

## **‘Show, Don’t Tell’: How to Make Jurors Angry as a Young Athenian Prosecutor<sup>1</sup>**

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### **Abstract**

It is now well established that direct anger (ὀργή) appeals were a common feature of public prosecution speeches at classical Athens. However, there are a small number of speeches which depart from this norm and invite questions as to whether the evocation of *dicastic* anger was an essential goal or simply a popular strategic option. This paper explores the implications of the former possibility by focusing on one speech in particular, pseudo-Demosthenes’ *Against Theocrines*. It argues that the prosecutor’s youth is the primary reason behind his abandoning of anger appeals. He chooses, instead, to prioritise ensuring that his character conforms to the expectations of the jurors, including the avoidance of instruction as to what ought to make them angry. Though they are not told to be angry, the jurors are nevertheless shown what has made them angry in the past – the maltreatment of the young and vulnerable through the manipulation of public-serving citizens such as themselves – while the speaker’s presentation of himself as a victim of such treatment serves as the necessary provocation.

**Key Words** – anger; young prosecutors; *Against Theocrines*; forensic rhetoric; Athens

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## 1. Introduction

When it comes to appeals to emotion in classical Athenian law-courts, it is clear that there was a special place for anger. As Rubinstein (2004) has demonstrated, appeals to anger (specifically, ὀργή) are widespread across the public prosecution speeches, less common in the private prosecutions, and almost entirely absent from both kinds of defence. There is also a strong correlation between calls for anger and for punishment, suggesting that a function of the former was to provoke the latter. Much has been and can yet be said about these differences, but this paper will focus primarily on one of the five public prosecutions that fail to appeal to anger and offer an explanation for this atypical quality<sup>2</sup>.

Of the five speeches that do not call upon the jurors to feel ὀργή, two most probably have straightforward explanations<sup>3</sup>. Hyperides' *Against Philippides* is too fragmentary for us to know whether ὀργή was sought or not, and Demosthenes' *Against Nicostratus* is an *apographe* which, as Rubinstein (2004: 192) has mentioned, carried no known possibility of public punishment. Three speeches are not so easily explained: Lysias' *Against Agoratus* and *Against the Corn-dealers*, as well as the subject of this paper, the pseudo-Demosthenic *Against Theocrines* delivered by Epichares<sup>4</sup>.

The first and most obvious explanation to consider is that this speech contains no appeals to anger because anger is not its goal. This assumes that a prosecutor had the option of attempting to evoke the jurors' anger but might equally decide to pursue another emotion such as pity, or even avoid emotional appeals altogether. However, while anger certainly did have a persuasive function, the forensic corpus offers much evidence that this emotion was not an optional but an essential prosecutorial goal in cases based on a public charge. Anger is assumed to have a formal role by several prosecutors who treat ὀργή and punishment as meaning much the same thing. Thus, ὀργή can be the opposite of acquittal (Dem. 21.222), akin to condemnation (Lys. 12.90), and synonymous with punishment (Lys. 29.9), while the failure to punish reflects the abatement of ὀργή (Dem. 21.186). Dinarchus says that τιμωρία 'punishment' happens when ὀργή is felt (Din. 3.8), and Lysias so blurs the lines between ὀργή and punishment that he tells the jurors 'it is [their] work (ἔργον) [...] to show ὀργή at' the defendant's actions (28.2-3). Orators also see the severity of the punishment as a reflection of the amount of ὀργή felt. Demosthenes asks whose ὀργή falls short of demanding death (21.70) and equates greater or lesser punishment with more or less ὀργή (183, cf. 42), while the laws are said to permit adjustment of a punishment according to the ὀργή that a particular wrongdoing inspires (24.118), and Lycurgus states that a failure to give the death penalty would demonstrate a lack of ὀργή (1.27). Aeschines sums this up when he says that 'the third water is poured in for the matter of the penalty and the greatness of your ὀργή' (3.197; see Harris 2013: 131-132). Anger was not merely a persuasive tool, it was also the goal of public prosecution and the decision not explicitly to appeal to it in this speech prompts explanation. This paper will now consider why this decision was made as well as how, in the absence of direct appeals, anger may have been sought<sup>5</sup>.

## 2. Inhibited by youth

*Against Theocrines* is unusual not only for containing no explicit appeals to anger but also for being delivered by a young man. Legally, a citizen could bring a prosecution from their coming of age at

<sup>2</sup> The implications of these differences are explored by Rubinstein (2004; 2013; 2016); Sanders (2012); Cairns (2015).

<sup>3</sup> Dem. 20 ought to be discounted from Rubinstein's count of six exceptional speeches in view of the appeal at 119.

<sup>4</sup> Epichares is his grandfather's name (58.67) but as is conventional I will follow Libanius' *hypothesis* of the speech in assuming it belonged to the speaker as well.

<sup>5</sup> All translations of *Against Theocrines* are those of Bers (2003); all other translations are my own.

eighteen, but in practice, youth was a significant barrier against initiating a public case<sup>6</sup>. One young prosecutor, Ariston, says he could have prosecuted Conon for the public charges of cloak-theft or *hybris*<sup>7</sup> but has opted for a private charge in fear of how a *graphe* brought by someone so young would be perceived (Dem. 54.1)<sup>8</sup>. This pressure to appear not to meddle in public matters is reflected by Mantitheus who answers the accusation that he has been speaking before the people at too young an age with the assertion that he has been forced to do so in order to protect his own interests (Lys. 16.20-21). Hyperides tells Demosthenes he ought to be ashamed to be prosecuted for bribery by μειράκιοι ‘mere boys’ who should be avoiding risky actions but are instead doing the opposite and prosecuting men over the age of sixty (5.5). Though these young men, along with older co-prosecutors, achieved Demosthenes’ conviction in this case, Hyperides evidently considers the age gap to be an obstacle under normal circumstances. A young prosecutor then, more so than an older one, needed to have sincere private interests in a case and would ideally avoid the more ambitious public charges<sup>9</sup>.

Athenian society, like most, valued respect for elders<sup>10</sup>. This norm of age-based deference affected decisions over not only who to prosecute and what procedure to use but also how to address jurors in court. All jurors were at least thirty years of age and many would have been considerably older meaning that any litigant under thirty was talking exclusively to his elders and from a position of never having experienced being a juror himself (Arist. *Ath. Pol.* 63.3)<sup>11</sup>. We can imagine then, a degree of resistance among jurors to receiving instruction from their ignorant juniors, and a reticence among young prosecutors to risk telling their experienced seniors when they ought to be angry and punish. The number of anger and punishment appeals in our two prosecutions for assault stand in stark contrast. *Against Conon*’s 44 sections contain only one explicit call for ὀργή and one for punishment whereas the 22 sections of Isocrates’ *Against Lochites* contain three calls for ὀργή and 16 explicit uses of punishment terms in appeals over what was almost certainly a less serious assault<sup>12</sup>. It cannot be that the accusations against Lochites are simply more publicly offensive since, as Ariston claims at the outset, Conon’s acts would have justified two different public procedures, while the accusations made give Ariston every reason to call for anger from the jurors. Above all, the speech is littered with accusations of *hybris*<sup>13</sup>, more than any speech except *Against Meidias* which also contains by far the most appeals to ὀργή. There may well be more than one reason for this relative lack of appeals to anger and punishment but it is likely that just as Ariston’s youth led him to forgo a public procedure, so did it lead him to avoid making the authoritative appeals which typically characterise the prosecution speeches delivered at such trials<sup>14</sup>.

<sup>6</sup> Hansen (2001: 88-89) has shown that though Athenian males came of age at eighteen, from the 370s BCE they were required to perform two years’ military service as *epheboi* so that in reality citizenship began at twenty when they were able to enter public life.

<sup>7</sup> Fisher (1992: 493), in his comprehensive study, defines *hybris* as «the deliberate infliction of shame or dishonour». Cairns (1996: 32) contends that it can also refer to «apparently victimless forms of self-assertion».

<sup>8</sup> Hunter (1994: 131) says that Ariston was advised against the *graphe hybreos* because he was «young and inexperienced», but it is important to note that while he does not want to take on more than he is «able to carry», he also does not want «to appear» (φαίνομαι) to be bringing such a prosecution at his age – the jurors may despise such ambition in one so young. Cf. Christ (1998: 59-60, 131); Dem. 58.57-59.

<sup>9</sup> Youth was also a weakness for defendants such as Callicles whose father dammed a watercourse which caused seasonal flooding in his neighbours’ land, but it was fifteen years later when the father had died that a suit was brought. Those who have brought the suit are thought to ‘despise me being so young and inexperienced’ (Dem. 55.3-7).

<sup>10</sup> See Plat. *Resp.* 465a; Dem. 25.24; Aeschin. 1.23, 3.2; Plut. *An seni* 784c-d. On this subject see Dover (1974: 102-108); Hansen (1991: 223-224).

<sup>11</sup> On the make-up of juries see Hansen (2001: 181-186). Roisman (2005: 23) supposes that jurors would suspect that suits brought by young men were «motivated by a typically excessive agonistic drive, attendant on youth, or by an improper search for notoriety at the expense of an elder and better».

<sup>12</sup> The beginning of *Against Lochites* is lost so the speech may be longer; it may equally contain more appeals.

<sup>13</sup> See Dem. 54.1, 2, 8, 9, 10, 11, 13, 17, 20, 21, 24, 28, 32, 33, 37, 43.

<sup>14</sup> Sanders’ (2012: 365-366) suggestion, that compared to Demosthenes (in *Against Meidias*) whose accusation was

While Ariston's youth leads him to settle for a private suit, Epichares' desperate situation compels him, in spite of his modest age, to bring a public one against Theocrines<sup>15</sup>. His father, due to a prior prosecution brought by Theocrines, is ἄτιμος 'deprived of civic rights' and will pass this debt-bound status on to his son upon death. Epichares' pursuit of revenge on behalf of his father requires a public suit (in this instance an *endeixis* for prosecuting cases as a citizen despite being a public-debtor)<sup>16</sup> in order that he might be able to have disfranchisement enforced against Theocrines in return and even have him punished on top of that for false-citizenship. This decision presents a significant obstacle for Epichares in the form of his perceived character for, as we have seen, public prosecutions implied ambition and presumption in the young. Avoiding anger appeals is one of a number of means employed by Epichares in his attempt to minimise these implications.

### 3. Character

ἦθος 'character' is, according to Aristotle, the most potent of the three kinds of πίστις 'proof' which contribute to the art of rhetoric with the value being in the trustworthiness it communicates to one's hearers (*Rhet.* 1.2.3-4). Epichares appears to agree, making every effort to mitigate the damaging impact of his youth on his perceived character as a public prosecutor. He affects a deep regret at having been forced to bring the suit, saying that his father shamed him into it by 'complaining to all his acquaintances that I might let the opportunity pass by when, because he is still alive, I could take vengeance on this man, and by making my inexperience and youth a pretext, allow him to be robbed of everything' (Dem. 58.2). Epichares is as hesitant in arguing the suit as he claims to have been in bringing it. The substance of the case rests on proving that Theocrines is ἄτιμος on the grounds that he is a State-debtor, and that he has therefore been prosecuting cases illegally. The debt is due to a fine of 1,000 drachmas which Theocrines allegedly incurred for bringing a case against a merchant captain named Micon and abandoning it before trial on receipt of payment from the defendant (6). To this are added certain other public debts: one of 700 drachmas for theft from his tribe's funds; and another of 1,000 drachmas, incurred by his grandfather, from the undisclosed sale of a slave (17-21)<sup>17</sup>. These amount to accusations of unpaid public debt, *sycophancy*, and false-citizenship – all offences on the basis of which other orators appeal to anger and punishment<sup>18</sup> – yet Epichares makes no appeals to anger and only two carefully hidden appeals to punishment. In the first instance, the jurors are told that the law stipulates extra τιμωρία for public debtors who have failed to have their names removed from the register (52), while in the second the instruction to punish is given indirectly by anticipating critically the advice of Theocrines' *synegoros*, Moerocles, that they 'should not punish (τιμωρήσασθαι) but acquit' (54). This tactic of adding legitimacy to important statements by attributing them to more authoritative sources is also seen when knowledge and wisdom are twice ascribed to 'older men' whom he claims have advised him<sup>19</sup>. This tentative style continues into the

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obviously publicly offensive, Ariston has to wait until «the idea of ὄβρις will have lodged firmly enough in the jury's mind» before appealing to anger, may also be correct and is not in conflict with the argument presented here.

<sup>15</sup> See Dem. 58.1-4. For more on the details of this speech, delivered around 340 BCE, see MacDowell (2009: 293-298).

<sup>16</sup> The precise nature of the *endeixis* procedure is debated but it is generally agreed that it involved a denunciation before the magistrates and perhaps a subsequent arrest by the prosecutor. See Hansen (1976: esp. 9-24).

<sup>17</sup> Epichares labels this an act of fraud (58.20 ἀποστερέομαι)

<sup>18</sup> Lysias' client, for example, states that Philocrates ought to receive the jurors' ὀργή and the τιμωρία of death for stealing (along with Ergocles) the admittedly far larger sum of 30 talents from the State (29.11-13). Isocrates claims that on many occasions jurors have come to regret, with hindsight, the judgements which *sycophants* and slanderers have persuaded them to give, and have subsequently desired to punish those who misled them (15.19, 139; cf. Antiph. 5.91). See Dem. 57.3 for anger towards false-citizens.

<sup>19</sup> 'Older men' πρεσβυτέρων have told him that pardon should never be shown to those who have broken the laws (58.24) and that it is a mistake to believe that men like Theocrines are important for the running of the State (62).

concluding remarks where instead of a final appeal to anger or vengeance we find the extraordinarily timid line, ‘so that we have this consolation, if nothing else, to see this man too forced to keep silent’ (69). The speech finishes in the same deferential tone that it has maintained throughout – the vocabulary of anger and punishment is abandoned in favour of an allusion to *atimia* which is not demanded or even requested, but merely hoped-for.

The absence of anger appeals in this speech is symptomatic of an even more striking abnormality: the great emphasis placed on private rather than public motive<sup>20</sup>. Acknowledgement of private motive is a commonly used means of dispelling suspicions of *sycophancy*, but it is the jurors’ motive for punishment which elsewhere soon becomes the prominent theme. In the opening to this speech however, the jurors are asked to help the speaker take vengeance for a wrong against Epichares’ father who has been deprived of everything (1-2)<sup>21</sup>. They are then given reasons to listen to him which include that he is doing the will of his father, that he is young and inexperienced, and that he has been betrayed by his anticipated co-pleaders (4). Again, despite many of the accusations made during the speech having public implications, the closing remarks fail to emphasise these and instead merely repeat the private sentiments (68-70). This apparently blatant use of a public procedure in pursuit of an exclusively private enmity is roundly condemned elsewhere and is not at all typical. In the eyes of the jurors a private trial was where a young litigant belonged and Epichares is largely speaking as if that is precisely where he is; he has chosen to face the inevitable accusation that he is using a public procedure to prosecute a purely private enemy, rather than potentially alienate the jurors by instructing them, as was typical in public prosecutions, on what they ought to be offended by and how they should respond.

Though the young did not have at their disposal the typical tools of the public prosecutor, they were not weaponless; the character appropriate to a young man came with a potency of its own<sup>22</sup>. Epichares himself says that an inexperienced prosecutor ought not to lose favour for not being Demosthenes; jurors should rather ‘help inexperienced and young speakers to the degree they would be less apt to trick you’ (41). While experienced prosecutors such as Demosthenes or Theocrines may be more familiar with the laws and have a better command of oratory, they also, for the same reason, invited suspicion that they might be using these skills to manipulate the jurors. The young could play this to their advantage by acknowledging and emphasising their weakness just as Demosthenes, at the start of his career, admits to his lack of experience in court (27.2) and Ariston faces up to his ignorance of the laws (54.17)<sup>23</sup>. This trustworthiness would benefit Epichares when it came to the question of which version of events to believe. Furthermore, his plight combined with his youth strengthened his command of the jurors’ pity. As Roisman (2005: 22) rightly says, Epichares’ «vulnerability, naïveté, guilelessness, inexperience, and inferiority to adults» will have endeared him to the jurors, but these character qualities will not on their own have persuaded the jurors to punish Theocrines; for that they needed to be angry with him.

<sup>20</sup> According to Libanius’ hypothesis this speech was often thought to be private even in antiquity.

<sup>21</sup> The phrase ἡγησάμην δεῖν ἐπὶ τῷ τιμωρεῖσθαι μεθ’ ὑμῶν (58.1) means either that he thinks it necessary to take vengeance ‘with the help of’ the jurors or to do so ‘along with’ them and may even be intentionally ambiguous, but given that it is preceded by a description purely of how Theocrines has wronged Epichares’ father it seems that private vengeance is all that is meant. MacDowell (2009: 293) says, «with remarkable frankness Epichares presents his prosecution as an act of revenge». In fact, many public prosecutors claim enmity and some of those use τιμωρία as this speaker does to express their intentions (Lys. 15.12; Dem. 21.76, 24.8, 53.1, 2, 15, 59.1, 12, 126; Din. 1.52).

<sup>22</sup> See Roisman (2005: 21-23) on weakness as strength in this speech.

<sup>23</sup> See also Dem. 34.1, 53.13, 55.7, 59.14. Orators of all ages might claim inexperience (e.g. Dem. 48.1) or ignorance of the laws (e.g. Dem. 44.4) but the young especially, never having been jurors and bringing perhaps their first case, could better hope to be believed on such points.

#### 4. The anger appeal

Epichares is a young man who knows he has no authority on which to base a demand for anger, but if anger is indeed a crucial ingredient of a successful public prosecution then what motive does Epichares offer these jurors, and how is that motive presented? The answer is found in the account of Theocrines' earlier prosecution of Epichares' father:

ὀργισθέντων δὲ τῶν δικαστῶν ἐπὶ τοῖς λεγομένοις, καὶ νομισάντων αὐτὸ μὲν τὸ ψήφισμα καὶ τὴν δωρεὰν κατὰ τοὺς νόμους εἶναι, τῷ δὲ ὄντι τὸν παῖδα μέλλειν ἀποστερεῖσθαι τῶν χρημάτων, τῷ μὲν πατρὶ δέκα ταλάντων ἐτίμησαν ὡς μετὰ Πολυεύκτου ταῦτα πράττοντι, τοῦτ' ὁ δ' ἐπίστευσαν ὡς δὴ βοηθήσαντι τῷ παιδί. (Dem. 58.31)

The jurymen were incensed at his assertions and held that, while the decree itself and the grant were both legal, the boy would in fact be robbed of his estate; and they fined my father ten talents as being in the scheme with Polyeuctus, and gave credence to Theocrines as having come to the boy's defence.<sup>24</sup>

His father had drawn up a decree that an orphan, Charidemus, should enjoy maintenance in the Prytaneum in honour of his father, but Theocrines subsequently brought a *graphe paranomon* against him asserting that this was a plot which would result in the boy's alienation from his adoptive inheritance. The jurors, believing this, became angry. There are two provocations that may have contributed to this anger and both are prominent in Epichares' account of Theocrines' actions as well.

The main provocation here is obviously the maltreatment of an orphan, an offence for which there was a specific public procedure available (Arist. *Ath. Pol.* 56.6)<sup>25</sup>. Lysias' *Against Diogeiton* is a prosecution of a guardian brought on behalf of an orphan who is of age but lacking experience. It contains a single anger appeal based on the claim that 'Diogeiton is reducing all people to a state of such suspicion towards others that neither the living nor the dead can place any more trust in their closest family members than in their bitterest enemies' (32.19). The jurors are expected to feel angry at this guardian's treatment of his orphan wards for the particular reason that he ought to have been trustworthy. On the other hand, Demosthenes, despite stating that he was victimised as an orphan (31.14), manages to deliver five prosecutorial speeches (27-31) devoted to the recovery of his estate from allegedly fraudulent guardians without ever appealing to anger. It seems that the maltreatment of orphans could evoke public anger (especially when the culprit was a close relation) but certain factors, including age, could prevent one from appealing to it.

Epichares is not an orphan like Charidemus, but he seeks to demonstrate that he is similarly (if not more) disadvantaged. A great obstacle presented by orphan-hood is the absence of a citizen-father who can defend the family's interests in public and teach a young man to do so for himself in time. Epichares has now lost at least the former of those benefits just as Charidemus has but, unlike an orphan, he has also acquired the added burden of a father whose interests he must now represent.

πολλῶν δ' ἡμῖν, ὧ ἄνδρες δικασταί, διὰ τουτοῦ Θεοκρίνην ἀτυχημάτων ἐν οὐκ ὀλίγῳ χρόνῳ συμβεβηκότων, οὐδενὸς ἑλαττόν ἐστιν τὸ νῦν συμβαῖνον, ὅτι τὰ δεινὰ καὶ τὰ παρὰ τοὺς νόμους πεπραγμένα Θεοκρίνη τῷ μὲν πατρὶ τῷ πεπονθότι καὶ δυναμένῳ ἂν δηλῶσαι πρὸς ὑμᾶς ἐξ ἀνάγκης ἡσυχίαν ἐκτέον ἐστίν (οἱ γὰρ νόμοι ταῦτα κελεύουσιν), ἐμοὶ δὲ τῷ πάντων τούτων ὑστερίζοντι λεκτέον, καὶ τοῖς μὲν ἄλλοις τοῖς τηλικούτοις οἱ πατέρες βοηθοῦσιν, οὗτος δ' ἐν ἐμοὶ

<sup>24</sup> For Rubinstein (2013: 141-142) the claim here is «that the wrong verdict had been reached because the successful litigant had played the 'orphan card', and that the emotion that had swayed the judges had been one of anger», however, the reverse may just as easily be correct; that the jurors felt anger upon believing Theocrines' allegation, so that their anger was an appropriate product of their (allegedly misguided) conviction.

<sup>25</sup> On this procedure see Avotins (2004).

νῦν ἔχει τὰς ἐλπίδας. τοιοῦτον οὖν ἀγωνιζόμενοι ἀγῶνα δεόμεθ' ὑμῶν ἐπικουρεῖν ἡμῖν, καὶ δεῖξαι πᾶσιν ὅτι, κὰν παῖς κὰν γέρον κὰν ἡντινοῦν ἡλικίαν ἔχων ἤκη πρὸς ὑμᾶς κατὰ τοὺς νόμους, οὗτος τεύξεται πάντων τῶν δικαίων. (Dem. 58.60-61)

Although we have suffered many misfortunes over a long period, gentlemen of the jury, because of this Theocrines here, what has happened now is as serious as any of them: because though Theocrines' monstrous and illegal acts were committed against my father and he could expose them to you, he is compelled to keep silent – so the law demands. So it is I, who am not equal to the task, who must speak; others of my age get help from their fathers, but my father now places his hopes in me. Faced with such a trial, we ask you to help us and to demonstrate to everyone that anyone, whether young (παῖς) or old (γέρον), or of whatever age, who comes before you in accordance with the laws, will get everything he deserves.

A striking indication that Epichares is intentionally seeking to emphasise similarity with Charidemus can be seen in his use of the word παῖς. Epichares was in his twenties and yet he implies that he, like Charidemus, is a child<sup>26</sup>. Given that Epichares was not an orphan, nor indeed even a child, the jurors will not have felt as protective of him as they did of Charidemus, nor as offended at his maltreatment. Yet, by highlighting this similarity, Epichares appears to be pursuing in this current case an outcome like that which occurred in the prior one.

There is, however, a second similarity which may, in the present case, have been more significant and that is the abuse of the court for one's own ends. Lying to the jurors is an example of this which we are told will incur severe ὀργή and τιμωρία (Dem. 34.19, cf. 45.7, 53), and is an accusation that Epichares repeatedly brings against Theocrines (58.27, 31, 36). Manipulation of the jurors and their authority for unjust private gain is at the heart of both Theocrines' prosecution of Epichares' father, and Epichares' prosecution of Theocrines. The father incurred *dikastic* anger in part because, so the jurors came to believe, he had persuaded the Athenians to pass a decree, on the admirable grounds of honouring a dead hero, but which would also result in the ruining of that hero's orphan son. Theocrines' actions are similarly portrayed. *Against Theocrines* is not a prosecution for sycophancy but the accusation runs throughout it and is the most prominent feature of the defendant's character<sup>27</sup>. Theocrines has apparently made a habit of bringing false accusations and using the courts as leverage for extortion. Thus, by enforcing the crippling fine on Epichares' father, the jurors enabled Theocrines to scare Polyeuctus into paying the bribe before he suffered a similar fate. Epichares even asserts that it was upon seeing how angry the jurors were in the first trial that he felt encouraged to bring the second suit and seek Polyeuctus' pay-off (58.32). Epichares' hope is that, just as the jurors were angry at having been manipulated into error by his father, so will they feel angry in light of the new revelation that the true manipulation has in fact been carried out by Theocrines.

## 5. Conclusion

Only rarely do public prosecutions not appeal to anger, either because it is a very successful strategy, or because anger is essential to triggering punishment. The number of explicit appeals, their distribution across such a large majority of the speeches, and the way that the orators speak about anger suggest that the latter is true and that speeches such as *Against Theocrines* have not abandoned its pursuit but opted to evoke it by less direct means. Epichares' avoidance of anger appeals, along with his private and tentative approach, are all well explained by his age which inhibits him from

<sup>26</sup> The contrast with γέρον 'old man' makes it clear that παῖς means 'boy' rather than 'son'. Charidemus is also referred to as a παῖς (58.30-31).

<sup>27</sup> Accusations of *sycophancy* include: Dem. 58.2, 6, 10-13, 23, 27, 37, 63-65.

giving authoritative instruction and demands that he display deference to his audience of older, more experienced men. However, though he cannot tell the jurors what ought to make them angry, he can observe what has made them angry in the past – the false manipulation of *dikastic* authority to achieve private ends and especially to harm the vulnerable. The hope of this speech is that the jurors will see in Epichares a reflection of the orphan Charidemus whom Athenian citizens were tricked into harming in the interests of a nefarious manipulator. If they were angry at Epichares' father before, they ought to be angry at Theocrines now.

## Bibliography

- Avotins, Ivars (2004), 'Athenaion Politeia 56.6 and the Protection of the Weak', *The Classical Quarterly* 54 (2), 461-469.
- Bers, Victor (2003), *Demosthenes. Speeches 50-59*, Austin, University of Texas Press.
- Cairns, Douglas L. (1996), 'Hybris, Dishonour and Thinking Big', *The Journal of Hellenic Studies* 116, 1-32.
- Cairns, Douglas L. (2015), 'Revenge, Punishment, and Justice in Athenian Homicide Law', *The Journal of Value Inquiry* 49, 645-665.
- Christ, Matthew Robert (1998), *The Litigious Athenian*, London, John Hopkins University Press.
- Dover, Kenneth James (1974), *Greek Popular Morality in the Time of Plato and Aristotle*, Oxford, Blackwell.
- Fisher, Nick R. E. (1992), *Hybris: A Study in the Values of Honour and Shame in Ancient Greece*, Warminster, Aris & Phillips.
- Hansen, Mogens Herman (1976), *Apagoge, Endeixis and Ephegesis against Kakourgoi, Atimoi and Pheugontes: A Study in the Athenian Administration of Justice in the Fourth-century B.C.*, Odense, Odense University Press.
- Hansen, Mogens Herman (1991), 'Political Powers of the People's Court in Fourth-century Athens', Murray, Oswyn; Price, Simon (eds.), *The Greek City from Homer to Alexander*, Oxford, Clarendon Press, 215-243.
- Hansen, Mogens Herman (2001) [1991], *The Athenian Democracy in the Age of Demosthenes*, Bristol, Bristol Classical Press.
- Harris, Edward (2013), *The Rule of Law in Action in Democratic Athens*, Oxford, Oxford University Press.
- Hunter, Virginia (1994), *Policing Athens: Social Control in the Attic Lawsuits, 420-320 B.C.*, Princeton, Princeton University Press.
- MacDowell, Douglas M. (2009), *Demosthenes the Orator*, Oxford, Oxford University Press.
- Roisman, Joseph (2005), *The Rhetoric of Manhood: Masculinity in the Attic orators*, London, University of California Press.
- Rubinstein, Lene (2004), 'Stirring up *Dikastic* Anger', in Cairns, Douglas L.; Knox, Ronald A. (eds.), *Law, Rhetoric and Comedy in Classical Athens: Essays in honour of Douglas M. MacDowell*, Swansea, Classical Press of Wales, 187-203.
- Rubinstein, Lene (2013), 'Evoking Anger through Pity: Portraits of the Vulnerable and Defenceless in Attic Oratory', in Chaniotis, Angelos; Ducrey, Pierre (eds.), *Unveiling Emotions II: Emotions in Greece and Rome: Texts, Images, Material Culture*, Stuttgart, Franz Steiner Verlag, 136-165.
- Rubinstein, Lene (2016), 'Communal Revenge and Appeals to *Dikastic* Emotions', in Tiersch, Claudia (Hrsg.), *Die Athenische Demokratie im 4. Jahrhundert. Zwischen Modernisierung und Tradition*, Stuttgart, Franz Steiner Verlag, 55-72.

Sanders, Ed (2012), “‘He’s a Liar, a Bounder, and a Cad’”: The Arousal of Hostile Emotions in Attic Forensic Oratory’, in Chaniotis, Angelos (ed.), *Unveiling Emotions: Sources and Methods for the Study of Emotions in the Greek World*, Stuttgart, Franz Steiner Verlag, 359-388.

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