

UNIVERSITY OF CALIFORNIA

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Feeling Home:

House and Ideology in the Attic Orators

A dissertation submitted in partial satisfaction of the  
requirements for the degree Doctor of Philosophy  
in Classics

by

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## ABSTRACT OF THE DISSERTATION

Feeling Home:

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Professor Kathryn Anne Morgan, Chair

This dissertation traces the idea of the home and family (*oikos*) through several speeches from the corpus of the Attic orators. Many of the speeches are concerned with family matters, from issues of inheritance or guardianship to adultery and murder. Scholars studying the ancient Greek family often use these speeches as evidence for social practices; my dissertation differs from these approaches in that it centers around the evidence not for real life but for the ideologies that shaped the habits and opinions of the ancient Athenians. I demonstrate that the orators drew on the ideology of the *oikos*, a set of social expectations that the house should be well-organized and family members perfectly loyal and affectionate to one another, in order to persuade the jury to vote in their favor.

The *oikos* was a particularly powerful symbol in the Athenian imaginary: every member of the jury and Assembly, before whom the speeches I focus on were delivered, belonged to an

*oikos*. The orators used references to the house and family as a way of appealing to the shared experience of belonging to an *oikos*. In this way, they evoked what I call the home feeling, a communal, family feeling which could be used to persuade, to characterize, or to provide evidence. My first three chapters deal with forensic rhetoric, showing how speeches by Antiphon, Isocrates, Lysias, Isaeus, and Demosthenes engage with social expectations about behavior between family members and anxieties about dangers both inside and outside the house. In my fourth chapter, I argue that Demosthenes' political speeches invoke the home feeling at the level of the *polis* in order to persuade the people of Athens to join together against dangers at home—laziness and complacency among the citizenry—and the increasing threat of Philip of Macedon. By focusing on the home feeling and the prevalence of the rhetoric of the *oikos* in the Attic orators, my dissertation casts new light on the importance of the house and household in Athenian public discourse.



The dissertation of Hilary Lehmann is approved.

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2016

Dedicated to my family and friends,  
οἷς πάντων οικειότατα χρώμαι.

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## Vita

Hilary Lehmann attended St. Olaf College from 2000-2004 and graduated with a B.A. in Classics and English and a Concentration in Women's Studies. She attended graduate school at UCLA from 2008-2016, receiving an M.A. in Classics in 2010, a Concentration in Gender Studies in 2012, and a PhD in Classics in 2016. She spent the 2012-2013 and 2014-2015 academic years at the American School of Classical Studies in Athens, supported by the Michael Jameson Fellowship, the Ione Mylonas Shear Fellowship, and the Harry Bikakis Fellowship.

## Introduction: Houses, Ideology, and the Home Feeling

Speaking before a jury in Athens around 325 BCE, Demosthenes delivered a resounding denunciation of Aristogeiton, a politician and corrupt prosecutor being prosecuted for speaking in the Assembly and prosecuting lawsuits when he was forbidden to do so since he was in debt to the state.<sup>1</sup> The speech touches on every kind of malfeasance: legal, social, and dietary (Aristogeiton apparently ate someone's nose). Demosthenes compares his opponent to a viper or a scorpion (§52: ἔχιδις ἢ σκορπίος), to an animal suffering from ritual pollution (§58: μαρόν...τὸ θηρίον). He has no place in the community of the *polis*, where life goes forward in a moderate, regulated manner. He has no share in communal feeling (§51: οὐ φιλανθρωπίας... κοινωνεῖ) and he rattles and ruins the order (§19: κόσμος) of the city and its laws.<sup>2</sup> This order of the laws is the fabric of society; everything is ordered by the laws (§27: τοῖς νόμοις ἅπαντα κοσμεῖται). Aristogeiton disturbs this order through his failure to respect the laws. His antisocial, disruptive behavior is the antithesis of political and social propriety, a threat to the basic framework of society.

In contrast, the upstanding citizen of the *polis* is orderly, hard working, and communal.

Demosthenes describes the community of such citizens as a family (§87):

ὕμεις γάρ, ὦ ἄνδρες Ἀθηναῖοι, τῆ τῆς φύσεως πρὸς ἀλλήλους, ὅπερ εἶπον, χρώμενοι φιλανθρωπία, ὥσπερ αἱ συγγένειαι τὰς ἰδίας οἰκῶσιν οἰκίας, οὕτω τὴν πόλιν οἰκεῖτε δημοσίᾳ.

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<sup>1</sup> MacDowell (2009: 298-313) and Wohl (2010b: 50-65) discuss the background and rhetorical strategies of this speech, Demosthenes 25 *Against Aristogeiton*. Its authorship has been questioned on legal and aesthetic grounds (Dionysius found it unpleasant, vulgar, and crude (*Demosthenes* 57: ἀηδεῖς καὶ φορτικαὶ καὶ ἄγροικοι)), but MacDowell, following Blass (1887-1898: 3.1.415), concludes in favor of Demosthenes' authorship both because it contains details unlikely to be known by a later imitator and because the speech's style, tone, and rhetorical strength matches Demosthenes' own.

<sup>2</sup> “*Kosmos* in Greek indicates a state of order, and indeed order is the key attribute of the speech's legal universe” (Wohl 2010b: 54).

You, men of Athens, feeling a natural philanthropy, as I have called it, toward one another, inhabit the city as a civic body just like families inhabit their individual houses.<sup>3</sup>

The communal feeling which Aristogeiton lacks is ingrained in the Athenian citizenry—it comes to each of them naturally, from home (οἶκοθεν).<sup>4</sup> The jury, as representatives of the entire city, inhabit (οἰκεῖτε) it in a familiar and philanthropic manner.<sup>5</sup> Demosthenes’ use of words related to the house (οἶκος) to refer to membership in the *polis* brings a feeling of community, of affection toward other people, a family feeling. Aristogeiton’s status as an outlier strengthens the internal resolve of the community: he is the exception that proves the rule, in the original sense of the idiom. He is like the storm outside that makes the indoors feel more homey.<sup>6</sup> Safe within the metaphoric walls of society, the law-abiding citizenry bands together in the face of disruption. They are a family, the *polis* is their house. Each member of the jury makes his decision from his nature, from home (οἶκοθεν).<sup>7</sup> It is as a member of this family, invested in its continued preservation, that Demosthenes addresses the jury, speaking the truth with all intimacy.<sup>8</sup> This is the intimacy of the house, the οἰκειότης of the οἰκία, a feeling of closeness, of familiarity, of unity, of home.

The discourse Demosthenes is invoking in this speech, drawing on the intimacy of the house and household, is the topic of this dissertation: how and why the Attic orators engaged with the house and household (οἰκία and οἶκος) in their speeches. The word οἰκία most often

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<sup>3</sup> All translations are my own.

<sup>4</sup> §81: ὑμῶν ἕκαστος ἔχων οἶκοθεν ἔρχεται, ἔλεον, συγγνώμην, φιλανθρωπίαν

<sup>5</sup> §89: τὴν πόλιν οἰκεῖτε συγγενικῶς καὶ φιλανθρωπῶς

<sup>6</sup> “The sense of home is heightened when we are warm in bed yet can hear the rain on the roof and the wind whistling under the eaves. The contrast between inside and outside accentuates the meaning of being inside; the sense of cold outside makes warmth meaningful” (Dovey 1985: 46).

<sup>7</sup> §2: ὑπὸ τῆς ἑκάστου φύσεως οἶκοθεν

<sup>8</sup> §13: μετὰ πάσης οἰκειότητος

refers to a dwelling place, although it can metonymically stand for the family, while οἶκος can mean “house,” “family/household personnel,” or “estate.”<sup>9</sup> These words are at the heart of my dissertation, along with the related adjective οἰκεῖος (“belonging to the house”).<sup>10</sup> This adjective has a range of interconnected uses: οἱ οἰκεῖοι are family members and friends, those intimately connected to the household.<sup>11</sup> This relationship is often expressed with the adverb οἰκεῖως. The emotional connection between people can extend to the inanimate—for example, οἰκεῖα χώρα, one’s homeland.<sup>12</sup> From there, οἰκεῖος extends to anything that is proper or suited to one’s self, such as οἰκεῖα τιμωρία, an appropriate punishment.<sup>13</sup> In the comparative and superlative, the adjective expresses degrees of intimacy, defining proximity to the house or self. Thus the hands are more οἰκεῖος than a sword,<sup>14</sup> thus rulers of nations, in the process of conducting diplomacy, can forge the most οἰκεῖος relationship with one another.<sup>15</sup> Derived from οἶκος and οἰκεῖος are the nouns οἰκειότης (“familial intimacy”) and the οἰκέτης (“household slave”). From the related verb οἰκέω (“dwell in”) comes the Greek term for the inhabited world, ἡ οἰκουμένη. As I demonstrate in my dissertation, these words and concepts related to the house and household can be used to persuade, to characterize, to induce empathy, by drawing on the experience, shared by both the speaker and the members of the jury, of being the member of an *oikos*.

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<sup>9</sup> MacDowell 1989b.

<sup>10</sup> “The term ‘*oikeioi*’, derived from ‘*oikos*’ (the house, household, family)... was loosely and generally used to refer to all members of a bilateral kinship grouping. It was not in any sense a well-defined or technical term, and the boundaries of its application seem to have been contingent on the actual familiarity of a man with his kin” (Just 1989: 84).

<sup>11</sup> Cf. the discussion of *oik-* words, from *oikade* to *oikophthorein* with a special focus on *oikeios*, at Nagle 2006: 16-17.

<sup>12</sup> Andocides 3.26: ἡττώμενοι μὲν καὶ τὴν οἰκεῖαν χώραν ἀπολέσωμεν

<sup>13</sup> Antiphon *Tetralogy* 1.1.11: Οἰκεῖαν οὖν χρὴ τὴν τιμωρίαν ἡγησαμένους

<sup>14</sup> Antiphon *Tetralogy* 3.3.3: αἱ χεῖρες οἰκειότεραι τοῦ σιδήρου

<sup>15</sup> Demosthenes 14.11: ἔν’ ὡς οἰκειότατ’ αὐτὴν ἀποδέχεται



In this introduction, in order to contextualize my understanding of what the term *oikos* and *oikia* meant to the Athenian citizen of the fifth and fourth centuries, I first trace the parallel developments of modern socio-historical and archaeological interest in the classical Greek house and family. Comparing the differing perspectives offered by these disparate disciplines, I explore the gap between prescriptive models of behavior and the way people actually lived. Looking into this gap, which is particularly pronounced when it comes to the household, opens up a perspective on the ways in which ideology, a system of beliefs and practices that regulates the behavior of a society, affects both ancient and modern understandings of the ancient household. I follow closely upon Barry Strauss' understanding of ideology as "a system of meanings and symbols which attempts to create a collective consciousness and to maintain power" that is found "not just in treatises or party platforms but in institutions and symbols of non-overtly political significance and finally in the language, actions, and habits of everyday life."<sup>16</sup> There are two directions of ideology at work in the interpretation of ancient texts—theirs and ours. Ancient Greek ideology shaped the texts we use to understand their society as much as actual practice did, a truth that has come to be more appreciated in recent decades, leading to a more nuanced reading of ancient literature. At the same time, modern readings of the ancient texts can never be entirely separated from the systems of ideology that shape the way we see our own world. In my dissertation, I focus on the ancient ideology of the *oikos*, a set of expectations concerning an idealized model of the house and family that worked their way into many aspects of classical Greek, particularly Athenian, society, while at the same time keeping in mind that no reading can be entirely free from the biases that shape the way modern readers see both the ancient and the modern worlds.

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<sup>16</sup> Strauss 1993: 30-31.

In the remainder of my introduction, I examine the ways in which the orators engage with the ideology of the *oikos*, focusing on their evocation of the home feeling, a sense of intimacy and connection to a domestic assemblage made up of a physical location, ancestors, family relations, intimate friends, and possessions (including slaves). The orators appealed to this feeling by referencing all the definitions of *oikia*, *oikos* and *oikeiotēs*—the house, household, possessions, and the feeling of intimacy between members of a household. To demonstrate the ways in which the orators drew on the jury’s experience of the home feeling, I analyze several of the house *topoi* that appear throughout the corpus of speeches. I then conclude the introduction with a summary of the chapters that follow.

The study of the history of the ancient Greek *oikos* is currently a rich field, but it has emerged somewhat recently as a legitimate subject of interest in ancient history, a discipline that was for centuries dominated by studies of great men, politics, and battles. Until a few decades ago, a teleological model of Greek society held sway, in which the primitive *oikos* gave way to the complex *polis*, and the disciplines of classics and history have had a difficult and slow time moving away from this model. In 1968, W. K. Lacey began his study *The Family in Classical Athens* with the claim that the “family in Greek history is a subject which has hitherto not found favour among historians.”<sup>17</sup> By this he meant that, for most historians, the ancient Greek family existed in a timeless, private realm separate from the so-called important events with which the discipline of history was interested. In her 1975 textbook, *Goddesses, Wives, Whores, and Slaves*, Sarah Pomeroy describes the “overwhelming ancient and modern preference for political and military history” that “has obscured the record of those people who were excluded by sex or

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<sup>17</sup> Lacey 1968: 9.

class from participation in the political and intellectual life of their societies.”<sup>18</sup> But to say that earlier historians had not been interested in the family in antiquity is to set aside the scholars who were responsible for relegating the family to this ahistorical status in the first place. These scholars include Johann Jakob Bachofen, whose theory of the *Mutterrecht* envisioned a prehistoric wild matriarchy gradually replaced by patriarchy, order, and civilization, and Friedrich Engels, who also located the earliest forms of the family in a matriarchal state which he associated with communism. Such approaches, both posited in the nineteenth century, posited a decline in the status of women and the *oikos* beginning with the Homeric epics, so that by the classical period in Athens, “women were denied full moral personhood by the institutions of marriage and the family.”<sup>19</sup> According to this model, the decline in the status of the *oikos* was accompanied by the rise of the *polis* as the locus of political and economic activity. As Cynthia Patterson points out, even after the publication of Lacey’s study (which was still influenced by its 19<sup>th</sup> century predecessors), the evolutionary model continued to have weight. She critiques textbooks from Pomeroy’s 1975 text to 1994’s *Women in the Classical World* (Fantham, Foley, Kampen, Pomeroy, and Shapiro, eds.) for presenting “an image of a society where women were in fact ‘secluded’ and wives were not ‘considered desirable’ in themselves but only as the legal bearers of citizen children,” assuming “as ‘given’ the familiar evolutionary model of women’s decline to an excluded low in classical and democratic Athens,” and being “overtly ideological.”<sup>20</sup> The transition from an *oikos*-centered to *polis*-centered society makes for a neat and compelling story, but ignores all the evidence that the *oikos* continued to play an important role in Greek history throughout the classical period.

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<sup>18</sup> Pomeroy 1975: ix.

<sup>19</sup> Patterson 1998: 27.

<sup>20</sup> Patterson 1998: 40-41.

The study of family history, once primarily informed by the notion that the rise of the *polis* as the basic unit of society was accompanied by the fall of the *oikos* and with it the decline of the role of women in society, has begun to move away from this preconceived evolutionary model. Several evidence-based studies focusing on the importance of the *oikos* in Greek society have been published in the last few decades. Challenging the automatic association of the *oikos* and women, Strauss demonstrates that to a large extent the father-son relationship underlay Athenian political thought in the classical period. He moves past the *oikos/polis* distinction, demonstrating that there were multiple and conflicting strains of ideology simultaneously functioning in classical Athens.<sup>21</sup> Virginia Hunter argues for the importance of kinship obligations in maintaining social order. She focuses on women and slaves, emphasizing the significance of non-legal strategies for social control and for the regulatory power of gossip. Her insistence on women's authority within the household, especially concerning inheritance and financial matters, acts as an important corrective to the assumptions about women's insignificance in Athenian society.<sup>22</sup> Pomeroy rejects the simplicity of the *oikos/polis* dichotomy and emphasizes the importance of the *oikos* for the identity of male citizens within the *polis*, especially regarding matters of citizenship, membership in a phratry, and inheritance.<sup>23</sup> Cheryl Anne Cox focuses on marriage and inheritance, showing that matrilineal descent and the relationship between mothers and sons were often far more significant than previously thought.<sup>24</sup> Beryl Rawson's edited *Companion to Families in the Greek and Roman Worlds* emphasizes the plurality of approaches to the family in antiquity and the importance of bringing together

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<sup>21</sup> Strauss 1993.

<sup>22</sup> Hunter 1994.

<sup>23</sup> Pomeroy 1997.

<sup>24</sup> Cox 1998.

evidence from a variety of disciplines. She rejects the idea that family history is somehow trivial, arguing for the significance of details such as “how people dined or bathed, in what sorts of housing they lived, who married whom and what happened after divorce or death, what were their religious rites, and what role family and family relationships played in all of these.”<sup>25</sup> The essays in Rawson’s collection, as well as the rest of the approaches cited here, explicitly reject ideological assumptions about the triumph of the *polis* at the expense of the *oikos*.

And yet the dichotomies of *oikos/polis* and private/public continue to influence modern thought about the ancient household. This is due both to the emphasis the ancient texts place on these distinctions and to the way Athenian and modern Western identity are intertwined. A case study that demonstrates this intersection is the question of women’s place within the house—that is, the notion that Athenian women were kept secluded in the house. Both modern and ancient ideologies have had a significant impact on scholars’ interpretation of evidence concerning seclusion. The textual evidence strongly associates women with the interior and men with the outdoors.<sup>26</sup> This issue first became a topic of interest in the community of European scholars in the early 19<sup>th</sup> century, a period in which the question of the role of women in contemporary society, too, was being fiercely debated. One side argued that women were naturally suited to the domestic sphere, that their strengths were separate from but complementary to men’s; the other, feminist, perspective was that women were subjugated and needed to be emancipated.

It was also during this time that Western identity was being forged in reaction to Eastern,

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<sup>25</sup> Rawson 2011: 2.

<sup>26</sup> Some frequently cited examples include Euripides *Trojan Women* 648-650: ἀὐτὸ τοῦτ’ ἐφέλκεται / κακῶς ἀκούειν, ἥτις οὐκ ἔνδον μένει, / τούτου παρτίσσει πόθον ἔμμνον ἐν δόμοις, Plato *Meno* 71e: εἰ δὲ βούλει γυναικὸς ἀρετήν, οὐ χαλεπὸν διελθεῖν, ὅτι δεῖ αὐτὴν τὴν οἰκίαν εὖ οἰκεῖν, σφύζουσαν τε τὰ ἔνδον καὶ κατήκοον οὖσαν τοῦ ἀνδρός, and Xenophon *Oeconomicus* 7.30: τῇ μὲν γὰρ γυναικὶ κάλλιον ἔνδον μένειν ἢ θυραυλεῖν, τῷ δὲ ἀνδρὶ αἴσχιον ἔνδον μένειν ἢ τῶν ἔξω ἐπιμελεῖσθαι. Examples from the orators (e.g. Lysias 1, 3, and 32 and Demosthenes 21, 37, and 49) are discussed below in the Introduction and Chapters 1 and 2).

or “oriental,” alterity.<sup>27</sup> The triangulation of ancient texts, feminist consciousness, and orientalist thought gave rise to the idea that Athenian women were relegated to a harem-like “oriental seclusion.”<sup>28</sup> The degree to which various scholars identified the Greeks as like or unlike themselves as well as the degree to which they were sympathetic to feminist causes influenced whether they considered Athenian women as closer to the Victorian housewife (the “angel of the hearth” model)<sup>29</sup> or the prisoner of the harem. Depending on what a scholar thought of the contemporary status of women, he could articulate the status of Athenian women on the scale between European/Christian/civilized and foreign/oriental/savage—between “us” and “them.” Joanna Brown demonstrates that the use of the word “oriental” by classical scholars of this period “either differentiates the Greek from the misogynist (the Greek was not a Christian, but also he was not an ‘oriental’) or is used as a signifier for ‘backward’ elements in Greek society (misogyny in Greece is the result of external, eastern sources).”<sup>30</sup> For some, the seclusion of women “occasioned expressions of moralizing disapproval from historians and comparisons, explicit or implicit, with the situation of European and American women.”<sup>31</sup> Other scholars rejected the thought that the Athenians, considered the progenitors of modern European society, treated their women so harshly, claiming instead that the Athenian treatment of women was more

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<sup>27</sup> “[The] development and maintenance of every culture require the existence of another, different and competing *alter ego*. The construction of identity...involves the construction of opposites and ‘others’ whose actuality is always subject to the continuous interpretation and re-interpretation of their differences from ‘us’” (Said 2003: 331-332).

<sup>28</sup> “It is the accepted view, challenged, so far as I know, by nobody except A. W. Gomme, that the Athenian woman lived in an almost Oriental seclusion, regarded with indifference, even contempt” (Kitto 1986: 219). Kitto himself sees himself as a detective rebutting this *communis opinio* with the evidence that the idea that the Athenian male “habitually treated one-half of his own race with indifference, even contempt, does not, to my mind, make sense” (221). On Gomme see note 32 below.

<sup>29</sup> Patterson 1998: 10.

<sup>30</sup> Brown 2011: 9.

<sup>31</sup> Patterson 1998: 125-126.

“similar to our own.”<sup>32</sup> As Marilyn Katz and others have shown, it is difficult to separate the ideology of the past from that of the present and progress can only be made in this direction “by exposing the ideological foundations of a hegemonic discourse that has dominated the discussion of ancient women and that continues to make its powerful influence felt in the discussion of women generally as part of civil society at the present moment in history.”<sup>33</sup> To address the topic with care it is necessary both to separate contemporary ideologies from interpretations of the past and to recognize that such a separation is never completely attainable.

Even as more and more scholars of classical literature and history have begun to recognize the model of “oriental seclusion” as an artificial construct shaped by ancient and modern ideologies, the question continues to be debated. Comparanda from other Mediterranean cultures have been used as evidence for the segregation of Athenian women. A particularly appealing comparanda is Pierre Bourdieu’s description of the Kabyle house, whose physical layout matches oppositions built into the North African culture’s system of belief: the external world “is a specifically masculine world of public life and agricultural work” whereas the house “is the universe of women and the world of intimacy and privacy.”<sup>34</sup> The resemblance between the Kabyle house and Ischomachos’ house in Xenophon’s *Oeconomicus* is striking, leading some scholars to use Bourdieu’s essay as evidence of a domestic *ethos* shared between the two cultures.<sup>35</sup> The Kabyle house is a powerful symbol, and yet, as Paul Silverstein points out, the Kabyle people Bourdieu interviewed for his essay were already displaced from their traditional

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<sup>32</sup> Gomme 1925:19. Cited by Kitto, Gomme argued that the evidence for Athenian women’s oppression was inconclusive.

<sup>33</sup> Katz 1992: 40.

<sup>34</sup> Bourdieu 1970: 158-159.

<sup>35</sup> One recent example of a Classical scholar comparing an ancient Greek house to Bourdieu’s Kabyle house is Whitmarsh 2010: 331.

ways of life. The Kabyle house represents nostalgia and idealization more than a building that was ever in use.<sup>36</sup> Christiane Sourvinou-Inwood, as a native of one of the Mediterranean cultures whose practices are often adduced as evidence, critiques such comparative approaches, noting that using evidence from one society for which there is abundant evidence to interpret one with limited data often leads to an overemphasis on similarities that might not be structurally significant.<sup>37</sup> Comparative cultural studies, when done carefully, can offer a corrective to overly credulous readings of ancient texts, which ignore “the little bits of evidence about the details of women’s lives because one has already reached conclusions based upon the grand ideological statements” found in ancient texts.<sup>38</sup> But more often, these studies look for and find only evidence that supports preconceived notions.

Contributions from many fields within the umbrella of Classics have challenged these preconceptions. Within the arena of Greek law, evidence from the orators overwhelmingly promotes the idea that women were strictly secluded inside and exceedingly modest. But these same texts also provide evidence to the contrary—the heavy penalties exacted from male adulterers calls into critical question the “accepted notion of Athenian men as only interested in courtesans, prostitutes, and boys, and Athenian women as isolated, passive, and disinterested in sexual attachments.”<sup>39</sup> Law is not a perfect representation of a society, but it often does specifically address those areas where ideology and actual practice fail to line up.

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<sup>36</sup> “His early presentation of the *akham* as a space of structural stability that mirrors Kabyle culture built large derived in significant part from interview with Kabyles living in a very different social and architectural setting than the one described in his essay: the resettlement camps. In other words, his account was largely a post-facto reconstruction of a social institution that, given the wartime context of his field research, he could only observe in passing and about which many of his informants could only speak of in a language of loss” (Silverstein 2004: 562).

<sup>37</sup> Sourvinou-Inwood 1995.

<sup>38</sup> Cohen 1989.

<sup>39</sup> Cohen 1991a: 170.



Art historians have also addressed the question of seclusion, challenging the “facts” provided by the literary evidence. Vase paintings that were previously interpreted as depicting women working in a secluded inner chamber are now understood to be representing generalized scenes of women’s lives. Sian Lewis argues that “seclusion was an ideal, a norm, rather than a fact” and interprets the literary evidence for seclusion as meaning that “seclusion did not happen in practice, but that nevertheless it was an ideal to which all adhered and paid at least lip service.”<sup>40</sup> Her work on vase paintings shows that women led far less restricted lives than the textual evidence would suggest. Again, like law, vase paintings do not capture an exact replica of daily life—after all, as Marilyn Goldberg points out, “vases cannot be understood as photographs”<sup>41</sup>—but the range of activities which women are represented as engaging in belies the prevalence of strictly enforced seclusions.

Other approaches that have challenged the idea of Athenian women’s seclusion and subordination include surveys of women’s prominent role in public religion and ritual by Barbara Goff and Joan Connelly<sup>42</sup> and studies by Lin Foxhall and Steven Johnstone showing the degrees to which women could exercise authority over property and finances.<sup>43</sup> The more evidence that is brought to bear from different disciplines and methodologies, the more complete a picture of Athenian practice as opposed to ideology appears.<sup>44</sup>

No discipline has had as significant an impact on the question of women’s seclusion as

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<sup>40</sup> Lewis 2002: 138, 174.

<sup>41</sup> Goldberg 1999: 151.

<sup>42</sup> Goff 2004, Connelly 2007.

<sup>43</sup> Foxhall 1989, Johnstone 2003, cf. also Harrington 2016 on domestic production.

<sup>44</sup> Davidson warns against dismissing ideology completely “as a banal simple-minded cliché,” arguing that even if “it fails to represent ancient reality, it nevertheless provides important evidence for how some Greeks chose to represent their reality, an important fact in itself” (Davidson 2011: 598). Like Davidson, I am interested in the ideology of the house for what it tells modern readers about the Athenian imaginary, not actual practices.

household archaeology. The rise in interest in women and the family within Classical Studies has paralleled a refocusing within the field of Classical archaeology on the house, with both disciplines following a similar trajectory. For most of the history of Greek archaeology, especially Athenian archaeology, the overwhelming focus was on monumental architecture—temples and other public buildings.<sup>45</sup> The first types of domestic architecture to draw interest were the palatial structures found in Minoan and Mycenaean settlements excavated in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries—prior to this the only knowledge about the Greek house came from “those shadowy indications of plan and disposition found in the Homeric poems.”<sup>46</sup> Knowledge about later Greek houses was primarily derived from literary descriptions both contemporary (Athenian tragedy and rhetoric) and much later (the Augustan-era works of Vitruvius).<sup>47</sup> Early excavations used literary evidence to identify the function of spaces and objects, sometimes bending the evidence to comply with their presuppositions.<sup>48</sup> Lisa Nevett describes how early excavators would assign objects and areas within the house to preexisting categories and typologies and warns that such “identifications inevitably represent modern coinages of ancient terms and are sometimes used erroneously in order to draw conclusions about the activities carried out in particular spaces using textual evidence, but without independent confirmation of use through analysis of the archaeological context.”<sup>49</sup> In particular, the notion that all houses

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<sup>45</sup> “The use of domestic architecture and assemblages as a source in this way is a relatively recent phenomenon: in the past, the small scale and simple construction of most Archaic and Classical Greek houses meant that they received only limited attention in comparison with the contemporary public architecture” (Nevett 2005: 1).

<sup>46</sup> Rider 1964: 1. Cf. also the plan of the Homeric House based on a combination of Homeric epic and Mycenaean architecture on p. 173.

<sup>47</sup> Rider 1964: 227-238.

<sup>48</sup> Cf. Allison on 19<sup>th</sup> and early 20<sup>th</sup> century Roman archaeologists working in Pompeii, who used “textual analogy to move excavated tables and thus adjust the archaeological evidence so that it will comply with [their] labeling of the domestic objects (Allison 1999: 61).

<sup>49</sup> Nevett 1999: 25-26.

contained the separate, dedicated men's and women's quarters (*andrōn/andrōnitis* and *gynaikōnitis*, respectively) described in ancient literary sources was accepted without question as fact, and spaces were assigned as one or the other without necessarily paying attention to the artifacts found in the room and other such details. One well-known application of literary evidence to the archaeological record is Susan Walker's attempt to map out the male and female quarters in excavated houses in Athens, Attica, and Euboea. Basing her argument on descriptions of houses from the works of Lysias, Demosthenes, and Xenophon as well as a Nigerian house for comparison, she assigns the various rooms to male and female spaces: men were given access to the street, while women were "confined to cramped and dreary quarters."<sup>50</sup> Her examples, however, are extremely selective, based on the literary record and not excavated artifacts linked to male or female activities. There is no corroborating evidence that her spatial analyses are correct, and her methodology and conclusions cannot be applied to the majority of Classical Greek houses.<sup>51</sup>

More recent studies have complicated the question, starting from the archaeological record rather than the literary sources.<sup>52</sup> In the last few decades, archaeologists have focused more on understanding and organizing the material discovered in household excavations and less on confirming presuppositions based on textual evidence.<sup>53</sup> Attempts to interpret the

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<sup>50</sup> Walker 1983: 82.

<sup>51</sup> "The main difficulty [in Walker's approach] lies in the fact that instead of looking at the archaeological material itself for evidence of seclusion, the consideration of the archaeology is only secondary to a foregone assumption of seclusion" Nevett 1994: 101.

<sup>52</sup> "[It] has become apparent that conceptions drawn from literature, sometimes with dubious justification, continue to prevail in discussions of the Greek house and have been imposed upon the interpretation of the physical remains without giving the latter their due as independent evidence" (Jameson 1990b: 93). And, more recently, "instead of imposing a literary-based reading onto the material evidence, we can go a step further: the architectural spaces of the cities themselves can be used actively as a means to investigate aspects of the social lives of their inhabitants" (Nevett 2011: 577).

<sup>53</sup> Nevett 2005: 3.

archaeological record on its own terms have led archaeologists to reject some of the literary evidence, particularly the idea that there was a strict separation between women's and men's spaces.<sup>54</sup> Carla Antonaccio notes that despite “the textual evidence for restrictions placed on women in Greek (especially Athenian) society, however, and the descriptions of the built structures that enabled these restrictions, in the end, the Greek archaeological record has not illustrated the written record very neatly.”<sup>55</sup> The lack of archeological evidence supporting gendered separation suggests that the segregation of women was prescriptive rather than descriptive in Athenian society—an idealization rather than a practice. As Michael Jameson observes, “the architecture of the Greek house does not reflect the powerful social and symbolic distinctions between the two genders. Attempts to divide space along these lines are arbitrary and obscure the flexibility of use and a broader unity.”<sup>56</sup> The messiness of real life coexists with and exposes the impossibly strict regimen of ideology.

The literary evidence for Athenian houses bears little resemblance to the few small and irregular shaped houses that have been excavated in Athens.<sup>57</sup> The city of Olynthus, excavated in the early twentieth century, more closely resembles the model of houses found in ancient literature: it was settled in 432 and built on a Hippodamean grid with each house having a similar, modular shape, and it was destroyed in 348 with no significant settlements on the site after its destruction, with the result that excavation was relatively uncomplicated.<sup>58</sup> The Classical houses in Athens are, first of all, much more difficult to excavate since the city was built and

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<sup>54</sup> “Reconstructions of domestic life based solely on literary and architectural evidence, and neglecting the often mundane and confusing evidence of household artifacts, leads to oversimplified and misleading conclusions” (Cahill 2002: 193).

<sup>55</sup> Antonaccio 2000: 518.

<sup>56</sup> Jameson 1990b: 104.

<sup>57</sup> Graham 1974: 46-50.

<sup>58</sup> Cahill 2002: 48-52. I discuss the excavation of Olynthus further in Chapter 4.

rebuilt throughout the centuries both in antiquity and throughout the Byzantine, Ottoman, and modern eras. Moreover, these houses have different numbers of rooms, and, although most of them have a centrally located courtyard, only a few show signs of having a dedicated *andrōn* and it is difficult to clearly recognize spaces where women could be kept secluded.<sup>59</sup>

One way to try to identify such spaces is to look for signs of women's work, for example loom weights or materials for food preparation. Loom weights were found in some of the Athenian houses, but excavators did not always keep precise notes on these kinds of artifacts, "whose worth was not considered important."<sup>60</sup> Even where the find spot can be identified, there is no evidence for a dedicated space for a *gynaikōnitis* that is isolated from more public parts of the house. The layout of these Athenian houses implies "a certain flexibility of the Athenians in their assignment of function to space."<sup>61</sup> Nevett confirms the need for the flexible use of space, noting that most households would not be able to afford to cordon off specific areas for the use of men and women.<sup>62</sup> She suggests that "relationships in such households were not subject to the same kind of regulation of social contact suggested above in the context of the larger houses, and that all household members were compelled to move around more freely in order to assist household production."<sup>63</sup> Archaeological evidence, alongside the other arguments cited above, calls into question the literary ideal that women were secluded within the house.

Bringing together the literary and archaeological bodies of evidence points to a slippage

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<sup>59</sup> Tsakirgis 1999: 69.

<sup>60</sup> Goldberg 1999: 149.

<sup>61</sup> Tsakirgis 1999: 79.

<sup>62</sup> The evidence from the orators is limited to those households wealthy enough to afford to hire a logographer; such households could perhaps afford assigning dedicated space to the restriction of women, but I do not believe "that they could" is sufficient evidence that they did in fact do so; the orators' thematic and symbolic deployment of house *topoi* strongly suggests that they are drawing on idealized practice rather than reality.

<sup>63</sup> Nevett 1995: 374.

between ideal practice and everyday life. Scholars again and again attribute this gap to ideology, as the examples cited above demonstrate. As I stated above, ideology is bi-directional. I have discussed the influence of orientalism and the debate surrounding women's liberation in the 19<sup>th</sup> century discourse concerning the Athenian woman, a discourse which still has an influence on modern understanding of the ancient world. Most scholars are now aware of the preconceived notions driving many earlier studies and take caution in guarding against their own biases.<sup>64</sup>

This leaves Athenian ideology, which, according to Strauss, emphasizes “collective consciousness” and “the power of democracy as a system of government and a way of life,” identifying the *oikos* as one “of the most important sources of symbolic power in Athens.”<sup>65</sup> The concept of the ideology of the *oikos* operates at two levels.<sup>66</sup> The first, internal, level consists of idealized notions about domestic practices such as gendered separation of space, appropriate degrees of affection between family members, and the perpetuation of the *oikos* through inheritance. We see this in poetry and drama, in fourth century philosophy, and, overwhelmingly, in the law courts. Ideology is a story the *oikos* tells itself, that everything is in order; outsiders are only exposed to the internal ideology when the order falls apart, when women and men fail to enact their prescribed social roles, when enmity arises between family members when inheritances are disputed.

This internal ideology becomes external when a struggle within the household is brought before the court. The Athenian law courts played a significant role in maintaining Athenian

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<sup>64</sup> It is, of course, impossible to have a completely unbiased or objective interpretation; part of trying to move away from bias is, paradoxically, the understanding that to do so entirely is impossible (Goldmann 1994: 71-73).

<sup>65</sup> Strauss 1993: 33.

<sup>66</sup> I am borrowing the phrase “ideology of the *oikos*” from Humphreys: “an important consequence of this intersection of *polis* and *oikos* in the legal sphere was that the law courts of the city became a theatre for the expression of what may perhaps be called the ideology of the *oikos*: idealising statements about the nature and foundations of the *oikos* and the norms of behaviour within the household and between members of closely related households” (Humphreys 1983: 5).

public ideology.<sup>67</sup> The speakers addressed a jury drawn from a pool of male citizens, thirty years or older and not in debt to the state, who represented the citizen body as a collective: speakers often refer to decisions made by other juries, or past actions on the part of Athens, as done by “you,” not some other, separate, body.<sup>68</sup> Thus the decision of the jury was made as though by the entire collective citizen body, the *demos*.<sup>69</sup> Speakers before the jury frequently appealed to the communal experiences and perspective of the group, the equality before the law promised by Athenian democracy. As Victoria Wohl observes, “a forensic speaker’s attempt to solicit the jurors’ identification appeals to the fundamental logical structure of Athenian democracy: through that identification, the speaker becomes a metonymic embodiment of the *demos* and the polis.”<sup>70</sup> As representatives of the *demos*, the people of Athens, the speaker and the jury are not only required to uphold laws and decrees and punish those who transgress them, they also process public opinion and social norms—both public and private.<sup>71</sup> The laws, as in the passage

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<sup>67</sup> “Modern commentators have not failed to appreciate both the practical and ideological importance of the Athenian jury to the character and stability of Athenian democracy; in recent years careful (and sociologically informed) reading of the rhetoric of the Athenian courtroom has illuminated the courts as the focal point of the expression of democratic civic ideology” (Patterson 2000: 93). Cf. also Ober 1989a, Cohen 1991a and 1995, Foxhall and Lewis 1996.

<sup>68</sup> “When a speaker addressed the Assembly or the court, his audience represented the interests of the Athenian people. In each instance, a mass audience, broadly representative of the social composition of the *demos* at large, served as his judge” (Ober 1989a: 147).

<sup>69</sup> Ober describes the relationship between the *demos* and the jury as one of “synecdoche,” in which “each of the various institutional ‘parts’ of the citizen body (*ἐκκλησία, δικαστήρια, νομοθέται, βουλή*) could stand for and refer to the whole citizen body” (Ober 1989b: 330-331).

<sup>70</sup> Wohl 2010b: 182.

<sup>71</sup> Public opinion: “Athenians serving on juries were not merely passive observers of the construction of social ideals in the courts but active participants in the process. Every verdict issued was, among other things, a verdict on the competing visions of continuity that litigants offered. In this way Athens’s courts provided a venue not only for the adjudication of individual disputes but also for the articulation and confirmation of collective ideals” (Christ 1998b: 190-191). Public social norms: “the courts provided an arena for the parties to publicly define, contest, and evaluate their social relations to one another and the hierarchies of their society” (Lanni 2006: 112). Private social norms: “The courts played a disciplinary role, providing incentives for Athenians to comply with sexual and other norms of private conduct. But the fact that these norms were not expressed in statutes and were not the formal basis for lawsuits permitted the Athenians to maintain the fiction, central to their democratic ideology, that they enjoyed freedom in their private lives” (Lanni 2009: 728). Lack of distinction between public and private: “The Athenians,

with which this introduction opened, were the *kosmos*, the order, of the *polis*, but what this meant in practice was that “the laws functioned in forensic oratory not just as a series of specific regulations but as a broader regulatory ideal.”<sup>72</sup> In terms of the ideology of the *oikos*, while the legal reach of the judicial body was limited, their capacity for enforcing norms extended beyond the law, permeating the private world of the house.<sup>73</sup>

The extrapolation from the *oikos* to *polis* in the courts is the second level at which the ideology of the *oikos* functions. The court cases in which the *oikos* was opened up to the *polis* can concern inheritance, neglect of dependents, adultery, or murder. In the courtroom, the responsibility for the proper functioning of the *oikos* is handed off to the citizen jury, with the implication that order within the *oikos* has important ramifications for the *polis* at large.<sup>74</sup> As both Aristotle and modern theorists posit, the *oikos* is the basic atomic unit of the *polis*.<sup>75</sup> It is a microcosm, an essential part reflecting the whole of society.<sup>76</sup> Cases that focus on relationships within the *oikos* often reflect the socio-political values of the *polis*: the “public ideology of family and household” is also “the ideology of citizenship as ‘family membership’ in the

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who had no notion of modern jurisprudence, entertained such pleas in court on the view that a litigant's social standing, character, and family background could well affect communal welfare, which it was the court's duty to protect. In an Athenian trial it was impossible to separate law, politics, ideology, and the litigants' style and personality. All were on trial simultaneously” (Yunis 2005b: 194).

<sup>72</sup> Wohl 2010b: 27.

<sup>73</sup> “In some cases the lack of legislation to check anomalous behaviour was no doubt because public opinion was in itself a sufficient check to undesirable behaviour” (Roy 1999: 8).

<sup>74</sup> “Plaintiffs involved in private actions sometimes tried to represent the entire *polis* as a direct fellow victim of the defendant's illegal actions, rather than presenting their case as a matter that affected only the two opposing parties” (Rubinstein 2007: 364).

<sup>75</sup> “The unit or atom of the *polis* in the sense of town is the house, ἡ οἰκία or ὁ οἶκος” (Hansen 1997: 12). Aristotle *Politics* 1253b: *πᾶσα γὰρ σύγκειται πόλις ἐξ οἰκιῶν*. Drawing on Aristotle, Sissa articulates the commonly accepted idea that “the *oikia* was truly the basic building block of the political community” (Sissa 1996: 196).

<sup>76</sup> Patterson 1998: 145, 157.



extended ‘family of families’ that is classical Athens.”<sup>77</sup> Orators often gesture to the impact that the jury’s decision will have on the community in the future—they “operate under the assumption that members of the community will adapt their behaviour in response to court verdicts.”<sup>78</sup> Each trial is yet another opportunity for the jury as representatives of the *polis* to bring it to greatness or to ruin.

The fact that the business of the *oikos* plays such a significant role in public discourse belies the public/private divide essential to the ideology of the *oikos*.<sup>79</sup> Aristotle, in his taxonomy of the forms of rhetoric, claims that the public does not care about the quotidian functioning of family life with which forensic rhetoric is concerned (*Rhetoric* 1354b-1355a):

ἥττον ἐστὶ κακοῦργον ἢ δημηγορία δικολογίας, ὅτι κοινότερον. ἐνταῦθα μὲν γὰρ ὁ κριτῆς περὶ οἰκείων κρίνει, ὥστ’ οὐδὲν ἄλλο δεῖ πλὴν ἀποδείξαι ὅτι οὕτως ἔχει ὥς φησιν ὁ συμβουλεύων· ἐν δὲ τοῖς δικανικοῖς οὐχ ἰκανὸν τοῦτο, ἀλλὰ πρὸ ἔργου ἐστὶν ἀναλαβεῖν τὸν ἀκροατὴν· περὶ ἀλλοτριῶν γὰρ ἢ κρίσις, ὥστε πρὸς τὸ αὐτῶν σκοπούμενοι καὶ πρὸς χάριν ἀκροώμενοι διδῶσι τοῖς ἀμφισβητοῦσιν, ἀλλ’ οὐ κρίνουσιν.

There is less trickery in deliberative speaking than forensic, because deliberative rhetoric is of greater common interest. For in the case of deliberative speaking, the judge makes a decision about things that affect himself, so all the advisor has to do is prove that things are as he says they are. But in forensic speeches, this is not sufficient. It is necessary to grab hold of the listener, because the decision is about other people’s business. Since the members of the jury look only to their own interests and listen only to please, they give in to the disputants but do not make judgments.

According to Aristotle, the jury in a forensic case is only there to be entertained, and so the truth matters less than attractive rhetoric. He claims that only deliberative rhetoric appeals to the interests of each audience member, reaching them where they live (*περὶ οἰκείων*), and that

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<sup>77</sup> Patterson 1994: 199

<sup>78</sup> Lanni 2004: 166.

<sup>79</sup> “While the Athenians had an ideology of freedom in private affairs and Athenian law did not directly regulate matters that did not affect the community, in practice public legal institutions played an important disciplinary role with respect to ‘private’ conduct” (Lanni 2015: 50-551).

forensic rhetoric, since it is concerned with other people's business (περὶ ἀλλοτρίων), is of no personal interest to the jury. I argue that forensic orators' use of the home feeling contradicts this distinction: the decision of the jury affects the entire demos, since each decision influences the norms and patterns of society. As true as it may be that, for the members of the jury, the forensic case is about other people's business, every member of the jury belonged to an *oikos*, and the orators made it their duty to make other people's business of personal interest to the jury by appealing to a sense of community, to a *polis* built up of *oikoi*.<sup>80</sup>

So what is it, exactly, that the speakers appeal to, that the jury responds to, when introducing the topics of house and family? I argue that the efficacy of this rhetorical strategy results from an evocation of what I have been calling the home feeling. In this formulation, I am drawing from a field of study concerned with the home environment which brings together evidence from across cultures to isolate the concept of "home." The foundational text for these analyses is Gaston Bachelard's *The Poetics of Space*, which explores the phenomenological experience of domestic space. For Bachelard, the house is the place of daydreams and memories, the physical embodiment of the "intimacy of the past."<sup>81</sup> Scholars discussing the home environment have identified the concept "home" as constituting an "affective core" containing feelings of security, control, and relaxation.<sup>82</sup> The home environment "is one thoroughly imbued with the familiarity of past experience. It is the environment we inhabit day after day until it becomes taken for granted and is unselfconscious... at home we can relax within the stability of

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<sup>80</sup> "[T]he jurors are often asked to consider the effect of the verdict on themselves, their families, and the city before casting their vote. The trial is thus placed firmly in the lives of jurors and community at large" (Carey 1994a: 176).

<sup>81</sup> Bachelard 1994: 48.

<sup>82</sup> Rapaport 1995: 27.

routine behavior and experience.”<sup>83</sup> The emotional connection representing the concept of home occurs even in cultures, like classical Athens, where there is not a unique word for home separate from the word for house.<sup>84</sup> Home, often formulated as “house plus x,” brings together the physical dwelling in which you live, the people with whom you live, and an affective directionality evoked by the concepts of “homecoming” and “homesickness.”<sup>85</sup> Home exists in time as well as space: “Individuals develop identities and regulate privacy in homes; families establish, grow, bond themselves to a unit in homes and often bond themselves to the larger society through their homes. Thus homes are the repository of central and essential psychological and cultural processes.”<sup>86</sup> In my dissertation, I draw on such studies to argue that the orators appealed to the home feeling felt by each member of the jury as a way in which to take advantage of the conception of the *polis* as a collection of *oikoi*. The sense of connection to a space, the house, which simultaneously evoked the family due to the shared etymology between the *oikos* and the *oikia*, had a powerful effect on the community of the jury. The house was at the center of the identity, the foundation of all the order on which the *polis* prided itself.<sup>87</sup>

In her discussion of the role of the emotional aspect of home in modern law, Lorna Fox points out that, in the courtroom, the “danger of describing home as associated with affection or love, is that this style of argument is unlikely to resonate.”<sup>88</sup> In Athenian law, there was no such

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<sup>83</sup> Dovey 1985: 37.

<sup>84</sup> “In the case of some recent studies of a number of other cultures, *home* is not used, yet all the relevant relationships of people with their cultural landscapes and dwellings as systems of settings, such as affect and attachment, privacy, control, meaning, and preference are studied; *home* is clearly not needed” (Rapaport 1995: 32)

<sup>85</sup> Hollander 1993: 33.

<sup>86</sup> Altman and Werner 1985: xix.

<sup>87</sup> “Pour l’homme grec, *l’oikos* était une garantie de stabilité, c’était l’ordre dans lequel avaient lieu et se déroulaient les actes fondamentaux de la vie” (Liiceaneu 106).

<sup>88</sup> Fox 2002: 589.

impediment: the evocation of emotion, identified by Aristotle as “making your listener feel a certain way,” was a legitimate rhetorical strategy.<sup>89</sup> I argue that the orators engaged specifically with the home feeling as a strategy of persuasion, a rhetorical *topos*.<sup>90</sup> As the discussion below demonstrates, the orators use houses in a variety of ways to forge an emotional connection with the jury. The examples included in this introduction are isolated passages intended to identify a number of different *topoi*; the chapters that follow examine how house *topoi* and the home feeling interact with other elements within the speeches. These examples, which come from speeches that I do not extensively analyze in my chapters, sketch out in brief the ways in which the orators engage with the language of the house. House *topoi* are, for the most part, the subject of my dissertation, and so I provide only a partial taxonomy here. These techniques can be used as evidence, to characterize, or to develop a theme within a speech.

The first house *topos* discussed here is the notion that spending time at another person’s house constitutes proof of friendly intimacy. The *choregos* who delivered Antiphon 6, *On the Choreutes* was accused of poisoning a young dancer under his care.<sup>91</sup> He argues that the accusation was intended to impede a court case he was engaged in prosecuting before the boy’s death and that the defendants in this earlier case contacted the dancer’s brother, Philokrates, and compelled him to initiate a charge against the *choregos* in order to get the prior case dismissed.<sup>92</sup>

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<sup>89</sup> Aristotle *Rhetoric* 1356a: τῶν δὲ διὰ τοῦ λόγου ποριζομένων πίστεων τρία εἶδη ἔστιν: αἱ μὲν γὰρ εἰσιν ἐν τῷ ἡθελί τοῦ λέγοντος, αἱ δὲ ἐν τῷ τὸν ἀκροατὴν διαθεῖναι πως, αἱ δὲ ἐν αὐτῷ τῷ λόγῳ διὰ τοῦ δεικνύναι ἢ φαίνεσθαι δεικνύναι. Cf. Carey 1994b, Johnstone 1999, Lanni 2005, Konstan 2010.

<sup>90</sup> “Rhetorical *topoi* were repeated by different orators over time; they were therefore familiar but certainly not empty of content. Indeed, *topoi* were reiterated precisely because of their symbolic value and demonstrated power to influence an audience” (Ober 1989a: 44)

<sup>91</sup> Gagarin 1997 provides commentary and background on this speech.

<sup>92</sup> A note on transliterations: I have latinized only the names of authors and fictional characters as they appear in the *Oxford Classical Dictionary*. The names of the private citizens who make up the cast of these speeches are directly transliterated since they do not generally have an established latinized identity in the Classical tradition. For those,

When this initial charge was rejected, Philokrates formally reconciled with the *choregos* and afterward they spent time with each other all over town, including in one another's homes.<sup>93</sup> The speaker uses the intimacy of spending time in one another's houses as evidence that the accusation was false. He remarks that the Council was surprised to see Philokrates' change of heart.<sup>94</sup> Their shared intimacy, known to all, becomes proof that the charge is invalid.

Another example of this topos is found at Demosthenes 21, *Against Meidias*.<sup>95</sup> In this speech, Demosthenes describes Meidias' erratic behavior concerning Aristarchos, a young friend (and, according to Aeschines, lover) of Demosthenes. Meidias accused Aristarchos of the murder before the Council. However, as Demosthenes reveals, during the same time that Meidias was accusing Aristarchos, the two men were spending time together at Aristarchos' house. He had come from Aristarchos' house the day before he addressed the Council, talked with him and spent time under the same roof,<sup>96</sup> and even after making his accusations went to his house and clasped hands with many people present.<sup>97</sup> Demosthenes accuses Meidias of either impiety or lying for accusing Aristarchos of murder and then, he repeats, spending time under the same roof with him.<sup>98</sup> As the example from Antiphon also demonstrates, being under the same roof with a

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such as Kallias, who *are* better known by a latinized name, I have nonetheless stood by my practice for the sake of consistency, insofar as this practice can be considered consistent.

<sup>93</sup> §39: ἐν τῇ ἐμῇ οἰκίᾳ, ἐν τῇ σφετέρῳ αὐτῶν

<sup>94</sup> §40: δεινὸν δόξαι εἶναι τῇ βουλήν

<sup>95</sup> MacDowell 1990 provides commentary and background on this speech.

<sup>96</sup> "Becoming ὁμωρόφιος, or sharing a roof, was a symbol of friendship" (MacDowell 1963: 145).

<sup>97</sup> §117: ἐξεληλυθὼς τῇ προτεραίᾳ παρ' Ἀριστάρχου, §118: λαλῶν μὲν καὶ ὁμωρόφιος γιγνόμενος, §119: εἰσελθὼν οἴκαδ' ὡς ἐκείνον καὶ ἐφεξῆς οὕτως καθεζόμενος, τὴν δεξιὰν ἐμβαλὼν, παρόντων πολλῶν

<sup>98</sup> §120: φόνον μὲν ὀνειδίσειν, τοῦτω δ' ὁμωρόφιον γίγνεσθαι.

murderer was believed to spread pollution.<sup>99</sup>

If inviting another man into your house is a sign of intimate friendship, having the wrong woman inside your house signifies scandal and shame. The speech in which this *topos* is most frequently employed is Apollodorus' *Against Neaira* ([Demosthenes] 59).<sup>100</sup> Apollodorus depicts Neaira, over the course of her career, as being passed from house to house, bringing disgrace with her from Corinth to Athens and Megara. Neaira's peregrinations began during her upbringing as a prostitute in Corinth. When Lysias (the orator) brought Neaira and her companion Nikarete to Athens to be initiated into the Eleusinian Mysteries, Apollodorus notes that Lysias did not allow them to stay at his house, out of respect for his wife and mother.<sup>101</sup> Instead, he installed the prostitutes at the house of Philostratos, an unmarried friend. The character Lysias' awareness of the generic convention of letting the wrong women into your house lends him the appropriate shame (*αἰσχυνόμενος*) to help him avoid becoming involved in a scandalous situation.

This early incident sets the stage for Apollodorus' creation of Neaira as a bane to the house. Neaira moved to Athens, where her new owner mistreated her, and so she appropriated his household goods<sup>102</sup> and fled to Megara. There, she was unable to support her lavish lifestyle

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<sup>99</sup> Phillips 2008: 63. Other examples of this *topos* can be found at Lysias 12.14, which I discuss in Chapter 3, and Isaeus 8.24 (Diokles would not have let the speaker into the house for Kiron's funeral if he did not know him to be family (καίτοι εἰ μὴ ἦν θυγατρίδου Κίρωνος, οὐκ ἂν ταῦτα διωμολογεῖτο, ἀλλ' ἐκείνους ἂν τοὺς λόγους ἔλεγε "σὺ δὲ τίς εἶ; σοὶ δὲ τί προσήκει θάπτειν; οὐ γινώσκω σε: οὐ μὴ εἴσει εἰς τὴν οἰκίαν")).

<sup>100</sup> Carey 1992 and Kapparis 1999 provide background and commentary for this speech, Hamel 2003 discusses the life of Neaira, Glazebrook 2005 and 2006 looks at the characterization of Neaira in the context of prostitution in the ancient world, and Gilhuly 2009 focuses on the exchange of women and hierarchies of womanhood in this speech.

<sup>101</sup> §22: ὁ Λυσίας εἰς μὲν τὴν αὐτοῦ οἰκίαν οὐκ εἰσάγει, αἰσχυνόμενος τὴν τε γυναῖκα ἣν εἶχε, Βραχύλλου μὲν θυγατέρα, ἀδελφιδὴν δὲ αὐτοῦ, καὶ τὴν μητέρα τὴν αὐτοῦ πρεσβυτέραν τε οὖσαν καὶ ἐν τῷ αὐτῷ διαιωμένην.

<sup>102</sup> §35: συσκευασαμένη αὐτοῦ τὰ ἐκ τῆς οἰκίας

with prostitution<sup>103</sup> and so she turned to Stephanos, Apollodorus’ opponent. Stephanos promised to make her his legal wife and raise her children as citizens; he moved her into a little house (§39: εἰς τὸ οἰκίδιον) in Athens and used her earnings to support the household (§39: θροέψουσαν τὴν οἰκίαν), since his only other income was sycophancy. While she lived with Stephanos, they developed a scheme whereby Neaira would continue to ply her trade while pretending to be a married woman living with her husband.<sup>104</sup> If Stephanos deemed a client rich and stupid enough, he would interrupt their session and charge the man with adultery. As a result of this plot, and Stephanos’ general character, Apollodorus describes Stephanos as “feeling no shame for the crimes (οὐδ’ ...αἰσχυνόμενος) he’s committed.”<sup>105</sup> Even when Neaira was purporting to live respectably, Stephanos (according to Apollodorus) exploits her essential nature as a woman who brings shame to the house for his own purposes.<sup>106</sup>

The third house *topos*, the sheltered woman disturbed, is often used as evidence for the seclusion of proper Athenian women. Several examples of this trope are found at Lysias 3, *Against Simon*.<sup>107</sup> The speaker, accused by Simon of intentional wounding, turns the charge

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<sup>103</sup> §36: ἡ ἀπὸ τοῦ σώματος ἐργασία οὐκ ἰκανὴν εὐπορίαν παρεῖχεν ὥστε διοικεῖν τὴν οἰκίαν

<sup>104</sup> §41: ὡς ἐπὶ προσηήματος ἤδη τινὸς οὐσα καὶ ἀνδρὶ συνοικοῦσα

<sup>105</sup> §44: οὐδ’ ὑπὲρ τῶν ἡμαρτημένων αὐτῷ αἰσχυνόμενος

<sup>106</sup> Other examples of the *topos* can be found at Andocides 4.14-15, 29 (Alcibiades commits *hybris* against his wife by bringing *hetairai* into his house, and so she tries to divorce him (οὕτως ὑβριστῆς ἦν, ἐπεισάγων εἰς τὴν αὐτὴν οἰκίαν ἑταίρας, καὶ δούλας καὶ ἐλευθέρους, ὥστ’ ἠνάγκασε τὴν γυναῖκα σωφρονεστάτην οὐσαν ἀπολιπεῖν, ἐλθοῦσαν πρὸς τὸν ἄρχοντα κατὰ τὸν νόμον)) and, with the gender lines blurred, on several occasions in Aeschines 1 “Against Timarchos” (on which cf. Fisher 2001): Aeschines describes how Timarchos was defiled and unashamed to move from his father’s house (§42: οὐκ ἠσχύνθη ὁ μαρδὸς οὗτος ἐκλιπῶν μὲν τὴν πατρῶαν οἰκίαν) into the house of the older man Misgolas. Timarchos then passed from house to house (§52: ἀλλὰ καὶ παρ’ ἐτέρῳ καὶ πάλιν παρ’ ἄλλῳ, καὶ παρὰ τούτου ὡς ἕτερον ἐληλυθότα), from Misgolas to Antikles to Pittalakos to Hegesandros. Timarchos was not at all ashamed of his actions at the houses of these men, but Aeschines says he would rather die than put his misconduct in words (§55: οὗτος ἔργῳ πράττων οὐκ ἠσχύνετο, ταῦτ’ ἐγὼ λόγῳ μόνον σαφῶς ἐν ὑμῖν εἰπὼν οὐκ ἂν ἐδεξάμην ζῆν). Part of Aeschines’ characterization of Timarchos is to feminize him by linking him with shameful behavior in houses, typically associated with bad women.

<sup>107</sup> Carey 1990 and Todd 2007a provide background and commentary for this speech.

around and insists that Simon was the instigator of the violence because they were fighting over the affections of the same young man. He describes the extent of Simon's brutality while he was in pursuit of the boy (§6):

πυθόμενος γὰρ ὅτι τὸ μειράκιον ἦν παρ' ἐμοί, ἐλθὼν ἐπὶ τὴν οἰκίαν τὴν ἐμὴν νύκτωρ μεθύων, ἐκκόψας τὰς θύρας εἰσήλθεν εἰς τὴν γυναικωνίτιν, ἔνδον οὐσῶν τῆς τε ἀδελφῆς τῆς ἐμῆς καὶ τῶν ἀδελφιδῶν, αἱ οὕτω κοσμίως βεβιώκασιν ὥστε καὶ ὑπὸ τῶν οἰκείων ὀρώμεναι αἰσχύνεσθαι.

When he found out that the boy was at my house, he came to my house in the middle of the night, drunk, broke down the doors, and came into the women's room. Inside were my sister and nieces, who had lived so obediently that they were ashamed to be seen even by members of the family.

With this passage, the speaker characterizes his own household as modest and obedient (κοσμίως), in contrast to Simon's erratic and inappropriate behavior. His insistence is emphasized by the repetition of verbs of motion (ἐλθὼν, εἰσήλθεν) as he penetrates into private, forbidden spaces. Although the women's modesty is probably exaggerated, since it is unlikely that women were not supposed to be seen by family members (ὑπὸ τῶν οἰκείων),<sup>108</sup> the extremity of their sense of shame makes Simon's actions appear all the worse. The speaker comes back to the incident again and again: at one point he uses Simon's drunken violence against free women to prove him a liar.<sup>109</sup> At another, he denies that he attacked Simon at his house because that would have too closely resembled Simon's forced entry and lack of respect for his female kin.<sup>110</sup> And in his closing arguments, Simon's violent entry is the speaker's first item proving his opponent's guilt.<sup>111</sup> With the repetition of this scene, emphasizing the violence of Simon's penetration into the feminized domestic space, the speaker draws on the jury

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<sup>108</sup> Todd 2007a: 314.

<sup>109</sup> §§23-24: τὰς θύρας ἐκβάλλον καὶ νύκτωρ εἰσιὼν ἐπὶ γυναικας ἐλευθέρας. ἃ χρηὴ μάλιστα, ὡ βουλή, τεκμήρια νομίζεῖν ὅτι ψεύδεται πρὸς ὑμᾶς.

<sup>110</sup> §29: ὅς καὶ ἐπὶ τὴν ἐμὴν οἰκίαν φοιτῶν εἰσήει βία, καὶ οὔτε τῆς ἀδελφῆς οὔτε τῶν ἀδελφιδῶν φροντίσας.

<sup>111</sup> §46: οὗτοι εἰσιν οἱ βία εἰς τὴν ἡμετέραν οἰκίαν εἰσιόντες



members' feelings about their own homes and families. The women of the family represent, for the speaker and his audience, the most vulnerable of his possessions; socially migratory, easily made off with. Simon's forced entry into the home of the speaker of Lysias 3 reminds the jury members of the violability of the women in their own families, of how easily they could be socially scarred by being exposed to a violent stranger.<sup>112</sup>

The *topos* of the sheltered woman is a particularly useful one since, due to the close cultural association between women and the *oikia*, it often overlaps with *topos* of the house and property threatened by hostile man. Diametrically opposed to the friendly man in the house *topos* described above, this one involves the violation of personal space and possessions by a hostile party. This can happen in a legal context, as, again, in Demosthenes 21, *Against Meidias*.<sup>113</sup> This case resulted from an act of personal violence in public space—Meidias punched Demosthenes in the Theater of Dionysus while the latter was carrying out his civic duties as *choregos*—but Demosthenes uses a scene of personal violence in private space as evidence of his opponent's vicious nature. When Demosthenes was young and vulnerable, Meidias and his brother Thrasylochos challenged him to an *antidosis* in order to prevent him from prosecuting his guardians. *Antidosis* was a legal procedure by which a wealthy man who was supposed to pay for a liturgy could challenge another citizen to either undertake the liturgy himself or agree to exchange estates; the challenger would then use his new estate to pay for the liturgy.<sup>114</sup> It was generally not accompanied by violence, so the behavior of Meidias and Thrasylochos was

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<sup>112</sup> Another example of this trope can be found at Demosthenes 37.45-46 (Nikoboulos claims that Pantainetos falsely accused Euergos of coming into his country house and entering the presence of his mother and daughters) as well as the two discussed below.

<sup>113</sup> In addition to MacDowell's commentary (cited above, n. 95), this passage is discussed by Wilson (1992: 172), Christ (1998a: 534 ff.), and MacDowell (2009: 38-39).

<sup>114</sup> On the process of *antidosis*: MacDowell 1978: 162-164, Gabrielson 1987, Christ 1998a.

particularly shocking (§79):

καὶ πρῶτον μὲν κατέσχισαν τὰς θύρας τῶν οἰκημάτων, ὡς αὐτῶν ἤδη γιγνομένας κατὰ τὴν ἀντίδοσιν· εἶτα τῆς ἀδελφῆς ἔτ' ἔνδον οὔσης τότε καὶ παιδὸς οὔσης κόρης ἐναντίον ἐφθέγγοντ' αἰσχροῖα καὶ τοιαῦτα, οἳ ἂν ἄνθρωποι τοιοῦτοι φθέγγαιντο (οὐ γὰρ ἔγωγε προαχθείην ἂν εἰπεῖν πρὸς ὑμᾶς τῶν τότε ῥηθέντων οὐδέν), καὶ τὴν μητέρα κάμει καὶ πάντας ἡμᾶς ῥητὰ κάρρητα κακὰ ἐξεῖπον.

First, he burst open the doors of my house, as though the *antidosis* had already made them his. And then, in the presence of my sister, who was living at home at the time since she was a young girl, he spoke the kind of filthy language that such men speak (I could not be compelled to speak in your presence a single word of what he said), and he addressed my mother and myself and all of us with evil words both speakable and unspeakable.

The violent entrance and acquisitiveness of Meidias and his brother is emphasized by his profanities in the presence of Demosthenes' young sister and mother. As in Lysias 3, the violent entry of an outsider into the private domestic space, the violation of the vulnerable women of the house, triggers a sympathetic reaction on the part of the jury, even in the legal context of the *antidosis*. Meidias' presence threatens both the chastity of the house's women and—literally—the property itself, since he comes with the challenge of property exchange.<sup>115</sup>

Another common category of cases offering logographers the opportunity to overlap the *topoi* of (a) the sheltered woman disturbed and (b) the house and property threatened are those concerning distraining and/or ejectment.<sup>116</sup> Distraining occurred when someone claiming that another person owed money or property either to himself or to the city went to the house of the debtor to collect the money or property. If the debtor refused to let the distrainer in his house, the latter could file a *dikē exoulēs*, a suit for ejectment that would make the distrainer the legal owner of the property in question. If the court granted the *dikē exoulēs*, the distrainer was legally

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<sup>115</sup> Other examples of *antidosis* proceedings can be found at Demosthenes 4.36, 20.40 and 130, 28.17 (discussed in Chapter 3), 42.5-19, Lysias 3.20, 4.1-3, and 24.9, [Aristotle] *Ath. Pol.* 56.3 and 61.1, and Xenophon *Oeconomicus* 7.3.

<sup>116</sup> These procedures are discussed at Harrison 1968.1: 217-220, MacDowell 1978: 153-154, Hunter 1994: 123-124 and 141-142, and Christ 1998a: 531-542.

sanctioned to enter and remove his property from the debtor's house. During this process, the distrainer "could act forcefully with relative impunity," and the debtor could not legally retaliate, although he could complain about the invader's "indecorous behavior" in court on unrelated matters.<sup>117</sup>

The sheltered woman and house invaded by hostile man *topoi* come together in a case involving private citizens obtaining possessions from one another's houses, Demosthenes 47, *Against Euergos and Mnesiboulos*.<sup>118</sup> The courts granted the speaker the right to collect some nautical equipment from Theophemos' house, but when Theophemos refused, the two got into a physical altercation. Both the speaker and Theophemos filed suits against one another for assault, and Theophemos contrived to have his heard first. The speaker was then convicted of assault and the jury imposed a large fine to be paid to Theophemos in addition to the court fees. Rather than accept the money from the bank, Theophemos and his helpers Euergos and Mnesiboulos went to the speaker's house to collect the debt in property (§53):

ἐλθόντες πρὸς τὴν οἰκίαν καὶ ἐκβαλόντες τὴν θύραν τὴν εἰς τὸν κήπον  
φέρουσαν... εἰσελθόντες ἐπὶ τὴν γυναῖκά μου καὶ τὰ παιδιά ἐξεφορήσαντο  
ὅσα ἔτι ὑπόλοιπά μοι ἦν σκεύη ἐν τῇ οἰκίᾳ.

Coming to my house and throwing open the door leading into the garden..., they came into the presence of my wife and children and carried off all the furniture that was left in my house.

The violent, penetrative behavior of Theophemos and his companions is contrasted with the speaker's own actions when he had earlier tried to collect the equipment from Theophemos' house (§33):

εἰς δὲ τὴν οἰκίαν εἰσῆειν, ἵνα ἐνέχυρόν τι λάβοιμι τῶν σκευῶν· ἔτυχε γὰρ ἡ  
θύρα ἀνεωγμένη, ὡς ἦλθεν ὁ Θεόφημος, καὶ ἔτι ἔμελλεν εἰσιέναι· καὶ

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<sup>117</sup> Christ 1998a: 533.

<sup>118</sup> Background and discussion of this case are found at Gould 1980: 47, Trevett 1992: 50-76, Usher 1999: 263-264, MacDowell 2009: 136-141, and Scafuro 2011: 290-328. Christ 1998a: 536-541 and Phillips 2008: 110-131 offer more detailed analysis of the legal issues involved.

ἐπεπύσμην αὐτὸν ὅτι οὐκ εἶη γεγαμηκός.

I went into his house to take some kind of security for the equipment—for it happened that the door was open, since Theophemos had arrived and had not yet gone in. And I had ascertained that he was not married.

The speaker's forbearance in contrast to Theophemos' violent invasion shows the skill with which the logographer engaged with the house *topoi* of the sheltered woman and the house and property threatened. The jury will recognize that Theophemos represents a threat to the sanctity of domestic space and will, he hopes, vote in favor of the speaker, who attempted to collect the equipment owed to him respectfully and without disturbing any women.<sup>119</sup>

Reversing directionality, the fifth house *topos* involves a person being forcibly expelled from a house where they would expect to be welcome. One such example is found at Demosthenes 25, *Against Aristogeiton*.<sup>120</sup> As part of his extended character assassination of the defendant, Demosthenes includes an anecdote about how, after Aristogeiton broke out of jail, he stayed for a time with a woman named Zobia, a metic, who hid him while the Eleven were looking for him and provided him with food and clothing for his escape to Megara. Some time later, she confronted him about his arrogant behavior and asked to be repaid for her service to him (§57):

ταύτην τὴν ἄνθρωπον, τὴν τοιαύτ' εὐεργετήσασαν αὐτόν, ὡς πολὺς παρ' ὑμῖν ἔπνει καὶ λαμπρός, μεμφομένην τι καὶ τούτων ὑπομνησκουσαν καὶ ἀξιούσαν εὖ παθεῖν τὸ μὲν πρῶτον ῥαπίσας καὶ ἀπειλήσας ἀπέπεμψεν ἀπὸ τῆς οἰκίας, ὡς δ' οὐκ ἐπαύεθ' ἡ ἄνθρωπος, ἀλλὰ γυναίου πράγμα ἔποιει καὶ πρὸς τοὺς γνωρίμους προσιούσ' ἐνεκάλει, λαβὼν αὐτὸς αὐτοχειρίᾳ πρὸς τὸ πωλητηρίον τοῦ μετοικίου ἀπήγαγεν· καὶ εἰ μὴ κείμενον αὐτῇ τὸ μετοίκιον

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<sup>119</sup> Other examples of the “house and property threatened” *topos* involving distraintment can be found at Demosthenes 24.197 (the friends of the defendant should not be pitied because Timocrates did not show compassion to those who he distrainted, breaking their doors, dragged away their bedclothes, and appropriating their servants (ὄν ἐπὶ τὰς οἰκίας ἐβάδιζες σὺ τοὺς ἔνδεκα καὶ τοὺς ἀποδέκτας ἔχων καὶ τοὺς ὑπηρέτας μηδένα πόποτ' ἐλεῆσαι, ἀλλὰ θύρας ἀφαιρεῖν καὶ στρώμαθ' ὑποσπᾶν καὶ διάκονον, εἴ τις ἐχρήτο, ταύτην ἐνεχυράζειν)) and at Demosthenes 53.15 (instead of going to court and producing a summons, Nicostratos broke into Apollodorus' house by force and took away his possessions (εἰσελθὼν εἰς τὴν οἰκίαν βία τὰ σκευὴ πάντα ἐξεφόρησεν)).

<sup>120</sup> See above, n.1 on this speech.

ἔτυχεν, ἐπέπρατ' ἄν διὰ τοῦτον, ὃ τῆς σωτηρίας αὐτῆ αἰτία ἐγεγόνει.

This female, who had been so helpful to him, criticized him a little, since he was getting to be high and mighty in society, and reminded him of what she had done and thought she should benefit. At first, beating and threatening her, he drove her out of the house. And when the female would not stop, but instead did what a woman does and complained to all her friends, he seized her with his own hands and brought her toward the office for the taxation of metics. And if her taxes had not been paid up, she would have been sold into slavery because of him, whose safety she had once ensured.

This story, juxtaposing the charity of the metic woman with the savagery of the citizen Aristogeiton, makes housing a significant feature of the defendant's characterization. When he was in need, he went to Zobia, who kept him safe with her. But when she was in need (her destitution signaled by her transition from γυνή to ἡ ἄνθρωπος),<sup>121</sup> he expelled her from his house (ἀπέπεμψεν ἀπὸ τῆς οἰκίας). Driving her from his house, beating her, and finally threatening to deprive her even of her metic status, Aristogeiton's treatment of Zobia turns from personal to political. This transformation parallels Demosthenes' overall message: his ingratitude, as Wohl describes it, "reiterates in a debased and humiliating form his failure of reciprocity with the city: having shown nothing but bitterness and ingratitude to others, that is all he deserves in return."<sup>122</sup> Demosthenes pairs the Zobia anecdote with an even more disturbing one: when Aristogeiton was still in prison, he bit off another prisoner's nose and swallowed it, and the rest of the prisoners passed a decree that none would share fire, food, nor drink with him. The juncture of these two stories gives the complete portrait of Aristogeiton as a threat to body, house, and city, every level of society.

A less dramatic but still pathetic example of the pitifully expelled from the house *topos*

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<sup>121</sup> On the use of ἡ ἄνθρωπος to signify a woman of low standing, cf. Sosin 1998 and my discussions of Isaeus 6 and Lysias 1 in Chapter 2.

<sup>122</sup> Wohl 2010b: 56.

comes from Demosthenes 40, *Against Boiotos Concerning his Mother's Dowry*.<sup>123</sup> This is one of two speeches between Mantitheos and his adoptive brother, who had changed his name from Boiotos to Mantitheos. In the earlier speech, Demosthenes 39, Mantitheos objected to the other man's having the same name, which would entail confusion for better or for worse (the other man would take credit for his brother's successes and attribute his own failures to his brother). He also accused Boiotos and his brother Pamphilos of having been registered as the sons of Mantitheos' father Mantias due to Boiotos' mother, Plangon, tricking Mantias.<sup>124</sup> Mantitheos lost this case and was forced to share his father's inheritance with the two brothers. The speech concerning the dowry (Demosthenes 40) arose from a case in which both Mantitheos and Boiotos (now also Mantitheos) demanded their mothers' dowries be paid out from the liquidated real estate of their father's inheritance. The speaker, the original Mantitheos, begins with the protest that the court's decision forced him from his house (§2)

ἔξελλήλαμαι μὲν ἐκ τῆς πατρῴας οἰκίας ὑπὸ τούτων, ἐν ἧ καὶ ἐγενόμην καὶ ἐτρέφην, καὶ εἰς ἣν οὐχ ὁ πατὴρ αὐτοὺς ἀλλ' ἐγὼ τελευτήσαντος ἐκείνου παρεδεξάμην.

I have been driven from my ancestral home by them, in which I was born and raised, and which my father would not let them into but I, after his death, did invite them in.

He parallels the presence of his adoptive brothers in his father's house with the disorder the brothers have brought to the family. Mantitheos employs two other house *topoi* to demonstrate the extent to which the brothers belong neither in the house nor in the family. First of all, in order to prove that his father was tricked, Mantitheos employs the shameful woman in the house *topos*,

<sup>123</sup> Carey and Reid 1985, Usher (1999: 259-261), MacDowell (2009: 66-79) provide commentary, background, and discussion for these speeches, which, according to MacDowell (74-75) were delivered in 348/7 (39) and 347 (40).

<sup>124</sup> On the use of Plangon's first name, MacDowell (2009: 67) notes that in Athenian oratory, "the use of a woman's own name generally implies that she is not respectable. A respectable lady is merely called the daughter or wife or mother of So-and-so," citing Schaps 1977. Mantias had bribed Plangon to refuse to swear that Boiotos and Pamphilos were his children, but when the time came to make the oath, she went back on their agreement and swore that they were his sons.

claiming that his father did not invite Plangon to live in his house after his wife died<sup>125</sup>—this is evidence that Mantias did not consider Plangon’s children his legitimate sons. Mantitheos then uses an inverted version of the friendly man in the house *topos*, stating that his father did not want to let Plangon’s sons even enter the house, but he was forced to introduce them into his phratry.<sup>126</sup> Mantias’ unwillingness to let Plangon’s sons enter his house proves that he felt no particular affection toward them. The combination of these three house *topoi* in a single, relatively short speech, shows how effective the rhetoric of the house can be for speakers discussing the composition of the family.<sup>127</sup>

The examples discussed above show the range and flexibility of houses in the orators. When viewed taxonomically it becomes clear that house *topoi* are rhetorical devices as intentional and artful as aposiopesis or apostrophe. The house functioned as a physical metaphor for the family, the building blocks of the *polis* which, as a physical entity, was as made of houses as the conceptual unity of the city was made up of *oikoi*.

Each of the chapters that follows consists of close readings of speeches grouped around a theme. In my first chapter, “*Eikos* and *Oikos*,” I examine the interplay of familial affection, socially acceptable behavior, and probability. In each of the speeches I look at, the speakers emphasize that they, unlike their opponents, have behaved toward their relatives with socially appropriate degrees of affection. I argue that the orators used a specific set of rhetorical and lexical techniques to negotiate their clients’ superior claim to the affection and support of family

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<sup>125</sup> §8: οὐδὲ τῆς μητρὸς τῆς ἐμῆς ἀποθανούσης ἤξιωσεν αὐτὴν εἰς τὴν οἰκίαν παρ’ ἑαυτὸν εἰσδέξασθαι

<sup>126</sup> §11: καὶ εἰς τὴν οἰκίαν οὐδ’ ὡς εἰσδέξασθαι τούτους ἤξιωσεν, εἰς δὲ τοὺς φράτερας ἠναγκάσθη εἰσαγαγεῖν.

<sup>127</sup> Other examples of the “pitifully expelled from the house” *topos* can be found at [Demosthenes] 45.70 (Stephanos kicked his uncle out of the ancestral home, deprived his mother-in-law of the resources she needed to live, and, to the best of his ability, made the son of Archedemos homeless (ἐξέβαλες μὲν τὸν σαυτοῦ θεῖον Νικίαν ἐκ τῆς πατρῴας οἰκίας, ἀφῆρησαι δὲ τὴν σαυτοῦ πενθερὰν ταύτ’ ἀφ’ ὧν ἔζη, ἀοίκητον δὲ τὸν Ἀρχεδήμου παῖδα τὸ σαυτοῦ μέρος πεποίηκας)) and Lysias 32.16 and 17, which I discuss in Chapters 1 and 2.

members. I look at the use of comparatives, superlatives, and result clauses to express proximity to or distance from *eikos* (likely) behavior, that is, in alignment with the social clockwork it is the jury's duty to keep oiled. I focus especially on the use of the adjective οἰκεῖος to express degrees of affection between members of an *oikos*, linking the family specifically to the *oikia*, which plays a constant role in these speeches as both setting and symbol, a physical representation of the *oikos*.

In my second chapter, "The Stagecraft of Rhetoric," I explore the role of women and domestic space in oratory and tragedy. After a discussion of theories of space and gender, I look at how speeches by Antiphon, Lysias, and Isaeus engage with tragic tropes in constructing their plots and characters. Women in tragedy create offstage space through their cultural association with the house: in rhetoric, too, women are linked to the house as simultaneously vital (because without women and procreation, the family could not survive) and threatening (because through adultery or other forms of betrayal, women have the capacity to dilute the bloodline). Women have the capacity to either bring the house down from within or save it from falling apart. I argue that there is a specific connection between how the tragedians and the orators construct interior space, drawing on the cultural association of women with domestic space. Analyzing the language of houses, movement, status, and gender, I demonstrate how the rich world-creation undertaken by the orators interrelates with the imaginary spaces so essential to tragic storytelling.

In my third chapter, "Vulnerable Bodies and Private Places," I turn to the relationship between the house and the body. Democratic ideology emphasized the autonomy of the male citizen body, which by law and custom was considered inviolable—at the opposite end was the slave, whose body was subject to torture and sexual penetration. In my chapter, I look at two bodies in between citizen and slave—a child and a metic. Neither has the full rights of a citizen,



but both have enough in common with the citizen jury that they are able to appeal to them for sympathy. Demosthenes and Lysias each describe their own experiences as vulnerable bodies under hostile control. Opening their houses rhetorically to the jury, they each also reveal an intimate scene emphasizing the vulnerability of the abject bodies at the center of the narrative. By focusing on the juxtaposition of the vulnerable bodies and the domestic interior, I show how body autonomy interacts with the sovereignty of the *oikos*. For each citizen member of the jury, his house, like his body, was legally sacrosanct. By calling on the jury to empathize with the suffering of the legally vulnerable child and metic, the orators at the same time reinforce the democratic ideology of body sovereignty.

My fourth chapter, “Homeland,” moves from the level of the house to the city as made up of houses, demonstrating the ways in which the works of Demosthenes engage with tropes familiar from private forensic rhetoric in order to persuade the Assembly to collect money for a war fund, give support to the allies of Athens, and punish politicians who did not act in the city’s interest. From the mid-fourth century onward, as Athens was becoming more and more militarily involved with Philip of Macedon, Demosthenes employed house *topoi*, more often found in forensic rhetoric, in his deliberative speeches, connecting the home feeling not to a house but to the entire city. Negotiations with Philip and the Athenian allies are characterized in the language of intimacy, *oikeiotēs*, lending urgency to the issues. Traitors to Athens are described as profligate in their house-building, using bribes to aggrandize their own *oikoi* at the expense of the *polis*. And the memories of the past are what gives meaning to the homeland; without them the land will cease to be a home for anyone.

My dissertation, focusing on the rhetoric of the house and household, demonstrates the prevalence and significance of the *oikos* in the genre of both forensic and deliberative rhetoric.

By drawing attention to the specific rhetorical, grammatical, and lexical strategies the orators use to evoke the home feeling in their auditors, my dissertation models a way of reading the speeches that shows their significance not just as sources of evidence for Athenian law or social history, but as works of literature in communication with other literary genres including tragedy and history. For the orators and audiences of classical Athens, houses separated individuals while also uniting the community. Focusing on the emotional connection to the house and its relationship to the concept of the self offers a revelatory perspective on the Athenian concept of home.

## Chapter One: *Eikos* and *Oikos*

### Demosthenes' speech *Against Makartatos, Concerning the Estate of Hagnias*

(Demosthenes 43), involves a complicated net of contested family connections, by both blood and adoption.<sup>1</sup> The speech was delivered as part of a complicated inheritance dispute between a first cousin once removed and a second cousin, each claiming to be the more deserving heir. This speech, centered around the question of who is more closely related to the deceased, calls into question how familial closeness can be quantified. In this kind of dispute, issues of kinship and familial affection come to the fore. Examples of interpersonal behavior and family history are presented to the jury as forms of evidence, as proof that the relationship between the deceased and the speaker currently addressing the trial was closer than that between the deceased and his opponent. With each party struggling to persuade the jury that he is the more appropriate heir to the *oikos*, the adjudication of the inheritance becomes a sort of argument from probability, or *eikos* argument.

The deceased Hagnias died several decades before the current trial, and in the subsequent years was contested and passed between at least three family members.<sup>2</sup> Euboulides, the claimant (represented by his father Sositheos), had been posthumously adopted by his eponymous maternal grandfather, the first cousin of Hagnias.<sup>3</sup> Prior to this trial, the jury had adjudicated the

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<sup>1</sup> On this speech: Thompson 1976 analyzes this case alongside Isaeus 11, which also deals with the estate of Hagnias, MacDowell 1978: 103-108 and Usher 1999: 266-267 discuss its legal and rhetorical features, MacDowell 2009: 83-87 situates the speech in the context of Demosthenes' career, and Scafuro 2011: 123-177 provides background, commentary, and translation. The authorship of the speech was strongly contested in the 19<sup>th</sup> century (for example by Blass 1887-1898: 3.1.554-556); Scafuro (138) is agnostic, but both Usher (1999: 266) and MacDowell (2009: 87) support the authorship of Demosthenes.

<sup>2</sup> Thompson 1976 identifies Hagnias with an ambassador who was killed by the Spartans in 396; Humphreys 1986, followed by Scafuro 2011, argues that this Hagnias died later, in the late 370s.

<sup>3</sup> On posthumous adoption, cf. Rubinstein 1993: 25-28 and 41-45. I refer to Euboulides' grandfather/adoptive father

estate of Hagnias to his second cousin, Theopompos, whose son Makartatos had received it after his father's death. The speaker's argument is that Euboulides, Hagnias' first cousin once removed by adoption, is more closely related to Hagnias than Theopompos, who was Hagnias' second cousin. According to the Athenian system of inheritance, heirs had to belong to a close circle of relatives (*anchisteia*) comprised of (in order) legitimate sons and their descendants, and then legitimate daughters and their descendants.<sup>4</sup> If the deceased had no living children, whether natural or adopted, the next closest relatives were brothers on the father's side and their descendants, then sisters on the father's side and their descendants, then uncles on the father's side and their descendants, and then aunts on the father's side and their descendants. If relatives on the father's side were lacking, the same order held for relatives on the mother's side.<sup>5</sup> The estate of a deceased person was passed on according to proximity within the *anchisteia*.

In Demosthenes 43, Sositheos returns again and again to proximity of kinship. He begins by claiming that his wife, Philomache (the daughter of Hagnias' cousin Euboulides (I)), was awarded the estate several years earlier because she was the most closely related (§3: γένει οὔσα ἐγγυτάτω) to Hagnias and nobody else could claim to be more closely related (§3: ἐγγυτέρω). Soon afterward, Theopompos challenged the inheritance and it was passed to him. Sositheos then introduced his son into the phratry of Philomache's father, Euboulides (I), as the adopted son of Euboulides (I), since his mother was her father's closest relative (§13: γένει ὦν ἐγγυτάτω). In each of the examples I have cited, a comparative or superlative is used to express the proximity

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below as Euboulides (I) to avoid confusion.

<sup>4</sup> The daughter of the deceased, called an *epikleros*, "along with the estate," passed the estate on to her children. In order to keep the estate in the family, the court could force an *epikleros* to marry her father's closest male relative, divorcing her husband if she was already married.

<sup>5</sup> This description of *anchisteia* is taken from Phillips 2013: 338-339. Ancient evidence for *anchisteia* comes from *Ath. Pol.* 9.2 (establishing the law of *anchisteia* as Solonian), Demosthenes 43.51, Isaeus 8.34, Isaeus 6.25, 28, and 63, Isaeus 11.5, 8, 11-12, 17-18, and 29, Isaeus 7.5-7, and Demosthenes 44: 24-26. Modern discussions include MacDowell 1978: 98-108, Humphreys 1986: 57-92, Just 1989: 83-104, Cantarella 2011: 338-339.

of relatedness within the *anchisteia*. As the literal expression of proximity within the *anchisteia*, the comparative of ἐγγύς, “near,” appears in the speech twice, the superlative an additional nine times, most often with the qualifier γένει.<sup>6</sup> Proximity of kinship is a fruitful metaphor, tying the spatial together with the genealogical. This metaphor draws on the semantic overlap between the house and family, concepts both expressed by the single word *oikos*. The use of the word ἐγγύς invokes spatial proximity, while another common way to express kinship proximity draws specifically on proximity to the house, using comparatives and superlatives of *oikeios*.

As I discussed in my introduction, the adjective *oikeios* is derived from *oikos*, the household. It has a range of meanings, from “related” to “one’s own” or “suitable.” In Demosthenes 43, it appears in the comparative and superlative six times. The superlative of *oikeios* first appears in the description of how Sositheos had his son, as his grandfather’s closest kin (οἰκειότατον), posthumously adopted so that the house of Euboulides (I) not be left empty.<sup>7</sup> The remaining examples all occur within the same few paragraphs, as part of a detailed genealogical argument. After tracing the lines of descent in the generations prior to the birth of Hagnias, Sositheos asks the jury whether a son and daughter, or a nephew, should be considered the closer relative (§22: οἰκειότερός). He answers that a son or daughter are considered the closer relative (οἰκειότερον) than a nephew, not just in Athens but among all Greeks and barbarians.<sup>8</sup> Sositheos then draws the lines of descent down to the generation of Euboulides (I)

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<sup>6</sup> ἐγγυτέρω: 3, 17; ἐγγυτάτω: 3, 12, 13, 17, 31, 32, 51, 54, 55, 65, 76; ἐγγύτατα: 54 (twice)

<sup>7</sup> §12: εἰς τοὺς φράτερας εἰσαχθῆ τοὺς ἐκείνου, ἡγούμενος, ὧ ἄνδρες δικασταί, ἐκ τῶν ὑπολοίπων τούτων εἶναι ἑαυτῷ οἰκειότατον, καὶ οὕτως ἂν μάλιστα τὸν οἶκον τὸν ἑαυτῶν διασώξῃσθαι καὶ οὐκ ἂν ἐξερημωθῆναι. Anxiety about leaving the *oikos* empty (ἔρημος) appears frequently in Athenian (and Aeginetan, on which see below) forensic rhetoric; citing Demosthenes 43, Griffith-Williams shows that “the continuity of the *oikos* was a matter of public as well as private concern in Athens, and one that the courts would have taken seriously.... the idea of the ‘empty house’ would have been familiar to Athenian dicasts and, irrespective of its legal significance, it is likely to have made a strong emotional appeal to them” (Griffith-Williams 2012: 148).

<sup>8</sup> §22: ἡγούμαι τὸν υἱὸν καὶ τὴν θυγατέρα οἰκειότερον εἶναι ἐκάστω ἡμῶν μᾶλλον ἢ τὸν ἀδελφιδοῦν καὶ οὐ

and Theopompos, now asking whether the son of a son or daughter is more closely related (§25: οἰκειότερός) than the son of a nephew. He responds: if a son or daughter is the closest family member (οἰκειότατος), then their children are more closely related (οἰκειότεροι) than the children of a nephew.<sup>9</sup>

The forms of *oikeios* appearing in this speech position Euboulides not only as more proximate to Hagnias by descent, but also, through the adjective's etymological connection to the *oikos*, as more proximate to the estate itself. Drawing on the emphasis on the *oikos* in this speech (the word appears 57 times), the presence of these forms of *oikeios* is strategic, positioning Euboulides as the heir both by kinship ties and because of his association with the *oikos*. It is only natural that the estate (*oikos*) should go to the one who is the most *oikeios*.

In this chapter I look at how the Attic orators use family relationships to build up a sense of naturalness or likelihood. Speeches concerning domestic disputes frequently include appeals to the clients' loyalty and affection towards other members of their households as a way of characterizing them as more socially acceptable and sympathetic, rendering their cases more persuasive.<sup>10</sup> I argue that the orators in these family cases employ particular lexical and grammatical strategies—the use of *oikos* words (*oikos*, *oikia*, *oikeios*, *oikeiotēs*), comparatives, superlatives, and result clauses—to create an effect of likeliness or probability (*eikos*). Bringing together likely patterns of behavior with the social expectations of members of an *oikos*, the orators conjure a sense of proximity to socially acceptable behavior in order to make their clients seem like the claimant most deserving of their vote.

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μόνον παρ' ἡμῖν τοῦτο νενόμισται, ἀλλὰ καὶ παρὰ τοῖς ἄλλοις ἅπασι καὶ Ἑλλησι καὶ βαρβάροις.

<sup>9</sup> §§25-26: εἶπερ καὶ ὁ υἱὸς οἰκειότατός ἐστι καὶ ἡ θυγάτηρ, πάλιν ὁ υἱοῦς καὶ ὁ ἐκ τῆς θυγατρὸς υἱός, οὗτοι οἰκειότεροί εἰσι μᾶλλον ἢ ὁ τοῦ ἀδελφιδοῦ υἱὸς καὶ ὁ ἐτέρου ὄν οἴκου.

<sup>10</sup> Lanni 2009: 701-702.

To understand the significance of *eikos* behavior, I begin by situating my argument within the context of Athenian forensic rhetoric. In an Athenian trial of the Classical period, a speaker addressing an audience of peers used his rhetorical performance to persuade them of the superiority of one particular version of events over an opponent's version. In essence, the speaker was selling a product, wrapping it in the most appealing packaging possible. Certain forms of evidence, such as legal statutes, oaths, and statements given by witnesses to the events, could also be used support the speaker's argument, but much of the heavy persuasive lifting was done by the language itself and depended upon the apparent reliability of the speaker and his ability to evoke an appropriate emotional response from the jury.<sup>11</sup> As a theorist of Athenian legal oratory, Aristotle provides a useful typology of these categories of persuasive techniques, referring to the former type of proof—consisting of witnesses, evidence obtained through torture, and oath, contracts, and so forth—as “artless” proofs, which orators do not invent on their own but rather find already in existence.<sup>12</sup> The latter type, called “artful” proofs, he further divides into three kinds: the character of the speaker (*ethos*), the emotional response of the jury, and the argument's (apparent) truthfulness.<sup>13</sup> In practice, however, these types of persuasion can rarely be isolated from one another: *ethos* functions as a component of the emotional response because “one effect of *ethos*, as well as inducing a degree of trust, is also to produce a feeling of goodwill

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<sup>11</sup> On the relationship between rhetoric and Athenian law: Harris (1994 and *passim*) argues strongly for the essential role of legal statutes in the jury's decision making process, while Carey (1996) and Sickinger (2007) see the role of the laws is more ambivalent. Carey (1994b) and Russell (1990) emphasize the role of characterization and emotion in oratory. Cohen (1995), Christ (1998b), and Johnstone (1999) see law as one of many tools available to an orator.

<sup>12</sup> Aristotle *Rhetoric* 1355b35-39 separates “artful” from “artless” proofs and defines each type: τῶν δὲ πίστεων αἱ μὲν ἄτεχνοί εἰσιν αἱ δ' ἔντεχνοι. ἄτεχνα δὲ λέγω ὅσα μὴ δι' ἡμῶν πεπόρισται ἀλλὰ προὔπηρχεν, οἷον μάρτυρες βάσανοι συγγραφαὶ καὶ ὅσα τοιαῦτα, ἔντεχνα δὲ ὅσα διὰ τῆς μεθόδου καὶ δι' ἡμῶν κατασκευασθῆναι δυνατόν, ὥστε δεῖ τούτων τοῖς μὲν χρῆσασθαι, τὰ δὲ εὐρεῖν.

<sup>13</sup> Aristotle *Rhetoric* 1356a1-4: τῶν δὲ διὰ τοῦ λόγου ποριζομένων πίστεων τρία εἶδη ἔστιν· αἱ μὲν γὰρ εἰσιν ἐν τῷ ἡθελί τοῦ λέγοντος, αἱ δὲ ἐν τῷ τὸν ἀκροατὴν διαθεῖναι πως, αἱ δὲ ἐν αὐτῷ τῷ λόγῳ διὰ τοῦ δεικνύναι ἢ φαίνεσθαι δεικνύναι.

in the audience toward the speaker” as a way of achieving the speaker’s aim.<sup>14</sup> And, frequently, *ethos*, the appearance of a trustworthy character—one who behaves as people are expected to behave—depends on the principle of *eikos* (“what generally happens”).<sup>15</sup>

The appeal to *eikos* is a species of argument to which Greek orators turn again and again, one which relies on an apparent “law of nature that given certain facts predictable results follow.”<sup>16</sup> From the earliest examples of the genre to the latest, the expectation that the world is essentially predictable underlines Greek orators’ presentations of their cases in order to influence jury’s judgment. The argument goes that since people “generally tend to act in a rational, predictable way,” it can be inferred how any particular person or state “will act or has acted on a particular occasion.”<sup>17</sup> For a speaker to seem reliable and predictable, he “should be seen to be the kind of person who can be expected to behave in a certain way.”<sup>18</sup> The *eikos* argument depends on a belief that, if all things were equal, any particular person is likely to do the same as any other person in the same circumstances. People, on average, tend to act in a generalizable way, the argument continues, and so “the general conduct of an individual offers a useful means of determining the balance of probability in the individual instance.”<sup>19</sup>

A successful rhetorical appeal, like an effective advertisement, would need to evoke a

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<sup>14</sup> Carey 1994b: 35.

<sup>15</sup> Aristotle *Rhetoric* 1357a34: τὸ μὲν γὰρ εἰκός ἐστι τὸ ὡς ἐπὶ τὸ πολὺ γινόμενον.

<sup>16</sup> Kennedy 1963: 32. On the origins of the *eikos* argument see Kennedy 1963 and 1993 and Cole 1991. For later use of *eikos* arguments, see Gagarin 1995, Schmitz 2000, and Hoffman 2008. The most recent discussion of *eikos* in the orators and in Aristotle are found in the contributions by Gagarin and Allen in Wohl (ed.) 2014; other essays in this volume treat *eikos* in tragedy, historiography, and medical writings.

<sup>17</sup> Kennedy 1963: 30

<sup>18</sup> Russell 1990: 199.

<sup>19</sup> Carey 1994b: 36. Cf. also Carey 1994a: 178: “A particularly important element in this new science was argument from probability; that is, argument from the behaviour of man as a type to the behaviour of individual human beings.”



likely, likeable character and a persuasive narrative. Someone who is represented as acting contrary to generalized expectations, that is, against *eikos*, is characterized as different, antisocial, and therefore unlikable. Thus, *eikos* comes to mean not just what is likely, but also what is socially acceptable.<sup>20</sup> These two types of *eikos*—*eikos*-likely and *eikos*-appropriate—work together both in shaping a narrative and in characterizing the speaker as acting within the bounds of correct behavior and his opponent as transgressing them. Since the premise of *eikos* in the courtroom is that honest, law-abiding people act in predictable, socially acceptable ways, likelihood is essentially equated to justice (τὸ δίκαιον). By describing certain behaviors as *eikos*, therefore, a speechwriter sketches out likely, appropriate, and just behaviors and the gradations of distance from this standard, constructing a bounded conceptual field I am calling ethical space.

The range of behaviors encompassed by ethical space is defined by their distance from or proximity to the standard of lawful, predictable behavior; this space is evoked through *eikos* arguments and other rhetorical strategies. In particular, as I argue in this chapter, the orators often drew the boundaries of ethical space by using certain grammatical constructions referring to extremes and degrees of difference. In these constructions, likeliness or appropriateness is considered a baseline which behaviors may abide to or deviate from. One way of delineating the spatial plane of *eikos* is through the use of a demonstrative adjective or adverb with an abstract

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<sup>20</sup> The vacillation between these two meanings can be seen, for example, in Antiphon 1 (discussed below): in the proem, the speaker states that it was *eikos* that his brothers defend their dead father and aid in the prosecution of his murderer—that is, such behavior is characteristic of appropriate behavior. Later in the speech, he narrates his father’s actions on the night he was poisoned—but since the speaker was not present at these events, he describes their unfolding as “as is probable.” In each case, however, the other definition of *eikos* can be sensibly understood because what is appropriate is what the majority does, and therefore it is predicable. To keep these (closely related) definitions apart, I will occasionally identify a particular use of *eikos* as *eikos*-likely and *eikos*-appropriate. Hoffman 2008 argues, based on examinations of the usage of the word *eikos* from Homer to Isocrates, that the two types of *eikos* in early Greek are appropriateness and verisimilitude (“like” gradually becomes “likely”).

noun (usually in the genitive) in order to introduce a generalized result clause.<sup>21</sup> Constructions like “my enemy/enemies came to such a degree of shamelessness/ boldness/ madness that...” refer to a quantity that takes up the specified amount of ethical space. The metaphor is mathematical: the formula requires a demonstrative amount—“this much” or “so much”—of *tolmē* or *hybris*, for example. A different amount would not result in the required outcome.

Another way the speakers use grammatical constructions to characterize people or actions as more or less in accord with expected behaviors is through the employment of superlatives to bound the outer limits of ethical space. One common way of drawing the boundaries of ethical space is through the use of the adjective *eschatos*, a superlative in form and definition, meaning “extreme” or “to the limit.”<sup>22</sup> This adjective appears in the speeches of the orators as a gesture to a limit that is so extreme it is unable to be measured.<sup>23</sup> A superlative or an open-ended result clause cannot be precisely measured, yet it cannot be said that these units of quantification are meaningless: they gesture at the limits of behavior, within which can also be found gradations of behavior signaled by comparatives and degrees of difference.

I argue that the orators use the ethical space projected by cultural standards of *eikos* to define appropriate or transgressive behavior among members of an *oikos*. I demonstrate that in these types of cases, the orators portray their clients and their opponents as manifesting appropriate or improper degrees of affection towards family members, using these levels of

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<sup>21</sup> E.g. Antiphon 2.2.2, 2.3.5, 3.3.6; Andocides 1.122; Lysias 3.7 and 25, 4.9, 7.37, 23.11, 29.7, 30.5, 31.1, 32.20; Isaeus 1.2, 3.60, 4.24, 5.11, 6.17, 7.21, 11.14; Demosthenes 18.22, 22.65 and 74, 24.172, 25.49, 36.46 and 48, 40.28 and 49, 45.73. Natural result clauses appear slightly more frequently than actual, with no significant difference in meaning.

<sup>22</sup> Chaintraine (p. 380) derives *eschatos* from the preposition ἐν/ἐξ on analogy with superlatives like μέσσητος and δεύτετος.

<sup>23</sup> Forms of ἔσσητος appear at Antiphon *Tetralogy* 1.2.9, 5.40 and 82; Andocides 1.68; Lysias 6.13 and 23, 12.36 and 37, 60.13, 27.8 and 16, 23.30, 31.26, 32.2; Isaeus 1.39, 3.47, and 12.158; Demosthenes 20.100, 21.12, 100, and 102, 22.59, 25.63, 59.1, 6, 7, and 53.

intimacy to characterize the players in these courtroom dramas as good—reliable, trustworthy, appropriate—or bad. In many speeches, as in Demosthenes 43, with which this chapter opened, forms of the adjective *oikeios* are used to quantify degrees of proximity to the *oikos*, often evoking the affection expected between members of the *oikos*.<sup>24</sup> The quantification of appropriate behavior, more sharply circumscribed between family members than between strangers, thus takes on a greater significance in court cases between members of the same *oikos*.<sup>25</sup>

The idea that one ought to feel a greater degree of affection toward some people than others is reflected in contemporary philosophy: in Xenophon's *Memorabilia*, Socrates and his interlocutor Chairekrates discuss ascending levels of intimacy between an acquaintance, a friend (*philos*), a guest-friend (*xenos*), and a brother.<sup>26</sup> Aristotle, in the *Nicomachean Ethics*, instructs that the levels of affection one individual ought to feel for another are gradated and specific to the degree of closeness of the relationship, and that justice should be defined accordingly.<sup>27</sup> It was seen as both probable and appropriate—that is, as *eikos*—to behave more affectionately towards a friend or family member than towards a fellow citizen: in fact, several of the words used to identify family and friends also mean “appropriate” or “suitable”: προσήκων, ἐπιτήδειος, and even οἰκεῖος.

Because these tiered expectations of affection were embedded in contemporary society,

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<sup>24</sup> Discussing the emotional value of *oikeios*, Konstan notes that the “warm relationship” between either kin or friends is “regularly associated with the use of the adverb *oikeiōs*, most commonly dependent on the verb *khraomai*. The latter expression, like *philia*, refers to friendly actions or treatment, whether of friends who behave attentively or of kin whose feelings and conduct are appropriately warm or loyal” (Konstan 1996: 88-89). Carson (1986: 33-35) discusses the ambiguity of the two meanings of *oikeios* as “kindred” and “mine.”

<sup>25</sup> Other terms used to describe the intimate relationship between close friends and family members include φίλοι, ἐπιτήδειοι, ἀναγκαῖοι and προσήκοντες. I discuss these terms as they appear in the texts examined below.

<sup>26</sup> Xenophon *Memorabilia* 2.3.11-14; for this and the following passage cf. Konstan 1996: 77ff.

<sup>27</sup> Aristotle *Nicomachean Ethics* 1160a1-8 (8.9.3).

in a legal dispute the speaker and the jury shared a cultural understanding of what kind of behaviors were appropriate or probable—a shared ideology, a common map of ethical space.<sup>28</sup> For all members of the jury and of the *polis*, each case provided “a lively presentation of models of correct behavior and examples of moral delinquency,” an example or precedent that citizens were encouraged to consider in their own lives.<sup>29</sup> Each prosecutable offense, once brought to court, presented elements of a morality play that both reflected and influenced the behavior of the polis at large—“the citizens empaneled on a jury were regarded as standing in for the demos and as representing the demos’ interests.”<sup>30</sup> This shared system of beliefs ensured that each case tried in court had an impact on all Athenian citizens, and thus it was in the best interest of the jury to ensure the practice of *eikos*, socially acceptable, behavior even in the privacy of the *oikos*.

To show how various types of *eikos* claims work as ethical limits to regulate normative behavior within the *oikos*, I will discuss the interaction of these elements in four speeches: Antiphon 1, *Against the Stepmother*, Lysias 32, *Against Diogeiton*, Isaeus 1, *On the Estate of Kleonymos*, and Isocrates 19, *Aegineticus*. Each of these speeches, despite the differences in their contexts (a homicide trial, the prosecution of a dishonest guardian, and two inheritance disputes), provides evidence for the importance of the *oikos* in forensic oratory by revealing how the negotiation of intimacy in the creation of an ethical subject functioned as effective means of persuasion in judicial rhetoric. Through a close reading of these texts, I show how these speakers used expectations of *eikos* behavior in both the *oikos* and the *polis* to construct ethical standards by which the players in their legal dramas were judged.

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<sup>28</sup> “Each member of any given community makes assumptions about human nature and behavior, has opinions on morality and ethics, and holds some general political principles; these assumptions, opinions, and principles which are common to the great majority of those members are best described as ideology” (Ober 1989a: 38).

<sup>29</sup> Humphreys 1983: 7.

<sup>30</sup> Ober 1989a: 146.

## **Antiphon 1: *Against the Stepmother***

Antiphon 1, *Against the Stepmother*, was delivered either before the Areopagos or at the Palladion by a young man accusing his stepmother (represented in court by one of her sons, the speaker's half-brothers) of plotting the murder of her husband, the speaker's father.<sup>31</sup> His father died when the speaker was too young to prosecute, and at the time a concubine (*pallake*) of the father's friend Philoneus (who was poisoned at the same time) was accused of the crime and executed. Having now come of age, the speaker claims that the *pallake* had been the agent of the stepmother, who was the mastermind. Over the course of the speech, the speaker relies on *eikos* argumentation to show that he is more closely aligned with the appropriate interests of the *oikos* than his opponents are. He augments his condemnation of his opponents' familial loyalty by insisting again and again that the jury itself must fill the role his brothers have failed to fulfill and become helpers and avengers of the dead man. After establishing his character and actions as socially acceptable and constructing an artificially intimate relationship with the jury as ad hoc kinsmen, the speaker can assume that the jury will find him trustworthy and will consider his narrative likely, despite the fact that his primary forms of evidence are *ethos* and *eikos* arguments and a vivid narrative. In this early example of forensic rhetoric, we can already identify certain generic features that will appear again and again in speeches by the next several generations of logographers.

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<sup>31</sup> On this speech: Blass 1887-1898: 1.187-194, Jebb 1893: 1.64-67, Usher 1999: 27-30; text and commentary in Gagarin 1997 background and translation in Gagarin (in Gagarin and MacDowell) 1998. The speech was delivered in the last quarter of the 5<sup>th</sup> century, before Antiphon's death in 411. The speaker refers to the opposition arbitrarily in the singular and plural: most likely, a single brother is standing in as the official representative of a coalition joined in support of their mother. The location of the trial is debated: according to the *Ath. Pol.* (57.2-4), a charge of *bouleusis*, plotting, was tried at the Palladion, while homicide charges were tried at the Areopagos. MacDowell 1963 supports the Palladion location, while Gagarin denies that *bouleusis* was tried separately from homicide: "planning is treated simply as one way of committing homicide, like poisoning, and it is considered just as serious as the actual killing" (Gagarin 1990: 92).

A frequent trope in forensic rhetoric is for speakers to stress the great compulsion that has overcome their reluctance to appear in court as evidence for the magnitude of the situation at hand; this compulsion needed to appear even stronger when relatives face one another in court.<sup>32</sup> Antiphon 1 opens with exactly this situation: although reluctant to bring a trial against members of his own family, the speaker was forced to prosecute the murderer of his father because the latter sin far outweighs the former (§§1-2):

νέος μὲν καὶ ἄπειρος δικῶν ἔγωγε ἔτι, δεινῶς δὲ καὶ ἀπόρως ἔχει μοι περὶ τοῦ πράγματος, ὧ ἄνδρες, τοῦτο μὲν εἰ ἐπισκήψαντος τοῦ πατρὸς ἐπεξελθεῖν τοῖς αὐτοῦ φονεῦσι μὴ ἐπέξειμι, τοῦτο δὲ εἰ ἐπεξίοντι ἀναγκαίως ἔχει οἷς ἥμιστα ἐχρῆν ἐν διαφορᾷ καταστήναι, ἀδελφοῖς ὁμοπατρίοις καὶ μητρὶ ἀδελφῶν. ἢ γὰρ τύχη καὶ αὐτοὶ οὗτοι ἠνάγκασαν ἔμοι πρὸς τούτους αὐτοὺς τὸν ἀγῶνα καταστήναι, οὓς εἰκὸς ἦν τῷ μὲν τεθνεῶτι τιμωροὺς γενέσθαι, τῷ δ' ἐπεξίοντι βοηθοὺς.

I am young and still inexperienced in matters of law, but I am in a terrible and impossible place regarding this problem, men. I can either fail to prosecute my father's killers although he enjoined me to prosecute, or be forced to prosecute those with whom I ought least to come into conflict, namely my brothers by the same father and these brothers' mother. But as it happens, it was they themselves who forced me to bring them to trial—they themselves who would appropriately have become the avengers of the dead man and helpers to the one prosecuting his killer.

In this proem to the speech, the speaker uses expectations of *eikos* behavior to establish the bounds of propriety, the ethical space in which the actions of prosecutor and defendant will be judged. On the one hand, he finds himself in the unsavory position of prosecuting those whom he *should least* (ἥμιστα ἐχρῆν) face in court. Since the least necessary actions are also the least likely and least appropriate, this claim of ἥμιστα ἐχρῆν functions as a type of *eikos* argument.

But, on the other hand, his actions are more than justified by his opponents' blatant contradiction

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<sup>32</sup> “To judge by the self-justification in which litigating kinsmen engage, they were under strong social pressure to explain why they were opposing relatives at law. Kinsmen commonly express embarrassment that they are engaged in litigation with ‘the last persons with whom one should quarrel’... Litigants assert, however, that if relatives are the last persons with whom one should quarrel, they are also ‘the last persons who should wrong one’ (Demosthenes 48.1, Lysias 32.1, 10) and act as enemies (Isaeus 1.5-8; 5.9-10 Demosthenes 27.65). This misfortune, they insist, compels them to appear in court” (Christ 1998b: 169). See below for discussions of this trope in Lysias 32 and Isaeus 1.

of *eikos* behavior, described by the counterfactual εἰκὸς ἦν, “it would have been appropriate.”

In the face of his brothers’ failure to become their father’s avengers (τιμωρούς) or to be helpers (βοηθούς) in prosecuting his killer, the speaker turns to the jury, urging them to take on the roles that ought to have been filled by the brothers: “Take vengeance (τιμωρῆσαι) for the sake of your laws first, and this dead man second; and at the same time help (βοηθῆσαι) me, left utterly alone.<sup>33</sup> Vengeance, law, and family ties are joined in a single unit: since he has been abandoned by the allies he ought to have had, the members of the jury, those who will act as *timōroi* and *boēthoi*, now become his blood kin in their place.<sup>34</sup> His opponents have transgressed so far from *eikos* behavior, the speaker implies, that he now needs to turn to the jury to fulfill the roles that ought to have been taken on by his brothers.

The brothers’ behavior is not just contrary to social expectations, it is actually sacrilegious. The speaker balances his actions against his opponents’ in terms of their respective piety (§5):

νομίζει τοῦτο εὐσέβειαν εἶναι, τὸ τὴν μητέρα μὴ προδοῦναι. Ἐγὼ δ’  
ἠγοῦμαι πολὺ ἀνοσιώτερον εἶναι ἀφείναι τοῦ τεθνεώτος τὴν τιμωρίαν

He thinks that this is the reverent thing to do: not to betray his mother. But I think it is far more sacrilegious to fail to avenge the dead man.

In these opening statements, the speaker sets up a scale of behaviors in which of all the people one faces in the court of law, a family member is least appropriate, in which a brother is likely to come to his father’s defense, and in which protecting a mother is “much more sacrilegious”

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<sup>33</sup> §4: τιμωρῆσαι πρῶτον μὲν τοῖς νόμοις τοῖς ὑμετέροις... δεῦτερον δ’ ἐκείνῳ τῷ τεθνηκότι, καὶ ἅμα ἐμοὶ μόνῳ ἀπολελειμμένῳ βοηθῆσαι.

<sup>34</sup> §4: ὑμεῖς γὰρ μοι ἀναγκαῖοι. This term, commonly used to denote “blood relatives” (e.g. Andocides 1.50, 1.58, Lysias 19.39, 31.23, Demosthenes 24.196, Isaeus 1.7, 6.23, 9.10, Aeschines 1.138), here also evokes its etymological meaning: the jury is also “necessary.” Antiphon uses the same word later in the speech (29: φίλους καὶ ἀναγκαίους τοὺς σφετέρους αὐτῶν καλοῦσι καὶ μαρτύρονται, καὶ λέγουσιν αὐτοῖς ὑφ’ ὧν ἀπόλλυνται, καὶ ἐπισκήπτουσι τιμωρῆσαι σφίσιν αὐτοῖς ἠδίκημένους) to describe the behavior of a man (like the father) who knows he is in danger.

(πολὺ ἀνοσιώτερον) than defending a father. In the court of acceptable behavior, with *eikos* as judge, the brothers already stand convicted.

In pointing out that his brothers transgressed the order of probable and acceptable behavior, the speaker makes certain assumptions about correct behavior among members of the *oikos*. The relationship between brothers and between father and son is elevated, while the mother-son relationship is diminished. This is, of course, culturally familiar to the ancient as well as the modern audience from, for example, Aeschylus' *Eumenides*, a reference the speaker later highlights by identifying his stepmother as "Clytemnestra" (§7).<sup>35</sup> The suggestion that his opponents side with this mythical destroyer of family ties makes the jury even less inclined to trust them and shows the speaker to be again more appropriate in his familial allegiances, and therefore more reliable. As Barry Strauss has shown, the primacy of the father-son bond appears in Classical Athens across genres and media.<sup>36</sup> The contrast between loyalty shown by the speaker of Antiphon 1 to his father and his brothers' betrayal would evoke an emotional resonance on the jury due to the cultural emphasis on loyalty shown by sons to their fathers.

Having first confirmed his good character in the speech's proem by presenting himself as more appropriately faithful to relationships within the family, the speaker then turns to the narrative portion of his speech. To prove that his narrative is in good faith, he first uses an *eikos* argument to confirm its likelihood: he asserts that his brothers were unwilling to torture the slaves who would provide evidence that his stepmother had tried to poison his father previously.<sup>37</sup> If, he continues, his opponents had offered the slaves for torture and he had refused

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<sup>35</sup> Wohl 2010a: 45-46 discusses the tragic resonances in this speech, on which cf. my second chapter.

<sup>36</sup> "An Athenian son was expected to respect, honor, and obey his father, to take care of him in old age, to arrange for his burial and memorial rites. He was supposed to protect his father from his enemies and to defend his father's reputation, even beyond the grave" (Strauss 1993: 97).

<sup>37</sup> §§6-13. Slaves could only legally provide evidence under torture, the assumption being that they would lie



to go through with it, this would have been proof that his claim was false. And so, with their positions reversed, he argues that it is certainly likely (εἰκόσ) that these same circumstances are evidence that they are guilty of the murder.”<sup>38</sup>

After using the proem to establish his own character as *eikos*-appropriate and the passage about the slaves to set up his narrative as *eikos*-likely, the speaker fashions a vignette, step by step, of the scene of his father’s poisoning.<sup>39</sup> He casually implies to the jury that everything that he describes happened exactly as one would expect it to happen, thus rendering an opposing account less likely, less believable. First, the speaker’s stepmother, wronged by her husband, asked the *pallake* (concubine) of her husband’s friend Philoneos to administer what she called a “love potion” to both men. Although he has no eyewitness evidence, the speaker assumes (ὡς οἶμαι) that the *pallake* agreed immediately (τάχιστα).<sup>40</sup> Then, when Philoneos needed to make a sacrifice at his house in Peiraieus and found out that the speaker’s father was heading to Naxos, he decided that it would be an excellent idea (κάλλιστον ἐδόκει) to travel to Peiraieus together.<sup>41</sup> When they arrived in Peiraieus, Philoneos conducted a sacrifice “as is appropriate” (οἶον εἰκόσ).<sup>42</sup> The *pallake* wondered whether to give the men the potion before or after dinner, deciding to wait until after dinner in accordance with the stepmother’s instructions. Philoneos

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otherwise. Antiphon elsewhere (5.31) argues against the efficacy of slave testimony, on the grounds that a slave would say whatever the torturer wanted in order to end his or her suffering. There is a debate as to whether the challenge (*proklēsis*) was an empty threat, since there is no evidence in the corpus of the Attic orators of it being carried out; Gagarin (1996: 1) claims that *basanos* was a “legal fiction” but Mirhady (2007: 268) worries that “unless there really was a possibility of torture taking place, the challenge and argumentation based on it would have been useless as hearsay evidence.” Cf. Thür 1977 and Hunter 1994: 89-95.

<sup>38</sup> §11: ἐμοὶ δῆπου εἰκόσ ταῦτὰ ταῦτα τεκμήρια εἶναι ὡς εἰσὶν ἔνοχοι τῷ φόνῳ.

<sup>39</sup> I discuss the description of the house at §14 in Chapter 2.

<sup>40</sup> §16: ἠρώτα οὖν αὐτὴν εἰ ἐθελήσοι διακονήσαι οἱ, καὶ ἡ ὑπέσχετο τάχιστα, ὡς οἶμαι.

<sup>41</sup> §16: κάλλιστον οὖν ἐδόκει εἶναι τῷ Φιλόνεῳ τῆς αὐτῆς ὁδοῦ ἅμα μὲν προπέμψαι εἰς τὸν Πειραιᾶ τὸν πατέρα τὸν ἐμὸν φίλον ὄντα ἑαυτῷ

<sup>42</sup> §17: καὶ ἐπειδὴ ἦσαν ἐν τῷ Πειραιεῖ, οἶον εἰκόσ, ἔθυσεν.

and his friend conducted sacrifices to Zeus Ktesios after dinner, “as is appropriate” (§18: οἶον εἰκόσ).<sup>43</sup> The *pallake* then slipped the potion into the wine the men use to carry out their libations. The speaker was not himself present at the events he is narrating, but he uses the strength of his character—determined by his adherence to *eikos*—to give credence to his claims. It is this credibility that allows him to use his own assumption (ὡς οἶμαι) that the *pallake* agreed to the stepmother’s plan as evidence.<sup>44</sup> He then fills in the rest of the narrative with the kind of details that the jury would find believable and appropriate, assuring them that everything that happened was likely or natural. The descriptions of the women’s behavior are introduced into the narrative in such a way as to suggest that they, too, are clearly inferable from the initial conditions provided.

The location of the poisoning is significant. The speaker repeatedly informs the jury that Philoneos was hosting his father (§16: ἐστιᾶσαι ἐκείνον), that the father was dining at the house of a dear friend (§18: παρ’ ἀνδρὶ ἐταίρῳ αὐτοῦ δειπνῶν). Drawing on the *topos* of the friendly man in the home, the speaker juxtaposes Philoneos’ hospitality with the women’s murderous scheme. The speaker’s father’s being in the wrong place at the wrong time confirms the violence of his poisoning: “Of course he died a violent death, men—he was about to sail from this land and was being hosted at the home of his friend!”<sup>45</sup> The emphasis on location points to the greatest irony, or sacrilege: the deity to whom Philoneos was sacrificing is Zeus Ktesios, protector of house and property. The piety of the two men contrasts brutally with the women’s behavior.

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<sup>43</sup> §18: ἐπειδὴ γὰρ ἐδεδειπνήμεσαν, οἶον εἰκόσ, ὁ μὲν θύων Διὶ Κτησίῳ κάκεινον ὑποδεχόμενος...

<sup>44</sup> Gagarin suggests that the speaker’s ὡς οἶμαι “subtly implies that all the other details in his account except τάχιστα are certain” (1997: 115).

<sup>45</sup> §26: πῶς γὰρ οὐ βιαίως ἀπέθανεν, ὦ ἄνδρες; ὅς γ’ ἐκπλεῖν ἔμελλεν ἐκ τῆς γῆς τῆσδε, παρὰ τε ἀνδρὶ φίλῳ αὐτοῦ εἰσιτάτο. The fact that the speaker’s father took 19 days to die after being poisoned (§20) adds drawn-out suffering to the violence of the act.

Over the course of the speech, the speaker confirms the *eikos*-likely arguments on which his case depends both by building on his own trustworthiness (*eikos*-appropriate) and by gesturing to the limits of ethical space. The conclusion of the speech returns to the themes and key words of the proem, comparing the relative justice and reverence of the speaker's case versus his opponents', characterizing the opponents' behavior as transgressing social protocol, and casting the jury again as helpers and avengers of the dead man (§§21-22):

σκέψασθε οὖν ὅσῳ δικαιότερα ὑμῶν δεήσομαι ἐγὼ ἢ ὁ ἀδελφός. ἐγὼ μὲν γε τῷ τεθνεώτι ὑμᾶς κελεύω καὶ τῷ ἠδικημένῳ τὸν αἰδίων χρόνον τιμωροὺς γενέσθαι. οὗτος δὲ τοῦ μὲν τεθνεώτος πέρι οὐδὲν ὑμᾶς αἰτήσεται, ὃς ἄξιος καὶ ἐλέου καὶ βοηθείας καὶ τιμωρίας παρ' ὑμῶν τυχεῖν, ἀθέως καὶ ἀκλεῶς πρὸ τῆς εἰμαρμένης ὑφ' ὧν ἤμιστα ἐχρῆν τὸν βίον ἐκλιπών, ὑπὲρ δὲ τῆς ἀποκτεινάσης δεήσεται ἀθέμιτα καὶ ἀνόσια καὶ ἀτέλεστα καὶ ἀνήκουστα καὶ θεοῖς καὶ ὑμῖν. ὑμεῖς δ' οὐ τῶν ἀποκτεινάντων ἐστὲ βοηθοί, ἀλλὰ τῶν ἐκ προνοίας ἀποθνησκόντων, καὶ ταῦτα ὑφ' ὧν ἤμιστα ἐχρῆν αὐτοὺς ἀποθνήσκειν.

And so consider how much more just what I request of you is than what my brother asks. I am urging you to become avengers for all time for a man killed and dishonored. But my opponent will ask for nothing from you for the dead man, who deserves to get pity and help and vengeance from you because he was deprived of his life before his time, killed godlessly and ignominiously by those who ought least to have done so. But he will ask, for her sake, for something lawless, unholy, impossible, and unheard of by the gods or by you. But you are the helpers not of murderers, but of those intentionally murdered and, on top of this, by those at whose hands he ought least to die.

The speaker first reiterates the superiority of his claim by inviting the jury to consider the gradients of ethical space, to somehow picture precisely *how much* more just (ὅσῳ δικαιότερα) his own request is than his brother's. He again urges them to be avengers (τιμωροὺς), asserting his father's need for pity, help, and vengeance. As in the proem, he frames the brothers' behavior in both legal and religious terms; but now their neglect of their father and his murder are paired in an emotionally powerful series of alpha privative adverbs and adjectives: the father died godlessly and ignominiously, while their defense is something lawless, unholy, impossible, and unheard of. The extremity of his brothers' transgressions against sacred and legal norms—cast as

opposites to *eikos*-appropriate behavior in the field of ethical space—renders the speaker’s case even more righteous, even more likely.

Whereas in the proem of the speech the ἥμισυ ἐχρήν clause referred to interfamilial litigation, it now is used (twice) of the patricide. Perpetrator and defendants are conflated into a single unit through the speaker’s use of the plural relative pronoun in the repeated ἥμισυ ἐχρήν clauses: in supporting their mother, the brothers have essentially killed their father. Their betrayal of familial expectations has caused the brothers to be expelled from the family and in their place the jury is once again to stand as the murdered man’s helpers (βοηθοί) and avengers, to take personally the juridical mandate to maintain the smooth operation of *eikos* behavior within the city.

From the beginning to the end of this speech, categories of more just (δικαιότερον) and more righteous (όσιώτερον) are represented as absolute and measurable. The opponents’ failure to behave according to these standards is matched equally with the speaker’s expectation that the jury will respond to these precise requirements (§25):

καίτοι πότερον δικαιότερον τὸν ἐκ προνοίας ἀποκτείναντα δοῦναι δίκην ἢ μή; καὶ πότερον δεῖ οἰκτεῖραι μᾶλλον τὸν τεθνεῶτα ἢ τὴν ἀποκτείνασαν; ἐγὼ μὲν οἶμαι τὸν τεθνεῶτα· καὶ γὰρ ἂν δικαιότερον καὶ όσιώτερον καὶ πρὸς θεῶν καὶ πρὸς ἀνθρώπων γίγνοιτο ὑμῖν.

And, really, is it more just for the one who killed with premeditation to pay the penalty or not? And is it more necessary to pity the man who died or the woman who killed? I think the man who died. For this would be more just and more righteous for you to do, before both gods and humankind.

The speaker charts these expectations as an exercise in elementary inequalities, simple and obvious. Buoyed by the strength of his conviction and his faith in the cultural standards shared by the jury, the speaker constructs an elegantly simple ethical framework, all details of the case fitting neatly into his categories, firmly aligned with *eikos*.

### **Lysias 32: *Against Diogeiton***

Lysias 32, *Against Diogeiton*, is a prosecution speech delivered by an unnamed speaker who is accusing his wife's grandfather Diogeiton of mishandling her children's inheritance while he was their guardian.<sup>46</sup> The background to the case is laid out early in the speech: Diodotos and Diogeiton were brothers, Diodotos became rich from sea-trade, and Diogeiton persuaded him to marry his daughter. Later, Diodotos enlisted with the army of Thrasylllos, but before he left he arranged his affairs with his wife and her father Diogeiton. Diodotos died in battle and Diogeiton became the guardian of his daughter's children. Nine years later, when Diodotos' oldest son came of age, he discovered that Diogeiton had been mismanaging the estate that he and his siblings were supposed to inherit and turned to his brother-in-law (the speaker) for help. After the entire family, including Diogeiton, assembled, the children's mother delivered an impassioned speech decrying the behavior of a man who would neglect his own grandchildren in such an egregious way. Her quoted speech parallels the main speech in which it appears, combining precise calculation of the lost property with passionate appeals to the auditors' pity. Both the interior (Diogeiton's daughter's) and the exterior (her son-in-law's) speeches juxtapose the close relations between the households of Diodotos and Diogeiton with the magnitude of the children's deprivation, while the interior speech adds a sense of intimacy and familiarity. As in my first case study, the speaker evokes an ethical space in which familial closeness is pitted against betrayal and transgression.

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<sup>46</sup> On this speech: Blass 1887-1898: 1.608-615, Jebb 1893: 1.293-296, Usher 1999: 80-82. Text and commentary in Adams 1970 [1905] and Carey 1990, translation and discussion in Todd 2000. The speech was delivered around 400 BCE and preserved as part of Dionysius of Halicarnassus' commentary on Lysias. The character of Diogeiton's daughter is discussed by e.g. Gagarin 2001 and Foxhall 1996.

The beginning of Lysias' speech follows a familiar pattern: the son-in-law of Diogeiton's daughter opens by stressing that the seriousness of the conflict overpowered his great reluctance to bring a case between family members to court (§1):

εἰ μὲν μὴ μεγάλα ἦν τὰ διαφέροντα, ὧ ἄνδρες δικασταί, οὐκ ἂν ποτε εἰς ὑμᾶς εἰσελθεῖν τούτους εἴασα, νομίζων αἰσχιστον εἶναι πρὸς τοὺς οἰκείους διαφέρεισθαι... ἐπειδὴ μέντοι, ὧ ἄνδρες δικασταί, πολλῶν χρημάτων ἀπεστέρηται καὶ πολλὰ καὶ δεινὰ πεπονθότες ὑφ' ὧν ἥκιστα ἐχρήν, ἐπ' ἐμὲ κηδεστὴν ὄντα κατέφυγον, ἀνάγκη μοι γεγένηται εἰπεῖν ὑπὲρ αὐτῶν.

If the disagreement were not so great, men of the jury, I would never have allowed them to come before you because I think it is the most shameful thing to be in conflict against one's relatives. . . . But, men of the jury, since they have been deprived of a lot of money and, after suffering many terrible things at the hands of those by whom they ought least to have suffered, they fled to me, their brother-in-law, it has become necessary for me to speak on their behalf.

The superlative αἰσχιστον simultaneously allows the speaker to characterize himself as normally reluctant to air family quarrels in public and to imply that the current circumstances are egregious enough to force him from his general reticence. Compounding the speaker's own feelings is his appeal to the universalizing ἥκιστα ἐχρήν, rendering Diogeiton's actions an affront to all propriety. The appearance of the exact phrase that was found three times in Antiphon 1 confirms its usefulness for quantifying extraordinary transgression against kin (πρὸς τοὺς οἰκείους), marking a line in the sand of the field of ethical space.<sup>47</sup>

The speaker continues to map out the ethical space of the case by using a result clause to gesture at the furthest boundary of propriety (§3):

ὑμῶν δέομαι, ἐὰν μὲν ἀποδείξω οὕτως αἰσχροῶς αὐτοὺς ἐπιτετροπευμένους ὑπὸ τοῦ πάππου ὡς οὐδεὶς πώποτε ὑπὸ τῶν οὐδὲν προσηκόντων ἐν τῇ πόλει, βοηθεῖν αὐτοῖς τὰ δίκαια.

If I show you that they were treated by their grandfather more shamefully than

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<sup>47</sup> The phrase ἥκιστα ἐχρήν only appears in the corpus of private speeches in the passages quoted in this chapter, although it is found in identical familial contexts at Euripides' *Bacchae* 26 (lies told about Dionysos' mother by her sisters, *who ought least* to tell lies) and *Iphigenia at Aulis* 487 (Menelaus' marriage destroying his brother, *whom he ought least* destroy), and (ironically) at Herodotus 3.52 (Periander reprimands his son for disobeying him, *whom he ought least* disobey). Cf. also Aeschylus *Choephoroi* 930 (Orestes to Clytemnestra): κάνες τὸν οὐ χρήν.

anybody in the city has ever been treated, even by those with no relation to them, I beg you to help bring them justice.

In this passage, the speaker negotiates with the jury, asking for their help in exchange for his successful demonstration that Diogeiton crossed beyond the bounds of appropriate behavior.

This result clause builds upon the meaning of the superlative in the first sentence of the speech:

Diogeiton treated his grandchildren *so shamefully* that they overcame the speaker's reluctance to bring the case to court, a thing he once considered *the most shameful thing*. The degree to which he mistreated his wards has driven Diogeiton far beyond socially acceptable familial relations, beyond even proper behavior among unrelated fellow citizens. Relatives, οἱ προσήκοντες, are those who belong to you, who pertain to you. The kind of behavior Diogeiton is guilty of is unimaginable even to those who are not kin. His transgression of socially acceptable behavior, the speaker implies, threatens the categories of relationships on which the city depends.

In order to contrast the way Diogeiton treated his grandchildren as their guardian with the expected behavior of a close family member, the speaker elaborates the intricate connections between the families of Diodotos and Diogeiton in his description of the meeting at which Diodotos entrusted his children to his brother (§5):

καλέσας τὴν ἑαυτοῦ γυναῖκα, ἀδελφιδὴν οὖσαν, καὶ τὸν ἐκείνης μὲν πατέρα, αὐτοῦ δὲ κηδεστὴν καὶ ἀδελφὸν {ὄμοπάτριον}, πάππον δὲ τῶν παιδίων καὶ θεῖον, ἡγούμενος διὰ ταύτας τὰς ἀναγκαιότητας οὐδενὶ μᾶλλον προσήκειν δικαίῳ περὶ τοὺς αὐτοῦ παῖδας γενέσθαι.

He called his wife—who was his niece—and her father—who was both his in-law and his brother, as well as being both the grandfather and the uncle of the children—under the assumption that due to these familial ties there was no one for whom it was more appropriate to treat his children justly.

The interwoven strands of kinship between the two families gives the sense of great intimacy, of responsibility. Relatives, οἱ ἀναγκαῖοι, are those who are necessary to you: they should, necessarily, treat one another justly. The association that the speaker makes in this passage

between kinship (ἀναγκαιότης) and responsible behavior towards one's kin is explicit: those most closely related are expected to take the most responsibility over the care of one another. Diodotos'—and society's—expectation that his closest family member would be the most appropriate guardian for his children is the equivalent of the ἥμιστα ἐχρῆν claim: close kin ought *least* to mistreat one another, and are therefore *most* expected to care for one another. As in Antiphon 1, kinship ties are used as a type of *eikos* argument—the speaker and his opponent's alignment with expected, appropriate behavior is an essential proof of their good or bad characters.

In the narration that follows, it becomes clear precisely how inappropriate a guardian Diogeiton turned out to be. When he discovered that his brother had died, he concealed this information from his daughter and took possession of the will under false pretenses. The children and their mother remained in Peiraeus as long as they had enough to live on, but after a year Diogeiton sent the children to the city and married their mother off with a dowry that was far less than her husband had promised her before he joined the army. Nine years later, when Diodotos' older son came of age and underwent his *dokimasia*, the examination required before entry into the ranks of the citizenry, Diogeiton came forward and claimed that all of the money left by his brother had been spent and that his grandsons were on their own. It is at this point that the boys came to the speaker, their sister's husband, for help.

The speaker recounts this scene dramatically, drawing out the moment in a crescendo of participial phrases (§10):

ταῦτ' ἀκούσαντες ἐκπεπληγμένοι καὶ δακρῦοντες ὄχοντο πρὸς τὴν μητέρα, καὶ παραλαβόντες ἐκείνην ἦγον πρὸς ἐμέ, οἰκτρῶς ὑπὸ τοῦ πάθους διακείμενοι καὶ ἀθλίως ἐκπεπνωκότες, κλαίοντες καὶ παρακαλοῦντές με μὴ περιδεῖν αὐτοὺς ἀποστερηθέντας τῶν πατρῶων μηδ' εἰς πτωχείαν καταστάντας, ὑβρισμένους ὑφ' ὧν ἥμιστα ἐχρῆν.

When they heard this, astounded and weeping, they went to their mother, and



bringing her along, they came to me, rendered pitiful by their suffering, wretched in their downfall, crying and begging me not to overlook them being robbed of their inheritance, falling into poverty, violated by those who ought least to do so.”

The pathetic language of this vignette elevates the children’s discovery of Diogeiton’s betrayal to a kind of tragic *peripeteia*; like the evocation of Clytemnestra in Antiphon 1, this cross-generic moment strengthens the jury’s impression of the children’s suffering.<sup>48</sup> And at the conclusion of this passage, the ἥμισυ ἐχρήν clause confirms the magnitude of Diogeiton’s transgression against familial propriety: the violation (ὑβρισμένους) was intensified by the fact that it was perpetrated by the closest possible family member.

In response to her son-in-law’s entreaty, Diogeiton’s daughter parallels the rhetorical trope with which this speech opened by asserting that “although she had not previously been accustomed to speaking in the company of men, the magnitude of their misfortunes compelled her to reveal everything.”<sup>49</sup> To the familiar trope of rhetorical reluctance is added the fact that this speaker is a woman overcoming personal and societal pressures to right so great a wrong.<sup>50</sup> That the speaker is a woman addressing a gathering of friends and family in an informal arbitration emphasizes the feeling that this is a private event, despite being wrapped up in a public performance. The heightened emotional language leading up to the speech evokes the tragic stage; Edith Hall observes that this speech “could be imported more or less directly into a suppliant scene in a tragedy. It effectively turns the jurors into recipients of the widow’s

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<sup>48</sup> Carey describes the language used in this passage as “emotive” (1989: 215).

<sup>49</sup> §11: εἰ καὶ μὴ πρότερον εἴθισται λέγειν ἐν ἀνδράσι, τὸ μέγεθος αὐτὴν ἀναγκάσει τῶν συμφορῶν περὶ τῶν σφετέρων κακῶν δηλῶσαι πάντα.

<sup>50</sup> Gagarin (2001) concludes that Diogeiton’s daughter (whom he charmingly calls Didi) probably did not make this speech since it shows too many rhetorical techniques which she, as a woman, would not have known. This is rather beside the point: the more important question (to quote David Halperin) is “Why is Didi a woman?” Gagarin does note (165) that “almost all critics today find the speech very moving.” On the topic of Didi as a woman, cf. Foxhall 1989, who contrasts Didi negatively with Demosthenes’ mother in Demosthenes 27-28 (on which see my chapter 3 below).

supplication and entreaty.”<sup>51</sup> The speaker invites the jury to witness this private moment, implicating them as audience members in the unfolding drama.

Diogeiton’s daughter’s nested speech, like the external speech, pairs a meticulous account of the money and property her father deprived his grandchildren of with a precise quantification of her father’s betrayal of interfamilial intimacy—as though failure of decency is as countable as a squandered fortune. Her speech also functions within the external speech as a facsimile of the forensic performance of which it is a part. Like the external speech, Diogeiton’s daughter’s speech begins with a rehearsal of the intimate connections among the members of the family, underlining the extent of the betrayal. She reminds him that he is “the brother of their father, and my father, and both uncle and grandfather to them.”<sup>52</sup> After adding up and documenting the precise amount of money her children were deprived of, she concludes by returning to the language of lament used by the frame speech before she began her address (§§16-17):

καὶ ἐκβάλλειν τούτους ἡξίωκας θυγατροῦς ὄντας ἐκ τῆς οἰκίας τῆς αὐτῶν ἐν τριβωνίοις, ἀνυποδήτους, οὐ μετὰ ἀκολούθου, οὐ μετὰ στρωμάτων, οὐ μετὰ ἱματίων.... καὶ νῦν τοὺς μὲν ἐκ τῆς μητροῦς τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν εὐδαίμονας ὄντας· καὶ ταῦτα μὲν καλῶς ποιεῖς· τοὺς δ’ ἐμοὺς ἀδικεῖς, οὓς ἀτίμους ἐκ τῆς οἰκίας ἐκβαλὼν ἀντὶ πλουσίων πτωχοὺς ἀποδείξει προθυμῆ.

You had no problem with throwing them—your daughter’s children—out of their own house in shabby cloaks, barefoot, with no servant, no bedding, no clothing.... but now you raise the children you had with my stepmother in a blissful state of great wealth. And that’s fine, but you do my children wrong by throwing them out of the house, dishonored; you’re eager to turn them from princes to paupers.

Diogeiton’s offense against the *oikos* is highlighted by the twice-repeated accusation that he

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<sup>51</sup> Hall 2006: 383. Buis (2005: 205) makes a similar point: “el orador... transferir dicho efecto emotivo mediante una recreación casi teatral en el contexto del tribunal. De la mujer al hombre, de lo privado a lo público, del hogar a las cortes, mediante el juego entre la voz de la ausente y el silencio de los presentes, se termina en definitiva instaurando una pluralidad compleja y dinámica de voces y testimonios.”

<sup>52</sup> §12: ἀδελφὸς μὲν ὢν τοῦ πατρὸς αὐτῶν, πατὴρ δ’ ἐμός, θεῖος δὲ αὐτοῖς καὶ πάππος

threw the children out of his *oikia* (ἐκβάλλειν ἐκ τῆς οἰκίας, ἐκ τῆς οἰκίας ἐκβαλόν).

Diodotos had tried to keep the familial *oikos* together by marrying his niece, appointing his brother as his children’s guardian, and taking care to provide for his children. Diogeiton, in contrast, physically expelled the children from their own property, the house in Piraeus and from everything that their father had left them.<sup>53</sup> In a case between members of a household concerning the mishandling of the property, the semantic slippage between the three meanings of *oikos*—people, property, and physical house—takes on a thematic resonance. Moreover, the speaker’s use of the word ἀτίμους compounds the children’s wretchedness, implying that their grandfather’s greed and lack of family feeling will result in *atimia*, the loss of citizenship rights, due to their poverty. By usurping the state’s prerogative to deprive citizens of their rights, Diogeiton’s mistreatment of the children verges on a civic offense.

The interior speech concludes with the powerful accusation that Diogeiton’s actions show that he “neither fears the gods, nor is ashamed that I know, nor remembers his brother, but rather cares less for all of us than for money.”<sup>54</sup> The parallel quantification of affection and property comes to a head: Diogeiton has replaced appropriate familial affection with love of money. The betrayal is complete, and neither the gods nor a sense of shame have any power to remedy the situation.

Following Diogeiton’s daughter’s speech, the main speaker describes the effect it has on her audience—the gathered family members—as they depart. They observe the children and how they have suffered, remember the dead man and how he chose an unworthy (ἀνάξιον) man to be

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<sup>53</sup> §8: ἐπειδὴ δὲ χρόνω ἐδήλωσε τὸν θάνατον αὐτοῖς καὶ ἐποίησαν τὰ νομιζόμενα, τὸν μὲν πρῶτον ἐνιαυτὸν ἐν Πειραιεὶ διητῶντο· ἅπαντα γὰρ αὐτοῦ κατελέλειπτο τὰ ἐπιτήδεια· ἐκείνων δὲ ἐπιλειπόντων τοὺς μὲν παῖδας εἰς ἄστυ ἀναπέμπει...

<sup>54</sup> §17: καὶ ἐπὶ τοιούτοις ἔργοις οὔτε τοὺς θεοὺς φοβεῖ, οὔτε ἐμὲ τὴν συνειδυῖαν αἰσχύνῃ, οὔτε τοῦ ἀδελφοῦ μέμνησαι, ἀλλὰ πάντας ἡμᾶς περὶ ἐλάττονος ποιεῖ χρημάτων.

guardian of his property, and—importantly—reflect on how difficult it is to find anyone to trust with one’s own possessions.<sup>55</sup> The members of the jury are encouraged to consider the implications of Diogeiton’s actions on their own lives. The danger of such a precedent is not just that a single family will be deprived of its patrimony, but that the bonds of affection that all people depend on will be severed (§19):

τοῦτον δ’ ἅπανσι τοῖς πολίταις ἄξιον ὀργῆς ἠγήσησθε. εἰς τοσαύτην γὰρ ὑποψίαν Διογείτων πάντας ἀνθρώπους πρὸς ἀλλήλους καθίστησιν, ὥστε μήτε ζῶντας μήτε ἀποθνήσκοντας μηδὲν μᾶλλον τοῖς οἰκειοτάτοις ἢ τοῖς ἐχθίστοις πιστεύειν.

You ought to consider this man worthy of the anger of all citizens. For Diogeiton has driven all people into such a state of suspicion against one another that neither the living nor the dead trusts even his closest relatives more than his greatest enemies.

The appearance of the superlative of *oikeios* echoes the beginning of the speech, when the speaker states that it is most shameful to go to court against relatives (§1: πρὸς τοὺς οἰκείους).

This passage also picks up on the interior speech by implying that litigation among family members, in particular, leads to the confusion of one’s closest family members (*οἰκειότατοι*) and greatest enemies (*ἐχθιστοί*). Kinship (*ἀναγκαιότης*) is a necessary bond and to betray it implies that the degrees of affection defining all relationships no longer have meaning. In a society dependent on interpersonal relationships and trust, a breakdown in any part of the system threatens the system as a whole.<sup>56</sup>

Dionysius’ excerpt does not contain the end of the speech nor the result of its delivery, but the insertion of Diogeiton’s daughter’s speech and the paradigmatic behavior of her audience

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<sup>55</sup> §18: ὀρώντες μὲν τοὺς παῖδας, οἷα ἦσαν πεπονθότες, ἀναμνησκόμενοι δὲ τοῦ ἀποθανόντος, ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτροπον κατέλιπεν, ἐνθυμούμενοι δὲ ὡς χαλεπὸν ἐξευρεῖν ὄψω χρὴ περὶ τῶν ἑαυτοῦ πιστεύσαι.

<sup>56</sup> Christ 2010: 258: “Within the family, Athenians were expected as a matter of course to provide mutual support in daily life and in time of crisis.... Outside the family, friends were expected to help each other, in keeping with the affectionate and reciprocal nature of their relationship.”

provides a model for Lysias' expected outcome of this speech. The speaker implies that the jury is in the same position as Diogeiton's daughter's audience, but, as Matthew Christ observes, "whereas that original audience was unable to make Diogeiton treat his kin as he should, the current audience has the power to do precisely this. In so doing, it will protect not only Diogeiton's oppressed relatives but also the community."<sup>57</sup> In this speech, betrayals of close familial relationships and the social expectations rising from these relationships are represented as having consequences not only for the family members involved, but also for society at large—and the jury is charged with righting these wrongs. Just as those present at Diogeiton's daughter's speech went away reflecting on the uncertainties of life, so the jury witnessing the main speech ought to think on how one man's betrayal of the responsibilities he has to his closest relations (τοις οικειοτάτοις) leads to a dissolution of categories of affection. If the closest relations are indistinguishable from the greatest enemies, degrees of distinction no longer have meaning. There would be no way of determining right or wrong; with all of society thrown into a state of suspicion, the bonds of trust and respect that tie the city together would be destroyed.

### **Isaeus 1: *On the Estate of Kleonymos***

Like Demosthenes 43, Isaeus 1, *On the Estate of Kleonymos*, was delivered as part of an inheritance dispute.<sup>58</sup> If a man died without any natural or adopted sons, his heirs (members of his *anchisteia*) could claim their right to the estate through the process of *diadikasia*, a lawsuit

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<sup>57</sup> Christ 1998b: 171.

<sup>58</sup>On this speech: Blass 1887-1898: 2.528-532, Jebb 1893: 2.319-21, Wyse 1979: 175-231, Edwards 2007: 13-26, Usher 1999: 129-133. According to Wevers (1969: 10) there is no evidence for the date of this speech, but it must come from the first half of the 4<sup>th</sup> century.

between two competing claimants, as long as the estate was open to dispute (*epidikos*).<sup>59</sup> A *diadikasia* was an unusual type of trial because, in most cases, there was no prosecution or defense; rather, all claimants were on equal footing.<sup>60</sup> As seen in Demosthenes 43, there could often be multiple claimants, each insisting on their own superior justification for inheritance. A challenged will or contested adoption could lead to a messy court case that, by necessity, was between family members. In these cases, the speakers could call upon the jury to determine the rightful heir to an estate based on their own and their opponents' previous behavior toward the deceased individual—in effect, on their relative proximity to the *oikos*. When character and previous behavior are often as compelling forms of evidence as written wills, the negotiation of affection becomes an important proof.

Isaeus 1 was written for a client who felt that he and his sibling(s) had been unfairly deprived of the estate of their uncle Kleonymos. The circumstances of the case, as the speaker presents them, are as follows: after he and his siblings were orphaned, they fell under the guardianship of their paternal uncle Deinias. Kleonymos, their maternal uncle, had a longstanding enmity with Deinias, and so when he made his will he excluded the speaker and his siblings (who were still minors) in order to prevent his property from passing to Deinias. After Deinias' death, Kleonymos brought the children into his home and cared for them. At some unspecified point, he grew ill, at which time he tried to change his will but was ultimately unable to do so before his death. The speaker and his siblings were awarded a part of the estate in arbitration, but, it seems, were unsatisfied with their settlement and took the testamentary heirs to

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<sup>59</sup> Anyone who wanted to claim the deceased's daughter as an *epiklēros* would follow the same procedure (Rubinstein 2005: 134).

<sup>60</sup> Phillips 2013: 30.

court over the whole amount.<sup>61</sup> At issue is whether the will can be trusted, since (the speaker argues) a will excluding the closest and most beloved relatives could only have been written by an insane person, and would thus be invalid,<sup>62</sup> but at the heart of the speech lies a familiar trope—the quantification of affection among members of a family reveals the true character of family members. This speech employs many of the techniques discussed above in constructing its ethical playing field: it sets up a series of contrasts to open a gap between himself and his opponents and uses language and likelihood to define precise degrees of affection. This allows the speaker to make the claim that he is the most intimate, most *oikeios*, relation of Kleonymos, and thus the most appropriate heir of the dead man’s *oikos*. In this way, the jury will be able to determine which family members Kleonymos is likely (*eikos*) to have wanted as heirs,<sup>63</sup> and which side truly deserves to win.<sup>64</sup>

The speaker begins by setting up a series of contrasts which show the circumstances in which he and his siblings find themselves to be unusual, unlikely, and inappropriate (§1):

πολλή μὲν ἡ μεταβολή μοι γέγονεν, ὦ ἄνδρες, τελευτήσαντος Κλεωνύμου·  
ἐκεῖνος γὰρ ζῶν μὲν ἡμῖν κατέλειπε τὴν οὐσίαν, ἀποθανὼν δὲ κινδυνεύειν  
περὶ αὐτῆς πεποίηκε. καὶ τότε μὲν οὕτως ὑπ’ αὐτοῦ σωφρόνως  
ἐπαιδευόμεθα, ὥστ’ οὐδὲ ἀκροασόμενοι οὐδέποτε ἦλθομεν ἐπὶ  
δικαστήριον, νῦν δὲ ἀγωνιούμενοι περὶ πάντων ἤχομεν τῶν ὑπαρχόντων.

<sup>61</sup> Wyse 1979: 176 warns us of “the probability that the nephews [delivering the speech] refused a generous offer in the hope of bamboozling the judges.”

<sup>62</sup> According to a Solonian law, a will written by someone who was insane, senile, or under the influence of a woman was considered invalid ([Demosthenes] 46.14: “Ὅσοι μὴ ἐπεποίητο, ὥστε μήτε ἀπειπεῖν μήτ’ ἐπιδικάσασθαι, ὅτε Σόλων εἰσήει τὴν ἀρχήν, τὰ ἑαυτοῦ διαθέσθαι εἶναι, ὅπως ἂν ἐθέλη, ἂν μὴ παῖδες ὧσι γνήσιοι ἄρρενες, ἂν μὴ μανίων ἢ γήρωσ ἢ φαρμάκων ἢ νόσου ἕνεκα, ἢ γυναικὶ πειθόμενος, ὑπὸ τούτων του παρανοῶν, ἢ ὑπ’ ἀνάγκης ἢ ὑπὸ δεσμοῦ καταληφθεῖς). Cf. also *Ath. Pol.* 35.2, Plutarch *Life of Solon* 21.4.

<sup>63</sup> “Not every document that is presented as a fact is accepted as valid.... This is most easily seen in inheritance cases which hinge on the validity of a will. Although a will is a clear example of a nonartistic proof that establishes an objective fact, namely the deceased’s intentions, wills are regularly challenged on various grounds.... And those challenges are generally cast in the form of *eikos* arguments” (Gagarin 2014: 23-24).

<sup>64</sup> Meyer-Laurin (1965, 2007) discusses the question of to what degree fairness, or equity, was a consideration in an Athenian trial. He concludes that fairness arguments were equivalent to other form of *entechnoi* proofs, and could not be used to overturn the law. In contrast, Harris (1994) argues that equity arguments have little to no influence in Athenian courts.

Great indeed was the upheaval that resulted for me from the death of Kleonymos. For while he was alive he handed his estate over to us, but in dying he has put us at risk of losing it. Back then, we were brought up so modestly by him that we never went into a courtroom, even to listen. But now, we have come to fight for everything we have.

The speaker compares the orderly, appropriate way in which he and his siblings were brought up to their current state, set adrift in a chaotic world of opposites. He constructs the magnitude of change through a matched set of opposites—while living, Kleonymos handed over his property, but dead it is put at risk; *then*, they never entered a courtroom, but *now* they are on trial over everything they have. The speaker's very presence before the jury epitomizes the reversal of everything he has always known.

To underline his helpless passivity in the face of these circumstances, the speaker then introduces his opponents, whom he characterizes as greedy and opportunistic. Not content with the settlement decided by the arbitrators, they are going after the speaker's own patrimony (§2):

οὔτοι δὲ εἰς τοῦτο ἤκουσιν ἀναισχυντίας ὥστε καὶ τὰ πατρῶα  
προσαφελῆσθαι ζητοῦσιν ἡμᾶς, οὐκ ἀγνοοῦντες, ὡ ἄνδρες, τὸ δίκαιον,  
ἀλλὰ πολλὴν ἡμῶν ἐρημίαν καταγνόντες.

They have come to such a degree of shamelessness that they are also seeking to deprive us of our patrimony, not ignorant of what is right but despising us for our great destitution.

Matched result clauses frame the distance between the speaker (οὕτως σωφρόνως) and his opponents (εἰς τοῦτο ἀναισχυντίας), constructing an echoing gap between the two parties. The repetition of the verb ἤκω brings movement into this space: the speaker and his brother have come (ἤκομεν) unwillingly into an unaccustomed space, forced to do battle over everything (περὶ πάντων). Their opponents, however, have come (ἤκουσιν) into a metaphorical space of excessive shamelessness. Whereas the speaker is associated with destitution (ἐρημίαν), his enemies aim not just to take away (ἀφ-αιρέω) the inheritance in question but to additionally (προσ-αφ-ελέσθαι) deprive the speaker and his siblings of their preexisting property.



To add to the contrast between the two parties, the speaker alludes to the familiar question of shame when going to court against family members (§§5-6):

συγγενεῖς ὄντες καὶ οὐδὲν δίκαιον εἰπεῖν ἔχοντες, οὐκ αἰσχύνονται καταστήσαντες ἡμᾶς εἰς ἀγῶνα περὶ τούτων, περὶ ὧν αἰσχρὸν ἦν ἀμφισβητῆσαι καὶ τοῖς μηδὲν προσήκουσιν. οὐχ ὁμοίως δέ μοι δοκοῦμεν, ὦ ἄνδρες, διακείσθαι πρὸς ἀλλήλους. ἐγὼ μὲν γὰρ οὐχ ὅτι ἀδίκως κινδυνεύω, τοῦθ' ἡγοῦμαι μέγιστον εἶναι τῶν παρόντων κακῶν, ἀλλ' ὅτι ἀγωνίζομαι πρὸς οἰκείους, οὐς οὐδ' ἀμύνεσθαι καλῶς ἔχει.

Despite being our relatives and having no lawful claim to speak of, they are not ashamed to bring us into court about the kind of things that it would be shameful to dispute even with those who are not at all related. But I suspect, men, that we do not feel the same about one another. For I consider this to be the worst of my present problems: not that I am involved in this trial unjustly, but that I am disputing with kin, against whom it is not good even to defend one's self.

Again, the argument circles around the opponents' lack of shame, and the contrast is clear. They feel no shame (οὐκ αἰσχύνονται) doing to family members what would generally be considered shameful (αἰσχρὸν ἦν) to do even to non-relatives. As Lysias did in the case of Diogeiton, Isaeus emphasizes the extremity of the opponents' violation of social order: they have not just crossed the line of propriety within the family, they have even gone beyond appropriate engagement with non-kin. This transgression, as in the previous example, threatens to undercut the bonds of affection that society depends upon. As in Antiphon 1, the context of the trial itself is used as evidence of the ethics of the speaker and his opponent. Appropriately affectionate behavior toward one's family members separates good kin from bad kin; good kin are good citizens, and good citizens get jury votes.

Thus, despite the ostensible focus of the case being the validity of Kleomenes' will, the subtext, emphasized over and over, is the quantification of affection. The speaker is able to adduce many reasons why he and his siblings deserve the inheritance more than the heirs recorded in the will (§4):

ἡμεῖς δὲ γένει μὲν ἐγγυτάτω προσήκοντες, χρώμενοι δὲ ἐκεῖνῳ πάντων

οἰκειότατα, δεδωκότων δ' ἡμῖν καὶ τῶν νόμων κατὰ τὴν ἀγχιστείαν καὶ αὐτοῦ τοῦ Κλεωνύμου διὰ τὴν φιλίαν τὴν ὑπάρχουσαν αὐτῷ, ἔτι δὲ Πολυάρχου, τοῦ πατρὸς τοῦ Κλεωνύμου, πάππου δ' ἡμετέρου, προστάξαντος, εἴ τι πάθοι Κλεώνυμος ἄπαις, ἡμῖν δοῦναι τὰ αὐτοῦ.

We are the most closely related by descent, and we enjoyed the most intimate friendship of anyone with him, and the laws have granted us the inheritance because of anchisteia, and so did Kleonymos because of the preexisting friendship we had with him. Moreover, Polyarchos, Kleonymos' father and our grandfather, insisted that, if Kleonymos died childless, we should be given his property.

The speaker's superlative relationship with Kleonymos is expressed in terms of both kinship (ἐγγυτάτω) and friendship (οἰκειότατα). This proximity of kinship and intimacy join the emotional with the legal: both ἀγχιστεία and φιλία guarantee that Kleonymos' estate should go to the speaker and his siblings. To these superlative claims is joined the support of the kindly ghost of Polyarchos. Of all these reasons, the only one that has any legal weight is the proximity by kinship, making the speaker the closest heir in the circle of *anchisteia*.

And yet, despite his claim of superlative proximity to Kleonymos, this is not the argument the speaker uses to disprove the will's soundness. Instead, he insists that the validity of the will depends on the measurement of change over time in the levels of affection between Kleonymos and the speaker and Kleonymos and the opponent. At the time when the will was made, Kleonymos publicly admitted that he had no grudge against the children or their parents.<sup>65</sup> Kleonymos even addressed Deinias in the presence of all the citizens and testified to the fact that it was anger that drove him to make the will while out of his mind. The implication is that the case at hand had already been settled by Kleonymos' admission at the time the will was written, and that the mutual fondness between Kleonymos and the speaker has always spoken more eloquently than any will.

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<sup>65</sup> §11: Καὶ εὐθὺς ἐρωτῶντος τοῦ Δεινίου παραχρῆμα εἴ τι ἡμῖν ἢ τῷ πατρὶ ἐγκαλεῖ τῷ ἡμετέρῳ, ἀπεκρίνατο πάντων τῶν πολιτῶν ἐναντίον ὅτι οὐδὲν πονηρὸν ἐγκαλεῖ, καὶ ἐμαρτύρησεν ὡς ὀργιζόμενος ἐκείνῳ καὶ οὐκ ὀρθῶς βουλευόμενος ταῦτα διέθετο.

The speaker continually builds up the impression of a longstanding affection between Kleonymos and the speaker following the death of Deinias (§§12-13):

τελευτήσαντος γὰρ Δεινίου καὶ τῶν πραγμάτων ἡμῖν πονηρῶς ἐχόντων οὐδὲ περιεῖδεν ἡμᾶς οὐδενὸς ἐνδεεῖς ὄντας, ἀλλ' αὐτοὺς μὲν εἰς τὴν οἰκίαν τὴν αὐτοῦ κομισάμενος ἐπαίδευε, τὴν δ' οὐσίαν ἀφελέσθαι τῶν χρηστών ἐπιβουλευσάντων ἔσωσεν ἡμῖν, ἐπεμελεῖτό τε ὁμοίως τῶν ἡμετέρων ὥσπερ τῶν αὐτοῦ πραγμάτων.

After Deinias died and things were not going well for us, he did not allow us to be in need of anything, but he brought us into his house and educated us. And when the creditors were plotting to take away our property he saved it, and he took care of our affairs as if they were his own.

This description of Kleonymos' solicitous treatment of the orphans reflects the opening of the speech. First, the speaker contrasts knowledge and poverty. When Kleonymos was alive, he would not allow (οὐδὲ περιεῖδεν) the orphans to be in need of anything—literally, he would not overlook their lack. But now, the opponents are well aware (§2: καταγνόντες) of the orphans' destitution. In the past, Kleonymos saved the orphans from creditors plotting to take away (ἀφελέσθαι) their property, but now the opponents themselves are trying to deprive them (§2: προσαφελέσθαι) of the inheritance as well as their preexisting property. The actions of the opponents are cast as counter to the legacy of affection between Kleonymos and the speaker.

The consistent contrast between the speaker and his siblings (on the side of affection, beloved by Kleonymos) and the heirs (greedy and cruel) sets up an ethical playing field on which the opponents are always at a disadvantage. When the speaker arrives at the question of whether Kleonymos intended to change the will to include him and his siblings, or strengthen it for the benefit of the heirs, he draws on issues of likelihood and intention based on Kleonymos' affections for each party. First of all, the speaker argues, everyone makes mistakes when they are angry,<sup>66</sup> and those who wrong their relatives (τοὺς οἰκείους) when angry later come to regret

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<sup>66</sup> §13: Καίτοι χρὴ θεωρεῖν αὐτοῦ τὴν ἔννοιαν ἐκ τούτων τῶν ἔργων μᾶλλον ἢ ἐκ τῶν διαθηκῶν, καὶ

it.<sup>67</sup> Kleonymos' actions are ascribed to a natural human error, one easily understood—and easily forgiven—by the jury. They are asked to consider what intention he would have been likely (*eikos*) to have (§18):

ὕμεις δὲ σκοπεῖσθε τὰς διαθήκας τὰς μετ' ὀργῆς γενομένας πότερα εἰκόσ ἐστι βουλευθῆναι Κλεώνυμον ἀνελεῖν, ἐπειδὴ πρὸς ἡμᾶς οἰκειῶς ἔσχεν, ἢ σκοπεῖν ὅπως ἔτι βεβαιότερον ἡμᾶς ἀποστερήσει τῶν αὐτοῦ.

Just think about whether it is more likely that Kleonymos wanted to destroy the will that he made under the influence of anger, after he had become friendly toward us, or whether he was figuring out how to even more securely deprive us of his property.

Kleonymos' rashness in the composition of his original will makes him more human to the jury, more understandable, and therefore his actions can be justified as natural. The friendly (οἰκειῶς) relationship between the Kleonymos and the speaker's family gives the jury a marker by which to measure the likeliness (εἰκόσ) of Kleonymos' leaving them out of his will. The speaker then raises this likelihood to necessity with the repetition of the superlative. By the time of his death, the speaker insists, Kleonymos regarded the speaker with the greatest affection (οἰκειότατα διέκειτο).<sup>68</sup> It is, in fact, madness to suggest that Kleonymos, in his anger at Deinias, had composed his will in such a way as to completely fail to punish his enemy while hurting those he now considered his dearest relations (οἰκειοτάτους).<sup>69</sup> The speaker finds this version of events to be extremely unbelievable—that is, it is the opposite of *eikos*.<sup>70</sup>

To these rationalizations the speaker eventually adds new information: at some point,

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τεκμηρίους χρῆσθαι μὴ τοῖς μετ' ὀργῆς πραχθεῖσιν, ἐν οἷς ἅπαντες πεφύκαμεν ἀμαρτάνειν.

<sup>67</sup> §19: Τοῖς μὲν γὰρ ἄλλοις κἀκείνων ὧν ἂν ὀργισθέντες τοὺς οἰκειοὺς ἀδικήσωσιν ὕστερον μεταμέλει.

<sup>68</sup> §19: ἐν ᾧ πρὸς ἡμᾶς οἰκειότατα διέκειτο...

<sup>69</sup> §20: τίς γὰρ ἂν γένοιτο ταύτης μανία μείζων ἢ τότε μὲν ὅτε Δεινία διάφορος ὧν ἔτυχεν, ἡμᾶς κακῶς ποιεῖν τε καὶ διατίθεσθαι τοιαύτας διαθήκας, ἐξ ὧν οὐκ ἐκείνον ἐτιμωρεῖτο, ἀλλὰ τοὺς οἰκειοτάτους ἠδίκει· νυνὶ δὲ χρώμενος ἡμῖν καὶ περὶ πλείστου ποιούμενος ἀπάντων, μόνους ἐβουλήθη τοὺς ἀδελφιδούς, ὡς οὐτοῖ φασιν, ἀκλήρους ποιῆσαι τῶν ἑαυτοῦ...

<sup>70</sup> §29: ἀλλὰ ταῦτα μὲν, ὧ ἄνδρες, πολλὴν ἀπιστίαν ἔχει.

Kleonymos exchanged his anger at Deinias for a grudge against one of the testamentary heirs. Although he does not go into the reasons for the enmity, he provides witnesses to his claim that on multiple occasions Kleonymos snubbed his relative Pherenikos, probably one of the speaker's opponents. From there the speaker returns to his main probability argument, stressing again and again the contrast between the opponents, with whom Kleonymos was angry, and the speaker's family, with whom he enjoyed a great affection (οἰκειότης) and friendship (§§33-34):

οἴεσθε οὖν, ὦ ἄνδρες, τὸν οὕτως πρὸς ἑκατέρους ἡμᾶς διακείμενον ἡμῖν μὲν, οἷς οἰκειότατα ἐχρήτο, οὕτως ποιεῖν ὥστε μηδὲ λόγον ὑπολείψειν, τούτοις δέ, ὧν τισιν καὶ διάφορος ἦν, σκοπεῖν ὅπως ἅπασαν βεβαιώσει τὴν οὐσίαν; Καὶ τούτους μὲν νῦν περὶ πλείονος ποιείσθαι ταύτης ὑπόουσης τῆς ἔχθρας, ἡμᾶς δὲ τοσαύτης οἰκειότητος καὶ φιλίας γενομένης πειρᾶσθαι μάλλον κακῶς ποιεῖν; ... τοῦ δὲ τοσαύτην μανίαν κατηγοροῦσιν ὥστε φασὶν αὐτὸν περὶ πλείονος ποιείσθαι τοὺς αὐτῷ διαφερομένους ἢ τοὺς οἰκείως χρωμένους, καὶ οἷς μὲν ζῶν οὐδὲ διελέγετο ἅπασαν δοῦναι τὴν οὐσίαν, τοὺς δ' οἰκειότατα κεχρημένους οὐδὲ πολλοστοῦ μέρους ἀξιῶσαι.

Do you think, men, that Kleonymos, having that kind of attitude towards each of us, would behave like this towards us and not leave us a word to say, when he had the most intimate friendship with us? But that he was figuring out how to ensure that my opponents would get the entire estate, even though he was quarreling with some of them? And that he thought more highly of them despite this underlying enmity, but he was trying to do ill to us when we had such a great intimacy and friendship? ... And they are accusing him of being so crazy that (as they admit) he thought more highly of those who were fighting with him than those with whom he enjoyed a close friendship, and that he gave all his property to those he never talked to while he was alive, while considering those with whom he had enjoyed the most intimate friendship not even worthy of the smallest portion.

This passage is the culmination of the speaker's differentiation between the two parties' relationships with Kleonymos. He makes the same point four times in quick succession, each time varying his description of the quarrel ("he was quarreling with some of them," "despite this underlying enmity," "those who were fighting with him," "those he never talked to while he was alive") but describing the friendship in more or less the same way ("the most intimate friendship" (οἰκειότατα), "such great intimacy and friendship" (τοσαύτης οἰκειότητος καὶ φιλίας) "those with whom he enjoyed a close friendship" (οἰκείως), "those with whom he had

enjoyed the most intimate friendship” (οἰκειότατα). The repetition of forms of these related words emphasize the association between *oikeiotēs* and the *oikos*, giving the distinct impression that the most intimate friend ought to be considered the one most deserving of the *oikos*.

As further evidence supporting this association, the speaker reminds the jury of the connection between emotional intimacy and the house itself. Over the course of the speech, he repeats three times that Kleonymos brought himself and his siblings into his house, underlining the feeling of οἰκειότης between the children and Kleonymos by connecting it explicitly to the *oikia*. First, in a passage discussed above, Kleonymos brought them to his house (εἰς τὴν οἰκίαν) and educated (ἐπαίδευε) them after the death of Deinias and their subsequent destitution.<sup>71</sup> Shortly afterward, he repeats this claim nearly verbatim.<sup>72</sup> The third time, the speaker uses the intimacy fostered by the speaker and his sibling’s presence in Kleonymos’ house to argue for the absurdity of their being left out of the will (§28):

πάντων δ’ ἂν εἴη θαυμασιώτατον, εἰ... Κλεώνυμος δ’ ὅς ἦν ἡμῖν  
οἰκειότατος καὶ ἡμᾶς εἰς τὴν οἰκίαν τὴν αὐτοῦ λαβὼν ἐθεράπευε καὶ  
ἐπεμελείτο τῶν ἡμετέρων ὥσπερ τῶν αὐτοῦ πραγμάτων, οὗτος μόνος  
ἐβούλετο ἡμᾶς ἀκλήρους εἶναι τῶν αὐτοῦ.

“It would be the most miraculous thing of all if... Kleonymos, who was our closest relative and took us into his house to take care of us and managed our affairs as though they were his own, was the only one who wanted to leave us no portion of his property.”

The repeated reminders of the children’s former presence within Kleonymos’ home, of the older man’s nurturing and care, fleshes out the “great upheaval” with which the speech opens. The jury is confronted with a substantial challenge to *eikos*: how could those who were once Kleonymos’ οἰκειότατοι now be left without a share of his *oikos*?

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<sup>71</sup> §12: τελευτήσαντος γὰρ Δεινίου καὶ τῶν πραγμάτων ἡμῖν πονηρῶς ἐχόντων, οὐδὲ περιείδεν ἡμᾶς οὐδενὸς ἐνδεεῖς ὄντας, ἀλλ’ αὐτοὺς μὲν εἰς τὴν οἰκίαν τὴν αὐτοῦ κομισάμενος ἐπαίδευε... ἐπεμελείτο τε ὁμοίως τῶν ἡμετέρων ὥσπερ τῶν αὐτοῦ πραγμάτων.

<sup>72</sup> §15: ὡς ἐκείνου (sc. Δεινίου) τελευτήσαντος ἐπεμελείτο τε τῶν ἡμετέρων ἀπάντων καὶ αὐτοὺς ἐπαίδευεν εἰς τὴν οἰκίαν τὴν αὐτοῦ κομισάμενος

In emphasizing the degrees of difference separating the intimacy between the speaker and Kleonymos from that between the opponents and Kleonymos, Isaeus uses the invocation of familial intimacy in order to create a more reasonable character for his client.<sup>73</sup> As we have seen, this tactic was a common one; moreover, it must have been considered an effective one, if Isaeus, “an expert in testamentary pleading, felt secure in advancing before the jurors the claims of affection in such a case.”<sup>74</sup> Quantification of affection thus would have been seen as a legitimate form of proof in a court case: the speaker even appeals to the jury’s experience with this trope when he says “you all know about familial intimacy.”<sup>75</sup> *Oikeiotēs* is no longer a subjective claim, but, through the use of *eikos* argumentation, an objective piece of evidence, as relevant to the trial as the order of *anchisteia*. All things taken together, the speaker and his siblings have a stronger claim on all fronts (§37, §49).

εἴτε γὰρ διὰ τὴν τοῦ γένους ἀγχιστείαν δεῖ γενέσθαι τινὰς κληρονόμους, ἡμεῖς ἐγγυτέρω γένει προσήκομεν· εἴτε διὰ τὴν φιλίαν τὴν ὑπάρχουσαν, ἴσασιν αὐτὸν ἅπαντες ἡμῖν οἰκειότερον διακείμενον...

μηδέτερον ἀποφαίνωσι, μήθ' ὡς ἐγγυτέρω τῷ γένει προσήκουσι μήθ' ὡς οἰκειότερον ἡμῶν πρὸς Κλεώνυμον διέκειντο.

If one must become heir because of proximity of kinship, we are related more closely by blood. Or if it’s because of preexisting friendship, everyone knows that he had a closer friendship with us.

My opponents have shown neither that they are related more closely by blood nor that they had a closer friendship with Kleonymos than we did.

On the grounds of both kinship and affective evidence, the speaker and his siblings win out. The will is discarded as a byproduct of Kleonymos’ earlier madness and only the arguments from

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<sup>73</sup> This exact advice can be found in the handbooks known to Dionysius (*Lysias* 24): ἅπαντες γὰρ δὴ που παραγγέλλουσιν οἱ συνταξάμενοι τὰς τέχνας, ὅταν πρὸς οἰκείους ὁ ἀγὼν... κελεύουσιν... λέγειν, ὅτι μεγάλα τὰ δίκηματα καὶ οὐκ ἐνήν αὐτὰ μετρίως ἐνεγκεῖν καὶ ὅτι ὑπὲρ ἀναγκαιότερων προσώπων ὁ ἀγὼν.... ταῦτα μὲν δὴ παραγγέλλουσι ποιεῖν οἱ τεχνολογοῦντες, ἵνα τὸ ἦθος τοῦ λέγοντος ἐπιεικέστερον εἶναι δόξη. δύναται δὲ αὐτοῖς εὐνοίαν τοῦτο ποιεῖν καὶ ἔστι κράτιστον τῆς κατασκευῆς μέρος.

<sup>74</sup> Konstan 1996: 87 n. 38.

<sup>75</sup> §41: τὴν μὲν γὰρ τοῦ γένους οἰκειότητα πάντες ἐπιστάμενοι τυγχάνετε

probability remain compelling. The logic of this speech depends on an expectation that if the world were perfectly *eikos*, people would leave their property to their closest kin, for whom they would naturally feel the most fondness.

This speech demonstrates how the framework of *eikos* behavior is constructed through the use of grammar as rhetoric. In trying to persuade the jury to accept that he and his siblings have the greater claim to the estate of Kleonymos, the speaker's primary strategy in this speech is to insist again and again on the proximity of affection between the speaker and the deceased. Within the world of the speech, this creates a set of expectations that must not be contravened. He first outlines Kleonymos' behavior in this framework, explaining away the behavior that seems to contradict the rules of familial affection—excluding his οἰκειότατοι from his will—by attributing it to madness brought on about by anger. The speaker spends little time describing his own behavior toward Kleonymos except as potential behavior in hypothetical situations. Instead, he simply repeats that Kleonymos brought him and his siblings into his house: their association with the *oikia*, the house, leads, as we have now seen several times, to his claim to the *oikos*, the estate. According to the principle of *eikos*, it is only natural for the party closest in *oikeiotēs*, closest to the *oikos*, to inherit.

### **Isocrates 19: *Aegineticus***

Isocrates 19, *Aegineticus*, is also an inheritance dispute, although since it was argued in Aegina instead of Athens, the Athenian legal framework does not apply.<sup>76</sup> Nevertheless, in this speech as in those discussed above, the negotiation of affection plays a significant part in the

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<sup>76</sup> On this speech: Brindesi 1963 provides commentary, Mirhady (in Mirhady and Too) 2000 provides introduction, translation, and notes; aspects of friendship and caretaking in this speech are discussed in Konstan 1996 and 1997 and Sternberg 2000 and 2005. The speech is dated to c. 390 BCE based on the timing of the Siphnian civil war.



speech's persuasive strategy. Isocrates was a practicing logographer in his youth in the late 5<sup>th</sup> and early 4<sup>th</sup> centuries, although he later disclaimed this background; despite being early examples of the genre, his speeches show all the same characteristics found in similar speeches by later generations of orators. The speaker of Isocrates 19 is the adopted son and brother-in-law of Thrasylochos, an exile from Siphnos living in Aegina; his opponent is Thrasylochos' half-sister, who is claiming the estate for herself.<sup>77</sup> The speaker takes pains throughout the speech to establish his intimate friendship (*oikeiotēs*) with the deceased, and to contrast his own solicitous behavior toward Thrasylochos with the sister's neglect. In this speech as in those discussed above, character and behavior go hand in hand: the speaker's actions reveal his character, and his character provides evidence that his account of his behavior is reliable. The relevant rubric of character is the speaker's invocation of the intimate friendship between himself and the dead man, which, in this speech, is shown to be a superior justification for his receiving the inheritance than his opponent's blood relationship. This speech is the only extant legal oration delivered outside of Athens, but its resemblance to Athenian speeches of the same genre suggests that similar rhetorical techniques found success in the two court systems.

The speech begins, like my previous example, with a dramatic revelation of upheaval expressed by a result clause (§1):

ἐνόμιζον μὲν, ὧ ἄνδρες Αἰγινήται, οὕτω καλῶς βεβουλευῆσθαι περὶ τῶν  
 ἑαυτοῦ Θρασύλοχον ὥστε μηδέν' ἂν ποτ' ἐλθεῖν ἐναντία πράξοντα ταῖς  
 διαθήκαις αἷς ἐκεῖνος κατέλιπεν

I thought, men of Aegina, that Thrasylochos had arranged his affairs so well that nobody would ever bring a case disputing the will that he left.

This result clause posits that the natural outcome of Thrasylochos' careful planning should have been an uncontested will. This claim marks out standards of likely or appropriate behavior, yet

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<sup>77</sup> The speaker occasionally refers to the opposing party in the feminine singular, but §4 (τῶν προπτόντων ὑπὲρ αὐτῆς) proves that she had some kind of legal representation.

these standards are preempted by the opening word ἐνόμιζον: “Or so I thought, anyway.” This opening, its result clause juxtaposing expected behavior with the actual outcome, also echoes the openings of the speeches discussed above in immediately characterizing the opponent’s behavior as contrary to expectations: she subverts natural order, she is unsettling. The speaker appeals to the comfortable pattern of everyday life; this woman and her supporters countermand what is *eikos* through their actions.

The opponent’s perverse behavior is tied to her relationship to the deceased and his estate. Their appearance in court offers the speaker an opportunity to link her failure to treat Thrasylochos well while alive with her desire to invalidate his will, revealing her to be no friend to either the family or to the estate (§3):

χρῆν μέντοι καὶ τὴν ἀμφισβητοῦσαν τῶν χρημάτων μὴ παρ' ὑμῶν  
πειράσθαι λαμβάνειν τὴν οὐσίαν ἣν Θρασύλοχος κατέλιπεν, ἀλλὰ περὶ  
ἐκείνον χρηστὴν οὖσαν οὕτως ἀξιούν αὐτῆς ἐπιδικάζεσθαι. Νῦν δ' αὐτῇ  
τοσοῦτου δεῖ μεταμέλειν ὡν εἰς ζῶντ' ἐξήμαρτεν, ὥστε καὶ τεθνεώτος  
αὐτοῦ πειράται τὴν τε διαθήκην ἄκυρον ἅμα καὶ τὸν οἶκον ἔρημον  
ποιῆσαι.

The woman disputing the inheritance should not have tried to get the property that Thrasylochos left behind from you, but to have proven herself worthy of it by being good to him. But as it is, she is so far from regretting the way she mistreated him while he was alive that now that he’s dead she is trying to make his will invalid and to simultaneously leave his household without heirs.

The opponent’s neglect of her brother is tied to her disdain of his interests through the use of another result clause tying together Thrasylochos’ interests whether alive or dead. Her dispute over the will is described as an attempt to nullify his will and leave his household without heirs (οἶκον ἔρημον ποιῆσαι, literally “make an empty household”). As the passage from Demosthenes 43 with which this chapter opened demonstrated, the empty household was a powerful symbol in Athenian rhetoric. Its presence in this speech suggests that in Aegina, too, the evocation of the “empty house” would arouse an emotional response in the audience in favor

of the speaker. Beginning with the opening of the speech, the speaker is allied with the interests of Thrasylochos' house, his opponent hostile to them.

Following the proem, the speaker moves to an explanation of how Thrasylochos' father, Thrasyllus, made his fortune (§§5-6):

Θράσυλλος γὰρ ὁ πατὴρ τοῦ καταλιπόντος τὴν διαθήκην παρὰ μὲν τῶν προγόνων οὐδεμίαν οὐσίαν παρέλαβεν, ξένος δὲ Πολεμαινέτῳ τῷ μάντει γενόμενος οὕτως οἰκειῶς διετέθη πρὸς αὐτὸν ὥστ' ἀποθνήσκων ἐκείνος τὰς τε βίβλους τὰς περὶ τῆς μαντικῆς αὐτῷ κατέλιπεν καὶ τῆς οὐσίας μέρος τι τῆς νῦν οὔσης ἔδωκεν. Λαβὼν δὲ Θράσυλλος ταύτας ἀφορμὰς ἐχρῆτο τῇ τέχνῃ.

Thrasyllus, the father of the man who left the will, received no property from his parents, but after becoming guest-friends with the prophet Polemainetos he developed such an intimate friendship with him that when the latter man died he left him his books about prophecy and gave him a part of the estate that we are now discussing. And Thrasyllus, taking these gifts as a starting point, practiced the trade.

This brief narration highlights the topic of intimate friendship (*oikeiotēs*). Thrasyllus, left nothing by his family, made a *xenia* bond with Polemainetos. It was their friendship that gave Thrasyllus the estate now being disputed and his career as a prophet. A result clause is again used to sketch out the borders of ethical space: οὕτως points to the heightened degree of intimacy that results in the inheritance of a friend's property. This anecdote from the previous generation underlines the speaker's claim that if his opponent had wanted to be Thrasylochos' heir she ought to have treated him well, because close relationships lead, according to the result clause, to inheritance.

The speaker immediately reiterates his theme by providing an account of his father's friendship with Thrasyllus. After some time traveling as an itinerant fortune-teller, Thrasyllus settled down and married the speaker's father's sister. The experience was pleasant enough to cement the two families together, in spite of the death of Thrasyllus' first wife (§8):

οὕτω δὲ σφόδρ' ἠγάπησεν τὴν τοῦ πατρὸς φιλίαν, ὥστ' ἀποθανούσης ἐκείνης ἄπαιδος αὐθις ἠγάγετ' ἀνεψιὰν τοῦ πατρὸς, οὐ βουλομένος διαλύσασθαι τὴν πρὸς ἡμᾶς οἰκειότητα.

He was so fond of his friendship with my father that, when the first woman died childless he married my father's cousin because he didn't want to dissolve the intimacy he had with us.

The estate was founded because of *oikeiotēs*, and therefore it should be passed onward in the same way. Generation upon generation of friendship had brought the two families together, the speaker emphasizes, closer due to their devotion than any blood tie.

The intimacy between the speaker and Thrasylochos is particularly apparent in the devotion with which he nursed his friend during the illness that eventually killed him. The speaker repeatedly remarks on the excellence of his caretaking, using the same grammatical strategies of result clauses, comparatives, and superlatives that we have seen the orators using to express their allegiance to *eikos* behavior:

· οὕτως ἐπιπόνως καὶ καλῶς αὐτὸν ἐθεράπευσα ὥστ' ἐκείνον μὴ νομίζειν ἄξιαν μοι δύνασθαι χάριν ἀποδοῦναι τῶν πεπραγμένων. (§11)

I nursed him so laboriously and well that he didn't think he would be able to give me worthy thanks for what I had done.

· ἐπειδὴ γὰρ εἰς Αἴγινα κατοικισάμενος ἠσθένησεν ταύτην τὴν νόσον ἐξ ἧσπερ ἀπέθανεν, οὕτως αὐτὸν ἐθεράπευσα ὡς οὐκ οἶδ' ὅστις πώποθ' ἕτερος ἕτερον.... (§24)

When he came to Aegina and became sick with the same disease that he died from, I took care of him in such a way as nobody has ever done for another, in my opinion.

· νῦν δὲ τὰ χαλεπώτατα τῶν ἐν τῇ θεραπείᾳ καὶ δυσχερῆστατα καὶ πόνους ἀηδεστάτους ἔχοντα καὶ πλείστης ἐπιμελείας δεηθέντ' οὐκ εὐδιήγητ' ἐστίν. (§28)

In fact, it is not easy to describe the details of the caretaking. They were the most difficult, the most unpleasant, entailed the least enjoyable labors and required the most solicitousness.

· ἐγὼ μὲν γὰρ οὕτω κακῶς διετέθην ὥσθ' ὅσοι περ εἰσήλθον τῶν φίλων, ἔφασαν δεδιέναι μὴ κἀγὼ προσαπόλωμαι.... πρὸς οὓς ἐγὼ τοιαύτ' ἀπεκρινάμην ὅτι πολὺ ἂν θάπτον ἐλοίμην ἀποθανεῖν ἢ 'κείνον περιδεῖν δι' ἔνδειαν τοῦ θεραπεύσοντος πρὸ μοίρας τελευτήσαντα. (§29)

I was doing so poorly that all my friends who came to see me told me they were

afraid I was going to die.... I responded to them that I would far rather choose to die than to allow Thrasylochos to die an untimely death due to lack of care.

In these passages, the speaker uses a combination of result clauses and comparative and superlative adjectives and adverbs to precisely evoke the extreme degrees of hardship he suffered and the equally extreme amount of devotion he lavished on the invalid. By sketching out the outlines of his behavior, the speaker characterizes himself as a weariless companion, the paragon of friendship. This is the absolute standard of intimate friendship against which his opponent will be pitted.

At the other end of the ethical playing field are Thrasylochos' sister and her supporters, whose actions are described as neglectful, dishonest, and heartless (§§30-31):

εἶτα νῦν αὐτὸν ἀδελφίζειν ἐπιχειρήσουσιν, ὥσπερ οὐχ ὅσῳ ἂν οἰκειότερον προσείπωσιν τὸν τεθνεῶτα, τοσοῦτω δόξουσιν αὐτὴν μείζω καὶ δεινότερ' ἐξαμαρτεῖν· ἥτις οὐδ' ἐπειδὴ τελευτᾶν ἤμελλε τὸν βίον... οὐδ' εἰς τοῦτον τὸν καιρὸν ἀπήνησεν, ἀλλ' οὕτως ὠμῶς καὶ σχετλίως εἶχεν ὥστ' ἐπὶ μὲν τὸ κῆδος οὐκ ἤξιώσεν ἀφικέσθαι, τῶν δὲ καταλειφθέντων οὐδὲ δέχ' ἡμέρας διαλιποῦσ' ἦλθεν ἀμφισβητοῦσα, ὥσπερ τῶν χρημάτων ἀλλ' οὐκ ἐκείνου συγγενῆς οὔσα.

Now they are going to try to call him “brother”, as if it were not the case that the more intimate the relationship they pretend to have with the dead man, the more egregious and terrible her deceit will appear! And when he was about to die... she did not even come at that moment, but was so cruel and merciless that she didn't even bother coming to the funeral. But not ten days passed before she showed up to dispute the property, as though she were a relative of the money, not the man.

Using the same techniques—here, comparatives and result clauses—as he used to elevate himself, the speaker now denigrates his opponent. In contrast to his own *oikeiotēs* with Thrasylochos, his opponents only have a feigned intimacy—and the greater the pretence, the more obvious the deceit. The kindness and heroism of the speaker faces off against the hyperbolic villainy of his opponent: enemies made of rhetoric, crouched at opposite corners in the ethical palaestra.

One reason for the speaker's desire to differentiate himself from his opponent so

drastically may that, due to her kinship proximity to the deceased, her claim to the estate might be legally superior to his own.<sup>78</sup> Despite having been adopted by Thrasylochos, being married to his sister, and being registered as heir in his will, the speaker shows some anxiety: first that he might seem unworthy to have been adopted into Thrasylochos' family and to have married his sister<sup>79</sup> and second that the jury might sympathize with his opponent's claim that her father, Thrasyllus, would not have wanted to see her deprived of his money.<sup>80</sup> This anxiety seems to suggest that the legitimacy of the speaker's case depends solely on emphasizing the superior intimacy between the himself and Thrasylochos and minimizing the legal claims of the half-sister.

And yet, the speaker counters the potential legal arguments against his case with the claim that Thrasylochos had made him a member of his *oikos* by adopting him and marrying him to his daughter. Rather than letting his property pass into the speaker's *oikos*, Thrasylochos folded the speaker into his own: the new configuration of the *oikos*, brought about through friendship, would carry the old *oikos* forward.<sup>81</sup> Their households had, in fact, already become entwined in the previous generation when Thrasyllus married the speaker's father's sister and then his cousin because he esteemed his friendship (*oikeiotēs*) with that family so greatly. Thrasyllus' friendly ghost is invoked twice through probability: first, the speaker argues that "there is nobody more likely (μᾶλλον εἰκόσ) than Thrasyllus to be benevolent towards those

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<sup>78</sup> "No doubt, the speaker's attack on the legitimacy of his opponent was not airtight, since he bases his case almost entirely on the grounds of intimacy or *philia*" (Konstan 88).

<sup>79</sup> §36: Ἀλλὰ γὰρ ἴσως ἀνάξιος ἦν υἱὸς εἰσποιηθῆναι Θρασυλόχῳ καὶ λαβεῖν αὐτοῦ τὴν ἀδελφὴν.

<sup>80</sup> §42: τρέφονται δ' ἴσως ἐπ' ἐκεῖνον τὸν λόγον, ὅσπερ αὐτοῖς λοιπὸς ἐστίν, ὡς Θρασύλλος ὁ πατὴρ ὁ ταύτης ἡγοῖτ' ἂν δεῖνὰ πάσχειν, εἴτις ἐστὶν αἰσθησις τοῖς τεθνεώσιν περὶ τῶν ἐνθάδε γιγνομένων, ὁρῶν τὴν μὲν θυγατέρ' ἀποστερουμένην τῶν χρημάτων, ἐμὲ δὲ κληρονόμον ὦν αὐτὸς ἐκτήσατο γιγνόμενον.

<sup>81</sup> §44: Καὶ γὰρ εἰ μὲν εἰς τὸν οἶκον τὸν ἐμὸν δεδωκὼς ἦν Θρασύλοχος τὴν οὐσίαν, τοῦτ' ἂν ἐπιτιμᾶν εἶχον αὐτῷ· νῦν δ' εἰς τὸν αὐτῶν <μ> εἰσποιήσατο ὥστ' οὐκ ἐλάττω τυγχάνουσιν εἰληφότες ὦν δεδώκασιν.

arguing in support of the will”<sup>82</sup> because the old man made his money because of friendship rather than inheriting it from his father (οὐ κατὰ γένος), and secondly, he claims that Thrasyllus would have supported the speaker’s marriage to Thrasylochos’ daughter and adoption into his family because “from which household would more gladly (ἥδιον) see his son adopt than the one that he himself wanted to have children from?”<sup>83</sup> Not just the present circumstances, but also the will of the ancestral founder of the estate support the speaker’s claim that he has the most legitimate claim to Thrasylochos’ *oikos*—the close association between the two *oikoi* in the previous generation confirms the *oikeiotēs* between members of the present generation.

Over the course of this speech, the speaker repeatedly stresses that friendship is thicker than blood, and that intimacy is what you do, not who you are.<sup>84</sup> The speaker urges the jury to vote based on deeds, not allegations (§33):

καίτοι δίκαιόν ἐστιν ὑμᾶς τὴν ψῆφον φέρειν, οὐκ εἴ τινες γένει μὲν φασι προσήκειν, ἐν δὲ τοῖς ἔργοις ὅμοιοι τοῖς ἐχθροῖς γεγόνασιν, ἀλλὰ πολὺ μᾶλλον ὅσοι μηδὲν ὄνομα συγγενείας ἔχοντες οἰκειότερους σφᾶς αὐτοῦς ἐν ταῖς συμφοραῖς τῶν ἀναγκαίων παρέσχον.

And in fact, it is right for you to cast your vote not for those claiming to be related but behaving like enemies, but far rather for those who are not actually relations but have shown themselves to be more intimate in adversity than family members.

The behavior of the speaker and his opponent are mapped out by their proximity to the household interest, which is represented as well by the affection between the families of the speaker and the deceased. The difference between the two parties’ relationships to Thrasylochos is made explicit through the use of the comparative of *oikeios*: the more intimately (§30: οἰκειότερον) the opponent addresses the dead man, the greater and more terrible her lies are

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<sup>82</sup> §45: οὐδένα μᾶλλον εἰκόσ ἐστιν ἢ Θράσυλλον εὖνουν εἶναι τοῖς κατὰ δόσιν ἀμφισβητοῦσιν.

<sup>83</sup> §46: Ἐκ ποίας δ' ἂν οἰκίας ἥδιον εἶδεν υἱὸν αὐτῷ κατὰ τοὺς νόμους εἰσποιηθέντα μᾶλλον ἢ ταύτης ἐξ ἧσπερ καὶ φύσει παιδάς ἐζήτησεν αὐτῷ γενέσθαι;

<sup>84</sup> “The argument in the speech is of interest as evidence that conduct indicative of a close personal bond or affection was valued alongside formal kinship ties” (Konstan 1996: 88).

revealed to be. The speaker, on the other hand, argues that it is not pretexts but actions that determine those who are more intimate (§33: οἰκειοτέρους). Actions speak louder than words in quantifying the affection between the speaker and Thrasylochos and thus determining which party is the most appropriate recipient of his estate.<sup>85</sup>

The speech concludes with an impassioned plea that the jury be the sort of judges they themselves would like to have.<sup>86</sup> As in the two speeches discussed previously, the case concerning private family relations is framed as a public interest. The deeply personal details of the speaker's relationship with the deceased impress upon the auditors' minds the depth of their friendship; the speaker's concluding plea that they be the kinds of jurors they would themselves would want to have is intended to have the jurors put themselves in his place. The jurors are encouraged to reflect on their own friendships, their own intimate relationships, to think about the bonds holding his own *oikos* together.

Isocrates' strategy in this speech is to invoke certain cultural standards of affection that characterize the *oikos*. The speaker attempts to successfully align his constructed character with these standards in order to persuade the jury of the likelihood of the speaker's side of the story. This speech provides another example of how logographers alluded to certain assumptions about ethical behavior from which the jurors are expected to make inferences based on their prior experiences or on shared cultural values. In this way, the imaginary world created by the speeches' narratives expands beyond the mere words spoken. Where facts, witnesses, or other forms of evidence are lacking, the orators encouraged the jury to fill in the rest based on what

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<sup>85</sup> On a similar issue, cf. Aristotle *Problems* 29.3: Διὰ τί <ἐν> ἐνίοις δικαστηρίοις τοῖς γένεσι μᾶλλον ἢ ταῖς διαθήκαις ψηφιοῦνται, ἢ ὅτι γένους μὲν οὐκ ἔστι καταψεύσασθαι, ἀλλὰ τὸ ὄν ἀποφαίνειν; διαθήκαι δὲ πολλὰι ψευδεῖς ἤδη ἐξηλέγχθησαν οὐσαί.

<sup>86</sup> §51: Δέομαι οὖν ὑμῶν καὶ τούτων μεμνημένους καὶ τῶν ἄλλων τῶν εἰρημένων τὰ δίκαια ψηφίσασθαι, καὶ τοιούτους μοι γενέσθαι δικαστὰς οἷων περὶ ἃν αὐτοὶ τυχεῖν ἀξιώσατε.



seemed likely or typical. The world created by *eikos* argumentation is a world of necessary outcomes, in which each person behaves as expected, as one ought.

## Conclusion

In each of the speeches discussed in this chapter, expectations surrounding the appropriate expressions of loyalty and affection towards members of one's *oikos* play a large role in characterizing the litigants and rendering the speaker's narrative more persuasive. For the speaker of Antiphon 1, it is his insistence that he was both properly loyal to his father and reluctant to prosecute a family member that is intended to give the jury the impression that his narrative is more reliable than that of his brothers, whose failure to act as helpers and avengers of their father's death led the speaker to turn to the jury to take on these roles. Lysias 32 contrasts the loyalty expected of kin with Diogeiton's behavior so that the speaker's emotional description of his opponent's betrayal of their kinship will move the jury to find Diogeiton's behavior inappropriate and unseemly. In Isocrates 19, the speaker represents his friendship with the deceased as more intimate—more *oikeios*—and claims that he has a stronger claim to the household (*oikos*) than his opponent, the half-sister of Thrasylochos. Although Thrasylochos had adopted him and had written a will leaving him the estate, the speaker relies on the intimate friendship (*oikeiotēs*) instead of these legal proofs to convince the jury that Thrasylochos was more likely to want him to inherit rather than the half-sister. In contrast, the speaker of Isaeus 1 may be more closely related to the deceased than his opponents, but they have a will on their side. In this case, the speaker must convince the jury that the magnitude of his friendship supersedes Kleonymos' will. As in Isocrates 19, *oikeiotēs* is assumed to show more clearly the

likely preference of the deceased than a will or kinship proximity, although these factors can play a part, provided that they support the speaker's claim.

Although each of these speeches involves relationships between family members, each of them also (some more explicitly than others) links the jury's decision in the case at hand with the functionality of the city as a whole. Since the jury in Athens was randomly drawn from the members of the citizen body who, after being empaneled at the beginning of the year, had presented themselves for jury duty on the same day the trial was held, they were seen as representatives of the city in all its actions, past and future. The logographers discussed in this chapter took advantage of this function of the jury in order to represent the outcome of their decision as a precedent for its ability to administer justice in the future. Because of the Athenian obsession with *eikos*, the orators could use social expectations about affection between family members to sketch out characters whose likely/appropriate/good or unusual/inappropriate/bad behaviors made the case seem ethically simple and representative of the struggle between good and bad, order and disorder in society at large.

## Chapter Two: The Stagecraft of Rhetoric

In Aeschylus' *Oresteia*, the *oikos* takes shape and becomes a silent character in itself. Blurring the line between the house and household, the *oikos* represents the physical manifestation of the family torn apart by the chain of intergenerational murder. It drips with blood (Ag. 732: αἵματι δ' οἶκος ἐφύρθη), it has eyes (Cho. 934), it suffers misfortune (Ag. 18: κλαίω τότ' οἴκου τοῦδε συμφορὰν στένων) and falls (Ag. 1532: ὅπαι τράπωμαι πίτνοντος οἴκου), and if it had a voice, it would speak most clearly (Ag. 37-38: οἶκος δ' αὐτός, εἰ φθογγὴν λάβοι, / σαφέστατ' ἂν λέξειεν). As the members of the household are killed, the walls of the house run with blood; the *oikos* is a space the characters can enter and exit, but the characters themselves also constitute the *oikos*. In the *Oresteia*, as in Poe's story "The Fall of the House of Usher," the physical represents and recapitulates the familial.

Not just in Aeschylus' trilogy, but in Greek drama generally, the physical house serves as a powerful symbol due both to the generational focus of many Greek myths and to the structure of the stage. As many have observed, the *skene* in front of which the action of the play was performed often represented the front face of a house or palace with the door or doors leading from the outside, visible to the audience, to the unseen indoors.<sup>1</sup> Athenian dramatic poets took full advantage of the symbolic potential of this dividing line, this liminal space between the domestic interior and the public exterior. This is the space through which both Agamemnon and Clytemnestra pass on the way to their deaths, through which the Erinyes emerge in their

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<sup>1</sup> E.g. Zeitlin 1996: 353: "By convention, this space is constructed as an outside in front of a façade of a building, usually a house or palace, with a door that leads to an inside, which is hidden from view" and Bassi 1999: 415: "Within this theatrical space, tragic plots played out in front of a façade—the *skene*, or scene building—whose principal architectural feature was a door or set of doors leading into an internal space that remained invisible to the audience. That space, sometimes, although not necessarily, the literal home of the hero, represents a fixed locale and a broadly conceived domestic space."

inexorable pursuit of Orestes.

The contrast between the tragic interior and exterior is often also a gendered contrast. In the Athenian popular imaginary, women were symbolically associated with houses, with the domestic interior, inside which private functions were carried out away from the public, exterior world of men.<sup>2</sup> As Ruth Padel observes, the theater's "physical contrast between real and imagined, seen and unseen space" made it an especially appropriate setting for thematizing gendered space.<sup>3</sup> Greek women were simultaneously necessary for the propagation of the household and a threat to it; as Ann Carson points out, when an Athenian woman was married, she was physically moved from her father's house to her husband's, and this movement "creates the context for illicit varieties of female mobility, for example that of the adulteress out of her husband's house, with attendant damage to male property and reputation." The layout of the tragic stage, with its sharply contrasted inner and outer space separated by the *skene*, can function as a powerful metaphor for the paradoxical spatiality of the Athenian woman. What happens indoors, in the space behind the *skene*, is supposed to be private, unknowable, unseen. And yet, this unseen domestic space and the women it conceals are often brought before the audience through the announcements of nurses, servants, and other messengers. Froma Zeitlin has argued that the messenger speech is a form of *ecphrasis*, using visual language to allow the audience to see for itself what cannot be seen in public, in particular the hidden interior of the house.

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<sup>2</sup> Wiles 1997: 84: "The gendering of space in this way is typical of fifth-century Greek thinking. The woman is associated with enclosed space in accordance with her sexuality (enclosed genitals), her reproductive functions (the enclosing womb) and her economic role (within the *oikos*, the home), while the male is associated with the public space where, according to democratic ideology, his major role lay." Cf. Wood 2002 on the symbolic link between women and the interior in ancient Greek literature.

<sup>3</sup> Padel 1990: 344.

In focusing on the role of physical houses in the speeches, I explore how the orators use what I am calling rhetorical stagecraft—descriptions of the interiors of houses, the use of spatially-charged words and prefixes—to construct conceptual spaces in and around which their characters act out their domestic dramas. I examine in particular at how women and houses are linked, arguing that the appearance of this thematic combination in oratory is conditioned by tragedy as a distinctly spatial phenomenon. By way of introduction, I first discuss the role of stagecraft in tragedy’s contrast between interior/female and exterior/male space before turning to the relationship between tragedy and rhetoric. In order to show how the orators adapted world building techniques from tragic convention, I trace several strands of scholarship on space and place. Following this introduction, I closely read four speeches in which women and houses feature prominently. An appreciation of the dynamic relationship between tragedy and oratory, specifically in how the two genres deal with space and gender, adds new dimensions of meaning to the speeches of the orators and their function within Athenian society.

The analysis of stagecraft applied to Greek tragedy is best known from Oliver Taplin’s work on the stagecraft of Aeschylus. In this study, Taplin focuses especially on entrances and exits, paying special attention to the thematic relevance of these actions; Taplin is entirely concerned with visual phenomena, to the extent that he refers to offstage action, including backstage action, as “comparatively unimportant” and rejects the idea that “the mighty deeds off-stage are somehow what the play is ‘about.’”<sup>4</sup> At the same time, however, he stresses the difference between what was actually depicted onstage and what the tragedians’ words were able

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<sup>4</sup> Taplin 1977: 25, 26.

to evoke in the audience members' mind's eye.<sup>5</sup> His rejection of offstage action is a reaction to the play-as-text school of interpretation influenced by Aristotle's *Poetics*, to which Taplin's play-as-performance interpretation is intended as a correction. However, in insisting on the power of the poet's words to evoke an image in the mind's eye, Taplin testifies to the significance of the messenger speech and similar types of communication which give dimension to what the playwright can present on stage.

While Taplin does not consider the unseen important, several studies have focused on the significance of backstage action in Greek tragedy. A. M. Dale discusses a series of passages that, to be fully understood, require the imaginary extension of the house behind the wall of the *skene*.<sup>6</sup> Padel further describes this "imaginary unseen" as having a "complex spatiality, built often in detail in the audience's mind" by those who describe backstage action, thus offering spectators "a way of making real space that does not exist, the interior geometry of a fictive house."<sup>7</sup> That is, the interior space of the house is simultaneously hidden by the *skene* and given shape through the poet's words.<sup>8</sup> Through the narration of messengers, unseen action can be visualized by the spectators, allowing this action to remain private, individually created in the imagination of each member of the audience. As the nurse describes Deianira wandering through the palace at *Trachiniae* 899-946, for example, the audience pictures her moving deeper and

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<sup>5</sup> Taplin 1977: 37.

<sup>6</sup> Dale 1969: 126, citing Euripides *Alcestis* 546 ff., *Helen* 1180ff., *Bacchae* 509, *Orestes* 1366ff., and Sophocles *Philoctetes* 145ff.

<sup>7</sup> Padel 1990: 343-344.

<sup>8</sup> Easterling rightly observes that "what *all* theatres present us with is by definition public space, but part of that public space can pretend to be private" (1987: 17). In this chapter, I am focusing on how the poets gave shape to background space, not the intimate scenes depicted onstage.

deeper into the domestic space, ending in her bedroom, the most private area.<sup>9</sup> They are witnesses to this utterly intimate moment, Deianira at her most vulnerable—literally, with the final penetration of the sword into her body.<sup>10</sup>

The *ekkyklema* also allows the audience to see interior tableaux, but it violates the privacy of interior space in a way narration does not. Its use to reveal suicides (*Hippolytus* 808 ff., *Antigone* 1293 ff.) and gruesome scenes of murder (*Choephoroi* 973 ff.) and slaughter (*Ajax* 344 ff., *Heracles* 1029 ff.) contrasts with the more intimate revelations effected by the rhetorical *ekkyklema* of the messenger speech.<sup>11</sup> When an actor is brought onto stage by the *ekkyklema*, this is often a violent expulsion from the interior, whereas the messenger speech is an invitation for the members of the audience to enter the offstage space. The *ekkyklema* shows what theatrical conventions deem unseeable, while a messenger speech allows the audience members to visualize such scenes for themselves. The messenger speech is an invitation, the *ekkyklema* an interruption. There is no equivalent of an *ekkyklema* in Athenian rhetoric, no forensic photographs or dramatized reenactments before the jury. Instead, forensic speakers needed to rely on the use of vivid language (*enargeia*) to help the members of the jury visualize the events being described.

As is frequently the case in Greek culture, the interior space constructed by the messenger speech is often characterized as domestic, the domain of women. The association of

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<sup>9</sup> I discuss Alcestis' similar journey below.

<sup>10</sup> Loraux discusses Deianira within the genre of tragic heroine suicides, addressing the way “these desperate women had to fly to their quarters—shadowy, hidden, mysterious—to put themselves to death, so that a nurse or an attendant had to come and tell the public what they had done” (1987: ix-x).

<sup>11</sup> Evidence for the use of the *ekkyklema* in the following scenes, which I have drawn from Dale 1969: 122-123, comes either from an explicit mentioning of doors (*Hippolytus* 808: χαλάτε κλήθρα, πρόσπολοι, πυλωμάτων, *Heracles* 1029-1030: ἴδεσθε, διάνδιχα κλήθρα / κλίνεται ὑψιπέλων δόμων), other textual references (*Antigone* 1293: ὄραν πάρεστιν· οὐ γὰρ ἐν μυχοῖς ἔτι), or from the scholia (*Choephoroi* 973 and *Ajax* 346). On the technical aspects of the *ekkyklema*, cf. Pickard-Cambridge 1968, Csapo and Slater 1994.

women with houses in Classical Athenian culture paired with Greek theater's focus on houses make theatrical space an important arena for understanding Greek women in the cultural imaginary. The fact that women are the central figure of many tragedies is no coincidence, as Zeitlin has argued: due to her close association with the house, the woman is often represented as in control of the interior space in Athenian tragedies.<sup>12</sup> The interior space of Greek tragedy can best be constructed through a woman's perspective, since it is her realm.<sup>13</sup> In tragedies like *Trachiniae*, *Alcestis*, and *Medea*, the imaginary space behind the *skene* is measured by the heroine's movement through the *oikos*. This space only exists because of the woman of the house, and her absence through death or flight deflates this space, as Cecelia Luschnig has argued.<sup>14</sup> The dichotomous ability of tragic women to both create and erase interior space reflects the Athenian woman's paradoxical role as a simultaneously procreative and destructive force within the *oikos*.

These theorizations of backstage, feminized space in tragedy can shed light on the orators' use of conceptual space and its significance. Taplin used textual details to reconstruct the visual performance, extrapolating from a two-dimensional text something that existed in space and time, a theatrical spectacular. The words on the paper preserve the original performance, collapsed. Drawing on Taplin's work on stagecraft as well as the analyses of unseen space discussed above, I suggest that we read the narrative portions of the Attic orators as constructing conceptual space in the same way messenger speeches do, showing the members of

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<sup>12</sup> Zeitlin 1996: 354.

<sup>13</sup> "The importance of the wife and the social milieu in which she has her being, the *oikos*, is not only maintained but extended beyond what we can actually see, the public façade of the house (that is, the *skene*), into the largely imaginary space behind it, the interior where the woman holds central place" (Luschnig 1992: 34).

<sup>14</sup> Luschnig 1992 argues that in the *Alcestis*, the collapsed *oikos* is restored with the revival of the eponymous heroine, but in the *Medea* the heroine's flight after killing her own children leaves the house an empty façade.



the jury what cannot be seen by allowing them to visualize it in their mind's eye.

The relationship between tragedy and rhetoric is a rich and well-theorized topic, on which I will provide a brief summary of the major recent works. Josiah Ober and Barry Strauss' study of the political socio-cultural context shared by both oratory and tragedy sheds light on the ideological implications of both genres, concluding that both genres, oratory and drama, simultaneously drew from and influenced one another, blurring the line between aesthetic experiences and political life.<sup>15</sup> The texts they discuss span the history of Classical Athenian rhetoric, from Antiphon to Lycurgus. Victor Bers argues that the presence of tragic elements in the early rhetoric of Antiphon and Andocides represents a dead end in the development of forensic rhetoric and that this practice was abandoned by later orators, because the strong emotions evoked by tragic language was inappropriate for the law courts.<sup>16</sup> In contrast, Peter Wilson argues that fifth-century tragedy had a strong historical value in fourth-century rhetoric as model for the idealized behavior of the previous generations of Athenians.<sup>17</sup> Using examples from Demosthenes and Lycurgus, he shows that the themes and atmosphere of tragedy from the prior century seeped into the contemporary political discourse.<sup>18</sup> Edith Hall examines a range of theatrical elements in rhetorical performance, from audience and delivery to characterization and narrative. She observes an "isomorphism" between the competitive aspects of dramatic performance and forensic rhetoric and stresses the significance of the performative aspects of

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<sup>15</sup> Ober and Strauss 1990: 270.

<sup>16</sup> Bers 1994: 189-190. However, Philokleon's intense emotional reaction to jury service in Aristophanes' *Wasps* (88 ff.) suggests that emotion has more of a place in forensic rhetoric than Bers allows (cf. Telò 2016: 27-55).

<sup>17</sup> Wilson 1996: 314.

<sup>18</sup> Wilson 1996: 321. Cf. also Hanink 2014 on Lycurgus' engagement with fifth century tragedy.

rhetoric.<sup>19</sup> Victoria Wohl, following Ober and Strauss, insists that tragic poetry is inherently ambiguous and that orators take risks in engaging too closely with tragic themes and characters.<sup>20</sup> Most recently, both Bers and Michael Edwards have discussed the relationship between dramatic performance and rhetorical training. Edwards critiques Hall for ignoring the fact that most of the speeches would have been delivered by ordinary citizens, not skilled performers like Demosthenes and Aeschines, and that the words of the speech had more to do with the construction of a likely, likable persona than the speaker's performance.<sup>21</sup> In a more recent piece, Bers suggests that scholarship on rhetoric and tragedy has been guilty of using the word "dramatic" to refer both to references to the texts of Athenian tragedies and to moments of particular vividness or excitement but which do not connect explicitly to known tragedies. Such a conflation underestimates the effect of music, poetry, and spectacle in the Athenian audience's appreciation of theatrical as opposed to rhetorical performance.<sup>22</sup>

While I do not contest the observation that rhetoric had a different performance context from tragedy, I think Bers' approach diminishes the impact of the literary tradition to which both genres belong. Even though our only surviving tragedies date from the fifth century, tragedy continued to be performed into the fourth century.<sup>23</sup> Bers implies that Antiphon's engagement with tragedy was a dead end, but Antiphon was far from the last orator to use tragic elements in his speeches: Aeschines and Demosthenes both included long quotations from fifth century tragedy in their speeches and Lycurgus, the last of the canonical Attic orators, is notable for

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<sup>19</sup> Hall 2006: 354, 355.

<sup>20</sup> Wohl 2010a: 65.

<sup>21</sup> Edwards 2013: 17, 19.

<sup>22</sup> Bers 2013: 29.

<sup>23</sup> Cropp 2005: 288-292 surveys the patchy evidence for fourth-century tragedy.

incorporating long quotations from fifth century tragedy in his speeches.<sup>24</sup> I am most influenced by the approaches of Ober and Strauss, Wilson, and Hall because of their emphasis on the shared literary and socio-cultural milieu in which both genres were produced. Of particular significance for my purposes is Hall's brief comment on the resemblance between the narrative portion of law court speeches and the genre of messenger speech: "Just as violent deeds in tragedy nearly always take place within or away from the household..., so legal speeches expose to the public the most intimate secrets of family and personal life."<sup>25</sup> I draw on Hall's observation with a detailed examination of the relationship between messenger speeches and rhetorical narrative, arguing that the orators share with tragedy not just the trope associating women and houses, but also the ability to construct with their words an extra-scenic expanse of domestic space, unseen but vivid to the mind's eye.

In tragedy, the messenger's description of extra-scenic action allows the audience to picture what cannot be shown on stage. Messenger speeches use vivid language, *enargeia*, and *ekphrasis* (in its ancient rhetorical definition) to bring the actions being described before the eyes of the audience.<sup>26</sup> Analyses of hidden interior spaces in Greek drama can provide useful models

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<sup>24</sup> Perlman 1964, Wilson 1996, Hanink 2014: 25-59. The tragic quotations in Aeschines appear at 1.128 (unknown Euripidean tragedy), 151 (Euripides' *Sthenoboea*), and 152 (Euripides' *Phoenix*); in Demosthenes at 18.267 (Euripides' *Hecuba*) and 19. 247 (Sophocles' *Antigone*); and in Lycurgus at 1.100 (Euripides' *Erechtheus*), §103 (*Iliad* 15), §107 (Tyrtaeus), §109 (epitaphs attributed to Simonides), and §132 (an unknown poet). Perlman notes that Aristotle in his *Rhetoric* quotes Euripides seventeen times and Sophocles five times, a frequency which challenges Bers' conclusion that there was no place for tragedy in rhetoric.

<sup>25</sup> Hall 2006: 382. Of course, not all speeches are concerned with the family, but those that are (including those discussed in this and the following chapters) often contain narratives resembling messenger speeches.

<sup>26</sup> "The combination of the messenger's words and the spectator's imagination was more effective in the ancient theatre than the physical action on the stage" (Walcot 1976: 33, cited by de Jong 1991: 173). On *enargeia* in the messenger speech, cf. Zeitlin 1994, Dickin 2009, and Plett 2012, who writes "Since the *narratio* takes the place of the physical *actio*, the playwright must strive to achieve the same effect with the art of words as with the art of drama" (61). On the ancient definition of *ekphrasis* as a vivid description effected by speech, Webb 1999: 11 cites the ancient rhetorical theorists Theon, Hermogenes, Aphthonius, and Nikolaos, who all define *ekphrasis* as "a speech which leads one around (*periegematikos*), bringing the subject matter vividly (*enargos*) before the eyes."

for considering descriptions of space, especially domestic interiors, in Athenian oratory. In a speech being delivered before a jury, just as in a messenger speech, the narration preserves a record of the original performance which the experienced auditors unpack in their minds.

In focusing on literary depictions of domestic space, I draw on both older and more recent work theorizing the use of space in Classical literature. The classic structuralist analysis of gendered space in Greek thought, Jean-Pierre Vernant's "Hestia-Hermes," traces the male-exterior/female-interior dichotomy through many facets of Greek culture. Vernant sees Hestia, representing the quintessence of the feminine, as associated with interior space and the private world of the family, while Hermes, standing for the male essence, represents the outdoors, public interactions, and movement through the world. Vernant suggests that this polarity arose from "the archaic conception of space: space requires a center, a nodal point, with a special value, from which all directions, all qualitatively different, may be channeled and defined."<sup>27</sup> In this conception, the Hestia figure, the idealized female, anchors the domestic interior and symbolizes stability and privacy, while the Hermes, male, figure is a citizen of the *polis*, representing the fluctuating public world. This understanding of spatial/gender polarity touches every aspect of Greek society, including tragedy and oratory.

As Kate Gilhuly and Nancy Worman point out, recent scholarship on space in Classical literature and culture is moving away from the structuralist mode typified by Vernant's approach and engages with a less schematic perspective that emphasizes the socially constructed nature of space and place. The approaches to space in literature found in their edited volume especially

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<sup>27</sup> Vernant 2006: 161.

focus on the intersection of setting and identities and the embodiment of lived experiences.<sup>28</sup> For example, Gilhuly's contribution centers on Corinth as a place that is simultaneously a real place and an imaginary construction built of imagination and tradition; the imaginary overlays the actual space and affects how it is experienced.<sup>29</sup> In a similar vein, Worman argues that when Aristophanes describes actual spaces and settings in his comedies, he imbues them with symbolic significance, so that these locations, too, are both real and imaginary.<sup>30</sup> She focuses in particular on how, in the *Frogs*, movement through Athens and in its environs symbolizes ritual transitions as well as how different settings come to represent different genres or styles. Alex Purves looks at the significance of bedroom scenes in Herodotus, arguing that the bedroom, "with its simple interiority and its core association with the home, provides a space where the intimate and private connotations of feeling-through-the-body have particular resonance."<sup>31</sup> Each of these contributions emphasize how literary space is constructed through a confluence of lived experience and the imaginary.<sup>32</sup> While the divisions that characterize structuralism may still apply, they are complicated by society, culture, and the individual. Social practice and cultural expectations define and give value to space; as a body moves through space, it gives it shape and meaning. The application of this conception of space to literature allows the reader to recognize the interplay of society and identity at work in the construction of conceptual space and to consider, beyond male versus female, what difference age, ethnicity, or economic status has on

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<sup>28</sup> Gilhuly and Worman 2014: 5, 6. On experiential space, cf. Tuan 1977.

<sup>29</sup> Gilhuly 2014: 17.

<sup>30</sup> Worman 2014: 202.

<sup>31</sup> Purves 2014: 98.

<sup>32</sup> Gilhuly and Worman 2014: 7.

the meaning of these spaces.

Another way of approaching the role of space in Greek literature is from a narratological perspective. Introducing this methodology, Irene de Jong distinguishes between scenic space, as the setting of a narrative, and distanced or “framed” space. She breaks down the functions of space in narrative into a series of categories.<sup>33</sup> The thematic function is found when a story is about a place, like Delphi in Euripides’ *Ion*. The mirroring function occurs when the setting reflects or contrasts the themes of the narrative, and the symbolic when space takes on a signifying aspect on top of its function as setting. An example of the former would be Chiron’s cave in Statius’ *Achilleid*, whose bipartite form (108: *pars exhausta manu, partem sua ruperat aetas*) mirrors its tenant’s half-animal, half-human nature. The symbolic function occurs in Xenophon’s *Oeconomicus*, where the divisions within the house symbolize the divisions between the sexes in a way that resembles the structuralist analysis of “Hestia/Hermes.”<sup>34</sup> Subsections of the symbolic function are the characterizing function, such as in Lysias 1 (on which see further below) when the speaker, Euphiletos, tells the jury he has a “little house” (§9: οἰκίδιον) in order to come across as modest and humble, and the psychologizing or personifying function, as in the opening of Euripides’ *Helen* when Helen describes the streams of the Nile as “lovely virginal” (1: καλλιπάρθενοι), revealing the true chastity of the impugned heroine.

As convenient shorthand for categorizing the use of space in literature, these narratological functions are useful if somewhat schematic. Mathieu de Bakker’s application of these functions to the works of Lysias and Demosthenes distinguishes between performative

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<sup>33</sup> de Jong 2012: 14-15. The examples provided in this paragraph are my own.

<sup>34</sup> Division of sexes: *Oeconomicus* 7.22: ἐπεὶ δ’ ἀμφοτέρω ταῦτα καὶ ἔργων καὶ ἐπιμελείας δέεται τὰ τε ἔνδον καὶ τὰ ἔξω, καὶ τὴν φύσιν, φάναι, εὐθὺς παρεσκεύασεν ὁ θεός, ὡς ἔμοι δοκεῖ, τὴν μὲν τῆς γυναικὸς ἐπὶ τὰ ἔνδον ἔργα καὶ ἐπιμελήματα, τὴν δὲ τοῦ ἀνδρὸς ἐπὶ τὰ ἔξω. Division of spaces: 9.5: ἔδειξα δὲ καὶ τὴν γυναικωνίτιν αὐτῆ, θύρα βαλανωτῆ ὠρισμένην ἀπὸ τῆς ἀνδρωνίτιδος.

space (the speaker's surroundings) and distanced space beyond the range of sight. He describes Lysias' use of the performance space as similar to tragedy, "but whereas playwrights had the liberty to create their own *mise-en-scène* within the theatre of Dionysus, Lysias was bound by the ceremonial settings" of the Athenian court system.<sup>35</sup> Examples of Lysias' engagement with his performative space include first-person addresses to the jury (*passim*), the use of the deictic pronoun οὗτος in reference to the speaker's opponent (*passim*), and indication of local landmarks like the *boulē*, where speech was being performed (31.1-2), the *dēmosion sēma* where the war dead were buried (2.1, 60), and the city walls nearby (2.63).<sup>36</sup> Distanced space can take on ideological or political significance, as in the division between the oligarchic city party and the democratic party from Peiraius (12.92: τοὺς ἐξ ἄστεως καὶ τοὺς ἐκ Πειραιέως), which I discuss in my third chapter. Turning to Demosthenes, de Bakker notes that the later orator differs from Lysias in that many of his speeches refer to the world outside of Athens, while Lysias' are usually limited to local matters. He praises Demosthenes' engagement with the expanse of space from the law courts to the outside world through the use of witness testimony: "combination of narrative and testimony turned his speeches into vivid re-enactments of the crucial events within the performative space."<sup>37</sup> Layering distanced space conceptually over the space of the performance brings the jury into the story much as dramatic performance invites the audience inside through the description of extrascenic space.

De Bakker's application of de Jong's theorization to these authors is an important model for categorizing, while perhaps not analyzing, how space functions in oratory. My discussions in

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<sup>35</sup> de Bakker 2012a: 380.

<sup>36</sup> de Bakker 2012a: 380-384.

<sup>37</sup> de Bakker 2012b: 395.

this chapter and the following one are influenced by all three approaches to space outlined here. Drawing from de Jong and de Bakker's analyses, I argue that the orators' use of domestic space can have significant thematic, mirroring, and symbolic functions. In particular, the symbolic function characterized by my example from Xenophon, the gendered division of space, has been theorized by Vernant as well as the drama theorists discussed above and continues to be a useful way of understanding ancient conceptions of space. Moving through narratology and structuralism to theories of experiential spatiality, I pay particular attention to the ways in which the language used by the logographers moves bodies through space, constructing and giving meaning to this space.

To illuminate what I mean more precisely by "the stagecraft of rhetoric," I will briefly analyze the construction of space and the effect of tragic resonances in two speeches discussed in the previous chapter. I will then move on to extended readings of two other speeches in order to demonstrate the use and significance of domestic space as it interacts with thematic and persuasive elements in these speeches.

### ***Antiphon 1: Against the Stepmother for Poisoning and Lysias 32: Against Diogeiton***

In my discussion of Antiphon 1 in the previous chapter, I focused on the rhetorical elements used to associate the speaker with and distance his brother from *eikos* behavior, raising the jury's sympathy and pity for his father's plight. One of the ways Antiphon effects the connection between the speaker and the jury is by incorporating tragic elements into the speech. Bers describes Antiphon 1 as showing by far "the most tragic colouring of all the preserved



speeches.”<sup>38</sup> In her analysis of the tragic elements in the speech, Wohl observes that “Antiphon’s engagement with tragedy is at once broader and more precise” than that found in later oratory, because “in his tragic allusions the genre provides not just atmosphere or a (positive or negative) emotional charge but a specific and well-defined understanding of agency and responsibility.”<sup>39</sup> Most directly, the speaker calls his stepmother Clytemnestra (§17) after the mythic father- (and husband-) killer. More generally, Wohl argues that the scene of the father’s death is “pepper[ed]” with “tragic diction” and “staged in a tragic idiom.”<sup>40</sup> Although the tragic effect may misfire, directing the jury’s sympathy toward the wrong party, nevertheless it is a “potent resource of thought for the law.”<sup>41</sup>

Informed by these discussions of the tragic elements at work in Antiphon 1, I turn to an exploration of the use of vivid language to create a sense of *enargeia*. When the speaker describes his brothers’ refusal to allow the slaves to give evidence, he draws heavily on the language of visibility (§13):

περὶ μὲν οὖν τούτων οὐκ ἄδηλον ὅτι αὐτοὶ ἔφευγον τῶν πραχθέντων τὴν σαφήνειαν πυθέσθαι· ἤδεσαν γὰρ οἰκείον σφίσι τὸ κακὸν ἀναφανησόμενον, ὥστε σιωπώμενον καὶ ἀβασάνιστον αὐτὸ ἐᾶσαι ἐβουλήθησαν. ἀλλ’ οὐχ ὑμεῖς γε, ὦ ἄνδρες, ἔγωγ’ εὖ οἶδα, ἀλλὰ σαφὲς ποιήσετε.

Concerning the slaves, it is not unclear that the defense is avoiding finding clarification about what was done. For they know that the crime would be revealed to be their own, and so they wanted to keep it silent and untried. But I know well, men, that you will not let them, you will make it clear.

The repetition of words related to vision and clarity (οὐκ ἄδηλον, σαφήνειαν,

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<sup>38</sup> Bers 1996: 189.

<sup>39</sup> Wohl 2010a: 38.

<sup>40</sup> Wohl 2010a: 45, citing §§18-19 (ἐκείνοις εὐχομένοις ἃ οὐκ ἔμελλε τελείσθαι, a prayer that was not to be fulfilled) and §21 (ἀθέως καὶ ἀκλεῶς, an impious and inglorious death). Cf. also Due 1980: 20-21.

<sup>41</sup> Wohl 2010a: 65.

ἀναφανησόμενον, σαφές) build up the sense of visualization, bringing out the vividness of the upcoming narrative, which in its world building specificity will reveal the truth of the matter. By describing his brothers' crime as οἰκεῖον, both “their own” and, etymologically, “related to the house,” ties the language of visibility to the house, the scene of the stepmother's conspiracy.

The narrative portion of the speech begins with a description of the house and sketches in the background to the case (§14):

ὑπερῶν τι ἦν τῆς ἡμετέρας οἰκίας, ὃ εἶχε Φιλόνεως ὀπότ' ἐν ἄστει  
διατρίβοι, ἀνὴρ καλὸς τε κάγαθὸς καὶ φίλος τῷ ἡμέτερω πατρί· καὶ ἦν  
αὐτῷ παλλακή, ἣν ὁ Φιλόνεως ἐπὶ πορνεῖον ἔμελλε καταστήσαι. ταύτην  
οὖν ἡ μήτηρ τοῦ ἀδελφοῦ ἐποίησατο φίλην.

Our house had an upper floor, which Philoneos, a noble man who was friends with our father, occupied whenever he spent time in the city. And he had a concubine (*pallake*), whom Philoneos was intending to install in a brothel. And so my brother's mother made friends with her.

The speaker's evocation of the interior of his house has several functions. First, it makes the scene more vivid by setting a stage on which the domestic drama of his narrative plays out. The jury, like a theatrical audience, watches the events unfolding in their minds, picturing the upstairs room that has been opened to them. Secondly, the invitation of Philoneos into the speaker's father's home shows both the intimacy between Philoneos and the father and the vulnerability resulting from letting a non-kinsman into the *oikia*.<sup>42</sup>

By giving the events an arena, Antiphon makes them more specific, more visible—and by linking the betrayal of the stepmother and the *pallake* to the house, he accesses a deep cultural anxiety concerning women's power within the household. The description of the upstairs room and the fact that Philoneos intended to get rid of his *pallake* would seem unrelated details, except for the additional comment that the *pallake* and the stepmother became friends: this ties the three

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<sup>42</sup> Cf. my discussion of the friendly man in the house *topos* in my Introduction.

facts together with the revelation that it was the *pallake*'s presence in the speaker's house that led to the female friendship that brought down the *kyrios*, causing a rupture in the *oikos*. The staging element, the detail about the domestic space, contextualizes and sparks recognition in the jury, familiar from tragedies like *Hippolytus* and *Medea*, of the dangers of letting the wrong woman into your house.

Examples of female friendship in Greek literature are not common, but one comes to mind that bears an interesting resemblance to the friendship between the stepmother and the *pallake*: the affection felt between Phaedra and her nurse. Like the stepmother and the *pallake*, these two women's actions bring about the downfall of the *oikos* and are closely tied to the interior space of the house. As in many tragedies, anxieties about the *oikos* are tied up in the plot and themes of the *Hippolytus*. This association develops gradually, starting from Phaedra's definition of the second kind of αιδώς, scandal, as a "burden on the house" (386: ἡ δ' ἄχθος οἴκων) and her exclamation about adulteresses, "don't they fear that the allied darkness and the rooms of the house will one day cry out?"<sup>43</sup> She perceives the house itself as responding physically to the dangers adultery poses to the family. The nurse responds to these anxieties with an evocative metaphor (467-469):

οὐδ' ἐκπονεῖν τοι χρὴ βίον λίαν βροτούς·  
οὐδὲ στέγην γὰρ ἦι κατηρεφεῖς δόμοι  
καλῶς ἀκριβώσαις ἄν.

People don't need to work too hard at life—  
the roof with which your house is covered,  
you would not want it to fit too well.<sup>44</sup>

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<sup>43</sup> 417-418: οὐδὲ σκότον φρίσσουσι τὸν ξυνεργάτην / τέραμνά τ' οἴκων μὴ ποτε φθογγὴν ἀφῆι;

<sup>44</sup> Barrett interprets the analogy as meaning "no-one is going to be scrupulously accurate in the parts that are not ordinarily seen" (Barrett 1964: 244). I would suggest instead that she means that buildings must be built to yield, reflecting the play's thematic rejection of extremism.

She suggests that the *oikos*, both in its physical and familial senses, requires less solicitude than Phaedra insists. By making the physical building of the house an explicit metaphor for Phaedra's worries about her family, the nurse amplifies the overtone of domestic disturbance running throughout the tragedy. As it will turn out, her disdain for careful architectural practices also reflects her understanding of household relationships.

In her analysis of the *Hippolytus*, Goff begins by focusing on the thematic significance of the house, especially interiority and exteriority as it relates to gender divisions. She describes the role of the *oikos* on the tragic stage: it is present “both as a physical stage-building and as the ‘brooding presence’ of family history and anxiety” and, in this play in particular, “the house is depicted as the site of the struggle between the sexes.”<sup>45</sup> Phaedra is defined by yet struggles against her confinement within the house. She longs to wander outdoors, yet she begs to be brought inside.<sup>46</sup> The boundary is porous, to the detriment of both the house and Phaedra—walls, like roofs, must be carefully maintained.

For Hippolytus, a man of the outdoors, women are securely assigned to the house. He characterizes marriage as “bringing a ruinous creature into the house.”<sup>47</sup> Moving from general vituperations against women *en masse* he alludes specifically to the collusion of Phaedra and the nurse (649-650):

νῦν δ' αἱ μὲν ἔνδον δρώσιν αἱ κακαὶ κακὰ  
βουλεύματ', ἔξω δ' ἐκφέρουσι πρόσπολοι.<sup>48</sup>

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<sup>45</sup> Goff 1990: 3.

<sup>46</sup> 181-182: δεῦρο γὰρ ἐλθεῖν πᾶν ἔπος ἦν σοι, / τάχα δ' ἐς θαλάμους σπεύσεις τὸ πάλιν.

<sup>47</sup> 630: ὁ δ' αὖ λαβὼν ἀτηρὸν ἐς δόμους φυτὸν

<sup>48</sup> Both Diggle and Barrett print obelisks around αἱ μὲν ἔνδον δρώσιν αἱ κακαὶ, Barrett objecting to δρώσιν because “the whole point is that the women merely devise the deeds, and rely on their servants to carry them into effect” (1964: 282). The Loeb prints νῦν δ' ἔνδον ἐννοοῦσιν αἱ κακαὶ κακὰ, which also appears in Diggle's *ap.*

And now, the evil women inside are carrying out evil schemes,  
and the servants are bearing them outside.

Hippolytus blames the current scandal on the porosity of the house, which allowed the nurse to export the plots cooked up inside. He categorically assigns women to the house, where they are a bane, poisoning from within. He claims that women, even when they are where they are supposed to be, are scheming against the house and employing their servants to export the fruits of the rotten interior. This perspective, despite its virulent extremity, is more in accordance with cultural expectations than Phaedra's longing to leave the house.

The eventual outcome of the play leads to Phaedra's confirmation of her essential nature, with her ultimate "complete containment in the interior—the suicide in the bedroom—as it ensures Hippolytus' complete exclusion [due to] Theseus' order of banishment; the status quo will be restored but with fatal consequences."<sup>49</sup> Phaedra's aversion to domestic interiority appears justified: although Phaedra initially refuses to remain within the house to avoid the adultery she believes lurks behind closed doors, it is in the end the inversion of gendered space that leads to her suicide. While Phaedra remains before the eyes of the audience, it is in the ambiguous space behind the *skene* that the nurse exposes her secret to Hippolytus. As Goff observes, "if the house has destroyed Phaedra, she has equally well destroyed the house."<sup>50</sup>

The reason that the nurse had gone inside was on the pretext of helping Phaedra by fetching "enchanted love potions from inside the house."<sup>51</sup> Goff connects Phaedra's conflicted

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*crit.*; Sommerstein (1988: 30-31) also suggests ἐκπονοῦσιν. It does not seem to me to be necessary to change the verb, since, as Phaedra makes clear at 405 (τὸ δ' ἔργον ἤδη τὴν νόσον τε δυσκλεῖα), to extreme personalities like Phaedra and Hippolytus, there is little difference between the intention ("the sickness") and the act.

<sup>49</sup> Goff 1990: 6.

<sup>50</sup> Goff 1990: 11.

<sup>51</sup> 509-510: ἔστιν κατ' οἴκουσ φιλτρα μοι θελκτήρια / ἔρωτος

interiority to Deianira's in Sophocles' *Trachiniae*, another character closely associated with extrascenic domestic space. Just as the drugs promised to Phaedra are kept inside the house, Deianira, too "is represented as guarding the dangerous *pharmakon* that she received from the Centaur in the *muchos*, the innermost part of the house that is often identified with the women's quarters."<sup>52</sup> Wohl's analysis of Antiphon's speech similarly emphasizes the similarities between the *pallake*'s situation and Deianira's: both women believed that they were administering a love potion and both paid the price for their efforts. She suggests that these resonances would have risked the jury feeling more sympathetic for the *pallake*, who was about to be interred in a brothel and acted under a misconceived belief that the poison was a love potion, than angry at the stepmother—might, in fact, have reminded the jury that "Clytemnestra, too, had her reasons for her deed—among them her husband's *pallakē*—and represented it as the righting of an injustice."<sup>53</sup> The vortex of women, interiority, and a threatened *oikos* resonates in Antiphon's speech: the deliberate connection of the stepmother and the *pallake*'s friendship with the interior of the speaker's home echoes powerfully with the threat of the interior familiar from tragedies like the *Trachiniae* and the *Hippolytus*.

In contrast, the domestic scene in Lysias 32 shows that women can have a positive association with houses, as long as they act in the interest of the *oikos*. Women like Alcestis and perhaps even Electra, who strive to preserve the *oikos* as much as possible (although in Electra's case this is done by helping to kill her mother, the original disturber of the *oikos*), provide tragic models for normalized feminine behavior. After Diogeiton tells his deceased brother's children that he has spent their entire inheritance, the children and their mother arrive at the speaker's

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<sup>52</sup> Goff 1990: 9-10, citing *Trachiniae* 578-9 and 686.

<sup>53</sup> Wohl 2010a: 64.

house to beg for his help. The speaker, the children's brother-in-law, describes the scene that took place in his house (§§11-12):

πολλὰ ἂν εἶη λέγειν, ὅσον πένθος ἐν τῇ ἐμῇ οἰκίᾳ ἦν ἐν ἐκείνῳ τῷ χρόνῳ. τελευτῶσα δὲ ἡ μήτηρ αὐτῶν ἠντεβόλει με καὶ ἰκέτευε συναγαγεῖν αὐτῆς τὸν πατέρα καὶ τοὺς φίλους, εἰποῦσα ὅτι, εἰ καὶ μὴ πρότερον εἴθισται λέγειν ἐν ἀνδράσι, τὸ μέγεθος αὐτῆν ἀναγκάσει τῶν συμφορῶν περὶ τῶν σφετέρων κακῶν δηλῶσαι πάντα πρὸς ἡμᾶς.

It would take a long time to say how much misery there was in my house at that time. Finally their mother begged and beseeched me to bring together her father and friends, saying that, although she had not previously been accustomed to speak in the company of men, the magnitude of the misfortunes compelled her to reveal everything about their miseries to us.

Because of her cultural association with the domestic interior, the mother's role is to bring people together (*συναγαγεῖν*) for the sake of the *oikos*. She is even willing to contravene social expectations and her own habits of staying away from the company of men (*ἐν ἀνδράσι*)—such is her command of the *oikia* that she can take control over the situation as representative of the *oikos*—the house is not even her own, but she takes it over in the interest of her children's *oikos*. The son-in-law then goes out (§12: *ἐλθῶν*) to gather friends and relatives; after Diogeiton is persuaded by the speaker and his friends to agree to the meeting, the group gathers (§12: *συνήλθομεν*) and Diogeiton's daughter addresses the men. Her power as the anchor of the *oikos* is such that she can draw together and influence the men of her family in the interest of preserving the *oikos*, in this instance, keeping the property in the hands of its rightful owners. Aside from the speaker's movement outward—which was for the purpose of collecting the family members—all the verbs of motion in this passage direct the energy of the family and friends toward the *oikia*, with Diogeiton's daughter at its center.

In the same way that the speaker of Antiphon 1 used vivid language to build up to his narrative reveal, the word *δηλῶσαι* in this passage lends vividness to Diogeiton's daughter's

speech. This highly emotional speech, which I discussed in Chapter 1, inverts the movement of the narrative leading up to this moment: as I observed, she twice accuses her father of throwing the children out of the house (§15: ἐκβάλλειν... ἐκ τῆς οἰκίας, §16: ἐκ τῆς οἰκίας ἐκβαλῶν). The propulsive exteriority with which her father rejected her children contrasts with the inwardness of the preceding narrative, juxtaposing the children's expulsion from their house with the intimacy of the gathering where she delivers her speech. After her speech, matching the exterior movement of the children, although not its violence, the men depart (ἀπιόντας οἴχεσθαι) from the house, from her vortex of influence, tearful as those who suffered and in silence.<sup>54</sup> They were drawn to her, heard her accusation, and departed, tracing the paths of the disinherited children.

The way that Lysias creates the unseen interior space through Diogeiton's daughter's presence in the house echoes Euripides' method of giving shape to the house of Admetus through Alcestis' movement, described in a messenger speech by a female servant (*Alcestis* 175-198):

πάντας δὲ βωμούς, οἱ κατ' Ἀδμήτου δόμους,  
προσήλθε κάξέστεψε καὶ προσηύξατο...  
 κάπειτα θάλαμον ἐσπεσοῦσα καὶ λέχος  
ἐνταῦθα δὴ δάκρυσε καὶ λέγει τάδε:  
 ὦ λέκτρον, ἐνθα παρθένοι' ἔλυσ' ἐγὼ...  
 κυνεῖ δὲ προσπίτνουσα, πᾶν δὲ δέμνιον  
 ὀφθαλμοτέγκτω δεύεται πλημμυρίδι.  
 ἐπεὶ δὲ πολλῶν δακρύων εἶχεν κόρον,  
στείχει προνωπῆς ἐκπεσοῦσα δεμνίων,  
 καὶ πολλὰ θαλάμων ἐξιούσ' ἐπεστράφη  
 κᾶρριψεν αὐτὴν αὐθις ἐς κοίτην πάλιν.

She approached all the altars in the house of Admetus, she garlanded them and prayed before them... and then, falling into her bedroom and bed, there she cried and said “O bed, here I lost my virginity...” Falling forward, she kissed it, and

<sup>54</sup> §18: δακρύνοντας μὴ ἦττον τῶν πεπονθότων ἀπιόντας οἴχεσθαι σιωπῇ



the entire bed was deluged with a flood of tears. And when she had enough of her many tears, she went with her head bent down, falling out of the bed, and many times as she left the bedroom, she turned around and threw herself again on the bed.

Alcestis' movement into the house, insistent and forward-driving, resonates through the servant's narrative. She goes forward, forward, inward (προήλθε, προσήύξατο, έσπεσούσα) until she is insistent there (ένταύθα, ένθα), in the bedroom, expressed as the most interior of spaces. Even when even when she tries to reverse her fall forward (προσπίτνουσα), to move outward (έκπεσούσα, έξιούσ'), she is turned around (έπεστράφη), compelled to carry out the relentless drive toward the interior. For the audience, who cannot literally see the inside of Admetus' house, Alcestis' journey to the center of the house gives shape to the space, associating her indelibly with the domestic interior.

This space within the house defines Alcestis as long as she lives; when she finally leaves the house, she is being carried to her death (233: άδ' εκ δόμων δή και πόσις πορεύεται). Once she appears on stage, Alcestis begins a process of departure that continues until her eventual funeral: she feels a presence leading her away (259: άγει μ' άγει τις), she goes below (379: άπέρχομαι κάτω), she is gone (393: βέβηκεν), and the funeral (422: εκφοράν) will be the final literalization of her exterior motion. Before her death, she attempts to preserve her symbolic interiority by begging Admetus not to remarry, not to inflict a stepmother on the children.<sup>55</sup> As long as the children maintain their status within the house, it will continue to be hers (έμῶν δόμων), but a stepmother, as we learned from Antiphon, rearranges domestic space, making it a foreign and dangerous place. With Alcestis' death, as her child sings, the house is destroyed (415: όλωλεν οίκος). The space which she created as she moved through the house collapses,

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<sup>55</sup> 304-307: τούτους άνάσχου δεσπότας έμῶν δόμων / και μη' λιγήμης τοίσδε μητριαν τέκνοις, / ήτις κακίων ούσ' έμου γυνή φθόνῳ / τοίς σοίσι κάμοίς παισι χείρα προσβαλεί.

ceases to exist. Another woman would recreate the space, erasing Alcestis. And when Heracles returns with the veiled Alcestis, Admetus refuses to let her inside, saying there is no room (1049: ποῦ καὶ τρέφοιτ' ἄν δωμάτων νέα γυνή;) and ordering Heracles to take her away (1104: ἡ γυνή δ' ἀπελθέτω). Even when Admetus concedes that she may enter the house (1114: δῶμα δ' εἰσελθεῖν πάρα), she is not able to do so yet. It is only after Alcestis' identity is revealed that the house becomes open again, when Heracles tells Admetus to bring her inside (1147: εἴσαγ' εἴσω τήνδε). Alcestis' restoration to the *oikos* reverses the tragedy and gives shape again both to her family and to the house itself.

For Diogeiton's daughter, the stakes are, admittedly, less tragic than Alcestis'. She does not die and Heracles' intercession is not required. However, as I argued above, the scene is heavily imbued with tragic elements, from the pathetic description of the destitute children to the condemnation of Diogeiton's impiety. By connecting her devotion to preserving the *oikos* with her presence inside the house, Lysias casts her as the heroine of a tragedy that, like the *Alcestis*, can have a happy ending. In this example, however, it is not up to the actors or the speechwriter to determine the ending, but the jury-audience.

In both of these examples, domestic space plays a crucial role connecting the narrative to the overall theme of each speech. By using female interiority to sketch out conceptual space, Antiphon and Lysias expose their intimate dramas to the world of myth, imbuing their players with a larger-than-life luminosity. As Hall argues, “the speakers in the courts introduced mythical and theatrical parallels to themselves or their opponents in order to furnish a memorable and familiar analogy which would stick in the jurors' minds when detailed evidence might not.”<sup>56</sup> These strategies, whether overt or subtle, depended on a shared symbolic language tying women

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<sup>56</sup> Hall 2006: 348.

to the house, for better or, more often, for worse. This brief consideration of how Antiphon and Lysias engage with tragic tropes drawing on the cultural association of women with the house will be useful in understanding how these elements interact with the themes and movements of entire speeches.

### **Isaeus 6: *On the Estate of Philoktemon***

In this section, I discuss Isaeus 6, *On the Estate of Philoktemon*, a speech focusing on a freedwoman's plot to take over the *oikos* of an elderly man. Isaeus continually links this woman, Alke, with houses as a physical metaphor for her efforts to separate the old man from his family and appropriate his property. In her role as an outsider and a threat to the *oikos* of another, Alke is presented as a sort of Medea character. After tracing the thematic and spatial strategies running throughout the speech, I conclude this section by briefly discussing the similarities between how Isaeus' Alke and Euripides' Medea relate to the house of Euktemon and Cleon, respectively.

This speech was delivered around 364 in a lawsuit for false witness (*pseudomartyria*) that arose from an inheritance dispute between the putative heirs of the recently deceased Euktemon.<sup>57</sup> One of Euktemon's sons, Philoktemon, had adopted Chairestratos, the son of his sister and her husband Phanostratos. After the death of Euktemon, Chairestratos had presented himself as the legal heir to his grandfather's estate, on the grounds that his adopted father had been Euktemon's son. However, Androkles, who claimed to be the guardian of Euktemon's

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<sup>57</sup> On this speech: Blass 1887-1898: 2.548-551, Jebb 1893: 343-348, Wyse 1904: 482-547, Usher 1999: 149-154, and Edwards 2007: 95-114 give background and commentary. MacDowell 1989 includes this speech in his discussion of whether there is a legal differentiation between *oikos* and *oikia*; Glazebrook 2006 uses the character of Alke to show how the orators constructed the *hetaira*; Wohl 2010b: 271-278 discusses the competing genealogies presented by Aristomenes and Androkles.

legitimate sons, entered a preventative claim (*diamartyria*) that the estate was not liable to legal dispute (*epidikos*) because Euktemon had legitimate sons still alive.<sup>58</sup> Chairestratos prosecuted Androkles for false witness because of his claim that the boys were legitimate sons of Euktemon, and the present speech was delivered to support the charge by a friend of Chairestratos and Phanostratos (perhaps) named Aristomenes.<sup>59</sup>

The speech has two contrasting narrative movements: the summary and discarding of the opponents' argument that a woman named Kallippe was the boys' mother, and Aristomenes' counter that a freedwoman named Alke and a freedman were the boys' parents and that she subsequently schemed her way into Euktemon's life and her son into his phratry. In determining the mother of the boys, Aristomenes repeatedly denies that Androkles has furnished any trustworthy evidence, while in building his own version of events, he relies on his personal connection to the *oikos* as well as public knowledge as proof of his story's reliability. The proof of maternity comes down to who knows what happens inside the walls of the *oikia*.<sup>60</sup> Like a Greek tragedy, the challenge is to make visible the interior space in order to take control of the narrative.

From its opening lines, the speech establishes a necessary connection between intimacy and knowledge—an important theme of the speech is where information comes from, how reliable its source is. In particular, proximity to the *oikos* allows access to privileged information.

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<sup>58</sup> “A *diamarturia* was available to an individual who wished to assert a claim to an estate on the grounds that he had a prima facie right to inherit, for example, because he was the only son of the deceased. The procedure took this name, because it required the testimony (*marturia*) of a witness to the claimant's relation to the deceased” (Christ 1998b: 212).

<sup>59</sup> Edwards 2007: 97, citing Davies 1971: 564 based on IG II<sup>2</sup> 1609, which has Chairestratos and an Aristomenes as co-trierarchs. I follow Edwards in referring to the speaker as Aristomenes for the sake of clarity.

<sup>60</sup> Cf. Wohl 2010b: 270.

Aristomenes explains his role as advocate (*synēgoros*) in this case, citing the jury's knowledge of his very close friendship with both Chairestratos and his birth father Phanostratos (§1):

Ὅτι μὲν, ὦ ἄνδρες, πάντων οἰκειότατα τυγχάνω χρώμενος Φανοστράτῳ τε καὶ Χαιρεστράτῳ τουτῶι, τοὺς πολλοὺς οἶμαι ὑμῶν εἰδέναι, τοῖς δὲ μὴ εἰδόσιν ἱκανὸν ἔρῳ τεκμήριον.

That I enjoy the most intimate friendship of all with Phanostratos and this Chaerestratos here, I think that many of you know. But as for you who don't know, I will provide a sufficient proof.

There are two kinds of knowledge at work in this passage. The first is privileged knowledge, which comes from having access to the private goings-on within the *oikos*: Aristomenes' superlative (*οἰκειότατα*) closeness to the *oikos* of Euktemon makes him the best advocate in this situation, the closest to the family and the most trustworthy.<sup>61</sup> The second is public knowledge: Aristomenes counts on the audience's knowledge (*εἰδέναι*) of this friendship to justify his presence and confirm the accuracy of his information. If a piece of information is unsupported by either private or public knowledge, as Aristomenes will claim of his opponents' argument, it has no weight.

As he provides further evidence for those who don't know (*μὴ εἰδόσιν*), Aristomenes continues using language that emphasizes closeness and knowledge. He tells the jury that when Chairestratos asked him to join him in a campaign in Sicily, even though, having sailed there earlier he had foreknowledge (*προήδειν*) of all the dangers that would arise, he agreed; they sailed together (*συνεξέπλευσα*) and undertook the risks together (*συνεδυστήχησα*), and were eventually captured and held by the enemy.<sup>62</sup> Aristomenes proposes to the jury the opposite of an

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<sup>61</sup> The need for a *synēgoros* to demonstrate a close relationship with his client is discussed by Rubinstein 2000; in a similar argument, Humphreys 2007: 145 shows that witnesses in an Athenian court case were used "to bring the inside knowledge of the local community into the court process."

<sup>62</sup> §1: διὰ τὸ πρότερον αὐτὸς ἐκπεπλευκέναι προήδειν πάντα τοὺς ἐσομένους κινδύνους, ὅμως δὲ

*eikos* argument: it would be unusual (ἄτοπον) if, after helping Chairestratos earlier despite the dangers being clear beforehand (προδήλων) due to the affection and friendship he felt towards Chairestratos and his father, he did not speak on their behalf (συνειπεῖν) now.<sup>63</sup> The repetition of the συν- prefix conveys a sense of intimacy, of togetherness. Aristomenes, Chairestratos, and Phanostratos were a team whose faithfulness makes the present speech appear more reliable to the jury. In contrast, the boys that the opponents are claiming to be Euktemon's legitimate children are repeatedly described as having no connection with the family: "They think that with a single vote and a single trial they can make these men his (Chairestratos') brothers, although they have no relation to him (τούς οὐδὲν προσήκοντας)."<sup>64</sup> According to the speaker, familial proximity comes from experience and companionship; it is not adjudicated.

That proximity is the essence of the family, the *oikos*, is evident from even the most seemingly uncharged vocabulary Isaeus employs in setting up the background of the case. Aristomenes tells the jury that when Philoktemon had no children with his wife (τῆς γυναικὸς ἢ συνώκει), he decided to adopt a child so as not to leave his house empty (μὴ ἔρημον καταλίπη τὸν οἶκον).<sup>65</sup> One of his sisters, the wife of Chaireas (ἢ ὁ Χαιρέας συνώκει) had no male children despite having been married for many years (πολλὰ ἔτη συννοικύση), but the other, the wife of Phanostratos (ἢ συνώκει Φανόστρατος οὐτοσί) had two male children, the oldest of whom, Chairestratos, Philoktemon adopted.<sup>66</sup> The word *συννοικεῖν* is a standard term for

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δεομένων τούτων καὶ συνεξέπλευσα καὶ συνεδυστύχησα καὶ ἐάλωμεν εἰς τοὺς πολεμίους.

<sup>63</sup> §2: ἄτοπον δὴ εἰ ἐκεῖνα μὲν προδήλων ὄντων τῶν κινδύνων ὅμως διὰ τὸ χρῆσθαι τούτοις καὶ φίλους νομίζειν ὑπέμενον, νῦν δὲ οὐ πειρώμην συνειπεῖν...

<sup>64</sup> §4: καὶ ἐν μᾶ ψήφῳ καὶ ἐνὶ ἀγῶνι οἶεται ἀδελφοὺς καταστήσειν ἐκείνῳ τούς οὐδὲν προσήκοντας.

<sup>65</sup> See above in chapter 1 on the *eremos oikos*.

<sup>66</sup> §§5-6: Ἐπειδὴ γὰρ τῷ Φιλοκτῆμονι ἐκ μὲν τῆς γυναικὸς ἢ συνώκει οὐκ ἦν παιδίον οὐδέν... ἔδοξεν αὐτῷ

cohabitation or marriage, but its recurrence in this passage, and indeed this speech, marks it. Out of 26 instances of this verb in Isaeus' speeches, this speech alone accounts for 10 of them. In his discussion of lexical repetition in Demosthenes' speeches, Rowe describes the functions of repetition as allowing the orator "to carry along and to elaborate previously introduced themes, giving a sense of the entire message at any point in the speech" or "to establish a pervasive tone or mood."<sup>67</sup> The repetition of *συν-οικέω*, recalling its component parts, signals to the jury that the themes of family, houses, and proximity will be particularly significant in this speech.

Family proximity, intimacy within the *oikos*, brings with it privileged knowledge. Just as Aristomenes counts on the jury's knowledge of his close friendship with Chairestratos and Phanostratos to legitimize him as an advocate, his argument for his client's legitimacy depends on private and public knowledge of Euktemon's actual (ὄντως) children (§§10-11):

Εὐκτῆμονι γάρ, ὦ ἄνδρες, τῷ Φιλοκτῆμονος πατρί, τοὺς μὲν ὄντως γενομένους παῖδας, Φιλοκτῆμονα καὶ Ἐργαμένην καὶ Ἡγήμονα καὶ δύο θυγατέρας, καὶ τὴν μητέρα αὐτῶν, ἣν ἔγημεν ὁ Εὐκτῆμων, Μειξιάδου Κηφισιῶς θυγατέρα, πάντες οἱ προσήκοντες ἴσασι καὶ οἱ φράτορες καὶ τῶν δημοτῶν οἱ πολλοί, καὶ μαρτυρήσουσιν ὑμῖν· ὅτι δ' [οὐδ'] ἄλλην τινὰ ἔγημε γυναῖκα, ἐξ ἧς τινος οἶδε αὐτῷ ἐγένοντο, οὐδεὶς τὸ παράπαν οἶδεν οὐδ' ἤκουσε πώποτε ζῶντος Εὐκτῆμονος. καίτοι τούτους εἰκὸς πιστοτάτους εἶναι νομίζειν μάρτυρας· τοὺς γὰρ οἰκείους εἰδέναι προσήκει τὰ τοιαῦτα.

The *actual* children of Euktemon, the father of Philoktemon—Philoktemon and Ergamenes and Hegemenes and two daughters, and their mother whom Euktemon married, the daughter of Meixiades from Kephisia—all their relatives knew them, and the members of their phratry, and most of their demesman, and they will testify to you. But as to him marrying some other woman, who bore him these two sons, nobody knows anything at all, nor did anyone even hear about it while Euktemon was alive. And it is natural to consider these men the most reliable witnesses, since it befits relatives to know such things.

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διαθέσθαι τὰ αὐτοῦ, μὴ ἔρημον καταλίπη τὸν οἶκον, εἴ τι πάθοι.... τοῖν δὲ ἀδελφαῖν τῇ μὲν ἐτέρα, ἢ ὁ Χαιρέας συνώκει, οὐκ ἦν ἄρρεν παιδίον οὐδὲ ἐγένετο πολλὰ ἔτη συνοικούσῃ, ἐκ δὲ τῆς ἐτέρας, ἢ συνώκει Φανόστρατος οὐτοσί, ἦσθη ὑεὶ δύο. Τούτων τὸν πρεσβύτερον τουτονὶ Χαιρέστρατον ἐποιήσατο ὑόν.

<sup>67</sup> Rowe 1993: 397.

Aristomenes relies on the link he has forged between familial proximity and knowledge in this passage. He constructs concentric circles of privileged knowledge, starting with οἱ προσήκοντες—friends and relatives, those who belong or are suitable—who know Euktemon’s legitimate children and wife, as do the members of their phratry, and the majority of their fellow demesmen. He then cycles back around to the assertion that it is suitable (προσήκει) for relatives (οἰκείους) to know about the matters at hand. In this passage, Isaeus disguises as natural (εἰκός) what, essentially, reduces to an etymological tautology: those who know, the relatives (προσήκοντες), are those whom it is suitable (προσήκει) to know. It is the relatives who know and will witness, who receive the superlative stamp of approval as the most trustworthy (πιστοτάτους) witnesses. Categories of propriety and relatedness are collapsed into the inside group—those who belong, those who know—and the outside group, the suppositious heirs that nobody has ever heard of at all (οὐδεις τὸ παράπαν οἶδεν οὐδ’ ἤκουσε πώποτε) and who have no relation to the family (§4: τοὺς οὐδὲν προσήκοντας).

In contrast to Euktemon’s known family, Aristomenes repeatedly emphasizes the uncertainty concerning the claimants’ background. He notes that his opponents, claiming to be the legitimate children of Euktemon (§12: ὡς ὑπὲρ γνησίων τῶνδ’ Εὐκτήμονος ὄντων), were unable to give their mother’s name or to identify her father during the initial arbitration of the case; they could not identify even a single relative (§12: μὴ ἔχειν ἀποδείξαι μηδὲ προσήκοντα αὐτοῖς μηδένα). After filing for a delay in the proceedings, at the interrogation before the trial (*anakrasis*), they finally gave her name as Kallippe and her father’s as Pistoxenos. Aristomenes objects to this naked claim, unsupported by witnesses or family, by either private or public knowledge. It is not enough to just provide the name (§13: ὡς ἐξαρχέσον εἰ ὄνομα μόνον πορίσαιντο τὸν Πιστόξενον): information must have a source and support.



His opponents claimed that Pistozenos had died in Sicily while serving in the military and left Kallippe under Euktemon's guardianship, during which time the two sons were said to have been born. Aristomenes accuses his opponents of making up a story that was hyperbolic (§13: ὑπερβάλλον) in its shamelessness and did not happen, attacking it on logical and ethical grounds. Since the Sicilian expedition was 52 years earlier and the boys claiming to be Euktemon's legitimate sons are no older than twenty years old, if the opponents' claim was true, Kallippe would have been in her thirties at the very youngest when they were born. The math doesn't work (§14):

ὥστ' οὐτ' ἐπιτροπέεσθαι προσῆγε τὴν Καλλίππην ἔτι, τριακοντούτῃν γε οὐσαν, οὔτε ἀνέκδοτον καὶ ἄπαιδα εἶναι, ἀλλὰ πάνυ πάλαι συνοικεῖν, ἢ ἐγγυηθεῖσαν κατὰ νόμον ἢ ἐπιδικασθεῖσαν.

So, it was not suitable for Kallippe to still be under a guardian, being at least thirty, nor for her to be unmarried and childless; far rather she should have been long married, either betrothed according to the law, or assigned a husband by the court.

If Kallippe did bear the boys to Euktemon, it was undoubtedly a scandalous situation. If the facts are as Androkles claimed, the two contravened law and custom to cohabit under the guise of a guardianship; if the timing of Pistozenos' death was wrong, then Euktemon abused his position by impregnating his ward. The word συνοικεῖν, used earlier to identify Philoktemon's sisters by their husbands, here appears in the counterfactual. Instead of getting married, Kallippe—the fact that she is named, unlike the sisters, giving her a disreputable quality—lived with her guardian and perhaps had his children. The same word, συνοικεῖν, can have completely opposite significations depending on who the women are, and what they are doing in the house. If Kallippe had remained unmarried and childless and Euktemon did not abuse his guardianship, where did the children come from? The facts as Androkles presents them are inappropriate (οὔτε προσῆγε), especially regarding the question of Kallippe's marital status (συνοικεῖν). Although

Kallippe will turn out to be a red herring in Aristomenes' mystery of the false heirs, her story contains in it the kernel of what will be at the heart of his eventual argument: a woman's inappropriate place within a house.<sup>68</sup>

Expanding on the impropriety of Kallippe's situation, Aristomenes finds when he seeks evidence of her relationship with Euktemon from the usual sources of information—family members, friends, neighbors, slaves—that the same sources who were so knowledgeable of the facts about Euktemon's other children are unable to provide answers to the mystery of Kallippe (§§15-16):

ἔτι δὲ καὶ γινώσκεισθαι αὐτὴν ὑπὸ τῶν Εὐκτῆμονος οἰκείων ἀναγκαῖον ἦν καὶ ὑπὸ τῶν οἰκετῶν, εἴ περ γε συνώκησεν ἐκεῖνῳ ἢ διητήθη τοσοῦτον χρόνον ἐν τῇ οἰκίᾳ. τὰ γὰρ τοιαῦτα οὐκ εἰς τὴν ἀνάκρισιν μόνον δεῖ πορίζεσθαι [όνόματα] ἀλλὰ τῇ ἀληθείᾳ γεγονότα φαίνεσθαι καὶ ὑπὸ τῶν προσηκόντων καταμαρτυρεῖσθαι. ἀποδείξει τοίνυν ἡμῶν κελευόντων ὅστις οἶδε τῶν Εὐκτῆμονος οἰκείων ἢ συνοικήσασαν ἐκεῖνῳ τινὰ [ἢ τὴν] Καλλίπην <ἦ> ἐπιτροπευομένην... ἢ εἴ τις τῶν παρ' αὐτοῖς οἰκετῶν φάσκει ταῦτα εἰδέναι, ἡμῖν παραδοῦναι, οὔτε λαβεῖν ἠθέλησαν οὔθ' ἡμῖν παραδοῦναι.

Moreover, she must have been known by Euktemon's family and slaves, if she had in fact lived with him or spent so much time in his house. For such matters, it's necessary to do more than just give names at the interrogation—they must be shown to have happened in truth and witnessed by relatives. But when we ordered them to reveal which of Euktemon's relatives knew that this Kallippe person was living with him or was his ward... or to hand over to us any of their slaves who could say they knew these things, they were willing neither to take ours nor to hand over their own to us.

As in the earlier passage, Aristomenes here relies on the standard that those close to the *oikos*, the *oikeioi* and *oiketai*, are the ones who know best, who make the best witnesses. When asked to provide witnesses from among Euktemon's family members (οἰκείων) who knew about Kallippe

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<sup>68</sup> Wyse suspects "some misrepresentation or shuffling here," as "it appears incredible that Androcles asserted that Callippe was a minor when the two boys were born" (1979: 499). He also points out that Aristomenes "has a motive to make out the claimant to be younger than he really was" and "deduces the date from the birth of the eldest claimant, which is not a sound basis of calculation" (500-501). Despite the gaps in this part of the argument, suspicion of the facts does not discount the thematic development linking Kallippe to Alke.

and Euktemon's cohabitation (συνώκησεν, συνοικήσασαν), or even one of the slaves (οἰκετῶν) who could say they knew (εἰδέναι), the opponents were unwilling, or unable, to do so. Knowledge and legitimacy is tied to the household, and Androkles' inability to provide witnesses from the household is exhibited as a testament to the weakness of his claims. It is not enough, Aristomenes again asserts, to give names; the story must be backed up by relatives (προσηγόντων), the most suitable witnesses.

Finding Androkles' version of events untenable, Aristomenes provides his own origin story for the boys in a second narrative arc. Despite the risk that the story may cause Phanostratos embarrassment, he insists that he must tell it regardless, so that he jury can reach a just verdict more easily, knowing the truth.<sup>69</sup> Aristomenes verbally ties his side with knowledge, unlike Androkles' unsupported claims. Whereas Kallippe's relationship with Euktemon's house was without evidence or support, Aristomenes represents his candidate, Alke, as conspicuously insinuating herself into Euktemon's *oikos*. He closely associates his version of the truth with the house and the household, a reminder of his intimate connection with the family (§18):

Εὐκτῆμων μὲν γὰρ ἐβίω ἔτη ἕξ καὶ ἐνενήκοντα, τούτου δὲ τοῦ χρόνου τὸν μὲν πλείστον ἐδόκει εὐδαίμων εἶναι (καὶ γὰρ οὐσία ἦν οὐκ ὀλίγη αὐτῷ καὶ παῖδες καὶ γυνή, καὶ τὰλλ' ἐπεικῶς εὐτύχει), ἐπὶ γήρως δὲ αὐτῷ συμφορὰ ἐγένετο οὐ μικρά, ἣ ἐκείνου πᾶσαν τὴν οἰκίαν ἐλυμήνατο καὶ χρήματα πολλὰ διώλεσε καὶ αὐτὸν τοῖς οἰκειοτάτοις εἰς διαφορὰν κατέστησεν.

Euktemon lived for 96 years and for the majority of this time he seemed happy (for he was very wealthy and had children and a wife, and in all other respects he was reasonably fortunate). But in his old age, a great misfortune befell him which brought ruin to his whole house and lost him a lot of money and put him into discord with his most intimate family members.

As MacDowell observes, Isaeus' use here of the word *oikia* rather than *oikos* to denote the

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<sup>69</sup> §17: ἴν' ὑμεῖς τὴν ἀλήθειαν εἰδότες ῥᾶον τὰ δίκαια ψηφίσησθε

family rather than the house is unusual.<sup>70</sup> The word *oikia* implies that the rift was not just between members of the *oikos*, but caused damage, as it were, to the foundations of the house itself. A physical metaphor, the conflation of property and structure, underlies the second part of the speech, representing the permeability of the definitions of *oikos* and suggesting the destruction arising when families, like houses, fall apart. The extent of this rift is indicated by the superlative οἰκειοτάτοις—his closest kin are driven into discord by his downfall.

As he describes the cause of this συμφορά and the subsequent διαφορά, Aristomenes draws out the conflation of *oikos* and *oikia*: he constructs rhetorical houses, pointing to them as physical referents in his description of the problems that befell Euktemon in his ninety-sixth year (§§19-21):

Ἀπελευθέρα ἦν αὐτοῦ, ὧ ἄνδρες, ἡ ἐναυκλήρει συννοικίαν ἐν Πειραιεῖ αὐτοῦ καὶ παιδίσκας ἔτρεφε. Τούτων μίαν ἐκτήσατο ἢ ὄνομα ἦν Ἀλκή, ἣν καὶ ὑμῶν οἶμαι πολλοὺς εἰδέναί. Αὕτη δὲ ἡ Ἀλκή ὠνηθείσα πολλὰ μὲν ἔτη καθήστο ἐν οἰκήματι, ἥδη δὲ πρεσβυτέρα οὖσα ἀπὸ μὲν τοῦ οἰκήματος ἀνίσταται, διαιωμένη δὲ αὐτῇ ἐν τῇ συννοικίᾳ συνῆν ἄνθρωπος ἀπελεύθερος— Δίων ὄνομα αὐτῷ — ἐξ οὗ ἔφη ἐκείνη τούτους γεγονέναι· καὶ ἔθρεψεν αὐτοὺς ὁ Δίων ὡς ὄντας ἑαυτοῦ. χρόνῳ δὲ ὕστερον ὁ μὲν Δίων ζημίαν εἰργασμένος καὶ δείσας ὑπὲρ αὐτοῦ ὑπεχώρησεν εἰς Σικυῶνα· τὴν δ' ἄνθρωπον ταύτην, τὴν Ἀλκήν, καθίστησιν Εὐκτήμων ἐπιμελίσθαι τῆς ἐν Κεραμειῷ συννοικίας, τῆς παρὰ τὴν πυλίδα, οὗ ὁ οἶνος ὄνιος. Κατοικισθεῖσα δ' ἐνταυθοῖ πολλῶν καὶ κακῶν ἠρξεν, ὧ ἄνδρες. Φοιτῶν γὰρ ὁ Εὐκτήμων ἐπὶ τὸ ἐνοίκιον ἐκάστοτε, τὰ πολλὰ διέτριβεν ἐν τῇ συννοικίᾳ, ἐνίστε δὲ καὶ ἐσιτείτο μετὰ τῆς ἀνθρώπου, καταλιπὼν καὶ τὴν γυναῖκα καὶ τοὺς παῖδας καὶ τὴν οἰκίαν ἣν ὄκει.

He had a freedwoman, men, who managed an apartment building for him in Peiraieus and kept prostitutes there. One of the prostitutes she acquired was named Alke, whom I think many of you know. This Alke, once she was purchased, worked for many years in the brothel, and when she was older she left the brothel.<sup>71</sup> While she was still living in the apartment, she was with a freedman named Dion—she claimed that he was the father of these boys (the heirs), and

<sup>70</sup> MacDowell 1989b: 11.

<sup>71</sup> Wyse *ad loc.* provides comparanda for οἴκημα being the term for a brothel, concluding “No doubt the Peiraieus was like other great port towns” (1979: 506).

Dion raised them as though they were his own. After a while, Dion committed a crime and, fearing for himself, fled to Sikyon. That female, Alke, Euktemon put her in charge of an apartment building in Kerameikos—next to the little gate, where the wine is sold. Her settling in that place was the start of many evils, men, because each time that Euktemon visited to collect the rent, he would spend most of his time in the apartment building, sometimes even eating dinner with the female, leaving behind his wife and his children and the house in which he used to live.

As in the opening of the speech, Aristomenes again draws on the jury’s experiential knowledge, this time of the notorious (ἦν καὶ ὑμῶν οἶμαι πολλοὺς εἰδέναι) prostitute Alke (consistently referred to by the derogatory ἡ ἄνθρωπος).<sup>72</sup> As evidence, the common knowledge of Alke is even stronger than the private knowledge privileged by members of the *oikos*, a great distance from Androkles’ unattested version of events. Aristomenes does not just rely on the jury’s supposed foreknowledge of Alke: he also draws them a map, based on their own knowledge of the cityscape. The housing complexes referred to in this passage have separate but related existences in the world outside the speech and in the rhetorical world created by the speech. As extra-rhetorical physical landmarks the buildings act as demonstrable evidence for his story: Euktemon was a wealthy man, able to perform lavish liturgies without cutting into his capital while bringing in enough income to continually be making money.<sup>73</sup> Being such a wealthy and civically involved citizen, Euktemon’s houses around town may have been familiar landmarks to some members of the jury. Even if members of the jury did not know which properties in the city were Euktemon’s, Aristomenes helpfully provides directions to Alke’s συνοικία—it’s the one

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<sup>72</sup> “In Classical literature the meaning of ἡ ἄνθρωπος is evident. Its use is reserved for women who are somehow unwomanly, as a result of physical, moral, or legal characteristics” (Sosin 1998: 77). On the use of Alke’s first name in comparison with Isaeus’ careful avoidance of the names of Euktemon’s daughters and wife, cf. Schaps (1977: 327), who attributes Alke’s being named to her being “disreputable.”

<sup>73</sup> §38: οὕτω πολλὴν οὐσίαν ἐκέκτητο Εὐκτῆμων μετὰ τοῦ ἕως Φιλοκτῆμονος, ὥστε ἅμα τὰ τε μέγιστα ὑμῖν λητουργεῖν ἀμφοτέρους τῶν τε ἀρχαίων μηδὲν προαθῆναι τῶν τε προσόδων περιποιεῖν, ὥστε αἰεὶ τι προοσκάσθαι.

next to the small gate, where the wine is sold. As symbolic space, the συνοικία by the gate represents a transition, a space through which Euktemon passes in his journey from upstanding citizen in his *oikos* to doddering old man manipulated by his freedwoman girlfriend.

All together, this passage refers to three separate buildings—the apartment/brothel in Peiraieus (the οἴκημα and the συνοικία are the same place), the apartment in Kerameikos, and the house Euktemon lived in with his wife and children—and uses ten words with the *oik* root. The introduction of the οἴκημα and the συνοικία complicates the earlier association of proximity to the *oikos* with knowledge and legitimacy: when multiple houses are in play, the privilege of the *oikos* dilutes. Alke’s seductiveness is symbolized in this speech by the συνοικία: she shared her previous apartment (ἐν τῇ συνοικίᾳ συνήν) with Dion, but after settling (κατοικισθεῖσα) in her new apartment she began to receive frequent visitations (φοιτῶν) from Euktemon. Since both verbs, σύνειμι and φοιτάω, signify sexual intercourse, Euktemon’s physical separation from his former house maps precisely onto his unfaithfulness to his wife and family. His *oikos* remained intact as long as he stayed in the house where he lived with his wife and family, but as soon as he abandoned his *oikia* and moved in with Alke, his *oikos*—family, estate, and house—fell apart.<sup>74</sup>

As rhetorical constructions, the residential buildings crowding the passage quoted above draw on the cultural association of women (the freedwoman and Alke) with domestic structures.

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<sup>74</sup> The narrative makes Euktemon’s marital status after leaving his wife unclear. According to the opponents’ version of events, Euktemon lived with Kallippe as her guardian and the father of her children; Aristomenes uses the claim that nobody knew about this but that everyone knew his wife, the daughter of Meixiades, to refute this story. Aristomenes does not conceal the fact that Euktemon left his wife to cohabit with Alke; being a former prostitute, she could not legally marry him, so he may still have been married to the daughter of Meixiades, the wife being kept out of the *oikia*. The situation is complicated by Euktemon’s threat to marry Demokrates’ sister, which he would have needed to be divorced from his wife to do. But the fact that his wife and daughters believed they had the right and responsibility to see to the deceased shows that, to them, they still thought of themselves as being part of his *oikos*. Thus it seems most likely that he did not divorce his wife.

Since she was once a prostitute, Alke is unable to be a wife and mother to citizens. Her *συνουκία* (which can mean, as an abstract noun, “cohabitation” in addition to the concrete “apartment building”) represents a threat to the citizen *oikos* through the possibility of illegitimate children; as Wohl observes, Alke’s *συνουκία*, “like the *oikia*, is a place of familial reproduction but, as we might expect, it rears an illegitimate brood.”<sup>75</sup> Unlike the catalogue of marriages which Aristomenes included when setting up the background to the case, Alke can live with Euktemon but can never be his legal wife. Paradoxically, their cohabitation (*συν-οικία*) can only pull the *oikos* apart.

Euktemon’s relocation from his *oikia* to her *synoikia* only signals the beginning of Alke’s career as a homewrecker. She gradually repositions herself as the center of his new *oikos*, taking control of its access. After Euktemon started spending all his time at Alke’s house, she persuaded him to introduce (*εἰσαγαγεῖν*) her elder son into his phratry under his own name.<sup>76</sup> By doing so, she would be working toward ensuring his legitimacy not just legally but also by introducing him into the circle of knowledge constituted by the phratry, one step closer to the *oikos*. At the idea of having to share his inheritance with the son of Alke and the freedman Dion, Philoktemon refused to allow his father to do this. Euktemon then sets into motion a series of negotiations and machinations in order to achieve his aim (§22):

ἐπειδὴ δὲ οὐθ’ ὁ υἱὸς αὐτῷ Φιλοκτῆμων συνεχώρει οὐθ’ οἱ φράτορες εἰσεδέξαντο, ἀλλ’ ἀπηνέχθη τὸ κούρειον, ὀργιζόμενος ὁ Εὐκτῆμων τῷ υἱεὶ καὶ ἐπηρεάζειν βουλόμενος ἐγγυᾶται γυναῖκα Δημοκράτους τοῦ Ἀφιδναίου ἀδελφῆν, ὡς ἐκ ταύτης παιδᾶς ἀποφανῶν καὶ εἰσποιήσων εἰς τὸν οἶκον, εἰ μὴ συγχωροίη τοῦτον ἐὰν εἰσαχθῆναι.

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<sup>75</sup> Wohl 2010b: 274.

<sup>76</sup> §21: χαλεπῶς δὲ φερούσης τῆς γυναικὸς καὶ τῶν υἱῶν οὐχ ὅπως ἐπαύσατο, ἀλλὰ τελευτῶν παντελῶς διητάτο ἐκεῖ, καὶ οὕτω διετέθη εἶθ’ ὑπὸ φαρμάκων εἶθ’ ὑπὸ νόσου εἶθ’ ὑπ’ ἄλλου τινός, ὥστε ἐπέισθη ὑπ’ αὐτῆς τὸν πρεσβύτερον τοῖν παιδῶν εἰσαγαγεῖν εἰς τοὺς φράτορας ἐπὶ τῷ αὐτοῦ ὀνόματι.

When his son Philoktemon would not agree, and the members of his phratry would not admit the boy but even had the victim for the sacrifice taken away, Euktemon got angry at his son and, wishing to threaten him, became engaged to a woman, the sister of Demokrates from Aphidna, intending to recognize her children as his and to adopt them into the family if [Philoktemon] wouldn't let him introduce [Alke's son].

In this passage, the component parts of the verbs used, especially the vocabulary of adoption and introduction, build up a sense of movement aiming toward the boy's inclusion in Euktemon's *oikos*. At first Philoktemon does not agree (συν-χωρεῖν, come together); the members of the phratry do not admit (εἰσ-δέχεσθαι, welcome into) the boy. Instead, as a rejection of the internal motion, they reject (ἀπο-φέρειν, carry away) the sacrificial victim. Euktemon's response halts the outward movement and redirects the motion in the interior direction. He threatens to adopt (εἰσ-ποιεῖν, make into) another woman's children into his family (εἰς τὸν οἶκον) if Philoktemon continues to refuse to allow (συν-χωρεῖν again) him to introduce (εἰσ-άγειν, lead into) the boy. The double appearance of συγχωρεῖν in this passage is especially effective, creating a sense of space (χώρα) in which the will of each party runs at cross-purposes.

The impetuses of intention threaten collision, but Alke is successful at channeling everyone in the direction she wants them to move. Euktemon's relatives, the inner circle, know (§23: εἰδότες δ' οἱ ἀναγκαῖοι) that he is too old to father children, that the ploy will result in another man's children entering the *oikos* regardless. They persuade Philoktemon to let Alke's son be registered and to let him have a single plot of land (§23: χωρίον ἐν δόντα). Philoktemon, without further avenues (§24: ἀπορῶν), conceded; the boy was introduced (εἰσαχθέντος), and Euktemon got rid of (ἀπηλλάγη) the citizen woman he had been intending to marry.<sup>77</sup> By

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<sup>77</sup> §24: καὶ ὁ Φιλοκτῆμων αἰσχυνόμενος μὲν ἐπὶ τῆ τοῦ πατρὸς ἀνοίᾳ, ἀπορῶν δ' ὅ τι χρήσαιτο τῷ παρόντι κακῷ, οὐκ ἀντέλεγεν οὐδέν. ὁμολογηθέντων δὲ τούτων, καὶ εἰσαχθέντος τοῦ παιδὸς ἐπὶ τούτοις, ἀπηλλάγη τῆς γυναικὸς ὁ Εὐκτῆμων, καὶ ἐπεδείξατο ὅτι οὐ παίδων ἕνεκα ἐγάμει, ἀλλ' ἵνα τοῦτον εἰσαγάγοι.



successfully maneuvering everyone involved to move in the same direction, Alke was able to make her elderly lover and his son commit fraud against the *polis* in registering a non-citizen as the legitimate son of a citizen. Her infiltration of Euktemon's *oikos* compromises the entire framework of citizenship, the process of making legitimate sons known by registering them with the phratry and the deme. This decision, markedly illegal, is a harbinger for the dismantling of Euktemon's estate.

With Euktemon became more and more compromised by his old age, Alke continued insinuating her way into every aspect of his *oikos*. Androkles and his associate Antidoros fell under the influence of Alke and, seeing that the estate was being destroyed (*ἀπολλύμενον τὸν οἶκον*) and that Euktemon was old and senile, decided to make a joint attack.<sup>78</sup> This attack consisted of a systematic dismantling of Euktemon's private holdings. These properties included a farm in Athmonon, a bathhouse in Serangion, a house in Athens, livestock, and slaves. It turns out that Androkles and Antidoros' vision of the *oikos* being destroyed was a vision of their future, one their own actions—with Alke at the fore—were bringing to fruition. After liquidating most of his property, they planned to have the separate estates (§36: *τοὺς οἴκους*), which belonged to Euktemon's adult sons who had already died, auctioned off.<sup>79</sup> They would then take over the leases of these estates. This plot was ultimately foiled by bystanders who informed the relatives of what was going on.<sup>80</sup> Despite the disintegration of the *oikos*, there were still *oikeioi* concerned with its preservation.

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<sup>78</sup> §29: ὑποπεπωκότες οἶδε τῇ ἀνθρώπῳ, καὶ ὀρώντες ἀπολλύμενον τὸν οἶκον καὶ τὸ γῆρας καὶ τὴν ἄνοιαν τοῦ Εὐκτήμονος..., συνεπιίθενται.

<sup>79</sup> MacDowell 1989b: 13-15 discusses the oddness of this plural, concluding that Euktemon's *oikos* would have reabsorbed his dead sons' *oikoi*, which Alke's sons would have taken over—the property was already perforated for easy cutting.

<sup>80</sup> §37: παραγενόμενοι δέ τινες ἐξαγγέλλουσι τοῖς οἰκείοις τὴν ἐπιβουλήν

After the death of Euktemon, Alke and her associates came up with a final, extreme, plan of attack. In Isaeus' description of this ultimate plot, the destruction of the *oikos* centers around the physical space of the *oikia* (§§39-40):

ἐπειδὴ καὶ ἐτελεύτησεν ὁ Εὐκτῆμων, εἰς τοῦτο ἦλθον τόλμης ὥστ' ἐκείνου κειμένου ἔνδον τοὺς μὲν οἰκέτας ἐφύλαττον, ὅπως μηδεὶς ἐξαγγείλῃε μήτε τοῖν θυγατέροιν μήτε τῇ γυναικί αὐτοῦ μήτε τῶν οἰκείων μηδενί, τὰ δὲ χρήματα ἔνδοθεν ἐξεφορήσαντο μετὰ τῆς ἀνθρώπου εἰς τὴν ὁμότοιχον οἰκίαν, ἣν ᾠκει μεμισθωμένος εἰς τούτων, Ἀντίδωρος ἐκείνος.

When Euktemon, too, died, they came to such a degree of boldness that, while he was lying dead inside, they locked up the slaves so that nobody could tell either his daughters or his wife or any of his relatives, and with the help of the female, they carried out the money from inside into the adjoining house, which one of them, my opponent Antidoros, was living in as renter.

The language used in this passage emphasizes the relationship between the physical house and the personnel of the *oikos*: the slaves (*oiketai*) are locked inside the house while the relatives (*oikeioi*) are prevented from learning what was happening. Neither interested party is able to do anything on behalf of the *oikos*. Isaeus juxtaposes the enforced ignorance of Euktemon's *oikeioi* with the depredation of his *oikos* by Alke and her minions. The physical movement of the confiscated property contrasts with the immobility of the relatives. As Euktemon lies dead, Alke and her associates funnel (ἔνδοθεν...εἰς) his money into a new *oikia* at the expense of his old *oikos*.

Once Euktemon's wife and daughters learn what has happened, the narrative opposes their movements to the despoiling of his property. The push-pull of language in these passages adds to the sense of motion drawing ever closer to the still, dead body of Euktemon inside the house (§§40-41):

καὶ οὐδ' ἐπειδὴ ἑτέρων πυθόμεναι ἦλθον αἱ θυγατέρες αὐτοῦ καὶ ἡ γυνή, οὐδὲ τότε εἶων εἰσιέναι, ἀλλ' ἀπέκλεισαν τῇ θύρᾳ, φάσκοντες οὐ προσήκειν αὐταῖς θάπτειν Εὐκτῆμονα. καὶ οὐδ' εἰσελθεῖν ἐδύναντο, εἰ μὴ μόλις καὶ περὶ ἡλίου δυσμάς. εἰσελθούσαι δὲ κατέλαβον ἐκείνον μὲν ἔνδον

κείμενον δευτεραίον, ὡς ἔφασαν οἱ οἰκέται, τὰ δ' ἐκ τῆς οἰκίας ἅπαντα ἐκπεφορημένα ὑπὸ τούτων. αἱ μὲν οὖν γυναῖκες, οἷον εἰκός, περὶ τὸν τετελευτηκότα ἦσαν.

Even after his daughters and wife came, having found out the situation from others, not even then did they allow them to enter, but they locked them out at the door, saying that it was not suitable for them to bury Euktemon. And they were not able to come in, except with great effort, around sunset. When they came in they found that he had been lying indoors for two days, as the slaves told them, and that everything had been carried away by them. And so the women, as is appropriate, took care of the dead man.

The paradigm of knowledge and proximity established early on in the speech, by which it is suitable (προσῆκει) for relatives (οἰκεῖοι) to have knowledge, has been utterly overturned by Alke's machinations. Now, the family members must learn from some unnamed others (ἐτέρων), now they are barred (ἀπέκλεισαν τῆ θύρα) from the body of their dead husband and father and told it is not suitable (οὐ προσῆκειν) for them to perform the burial rites. After approaching the house (ἦλθον), the women try to enter three times (εἰσιέναι, εἰσελθεῖν, εἰσελθοῦσαι), and it is only on the third try that they are successful. By emphasizing the women's exclusion from the house, Isaeus highlights the extremity of the reversal of culturally sanctioned behavior: Euktemon's family is so broken that the Hestia/Hermes paradigm is inverted, with the women kept on the outside and the man lying within (ἔνδον).

After they are finally allowed inside, the women attend to the body according to social expectations (οἷον εἰκός).<sup>81</sup> Yet because of the women's exclusion and the house being stripped, both the personal and material requirements for the funeral are unmet. As Kerri Hame has noted, funeral ritual "served as a keen barometer for the state of familial relationships within the *oikos*," according to which "the absence of traditional rites by those who should conduct them or the

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<sup>81</sup> On women's role in funeral rites, cf. Kurtz and Boardman 1971: 42-44, Humphreys 1983, Loraux 1998, Garland 2001: 37.

inclusion of aberrant rites performed by an inappropriate individual signifies an unhealthy *oikos* whose members have abandoned their traditional responsibilities or are prevented from performing them because the familial bonds among them have been weakened or broken.”<sup>82</sup> In Euktemon’s case, the untouched body and missing possessions are certain signs of an unhealthy *oikos*. The questionable status of his wife and daughters—are they *prosēkontes* or not?—and their exclusion from the interior almost suggests that Euktemon has become a man without an *oikos*, since all of his possessions have been carted off to the rental house next door.

At the same time as the house is finally opened and the women start to take care of the body, the rest of the family discover what has been taking place within (§§41-42):

οὔτοι δὲ τοῖς ἀκολουθήσασι παραχρήμα ἐπεδείκνυσαν τὰ ἔνδον ὡς εἶχε, καὶ τοὺς οἰκέτας πρῶτον ἠρώτων ἐναντίον τούτων ὅποι τετραμμένα εἴη τὰ χρήματα. λεγόντων δὲ ἐκείνων ὅτι οὔτοι ἐξενηνοχότες εἶεν εἰς τὴν πλησίον οἰκίαν, καὶ ἀξιούντων παραχρήμα τῶνδε φωρᾶν κατὰ τὸν νόμον καὶ τοὺς οἰκέτας ἐξαιτούντων τοὺς ἐκφορήσαντας, οὐκ ἠθέλησαν τῶν δικαίων οὐδὲν ποιῆσαι.

They immediately showed those who were with them the state of things inside, and first asked the slaves in their presence where the money had gone. When they (the slaves) were saying that they (the opponents) had carried it out into the neighboring house, and they (Aristomenes’ clients) were wanting to make a search immediately, according to the law, and were demanding the slaves who had done the carrying out, they (the opponents) were unwilling to do anything just.

With a gesture so performative it practically amounts to wheeling out a rhetorical *ekkyklema*, Aristomenes puts the jury in the position of the attendants, pointing out (ἐπεδείκνυσαν) to them the state of the interior (τὰ ἔνδον), which had previously been closed off to all but its scavengers. The word ἐπιδείκνυμι works on two levels—as Euktemon’s family shows their attendants the state of the house, Aristomenes, too, reveals to the jury the interior of the house.

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<sup>82</sup> Hame 2004: 514.

Like the use of vivid language in Antiphon 1, this verb signals the *enargeia* of the passage, its creation of conceptual space. Like the revelation of the interior in a Greek tragedy, Aristomenes describes the unspeakable, opening the door to reveal, in this case, only the dead body within. The careful detail and inward-driving movement leading up to the moment when the doors are opened give way to frenetic action, with the double repetition of παραχρήμα and agency slipping back and forth in a sequence of genitive absolutes (λεγόντων, ἀξιούντων, ἐξαιτούντων). The curtain closes on the tableau of treachery with the opponents' refusal to do justice and return the stolen money.

A final lexical detail amplifies the drama of this scene. The language used to describe the theft consistently centers around the verb ἐκφορέω, with ἐξεφορήσαντο appearing at §40, ἐκπεφορημένα at §41, ἐξενηνοχότες (from the related ἐκφέρω) and ἐκφορήσαντας at §42, and ἐκφορήσαντες in the summary at §43.<sup>83</sup> This repetition has the effect of turning the theft into a perverted parody of a burial, an ἐκφορά. Rather than being brought out from his house, attended by his family and dressed in his finest, Euktemon is left inside, abandoned, stripped. Like the “aberrant rites” described by Hame, the parodic funeral signifies the state of the *oikos*.

Isaeus' description of Alke's final plot conflates the three senses of the word *oikos* as house, family, and estate. By locking the women of the family out and preventing them from tending to the body, she poses a simultaneous challenge to the ideal practice of house and household. The physical interior of the house lacks its women, the women are prevented from carrying out their duty as family members, and the estate is being physically removed from the premises and from the possession of Euktemon's family. Alke's plot inverted the space of

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<sup>83</sup> §43: Τοσαῦτα μὲν τοίνυν χρήματα ἐκ τῆς οἰκίας ἐκφορήσαντες, τοσαύτης δ' οὐσίας πεπραμένης τὴν τιμὴν ἔχοντες, ἔτι δὲ τὰς προσόδους τὰς ἐν ἐκείνῳ τῷ χρόνῳ γενομένας διαφορήσαντες, οἴονται καὶ τῶν λοιπῶν κύριοι γενήσεσθαι.

Euktemon's house, broke up his family, and devastated his estate, with his property carried off as though for its own funeral while the man himself lay dead and abandoned.

As my previous examples have shown, a speaker before an Athenian jury is rarely content to limit his concerns to the case at hand. Having demonstrated the magnitude of Alke's threat to the *oikos* of Euktemon, Aristomenes extrapolates her danger from the personal to the public. Her dangerous interiority is escalated, beginning from her entry into Euktemon's *oikia* (or rather, her making her own *oikia* Euktemon's) which constituted an assault on his *oikos*, and ending with an entrance into the temples which amounts to an act of *hybris* against the whole city (§§48-50):

καὶ ἡ διαφθείρασα τὴν Εὐκτῆμονος γνώμην καὶ πολλῶν ἐγκρατῆς  
γενομένη οὕτως ὑβρίζει σφόδρα πιστεύουσα τούτοις, ὥστε οὐ μόνον τῶν  
Εὐκτῆμονος οἰκείων καταφρονεῖ, ἀλλὰ καὶ τῆς πόλεως ἀπάσης... ἡ δὲ  
τούτων μήτηρ, οὕτως ὁμολογουμένως οὐσα δούλη καὶ ἅπαντα τὸν χρόνον  
αἰσχρῶς βιοῦσα, ἦν οὔτε παρελθεῖν εἴσω τοῦ ἱεροῦ ἔδει οὔτ' ἰδεῖν τῶν  
ἔνδον οὐδέν, οὔσης τῆς θυσίας ταύταις ταῖς θεαῖς ἐτόλμησε συμπέμψαι τὴν  
πομπὴν καὶ εἰσελθεῖν εἰς τὸ ἱερόν καὶ ἰδεῖν ἃ οὐκ ἐξήν.

The one who destroyed Euktemon's mind and got her hands on a lot of his property commits such an act of outrage with the help of her associates that she not only looks down on Euktemon's family members, but on the entire city.... The mother of these boys, completely agreed upon to be a slave and to have lived shamefully her whole life, who should not at all have entered into the temple nor see the things inside, during the sacrifice to the goddesses she dared to join in the procession, to go into the temple, and to see the things she should not have.

Alke's disregard for both Euktemon's family and the city at large make her a public enemy, whose movements violate the sacred rites of the citizen body. This transgression is both verbally and symbolically linked to her assault on Euktemon's family. With the rhetorical construction of the space within the temple (ἔνδον), Aristomenes gives the jury-audience a glimpse into a forbidden extrascenic space, one into which a non-citizen is not permitted to transgress (the prefix of *παρ-ελθεῖν* emphasizes the contravention) but which Alke nevertheless entered (*εἰς-*

ελθεῖν). The language used to describe Alke’s movement into the forbidden, unseen space of the temple recalls her machinations behind the scene of Euktemon’s death, her ability to move unimpeded through the *oikia* while the members of his legitimate *oikos* were barred from entry. Alke’s entrance into the temple is also symbolically parallel with her earlier assault on Euktemon’s *oikos*, as Wohl demonstrates. By entering the temple, Alke “arrogated to herself the exclusive prerogatives of an Athenian citizen, just as she had done for her son by persuading Euktemon to register him in his phratry, and her presence tainted the purity of the festival just as her progeny threaten to taint the purity of the citizen body and the sacred lineage of the Athenian demos.”<sup>84</sup> Her participation in the procession (συμπέμψαι τὴν πομπήν) also emphasizes the performativity of her violation of sacred and civil law.

In constructing his case against Androkles, Aristomenes first summarizes and discounts his opponent’s claim that the boys’ mother was Kallippe, a citizen who was at some point married to Euktemon. He bases his opposition on the fact that nobody connected to Euktemon’s *oikos* had any knowledge of Kallippe—legitimacy is conferred by both legal connection to an *oikos* and by proximity to it, the acknowledgement of *oikeioi* and *oiketai*.<sup>85</sup> Aristomenes has this

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<sup>84</sup> Wohl 2010b: 276.

<sup>85</sup> At the conclusion of the speech, Aristomenes reiterates that Kallippe is unknown and unproven and adds that her supposed sons had never been seen carrying out the funeral rites, linking Kallippe’s narrative, which focused on knowability, and Alke’s, which concluded with a corrupted funeral: ὡς οὖν εἰσὶ γνήσιοι οἱ παῖδες οἶδε, τοῦτ’ αὐτὸ ἐπιδεικνύτω, ὥσπερ ἂν ὑμῶν ἕκαστος. οὐ γὰρ ἂν εἴπη μητρὸς ὄνομα, γνήσιοί εἰσιν, ἀλλ’ ἐὰν ἐπιδεικνύῃ ὡς ἀληθῆ λέγει, τοὺς συγγενεῖς παρεχόμενος τοὺς εἰδότας συνοικοῦσαν τῷ Εὐκτῆμονι <καὶ> τοὺς δημότας καὶ τοὺς φράτορας, εἴ τι ἀκηκόασι πώποτε ἢ ἴσασι ὑπὲρ αὐτῆς Εὐκτῆμονα λητουργήσαντα, ἔτι δὲ ποῦ τέθαπται, ἐν ποίοις μνήμασι, <καὶ> τίς εἶδε τὰ νομιζόμενα ποιοῦντα Εὐκτῆμονα· ποῖ δ’ ἔτ’ ἰόντες οἱ παῖδες ἐναγίζουσι καὶ χέονται, καὶ τίς εἶδε ταῦτα τῶν πολιτῶν ἢ τῶν οικετῶν <τῶν> Εὐκτῆμονος (And so, how are these children legitimate, let him demonstrate this very fact, just as any of you would do. For it is not stating the name of the mother that makes them legitimate, but if they can prove that they speak the truth, providing relatives, demesmen, and members of the phratry who know that she lived with Euktemon, if they have heard or know anything at all about Euktemon performing liturgies on her behalf, or where she is buried and in what sort of tomb, and if anyone knew that Euktemon performed the customary rites, and where her sons go to sacrifice and pour libations, and what citizen or slave of Euktemon knew these things).

connection, his story has legitimacy—Androkles and Kallippe do not. In the narrative concerning Kallippe, it is her distance from any house (she has no *prosekontes*) that keeps her from being a recognized member of the *oikos*. Aristomenes’ case against Alke, on the other hand, relies on her being known not by members of Euktemon’s house but instead by the entire city. Whereas Kallippe had no relationship with an *oikos*, the narrative makes Alke seem to have a promiscuous superabundance of *oikoi*, a characteristic closely linked to her appeal to Euktemon. From the *oikema* in which she was brought up to the *synoikia* she managed to the neighboring *oikia* rented by her associate Antidoros, Alke’s connection with various housing units resonates with her force as an agent of destruction against *oikoi*.

The way in which Alke’s character is tied to the destruction of houses resonates with Euripides’ description of Medea. Both Alke and Medea are non-citizen women intent on destroying a legitimate *oikos*. All Greek women are to some extent aliens within their husbands’ houses, the source of anxiety to the male head of the *oikos*, but Medea, being actually foreign, is the epitome of this anxiety. If the world of mythology were subject to Athenian law (as it often almost seems to be), Medea’s sexuality would endanger the production of the citizen-household. In Euripides’ tragedy, Medea’s promise to destroy her children, Jason, and his new wife is directed specifically at the house (πάς δόμος ἔρροι, μελάθροισ δικναιομένους).<sup>86</sup> Alke’s machinations are described in a similar way, emphasizing that she brought ruin to Euktemon’s whole house (§18: πᾶσαν τὴν οἰκίαν ἐλυμήνατο, §29: ἀπολλύμενον τὸν οἶκον). Both Alke and Medea are emphatically portrayed as threats to both the family and the house.

Alke, too, gives shape to the spaces she passes through—the *synoikia* where she was

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<sup>86</sup> 112-114: ὦ κατάρατοι / παῖδες ὄλοισθε στυγεράς ματρὸς / σὺν πατρί, καὶ πάς δόμος ἔρροι, 163-165: ὄν ποτ’ ἐγὼ νύμφαν τ’ ἐσίδοιμ’ / αὐτοῖς μελάθροισ δικναιομένους, / οἱ’ ἐμὲ πρόσθεν τολμῶσ’ ἀδικεῖν.



raised as a prostitute and brought up children with the freedman Dion, the *synoikia* in Kerameikos where she seduced Euktemon, the house next door to Euktemon's deathbed—all these spaces exist, conjured in the jury's mind's eye, because she was there. In the same way, Medea is closely associated with the house's interior, with the house's misfortune—she starts out as a voice heard from within, and the Chorus connects her interiority with the destruction of the house.<sup>87</sup> Luschnig's analysis of the entrances, exits, and interior space created by Euripides' *Medea* describes Medea at the beginning of the tragedy as “a dangerous woman confined to the space behind the *skene*” who defines the interior space of the *oikos*.<sup>88</sup> Medea, having come to the house of another, rejoices hearing of the destruction that she caused (1130-1131: τυράννων ἔστῖαν ἠγκισμένη, / χαίρεις κλύουσα). When Alke blithely joins the sacred procession and viewing forbidden rites, she echoes not just Medea's scheming against the house, but also her sacrilegious glee. Drawing on the *topos* of the dangerous woman in the house, Isaeus models his Alke on the character-type of a Medea, tingeing her crimes with a larger-than-life tragic quality.

In Isaeus 6, the tragic association between women and houses is used both to increase the poignancy of Euktemon's situation and to characterize Alke as almost mythologically villainous. The evocation of Alke's *synoikia* at the beginning of the speech both functions as physical evidence and emphasizes how Alke beguiled Euktemon away from his home and family. The house in which Euktemon dies, with its interior space barred to the women of the house and its furniture stripped in a parody of a funeral for the money instead of the man, is a powerful metaphor for the damage done to Euktemon's *oikos*. By paying attention to the house as a

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<sup>87</sup> 134-137: ἔτ' ἀμφιπύλου / γὰρ ἔσω μελάθροιο βοὰν ἔκλυον, / οὐδὲ συνήδομαι, ὦ γυναῖ, ἄλγεσι / δώματος, ἐπεὶ μοι φιλία κέκραται

<sup>88</sup> Luschnig 1992: 35.

physical entity, we can better understand the persuasive artistry of the speech, the emotional potency evoked by the space of the houses, or houses as space.

### **Lysias 1: *On the Murder of Eratosthenes***

The final section of this chapter centers around Lysias 1, *On the Murder of Eratosthenes*. In this speech, the inversion of gendered space within the house both prefigures and encourages the speaker's wife to commit adultery. This speech's focus on adultery and murder have led to its being compared to Aeschylus' *Oresteia*.<sup>89</sup> Following my analysis of the speech, I look specifically at similar thematizations of gendered spatiality in Lysias 1 and the *Oresteia*, an aspect of the similarities between the two works of literature that has not previously been explored.

Lysias 1 is a defense speech delivered in the early fourth century by an Athenian named Euphiletos, who claimed he was driven to murder when he discovered his wife having sex with a man named Eratosthenes; he was accused of premeditated murder by the family of his victim.<sup>90</sup> The trial was held at the Delphinion, the venue for defendants who claimed that their killings were lawful.<sup>91</sup> Euphiletos is characterized as a simple farmer whose credulous affection for his

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<sup>89</sup> E.g. Patterson 1998.

<sup>90</sup> This is one of the most read and cited speeches of the Attic orators and the bibliography reflects this. Jebb 1893, Usher in Edwards and Usher 1985, Carey 1989, Edwards 1999, Todd 2000 and 2007a give background and commentary. Articles focusing on this speech include Gould 1980, who uses it as evidence for the social role of women in Athenian society; Morgan 1982, Walker 1983, and Antonaccio 2000 try to reconstruct Euphiletos' house; Harris 1990 explores the legal ramifications of this speech; Cohen 1991a, 1991b, and 1995 discuss the legal and social significance of this speech; Foxhall 1996, Morris 1998 and Wolpert 2001 identify the agency of women and slaves revealed in this speech.

<sup>91</sup> *Ath. Pol.* 57.3. On the legal definition of and social impact of *moicheia*, cf. Cantarella 1991, Cohen 1991, Carey 1995, Roy 1997, Patterson 1998, Omitowoju 2002. Paoli (1958: 269) suggests that *moicheia*, being a crime against

wife made him vulnerable to Eratosthenes' lustful machinations and whose quick anger made him murderous from righteous fury.<sup>92</sup> Euphiletos' legal defense rests upon laws including a Draconian law stating that if a man finds another man committing rape or *moicheia* (having illicit sex with a mother, sister, daughter, or concubine), he is allowed to kill him with impunity.<sup>93</sup> But in Lysias' hands, this allowance becomes an obligation—Euphiletos refers repeatedly to a law requiring that men who commit *moicheia* be put to death, which probably didn't exist.<sup>94</sup> In twisting the law that allows murder into a demand for it, Euphiletos links the imperviousness of the house and family with the safety of the entire community.

If Antiphon 1 has the most dramatic elements of any speech of the Attic orators, Lysias 1 has been accused of not even being a forensic speech but rather a theatrical or mimetic performance. John Porter argues that the similarities between the speech's characters and narrative and stock characters and plots from comedy and mime, as well as the absence of certain typical forensic tropes, suggest that the speech, which “has won critical praise for what are, in effect, the performative features of the text,” may in fact be a “fictional speech based upon a fictional case, designed not only to instruct and delight, but, quite probably, to advertise the

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the *oikos*, must by definition take place in the *oikia*, but Carey (1995: 416 n. 31) rejects this association as “supported by no evidence.” The emphasis on the physical space of the house is a deliberate product of Lysias' rhetorical skill.

<sup>92</sup> “Lysias emphasizes two main aspects of the character of Euphiletos, his rustic simplicity, which prevents him from detecting his wife's intrigue with Eratosthenes even when confronted with the clearest evidence, and his proneness to violent temper, which renders his anger white-hot and uncompromising when he finds out what has been happening” Usher 1965: 102.

<sup>93</sup> The law is cited at Demosthenes 23.53: Ἐάν τις ἀποκτείνῃ ἐν ἄθλοις ἄκων, ἢ ἐν ὁδῷ καθελῶν, ἢ ἐν πολέμῳ ἀγνοήσας, ἢ ἐπὶ δάμαρτι ἢ ἐπὶ μητρὶ ἢ ἐπ' ἀδελφῆ ἢ ἐπὶ θυγατρὶ, ἢ ἐπὶ παλλακῇ ἢ ἄν ἐπ' ἐλευθέροις παισὶν ἔχη, τούτων ἕνεκα μὴ φεύγειν κτείναντα.

<sup>94</sup> Harris 1990: 371.

logographer’s skill.”<sup>95</sup> Pavel Nývlt tempers Porter’s conclusions, pointing out that many of his comparanda come from New Comedy, which came after and could have been influenced by Lysias’ speech.<sup>96</sup> With Nývlt, I think that Porter’s argument does not hold weight and that Lysias 1 should be regarded as belonging to the corpus of the Attic orators.<sup>97</sup> At the same time, I think it is no coincidence that the resemblances Porter identifies are present in this speech, nor that the three speeches which provide the most compelling example of the stagecraft of rhetoric in their engagement with extrascenic domestic space were all written by Lysias.<sup>98</sup> Lysias is a master of rhetorical network: interior space in his speeches serves as both a stage and a foil, a house and a metaphor. In my analysis of Lysias 1, I will show how conceptual space interacts with the rest of the elements of the speech to create a whole evoking danger, inversion, and the threat women pose to the house.

In an unusual approach to the proem, Euphiletos attacks one particular crime with the broadest of superlatives, yet he does not name the crime, instead opening euphemistically with a reference to “the things that happened” (§1: ἐπὶ τοῖς γεγενημένοις) (§2-3):

περὶ τούτου γὰρ μόνου τοῦ ἀδικήματος καὶ ἐν δημοκρατία καὶ ὀλιγαρχία ἡ αὐτὴ τιμωρία τοῖς ἀσθενεστάτοις πρὸς τοὺς τὰ μέγιστα δυναμένους ἀποδέδοται, ὥστε τὸν χείριστον τῶν αὐτῶν τυγχάνειν τῷ βελτίστῳ· οὕτως, ὡ ἄνδρες, ταύτην τὴν ὕβριν ἅπαντες ἄνθρωποι δεινοτάτην ἡγοῦνται.

Concerning this crime alone, in both a democracy and an oligarchy, the same punishment is handed down to the weakest as to the most powerful, so that the

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<sup>95</sup> Porter 2000: 80-82.

<sup>96</sup> Nývlt 2013.

<sup>97</sup> I find especially weak Porter’s suggestion that the etymological definition of names Eratosthenes (Strong-lover) and Euphiletos (Well-beloved) is a “striking irony” and that their “curious appropriateness” provides evidence that the speech is fictional (Porter 2000: 76-77). If we suspect the too-apropos etymology of every Greek name, we would have to conclude that Sophocles (Famed-for-wisdom), Aristophanes (Clearly-the-best), and Demosthenes (Strength-of-the-people) were also fictional characters.

<sup>98</sup> Lysias 1, 12 (discussed in the next chapter), and 32.

most low-class people get the same treatment as the most noble. Thus, men, all people think that this outrage is the most terrible.

Since he is on trial for homicide, Euphiletos' elision of the crime in question is complicated by his insistence on the universality of feeling about the crime. Through the use of superlatives (ἀσθενεστάτοις, μέγιστα δυναμένους, χείριστον, βελτίστῳ, δεινοτάτην), he builds his defense on hyperbolic yet generalizing terms. Euphiletos draws out the borders of ethical space to an extreme degree, allowing no room for disagreement: he presents this *adikema* as beyond politics, beyond physical strength and social advantage. He builds a rhetorical edifice of universal consensus to enclose the details of the crime so that by the time he makes the crime explicit there could be no room for disagreement.

The transition from the general to the specifics of the case occurs quickly and smoothly. After reminding the jury that they are all agreement that no one guilty of committing “this crime” deserves any lenience whatsoever, Euphiletos reveals his particular purpose (§4):

ἡγοῦμαι δέ, ὦ ἄνδρες, τοῦτό με δεῖν ἐπιδείξαι, ὡς ἐμοίχευεν Ἐρατοσθένης τὴν γυναῖκα τὴν ἐμὴν καὶ ἐκείνην τε διέφθειρε καὶ τοὺς παῖδας τοὺς ἐμοὺς ἥσχυνε καὶ ἐμὲ αὐτὸν ὕβρισεν εἰς τὴν οἰκίαν τὴν ἐμὴν εἰσιών.

I think, men, that it is necessary for me to demonstrate that Eratosthenes committed *moicheia* with my wife and ruined her and shamed my children and committed an act of violence upon me myself by entering into my house.

In the first explicit statement of defense, Euphiletos grammatically ties the act of *moicheia* as an assault against personnel—whether his wife, his children, or himself—to Eratosthenes' entrance into Euphiletos' house (εἰς τὴν οἰκίαν τὴν ἐμὴν εἰσιών). This movement comes at the end of the list of people affected, and, as a present participle, temporally accompanies each verb. This sentence programmatically joins the people who make up the *oikos* with the physical space of the *oikia*, a connection that will carry on throughout the speech. Moreover, as in the previous examples, Euphiletos indicates the need for something to point at, a visualization to support his

case. Like the speaker of Isaeus 1, he uses the word ἐπιδείξει to draw out the vividness of the upcoming narration, inviting the jury to visualize what he is about to say.

The narrative begins with the story of his marriage and the establishment of his *oikos*. When he thought the time was right to marry, he brought a wife into his house (ἡγαγόμενῃ εἰς τὴν οἰκίαν) and kept a reasonable (ὥσπερ εἰκός) watch over her.<sup>99</sup> To lead a wife into your house is the typical idiom for marriage in Classical Athens, but juxtaposed with his earlier description of Eratosthenes' invasion the phrase has a chilling significance. He establishes that his behavior early in his marriage was typical (εἰκός) in order to provide a baseline for what happened subsequently. After the birth of their child, he put his trust in her, “thinking that this was the greatest intimacy.”<sup>100</sup> By providing Euphiletos with a legitimate heir, the wife proved her loyalty to the *oikos*, etymologically expressed by the noun οἰκειότης. He describes her as a brilliant and frugal housekeeper who kept everything in the house in perfect order.<sup>101</sup> The wife's virtues are linked linguistically to the house—her marvelous housekeeping (οἰκο-νόμος), her precise caretaking (δι-οικ-οῦσα)—signifying the perfect order of the *oikos* during their early marriage.

Euphiletos goes on to chart what went wrong, starting with the death of his mother when Eratosthenes first caught sight of Euphiletos' wife and sent her a message. At this point in the narrative, Euphiletos interrupts himself to describe his house (§§9-10):

οἰκίδιον ἔστι μοι διπλοῦν, ἴσα ἔχον τὰ ἄνω τοῖς κάτω κατὰ τὴν

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<sup>99</sup> §6: ἐγὼ γάρ, ὦ Ἀθηναῖοι, ἐπειδὴ ἔδοξε μοι γῆμαι καὶ γυναῖκα ἡγαγόμενῃ εἰς τὴν οἰκίαν, τὸν μὲν ἄλλον χρόνον οὕτω διεκείμην ὥστε μήτε λυπεῖν μήτε λίαν ἐπ' ἐκείνη εἶναι ὅ τι ἂν ἐθέλη ποιεῖν, ἐφύλαττον τε ὡς οἶόν τε ἦν, καὶ προσεῖχον τὸν νοῦν ὥσπερ εἰκός ἦν.

<sup>100</sup> §6: ἐπειδὴ δέ μοι παιδίον γίγνεται, ἐπίστευον ἤδη καὶ πάντα τὰ ἑμαντοῦ ἐκείνη παρέδωκα, ἡγούμενος ταύτην οἰκειότητα μεγίστην εἶναι.

<sup>101</sup> §7: οἰκονόμος δεινὴ καὶ φειδωλὸς καὶ ἀκριβῶς πάντα διοικοῦσα

γυναικωνίτιν καὶ κατὰ τὴν ἀνδρωνίτιν. ἐπειδὴ δὲ τὸ παιδίον ἐγένετο ἡμῖν,  
ἡ μήτηρ αὐτὸ ἐθήλαζεν· ἵνα δὲ μή, ὅποτε λούσθαι δέοι, κινδυνεύῃ κατὰ τῆς  
κλίμακος καταβαίνουσα, ἐγὼ μὲν ἄνω διητώμην, αἱ δὲ γυναῖκες κάτω.

I have a little house with two floors, the upstairs equal in size to the downstairs  
for the women's chambers and the men's. When our child was born, the mother  
nursed it. In order that she wouldn't hurt herself going down the stairs when the  
baby had to be washed, I moved upstairs, and the women downstairs.

As I have argued, the description of domestic space evokes a setting, a stage on which the domestic drama being narrated can be visualized. Morgan attributes Lysias' motivation in including this passage to his desire "to let his hearers know that the men's apartments and the women's apartments are of equal size, and so justify his later exchange of living-quarters with his wife, which might seem to his contemporaries undignified,"<sup>102</sup> but the ethopoetic and symbolic significance (de Jong's psychologizing and symbolic functions) of this description go far beyond saving face. In keeping with his modest persona, Euphiletos describes his house with the diminutive οἰκίδιον in this passage, whereas when describing Eratosthenes' intrusion and his marriage, he used οἰκία. Setting the stage for the jury, it is important for Euphiletos to impress upon them, as Usher notes, that "he is a simple man, the easy victim of deceit rather than a cunning deviser of it."<sup>103</sup> Symbolically, the reversal of the gendered space within the house represents the upheaval of the previously well-ordered state of their marriage. Morris appreciates the location of this description, immediately after Eratosthenes' introduction: "the arrangement of the *gynaikonitis* and *andronitis* expressed the citizen's world at its ordered best; the corruption introduced by Eratosthenes literally turned the world upside down."<sup>104</sup> The disordering of the physical house is again symbolically equated with the disorder within the family unit.

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<sup>102</sup> Morgan 1982: 116.

<sup>103</sup> Usher in Edwards and Usher 1985: 220.

<sup>104</sup> Morris 1998: 214.

From the vista of hindsight, Euphiletos describes the events that should have made him suspect his wife, although at the time he was “so naive” that he thought his wife was “the most chaste of all women in the city.”<sup>105</sup> The superlative σωφρονεστάτην echoes Euphiletos’ earlier description of his relationship with his wife as οικειότητα μεγίστην with sad irony. The narrative of these events continues to engage with the house as a spatialized setting, beginning with one evening when he should have paid more notice to her suspicious behavior (§§11-12):

ἦγον μὲν ἀπροσδοκῆτως ἐξ ἀγροῦ, μετὰ δὲ τὸ δεῖπνον τὸ παιδίον ἐβόα καὶ ἐδυσκόλαινεν ὑπὸ τῆς θεραπαίνης ἐπίτηδες λυπούμενον, ἵνα ταῦτα ποιῆ· ὁ γὰρ ἄνθρωπος ἔνδον ἦν· ὕστερον γὰρ ἅπαντα ἐπυθόμην. καὶ ἐγὼ τὴν γυναῖκα ἀπιέναι ἐκέλευον καὶ δοῦναι τῷ παιδίῳ τὸν τιθόν, ἵνα παύσῃται κλάον. ἡ δὲ τὸ μὲν πρῶτον οὐκ ἤθελεν, ὡς ἂν ἀσμένῃ με ἐωρακυῖα ἦκοντα διὰ χρόνου.

I came unexpectedly from the countryside, and after dinner the baby cried and made a fuss because it the maid was deliberately irritating it to make it do so. For the man was inside—I found out all of this later. I told my wife to go out and give the child her breast to make it stop crying. At first she refused, as though she was happy to see me coming home after a while.

The description of the house that precedes this narration created not just interior, domestic space, but also built up the house within the wider environment as a static point centering the distanced space of the city and its surrounding countryside. According to the Hestia-Hermes model, the woman is associated with the center, the house, and the man with the outdoors. Euphiletos’ movement (ἦγον) back to the house from the countryside establishes his mobility through the distanced space, while in contrast the adulterer’s interiority (ἔνδον) displaces him. Not only is he spending time inside the house, but it is not even his own house. Euphiletos’ presence at his home base, on the other hand, underlines his authority as *kyrios* of the *oikos*. He asserts his control by ordering his wife to take care of the baby but—as the reversal of the *oikia* takes its

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<sup>105</sup> §10: οὕτως ἠλιθίως διεκείμην, ὥστε ᾤμην τὴν ἐμαυτοῦ γυναῖκα πασῶν σωφρονεστάτην εἶναι τῶν ἐν τῇ πόλει.



symbolic effect—she refuses. She makes it seem that their married bliss was still flourishing, that she enjoys (ἀσμένῃ) seeing him acting out his role as returning (ἤκοντα) *kyrios*, but the sentiment is a pretense (ὥς), as Euphiletos only finds out about later.

As the narration continues, the reversals and ironic resonances continue, with the wife's intransigence, though disguised by what Euphiletos considers playfulness, slipping through subtly (§§12-13):

ἐπειδὴ δὲ ἐγὼ ὠργιζόμενην καὶ ἐκέλευον αὐτὴν ἀπιέναι, “ἵνα σύ γε” ἔφη  
“πειρᾶς ἐνταῦθα τὴν παιδίσκη· καὶ πρότερον δὲ μεθύων εἴλκες αὐτήν.”  
κἀγὼ μὲν ἐγέλων, ἐκείνη δὲ ἀναστάσα καὶ ἀπιούσα προστίθει τὴν θύραν,  
προσποιουμένη παίζειν, καὶ τὴν κλείν ἐφέλκεται. κἀγὼ τούτων οὐδὲν  
ἐνθυμούμενος οὐδ' ὑπονοῶν ἐκάθευδον ἄσμενος, ἤκων ἐξ ἀγροῦ.

After I got angry and told her to go out, she said, “So that you can make a pass at the slave girl here? After all, you dragged her around earlier when you were drunk.” And I laughed, and she got up and went out, closing the door, and, pretending to joke around, she drew the bolt shut. And I paid no attention to any of this and suspected nothing, but happily went to sleep, having come from the field.

In his role as *kyrios*, Euphiletos asserts his control over his wife's movements within the house, commanding her twice to leave the room. In response, she accuses him of trying to assault the slave girl. Euphiletos seems to take this as a joke, but, as Gagarin has pointed out, it is entirely likely that the wife did not take her husband drunkenly sexually assaulting a slave lightly and that this is a rare example of a woman's true feelings smuggled out through her husband's speech: “Women in oratory never openly protest [the sexual double standard] or other standards governing their lives, and so this is one of the very few passages where a woman may truly be speaking in her own voice, even if obliquely.”<sup>106</sup> In fact, Euphiletos' language betrays his suspicion—he does not quite say she was joking, but rather that she was pretending

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<sup>106</sup> Gagarin 2001: 175.

(προσποιοθμένη) to joke. The fact that his wife brought up this anecdote at all is a symptom of her refusal to obey her husband, of the inversion of the *oikos*. Not responding to Euphiletos' command but rather of her own volition, the wife leaves and closes the door, her first active independent action in the entire speech. Euphiletos' words in this passage augment the significance of this moment: his wife's dragging the bolt closed (ἐφέλκεται) verbally responds to his drunken molestation of the slave girl (εἶλκεις). Both actions restrict the movement and body autonomy of another, but while the earlier groping was free male dominating slave female, in accordance with culturally sanctioned hierarchies, the latter subverts the hierarchy by having a woman restrict the movement of a man. Euphiletos' continued cluelessness is emphasized by the repetition of the participle ἄσμενος, earlier describing his wife's feigned happiness at his return. The narrative encloses the day in ring composition by restating that he had just returned from the field (ἦκων ἐξ ἀγροῦ), ironically reflecting his changed circumstances from the wandering Hermes character to an emasculated prisoner in his own home.

The narrative resumes the next day, bringing with it the outcome of the spatial inversion (§14):

ἐπειδὴ δὲ ἦν πρὸς ἡμέραν, ἦκεν ἐκεῖνη καὶ τὴν θύραν ἀνέωξεν. ἐρομένου δέ μου τί αἱ θύραι νύκτωρ ψοφοῖεν, ἔφασκε τὸν λύχνον ἀποσβεσθῆναι τὸν παρὰ τῷ παιδίῳ, εἶτα ἐκ τῶν γειτόνων ἐνάψασθαι. ἐσιώπων ἐγὼ καὶ ταῦτα οὕτως ἔχειν ἠγούμην. ἔδοξε δέ μοι, ὦ ἄνδρες, τὸ πρόσωπον ἐψιμυθιωσθαι, τοῦ ἀδελφοῦ τεθνεώτος οὕτω τριάκονθ' ἡμέρας· ὅμως δ' οὐδ' οὕτως οὐδὲν εἰπὼν περὶ τοῦ πράγματος ἐξελθὼν ὤχρῳ σιωπῇ.

When it was near dawn, she came and opened the door. When I asked why the door had made a noise during the night, she said that the lamp next to the baby had gone out and that she had lit it from the neighbors. I kept silent and thought that's how things were. But it seemed to me, men, that her face was made up, even though her brother had died not even thirty days earlier. Nevertheless, I said nothing about it and left, going outside in silence.

After Euphiletos' night locked in the interior of his house, his motility is conspicuously

transferred to his wife. The verb ἤγω, used three times in the preceding narrative to modify Euphiletos, now passes over to his wife—now she moves, now she has agency, while Euphiletos is left in the dark. He meets her lies with his silence (ἐσιώπων, σιωπῆ), which conceals his nascent suspicions, just like his wife’s lie glossed over the noise in the night, just like cosmetics cover over her face (τὸ πρόσωπον ἐψιμυθιώσθαι) too soon after her brother’s death.

Concealment, being conceptually connected to interior space, is characteristic of women in Greek thought. Padel’s work on the Athenian theater makes this connection concisely: “The two important interiors spectators had to imagine for themselves, woman and house, were in Greek societies (as in others) bound closely together in male perceptions. Men expected not to know all of what lay within.”<sup>107</sup> In her analysis of Xenophon’s *Oeconomicus*, Purves also discusses the relationship between women and the house, citing Lysias 1 as a comparandum: “in Ischomachus’ idealized household, both walls and skin must be kept natural and unadorned in order that the viewer might not be deceived as to what truly lies within.”<sup>108</sup> The natural opaqueness of a woman is augmented by cosmetics, which hides the true nature of women. Euphiletos’ wife is a not only a creature of deception, like when she pretended to joke when locking Euphiletos in the bedroom (προσποιομένη πάζειν), but also is betraying her family by neglecting the mourning rituals for her brother. But her makeup reveals rather than conceals her deception—it is her untimely adornment that sparks his first suspicion.

With Euphiletos’ exit, the scene shifts from an interior beset with inversions and concealment to the public, the outdoors, where secrets have no place to hide. It is at this point that he learns the truth behind his wife’s behavior (§15-16):

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<sup>107</sup> Padel 1990: 344.

<sup>108</sup> Purves 2010: 209-210.

προσέρχεται μοί τις πρεσβύτες ἄνθρωπος... προσελθούσα οὖν μοι ἐγγύς ἡ ἄνθρωπος τῆς οἰκίας τῆς ἐμῆς ἐπιτηροῦσα, “Εὐφίλητε” ἔφη “μηδεμιᾶ πολυπραγμοσύνη προσεληλυθέναι με νόμιζε πρὸς σέ· ὁ γὰρ ἀνὴρ ὁ ὑβρίζων εἰς σέ καὶ τὴν σὴν γυναῖκα ἐχθρὸς ὢν ἡμῖν τυγχάνει.”

An old female came up to me... the female, who was keeping watch near my house came up to me and said “Euphiletos, don’t think that I have come up to you to meddle in business not my own: the man who violates you and your wife happens to be our enemy.”

In this passage, Euphiletos emphasizes the proximity between the old woman (called ἡ ἄνθρωπος to emphasize her slave status) and both himself and his house. He repeats the verb προσέρχεσθαι three times, augmenting the third instance with the additional preposition πρὸς. The directionality of this encounter angles the focus of the jury back toward the house, homing in on the real victim—the *oikos*. The woman keeping guard near his house (ἐγγύς τῆς οἰκίας τῆς ἐμῆς) has the information that will bring it down, her movement toward the house, the emotional center of the speech, heightening the danger.<sup>109</sup> She reveals the affair to him, warning him that Eratosthenes has ruined not just his wife, but many other women—he has a knack for it.<sup>110</sup> By having the old woman describe Eratosthenes as committing *hybris* and mentioning that his attentions have been directed at many other women, Euphiletos implies that Eratosthenes’ crimes impact the entire city, while still being specifically directed at his house.<sup>111</sup>

Prompted by the old woman’s revelation, Euphiletos begins to put together the evidence that he had passed over in his previous naivete (§17):

ταῦτα εἰπούσα, ὦ ἄνδρες, ἐκείνη μὲν ἀπηλλάγη, ἐγὼ δ’ εὐθέως  
ἐταραττόμην, καὶ πάντα μου εἰς τὴν γνώμην εἰσήει, καὶ μεστὸς ἦ ὑποψίας,  
ἐνθυμούμενος μὲν ὡς ἀπεκλήσθην ἐν τῷ δωματίῳ, ἀναμνησκόμενος δὲ

<sup>109</sup> As Todd (2007: 108 §16) notes, ἐπιτηροῦσα echoes an earlier appearance of this verb at §8 in an “ironic parallel”: “the start of the liaison took place as a result of Eratosthenes keeping an eye out for a maid (ἐπιτηρῶν); the beginning of the end for the adulterer comes as a result of a slave woman keeping an eye out for his victim.”

<sup>110</sup> §17: ὅς οὐ μόνον τὴν σὴν γυναῖκα διέφθορακεν ἀλλὰ καὶ ἄλλας πολλὰς· ταύτην γὰρ τὴν τέχνην ἔχει

<sup>111</sup> On *hybris* as a public charge, cf. Fisher 1992 ch. 2.

ὅτι ἐν ἐκείνῃ τῇ νυκτὶ ἐψόφει ἡ μέταυλος θύρα καὶ ἡ αὐλειος, ὃ οὐδέποτε ἐγένετο, ἔδοξέ τέ μοι ἡ γυνὴ ἐψιμυθιώσθαι.

When she said this, men, she went away, and I was immediately thrown into confusion, and every thought came into my head, and I was full of suspicion, thinking about how she had locked me in my room and remembering that the inner and outer doors had made a noise in the night, which did not usually happen, and that my wife had appeared to be wearing makeup.

These three memories are thematically connected: his being locked up in the interior room, immobile and unmanned; his wife's movement outside of the house (which he did not realize at the time was a sign of her adultery); the makeup that reveals as it conceals. In each instance, the players are displaced. Interiors and exteriors are inverted as Euphiletos realizes that the stranger Eratosthenes has penetrated into his house and compromised his role as master of the household.

These details build up a sense of inevitability in Euphiletos' eventual restoring of order to his *oikos*. Since he is on trial for the intentional homicide of Eratosthenes, Euphiletos must take pains to show that events unfolded organically. He relates how he forced his maid to corroborate the facts about Eratosthenes and ordered her to keep watch so he could see the man in action, requiring manifest evidence in place of words.<sup>112</sup> He himself follows this same rhetorical strategy, using his narrative, λόγοι, to create an ἔργον—the space of his house, the thematic backdrop for the scene he will perform for the jury. His earlier introduction to the space of the house has by this time established this space in the minds of the jury; they have felt on Euphiletos' behalf the anxiety accompanying the reversal of the house and the humiliation of being locked in the house's feminized interior. It is in this conceptual space that he stages the night of Eratosthenes' death.

This final narrative begins with an aside, much like how the description of Euphiletos'

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<sup>112</sup> §22: ἐγὼ γὰρ οὐδὲν δέομαι λόγων, ἀλλὰ τὸ ἔργον φανερόν γενέσθαι, εἴπερ οὕτως ἔχει.

house broke into his narrative earlier in the speech. He begins by promising to show (something—there is a gap in the text, but presumably his innocence) to the jury using great proofs,<sup>113</sup> but then interrupts himself (§§22-23):

πρῶτον δὲ διηγῆσασθαι βούλομαι τὰ προαχθέντα τῇ τελευταίᾳ ἡμέρᾳ. Σώστρατος ἦν μοι ἐπιτήδειος καὶ φίλος. τούτῳ ἡλίου δεδυκότος ἰόντι ἐξ ἀγροῦ ἀπήντησα. εἰδὼς δ' ἐγὼ ὅτι τηνικαῦτα ἀφιγμένος οὐδένα καταλήψοιτο οἴκοι τῶν ἐπιτηδείων, ἐκέλευον συνδειπνεῖν· καὶ ἐλθόντες οἴκαδε ὡς ἐμέ, ἀναβάντες εἰς τὸ ὑπερῶον ἐδειπνοῦμεν. ἐπειδὴ δὲ καλῶς αὐτῷ εἶχεν, ἐκείνος μὲν ἀπιὼν ὄχγετο, ἐγὼ δ' ἐκάθευδον.

But first I would like to tell you about the things that happened that last day. I had a close friend named Sostratos. As the sun was setting, I ran into him coming from the countryside. Since I knew that, arriving at that hour, he would catch none of his friends at home, I told him he should have dinner with me. And so, coming to my house, we went up into the upper room and had dinner. And when he was satisfied, he left, and I went to sleep.

Like Euphiletos' description of the earlier incident, the language he uses in this passage, too, is struck through with directionality. The inward motion is overdetermined, adamant, with Euphiletos and Sostratos coming “homeward to my house” (οἴκαδε ὡς ἐμέ), recentering the narrative on the domestic space. As Euphiletos describes the two entering house, the anecdote reminds the jury that Euphiletos has been forced to live in the upper storey of his house (εἰς τὸ ὑπερῶον), that he is restricted in the innermost part of the house. Although Euphiletos introduces this narrative as an interruption of his promise to provide *μεγάλοις τεκμηρίοις* to prove his innocence, this story *is* his *τεκμήριον*. It is his character witness and defense, giving the jury all the evidence they need to acquit him—he is an honest man and a good friend, his freedom to move and his role as *kyrios* is under attack, and his presence in the house before Eratosthenes' death is evidence that Euphiletos had not intended to kill the intruder that evening.

Whereas in the earlier adultery scene, Euphiletos was asleep and unaware that

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<sup>113</sup> §22: ὡς ἐγὼ μεγάλοις ὑμῖν τεκμηρίοις ἐπιδείξω

Eratosthenes had entered his house, in the present circumstances he is prepared (23):

ὁ δ' Ἐρατοσθένης, ὧ ἄνδρες, εἰσέρχεται, καὶ ἡ θεράπεινα ἐπεγείρασα με εὐθύς φράζει ὅτι ἔνδον ἐστί. καὶ γὰρ εἰπὼν ἐκείνη ἐπιμελῆσθαι τῆς θύρας, καταβὰς σιωπῇ ἐξέρχομαι.

Eratosthenes, men, came inside, and the maid woke me up immediately, telling me that he was inside. And I told her to guard the doors and I went down and out in silence.

The immediacy of the maid's response (εὐθύς) contrasts with his belated knowledge in the earlier adultery incident (§11: ὕστερον γὰρ ἅπαντα ἐπυθόμην). No longer restricted and innocent, Euphiletos emphatically exits (καταβὰς σιωπῇ ἐξέρχομαι), his silence echoing his earlier silence but now signifying not bemused credulity but purpose. Now Eratosthenes is the one trapped inside—although, as Euphiletos makes clear, this is due to the adulterer's actions.

Empowered to move through the space of the city, Euphiletos gathers friends to act as witnesses to his confrontation with Eratosthenes. He makes an effort in his narrative at this point to counter his opponents' accusation that Eratosthenes was grabbed from the road and sought refuge at Euphiletos' hearth.<sup>114</sup> He is very specific about his actions leading up to the confrontation: he mentions that he and his companions took torches from a nearby shop before they entered and that the maid was keeping the door open.<sup>115</sup> The moment of entry is given cinematic focus as wave upon wave of witnesses rush into the bedroom (§§24-25):

ὥσαντες δὲ τὴν θύραν τοῦ δωματίου οἱ μὲν πρῶτοι εἰσιόντες ἔτι εἶδομεν αὐτὸν κατακείμενον παρὰ τῆ γυναικί, οἱ δ' ὕστερον ἐν τῇ κλίνῃ γυμνὸν ἐστηκότα. ἐγὼ δ', ὧ ἄνδρες, πατάξας καταβάλλω αὐτόν, καὶ τῶ χεῖρε περιαγαγὼν εἰς τοῦπισθεν καὶ δῆσας ἠρώτων διὰ τί ὑβρίζει εἰς τὴν οἰκίαν τὴν ἐμὴν εἰσιών.

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<sup>114</sup> §27: οὐκ εἰσαρπασθεῖς ἐκ τῆς ὁδοῦ, οὐδ' ἐπὶ τὴν ἐστίαν καταφυγόν, ὥσπερ οὔτοι λέγουσι.

<sup>115</sup> §24: δάδας λαβόντες ἐκ τοῦ ἐγγύτατα καπηλείου εἰσερχόμεθα, ἀνεφγμένης τῆς θύρας καὶ ὑπὸ τῆς ἀνθρώπου παρεσκευασμένης. Todd notes that the “detail is significant: Euphiletos here tells us something that we do not really need to know, but which serves to make the narrative more vivid” (2007: 118 §24).

Pushing through the door of the bedroom, the first of us to come in could see him still lying next to my wife, and the next group saw him standing naked on the bed. I, men, hit him and threw him down, and drew his hands behind his back and bound him, asking why he was committing an act of violence against my house by entering it.

The forward movement of the witnesses eagerly pressing (ῶσαντες) into the bedroom gives a sense of claustrophobia, their presence at the doorway preventing Eratosthenes from fleeing and forcing him to confront his accuser.<sup>116</sup> As allies to the *kyrios* of the house, the witnesses' entrance (εισιόντες) is sanctioned, unlike the adulterer's. Just like in the opening of the speech, Euphiletos again ties Eratosthenes' crime specifically to his penetration into the house.

The verbal reminder of *hybris* in Euphiletos' description of his arrest of Eratosthenes reconnects the adulterer's crime against his house with his extrapolated crime against the city. In a much-quoted speech, Euphiletos denounces Eratosthenes on behalf of the city (§26):

ἐγὼ δ' εἶπον ὅτι 'οὐκ ἐγὼ σε ἀποκτενῶ, ἀλλ' ὁ τῆς πόλεως νόμος, ὃν σὺ παραβαίνων περὶ ἐλάττονος τῶν ἡδονῶν ἐποιήσω, καὶ μᾶλλον εἴλου τοιοῦτον ἀμάρτημα ἐξαμαρτάνειν εἰς τὴν γυναῖκα τὴν ἐμὴν καὶ εἰς τοὺς παῖδας τοὺς ἐμοὺς ἢ τοῖς νόμοις πείθεσθαι καὶ κόσμιος εἶναι.'

I told him, "It is not I who am going to kill you, but the law of the city, which you transgressed and considered less important than your pleasures. You chose instead to commit a such a crime against my wife and my children rather than to obey the laws and be orderly."

In condemning Eratosthenes' actions, Euphiletos specifies that to give into pleasure rather than obeying the laws constitutes a lack of order. This is the order that keeps the city in line, which is violated by Eratosthenes' invasion of another man's house. As a counter to his accusers' claim that Eratosthenes had been dragged in and sought refuge at the hearth, Euphiletos emphasizes Eratosthenes' location: "he fell immediately when he was hit, in the bedroom" (§27: ὅστις ἐν τῷ δοματίῳ πληγεὶς κατέπεσεν εὐθύς). He is caught within another man's house—in the

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<sup>116</sup> §27: ἔνδον δὲ ἦσαν ἄνθρωποι τοσοῦτοι, οὓς διαφυγεῖν οὐκ ἐδύνατο.



bedroom; his displacement is a physical manifestation of his failure to be κόσμος.<sup>117</sup>

With the reading of laws and depositions from witnesses, the speech shifts from narrative to arguments. Euphiletos claims that adultery is a more serious offense than rape, because it involves the mind and not merely the body (§33):

τοὺς μὲν διαπραπτομένους βία ὑπὸ τῶν βιασθέντων μισεῖσθαι, τοὺς δὲ πείσαντας οὕτως αὐτῶν τὰς ψυχὰς διαφθείρειν, ὥστ' οἰκειοτέρως αὐτοῖς ποιεῖν τὰς ἀλλοτριὰς γυναῖκας ἢ τοῖς ἀνδράσι, καὶ πᾶσαν ἐπ' ἐκείνοις τὴν οἰκίαν γεγονέναι, καὶ τοὺς παῖδας ἀδήλους εἶναι ὀποτέρων τυγχάνουσιν ὄντες, τῶν ἀνδρῶν ἢ τῶν μοιχῶν.

Those who commit acts of violent force are hated by those they violate, but seducers destroy women's spirits so as to make other men's wives feel more intimate with them than with their husbands, to take control of the entire house, and to make it uncertain whether the children belong to the husbands or to the adulterers.

As he has done throughout the speech, in this passage Euphiletos describes *moicheia* as a crime against the *oikos* in both its personal and physical manifestations.<sup>118</sup> The comparative οἰκειοτέρως describes women who are compelled by adulterers to betray their *oikos*, to have a more intimate relationship with the adulterer than with their husbands. This is what happened to Euphiletos—the *μεγίστη* οἰκειότης he used to share with his wife was transferred to Eratosthenes. This leads to children of questionable paternity, a danger to the maintenance of the *oikos*. Euphiletos' use of the word *oikia* (the physical house) instead of *oikos* makes the threat physical, strengthening his argument by drawing in the spatial inversion that resulted in and from his wife's affair with Eratosthenes.

To emphasize the shared threat to house and family, Euphiletos goes on to argue that if the jury votes to convict him, they will thereby announce to the city that the laws concerning

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<sup>117</sup> Todd 2007: 120 §26 notes Lysias' fondness for the adjective κόσμος, which appears in his work 15 times out of the 36 appearances in the corpus of the Attic Orators.

<sup>118</sup> Cf. Harris 1990.

adultery no longer need to be obeyed (§36):

τοιαύτην ἄδειαν τοῖς μοιχοῖς ποιήσετε, ὥστε καὶ τοὺς κλέπτας ἐπαρεῖτε φάσκειν μοιχοὺς εἶναι, εὖ εἰδότας ὅτι, ἐὰν ταύτην τὴν αἰτίαν περὶ ἑαυτῶν λέγωσι καὶ ἐπὶ τούτῳ φάσκωσιν εἰς τὰς ἀλλοτριὰς οἰκίας εἰσιέναι, οὐδεὶς αὐτῶν ἄψεται.

You will give adulterers such license that you will encourage thieves to say that they, too, are adulterers, since they will be sure that if they make this excuse and say that they go into other people's houses for this reason, nobody will lay their hands on them.

Euphiletos attributes to the jury the responsibility of maintaining the order of the city, the *kosmos* that keeps strange men out of other men's houses. The laws upheld by the jury are all that keeps the city from collapsing into a state of utter lawlessness. A man's home will no longer be his own, his family no longer safe from foreign incursion. The parallel between τὰς ἀλλοτριὰς γυναῖκας in the earlier passage and τὰς ἀλλοτριὰς οἰκίας in this passage makes his message clear: that thieves will be able to claim they are merely committing *moicheia*, that anyone will be able to penetrate private property with impunity, that home and family will be dissolved.

As the speech draws to a close, Euphiletos finally directly addresses the accusations against him, insisting on Eratosthenes' spatial violation as his defense. He maintains that he did not entrap Eratosthenes, but that even if he had he would have been justified since Eratosthenes had entered into his house so many times.<sup>119</sup> His proof that he did not premeditate the attack is that he would not have invited Sostratos over for dinner if he intended to kill Eratosthenes that night, since the adulterer would have been less likely to dare to enter his house.<sup>120</sup> Eratosthenes' penetration into Euphiletos' home, his physical location on the night of the crime, are equated with the sexual impropriety. Euphiletos relies on the gendered symbolism of domestic space—a

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<sup>119</sup> §38: πολλάκις εἰσεληλυθότος εἰς τὴν οἰκίαν τὴν ἐμὴν

<sup>120</sup> §40: οὕτω γὰρ ἂν ἦττον ἐτόλμησεν ἐκεῖνος εἰσελθεῖν εἰς τὴν οἰκίαν

man's freedom to move, a woman's restriction to the house—that was so woven into the Athenian cultural consciousness to make his argument for him.

By making adultery a threat to the civic values keeping the entire city in order, Euphiletos transforms adultery, a crime against the household, into an assault against the entire city: “I do not consider this act of vengeance to be a private one on my own account, but on behalf of the entire city.”<sup>121</sup> One man's failure to be κόσμος has civic repercussions that spread out across the city. Using his own *oikos* as a cautionary tale, Euphiletos contrasts the interplay of house and family, the fragile intimacy and violability of domestic space, with the ordering structure of the city's laws—which, nevertheless, could crumble due to the jury's negligence.

The confluence of domestic space and gender inversion, adultery, and murder in Lysias 1 follows a pattern previously expressed by Aeschylus' *Oresteia*, a mythologized staging of the broken *oikos*. Cynthia Patterson notes the trilogy's emphasis on disorder in the house: “[from] the opening of Aeschylus' trilogy, it is clear that adultery is rooted in and also productive of violence; it is an integral part of the perversion of the natural order of things afflicting the royal house of Atreus.”<sup>122</sup> Aeschylus expresses this disorder not just through the dysfunction of family members, but through the use of domestic space. To return to the discussion with which this chapter began, the *Agamemnon* the house is personified as bleeding, having eyes, nearly talking, metaphorically standing in for the family that is being torn apart through violence and adultery. Clytemnestra's transgression of “both gender and political boundaries” is a significant feature of the *Agamemnon* and is tied to her relationship to domestic and public space.<sup>123</sup> The play first

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<sup>121</sup> §47: οὐκ ἰδίαν ὑπὲρ ἑμαυτοῦ νομίζω ταύτην γενέσθαι τὴν τιμωρίαν, ἀλλ' ὑπὲρ τῆς πόλεως ἀπάσης.

<sup>122</sup> Patterson 1998: 140.

<sup>123</sup> Wohl 1998: 103.

mentions her in relation to “the man-counseling heart of woman” (11: γυναικὸς ἀνδρόβουλον ἐλπίζον κέαο) and, as Taplin observes, her presence on stage is significant: she “controls the doorway,” and “the threshold may only be crossed under her eye.”<sup>124</sup> Like Euphiletos’ wife, Clytemnestra’s movements are unrestricted—she rejects feminized interiority in favor of masculine freedom.

In contrast, the “effeminized” Aegisthus “lurks in the home” for the majority of the speech.<sup>125</sup> He is contemptuously described by the chorus as a stay-at-home cowardly lion wrapped in the bedclothes (1224-1225: λέοντ’ ἀναγκιν ἐν λέχει στρωφώμενον / οἰκουρόν), and Clytemnestra refers to him as the light in her hearth (1435-1436: ἕως ἂν αἴθη πῦρ ἐφ’ ἐστίας ἐμῆς / Αἴγισθος). Aegisthus, the adulterer entering another man’s house, is fully associated with the domestic interior in contrast to Clytemnestra’s mobility. This inversion of the domestic space off-balances Agamemnon’s return, and his capitulation to Clytemnestra’s tempting textiles brings him under her control, into the domestic interior and to his death.<sup>126</sup> In the *Choephoroi*, the second play of the trilogy, Orestes’ return realigns the gendered space: Clytemnestra is returned to the interior, where she is killed, and Aegisthus pays the lawful penalty of an adulterer (*Choephoroi* 989-990: Αἰγίσθου γὰρ οὐ λέγω μόρον· / ἔχει γὰρ αἰσχυντήρος, ὡς νόμος, δίκην). Despite Orestes’ intervention, however, the *oikos* has been brought to such a state of disorder that it requires the intercession of the *polis*, in the form of a jury’s vote, to set things right: in the third play, the *Eumenides*, Athena herself casts her vote for

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<sup>124</sup> Taplin 1977: 300.

<sup>125</sup> Sailor and Stroup 1999: 179.

<sup>126</sup> “Attention moves to the house, and the lord’s position in his house. Before he is able to move towards the doorway, Clytemnestra is standing in it. She blocks the way, she occupies the threshold: Clytemnestra controls the way into the house” (Taplin 1977: 307). On the carpet scene, cf. Edwards 1977, Crane 1993, Morrell 1997, Sailor and Stroup 1999.

Orestes' acquittal while, at the same time, the Erinyes are stripped of their power and mobility and restricted to a shrine beneath the earth. Culturally appropriate gendered spatiality is reestablished at the end of the trilogy, while Athena's vote for Orestes' acquittal represents the mythological underpinning of the interest of the *polis* in maintaining order within the *oikos*.<sup>127</sup>

Like Euphiletos' house, the inversion of gendered space in the *Agamemnon* prefigures and corresponds to the fall of the *oikos*. The symbolic use of space in both texts evokes cultural ideals about gendered behavior, simultaneously drawing from and enforcing these ideals. In these legal narratives, the conflation of the physical and personal aspects of the *oikos* evoke for the audience-jury a sense of familiarity, of intimacy. Every citizen belongs to an *oikos*. By dramatizing the acts of adultery and violence that throw an *oikos* into upheaval, Aeschylus and Lysias open the doors to a private domestic space, bringing the public—the jury, the audience—into the inner circle. Stories like these amplify the need for order within the *oikos* for the sake of the *polis*, the interconnectedness of each individual with one another. The cycle of violence that threads through the *Oresteia* is transformed in Lysias 1 to the threat of an adulterer's penetration into other men's homes, a pervasive danger that could easily spread across the city but for the intervention of the jury.

## Conclusion

In his discussion of the uses of space in Lysias and Demosthenes, de Bakker claims: "We

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<sup>127</sup> "By transforming the character and domain of the Furies in this way Aeschylus' *Oresteia* makes a powerful case for the public significance of adultery, that is, the betrayal of marriage and the marital relationship, not simply as an offense against the patrilineal line or patriarchal authority, but as an offense against the *oikos*/household itself, which is itself the microcosm of the *polis*" (Patterson 1998: 145).

may be able to trace [spatial references] on a map but can often only guess at the memories, emotions or other connotations they triggered among the members of the jury, which makes it difficult to gauge their rhetorical impact.”<sup>128</sup> In this chapter, I have shown how the orators’ use of houses evokes an emotional response in the members of the jury by connecting tropes familiar from tragedy with everyday life within their own homes. In these speeches, domestic space functions as a stage, adds characterization, symbolizes and reflects themes developed throughout the speech, and acts as a physical referent connecting the rhetorical and real worlds. After all, houses are the scenes of some of the most compellingly familiar stories. The house is a place for imagination, for acting out the drama of the self. Gaston Bachelard, discussing the “phenomenology of the imagination,” writes that a house “ought to resist metaphors that welcome the human body and the human soul. But transposition to the human plane takes place immediately whenever a house is considered as space for cheer and intimacy, space that is supposed to condense and defend intimacy.”<sup>129</sup> As the spark that gives household space its ability to evoke the imaginary, Bachelard invokes intimacy, which could be translated into ancient Greek with the word οἰκειότης. The space of the house, in the modern imagination as in its ancient conception, is bound together with the intimacy of family, with all its tensions and disorders. The Attic orators, drawing on the tragedians, depend on this shared sense when they build their imaginary houses, when they people their conceptual spaces, and then impress upon the jury their responsibility to make sure—for everyone’s sake—that that house doesn’t fall.

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<sup>128</sup> de Bakker 2012a: 377.

<sup>129</sup> Bachelard 1994: 48.

### Chapter Three: Vulnerable Bodies and Private Places

After a rich young man named Lochites started a fight with a poor man around the end of the 5th century, the latter man brought Lochites to court, charging him with assault and arguing that physical violence betrays the very heart of the democracy. His prosecution speech uses a comparison between offenses against the person and offenses against property to impress upon the jury the immense gravity of this offense (Isocrates 20.1):

τὸ δ' ἀμάρτημα τοῦθ' οὐχ ὅμοιον δεῖ νομίζειν τοῖς ἄλλοις οὐδὲ τὰς τιμωρίας ἴσας ποιεῖσθαι περὶ τε τοῦ σώματος καὶ τῶν χρημάτων, ἐπισταμένους ὅτι τοῦτο πᾶσιν ἀνθρώποις οἰκειότατόν ἐστὶ καὶ τοὺς τε νόμους ἐθέμεθα καὶ περὶ τῆς ἐλευθερίας μαχόμεθα καὶ τῆς δημοκρατίας ἐπιθυμοῦμεν καὶ τᾶλλα πάντα τὰ περὶ τὸν βίον ἔνεκα τούτου πράττομεν.

We must not consider this crime the same as others, nor should we make the punishment the same for a crime concerning the body and for one concerning money, since we know that the body is for all people the most intimate thing, and that we make laws, battle for freedom, yearn for democracy, and do all the other things in life for the sake of the body.<sup>1</sup>

The body is the central focus of this speech—it is both one's most intimate possession and the object of all public interest—law, war, democratic desire. The speaker goes on to claim that lawmakers are especially serious when legislating about bodies.<sup>2</sup> The reason that the safety of the body is of the greatest interest to the democracy is that anyone can be a victim of bodily assault,<sup>3</sup> while theft only affects the rich. Therefore, the jury should consider no punishment too great for those who harm the body.<sup>4</sup> He concludes his speech by urging the members of the jury to vote as

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<sup>1</sup> On this speech: Blass 1887-1898: 2.217-219, Jebb 1893: 2.215-217, Usher 1999: 125-126, Mirhady (in Mirhady and Too 2000): 123-127, Rhodes 2004: 144-145, and Whitehead 2004: 169-170. It is cited at Pearson 1941: 211, Cohen 1991b: 187 and 2005: 216, Allen 2000a: 14, Allen 2000b: 50, Wohl 2010b: 187 and 195, Roisman 2005: 72.

<sup>2</sup> §2: ὑπὲρ τῶν σωμάτων μάλιστα σπουδάσαντας

<sup>3</sup> §15: τῆς δ' εἰς τὰ σώματ' αἰκίας ὁμοίως ἅπαντες κοινονοῦμεν

<sup>4</sup> §17: μηδεμίαν νομίζηθ' ἰκανὴν εἶναι ζημίαν, οἵτινες ἂν εἰς τὰ σώματ' ἔξημαρτάνοντες

if it were their own case, since those who break the law protecting the bodies of citizens commit a crime against everyone.<sup>5</sup>

This prosecutor's insistence that the protection of the body is at the heart of the democracy resonates with modern scholars' theorization of the classical body. David Halperin argues that "the institution of the democracy at Athens brought with it... the social production and distribution to the citizens of a new kind of body—a free, autonomous, and inviolable body undifferentiated by distinctions of wealth, class, or status: a democratic body."<sup>6</sup> Democratic body ideology erased social and economic distinctions and instilled in the male citizen "a new collective self understanding, an image of themselves as free and autonomous and equal participants in the shared rule of the city precisely because they were all (rich and poor like)—*in principle* at least—equally lords over their own bodies."<sup>7</sup> Guaranteed body security is precisely what the speaker of Isocrates 20 is demanding: although he is not rich, he insists that, as a citizen, his body be considered just as inviolable as a rich man's body. To deprive him of this right is to undermine the principles of equality inherent in the democracy. The speaker, as Victoria Wohl puts it, "offers his body simultaneously as a metonym for the jurors and as a metaphor for the democracy."<sup>8</sup>

Isocrates' speaker introduces a further element into the relationship between the body and politics. As I have shown, the word οἰκειότατον represents the most proximate relationship with the *oikos*; here, it signals a superlative intimate relationship between the body, the *oikos*, and the

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<sup>5</sup> §§21-22: ἅπαντας γὰρ ὁμοίως ἀδικοῦσιν οἱ τολμώντες τοῦτον τὸν νόμον παραβαίνειν τὸν ὑπὲρ τῶν σωμάτων τῶν ὑμετέρων κείμενον.

<sup>6</sup> Halperin 1990: 98.

<sup>7</sup> Halperin 1990: 99.

<sup>8</sup> Wohl 2010b: 187 n.50.



democracy.<sup>9</sup> The body is both the most intimate possession and the motivation for laws, wars, and government. The speaker draws on the emotional connection between individuals and their households, the home feeling, extending it in one direction to the body, and in the other to the *polis*. In the previous chapter, I discussed how the sovereignty of the house was seen as an essential aspect of democratic ideology. David Cohen argues that the “physical boundaries of the house represent... a kind of liminal area marking the *political* transition from public to private,” and that “intrusion into this space represents the most serious, and most socially reprehensible, violation of the private sphere.”<sup>10</sup> Body sovereignty, too, was a fundamental characteristic of Athenian civic ideology: “at the boundaries of a citizen’s body the operation of almost all social and economic power halted.”<sup>11</sup> Both body and house, according to democratic ideology, constitute a shell protecting the citizen subject from outside influence. Thinking about the body as οἰκειότατον evokes a series of concentric spheres in which the citizen self rests, safe.

In this chapter I look at the conception of the body as the most intimate possession, its relationship to the impenetrable house, and its role as an object of public concern. I begin with a discussion of the autonomy of the male citizen body and its inverse, the female, foreign, and slave bodies which “embody all the social liabilities from which the citizen himself, by virtue of being a citizen, had been freed.”<sup>12</sup> I then look at two speeches which feature, respectively, the bodies of a child and a metic—bodies in the middle, neither fully citizen nor completely excluded from the workings of the polis. A male citizen child “held a status similar to that of Athenian women. Until they came of age and entered adulthood, Athenian boys were wholly

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<sup>9</sup> Fisher 1990: 131 translates οἰκειότατα in this passage as “the thing closest to home.”

<sup>10</sup> Cohen 1991a: 75.

<sup>11</sup> Halperin 1990: 96.

<sup>12</sup> Halperin 1990: 104.

dependent on a *kyrios* (normally the father) for their legal identity in the polis.”<sup>13</sup> Metics were “politically mute”—they paid taxes but were not members of phratries or tribes and could not participate in the Assembly or Council.<sup>14</sup> As Cynthia Patterson has shown, the metic was particularly isolated due to his lack of family connections within the city: he was “without connection to the Athenian land or to Athenian household and kinship structures so important in Athenian litigation,” and this lack of connections “led to the suspicion that he was not really a part of the community, that he could not be trusted.”<sup>15</sup> Whereas Lochites’ victim, even though he was poor, could still appeal to body equality under the democracy, the ideology of democratic body autonomy does not extend to those without citizenship.

As James Krasner has argued, the experience of the home is embodied: because “our physical experience of home life is intimate and habitual, and our tactile sensations of the home’s spaces and surfaces are so familiar..., the emotional power of domesticity is fully located in the relations between [bodily] phenomena as much as it is in the home’s geometrical space or ideological formulation.”<sup>16</sup> The orators I discuss in this chapter evoke the home feeling by drawing on the somatic aspect of the house, the place of the body within the house. They juxtapose the vulnerable bodies of a child and a metic with the intimacy of the private domestic interior, asking the members of the jury in their democratic magnanimity to pity the victims in their narratives as though these vulnerable creatures could be them, despite the whole fiction of democracy depending on privileging certain bodies at the expense of others.

In Virginia Hunter’s discussion of Halperin’s theory of the citizen body, she argues that

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<sup>13</sup> Manville 1997: 13.

<sup>14</sup> Whitehead 1977: 174; Kamen 2013: 51-53.

<sup>15</sup> Patterson 2000: 94

<sup>16</sup> Krasner 2010: 5.

the non-citizen, in her example the slave, was “fundamental in the social and cultural construction of the citizen, in particular, the image of the ‘democratic body’ that was part of the ideal that resulted.”<sup>17</sup> She identifies the prevalence in Greek democratic ideology of “the representation of the free man as the source of all that was positive and the slave as his opposite.”<sup>18</sup> Ideology is a set of ideas congealed into a sort of reality through social practice, law, and culture: people act and think about themselves in ways they are expected to *because* they are expected to.<sup>19</sup> As ideas calcified by action, ideology deals both with reality and the imaginary.

The ideology of body autonomy is evoked by Demosthenes in his speech *Against Meidias* (Demosthenes 21). After being punched by Meidias while carrying out his public duty by sponsoring a *choregia*, Demosthenes composed a speech denouncing Meidias’ entire character, giving the sense that Meidias has carried out an act of *hybris* affecting not just Demosthenes himself but the entirety of Athenian society.<sup>20</sup> The act of bodily violence took place in a very public space, the orchestra of the theater of Dionysos. The body of a citizen is a public body, as Demosthenes emphasizes through his description of his own patriotic and military successes and Meidias’ failure in these arenas.<sup>21</sup> As Peter Wilson shows, in Demosthenes’ speech “all other difference is elided so that Demosthenes’ body can stand for that of each and any

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<sup>17</sup> Hunter 1992: 273. Cf. Althusser 1971.

<sup>18</sup> Hunter 1992: 278.

<sup>19</sup> Bourdieu’s concept of habitus is a useful comparandum: he describes a series of habits and behaviors conditioned by society and internalized by individuals, who move through life following certain embodied patterns (Bourdieu 1995).

<sup>20</sup> Rowe 1993 discusses Demosthenes’ emphasis on *hybris* in this speech.

<sup>21</sup> De Bakker 2012b: 410-411: “Demosthenes presents himself as a staunch representative of the *demos* in referring to his activities as leader of the *theoroi* in Nemea (21.115) and as a sponsor of the campaigns to Euboea and Olynthus (21.161), whereas he claims that Meidias made a shambles of his cavalry duties (21.132-135), tried to evade his trierarchy (21.163-167) and damaged the diplomatic relations with Cyzicus (21.173).”

citizen.”<sup>22</sup>

Ideology shapes but does not perfectly reflect lived experiences. The democracy can promise, but it cannot guarantee body autonomy. In times of war and in the absence of the democracy, body autonomy is no longer guaranteed. The speaker of Isocrates 20 reminds the jury of this by tying the circumstances of his own case to the recent reign of the Thirty Tyrants and proposing that Lochites’ behavior be thought of this context: “Someone who breaks the law now, when it is not permitted, what in the world would he have done when those in control actually were grateful to those who committed such crimes?”<sup>23</sup> Although he admits that Lochites himself is too young to have taken part in the oligarchy, he relies on the memory of the Thirty being fresh enough in the minds of the jury to be a convincing comparison. The recollection of a time when the ideal of the sacrosanct citizen body was overturned, however, is also a reminder of the artificiality of this construct. The citizen should, according to democratic ideology, be untouchable under the democracy. Physical violence is more than not allowed, it is not possible (οὐκ ἔξεστι), under an ideally functioning democracy.

The case at hand is an example of ideology in action: the speaker claims that he wants the jury to condemn Lochites not just for his own sake, but for the benefit of the entire populace. Their decisions make the citizenry more orderly (κοσμιωτέρους) and their own lives more secure (ἀσφαλέστερον).<sup>24</sup> The jury is an apparatus by which democratic ideology is maintained. Under the perfectly ordered, perfectly safe idealized democracy, citizens cannot get hurt. The jury must not only punish the assault, but also maintain the kind of society in which it never

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<sup>22</sup> Wilson 1991: 187.

<sup>23</sup> §4: ὅστις γὰρ νῦν τολμᾷ παρανομεῖν, ὅτ’ οὐκ ἔξεστι, τί ποτ’ ἂν ἐποίησεν, ὅθ’ οἱ κρατοῦντες τῆς πόλεως καὶ χάριν εἶχον τοῖς τὰ τοιαῦτ’ ἐξαμαρτάνουσιν;

<sup>24</sup> §18: τοὺς ἄλλους πολίτας κοσμιωτέρους ποιήσετε καὶ τὸν βίον τὸν ὑμέτερον αὐτῶν ἀσφαλέστερον καταστήσετε.

could have happened. The speaker brings together past, present, and future, arguing that it is appropriate (εἰκόσ) for the jury to punish those expected to be criminals more (μᾶλλον) than those who have committed crimes. By the same degree, it is better (κρεῖττον) to find a way to prevent future crimes than to exact punishment for crimes already committed.<sup>25</sup> Only in an ideal world can the future be cared for so neatly. The project of betterment signaled by Isocrates' use of comparatives requires a constantly improving timelessness in which the greatest thing of all (κράτιστον) would be if criminals could be distinguished by some sign that would allow them to be punished before they could even commit a crime.<sup>26</sup> The ultimate expression of justice that the speaker can imagine is a world where the body of criminals bears the mark of their potential crime, the absolute safety of the protected class existing at the expense of another class (in this imagining, the potential criminal) that has been cast aside.

In her examination of how the Greeks conceptualized the body, Brooke Holmes finds that by the fifth and fourth centuries BCE, the body could be seen “both as a unifying term and as a foil to the person.”<sup>27</sup> By this she means that the body can be understood as the entirety of the individual in contrast to the outside world or as part of a body/soul duality. She contrasts Thucydides' conception of the autarchic *soma*, “a worldview which has imbued concepts of the person with physicality,” with Plato's description of the *soma* as “alien to our true nature, akin, rather, to what is feminine and bestial.”<sup>28</sup> The marked criminal theorized by Lochites' prosecutor

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<sup>25</sup> §12: εἰκόσ ὑμασ...τιμωρεῖσθαι... τοσοῦτω μᾶλλον τοὺς ἐπιδόξους γενήσεσθαι πονηροὺς τῶν πρότερον ἡμαρτηκότων, ὅσῳ περ κρεῖττόν ἐστι τῶν μελλόντων κακῶν ἀποτροπὴν εὐρεῖν ἢ τῶν ἤδη γεγενημένων δίκην λαβεῖν.

<sup>26</sup> §14: κράτιστον μὲν γὰρ ἦν, εἴ τι προσῆν ἄλλο σημεῖον τοῖς πονηροῖς τῶν ἀνθρώπων, πρὶν ἀδικηθῆναί τινα τῶν πολιτῶν, πρότερον κολάζειν αὐτούς

<sup>27</sup> Holmes 2010: 21.

<sup>28</sup> Holmes 2010: 27 and 28.

posits a one-to-one correspondence between the soul and the body: there would be no interior, no hidden motive.<sup>29</sup> Any separation or incongruence between the visible body and unseen intention introduces deception and disorder to the world of constant improvement the prosecutor longs for.

Tragedy often dwells on the impossibility of knowing the interior; in fact the idea of the marked criminal closely echoes a wish made by Euripides' *Medea* (ll. 516-519):

ὦ Ζεῦ, τί δὴ χρυσοῦ μὲν ὅς κίβδηλος ἦι  
τεκμήρι' ἀνθρώποισιν ὅπασας σαφή,  
ἀνδρῶν δ' ὅτῳι χρὴ τὸν κακὸν διειδέναι  
οὐδεὶς χαρακτῆρ ἐμπέφυκε σώματι;

O Zeus, why did you send humans clear signs of gold which is counterfeit, but there is no mark engraved on the body by which to discern an evil man?

Ruth Padel describes the paradox of taking equal part in democratic society, taking collective action, and yet ultimately being unable to know the thoughts of any other member. As members of the community, the Athenians “saw themselves to be the city. And being the city meant judging, or inferring, the interior of others on the basis of what they had done and said; from how they had, publicly, seemed.... It was crucial that you could not see inside another person and yet, somehow, you must.”<sup>30</sup> She links the interiority of the mind with the unseen backstage space, describing the *skene* “as an image of the unseen interior of a human being.”<sup>31</sup> The body, being a closed system, makes all people ultimately unknowable no matter how obedient they are to the

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<sup>29</sup> Cf. also Plato *Gorgias* 523a-526d on the naked soul, especially 524e: κατείδεν οὐδὲν ὑγιᾶς ὄν τῆς ψυχῆς, ἀλλὰ διαμεμαστιγωμένην καὶ οὐλῶν μεστήν ὑπὸ ἐπιφοριῶν καὶ ἀδικίας, ἃ ἐκάστη ἢ πράξις αὐτοῦ ἐξωμόρξατο εἰς τὴν ψυχὴν... ([Rhadamanthus] sees that there is nothing healthy in his soul, but rather it has been whipped and is full of scars due to oathbreaking and injustice, which each of his actions has imprinted onto his soul...).

<sup>30</sup> Padel 1990: 338.

<sup>31</sup> Padel 1990: 358.

rules of society.<sup>32</sup> Yet, expressed through empathetic reactions, embodiment also unites a society, hence the metaphor of the citizen body, the civic body, the democratic body.

The body within society blurs the distinction between physical and metaphorical. In his discussion of the word *soma* in Aeschines 1, *Against Timarchos*, Nicholas Fisher distinguishes between “cases where the main focus does seem to be on the individual as such, with no strong sense of the physical; often, however, the physical body is presented as the vulnerable part of the person, contexts where blows, imprisonments, or other physical outrages or constraints are held to lessen or destroy civic rights.”<sup>33</sup> This blurring can be seen in Isocrates 20 and Demosthenes 21: while both victims are quite literally talking about their physical body which was injured when they were punched, the implication is that the wound to their legal person diminishes their civic rights and makes them less than citizens.

The autonomy of the democratic body is secured by the legal vulnerability of non-citizens, especially slaves. Jack Winkler describes the inviolability of the citizen body as “a marker separating slaves from citizens: slaves may be manhandled in any way; citizens are literally untouchable.”<sup>34</sup> This is because the body autonomy of the democratic citizen exists, as Hunter has argued, precisely because of the legal vulnerability of non-citizens. Although citizens and non-citizens alike made up the population of Athens, only one portion of the population was united in autonomy. The citizen body was equal in life, equal in death.<sup>35</sup> Bodies in the middle,

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<sup>32</sup> Cf. Foucault 1977: 135-169 on docile bodies and uniformity. Though his discussion is historically contingent on industrialization and public education, the idea of “political anatomy” has a place in the Athenian idealization of *kosmos*.

<sup>33</sup> Fisher 2005: 75.

<sup>34</sup> Winkler 1990: 48.

<sup>35</sup> As glorified by Thucydides in Pericles’ funeral oration (2.42): ἃ γὰρ τὴν πόλιν ὕμνησα, αἱ τῶνδε καὶ τῶν τοιῶνδε ἀρεταὶ ἐκόσμησαν... δοκεῖ δέ μοι δηλοῦν ἀνδρῶς ἀρετὴν πρώτη τε μὴνύουσα καὶ τελευταία

however, posed a challenge to the ideals of the city. Athens, priding itself on its democracy, nevertheless depended for survival on the underclasses—slaves, metics, and women whose labors constitute an essential part of the economy.<sup>36</sup> In the case studies I conduct in this chapter, I will explore the ways the orators use bodies in the middle to call into question the security of citizen body autonomy. What part do these individuals have to play in the body politic? How does their vulnerability affect the sovereign citizen body?

### **Demosthenes 27 and 28: *Against Aphobos I and II***

Demosthenes' speeches prosecuting his guardian (27 and 28) center around the legal and physical vulnerability of a child, a dependent who will eventually take on an equal role in the democracy but who until his majority is defenseless against those who would do him harm.<sup>37</sup> Delivered scarcely after Demosthenes became a legal adult, the speech still resonates with the anxiety of his childhood.<sup>38</sup> The insecurity of his upbringing is revealed in the thematic interplay of knowledge and intimacy, visibility and invisibility, that threads throughout the two speeches,

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βεβαιούσα ἢ νῦν τῶνδε καταστροφή. καὶ γὰρ τοῖς τᾶλλα χεῖροσι δίκαιον τὴν ἐς τοὺς πολέμους ὑπὲρ τῆς πατρίδος ἀνδραγαθίαν προτιθεσθαι (It is the greatnesses of these men and those like them which gives the city the glory I have already celebrated in song.... It seems to me that the way these men have now died proves their greatness, whether newly revealed or confirmed in the end, since even for those who are worse in other respects, it is right to place greater value on courage against the enemies on behalf of the fatherland).

<sup>36</sup> Vlassopoulos 2007

<sup>37</sup> On these speeches: Pearson 1972: 3-54, Usher 1999: 171-178, and MacDowell 2004: 9-47 give background and commentary. Badian 2000, Mirhady 2000, MacDowell 2009: 30-45, and Worthington 2013: 9-27 situate the speeches within Demosthenes' biographical record. Hunter 1989a and b discuss the prosopographical background of Demosthenes' mother, Kleoboule, and argue that she held a degree of authority surpassing cultural norms. Foxhall 1996: 144-147 largely concurs with Hunter, describing Kleoboule as a "very tough lady" (at 146). Burke 1998 offers a skeptical interpretation of the case, suggesting that the elder Demosthenes obtained and held his wealth through disreputable means and that the guardians looted the estate for ideological purposes.

<sup>38</sup> Demosthenes brought Aphobos to court when he was 20, in 364/3 (MacDowell 2004: 19).



emphasizing the guardians' manifest erasure of his family's estate and culminating in the revelation of the deeply intimate moment when Demosthenes' father, on his deathbed, entrusted his son's vulnerable body to the care of Aphobos, the man who would soon betray the entire family. In this section, I trace the interweaving thematic strands that build up to this tender vignette.

The background to the case is as follows: Demosthenes' father, also named Demosthenes, died when his son was seven and his daughter five, leaving his children and an estate amounting to nearly fourteen talents in the care of three guardians. The guardians had been close to the family: Therippides was the elder Demosthenes' close friend since youth, and Aphobos and Demophon were the nephews of the elder Demosthenes. The two nephews were to marry the elder Demosthenes' daughter and wife, respectively, Demophon receiving a dowry of two talents and Aphobos 80 minas and the family home. The guardians took the dowries without marrying or providing for Demosthenes' mother and sister (who was still underage), mismanaged the property and the businesses that the elder Demosthenes had owned, and neglected to pay for the younger Demosthenes' schooling. During the years between his father's death and his coming of age, Demosthenes' guardians managed his father's estate so poorly that less than 70 minas in cash and real estate remained from an original value of 14 talents, which would have accrued an additional 16 talents from income had the estate been handled well.<sup>39</sup> As a result, Demosthenes decided to sue each guardian for ten talents each. Before the trial, Demosthenes and his opponents brought their dispute to arbitration to try to settle out of court, but when the arbitrators hinted that they were going to decide in Demosthenes' favor, the guardians decided to take the

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<sup>39</sup> According to the calculations provided by MacDowell 2004: 10.

matter to trial.<sup>40</sup>

The ideal performance of familial intimacy (and its violation) feature prominently in Demosthenes' prosecution of Aphobos (speeches 27 and 28).<sup>41</sup> Like Isaeus in *On the Estate of Philoktemon*, Demosthenes links familial intimacy with access to information—those close to the house are the ones who have the clearest information. Over the course of the speech, Demosthenes draws the jury into the family circle while pushing the guardians away. The first speech begins with a contrast between the intimate knowledge characteristic of arbitration with a jury trial, in public and before strangers ignorant of the details (27.1):

εἰ μὲν ἐβούλετ' Ἄφοβος, ὧ ἄνδρες δικασταί, τὰ δίκαια ποιεῖν ἢ περὶ ὧν διεφερόμεθα τοῖς οἰκείοις ἐπιτρέπειν, οὐδὲν ἂν ἔδει δικῶν οὐδὲ πραγμάτων· ἀπέχρη γὰρ ἂν τοῖς ὑπ' ἐκείνων γνωσθεῖσιν ἐμμένειν, ὥστε μηδεμίαν ἡμῖν εἶναι πρὸς τοῦτον διαφορὰν. ἐπειδὴ δ' οὗτος τοὺς μὲν σαφῶς εἰδότας τὰ ἡμέτερον' ἔφυγε μηδὲν διαγνῶναι περὶ αὐτῶν, εἰς δ' ὑμᾶς τοὺς οὐδὲν τῶν ἡμετέρων ἀκριβῶς ἐπισταμένους ἐλήλυθεν, ἀνάγκη ἐστὶν ἐν ὑμῖν παρ' αὐτοῦ πειρᾶσθαι τῶν δικαίων τυγχάνειν.

If Aphobos had wanted, men of the jury, to do the right thing or to turn our problems over to members of the family, there would have been no need for court cases or proceedings. For it should have sufficed to abide by the judgments made by those people, so that my opponent and I would have no dispute in a public forum. But since he refused to let those who know our situation clearly make the decision about us, rather coming before you—who have no precise knowledge about our problems—I must try to obtain justice from him in your presence.

This opening contrasts the current case with a hypothetical situation in which Aphobos *had* done the right thing and the case had been resolved by their relatives during the arbitration. In this imaginary world, the case would not have been brought to court but, instead, the problem would be resolved by family members (τοῖς οἰκείοις), those who know the intimate details of the

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<sup>40</sup> The speeches Demosthenes composed prosecuting the other two guardians have not survived, although three speeches dealing with the aftermath of the prosecution of Aphobos comprise speeches 29-31.

<sup>41</sup> Demosthenes 29 was also delivered against Aphobos, but in a separate trial—after Aphobos was found guilty of mismanaging Demosthenes' estate, he accused one of Demosthenes' witnesses of bearing false witness (*dikē pseudomartyriōn*); Demosthenes 29 is the defense speech delivered in this later trial. I limit this discussion to the speeches from the initial trial.

situation (τοὺς σαφῶς εἰδότας). Thus the jury, who have no precise knowledge (τοὺς οὐδὲν ἀκριβῶς ἐπισταμένους), would have had no part in the dispute: this is the right and proper way problems among family members should be solved. Aphobos, in refusing to let the case be determined by arbitration among family members, has invited the members of the jury to take his place as Demosthenes' intimates.

As I have shown above, allegiance to the household was a common way of characterizing individuals as acting according to *eikos* or socially acceptable patterns of behavior. Aphobos' rejection of the private arbitration is the first black mark in his column. As Demosthenes builds up his case, he describes his father as completely loyal to family, to his detriment. The elder Demosthenes is shown to put his trust in appropriate behavior between family and close friends—which he and the guardians were. He believed that by increasing this intimacy, he could forge an even more unshakeable bond (§5):

Δημοφῶντι δὲ τὴν ἐμὴν ἀδελφὴν καὶ δύο τάλαντ' εὐθὺς ἔδωκεν ἔχειν, αὐτῷ δὲ τούτῳ τὴν μητέρα τὴν ἐμὴν καὶ προικ' ὀγδοήκοντα μνᾶς, καὶ τὴν οἰκίαν οἰκεῖν καὶ σκεύεσι χρῆσθαι τοῖς ἐμοῖς, ἡγούμενος, καὶ τούτους ἔτ' οἰκειοτέρους εἶ μοι ποιήσειεν, οὐκ ἂν χεῖρόν μ' ἐπιπροπευθῆναι ταύτης τῆς οἰκειότητος προσγενομένης.

He gave my sister to Demophon to marry, along with two talents right away, and to my opponent here he gave my mother and a dowry of eighty minas, allowing him to live in the house and use my things—he thought that if he could make them even more intimately related, they would be no worse as guardians due to the added intimacy.

Demosthenes' father recognizes the importance of *oikeiotēs* in socially acceptable behavior and expects that the guardians, whom he considers close friends and kin, to follow this social ideal as well. By marrying the guardians into the family, he expects them to feel twice the familial affection, since their own fates would be tied to the mother and daughter.

By forsaking the role they were given, the guardians force the younger Demosthenes to

fix the threat his father's mistake brought into his *oikos*. As in Antiphon 1, discussed in my first chapter, it becomes necessary for Demosthenes to replace the actual relatives with the ad hoc *oikeioi* of the jury, who become knowledgeable by learning rather than experiencing (§7):

ταῦτα γὰρ μαθόντες ἀκριβῶς εἴσεσθε, ὅτι τῶν πώποτ' ἐπιτροπευσάντων  
οὐδένες ἀναιδέστερον οὐδὲ περιφανέστερον ἢ οὗτοι τὰ ἡμέτερα  
διηπάκασιν.

For after learning these things you will know precisely that of all the people who have ever been guardians before, none of them ever plundered an estate more shamelessly or more manifestly than my adversaries plundered mine.

Demosthenes promises that the jury will be made precisely aware of the guardians' larceny. His strategy over the course of his prosecution will be to make their crimes as visible as possible in order to draw the jury into the circle of those who know. With the comparative of the emphatic compound *περιφανής* equating the shamefulness of the guardians' deceit with its flagrancy, this passage introduces the theme of visibility (especially expressed through the use of words with the root *phan*, "visible") into the speech. Once the extent of the guardians' betrayal—worse than any that has ever before occurred—is made visible, the jury will be in a position to stand *in loco custodis*, having switched places with the original *oikeioi*. In order to transform the jury from those knowing οὐδὲν ἀκριβῶς to those knowing ἀκριβῶς, Demosthenes has to make them see.

Over the course of the speech, the acts of theft carried out by the guardians are again and again portrayed as conspicuous concealment through the repetition of words denoting visibility and invisibility. The majority of the crimes committed by the guardians comes in the form of absences: failure to marry Demosthenes' mother Kleoboule and his sister, slaves unaccounted for, unreported profits, lack of income from his father's various business interests, a missing will. In his account of these crimes, Demosthenes uses the language of visibility to put the jury in the position of witnesses: by describing the guardians' actions as manifest or obvious, he helps the

members of the jury to envision them in their mind's eye. Insistent repetition begins to function as evidence.

To increase the visibility of the crimes, Demosthenes associates Aphobos' mismanagement of the *oikos* with his threat to the physical manifestation of the *oikos*, the *oikia*. He tells the jury that Aphobos moved into the family home (§13: ὄκει τὴν οἰκίαν) immediately following the death of the elder Demosthenes and took possession of Kleoboule's jewels and tableware as well as the proceeds from the sale of some of the slaves—money equivalent to the dowry he was promised. However, despite having received the dowry, Aphobos refused to marry Kleoboule and neither used the money to maintain her nor rented the estate so that she could live off of the income.<sup>42</sup> During a confrontation between Aphobos and Demochares, the husband of Kleoboule's sister, the guardian admitted that he had received the dowry. Aphobos' failure to provide for Kleoboule according to the arrangement in the elder Demosthenes' will forced her to leave her husband's *oikia* and flee to her sister's husband—a physical removal that materializes Aphobos' threat to the *oikos*. Tying the appropriation of the house with the missing dowry, Demosthenes asks the jury “If it becomes clear (φανήσεται) that Aphobos had confessed to Demochares, had received the proceeds from the sale of the slaves (acknowledged by a written receipt), and lived in the house (οἰκεῖν τὴν οἰκίαν) after the elder Demosthenes died, how will he not be clearly (φανερῶς) proven to have, in fact, received the money?”<sup>43</sup> Through the repetition of *phan* words, Demosthenes emphasizes his logical conclusion: if all evidence

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<sup>42</sup> §15: οὐ γὰρ διδόντος τούτου σίτον τῇ μητρί, τὴν δὲ προικὴν ἔχοντος, οὐδὲ τὸν οἶκον μισθοῦν ἐθέλοντος

<sup>43</sup> §16: καίτοι εἰ φανήσεται πρὸς τε τὸν Δημοχάρεα ταῦθ' ὡμολογητῶς καὶ πρὸς τοὺς ἄλλους οἱ παρήσαν, παρὰ τε τοῦ Δημοφώντος καὶ τοῦ Θηριπίδου τῶν ἀνδραπόδων εἰς τὴν προίκα τὰς τιμὰς εἰληφῶς, αὐτὸς θ' ἑαυτὸν ἔχειν τὴν προικὴν ἀπογράφας πρὸς τοὺς συνεπιτρόπους, οἰκῶν τε τὴν οἰκίαν ἐπειδὴ τάχιστα ἔτελεύτησεν ὁ πατήρ, πῶς οὐκ ἐκ πάντων ὁμολογουμένου τοῦ πράγματος εὐρεθήσεται φανερώς τὴν προίκα, τὰς ὀγδοήκοντα μνᾶς, κεκομισμένος, καὶ λίαν ἀναιδῶς μὴ λαβεῖν ἐξαργυρούμενος;

pointing to Aphobos' receipt of the money becomes clear, then Aphobos will be clearly proven to have received it. Tying Aphobos' manifest theft of Kleoboule's dowry to his moving into the *oikia* gives physical shape to his antagonism against Demosthenes' *oikos*, as both family and estate.

In his account of each instance of the guardians' mishandling of the estate, Demosthenes continues to use visual language to describe the magnitude of their wrongdoing. Among the holdings left by his father was one workshop that produced knives, another that made beds. Aphobos has argued that part of the money Demosthenes was supposed to inherit had been spent on subsidizing the knife workshop. Demosthenes points out that, if this were the case, there would be visible (*φαίνεσθαι*) evidence that the manager, Therippides, handed over the proceeds; the lack of evidence proves the theft, since the fact that money was spent on it demonstrates that the workshop was "manifestly" (*φανερῶς*) still in service.<sup>44</sup> The conspicuousness of the thefts, evoked verbally through the repetition of *phan* words, suggests that the speech and the court case are unnecessary in the face of the abundant evidence of their wrongdoing. Demosthenes not only exposes the facts to the jury, but encourages the jury to visualize the numbers and details of the missing property. The members of the jury, as representatives of the entire city, stand as witnesses to the crimes.

Absence is given form in its egregiousness. Repetition of the words "make vanish" (*ἀφανίζω*) and "reveal" or "account for" (*ἀποφαίνω*) in the negative widen the semantic evocation of *phan* vocabulary by juxtaposing the obviousness of the crimes against the vanishing acts of which they consist. Regarding the workers in his father's bed workshop, Demosthenes

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<sup>44</sup> §21: δεῖ δὴπου τά γ' ἔργ' αὐτὸν ἀποδεδωκότα μοι φαίνεσθαι, καὶ ὦν ἐναντίον ἀπέδωκε παρασχέσθαι μάρτυρας. εἰ δὲ μηδὲν τούτων πεποίηκεν, πῶς οὐκ ἔχει τὴν πρόσσδοδον δυοῖν ἑτοῖν τὴν ἐκ τοῦ ἐργαστηρίου, τὰς τριάκοντα μνᾶς, φανερώς οὕτως τῶν ἔργων γεγενημένων;

claims that the guardians “made them disappear” (ἀφανίζουσι) and that he will use their absence to demonstrate to the jury how “excessively shamelessly and manifestly” (φανερῶς) the guardians robbed him.<sup>45</sup> Their account of how the slaves were lost is vague and unsatisfying, intended to cover up the fact that they utterly and completely destroyed (ἀφανίζουσιν) the workshop.<sup>46</sup> Continuing the conspicuous erasure of the property, Demosthenes notes that the guardians failed to account (οὔτε... ἀποφαίνουσιν) for both ivory used to decorate the couches and the proceeds from the workshop; in fact they have utterly and completely made it disappear (ἀφανίζουσιν).<sup>47</sup> Finally, their refusal to report (οὐδὲν ἀποφαίνουσι) the interest, dissipation of the principal, and claim that Demosthenes in fact owes the guardians money leads him to summarily declare their actions “a great and thoroughly obvious (περιφανής) disgrace.”<sup>48</sup> This phrase calls back to the comparative περιφανέστερον from the beginning of the speech, reminding the jury of Demosthenes’ promise to make Aphobos’ crimes visible.

Of all the devious machinations carried out by the guardians, the most troublesome is their concealment of the will. The absence is a significant one: Demosthenes concedes, echoing the opening of the speech, that the jury would more accurately (ἀκριβέστερον) comprehend the size of the estate if the guardians had been willing to hand over the will.<sup>49</sup> He ascertains the

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<sup>45</sup> §24: πρῶτον μὲν οὖν περὶ τῶν κλινοποιῶν, οὓς κατέλιπε μὲν ὁ πατήρ, ἀφανίζουσι δ’ οὗτοι, τετταράκοντα μὲν μῶν ὑποκειμένους, εἴκοσι δ’ ὄντας τὸν ἀριθμὸν, ἐπιδείξω ὑμῖν ὡς λίαν ἀναιδῶς καὶ φανερῶς μ’ ἀποστεροῦσιν.

<sup>46</sup> §26: ἄρδην ὅλον τὸ ἐργαστήριον ἀφανίζουσιν.

<sup>47</sup> §33: Τούτου τοίνυν τοῦ ἐλέφαντός ἐστι πλέον ἢ τάλαντον, ὃν οὔτ’ αὐτὸν οὔτε τὸ ἔργον ἀποφαίνουσιν, ἀλλὰ καὶ τοῦτον ἄρδην ἀφανίζουσιν ὅλον.

<sup>48</sup> §38: ἔργον μὲν οὐδὲν ἀποφαίνουσι τοῖς χρήμασιν, αὐτὰ δὲ τὰ ἀρχαῖα πάντ’ ἀνηλωκέναι φασι σὺν ταῖς ἑπτὰ καὶ ἐβδομήκοντα μναῖς· Δημοφῶν δὲ καὶ πρὸς ὀφείλοντας ἡμᾶς ἐνέγραψε. ταῦτ’ οὐ μεγάλη καὶ περιφανής ἀναισχυντία;

<sup>49</sup> §40: ἔτι δ’ ἀκριβέστερον ἔγνωτ’ ἄν, εἴ μοι τὰς διαθήκας, ἃς ὁ πατήρ κατέλιπεν, οὗτοι ἀποδοῦναι ἠθέλησαν.

missing amount recorded in the will by adding together the gaps in the evidence provided by his witnesses. In a series of depositions, each guardian is shown to have admitted the amounts given to the others while concealing his own portion. The repetition of *phan* vocabulary continues throughout the summaries of these depositions: although Therippides admits that the will exists, he refuses to reveal (*ἀποφαίνει*) it and will not make visible (*καταφανές ποιῆσαι*) the extent of the inheritance which, if known, would prove their larceny.<sup>50</sup> Aphobos agrees that there was a will but claims that he did not agree to its terms (so that it will seem like he did not receive anything); he, too, reveals absolutely nothing (*οὐδ' ... ἀποφαίνει καθόλου*) about the size of the estate or about its rental.<sup>51</sup> However, despite the guardians' unwillingness to surrender the will, Demosthenes uses their statements against one another to come up with an approximation of the total. The amount bequeathed is made clear (*δῆλον*) by the guardians' individual accounts of the large amounts left to each of them, despite the their attempts at concealment (*ἀφανιζόντων*).<sup>52</sup> Adding the allotments makes it clear to all (*φανερὸν πᾶσιν*) that the original estate was of no small size.<sup>53</sup>

Contrasting the guardians' underhanded thievery with the clarity of his own rhetoric, Demosthenes sums up his argument by insisting on the incomparable lucidity of his proofs (§§47-48):

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<sup>50</sup> §41: νῦν δ' ἀπαιτοῦντος ἐμοῦ καταλειφθῆναι μὲν ὁμολογοῦσιν, αὐτὰς δ' οὐκ ἀποφαίνουσιν. ταῦτα δὲ ποιούσι τό τε πλῆθος οὐ βουλόμενοι καταφανές ποιῆσαι τῆς οὐσίας τὸ καταλειφθέν, ὃ διηρηπάκασιν οὔτοι, τὰς τε δωρεῖας ἵνα μὴ δοκῶσιν ἔχειν...

<sup>51</sup> §43: περὶ δὲ τῶν αὐτῷ δοθέντων γραφῆναι μὲν φησιν, οὐχ ὁμολογήσαι δ' αὐτός, ἵνα μὴ δοκῆ λαβεῖν. τὸ δὲ πλῆθος τῆς οὐσίας οὐδ' οὗτος ἀποφαίνει καθόλου, οὐδὲ τὸ μισθοῦν τὸν οἶκον.

<sup>52</sup> §44: δῆλον τοίνυν ἐστὶν οὐδὲν ἦπτον τὸ πλῆθος τῶν καταλειφθέντων, καίπερ ἀφανιζόντων τούτων τὴν οὐσίαν, ἐκ τῶν διαθηκῶν, ἐξ ὧν τοσαῦτα χρήματ' ἀλλήλοις φασὶ δοθῆναι.

<sup>53</sup> §44: φανερόν δήπου πᾶσιν ὅτι οὐκ ἀπὸ μικρᾶς οὐσίας, ἀλλὰ πλέον ἢ διπλασίας ἤς ἐμοὶ κατέλειπεν ταῦτ' ἀφείλεν.



πῶς οὖν ἂν τις σαφέστερον ἐπιδείξειε πάντα διηρηπάκῳ καὶ μηδὲ τῶν μικρῶν ἀπεσχημένον, ἢ τοῦτον τὸν τρόπον ἐπιδεικνὺς μετὰ τοσοῦτων μαρτύρων καὶ τεκμηρίων; τὴν μὲν προίκα λαβεῖν ὁμολογήσαντα καὶ ἔχειν αὐτὸν πρὸς τοὺς ἐπιτρόπους ἀπογράψαντα, τὸ δ' ἐργαστήριον κεκαρωμένον αὐτὸν καὶ τὴν πρόσδοδον οὐκ ἀποφαίνοντα, τῶν δ' ἄλλων τὰ μὲν πεπρακῳ καὶ τὰς τιμὰς οὐκ ἀποδεδωκῳ, τὰ δ' ὡς ἑαυτὸν λαβόντα καὶ ταῦτ' ἠφανικότα, ἔτι δὲ παρὰ τὸν λόγον ὃν αὐτὸς ἀπέδωκε τοσαῦτα κλέπτοντα, πρὸς δὲ τούτοις τὴν διαθήκην ἠφανικότα, τὰ ἀνδράποδα πεπρακῳ, τᾶλλ' οὕτω πάντα διωκηκότα, ὡς οὐδ' ἂν οἱ ἔχθιστοι διοικήσειαν; ἐγὼ μὲν οὐκ οἶδ' ὅπως ἂν τις σαφέστερον ἐπιδείξειεν.

How could anyone demonstrate more clearly that he has stolen everything and didn't even spare the small things, than in this way by proving it with so many witnesses and proofs? He admitted to having received the dowry and made a written record for the other guardians that he had it, he took advantage of the output of the workshop for himself without reporting the profit, he sold some of our possessions without paying us what he got for them, while the rest he kept for himself and hid. According to the account that he himself gave, he stole a large amount and on top of that made the will disappear and sold the slaves, and he managed everything else in such a way as not even the worst enemies would have done. I don't know how anyone could demonstrate this more clearly!<sup>54</sup>

His proof, more clear than any other (πῶς ἂν τις σαφέστερον), recalls the exceeding visibility of Aphobos' crimes, which were also described as second to none (§7: οὐδὲ περιφανέστερον ἢ οὗτοι), and confirms his own rhetorical skill in making a series of disappearances so very visible. Aphobos failed to report (οὐκ ἀποφαίνοντα) the income from the workshop, he hid (ἠφανικότα) some of Demosthenes' family's possessions, and he made the will disappear (ἠφανικότα). The repetition of *phan* words and the juxtaposition of vanishing and revealing continues to the end of the speech, bridging the distance between Demosthenes' craftsmanship

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<sup>54</sup> Demosthenes uses ἐπιδείκνυμι in the positive to describe his own rhetorical practice (at 27.12, 18, 23, 24, 34, 35, 47, 48, 52, and 28.2; it is used in the negative of Aphobos and the guardians at 27.49, 50, 51, and 52) and ἀποδείκνυμι to describe the guardians' excuses (at 27.19, 26, 62, and 28.22). Cf. Bakker's definition of the ἐπίδειξις vs. ἀπόδειξις in Herodotus: "The object of *epideixis* is always shown as it is; it existed before it was shown or displayed and is not changed or modified by it... What is 'shown' in an act denoted by *apo-deik*, by contrast, is always changed in the act, and may not even have existed before. The person or thing pointed at in an act of *apodeiknunai* acquires a new function according to the requirements of the context" (Bakker 2002: 22). This distinction plays into Demosthenes' strategy of contrasting his own transparency with the guardians' deception.

and the guardians' transparent deception.<sup>55</sup>

As the first speech of the prosecution comes to a close, Demosthenes focuses his rhetorical energy on tying the guardians' theft to their betrayal of socially appropriate behavior. Their behavior passes beyond hyperbole (ὑπερβολὰς): they made the will vanish (ἠφανίζασιν) hoping not to get caught, benefitting themselves and impoverishing Demosthenes' family, as though their victims had done them the greatest of injustices.<sup>56</sup> This hypothetical inversion of circumstances reminds the jury of Demosthenes' virtuous vulnerability, accentuating both his pitiful state and the extremity of the guardians' betrayal. He draws a comparison between the guardians and the jury: when the members of the jury punish a criminal, they make sure that his wife and children are taken care of. When the guardians were given a gift (their portions of the inheritance), they outrageously mistreated those they were supposed to protect.<sup>57</sup> The build-up to the result clause ("they differ *so much* from you") opens a gulf of ethical space between the jury and the guardians, between compassion and betrayal.

Demosthenes puts the final stamp on this ethical alignment by returning to the guardians' failure of *oikeiotēs* (§65):

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<sup>55</sup> §49: οὔτε γὰρ ὡς ὀφείλοντά με κατέλιπεν ὁ πατήρ ἐν τοῖς γράμμασιν ἀπέφηεν, οὐδ' οἷς ἀποδεδωκέναι ταῦτ' ἔφη παρέσχηται μάρτυρας, οὐτ' αὐτὸν ἀριθμὸν τῶν χρημάτων εἰς τοὺς συνεπιτρόπους ἐπανάφερεν ὅσον αὐτὸς φαίνεται λαβῶν...

§52: ἐὰν δ' εἶναί μοι φῆ τοῦτον τὸν τρόπον, λογιζόμενος τὰ παρ' ἑκατέρω τῶν ἐπιτρόπων, διπλασίους ἐλάττω φανήσεται λέγων, ἔχοντα δ' οὐδὲν μᾶλλον ἀποφαίνων.

§61-62: ...τὰ δὲ παντάπασι ἀφανίσαντες, ἐμοῦ μὲν ἀνείλον καὶ τὴν ὑπάρχουσαν πρόσοδον, σφίσι δ' αὐτοῖς οὐ μικρὰν ἐκ τῶν ἐμῶν κατεσκευάσαντο. λαβόντες δὲ καὶ τᾶλλ' αἰσχροῦς οὕτωσιν πάντα, πλέον ἢ τὰ ἡμίσεια τῶν χρημάτων μηδὲ καταλειφθῆναι κοινῇ πάντες ἀμφισβητοῦσιν, ὡς πεντεταλάντου δὲ μόνον τῆς οὐσίας οὔσης ἐκ τοσαύτης τοὺς λόγους ἀπενηνόχασιν, οὐ πρόσοδον μὲν ἐξ αὐτῶν οὐκ ἀποφαίνοντες...

<sup>56</sup> §64: τίνας δ' οὗτοι λελοίπασι ὑπερβολὰς εἰπεῖν; οἱ καὶ τὴν διαθήκην ἠφανίζασιν ὡς λήσοντες, καὶ τὰς μὲν σφετέρως αὐτῶν οὐσίας ἐκ τῶν ἐπικαρπιῶν διωκῆκασι, καὶ τὰρχαία τῶν ὑπαρχόντων ἐκ τῶν ἐμῶν πολλῶ μείζω πεποιήκασι, τῆς δ' ἐμῆς οὐσίας, ὥσπερ τὰ μέγισθ' ὑφ' ἡμῶν ἀδικηθέντες, ὅλον τὸ κεφάλαιον ἀνηρόχασιν;

<sup>57</sup> §65: οὗτοι δὲ τοσοῦτον διαφέρουσιν ὑμῶν, ὥστε καὶ δωρεὰς παρ' ἡμῶν προσλαβόντες, ἵνα δικαίως ἐπιτροπέωσι, τοιαῦτ' εἰς ἡμᾶς ὑβρίκασι.

καὶ οὐδ' ἠσχύνθησαν, εἰ μὴ ἠλέησαν τὴν ἐμὴν ἀδελφήν, εἰ δυοῖν ταλάντων ὑπὸ τοῦ πατρὸς ἀξιοθεῖσα, μηδενὸς τεύξεται τῶν προσηκόντων, ἀλλ' ὥσπερ ἔχθιστοὶ τινες, ἀλλ' οὐ φίλοι καὶ συγγενεῖς καταλειφθέντες, οὐδὲν τῆς οἰκειότητος ἐφρόντισαν.

They feel neither shame nor pity for my sister: although our father thought she deserved a dowry of two talents, she will receive none of what is due to her. Just like the greatest of enemies, not friends and relatives left behind by him, they gave no thought to family intimacy.

While Demosthenes' presentation of the facts has made the crimes visible to the jury, thereby drawing them into the circle of knowledge, the guardians' failure to feel shame and pity, their rejection of *oikeiotēs*, in turn proves them to be illegitimate *oikeioi*. As Demosthenes shortly afterwards reminds the jury, it is just for them to pity those who are unfortunate beyond reason.<sup>58</sup> According to this equation, Demosthenes' association of the guardians with lack of pity already renders them the unjust party. But his strategy over the course of the first speech of making the guardians' crimes visible to the jury, of bringing them into the circle of intimate knowledge, adds a third part to the equation: by explicitly bringing up the guardians' failure as *oikeioi*, he implicitly replaces them with the jury.

Demosthenes opens the second speech of his prosecution of Aphobos (with Aphobos' first defense speech intervening between Demosthenes' first and second speeches) by focusing on the theme of visibility as it relates to the legal status of the *oikos*. During the arbitration before the case was brought to court, Aphobos claimed that the elder Demosthenes' father-in-law Gylon had died a state debtor and that this is why he and the other guardians never leased the estate. He maintained that the elder Demosthenes had wanted them to keep the property hidden so that the state would not confiscate it. Aphobos waited until the last day of the arbitration to make this accusation so that Demosthenes would not be able to bring forward evidence to disprove it and

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<sup>58</sup> §68: δικαῖοι ἔστ' ἐλεεῖν... τοὺς παρὰ λόγον δυστυχοῦντας

was waiting until his second speech to bring the issue to the jury's attention.<sup>59</sup> Thus, Demosthenes must proleptically counter an accusation the jury has not yet heard, armed with no evidence but rhetoric and likelihood, and prove that Gylon did not die in debt and there was no danger in making the property visible (φανερὰ).<sup>60</sup>

Picking up on the *phan* language so prevalent in the first speech, Demosthenes now literalizes his rhetorical tactic with an allusion to visible and invisible property. The term “visible property” (*phanera ousia*) has a range of meanings: it can refer to property, especially real estate, that is seen by everyone, as opposed to personal property, which would be unseen (ἀφανής).<sup>61</sup> As Gabrielson points out, the evidence does not always support this division. Real estate has a tendency to be more visible and cash less so, but these distinctions do not always hold. It is instead the owner's behavior concerning his property that determines whether the property is *phanera* or *aphanēs*. Visible property is that which is publicly acknowledged, while unacknowledged property was rendered invisible through the act of “concealment” (ἀπόκρυψις οὐσίας).<sup>62</sup> The decision to acknowledge or conceal property rested on the fact that visible property was liable for taxation and liturgies, and so public acclaim would make up for the financial loss. Holding visible property “was related to openly acknowledged social position and commitments,” while keeping property invisible allowed its holder to “conceal his wealth and

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<sup>59</sup> Only evidence procured during the pre-trial hearing was allowed in the trial. All supporting documentation was sealed in jars called *echinoi* to ensure that no change was made to the charges, testimonies, contracts, oaths, and other documents between the hearing and the trial (Boegehold 1995: 79).

<sup>60</sup> 28.2: νῦν δὲ τεκμηρίοις μεγάλοις ἐπιδείξομεν, ὡς οὔτ' ὄφειλεν οὔτ' ἦν κίνδυνος οὐδεὶς ἡμῖν φανερὰ κεκτημένοις τὰ ὄντα.

<sup>61</sup> Gabrielson 1986.

<sup>62</sup> Gabrielson 1986: 104.

evade social obligations” and suggested “hidden power, suspicion, unease.”<sup>63</sup> Aside from the social stigma, holding invisible property led to the risk that an individual’s worth could be overestimated and he therefore could be charged with a higher contribution than he would have been had he not concealed his possessions.<sup>64</sup>

In his first speech, Demosthenes touched on the contrast between hidden and visible property in his response to Aphobos’ claim that the elder Demosthenes had told him that he had entrusted four talents with his wife. Using an *eikos* argument, Demosthenes reasons that if his father had trusted the guardians, he would have had no reason to hide four talents, but if he didn’t trust them, he would not have made them guardians of the visible property (τῶν φανερῶν) nor revealed the existence of hidden money (τὰ κεκρυμμένα).<sup>65</sup> He adds that Aphobos, based on how he treated the visible property (φανερὰν οὐσίαν), would certainly not have held back from appropriating the additional four talents, especially since the jury had no knowledge of the money.<sup>66</sup> The jury is reminded of what it does and does not, can and cannot know, of the importance of witnesses to ensure socially appropriate behavior. Ownership of visible property depends on a public acknowledgement of the property.

Demosthenes picks up on this connection in his second speech. In the absence of

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<sup>63</sup> Humphreys 1983: 10. Drawing on Karl Polanyi’s concept of the imbedded economy, Kurke adds to Humphreys’ observations that “invisible property is the product of those who privilege pure economic considerations over the social and political embedding of property. Thus the motive of such men is strictly economic and the result of making their property invisible is that they are themselves disembedded from the social fabric of their community” (Kurke x: 227).

<sup>64</sup> Gabrielson 1986:111-112.

<sup>65</sup> 27.55: εἰ μὲν γὰρ ὁ πατὴρ ἠπίσκει τούτοις, δῆλον ὅτι οὔτ’ ἂν τᾶλλ’ ἐπέτρεπεν οὔτ’ ἂν ταῦθ’ οὕτω καταλείπων αὐτοῖς ἔφραζε· μανία γὰρ δεινὴ τὰ κεκρυμμέν’ εἰπεῖν, μηδὲ τῶν φανερῶν μέλλοντ’ ἐπιτρόπους καταστήσειν. εἰ δ’ ἐπίστεινεν, οὐκ ἂν δήπου τὰ μὲν πλείστ’ αὐτοῖς τῶν χρημάτων ἐνεχείρισεν, τῶν δ’ οὐκ ἂν κυρίους ἐποίησεν.

<sup>66</sup> §57: τὴν μὲν φανερὰν οὐσίαν, ἣν καὶ ὑμῶν οἱ πολλοὶ συνήδεσαν ὅτι κατελείφθη, μετὰ τῶν συνεπιτρόπων οὕτως αἰσχροῦς διήρπασεν, ὧν δ’ οὐκ ἐμέλλεθ’ ὑμεῖς ἔσεσθαι μάρτυρες, ἀπέσχετ’ ἂν ἐξὸν αὐτῷ λαβεῖν;

evidence, he uses a combination of thematic emphasis and *eikos* arguments, which he calls “great proofs” (τεκμηρίοις μεγάλοις) to demonstrate that there was no debt and no risk to his family in possessing visible property. In these “great proofs,” Demosthenes returns again and again to the visibility of his family’s wealth as if to remind the jury of what they have seen, or to cause them to envision it, now, through the *enargeia* built up by the language of visibility.<sup>67</sup> His first proof is that Gylon’s other son-in-law Demochares never concealed (ἀποκέκρυπται) his property but rather acted as choregos and trierarch and carried out various other liturgies without worrying about the state confiscating his wealth. Secondly, Demosthenes’ father made his own property visible (φανερός) by virtue of recording it in his will.<sup>68</sup> Moreover, Aphobos and the other guardians themselves revealed (ἐμφανὲς ἐποίησεν) the magnitude of the money left by the elder Demosthenes by paying taxes at the rate assessed for the very wealthy.<sup>69</sup> By contributing so openly to civic affairs, Demochares, the elder Demosthenes, and even the guardians “manifestly made [the property] visible” (φαίνονται φανερά ποιούντες), making it clear that they feared no danger of any kind.<sup>70</sup> In this passage, Demosthenes inundates the jury with the repetition of the language of visibility while reminding them of his family’s record of civic contributions, benefactions which many of them may have witnessed. The repetition suggestively implies “you have seen this,” putting the jury in the position of witness.

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<sup>67</sup> Cf. Walker 1993 on *enargeia*, vividness, in ancient narrative prose.

<sup>68</sup> 28.3: πρῶτον μὲν γὰρ Δημοχάρης, ἔχων ἀδελφὴν τῆς ἐμῆς μητρὸς, θυγατέρα δὲ Γύλωνος, οὐκ ἀποκέκρυπται τὴν οὐσίαν, ἀλλὰ χορηγεῖ καὶ τριηραρχεῖ καὶ τὰς ἄλλας λητουργίας λητουργεῖ καὶ οὐδὲν τῶν τοιούτων δέδοικεν. ἔπειτ’ αὐτὸς ὁ πατὴρ τὴν τ’ ἄλλην οὐσίαν καὶ τέτταρα τάλαντα καὶ τρισχιλίας φανερός ἐποίησεν, ἃς οὗτοι γραφῆναί τ’ ἐν ταῖς διαθήκαις καὶ λαβεῖν σφᾶς αὐτοὺς κατ’ ἀλλήλων καταμαρτυροῦσιν.

<sup>69</sup> §4: ἔτι δὲ καὶ αὐτὸς Ἄφοβος μετὰ τῶν συνεπιτρόπων τῇ πόλει τὸ πλῆθος τῶν καταλειφθέντων χρημάτων ἐμφανὲς ἐποίησεν, ἡγεμόνα μὲ τῆς συμμορίας καταστήσας οὐκ ἐπὶ μικροῖς τιμήμασιν, ἀλλ’ ἐπὶ τηλικούτοις ὥστε κατὰ τὰς πέντε καὶ εἴκοσι μνᾶς πεντακοσίας εἰσφέρειν.

<sup>70</sup> §4: καὶ Δημοχάρης καὶ ὁ πατὴρ καὶ αὐτοὶ οὗτοι φαίνονται φανερά ποιούντες, καὶ οὐδένα τοιούτον κίνδυνον δεδιότες.

With this reminder of his father's family's openness and generosity to the city, Demosthenes returns to the missing will. Aphobos claimed that that the elder Demosthenes had instructed him in his will to keep the property ἀφανής, yet he and the other guardians refuse to reveal the will which would have proven (ἀποφαίνειν) this precisely (ἀκριβές).<sup>71</sup> Demosthenes here picks up on the equation formulated in the first speech: as the case began, the jury knew nothing precisely (ἀκριβῶς), but if the will was present, they would know more precisely (ἀκριβέστερον). In the absence of the will, Demosthenes is compelled to use his “great proofs” to bring the jury into the circle of those who know precisely while further excluding the guardians. His strategy is again to describe the guardians' actions as blatantly secretive and in fact incompetent (§7):

ἀλλ' ἐγὼ οὐκ οἶδ' ὅ τι τοῦτ' ἔστιν. οὐκ εἶα μισθοῦν τὸν οἶκον οὐδ' ἐμφανῆ τὰ χρήματα ποιεῖν ὁ πατήρ. πότερον ἐμοί; ἢ τῇ πόλει; φαίνεσθε γὰρ τούναντίον ἐκείνη μὲν φανερά ποιήσαντες, ἐμοὶ δὲ παντάπασιν ἀφανῆ πεποιηκότες, καὶ οὐδὲ ταῦτ' ἀποφαίνοντες ἐξ ὧν τιμησάμενοι τὰς εἰσφορὰς εἰσεφέρετε.

I don't understand this at all. My father did not allow them to rent the estate or to make the money visible. Visible to me or to the city? You manifestly did the opposite and made the property visible to the city, but utterly invisible to me—and you refuse to reveal the source from which you assessed the taxes that you paid.

This inconsistency in the guardians' actions again allows Demosthenes to find proof in the negative spaces left behind in the guardians' testimony. The guardians' claims that the elder Demosthenes did not want his property rented or made visible (ἐμφανῆ) are proven false by the fact that they had paid taxes on the entire amount. In so doing, they manifestly (φαίνεσθε) made the property visible (φανερά) to the city. The fact that they continue to keep the amount hidden (ἀφανῆ) from Demosthenes is absurd in the face of the facts. The interplay of visibility and

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<sup>71</sup> §5: τὴν μὲν διαθήκην μηδαμοῦ ταύτην ἀποφαίνειν, ἐξ ἧς ἦν εἰδέναι τὰκριβές

invisibility in this passage shows the confusion caused by the guardians' inept machinations.

Their ineptness extends to the rest of their dealings with the estate. As Johnstone has shown, in order to keep property invisible, a close-knit circle of trusted friends is required.<sup>72</sup> While the guardians tried to keep the amount they received from the inheritance hidden by appropriating the money in secrecy, their schemes ultimately failed because of their tendency to inform against one another. They have plainly (φανερῶς) been proven to have stolen, yet they still dare to lie, showing their ultimately dishonorable character.<sup>73</sup> Demosthenes continues to berate them for their failure at subterfuge: “You made the will disappear (ἠφανίζατε), from which it would have been possible to learn the truth about everything, but you manifestly (φαίνεσθε) never say the same things about one another.”<sup>74</sup> The guardians' blatant inability to keep their story straight becomes evidence, standing in for the missing will.

With this summary of the guardians' schemes, Demosthenes' strategy of bringing the jury into the family circle so that they can “know precisely” comes to completion. Over the course of the first speech, Demosthenes' use of visibility language was complemented by the depositions of witnesses that are scattered plentifully throughout the speech. As documents both seen and heard in the trial setting, depositions provide the link between the audio and visual. Mirhady observes that Demosthenes' “devotion to the use of documentary evidence is clear throughout” the speeches prosecuting his guardians.<sup>75</sup> In the second speech, he gathers the depositions and has them read one after the other with the explicit intention of reminding

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<sup>72</sup> Johnstone 2003: 248.

<sup>73</sup> §9: ἂ φανερώς ὅτι διηρόπακατ' ἐξελεγχόμενοι τοιαῦτα πλάττεσθαι τολμάτε.

<sup>74</sup> §10: τὴν μὲν διαθήκην ἠφανίζατε, ἐξ ἧς ἦν εἰδέναι περὶ πάντων τὴν ἀλήθειαν, φαίνεσθε δ' οὐδέποτε ταῦτα περὶ ἀλλήλων λέγοντες.

<sup>75</sup> Mirhady 2000: 187.



(μνησθέντες) the jury of what they have already heard so that they can know more precisely (ἀκριβέστερον) about what happened.<sup>76</sup> The absent will has given way to the present depositions as the means of making the jury know “more precisely.” One by one, the depositions are read, no longer giving the jury new information but instead reminding them of what they already know. They are now those who know: the depositions only confirm their presence in the circle of knowledge.

The depositions fall away, each leaving behind a tableau of theft and betrayal. Demosthenes uses the now-shared memories to draw the jury into the past. Now precisely acquainted with the facts, they are invited into the inner family circle. After the depositions, Demosthenes wheels out the rhetorical *ekkyklema*, revealing a scene of heightened intimacy: his father on his deathbed at the moment he entrusted his wife and children to the guardians. In this scene, the language of visibility which has foreshadowed this moment of intense vividness gives way to a language of tactility, proximity, and the body (§§15-16):

ὁ γὰρ πατήρ, ὃ ἄνδρες δικασταί, ὡς ἤσθετο τὴν νόσον οὐκ ἀποφευξόμενος, συγκαλέσας τούτους τρεῖς ὄντας, καὶ συμπαρακαθισάμενος Δήμωνα τὸν ἀδελφόν, τὰ σώμαθ' ἡμῶν εἰς τὰς χείρας ἐνέθηκε παρακαταθήκην ἐπονομάζων, τὴν μὲν ἀδελφὴν Δημοφῶντι καὶ δύο τάλαντα προῖκα διδοὺς εὐθύς, καὶ γυναῖκ' αὐτῷ ταύτην ἐγγυῶν, ἐμὲ δὲ πᾶσι κοινῇ μετὰ τῶν χρημάτων παρακατατιθέμενος, καὶ ἐπισκήπτων μισθῶσαί τε τὸν οἶκον καὶ διασῶσαί μοι τὴν οὐσίαν, διδοὺς ἅμα Θηριππίδῃ τε τὰς ἑβδομήκοντα μνᾶς, καὶ τούτῳ τὴν τ' ἐμὴν μητέρα' ἐγγυῶν ἐπὶ ταῖς ὀγδοήκοντα μναῖς, κάμ' εἰς τὰ τούτου γόνατα τιθείς.

My father, men of the jury, when he sensed that he would not escape his sickness, called together these three men, and seating his brother Demon right next to them, he placed our bodies into their hands, calling us a deposit. He gave my sister to Demophon with two talents as dowry on the spot and pledged her as his wife; he entrusted me to all in common along with the money and enjoined them to rent the estate and preserve the property for me; at the same time, he gave Therippides seventy minas and pledged my mother to this man (Aphobos) as a wife with a

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<sup>76</sup> §10: Λαβὲ δὴ τὰς μαρτυρίας καὶ ἀνάγνωθ' αὐτοῖς πάσας ἐφεξῆς, ἵνα μνησθέντες καὶ τῶν μεμαρτυρημένων καὶ τῶν εἰρημένων ἀκριβέστερον γιγνώσκωσι περὶ αὐτῶν.

dowry of eighty minas, and he placed me on his knees.

The vocabulary used to sketch out this tableau features multiple compounds, forms of τίθημι, and body parts. The prefix συν- of συνκαλέσας evokes the intimacy that the elder Demosthenes is trying to forge; seating his brother down (κατα-), next to (παρὰ-), and together with (συν-) them adds to the sense of proximity and familiarity. The σώματα of the children refers both to their civic persons and to their actual bodies, with the repetition of ἐνέθηκε and τιθείς conflating the legal and the physical. While metaphorically entrusting them as legal entities into the guardianship of the three men, he is simultaneously handing their vulnerable bodies over as well. The technical term παρακαταθήκη, “a deposit entrusted to one’s care,” and its cognate verb form also resonates with the loaded language of this scene. Its prefixes παρὰ- and κατα- echo those of συμπαρακαταθισάμενος and its root, from τίθημι, reflects the physicality embedded in the metaphor of legal trust. The children are equated with a legal trust; their bodies vibrate between physical and symbolic. The compound διασώσαι links the body of young Demosthenes with the estate; the prefix δια- gives the sense of “through time,” the duration of the guardians’ responsibility to keep the house (δια-οικέω) safe for Demosthenes, and vice versa.<sup>77</sup> This passage’s inclusion of the guardians’ hands (χειρᾶς) and Aphobos’ knees (γόνατα) further blur the separation between body, person, and estate: when the Demosthenes describes his father placing his children’s bodies into the guardians’ hands, this is both metaphor and not; by placing his son on Aphobos’ knees, the elder Demosthenes is drawing on scenes of supplication, submission, and sacred offering.

The theme of visibility developed over the course of the two speeches leads to this intensely vivid scene, featuring the revelation of the domestic interior and the conflation of

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<sup>77</sup> Forms of διοικέω appear at 27.5, 19, 22, 48 (twice), 50, 60, 64, 66, and 28.12.

young Demosthenes' body with his legal person. The threat to the child's wellbeing has been made apparent by the arguments and depositions showing the guardians' mistreatment. In the scene from the past, the young Demosthenes' life and livelihood are tied up in the ambiguity of the σῶμα, the fragility of the deposit. At that time, the outcome was undetermined, but the jury watching the scene unfold from the perspective of the present day now knows what happened in the intervening years. The estate, entrusted like an offering to the guardians along with the children's bodies, was systematically and manifestly dismantled and disappeared, earning Aphobos the epithet "unholiest of all men."<sup>78</sup>

Demosthenes juxtaposes the scene in the past, in which his young self was passed into the hands of the guardians who would squander his inheritance, with a parallel situation taking place in the present. When he had initiated his prosecution against the guardians, they retaliated by getting a friend, Thrasylochos (brother of the infamous Meidias), to file an *antidosis* against Demosthenes. The *antidosis*, which I discuss in my introduction, was a legally sanctioned way to compel others to expose the inside of their homes. It was a way of attempting to open up the doors, making private property visible to the community and ensuring honest possession.<sup>79</sup>

Since the guardians knew that Demosthenes could not afford to pay for a liturgy, they assumed that he would agree to the property exchange. This, they believed, would ensure that Demosthenes would give up his claims against them along with the estate. At first, Demosthenes agreed to the *antidosis* but refused to let Thrasylochos enter his property in order to determine its

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<sup>78</sup> §16: ὁ πάντων ἀνθρώπων ἀνοσιώτατος

<sup>79</sup> "The inventory that takes place during an *antidosis* is termed an *apophasis*, or 'revelation,' in an effort to make one's 'invisible' (*aphanês*) property visible. The choice of language betrays an anxiety about whether all of a citizen's property can ever fully be seen at one time, and whether, as a consequence, one's *oikos* can be fully opened to surveillance or inventoried from inside out" (Purves 2010: 212-213).

value.<sup>80</sup> His intention was to force Thrasylochos to file for a *diadikasia*, a trial that would determine whose estate was worth more. This strategy was unsuccessful—as we learn in Demosthenes 21 *Against Meidias*, it was at this point that Meidias and his brother violently broke into Demosthenes’ home.<sup>81</sup> In the current speech, Demosthenes leaves out this incident and instead explains to the jury that, since the trials against the guardians were quickly approaching, he mortgaged his estate and ended up paying for the liturgy himself.

While in *Against Meidias* Demosthenes depicts a scene of a violent entry into his house, in *Against Aphobos II* he invites the jury to visualize an intimate scene within the house. In his narration of the tender scene from his childhood, Demosthenes ties together his body, legal person, and the estate—each, the jury knows, subsequently victimized by the guardians. He explicitly brings the guardians’ past mistreatment together with his present suffering: “Have I not been greatly wronged from the beginning (ἐξ ἀρχῆς), and am I not being greatly harmed by them now (νῦν) that I am seeking justice?”<sup>82</sup> In the present, he mentions the threat of the *antidosis* to show how vulnerable the guardians have made both the estate and his person. Since he had to take out a mortgage, he will be unable to pay the court fees should the jury decide in Aphobos’ favor. Should this happen, he would be not only impoverished but also disenfranchised, deprived of his citizen status.<sup>83</sup> Thus, as in the scene from the past, his legal person is in a delicate position.

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<sup>80</sup> “At an early phase of the process, the competing parties could inspect one another's property and even seal buildings to prevent the siphoning off of wealth” (Christ 1998a: 534).

<sup>81</sup> This passage is described in the introduction at pp. 26-27.

<sup>82</sup> §18: ἀρ’ οὐ μεγάλα μὲν ἐξ ἀρχῆς ἠδίκημαι, μεγάλα δ’ ὅτι δίκην ζητῶ λαβεῖν, νῦν ὑπ’ αὐτῶν βλάπτομαι;

<sup>83</sup> §21: καὶ πρὸς ἡτιμωμένον. If Demosthenes were to lose the case, he would have to pay the *epōbelia*, a penalty of one-sixth the amount he was demanding from Aphobos. Since Demosthenes would not be able to pay the *epōbelia* (100 minas), he would be punished with disenfranchisement (*atimia*) and become a state debtor. Cf. 27.67.

Demosthenes finally appeals to the jury on two grounds. First, he calls on them to stand in for the relatives that the guardians have failed to act as: “Save me, pity me, since my adversaries, though they are my relatives (συγγενείς), have no pity!”<sup>84</sup> He calls for the jury to feel pity on behalf of their own children and wives, and of his own mother and sister, combining each juror’s feelings for his own family with a sense of civic family feeling.<sup>85</sup> Second, he uses his father’s dutiful performance of civic duties and his own gratitude to make an *eikos* argument predicting his own future generosity, should the jury vote in his favor, in comparison with Aphobos’ underhanded behavior (§24):

ὦν ἐνθυμουμένους χρῆ ποιήσασθαι τιν’ ἡμῶν πρόνοιαν, εἰδότας ὅτι ἐγὼ μὲν τὰμαυτοῦ δι’ ὑμῶν κομισάμενος, εἰκότως λητουργεῖν ἐθελήσω, χάριτας ὀφείλων ὅτι μοι δικαίως ἀπέδοτε τὴν οὐσίαν, οὗτος δ’, ἐὰν αὐτὸν ποιήσητε τῶν ἐμῶν κύριον, οὐδὲν ποιήσει τοιοῦτον. μὴ γὰρ οἴεσθ’ αὐτόν, ὑπὲρ ὧν ἤρνηται μὴ λαβεῖν, ὑπὲρ τούτων ὑμῖν λητουργεῖν ἐθελήσειν, ἀλλ’ ἀποκρύψεσθαι μᾶλλον, ἵνα δικαίως ἀποπεφευγῆναι δοκῆ.

Thinking on these things it is necessary for you to have foresight on my behalf, knowing that I (if I recover what is mine, thanks to you) will naturally be willing to pay for liturgies, being grateful because you justly returned my property to me. But *he*, if you put him in charge of my property, will do nothing of the sort. Don’t think that he will want to pay for liturgies using money he denies he received—instead he will hide it away, so that it seems like he’s been acquitted justly.

The elder Demosthenes’ dutiful fulfillment of liturgies is paired with his son’s gratitude to the jury, both ensuring that the younger Demosthenes will naturally (εἰκότως) do his part on behalf of the city. The double appearance of δικαίως summarizes Demosthenes’ strategy throughout the entirety of the two speeches: his own version of justice involves visible and willing adherence to socially appropriate behavior—his δικαίως appears in a ὅτι clause, not contingent

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<sup>84</sup> §20: σώσατ’, ἐλεήσατε, ἐπειδὴ μ’ οὗτοι συγγενείς ὄντες οὐκ ἤλεσαν.

<sup>85</sup> §20-21: ἱκετεύω, ἀντιβολῶ πρὸς παίδων, πρὸς γυναικῶν, πρὸς τῶν ὄντων ἀγαθῶν ὑμῖν. οὕτως ὄναισθε τούτων, μὴ περιίδητέ με, μηδὲ ποιήσητε τὴν μητέρα καὶ τῶν ἐπιλοίπων ἐλπίδων εἰς τὸν βίον στερηθεῖσαν ἀνάξιον αὐτῆς τι παθεῖν· ἢ νῦν μὲν οἶεται τυχόντα με τῶν δικαίων παρ’ ὑμῖν ὑποδέξεσθαι καὶ τὴν ἀδελφὴν ἐκδώσειν.

on any plotting. Aphobos' δικαίως appears in a ἵνα clause, a result of his concealment and deceit. The speech ends with this final assessment of the possible outcomes of the jury's decision.

Over the course of the two speeches, Demosthenes employs a consistent strategy to contrast himself and his father with the guardians, thematizing visibility and invisibility to drive home the differences between the two parties. Visibility is tied to knowledge, which in turn derives from familial intimacy. The boundaries of knowledge have an important role to play in the classification of *phanera* and *aphanēs ousia*. As Johnstone demonstrates, it is an individual's network of friends that ensures that his "invisible" property remains that way; the process of making property visible results in the transfer of trust from a small group of intimate friends to the public as a whole. In the same way, the rupture in the ethical space of familial intimacy leads directly to family cases being brought to court, because if the case is unable to be solved by family members it will be brought to arbitration and then before the jury. This means that a group of strangers will be trying to resolve family problems without knowing the circumstances as well as those involved. It becomes the speaker's job to make the jury as knowledgeable of the situation as the family members are—to invite them into the *oikos* in place of the opposing party, who have lost their place in the *oikos* due to violating standards of appropriate behavior among family members. Demosthenes invites the jury in by vividly describing the scene in which he was entrusted to the guardians—a private interior scene in which the body of the child becomes conflated with the estate, legally and physically at risk.

The significance of this scene and the centrality of the vulnerable body are indicated in the course of *Against Aphobos I* by Demosthenes' use of vocabulary etymologically or literally connected to body parts, the hands and head. As I have argued, thematic subtext is created by

layering related terms to build up a verbal environment where regular words take on supercharged significance. The language of Greek law is everyday language—when words are employed in a legal capacity, they do not completely cast off their more common denotation.<sup>86</sup> In financial matters, the term for “capital” is κεφάλαιον, which comes from κεφαλή, “head.” This word also has the rhetorical meanings of “in total” or “in summary.”<sup>87</sup> Although not an uncommon word, in no other of Demosthenes’ speeches does it appear as consistently as in his first speech against Aphobos. Similarly, two verbs containing the root χεῖρ, “hand,” appear at significant moments: ἐγχειρίζω, “entrust,” and διαχειρίζω, “manage.”<sup>88</sup> These two words, the former used to describe the elder Demosthenes’ faith in the guardians’ trustworthiness, the latter reflecting the guardians’ utter failure to do their job, perfectly frame Demosthenes’ situation. He began his speech by describing the background to the case: his father was looking after him when he handed over (ἐνεχείρισεν) everything to the three guardians, who were relatives and friends from childhood.<sup>89</sup> In turn, the guardians took what was originally left them, took care of (διαχειρίσαντες) the rest of the estate, acted as guardians for ten years, and stole all the rest of the property.<sup>90</sup> Instead of marrying Kleoboule or providing maintenance for her by renting the estate, Aphobos decided to manage (διαχειρίζειν) the estate with the other guardians—this resulted in Kleoboule taking shelter at her brother-in-law Demochares’ house, to his

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<sup>86</sup> “The laws were passed by an assembly of ordinary citizens. As a result there is a marked absence of specifically legal terminology.” (Carey 2007: 178)

<sup>87</sup> κεφάλαιον “summary”: §§1, 58 “total”: §§11, 24; “capital”: §§10, 62, 64

<sup>88</sup> ἐγχειρίζω: §§4, 55; διαχειρίζω: §§6, 15

<sup>89</sup> §4: βουλευσάμενος δὲ περὶ ἡμῶν, ὅτ’ ἐμελλε τελευτᾶν, ἅπαντα ταῦτ’ ἐνεχείρισεν Ἀφόβῳ τε τούτῳ καὶ Δημοφῶντι τῷ Δήμωνος υἱεῖ, τούτων μὲν ἀδελφιδῶν ὄντων, τῷ μὲν ἐξ ἀδελφοῦ, τῷ δ’ ἐξ ἀδελφῆς γεγονότων, ἔτι δὲ Θηριπίδῃ τῷ Παιανιεῖ, γένει μὲν οὐδὲν προσήκοντι, φίλῳ δ’ ἐκ παιδὸς ὑπάρχοντι.

<sup>90</sup> §6: λαβόντες δ’ οὗτοι ταῦτα πρῶτον σφίσιν αὐτοῖς ἐκ τῶν χρημάτων, καὶ τὴν ἄλλην οὐσίαν ἄπασαν διαχειρίσαντες, καὶ δέκ’ ἔτη ἡμᾶς ἐπιτροπέυσαντες, τὰ μὲν ἄλλα πάντ’ ἀπεστερήκασιν.

displeasure.<sup>91</sup> Finally, when disputing Aphobos' claim that four talents had been left with Kleoboule, Demosthenes argues that his father would not have handed over (ἐνεχείρισεν) the majority of his estate to them while keeping part of it hidden, if he trusted them.<sup>92</sup> The implication of the last quotation is that, truly, his father should not have entrusted anything to the guardians, and his faith in the guardians' loyalty was tragically misplaced. This vocabulary saturates the speech with hints of body parts, thematically reflecting a conflation of body and property. The guardians, expected to take care of the children's persons as well as their inheritance, failed in affection and in duty.

In *Against Aphobos I and II*, Demosthenes narrates his guardians' crimes using the language of visibility and invisibility, helping the jury visualize the guardians' dishonesty and ineptitude for themselves. This thematic development leads to the narration of the vignette between the elder Demosthenes and the guardians. By drawing the jury's attention to the vulnerable body of himself as a child and calling on the jury to remember their own children, Demosthenes stirs up an empathy drawn from the home feeling. As in the examples discussed in my previous chapter, the domestic interior can play a significant affective role in forensic rhetoric. In the speeches against Aphobos, the child's body—handed over to the man who will betray him in the house he will soon be forced to leave—is a reminder of the defenselessness of children. As a child, Demosthenes did not yet have the rights of an adult male citizen, and his legal person was at the mercy of his treacherous guardians. As an adult, he calls on the jury, equals under the democracy, to right the injustice once inflicted on his vulnerable body.

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<sup>91</sup> §15: οὐ γὰρ διδόντος τούτου σίτον τῇ μητρὶ, τὴν προικ' ἔχοντος, οὐδὲ τὸν οἶκον μισθοῦν ἐθέλοντος, ἀλλὰ μετὰ τῶν ἄλλων ἐπιτρόπων διαχειρίζειν ἀξιούντος, ἐποιήσατο λόγους περὶ τούτων ὁ Δημοχάρης.

<sup>92</sup> §55: εἰ δ' ἐπίστευεν, οὐκ ἂν δήπου τὰ μὲν πλείστ' αὐτοῖς τῶν χρημάτων ἐνεχείρισεν, τῶν δ' οὐκ ἂν κυρίους ἐποίησεν.



## Lysias 12: *Against Eratosthenes*

Lysias 12, *Against Eratosthenes*, was delivered by the orator himself against one of the members of the oligarchic Thirty Tyrants who had ruled Athens in 404/403.<sup>93</sup> When the Thirty were in power, according to Lysias, they came up with a plot to make money by arresting ten metics, a mixture of poor and rich to disguise their motives. Among the chosen metics were Lysias and his brother Polemarchos; Lysias was able to escape, but Polemarchos was arrested by Eratosthenes and taken to prison, where he was forced to drink hemlock and died. The speech is bifurcated: the first third is deeply personal, a poignant evocation of Lysias' and his brother's misfortune, while the remainder is a fiery indictment of the Thirty.<sup>94</sup> The bodily danger the vulnerable, desperate brothers find themselves in is reflected back in the perilous position of the body politic, the wounded *plēthos* Lysias is seeking to avenge. Tying together bodily violence, the violation of interior space, and endangered democracy, this speech embodies the slogan "the personal is political."

Throughout the speech, Lysias uses rhetorical antitheses to vividly juxtapose the brothers' suffering—as well as the democracy's—and the Thirty's savage greed. This strategy

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<sup>93</sup> On this speech: Blass 1887-1898: 1.540-550, Jebb 1893: 1.256-264, Adams 1970: 43-128, Usher in Edwards and Usher 1985: 235-252, Edwards 1999: 85-116, Todd 2000: 113-136, and Phillips 2004: 24-40 provide background and commentary. On the question of whether Eratosthenes, member of the Thirty, is the same Eratosthenes as the victim of Euphiletos in Lysias 1, Avery (1991) follows Kirchner (1901-3) in claiming they are identical due to the rareness of the name. On the other, more likely, hand, Davies (1971) points out that the lack of political content in Lysias 1 makes the identification unlikely, as it would have helped Euphiletos' case to at least allude to his victim's past crimes, and Kapparis (1993) adds that the ancient *vitae* of Lysias would surely have mentioned if he had defended the killer of his former opponent. On the question of whether Lysias, as a metic, would have been able to speak on his own behalf, Hanson 1991: 118 concludes that there was no reason to doubt that Lysias did deliver the speech.

<sup>94</sup> The text of the speech does not make it clear what the charge is, but contextual clues, especially the amount of time spent on the actions of the Tyrants rather than on Eratosthenes specifically strongly suggests that the circumstances of this speech are at the *euthynai* of Eratosthenes, when he made an account of his actions while in power as a member of the Thirty (Todd 2000: 113-114; Phillips 2008: 154-156).

appears immediately in the first sentence, as Lysias invokes the crimes of his opponent without specifically naming the charge (§1):

οὐκ ἄρξασθαί μοι δοκεῖ ἄπορον εἶναι, ὧ ἄνδρες δικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι· τοιαῦτα αὐτοῖς τὸ μέγεθος καὶ τοσαῦτα τὸ πλῆθος εἴργασται, ὥστε μήτ' ἂν ψευδόμενον δεινότερα τῶν ὑπαρχόντων κατηγορήσαι, μήτε τᾶληθῆ βουλόμενον εἰπεῖν ἅπαντα δύνασθαι, ἀλλ' ἀνάγκη ἢ τὸν κατήγορον ἀπειπεῖν ἢ τὸν χρόνον ἐπιλιπεῖν.

I find myself having no trouble beginning my accusation, men of the jury, but I find myself having trouble in bringing my speech to a stop. They have done things so great in magnitude and so many in number that even someone lying could not come up with accusations more terrible than the existing crimes, nor could someone wanting to tell the truth be able to say everything. The accuser must either get tired out, or time must run out.

Between starting and stopping, between lying and telling the truth, exists a vast expanse whose size can only be expressed by the measureless τοιαῦτα and τοσαῦτα, which introduce a familiar result clause (cf. my discussion of the openings of Isaeus 1 and Isocrates 19). The antitheses function in both sense and assonance (ἄρξασθαι/παύσασθαι, ψευδόμενον/τᾶληθῆ βουλόμενον εἰπεῖν), giving Lysias' claim a feeling of naturalness or inevitability, while the gap created by their opposition constitutes a shapeless but immense field of ethical space. No specifics are mentioned, no names named—instead, Lysias evokes a sense of absolute evil, unable to be contained in a speech, for which words and time are either exhausted or insufficient (another antithesis: ἀπειπεῖν/ἐπιλιπεῖν). Yet the crimes are oddly passive: they “have been done,” with the agent αὐτοῖς tucked away at a distance from its verb. By separating the deeds from the doer, Lysias almost gives the sense that the current speech is not only an indictment of Eratosthenes or the Thirty, but also of crime itself. This will allow him later to generalize from Eratosthenes' treatment of Polemarchos to the Thirty's abuse of the body politic.

Another antithesis separates the present situation even further from expected behavior. Lysias observes that the present method of persuasion is opposite (τοῦναντίον) what used to be

done in the past: *then*, it was incumbent on the accusers to demonstrate the defendants' enmity (ἔχθραν), but *now* it is necessary to learn from the defendants about the personal enmity (ἔχθρα) towards the city that made them commit such (τοιαῦτα) crimes against it.<sup>95</sup> In Athenian law, personal enmity was a familiar and often requisite ingredient in prosecuting a case—to go to court unmotivated by personal reasons could lead to suspicion of sycophancy.<sup>96</sup> As Christ points out, Lysias' strategy “deftly turns on its head the convention that a volunteer prosecutor should explain the source of his personal enmity with the defendant.”<sup>97</sup> The reversal brought about by the actions of the Thirty puts Lysias, as prosecutor, into the role of defender of the city.

Lysias repeatedly conflates his personal experiences with the city's, blurring the lines between personal and political enmity.<sup>98</sup> Although the first third of the speech focuses on his own experiences, he insists that the purpose of his prosecution is to address the public and private enmity felt by all (§2):

οὐ μέντοι ὡς οὐκ ἔχων οἰκειίας ἔχθρας καὶ συμφορὰς τοὺς λόγους ποιούμεαι, ἀλλ' ὡς ἅπασι πολλῆς ἀφθονίας οὔσης ὑπὲρ τῶν ἰδίων ἢ ὑπὲρ τῶν δημοσίων ὀργίζεσθαι.

I am not making this speech because I don't have personal hatred and misfortunes, but because of the great abundance of anger we all feel for private or public reasons.

As Wohl points out, the people's abundance (ἀφθονία) of reasons to be angry picks up on and

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<sup>95</sup> §2: τοῦναντίον δέ μοι δοκοῦμεν πείσεσθαι ἢ ἐν τῷ πρὸ τοῦ χρόνῳ. πρότερον μὲν γὰρ ἔδει τὴν ἐχθραν τοὺς κατηγοροῦντας ἐπιδείξαι, ἥτις εἴη πρὸς τοὺς φεύγοντας· νυνὶ δὲ παρὰ τῶν φευγόντων χρεὶ πυνθάνεσθαι ἥτις ἦν αὐτοῖς πρὸς τὴν πόλιν ἐχθρα, ἀνθ' ὅτου τοιαῦτα ἐτόλμησαν εἰς αὐτὴν ἐξαμαρτάνειν. On the paradox of feeling personal enmity against the *polis*, Phillips writes that “Lysias conflates the personal and specific *echthra* between himself and Eratosthenes with a general dispute pursued by the Thirty (including Eratosthenes) against the Athenian people (including not only the metic Lysias but also, and crucially, every member of the citizen jury) (2008: 157).

<sup>96</sup> On *echthra* in the Attic courts: Rhodes 1996: 24-26 and 1998: 144-161; Todd 1998:162-169; Phillips 2008: 15-29; Alwine 2015.

<sup>97</sup> Christ 1998b: 156.

<sup>98</sup> Murphy 1989: 41 n. 5.

reflects the “lack of a lack of means” (οὐκ...ἄπορον) with which the proem began: “The roads (*poroi*) of prosecution open in all directions before him, and there is nothing to block them or stop him: this is his *aporia*, an infinity of paths that lead only in circles” (Wohl 2000: 228). But an unbounded overflow of anger is not prosecutable, and so it is his personal (*οἰκείας*) enmity through which Lysias must refract his case.

The etymological meaning of the adjective *οἰκείας* signals one of the threads that twine throughout the speech: the Thirty’s violation of the private home as a symptom of their impiety. The narrative portion of the speech begins by contrasting Lysias’ family, who lived under the democracy in such a way (§4: οὕτως ὠκοῦμεν δημοκρατοῦμενοι) that they neither committed crimes against others nor were wronged by them, with the Thirty’s corrupt and slanderous (§5: πονηροὶ καὶ συκοφάνται) regime. The quiet, democratic household is confronted with the overreaching and greedy oligarchy. He tells how the Thirty decided to arrest ten metics (eight of whom were rich) on the “very attractive pretext” (§6: καλλίστην... πρόφασιν) that they were hostile to the government, after which they divided up their houses and went on their way.<sup>99</sup> Lysias’ narrative of the arrest reveals the extent of Thirty’s violation of his home: he was arrested while entertaining guests; the Thirty drove the guests out and handed Lysias over to Peison, one of the Thirty.<sup>100</sup> The Athenian house was considered inviolable, a space safe from city intervention.<sup>101</sup> Not only did the Thirty enter his house to arrest him, which was ideologically if not legally illicit, but they threw out his guests, violating the religious custom of *xenia*.

It is characteristic of the Thirty’s impiety that they value money far more than human life.

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<sup>99</sup> §8: διαλαβόντες δὲ τὰς οἰκίας ἐβάδιζον

<sup>100</sup> §8: καὶ ἐμὲ μὲν ξένους ἐστιῶντα κατέλαβον, οὓς ἐξέλασαντες Πείσωνί με παραδιδόασιν.

<sup>101</sup> MacDowell 1989, Christ 1998a, Roy 1999, Lanni 2015.

Of their plan to kill the metics, Lysias notes that “they thought nothing of killing humans, but they thought everything of taking money.”<sup>102</sup> The assonance of this antithesis (περὶ οὐδενός... περὶ πολλοῦ) makes it almost proverbial, a political slogan. This generalization is made particular after Lysias’ arrest, when he offers to pay Peison to let him go and Peison agreed, provided Lysias pay a lot of money.<sup>103</sup> Peison’s venality is paired with his impiety: Lysias knows Peison esteemed neither gods nor humans but promises him a talent in exchange for Peison’s help, and Peison swears destruction upon himself and his son if he fails him.<sup>104</sup> Whether Peison is sincere or not is unclear, since he hands Lysias over to Melobios and Mnesitheides and Lysias escapes before Peison returns.

Lysias maps the victimization of the body onto the domestic spaces through which he moves, recalling Isocrates’ description, in the passage discussed at the opening of this chapter, of the body as *oikeiotaton*. These spaces act as the backdrop to the tragedy he is narrating, rounding out the violent greed of the Thirty with violation and penetration (§11):

εἰσελθὼν εἰς τὸ δωμάτιον τὴν κιβωτὸν ἀνοίγνυμι. Πείσων δ’ αἰσθόμενος εἰσέρχεται, καὶ ἰδὼν τὰ ἐνόντα καλεῖ τῶν ὑπηρετῶν δύο, καὶ τὰ ἐν τῇ κιβωτῷ λαβεῖν ἐκέλευσεν.

Going into my bedroom, I opened my chest. Peison saw it and went in, and when he saw what was inside he called two of his assistants and ordered them to take what was inside the chest.

Peison enters his house, then his bedroom, and then the chest in his bedroom—transgressing as far into Lysias’ personal space as he could. De Bakker comments on Lysias’ use of space to

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<sup>102</sup> §7: ἀποκτινύναι μὲν γὰρ ἀνθρώπους περὶ οὐδενός ἡγοῦντο, λαμβάνειν δὲ χρήματα περὶ πολλοῦ ἐποιοῦντο.

<sup>103</sup> §§8-9: ἐγὼ δὲ Πείσωνα μὲν ἡρώτων εἰ βούλοιτό με σῶσαι χρήματα λαβῶν. ὁ δ’ ἔφασκεν, εἰ πολλὰ εἶη.

<sup>104</sup> §§9-10: ἠπιστάμην μὲν οὖν ὅτι οὔτε θεοὺς οὔτ’ ἀνθρώπους νομίζει, ὅμως δ’ ἐκ τῶν παρόντων ἐδόκει μοι ἀναγκαιότατον εἶναι πίστιν παρ’ αὐτοῦ λαβεῖν. ἐπειδὴ δὲ ὤμοσεν, ἐξώλειαν ἑαυτῷ καὶ τοῖς παισὶν ἐπαρώμενος, λαβῶν τὸ τάλαντόν με σῶσειν

evoke character: “The spatial details in this narrative are used for the purpose of *ethopoia* and illustrate the brutality of the Thirty, who in their looting had no scruples about entering private rooms.”<sup>105</sup> The language of interiority (εἰσελθῶν, εἰσέρχεται, ἐνόντα, τὰ ἐν τῇ κιβωτῷ) also reflects Lysias’ vulnerability. He has no shell, no walls can protect him from hostile incursions. This vulnerability is emphasized when, after Peison has appropriated three talents, five hundred gold coins, and four silver dishes, Lysias begs him to let him have some money for the road. In response, Lysias tells the jury, “he told me I should be happy if I survived with my life (lit. if I preserved my body).”<sup>106</sup> Peison’s dismissal is a third reminder that the Thirty value money more than human life. The folk etymology evoked by the phrase σώμα σώσω emphasizes that Lysias is being deprived of the body’s autonomy, directed towards death without the corporal protection of citizenship.

The focus on physical space and movement continues as Lysias and Peison leave the house, Lysias drawing closer and closer to imprisonment or death (§12):

ἔξιουσιν δ’ ἐμοὶ καὶ Πείσωνι ἐπιτυγχάνει Μηλόβιος τε καὶ Μνησιθείδης ἐκ τοῦ ἐργαστηρίου ἀπιόντες, καὶ καταλαμβάνουσι πρὸς αὐταῖς ταῖς θύραις, καὶ ἐρωτῶσιν ὅποι βαδίζομεν· ὁ δ’ ἔφασκεν εἰς [τὰ] τοῦ ἀδελφοῦ τοῦ ἐμοῦ, ἵνα καὶ τὰ ἐν ἐκείνῃ τῇ οἰκίᾳ σκέψηται. ἐκείνον οὖν ἐκέλευον βαδίζειν, ἐμὲ δὲ μεθ’ αὐτῶν ἀκολουθεῖν εἰς Δαμνίππου. Πείσων δὲ προσελθὼν σιγὰν μοι παρεκελεύετο καὶ θαρρεῖν, ὡς ἤξων ἐκεῖσε. καταλαμβάνομεν δὲ αὐτόθι Θεόγνιν ἐτέρους φυλάττοντα· ᾧ παραδόντες ἐμὲ πάλιν ὄχοντο.

As Peison and I were coming out, Melobios and Mnesitheides ran into us as they were leaving the workshop, and they reached us right at the doors and asked where we were going. He said he was going to my brother’s so he could also see the things he had in that house. They told him to go, and me to follow them to Damnippos’. Peison came forward and told me to keep quiet and stay brave, because he would come to that place. We encountered Theognis in the same place, guarding some others. They handed me over to him and went away again.

<sup>105</sup> de Bakker 2012a: 390.

<sup>106</sup> §12: ὁ δ’ ἀγαπήσειν με ἔφασκεν, εἰ τὸ σώμα σώσω.

The narrative follows Lysias and reintroduces the other members of the Thirty who had previously gone into the workshops to count the slaves. As the two groups move toward each other, both moving from inside to outside (ἐξιούσι, ἀπιόντες), they meet right at the doors (πρὸς αὐταῖς ταῖς θύραις). The precision of Lysias' description gives his narrative an immediacy that invites the jury to trace his footsteps, to put themselves in his place. But these movements do more than add vivid details: Lysias and Peison's outward movement reverses the trajectory of the earlier passage, signalling the completion of the violation. Far from being safe in his own house, Lysias has been robbed and dragged from his home. The doors represent his transition from freedom to imprisonment as he and his captors come together (καταλαμβάνουσι). By using the same verb used earlier of the initial break-in (§8: κατέλαβον), Lysias emphasizes the inevitability of his situation, which is underlined by the third appearance of the verb (καταλαμβάνομεν) upon their arrival at Damnippus' house.

The repetition of the verb “to go” (§8: ἐβάδιζον, §12: βαδίζοιμεν and βαδίξειν, with προσελθών, ἤξων and ὄχοντο) evokes the Thirty's constant busy movement as they insinuate themselves throughout the city. Their influence spreads as the four men scatter, Peison to repeat the act of violation on Polemarchos' possessions (τὰ ἐν ἐκείνῃ τῇ οἰκίᾳ), and Lysias to follow (ἀκολουθεῖν) his new captors. As they part ways, Peison promises to find Lysias at Damnippus' and make good on his promise. The movement toward the house is effected by the transition from the distal ἐκεῖσε to the proximate αὐτόθι.

Lysias' spatial specificity sketches a map of his victimization as he is dragged from place to place. His movements are no longer his own; he does not even have any significance as an individual as he is passed off from one captor to another with no particular care. As he describes being dragged from freedom within his own house to being a captive in another's, Lysias makes

the jury feel in their own bodies the push and pull of being under another person's control.<sup>107</sup> The players in this legal drama were among the wealthiest in Athens—their houses would be known to many members of the jury. Some would know the streets taken by Melobios and Mnesitheides from Lysias' house to Damnippos'. Those who spent time in Peiraius would know the route from Lysias' house to Polemarchos', the path followed by Peison in another direction. These streets were part of their daily lives, the houses they passed regularly. To empathize with Lysias, to put themselves in his position, would be to experience an uncanny inversion of their accustomed freedom. This was life under the Thirty Tyrants: the body protected by the democracy was no longer safe. Though Lysias was a metic, belonging to a population which was not guaranteed body autonomy under the democracy, he was still a person in the city, a known member of society.

The fact that he was now being held captive in a personal house underlines the inversion of social order, as Lysias reminds his captor Damnippos (§14):

καλέσας δὲ Δάμνιππον λέγω πρὸς αὐτὸν τάδε, “ἐπιτήδειος μὲν μοι  
τυγχάνεις ὄν, ἤκω δ' εἰς τὴν σὴν οἰκίαν, ἀδικῶ δ' οὐδέν, χρημάτων δ'  
ἔνεκα ἀπόλλυμαι. σὺ οὖν ταῦτα πάσχοντί μοι πρόθυμον παράσχου τὴν  
σεαυτοῦ δύναμιν εἰς τὴν ἐμὴν σωτηρίαν.” ὁ δ' ὑπέσχετο ταῦτα ποιήσειν.

Calling Damnippos, I said to him “You are my close friend, and I have come into your house; I have not done anything wrong, and I am being killed for the sake of money. Help me in my suffering: give me your eager assistance for my freedom!” And he promised he would do so.

As we have seen, the particular intimacy that comes from being under another's roof is a powerful proof. He should be able to rely on this friendship, the memory of past encounters.

Lysias' request is initially successful, but then Damnippos, who was not a member of the

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<sup>107</sup> The jury's kinesthetic empathy may resemble that of an audience watching the movement of dancers (Reason and Reynolds 2010).



Thirty,<sup>108</sup> decides it would be better to include Theognis, one of the Thirty who would also do anything for money. Thus, under the Thirty, even an intimate and longstanding friendship loses its power in the face of the oligarchs' greed. Lysias should have been able to trust his friend, but he recognizes that the circumstances have changed: he calls his request that Damnippus help him "a risk" (κινδυνεύειν) taken only because he knew he was about to die.<sup>109</sup> If Damnippus refused, Lysias would die anyway; if Damnippus involved Theognis, Lysias would lose money that would be useless to him if he were to die. Either way, Lysias would discover whether his friendship with Damnippus still meant anything, or whether the world was so upside down that the former house of friendship had become a jail.

It is this exact dilemma that fuels Lysias' decision to escape. Although both Peison and Damnippus had sworn (§10: ὅμοσεν, §14: ὑπέσχετο) to help him escape, the promises of his captors have little weight. Lysias decides it is better to act to save himself (§§15-16):

ἐκείνου δὲ διαλεγόμενου Θεόγνιδι (ἔμπειρος γὰρ ὢν ἐτύγγανον τῆς οἰκίας, καὶ ἤδη ὅτι ἀμφίθυρος εἶη) ἐδόκει μοι ταύτη πειρᾶσθαι σωθῆναι, ἐνθυμουμένῳ ὅτι, ἐὰν μὲν λάθω, σωθήσομαι, ἐὰν δὲ ληφθῶ, ἡγούμην μὲν, εἰ Θεόγνις εἶη πεπεισμένος ὑπὸ τοῦ Δαμνίππου χρήματα λαβεῖν, οὐδὲν ἥττον ἀφεθήσεσθαι, εἰ δὲ μή, ὁμοίως ἀποθανεῖσθαι. ταῦτα διανοηθεὶς ἔφευγον, ἐκείνων ἐπὶ τῇ ἀυλείῳ θύρᾳ τὴν φυλακὴν ποιουμένων· τριῶν δὲ θυρῶν οὐσῶν, ἃς ἔδει με διελθεῖν, ἅπασαι ἀνεωργμένα ἔτυχον.

While he [Damnippus] was talking to Theognis (I happened to be familiar with the house, and knew that it had doors at the front and back) I thought I should try to save myself in this way, thinking that if I was not seen, I would be safe, but if I was caught, I thought that either Theognis would have been persuaded by Damnippus to take money and I would be released nonetheless, or I would die anyway. After I had these thoughts, I fled while they kept guard at the courtyard door. For there were three doors I had to pass through, and all of them happened to be open.

Lysias' experience with the house, gained through his former friendship with Damnippus, is

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<sup>108</sup> Usher in Edwards and Usher 1985: 239. Xenophon give the names of the Thirty at *Hellenica* 2.3.2.

<sup>109</sup> §13-14: ἐν τοιοῦτῳ δ' ὄντι μοι κινδυνεύειν ἐδόκει, ὡς τοῦ γε ἀποθανεῖν ὑπάρχοντος ἤδη.

what allows him to make his way out. Thinking over his options, he again realizes that his life stands in the balance against the greed of a tyrant. Damnippus' friendship might be of no help, despite his promise. He can only rely on his prior knowledge, a relic of the world that used to be. That, and chance, which is a constant echo throughout the speech: Lysias “happened” (ἐτύγγανον) to be familiar with the house, the doors “happened” (ἔτυχον) to be open. In the same way, Peison and Lysias “happened” (§12: ἐπτυγγάνει) to run into Melobios and Mnesitheides and Damnippus “happened” (τυγγάνεις) to be a close friend of Lysias.<sup>110</sup> Whereas Lysias should have been able to depend on friendship, a traditional Athenian value, to save him, the current political state left him with nothing but chance.

Passing through the three doors, Lysias has now escaped from the house where he is being held. The tripartite emergence is also symbolic, inverting Peison's initial penetration into Lysias' house, his room, his treasure chest. Lysias flees to the house of Archeneos the ship owner, whom he sends into the city to find out about his brother; Archeneos returns and reports that Eratosthenes has arrested Polemarchos in the street and taken him to prison. Finding this out, Lysias sails to Megara on the following night.<sup>111</sup> Archeneos is safe from the plotting of the Thirty, he is able to move into and inside the city, to gather information; in contrast, Polemarchos is incapable of even existing in public spaces and Lysias is forced to flee. As Lysias' narration of his own experiences comes to a close, he continues to pinpoint locations: εἰς Ἀρχένεω, εἰς ἄστν, ἐν τῇ ὁδῷ, εἰς τὸ δεσμοτήριον, Μέγαράδε. He removes himself from

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<sup>110</sup> The first and last examples cited here perhaps fall under the category of LSJ II.1 “freq. τυγγάνω cannot be translated at all, esp. in phrase τυγγάνω ὄν, which is simply = εἰμί,” but I think the repetition and placement of the verb does signify a degree coincidence—it was not inevitable that Lysias would have been brought to the house of a close friend, a house he knew well. Bolonyai comments that “the plain style of the author rarely permits otiose periphrases” (2007: 37).

<sup>111</sup> 16-17: ἀφικόμενος δὲ εἰς Ἀρχένεω τοῦ ναυκλήρου ἐκείνον πέμπω εἰς ἄστν, πεισόμενον περὶ τοῦ ἀδελφοῦ· ἦκων δὲ ἔλεγεν ὅτι Ἐρατοσθένης αὐτὸν ἐν τῇ ὁδῷ λαβὼν εἰς τὸ δεσμοτήριον ἀπαγάγοι. καὶ ἐγὼ τοιαῦτα πεπυσμένος τῆς ἐπιούσης νυκτὸς διέπλευσα Μέγαράδε.

the city altogether. In contrast, Polemarchos has been removed to the prison. There is no place for them in Athens: the choices are to die or to leave the city.

One metic body is saved, by chance and by escape. The other does not survive. Lysias describes his brother's execution (§17):

Πολεμάρχῳ δὲ παρήγγειλαν οἱ τριάκοντα τοῦτ' ἐκείνων εἰθισμένον  
παράγγελμα, πίνειν κώνειον, πρὶν τὴν αἰτίαν εἰπεῖν δι' ἣντινα ἔμελλεν  
ἀποθανεῖσθαι· οὕτω πολλοῦ ἐδέησε κριθῆναι καὶ ἀπολογίασθαι.

The Thirty gave Polemarchos their accustomed order, to drink hemlock, without giving the reason why he was going to die. That's how far he was from being given a trial and making a defense.

The absence of legal procedure in Polemarchos' execution is an ironic extension of Lysias' earlier claim that he, his father, and his brothers had never come to court as either prosecutor or defendant.<sup>112</sup> While under the democracy, avoiding the law courts was a virtue, under the Thirty staying far from (πολλοῦ ἐδέησε) the court means, for Polemarchos, being put to death without a trial.<sup>113</sup> Polemarchos' nonexistent trial is a mise-en-abyme of the present trial: Polemarchos can never be tried, but that does not mean that justice cannot be done. Not just Eratosthenes, who barely shows up in this narrative, but the whole regime of the Thirty is on trial.

Polemarchos' funeral is a testament to the Thirty's depredation. Although the brothers had three houses between them, Polemarchos' family was forced to rent a shack to conduct the funeral; though they had many garments, they were not permitted to use them in the burial. The Thirty now held the hundreds of shields that used to belong to Lysias and Polemarchos, as well as silver, gold, copper, jewelry, furniture, women's clothing, and one hundred twenty slaves. The contrast between Polemarchos and Lysias' former wealth and their destitution under the Thirty

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<sup>112</sup> §4: καὶ οὐδενὶ πώποτε οὔτε ἡμεῖς οὔτε ἐκεῖνος δίκην οὔτε ἐδικασάμεθα οὔτε ἐφύγομεν.

<sup>113</sup> Another example of execution without proper trial under the Thirty is found at Lysias 13.36-38.

recalls the *aporia* and *aphthonia* of the speech's proem: unlike Lysias' inability to stop prosecuting and the jury's abundance of anger, the formerly great wealth of Lysias and his brother utterly dried up under the Thirty. Lysias reminds the jury of what they once had not just to illustrate the meaningless cruelty and impiety of the Thirty but also to demonstrate the generosity of Polemarchos' friends, who donated garments and pillows for the burial, whatever each happened (*ἔτυχεν*) to have.<sup>114</sup> Again chance plays a role in the outcome, its benefaction taking the place of wealth and property. When it came to Damnippus, Lysias' memory of their friendship combined with the element of chance saved his life. For Polemarchos, too late to be saved, friendship and chance gave him the only funeral he could have.

The emotional climax of Lysias' narration of his brother's victimization comes at the end of the catalogue of the Thirty's thefts (§19):

εἰς τοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο καὶ τοῦ τρόπου τοῦ αὐτῶν ἀπόδειξιν ἐποιήσαντο· τῆς γὰρ Πολεμάρχου γυναικὸς χρυσοῦς ἐλκτῆρας, οὐς ἔχουσα ἐτύγγανεν ὅτε τὸ πρῶτον ἦλθεν εἰς τὴν οἰκίαν, Μηλόβιος ἐκ τῶν ὧτων ἐξείλετο.

They came to such a degree of greed and shameful covetousness, and they made a show of their true character: the golden spiral earrings of Polemarchos' wife, which she happened to be wearing when he first entered the house, Melobios tore them from her ears.<sup>115</sup>

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<sup>114</sup> §18: ὁ δὲ ὅ τι ἕκαστος ἔτυχεν ἔδωκεν εἰς τὴν ἐκείνου ταφήν

<sup>115</sup> The word order of this passage makes the subject of the verb *ἔλθειν* ambiguous. Wooten 1988 drew attention to the poignancy of this moment, which “would have surely evoked a strong emotional reaction from the jury” (30). Wooten's analysis took the subject of *ἔλθειν* to be Melobios. Borthwick 1990 responded to Wooten and took the wife to be the subject, supporting this interpretation with the following arguments: A) Melobios comes after the *ὅτε* clause while the wife is the subject of the clause immediately preceding, B) Peison would be more likely to seize bigger and more expensive items upon entering the house, and C) the *pathos* of wedding jewelry is greater than that of random jewelry. Bons 1993 adds to Borthwick's arguments that D) τὸ πρῶτον usually means “for the first time,” and E) the phrase *ἔλθειν εἰς τὴν οἰκίαν* could be an amalgam of the idioms *ἄγεσθαι εἰς τὴν οἰκίαν*, “to get married to someone” and *ἔλθειν παρὰ τινα* “to have sex with someone.” The most recent entry in this debate is Bolonyai 2007 who is sympathetic to Borthwick and Bons but ultimately sides with Wooten because he does not believe Melobios would have known that the earrings were from her wedding and the context requires the earrings to be less valuable (§20: *κατὰ τὸ ἐλάχιστον μέρος*) than wedding earrings would be. I am slightly more convinced by Bolonyai's interpretation but I find the ambiguity intriguing.

Thomas Schmitz suggests that “this detail serves no purpose in the logical progress of the narration, but it is functional as an appeal to the jurors’ pity and indignation.”<sup>116</sup> However, as Gábor Bolonyai notes, “Melobios’ entrance may also be paralleled with his and his fellows’ previous intrusion into Lysias’ house when they drove out Lysias’ guests: both actions started by a shameless trespass into their victims’ private spheres.”<sup>117</sup> This passage is more than a convincing and affective detail: as the phrase ἦλθεν εἰς τὴν οἰκίαν signals, it functions structurally to bracket Lysias’ vivid narration of the Thirty’s penetrative looting. Bolonyai suggests that the phrase ὅτε τὸ πρῶτον, found here for the first time in prose, “with its epic flavour reminiscent of word-formations familiar from epic poetry may have enhanced the pathos of the scene and contributed to the emotional climax of the passage.”<sup>118</sup>

But the passage recalls even more strongly a different genre—tragedy. David Phillips observes that the difficulties surrounding Polemarchos’ funeral are analogous to those of Sophocles’ *Antigone*: “Antigone’s dilemma in facing the obstacles to proper burial erected by a tyrant-governed state, including the penalty for violating Creon’s edict, will have resounded with especial pathos for those who lost family and friends...during the tyrants’ reign of terror.”<sup>119</sup> Beyond the contextual similarities, this speech draws on the widespread ideology of the house linking women with the domestic interior, which I discussed in my previous chapter. According to this model, Polemarchos’ wife should have been located well into the interior of the house. Melobios would have had to penetrate deeply into the house in order to encounter her: thus his entry into the house is closely associated with his violence in tearing off the earrings—in fact,

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<sup>116</sup> Schmitz 2000: 66.

<sup>117</sup> Bolonyai 2007: 39 n. 15.

<sup>118</sup> Bolonyai 2007: 42.

<sup>119</sup> Phillips 2008: 178.

the wording of the passage makes these events inseparable, since the words of the theft surround those of the entrance (“the golden earrings of Polemarchos’ wife, which she happened to be wearing, when he first came into the house, Melobios tore them from her ears”). The penetration into the house is identified with the violation of the female body, like the breaking down of the doors at *Oedipus Rex* 1260-1261 to reveal Jocasta’s suicide. In addition to the similarities of circumstances, the word αἰσχροκέρδεια found in this passage, which does not occur anywhere else in Lysias’ corpus and is rare in oratory before Lysias (although Demosthenes later uses it several times), does appear at a significant moment in the *Antigone*. During the *agon* between Teiresias and Creon, the seer claims that “the race of tyrants is in love with shameful covetousness.”<sup>120</sup> The overlap of context, content, and vocabulary make for a direct link between the speech and the tragedy, casting the Thirty as mythological tyrants.

The grammar of this passage, too, reflects the pleonasm of the Thirty’s greed. A phrase like εἰς τοσαύτην... ἀφίκοντο usually sets up a result clause, establishing a set of prerequisites for a particular outcome.<sup>121</sup> In a result clause, the initial conditions are built into the result: if they were so greedy *that* they stole the earrings, the greed and the theft are part of a single construction. In this example, however, the buildup leads to an inversion of expectation. The Thirty came to such a degree of greed *and* they revealed their true character. Isolating the two clauses—which really do describe the same action—into separate grammatical categories gives them more weight than a result clause would. Whereas a result clause puts limits on a span of ethical space, a quantitative demonstrative opens up this space without bounding it. The theft of the earrings is an expression of boundless greed, an exhibition of their true nature.

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<sup>120</sup> 1056: τὸ [sc. γένος] δ’ αὖ τυράννων αἰσχροκέρδειαν φιλεῖ

<sup>121</sup> See above, p. 44-45.

Lysias does not dwell on Polemarchos' corpse, focusing instead on the accessories of burial—the textiles used to wrap the body and the shed in which the ceremony was conducted. Polemarchos is an absence, removed from the narrative, and the grammar of the passage reflects both his absence and Lysias' own helplessness (§20):

οὐ τούτων ἀξίως ἔχοντας τῇ πόλει, ἀλλὰ πάσας τὰς χορηγίας  
χορηγήσαντας, πολλάς δ' εἰσφορὰς εἰσενεγκόντας, κοσμίους δ' ἡμᾶς  
αὐτοὺς παρέχοντας καὶ πάν τὸ προσταπτόμενον ποιοῦντας, ἐχθρὸν δ'  
οὐδένα κεκτημένους, πολλοὺς δ' Ἀθηναίων ἐκ τῶν πολεμίων λυσαμένους  
τοιούτων ἠξίωσαν, οὐχ ὁμοίως μετοικοῦντας ὥσπερ αὐτοὶ ἐπολιτεύοντο.

Unworthy of this treatment from the city, but having instead carried out all the *choregiai*, paid a lot of taxes, presented ourselves as orderly and doing everything we were told, obtaining not a single enemy, and paying for the ransom of many Athenians from the enemy—they thought we deserved such treatment, even though we didn't act as metics the same way they acted as citizens.

This complicated sentence is composed of a series of accusative plural participles whose antecedent is only revealed once, in the fourth participial phrase. In this sentence, Lysias describes his family's accomplishments—financial, ethical, and military—toward the city as enormous (πάσας, πολλάς, πάν, πολλούς), finally comparing their virtuous behavior as metics with the Thirty's behavior as citizens. The main verb of the sentence (ἠξίωσαν) is tucked quietly near the end with no subject specified. The accusatives refer to the metics (ἡμᾶς) and the subject of the verb is the Thirty. The structure of the sentence replicates Lysias' family's position: no matter what they accomplish, they will remain subordinate to the whims of the oligarchs. No matter what they do, they can't be subjects, only objects.

As a direct contrast to his family's largess, Lysias describes the bountiful violence of the Thirty. The oligarchs exiled many (πολλούς) Athenians to the enemy, they killed many (πολλούς) unjustly and left them unburied, they deprived many (πολλούς) of their citizenship

rights, and they prevented the daughters of many (πολλῶν) from being married.<sup>122</sup> In this sentence they are the emphatic subjects: they are the agents and the people (οἱ πολλοί) are their victims. The chasm between the behavior of the metics, who did everything to benefit Athens, and the Thirty, who made Athens the target of their depredation, again recalls the *aporia* and *aphthonia* of the speech's proem. Whereas there is no end to the accusations Lysias could make, the Thirty deny that they have done anything bad or shameful.<sup>123</sup> Lysias wishes this were true, and that he had gotten something good out of the whole affair, but he sadly concludes that there is no such thing for either the city or himself.<sup>124</sup> This statement places his family emphatically on the side of the *polis*, aligned and allied against the tyrants.

It is at this point that Lysias takes the intimate case he has been building around his and his brothers' experiences and broadens its scope. Despite the premise of the case, Lysias was not only prosecuting a single member of the Thirty for arresting a metic without grounds. When he interrogates Eratosthenes about the arrest, the emphasis is not on individual guilt but, metonymically, on the indivisibility of the Thirty as a body. Any other Athenian could blame the Thirty for what he was forced to do when they were in power, but the Thirty have no excuse: "Who will you punish if it is possible for the Thirty to say that they acted under the order of the Thirty?"<sup>125</sup> The whole subsumes its parts: as Thomas Murphy argues, Lysias uses "guilt by association" to identify Eratosthenes (as well as Peison and, later, Theramenes) with "a

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<sup>122</sup> §21: οὔτοι γὰρ πολλοὺς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξήλασαν, πολλοὺς δ' ἀδίκως ἀποκτείναντες ἀτάφους ἐποίησαν, πολλοὺς δ' ἐπιτίμους ὄντας ἀτίμους [τῆς πόλεως] κατέστησαν, πολλῶν δὲ θυγατέρας μελλούσας ἐκδίδοσθαι ἐκώλυσαν.

<sup>123</sup> §22: καὶ εἰς τοσοῦτόν εἰσι τόλμης ἀφιγμένοι ὥσθ' ἤκουσιν ἀπολογησόμενοι, καὶ λέγουσιν ὡς οὐδὲν κακὸν οὐδ' αἰσχρὸν εἰργασμένοι εἰσίν.

<sup>124</sup> §23: νῦν δὲ οὔτε πρὸς τὴν πόλιν αὐτοῖς τοιαῦτα ὑπάρχει οὔτε πρὸς ἐμέ.

<sup>125</sup> §29: νῦν δὲ παρὰ τοῦ ποτε καὶ λήψεσθε δίκην, εἶπερ ἐξέσται τοῖς τριάκοντα λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα ἐποίουν;



generalized character whose guilt everyone acknowledges.”<sup>126</sup>

Throughout the rest of the speech, Lysias takes the themes and rhetorical strategies he used in the first part of the speech and redirects them against the Thirty. The personal narrative serves as a microcosm for this public prosecution: what Eratosthenes and Peison did to Lysias and Polemarchos is equated with what the Thirty did, on a larger scale, to all of Athens. Lysias returns to the *topoi* of violation of private homes, movement of bodies, and corrupted funerals, using the strategies of antithesis, tragic convention, and repetition of the vocabulary of chance to indelibly associate his personal tragedy with the city’s public terror.

In the personal narrative, Lysias focused on his and his brother’s own experiences, as metics.<sup>127</sup> But as he transitions his narrative to focus on the experiences of the *polis* at large, he reveals that not even citizens, protected under the government, were safe under the oligarchy. When addressing Eratosthenes’ claim that he had opposed the arrest of the metics, Lysias points out that he has no way to prove this (§33):

μάρτυρας περὶ αὐτῶν οὐχ οἶόν τε παρασχέσθαι. οὐ γὰρ μόνον ἡμῖν  
παρεῖναι οὐκ ἐξήν, ἀλλ’ οὐδὲ παρ’ αὐτοῖς εἶναι, ὥστ’ ἐπὶ τούτοις ἐστὶ πάντα  
τὰ κακὰ εἰργασμένοις τὴν πόλιν πάντα τὰγαθὰ περὶ αὐτῶν λέγειν.

It is not possible to supply witnesses about these things, since not only were we not able to be present, but we weren’t even allowed to be present in our own homes, so that it is possible for them, after doing every evil thing to the city, to say every good thing about themselves.

Lysias is referring in this passage to the fact that all but the three thousand exempted by the Thirty from their attacks had been driven into exile, no longer safe in their own homes (παρ’

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<sup>126</sup> Murphy 1989: 45.

<sup>127</sup> Lysias asserts that he and his brother were targeted because of their metic status at §6 (μετοίκων), §20 (μετοικοῦντας), and §27 (μετοίκους).

αὐτοῖς).<sup>128</sup> Just as Lysias and his guests were expelled from his house after the Thirty broke in, the Athenian citizens were no longer able to rely on the inviolability of their homes. This means, as Wohl points out, that being exiled “separated the demos from their own political history: they were not present as witnesses to all the crimes against them.”<sup>129</sup> It is Lysias’ job to embody the past for them by sharing his personal experiences with the Thirty, inscribing his own suffering on the body politic.

Throughout the second, political, part of his speech, Lysias often gestures to the inhabitants of the city *en masse* (τὸ πλῆθος), emphasizing their solidarity as victims of the Thirty. He reminds them that this was not the first time Eratosthenes has opposed the people.<sup>130</sup> In 411 when the oligarchy of the Four Hundred was in power, Eratosthenes deserted the ship he was commanding as trierarch and returned to Athens to oppose the democrats. Following the battle of Aegospotami in 405, the oligarchs set up five ephors, among them Eratosthenes—doing this, again, in opposition to the democratic mass.<sup>131</sup> Even if he had the reputation for being more moderate than the rest of the Thirty, Lysias argues that the fact that Eratosthenes was active in the government shows his enmity since even those hostile to the people could have kept silent.<sup>132</sup> Eratosthenes saw the city as his enemy, the people’s enemies as his friends.<sup>133</sup> His participation in the activities of the Thirty reveals how far he was from supporting democratic values.

The reinforcement of civic solidarity helps Lysias tie the physical location and movement

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<sup>128</sup> Usher in Edwards and Usher 1985: 239, citing Xenophon *Hellenika* 2.3.18.

<sup>129</sup> Wohl 2010b: 235.

<sup>130</sup> §42: οὐ γὰρ νῦν πρῶτον τῷ ὑμετέρῳ πλῆθει τὰ ἐναντία ἔπραξεν

<sup>131</sup> §43: ἐναντία δὲ τῷ ὑμετέρῳ πλῆθει πρᾶττοντες

<sup>132</sup> §49: ὅσοι κακόνιοι ἦσαν τῷ ὑμετέρῳ πλῆθει, οὐδὲν ἔλαττον εἶχον σιωπῶντες.

<sup>133</sup> §§50-51: ἀλλ’ οὗτος τὴν μὲν πόλιν ἐχθρὰν ἐνόμιζεν εἶναι, τοὺς δ’ ὑμετέρους ἐχθροὺς φίλους,

of the people to their ethics and behavior. Location was already an inherent feature of late fifth century Athenian politics, with the people from the Peiraeus considered pro-democracy and the people from the *asty* pro-oligarchy.<sup>134</sup> In his speech, Lysias strives to bring these factions together, uniting them by their shared indignity under the Thirty (§§92-98).

In bringing together the two political factions, the trial of Eratosthenes is itself a case study in movement and meaning. Lysias claims that the future of not just domestic but foreign relations depends on the outcome of the case (§35):

καὶ μὲν δὴ πολλοὶ καὶ τῶν ἀστῶν καὶ τῶν ξένων ἤκουσιν εἰσόμενοι τίνα γνώμην περὶ τούτων ἔξετε. ὧν οἱ μὲν ὑμέτεροι ὄντες πολῖται μαθόντες ἀπίασιν {ὅτι} εἰ δίκην δώσουσιν ὧν ἂν ἐξαμάρτωσιν, ἢ πράξαντες μὲν ὧν ἐφίενται τύραννοι τῆς πόλεως ἔσονται, δυστυχήσαντες δὲ τὸ ἴσον ὑμῖν ἔξουσιν· ὅσοι δὲ ξένοι ἐπιδημοῦσιν, εἴσονται πότερον ἀδίκως τοὺς τριάκοντα ἐκκηρύττουσιν ἐκ τῶν πόλεων ἢ δικαίως.

Indeed, many people, both citizens and foreigners, have come to find out what your opinion about these men will be. Your fellow citizens will go away having learned whether they will have to pay the price for the crimes they commit, or if they will become tyrants of the city by doing whatever they want and even if they're foiled they're still on equal footing with you. And all those foreigners visiting town, they will know whether they expel the Thirty from their cities unjustly or justly.

The trope that a particular trial will have an impact on future decisions is a fairly common one.<sup>135</sup>

The reason this kind of appeal was so popular is that, as we have seen, the Athenian legal system was assumed to operate, ideally, within an orderly system of predictability and likelihood.

Maintaining the status quo is, for the most part, the jury's prerogative. In this passage, however, Lysias strongly emphasizes that the current trial represents a crossroads, a critical juncture. As

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<sup>134</sup> “Lysias next addresses [the jury] segmentally according to their demonstrated allegiances during the recent oligarchy: first the ‘men of the city,’ the former supporters of the Thirty, and then the ‘men of the Peiraeus,’ the rebel democrats who had fought and won the civil war” (Phillips 2008: 161).

<sup>135</sup> Rubinstein 2007: 360-361. As comparanda, she sites e.g. Lysias 1.36 and 49, 22.19, 30.23 and 34; Demosthenes 23.94, 54.21. The most extreme example of courtroom decisions influencing real life behavior comes from [Dem.] 59.110-114, in which Apollodorus cautions the jury that acquitting Neaira will lead to prostitutes being free to live like free women and free women becoming prostitutes.

such, it draws both the attention and the physical presence of all. In her study of the bystanders watching the trial, Adriaan Lanni suggests that this experience “provided an opportunity not only for foreign Greeks to observe the Athenian democracy, but also for the Athenian polis to define itself and to reinforce and legitimate by ritual the exclusivity of the citizen body.”<sup>136</sup> Just as the movement of Lysias’ body out of his home, through the streets, and into Damnippus’ house represented the loss of his freedom and autonomy, the *astoi* and *xenoi* who have come (ἤκουσιν, ἐπιδημοῦσιν) will go away (ἀπίασιν) having learned what the new status quo was going to be. The trial is a fulcrum moment between the past and the future. If the Thirty are allowed to get away with their abuses of the democratic system, the residents of the city will feel that henceforth there will be no curb on individual ambition. The coming together of resident and foreigner could also represent a turning point in the foreigners’ willingness to come to the city’s aid if their help in the past turns out to have been unjust. Drawing attention to the presence in the courtroom of a representative body (πλήθος) of the city, ranging from citizen jurors to visiting foreigners, Lysias tracks their movements, inscribing the trauma of the past and the possibilities of the future on those present in the courtroom.

In order to evoke the extremity of the Thirty’s behavior, Lysias again relies on antitheses to express the magnitude of their corruption. Whereas in the first part of the speech Lysias juxtaposed the acts of violence committed by the Thirty against the innocence of their metic victims, in the latter part their behavior is contrasted with customary behavior, what usually happens (§§38-39):

οὐ γὰρ δὴ οὐδὲ τοῦτο αὐτῷ προσήκει ποιῆσαι, ὅπερ ἐν τῇδε τῇ πόλει  
εἰθισμένον ἐστί, πρὸς μὲν τὰ κατηγορούμενα μηδὲν ἀπολογεῖσθαι, περὶ δὲ  
σφῶν αὐτῶν ἕτερα λέγοντες ἐνίοτε ἐξαπατῶσιν, ὑμῖν ἀποδεικνύντες ὡς

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<sup>136</sup> Lanni 1997: 187. See also Bers 1985.

στρατιῶται ἀγαθοί εἰσιν, ἢ ὡς πολλὰς τῶν πολεμίων ναῦς ἔλαβον  
τριηραρχήσαντες, <ἢ> πόλεις πολεμίας οὔσας φίλας ἐποίησαν· ἐπεὶ  
κελεύετε αὐτὸν ἀποδείξαι ὅπου τοσοῦτους τῶν πολεμίων ἀπέκτειναν  
ὅσους τῶν πολιτῶν, ἢ ναῦς ὅπου τοσαύτας ἔλαβον ὅσας αὐτοὶ παρέδοσαν,  
ἢ πόλιν ἦντινα τοιαύτην προσεκτήσαντο οἶαν τὴν ὑμετέραν  
κατεδουλώσαντο.

It isn't even possible for him to do the thing that people customarily do in this city, which is to make no response to the accusations but instead to say other things about themselves, sometimes lying to you—they make a show for you that they are good soldiers, or that they captured a lot of enemy ships while undertaking a trierarchy, or that they made enemy cities friendly. Just tell him to show you where they killed as many enemies as they did citizens, or where they captured as many ships as they themselves handed over, or what city they won over that was as great as your city which they enslaved.

Like the passages comparing Lysias and his brother's benefactions with the Thirty's depredations, this passage uses repetition and resonance<sup>137</sup> to cast Lysias' opponents in the worst possible light. Eratosthenes, and by extension the Thirty (signified by the plural verbs in the second part of the passage), are compared to the customary behavior (εἰθισμένον) not even of good citizens but of criminals and liars. Whereas a defendant on trial customarily pretends to be a good soldier, the Thirty are unable to pretend that they didn't kill as many citizens as they did enemies; while the customary defendant boasts of capturing many enemy ships, the Thirty surrendered as many ships as they captured; when the customary defendant claims to have made hostile cities allies, the Thirty would not be able to win over a city to compete with their enslavement of Athens. The crimes of the Thirty are contrasted, point for point, with a typical defense speech and they are left indefensible.

Two-thirds of the way through the speech, Lysias turns his attention from Eratosthenes to another member of the Thirty, Theramenes. He justifies this transition by claiming that Eratosthenes is going to use his friendship with Theramenes, who was actually condemned to

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<sup>137</sup> Adams 1970 (1905): 53 comments that this passage is "noteworthy for its even balance of cola," noting especially the homoioteleuton of προσεκτήσαντο...κατεδουλώσαντο.

death by the Thirty for being insufficiently oligarchic,<sup>138</sup> to prove that Eratosthenes too was a moderate and not a supporter of the Thirty's more extreme machinations. Considering that Theramenes was later known more for being a turncoat than a radical,<sup>139</sup> the vitriol with which Lysias attacks the dead man seems unwarranted. Granted, Xenophon's vivid narration of Theramenes' last moments (*Hellenica* 2.3.56) makes him come across as a sympathetic victim of the more extreme members of the Thirty, but the preceding debate between Theramenes and Critias does nothing to hide his equivocation and the damage caused by his policies. Nevertheless, in the discourse surrounding the expulsion of the oligarchs and the return of the democracy, his "unlawful death-sentence represents a tragic turning point in the oligarchic regime."<sup>140</sup> By the time the *Athenaion Politeia* was written, Theramenes was seen as a moderate martyr of the moderate cause.<sup>141</sup>

Phillip Harding titled his study of the contradictory ancient and modern attitudes towards the dead statesman "The Theramenes Myth," but this terminology applies as well to the extravagance of the rhetorical fusillade Lysias directs at him.<sup>142</sup> Charles Darwin Adams describes the attack as "a masterpiece. There is no intemperate language, no hurling of epithets. 'He accuses by narrating. The dramatically troubled time from 411 to 403 rises before us in

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<sup>138</sup> Xenophon *Hellenica* 2.3.50-56.

<sup>139</sup> Xenophon *Hellenica* 2.3.47: ἀποκαλεῖ δὲ κόθορνόν με, ὡς ἀμφοτέροις πειρώμενον ἀρμόττειν. *Kothornoι*, the high boots worn by actors, signified political two-facedness since the shoes could be worn on either foot (LSJ 3).

<sup>140</sup> Wohl 2010b: 239.

<sup>141</sup> *Ath. Pol.* 28.5: δοκεῖ μέντοι μὴ παρέργως ἀποφαινομένοις οὐχ ὥσπερ αὐτὸν διαβάλλουσι πάσας τὰς πολιτείας καταλύειν, ἀλλὰ πάσας προάγειν ἕως μηδὲν παρανομοῖεν, ὡς δυνάμενος πολιτεύεσθαι κατὰ πάσας, ὅπερ ἐστὶν ἀγαθοῦ πολίτου ἔργον, παρανομοῦσαις δὲ οὐ συγχωρῶν, ἀλλ' ἀπεχθανόμενος (It seems, to those taking it seriously, that he did not overthrow every government as his slanderers say, but instead he promoted them all, so long as they didn't break the law, showing that he was able to be a politician under every government, which is a characteristic of a good citizen, and would not give way to lawlessness but would rather be detested).

<sup>142</sup> Harding 1974. Cf. also Bearzot 1997.

impressive pictures. At every turn Theramenes appears as the evil genius of the Athenians. His wicked egoism stands out in every fact.”<sup>143</sup> In Lysias’ description, Theramenes is a force of malevolence. Lysias provides a summary and tendentious account of his career, from the oligarchy of the Four Hundred (which he was chiefly responsible for (§65)), through his conspiracy with the Spartans (whom he commanded to tear down the Peiraeus walls and destroy the constitution in order to deprive the Athenians of all hope (§70)), to the imposition of the government of the Thirty (under pain of death (§75)).

The resume of the Theramenes myth concludes with an extravagantly fiery denunciation of the man, rendered in highly decorative rhetorical antitheses (§78):

καὶ τοσούτων καὶ ἐτέρων κακῶν καὶ αἰσχρῶν καὶ πάλαι καὶ νεωστὶ καὶ μικρῶν καὶ μεγάλων αἰτίου γεγενημένου τολμήσουσιν αὐτοὺς φίλους ὄντας ἀποφαίνειν, οὐχ ὑπὲρ ὑμῶν ἀποθανόντος Θηραμένου ἀλλ’ ὑπὲρ τῆς αὐτοῦ πονηρίας, καὶ δικαίως μὲν ἐν ὀλιγαρχία δίκην δόντος (ἤδη γὰρ αὐτὴν κατέλυσε), δικαίως δ’ ἂν ἐν δημοκρατία· δις γὰρ ὑμᾶς κατεδουλώσατο, τῶν μὲν παρόντων καταφρονῶν, τῶν δὲ ἀπόντων ἐπιθυμῶν, καὶ τῷ καλλίστῳ ὀνόματι χρώμενος δεινοτάτων ἔργων διδάσκαλος καταστάς.

They are going to dare to show off that they are friends of this man, who was responsible for so many, such a variety, of evil and shameful deeds, both in the past and recently, both small and large—Theramenes, who died not for your sake but due to his own criminality and justly paid the price under the oligarchy and would have also under the democracy. For he twice enslaved you, disdaining what was present and longing for what was absent, and using the most attractive name he installed himself the teacher of the most dreadful of deeds.

In Lysias’ description, Theramenes runs the gamut of guilt for everything wrong in the city, past and present, small and large. He would pay the price for his crimes as justly under an oligarchy as a democracy. Despising the present democracy, he yearned for something else, something unattainable—oligarchy, which he called by the most attractive name. As Wohl has shown, the “insatiable desire for what is absent, the reduction of free citizens to slaves, and the disingenuous

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<sup>143</sup> Adams 1970 (1905): 54, quoting Bruns 1896: 493.

pretext of aristocracy are all part of the Athenian discourse of tyranny.”<sup>144</sup> According to Lysias’ denunciation, Theramenes checked every box in the description of an enemy of the democracy.

The final dichotomy, between the “most beautiful name” (τῷ καλλίστῳ ὀνόματι) and the “most shameful of deeds,” (δεινοτάτων ἔργων) gives superlative expression to one of the most common antitheses in Athenian discourse—word versus deed. Best known for its employment in Thucydides, this antithesis also appears prominently in the tragedians, in particular in Sophocles’ *Philoctetes*. Adam Parry discusses the artistry with which Sophocles employs this trope: “λόγος and ἔργον become one of the vital antitheses of a play largely made up of antitheses. They are made part of a network whereby Philoctetes is set against Odysseus, nature against sophism, the landscape of Lemnos against the rest of the world, and the essential nobility of Neoptolemus against the influence of society.”<sup>145</sup> In the same way, in Lysias’ condemnation of Theramenes, as in the proem of the speech, antitheses have the effective function of giving shape to the ethical space defining his opponent’s bad character in multiple dimensions: quantitative (μικρῶν...μεγάλων), temporal (παλαί...νεωστί), ideological (ἐν ὀλιγαρχία...ἐν δημοκρατία), and phenomenological (παρόντων...ἀπόντων). The λόγος/ἔργον distinction undermines any cause the jury might have to let Eratosthenes off for his association with Theramenes: to use beautiful language to disguise offensive substance was the greatest threat to democratic procedure.<sup>146</sup>

As the speech moves to its conclusion, Lysias no longer targets individuals, instead

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<sup>144</sup> Wohl 2010b: 239 n.59.

<sup>145</sup> Parry 1981: 40.

<sup>146</sup> As described by Cleon at Thucydides 3.38: ζητούντες τε ἄλλο τι ὡς εἰπεῖν ἢ ἐν οἷς ζῶμεν, φρονούντες δὲ οὐδὲ περὶ τῶν παρόντων ἰκανῶς· ἀπλῶς τε ἀκοῆς ἠδονῆ ἠσώμενοι καὶ σοφιστῶν θεαταῖς ἐοικότες καθημένους μᾶλλον ἢ περὶ πόλεως βουλευομένοις (You seek out, as they say, something different from the world we live in, paying too little attention to the present situation. You are, simply, conquered by the pleasure of sound and are like audience members for the sophists rather than counselors for the city).



returning to his denunciation of the Thirty. In his peroration, he urges the jury to feel as angry as when the wounds were fresh, to let memory bring back the immediacy of the feelings (§96):

ἀνθ' ὧν ὀργίσθητε μὲν ὡσπερ ὅτ' ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν ἄλλων κακῶν ἃ πεπόνθατε ὑπ' αὐτῶν, οἳ τοὺς μὲν ἐκ τῆς ἀγορᾶς τοὺς δ' ἐκ τῶν ἱερῶν συναρπάζοντες βιαίως ἀπέκτειναν, τοὺς δὲ ἀπὸ τέκνων καὶ γονέων καὶ γυναικῶν ἀφέλκοντες φονέας αὐτῶν ἠνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομιζομένης εἶασαν τυχεῖν, ἠγούμενοι τὴν αὐτῶν ἀρχὴν βεβαιοτέραν εἶναι τῆς παρὰ τῶν θεῶν τιμωρίας.

As a result of these things you should be as angry as when you were in exile, remembering also the other evils you suffered at their hands when they dragged some from the agora and others from the temples and violently killed them; dragging others from their children and parents and wives, they forced them to kill themselves and did not even allow them the customary burial: they thought that their regime was more steadfast than the retribution from the gods.

This passages' resemblance to his own experiences is deliberate, as Stephen Usher observes: "In writing this appeal to the jury's emotions, Lysias reminds them of the highpoints of his own narrative."<sup>147</sup> The mention of individuals seized from temples underlines the Thirty's impiety, recalling their breach of *xenia* in expelling Lysias' guests and dragging him from his home. Lysias' reminder of the people forced to commit suicide and prevented from following burial custom by the Thirty refers anaphorically, within the speech, to the earlier narration of Polemarchos' experiences and externally to the memories many members of the jury had of their own family members who went through the same trauma: Polemarchos' death was just a "symptomatic instance of an overarching theme."<sup>148</sup> The trial provides the opportunity for catharsis, to use the embodied memory of helplessness and terror to fuel their anger and, Lysias hopes, their vengeance.

It is not just the living victims whose trauma Lysias hopes will drive the jury to vote to

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<sup>147</sup> Usher in Edwards and Usher 1985: 251.

<sup>148</sup> Phillips 2008: 176.

condemn Eratosthenes and his cohort. His last lines again remind them of the dead, the bodies withheld from families, sacrilegiously discarded, whose ghosts still long for justice (§§99-100):

ὅμως δὲ τῆς ἐμῆς προθυμίας <οὐδὲν> ἐλλέλειπται... ὑπὲρ τῶν τεθνεώτων, οἷς ὑμεῖς, ἐπειδὴ ζῶσιν ἐπαμύναι οὐκ ἐδύνασθε, ἀποθανοῦσι βοηθήσατε. οἶμαι δ' αὐτοὺς ἡμῶν τε ἀκροᾶσθαι καὶ ὑμᾶς εἴσεσθαι τὴν ψῆφον φέροντας, ἡγουμένους, ὅσοι μὲν ἂν τούτων ἀποψηφίσθητε, αὐτῶν θάνατον καταψηφιεῖσθαι, ὅσοι δ' ἂν παρὰ τούτων δίκην λάβωσιν, ὑπὲρ αὐτῶν <τὰς> τιμωρίας πεποιημένους <ἔσεσθαι>.

Nevertheless I have no shortage of eagerness... on behalf of the dead. You were unable to rescue them while they were living; help them now that they've been killed. I think that they are listening to you and will know how you vote. All of you who vote to acquit them will condemn them to death while those who demand justice from them will be agents of retribution on their behalf.

Lysias gives the sense that justice is timeless, that the jury's present decision will retroject onto the victims of the oligarchy as if they were on trial somewhere in the realms of the dead. An acquittal for the Thirty would be a stamp of approval on the murders they carried out. A conviction would avenge the murders, showing the penalty for the Thirty's disdain of the gods' retribution (§96: τῆς παρὰ τῶν θεῶν τιμωρίας).

Lysias' speech takes the domestic trauma of the vulnerable body in the invaded house described in the first third of his speech and transplants the experience onto the violation felt by the city as a whole. The individual and collective blur as personal stories become paradigms and archetypes. By equating the citizen experience with his and his brothers' victimization as metics, Lysias underlines how tenuous life under the Thirty had become. The bodily protection of the democratic citizen was rescinded and the protections of the temples, of the house, of the family, and of the body could no longer be depended on. The trial is presented as an opportunity not to undo what was done, not to forget, but to put angry ghosts to rest. Using antitheses and tragic conventions, Lysias raises the Thirty to the level of a mythological opponent, putting the sword of divine retribution into the hands of the jury.

## Conclusion

Both of the speeches discussed in this chapter center around a vulnerable body. The child Demosthenes is disenfranchised by his guardians, which threatens the *polis* with a loss of profit due to the guardians' deception. It is only through the intervention of the adult Demosthenes, the full citizen that the child eventually became upon reaching majority, that the money can be restored and the city receive the revenue and services it requires. By focusing on the body of the child, Demosthenes both draws on the world building techniques explored in my previous chapter and underlines the importance of visibility in maintaining social respectability. The intimate scene between Demosthenes' father and the guardians revealed the extent to which the child's vulnerable body needs to be protected by its house and society. It was not his father's fault that the guardians' misused the estate—the elder Demosthenes was relying on the bonds of kinship. It was the guardians' faithlessness and greed that made them contravene the usual method of holding wealth—keeping it visible (*phanera*)—and instead caused the estate to vanish using devious methods. By inviting the jury into the circle of the family, Demosthenes gives them the responsibility of caring for the fragile child by undoing the crimes of the guardians. In Lysias 12, the suffering of metic bodies is a metaphor for the violence caused by the oligarchic coup. But Lysias and Polemarchos are not the only victims, not even the most extreme examples of violence done by the Thirty. The fact that citizens suffered the same fates as non-citizens—that citizen bodies and houses were violated—shows the extent to which society under the Thirty had been distorted. The memory of the Thirty lived on, as Isocrates' speaker confirms when he

accuses Lochites of having the character of the Thirty.<sup>149</sup> Their regime lives on in the citizen body as a wound, a trauma. By juxtaposing the vulnerable bodies that are at the thematic center of their speeches against the domestic interior, Lysias and Demosthenes amplify these bodies' affective impact. As the speaker of *Against Lochites* claimed, the body is the thing most close to home. If the impenetrability of the house, guaranteed by the law, is compromised because of a dishonest guardian or a criminal oligarchy, there is nothing to protect the bodies inside. Through the thematic connection between houses and bodies, these orators evoked the home feeling to recall to the members of the jury that it is incumbent upon them to preserve the legal walls keeping the private places of their homes safe.

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<sup>149</sup> 20.11: τόν γε τρόπον ἔχει τὸν ἐξ ἐκείνης τῆς πολιτείας.

## Chapter Four: Homeland

Thucydides' account of the Theban assault on Plataea in 431 includes a striking passage describing the defense of the Plataeans. In this passage, the city comes together as a network of houses, individual units working together as a collective to confound the Thebans (2.3-4):

Ξυνελέγοντο διορύσσοντες τοὺς κοινοὺς τοίχους παρ' ἀλλήλους, ὅπως μὴ διὰ τῶν ὁδῶν φανεροὶ ὦσιν ἰόντες.... ἐπεὶ δὲ ὡς ἐκ τῶν δυνατῶν ἐτοίμα ἦν, φυλάξαντες ἔτι νύκτα καὶ αὐτὸ τὸ περιορθρον ἐχώρουν ἐκ τῶν οἰκιῶν ἐπ' αὐτούς, ὅπως μὴ κατὰ φῶς θαρσαλεωτέροις οὐσι προσφέροντο καὶ σφίσι ἐκ τοῦ ἴσου γίνωνται, ἀλλ' ἐν νυκτὶ φοβερώτεροι ὄντες ἤσσουν ὡς τῆς σφετέρως ἐμπειρίας τῆς κατὰ τὴν πόλιν.... ἔπειτα πολλῶ θορύβῳ αὐτῶν τε προσβαλόντων καὶ τῶν γυναικῶν καὶ τῶν οἰκετῶν ἅμα ἀπὸ τῶν οἰκιῶν κραυγῆ τε καὶ ὀλολυγῆ χρωμένων λίθοις τε καὶ κεράμῳ βαλλόντων, καὶ ὑετοῦ ἅμα διὰ νυκτὸς πολλοῦ ἐπιγενομένου, ἐφοβήθησαν καὶ τραπόμενοι ἔφευγον διὰ τῆς πόλεως, ἄπειροι μὲν ὄντες οἱ πλείους ἐν σκότῳ καὶ πηλῶ τῶν διόδων ἢ χρὴ σωθῆναι (καὶ γὰρ τελευτῶντος τοῦ μηνὸς τὰ γινόμενα ἦν), ἐμπείρους δὲ ἔχοντες τοὺς διώκοντας τοῦ μὴ ἐκφεύγειν, ὥστε διεφθείροντο οἱ πολλοί.

They joined together, digging through the walls they had in common next to one another, so that they would not be seen going along the roads.... When things were as ready as they could be, they kept guard while it was still night-time, and just before dawn the Plataeans advanced out of the houses against the Thebans, so that the Thebans would not attack when they were braver in the daylight and would be on equal terms with defenders, but would instead be more frightened in the night and would be defeated by the Plataeans' experience with the city.... Then, when the Plataeans were attacking in a big mob while the women and slaves were shouting and wailing from the houses, throwing down stones and pottery, and since it had rained a lot during the night, the Thebans were afraid and turned back, fleeing through the city since most of them were inexperienced in the darkness and the mud as to the exits through which they would need to escape (since it was the end of the month, therefore moonless), but the pursuers were experienced in how to prevent them from escaping, so many of them died.

The Plataeans' plan to defend their city is a clever one: it depends on their shared knowledge of geography, but also on the conception of houses as both private and part of the greater whole.

The shared walls (κοινοὺς τοίχους) allow them to communicate and make plans in secret, deriving a city-wide intimacy from the privacy of the house. They make their attack on the

Thebans by advancing from the houses, moving as a unit against the scattered invaders. Entire households join in the effort, with women and slaves throwing down ballistics from the houses to drive out the enemy. Beyond the solidarity of the Plataeans as a collection of households, Thucydides emphasizes the ignorance of the outsiders in contrast to Plataeans' local intelligence (ἐμπειρίας, ἄπειροι, ἐμπείρους). The intimacy and knowledge that comes from sharing a home is the strength to which Thucydides attributes this victory.

In this chapter, I focus on how the emotion connecting individuals with the *oikia*, the home feeling, can be extrapolated from the household to the city. In the preceding chapters, I focused for the most part on the role of the house and household in private forensic speeches. Although these speeches are primarily concerned with matters like inheritance and adultery, the speakers frequently bring the city into their arguments, reminding the jury that, as representatives of the *demos*, their decisions have an effect on the populace at large. As I have argued, this is the manifestation of the private ideology of the *oikos* being extrapolated to the organization of the *polis*. In the same way, the home feeling can extend to a larger area, to the city itself: "home as territory also involves a kind of home range that can include neighborhood, town, and landscape. Yet this larger home is also a kind of ordered center within which we are oriented and distinguished from the larger and stranger surroundings."<sup>1</sup> In this chapter I argue that political rhetoric uses the types of home *topoi* familiar from forensic rhetoric to evoke a collective home feeling at the citywide level. I begin by contextualizing the question with a discussion of fourth century political and rhetorical theory before moving on to an analysis of the evocation and function of the home feeling in Demosthenes' political speeches.

The relationship between the *oikos* and the *polis* was an important topic for Plato and

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<sup>1</sup> Dovey 1985: 36.

Aristotle.<sup>2</sup> In Plato's ideal *polis*, communal living replaces the *oikos* unit for the guardians of the *polis*. No woman will privately cohabit with any man, and men will share houses and eat together, owning no private property but sharing everything alike.<sup>3</sup> Plato's character Socrates identifies the *oikos*, being comprised of personal relationships and private property, as detrimental to the communal needs of the polity. The guardians he appoints to watch over the city must not have private houses, nor land, nor any possession, but must receive sustenance from others.<sup>4</sup> He describes how his plan will prevent the personal greed that results from the ownership of private property (*Republic* 464c-d):

ποιεῖ μὴ διασπᾶν τὴν πόλιν τὸ ἐμὸν ὀνομάζοντας μὴ τὸ αὐτὸ ἀλλ' ἄλλον ἄλλο, τὸν μὲν εἰς τὴν ἑαυτοῦ οἰκίαν ἔλκοντα ὅτι ἂν δύνηται χωρὶς τῶν ἄλλων κτήσασθαι, τὸν δὲ εἰς τὴν ἑαυτοῦ ἑτέραν οὔσαν, καὶ γυναῖκά τε καὶ παῖδας ἑτέρους, ἡδονάς τε καὶ ἀλγηδόνας ἐμποιοῦντας ἰδίων ὄντων ἰδίας, ἀλλ' ἐνὶ δόγματι τοῦ οἰκείου πέρι ἐπὶ τὸ αὐτὸ τείνοντας πάντας εἰς τὸ δυνατὸν ὁμοπαθεῖς λύπης τε καὶ ἡδονῆς εἶναι.

[These rules] make it so that people don't tear apart the city by saying "mine" not about the same thing but about different things, with one person now dragging into his house whatever he can get his hands on apart from the others, and another doing the same into his own, separate, house, possessing women and children individually and making private the pleasures and pains of private individuals. Instead, everyone should aim in the same direction with a single conception of "one's own," as much as possible sharing identical feelings of pain and pleasure.

The *oikia*, as the direct target of the reforms, has walls that the inside from the outside, preserving intimate affection within the family unit rather than directing it toward the collective. The goal of these reforms is to translate the home feeling from the *oikia*, now the site of violent acquisitiveness (εἰς τὴν ἑαυτοῦ οἰκίαν ἔλκοντα), to the community. The feelings each person

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<sup>2</sup> The family in Plato and/or Aristotle is the focus of Annas 1967, Saxonhouse 1982, Mayhew 1996, Nagle 2006, and Murray 2011. Aristophanes' *Ecclesiazusae* is an early 4<sup>th</sup> century parody of the abolition of private possessions and the house (cf. especially ll. 590-593, 597-600, 635-643, 674-675).

<sup>3</sup> *Republic* 457d: ἰδίᾳ δὲ μηδενὶ μηδεμίαν συνοικεῖν, 458c-d ἅτε οἰκίας τε καὶ συσσίτια κοινὰ ἔχοντες, ἰδίᾳ δὲ οὐδενὸς οὐδὲν τοιοῦτον κεκτημένου, ὁμοῦ δὲ ἔσσονται.

<sup>4</sup> 464b-c: ἔφαμεν γὰρ που οὔτε οἰκίας τούτοις ἰδίας δεῖν εἶναι οὔτε γῆν οὔτε τι κτήμα, ἀλλὰ παρὰ τῶν ἄλλων τροφήν λαμβάνοντας.

connects with their own individual *oikos* must be transferred to the *polis*, as a single conception of *to oikeion*, “one’s own” (ἐνὶ δόγματι τοῦ οικείου πέρι).

The individual family unit threatens the *polis* by fragmenting the collectivity into individual, competing voices. Socrates predicts that the end of all civic strife will follow from the outlawing of the individual *oikos* (464d-e):

δίκαι τε καὶ ἐγκλήματα πρὸς ἀλλήλους οὐκ οἰχίσηται ἕξ αὐτῶν ὡς ἔπος εἰπεῖν διὰ τὸ μηδὲν ἴδιον ἐκτήσθαι πλὴν τὸ σῶμα, τὰ δ' ἄλλα κοινά; ὅθεν δὴ ὑπάρχει τούτοις ἀστασιάστοις εἶναι, ὅσα γε διὰ χρημάτων ἢ παιδῶν καὶ συγγενῶν κτήσιν ἄνθρωποι στασιάζουσιν.

Won't trials and accusations against one another depart from among them, as they say, because they possess nothing privately except their bodies, and all the rest is in common? It is possible for them to be free from factions, since these are all the things that cause discord for people—the possession of money, children, and families.

The reasons people go to court are distilled to greed and jealousy, the result of having individual possessions and emotional connections diverted from the communal good. The greatest threat to the *polis* is *stasis*, which is caused by people standing apart: in the community of the ideal *polis*, everybody stands together.

Aristotle, in his *Politics*, critiques Plato's idea of communal living on the grounds that disassembling the *oikos* would actually be detrimental to fellow-feeling in the *polis*. The *Politics* begins by defining the *polis* as a community (*koinōnia*) brought together, like all communities, with an aim toward the good.<sup>5</sup> Following a discussion of the various relationships within the *polis* (e.g. between husband and wife, parents and children, slaves and owners), Book 2 opens with a discussion of different systems of ownership, in which all, some, or no property is held in common. Aristotle immediately rejects the third option as clearly impossible, since any system

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<sup>5</sup> *Politics* 1252a1-2: πᾶσαν πόλιν ὀρῶμεν κοινωνίαν τινὰ οὐσαν καὶ πᾶσαν κοινωνίαν ἀγαθοῦ τινος ἕνεκεν συνεστηκυῖαν.



of government is a *koinōnia* that requires, at the very least, a shared location.<sup>6</sup> The contrast, therefore, is between the strictly communal system proposed by Socrates in Plato's *Republic* and the current practice in Athens of holding some property privately and some communally.<sup>7</sup>

Starting with Plato's principle of unification, Aristotle argues that the *polis* would cease to exist if collectivity is pushed too far (1261a16-21):

καίτοι φανερόν ἐστὶν ὡς προϋούσα καὶ γινομένη μία μᾶλλον οὐδὲ πόλις ἔσται· πλῆθος γάρ τι τὴν φύσιν ἐστὶν ἢ πόλις, γινομένη τε μία μᾶλλον οἰκία μὲν ἐκ πόλεως ἄνθρωπος δ' ἐξ οἰκίας ἔσται· μᾶλλον γὰρ μίαν τὴν οἰκίαν τῆς πόλεως φαίμεν ἄν, καὶ τὸν ἕνα τῆς οἰκίας· ὥστ' εἰ καὶ δυνατός τις εἴη τοῦτο δρᾶν, οὐ ποιητέον· ἀναιρήσει γὰρ τὴν πόλιν.

It is obvious that, if it goes on to become one, then it will not be a *polis*, either, since the *polis* is, by nature, a multiplicity. The process of unification will turn the *polis* into an *oikia*, and then an *oikia* into an individual person, since we consider the house more unified than the city, and a person more unified than a house. Thus, even if one were able to do this, it must not be done, since it will destroy the *polis*.

By reducing the complexity of the organism, Plato's proposal to give the *polis* the atomic structure of an *oikia* undermines the *polis*, compressing the personalities and experiences of an entire population into a single unit and taking the concept of the 'citizen body' a step too far. Not only multiplicity but also diversity are the essential qualities of a *polis*.<sup>8</sup> Aristotle argued in Book 1 that the *polis* is made up of a series of hierarchical relationships.<sup>9</sup> To eradicate these

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<sup>6</sup> 1260b40-41: τὸ μὲν οὖν μηδενὸς κοινωνεῖν φανερόν ὡς ἀδύνατον, ἢ γὰρ πολιτεία κοινωνία τίς ἐστι, καὶ πρῶτον ἀνάγκη τοῦ τόπου κοινωνεῖν.

<sup>7</sup> 1261a8-9: τοῦτο δὴ πρότερον ὡς νῦν οὕτω βέλτιον ἔχειν, ἢ κατὰ τὸν ἐν τῇ Πολιτεία γεγραμμένον νόμον;

<sup>8</sup> 1261a22-23: οὐ μόνον δ' ἐκ πλειόνων ἀνθρώπων ἐστὶν ἢ πόλις, ἀλλὰ καὶ ἐξ εἶδει διαφερόντων. οὐ γὰρ γίνεται πόλις ἐξ ὁμοίων

<sup>9</sup> Another aspect of Aristotle's critique of Plato's tendency to collapse differences is Aristotle's rejection of the claim of the Eleatic stranger in Plato's *Statesman* that the ability to rule a kingdom, participate in a democratic state, and manage a household are all the same field of knowledge differing only in size (259c: φανερόν ὡς ἐπιστήμη μία περὶ πάντ' ἐστὶ ταῦτα· ταύτην δὲ εἴτε βασιλικὴν εἴτε πολιτικὴν εἴτε οἰκονομικὴν τις ὀνομάζει, μηδὲν αὐτῷ διαφερόμεθα). Aristotle argues that the difference between a statesman, a king, and a head of household is one not in magnitude but in kind (*Politics* 1252a7-10: ὅσοι μὲν οὖν οἴονται πολιτικὸν καὶ βασιλικὸν καὶ οἰκονομικὸν καὶ δεσποτικὸν εἶναι τὸν αὐτὸν οὐ καλῶς λέγουσιν (πλήθει γὰρ καὶ ὀλιγότητι νομίζουσι

relationships, and the different roles performed by members of these relationships, would mean that individuals would no longer carry out the function best suited to them. In eliminating difference among the people that make it up, Plato's ideal *polis* would not be self-sufficient since individual people would no longer be assigned unique roles within society: a *polis* is only fully realized when it becomes self-sufficient due to the number of people performing diverse roles.<sup>10</sup> Thus extreme unification of the *polis* is inadvisable both because it destroys the nature of the *polis* and because it is not at all practical.

Turning to the question of shared property and communally-held women and children, Aristotle argues that people care the most for that which is most individually their own (1261b33-40):

ἥκιστα γὰρ ἐπιμελείας τυγχάνει τὸ πλείστων κοινόν· τῶν γὰρ ἰδίων μάλιστα φροντίζουσιν, τῶν δὲ κοινῶν ἥττον, ἢ ὅσον ἐκάστω ἐπιβάλλει· πρὸς γὰρ τοῖς ἄλλοις ὡς ἐτέρου φροντίζοντος ὀλιγοροῦσι μᾶλλον, ὥσπερ ἐν ταῖς οἰκετικαῖς διακονίαις οἱ πολλοὶ θεράποντες ἐνίοτε χεῖρον ὑπηρετοῦσι τῶν ἐλαττόνων. γίνονται δ' ἐκάστω χίλιοι τῶν πολιτῶν υἱοί, καὶ οὗτοι οὐχ ὡς ἐκάστου, ἀλλὰ τοῦ τυχόντος ὁ τυχὼν ὁμοίως ἐστὶν υἱός· ὥστε πάντες ὁμοίως ὀλιγορήσουσιν.

That which is the common property of the greatest number receives the least attention, since people care most for their private possessions and less for what is commonly held, or rather only insofar as the common property pertains to themselves. They care much less because someone else is thinking about it, just like in a household, when there are a lot of servants, sometimes they do a worse job than when there are fewer. Each citizen has a thousand sons, and they are not even the sons of individuals, but each is the son of whoever, so everyone cares equally little about them.

The affection Plato hoped would transfer from the level of the *oikia* to the city, according to Aristotle's extrapolation of his model, instead dissipates because nobody has anything to call their own. Even an overstaffed household (οἰκετικαῖς) suffers from lack of individualized care.

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διαφέρειν ἀλλ' οὐκ εἶδει τούτων ἕκαστον)). Cf. Cooper 1999: 164-190 and Schofield 2006: 165-193, who argue that Aristotle's critique fails to take into account that Plato modulates this idea over the course of the *Statesman*.

<sup>10</sup> 1261b12-13: βούλεται γ' ἤδη τότε εἶναι πόλις ὅταν αὐτάρκη συμβαίῃ τὴν κοινωνίαν εἶναι τοῦ πλήθους.

Both Plato and Aristotle agree that the greatest good for the *polis* is affection, which results in the least *stasis*.<sup>11</sup> For Plato's Socrates, it is unification that leads to this friendship, but Aristotle argues that, on the contrary, unification causes affection to grow diffuse and "watery" (1262b15: ὕδαρῆ). The two things which cause people to love and cherish one another are personal attachment and affection (τὸ ἴδιον καὶ τὸ ἀγαπητόν), which are derived not from the communal polity but from the *oikos* unit.<sup>12</sup>

Aristotle's rejection of Plato's communal model reflects the significance Aristotle attributes to the *oikos* as the atomic unit of the *polis*. For Aristotle, the affection kindled among the family unit is the source of affection toward the *polis*. Whereas Plato would have the *oikos*, as middleman, cut out of the equation, for Aristotle it is the intimacy of the family that allows members of a *polis* to operate as a collectivity. The *polis* is comprised of houses, and every member of a *polis* is also a member of an *oikos*—even though every house has its own walls and its doors divide shared public space from individual private space, the fact that everyone (in an ideal model) belongs to an *oikos* and has this in common with the other members of the *polis*. Thus it is through their membership in an *oikos* that the members of the *polis* achieve unity on the civic level.

As I stated above, this chapter is concerned with political speeches rather than the forensic speeches I have focused on in the previous chapters. In making this transition, I return to Aristotle's division of genres. In my introduction, I discussed Aristotle's claim that deliberative rhetoric involves decisions that are περὶ οἰκειῶν, of personal interest to each listener, and κοινότερον, relevant to the interests of the community, while forensic rhetoric is about other

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<sup>11</sup> 1262b7-9: φιλίαν τε γὰρ οἴομεθα μέγιστον εἶναι τῶν ἀγαθῶν ταῖς πόλεσιν (οὕτως γὰρ ἂν ἤμισα στασιάζοιεν).

<sup>12</sup> 1262b22-23: δύο γὰρ ἐστὶν ἃ μάλιστα ποιεῖ κήδεσθαι τοὺς ἀνθρώπους καὶ φιλεῖν, τό τε ἴδιον καὶ τὸ ἀγαπητόν.

people's private matters (περὶ ἀλλοτριῶν).<sup>13</sup> I argued that the orators used house *topoi* to turn other people's problems into something that felt deeply personal to every member of the jury. In this same passage of the *Rhetoric*, Aristotle states that deliberative oratory is less inclined than forensic to engage in rhetorical trickery (κακοῦργον), due to its more general interest. This is less a description than a prescription, since both types of rhetoric employ similar persuasive techniques including *eikos* arguments, hyperbole, and emotional appeals, including house *topoi*. Aristotle later categorizes the genres of oratory according to a temporal division (*Rhetoric* 1358b):

χρόνοι δὲ ἐκάστου τούτων εἰσὶ τῷ μὲν συμβουλεύοντι ὁ μέλλον (περὶ γὰρ τῶν ἐσομένων συμβουλεύει ἢ προτρέπων ἢ ἀποτρέπων), τῷ δὲ δικαζομένῳ ὁ γενόμενος (περὶ γὰρ τῶν πεπραγμένων αἰεὶ ὁ μὲν κατηγορεῖ, ὁ δὲ ἀπολογεῖται), τῷ δ' ἐπιδεικτικῷ κυριώτατος μὲν ὁ παρῶν (κατὰ γὰρ τὰ ὑπάρχοντα ἐπαινοῦσιν ἢ ψέγουσιν πάντες), προσχρῶνται δὲ πολλάκις καὶ τὰ γενόμενα ἀναμνήσκοντες καὶ τὰ μέλλοντα προεικάζοντες.

There is a time frame for each of these [genres]: the future for the deliberative orator (he gives advice about what will be, whether for or against), the past for the forensic orator (for it is about things that have happened that, in each case, one man prosecutes and another defends), and the present is most relevant for the epideictic orator (they all praise or blame what is currently taking place), but they often also imitate the past or make predictions about the future.

Aristotle defines epideictic rhetoric as drawing from the past, present, and future, while the genres of deliberative and forensic rhetoric are limited to only a single time frame each. The fact that he only grants the full expanse time to epideictic rhetoric suggests that Aristotle considered past events most appropriate for forensic rhetoric and the future most fitting for deliberative rhetoric. In my earlier chapters, I complicated the notion that forensic rhetoric is limited to the past, showing that forensic orators often engage with the future through the implication that the jury's decision at the present moment will have a long-lasting impact on civic behavior. Again

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<sup>13</sup> *Rhetoric* 1354b: ἡττόν ἐστι κακοῦργον ἢ δημηγορία δικολογίας, ὅτι κοινότερον. ἐνταῦθα μὲν γὰρ ὁ κριτῆς περὶ οἰκείων κρίνει... ἐν δὲ τοῖς δικανικοῖς οὐχ ἰκανὸν τοῦτο, ἀλλὰ πρὸ ἔργου ἐστὶν ἀναλαβεῖν τὸν ἀκροατῆν· περὶ ἀλλοτριῶν γὰρ ἡ κρίσις.

and again, the decisions made in the present are projected into the future and escape from the limits of the courtroom into the patterns of the everyday as the jurors return home carrying their decisions with them.<sup>14</sup> In this chapter, I show that deliberative oratory is not only about the future, but rather that here too the orators draw from the past, even pitting the past against the present as a model for the future. The past always had a place in Athenian self-conception, with the past, present, and future representing the continuity of Athenian identity. Although forensic rhetoric persuades about what *was* done and deliberative about what *will be* done, both genres are concerned with upholding civic ideology about how Athenians should now behave, have behaved in the past, and always will behave. This unified identity is connected, I argue in this chapter, to a timeless, idealized Athens, a homeland that all citizens feel connected to in an analogous way to how each member of an *oikos* feels about his home. Demosthenes uses the rhetoric of home to evoke this timeless homeland as a model for the once and future dominance of Athens.

In what follows, I trace the *oikos* through five of Demosthenes' speeches about the war with Philip of Macedon, in which the Athenians' public policy is expressed through a series of house *topoi*. He uses the adjective *oikeios* to extend the home feeling from the individual house to the city and all its holdings; he warns the citizenry against complacency, preferring the comforts of staying at home to their responsibility to defend the homeland. Calling back to the native examples of the Athenian ancestors, he observes that private houses reveal the *ethos* of the city's government, cautioning against individual aggrandizement at the expense of the common good. These speeches—*On Organization*, the three *Olynthiacs*, and *On the False Embassy*—were delivered during a time period spanning the beginning of Philip's threat to Attica and the

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<sup>14</sup> On the timelessness of domestic space, cf. Rose 1993: 17-40.

increased tensions between Athens and Macedonia. I then conclude with a brief discussion of Aeschines' and Demosthenes' speeches *Against Ctesiphon* and *On the Crown*, delivered in a period after Athens and its allies had fallen to Philip at Chaeronea. Despite the changing political circumstances, these speeches show a consistency of ideology centered around the *oikos* as the heart of the *polis*.

### **Demosthenes 13: *On Organization***

Once Demosthenes had prosecuted his guardians, he embarked upon a successful career as a forensic orator, delivering both private speeches and public prosecutions of politicians who made illegal proposals.<sup>15</sup> His first speech before the Assembly was *On the Symmories* (Demosthenes 14) in 354/3, urging Athens to build up its military in the face of an imminent attack by the king of Persia.<sup>16</sup> This exhortation was unsuccessful and, moreover, there was no attack by the king, but despite his failure, this speech marked the beginning of his career.<sup>17</sup> After this first speech regarding the Persian king, the focus of his attentions quickly became the threat of Philip, king of Macedon.

At the same time as Demosthenes was gaining more and more acclaim as both a logographer and a politician, Philip was posing an increasing threat to Athens. His capture of the former Athenian colony Amphipolis in 357 and of Methone in 354 brought him to the attention of Athens, but the first confrontation between the Macedonians and Athens came in 353 with Philip's intervention in the Third Sacred War between the Phocians (who were allied with

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<sup>15</sup> MacDowell 2009: 152; Worthington 2013: 85.

<sup>16</sup> MacDowell 2009: 142-147.

<sup>17</sup> MacDowell 2009: 207, Worthington 2013: 88-89.

Athens) and the Thebans, representing the Amphictyonic League, the caretakers of Delphi.<sup>18</sup> Athens joined forces with the Phocians to stop Philip in his southward campaign at Thermopylae. Philip left Athens alone for the next several years, focusing on Thrace, while Athens entered into a period of economic recovery following a series of wars fought both in the mainland and in the east.<sup>19</sup> Among the reforms accompanying this recovery was the creation of a Theoric Fund, which used surplus public money to pay for people to attend religious festivals and theatrical productions.<sup>20</sup> It was to this payment that Demosthenes seems to have primarily objected. In his early political speeches (especially 13 *On Organization* and 1-3 *Olynthiacs*, discussed in this and the following sections), Demosthenes comes back again and again to these funds even before he shows signs of worry about Philip. His concern seems to be over frivolity at home in Athens at the expense of preparedness for battle.

Sometime before 349,<sup>21</sup> Demosthenes gave a speech, *On Organization* (Demosthenes 13), calling for the city to stop putting surplus money into the Theoric Fund and instead direct it to the military.<sup>22</sup> Although it does not mention the trouble with Philip specifically, in many ways this speech acts as a prequel for the *Olynthiac* orations.<sup>23</sup> There are many overlaps, in both language and theme, that anticipate the three *Olynthiacs*. The topic is the expenditure of public

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<sup>18</sup> Ryder 2000: 46-47.

<sup>19</sup> Cawkwell 1963 focuses on non-Demosthenic evidence for this time period.

<sup>20</sup> On the Theoric Fund cf. Buchanan 1962, Cawkwell 1963, Sealey 1993, Harris 2006, Roselli 2009, Worthington 2013.

<sup>21</sup> Cawkwell (1963: 48), and Usher (1999: 215-217) date this speech to 353/2, but as MacDowell (2009: 227) points out, the reference at 13.8 is to the fall of Rhodes, which took place shortly after Demosthenes' speech "On the Freedom of the Rhodians" (Demosthenes 15) in 351/0. The lack of references to Olynthus or Philip gives the speech a *terminus ante quem* of 349.

<sup>22</sup> Against some earlier hesitation, Trevett 1994 argues for the legitimacy of this speech. Usher (1999: 215-217), MacDowell (2009: 223-229) provide background and context for the speech.

<sup>23</sup> MacDowell 2009: 224.

money, and the *topoi* Demosthenes engages with are the same ones he will come back to again and again: homeland empathy, appealing to native examples, and using houses as evidence of character.

The speech opens with a pointed reference to a money problem currently under discussion in the Assembly.<sup>24</sup> Demosthenes argues that the city needs a better system of distributing surplus money to the people, calling especially for a systematization of the way the military is run. Complaining that the army is corrupt and overly reliant on mercenaries, he suggests that they should “first make the allies our own (οἰκεῖοι) not by garrisons but by their advantage and ours being the same.”<sup>25</sup> The evocation of familial affection gives the relationship Demosthenes recommends that Athens have with its allies a warmth which, however, soon becomes complicated. Directly afterward, Demosthenes advises against the use of mercenaries since “it is advantageous to use one’s own (οἰκεῖα) troops for one’s own (οἰκεῖους) battles.”<sup>26</sup> The repetition of the adjective *oikeios* to refer to the allies, the battles, and the Athenian army, one immediately after the other, invites the audience to think about the semantic range from “intimate friend” to “belonging to one’s self.”<sup>27</sup> As I have shown in my previous chapters, the etymological meaning of the adjective *oikeios* draws a direct connection between whatever it modifies and the feeling of home. *Oikeioi* allies help defend the home because they have a personal investment in its safety; *oikeioi* battles are those that threaten the home; *oikeia* troops are those that come from the home. The force of this connection is far greater than using ἡμέτερος—it is not about “us,” it is about “home.”

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<sup>24</sup> 13.1: περὶ μὲν τοῦ παρόντος ἀργυρίου

<sup>25</sup> §6: πρῶτον μὲν οἱ σύμμαχοι μὴ φρουραῖς, ἀλλὰ τῷ ταῦτά συμφέρειν ὑμῖν κάκεινοις ὧσιν οἰκεῖοι.

<sup>26</sup> §7: πρὸς τοὺς οἰκεῖους πολέμους οἰκεῖα χρῆσθαι δυνάμει συμφέρειν

<sup>27</sup> Cf. Carson 1986: 33-34.



At home, however, career politicians and a complacent public are tarnishing the great name of Athens, Demosthenes continues, decrying luxury, profit, and statues in the agora. He compares the present laxity of life (§20: τῆς καθ' ἡμέραν ῥαθυμίας)<sup>28</sup> with the austerity and honor of the past (§21):

οὐ γὰρ ἀλλοτρίοις ὑμῖν παραδείγμασι χρῆσασθαι, ἀλλ' οἰκείοις ἔξεσθ' ἃ προσήκει πράττειν εἰδέναι. ἐκείνοι Θεμιστοκλέα τὸν τὴν ἐν Σαλαμῖνι ναυμαχίαν στρατηγούντα καὶ Μιλτιάδην τὸν ἡγούμενον Μαραθῶνι καὶ πολλοὺς ἄλλους, οὐκ ἴσα τοῖς νῦν στρατηγοῖς ἀγάθ' εἰργασμένους, μὰ Δί' οὐ χαλκοῦς ἴστασαν, ἀλλ' ὡς οὐδὲν αὐτῶν κρείττους ὄντας, οὕτως ἐτίμων.

You don't need to look to foreign examples, but rather native ones to figure out what you need to do. Themistokles, the general at the battle of Salamis, and Miltiades the general at Marathon, and many others, accomplished far more good deeds than the current generals, but, by Zeus, back in those days they did not put up bronze statues, but honored them like they were in no way better than themselves.

By recalling the great heroes of the Persian wars and referring to their examples as *oikeiois*, Demosthenes draws a connection from those times of glory even to the corrupt present day. In order to restore the former glory, he implies, today's generals need to give up the idea of individual fame and glory, fighting instead for the sake of the community. Victories are no longer considered Athenian, as they were in the times of Themistocles and Miltiades—now they are considered the work of an individual general. The present state of Athens that Demosthenes is condemning differs from its golden age because of the excess of individual ambition in lieu of communal pride: Athens is suffering from a lack of home feeling on the citywide level.

Demosthenes goes on to make this lack explicit, using houses and public buildings as physical representations of the character of the city as it makes the transition from patriotic community to greedy individualism (§§29-30):

τὰς δ' ἰδίας οἰκίας τῶν ἐν δυνάμει γενομένων οὕτω μετρίας καὶ τῷ τῆς

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<sup>28</sup> Mader (2005: 11) notes that such characterizations are a “constant refrain in [Demosthenes’] demagogic speeches.”

πολιτείας ὀνόματι ἀκολούθους ὥστε τὴν Θεμιστοκλέους καὶ τὴν Κίμωνος καὶ τὴν Ἀριστείδου καὶ τῶν τότε λαμπρῶν οἰκίαν, εἴ τις ἄρ' ὑμῶν οἶδεν ὅποια ποτ' ἐστίν, ὅρᾳ τῆς τοῦ γείτονος οὐδὲν σεμνοτέραν οὐσαν. νῦν δ', ὦ ἄνδρες Ἀθηναῖοι..., ἰδίᾳ δ' οἱ τῶν κοινῶν ἐπὶ τῷ γεγενημένῳ οἱ μὲν τῶν δημοσίων οἰκοδομημάτων σεμνοτέρας τὰς ἰδίας οἰκίας κατασκευάκασιν, οὐ μόνον τῶν πολλῶν ὑπερηφανωτέρας, οἱ δὲ γῆν συνεωνημένοι γεωργοῦσιν ὅσῃν οὐδ' ὄναρ ἤλπισαν πώποτε.

The private houses of those who were then in power were so modest and so in keeping with the name of our form of government that any one of you who knows what they're like can see that the house of Themistokles or Kimon or Aristides or any other luminary of the time is no more imposing than its neighbor. But now, men of Athens..., in private, some of those who, to some extent, have control of the public funds have built individual houses more imposing than the public buildings, not just more arrogant than those of the people, and others have bought and farmed more land than they could ever dream of.

In accusing contemporary politicians of embezzling public funds, Demosthenes contrasts their greed with the modesty of the houses of politicians of the previous century. In so doing, he draws on the *topos* that the size of private houses inversely correlates with the strength of character of its resident. Demosthenes previously employed this *topos* in *Against Aristokrates* (Demosthenes 23) in order to contrast the petty disputes of the present with the glory and honor of the past.<sup>29</sup>

The language of the two passages overlaps a great deal: in both, the visibility of the evidence (ὄρᾳ) is emphasized and the contrast between the houses of ancient heroes and modern elites is characterized with the striking comparative “more imposing” (σεμνοτέραν, σεμνοτέρας), which, with its religious connotations, would perhaps be more appropriately applied to the public cult buildings whose decline has matched the elevation of private residences.

There is also a slight difference in emphasis between the two passages. In *Against Aristokrates*, Demosthenes describes the present day elite houses as more imposing

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<sup>29</sup> 23.207-208: τὴν Θεμιστοκλέους μὲν οἰκίαν καὶ τὴν Μιλτιάδου καὶ τῶν τότε λαμπρῶν, εἴ τις ἄρ' ὑμῶν οἶδεν ὅποια ποτ' ἐστίν, ὅρᾳ τῶν πολλῶν οὐδὲν σεμνοτέραν οὐσαν, τὰ δὲ τῆς πόλεως οἰκοδομήματα καὶ κατασκευάσματα τηλικαῦτα καὶ τοιαῦθ' ὥστε μηδενὶ τῶν ἐπιγιννομένων ὑπερβολὴν λειψέσθαι, προπύλαια ταῦτα, νεώσοικοι, στοαί, Πειραιεῖς, τᾶλλ' οἷς κατασκευασμένην ὄρατε τὴν πόλιν.... νῦν δ' ἰδίᾳ μὲν ἐκάστῳ τῶν τὰ κοινὰ πρᾶττόντων τσοσάτη περιουσία ἐστίν ὥστε τινὲς μὲν αὐτῶν πολλῶν δημοσίων οἰκοδομημάτων σεμνοτέρας τὰς ἰδίας κατασκευάκασιν οἰκίας. This speech is dated by Dionysius to 352/1 and therefore probably predates Demosthenes 13. On this speech, cf. Usher 1999: 204-209.

(σεμνοτέρως) than the public buildings, while in *On Organization*, he adds to this comparison that they are also more arrogant (ὑπερηφανωτέρως) than the houses of the people (τῶν πολλῶν). In the earlier speech, Demosthenes addresses the jury as victims: “They are the heirs of your glory and goods, but you get no benefit at all. You are instead witnesses of other people’s rewards, having a share in nothing other than being deceived.”<sup>30</sup> In *On Organization*, delivered before the Assembly, Demosthenes addresses his audience as complicit in the present corruption. The addition of “more extravagant than the houses of the masses” augments the anti-collective actions of the hyper-elite.

Demosthenes’ use of house *topoi* in *On Organization* creates an emotional connection between the Assembly and the city, paving the way for his continuation and expansion of this strategy in the three *Olynthiacs*. The significant appearances of the adjective *oikeios* build up the sense of accountability, the relationship between foreign policy and domestic prosperity. By linking examples from the Athenian past to the corruption and greed of present day politicians, Demosthenes paves the way for a political career that will use the home feeling as a powerful tool of persuasion.

### **Demosthenes 1-3: *Olynthiacs***

The city of Olynthus, located in the Chalkidiki in northern Greece, is the cause of a striking split among disciplines. It is an important location for both history and archaeology, but Classicists think of Demosthenes’ *Olynthiacs* before noting that Olynthus is the site of the best preserved houses of the classical period in all of Greece, and for archaeologists the reverse is

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<sup>30</sup> 23.210: οὗτοι κληρονομοῦσι τῆς ὑμετέρας δόξης καὶ τῶν ἀγαθῶν, ὑμεῖς δ’ οὐδ’ ὅτιοῦν ἀπολαύετε, ἀλλὰ μάρτυρές ἐστε τῶν ἐτέρων ἀγαθῶν, οὐδενὸς ἄλλου μετέχοντες ἢ τοῦ ἐξαπατᾶσθαι.

true. And yet for both disciplines, the significance of the site comes as a result of the same event: King Philip of Macedon's aggression against and destruction of the city in 348. Demosthenes' speeches were intended to muster Athenian support for an alliance with Olynthus. He was eventually successful, but the aid was too late to protect the Olynthians when Philip suddenly attacked, sacking the city and enslaving the residents. The suddenness of the city's abandonment and the lack of subsequent habitation on the site means that the walls, foundations, and floors of the houses were extraordinarily well-preserved, along with more artifacts than have been found in other Classical Greek houses. Moreover, because no temples were found in the excavation of Olynthus, the early 20<sup>th</sup> century archaeologist who excavated the site, David Robinson, was compelled to focus on the houses. As I noted in my introduction, the house was not a subject of interest for Classical archaeology until quite recently—Robinson's work was ahead of its time, and has continued to prove useful for modern archaeologists.<sup>31</sup>

As historical documents, the *Olynthiacs* represent an early stage in Demosthenes' campaign against Philip, whom Demosthenes increasingly perceived as a threat to Athenian freedom. His speeches concerning Philip became more and more forceful as the years went on, warning the Athenian people of the danger he represented. The relations between Philip and Athens culminated in the battle of Chaeronea which, despite the continuation of the democracy in name, "changed Greece forever."<sup>32</sup> And yet for the architectural historians Wolfram Hoepfner and Ernst-Ludwig Schwandner, the archaeological site of Olynthus represents a concretization of the ideals of democracy. They argue that the Hippodamean grid along which Olynthus was built, and the similar sizes and shapes of the houses, was the physical manifestation of the democratic

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<sup>31</sup> Cahill 2000: 61-66. Cahill's study is a reassessment of Robinson's excavation records, working from his publications (*Olynthus* 1-14, published by John Hopkins University Press between 1929 and 1952) and unpublished notebooks.

<sup>32</sup> Worthington 2013: 254.

principle of *isonomia*, “equal rights.”<sup>33</sup> They claimed that this principle extended not just to civic rights, but also to the division of land, with the house representing a standard unit within the democratic city. This is an attractive theory, and it has formed the basis for several other studies. For example, Bradley Ault, examining the house remains at Halieis in the Peloponnese, attempts to identify the gendered use of space starting from the principle of *isonomia*. However, as often happens in studies attempting to identify gendered space from archaeological excavations, he ultimately returns to the textual evidence, in this case Xenophon’s *Oeconomicus*: “Much of what we have seen about the spatial organization of the houses at Halieis and elsewhere implies a similar symmetrical and symbiotic partnership between male and female. *Isonomia*, like *oikonomia*, began at home.”<sup>34</sup> Other scholars are skeptical of Hoepfner and Schwandner’s theory, rejecting “the view that planned towns reflect a particular ideology or policy, or that standardised housing was inherently democratic.”<sup>35</sup> Nevett notes that “Hoepfner and Schwandner to some extent fall into the methodological trap...of using archaeology to illustrate hypotheses derived from readings of the textual evidence, rather than as an independent source.”<sup>36</sup> And Cahill, in his reexamination of the original excavation of Olynthus, rejects the hypothesis that a city plan has any effect on the lives lived within the houses. He cautions against mistaking “ideals for actual practices. *Isonomia* among citizens may have been a powerful factor in Greek law and custom, but that did not make Greek society completely egalitarian or Greek houses all exactly alike. Variation and ‘messiness’ are inevitable—and revealing—aspects of human existence.”<sup>37</sup>

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<sup>33</sup> Hoepfner and Schwandner 1986.

<sup>34</sup> Ault 2000: 493.

<sup>35</sup> Shipley 2004: 337.

<sup>36</sup> Nevett 1999: 27.

<sup>37</sup> Cahill 2002: 195.

Archaeological evidence has shown each house, despite its external similarities to its neighbors, to contain a unique collection of artifacts, which represents the range of domestic and economic pursuits carried out within the city.

The interplay of houses and democracy localized at Olynthus is, for the most part, coincidental—Demosthenes did not know his policy would fail, Olynthus would be sacked, and 2,300 years later its rediscovery would spark a theory linking houses to the principle of equality under democracy. But at the same time, it shows a certain continuity in the desire to link houses and political philosophy—it was as evident to these 20<sup>th</sup> century architectural theorists as it was to Aristotle that the kernel of the polity would be found in the house. In the section that follows, I argue that in the *Olynthiacs* Demosthenes uses references to houses to evoke a sense of centrality, a home base rooted in the here and now. He draws on the past and the future to give a sense of the necessity for action. Pairing house *topoi* with an emphasis on the present moment, he introduces the idea of the home as a resource to draw on, to set forth from, instead of a place to rest, complacent. Demosthenes defines and redefines what home means to the Athenians and their allies as well as to Philip, creating a sense of empathy between Athens and its allies combined with self-preservation in the face of increasingly likely danger.<sup>38</sup>

Like *On Organization*, the first *Olynthiac* opens with a mention of money, although in this case it is hypothetical money: “I think, men of Athens, that you would choose to pay a lot of money if what will happen to the city regarding the matter you are now considering should become clear.”<sup>39</sup> Since this speech will subtly condone the use of the Theoric Fund to subsidize

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<sup>38</sup> Discussion of the three *Olynthiacs*: Schaefer 126-152, Blass 1887-1898: 3.1: 268ff., Jaeger 127-144, Sealey 1994: 137-143; Ellis 1967 and Tuplin 1998 discuss the order of the speeches, which Dionysios ordered 2-3-1; the consensus is with the traditional ordering 1-2-3, which I follow in my discussion. Text with commentary in Sandys 1910 and McQueen 1986.

<sup>39</sup> 1.1: ἀντὶ πολλῶν ἄν, ὃ ἄνδρες Ἀθηναῖοι, χρημάτων ὑμᾶς ἐλέσθαι νομίζω, εἰ φανερόν γένοιτο τὸ μέλλον συνοίσειν τῇ πόλει περὶ ὧν νυνὶ σκοπεῖτε.

the expedition to help the Olynthians, the money in question may be less hypothetical than the conditional would suggest—the premise, or promise, of Demosthenes’ speeches is that he can predict the future, provided the Assembly follow his plan. If they were to for the funds to be transferred, he suggests, it would be to the advantage of the city.

Demosthenes’ arguments join together time and place, conveying a sense of temporal and local immediacy by overlaying the threat faced by a city far away with the potential danger in Athens itself. The advantage he speaks of comes down to acting at the opportune time (*καιρός*), that is, immediately. Demosthenes uses this word nine times in the first *Olynthiac*, five times in the second, and seven times in the third, emphasizing the urgency of the situation.<sup>40</sup> *Kairos* is practically calling out for Athens to act (*μόνον οὐχὶ λέγει*).<sup>41</sup> This personification vividly expresses the need for action. The threat of Philip had been building up for many years, and in the past Athens has thrown away the opportunity to act (§8: *παραπεπωκότα καιρὸν ἀφείναι*). To make up for it, he calls on the Assembly to consider Olynthians’ request for aid as an opportunity for Athens to confront Philip at the side of a powerful and ally whose location near Philip is strategically valuable.<sup>42</sup> Linking opportunity with piety, he describes those who do not take advantage of opportunities correctly as failing to notice when the gods grant them something good.<sup>43</sup> The alliance with the Olynthians is more than an opportunity, it is a kindness granted by the goodwill (*εὐνοίας*) of the gods.<sup>44</sup> For both strategic and religious reasons, Demosthenes compels the Assembly to take his advice under consideration.

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<sup>40</sup> Forms of *kairos* are found at 1.2, 4, 8, 9, 11, 20, 24 (three times); 2.2, 4, 8, 23, 30; 3.3, 5 (twice), 6, 7, 16, 35

<sup>41</sup> §2: ὁ μὲν οὖν παρὼν *καιρός*, ὧ ἄνδρες Ἀθηναῖοι, *μόνον οὐχὶ λέγει* φωνὴν ἀφιεῖς.

<sup>42</sup> §9: νυνὶ δὴ *καιρός* ἦκει τις, οὗτος ὁ τῶν Ὀλυνθίων

<sup>43</sup> §11: οὕτως οἱ μὴ χρησάμενοι *τοῖς καιροῖς* ὀρθῶς, οὐδ’ εἰ συνέβη τι παρὰ τῶν θεῶν χρηστὸν μνημονεύουσι.

<sup>44</sup> §10: τῆς παρ’ ἐκείνων *εὐνοίας* εὐεργέτημ’ ἂν ἔγωγε θεῖην

The alliance also may be in the Athenians' interest for their own self-preservation. Demosthenes asks the Assembly to consider, too, the fact that the Olynthians are not fighting over reputation or disputed territory, but to prevent the devastation and enslavement of their fatherland (πατρίδος).<sup>45</sup> Although the Olynthians' problems seem far off, Demosthenes urges the Assembly to consider the implications of Philip's restlessness. If Olynthus is destroyed, what will keep Philip from going wherever he wants?<sup>46</sup> Specifically, Demosthenes warns, Philip will transfer the war from *there* (ἐκεῖθεν), the Chalkidiki, to *here* (δεῦρο), Athens.<sup>47</sup> The directionality of his language brings the danger home, transferring the threat that the Olynthians face, directed at their fatherland, to the Athenians' own land.<sup>48</sup> Demosthenes introduces the potential risk to Athens in an effort to collectivize the people, to form a unity of purpose in the face of the singular leadership of Philip.<sup>49</sup>

In order to amplify the personal nature of the threat of Philip, Demosthenes uses the rhetoric of home in order to show that the stakes will be who gets to call what land home. He urges the Assembly to vote to send two military forces—one to help the Olynthians and the other to target Philip's land. If either of the two expeditions is neglected, the result will be catastrophic (§18):

εἴτε γὰρ ὑμῶν τὴν ἐκείνου κακῶς ποιούντων, ὑπομείνας τοῦτ' Ὀλυνθον παραστήσεται, ῥαδίως ἐπὶ τὴν οἰκειάν ἐλθὼν ἀμυνεῖται· εἴτε βοθησάντων μόνον ὑμῶν εἰς Ὀλυνθον, ἀκινδύνως ὄρων ἔχοντα τὰ οἴκοι, προσκαθεδεῖται καὶ προσεδρεύσει τοῖς πράγμασι, περιέσται τῷ χρόνῳ τῶν πολιορκουμένων.

<sup>45</sup> §5: δῆλον γὰρ ἐστὶ τοῖς Ὀλυνθίοις ὅτι νῦν οὐ περὶ δόξης οὐδ' ὑπὲρ μέρους χώρας πολεμοῦσιν, ἀλλ' ἀναστάσεως καὶ ἀνδραποδισμοῦ τῆς πατρίδος. I would argue that the word πατρίς, because of its geneological connotation, invokes the home feeling as much as the word οἰκεία (χώρα) does.

<sup>46</sup> §12: τί τὸ κωλύον ἔτ' αὐτὸν ἔσται βαδίζειν ὅποι βούλεται;

<sup>47</sup> §15: τὸν ἐκεῖθεν πόλεμον δεῦρ' ἤξοντα

<sup>48</sup> §15: κινδυνεύσωμεν περὶ τῶν ἐν αὐτῇ τῇ χώρᾳ

<sup>49</sup> §4: ἐκείνον ἐν ὄντι κύριον



If you only cause trouble for him in his land, he will endure this while he stays at Olynthus and then he will easily come and defend his homeland. And if you only send help into Olynthus, he will see that all is safe at home and will settle in and address the situation more assiduously and will in time prevail over those he has besieged.

Demosthenes frames the decision in terms of Philip's homeland and contrasts Philip's willingness to allow the Athenians to cause trouble in his homeland with the Athenian imperative to keep their homeland safe. This contrast makes it personal: if the Assembly does not address both aspects of the problem (οἰκείαν), Philip will be safe at home (οἴκοι) and the Athenians will be risking their own home and safety. He asks them to consider what would happen if the situation were reversed, if it was Philip who had this golden opportunity and if the war was in Attica—would he not readily attack?<sup>50</sup> He points out that the war will eventually be fought either in the North or in Athens and that by fighting in Olynthus, the Athenians will be able to continue to enjoy their homeland without fear.<sup>51</sup> As an additional incentive, he reminds them that if Philip defeats Olynthus, the major areas lying between him and Attica are Thebes, who will join Philip, and Phocis, which is unable to secure its own homeland without the help of the Athenians.<sup>52</sup> In this passage he is referring to Philip's defeat of the Phocians at the battle of the Crocus Field in 352, after which Athens sent forces to help guard the pass at Thermopylae.<sup>53</sup> The reminder of the Phocians' jeopardized homeland is both an evocation of empathy and a cautionary tale about the power of Philip's armies.

In order for this strategy to work, of course, the expeditions will need to be funded. As in *On Organization*, in the *Olynthiacs* the distribution of public funds toward war efforts is a central

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<sup>50</sup> §24: εἰ Φίλιππος λάβοι καθ' ἡμῶν τοιοῦτον καιρὸν καὶ πόλεμος γένοιτο πρὸς τῇ χώρᾳ, πῶς ἂν αὐτὸν οἴεσθ' ἐτοίμως ἐφ' ὑμᾶς ἐλθεῖν;

<sup>51</sup> §25: ἐκεῖ χρὴ πολεμεῖν ἢ παρ' ὑμῖν... τὴν ὑπάρχουσαν καὶ τὴν οἰκείαν ταύτην ἀδεῶς καρπούμενοι

<sup>52</sup> §26: οἱ τὴν οἰκείαν οὐχ οἴοι τ' ὄντες φυλάττειν, ἐὰν μὴ βοηθήσῃθ' ὑμεῖς

<sup>53</sup> Worthington 2013: 106-109.

topic. Athens has money, which it could direct toward military spending, but the people prefer to spend it carelessly on festivals.<sup>54</sup> Demosthenes thus implies that the money in question is the Theoric Fund without bringing it up outright.<sup>55</sup> The alternative to diverting this money into the military expeditions is a war tax (*eisphora*). Demosthenes instructs the Assembly to choose between these options, a redistribution of preexisting funds or taxation, while the opportunity still presents itself.<sup>56</sup> As he concludes his speech, Demosthenes calls upon the rich to help fund the campaign so that they can enjoy the rest of their fortunes without fear (ἀδεῶς).<sup>57</sup> He also urges the youths to obtain experience by fighting in Philip's land and becoming fearsome (φοβεροί) guardians of their unblemished homeland.<sup>58</sup> In these closing remarks, Demosthenes represents the funds as necessary to the preservation of the homeland, drawing feelings of unity and preservation and promising fearlessness (ἀδεῶς) for those who contribute and a fearsome (φοβεροί) demeanor for those who attack.

In the first *Olynthiac*, Demosthenes establishes the themes of opportunity and homeland, drawing the Athenians into a collective unity able to confront the singular threat of Philip. The second *Olynthiac* continues developing these themes, again linking the favor of the gods (2.1: τὴν παρὰ τῶν θεῶν εὐνοίαν) with the opportunity to help the Olynthians. The Olynthians' refusal to make an agreement with Philip, finding the idea of alliance both untrustworthy and

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<sup>54</sup> §20: ὑμεῖς δ' οὕτω πως ἄνευ πραγμάτων λαμβάνειν εἰς τὰς ἑορτάς

<sup>55</sup> MacDowell (2009: 234) and Worthington (2013: 136) suggest that for Demosthenes to propose a redistribution of the Theoric Fund outright would open him up to a *graphē paranomōn*, a lawsuit for proposing an illegal decree.

<sup>56</sup> §20: καὶ ἕως ἐστὶ καιρός

<sup>57</sup> §28: τὰ λοιπὰ καρπῶνται ἀδεῶς, recalling §25.

<sup>58</sup> §28: τὴν τοῦ πολεμῆν ἐμπειρίαν ἐν τῇ Φιλίππου χώρᾳ κτησάμενοι φοβεροὶ φύλακες τῆς οἰκείας ἀκεραίου γένωνται.

destructive to their fatherland (πατρίδος), seems to be the good deed of some divinity.<sup>59</sup> The alliance with the Olynthians and the opportunity to face Philip in battle are provided by fortune.<sup>60</sup> As Demosthenes frames the situation, the gods and the fates are allied with the Athenians and to them will be owed the Athenians' victory, whereas Philip's success is due to deceit and manipulation.

Throughout the speech, Demosthenes links Athens with a strategy of friendly alliance and the support of the gods and Philip with duplicity and dishonor. He summarizes the secret treaties and broken alliances that make up Philip's career, concluding that there is nobody who has not been cheated by him.<sup>61</sup> He contrasts the alliance he wants Athens to form with the Olynthians with Philip's approach to diplomacy (§§9-10):

ὅταν μὲν γὰρ ὑπ' εὐνοίας τὰ πράγματα συστή και πάσι ταὐτὰ συμφέρον τοῖς μετέχουσι τοῦ πολέμου, και συμπονεῖν και φέρειν τὰς συμφορὰς και μένειν ἐθέλουσιν ἄνθρωποι, ὅταν δ' ἐκ πλεονεξίας και πονηρίας τις ὡσπερ οὗτος ἰσχύση, ἢ πρώτη πρόφασις και μικρὸν πταῖσμι' ἅπαντ' ἀνεχαίτισε και διέλυσεν. οὐ γὰρ ἔστιν, οὐκ ἔστιν, ὡ ἄνδρες Ἀθηναῖοι, ἀδικοῦντα και ἐπιποροκοῦντα και ψευδόμενον δύναμιν βεβαίαν κτήσασθαι.

When a situation converges through goodwill and all parties to the war have the same interests, then people want to work together, bear misfortunes, and see it through. But when someone like Philip gets strong through greed and crime, the most perfunctory excuse and slightest setback shakes up and shatters everything. For it is impossible, impossible, men of Athens, for someone to obtain secure power through criminality, breaking oaths, and lying.

The goodwill that underlies a successful alliance calls back to the *eunoia* directed at Athens from the gods, while the phrase ταὐτὰ συμφέρον echoes Demosthenes' advice in *On Organization* on how to turn allies into *oikeioi* (13.6: τῷ ταὐτὰ συμφέρον ὑμῖν). In this passage, the contrast between the sense of unity among members of the honest alliance and the violent disruption

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<sup>59</sup> 2.1: τὰς πρὸς ἐκεῖνον διαλλαγὰς πρῶτον μὲν ἀπίστους, εἶτα τῆς ἐαυτῶν πατρίδος νομίζειν ἀνάστασιν, δαιμονία τι καὶ θεία παντάπασιν ἔοικεν εὐεργεσία.

<sup>60</sup> §2: τῶν ὑπὸ τῆς τύχης παρασκευασθέντων συμμάχων και καιρῶν

<sup>61</sup> §7: οὐδεὶς ἔστιν ὄντιν' οὐ πεφενάκιεν ἐκεῖνος

characteristic of the dishonest alliance resonates even at the sublexical level: the prefixes of the former (συ-στῆ, μετ-έχουσι, συμ-πονεῖν) builds a sense of intimacy and sharing, while the latter alliance is assigned the prefixes ἀνα- and δια-, signifying turbulence and separation.

The distinction between these two diplomatic strategies is vividly expressed by a simile evoking the need for a strong foundation when making diplomatic arrangements (§10):

ὥσπερ γὰρ οἰκίας, οἶμαι, καὶ πλοίου καὶ τῶν ἄλλων τῶν τοιούτων τὰ  
κάτωθεν ἰσχυρότατ' εἶναι δεῖ, οὕτω καὶ τῶν πράξεων τὰς ἀρχὰς καὶ τὰς  
ὑποθέσεις ἀληθεῖς καὶ δικαίας εἶναι προσήκει.

Just like a house, I think, and a ship and all other such things, must derive their greatest strength from the foundation, so also must the principles and basis of diplomatic matters be truth and justice.

While the house of the Athenian-Olynthian alliance would be built on a firm foundation of friendship, the house of Philip's rule is frail and untrustworthy. In contrast to Demosthenes' message of togetherness and sharing, Philip and his subjects have conflicting desires: he zealously yearns for fame, but they have no share in the glory.<sup>62</sup> Demosthenes urges the Athenians to act together with the Olynthians so that Philip's alliances will be revealed to be weak and unreliable, and the sorry state of his personal (οἰκείας) authority and power confirmed.<sup>63</sup> In framing his diplomatic strategy in the language of the home, Demosthenes underlines his goal of unifying the people of Athens as members of a single *oikos*.

The inevitable success of the Athenian's alliance depends, however superior in theory, on their action. Returning to the gods' *eunoia*, Demosthenes assures the Assembly that Athens has a greater claim to the gods' favor than Philip.<sup>64</sup> But the gods help those who help themselves. It

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<sup>62</sup> §15: τοῖς αὐτοῖς Φίλιππὸν τε χαίρειν καὶ τοὺς ἀρχομένους, ἀλλ' ὁ μὲν δόξης ἐπιθυμεῖ καὶ τοῦτ' ἐζήλωκε.  
§16: τοῖς δὲ τῆς μὲν φιλοτιμίας τῆς ἀπὸ τούτων οὐ μέτεστι.

<sup>63</sup> §13: τὰ συμμαχικὰ ἀσθενῶς καὶ ἀπίστως ἔχοντα φανήσεται Φιλίππῳ, ἀλλὰ καὶ τὰ τῆς οἰκείας ἀρχῆς καὶ δυνάμεως κακῶς ἔχοντ' ἐξελεγχθήσεται.

<sup>64</sup> §22: πολὺ γὰρ πλείους ἀφορμὰς εἰς τὸ τὴν παρὰ τῶν θεῶν εὐνοίαν ἔχειν ὀρῶ ὑμῖν ἐνούσας ἢ ἡκεῖνον.

would not be right for someone doing nothing to ask for help from friends, let alone the gods.<sup>65</sup> A friendly alliance is not just about feelings, but about fighting together and sharing equally in the war efforts—it requires doing. If Philip is winning, it is only because, in his singular resolve, he himself is present at everything and never lets an opportunity slip away.<sup>66</sup> In urging the Assembly to action, Demosthenes cautions against letting the opportunity, and with it the favor of the gods and fortune, fall to Philip.

In addition to the gods and fate, Demosthenes brings up the character of the Athenian ancestors as an argument in support of the alliance with the Olynthians (§24):

ἀλλ' ἐκείνο θαυμάζω, εἰ Λακεδαιμονίοις μὲν ποτ', ὦ ἄνδρες Ἀθηναῖοι, ὑπὲρ τῶν Ἑλληνικῶν δικαίων ἀντήρατε, καὶ πόλλ' ἰδίᾳ πλεονεκτῆσαι πολλάκις ὑμῖν ἐξὸν οὐκ ἠθελήσατε, ἀλλ' ἴν' οἱ ἄλλοι τύχῳσι τῶν δικαίων, τὰ ὑμέτερόν αὐτῶν ἀνηλίσκετ' εἰσφέροντες καὶ προὔκινδυνεύετε στρατευόμενοι, νυνὶ δ' ὀκνεῖτ' ἐξιέναι καὶ μέλλετ' εἰσφέρειν ὑπὲρ τῶν ὑμετέρων αὐτῶν κτημάτων.

I am amazed at the fact that once, men of Athens, you fought the Spartans for the sake of justice for Greece, and on many occasions when you had the opportunity to profit in private you were unwilling to do so, but instead paid war taxes from your own pockets and risked your lives in battle so that others could obtain justice, but now you hesitate to go to war and only want to pay taxes for the sake of your own possessions.

Demosthenes contrasts the generosity and motivation of the previous generation with the laziness and greed of the present day in order to draw on the motif of decline he engaged with in *Against Aristocrates* and *On Organization*. In focusing on the Athenians' possessions (ὑμετέρων αὐτῶν κτημάτων), Demosthenes avoids the language of the home, reflecting the distorted value system that places personal property before communal safety. The issue of money, more subdued in this speech than in the other two *Olynthiacs*, comes across directly in this passage, as Demosthenes contrasts the previous generations' willingness to pay war taxes with the current practice of

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<sup>65</sup> §23: οὐκ ἔνι δ' αὐτὸν ἀργοῦντ' οὐδὲ τοῖς φίλοις ἐπιπάττειν ὑπὲρ αὐτοῦ τι ποιεῖν, μὴ τί γε δὴ τοῖς θεοῖς.

<sup>66</sup> §23: ἐκείνος αὐτὸς καὶ παρῶν ἐφ' ἅπασι καὶ μήτε χαιρῶν μήθ' ὄραν παραλείπων

putting individual property before communal wellbeing. Despite the scolding tone, the comparison also offers hope of redemption: if the previous generation of Athenians were superior to the present-day Athenians, the fact that they share a home and identity makes the recuperation of modern Athens a possibility and a necessity.

The second *Olynthiac* draws to a close with a reminder of the importance of solidarity, as Demosthenes condemns the partisan politics currently dividing the attentions of the citizenry.<sup>67</sup> It is only by getting rid of the demagogues leading the factions and by presenting a collective front against Philip that the city will again be its own master, with the right to advise, to speak, and to act common to all.<sup>68</sup> It is only through unity that Athens can be successful. Demosthenes concludes by urging everyone to pay taxes equivalent to their wealth and to do their part by going out to battle until the whole city has served.<sup>69</sup> The together-we-stand, divided-we-fall argument of the second *Olynthiac*, together with its striking house simile, sends a powerful message of solidarity and fellow-feeling.

By the time the third *Olynthiac* was delivered in the following spring, there was a clear change in the political atmosphere. Instead of his message of imminent success and optimism, Demosthenes opens his speech with a pessimistic warning: “the situation has advanced to such a point that we must now figure out how we can first prevent ourselves from being harmed.”<sup>70</sup> In keeping with the pessimistic tone, the emphasis on *kairos* threading throughout the *Olynthiacs*

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<sup>67</sup> §§29-30: νυνὶ δὲ πολιτεύεσθε κατὰ συμμορίας... οἱ δ' ἄλλοι προσενέμησθε οἱ μὲν ὡς τούτους, οἱ δ' ὡς ἐκείνους.

<sup>68</sup> §30: ὑμῶν αὐτῶν ἔτι καὶ νῦν γενομένους κοινὸν καὶ τὸ βουλευέσθαι καὶ τὸ λέγειν καὶ τὸ πράττειν ποιῆσαι.

<sup>69</sup> §31: πάντας εἰσφέρειν ἀφ' ὅσων ἕκαστος ἔχει τὸ ἴσον· πάντας ἐξιέναι κατὰ μέρος, ἕως ἂν ἅπαντες στρατεύσῃσθε.

<sup>70</sup> 3.1: τὰ δὲ πράγματ' εἰς τοῦτο προήγοντα, ὥσθ' ὅπως μὴ πεισόμεθ' αὐτοὶ πρότερον κακῶς σκέψασθαι δέον.

now refers to an opportunity that Athens will almost certainly fail to take. Demosthenes contrasts the range of opportunities once available to the city with the narrow prospects now allowed (§2):

ἐγὼ δ' ὅτι μὲν ποτ' ἐξῆν τῇ πόλει καὶ τὰ αὐτῆς ἔχειν ἀσφαλῶς καὶ  
Φίλιππον τιμωρήσασθαι, καὶ μάλ' ἀκριβῶς οἶδα· ἐπ' ἐμοῦ γάρ, οὐ πάλαι  
γέγονε ταῦτ' ἀμφοτέρω· νῦν μέντοι πέπεισμαι τοῦθ' ἰκανὸν προλαβεῖν ἡμῖν  
εἶναι τὴν πρώτην, ὅπως τοὺς συμμάχους σώσομεν.

I am quite clearly aware that it was once possible for our city to both keep what is its own securely and to punish Philip—in my memory, both of these goals were still options not long ago. But now, I am all too clearly aware that it is enough for us if we can accomplish just the first goal and save our allies.

Something has happened in the intervening time between the second and third *Olynthiacs* to reduce the options available to the Athenians. The situation is more dire and the goodwill of the gods is absent from this speech. Opportunity, once granted by fate and the gods (1.11, 2.2), is now a vexed and troubled thing.<sup>71</sup> Most of the chances they had are slipping away due to the Athenian people's unwillingness to do what is necessary.<sup>72</sup> This is consistent with Demosthenes' accusations of laziness and apathy that appear throughout the *Olynthiacs*, if perhaps more hopeless.

Demosthenes again speaks against the present political climate, with its demagogues distracting from the situation at hand. He positions himself as a Cassandra figure, his well-meant warnings ignored to the point of catastrophe. Although he does not believe he will be heard, nevertheless he must speak (§3):

ἀξιῶ δ' ὑμᾶς, ἂν μετὰ παροησίας ποιῶμαι τοὺς λόγους, ὑπομένειν, τοῦτο θεωροῦντας, εἰ τάληθῆ λέγω, καὶ διὰ τοῦθ' ἵνα τὰ λοιπὰ βελτίω γένηται· ὁρᾶτε γὰρ ὡς ἐκ τοῦ πρὸς χάριν δημηγορεῖν ἐνίους εἰς πᾶν προελήλυθε μοχθηρίας τὰ παρόντα.

I ask, if I may speak freely, that you have patience while you consider whether I am speaking the truth, so that things will go better in the future. For you see that in the present you have been led into an ultimate state of desperation because

<sup>71</sup> §3: ὁ μὲν οὖν παρὼν καιρός, εἶπερ ποτέ, πολλῆς φροντίδος καὶ βουλῆς δεῖται.

<sup>72</sup> §3: τὰ πλείω τῶν πραγμάτων ἡμᾶς ἐκπεφευγένας τῷ μὴ βούλεσθαι τὰ δέοντα ποιεῖν.

some people make speeches to flatter you.

Demosthenes appeals to *parrhēsia*, the principle of not only of democratic free speech but also of a frankness that is distinguishes a flatterer from a true friend.<sup>73</sup> In this way, he introduces the implication, which he returns to at the end of this speech, that there has been some suppression of his speech and that the reign of democracy is being compromised by demagogues who are beguiling the citizenry with their empty rhetoric.<sup>74</sup> Demosthenes offers his own straight-talking rhetoric as a corrective to their flattery, which has brought the city to its current state. Associating the demagogues with the present (τὰ παρόντα) and the goal of his speech with the future (τὰ λοιπὰ), Demosthenes employs, on the one hand, the rhetoric of a “better tomorrow.”

On the other hand, his solution comes with a dose of history, a reminder (ὑπομνήσαι) of the circumstances that led to the current situation.<sup>75</sup> Just like in the present situation, the Athenians have in the past had a bad habit of letting opportunities slip away. He reminds the Assembly that, several years ago, they did pass a decree to send troops to fight Philip in Thrace, but when they heard rumors of his sickness or death they abandoned the plan, thinking the opportunity to help the Thracians had passed.<sup>76</sup> But, as Demosthenes declares, that was their very opportunity (§5: ἦν δ’ οὗτος ὁ καιρὸς αὐτός) and they let it go. If the Athenians had followed through on their decree a few years ago, they would not find themselves in the present situation.

The nature of *kairos* is that it is ephemeral, lightning quick and gone in an instant.

However, although the past cannot be changed, it can and should provide a lesson for the future

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<sup>73</sup> Cf. Landauer 2012.

<sup>74</sup> §32: οὐδὲ γὰρ παρρησία περὶ πάντων ἀεὶ παρ’ ἡμῖν ἐστίν. “Athenian emphasis upon the importance of the freedom of public address led them to recognize (by the second half of the fifth century) a more generalized freedom of speech (*parrhēsia*) which implied the necessity and validity of individual freedom of thought. If one was to be free to offer one’s advice to the Assembly, one must be free to think through that advice and to discuss it informally with others” (Ober 1989: 296). Cf. also Ahl 1984 and the essays collected in Sluiter and Rosen 2004.

<sup>75</sup> §4: ἀναγκαῖον δ’ ὑπολαμβάνω μικρὰ τῶν γεγενημένων πρώτον ὑμᾶς ὑπομνήσαι

<sup>76</sup> §5: οὐκέτι καιρὸν οὐδένα τοῦ βοηθεῖν νομίσαντες



(§6):

τὰ μὲν δὴ τότε πραχθέντ' οὐκ ἂν ἄλλως ἔχοι· νῦν δ' ἑτέρου πολέμου καιρὸς ἤκει τις, δι' ὃν καὶ περὶ τούτων ἐμνήσθην, ἵνα μὴ ταῦτ' ἀπαθῆτε.

The things that happened then cannot turn out any other way, but now an opportunity for another war has come. This is why I have reminded you of the past, so that you will not undergo the same experiences.

Memory (ὑπομνήσαι, ἐμνήσθην) brings the past into conversation with the present, adding wisdom and perspective to the decision-making process. The future exists as a conditional, an apodosis weighing the lessons of history against the follies of the present. If the Assembly does not vote to help the Olynthians, Demosthenes warns, they will see how all their military efforts will have benefited Philip.<sup>77</sup> It is the Assembly's responsibility not to observe (θεάσασθε) passively but to strongly and enthusiastically help their allies (§8: βοηθεῖν ἐρωμένως καὶ προθύμως). They must face Philip to make up for the mistakes of the past: if Athens in the past (πάλαι) had seen the decree through and fought with Philip, he would have been brought to justice, but this did not happen.<sup>78</sup> They must face Philip to live up to their present potential: what time or opportunity is better than the present (τοῦ παρόντος)?<sup>79</sup> And they must face Philip to protect their own future: if Athens yields to Philip and all but helps him in his preparations, whom will they find (ζητήσομεν) to blame but themselves?<sup>80</sup> The rhetoric of temporality infuses the speech with an added immediacy, the time-travel tinged need to get it right for once.

The necessity for action redefines the meaning of home—in order to preserve it as a place to return to, to stay safe in, the Athenians must leave home. Demosthenes links *kairos*, one of the

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<sup>77</sup> §§6-7: θεάσασθε ὃν τρόπον ὑμεῖς ἐστρατηγηκότες πάντ' ἔσεσθε ὑπὲρ Φιλίππου.

<sup>78</sup> §§14-15: πάλαι γὰρ ἂν εἵνεκά γε ψηφισμάτων ἐδεδώκει δίκην. ἀλλ' οὐχ οὕτω ταῦτ' ἔχει.

<sup>79</sup> §16: τίνα γὰρ χρόνον ἢ τίνα καιρόν, ὃ ἄνδρες Ἀθηναῖοι, τοῦ παρόντος βελτίω ζητεῖτε;

<sup>80</sup> §17: ἀλλὰ πρὸς θεῶν πάντ' ἔασαντες καὶ μόνον οὐχὶ συγκατασκευάσαντες αὐτῷ, τότε τοὺς αἰτίους οἵτινες τούτων ζητήσομεν;

major themes of the *Olynthiacs*, to the home feeling by tying the need for quick action explicitly to the preservation of Athens. The first *Olynthiac* touched upon the danger that Philip would come to Attica if unchecked in the north (1.12, 15), but now, as the opening of the third *Olynthiac* makes clear, the question of how Athens can prevent its own suffering (3.1: ὅπως μὴ πεισόμεθ' αὐτοὶ πρότερον κακῶς) is of immediately concern. Demosthenes characterizes the Assembly's unwillingness to act as a willful act of self-destruction (§9):

ἀλλὰ μὴν εἴ τις ὑμῶν εἰς τοῦτ' ἀναβάλλεται ποιήσειν τὰ δέοντα, ιδεῖν ἐγγύθεν βούλεται τὰ δεινὰ, ἐξὸν ἀκούειν ἄλλοθι γιγνόμενα, καὶ βοηθοὺς ἑαυτῷ ζητεῖν, ἐξὸν νῦν ἑτέροις αὐτὸν βοηθεῖν.

If any one of you delays doing what is necessary until Philip comes to Attica, he prefers to see the dangers close by, even though it is possible to hear about it from afar, and to seek help for himself, even though it is now possible for him to help others.

The contrast between seeing the danger of Philip in person (ιδεῖν ἐγγύθεν) versus hearing about it from afar (ἀκούειν ἄλλοθι) ironically recalls Thucydides' programmatic statement that when he was writing down what happened during the war, he depended not the things he had heard from a random informant, but events he was at himself or from others interviewed with an eye towards the greatest possible accuracy.<sup>81</sup> Thucydides' dedication to accuracy elides the real dangers of autopsy during war, where rumor is often safer than direct observation. Demosthenes warns the Athenians that if they stay home and refuse to fight, that very home will be the cost of their laziness. In order to prevent the loss of their own home, the Athenians need to help the Olynthians defend theirs.

Demosthenes carries forward the theme of needing to leave home to protect it as he transitions from castigation to practical advice, urging the Assembly to amend the laws, in

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<sup>81</sup> Thucydides *Peloponnesian War* 1.22.2: τὰ δ' ἔργα τῶν πραχθέντων ἐν τῷ πολέμῳ οὐκ ἐκ τοῦ παρατυχόντος πυνθανόμενος ἠξίωσα γράφειν, οὐδ' ὡς ἐμοὶ ἐδόκει, ἀλλ' οἷς τε αὐτὸς παρῆν καὶ παρὰ τῶν ἄλλων ὅσον δυνατὸν ἀκριβεῖα περὶ ἐκάστου ἐπεξεληθὼν. Marincola 1989 analyzes Thucydides' engagement with autopsy and hearsay in this passage.

particular the laws concerning the Theoric Fund and military exemptions. He mentioned the Fund obliquely in the first speech (1.20), but he now comes out and states plainly that the laws need to be changed (§11):

λέγω τοὺς περὶ τῶν θεωρικῶν, σαφῶς οὕτωςί, καὶ τοὺς περὶ τῶν στρατευομένων ἐνίους, ὧν οἱ μὲν τὰ στρατιωτικὰ τοῖς οἴκοι μένουσι διανέμουσι θεωρικά, οἱ δὲ τοὺς ἀτακτοῦντας ἀθῶους καθιστάσιν, εἶτα καὶ τοὺς τὰ δέοντα ποιεῖν βουλομένους ἀθυμοτέρους ποιούσιν.

I am talking about the laws concerning the Theoric Fund, speaking plainly, and some of the laws concerning military service. The former distribute military funds as a festival allowance to those who stay at home, while the latter allow those who fail to serve in the military to go unpunished, thereby discouraging those who are willing to do what is necessary.

In this passage, those who are unwilling to serve in the army are described as “those who stay at home” (τοῖς οἴκοι μένουσι), emphasizing the laziness of present day Athenians. Home should not be associated with complacency but with action, with joining together and taking advantage of the opportunity. Staying at home erodes the meaning of home. The current state of affairs, in which money is diverted from the military to fund mass entertainment, is contributing to the numbing of patriotic action, turning the populace into observers (§6: θεάσασθε). Demosthenes accuses the politicians of the day of pandering to the people, to the detriment of the city.<sup>82</sup>

Demagoguery, the opiate of the masses, has brought the Athenian people to such a state that in the time of need they are unwilling to take the difficult path and choose the best course of action rather than the pleasurable solution.<sup>83</sup> In arguing for the need to redistribute the Theoric Fund to the military and to take immediate military action, Demosthenes is aware that he is voicing an unpopular opinion, but he believes that it is the responsibility of a just citizen to put the security

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<sup>82</sup> §13: οὐ γὰρ ἐστὶ δίκαιον, τὴν μὲν χάριν, ἢ πᾶσαν ἔβλαπτε τὴν πόλιν.

<sup>83</sup> §18: ἐλέσθαι δ', ὅταν περὶ πραγμάτων προτεθῆ σκοπεῖν, οὐκέθ' ὁμοίως εὐπορον, ἀλλὰ δεῖ τὰ βέλτιστ' ἀντὶ τῶν ἠδέων.

of diplomatic matters ahead of winning favor as a speaker.<sup>84</sup>

In the absence of present support for his proposal, Demosthenes delves into the Athenian past, when politicians were still patriotic (§21):

καὶ γὰρ τοὺς ἐπὶ τῶν προγόνων ἡμῶν λέγοντας ἀκούω, ὥσπερ ἴσως καὶ ὑμεῖς, οὐς ἐπαινοῦσι μὲν οἱ παριόντες ἅπαντες, μιμοῦνται δ' οὐ πάνυ, τούτῳ τῷ ἔθει καὶ τῷ τρόπῳ τῆς πολιτείας χρῆσθαι.

I hear, and perhaps you do too, that the public speakers in the time of our ancestors, who are praised by everyone who comes before you but not at all imitated, practiced this same exact habit and manner of the constitution.

This reference to the habit and manner of the constitution (τῷ ἔθει τῆς πολιτείας) personifies the city, giving it the same characteristics as the orators (he names Aristeides, Nikias, Demosthenes the son of Alkisthenes, and Perikles) who once put the safety of the people before their own popularity. These orators of the past serve for Demosthenes as native (οἰκειοίς) examples of how political success begins at home.<sup>85</sup> He thus reminds his audience that, despite the change in character from the previous century to the present day, they still share the same home and there is no need to look elsewhere for positive exempla. This passage directly corresponds to the passage from *On Organization* quoted above (13.21), where it was also used to contrast the eminent men of the previous century with the greedy politicians of the present day. In this passage, Demosthenes expands on the theme, describing (and exaggerating) the military and diplomatic accomplishments of the Athenian empire while focusing, as in *On Organization*, on the discrepancy between the public works built by the ancient Athenians and their private houses.

Underlining the present day Athenians' role as observers, Demosthenes urges them to

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<sup>84</sup> §21: δικαίου πολίτου κρίνω τὴν τῶν πραγμάτων σωτηρίαν ἀντὶ τῆς ἐν τῷ λέγειν χάριτος αἰρεῖσθαι.

<sup>85</sup> §§23-24: οὐ γὰρ ἀλλοτρίοις ὑμῖν χρωμένους παραδείγμασιν, ἀλλ' οἰκειοίς, ὧ ἄνδρες Ἀθηναῖοι, εὐδαίμοσιν ἔξεστι γενέσθαι.

look at (θεάσασθε) at what kind of people their ancestors were both in public and in private.<sup>86</sup>

The public buildings and temples built in the previous century remain the visible embodiment of the ethos of the ancient Athenians, as are their modest houses (§§25-26):

ἰδίᾳ δ' οὕτω σώφρονες ἦσαν καὶ σφόδρ' ἐν τῷ τῆς πολιτείας ἤθει μένοντες, ὥστε τὴν Ἀριστείδου καὶ τὴν Μιλτιάδου καὶ τῶν τότε λαμπρῶν οἰκίαν, εἴ τις ἄρ' οἶδεν ὑμῶν ὅποια ποτ' ἐστίν, ὄρα τῆς τοῦ γείτονος οὐδὲν σεμνοτέραν οὔσαν.

In private, they were so modest and so in keeping with the character of the constitution that any one of you who knows them can see that the house of Aristeides or Miltiades or any other luminary of the time is no more imposing than its neighbor.

This passage almost exactly replicates *On Organization* §29, with a different luminary (Miltiades instead of Themistokles and Kimon) named and the word order slightly shifted. The private houses of the ancestral heroes are again emphasized as evidence for their personal modesty. These native examples represent not just the customs of the Athenian ancestors, but also the *ethos* of their statesmanship. As in the earlier speech, Demosthenes juxtaposes the generosity and public-spiritedness of the ancient Athenians with the greed of modern politicians. Their prosperity was won not through greed but through treating their fellow Greeks faithfully, being pious toward the gods, and by maintaining equality among themselves.<sup>87</sup>

The orators of Demosthenes' time, on the other hand, have inverted these ideals: instead of operating on the principle of equality among the citizenry, now the politicians are in control of all the city's wealth and run everything;<sup>88</sup> they build grand houses, and their fortunes rise

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<sup>86</sup> 3.25: ἐν δὲ τοῖς κατὰ τὴν πόλιν αὐτὴν θεάσασθ' ὅποιοι, ἐν τε τοῖς κοινοῖς καὶ ἐν τοῖς ἰδίοις.

<sup>87</sup> §26: ἐκ δὲ τοῦ τὰ μὲν Ἑλληνικὰ πιστῶς, τὰ δὲ πρὸς τοὺς θεοὺς εὐσεβῶς, τὰ δ' ἐν αὐτοῖς ἴσως διοικεῖν μεγάλην εἰκότως ἐκτήσαντ' εὐδαιμονίαν.

<sup>88</sup> §31: κύριοι μὲν οἱ πολιτευόμενοι τῶν ἀγαθῶν, καὶ διὰ τούτων ἅπαντα πράττεται, and cf. 2.30: τοῖς μὲν ὥσπερ ἐκ τυραννίδος ὑμῶν ἐπιπάττειν ἀποδώσετε.

commensurately with the city's downfall.<sup>89</sup> Rather than piously using public funds to build grand temples and dedications to the gods, they spend it on whitewashing the walls and building roads and fountains, which Demosthenes refers to as nonsense.<sup>90</sup> And far from treating the other Greeks with good faith, the modern politicians have let down not only Athens but also its allies (§28):

ἐξὸν δ' ἡμῖν καὶ τὰ ἡμέτερόν αὐτῶν ἀσφαλῶς ἔχειν καὶ τὰ τῶν ἄλλων δίκαια βραβεύειν, ἀπεστερήμεθα μὲν χώρας οἰκείας, πλείω δ' ἢ χίλια καὶ πεντακόσια τάλαντ' ἀνηλώκαμεν εἰς οὐδὲν δέον, οὐς δ' ἐν τῷ πολέμῳ συμάχους ἐκτησάμεθα, εἰρήνης οὔσης ἀπολωλέκασιν οὗτοι.

Although it was possible for us both to keep our own holdings safe and act as umpire over the rights of others, we have been robbed of land that is ours, we have spent more than 15,000 talents unnecessarily, and those allies we made during times of war these men have lost during times of peacetime.

In these passages, Demosthenes emphasizes the direct connection between the character of the ancestral versus modern politicians and the size of their houses (§25: τῶν τότε λαμπρῶν οἰκίαν, §29: τὰς ἰδίας οἰκίας). Imbuing his discourse with the rhetoric of home, this emphasis reiterates the description of the virtues of the ancient Athenians as native (οἰκείους) examples: despite the fact that the greedy and lazy policies of the modern politicians led to the loss of Amphipolis, described as the Athenians' personal possession (χώρας οἰκείας),<sup>91</sup> Athens is still the same place Themistokles and Miltiades called home.

Demosthenes represents the present moment as a fulcrum point from which Athens can either return to its virtuous roots or lose its essential identity altogether (§33):

Ἐὰν οὖν ἀλλὰ νῦν γ' ἔτ' ἀπαλλαγέντες τούτων τῶν ἐθῶν ἐθελήσητε στρατεύεσθαι τε καὶ πράττειν ἀξίως ὑμῶν αὐτῶν, καὶ ταῖς περιουσίαις ταῖς οἴκοι ταύταις ἀφορμαῖς ἐπὶ τὰ ἔξω τῶν ἀγαθῶν χρῆσησθε, ἴσως ἂν, ἴσως, ὦ ἄνδρες Ἀθηναῖοι, τέλειόν τι καὶ μέγα κτήσαισθ' ἀγαθὸν καὶ τῶν τοιούτων

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<sup>89</sup> §29: ἔνιοι δὲ τὰς ἰδίας οἰκίας τῶν δημοσίων οἰκοδομημάτων σεμνοτέρας εἰσὶ κατεσκευασμένοι, ὅσῳ δὲ τὰ τῆς πόλεως ἐλάττω γέγονεν, τοσοῦτῳ τὰ τούτων ἠϋξῆται.

<sup>90</sup> §29: τὰς ἐπάλξεις ἃς κονιῶμεν, καὶ τὰς ὁδοὺς ἃς ἐπισκευάζομεν, καὶ κρήνας, καὶ λήρους.

<sup>91</sup> Despite the fact that had Amphipolis defected from the Athenian *archē* decades earlier, in 424 BCE (Thucydides 4.103-108).

λημμάτων ἀπαλλαγείητε.

If now finally you can let go of these habits and fight, doing something worthy of your own reputation, and use these surpluses you have at home as a starting point for good fortunes abroad, maybe, men of Athens, just maybe you will end up with some great advantage and you can rid yourself of these kinds of expenditures.

Emphasizing the language of release (ἀπαλλαγέντες, ἀπαλλαγείητε), Demosthenes offers the Assembly a vision of the future in which payments from the Theoric Fund will no longer encourage the populace to mindlessly consume entertainment. Instead, he advises using the Theoric Fund as a surplus at home (οἴκοι) that could function as a starting point (ἀφορμαῖς) to fund military operations abroad (ἐπὶ τὰ ἔξω). This is how the home feeling should work at the *polis* level—home is a starting point, an anchor giving purpose to military action, not a place of to rest complacently. Using the Theoric Fund to finance the military efforts on behalf of Athens and its allies would be beneficial and outward moving rather than contributing to the detrimental torpor of the present-day populace.<sup>92</sup>

In place of the enervating dole, Demosthenes proposes an organized system by which the distribution would be linked to service both at home and abroad (§34):

τῶν κοινῶν ἕκαστος τὸ μέρος λαμβάνων, ὅτου δέοιθ' ἡ πόλις, τοῦθ' ὑπάρχοι. ἔξεστιν ἄγειν ἡσυχίαν· οἴκοι μένων βελτίων τοῦ δι' ἔνδειαν ἀνάγκη τι ποιεῖν αἰσχροῦν ἀπηλλαγμένος. συμβαίνει τι τοιοῦτον οἶον καὶ τὰ νῦν· στρατιώτης αὐτὸς ὑπάρχων ἀπὸ τῶν αὐτῶν τούτων λημμάτων, ὥσπερ ἔστι δίκαιον ὑπὲρ τῆς πατρίδος.

Each person, receiving a share of the common funds, would fulfill any function the city needs. When peace is an option, it is better to remain at home, released from the need to do something shameful due to poverty. But when something like this current situation arises, each man becomes a soldier supported by the same payment, as it is just to do on behalf of the fatherland.

He presents his proposal as both patriotic and practical, offering a time and place for everything.

Instead of the Theoric Fund paying for “those who remain at home” (§11) to go to the theater rather than war, there will be funding for those who do their duty at home (οἴκοι) in time of

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<sup>92</sup> §34: ταῦτα τὴν ἑκάστου ῥαθυμίαν ἡμῶν ἐπαυξάνοντα

peace and for the same people who fight in times of war. The area encompassed by the home feeling expands and contracts based on the circumstances: in times of peace, people should live well in their individual houses, but in war time all people are united under a single fatherland (πατρίδος). In this way, Athens will always be ready when the *kairos* arises, thanks to Demosthenes' system for assigning duties to each person according to age and opportunity.<sup>93</sup>

After spending the first part of the third *Olynthiac* presaging catastrophe and the remainder offering a convenient solution, Demosthenes concludes the speech by again situating the current moment in the span of time. He aligns his system of organization with the glory fought for and won by the ancient Athenians.<sup>94</sup> Demosthenes' evocation of the ancestors (οἱ πρόγονοι) picks up the patriotic and geneological ὑπὲρ τῆς πατρίδας from §34, drawing a direct connection between their ἀρετή and the potential of the present moment. And in the last word of the speech, he extends that connection forward, urging the Assembly to make a choice that will be (μέλλει) beneficial both to the city and to all its people.<sup>95</sup> Bringing together past, present, and future into a single timeless homeland, Demosthenes implies that its continued existence—the significance of the past, the possibilities of the future—balances on the decision of the present moment.

Over the course of the three *Olynthiacs*, Demosthenes emphasizes the importance of the here and now, insisting on the need for action, on the fleetingness of the opportunity. Fate and the gods provided the opportunity for action, but the current political atmosphere in Athens is stifling any possibility of taking it. If the Athenians refuse to help the Olynthians, if they remain

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<sup>93</sup> §35: τοῦ ποιεῖν τοῦθ' ὅ τι καθ' ἡλικίαν ἕκαστος ἔχει καὶ ὅτου καιρὸς εἴη, τάξιν ποιήσας.

<sup>94</sup> §36: μὴ παραχωρεῖν, ὧ ἄνδρες Ἀθηναῖοι, τῆς τάξεως, ἣν ὑμῖν οἱ πρόγονοι τῆς ἀρετῆς μετὰ πολλῶν καὶ καλῶν κινδύνων κτησάμενοι κατέλιπον

<sup>95</sup> §36: ἔλοισθ' ὅ τι καὶ τῇ πόλει καὶ ἅπασιν συνοίσειν ὑμῖν μέλλει.



complacent in their homes, they do not know the true meaning of home: failing to help those in need betrays the ancestral values of the ancient Athenians. And with the loss of Olynthus bringing Philip closer to Attica, complacency also jeopardizes the very existence of the homeland. Building up private homes and neglecting the common good is how a community disintegrates. As long as the Athenians remain complacent spectators instead of passionate defenders of their allies and their own homelands, all the fame and virtue of their ancestors was in vain. Only by coming together from their individual houses, joining a single body unified by the expanded home feeling, and using this united front to support Olynthus against Philip, can Athens can live up to its past and hope to project its singular identity into the future.

### **Demosthenes 19: *On the False Embassy***

Demosthenes' *Olynthiacs* were successful insofar as the Assembly did agree to send troops to help the Olynthians. However, *kairos* was not on their side: adverse winds kept the Athenian reinforcements from sailing until it was too late.<sup>96</sup> During this time, as Ryder describes it, the "confidence Demosthenes had expressed in the *First Olynthiac* (1.5, 7) in the reliability of the Olynthians proved misplaced."<sup>97</sup> Olynthus was weakened by deserters and traitors and fell to Philip in the summer of 348. While in the process of taking over the Chalkidiki, Philip unexpectedly brought up the possibility of a peace treaty with Athens, perhaps because of his involvement in the Third Sacred War.<sup>98</sup> When this message was first brought before the

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<sup>96</sup> Cawkwell 1962: 130-131, Worthington 2013: 142.

<sup>97</sup> Ryder 2000: 57.

<sup>98</sup> Philip's motives, ultimately unknowable, for wanting to broker a peace treaty are discussed by Cawkwell 1978, MacDowell 2000: 2, Harris 1995: 46-50, and Worthington 2013: 148-149.

Assembly, Philokrates proposed that Philip send an embassy to Athens in order to discuss the terms of the peace treaty; he was charged with making an illegal proposal (a charge of *graphē paranomōn*) because Athens was still at the time allied with Olynthus, and Demosthenes successfully defended him.<sup>99</sup> After the fall of Olynthus, Athens sent an ambassador, Aristodemos, to request that Philip return the Athenian citizens he had taken prisoner in Olynthus. Upon his return, Aristodemos reiterated Philip's desire to make a peace treaty with Athens. Philokrates then proposed that Athens send an embassy to Philip to negotiate the treaty; this time he was successful and the embassy was dispatched in the winter of 346 to have Philip make the oaths ratifying the Peace of Philokrates, as it was called. Demosthenes was a member, as was his political opponent, Aeschines, who had strongly opposed making peace with Philip before accompanying the embassy but subsequently, apparently, changed his mind.<sup>100</sup>

Philip proposed to the embassy that the Athenians and their allies make a treaty with the Macedonians and their allies. Although Athens had been allied with the Phocians during the Third Sacred War, Philip's conditions excluded Phocis because they had taken over the temple of Apollo and were using the temple treasures to fund their war efforts. When the embassy returned to Athens and the treaty was being discussed in the Assembly, there were objections against abandoning the Phocians. At first, the alliance between Philip and Athens was written up to include the Phocians, but after it became clear that Philip would not agree to these terms, the Phocians were excluded and the treaty was ratified.<sup>101</sup> Soon afterward, the members of the first embassy were assigned to the task of obtaining Philip's oath on the treaty. Demosthenes' desire to reach Philip as soon as possible was thwarted by the rest of the embassy, who delayed leaving

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<sup>99</sup> Worthington 2013: 149.

<sup>100</sup> Worthington 2013: 167.

<sup>101</sup> MacDowell 2000: 6-7, Ryder 2000: 63-66.

Athens and then dawdled on the way to the Macedonian capital, Pella. During this time, Philip was in Thrace on a mission to conquer as many towns as possible, which would then be protected as his allies under the treaty with the Athenians.<sup>102</sup> When the Athenian embassy finally met with Philip, fifty days after they left Athens, Philip detained them from obtaining oaths from his allies, giving himself time to form an army to attack the Phocians.<sup>103</sup> Demosthenes later claimed that Philip had bribed the ambassadors to stay and that when he refused the bribe, instead hiring a boat and trying to escape to Athens to warn of Philip's plot, he was detained.<sup>104</sup> By the time the embassy returned to Athens, two months had passed since they had left, and Philip was already through the pass at Thermopylae.<sup>105</sup>

This second embassy is the subject of Demosthenes 19, *On the False Embassy*. This speech was delivered in 343, but the impetus behind the speech arose three years earlier, at the *euthynai* or audit of the ambassadors. When Aeschines was undergoing his *euthynai*, Demosthenes, accompanied by an anti-Macedonian politician named Timarchos, accused him of utterly failing to fulfill his duties as an ambassador: going against the people's wishes, wasting time, and, along with Philokrates, the original proposer of the peace treaty, taking bribes.<sup>106</sup> In retaliation, before Timarchos and Demosthenes could take the accusation any further, Aeschines prosecuted Timarchos on the charge that he had once served as a male prostitute and was, therefore, forbidden to speak in the Assembly.<sup>107</sup> Aeschines' prosecution was successful, and Timarchos was punished with disenfranchisement (*atimia*) and was no longer allowed to speak

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<sup>102</sup> Worthington 2013: 171.

<sup>103</sup> MacDowell 2000: 10.

<sup>104</sup> Worthington 2013: 174.

<sup>105</sup> MacDowell 2000: 11.

<sup>106</sup> Demosthenes 19: 8. On the *euthynai* of Aeschines and its outcome, cf. MacDowell 2000: 14-22.

<sup>107</sup> Aeschines 1, on which cf. Winkler 1990, Davidson 1997, Sissa 1999, Fisher 2001, Worman 2004.

in court. Demosthenes made his next move in 343: perhaps encouraged by another orator, Hypereides, who was taking steps to impeach Philokrates, Demosthenes revived his prosecution of Aeschines for having taken bribes from Philip while the embassy was in Pella.<sup>108</sup>

The speech in many ways is a continuation of the rhetoric of *On Organization* and the *Olynthiacs*. Demosthenes returns to many of the themes he introduced in the earlier speeches, including the ethos of the city, memory and the past, responsibility to the future, the fleeting nature of *kairos*, and the transposition of the home feeling to the level of civic unity. Unlike the speeches previously discussed in this chapter, *On the False Embassy*, despite its political subject matter, was delivered before a jury rather than the Assembly. Despite the difference of venue, this speech shows a unity of theme and purpose consistent with the arguments Demosthenes made in his earlier deliberative speeches.

The proem of the speech focuses on the jury's commitment to uphold the oath of justice in the interests of the city as a collective, as opposed to Aeschines' pursuit of private opportunism. He warns that Aeschines, by avoiding the *euthynai* that would make him accountable for his actions, is introducing the most terrible and inopportune habit of all into the constitution.<sup>109</sup> This recalls Demosthenes' claim in the *Olynthiacs* that the character of the democratic constitution was reflected in the modesty of its statesmen; Aeschines' attempt to evade his legal responsibilities poisons the state with a superlatively dangerous character.

As evidence for Aeschines' character, Demosthenes argues that his opponent has failed to fulfill any of the essential requirements of an ambassador, to the detriment of the city. These are: he must report truthfully, he must give noble and helpful advice, he must act in accordance with the orders of the Assembly, he must do his job in a timely manner, and he must not receive

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<sup>108</sup> MacDowell 2000: 22.

<sup>109</sup> 19.2: δεινότατον πάντων ἔθος εἰς τὴν πολιτείαν εἰσάγων καὶ ἀσυμφορώτατον ὑμῖν.

bribes (§§4-6). Not only was Aeschines dishonest, but he lost Athens its opportunity (*kairos*). As often happens, the opportunity (*καιρόν*) for many important actions lasts a brief second, which, if surrendered to the enemy cannot at all be preserved.<sup>110</sup> Aeschines, through his delaying tactics, caused many important opportunities (*καιροί*) to slip from the Athenians' grasp.<sup>111</sup> Through his dishonesty and delay, Aeschines' deeds not only introduced a dangerous habit into the state but also lost Athens many chances for victory.

After establishing Aeschines' character and his absolute failure as an ambassador, Demosthenes begins his narrative which is, he repeatedly states, an act of collective memory (*μνημονεύοντας*): he is not presenting new or unexpected information but rather reaffirming what everyone remembers (*ὑπομνήσαι*), what is already established fact.<sup>112</sup> He describes Aeschines' vehement anti-Philip stance prior to the first embassy, and his change of heart during the discussions of the peace treaty. Demosthenes recites from memory (§14: *ἀπομνημονεύσειν*) Aeschines' speech on the first of the two meetings of the Assembly after the return of the first embassy, stridently disparaging the terms of the Peace of Philokrates. At the second meeting, however, Aeschines spoke in support of Philokrates' terms (§§15-16):

ἀναστὰς ἐδημηγόρει καὶ συνηγόρει ἐκεῖνῳ πολλῶν ἀξίους, ὦ Ζεῦ καὶ πάντες θεοί, θανάτων λόγους, ὡς οὔτε τῶν προγόνων ὑμᾶς μνησθῆναι δεοί οὔτε τῶν τὰ τρόπαια καὶ τὰς ναυμαχίας λεγόντων ἀνέχεσθαι, νόμον τε θῆσειν καὶ γράψειν μηδενὶ τῶν Ἑλλήνων ὑμᾶς βοηθεῖν, ὃς ἂν μὴ πρότερος βεβοηθηκῶς ὑμῖν.

He stood up and began addressing the people and agreeing with that man [Philokrates], speaking words worthy, Zeus and all the gods, of many deaths, saying that you need not remember your ancestors nor put up with those who talk about trophies and sea battles, and that he would write and enact a law that will

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<sup>110</sup> §6-7: ὅτι πολλάκις, ὦ ἄνδρες Ἀθηναῖοι, συμβαίνει πολλῶν πραγμάτων καὶ μεγάλων *καιρόν* ἐν βραχεῖ χρόνῳ γίνεσθαι, ὃν ἐάν τις ἐκὼν καθυφῆ τοῖς ἐναντίοις καὶ προδοῖ, οὐδ' ἂν ὀτιοῦν ποιῆ πάλιν οἷός τ' ἔσται σῶσαι.

<sup>111</sup> §8: καὶ ἀνηλωκότα τοὺς χρόνους ἐν οἷς πολλῶν καὶ μεγάλων πραγμάτων *καιροί* προεῖνται τῇ πόλει.

<sup>112</sup> §9: βούλομαι πρὸ πάντων ὧν μέλλω λέγειν μνημονεύοντας ὑμῶν οἶδ' ὅτι τοὺς πολλοὺς ὑπομνήσαι.

forbid you from helping any Greek who has not previously helped us.

The words that Demosthenes puts in Aeschines' mouth completely oppose the rhetoric of the past Demosthenes used so frequently in the speeches discussed above. According to Demosthenes, Aeschines rejects the idea of native examples, the noble deeds Demosthenes had previously cited (at 3.23 and 25-26, 13.21, and 23.207-208) as evidence of a continued Athenian identity from the time of the ancient heroes to the present day. A negation of memory (οὔτε μνησθαι) embedded in Demosthenes' own act of memorialization, Aeschines' paraphrased speech shows the extent to which his *ethos* contradicts the city's, and Demosthenes will return to these points again and again in this speech. His refusal to give aid to other Greeks, referring to the plight of the Phocians whose inclusion in the peace treaty Demosthenes and many other Athenians supported, shows a failure of both charity and strategy, since if Phocis fell, Thermopylae would follow.

Despite Aeschines' abrupt change of opinion concerning the Peace of Philokrates, he was appointed to the second embassy, which was subject to the delays and deception described above. Soon after the embassy returned to Athens, its members appeared before the Council, where Demosthenes immediately denounced Aeschines' behavior in Macedon and urged the Council not to abandon the Phocians (§18). The Council was persuaded and indicated their disapproval of the embassy by not inviting them to the state-sponsored dinner in the Prytaneum (§31). The next day, the Council met; also present were Phocian ambassadors begging Athens to help fight off Philip's attack. This time, Aeschines was the first to speak. At this point, Demosthenes begs the jury to remember along with him (συν-δια-μνημονεύειν) that he is telling the truth and that what happened led to the present state of ruin and utter devastation.<sup>113</sup>

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<sup>113</sup> §19: καὶ πρὸς Διὸς καὶ θεῶν πειρᾶσθε συνδιαμνημονεύειν ἂν ἀληθῆ λέγω· τὰ γὰρ πάντα τὰ πράγματα λυμηνάμεν ὑμῶν καὶ διαφθείρανθ' ὅλως ταῦτ' ἐστὶν ἤδη.

He thus affirms the speech as an act of collective memory and renewal, a process through which the losses caused by Aeschines' actions can be restored.

In his speech before the assembly, Aeschines emended the memory of what had happened both the previous day and during the embassy. He made no mention (§19: *μνησθῆναι πάμπληθες ἀπέσχεν*) of the speech Demosthenes made before the Council, nor whether he agreed or disagreed with it. With this speech, despite his selective memory, he carries his audience away (§19: *ἅπαντας ὑμᾶς λαβὼν ὄχετο*) with his alternative version of the past and future (§§20-21):

ἀπελογίζετ' ἐκ τῶν αὐτῷ πεπροσβευμένων δυοῖν ἢ τριῶν ἡμερῶν ὑμᾶς, μένοντας οἴκοι καὶ οὐ στρατευομένους οὐδ' ἐνοχλουμένους, Θήβας μὲν πολιορκουμένας αὐτὰς καθ' αὐτὰς χωρὶς τῆς ἄλλης Βοιωτίας ἀκούσεσθαι, Θεσπιάς δὲ καὶ Πλαταιᾶς οἰκιζομένας, τῷ θεῷ δὲ τὰ χρήματ' εἰσπραττόμεν' οὐ παρὰ Φωκέων ἀλλὰ παρὰ Θηβαίων τῶν βουλευσάντων τὴν κατάληψιν τοῦ ἱεροῦ.

He calculated that, due to his work as an ambassador, in two or three days, staying at home, without campaigning or being troubled, you would hear that Thebes was besieged—just Thebes, not the rest of Boeotia—that Thespieae and Plataea were being repopulated, and that the money would be returned to the temple of Apollo, not from the Phocians but from the Thebans who had plotted the capture of the temple.

The language Demosthenes uses to report Aeschines' speech echoes Demosthenes' own words in the third *Olynthiac*. At 3.11, he called for an end to the Theoric Fund being distributed to those who stay at home (*τοῖς οἴκοι μένουσι*) instead of going out to fight, and at 3.34 he reiterated that it is only appropriate to stay home (*οἴκοι μένων*) in times of peace. Now he implies that Aeschines is trying to make society lazy by offering a way to avoid the hardships of war.

The idea that, thanks to Philip, all the Athenians' problems would solve themselves, that the houses at Thespieae and Plataea, depopulated by the Thebans, would somehow be resettled (*οἰκιζομένας*), is the kind of magical thinking typical, in Demosthenes' formulation, of a society that watches theatrical spectacles rather than going out and engaging in battle. Demosthenes even

mentions that Aeschines had spoken to some Euboeans, who were scared and upset by the Athenians' intimate friendship (οἰκειότητα) with Philip because Philip had agreed to hand Euboea over to Athens in exchange for Amphipolis.<sup>114</sup> As Harvey Yunis comments, the idea that Philip would ever make such a deal is “wishful thinking so grandiose as to be absurd.”<sup>115</sup> Yet it is all part of Aeschines' spell, evoking in his audience a feeling of wellbeing, that Philip has their best interests at heart, that they are safe at home.

Demosthenes claims that Aeschines made himself seem so impressive that when Demosthenes tried to speak, he was interrupted, mocked, and ignored. He finds this reaction understandable, befitting an audience lulled by hopes and expectations (§24: προσδοκιῶν καὶ τῶν ἐλπίδων). Aeschines' use of the rhetoric of home is diametrically opposed with Demosthenes': the complacency of staying at home, the effortless resettlement of Thespieae and Plataea, and the idea of an intimate friendship with Philip are so much more pleasant and easy than the reality of Philip's rapid advance. Better a safe and happy home than one under attack.

Reiterating the theme of memory, Demosthenes lets the jury know his reasons for reminding (ὑπέμνησα) them of these speeches from years ago.<sup>116</sup> He wants them to remember (μεμνημένοι) that the promises of Aeschines and his followers prevented them from hearing the truth at the right time (καιρῶν), connecting memory to the fleetingness of the moment.<sup>117</sup> He asks them to recall (ἀναμνησθέντες) that Aeschines' choice of policy concerning Philip was at

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<sup>114</sup> §22: ἀκούειν δὲ καὶ τῶν Εὐβοέων ἐνίων ἔφη πεφοβημένων καὶ τεταραγμένων τὴν πρὸς τὴν πόλιν οἰκειότητα Φιλίππου γεγενημένην.

<sup>115</sup> Yunis 2005a: 127 n. 36.

<sup>116</sup> §25: τοῦ χάριν δὴ ταῦθ' ὑπέμνησα πρῶτα νῦν ὑμᾶς καὶ διεξήλθον τούτους τοὺς λόγους;

<sup>117</sup> §26: μεμνημένοι τὰς ὑποσχέσεις τὰς τούτων, ἃς ἐφ' ἐκάστων ποιούμενοι τῶν καιρῶν. Demosthenes' phrasing here recalls the claim he made earlier that trials depend as much on the opportune time as on the facts (§3: μοι δοκοῦσιν ἅπαντες οἱ παρ' ὑμῖν ἀγῶνες οὐχ ἦπτον, ὧ ἄνδρες Ἀθηναῖοι, τῶν καιρῶν ἢ τῶν πραγμάτων).



first (before he was bribed) cautious suspicion, and then suddenly trust and friendship.<sup>118</sup> His instant change of heart brought danger and shame to the city; he sold the truth for money. The repeated emphasis on memory overlays the present day with the day three years earlier when Aeschines stood before the Assembly and lied about Philip's intentions. The Assembly and the jury at the present trial are collapsed; there is no differentiation, just "you."<sup>119</sup> Their error in trusting Aeschines to take part in the embassy has present day repercussions, but the members of the jury can use their memories (ἀναμνήσθητε) to identify Aeschines' fault and make steps to put right their past selves' mistake.<sup>120</sup>

Demosthenes describes how the Athenians were so beguiled by Aeschines' promises—that Thespieae and Plataea would be resettled, that Thebes would be punished—that even when they heard that Philip was at Thermopylae they were at first shocked and angry that they had not been forewarned, but were then mollified by Aeschines' speech.<sup>121</sup> Again, he describes Aeschines' strategy of lulling Athens into complacency (§43):

φανακισθῆναι τοῖς λόγοις τούτοις ὑμᾶς ἔδει, καὶ ἐμοῦ τάληθῆ μὴ ἠελῆσαι ἀκούσαι, καὶ αὐτοὺς οἴκοι καταμείναι, καὶ ψήφισμα νικῆσαι τοιοῦτο δι' οὗ Φωκεῖς ἀπολοῦνται. διὰ ταῦτ' ἔσπαθᾶτο ταῦτα καὶ διὰ ταῦτ' ἐδημηγορεῖτο.

It was necessary for you to be deceived by those words, and to be unwilling to hear the truth from me, and to stay at home, and for a decree guaranteeing the destruction of the Phocians to be successful. This is why he wove these lies and this is why he spoke before the Assembly.

The purpose of Aeschines' lies is to reinforce the Athenian reluctance to intervene (οἴκοι

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<sup>118</sup> §27: προαίρεσιν αὐτοῦ τῆς πολιτείας ἀναμνησθέντες

<sup>119</sup> "The demos was symbolically represented as a timeless, static, and permanent feature of Athens of which all its citizens were members but to which none could lay exclusive claim. This fiction assured the Athenians that they preserved their link to the past" (Wolpert 2003: 539).

<sup>120</sup> §33: πῶς οὖν ῥαδίως πάντες εἴσεσθε τίς ποτ' ἔσθ' ὁ πονηρός; ἀναμνήσθητε παρ' ὑμῖν αὐτοῖς.

<sup>121</sup> §35: ἐκπεπληγμένους τῇ παρουσίᾳ τὸ πρῶτον τῇ τοῦ Φιλίππου, καὶ τούτοις ὀργιζομένους ἐπὶ τῷ μὴ προηγγελκέναι, πραοτέρους γενέσθαι τινός.

καταμείναι, now strengthened with the prefix κατά), that was so opposed by Demosthenes in his *Olynthiacs*. The domestic tinge of the word ἔσπαθᾶτο, “to weave a tight fabric,” adds a simultaneous sense of complacency and deception. The Athenians were lulled by pleasant words and promises, ignoring their duty to join together on behalf of the homeland, preferring to value their individual wellbeing to the city’s.

Despite Demosthenes’ efforts, which he begs the jury to remember (ἀναμνησθεσθε), to speak out against Aeschines’ promises, the peace treaty was ratified.<sup>122</sup> Aeschines’ rhetoric had primed the people; Philocrates took advantage of this and added a clause stating that if the Phocians did not return control of the temple of Apollo to the Amphictyonic League, Athens would send troops to intimidate them (§49). This added clause was intended to put the Phocians under the control of Thebes (§50):

οὐκοῦν, ἄνδρες Ἀθηναῖοι, μενόντων μὲν ὑμῶν οἴκοι καὶ οὐκ ἐξεληλυθότων, ἀπεληλυθότων δὲ τῶν Λακεδαιμονίων καὶ προησθημένων τὴν ἀπάτην, οὐδενὸς δ’ ἄλλου παρόντος τῶν Ἀμφικτυόνων πλὴν Θετταλῶν καὶ Θηβαίων, εὐφημότατ’ ἀνθρώπων τούτοις παραδοῦναι γέγραφε τὸ ἱερόν.

So, men of Athens, since you were staying at home and had not gone out to fight, while the Spartans had left as soon as they recognized Philip’s deception, and no other member of the Amphictyonic League was present besides the Thessalians and Thebans, it was to them that Philocrates decreed, in the most euphemistic way possible, that the Phocians hand over the temple.

The result of the Athenians’ non-intervention policy combined with the clause about the temple of Apollo is that no matter what the Phocians do, their defeat is inevitable. At *Olynthiac* 1.25-26, Demosthenes had warned that if Olynthus fell, neither the Thebans (who were hostile to Athens) nor the Phocians (who needed the Athenians’ help to keep their homeland) would be able to keep Philip away from Attica. Now, under the peace treaty, Thebes benefits (because it and Thessaly are the only members of the Amphictyonic League present) and Phocis is ruined. This outcome

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<sup>122</sup> §45: καὶ πρὸς Διὸς καὶ θεῶν ἀναμνησθεσθε

is completely contrary to Aeschines' promises that Thebes would be punished and Phocis spared. Sparta was aware of Philip's lies and withdrew. Only the Athenians, disregarding their obligations to the collective *oikeia chōra*, were beguiled by the dream of peace.

In response to the terms of the treaty, Demosthenes describes three strands of opinion held by the Phocians: those who had once mistrusted Philip but, believing that Athenian ambassadors would never deceive the Athenian people, came to believe that Philip was intending to punish the Thebans instead of themselves; those who believed Philip was on their side and that if they did not hand over control of the temple, Athens would turn against them; and those who thought that the Athenians now regretted making the treaty.<sup>123</sup> For this last group, the fact that the terms of the peace treaty and alliance extended not just to Philip's lifetime, but to his progeny (τοῖς ἐγγόνοις) as well,<sup>124</sup> causes them utter despair that the Athenians could ever come to their aid. Demosthenes describes the permanence of the treaty, its extension into the limitless future, as the most serious injustice Aeschines and Philokrates have committed against the Athenian people (§§55-56):

ὁ καὶ μέγιστον ἔμοιγε δοκοῦσιν ἀπάντων ὑμᾶς ἠδικηκέναι· τὸ γὰρ πρὸς ἄνδρα θνητὸν καὶ διὰ καιρῶς τινὰς ἰσχύοντα γράφοντας εἰρήνην ἀθάνατον συνθέσθαι τὴν κατὰ τῆς πόλεως αἰσχύνην, καὶ ἀποστερηῆσαι μὴ μόνον τῶν ἄλλων ἀλλὰ καὶ τῶν παρὰ τῆς τύχης εὐεργεσιῶν τὴν πόλιν, καὶ τοσαύτην περιουσίαν χρῆσασθαι πονηρίας ὥστε μὴ μόνον τοὺς ὄντας Ἀθηναίους ἀλλὰ καὶ τοὺς ὕστερόν ποτε μέλλοντας ἔσεσθαι πάντας ἠδικηκέναι, πῶς οὐχὶ πανδεινὸν ἔστι;

It seems to me that this is the greatest wrong of all that they committed against you. They brought about the immortal shame of our city by inscribing a peace treaty with a mortal man made strong thanks to circumstance, robbed the city of every advantage, especially the kindness of fate [i.e. the death of Philip releasing the city from the treaty], and extended their criminality to such an excess that they have wronged not only the current Athenians but also all those that will ever live in the future—how is this not absolutely terrible?

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<sup>123</sup> §§53-54.

<sup>124</sup> §48: καὶ τὴν εἰρήνην εἶναι τὴν αὐτὴν ἥνπερ Φιλίππῳ καὶ τοῖς ἐγγόνοις, καὶ τὴν συμμαχίαν.

By pointing out that Philip is mortal and that his strength results circumstantially, from some *kairos* (διὰ καιρούς τινας), Demosthenes emphasizes the infinite folly of the treaty's progeny clause. In the *Olynthiacs*, the future was wide open; decisions made at the present moment had the potential to change the future for better or for worse. But the peace treaty with Philip is a source of undying shame for the city: it rewrites Athenian identity. Demosthenes claims that no greater nor more terrible occurrence has ever happened either within living memory or in all time.<sup>125</sup> In contrast to the eternal shame that is the inheritance of future Athenians, Athens was in the past the champion of the Greeks according to ancestral prerogative (πάτριον) and would never have allowed something like the present situation to happen.<sup>126</sup> The treaty has transformed Athens from the great leader of the Greeks to collaborators in Philip's objective of depriving all the Greeks of freedom.

Paralleling the time-transcending superiority of Athens is Aeschines' villainy. He, too, exceeds temporality, diminishing the glories of the past through his betrayal, and robbing the future of the opportunity for greatness. He is the greatest liar that has ever existed in the past or the future.<sup>127</sup> He has sold himself not just in the past (ἐπὶ τοῖς παρεληλυθόσι), but if he is acquitted in the present trial (νῦν), he will also, in the future (μετὰ ταῦτα) support Philip against the interests of Athens.<sup>128</sup> Aeschines' betrayal, eternal and boundless, has had very real consequences in the present day. As a result of his lies before the Assembly, Athens failed to

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<sup>125</sup> §64: τούτων, ὧ ἄνδρες Ἀθηναῖοι, δεινότερ' οὐ γέγονεν οὐδὲ μείζω πράγματ' ἐφ' ἡμῶν ἐν τοῖς Ἑλλησιν, οἶμαι δ' οὐδ' ἐν τῷ πρόσθεν χρόνῳ.

<sup>126</sup> §64: οὔσης τῆς Ἀθηναίων πόλεως, ἢ προεστάναι τῶν Ἑλλήνων πάτριον καὶ μηδὲν τοιοῦτον περιορᾶν γιγνόμενον.

<sup>127</sup> §97: τηλικαῦτα καὶ τοιαῦτ' ἐψεύσαθ' ἡλίκ' οὐδεὶς πάποτ' ἄλλος ἀνθρώπων οὔτε πρότερον οὔθ' ὕστερον.

<sup>128</sup> §118: πέπρακεν ἑαυτὸν καὶ οὐκ ἐπὶ τοῖς παρεληλυθόσι μεμισθάρηκε μόνον, ἀλλὰ καὶ μετὰ ταῦτα δῆλός ἐστιν, ἂν περ ἐκφύγη νῦν, καθ' ὑμῶν ὑπάρξων ἐκείνῳ.

defend Phocis and Philip was able to destroy its cities. Demosthenes describes passing by Phocis on the way to Delphi, witnessing first hand its devastation (§65):

θέαμα δεινόν, ὧ ἄνδρες Ἀθηναῖοι, καὶ ἐλεινόν· ὅτε γὰρ νῦν ἐπορευόμεθ' εἰς Δελφοὺς, ἐξ ἀνάγκης ἦν ὁρᾶν ἡμῖν πάντα ταῦτα, οἰκίας κατεσκαμμένας, τείχη περικορημένα, χώραν ἔρημον τῶν ἐν ἡλικία, γυναῖα δὲ καὶ παιδάρι' ὀλίγα καὶ πρεσβύτας ἀνθρώπους οἰκτρούς.

It was a terrible and pitiful sight, men of Athens. When we were just now traveling to Delphi, we were compelled to look at everything: houses buried, city walls destroyed, the land emptied of young men, leaving only a few women and children and some pitiful old men.

The Phocian homeland, which, as Demosthenes had reminded the Assembly at *Olynthiac* 1.26, they had once helped to save, has been demolished—even though the Phocians had voted to save Athens from enslavement after the Peloponnesian war. While the Athenians remain safe at home, the houses of the Phocians were razed to the ground, their walls destroyed, and their land left bereft (οἰκίας κατεσκαμμένας, τείχη περικορημένα, χώραν ἔρημον). The tripartite expansion from house to walls to land is collapsed by the adjective ἔρημον, which recalls the *erēmos oikos* with which forensic rhetoric is so concerned.<sup>129</sup> Not just a single household, but the entire land was left empty, without heirs. Returning to the present time and place, to the courtroom where he is delivering this speech, Demosthenes calls on the glorious ancestors of the Athenian past, asking how they, if they regained consciousness, would vote at the trial of the men who had plotted the destruction of the Phocians.<sup>130</sup> By making the present day Athenians accountable to their glorious ancestors, Demosthenes again reminds the jury that the opportunity to restore Athens to its former state is in their hands.

Not just the ancestors, but the gods themselves demand the punishment of Aeschines.

The prayer spoken before the Assembly and Council met included a curse upon traitors, calling

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<sup>129</sup> Cf. my discussion of the *erēmos oikos* at Chapter 1 n. 7.

<sup>130</sup> §66: τίν' ἂν οὖν οἴεσθ', ὧ ἄνδρες Ἀθηναῖοι, τοὺς προγόνους ὑμῶν, εἰ λάβοιεν αἴσθησιν, ψηφον ἢ γνώμην θέσθαι περὶ τῶν αἰτίων τοῦ τούτων ὀλέθρου;

for the utter destruction of themselves, their families, and their houses.<sup>131</sup> This curse, also cited at Antiphon 5.11, emphasizes the absolute erasure of its object, targeting the individual, his family, and his physical place in the city.<sup>132</sup> It is a fitting retribution for Aeschines' part in the depopulation of Phocis, since he lied to the Athenian people about persuading Philip to save the Phocians, resettle Boeotia, and arrange matters on Athenian terms.<sup>133</sup> The ramifications of Philip's treachery and Aeschines' lies are felt at the level of the *oikos*, the most intimate and vulnerable place, and thus the curse Demosthenes urges Athens to call on Aeschines responds in kind. Demosthenes warns the jury that they must vote against Aeschines, or else they will leave the courtroom and return home (οἴκαδε), oath-breakers, themselves carrying the curse brought on by Aeschines' bribe-taking.<sup>134</sup> The curse on the house of Aeschines is like a miasma that will spread to all the houses of the city if unchecked by the jury.

Aeschines was not the only traitor. Philip had another agent, Philokrates, who had proposed the peace and, along with Aeschines, supported abandoning the Phocians. As a result of Hypereides' prosecution of Philokrates by *eisangelia* (impeachment) earlier in 343, Philokrates admitting to taking bribes from Philip, then fled Athens and was sentenced to exile with the penalty of death if he returned to Athens.<sup>135</sup> Demosthenes uses Aeschines' association with Philokrates as proof that Aeschines, too, accepted bribes. His argument now draws on the house *topos* familiar from *Against Aristokrates*, *On Organization*, and the *Olynthiacs*: the idea that the house reveals the true nature of its inhabitant. Philokrates was flamboyant in advertising

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<sup>131</sup> §71: ὄν ἐκείνοις εὐχέσθ' ἐξώλη ποιεῖν αὐτὸν καὶ γένος καὶ οἰκίαν.

<sup>132</sup> Antiphon 5.11: τοῦτο δὲ δέον σε διομόσασθαι ὄρκον τὸν μέγιστον καὶ ἰσχυρότατον, ἐξώλειαν σαυτῷ καὶ γένει καὶ οἰκίᾳ τῇ σῆ ἐπαρώμενον, ἢ μὴν μὴ ἄλλα κατηγορήσῃς ἐμοῦ ἢ εἰς αὐτὸν τὸν φόνον.

<sup>133</sup> §74: πεπεικῶς ἔφη Φίλιππον Φωκέας σφάζειν, τὴν Βοιωτίαν οἰκίζειν, ὑμῖν τὰ πράγματ' οἰκεία ποιεῖν.

<sup>134</sup> §220: ὑπὲρ ὧν οὗτοι δεδωροδοκήκασις ὑμεῖς τὴν ἀρὰν καὶ τὴν ἐπιπορκίαν οἴκαδ' ἀπενέγκησθε.

<sup>135</sup> MacDowell 2013: 21-22.

his ill-conceived wealth (§114):

Φιλοκράτης μὴ μόνον ὠμολόγει παρ' ὑμῖν ἐν τῷ δήμῳ πολλάκις, ἀλλὰ καὶ ἐδείκνυεν ὑμῖν, πυροπωλῶν, οἰκοδομῶν, βαδιεῖσθαι φάσκων κἂν μὴ χειροτονήθ' ὑμεῖς, ξυληγῶν, τὸ χρυσίον καταλλαττόμενος φανερώς ἐπὶ ταῖς τραπέζαις.

Philokrates not only admitted it often before the Assembly, but also showed off to you, selling grain, house building, saying that he would go to Macedon even if you didn't vote for him, importing wood, openly exchanging gold at the banks.

Philokrates is exactly the kind of politician Demosthenes railed against in the *Olynthiacs*, one who advertises his greed and profligacy with a public confessions, threats of defection, and a grand house. Someone so committed to this life of corrupt luxury would have a difficult time finding honest friends. When Hypereides was impeaching Aeschines, Demosthenes stood and demanded that Philokrates' co-conspirators disavow their own actions—he is certain the jury remembers (μνημονεύεθ') this.<sup>136</sup> He takes Aeschines' refusal to speak against Philokrates at that time as certain proof that Aeschines, too, was taking bribes.

Demosthenes continues to draw on the association of house and character. Comparing the Theban and Athenian ambassadors to Philip, he describes how the Thebans refused to take bribes. They asked that, instead of giving them money or gifts, Philip instead direct his generosity toward his dealings with their city. As a result, Philip's policy favored the Thebans: he destroyed their enemies, the Phocians, and put several other Boeotian cities under their control (§§140-142). In contrast, the Athenian ambassadors who took Philip's bribes brought destruction and shame on their city. Using similar language to the passage quoted above, Demosthenes describes how Aeschines and Philokrates grew rich at the expense of Athens and its allies (§145):

τὰ μὲν ἄλλα σιωπῶ πάνθ', ὅσ' ἐοράκαθ' ὑμεῖς, οἰκίας, ξύλα, πυρούς· ἀλλ' ἐν τῇ τῶν ἀπολωλότων συμμάχων χώρᾳ κτήματα καὶ γεωργίαι παμπληθεῖς,

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<sup>136</sup> §117: ταῦτα γὰρ μνημονεύεθ', ὡς ἐγὼ οἶμαι.

Φιλοκράτει μὲν τάλαντον ἔχουσαι πρόσδοον, τούτῳ δ' Αἰσχίνῃ τριάκοντα μνᾶς.

I make no mention of all the rest that you yourselves have seen, the houses, wood, grain. But they have property and a large number of farming estates in the land of our destroyed allies—Philokrates' bring in a talent, and Aeschines' thirty minas.

Because the luxurious houses and trade ventures within the city are visible to everyone, there is no need for Demosthenes to dwell on them. The estates, built on the ashes of the homes of the Athenian allies, are the physical manifestation of Aeschines and Philokrates' treachery. It is indeed strange and outrageous (δεινὸν καὶ σκέτλιον) that the Athenians' loss should be its ambassadors' income, that the destruction of its allies, the expenditure of its money, and the sully of its reputation should bring profit, trade, money and wealth to the ambassadors instead of the most extreme punishment.<sup>137</sup> The Athens that Demosthenes constantly urges his audience to embody, the saviors of the Greeks, utterly failed to defend its allies; its internal enemies, the false ambassadors, are reaping the benefit of this failure. He calls in witnesses from Olynthus to corroborate the assertion that Aeschines and Philokrates have estates on land formerly belonging to defeated allies as a reminder that if Athens had followed Demosthenes' policies earlier, Olynthus could have been saved and Philip kept away from Athens.<sup>138</sup>

Just as Olynthus was destroyed by Philip because of the Athenians' delay, so too many other cities in the north fell because of the delaying tactics of Aeschines and Philokrates. While the second embassy was making its circuitous way to Pella, Philip was off conquering cities all over Thrace and the Chersonese. His later incursion against the Phocians meant that two of the

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<sup>137</sup> §146: καίτοι πῶς οὐ δεινόν, ὃ ἄνδρες Ἀθηναῖοι, καὶ σκέτλιον τὰς τῶν ὑμετέρων συμμάχων συμφορὰς πρόσδοους τοῖς πρέσβεσι τοῖς ὑμετέροις γεγενῆσθαι, καὶ τὴν αὐτὴν εἰρήνην τῇ μὲν ἐκπεμπάσῃ πόλει τῶν μὲν συμμάχων ὄλεθρον, τῶν δὲ κτημάτων ἀπόστασιν, ἀντὶ δὲ δόξης αἰσχύνῃν γεγενῆσθαι, τῶν δὲ πρέσβεων τοῖς κατὰ τῆς πόλεως ταῦτα πράξασι πρόσδοους, εὐπορίας, κτήματα, πλοῦτον ἀντὶ τῶν ἐσχάτων ἀποριῶν εἰργάσθαι;

<sup>138</sup> In the same way, the anecdote Demosthenes narrates at §197 about the abuse the freeborn Olynthian woman, now enslaved, received at the hands of Aeschines and his colleague Phrynon is augmented by the fact that she is an Olynthian. Any reminder of the loss of Olynthus advertises the philanthropy of Demosthenes' policies.



most strategically significant locations in the whole settled world (οἰκουμένης) were under Philip's control due to Aeschines' betrayal—the pass at Thermopylae by land, and the strait of the Hellespont, important to the Black Sea grain trade, by sea.<sup>139</sup> The appearance here of the word οἰκουμένη, which is only found 6 times in Demosthenes' work, recalls the thematic significance of houses in this speech—the houses razed by Philip, the houses raised by the ambassadors. Philip's control of the Hellespont and Thermopylae threaten Athens at home, making it vulnerable to invasion by land and starvation by sea.

For an ambassador to cause a delay is unconscionable, Demosthenes argues. An ambassador is responsible not for ships, military strategy, weapons, and fortresses, but for speeches and timeliness.<sup>140</sup> Just as speeches are the heart and soul of the democracy, timeliness is of far greater importance in a democracy than in an oligarchy or tyranny. Because of all the levels of social control that must be organized, to waste time in a democracy is not just to waste time but to ruin the city's government.<sup>141</sup> Demosthenes contrasts Aeschines' delays and evasion with his own assiduous presence in the Assembly every time the embassy is being discussed, denouncing Aeschines and Philokrates.<sup>142</sup> Calling back to his delineation of the five responsibilities of an ambassador, Demosthenes implies that even though he excused himself from the third embassy, he continues to carry out his responsibilities, unlike Aeschines who failed in every detail to fulfill his duties as ambassador.

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<sup>139</sup> §180: καίτοι δύο χρησιμωτέρους τόπους τῆς οἰκουμένης οὐδ' ἂν εἰς ἐπιδείξει τῇ πόλει, κατὰ μὲν γῆν Πυλῶν, ἐκ θαλάττης δὲ τοῦ Ἑλλησπόντου.

<sup>140</sup> §183: εἰσὶ γὰρ οἱ πρέσβεις οὐ τριήρων οὐδὲ τόπων οὐδ' ὀπλιτῶν οὐδ' ἀκροπόλεων κύριοι (οὐδεὶς γὰρ πρέσβει ταῦτ' ἐγχειρίζει), ἀλλὰ λόγων καὶ χρόνων.

<sup>141</sup> §186: ὁ δὴ τοὺς χρόνους τούτους ἀναιρῶν τῆς οἴα παρ' ἡμῖν ἐστί πολιτείας οὐ χρόνους ἀνήρηκεν οὗτος, οὐ, ἀλλὰ τὰ πράγμαθ' ἀπλῶς ἀφήρηται.

<sup>142</sup> §207: οὐκοῦν ἐν πάσαις ταῖς ἐκκλησίαις, ὅσάκις λόγος γέγονε περὶ τούτων, καὶ κατηγοροῦντος ἀκούετέ μου καὶ ἐλέγχοντος αἰεὶ τούτους.

In order to protect himself from accusations that he is prosecuting Aeschines in order to disguise his own complicity in the corruption, Demosthenes positions himself as the only hope for the ailing city. He has noticed the people seeming weak and just waiting for terrible suffering to happen to them, not realizing that the city is wasting away in many awful ways.<sup>143</sup> Aeschines and his men are openly showing support for Philip, and yet the city is blind and deaf to those fighting on its side.<sup>144</sup> Without Demosthenes to advocate for it, he implies, the city would fall apart due to its indolence.

As a solution to the city's problems, Demosthenes returns to the rhetoric of unity that was threaded through the *Olynthiacs*. He compares Philip, an individual man, with the collectivity of the Athenian people (§§227-228):

ἐκείνος μὲν ἓν, οἶμαι, σῶμ' ἔχων καὶ ψυχὴν μίαν παντὶ θυμῷ καὶ φιλεῖ τοὺς ἑαυτὸν εὖ ποιοῦντας καὶ μισεῖ τοὺς τὰναντία, ὑμῶν δ' ἕκαστος πρῶτον μὲν οὔτε τὸν εὖ ποιοῦντα τὴν πόλιν αὐτὸν εὖ ποιεῖν ἡγείται οὔτε τὸν κακῶς κακῶς.

He, I believe, has a single body and soul; he loves those who treat him well and hates those who do him ill with his whole heart. But each of you, first of all, does not consider those who benefit the city as benefitting yourself, nor those who treat it badly as treating yourself badly.

Like Philip, the city of Athens is a sum of its parts. But until the people of Athens move past their petty distractions and work together to heal the city, Philip and the Macedonians have the advantage, being single-minded. Since he is working in the interest of the holistic well-being of the city, Demosthenes necessarily opposes those who are a threat to the unification of the city. If Demosthenes ever acted in company with Aeschines and the other corrupt ambassadors, it was before they showed their true colors. He has, since the second embassy, had no friendly intimacy

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<sup>143</sup> §224: ἀναπεπρωκότες ἦτε... μοι δοκεῖτε καὶ παθεῖν ἀναμένειν τὰ δεινά... οὐδὲ φροντίζειν τῆς πόλεως πάλαι κατὰ πολλοὺς καὶ δεινοὺς τρόπους διαφθειρομένης.

<sup>144</sup> §226: τοσαύτην κωφότητα καὶ τοσοῦτο σκότος

or interaction with them at all.<sup>145</sup> The citizens loyal to Athens must be united in affection on the *polis* level, with no room for the followers of Philip. Even familial connections dwindle in the face of patriotic loyalty: if Aeschines' brothers speak, the jury is instructed to recall that it is appropriate for his brothers to worry about Aeschines, and for themselves to think of the laws, the whole city, and the oaths they have sworn.<sup>146</sup> The jury, representing the entire city, must act on behalf of the city as a unity. In this way, it will be strong, easily defeating the individual desires of Aeschines and his allies.

And yet, Aeschines' behavior over the previous year has shown that even he himself is not a unified whole. His opposition to making peace with Philip disappeared during the second embassy, and moreover, during his prosecution of Timarchos, the principles of justice that he outlined are the same that Demosthenes could now apply to his prosecution of Aeschines.<sup>147</sup> This inconsistency makes him unreliable: Demosthenes calls Aeschines out as a hypocrite, a liar, and an actor. The theatrical elements that orators occasionally incorporated into their speeches and performances reach a peak in the trials between Aeschines and Demosthenes.<sup>148</sup> Aeschines was an actor before he became a politician, and his speech *Against Timarchos* (Aeschines 1) contains a large number of quotations from tragedy: Harris notes that "of all the Attic orators Aeschines is the one who is most addicted to reciting long passages of poetry."<sup>149</sup> In *On the False Embassy*, Demosthenes accuses Aeschines of conducting his trials like theatrical productions (§120:

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<sup>145</sup> §236: μετὰ ταῦτα δ' οὐδὲν ἐμοὶ πρὸς τούτους οἰκτεῖον οὐδὲ κοινὸν γέγονεν.

<sup>146</sup> §239: ἐκεῖν' ἐνθυμούμενοι ὅτι τούτοις μὲν τούτου προσήκει φροντίζειν, ὑμῖν δὲ τῶν νόμων καὶ ὅλης τῆς πόλεως καὶ παρὰ πάντα τῶν ὄρκων, οὐς αὐτοὶ κάθησθ' ὁμωμοκότες.

<sup>147</sup> §§241-242: ἂ γὰρ ὠρίσω σὺ δίκαια, ὅτε Τίμαρχον ἔκρινες, ταῦτ' ἀδήπου ταῦτα καὶ κατὰ σοῦ προσήκει τοῖς ἄλλοις ἰσχύειν.

<sup>148</sup> On theatrical performance in the speeches of Demosthenes and Aeschines, cf. North 1952, Perlman 1964, Easterling 1999, Ford 1999, Duncan 2006.

<sup>149</sup> Harris 1995: 28.

ὥσπερ δράματα); he warns the jury that when Aeschines delivers his defense he will behave like a tragic actor (§189: τραγωδῶν); and he reminds them that when Aeschines was an actor, he was the third actor (τριταγωνίστης), never the lead (§200, §247). How can his policy be trusted if he is always acting a part, and at that, not even the main character?

Demosthenes turns Aeschines' quotations back on him—the passage of Hesiod that, in Aeschines' speech, described the way rumors about Timarchos spread now describes Aeschines' reputation for taking bribes; lines from Euripides about judging people based on the company they keep which once referred to Timarchos and his companions now call out Aeschines and Philokrates. Moreover, Aeschines quoted from plays in which he did not himself act, showing excessive effort or “putting on airs” in his preparations.<sup>150</sup> What he ought to have done, Demosthenes argues, is to quote from Sophocles' *Antigone*, in which Aeschines played the tyrant Creon. Demosthenes then has a passage read out loud from the *Antigone* in which Creon criticizes those who put personal relationship before their fatherland.<sup>151</sup> Pointing out the many resonances between Creon's speech and Aeschines' situation, Demosthenes describes how Aeschines betrayed the city, disregarding its straight path, overturning and sinking it, and handing it over to its enemies.<sup>152</sup> Using poetry to intensify his own themes and arguments, Demosthenes beats Aeschines at his own game, revealing the deception that is failing to act a familiar role.

The many poetic passages of this portion of the speech populate the courtroom with figures familiar from mythology, elevating the modern day situation to the larger-than-life levels

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<sup>150</sup> Perlman 1964: 170. The quotations in Aeschines appear at 1.128 (unknown Euripidean tragedy), 129 (Hesiod's *Works and Days*) 151 (Euripides' *Sthenoboea*), and 152 (Euripides' *Phoenix*).

<sup>151</sup> *Antigone* 182-183: καὶ μείζον' ὅστις ἀντὶ τῆς αὐτοῦ πάτρας / φύλον νομίζει.

<sup>152</sup> §250: οὐδ' ὅπως ὀρθῆ πλεύσεται προείδετο, ἀλλ' ἀνέτρειψε καὶ κατέδυσε καὶ τὸ καθ' αὐτὸν ὅπως ἐπὶ τοῖς ἐχθροῖς ἔσται παρεσκευάσεν.

of the mythical past. But in the context of this speech, deeply engaged as it is with the greatness of the Athenian past, the most important visitor to the courtroom is the semi-mythic ancestor of the Athenian democracy, Solon. Aeschines was the first to introduce Solon, when, in *Against Timarchos*, he referred to a statue of him as the model of *sōphrosyne* and imitated the statue's pose. Demosthenes ridicules this posturing on the grounds that, first of all, the statue postdates Solon's life by centuries and so could not possibly represent the clothing and attitude of the real Solon, and, secondly, Aeschines would have been far better off mimicking Solon's politics than his clothing. With this, Demosthenes asks the clerk to read a lengthy passage from Solon's elegies, known as the *Eunomia*.<sup>153</sup>

This poem describes the city of Athens, threatened by its greedy citizens and unjust leaders yet protected by Athena and defended, in time, by Justice. The spread of corruption is characterized as an inescapable wound (l. 19: ἔλκος ἄφυκτον), a public evil that penetrates into the private household (ll. 29-32):

οὕτω δημόσιον κακὸν ἔρχεται οἴκαδ' ἐκάστω,  
 αὐλίοι δ' ἔτ' ἔχειν οὐκ ἐθέλουσι θύραι,  
 ὑψηλὸν δ' ὑπὲρ ἔρκος ὑπέρθορον, εὖρε δὲ πάντως,  
 εἰ καὶ τις φεύγων ἐν μυχῶ ἦ θαλάμου.

Thus the public evil comes to each house, and the courtyard doors are no longer able to hold it back. It leaps over the high wall and it finds its target unerringly, even if they flee into the innermost corner of their bedroom.

Solon's description of the way public strife insinuates itself into private life mirrors

Demosthenes' domestic discourse: throughout this speech, like the *Olynthiacs*, the danger to the city is expressed through the rhetoric of home. Houses reflecting the ethos of the city and its politicians, the native examples of the Athenian past serving as a domestic model for present behavior, the emphasis on the destroyed homelands of the allies and the houses being built at

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<sup>153</sup> On the quotation from Solon in Demosthenes 19, cf. Rowe 1972, Carey 2015. On this poem (fr. 4 West), cf. Bowra 1938, Vlastos 1946, Halberstadt 1955, Jaeger 1966, Almeida 2003, Irwin 2005, Noussia-Fantuzzi 2010.

their expense, and the danger to the *polis* posed by the intimate friendship between Aeschines and Philip—these are the ways Demosthenes uses the home feeling to effect his goal of persuading the jury. The poem by Solon underlines this threat with its creeping inward motion. The *dēmosion kakon* comes first to the house (οἴκαδε), then through the courtyard door, then over the wall and into the innermost recess of the private chamber. Like the Thirty’s tripartite penetration into Lysias’ house, Solon’s *dēmosion kakon* aims at the heart of the house, the most intimate and private place. The public threat, like Aeschines’ curse at §220, comes at the people through their houses.<sup>154</sup>

As the speech approaches its conclusion, Demosthenes revisits his themes of house and time, anchoring the speech in the here and now while extending the repercussions of the court’s decision geographically and temporally. The house is the central pivot from which political life radiates. As a political symbol, it evokes both vulnerability, and the possibility of strength through unity. That is, the house is both a self-contained unit and a part of a whole. From the house, meaningful space expands outward first to the city, and then to the inhabited world (*oikoumenē*). If the Athenians fail to extrapolate the home feeling from the individual to the collective, they fail to grasp the atomic nature of the *oikos* within the *polis*. In the same way, the trial is a fulcrum moment, where the jury can choose to behave justly, as they always have, or to start a new habit and betray the city. Demosthenes repeatedly calls on the jury to remember that they are not only judges for the present day, but lawmakers for the extent of future time.<sup>155</sup> He emphasizes the particular importance of the present trial, which could put a stop to the Philip

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<sup>154</sup> Rowe 1972 addresses the criticism made by Wilamowitz and Jaeger (and later MacDowell (2000: 312)) that only the first 16 lines of the elegy are relevant to Demosthenes’ speech, arguing that Demosthenes’ engagement with the metaphor of disease at various points in the speech reflects the poem’s later stanzas, also pointing out that in both Solon’s poem and Demosthenes’ speech slavery is the outcome of corruption. He does not note the significance of the house, which, I argue, is the one of the most resonant connections between the speech and the poem.

<sup>155</sup> §232: οὐ μόνον κρίνετε τούτους τῆμερον, οὐ, ἀλλὰ καὶ νόμον τίθεσθ’ εἰς ἅπαντα τὸν μετὰ ταῦτα χρόνον.

craze (§260: ζηλώματα) that is spreading like a disease (§259, §262: νόσημα) across Greece (§258):

ἀλλὰ καὶ διακρουόμενος πάντα τὸν ἔμπροσθεν χρόνον εἰσελθεῖν εἰς τοιοῦτον ὑπήκται καιρόν, ἐν ᾧ τῶν ἐπιόντων ἔνεκα, εἰ μηδενὸς ἄλλου, οὐχ οἶόν τ' οὐδ' ἀσφαλὲς ὑμῖν δεδωροδοκηκότα τοῦτον ἀθῶον ἐάσαι· ἀεὶ μὲν γάρ, ὧ ἄνδρες Ἀθηναῖοι, προσήκει μισεῖν καὶ κολάζειν τοὺς προδότας καὶ δωροδόκους, μάλιστα δὲ νῦν ἐπὶ καιροῦ τοῦτο γένοιτ' ἂν καὶ πάντας ὠφελήσειεν ἀνθρώπους κοινῇ.

Because he evaded every trial prior to this occasion, he has now been compelled to come into court on such an occasion in which, for the sake of the future if nothing else, it is not possible nor safe for you to let this bribe-taker go unpunished. For it has always been your duty, men of Athens, to hate and punish those who betray and take bribes, and to do so now would be especially timely and would benefit all people in common.

In the past (τὸν ἔμπροσθεν χρόνον), Aeschines employed a series of delaying tactics to put off this trial, including his prosecution of Timarchos. These delays turn out to have been providential. The present moment is the precise opportunity (τοιοῦτον καιρόν) to punish Aeschines and draw attention to his crimes, emulating the appropriate behavior of Athenian juries for all times (ἀεὶ). The moment, *kairos*, is now (μάλιστα νῦν).

And, as with all opportunities, the need to act is immediate. Demosthenes warns the jury not to wait to pay attention to his message until it is no longer relevant.<sup>156</sup> The allusion to the last time the Athenians delayed following Demosthenes' advice, at first oblique, becomes immediately overt. The sufferings of the Olynthians is a vibrant and clear model (§263: ἐναργές...καὶ σαφὲς παράδειγμα) of what happens when corruption is unchecked—not to mention when Demosthenes' advice is not followed. The Olynthians had been strong and successful, the head of the Chalkidian league, but their luck changed when some of their leaders began to take bribes (§§265-266):

δωροδοκεῖν ἤρξαντό τινες, καὶ δι' ἀβελτερίαν οἱ πολλοί, μάλλον δὲ διὰ

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<sup>156</sup> §262: σκοπεῖθ' ὅπως μὴ τηνικαῦτ' εὐ λέγεσθαι δόξει τὰ νῦν εἰρημένα, ὅτ' οὐδ' ὅ τι χρὴ ποιεῖν ἔξετε.

δυστυχίαν, τούτους πιστοτέρους ἠγήσαντο τῶν ὑπὲρ αὐτῶν λεγόντων, καὶ Λασθένης μὲν ἤρειψε τὴν οἰκίαν τοῖς ἐκ Μακεδονίας δοθείσι ξύλοις, Εὐθυκράτης δὲ βοῦς ἔτρεφε πολλὰς τιμὴν οὐδενὶ δούς, ἕτερος δὲ τις ἦκεν ἔχων πρόβατα, ἄλλος δὲ τις ἵππους, οἱ δὲ πολλοὶ καὶ καθ' ὧν ταῦτ' ἐγίγνετο οὐχ ὅπως ὠργίζοντο ἢ κολάζειν ἠξίουσαν τοὺς ταῦτα ποιοῦντας, ἀλλ' ἀπέβλεπον, ἐζήλουν, ἐτίμων, ἄνδρας ἠγοῦντο.

Some of them started to take bribes, and the populace, whether because of stupidity or, more likely, misfortune, thought the bribe-takers more reliable than the politicians speaking on people's behalf, and then Lasthenes roofed his house in wood given by the Macedonians, Euthykrates kept several cows that he had paid nothing for, one person came back with sheep and another with horses. But the populace, to whose disadvantage these things were happening, were nevertheless not angry, nor did they think these people should be punished. Instead, they gazed at them, they envied, them, they honored them, they thought them real men.

These symptoms of corruption, the adulation of wealth and glory over modesty and public generosity, are epitomized by the building of houses with ill-begotten funds. Throughout his career, Demosthenes warned against politicians who build imposing houses. Now, by comparing the fate of Olynthus with the present situation at Athens, it is possible to anticipate a similar outcome.

Moving away from Olynthus and back home to Athens, Demosthenes reflects that Athens is in the best possible position for dealing with traitors because of its glorious past (§269):

ἔστι δ' ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, περὶ τούτων μόνοις τῶν πάντων ἀνθρώπων οἰκείους χρῆσθαι παραδείγμασι, καὶ τοὺς προγόνους, οὓς ἐπαινεῖτε δικαίως, ἔργῳ μιμῆσθαι.

It is possible, men of Athens, for you alone of all people to use native examples and to act in imitation of your ancestors, whom you are right to praise.

Just as at *On Organization* 21 and *Olynthiacs* 3.3, Demosthenes here appeals to homeland paradigms as models for present decisions and future behavior. The use of native examples reflects the significance of memory in this speech: the deeds of the ancestors are part of the collective Athenian consciousness, innate and automatic. There is no need to introduce outside information, just to remind the jury of what it already knows (§276: ἐπιμνησθήσομαι). These



inborn memories allow the Athenians to emulate their ancestors through a kind of trans-generational muscle memory, replicating their actions step by step.<sup>157</sup> Memory, again, overlays past and present, revealing a pathway out of the current troubles that depends only on the jury's willingness to live up to the legacy of their ancestors.

Drawing on shared memories, Demosthenes brings up example after example of traitors who were justly punished by the Athenian ancestors, including the mid-fifth century politician Kallias. Kallias had been instrumental in negotiating a peace treaty with the King of Persia in 449.<sup>158</sup> According to Demosthenes, nobody would be able to say that the city made a better peace treaty either before or after.<sup>159</sup> And yet, when the Athenian people found out that Kallias had taken bribes, they nearly put him to death and, as it was, fined him fifty talents. The analogy is clear: Kallias helped forge a peace treaty that was unprecedentedly advantageous for the city, yet he was punished for his treachery. Aeschines, in contrast, negotiated a very poor peace and yet the jury holds back from punishing him (§275):

ὕμεις δ' ὦ ἄνδρες Ἀθηναῖοι, τὴν αὐτὴν εἰρήνην ἑορακότες, τὰ μὲν τῶν συμμάχων τῶν ὑμετέρων τείχη καθηρηκυῖαν, τὰς δὲ τῶν πρέσβων οἰκίας οἰκοδομοῦσαν, καὶ τὰ μὲν τῆς πόλεως κτήματ' ἀφηρεμένην, τούτοις δ' ἂ μηδ' ὄναρ ἤλπισαν πώποτε κτησαμένην, οὐκ αὐτοὶ τούτους ἀπεκτείνετε, ἀλλὰ κατηγόρου προσδεῖσθε.

But you, men of Athens, having seen that the same peace has simultaneously torn down the walls of your allies and built up the houses of the ambassadors, has robbed the city of its possessions while bestowing upon the traitors more than they could ever have dreamed of, you don't kill them yourselves, but rather you leave it to a prosecutor.

The ruined walls of the betrayed allies are juxtaposed against the expanding houses of the traitorous ambassadors; in this way, Demosthenes brings together two different applications of

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<sup>157</sup> §273: νομίζω τοίνυν ὑμᾶς, ὦ ἄνδρες Ἀθηναῖοι, οὐ καθ' ἓν τι μόνον τοὺς προγόνους μιμουμένους ὀρθῶς ἂν ποιεῖν, ἀλλὰ καὶ κατὰ πάνθ' ὅσ' ἔπραττον ἐφεξῆς.

<sup>158</sup> MacDowell 2000: 320-322 discusses the controversial historicity of the peace treaty and Kallias' punishment.

<sup>159</sup> §274: καλλίω ταύτης εἰρήνην οὔτε πρότερον οὔθ' ὕστερον οὐδεὶς ἂν εἰπεῖν ἔχοι πεποιημένην τὴν πόλιν.

the home feeling. Previously in Demosthenes' rhetoric, the imposing houses of modern politicians signified the corruption and greed of contemporary Athenians in comparison with their noble and selfless ancestors. More specifically, Philokrates' house and Aeschines' and Philokrates' estates in the north represented their bribe-taking, like the house of Lasthenes the Olynthian. Private houses are built up at the expense of the private good. The razed houses of the Phocians, on the other hand, function as a physical reminder of the result of the Athenians' apathy and neglect of their allies. Brought together, these house *topoi* characterize the peace treaty with Philip as a threat that hits dangerously close to home.

As a result of the Athenians' laziness, the focus of the Greek world has shifted away: in the past, what happened in Athens was of great interest to those outside the city, but now Athens pays more attention to everyone else than to its own business. The city is blind and deaf to those working on its behalf from within (§226), but it peers and eavesdrops (§288: σκοποῦντες καὶ ὠτακουστοῦντες) on the goings-on of the world outside. The Athenians' interest in Philip, as if he is a celebrity and not a threat, is a symptom of their apathy. Demosthenes fears Philip less than the Athenians' loss of spirit, the fact that their capacity to hate and punish the unjust is dead—he would have no worries about Philip if the city were healthy.<sup>160</sup> The metaphor of health and disease again puts Demosthenes in the position of a healer at a sickbed, a doctor making a house call. His prescription is unity, returning order to the citizen body. Calling on an oracle, he urges the people to act as one (§§298-299):

καὶ τὴν πόλιν συνέχειν φησὶν ἡ μαντεία, ὅπως ἂν μίαν γνώμην ἔχωσιν ἅπαντες καὶ μὴ τοῖς ἐχθροῖς ἡδονὴν ποιῶσι.... ἅπανσι τοίνυν μᾶ γνώμη παρακελεύεται κολάζειν τοὺς ὑπηρετηκότας τι τοῖς ἐχθροῖς ὁ Ζεὺς, ἡ Διώνη, πάντες οἱ θεοί.

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<sup>160</sup> §289: ἐγὼ δ' οὐ δέδοικ' εἰ Φίλιππος ζῆ, ἀλλ' εἰ τῆς πόλεως τέθνηκε τὸ τοὺς ἀδικοῦντας μισεῖν καὶ τιμωρεῖσθαι. οὐδὲ φοβεῖ με Φίλιππος, ἂν τὰ παρ' ὑμῖν ὑγιαίνῃ.

The oracle calls for the city to hold together, so that all will have a single mind and not bring pleasure to the enemies.... Zeus, Dione, all the gods call upon all of you to punish with a single mind those who serve the enemies in any way at all.

The idea of uniting under a single mind (μία γνώμη), drawing on Demosthenes' earlier description of Philip at §227, would be a corrective to the Athenians' tendency to separate their own interests from the city's. Once every individual element of the complex organism of the city is aimed in the same direction, then Athens can face Philip without fear.

By realigning their energies and refocusing on Athens as a singular entity, the Athenians will be able to feel justified anger at Philip and Aeschines, representing respectively the enemies from outside (ἔξωθεν) and the traitors from within (ἔνδοθεν).<sup>161</sup> This formulation, projecting the inward and outward trajectories of enmity, unifies the city as a unit comprised of an interior and exterior. The interior is the place for action with a single mind, joining together against the threat from without. Any irregularity from within is extremely dangerous to the entire city (§300):

ἔτι τοίνυν κὰν ἀπ' ἀνθρωπίνου λογισμοῦ τοῦτ' ἴδοι τις, ὅτι πάντων ἐχθρότατον καὶ φοβερότατον τὸ τὸν προεστηκότ' ἔαν οἰκεῖον γίγνεσθαι τοῖς μὴ τῶν αὐτῶν ἐπιθυμοῦσι τῷ δήμῳ.

Still more, anyone can see using human logic that the most inimical and terrifying thing of all would be to allow someone in a position of power within the people to have an intimate friendship with those who do not desire the same things as the people.

The union of Athens within the city should be characterized as household intimacy, *oikeiotēs*.

For a leading politician to have an intimate friendship (οἰκεῖον) with someone hostile to the city constitutes a threat to the collective.

Aeschines has proven he is no longer part of the family. Even if he tries to kindle the home feeling by bringing his children before the jury to summon their empathy, Demosthenes warns the jury to see through this trick, to think rather of the children of the allies and what they

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<sup>161</sup> §299: ἔξωθεν οἱ ἐπιβουλεύοντες, ἔνδοθεν οἱ συμπράττοντες

have suffered due to Aeschines' policies — and to think of their own children, how the peace treaty, with its progeny policy, has deprived them, too, of hope.<sup>162</sup> The treaty's capacity to extend through time reflects backwards, as well. When Aeschines urged the Assembly to forget their ancestors (§15: οὔτε τῶν προγόνων ὑμᾶς μεμνήσθαι δέοι , §311: μὴ προγόνων μεμνήσθαι, §313: τούτων Αἰσχίνης ὑμᾶς οὐκ ἐὰ μεμνήσθαι), he condemned the Athenians of the past to oblivion. Without the ancestors' deeds at Marathon and Salamis, there would not be a Greek world to speak of, and yet Aeschines' speech despoiled and demolished their accomplishments.<sup>163</sup>

Through the course of *On the False Embassy*, Demosthenes develops the themes from his earlier speeches, now making Aeschines the accomplice to the Athenians' indolence, its greatest threat. Drawing on the past and projecting into the future, Demosthenes calls upon the jury to remember the examples of the past, the character of the ancient Athenians, when making the decision about how to move into the future. Citizens in the present day are isolated within their *oikoi* to the detriment of the city, they are misdirecting their affection — as Aristotle theorized, affection within the *oikos* teaches citizens to feel responsible for the *polis*. Athens is infected by disease eating away at its civic unity through laziness, greed, and an insufficient fear of Philip's power.<sup>164</sup> Demosthenes draws on Solon's *Eunomia* as a model: Solon's Athens, too, suffered from the disease of individual wealth and corruption, and the greed of the ruling class brought the city to *stasis*. In Solon's poem, the public evil insinuates itself into the private home of each citizen; in Demosthenes' speech, corruption manifests itself in the grand houses of the

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<sup>162</sup> §310: ὑμεῖς δ' ἐνθυμείσθ', ὧ ἄνδρες δικασταί, πρὸς μὲν τὰ τούτου παιδιά, ὅτι πολλῶν συμμάχων ὑμετέρων καὶ φίλων παῖδες ἀλώνονται καὶ πτωχοὶ περιέρχονται δεινὰ πεπονθότες διὰ τούτον, οὓς ἐλεεῖν πολλῷ μᾶλλον ὑμῖν ἄξιον ἢ τοὺς τοῦ ἡδικηκότος καὶ προδότου πατρός, καὶ ὅτι τοὺς ὑμετέρους παῖδας οὗτοι, “καὶ τοῖς ἐγγόνις” προσγράψαντες εἰς τὴν εἰρήνην, καὶ τῶν ἐλπίδων ἀπεστερήκασιν.

<sup>163</sup> §313: τὰ τῶν προγόνων ἔργα συλήσας καὶ διασύρας τῷ λόγῳ.

<sup>164</sup> It is not just Athens that is infected; at §259, Demosthenes describes a νόσημα...δεινὸν ἐμπέπωνκεν εἰς τὴν Ἑλλάδα, implying that Athens must be the physician liberating the entire Greek world from the disease of Philip's influence.

treacherous ambassadors (§114, §145, §265, §275), the razed houses of the allies (§65, §275), Aeschines' fraudulent promises that the allied cities would be resettled (§21, §74, §325), and Philip's expansion across the inhabited world (§145). Individual houses are a symbol of the Athenian people's detachment from the community, their unwillingness to get out and fight Philip (§20, §43, §50). And yet, by following the native examples of their ancestors (§269), by putting aside their individual selfishness and acting for the common good (§228, §258, §§298-299), the Athenian people can come together as a community—it is the only way to defeat Philip. Through the use of house *topoi*, Demosthenes calls on the jury to redirect its energy and attention from their individual *oikoi* to the city as a single entity, a *polis*-wide *oikos* comprising every inhabitant of Athens.

## Conclusion

For all his efforts, Demosthenes was ultimately unsuccessful in his prosecution of Aeschines, who was acquitted, narrowly, by thirty votes.<sup>165</sup> However, over the next several years, Demosthenes became a more and more influential politician while Aeschines' popularity declined.<sup>166</sup> Aeschines' faith in Philip's promises, while perhaps not motivated by bribery, still turned out to have been misplaced. None of the benefits that Aeschines had assured the Assembly were forthcoming ever manifested, and in 340 Philip began besieging Byzantium, a city that was strategically important to Athens due to its location on the Black Sea trade route. Athens took Philip's military action as a provocation, and the stele on which the peace treaty of

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<sup>165</sup> MacDowell 2000: 22.

<sup>166</sup> Harris 1995: 121.

Philokrates was recorded was destroyed.<sup>167</sup>

In early 338, Philip seized the town of Elatea, a Phocian city near the border of Boeotia. From there, he invited Thebes to join him in attacking Athens. When the Athenians learned of this, they held an emergency meeting at which Demosthenes proposed joining forces with the Thebans, Athens' longstanding rival, against Philip.<sup>168</sup> The proposal was passed, and Demosthenes traveled to Thebes, where the Macedonians and Demosthenes both spoke before the assembled Thebans. Demosthenes warned the Thebans to learn from Athens' mistake and not to believe Philip's promises; Thebes then voted to ally with Athens against Macedonia. The Thebans and Athenians joined forces with several other Greek cities to keep the Macedonians from advancing through Boeotia and into Attica. In the summer of 338, the allied Greeks faced the Macedonians at the Battle of Chaeronea. Despite all of Demosthenes' efforts leading up to the battle, Philip won the battle and supremacy over Greece.<sup>169</sup>

Because Demosthenes had so vehemently opposed Philip and advocated the policies that lead to the Battle of Chaeronea, he was chosen to deliver the funeral oration for the Athenians who were killed in the battle.<sup>170</sup> Shortly after the battle, Philip gathered ambassadors from across the Greek world in Corinth, where they were required to swear allegiance to each other and to Philip. This alliance, called the League of Corinth, was ratified in 337. In 336, Philip was assassinated and his son Alexander became king of Macedonia.<sup>171</sup> The League of Corinth was reinstated under Alexander's leadership. In 335 the Thebans revolted; the Macedonians

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<sup>167</sup> Cawkwell 1978: 136-137, Harris 1995: 124-125, MacDowell 2009: 367, Worthington 2013: 234-235.

<sup>168</sup> Demosthenes dramatically describes his address to the Assembly at 18.169-178.

<sup>169</sup> Cawkwell 1978: 145-149, Worthington 2013: 249-254.

<sup>170</sup> The funeral oration is preserved as the 60<sup>th</sup> speech in Demosthenes' corpus. Dionysius denied its authenticity but modern scholars attribute its irregularities to the constraints of the funeral oration genre (MacDowell 2009: 377).

<sup>171</sup> Cawkwell 1978: 170-181, MacDowell 2009: 377-378, Worthington 2013: 262-274.

besieged Thebes, annihilated its population, and razed the city to the ground. Aside from a Spartan uprising in 330 that was quickly checked, no other Greek state rebelled until after Alexander's death in 323.<sup>172</sup>

In the same year as Philip's death, 336, a supporter of Demosthenes named Ctesiphon proposed to the Council that Demosthenes be presented a gold crown for his services to the city; Aeschines blocked this proposal with a *graphē paranomōn*. Perhaps because of the uncertainty resulting from Philip's death, the case was not brought to trial until 330. By this time, Alexander's military successes had made his hegemony secure, rendering Demosthenes' anti-Macedonian policies irrelevant.<sup>173</sup> I conclude this chapter with a brief discussion of the two speeches that make up this trial, Aeschines' *Against Ctesiphon* and Demosthenes' *On the Crown*. As the culmination not only of Demosthenes' career but also of Athenian rhetoric, these speeches each contain moments that epitomize the power of the rhetoric of home when it is deployed in civic contexts, linking the individual home feeling with the patriotic collectivity.

Aeschines uses his prosecution of Ctesiphon for making an illegal proposal—awarding Demosthenes a crown while he was still engaged in public service and had not yet passed his *euthynai*, and proposing that the crown be awarded in the theater rather than in the Council or the Assembly—as a framework for his attack on Demosthenes' reputation.<sup>174</sup> His accusations against Demosthenes focus on the negotiations over the Peace of Philokrates and the events leading up to the Battle of Chaeronea, constituting an essential summary of Demosthenes' career. In his speech, Aeschines picks up on Demosthenes' preoccupation with the themes of home and

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<sup>172</sup> Harris 1995: 140-141, Worthington 2013: 279-291.

<sup>173</sup> Harris 1995: 142.

<sup>174</sup> Harris 1994: 130-152 and 1995: 142-148 analyzes the legal aspects of Aeschines' speech, concluding that, on legal grounds, his argument is weaker than Demosthenes'.

temporality. He begins by praising the days of Solon, when the oldest, most experienced citizens were the first to speak in public. In contrast, in the present day honest men are threatened with impeachment by corrupt politicians who consider the constitution (πολιτείαν) not as commonly held (κοινήν), but rather as their own possession (ιδίαν αὐτῶν).<sup>175</sup> Twisting Demosthenes' language of community and his characterization of the constitution, Aeschines claims that the only part of the democratic constitution remaining is the prosecution for illegal motions (*graphē paranomōn*).<sup>176</sup> Each prosecution of a *graphē paranomōn*, like the one Aeschines is currently prosecuting, casts a vote for free speech (*parrhēsia*).<sup>177</sup> As long as the laws are upheld, the democracy is maintained—in this way the Solonian laws can be protected from the modern politicians who seek to undercut them and a continuity can be forged between the idealized past and the degraded present.<sup>178</sup> As in Demosthenes' speeches, Aeschines engages with the past as a way of generating communal identity, urging the jury to extend that identity into the future by voting in his favor.

In forging this communal identity, Aeschines expresses deep concern with the character of its members, particularly Demosthenes. After summarizing the legal justifications for the case, Aeschines turns to the real reason for bringing the lawsuit—to discredit the portion of Ctesiphon's proposal that called for a herald to address the Greek people in the theater and tell them the people of Athens are crowning Demosthenes for his virtue and bravery because he

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<sup>175</sup> 3.3: τοῦτον οἱ τὴν πολιτείαν οὐκέτι κοινήν, ἀλλ' ἰδίαν αὐτῶν ἡγοῦμενοι, ἀπειλοῦσιν εἰσαγγελεῖν...

<sup>176</sup> §5: ἐν ὑπολείπεται μέρος τῆς πολιτείας, εἴ τι καὶ γὰρ τυγχάνω γινώσκων, αἱ τῶν παρανόμων γραφαί.

<sup>177</sup> §6: σαφῶς ἕκαστος ἐπιστάσθω, ὅτι ὅταν εἰσὶ εἰς δικαστήριον γραφὴν παρανόμων δικάσων, ἐν ταύτῃ τῇ ἡμέρᾳ μέλλει τὴν ψήφον φέρειν περὶ τῆς ἐαυτοῦ παρορησίας.

<sup>178</sup> Hogden 2007 discusses Aeschines' appeals to the past in this speech.



consistently says and does what is best for the people.<sup>179</sup> Aeschines is outraged at the compliment and uses this as an excuse to launch a vituperation of Demosthenes' past actions, both private and public. He cautions the jury against giving too much credence to preconceived notions, to "the false opinions they bring from home."<sup>180</sup> Like Demosthenes, he cautions against putting private interests over the common good, but his rejection of the home contradicts Demosthenes' message that the Athenians' greatness is derived from the home as well. Point by point, Aeschines counters Demosthenes' version of the events leading up to the peace treaty of 346, representing Demosthenes as a pro-Macedonian flatterer.

From the ratification of the peace treaty, Aeschines turns to the death of Philip. It was especially at this juncture, he insists, that Demosthenes' actions betrayed his antisocial character. When Demosthenes found out about Philip's death, he dressed in white and told the people he had received a vision from the gods, cutting short the period of mourning for his daughter, who had died a week earlier. Aeschines hones in on the implications of Demosthenes' public behavior (3.78):

καὶ οὐ τὸ δυστύχημα ὀνειδίζω, ἀλλὰ τὸν τρόπον ἐξετάζω. ὁ γὰρ μισότεκνος καὶ πατὴρ πονηρὸς οὐκ ἂν ποτε γένοιτο δημαγωγὸς χρηστός, οὐδὲ ὁ τὰ φίλτατα καὶ οἰκειότατα σώματα μὴ στέργων οὐδέποθ' ὑμᾶς περὶ πολλοῦ ποιήσεται τοὺς ἄλλοτριούς, οὐδέ γε ὁ ἰδίᾳ πονηρὸς οὐκ ἂν γένοιτο δημοσίᾳ χρηστός, οὐδ' ὅστις ἐστὶν οἴκοι φαῦλος, οὐδέποθ' ἦν ἐν Μακεδονίᾳ καλὸς κἀγαθός· οὐ γὰρ τὸν τρόπον, ἀλλὰ τὸν τόπον μετήλλαξεν.

I don't mean to criticize his misfortune, but rather to interrogate his character. A man who hates his child and is a neglectful father could never be a good politician; a man who does not love the dearest and most intimate of persons could never care about you, who are not related to him; a man who is an evil person in private be a good one in public; and a man who is bad at home could

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<sup>179</sup> §49: “καὶ τὸν κήρυκα ἀναγορεύειν ἐν τῷ θεάτρῳ πρὸς τοὺς Ἕλληνας, ὅτι στεφανοῖ αὐτὸν ὁ δῆμος ὁ Ἀθηναίων ἀρετῆς ἕνεκα καὶ ἀνδραγαθίας,” καὶ τὸ μέγιστον· “ὅτι διατελεῖ καὶ λέγων καὶ πράττων τὰ ἄριστα τῷ δήμῳ.”

<sup>180</sup> §59: ψευδεῖς οἴκοθεν δόξας ἔχοντες, §60: ἤκουσιν οἴκοθεν τοιαύτην ἔχοντες τὴν δόξαν

never be honorable in Macedonia. For he changes not his character but his location.

Aeschines directs his censure not only at Demosthenes' public persona but also at his private life, claiming that one's relationship with one's own household is the most accurate test of character. The deceased daughter, the most intimate of persons (οἰκειότατα σώματα), should have kept Demosthenes' focus at home.<sup>181</sup> The fact that he broke off his mourning to appear in public shows that he is, at heart, an evil man. His behavior at home (οἶκοι) is what makes him a bad politician.<sup>182</sup> In contrast to Demosthenes' insistence that the entire city be joined in affection, Aeschines isolates the family from the city, calling those who do not belong to the family unit foreign (ἄλλοτρίους). The difference between Aeschines' critique of a politicians' behavior at home (οἶκοι) and Demosthenes' castigation of the Athenians who chose to remain home (μένειν οἶκοι) instead of fighting on behalf of their home is that Aeschines does not encourage the Athenians to join at the collective level, only to be virtuous at the level of the *oikos*.

Demosthenes, in his response, *On the Crown*, (Demosthenes 18), specifically addresses Aeschines' accusation of his deficiencies at home.<sup>183</sup> After doubling down on his criticisms of Aeschines and reiterating his own good deeds, Demosthenes responds to Aeschines' command that the jury disregard the opinions they brought from home, denouncing this request as

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<sup>181</sup> Aeschines' use of the vulnerable bodies and private places *topos* I discuss in Chapter 3 attempts to twist its effect from sympathetic to accusatory.

<sup>182</sup> This sentiment is one Aeschines expresses elsewhere, at Aeschines 1.30 (τὸν γὰρ τὴν ἰδίαν οἰκίαν κακῶς οἰκήσαντα, καὶ τὰ κοινὰ τῆς πόλεως παραπλησίως ἠγήσατο διαθήσειν) and 153 (τὰς κρίσεις... φησι ποιείσθαι, ἐκεῖσε ἀποβλέπων, πῶς τὸν καθ' ἡμέραν βίον ζῆ ὁ κρινόμενος, καὶ ὄντινα τρόπον διοικεῖ τὴν ἑαυτοῦ οἰκίαν, ὡς παραπλησίως αὐτὸν καὶ τὰ τῆς πόλεως διοικήσοντα). Cf. also Plato *Protagoras*, where Protagoras promises to teach Hippokrates to keep his house in order and become a powerful politician (318e-319a: τὸ δὲ μάθημά ἐστιν εὐβουλία περὶ τε τῶν οἰκείων ὅπως ἂν ἄριστα τὴν αὐτοῦ οἰκίαν διοικοῖ, καὶ περὶ τῶν τῆς πόλεως, ὅπως τὰ τῆς πόλεως δυνατώτατος ἂν εἴη καὶ πράττειν καὶ λέγειν).

<sup>183</sup> On this speech, Demosthenes' best known and most studied, a select bibliography: Goodwin 1901, Rowe 1966, Sealey 1993, Harris 1994, Yunis 2001, 2005a, and 2007, MacDowell 2009, Worthington 2013.

sophistry.<sup>184</sup> He gives the people credit for their own opinions. Agreeing with Aeschines' claim that a politician's character is revealed by a disjuncture between public and private life, Demosthenes argues that it is pursuing the same policies as the masses and loving and hating the same people as the fatherland does that makes a good politician.<sup>185</sup> Instead of responding specifically to Aeschines' accusation about his daughter's funeral, he draws a connection from the private to the public by pointing out that when Athens chose a speaker to give the funeral oration over those who died at Chaeronea, it was not Aeschines but Demosthenes himself whom the people chose (because the speaker should mourn (συναλγεῖν) in his soul, not speak with the voice of an actor).<sup>186</sup> This, his speech implies, is what shows the truth about the character of the homeland community (§288):

οὐχ ὁ μὲν δῆμος οὕτως, οἱ δὲ τῶν τετελευτηκότων πατέρες καὶ ἀδελφοὶ οἱ ὑπὸ τοῦ δήμου τόθ' αἰρεθέντες ἐπὶ τὰς ταφὰς ἄλλως πως, ἀλλὰ δέον ποιεῖν αὐτοὺς τὸ περιδείπνον ὡς παρ' οἰκειοτάτῳ τῶν τετελευτηκότων, ὥσπερ τ' ἄλλ' εἴωθε γίνεσθαι, τοῦτ' ἐποίησαν παρ' ἐμοί. εἰκότως· γένει μὲν γὰρ ἕκαστος ἕκαστῳ μᾶλλον οἰκείος ἢν ἐμοῦ, κοινῇ δὲ πᾶσιν οὐδεὶς ἐγγυτέρω.

It's not the case that the people appointed me in this way, while the fathers and brothers of the dead who were chosen by the people to arrange the funeral did so in some other manner, but since it is customary for the dinner to be held at the house of the one most closely related to the dead, they had it at my house—and reasonably so, since by family each of them was more related to each other than to me, but in community nobody was closer to all of them than me.

Through this speech, Demosthenes shows that membership in the civic community is equivalent to membership in an *oikos*, with all the appropriate expressions of loyalty and affection that family requires. He has consistently represented his actions as in accord with this community, elevating the home feeling from the private to the civic.

In each of the speeches discussed in this chapter, the home feeling is evoked not at the

<sup>184</sup> 18.227: σοφίζεται καὶ φησὶ προσήκειν ἧς μὲν οἴκοθεν ἦκετ' ἔχοντες δόξης περὶ ἡμῶν ἀμελήσαι.

<sup>185</sup> §§280-281: τὸ ταῦτ' ἀποποιεῖσθαι τοῖς πολλοῖς καὶ τὸ τοὺς αὐτοὺς μισεῖν καὶ φιλεῖν οὗσπερ ἂν ἡ πατρίς.

<sup>186</sup> §287: μηδὲ τῇ φωνῇ δακρῦειν ὑποκρινόμενον τὴν ἐκείνων τύχην, ἀλλὰ τῇ ψυχῇ συναλγεῖν.

household level but at the citywide level. Like Thucydides' Plataeans and Aristotle's atomic model of citywide loyalty, Demosthenes' Athens is most successful when the emotional connection between an individual and his house is redirected to the level of the *polis*. For Demosthenes, seeing the people of Athens remaining at home instead of going to war, seeing their allies' houses destroyed without being resettled, disregarding the native examples of their ancestors, being swayed by politicians who build big houses rather than focusing on public works, are all symptoms of selfishness, a threat to the collectivity of the city. The interplay between public and private in the Crown speeches of Aeschines and Demosthenes reflect the philosophical debate between Plato and Aristotle: Demosthenes' vision of unity draws near to Plato's model of the ideal republic, in which the *oikos* is removed from the relationship between citizen and *polis*. In criticizing Demosthenes' failure to express appropriate affection for his dead daughter, Aeschines emphasizes the primacy of the relationship between the individual and the *oikos* as a model for the individual's capacity as a public leader, reflecting his understanding of the *oikos* as the microcosm of the *polis*. But for both orators, the fact that the vocabulary and rhetoric of the *oikos* is so prominent in their speeches reveals the pervasiveness of the home feeling in Athenian thought. The *oikos* provides a powerful metaphor, the meaning shading from "home" to "self." Without the *oikos*, Demosthenes would not be able to refer to himself as the closest relative to the community. Without the unit, the *oikia*, there could be no community, *koinonia*. At the heart of the civic bond, of patriotism, is the deeply personal intimacy of home.

## Conclusion

The ideology of the *oikos* was deeply rooted in Athenian rhetoric. Social expectations and anxieties about affection between family members, the gendered spatiality of the house, and the impregnability of the domestic interior appear throughout the speeches of the Attic orators. In this study, I have argued that the orators' use of house *topoi*, vocabulary etymologically connected to the word *oikos*, and grammatical strategies giving form to conceptual space constitute a rhetoric of the *oikos* that was used to evoke an emotional response in the members of the jury. This response, which I have called the home feeling, was intended to persuade, to characterize, and to stir up empathy. My dissertation draws attention to the importance of the *oikos* in Athenian public discourse, complicating the idea of separate private and public spheres.

The relationship between domestic life and civic life is one of the central conflicts in Greek culture as early as Homer and Hesiod, and is frequently a focus of Athenian literature of the classical period. From tragedies such as Aeschylus' *Agamemnon* and Sophocles' *Antigone* to the philosophical works of Plato and Aristotle, concern about the tension between the private and public spheres permeated Athenian culture. In the fifth century we see this conflict play out on stage, while in the fourth century much of our evidence comes from the speeches that form the corpus of the Attic orators.<sup>1</sup> Many of these speeches were delivered in trials concerned with family matters; because of the wealth of details contained in these speeches, social historians have used them as evidence for the daily lives of Athenian women and men, citizens and slaves. However, these speeches reflect normative values and practices, and it is difficult to extract reality from ideology. The preceding chapters have demonstrated the ways in which the ideology projected by these speeches reveals the cultural values that were most pressing to Athenian male

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<sup>1</sup> The comedies of Menander were another important locus for the negotiation of the ideology of domestic space and family relationships in fourth century Athens (Isaacs 2010).

citizens, who were the primary producers and consumers of rhetorical performance. The pervasiveness of the *oikos* in these speeches points to its importance in the self-conception of the Athenian citizen male, despite contrasting ideological messages disassociating men from the domestic sphere.

The home feeling, evoking safety, unity, and interiority, was such a powerful idea in Athenian culture that the orators were able to use it to transform probability (*eikos*) into evidence through the employment of result clauses, comparatives, and superlatives. These grammatical strategies created an ethical space in which the degrees of difference between acceptable and transgressive behavior were mapped out. Demonstrations of loyalty and affection toward family members situated individuals within ethical space as proximate to a socially appropriate, predictable ideal. Degrees of affection also correspond to degrees of relatedness, with adherence to *eikos* behavior among family members corresponding to kinship proximity. That is, the comparative *oikeiotos* and the superlative *oikeiotos* can be used to signify proximity of both intimacy and kinship (Demosthenes 43, Isaeus 1, Isocrates 19).

Because of the semantic overlap between house and family, ethical space is connected to the space within the house, a realm characterized by intimacy, order, and security. Proximity of affection is made literal by proximity within the house, by family members sharing not only space but also knowledge. Airing family grievances before the court required litigants to open their house to the jury, to make the members of the jury—outsiders—privy to information that should have been kept within the household. The speakers used evocations of *eikos* behavior to exile their opponents from the inner circle of the appropriately affectionate family, inviting the jury to take their places (Antiphon 1, Demosthenes 27-28). Thus the home feeling was used to compel the members of the jury to see themselves as part of the speaker's household, to consider

the restoration of order within the house not just their civic responsibility but also a matter of family loyalty.

The domestic interior was ideally secure from outside forces, but the corollary to this security was vulnerability to threats from within the house. A significant cultural anxiety about women as perpetual foreigners in the house, frequently manifested in tragedy, also found its place in forensic oratory. The orators used vivid, kinetic language to construct an imaginary space within the house; these scenic strategies, influenced by tragic *enargeia*, would be familiar to the members of the jury from their experiences as spectators of dramatic performances. This conceptual space gave the members of the jury a visible, even visceral, experience of the danger that women could pose to the house (Antiphon 1, Isaeus 6, Lysias 1).

The home feeling drew its force from the fact that every member of the jury belonged to an *oikos*. For this reason, disorder in another person's *oikos* gave rise to a sense not only of sympathy but of empathy, of identification. Each person was most vulnerable within the house, without the walls dividing private from public space. The laws mostly maintained this separation and, in a perfectly *eikos* world, perpetual order would reign in both the public and the private spheres. But when the laws were transgressed or removed altogether (as under the oligarchy of the Thirty), the domestic interior became vulnerable to hostile incursions. The orators amplified this vulnerability by symbolically associating the house with the body, an individual's most *oikeios* possession (Lysias 12, Isocrates 20, Demosthenes 21).

Not only did the sense of identification between citizens as members of *oikoi* give rise to empathy in private lawsuits, it also allowed the home feeling to be extrapolated to the citywide community. On the civic level, the home feeling united the citizenry with the same bonds of affection and loyalty felt among members of a household. According to this model, an individual

who failed to act according to the common good, who put his private interests before the public interest and preferred the comfort of his own home to the safety of the community, was as harmful to the city as a bad relative was to the *oikos*. As the dangers Athens faced from foreign enemies increased, so did the necessity to come together into a single unit. This compulsion is reflected in the political speeches of Demosthenes, who uses the home feeling to instill this sense of community in his listeners by drawing on their shared interests and values, shared ancestry and history, and a shared concern for the future (Demosthenes 1-3, 13, 19).

I have employed a variety of methodologies in each chapter, resulting in innovative contributions to the study of the Attic orators and Athenian houses. My introduction, “Houses, Ideology, and the Home Feeling,” drew on modern scholarship on the home environment and architecture theory to describe the effect of the orators’ appeals to the house and family as the home feeling. By focusing on this rhetorical *topos*, which has not been previously identified in classical oratory, I was able to show the specific ways in which the orators used the home feeling as a persuasive technique.

In my first chapter, “*Eikos* and *Oikos*,” I demonstrated that the orators used result clauses, comparatives, and superlatives in order to characterize their clients as socially appropriate and worthy of the jury’s vote, building on social expectations of affectionate and appropriate behavior between family members. My methodology was influenced by the idea of “grammar as interpretation” described by Egbert Bakker in his introduction to the volume of the same name.<sup>2</sup> I also drew on the articles by W. Martin Bloomer (1993) and H. Zellner (2006), which offer analyses of the use of superlatives in Herodotus and Sappho, respectively. This type of interpretation has not previously been applied to the orators and demonstrates the intricate skill

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<sup>2</sup> “Amidst the many changes in the interpretation of ancient Greek texts that have taken place in the past decades perhaps none has had so many potential consequences as the shift in interest from the ‘what’ to the ‘how’ in the production of meaning” (Bakker 1997: 1).



of their rhetorical compositions. Several scholars have observed *that* the orators appealed to the home and family in their speeches; my approach in this chapter looked specifically at *how* some of these appeals worked.<sup>3</sup>

My second chapter, “The Stagecraft of Rhetoric,” applied conceptions of imaginary space, previously theorized in relation to Greek drama, to the speeches. The use of space in Lysias and Demosthenes had previously been touched on by the essays of Mathieu de Bakker in the volume *Space in Ancient Greek Literature*, but my readings have more fully developed the approach suggested by de Bakker’s brief sketch.<sup>4</sup> My analyses demonstrated that similar spatial strategies were employed by the tragedians and the orators: the evocation of *enargeia* using the language of visualization, and the creation of movement and direction through the employment of certain prefixes and prepositions.

In my third chapter, “Vulnerable Bodies and Private Places,” I continued to explore the use of *enargeia* to construct conceptual space by analyzing two speeches in which physical bodies are endangered by the same entities that were expected to protect them. Several scholars have theorized the role of the bodies of the citizen male and of the slave in classical Athenian culture.<sup>5</sup> My focus on the bodies in between these two extremes revealed a complicated and under-theorized interplay of autonomy and powerlessness. By linking the body to the home feeling, I uncovered a symbolic concentricity between the house and the body in terms of identity and sovereignty.

With my fourth chapter, “Homeland,” I transitioned from forensic to deliberative rhetoric, demonstrating how the rhetoric of the *oikos* could be used to inspire the home feeling at

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<sup>3</sup> E.g. Carey 1994, Johnstone 1999, Lanni 2009 and 2015.

<sup>4</sup> De Bakker 2012a and b.

<sup>5</sup> E.g. Halperin 1990, Winkler 1990, Hunter 1992, Davidson 1997, Bassi 1998.

the level of the city, uniting the entire *polis* as a single family. Drawing on the political theories of Plato and Aristotle, my discussion of Demosthenes' deliberative speeches led to a new way of thinking about the relationships between the genres of rhetoric. My analysis of the home feeling in Demosthenes' political rhetoric built on my previous chapter's emphasis on the interplay between the personal and the political. I focused on Demosthenes' evocation of a timeless, idealized Athens, a homeland promising a return to the heroism of the Athenians' ancestors. My focus on the home feeling in these speeches has cast new light on Demosthenes' rhetorical strategies during this critical period in Athenian history.

The speeches I have analyzed here represent just a small percentage of the extant speeches. Future studies will in more detail at a wider range of speeches, especially epideictic rhetoric. Epideictic oratory, in particular the funeral oration, is deeply concerned with Athens as a timeless ancestral home and thus offers a fascinating perspective on both the application of the home feeling on the civic level and the paradoxical (because of the ideology of body autonomy) expendability of the body of the citizen warrior. The methodologies I employ in this dissertation also have a wide range of application in other literary genres, as my brief analyses of Aeschylus, Euripides, and Thucydides in my second and fourth chapters demonstrate. The home feeling is particularly marked in its employment as a persuasive strategy, hence its pervasiveness in oratory, but its presence can be felt anywhere that was touched by the ancient Athenian imaginary.

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