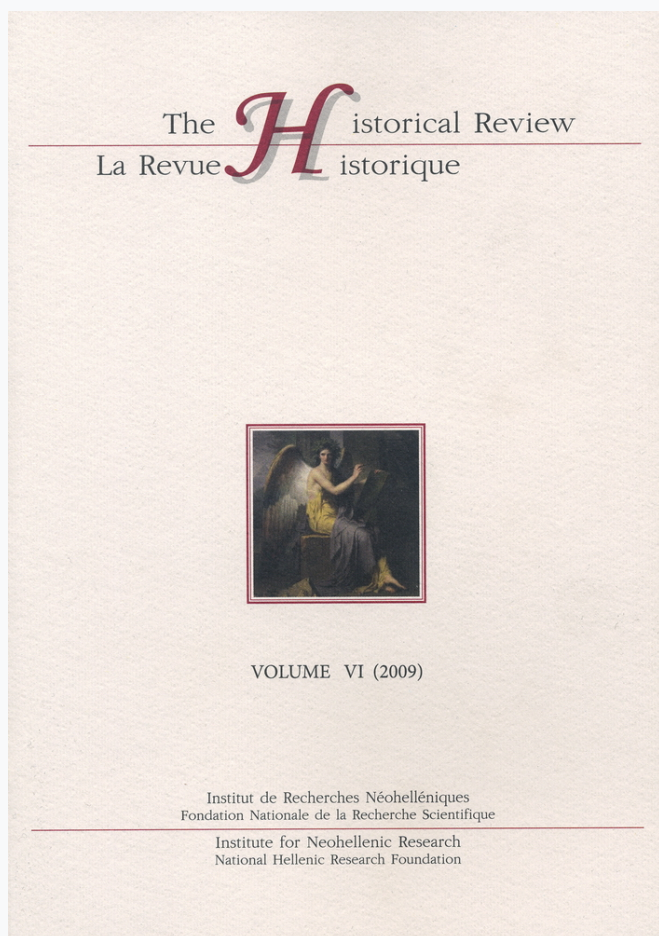


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LIBERTY IN THE HELLENIC NOMARCHY OF 1806

Nicholas Eliopoulos

ABSTRACT: According to the anonymous author of the *Hellenic Nomarchy*, the establishment and preservation of liberty requires a Nomarchic form of government. In a Nomarchy, Anonymous tells us, all are free. But what does Anonymous mean by freedom or liberty? Through a careful reading of the text I show that we can attribute to Anonymous a distinction between three conceptions of liberty – psychological liberty (a soul governed by reason); personal liberty (obedience to one's own will and non-interference from the commanding will of another); and political liberty (participation in the law-making process, or political participation). I argue that, for Anonymous, a person enjoys liberty when he has a rational soul (psychological freedom) and is thus able to participate properly in the law-making process (political freedom), thereby securing for himself a sphere of immunity in which he can exercise his psychological freedom and live in accordance with his own will (personal liberty). But is Anonymous right to claim that all are free in a Nomarchy? The question arises because of Anonymous' endorsement of majoritarianism in matters of legislation. This endorsement seems to entail that the freedom of minorities is disregarded in a Nomarchy. However, I show that this is not the case. Anonymous can be interpreted as incorporating into the structure of the Nomarchic state certain measures that protect the freedom of minorities.

Eighteenth-century Greeks were saddened by the sorry state into which their people had fallen. "Greece, a great and legendary name in ancient times, a little and unhappy one today," wrote the cleric Meletios Mitrou in 1728.¹ Another cleric, Nikiphoros Theotokis, complained in 1774 that "where once the Muses had their throne, there today is the seat of ignorance".² One of the leading lights of the Neohellenic Enlightenment, Iosipos Moisioudax, was appalled by the "prejudice, frivolity, disregard for truth, irrational fears and

¹ Quoted in Paschalis M. Kitromilides, *Νεοελληνικός Διαφωτισμός. Οι πολιτικές και κοινωνικές ιδέες* [Neohellenic Enlightenment: political and social ideas], Athens: MIET, 1996, p. 130. (All translations in this article are my own.) The quote is from Meletios Mitrou, *Γεωγραφία παλαιά και νέα* [Geography old and new], Venice 1728.

² Quoted in Kitromilides, *Νεοελληνικός Διαφωτισμός*, p. 138. The quote is from Nikiphoros Theotokis, *Στοιχεία γεωγραφίας* [Elements of geography], Vienna 1804. Although Theotokis wrote this work in 1774, it was not published until 1804 by Anthimos Gazis. See Kitromilides, *Νεοελληνικός Διαφωτισμός*, pp. 543-544, note 23.

insanities of many other kinds” that plagued the Greek race.³ In 1761-1762 he published his first work, two volumes on moral philosophy,⁴ because, as one scholar explains, Moisioudax felt that moral education was the only way to deal with the “problem of decline and corruption in modern Greek society”.⁵

But by the nineteenth century the condition of the Greeks was beginning to improve. That, at least, was the view of one calling himself “the Anonymous Hellene”, author of the *Hellenic Nomarchy*, published somewhere “in Italy” in 1806, as the title page announces.⁶ Anonymous rejoiced at:

³ Quoted in G. P. Henderson, *The Revival of Greek Thought, 1620-1830*, Edinburgh and London: Scottish Academic Press, 1971, p. 91. The quote is from Iosipos Moisioudax, *Πραγματεία περί παιδων ἀγωγῆς ἢ Παιδαγωγία* [A treatise concerning the education of children, or Pedagogy], Venice 1779.

⁴ Iosipos Moisioudax, *Ἠθικὴ φιλοσοφία μεταφρασθεῖσα ἐκ τοῦ ἰταλικοῦ ιδιώματος* [Moral philosophy translated from the Italian], Vol. 1, Venice 1761; Vol. 2, Venice 1762.

⁵ Paschalis M. Kitromilides, “The Last Battle of Ancients and Moderns: Ancient Greece and Modern Europe in the Neohellenic Revival”, *Modern Greek Studies Yearbook* 1 (1985), p. 81.

⁶ References to the *Hellenic Nomarchy* will always be to: The Anonymous Hellene, *Ἑλληνικὴ Νομαρχία ἥτοι Λόγος περὶ ἐλευθερίας* [Hellenic Nomarchy, or a Discourse concerning freedom], Athens: Kalvos, 1980. Citations from the *Hellenic Nomarchy* will be as follows: *EN*, page number. For a discussion on the authorship of the *Hellenic Nomarchy* see C. Papachristou, *Ποιὸς ἐγράψε τὴν Ἑλληνικὴ Νομαρχία* [Who wrote the *Hellenic Nomarchy*], Athens: Estia, 1987. Papachristou argues that we ought to take George Kalaras to be the author of the work. Kitromilides is reluctant to accept this conclusion. What is missing from Papachristou’s argument, according to Kitromilides, is “definitive external evidence”. Paschalis M. Kitromilides, “From Republican Patriotism to National Sentiment: A Reading of *Hellenic Nomarchy*”, *European Journal of Political Theory* 5 (2006), p. 55. See also Kitromilides, *Νεοελληνικός Διαφωτισμός*, pp. 576-577, note 6. Because Kitromilides thinks that there is good evidence that the *Hellenic Nomarchy* was printed in the Italian city of Leghorn (Livorno) (Kitromilides, “From Republican Patriotism to National Sentiment”, p. 55), he is convinced that research into the archival records of the Austrian security services should uncover the “definitive external evidence” that Papachristou’s argument lacks, for such records are sure to contain information about the activities of Greek patriots living in Northern Italy (Kitromilides, *Νεοελληνικός Διαφωτισμός*, pp. 576-577, note 6). Any future work on the question of authorship must take Kitromilides’ thoughtful considerations into account, as well as the valuable insights of S. I. Asdrachas, “Τὰ τὴν Ἑλληνικὴ Νομαρχία [Concerning the *Hellenic Nomarchy*]”, *Τὰ Ἱστορικά* 46 (2007), pp. 5-14. Note, however, Asdrachas’ view that the question of authorship “should not be our main or only reason for engaging with this work [the *Hellenic Nomarchy*]” (p. 13). I take Asdrachas’ point to be that we ought not to be so preoccupied with the question of Anonymous’ identity that we neglect his ideas. This, surely, is good advice.

the advancement of our nation in learning. O what a difference there exists between the Greece of ten years ago and the Greece of today! A great one, my brothers, a very great one, and everyday things get better. Now the Muses have begun to return and rise up again on the gold-trimmed mountains of Greece.⁷

But the return of the Muses to Greece was not enough for Anonymous. The Greeks still laboured under Ottoman tyranny. It was important that Greeks gain their freedom, for freedom was essential to man: “So necessary did he [Homer] consider freedom to be for a human that without it one cannot be called human. Freedom, then, O Greeks, is to us as sight is to the eyes.”⁸ Again, “I have revealed how necessary it is for man to obtain freedom, [for]...only freedom can render him worthy of his name.”⁹ Thus “whoever does not know freedom, does not know his very being”,¹⁰ and whoever lacks freedom is a slave, “a slave being even more debased than the irrational animals themselves”.¹¹ Clearly, then, it was important that Greeks rid themselves of their Ottoman overlords. But even this was not enough. Once the Ottomans were gone it was important for Greeks to establish a form of government that secured their freedom. Anonymous was convinced that he had found this form of government. He called it “Nomarchy”¹² and argued that “a Nomarchic system of government is better than all the rest, [for] it is only under such a system that the freedom of man is secured”.¹³ In fact “all [are free] in a Nomarchy”.¹⁴

Roxane Argyropoulos describes the *Hellenic Nomarchy* as “perhaps the most important treatise of the political thought of the Neohellenic Enlightenment”.¹⁵ And Paschalis Kitromilides calls it “the most important theoretical monument of [modern] Greek republicanism”.¹⁶ Kitromilides

⁷ EN, 165.

⁸ EN, 22.

⁹ EN, 181.

¹⁰ EN, 24.

¹¹ EN, 181.

¹² On the meaning of “Nomarchy” see Kitromilides, “From Republican Patriotism to National Sentiment”, pp. 52-55.

¹³ EN, 7 (title page).

¹⁴ EN, 17.

¹⁵ Roxane Argyropoulos, *Νεοελληνικός ηθικός και πολιτικός στοχασμός. Από το Διαφωτισμό στον Ρομαντισμό* [Neohellenic moral and political thought: from the Enlightenment to Romanticism], Thessaloniki: Vantias, 2003, p. 143.

¹⁶ Kitromilides, “From Republican Patriotism to National Sentiment”, p. 52.

also informs us that an English translation of this work is on the way.¹⁷ This is good news, for there has never been much interest in modern Greek political thought outside the Greek-speaking world. However, once the *Hellenic Nomarchy* is available in a major international language, students of modern political thought might be tempted to turn their attention to this work. This in turn might spark some interest in modern Greek political thought generally.

But perhaps something more than a good translation of the *Hellenic Nomarchy* is needed in order to arouse the rest of the world's interest in that work. Perhaps the rest of the world must also be convinced that in the *Hellenic Nomarchy* there is a political thought worth investigating. In this paper I hope to show that this is in fact the case. I will do this by focusing on the *Hellenic Nomarchy's* main theme, namely *eleftheria* – liberty or freedom. (I will use these terms interchangeably.) I want to investigate what Anonymous means by freedom; and I want to ask whether Anonymous is right to claim that *all* are free in a Nomarchy. I will begin with the first question.

I

What does Anonymous mean by liberty? In what follows I will show that we can discern three notions of liberty in the *Hellenic Nomarchy*: psychological liberty (the notion of what it is for a person to be free *in himself*); personal liberty (the notion of what it is for a person to be free *as a private individual*); and political liberty (the notion of what it is for a person to be free *as a citizen*). By determining how Anonymous characterises each of these types of freedom and how he thinks they fit together, we will be able to ascertain his conception of liberty.¹⁸

The best place for us to begin is with the following statement from the *Hellenic Nomarchy*: “In a Nomarchy...all in common assign it [freedom] to the laws, which they themselves commanded, and in obeying the laws, each obeys his own will, and is free.”¹⁹ Freedom enters into this passage in two ways. One way is with the phrase “each obeys his own will, and is free”.²⁰

¹⁷ Paschalis M. Kitromilides, “Reappraisals of Enlightenment Political Thought”, *Studies on Voltaire in the Eighteenth Century* 9 (2003), p. 16, note 26.

¹⁸ Argyropoulos, *Νεοελληνικός ηθικός και πολιτικός στοχασμός*, p. 144, reminds us that Anonymous draws a distinction between man's freedom in his pre-political “natural life” (a life of solitude and self-sufficiency) (*EN*, 14) and man's freedom in the Nomarchic polity. It is with the latter freedom that Anonymous is concerned in the *Hellenic Nomarchy*, and it is with this freedom that I will be concerned here.

¹⁹ *EN*, 17.

²⁰ The second way freedom enters into this passage will be discussed in section IV below.

Here we seem to have a conception of personal liberty. According to this conception, an individual is free when he acts in accordance with his own will. Later, Anonymous amplifies this conception of personal liberty: "Existence is delightful, when man lives satisfied, and when without sorrows and burdens, spends the time of his existence freely, in peace and quiet, without masters over his works or his words, in a word, when he lives happily."²¹

Taken together, these passages express the idea that we enjoy personal liberty when we are our own masters; when our actions and thoughts ("works" and "words") are chosen by us, or emanate from our own will, rather than being imposed upon us by the commanding will of another. In other words, personal liberty, for Anonymous, is the ability of a private individual to think and act as he will without interference from others.

II

Since Anonymous characterises personal freedom in terms of obedience to one's own will, it is important for us to ask: what is it, for Anonymous, for one to obey his own will? One thing that Anonymous cannot mean by obedience to one's own will is doing whatever one happens to want, for there is good reason to think that Anonymous draws a distinction between obedience to one's own will, on the one hand, and doing whatever one wants, on the other. To see this, we must note that, according to Anonymous, the virtuous man "does not do whatever he wants".²² Now, again and again Anonymous stresses that Nomarchic man is virtuous.²³ Since Nomarchic man is virtuous, and since the virtuous do not act on their mere wants, it follows that Nomarchic man does not do whatever he happens to want. But we can also say that since Nomarchic man enjoys personal liberty he obeys his own will, for, as we saw above, personal liberty involves obedience to one's own will for Anonymous. It seems, then, that we can attribute to Anonymous a distinction between obeying one's own will and doing whatever one wants. If this is correct, then obviously we cannot say that Anonymous identifies obedience to one's own will (and, therefore, personal liberty) with doing whatever one happens to want. Personal liberty is not license for Anonymous.²⁴ While the free man

²¹ *EN*, 47.

²² *EN*, 104.

²³ In fact, Anonymous tells us that "virtue is the chief basis" of the Nomarchic programme of "civic education" (*EN*, 104). Thus "the [civic] education of the young is the chief aim of the legislators" (*EN*, 21).

²⁴ See Anonymous' discussion of anarchy (*EN*, 16-17).

must obey his own will, he cannot do just anything he wants. So, what does Anonymous mean by obeying one's own will?

Anonymous does not give us a direct answer to this question, but I do not think that it is wrong to attribute to him the view that one obeys one's own will when one acts on the dictates of one's own reason. To see this we must note that, according to Anonymous, humans are by nature rational, and must decide (and therefore act) on the basis of reason: "Man has been endowed by nature with the faculty of reason, and it is by means of this faculty that he judges between things."²⁵ Since man's true nature is that of a rational being, and since it is on the basis of reason that man ought to decide and to act, it seems reasonable to attribute to Anonymous the following view: by following his reason, man acts in accordance with his true nature and obeys his own will.²⁶ If this interpretation of Anonymous' position is correct, then something important follows for Anonymous' conception of personal liberty. Since Anonymous thinks that to enjoy personal liberty one must act in accordance with his own will, and since he also thinks that to act in accordance with one's will one requires a rational soul, it follows that, for Anonymous, personal liberty is not possible without a rational soul.

III

We have just seen that, for Anonymous, to enjoy personal liberty one must first be guided by one's reason. I now want to show that, in Anonymous' view, to be ruled by one's own reason is to enjoy psychological freedom. To see this we must turn to a story Anonymous tells us of two virtuous friends, subjects of the tyrant Dionysius of Syracuse.²⁷ We are told that although these men (obviously Damon and Pythias) were ruled over by a tyrant, they "thought freely" and lacked "slavish souls".²⁸ This talk of slavish souls and free thought is important. It indicates that we can attribute to Anonymous a conception of inner or psychological freedom. What can we say about this conception?

²⁵ *EN*, 14.

²⁶ Although Anonymous thinks that man is by nature the owner of the faculty of reason, he also believes that it is possible for man to be deprived of this natural faculty. This is suggested by his claim (already noted) that slaves (that is, the subjects of a tyrant) are akin to "irrational animals" (*EN*, 181). Also, *EN*, 55: "Tyranny renders [man] more worthless than the irrational animals themselves...so much so that slaves suffer the loss of human reason." Anonymous' view seems to be that the political and social condition in which one finds one's self impacts upon one's nature.

²⁷ *EN*, 59-60.

²⁸ *EN*, 60.

As noted, Anonymous describes slaves as “even more debased than the irrational animals themselves”.²⁹ It is reasonable to take the slaves here to be those who, unlike the two Syracusan friends, lack psychological freedom and instead have slavish souls. If so, then it seems that those with free souls (that is, the psychologically free) enjoy souls ruled by reason. Now, in section II we saw that we can attribute to Anonymous the idea that in order for one to obey one’s own will (and thus enjoy personal liberty) one requires a rational soul. We now discover that we can also attribute to Anonymous the view that to have a rational soul is to enjoy psychological freedom. This makes it reasonable to suggest that, for Anonymous, personal liberty is not possible without psychological freedom, for personal liberty requires a soul ruled by reason, and it is the person who has such a soul that enjoys psychological freedom.³⁰

IV

It is important to recall (see section I) that, for Anonymous, personal liberty requires not only obedience to one’s own will (and therefore a rational soul, or psychological freedom). It also requires the absence of masters over one’s “works” and “words”, that is, the non-interference of others. This raises the question of how such non-interference is to be secured. One obvious answer is this: by securing for the individual an area within which he can act on his will unobstructed by others. But this raises a new question: how is such an area of non-interference to be secured? Again, there is an obvious answer to

²⁹ EN, 181.

³⁰ Earlier I attributed to Anonymous the view that the political condition in which one finds one’s self has an impact upon one’s nature. But if this is Anonymous’ view, then why was not the nature of the two Syracusan friends mentioned above altered by the fact that they were ruled by a tyrant? Why weren’t their souls reduced to those of irrational animals? I suggest that, according to Anonymous, whether one who lives under a tyrant loses his natural reason and psychological freedom depends on whether he lets the tyrant gain control of his inner life. According to this idea, our psychological freedom and our reason are not things that the tyrant can take from us *unless we let him*. But this is not something that the two Syracusan friends did. They refused to hand Dionysius their inner life. Thus, even though their actions conformed to the will of their master (EN, 59-60), they were able to remain rational and psychologically free. By attributing this idea to Anonymous we can make sense of his claim that some subjects of tyranny are reduced to irrational animals while others are not. And notice that by attributing this idea to Anonymous we are able to also attribute to him the view that even in the harsh political condition of tyranny one is able to offer a certain degree of resistance to the tyrant by refusing to give him control of one’s inner life.

this question: law; for only law can protect each citizen's sphere of immunity and guarantee that he can think and act according to his own will. Does Anonymous agree with this idea? Yes and no.

According to Anonymous "[Tyrants] act unjustly, steal, grab, and kill, *but they always refer to laws*, which they by themselves compose, and execute, but they do not obey."³¹ Tyrannical regimes, then, are not without laws according to Anonymous. Yet Anonymous would not say that the existence of laws in a tyranny protects an individual's sphere of non-interference. In a tyranny no one is master over his words and works;³² no one is free.³³ This suggests that, for Anonymous, law *as such* does not protect personal freedom. Yet Anonymous acknowledges that personal freedom does require law. To re-quote: "In a Nomarchy...all in common assign it [freedom] to the laws, which they themselves commanded, and in obeying the laws, each obeys his own will, and is free."³⁴ Here Anonymous tells us that personal freedom (obedience to one's own will) depends on the law.³⁵ But this is not all he tells us. He also tells us the condition law must satisfy before it can protect the freedom of the individual. Anonymous' view seems to be that the freedom of individuals is protected by laws only when these laws are willed by the very same individuals. In other words, Anonymous holds that the protection of personal liberty requires, not merely laws, but laws that are self-willed. What does this involve? It involves private individuals acting as co-legislators of the laws that govern them; or, to put it differently, it involves political participation – that is, private individuals acting as citizens and playing an active political role in determining the laws that govern them. Now, it seems clear that here we are dealing with a notion of political liberty. If so, then we can say that, for Anonymous, political liberty demands that all legislative power belong to the will of the citizens so that together citizens make the laws that they obey. In obeying these laws no one endangers his personal freedom, for each has willed the laws that he obeys. Thus in acting in accordance with these laws each acts in accordance with his own will.

³¹ EN, 69. My emphasis.

³² "What pleasure can the unfortunate slave have in his life when he cannot speak, and not even think, as he wishes?" (EN, 47).

³³ EN, 17.

³⁴ EN, 17.

³⁵ See also Anonymous' discussion of anarchy, where we are told that the freedom of all is impossible in an anarchic condition because, in that condition, people find themselves "without laws" (EN, 16-17).

V

I want to pause here and say a little more about the justification of political liberty in the *Hellenic Nomarchy*. As noted, Anonymous holds that personal freedom requires, not merely laws, but laws that citizens have willed themselves by means of political participation. Only when the legislative authority of the state resides in the will of its citizens so that laws are self-willed does the rule of law ground personal liberty. For it is only when private individuals take on the role of citizens and make the laws that govern them (political liberty) that they can secure their personal liberty.

But this is not the only reason why Anonymous places legislative power in the hands of the people. According to Anonymous, self-preservation too demands that every individual have the power to make the laws that govern him. To begin to see this we must note that Anonymous takes the view that political principles should be based upon facts about humans and their nature. This is implied in his endorsement of Lycurgus as “the most wonderful and good-sensed legislator”.³⁶ Lycurgus “was not deceived into taking humans as they ought to be”; instead he took humans as they are.³⁷ It was for this reason that Lycurgus was able to construct a state in which citizens “were rendered as good as possible”.³⁸ This approval of Lycurgus and the principle upon which he based his state indicates that Anonymous will adopt this same principle in the construction of his own state. He will, in other words, build his Nomarchy on the facts about humans and their nature. These facts will form the objective basis of his political values (including, of course, liberty).

While Anonymous does not give us anything like a theory of human nature, he does attribute to man a number of natural qualities. As we have seen, one of these qualities is reason: “Man has been endowed by nature with the faculty of reason, and it is by means of this faculty that he judges between things.”³⁹ How does man use his reason to judge between things? Anonymous tells us that whenever a man is faced with a choice, he will “prefer that which benefits him most.”⁴⁰ This indicates that, for Anonymous, humans are fundamentally self-interested beings who use their reason in order to promote their own advantage. Of course, what is most advantageous to every human being is his own preservation. Thus, according to Anonymous, the desire for

³⁶ EN, 21.

³⁷ EN, 21.

³⁸ EN, 21.

³⁹ EN, 14.

⁴⁰ EN, 14.

self-preservation is the chief governing desire of human action: “[Man’s] first and most urgent concern is to protect his own life and to defend it as much as he can from every enemy.”⁴¹ It is Anonymous’ view, then, that we will (and should) choose the course of action that we expect will contribute to our own interest, especially our greatest interest: self-preservation. If a course of action does not benefit us in this way, then we will not (and should not) choose it. This is the rational thing to do.⁴²

We are now in a good position to see the link, for Anonymous, between self-preservation and political liberty. The individual, Anonymous thinks, is deeply concerned about his own preservation. Thus it would be foolish for him to hand over to someone else the power to make the laws that protect him. Such a move could endanger his life. One might complain here that some are better judges than others about what is required for preservation and thus the power to make laws should be placed in the hands of these better judges. But Anonymous would disagree. It is clear that his view is that all humans are by nature rational.⁴³ If this is so, then we can say that, for Anonymous, each person (at least in the salutary political condition of a Nomarchy) is the

⁴¹ EN, 14.

⁴² “Existence, of course, is very sweet, and [one’s own] life is the most valuable thing for a human being. Thus, one who does not think this is irrational.” (EN, 46) I think that it is worth noting that while Anonymous considers that it is perfectly legitimate for a person to be motivated by self-interest and self-preservation, he has nothing but contempt for what he calls *philaftian* (selfish self-love) (EN, 63) and *atimon philozoian* (the unworthy love of life) (EN, 57). This raises the question: how does Anonymous distinguish between self-interest and self-preservation, on the one hand, and selfishness and the unworthy love of life, on the other? We have just seen that, for Anonymous, self-interest and self-preservation are products of reason. Perhaps then it is not far-fetched to suggest that he considers selfish self-love and the unworthy love of life to be products of an irrational soul. And, in fact, there seems to be textual support for attributing this view to Anonymous. For when Anonymous condemns selfish self-love and the unworthy love of life he does so while discussing slaves. It is slaves who are moved by selfish self-love and the unworthy love of life. This is important for, as we have seen, Anonymous describes slaves as lacking human reason. It seems, then, that Anonymous’ distinction between self-interest and self-preservation, on the one hand, and selfish self-love and the unworthy love of life, on the other, hinges on the presence or absence of rationality. If so, then we can attribute to Anonymous the view that self-interest and self-preservation are rational, while selfish self-love and the unworthy love of life are irrational.

⁴³ Addressing himself to the slave, Anonymous writes: “Open the eyes of your mind, you unhappy mortal, and see that the sky rains for all, the earth bears fruit for all, the natural qualities are all in common.” (EN, 24) As we have seen, one of these natural qualities is reason (EN, 14).

best judge of his own interests and the best judge of how to promote his own preservation.

For Anonymous, then, public control over the legislative assembly (political liberty) is absolutely necessary, not only for the preservation of individual liberty, but also for the preservation of life itself.⁴⁴ That this is the case is reflected in Anonymous' account of the consequences of life under tyranny (where legislative authority is not vested in the people). In a tyranny all live in "constant uncertainty",⁴⁵ for their very lives depend on the capricious will of another: "Behold the tyrant, like a demigod, giving death to others and granting life to those he does not kill."⁴⁶ Thus "slaves are liable to lose their lives at any moment, according to the tyrant's appetite."⁴⁷ Anonymous adds that even one's property (a necessary means to self-preservation) is not safe under a tyrannical regime: "[Under a tyrant] if one is wealthy he fears of becoming poor."⁴⁸ This is very different from the person who enjoys "a free life", for he "finds security in his possessions".⁴⁹ Thus, unlike a free man, a slave is at the mercy of another. He is not master of his own life and goods but enjoys them only at the will of another, for he does not participate in the political process that rules his life. As a result he has a precarious hold on his life and possessions.

VI

If what I have said so far is correct, then we can find in the *Hellenic Nomarchy* three conceptions of liberty: psychological liberty (a soul governed by reason); personal liberty (obedience to one's own will and non-interference from the commanding will of another); and political liberty (participation in

⁴⁴ By invoking self-preservation, Anonymous gives his position great force. For it cannot be doubted that for humans self-preservation is a persistent concern. Thus any doctrine that guarantees our self-preservation is more than likely to be accepted by humans. This is important for Anonymous, for he wants to play an active role in the Greek world and convince his Greek readers to accept the Nomarchic system of government that he constructs. The fact that this system guarantees self-preservation means that it is more likely to be accepted by the Greeks.

⁴⁵ EN, 61.

⁴⁶ EN, 15.

⁴⁷ EN, 59. See also EN, 87.

⁴⁸ EN, 23.

⁴⁹ EN, 26.

the law-making process, or political participation).⁵⁰ But how do these three conceptions of liberty fit together for Anonymous?

I have already noted Anonymous' view that, "Existence is delightful, when man lives satisfied, and when without sorrows and burdens, spends the time of his existence freely, in peace and quiet, without masters over his words or his works, in a word, when he lives happily [eftychis]." ⁵¹ As I said earlier, we can take Anonymous to be talking about personal liberty in this passage. If so, then his view seems to be that personal liberty is the primary constituent of happiness. Now, elsewhere Anonymous describes "the chief end of man" (*ton kyrioteron skopon tou anthropou*) as "happiness" (*eftychia*).⁵² Since Anonymous makes happiness man's chief end, and since he also makes personal liberty the main ingredient of this chief end, it is not unreasonable to attribute to him the view that man's chief end consists principally in personal liberty. This indicates that personal liberty has pride of place in Anonymous' conception of freedom. But how do psychological and political liberty relate to personal liberty? If what I said in earlier sections is correct, then the answer is: as a means. For, as we have seen, Anonymous thinks that in order to enjoy personal liberty we must first enjoy psychological liberty (a rational soul) and political liberty (political participation). Thus it seems that, for Anonymous, both psychological and political liberty are instrumental means to personal liberty.⁵³

But what is the relationship between psychological and political liberty for Anonymous? It might seem that there is no relationship between the two, for earlier, while discussing Anonymous' story of the two Syracusan friends, we saw that there is good textual evidence for attributing to Anonymous the view that one is able to avoid a slavish soul and continue to enjoy psychological freedom even under the harsh political condition of tyranny. This indicates that, according to Anonymous, one can be psychologically free without being politically free. But does Anonymous also hold that the converse is

⁵⁰ Cf. Argyropoulos, *Νεοελληνικός ηθικός και πολιτικός στοχασμός*, pp. 144 and 148, who maintains that, like Montesquieu, Anonymous discerns two notions of liberty, "philosophical liberty" and "political liberty".

⁵¹ EN, 47.

⁵² EN, 61.

⁵³ Anonymous describes liberty (along with equality) as "the primary and chief means [*mesa*] to human happiness" (EN, 22). According to my interpretation, this claim about the relationship between liberty and happiness should be understood in this way: personal liberty is a *constituent* means to happiness (since it is the main ingredient of happiness), while psychological and political liberty are *instrumental* means to happiness (since they are instrumental means to personal freedom).

true, namely that one can be politically free without being psychologically free? I don't think so. It is clear that, according to Anonymous, a slavish soul diverts one from the proper course of action.⁵⁴ This is not surprising given (as we saw earlier) that Anonymous associates the slavish soul with irrationality, and irrationality with selfish self-love and the unworthy love of life. Now, since Anonymous ascribes such defects to a slavish soul and thus thinks that a slavish soul leads one down the wrong path in life, he must think that one requires psychological freedom if one is to participate properly in a Nomarchy's law-making process (political liberty) and thereby make the laws that are appropriate for a Nomarchic polity; for one with a slavish soul – that is, a soul that is unable to function properly since it lacks reason and is motivated by selfish self-love and the unworthy love of life – would simply be unable to make the laws suitable for a Nomarchy, including laws that adequately protected one's own personal freedom. It seems, then, that we have good grounds for attributing to Anonymous the view that psychological liberty is necessary not only for personal freedom but also for the proper exercise of political freedom.⁵⁵

While we can find three notions of liberty in the *Hellenic Nomarchy*, we have good reason to think that Anonymous gives a special status to personal liberty, for he considers happiness to be the end of man, and he makes personal liberty the chief ingredient of happiness. We also have good reason to think that Anonymous considers psychological liberty necessary for political liberty and both psychological and political liberty as means to personal liberty. With all this in mind I think we can attribute to Anonymous the following view: a person is free when he has a rational soul (psychological freedom) and is thus able to participate properly in the law-making process (political freedom), thereby securing for himself a sphere of immunity in which he can exercise his psychological freedom and live in accordance with his own will (personal liberty). This is liberty according to Anonymous.

VII

I have argued that, for Anonymous, personal or individual liberty is the chief end of man and that such liberty requires private space, that is, an area within which the individual can act on his own will unobstructed by others. But there

⁵⁴ EN, 60–61. See also EN, 55.

⁵⁵ More support for attributing to Anonymous the view that participation in the Nomarchy's law-making process (political liberty) requires psychological freedom will be given below (note 89).

are a number of reasons why one might complain that Anonymous cannot have such a negative and individualistic conception of personal liberty.⁵⁶

For one thing, Anonymous tells us that in a Nomarchy “each is part of the whole”.⁵⁷ Thus it seems that the individual in a Nomarchy is completely swallowed up by the state and has no private space. In reply, I think we can say that we need not accept a solidaristic interpretation of Anonymous’ claim that the individual in a Nomarchy “is part of the whole”. Instead we can interpret Anonymous’ claim as meaning that each citizen will be supported by the state.⁵⁸ In other words, for Anonymous, being part of a whole does not mean being swallowed up by the state. Rather it means being sustained and nurtured by the state.

One might respond that even if we can avoid a solidaristic interpretation of the claim that in a Nomarchy the individual is “part of the whole” we must still attribute to Anonymous the idea that the individual is swallowed up by the Nomarchic state. For Anonymous seems to endorse the classical conception of the state as an organism, for example: “The laws [in a Nomarchy] are to governance as the soul is to the body; they give movement to the political bodies.”⁵⁹; “[In a Nomarchy, individuals are like] the fingers of a hand which, moving all together, have greater power than each has on its own.”⁶⁰ In reply we can say that while it is true that Anonymous uses organic analogies, the use of these analogies as such does not make him an organicist. For organicism involves more than the mere use of organic analogies.⁶¹ It involves the belief that the state is an order in which different groups are by nature designed to perform different functions. These functions have as an end the good of the whole, a good that is prior to and independent and separate from the good of its parts. Now these ideas are absent from Anonymous. Nowhere do we find

⁵⁶ I am using the notion of negative liberty in the sense made familiar by Isaiah Berlin. According to Berlin, negative liberty consists in the absence of interference by others. Isaiah Berlin, *Two Concepts of Liberty*, Oxford: Oxford University Press, 1958, p. 7.

⁵⁷ EN, 25.

⁵⁸ E.g. “In a Nomarchy each can live well, and can do so without being rich. The laws make provisions for the have-nots. The children of all are the children of the state, and the state raises them, exercises them, and ensures their success.” (EN, 21).

⁵⁹ EN, 20.

⁶⁰ EN, 62.

⁶¹ We can find the use of organic analogies in Thomas Hobbes, *Leviathan*, ed. Richard Tuck, Cambridge: Cambridge University Press, 1991, p. 9. We can also find them in John Locke, *Two Treatises of Government*, ed. Peter Laslett, Cambridge: Cambridge University Press, 2002, p. 407. But no one would want to argue that either Hobbes or Locke is an organicist.

in Anonymous the idea that some are by nature rulers and some followers. In fact, as noted, Anonymous' view is that all humans have the same, rational, nature. And nowhere does Anonymous endorse the view that the state has a good separate from, prior to, and independent of the good of its individual members. There is no textual basis for ascribing such an idea to Anonymous.

But we are still not out of the woods, for Anonymous sounds very much like a collectivist. For example, he tells us that slaves "do not have the same end",⁶² thus suggesting that all in a Nomarchy do have the same end. Further, Anonymous tells us that in a Nomarchy "all pull together for the common good"⁶³ and "each always prefers the common good and never looks at the harm, small or great, he will suffer".⁶⁴ Collectivist ideas such as these again cast doubt on the idea that the individual in a Nomarchy has private space. But they also cast doubt on another idea I attributed to Anonymous, namely that Nomarchic man is self-interested. For these passages indicate that, for Anonymous, the inhabitant of a Nomarchy ought to be guided by something greater than his self-interest.

Do these passages cause problems for me? No. Let me begin with Anonymous' idea that in a Nomarchy all have the "same end". What is this "same end"? As we have already noted, Anonymous describes the "chief end of man" as "happiness".⁶⁵ This makes it reasonable to attribute to Anonymous the view that the same end that each has in a Nomarchy is personal happiness. If this is correct, then Anonymous' "same end" is not something that swallows up the private space of the individual. Rather, the "same end" is that which keeps safe this private space, since Anonymous' view is that personal liberty is the chief component of the "same end" (personal happiness). Nor does Anonymous' "same end" threaten my view that, according to Anonymous, man is moved by self-interest. For this "same end" involves each person's own happiness.

What are we to do with those passages in which Anonymous claims that all pursue the common good in a Nomarchy? The important question that needs to be asked is: what is this common good? As noted, Anonymous is not an organicist. There is no indication that he takes the state to be an entity in its own right. Given this we can say that, for Anonymous, there is no good for the state as such that can be called the common good. But then what is the common good for Anonymous? I suggest that the common good is the combination of

⁶² EN, 61.

⁶³ EN, 71.

⁶⁴ EN, 104.

⁶⁵ EN, 61.

those factors that make it possible for each person to achieve his chief end, happiness. We already know what these factors are: psychological liberty and political liberty. These are what secure personal freedom, the chief constituent of happiness. Together they form the common good. If this is correct, then Anonymous' claim that all pursue the common good in a Nomarchy threatens neither the negative conception of personal liberty I have attributed to Anonymous nor my claim that Nomarchic man is self-interested.

But there is still room for doubt regarding my view that Nomarchic man is a self-interested being. For Anonymous tells us that a Nomarchy transforms man by giving him a "second nature",⁶⁶ that is, a virtuous nature.⁶⁷ In view of this one might argue that the fact that Anonymous talks about Nomarchic man acquiring a second, virtuous, nature is an indication that man's original, self-interested nature is extinguished in the Nomarchic state. This idea seems to gain support when one considers what Anonymous has to say about the virtue of patriotism. According to Anonymous, Nomarchic man sacrifices himself to the fatherland. "[In a Nomarchy] each loves the fatherland more than his own life...[and] does not distinguish between his own life and the life of the fatherland",⁶⁸ for "how can a free man consider death when he sees the terrible chains of slavery approaching his fatherland?"⁶⁹ Thus in a Nomarchy, each person "will rush to protect his country with his own blood, and thereby does his duty".⁷⁰ One could argue that such passages make it difficult to attribute to Anonymous the view that Nomarchic man is and ought to be guided by his natural self-interest.

But this argument is flawed. For the second, virtuous, nature that man acquires in a Nomarchy does not extinguish his natural self-interested nature. Rather it builds on this nature.⁷¹ That this is so is clear from the fact that, according to Anonymous, the virtuous man's reason for action is self-interested. We are explicitly told that his aim in acting virtuously is "to immortalise his name, and, if I may put it this way, to live even though he is dead".⁷² The virtuous man, then, acts for the sake of immortal fame. A man

⁶⁶ EN, 21.

⁶⁷ Here we have more evidence for my earlier claim that, according to Anonymous, man's nature is modified by the social and political conditions in which he lives.

⁶⁸ EN, 46.

⁶⁹ EN, 50.

⁷⁰ EN, 49.

⁷¹ This is what we would expect from one who (as we noted earlier) designs his state with an eye on what he takes to be man's nature.

⁷² EN, 104. Here it is worth noting the following passage: "But among the human passions,

would not act virtuously if he did not expect to secure this end. True, in the same passage we are told that the virtuous man “always chooses the common good”,⁷³ but this does not cause problems for my interpretation, for as we have already seen, Anonymous’ notion of the common good is compatible with self-interest.

As for patriotism, it is clear that Anonymous puts self-interest at the heart of this virtue. First, as we just noted, Anonymous describes the virtuous man as seeking to immortalise his name. The patriotic citizen of a Nomarchy, being virtuous, fits this description perfectly. He is “motivated by the love of glory” and it is for this reason he “kills himself for the protection of his fatherland”.⁷⁴ Second, Anonymous tells us that the individual in a Nomarchy will rush to defend the state because he reasons thus: “If I don’t protect my fatherland, then who will protect me? It is in the fatherland that I have placed all my hopes for [my] happiness.”⁷⁵ In other words, there can be no happiness for the individual without an independent nation. Thus the individual in a Nomarchy “sacrifices himself to protect his laws” for he knows that in doing so he is “preserving *his* freedom” and therefore his happiness.⁷⁶ This is why “the free man protects his fatherland with his own blood”.⁷⁷ “It is only in the fatherland that [people] find their happiness, and only by means of the fatherland that their lives are safe.”⁷⁸ These passages indicate that, for Anonymous, without the fatherland the individual will lose what he values most: his happiness, his freedom, and his own life. Thus, we can attribute to Anonymous the view that it is the desire for his own happiness, his own preservation, his individual freedom, that explains why the Nomarchic individual rushes to defend the fatherland. He knows that if he loses his fatherland he will lose his own freedom and “life without freedom is not

the only one that moves all humans alike, the superior one, is love of glory [*philodoxia*]. By means of the true love of glory, the free are rendered heroes.” (EN, 48) Here, Anonymous claims that all are motivated by the love of glory (a self-interested passion) and it is clear that he approves of this motivating passion.

⁷³ EN, 104.

⁷⁴ EN, 49.

⁷⁵ EN, 57.

⁷⁶ EN 49. My emphasis.

⁷⁷ EN, 49.

⁷⁸ EN, 46.

worth living”.⁷⁹ Thus, the virtuous individual in a Nomarchy “sacrifices himself to protect *his* laws and preserve *his* freedom”.⁸⁰

VIII

I turn now to the second task of this paper: is Anonymous right to claim that all are free in a Nomarchy? Doubts about this claim arise as a result of the fact that Anonymous endorses the principle of majoritarianism in matters of legislation: “Because men do not all will the same things, it is necessary for them to obey the will of the majority.”⁸¹ Anonymous accepts the principle of majoritarianism because he knows that unanimous consent to all laws is impossible.⁸² But adherence to the principle of majoritarianism in matters of

⁷⁹ EN, 49.

⁸⁰ EN, 49. My emphases. One wonders whether all this talk of sacrifice and killing one’s self is consistent with Anonymous’ view (noted earlier) that self-preservation is man’s driving motive. I think it is. For it seems clear that, according to Anonymous, the self that one seeks to preserve is not one’s actual physical self, but rather one’s self in the best condition, that is, in the condition of freedom and happiness.

⁸¹ EN, 13.

⁸² Earlier we saw that, according to Anonymous, all have the same end in a Nomarchy. We now discover that Anonymous also thinks that Nomarchic citizens do not will the same thing. Is there an inconsistency here? I don’t think so. For the same end is individual happiness, and presumably Nomarchic citizens will disagree about this end. True, all will agree that personal liberty is the chief ingredient of happiness and that therefore psychological and political liberty are the main means to happiness, but this still leaves plenty of room for disagreement. But now a new problem arises, for according to Anonymous “disagreement is the indisputable mark of slavery” (EN, 62). Since the individual in a Nomarchy is not a slave, this suggests that there is no disagreement in a Nomarchy about any issue. It seems that we must attribute to Anonymous the view that in a Nomarchy there is unanimity on all matters. But I do not think that we should attribute this view to Anonymous. For, as noted, Anonymous endorses the principle of majoritarianism in matters of legislation. Clearly, Anonymous is aware of the impossibility of unanimity and expects there to be disagreement in a Nomarchy on matters of legislation. If he did not expect disagreement, then there would be no need for a rule to resolve disagreements among fellow citizens about the law. Since Anonymous expects there to be disagreement in a Nomarchy on matters of legislation, we cannot attribute to him the view that there will be no diversity of opinion or disagreement in a Nomarchy. But then how can we explain Anonymous’ claim that “disagreement is the indisputable mark of slavery”, a claim that implies that there is no disagreement in a Nomarchy since Nomarchic citizens are not slaves? I think that we should interpret Anonymous here as telling us that there will be no disagreement in a Nomarchy regarding the chief end of man. It is disagreement about this that is the mark of slavery, rather than disagreement *per se*. This, I think, is the best way to interpret Anonymous.

legislation raises the important question of whether the liberties of minorities are to be disregarded, or even oppressed, in a Nomarchy. Look at it like this. If it is the case that only the will of the majority is to be counted, then what is to stop the majority from passing laws that oppress minorities? We might be able to save Anonymous if we can find evidence that he embraces the principle of the separation of powers. For this principle has been seen as a safeguard against tyranny.⁸³ Can we find the principle of the separation of powers in the *Hellenic Nomarchy*? Yes. That Anonymous endorses this principle is clear when we recall his complaint (noted earlier) that tyrants “execute” the laws that they themselves “compose”.⁸⁴ This is a clear indication that, for Anonymous, one reason why tyranny is defective is because it lacks the separation of powers. Now, since a Nomarchy contains none of the defects of other forms of government (including, of course, tyranny),⁸⁵ it follows that the principle of the separation of powers will be part of the Nomarchic constitution. If this is so, then it seems that we are wrong to fear the possibility that a tyrannical majority might emerge in Anonymous’ state. Unfortunately, however, things are not that simple. For, as many have noted, it is not clear that a separation of powers is an adequate defence against tyranny. What is to prevent the majority of legislators from cooperating with the members of the other powers? Such collusion is always possible. Thus we are back to our original question: what is to stop the majority in a Nomarchy from passing laws that oppress minorities?

Our fear about the fate of minorities in a Nomarchy is increased when immediately after endorsing the principle of majority rule, Anonymous adds: “After all, since it is impossible for all to be happy, it is enough that the majority should be.”⁸⁶ We have already seen that, for Anonymous, personal freedom is the main ingredient of happiness. In view of this connection between personal freedom and happiness, Anonymous’ claim that it is enough that the majority of citizens be happy can be interpreted as an admission that not all people in a Nomarchy will enjoy personal freedom. This, of course, is an unacceptable position. But is it Anonymous’ position? I don’t think so, for Anonymous can be interpreted as incorporating into the structure of his state certain measures that ensure that the majority cannot tyrannise the minority.

⁸³ E.g. Charles de Montesquieu, *The Spirit of the Laws*, ed. A. M. Cohler, B. C. Miller and H. Stone, Cambridge: Cambridge University Press, 1989, p. 157.

⁸⁴ *EN*, 69.

⁸⁵ *EN*, 21.

⁸⁶ *EN*, 13.

For one thing, Anonymous tells us that “Laws must look impartially upon all citizens.”⁸⁷ Let us call this the principle of impartiality. Further, Anonymous tells us that in a Nomarchy “the weak” are to be protected by the “sceptre of justice”.⁸⁸ Call this the principle of justice. Now, it seems to me that these principles can be used to rule out oppression by the majority. How? By demanding that laws issued by the majority of the legislative assembly must be in harmony with the principles of impartiality and justice in order to be valid. In other words, by restraining political freedom these principles ensure that laws passed by the majority of citizens in the legislative assembly do not lead to the oppression of the few by the many. Anonymous’ view, then, is that although people must possess political freedom and make the laws that govern them, this freedom cannot be absolute. It must be limited by the principles of impartiality and justice.⁸⁹ In this way Anonymous’ majoritarianism does not threaten the freedom and happiness of Nomarchic minorities.

But now what should we make of Anonymous’ claim that “since it is impossible for all to be happy [in a Nomarchy], it is enough that the majority should be”? As mentioned above, this claim makes it reasonable to attribute to Anonymous the view that in a Nomarchy only the majority enjoys personal liberty. But this, I have argued, cannot be Anonymous’ position. It seems, then, that the idea expressed in the above quote, and the implication it has for the personal freedom of minorities, is out of place. No one’s personal freedom is compromised in a Nomarchy; and neither is anyone’s happiness. Thus, a number of times we are told that *all* are happy in a Nomarchy.⁹⁰ And this is what we would expect given that in a Nomarchy all are free and freedom is

⁸⁷ EN, 23.

⁸⁸ EN, 19.

⁸⁹ If this interpretation of Anonymous’ position is correct, then Anonymous’ view about the relationship between political and personal freedom is not quite as straightforward as we might have thought. For, although Anonymous thinks that political freedom is necessary for personal freedom, he also thinks that political freedom as such does not ensure personal liberty. Rather, if political freedom is to secure personal liberty, then political freedom must be checked by the principles of impartiality and justice. This brings us back to Anonymous’ view about the conditions that law must satisfy in order to protect personal liberty. We said (in section IV) that, for Anonymous, law must be self-willed in order to protect personal liberty. But we can now add two further conditions: law must also be impartial and just. Note that the fact that Anonymous requires laws to be impartial and just strengthens the claim made earlier (section VI) that, for Anonymous, participation in the Nomarchic’s law-making process (political liberty) requires psychological freedom. For it is hard to see how citizens with slavish souls could make just and impartial laws.

⁹⁰ E.g. EN, 20; EN, 61.

the chief part of happiness. Perhaps, then, we should dismiss Anonymous' claim that only the majority can be happy as a careless remark. There is no other way to explain its existence in the text. It does not harmonise with anything else Anonymous says.

But we are not yet finished. A problem remains concerning the freedom of minorities in a Nomarchy. I have attributed to Anonymous the view that the legislative majority is restricted to making laws that are just and impartial and that in this way the personal freedoms of minorities are not threatened in a Nomarchy. Even so, we can still ask: if it is the will of the majority that makes just and impartial laws in a Nomarchy, then is it not the case that the Nomarchic citizens who do not vote with the majority do not obey their own will when they obey the majority's just and impartial laws? If this is the case, then in view of Anonymous' conception of liberty discussed above, there is an important sense in which those who do not vote with the majority in a Nomarchy are not free.

I think that the best way for Anonymous to get himself out of this problem is to argue that prior to the establishment of the Nomarchy all citizens agree to abide by the principle of majoritarianism in matters of legislation. They agree to this because they realise that unanimity in matters of legislation is impracticable and that therefore some other decision procedure is necessary in matters of legislation. The most obvious decision procedure is majority rule. In this way Nomarchic citizens who do not vote with the majority in matters of legislation still obey their own will when they obey the majority's just and impartial laws, for they have agreed to be determined by the will of the majority in matters of legislation.

IX

I want to end by returning to the story that Anonymous tells of the two Syracusan friends. As we noted, Anonymous tells us that although these friends were subjects of the tyrant Dionysius and outwardly obeyed their tyrannical master, they did not have "slavish souls". They "thought freely" and enjoyed what I called psychological freedom. This story indicates that, in Anonymous' view, there is a sense in which men can remain free even in the harshest political conditions. Now, according to Anonymous, "most of our race" – that is, most of the Greek race – is like these Syracusan friends.⁹¹ Outwardly Greeks obey the Ottoman tyrant, but they enjoy psychological freedom. This is important, for as we have seen Anonymous considers

⁹¹ EN, 60.

psychological freedom to be a means to personal freedom (and thus also a means to “the chief end of man”, happiness, since personal freedom is the main component of happiness). Since the Greeks already enjoy psychological freedom, they are well on the way to achieving personal liberty and happiness. But we must recall Anonymous’ view that personal liberty and happiness also require political liberty. It is this liberty that the Greeks lack. Greeks will never attain “the chief end of man” until they are able to act as citizens, make the laws under which they live, and live securely under these laws. However, this will not happen until the Greeks rid themselves of their Ottoman overlords. This is the main message that Anonymous wished to communicate to his Greek readers.

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