

Chapter 1

A Prehistory of Liberty: Forty Thousand Years Ago

THESIS: The greatest threat to and the best hope for a better life, in the long run, comes from other human beings. Historically, trade has been a great liberator.

Prehistory of Commerce

Homo sapiens became the wisest of primates around forty thousand years ago, when we learned to make deals with strangers.¹ Many steps in our social evolution involved expanding the spheres of mutually advantageous commerce. Paradoxically, we are inclined, perhaps even biologically programmed, to see commerce as a zero-sum game: that is, we see people who profit by selling us food or tools as getting rich at our expense. Eons ago, though, brave souls began to imagine what human beings could do, and saw that the key to a better life was trade. Thus began our liberation from the brutality of life as cave-dwellers.

As we spread, our closest cousins, the Neanderthals, went extinct.² Why? Neanderthals were stronger than *Homo sapiens* and had larger brains. They existed for half a million years, far longer than *Homo sapiens* has existed so far. What drove them to extinction? One theory is that *H. sapiens* had better weapons and systematically exterminated

the Neanderthal. Archeologists now consider this unlikely, for there is no evidence of such slaughter: no evidence of such weapons, no mass graves, no battlegrounds.³ Another theory is that *H. Neanderthalensis* was absorbed into the human genome via interbreeding: a not uncommon path to extinction. However, geneticists have recently said that this didn't happen either, since Neanderthal genes are being reconstructed, and so far no genetic mark of our inheriting them has been found.⁴ On the other hand, evidence from paleontology is suggestive. Recently found skeletal remains dating back 30,000 years bear both modern human and Neanderthal characteristics.⁵

Another possibility is that we may be trying to explain the wrong thing. Extinction is, after all, normal. The real question may be, not "Why did Neanderthals go extinct?" so much as "Whatever drove *H. Neanderthalensis* to extinction, why didn't it take out *H. sapiens* at same time?"

Learning to cooperate

Ian Tattersall speculates that modern social and economic behaviors express an underlying capacity – a capacity recently acquired, which Neanderthals did not have.⁶ Recent research speculates that the ascent of *H. sapiens* may have been less about developing superior military gear and more about something relatively mundane: an evolving propensity to truck and barter. There is no evidence of major technological progress in Neanderthal societies. Neither is there evidence of trade between groups. Neanderthals did not experiment much, nor did they learn from each other's experiments. Neither their technology nor their social organization changed much over hundreds of thousands of years. Five hundred thousand years ago, Neanderthals formed hierarchical hunter-gatherer groups of about two dozen. Forty thousand years ago, Neanderthals were still living in isolated groups of two dozen hunter-gatherers. It is hard to

imagine a human society remaining so static for 460 years, let alone 460,000.

Thus Horan's, Bulte's, and Shogren's explanation of why Neanderthals disappeared and modern humans flourished is that the former were not entrepreneurs. Cultural cross-fertilization did not occur. By contrast, modern humans evidently practiced some rudimentary division of labor almost from the start, engaging in both intra- and inter-group trade.⁷ They were innovators.

If Neanderthals were so smart, why did they not learn the way humans learned? George Grantham's explanation is that what distinguished humans from Neanderthals "was not their respective cranial volumes, which overlap, but modern man's capacity to articulate consonants and vowels required to sound an extensive vocabulary of distinct words."⁸ Human adaptations for speech – such as a descended larynx that increased the risks of choking and a flattening of the 'snout' that increased the airway's curvature and thus reduced aerobic efficiency – were costly in terms of natural selection, so the benefits of speech had to be substantial. And, of course, they were. In a more recent paper, Horan, Bulte, and Shogren explain the benefits of speech in terms of incremental gains in the ability to make one's intentions known in an environment where cooperation was literally a matter of life and death.⁹

As the faculty of speech evolved, so could complex trading relationships built on a mutual understanding of such variables as the time and place of one's next meeting, the exact nature of what was to be delivered, contingency plans, and so on. Grantham notes that "Adam Smith was the first, and long the only, economist to observe that the ability to communicate is a precondition for voluntary exchange. That capacity is tightly linked to the faculty of speech."¹⁰ As the potential benefits of trade mushroomed, so would the selection pressure on the ability to articulate one's thoughts and intentions. This pair of capacities – for cooperation and for articulate speech – would have evolved together.

Neuroeconomist Paul Zak writes:

One hypothesis for the rapid and extraordinary growth of the human brain is that this occurred to support increasingly complex social behaviors. In particular, cooperation with nonkin is the hallmark of modern civilizations. Cooperation between unrelated individuals enabled the specialization of labor and the generation of surplus in societies, fueling technological advance and increasing living standards.¹¹

As human society grew, cooperation increasingly became a matter of communicating and working with strangers. Thus the capacity – and the need – for gossip evolved, together with the possibility of having a reputation. One needs to be able to receive and to transmit information regarding whether particular trading partners play fair. As the possibility of relying on a partner’s reputation evolves, so does the possibility of having extended trading networks.¹² At human sites (but not at Neanderthal sites), archeologists find tools made hundreds of miles away. Trade goods, then, traveled long distances, linking together different language groups and different cultures, contributing massively to the spread of ideas and cultures. To see how other groups do things is to see new, and sometimes better, ways of doing things. This very idea – that there may be better ideas out there – may itself have been the most inspiring of all.

Prehistory of Technology

Many advances began with experimentation and were spread by traders and other travelers who knew a successful experiment and a better idea when they saw one. For example:

The shift to plant-rich diets is complicated because plant foods are typically deficient in essential nutrients, have toxic compounds to protect them from herbivore attack, and are labor-intensive to prepare.

Finding a mix of plant and animal foods that provides an adequate diet at a feasible labor cost is not a trivial problem. For example, New World farmers eventually discovered that boiling maize in wood ashes improved its nutritional value. The hot alkaline solution breaks down an otherwise indigestible seed coat protein that contains some lysine, an amino acid that is low in maize relative to human requirements. . . . The value of this practice could not have been obvious to its inventors or later adopters [they had no idea what lysine is] yet most American populations that made heavy use of maize employed it.¹³

Herbert Muller says:

The range in choice was widened by trade; for if the Neolithic village was basically or potentially self-sufficient, it chose not to remain so. The earliest villages have yielded materials (such as obsidian) the nearest source of which was hundreds of miles away; and trade grew ever brisker as Neolithic culture developed.¹⁴

Nevertheless, to move trade goods over long distances, people had to be able to count on potential trading partners being willing to deal on consensual terms. They needed a rudimentary rule of law, and of property rights in particular – you had to identify and respect the difference between what you brought and what someone else brought to the table – or trade would never get off the ground.

Trade gets off the ground when people feel so secure in their possessions that a transformation occurs: people begin to think of themselves as being able simply to count on having a right to say no. They can spend less of their time defending what they produced and more time producing it. People no longer see themselves as needing to be careful to conceal any valuables they possess. They cart their product to the market and literally *advertise*, displaying their valuables for all to see. Indeed there comes a time when, far from needing to hoard possessions and to keep them secret so as to avoid being a target for pirates, people need laws to curb the incentive to *exaggerate* the value of one's possessions.

In short, as society evolves, people begin to offer their goods in trade, insofar as they feel secure in their right to decline offers they do not welcome. The phenomenon of people advertising the fruit of their productivity heralds revolutionary progress in achieving a degree of security of possession that is the hallmark of a liberal, commercial society.¹⁵

We tend to imagine a history of nomadic tribes gradually settling down as they began to develop crops, then coalescing into villages and finally into cities. According to Jane Jacobs, though, cities must have come first, for “agriculture is not even tolerably productive unless it incorporates many goods and services produced in cities or transplanted from cities. The most thoroughly rural countries exhibit the most unproductive agriculture. The most thoroughly urbanized countries, on the other hand, are precisely those that produce food most abundantly.”¹⁶

On the other hand, Paul Seabright remarks:

Citizens of the industrialized market economies have lost their sense of wonder at the fact that they can decide spontaneously to go out in search of food, clothing, furniture, and thousands of other useful, attractive, frivolous, or life-saving items, and that when they do, somebody will have anticipated their actions and thoughtfully made such items available for them to buy. For our ancestors who wandered the plains in search of game, or scratched the earth to grow grain under a capricious sky, such a future would have seemed truly miraculous, and the possibility that it might come about without the intervention of any overall controlling intelligence would have seemed incredible. Even when adventurous travelers opened up the first trade routes and the citizens of Europe and Asia first had the chance to sample each other’s luxuries, their safe arrival was still so much subject to chance and nature as to make it a source of drama and excitement as late as Shakespeare’s day.¹⁷

But the emerging class of merchants, who made it their business to develop commercially viable grains and to domesticate livestock,

was even more vulnerable than were relatively mobile traders. They and their crops were sitting ducks. Farmers had to count on the rule of law even to a greater extent than did other traders. They needed others to respect their right to make a living in peace.

Alternatives to war

However, peace was not easy to find. Steven Pinker says,

many intellectuals have embraced the image of peaceable, egalitarian, and ecology-loving natives. But in the past two decades anthropologists have gathered data on life and death in pre-state societies rather than accepting the warm and fuzzy stereotypes. What did they find? In a nutshell: Hobbes was right, Rousseau was wrong.¹⁸

Pinker means that hunter-gatherers tend also to be warriors and raiders.¹⁹ As states and civilizations grow, the propensity to make wars against neighbors does not disappear. States can and do organize warfare on a more massive scale, and technology enables warriors to be more lethal. Even so, wars have (by some measures) become less destructive. Lawrence Keeley and other archeologists note that, in contemporary hunter-gatherer tribes (our best approximation of our past), the percentage of males dying in war can be as high as 60 percent, as compared to just a few percent among Europeans in the twentieth century despite two world wars.²⁰ Why? One explanatory factor is that civilized societies find occupations for adult males other than hunting and fighting. Soldiering becomes a specialized vocation and most adult males belong to classes of non-combatants. When people turn to agriculture and begin to make a living in ways that render them sitting ducks to raiders, the imperative to develop a rule of law so as to protect these more settled ways of life becomes pressing. In the process, advancing societies make the life of peaceful trade ever more interesting, more secure, and more rewarding.

Written language

So, we believe that trade emerged about 40,000 years ago, and farming about 10,000 years ago. Closer to historical times, a new set of possibilities arose with written language. Language in general, whether written or spoken, is an unimaginably elaborate, delicate, rapidly evolving form of cooperation, and its evolution is typically spontaneous: that is to say, it is law-like and rule-governed, yet not the product of any legislature. Muller describes Sumeria as the earliest of the civilizations of the Near East.²¹ Samuel Kramer describes how Sumerians invented a large-scale drainage system, a large-scale bureaucratic government, formal laws, standard weights and measures so as to facilitate markets, a medium of exchange, institutions of credit, and devices for keeping time.²² They developed cuneiform writing around 3000 BC. They invented 'schools' around 2500 BC.²³

In the late 1870s, a set of stone tablets of Sumerian provenance was discovered and dated back to 2350 BC. Some of the tablets chronicle people's complaints about a massive, ubiquitous, and rising tax burden.²⁴ Not much is known about this culture, and many of the conjectures made are contested; but in any case one word from these tablets, rendered as *amagi*, is thought to be the earliest instance of referring to the concept of freedom in a written language. *Amagi* means literally 'return to the mother.' It is a matter of conjecture how this came to be used as a word for freedom. However, J. N. Postgate notes that the word was used to denote the freeing of persons enslaved for debt. So, when a document testified that one's debt was repaid, in some cases this was tantamount to affirming a person's status as a free citizen. People would speak of a man freed from debt servitude as having been returned to his family, or returned to his mother.²⁵

In the tablets discovered in the 1870s, the word *amagi* was used to pay homage to King Urukagina, whom Muller describes as the first social reformer known to history. Urukagina became king when the citizens of Lagash in Mesopotamia (a Sumerian culture) revolted, threw

off their hereditary dynastic rulers, and appointed him instead. In addition to cutting or abolishing many taxes, Urukagina developed a series of reforms that may represent the first instance of a judicial code and of a formal rule of law. Although no record of the code's exact content survives, some of its elements (1) upheld the rights of peasants to refuse to enter into business deals with citizens of higher ranks; (2) obliged higher ranking citizens to pay in silver for what they purchased from people of lower ranks rather than to intimidate their fellow citizens into accepting unenforceable promises in lieu of actual payment; and (3) established rights for widows and orphans.²⁶

Muller also reflects on the ups and downs of Sumer's invention of the city:

The inevitable constraints imposed by the more complex life of civilization may likewise obscure the positive gains in freedom. . . . The young in particular might enjoy such opportunities; whereas education in the village trained the child to do and to be just like his father, education in Sumer might train him to do something different or to become something better. . . . The always crowded, restless, noisy, wicked city would in time be deplored by many writers, denounced by many more preachers; and it would always remain the mecca of bright, ambitious young men from the countryside.²⁷

Mycenaean Greece, roughly from 1400 to 1200 BC, was a cluster of small states in which a rural population was dominated by a fortified palace.²⁸ However, the Mycenaean kingdoms collapsed and the eastern Mediterranean region regressed to tribalism. The reason for the collapse is not known. Conquest or natural cataclysm may well have played a role, but Lewis Mumford suggests that one of the key problems was cultural: the Mycenaeans glorified war and piracy, and had an aristocratic contempt for work and for trade. Mumford claims that "the Mycenaean ascendancy seems never to have developed the permanent urban forces essential to further growth: the code of written law, the bureaucratic controls, the system of taxation, that would have ensured its continuity for even a millennium. Power, dependent

chiefly on personal force, soon crumbled.”²⁹ From 1200 to around 900 BC, literacy, trade, architecture, and urban life in general disintegrated along with the rule of law.

One benefit of this collapse is that the disappearance of written language in cuneiform script set the stage for the eventual emergence and triumph of the alphabet, as it was developed and spread by Phoenician traders.³⁰ Cuneiform writing survived in various cultures, but the symbols were clumsy and hard to learn by comparison, so the people involved in commerce, or more generally those who wanted to be literate, “naturally preferred the much more economical and efficient alphabet. Common men could now easily learn to read and write, little artisans and merchants to keep their own accounts. The aristocratic monopoly on learning might be broken.”³¹ Literacy remained for a long time the trademark of a particular profession – scribes; but these were becoming numerous, laying the foundations of literacy as a general phenomenon.

Toward the end of this period long-distance shipping was reinvigorated through improvements in hull construction and through the development of a rigging that permitted sails to be furled or unfurled (like a Venetian blind), thus allowing for larger ships, which could respond well to changing wind conditions.³² Rudimentary states reappeared around 750 BC. Mumford writes:

The Greeks, it seemed, had in some degree freed themselves from the outrageous fantasies of unqualified power that Bronze Age religion and Iron Age technology had fostered: their cities were cut close to the human measure, and were delivered from the paranoid claims of quasi-divine monarchs, with all the attending compulsions and regimentations of militarism and bureaucracy.³³

Populations began to grow. Mumford adds: “The transposition of the village into the polis, the place where people come together, not just by birth or habit, but consciously, in pursuit of a better life, takes place before our eyes in Greece.”³⁴

Bronze and iron

Muller says that the Bronze Age was one in which metal was largely the preserve of the ruling class, owing to the scarcity of the basic ingredients – namely copper and tin. Ordinary peasants continued to use tools made of stone. The Iron Age began in the Near East and Greece in the twelfth century BC, and it was revolutionary. Although copper and tin are scarce, iron is common. A smith needs higher temperatures and greater expertise to smelt iron, but, once people developed a workable process – and this was spurred by the aforementioned collapse of Mycenaean trading networks, which made tin so much harder to acquire – iron tools became cheap.³⁵

An unprecedented number of new tools were fashioned, among them spaces, tongs, shears, and planes, while oxen were made to work corn mills and olive crushers. . . . Above all, iron was a boon to the little man. Able to possess his own metal tools, he might now become an independent farmer or artisan, thereby providing more opportunities for small merchants too. A growing middle class, accustomed to individual enterprise, might grow critical of ancient traditions that impeded such enterprise . . . The Phoenicians, who anticipated the new age by living chiefly on trade, were inspired by commercial needs to invent their alphabet shortly before its dawn.³⁶

In short, rich people could switch to iron from *bronze* tools; poor people could switch to iron from *stone* tools. Iron was thus an equalizer; but, more relevantly for our present purpose, iron was a liberator. For people unable to afford bronze, iron was literally their ticket out of the stone age.

Prehistory of Slavery

Early Greek city-states were relatively weak. For most, the main political unit was the *oikos*, a large agrarian household or estate

consisting of the master, his immediate family, some extended family members, and a host of slaves and servants. The reward system of the *oikos* shows freedom's lack of value for the archaic Greeks. Status in the hierarchy was defined in terms of closeness to the master. A slave would be rewarded not with manumission but with increased responsibility, independence, and with being moved closer to the master's family.³⁷ There was no safety in, and no desire for, leaving the *oikos* in order to be independent. More generally, there is little evidence from the Homeric and archaic periods of Greek society reflecting on the value of freedom. But this was about to change.

Beyond barter, for better and for worse

Coinage emerges in the seventh century BC in Lydia, and the frontier of possibilities for production and trade expands yet again.³⁸ As Muller says,

The Greeks, who most fully exploited the democratic potentialities of the alphabet, were also quick to exploit the invention of coinage, about 600 BC, which they credited to the Lydians, founders of a new kingdom in Asia Minor. Replacing bars of metal, standardized coins facilitated trade and encouraged industry, but the more revolutionary innovation was *small change*. Early coins, of silver and gold, had been in denominations too high for the daily transactions of the poor; with small change the little man could buy and sell things, in small quantities.³⁹

Concerning these two inventions – coined money and a written alphabet – Mumford writes that these “refinements of number and writing were prime tools of the mind, though they first developed as essential notations in long-distance trading and commercial accountancy.”⁴⁰

Both Patterson and Muller note, however, that, in the immediate aftermath of the full monetization of the marketplace, inequality began

to grow and some people's investments left them descending into debt servitude, while others were accumulating substantial wealth. According to Patterson, toward the end of the seventh century the situation worsened, and a new phenomenon emerged: the selling of Greek debtors into slavery, including selling them abroad. We infer from the phenomenon of slaves being bought and sold on international markets that this was full-blown slavery, as we understand it today. Presumably the advent of slavery in this horrific form, whose victims included unlucky neighbors and not merely 'barbarians' from non-Greek lands, sharpened the awareness of the difference between being and not being free.⁴¹

One may expect a rule of law to evolve into a framework for the emergence of predictable prices. This is a crucial historical moment, because predictable prices tell us more efficiently than anything else how to be of greatest service to other people and how to prosper in the process. But in the seventh century BC, it seems, the rule of law needed to catch up with the commerce for which it was supposed to provide a framework. Money, in its early inception in Lydia, seems not to have been a win-win game. It is reminiscent of the contemporary scare with subprime mortgage lending. Mortgage lending is a massively liberating institution, one of the primary factors enabling average people to become home owners. Yet credit is also a proverbially dangerous servant and a terrible master.⁴²

Many societies experiment with debt servitude, but this quasi-voluntary slavery is not what a lover of liberty wants to see in practice. The philosophical question here is: should people be free to give away their liberty? Should people be free to *risk* giving it away, in effect putting up their liberty as collateral to secure a loan? Or should the status of free citizen be treated as an *inalienable* right?⁴³ No matter how, or how much, we value liberty, it is not obvious how to answer this question. Interestingly, though, the places we call free countries today all repudiated the right of citizens to sell their freedom, or even to put their freedom at risk by offering it as collateral to secure a

loan. It seems that all western societies eventually opted in favor of inalienable rights, refusing to enforce unconscionable contracts. In any case, the question is fundamental, and seventh-century BC Greeks had not yet come to grips with it.⁴⁴ The market had run ahead of the rule of law, and members of all classes began to appreciate the danger.

Villages a few miles inland, like Athens and Corinth, with access to the sea yet defensible against pirates, became great cities.⁴⁵ Population increases over the next couple of centuries meant increasing demands for wood used in building, and also for land and agricultural products. In turn, this implied an increasing pressure not to become agriculturally self-sufficient but to do precisely the opposite: to use the land so as to produce whatever crop could be used to *purchase* the greatest quantity of food. Under the circumstances, producing enough food domestically to feed everyone was becoming out of the question. Increasingly, Greeks had to import food, which meant that they had to have something to sell. The more their products could command in exchange for foreign agricultural products, the better. So the increasing demand for foreign trade led Greeks to turn their own agricultural land over to producing fruit and olives for export.⁴⁶ As monocrop plantations came to dominate the rural landscape, slaves began to play a larger economic role.

Freedom became a political issue around the turn of the sixth century. Solon was elected *archon* (chief magistrate) in Athens in 594/3 BC. Athenians along with people from all over Attica were defaulting on their loans, so freemen were being turned into slaves. In response to a growing crisis and a potential political upheaval, Solon cancelled all existing debts and introduced legal reforms guaranteeing that freemen could no longer be enslaved for failing to pay a debt. Solon's laws forbade citizens from using their freedom as collateral to secure their loans. Solon thus introduced the first *inalienable* right of freedom. Apparently, Attica's experience with debt-bondage was repeated in Rome, and with the same result: a prohibition was passed against debt-bondage for freemen.⁴⁷

In Persia, Cyrus the Great became king in 546 BC and proceeded to build an empire marked by general toleration for cultural differences, especially where religion was concerned.⁴⁸ His tolerance of Jews, in particular, was gratefully noted. He was the only Gentile to be classified as a messiah (a king divinely appointed) in the Jewish Bible. Even to this day, Iranians refer to Cyrus as ‘the Father.’

From Prehistory to History

Some of Solon’s reforms opened up trade and raised Athens’ commercial position, in part by improving standard weights and measures.⁴⁹ The period after Solon is marked by a significant silence about freedom. Evidently Solon’s reforms worked so well that, for a time, freedom became a non-issue. But worries about freedom eventually reappeared in the guise of worries about tyranny. Originally, the word *turannos* referred to someone who seized power by force, but not necessarily as a ruthless autocrat. In earlier times, tyrants were often tolerated by all classes. Aristocrats benefited from having someone who would prevent uprisings of the lower classes; lower classes benefited from the tyrants’ terminating the political games of the elites.

Democracy

Cleisthenes is usually credited with introducing democracy to Athens after the expulsion of the tyrant Hippias around 508 BC.⁵⁰ Athens had traditionally been organized around four founding tribes, but power struggles between these had led to tyranny in the first place. Cleisthenes replaced Athens’ demographic organization around four family-tribes with a new one around ten tribes, and in the process he created the *deme* (something similar to a city borough) as an important political unit. He also introduced *isonomia*, ‘equality of law’ or ‘balance of rule’ (from *isos*, ‘same, equal,’ and *nomos*, ‘law,

rule, custom'). *Isonomia* was a precursor to democracy and brought about some measure of equality before the law. To be sure, Athenian democracy was unlike ours. Most people were excluded from *isonomia*. Women were barred, as were resident aliens and their descendants, even after generations of living in Athens.

Even so, Athens was progressive by the standards of its time. Paul Woodruff suggests that Athenians would have regarded a phrase like 'elected representative' almost as an oxymoron, because the "mere process of election makes its winners represent political parties and action groups more faithfully than they do the citizens who elected them."⁵¹ Athenians, Woodruff continues, understood the problem and aimed to solve it. "In ancient democracy, as now, wealth made a difference to elections; people without money or family connections almost never won elective office in Athens. Because Athenians wanted to curb the power of wealth, they severely restricted the power of those who held elective office."⁵²

According to Herodotus, isonomy consisted of three parts:

- 1 Most city offices were staffed by lottery rather than by class, family affiliation, or wealth.
- 2 City officials were held accountable for their actions. At the end of their term of service, they had to justify themselves to the people and could be punished for poor performance.
- 3 The city council was strengthened, with more deliberations taking place in public and with all citizens having a right to speak.⁵³

The right to speak was the mark of a free person. Slaves had to hold their tongues; freemen did not. The earliest conception of free speech, developed by the sixth century BC, seems to have been encapsulated by the term *isegoria*, 'equality of speech,' which expressed the idea that every free person's opinion has the same weight as every other free person's. However, by the end of the fifth century, a stronger conception of free speech emerged and was added to *isegoria*: *parrhesia*,

‘frankness,’ ‘outspokenness,’ the right to say all. The idea was that a free person not merely had an equal voice, but could express himself fully and frankly, without fear of reprisal.⁵⁴

A further notable advance in the idealization of freedom in Greece seems to have been a result of the Greco-Persian wars between 499 and 449, in which the Persian Empire attempted to conquer the non-unified Greek city-states. The Persian threat required Greek states to put aside their differences and form alliances. This unity was achieved partly by political rhetoric about ethnic differences between the Hellenic race and the Persians. The Greeks regarded the Persians as slavish, deferential, non-autonomous brutes ruled by a super-tyrant (Darius, and later Xerxes). They realized that, by comparison to the Persians, they were relatively free, having more liberties protected by the state and enjoying greater control over their own lives. They regarded this condition of freedom as one of the reasons why they defeated the Persians: there was more at stake for the Greek warriors, since they were free citizens with homes to defend. Athens began to celebrate itself as the ‘freest city.’

Athenians increasingly began to seek economic self-sufficiency (*autarkeia*), which, for better or worse, they viewed as making them more free (by minimizing their dependence on international trade). The drive toward autarky led gradually to the formation of an ‘Athenian empire,’ as Athens gained supremacy over its allies in the Delian League (formed in 478/7 BC against the Persians) and began to gather more resources so as to be ‘self-sufficient.’

Pericles

Around 460 BC Pericles became a political leader of Athens. John Danford describes Pericles as the first politician to attribute great importance to philosophy. He promoted Athens as a center of art, philosophy, commerce, and culture. He also promoted democracy. The ancient Greeks conceived of humans as essentially social and political animals, as in Aristotle’s famous statement. Nevertheless,

Danford says, for at least the generation of Pericles, there was such a thing as Athenian individualism – where ‘individualism’ presupposes that people should be understood first as individual organisms, and only secondarily as organisms who need to cooperate if they are to flourish.⁵⁵ Patterson claims that Pericles’s funeral oration makes the first unequivocal use of freedom in terms recognizable to the modern ear.⁵⁶ In this speech Pericles stresses the legacy of those who fought and died for Athens in the Second Peloponnesian War: on account of them, Athens is “a free country.” Pericles speaks of *civil* freedom: of our constitution putting the power in the hands of the whole people, of everyone being equal before the law, and of qualification for political office being a matter of merit rather than an accident of birth. He also speaks of *personal* freedom: neighbors mind their own business, and each citizen is the rightful owner of his own person. Finally, Pericles speaks of *sovereign* freedom – the indomitable and aristocratic Athenian soul.

Patterson finds this third part of the triad curious, even out of place, and explains it in terms of Pericles’s aristocratic upbringing taking over.⁵⁷ Yet the notion of sovereign freedom touches on ideas that retain some resonance today: the feeling of liberation that comes from being true to our natures, from standing up for what we know to be right, from having clean hands and nothing to hide.⁵⁸

Athenian democracy

Plato’s *Republic* (probably written around 360 BC, although the chronology of Plato’s works is contested) develops in a few remarkable pages the idea of division of labor. Plato does not explain how workers should identify their specialized roles in a commercial society. We are left to infer that the Guardians would know enough to decide who belongs to the working class and what each person’s role should be. Two thousand years later, Adam Smith, moral philosopher and Plato scholar, would embellish this story with an explanation of how a price mechanism fosters coordination in a commercial

society, with no need for impossibly knowledgeable central planners. Individual workers, deciding for themselves how to try to make a living, are led by self-interest to go where their services command a good price. By gravitating toward well-paying jobs, workers at the same time gravitate toward creating a product that employers or customers truly want, to a point of being willing to pay for it.⁵⁹

Plato's best student, Aristotle, was also a biologist, and thus "brought to the discussion of cities something that Plato lacked: a knowledge of the immense variety of species and an appreciation of the endless creative manifestations of life itself. . . . For Aristotle, the ideal was not a rationally abstract form to be arbitrarily imposed on the community."⁶⁰ Instead, Aristotle understood (to some degree) the need to let the species realize its potential by allowing individual organisms to experiment with different ways of adapting to their environment and of learning from, responding to, and building on, each other's ideas. It is a difficult concept: that a beneficial order will always be substantially spontaneous. The imposition of order from the top down, necessary though it may sometimes be, tends to stifle future experiments and innovations. Even into the twentieth century, we find figures such as F. A. Hayek struggling to articulate the point. Indeed Hayek would win a Nobel Prize in Economics for his partial success – the point is that important. Aristotle, without the benefit of insights such as those of Darwin, went a long way toward grasping the unavoidably central place of spontaneous order in a free society.

Aristotle – from Stagira in Chalcidice – was not Athenian and never received Athenian citizenship. He lived in Athens for two long periods but fled after the death of Alexander, fearing anti-Macedonian reprisals. Thus, although he died in the same year (322 BC) as Demosthenes, and at the same age, the two seemingly had little contact. Demosthenes was a believer in individual rights, including property rights, as much as Aristotle was, but more of a believer in democracy.⁶¹ Yet even Demosthenes saw unrestrained democracy as a form of government that would undermine itself. He proposed to curb self-serving legislation through the procedure of legislating

“with a noose around one’s neck.” The basic principle would be: if a proposed law is deemed noble and beneficial, the law passes; otherwise, the noose is tightened and the person proposing it dies.⁶²

In his *Politics*, Aristotle stresses that democratic freedom means more than just *isonomia* (equality of participation, political liberty).⁶³ He says that the ability to live as one pleases is the mark of a free person (probably meaning “free” in both negative and positive senses). Though Athens was not nearly as liberal and tolerant as a modern European or North American country, it was notably liberal for its day. Its citizens and even its slaves had a large degree of freedom in choosing a job, making contracts, choosing which cults to join, and choosing what sort of lifestyle they would lead.

By contrast, Spartans considered themselves free because they were not ruled by other city-states; yet Spartan citizens were expected to submit themselves voluntarily to *nomos*, the ‘natural law,’ which included many restrictions on ways of life and a subordination of the self to the good of the community. In Athens, too, *nomos* was considered important. Democracy was always seen, both by its detractors and by its supporters, as subject to the politics of special interest, and consequently in danger of dissolving into anarchy. Respect for *nomos* – what we might now call a ‘constitutional culture’ – played an important part in regulating Athenian democracy. Moreover, Athenians seemed to treat freedom not as something to be sacrificed for the sake of *nomos* when this was necessary, but as a core constituent of *nomos*. Interestingly, Raaflaub claims, contrary to Benjamin Constant (see our Introduction), that, for the Athenian democrats, “sharing in power was essentially a means to an end: their goal was life in freedom and happiness.”⁶⁴ According to Raaflaub, the “core of the value of freedom guaranteed by democracy” to an average citizen consisted in letting him

develop a political identity and over time made it so attractive that it became his primary identity. . . . Democracy guaranteed him the integrity of his house and person, put him on a par with all other

citizens in essential areas of life (especially before the law and politics), and made him independent of the power of the mighty. For all these reasons, democracy met an extraordinarily important socio-psychological need: it was the only political system that enabled the freeman to develop and realize his potential to the fullest.⁶⁵

So one value of rights is that they are a badge of honor that make us worthy of respect, giving us the ability to look one another in the eye.

Raaflaub holds that the development of freedom as a personal value was partly the result of applying Athenian ideas of freedom in international relations to personal relations. During the Athenian empire, Athens was free because it was autonomous, not under any other city's control. The Athenian ideal there, in international relations, was 'freedom through power.' This conception of international relations was eventually transferred to relations between citizens. Citizens were free not merely because they were not slaves, but because they were autonomous, having no masters, able to see each other as equals, able to live as they choose, and able to participate in governance. During the fourth century BC Athenian democracy strengthened, and freedom became identified with participation in democratic government. At no point, though, did the Athenians regard democratic participation as *sufficient* for freedom. Freedom meant a host of civil and economic liberties, not just the right to vote or hold office.⁶⁶

Rome and Christianity

Between Aristotle and Cicero, natural law theory emerged. Cicero, famous Roman philosopher, lawyer and orator, observed: "We are all constrained by one and the same law of nature; and . . . we are certainly forbidden by the law of nature from acting violently against another person."⁶⁷ Neal Wood considers Cicero "the first important

social and political thinker to affirm unequivocally that the basic purpose of the state is the protection of private property,⁶⁸ although arguably a full-blown theoretical defense of private property as natural law would have to wait for Bodin and Grotius.⁶⁹

Cameron and Neal write as follows:

Rome's greatest contribution to economic development was the *pax romana*, the long period of peace and order in the Mediterranean basin that allowed commerce to develop under the most favorable conditions. Although Roman legions were almost constantly involved in conquering new territory, punishing an upstart neighbor, or suppressing a native rebellion, before the third century these disturbances normally took place on the periphery of the empire and rarely disturbed the most active commercial routes. Piracy and brigandage, which had been serious threats to commerce even in the Hellenistic era, were almost completely eliminated.⁷⁰

Cicero published *De officiis* in 44 BC, a year before he was murdered. (Around this date Julius Caesar became *dictator perpetuo*. Although he cautiously refused the formal title of 'king' or 'emperor' and so did Augustus after Julius was assassinated, the Roman Republic effectively came to an end.)

Church and state

Soon afterwards, Jesus of Nazareth would begin to teach that each individual matters in the eyes of God.⁷¹ Moreover, God is a god of all human beings, not just of one tribe.⁷² It was Jesus who said, render unto Caesar what is Caesar's, and unto God what is God's, suggesting the idea of a separation between church and state and stressing that any human ruler's claim to authority and allegiance is limited. Political leaders in particular have no right to decide which deity their subjects should worship.

Ancient Mediterranean religions tended to be 'syncretic,' meaning that people of different religions accepted each other's gods. (Judaism

was a notable exception.) The Greek Zeus, the Roman Jupiter, and the Etruscan Tinia were largely the same deity. Still, they were *made* to look as if they were the same deity in part because Greeks and Romans were committed to viewing each others' religions as mutually accommodating, and thus were committed to interpreting each others' gods as different names for, or at least as making room for, their own. So syncretism was in part a self-fulfilling prophecy. The Greeks and Romans had a kind of freedom of religion, but not the kind that citizens of western democracies enjoy today. They lacked a firm concept of freedom of religion partly because their syncretism meant that they lacked a firm concept of heresy.

The reason why early Christians were persecuted in Rome (keeping in mind that the extent of their persecution was exaggerated by Christians) was their refusal to integrate. Christianity was not syncretic. Christians did not see their God as a variation of Zeus. (Their understanding of themselves was not completely accurate, as both Judaism and Christianity grew from, and adopted elements of, pagan religions; see especially Armstrong 1994). The Christians' refusal to be assimilated made them seem a threat.

Tertullian of Carthage (c. AD 160–240) believed Christianity to be the one true religion. However, in his *Apologeticus*, he also advocated freedom of religion. Following Apostle Paul (1 Corinthians 10: 20), Tertullian argued that while it was right for Christians to denounce paganism as demon worship and to try to convince pagans of their errors, it was not right to force pagans to change. The idea of freedom of religion thus showed signs of sprouting; but it would not come to fruition before the religious wars of the Reformation and Counterreformation.

Through the conversion of Emperor Constantine in 312, Christianity became the official religion of the Roman Empire. The legacy of Tertullian notwithstanding, an enforced conversion of pagans soon followed. In 385 Emperor Maximus ordered the execution of the Spanish Bishop Priscillian on a charge of heresy, precipitating a stream of executions, torture, and other mistreatments of 'heretics.'

Meanwhile, in the eastern empire, Theodosius I passed edicts depriving 'heretics' of property and of their children's right of inheritance.⁷³ Mumford comments:

By the fifth century the life-blood was ebbing from the opened veins of Rome . . . By renouncing all that the pagan world had coveted and striven for, the Christian took the first steps toward building a new fabric out of the wreckage. . . . Many reasons have been assigned for the triumph of Christianity; but the plainest of them is that the Christian expectation of radical evil – sin, pain, illness, weakness, and death – was closer to the realities of this disintegrating civilization than any creed based on the old images of 'Life, Prosperity, and Health.'⁷⁴

By the fifth century AD, Augustine was teaching that we go to heaven or not by the pure, inscrutable grace of God. Augustine coined the phrase 'original sin' and used the idea of it to argue that there is no salvation outside the Catholic church. Peter King comments: "Although Augustine was not the sole author of the Doctrine of Original Sin – bits and pieces of it are found in Tertullian, Cyprian, and above all in his near-contemporaries Ambrose and Ambrosiaster – Augustine was undeniably its principal architect."⁷⁵ By contrast, Pelagius, a contemporary of Augustine's, taught that there is such a thing as deserving to go to heaven, and that God would not deny salvation to the deserving. If He did, He would be wrong. Pelagius rejected the doctrine of original sin. (He also rejected the doctrine of divine grace, partly because he saw it as encouraging slackers to be fatalistic.) Pelagius was declared a heretic. Yet his belief in personal responsibility – the belief that God gave each one of us the right and the responsibility to stand or fall by our own merit – did eventually prevail.

The Roman Empire is traditionally held to have come to an end in AD 476, when the last of the western emperors was deposed. Justinian ruled as emperor of the eastern empire until 565, and made the last attempt to reconquer the western part. He also presided

over a codification of Roman law, a part of which – the Pandects – would become his most lasting legacy. But this is the beginning of another story.

Acknowledgments

We thank Julia Annas, Nathan Ballantyne, Vaughan Baltzly, Matt Bedke, Ian Carter, Tom Christiano, Stephen Davies, Jerry Gaus, Michael Gill, Rachana Kamtekar, Fred Miller, Shaun Nichols, and Joshua Weinstein for immensely helpful comments. We also thank our copy-editor, Manuela Tecusan, a trained classicist; even more in this chapter than others, Manuela went well beyond the call of duty in supplying suggestions and background information.

Notes

1. Richerson and Boyd (2008, 110) say that *H. sapiens* probably evolved around 200,000 years ago, but the modern form of humans, with their propensity toward trade and progress, appeared later, around 50,000 years ago.
2. Horan, Bulte, and Shogren 2005, 2.
3. On the other hand, the evidence does not conclusively rule out the possibility of mass slaughter. We thank Joshua Weinstein for noting that the arrival of humans in the Americas went hand in hand with the wholesale extinction of American megafauna. There is little direct proof of causation in that case, either, yet archeologists do not doubt that humans played a major role in these extinctions. See Krech 2000.
4. Ovchinnikov, Gotherstrom, Romanova, Kharitonov, Liden, and Goodwin 2000.
5. Trinkaus 2007.
6. As reported in Horan, Bulte, and Shogren 2005, 4.
7. *Ibid.*, 5.
8. Grantham 2008, 8.
9. Horan, Bulte, and Shogren 2008, 3.

10. Grantham 2008, 7. What Adam Smith (1981, 26) says on the matter is this:

Nobody ever saw a dog make a fair and deliberate exchange of one bone for another with another dog. Nobody ever saw one animal by its gestures and natural cries signify to another, this is mine, that yours; I am willing to give this for that. When an animal wants to obtain something either of a man or of another animal, it has no other means of persuasion but to gain the favour of those whose service it requires. . . . A spaniel endeavours by a thousand attractions to engage the attention of its master who is at dinner, when it wants to be fed by him. Man sometimes uses the same arts with his brethren . . . [But] in civilized society he stands at all times in need of the cooperation and assistance of great multitudes, while his whole life is scarce sufficient to gain the friendship of a few persons. In almost every other race of animals each individual, when it is grown up to maturity, is entirely independent, and in its natural state has occasion for the assistance of no other living creature. But man has almost constant occasion for the help of his brethren, and it is in vain for him to expect it from their benevolence only. He will be more likely to prevail if he can . . . show them that it is for their own advantage to do for him what he requires of them. Whoever offers to another a bargain of any kind, proposes to do this. Give me that which I want, and you shall have this which you want, is the meaning of every such offer; and it is in this manner that we obtain from one another the far greater part of those good offices which we stand in need of.

11. Zak 2008b, 262. Zak tested this hypothesis. The hormone oxytocin facilitates the attachment of mothers to infants and of lovers to each other. High oxytocin levels seem to make us more trusting and trustworthy. Zak conducted experiments in which participants had opportunities to cheat or cooperate with one another. As it turns out, cheaters have low oxytocin levels, cooperators have high levels, and cooperation from others tends to increase one's own oxytocin levels and causes one to reciprocate. See e.g. Zak, Kosfeld, Henrichs, Fischbacher, and Fehr 2005 and Zak 2005. Zak's related research has important implications: Unstable socio-political environments or environments with few shared values inhibit oxytocin release and thus cause people to regard their societies as less trustworthy. This leads to people being more self-oriented, more shortsighted, and tends to reduce growth on account

of high transaction costs. From a liberal point of view, much of this research is reassuring, but not all of it. (In particular, it looks as though, *ceteris paribus*, ethnic homogeneity makes people more trusting and trust-worthy – which counts against the liberal value of diversity.)

12. We thank Daniel Silvermint for this thought.
13. Richerson and Boyd 2008, 127.
14. Muller 1961, 17.
15. Joshua Weinstein (personal communication, 2008) reminds us that gift-giving and the mutual exchange of goods is often depicted in ancient literature as a symbol and a securer of peace. Weinstein mentions Genesis 21 or Herodotus, *Histories*, Book 1. See also Homer – for instance *Iliad* 6.119ff., 21.42, or *Odyssey* 4.79, 19.268ff., 24.284.
16. Jacobs 1970, 7. Historian Stephen Davies tells us in personal communication that Jacobs's view is increasingly supported by archeological evidence.
17. Seabright 2004, 15.
18. Pinker 2002, 57.
19. Presumably there was not so much to raid before hunter-gatherers became herdsmen and then farmers, so agriculture may have made it more attractive to be a raider. We thank Joshua Weinstein for the observation that the ancient biblical story of Cain and Abel implicitly depicts agriculture as morally inferior to nomadic pastoralism, such inferiority being possibly connected to the potential of agricultural society to foster the division of labor and thus the production of sophisticated weapons.
20. Pinker 2002, 57.
21. Muller 1961, 29.
22. Wittfogel 1957 claims that the need for large-scale irrigation led to the need for a bureaucracy capable of overseeing the irrigation system. This in turn led to powerful states with absolute monarchs. Thanks to Joshua Weinstein for bringing this set of facts to our attention.
23. Kramer 1981, 3.
24. *Ibid.*, 45–50.
25. Postgate 1992, 195. We thank Hans Eicholz for describing personal correspondence between Samuel Noah Kramer and Pierre Goodrich regarding the meaning of the *amagi* symbol, which Goodrich went on to develop into the logo of Liberty Fund Inc.

26. Urukagina's kingdom was obliterated by foreign invaders within ten years of these reforms. We do not know whether his philosophy had any influence surviving the invasion.
27. Muller 1961, 33.
28. Patterson 1991, 48.
29. Mumford 1961, 123–4.
30. Grantham 2008, 17.
31. Muller 1961, 94.
32. Wachsmann 1998.
33. Mumford 1961, 124.
34. *Ibid.*, 131.
35. "Smith" is the most common surname in the western world, attesting to the central place once held in western communities by those who worked with metal.
36. Muller 1961, 93–4.
37. Raaflaub 2004, 32.
38. Patterson 1991, 56.
39. Muller 1961, 94.
40. Mumford 1961, 191.
41. See Patterson 1991, 53. Slavery in general is far older than this, and debt serfdom may be older as well. Another reasonable doubt about the story we tell here is that, according to Kramer, there was a currency, shekels, circulating in Sumer in 2350 BC. Muller may not have known about this earlier history of coinage, or perhaps he meant only to refer to events leading to the introduction of coinage into Greek economy.
42. Goolsbee 2007 (on line document) writes:

The Center for Responsible Lending estimated that in 2005, a majority of home loans to African-Americans and 40 percent of home loans to Hispanics were subprime loans. The existence and spread of subprime lending helps explain the drastic growth of homeownership for these same groups. Since 1995, for example, the number of African-American households has risen by about 20 percent, but the number of African-American homeowners has risen almost twice that rate, by about 35 percent. For Hispanics, the number of households is up about 45 percent and the number of home-owning households is up by almost 70 percent. And do not forget that the vast majority of even subprime borrowers have been making their payments. Indeed, fewer than 15 percent

of borrowers in this most risky group have even been delinquent on a payment, much less defaulted.

Contemporary Peruvian economist Hernando De Soto deems institutions of mortgage lending to mark one of the pivotal differences between western and developing economies. See our Chapter 4 on commerce.

43. If the right to equal status as a free citizen is inalienable, then you might *forfeit* it, as you can forfeit the right to vote, but what you can't do is *sell* it.
44. This question vexed natural law theorists of Grotius's time. See Buckle 1991, 33.
45. Mumford 1961, 126.
46. Patterson 1991, 69.
47. Raaflaub 2004, 268.
48. As reported in a Nobel Prize acceptance speech by Shirin Abadi, December 10, 2003.
49. Milne 1943.
50. Raaflaub 2004; Meiggs 2008.
51. Woodruff 2005, 14.
52. *Ibid.*, 15.
53. Robinson 2004.
54. Raaflaub 2004, 222–3.
55. Danford 2000, 2, 8.
56. Patterson 1991, 100.
57. It apparently has some affinity with a conception of freedom emerging in fourteenth-century BC Egypt. Amenhotep IV, also known as Akhnaton, pursued absolute sovereign freedom for himself, to the point of repudiating all gods (other than himself, seen as the living personification of the sun-god). Patterson (1991, 41) calls him “the prototype of the European romantic hero, the man who alone is free and in his freedom ensures the glory of others whose freedom exists in mere submission. . . . Akhnaton was the first person to identify such total power over others as a supreme form of freedom, and to give it intellectual expression.”
58. See our preceding chapter on alternative conceptions of freedom, and our final chapter on psychological freedom.

59. Plato also notes, toward the end of this fanciful yet sophisticated just-so story (*Republic* 372e ff.), that a market society can become “feverish” as consumers become preoccupied with acquiring land and other material goods. The “fever” worry is prominent in Smith too: see below, Chapter 4.
60. Mumford 1961, 184.
61. Fred D. Miller (1996, 31) documents how each thinker had, and repeatedly used, terms corresponding to the Hohfeldian schema of claims, privileges, powers, and immunities.
62. Miller 1996, 36.
63. See Aristotle 1996, 154–5.
64. Raaflaub 2004, 242.
65. *Ibid.*, 276.
66. Raaflaub 2004, 276.
67. Cicero 1991, 110.
68. Wood (1988, 132) has in mind the passage at *De officiis* ii 73. Jack Barlow, in an impressively sympathetic and measured critique, disagrees, saying that, while Cicero is undeniably a defender of private property and sees such defense as an important function of the state, the state’s basic purpose nonetheless is different: namely the promotion of the common good, where the good is interpreted in virtue-theoretic terms. Protecting property is a means to this end, an important means, but also a limited one. (Thus Cicero countenances property taxes in extreme conditions, only as a last resort, when it is necessary to avoid catastrophe.) See Barlow 2002, on line document, footnote 2.
69. This is a claim made by Pipes (1999, 10, 12).
70. Cameron and Neal 2003, 39.
71. Danford 2000, 13.
72. *Ibid.*, 16.
73. There is a crucial distinction between heretics and heathens. A *heretic* is a Christian who has heard God’s word and turned his back, while a *heathen* is a Jew or pagan who simply has not heard. In political terms, heresy is a form of treason, whereas heathens are enemies of the church, but at least they are not traitors.
74. Mumford 1961, 243.
75. King 2007, 248.