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The Liberty of the Moderns Compared to the Liberty of the Ancients

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In the contemporary West, it is a widely held view that the idea of personal freedom is specific to so-called modern societies. From the fifteenth century onwards, according to this view, a "culture of individual autonomy" spread in Europe (Taylor 1989: 305). In a broadly parallel legal development rights of the subjects against interference in their lives by the rulers were gradually introduced. The political theory of individualist liberalism and the economic theory of market exchange, which were elaborated between the seventeenth and early nineteenth centuries, accompanied those cultural and legal transformations. With the advent of the liberal-democratic revolution and the market-industrial revolution from the late eighteenth century onwards, it appeared to many contemporaries that an entirely novel form of society was coming into being – and at least in some views this society came to be referred to as "liberal society," a society based on the idea and practice of personal freedom.

This self-perception has often been accompanied by the view that a similarly profound commitment to liberty exists neither elsewhere in the present, at least not until very recently, nor in the past prior to this European transformation. It is often held, in particular, that despite its invention of democracy ancient Greece did not know a concept of personal freedom. Rather, the high degree of commitment that the Greek *polis*, and specifically democratic Athens, demanded of its citizens meant that the latter were to live for the *polis* rather than their own lives as they liked, as the interpretation goes.[1] Benjamin Constant's lecture "De la liberté des anciens comparée à celle des modernes" (Constant 1997), given at the Athénée

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Royale in Paris in 1819, was an early and succinct expression of this view, and it has long since been considered a canonical statement of the self-understanding of our societies as democratic societies based on individualist liberalism. Since Isaiah Berlin's 1958 lecture on "Two concepts of liberty" (Berlin 2002), which in many respects restates Constant's – and John Stuart Mill's (1956 [1859]) – defences of modern liberty (Wagner 2007), this difference has often been cast as the distinction between negative and positive freedom, and all versions of the latter were under the suspicion of lacking some "modernity."[2]

Significantly, the rise of such a "modern" concept of freedom was immediately accompanied by criticism that suggested both that its view of the human being as an atom was inappropriate and that the emphasis placed on the liberty of such individual was detrimental to the sustainability of the modern polity that was composed of such individuals. From J. G. Herder (1965 [1784]) and G. W. F. Hegel (2005 [1820]) to Charles Taylor (1995) and Axel Honneth (1992; see now 2011), thinkers and scholars have emphasized the need for a social and political philosophy that works with stronger ties between human beings. Such deviating views, however, were, and are, often suspected of abandoning considerable components of the commitment to personal freedom in favor of compulsory bonds to other citizens or "virtuous" service to the community in view of some common good, as allegedly "the ancients" did. This latter argument, for instance, is often used against current advocates of a retrieval of the republican political tradition, implying that the emphasis on civic virtue must entail some restriction to individual liberty in the sense of living as it pleases.

In the following discussion, we will aim to demonstrate that the dividing line between ancient and modern, even though it exists, is drawn far too sharply in these "modern" debates and that the concepts of freedom, autonomy, democracy, and politics in the Greek *polis* lend themselves much more to contemporary usage than is usually thought. In particular, we intend to show that the concept of freedom, as it was elaborated between the sixth and fourth centuries BCE, provides important components of a remedy for the insufficiency of the "modern" concept of freedom in individualist liberalism. This demonstration would not be possible without the support of recent work in the historiography of ancient Greek political concepts. We draw on a confluence, during the past three decades, of works by politico-theoretically oriented historians of ancient Greece such as Christian Meier (1990), Kurt Raaflaub (2004) and Pierre Vidal-Nacquet (1981), with those of historically minded social and political philosophers, such as Cornelius Castoriadis (see now in particular 2008). In sum, these works have not only identified in the Greek transformations of the time the genesis of freedom (Raaflaub), autonomy (Castoriadis), democracy (Meier, Castoriadis), and politics/political philosophy (Meier, Castoriadis), but also critically discussed the relation of these events to our time, claiming neither unbroken continuity nor radical rupture.[3]

As we will try to show along the way, the key to opening up the dichotomy between the ancient and the modern is the reconnection of the analysis of social life with observations on political form, after the separation of the social from the

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political with the nineteenth-century rise of the social sciences (see Karagiannis 2007; Wagner 2009 for further elaborations of this argument). In the particular case of the issue of freedom, this means connecting the idea of being free in the polity with that of freedom of the polity. We will first trace the socio-political transformations that took place in Greece, and in particular in Athens, between the sixth and fourth centuries with a view to identifying the specific understanding of freedom – and, in connection with freedom, of democracy and politics as well – that was created during this period.[4] In a second step, we compare the concept of freedom thus identified with the individualist-liberal concept of freedom and show how the former can help us understand the key shortcomings of the latter. Finally, we use this comparison to develop necessary elements for a richer, more encompassing concept of freedom.

Freedom of the *Polis* and in the *Polis*

From the reforms of Solon at the beginning of the sixth century to the elaborate critical-reflexive conceptualizations by Plato and Aristotle in the fourth century, momentous socio-political transformations took place in ancient Greece, and in particular in the city-state of Athens. While some of what we describe in the following holds for all or major parts of Greece during that period, we focus on ancient Athens in particular, because the exceptional feature of Athens is the coincidence of collective and individual autonomy, of the free determination of collective matters by the free citizens of the polity, or in other words, the invention of democracy based on freedom.[5] In our brief historical reconstruction (see also Mossé 1971; Raaflaub, this volume), we distinguish four steps of politico-conceptual elaboration which are each related to specific events or measures: the extension of individual freedom; the invention of politics and the political; the invention of external freedom or freedom of the polis; and the connection of individual and external freedom in the invention of democracy.

The first steps in the major transformation Athens underwent in that period were the reforms by first Solon and then Cleisthenes. At the end of the seventh century, Athens – like many other *poleis* – was ridden by a profound crisis, marked in particular by "the economic and social plight of a substantial number of farmers who… were either held in bondage in Attica or had even been enslaved and sold abroad" (Raaflaub 2004: 45–6; see also Meier 2011: ch. 19). Solon's reforms were in the first instance aimed at relieving this social situation. The most important measure was the abolition of debt-bondage, thus giving legal security to the status of a freeman, or in other words, establishing "the irrevocable right of every citizen to personal freedom."[6] For our context, it is important to note that the communal valuation of personal freedom occurred in response to the analysis of a critical social situation. The measures to decrease what sociologists today call "social inequality" were provoked not least by the threat of rebellion, and as such it had what we would call now a "political" component, leading to a change in the

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common rules for the purpose of providing greater justice. Other measures taken by Solon make the connection even clearer, not least his reform of inheritance laws, in particular for the children of those killed in war, with the *polis* shouldering the financial burden of the education of the dead warriors' progeny until adolescence.[7] These reforms also had the broader effect of providing an elaborate sense of what we would call civic solidarity, a demonstration of the willingness of the *polis* to care for the families of those who fought and died for its independence as well as of the concern of richer citizens for the plight of the poorer ones.[8]

Faced with what he saw as an entrenched situation of injustice that was detrimental to the polity, Solon embarked on what we can identify as a rather comprehensive project of restoring a good order. Two observations serve to underline the extraordinary nature of this attempt. First, Solon needed to break with the idea that ills in society were necessarily related to a disposition of the gods towards the city, possibly to divine punishment. He did so by identifying the causes for injustice in the behavior of the citizens, especially the noble ones. Second, he needed to have a sense of the possibility of restoring the good order by human means. This belief irretrievably distanced humans from gods (Meier 1990: 45–6; see Osborne, this volume), and it demanded a novel way of grounding action in the polity. This novel way was the widening of participation, strengthening, and broadening the view that the citizens themselves are responsible for the state of the city.

Among Solon's measures in this regard, the *stasis* law is of paramount importance for the illustration of our argument: the law stated that, in case of civil strife, any citizen who did not side with one of the opposing parties would be considered *atimos*, that is, without rights.[9] The intention behind this law was to enable the constitution of a majority that could counter the minority's *stasis*. In other words, the law recognizes the possibility of internal struggle that does not enhance the benefit of the city, and introduces means to overcome it.[10] It is a telling example of the self-determination of a society that acknowledges its own frailties and attempts to counter them. Additionally, through its enforcement of a majority, it is a step towards the enlargement of the circle of the citizens who were able and intended to participate in the common life (Meier 1990: 47).

Bold as they were, Solon's reforms did not abolish the strong distinction between a small number of noble families and a much larger number of other members of the *polis*, with different sets of rights and obligations, under conditions of overall still limited active political participation. Cleisthenes' reforms at the end of the sixth century continued the path in the same direction, but they were much more ambitious (for discussion, see Ostwald 1988; Meier 1990: ch. 4; 2011: 256–65; Ober 1996). Relating to a specific concept of equality (*isonomia*), they aimed at the broad involvement of the citizenry in common matters and underlined this objective by the institutionalization of what has been called "civic presence" (Meier 1990: 61). Three of the most salient features of this very complicated reform need to be mentioned: the re-organization of Attica into new administrative units, the demes (*dēmoi*) and tribes (*phylai*), the concentration of decision-making and deliberations in Athens (especially in the highly representative "Council of 500," *boulē*),

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and the decrease of the distance between the nobility and other social classes. Each feature contributed to creating and making explicit a novel relation between the social and the political. Thus, the newly constituted *phylai* no longer corresponded to religious, familial, communal or professional ascriptions. In them, people were mingled in such a way that the main commonality they shared was precisely this: the way of being involved in the *political*. Other significant forms of collective action, such as the formation of military regiments and the participation in performative competitions at festivals, were now linked to the political purpose of the *phylai*. The centralization of political deliberation was intended to facilitate the clear establishment of a common will. Finally, the bringing together of nobility and laymen (peasants, artisans etc.) mitigated the inclination – which had until then always been predominant – of different factions of the nobility to attract their followers among the people.[11]

In the combination of these features we identify the first emergence of a self-understanding of the relation between citizens *qua* citizens, irrespective of their other affiliations. And we recognize the first self-reflexive institution of such an understanding, too: it is in the people's increasing demands for participation that Cleisthenes found his inspiration. Thus, these reforms are at the core of "the discovery of politics" in the sense of creating and institutionalizing a participative realm of discussing and deciding common matters, a realm of collective self-determination, in other words, of collective autonomy.[12]

In 506 BCE, that is, between the first and the second period of the Cleisthenian reforms, Athens won an important victory in a war against Sparta and its allies. Herodotus (5.78) credited the military victory to the Athenian commitment to an equal right to free speech (*isēgoria*) and in general to the "energies unleashed by liberty and… the citizens' new commitment to the common good" (Raaflaub 2004: 97). Even though at that time terms such as *isonomia* (equality of law, political equality) and *isēgoria* held the place that was later occupied by the term "democracy," the connection between personal freedom and commitment to the polity that finds particular expression in the struggle for the freedom of the polity against external enemies inaugurates the next step in politico-conceptual development (see also Raaflaub, this volume).

The question of external freedom arose with the Persian Wars in the early fifth century. The frequent intra-Greek wars had not given rise to a similar concern, since subjection of the defeated city was not normally the intention of the victor. However, the subjection and, in extreme cases, destruction and enslavement of Ionian cities by the Persians and, subsequently, the continued warfare against cities that had supported the Ionians, among which Athens, and that resisted the Persian expansion in general, caused the Greek fight to be recognized as a war about liberty. That such a struggle for freedom against an overwhelmingly stronger enemy could be victorious was in turn attributed to the fact that the Greeks were free men who were fighting for their personal freedom and the freedom of their polities at the same time (Raaflaub 2004: chapter 3).

After this experience, the conceptual connection between freedom in the *polis* and freedom for the *polis* was generally available. During the remainder of the fifth

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century, the connection was evoked, in Athens in particular, to argue against tyranny and for democracy. But the adequate degree and extension of participation remained a matter of deep dispute between proponents of oligarchy, on the one hand, and those of democracy, on the other. From the middle of the century until the Sicilian disaster in 513, as long as Athens under its democracy was successful, and in the context of Athens' conscious self-presentation as "the freest city," in particular in contrast to Sparta, the connection between democracy and freedom, or more concisely, between collective and individual self-determination was tight and compelling enough to make "open, direct, and organized opposition to democracy… impossible" (Raaflaub 2004: 273). But the political-ideological contrast between democracy and oligarchy broke through violently in the final decade of the Peloponnesian War (411–410 to 404–403), and it was only after disastrous experiences with oligarchic rule in those years that the connection mentioned above was no longer contested.

Yet the Athenians were also aware of the fact that democracy was a fragile political form; it was an adventure the unfolding of which was always uncertain; and it may even be called a tragic regime.[13] Problematic experiences with democracy led to debate and first attempts at theorization (Raaflaub 1989), then disaffection and a period of constitutional instability (Ostwald 1986: esp. pt. III; Shear 2011), and in the fourth century systematic criticism (Roberts 1994; Ober 1998) as well as theoretical reflection about the best political form and the appropriate means to reach and sustain it. This reflection spelt the birth of what we know as political philosophy, with Plato and his disciple Aristotle as the foremost practitioners (Balot, this volume). Plato's *Republic* expressed considerable skepticism towards both unlimited free expression – with the call for banning the poets from the city because they arouse popular imagination in possibly unreasonable ways – and to the rule of the majority – the alternative being knowledge-based rule through the philosopher-kings. Aristotle, in turn, remained committed to the connection of freedom and democracy; his *Politics* summarises this argument in a remarkable way:

> The basis of a democratic state is liberty… One principle of liberty is for all to rule and be ruled in turn… Another is that a man should live as he likes. This, they say, is the privilege of a freeman, since, on the other hand, not to live as a man likes is the mark of a slave. This is the second characteristic of democracy, whence has arisen the claim of men to be ruled by none, if possible, or, if this is impossible, to rule and be ruled in turns; and so it contributes to the freedom based upon equality.[14]

The Liberty of the Moderns Compared to the Liberty of the Ancients

The dominant political philosophy of our own time, individualist liberalism, bases its reasoning on the principle of individual liberty. This principle corresponds closely to Aristotle's "live as you like" principle, as a comparison with a statement

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of one of the foremost early critics of liberalism indicates. In his comment on the French Revolution, Edmund Burke (1993 [1790]) pointed out: "The effect of liberty to individuals is, that they may do what they please: We ought to see what it will please them to do, before we risk congratulations." Burke's first phrase confirms a certain continuity of modern liberalism with Aristotle's emphasis on personal autonomy, whereas his second phrase indicates that for the moderns – and not only conservative ones like Burke after he had heard about the aftermath of the Revolution – the problem of order under conditions of liberty became the central socio-political concern.

This rapid comparison raises two questions. First, if modern liberty gives priority to individual autonomy, to the "live as you like" principle, what has happened to collective autonomy and the principle of "not being ruled" in the move from the ancients to the moderns? And second: While the ancient Greeks certainly were devoting much thought and practice to identifying the appropriate political form and one criterion for appropriateness was the safeguarding of some stability, why did they not give to the problem of "order" the same meaning as the moderns did?[15]

Our answer to the first question will be that the modern concept of liberty tended to disregard or downplay the "not being ruled" principle because of the suspicion that infringements on the "live as you like" principle could emerge from the exercise of collective autonomy. Constant (1997: 602), for instance, defines modern liberty as "the peaceful enjoyment of private independence," and ancient liberty as "the active and constant participation in collective power."[16] This is the point at which the modern understanding indeed diverged from the ancient Greek one, but, unlike Benjamin Constant and those who followed him in making the strong distinction thought, the modern concept did not prove to be unequivocally superior to the ancient one, because this one-sidedness creates new problems.[17] And our answer to the second question will be that the obsession with a derivation of order from the commitment to liberty precisely stems from the neglect of democracy, of collective freedom, in the modern concept of liberty, and demonstrates its basic insufficiency. To arrive at these answers we have to embark on a brief historical and conceptual reconstruction.

The Athenian connection of freedom with democracy did not find any direct continuation. As conceptual historians of the ancient world underline, the Roman concept of *libertas* focuses on the legal protection of the members of the polity against interference by the authorities.[18] This aspect remained underdeveloped in ancient Greece (Ostwald 1996; Wallace 1996); although it resonates with the early understanding of liberty in Solonian Athens, it falls far short in the later political concept of freedom in ancient Greece, where individual liberties were, with the important exception of "freedom of speech" subsumed under the comprehensive civil rights guaranteed by democracy.[19] And it is this emphasis on the individual liberty granted in civil rights that constitutes the main line of the "Western" tradition of freedom,[20] not the call for collective self-determination, and much less the connection between the two. In reconstructions of this line, the Magna Charta (1215) and the Habeas Corpus Act (1679) take a central place as early indications

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of the recognition that the reign of rulers over the inhabitants of their territory could be formally limited. But there are many more instances of the recognition of such rights in Europe, even though these rights were themselves often limited to certain groups of people on a territory, or to rather small and narrowly confined polities, such as the merchant cities around the Baltic Sea and the North Sea or the city republics on the Northern rim of the Mediterranean Sea. Later, the absolutist state often became a container of those rights on the larger scale of the territorial state.

The explicitly universal leanings in the *Déclaration des droits de l'homme et du citoyen* in revolutionary France in 1789 constitute a significant leap in conceptual development. This declaration refers unequivocally to the singular human being, and it does not make the rights it contains dependent on any qualities of this being, beyond being human. As it is part of the revolutionary process in which popular sovereignty is declared, this moment also marks the historical reconnection of freedom with democracy or, again more precisely, of personal self-determination with collective self-determination. Nevertheless, this moment does not provide sufficient support for the argument about the co-constitution, or non-coincidental co-emergence, of these two concepts under the conditions of emerging political modernity.[21] Rather, as Burke's worries and Constant's conceptual efforts demonstrate, the connection is most often seen as not viable, and some hierarchy of the one over the other seems to be required after the advent of modernity.

In the need to be brief, three observations shall be offered here that underpin the disjunction between the two concepts. First, as briefly set out above, the concept of personal liberty in the sense of "living as one likes" was seen as compatible with the status of a subject in a non-democratic setting, such as monarchic England. Second, almost immediately after the first attempt to put collective freedom into practice as popular sovereignty in the course of the French Revolution, a divide opened between those who emphasized individual liberty and those who supported collective liberty. The latter have been critically referred to as constituting the "Jacobin" or "totalist" strand of political modernity (Talmon 1970; Eisenstadt 1999), and this strand has precisely been accused of suppressing individual liberties in favor of collective self-determination. Third, theorists of liberalism in the aftermath of the French Revolution have concentrated their energies on spelling out a "principle of liberty" that clearly starts out from the liberty of the individual and imposes high hurdles for any restrictions to this liberty.[22] As a consequence, the reach of collective liberty as expressed in decisions taken on the basis of majoritarian democracy becomes secondary to the former principle. In other terms, this priority of individual over collective liberty has entailed the view that no substantive commitments can be made in common – that is, politically – because in plural societies any such common commitment could restrict the liberty of the individual.[23] The initial step towards a social contract, a step in itself difficult to theorize, provides a framework law, the constitution of the polity, which emerges indeed from an act of self-determination. But this law should provide nothing but a frame, not to be altered easily in future acts of self-determination, and the main purpose of all remaining laws is to safeguard freedom from interference.

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Such restrictive approach to conceptualizing life in common is normatively understandable in certain historico-political situations, which indeed are crucial experiences of political modernity.[24] Modern political theory, though, has not been able to provide a consistent reasoning for the principle of individual liberty, despite all attempted rigor in many contributions.[25] Therefore, its priority over other principles cannot be well defended, and the weaknesses of this defence need to be better understood before the "Greek alternative" can be reassessed.

As we know, the starting-point of reasoning in the prevalent versions of liberalism is the individual. This assumption leads to a first, basic ambivalence. For this liberal individual to be autonomous, she must give herself her own rules; however, rules refer to a life in common, and indeed the liberal individual cannot live alone. If those self-given rules are not to spell heteronomy for others, they must be agreed upon. This, though, means that interaction, not absolute autonomy, needs to be the starting-point of the reasoning.[26] Since any assumptions about primary sociality are to be avoided from an individualist point of view, however, the resort to interaction is precluded. To close the argumentative gap that thus opens, some versions of this theorizing resort to anthropology, or more precisely, to foundational understandings of the human *phusis*. Those understandings, though, differ widely, ranging from the famous Hobbesian "wolf" (Hobbes 1996 [1651]) to Rousseau's benign depiction of the first human beings (Rousseau 2006 [1762]). Thus, there is no theoretically unanimous solution to the issue. Another way out is to resort to a universal concept of reason, also to be found already in Hobbes, universal in the sense that all human beings share it. If such reason is applied to a common problem, then all individuals, from wherever they start, would arrive at the same solution, and thus at agreement about the common rules. Again, however, it has been shown that no such reason exists, or at least that it does not exist in such a form that determinate solutions for coordination problems would be reached.[27]

This reflection, read differently, also leads us to grasp the obsession with political order in "modern" social and political thought. Order is a fundamental problem precisely because free individuals need to agree on some rules for life in common, but have nothing but their liberty as a resource to arrive at agreements, and this resource on its own is insufficient. Individualist liberalism's concern with order is the result of a self-created deprivation of resources for agreement.[28]

At this point, we can halt our reconstruction and return to ancient Greece, where the question poses itself differently. In the first section above we have seen that, at the time of Athenian democracy, the ancient Greeks adhered to a concept of personal freedom and to one of collective freedom at the same time, and they saw these two notions as tightly interconnected. In the present section, we have shown that such a tight connection cannot be established from an individualist-liberal starting-point. In response to this difficulty, most "moderns" tend to deny that any concept of personal freedom existed in ancient Greece. It seems they need to interpret their own insufficiency in the light of an achievement, namely the positing of individual liberty, which makes the moderns superior to the ancients – and that the novel theoretical inconsistency is the price to be paid for this superiority.

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Our rereading of the ancient Greece experience, though, shows that this modernist defence does not hold. While it may be said that a concept of *individual* liberty did not exist in Greece, precisely because human beings were not thought of as atoms, there is a concept of *personal* freedom that normatively leads to rather considerable achievements in terms of the possibility of "living as one likes." At the same time, it does not create the insurmountable hiatus between the personal and the collective that individualist liberalism confronts, but starts instead from a view of the human being as being related to other human beings, that is, as a social being, and as posing herself the question of living in common with others, which means, as a political being. Witness Aristotle's famous view: "It is evident that … the human being is by nature a political creature (*politikon zōion*), and that the person who is citiless through nature (*apolis dia physin*) and not through luck is either an inferior creature or greater than a human being" (*Politics*, 1253a 2–3; see also Raaflaub, this volume).

This understanding of what it means to be an autonomous person is, on the one hand, rather different from the one espoused in individualist liberalism: it comprises not only the Socratic injunction to know oneself (*gnōthi sauton*) but also the idea that one should be economically and otherwise self-sustainable (have a "self-sufficient person," *sōma autarkes*), which is possible only in and through the community, as Pericles insists in his Funeral Oration (Thuc. 2.41; see Raaflaub 2004: 184–7); that one should give rather than owe; or that the good life is the free life. These are all issues that individualist liberalism can only accept as chosen maxims for individual human beings, as part of their idiosyncratic ways towards self-realization, but not as more or less binding, or at least highly desirable commitments for members of a polity, thus not as part of a political philosophy. We would suggest that nevertheless some of these issues are crucial for making a liberal polity viable, but this – big – question will not be discussed here further for reasons of space. On the other hand, the Athenian concept of liberty resonates with that of individualist liberalism by virtue of its commitment to the "living as one likes principle." By way of conclusion, we will briefly aim to discern more precisely where the difference between these two concepts as *political* concepts lies, that is, as tools to support the creation and maintenance of rules for the life in common.

Freedom Beyond Contract and Exchange

Individualist liberalism, in general, works with the assumption that freedom brings antagonism. Immanuel Kant, for instance, who sees human sociality as "unsocial" in its basic orientation, is inclined to associate greater freedom with increasing "antagonism" between the members of society (see Karagiannis and Wagner 2008 for a brief discussion). Such antagonism is often seen as a driving force in human history; Kant (1971 [1784]) shared such a view. However, it also needs to be channeled by socio-political institutions to avoid permanent hostility, an idea not alien to the ancient Greeks either, as Protagoras' myth in Plato's *Protagoras* shows.

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In liberalism, the means towards such ends are basically two. In political liberalism, the solution is contractual will, whereas in economic liberalism, self-regulation emerges miraculously from the generalization of the exchange relation.

In the former view, the social relation between human beings is predominantly a contract between individual contractors. In political liberalism, the ever-present human antagonism keeps aiming at "winning" over the other, and possibly at the expense of the other, but contains this ambition by defining and delimiting the applicable criteria for, and conditions of, "winning" through the contractual action of precisely the actors who will be bound by the contract, thus in self-determination. The rules for the life in common are contingent only on the will of those involved; and if the contract permits, they can be abandoned at any moment.[29] They are rules that are non-binding beyond the explicit purpose for which they were created. While such contingency may be seen as the necessary result of the positing of freedom, it demands an abstracting from the context of agreeing, as it has been most clearly expressed recently in John Rawls' notion of the "veil of ignorance" (1971). Or, in other words, it pretends the absence of anything "social-historical" (Castoriadis 1987) that characterizes the actors before entering into the contract and is not (entirely) available to their agency. While safeguarding a form of freedom, it renders the (political) struggle a priori dependent on the (social) inequality of the opponents.

In economic liberalism, an analogous problem exists. While political liberalism posits the freedom to enter into a contractual relation, the market freedom of economic liberalism posits the freedom to exchange whatever property one owns, including one's own labor. Again, the preconditions for entering the exchange relation are excluded from consideration qua conceptual presupposition. One does not need to adhere to Marx's view that ownership of the means of production creates such a strong criterion of social distinction between those who own and those who do not that only destructively antagonistic relations can exist between these two groups. Class antagonism can be overcome or mitigated by class cooperation suggested by the increasing social division of labor, as socio-political theory from Hegel (2005 [1820]) to Emile Durkheim (2007 [1893]) maintained. To be adequate, however, such socio-political theory will need to be able to take into account differences in social position before exchange; it thus requires a notion of free action that goes beyond freedom to exchange.[30]

From individualist liberalism, such adequate socio-political theory needs to retain the emphasis on the autonomy of the person vis-à-vis the social ("the social body," as Constant puts it), the "lesson" that can be considered to be our current political theory's central message.[31] Notwithstanding liberalism's precious insistence on the freedom of the person vis-à-vis the social, though, its lack of any kind of substantively rich account of the social and political world renders it insufficient as a basis for a socio-political theory. As a consequence of this lack, it rests content with the utter contingency of social relations, with the fundamental inequalities of the "original position" of the social actors and with the absence of any guarantee of social interaction against the dependence of the weakest part of the contract or the exchange on the strongest.

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In order for a more adequate socio-political theory to incorporate the enriching features of liberalism while rejecting its impoverishing aspects, the autonomy of the singular human being and the autonomy of the political, as they can be found in readings of ancient Greece, need to be related to an analysis of the state of social relations in the society in question. In other words, personal autonomy should not mean absolute freedom of the subject, but should rather be conceived of as socially emerging and developing. Similarly, political autonomy should not be understood as abstract sovereignty towards the inside as well as the outside, but as an "agential relation" of an instituted political to the social world to which it refers. This is accomplished when one recognizes that "the problem of autonomy is that the subject meets in itself a sense that is not its own…; autonomy is the relation in which others are always present as the otherness and as the self-ness of the subject" (Castoriadis 1987: 108).

In our perspective, this understanding of freedom or autonomy, as we borrow it from Cornelius Castoriadis, needs to be seen as unfolding across three steps. First, the capacity of an individual to act only becomes a capacity for autonomy once it is set into the context of relations to others; in this sense, personal autonomy is always social. Second, for any set of social relations to be regarded as an autonomous "society," one needs to imply that it gives itself its own laws, that it "poses" its own institutions, and is *conscious* of giving itself its own laws, that it *knows* that this is what it is doing. Third, giving oneself one's own law entails the possibility of revoking one's own law. If we assume that "oneself" (*auto*) refers to all members of a society – as one would today, but as the Greeks did not – an autonomous society has democracy as its political form. Being dependent on the expressed will of its members, thus also capable of self-cancellation, a democratic society lives with a regime of risk, and therefore, when this risk becomes reality, a tragic regime (for further exploration of this issue see Karagiannis, this volume). This embodiment of the autonomous social into a political form points to the understanding of the political as a project that aims at a re-formulation, as it were, of the social into an autonomous being.

In as far as "the moderns" are individualist liberals, as at least many political theorists of our time are, they fail to grasp that "the ancients" had insights that were lost in the unaccomplished and unaccomplishable search for the "principle of liberty." To return to the Greeks does not mean to wish to restore *polis* society. In many respects, there is a rupture between the ancients and the moderns. However, the poverty of contemporary political thought suggests that one needs to return to the Greeks in the search for a comprehensive understanding of liberty. Ancient Greece, or at least ancient Athens, developed a concept of freedom that cannot just be discarded as "ancient" and superseded by historical progress. This concept of freedom offered a combination of personal freedom with collective freedom that tended to get lost in the "modern" emphasis on the freedom of the individual. In modern times, the relation between individual freedom and collective self-determination has become a theoretical problem that liberal thought tried to solve by limiting the impact of the latter on the former. As a consequence, modern democracies have

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focused on procedures rather than on the substance of the life in common, and many observers agree that this is a loss. If we avoid treating personal freedom as "modern" and collective freedom as "ancient," then we may be able to retrieve from ancient Greek thought ways of re-balancing the relation between personal and collective freedom, not by aiming at recreating the balance that existed then, but by finding the balance that is appropriate for our time.

Notes

1 Taylor 1979, for instance, refers approvingly to Hegel expressing such a view.
2 Nippel 2008 recently analyzed the transformation of conceptions of freedom between antiquity and "modernity" and focused on the reception and transformation of the ancient concepts from the American and French Revolutions onwards. This issue is taken up in more detail by Wagner, this volume.
3 We would like to thank Kurt Raaflaub for extended comments and generous suggestions on an earlier draft of this chapter, which have led to considerable improvements.
4 In an earlier article, we used the term "autonomy" instead of "freedom" (Karagiannis and Wagner 2005). This choice was motivated by the fact that the idea of "giving oneself one's own law" seemed to best express the commitment to self-determination, both individually and collectively, as held in the *polis*, including the implication of "lawfulness" in contrast to any idea of boundless freedom (we followed Castoriadis 1990 here). However, the term freedom not only makes a direct conceptual confrontation with the terminology of liberalism easier; it is also suggested by the fact that the term "autonomy" was mostly used during that period in a more specific sense to characterize the condition requested by the allies of a hegemon, such as Athens' allies in the Delian League (Raaflaub 2004: ch.4.3).
5 The differences between Athens and Sparta have interested later scholars and intellectuals in particular, to the point of turning these cities into opposed ideal-types, the former allowing large spaces of freedom for the individual, the latter developing a highly egalitarian collective self-understanding. Significantly, Constant (1997: 600-1) sees himself obliged to explicitly discuss "Athenian exceptionalism." While he finds there even an "excessive love for individual independence" and at one point speaks of only "remainders of the liberty typical of the ancients" that persist in Athens, he nevertheless concludes on a "supremacy of the social body" that subjected the individual in ancient Athens and could not be found in any "free social state of Europe" at his time (all quotes from 601; translations from non-English sources are our own).
6 Raaflaub 2004: 50. This is a slightly "loose" way of putting very briefly a more complex issue (as Raaflaub, ibid., admits). On the distinction between citizens and non-citizens, see Karagiannis and Wagner 2009.
7 Rahe 1994: 50–2 (although this measure, if Solon's authorship is indeed authentic, became much more important in the mid-fifth century: Raaflaub 1998: 30-1). But a similar purpose is reflected in other laws of Solon. This particular concern, arising out of the frequent wars that were conducted by the Greek *poleis* and, thus, their quest for external autonomy, is later very salient in Thucydides' rendering of Pericles' Funeral Oration, there linking the financial aspect of the matter to the ethical injunction that these children try to be only a little worse than their fathers, since being as good as them is impossible (2.45-6).

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8 The term "solidarity" is used – anachronistically, in the sense of our "method" (Karagiannis and Wagner 2005) – by both Christian Meier (1990: ch.3, section "The social history of political thought") and Raaflaub (2004: 57), in both cases without, incidentally, entering it into the index. Mossé's (1971) analysis makes very clear how much social solidarity – together with empire, an issue not discussed here – was a precondition for democracy. An argument for extending the conceptual history of "solidarity" is provided by Karagiannis 2007.

9 Aristotle, *Constitution of the Athenians* 8.5; Meier 1990: 263-4; see also, on the question of authenticity, Rhodes 1981: 157-8, and see Castoriadis 1996a for a view of this measure as combination of ethos and polis. *Atimos* (without honor) is subject to interpretation: for Meier, it means unprotected by civil law; for Castoriadis, the person who loses civic rights.

10 Ostracism, introduced roughly a century later and intended not only to prevent a political leader from becoming too powerful but also to break a stalemate between two similarly powerful politicians and their supporters, and thus to allow the community to move forward (see Dreher 2000; Forsdyke 2005: ch. 4), tried to achieve something similar.

11 This gives us the environment of *Antigone*, in which, in one interpretation, the heroine defends values of the nobility and archaic religious rules against an enlarged understanding of the *polis.* Another, structurally similar view sees Antigone as representing the interests and values of the family (threatened by encroachment by the democratic community), and Creon as representative of the increasingly autonomous "political"; see Meier 1993: 187–203.

12 Meier 1990. (The translation of *Entstehung* as "discovery" is somewhat infelicitous.) This autonomy, inward and outward, of Athens was far from perfect, as many commentators have underlined. Women, slaves and *metoikoi* – resident aliens, including Aristotle – did not participate in the Athenian polity, and although these categories of people were not as marginal to life in common as has been claimed, they were subjected to a common defined by others, the male citizens. Thus, a certain autonomy was based on a "structural" heteronomy (see Karagiannis and Wagner 2009 for further discussion).

13 For the characterization as "adventure", see Lefort 1988; for the term "tragic", see Castoriadis 1996b and for a discussion Karagiannis 2006 and this volume.

14 Aristotle, *Politics*, 1317a 40ff. (trans. Jowett). For a comprehensive analysis of the critique of democracy that generated the genre of political philosophy, see Ober 1998. For his purposes, Ober includes Aristotle among the critics of democracy, but admits that many of his thoughts are "strikingly philo-democratic" and that other analyses have seen in this author a "friend of (liberal, deliberative) democracy" (293).

15 To avoid misunderstandings, we should underline that constitutional thought in Greece did begin with "order" (*nomos, eunomia, dysnomia*, see Meier 1990: 159-62), and democracy in Athens still claimed to be the ultimate realization of "equal-order" (*isonomia*) and oligarchy/aristocracy that of "good order" (*eunomia*; Raaflaub 2006: 392–404).

16 The attitude of Athenians was described as *polypragmosynē* (activism, interventionism) in contrast to *apragmosynē* (passivism, quietness), the attitude of the useless citizen (see Thuc. 1.70; 2.40. On the quiet citizen, see, for example, Carter 1986 ; Demont 2009), whereas current democratic thought sometimes sees "civic apathy" as a requirement for a sustainable democracy (the classic locus is Almond and Verba 1963).

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17 As his concluding remarks show (616–18), Constant is not entirely without regret for the loss of ancient liberty.
18 Bleicken 1998: 432-3 emphasizes "legal guarantees" over the freedom of political participation, and in general the situatedness and lack of theoretical reflection in the Roman concept of freedom, even during the republican period.
19 Raaflaub 2004: ch. 6.2; Meier 1990: 169; for the difference between the Roman and the Greek components in "republican" thought, see now Nelson 2005 and Wagner, this volume.
20 As Constant 1997: 596 underlines: "The ancients, as Condorcet says, had no notion of individual rights at all." But he also includes the Roman republic in this understanding.
21 Unlike Jürgen Habermas tends to argue; see, for instance, Habermas 1999. Raaflaub's analysis (2004) of the genesis of freedom in ancient Greece makes a detailed and convincing case for such co-constitution in the Athenian *polis*. This, though, is not Habermas' concern, since he presupposes the lack of institutional continuity between ancient Athens and our time.
22 The term is J.S. Mill's in *On liberty* (1956 [1859]), but the broad approach is shared by most liberal theorists from Benjamin Constant (1997) to Friedrich von Hayek (1960) and Isaiah Berlin (2002) to John Rawls (1971).
23 See for a recent example the caution Jürgen Habermas (2006) feels required to adopt when arguing for social solidarity as a common commitment of the emerging European polity.
24 Thus, Benjamin Constant (1997 [1819]) develops his plea for "the liberty of the moderns" after the *terreur* of the French Revolution, and Isaiah Berlin (2002) elaborates his defence of "negative liberty" in the aftermath of totalitarianism.
25 John Gray's assessment (1989) of the liberal tradition starts out from a stand-point of proximity but concludes on outright "failure."
26 If individualist liberalism is the pivotal political theory of modernity, individualist rationalism, also known as rational choice theory, provides a related theory of action. In this sense, rational choice theories are the epitome of such ambivalence since games and other expressions of individual rationality take as their unique starting point the rationality of the individual but can only ever demonstrate it through interaction.
27 This is one of the key issues in Gray's (1989) critique of liberalism.
28 Reflexive liberals are aware of this issue. Avoiding the dead-ends of resorting to either anthropology or rationalism, Isaiah Berlin states explicitly that any concept of liberty needs to be based on a "particular social and economic theory" (1971). In his own reflection, he acknowledges the "search for status" (or, as Axel Honneth [1992] would say, "struggle for recognition"), which includes collective struggles for liberation and self-determination, as a socio-political issue in its own right. Berlin just prefers to reserve the concept of liberty for other issues (1971). Knowing that this may not be an overly compelling argument, his defence of "negative liberty" remains cautious. Indeed, it seems appropriate to say that it is a political defence of such a concept in the light of recent historical experiences rather than any theoretical defence at all (Wagner 2007).
29 The concept of constitution aims at a binding beyond the will of the moment. In current liberal constitutionalism, though, the inclination to take anything "substantive" out of the constitutional rules counteracts the potential inherent in such longer-term self-binding.

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30 We may recall in this context our brief analysis of Solon's and Cleisthenes' reforms (above), which were based precisely on an analysis of social position from the angle of justice (as a common good) and with the view of actively restoring justice.

31 Elsewhere, we proposed elements of such a more adequate socio-political theory under the heading of "synagonism" (Karagiannis and Wagner 2005, 2008, 2009). Synagonism emphasizes struggle (even if other elements point to coordination and friendship), and struggle is excluded in configurations where the singular human being is conflated with the social. The individual must remain free to challenge, or to distance herself from, the other and the social in synagonistic interaction. In contrast to individualism, though, synagonism conceptualizes self-determination without severing the ties of the person to others. Thus, it does not need to evoke either anthropology or rationality to proceed from the individual to the collective. In distinction also from the Aristotelian view, to which it is otherwise close, synagonism does not make any precise argument on the human *phusis* at all. It only says that the categories through which human action is observed and thought are inherently interactive.

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