenian and the liberal notion of personal freedom.
3. The alleged difference between individual liberty in ancient Athens and in modern liberal thought lies in the principles and arguments used to justify it. In modern democratic thought liberty is about the protection of individual rights against infringements by the state or by other people, whereas, it is held, in Athens "the authority of the commmunity over individuals was relatively unrestricted." As Martin Ostwald has pointed out,[57] it is certainly true that the Athenians had no developed concept of "rights" as we have it today. But in practice they certainly knew about the privileges and liberties connected with their democratic constitution, and these rights were highly valued and crucial for their belief that democracy was the best constitution.

Several of the Attic Orators state with approval the rule that no citizen could be executed without due process of law.[58] Admittedly thieves and robbers were not included: they could be put to death immediately if they were caught in the act and had to confess.[59] But that limitation, though important, does not seriously alter the fact that "no execution without a trial" (*mēdena akriton apokteinai*) was felt to be a right that all citizens enjoyed.[60]

Another rule forbade torture of Athenian citizens.[61] It was warranted by a decree (*psēphisma*) probably passed immediately after the expulsion of the tyrants in 510–509 before the introduction of the democracy.[62] It was nevertheless adopted by the democrats and, like the expulsion of the tyrants, was later associated with democracy. The principle that free men are exempt from corporal punishment is closely connected with democracy in Demosthenes' speech against Androtion.[63]

The Athenian democracy further provided some protection of a citizen's home. Demosthenes was severely criticized by Aischines for breaking into a house and arresting the alleged traitor, Antiphon, without a warrant, i.e., a *psēphisma* of the People,[64] and in the Assembly Aeschines got his way and secured the man's release. Demosthenes, in his turn, accuses Androtion of having surpassed the Thirty in brutality: they had people arrested in the marketplace, but, when exacting arrears of *eisphora,* Androtion conducted the Eleven to the debtors' houses and had them arrested there.[65]

Finally, in Aristotle's *Constitution of Athens,* we are told that "as soon as the Archon enters upon his office, he proclaims through the public herald that whatever a person possessed before he entered upon his Archonship he will have and possess until the end of his term."[66] Like the ban on torture of citizens, this is probably a survival from the sixth century. It may even go back to Solon, a measure to reassure the Athenians that, after the *seisachtheia* (shaking off of burdens), no further infringements of private property would take place.[67] But even if the origin and original purpose of the proclamation are obscure, what we know for sure is that it was still valid in the fourth century and understood as a guarantee that no redistribution of property would take place in Athens, as happened in other Greek poleis.

In addition to the protection of person, home, and property, the most treasured of individual rights is freedom of speech, cherished by democrats but suppressed by supporters of authoritarian rule.[68] Once more we find the same ideal in democratic Athens,[69] as in Demosthenes' remark that a basic difference between Spartan oligarchy and Athenian democracy is that in Athens you are free to praise the Spartan constitution and way of life, if you so wish, whereas in Sparta it is prohibited to praise any other constitution than the Spartan.[70]

It is not enough, however, to have laws and regulations protecting the citizens: there must also be ways of enforcing them if they are infringed by the democratic polis itself and its officials. Consequently the Athenians provided for both public and private prosecution of magistrates and connected the democracy with the rule

of law and the protection of citizens against their rulers. An obvious example is Aeschines' praise of the rule of law in democratic Athens: "As you are well aware, Athenians, in a democracy it is the laws that protect the individual and the *politeia,* whereas the tyrant and the oligarch are protected by mistrust and armed bodyguards. Oligarchs, and those who run the unequal states, have to guard themselves against those who would overthrow the state by force; you who have an equal state based on the laws have to punish those who speak or have led their lives contrary to the laws."[71] Here legal protection of the citizens is singled out as the hallmark of democracy. The comparison between the three constitutions in that passage leaves no doubt that the laws Aeschines has in mind are laws binding the rulers, not the ruled. In oligarchies and tyrannies citizens are exposed to the whims of their rulers, in democracies the laws protect the citizens. Against whom? Obviously against the political leaders and the magistrates, who must respect the democratic laws in their dealings with the citizens.

4. It is often said that *eleutheria* was basically different from modern liberty because the connotation of being free in the sense of not being a slave lay behind any use of *eleutheria.*[72] It is true that *eleutheria* in the sense of self-determination was rooted in the opposition free/slave,[73] whereas the modern concept of liberty does not have slavery as its antonym (except in a metaphorical sense). But two considerations will suffice to show that *eleutheria* as a democratic ideal was viewed differently from *eleutheria* in its social sense (free *versus* slave). First, as a constitutional ideal *eleutheria* was specifically democratic and not a value praised in oligarchies or monarchies; the oligarchs[74] (and the philosophers[75]) did not have an alternative interpretation of *eleutheria,* as we shall see they had of equality; they simply rejected *eleutheria* as a mistaken ideal,[76] and that would not have been possible if the critics of democracy had felt that "not being a slave" was an important aspect of the democratic ideal. Second, as a democratic ideal *eleutheria* (in the sense of personal freedom) applied not only to citizens but also to metics and sometimes even to slaves. Thus, a slave, who in the social sphere was deprived of *eleutheria,* might well, in a democratic polis, be allowed a share in, for example, freedom of speech, though only privately and of course not in the political assemblies.[77]

   To sum up, the idea of self-determination may well be behind all uses of *eleutheria,*[78] but the sources show that Greek democrats distinguished constitutional liberty from liberty in the social sense, and imposed the distinction on the rest, by inducing aristocrats and oligarchs to hate *eleutheria* as a mistaken democratic value and, in this context, to ignore (or suppress) the notion of *eleutheria* as being opposed to *douleia.*

5. That the Athenians did distinguish a public sphere from a private sphere is now, I think, acknowledged by most scholars and to refute the opposite view would be to flog a dead horse. But a note of warning is in order: the Athenian distinction is between the private (*to idion*) and the public (*to koinon* or *dēmosion*), which is not

quite the same as our opposition between the individual and the state. First, in many modern discussions, e.g., of democratic freedom, the contrast individual/state is itself somewhat twisted: the opposite of individual freedom is not state authority but public control.[79] Next, in the Greek sources, the public sphere is mostly identified with the polis,[80] whereas the private sphere is sometimes a social sphere without any emphasis on the individual: family life, business, industry, and many types of religious association belonged in the private and not in the public sphere. The Athenians distinguished between the individual as a private person and as a citizen rather than between the individual and the state. Thus, instead of *individual* freedom, it is preferable to speak about *personal* or *private* freedom, which was often individual in character, but not invariably so.

I conclude that Athenian democratic *eleutheria* in several important respects was strikingly similar to the concept of freedom in modern liberal democracies. As a democratic ideal *eleutheria* had two aspects: it was both freedom to participate in political decision-making (positive freedom) and freedom from political oppression (negative freedom). It was linked with the distinction between a public sphere (in which political freedom applied) and a private sphere (in which each individual was allowed to live as he pleased). Freedom of speech was perhaps the right most cherished by the Athenian democrats, as it is in liberal democracies. Together with *dēmokratia* and *isotēs, eleutheria* formed a triad, just as liberty, equality, and democracy form a triad in liberal democratic thought.

But why this similarity? It cannot be the classical influence on European political thought during the Enlightenment. Admittedly, the modern concepts of democracy, liberty, and equality have sprung from three sources: the American Revolution, the French Revolution, and the English utilitarians. But the positive view of democracy, and the triangle democracy-liberty-equality did not emerge until the mid-nineteenth century. And George Grote was one of the first to link it with the classical tradition. If we look for the influence of classical tradition on the modern concepts of democracy, liberty, and equality, we should probably shift the focus of interest from the American and French Revolutions to the mid-nineteenth century and on. But let me end with another warning: Tradition must not be overrated (it sometimes is, especially by classicists), and correspondingly we must not underrate our capacity in similar circumstances to develop strikingly similar but basically unrelated institutions and ideals. I am inclined to believe that liberty, equality, separation of the public from the private, and protection of personal rights are ideals fostered in the ancient Greek world by the development from tyranny over oligarchy to democracy, and, independently, in modern Europe by a somewhat similar development, from monarchy over republic to democracy. In my view the Athenian example was of little or no importance for those who in the nineteenth century developed the

liberal view of democratic freedom, and there is no evidence of any *direct* tradition transmitted from Athens to Western Europe and America in the eighteenth century.[81]

ADDENDUM

The apparent disagreement between my paper and that of Professor Wood exists because we compare different things. I compare the ideals and views held by champions of Athenian democracy with the ideals and views of the liberal democrats of the nineteenth and twentieth centuries. Professor Wood chose to compare the views held by the critics of democracy, especially Plato and Aristotle, with the ideals and views of the American Founding Fathers of the late eighteenth century. I think that, in that case, Professor Wood is absolutely right in emphasizing differences more than similarities. The similarities I discuss become apparent only a century later, i.e., from c. 1850 onward, and are not between critics of democracy, but between professed democrats in the ancient and modern world.

Another difference between my paper and her response is that, following the democrats, I take *dēmos* in its political sense, as e.g. in the enactment formula of the decrees of the Assembly: *edoxe tōi dēmōi* (the people decided), whereas she, following the critics of democracy, emphasizes *dēmos* in its social sense, denoting a class, and more or less synonymous with *hoi aporoi.*

Again, I have no quarrel with her valuable observations but would like to point out that there are two modern traditions about ancient Greek democracy. One is the liberal tradition that focuses on Pericles' funeral oration, Euripides' tragedies, and the praise of democracy found in the orators. The other one is the Marxist tradition which, by and large, is based on Aristotle's account in books 3 through 6 of the *Politics* where he defines *democracy* as the rule of the poor over the rich whom they can outnumber in the Assembly. *Dēmokratia* is taken to be class rule rather than popular government, and *dēmos* is understood in the sense of the common people, not the whole of the people as Pericles, Demosthenes, and other Athenians preferred to believe. Aristotle's analysis of democracy in *Politics* books 3 through 6 fits in nicely with Marx's and Lenin's thoughts about democracy as the rule of the proletariat, but neither in Engels nor in Marx nor in Lenin is there any explicit reference to Aristotle as the source for this understanding of democracy. However, the parallel between the Marxist and the Aristotelian definition of democracy is often pointed out in Marxist literature, for example in C. B. Macpherson's books.[82]

NOTES

1. Sartori, "Democracy,"112; Hättich, *Begriff,* 10, 17; Burdeau, *Démocratie,* 10; Pennock, *Democratic Political Theory,* 14.

2. Dahl, *Democracy,* 88–89.

3. Pennock, *Democratic Political Theory,* 7; Holden, *Understanding Liberal Democracy,* 5; Naess, *Democracy, Objectivity, and Ideology,* 276–329.

4. Sartori "Democracy," 116–177; Pennock, *Democratic Political Theory,* 16.

5. E. Vacherot, *La Démocratie* (Paris: F. Chamerot, 1860) 7: "Démocratie, en bon langage, a toujours signifié le peuple se gouvernant lui-même; c'est l'égalité dans la liberté" [Democracy, properly speaking, has always signified the self-government of the people; it is the equality contained in liberty] = Tocqueville 2.2.1, but without his modifications. B. Holden, *Understanding Liberal Democracy,* 28: "Democracy, liberty and equality form, as it were, the three points or angles of a triangle."

6. Arist. *Pol.* 1291b34–38.

7. Cf. also Plato *Rep.* 563b; Isoc. 7.20; Dem. 10.4; Arist. *Pol.* 1310a28–33.

8. Thuc. 2.37.1–3.

9. For this interpretation of *es tous pleionas oikein,* cf. Thuc. 5.81.2, 8.38.3, 8.53.3, 8.89.2. Raaflaub, "Perceptions of Democracy," 60 and especially Harris, "Pericles' Praise of Athenian Democracy," 163–66.

10. Gomme, *HCT,* II, 108; Hornblower, *Commentary,* 300.

11. Rawls, "Basic Liberties," 55–57.

12. Wood, *Peasant-Citizen and Slave,* 130.

13. Eur. *Supp.* 438–41.

14. Plamenatz, "Equality of Opportunity," 84; Berlin, *Four Essays on Liberty,* 125; Sartori, *Democratic Theory,* 348.

15. Liberal democrats "put liberty at the top of their value hierarchy, above equality" (Pennock, *Democratic Political Theory,* 16).

16. Finley, "Freedom of the Citizen," 10; Mulgan, "Liberty in Ancient Greece," 12; Bleicken, *Die athenische Demokratie,* 32, 191, 263, 312. Meier, *Greek Discovery,* 55, 66–68, 162.

17. Hansen, *Was Athens a Democracy?* 42n.140.

18. Triremes called *Dēmokratia: IG* II^2 1604, line 24; 1606, line 59; 1620, line 32; 1623, line 326. Called *Eleutheria: IG* II^2, 1604, line 49; 1607, line 85; 1627, line 202; 1631, line 488.

19. *IG* II^2 1624, line 81.

20. Hansen; *Was Athens a Democracy?* 42n.142.

21. *IG* II^2 1496, lines 131–32; 2791, cf. Raubitschek, "Demokratia."

22. Agora I 2483 = Wycherley, *Agora,* no. 39; Xen. *Oec.* 7.1; Hdt. 3.142.4. Raaflaub, *Entdeckung der Freiheit,* 132–35.

23. Xen. *Hell.* 1.6.24; Arist. *Pol.* 1253b3–4.

24. Democr. fr. 251.

25. Dem. 57.69; Aeschin. 3.169; Arist. *Ath. Pol.* 42.1. Cf. *Pol.* 1281a6; 1283a33; 1290b9; 1291b26; 1301a28–35. I follow Wyse, *Speeches of Isaeus,* 281 *pace* Rhodes, *Commentary,* 499.

26. Arist. *Pol.* 1281b22–23.

27. Ibid., 1301a28–35.

28. Ibid., 1290b18.

29. Ibid., 1280a4–5; 1290b1–3.

30. Ibid., 1317b2–3; Eur. *Supp.* 406–8; cf. Isoc. 20.20.

31. Hdt. 3.83.3; Thuc. 2.37.2; 7.69.2; Lys. 26.5; Plato *Rep.* 557b; Isoc. 7.20.

32. E.g., Hdt. 3.83.3.

33. E.g., Thuc. 2.37.3.

34. Xen. *Hell.* 3.1.20; *IG* II^2 126, line 16.

35. Cf. Raaflaub, *Entdeckung der Freiheit,* on *Polisfreiheit* (148), and *das innenpolitische Freiheitsbegriff* (258).

36. Cf., e.g., Plato *Tht.* 172c; *Phdr.* 256b; *Def.* 412d, 415a; Xen. *Mem.* 1.2.5.

37. In Arist. *Eth. Nic.* there is no discussion of *eleutheria* and *eleutheros,* and only *eleutheriotēs* and *eleutherios,* "generous" and "generosity," are concepts of any consequence.

38. Arist. *Pol.* 1325a19, referring to the philosopher who is *apolis.*

39. Dem. 9.3.

40. Hdt. 3.83.

41. Sartori, *Democratic Theory,* 282–87; Berlin, *Four Essays on Liberty,* 118–72; Taylor, "What's Wrong with Negative Liberty?" Gray, "On Negative and Positive Liberty," 321–48; Ryan, "Freedom," 163–66.

42. Berlin, *Four Essays on Liberty,* 131–34.

43. Kelsen, *General Theory,* 284–85: "Freedom is self-determination and political freedom is self-determination of the individual by participating in the creation of the social order." Sartori, *Democratic Theory,* 286: "It can be argued that political freedom has also a positive aspect. . . . Now, there is no doubt that political freedom cannot be inert, that it postulates some activity; in other words that it is not freedom *from,* but also *participation in.* No one denies this. But we must not overstress this latter aspect." J. Plamenatz, response to UNESCO's questionaire about democracy (1949): "Representative democracy is government by persons freely chosen by the great majority of the governed," in Naess, *Democracy, Ideology, and Objectivity,* 329. Cf. also Gray, Liberalism, 57; Dahl, *Democracy,* 89.

44. Holden, *Understanding Liberal Democracy,* 21. Cf. also Lucas, *Democracy and Participation,* 134: "Political freedom requires not only that a subject may hold opinions of his own and express them, but that he should have some real opportunity to ventilate his views, make common cause with those that are like-minded, and persuade others, who in turn may be able to persuade those to whom the decision is entrusted. Freedom of speech and the right of association are a beginning, but they need to be supplemented by some duty on rulers to listen, and some further provision that arguments and pleas are not only heard but sometimes heeded." Gray, "On Negative and Positive Liberty," 327: "Now both the understanding of freedom as consisting in the entitlement to a voice in political decision-making and the understanding of freedom as rational choice in accordance with standards that are one's own and which accord with a natural moral order are present in the modern liberal tradition but, as Berlin has emphasized, neither is distinctive of it." Dahl, *Democracy,* 311: "The democratic process . . . promotes freedom as no feasible alternative can: freedom in the form of individual and collective self-determination."

45. Berlin, *Four Essays on Liberty,* 124, 126; Holden, *Understanding Liberal Democracy,* 12–13, 140–41.

46. Arist. *Pol.* 1317a40–b17.

47. Plato *Rep.* 557b; *Def.* 412d; Isoc. 7.20.

48. Hdt. 3.83.2–3.

49. Thuc. 2.37.2; 7.69.2.

50. Lys. 26.5.

51. Eur. *Supp.* 406–8; cf. Isoc. 20.20.

52. Hansen, *Was Athens a Democracy?* 8–21, 25–28; *The Athenian Democracy,* 74–85.

53. Sartori, *Democratic Theory,* 292; Berlin, *Four Essays,* xl–xli; Gray, *Liberalism,* 1; Mulgan, "Liberty in Ancient Greece"; Bleicken, *Die athenische Demokratie,* 313.

54. B. Constant, *De la liberté des anciens comparée à celle des modernes* (1819) reprinted in M. Gauchet, *De la liberté chez les modernes: Écrits politiques* (Paris Livre de Poche, 1980), 491–515.

55. Constant, *Liberté,* 500: "Athènes était de toutes les républiques grecques la plus commerçante, aussi accordait-elle à ces citoyens infiniment plus de liberté individuelle que Rome et que Sparte"; [of all the Greek republics Athens was the most commercial, and furthermore it granted its citizens infinitely more individual liberty than did Rome or Sparta] cf. ibid., note 14: "Si le caractère tout à fait moderne des Athéniens n'a pas été suffisament remarqué, c'est que l'esprit général de l'époque influait sur les philosophes, et qu'ils écrivaient toujours en sens inverse des moeurs nationales." [If the Athenians' altogether modern disposition has not been sufficiently noticed, the reason is that the spirit of the time influenced the philosophers and that they always wrote placing themselves in opposition to the various national mores].

56. G. Grote, *History of Greece,* vol. 6, 180: "This portion of the speech of Perikles [§ 37] deserves peculiar attention, because it serves to correct an assertion, often far too indiscriminately made, respecting antiquity as contrasted with modern societies—an assertion that the ancient societies sacrificed the individual to the state, and that only in modern times has individual agency been left free to the proper extent. This is preeminently true of Sparta:—it is also true in a great degree of the ideal societies depicted by Plato and Aristotle: but it is pointedly not true of the Athenian democracy, nor can we with any confidence predicate it of the major part of the Grecian cities."

57. This volume.

58. Isoc. 15.22; Lys. 22.2; Hansen, *Was Athens a Democracy?* 13.

59. Arist. *Ath. Pol.* 52.1.

60. Lys. 19.7; Dem. 25.87.

61. Andoc. 1.43.

62. MacDowell, *Andocides,* 92–93.

63. Dem. 22.55.

64. Ibid., 18.132.

65. Ibid., 22.51–52.

66. Arist. *Ath. Pol.* 56.2. Mossé, "La Démocratie athénienne."

67. Rhodes, *Commentary,* 622.

68. Rawls, "The Basic Liberties," 55–79.

69. Eur. *Hipp.* 421–23; Dem. 45.79 and *Ep.* 3.13. Raaflaub, "Des Freien Bürgers Recht."

70. Dem. 20.105–8.

71. Aeschin. 1.4–5.

72. Mulgan, "Liberty in Ancient Greece," 8–9.

73. Meier, "Freiheit," 426; Raaflaub, *Die Entdeckung der Freiheit,* 29–70, 160–88.

74. Ps. Xen. *Ath. Pol.* 1.8; Theophr. 28.6.

75. Plato *Rep.* 557b–58c, 562b–64a; Arist. *Pol.* 1310a26–33; 1318b39–41.

76. Hansen, *Was Athens a Democracy?* 12, cf. Raaflaub, "Democracy, Oligarchy," 525–56 *pace* Mulgan, "Liberty in Ancient Greece," 18–20.

77. Dem. 9.3; Ps. Xen. *Ath. Pol.* 1.12.

78. Democ. fr. 251.

79. Taylor,"What's Wrong with Negative Liberty?" 175–77.

80. Isoc. 7.30; Dem. 20.57.

81. Hansen, *Was Athens a Democracy?* 26–28; "The Tradition of the Athenian Democracy," passim.

82. MacPherson, *Life and Times.* For a brief treatment of the liberal versus the Marxist version of ancient Greek democracy, see now M. H. Hansen, "The 2500th Anniversary of Cleisthenes' Reforms," 36–37.