

*Power and the Citizen*

Freedom has long been associated with democratic Athens as an ideology that led to specific practices. As one metric of comparing political systems, this has proved fruitful for evaluating, praising, and critiquing ancient democracy. In Athens, the citizen was the locus of freedom. As freedom to do “whatever one wishes” is linked to power, the latter should also be found at the level of the individual citizen.<sup>1</sup> The central concern of positive freedom is, after all, “what, or who, is the source of control?” or, in other words, “who or what is in power?”<sup>2</sup> The study of power provides a related view of what underpins Athenian citizenship. In this chapter, I propose that just as democratic freedom began with free individuals, so, too, was the power structure of the city connected to the power of individuals. I intend to use this basic premise to unpack the way Athenians thought about power in both the private and public spheres. Athenian democracy’s radical conception of freedom entailed a redefinition of power by sharing it among individuals.

In examining Athenian power, I am largely interested in the evaluative context for the concept of power.<sup>3</sup> Do citizens have power, and in what spheres, in classical Athens? How was power ideologically distributed among the individual, the group, and the law at Athens? Since a central tension of Athenian democracy is between individual authority and collective action, a study of individual and collective power is useful for understanding the reconciliation between the two.

<sup>1</sup> While positive freedom has been associated with a limitation of negative freedom for the sake of the group, the ideological placement of power on the individual protected the citizen and prevented the elimination of negative freedom in Athens.

<sup>2</sup> Berlin 2002: 169.

<sup>3</sup> Morriss has argued for three reasons or “contexts” for a concept of power distinct from freedom: practical (who can get things done for us when we need it), moral (how can we assign responsibility for an action), and evaluative (how systems distribute power) (2002: 36–46). For Morriss, the evaluative context does imply a normative value of egalitarian distribution of power. The normative implications do not seem to be essential to this context, however. We can still use the framework as a way to compare power in different systems.

Exploring the terminology of power and drawing on theories of power, this chapter clarifies the conception and role of power in democratic citizenship. What does power mean in Athens and how is it deployed? First, I argue that the word *kurios* (κύριος) is a significant power term, and employ it as a fruitful philological starting point. Using the terminology of power from the theorists Morriss and Lukes, I sketch out general features of *kurios* in opposition to other terms (Section 4.1). The uses of the term *kurios* in practical and moral contexts indicate its broader association with ideas about power for Athenians. Focusing on *kurios* in order to analyze how the power engendered by positive freedom was expressed at the individual level, I argue that power inhered within Athenian citizenship in both the institutional and the ideological sense (Section 4.2). The role of the household *ho kurios* (ὁ κύριος) functioned as a conceptual metaphor that structured notions of power throughout the city. Rather than a top-down power of absolute domination, empowerment was represented as a potentially unstable quality shared among many *kurioi* (Section 4.3). In the public realm, individual citizens, the *demos* as a whole, and the laws could all be considered *kurioi* (Section 4.4). The precarity of the balance of power between the various entities is most obviously manifest in the courtroom, where conflicts become accentuated and institutionalized. Examining legal disputes through the lens of power, I elucidate the imagined threat that lawbreakers presented to the city and to citizens' own empowerment (Section 4.5). The careful orchestration of conflicts illuminates how all the powerful entities in Athens ideally functioned as a complementary whole through a shared concept of power (Section 4.6).

#### 4.1 Searching for Power: *Kurios*

“Power” is not a monolithic concept. The range of power, the relationship between potential powerholders, and the use of power are not necessarily transparent when we say someone “has power” or “is in power.” Rather than begin with a particular conception of power and set out to discover it in the ancient evidence, I aim to investigate the contours of power appropriate for a citizen in a democratic *polis* as understood by the Athenians. There may be multiple ancient conceptions of power, both competing and complementary, just as moderns may point to both the power of a dictator and the power of the judge and make different normative and positive judgments about what “power” indicates in each context.

The best data we have for defining power for the Athenians is language. By identifying the vocabulary of power, we can get at the underlying

concept of power and the Athenians' experience thereof.<sup>4</sup> In Greek, the closest term for a broad notion of power that crosses public-private and individual-corporate distinctions is the adjective *kurios* and its related family of words, which provide the philological basis for my inquiry into the notion of power for Athenians. Other contenders, one may argue, are δύναμαι/δυνατός and κρατέω/κράτος. First, δύναμαι and its family of words: these words do in fact often refer to power that may be applicable to citizens but just as often denote natural or basic abilities, such as the power of the senses, the ability to walk, physical strength, or the "power" to be acted upon, such as of oil to be flammable (s.v. δύναμαι LSJ I.1, δυνατός LSJ I.1; Arist. *Metaph.* IX. 1046a). Its opposite, ἀδύνατος, is, accordingly, used for the physically disabled. While δύναμις and the like can indicate the power to accomplish a certain action, and δυνατός may be used for the upper, ruling class (s.v. LSJ I.3), they do not typically refer to power exerted over others. The family of κρατέω/κράτος likewise begins at the physical ("to be strong" s.v. κρατέω) and, inversely, is extrapolated mostly to a domination over others (s.v. LSJ I–II). These two families of words tend toward physical domination or abilities and are only occasionally used in political applications.

One great exception to the absence of political applications, of course, is the word *dēmokratia* itself.<sup>5</sup> Ober has argued that the suffix *-kratia* indicates power in the sense of a "*demos*' collective capacity to do things in the public realm, to make things happen" as opposed to a monopoly of office.<sup>6</sup> In this way, democracy differs from monarchy or oligarchy where the regime is defined by the number of people who hold office or who "rule," designated by the suffix *-archia*. Ober's reading emphasizes that while *kratos* as "power" can include "domination" or "rule," as a suffix for a regime type it "becomes power in the sense of strength, enablement, or 'capacity to do things.'" Cammack has recently challenged his reading.<sup>8</sup> Finding physical domination at the core of *kratos*, she interprets it as a quality that "inhered in the dominant agent at a particular moment in time. In that respect it exactly resembled physical superiority, as revealed in battle or other such moment of trial."<sup>9</sup> The *dēmos*, in her view, gained *kratos* power by their physical superiority, but developed their power into legitimate authority or *kuros*

<sup>4</sup> For how language reflects experience, see Lakoff and Johnson 1980: 115–25. <sup>5</sup> Also *aristokratia*.

<sup>6</sup> Ober 2008b: 7. Revisited in Ober 2017: 22–9. <sup>7</sup> Ober 2008b: 6.

<sup>8</sup> At least as far as [Aristotle's] and [Xenophon's] *Constitution of the Athenians* are concerned (Cammack 2022).

<sup>9</sup> Cammack 2022: 476.

power (the abstract noun she uses for *kurios*).<sup>10</sup> Although contradictory to some degree, both Ober's and Cammack's views have much to recommend them.<sup>11</sup> While I am ultimately persuaded by Ober's "capacity to do things" interpretation, the commonly used physical and dominating aspects of *kratos* present a problem for deciphering the "people's power" with the word *demokratia* alone.<sup>12</sup> As Ober himself notes, he cannot unequivocally eliminate the counterargument, like Cammack's, that the terms that bear the *-kratia* suffix indicate domination.<sup>13</sup> Certainly, *kratos* as "capacity" lies at the edges of the word's usual meanings. The limitation of *kratos* for understanding power at Athens is not only these competing aspects of *kratos*, but the lack of regular use of *kratos* for features of the *polis* more broadly. Neither the institutions nor the citizens of Athens are routinely described as having *kratos*.<sup>14</sup>

The word *kurios*, by contrast, is applied to several areas, entities, and structures within Athens, such as people, laws, and the courts.<sup>15</sup> The very range of its uses and meanings increases its interest as an object of inquiry. As with *kratos*, the abstract noun (κυριεία or the shortened κυρία) does not appear often. In uses of *kurios*, power is thus most naturally a quality of an agent, or a disposition, rather than an abstract concept that someone possesses. This quality indicates that one can purposely accomplish certain outcomes, explicit in its construction with a complementary infinitive or participle.<sup>16</sup> For instance, while in the field during the Peloponnesian War, the Spartan King Agis is described by Thucydides as "*kurios* to send troops to wherever he pleased" (κύριος ἦν καὶ ἀποστέλλειν εἴ ποί τινα ἐβούλετο στρατιάν, Thuc. 8.5.3). At this point in the war, Agis is stationed in Dekeleia and has been approached by both Lesbos and Euboia for aid in their revolts from Athens. Agis chooses to send help to Lesbos. The explicit inclusion of "wherever he wishes" underscores the aspect of choice in being *kurios*; in this case, his decision is unbounded. The sense of power as achieving an outcome is particularly well illustrated when the result is an altogether external effect.

<sup>10</sup> Cammack 2022: 471. This leaves open the question of when this occurred and provokes interesting diachronic questions about "people power."

<sup>11</sup> Each scholar's definition of the *dēmos* ultimately also affects their interpretation of *kratos*. Cammack argues the *dēmos* was the non-elite who could only act collectively in opposition to officeholders (2019), while Ober includes the whole diverse adult male citizen body (2008b: 8).

<sup>12</sup> The established regime nomenclature, where the other suffix option was explicitly linked to officeholding (*-archia*), may have been a limiting factor.

<sup>13</sup> Ober 2017: 27 n. 14.

<sup>14</sup> Cammack argues that the *dēmos* is considered to have *kratos*, typically expressed by the participle of the verb κρατέω (2022: 476–9). See Aes. *Supp.* 604, the earliest periphrasis of *demokratia*.

<sup>15</sup> Wolff in his survey of Athenian marriage law parses out the role of a *ho kurios* in relation to dowries and notes that these applications of *kurios* are "particularly interesting" (1944: 63 n. 105).

<sup>16</sup> LSJ defines this use as "I have the authority to do, am entitled to do" (I.2, 4).

When the infinitive has a different subject than the person that is *kurios*, this particular use necessitates an understanding of the person who is *kurios* as having ability to cause a certain outcome. For example, in Book IV of Plato's *Republic*, when discussing where all the virtues are located in the city, Socrates says we would find courage in the soldiers, not others, since "I don't think that its other citizens being cowardly or brave would be *kurioi* to cause the city itself to be either one quality or the other" (Οὐ γὰρ οἶμαι, εἶπον, οἳ γε ἄλλοι ἐν αὐτῇ ἢ δειλοὶ ἢ ἀνδρεῖοι ὄντες κύριοι ἂν εἶεν ἢ τοίαν αὐτὴν εἶναι ἢ τοίαν, 429b). The sense of causation is located in the adjective itself. These uses point to the condition of successfully accomplishing a desired outcome as associated with the quality *kurios*.

*Kurios*, however, is quite often found with an objective genitive appearing to mean having power over something.<sup>17</sup> The LSJ cites Zeus paradigmatically as "*kurios* of all" (ὁ πάντων κύριος, Pind. *Isthm.* 5.53). What might the analysis of power be in these cases? The genitive objects of *kurios* may be people, abstract nouns, or objects. Overall, the use of *kurios* with a genitive has been analyzed as "dominating power over," but it also permits a more basic analysis of power as "power to." Power over people is itself a subset of power to act. That is, the outcome achieved in these formulations is restricting another person's behavior by circumscribing their options or directly motivating their actions. With abstract nouns or physical objects, the genitive effectively defines the sphere in which one may effect outcomes. For Zeus, it is "all," but for mortals it may be one domain.<sup>18</sup> Since some of its uses can be analyzed by both power over and power to act, *kurios* allows an open inquiry into what features of power are found among the different empowered entities, not limiting us to dominating power or physical power.

A few uses of *kurios* further distinguish it from other power terms and situate it as a useful hermeneutic for deciphering the conception of citizen power. As a substantive, *ho kurios* denoted the head of an *oikos* (household) and referred to his abilities in the private and public spheres as its representative. As we shall see, this institutional role is important in both private and public contexts and can thus help shape the account of Athenian power. Furthermore, *kurios* is used explicitly in political and legal contexts. It is applied to aspects of the political machinery in general. For instance, it describes the position of the laws and decrees over the whole constitution (e.g., "the verdict is determined by the laws and by those who voted, who

<sup>17</sup> LSJ s.v. κύριος I.1.

<sup>18</sup> Cammack in fact ultimately argues that having *kuros* is having legitimate authority in one domain and is "sovereignty" when its genitive object is a *polis* or *politeia* (2022: especially 484–8). My interest in the following pages regards broader notions of power.

together are *kurioi* over the whole constitution,” ὑπὸ τε τοῦ νόμου κατακέκριται ὑπὸ τε τῶν ψηφισαμένων, οἱ κύριοι πάσης τῆς πολιτείας εἰσιν, Antiph. 3.1.1). It defines the power of various arms of government to effect certain kinds of actions in certain spheres.<sup>19</sup> The *dēmos* itself is also understood as properly *kurios* in a democracy; indeed, for the people to be *kurios* is the most basic definition of democracy. Aristotle claims “now in every case the citizen-body of a state is *kurios*; the citizen-body *is* the constitution. Thus in democracies the people are *kurios*” (κύριον μὲν γὰρ πανταχοῦ τὸ πολίτευμα τῆς πόλεως, πολίτευμα δ’ ἐστὶν ἡ πολιτεία. λέγω δ’ οἷον ἐν μὲν ταῖς δημοκρατίαις κύριος ὁ δῆμος, *Pol.* 1278b10–2).<sup>20</sup> His view is not idiosyncratic; the *dēmos* as *kurios* is often referred to as a key feature of democracy.<sup>21</sup> For instance, Demosthenes deploys the pairing in a self-referential analysis of Athenian democracy as a place where the people are emphatically *kurios*, in contrast to Sparta, where a man may become a master (δεσπότης) when he joins the *Gerousia* and vies to be *kurios* over the rest (20.107). In fact, the term *kurios* as of late has received some special interest because of its ubiquity in describing the *dēmos* and institutional bodies in Athens. As Lane has convincingly demonstrated, the “idea of the popular *dēmos* as *kurios*, and of a specifically democratic political sense of *kurios*, arises in fourth-century Greek discourse.”<sup>22</sup> Thus, the political species of power is specifically expressed through *kurios* alongside its other uses.

There are also formal, legal uses of *kurios* that include its application to documents and processes.<sup>23</sup> When modifying legal entities, as well as wills,

<sup>19</sup> For example, magistracies: “In our own day too the officials are *kuriai* to judge” (εἰσι δὲ καὶ νῦν περὶ ἐνίων αἱ ἀρχαὶ κύριαί κρίνειν, Arist. *Pol.* 1287b15–6); a magistrate himself: “let him be *kurios* to impose a fine” (κύριος ἔστω ἐπιβάλλειν κατὰ τὸ τέλος, Dem. 43.75); the dikasts: “the dikasts are *kurios* to destroy” (τοὺς δικαστὰς ἀπολέσαι μὲν κυρίου εἶναι, Andoc. 4.9).

<sup>20</sup> Translations of the *Politics* are Sinclair and Saunders 1981 with modifications. Aristotle uses *kurios* for political power throughout; for example, in distinguishing the citizen from the statesman since the former is *kurios* over the administration of the *politeia* (κακείνος οὐ πᾶς ἀλλ’ ὁ πολιτικός καὶ κύριος ἢ δυνάμενος εἶναι κύριος, ἢ καθ’ αὐτὸν ἢ μετ’ ἄλλων, τῆς τῶν κοινῶν ἐπιμελείας, *Pol.* 1278b3–5).

<sup>21</sup> *Ho dēmos kurios* as democracy itself: the result of Solon’s most democratic reforms, [Arist.] *Ath. Pol.* 9.1; when democracy is reinstated after the Thirty, [Arist.] *Ath. Pol.* 41.1; the defining feature when compared to other types of constitutions, Arist. *Pol.* 1278b10. For modern interpretations of the meaning of δημοκρατία, see, for example, Sealey 1973, Raaflaub 1998, Ober 2008b, and Cammack 2019 and 2022. Further analysis of the *dēmos kurios* in Sections 4.4 and 4.5.

<sup>22</sup> Lane 2016: 54. Since she is particularly interested in questions of popular sovereignty, her investigation focuses on the relationship between the people and officeholders and concludes that *kurios* represents the people’s sovereignty through control of officeholders. My investigation will instead proceed from the individual application of *kurios* to its deployment in the political sphere and then to a conclusion that avoids questions of sovereignty.

<sup>23</sup> For example, the laws, Dem. 24.96; a will, Dem. 36.34; wills can be both *kurios* and *akuros*, Isae. 10.22; an annulled adoption is *akuros*, Isae. 2.47; juror voting urns, [Arist.] *Ath. Pol.* 68.4; maritime contracts, Dem. 35.43. More detailed analysis follows.

adoptions, and other legal arrangements, there is a tendency to translate the word as “competent,” “supreme,” or “valid.”<sup>24</sup> But these translations misrepresent the underlying notion of power in the term. While a document cannot have intention and thus cannot be “empowered” in the sense that a human can, some element of similarity is present in the use of the same term. These uses, referring to objects, may be seen as metaphorical or as expressing the volition of the agent of its production. A will, for example, if it is *kurios*, brings about certain outcomes as willed by its testator. More than a trite descriptor of governmental function (i.e., a particular law being simply “valid” or a governing body being “competent”), these applications show that power as expressed by *kurios* is a central organizational feature of the political and legal sphere in Athens.

Several uses of *kurios* when applied to laws exploit its denotation as “powerful,” indicating that it is not a dead signifier or simply a colorless, technical term. The use of the comparative form of *kurios* supports the idea that it is a marker of power. For example, by the fourth century Demosthenes claims that his opponent knows that:

οὐκ ἔῶνθ' ἕτερον νόμον ψήφισμα οὐδέν, οὐδ' ἂν ἔννομον ᾗ, νόμου κυριώτερον εἶναι. (Dem. 24.30)

Another law does not allow a decree, even if it is legitimate, to be more *kurios* (*kuriōteron*) than a law.

As an example of the usual translations, Harris has chosen here to render the comparative (*kuriōteron*) as “to prevail over.”<sup>25</sup> Although he often uses “valid,” “in force,” or “in effect” for *kurios*, the comparative of those would be awkward and border on the nonsensical. With “to prevail over,” he instead gives a more particular flavor than his default translation. However, the passage illustrates that decrees and laws may both share the designation *kurios*, albeit with a hierarchy.<sup>26</sup> Other terms that applied to laws, namely ὑπάρχων (“existing”) and κείμενος (“established”), could signify simply “being current.”<sup>27</sup> *Kurios*, then, had a distinct connotation, as can be seen from the way it is coupled with these participles in order to

<sup>24</sup> For example, Hunter 1994: 10 n. 6; LSJ s.v. *kurios* II. 2. <sup>25</sup> Harris 2018: *ad loc.*

<sup>26</sup> See also, for example, Dem. 23.87, 218; Andoc. 1.89.

<sup>27</sup> For example, Dem. 24.137, where the age of the laws is emphasized by “the long established” (τοὺς πάλαι κειμένους) and their extant penalties by “the existing” (τοὺς ὑπάρχοντας) but it can be asked whether they should be *kurios*; also Dem. 23.89; conversely, laws that are ὑπάρχοντες can be made *akuroi*; Dem. 24.16. Compare the Assembly “making” a decree (ψήφισμα γὰρ ὑμῶν ποιησαμένων) and “ratifying” it and its penalties (participial form of the verb, κυρωσάντων), Dem. 51.4. See further, pp. 115–6.



underscore the laws' power rather than their simple existence. Not every instance of *kurios* needs to be translated identically or have the same exact connotations for the argument to hold. Combined with the broad political uses, these examples show that a sense of power was a central feature of *kurios*.

What kind of power does *kurios* designate? In the realm of contemporary social science, many power theories have restricted the conversation about power to the "power over" aspect. Generally, this view formulates power as A's ability to get B to do something B would not otherwise do.<sup>28</sup> Variations on this definition include changing the requirement that it be against B's will, considering B's interest, de/emphasizing whether the exercise of power was successful, or softening the directness of A's control. The sliding scale of power may vary from a sense of "domination" to "influence."<sup>29</sup> At the core, "power over" signifies one entity's capacity to control another. In thinking about political or social systems and potential oppression, this view of power as covert or overt domination certainly makes sense, but it limits our appreciation of the power spectrum. Both Morriss and Lukes have in fact given logical priority to the conception of the power to act and have argued that power is a dispositional property.<sup>30</sup> In their understanding, power is the ability to effect a significant outcome which would not otherwise occur. The broader notion of power to act may effectively encompass power over others but is not limited to defining power *solely* as power over others, or domination.

This approach aligns with the range of meanings found in *kurios* and provides a theoretical framework for analyzing competing claims to power. The uses with the infinitive and the manifold applications of the term *kurios* resist interpretation solely as domination. Turning to uses of *kurios* requires us to look to a conception of power that includes a productive aspect. As opposed to coercion-based definitions of power,

<sup>28</sup> For example, Dahl 1957: 202–3.

<sup>29</sup> Starting with Weber's influential definition of power, which is focused on power over and domination: "Power (*Macht*) is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests" (1978: 53), indicating a coercive component.

<sup>30</sup> Lukes' original work mostly viewed power as domination and tended to emphasize the exercise of power (2005: 14–59). His later revision (the rest of the chapters), however, shifted his position based on critiques of his original book. The new chapters acknowledge, among other things, the logical priority of "power to" rather than "power over." His revised definition is "having power is being able to make or receive any change or to resist it" (Lukes 2005: 69), which emphasizes power's dispositional nature, power as the ability to act, and the role of agents in choosing to do so.



power in this light has the benefit of uncovering the productive aspect of power in individuals, which may be otherwise hidden, and aligns with uses of the vocabulary applied to private and public life in Athens. It may also expose lack of power in situations where individuals do not appear to be impinged upon by the rule of others, and yet are still prohibited from effecting their desires.<sup>31</sup> Rather than only looking for instances where there is domination of another, analyzing the *kurios* vocabulary deployed to describe individuals, state bodies, and the laws, and then parsing out what central notion drives them, underscores a productive idea of power within the *polis*. *Kurios* thus allows us to approach Athenian thought via an underutilized avenue.<sup>32</sup>

Power as a disposition likewise provides analytic opportunities. As a disposition, power need not be exercised to be effective, and covert uses of power may be just as effective as overt ones. Within this framework, Lukes has drawn a distinction between operative and effective power.<sup>33</sup> Someone's power is operative if it is *sufficient* to bring about an outcome but cannot be shown in the end to have made a difference. When a deployment of power is effective, it alone can be determined to have altered the otherwise natural course of events. The ability to construct a counterfactual may be taken as evidence that power was effective: if person A had not done X, result Y would not have occurred. These counterfactuals are easier to perceive when conflict erupts and, thus, power becomes overt. While this scheme was developed as a means primarily to analyze political power, it can still be useful to think with in describing events in Athens, where the public and private spheres are less readily and cleanly divided.

*Kurios* will act as the focal point in my excavation of power in Athenian democracy. The language of contemporary power theories will be used not to limit our perception of the ancient conception but to help describe phenomena as evidenced by Athenian terminology. Next, I shall trace the link between being *kurios* and being a citizen, both to show how the notion is as central to citizenship as freedom and to provide a framework from which to identify the qualities of power.

<sup>31</sup> While opposed to the coercive paradigm of power, this view is neutral with regards to what may be termed the discourse paradigm of power. Power may be deployed in creating the terms of discourse, or a "truth regime," as the rules of the game, but power can also be more broadly construed as effective accomplishment of one's desires. Changing the terms of the game may be one means by which to accomplish this.

<sup>32</sup> While Ober (e.g., 2008b) has argued for the people's "power to do things" as a key feature of democracy, most scholarship instead revolves around who has power over whom in the city.

<sup>33</sup> An abundance of causes may lead to overdetermined outcomes (Lukes 2005: 41–4).

## 4.2 The Link to Citizenship

The importance of being *kurios* in Athens has mostly been relegated to the question of what state entities are empowered over which others.<sup>34</sup> In other words, the question of who is *kurios* or how something is *kurios* has been used as a means to divide the government into branches and decide which is sovereign. In his accustomed approach of asking specific constitutional questions, Hansen queries,

If we could travel back to the age of Demosthenes and ask an ordinary Athenian the question “Who is *kyrios* in Athens?” all the sources indicate that the immediate reply would be “the laws” (*hoi nomoi*). If asked, however, “What persons are *kyrioi*?” he would probably say, “The *dēmos* is *kyrios*,” but then he would take the *dēmos* to mean the whole of the people, i.e. the state of Athens . . . but let us suppose that the interrogation was pushed one step further by the question “How and where does the Athenian *dēmos* exercise its supreme power?” The expected answer would be: “In the *ekklesia* on the Pnyx where the people meet and make decisions on all important matters . . .” But the step from the supreme *dēmos* to the supreme *demos*-in-the-*ekklesia* is conspicuously absent from fourth century sources. Instead we are told that it is the jurors in the *dikasteria* who are *kyrioi* or *kyrioi panton*. The People’s Court is set off against the People’s Assembly and is sometimes singled out, at the expense of the *ekklesia*, as the supreme body of government.<sup>35</sup>

From the opening question, his replies assume that the word *kurios* would immediately conjure up institutional connotations, ultimately leading to the Assembly or courts as sovereign in the city, even when the pragmatic subject would more naturally be a person. However, if asked simply “Who is *kurios*?” an ordinary adult male citizen would likely reply, “I am.” As an adult male citizen, he was *kurios* of his household and himself. By starting our investigation with the individual citizen as *kurios*, instead of state entities, we can interrogate what being *kurios*, or empowered, indicates before applying it to the political structure of the city. In this model, the citizen as *ho kurios* of his household retains his primacy and reconnects the structure of the *oikos* to that of the *polis*.

<sup>34</sup> Some more recent articles do note the roots in the household: Lane, for instance, traces the history of the term *kurios* from its original application to individuals (2016: 55). Her definition of *kurios*, however, focuses on mastery and control, to which I add the aspect of the power to act (Section 4.1). Landauer cites the development of *kurios* from the *oikos* in Lane’s article but does not incorporate that aspect into his argument (2021: 4 n. 4). Hoekstra acknowledges the uses in the private sphere (2016: 18 n. 7).

<sup>35</sup> Hansen 1991: 303.

The connection between empowerment (*kurios*) and citizenship is emphasized as early as Solon's pre-democratic reforms. The immutable distinction between free and slave is the fundamental division in the democratic state, which separates citizens from noncitizens and establishes equality among citizens. The indignity of not controlling one's own person and the consequent importance of a citizen's right to do so is expressed from the elemental beginnings of Athenian citizenship: Solon's law forbidding the sale of citizens into slavery codifies the autonomy and sanctity of the citizen's body.<sup>36</sup> As discussed in Chapter 2, this partially expresses a negative freedom, since it places a limit on the powers over one's body, but it also establishes a citizen's inherent mastery over himself rather than having a master.<sup>37</sup> Being one's own master is a form of positive freedom, on one side of the coin, and is a form of power on the other. The ban on citizen enslavement in this way assigns the attribute "empowered over self" to citizenship as part and parcel of "free." The convergence of these ideas underlies the meaning of democratic freedom and power and, consequently, the navigation of membership in the *dēmos*.

Furthermore, Solon's reforms defining the *oikos* strengthened the position of the head of household, or *ho kurios*, and concomitantly institutionalized the position of those citizens as *hoi kurioi* of households. The laws governing illegitimate children, or *nothoi* (νόθοι), illustrate the connection between citizens as *kurioi* at home and in the city. After Solon's reforms, a *nothos* lost his standing in the *oikos* and *polis*. He was no longer considered part of a citizen's kin within the right of succession (ἡ ἀγχιστεία) and accordingly did not maintain full membership in the *oikos*, inherit, nor continue as the *kurios* of a citizen household.<sup>38</sup> The illegitimate child was no longer a citizen.<sup>39</sup> In contrast to citizens, who were *kurioi* in both spheres, *nothoi* could not entirely share in the private sphere of their familial *oikos* nor in the public sphere of the *polis*. For instance, Solon gave the head of the household the right to devolve his property to

<sup>36</sup> One of Solon's three most "democratic" (δημοτικώτατα) laws ([Arist.] *Ath. Pol.* 9.1). By the classical period, we have further evidence of the value of the citizen's body, and so one's own control over it, institutionalized via several laws. Protection from torture, Andoc. 1.43; protection from physical assault, Dem. 21.179; protection from forced prostitution, Aeschin. 1.13. Aeschines rationalizes the protection of slaves in the law on *hubris* through an appeal to the intention of the lawgiver to protect the citizen body at all costs (1.15–7). Whether true or not, the rationale was intended to appeal to Athenian citizen logic.

<sup>37</sup> See pp. 22–3.

<sup>38</sup> Ar. *Av.* 1660–4; Dem. 43.51; Wolff 1944: 75–6; Ogden 1996: 37–41; Lape 2002: 122–4. They were eligible, however, for a limited νόθεια in lieu of an inheritance.

<sup>39</sup> For a review of the evidence on the status of νόθοι, see Kamen 2013: 62–6; for Solon's legislation and the classical period, Ogden 1996: 41–4, 53ff.

anyone he wished if he lacked legitimate heirs or to adopt an heir.<sup>40</sup> *Nothoi*, however, were not eligible for adoption by any citizen.<sup>41</sup> While these regulations established state control in new ways over the household, it also underscored the connection between *oikos* and *polis* and *ho kurios*' role in both. The same citizenship that guaranteed one's position as *kurios* in the household made one *kurios* in the public sphere. The exclusion of illegitimate children from both the private and public realms epitomizes the correlation of statuses in each. After the democratic reforms changed the political landscape further, citizen empowerment only grew in the public sphere while remaining linked to individual status. Linguistically, this was expressed by the application of *kurios* beyond citizens to the *dēmos*, laws, and institutional bodies. The institutional and legal uses are already found in the fifth century, and the practice becomes widespread in the fourth.<sup>42</sup>

As a simple adjective, *kurios* did not exclusively apply to citizens. The adjective "free" (*eleutheros*), a multivalent word dependent on context, provides a useful parallel. While there were plenty of free resident foreigners in Athens, they were excluded from citizenship.<sup>43</sup> Although these metics could not convert their free status into political capital or citizen identity because they did not share descent, the perception of democratic citizenship as united by free status, versus aristocratic lineage or a wealth class, was still paramount. As free status became a protected feature of citizenship, along with the development of citizen identity and civic freedom, a narrow meaning of *eleutheros* specifically denoting citizens existed alongside the wider sense of personal status.<sup>44</sup> The Athenian ideology of freedom as a necessary condition for equality and political power was not incompatible with free metics' limited status.<sup>45</sup> Likewise, I propose *kurios* had a wider meaning associated with general empowerment, in which metics and *nothoi* could participate (such as ownership of moveable property), and a narrower meaning which signaled citizen identity: the citizen as *kurios* in the *oikos* and in the public sphere.<sup>46</sup> Being *kurios*

<sup>40</sup> For example, Dem. 46.14. <sup>41</sup> For example, Isae. 7.16.

<sup>42</sup> Fifth-century examples: Ar. *Ach.* 19; Antiph. 3.1.1. Compare Eur. *Herakl.* 142–3.

<sup>43</sup> Perikles' citizenship law required two Athenian parents to pass on citizenship and a later fourth-century law prohibiting marriage between citizens and metics further reinforced the divide.

<sup>44</sup> For the narrow sense of *eleutheros*, see, for example, Hansen 2010b: 2–3.

<sup>45</sup> Indeed, metics were not considered equal even when they were granted special dispensations nearing full enfranchisement. For the range of metic statuses, see Kamen 2013: 43–61. For the anxieties engendered by the "passing" metic, see Kasimis 2018: 26–48.

<sup>46</sup> Even slaves could be designated *kurios* over property by their masters; for example, Dem. 37.25, where an owner has sent his slave to become *kurios* over a quarry in order to take it away from

in a particular circumstance did not automatically transfer to a set of political rights for metics, just as they were technically of free status and that did not translate into political rights. For citizens, however, one's status as *kurios* was as integral a part of citizenship dignity as freedom or equality.<sup>47</sup>

The default status of a citizen as *kurios* is best seen by comparison to his opposite, the slave. Slave status is typically contrasted by scholars to free status. While this is a valid contrast, a slave is also diametrically opposed to someone who is *kurios*; the concept of being *kurios* is already logically entailed as part of the free-slave division.<sup>48</sup> An adult male citizen, as a free person, would be *kurios* over himself. A free minor would have an adult as *kurios* over him. This separates the free person from a slave, who, antithetically, has a master (δεσπότης) and is not *kurios*, even over himself.<sup>49</sup> Thus, emancipation can be expressed as becoming *kurios* over oneself.<sup>50</sup> Embodiment, when it comes to a slave, does not provide a legitimate claim to exercise power even in regards to one's own self. As Olson has shown, the slave in the ideal household is an extension of the will of his master.<sup>51</sup> Likewise, Aristotle's discussion of slavery corroborates this view at the theoretical level. In his opinion, slaves are a possession and a "living tool" (*Pol.* 1254a14–7, b32).<sup>52</sup> Instruments, like things, do not have ends of their own.<sup>53</sup> A *kurios*, then, is not a slave; he does not have a master, and is instead *kurios* over himself.<sup>54</sup> Ideologically, the slave and the *kurios*

another person (καταστήσας Ἀντιγέννην τὸν ἑαυτοῦ οἰκέτην εἰς τὸ ἐργαστήριον τὸ ἑμὸν τὸ ἐπὶ Θρασύμῳ κύριον τῶν ἑμῶν).

<sup>47</sup> For citizen dignity, see Ober 1996: 101–2 and Ober 2012.

<sup>48</sup> Compare Vlassopoulos 2011: 118. See also Chapter 2, Section 2.2.

<sup>49</sup> See, for example, *Ar. Pl.* 6–7 for this distinction. See pp. 24–5 for a reading of this passage in conjunction with freedom and autonomy. It also separates him from women, discussed on pp. 107–9.

<sup>50</sup> For example, after an arbitration rules Neaira is in fact free and not a slave, she is called both free and *kuria* (the feminine form of *kurios*, [Dem.] 59.46). Although admittedly late, compare also the Delphic manumission inscriptions, which include the related verb κυριεύω in the formula for both male and female slaves: "Let her be free . . . and master of herself and do whatever she wishes" (ἐλευθέρᾳ ἔστω . . . κυριεύουσα αὐτοῦσαυτᾶς καὶ ποιέουσα ὃ κα θέλει, for example, CID V.1 351.13–4).

<sup>51</sup> Olson 2013. He further applies this model to the state, where the politicians should be slaves to the people (δῆμος). For the reality of slave resistance, see McKeown 2011.

<sup>52</sup> Aristotle goes as far as calling the slave a part (μέρος) of the master's body (*Pol.* 1255b11–2).

<sup>53</sup> Vlassopoulos 2011 sees Aristotle's view as an outlier in antiquity. He suggests slavery was mostly viewed as a relation of domination rather than property ownership, *contra* Finley 1980, among others. I think this can be a useful approach and believe it fits with the understanding of *kurios* as empowerment. Either way, I would argue that the slave is still ideally "an extension of the master's will" (Olson 2013: 72), whether one thinks of a slave as an owned tool or as a dominated Other who should not complete ends of his own.

<sup>54</sup> Schaps 1979: 48; compare Hunter 1994: 9 who calls an adult male citizen *sui iuris*.

represent opposing ends on the spectrum of the ability to accomplish one's desires.

The double valence of *kurios*, both as a status term in contrast to slavery and as a politically charged term, is encapsulated in Aristotle's *Politics*. In his review of Athenian lawgivers, Aristotle identifies Solon as giving the *dēmos* the minimal amount of power required for their freedom by granting them the election and review of magistrates. Without the people being *kurios* over these privileges, Aristotle claims, they would be enslaved to the ruling class (μηδὲ γὰρ τούτου κύριος ὢν ὁ δῆμος δοῦλος ἂν εἴη, *Pol.* 1274a17–8).<sup>55</sup> Here, being *kurios* is contrasted to metaphorical enslavement in the political sphere. At the minimum, then, a citizen insofar as he is free must be, and always is, his own *kurios*, which assumes a private and public significance. His power attends upon his ability to accomplish “whatever he wishes.” The evolution of “free” as more than a personal status into political freedom accorded exclusively to citizens is accompanied by an elevation of being *kurios* along with it.

The connection between empowerment and citizenship is taken for granted by the fourth-century orators. In a passage from Demosthenes' *Against Meidias* (21), Demosthenes uses the relationship between being a citizen and being *kurios* in the service of his defamation of Meidias. Demosthenes alleges that Meidias was not truly a citizen but a foreigner purchased as a child who had surreptitiously gained citizenship. He claims that Meidias “has become *kurios* over goods to which he has no claim,” and abuses those privileges (τῶν οὐ προσηκόντων ἀγαθῶν κύριος γεγονώς, 21.150). Meidias, by pretending to be a citizen in Athens, has gained power (κύριος γεγονώς) over what does not pertain to him (οὐ προσηκόντων) as a non-Athenian, namely participation in the *polis*. Whether he actually is a covert foreigner or not is beside the point. Demosthenes deploys the connection between becoming a citizen and becoming *kurios* over a certain set of things, indicating that the status comes with power across a set of spheres.

In practical respects, a citizen is assumed to be *kurios* in a host of ways. He can become *akuros*, disempowered, but only in unusual situations. In effect, these circumstances are the exceptions which prove the rule that citizens, just as they were free, were normally considered *kurios*. In a description of a man imprisoned on the grounds that he was caught in the act of seduction, he is said to become *kurios* over himself again (αὐτὸς αὐτοῦ κύριος, [Dem.] 59.66)

<sup>55</sup> This is also a rendering of slavery as the opposite of positive freedom, a potential reinterpretation of Solon's reforms in light of democratic development.

once he is released from imprisonment.<sup>56</sup> A free man should be his own *kurios*, but he is not so while imprisoned. In a more technical sense, the ability to make a will, first granted to citizens by Solon as part of strengthening the position of the household *kurios*, is part of being *kurios*. The substance of the law is found in the speech *Against Stephanos II*, after the speaker reiterates that a citizen is able to contract a will under normal circumstances. Yet when he is under duress, whether from a woman, illness, insanity, or another cause, “the laws command that he be *akuros*” (ἄκυρον κελεύουσιν εἶναι οἱ νόμοι, [Dem.] 46.16). This is clearly meant to be the atypical situation.<sup>57</sup> In other words, a citizen should be *kurios*, in this case to bequeath property, but when his autonomy is questionable, he is disempowered (*akuros*). The speaker does not need to explain the specific circumstances of when he is allowed to do so, since that is the routine state of affairs.

The principle of power is further expressed in the concept of legal responsibility and the age of majority. In the charged prosecution speech *Against Timarchos* (1), Aeschines refers to social and legal assumptions about age and responsibility. The speech treats a scrutiny of rhetors (δοκιμασία τῶν ῥητόρων) and revolves around Timarchos’ alleged prostitution, which if true would render him ineligible to exercise certain citizen rights. In a section regarding laws protecting citizen boys, he cites the statute that makes the *kurios* who prostitutes an underage boy legally liable to indictment rather than the boy himself (1.13, 18). Only once the boy is enrolled as an adult in the citizen list does the law regarding prostitution apply to him (18).<sup>58</sup> Likewise, in a later exposition of the various laws related to the relationships between lovers and beloved, Aeschines maintains that the pursuit of boys in general is not illegal nor socially unacceptable, although “so long as the boy is not his own *kurios* and incapable of judging who is really well-disposed to him and who is not, [the lawgiver] makes the lover be self-controlled” (ἀκύρου . . . καὶ ἀδυνάτου ἔτι ὄντος κρίναι τὸν ὄντως εὖνουν καὶ μὴ, τὸν ἐρῶντα σωφρονίζει, 139). *Akuros*, translated here as technically “not his own *kurios*,” also has the sense of disempowerment, since he is unable to make his own decisions. As a minor, the boy is not yet his own master, but has an external *kurios*.

<sup>56</sup> The phrase is repeated at §71, although this latter section is likely spurious. The man, Epainetos, is a free foreigner in Athens. The same idea, however, of one’s power limited by imprisonment, would equally hold for a citizen.

<sup>57</sup> See also pp. 63–5 for temporary loss of *kurios* status in certain self-help situations, such as summary arrest and punishment for seduction (*moicheia*).

<sup>58</sup> All translations of Aeschin. 1 are Fisher 2001 with some modification.



Before that point, he is neither *ho kurios* of a household nor even *kurios* of himself.<sup>59</sup> In this way, minors do not have the necessary power to take action nor to be responsible in the private and public spaces of the city. Thus, power is attached to citizens differently depending on age. In creating this distinction, Athenians are considering power in a moral context, that is, to determine responsibility.<sup>60</sup> Power to act is what makes one accountable and is the default state for the adult male citizen expressed by *kurios*.

Citizens were identified in practical and ideological ways as *kurios* with effects in the private and public arenas. This identification began to take shape with the pre-democratic Solonian protection of freedom for citizens. Freedom entailed being one's own master, initially as a personal status (whereby a free man has no master) and extended by the democracy to a political status (whereby citizens are not ruled by others). For a citizen, to be *kurios* comprises both the state of self-rule and the power to act. The various uses of the adjective *kurios* in political and legal contexts points to an overlapping concept of power connected linguistically under the term *kurios*. Athenian ideas about power, then, can usefully be examined by attending to the uses of *kurios*. Investigating how Athenians conceived of power as expressed by the word *kurios* will lead us to a fuller understanding of the individual citizen's role in the *polis* and his place in overarching power relations.

### 4.3 Qualities of Power

What does it mean to be powerful in a practical sense to an Athenian citizen? That is, if power is the ability to effect significant outcomes, what counts as significant? Is his power in the public sphere and private sphere distinct? How was power typically and regularly experienced by Athenian citizens? In what ways was power secured and how was it challenged? The citizen's role as *ho kurios* of the household can provide a framework for assessing the definition of power and for making progress on answering these questions. Each adult male citizen was not only *kurios* over himself by default, but also in the specific substantivized form: he was *ho kurios* of a household. This was an institutionalized and shared experience among adult male citizens. A useful approach for unpacking the complexities of

<sup>59</sup> Compare Plato's *Seventh Letter*, where he equates becoming an adult with becoming *kurios* (324b).

<sup>60</sup> For the moral context of power, see Morriss 2002: 38–40. The law rendering any man under duress disempowered (*akuros*) to dispose of his will is another instance of the moral context of power ([Dem.] 46.16).

his role comes from field theory, whereby, in our case, a citizen is understood as an actor in various fields comprising the public and private areas of Athenian life.<sup>61</sup> The institution of the *kurios* likewise crossed several fields. The rules of this institution can indicate what the general parameters, rules, and normative beliefs were concerning who could be in power and how they could use it. Just as freedom in the democratic context can be extrapolated from personal status to political status, so, too, can the idea of having authority or power at the personal, household level be brought to bear on the level of the *polis*.

The head of an *oikos* not only controlled the incentive structures of his household dependents but was also able to act in the *oikos* and in the *polis* as a function of his status. That very capacity is underscored by his title as *ho kurios*, but it was not unlimited in scope. The two spheres are formally linked by the fact that *ho kurios* was also the legal representative of the *oikos*. This legal responsibility institutionally bridges the gap of any private-public divide. Moreover, the *kurios* would have been acknowledged as such in the eyes of other *kurioi*, which ideologically validated his power in both spheres.

The division between public and private was not deeply cleaved, and the two were in fact considered connected in many ways, including regarding one's status as *kurios*. Aeschines, in the speech *Against Timarchos* (1), connects the dual aspect of the power designated by *kurios* to attack both Timarchos' character and his fitness to participate as a citizen in Athens. Timarchos' mismanagement of his inheritance, a prosecutable offense in itself, is among the allegations.<sup>62</sup> Aeschines summarizes his version of the events: Timarchos' father died while he was underage, and so he and his estate had guardians (τῶν ἐπιτρόπων, 1.103), but once he came of age and was a full citizen, he became *kurios* of his property and promptly depleted it (κύριος ἐγένετο τῆς οὐσίας . . . τὴν τε οὐσίαν ἠφάνισε, 1.103). Having established Timarchos as *kurios*, the proper status for a citizen, Aeschines can count Timarchos as responsible for his actions. Aeschines then relates his misuse of his status as *kurios* in his *oikos* to his role in the public sphere:

οὐ τοίνυν μόνον τὰ πατρῶα κατεδήδοκεν, ἀλλὰ καὶ τὰ κοινὰ τὰ ὑμέτερα, ὅσων πώποτε κύριος γέγονεν. (1.106)

<sup>61</sup> For a view of field theory that has influenced my thinking, see Fligstein 2001, who focuses on the actor as constructing and reproducing local orders within a structure rather than only the overarching social context doing so (the sociological view) or the independent agent alone creating outcomes (game theory/rational choice).

<sup>62</sup> While the mismanagement of his inheritance often takes a back seat to the charge of prostitution, it is central to his conviction (Fisher 2001: 6).

It is not only his inheritance he has consumed, but also your common possessions, all those over which he has become *kurios*.<sup>63</sup>

Just as he had power over his patrimony (τῆς οὐσίας in the objective genitive, 103), so, too, does he have power over the things of the state (ἔσων again in the genitive, 106).<sup>64</sup> What parts of the state has he become *kurios* over? The list includes offices by lot,<sup>65</sup> offices by election,<sup>66</sup> and juridical activity.<sup>67</sup> Aeschines also implies that acquitting Timarchos will allow him to continue his activities in the Assembly (112), indicating that participation in the Assembly was logically included under the rubric of the common possessions (κοινά) one might be *kurios* over. From this list, one can see that regular citizen activity in various arms of the civic and legal systems is the sort of thing in which citizens can exercise power. Individual citizens are *kurios* over various public activities just as they are *kurios* over their household and patrimony.

Theoretical writings in the fourth century also linked the structure of the *oikos* to that of the *polis*.<sup>68</sup> In Xenophon's *Oikonomikos*, Ischomachos reports telling his wife that she must run the household like a city, in particular considering herself a guardian of the laws in the household, and so act like a commander, the Council, and a queen.<sup>69</sup> More theoretically, in Plato's *Statesman*, the stranger reduces the skills of the statesman, master, and householder to the same type of knowledge (ἐπιστήμη, 258e–259c). Although Aristotle suggests that the difference between household rule and political rule is one of kind and not degree (*Pol.* 1252a7–16), even he grants that household and public realms inform each other. He famously describes the *oikos* as the fundamental building block of the *polis* (*Pol.* 1252b9–31). Each *oikos* is in turn constituted by the relationships between people. The most basic partnerships that create a household are male-female and master-slave.

<sup>63</sup> Translations of all speeches, except [Dem.] 59, are slight modifications of the Oratory of Classical Greece series by the University of Texas Press.

<sup>64</sup> Fisher 2001 *ad loc.* notes the transition from private to public actions connected by the language of “greedy consumption.” We might read the allegations of bribery and embezzlement as the ones specifically parallel to the consumption of an inheritance, but I think rather the broader pattern of his inappropriate behavior is the loose referent. The connection of the ability to act in a certain sphere provides the logical connection.

<sup>65</sup> Auditor, 1.107; magistrate, 1.107–8; member of the council, 1.109–12.

<sup>66</sup> Mercenary paymaster, 1.113.

<sup>67</sup> Bringing a public suit, 1.114.

<sup>68</sup> Like the transfer of *kurios* from individual property to the public sphere, these are structuring metaphors.

<sup>69</sup> νομίσαι οὖν ἐκέλευον, ἔφη, τὴν γυναῖκα καὶ αὐτὴν νομοφύλακα τῶν ἐν τῇ οἰκίᾳ εἶναι καὶ ἐξετάζειν δέ, ὅταν δόξη αὐτῇ, τὰ σκευῆ, ὥσπερ ὁ φρούραρχος τὰς φυλακὰς ἐξετάζει, καὶ δοκιμάζειν . . . ὥσπερ ἡ βουλὴ . . . δοκιμάζει, καὶ ἐπαινεῖν δὲ καὶ τιμᾶν ὥσπερ βασιλίσσαν (9.15).

As envisioned by Aristotle, these are fundamentally power relationships between the adult male citizen and the others in his *oikos*. While master-slave is clearly a despotic power relation, the connection between husband and wife is described as statesman-like (πολιτικῶς) rule over the female, and the interaction of the father with children is described as kingly (βασιλικῶς) rule (1259a39–b1). Since the *oikos* is the foundation of the city, and relationships form the *oikos*, these power relationships, then, constitute the city to some degree. The fact that these types of conversations were current in classical Athens attests to a popular analogy between the household and the city.<sup>70</sup> While the power of the *kurios* initially appears bound up with the *oikos*, then, his public role and the terms' transferability to other contexts indicate that the technical role of head of household spanned both spheres. The tight parallelism between political activity and household management suggests that power and its exercise were understood as analogous in each sphere. Thus, the power of *ho kurios* of an *oikos* gives insight into the deployment of power in both realms.

The overarching relationship between the *kurios*' role in the public and private domains may be understood as a conceptual metaphor. As Lakoff and Johnson have shown, people tend to comprehend more abstract concepts metaphorically through more easily delineated concepts.<sup>71</sup> That is, the more concrete, experiential “Gestalt” is what structures the more abstract concept; in our case, the position of the citizen as *kurios* over himself and his *oikos* gives structure to his role as *kurios* in the overall *polis*.<sup>72</sup> The metaphor is alive in the sense that is lived: how people experience a defined concept is determined in part through the defining metaphor. Each application of the metaphor, however, need not activate the full structure of the defining concept. Only some parts of the defining concept may be used to define the other domain, while other parts may be left unused.<sup>73</sup> That is, the structuring need only be partial. Adumbrating the overall features of the household *ho kurios* provides a basis from which to investigate what features were brought to bear on the public domain.

The various translations proposed for the household *kurios*, such as “lord,” “master,” and “guardian,” testify to the type of power most scholars

<sup>70</sup> The exaggerated and detrimental form of the *oikos* taking over the *polis* may be seen in Aristophanes' *Assemblywomen*.

<sup>71</sup> Lakoff and Johnson 1980: 3–6, *passim*. I thank Mirko Canevaro for the reference to this work and for stimulating conversation regarding it.

<sup>72</sup> Both the defined abstract concept and the defining concrete concepts are natural experiences in that they are products of our embodiment, interaction with our physical environment, and interaction with other people in our cultural environment (Lakoff and Johnson 1980: 115–25).

<sup>73</sup> Lakoff and Johnson 1980: 10–3, 52–5.

have ascribed to the role.<sup>74</sup> The common thread that binds the translations together is the fundamental idea of “having power over,” albeit in different degrees.<sup>75</sup> The *kurios* certainly had power over his household. His power extended over the people, both free and unfree, and the property in it. As discussed in Section 4.1, however, this social analysis of power can be complemented by an outcome-based analysis. Taking into account the power to act, rather than only power over, provides a more holistic view of power that corresponds more closely with the institution of *kurieia*. Let us consider each of the *kurios*’ household relationships in turn.

The relationship between the *kurios* and the free children of his household is one power relation. Minors, including males, had restrictions in their exercise of citizenship.<sup>76</sup> Unlike adult males, they were not yet their own *kurioi*. Accordingly, they could not represent themselves in court, participate in an Assembly meeting, draw up legal contracts larger than a certain amount, or be legally responsible for certain infractions. Aristotle pinpoints the undeveloped deliberative faculty as the essentially deficient element in a minor (τὸ βουλευτικόν . . . ἀτελής, *Pol.* 1260a12–4), and thus considers them “incomplete” (ἀτελεῖς) citizens who are more suited to being ruled rather than ruling (1275a14–9, 1278a4–6). While a minor’s father would technically be his *kurios*, indicated by the specific substantive use of the adjective with the article (*ho kurios*), other adult males could also be referred to as *kurios* over the boy, such as older brothers, uncles, and teachers.<sup>77</sup> The presence of “teachers” on the list points to a feature of the concept of power. The others, as male relatives, could be replacements for a deceased father as *ho kurios*, but the inclusion of a nonfamilial adult signifies that the term also carried a general power-connotation outside of the formal *kurios*-system. The power so indicated admits of being shared between several *kurioi*.

The other free member of the household was the man’s wife. An Athenian woman was notoriously required to have a *kurios* for her entire life. Women reveal the complications in using the head of household as a theoretical model for citizen power. Some scholars have argued that women were not truly citizens, since they could not participate in any aspect of the political or legal sphere in Athens and since the feminine form

<sup>74</sup> Respectively, MacDowell 1978: 84; Todd 1993: 383 and Vlassopoulos 2011: 118; Harrison 1968: 98, although he also uses “master” in some contexts.

<sup>75</sup> As an outlier, Hunter transliterates the term and defines it through an expanded definition of power that not only includes coercive power but also some sense of the ability to act (1994: 9 n. 1).

<sup>76</sup> For childhood in Athens generally, see Golden 1990 and Grubbs and Parkin 2013.

<sup>77</sup> For example, Aeschin. 1.13, 18.

of the Greek word for citizen (ἡ πολῖτις) is scantily attested.<sup>78</sup> In defense of female citizenship, other scholars have argued for a broader understanding of sharing in the ancient *polis* beyond what moderns consider direct political activity.<sup>79</sup> They variously point to women's key role in producing citizens, owning real estate, participation in religious cults, legal protections, and the use of different terms for female citizen (such as ἄσπῃ or Ἀττική), as evidence of their citizenship. Additionally, after 451/0, a child's citizenship depended on the lineage of both parents, clearly further institutionalizing the importance of women as citizens.<sup>80</sup> If *ho kurios* represents various aspects of the natural power associated with citizenship, how far can a citizen woman be said to be powerful, *kuria*, since she can never be *ho kurios*? While the household *kurios* serves as our paradigm for power, it does not exhaust the possibility of power. Instead, it is our basis for understanding other forms of power, particularly as indicated by the adjective *kurios*.

Furthermore, since women were identified with this particular privileged group, that is, citizens, they were *mutatis mutandis* associated with group ideology. While no woman could be *kuria* to act in the Assembly, for example, it does not follow that women were considered powerless. Their status as citizens granted them a measure of power in contrast to comparable groups, such as metic women. Although it is not common, we do occasionally see citizen women directly called *kuria* in the context of property ownership and inheritance.<sup>81</sup> The ability to own and alienate property, especially real estate, though limited, is an important feature of citizenship that women share with male citizens. Since the term is directly associated with the household *kurios*, it seems unsurprising that we seldom find the adjective *kuria* used to describe a woman. Otherwise, it would seem to imply that she was her own *kurios*, a legal impossibility. Women additionally appear as *de facto* heads of households when their husbands have died or are away at war.<sup>82</sup> This is not to claim that women were on

<sup>78</sup> Just 1991: 9ff., 15; Loraux 1993: 116–23; Hedrick 1994: 299. Hansen calls women “citizens,” but simultaneously designates political participation as determining citizenship, for example, “the *polis* was a society of citizens. It was a male society from which women were excluded” (Hansen 1991: 62, also 8, 97).

<sup>79</sup> For example, C. Patterson 1986; Blok 2005 and 2017: 1–46, *passim*; Cantarella 2009; Kamen 2013: 87–96; Anderson 2015; Campa 2019; Valdés Guía 2020. These scholars approach female citizenship from different perspectives, but all highlight the value of legitimate descent, inheritance, and/or religion as part of sharing in the *polis*. The public importance of women and the domestic sphere in general can also be tracked iconographically (R. Osborne 2010: 244–66).

<sup>80</sup> [Arist.] *Ath. Pol.* 26.4, Plut. *Per.* 37.3. See Patterson 2005 for the context of the citizenship law.

<sup>81</sup> For a detailed treatment of women as *kuria* over property, see Campa 2019.

<sup>82</sup> Hunter 1994: 29–33.

equal footing with men or that they were not marginalized, but rather to acknowledge the power they did have.

While the authority of the *kurios* over women has otherwise been treated in great detail, I am interested here in seeing what the *kurios*' power over a woman can tell us about power structures in general.<sup>83</sup> Her natal *kurios* was her father or next closest adult male agnate. Once she married, she was under the *kurieia* of her husband, but she was not entirely severed from the power of her natal *kurios*. While the former was responsible for daily upkeep, such as management of her dowry and representation in court, the latter seems to have retained some amount of power. The husband could not, for example, give her in marriage to another man while he was still alive, a privilege reserved for the natal *kurios*.<sup>84</sup> The natal *kurios* could even sue for divorce, a process called ἀφάρσεις, possibly even without the woman's consent.<sup>85</sup> This shows that a *kurios*' power was not absolute, but that he was part of potentially overlapping spheres of power.<sup>86</sup>

There was the possibility of conflict between the different *kurioi*, yet there is no indication that in the normal course of things this made the husband or father conceptually less *kurios*.<sup>87</sup> Leaving aside for the moment the question of compatibility of ends for each *kurios*, we can at minimum infer from this that being *kurios* was not in all cases absolute, and yet there was not a sense of diminished power or dignity for either *kurios*. In the language of Lukes, we might imagine these as overlapping spheres of operative power. Parsing out whether and when each was effective may be an unusual issue, and ideally not intended to arise. To ask whether each man's power was deficient or defective insofar as the other one had authority is to misunderstand an important aspect of the power indicated by *kurios*.<sup>88</sup> Instead, we should take this as evidence that power was amenable to being shared.

<sup>83</sup> For the legal standing of *ho kurios* see Harrison 1968: 19–21, 30–2, 108–15; MacDowell 1978: 84–9; Todd 1993: 207–16; economic role, Schaps 1979: 48–60; practical power relations at home, Hunter 1994: 15–9.

<sup>84</sup> Schaps 1979: 48.

<sup>85</sup> Granted, the evidence is sparse. For the view that the natal *kurios* had legal recourse to divorce his daughter from her husband even against her will, see Harrison 1968: 30–2, 109; Hunter 1994: 15–7; Cohn-Haft 1995. For the view that although the father could apply pressure on his daughter to divorce her husband, there was probably no legal right for him to do so himself, see Rosivach 1984.

<sup>86</sup> Foxhall notes that *kurieia* is not particularly formal and allows several *kurioi* (1996: 149–50). See also Todd 1993: 209.

<sup>87</sup> Harrison 1968: 31–2 does see it as a serious limitation on the husband's *kurieia* when it occurred, but imagines that conflict was rare. His conclusion assumes, however, that *kurieia* should not be bounded by others.

<sup>88</sup> Hoekstra rejects *kurios* as equivalent to sovereignty precisely because it is limited and there can be multiple *kurioi*. However, he sees the limits as imposed “by a higher legal and political authority” and the multiple *kurioi* within one domain as having “specific authority over distinct functions, or



The natural limits on the power of the *kurios* over his free dependents are in contrast to his power as a *despotēs*, whose power was absolute.<sup>89</sup> A slave is a distinct member of the *oikos* in that he alone is also under the power of the *kurios* in his capacity as *despotēs*. As master, he had complete control over his slave's body, movement, labor, property, and status, while a *kurios* did not have absolute control in all those areas over his free dependents. The master also did not share this power with others. If he sold his slave, for example, he did not keep any residual rights, as the slave was now the property of another. Despotic power was practically and ideologically distinct from other types of power. Absolute power was thus conceivable for Athenians, but not considered a fundamental or even desirable element of the power essential to a citizen as *kurios* when in relation to other *kurioi*.

The anxiety present in the relationship of the master with his slaves can shed light on the unstable nature of even the most institutionally protected and socially rigid type of power. Vlassopoulos sees the slave-master relation as “the constant negotiation of [a] relationship of power.”<sup>90</sup> Aristophanic comedies exploit this potential instability. In the *Knights*, for example, the Paphlagonian slave is constantly attempting to undermine his master, Dēmos, by appropriating the benefits that should be his master's: he eats the best bits of food and drinks all the wine. The slave is not subverting the *despotēs* by wielding absolute power over his master, but by taking advantage of his benefits. The slave, in other words, is acting like the *kurios* of the household by assuming the disposition of power and successfully effecting his own desired outcomes. The worry exposed here is not merely that the master is duped and his possessions are being used up, but, as Olson puts it, “the danger is that the tables will be turned and he will become a slave of his own slaves . . . in which case most of the benefits that ought to come to him will go to others instead.”<sup>91</sup> Although the head of the household as *despotēs* has the most firm institutional power over his slaves, the fear of reversal is ever present. The Aristophanic jokes allow for a type of practical power divorced from legitimate power. While the slave technically has no

over distinct sub-groups” (2016: 18). Rather than interpret the quality of power in *kurios* as one that can be subdivided into smaller domains or lessened by degrees, I argue here that the power can be shared without being diminished.

<sup>89</sup> Monarchs are also called *depostai*. The term *despotēs* is applied to the head of household typically only poetically or when referring to a monarch (e.g., Hdt. 1.91, referring to Gyges; Aesch. *Pers.* 169, referring to Darius). This metaphorical use reflects the analogy between the household and the city: just as a *despotēs* is an absolute ruler of a slave, so is a monarch an absolute ruler of his subjects. More specifically, tyrants are associated with supreme, unaccountable political power (e.g., Hoekstra 2016: 19–23).

<sup>90</sup> Vlassopoulos 2011: 128 *et passim*. <sup>91</sup> Olson 2013: 72.

institutionalized power, the threat is that in the practical context he may still be empowered by acting as the *kurios*.<sup>92</sup> Even the absolute power of the master can be challenged in this way by an effective act of power. The power of a *kurios*, shared in some legitimate cases, may be threatened and must be protected by performance of effective power.

Let us look, finally, at the relationship of a *kurios* and his property, for this, too, expresses a type of power. We may consider this field the economic order of the city-state. The head of the household was responsible for the family estate. He became *kurios* over his own inheritance and in some sense his wife's dowry.<sup>93</sup> While *ho kurios* was empowered to sell assets, invest, and otherwise manage the property, it was not without limits.<sup>94</sup> The estate as a whole was considered the property of future generations, and the possibility of a public suit against a profligate *kurios* codifies that idea into law.<sup>95</sup> The law also restricted to whom a man could bequeath ancestral property. If he already had heirs, he was not allowed to adopt or to leave the property to others by means of his will.<sup>96</sup> Similarly, the dowry was not truly "his" in an unqualified sense, nor was it solely "hers." It, too, was protected for progeny, but the female party retained a significant claim on it. In the event of a divorce, the dowry returned with her to her former household. If she died before bearing heirs, the dowry returned to her familial home.<sup>97</sup> If the husband was thought to be squandering his wife's dowry, she or her natal *kurios* could file for divorce. Thus, in the normal course of events, there seem to be layers of individuals with operative powers at work regarding property, which may not be immediately apparent when all sides are in general consent. However, the *kurios*' power could be challenged, wherein he might not be able to effect what he wishes regarding property, revealing the levels of operative power that might normally be hidden.

In what sense, then, was the *kurios* actually *kurios* of his property and the dowry? We are hard pressed to call this "ownership," since implied in "ownership" is the ability to dispense of goods and property as one sees fit. In Athens, beyond the social pressures to manage property in particular

<sup>92</sup> We may call him the "challenger," while his master is the "incumbent" as part of the dominant group in the field (see, for example, Fligstein 2001).

<sup>93</sup> Inheritance: for example, Dem 43.51, Isae. 7.13, 11.2; dowry: Dem. 27.55.

<sup>94</sup> See, for example, the dispute between Archippe and her betrothed over some jewelry, Dem. 27.15.

<sup>95</sup> The two possible public suits are for idleness (γραφὴ ἀγρίας) and, literally, for insanity (γραφὴ παρανοίας). See Harrison 1968: 79–81; Todd 1993: 106, 108, 244–5; Hunter 1994: 12. Wasting one's inheritance in general could also automatically trigger a loss of certain citizen privileges.

<sup>96</sup> Foxhall 1989: 28–9. On adoption, see Harrison 1968: 84–5; on wills, see Harrison 1968: 151–3.

<sup>97</sup> The legal mechanism for the return was a private suit (*dike*), either a δίκη προικός or δίκη σίτου. Harrison 1968: 55–60; Todd 1993: 215–6; Hunter 1994: 9.

ways, the laws regarding dowries and estates legally limited what we colloquially mean by “ownership.”<sup>98</sup> Scholars have suggested concepts ranging from “limited power of disposition” to “stewardship” to express Athenian ideas about ownership.<sup>99</sup> All of these definitions move away from describing the *kurios*’ power as an absolute idea toward describing it as a more flexible, shared capacity. He could not unilaterally effect outcomes regarding all his property. Although the objects under his power are different, this is not unlike the relationship between the *kurios* and his free dependents.

The study of the relationship of the *kurios* to his dependents and property reveals various characteristics of power. Someone who is *kurios* has power to act on his will in both public and private realms; he can hold power over slaves, free people, and objects; he does not, however, have completely free rein or unlimited power to effect outcomes. He routinely shares power to some degree with others, and may even find his status challenged. The power of the *kurios* includes both power *to* and power *over*, but neither aspect is entirely absolute. We can derive from this well-attested institution these general features of a citizen’s power and trace how far they structure the conception of power in the public sphere.

#### 4.4 Empowered Entities

Moving from the *oikos* into the *polis*, I turn now to the use of *kurios* in the public realm of the law courts to uncover who is considered empowered and the descriptions of that power. Several empowered entities are at play in the juridical context. The citizen is empowered in the *polis* just as he is in the *oikos*. The main human entities referred to as *kurios* in forensic speeches are the dikasts, the *dēmos*, and the litigants. The status of the various individuals as citizens anchors their ability to be *kurios* in the public realm. Inanimate objects, such as laws and decrees, are also referred to as *kurios*.

<sup>98</sup> Foxhall 1989. See further Campa 2019.

<sup>99</sup> Wolff 1944: 63 advanced “limited power of disposition” as a more useful concept than ownership. Harrison, partly influenced by the fact there is no Greek word for the idea of ownership in the abstract, has suggested that Athenians had a fluid concept of ownership (1968: 201–5). Likewise, Hunter has suggested the term “stewardship” rather than “ownership” to describe the relationship between a *kurios* and property (1994: 12). Foxhall is not ready to do away with the term “ownership,” but she allows that Athenian ideas about ownership were not synonymous with “rights of management and/or disposal . . . but [those things were] merely an aspect of it, the significance of which could change contextually in relation to other aspects” (Foxhall 1989: 26). The political idea of μετέχειν πολιτείας, or sharing in the constitution, rather than “possessing” rights seems to me to be a related concept (Ostwald 1996).

Speakers frequently call attention to the power of the jury in their speeches. For example, in a peroration for a defense speech, the defendant pleads with the jury to help him, “since the matter has come before your judgment and you are *kurioi*” (ἐπειδὴ τὸ πρᾶγμα εἰς ὑμᾶς ἀφίκεται καὶ ὑμεῖς κύριοι γεγόνατε, Isae. 2.47).<sup>100</sup> The distinct outcome that dikasts have power to effect may be made explicit by the addition of an infinitive (e.g., “you are *kurios* to decide who should be the heir,” ὑμᾶς τοῦ κυρίου γενέσθαι ὄντινα δεῖ κληρονόμον καταστήσασθαι, Isae. 6.4).<sup>101</sup> They are also seen as *kurios* over the people in the courtroom and over the vote. The defendant’s submission to the people’s power is used as evidence of good character and is intended to garner goodwill.<sup>102</sup> In Demosthenes’ long letter to the Council and Assembly attempting to get recalled from exile, he reiterates his previous willingness to stand for the charges as evidence of his good character:

καὶ γὰρ ἑμαυτοῦ κυρίου ὑμᾶς ἐποίησα καὶ οὐκ ἔφυγον τὸν ἀγῶνα, ἵνα μήτε προδῶ τὴν ἀλήθειαν μήτ’ ἄκυρος ὑμῶν ἐμοῦ μηδεὶς γένηται, ἀλλ’ ὃ τι βούλοισθε, τοῦτο χρήσαισθε. (*Ep.* 2.22)

For I made you *kurios* over me and I did not flee from the trial, for I did not want to betray the truth or render any of you *akuros* over me, but I wanted you to do whatever you wished with me.

Since the jury is composed of citizens, they are already entitled to empowerment. The specific instantiation of citizen power includes the effective power to achieve a verdict in the judicial context, that is, to do “whatever they wish” with the defendant.

The *dēmos*’ power to judge, legislate, and generally administer the *polis* further elaborates the power each juror has to effect outcomes as a citizen. Speakers often address the jury directly, using the second-person plural pronoun and reminding them of their power throughout the city.<sup>103</sup> Demosthenes’ *On the False Embassy* (19) treats the jury paradigmatically. Closing his account of the second embassy to Phillip, Demosthenes addresses the dikasts directly to tell them that they could easily imagine the nature of Aeschines’ actions in Macedon, since the defendant acts so terribly even in Athens where “you are *kurion* to reward and, conversely, to punish” (ὑμῶν . . . τῶν καὶ τιμῆσαι κυρίων ὄντων καὶ τοῦναντίον κολάσαι, Dem. 19.177).

<sup>100</sup> See also Dem. 19.71, 21.57.

<sup>101</sup> In this passage, the speaker charges that the opposing litigant is attempting to strip away this power from the jury. Compare Andoc. 4.9.

<sup>102</sup> See also pp. 67–9 and Chapter 5, Section 5.1.

<sup>103</sup> Wolpert 2003 shows that the use of direct address for the jury in instances where they could not have possibly participated in the events mentioned creates a timeless *dēmos* of which they are part.

The reference to “you” does not limit them to their present role as dikasts. Rather, the contrast between action abroad and at home indicates that it refers to the control of the *polis* which is within the dikasts’ capacity as citizens. The fact that he mentions the power to give honors (τιμῆσαι), which are bestowed by either the Council or Assembly, not the courts, indicates that their empowerment is more comprehensive than the narrow dikastic role.<sup>104</sup> The jury is, in fact, regularly equated with the Assembly.<sup>105</sup> In the peroration of the same speech, he associates the conviction of Aeschines for treason with making clear to Philip that not the few, but “you, the many, are *kuriois* over everything” (ὁμῖν τοῖς πολλοῖς καὶ πάντων κυρίοις, Dem. 19.341). As is typical, the peroration underscores the various ways a trial will affect the city, citizens, and democracy itself. The reference again to “you” is broader than just the addressees’ role in that particular trial, or as jurors overall. The phrasing activates the extensive power of each dikast *qua* citizen, the role in which he is “powerful over everything” (πάντων κυρίοις). These kinds of references reiterate the empowered nature of each citizen, both with explicit power *to* and power *over* statements.

The insistence on each person’s responsibility emphasizes the individual and his discrete power within the *dēmos*. While urging the jury to think about the consequences of acquitting Timarchos, who has been accused of illegally exercising citizen rights, Aeschines says,

τίνα δ’ ἔχων ἕκαστος ὑμῶν γνώμην ἐπάνεισιν οἴκαδε ἐκ τοῦ δικαστηρίου; . . . τί οὖν δὴ λέξετε οἱ τῆς ψήφου νυνὶ γεγονότες κύριοι, ὅταν οἱ ὑμέτεροι παῖδες ὑμᾶς ἔρωνται εἰ κατεδικάσατε ἢ ἀπεψηφίσασθε; (Aeschin. 1.186–7)

What feeling will each of you have as he goes home from court? So what are you going to say, you who are *kurioi* over the vote, when your sons ask you whether you voted for condemnation or acquittal?

While the final decision is that of the jury as a whole, it is the individuals that are tallied in the total. By asking “each” person to consider his children, Aeschines zeroes in on the personal level.<sup>106</sup> These individuals are the people who are *kurioi* over the vote. Just as each citizen is free and *kurios* in the household, so he is equated with being free and *kurios* in a public capacity.

<sup>104</sup> Compare Dem. 20.5, addressing a jury but discussing granting honors, the province of the Assembly.

<sup>105</sup> Ober maintains that the relationship between the Assembly, jury, and *dēmos* is best understood through “synecdoche” (Ober 1996: 117–9; 1989: 147).

<sup>106</sup> See also, for example, [Dem.] 25.98–101, 59.110–1.

Bad actors, however, may also be portrayed in prosecution speeches as *kurios*. While many defendants and their associates are citizens, and accordingly should be *kurios*, they find themselves in court for extending their power in an inappropriate way.<sup>107</sup> Their status as *kurios* can be marked by the prosecution as relevant to their misdeed.<sup>108</sup> Aristokrates, for example, is indicted for his decree to make the person of Charidemos inviolable. Charidemos was a foreign mercenary leader who was granted citizenship and other honors by the Athenian people, but allegedly did not prove to be a true benefactor to Athens. Demosthenes sets out to prove that Aristokrates' decree was unconstitutional and undeserved by Charidemos. Since he is enfranchised, Charidemos has a claim to a share in everything citizens have.<sup>109</sup> As a citizen, he is now *kurios* in the *polis*. Demosthenes aims to show that he is unworthy of this power, and that his status as powerful is a detriment to the city from his misuse. Demosthenes tells the jury,

ἀλλ' ὦν, ὅσαχοῦ κύριος γέγονε τοῦ πράττειν ὃ τι βούλεται, πανταχοῦ κακῶς ἐπιχειρῶν ἡμᾶς ποιεῖν φαίνεται, τούτων πολὺ μᾶλλον ὀργίζεσθαι προσήκει. (23.184)

You have far better cause to resent those efforts to do you harm, which we know him to be making in every place where he has become *kurios* to do whatever he wishes.

Since Demosthenes claims he acts badly wherever he has become *kurios*, he implies that power is a precondition for effective harm. Undeserving of both the positive freedom and the power befitting a citizen, Charidemos abused the privilege by using it against the state that has bestowed it upon him. Both the moral and practical contexts of power are in play, not unlike the coming-of-age examples in Section 4.2.

In the law courts, the other entity commonly categorized as *kurios* is the law. Since a democratic trope focuses on the law-abiding nature of Athenians and, in a related fashion, how their success is related to the greatness of their laws, it is unsurprising that the laws should be presented

<sup>107</sup> While noncitizens may also be defendants (e.g., Pankleon in Lys. 23), this section will focus on citizens on trial.

<sup>108</sup> As we shall see in Section 4.5, the prosecutor is at pains to show that these defendants and their associates have used, and will continue to use, their power for ill.

<sup>109</sup> "Through this award we gave him a share in the sacred and holy rites, legal rights, and all the rights that we ourselves share" (διὰ τῆς δωρεᾶς ταύτης μετεδώκαμεν αὐτῷ καὶ ἱερῶν καὶ ὁσίων καὶ νομίμων καὶ πάντων ὧνων περ αὐτοῖς μέτεστιν ἡμῖν, Dem. 23.65).

as appropriately *kurioi*.<sup>110</sup> In fact, *kurios* is used as the default descriptor for laws that are extant and in force.<sup>111</sup> *Kurios* in this use is usually rendered as “valid,” “operative,” or “in force,” but the sense of power is also present. Once a law is approved, it only becomes *kurios* after it takes effect. Diokles’ law, quoted in Demosthenes’ *Against Timokrates* (24), clearly deploys *kurios* in this fashion:

τοὺς νόμους τοὺς πρὸ Εὐκλείδου τεθέντας ἐν δημοκρατίᾳ καὶ ὅσοι ἐπ’ Εὐκλείδου ἐτέθησαν καὶ εἰσὶν ἀναγεγραμμένοι, κυρίου εἶναι. τοὺς δὲ μετ’ Εὐκλείδην τεθέντας καὶ τὸ λοιπὸν τιθεμένους κυρίου εἶναι ἀπὸ τῆς ἡμέρας ἧς ἕκαστος ἐτέθη, πλὴν εἴ τῳ προσγέγραπται χρόνος ὄντινα δεῖ ἄρχειν. ἐπιγράψαι δὲ τοῖς μὲν νῦν κειμένοις τὸν γραμματεῖα τῆς βουλῆς τριάκοντα ἡμερῶν· τὸ δὲ λοιπὸν, ὃς ἂν τυγχάνῃ γραμματεῦων, προσγραφέτω παραχρῆμα τὸν νόμον κύριον εἶναι ἀπὸ τῆς ἡμέρας ἧς ἐτέθη. (42)<sup>112</sup>

The laws enacted before the archonship of Eucleides during the democracy and as many as were enacted after the archonship of Eucleides and are written up are to be *kurios*. Those enacted after the archonship of Eucleides and enacted in the future shall be *kurios* from the day each is enacted except if a date has also been specified on which the law is to be *kurios*.

Although it may not apply for all, or even most, laws, there is a conceivable intermediary state between when a law is voted upon and when it goes live, so to speak. That moment, however temporary, indicates that there is a separation of the idea of a law as enacted (ἐτέθη), on the one hand, and as effective or empowered (*kurios*), on the other. While “operative” or “valid” may then be fine technical translations, they lack the color of the term *kurios*, which indicates a measure of power. The extensive use of *kurios* points to a conception of the law as powerful once it goes into effect. A law that is *kurios* is indeed “operative” or “valid” in the sense that it is effective, but it is also “empowered” once it can dictate outcomes. The power of the laws can also be expressly threatened. Cases are often presented as being not just about whether a crime has been committed, but “whether it is necessary that the laws be *kurioi*” (e.g., εἰ δεῖ κυρίου εἶναι τοὺς νόμους, Dem. 22.46). “Current” would clearly not work here, either in English or in the Greek (ὑπάρχων or κείμενος). A law that is *kurios* is not, then, simply currently in use, but is understood as having effective power.

<sup>110</sup> For example, Athenians as especially law-abiding, Thuc. 2.37.2; a city is great or small through laws, Dem. 24.215; goods of the city are attributable to laws, Dem. 24.5; laws are responsible for character of the city, Dem. 24.210.

<sup>111</sup> For example, Dem. 20.11, 91, 139; 23.62, 89; 24.17, 30, 72, 96, 137, 188, 205; [Dem.] 25.14, 99; Isae. 2.26.

<sup>112</sup> Canevaro has shown that the law is part of the speech’s *Urexemplar* and likely genuine (2013a: 121–7).



Since laws do not have a will, they cannot deliberately effect outcomes in the same way as a person can. They are able, however, to limit or determine the incentive structures for individuals or groups, which the Greek idiomatically refers to as having power over those people (i.e., being *kurios*). Just like a person, the laws are called *kurioi* over things and people.<sup>113</sup> The law also idiomatically had the power to do things in the public and private spheres; they were spoken of as “ordering” (κελεύει) things to happen or making a person *kurios* to do certain things himself.<sup>114</sup> This use of “power” remains a conceptual metaphor, but some of the portions of the defining concept which are used when applied to people are not activated in this use, such as accomplishing a will.

Court speeches highlight public citizen power through their roles as jurors, members of the *dēmos*, and individuals, along with routinely attributing power to the laws. These different *kurioi* in the public realm are part of the conceptual metaphor of power and exhibit qualities parallel to the household *kurios*. By taking seriously the *kurios* label, we can uncover the qualities of power applied to each and judge their roles as entities involved in power struggles.

#### 4.5 Conflicts

While power may be dispositional and shared, its exercise can give rise to dispute. The site of the law courts inherently designates a context where conflict has arisen between the variously empowered entities, namely, the jury, litigants, and laws. Citizens’ power was called upon to be overtly exercised in these situations because it had been violated. The courtroom, a place of adjudication between these conflicting claims to power, reveals covert power and illuminates who among holders of operative power can claim effective power. Due to the precarious nature of power, someone or something that is *kurios* is liable to become *akuros* in these struggles. As we saw in their role in the *oikos*, *kurioi* were liable to lose power even though their natural role is to be empowered. These overt exercises of power provided a context wherein the terms of power were openly mediated.

<sup>113</sup> For example, over a person at Dem. 23.32, where the speaker claims that when someone brings a criminal to court, he empowers the laws over him (τοὺς νόμους κυρίου ποιεῖ τοῦ δεδρακότος); over things at Dem. 23.73, where the laws are described as powerful over everything (τοὺς νόμους κυρίου πάντων).

<sup>114</sup> As the subject of the verb κελεύω, for example, Dem. 23.218, 24.108, 44.62; Aeschin. 1.113, 3.15, 18; Lys. 1.32; with δίδωμι, Dem. 23.35, 67.

The negotiation of conflict reproduced a social reality where power was held by citizens and so provides a framework for understanding the relationship between individuals and the *polis*, including the laws.<sup>115</sup> Litigants, attempting to persuade the jury to vote a certain way, frame their arguments with reference to overarching legal and social norms.<sup>116</sup> Attending to the attributions of power by means of the term *kurios* in forensic speeches, we may probe who has power, what the reach of that power is, and whether it is presumed to be desirable or undesirable for them to wield that power. The individual citizen is empowered in and of himself and not just as an impersonal member of the *dēmos*. Each citizen's power is taken as a rightful given and, as in the *oikos* relationships, can be unproblematically shared. The laws can be empowered and also metonymically represent the power of the *dēmos*. While the power of citizens and the law may be institutionalized, it is also subject to forfeiture in the face of competing and noncomplementary exercises of power. I shall show that citizen power, like the power of the laws, is at stake whenever someone breaks the law. In instances where one person's power infringes on that of another individual citizen or the *dēmos* as a whole, his use of power is framed as inappropriate. Thus, because their power comes at the expense of others, criminals should not be *kurios*.

The precarity of power is evinced by the prosecution's appeal to jurors to vote in accordance with the laws in order to keep them empowered. For example, Demosthenes writes,

πότερον δεῖ τοὺς μὲν ἄλλους νόμους, οὓς ἐπὶ τοῖς ἀδικοῦσι τὴν πόλιν ὑμεῖς ἀνεγράψατε, ἀκύρους εἶναι, τόνδε δὲ κύριον, ἢ τοῦναντίον τοῦτον μὲν λύσαι, κατὰ χώραν δὲ μένειν τοὺς ἄλλους ἔαν. τὸ μὲν οὖν πρᾶγμα περὶ οὗ δεῖ νῦν ὑμᾶς γινῶναι, ὥς ἐν κεφαλᾷ τις ἂν εἴποι, τοῦτ' ἐστίν. (Dem. 24.5)

Shall the laws that you have enacted for the restraint of evil-doers be *akurous*, and this law alone be *kurion*; or shall this law be undone and the rest allowed to remain? That, to put it in brief summary, is the issue that you have to determine today.

<sup>115</sup> The landmark study on the negotiation of power and reproduction of social rules through oratory is Ober 1989, further explored in Ober 1996: 86–106. Within Athens' "regime of truth," I argue that one truth is that all citizens are powerful. My approach seeks to add the perspective of individual power even for non-elite citizens in the *dēmos* and provide an explanation of how all actors contribute to each other's power.

<sup>116</sup> Successful litigants may be thought of as Fligstein's skilled social actors, who frame stories to induce cooperation (Fligstein 2001: 112–5). Skilled actors in dominant groups (like Athenian adult males) further use existing rules and resources to reproduce the social order (Fligstein 2001: 117). We may attend to the arguments made by these social actors as fitting within normative values and replicating them, in this case with reference to who should have what power.

He represents a conviction as voting with the laws and keeping them *kurioi*, while he associates acquittal with voting against the laws and rendering them all *akuroi*. This speech is a prosecution against a proposal of an unfitting law (γραφὴ νόμον μὴ ἐπιτήδειον θείναι). In this type of case, there is a clear conflict between laws, so it makes sense to speak of one law gaining power at the expense of another. One might argue that an appeal to a special quality of power is unnecessary to explain it. But this trope of associating acquittal with making laws *akuroi* extends to other types of cases as well. The opening of [Demosthenes'] *Against Polykles* paradigmatically raises the stakes of the verdict: the case is not just about private matters or public duties, but in fact it also “concerns the laws, whether they are *kurioi* or not” (περὶ τῶν νόμων, πότῃα κύριοι εἰσιν ἢ οὐ, 50.1).<sup>117</sup> The charge revolves around Polykles' alleged refusal to complete a liturgy, forcing Apollodoros to extend his own tenure in the position.<sup>118</sup> In this case, it is not a new law clearly contradicting an old law that causes the loss of power. Instead, the defendant's illegal actions, if unpunished, are able to render the laws *akuroi*. A law is not absolutely powerful in itself but must be reaffirmed in the courts to remain in power. Otherwise, it may become *akuros*.

Preserving the status quo of power is presented as an essential legislative objective. Demosthenes' speech against the decree honoring Charidemos not only argues that he is unworthy of a gift, but also that the terms of that gift upset the power dynamics in the city. Part of Aristokrates' decree included a provision that anyone who murders Charidemos would be subject to summary arrest by any citizen. Since typically only family members could prosecute for murder, this provision expands the legally defined kin who may prosecute, and the speaker further interprets the arrest as allowing that person to subject the murderer to whatever retribution he desires rather than submitting him to the proper channels for punishing homicide. The difference, Demosthenes claims, is that:

ὅτι ὁ μὲν ἀπάγων, ὃ ἄνδρες Ἀθηναῖοι, ὡς τοὺς θεσμοθέτας, τοὺς νόμους κυρίου ποιεῖ τοῦ δεδρακότος, ὁ δὲ ὡς αὐτὸν ἄγων ἑαυτὸν. ἔστι δ' ἐκείνως μὲν, ὡς ὁ νόμος τάττει, δοῦναι δίκην, οὕτω δέ, ὡς ὁ λαβὼν βούλεται. πλείστον δὲ δήπου διαφέρει τὸν νόμον κύριον τῆς τιμωρίας ἢ τὸν ἐχθρὸν γίγνεσθαι. (23.32)<sup>119</sup>

<sup>117</sup> See also, for example, [Dem.] 25.37, 59.112.

<sup>118</sup> Whether the actual charge is of shirking his trierarch duties or a suit for damages incurred by Apollodoros is unclear.

<sup>119</sup> Compare Charidemos being able to do “whatever he wishes” in direct defiance of the laws (23.67).

The one who arrests and takes [the alleged murderer] to the *thesmothetai* makes the laws *kurious* over the guilty man; a man who takes him into his own custody makes himself *kurion* over him. In the former way, the offender is punished as the law orders; in the latter, as the person who arrests him wishes. It certainly makes the greatest difference whether the law or a personal enemy is *kurion* to punish.

The passage makes clear that a decree should not disempower the laws, but also reveals the role of the laws in adjudicating between claims to power. When citizens are in conflict, the law must mediate, or else those who should be equally sharing in power are placed in a hierarchy. Aristokrates' proposal is contrasted with the correct way to legislate, where a proposal gives the honorand the same rights as other Athenians, not more. In this scenario, the other proposers "have allowed your laws about these matters to remain *kurious* and have respected them because they have granted them privileges by way of reward" (κυρίους μὲν ἔδωκτες τοὺς περὶ τούτων ὑπάρχοντας ὑμῖν νόμους, σεμνοὺς δ' ἀποφαίνοντες, οἳ γε ἐν δωρεᾷς ἐποίησαντο τάξει τὸ τούτων μεταδοῦναι. 23.89). Disturbing the power of the laws is not only the substance of a charge brought against an illegal statute but can also threaten the imagined balance of citizen *kurioi* in the city.

Prosecutors may also claim that defendants directly disempower citizens. The prosecutor often conceptually divides the empowered citizens in the court room into the defendant and his cronies, on the one side, and the jury, on the other, with which he aligns himself. The jury, insofar as it is the *dēmos*, is further associated with the laws. The conflation of the jurors and the laws frames the main conflict in court cases as correct citizen power versus incorrect use of power by the defendants. Timokrates' illegal law, for instance, is not only detrimental to extant statutes, but also makes the courts unpowerful, *akura*, over a specific realm (Dem. 24.2). If we are hesitant to understand the courts as standing in for the individuals that constitute the jury and Timokrates' law as standing in for himself, Demosthenes leads us to that specific conclusion:

... τὸ μὲν ὑμέτερον δόγμα καὶ τὴν τοῦ δικαστηρίου ψῆφον καὶ τοὺς ἄλλους νόμους ἀκύρους οἶεται δεῖν εἶναι, αὐτὸν δὲ καὶ τὸν αὐτοῦ νόμον κύριον. (24.117)

... and therefore [Timokrates] demands that your decision, the judgment of the court, and every other statute shall be *akurous*, and that he and his law shall alone be *kurion*.

Timokrates' law is presented as forcing multiple *kurioi*, normally coexisting, to become repugnant to each other. In the atypical situations represented in the courts, defendants are portrayed as gaining undue power and undermining the dikasts' own status as *kurioi*. As Demosthenes argues in *On the False Embassy* (19), by rejecting the supporters of bad citizens, the jury can show that those men do not have power over them (ἐπιδείξῃτε ἀκύρους ὄντας ὑμῶν, 301) despite their current claim to be *kurioi* over the jurors (νῦν γὰρ φασιν εἶναι κύριοι, 301).<sup>120</sup> Convicting overreaching individuals will right the ship again, so that all the other respectable citizens share in power, as is proper.

An example from the symbouleutic context illustrates that the framework can be applied in other public contexts outside the courts. In a speech regarding public finances, Demosthenes compares the Athens of the past, where politicians were modest and the city was great, to the current circumstances where the select few have extravagant homes and public expenditures suffer:

τούτων δ' αἴτιον ἀπάντων, ὅτι τότε μὲν ὁ δῆμος δεσπότης ἦν καὶ κύριος ἀπάντων, καὶ ἀγαπητὸν ἦν παρ' ἐκείνου τῶν ἄλλων ἐκάστω καὶ τιμῇ καὶ ἀρχῇ καὶ ἀγαθοῦ τινὸς μεταλαμβάνειν, νῦν δὲ τοῦναντίον κύριοι μὲν τῶν ἀγαθῶν οὗτοι, καὶ διὰ τούτων ἅπαντα πράττεται, ὁ δὲ δῆμος ἐν ὑπηρέτου καὶ προσθήκης μέρει, καὶ ὑμεῖς ἀγαπᾶτε ἃ ἂν οὗτοι μεταδιδῶσι λαμβάνοντες. (13.31)<sup>121</sup>

The reason for all these differences is that in the past the people were master and *kurios* of all, and each leader was happy to receive honors and magistracies and other benefits from them, but now the opposite is true. These men are *kurioi* over every benefit, and all business is conducted through them, while the people play the part of servant and appendage, and you are grateful to receive whatever they offer you.

The Assembly's ability to pass decrees notwithstanding, the *de facto* control of the city by a minority group has disempowered regular citizens.<sup>122</sup> Rather than each citizen being *kurios* as part of the *dēmos* and severally enjoying shared benefits with it, he has been demoted to the role of "servant" (ἐν ὑπηρέτου μέρει). His contention is that the leading politicians have become *kurioi* over what they should not be ("every benefit," τῶν ἀγαθῶν), specifically at the expense of the *dēmos*' status.

<sup>120</sup> In this context, the bad citizens are unduly powerful politicians. Compare 19.2, where they attempt to make the dikasts *akuroi*.

<sup>121</sup> Dem. 3.30–1 contains almost identical language.

<sup>122</sup> See also 13.33: the Athenians can pass wonderful decrees, but they are "not *kurioi* over deeds" (τῶν δ' ἔργων οὐδενὸς κύριοι γίγνεσθε).

Since the power of the laws and the citizenry is deeply connected to democratic values, subverting their power is construed as an attack on democracy proper. Timokrates' law is linked to antidemocratic practice, not simply because of a legal argument about extant laws, but because of the power dynamics at play:

Τιμοκράτης τοίνυν ἐν δημοκρατούμενῃ τῇ πόλει νομοθετῶν τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν εἰς τὸν αὐτοῦ νόμον μετήνεγκεν, καὶ περὶ τῶν παρεληλυθότων αὐτὸν κυριώτερον τῶν καταγνόντων δικαστῶν ἡξίωσε ποιῆσαι. (Dem. 24.76)

Timokrates however, legislating in a democratically governed city, has introduced into his law the characteristic iniquity of oligarchy; and in dealing with past transactions has presumed himself more powerful (*kuriōteron*) than the convicting jury.

In addition to contravening the laws, he is puffing himself up with power by devaluing the jury; both are related to acting oligarchically. To be sure, Demosthenes is playing the defendant against the jury. The terms of the opposition, however, are terms of power. Although he may seem to employ logical gymnastics to connect Timokrates' law to oligarchy, the argument depends on the normative belief that power inheres in citizens and the laws. Demosthenes characterizes oligarchy as a constitution where a few people are empowered (*kurios*) to undo the past and arrange the future to their liking (ἐκαστος καὶ τὰ πεπραγμένα λῦσαι καὶ περὶ τῶν μελλόντων ἂν αὐτῷ δοκῇ προστάξει κύριός ἐστιν, 76). In a democracy, by contrast, the laws properly determine the course of future events and the jury is the bedrock of its administration. Timokrates' crime is placing himself above the laws *and* above the jurors. Demosthenes in fact directly correlates the dissolution of democracy with the disempowerment of the jury's verdicts (τὰ δεδικασμένα ἄκυρα ποιεῖν . . . δήμου κατάλυσις, 152), reminding his audience that the overthrow of democracy in 411 was accomplished through abolishing the suit for illegal proposals (γραφὴ παρανόμων) and so dispossessing the jury of its power (παρανόμων πρῶτον γραφῶν καταλυθεισῶν καὶ τῶν δικαστηρίων ἀκύρων γενομένων, 154).<sup>123</sup> The actions of the defendants inappropriately establish their own power to the detriment of the jury's and laws' power, fundamentally contrary to democratic practice.

<sup>123</sup> Compare Thucydides' account of the Assembly turning over power to the Four Hundred, where he also specifies that they dispensed with the charge against illegal proposals (8.67).

Moreover, the threat to the power of the jury may be extended to a threat against the whole conceptual *dēmos*. As noted (Section 4.4), the dikasts are often referred to in the second person and transcend their juridical role to include their other citizen functions. In some cases, the *dēmos* is specifically mentioned as undercut by the defendant. This worry is central to Demosthenes' arguments in *Against Leptines* (20). He argues that Leptines, through his law prohibiting exemptions from liturgies, is not only implying that those who currently have exemptions are unworthy of the gift but is also taking away the people's power. In dissecting the text of Leptines' law, Demosthenes accuses him of unfairly making underserving recipients and the jury ("you") equals:

ἐν μὲν γὰρ τῷ γράψαι “μηδένα εἶναι ἀτελεῖν”, τοὺς ἔχοντας ἀφείλετο τὴν ἀτέλειαν, ἐν δὲ τῷ προσγράψαι “μηδὲ τὸ λοιπὸν ἐξεῖναι δοῦναι”, ὑμᾶς τὸ δοῦναι ὑμῖν ἐξεῖναι. οὐ γὰρ ἐκεῖνό γ' ἔνεστιν εἰπεῖν, ὥς τὸν αὐτὸν τρόπον, ὅνπερ τοὺς ἔχοντας {ἀφείλετο} τὴν δωρεὰν ἀναξίους ἐνόμιζεν, οὕτω καὶ τὸν δῆμον ἀνάξιον ἡγεῖτο κύριον εἶναι τοῦ δοῦναι, ἐάν τω βούληται. (20.2)

By writing “no one is exempt,” Leptines took away the exemption from those who have it, but by adding a clause “in the future it is not permitted to grant an exemption,” he took away your power to grant it. Certainly he cannot argue that his contention that the men who have received exemptions do not deserve them rests on the same grounds as his view that the people do not deserve to be *kurion* to grant exemptions to whomever they wish.

The jury is addressed as the *dēmos* and associated with giving exemptions, a role institutionally reserved for the Assembly. The laws and the citizens should both remain *kurioi*, in contrast to Leptines' disempowering proposal. In a democracy, the loss of the *dēmos'* power represents a more dire consequence than the cost of a few misguided gifts of exemption. Since each juror is of course a citizen, the prosecution may portray the defendant's actions as an attack on different aspects of his power, whether as an individual citizen, a member of the jury, or a member of the overall *dēmos*.

The use of *kurios* and *akuros* to describe the laws, defendant, and jury shows that the courts were an arena for power and its contestation. Comparing these uses to those within the framework of the *kurios* institution in the household, we see similarities in the ideology of power. Namely, since various entities could be simultaneously *kurios*, the power thus indicated does not seem to be absolute. However, this does not mean that power could not be challenged. Claims to power were not stable. Just as a citizen needed to secure his status as *kurios* in the private sphere against



those who infringed on his power, so, too, were the *kurioi* at risk of disempowerment in the public sphere, whether citizen, law, or *dēmos*. A dichotomy between harmful individuals and the power of the *dēmos* and laws is established as immanent in legal conflicts.

#### 4.6 Individuals and Institutions

While the law and jury versus the defendant are presented as the main disputants by prosecutors, another potential power conflict is also at play. The laws and the jury are portrayed as a harmonious unit to which the defendant should be subordinate. As citizens, the defendant and jury members have equal status within the *polis*. The jury, and the *dēmos* too, should be subordinate to the laws. The Athenians were not anarchists, despite what their critics claimed, and so subordination to the laws was a practical necessity that also needed to be accounted for ideologically. How can citizens stay empowered when under the power of the law?

In a state constituted by its citizens, the government was not yet separated into an abstract and oppressive entity. Whether the *polis* was a “state” is a contentious subject. Hansen has shown that part of the difficulty in categorizing the *polis* as a “state” or not is that scholars often use conflicting definitions of the state when comparing the ancient and modern examples.<sup>124</sup> If applying a strictly anthropological or historical definition of a phenomenon, a state is a centralized government with a monopoly on the legitimate use of force. The Athenian *polis*, despite allowing self-help in select situations for extracting punishment, appears to qualify.<sup>125</sup> The sticking point, however, tends to be the more robust concept of the modern state, which developed from a post-Hobbesian notion dependent on the concept of sovereignty. On this view, the state is an abstract, sovereign power over both rulers and ruled.<sup>126</sup> The modern state cleaves the community into population and government, with “state” identified strongly with the latter. While the *polis* could be personified, such as in decrees where the *polis* itself is the subject of the action, the identification between citizens and government prevented a completely

<sup>124</sup> Hansen 2002: 18–9, Hansen 1998: 13–4.

<sup>125</sup> For the view that the *polis* is a state, see Harris 2013: 21–59; Hansen 2002: 32–7; an extended treatment appears in Hansen 1998: 120. Berent instead maintains that it is a stateless community rather than a state since it lacks a true centralized monopoly on violence (2000: 258–63).

<sup>126</sup> The modern concept includes that this power be over a territory and a population, but these characteristics are not typically what is considered lacking in a *polis*. For a standard definition, see Philpott 2020: 1–6.

detached abstraction, as the common designation of “the Athenians” for the subject of action implies. Hansen’s nuanced view argues that use of *polis* as the subject of, for example, passing a law, electing an official, or making a sacrifice does indicate an ancient concept of an abstracted state. Even he allows, however, that in the ancient city-state, and in particular in democratic *poleis*, “government and citizens largely coincided . . . and the dominant ideology was that the *polis* was the people (*demos*) . . . In ancient Greece, citizens were proud to say ‘we are the *polis*.’”<sup>127</sup> In my view, the basic abstraction that allows a *polis* to be conceived as continuing through generations or as taking an action bears little resemblance to the modern idea of an entirely abstract and detached “unitary, intentional actor, one that rules society as if from without.”<sup>128</sup>

Anderson has instead further advanced the conversation by arguing that the concept of the “state” requires a set of modern ontological commitments that simply do not hold in antiquity.<sup>129</sup> One of these commitments is individualism, which “mandates a separation between this self-sustaining ‘(civil) society’ of free, self-actualizing subjects and any corresponding state. While ‘government’ may be necessary to protect rights . . . it is also by definition a ‘necessary evil,’ since it entails alienating one’s natural freedom to rule oneself to other self-interested individuals, who will inevitably rule for themselves.”<sup>130</sup> Ancient Athenians, on the other hand, considered themselves interdependently bound to their community as constituents of both the *polis* and *oikos*.<sup>131</sup> In this context, a division between the state and the *dēmos* or between public and private spheres is incomprehensible. Taking this position, I use “state” in the simple sense to refer to the centralized apparatus of government, with no implication that it is a permanent, abstracted power standing apart from citizens.<sup>132</sup>

Discussions of power and freedom in Athens, however, often appear to rely on a division between “the people” and “the state.” Aristotle, along with other critics, decries the supposed lawlessness of democracy as the outcome of extreme freedom. In doing so, he implicitly creates an opposition between citizen and state.<sup>133</sup> He goes so far as to assert that the democratic viewpoint sees living under a constitution as analogous to

<sup>127</sup> Hansen 1998: 67. For a list of examples where the *polis* is an agent, see Hansen 1998: 67–73.

<sup>128</sup> Anderson 2018b: 64.

<sup>129</sup> Anderson 2018b; Berent 2000 makes a different argument for the stateless *polis*.

<sup>130</sup> Anderson 2018b: 63–4. <sup>131</sup> Anderson 2018b: 67–70. See also Anderson 2015, 2018a: 143–5.

<sup>132</sup> Although Anderson’s more radical reading may disagree with this use as well.

<sup>133</sup> For those who might read this as a true abstraction of the concept of state, it may be more accurately an instance where a thinker is formulating the concept although the historical phenomenon itself is still untenable (cf. Hansen’s robot example [1998: 114–6]).

slavery (*Pol.* 1310a34–6).<sup>134</sup> The antagonism between state and citizen, though, turns on the presumed conflict between the power of the government and the freedom of the individual. In this model, the citizen needs freedom from state interference and the laws function as the restrictive arm of the government. But if democrats viewed laws as slavery, as Aristotle contends, we would expect the same texts that revere freedom to reveal a disdain for the law. On the contrary, democrats constantly affirm their law-abiding nature. The state and the citizen are not perceived as being at odds by democratic sympathizers and, thus, their symbiotic relationship must be rationalized in any account of democratic freedom and power.

A conflict between the law and citizen freedom would point to a paradox in Athenian self-perception. Rather than looking at this issue in terms of freedom, however, I will approach the question of the individual and the state through the lens of power.<sup>135</sup> In this way, I consider not the power of the laws versus individual freedom, but the congruence between the power of the laws and that of the citizen. As we have seen, Athenians did not conceive of effective power as necessarily absolute but considered it a shared disposition of several entities. The relationship between laws and the individual was, then, not merely top-down domination infringing upon the freedom of the individual, but an instance of two sets of *kurioi* with overlapping spheres of operative power. Each entity supported the others' power. Ultimately, the primary building block of the democratic constitution was the free, empowered citizen. The citizen must ideologically be the source of power for the state, even if one wishes to relegate the citizen to a lesser importance than the *polis* as a whole.

The reconciliation of the power of the citizen and the power of the laws rested on the conceptualization of the source of their power. To begin with, the jury, in so far as it is a body constituted by law, was empowered by the laws. In a practical sense, the laws are what created the institution of the *dikasteria*, regulated its makeup, and so forth. In this way, the laws formally made these citizens play a particular role with particular powers. In the Athenian imaginary, the laws also protected dikastic power. Directly after Demosthenes has accused Timokrates of attempting to make himself and his law powerful at the expense of disempowering the citizenry and democracy in general (24.117, see p. 120), he reminds Timokrates that “laws which are *kurioi* make these men *kurious* over everything”

<sup>134</sup> A common accusation against democrats by the opposition; see also the so-called “Old Oligarch” ([Xen.] *Ath. Pol.*) 8.

<sup>135</sup> Since I see power as inextricably linked to the idea of a free citizen.

(οἱ μὲν ὄντες ἡμῖν κύριοι νόμοι τουτουσὶ ποιοῦσι κυρίουσὶ πάντων, 24.118).<sup>136</sup> In this context, the laws undergird the power of the sitting jury.

The laws likewise empower citizens independent of their role as dikasts. For instance, in *Against Meidias* (21), Demosthenes introduces a former case where the father of an archon placed his hands on another citizen at a festival and was condemned despite his social standing. In the voice of the former prosecutor, he summarizes the successful argument, asking “What power does the law grant you even if you are the archon himself?” (τίνος ἐκ τῶν νόμων εἴ κύριος, καὶ ὁ ἄρχων αὐτός; 21.179). Demosthenes answers with infinitives to show what the citizen is and is not empowered to do (“[The power] to order the attendants to bar him, not to beat him yourself”; τοῖς ὑπηρέταις ἐξείργειν εἰπεῖν, οὐκ αὐτὸς τύπτειν, 21.179). In this passage, the laws give power to accomplish actions, but also deny power. If they do not give the power to strike, by inference they prohibit one from striking. This passage makes clear that the laws make citizens powerful not only *qua* jurors but also *qua* citizens. The individual citizen, in private or public capacity, is *kurios* and the laws appear to be the source of his power.

If the laws are the source of one’s power, it is personally beneficial for one to uphold the law. Thus, focusing on the laws as the source of power is a persuasive tactic in forensic speeches. If the relation were in fact unidirectional, however, the law would have ultimate power, insofar as it grants power to citizens. Therefore, without the laws, citizens would not be *kurioi*. The laws would then determine the freedom and power of the citizen, rather than the free, powerful citizen being the basis of the state. This would be consistent with democracy’s focus on law but would have severe consequences for the ideology of freedom that begins with the individual citizen. The source of the power of the laws is accordingly based on the citizens. Since statutes are ultimately created by citizens, whether laws by the *nomothetai* drawn from the jury pool, or decrees by the Assembly, the origin of the laws can be traced to the *dēmos*.<sup>137</sup> The further resolution of the power held by citizens and the law is exemplified by Aeschines in an appeal to the jurors to convict Timarchos:

τούτους μέντοι τοὺς νόμους εἶναι χρησίμους ἢ ἀχρήστους ἐφ’ ὑμῖν ἐστίν· ἐὰν μὲν γὰρ κολάζητε τοὺς ἀδικοῦντας, ἔσονται ὑμῖν οἱ νόμοι καλοὶ καὶ κύριοι· ἐὰν δ’ ἀφιήτε, καλοὶ μὲν, κύριοι δὲ οὐκέτι. (Aeschin. 1.36)

<sup>136</sup> A defining feature of democracy is that the law is the bedrock of protection for the citizen and the *politeia*; Aeschin. 1.5.

<sup>137</sup> The distinction between decrees and laws is a fourth-century one. Athenians did recognize ancestral laws, but even these had to be reinstituted after the reestablishment of the democracy.

But it is in your hands whether these laws are useful or useless. If you punish those who do wrong, the laws will be excellent and *kurioi*, but if you let them lapse, they will be fine, but *kurioi* no more.<sup>138</sup>

We have seen how the power of the laws is at stake in the law courts. Here, the prosecutor places the onus for the law's survival on the people. The laws will not be *kurioi* unless the people uphold them. While the laws may bestow power on the *dēmos*, the *dēmos* actualizes the power of the laws and protects them from losing their power. Citizens, dependent on the laws for their own power, must reestablish the laws' power. This creates a closed circuit of power between citizens and the laws.

The negotiation of power between the laws and the people appears as a common trope in the appeal to the jury to uphold the law. Indeed, the jury had some leeway in its rulings.<sup>139</sup> The prosecutor had to prove not only that the defendant was guilty of breaking the law but also that the jury should vote in accordance with the laws. As a consequence, much rhetoric was applied to emphasizing why upholding the law was important for each member of the jury. As discussed, the greatness of the democratic state is attributed to the laws. The jury's decision is framed in turn as protecting the laws. The *locus classicus* for a description of this relationship is in *Against Meidias*, where Demosthenes gives us the most extended and explicit version of this argument.<sup>140</sup> I give the entire text of the relevant passage here:

μηδαμῶς, ὧ ἄνδρες δικασταί, μὴ προδῶτε μήτ' ἐμὲ μήθ' ὑμᾶς αὐτοὺς μήτε τοὺς νόμους. [223] καὶ γὰρ αὐτὸ τοῦτ' εἰ 'θέλοιτε σκοπεῖν καὶ ζητεῖν, τῷ ποτ' εἰσὶν ὑμῶν οἱ ἀεὶ δικάζοντες ἰσχυροὶ καὶ κύριοι τῶν ἐν τῇ πόλει πάντων, ἐὰν τε διακοσίους ἐὰν τε χιλίους ἐὰν θ' ὅποσουςοῦν ἡ πόλις

<sup>138</sup> Also see Aeschin. 1.177.

<sup>139</sup> Scafuro sums it up well, despite her use of “sovereign”: rhetoric surrounding the application or adherence to the law

does not mean that the law in Athens was disregarded or was not “sovereign” (at least as an abstraction), or that litigants always misled dikasts, or that dikasts were easily swayed by their persiflage. Rather, such an assessment recognizes that litigants and dikasts operated within a system entirely different from our own, a system that made use of laws that often lacked technical precision, and that valued the common man's opinion (and bias) over the expert's ratiocination. (1997: 54)

The dikastic oath included the pledge to use “one's best judgement” to decide (γνώμη τῇ δικαιοσύνῃ), but it is unclear if this is only in the case that the law was unclear, a statute did not exist, application of the law would not result in fairness, or in all cases regardless. A recent analysis of the oath and summary of the debate can be found in Forsdyke 2018: 197–9.

<sup>140</sup> Compare Aeschin. 1.4–5.

καθίστη, οὔτε τῷ μεθ' ὅπλων εἶναι συντεταγμένοι μόνοι τῶν ἄλλων πολιτῶν, εὖροϊτ' ἄν, οὔτε τῷ τὰ σώματ' ἄριστ' ἔχειν καὶ μάλιστα' ἰσχύειν {τοὺς δικάζοντας}, οὔτε τῷ τὴν ἡλικίαν εἶναι νεώτατοι, οὔτε τῶν τοιούτων οὐδενί, ἀλλὰ τῷ τοὺς νόμους ἰσχύειν. [224] ἡ δὲ τῶν νόμων ἰσχύς τις ἐστίν; ἄρα ἔάν τις ὑμῶν ἀδικούμενος ἀνακράγη, προσδραμοῦνται καὶ παρέσονται βοηθοῦντες; οὐ· γράμματα γὰρ γεγραμμένα ἐστίν, καὶ οὐχὶ δύναιντ' ἄν τοῦτο ποιῆσαι. τίς οὖν ἡ δύναμις αὐτῶν ἐστίν; ὑμεῖς ἔάν βεβαιώτ' αὐτοὺς καὶ παρέχητε κυρίους αἰεὶ τῷ δεομένῳ. οὐκοῦν οἱ νόμοι τε ὑμῖν εἰσιν ἰσχυροὶ καὶ ὑμεῖς τοῖς νόμοις. [225] δεῖ τοίνυν τούτοις βοηθεῖν ὁμοίως ὥσπερ ἄν αὐτῷ τις ἀδικούμενῳ, καὶ τὰ τῶν νόμων ἀδικήματα κοινὰ νομίζειν. (21.222–5)

No, men of the court, do not betray me, yourselves, or the laws. If you should be willing to consider and examine what makes those of you who judge cases at any time strong and *kurioi* over all the city's affairs, whether the city appoints a hundred, or a thousand, or however many, you would discover it is not because you judges are the only citizens who are drawn up in arms, nor because you are in the best physical shape and are the strongest, nor because you are the youngest in age, or anything like this, but because the laws are strong. And what makes the law strong? Will they come running and be there to help someone if he is wronged and cries out? No: the laws are only written letters, and they could not do this. What then gives them strength? You do if you confirm them and make them *kurious* each time someone asks. So, the laws are strong through you, and you through the laws. One must therefore defend them just as the victim of injustice defends himself and treat offenses against the laws as threats to the community.

Demosthenes conflates the laws and the jurors to present them as the victims in the suit, since they are both at risk of losing power. Ober's reading of this speech emphasizes the role of oratory in establishing a truth regime molded by both individual orators and the audience of the collective *dēmos*.<sup>141</sup> Meidias, like other criminals who do not act as proper citizens should, needs to be submitted to a trial and conviction. Since he threatens the extant order, "in this situation, discourse must be translated into overt action. It is through the speech of the prosecutor and the subsequent vote of the people gathered as *dikastai* that the regime is reified . . . *Logos* becomes *ergon* and thus the power of the people is manifested in the life of the citizen."<sup>142</sup> This manifestation is expressed in the quoted passage and in the nature of the relationship between individual, collectivity, and laws. In my reading, I focus on the quality of power itself and how that may be sustained. In the regime of truth, citizens and laws must be powerful, and

<sup>141</sup> Ober 1996: 86–106. <sup>142</sup> Ober 1996: 105.

the symbiosis neatly expressed in Dem. 21.222–4 creates the narrative for that to be the case. Self-preservation entails that each party, the laws and the people, support the other. Demosthenes uses many words for power throughout these sections, but the word *kurios* specifically at the beginning and the end. What makes the jurors *kurioi*? The answer is the laws, which in turn gain their strength (ἰσχύς, δύναμις) when those same citizens make them *kurioi*. Although this particular passage is about the jury as *dēmos*, based on the connection between citizen identity as *kurios* in his private and public capacity, the same reasoning pertains to the individual citizens.

Power, then, is neither unidirectional nor exclusive to either the laws or the people. The laws empower the people who empower the laws. This rests on a conception of power as both shareable and constantly negotiated through action. Each citizen, then, has selfish reasons to uphold the law, whether in his own private law-abiding actions or in his actions in the courts, Assembly, or any other public forum: undercutting the law is undercutting one's own power.<sup>143</sup> At any given moment, we might imagine the citizens and the laws as both having operative power, where effective power may be concealed. When there is conflict, however, and a power struggle erupts in the form of criminal activity, it is the citizens who hold effective power to accomplish their goals: the defendant and the jury are presented as engaged in conflicting claims to that power. The laws' power is at issue, but its renewal is, in the end, up to the citizens sitting in judgment. Like freedom, power is integral to one's status as a citizen. Acting in accordance with the law is thus also integral to citizenship and not in conflict with it. Ultimately, the state empowers the citizen, on whom it depends for its own power, and vice versa, in a feedback loop that permits the democratic citizen to both be law-abiding and powerfully free to accomplish his own will.

#### 4.7 Conclusion

As we have seen, the struggles for and affirmations of power are set in the law courts, where legal conflicts force overt performances of power. By tracing the word *kurios* as a marker of power, and *akuros* as the lack thereof, the negotiation of power within forensic speeches reveals many of the same facets of power exemplified by the institution of the household *kurios*. As a position every adult male citizen would have

<sup>143</sup> For a different view of the reconciliation between obligations and freedom, see Liddel 2007: 109–209.



held and recognized in each other, and given the permeability of the private and public spheres, being *kurios* was conceptually extended from personal power to public power, much like free status was extended with the advent of citizenship. The *oikos* framework functioned as a metaphor that structured the conception of power. Taking power as a disposition to accomplish outcomes, rather than only equivalent to domination, more capaciously captures the sense of *kurios* in democratic Athens. Power in this view squares nicely with democracy's valuation of positive freedom. Notable features of power include its ability to be shared and its unstable nature: whoever acts *kurios* is *kurios*. These performances of power are key to the courts, where defendants who have acted inordinately powerful are reframed as threatening the power of other *kurioi*, namely the laws and the other citizens, by limiting their ability to accomplish a desired result. Since democratic citizens are naturally *kurioi* and are the basis of the civic and legal systems, the prosecution appeals to the jurors to keep their own power intact by punishing the criminal and upholding the laws.

The consequences of power viewed in this light create a fresh approach to the debates on the rule of law and sovereignty in ancient Athens. The mutually supportive power of the *dēmos* and the laws is heuristically useful for probing the Athenian position on the rule of law. In an attempt to systematize the definition of the rule of law in both the ancient and the modern context, Forsdyke reduces various definitions down to three main criteria: 1. legal supremacy, 2. legal equality, and 3. legal certainty.<sup>144</sup> Scholars who argue against the rule of law in Athens point to sanctioned extralegal justice as militating against legal supremacy, on the one hand, and a competing system of values against legal certainty, on the other.<sup>145</sup> The scholarly interest in the question of rule of law is motivated in part because its alleged absence has been used to characterize Athenian democracy as a majority tyranny that infringed upon individual civil liberties. Forsdyke, for instance, explicitly situates herself against that point of view to argue that Athenians had a “thick-ish” definition of rule of law in which “certain fundamental protections were afforded,” that is, “citizen rights,” if not modern “human rights.”<sup>146</sup> She contends that permitting other concerns to bear upon the administration of justice

<sup>144</sup> Forsdyke 2018: 186–7.

<sup>145</sup> For example, Cohen 1995a sees the law courts as an extension of feuding, and Lanni 2006 contends that a concern for equity was an overriding principle; Harris 2006, 2013 and Ostwald 1986 argue for a strict interpretation of the rule of law.

<sup>146</sup> Forsdyke 2018: 208–9.

is not unlike modern interpretations of justice which recognize the limitations of a strict application of the law, thus attributing to Athenians a preference for a substantivist, rather than formalist, legality. Gagarin has similarly emphasized that Athenians both aimed at the rule of law and recognized its strict impossibility.<sup>147</sup> Like Forsdyke's argument for a thick definition of the rule of law, Gagarin presents justice and public interest as fundamental objectives of the legal system that existed compatibly alongside the rule of law.<sup>148</sup> My analysis of power contributes to the understanding of the Athenian point of view on the matter: since the state was not viewed as a separate entity by the Athenians, likewise they did not see their laws as a detached, oppressive force. Instead, the laws and citizens were mutually empowering elements. This entails that the Athenian ideal of the rule of law, while valuing legal supremacy, equality, and certainty, necessarily included provisions for the citizen. In this way, the Athenian preference for a substantivist legality that protected "citizen rights," as per Forsdyke, or "public interest," as per Gagarin, is of a piece with the value of citizen freedom and power. The designation of *kurios* to the law and citizenry linguistically conceptualized the balance between the power of law and broader concerns in the administration of justice, key to the Athenian notion of the rule of law.

Likewise, the question of what body might be sovereign at Athens becomes less pressing when the linguistic indicator of power, *kurios*, permits an interpretation not bound by the unitary concept of sovereignty. The question of whether the concept of sovereignty existed in Athens has been debated.<sup>149</sup> The term *kurios* itself has even been translated as "sovereignty." Hansen, for instance, has done so, but has also cautioned that it may be problematic.<sup>150</sup> In clarifying what he means by "sovereignty," he claims that the concept applied to a government body, rather than individuals, and distinguishes internal sovereignty from external sovereignty. *Kurios*, in his view, refers to an internal sovereignty, especially with its implication of "supremacy" when used with the objective genitive. Instead of classical sovereignty, entangled with the concept of a unitary sovereign, Hansen argues for a modern conception of internal sovereignty, which requires: "the

<sup>147</sup> Gagarin 2020: 154–67. <sup>148</sup> Gagarin 2020: 166.

<sup>149</sup> For a succinct argument against the concept of sovereignty, see Ober 1996: 120–2.

<sup>150</sup> Hansen 1987: 105–6. He claims that setting aside the concept of sovereignty and instead interrogating who or what is *kurios* is a better approach to analyzing democratic institutions, but then, focusing on the definition of *kurios* as power over an objective genitive, he proposes that *kurios* "bears some relation to our concept of sovereignty" (Hansen 1987: 106).

existence in any state of a supreme legislative body of government, to whom people habitually pay obedience, but whose powers are circumscribed by the constitution, by the doctrine of separation of powers, by the idea of popular sovereignty, and by the distinction between state and society.”<sup>151</sup> In this view, the Athenian people would be sovereign in their role in the Assembly.<sup>152</sup>

Lane, too, has used *kurios* to outline a key piece of popular sovereignty in Athens, which she redefines as control of officeholders rather than power over legislation.<sup>153</sup> She argues that the application of *kurios* to the *dēmos* arises in the fourth century to explain how the officeholders, or “rulers” in Greek (ἄρχοντες, ἄρχαι), do not “rule” (ἄρχειν) in a democracy, despite the traditional nomenclature. Instead, the people are “sovereign” (*kurios*) in the city although they cannot all simultaneously hold office (i.e., “rule”). Lane further argues that Aristotle pinpoints the institutional mechanisms for this popular sovereignty in the people’s control of officeholders, without which they cannot “dominate the erstwhile dominators.”<sup>154</sup> Insofar as *kurios* is type of shared power in this reading, I would find the modification of “sovereignty” plausible.<sup>155</sup> I hesitate, however, to ground *kurios* itself solely in the idea of mastery or domination, especially one linked to a groups’ power over the whole *polis*.

Landauer instead uses *kurios* to search for how “democratic control,” rather than “sovereignty,” was attained in Athens and rejects the view that decision-making was sufficient.<sup>156</sup> His argument is anchored in Aristotle’s use of *kurios* “in a qualified sense to develop a fine-grained and disaggregated analysis of the concept of political control.”<sup>157</sup> Ultimately, Landauer makes a thoughtful institutional argument, showing that agenda control and open initiative were considered central for democratic control. Although many of his conclusions are compatible with *kurios* as the power to act, such as the importance of citizen initiative, his attention on institutional control and his understanding of the *dēmos* as only non-elites assumes power as domination at its core.

These three studies (Hansen, Lane, Landauer) on the institutional mechanisms of being *kurios* differ from my own study of the overall

<sup>151</sup> Hansen 1998: 73–83. Quote from 83.

<sup>152</sup> This is different than Hansen 1987, where he argues that the Assembly was not sovereign in the fourth century although it may have been in the radical democracy of the fifth century.

<sup>153</sup> Lane 2016. <sup>154</sup> Lane 2016: 72.

<sup>155</sup> Lane also acknowledges the extra-institutional aspect of power (2016: 64–7).

<sup>156</sup> This includes rejecting Lane’s “minimalist view” of the people’s sovereignty in Aristotle (Landauer 2021: 10–1).

<sup>157</sup> Landauer 2021: 4.

conception of power both in their primary institutional focus and in their premise of power as domination. My view instead foregrounds the possibility of action, which may be taken by more than one party, and which need not be a zero-sum quality. The conception of power as the ability to act is a different orientation to the realm of private and political power than domination, even when institutions are the means to facilitate that power. While it does not preclude hierarchies, it also does not immediately create them among institutions or equal citizens.<sup>158</sup> It is feasible that the quality of being *kurios* shares features with sovereignty, classical or modern, but highlighting similarities undermines what is unique about the Athenian conception of power so expressed. Unfolding the meaning of *kurios* reveals a concept distinct from sovereignty; one that is shareable and focused on the power to act.

I have been careful in the preceding pages to translate *kurios* as “powerful” or “empowered,” if at all. While no translation can work perfectly in every instance, I hope in this way to preserve the core of *kurios* as “having productive power” and to allow for comparative forms. In addition to “sovereignty” and “control,” “authority” has also been offered as a possible translation of *kurios* that may do similar work as “empowered.”<sup>159</sup> While “authority” has the benefit of implying legitimacy, like *kurios*, and allowing more flexibility than “sovereignty,” in common parlance it still lies on the spectrum of domination. “Empowered” in modern English is not typically employed when discussing domination or political power. The distancing language prevents easy elision of differences between the ancient and modern systems. Preserving the strangeness of the Athenian language surrounding power retains the strangeness of Athenian democracy and allows the differences to emerge.

The citizen as *kurios* to achieve outcomes, both in his *oikos* and *polis*, structured the public and private spheres within the same network of power and freedom. The different mechanisms that kept the whole *dēmos kurios*, and its constituent citizens *kurioi*, did not do so at the expense of limiting all other instantiations of power, even within the same sphere. While individuals and community could conflict in practical terms, they were not in competition for ideological power; instead, they were *kurioi* symbiotically. Since power can be shared between citizens as individuals, the *dēmos*, and the laws, the conflict between law and individual is

<sup>158</sup> Those outside of the ranks of the adult male citizen not being equal. See Chapter 5.

<sup>159</sup> Cammack for instance argues that “*kur-* specifically signaled lawful or legitimate authority” (2022: 485). I also thank Mark Lutz and Devin Stauffer for their thoughts on “authority.”

sidestepped in ideal conditions. When conflicts do arise, the rhetoric of power reinforces the various claims to power while singling out the rogue actor(s) as an outlier. Protection of citizen power lies at the heart of these manifold appeals. Thus, there is no inconsistency in portraying democracy as both the government most obedient to the law and the one where citizens have the most freedom and power.