

Shame in Athenian Oratory

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Abstract

My study explores the use of shame as an oratorical and rhetorical technique designed to lead the jurors during a court trial to sympathise with the speakers of the following orations of the fifth and fourth centuries B.C.: Lysias' *On the Murder of Eratosthenes* (1), *Against Simon* (3), Demosthenes' *Against Conon* (54) and Aeschines' *Against Timarchus* (1). The usage of shame in oratory has not been extensively studied due to the potential difficulty in reconstructing how the jurors may have reacted during a court trial. However, by using a linguistic approach to the analysis of the role of shame in Athenian oratory, it will be possible to determine how the use of shame could have affected the jurors' mind. This idea will be argued by the detection of a two-fold feeling of shame: passive and active. Passive shame will be seen in one's target who due to the outrages suffered at the hands of his perpetrator, experienced a feeling of shame and loss of honour. On the other hand, active shame will be perceived through those people who were considered immoral in the eyes of the Athenians since they intentionally dishonoured and humiliated their targets. Clear examples that can support this latter type of shame can be found in the matters that the speeches chosen for this project explore e.g. adultery in Lysias 1, shameful outrages which the speakers in Lysias 3 and Demosthenes 54 were subject to and in the corrupted lifestyle of Timarchus in Aeschines 1. From the analysis of Lysias 1, 3, Demosthenes 54 and Aeschines 1 it will also emerge that both typologies of shame are emphasised in the speeches through the usage of αἰσχρός, αἰσχύνη, αἰσχύνω, ὑβρίζω and ὕβρις.

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Abbreviations

DK	A. Lacks and G. W. Most (ed.). <i>Pairs of Argument: Dissoi Logoi</i> . London: W. Heinemann Ltd.; Cambridge, Massachusetts: Harvard University Press, 2016.
HARP	W. Dindorf (ed.). <i>Lexicon in Decem Oratores Atticos</i> . Oxford: Oxford University Press, 1969.
LSJ	H. G. Liddell, R. Scott and H. S. Jones. <i>A Lexicon</i> . Oxford: Clarendon Press, 1871.
OCT	C. Carey. <i>Lysiae: Orationes Cum Fragmentis</i> . Oxford: Oxford University Press, 2007.
	M. R. Dilts. <i>Demosthenis Orationes</i> . Oxford: Oxford University Press, 2009.
TLG	<i>Thesaurus Linguae Graecae</i> .

Chapter 1

Introduction

This work will focus on explaining how shame was used as the main oratorical technique during court trials in the fifth and fourth centuries B.C. that attempted to lead the jurors to sympathise with the speakers of the following speeches: Lysias' *On the Murder of Eratosthenes* (1), *Against Simon* (3), Demosthenes' *Against Conon* (54) and Aeschines' *Against Timarchus* (1). This project will explore the use of shame, which mostly went hand in hand with notions of one's honour and self-esteem,¹ in relation to female and male behavioural role patterns by using different scholarly works from various disciplines, e.g. anthropology, classics and to some extent psychology. As I will explore in greater depth in the literature review of selected scholarly works, theories on the role of shame and honour in ancient Greece have been based on the explanation of how the mechanism "shaming oneself" or "others" was caused by certain behaviours or attitudes that went against the Athenian moral and social code.

Never the less, there remains a lack of in-depth studies on the employment of shame as an oratorical strategy in Athenian oratory. Mainly Roisman and Balot have given an interpretation to the role of shame in law court speeches.² By stating how the Athenians protected themselves against shame, Roisman explains how shame could have been used as a way to achieve a favourable verdict and as a form of "social control".³ The use of shame as a way to control other people's emotions will be clearly seen in the orations where the account of those immoral and disgraceful actions of one's enemy was used to stigmatise the opponent with shame and to trigger a sense of embarrassment, anger, disgust and horror in the jurors. The use of emotions in order to influence the judgment of the jurors has been extensively explained in Aristotle's *Rhetoric* where he links their usage in court with the character delineation (*ethopoiia*) of the speakers.⁴ The first emotion linked to the *ethopoiia* is anger.⁵ Anger

¹ Cairns 2011; Bianchi Mancini 2015a: 7.

² Roisman 2005: 64-83; Balot 2014: 243-248.

³ Roisman 2005: 83.

⁴ Arist. *Rh.* 1356a, 1377b.

⁵ Arist. *Rh.* 1378a-b.

alongside the sense of fear and suffering that the speakers should project on the jurors, is an important emotion that shows how one's opponent is responsible for certain actions performed against his target.⁶ After an extensive account on anger and pain, Aristotle turns to an explanation of what shame is and what those things that make men feel ashamed are.⁷ Aristotle explains shame as a rather complex emotion that the individual experiences in different ways. For example, one can either feel shame for disgraceful misdeeds or for being related to certain acts that involve a sense of disgrace or for being connected with those people who are acquainted with their disgrace.⁸ Such different ways of experiencing shame will be found in the speeches I will analyse in this work. Aristotle also touches another important point in his account of the emotion of shame. According to the philosopher, those who either experience or cause shame can be the targets of gossip and slander.⁹ Nonetheless, as we will mostly see in Lysias' *On the Murder of Eratosthenes* and Aeschines' *Against Timarchus*, the role that gossip has in relation to shame is not connected to those who had been ashamed but, on the contrary, it is linked to those people who are shameful and disgraceful.

However, the lack of an extensive scholarly discussion on the possibility of how shame could have manipulated people's mind lies behind the difficulty in explaining how the jurors may have reacted during a court trial. As a result, those scholarly works that will help me with this reconstruction have been based on how the individual was considered the guardian of his own honour and how he appeared in front of his society.¹⁰ One's appearance in front of his peers, which was regulated by the level of honour he had,¹¹ is what we can explicitly find in the speeches under analysis in this work. The preservation of one's honour and reputation in the eyes of others was of major importance in an agonistic society like the Athenian one. For this reason, whoever was outraged or disgraced had to take revenge on his enemy in order to regain his lost honour and potentially his own reputation.¹² This view is fully accepted by Roisman, Lanni and most importantly by Cohen, who claims that revenge

⁶ Arist. *Rh.* 1380a.

⁷ Arist. *Rh.* 1383b. I will return to the notion of shame in Aristotle in 1.b.1.

⁸ Arist. *Rh.* 1383b-1384b, 1385a.

⁹ Arist. *Rh.* 1384b.

¹⁰ Pitt-Rivers 1965: 28, 31; Cohen 1991: 64, 95-96.

¹¹ Cohen 1991: 64, 95, 97; 1995: 63. Cf. Bianchi Mancini 2016a: 7.

¹² Roisman 2005: 75; Lanni 2006: 28; Cohen 1991: 96; 1995: 66; Bianchi Mancini 2016b: 4. Cf. Herman 1993: 413; 1995: 49.

equals the reacquisition of one's lost honour.¹³ However, Herman's views on revenge and honour, which will be better explained in the literature review and in my analysis of Lysias' *On the Murder of Eratosthenes*, differ from those of Roisman, Lanni and Cohen. Through the distinction of two codes of behaviour, e.g. one tribal and one civic,¹⁴ he states that the Athenian moral and social code instructed those who were being provoked or outraged to not respond with violence and to show self-restraint.¹⁵

Owing to the assumption of the individual as the guardian of his own honour and to the importance of his appearance before his peers,¹⁶ throughout this work we will also see how in the speeches the speakers have a clear need to appear honourable and to portray their enemies as hubristic and disgraceful. This necessity is achieved through the usage of two types of shame - one implicit, even called passive and, one explicit therefore active, which are also intensified by the usage of αἰσχρός, αἰσχύνη, αἰσχύνω, ὑβρίζω and ὕβρις. The explicit emotion of shame will be perceived through the portrayal of the speakers' opponents as shameful people because of their outrageous attitude towards their targets and, to some extent, towards the *polis* itself, as in Aeschines 1. On the other hand, we will see that implicit shame is triggered in one's target by all those outrages that were intended to dishonour and disgrace him.

In court, however, the narration of what the speakers had suffered at the hands of their enemies strategically makes them appear weaker than their perpetrators but also moderate and self-controlled. The oratorical choice to make the speakers appear weak but also as men who, as I will argue, are modest and have self-restraint is found for example in the figure of Euphiletus in Lysias 1, in Theodotus' lover in Lysias 3 and in the figure of Ariston in Demosthenes 54. We will see that in order to compensate for their weaknesses, the speakers sought to portray their rivals as deeply shameful and depict themselves as people who had found themselves in situations that had made them feel ashamed and had certainly lowered their honour. For this reason, the usage of a carefully constructed speech that presented both an implicit and explicit sense of shame had to make them regain their honour at the expense of their enemies by stigmatising their rivals with shame and by making them appear as people unworthy of respect.

¹³ Cf. Cohen 1995: 66; Bianchi Mancini 2016b: 4.

¹⁴ Herman 1993: 419; 1995: 51.

¹⁵ Herman 1993: 418.

¹⁶ Pitt-Rivers 1965: 28, 31; Cohen 1991: 64, 95-96.

As it seems clear, this work will be divided into four chapters, which will correspond to the four orations that I will analyse. Before proceeding into giving a detailed summary of what each chapter will contain, I will give an overview of the methodology I have adopted to reach the aims of this work and a detailed discussion of those anthropological and classical works on the mechanism of shame and honour mostly in the fifth and fourth centuries B.C Athens, which I have used to build my study on.

1.A Methodology

Proving that shame could have been used as a way to manipulate the jurors for the achievement of a positive verdict in favour of the speakers of the orations I have chosen for this study is not an easy task. For this reason, this work will adopt a linguistic, an anthropological and a classical approach. First, the choice to study Lysias 1, 3, Demosthenes 54 and Aeschines 1 can be found in a similar linguistic structure that they all have. The intention to portray the opponents as hubristic and shameful by nature in order to drive the jurors to sympathise with the speakers is a feature common to both defence and prosecution speeches I will analyse. Lysias 3 and Demosthenes 54 are very similar linguistically and to some extent thematically speaking. Although they were written for different legal cases (defence and prosecution respectively) and their main themes are very different, the offence of ὕβρις committed towards the speakers at the hands of their opponents and their attitude of audacity constantly recur in the two speeches. Lysias 1 and Aeschines 1 are the only orations that are thematically different from each other, however, they are significant for the study of female and male sexual conduct.

A linguistic approach to the analysis of the role of shame in Athenian oratory and especially of the impact of words on the audience will be helpful for two reasons: to some extent it can prove how the usage of shame among the orators may have affected the jurors' mind and their judgement while, to another, it can determine how the speakers of the speeches are attempting to convince the jury through the usage of a specific vocabulary that all the outrages committed by their opponents really happened.¹⁷ To explain this excessive need of the speakers to persuade the jurors, this work will mostly benefit from anthropological and classical sources. For Pitt-Rivers'

¹⁷ Cf. Herman 2006: 136.

and Cohen's ideas on the role of shame and honour in agonistic societies will be of major importance.¹⁸ In fact, in this work, we will learn how law court speeches were important for the speakers to regain the honour they had lost in the moment they had been outraged and ashamed at the hands of their opponents. However, we will also understand how in the speeches there is not only the idea of one's sense of shame and honour but also the impression of how the outrages that one committed had to trigger a sense of disgust and horror in the jurors. The evocation of disgust in the mind of the jurors will be seen in the fourth and fifth chapter based on the study of Demosthenes 54 and Aeschines 1 respectively. The analysis of those instances where the orators appeal to the jurors' elicitation of a feeling of disgust and horror in the speeches has been built on the theories of Cirillo for Demosthenes' *Against Conon* and of Spatharas for Aeschines' *Against Timarchus*.¹⁹ We will see that the emotion of disgust appears intertwined with shame in the two orations. In Demosthenes 54, disgust is mostly embodied in Conon's persona and in those shameful outrages that he and his sons committed against the speaker,²⁰ whereas in Aeschines 1 it is represented by the shameful portrayal of Timarchus' character and lustful lifestyle.²¹ To conclude the importance of this research lies in the explanation of the fact that the jurors were more likely to sympathise with the speakers if in the speeches there was a constant use of explicit and implicit forms of shame.

1.B Literature Review

This literature review will focus on a selection of those scholars who have written about shame and honour and who have been essential to the development of my thesis. Owing to the nature of this wide-ranging study, I will divide the literature review into different sections depending on the orations that I will discuss in the subsequent four chapters. The sections will have as their main point of reference shame and honour but will be analysed in different contexts, which will correspond to: the matter of adultery in Lysias 1, the alleged pederastic relationship between the speaker and a young boy named Theodotus in Lysias 3, the offence of ὕβρις in Demosthenes 54 and male prostitution in Aeschines 1. However, a fundamental problem must be pointed out. Not all of these topics explicitly identify how certain

¹⁸ Pitt-Rivers 1965; Cohen 1991.

¹⁹ Cirillo 2009; Spatharas 2016.

²⁰ Cirillo 2009: 2, 19.

²¹ Spatharas 2016: 132, 136-137.

behaviours could be considered shameful for the individual and his society. This literature review will serve to later address such issues as well as to highlight and compare the behaviour of good citizens with the conduct of those who were portrayed without any moral and social values. First, I will begin with a discussion of those secondary sources that analyse shame and honour from a general anthropological and classical point of view.

1.b.1 Discussion of Anthropological and Classical Sources

Peristany and Pitt-Rivers commenced the analysis of shame and honour from an anthropological point of view. Their work created some views on the role of these social values in Mediterranean societies, which will be later reused in scholarly works for the explanation of the role of shame and honour in the fifth and fourth centuries B.C. Athens.²² Pitt-Rivers has argued that in agonistic environments, the winner enhances his reputation at the expense of his rival's loss of honour.²³ He implies that the rival's loss of honour equals the winner's growth of respect and reputation in the society, to which Gouldner has attributed the name of "zero-sum" game.²⁴ Pitt-Rivers further asserts that the individual is regarded as the guardian of his own honour²⁵ and in agonistic societies, who is strong, is more likely to increase or maintain his honour than those who are more vulnerable.²⁶ I argue that the latter view, however, cannot be applied to the role of shame and honour in Athenian law courts. As I have explained in the introduction to this work, we will notice that in Lysias 1, 3 and Demosthenes 54 the speakers, portrayed as men who have been subject to various types of outrages, are much weaker than their perpetrators. For this reason, they availed themselves of a carefully constructed speech in order to regain their honour at the expense of their enemies by driving the attention of the jurors to the hubristic and shameful character of their rivals.

Pitt-Rivers' theory on the role of the individual as the "guardian of his own honour" in the society, which has been fully developed by Cohen and further proved by

²² Bianchi Mancini 2015a: 5-6.

²³ Pitt-Rivers 1965: 24. See also Cohen, 1995: 63; Bianchi Mancini 2016b: 3.

²⁴ Gouldner 1965: 49. Also cf. Bianchi Mancini 2016b: 3; Cohen 1991: 183; 1995: 63; Lanni 2006: 28 for more references to honour as a "zero-sum" game in the following years.

²⁵ Pitt-Rivers 1965: 28, 31.

²⁶ Pitt-Rivers 1965: 28, 31. See also Bianchi Mancini 2016b: 3; Cohen 1995: 63; Lanni 2006: 28.

ancient sources,²⁷ is also valid in the fifth and fourth centuries B.C. Athenian law courts that, as Herman has argued,²⁸ were the perfect opportunity to show one's honour. Demosthenes states that, during the Athenian democratic period, men could behave as they wished as long as they did not pay attention to their future reputation.²⁹ What the orator is trying to attest is the idea of freedom in a democratic government.³⁰ However, men's free will may have been dangerous since the level of honour that people had, came from their behaviour in everyday life.³¹ It is certain that in those societies oriented towards shame the way people behaved publicly influenced their reputation and appearance of their honour.³² In contrast to Pitt-Rivers, Cohen has demonstrated that one's level of respectability in front of his peers is also connected to the role that gossip has in agonistic societies.³³ The phenomenon of gossip, which has been studied by scholars from various disciplines since the early 60's,³⁴ can be especially seen in the speeches written by Lysias and Aeschines. Lysias' *On the Murder of Eratosthenes* and Aeschines' *Against Timarchus* can be used as major examples to prove the validity of the theories that Cohen and later scholars such as Hunter wrote about the phenomenon of gossip in relation to the "politics of reputation" in one's society.³⁵ For example, in Lysias 1, Eratosthenes is portrayed as a man who was known for his habit of corrupting and seducing other people's wives.³⁶ His public conduct is what made him a man with no shame and honour.

In his analysis of shame and honour in agonistic societies, Pitt-Rivers also omits the importance that the act of avenging an injustice suffered by the individual plays in his respectability in front of his peers. By citing Aristotle,³⁷ Cohen claims that in agonistic societies the unavenged injustice suffered by the individual was worse than hurting those who outraged him.³⁸ In fact, by avenging an outrage he has been subject

²⁷ Cohen 1991.

²⁸ Herman 2006: 136, 200, 204.

²⁹ Dem. 25.25; Cohen 1991: 229.

³⁰ Cohen 1991: 228.

³¹ Cohen 1991: 95, 232.

³² Cohen 1991: 64, 95-96, 232.

³³ Cohen 1991: 64-65.

³⁴ Cf. Campbell 1964; Hunter 1990; Ben-Ze'ev 1994; Besnier 1996ff; Bianchi Mancini 2016c: 4. For more works on the role of gossip in Classical Athens; cf. Gotteland 1997; Cohen 1991; Hardie 2012.

³⁵ Hunter 1990; Bianchi Mancini 2016c: 4.

³⁶ Lys. 1.16.

³⁷ Arist. *Rh.* 1382b; Aristotle writes that people in Classical Athens had to fear their enemies who mostly corresponded to people with the same goal in life. Cohen 1995: 63. See also Bianchi Mancini 2016b: 3.

³⁸ Cohen 1995: 66; Bianchi Mancini 2016b: 3-4.

to, he proves his legitimacy to be considered an honourable man by showing his fear of appearing as a shameful person in front of his fellow citizens.³⁹ Vengeance can also be seen as a proof of courage, which as Lanni has stated,⁴⁰ was highly rewarded in Classical Athens. However, Cohen's view on revenge does not receive much approval in Herman's works. By taking Lysias' *On the Murder of Eratosthenes* and Demosthenes' *Against Meidias* as primary examples, he studies two antithetical sets of behavioural code; one tribal and one civic.⁴¹ The first one can be found before the rise of the *polis* and has revenge and violence as its main characteristics, whereas the civic code is centred in the fifth and fourth centuries B.C. Athens and teaches people how to avoid retaliation by showing self-restraint.⁴²

Furthermore, in his works, Cohen partially takes into account the role of jealousy in agonistic environments. He states that jealousy made the envious man miserable as he hoped for his rival to be dishonoured.⁴³ However, Cohen, unlike Sanders, does not extensively study the inevitable connection that shame has with jealousy in Classical Athens. Sanders has shown that shame in relation to jealousy appears to be two-fold; it both affects whoever feels jealousy towards somebody and the victim himself when something is taken away from him.⁴⁴ Lysias' *On the Refusal of a Pension* is an example of law court speech that proves how in Athens men could be jealous of others people's good fortune.⁴⁵ However, the role that jealousy plays in oratory will be better seen in my analysis of Aeschines' *Against Timarchus*.

Moreover, Cohen's works disregard the predominant role of shame as a source of manipulation in law court speeches. This has been studied most importantly by Roisman and Balot. Roisman's fundamental point is directed towards the explanation of how shame could be seen as a manipulative technique that was especially used to trigger certain emotions in the jurors by leading them to stipulate a positive verdict in favour of the orators' clients.⁴⁶ Roisman's argument ends with a strong statement: "for Athenian men guarded against shame".⁴⁷ According to Roisman, this attitude was

³⁹ Cohen 1995: 66-67.

⁴⁰ Lanni 2006: 28-29.

⁴¹ Herman 1993: 419; 1995: 51.

⁴² Herman 1993: 419; 1995: 43, 51.

⁴³ Cohen 1995: 69.

⁴⁴ Sanders 2014: 16.

⁴⁵ Lys. 24.1. Sanders 2014: 84.

⁴⁶ Roisman 2005: 73, 79, 83.

⁴⁷ Roisman 2005: 83.

also considered a weakness as one always had to be careful to not show his feeling of shame in the front of others because once shown, it could have been manipulated.⁴⁸ These views also echo in Balot's work. In fact, Balot defines shame as an emotion that guards the individual against the loss of self-respect and states that in democratic Athens, shame and honour were subject to people's opinions, judgments and manipulation.⁴⁹ Roisman's argument on the usage of shame as a form of "social control"⁵⁰ is correct as shame is an emotion, which is part of the individual since the very young age and the knowledge of those acts that one may have committed and that could have triggered shame in the victims and in others were a tool that could have been used against one's perpetrator in legal contexts. Balot has also added to Roisman's views that shame could have been trained through oratory and attendance to court trials.⁵¹ An example that proves this view is Aeschines who in the speech *Against Ctesiphon* invited his fellow citizens to distinguish between valorous people with a correct and moral conduct and those who were immoral and shameful.⁵² However, the differentiation between honourable and shameful codes of behaviour can also be found in philosophy. Tarnopolski has argued that, through the usage of shame, Socrates manipulated his interlocutors by triggering in them the fear of being dishonoured before the society.⁵³ According to Tarnopolski, Socrates' attempt was clear: by taking shame as an emotional force, he taught his listeners how to avoid those circumstances that may have caused shame in them.⁵⁴

Furthermore, Roisman, Balot and Tarnopolski mention that the terms used to delineate shame in oratory and philosophy correspond to: αἰσχύνη-αἰσχροῦς and αἰδώς-αἰσχύνη respectively.⁵⁵ However, their works do not give an extensive analysis of these terms and their connotations in ancient Greece. Konstan, for example, notes a primarily difference in meaning between αἰδώς and αἰσχύνη.⁵⁶ He argues that αἰδώς is a noun that becomes rather obsolete from the sixth century B.C.⁵⁷ Konstan's theory is plausible and can be proved through the study of primary sources. From Hesiod

⁴⁸ Roisman 2005: 83.

⁴⁹ Balot 2014: 245-247. Cf. Bianchi Mancini 2016b: 3.

⁵⁰ Roisman 2005: 83.

⁵¹ Balot 2014: 246-247.

⁵² Aeschin. 3.246. Balot 2014: 247.

⁵³ Tarnopolski 2010: 90.

⁵⁴ Tarnopolski 2010: 99, 103.

⁵⁵ Roisman 2005: 65; Balot 2014: 245; Tarnopolski 2010: 91.

⁵⁶ Konstan 2006: 93.

⁵⁷ Konstan 2006: 93-94. Cf. Bianchi Mancini 2014a: 27.

onwards αἰδώς and its derivatives are rare to find with the only exception of the historiographers such as Herodotus and Thucydides.⁵⁸ Konstan continues by stating that these two terms are very different in use.⁵⁹ I agree with Konstan since if we consider the various spheres of meaning of the two terms we note that αἰδώς seems to be more connected to “reverence, honour and respect”⁶⁰ and, as Cairns has stated,⁶¹ it is not entirely associated with a proper feeling of shame. On the other hand, αἰσχύνη represents that typology of shame that is closely linked to “ugliness and deformity”.⁶² For example, Aristotle explains αἰσχύνη as an interior feeling that everyone has and that can potentially lead people to experience a sense of dishonour.⁶³ Euripides’ view in *Andromache* is similar to that of Aristotle. He defines αἰσχύνη as a feeling that leads to shameful things.⁶⁴ Furthermore, Konstan seems to accept Dodds’ view on shame as a powerful emotion that is closely connected with guilt.⁶⁵ Cairns, however, refutes this theory on the grounds that the association of shame with guilt only begins with the Christian period.⁶⁶ In fact, if we accept the theory around honour as a “zero-sum” game, whoever dishonoured his rival for the sake of increasing his own sense of prestige in the society did not feel ashamed or guilty for having outraged his target.

By citing Shipp, Konstan’s work also includes a fundamental aspect for the understanding of the different connotations of αἰδώς and αἰσχύνη. Shipp and Konstan have explained that the distinction between the two nouns must be sought in their different roots: the first has the root “*aid-*” thus carrying the connotation of “respect”, while the second one, which has “*aiskh-*” as its root, carries the meaning “be ashamed”.⁶⁷ However, North has added to Konstan’s and Shipp’s view the idea that αἰδώς and σωφροσύνη were closely related in ancient Greece. The two terms represented the “cardinal virtues” and σωφροσύνη replaces αἰδώς only from the sixth century B.C.⁶⁸ It is plausible that from the sixth century B.C. onwards σωφροσύνη

⁵⁸ Cf. Her. 1.5, 8, 55, 108; 2.30, 36-37, 48, 51, 102, 104; 3.72, 77, 103, 140, 149; 7.57, 141; 9.7; Thuc. 1.6, 84; 2.49.

⁵⁹ Konstan 2006: 93.

⁶⁰ Cf. Massimilla 2010-2011: 233; Ferrari 1990: 191; Bianchi Mancini 2014a: 6-7; 2015a: 8 n. 43; 2015b: 40; 2016b: 3.

⁶¹ Cairns 1993: 14.

⁶² Konstan 2006: 94; Bianchi Mancini 2016a: 7-8; 2016b: 3. See also Álvarez, 2011: 14.

⁶³ Arist. *Rh.* 1383b. Konstan 2006: 94, 98. See also Balot 2014: 245; Bianchi Mancini 2016b: 3.

⁶⁴ Eur. *Andr.* 244. Konstan 2006: 94.

⁶⁵ Konstan 2006: 91. Dodds 2009: 71-107. Cf. Bianchi Mancini 2014a: 12.

⁶⁶ Cairns 1993: 27-47. Cf. Bianchi Mancini 2014a: 15.

⁶⁷ Shipp 1972: 191; Konstan 2006: 94.

⁶⁸ North 1973: 365-366. Cf. Konstan 2006: 96.

could have taken the connotation of “self-control” and “modesty”.⁶⁹ In fact, in my analysis of the four court speeches chosen for this study, we will notice that in Classical Athens who had σωφροσύνη was also considered to be a good citizen.

Finally, Konstan touches another important point for the study of shame. He connects inner shame with an outward sense of shame triggered by the act of being seen naked either in public or in private.⁷⁰ This latter point is very important for the analysis of the role of shame in association with female nakedness, which has been fully studied by Alvarez. Through the study of the *Περὶ καλοῦ καὶ αἰσχροῦ*, a section of the sophist treatise *Δίσοι λόγοι*, Alvarez demonstrates how disgraceful for Greek women was to be seen naked by people outside their house.⁷¹ Since being seen naked went against every moral principle, Alvarez argues that shame set some boundaries between what was publicly acceptable and what was not.⁷²

1.b.2 Discussion of Scholarly Works on Shame and Honour in Lysias 1, 3, Demosthenes 54 and Aeschines 1

So far, I have discussed the most significant general theories concerning the perception of shame and honour as important social values that could have affected one's appearance in society and how shame could have been used as a way to manipulate people's mind mainly in legal contexts. After this general discussion of selected scholarly works, I will now examine some theories, which I have also used to build my work on, regarding shame and honour in connection with the matters explored in the speeches. I will begin with the matter of adultery in Lysias 1, which will be better studied in the next chapter.

Herman has explored the function that honour has in Lysias 1. He argues that in the oration *On the Murder of Eratosthenes* we can see that, through a specific appeal to various emotions, Euphiletus wants to drive the jurors to sympathise with him.⁷³ Herman rightly attests that in modern and ancient societies people always try to preserve their honour and escape shame and disgrace.⁷⁴ The decision of Euphiletus to kill the perpetrator Eratosthenes depends upon the fact that he and his family had been

⁶⁹ Cf. Bianchi Mancini 2016a: 4.

⁷⁰ Konstan 2006: 103. Bianchi Mancini 2015a: 4.

⁷¹ Alvarez 2011: 14. Cf. Bianchi Mancini 2015b: 42; 2016a: 7.

⁷² Alvarez 2011: 14.

⁷³ Herman 1993: 407-408.

⁷⁴ Herman 1993: 413; Bianchi Mancini 2016b: 4, 15-16.

subject to dishonour.⁷⁵ Arguably, the upcoming shame that Euphiletus feels could not be hidden from the neighbourhood that already had knowledge of the love affair between Eratosthenes and Euphiletus' wife.⁷⁶ Nonetheless, according to Herman,⁷⁷ the killing of the adulterer must be considered "an act of punishment rather than personal revenge". Herman's argument, however, omits the possibility that adultery, which had already known publicly before the killing of the adulterer, may have increased the sense of shame in Euphiletus.

The role that shame and honour played in law court speeches can also be seen in Lysias 3. The general view is that Lysias' *Against Simon* is a difficult oration as it is intended to mislead the jurors to think that the issue it addresses concerns the wrongdoing that Simon did to the speaker who in his mid-forties had a pederastic relationship with Theodotus.⁷⁸ However, Dover, as well as Carey, distances himself from this general idea and states that in Lysias 3 we are not facing a pederastic relation but rather a relationship of *hetairēsis* (male prostitution), which could prove how Theodotus was a "slave prostitute".⁷⁹ Although Dover's view is partially correct, unlike Winkler, he does not touch the issue of shame, which in the speech can be identified in the speaker's fear of falling into the category of those people that were called *kinaidoi* (effeminates).⁸⁰ In fact, Winkler states that in competitive societies, the *kinaidoi* could have been stigmatised with shame and could have triggered horror in their peers.⁸¹ He proves this point through the analysis of a passage taken from Plato's *Gorgias* where Socrates talks about the effeminates as people who conduct a shameful and miserable life.⁸² Winkler further argues that such a view comes from the idea that in "zero-sum" contests, the *kinaidoi* are those who preferred to lose rather

⁷⁵ Herman 1993: 413-414.

⁷⁶ Lys. 1.15-16. Herman 1993: 414.

⁷⁷ Herman 1993: 419.

⁷⁸ Dover 1978: 33-34; Todd 2007: 281.

⁷⁹ Dover 1978: 33-34. Cf. Carey 1989: 87, 107. There is an extensive bibliography on the interpretation of Theodotus' age and status in Lysias 3. For scholars such as Carey 1989: 87, Cairns 2002: 197-198 and Todd 2007: 277 believe that Theodotus was either of or under age at the time of the trial. Among these scholars, opinions on Theodotus' civic status are also divergent. Cairns does not seem to solve the question on the young boy's status however contrary to what Carey and Dover have said, Todd 2007: 281, 326 argues that he was a free non-Athenian citizen; cf. Bushala 1968: 63. Cohen 2000: 169-171 distances himself from these divergent views on the matter and proves through the analysis of Lysias 23 how Theodotus must have been an Athenian citizen. However, the issue on the status and age of Theodotus will be better addressed in ch. 3.

⁸⁰ Cf. Halliwell 1991: 286.

⁸¹ Winkler 1990: 47, 52-53. Cf. Thornton 1997: 110.

⁸² Plat. *Gorg.* 494c. Winkler 1990: 53.

than win.⁸³ Therefore, the reason why the speaker in Lysias 3 is treating the whole matter as a pederastic relationship is because, as Dover has argued,⁸⁴ there was no shame surrounding pederasty. However, Dover's latter point does not find much approval in Winkler's and Skinner's works. They have both argued that in the fifth and fourth centuries B.C. Athens pederasty was viewed negatively as it could have led men to the loss of moderation and self-control.⁸⁵

Demosthenes 54, contrary to Lysias 3, shows the role of shame as a manipulative technique more explicitly. MacDowell's work on the meaning of ὕβρις in Classical Athens is of major importance for the study of the offence of ὕβρις in various Attic orations and tragedies. MacDowell explains how in Athens ὕβρις was considered to be a heavy offence, which was committed by both young and older people.⁸⁶ He further argues that ὕβρις carries the connotation "take something away from someone".⁸⁷ We can prove the validity of this assumption through the study of ancient sources. For example Aristotle explains the phenomenon of ὕβρις as something that leads the victim to humiliation and the perpetrator to feel pleasure in seeing his victim being outraged.⁸⁸

However, MacDowell's theories have been more fully developed by Gontijo Leite who has also given an extensive interpretation of the role of ὕβρις and violence in Demosthenes 54. Gontijo Leite's view is focused on Conon's ὕβρις as a "physical, verbal and symbolic assault"⁸⁹ towards Ariston. She goes further and analyses the symbolic representation of Conon as a fighting cock. She claims that this emblematic depiction should have arisen derision in the jurors and had to reiterate the assailant's ὕβρις towards Ariston.⁹⁰ The association of Conon with a fighting cock is, however, better explained in Csapo's work. He claims that in ancient Greece the cock had all the characteristics of the vigorous man and it further represented the supremacy of the male gender.⁹¹ According to Csapo,⁹² Conon has been portrayed as a cock in order to

⁸³ Winkler 1990: 54. Cf. Monoson 1994: 255-256.

⁸⁴ Dover 1978: 137, 139.

⁸⁵ Winkler 1990: 45; Skinner 2014: 154.

⁸⁶ MacDowell 1976: 14-15.

⁸⁷ MacDowell 1976: 19.

⁸⁸ Arist. *Rhet.* 1378b 23-9. Cf. MacDowell 1976: 27-28.

⁸⁹ Gontijo Leite 2014: 219. Cf. MacDowell 1976: 18.

⁹⁰ Gontijo Leite 2014: 222.

⁹¹ Csapo 1993: 15. Cf. Fisher 2001: 187.

⁹² Csapo 1993: 21.

demonstrate how the jurors could have easily associated his violent conduct with the *Ithyphalloi*, i.e. youth gangs belonging to the aristocratic class. In his work, he argues that “Ariston was beaten with the intent to dishonour his status as a free male citizen of Athens”.⁹³ For in Classical Athens, the lowering of one’s status was a serious matter as it could have potentially stigmatised him with shame.⁹⁴ The fundamental problem that Csapo tries to explain is that the bands of young aristocrats like the *Ithyphalloi* in Demosthenes 54 not only engaged in every sexual practice but also wanted to make their state of superiority prevail on any other Athenian citizen.⁹⁵ Csapo’s argument, however, does not include an important issue found in the oration: the role of derision and laughter behind Conon’s attack. This matter, already hinted by Gontijo Leite only in relation to the metaphorical portrayal of Ariston’s assailant as a cock, has been extensively analysed by Halliwell. He explains that the use of humour can also be seen in Ariston’s fear of Conon to transform the entire assault as a matter of horseplay and in the usage of ἀσέλγεια (insolence).⁹⁶ According to Halliwell,⁹⁷ the term ἀσέλγεια denotes disgraceful derision. It is obvious that Halliwell links laughter to a feeling of shame. The reason for this connection can be found in the power of derision to denigrate one’s target with the intention to dishonour and harm his status in the society.⁹⁸

Nonetheless, Gontijo Leite, Csapo and Halliwell have omitted another important feature of Demosthenes 54; that is the role that disgust plays throughout the speech. Cirillo has proved that the emotion of disgust in Demosthenes’ *Against Conon* had to drive the attention of the jurors to the hubristic nature of both the speaker’s assailants and their actions. First, he has argued that the speech presents a good method of persuasion, e.g. *ethopoiia*, which was directed towards the juxtaposition of Ariston’s persona as a decent man to the shameful attitude of his aggressors.⁹⁹ However, the *ethopoiia* as an important oratorical technique that had to emphasise the “*ethos* of the speaker” has been better studied by Morford.¹⁰⁰ Cirillo has also noticed that the appeal to the emotion of disgust is intensified in the account of the first fight, where Conon’s

⁹³ Csapo 1993: 20.

⁹⁴ Csapo 1993: 25. Cf. Winkler 1990: 47.

⁹⁵ Csapo 1993: 25-26.

⁹⁶ Halliwell 1991: 287-288; 2008: 33, 36.

⁹⁷ Halliwell 1991: 287; 2008: 33.

⁹⁸ Halliwell 1991: 285.

⁹⁹ Cirillo 2009: 1-2.

¹⁰⁰ Morford 1966: 241.

sons proceeded to urinate on Ariston and some slaves, and in the episode of the second brawl that saw Conon as the main perpetrator through his appearance as a fighting cock.¹⁰¹ By citing Csapo's theory on the significance of Conon's depiction as a rooster, Cirillo has argued that this portrayal had to trigger disgust in the jurors.¹⁰² Even the references to the aforementioned band of young aristocrats alongside other gangs such as the *Autolēkythoi* and *Triballoi* could have been a source of disgust.¹⁰³

The fundamental role that shame has in oratory will be mostly seen in Aeschines' *Against Timarchus*. Various studies have been conducted on the analysis of the speech in relation to those people who like Timarchus prostituted themselves even though they were involved in political life. Halperin gives a broad analysis of prostitution in democratic Athens. He explains how in Athens prostitution involved sexual relations between people of the same and different sex.¹⁰⁴ He argues that being a prostitute was plausible even if this profession was not a "noble vocation".¹⁰⁵ However, prostitution practised both by the *hetairai*, as in the case of Neaera, and by women and men who worked in the *porneia* 'brothels' implied that these people were hired for ὄφρις i.e. their aim was to appease whoever hired them.¹⁰⁶ Halperin highlights an important point for the study of prostitution in Athens. Those who practised prostitution lowered themselves to a subordinate and passive role.¹⁰⁷ Since being a prostitute meant surrendering one's persona to someone else's *phallus*,¹⁰⁸ it is possible that behind this interpretation there could have been a sense of shame. Shame lies behind the view that money in exchange for sexual pleasure went against the idea of self-sufficiency.¹⁰⁹

Halperin, however, does not extensively explore the notion of shame behind male prostitution. For example, this idea has been argued by Lape. Her argument is based on the idea of a contrast between Timarchus' shameful conduct and good citizens'

¹⁰¹ Cirillo 2009: 9, 12.

¹⁰² Cirillo 2009: 19.

¹⁰³ Cirillo 2009: 21-23.

¹⁰⁴ Halperin 1990: 87.

¹⁰⁵ Halperin 1990: 90.

¹⁰⁶ Halperin 1990: 96.

¹⁰⁷ Halperin 1990: 97.

¹⁰⁸ Halperin 1990: 97. Cf. Arthur-Katz 1989: 164.

¹⁰⁹ Halperin 1990: 98.

morality.¹¹⁰ According to Lape,¹¹¹ the contrast between the orator's opponent and the just citizen had to prove to the jurors not only how Timarchus lacked σωφροσύνη but also how he mostly appeared as an "hedonist" who could have easily been stigmatised with shame because of his appearance in court as a slave of his own pleasures.¹¹² Although Lape's argument is correct, her work does not take into account a fundamental point that along with shame had to manipulate the jurors: for I am referring to the idea of disgust and horror in the oration. The emotion of disgust in *Against Timarchus* has been illustrated by Spatharas. He has argued that a sense of disgust is rendered through Aeschines' constant use of βδελυρία.¹¹³ According to Spatharas, the orator makes use of βδελυρία to denote Timarchus' licentious sexual conduct and to accuse his opponent of "self-inflicted ὕβρις".¹¹⁴ After an extensive analysis of Timarchus' sexual experiences with different men such as Misgolas, Pittalakos and Hegesandros, Spatharas reaches the conclusion that, from the oration we can clearly see that the idea of disgust in the form of βδελυρία is intertwined with shame.¹¹⁵

1.b.3 Conclusion

In conclusion anthropological theories on shame and honour, which developed in the course of the years, present a major consistency: in agonistic environments the individual who, as Pitt-Rivers has argued,¹¹⁶ is considered the guardian of his own honour, always has to look after his appearance in front of his peers.¹¹⁷ In fact, as it has been discussed, if the individual was ashamed he had to enhance his reputation at the expense of his enemies.¹¹⁸ As we have seen, the name of "zero-sum" game has been attributed to this phenomenon.¹¹⁹ Even though the attribution of one's level of honour to the reputation the individual had in the society is correct, from 1991 it has been hypothesised that avenging an injustice that one suffered at the hands of his

¹¹⁰ Lape 2006: 140-141.

¹¹¹ Lape 2006: 143-44.

¹¹² Cf. Winkler 1990: 50.

¹¹³ Spatharas 2016: 128.

¹¹⁴ Spatharas 2016: 128.

¹¹⁵ Spatharas 2016: 132, 136-137.

¹¹⁶ Pitt-Rivers 1965: 28, 31.

¹¹⁷ Cohen 1991: 64, 95-96.

¹¹⁸ Pitt-Rivers 1965: 24; Cohen 1995: 63; Bianchi Mancini 2016b: 3.

¹¹⁹ Gouldner 1965: 49; Bianchi Mancini 2016b: 3.

enemy was important to not be deemed as a coward.¹²⁰ This latter theory will be better explored in the course of the analysis of the orations chosen for this work. Law courts were the most appropriate place to trigger different emotions, especially shame, that could lead the jurors to sympathise with the speakers of the speeches.¹²¹ To support this view, we have noticed that Roisman claimed that in judicial courts shame was used as a form of social control.¹²²

The second part of this literature review focused on a selection of academic works that I have used to explain of the role of shame and honour in Lysias 1, 3, Demosthenes 54 and Aeschines 1. It has emerged that there is a lack of studies on the role of shame in Lysias 1 and 3. Herman has primarily explored the role of honour in relation to Lysias 1. However, as we have seen from this literature review, the role of shame is frequently mentioned in those works that analyse Demosthenes 54 and Aeschines 1. On the one hand, in both orations there is a predominant use of the emotion of disgust, which Spatharas has explicitly correlated with shame in his work on *Against Timarchus*.¹²³ On the other hand, as Halliwell has argued,¹²⁴ in *Against Conon* shame is an emotion that underpins the role of laughter and derision. Nonetheless, the function of honour and shame will mostly be reconstructed through the issues that the orations address and their use of a specific vocabulary.

1.C. Outline of Each Chapter

The next chapter of this work will be based on the connection between shame, honour and adultery in Lysias' *On the Murder of Eratosthenes*. The oration itself is very important for the study of adultery (μοιχεία), justifiable homicide, seduction, revenge, and to some extent rape.¹²⁵ In this chapter, I will explain how Lysias used the emotions of shame and honour to manipulate the jurors in order to exempt his client, Euphiletus, from the accusation of *dikē phonou*. The intent to psychologically control the actions and possibly the emotions of the jury will be perceived through the usage of μοιχεύω, αἰσχύνω, διαφθείρω, ὑβρίζω, ὕβρις, and through the motif of adultery, which will lead to a two-fold sense of shame i.e. one active and one passive. The first

¹²⁰ Cohen 1991: 96; 1995: 66; Roisman 2005: 75. Cf. Herman 1993: 413; 1995: 49.

¹²¹ Roisman 2005: 73, 79, 83.

¹²² Roisman 2005: 83.

¹²³ Spatharas 2016: 132, 136-137; Cirillo 2009: 2.

¹²⁴ Cirillo 2009; Halliwell 1991: 287; 2008: 33.

¹²⁵ Cf. Herman 1993: 406; Kapparis 1996; Apolito 2009; Maffi 1986; Calero Secall 2006; McHardy 2008: 48, 53-56; Todd 2007: 48-49, 131-133.

one is represented by the speaker himself who, in the guise of a moderate man,¹²⁶ was disgraced by the actions that Eratosthenes performed against him and his family.¹²⁷ On the other hand, passive shame will be clearly seen in the portrayal of Eratosthenes as the opposite of the speaker hence hubristic and shameless since he had no care for the consequences that adultery would have brought to Euphiletus and his family.¹²⁸ Furthermore, contrary to what Herman has argued,¹²⁹ I will also discuss the possibility that honour and shame were the main reasons that drove Euphiletus to kill the adulterer.

In the third chapter, we will see how Lysias in *Against Simon* uses shame in relation to ὕβρις and ἔπος. The speech itself is thematically different from Lysias 1 since it was written for a different court case, which aimed at accusing the speaker of the oration of *trauma ek pronoias* i.e. intentional assault.¹³⁰ From a linguistic point of view, however, the speech is very similar to the oration *On the Murder of Eratosthenes*. For, as in the case of Euphiletus, the orator represents the speaker as someone who is βέλτιστος, σωφρονέστατος and κόσμιος¹³¹ while he portrays his perpetrator Simon as a hubristic man, who driven by insanity outraged the former along with his family and his lover Theodotus.¹³² The portrayal of the speaker's perpetrator as hubristic will be highlighted by the constant use of the terms παρανομέω, παρανομία, μᾶνία and ὑβρίζω.¹³³ In Lysias 3, we can better see how the speech was built to mislead the jurors and control their emotions directing them to think of Simon as a shameful man who clearly disrespected the law, the social values and norms of the *polis*. This manipulation will be seen in the use of shame and in the theme of the entire oration. In fact, the speech is built not only on the matter of intentional assault but also on the question of male prostitution,¹³⁴ which was practised by Theodotus himself and masked by pederasty. The concealment of a potential relationship of *hetairēsis* between the speaker and Theodotus was important

¹²⁶ Cf. Herman 1993: 409-410; 1995: 52; McHardy 2008: 48.

¹²⁷ Cf. Carey 1989: 64; Herman 1995: 51; 2006: 177.

¹²⁸ Cf. Fisher 1976: 186.

¹²⁹ Herman 1993: 414.

¹³⁰ Carey 1989: 91; Dover 1978: 32; Gagarin 2011: 100; Kucharski 2009: 35, 39; Griffith-Williams 2013: 89.

¹³¹ Lys. 3.4. Cf. Todd 2007: 311; Cohen 1995: 132.

¹³² Carey 1989: 87; Gagarin 2011: 100; Kucharski 2009: 39; Griffith-Williams 2013: 89; Cairns 2002: 197.

¹³³ Griffith-Williams 2013: 96; Todd 2007: 312.

¹³⁴ Dover 1978: 33; Todd 2007: 281. Cf. Cantarella 2016: 73-74.

for the speaker to not be stigmatised with shame since sexual relations between members of the same sex were highly condemned in Classical Athens.¹³⁵ For this reason, the speaker is treating the entire affair with Theodotus as a matter of pederasty explaining how his love for the young boy was based on moderation.¹³⁶ In this chapter, I will also argue that, contrary to what Carey and Dover have said regarding the question of a relationship of *hetairēsis*,¹³⁷ the speaker is trying to mislead the jury to think that Theodotus was an underage boy to cover his correct social status as a full Athenian citizen who was involved in male prostitution.¹³⁸

The fourth chapter will focus on Demosthenes' *Against Conon*. My argument will be based on the use of shame in connection with ὄβρις throughout the entire speech. We will see how the orator uses the emotion of shame more often and more explicitly than Lysias. The speech itself presents a deep feeling of shame felt by the speaker, Ariston, because of the outrages that Conon and his sons inflicted on him and which were clearly intended to lower his honour.¹³⁹ For this reason, we will find various references to aischrologic speeches that the speaker could not report due to the fear of contaminating his reputation.¹⁴⁰ The speech itself is more inclined to have echoes of shame than the Lysianic speeches I will analyse in the next two chapters because of the type of legal proceeding for which it was written.

For, Demosthenes 54 is a speech written for Ariston who prosecuted Conon for assault and battery in a *dikē aikeias*.¹⁴¹ The speech has also the function of triggering horror and disgust in the jurors owing to the report of the crimes committed by Conon and his sons¹⁴² and to the portrayal of Ariston's aggressors as hubristic men who wanted to increase their level of honour and importance in the society at the expense of Ariston.¹⁴³ For this hubristic attitude will be seen in the analysis of the opening verb of the oration, i.e. ὕβρισθεις, in the usage of negative words such as ἀσέλγεια, ascribed to Ariston's perpetrators and, most of all, in the representation of Conon as a

¹³⁵ Dover, 1978: 33. Cf. Fisher 2001: 160-161. Cf. Winkler 1990: 50; Thornton 1997: 110.

¹³⁶ Cf. Carey 1989: 93; Todd 2007: 309-310; Dover 1978: 33.

¹³⁷ Carey 1989: 87; Dover 1978: 33-34.

¹³⁸ Cf. Todd 2007: 279 n. 20; Cairns 2002: 198.

¹³⁹ Goldhill 1995: 15. Cf. Fisher 1976: 177, 183-185, 191; 1979: 32, 33; Fisher 2001: 138; Cohen 1995: 123, 125.

¹⁴⁰ Dem. 54.8-9. Halliwell 2008: 216.

¹⁴¹ Gagarin 2011: 87; Carey and Reid 1985: 69; Goldhill 1995: 15.

¹⁴² Cirillo 2009: 2.

¹⁴³ Cf. Csapo 1993: 20; Cirillo 2009: 19.

victorious fighting cock.¹⁴⁴ The use of ἀσέλγεια in the speech will be important for the explanation of the role that shame has in connection with the offence of ὕβρις and derision.¹⁴⁵

From my analysis, it will be clear that Demosthenes, as Lysias did, characterises the enemies as shameful people who did not deserve to be considered worthy of respect whilst portraying the speakers as moderate whose shame had been triggered by the outrages they had been subject to.

The last chapter of this project will focus on another orator, Aeschines, and on his first oration *Against Timarchus*. The oration itself focuses on accusing Timarchus of *dokimasia rhetoron* (public scrutiny)¹⁴⁶ due to “his violation of the law that prohibited those who were involved in male prostitution or squandered their inheritance to take part in political life”.¹⁴⁷ We will see how the speech has “strong echoes of shame”¹⁴⁸ and how it has been constructed on the motif of disgust in relation to Timarchus.¹⁴⁹ In the chapter, I will argue that Timarchus was the personification of the “bad” citizen.¹⁵⁰

Thus, my argument will revolve around the idea of a contrast between morality and good order of the good citizen and the shame and disgust that Timarchus represented and may have evoked in the mind of the jurors.¹⁵¹ I will argue that these feelings have been strategically highlighted by Aeschines through the constant use of the terms βδελυρία, αἰσχρός, αἰσχύνω, ὑβρίζω and ὕβρις,¹⁵² and how the orator himself falls under that category of people who were well-ordered and who allegedly prosecuted men like Timarchus because of the shame they inflicted on the *polis*.¹⁵³ To highlight the distinction between the good citizen and Timarchus, Aeschines purposely dedicated §§6-36 to the quotation of various laws, which aimed at the promulgation of

¹⁴⁴ Cirillo 2009: 19.

¹⁴⁵ Halliwell 1991: 287; 2008: 33.

¹⁴⁶ Lape 2006: 139; Gagarin 2011: 183-184; Harris 1995: 102; Hunter 1994: 104; Fisher 2001: 6, 40.

¹⁴⁷ Lape 2006: 139; Hunter 1994: 104. Cf. Cantarella 2016: 73; Gagarin 2011: 185; Hanink 2014: 133; Harris 1995: 102-103; Spatharas 2016: 127; Fisher 2001: 39-40, 230; Zanghellini 2015: 38.

¹⁴⁸ Hunter 1994: 104; Bianchi Mancini 2016c: 5.

¹⁴⁹ Spatharas 2016: 132, 137.

¹⁵⁰ Cf. Spatharas 2016: 129; Lape 2006: 141; Fisher 2001: 125.

¹⁵¹ Cf. Spatharas 2016: 129; Lape 2006: 141; Fisher 2001: 125.

¹⁵² Cf. Spatharas 2016: 127-128, 132; Lape 2006: 141.

¹⁵³ Harris 1995: 102.

morality and good order in the *polis*.¹⁵⁴ We will see that the use of βδελυρία throughout the speech is important for the orator to condemn Timarchus' disgraceful lifestyle and persona.¹⁵⁵ This idea will also be better explained through Aeschines' account of Timarchus' relationships with different men e.g. Misgolas, Pittalakos and Hegesandros, which had to scandalise the jurors.

¹⁵⁴ Lape 2006: 145-146, 157 n. 16; Spatharas 2016: 128-129; Fisher 2001: 48, 160-161; Dover 1978: 38.

¹⁵⁵ Spatharas 2016: 128. Cf. Fisher 2001: 42, 185.

Chapter 2

Shame, Honour and Adultery in Lysias' *On the Murder of Eratosthenes*

2.A Introduction

Lysias' speech *On the Murder of Eratosthenes* has been subject to meticulous studies, which have focused on a variety of topics such as criminal procedure in cases of justifiable homicide, adultery (μοιχεία), revenge, seduction, and to some extent rape.¹⁵⁶ We know that it is a speech written in defence of Euphiletus who was being prosecuted by the relatives of the victim, Eratosthenes, in a legal case of *dikē phonou* i.e. "private prosecution for murder",¹⁵⁷ with the charge of premeditated murder.¹⁵⁸ Even though the speech has been studied under different aspects, in this chapter I will focus on the social values of honour and shame. For, I will reconstruct their function and use in Lysias 1 as the main reasons that drove Euphiletus to kill the adulterer Eratosthenes and as potential factors that could have exempted the speaker from the charge of premeditated murder. The analysis of these values, which can be perceived through the use of carefully chosen verbs and nouns such as αἰσχύνω, διαφθείρω, ὑβρίζω, and ὑβρις, and through the motif of adultery, will lead to a two-fold reconstruction of shame. The distinction of two different types of shame i.e. between active and passive will involve Euphiletus, as the main victim of the disgrace and outrage who strategically appears in court as if he were prosecuting the adulterer rather than the offender,¹⁵⁹ and his opposite, Eratosthenes, who throughout the speech is imbued with immorality and disrespect towards other people's wives.

¹⁵⁶ Cf. Herman 1993: 406; Kapparis 1996; Apolito 2009; Maffi 1986; Calero Secall 2006; McHardy 2008: 48, 53-56; Todd 2007: 48-49, 131-133.

¹⁵⁷ Todd 2007: 43.

¹⁵⁸ Carey 1989: 59-60; Todd 2007: 44; Gagarin 2011: 75. According to Carey 1989: 59 it is difficult to establish when the speech was written.

¹⁵⁹ Cf. Carey 1989: 64; Herman 1993: 408; 1995: 51; 2006: 177.

2.B The Reconstruction of Shame and Honour in *Lysias 1*

In a competitive society like the Athenian one where the perception of honour as a “zero-sum” game was in force,¹⁶⁰ the killing of Eratosthenes appeared to be justified and necessary to vindicate Euphiletus’ honour.¹⁶¹ For in Athens, there were specific behavioural norms that saw, as Lysias states in *Against Theomnestus 1*,¹⁶² the acquisition of shame if one did not drastically avenge an injustice suffered at the hands of others. This is the reason why Euphiletus is forced to refuse the monetary compensation, which Eratosthenes offered him¹⁶³ and appears as the one who implements a “civic justice” forced by the laws of Athens.¹⁶⁴ However, a problem lies behind this assertion.

In the event of a justifiable homicide as in the case of Euphiletus, it is possible that the ‘excuse’ of honour as a major factor in Athenian society was not enough to get exempted from the charge of premeditated murder despite the fact that the jury was composed of men only.¹⁶⁵ In fact, it does not seem a coincidence that in the oration there is a complete absence of the word ‘honour’. According to Herman, the reason for such an absence can be found in the attempt of Euphiletus to demonstrate the suppression of his honour.¹⁶⁶ I interpret this as a purely oratorical and rhetorical choice designed to mislead the jurors. Since homicide accusations were not easy to address, Euphiletus tries to hide his lost honour in order to be able to appear κόσμιος i.e. moderate before the jurors.¹⁶⁷ The portrait of the accused as someone who correctly behaves in society had to mask all those negative emotions that prompted him to commit a homicide. The emotions I am referring to are not limited to shame but also incorporate anger and jealousy,¹⁶⁸ which may have been triggered as soon as

¹⁶⁰ Bianchi Mancini 2016b: 3; Lanni 2006: 28; Cohen 1991: 183; 1995: 63.

¹⁶¹ Cf. Herman 1993: 413; 2006: 176. Cf. McHardy 2008: 48.

¹⁶² Lys. 10.3. Cohen 1991: 96.

¹⁶³ Lys. 1.25, 29.

¹⁶⁴ Lys. 1.34, 37. Cf. Herman 1993: 409; 1995: 51-53; 2006: 176-177.

¹⁶⁵ Herman 1993: 414.

¹⁶⁶ Herman 1993: 414.

¹⁶⁷ Lys. 1.26. The adjective κόσμιος is frequently used in oratory and according to Todd, 2007: 120 it is a “term of praise”. To some extent, Todd seems to be right. In some cases, it is linked to σώφρων as in Lys. 12.20, 14.41, 21.19 while in other orators, it precedes the negation οὔτε as in Dem. 59.51.

¹⁶⁸ Cf. Herman 1995: 51-52.

Euphiletus became aware of the affair between the two lovers and realised that the adultery committed by his wife and Eratosthenes had become a public issue.¹⁶⁹

Even though Euphiletus, as Herman discusses,¹⁷⁰ does not admit that the killing of the *μοιχός* was caused by an act of personal revenge due to his lost honour, I agree with McHardy on the opinion that revenge and, I would add, the claim of his honour along with the shame he felt had to be the main reasons that supported a homicide.¹⁷¹

This is the reason why Euphiletus did not hesitate to kill the perpetrator. Even if the killing of the adulterer underlined the importance of the Athenian honour code for whoever was outraged, Euphiletus did not react impulsively.¹⁷² On the contrary, despite showing some doubts about the conduct of his wife at §17, he waits for the right moment to avenge his honour. Euphiletus' reaction seems legitimate since if he had not behaved in such a way he may have been considered a coward by his society. The claim back of one's lost honour was fundamental in order to escape shame and humiliation in front of one's peers.¹⁷³ Derision carried out by one's fellow-citizens arguably led to the lowering of one's own reputation and self-esteem.¹⁷⁴ McHardy argues that avenging an adulterer in the same way as Euphiletus did was necessary to demonstrate how one could not take advantage of whomever he outraged.¹⁷⁵ In this way he defends his family and his level of honour.¹⁷⁶

This is another reason, for which we may think that Euphiletus considers death better than the acceptance of a monetary compensation.¹⁷⁷ Nonetheless other ancient sources seem to share the same view on the refusal of a monetary compensation in cases of adultery and seduction.¹⁷⁸ In the case of Euphiletus the acceptance of money was not considered a noble gesture. Due to his lost honour, which was clearly linked to that of his wife, he impersonates an "agent of civic justice"¹⁷⁹ to be able to punish the

¹⁶⁹ Lys. 1.15-16. Cf. Herman 1993: 414.

¹⁷⁰ Cf. Herman 1993: 414, 149; 2006: 176-177, 181.

¹⁷¹ McHardy 2008: 55, 58.

¹⁷² Cf. Herman 1993: 409-410; 1995: 52; McHardy 2008: 48.

¹⁷³ Cf. Lanni 2006: 28; Cohen 1995: 63; Herman 1993: 413; 1995: 49; Bianchi Mancini 2016b: 4, 15-16.

¹⁷⁴ Cf. Isoc. 1.17. Cohen 1991: 95-96.

¹⁷⁵ McHardy 2008: 48. A similar behaviour can be found in Lys. 13.65, in Homer and in the tragedians; cf. Hom. *Il.* 6.157ff; Aesch. *Lib.* 989-90; Eur. *Hipp.* 1164-65. McHardy 2008: 48-49.

¹⁷⁶ McHardy 2008: 48.

¹⁷⁷ McHardy 2008: 56.

¹⁷⁸ Dem. 59.65-66; Her. 5.20.1-5. Cf. McHardy 2008: 56.

¹⁷⁹ Herman 1993: 409; 1995: 51-53; 2006: 176-177.

adulterer. The personification of the laws as a way of giving greater validity and credibility to events and facts is also found in Demosthenes and Plato.¹⁸⁰ In the latter the laws are seen as people who will guide Socrates to make the right decisions.¹⁸¹ Euphiletus' role as an "agent of civic justice"¹⁸² is reinforced at §47, where he explains how the homicide was not a matter of revenge but instead was an act performed in the interest of the whole city.¹⁸³ The extension of the speaker's act to a universal level is important to highlight how Eratosthenes caused confusion and turmoil in Euphiletus' house.¹⁸⁴ Such confusion seen in the contamination of the female body had to be purified through a justifiable homicide. Although any murder was deemed impure, Draco's law stipulated that in cases of justifiable homicide the killer was considered pure only if the relatives of the victim granted him pardon.¹⁸⁵

2.C The Use of *Μοιχεύω*, *Διαφθείρω*, *Αἰσχύνω* and *Ὑβρίζω* in *Lysias 1*

Herman discusses the idea of how Lysias has addressed the entire oration to the reflection of those values that were shared by the jury and, even more generally, by the body of Athenian citizens.¹⁸⁶ Herman further notices in the speech a specific appeal to the emotions of the interlocutors during the court trial.¹⁸⁷ The emotions that Herman asserts are easily identifiable with honour and self-esteem.¹⁸⁸ However, to his view I add that throughout the oration we can notice that such emotions are not only restricted to honour and esteem but also include shame and a potential feeling of punishment against the perpetrator.¹⁸⁹ Due to the consequences that the killing of an adulterer brought, Lysias creates a narrative centred on the constant use of the verbs *μοιχεύω*, *διαφθείρω*, *αἰσχύνω* and *ὕβριζω* and puts Euphiletus in the position of justifying his act by stating: οὐκ ἐγὼ σε ἀποκτενῶ, ἀλλ' ὁ τῆς πόλεως νόμος.¹⁹⁰ Euphiletus' argument is very clear; every adulterer deserves to die since adultery, if extended to a universal level, was considered a serious offence in the whole of Greece

¹⁸⁰ Dem. 59.115

¹⁸¹ Plat. *Crito*. 50a-54c.

¹⁸² Herman 1993: 409; 1995: 51-53; 2006: 176-177.

¹⁸³ Cf. Herman 1993: 409; 1995: 54; Todd 2007: 145.

¹⁸⁴ Meinel 2015: 82; Kapparis 1996: 63; Carey 1989: 64-65; Cohen 1984: 153; 1991: 224; Calero Secall 2006: 65; Bianchi Mancini 2016a: 4.

¹⁸⁵ Dem. 20.158. Cf. Osborne 2011: 171; Parker 1996: 113-114.

¹⁸⁶ Herman 1993: 407.

¹⁸⁷ Herman 1993: 407.

¹⁸⁸ Cf. Herman 1993: 408.

¹⁸⁹ The use of shame in order to trigger a feeling of disgrace and dishonour in the interlocutors can be also found in philosophical treatises such as Plat. *Gorg.* 487b; Tarnopolsky 2010: 90.

¹⁹⁰ Lys. 1.26.

under both the oligarchic and democratic government: ἐν ἀπάσῃ τῇ Ἑλλάδι and ἐν δημοκρατίᾳ καὶ ὀλιγαρχίᾳ.¹⁹¹ Adultery as a criminal offence, which was condemned by every man - ταύτην τὴν ὕβριν ἅπαντες ἄνθρωποι δεινοτάτην ἡγοῦνται,¹⁹² since it caused fear to the social and domestic sphere,¹⁹³ fell into the category of those acts that in Athens were considered hubristic.¹⁹⁴ The occurrence of the above-mentioned terms throughout the oration not only proves this idea but also reminded the jurors that adultery had to be morally and legally condemned as it implicitly embraced the connotations of shame and one's loss of honour.¹⁹⁵ This idea is further highlighted by the presence of μοιχεύω along with διαφθείρω, αἰσχύνω and ὑβρίζω at the beginning of the speech.

[...] ὥς ἐμοίχευεν Ἐρατοσθένης τὴν γυναῖκα τὴν ἐμὴν καὶ ἐκείνην τε διέφθειρε καὶ τοὺς παῖδας τοὺς ἐμοὺς ἥσχυνε καὶ ἐμὲ αὐτὸν ὑβρίσεν εἰς τὴν οἰκίαν τὴν ἐμὴν εἰσιὼν [...]¹⁹⁶

The implicit notion of shame and loss of honour behind the offence of adultery can be seen in the literary translation of the verb μοιχεύω and in what it implied. Its connotation “commit adultery with someone”¹⁹⁷ explains that adultery embraced every unlawful sexual act with any free Athenian woman who had a moral and chaste conduct.¹⁹⁸ In Aristotle, the adulterer (μοιχός) is described as someone who has sexual relations with married women (τὰς γαμετάς) and adultery (μοιχεία) as an offence committed against marriage.¹⁹⁹ Xenophon, on the other hand, defines adultery as an insult intended to ruin the φιλία in a married couple.²⁰⁰ The destruction of the relationship made of affection between the husband and his wife is also a valid point

¹⁹¹ Lys. 1.2. According to Todd 2007: 90, the stretch of serious problems to a universal level is a common practise in oratory; cf. Lys. 7.41; Isoc. 19.50; Dem. 21.50. Carey 1989: 64-65.

¹⁹² Lys. 1.2.

¹⁹³ Meinel 2015: 82; Kapparis 1996: 63; Carey 1989: 64-65; Cohen 1984: 153; 1991: 224; Calero Secall, 2006: 65; Bianchi Mancini 2016a: 4.

¹⁹⁴ The analysis of ὕβρις under different aspects will be better seen in ch. 3 in connection with Lysias' *Against Simon* and in ch. 4 with Demosthenes' *Against Conon*.

¹⁹⁵ Cohen 1991: 224. Cf. Bianchi Mancini 2016a: 4.

¹⁹⁶ Lys. 1.4. Todd, 2007: 91. Cf. Μοιχεύω at §15 with its derivatives μοιχεία at §36 and μοιχός at §§30, 33, 36, 41 and 49. Διαφθείρω is found in §§8, 33, 38 and αἰσχύνω in §§49 and 32.

¹⁹⁷ LSJ s.v. μοιχεύω.

¹⁹⁸ Todd 2007: 47; Carey 1995: 407.

¹⁹⁹ Aristot. *Eud. Ethics* 1221b, *N.E.* 1134a, 19, 1138a, 25. Cf. Cohen 1984: 152-153; Fisher 2001: 336; Bianchi Mancini 2016a: 4.

²⁰⁰ Xen. *Hiero* 3.3. Cohen, 1984: 153. According to the LSJ s.v. φιλία, this term would denote a friendly and an amorous affection. Xen. *Hiero* 3.3 further believes that the μοιχοὶ should be punished with death.

in Lysias 1, which Euphiletus stresses at §§32-33. He insists on the idea that the difference between an adulterer and a rapist is that the former persuades (πείθοντας) other people's wives making them more emotionally devoted to them than to their husbands while the latter mostly contaminates the female body.²⁰¹ The problem of a potential 'replacement' on an emotional and sexual level lies behind this statement and is explicitly proved by the verb διαφθείρω "to corrupt" at §4.

The persuasion and corruption that the adulterer carried out was a delicate topic due to its implication, which can be found in a consensual betrayal between one's wife and her lover.²⁰² The consent brought the woman to become impure and shameful. For according to the narrative, Eratosthenes corrupts Euphiletus' wife when she is first seen at the funeral of the speaker's mother.²⁰³ However, before the incident, Euphiletus explains how his wife was σωφρονεστάτην εἶναι...ἐν τῇ πόλει - "the chastest woman in the city", and how he constantly watched her.²⁰⁴ His wife's σωφροσύνη and the need to keep her under control²⁰⁵ serve to assure the jury that the child could not have been conceived after the beginning of the adulterous affair.²⁰⁶ As we have already seen in the literature review, the prerogative of the adjective σώφρων, deriving from σωφροσύνη, consists in its function to replace the epic adjective αἰδοῖος from the sixth century B.C.²⁰⁷ The similarity between the two terms derives from the prerogative of σωφροσύνη and αἰδῶς to retain people from committing impure actions and from their close link with female chastity.

However, there seems to be a problem in regard to the portrayal of Euphiletus' wife in Lysias 1. Throughout the speech we notice that she is never mentioned by name and in the oration there are only few references to her, especially, after the

²⁰¹ Lys. 1.32-33. Cf. Cohen 1984: 153; Carey 1995: 414-415. Cf. Bianchi Mancini 2016a: 4.

²⁰² Cf. Pomeroy 1995: 86. Cf. Bianchi Mancini 2016a: 3-4.

²⁰³ Lys. 1.8. There are few problems with this paragraph in terms of interpretation. The main verbs διαφθείρω and ἀπόλλυμι refer to two different people. The first one is connected to the act of the wife's corruption by Eratosthenes. The second one, due to the presence of the pronoun αὐτήν, seems to refer to the female slave who was corrupted by Eratosthenes when she went to the market. Cf. Todd 2007: 96-97 for a different interpretation.

²⁰⁴ Lys. 1.10. Bianchi Mancini 2014b: 6; 2016a: 4.

²⁰⁵ Lys. 1.6.

²⁰⁶ McHardy 2008: 48.

²⁰⁷ Cf. North 1973: 366. See Thgn. 1.1135-1142. Cf. Bianchi Mancini 2016a: 3-4.

acknowledgment of Eratosthenes at §15.²⁰⁸ According to Todd,²⁰⁹ the reason for this oratorical choice must be sought in the respectability that the speaker's wife may have had. I propose to give two different explanations. The first one can be found in Euphiletus' willingness to portray his wife as a "fellow-victim rather than as a criminal".²¹⁰ On the other hand, I argue that since adultery was clearly seen as an assault to the betrayed husband, his family and the protected sphere of the οἶκος (house),²¹¹ Euphiletus may have already divorced his adulterous wife by the time of the trial. For in matters concerning adultery in Classical Athens the law urged the adulterer's husband to immediately divorce the unchaste wife if he did not want to suffer ἀτιμία.²¹² Since ἀτιμία brought dishonour and shame to those subject to it, divorce had to be an essential element for the preservation of the honour left in the husband.²¹³ If the separation did not happen, the disgraced husband could have been deprived of all forms of freedom and support, legally speaking, given to him by the Athenian state.²¹⁴

The idea of shame, which lies behind the phenomenon of adultery, is highlighted more explicitly by the use of the verb αἰσχύνω in the oration. Even though this is not mainly used in relation to Euphiletus himself, I argue that its main purpose was to identify the type of shame that such an offence caused in the speaker. The use of αἰσχύνω in connection with the havoc that adultery caused to other people's children or wives, as we can see at §49, implies an implicit sense of shame that the speaker feels in being the victim of such an offence. The connection of αἰσχύνω with Euphiletus' child could hide his worry about his "legal paternity". In Athens,

²⁰⁸ Cf. Todd 2007: 93. Euphiletus always refers to his wife with the term γυνή; Lys. 1.4, 6, 10, 12, 16ff.

²⁰⁹ Todd 2007: 93. Schaps 1977: 326 proves that in court speeches only those women of low civic status such as prostitutes are frequently called by name. An example of this prerogative is Dem. 59 where, according to the TLG, the name Neaera occurs 32 times.

²¹⁰ Todd 2007: 94.

²¹¹ Meinel 2015: 82; Kapparis 1996: 63; Herman 1995: 51; Carey 1989: 64-65; Cohen 1984: 153; 1991: 224; Calero Secall 2006: 65; Bianchi Mancini 2016a: 4; 2016b: 4.

²¹² Cohen 1991: 224; Noreña 1998: 21; Todd 2007: 48, 93-94; Pomeroy 1995: 86; Fisher 2001: 336. Carey 1989: 201 citing Lys. 31.29 gives the connotation of "dishonour and loss of civic rights" to the term ἀτιμία Cf. Calero Secall 2006: 67; Van't Wout 2011: 126; Bianchi Mancini 2016b: 2, 9, 15. In the fourth century A.D. Sopat. Rh. 8.257.18-20 reports that both adulterers had to pay with death.

²¹³ Ober 1996: 87; MacDowell 1978: 125. Bianchi Mancini 2016a: 4-5. Divorce was immediate and took place only when the woman left the house of her husband and returned to her father's house; Noreña 1998: 8.

²¹⁴ Ober 1996: 87; Cox 1998: 73; Poddighe 2001: 39; Van't Wout 2011: 131. In cases of divorced women who committed adultery, the law urged them to be banned from entering public temples due to their bodily contamination after sexual intercourse with an outsider; cf. Calero Secall 2006: 67; Cox 1998: 73; Pomeroy 1995: 86; MacDowell 1978: 74, 125; Bianchi Mancini 2015a: 3, 27, 41; 2016a: 14-16.

illegitimate children could have threatened the honour of the family,²¹⁵ since children born outside the bloodline were considered disgraceful. As we have seen in the literature review, the verb αἰσχύνω along with the adjective αἰσχροῦς denotes a sense of shame closely connected to “dishonour”²¹⁶ and they both start to often appear in oratorical and historiographical works only from the fifth and fourth centuries B.C.²¹⁷ Even though these terms are extensively used in oratory mainly in relation to male behaviour and to those actions that could cause shame and dishonour to other people, the section of the sophist treatise Δισσοὶ λόγοι, entitled Περί καλοῦ καὶ αἰσχροῦ, can be a good term of comparison between women’s conduct and the shame they could cause if they behaved immorally in front of their kinsmen.²¹⁸ The anonymous author of the work, for example, explains that those women who bath at home must be considered virtuous while those who wash themselves in public spaces must be deemed shameful and dishonourable.²¹⁹ The reason for this particular view must be sought in the idea of female nudity as something dishonourable and disgraceful to be seen.²²⁰ Gagarin has argued that αἰσχύνω suggests that type of shame, which is born from “public opinion”.²²¹ His view, however, contains only one reason among many that triggers the phenomenon of shame or rather the feeling of being ashamed in front of outsiders. For example, it is right to attribute this interpretation to those women

²¹⁵ Carey, 1995: 415; Pomeroy 1995: 86; Todd 2007: 48; Bianchi Mancini 2016a: 4-5, 16.

²¹⁶ Konstan 2006: 94; Alvarez 2011: 14; Bianchi Mancini 2014a: 27; 2016a: 3; 2016b: 3.

²¹⁷ Adkins 1960: 172ff; Lanni 2006: 27.; Bianchi Mancini 2016a: 3. Some of these sources have already been referenced in Bianchi Mancini 2016b: 3. For αἰσχύνω and its derivatives in oratory see Lys. 1. 49; 2.11, 23, 25, 62; 3.3, 7, 9,13ff; Dem. 18.10, 245; 19.215, 231; 20.46, 82ff; on αἰσχύνη cf. Lys. 1.32; 10.14; 27.2; 32.17; Dem. 18.136, 309; 19.28, 41, 55, 83, 146; 20.47, 76, 81ff; on αἰσχροῦς cf. Lys. 3.17; 5.1; 6.44; 10.3, 27; 12.19, 22, 78, 84ff; Dem. 18.64, 127, 160, 178, 187, 238, 257, 264, 295, 297; 20.9-10, 54, 61-62, 71, 79, 88ff. In Dem. 18.296 τοῖς αἰσχίστοις denotes male private parts. For αἰσχύνω and its derivatives in historiography cf. Hdt. 1.10.2, 82.8, 90.4, 143.2; 3.133.1ff; Thuc. 1.5.1, 37.3, 84.1, 3; 2.37.3, 43.1, 51.5, 52.4; 3.14.1ff; Xen. *Hell.* 3.4.9, 4.9; 5.4.33; 7.1.30, 3.10; 7.5.16ff. On αἰσχύνη cf. Hdt. 1.10.2; 3.134.1; Thuc. 1.5.1, 84.3; 2.37.3, 51.5; 3.63.4; 5.101.1, 104.1, 111.3; 8.73.3; Xen. *Hell.* 7.3.10; On αἰσχροῦς cf. Thuc. 1.38.5, 120.5, 122.3; 2.40.1, 42.4, 64.6; 3.42.2, 58.1, 63.3, 63.4, 67.2; 4.20.2, 38.3, 64.3ff; Hdt. 1.10.2 1.99.1, 128.1, 187.5, 207.5; 2.35.3, 162.6ff; Xen. *Hell.* 1.6.33, 7.21; 2.4.40; 3.1.14, 24; 6.5.42; Xen. *Mem.* 1.1.14, 16; 2.22, 2.56, 4.18ff.

²¹⁸ Álvarez 2011: 14. Cf. Bianchi Mancini 2014a: 11; 2016a: 2, 4. However, even men had to morally behave well towards their wives. For even if they were allowed to have relationships outside marriage, they could not bring their concubines or *hetairai* into the house in order to not shame their wives; cf. Dem. 40.9-10, 59.21-22; Cox 1998: 73; Bianchi Mancini 2016a: 6.

²¹⁹ Fr. 90DK, *Fr.* 2. Álvarez 2011: 14.

²²⁰ Cf. the episode of Candaules’ wife in Hdt. 1.8.3, 1.10.3. In what Herodotus writes we can see that after “the wife is seen naked by an outsider called Gyges, her sense of shame undertakes a shift from αἰδώς to αἰσχύνη delineating that after her denudation she lost any form of respect she had before her kinsmen and society”; Bianchi Mancini 2016a: 1, 6-7, 15. For more references on women and αἰδώς cf. Bianchi Mancini 2015b. Cf. Von Effra 1937: 181 in Cairns 1996: 79; Harder 1953: 447-448 in Cairns 1996: 79.

²²¹ Gagarin 2002: 72; Álvarez 2011: 15. Cf. Bianchi Mancini 2016a: 4, 7.

who, as mentioned above, used to wash themselves in public places. However, the shame that adultery brings to Euphiletus' child, and implicitly to the speaker himself, is the delineation of a passive feeling induced by other people.

Due to the use of the verbs μοιχεύω, διαφθείρω and αἰσχύνω we can summarise the offence of adultery as an act of ὕβρις and Eratosthenes as an outrageous man.²²² According to the LSJ, the literary translation of this verb would correspond to “outrage” or “commit a physical outrage on someone”.²²³ The problem with ὕβριζω or the noun ὕβρις is that while we know what the offence of ὕβρις foresaw we are not able to attribute a correct translation to it.²²⁴ We know that according to the Athenian law on ὕβρις, quoted by Aeschines and to which I will return later in this work,²²⁵ ὕβρις would incorporate all those transgressive attitudes that went against the moral and ethical code.²²⁶ The law covers all classes of Athenian and non-Athenian citizens and it prescribed sanctions such as physical punishment and extortion of money.²²⁷ MacDowell claims that “since ὕβρις is the exact opposite of σωφροσύνη, it is always bad and voluntary”.²²⁸ If σωφροσύνη represented moderation, the absence of self-restraint thus insolence outlined by ὕβρις and a prerogative of Eratosthenes' character, could lead to disastrous consequences.²²⁹ Female and male ὕβρις led to the loss of honour and contamination of one's own reputation.²³⁰ Adultery as a hubristic offence is easy to understand if we think that unlawful sexual intercourse with a man who was not one's husband could be considered as a violation of property.²³¹ I use the word ‘property’ as in Classical Athens women were supposed to be the property of their husband or their family patriarch if they were not yet married.²³² The entrance of Eratosthenes into Euphiletus' house denoted by the verb εἴσειμι and his insolence through the verb ὕβριζω represent the violation of the speaker's οἶκος and wife. The

²²² Cf. Fisher 1976: 186.

²²³ LSJ s.v. ὕβριζω.

²²⁴ One of the first instances of the word ὕβρις can be found in the Homeric poems, where according to MacDowell 1976: 19, it takes the connotation “deprive someone of something”. MacDowell 1976: 20 further argues that from Homer onwards, ὕβρις also encompasses all those hubristic acts that were committed against the gods. Cf. Fisher 1979: 32.

²²⁵ Aeschin. 1.15-17.

²²⁶ Cf. Fisher 1979: 33-34; Dover 1978: 34; Todd 2007: 312.

²²⁷ Aeschin. 1.15.

²²⁸ MacDowell 1976: 21. Cf. Fisher 1976: 177; Fisher 1979: 36-37; 1992: 112-113.

²²⁹ Cf. Lys. 1.25 for ὕβρις with the connotation of “insolence”. Bianchi Mancini 2015a: 16.

²³⁰ Fisher 1976: 177, 180, 186, 191; 1979: 32-33; 1992: 113; Fisher 2001: 138; Bianchi Mancini 2015a: 16; 2015b: 42; 2015c: 1; 2016a: 2, 4.

²³¹ Cf. Fisher 1976: 186; Bianchi Mancini 2016a: 4.

²³² Cohen 1991: 102-103. Bianchi Mancini 2016a: 15.

verbs so far analysed and attributed to Eratosthenes were meant to portray him negatively and had to remind the jurors what the law prescribed for those who committed ὕβρις.

2.D Conclusion

In conclusion, we have seen how the oration *On the Murder of Eratosthenes* embraces the social values of honour and shame. The problem one may have in identifying these emotions throughout the speech depends on the fact that they lie behind different behaviours and terms that are identifiable only through a linguistic and behavioural analysis. The entire oration portrays Euphiletus as the main victim of the outrage²³³ and illustrates shame as an emotion induced by Eratosthenes. These features, in fact, have been mainly seen in the analysis of §4, which summarises the main themes of the speech i.e. adultery through μοιχεύω, the corruption of his wife's mind through διαφθείρω,²³⁴ the shame felt by the speaker through αἰσχύνω and the outrage committed by Eratosthenes denoted by the verb ὑβρίζω. These terms were to bring forth the emotions of the jurors and remind them which behaviours were right and which were wrong. Euphiletus, a resolute and moderate man,²³⁵ had to portray the perpetrator as his exact opposite in order to convince the jury that his murder was justified. The portrayal of the speaker as an “agent of civic justice”²³⁶ was necessary to give the impression that Athens was better off without people like Eratosthenes who, as Todd argues,²³⁷ were considered “serial adulterers”. Furthermore, we have seen that the killing of the adulterer was a way for Euphiletus to vindicate and regain his lost honour.²³⁸ Adultery as a form of outrage towards the protected sphere of the οἶκος put at risk one's family due to the uncertainty surrounding the “paternity of future offspring”.²³⁹ For this reason, the speaker had to convince the jurors that the child he had from his wife was not illegitimate. It is possible that the offence committed by Eratosthenes and Euphiletus' wife would stigmatise the reputation of the family. Owing to this assumption, I argue that the speaker in Lysias 1 had to

²³³ Cf. Carey 1989: 64; Herman 1993: 408; 1995: 51; 2006: 177.

²³⁴ Cf. Bianchi Mancini 206a: 3-4.

²³⁵ Cf. Herman 1993: 409-410; 1995: 52; McHardy 2008: 48.

²³⁶ Lys. 1.34, 37. Cf. Herman 1993: 409; 1995: 51-53; 2006: 176-177.

²³⁷ Todd 2007: 108.

²³⁸ Cf. Herman 1993: 413; 2006: 176. Cf. McHardy 2008: 48.

²³⁹ Carey 1995: 415; Pomeroy 1995: 86; Todd 2007: 48; Fisher 2006: 336; Bianchi Mancini 2016a: 4-5, 16.

appear as the main victim in order to protect the reputation of his family and that of his child in front of his society's members.

Chapter 3

Lysias' *Against Simon*: Shame, 'Υβρις and Ἔπος in a Trial for *Trauma ek Pronoias*

3.A Introduction

The third speech of the *Corpus Lysiacum*, written in defence of an anonymous speaker accused of *trauma ek pronoias* by an Athenian citizen named Simon,²⁴⁰ is of particular interest for this study on the use of shame as a manipulation towards the audience.²⁴¹ Such manipulation will be seen in the delineation of Simon's *ethopoia* and in all his behavioural and psychological differences with the speaker. Simon is portrayed as a man driven by a form of insanity that led him to commit hubristic acts against the speaker,²⁴² his family and Theodotus who was a young boy from Plataia whom both the speaker and Simon professed to love.²⁴³ Although the speech seems to revolve around the matter of premeditated assault at the hands of the speaker,²⁴⁴ I will argue that the entire oration hides an important issue that existed in the fourth century B.C Athens; I am referring to male prostitution, practised by Theodotus and the development of a potential homosexual relationship between the speaker and the boy.²⁴⁵ Since the speaker, who was in his mid-forties and not yet married,²⁴⁶ may not have wanted to appear into court as one of the *kinaidoi* (effeminates),²⁴⁷ he transforms the whole case as a matter of pederastic relation rather than treating it as a relationship of *hetairēsis*.²⁴⁸ In order for the jurors to not stigmatise him with shame as being a

²⁴⁰ Carey 1989: 91; Dover 1978: 32; Gagarin 2011: 100; Kucharski 2009: 35, 39; Griffith-Williams 2013: 89.

²⁴¹ I have based my forthcoming article entitled *The Manipulation of the Jurors in Lysias' Against Simon* on this chapter.

²⁴² Kucharski 2009: 40.

²⁴³ Carey 1989: 87; Gagarin 2011: 100; Kucharski 2009: 39; Griffith-Williams 2013: 89; Cairns 2002: 197.

²⁴⁴ Carey 1989: 91; Gagarin 2011: 100; Kucharski 2009: 35; Todd 2007: 281; Griffith-Williams 2013: 89.

²⁴⁵ Cf. Carey 1989: 87; Dover 1978: 33; Todd 2007: 310; Cohen 2015: 70.

²⁴⁶ Carey 1989: 94; Todd 2007: 278, 310.

²⁴⁷ Cf. Dover 1978: 33; Todd 2007: 278.

²⁴⁸ Dover 1978: 33; Todd 2007: 281. Cf. Cantarella 2016: 73-74.

kinaidos,²⁴⁹ he plays the role of the victim who had always been a wise man and who had been ashamed and outraged at the hands of Simon.²⁵⁰ The difference between him and his aggressor will also be seen in a clear distinction between two different types of erotic passion, which had to prove how the speaker's ἔπος for the young boy was different from Simon's. For, this will be seen in the explanation of how the speaker's desire for Theodotus was mostly based on respect and self-control,²⁵¹ a prerogative of the vigorous pederastic relationship,²⁵² while Simon's ἔπος for the boy was the exact opposite of the former's. In fact, the speaker in order to prove how Simon impersonated the "bad lover" will claim that he and Theodotus had a sexual agreement.²⁵³ This assertion was clearly aimed at accusing the perpetrator of driving the young boy to prostitute himself.²⁵⁴

Furthermore, I want to point out that Dover and Carey have only hinted at the matter of prostitution in the case of a relationship of *hetairēsis* between Theodotus and the speaker in order to prove how Theodotus could have been a "slave prostitute".²⁵⁵ However, I will distance myself from these theories and claim that Theodotus was a full citizen prostituting himself.²⁵⁶ I will also argue that the shameful portrayal of Simon is a prominent feature of the oration that was intended to drive the jurors to sympathise with the speaker.

3.B Lysias 3 and the Trial for Trauma ek Pronoias

Lysias 3 is an important document that attests how street brawls often occurred in the fourth century B.C. Athens.²⁵⁷ According to Griffith-Williams,²⁵⁸ the incident that led the speaker of the oration into court happened after 394 B.C. The brawl involved the speaker who belonged to the class of wealthy Athenian citizens but whose name is never mentioned, a young boy of Plataia, Theodotus, and Simon, who was probably

²⁴⁹ Cf. Thornton 1997: 110.

²⁵⁰ Carey 1989: 89; Todd 2007: 278; Griffith-Williams 2013: 95; Kucharski 2009: 42.

²⁵¹ Cf. Carey 1989: 93; Todd 2007: 309-310; Dover 1978: 33.

²⁵² Nussbaum 2002: 60-61.

²⁵³ Lys. 3.22. Carey 1989: 87-88, 90, 95; Gagarin 2011: 100; Todd 2007: 280; Kucharski 2009: 37-38; Griffith-Williams 2013: 89; Bushala 1968: 64.

²⁵⁴ Carey 1989: 87; Todd 2007: 281.

²⁵⁵ Carey 1989: 87; Dover 1978: 33-34.

²⁵⁶ Cohen 2015: 71.

²⁵⁷ Cf. Kucharski 2009: 35; Griffith-Williams 2013: 89; Todd 2007: 275.

²⁵⁸ Griffith-Williams 2013: 89.

not as rich as the accused.²⁵⁹ If we follow the narrative of the events that Lysias reports, the fight for the possession of the young boy began when the speaker and Theodotus, after they escaped from Athens, returned and the speaker seemed, according to Simon, to have gone to his house with the intent to attack and kill him.²⁶⁰ Four years after the incident, Simon accused Lysias' client of *trauma ek pronoias*.²⁶¹ As various scholars attest,²⁶² the problem that such an accusation encompasses can be found in the act of premeditated assault with the intention to kill. The evidence that the charge of *trauma ek pronoias* implied intentional killing is found in the typology of law court that had to judge such accusations. For according to Kucharski,²⁶³ as in cases of murder, "an accusation of *trauma ek pronoias* fell within the jurisdiction of the Areopagos". The intentional killing that it implied could be sustained more if the assailant was seen with weapons that could have imprisoned him.²⁶⁴

3.C Αἰσχύνω, Βέλπιστος, Σωφρονέστατος, Κόσμιος and Two Different Feelings of Ἔπος

If the speaker of Lysias 3 had been convicted of planning the assault with the intention to murder Simon, he would have been sent to exile and lost his property.²⁶⁵ In order for Lysias' client to be exempted from the accusation of intentional assault, his ultimate goal was to manipulate and convince the jurors of his innocence,²⁶⁶ by adopting those strategies that, in my opinion, can be divided into two interrelated

²⁵⁹ Todd 2007: 278-279; Carey 1989: 90, 95; Griffith-Williams 2013: 89; Gagarin 2011: 101.

²⁶⁰ Lys. 3.28. Carey 1989: 95; Griffith-Williams 2013: 89; Kucharski 2009: 38-39.

²⁶¹ Carey 1989: 91; Dover 1978: 32; Gagarin 2011: 100; Kucharski 2009: 35, 39; Griffith-Williams 2013: 89. In the oration the use of the adjective πρόνοια can only be found four times; i.e. §§28, 34, 41, 43.

²⁶² Carey 1989: 91; Todd 2007: 283; Kucharski 2009: 35; Griffith-Williams 2013: 92. According to Todd 2007: 283 there are various debates among scholars concerning the actual meaning of the word *pronoia* in trials for intentional assault. It is possible that the word itself may not indicate premeditation but only "a harmful intent".

²⁶³ Kucharski 2009: 36; Todd 2007: 282 n. 32. Cf. Griffith-Williams 2013: 92.

²⁶⁴ Todd 2007: 282-283; Griffith-Williams 2013: 92. In Lys. 3 only at §28 we find the alleged possession of a weapon (τὴν τοῦτου ὄστρακον) that the speaker and Theodotus had, according to Simon, when they came to his house; Griffith-Williams 2013: 89. Cf. Lys. 4.6 for the mention of indirect weapons such as pieces of pottery; Todd 2007: 282-283. It must be pointed out that at §8 Simon, causes facial damages to his friend with the intention to harm the speaker and Theodotus; Todd 2007: 316; Griffith-Williams 2013: 89. According to Todd 2007: 316 it is possible that "facial injuries distinguished *trauma ek pronoias* from simple assault". Cf. Lys. 6.15; Aeschin. 2.93. According to Carey 1989: 89; 1990: 50 n. 18 through the mention of the facial injuries that Simon caused to one of his friends at §8 and through the account of the absurd fight where everyone was hurt, the speaker introduces comic components in order to explain that the whole matter did not deserve the attention of the jurors presiding over the Areopagos.

²⁶⁵ Carey 1989: 92. Cf. Griffith-Williams 2013: 94.

²⁶⁶ Cf. Kucharski 2009: 37.

groups. First, the speaker admitting that a love brawl had taken place,²⁶⁷ he appealed to the Athenian social values playing with the emotions of the jurors to trigger their sense of shame and anger.²⁶⁸ Second, Lysias relying on the distinction between the speaker's and Simon's personalities, along with their different types of ἔρος towards Theodotus, builds a unique narrative that sees the two as complete opposites.²⁶⁹ For, as already outlined in the second chapter, Athenian judicial courts were the perfect *locus* for the manipulation of the jurors' emotions and minds.²⁷⁰ This manipulation is already visible at §3 where the speaker tries to persuade the jurors to think that he is a respectable and an honourable man who suffered outrages at the hands of his opponent. The paragraph, according to Carey's OCT edition, reads as follows:

μάλιστα δ' ἀγανακτῶ, ὃ βουλή, ὅτι περὶ [τῶν] πραγμάτων εἰπεῖν ἀναγκασθήσομαι πρὸς ὑμᾶς, ὑπὲρ ὧν ἐγὼ αἰσχυρόμενος, εἰ μέλλοιεν πολλοὶ μοι συνείσεσθαι, ἡνεσχόμην ἀδικούμενος. ἐπειδὴ δὲ Σίμων με εἰς τοιαύτην ἀνάγκην κατέστησεν, οὐδὲν ἀποκρυψάμενος ἅπαντα διηγέσομαι πρὸς ὑμᾶς τὰ πεπραγμένα.

What we can understand from the paragraph is that the speaker's narration of the events and the shame he feels in bringing his private life into court are adopted as an oratorical strategy.²⁷¹ The sense of embarrassment that is perceived through the use of the verb αἰσχύνομαι makes his figure and persona more truthful.²⁷² The choice of αἰσχύνομαι at the beginning of the oration is important for several reasons. The first is to be sought in the juxtaposition of the speaker's and Simon's personalities who already from §1 is depicted as a dishonourable man driven by audacity (τόλμη).²⁷³

Second, as Carey has argued,²⁷⁴ the verb shows how in a competitive society the speaker himself was well aware of how unethical was being involved in brawls over sexual matters. Even though Carey's interpretation of the verb has acquired much approval among scholars,²⁷⁵ I would like to distance myself from this view and

²⁶⁷ Kucharski 2009: 37; Griffith-Williams 2013: 94.

²⁶⁸ Cf. Griffith-Williams 2013: 95.

²⁶⁹ Carey 1989: 89; Todd 2007: 284.

²⁷⁰ Kucharski 2009: 37; Roisman 2005: 73, 79, 83.

²⁷¹ Carey 1989: 89; Griffith-Williams 2013: 95; Todd 2007: 278; Dover 1978: 33.

²⁷² Cf. Todd 2007: 284, 309-310; Griffith-Williams 2013: 95.

²⁷³ Carey 1989: 93; Cohen 1995: 132. Cf. Lys. 1.20, 22, 25-26, 29, 39, 45.

²⁷⁴ Carey 1989: 93-94. Cf. Todd 2007: 310.

²⁷⁵ Cohen 1995: 132; Griffith-Williams 2013: 95 claims that the speaker's behaviour up to the time of the trial may have attracted shame and derision rather than support due to his age. Cf. Todd 2007: 310.

interpret the verb as an emphasis to the idea that the speaker, who was not yet married, may have feared that the whole matter could have triggered derision and suspicions in court.²⁷⁶ The suspicions that the case may have arisen in the jurors corresponded to the dubious veracity of the speaker's relationship with the boy.

Throughout the oration Theodotus is treated as a young boy from Plataia who was underage when the fight happened.²⁷⁷ This latter idea comes from the language that Lysias uses to describe him in the speech. As Cairns has noticed,²⁷⁸ "he is called *μειράκιον* no less than seventeen times and *νεανισκός* three times". However, all these terms are found in other primary sources indicating young boys already at the age of majority.²⁷⁹ Especially the noun *νεανισκός*, as Cantarella has discussed and as shown by Aristophanes and Xenophon,²⁸⁰ may well represent boys already of age. Theodotus' legal status is also ambiguous.

Despite divergent views on the matter that see the boy as a slave or as a free non-citizen,²⁸¹ I think that Theodotus may have been a full Athenian citizen thanks to the right of citizenship that was granted to Plataian citizens after Plataia participated as an ally of Athens in the battle of Marathon in 490 B.C.²⁸² My opinion is also supported by two further pieces of evidence: first, the speaker never refers to Theodotus as being a slave or never mentions the boy as being tortured before the trial as it usually happened in matters where slaves or people whose status was uncertain were

²⁷⁶ Cf. Todd 2007: 310; Halliwell, 2008: 31. We can further add another interpretation to the verb. The sense of embarrassment that we perceive through the usage of the verb may be also linked to the speaker's willingness to prove how unjust was for a good and wise citizen like him to be brought into court; cf. Lys. 3.47.

²⁷⁷ Carey 1989: 87; Cairns 2002: 197-198; Todd 2007: 277.

²⁷⁸ Cairns 2002: 200. Cf. Todd 2007: 277; Bushala 1968: 67. For *μειράκιον* cf. Lys. 3.4-6, 10, 12 (twice), 15, 18, 22, 26-27, 29, 31-32, 35, 37. For *νεανισκός* cf. Lys. 3.10, 17 (twice). The speaker also attributed to Theodotus the noun *παιδίον*, which can only be found once in the oration, i.e. at §33.

²⁷⁹ According to LSJ s.v. *μειράκιον* the term represents a boy either "under twenty" like in Aeschin. 1.39 or "under twenty-one". Cf. Antiph. 3.4.8 the two terms are used in the same paragraph to denote the same person. Cf. Cantarella 2016: 50; Todd 2007: 277 n. 12.

²⁸⁰ Cantarella 2016: 51. In Xen. *Mem.* 2.2.1, according to LSJ s.v. *νεανισκός*, the noun is ascribed to Socrates' first-born; Aristoph. *Ach.* 685.

²⁸¹ Carey 1989: 87; Cairns 2002: 197-198; Bushala 1968: 64-66; Carey 1989: 87; Dover 1978: 32-33; Todd 2007: 281, 326-327.

²⁸² Cf. Todd 2007: 279 n. 20; Cairns 2002: 198.

involved²⁸³ and second, the decree on the *politeia* of the Plataians explicitly provided full Athenian citizenship to any Plataian.²⁸⁴ As Cohen has argued,²⁸⁵ “Athenians of the fourth century B.C. would have recognised people of Plataian origin as full Athenian citizens”. Scholars’ position on Theodotus as a slave depends on the complicated relation that he and the speaker had. For, due to the portrayal of Theodotus as a young boy and the absence of explicit references to his legal status, the speaker wants to treat the whole matter as a pederastic relation to hide something more serious, which could have potentially led to criticism. By stating at §5 that he hoped to secure the affection of the boy, as Dover argues,²⁸⁶ the speaker is stating a relationship of *hetairēsis*. It seems therefore that Theodotus practised male prostitution²⁸⁷ and both the speaker and the boy started a homosexual relationship, which could have carried on up until the time of the trial.

The choice of driving the jurors to think that his whole affair with Theodotus was a matter of pederasty comes from a strong criticism behind Athenian male prostitutes²⁸⁸ and from the sense of embarrassment, perceived through the use of the verb αἰσχύνω, that the speaker may have had in appearing as a *kinaidos* in front of his peers. Behind male effeminacy there was a clear feeling of shame, which can be seen in the use of

²⁸³ Cf. Todd 2007: 280, 333. The only instance where the speaker of Lys. 3 may refer to Theodotus as a slave is found at §33 where he calls him παιδίον and mentions his potentiality to give evidence under torture. According to Cairns 2002: 200 and Todd 2007: 333 it is a reference to another person whom he called during the brawl while Bushala 1968: 64-65 n. 14, 67-68 argues that the term was ascribed to Theodotus since in Athens even those who were free non-citizens could have been liable to torture before a court trial; cf. Carey 1989: 87 and Todd 2007: 280, 334 disagreeing with Bushala’s argument. Golden 1984: 312 has made an important point by arguing that the term παῖς and derivatives may also refer to a boy already at the age of majority. Although Lysias uses παιδίον we may interpret it in the same way as παῖς. However, the issue about the torture, which Theodotus should have supposedly been subject to, still remains unsolved if we attribute παιδίον with the connotation of “young boy” to him. Since citizens could not have given evidence under torture we can either interpret the term as referring to a slave who was with the speaker at the time of the fight or we may translate βᾶσάνιζω as “put to the test” or “test” rather than “torture”; Cohen 2000: 171 n. 84; Gagarin 1996: 1-2; Todd 2007: 334. For the impossibility of citizens to give evidence under torture see Carey 1989: 87; Cairns 2002: 199; Todd 2007: 280; Bushala 1968: 64.

²⁸⁴ Cohen 2000: 170. The decree has been preserved in Dem. 59.104. Cf. Todd 2007: 280.

²⁸⁵ Cohen 2000: 170-171. Cohen’s assumption is also proved by Lys. 23, a speech based on the issue that after 403 B.C. Athenian citizenship would have not been granted to those people who were not of Plataian origin.

²⁸⁶ Dover 1978: 33.

²⁸⁷ Cf. Carey 1989: 87; Dover 1978: 33; Todd 2007: 310; Cohen 2015: 70. Dover’s and Carey’s interpretation of the boy as a slave depends on the wrong idea that male prostitution was mostly practised by slaves; Carey 1989: 87; Dover 1978: 33-34. Cf. Cohen 2000: 169 disagreeing with Dover’s argument. For I agree with Cohen 2015: 71 on the idea of Theodotus as being the “citizen-prostitute”.

²⁸⁸ See the figure of Timarchus in Aeschin. 1 and the law on *hetairēsis* in Aeschin. 1.19 sanctioning those who prostituted themselves.

ἀπαισχυνῇ in Plato's *Gorgias*.²⁸⁹ The shame that lied behind the *kinaidoi* comes from the idea that these people lived a terrible (δεινός), disgraceful (αἰσχρὸς) and miserable (ἄθλιος) life.²⁹⁰ The same thought is also echoed in the *Memorabilia* of Xenophon: ἢ τίς οὐκ ἂν ταῖς ἡδοναῖς δουλεύων αἰσχροῶς διατεθείη καὶ τὸ σῶμα καὶ τὴν ψυχὴν.²⁹¹ If the speaker had treated the whole matter as a pederastic relation, there would not have been any form of shame surrounding his relationship with Theodotus.²⁹² Throughout the oration, the speaker attempts to show the jurors that the theoretical form of pederastic relation he had with Theodotus consisted of a beautiful desire (ἐπιθυμῆσαι).²⁹³ For this reason the speaker considers himself as a virtuous and wise man (βέλτιστος...σωφρονέστατος).²⁹⁴ The mention of the two adjectives in their superlative form is necessary to give an impression of how he had always been a resolute man thus implicitly implying how his passion for Theodotus could have been considered positively.²⁹⁵ Lysias portrays the speaker as an *erastès* who cared for the personality and wellbeing of his *eròmenos*.²⁹⁶ For at §10 he states that after the first fight, he decides to go away with Theodotus. Although such an act should have been intended to prove the speaker's care and attention for the boy, it may have concealed a form of "agreement" that Theodotus had with the speaker.²⁹⁷

Furthermore, βέλτιστος and σωφρονέστατος confer a sense of contrast between the speaker and Simon.²⁹⁸ For example, βέλτιστος frequently occurs in Lysias' speeches and is most commonly ascribed to those people who morally behaved well or did good in the *polis*.²⁹⁹ Σώφρων "wise", however, seems to be frequently attributed to the male gender and usually accompanied by κόσμιος "well-behaved" or "well-ordered"

²⁸⁹ Plat. *Gorg.* 494c. Winkler 1990: 53. Cf. Thornton 1997: 110.

²⁹⁰ Plat. *Gorg.* 494c. Winkler 1990: 53. The type of shame that Socrates expresses in the dialogue through the use of the adjective αἰσχρὸς seems to be instigated by the idea that in competitive contexts the effeminacy of the *kinaidoi* was something degradable and dishonourable; Winkler 1990: 52-53. Cf. Thornton 1997: 110.

²⁹¹ Xen. *Mem.* 1.5.5. Cf. Winkler 1990: 50

²⁹² Dover 1978: 137, 139.

²⁹³ Lys. 3.4. Cf. Dover 1978: 33. The story of Agathon and Pausanias seems to resemble the pederastic relation between the speaker of Lysias 3 and Theodotus. Both relationships could be an example of same sex desire; cf. Boyarin 2006: 17. The verb ἐπιθυμέω will be also found with an erotic-sexual connotation at §§5, 29, 30-31, 39.

²⁹⁴ Lys. 3.4. Cf. Carey 1989: 93; Todd 2007: 309-310; Dover 1978: 33.

²⁹⁵ Cf. Todd 2007: 284, 311; Griffith-Williams 2013: 95.

²⁹⁶ Dover 1978: 53; Nussbaum 2002: 55; Barone 2009: 159.

²⁹⁷ Cf. Cohen 2015: 97.

²⁹⁸ Cf. Todd 2007: 311; Cohen 1995: 132.

²⁹⁹ Cf. Lys. 1.7; 12.49.

due to their close connection.³⁰⁰ The close relation between the latter adjectives could imply the idea of whoever behaved well in the society was further considered wise. The difference between the speaker and Simon needs to be further connected to the improper sexual-erotic passion, which the perpetrator has been victim to. On the one hand, the speaker's love for Theodotus, as seen above, resembles the beautiful and chaste (τῶν καλῶν καὶ σωφρόνων) passion that Aeschines illustrates in *Against Timarchus*.³⁰¹ On the other hand, Simon's passion corresponds to that ἔπος, which in ancient Greece was thought to lead to the loss of moderation and control and was mostly attributed to young people who started similar love brawls to the one initiated by him.³⁰² For this reason we can say that the passion experienced by the aggressor is clearly in juxtaposition to the speaker's ἔπος for the young lover. For, making such a distinction explicit was important as it may have been directed towards the reiteration of Simon as a hubristic and shameful man. Lysias' purpose is clear: he delineates Simon as an unstable and irrational man whom the jurors should have considered as the real assailant.³⁰³

Κόσμιος is another important term, which can indirectly explain the attempt to manipulate the audience by reinforcing the idea of Simon as a shameful man. The adjective is not only found in relation to the male gender but, as in the case of Lysias 3, it can also be ascribed to women. For, at §6 the speaker identifies his sister and nieces as women who have always lived in an orderly manner. When Simon came drunk to their house, he entered their rooms and triggered their sense of shame.

Interestingly in this particular context, κόσμιος can take the meaning of “modest” or “chaste”.³⁰⁴ Despite the LSJ not giving the adjective the connotation of “chaste”, the reason why in this context we can give an unliterary translation to the term is due to the use of αἰσχύνω at the end of the paragraph. In the previous chapter, we have noticed that the attribution of αἰσχύνω to the female gender outlined a strong moral and ethical behaviour in Classical Athens. For being seen naked by people outside the

³⁰⁰ Cf. Lys. 14.41; 19.16. In Lys. 12.20 κόσμιος is linked to those people who performed their duties in their society. Cf. Todd 2007: 311.

³⁰¹ Aeschin. 1.137. Cf. Cohen 2015: 83; Todd 2007: 281; Fisher 2001: 277, 281.

³⁰² Cf. Carey 1989: 94; Todd 2007: 310; Nussbaum 2002: 56. For the connection between young people and their erotic-sexual desire that could lead to love brawls cf. Eur. *Ion*. 545-546; Aristoph. *Wasps*. 1351ff; Soph. *Ant.* 789-790; Dem. 48.53; 54.14.

³⁰³ Griffith-Williams 2013: 95; Kucharski 2009: 40; Carey 1989: 97.

³⁰⁴ Cf. Carey 1989: 75, 97. According to LSJ s.v. κόσμιος, the literary translation of the term is equal to “ordered”, “decent” or “modest”.

house may have brought disastrous consequences to the family.³⁰⁵ To say that the speaker's sister and nieces felt ashamed even when they were seen by their kinsmen is a hyperbole.³⁰⁶ However, this seems to be directed to prove how the speaker had always been considered an orderly, a wise and an honourable man since he lived with chaste and modest women.³⁰⁷ The women's correct conduct is in direct contrast with Simon himself.³⁰⁸ The aggressor is clearly portrayed as a man who had no morals and was most importantly without shame.³⁰⁹ His impudence got to a point where he did not realise, because of his drunken state, that he was driving innocent women to their loss of honour.³¹⁰ It is also possible that Simon outrageously entered the women's quarters on purpose. The scenario of §6 is very similar to the one found in Aeschines. The speaker talks about well-ordered Athenian citizens who, as soon as they saw Timarchus entering the Assembly naked, they experienced a sense of shame.³¹¹ In both cases the verb used is αἰσχύνω.

3.D The Reinforcement of Simon's Portrayal as a Hubristic and Disgraceful Man

We can say that Simon was the cause of all evils against Theodotus, the speaker and his family that was clearly under his protection.³¹² As we have seen so far, Lysias illustrates Simon's attitude as the opposite of the speaker's i.e. "deviant and lawless".³¹³ This idea is further supported by the constant use of a peculiar vocabulary that encompasses the terms παρανομέω "to break the law", παρανομία "lawlessness", μᾶνία "madness" and ὑβρίζω.³¹⁴ The former term is seen for the first time at §5,

³⁰⁵ Cf. Bianchi Mancini 2015b: 42.

³⁰⁶ Lys. 3.6. Carey 1989: 97; Cohen 1995: 132.

³⁰⁷ As Carey 1989: 97 and Todd 2007: 313-314 state it is possible that the speaker was their κύριος since their father was not alive and they were not yet married. At §7 the speaker tells that his nieces were orphans.

³⁰⁸ Cf. Cohen, 1995: 132.

³⁰⁹ Cf. Cohen 1995: 132. Simon's lack of shame is also seen at §45. The speaker says that he arrived late for the battle in Corinth. This took place around 394 B.C. and Athens and its allies won; Carey 1989: 111; Todd 2007: 340. Simon's delay in Corinth suggests that he was a coward without a sense of inner shame; cf. Todd 2007: 340-341. This is further proved later in the paragraph when the speaker narrates how as soon as his comrades marched to Koroneia, they left him behind. This fact, be it true or false, ridiculed his persona; cf. Carey 1989: 112.

³¹⁰ Cohen 1995: 132; Kucharski 2009: 43. Simon is often represented drunk; cf. Lys. 3.11-12, 18-19. Carey 1989: 97; Todd 2007: 313.

³¹¹ Aeschin. 1.26. Cf. Fisher 2001: 155; Zanghellini 2015: 39; Spatharas 2016: 134. This scene will be better analysed in ch. 5.B.

³¹² Lys. 3.20. Cf. Griffith-Williams 2013: 96.

³¹³ Griffith-Williams 2013: 96. See also n. 242.

³¹⁴ Cf. Griffith-Williams 2013: 96; Todd 2007: 312.

where it is used in conjunction with ὑβρίζω. According to Todd,³¹⁵ παρανομέω and its noun παρανομία are broadly used to denote illegal activities. However, in this particular case it is found in connection with ὑβρίζω. It is possible that such a linguistic choice was used to strengthen the idea that Simon's unethical behaviour towards the speaker and Theodotus was similar to those forms of excessive attitude that were classified under the name ὕβρις.³¹⁶ In Lysias 3 the two terms occur quite often. For παρανομέω and παρανομία can be seen at §§10, 17 and 37 while ὑβρίζω recurs at §§7, 17, 23, 26, 34 and 40.³¹⁷ Interestingly at §10 the verb παρανομέω carries the connotation "transgress the laws" and is found juxtaposed to ὑβρίζω and αἰσχρός at §17. The peculiarity of this juxtaposition derives from a sense of shame, equal to a feeling of dishonour that, Simon caused in the speaker. A similar scenario to the one we have at §17 is found in Demosthenes' *Against Leptines*.³¹⁸ We see at §155 the noun παρανομία in conjunction with the adjective αἰσχρός in its superlative form. In this context, the two terms are used to portray immoral people who abandoned the *polis* to shameful acts.

Thanks to these peculiar combinations of words, it seems clear that the speaker in Lysias 3 was disturbed by the ὕβρις of his aggressor and of those friends who helped the latter in the fight.³¹⁹ It is exactly the lack of shame of these people and its projection on the speaker that led him to feel indignant.³²⁰ The attackers' lack of shame is noticed at §13. According to the speaker, the reason why he decided to leave Theodotus in the middle of the brawl was not cowardice³²¹ but it is found in the fact that if the aggressors had been pervaded by a feeling of shame (αἰσχρυνομένους), they would have ended the fight. Same as Simon, the portrayal of these people as devoid of shame is further emphasised by their constant representation as drunken men.³²² According to Carey and Reid,³²³ in Athenian oratory drunkenness is always used according to the needs of the orator. For, in the case of *Against Simon* as in

³¹⁵ Todd 2007: 312.

³¹⁶ Todd 2007: 312.

³¹⁷ Todd 2007: 312.

³¹⁸ Dem. 20.

³¹⁹ Cf. Lys. 3.9. Cohen 1995: 134.

³²⁰ Cf. Cohen 1995: 134.

³²¹ It must me thought as an oratorical strategy. The speaker is often portrayed as someone who always tried to avoid fights as demonstrated at §§10 and 32. Cf. Todd 2007: 278 n. 16, 284, 309, 315; Carey 1989: 89, 93; Cohen 1995: 133.

³²² Cf. Lys. 3. 12, 18.

³²³ Carey and Reid 1985: 78.

Demosthenes' *Against Conon*, drunken men denoted a regrettable behaviour and had to horrify the jurors.³²⁴ Behind the motif of drunkenness there is the idea of ὕβρις related to the pleasure that one gains in beating his target.³²⁵ In fact, at §19 of Lysias 3 the speaker uses the verb παροινέω in order to prove how Simon's behaviour along with his companions' could have been considered hubristic by nature.³²⁶ According to Fisher,³²⁷ this verb is used to denote an unpleasant attitude towards drunken violence and to associate this type of behaviour with ὕβρις.³²⁸

Simon's audacity (ἐτόλμησε) is further expressed by the mention of a potential contract that he and Theodotus had.³²⁹ The term used by the speaker to possibly denote a sexual agreement is συνθήκη.³³⁰ As Carey and Todd have stated in their commentaries of Lysias 3,³³¹ it is plausible that at §22 the speaker implied that "Simon and Theodotus had a sexual agreement, which would have provided sexual favours (ἐταιρήσονται)³³² for three hundred drachmae". The use of συνθήκη can also be seen in Aeschines where it is used to denote people who indulged in prostitution "under a written contract".³³³ However, according to Cohen,³³⁴ such written contracts were normally anticipated before the start of a trial in order to prove the exchange of money for commercial sex. Since in *Against Simon* we have no further evidence that this type of contract actually existed,³³⁵ it is possible that its mention during the trial had to reiterate Simon's *ethopoia* as a hubristic man and his personification as the "bad lover" who instead of caring for Theodotus tried to shame him.³³⁶ This latter idea is better explained by the distinction between two types of ἔπος that the speaker and Simon felt towards the young boy. I have explained above that the former's form

³²⁴ Todd 2007: 323; Carey 1989: 101; Carey and Reid 1985: 78. Cf. Dem. 54.3. The motif of drunken behaviour will be further analysed in ch. 4.

³²⁵ Fisher 1976: 185.

³²⁶ LSJ s.v. παροινέω: "to treat with drunken violence" or "to maltreat".

³²⁷ Fisher 1976: 185.

³²⁸ Cf. Lys. 1.45; Dem. 54.5, 16; Aeschin. 1.61; 2.4.

³²⁹ Lys. 3.22. Carey 1989: 87-88, 90, 95; Gagarin 2011: 100; Todd 2007: 280; Kucharski 2009: 37-38; Griffith-Williams 2013: 89; Bushala 1968: 64.

³³⁰ Carey 1989: 102-103; Todd 2007: 326-327. In the speech itself, however, there are no explicit references to sex.

³³¹ Carey 1989: 102-103; Todd 2007: 326-327. Cf. Cohen 2015: 97. Interestingly at §24 the speaker mentions that Simon hired Theodotus for more money than he actually had; Carey 1989: 90, 104; Todd 2007: 279.

³³² Lys. 3.24.

³³³ Aeschin. 1.41, 165. Cf. Carey 1989: 103; Todd 2007: 326.

³³⁴ Cohen 2015: 97-98. Cf. Aeschin. 1.160.

³³⁵ Todd 2007: 326.

³³⁶ Cf. Fisher 1976: 186-187.

of love had to appear to the jurors as a form of moderate and beautiful desire while Simon's ἔπος had to look as if it only consisted of a lack of care for Theodotus' persona.

Aeschines in *Against Timarchus* proves this idea. The orator explains how hiring oneself out for money is equal to a form of depravity and corruption that corresponds to a disgraceful practice (αἰσχρόν) in the eyes of others.³³⁷ It is also important to mention that, as Todd has argued,³³⁸ the reference to such a contract along with the portrayal of Theodotus as an underage boy allows Lysias to play with the idea that Simon was illegally prostituting a "citizen minor". Urging someone to prostitution was an act that could not be tolerated in Classical Athens. For, concerning this matter, the law was very strict and those who were urging a male citizen or boy to prostitute himself, e.g. the father of a boy or another κύριος, were liable to a *graphe hetaireseos*.³³⁹ The alleged sexual agreement seems to have been directed towards the submission and passive role of the young boy,³⁴⁰ which eventually led to an ignoble form of love, and would have allowed the speaker to suggest to the jurors that Simon could have been liable to a *graphe hetaireseos*.

3.E Conclusion

In conclusion, we cannot determine whether the speaker of Lysias 3 was guilty or innocent. However, what the speaker has tried to implement is a manipulation of the jurors through the portrait of Simon as a shameless man who had no respect for the law, his duties as a citizen and especially for the speaker's family. As we have seen, Lysias infrequently mentions shame. Nonetheless what served for the manipulation of the jurors were all the behavioural and psychological differences between Simon and the speaker.³⁴¹ These dissimilarities have been seen in the portrayal of Simon as a man who was ruled by madness and insanity.³⁴² On the contrary, the speaker represents himself as someone who always tried so hard to avoid confrontations and fights that he could have risked being criticised and deemed as a coward.³⁴³

³³⁷ Aeschin. 1.137. Cf. Cohen 2015: 83.

³³⁸ Todd 2007: 281.

³³⁹ MacDowell 1978: 126; Fisher 2001: 136; Dover 1978: 27-28. This matter will be better seen in 5.B.

³⁴⁰ Cf. Fisher 1976: 186-187; Monoson 1994: 256.

³⁴¹ Kucharski 2009: 40.

³⁴² Griffith-Williams 2013: 95; Kucharski 2009: 40; Carey 1989: 97.

³⁴³ Todd 2007: 278 n. 16, 284, 309, 315; Carey 1989: 89, 93; Cohen 1995: 133.

Most importantly it is the high self-esteem that he shows by describing himself as part of those men who were βέλτιστοι and σώφρονες. These two words are in exact opposition to the audacity and ὕβρις of Simon.³⁴⁴ It is interesting to reiterate that Lysias uses the contrast between the attitudes of two different people as an oratorical technique that had to influence the final verdict of the jurors. Even the passion that the speaker felt for Theodotus was a source of manipulation. The relationship the two had is something that the speaker did not want to explicitly explain. Due to the uncertainty of Theodotus' age and legal status, the speaker is treating the whole matter as a pederastic relation in order to mask a potential relationship of *hetairēsis*.³⁴⁵ Arguably behind male prostitution there was a sense of shame that prostitutes suffered at the hands of others and the relationship the speaker had with Theodotus, which could have carried on up until the time of the trial, may have made him appear as a *kinaidos* in court.³⁴⁶ Since he did not want to be ashamed in front of his peers, he decided to treat the whole matter as a case of pederasty portraying his desire for the boy as kind and innocent and in direct juxtaposition with the one experienced by Simon.³⁴⁷ On the other hand, the type of ἔπος felt by the assailant was typical of young people who driven by insanity and lack of self-control often took part in love brawls.³⁴⁸ The speaker attempted to highlight how Simon did not care for the wellbeing and honour of Theodotus. This has been proved by the alleged agreement he stipulated with the young boy, who supposedly was an Athenian citizen.³⁴⁹ This sexual contract further underlined how Simon was willing to use Theodotus in exchange for sexual favours thus driving him to the loss of honour and self-esteem and how the perpetrator could have potentially been prosecuted for illegally prostituting a young Athenian citizen.³⁵⁰

³⁴⁴ Cf. Todd 2007: 311; Cohen 1995: 132.

³⁴⁵ Dover 1978: 33; Todd 2007: 281.

³⁴⁶ Cf. Carey 1989: 94; Todd 2007: 310; Nussbaum 2002: 56.

³⁴⁷ Cf. Cohen 2015: 83; Todd 2007: 281.

³⁴⁸ Cf. Carey 1989: 94; Todd 2007: 310; Nussbaum 2002: 56.

³⁴⁹ Carey 1989: 87-88, 90, 95; Gagarin 2011: 100; Todd 2007: 280; Kucharski 2009: 37-38; Griffith-Williams 2013: 89; Bushala 1968: 64; Cohen 2015: 71.

³⁵⁰ Todd 2007: 281; Fisher 1976: 186-187.

Chapter 4

Shame and ‘Υβρις in Demosthenes’ *Against Conon*

4.A Introduction

The fifty-fourth oration of the *Corpus Demosthenicum* is a speech written for Ariston who prosecuted Conon in a *dikē aikeias* (assault and battery).³⁵¹ The entire oration reports two fights that, according to Ariston, show his hostility towards Conon and his sons.³⁵² The first brawl occurred when Conon’s sons, who were drunk during a garrison duty at Panactum, targeted Ariston along with some slaves.³⁵³ The second fight took place in the agora, in Athens, sometime after the first one.³⁵⁴ This fight saw Conon as the main aggressor, who along with his sons landed severe blows to Ariston.³⁵⁵ Through a close examination of the brawls we can see how the question of shame and honour lies behind them. The use of these values seemed necessary in Ariston’s case in order to explain how his aggressors had intentionally humiliated and disgraced him.³⁵⁶

The intentional disgrace and humiliation behind the fights is not part of scholarly works on Demosthenes’s *Against Conon*, but such features were very important for several reasons: they aimed at reiterating how Conon and his sons were the real perpetrators in the situation thus driving the jurors to sympathise with the speaker and most importantly they were intended to explain how the social values of honour and shame were vital in Classical Athens especially in cases of “zero-sum” competitions where, as we have already seen, the loss of honour of one’s enemy was their pivotal

³⁵¹ Gagarin 2011: 87; Carey and Reid 1985: 69; Goldhill 1995: 15. According to Carey and Reid 1985: 69 the date of the oration could be either 355 or 341 B.C. Cf. Gagarin 2011: 88.

³⁵² Dem. 54.3. Cf. Gagarin 2011: 87-88.

³⁵³ Dem. 54.3-5. Cf. Carey and Reid 1985: 69-70; Gagarin 2011: 87; Cohen 1995: 123; Halliwell 1991: 287.

³⁵⁴ Dem. 54.7. Cf. Carey and Reid 1985: 70; Gagarin 2011: 87; MacDowell 1978: 131.

³⁵⁵ Dem. 54.8-9. Cf. Carey and Reid 1985: 70-71; Morford 1966: 241.

³⁵⁶ Goldhill 1995: 15. Cf. Fisher 1976: 177, 183-185, 191; 1979: 32, 33; Fisher 2001: 138; Cohen 1995: 123, 125.

focus.³⁵⁷ We will also learn how in Demosthenes 54, Ariston seems to have an excessive need to portray his enemies as hubristic by nature hence dishonourable and disgraceful in order to not be ashamed in court for what he had suffered at the hands of his perpetrators.³⁵⁸

Demosthenes successfully achieves such a portrayal through the usage of various manipulative techniques and strategies that are frequently intertwined with shame and that aimed at the manipulation of the jurors by means of horror and disgust.³⁵⁹ First, the main oratorical technique, which I will analyse, can be identified from the first word of the oration, i.e. ὕβρις, and corresponds to the *ethopoia* of Conon that could enable the jurors to clearly distinguish the figure of Ariston from his assailant's.³⁶⁰ According to Halliwell,³⁶¹ the *ethopoia* created around the figure of Conon is closely related to purely negative words that characterise the theme of the entire speech and mainly correspond to: ὕβρις and ἀσέλγεια, "licentiousness". To some extent, my argument will be in line with this opinion but I will also argue that the initial verb of the speech emphasises how the offence committed by Conon and his sons was a deliberate act that purposely aimed at the submission and loss of honour of their target.³⁶² This concept will be further highlighted in the analysis of the second fight where Conon is portrayed as a fighting cock.³⁶³ This representation is centred on the description of Ariston's assailant as a disgusting and hubristic man *par excellence* who takes pleasure in seeing his victim being outraged and ashamed.³⁶⁴

On the other hand, there is no doubt that Demosthenes plays with the meaning and different semantic connotations of ἀσέλγεια, which has an important role in the oration due to its connection, as Halliwell has already argued,³⁶⁵ not only with the offence of ὕβρις for which Conon is guilty but also with derision and insult. Even though Halliwell's theory is correct, I will argue that the question of feeling ashamed and embarrassed for being laughed at lies behind the use of ἀσέλγεια.

³⁵⁷ Gouldner 1965: 49. Also cf. Bianchi Mancini 2016b: 3; Cohen 1991: 183; 1995: 63; Lanni 2006: 28.

³⁵⁸ Cf. Cirillo 2009: 1-2.

³⁵⁹ Halliwell 1991: 285, 287, 289; 2008: 6, 33; Carey and Reid 1985: 78; Cirillo 2009: 2.

³⁶⁰ Dem. 54.13. Cf. Morford 1966: 241; Halliwell 1991: 287, 289; 2008: 6, 33; Carey and Reid 1985: 73; Goldhill 1995: 15; Cirillo 2009: 1-2.

³⁶¹ Halliwell 1991: 287. Cf. Morford 1966: 241.

³⁶² Cf. Goldhill 1995: 15; Fisher 1976: 177, 183-185, 191; 1979: 32, 33.

³⁶³ Dem. 54.9.

³⁶⁴ Cohen 1995: 125; Fisher 1992: 86, 113; Halliwell 2008: 37; Cirillo 2009: 19.

³⁶⁵ Halliwell 1991: 287; 2008: 33.

Finally, in the last section my argument will be focused on explaining how the apex of Conon's hubristic behaviour can be found in his belonging to some gangs e.g. *Ithyphalloi* and *Autolēkythoi*³⁶⁶ who were known in Athens for not leaving anything disgraceful and shameful (κακῶν καὶ αἰσχρῶν) untried.³⁶⁷ The reference to these groups gives Ariston the possibility to mention aischrologic speeches with the purpose of reiterating how he had always been a resolute man who did not want to tell in court what the members of the *Ithyphalloi* and *Autolēkythoi* used to do in their gatherings due to the fear of compromising his identity in front of the jurors.³⁶⁸

4.B *Ethopoia*, Dishonour and 'Υβρις

The usage of the *ethopoia* as one of the main oratorical techniques used by Demosthenes in the speech derives from the difficulty that the jurors, in a court trial of *dikē aikeias*, may have had in deciding whether or not Conon and his sons were the real aggressors.³⁶⁹ However, if Ariston had been innocent, he would not have brought a *dikē aikeias* into court but, on the contrary, he would have initiated a *graphe hybreōs*. The explanation that Ariston adduces in support of this judicial preference is simple: after having consulted friends and relatives on the matter, he became reluctant in engaging in a severer legal proceeding than the one he was about to start.³⁷⁰ In addition to the possibility of Ariston's false innocence and his preference for the initiation of a *dikē aikeias* rather than of a *graphe hybreōs* there could have been either a sense of concern in appearing too ambitious for his age before the jurors³⁷¹ or the possibility that his case may not have deserved the attention of a court of law.³⁷² The first explanation seems to be more accurate and explains Demosthenes' strategy to win the case. As Cirillo has argued,³⁷³ throughout the speech Ariston is portrayed as a decent and resolute man, who strategically moves the jurors' attention towards

³⁶⁶ Dem. 54.14, 16, 39.

³⁶⁷ Dem. 54.34. Cf. Halliwell 1991: 289; Skinner 2005: 154.

³⁶⁸ Halliwell 2008: 215-216; Carey and Reid 1985: 73, 83; Morford 1966: 241; Cohen 1995: 121.

³⁶⁹ Cf. Carey and Reid 1985: 72; MacDowell 1978: 131; Gontijo Leite 2014: 213.

³⁷⁰ Dem. 54.1. Cf. Morford 1966: 242; Carey and Reid 1985: 70; Cohen 1995: 121.

³⁷¹ Dem. 54. 1. Cf. Lys. 16.20. Carey and Reid 1985: 76; Gontijo Leite 2014: 216; Cirillo 2009: 2.

³⁷² Gontijo Leite 2014: 216; Morford 1966: 243. According to MacDowell 1978: 132 there are two possible explanations for this choice: the first one corresponds to Ariston's ease at demonstrating that he was outraged at the hands of Conon thanks to the presence of various people during the incident. The second one, on the other hand, may be sought in Ariston's willingness to obtain a monetary compensation that he could have not received in a *graphe*; cf. Carey and Reid 1985: 75. See also Dem. 21.45.

³⁷³ Cirillo 2009: 1-2.

the hubristic and disgusting nature of Conon and his sons.³⁷⁴ This strategy would have also convinced the jurors that Conon could have potentially been subject to a “crime of omission”³⁷⁵ for failing to educate his sons, a “crime of omission”³⁷⁶ for his participation in the attack, and it would have suggested that he could have also been prosecuted for *apagoge* (summary arrest) as a “clothes-stealer” since he left Ariston naked and harmed in the middle of the agora.³⁷⁷

Even though these are crimes, which Conon could have been accused of, and could have evoked much greater offences in the mind of the jurors, as Carey and Reid have argued,³⁷⁸ he still pursued a *dikē aikeias*. Ariston opens his prosecution speech with the verb ὕβριζω in the form of an aorist passive participle, ὕβρισθείς, which translated means “I had been outraged”.³⁷⁹ Although we are in the context of a *dikē aikeias*, in the oration there is a predominance of the use of ὕβρις and ὕβριζω rather than of αἰκία.³⁸⁰ The reason for this linguistic and oratorical choice reinforces the theme of the humiliation that Ariston suffered, the delineation of Conon’s character as an outrageous and shameful man and, as Carey and Reid have claimed,³⁸¹ further introduces “an argument *a fortiori*: if Conon is guilty of ὕβρις, he must be guilty of the lesser crime of *aikēia*”.

The usage of ὕβριζω as the verb that opens the prosecution speech had to give greater *pathos* to the jurors, reminding them that in Classical Athens the law on ὕβρις protected every man and woman, free or slave,³⁸² and it further established from the beginning that Conon and his sons had committed a great offence towards Ariston. The outrage that the victim had suffered at the hands of his assailants was not only a corporeal and verbal violence as shown at §4 but also psychological.³⁸³ Psychological violence is perceived through the meaning of ὕβρις. For it was a “deliberate

³⁷⁴ Dem. 54. 3. Morford 1966: 241; Cohen 1995: 121; Carey and Reid 1985: 73.

³⁷⁵ Morford 1966: 241.

³⁷⁶ Dem. 54.6. Morford 1966: 241. Interestingly Ctesias could have been Conon’s bastard son; cf. Carey and Reid 1985: 94. Dem. 54.26.

³⁷⁷ Dem. 54.1. Carey and Reid 1985: 74-75; Cohen 1995: 121; Cirillo 2009: 12.

³⁷⁸ Carey and Reid 1985: 70, 74.

³⁷⁹ Dem. 54.1. Gontijo Leite 2014: 219; Carey and Reid 1985: 74.

³⁸⁰ Gontijo Leite 2014: 218; Carey and Reid 1985: 77; Cirillo 2009: 2. The words ὕβρις and ὕβριζω can be found 28 times in Dem. 54: §§1 twice, 2, 4, 8-11, 13-15, 16-17, 20-21, 24-25, 28, 32-33, 37, 40-41, 43-44. While αἰκία occurs only at §§1 and 18.

³⁸¹ Carey and Reid 1985: 77.

³⁸² Aeschin. 1.15-17.

³⁸³ Gontijo Leite 2014: 219.

offence”³⁸⁴ that was mostly carried out by wealthy young Athenians,³⁸⁵ and directed towards the humiliation, shame and loss of honour of its victim.³⁸⁶ The loss of honour and submission to a feeling of shame arises from the sense of superiority that the aggressors had towards their victims.³⁸⁷ The willingness to prevail over their targets by depriving them of all forms of honour sums up the theories surrounding honour as a “zero-sum” game.³⁸⁸

As I have already discussed, the honour of the victim, possibly linked to a sense of self-esteem,³⁸⁹ was a peculiarity of Greek men and it determined how they appeared in front of their peers.³⁹⁰ The claim of the victim’s lost honour was pivotal in order to demonstrate to his fellow citizens how he had the courage to claim it back.³⁹¹ For this reason, Demosthenes’ stratagem is to build around the figure of Ariston “a social identity”³⁹² focused on his appearance in court as a modest man who wanted to claim his honour back due to the humiliation and dishonour he suffered.³⁹³ The disgrace that Ariston suffered was caused not only by the two fights but also by some of the gestures that were explicitly directed at making him feel ashamed.

Starting from §§3-4, Ariston reports that during a garrison duty, his attackers spent all day drinking and once drunk they began a series of verbal and physical abuses towards him and some slaves.³⁹⁴ According to the narration, they proceeded to empty the latrines, urinated on them and started any form of aggression and abuse: καὶ ἀσελγείας καὶ ὕβρεως.³⁹⁵ With these paragraphs, Ariston already begins to outline all those behavioural norms that were not accepted in Classical Athens, especially if they drove people to the loss of honour.³⁹⁶ The act of drinking all day during a garrison

³⁸⁴ Carey and Reid 1985: 75; Fisher 1976: 177.

³⁸⁵ Aristot. 1378b 6; Aristoph. *Wealth.* 653-655. Fisher 1992: 102-103; Cohen 1995: 125.

³⁸⁶ Fisher 1976: 177, 183-185, 191; 1979: 32, 33; 1992: 86, 117; Fisher 2001: 138; Cohen 1995: 123, 125.

³⁸⁷ Aristot. *Rhet.* 1378b 5-6. Aristotle at §5 explicitly uses the noun αἰσχύνῃ in connection with ὕβρις. Fisher 1992: 86.

³⁸⁸ Gouldner 1965: 49. Also cf. Bianchi Mancini 2016b: 3; Cohen 1991: 183; 1995: 63; Lanni 2006: 28.

³⁸⁹ Bianchi Mancini 2015a: 7.

³⁹⁰ Cohen 1991: 64, 95-96.

³⁹¹ Herman 1993: 413; 1995: 49. See also Roisman 2005: 75; Cohen 1991: 96; 1995: 66; Bianchi Mancini 2016b: 4.

³⁹² Cohen 1995: 123.

³⁹³ Dem. 54.1-2, 24. Cohen, 1995: 121, 123; Morford 1966: 241; Cohen 1995: 121; Carey and Reid 1985: 73

³⁹⁴ Carey and Reid 1985: 69-70; Gagarin 2011: 87; Cohen 1995: 123; Halliwell 1991: 287.

³⁹⁵ Dem. 54.4.

³⁹⁶ Carey and Reid 1985: 78 and Taddei 2007: 296 claim that all these gestures fall under the category of those acts that had to scandalise the jurors.

duty, in direct opposition to the conduct of Ariston and the slaves, put Conon and his sons in a bad light.³⁹⁷ According to Carey and Reid,³⁹⁸ such behaviour had to disgust all those respectable Athenian citizens since the most common places where people used to drink wine in large quantity were the symposia. As Cirillo has argued,³⁹⁹ wine poisoning seemed to have led the aggressors to urinate on their targets and the act of urination had to evoke in the mind of the jurors a disgusting and hubristic behaviour *par excellence*. Indeed, such conduct was easily associated with the will to voluntarily dishonour the victims leaving them without any form of honour.

To strengthen this concept, Ariston uses ἀσέλγεια in presence of ὕβρις. According to Halliwell, ἀσέλγεια not only is often interrelated with ὕβρις but also has a strong connection with derision and insult.⁴⁰⁰ Arguably their aggressors may have found the act of urination as a pretext for a vicious laughter.⁴⁰¹ In fact, the ultimate purpose of derision is to dishonour its victims by damaging their reputation.⁴⁰² What I would add to Halliwell's view is that, if we carefully analyse the verbs that follow the narrative of the events at §4, humour also hides the phenomenon of shame caused by the fear of being laughed at i.e. *gelotophobia*. This supposition arises from the use of the verb χλευάζω “to jest” after Ariston and the slaves tried to defend themselves and reported what had happened to the general.⁴⁰³ The perpetrators, expecting Ariston and the slaves to not take action, but to submit to them as men without honour and dignity, started the first fight of our narrative.⁴⁰⁴ For the speaker the main reason that triggered the brawl must be sought in the lack of shame the attackers had (αἰσχυνθῆναι).⁴⁰⁵ In fact, since the aggressors of Ariston and some slaves were not pervaded by any feelings of shame, they put no limit onto the abuse and violence against their

³⁹⁷ Carey and Reid 1985: 78. For the behavioural differences between Ariston and his aggressors Dem. 54.3 writes: ἡμεῖς δ' ὥσπερ ἐνθάδ' εἰώθειμεν, οὕτω διήγομεν καὶ ἔξω.

³⁹⁸ Carey and Reid 1985: 78. Cf. Fisher 1992: 99.

³⁹⁹ Cirillo 2009: 10-11. Cf. Fisher 1992: 99. See Jouanna 2012: 173- 193 for wine intoxication in Classical Greece.

⁴⁰⁰ Halliwell 1991: 287; 2008: 33. The nouns ἀσέλγεια and ὕβρις can be found together at §§2 and 13.

⁴⁰¹ Cf. Cirillo 2009: 11.

⁴⁰² Halliwell 1991: 285.

⁴⁰³ Dem. 54.4.

⁴⁰⁴ Dem. 54.5.

⁴⁰⁵ Dem. 54.5.

targets.⁴⁰⁶ The apex of the hubristic character of such people and most importantly of Conon can be seen in the account of the second brawl.

4.C Voluntary Dishonour in the Second Assault of 'Υβρις

After the events happened on a garrison duty, Ariston and Conon's sons were in a state of hostility (ἔχθρα).⁴⁰⁷ Despite the abuse suffered, the speaker portrays himself in front of the jury as a man who did not desperately seek revenge but on the contrary admits that it was better to leave the past behind.⁴⁰⁸ The troubles, however, came back when Ariston encountered Ctesias, Conon's son, whilst walking in the agora with his friend Phanostratos.⁴⁰⁹ At the sight of Ariston and Phanostratos, Ctesias already drunk, went to call his father and other companions.⁴¹⁰ As soon as Ariston's enemies saw him near the temple of Persephone, "probably to the west of the agora",⁴¹¹ they attacked him.⁴¹² At §9, Ariston points out that this time the whole affair was triggered by Conon himself.⁴¹³ In the entire paragraph, Ariston seems to adopt an angry tone of voice due to the verbal and physical insolence caused by Conon. The arrogance that drives him to be horrified can be seen through a series of events that further triggered a sense of shame and disgust in him. First he claims that his perpetrators shouted outrageous things (βλασφημίαν) at him that drove him to be horrified (ὀκνήσαιμ').⁴¹⁴ Possibly due to the shame he felt, he admits that he will not report what they were saying to him.⁴¹⁵ The alleged shame experienced by the victim can be seen as a passive emotion induced by other people that not only brought him to be ashamed of himself for being the target of this type of abuse but also drove him to feel resentment towards his aggressors. The indirect delineation of this feeling in court, which is clearly reinforced by the words ὀκνησις and βλασφημία, had to give a greater *pathos*

⁴⁰⁶ Portraying hubristic men as people lacking shame is a common oratorical technique. For this has already been seen in the figure of Eratosthenes and Simon in Lysias 1 and 3 respectively.

⁴⁰⁷ Dem. 54.6.

⁴⁰⁸ Dem. 54.6.

⁴⁰⁹ Dem. 54.7. Carey and Reid 1985: 70; Gagarin 2011: 87; MacDowell 1978: 131.

⁴¹⁰ Dem. 54.7. Carey and Reid 1985: 70.

⁴¹¹ Gagarin 2011: 90 n. 7.

⁴¹² Dem. 54.8.

⁴¹³ Carey and Reid 1985: 70-71; Morford 1966: 241.

⁴¹⁴ Dem. 54.9.

⁴¹⁵ Dem. 54.9. Cf. Carey and Reid 1985: 83. Here we may have a hint at those aischrologic speeches that Ariston will come back to at §§16-17 and analysed in the next sub-chapter.

to the whole narrative.⁴¹⁶ The concept of shame behind the offence of ὕβρις and Conon's insolence reached its peak when the aggressor, once deprived Ariston of his clothes,⁴¹⁷ began to sing as a victorious cock whilst moving his elbows by "imitating those fighting cocks that had just won a battle".⁴¹⁸

Conon's association with a fighting cock could have been dangerous. The episode could either psychologically disturb the jurors for the outrageous behaviour that Conon adopted towards his target or could lead Ariston to be ridiculed and derided.⁴¹⁹ In order to avoid a potential mocking of the speaker in court, Demosthenes focuses on medical terms, which had been used to describe the injuries caused by Conon,⁴²⁰ and on the reliability of Ariston's and Conon's witnesses. On the one hand, the speaker provided a series of testimonies from those who were present during the incident, including the depositions of the physicians who visited him.⁴²¹ On the other hand, Conon had men who were ready to testify and lie for him before the jurors as they all belonged to a group of people (ἐταρεία) who helped each other in fights and were probably involved in a collusion aimed at destroying justice.⁴²²

Cirillo has discussed that medical terminology found in the account of the second fight had to bring the jurors to experience a feeling of disgust for the injuries that Ariston had after the brawl.⁴²³ To his view, I would add that the doctors' depositions along with the usage of technical terms were also intended to substantiate the facts and had to prove that the whole fight was not a matter of horseplay but on the contrary it was a serious affair since Ariston could have died from the blows he

⁴¹⁶ The usage of ὀκνησις, according to Carey and Reid 1985: 83, "creates a bond of sympathy between speaker and audience". The speaker was a man pervaded by decency and was horrified by his assailants who were shouting disgraceful things at him while these men were the exact opposite of Ariston himself; Carey and Reid 1985: 83; Morford 1966: 241; Cohen 1995: 121; Carey and Reid 1985: 73. Βλασφημία is normally used in Aeschin. 1.167 to denote slander; cf. Bianchi Mancini 2016c: 8.

⁴¹⁷ Dem. 54.8.

⁴¹⁸ Dem. 54.9. Cohen 1995: 124; Halliwell 1991: 288; 2008: 34; Csapo 1993: 20.

⁴¹⁹ Gontijo Leite 2014: 222; Halliwell 2008: 3. Ariston's fear of being potentially derided in court will be further noticed at §13.

⁴²⁰ Cf. Cirillo 2009: 15.

⁴²¹ The depositions and testimonies of the doctors are seen at §§11 and 36. As it has already been argued by Carey and Reid 1985: 84, there is a problem lying behind the number of doctors who visited Ariston. The speaker seems to exaggerate on the number of doctors in order to intensify the importance of his court case. For, as it has been established by Carey and Reid 1985: 84, the speaker uses the plural of ἰατρός at §§1, 9, 36 while the singular is used twice at §10, once at §11 and twice at §12. For the importance that the doctors had in Classical Athens, especially in judicial courts, see Gibson 2013: 529-550.

⁴²² Dem. 54.35. Carey and Reid 1985: 98.

⁴²³ Cirillo 2009: 11, 14-15.

suffered; κἄν ἔμπυος γενόμενος διεφθάρην.⁴²⁴ Conon's portrayal as a victorious rooster after a battle between fighting cocks is the exact evidence of the victorious and superior behaviour that, as seen in the previous sub-chapter, Aristotle had ascribed to those rich and aggressive men. As Cohen rightly points out,⁴²⁵ Conon's hubristic attitude identified in this scene strengthens his agonistic character and his will to humiliate his target.⁴²⁶

Ariston's choice of portraying Conon's outrageous and agonistic behaviour through a metaphor lies behind the very meaning of the cock-fighting. The animal incorporated Aphrodite's sexual-erotic love and Ares' aggressiveness.⁴²⁷ It was also used to promote aristocratic ideals by giving the impression that the prosperous class was superior to the others.⁴²⁸ The eroticism and aggression of the rooster pose an important problem to the oration. As Cohen has already argued,⁴²⁹ behind the motif of Ariston's subordination, which resulted in his dishonour, there could be a sexual element. Metaphorically speaking, the juxtaposition of Conon to a fighting cock, also seen as the symbol of Greek virility, had to symbolise his sexual superiority over his enemies.⁴³⁰ The affirmation of his superiority occurred when assaulting a free man or winning a contest, his target was brought to the same level of a slave.⁴³¹ Assailing a free man, as if he were a slave, meant not only bringing him to humiliation but also lowering his honour until he was totally disgraced.⁴³² This assertion can be proved by the idea that emotional and sexual domination led the victim to be treated as the "passive object" of his aggressor.⁴³³ Once every form of self-esteem and respect had

⁴²⁴ Dem. 54.12. Halliwell 1991: 288; 2008: 36; Cohen 1995: 126. The language used at §§11-12 is in line with the medical discoveries that had been achieved up to that time; cf. Carey and Reid 1985: 85.

⁴²⁵ Cohen 1995: 125.

⁴²⁶ Cohen 1995: 125; Gontijo Leite 2014: 225.

⁴²⁷ Cf. Aesch. *Eum.* 861-863. Gontijo Leite 2014: 223-224; Csapo 1993: 5, 8; Dumont 1988: 36.

⁴²⁸ Csapo 1993: 26; Dumont 1988: 37. Carey and Reid 1985: 84 referring to Ael. *V.H.* 2.28 claim that "the fights between cocks were institutionalised in the theatre of Dionysus".

⁴²⁹ Cohen 1995: 125. According to Skinner 2005: 147 the entire oration may result in a condemnation of same-sex practice.

⁴³⁰ Csapo 1993: 15. Cf. Cohen 1995: 125; Fisher 2001: 187.

⁴³¹ Cohen 1995: 125; Csapo 1993: 20. Cf. Cirillo 2009: 19-20.

⁴³² Cf. Csapo 1993: 20. According to Saller 1991: 152 beating slaves up was a common practice in antiquity. Behind such a 'habit' the question of honour and insult is explicitly hidden; Saller 1991: 152-153.

⁴³³ Cohen 1995: 125.

been annihilated, the target was left with the same level of honour of a slave or of a *kinaidos* (effeminate).⁴³⁴

Dominance and sexual humiliation can be seen in Ariston's denudation before Conon manifested himself in all his aggressiveness and malice (τὸ μὲν πρῶτον ἐξέδυσαν).⁴³⁵ The act of denigrating and depriving Ariston of his clothes could symbolically represent the man stripped of his honour.⁴³⁶ The denudation of the male body in front of one's peers, unlike the female one, was not frequently stigmatised with shame in Classical Athens. However, in some cases male nudity was condemned in contexts outside the gymnasium because of the shame it reflected on one's peers.⁴³⁷ For example, the act of striping men naked under torture in Classical Athens proves this idea. For Plato's *Republic* gives an account of Leontius who veiled his head after witnessing men being stripped before being tortured.⁴³⁸ Even Aeschines' *Against Timarchus* is a proof of the juxtaposition of male nudity with shame. As I have already mentioned in the previous chapter, at §26 Aeschines reports that Timarchus drove respectable people to experience a feeling of shame after he showed his nudity in front of them.⁴³⁹

However, this is not the case of Ariston in Demosthenes 54. By taking the example of Timarchus, Cirillo has argued that Ariston's denudation could have driven the jurors to think of him as a disgusting man.⁴⁴⁰ I do not agree with the view. In the case of Demosthenes 54, Ariston is the victim of his denudation and the shame he could have potentially evoked in the mind of the jurors could have been triggered by the mentality of people in agonistic environments; those who lost every form of honour were shamefully condemned by the members of their society.⁴⁴¹ Therefore, I argue that in this context we are facing the idea of a passive form of shame that Ariston experienced because of his aggressors who left him without any form of honour. This scenario, therefore, is very different from the one found in Aeschines 1. As we will

⁴³⁴ Cohen 1995: 125. Cf. Cirillo 2009: 19-20. See ch. 3 for references to the question of honour in relation to the *kinaidoi*.

⁴³⁵ Dem. 54.8. Cf. Cohen 1995: 125.

⁴³⁶ The speaker will return to this theme at §§20 and 32; cf. Cohen 1995: 125.

⁴³⁷ Cf. Antiph. 2.1.4 for the narration of the victims who, even though they were killed, were found with their clothes on.

⁴³⁸ Plat. *Rep.* 4.439e-440a. Cf. Keuls 1985: 8.

⁴³⁹ I will return to this account in the next chapter.

⁴⁴⁰ Cirillo 2009: 12.

⁴⁴¹ Winkler 1990: 47, 49; Csapo 1993: 25.

see in the next chapter, Timarchus' spontaneous gesture of stripping naked in front of respectable men was an act of ὕβρις and disrespect that had to intensify the idea of Aeschines' opponent as a shameful man.

4.D Derision and Ariston's Counter-Argument

The description of the events that Ariston provided along with its *pathos* was a strategy designed to win the compassion of the jurors.⁴⁴² Part of this strategy was to present in court one of the greatest fears of the speaker; at §13 he anticipates to the jury that his opponent could turn his abuse (τὴν ὕβριν) and brutality (τὴν ἀσέλγειαν) into a matter of laughter and derision (γέλωτα καὶ σκώμματ').⁴⁴³ As a counter-argument designed to keep the jurors on his side, Ariston uses a manipulative technique. He argues that a similar behaviour is typical of those who, like Conon and his sons, belonged to groups of people who called themselves *Ithyphalloi* and *Autolēkythoi* and were well known for their habit of not leaving any form of shameful practice untried.⁴⁴⁴ First, I will begin with the *gelotophobia* that the speaker openly shared with the jurors.

Conon's defence based on denying that the entire fight deserved the attention of a court of law was directed towards the denigration of the validity of all the assertions that Ariston had made up until §13 and it was further designed to bring the speaker to feel a sense of shame in court. The juxtaposition of ἀσέλγεια with ὕβρις, which I have briefly mentioned above, shared a strong link with laughter (γέλως).⁴⁴⁵ Laughter and humour, whose settings were the streets or markets, were highly noxious for their targets due to the psychological consequences they brought to them.⁴⁴⁶ First, according to Aristotle,⁴⁴⁷ only those who were ignoble derided other people since derision was a form of denigration towards one's target. Such denigration is already seen in Conon's attempt to bring the whole offence of ὕβρις to a level of derision. This act could be considered a manifestation of ὕβρις since it drove the victim to be

⁴⁴² Cohen 1995: 126.

⁴⁴³ Halliwell 1991: 288; 2008: 36; Cohen, 1995: 126.

⁴⁴⁴ Dem. 54.14. Cf. Halliwell 1991: 289; Skinner 2005: 154.

⁴⁴⁵ Only at §26 ἀσέλγεια is not found in connection with ὕβρις. The reason of this predilection can be found in the audacity of Conon's witnesses to lie in court rather than in the question of derision and humour.

⁴⁴⁶ Halliwell 1991: 286. As Halliwell 1991: 288-289 explains, *Against Conon* is a useful oration for establishing when the law against slander (λοιδορία) was applied.

⁴⁴⁷ Aristot. *Nic. Eth.* 1128a 7. Cf. Halliwell 1991: 283.

denied and to experience a sense of shame.⁴⁴⁸ According to psychological studies, laughter and the fear of being laughed at in front of one's peers go hand in hand with shame, anxiety and lowering of one's reputation.⁴⁴⁹ Shame triggered in the target of derision further has the aim of causing embarrassment and giving pleasure to one's aggressor.⁴⁵⁰ The pleasure that derives from the embarrassment and the humiliation of the victim proves the mentality of agonistic societies where the denigration and dishonour of one's target gave pleasure to his perpetrator.⁴⁵¹

In order for the jurors to understand the severity of the offence that Ariston suffered, the speaker manipulates them to show that if they had been present at the scene of the assault, they would have never laughed: οὐ γὰρ ἂν γέλως ὑμῶν ἔλαβεν οὐδένα.⁴⁵² What Ariston is advising the jurors to do is to identify themselves in those passers-by who found him in precarious conditions in order to reflect on the whole question of laughter. It is also possible that Ariston is suggesting that if they had laughed at his misery as Conon did, they would have lowered themselves to the same level of his aggressor. This interpretation is supported by the rhetorical question that Ariston asks them in the event Conon mentioned his membership in the group of the *Ithyphalloi*:

[...] ἂν δ' εἴπη Κόνων 'ἰθύφαλλοί τινές ἐσμεν ἡμεῖς συνειλεγμένοι, καὶ ἐρῶντες οὗς ἂν ἡμῖν δόξῃ παίομεν καὶ ἄγχομεν', εἶτα γελάσαντες ὑμεῖς ἀφήσετε; [...]⁴⁵³

People who adhered to the gangs of the *Ithyphalloi* and *Autolēkythoi* mentioned at §§16-17 may not have held a good reputation due to the abuse they inflicted on other people and most importantly due to their involvement in shameful practices (αἰσχρὴν), which Ariston does not want to report.⁴⁵⁴ Paragraph 17, oriented towards

⁴⁴⁸ Cf. Halliwell, 1991: 283, 285. Not always humour and laughter were designated to shame their target. It happened that there could have been an innocuous laughter as the one reported in Xen. *Cyrop.* 2.5.18. Cf. Halliwell, 1991: 280.

⁴⁴⁹ Platt and Ruch 2009: 5; Halliwell 1991: 285. Even in Lys. 3.9 we have seen the speaker's fear to be derided in court due to the exposure of his private life; Halliwell 1991: 286; 2008: 31.

⁴⁵⁰ Halliwell 1991: 283; 2008: 31.

⁴⁵¹ Cf. Fisher 1992: 86, 113; Halliwell 2008: 37.

⁴⁵² Dem. 54.20.

⁴⁵³ Dem. 54.20.

⁴⁵⁴ Dem. 54.17. Morford 1966: 241; Cohen 1995: 121; Carey and Reid 1985: 73, 83; Cirillo 2009: 22.

aischrologia (shameful speech) has its root in some practices that could have posed a threat to the stability and order of the society.⁴⁵⁵

According to Halliwell,⁴⁵⁶ *aischrologic* speeches were considered disgraceful as they would have reflected shame on whoever pronounced them. This supposition would explain why Ariston does not want to report what Conon and his sons did during the rituals of these gangs. Since the speaker is a decent man, he does not have the audacity to contaminate his “social identity”⁴⁵⁷ with words that would trigger shame in him and in the jurors. The sense of shame surrounding the *Ithyphalloi* and *Autolēkythoi* is given by the different connotations that the names have; both words would represent people who took part in any form of “active and passive sexual activity”.⁴⁵⁸ Despite their literary translation as “those who carry the *phallus*” (*Ithyphalloi*) and “those who carry their oil-flask” (*Autolēkythoi*),⁴⁵⁹ Anderson claims that both terms would indicate homosexual practices that saw the *Ithyphalloi* as active partners and the *Autolēkythoi* as passive ones.⁴⁶⁰ Although I agree with the interpretation that these groups participated in homosexual activities, I do not agree with the distinction of the *Ithyphalloi* and *Autolēkythoi* between active and passive partners. At §16 Ariston tells us that some of those who were part of these groups, including Conon’s sons, used to get involved in fights for the possession of *hetairai*. Interestingly, according to the Harpocration,⁴⁶¹ the term *Autolēkythoi* would represent those people who were ready to give money for sexual favours. This could further prove how the *Ithyphalloi* and *Autolēkythoi* were not restricted to sexual activities between members of the same sex. However, what seems to be characteristic of these groups, especially of the *Ithyphalloi*, is their association with Dionysus.⁴⁶² The connection with the god is seen in various ancient sources including Athenaeus’ *The Deipnosophists*. Athenaeus explains that the *Ithyphalloi* used to wear a mask representing a drunken man, flower crowns, and ridicule anyone they wanted.⁴⁶³

⁴⁵⁵ Halliwell 2008: 215.

⁴⁵⁶ Halliwell 2008: 216.

⁴⁵⁷ Cohen 1995: 123.

⁴⁵⁸ Borthwick 1993: 34; Anderson 1981: 131.

⁴⁵⁹ LSJ s.v. ἰθύφαλλος and αὐτολήκυθος. Cf. Borthwick 1993: 35; Anderson 1981: 131.

⁴⁶⁰ Anderson 1981: 131.

⁴⁶¹ Harp. α 269. Cf. Dilts 2009: 218.

⁴⁶² Hyp. Fr. C 52 also referenced in Harp. ι 10 attests that the *Ithyphalloi* were those who used to dance in the orchestra. Harp. ι 10 further explains that these people used to sing at the *phallus* presumably during Dionysiac rites. Cf. Dilts 2009: 218.

⁴⁶³ Ath. 1.14.622b-d.

According to Cirillo,⁴⁶⁴ the mention of these groups alongside the reference at §39 of Conon's past association with the gang of the *Triballoi*, whose members used to eat pig testicles,⁴⁶⁵ emphasises the idea of disgust in the speech. Although I agree with Cirillo's view, I also argue that Ariston's reference to these groups had to highlight the shameful and hubristic character of these people who took part in any form of dishonourable practice.⁴⁶⁶

4.E Conclusion

In conclusion, we have seen how the entire oration has the purpose to denounce the hubristic behaviour of Conon and his sons, and in particular to make the jurors understand that the speaker had been deliberately humiliated, dishonoured and ashamed by his assailants.⁴⁶⁷ The aggressive attitude of Conon as a man who intentionally humiliated, disgraced and brought Ariston to shame is evident from the verb that opens the speech: ὑβρισθεῖς. The verb has the function of outlining from the beginning of the oration the shameful and outrageous character of Conon.⁴⁶⁸ The humiliation, dishonour and shame of Ariston were also seen in several instances, among which the most important ones were found in the first fight where the sons of Conon urinated on the speaker and some slaves, in the second brawl with the representation of Conon as a fighting cock and in the juxtaposition of ἀσέλγεια with ὕβρις. The act of urinating on the speaker and the slaves not only should have been perceived as a filthy act with the purpose of intentionally humiliating and deriding the victims but it would have also triggered disgust in the jurors and outlined how the aggressors took pleasure out of it.⁴⁶⁹ It is for this reason that we find the juxtaposition of ἀσέλγεια with ὕβρις. Even if the entire speech shows few instances where we can find the two nouns together, the actions of these men had to scandalise the jurors and

⁴⁶⁴ Cirillo 2009: 23.

⁴⁶⁵ According to Gagarin 2011: 98 "the *Triballoi* took their name from a Thracian tribe, which was known for its uncivilised character". Cf. also Cirillo 2009: 23.

⁴⁶⁶ It is interesting to notice that even the cock-fighting had a relation with Dionysus; Ael. *V.H.* 2.28. Carey and Reid 1985: 84. It is possible that Ariston is criticising such institutions, which could have threatened the social order.

⁴⁶⁷ Goldhill 1995: 15. Cf. Fisher 1976: 177, 183-185, 191; 1979: 32, 33; Cohen 1995: 123, 125.

⁴⁶⁸ Cf. Morford 1966: 241; Halliwell 1991: 287, 289; 2008: 6, 33; Carey and Reid 1985: 73; Goldhill 1995: 15.

⁴⁶⁹ Cohen 1995: 125; Fisher 1992: 86, 113; Halliwell 2008: 37; Cirillo 2009: 10-11.

drive them to sympathise with the speaker.⁴⁷⁰ The representation of Conon as a fighting cock is the portrayal of ὑβρις *par excellence*.⁴⁷¹

The association of the aggressor with the rooster reinforced the concept of disgust, as Cirillo has argued,⁴⁷² Ariston's voluntary humiliation at the hands of Conon and summed up the mentality of those people who lived in agonistic societies. Agonistic contexts, as I have explained, saw the supremacy of the winner and the loss of honour of the defeated.⁴⁷³ However, even this act had to be a source of laughter for Conon. Therefore, Ariston's fear that Conon could have turned the whole affair as a matter of horseplay in his defence speech is legitimate.⁴⁷⁴ Behind the question of humour and derision, there is the motif of *gelotophobia*. If Ariston had been laughed at in court, he would have been ashamed and lost his face even more. Therefore, part of his strategy was to denigrate people like Conon and his sons, who clearly belonged to licentious groups such as the *Ithyphalloi* and *Autolēkythoi*,⁴⁷⁵ and to procure doctors as witnesses who could help him avoid being further humiliated and ashamed in court by driving the jurors to experience a feeling of disgust for the blows that he had received at the hands of his assailants.⁴⁷⁶

⁴⁷⁰ Halliwell 1991: 285, 287, 289; 2008: 6, 33; Carey and Reid 1985: 78.

⁴⁷¹ Cohen 1995: 125; Fisher 1992: 86, 113; Fisher 2001: 138; Halliwell 2008: 37; Cirillo 2009: 19.

⁴⁷² Cirillo 2009: 19.

⁴⁷³ Gouldner 1965: 49. Also cf. Bianchi Mancini 2016b: 3; Cohen 1991: 183; 1995: 63; Lanni 2006: 28.

⁴⁷⁴ Halliwell 1991: 288; 2008: 36; Cohen 1995: 126.

⁴⁷⁵ Halliwell 1991: 289; Skinner 2005: 154.

⁴⁷⁶ Cirillo 2009: 11, 14.

Chapter 5

Morality and Good Order vs. Shame and Disgust in Aeschines' *Against Timarchus*

5.A Introduction

The first oration of the *Corpus Aeschineum* has been a point of reference among academics for the study of homosexual relations and male prostitution in Classical Athens.⁴⁷⁷ The reason why Aeschines prosecuted Timarchus in 346/5 B.C. for *dokimasia rhetoron* (public scrutiny)⁴⁷⁸ can be found in “his opponent’s violation of the law that prohibited those who mistreated their parents or deserted their military rights or squandered their inheritance or prostituted themselves to take part in political life (§§28-31)”.⁴⁷⁹ The charges against Timarchus were, however, a simple Aeschinean expedient to be discharged from the accusation that Demosthenes and Timarchus moved against him in the *False Legislation* for failing to reject bribes from King Philip during his political service.⁴⁸⁰ Although Aeschines tries to address his speech against Timarchus as an oration that would have benefitted the city’s interest,⁴⁸¹ it is difficult to think that there had never been a previous hostility between the two.⁴⁸² Even though a potential feeling of resentment between Timarchus and Aeschines is never explicitly mentioned in the oration, it can be perceived by the orator’s voluntary choice to focus the entire speech on feelings of disgust and shame that the audience could have perceived through Timarchus’ uninhibited sexual conduct and excessive lifestyle.⁴⁸³ All these characteristics helped the orator promote the teaching of morality to the democratic body since childhood.⁴⁸⁴ Shame and disgust, as Spatharas has argued,⁴⁸⁵ are two feelings that are often juxtaposed in the

⁴⁷⁷ Cf. Dover 1978; Halperin 1990; Winkler 1990; Fisher 2001; Preus 2012; Cantarella 2016: 73-78.

⁴⁷⁸ Lape 2006: 139; Gagarin 2011: 183-184; Harris 1995: 102; Hunter 1994: 104; Fisher 2001: 6, 40.

⁴⁷⁹ Lape 2006: 139; Hunter 1994: 104. Cf. Cantarella 2016: 73; Gagarin 2011: 185; Hanink 2014: 133; Harris 1995: 102-103; Spatharas 2016: 127; Fisher 2001: 39-40, 230; Zanghellini 2015: 38.

⁴⁸⁰ Hanink 2014: 133; Harris 1995: 7, 38, 102, 107; Fisher 2001: 4-5.

⁴⁸¹ Aeschin. 1.2. Cf. Harris 1995: 102.

⁴⁸² Cf. Harris 1995: 102.

⁴⁸³ Cf. Spatharas 2016: 127-128, 132; Lape 2006: 141.

⁴⁸⁴ Lape 2006: 140-141, 145. Cf. Harris 1995: 103.

⁴⁸⁵ Spatharas 2016: 132, 137.

speech. Even if his argument is accurate and in line with what I will discuss in this chapter, he leaves out a more nuanced analysis of the usage of βδελυρία in conjunction with αἰσχρός, αἰσχύνω, ὑβρίζω and ὕβρις. In the 196 paragraphs that constitute the oration, we will see that the terms βδελυρία, αἰσχρός, αἰσχύνω, ὑβρίζω and ὕβρις frequently recur. This demonstrates how the speech, as Virginia Hunter has said,⁴⁸⁶ echoes of “cries of shame”, explicitly presenting an alternation of αἰσχρός and αἰσχύνω with βδελυρία in order to identify Timarchus’ acts as something that in the eyes of his peers should have triggered horror and shame. Despite this, it has already been argued that the entire speech is weak because of the orator’s impossibility to support his knowledge of Timarchus’ lifestyle with valid witnesses.⁴⁸⁷

To counter this argument, I will argue that the speech was constructed to give a great emotional and psychological impact on the jurors through the juxtaposition of the citizens’ inner morality to Timarchus’ unbridled conduct.⁴⁸⁸ Aeschines, in fact, did not need evidence that could have proved Timarchus’ impermissible conduct, but on the contrary, he thought that the laws, malicious gossip built on the reputation of his enemy over the years,⁴⁸⁹ and the delineation of Timarchus as the antithesis of the “good” citizen who was supposed to be governed by σωφροσύνη both in his public and private life, were enough to win the case.⁴⁹⁰

In order to facilitate the understanding of my argument, which will be based on how the evident contrast that Aeschines creates between virtue-good order and shame-disgust had to bring the jurors to sympathise with him, I will divide the chapter into two sections: first, I will analyse those laws that Aeschines mentions for the promulgation of morality among the citizen body (§§6-36),⁴⁹¹ second, I will discuss the orator’s argument based on the explanation of Timarchus, who due to prostitution devoted his entire life to outrage his body, thus condemning himself for “self-inflicted ὕβρις”.⁴⁹² We will see that in the explanation of what kind of man Timarchus really was, the orator makes constant use of the terms βδελυρία, αἰσχύνω, αἰσχρός, ὑβρίζω

⁴⁸⁶ Hunter 1994: 104; Bianchi Mancini 2016c: 5. Cf. Aeschin. 1.3, 26, 33, 40-42, 54-55.

⁴⁸⁷ Cf. Aeschin. 1.45, 98. Harris 1995: 104-105; Lape 2006: 141; Fisher 2001: 54, 165.

⁴⁸⁸ Cf. Spatharas 2016: 129; Lape 2006: 141; Fisher 2001: 125.

⁴⁸⁹ Bianchi Mancini 2016c: 10.

⁴⁹⁰ Cf. Lape 2006: 141; Spatharas 2016: 132; Fisher 2001: 44, 118. For as Harris 1995: 105 has argued “Aeschines succeeded in blackening Timarchus’ reputation”.

⁴⁹¹ Lape 2006: 140-141, 145-146; Fisher 2001: 54, 118, 125. Cf. Harris 1995: 103.

⁴⁹² Lape 2006: 145-146, 157 n. 16; Spatharas 2016: 128-129; Fisher, 2001: 48, 160-161; Dover 1978: 38.

and ὕβρις in order to bring the jury to condemn his opponent because of the shame and dishonour he brought to his peers.

5.B A Court Trial for the Safeguard of the Good Order in Classical Athens

The introduction to the entire charge against Timarchus, which takes the first six paragraphs, outlines the reasons for which Aeschines decided to undertake a *dokimasia rhetoron* and, above all, is directed towards the projection of a negative portrait of Timarchus on the jurors.⁴⁹³ Although the orator does not include in the speech a potential hostility between him and Timarchus,⁴⁹⁴ it is difficult to think that, as he says at §2, he was pursuing his opponent because not acting in the interests of the state would have been considered shameful (αἰσχίστων). My view is supported by §1, where the speaker mentions his misfortune to have been the victim of an unjust prosecution (συκοφαντούμενος), initiated by Demosthenes and Timarchus that, as I have explained in the introduction, was directed at charging Aeschines of treason.⁴⁹⁵ Aeschines thus lies behind a passive sense of shame that juxtaposes him with Timarchus in order to mislead the jury to think that he was acting in the interests of the *polis*. In this way, Aeschines creates a clear contrast between himself and Timarchus.⁴⁹⁶ The orator is someone who is pervaded by a passive sentiment of shame while his enemy,⁴⁹⁷ on the other hand, is a man liable to mockery due to his lack of inner shame and disgusting conduct (αἰσχρῶς).⁴⁹⁸ After the delineation of Timarchus' *ethopoia* from §1, the orator proceeds to report some of the laws, which according to him, Timarchus would have violated.⁴⁹⁹ The analysis of the laws on the corruption of youth, hiring a prostitute, ὕβρις, prostitution and decency was intended to prove that in Athens, since the time of Solon, decency (σωφροσύνη) had to be

⁴⁹³ Cf. Fisher 2011: 118. It is interesting to notice that as opposed to this negative portrait, Aeschines, attempts to depict himself as a correct and modest citizen whose main concern was the welfare of the *polis*; Harris 1995: 102. The speakers' portrayal as modest people is a current motif in oratory and it clearly had an impact on the audience. This oratorical technique has already been seen in Lys. 1, 3 and especially in Dem. 54 where the outrages caused to Ariston by his opponents triggered a feeling of shame in him that led him to be unable to report in court all those verbal abuses he had been subject to; Morford 1966: 241; Cohen 1995: 121; Carey and Reid 1985: 73, 83.

⁴⁹⁴ Cf. Harris 1995: 102; Fisher 2001: 122.

⁴⁹⁵ Hanink 2014: 133; Harris 1995: 7, 38, 102, 107; Fisher 2001: 4-5. Aeschines §32 uses a vivid language in order to condemn Timarchus' "sycophantic" assault towards him (συκοφαντῇ); Fisher 2001:162.

⁴⁹⁶ Cf. Fisher 2001: 121-122.

⁴⁹⁷ Fisher 2001: 121-122.

⁴⁹⁸ Aeschin. 1.3. Cf. Fisher 2001: 121-122, 162-163; Spatharas 2016: 127-128; Lape 2006: 141; Gagarin 2011: 240-241 n. 149.

⁴⁹⁹ Fisher 2001: 125.

protected by laws.⁵⁰⁰ The connotation of “decency” that the term σωφροσύνη has, can be sought in its connection with moderation in sexual relations.⁵⁰¹ As Fisher has noticed,⁵⁰² the regulation of people’s sexual conduct through the use of σωφροσύνη, especially in a homosexual context, is a key point of the oration and can be found twenty-eight times.⁵⁰³ Fisher’s view seems to be accurate and would draw the contrast that Aeschines will later repeat between the good citizen governed by moderation and Timarchus who is instead represented as a “hedonist”.⁵⁰⁴

The first law we encounter in the oration is found at §§9-12 and concerns the teaching of good conduct (εὐκοσμία) and moderation (σωφροσύνη) to “children, young boys and especially to their teachers, trainers and slaves”.⁵⁰⁵ The citation of this law, probably rightly attributed to Solon,⁵⁰⁶ was necessary for the speaker to outline how well-educated people (καλῶς) were destined to be good citizens.⁵⁰⁷ In a legal context, the juxtaposition of εὐκοσμία with σωφροσύνη should have had a great impact on the jurors. For, in my opinion, this law along with all the other ones that Aeschines will later quote aimed at promoting morality in the *polis* and maintaining good order among the citizens.⁵⁰⁸ My interpretation is proved by the association of the term εὐκοσμία with σωφροσύνη. Εὐκοσμία, “good conduct”, which clearly encloses the adjective κόσμιος,⁵⁰⁹ has been identified as a term that in Classical Athens indicated the good order of the state and the citizens’ virtuous conduct.⁵¹⁰ Arguably, the citation of this law also had the ultimate purpose of concealing the corruption of Timarchus’

⁵⁰⁰ Aeschin. 1.6. Cf. Lape 2006: 146; Fisher 2001: 125-126.

⁵⁰¹ Fisher 2001: 125-126.

⁵⁰² Fisher 2001: 125-126.

⁵⁰³ Aeschin. 1.7, 9, 11, 20, 22, 25, 48, 121, 122, 133, 137, 140, 151, 159 (twice), 180, 189.

⁵⁰⁴ Lape 2006: 141, 143. Cf. Spatharas 2016: 132-133.

⁵⁰⁵ Fisher 2001: 127; Lape 2006: 146-147; Zanghellini, 2015: 38.

⁵⁰⁶ Aeschin. 1.6. Fisher 2001: 129.

⁵⁰⁷ Aeschin. 1.11. Cf. Lape 2006: 145; Fisher 2001: 134. The same thought is echoed in Pl. *Rep.* 8.558b where the pursuit of good things since childhood brings the man to be ἀγαθός; cf. Lape 2006: 145. The use of ἀγαθός in Plato is very interesting. Even in Aeschin. 1.31 there seems to be an exhortation to the return to the association of beauty with virtue (καλὸς καὶ ἀγαθός); cf. Lape 2006: 145-146. According to Fisher 2001: 162 the expression καλὸς καὶ ἀγαθός started to become popular in the fifth century B.C. Since Aeschines’ view is very similar to Plato’s, it is possible that the orator had read the philosopher’s works; cf. Lape 2006: 145.

⁵⁰⁸ Cf. Fisher 2001: 129, 146, 326, 352; Lape 2006: 140. As Lape 2006: 142 has rightly argued, in the speech we can perceive a sense of anxiety for the preservation of “purity and integrity” of the citizens. We can agree with this interpretation, which would clearly give a further explanation to the reason why Aeschines purposely decided to start the oration with the citation of the laws that distinguish the right conduct of the good citizens with Timarchus’ inappropriate way of living.

⁵⁰⁹ LSJ s.v. εὐκοσμία. Fisher 2001: 128-129.

⁵¹⁰ Fisher 2001: 128-129. Κόσμιος has been analysed in ch. 3 in relation to the speaker’s sister and nieces; Lys. 3.6.

mind and body since youth.⁵¹¹ It is possible that Aeschines implies that the formation of Timarchus as the opposite of the man governed by good order and moderation must be sought in the education that his opponent received when he was young.⁵¹² Those who like Timarchus violated this law and were the exact antithesis of the good citizen,⁵¹³ were punishable by capital punishment - metaphorically symbolised by ἀτιμία. The metaphorical death penalty for its offenders connects this law with those on hiring a prostitute, ὕβρις and prostitution.

The legislation on hiring a prostitute that could bring an accusation of *graphe hetaireseos* to the one who “hired out a boy as a prostitute” (ἐταιρεῖν) prescribed that the latter was to be condemned to death.⁵¹⁴ As Dover has rightly argued,⁵¹⁵ the mention of this law in this context is quite unclear since Timarchus is never accused of hiring out a son or someone under his custody. According to Dover,⁵¹⁶ the reason for this citation during the trial must be sought both in an oratorical association between “homosexuality and punishment” and in Aeschines’ reiteration of how Timarchus had chosen a lascivious lifestyle when he was already an adult.⁵¹⁷ Both explanations, however, are not convincing.

First, if we follow Dover’s arguments, Aeschines seems to contradict himself. Indeed, as I have said above, at §11 the speaker blames the inadequate education that Timarchus received for his mental and physical corruption. Second, when he discusses the law on the inducement of the κύριοι to hire out as prostitutes those under their own protection, he uses the verb ἐταιρέω. If he had wanted to condemn relations between members of the same sex, he would have used the verb πορνεύω.⁵¹⁸ For in the speech, the verbs ἐταιρέω and πορνεύω seem to have two distinct

⁵¹¹ Aeschin. 1.11. Cf. Spatharas 2016: 134; Fisher 2001: 346.

⁵¹² Aeschin. 1.11: ὅταν δ' ἡ φύσις τοῦ ἀνθρώπου εὐθὺς πονηρὰν ἀρχὴν λάβῃ τῆς παιδείας, ἐκ τῶν κακῶς τεθραμμένων παίδων παραπλησίους ἡγήσατο πολίτας ἔσεσθαι Τιμάρχῳ τουτοῖ Fisher, 2001: 134.

⁵¹³ Aeschin. 1.17. Lape 2006: 140-141; Zanghellini 2015: 38; Fisher 2001: 6, 22, 159; Spatharas 2016: 135.

⁵¹⁴ Aeschin. 1.13. Fisher 2001: 136; Dover 1978: 27; MacDowell 1978: 126.

⁵¹⁵ Dover 1978: 27-28.

⁵¹⁶ Dover 1978: 28.

⁵¹⁷ Dover 1978: 29.

⁵¹⁸ As I have mentioned in the introduction, Aeschines does not condemn homosexual relations; cf. Cantarella 2016: 57. On the contrary, through the examples of Aristogeiton and Harmodios and of Achilles and Patroclus, he eulogises those relations that were based on chastity and moderation. This view will be explained in the last section of the chapter.

connotations.⁵¹⁹ At §29 he explicitly demarcates this difference in meaning. The former, which literally translated means “be companion to”, would indicate a homosexual “companion” or a “friend” who was financially autonomous.⁵²⁰

The second, however, with the real connotation “prostitute or sell oneself”⁵²¹ would seem to imply a voluntary act that, as he will repeat in the oration, Timarchus chose to pursue and that was condemned since it was seen as something that caused shame.⁵²² Therefore, this law, along with the one on the teaching of moderation and control to youth, must be understood as an oratorical expedient to reaffirm the concept that, since childhood, young people had to be educated to morality by those close to them e.g. teachers, fathers and brothers.

The last three laws that Aeschines cites can be understood as an introduction to what he will recount at §§37-116 i.e. Timarchus’ life and his voluntary choice of being a male prostitute.⁵²³ First, the law on ὕβρις for the protection of any citizen and non-citizen against the outrage and violence committed towards one’s victim takes §§16 and 17.⁵²⁴ In these two paragraphs, Aeschines seems to be neutral; for, he makes no mention of Timarchus and the reason why he thinks it is important to cite this law. However, as he will point out in the course of the speech, Timarchus’ ὕβρις is two-fold.⁵²⁵ In part, it refers to the outrages that Timarchus inflicted on free men and above all on his parents.⁵²⁶ To support this view, the speaker recalls that Timarchus squandered all the inheritance that he acquired after his father’s death and how he proceeded to sell some of his properties in order to be able to finance his lifestyle.⁵²⁷ On the other hand, the other type of ὕβρις, which Aeschines constantly refers to in the oration and considered another serious offence, takes on the meaning of “self-inflicted ὕβρις”.⁵²⁸ Since the offence of ὕβρις, as it has already been seen in the previous chapter, is associated with the loss of honour and self-esteem of the victims, “self-

⁵¹⁹ Cf. Fisher 2001: 160.

⁵²⁰ Gagarin 2011: 197 n. 32; Fisher 2001: 41, 136.

⁵²¹ Gagarin 2011: 197 n. 32; Fisher 2001: 41, 185.

⁵²² Fisher 2001: 160-161. Cf. Winkler 1990: 50; Thornton 1997: 110.

⁵²³ Cf. Fisher 2001: 118.

⁵²⁴ According to Fisher 2001: 139 the law on ὕβρις that has been handed down to us through Aeschines is a spurious document due to its inconsistency with the language that the orator uses.

⁵²⁵ Cf. Dover 1978: 38.

⁵²⁶ Aeschin. 1.99, 108. Cf. Fisher 2001: 137, 159, 165, 230; Dover 1978: 38.

⁵²⁷ Aeschin. 1.95-105. Cf. Harris 1995: 104; Lape 2006: 139, 141; Spatharas 2016: 127, 132.

⁵²⁸ Aeschin. 1.29, 108, 116, 185, 188. Lape 2006: 145-146, 157 n. 16; Spatharas 2016: 128-129; Fisher 2001: 48, 160-161; Dover 1978: 38.

inflicted ὕβρις” can be understood as a passive dishonour that Timarchus brought upon himself through the use of his own body in the same way as women used to treat theirs in order to experience sexual pleasure with different men.⁵²⁹ In the law quoted by Aeschines there is no mention of the latter connotation of the term. In fact, it would seem paradoxical to think that Timarchus could be guilty of a passive ὕβρις derived from his unbridled sexual conduct. However, this oratorical choice helps him establish a strong connection with the last law he takes into account and that, as he reports, the legislator created for Timarchus:⁵³⁰ αἱ ἤδη δύνηται διαλογίζεσθαι τὰ καλὰ καὶ τὰ μὴ, οὐκέτι ἐτέρῳ διαλέγεται, ἀλλ' ἤδη αὐτῷ, ὃ Τίμαρχε.⁵³¹

Paragraphs 19 and 21 focus on those sanctions that came from the prosecution for *graphe hetaireseos*, which could have been brought against those who, despite their involvement in male prostitution, took part in political life.⁵³² In these paragraphs, Aeschines not only explains how prostitutes did not have the right to speak in public or the opportunity to participate in political life but also connects prostitution with bodily contamination.⁵³³ Behind this explanation there is a sense of disgust that the orator will emphasise during the account of Timarchus’ life.⁵³⁴

Disgust is, in fact, caused by his opponent’s bodily contamination because of his lascivious sexual activity.⁵³⁵ Physical pollution and the exclusion from public and religious life were of great concern in Classical Athens especially if sexual contamination was caused by relations involving women with outsiders.⁵³⁶ As I have explained in the second chapter, in the case of Lysias 1, the corruption of the body of Euphiletus’ wife has been seen in the offence of adultery that eventually led her to be excluded from religious life.⁵³⁷ The law on prostitution is in juxtaposition with the last legislation that Aeschines examines and addressed to the rest of the Athenians; for I

⁵²⁹ Aeschin. 1.185. Lape 2006: 145-146, 157 n. 16; Spatharas 2016: 128-129; Fisher 2001: 48, 160-161; Dover 1978: 38; Gagarin 2011: 240 n. 149.

⁵³⁰ According to Fisher 2001: 144 the law on the prosecution of female and male prostitutes who were publicly involved in Athens could have not yet been in use in the sixth century B.C. Fisher 2001: 144 continues by stating that “it was probably in place around 424 B.C.” Cf. Aristoph. *Kn.* 876-879.

⁵³¹ Aeschin. 1.18.

⁵³² Fisher 2001: 144.

⁵³³ Cf. Fisher 2001: 144, 336.

⁵³⁴ Cf. Spatharas 2016: 135.

⁵³⁵ Cf. Aeschin. 1.26, 160, 164, 188. Fisher 2001: 144; Spatharas 2016: 135.

⁵³⁶ Fisher 2001: 336-337. Bianchi Mancini 2015a: 3, 27, 41; 2016a: 14-16.

⁵³⁷ Cf. Dem. 59.85-87. Fisher 2001: 144, 337. See also n. 214.

am referring to the law on decency (νόμοι περὶ εὐκοσμίας).⁵³⁸ There is no doubt that Aeschines tries to make the νόμοι περὶ εὐκοσμίας resemble in meaning and use the σωφροσύνη he eulogised in the analysis of the first two laws.⁵³⁹ With this last law, as Fisher has rightly stated,⁵⁴⁰ the speaker not only reiterates the concept of moderation and control, but also establishes how fundamental the link between self-restraint, good order and ethical behaviour, both privately and publicly, was in Classical Athens. According to the orator, it would seem that all these concepts were also essential for the control of one's body.⁵⁴¹ Indeed, this idea can be explained by the comparison between those decent men, such as Pericles, Themistocles and Aristides, "who never spoke with their hand outside their robe"⁵⁴² in order to not shame themselves (ἡσχύνοντο),⁵⁴³ and Timarchus who decided to show his disgraceful naked body (βδελυρίας) in the Assembly thus driving noble men to cover their eyes because of the shame that such an act triggered in them; αἰσχυνθέντας ὑπὲρ τῆς πόλεως.⁵⁴⁴ In this context, Aeschines is giving the jurors a visual representation of an act that must have certainly shocked and horrified them.⁵⁴⁵

The eye-shame connection is part of a mechanism that sees the fear of the spectators to be part of an outrage that was transferred through the sight.⁵⁴⁶ Thus the decency of the politicians Pericles, Themistocles and above all Aristides, to whom had been given a nickname that was completely different from Timarchus',⁵⁴⁷ is figuratively and linguistically juxtaposed to the orator's opponent.⁵⁴⁸ First, Aeschines' representation of Timarchus as a man who decided to show his decadent body in a public and sacred place had to prove in court that his enemy could not have been trusted.⁵⁴⁹ What seems to have triggered a sense of shame in these decent men is

⁵³⁸ Aeschin. 1.22.

⁵³⁹ Fisher 2001: 128-129, 146.

⁵⁴⁰ Fisher 2001: 146.

⁵⁴¹ Cf. Fisher 2001: 146.

⁵⁴² Aeschin. 1.25-26. Carey 2011: 196; Zanghellini 2015: 39.

⁵⁴³ Aeschin. 1.26. Cf. Fisher 2001: 150.

⁵⁴⁴ Aeschin. 1.26. Cf. Fisher 2001: 155, Zanghellini 2015: 39; Spatharas 2016: 134.

⁵⁴⁵ Cf. Fisher 2001: 155-156. Such a vivid and dramatic scene seems to have been predominantly taken from the tragedians; cf. Soph. *Aj.* 245-250. Fisher 2001: 155.

⁵⁴⁶ Cairns 1993: 292. Cf. Fisher 2001: 150.

⁵⁴⁷ Aeschin. 1.25. The mention of Timarchus' nickname serves to create a greater *pathos* and leads the jurors to think about what kind of nickname his reputation made him acquire; Fisher 2001: 150. We will later learn that the nickname "whore" had been attributed to him; see §§ 52, 77-80, 130, 157. Cf. Fisher 2001: 56, 150.

⁵⁴⁸ Fisher 2001: 155-156.

⁵⁴⁹ Fisher 2001: 55-56. Cf. Aeschin. 1.28 for those men who could not address citizens due to their shameful lifestyle (αἰσχροῦς).

Timarchus' disrespect for those people who have always been moderate and self-controlled.⁵⁵⁰ Interestingly, Aeschines associates this lack of respect with the decadent body of Timarchus, who at the time of the trial may have presumably been in his mid-forties.⁵⁵¹ The description of his body through the term βδελυρία, to which I shall return later, served to reinforce the strong connection between his depraved physical aspect and lack of moral virtues.⁵⁵² The sense of disgust is also supported by the use of αἰσχύνω; the verb seems to suggest that a corrupted lifestyle drove one's peers to experience a passive feeling of shame. The scene described by Aeschines shows another peculiarity. As Boardman has argued,⁵⁵³ in Classical Greece, male nudity was rarely subject to criticism and a prerogative, for example, of those athletes who took part in contests naked. Since ancient Greece, as I have already discussed, was very severe in cases of female nudity, I would argue that Timarchus' denudation is conceived like that of a woman; a shameful act that, in this instance, brought dishonour to the citizen body.⁵⁵⁴ Timarchus' gesture in a public space would imply not only shame but also ὕβρις.⁵⁵⁵ This second interpretation is better explained if we imagine the act of stripping naked in the Assembly as a reason to prove Timarchus' lack of care for what people might have thought of him and his disrespect for Athenian morality and customs.⁵⁵⁶

5.C Timarchus as the Representation of a Shameless Man

After the citation and analysis of those laws that introduced a contrast between virtue and morality of good citizens and the shame and disgust of Timarchus' lifestyle, Aeschines proceeds to summarise the private life of his enemy. In this account the orator, due to the lack of witnesses who could prove the lustful conduct of Timarchus,⁵⁵⁷ puts a greater emphasis on the concepts of shame and disgust, already mentioned in the citation of the laws, through the constant use of βδελυρία, αἰσχύνω,

⁵⁵⁰ Cf. Fisher 2001: 155, 330; Spatharas 2016: 134-135.

⁵⁵¹ Aeschin. 1.49. Cf. Spatharas 2016: 134; Fisher 2001: 330. See Fisher 2001: 10-11 for the uncertainty behind the age of Timarchus.

⁵⁵² Cf. Fisher 2001: 154; Spatharas 2016: 134.

⁵⁵³ Boardman 1985: 238; Osborne 1997: 505. As Osborne 1997: 507 has argued, in Homer male nakedness was deemed shameful and disgraceful. It is possible that Aeschines is using another oratorical strategy directed towards the exhortation of Homeric morality.

⁵⁵⁴ Fisher 2001: 156.

⁵⁵⁵ Cf. Spatharas 2016: 134.

⁵⁵⁶ Cf. Spatharas 2016: 128.

⁵⁵⁷ Harris 1995: 104-105; Lape 2006: 141; Fisher 2001: 54, 165.

αἰσχρός, ὑβρίζω and ὕβρις. According to Spatharas,⁵⁵⁸ the orator's continuous use of βδελυρία encourages the jurors to think of Timarchus as a man who prostituted himself and practiced anal sex.⁵⁵⁹ In Classical Athens, the submission to anal sex, perhaps part of the "self-inflicted ὕβρις", which Timarchus was accused of,⁵⁶⁰ was conceived as scandalous and shameful since it placed those who practised it in a position of inferiority that was typical of the female gender and of those people of low civic status.⁵⁶¹ Halperin's view on prostitution and anal sex is based on one's submission to someone else's *phallus*.⁵⁶² This is the scenario we have in *Against Timarchus* and explained at §§41-42. Aeschines tells us that Timarchus, once met Misgolas - who offered him a sum of money in exchange for sexual favours, squandered part of his inheritance and abandoned his father's house in order to live with his lover.⁵⁶³ The speaker himself talks about the squandering of his opponent's inheritance as an outrage that shows how he preferred to be a slave of his own disgraceful desires (δουλεύων ταῖς αἰσχίσταις ἡδοναῖς) instead of honouring the memory of his father by taking care of his inheritance.⁵⁶⁴ The use of αἰσχρός attributed to ἡδονή is interesting. It has the function of portraying Timarchus as someone who was unable to undertake moral actions.⁵⁶⁵ This concept is also reinforced by his lack of shame: καὶ οὐκ ἠσχύνθη ὁ μιὰρὸς οὗτος ἐκλιπὼν μὲν τὴν πατρῶαν οἰκίαν.⁵⁶⁶ The absence of a feeling of shame in the orator's enemy had to reiterate the idea of his immorality.⁵⁶⁷ His lack of decency concerned not only his body but also all the relationships he had with his lovers.

As we learn from the speech, Timarchus not only lived with Misgolas but also engaged in different homosexual relationships in order to satisfy all his pleasures.⁵⁶⁸ If he had lived with Misgolas, despite the money he received in exchange for sexual favours, according to the speaker, he would have looked more decent (μετριώτερ').⁵⁶⁹ The use of the adjective μέτριος in its comparative form seems to recall a hypocritical

⁵⁵⁸ Spatharas 2016: 128. Cf. Fisher 2001: 42, 185.

⁵⁵⁹ See Aeschin. 1.52, 185.

⁵⁶⁰ Spatharas 2016: 128.

⁵⁶¹ Halperin 1990: 97; Arthur-Katz 1989: 164.

⁵⁶² Halperin 1990: 97. Cf. Arthur-Katz 1989: 164.

⁵⁶³ Fisher 2001: 174.

⁵⁶⁴ Aeschin. 1.42. Lape 2006: 143.

⁵⁶⁵ Lape 2006: 143.

⁵⁶⁶ Aeschin. 1.42.

⁵⁶⁷ Cf. Spatharas 2016: 132; Fisher 2001: 208.

⁵⁶⁸ Aeschin. 1.52.

⁵⁶⁹ Aeschin. 1.51.

σωφοσύνη that a man like Timarchus could have never had. From the speech, it is clear that Misgolas was attracted by Timarchus' charm and βδελῦρία.⁵⁷⁰ Arguably Misgolas' attraction towards his lover's βδελῦρία depended on his awareness that Timarchus was using his attractiveness for "personal gain" and on his willingness to sexually please his lover.⁵⁷¹ As Spatharas has discussed,⁵⁷² Timarchus, represented as a "dirty" person, did not give importance to the consequences that his unbridled lifestyle brought to his reputation and honour. For I would also argue that his honour is further lowered by the violation of that respect that there had to be between him and Misgolas. The latter, as Aeschines writes at §43, felt completely betrayed and jealous after finding Timarchus eating with strangers.⁵⁷³

The image offered by the orator is that of Misgolas as a man who, driven by jealousy and sexual passion for Timarchus, threatened those who were dining with his lover to imprison them with the accusation of "corruption of free youth".⁵⁷⁴ It is possible that this accusation may have been related to the practice of anal intercourse.⁵⁷⁵ If the relationship that Timarchus had with Misgolas had to trigger a sense of shame in the jurors due to the disrespect he had for his lover, the next relation he engaged in with a "public slave", named Pittalakos, had to reinforce the concept of shame, disgust and ὕβρις.⁵⁷⁶ This view is proved by the use of βδελῦρία, καταισχύνω, αἰσχρός and ὕβρις at §§54-55.

First, it is interesting to notice how Aeschines portrays Pittalakos as a "public slave" who instead of being owned by a master, is described as a rich man who was in possession of a property in which Timarchus lived and who even initiated a court trial.⁵⁷⁷ However, since we know that, legally speaking, in Classical Athens slaves did not have rights, it is possible that Aeschines was deceiving the jury to think of Pittalakos as a slave rather than as a freedman.⁵⁷⁸ In any case, this representation was important for the orator to portray his enemy as a shameful and disgusting person

⁵⁷⁰ Aeschin. 1.41. Spatharas 2016: 129.

⁵⁷¹ Spatharas 2016: 129. Cf. Sanders 2014: 163.

⁵⁷² Spatharas 2016: 129.

⁵⁷³ Sanders 2014: 163; Fisher 2001: 177; Harris 1995: 103; Dover 1978: 34.

⁵⁷⁴ Aeschin. 1.43. Cf. Sanders 2014: 163; Fisher 2001: 179; Harris 1995: 103.

⁵⁷⁵ Sanders 2014: 163; Fisher 2001: 179; Dover 1978: 34.

⁵⁷⁶ Aeschin. 1.54-55. Cf. Spatharas 2016: 132; Thornton 1997: 114.

⁵⁷⁷ Aeschin. 1.54, 62. Fisher 2001: 190-191; Gagarin 2011: 205 n. 55; Sanders 2014: 163; Harris 1005: 103; Spatharas 2016: 132.

⁵⁷⁸ Fisher 2001: 191; Gagarin 2011: 205 n. 55; Spatharas 2016: 132-133.

who, despite his awareness of Pittalakos' social status, decided to engage in a relationship with him.⁵⁷⁹ As Spatharas has argued,⁵⁸⁰ Pittalakos' portrayal as a slave had to reinforce the representation of Timarchus as a man who was completely "incapable of establishing those barriers, which according to his social hierarchy, internalised behavioural norms on the body of a free citizen". It is for this reason that at §§54-55 shame and disgust, emphasised by the adjective *αἰσχρός*, strongly echo.⁵⁸¹ *Βδελυρία*, *καταισχύνω* and *αἰσχρός* are also found in conjunction with *ὕβρις*. The reason for this linguistic choice is to be found in Timarchus' willingness to have a sexual relation with an alleged slave, who could have sponsored (*χορηγός*) his disgusting habits.⁵⁸² The use of the word *χορηγός* and the term *ὕβρις* in this context was essential to make the jurors understand how Timarchus decided to spend the money that Pittalakos gave him on his private life instead of paying respect to his *demos* through the performance of liturgies.⁵⁸³ We are therefore facing again a relationship founded solely on monetary profit.⁵⁸⁴

The relationship with Pittalakos ended in the same way as the one he had with Misgolas. Timarchus abandoned him for another man i.e. Hegesandros who, we can say, was *βδελυρός* like him.⁵⁸⁵ As in the case of Misgolas, Pittalakos feels a deep feeling of jealousy (*ζηλοτυπία*) after discovering that Timarchus left him for Hegesandros.⁵⁸⁶ Pittalakos' jealousy, which may also be associated with a feeling of anger and disappointment for investing money in a man who did not respect him, had to drive the jurors to sympathise with him.⁵⁸⁷

⁵⁷⁹ Fisher 2001: 190, 192; Spatharas 2016: 132; Gagarin 2011: 205 n. 55. At §40 Aeschines tells us that Timarchus also had sexual relations with people of a lower social status like merchants and travellers; Fisher 2001: 169; Spatharas 2016: 132.

⁵⁸⁰ Spatharas 2016: 132.

⁵⁸¹ Cf. Spatharas 2016: 132.

⁵⁸² Aeschin. 1.54. Cf. Spatharas 2016: 132-133; Fisher 2001: 192; Sanders 2014: 164.

⁵⁸³ Cf. Spatharas 2016: 132; Fisher 2001: 192. Spatharas 2016: 133 has discussed that in Classical Athens those who invested money in the wellbeing of the *polis* were considered honourable: cf. Fisher 2001: 192.

⁵⁸⁴ Aeschin. 1.54. Spatharas 2016: 133.

⁵⁸⁵ Spatharas 2016: 129; Fisher 2001: 195. For the disgraceful nature of Hegesandros see Aeschin. 1.70.

⁵⁸⁶ Aeschin. 1.58. Sanders 2014: 163; Fisher 2001: 195.

⁵⁸⁷ Aeschin. 1.58. Cf. Fisher 2001: 195. The denotation of the emotion of jealousy through the use of *ζηλοτυπία* is interesting. According to D.L. 7.111 jealousy is explained as a discomfort for seeing someone being in possession of what one would want; Konstan 2006: 223. According to Konstan 2006: 226 jealousy is also associated with *ἔπος*.

Contrary to the representation of Misgolas and Pittalakos, Hegesandros is the one who resembles Timarchus under a disgusting and hubristic behaviour.⁵⁸⁸ For this reason at §67 the orator identifies them as members of that category of people who were unsympathetic to any form of shame.⁵⁸⁹ In fact, the delineation of Hegesandros' features as a reflection of Timarchus' ones is already evident from §59, where we learn how the two decided to punish Pittalakos for his obsession with Timarchus. The harassment suffered by Pittalakos at the hands of Hegesandros and Timarchus was intended to lower his level of honour⁵⁹⁰ and eventually ceased with Hegesandros' statement that Pittalakos was his slave.⁵⁹¹ Their shameful nature is further emphasised by Aeschines as a prerogative of the fact that Timarchus practiced prostitution while Hegesandros was an ex male prostitute.⁵⁹² According to Fisher,⁵⁹³ the phrase *πρὸς τὸν πόρνον πεπορνεῦσθαι* in conjunction with the disgusting practices, which they indulged in when both drunk (*βδελυρίας παροινούντας*), places them on a similar level.⁵⁹⁴ To an extent we cannot agree with this interpretation. Undoubtedly the two dissipated all their money on excessive lifestyle.⁵⁹⁵ Timarchus, however, after spending all the money, is the only one who, because of his disgusting and impious nature (*ἡ δὲ βδελυρὰ φύσις καὶ ἀνόσιος*), not only tried to return to his old habits but also decided to further squander his inheritance.⁵⁹⁶ The juxtaposition of *βδελυρὰ* with *ἀνόσιος* implies that Timarchus' disgusting lifestyle can also be considered profane. By suggesting this idea, Aeschines resumes the close connection between prostitution and moral and physical contamination.⁵⁹⁷ The decadent morality of his opponent is mostly perceived by the lack of respect for what his father left him to inherit.

The sale of inheritance was considered a great outrage in Classical Athens and one of the offences that led to a prosecution for *dokimasia rhetoron*.⁵⁹⁸ The disrespect for his family is particularly emphasised by the denial of his supplicating mother's wish to

⁵⁸⁸ Spatharas 2016: 129; Fisher 2001: 195.

⁵⁸⁹ Cf. Fisher 2001: 205-206, 293.

⁵⁹⁰ Fisher 2001: 197; Harris 1995: 103.

⁵⁹¹ Aeschin. 1.62. Fisher 2001: 197, 200, 362; Harris 1995: 103.

⁵⁹² Aeschin. 1.70. Fisher 2001: 208.

⁵⁹³ Fisher 2001: 208. Cf. Spatharas 2016: 129-130.

⁵⁹⁴ Aeschin. 1.70.

⁵⁹⁵ Aeschin. 1.95.

⁵⁹⁶ Aeschin. 1.95-96. Fisher 2001: 230.

⁵⁹⁷ Fisher 2001: 144, 330; Spatharas 2016: 134; Lape 2006: 146.

⁵⁹⁸ Lape 2006: 139; Hunter 1994: 104. Cf. Cantarella 2016: 73; Gagarin 2011: 185; Hanink 2014: 133; Harris 1995: 102-103; Spatharas 2016: 127; Fisher 2001: 39-40, 230; Zanghellini 2015: 38.

keep the land of Alopeke, which Timarchus eventually sold, for her burial.⁵⁹⁹ The non-attention paid to the words of a supplicating mother may have triggered a sense of shame in the jurors and may have helped Aeschines reiterating at §§105-106 that men like Timarchus, who were hubristic, disgusting and shameful by nature,⁶⁰⁰ were not useful in Athens since they were seen as potential sellers of the *polis* itself.⁶⁰¹ It is because of people who were disgraceful that the orator implies that the trial against Timarchus raised such a general interest that he felt obliged to exhort the young towards *arête* and the elderly, on the other hand, to see how the jurors punished those people who were in the wrong.⁶⁰²

Aeschines urges the jurors to base their judgment on the reputation that his opponent acquired over the time through gossip.⁶⁰³ The exhortation of the young to morality in private life is carried out with a comparison between two categories of ἔπος: one considered noble and benevolent, typical of Harmodios and Aristogeiton and of Achilles and Patroclus,⁶⁰⁴ while the other one deemed shameful and corrupt whose exponent was Timarchus himself.⁶⁰⁵ As Thornton has rightly discussed,⁶⁰⁶ the admiration of the first form of ἔπος was directed towards “the protection of the integrity of those pederastic relationships from a decadent form of passive homosexuality”. He describes the noble lover as a well-ordered person who loved without corruption.⁶⁰⁷ Behind this admiration, there might be a connection between moral and physical virtue of the noble lover. For this reason, the speaker juxtaposes the virtuosity of Harmodios and Aristogeiton and of Achilles and Patroclus with the relationships that Timarchus had with all his lovers, which led him to be decadent and

⁵⁹⁹ Aeschin. 1.99. The selling of this land, as Fisher, 2001: 237 has discussed, was part of those acts that corresponded to “the failure to support one’s parents through the provision of a house” that led to a prosecution for *dokimasia rhetoron*.

⁶⁰⁰ Fisher 2001: 242. Cf. Aeschin. 1.111.

⁶⁰¹ Aeschin. 1.29. Spatharas 2016: 136; Fisher 2001: 160.

⁶⁰² Aeschin. 1.117-118. Cf. Fisher 2001: 257.

⁶⁰³ Cf. Fisher 2001: 58. Bianchi Mancini 2016c: 10. Aeschin. 1.119-125, 128, 132. The phenomenon of gossip in Classical Athens, which I will not analyse in this work, was very important as it was mostly based on the so-called “politics of reputation”; cf. Hardie 2012: 238; Cohen 1991: 90; Bianchi Mancini 2016c: 4.

⁶⁰⁴ Aeschin. 1.132-133, 140-150. Thornton 1997: 203.

⁶⁰⁵ Aeschin. 1.130, 136-137. As Thornton 1997: 203 has argued, the distinction between two types of ἔπος was also directed towards the orator’s self-defence from a potential attack that Demosthenes could have addressed to him and that could have focused on condemning Aeschines for being a *kinaidos*; cf. Aeschin. 1.135.

⁶⁰⁶ Thornton 1997: 203.

⁶⁰⁷ Aeschin. 1.137. Thornton 1997: 204.

corrupted on a physical and moral level.⁶⁰⁸ Both examples of benevolent ἔπος may have had an important impact on the jury.⁶⁰⁹ On the one hand, the relationship that Achilles and Patroclus had was meant to represent how it was based on such loyalty and affection that led to Achilles' death after revenging the killing of Patroclus.⁶¹⁰ On the other hand, the example of Harmodios and Aristogeiton served to remind the jurors how "they both became a symbol of courage and devotion to the pederastic ἔπος"⁶¹¹ after they liberated Athens from tyranny and established the democracy.⁶¹² With this latter example we have an equation that sees the just and benevolent ἔπος as a projection of the love for the democratic government.⁶¹³ If the affection of the two represented the love for the Athenian government, the corrupt ἔπος of Timarchus may have led to the conspiracy against the democracy.⁶¹⁴ It is also because of the fear of corrupted men like Timarchus, who could not only harm the *polis* through their conduct but also overthrow the democracy that, in the final paragraphs of the speech, the speaker urges the jurors to punish his opponent in order to show how right and just the Athenian legal system was.⁶¹⁵ The *pathos* we perceive at the end of the oration is given by the use of all the terms that the speaker accurately used throughout the speech to emphasise the idea of Timarchus as a shameful, hubristic and disgusting man who could have only been punished with ἀτιμία.

5.D Conclusion

In conclusion, I have argued how Aeschines' speech against Timarchus was specifically centred on the distinction between the characteristics of the good citizen and Timarchus himself.⁶¹⁶ For the laws that Aeschines quoted and analysed were intended to emphasise all the differences between his opponent and the just man. Timarchus' *ethopoia* as a man who was both shameful and "dirty" is also juxtaposed to the excessive sense of shame of the orator.⁶¹⁷ This oratorical technique was also used in those speeches that I have discussed in the previous chapters and, in this

⁶⁰⁸ Cf. Thornton 1997: 204.

⁶⁰⁹ Fisher 2001: 290.

⁶¹⁰ Aeschin. 1.145, 147, 150. Cf. Fisher 2001: 290.

⁶¹¹ Skinner 2014: 145.

⁶¹² See Thuc. 6.54-59 for the account of the two lovers. Cf. Fisher 2001: 27, 277; Skinner 2014: 144-145.

⁶¹³ Fisher 2001: 59, 285, 277; Skinner 2014: 145.

⁶¹⁴ Aeschin. 1.191. Fisher 2001: 350.

⁶¹⁵ Aeschin. 1.192.

⁶¹⁶ Spatharas 2016: 129; Lape 2006: 141; Fisher 2001: 125.

⁶¹⁷ Harris 1995: 102; Fisher 2001: 190, 192; Spatharas 2016: 129, 132; Gagarin 2011: 205 n. 55;

context, it aimed at making the jurors imagine Timarchus' monstrosity. The analysis of the laws on the corruption of children, hiring a prostitute, ὕβρις, prostitution and decency had to remind the jurors that virtue and morality had to be safeguarded by those people who, like Timarchus, were not good for the *polis* as they were the personification of immoral citizens.⁶¹⁸

The law on ὕβρις was of particular interest as it involved two types of offences, which Timarchus was accused of.⁶¹⁹ The first one corresponded to the squandering of his inheritance and to the outrageous behaviour towards his parents, especially towards his mother, who begged him to not sell the land of Alopeke where she wanted to be buried.⁶²⁰ The second type of ὕβρις, on the other hand, has been called with the term "self-inflicted ὕβρις", implying the outrages and the dishonour that Timarchus brought to his body.⁶²¹ Furthermore throughout the speech the speaker attributed all those negative terms such as βδελυρία, αἰσχύνω, αἰσχύρος, ὑβρίζω and ὕβρις to Timarchus in order to explain how corrupted he was. Through the distinction between two kinds of prostitution - denoted by the verbs ἐταιρέω and πορνεύω at §29, the orator is able to determine how Timarchus belonged to that category of men who were called πόρνοι.⁶²² His idea is further supported by the different relationships that Timarchus had with his lovers i.e. Misgolas, Pittalakos, Hegesandros, and by the sexual activities he indulged in with people of a lower social status such as merchants and travellers.⁶²³ Misgolas and Pittalakos had something in common; both were used for monetary purposes.⁶²⁴ Pittalakos' portrayal as an alleged slave was intended to emphasise the idea of Timarchus as a man who was capable of anything in order to please his sexual means.⁶²⁵

The disgusting conduct of Timarchus reaches its apex with the choice to engage in a homosexual relationship with Hegesandros, who by the time he met the orator's enemy had already stopped prostituting himself.⁶²⁶ Both of them took part in those

⁶¹⁸ Lape 2006: 146; Fisher 2001: 125-126.

⁶¹⁹ Cf. Dover 1978: 38.

⁶²⁰ Fisher 2001: 137, 159, 165, 230; Dover 1978: 38.

⁶²¹ Lape 2006: 145-146, 157 n. 16; Spatharas 2016: 128-129; Fisher, 2001: 48, 160-161; Dover 1978: 38.

⁶²² Fisher 2001: 56, 58, 160.

⁶²³ Cf. Fisher 2001: 169; Spatharas 2016: 132.

⁶²⁴ Spatharas 2016: 129, 133.

⁶²⁵ Fisher 2001: 190, 192; Spatharas 2016: 132; Gagarin 2011: 205 n. 55.

⁶²⁶ Spatharas 2016: 129; Fisher 2001: 195, 208.

activities that should have triggered shame and disgust in the jurors.⁶²⁷ Indeed, these have been seen in the type of punishment they decided for Pittalakos, which aimed at the annihilation of his honour,⁶²⁸ and in Timarchus' choice to squander his inheritance to finance the lustful lifestyle they both had.⁶²⁹ The relationships of Aeschines' opponent, based on a corrupted and disgusting form of ἔρος, are in juxtaposition with the pederastic relations of Harmodios and Aristogeiton and of Achilles and Patroclus that find great admiration in Aeschines.⁶³⁰ In the oration, Aeschines does not criticise those relationships between members of the same sex, which were based on an honourable and innocent form of love.⁶³¹ However, since Timarchus was corrupted, dishonourable, disgusting, and especially an outlaw, the orator may have given the jurors the idea that his opponent wanted to conspire against the democracy.⁶³² For this reason, the speaker suggests how the only form of punishment that suited him was the death penalty i.e. ἀτιμία.⁶³³

⁶²⁷ Fisher 2001: 208. Cf. Spatharas 2016: 129-130.

⁶²⁸ Fisher 2001: 197; Harris 1995: 103.

⁶²⁹ Fisher 2001: 230.

⁶³⁰ Thornton 1997: 203.

⁶³¹ Aeschin. 1.136. Fisher 2001: 280. Cf. Thornton 1997: 203.

⁶³² Fisher 2001: 350.

⁶³³ Lape 2006: 140; Zanghellini 2015: 38; Fisher 2001: 6, 22, 159; Spatharas 2016: 135.

Conclusion

This study has explored the phenomenon of shame in Lysias 1, 3, Demosthenes 54 and Aeschines 1. I have argued that the usage of shame among these three orators varies according to the oration that one studies and follows male and female behavioural patterns. This study has attempted to further explain how an explicit and implicit sense of shame, rendered through the constant implementation of αἰσχρός, αἰσχύνη, αἰσχύνω, ὑβρίζω and ὕβρις in the orations and through the themes of the speeches, was used to control the jurors' emotions with the final aim to direct them to sympathise with the speakers in order to either exempt them from the accusation for which they had been charged or to support the prosecution of their opponents.⁶³⁴ It has emerged that all the orations I have taken into account present a recurrent pattern: the character delineation (*ethopoia*) of the speakers' enemies as hubristic and shameful men who had to be punished for all the shameful outrages they inflicted on their targets.⁶³⁵ This is important as it has demonstrated how the delineation of one's enemy as potentially unworthy of respect in the eyes of the jurors had to be a strong manipulative technique, which could have easily been associated with shame. In the four court speeches I have analysed, we have also seen that shame is always two-fold: it can be implicit/passive or explicit/active. Passive/implicit shame has been found in one's target who experienced a feeling of shame due to the outrages suffered at the hands of his opponent. On the other hand, in the orations active or even explicit shame was displayed by those shameful people, e.g. Eratosthenes in Lysias 1, Simon in Lysias 3, Conon and his sons in Demosthenes 54 and Timarchus in Aeschines 1, who intentionally shamed their targets - in the case of Timarchus the *polis*, driving them to the loss of honour and respect. This latter typology of shame, employed as an important manipulative and oratorical technique, could have easily psychologically destroyed one's enemy in court by making him lose his face and helped his target regain his own honour. This mechanism, in fact, proves the veracity of the theories surrounding the honour of the individual as a "zero-sum" game.⁶³⁶ Furthermore throughout this work it has been noticed that shame is mostly intensified in the

⁶³⁴ Cf. Roisman 2005: 83.

⁶³⁵ Morford 1966: 241.

⁶³⁶ Gouldner 1965: 49; Cohen 1991: 183; 1995: 63; Lanni 2006: 28; Bianchi Mancini 2016b: 3.

speeches by the usage of *αἰσχρός*, *αἰσχύνῃ*, *αἰσχύνω*, *ὑβρίζω* and *ὑβρις*, attributed either to the perpetrators or to those they outraged and shamed, depending on what typology of shame the orators wanted to delineate. However, a problem has also emerged in the case of Lysias 1 and 3: in these orations there is a consistent lack of the usage of *αἰσχρός*, *αἰσχύνῃ*, *αἰσχύνω*, *ὑβρίζω* and *ὑβρις*. For this reason the use of shame as an oratorical and rhetorical tool has been mostly found in the themes and matters that the orations explored.

The motif of adultery in Lysias 1 was an important question that should have alarmed the jurors. As I have explained, adultery was dangerous not only for the woman's husband or *κύριος* but also for his family.⁶³⁷ As an emphasis to this idea, the speaker in Lysias 1, Euphiletus, is portrayed as the main victim of such an offence who strategically appears in court as if he were prosecuting the adulterer.⁶³⁸ Adultery, in fact, compromised the honour of the woman who had been subject to a psychological manipulation and bodily corruption, along with her husband's.⁶³⁹ For this reason, the killing of Eratosthenes at the hands of Euphiletus in Lysias 1 had to appear as the ultimate act in order for the latter to regain his lost honour.⁶⁴⁰ In the introduction to the speech i.e. §4, Lysias has strategically availed himself of the use of *μοιχεύω*, *διαφθείρω*, *αἰσχύνω* and *ὑβρίζω* to intensify the idea of Euphiletus' action as justifiable. I have argued that all these verbs had the function to explain what adultery meant to those who had been its victim. Interestingly in the oration the verbs *αἰσχύνω* and *ὑβρίζω* do not occur as frequently as *διαφθείρω* and *μοιχεύω*, which is even found as a noun *μοιχός*. This peculiarity has been found in the idea that in Classical Athens the verb *μοιχεύω* along with its noun *μοιχός* had to encompass the concept of shame and *ὑβρις*.⁶⁴¹ As I have explained, adultery was also considered as an offence of *ὑβρις* since it drove one's victim to the loss of honour and contamination of his own reputation.⁶⁴² Therefore, in Lysias 1 the jurors had to perceive Euphiletus' feeling of shame and dishonour through the usage of the above-mentioned terms and especially

⁶³⁷ Carey 1995: 415; Pomeroy 1995: 86; Todd 2007: 48; Fisher 2006: 336; Cohen 1984: 152-153; Bianchi Mancini 2016a: 4-5, 16; 2016b: 3.

⁶³⁸ Cf. Carey 1989: 64; Herman 1993: 408; 1995: 51; 2006: 177.

⁶³⁹ Bianchi Mancini 2016a: 3-4.

⁶⁴⁰ Lanni 2006: 28; Cohen 1995: 63; Herman 1993: 413; 1995: 49.

⁶⁴¹ Fisher 1976: 186.

⁶⁴² Fisher 1976: 177, 180, 186, 191; 1979: 32-33; 1992: 113; Fisher 2001: 138.

through adultery, which had to be understood as an offence that aimed at deliberately lowering the speaker's honour and reputation in front of his peers.

The lowering of one's honour and the shame one felt in front of one's peers are also features that have been explicitly found in Lysias 3. This oration is thematically different from Lysias 1 and the characterisation of the speaker's perpetrator, Simon, as a hubristic man *par excellence* is more linguistically emphasised than in *On the Murder of Eratosthenes*. The distinction between the speaker and Simon was rendered not only through the portrayal of the former as a wise and moderate man but also through the attribution of παρανομέω, παρανομία, μᾶνία, τόλμη and ὑβρίζω to his perpetrator.⁶⁴³ As in the case of Lysias 1, in *Against Simon* the verb αἰσχύνω does not often recur; in fact, it can only be found five times throughout the entire speech. As I have explained in the chapter, the most important instances where the verb has been used to intensify the distinction between the speaker and Simon have been found at §§3 and 6. I have argued that the use of αἰσχύνω at §6 had the clear function to juxtapose the speaker with Simon by attributing the verb to the speaker's kinswomen who had always been modest and chaste. On the other hand, at §3 αἰσχύνω had a more peculiar function, which could either correspond to the speaker's embarrassment to narrate his private life in court or, more likely, to his fear of arising suspicions and doubts due to the suspicious relationship with a Plataian boy, Theodotus, who could have been a full Athenian citizen already at the age of majority when they both engaged in a relationship.

This conclusion has led us to argue that the speaker attempts to mislead the jurors to think that his affair with Theodotus was not a question of *hetairēsis* but rather of pederasty.⁶⁴⁴ A psychological manipulation of the jurors was necessary for the speaker to not be stigmatised with shame due to the reputation that people who engaged in homosexual relationships acquired in Classical Athens.⁶⁴⁵ A further distinction between the speaker's and Simon's passion for Theodotus may have misled the jurors to think that the relationship the speaker had with the boy was just a matter of pederasty based on a virtuous and caring feeling of ἔρος.⁶⁴⁶ On the other hand, Simon's passion for Theodotus, as clearly stated by the speaker, was typical of

⁶⁴³ Griffith-Williams 2013: 96; Todd 2007: 312.

⁶⁴⁴ Dover 1978: 33; Todd 2007: 281. Cf. Cantarella 2016: 73-74.

⁶⁴⁵ Cf. Fisher 2001: 160-161. Cf. Winkler 1990: 50; Thornton 1997: 110.

⁶⁴⁶ Cf. Carey 1989: 93; Todd 2007: 309-310; Dover 1978: 33.

those young people who often started similar love brawls to the one we have in Lysias 3.⁶⁴⁷ This idea has been intensified by the alleged sexual agreement that Simon had with the young boy.⁶⁴⁸ The mention of this contract during the trial could have implied how the speaker's enemy was illegally prostituting a "citizen minor"⁶⁴⁹ and was also willing to drive the young boy to the loss of honour in order to satisfy his sexual means.⁶⁵⁰

After a careful analysis of the use of shame in Lysias, it has been noticed that in Demosthenes 54 there is a clear difference in the usage of shame and in the language that has been employed to render the idea of shaming one's enemy. However, in Demosthenes' *Against Conon* there is not only a more explicit question of shame and honour intertwined with disgust and horror⁶⁵¹ perhaps due to the type of accusation that the speaker's enemy, Conon, has been charged with, but also the problem of a potential derision of the victim Ariston in front of the jurors for the outrages he suffered at the hands of his assailant and his sons.⁶⁵² As I have discussed in the chapter, even though Ariston charged Conon with *dikē aikeias*, the use of the word αἰκία is almost non-existent.⁶⁵³ For the orator has strategically substituted the term αἰκία with ὕβρις and ὕβριζω in order to emphasise the concept of intentional outrage and humiliation behind Conon's actions.⁶⁵⁴ The outrages suffered by Ariston have been seen in the account of two fights he had with Conon and his sons. The first brawl, which saw Ariston and some slaves as victims, had to elicit a sense of disgust in the jurors and had to give them the idea of how Conon and his sons attempted to shame their targets through various shameful acts that corresponded to empty the latrines and urinate on them.⁶⁵⁵ I have argued that the display of a voluntary dishonour of the victims is evident in this account due to the usage of the terms ἀσέλγεια and ὕβρις. However, the idea of dishonour and shame has been mostly emphasised in the narration of the second fight. I have discussed that the second account of the hostility

⁶⁴⁷ Cf. Carey 1989: 94; Todd 2007: 310; Nussbaum 2002: 56.

⁶⁴⁸ Lys. 3.22. Carey 1989: 87-88, 90, 95; Gagarin 2011: 100; Todd 2007: 280; Kucharski 2009: 37-38; Griffith-Williams 2013: 89; Bushala 1968: 64.

⁶⁴⁹ Todd 2007: 281.

⁶⁵⁰ Cf. Fisher 1976: 186-187.

⁶⁵¹ Cirillo 2009: 2.

⁶⁵² Halliwell 1991: 287; 2008: 33.

⁶⁵³ Gontijo Leite 2014: 218; Carey and Reid 1985: 77.

⁶⁵⁴ Goldhill 1995: 15. Cf. Fisher 1976: 177, 183-185, 191; 1979: 32, 33; Fisher 2001: 138; Cohen 1995: 123, 125.

⁶⁵⁵ Cirillo 2009: 10-11. Dem. 54.4.

between Ariston, Conon and his sons shows strong references to the emotion of shame, which can be perceived from the hint to those aischrologic speeches that the speaker has not reported due to his fear of being contaminated by those words that his aggressors used towards him.⁶⁵⁶ The concept of shame behind the outrages suffered by Ariston reaches its peak with the portrayal of Conon as a victorious fighting cock, who even deprived his victim of his clothes.⁶⁵⁷ Such a portrayal could have been dangerous for Ariston since it could have led him to be derided in court.⁶⁵⁸ However, the association of Conon with a fighting cock had to evoke a sense of disgust in the jurors, as Cirillo has argued,⁶⁵⁹ and had to strengthen the idea of his agonistic performance and his will to drive Ariston to experience humiliation.⁶⁶⁰ Therefore, the representation of Ariston as a man who was deliberately humiliated and dishonoured was pivotal for the reacquisition of his lost honour.

After Demosthenes 54, this study has taken into analysis another orator, Aeschines, and the usage of shame in *Against Timarchus*. We have noticed that Aeschines is the only orator among the ones I have studied, who in the speech constantly and explicitly makes use of shame through the employment of ὑβρίζω, ὕβρις, αἰσχρός, αἰσχύνω and βδελυρία.⁶⁶¹ I have argued that the oration condemns and stigmatises with shame those who, like Timarchus, decided to conduct an excessive lifestyle “through prostitution and squandering of their inheritance even though they were clearly active in political life”.⁶⁶² The oration clearly juxtaposes Timarchus to the morality and good order of good citizens.⁶⁶³ Even though the speech has been considered weak due to the difficulty of the orator to support the excessive and lascivious lifestyle of his enemy,⁶⁶⁴ I have argued that the entire speech must have had a certain impact on the audience due to the continuous references to shame,⁶⁶⁵ which have been strategically strengthened by the concept of disgust and horror (βδελυρία) behind Timarchus’

⁶⁵⁶ Dem. 54.8-9. Halliwell 2008: 216.

⁶⁵⁷ Dem. 54.9. Cf. Carey and Reid 1985: 83.

⁶⁵⁸ Gontijo Leite 2014: 222; Halliwell 2008: 3.

⁶⁵⁹ Cirillo 2009: 19.

⁶⁶⁰ Cohen 1995: 125; Gontijo Leite 2014: 225.

⁶⁶¹ Cf. Spatharas 2016: 127-128, 132; Lape 2006: 141.

⁶⁶² Lape 2006: 139; Hunter 1994: 104. Cf. Cantarella 2016: 73; Gagarin 2011: 185; Hanink 2014: 133; Harris 1995: 102-103; Spatharas 2016: 127; Fisher 2001: 39-40, 230; Zanghellini 2015: 38.

⁶⁶³ Hanink 2014: 133; Harris 1995: 7, 38, 102, 107; Fisher 2001: 4-5.

⁶⁶⁴ Cf. Spatharas 2016: 129; Lape 2006: 141; Fisher 2001: 125.

⁶⁶⁵ Cf. Aeschin. 1.45, 98. Harris 1995: 104-105; Lape 2006: 141; Fisher 2001: 54, 165.

⁶⁶⁶ Hunter 1994: 104; Bianchi Mancini 2016c: 5. Cf. Aeschin. 1.3, 26, 33, 40-42, 54-55.

conduct.⁶⁶⁶ I have claimed that the laws the speaker quotes and analyses were intended to make the jurors distinguish between his opponent and the just man. The portrayal of Timarchus as a shameful and disgusting man has also been juxtaposed to the excessive feeling of shame that the orator feels in narrating his enemy's life.

Thus, we can say that Aeschines 1 is the perfect example of the distinction between one's enemy as shameful and hubristic and the speaker of the oration as moderate and wise.⁶⁶⁷ The concept of ὕβρις behind Timarchus is also very peculiar, as it has not been seen in any other oration I have analysed in this study. Timarchus' ὕβρις is two-fold;⁶⁶⁸ to an extent it is referred to the disrespect he had for his inheritance and for his mother's burial wishes,⁶⁶⁹ to another it also suggests that Timarchus was liable to "self-inflicted ὕβρις" due to the maltreatment of his own body through prostitution.⁶⁷⁰ No positive terms had been attached to Timarchus, who is also called a πόρνος.⁶⁷¹ To intensify the idea of his enemy as a shameful and disgraceful man, the orator proceeds to report all his sexual relationships, some of them based on financial purposes only,⁶⁷² with different men, including those of a lower social status.⁶⁷³ However, what had to mostly trigger disgust in the jurors was the fact that Timarchus engaged in a homosexual relationship with a former male prostitute, Hegesandros.⁶⁷⁴ In the fifth chapter of this study, I have also discussed that the speaker does not condemn those relationships between members of the same sex that were based on moderation.⁶⁷⁵

⁶⁶⁶ Spatharas 2016: 128. Cf. Fisher 2001: 42, 185.

⁶⁶⁷ Harris 1995: 102.

⁶⁶⁸ Cf. Dover 1978: 38.

⁶⁶⁹ Aeschin. 1.99, 108. Cf. Fisher 2001: 137, 159, 165, 230; Dover 1978: 38.

⁶⁷⁰ Aeschin. 1.185. Lape 2006: 145-146, 157 n. 16; Spatharas 2016: 128-129; Fisher 2001: 48, 160-161; Dover 1978: 38; Gagarin 2011: 240 n. 149.

⁶⁷¹ Fisher 2001: 56, 58, 160.

⁶⁷² Spatharas 2016: 129, 133.

⁶⁷³ Cf. Fisher 2001: 169; Spatharas 2016: 132.

⁶⁷⁴ Spatharas 2016: 129; Fisher 2001: 195, 208.

⁶⁷⁵ Aeschin. 1.136. Fisher 2001: 280. Cf. Thornton 1997: 203.

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