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Author
Hoekstra, Kinch

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Athenian Democracy and Popular Tyranny

Kinch Hoekstra

I

An account of popular sovereignty that begins with the fifth century BCE may seem to be off to a false start.[1] Foundational works in the history of political thought have taught us that the very notion of sovereignty, and thus of popular sovereignty, emerged from the particular historical circumstances of the early modern era. One might thus believe that fifth-century Greeks could not be discussing popular sovereignty some two thousand years before this concept's emergence.[2] Leading ancient historians and classicists have adopted this view, deeming 'sovereignty' a misleadingly anachronistic way of thinking about Athenian democracy in the classical period.[3] For the concept of sovereignty seems

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[1] By agreement, my primary focus is on the fifth century BCE (esp. its second half) and Melissa Lane's in her contribution is on the fourth. Earlier versions of this chapter were presented at Queen Mary, University of London (Popular Sovereignty Project); Stanford University (Workshop on Ethics and Politics, Ancient and Modern); and UCLA (a combined meeting of the Legal Theory Workshop and the Political Theory Workshop). I am grateful to the audiences on each of these occasions, and for comments from Mark Greenberg, Amanda Greene, Tim Hoekstra, Seth Jaffe, Kathryn Morgan, Seana Shiffrin, and Quentin Skinner. For critical counsel I am especially indebted to Mark Fisher, Melissa Lane, Derin McLeod, and Josh Ober.

[2] To apply 'popular' to classical Athenian politics is even more contentious than to apply 'sovereignty', as we are sensitive to some of the limitations on who counted as part of the political people, or who was included in or excluded from the body of citizen-rulers. This issue may be set aside here, as the present question is about how the Athenian democracy was understood, not whether it was in fact an instance of popular sovereignty (an empirical question once we have defined what we mean by that term). I also largely set aside discussion of how the ontology of the *dēmos* was understood and how that compares with later understandings of 'the people'.

[3] A point of agreement in the long-running argument between Mogens Herman Hansen and Josiah Ober is that referring to sovereignty in classical Athens is an anachronism. So: 'Historians who speak of the sovereign *ekklesia* [assembly] avail themselves of a constitutional concept developed in sixteenth-century Europe to support monarchy. The correct statement: *The ekklesia was the most important body of government* is transformed into the erroneous and anachronistic statement: *The ekklesia was sovereign.*' (Hansen, *The Athenian Assembly in the Age of Demosthenes* (Oxford: Blackwell, 1987), p. 105.) And: 'The concept of sovereignty was developed in the sixteenth and seventeenth centuries by Western European political theorists writing on the institution of monarchy. Monarchical power is by definition unitary, since it is located in the person of the monarch.…these theorists conceived of sovereignty, properly so called, as unitary state power that resided, preferably, either in the person of the monarch or in a representative assembly. The traditional theory of sovereignty does not encompass the idea that legitimate

embedded in a later historical context, in which the dominant political unit is the state, the paradigmatic religion is Christian monotheism, and the term emerged – to simplify – from an attempt to articulate and reinforce the supreme authority of the monarch, and was then transferred to the people who depose him. The logic of sovereignty as initially formulated applies to a unitary, supreme, and absolute political authority that has been thought to be alien to Athenian conceptions.[4] This view has been reinforced by recent scholars who have aspired to reject or moderate a simplistic understanding of Athens as a direct democracy and bring it closer to a more palatable constitutionalist system replete with constraints on all political power.[5]

I wish to offer a reconsideration. I will first argue that we have misunderstood the relationship between early modern theorists of sovereignty and ancient political thought. If we pay close attention to seminal articulations of this idea, we do not find a simple

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power could reside with an abstraction such as "the People"; consequently it is of very limited utility in explaining democracy' (Ober, *The Athenian Revolution: Essays on Ancient Greek Democracy and Political Theory* (Princeton: Princeton University Press, 1996), pp. 120-1; cf. p. 30.) Ryan K. Balot reflects a recent consensus when he censures 'scholars [who] have anachronistically imported the modern language of sovereignty' (in Balot (ed.), *A Companion to Greek and Roman Political Thought* (Oxford: Blackwell, 2009), p. 6); see also Arlene W. Saxonhouse, *Athenian Democracy: Modern Mythmakers and Ancient Theorists* (Notre Dame: University of Notre Dame Press, 1996), esp. pp. 4-7.

My disagreement with Hansen and Ober here ultimately has more to do with their reading of early modern than ancient theory. Moreover, despite their reservations, and despite those who have appealed to their authority in labelling any such claims anachronistic, both have made clear claims for the sovereignty of the *dēmos* understood as the entire body of Athenian citizens: Hansen, *Athenian Assembly*, pp. 97, 106 (and see Hansen, *Polis and City-State: An Ancient Concept and its Modern Equivalent* (Copenhagen: Munksgaard, 1998)); Ober, *Athenian Revolution*, pp. 119, 121 (and see Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (Princeton: Princeton University Press, 1989), esp. pp. 299-304). Hansen now rejects 'sovereignty' in favour of 'κύριος πάντων' ('The Concepts of *Demos*, *Ekklesia*, and *Dikasterion* in Classical Athens', *Greek, Roman, and Byzantine Studies* 50 (2010), pp. 499-536, esp. p. 500 n. 5), but this is to pull back under his shield.

[4] E.g. by F. H. Hinsley, who states that in classical Greece 'there was no modern conception of law as positive lawmaking without restraint', for an insuperable obstacle to any formulation of the idea of sovereignty – or 'a final and absolute political authority in the community' without any such authority elsewhere – was that 'the *polis* was conceived of as a community that was rightly ruled by the law and not by men' (*Sovereignty*, 2nd edn. (Cambridge: Cambridge University Press, 1986), pp. 30, 26, 29). It will be more fruitful to recognise the ancient ideas of unrestrained lawmaking, for we can then explore how they are different from early modern ideas in scope, conception, and purpose. Conversation has instead been stalled by a thinly contextualised understanding of sovereignty as inextricably early modern, leading to easy claims of its inapplicability to ancient or contemporary situations.

[5] For a variation on this scholarship, see n. 106 below.

break between ancients and moderns, but see instead that sovereignty is routinely characterised by early modern thinkers in Greek terms (and in Roman terms, but that is not my theme here). In particular, writers such as Bodin, Grotius, Hobbes, and Pufendorf appeal to the essential *unaccountability* of sovereignty, which must be immune from review, veto, or punishment. Some explicitly cast their theories of sovereignty in terms of the Greek notion of being *anupeuthunos*, unaccountable to any authority. Significantly, being *anupeuthunos* (or *aneuthunos*) was for ancient writers a characteristic feature of tyranny; and I want to suggest that these early modern writers had ancient characterisations of tyranny in mind when they set out to articulate their modern theories of sovereignty.

It would thus turn out that there is an ancient Greek concept that meaningfully resembles and historically influences the early modern idea of sovereignty: tyranny. Given the Athenians' opposition to tyranny and their use of it as the antithesis of their democracy, we might think that we have hereby found a different reason why it is impossible to locate a conception of *popular* sovereignty in fifth-century Athens. However paradoxical it may seem to us, there is nonetheless ample evidence that the Athenians frequently thought of their democracy in terms of tyranny, not only identifying Athens as a *polis turannos*, but also characterising the power of the Athenian people as *anupeuthunos*, and even referring to the authority of the *dēmos* as tyrannical and despotic. Advocates of Athenian democracy, like the early modern writers on sovereignty discussed briefly in the next section, arrestingly illustrate just how much

power is required when they insist that it is tantamount to that of a tyrant.[6] Drawing on history, philosophy, tragedy, comedy, and visual art, subsequent sections provide support for the idea that the *dēmos* or people was understood by fifth-century democrats as properly holding tyrannical authority.

As will become clear, I believe that there is evidence that a strong version of 'the *control* thesis',[7] according to which the people had power by exercising a significant measure of control over government officials, was already developed in the fifth century; and also that it was seen by democrats (though not by Aristotle) to be necessarily paired with what I would call 'the *out of control* thesis'. On the democratic view, it is a prerequisite of the people's control of the powerful that the powerful not be in control of the people. Or, to put it differently, neither to be in control nor to be uncontrolled is by itself sufficient for sovereignty, but they are jointly sufficient. This also indicates an analytic advantage of the dramatic comparison of sovereign with *turannos*, rather than with *kurios*, the Greek word most commonly referred to when translators write 'sovereign'. The one who is *kurios* is in control of people or things, but the Greek term does not imply that no one is in turn in control of him; rather, the reference is generally to an authority whose status is guaranteed and limited by a higher legal and political authority.[8] One may be *kurios* of some people or in some respect and still be under

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[6] It is frequently claimed that no pro-democratic theory is extant from fifth-century Athens. Certainly the pieces of such a theory have to be carefully excavated, sometimes from an anti-democratic matrix; but I hope to indicate in what follows that such an operation is to some extent feasible.

[7] This thesis is advanced by Melissa Lane in her contribution in this volume, where she considers the selection and review of magistrates as Aristotle's solution for how the *dēmos* could safely be given a limited measure of control. Despite this limitation, she suggests that Aristotle's proposal is that the people can thereby be *kurios*, which she interprets as a kind of popular sovereignty.

[8] For example, a male Athenian citizen was the *kurios* of his wife and minor children; but this certainly did not mean that he had full discretionary powers to do to them as he wished. The legal authority of the polis prohibited a wide range of actions toward such wards (who were not slaves, *douloi*), and indeed imposed obligations for their care. As they both can signify 'master', sometimes *kurios* is used as a synonym for

another's control; so too there can be multiple *kurioi* (e.g. with specific authority over distinct functions, or over distinct sub-groups) within a given domain.[9] By contrast, the sovereign, like the tyrant, is supreme.

While it may seem odd to begin the story of popular sovereignty in the ancient world, it may seem willfully perverse to begin with ancient understandings of tyranny. This is only part of the story, of course, but it may help us to reconsider familiar yet false narratives about ancient and modern political thought. By thinking with the Greeks about popular sovereignty as analogous to tyranny, we may also gain useful, if perhaps discomforting, insights into our own conceptions of democracy and popular sovereignty.

II

The argument that the concept of sovereignty does not fit the Athenian democracy has targeted the suitability of the early modern conception articulated by Jean Bodin and taken up by thinkers like Hugo Grotius, Thomas Hobbes, and Samuel Pufendorf.[10] No

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despotēs, but the latter ultimately has substantially greater discretionary power. On *kurieia* or guardianship, see e.g. Douglas M. MacDowell, *The Law in Classical Athens* (Ithaca: Cornell University Press, 1978), pp. 84-94; S. C. Todd, *The Shape of Athenian Law* (Oxford: Clarendon Press, 1993), pp. 206-10; and A. R. W. Harrison, *The Law of Athens*, 2nd edn. (London: Duckworth, 1998), 1:97-121.

[9] This limitation and accountability undermine *kurieia* (or *to kurion*) as a proposed *equivalent* of sovereignty, though in particular instances such a translation may be warranted by context. There is an obvious way around this, which is parallel to the familiar Latin equivalents for sovereignty, *summa potestas* and *summum imperium* (cf. the Greek equivalents cited by Jean Bodin (n. 18, below), all of which are word pairs that specify and intensify). And authors did occasionally invoke the idea of an authority that was most *kurios*, *kurios* over all, or *kurios* in or over the polis, the regime, or the citizens. Options include *kurion tēs poleōs*, *to kurion tēs politeias*, *to kurion hena pantōn einai tōn politōn*, or a more general construction such as *ho pantōn kurios*, as Pindar says of Zeus in Isthmian 5.53. Not least, the superlative form *kuriōtatos* can simply mean the supreme or highest authority. For Aristotle's use of such superlatives, see section VII below.

[10] See n. 3 above. The challenge to interpreting Athens in terms of sovereignty has been posed in these terms (perhaps oddly, given recurrent claims that the early modern model is inadequate), which I therefore adopt here. A different approach would be to explain the applicability of a later view of sovereignty, or a less absolutist early modern formulation (see e.g. Kinch Hoekstra, 'Early Modern Absolutism and Constitutionalism', *Cardozo Law Review* 34 (2013), pp. 1079–98).

Note that while recent discussions focus on legitimacy as a criterion of sovereignty, this receives little theoretical articulation in extant fifth-century materials, and will not be emphasised here (though see e.g. 'Old Oligarch' (ps.-Xenophon), *Constitution of the Athenians* 1.2, 2.20). It may be worth

one appears to have noticed, however, that these thinkers characterise their essential understanding of sovereignty in language strikingly similar to, and even directly borrowed from, classical Greek descriptions of tyranny.

A *locus classicus* of the characterisation of tyranny and its contrast with democracy is the 'constitutional debate' in Herodotus, which has sometimes been seen as establishing or reflecting a paradigm of fifth-century political thought. In this debate about whether rule by one, few, or many is best, Otanes assimilates monarchy to tyranny, and describes it as rule that 'is unaccountable [*aneuthunos*] and can do what it wishes'.[11] This is contrasted with rule by the many, wherein every magistrate is *hupeuthunos*, subject to account.[12] *Aneuthunos* here (like *anupeuthunos*, the generally later form of the word) means 'unaccountable', and so even 'irresponsible': the meaning can be narrower (not being liable to the judicial examination of a magistrate's performance and finances upon demitting office) or more extended (having impunity). In the Athenian democracy, all officials, most of whom were chosen by lot from the citizen body, were subject to audit or *euthunai*; in principle, no one was powerful enough to escape this check and review.[13] The administrative associations of the word *hupeuthunos*, accountable, were

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acknowledging the obvious general point that early modern concerns and contexts were different from those of fifth-century Athens, and that this leads to different inflections of the range of political concepts. Indeed, I mean to argue that we should allow ourselves to think about the values and imperatives animating the idea that the people must be sovereign apart from the commitments, contexts, and connotations of the early modern theories of absolute sovereignty.

[11] Herodotus 3.80.3: μουναρχίη, τῇ ἔξεστι ἀνευθύνῳ ποιέειν τὰ βούλεται. Assimilation at 3.80.4. All translations are mine unless noted otherwise.

[12] Herodotus 3.80.6 (ὑπεύθυνον).

[13] Pierre Fröhlich, *Les cités grecques et le contrôle des magistrats (IV^e^-I^er^ siècle avant J.-C.)* (Geneva: Droz, 2004), provides a thorough account of the sources, practices, and relevant vocabulary. Despite its title, this study does treat fifth-century sources; for the earlier period see also Marcel Piérart, 'Les εὔθυνοι athéniens', *L'Antiquité Classique* 40 (1971), pp. 526-73; and Edwin M. Carawan, '*Eisangelia* and *Euthyna*: The Trials of Miltiades, Themistocles, and Cimon', *Greek, Roman, and Byzantine Studies* 28 (1987), pp. 167–208. See also Jennifer Tolbert Roberts, *Accountability in Athenian Government* (Madison: University of Wisconsin Press, 1982); and P. J. Rhodes, *Euthynai (accounting): a valedictory lecture delivered before the University of Durham* (n.p.: n.p., 2005). Note that the ancient sources usually refer to the process of

above all with the Athenian democracy, whereas the tyrant (as Otanes suggests) was the one who was unaccountable. The opposition between rule by tyrant and rule by *dēmos* is frequently drawn; so Alcibiades in Thucydides, to take just one example, says that 'what is contrary to a tyrant is called the people'.[14] Aristotle later appears to confirm the nature of an established dichotomy when, in concluding his taxonomy of the different kinds of constitutions or regimes, his first characterisation of 'tyranny in the highest degree' is that 'the monarch rules in an unaccountable fashion [*anupeuthunos*]'.[15]

Against this backdrop, it is remarkable that Bodin and his followers insist that the sovereign is necessarily unaccountable, above all but divine review and punishment. As Bodin puts it in his *Six livres*, the sovereign 'is not held to render an account to anyone except God'.[16] He states the basic criterion of sovereignty in very similar terms: 'the true marks of sovereignty are included under the power of giving law to all in general and

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review and accounting (even one iteration for a single magistrate) in the plural, *euthunai* (from *euthus*, straight, and *euthunein*, to correct or steer straight, govern, examine or call to account). This process of accounting upon completion of annual office is but one of several mechanisms used in Athens to hold accountable those chosen to exercise power, and cognate vocabulary was also used in the fifth century to refer to accountability more generally or without specification of the mechanism.

[14] Thucydides 6.89.4, as translated by Thomas Hobbes. Like most subsequent translators, Hobbes simplifies somewhat in rendering the parenthetical here: τοῖς γὰρ τυράννοις αἰεί ποτε διάφοροί ἐσμεν (πᾶν δὲ τὸ ἐναντιούμενον τῷ δυναστεύοντι δῆμος ὠνόμασται). Cf. e.g. Andocides 1.106. Because of the range of sources considered, I have to give short shrift throughout to offering interpretation of such passages according to speaker, occasion, author, etc.

[15] Aristotle, *Politics* IV 1295a17-20, tr. C. D. C. Reeve: τρίτον δὲ εἶδος τυραννίδος, ἥπερ μάλιστ᾽ εἶναι δοκεῖ τυραννίς, ἀντίστροφος οὖσα τῇ παμβασιλείᾳ. τοιαύτην δ᾽ ἀναγκαῖον εἶναι τυραννίδα τὴν μοναρχίαν ἥτις ἀνυπεύθυνος ἄρχει….

[16] Jean Bodin, *Les six livres de la repvbliqve* (Paris, 1576), 1.9, p. 127 (= 1583 edn. 1.8, p. 125): 'n'est tenu rendre conte qu'à Dieu'. This language of unaccountability is taken up by Thomas Hobbes, e.g. when he says that sovereigns are 'to give account to none but God' (*The Questions Concerning Liberty, Necessity, and Chance* (London, 1656), p. 135; cf. e.g. the 1640 *Elements of Law* 2.2.10 for the ability of a sovereign people to call even a king to account). This characterisation may thus be used without qualification for the power of God himself, as Leibniz does in equating his unaccountability and his supremacy. Arguing that God is essentially independent while all things depend on him, Leibniz states: 'he is *anupeuthunos,* that is, he has no superior' (est ἀνυπεύθυνος, seu superiorem non habet). [Gottfried Wilhelm Leibniz], *Causa Dei asserta per justitiam ejus* (Amsterdam, 1710), p. 5; Leibniz fleshes out his view of God as *anupeuthunos* in his 1706 *Monita*.

each in particular, and not receiving it but from God.'[17] Bodin and his followers insist that sovereignty is unified, supreme, and unlimited; within the commonwealth, all are subject to the sovereign and the sovereign is subject to no one.[18] Directly addressing the Bodinian view in 1625, Grotius writes that such 'sovereignty [is] something singular and in itself undivided, consisting of those parts enumerated here above, with the addition of the highest part, i.e. *tōi anupeuthunōi,* unaccountability'.[19] And in the second edition of *De iure belli ac pacis*, published in 1631, Grotius inserts the following passage: 'In Herodotus, Otanes describes the rule of one thus: *aneuthunos poieein ta bouletai*, *to do what one wishes, without rendering an account to another*. And thus Dio Chrysostom defines kingship: *epitattein anthrōpois anupeuthunon onta*, to rule in such a way as not to render an account to another.'[20]

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[17] Bodin, *Six livres* (1576), 1.11, p. 199 (= 1583 edn. 1.10, pp. 223-4): 'qui son les vrayes marques de souuerainеté, comprises soubs la puissance de donner la loy à touts en general, & à chacun en particulier: & ne la receuoir que de Dieu.' ('Soubs cest mesme puissance…sont compris touts les autres droicts, & marques de souuerainеté: de sorte qu'à parler proprement on peut dire qu'il n'y a que ceste seule marque de souuerainеté'.)

[18] Bodin relies heavily on Greek sources and language in expressing these ideas. Thus, in the opening of his first attempt to give an account of sovereignty in *Six livres*, he writes: 'Sovereignty is the absolute and perpetual power of a Commonwealth, which the Latins call *maiestatem*, the Greeks *akran exousian* [highest authority], *kurian archēn* [authoritative rule], and *kurion politeuma* [authoritative governing body]' ('La souuerainеté est la puissance absoluë & perpetuelle d'vne Republique`, que les Latins appellent maiestatem, les Grecs ἄκραν ἐξουσίαν, & κυρίαν ἀρχήν, & κύριον πολίτευμα' (Bodin, *Six livres*, 1.9 (DE LA SOVVERAINETE), p. 125 ['152'], with minor correction adopted from edn. of 1583, 1.8, p. 122). There are many hundreds of references to Greek sources in this work, and Ioannis Evrigenis, director of the Bodin Project at Tufts University, tells me that Bodin gives words or phrases in the Greek language 212 times in the first Latin edition of this work (1586).

[19] Hugo Grotius, *De ivre belli ac pacis libri tres* (Paris, 1625), 1.3.17, pp. 82-3 (summum imperium vnum quiddam [est] ac per se indiuisum, constans ex illis partibus quas supra enumerauimus, addita summitate, id est τῳ ἀνυπευθύνῳ). Note that in this section Grotius criticises the strong Bodinian requirement of the indivisibile unity of sovereignty (to be found in, for example, *Six livres* 2.1).

[20] Grotius, *De ivre belli ac pacis libri tres* (Amsterdam, 1631), 1.3.8, p. 51 (& apud Herodotum Otanes singulare imperium sic describit: ἀνευθύνως [sic] ποιέειν τὰ βούλεται: *facere quod vis velit, ita ut alii rationem non reddat*. Dioni quoque Prusaeensi regnum definitur: ἐπιτάττειν ἀνθρώποις ἀνυπεύθυνον ὄντα ita imperare ut alii ratio non reddatur.) In a formulation that may have influenced Pufendorf and others, Grotius says that to command unaccountably is Dio's definition of *regnum*, a word that can simply mean rule, dominion, or sovereignty (whereas Dio had offered this as a student's definition of kingship, which he then refutes). Grotius gets the quotation of Dio from 56.5 (*Agamemnon, or on Kingship*): ἡ ἀρχὴ αὕτη ἣν λέγεις τὸ καθόλου ἀνθρώπων ἄρχειν καὶ ἐπιτάττειν ἀνθρώποις ἀνυπεύθυνον ὄντα βασιλεία καλεῖται. A version of this is restated (as having been refuted) in 56.16; the definition is similar to that offered in Dio's

That sovereignty is in its essence *anupeuthunos* continued to be forcefully maintained by other early modern theorists.[21] Turning in his 1672 opus to an analysis 'Of the characteristics of supreme sovereignty', Pufendorf writes:

> Among the characteristics of sovereignty we encounter, first of all, the fact that it is, and is said to be, *supreme*….because sovereignty is supreme, or not dependent on any superior man on this earth, its acts cannot be nullified by the decision of another human will. For a person's ability to alter the decisions of his own will is, itself, a consequence of his freedom. One who holds the supreme sovereignty will for the same reason be unaccountable [*anupeuthunos*]; that is, he will neither have to give reasons nor be subject to human punishment. For both of these presuppose a superior, something that cannot be understood here without a contradiction.[22]

On Kingship III (3.43). Cf. the entry for 'kingship' in the Suda: Βασιλεία ἐστὶν ἀνυπεύθυνος ἀρχή. This is a quotation of Diogenes Laertius (7.122), who is in turn citing Chrysippus' assertion that kingship is rule that is *anupeuthunos*. Writing of kings in 1627, Roger Maynwaring quotes the authority of 'Suidas' (ἡ γὰρ βασίλεια ἀρχὴ ἀνυπεύθυνος) in support of the proposition that 'No *Power*, in the world, or in the *Hierarchie* of the *Church*, can lay restraint vpon these *supreames*' (*Religion and Alegiance: In Two Sermons Preached before the Kings Maiestie* (London, 1627, 'by his Majestie's special command'), pp. 8-9). Hobbes said that Maynwaring was sent to the Tower (by parliament) for preaching his (Hobbes's) doctrine (Bodleian MS Aubrey 28, p. 5; also reported in Bodleian MS Aubrey 9).

[21] For example, Isaac Barrow (1630-1677) maintains: 'It is the privilege of a Soveraigne, that he cannot be called to accompt, or judged, or deposed...or anywise censured and punished; for this implyeth a contradiction or confusion in degrees, subjecting the superiour to inferiours; this were making a river run backwards; this were to damme up the fountaine of justice; to behead the State; to expose Majesty to contempt.' He then denies that the Pope holds such an *archē anupeuthunos* (*A Treatise of the Pope's Supremacy* (London, 1680), pp. 388-9). This theme of sovereign unaccountability was at the heart of the debate over the authority of the king vs. the parliament at the time of the trial and execution of Charles I: see e.g. John Goodwin, *Ὑβριστοδίκαι*, *The Obstrvctovrs of Justice, or A Defence of the Honourable Sentence passed upon the late King, by the High Court of Justice* (London, 1649), pp. 5-7, 81-6, *contra* Henry Hammond, *To the Right Honourable, the Lord Fairfax, and His Councell of Warre* (London, 1649), pp. 5, 12-14; and cf. the following note.

[22] *De jure naturae et gentium libri octo* (Lund, 1672), p. 952 (7.6.1-2), as translated by M. J. Seidler in *The Political Writings of Samuel Pufendorf*, ed. C. L. Carr (New York: Oxford University Press, 1994), p. 72. Pufendorf may have picked this up from other early modern sources. So Salmasius, in his attack on the regicide, quotes from the same sentence of Herodotus on monarchy being *aneuthunos* that Grotius had, and asserts that 'nothing whatsoever is so proper to royal majesty as *to anupeuthunon*, to depend on no one, to be answerable to no one, to be liable to judgement by no one' (pp. 233 and 80 of *Defensio regia, pro Carolo I* (n.p., 1649 =Madan 2): nihil omnino tam proprium regiae majestati quam τό ἀνυπεύθυνον, à nemine pendere, nemini esse obnoxium, à nemine judicari posse). John Milton in his attack on Salmasius and his defence of the regicide retorts: 'But that *anupeuthunon*, i.e. *to depend on no one*, *to render account to no mortal*, which you say is most proper to royal Majesty, Aristotle (*Politics* 4.10) affirms is most tyrannical, and least to be tolerated in a free nation' (*Pro populo anglicano defensio* (London, 1651 =Madan 1), p. 28: Illud autem ἀνυπεύθυνον, id est *a nemine pendere*, *nulli mortalium rationem reddere*, quod tu regiae Majestatis maximè proprium esse ais, Aristotelis Polit. 4. C. 10. Maximè tyrannicum, & in libera natione minimè ferendum esse affirmat). Pufendorf had in his library the 1631 Grotius, the 1649 Salmasius, and the 1652 edition of Milton's *Pro populo*, as well as most of the classical works referred to here (Fiammetta Palladini (ed.), *La biblioteca di Samuel Pufendorf: catalogo dell'asta di Berlin del settembre 1697* (Wiesbaden: Harrassowitz, 1999), pp. 172, 343, 276).

Sovereignty is necessarily supreme, unaccountable, and above human law.[23] The Athenians were familiar with the conjunction of these criteria, but it might seem paradoxical to suggest that they defined their democracy thereby, as if the tyrant could serve as the proper measure of a free state.[24] Thus, even if we locate an important classical element in early modern theories of sovereignty, we might doubt that anything like the idea of *popular* sovereignty was present in Athenian political thought.

III

It is true that in Athens the tyrannicides were lionised, distinctive practices such as ostracism were thought of as warding off the evil of tyranny, and encroachments on the democracy were denounced as tyrannical. But tyranny had an ambivalent legacy. Early denunciations of tyranny or monarchy were generally articulated by or for conservative aristocrats, and a monarch could correspondingly be seen as a *euthunos* of *hubris*, one who could overpower these elites and make straight and restore justice to the city suffering from the crooked ways of its leaders.[25] The tyrant is certainly sometimes set up

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[23] Pufendorf, *De jure naturae et gentium*, pp. 951-3 (the respective section headings of 7.6.1-3 are 'Imperium in civitate quare summum dicatur', 'Illud qui habet est ἀνυπεύθυνος', 'Et legibus humanis superior'). As Pufendorf makes clear, supremacy proper was understood to entail impunity and superiority to law.

[24] Resistance should not, however, come from an idea that an early modern conception of absolute sovereignty is inapplicable to democracy *per se* (see n. 3, above), for Bodin, Hobbes, and others insisted that there could be an absolute democratic sovereign.

[25] So Theognis, anticipating a *monarchos* who will be an *anēr euthuntēr* (lines 39-40). On this and the *euthunos* or corrector in Aeschylus who comes to enforce divine justice, see James F. McGlew, *Tyranny and Political Culture in Ancient Greece* (Ithaca and London: Cornell University Press, 1993), p. 66. As Leslie Kurke has noted, there is a struggle over how to construe tyrannical power in this period, and there are 'remnants in Herodotus (as elsewhere) of a competing portrait of the tyrant as champion of egalitarian justice and opponent of aristocratic overreaching' (Kurke, *Coins, Bodies, Games, and Gold: The Politics of Meaning in Archaic Greece* (Princeton: Princeton University Press, 1999), p. 67). The paradigmatic tyranny for the fifth century was the earlier tyranny of the Peisistratids, which could readily be understood as allied with the *dēmos* against the oligarchs. This is still echoed for example in the account of the tyrant as champion of the people in Plato, *Republic* VIII 565c-566e, or in the listing of Peisistratus with Solon and Cleisthenes as champions of the *dēmos* rather than the elite in 'Aristotle', *Constitution of the Athenians* 28.2.

as a foil in the fifth century, yet the selection and construction of such a foil can reveal much about that to which it is contrasted. And although the democracy set up tyranny as an antithesis, we should not assume that this means that the tyrant's unity, supremacy, and ultimate discretionary power imply democratic repudiations of these characteristics. Indeed, there is considerable evidence that these features of the tyrant were seen to be basic features of the ruling *dēmos*.[26]

Thucydides provides a good starting point. Addressing the assembly in 427 BCE, Diodotus complains in familiar terms about the irresponsible authority of the *dēmos*. He chafes at the constraints placed on the leaders in the Athenian democracy, and suggests that the deciding *dēmos* should be likewise reined in by being held responsible for their decisions:

> We who offer recommendations are held to account [*hupeuthunon*] while you who hearken are unaccountable [*aneuthunon*]. If those who gave advice and those who followed it were similarly held in check, you would make more moderate decisions. But as it is, in the anger of the moment, when things go wrong you punish the single judgement of your adviser and not the many judgements of your own that were involved in the shared error.[27]

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[26] An objection here may be that if the advocates of the rule of the *dēmos* were to compare it to or see it as a kind of sole rule, they would compare or identify it with kingship rather than tyranny. This assumes that kingship was available as an effective model in the fifth century, which has been denied: drawing on the work of Matthias Haake, Nino Luraghi maintains that in this period the conception of the *turannos* is primary, while the image of the good king is a subsequent idealised conception (Luraghi, 'Ruling Alone: Monarchy in Greek Politics and Thought', in Luraghi (ed.), *The Splendors and Miseries of Ruling Alone: Encounters with Monarchy from Archaic Greece to the Hellenistic Mediterranean* (Stuttgart: Franz Steiner Verlag, 2013), pp. 11-24, at pp. 18-19). However that may be, to appropriate a moralised discourse of the wise *basileus* would have caused difficulties for democrats, as the emphasis on virtue was a usual anti-democratic platform. To focus the demand on ultimate popular discretionary power is to hold off the elite philosophical view that virtue and/or knowledge are required to rule.

[27] Thucydides 3.43.4-5: ἄλλως τε καὶ ὑπεύθυνον τὴν παραίνεσιν ἔχοντας πρὸς ἀνεύθυνον τὴν ὑμετέραν ἀκρόασιν. εἰ γὰρ ὅ τε πείσας καὶ ὁ ἐπισπόμενος ὁμοίως ἐβλάπτοντο, σωφρονέστερον ἂν ἐκρίνετε: νῦν δὲ πρὸς ὀργὴν ἥντινα τύχητε ἔστιν ὅτε σφαλέντες τὴν τοῦ πείσαντος μίαν γνώμην ζημιοῦτε καὶ οὐ τὰς ὑμετέρας αὐτῶν, εἰ πολλαὶ οὖσαι ξυνεξήμαρτον. Cf. Thucydides' own remark at 8.1.1. The use of *hupeuthunon* here (despite Martin Ostwald, *Language and History in Ancient Greek Culture* (Philadelphia: University of Pennsylvania Press, 2009), pp. 205-13) is extended: Diodotus refers to the rhetors who served as leaders of the people esp. in the assembly without necessarily holding concomitant office. These rhetors could be subject to other forms of accountability for advice that led to failure or otherwise came to be repudiated, and were loosely considered to be officials (cf. Plato, *Apology* 36b7), though not subject to *euthunai* as such.

Although the members of the *dēmos* in the Athenian assembly would not have taken seriously Diodotus' suggestion that they should be liable to constraint and punishment (which is thus best read as a way of exhorting the assemblymen to correct their own error), there is no reason to think that they would have questioned or disliked his characterisation of them as *aneuthunos*.[28] The Athenians' own account of the rise of democracy in response to tyranny has been plausibly interpreted as an account of the seizure by the *dēmos* of the supremacy and total arbitrary power that the *dēmos* was seen to have replaced, rather than as a repudiation of such supremacy and authority.[29] That the power is in this sense tyrannical does not mean that it could not be understood as democratic as well: what Otanes had singled out as the democratic characteristic that officials be *hupeuthunos* is presented by Diodotus as part of the same Athenian system that makes the *dēmos*, like the tyrant, *aneuthunos*.[30] The basic tenet here is that the *dēmos* is properly the uncontrolled controller: from Diodotus' objection to it, we can glean the Athenian democratic principle that it is essential to the authority of the *dēmos* both that it holds all other powers to account *and* that it is itself unaccountable.

It may be objected, following Otanes (Herodotus 3.80), that if it is the people who seize sovereignty, then that is enough to change the character of sovereignty essentially. The tyrant is singular, and that is much of the problem, whereas the people is necessarily

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[28] Nor is this an unusual characterisation. See 'Old Oligarch', *Constitution of the Athenians* 2.17, and cf. Praxagora's complaint that the people hold the rhetors to account for their proposals, but are not themselves held to account even though the proposals are only enacted because of the people's support (Aristophanes, *Ecclesiazusae* 193-6).

[29] See McGlew, *Tyranny and Political Culture*. Cf. Claudia de Oliveira Gomes, *La cité tyrannique. Histoire politique de la Grèce archaïque* (Rennes: Presses Universitaires de Rennes, 2007), pp. 114-16.

[30] Diodotus' arguments 'make plain the unconditioned power of the *demos*. Like the tyrant, it is afraid or suspicious of everyone and accountable to no-one….Diodotus (like Aristophanes in the *Knights*) sees the *demos* as a tyrant at home no less than abroad.' (C. W. Macleod, 'Reason and Necessity: Thucydides III 9-14, 37-48', *Journal of Hellenic Studies* 98 (1978), pp. 64-78, at p. 74.)

multiple and diverse, and so in taking over supreme power no longer holds it in a single locus. It is striking, however, how ready Athenian writers were to treat the *dēmos* as singular, willing as they were to attribute characteristics of an individual or personality to a polis, or to personify the people as a whole.

The Athenians were quick to identify *dēmos* and polis, and in some ways of course it is *easier* to understand how we might consider a whole people, rather than one individual like a monarch, as a sovereign equivalent of the state. In Greek it is especially easy to see, given that in political contexts what we refer to as Athens was commonly referred to as *hoi Athēnaioi*: the Athenians. This was apparently tied to the ultimate power of decision in classical Athens being in the hands of the citizen body as a whole. For example, when Thucydides writes of actions and decisions, he overwhelmingly chooses to characterise those done or made by Athens as undertaken by 'the Athenians', for that captures the responsible agent; but when he talks about Persians or Macedonians, they are not the subject but the object of action (or description), whereas the subject of action is generally the autocrat who ruled them.[31]

It is also worth noting that the Athenians were more prone than most moderns to understand 'the people' as a unified entity, and were much more inclined to identify the people with the polity itself.[32] Understanding 'the people' as singular is facilitated by the

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[31] Maurice Pope, 'Thucydides and Democracy', *Historia: Zeitschrift für Alte Geschichte* 37 (1988), pp. 276-96. P. J. Rhodes replies that we have evidence of individual political agency in the recording with each Athenian decree of the chairman, the speaker who proposed it, and those who proposed amendments ('The "Acephalous" Polis?' *Historia: Zeitschrift für Alte Geschichte* 44 (1995), pp. 153-67); but the decree remains that of the *dēmos*, and recording and publicising those who promoted it likely serves to ensure that they are controlled (or at least held responsible) *by* the *dēmos*.

[32] I largely set aside the use of *dēmos* to refer exclusively to the poor, which is primarily a fourth-century anti-democratic use (though it is relevant to understanding some authors discussed below, especially the Old Oligarch). On a view that echoes in Aristotle, if the people ultimately rule via majority vote, and the majority are poor, then rule by the people will generally mean rule by the poor. So it is often difficult to

language: *ho dēmos* is masculine singular, so while the Greeks would have regarded the referent as a collective, they were simultaneously primed to think of the people as having the unity and other characteristics of a man.[33] The ready identification of the Athenian people with their polity can be seen in the language of surviving treaties that refer to the entity making the inter-state agreement as *ho dēmos ho Athēnaiōn*, the people of the Athenians. It is also seen in the opening language of decisions of the assembly, found on inscriptions and in many literary sources: *edoxe tōi dēmōi*, it seemed good to the people that….[34]

Many Greek writers were ready to characterise poleis and their peoples as bearing the traits of individuals, including their passions, attitudes, and capacity or incapacity for prudential calculation. Although we may particularly identify the move of talking about poleis as if they were people with Plato in the *Republic*, Thucydides and other earlier writers provide many examples. In some of these cases the polis is cast as a tyrant, a figure who in normal language is always a single person. So the Corinthian envoys in Book I of Thucydides, mobilising a striking contrast with Athenian democratic valorisations of liberty and equality, say that 'a tyrant polis set up in Greece is set up alike over all and rules over some already and the rest in intention', and thus recommend action: 'Let us attack it and bring it to terms, and let us henceforth live our own lives in

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reconstruct in a given case whether the primary meaning of rule by the *dēmos* is the rule of the whole citizen body, its dominant part, the whole by reference to that part, or that part by reference to the whole.

[33] The great Gildersleeve gives *dēmos* as his primary example of this special exception to concord ('Organized number is singular'): Basil Lanneau Gildersleeve, *Syntax of Classical Greek from Homer to Demosthenes* (New York: American Book Co., 1900), p. 54.

[34] See Mogens Herman Hansen, 'The *Polis* as a Citizen-State', *Historisk-filosofiske Meddelelser* 67 (1993), pp. 7-29, at pp. 8-9: 'In modern states, even democracies, there is a tendency to identify the state with the executive and the government rather than with the people, but in a democratic *polis*, especially Athens...the dominant ideology was that the *polis* was the people (*demos*).'

safety and set free those Greeks who are already enslaved.'[35] The Corinthians put themselves in the role of resisting a tyrant who is enslaving Greece as a master, where that tyrant and master is the Athenians. The Athenians here are treated as an individual: the Athenians are the polis, and the polis, however democratic, is a tyrant.

Thucydides also shows the Athenians embracing this description of their position. As the war takes an early bad turn and the people begin to lose heart and consider treating for peace, Pericles insists: 'You cannot now give up possession of your rule [*archē*], should anyone be frightened by the present situation and try to make a manly virtue of non-involvement. For you already hold your rule [*archē*] like a tyranny.'[36] The Athenians (Pericles would have them believe) can be likened to a tyrant because they are unified as a polis that has relations with its allies that are akin to those of a tyrant over his subjects. In the following book, Cleon upbraids the *dēmos* in the Athenian assembly in similar but less tentative terms: 'You do not see that the rule [*archē*] you hold is a tyranny, and one imposed on unwilling subjects.'[37] And in Book VI, Euphemus, the Athenian envoy at Camarina, asserts that both tyrant and ruling polis follow the same logic: 'For a tyrant man or a polis that holds rule [*archē*], nothing is unreasonable that is advantageous.'[38] The emphasis here is on the rule of the Athenians over other poleis, but it is worth bringing out two points. First, if the Athenians were ready to understand themselves as holding a tyranny over others, then, because of the identification of the

[35] Thucydides 1.124.3 (first clause based on Hobbes tr.; second is Mynott's tr.). Cf. 1.122.3.
[36] Thucydides 2.63.2 (Mynott tr., modified). Note that *archē* means rule, first power/authority; as it has a clear connotation of primacy, translators sometimes render it as 'sovereignty'. When its primary referent is the rule of one polis over others, it is sometimes translated as 'empire' (for which there is no ready Greek equivalent).
[37] Thucydides 3.37.2 (Mynott tr., modified).
[38] Thucydides 6.85.1: ἀνδρὶ δὲ τυράννῳ ἢ πόλει ἀρχὴν ἐχούσῃ οὐδὲν ἄλογον ὅτι ξυμφέρον.

polis and the *dēmos* in Athens, the *dēmos* could see itself as a tyrant. Second, and relatedly, the vocabulary of tyranny here is not simply negative.

The recent discussion of the *polis turannos* is peculiar, focusing as it does on rebutting Robert Connor's answer to the puzzle of why Athenians such as Pericles and Cleon use terms similar to those of the critics of Athens, such as the Corinthians.[39] If 'tyrant' is a term of abuse in Athens, why do the Athenians apply it to themselves? Connor's answer is that it was a negative term when deployed by those under or threatened by something describable as tyrannical, whereas it was a positive term from the point of view of the tyrant or would-be tyrant, and that Pericles and Cleon are here flattering the *dēmos*. Connor's critics, by contrast, argue that tyranny never has a positive significance in Athenian political rhetoric.[40] But to limit analysis of the term to either positive or negative uses is to disable an adequate answer to the question of how the term is deployed.

For Pericles and Cleon in the above passages surely depend on (while not being limited to) both positive and negative connotations of the term. Each uses the stark comparison to urge the Athenians to recognise that they have to proceed as one does who

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[39] W. R. Connor, 'Tyrannis [sic] Polis', in John H. D'Arms and John W. Eadie (eds.), *Ancient and Modern: Essays in Honor of Gerald F. Else* (Ann Arbor: Center for Coordination of Ancient and Modern Studies, 1977), pp. 95-109. See also Lisa Kallet, '*Demos Tyrannos*: Wealth, Power and Economic Patronage', in Kathryn A. Morgan (ed.), *Popular Tyranny: Sovereignty and its Discontents in Ancient Greece* (Austin: University of Texas Press, 2003), pp. 117-53.

[40] Kurt Raaflaub has been the most influential of these critics. 'From a position outside and opposed to democracy, tyranny could be represented as positive. From a position within and identifying with democracy, especially in political discourse and ideology, it was seen as entirely negative....It helped the Athenians define what they were not and did not want to be: the hostile Other, which helped them confirm, by contrast, what they were or did want to be....Hence "tyranny" encompassed everything that was hostile to democracy....In addition, and partly because of this broad antithetical function, the ideology of antityrannicism was the glue needed to hold together a large and complex community that virtually from the fall of tyranny in the late sixth century, embarked on a new and uncharted course.' (Kurt A. Raaflaub, 'Stick and Glue: the Function of Tyranny in Fifth-Century Athenian Democracy', in Morgan (ed.), *Popular Tyranny*, pp. 59-93, at pp. 82-3; see also Kurt Raaflaub, *The Discovery of Freedom in Ancient Greece* (Chicago: University of Chicago Press, 2004), pp. 120-34.)

rules in the face of resistance. Pericles himself had been frequently portrayed as a tyrant, a king, or even as Zeus himself by the comic poets, including Cratinus, Telecleides, and Aristophanes.[41] He is effectively telling the same people who would have laughed at these barbs that they themselves – that all of them together – are in effect a kind of tyrant. To tell or remind the Athenians that they hold the reins of power like a tyrant is to focus on what are claimed to be the realities of their power, to tell them that they have to be tough and clear-eyed about the imperatives of action in a context of resentment and hostility. Connor misses this, presenting the matter too simply as a kind of flattery. But those who differ tend instead to overlook just how pervasive are the indications of the attractions of tyranny in the sources of the day, and how this inflects political uses of the vocabulary by Pericles, Cleon, and others.[42]

Such earlier writers as Archilochus, Solon, and Pindar express or report some of the attractions of tyranny. The widespread and powerful appeal of tyranny comes across most clearly, however, in the reactions of the Socratics to its attractions (and particularly in their accounts of the views of fifth-century figures). '*Everyone* envies tyrants', according to Simonides in Xenophon.[43] It may seem that Polus and Callicles in Plato's *Gorgias*, or Thrasymachus in the *Republic*, are extreme figures whose praise of tyranny should not be seen as representative. It is worth noting, however, the extraordinary

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[41] For discussion see Joachim Schwarze, *Die Beurteilung des Perikles durch die attische Komödie und ihre historische und historiographische Bedeutung* (Munich: C. H. Beck, 1971).

[42] Contrast e.g. Raaflaub, who argues (*Discovery of Freedom*, p. 134) that in Thucydides' time the term 'tyranny' to describe the rule of Athens 'was used almost exclusively either to evoke negative associations in polemics and propaganda against Athens or by the Athenians themselves to emphasise dramatically, by drawing on those same associations, certain problematic traits of their rule and so to underscore criticism and warning or to justify the need for drastic political measures'. Jeffrey Henderson ('Demos, Demagogue, Tyrant in Attic Old Comedy', in Morgan (ed.), *Popular Tyranny*, pp. 155-79, at 155) characterises the consensus that has emerged around this view: 'It is generally agreed that in imperial Athens, the people's perception of tyranny was entirely negative.'

[43] Xenophon, *Hiero* 1.9: πάντες ἐζήλουν ἂν τοὺς τυράννους (cf. 1.14, 2.2-2.5, 7.1-7.4, 11.15; cf. also Plato, *Protagoras* 346bc). Cf. Isocrates 9.40.

language that they use in praise of tyranny: those who praise it (or are represented as praising it) do so in the language of obviousness (*of course everyone* would choose tyranny as a good), and in the language of exaltation (tyranny is not merely a good to be wished for, but is something especially good, and even uniquely fine and choiceworthy). Other Platonic figures use such language, including Alcibiades and Theages, who says: 'For my part I would pray, I suppose, to become tyrant – preferably over all human beings and, if not, over as many as possible, and so would you, I suppose, and all other human beings – or, probably even better, to become a god.'[44] We might suspect that these figures, too, are being represented as unusually wicked, but it is clear that Plato presents his fifth-century characters as believing that this envy of the tyrant's lot is altogether commonplace. In *Republic*, Glaucon says, and Socrates agrees, that 'most people' believe that a tyranny such as that of Gyges' ancestor is desirable and provides for the full range of human goods.[45] The Athenian in the *Laws* begins a list of what are commonly regarded as the highest goods with 'health and wealth and lasting tyranny'.[46]

Such claims, then, are not a mere artifact of a Socratic theory about the hidden impulses of the depraved. The Socratics portray fifth-century characters as perfectly willing to endorse tyranny as a good, and cite fifth-century evidence. Thus Plato's Socrates observes that the tragedians express admiration for tyranny, and Adeimantus notes that Euripides and the other poets praise it as godlike.[47] In the extant plays, this matches Euripides' *Trojan Women* of 415 BCE, where Hecuba ranks tyranny as the

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[44] [Plato?], *Theages* 125e-126a (εὐξαίμην μὲν ἂν οἶμαι ἔγωγε τύραννος γενέσθαι, μάλιστα μὲν πάντων ἀνθρώπων, εἰ δὲ μή, ὡς πλείστων: καὶ σύ γ᾽ ἂν οἶμαι καὶ οἱ ἄλλοι πάντες ἄνθρωποι—ἔτι δέ γε ἴσως μᾶλλον θεὸς γενέσθαι).
[45] Plato, *Republic* II 358a4 and 358a7 with II 362b2-c8 and 360c8-d7.
[46] Plato, *Laws* II 661d: ἆρ᾽ οὖν ὑγίειάν τε κεκτημένον καὶ πλοῦτον καὶ τυραννίδα διὰ τέλους.
[47] Plato, *Republic* VIII 568b.

highest of human blessings, one equal to the gods.[48] A fragment from Euripides' *Archelaus* reads similarly, marking this out as a common view: 'Tyranny is esteemed [*nomizetai*] second to the gods. For it does not provide immortality, but it provides everything else.'[49] It is impossible to be sure what an average citizen of this time would have thought, or even what they would have openly avowed, but the evidence strongly suggests that when, for example, Plato's Socrates presents it as inevitable that the one who has the first choice of lives will choose the greatest tyranny, this reflects a common view during Socrates' lifetime.[50]

So when Pericles and Cleon tell the Athenians that they are a tyrant, we have reason to believe that they were invoking these aspirational associations along with some harsher ones. Presumably Pericles himself did not find being called a tyrant wholly unwelcome, as the very jest depended on recognition of his pre-eminent power. This appeal to a range of semantic associations also makes best sense in the rhetorical contexts. Pericles and Cleon are telling the people that they are in a position of the greatest political power, and that they have to live up to the hard necessities of that position; the related claim that the *dēmos* is a tyrant within the polis can similarly weld together congratulation and caution into a pointed exhortation to do what it takes to retain rule. The tyrant may be both hated and envied by those he rules, who can be assumed to

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[48] Euripides, *Trōiades* 1169; cf. *Orestes* 1167-9. A similar view is taken by Eteocles in *Phoenissae* 506 (probably dating to 411-409), but he is upbraided for his selfish ambition by Jocasta (who would have him pursue equality and the good of the city rather than individual tyranny: 528-67) and the chorus.

[49] *Tragicorum Graecorum Fragmenta*, vol. 5, part 1, ed. Richard Kannicht (Göttingen: Vandenhoeck & Ruprecht, 2004), p. 326. (Fr. 250 (Stobaeus 4.6.5): τυραννίδ' ἥ θεῶν δευτέρα νομίζεται· / τὸ μὴ θανεῖν γὰρ οὐκ ἔχει, τὰ δ' ἄλλ' ἔχει.) Tyrannising is sometimes used positively elsewhere in Euripides, e.g. in *Electra* 876-9 and *Orestes* 1155-6. The figure of the tyrant fits into Mark Griffith's characterisation of tragedy's 'dynastic leaders (including the gods)' who 'become alternately objects of the audience's admiration and sympathy, and of their disapproval and disgust' ('Extended families, marriage, and inter-city relations in (later) Athenian tragedy: Dynasts II', in D. M. Carter (ed.), *Why Athens? A Reappraisal of Tragic Politics* (Oxford: Oxford University Press, 2011), pp. 175-208, at pp. 176-7.

[50] Plato, *Republic* X 619b.

want to displace or diminish his power. This is not an unalloyed blessing and requires vigilance, but it is a tribute to the tyrant's supremacy.

IV

We are used to thinking of the classical Greek constitutional division being that between rule by one, few, and many, and according to whether each of these is virtuous or vicious. To think of the *dēmos* as a tyrant is instead to treat the many as if it were one; to think of this as the democratic view is to see in it approval rather than pure opprobrium. While the archetypal and indelible image of early modern sovereignty is that of the crowned figure constituted by the people on the illustrated title page of Hobbes's *Leviathan*, such a portrait of political personality and unity out of multiplicity might seem to be inconceivable by ancients who did not think of political authority in terms of a relation of representation.[51] Among the most famous images from Athenian political theory are instead Plato's verbal portraits of the rabble, in which even the democratic individual, like the democratic polis, is a riot of inconsistency, seething multiplicity, and disorder.[52] That the Athenian people did see themselves in the figure of a single ruler may be discerned on the Greek stage; and before glancing at just a few of the many evocative tragic reflections on this topic, it is worth looking at an example from the visual arts.

Dēmos appears to have been a popular subject for both painters and sculptors. In the surviving representations he is invariably portrayed as an individual man, though a man of nearly divine stature, sometimes towering over a meritorious citizen who is being rewarded or recognised. Among the images no longer extant was a famous painting of Dēmos by Parrhasius, active during the last decades of the fifth century; and Pausanias

[51] See the claims in n. 3, above, that the unitariness of sovereignty is specifically early modern.
[52] See e.g. Plato, *Republic* VIII 561a-563e.

reports that there were sculptures of Zeus, Apollo, and Dēmos in the Athenian council chamber.[53] Pausanias also describes a public colonnade with pictures of the twelve gods on one wall, and (undated) paintings of Theseus, Democracy, and Dēmos on the other (the first tied in to the others by the tradition that Theseus gave political equality and government to the Athenian people).[54]

The images of Dēmos that have survived are not paintings or sculptures in the round, but stone reliefs. A few of the figures are labelled as Dēmos, while identification of others depends on similarity to labelled figures or descriptions of lost depictions. There are a score or more of likely candidates extant, often paired with a god or goddess (usually Athena), and sometimes either honouring a smaller-scale citizen or watching him being honoured by the divinity.[55] The figure of Dēmos is always a mature male, perhaps modelled on Zeus, and most commonly adorns decrees of the assembly. Although dating is often highly uncertain, it is clear that the great majority of extant figures are from the fourth century. At least two strong fifth-century candidates survive. Especially spectacular is the Choiseul Marble of 409 BCE, from the Athenian Acropolis and now in the Louvre.[56] Although some scholars have maintained that the figures are Athena and Erechtheus, a mythical king of Athens, most have identified them as Athena and

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[53] For the *demos atheniensium* painted by Parrhasius see Pliny the Elder's *Naturalis historia* 35.69; for his dates see Xenophon, *Memorabilia* 3.10.1-5 and Quintilian, *Institutio oratoria* 12.10.4. For the bronze *Dēmos Boulaiou* by Lyson (undated), see Pausanias, *Description of Greece* 1.3.5. For another painting of Dēmos see Pliny 35.137, and for another sculpture, Pausanias 1.1.3.

[54] Pausanias 1.3.3; see Euripides' *Suppliants* (*c*. 424-420 BCE) for Theseus in this role.

[55] For discussions, catalogues, and illustrations see Carol L. Lawton, *Attic Document Reliefs: Art and Politics in Ancient Athens* (Oxford: Clarendon Press, 1995), pp. 30-3, 55-8, 86-7; Wolfgang Messerschmidt, *Prosopopoiia. Personifikationen politischen Charakters in spätklassischer und hellenistischer Kunst* (Cologne: Böhlau, 2003), pp. 5-47, 166-80, 207-30, and plates 1-13; Kevin Glowacki, 'A Personification of Demos on a New Attic Document Relief', *Hesperia* 72 (2003), pp. 447-66; and Amy C. Smith, *Polis and Personification in Classical Athenian Art* (Leiden: Brill, 2011), pp. 91-107.

[56] Louvre Ma 831 = *IG* I^3 375 (*Inscriptiones Graecae*, vol. 1, fasc. 1, 3rd edn., ed. David Lewis (Berlin: Walter de Gruyter, 1981), pp. 349-50). Two tabulations of annual accounts of a similar kind (probably for 408/7 and 407/6 BCE) are inscribed on the reverse side (*IG* I^3 377).

Dēmos.[57]

[57] See n. 55. The difficulty of distinguishing whether the figure is Dēmos or a legendary Athenian king is itself suggestive, and in any case the figure is meant to stand for Athens. The likelihood that the figure is Dēmos is further increased if his stick can be identified with the 'citizen's stick' or 'Bürgerstock' (the iconography of which is discussed e.g. in Heinz-Günter Hollein, *Bürgerbild und Bildwelt der attischen Demokratie auf den rotfigurigen Vasen des 6.-4. Jahrhunderts v. Chr.* (Frankfurt am Main: Peter Lang, 1988), pp. 11-49; and Burkhard Fehr, *Becoming Good Democrats and Wives: Civic Education and Female Socialization on the Parthenon Frieze*, tr. Uta Hoffmann et al. (Münster and Zürich: LIT Verlag, 2011), pp. 84-91).

The figures stand on either side of an olive tree, and Dēmos may be collecting its fruit or indicating its (painted) leaves. (The evergreen olive, which replaced its leaves as they dropped, was thus like the polis, according to Plutarch, *Sumposiaka problēmata* 723f, 8.4.) The olive was the legendary gift of Athena to the Athenians, the benefits of which secured her position as their patron divinity. Marcel

Stele, called Marble of Choiseul, with Greek inscriptions, c. 410/9 BCE. Ma831. Musée du Louvre, Paris, France. © Musée du Louvre, Dist. RMN-Grand Palais / Daniel Lebée and Carine Déambrosis / Art Resource, NY.

The placement of Dēmos (if it is he) on this stele erected for public viewing on the Acropolis is significant: he stands nearly on a level with the patron goddess of the polis and over a detailed listing of the accounts of the treasurers (*tamiai*) of Athena for the preceding year (410-409 BCE). These include the names of officials, precise amounts (of 32 disbursements, from more than 57 talents down to 91 drachmas and 3¼ obols, and including an annual total), funding sources, dates of payment, and the public purposes of the expenditures. The inscription makes clear that although the treasurers are responsible for managing the money, the authority for this management comes from the *dēmos*, and it is to them that the officials are held to account. The inscription begins by stating that *the Athenians* have undertaken these expenditures (the first words are *Athenaioi anelosan*), and that Kallistratos of Marathon and his fellow treasurers have transmitted (*paredosan*) the following amounts from the annual revenues in accordance with the decree (or vote) of the people (*phsephisameno to demo*).[58] Observing this figure above these accounts set up on the Acropolis, the people of Athens witnessed both a

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Detienne observes that the tree of Athena is referred to in Greek sources as 'the olive tree of the city', in the sense of the tree of all of the citizens ('L'olivier, un mythe politico-religieux', *Revue de l'histoire des religions* 178:1 (1970), pp. 5-23, at p. 11, with references). The antiquary Varro reported that when all citizens of both sexes (ciues omnes utriusque sexus) were called to vote between Athena and Poseidon, the women all voted for Athena and the (less numerous) men voted for Poseidon. The polis thus chose the support of Athena and became Athens, but to appease the rage of Poseidon the women were thenceforth deprived of their vote and their civic identity. See Augustine, *De civitate Dei* 18.9.

[58] Lines 1, 2-3 of the inscription (ΑΘΕΝΑΙΟΙ ΑΝΕΛΟΣΑΝ…ΤΑΜΙΑΙ ΗΙΕΡΟΓ ΧΡΕΜΑΤΟΝ ΤΕΣ ΑΘΕΝΑΙΑΣ ΚΑΛΛΙΣΤΡΑΤΟΣ ΜΑΡΑΘΟΝΙΟΣ ΚΑΙ ΧΣΥΝΑΡΧΟ[Ν]ΤΕΣ ΠΑΡΕΔΟΣΑΝ ΕΚ ΤΟΝ ΕΠΕΤΕΙΟΝ ΦΣΕΦΙΣΑΜΕΝΟ ΤΟ ΔΕΜΟ…). Referring to the verbs *anelosan* and *paredosan*, an early student of Greek inscriptions in the Louvre noted that the authorisation of expenditure by the Athenian people is 'générale et préparatoire', whereas that of the officials has 'un sens plus restreint et déterminé' (W. Froehner, *Les Inscriptions Grecques* (Paris: Charles de Mourgues Frères, 1865), p. 90).

public statement of and a public representation of the controlling supremacy of the people, and at the same time they were invited to effect that control by examining the accounts themselves. Knowing as they did about the formal process of *euthunai*, citizens who examined these records took up the stance of those who held all magistrates accountable without being held accountable themselves as citizens. Citizens examining this stele mirrored and enacted the position of the controlling Dēmos.

Another place on the Acropolis where the people of Athens could see themselves represented was at the theatre of Dionysus Eleuthereus, where they went to see both tragic and comic performances. This becomes most explicit in comedy, but it is worth at least a mention of tragedy, the audience of which was called to reflect on its own identity while watching the unfolding fates of both good and bad monarchs.

While several extant tragedies focus on this theme, the most famous *turannos* is Sophocles' Oedipus. Among the multiple layers of meaning in this play, one central concern is how vexed it is for one to stand for the many. 'One cannot be equal to many', Oedipus muses.[59] Throughout the action, he nonetheless identifies himself with his people and his polis, and yet comes to recognise the costs of this identification.[60] Bernard Knox influentially suggested that Sophocles presents the tyrant standing for Thebes, and takes care to make Thebes parallel to Athens; thus the Athenians in the audience are asked to identify with the tyrant.[61] Froma Zeitlin has argued that the stage Thebes is instead 'the mirror opposite of Athens' whose representation instructs the

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[59] Sophocles, *Oedipus Turannos* 845: οὐ γὰρ γένοιτ' ἂν εἷς γε τοῖς πολλοῖς ἴσος.
[60] Lines 62-4, 93-4, etc. Sophocles emphasises the ready slide between the ruler and the city from the first line of the play, as R. D. Dawe notes in his commentary *ad loc.*
[61] Bernard Knox, *Oedipus at Thebes: Sophocles' Tragic Hero and His Time*, 2nd edn. (New Haven: Yale University Press, 1998 [1957]). See esp. the programmatic statements at pp. 77 and 99 (in watching the vices and virtues of the tyrant, the democratic Athenian audience was watching itself).

Athenians 'how their city might refrain from imitating the other's negative example'.[62] On either view – and the poet could have believed that his audience contained some who adopted views akin to each – the Athenian audience is supposed to reflect on itself when observing the tyrant, even as it is enjoined to resist his flaws and his fate. The tragic poets, Euripides says in Aristophanes, are to be admired for their warnings, by which they make people better in their poleis; and surely the tragic monarchs are generally the ones through whom these warnings are made manifest.[63] It has been said of Sophocles' heroes that 'they will not be ruled, no one shall have power over them, or treat them as a slave, they are free' – a characterisation that also fits the imperial and democratic Athenian people for whom he wrote.[64] Tragedy presents the *dēmos* with the effects of powerful rulers making both good and bad political judgements, and it is surely meant to learn thereby about its own exercise of authority; but there is little evidence that it is supposed to learn to lessen its power or freedom.[65]

The festival of the Great Dionysia was itself a public commemoration of Athenian power. Once the tragic theatre was full, and even before the plays began, the Athenian people saw the extent and the peril of their rule evoked on the stage. The annual tribute

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[62] Froma I. Zeitlin, 'Thebes: Theater of Self and Society in Athenian Drama', in John J. Winkler and Froma I. Zeitlin (eds.), *Nothing to Do with Dionysos? Athenian Drama in its Social Context* (Princeton: Princeton University Press, 1992), pp. 130-67, at pp. 144, 145.

[63] Aristophanes, *Frogs* 1009-10, on why the poet is to be admired: δεξιότητος καὶ νουθεσίας, ὅτι βελτίους τε ποιοῦμεν / τοὺς ἀνθρώπους ἐν ταῖς πόλεσιν.

[64] Bernard M. W. Knox, *The Heroic Temper: Studies in Sophoclean Tragedy* (Berkeley and Los Angeles: University of California Press, 1983 [1964]), p. 40, cited approvingly in Zeitlin, 'Thebes', p. 158 n. 35.

[65] Jon Hesk spells out the first part of this argument for some Euripidean plays ('Euripidean *euboulia* and the problem of "tragic politics"', in Carter (ed.), *Why Athens?*, pp. 119-43), but the point could as readily be made for the audience watching, for example, Creon's refusal to listen to counsel and his subsequent cascade of errors in Sophocles' *Antigone*. After pointing out that in most extant tragedies the figures of the chorus 'were marginal to the city', Vidal-Naquet observes: 'In Athens...the assembly made decisions; in the tragedies the chorus never makes decisions, or if it does they are derided. As a general rule, it is the hero...who commits himself to the irrevocable resolutions upon which every tragedy is based.' (Pierre Vidal-Naquet, 'Oedipus in Athens' [1973], in Jean-Pierre Vernant and Pierre Vidal-Naquet, *Myth and Tragedy in Ancient Greece*, tr. Janet Lloyd (New York: Zone Books, 1990), pp. 301-27, at p. 312.)

of silver from the subjects of the Athenians was divided into talents and laid out on the stage, for example; at the same time, the sons of those citizens who had been slain in the war (and who were now wards of the *dēmos*) were led onto the stage.[66] What may make it hard to believe that the *dēmos* saw itself in the monarch once the dramatic action was underway is a traditional view that the citizen body would have seen itself instead in the chorus. Despite prominent advocates from Schlegel to Vernant, such a view fits ill with the language or content of many extant odes, relies on a doubtful view of the psychology of the classical audience, and ignores the fact that tragedies usually featured choruses of women, foreigners, or slaves.[67]

The tragic monarch does not only serve as a foil against which the Athenians' democracy shines all the brighter, but could also serve to exhibit its virtues by comparison rather than contrast, or to warn the Athenians about the hazards of their own power. The most complex explorations of democratic virtues via their endorsement by a tragic monarch are found in Aeschylus' *Suppliants* (where Pelasgus is the first of the extant 'democratic kings' of tragedy) and Euripides' *Suppliants* (where Theseus insists

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[66] See e.g. Simon Goldhill, 'The Great Dionysia and Civic Ideology', in Winkler and Zeitlin (eds.), *Nothing to Do with Dionysos?*, pp. 97-129, at pp. 100-2 (quoting a scholion to Aristophanes' *Acharnians* and Isocrates' retrospective account of the practice during the Peloponnesian war). The legal and financial details of how provision of tragic performances harnessed the private resources of powerful elites to democratic control is laid out in Peter Wilson, *The Athenian Institution of the Khoregia: The Chorus, the City and the Stage* (Cambridge: Cambridge University Press, 2003). For an argument that the tragic audience represents the body politic of democratic citizens, see Simon Goldhill, 'The Audience of Athenian Tragedy', in P. E. Easterling (ed.), *The Cambridge Companion to Greek Tragedy* (Cambridge: Cambridge University Press, 1997), pp. 54-68; and esp. John J. Winkler, 'The Ephebes' Song: *Tragōidia* and *Polis*', in Winkler and Zeitlin (eds.), *Nothing to Do with Dionysos?*, pp. 20-62 (p. 62: the tragic festival is a political 'festival of self-representation').

[67] Or even foreign slave women (though played by men, generally citizens). For criticism of the idea that the *dēmos* would identify with the chorus, see esp. John Gould, 'Tragedy and Collective Experience', in M. S. Silk (ed.), *Tragedy and the Tragic: Greek Theatre and Beyond* (Oxford: Clarendon Press, 1996), pp. 217-43. David Carter discusses this argument and adds that even choruses of citizens were restricted to a narrow part of the citizen body, e.g. those from a particular age group, location, or faction (D. M. Carter, 'The Demos in Greek Tragedy', *Cambridge Classical Journal* 56 (2010), pp. 47-94, at pp. 63-9). For more detail, see Helene Foley, 'Choral Identity in Greek Tragedy', *Classical Philology* 98:1 (2003), pp. 1-30, esp. pp. 26-7.

both that Athens is free because not ruled by one man, and also that the Athenian *dēmos* is itself a monarch).[68] Yet the Athenian stage also presented the vices of tyrants opposed to Athens or to someone standing for or allied with Athens.

Consider Aeschylus' presentation of two such tyrants: Xerxes, says Atossa, is not accountable to the polis (*ouch hupeuthunos polei*); and Zeus, according to Okeanos, is a harsh monarch who rules without being accountable (*oud' hupeuthunos*).[69] Neither case is animated by the simple idea that rule by one is unacceptable because unaccountable. In *Persians*, Darius is presented as a moderate monarch who is as constitutionally unfettered as his son Xerxes; in *Prometheus Bound*, there is a strong suggestion that Zeus should choose to moderate his actions and behave justly, but no suggestion that he can or should be checked by the power of others. Each case presents to the ascendant power of Athens, the *dēmos* of the audience, a vivid warning about the tyrant's fall. The fate of the good and prudent Darius is better than the destruction of Xerxes; Zeus would have been overthrown, but heeds the warnings of Prometheus and goes on to reign supreme. Xerxes is presented as the hated enemy and opposite of Athens, but his dramatic fall serves as a multi-layered exhortation to the audience.[70] Both the wiser Zeus and the wiser Darius are unlimited monarchs, and their tyrannical power is admirable; the rash and imperious Zeus would have been deposed, and the hubristic Xerxes was destroyed. Assembled together,

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[68] Euripides, *Supplices* 404-5, 352 (cf. 406); cf. the democratic characteristics of Theseus, esp. in Sophocles' *Oedipus at Colonus*. See Sophie Mills, *Theseus, Tragedy, and the Athenian Empire* (Oxford: Clarendon Press, 1997). Mills argues that 'technical problems concerning Theseus as king of a democracy fade if he is seen as a personification of the ideal democratic city' (p. 101).

[69] Aeschylus, *Persae* 213; [Aeschylus?], *Prometheus Bound* 324 (a work in which Zeus is frequently called a tyrant). Note that we know little about the latter play outside its text, and cannot be sure that it was written for an Athenian audience.

[70] See David Rosenbloom, *Aeschylus: Persians* (London: Duckworth, 2006). For a quick catalogue of the relevant plays, see Martin West, 'King and Demos in Aeschylus', in Douglas Cairns and Vayos Liapis (eds.), *Dionysalexandros: Essays on Aeschylus and his Fellow Tragedians in Honour of Alexander F. Garvie* (Swansea: Classical Press of Wales, 2006), pp. 31-40.

the *dēmos* simultaneously observed the wonderful power of the tyrant, and the terrible vices that led to ruin.

I cannot here explore the reflective surface that tragedy provides for the Athenian *dēmos*, as these tragedies were written over many decades, had varying purposes and heterogeneous audiences, and should not be reduced to mere political allegories. I wish only to point out that the *dēmos* could see itself in the tragic tyrant, in myriad and challenging ways. The most explicit confrontation of the *dēmos* with an image of itself as a tyrant occurred not in tragedy, however, but in comedy.

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The Athenian *dēmos* could conceive of itself as a tyrant over other poleis, so it was not a far step to see itself as a tyrant within the polis, where the *dēmos* held ultimate power; and this tyrannical authority was associated with control of those who aspired to lead or control the *dēmos* itself. This is indicated by Diodotus, and is woven into tragedies by Aeschylus, Sophocles, and Euripides. But Aristophanes does something striking in *Knights*, which the citizen-judges awarded first prize at the Lenaea of 424: he brings Dēmos on stage as a character.[71] Aristophanes first presents Dēmos as the master (*despotēs*) in a household and lord over slaves.[72] The slaves are recognisable Athenian leaders (Cleon and – very probably – Demosthenes and Nicias, all of whom then held the highest elected office of *stratēgos*), and the context from the outset is domestic: the mastery of Dēmos is a mastery of the people as a body over Athens, and especially over

[71] For one substantial study, see Peter Reinders, *Demos Pyknites. Untersuchungen zur Darstellung des Demos in der Alten Komödie* (Stuttgart: J. B. Metzler, 2001).
[72] Aristophanes, *Knights* 40: δεσπότης, a title used for Dēmos during the remainder of the play by Cleon and others.

its most powerful individuals. Dēmos is then shown to be a tyrant as well.[73] Rather than being asked to contemplate its likeness in the mask of a tragic tyrant or king, the *dēmos* is here presented with an inescapable and politically freighted comic caricature of itself as tyrant and king. Yet it is an image presented to the *dēmos* for their approval in a dramatic competition, and ends up presenting Dēmos using his tyrannical power for good democratic ends.[74]

It may seem that the *dēmos* cannot be a tyrant *within* the city – for whom would the body of the people rule *over*? The play suggests a twofold answer. First, the analogy is meant to highlight the necessary power of the *dēmos*, understood in terms of its power to act intelligently and effectively. This focus is on those who do hold power (the *dēmos* in the place of the tyrants). Second, insofar as the ruling power of the *dēmos* is understood as power over someone else, it is in the first instance over those who aspire to rule over the *dēmos*, especially the leading politicians and powerful officials who are of the citizen body but always threaten to stand above it. So the chorus warns Dēmos against being manipulated by the politicians: 'Dēmos, the rule [*archē*] you bear is fine indeed, when all humankind fears you like a tyrant [*hōsper andra turannon*]. But you are easily led about, you enjoy being flattered and beguiled, and the orators always leave you with your mouth hanging open.'[75]

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[73] See esp. *Knights* 1111-14.

[74] Cf. Dio Chrysostom 33.10: 'For the comic poets, being suspicious and fearful of the people [*ton dēmon*], flattered them as a slave flatters a master (*despotēn*), chiding them gently and with a smile.' In *Knights*, we do indeed see Aristophanes chiding and yet flattering the *dēmos* as a master (and tyrant). Yet Dio also emphasises that the *dēmos* goes to the comic performances expecting to be criticised (33.9), and commends the Athenian *dēmos* of the classical democracy for encouraging frank criticisms of itself despite its power of life and death over any critic (32.6, citing *Knights* 42-3). Cf. Henderson's argument that 'one constant and central theme of the comic take on tyranny is this: the Athenian demos held and deserved to hold arguably tyrannical power at home and abroad' ('Demos, Demagogue, Tyrant', pp. 155-79, at p. 158).

[75] *Knights* 1111-19:
ὦ Δῆμε, καλήν γ' ἔχεις

Aristophanes plays a careful game, poking fun at the laziness, gluttony, gullibility, and insatiable desire for praise that characterise Dēmos, and that thus characterise the *dēmos* of Athens who constitutes his audience. But the lazy life of pleasure that Dēmos leads is not one that Aristophanes was likely to have thought his audience would have regarded as altogether without its attractions. A particularly attractive feature is that Dēmos is presented as having, so long as he grasps it, total power over those who are normally considered most powerful in the polis. This is the power we have seen Diodotus lament. Moreover, the transformation of Dēmos at the end of the play would also appeal to the audience, though more to their aspirations than their immediate desires. And the implicit exhortation of the *dēmos* comes not as an insistence that it should have less power or be guided by others, but on the contrary that it should insist on wielding its full powers of judgement and action wisely and effectively. The rule of Dēmos is praised by the chorus as fine (*kalēn…archēn*), a judgement justified by the observation that Dēmos rules like a tyrant man (lines 1111-14). The criticisms of the rule of Dēmos that follow are not complaints about the strength of that rule; rather, they are expressed as concerns about characteristics that tend to weaken it. The admirable excellence of tyrannical rule is particularly at risk from the tendency of Dēmos to be

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ἀρχήν, ὅτε πάντες ἄν-
θρωποι δεδίασί σ᾽ ὥσ-
περ ἄνδρα τύραννον.
ἀλλ᾽ εὐπαράγωγος εἶ,
θωπευόμενός τε χαί-
ρεις κἀξαπατώμενος,
πρὸς τόν τε λέγοντ᾽ ἀεὶ
κέχηνας.

swayed by seductive speakers, and thus to put the politicians rather than the people in charge.[76]

Dēmos retorts that he acts foolishly on purpose, reassuring the chorus (and both reassuring and exhorting the *dēmos* of the audience) that Dēmos always remains in control, using the political leaders to serve his interests rather than being used by them to serve theirs.[77] The chorus makes clear that this is the right course of action: 'Indeed, in this way you would do well, should there be as much shrewdness in your character as you say.'[78] Tyrannical rule is fine; the *dēmos* rules like a tyrant *in* the polis; what the *dēmos* needs to be on guard against is unwittingly ceding any of its ultimate power of judgement or action to the political leaders, who should not be the masters but the servants, slaves, or subjects of the *dēmos*.[79] If resources are accumulated or policies developed away from the direct supervision of the *dēmos*, they will inexorably tend to benefit one or a few individuals at the expense of the people.[80] The *dēmos* is hereby urged to pursue its true interests, to avoid the blandishments of flatterers, to resist easy policies of public

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[76] 'Comic poets particularly wanted the *dēmos* to look through the lies, compromises, self-interest, and general arrogance of their leaders and to remember who was ultimately in charge' (Jeffrey Henderson, 'The *Dēmos* and the Comic Competition', in Winkler and Zeitlin (eds.), *Nothing to Do with Dionysos?*, pp. 271-313, at p. 312). See Aristophanes, *Acharnians* 628-59.

[77] *Knights* 1123-4; 1121-30, 1141-50. 'Leaders' here translates *prostatai* [viz., *tou dēmou*]; as these are those who stand before the people, this is an apt translation; but insofar as the matter in question is who controls whom, 'politician' is in some ways a more apt rendering of *prostatēs*. The language also has connotations of one who sets himself up as champion of the people in order eventually to rule over them (as in Herodotus 3.82.4). Wilfred Major notes that in line 325 the chorus presents Cleon not as 'Protector of the People' (*prostatēs tou dēmou*), but as 'Protector of the Politicians' (*prostatei rhētorōn*) (Wilfred E. Major, *The Court of Comedy: Aristophanes, Rhetoric, and Democracy in Fifth-Century Athens* (Columbus: Ohio State University Press, 2013), pp. 70-1).

[78] *Knights* 1131-3:
χοὕτω μὲν ἂν εὖ ποιοῖς,
εἴ σοι πυκνότης ἔνεστ᾽
ἐν τῷ τρόπῳ, ὡς λέγεις.

[79] Cf. Lysias' speech against Nicomachus (399 BCE). Lysias (30.9, 30.3-6) maintains that Nicomachus, who had wished to subvert the power of the *dēmos*, was as an official guilty of hubris for attempting to treat what belonged to the polis as his by avoiding *euthunai*, when in fact he was the one who properly belonged to the people (*dēmosios*).

[80] E.g., *Knights* 1207-26, 1388-96.

handouts, to avoid and prevent corruption, to pay the naval oarsmen what they are owed, and above all to enter into a peace treaty.[81] While the *dēmos* should live up to its capacity for shrewdness in order to do these things, it would be self-destructive to follow the policies of political leaders or officials, or to allow itself to be hemmed in by institutional constraints.[82] Rather, the *dēmos* is urged to do all these things by its own judgement, as monarch (*monarchos*) of the polis and of all Greece.[83] Aristophanes presents Dēmos as having what were later formulated as hallmarks of sovereignty: Dēmos is unitary, of course, this unity being built into the presentation of Dēmos as an individual character; and as a master and especially as a tyrant or monarch he is supreme and accountable to no one.[84]

Orators would later identify this tyranny and mastery of the *dēmos* over the political leaders as a magnificent and distinguishing ideal of fifth-century Athenian democracy. So Isocrates in his *Areopagiticus* says that in the democracy of Cleisthenes (and of Solon) the *dēmos* was not only *kurios* but like a *turannos*, while the magistrates were like the slaves of the public.[85] In the *Panathenaicus* he describes this earlier tyrant-

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[81] Flatterers/*erastai*: 1340-46; state pay: 1350-55; corruption: 1358-63, 1369-71; naval pay: 1366-8; peace treaty: 1332, 1388-95; cf. 794-8 and 805-6. This is not simply a utopian wish-list exaggerated for comic effect, for many in the audience would have recognised the feasibility and desirability of these measures (see e.g. Thucydides 4.41 re. the feasibility of a peace treaty at this time).

[82] Dēmos as *dexiōtatos*: *Knights* 753. Dēmos certainly does not always live up to this capacity (see 754-5, 1349), but these passages and others (see 1115-50) support the idea that he is consistently presented as capable of such intelligence.

[83] *Knights* 1330; cf. 1333: ὦ βασιλεῦ τῶν Ἑλλήνων. See also Aristophanes' *Birds*, which ends with the main character Peisetaerus marrying Basileia and being hailed as *turannos* (1708) – which Major argues is appropriate because he is by that point 'fully identified with the Demos' (Major, *The Court of Comedy*, p. 131).

[84] Noteworthy are explicit denunciations of Cleon for attempting to divide the Athenians (*Knights* 817-18) or divide the *dēmos* (*Wasps* 41), and the characterisation of Dēmos as *monarchos* (*Knights* 1330). Further references to the rule of Dēmos are at *Knights* 965-6 (Dēmos will rule everywhere) and 1086-9 and 1333 (Dēmos rules as a king). Thucydides' famous remark that under Pericles what was in name a democracy was in fact government by the first man (2.65.9) may be a twist of the paradox that the democracy was like rule by a monarch.

[85] Isocrates 7.16, 7.26-7 (a work usually dated to the 350s). I do not mean to suggest that Isocrates is a radical democrat; his constitutional suggestions for a restoration to an earlier form are animated by

like *dēmos* as embodying the truest democracy.[86] Around the same time, Demosthenes in the Third Olynthiac sets up a sharp contrast between the fifth-century situation of popular authority over the leaders (including particular *prostatai* pilloried by Aristophanes) and its reversal in his own day.[87]

> What is the cause of all this, and why did everything go well before but awry now? Because then, having the courage to manage affairs and take the field, the *dēmos* was master [*despotēs*] of the politicians [*hoi politeuomenoi*] and had control [*kurios*] over all its goods, and everyone was happy to receive from the *dēmos* their share of honour, office, or reward. Now, on the contrary, the politicians have control [*kurioi*] over goods and through these manage everything, whereas you the *dēmos*...have in turn become an underling and adjunct.[88]

Both Aristophanes and Isocrates suggest that the *dēmos* should be like a *turannos* over the political elite; both Aristophanes and Demosthenes exhort the *dēmos* to be *despotēs*, to ensure that it controls the politicians rather than being controlled by them. The *dēmos* should be (and be understood to be) the fountainhead of power and goods, with the officials and politicians dependent for them on the people; the democracy is fundamentally compromised if the people instead see themselves as dependent on

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aristocratic ideals. The speech is written, however, as an address to the assembly, and integral to its rhetorical prowess is delivering an argument for a more conservative constitution while promoting it as the restoration of an earlier program of control by the *dēmos* (despite amounting for the people to little more than Aristotle's roughly contemporary proposal that the people be *kurios* only in the sense of voting in elite electoral competitions and punishing officials' malfeasance). It is nonetheless revealing that what Isocrates chooses to appropriate as a slogan of the fifth-century 'true democracy' is that the *dēmos* should exercise tyranny and mastery over the political elite.

[86] Isocrates 12.147 (*dēmokratia alēthestera*).

[87] Demosthenes 3.21 (Nicias, the earlier Demosthenes, and Pericles) and 3.26 (earlier leaders) (3.27: προστάταις). Demosthenes delivered this speech in Athens in 349 BCE.

[88] Demosthenes 3.30-1: τί δὴ τὸ πάντων αἴτιον τούτων, καὶ τί δή ποθ' ἅπαντ' εἶχε καλῶς τότε, καὶ νῦν οὐκ ὀρθῶς; ὅτι τότε μὲν πράττειν καὶ στρατεύεσθαι τολμῶν αὐτὸς ὁ δῆμος δεσπότης τῶν πολιτευομένων ἦν καὶ κύριος αὐτὸς ἁπάντων τῶν ἀγαθῶν, καὶ ἀγαπητὸν ἦν παρὰ τοῦ δήμου τῶν ἄλλων ἑκάστῳ καὶ τιμῆς καὶ ἀρχῆς καὶ ἀγαθοῦ τινος μεταλαβεῖν: νῦν δὲ τοὐναντίον κύριοι μὲν οἱ πολιτευόμενοι τῶν ἀγαθῶν, καὶ διὰ τούτων ἅπαντα πράττεται, ὑμεῖς δ' ὁ δῆμος...ἐν ὑπηρέτου καὶ προσθήκης μέρει γεγένησθε. Cf. Demosthenes 2.30 and 23.209 (τότε μὲν γὰρ ὁ δῆμος ἦν δεσπότης τῶν πολιτευομένων, νῦν δ' ὑπηρέτης), 'Demosthenes' 13.31, and Aeschines 3.231.

handouts from the leaders and officials.[89] The choice is presented starkly: the *dēmos* either rules as a master within the polis and controls the politicians, or will be subjected to them. Any talk of a moderate position seems to be treated as a dangerous illusion, and most likely a pointed deception.

The two main political incarnations of the *dēmos* are as an assembly and as a jury, (or as members of the assembly, *ekklēsiastai*, and judges or jurors, *dikastai*). Whereas the *dēmos* of the *Knights* is especially identified with the power of the people as wielded in the assembly, in the *Wasps*, performed in 422, Aristophanes turns to the popular power of the jury.[90] The story follows Bdelycleon's attempt to convince and, in the event, compel his father Philocleon to refrain from his zealous participation on juries. The angry chorus of wasps, or jurors, repeatedly complains that this attempt to remove his father is tantamount to tyranny, as it undermines the democracy. 'Tyranny has stealthily overpowered us', they say, preventing them from taking up their position of judgement, without justification and 'as the sole ruler himself'.[91] Accused of tyrannising for interfering with the jurymen, Bdelycleon complains:

> How everything is tyranny and conspirators with you, whether the accusation is large or small! I haven't heard the word [tyranny] for fifty years, but now it's far more common than dried fish, such that the name itself is tossed around in the marketplace. If one buys a wreckfish but doesn't care for anchovies, the nearby monger of anchovies immediately says 'this person is buying fish fitting for a tyranny!'[92]

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[89] See, e.g., Aristophanes, *Wasps* 689-712.
[90] For the primary association of Dēmos in *Knights* with the assembly, see lines 40-3, 746-55 (and presumably what follows was staged as an argument in the assembly with *prostatai* arguing each side and Dēmos sitting in judgement as to which politician better serves him), 1109, 1127-40, and 1340-53. That this in no way precludes the association of Dēmos with the jury *as well* is suggested at 46-51, 255-7, 797-800, 1145-50, and 1357-61.
[91] Aristophanes, *Wasps* 464-5, 470:
ἡ τυραννὶς ὡς λάθρᾳ γ' ἐ-
λάμβαν' ὑπιοῦσά με,
…αὐτὸς ἄρχων μόνος;
[92] *Wasps* 488-95:

Tyranny is used here as an epithet for what is perceived or presented as an arrogation of power or privilege at the expense of the Athenian people – whether undermining the jurors or committing a symbolic offence, the comic version here being to opt for one large solitary fish (the wreckfish) over a group of little schooling ones.[93] The complaints about tyranny may set up a modern audience for surprise when a claim to exercise tyranny is made from the same quarter. For Philocleon the democratic juror goes on to present himself and his fellow jurors in all the trappings of a tyrant, arguing that as a juror he is 'overall ruler'.[94] Tyrannical power is seen not only as what would put down or restrain the power of the people – though in that form it meets with popular outrage – but also as the fullness of the people's power itself. 'As far as our power is concerned', Philocleon tells his son, 'it is nothing less than a kingship [*basileias*]. What creature is there today more happy and enviable, or more pampered, or more to be feared, than a juror?'[95] The jurors are supplicated to give certain verdicts, but Philocleon insists that they are able to decide whatever they want, as their power is entirely discretionary. Thus everyone fears them and they fear no one.[96] 'Do I not wield great rule [*megalēn archēn*

ὡς ἅπανθ' ὑμῖν τυραννίς ἐστι καὶ ξυνωμόται,
ἤν τε μεῖζον ἤν τ' ἔλαττον πρᾶγμά τις κατηγορῇ,
ἧς ἐγὼ οὐκ ἤκουσα τοὔνομ' οὐδὲ πεντήκοντ' ἐτῶν:
νῦν δὲ πολλῷ τοῦ ταρίχους ἐστὶν ἀξιωτέρα,
ὥστε καὶ δὴ τοὔνομ' αὐτῆς ἐν ἀγορᾷ κυλίνδεται.
ἢν μὲν ὠνῆταί τις ὀρφὼς μεμβράδας δὲ μὴ 'θέλῃ,
εὐθέως εἴρηχ' ὁ πωλῶν πλησίον τὰς μεμβράδας:
'οὗτος ὀψωνεῖν ἔοιχ' ἄνθρωπος ἐπὶ τυραννίδι'.

[93] See also Aristophanes, *Lysistrata* 614-35.

[94] Ruler of all, or ruler in all things: ἄρχω τῶν ἁπάντων (*Wasps* 518). Aristotle notes the view that Solon put the popular jury in complete control, such that the favour of the *dēmos* was courted like a tyrant (*hōsper turannōi tōi dēmōi*), and demagogues such as Ephialtes and Pericles were encouraged to propose their further democratic reforms (*Politics* II 1274a1-10). Cf. the description by Aristotle (or his follower) of the suppression of the democracy by the Thirty in 404: they 'put down the authority that was in the jurors' (τὸ κῦρος ὃ ἦν ἐν τοῖς δικασταῖς κατέλυσαν: 'Aristotle', *Constitution of the Athenians* 35.2; cf. 41.2).

[95] *Wasps* 548-51 (tr. Sommerstein, modified); cf. 546 re. the kingly power of the jurors.

[96] *Wasps* 628-30. Cf. 'Old Oligarch', *Constitution of the Athenians* 1.18.

archō], in no way inferior even to that of Zeus?'[97] What Philocleon does with this great power is what Dēmos initially does with his in *Knights*: he goes in for gluttony, drinking, sexual activities, and the joy of wielding power unaccountably. This position of being *unaccountable* is integral to the jurors' supremacy: they engage in scrutiny of the magistrates, but – crucially – no magistrates can scrutinise or punish them.[98] Philocleon emphasises the total discretionary power that jurors have over magistrates as they submit to their *euthunai* or audits, comparing it to the power of a god.[99] The jurors hold all others to account, but they are themselves unaccountable: 'And for doing this we cannot be called to account [*anupeuthunoi*] –which is true of no other public authority [*archē*].'[100] As in *Knights*, this picture of total control is contested, as Bdelycleon charges his father the juror with being a slave rather than the master he ought to be.[101] This is again because the politicians act as if they are serving the people's interest, but instead are using them to serve their own.[102] Revealingly, being *anupeuthunoi* is the one point on which Bdelycleon concedes that the jurors are majestic.[103] He holds that the

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[97] *Wasps* 619 (tr. Sommerstein, modif.).
[98] Of course, individuals are still subject to being tried and sentenced by a jury for a crime, but their public actions as jurors (or assemblymen) are immune. Matthew Landauer has recently provided pertinent readings of a range of the texts discussed here, and has concluded that the warrant for this immunity is the *powerlessness* of the juror or assemblyman. See Landauer, 'The *Idiōtēs* and the Tyrant: Two Faces of Unaccountability in Democratic Athens', *Political Theory* 42:2 (2014), pp. 139-66 (p. 145: 'The *demos* may be unaccountable less because it is above the law than because its characteristic political activities are almost beneath the law's notice'). I instead defend here the 'sovereigntist' reading that Landauer calls into question. 'The sovereigntist view is not without merit,' he argues (p. 143), 'but it coheres uneasily with the Athenian emphasis on the need for power to be exercised accountably.' I argue that the sovereignty of the *dēmos* simultaneously explains why it must be unaccountable *and* why all those who carry out public functions or manage public funds must be held accountable by it. See also n. 106. Landauer's analysis has more basis in the fourth-century materials, but even there the juror as *idiōtēs* is presented as sovereign – see Aeschines 3.233: ἀνὴρ γὰρ ἰδιώτης ἐν πόλει δημοκρατουμένῃ νόμῳ καὶ ψήφῳ βασιλεύει ('For each individual in a democracy is king in the polis through law and the vote').
[99] Aristophanes, *Wasps* 570-1.
[100] *Wasps* 587 (tr. Sommerstein): καὶ ταῦτ' ἀνυπεύθυνοι δρῶμεν, τῶν δ' ἄλλων οὐδεμί' ἀρχή. The meaning above apparently depends on assuming that τῶν δ' ἄλλων refers to an implied ἀρχῶν.
[101] See *Wasps* 512-20, 601-2, 653-4, 681-6.
[102] *Wasps* 655-718.
[103] *Wasps* 588 (reading σεμνόν).

people do exercise a vast rule, but that the deceptive and self-serving politicians have kept them from benefiting from it.[104]

VI

The unaccountability of the *dēmos* may promise the people freedom and other benefits,[105] but it also opens up the possibility that they will take on characteristics for which the monarchical tyrant was notorious, including greed, cruelty, and arrogance. The democratic challenge, articulated in the *Knights* and elsewhere, was for the *dēmos* to avoid these self-destructive excesses through *self*-control rather than through allowing itself to be controlled. Although unaccountable supremacy could lead to tragic reversal, to weaken the unaccountability of assemblymen and jurors is to compromise democratic control, to render the polis vulnerable to insidiation or takeover by antidemocratic forces. Some interpreters have understood the use of mechanisms of accountability or what we might call constitutional checks to be the form of that self-control, but this is not warranted by the fifth-century sources.[106] Such mechanisms as *euthunai* were aimed at individuals, not at the people as such: the *dēmos* was the source rather than the object of review. Although they were drawn from the body of the people by lot or election, the magistrates were always the object of strict control as potential usurpers of the people's

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[104] Cf. *Wasps* 700. See Aristophanes' account of his own political counsel at *Acharnians* 628-64.
[105] The identification of rule and freedom is common: see, e.g., [Aeschylus?], *Prometheus Bound* 50; Euripides, *Helen* 276; Critias DK 88B37; 'Old Oligarch', *Constitution of the Athenians* 1.8-9.
[106] See esp. J. Peter Euben, *Corrupting Youth: Political Education, Democratic Culture, and Political Theory* (Princeton: Princeton University Press, 1997), pp. 91-108. Euben argues that there was in Athens a shared culture of mutual accountability throughout the citizen body, where unaccountability was seen to be anti-democratic and indeed anti-political. 'Accountability is more than elites being held accountable by the people; it is the people being accountable to each other and to themselves' (*Corrupting Youth*, p. 97). See also Elizabeth Markovits, *The Politics of Sincerity: Plato, Frank Speech, and Democratic Judgment* (University Park: Pennsylvania State University Press, 2008), esp. pp. 47-61; and Melissa Lane's contribution to this volume.

ultimate authority.[107] Some scholars have thus identified an elemental Athenian distinction between sovereignty, which inhered in the *dēmos* as a whole, and government, which was undertaken by officials accountable to the sovereign *dēmos*.[108]

One of the best sources for understanding the justification for the unaccountability of the *dēmos* comes from the work of an author who is sometimes called the 'Old Oligarch', and who was probably (though this is much disputed) writing about 424, around the same time as Aristophanes' *Knights*.[109] He declares his contempt for the *dēmos*, and contends that what is truly good furthers the best men, whereas what furthers the worthless men is bad. And yet, implicitly contesting an aristocratic dismissal of the rule of the people as stupid and self-destructive, he offers a penetrating account of the intrinsic intelligence of Athenian democracy as a set of institutions, policies, and practices designed to ensure that the *dēmos* rules and is not ruled.[110] In writing to an audience of aristocrats, he draws on an interest-based version of radical democratic ideas:

> [1.6] Someone might say that they ought not to allow everyone in turn the right to speak or to deliberate, but only the cleverest and the best men. However, on this point too, their policy, of allowing even the worthless to

[107] Although the democratic concern was to control elites of all kinds, I have been able to focus here only on the accountability of magistrates. The growth in power of a magistracy was seen as a potent cause of anti-democratic revolution (see Aristotle, *Politics* V 1304a18-22).

[108] See esp. Martin Ostwald, 'Popular Sovereignty and the Control of Government', in *From Popular Sovereignty to the Sovereignty of Law: Law, Society, and Politics in Fifth-Century Athens* (Berkeley and Los Angeles: University of California Press, 1986), pp. 3-83; and R. K. Sinclair, *Democracy and Participation in Athens* (Cambridge: Cambridge University Press, 1988). While Plato's allegory of the democratic ship of state in the *Republic* illustrates a low estimate of the intelligence of the system, it does reflect a democratic distinction between sovereignty and government when it portrays the *dēmos* not as the one who steers the ship (*kubernētēs*, the pilot or governor), but as the on-board ship owner (*nauklēros*) to whom the pilot is accountable (*Republic* VI 488ae, following the reading of Aristotle in *Rhetoric* III 4, 1406b35).

[109] See J. L. Marr and P. J. Rhodes (eds.), *The 'Old Oligarch': The 'Constitution of the Athenians' Attributed to Xenophon* (Oxford: Aris & Phillips, 2008), pp. 31-2 for a catalogue of the dates that scholars have assigned to the work. Marr and Rhodes join those who argue for a date of 425-424, in part because of the possibility that the work refers to plays of Aristophanes, including *Knights* (pp. 3-6, 131-5).

[110] Vivienne Gray thus contends that the text is 'the only analysis of democracy from the point of view of the *demos*' (Xenophon, *On Government*, ed. Vivienne J. Gray (Cambridge: Cambridge University Press, 2007), p. 1), and at the least it does seem to borrow heavily from that point of view, or the point of view of some theoretical advocates of the *dēmos*.

> speak, is best. For if only the valuable were to speak and deliberate, it would be good for the likes of themselves, but not good for the common people [*dēmotikois*]. As things are, any worthless person who wishes can stand up in the assembly and procure what is good for himself and those like him.
> [1.7] Someone might say, 'How could such a person recognise what is good for himself and the *dēmos*?' But they know that this man's ignorance and worthlessness and good will [*eunoia*] are more advantageous to them than are the excellence and wisdom and ill will [*kakonoia*] of the valuable man [*tou chrestou*].
> [1.8] It is true that a polis would not be the best on the basis of such practices, but the fact is that the democracy would most securely preserve itself by these means. For the *dēmos* does not wish the polis to be governed well [*eunomoumenēs*] while it is enslaved, but rather to be free and to rule, and so it is not concerned about bad government [*kakonomias*]. The *dēmos* actually derives its strength and its freedom precisely from what you consider not to be good government [*ouk eunomeisthai*].
> [1.9] If you are looking for good government [*eunomian*], you will find that, first, the cleverest men draw up the laws for them. After that, the valuable men will punish the worthless ones; they will be the ones who make policy for the polis, and they will not allow wild persons to deliberate or to speak or to attend meetings of the assembly. So, as a result of these good measures, the *dēmos* would very quickly be reduced to slavery.[111]

How can the *dēmos* ensure that, like the tyrant, it is able 'to be free and to rule'? By making all others accountable to it, while being accountable to no one.[112] Granting some people greater influence (such as greater access to speech, agenda setting, legislation, power to punish, or control over membership) on the basis of their intelligence, judgement, or ethical or social standing, will lead to those who have been granted greater influence using that influence to procure power and benefits for themselves. Once the

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[111] Marr and Rhodes translation, modified.

[112] Aristotle (*Politics* II 1274a15-18) endorses the idea that without the power to elect officials and hold them accountable, the *dēmos* would be enslaved. (Far from considering the *dēmos* sovereign because of these powers of election and review, Aristotle here states that in yielding these powers Solon gave the *dēmos* the minimum power necessary; this measure of control was necessary because without it the *dēmos* would have been enslaved and hostile (*mēde gar toutou kurios ōn ho dēmos doulos an eiē kai polemios*). When Aristotle writes about sovereignty in a way that meets the conditions of the likes of Bodin and Hobbes, he typically makes this clear by using locutions like those in n. 9, above; and he uses these locutions especially about tyranny and the democracy that is like a tyranny.) For Aristotle's assessment of the unaccountability of the *dēmos*, see the final section below.

people invest powers in an epistemic, ethical, economic, political, or social elite, they slip from mastery into slavery. Again, the view is that there is no other option: delegation to those who are wiser and better, or reputed to be so, will not effectively meet the people's aims or realise their interests, but will inevitably subvert those aims and interests. The only way to avoid this is to retain rule and mastery.

In the late fifth century, *eunomia*, good order according to law, is an anti-democratic watchword. Critics of democracy praise the constitutional constraints of aristocracy or oligarchy according to law, and lament Athenian democratic lawlessness. As the Old Oligarch observes, however, the people understand that if the constraints of law are applied to them, then they no longer have supreme authority: to be in control, they must be uncontrolled. We can see vociferous insistence on this tenet in Xenophon's report of a notorious meeting of the assembly in 406 BCE for the collective trial of the generals who were at the naval battle of Arginusae. When Euryptolemus tries to block the proceeding on the grounds that it is *paranomos* or against the law, which would have suspended the assembly and the trial until its legality was approved, 'the majority shouted that it would be outrageous if someone were to prevent the *dēmos* from doing whatever it wished'.[113] This episode has frequently been seen to illustrate the descent of direct democracy into (or its ultimate identity with) mob rule. But it can instead be read as a potent expression of the democratic conviction that the *dēmos* must be able to direct and

[113] Xenophon, *Hellenica* 1.7.12: τὸ δὲ πλῆθος ἐβόα δεινὸν εἶναι εἰ μή τις ἐάσει [i.e., if someone were not to allow] τὸν δῆμον πράττειν ὃ ἂν βούληται. Cf. the Herodotus passage in n. 11 (and Antigone's characterisation of tyranny in Sophocles' *Antigone*, 506-7) for relevantly similar language; and cf. *Hellenica* 1.7.13-14 for the further shouted insistence of the assembly members. The *graphē paranomōn* has often been regarded as a kind of judicial review brought in to curb the excesses of Athenian popular sovereignty, but the reaction of the majority here may be to such a use as instead an attempt to co-opt the mechanism. Intended as a democratic tool against elite takeover (see 'Demosthenes' 58.34 and Aeschines 3.191), it would be seen here as having been commandeered to constrain the *dēmos* (and in particular to deny the people's authority to punish members of the political elite as they judged best).

judge even the most powerful officials as it wishes, while not being itself hemmed in by laws or officials.[114]

VII

I should like to return in conclusion to Aristotle. Although he is a fourth-century figure, I wish to consider a famous passage that has often been read as analysing the late fifth-century Athenian democracy.[115] First, however, two preliminary passages, one ignored in these contexts and the other well known. Consider first *Rhetoric* I 8, where Aristotle distinguishes constitutions according to the controlling (*to kurion*) and deciding (*to krinon*) power:

> In a monarchy, as its name indicates, one alone is supreme over all [*hapantōn kurios*]: that which is according to some ordering is a kingdom, whereas that which is unlimited is a tyranny [*hē d' aoristos turannis*].[116]

A monarchy is a kingship if it is subject to some regulation or right ordering (*kata taxin)*; it is a tyranny, however, if it is *aoristos*, without a boundary, unlimited (from *horos*, boundary; *horistos*, limited).

Aristotle's definition of tyranny as *aoristos* has been overlooked in favour of the one that he emphasises in the *Politics*, that tyranny is rule by one in the interest of the ruler (whereas kingship is rule by one in the interest of the ruled or in the common

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[114] See the reconsideration by Dustin Gish, 'Defending *dēmokratia*: Athenian Justice and the Trial of the Arginusae Generals in Xenophon's *Hellenica*', in Fiona Hobden and Christopher Tuplin (eds.), *Xenophon: Ethical Principles and Historical Enquiry* (Leiden: Brill, 2012), pp. 161-212.

[115] For the applicability of the model of 'extreme democracy' to the Athenian democracy of the fifth century, see e.g. Aristotle, *Politics* II 1274a4-10 and VI 1319b20-1. For an argument that it applies less well to the democracy of Athens in the fourth century, see Barry S. Strauss, 'On Aristotle's Critique of Athenian Democracy', in Carnes Lord and David K. O'Connor (eds.), *Essays on the Foundations of Aristotelian Political Science* (Berkeley and Los Angeles: University of California Press, 1991), pp. 212-33.

[116] Aristotle, *Rhetoric* 1365b37-66a2: μοναρχία δ' ἐστὶν κατὰ τοὔνομα ἐν ᾗ εἷς ἁπάντων κύριός ἐστιν: τούτων δὲ ἡ μὲν κατὰ τάξιν τινὰ βασιλεία, ἡ δ' ἀόριστος τυραννίς.

interest). To define tyranny as rule by one without limitation is related to this, but distinct and intriguing; it is, I believe, at work in the *Politics*, too.[117]

In the *Politics*, Aristotle repeatedly characterises tyranny as similar to the rule of a master (a similarity played upon to great effect in Aristophanes' *Knights*). So he argues that a form of rule that participated in some way in kingly rule was also 'tyrannical, in as much as the monarchs ruled like masters [*despotikōs*] in accordance with their own judgment [*kata tēn hautōn gnōmēn*]'.[118] This conception of the tyrant as following his own *gnōmē* (judgement, inclination, or will) fits with Aristotle's characterisation of a kind of tyranny that is no longer kingly at all, but 'tyranny in the highest degree': 'Any monarchy is necessarily a tyranny of this kind if the monarch rules unaccountably [*anupeuthunos archei*] over people who are similar to him or better than him, with an eye to his own benefit, not that of the ruled.'[119] The last of these criteria has received the most attention, and is often offered as Aristotle's definition of tyranny; but it is worth focusing on the first, cast in the language of Otanes' characterisation of tyranny, Diodotus' account of the power of the people in assembly, and Philocleon's self-portrait of the power of the people's juries.

Aristotle's view of extreme tyranny as a form of rule that is unaccountable (*anupeuthunos*) fits well with his view of tyranny as unlimited (*aoristos*). For the introduction of accountability would render the rule *horistos*, limited; and any true

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[117] The proper connection between the Aristotelian characteristics of or criteria for tyranny would seem to put the unlimitedness and unaccountability of the power first, the idea being that having unlimited power leads to being narrowly self-serving (the doubtful reliability of the converse being readily observable). To ensure that the ruling power is not wielded solely for the ruler's benefit requires the capacity to limit that power. A further implication of what Aristotle says here may be that to require a polis to have a certain *taxis* or order is inherently to limit the ruling power.

[118] Aristotle, *Politics* IV 1295a16-17 (tr. Reeve); see III 1285b1-2, 1285b24-5.

[119] Aristotle, *Politics* IV 1295a18-21 (tr. Reeve): τοιαύτην δ᾽ ἀναγκαῖον εἶναι τυραννίδα τὴν μοναρχίαν ἥτις ἀνυπεύθυνος ἄρχει τῶν ὁμοίων καὶ βελτιόνων πάντων πρὸς τὸ σφέτερον αὐτῆς συμφέρον, ἀλλὰ μὴ πρὸς τὸ τῶν ἀρχομένων.

limitation would come with some kind of accountability. It also brings out the similarity to early modern theories of sovereignty as discussed in the second section, above. The tendency to focus on a Greek (particularly Aristotelian) view of tyranny as rule for the ruler's own interest may have obscured the connection between an ancient understanding of tyranny and a modern concept of sovereignty. For example, according to the influential Hobbesian analysis, forms of commonwealth cannot properly be distinguished (as Hobbes takes Aristotle and his followers to have done) according to whether the aim is the ruler's benefit or the common benefit. This distinction, he holds, is nothing more than a misconception 'that the Government is of one kind, when they like it, and another, when they mislike it'.[120] By contrast, what Hobbes insists on is that any sovereign must be unlimited and unaccountable – incorporating into his account of sovereignty one part of Aristotle's definition of tyranny even as he vehemently rejects another.

This account of Aristotle on unlimited or indefinite rule may seem odd, as the best-known passage about such rule has been taken to be about something different and more limited. In Book III of the *Politics*, according to the best English translation of that work, Aristotle writes:

> Another person, however, holds office indefinitely [*ho d' aoristos*], such as the juror or assemblyman. Now someone might say that the latter sort are not officials at all, and do not, because of this, participate in any office as such. Yet surely it would be absurd to deprive of office those who have the most authority [*tous kuriōtatous*]. But let this make no difference, since the argument is only about a word. For what a juror and an assemblyman have in common lacks a name that one should call them both. For the sake of definition, let it be 'indefinite office' [*aoristos archē*].[121]

[120] Thomas Hobbes, *Leviathan*, 19.2 (p. 95 of 1651 edn.).
[121] Aristotle, *Politics* III 1275a25-31 (tr. Reeve).

The vocabulary of 'office' in this translation by C. D. C. Reeve is tenable, but there is at least a strong connotation throughout (and even a suitable alternative translation) of 'rule' whenever 'office' is mentioned.[122] Moreover, 'indefinite' can instead be rendered as 'unlimited', such that in discussing their *aoristos archē* Aristotle would be addressing the *unlimited rule* of the members of jury and assembly (putting particular emphasis on the adjective by moving it to an unusual place in front of the substantive). Aristotle is here especially concerned with one sense of the 'unlimitedness' of the rule or offices of assemblyman and juror, namely, that they do not have limited or specific terms. And the word has therefore been narrowly construed here as an innovation of Aristotle's in this quite specific way: one serves as a juror or assemblyman without a specific term of office. Indeed, the LSJ lexicon gives this as a distinct meaning ('without limit of time'), citing this one passage as its authority. Although Aristotle is here referring to (because at this point concerned with) one primary aspect of the unlimitedness of the juror and assemblyman, I doubt that this is all there is to it. Even if we are to understand the referent here to be only a limitation in tenure, that is itself central to any question of sovereignty. For whoever may set, enforce, or alter the terms of office has a kind of control over those who serve a limited tenure, and (at least according to the likes of Bodin and Hobbes) a time-limited sovereign is no sovereign at all. And the unlimitedness of the authority of jurors and assemblymen is more general (and contrasts sharply with the specified duties, legal restrictions, and mechanisms for review of the magistrates), though time is the instant case. If the *dēmos* of Athens in its dominant political functions (as jurors and assemblymen) were regulated, then, as the Old Oligarch forcefully puts it, it would be or would quickly become a slave rather than sovereign.

[122] See n. 36, above.

Instead, the *dēmos* in its political incarnations of jury and assembly is 'most authoritative' (*kuriōtatos*) and essentially *aoristos*, like the tyrant.

This brings me to a final extended passage, from Book IV of the *Politics*, in which we may now see Aristotle not merely criticising but also representing the substance of the radical democratic ideal:

> Another kind of democracy is the same in other respects, but the multitude has authority, not the law....For in poleis that are under a democracy based on law...the best citizens preside. Where the laws are not in authority, however,...the people become a monarch, one person composed of many, since the many are in authority not as individuals, but all together [*monarchos gar ho dēmos ginetai, sunthetos heis ek pollōn: hoi gar polloi kurioi eisin ouch hōs hekastos alla pantes*]....such a *dēmos*, since it is a monarchy, seeks to exercise monarchic rule through not being ruled by the law, and becomes a master [*despotikos*]. The result is...that a democracy of this kind is the analogue of tyranny among the monarchies. That is also why their characters are the same: both act like masters toward the better people; the decrees of the one are like the edicts of the other; a popular leader is either the same as a flatterer or analogous. Each of these has special power in his own sphere, flatterers with tyrants, popular leaders with a people of this kind. They are responsible for decrees being in authority rather than laws because they bring everything before the people. This results in their becoming powerful because the people have authority over everything [*dēmon pantōn einai kurion*]....Besides, those who make accusations against officials say that the people should judge [*krinein*] them. The suggestion is gladly accepted, so as to put down all the officials [*hai archai*].[123]

It is the democracy where the *dēmos* is sovereign, or authoritative over all, that is like a tyranny.[124] In this democracy, the *dēmos* – like Aristophanes' Dēmos – operates as a tyrant in the polis, yet must always jealously guard control lest it be usurped by officials or other political leaders. It is the tyrannical *dēmos* that judges the magistrates, and any other individuals, without being itself answerable to any authority. Read in light of the

[123] Aristotle, *Politics* IV 1292a4-29, modifying Reeve's tr. See also e.g. II 1274a4-10.
[124] This probably refers (though not exclusively: cf. Aristotle, *Politics* IV 1298a35 and 'Aristotle', *Constitution of the Athenians*, esp. 41) to the Athenian democracy of the later Peloponnesian war.

evidence above, Aristotle does not appear to be criticising the radical democrats for falling into tyranny unawares, but for their candid commitment to it.

Aristotle does nonetheless suggest an internal critique of the radical view, which is that the sovereignty of the people is illusory because of the dominance of the demagogues. The radical democratic view, which we can see in Aristophanes' *Knights*, is that such dominance is a serious risk and would indeed dethrone the *dēmos*, but that it is not inevitable. On the radical view, the Athenian *dēmos* must be as hostile to the rise of any individual power as it is protective of its own. Thus, the self-conception of popular tyranny not only does not contradict popular antipathy to individuals who would be tyrant, it is a natural source of and response to that antipathy. This recalls the simple answer that the Old Oligarch identifies to the existential challenge to the Athenian democracy: because everyone can be assumed to look out for their own interests, any and every restraint on the authority of the *dēmos* will tend to undercut the democracy, so the strict democratic solution is to allow no restraint.

The Athenians did have a word – fraught, double-edged – for unitary, supreme, unaccountable political power: tyranny. If the *dēmos* was to be able to look after its own interests, it had to be unlimited and unaccountable, and thwart the rise of leaders who would diminish its authority. The materials of sovereignty not being available under that name, the people put on the robes of the tyrant.