

ANA LÚCIA CURADO (BRAGA)

EMOTION, LIFE HISTORY AND LAW:  
DEMOSTHENES AND THE ARCHITECTURE OF  
THE SPEECH *AGAINST MEIDIAS*

Demosthenes wrote the speech *Against Meidias* when he was approximately 37 years of age, in 347-6 BC.<sup>1</sup> Amongst the key ingredients of the discourse, which has become one of the most famous he wrote, lies an attempt to reveal public speaking experience and legal expertise in the media of the time, a strong desire to present himself as unscathed by events and a desire to become a credible public figure. The design of the speech apparently resulted from a study devoted to a presentation at the *ekklesia*. Whether it was or was not pronounced remains unclear.<sup>2</sup> The extent to which these factors contribute to a better understanding of the preparation of this speech, particularly with regard to its guidance and legal reasoning, is what will be discussed below.

*1. Background Environment*

Demosthenes' oratory and political career had previously expressed a promising brilliance. The themes of the speeches delivered until then mainly addressed matters of public interest with a view to safeguarding the *polis*. The first of Demosthenes'

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<sup>1</sup> D. 21.154; D. 27.4; D. 30.15; Plu. *Eth.* 845d; Plu. *Dem.* 12.3. The *dokimasia* of Demosthenes, according to his own testimony, occurred in 366 (30.15). *Vide* MacDowell (1990: 18, 333).

<sup>2</sup> E.g. MacDowell (1990: 23-8) and (2008: 246); Mossé (1994).

political speeches reveal the tension surrounding various administrative policies that existed in Athens. At that time, public policies in force were aimed at heavy tax contributions in order to guarantee navy policy in the Aegean Sea. With a view to ensuring and preventing the maintenance of the territorial and collective strategic interests of the *demos* and of the polis' own resources, Demosthenes defended fairer and more balanced measures for the participation of the richest. In this sense, he presents diverse perspectives for the financial difficulties that had arisen since the beginning of the century. It is in this context of Athenian civic life – permeated by multiple interests – that the speaker intersects, from 364-63 to 354, with the proponents of other views: Leptines, Timokrates, Thrasylokhos, Euboulos, amongst others. Demosthenes distances himself from the political leaders of the time who, with their adventurous proposals, could have jeopardized the future of Athens, especially after the Third Sacred War, also called the War of Phocis (355-346 BC). He does not fear political animosities and antagonisms. Some of these characters would forever mark the course of his life. Demosthenes had an acute insight into the active participation of the richest citizens in the financing and defence of the *polis*. This participation was to be ensured by regular tax contributions made by the *symmoriai*, *eisphora* and *proeisphora*, which would provide a support, and a stable support at that, of financial resources. Demosthenes, as Isokrates had already previously defended (*On the Peace*, 20), was certain that war would make them poorer. Ensuing from this idea, he makes a personal commitment and discusses a division policy as well as a tax contribution from public activities, which would provide a living testimony through their active participation. According to his understanding, the richest had to honour their respective obligations and duties to the city, not shirking from the commitment to the popular collective, but rather encouraging all those who like them could and should subsidise the organisation and defence of the *polis*.

It is, therefore, in the context of public services, *leitourgiai*, and in the performance of civic duties that, in the spring of 348, Meidias struck the speaker with a blow to the face during the Dionysia, in the theatre itself and before the public, when Demosthenes held the position of chorus-producer.<sup>3</sup> The Dionysia festivals were part of the community experience; during this time of sharing and gifts, respect was to be assured to all those who participated in them: taxpayers, participants and spectators. Meidias' act of aggression questioned the entire community's respect for the festivals. Demosthenes willingly sponsored the expenses of a tragic chorus. Meidias did not respect the sacred character of the location, nor the role that Demosthenes played there.<sup>4</sup>

<sup>3</sup> Demosthenes does not speak too much about the blow itself. The scanty references to physical aggression (πληγή: 1, 6, 12, 71, 72) allow one to infer that this might have been more of a performance ingredient, which had previously and carefully been thought up, to produce an effect on the agents ἄνδρες Ἀθηναῖοι or ἄνδρες δικασταί who were to judge the case.

<sup>4</sup> The numerous references to ὄβρις (1, 17, 19, 23, 25, 28, 32, 35, 38, 42b, 45, 46b, 51, 65, 70,

What valid reason would Demosthenes have had to opt, in the first instance, for a *probole* (25-35) instead of a *dike aikeias*, a *hybreos graphe* or an *asebeia*? The variety of accusation procedures that Demosthenes was able to put together to address Meidias clearly reveals the accusation skills that the speaker intended to use against his enemy.<sup>5</sup>

What reason would he have had to pursue the matter to the *ekklesia*, instead of presenting the case before the smaller count of the *Thesmothetai*? This option is justifiable since the *ekklesia* allowed for a performance which was suited to its real purposes, whereas the space determined by a *dikasterion* limited the recreation of facts and restricted the possibility of a more meticulous and exciting presentation of the facts. The set of legal arguments, which are extensively presented in the speech, seems to present the causes and grounds that point to the *probole* proposal.

The lack of respect shown by Meidias in his act of aggression in the very theatre of Dionysia turned him into a trespasser of the social and religious norms accepted by the community. Prior to the public accusation, it would have been convenient for Demosthenes to have demonstrated how far Meidias had surpassed the limits of conventionally accepted behaviour. Physical aggression constituted a violation of those boundaries.

The presentation of a public indictment based on a crime related to religious festivals was, in itself, a justification that met the legal requirements of the time. Demosthenes sought to influence public opinion. The argument based on the *hybris* offence was more decisive than any other. On the one hand, it denigrated his opponent's respectability; on the other, it reinforced the image of moral integrity that the speaker wished to maintain. His reputation depended on this image.

Demosthenes reacts to the affront by resorting to a deliberate legal tactic, using the same characters and the same contexts. He simply repositions the terms. The public is no longer a theatre audience and becomes the judge. He himself is no longer the aggressor and takes on the role of the accused. He prepares himself for a grand scenario whose *leitmotiv* is slander. The *drama* would now become another. The first act of that incident was a physical *drama*; the second would be psychological. The first act takes place in a theatre, which is physically prepared for dramatic performances; the second would recreate the facts which had occurred previously through the construction of rhetorical imagery and legal flaws, embellished by incisive words made sharper by the existing rivalry between the two people. The first affects a specific subject, but one who

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72 b, 74, 83, 92, 98, 99, 109, 115, 130, 135, 140, 143, 152, 177, 180, 181, 182, 195, 216, 217, 218) and to the verb ὑβρίζειν (1, 4, 6, 7, 11, 15, 18, 21, 25, 31, 32, 34, 36, 37, 38, 41, 45, 46, 48, 49, 56, 58, 67, 68, 71, 72, 74, 75, 76, 81, 82, 97, 98, 100, 105, 106, 108, 123, 126, 128, 131, 138, 146, 147, 159, 160, 169, 170b, 179, 183, 185, 187, 189, 204, 207, 209, 211, 219, 221, 222) allow for the hypothesis that the orator also intended to explore the defendant's accusation from this perspective.

<sup>5</sup> The variety of accusation procedures has been interpreted in relation to the fact that this speech was left incomplete. The persistent idea is that it was not subjected to a final review as it was not actually proffered.

represents a whole group of citizens through his performance of the duties of *khoregos*; the second aims to reach all those who do not respect everyday laws.<sup>6</sup>

The plot constructed is aimed at a form of public exposure which was highly damaging to the accused. No one remains indifferent to the constructed context. Personal interests are intermingled with political ones.

## 2. *From the theatre to the probole*

There was an old enmity between Meidias and Demosthenes since the days when the latter had initiated a lawsuit against the guardians who had squandered his inheritance (*Against Aphobos*, Orationes, 27 and 28). This enmity was transported to the political sphere, when the speaker opposed the Athenian intervention in Euboea, in defence of Ploutarkhos, tyrant of Eretria. At this point, Demosthenes already reveals autonomous thought and a separate strategic vision at a public level, both of which were supported by ideas that were independent and different from those that prevailed at that time, for example, that of Euboulos. The speech *Against Meidias* constitutes further testimony of the speaker's autonomy, independence and judicial wit. The main legal foundations are sustained and are shown in many chapters.

The citizen Demosthenes claimed that the attack was a public act of *hybris*, "insolence", permeated by the spirit of *aselgeia*, "aggressiveness and bullying", which had affected his *timê*. The charge is recorded during the first moment of the pronouncement of the speech. The victim was not a unique and random case; indeed, any one of those present in that assembly could have been the next target. His charge was only a proposal for a defence of everyone's interests, and was not an exclusively private matter.

The bullying, men of the jury, and the insolence with which Meidias constantly treats everyone, are known to all of you and to every Athenian, I suppose. (1, transl. MacDowell, 1990: 89)

Demosthenes had revealed an irreproachable public conduct up to that point, and Meidias had damaged that image. Clearing this image implied a public condemnation of the citizen Meidias for the act he had committed in the theatre. This was carried out through a skilfully argued legal process; it also implied revealing the usual state of mind of Meidias the citizen, by presenting a set of situations and anecdotes to illustrate his human profile. The choice of location was crucial in demanding a repair for the attack he had been subjected to: the *ekklesia* (cf. 9, 193).

[I]t specifies the convening of the Ekklesia in the precinct of Dionysos after the Pandia, and at this meeting the proedroi, after dealing with the arrangements made by the archon, are to deal with any offence or illegal act concerning the festival. That is a good and beneficial provision, men of Athens, as this very case

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<sup>6</sup> Harris (1992: 73).

proves; for when, in the face of this deterrent, people display insolence nonetheless. (9, transl. MacDowell, 1990: 93)

It was in the *ekklesia* that the citizens with collective responsibility gathered to attend, vote and speak. The *ekklesia* was the *demos* itself, the same *demos* that had witnessed an act of injury to one of its members. The location would provide a different approach to the case, and the subject dealt with there would affect the conscience of a large number of citizens. This reference to the place justifies the importance of the dispute, as well as the relevance of the case to the entire civic community.

Demosthenes could have led a private process, a *dike idia*, against Meidias based on a complaint for damages, *blabes*, or a charge of assault, *aikeias*. He could also have initiated a public procedure, *graphe*, based on the outrage that he had been the victim of *hybris*. Yet, it was on the basis of the blows and the offence he was subjected to, as chorus-producer during the Dionysia, that Demosthenes initiated a *probole* procedure, making it a public cause (1 and 25).<sup>7</sup> The plaintiff Demosthenes presented a preliminary charge before the *ekklesia* in the first instance which, in the case of judicial matters, could only be conducted after a court had considered it to have been proved. It is this legal device that Demosthenes uses to address the offence that he had been subjected to, leading the judges to reflect on the possible consequences for the *demos* of the blow that had struck him. This is how the Peania orator transformed a private matter into a public one. He was clearly trying to revive the memory of the judges, who had been spectators of the events, of what they had actually seen at the time of the incident. This would be a way of understanding why Meidias had resorted to such disrespectful behaviour (126-7).

In our view, the treatment of this cause generated an effect on the jurisprudence of the time. In *Against Konon* (D. 54) Demosthenes adopts the same type of strategy: it was crucially important to prove Konon and his friends' misconduct to his client Ariston. The mastery of the argument ensures that the essential ingredients for the denigration of his adversary are present (54. 3-6, 7-12, 14). Take, for example, the end of the speech *Against Konon*, wherein the speaker Ariston appeals to the judges and repeats ὕβρις and ὑβρίζειν on the stage of his craft very often in order to convince them of the seriousness of the narrative.<sup>8</sup>

<sup>7</sup> §1 προῦβαλόμην ἀδικεῖν τουτονὶ περὶ τὴν ἑορτὴν; § 25 δημοσίᾳ κρίνειν αὐτὸν καὶ τίμημα ἐπάγειν ὅτι χρὴ παθεῖν ἢ ἀποτεῖσαι.

<sup>8</sup> This speech, whose date is unknown but which could be dated back to 355 or 341, was written by Demosthenes to be read by others. Ariston mentions several unfortunate encounters with the children of Konon, who often got drunk, one of which ended in a violent assault that was almost fatal to him (54.10-11). If one considers the date of 341, the complaint raised by Ariston, which was regarded unfavourably by the judges, could be justified by the fact that those judges recalled the case against Meidias. If one considers the first date, 355, then the Konon case may have influenced the case against Meidias in the sense that the judges could have shown more leniency to the Demosthenic cause.

However, he failed to convince the judges and did not win the case. The question one should ask is then what motivated the judges not to be convinced by his arguments and to disagree with him. One might think that the case *Against Meidias* left its mark on public opinion, and that the judges of the Konon case considered that such a lucid and lively discourse should be a cause for suspicion. At the height of the argument, and in order to captivate the emotion of the judges, some lies relating to Meidias could have been uttered and only later corrected, which meant that his case would serve as a model to similar cases. The result of the charge *Against Konon* showed that even in a clear argument, based on facts witnessed by many, there were doubts and suspicions. And, besides all this, the case of Meidias was not forgotten in the memories of men. It was enough to think about the words that Aeschines wrote in *Against Ktesiphon*, insinuating that Demosthenes would have agreed to suspend legal proceedings in exchange for thirty mines. However, one can also advance the hypothesis that Meidias himself felt guilty and tried to repair the offence committed by paying Demosthenes thirty mines, either privately or as a reparation to the State.

The private quarrel between Demosthenes and his enemy Meidias ceased to be an exclusively private affair between two prominent citizens of Athens in the fourth century, and was converted into a political issue of the greatest general interest. The mutual quarrel had led the speaker of Peania to present a complaint, alleging lack of respect and morality. It may suffice one to imagine the psychological effect that such an attitude would have caused to Meidias when he realized that his individual problem with the Peania orator had indeed become a fight against the Athenian *demos* present in the *ekklesia*. Incidentally, and in all likelihood, the *demos* consisted of a substantial number of citizens who had witnessed the assault he had directed against Demosthenes in that same place, but at a time when the location was not yet an *ekklesia*. Demosthenes could have chosen a penalty or monetary compensation for the damages caused by means of a *dike idia*; yet, any personal gain through a financial penalty, in his role as prosecutor and victim, does not appear to have been his purpose from the very start. The moral reward to be achieved was of greater value for Demosthenes than the material gain that the process could bring to him (25 and 28). Hence, he clearly opted for *probole*.

The *probole* appears as a legal and *media* procedure that is justified by *hybris*, a detail that could not be excluded. The offense at Dionysia, witnessed by many hundreds of people, favoured the concentration of several explosive ingredients that could have affected the susceptibility of any Athenian citizen.

The choice of this type of judicial conduct would allow him to recover a part of the public image that had been greatly shaken by Meidias's aggressive attitude. The purpose of undermining the spirit of everyone present in the *ekklesia*, by means of a sweeping argument, would have had a significant social effect: Demosthenes conquered social, political and judicial credibility. The latter would be fully achieved if his appeal, addressed to the *ekklesia*, was heard.

The speaker made it clear that his personal interest in that procedure was not one of mere private and monetary benefit, but rather that he was driven by altruistic and

selfless devotion with respect to the law (30 and 34-5). The laws were to be enforced and this was the time to show that the Assembly knew of their importance in such a case. The existence of the laws shows that there was effective judicial practice and that each citizen's spirit was influenced by them. Justice would only occur when the *ekklesia* wielded its executive power through the use of the laws (224).<sup>9</sup> They ensured each citizen's exercise of freedom in the pursuance of his individual interests as well as in the collective equilibrium of the selfsame interests. This constitutes a fundamental feature of democratic life in the Athenian *polis*.

### 3. *Serving Laws*

Following E. M. Harris's lesson in Canevaro (2013: 209-236), the presence of five legal texts, in §§ 8, 10, 47, 94, 113, in *Against Meidias* is extemporaneous. His detailed study, providing a justification for each legal document which forms a part of *Midiana*, is based on *stichometries*. In this sense, and in our view, this study was taken into account since it seemed relevant and compelling, despite the fact that it was also innovative when compared to the editions available for the study of Demosthenes' discourse 21. Although our analysis was based on the textual body of discourse established by MacDowell (1990) and Leganés Moya and Hernández Muñoz (2008), we were unable to remain indifferent to the recent and proficient study undertaken by E. M. Harris.<sup>10</sup> This study allows one to present the hypothesis that Demosthenes would initially have designed his *Against Meidias* speech without the support of ostensive citations from the law texts. His purpose would not have been that of using a legal statement as a weapon against Meidias. It is understood that the argument and the

<sup>9</sup> The use of the dative or instrument cases confirms this idea.

<sup>10</sup> There is a clear disconnection between the argumentative information presented by Demosthenes and the law texts referred to in 21.8, 10, 47, 94 and 113. Through his detailed study, E. M. Harris (2013) points to some inconsistencies of a legal, religious, cultural and linguistic nature. This study by E. M. Harris had already begun to unfold when the *Review* by MacDowell (1990) appeared in *Classical Philology*, 87, 1, pp. 71-80. Thus, in 21.8 and 10, the laws are introduced at the time when Demosthenes reminds everyone of the vote of censure against Meidias, in the Assembly after the Dionysia. Meidias had verbally and physically assaulted Demosthenes during the festival, while the speaker was exercising his position as chorus producer. The purpose of the laws mentioned is that of highlighting the legal procedure to be followed after Meidias' acts. These steps point to Meidias' unacceptable behaviour which had to be considered as a public and not an individual act. Meidias' disrespectful behaviour did not merely affect Demosthenes, but rather the entire community when faced with a similar occurrence. In 21.47 the law stated relates to *hybris* and emphasizes the seriousness of the offence committed by Meidias; it is for this reason that the speaker defends a public indictment as *graphe hybreos*. In 21.94, one is presented with a discussion of the application of the procedure of public arbitration for a charge of slander, brought by Demosthenes against Meidias, since Meidias had not shown up for the arbitration. Demosthenes defends a public act due to the contemptuous occurrence he had been subjected to while carrying out a judicial role. In 21.113, the intervening parties discuss the benefits of the rich before the law; the latter believe they have a superior right to these when compared to the remaining citizens. This discussion is related to the bribe offered by Meidias.

mere allusion to the laws would have been sufficient for the orator; without the need to fully quote them, he would have presented his civic defence. The paraphrasing of the laws, which appears in the body of the discourse, intends to associate Demosthenes with the defence of just acts which respect common welfare. The speaker was a member of the Athenian community, not only when he took on the role of *khoregos*, but also when he defended himself publicly from Meidias. Metonymically speaking, his defence corresponded to a defence of the entire Athenian community.<sup>11</sup> Thus, the everyday use of the *nomoi* designation by Demosthenes may have confused later copyists, who linearly interpreted the Demosthenic text and inappropriately inserted legal extracts into the discourse thinking that they were contributing extensively to a complete exegesis of the text. E. M. Harris's study helps one to understand that the transmission process of this text inadvertently complicated the interpretation of the Demosthenic rhetorical strategy. Demosthenes wished to produce a psychological effect on the *auditorium*, which would be to his benefit, and not to substantiate all his judgement values by explicitly mentioning the established laws. This was simply a rhetorical and psychological strategy that the text transmitters would not have been aware of.

Demosthenes puts forward legal arguments, which are enriched by his paraphrase of some of the laws. The details of the argumentation, as well as the phraseology used by Demosthenes, leads one to suppose that these laws had already been added to the Demosthenic text in the Hellenistic period; they are not, therefore, wholly reliable. This discursive strategy not only reveals an interest in legally substantiating the demand, but it also stresses the mastery and knowledge that the speaker possessed of the current laws of his time. It was enough to simply mention the law, so that those who heard it knew that the laws bestowed a constructive character on the political, legal and moral organisation of the city.

The speaker stressed the idea that, in order for the legislative body to be effective, a guarantee of its application was necessary. Since the laws were everyone's heritage, and did not pertain to a select few, they were universal and comprehensive in character: «for, he thought, strength is possessed by a few men but the laws belong to all» (45, transl. MacDowell, 1990: 115).

Under the influence of Isokrates (*On the Peace*, 120), the speaker of Peania proposes the idea that, if the laws were not applied, the *polis* would be unsafe and would be subjected to the vices of men, so that every individual would find any private act acceptable. Isokrates claimed that it was the *politeia*, or constitution, that had the power to direct the *polis*.

Car l'âme de la cité n'est rien d'autre que la constitution, qui a le même pouvoir que dans le corps la pensée. ... C'est elle qui doit servir de modèle aux lois, aux orateurs et aux simples particuliers, et chacun obtient nécessairement des

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<sup>11</sup> Wohl (2010: 181-188).



résultats conformes à la constitution qu'il possède. (Isokrates, *Areopagiticus*, 14, transl. Marie-Pierre Noël, 2012: 393)

Based on this topic, and in order to organize the *polis* well, a higher reality or a policy would be needed to guide its path. In view of a constitution, or an organisation of civic institutions, there had to be a driving force to make the constitution a model for the law, for speakers and for private individuals. Nothing is more important than having a policy at the service of the *polis*; on this depends the smooth functioning of the city-state, namely the laws.

#### 4. Hybris: «to be or not to be»?

Meidias did not perceive his aggression towards Demosthenes to be so destructive and to merit the manner in which Demosthenes then answered him in court. There had been no abuse in the sense of having been destroyed Demosthenes' official props; moreover, Meidias' adversary did not become invalid in any way, for instance incapable of his motor skills (25-8). Meidias considered the adopted judicial procedure to be excessive when dealing with a simple quarrel between two individuals (29-35). There had been many other known cases of aggression, which had not been subjected to punishment at all (36-41).

The *hybris* emerges in this Demosthenic speech mainly as a form of moral violence which had affected the victim socially and psychologically. In itself, the single act of *hybris* had gathered the impudence, arrogance and pride of Meidias, a citizen who was the owner of vast wealth. He would have thought that any such behaviour would not have been contested and that he would go unpunished, as had previously occurred in the cases he had been involved in with Euaion and Straton (73-4 and 95-7).

The orator emphasises the particularity of his own function as chorus-producer and recalls the circumstances, normal as they were, in which the act took place.

I, on the other hand, was assaulted by an enemy, who was sober, in the morning, doing it from *hybris* and not from wine, in the presence of a large number of both foreigners and citizens; and it was in a sacred place, where it was very necessary for me to go because I was a chorus-producer. I think my decision was prudent, men of Athens, or rather it was fortunate, when I acquiesced at the time and wasn't induced to do anything disastrous. (74, transl. MacDowell, 1990: 133)

The act itself of aggression against the chorus producer, Demosthenes, and the very place where it had been committed confirmed the natural insolence of Meidias' character, combined with a profound lack of wisdom. Meidias proved himself to be indifferent, not only to the solemnity of the festivals but also to the great honour that the position of chorus-producer bestowed upon whosoever occupied it. Even the space where he had committed the violence increased the psychological effect on the victim: the *orchestra*. This was the site of the theatre where Demosthenes would have been, or very close to it, by virtue of being the chorus producer at the time. He would

most certainly have occupied a privileged place near the choir. Being responsible for the chorus of men for the dithyramb contest, the orator was notoriously exposed to the affront of being in a place full of men, ready to witness the shame of another who was a public figure. Demosthenes' idea was to combine all these ingredients in the legal tool that was the *probole*. The *aikeia*, the battery or wounding of a person (e.g. 35), does not fully address the profile of his complaint because it would only cover the physical aspect of the aggression.<sup>12</sup> The violation of the sacred character of space, as well as a disregard for the symbolism and task carried out by the chorus producer, would only be covered by the crime of *hybris*. Aeschines, in 1.17, adds that anyone who offended his fellow man was unable to participate in public life.

This speech is based on an extensive matter of legal definition, since Demosthenes explores various legal aspects that are not univocal. He gives the judges a set of plausible legal perspectives in order to overestimate the litigation act itself. First of all, there are those which are clearly displayed and labelled by the legal provisions contained in the text; there are then those which are subjacent to the text, which can be inferred from the evidence and details remaining in the text. In this argumentation, undertaken by paraphrasing the law on *hybris* (48-9), one is unable to find the definition of what *hybris* is.<sup>13</sup> It is as if it were part of the Athenian citizens' conscience and that there was no need to question it, as natural as going to a spring to collect water, something which was of need to the whole family. It was a cultural, social and religious fact, acquired and recognised by everyone and therefore accepted by all as something that was to be respected. The crime of *hybris* affected and harmed the state when there was any doubt as to its value.

Consequently, for *hybris* too the legislator permitted everyone who wished to prosecute, and he made the penalty entirely payable to the state; for, he considered, the man who turns to insolence wrongs not only the victim but the city, and revenge is sufficient compensation for the victim, who ought not to make money for himself for matters of this kind. And in fact he went so far as to permit similar prosecution even for a slave treated insolently. He thought it right not to consider the identity of the victim but the character of the act committed; and since he found the act unacceptable, he ordered that it should not be permitted, either against a slave or at all. For there is nothing, nothing at all, men of Athens, more intolerable than insolence, or more deserving your anger. (45-6, transl. MacDowell, 1990: 115)<sup>14</sup>

<sup>12</sup> There are other examples of *aikeia* in D. 47 (*Against Euergos and Mnesiboulos*, 45-7), D. 54 (*Against Konon*), and in Isok. 20 (*Against Lorkhites*).

<sup>13</sup> The authenticity of the document is supported by López Eire (1985: 289) and MacDowell (2009: 240). However, E. M. Harris (*in* Canevaro 2013: 224-31) considers that the document «was inserted at a later date». The initial part of this document is also expressed in *Against Thimarkhos*, 15-17.

<sup>14</sup> Cf. Aristotle, *Rhetoric* 1374a13-15 and 1378b23-5.

The symbiosis of topics covered throughout the text reinforces the speaker's role as a defender of public interests.<sup>15</sup> This is a man who acts by thinking about the other men who hear him, and who are to judge what is being argued by him. His task is to touch the conscience of everyone present and make them doubt Meidias' ulterior motives. The chorus producers were protected by law or by habitual piety, so that an attack on a *chorus producer* had to be punished (56-61). This open reference is a sign of the respectability required of all who held the position.

The speech itself confirms the act of *hybris*, which had occurred earlier. If the act of *hybris* were not clearly recognized by the *ekklesia*, as a point of moral reference and respect for the city and all its institutions, its harmful effect could be caustic to society. The absence of this moral reference point would generate serious consequences, namely the laxity of morals and future offences against the dignity of the chorus producer's status. Demosthenes' text makes it quite clear that there is no definition for *hybris*; there is, however, a need to enforce the law, even a tacit law like the Greek concept of *hybris*. This was already a sign of the existence of a behavioural pattern in the spirit of the *demos*.

##### 5. After all, what are the laws for?

There's no point in having good humane laws to protect ordinary people, if those who disobey and violate them escape the anger of you who have authority to enforce them on each occasion. (57, transl. MacDowell, 1990: 123)

Demosthenes presents his own legal interpretation stating that the judges' responsibility is to ensure that the condemnation for an outrageous act is carried out by them and by the laws, even if the victim subjected to it does not voice himself. Similarly, the defence of a victim should not be carried out by himself (70-6).

As we approach the end of the speech, it is possible to clearly realise that Demosthenes managed to create a very negative image of Meidias and of his rich friends. These people were considered unfavourable to the future success of the city and, in particular, to its institutions and those who officially took part in them. Besides, when there was a failure of some campaign of sorts, Meidias hurriedly appeared in public to attribute responsibilities to the taxpayers for the unsuccessful expeditions (202-204). It is in relation to these occurrences that Demosthenes alerts the judges to the fact that Meidias participates actively in community life, but exercises a very particular *modus operandi*. Unlike Demosthenes, Meidias prepared himself to sow "seeds" in Athenian public life, not only through his immediate supporters but also through his children, who would follow in the footsteps of the parent who had taught them a total disregard for the law. Demosthenes senses that the moment has come to courageously put an end to Meidias' attitude because there is the danger that the money of people like Meidias could terminate the use of the laws, which are

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<sup>15</sup> Cf. Wolff in Carawan (2007: 91-115).

dependent on men like Demosthenes. He tries, therefore, to hold all the members of the *ekklesia* responsible for the consequences to the proper functioning of society if the laws are not applied.

Demosthenes' exhortative appeal at the end of his argument clearly shows the fear that the speaker senses for the verdict of the court. Judges had to ensure that the decision of those present in the *ekklesia* would be implemented, and that they should not fear the pressure and threats from rich men who belonged to Meidias' faction of (205-18). Physical and insolent aggression in the abode of the theatre of Dionysus, an act of aggression that made him a victim during the exercise of common duties, should be punished so that others would not think of acting in the same way (219-22). What was at issue was an offence that concerned the whole community, and not strictly himself, as a unique individual. Demosthenes had not presented that accusation with a view to a political persecution, but rather on the grounds of a *hybris* offence. This had been committed by Meidias and, unlike other cases, e.g. Aristophon, could not be undone or withdrawn. It was not the mere fact of forgetting a physical assault in front of many citizens. It was an insurmountable moral issue (118). If the conviction of the judges were not favourable to him, he would perceive it as being shameful (117). Demosthenes' public image had begun to be constructed a few years earlier, and was respected by the Athenian community. He had become a legitimate representative of citizenship. The first and last vocative cases in *Against Meidias* are addressed to *dikastai*. The theatre of Dionysus (8, 10, 206; Aesch 2.61, 3.52) had once existed in the place where they were standing, in the Assembly. The session took place after the urban Dionysian festivals and was located next to the Acropolis. This, now a place of judgement and decision regarding the ignominious act that Demosthenes had been the victim of, had previously been a meeting place for citizens to honour the god Dionysus. Those who were there had the duty to enforce the stated facts and pass judgement on them. The *agon* was no longer dramatic; it was penal. The inappropriate behaviour associated to *hybris* corresponded to a moral offence that had befallen the orator, who had become the victim of Meidias' exaggeration, pride and insolence. The *hybris* committed by Meidias had impinged upon his honourability before the *demoi*, who already knew him from the lectern at the Assembly and courts. Meidias' act had affected the public dimension of his person in such a way that his plea deserved an answer that would also affect his opponent's public dimension. His main purpose would only be fulfilled if Meidias were convicted. For this to occur, it is through the use of the word (224) that Demosthenes tries to persuade the judges and his fellow citizens to apply the laws. Demosthenes seems to want the jury to relate itself to his own case. A similar plea is made by Apollodorus in [D.] 59.110-11, and Lycurgus (*Against Leocrates*. 141), where the judges are invited to reflect on what they would say to their women when they returned home after the verdict of not having condemned Neaera.<sup>16</sup>

<sup>16</sup> Vide also Aesch., *Against Timarchos*, 186-7. For a full discussion of these passages, vide

In Demosthenes' final appeal, 224, which partly picks up from that mentioned in 118, the speaker emphasises that both the safety and autonomy of every citizen are dependent on the practice and performance of laws. It was thus up to the *ekklesia* to determine whether the law concerning the *hybris* was appropriate and should be applied to the case presented.

However, the laws would only be guaranteed if they were correctly executed without any constraint to the citizens and, concurrently, the judges.<sup>17</sup> Laws are instruments of power within the reach of any citizen. They are the regulators of the moral and legislative organisation of the city. If they are to become effective, they must be applied. Only the laws could rescue all the proceedings brought forward by Demosthenes. The laws had existed even before the problems; in their essence and content, they were exempt from pressure, from influence, from pity, from the exaggeration of human acts. They are what they are, regardless of the casuistry to which they apply.

The appeal to the judges' emotion, though rhetorically placed, is excessively long in the speech as a whole; yet the effect produced on a jury, by the references to the aggressor's *tropoi* on the victim Demosthenes, would have contributed to the gradual denigration of Meidias' image (72).<sup>18</sup>

It was the jury's responsibility to ensure the strict observance of the laws (224-25). Laws are not of worth simply because they are part of a collective heritage; they are of invaluable worth when they begin to contribute to the common good, with a direct application to specific situations. They should be applied regardless of each citizen's economic and social status.

The plot of this long speech by Demosthenes is full of colourful characters and episodes, which highlight Meidias' rather unorthodox profile. The characters who intersect with him are carefully mentioned and added to the argument of the speech, contributing to the representation of the intentions of a few rich people of Athens. Through these detailed stories, arranged along the course of the argument, those citizens who attended could witness these examples and understand many of the situations occurring in the city. It would be rather difficult to perceive the true intention of parading these episodes in the argument if it were not a case of denigrating Meidias' image.

And lastly, what would have persuaded Demosthenes to accept the thirty mines mentioned by Aeschines (3.52) and repeated later by Plutarch (*Dem.* 12.4; [Plut.] *Lives*

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Curado (2008: 450).

<sup>17</sup> The alternation in the vocatives of the text *Against Meidias* should be noted. The vocatives used are *andres dikastai* and *andres Athenaioi*. The alternation between these could be interpreted as the orator's appeal to the civic or punitive conscience of the citizens in the *ekklesia*.

<sup>18</sup> The passage D. 21.72 was considered by Cicero (*Brutus*, 322) to be a model sentence, since it combined the modes of action, of which the orator should exercise full mastery.

of the *Ten Orators*, 844d)<sup>19</sup> The mere satisfaction of having uttered a *probole* against Meidias in the Assembly – on the very location where the plays at the theatre of Dionysus had taken place, on the slope of the Acropolis, after the completion of the urban Dionysian festivals – would have been enough to satisfy his thirst for recognition. The passage by Aeschines points to the fact that the trial was not presented to the court for a verdict because Demosthenes had accepted the thirty mines. This fact would have defrauded the popular support that had sustained the speaker's cause.

The message transmitted by Demosthenes through the sentence «So the laws get their power from you, and you from the laws» (224) is nothing but a direct appeal to the common sense and citizenship of those present, ὧ ἄνδρες Ἀθηναῖοι. The laws are valid only if they are indeed applied, and particularly if those hearing the message do anything, *de facto*. In this sense, the last vocative proffered in this speech is directly aimed at the judges: ὧ ἄνδρες δικασταί, who are not just citizens of Athens, but also the judges in that particular cause.

Demosthenes plays the role of advisor and mentor to the *demos*, contributing with a *paideia* based on the defence of the correct application of the laws. The speech *Against Meidias* advocates a law of morality to the statesman, which should honour the services provided to all, because the *polis* serves everyone. *Against Meidias* contributes to the history of criminal investigation in the West, based on the study of biographical data collection and legal evidence.

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<sup>19</sup> And also in Souda δ 456. It is not clear why the mentioned amount is this and not another. Aeschines (3.52) used the moment to retaliate against the reference that Demosthenes himself had advanced in *On the False Embassy* (19.145), when he accused Aeschines of having been bought by Macedonia for thirty mines. This could be a justification that follows from a comparative reading of the sources. History recorded the enmity between the two speakers.

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