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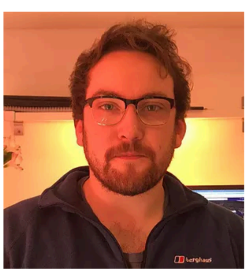

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Editor's Foreword

I would like to start by thanking the contributors of our inaugural edition. It takes faith and guts to submit your arguments and beliefs to an unknown entity, so I am very pleased that you took that step and came along for the crazy ride and steep learning curve! I think we have a great collection of articles for our first edition, which would read well in any academic journal, not just a postgraduate one.

Next on my list of thanks, I am extremely grateful to the Classics Department at King's College London for funding the journal without asking anything in return. This invaluable contribution has allowed New Classicists to be open source and has enabled a small amount of advertising, for the journal and contributors, to be carried out on our various social media platforms. I am also thankful for the advice and expertise offered by Daniel Orrells – this journal would not be the quality product that it is today without his help.

Moreover, I am also thankful for the help provided by our advisory board. There were many times when I was stuck and couldn't find peer reviewers and they all came to my rescue and directed me along the right path. On that note, each peer reviewer who accepted the role was generous with their time, especially when I asked for crazily short turnaround times, and supportive of the endeavor and the articles they were reviewing.

I decided to start New Classicists after a research/course field trip to Rome, in July 2018, with the most amazing postgraduates and academics. Meeting these people made me realise that not enough was being done to highlight postgraduate work and that the majority of us were finding it difficult to get our feet in the publishing door. Academia expects so much of us as students and yet so few opportunities are available to learn new skills that will be necessary once our studies have finished and a full-time career awaits. I hope that in some way this journal will aid wannabe academics, like myself, to further their employability prospects and cement or forge new skills that will be necessary in the future.

Lastly, I want to thank my co-editors: Jordon, Karolina and Ben. They have made this experience fun and I will be forever grateful that they decided to believe in this journal.

I hope you enjoy reading this first edition of New Classicists and to my fellow postgraduates – get writing and submitting those articles!

Regards

Greg Gilles
Founder and Chief Editor.

The Boscoreale Cups:
What Level of Historical Specificity was Intended in the Tiberius Cup?

Richard Kendall – University of Birmingham

The interplay between historical reality and idealised allegory is rarely easy to demarcate in Roman art, even on large-scale monumental civic reliefs. The Boscoreale Cups are two silver skyphoi decorated in repoussé, 10cm in height with a diameter at the base of 9.5cm and at the rim of 12cm;[1] yet their study sheds light on the nuanced ways in which this dynamic could be represented, with implications that extend beyond the immediate context of this artefact's residential context. They were discovered, along with one hundred and nine other pieces of gold and silverware, in the cistern of the torcularium, or wine-pressing room, of the Villa Pisanella in Boscoreale.[2] Situated on the southern slopes of Vesuvius, Boscoreale was destroyed in the eruption of AD79, and, as four skeletons found in the torcularium and corridor of the house attest, this villa was not abandoned at the time of the disaster.[3] The discovery of a bed and dresser also in the torcularium imply that the function of this room was no longer wine-pressing by AD79,[4] with one hypothesis being that the individual found in this room was tasked with guarding the objects secreted in the cistern while the household family was away.[5]

The 'Tiberius' cup is one of two pieces found in the cistern which together are the only examples from the early imperial period of silverware illustrated, ostensibly, with historical scenes. A triumphal procession for Tiberius and a sacrifice are depicted on either side of the 'Tiberius' Cup, and an image of barbarian submission as Augustus is seen receiving the princes of a conquered people is seen on one side of the 'Augustus' Cup.[6] The only relief that does not immediately appear historical is the second scene of the 'Augustus' cup, an obviously ahistorical depiction of the Emperor, seated and holding a globe and *rotulus*, being handed a wreathed Victory by the goddess Venus and surrounded by both deities and personifications of Roman provinces. This scene is

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[1] Kuttner 1995, 207.
[2] Stefani 2010, 95.
[3] Stefani 2010, 94.
[4] Its initial identification being due to the presence of two large basins for pressing, the *lacus* beneath them, and the interred *dolia* jars in the room, in addition to a complex system of channels to drawn the must from the *lacus* to the jars.
[5] Stefani 2010 93.
[6] *Pignora*, on which see *RG* 4.3, 32.2; Josephus *AJ* 16.6.6; Dio Cass. 54.28.

commonly read as an allegorical illustration of Augustus' supreme power over the world.[7]

Conversely, interpretation of the other, more realistic scenes has been dominated by efforts to identify the event or events depicted, of which by far the most sustained and developed attempt remains that of A. L. Kuttner (1995), who analysed them as representative of Augustan succession policy. It is her argument, which has been followed by the vast majority of scholars since its publication,[8] that the depicted scenes relate to a specific historical event that is examined in this article. Focusing on the Tiberius Cup (see Figs. 1 and 2), the cup with the greater outward "documentary"[9] style, the evidence for and against the conclusion that either the triumphal or sacrificial scenes can be viewed as illustrations of actual incidents will be examined. Following this, both scenes will then be considered together to explore the extent to which a narrative sequence can be ascertained from the cup as whole. Contra Kuttner, whose assertion that the scenes of the cup mimic those of a rectangular public monument has been largely accepted without critique, this section will prioritise the physicality of the medium upon which the scenes have survived: the circular dimensions of a drinking vessel. Through this, it will be argued that the narratology of the cup can instead be best understood in relation to its use within the discursive and ostentatious context of a drinking banquet. Overall, this article seeks to demonstrate that while there is an element of historicity in the imagery, particularly that of the triumph (albeit referring to a different event than Kuttner argues for), the Tiberius cup was not designed in strict commemoration of a specific event, nor does it replicate a particular monument once erected at Rome or elsewhere. Rather, the imagery used maintains a conscious generality, reinforced through cyclical recurrence, which gives its moralistic message of piety a timeless applicability.

The Triumph Scene

The handles of the Tiberius Cup, which are decorated with vegetal motifs common during the Late Republic and Early Empire, demarcate the division between the two major scenes depicted: the triumphal procession and the sacrifice. The former of these (shown in Fig.1) is the more straightforward. The overall subject of the depiction is beyond doubt: this is clearly a triumphal procession for Tiberius. Tiberius is immediately

[7] Kleiner 1997, 378.
[8] Barden Dowling 2006, 147-8, Edmondson 2014, 148; Issac 2017, 62-4.
[9] Kuttner 1995, 4.

identifiable as the figure on the *quadriga* whose head nearly reaches the rim of the cup: the figure's "aquiline nose, thin compressed lips, round chin and long and muscular neck"[10] matching the characteristic features of Tiberius portraiture identified by typological studies.[11] He wears a toga, a *tunica palmata*, and he holds the eagle-tipped spectre and laurel branch which were symbolic of triumph. Most significantly, immediately behind Tiberius stands a figure holding a crown above the general's head. It can be inferred from the context that this crown is the *corona Etrusca*, the gold oak-leaf crown reserved for victorious commanders celebrating a triumph, which, due to its weight, was unable to be worn on the head, requiring a slave to hold it up.[12] In artistic depictions of triumph, the goddess Victory is commonly depicted performing this role:[13] the figure behind Tiberius on the chariot, however, appears to be a rare depiction of the actual *servus publicus*, supporting the interpretation of this scene as a depiction of an actual historical event.

The *quadriga* itself is decorated with a winged Victory and a non-winged female holding a laurel-branch in keeping with the triumphal celebrations. Surrounding the *quadriga* on foot are two groups of attendants divided by the figure of Tiberius: behind are four soldiers, two carrying laurel branches, dressed in the tunics and ankle-length boots which were standard Roman attire for such an occasion. The position and costume of these men behind their commander follows contemporary processional practice as related by historians such as Velleius (Vell. 2.121.3), who lived contemporaneous to the cup's production. In front of Tiberius are his *lictores*, who carry *fasces*, rods, over their shoulders. This part of the cup has been partly damaged, but the tunics and togas of these figures can still be seen through the legs of the horses that are pulling the *quadriga*. These horses, whose bodies are in high relief and whose heads have been lost, are being led by a second slave, who is shown straining forward with the reins in his right hand. This slave is turned back towards Tiberius, away from the direction of motion, and this creates a divide between the triumph scene and the procession of the bull as victim for sacrifice to the right of this slave; although, as both groups were present in the triumphal procession, this 'divide' is likely a compositional device to imply the existence of other figures who cannot be depicted in the small area of the relief. This self-contained scene depicts a massive bull, festooned with sacrificial ornaments, the most prominent being a triangular head plaque, *fastigium*, upon which an eagle motif can be seen. The bull is

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[10] Kuttner 1995, 145.
[11] Pollini 2005, 57.
[12] Pliny NH 33.4.11.
[13] As on a Denarius of Sulla and L. Manlius Torquatus, 82BC; a Denarius of Octavian 18-17BC, Spanish mint; and famously on the later Arch of Titus; Kuttner 1995, 150-1, plate 104; 105 and 107. The latter example is particularly pertinent, as its Triumph scene, which features several allegorical figures, contrasts with the historical 'Sack of Jerusalem' relief in the opposite side of the arch.

attended by two figures, one of whom holds the bull by the neck while the other, at the bull's flank, carries an axe.

Classifying this scene as a depiction of a triumphal procession for Tiberius is uncontroversial: the major debate surrounding this scene, therefore, is the identification of which of the two triumphs Tiberius is known to have celebrated is illustrated on the cup. The first occurred on 1st January 7BC, following his campaign in Germany (a campaign he took over the charge of after the death of the original commander, Tiberius' brother Drusus). The second was in honour of his achievements in Pannonia, and took place on 23rd October AD12.[14] This latter triumph came eight years after the official adoption of Tiberius by Augustus which essentially established the former as sole heir to the emperorship.[15] The determining of which of these triumphs is depicted is fundamental to the interpretation of the meaning of the cup overall, as it provides an indication of the date of production and thus helps to situate the images in their historical context.

A large part of Kuttner's overarching conclusions regarding Augustan succession imagery, relies upon the identification of the triumph scene depicted as that of 7BC, arguing that the Boscoreale Cups represent the twin promotions of Drusus, whom she argues is present on the Augustus cup as the figure presenting the conquered princes to the Emperor, and Tiberius as imperial successors to Augustus. Consequentially, she dates the cup specifically to the year 8BC, this being the only year when such a situation existed.[16] Given that there are no obvious iconographical signifiers as to which triumph this may represent,[17] as the *spolia* of the campaign are not depicted on the cup (in this sense following real practice as such spoils would be presented at the start of the triumphal procession while the commander in *quadriga* came at the end), this date is reached through the interpretation of the overall composition and figuration of the triumphal scene. For example, Kuttner points to the presence of the *servus publicus* in place of Victory in the relief as conclusive evidence of this as the earlier triumph, arguing that, in contrast to the scene of Augustus surrounded by gods on the other cup, the state slave grounds Tiberius' achievements purely in the realm of the mortal. To pointedly present Tiberius' achievements with such realism reflects, she contends, a situation wherein, although heralded as a figure of considerable importance to Augustus and the Roman state (displayed through his compositional significance in the scene), Tiberius was still only a successful general, not yet officially adopted by Augustus and only a

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[14] Suet. *Tib*. 20; Kienast 1990, 76-7;
[15] Ando 2000, 287-8.
[16] Drusus died in 9BC while on campaign in Germany. Kuttner 1995, 172-198.
[17] Hölscher 1994, 104-11.

member of the imperial family through marriage. Thus, he was not yet worthy enough to be depicted with divinities.[18] Consequentially, the triumphal scene has been taken to depict the specific occurrence of Tiberius' earlier triumph, which followed his campaign in Germany.

This conclusion, however, requires further thought when considered in the light of evidence both from the cup itself and of the wider conventions of Roman imperial art. Kuttner's dualistic approach to the triumph image, as a moderated depiction of Tiberius' success diametrically opposed to the apotheosis of Augustus, not only undermines the similarly of their predominant depictions on the two cups, but also exaggerates the significance of the figure she identifies as Drusus on the Augustus cup. Even if this is the individual depicted in this scene, which in the absence of a known typology for Drusus remains speculative, the presence of a barbarian in the foreground immediately in front of this supposed imperial heir undermines any attempts to label him as the preeminent general and successor, being in complete contrast to the unobscured and pronounced position Tiberius is afforded on his eponymous cup. With the exception of Augustus, no figure on any side of the two cups is presented as prominently as Tiberius, and this implies that the cups were designed at a time when it was known that only these two individuals held significant power in the Empire: implying a later production date and, consequentially, supporting the identification of the scene as depicting the later triumph in AD12 Tiberius took as sole heir.

Furthermore, the interpretation that the lack of accompanying divinities categorically establishes this as an earlier period when representations of Tiberius' achievements were moderated to reflect a lack of standing relative to Augustus, does not correlate with the known conventions of Roman imperial art. Comparison with the Grand Cameo of France (Fig. 3), another artefact likely to have been displayed in the private sphere, is illustrative. As in the triumph scene, Tiberius is surrounded only by human figures, while Augustus, in a higher register above Tiberius, is accompanied by divinities, similar to his presentation on the Augustus cup.[19] Pointedly, however, as Tiberius is depicted as the seated Emperor on the cameo, this piece almost certainly dates to the period of Tiberius' rule.[20] The suggestion, therefore, that Tiberius' depiction in the triumph scene is illustrative of a specific time under Augustus when Tiberius had not yet officially established his eminent position is mistaken: following the comparison of the two pieces, the iconographic programme of the Boscoreale Cups can be interpreted to support an

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[18] Kuttner 1995, 150-1.
[19] Cf his depiction on the Gemma Augustea also.
[20] Kleiner 2018, 136-8.

identification of the later triumph, produced at the end of rule of Augustus or indeed, as with the cameo, under Tiberius himself.

Finally, it is important to recognise the detail that the designer of the cups intended in the triumphal scene and appreciate how this can be used to locate the scene temporally. As mentioned, the facial features characteristic of Tiberius portraiture are depicted to such precision that the figure is immediately recognisable; but it is the case the 'Tiberius-type' of portrait underwent a temporal evolution across the subject's lifetime.[21] While always depicted with an idealised youthfulness, the portrait face of Tiberius became more triangular, the chin more pointed and the hairstyle subtly different over time (see Figs. 4 and 5).[22] Although Tiberius is in profile in the triumph scene, his face noticeably corresponds better to these later types than the earlier depictions. This detailing further suggests a later date of production. Overall, the composition, iconography and stylisation of the cup strongly suggest a date of production late in the age of Augustus or in the early period of Tiberius: therefore, it is the triumph of AD12 that this scene most logically appears to depict.

The Sacrifice Scene

Similar to the Triumph scene, the sacrifice scene (Fig. 2) on the other side of the cup does not depict any mythological figures. At the left of the image a libation ritual is being performed by a damaged figure that nevertheless can be confidently identified as Tiberius from his equally prominent position in a scene on the reverse of his triumph. He is pouring wine into a focus surrounded by his *lictores*, who are depicted with the same *fasces* on their shoulders as in the reverse scene. At the extreme left one such *lictor* is turned away from the libation, facing the handle and implicitly the scene on the other side, but aside from this figure the focus of each personage is on Tiberius himself, emphasising his prominence in the composition in a way that is already shown by the high relief in which he is depicted. The scene to the right depicts the sacrificial killing of a bull and, although these scenes are more clearly divided than the processional and bull groups in the Triumph scene, it is probable that the reason for such a divide is the same: the small frame of the cup forcing the designer to compress the ritual into only its major events, which are thus to be understood as one overarching sacrificial scene. The Bull group is depicted in the moment immediately preceding the blow that will stun the

[21] Fittschen and Zanker 1985, 12.
[22] Pollini 2005, 57-9.

animal, with the axe-wielding figure poised about to strike and the bull being held down so that its neck is presented.[23] A crouching figure staring up at the axe holds the knife that will actually kill the bull, and another figure behind the animal is gripping the bull's flank to prevent escape. In the background of this scene is a tetrastyle temple (see Fig. 6) with a high podium and garland across the portico tied at each end of the architrave. An eagle atop a globe is depicted on the pediment of this temple, echoing the image seen on the *fastigium* of the bull on the other side of the cup.

The absence of mythological figures and factual nature of the subject-matter in this relief has led to a tendency to interpret this scene as an illustration of a specific event, a depiction of the historical performance of a ritual, as appears to be the case with the Triumph scene. In this reading, the identification of the temple is crucial.[24] This is because there were prohibitions on the wearing of such dress inside the walls of Rome;[25] given that the figures at the libation are shown in military attire with weaponry, if this temple is situated within the city, the scene must therefore depict a specific ritual which by common consent could contravene these rules. For Kuttner, the temple is that of Jupiter Optimus Maximus on the Capitoline, and the scene therefore a depiction of the *nuncupatio votorum* ritual performed before Tiberius left Rome for the campaign in Germany. In the *nuncupatio votorum*, the individual granted *imperator* status would begin in a toga and pay his respects at the Temple of Jupiter Optimus Maximus, consult the Senate and perform dedications at the Alban Mount before returning to the Temple of Jupiter and "cuirassed with his lictores to take up his command" (*Liv.* 21.63.7) leave the city. Although it is unclear at which point the *imperator* changed from toga to military uniform, Kuttner dismisses as absurd the idea that the march out of the city would be halted by a change of apparel and instead sees the *nuncupatio votorum* as "the only ceremony that could possibly account for the depiction of a group consisting of an armed imperator and *lictores paludati*"[26] sacrificing at the Capitoline, therefore placing this sacrificial scene temporally before the triumph depicted on the other side. Given that this ritual in dedication to Jupiter was performed at the outset of each campaign, discarding the relevance of the Germany campaign to the Tiberius cup does not nullify her argument. However, the problem with this interpretation lies in the identification of the temple as that of Jupiter Optimus Maximus. While Jupiter was the central deity of this temple, it was dedicated to the Capitoline Triad of Jupiter, Juno and Minerva and designed with a triple *cella*. Although an indication of this tripartite feature is not present

[23] Aldrete 2014, 47-8.
[24] Caprariis 2002, 719.
[25] Kleiner 1997, 379.
[26] Kuttner 1995, 141.

in every ancient depiction of this temple, often being substituted on numismatic depictions by an inscription, as on the coinage of Vitellius for instance;[27] the absence of any demonstrative attribute of the specific temple of Jupiter Optimus Maximus on this larger artefact, where greater detail may be expected, severely weakens this identification. Consequentially, this is unlikely to be a depiction of *nuncupatio votorum* ritual.

Conversely, Caprariis has identified the temple as the much older Temple of Jupiter Feretrius,[28] a building we know to have been architecturally far closer to the temple as shown on the cup, as it also lacked a triple *cella*.[29] As a result, he views the sacrifice instead as a rare instance of the taking of the *spolia opima*. This ceremony, which had its origins in the legendary past of Romulus, involved stripping the armour from the defeated enemy commander, attaching it to an oak trunk and then carrying this trophy into the city to be dedicated at the Temple of Jupiter Feretrius.[30] Although there are only three recorded instances of such a ceremony occurring,[31] all of which predate the period of Augustus by centuries, Caprariis posits that Augustus may have allowed Tiberius to undertake such a ceremony as part of his wider programme of reviving ancient rituals, and that this scene depicts the dedication ceremony.[32] This is in spite of the fact that the performance of such a ceremony is not testified to in any contemporary source material.[33] Cassius Dio even states that Augustus disallowed the appropriate performance of a *spolia opima* to Crassus early in his reign (Dio. 51.24).

Both of these interpretations have weaknesses, as does any understanding that attempts to read this scene as an illustration of a historical ritual performance. That Tiberius is depicted in military dress at a libation ritual, as any Roman viewer would have immediately recognised, casts doubt on the notion that this is an accurate rendering of an actual event. Sacrificants were always veiled and sacrifices never undertaken in military attire and the attempts by scholars to identify a ritual wherein such a rule could be disregarded are both mistaken and unnecessary.[34] The scene is pointedly not a documentary account of a specific sacrifice, but a composite image of sacrifice created

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[27] *RIC* 1 Vitellius 31, 56 and 127; Sobocinski 2013, 450-2.
[28] This being, by tradition, the first temple dedicated by Romulus (*Liv*. 1.10).
[29] Caprariis 2002, 723-9.
[30] Flower 2000, 34.
[31] Following Romulus' defeat of Acron, *Liv*. 1.10; Aulus Cornelius Cossus' victory over Lars Tolumnius, *Liv*. 4.19-20; and Marcus Claudius Marcellus, who killed Viridomarus, *Polyb*. 2.34.5-9.
[32] Caprariis 2002, 723-4.
[33] Although there are strong associations between the Temple of Jupiter Feretrius and the *spolia opima* in relation to the recapture of the Parthian Standards (19BC); Cornwell 2017, 130-2.
[34] Kleiner 1983, 289-93.

by the combination of programmatic compositional features and figures common in Roman imperial art. For example, the frequency with which the triangular composition of the figures surrounding the bull, labelled the 'Pausias motif', appears in Roman art is such that a Hellenistic painting prototype has been postulated for it.[35] Similarly, the enigmatic temple is not to be understood through reference to the specific architectural layout: rather, it is to be read as an iteration of the "temple-on-a-crag"[36] motif that can be identified in a range of Roman artwork from the early imperial period. A corresponding three-quarter view of a temple in the background of human action can be seen on the Aeneas panel of the Ara Pacis, the Villa Medici relief, and on coins down to the Claudian period. The use of these common compositional patterns only serves to highlight the eccentricity of Tiberius' depiction in military costume. Although this is clearly not intended as an accurate depiction of sacrifice, the reason for this particularly striking atypical representation is not immediately clear, as it appears to undermine the sense of generality created by the other imagery in the relief. It is only by interpreting the scenes in relation to each other that this can be understood.

Understanding the Scenes Together

The conclusions reached for each scene individually seem contradictory: while the Triumph scene can be identified as a particular historical event (Tiberius' triumph after his Pannonian campaign); the sacrificial scene does not relate to any particular performance or ritual and is to be understood thematically. If, as Kuttner proposes, these scenes were originally displayed as two sides of a four sided public monument,[37] this disparity may strike one as confusing; central to this reading is the assumption that the narrative style is homogenous across each image, creating a coherent collective artistic programme.[38] However, it is important to recognise the medium upon which these images are preserved, and to understand their relationship to each other as directly impacted by this form.[39] The Tiberius cup, in particular, benefits from such an approach as to be viewed in full it was necessary to handle the object.

The most obvious impact of the form of the Tiberius cup for viewing the image is that to see the images completely it is necessary to turn the cup. To an extent, this form of

[35] Kuttner 1995, 131.
[36] Kuttner 1995, 131-2.
[37] Kuttner 1995, 2.
[38] Galinsky 1997, 98-9.
[39] Huet 1996, 10.

viewing disrupts an attempt to read the triumph and sacrifice scenes as relatable temporally or thematically: as mentioned above, the handles split the two scenes, and the unity of each as singularly compressed representations of ritual events appears to negate the need for them to be reconciled to each other in order to be interpreted. Following Kleiner, the Tiberius cup might best be understood as two "separate scenes with a common protagonist, as everyone agrees is the case for the Augustus cup":[40] the difference in costume between Tiberius in each of the scenes supports such a reading. However, the recurrence of particular images on both sides, such as the axe used to stun the bull and the eagle seen both on the fastigium of the bull and on the temple pediment, seem to imply a connection between the two scenes. Furthermore, the episodic division of sub-scenes on both sides of the cup noted by Huet[41] (the figure of Tiberius in triumph and pouring a libation interposed by images of the bull) suggests that by turning the cup one was meant to understand both scenes in relation to each other. This form of viewing is dictated by the directionality of the images themselves: the triumphal procession wrapped across one side of the cup moves from left to right, and the initial figure on the other side of the cup turns toward the viewer who follows this direction of movement, implying that such a progression was expected. These factors have important implications for understanding both the narratology of the scenes and the reconciliation of the differences between the images on the two sides of the cup.

Firstly, the spatial movement of cup creates a "semiotic interplay"[42] as the sacrifice is followed by a procession which in turn leads back to the libation. Recognising this is central to understanding not only the unconventional depiction of the sacrificing Tiberius, but the artistic programme of the cup as a whole. This is because such a progression suggests a degree of causality between the two depicted events of sacrifice and triumph, which is corroborated by contemporary understandings of the role religious ritual played in orchestrating Roman military excursions. Military commanders would perform sacrificial rites, such as the aforementioned *nuncupatio votorum*, at the commencement of a campaign to ask for victory and, if successful, would then sacrifice at the end of a triumphal procession in recognition of the service of the god/s towards ensuring their achievement.[43] This cup thus presents a cyclical narrative formed of distinct events at the start and end of a military campaign, which overall serves to enforce the importance of a fundamental principle of correct Roman moral behaviour: *pietas*, duty to one's gods and fatherland, as here the proper observance of a sacrificial rite is

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[40] Kleiner 1997, 379.
[41] Huet 1996, 27-8.
[42] Huet 1996, 27.
[43] Kleiner 1997, 379.

shown to directly lead to military success.[44] The triumph scene, moreover, emphasises the specificity of its depiction of imperial triumph so as to give a concrete example of the success of imperial piety. This has the effect of promoting Tiberius as a model for appropriate military behaviour, as he is shown not only performing the necessary sacrificial rites but also observing correct practice in his Triumph, as evidenced by the presence of the *servus publicus*. The presentation of this theme through a cyclical medium also serves to emphasise the eternal nature of this bond between the immortals and the pious. Therefore, examined through the context of their placement on a circular vessel, these seemingly opposing scenes can be understood as forming a coherent narrative extolling a central Roman virtue.

Lastly, the active form of viewing required by the cup presupposes the engagement of the viewer, and how these images might relate to the lived experience of their original audience. As noted by both Hölscher[45] and Kuttner, the triumph and sacrifices before and after the campaign were the only aspects of military conquest in the perceived experience of most citizens of Rome: "you see the imperial general sacrifice leave in procession...then one day you hear the war is over, "we won," and the imperial general comes...rolling home in procession, celebrating his triumph".[46] Observing Tiberius in military costume, however, was less common. Aside from the brief period the general and his army would spend in the Campus Martius awaiting their official triumph, the populace at Rome would not have seen Tiberius dressed in armour, as weaponry and military dress were prohibited from being worn within the *pomerium* of Rome. Without positing a direct link, the juxtaposition of the overtly public triumph with a scene containing a cuirassed Tiberius, dressed as only those on campaign with him would regularly see, implies that the designer intended to create an illusion of intimacy between the owners and Tiberius: with the generic composition of the sacrifice scene purposefully used to offset the unorthodox depiction. This is supported by the medium upon which the reliefs are embossed: as a relief on a silverware cup, this image would only have been observed in a private context, and its archaeological find-spot in a villa complex attests to the wealth of the original owners of the cup. Following ancient literary accounts, the decoration of the cup predominantly served as a vehicle for the owner to demonstrate their expertise and grandeur (Petr. *Sat*. 52).[47] Therefore, the cup imparts both a general message extolling the virtue of piety, while simultaneously bringing prestige to its owner: each through the exhibition of the figure of Tiberius.

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[44] Hölscher 2008, 51.
[45] Hölscher 1994, 108-11.
[46] Kuttner 1995, 154.
[47] Beard 2007, 46.

Conclusion

The Boscoreale Cups represent the only surviving silverware objects before late antiquity decorated in scenes derived from historical events. The Tiberius cup, in particular, has no mythological elements on either of its sides, as opposed to the deities portrayed on one side of the Augustus cup. Aside from this, however, there is little correspondence in narrative style between the triumph and sacrifice scenes of the Tiberius cup. The former is a relatively accurate illustration of a triumph for Tiberius, which invites speculation as to the specific triumph it refers to: on the basis of the comparative evidence, a later date of AD12 has been shown to be more likely. The sacrificial scene, in contrast, is a standard depiction of a religious rite, which is drawn from common motifs and compositional arrangements. It is clear that there is a difference in the level of historical specificity intended by the designer for each of these images. Having established this, it was important to understand how such a disparity of styles was understood in practice, and this was achieved through the examination of the pieces as decorations on a circular cup. It has been shown that, read as a cyclical narrative, the differences in historical accuracy serve to emphasise the importance of piety, which is the overriding message of the cup as a whole. Moreover, historical reality has been shown to be purposefully discarded in the presentation of Tiberius in the sacrifice scene: his cuirassed performance of a libation ritual factually inaccurate but providing an impression of intimacy between the owner and Tiberius, thus enhancing the former's reputation. Therefore, it has been established that the designers of this cup intended to represent varying degrees of historical specificity in the images, and argued that this is most likely due to the fact that the purpose of these images was not to present history faithfully but rather use historical events known to its original audience to convey a moralistic message and increase the personal prestige of the cup's owners. It may be hoped that the arguments drawn here encourage scholars to consider more the physicality of the artefacts on which much of our evidence of Roman art has survived, be that similarly small-scale domestic products such as the Boscoreale Cups, or the imposing monumental reliefs that dominated the civic landscape.

Figures

Fig. 1. A flattened image of Triumph scene on the Tiberius cup, Louvre (From Kuttner 1995, Plate. 16).

Fig. 2. A flattened image of the Sacrifice scene on the Tiberius cup. Louvre (From Kuttner 1995, Plate. 15).

Fig. 3. The Grand Cameo of France. Augustus, as on the Augustus Cup, is in the presence of divinities, while Tiberius is pointedly among mortals. From the Emperorship of Tiberius in date, this cameo is of later production than the Boscoreale Cups, but thematically linked (From Kleiner 2018, 132, plate 9-1).

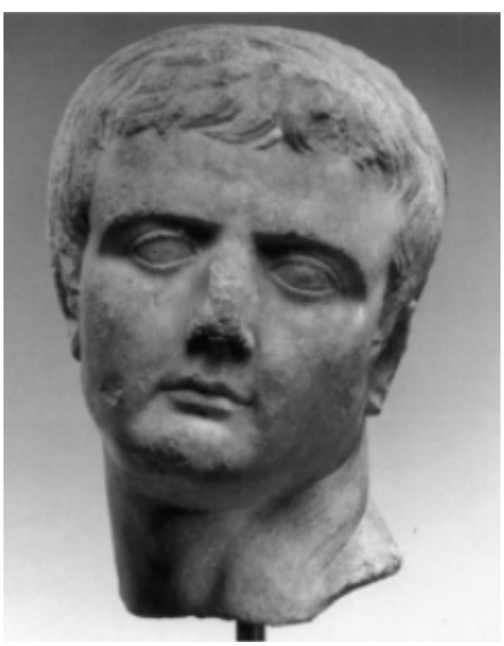

Fig. 4. Portrait head of Tiberius. Example of the Naples-Basel type Pollini identifies as dating from 19BC. Note the slightly rounded cheeks and tousled hair (From Pollini 2005, plate 8, no. 3).

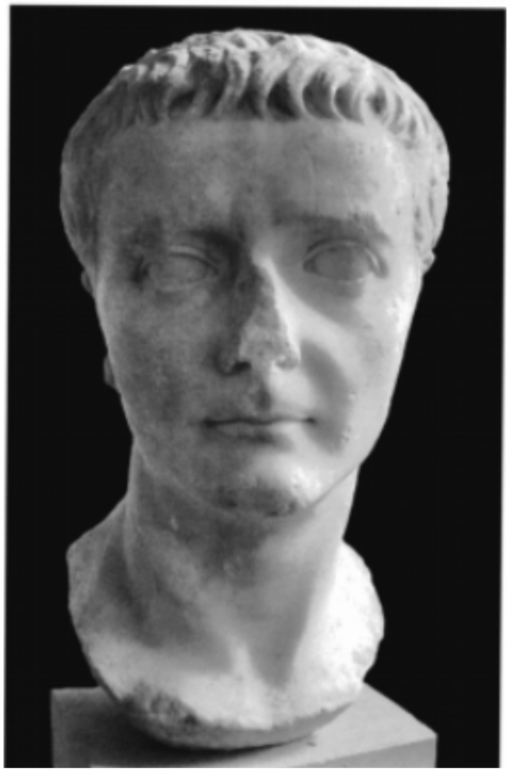

Fig. 5. Portrait head of Tiberius. Example of the Berlin-Naples-Sorrento type Pollini identifies as dating from AD4. In contrast to the earlier type, the head is more triangular and the locks of hair more regimented, while the chin has become more pointed (From Pollini 2005, plate 10, no. 1).

Fig. 6. A detail of the tetrastyle Temple in the Sacrifice scene, Louvre (From Kuttner 1995, Plate. 23).

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Conon's Sons and Meidias:
Ēthopoiia and Hypokrisis in Demosthenes' Against Conon and Against Meidias

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Introduction

This paper uses specific passages of the orations *Against Conon* and *Against Meidias* to demonstrate how Demosthenes creates the *ēthē* of Conon's sons and Meidias and how he uses these representations as the basis for the delivery (*hypokrisis*) of these orations, creating a performance before the eyes of the jurors. The different nature of the two speeches of Demosthenes -- *Against Conon* is a private speech, while *Against Meidias* is a public speech -- offers us the unique opportunity to compare the convergences and divergences in *ēthopoiia* and *hypokrisis*. For, as it has rightly been argued, the nature of the case affected the options available to the speakers in terms of the content of their speech, the arguments, and the rhetorical strategies.[48] In what follows, I aim to examine how the *ēthē* of Conon's sons and of Meidias are sketched and how these passages may have been delivered in order to show how the orator tries to stir up the emotions of the audience in the law-court, creating the "performance" of these orations. Although we cannot hope to recover all delivery ploys and despite the fair amount of speculation involved in this enterprise, we can nevertheless, by examining the transmitted oratorical script and using even lacunose information in ancient (mainly rhetorical) treatises, identify a substantial number of opportunities for effective delivery.[49]

Performance and Forensic Oratory

We tend to think of performance as being exclusively connected with drama and as involving the enactment of a dramatic play by a group of actors (*hypokritai*) before an

[48] Rubinstein (2004) 187-203, (2005) 129-45; Serafim (2018) 26-41.

[49] I am more than grateful to Andreas Serafim for his valuable help and insightful comments which led to the fulfillment of this paper.

audience in a venue suitable for staging (*theatron*).[50] The attempt to trace the performative elements of the transmitted oratorical scripts, encompassing a broad scope covering both direct/sensory and cognitive/emotional techniques, is a more recent trend in scholarly research. Andreas Serafim, in his monograph *Attic Oratory and Performance*, refers to this distinction between direct/sensory techniques, on the one hand, which refer to gestural and vocal ploys of what ancient sources call *hypokrisis*. Cognitive/emotional stratagems refer to the more subtle communication between the speaker and the audience, which is not directly sensory, but which still contribute to the overall performance.[51] Hitherto, only a few works of scholarship on ancient oratory have examined the performance dimension of *ēthopoiia*, frequently without drawing the issues together in a *fully* comprehensive way.[52] In what follows, I elaborate on the performative dimension of both *ēthopoiia* and *hypokrisis,* discussing, at the same time, their connection with the theatre.[53]

As far as *ēthopoiia* is concerned, Aristotle's analysis of *ēthos* in the *Rhetoric* and in the *Poetics* underlines this connection between theatre and the law-court. For him, there is an analogy between two "kinds" of *ēthos*:[54] the dramatic author must create the characters' *ēthē* for his actors to embody on stage, just as the *logographos* must develop a suitable characterization for his clients/litigants, typically one that impersonates the State's common *ēthē*. In both cases, the goal is the same: the achievement of verisimilitude; that is, the successful presentation of character depictions that have the potential to convince the audience. Even in a case of a forensic oration, the orator is not so much concerned with the facts as he is with plausibility[55]. Aristotle is clear about the fact that the presentation of the appropriate character leads to persuasion[56] and that this kind of persuasion is achieved *dia tou logou*.[57] In the *Rhetoric*, Aristotle elaborates on the *ēthē* of the young, as well as of the elder, so as to conclude that audiences tend to give credit to speeches that describe *ēthē* similar to their own ones and that *logos* becomes the means of persuasion. On the other hand, in the *Poetics*, the strong connection between rhetoric and the theatre is stated,[58] whilst it is shown how the *ēthē* are closely

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50 For the nature and origin of drama see Shepherd and Wallis (2004) 57-61; Fischer-Lichte (2010) 29-42. For the character of performance in different contexts see the Introduction in Stehle (2014) 3-25.

51 See Serafim (2017).

52 Manuwald (2004) 51-69; Duncan (2006) esp. 58-89.

53 Hall (1995) 39-58 discusses the convergences between theatrical and oratorical performances.

54 For a thorough examination of the correspondences see Kirby (1991) 200-203.

55 See *Rhet*. 1356a 1-23. For a thorough study of plausibility and the εἰκός in the attic orators see Schmitz (2000).

56 *Rhet*. 1356a 1-4, 1403b 9-13.

57 *Rhet*. 1356a 18-20.

58 1450b 7-9.

related to *logos*, actions and purposes of actions.[59] It is thus clear that *ēthopoiia* is a practice associated with both the theatre and oratory and that character creation has an undoubtful performative role.

It is necessary to give the meaning of the term *hypokrisis.*[60] In *Rhetoric*, Aristotle makes a strong connection between delivery and both *ēthos* and *pathos,* meaning that the delivery of a speech should take into consideration the character representation and the expression of emotions,[61] and he also stresses that delivery "is a matter of how to use the voice for each particular emotion".[62] He also mentions the term *lexis agonistikē*, which is *hypokritikotatē*, the most suitable for delivery.[63] This competitive, "agonistic" style suits forensic orations and its purpose is fulfilled through the oral "performance", the delivery of the speech.[64] Demosthenes himself used the verb *agonizesthai* as a synonym to *hypokrinesthai*.[65]

In what follows, I aim to examine *ēthopoiia* and *lexis*/style[66] and their performative aspects. According to Richard Schechner, "to treat any object, work or product "as" performance… means to investigate what the object does, how it interacts with other objects or beings and how it relates to other objects or beings."[67] Simon Goldhill, in his "Programme notes", argues that "performance" in a broad sense is a key element in the life of the Athenian democratic citizen; he specifically relates the notion of performance with *agōn* (contest), *epideixis* (display), *schēma* (self-presentation) and *theōria* (spectating), suggesting that these terms show the "instructive power of the idea of performance culture" in the Athenian society, which can be seen in oratory as well. The elite speakers in the Assembly dramatized their contesting positions (*agōn*) before the spectating audience (*theōria*) and this rhetorical display (*epideixis*) was aiming at their self-presentation (*schēma*). Consequently, my purpose is to discuss *ēthopoiia* and delivery in the above mentioned orations, taking into consideration their performative potential as means of establishing and advancing the speaker's self-presentation on the

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[59] 1454a 17-19

[60] For the importance of *hypokrisis* in ancient oratory see Arnott (1991) 51-54; Gunderson (2009) 88-100.

[61] *Ēthos:* 1388b31-1391b7, *pathos*: 1378a31- 1388b30. Cf. Quint. *Inst. Or.* VI, 2, 8.

[62] *Rhet*. 1403b26. Later on, Cicero (*De Or*. 2. 182) discusses the importance of the tone of voice for the orator to express particular emotions and concludes that delivery is strongly connected to emotions (3. 216).

[63] *Rhet*. 1413b3-1414a20. See also Sonkowsky (1959) 258-261.

[64] Graff (2001) 21, 33-35; Sifakis (1998) 25; Innes (2007) 162-163.

[65] Sifakis (1998) 25.

[66] For the various meanings and translations of the notion see Ricoeur (1996) 370.

[67] Schechner (2006) 38.

one hand and the relationship between the speaker and the audience as well.[68] As Richard Schechner unequivocally puts it, performance can be seen in every aspect of everyday life, as long as people communicate with each other.[69]

Against Conon

In *Against Conon*, Demosthenes writes in favour of Ariston, who brings into court an action for battery (*dikēn aikeias*)[70] against Conon. Ariston accuses Conon and his sons of physically assaulting him, not only once, but twice, and that the assault upon him was deliberate. Indeed, he argues that he could have brought a *graphēn hybreōs*[71] against Conon and his sons, instead of the *dikēn aikeias,* because the assault upon him was clearly, as he asserts, a very serious one, which could have led to his death. He also attempts to show that the intention behind the assault was his humiliation and implies that Conon and his sons wanted to show their superiority over him, showing contempt of his rights as a democratic citizen.[72] Ariston does not, however, take the risk involved with a *graphēn hybreōs,* which would have been a difficult case for him to prove, since he would have to convince the jury of the hybristic motives of the offender, rather than just narrating the facts.[73] This is why the chances of a successful prosecution were greater in a *dikēn aikeias,* where the proof of the fact of the assault was enough for a successful outcome for the plaintiff. It should be noted here that, in a case of *aikeia,* what mattered most was to prove who initiated the violent acts, *arkhōn heirōn adikōn* (ἄρχων χειρῶν ἀδίκων).[74]

This study of the *ēthopoiia* in *Against Conon* will begin with a reading of sections 3-5, in which it is narrated how Conon's sons, in a drunken state, abused Ariston's slaves and

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[68] See Goldhill and Osborne (1999) 1-29 for a discussion of performance in various aspects of the Athenian life. For a study of an aspect of performance in relation to ancient oratory see Gunderson (2000).

[69] Schechner (2006) 49-50.

[70] Fisher (1992) 39: a *dikēn aikeias* was open only to the victim and the criterion was that the accused "had struck the first blow".

[71] For the difference between private and public trials see Osborne (1985) 40-46. The law about *hybris* lies in Dem. 21.47: "ἐὰν τὶς ὑβρίζῃ εἰς τινά, ἢ παῖδα ἢ γυναῖκα ἢ ἄνδρα, τῶν ἐλευθέρων ἢ τῶν δούλων, ἢ παράνομόν τι ποιήσῃ εἰς τούτων τινά, γραφέσθω πρὸς τοὺς θεσμοθέτας ὁ **βουλόμενος** Ἀθηναίων οἷς ἔξεστιν": (If anyone assaults any child or woman or man, whether free or slave, or commits any unlawful act against anyone of these, any Athenian citizen who desires so to do, being qualified, may indict him before the Judges (Translation by J.H. Vince 1935, Loeb Classical Library). See also Harris (2008) xxvi.

[72] *Hybris* is closely related to arrogance, according to Aristotle (*Rhet*. 1378b14-29). See also Cairns (1996) 2-4 and Fisher (1992) 7-8.

[73] For Ariston's preference for bringing a *dikēn aikeias* see MacDowell (1978) 131-132.

[74] See Wilson (1991) 165.

finally assaulted Ariston as well two years previously at Panactum, while Ariston was there on garrison duty. Ctesias, one of Conon's sons, made a second, much more violent, attack on Ariston some time afterwards, again whilst drunk, together with his father and other drunken friends.

Initially, Demosthenes' choices in vocabulary and syntax are worth examining. Ariston starts his narration of the facts with the verb ἔπινον; it is very important that he puts emphasis on this, because everything that follows in the description of the actions of the defendants, will be the result of their drunkenness. This is why he says that they were drinking the whole day and places ὅλην separately, to emphasize it.[75] He then uses two verbs in past continuous, τοῦτο διετέλουν ποιοῦντες and ἐπαρῴνουν, in order to show the duration of the drinking. Also, the proverb παρά in this verb (παροινέω) shows that the drinking was out of control.[76]

Then, when he speaks about the violent and humiliating behaviour of Conon's sons to the slaves, he uses polysyndeton (πολυσύνδετον), with a four-fold repetition of καὶ: ἔτυπτον καὶ τὰς ἀμίδας κατεσκεδάννυον καὶ προσεούρουν, καὶ ἀσελγείας καὶ ὕβρεως οὐδ' ὁτιοῦν ἀπέλειπον. The three verbs ἔτυπτον - κατεσκεδάννυον - προσεούρουν describe insulting and, as far as the last two are concerned, disgusting acts towards the slaves. ἔτυπτον needs no further explanation – it means "to beat up". προσεούρουν also, having the prefix πρός, means to urinate on someone. κατεσκεδάννυον meanwhile does not just carry the meaning of "scattering"[77], since the preposition κατὰ shows the intension of the scattering towards both directions, "here and there".[78] Here, therefore, κατεσκεδάννυον would mean "completely scatter". The fact that Demosthenes uses three verbs, with a particularly intense meaning, in the past continuous, and reinforced by *polysyndeton*, suggests this is a conscious device to show the duration and excess of the improper and impertinent behaviour.

What is most important in this part of his oration is that Demosthenes concludes the first set of ungentlemanly actions by Conon's sons with the remark that ἀσελγείας καὶ ὕβρεως οὐδ' ὁτιοῦν ἀπέλειπον. He uses *aselgeian* and *hybrin,* two notions which both refer to intentional offensiveness and impiety. It is interesting to note that Ariston mentions the term *hybris* twenty-two times in the whole oration, despite the fact that his case is for *aikeian (*battery), which was a private offence, and not *hybrin*. Even the first

[75] Carey (1985) 78: "the normal time for such a heavy drinking would be at a symposium after the evening meal."
[76] In oratory, drunkenness is considered with indulgence or severity, according to the case. In the case of Meidias, it is stressed that he did not have the extenuation of drunkenness when he turned against Demosthenes.
[77] See LSJ, lemma κατασκεδάννυμι.
[78] See Smyth: Greek Grammar, p. 474-475.

word of his oration is a derivative of *hybris* (ὑβρισθεὶς). What Ariston wants to demonstrate is that he was attacked by people who showed him great disrespect (ἠσέλγησαν), which could be levelled up to *hybris*[79], since the offenders were far from *sophrones* and demonstrated great arrogance. The question raised here, then, is why Ariston chose to bring a case for battery and not *hybrin*? He gives his own answer to this question in the *prooimion*, which is, more or less, that he did not bring a *graphēn hybreos* against Conon and his sons due to his humility and modesty.[80] In section 6, Ariston repeats his reluctance to be involved in a court case: μὰ τοὺς θεοὺς οὐ μὴν ἔγωγ᾽ ᾠόμην δεῖν οὔτε δίκην λαχεῖν αὐτοῖς οὔτε λόγον ποιεῖσθαι τῶν συμβάντων οὐδένα.[81] To strengthen this impression, he also mentions that he was not the only one who complained to the *strategus* about Conon's sons' bad behaviour; on the contrary, all of the other hoplites did so: τῷ στρατηγῷ τὸ πρᾶγμ᾽ εἴπομεν κοινῇ πάντες οἱ σύσσιτοι προσελθόντες, οὐκ ἐγὼ τῶν ἄλλων ἔξω. This is a *locus communis* in forensic oratory, since a humble and ἥσυχος litigant makes a much better impression than the opposite approach. Despite the fact that this trial was a private one, the speaker uses the term hybris, so as to strengthen his arguments.

It is important to note that the reaction of Ariston and his friend is described by the participle ὁρῶντες, which proves that they did not take any action against the gang. Demosthenes then uses the verb ἀπεπεμψάμεθα, which here means that Ariston and his friend ignored the incident. In section 5, Ariston gives us a long sentence, where, with a fast, non-stop narration, he presents what happened after he and his fellow soldiers

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[79] *Hybris,* according to Aristotle, is to do and say embarrassing things in order for the offender to please himself, through the supremacy he is led to feel: In *Rhet*. 1378b 3 it is stated that "Ἔστι γὰρ ὕβρις τὸ πράττειν καὶ λέγειν ἐφ᾽οἷς αἰσχύνη ἔστι τῷ πάσχοντι, μὴ ἵνα τι γίγνηται αὐτῷ ἄλλο ἢ ὅ τι ἐγένετο, ἀλλ᾽ ὅπως ἡσθῇ: οἱ γὰρ ἀντιποιοῦντες οὐχ ὑβρίζουσιν ἀλλὰ τιμωροῦνται. Αἴτιον δὲ τῆς ἡδονῆς τοῖς ὑβρίζουσιν, ὅτι οἴονται κακῶς δρῶντες αὐτοὶ ὑπερέχειν μᾶλλον: Insolence is also a form of slighting, since it consists in doing and saying things that cause shame to the victim, not in order that anything may happen to yourself, or because anything has happened to yourself, but simply for the pleasure involved. Retaliation is not 'insolence', but vengeance. The cause of the pleasure thus enjoyed by the insolent man is that he thinks himself greatly superior to others when ill-treating them (Translation by W. Rhys Roberts, https://ebooks.adelaide.edu.au/a/aristotle/a8rh/index.html). See also Fisher (1992) 7-8; Cairns (1996) 2-4; Harris (2008) 81.

[80] πάντων δὲ τῶν φίλων καὶ τῶν οἰκείων, οἷς συνεβουλευόμην, ἔνοχον μὲν φασκόντων αὐτὸν ἐκ τῶν πεπραγμένων εἶναι καὶ τῇ τῶν λωποδυτῶν ἀπαγωγῇ καὶ ταῖς τῆς ὕβρεως γραφαῖς, συμβουλευόντων δέ μοι καὶ παραινούντων **μὴ μείζω πράγματ᾽ ἢ δυνήσομαι φέρειν ἐπάγεσθαι**, **μηδ᾽ ὑπὲρ τὴν ἡλικίαν περὶ ὧν ἐπεπόνθειν ἐγκαλοῦντα φαίνεσθαι**, οὕτως ἐποίησα καὶ δι᾽ ἐκείνους ἰδίαν ἔλαχον δίκην, ἥδιστ᾽ ἄν, ὦ ἄνδρες Ἀθηναῖοι, θανάτου κρίνας τουτονί: All my friends and relatives, whose advice I asked, declared that for what he had done the defendant was liable to summary seizure as a highwayman, or to public indictments for criminal outrage; but they urged and advised me not to take upon myself matters which I should not be able to carry, or to appear to be bringing suit for the maltreatment I had received in a manner too ambitious for one so young. I took this course, therefore, and, in deference to their advice, have instituted a private suit, although I should have been very glad, men of Athens, to prosecute the defendant on a capital charge (Translation by Norman W. DeWitt and Norman J. DeWitt).

[81] However, on my own part I swear by the gods I never saw fit to bring an action against them, or to pay any attention to what had happened.

complained to the *strategus* about the behaviour of the sons of Conon. He begins with the participles λοιδορηθέντος ἐκείνου and κακίσαντος which mean that the *strategus* censured them for their behaviour not only towards Ariston, but, in general for how they behaved themselves at the camp (περὶ ὧν ὅλως ἐποίουν ἐν τῷ στρατοπέδῳ). They not only did not show any shame for their acts, however, but they also did not cease to cause problems (τοσούτου ἐδέησαν παύσασθαι ἢ αἰσχυνθῆναι*)*. As soon as it became dark, they attacked Ariston and his fellow hoplites by jumping into their scene, swearing at and beating Ariston and making so much noise that the *strategus*, the *taxiarchus* and some of the other soldiers came in and all of them tried to stop the assaulters, because, as Ariston again does not fail to mention, they were excessively drunk (παροινουμένους). Ariston deliberately also mentions that it was late at night and dark, so as to show that the attack was insidious; the lads "jumped" (εἰσεπήδησαν*)* into the scene of Ariston, used abusive language, verbal violence that is (κακῶς ἔλεγον), and caused serious injuries (πληγὰς ἐνέτειναν) to him and his friends. All in all, their actions were at the least insulting in every aspect: psychological, moral, physical; and Demosthenes' use of the above-mentioned verbs: εἰσεπήδησαν, κακῶς ἔλεγον, πληγὰς ἐνέτειναν corresponds perfectly to this division. The result of all this is that they caused shouting and noise (κραυγὴν καὶ θόρυβον*),* disturbing the normality of the camp, so that the authorities needed to intervene in order to prevent anything ἀνήκεστον (not able to be rectified) from happening. The narration at this point becomes very detailed, fast and descriptive, so as to "present" what exactly happened on the specific night. If we examine carefully the facts that Ariston narrates in sections 3 to 9, we will see the immoral behaviour of people in a symposium, people who are members of a *kōmos,*[82] which means that they are involved in situations where they drink excessively, get out of control and start taunting others.[83] Their mischievous acts may look like the mere playful behaviour of a group of youngsters, but this is exactly the perception that Ariston aims to challenge; their revelry is by no means innocent humour, on the contrary, it reveals their contemptuous aggression.[84] So, what Demosthenes succeeds in doing here is to arouse negative feelings to the judges and audience about the defendants,[85] since he pictures them as an uncontrollable gang of riotously drunk young men, in spite of the disciplined military environment of the camp, who became violent and malicious to Ariston, without him having previously shown any provocative behaviour towards them.

[82] For an extensive analysis of κῶμος see Pickard-Cambridge (1962) 132-162 and Pütz (2007) 121-28.

[83] This is consistent with the depiction of the defendants in §14. See also Carey (1985) 86-87.

[84] See Halliwell (1991) 287-288.

[85] For the implementation of drunkenness in the attic orations see Goldhill and Osborne (1999) 160 and Fisher (1990) 129-132. See also Lanni (1997) who comments on the reactions of *periestēkotes* during the trial and their effects on litigants and jurors.

The orator so far has demonstrated, by employing suitable style, the *ēthē* of Conon's sons, which are far from the decorum of the classical Athenian. It is important to stress that the *ēthopoiia* of the defendants is founded on the exploitation of what is seen and what is heard of, images and sounds. The mention of drinks, urine, the scattering of clothes, together with the screaming and swearing, function as performative actions which form the narration of immoral deeds.[86] The audience becomes the spectator (*theōros*) of a staged scene, for which they will be called to make a judgement. As Schechner asserts, "performances exist only as actions, interactions, and relationships";[87] on the other hand, in an oratorical speech, the triangulation of relationships is shaped between the two opponents and the audience, forming a three-cornered dialogue.[88] Studying the *ēthopoiia* of Conon's sons, the three-cornered dialogue takes place between the plaintiff Ariston, who attacks his opponents by creating negative impressions for them to the audience, while, on the other hand, the defendants must counteract these impressions so as to receive the vote of acquittal. In other words, this section of *Against Conon* serves as a good case study of how *ēthopoiia* may have a performative dimension, apart from the rhetorical one, by assessing the actions of the speaker's opponents and by showing how the presentation of these actions affects the audience, who will later be called to evaluate them by their judgement.

On the other hand, the way in which Demosthenes has organized §5 in small syntactical colons, which are either separated by commas or connected with "and", helps as far as the *hypokrisis* is concerned, because the speaker would suitably adjust his voice and, consequently, his gestures according to what he wants to stress. Therefore, Ariston would pronounce the colons from φήσαντες γὰρ up to οὐδ' ὁτιοῦν ἀπέλειπον by emphasizing καὶ, which appears four times and conjoins the ignominious acts of the offenders. The speaker could also stress the *polysyndeton*, so as to co-ordinate the accumulation of the disgraceful acts.[89] The *homoeoteleuton* which can be seen in the verbs ending with the syllable –ον emphasizes the acts which are connected with the *polysyndeton*.[90] It might be expected that the speaker would most probably adopt a

[86] This narration may bring to mind the messenger's narration in tragedy, since in both cases the speaker narrates actions that form an *ēthos.* Confer, e.g. the guard's narration in 249-277 of Sophocles' *Antigone*, where the guard narrates the facts about Polyneikē's funeral and the guards' thoughts and actions, employing description, images, sounds, so that the *ēthos* of the non-culprit guard is being formed.

[87] Schechner (2006) 38.

[88] See Classen (1991).

[89] Wooten (1997) remarks that "style is never simply ornamentation but reflects content". In the *First Philippic* 7, simple, straightforward clauses connected with polysyndeton are used to emphasize the consequences of the acts of the Athenians. See also Lausberg (1998) 306.

[90] Lausberg (1998) 323.

disgusted expression[91] when pronouncing τὰς ἀμίδας κατεσκεδάννυον καὶ προσεούρουν and also that the tone of voice would be more intense on the word ὕβρεως, because this is what the speaker in particular wants for the jurors to have in mind. In addition, the colons from λοιδορηθέντος δ' αὐτοῖς up to παροινουμένους ὑπὸ τουτωνί form a lengthy periodic sentence which needs to be uttered with voice crescendo,[92] with an intense tone on the conjunction οὐ μόνον - ἀλλὰ καὶ[93] περὶ ὧν ὅλως ἐποίουν. The sentence τοσούτου ἐδέησαν παύσασθαι ἢ αἰσχυνθῆναι, which follows immediately afterwards, is a crucial point in the oration, since it shows the insolence of the assaulters, and therefore has to be pronounced in a strong voice. As the speaker proceeds to utter the next colons, ὥστ' ἐπειδὴ θᾶττον συνεσκότασεν… παροινουμένους ὑπὸ τουτωνί, his tone of voice must become more intense still, since this is the part that describes the offenders' abusive acts towards Ariston.

Also, τοσαύτην in **τοσαύτην** κραυγὴν καὶ θόρυβον, καὶ in ὥστε **καὶ** τὸν στρατηγὸν **καὶ** τοὺς ταξιάρχους ἐλθεῖν **καὶ** τῶν ἄλλων στρατιωτῶν τινάς, ἀνήκεστον and παροινουμένους must be stressed, so that the audience will receive the message that Conon's sons were behaving like a street gang and their insolence was so excessive that it required the intervention of the authorities. We can also deduce that the speaker would adjust his facial expressions to what he uttered, to encourage the audience to share his negative feelings for Conon's sons: repulsion, hatefulness, disgust.

These are only some indicative assertions of the many more which could be made for the specific sections. All in all, the argument which is made here is that Demosthenes sketches the *ēthos* of Conon's sons and employs adequate *lexis/style*, so that certain negative *pathē* will be aroused in the audience towards the offenders. In spite of the private character of the trial, he employs techniques usual in public speeches, mainly the presentation of the opponents as public dangers. However, some dark points remain dark and unnoticed. Thus, it is highly suspicious[94] that the *strategus* did nothing to punish the young men, although Ariston describes their behaviour as highly insulting towards the moral code of the Athenians at that time and, what is more, Ariston says that they generally misbehaved themselves throughout their stay at Panactum.

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[91] For the sentiment of disgust and its utilization in attic oratory see Webb (2013) 68, who connects disgust with *ekphrasis,* and Worman (2008). See also Cirillo (2009).

[92] Quint. XI 3. 62: the voice is the index of the mind. See also Gunderson (2009) 86-100 for an analysis and sources of the functions of voice in delivery.

[93] For the *kat' arsin kai thesin* figure of speech see Herm. *On Style* 1.11.400-406.

[94] See Carey (1985) 80-81 and Morford (1966) 241-248.

Against Meidias

Against Meidias, unlike Against Conon, is a public case. Demosthenes wrote this speech to accuse Meidias of insulting behaviour, when Demosthenes was a *choregos* at the Great Dionysia of 348 BC (the date is uncertain).[95] Meidias did whatever he could to make things hard for Demosthenes: he destroyed the chorus costumes, tried to bribe Demosthenes’ chorus-trainer, the judges and the magistrates. Worst of all, Meidias slapped him on the face in the theatre of Dionysus and tore apart his clothes in the presence of the audience which crowded the theatre. In general, Meidias acted in full premeditation, according to Demosthenes.

A few days later, Demosthenes brought a *probolē*[96] against Meidias in the ecclesia and the crowd voted against Meidias, so Demosthenes was free to bring him to the court of *Hēliaia* for a trial. Nevertheless, Demosthenes withdrew the case, whilst the written oration, as we have it, was never pronounced in court, we suppose due to the fact that he was very young at the time and it was quite possible that he would face defeat in court. The fact that the speech was never delivered in court may be why there are some imperfections in its form and content, and scholars have tended to the conclusion that its final form would have been very different from what has come down to us, if Demosthenes had continued working on it.[97]

A very important point which is stressed in this oration is the fact that Meidias attacked Demosthenes when he was a *choregos*. Athenian law paid considerable respect to the rich who served the city by offering their fortunes for public duties, such as for military services and festivals, and such contributors were considered as public benefactors. The *choregoi*, to whom the city of Athens owed the splendour of its great festivals, were afforded especial respect and appreciation from the citizens and the authorities.[98]

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[95] For the date of the oration see Harris (1989) 121-123 and MacDowell (1990) 10–11.

[96] *Probolē (*προβολῆ): it was applied in circumstances where religious festivals and mysteries were concerned, or cases of sycophancy, abuse of public money or inadequate implementation of public duty: see lemma *probole* in: http://www.stoa.org/projects/demos/article_law_glossary?page=all&greekEncoding=/ (access on December 12th, 2013).

[97] For the various opinions on the matter see Harris (1989).

[98] See Christ (2006) 165-170 and Fisher (2003) 194-195 for the reciprocity which develops between the rich and poor. In *In Leptinem* (34 and 142) Demosthenes characterizes χορηγούς as benefactors: τί οὖν οἴεσθ’, ὦ ἄνδρες Ἀθηναῖοι, τοῦτον τὸν τοιοῦτον περὶ ὑμᾶς γεγενημένον, ἐὰν ἀκούσῃ νόμῳ τὴν **ἀτέλειαν** ὑμᾶς ἀφῃρημένους αὐτὸν καὶ μηδ’ ἂν μεταδόξῃ ποτὲ ψηφισαμένους ἐξεῖναι δοῦναι**;** **(**What, then, men of Athens, do you expect of this man, who has proved himself such a friend to you, if he learns that you have deprived him by law of his immunity, and have made it illegal to bestow it hereafter, even if you change your minds?) **…ἐστι τοίνυν πάντα ταῦτ’, ὦ ἄνδρες Ἀθηναῖοι, δικαιοσύνης, ἀρετῆς, μεγαλοψυχίας ἐπιδείγματα.** μὴ τοίνυν δι’ ἃ πάλαι παρὰ πάντα τὸν χρόνον ἡ πόλις εὐδοξεῖ, ταῦτ’ ἀνέλητε νῦν· **μηδ’ ἵνα Λεπτίνης ἰδίᾳ τισίν, οἷς ἀηδῶς ἔχει, ἐπηρεάσῃ, τῆς πόλεως ἀφέλησθε καὶ ὑμῶν αὐτῶν ἣν διὰ παντὸς ἀεὶ τοῦ χρόνου δόξαν κέκτησθε καλήν**· μηδ’ ὑπολαμβάνετ’ εἶναι τὸν ἀγῶνα τόνδ’ ὑπὲρ ἄλλου τινὸς **ἢ τοῦ τῆς πόλεως ἀξιώματος**, πότερον αὐτὸ δεῖ σῶν εἶναι καὶ ὅμοιον τῷ προτέρῳ, ἢ μεθεστάναι καὶ λελυμάνθαι*:* All these, men of Athens, are

Demosthenes begins his argumentation on this basis, that Meidias assaulted him when he was serving his city under a public duty, and that by doing so he was therefore assaulting the whole city and the people who were celebrating the festival of Dionysia. This is why he states that he chose to bring a *graphēn hybreōs (*γραφὴν ὕβρεως*)* into court, which had to do with offences where the insult against the litigant involved a serious assault by the defendant and consisted a crime which, according to the law of *hybris*, had a public character and concerned all citizens; this is the reason that the law stated that anyone from among the citizen body had the right to sue the offender.[99] Based on this, Demosthenes states that he chose to prosecute Meidias on a *graphēn hybreōs* not only because of the seriousness of the offence, but also because the defendant, if defeated in court, would pay a fine not to the prosecutor but to the city. Demosthenes thus shows that the recompense that he sought was not monetary, but the rehabilitation of his lost dignity.

Demosthenes' reference to his *choregia* is a point which serves a twofold purpose. On the one hand, Demosthenes wishes to take advantage of the public character of Meidias' case, consequently he chooses to stress this point which is closely related to his beneficial actions as a democratic citizen towards the public interest. On the other hand, the mentioning of the *choregia* could be seen as an element of the performative character of this trial; Demosthenes presents himself as having undertaken the "role" of the *choregos*, before the eyes of the audience-spectators, in the Athenian society of *theōrein* (watching festivals), while Meidias came and destroyed his "performance".[100] The fact that he speaks about his "performance" as *choregos* on the specific day of Meidias' assault towards him, while, on the day of the trial, he gives another "performance" as the accuser of Meidias, makes the performative impression of this trial even stronger, as in both cases he exploits the display (*epideixis*) of "embodying forth authority, glamour, position".[101] The orator perfects his self-presentation and self-promotion as a

proofs of justice, of virtue, of magnanimity. Then do not now destroy the very qualities on which throughout its history our city's reputation is founded; do not, in order that Leptines may vent his spite on men whom he dislikes, rob both yourselves and your city of the fair fame that has been yours in every age; do not suppose that anything else is at stake in this trial save the honor of Athens, whether it is to stand unimpaired as of old, or to pass into neglect and degradation. (Translation by C. A. Vince and J. H. Vince, Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1926). The rich, however, often felt compelled by the state to consume a large proportion of their property for public deeds, and this sometimes led them to make efforts in order to avoid a liturgy: Gabrielsen (1994) 53-60; Cohen (1992) 192 ff. and Christ (2006) 191 ff.

[99] Fisher (1990) 126, 132, (1992) 41-43. For the charge against Meidias see Rowe (1993).

[100] The notion of "performance" may carry various meanings, but, according to Carlson, all performances need the observer of the action, an audience.

[101] Goldhill (1999) 3.

magnificent benefactor, whilst Meidias comes forward as the destroyer of Demosthenes' "performance".[102]

A close look at §§152-164 of the oration reveals that the orator creates for Meidias the image of a very rich man, whose wealth makes him tight-fisted, arrogant and not at all benevolent; and that furthermore this wealth led him to a provocatively luxurious way of life, which he never fails to demonstrate to the public. In §158 the orator initially asks a rhetorical question: τίς οὖν ἡ λαμπρότης, ἢ τίνες αἱ λῃτουργίαι καὶ τὰ σέμν' ἀναλώματα τούτου; Demosthenes questions Meidias' beneficial acts towards the city; in fact, he says that there are no liturgies, no λαμπρότης[103] and no σέμν' ἀναλώματα on behalf of Meidias. On the contrary, the only λαμπρότητα and ἀναλώματα that Meidias has shown are only about himself; and these ἀναλώματα are far from σεμνά. He makes large expenses only for himself: he owns a huge residence in Eleusina, which outshines all the other houses in the area (ὥστε πᾶσιν ἐπισκοτεῖν), he uses two white Sicyonian horses for his wife's transportation (ἐπὶ τοῦ λευκοῦ ζεύγους τοῦ ἐκ Σικυῶνος) and himself διὰ τῆς ἀγορᾶς σοβεῖ (swaggers about the market-place) having with him τρεῖς ἀκολούθους ἢ τέτταρας and κυμβία καὶ ῥυτὰ καὶ φιάλας ὀνομάζων, so that all passers-by could listen to him. Demosthenes sketches Meidias as arrogant and a boaster, who does not miss an opportunity to demonstrate his excessive wealth to his fellow citizens. The orator here deploys *ekphrasis*,[104] as a means of presenting before the eyes of the jurors a vivid image of the garish Meidias,[105] who walks around the agora scorning the democratic value of equality among the citizens: his boastful arrogance has exceeded the acceptable *metron*, so that it has become *hybris*: ἃ δ' ἐπαιρόμενος τούτοις ὑβρίζει.[106]

What Demosthenes states here is that Meidias has offered no money of his own in order to benefit the city: οὐκ οἶδ' ὅ τι τοὺς πολλοὺς ὑμῶν ὠφελεῖ. Despite the fact that he is one

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[102] Confer Goldhill (1999) 8-9.

[103] *lamprotēs* here appears as a synonym of *megaloprepeia,* which means spending money for the public good; see Aristotle's *Nicomachean Ethics* 1122b 17-23: …καὶ **ἔστιν ἔργου ἀρετή, μεγαλοπρέπεια, ἐν μεγέθει.**Ἔστι δὲ τῶν δαπανημάτων οἷα λέγομεν τὰ τίμια, οἷον τὰ περὶ θεούς, ἀναθήματα καὶ κατασκευαὶ καὶ θυσίαι, ὁμοίως δὲ καὶ περὶ πᾶν τὸ δαιμόνιον, καὶ ὅσα πρὸς τὸ κοινὸν εὐφιλοτίμητά ἐστιν, **οἷον εἴ που χορηγεῖν οἴονται δεῖν λαμπρῶς ἢ τριηραρχεῖν ἢ καὶ ἑστιᾶν τὴν πόλιν: …**and excellence in an achievement involves greatness. Now there are some forms of expenditure definitely entitled honorable, for instance expenditure on the service of the gods votive offerings, public buildings, sacrifices and the offices of religion generally; and those public benefactions which are favorite objects of ambition, for instance the duty, as it is esteemed in certain states, of equipping a chorus splendidly or fitting out a ship of war, or even of giving a banquet to the public (Translation by H. Rackham. Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1934).

[104] For an extant analysis of *ekphrasis* in ancient literature see Serafim (2015) 97-98.

[105] Quintilian some centuries later spoke of *visiones*; see Tellegen-Couperus (2003) 148. Cf. Quint. *Inst. Or.* VI 2,34.

[106] It is interesting that Demosthenes uses the word *hybris* only once in this paragraph, although Meidias' arrogance is quite excessive. It seems that Demosthenes wants to *imply* the notion of *hybris* more than to explicitly refer to it, possibly because he is more interested in depicting a man who is a show-off.

of the richest (ὅσα μὲν τῆς ἰδίας τρυφῆς εἵνεκα Μειδίας καὶ περιουσίας κτᾶται*)*, he only undertook a liturgy when he was forced to, either because he was included in the one thousand and two hundred citizens who were responsible for the trierarchy,[107] or because he was compelled due to the *antidosis*[108] procedure, as Demosthenes states in paragraph 156.[109] What comes across, therefore, is that Meidias did not show the appropriate *philotimia*[110] as a wealthy citizen, which would mitigate his misbehaviour against Demosthenes. On the contrary, he acts as if his wealth gives him an "excuse", in other words the power and the right, to look down on the rest of his fellow citizens.

The fact that Meidias has never "donated" his wealth for the public benefit but, on the contrary, his wealth has only been used by him, for his own well-being and delight, could easily arouse the indignation of his fellow citizens[111] and, as a result, it is exploited by the speaker so as to discriminate Meidias from the rest of the citizens. According to Aristotle, whereas indignation is felt towards someone's unmerited good fortune, envy is malicious jealousy towards our equals; in the first case, this is a justified sentiment which derives from the anger towards someone who enjoys prosperity and well-being and is not regarded to be worthy of it.[112] It is highly possible that this sentiment is what Demosthenes aims to arouse among his audience, since he sketches Meidias as a person with excessive self-esteem and a lack of decency towards his fellow citizens. Thus the *ēthos* of Meidias which is constructed here is that of a vicious rich man, a prosperous aristocrat, who has contempt for his fellow citizens and uses his wealth only for his own luxury, but without having the modesty to avoid showing off his riches[113]; it is inevitable, then, that such a person would provoke the indignation of others.

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[107] For the *symmoriai* see Christ (2006) 150.

[108] Christ (2006) 159-160.

[109] *Against Meidias*, 155-156: Ἀλλὰ μὴν τί ἄλλο; τραγῳδοῖς κεχορήγηκέ ποθ᾽ οὗτος, ἐγὼ δ᾽ αὐληταῖς ἀνδράσιν. Καὶ ὅτι τοῦτο τἀνάλωμ᾽ ἐκείνης τῆς δαπάνης πλέον ἐστὶ πολλῷ, οὐδεὶς ἀγνοεῖ δήπου. Κἀγὼ μὲν ἐθελοντὴς νῦν, οὗτος δὲ καταστὰς ἐξ ἀντιδόσεως τότε, οὗ χάριν οὐδεμίαν δήπου δικαίως ἄν τις ἔχοι. Τί ἔτι εἱστίακα τὴν φυλὴν ἐγὼ καὶ Παναθηναίοις κεχορήγηκα, οὗτος δ᾽ οὐδέτερα: Well, is there anything else? He has once equipped a tragic chorus; I have furnished a band of male flute-players; and everyone knows that the latter involves much greater expense than the former. Moreover, my service is voluntary; his was only undertaken after a challenge to exchange property. Therefore no one could justly allow him any credit for it. What else? I have feasted my tribe and equipped a chorus for the Panathenaea; he has done neither (Translation by A.T. Murray, Cambridge, MA, Harvard University Press; London, William Heinemann Ltd. 1939).

[110] *philotimia* meant the love for honour, which led wealthy citizens eagerly to spend money for the public benefit; see Whitehead (1983) 60, Wilson (2003) 192, Skultety (2009) 48). There were cases though where *philotimia* meant the selfish claim for honour, as in the case of Meidias.

[111] Fisher (2003) argues that the unwillingness of the rich to give parts of their fortune for the public good could often be utilized by the orators in order to stimulate envy to the audiences.

[112] Aristotle *Rhet*. 1386b ff.

[113] See also Ober (1994) 95.

We have seen already that the orator has used vocabulary which displays Meidias' wealth so that the *pathos* of jealousy will be aroused to the audience. What is strongly performative in the section in question is that the orator does not restrict his speech only to the mere reference of Meidias' excessive wealth. Instead, he attempts to "present" Meidias' actions before the eyes of the audience, as descriptively as he can, manipulating the audience and the jurors to visualize a lively persona, close to an Aristophanic hero, whose acts and noises are more than excessive. As in *Against Conon*, Demosthenes creates a "performance" within the trial and does not limit his construction of Meidias' *ēthopoiia* to a mere reference of Meidias' unethical behaviour. On the contrary, the orator portrays Meidias' actions, gestures and tones of voice exploiting the skill of "performative imagination", aiming to make the audience imagine a character whose *ēthos* results from his chosen words and deeds.[114]

On the other hand, Meidias' *schema*, that is, his physical appearance, is given by Demosthenes as descriptively as possible. A schema is an appearance of what is seen, a "form", epitomized by a man's gait (*badisma*), expression, voice and attitude, and "it is a fundamental expression for the embodiment of *epideixis* in the agonistic world of the *polis*".[115] In addition, schema is "the composed form of an observed phenomenon," thus it is something "modelled, learnt and made up"[116], a key element of performance. Subsequently, Meidias' description and appearance, his expressions and his attitude, compose his *schema* which is presented to the "gaze of the citizens" for their evaluation and verdict. Additionally, Demosthenes' composition of Meidias' description is another *schema*, which verbally expresses Meidias' actions. Both interpretations of *schema* construct the embodiment of *epideixis* and make it fundamental to the "performance of the citizen".[117]

As far as the *hypokrisis* of this section is concerned, it is interesting to explore Demosthenes' rhetorical techniques. The rhetorical question in section 158 is divided into three parts: **τίς** οὖν ἡ λαμπρότης**, ἢ τίνες** αἱ λῃτουργίαι καὶ τὰ **σέμν' ἀναλώματα** τούτου; The pronouns introduce the rhetorical questions and are naturally accentuated by the speaker. The answer that Demosthenes gives to his rhetorical questions includes an emphasized negation: ἐγὼ μὲν γὰρ **οὐχ** ὁρῶ. In the long periodic sentence which follows, where Demosthenes gives examples of Meidias' τρυφή, we can imagine the orator raising his voice to a crescendo as he utters the colons ἐπὶ τοῦ λευκοῦ ζεύγους τοῦ

[114] Confer Fredal (2003) 253.
[115] Goldhill (1999) 4-5.
[116] ibid 4-5.
[117] ibid 5.

ἐκ Σικυῶνος, καὶ τρεῖς ἀκολούθους ἢ τέτταρας αὐτὸς ἔχων διὰ τῆς ἀγορᾶς σοβεῖ, κυμβία καὶ ῥυτὰ καὶ φιάλας ὀνομάζων, especially emphasizing τρεῖς, τέτταρας and σοβεῖ, adding a little, or perhaps a large amount of irony, as he would make a suitable gesture to represent how Meidias and his servants arrogantly walked around the agora, while Meidias spoke loudly – σοβεῖ – about his precious weighing dishes (κυμβία καὶ ῥυτὰ καὶ φιάλας). It is impossible that such a figure would remain unnoticed by the rest of the citizens; and that is exactly Demosthenes' intention here: that everybody, the jurors and the whole city, realize that Meidias is a person who constantly tries to draw attention from the others; he is a loud and insolent aristocrat who behaves with contempt not only to his inferiors but also to the city's laws.[118]

In the rest of section 159, Demosthenes also uses suitable vocabulary in order to distinguish Meidias from the rest of his fellow citizens, including the judges: he states that "you, who are <u>many</u>, have nothing to gain from Meidias' possessions, which are used for his <u>own</u> luxury" (ἐγὼ δ' ὅσα μὲν τῆς **ἰδίας** τρυφῆς εἵνεκα Μειδίας καὶ περιουσίας κτᾶται, οὐκ οἶδ' ὅ τι **τοὺς πολλοὺς ὑμῶν** ὠφελεῖ). Here, through the *antithesis*[119] between Meidias and the rest of the citizens, the orator distinguishes Meidias' luxury from the mass of the citizens, and his voice will give the emphasis to this. He then continues by saying that Meidias' arrogance, which is *hybris*, has affected many of the citizens (ἃ δ' ἐπαιρόμενος τούτοις ὑβρίζει, ἐπὶ πολλοὺς καὶ τοὺς τυχόντας ἡμῶν ἀφικνούμεν' ὁρῶ); here again Meidias is discerned and isolated from the rest of the citizens, while the orator most probably would make a friendly gesture towards the audience, when uttering ἐπὶ πολλοὺς καὶ τοὺς τυχόντας ἡμῶν. It is no coincidence that he uses the pronoun ἡμῶν instead of ὑμῶν; as with the previous periodic sentence, he seeks to include himself into the set of the citizens and, at the same time, to exclude Meidias as an "intruder", while, at the same time, he serves the public character of the trial. The orator ends with the conclusion that a wealthy man's *philotimia* should be measured according to what he offers to the state, because these are deeds which all citizens can enjoy and partake in (οὐδὲ τὴν **φιλοτιμίαν** ἐκ τούτων κρίνειν, εἴ τις οἰκοδομεῖ λαμπρῶς ἢ θεραπαίνας κέκτηται πολλὰς ἢ σκεύη [καλά], ἀλλ' **ὃς ἂν ἐν τούτοις λαμπρὸς καὶ φιλότιμος ᾖ, ὧν ἅπασι μέτεστι τοῖς πολλοῖς ὑμῶν**). But, Demosthenes concludes, none of this is Meidias' advantage (ὧν οὐδὲν εὑρήσετε τούτῳ προσόν). Thus, Demosthenes in *Against Meidias* has constructed the *ēthos* of Meidias as that of a prosperous but self-centred aristocrat, whose life-style provokes resentment and

[118] Harris (2008) 10, 12
[119] For the antitheton between sentences see Lausberg (1998) 352.

indignation by his fellow citizens. After all, as Demosthenes remarks in par. 151: “Meidias is the real composer of my speech.”

Conclusion

This study of *ēthopoiia* and *hypokrisis* in *Against Conon* and *Against Meidias* has elaborated primarily on the relationship between *ēthos* and *pathos*, which together create a successful character presentation based on the rhetorical strategy of the orator. What is noteworthy is that *ēthopoiia* and *hypokrisis* are not examined merely as rhetorical techniques but also, and most importantly, as integral parts of the performance of the trial: the paper has demonstrated that *ēthopoiia*, as character presentation, and *hypokrisis*, as *lexis/style*, may function in a performative dimension. Despite the fact that Conon’s sons were prosecuted in a *dikē*, whilst Meidias' was a public trial, in both orations Demosthenes presents the prosecuted as a public danger, who needs to be eliminated. Demosthenes depicts both Conon’s sons and Meidias as offenders who have overreached what is thought to be *metrion* and acceptable by the Athenian citizen, in a way that the audience would consider them as *hybristas*. However, in *Against Meidias*, Demosthenes makes much more use of the contrast between the one and the many, exploiting the public character of the trial. As far as the *hypokrisis* is concerned, as has been shown in the selected passages, it is evident that the orator adequately adjusts the way he organizes his *lexis/style* according to the *ēthos* and *pathos*, aiming at the construction of a “performance”, in which the audience are presented with a powerful impression of a “vicious” offender, as far as Conon’s sons and Meidias are concerned.

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The Status of *Plebiscita* 494-287 BC

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1. Introduction

The term *plebis scita* (*plebiscita*), translated literally as "resolutions of the plebs", refers to the approved *rogationes* brought before the *concilium plebis* by *tribuni plebis*.[120] Initially, in the first half of the fifth century, *plebiscita* bound only those who passed them. They were only binding as far as the *plebs* (as a distinct social group) agreed, via their acceptance of the proposals of the *tribuni plebis*, to adhere to them; at this time, they were not binding on the larger community. It was not until 287 that the dictator Q. Hortensius passed a law, which was later taken as definitive, stipulating that *plebiscita* should bind the entire populace, thus providing to the resolutions of the *plebs* an equal status to that of *leges*.[121] However, there are records of two *leges* before 287 (449 and 339) enacting measures to the same end – to make *plebiscita* binding on the *populus*.[122] The problem of the existence of three almost identical *leges* has been addressed extensively by numerous scholars, yet no general consensus on the issue has been achieved.[123] Most notably Cornell, In his *Beginnings of Rome*, suggested that the initial instance of this *lex* in the *leges Valeriae Horatia* (449) established the general principle that the plebeian assembly could enact legislation but that this ability was subject to certain restraints, such as the need to acquire *auctoritas patrum* or to attain the approval of the *comitia populi*, removed by the later iterations of the *lex* in 339 and 287.[124] While this hypothesis is attractive, it raises the question of why were the later iterations of the clause not noted for the significant removal of constraints? Forsythe has suggested that since the 449 instance of this *lex* appears after the enactment of the Twelve Tables, it should be understood as a definitive legal principle and not a law proper – a legal principle that became a constitutional formula used, as in 339 and 287, when it was necessary to point out that a new law superseded an older one.[125] This hypothesis, too, is

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[120] Gai. *Inst.*1.3; Cornell (1995) 261; Drogula (2012); all dates are BC; all translations are my own.
[121] Gai. *Inst*.1.3; Plin. *HN*.16.37; Gell. 15.27.5.
[122] For 449 see Livy 3.55.3; Dion. Hal. 11.45; For 339 see Livy 8.12.15.
[123] Greenidge (1901) 94-126; Staveley (1955); Schiller (1977) 232-235; Scullard (1980); 468-470; Oakley (1998) 523-525; Sampson (2005) 306-315; Lanfranchi (2015) 230-240.
[124] Cornell (1995) 277-278; cf. Lanfranchi (2015) 234, n. 95 for a comprehensive listing of scholars with a similar viewpoint.
[125] Forsythe (2005) 231-233; cf. Lanfranchi (2015) 234, n. 97 for a comprehensive listing of scholars with a similar viewpoint.

problematic as it does not account for why this legal formula does not appear after 287. Further discussion of the problem is required.

Due to the nature of the evidence we possess for the period of the Early Roman Republic, any serious discussion of the period must rely primarily on the accounts of Livy and of Dionysius of Halicarnassus, the implications of which have been acknowledged and discussed in detail.[126] When attempting to address the problem at hand - the legal status of *plebiscita* - a considerable problem presents itself in the form of the potential for our sources, writing several centuries after the events in question took place, to retroject familiar contemporary conceptions and practices, be it unconsciously or not, or similar historical events onto the temporal period in question via their narratives.[127] While this certainly merits a degree of caution and, to an extent, scepticism, it should not and does not prevent us from reading the literary evidence at face value when appropriate. Thus, this article takes a traditional ancient-source-based approach and examines the changes in the legal status of *plebiscita* by reconsidering the literary evidence and providing clarification of the process via which they became equivalent to *leges* by default. This article assesses the *leges Valeriae Horatiae* (449), the *leges Publiliae Philonis* (339) and the *Lex Hortensia* (287), and the changing status of *plebiscita* by examining those enacted between each of the aforementioned laws. These *plebiscita* are collected on three tables. I propose that prior to 449, *plebiscita* unopposed by the *patres* were afforded the status of quasi-*leges* which possessed a *de facto* universal applicability and were yet to be recognised by statute law. Furthermore, I suggest that the *leges Valeriae Horatiae* of 449 provided the status of *leges* to existing *plebiscita* which had previously held the status of quasi-*leges* while also establishing a precedent for the acquisition of the same status for the *plebiscita* that followed, up until 339. I will demonstrate that the *leges Publiliae Philonis* had a similar effect on the status of *plebiscita* but their enactment reflected increasing patricio-plebeian cooperation and thus facilitated the process by which *plebiscita* became *leges*.

2. 494 – 449 BC

In 494 the *plebs* seceded from the Roman state to either the *Mons Sacer* or the Aventine hill.[128] During this secession the plebeian movement supposedly established its own *concilium*, the *concilium plebis*, and created the office of tribune of the *plebs* (*tribunus plebis*). These were both recognised by the *lex sacrata*, and thus the movement

[126] On the ancient evidence: Cornell (1995) 1-26, esp. 16-24; Forsythe (2005) 59-77, esp. 66-67.
[127] For examples of arguments created from an awareness of this problem: n. 6; n. 19.
[128] For secession to *Mons Sacer*: Livy 2.32.3; Dion. Hal. 6.45.2; Aventine: Livy 2.32.3, referencing Piso's account.

established itself as the "*plebs*".[129] During the forty-four years that followed this secession, we hear of several occasions on which *tribuni plebis* brought a proposal before the *plebs* in their *concilium* seeking to create a *plebiscitum* recognised by the consuls, senate and the whole *populus*. These are collected on Table I.

Table I: Plebiscita from 494 – 449

Date (BC)	**Reference**	**Sponsor**	**Passed/Vetoed/Failed**	**Matter**	**Reason for success/failure**
486	Val. Max. 5.8.2; Livy 2.41.1; Dion. Hal. 8.68.1	Sp. Cassius Vicellinus.[130]	Failed	Agrarian	
484	Livy 2.42.6		Failed	Agrarian	Senators would not reward plebeian agitation with their assent
480	Livy 2.44.1-6; Dion. Hal. 9.2	T. Pontificus	Vetoed	Agrarian	Blocked by Tribune colleagues
476	Livy 2.52.2-5; Dion. Hal. 9.27.1-5	Q. Considius & T. Genucius	Failed	Agrarian	The *patres* resisted
474	Livy 2.54.2; Dion. Hal. 9.37-38	-	Failed	Agrarian	Consuls resisted the measure
472/1	Livy 2.56.1, 57.1; Dion. Hal. 9.43.4	V. Publilius	Passed	Constitutional	Opposed by the *Patres* initially until Ap. Claudius concedes
467 (2 *Plsc*)	Livy 3.1.2; Dion.Hal. 9.59	-	Failed/Passed	Agrarian	Initial proposal approved by one consul T. Aemilius; second proposal approved
462	Dion. Hal. 9.69.1	-	Failed	Agrarian	Did not secure popular support
457	Livy 3.30.5; Dion. Hal. 10.30.2	-	Passed	Constitutional (Increase number of *tribuni plebis* to 10)	*Patres* approved
456	Livy 3.31.1, 3.32.7; Dion. Hal. 10.31-2.	L. Icilius	Passed	Agrarian	Conditional of appointment of *decemviri*/ accepted by

[129] Livy 2.33.1-3; Dion. Hal. 6.89.1.
[130] Only Valerius Maximus presents Sp. Cassius Vicellinus as a tribune of the plebs, see Diod. 11.1.2, 37.7 in addition to the texts referenced in Table I.

Consuls and senate in order to appease plebeians

As shown on Table I, we know of at least one successful *plebiscitum* (in other words, having achieved the status of *lex*, prior to 449): the *lex Icilia de Aventino publicando* of 456.[131] Dionysius of Halicarnassus provides a detailed account of the process through which the *plebiscitum* passed in order to receive a status equal to that of a universally binding *lex*.[132] If we accept Dionysius' account as historically accurate, then even prior to 449 it appears to have been possible for a *plebiscitum* to acquire the status of *lex* if the senate first assented. Dionysius tells us the tribune Icilius first approached the consuls requesting they pass a "preliminary vote" for the law and subsequently submit his proposal to the people.[133] This having failed, Icilius is said to have agitated for a discussion of the *plebiscitum* in the senate which, having assented, would introduce the *plebiscitum* to the *comitia centuriata*.[134] Strachan-Davidson's reading of this passage is that at this point *plebiscita* were no more than mere petitions which required the senate's approval and a secondary vote in the *comitia centuriata* before they could be considered binding on the *populus*.[135] I shall instead argue we should not attribute the passing of any *plebiscitum* into *lex* to such a codified process until after 339. Prior to the *leges Publiliae Philonis*, the senate's recognition of a *plebiscitum* appears only to have provided it a *de facto* status of *lex* which was enhanced to the status of *lex* either in 449 or 339.

To begin, we must recognise that by the time Livy and Dionysius were writing, *patres* and *senatus* had become synonymous. This is important as neither author demonstrates an awareness of the earlier differentiation between the two terms, applying them synonymously. During the fifth century, the *patres* ('fathers') appear to have been the patrician members only of the senate.[136] As Friezer noted, the word '*patres*' in the formula *patrum auctoritas* (the assent the *patres* gave to decisions of the Roman popular assemblies) denotes that it was only patricians who were either granting or withholding their assent.[137] Thus the approval of the senate, to which Dionysius refers above, is likely to have been the approval of the *patres* only, not the whole senate. The role played by *patrum auctoritas* certainly changed over time; as we shall see, by 287 *patrum auctoritas* appears to have become merely a formality as *tribuni plebis* began to

131 Livy 3.31.1, 3.32.7; Dion. Hal. 10.31-2.
132 Dion. Hal. 10.31-2.
133 Dion. Hal. 10.31.3.
134 Dion. Hal. 10.32.1-4.
135 Strachan-Davidson (1890) 463.
136 Cornell (2016) *OCD s.v. Patrum Auctoritas*; Livy 6.42.10; Sall. *Hist*. 3.48.15; Cic. *Dom*. 14.38; Gai. *Inst*.1.3.
137 Friezer (1959) 320.

act upon *senatus consulta* which rendered *patrum auctoritas* redundant. Furthermore, I suggest *patrum auctoritas* existed informally before 339 when applied to the *concilium plebis*. That is, the recognition of *plebiscita* by the senate prior to 339 essentially served the same purpose as the *patrum auctoritas* post 339. It had, however, not yet been stipulated that *patrum auctoritas* itself must apply to the resolutions of the *plebs*.

Cornell disregarded Dionysius' account of the *lex Icilia* on the basis that his writing reflects late Republican *optimates* ideology and thus emphasises an anachronistic belief of senatorial superiority to the tribunes.[138] Cornell suggested instead that all *plebiscita*, including the *lex Icilia*, were *leges sacratae* in as much as their authority stemmed from nothing more than a collective plebeian oath, based on Livy's account of plebeian conditions of acceptance for the appointment of the *decemviri*.[139] Although I agree with Cornell's suggestions that all *plebiscita* were in fact *leges sacratae* when they concerned the plebeian organisation alone, the descriptions offered by Livy of resistance by the *patres* should prompt us to reconsider Dionysius' account.

At 2.42.6, Livy refers to the senators not rewarding (*gratuiti*) plebeian agitation for land reform in 484; the only form of reward worth considering is surely a grant of senatorial assent and thus a concession of the proposed law. Regarding the same law, we are told at 2.42.8 that the tribunes who had advocated the law were held in contempt as they could not carry it through, which again suggests some form of additional action was expected of tribunes for the law to be ratified beyond the *concilium plebis*.[140] Likewise, at 2.52.3, Livy tells us that the *patres* resisted a proposed land-law.[141] This agrees with Dionysius' attestation that the tribunes felt compelled to submit *plebiscita* to the senate should the consuls initially refuse them. At 2.54.2, Livy states *consules…summa vi resistunt*, thus again lending weight to Dionysius' account of the procedure for the ratification of a *plebiscitum* by commenting on the strong consular resistance experienced.

Thus the allusions to the formal rejection of *plebiscita* by the consuls and the 'senate' found in Livy, when read alongside Dionysius' account of the passing of the *lex Icilia*, suggest that in the years leading up to 449 a *plebiscitum* which became *lex*, while maintaining the *nomen* of the tribune who initially sponsored it, must have received *patrum auctoritas*.[142] However, it is important to note that on no occasion before 449

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[138] Cornell (1995) 262; similar: Humbert (1998) 215-218.
[139] Cornell (1995) 262; Livy 3.32.7.
[140] *Vana lex vanique legis auctores iactando inritum munus facti.*
[141] *In resistentes incitare patres nec in universos modo, sed in singulos.*
[142] Mitchell (1990) 188.

does Livy explicitly refer to a grant of *patrum auctoritas* and that the examples cited above simply account for instances in which the approval of the senate was sought. Yet if not *patrum auctoritas,* then what other form of approval was being sought? A possible answer is that Livy merely alludes to the fact that the plebeian leaders sought from the *patres* the recognition of their *plebiscita* as quasi-*leges*. In other words, that the *patres* would recognise the validity of the *plebiscita* over the populus but would not yet accord them the status of lex.

According to Livy, all eleven identifiable *plebiscita* prior to 449 concerned external reforms (i.e. reforms that affected the *populus* and not just the *plebs*), seven of which failed to be recognised by the senate as *leges* for one reason or another.[143] Problems arise in the form of the *lex Icilia* and *lex Publilia*, so we shall begin by addressing the former. As Cornell highlighted, this was – theoretically – an external reform as the Aventine was public land belonging to the *populus*.[144] However, in reality, its occupation by the *plebs* would appear as if an internal reform had been enacted, as it only affected the plebeian organisation itself. The *concilium plebis* did not have the authority to have passed a *plebiscitum* agreeing to occupy the Aventine, as it infringed on public law. Therefore, despite only affecting the plebeian organisation in practice, it would have required, as with all other demands for external reform, the recognition of the senate. Livy states that in 452, the *lex Icilia* "*aliaeque sacratae leges*" received a guarantee against abrogation.[145] This raises concerns. For reasons unstated, the validity of not only the *lex Icilia* but the *lex Publilia* and original *lex sacrata* of 494 was in danger of abrogation. The fact that the *lex Icilia* was an external *plebiscitum* performing as an internal one, which would have remained merely as a *lex sacrata* as opposed to a quasi-statute law, explains why Livy may have deemed it a *lex sacrata* along with the others, that is he simply did not acknowledge the change in status of the *plebiscita* which had occurred in 456, 471 and 494. This is unsurprising; Livy had little interest in 'constitutional' matters.[146]

2.1 Lex Valeria Horatia de plebiscitis 449 BC

The *lex Valeria Horatia de plebiscitis* is the first *lex* which sought to alter the legal status of *plebiscita*. Both Livy and Dionysius attest that a law was passed in 449, alongside two others, by the *comitia centuriata*, which stated: *ut, quod, tributum plebes iussisset, populum tenet*.[147] There are some scholars who question the historical authenticity of the

[143] See Table I.
[144] Cornell (1995) 262.
[145] Livy 3.32.7.
[146] Cornell (1995) 262.
[147] Livy 3.55.3 "…what the plebs should order in the tribal assembly should be binding on the people"; Dion. Hal. 11.45.1.

leges Valeriae Horatiae, suggesting they are a product of later authors attempting to impose an anachronistic democratic ideology upon the early period of their history.[148] These scholars also argue that the connection between the *leges Valeriae Horatiae* and the *gens Valeria* is highly suspicious due to the influence of Valerius Antias on the tradition. Staveley refuted these arguments by suggesting that while they may be correct in denying authenticity to the *lex de provocatione*, the *lex de plebiscitis* should be viewed as a patrician compromise rather than democratic reform won by the plebeians themselves.[149] Furthermore, anyone who denies historical authenticity to the *leges Valeriae Horatiae* must find an alternative explanation for the dramatic increase in the number of *plebiscita* which became binding on the *populus* in the years between 449 and 339.[150] It is clear that the recognition of the *plebiscita* of 494, 471 and 456 as *leges* by statute law established a precedent for the *plebiscita* in the years that followed. As Mitchell noted, tribunician legislation before 287 is so well documented that it is surprising, and most likely detrimental to our study of the period, that modern scholars seek to disqualify it rather than seek an alternative explanation.[151]

Although there were eight successful *plebiscita* in the period 449-339, Table II in the next section shows that the *patres* in the senate were still able to obstruct the resolutions of the *plebs*.[152] This supports Staveley's reading as the *lex de plebiscitis* appears to have been a manageable concession rather than truly democratic reform. Although the recognition of the *plebiscita* of 494, 471 and 456 as statute laws by the *Valeria Horatia de plebiscitis* provided a precedent which clearly facilitated the recognition of *plebiscita* until 339, it was still possible for the *patres* to refuse to concede to the plebeians' demands. Thus a significant degree of control remained with the *patres* in the senate.

We may now draw some conclusions regarding the *lex Valeria Horatia de plebiscitis* and the legal status of *plebiscita* before its enactment. Prior to 449, as we have seen, it was possible for *plebiscita* to become quasi-*leges* should the senate recognise their validity. Furthermore, it is likely that the *tribuni plebis* only sought the senate's recognition when proposing an external *plebiscitum* and were only likely to acquire it should the measure (in practice) affect only their own organisation. Due to the lack of evidence suggesting that the *lex Icilia* of 456, the *lex Publilia* of 471 and the original *lex sacrata* of 494 were ever recognised as *leges* by statute law prior to 449, I propose that the *lex Valeria*

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148 Siber (1936), see Maddox (1984) 86 for a summation in English; Cantarella (1991) 385; Oakley (1998) 524.
149 Staveley (1955) 16; Maddox (1984) 87.
150 Esp. *lex Canuleia* (445); *leges Liciniae Sextiae* (367); *leges Genuciae* (342).
151 Mitchell (1990) 191.
152 Senatorial obstruction: 1) 445 (1) – *tandem patres ut de conubio ferretur concessere*; 2) 445 (2) – *de consilibus creandis nihil mutaretur*; 3) 441 – *cum magno certamine;* 4) 367 – *quia patricii se auctores futuros negebant*.

Horatia de plebiscitis accorded them such validity.[153] If historical authenticity is granted to the *lex de provocatione* then it may be used to support this interpretation. The *lex de provocatione* recognised the *sacrosanctitas* of the plebeian tribunes, an external *plebiscitum* which already enjoyed a *de facto* status of *lex*.[154] Thus the *leges Valeriae Horatiae* served to officially recognise already existing principles in statute law. However, because the *plebiscita* which followed until 339 were still subject to failure and required the recognition of the senate, the *lex Valeria Horatia de plebiscitis* could not have also given validity to future *plebiscita*.

3. 449-339 BC

This section examines the *plebiscita* which followed the *leges Valeria Horatia* of 449 up until the passing of the *leges Publiliae Philonis* in 339, which once more altered the legal status of *plebisicita*. As demonstrated above, as part of the *leges Valeria Horatia*, the *lex de plebiscitis* provided validity to the quasi-*leges* of 494, 471 and 449. The examination of the *plebisicita* following 449, collected on Table II, will demonstrate that increased patricio-plebeian collaboration necessitated a reassessment of the legal status of *plebiscita*.

Table II: Plebiscita from 449-339

Date (BC)	Reference	Sponsor	Passed/Vetoed/Failed	Matter	Reason for success/Failure
448	Livy 3.65.1-4	L. Trebonius	-	Prohibit co-optation of *tribuni plebis*	-
445 (2 *plsc*)	1) Livy 4.1.1-4.6.3; Cic. *Rep.* 2.63; Flor. 1.17; Ampel. 25.3 2) Livy 4.1.2-3	C. Canuleius/ 9 *tribuni plebis*	Passed/Failed	Intermarriage between the orders/Possibility to elect consuls from the *plebs*.	*Patres* conceded to determination of Canuleius believing demands for plebeian consuls would be forgotten. Military tribunes with consular power chosen instead

[153] Friezer (1959) 326; the alternative conclusion reached by Staveley (1955) is that the *lex Valeria Horatia de plebiscitis* stipulated that *plebiscita* passed by the *concilium plebis* required *patrum auctoritas* to become law. As we have seen, there is no mention of *patrum auctoritas* at this time in relation to the *concilium plebis* and thus we cannot assume its requirement as fact.
[154] Livy 3.55.6-7.

441	Livy 4.12.3-4	Poetelius	Failed	Agrarian	Failed to get the consuls to propose matter to the senate
440	Livy 4.12.8; Plin. *HN*. 18.15	-	Passed	Electoral	No senatorial opposition
439	Livy 4.16.2-5; Dion. Hal. 12.4.6	7/10 *tribuni plebis*	Passed	Honorific	No senatorial opposition
432	Livy 4.25.13	-	Passed	Electoral	Tribunes prevailed and law carried
421	Livy 4.43.5-6	-	Failed	Agrarian	Government passed to *interrex*
417	Livy 4.48.1-16	S. Maecilius & M. Metilius	Vetoed	Agrarian	Senate induced tribunes to veto their colleagues during a convened senate
415	Livy 4.49.6-7	L. Decius	Vetoed	Agrarian	Tribune colleagues would not allow legislation to pass without the warrant of the senate
414	Livy 4.49.11; Diod. Sic. 13.42.6	M. Sextius	Failed	Agrarian	-
413 (2 *Plsc*)	1) Livy 4.51.2 2) Livy 4.51.4-6	-	Passed/Failed	Election/Agrarian	Senate decreed the tribunes should seek a *plebiscitum*/ Bolan land redistribution rejected once more
412	Livy 4.52.2-3	L. Icilius	Failed	Agrarian	Pestilence

410	Livy 4.53.2-4	M. Menenius	Vetoed	Agrarian	Tribune colleagues induced to *veto*
401	Livy 5.12.4	-	Failed	Agrarian	Appears to have been dropped due to appointment of a plebeian consular tribune
395/3	Livy 5.24.7-8/5.3.2-8	-	Vetoed/Failed (Passed by Senate)	Resettlement	Initially vetoed by Tribune Colleagues; Did not pass a tribal vote (senate had allowed it to go to that)
387	Livy 6.5.1	-	-	Agrarian	Unable to successfully conduct a *concilium plebis*
367	Livy 6.42.9-10	L. Sextius & G. Licinius	Passed	Electoral (Consular) debt/agrarian/priesthoods	Tribunes' proposals adopted, but were not granted *patrum auctoritas* without concessions
358	Livy 7.15.12	C. Poetelius	Passed	Electoral (bribery)	*patrum auctoritas* received prior to the vote of the *populus*
357	Livy 7.16.1	M. Duillius &L. Menenius	Passed	Debt (Interest)	Less agreeable to the *patres* but was carried through
342	Livy 7.42.1-2	L. Genucius & Unnamed others	-	Debt (Interest)/ Electoral (iteration/plebeian holding both consulships illegal)	-

We will begin with the *plebiscitum Canuleia* of 445, which seemingly repealed the earlier prohibition of intermarriage '*de conubio patrum et plebis*'. While Ogilvie expresses doubts concerning other plebeian legislation in this year, he affords the legislation regarding intermarriage historical authenticity.[155] Initially, the passing of the *plebiscitum*

[155] Ogilvie (1965) 527.

Canuleia into *lex* appears to have resulted from the potential threat which the plebeians posed to the patricians. Von Fritz and Maddox suggested that there is a connection between violent disturbances and the passage of major *plebiscita*.[156] However, an alternative explanation is possible. The *plebiscitum Canuleia* may have passed due to the fact that a majority of patricians eventually supported the proposal.[157] If we accept this alternative explanation, the fact that the senate permitted the law to be carried is explained by the majority of patricians being willing to accord the *plebiscitum* a quasi-*lex* status similar to that of the *plebiscita* of 494, 471 and 456 prior to their acquisition of community-wide applicability in 449.

The case for the *lex de plebiscitis* of 449 providing a precedent for, but not a guarantee of, *plebiscita* becoming *leges* via the recognition of the senate is strengthened by the passing of the *plebiscita Licinia Sextia* in 367. Similarly to the *lex Canuleia*, we find evidence of patricio-plebeian collaboration alongside the plebeian threat of violence on an occasion at which an external *plebiscitum* is in question. However, it is imperative we acknowledge that it was only "leading [often wealthy, politically ambitious] plebeians", who were collaborating with certain patricians for mutual benefit.[158] This fact is most relevant to the *plebiscita Liciniae Sextiae* which sought to attain some degree of political equality between the patricians and plebeians in terms of access to magistracies. The success of these *plebiscita* marks the start for the ideological assimilation of the leading plebeians with their patrician counterparts.[159] This will become important once more when we consider the process by which *plebiscita* became *leges* after 339. It is however, important to note that during the passing of the *plebiscita Liciniae Sextiae*, the *patres* are said to have withheld their *auctoritas*.[160]

Livy writes that a daughter of M. Fabius Ambustus, one of the *tribuni militum consulari potestate* in 381, had married a plebeian and thus endeared the plebeians towards her father.[161] As a result of this, we later find the influential Ambustus advocating the proposals of Licinius and Sextius.[162] A decade of continuous conflict preceded 367, five years of which saw the state in anarchy, yet the threat of plebeian violence alone had not been enough to cause the senate to accept the measures outlined by Licinius and Sextius. The precedent set in 449 surely facilitated the acceptance of the *plebiscita Liciniae*

156 Maddox (1984) 92; von Fritz (1950).
157 Cornell (personal communication 18/12/2016).
158 Cornell (1995) 339.
159 Cornell (1995) 339.
160 See n. 33.
161 Livy 6.34.5.
162 Livy 6.36.7.

Sextiae; yet between 449 and 339 there still remained no codified process by which *plebiscita* could acquire the status of *leges*.

The *plebiscita Genucia* of 342 demonstrate once again the impact of patrico-plebeian collaboration. It was the patrician dictator M. Valerius Corvus who resolved the mutiny of the army and, in doing so, demonstrated willingness to cooperate with the plebeians' leaders. At 7.42.2, Livy suggests that if the "*concessa*" demanded by L. Genucius were made to the commons then the revolt indeed possessed considerable strength. By definition *concessa* implies that some form of grant was made; as we have seen, it is likely that this grant was the recognition of the *plebiscita* as a quasi-*lex*.

What of those 'unsuccessful' *plebiscita* produced by the *concilium plebis* in these years? As Table II shows, there were as many as ten *plebiscita* which the senate did not recognise. Most significantly, the failed *plebiscitum* of 441 demonstrates that at this time there remained no codified process by which *plebiscita* could acquire a status similar to that of *leges* as the tribune Poetelius seems to have been unable to get the consuls to propose the measure to the senate. If *patrum auctoritas* was now required in order for *plebiscita* to be considered as *leges* then in not allowing the *plebiscitum* to be put before the senate, the consuls of the year would have been violating the law of 449. As there is no mention of plebeian outrage at such a violation then this is clearly not the case.

The main reason for the failure of *plebiscita* appears to have been the *veto* of the sponsor's tribunician colleague. Thus, it was not the process which was failing, but rather that the patricio-plebeian collaboration was working both for and against the desires of the *concilium plebis*. While patricio-plebeian collaboration almost certainly increased during this period, and was likely facilitated by the precedent set in 449, there was still a large number of *plebiscita* which could not receive the recognition of the senate. The period 339-287 not only saw this patricio-plebeian cooperation strengthen, but also saw fewer *plebiscita* fail to achieve the status of *leges*. This appears to have been due to provision in the *leges Publiliae Philonis* which stipulated that a grant of *patrum auctoritas* would immediately grant legal validity to the *plebiscitum* in question.

3.1 Leges Publiliae Philonis 339 BC

Here we address what appears to be a replication of one aspect of the *leges Valeriae Horatiae* by the *leges Publiliae Philonis*. At 8.12.14-16 Livy states that the Dictator Q. Publilius Philo enacted three *leges* which provided in part that i) *ut plebiscita omnes Quirites tenerent* and ii) *ut legem quae comitiis centuriatis ferrentur, ante initium* *suffragium patres auctores fierent*.[163] Similarly to the *leges Valeriae Horatiae*, the historical authenticity of the *leges Publiliae Philonis* has been questioned.[164] However, as Botsford rightly noted, there is no cogent ground on which to dismiss such statutes as fictitious.[165]

There are several modern interpretations of what these laws actually provided.[166] Forsythe's view is most striking. He argued that the second provision of the *leges Publiliae Philonis*, that laws brought to the centuriated assembly should be approved by *patres*, could have been mistakenly dated by Livy to 339 when it was actually passed in 471 by the tribune Volero Publilius and served to highlight that the validity of *plebiscita* was the same as that of *leges* passed in the *comitia centuriata*.[167] However, that seems unlikely. There is no explanation as to why Livy might incorrectly date a single provision. Staveley suggests that the "*lex Publilia*" caused the acts of the *populus* in the *comitia tributa* to cease to be subject to *patrum auctoritas*.[168] While this is an attractive hypothesis, it rests on the assumption that such an assembly actually existed, something that is currently impossible to decisively prove. Sampson's hypothesis regarding the first provision seems the most pragmatic. He suggests that the advancement of leading plebeians' status since the *lex Valeria Horatia de plebiscitis* in 449, necessitated similar legislation to confirm that any resolution of the *plebs*, internal or external, should bind the *populus*.[169] While this may explain the first provision, it does not account for the second. However, if we consider the increasing level of collaboration between leading plebeians and members of the patriciate, evident in the *plebiscita* of 445, 367 and 342, an alternative solution arises.

I argue that the *leges Publiliae Philonis* served to provide legal validity to the *plebiscita* which had been recognised by the senate but had not been granted legal validity by the *lex Valeria Horatia de plebiscitis*. The *leges Publiliae Philonis* must be read in the context of the increasingly aligning interests of the leading plebeians and the oligarchy. Table III clarifies Livy's meaning in the second provision. *Patrum auctoritas*, a recognisable term for contemporaries, was now the official approval of the *patres* which served to pre-validate *plebiscita* prior to the *tribuni plebis* proposing the measure to the

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163 i) that the resolutions of the *plebs* should be binding on all Quirites; ii) that laws brought to the Centuriate assembly, before going to a vote, should be approved by the *patres*.
164 Botsford (1968) 299, n. 2.
165 Botsford (1968) 299; cf. n. 32 for Mitchell's (1990) view.
166 Not all will be discussed here, for alternative suggestions see Greenidge (1901) 124; Scullard (1980) 470; Drummond (1990); Botsford (1968 orig. 1909) 300-302; for further discussion cf. Schiller (1977) 233.
167 Forsythe (2005) 182.
168 Staveley (1955) 28; on the existence of a *comitia tributa*, see: Williamson (2005) 21-23.
169 Sampson (2005) 313.

concilium plebis. As Oakley noted, the *leges Publiliae Philonis* officially marked the end of the revolutionary character of the *tribuni plebis* as they became tools of the Roman oligarchy.[170] This is evident from the process by which the *plebiscita* following 339 in the years up until 287 were passed.

4. 339-287 BC

Table III: Plebiscita from 339-287

Date (BC)	Reference	Sponsor	Passed/Vetoed/Failed	Matter	Reason for success/Failure
327/6	Livy 8.23.11-12	-	Passed	*Imperium* of Q. Publilius Philo	Senate approved the measure before asking the *tribuni plebis* to propose it to the *concilium plebis*
323	Livy 8.37.8-11; Val. Max. 9.10.1	Marcus Flavius	-	Punitive	-
312[171]	Livy 9.30.3-4l	Atilius, Marcius & Decius	Passed	Administrative	
300	Livy 10.6.1-7, 10.9.1-2	G. Ogulnius	Passed	Priesthoods	
296	Livy 10.21.7-10	-	Passed	Agrarian (land commission)	Senate approved the measure before asking the *tribuni plebis* to propose it to the *concilium plebis*
295	Livy 10.22.9	-	Passed	*Imperium* of L. Volumnius	Senate proposed the measure (*Senatus consulto*) which was then proposed to the *concilium plebis*

As illustrated on Table III, known *plebiscita* in these years had the status of *leges*. It is clear that between 449 and 339, leading plebeians increasingly cooperated with the *patres* to achieve mutually beneficial objectives. This level of cooperation continued beyond 339 and hence in 287 the need for *patrum auctoritas* to be acquired for a

[170] Oakley (1998) 525.
[171] Cf. Oakley (1997-2005) 524; contra Staveley (1955) 11.

plebiscitum to become binding on the *populus* was removed. In one instance Livy reports that a *plebiscitum* was initiated by a *senatus consultum*, which we can safely assume made a grant of *patrum auctoritas* unnecessary.[172] The process of assimilation between the leading plebeians and the ruling class of patricians, noted earlier, approaches its zenith in the years leading up to 287.

Table III consists of only five *plebiscita*, all of which were granted *patrum auctoritas* prior to their being voted on in the *concilium plebis*. It is very clear the causes of the leading plebeians and the patrician upper class coalesced during this period. While Table I and Table II demonstrate the varying causes and intermittent conflict between the *patres* and the leading plebeians, most significantly arising from land redistribution and interest rates, Table III shows a marked difference in the leading plebeians' agenda; they now shared the desires of the *patres* for consolidation of their position.[173]

4.1 The Lex Hortensia of 287 BC

In 287, the Dictator Q. Hortensius again made *plebiscita* binding on the *populus*.[174] Although initially this seemed problematic, the above discussion has demonstrated that the *lex* of 287 was the only one (of the three apparent repetitions of the same provision) which allowed the *concilium plebis* to freely enact legislation which would thereafter be inherently equal in status to *leges*. I say 'freely enact' legislation as before 287 *plebiscita* had been subject to certain restrictions.[175] As we have seen, although *plebiscita* could be recognised as binding on the *populus* by the senate, thus acquiring the status of quasi-*leges*, they subsequently required recognition in a statute law in order to be considered universally valid. Additionally, following 339 *plebiscita* were subject to the acquisition of *patrum auctoritas* which, although appearing to have been a mere formality, was nonetheless a restriction on the legislative capability of the *concilium plebis*. We may infer from Gaius' analysis of the *lex Hortensia* that this *lex* dealt with the issue of *patrum auctoritas*, most likely by its removal. He states: *...olim patricii dicebant plebiscitis se non teneri, quia sine auctoritate eorum facta essent. sed postea lex Hortensia lata est, qua cautum*

[172] See Table III 295BC.
[173] It is worth noting that it does not seem to have been debt itself which the *plebs* agitated for relief from, but rather a reform of interest rates.
[174] Gai. *Inst.*1.3; Pliny. *HN.*16.37; Justinian. *Inst.*1.2.4; Dig. 1.2.2.8 (Pomponius); Livy *Per.*11.
[175] Sandberg (2001) 133.

est, ut plebiscita universum populum tenerent: Itaque eo modo legibus exaequata sunt.[176] Here, *sed postea lex Hortensia lata est* suggests that the *lex* mitigated the aforementioned problem, removing *patrum auctoritas* from the process of popular legislation.[177]

5. Conclusion

Three separate *leges* apparently enacted the same reform to the status of *plebiscita* in the period between 449 and 287. I have demonstrated the possibility that the *lex Valeria Horatia de plebiscitis* of 449 simply granted universal validity to *plebiscita* which had been unofficially recognised by the *patres* before 449 and therefore had only enjoyed, up until then, a quasi-*lex* status. Furthermore, it seems logical to conclude that the *lex Publilia Philonis de plebiscitis* accorded universal validity to the *plebiscita* prior to its passing, thus following the precedent established by the *lex* of 449. While *plebiscita* could certainly attain the status of *leges* and become binding on the *populus* in the early-fourth century, it was not until the latter half of that century that any codified process was established. As we have seen, this codified process reflected the increasing level of collaboration between leading plebeians and patricians as the grant of *patrum auctoritas* prior to the vote in the *concilium plebis* was a mere formality. The patricians and the leading sub-section of the plebeian order, by 287, possessed mutual interests.

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[176] "…The Patricians once said that they were not bound by *plebiscita*, as they were created without their *auctoritas*, but afterwards the *lex Hortensia* was passed, by which it was stipulated that *plebiscita* should bind the whole *populus*, and so in this way *plebiscita* were made equal to *leges*."
[177] Gai. *Inst.*1.3.

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United in Grief: Achilles, Alexander and Hadrian

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> "…a Prince should read histories, and in these should note the actions of great men, observe how they conducted themselves in their wars, and examine the causes of their victories and defeats, so as to avoid the latter and imitate them in the former. And above all, he should, as many great men of past ages have done, assume for his models those persons who before his time have been renowned and celebrated, whose deeds and achievements he should constantly keep in mind, as it is related that Alexander the Great sought to resemble Achilles, Caesar Alexander, and Scipio Cyrus."[178]

Since the publication of Andrew Stewart's 1993 book *Faces of Power*, the existing historical tradition that Alexander the Great intentionally emulated the Homeric hero, Achilles, has become further entrenched. Stewart's suggestion that Alexander believed that he was a reincarnation of the protagonist of the *Iliad* has similarly gained acceptance (Stewart 1993, p. 80). The literary evidence for a deliberately fostered link between the two figures is tantalising and this theory has gained a lot of traction with the idea that "Alexander is… trying to become one with Achilles" now ingrained among scholars (Carney 2000, pp. 275-277; Scheer 2007, p. 218; Minchin 2012, pp. 83-84; Zeitlin 2012; Gabriel 2015, p. 76). As an alternative to this established perspective, I suggest that Arrian deliberately reinforced the connection between Alexander and Achilles when describing the death of Hephaestion in the *Anabasis* so that a third ruler, the Roman Emperor Hadrian, could benefit from this association.

There is some difficulty with approaching historical sources relating to this topic as there is an absence of coins and other visual evidence that depicts Alexander styled as the

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[178] Machiavelli, *The Prince* XIV.

embodiment of Achilles. In contrast to this, there are numerous artefacts that show Alexander appearing with the attributes of Herakles or Ammon (Stewart 1993, p. 79). As well as this problem with visual sources, all the extant literary sources for the life of Alexander the Great are dated hundreds of years after Alexander's death and based on the work of earlier writers. This means that the information we have about Alexander the Great encompasses a broad spectrum from the seemingly reliable and plausible, to the outlandishly ahistorical. Despite much of the vulgate tradition being factually similar to the 'good' tradition, this corpus, which includes Diodorus Siculus, Quintus Curtius Rufus and Justin, also includes tales with no historical basis, such as a sexual liaison between Alexander and the Queen of the Amazons (Stoneman 1997, p.4). It is likely that these sources have been omitted from serious scrutiny because they do not provide significant useful evidence for Alexander imitating Achilles, and not due to perceptions of their accuracy or inaccuracy. In contrast to this, Arrian used the accounts of two of Alexander's generals, Ptolemy and Aristobulus, to form the basis of his history, and is "universally regarded as the most authoritative historian of Alexander" (Arr. *Anab*. 1.1.2; Bosworth 1980, p. v). Despite the esteem granted to the *Anabasis*, Ronald Syme has suggested that studies of Arrian as a historian have suffered during the modern preoccupation with the career of Alexander, with the writer considered the "raw material for the industry or ending as a by-product" (1982, p. 182). The role of Arrian as author, as well as the historical context that he was writing in, are important factors in any evaluation of this work.

The first occasion in the *Anabasis* where Arrian directly compares Alexander to Achilles occurs with Alexander's visit to Troy, and to the tombs of Achilles and Patroclus (1.12). Stewart harnesses the anecdote as evidence that Alexander was emulating Achilles, despite revealing his reservations that the incident is not genuinely historical (1993, p. 83). Arrian's account of this incident has become the accepted version of events, even among other ancient historians. This can be seen by a quote that "Alexander Crowned the Tomb of Achilles, and Hephaestion that of Patroclus; signifying that he was as dear to Alexander as Patroclus to Achilles" appearing in the work of Aelian approximately one hundred years later, and without question or doubt to its veracity (Ael. *VH* 12.7). Similarly, modern books about Alexander recount that "he stripped himself and his dear friend, Hephaestion, naked and, smeared with oil, they raced to the tombs of Achilles and Patroclus, which they crowned with ceremonial wreaths" (Doleac 2014, p. 53). It is unfortunate that there is no detailed record of Hadrian's visit to Ilium in the spring of 124, as it may have revealed whether he performed similar acts of commemoration (Birley 2000, p. 140). The act of visiting the place described in the *Iliad* seems significant, however, so-called pilgrimages to Troy were made by other leaders including Xerxes, Julius Caesar, and Tiberius (Hdt. 7.43; Luc. 9.964-1002; Tac. *Ann*. 2.54.5; Minchin 2012, p. 76). A visit to Troy, commonplace in antiquity, seems to be a fairly trivial factor in determining whether Alexander, or Hadrian, were attempting to associate themselves with Achilles.

There is a clearer association between Hadrian and Alexander in Arrian's *Periplus*, which is dated around 130-131 and takes the form of a literary letter to Hadrian (Bosworth 1980, p. 2-3). This work is written in the same style as the *Anabasis* and explicitly states that Arrian felt obligations of gratitude towards Hadrian, (Bosworth 1993, p. 244; Arr. *Peripl.* 2). More revealing is the section where Arrian details a temple dedicated to Achilles, and how the worshippers also praise Patroclus, "whom those, who are disposed to honour Achilles, treat with equal respect" (Arr. *Peripl.* 21.3). Arrian also praises the great qualities of Achilles, including 'the force of his love, and constancy of his friendship' (Arr. *Peripl,* 23.2). This is an interesting perspective on Achilles as most histories highlight his military prowess rather than his capacity for great love. This passage can therefore be interpreted as a "hint at the recent death of Hadrian's beloved Antinous, gently evoked via Achilles" love for Patroclus' (Rood 2011, p. 150). Bosworth makes a similar connection between the two figures and concludes that "Arrian more than hints that the Emperor deserves the same posthumous honours as his mythical model" (Bosworth 1993, p. 249).

The dating of Arrian's *Anabasis* remains unresolved, with different historians offering convincing arguments for an early or later date. Bosworth suggests that the text was completed before Arrian became a senator, whereas other scholars elect a later date, usually after Arrian's time as consul (Bosworth 1972, pp. 172-178; Carlsen 2014, pp. 211-212). Arrian's history of Alexander may have been completed after his retirement, which followed the death of his friend, Emperor Hadrian (Thomas 2007, p. 11). It is generally accepted that the idealised portrait that Arrian paints of Alexander in the *Anabasis* 'does not come from the past but is a response to Roman *imatio Alexandri*' (Asirvatham 2017, p. 487). Hadrian was a Hellenophile, and his visit to Alexandria allowed him to associate himself with Alexander through the minting of coins that depicted him being greeted by the conqueror (Saunders 2006, p. 84). It is this connection between Hadrian and Alexander that adds another layer of meaning to the *Anabasis* and suggests that the text may have been composed later in Arrian's career.

In common with Alexander, Hadrian had a friend and younger lover, a youth named Antinous from Bithynia, which is the same place of origin as Arrian. In a later Christian text by Athanasius, he is referred to as being the "favourite of Hadrian' and the 'minister of his pleasure" (Athanasius, *Against the Heathens* 9.4). Antinous died in 130 and the cause of his death remains uncertain due to conflicting accounts in the sources. Dio Cassius says that Hadrian's writing states that he fell into the Nile and drowned, but that the real cause of his death occurred "by being offered in sacrifice" (Dio Cass. 69.11.2). This is a different predicament to the deaths of both Patroclus and Hephaestion, who were both soldiers who died young, leaving their counterparts to grieve for them. Subsequently, Alexander sought the deification of Hephaestion, and Hadrian sought, and was granted, the deification of Antinous, and subsequently encouraged his veneration throughout the empire by setting up sacred monuments (Arr. *Anab*. 7.14.7; Dio Cass. 69.11.3-4).

The earliest surviving source that recounts the mourning of Alexander for his companion, Hephaestion, occurs in Diodorus Siculus' *Library of History*, where "the king was intensely grieved at this and entrusted his body to Perdiccas to conduct to Babylon" (Diod. Sic. XVII.110.8). The funeral is then described in detail with very little commentary about any displays of grief shown by Alexander. Quintus Curtius does not mention the death of Hephaestion at all, although there are large chunks of his text missing that may have contained a reference to it. Plutarch describes the grief of Alexander as uncontrollable and that "to lighten his sorrow he waged war, as if the tracking down and hunting of men might console him" (Plut. *Alex*. 72). These descriptions do not explicitly link the death of Patroclus to the death of Hephaestion, although Plutarch's statement recalls Achilles' *aristeia* in Book 21 of the *Iliad*. Arrian also recounts that Alexander cut his hair in mourning "in light of Alexander's emulation of Achilles, who had been his role model since boyhood" (Arr. *Anab*. 7.14.4). This event is the second link between Alexander and Achilles in the *Anabasis* and highlights the similarity between the two figures. However, Alexander's mourning for Hephaestion also serves a secondary function, that is, to provide a historical precedent for the display of grief shown by Emperor Hadrian after the death of his young lover, Antinous.

The grief of Hadrian is described by Saunders as exceeding Alexander's for the singular reason that he established a city, Antinoopolis, for his dead lover (2006, p. 84). The *Historia Augusta* records the grief of Hadrian thus: 'and for this youth he wept like a woman' (SHA, *Hadr*. 14.5). Achilles is described in similar terms in the *Iliad*: "he lay there with his whole body sprawling in the dust, huge and hugely fallen, tearing at his hair and defiling it with his own hands" (Hom. *Il*. 18.22-4). Mary Beard suggests that Hadrian may have been imitating Alexander at this time (2014, pp. 52-53). Beard does go on to suggest that it is more likely that "Arrian was modelling his own picture of Alexander on the behaviour of the emperor under whom he served" (2014, p. 53). The three rulers are therefore linked by the excessiveness of their grief.

Hadrian's mourning of Antinous was not well regarded within Roman society, with Dio Cassius proclaiming "on this account, then, he became the object of some ridicule" (Dio Cass. 69.11.4). Similarly, the mourning for Hephaestion by Alexander was also considered somewhat unseemly as 'Alexander mourned for him longer than became his dignity as a king' appears in Justin's *Epitome of the Philippic History of Pompeius Trogus* (Just. *Epit*. 12.12). Arrian says the following regarding Alexander's display of grief:

> "The historians who report his excesses seem to me to fall into two camps: those who think that anything Alexander did or said in the extremity of his grief for the man who was his dearest friend can only

> redound to his credit, and those who take the opposite view, that there was something shameful in behaviour below the dignity of Alexander or any other king."[179]

It is the 'any other king' of this statement that requires attention and consideration. "Any other king' almost certainly refers to Emperor Hadrian, and offers a redemption of his grief, in that it 'can only redound to his credit" (Arr. *Anab*. 7.14.2-3). Arrian's description of the mourning of Hephaestion can be viewed as an attempt to validate and rehabilitate the legacy of Hadrian. The grief exhibited by both Achilles and Alexander, emphasised by Arrian, therefore makes Hadrian their equal. If Arrian is indeed addressing Hadrian's behaviour following the death of Antinous, then this part of the *Anabasis* offers compelling evidence for a later dating of the work to at least 130, after the death of Antinous.

Elsewhere in the *Anabasis* similarities can be drawn between Alexander and Hadrian. Arrian records the death of Bucephalus and the founding of the city of Bucephala in memory of his horse (Arr. *Anab*. 5.19.4-5). Following this anecdote, Arrian gives his own commentary; "Let this be my own tribute, for Alexander's sake, to the horse Bucephalus" (Arr. *Anab*. 5.19.6). This interjection is a reminder that Arrian is a writer who occasionally offers and casts his own judgement on events. Others have observed that Arrian is a writer who shares his opinions and judgement, and "does not merely transpose material from his sources" (Bosworth & Baynham 2000, p. 4). Arrian's tribute to Bucephalus is therefore evidence that he was not just a conduit for Ptolemy and Aristobulus.

Plutarch also records the death of Bucephalus and describes that 'Alexander was plunged into grief' (Plut. *Alex*. 61). There is a similar incident in the writing of Dio Cassius, where the grief shown by Hadrian following the death of his horse, Borysthenes, can be viewed as 'aping' Alexander's grief at the death of Bucephalus (Dio Cass. 69.10.2; Morwood 2013, p. 73). While Alexander founded a city for his horse, Hadrian "prepared a tomb for him, set up a slab and placed an inscription upon it" (Dio Cass. 69.10.2). Both are great leaders with an affinity for horses such as that shown by Achilles in the *Iliad* where horses also 'define the heroic identity of Achilles, even among a class of warriors who are themselves closely associated with horses' (Hom. *Il*. 19.392*ff;* Mackie 2008, pp. 64-65). I am providing this example to show that there was a natural opportunity in the *Anabasis* for Arrian to use both Alexander and Achilles as exemplars for another king which was not utilised. The reason may be that many examples of bonds between horses and great

[179] Arr. *Anab*. 7.14.2-3.

leaders already existed (Fögen 2017, p. 113). Julius Caesar's horse was raised "with great care and [he] was himself the first to ride it – it would tolerate no other rider. Later on, he even dedicated a statue of it before the temple of Venus Genetrix" (Suet. *Iul.* 61). Similarly, Caligula's affection for his horse, Incitatus, exists as a model of excessive behaviour, regardless of whether he intended to appoint him as consul (Suet. *Cal.* 61). There was no need to redeem Hadrian for mourning his horse because it was not problematic in Roman society.

There are multiple levels of reference occurring in Arrian's *Anabasis* that connect the text to other writers, and to mythic, historical, and contemporary figures. There is an implicit linking of Hadrian with Achilles and Alexander, and Antinous with Patroclus and Hephaestion, which only becomes apparent when the document is viewed in light of its context. Bosworth and Baynham, when discussing the influence of literary models upon the writers, make the point that "the literary embellishment is justifiable; it enlarges on traits which were actually present" (2000, p. 21). Minchin concedes that the truth of whether Alexander was deliberately emulating Achilles is based on the Alexander tradition or "in accord with the individual motivation of each writer" (2012, p.84). Arrian's *Anabasis* and Plutarch's *Life of Alexander* are the best sources of evidence but what is there is largely circumstantial and not always confirmed in other sources. The most convincing evidence, the references to Achilles in Arrian's *Anabasis*, appear to be greatly influenced by the writer's relationship with Emperor Hadrian. Through his description of Alexander's mourning for Hephaestion he reveals a desire to reframe an aspect of Hadrian's legacy that was regarded as being shameful in Roman society. The connection between Alexander and Achilles in the *Anabasis* also serves to align Hadrian with Achilles, using Alexander as an intermediary. The impossibility of knowing the real Alexander is stated best by Claude Mossé: "Alexander the man will always remain a stranger to us, since we can see him only through the eyes of others" (2001, p. 211). Alexander is seen through Arrian's eyes as mourning Hephaestion like Hadrian mourned Antinous.

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Fratantuono, L. M., and Smith, R. (2018). *Virgil, Aeneid 8*, Leiden, The Netherlands: BRILL.

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L. M. Fratantuono and R. Alden Smith's commentary on *Aeneid* 8 is Brill's latest addition to its series of magisterial and hefty commentaries on the *Aeneid*. The former of the two authors was responsible for the commentary, the latter for the introduction, text, and facing translation. The intended readership is vague: "… primarily anyone with a love for the poet, though throughout there is an assumption of a relatively good familiarity with the major trends of Vergilian scholarship" (p. vii). However, given that little attention is given to helping the reader understand grammar and syntax, this commentary would not make an ideal first point of reference for an inexperienced reader, even one with a love for the poet.

Smith's translation is in a slightly old-fashioned prose, e.g. *quare agite* (8.273) = "Wherefore, come". Though a facing translation seems common practice for Mnemosyne, some sort of statement regarding translation choices and purpose would have been appreciated, especially since the translation and commentary were undertaken by different scholars. A facing translation ought, in my opinion, to reflect the commentator's interpretation of the text and the commentary to justify the translation choices where necessary. This could have helped at the two places where I would question Smith's translation of *memorare* (neither of which is included in the *Index Verborum*). 8.79: *sic memorat*, which rounds off the poet's narration of Tibernius' visitation, is translated, "Thus he speaks". Fratantuono reminds us that the phrase's use with reference to Dido (1.631) and Nisus and Euryalus (9.324) are ominous parallels. He also tells us that "The verb is Ennian". But he does not question what T.'s speech has to do with memory, which Smith's translation has passed over. Similarly, 8.532: *tum memorat* = "Then he says". Here, F. sends us back to line 79 for the verb, tells us that *tum memorat* is Ennian, this time giving a precise reference, and adds, "cf. 3.181 (with Horsfall)". I am unclear as to why Horsfall is brought into this, since his note on this line, which is in fact 3.182, is to remark that the expression is also used at 8.532. F. comments on 531 that Aeneas recognises *divae promissa parentis* despite no *promissa* having been given by Venus. *Memorat* could have been read as a continuation of this 'inconsistency'; alternatively, a semantic interrogation to reconcile the role of memory with respect to Aeneas' speech could have been interesting; another possibility is that it is not so much Aeneas' literal memory of events within the *Aeneid* that is in question as the reader's intertextual memory of *Iliad* 18.134 ff. that is being triggered. In short, I would have hoped for a more sensitive treatment of Roman memory in a book dedicated to K. Galinsky (p. ix).

As for F.'s commentary, the reader will be pleased to find it very reader-friendly, in comparison with Horsfall's idiosyncratic style, which has dominated Brill's *Aeneid* commentaries. Despite the overall clarity, the commentary is occasionally marred by editorial slips, e.g. 531 prints 'so' rather than 'no'; 626 reports 4.275 as having *Romanque*; 8.627 has 'it' for 'is'. In addition, I felt that too often F. told us that a certain word was characteristic of a certain author without providing a precise reference. For example, for *omnipotens* qualifying *Fortuna* (8.334), he says "Ennian (both epic and tragic)". F. is, however, more comprehensive in then pointing out places where *omnipotens* is employed in Vergil's works. A more serious editorial oversight was leaving out the reference to a scholar whom F. quotes in his comments on *quae prima* (340).

There were times when I was not sure of the flow of ideas in the commentary. The quotation about *quae prima*, which should have been attributed to Fordyce, expresses surprise that Vergil did not include the prophecy in his narrative. F. comments, "The detail is Evander's, admittedly; in the context of an address to Aeneas, it might well remind the Trojan of his father Anchises' mention of the Romans in the eschatological vision of Book 6: *illa incluta Roma* (6.781); *Romanosque tuos* (6.789); *regis Romani* (6.810); *tu regere imperio populos, Romane, memento* (6.851); *Romana propago* (6.870)". The link which F. makes between the two passages needed greater explanation: I am not sure whether I am to deduce that F. is implying that Carmentis is to Evander what Anchises was to Aeneas in Book 6, and I cannot see the connection between *quae prima* and *Roma*, unfortunately.

I also struggled to follow F.'s train of thought when, within his note on *deus auctor Apollo* (336), he says, "The present description of Apollo is reminiscent of *G.* 3.36, where Apollo is identified as *Troiae Cynthius auctor*: the god is once again an *auctor*, though now not of Troy, but of the Arcadian Pallanteum that rests on the site of the future Rome. The transition from Trojan *patronus* to overseer of the Augustan victory at Actium is well underway, and Evander's mother Carmentis does her part to guide the journey. The linking of Carmentis and Apollo is deeply invested in the language of epic poetry (cf. 340-341 below). Here the title seems to be associated particularly with Apollo's patronage over the Arcadian Evander's settlement at Pallanteum; the prophetic god either inspired the *monita* of Carmentis or offered independent confirmation thereof". My confusion stems in part from F.'s leaving *auctor* untranslated and subsequently his introduction of another term, *patronus*, to describe Apollo's role, without clarifying whether he is referring to the same functions or not. Lewis and Short give 'founder, builder' as the meaning of *auctor* in *G.* 3.36; but this sense is not immediately apparent to me in the *Aeneid* passage, where the term seems foremost to link Apollo to the prophecies guiding Evander. When F. does finally come to explaining the relationship between Apollo and the *monita*, he rightly shows that what Apollo does in connection to them is not exactly clear. 'Inspired' requires, however, further precision: does this mean Apollo was the author of these prophecies, for example? Smith has made his decision, translating, a little freely, *deus auctor Apollo* as "the god Apollo, who inspired her", and thus adding to the confusion regarding F.'s discussion of Apollo's role as overseer/patron.

In addition, F. could have expanded his observation that the Carmentis passage is steeped in epic language by considering the authorial aspect of Apollo, i.e. 'author' as one of *auctor*'s denotations here. Moreover, F. counts the *Aeneid*'s poet himself in the list of characters called *vates* but does not mention the problem of the functions of both poet and prophet coming under the single word *vates*. He tells us, "The vatic god *par excellence* is Apollo (cf. 6.12); the mention of *auctor Apollo* at 336 heralds the status of Carmentis as a *vatis* [*sic*]", but skips over the polemic around the term e.g. Newman, 1967, absent from the bibliography, who remains crucial on the topic of the status of the Augustan and Vergilian *vates*; Hardie, 1986, pp. 11-22; O'Hara, 1990, p. 176ff. Furthermore, F. does not take into account Gransden's important assertion: "In Carmentis, who first sang the future greatness of the sons of Aeneas and noble Pallanteum", V. thus creates a persona of his own 'vatic' inspiration".

Another connection I would have liked to find raised in the commentary is the one between the Dirae on the shield at 701 and the Fury Allecto of Book 7. F. rightly recognises that Dirae haunted Dido and that Jupiter will send one against Juturna on the battlefield at 12.853, but the goddesses bring to mind in particular, at least for me, Allecto, especially given that the Dirae appear here with Discordia (8.702). He also notes that there are affinities between the Dirae and the Furies, but that Servius observed a division, which may or may not be correct, between them (and the Eumenides). F., though he remarks that "In Book 12, the Dirae are clearly associated with the will of Jupiter", does not mention that Jupiter's use of the Dirae is potentially controversial and destabilises the distinctions between Heaven and Hell in the *Aeneid* (Hardie, 1992, p. 73ff.) and that it complicates the place of *furor* in its world (D. Hershkowitz, 1998, p. 114ff.). For this reason, Smith's translation of *Dirae* as 'Furies' is also problematic. It would be worth reflecting on how the Dirae depicted on the Shield might fit into this scheme.

Occasionally I found F.'s notes too vague. For example, in the middle of his notes on the Dirae, he has as the sentence "*Deum ira*", presumably proffering an explanation for the goddesses' name, but expressed so concisely as to easily be missed by the reader. Moreover, its point might, I think, be lost on a less knowledgeable reader, for whom the etymological link needs spelling out. In any case, an indication of the background to this theory would have been helpful. Again, F. lapses into the laconic on *Gelonos* in 725: the final sentence is "Memories of Alexander". Commenting on *lateri atque umeris* (459), F. begins, "Evander is donning a baldric". This is not exactly what the Latin says, and F. does not state whether he is interpolating. Smith is more accurate in translating, "Then he girds his Tegean sword [*ensem*] to his side and shoulders".

The commentary was at times suggestive when a point merited further analysis. For example, on 333 *me pulsum patria pelagique extrema sequentem*, F. begins, "The verse could have been composed with reference to Aeneas; it is especially noteworthy after the self-identification of Evander as one of the *Itali* (332)". Here there is a slight inaccuracy: though *diximus* is in 332, *Itali* is actually in 331. More to the point, F. does not expound on or explicitly mention the parallel between Aeneas and Evander, though Smith's introduction discusses typology.

The commentary is long, as there is much to say, but there were a few notes that I did not feel added much to our understanding of the text. For example, F. states the obvious at 28 for *in ripa*, commenting, "The ideal location for a visitation from the river god". At 292 he comments, "Half the verse is devoted to the goddess' agent, and half to the divine power herself".

Neither was I persuaded by all of F.'s interpretations. On 79 *geminasque legit de classe biremis*, F. comments, "There is perhaps no particular significance to the detail about the two ships, though it is difficult to think of twins and the Tiber in the same context without giving thought to the infants Romulus and Remus; we may consider the parallels between the imminent appearance of the *Sauprodigium* and the she-wolf and her sucklings at 630 ff. The notion of doubling is itself effectively doubled by the two-banked vessels; a different sort of "twinning" will occur at 130 below, of the two sons of Atreus". He does not comment that this is the case for *gemini custodes … canes* of 461-462, so perhaps 'twinning' is not as obvious as he makes out at 79.

Despite these criticisms, one of the strengths of F.'s commentary, in my opinion, is his respect for earlier commentators, and he brings up some gems from their work. I appreciated that F. shares with us the reaction of an earlier owner of his copy of Page's commentary to P.'s comment on 671. But their integration is not always smooth. For example, commenting on 405, F. tells us that Vergil's language is employed to craft a "deliberately ambivalent narrative of sexual innuendo and implicit comparison of the relative states of Venus and Vulcan, all as prelude to the forging of the arms. Again, all of this is foreign to Homer's parallel account; cf. Apollonius of Rhodius, *Arg*. 4.1111ff". I was expecting F. to expand on the differences between Vergil and these models, but instead the note ended jarringly and confusingly after the mention of the *Argonautica*, with the translation of 405-406 by Gould and Whiteley in their commentary on *Aeneid* 8.

The main qualm I have is the authors' stated intention to avoid polemic (p. viii), which makes a more conservative reading of *Aeneid* 8 than perhaps intended. Coupled with the, sometimes, suggestive nature of F.'s notes, the interpretation of the book comes across as less complicated than it is. For example, I would have liked to see in a commentary on Book 8 more discussion of Vergil and Evander as problematic mythmakers. The same can be said for Smith's introduction, which gives special attention to the triadic structure of the *Aeneid* and of Book 8 in particular: rather than lay out the problems of interpretation head-on, they are introduced only implicitly in his recounting of the narrative of Book 8.

I appreciated that F. prefaced major episodes with a bibliography, and throughout the commentary he has a nice eye/ear for the composition of Vergil's poetry. Lastly, I am not in a position to judge the text itself, though I will comment that the below-text *apparatus criticus* appears to present clearly and thoroughly the findings of F. and S.'s study of all major and minor manuscripts.

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