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DENOMINATIVE VERBS FROM *ATIMIA* IN THE ATTIC ORATORS AND BEYOND*

ABSTRACT

This article examines the two families of denominative verbs from the semantic field of atimia*:* atimaô/atimoô *and* atimazô. *By analysing their use in the Attic orators and other major prose texts from the Classical period (Herodotus, Thucydides, Xenophon, Plato and Aristotle), the article shows that these verbs were consistently employed in differentiated, well-defined ways:* atimaô/atimoô *for 'effecting an actual loss of status', and most normally for 'imposing the legal penalty of* atimia *' (especially in the orators), and* atimazô *for extra-legal examples of 'dishonour'. This distinction is in part reflected also in the ratios of verbal aspect for the two families, with* atimaô/atimoô *being used mostly in aorist and perfective forms and* atimazô *mostly in imperfective forms.*

Keywords: Athenian law; Attic orators; honour; dishonour; *timê*; *atimia*

1. *ATIMAÔ*/*ATIMOÔ* AND *ATIMAZÔ* IN THE ATTIC ORATORS

Two families of denominative verbs derive from the noun *atimia* (normally translated as 'dishonour'):[1] *atimaô*/*atimoô* and *atimazô*. As the evidence examined in this article will show, the two families of verbs tend to relate respectively to *atimia* as a condition and *atimia* as an action: as a condition (corresponding to *atimaô*/*atimoô*), *atimia* represents the result of a successful act performed in the past; as an action (corresponding to *atimazô*), *atimia* describes the attempt to bring dishonour upon another (which might, however, fail). This differentiation is especially evident in the corpus of the Attic orators, where *atimaô*/*atimoô* is primarily used in connection to the legal penalty of *atimia*,[2] with

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[1] *qua* the etymological opposite of *timê*, normally translated as 'honour'. This stock translation is problematic, because honour is often still mistakenly viewed as a single value, with a specific normative content, that is almost exclusively the object of zero-sum competition between men in face-to-face communities. Against this view see D.L. Cairns, 'Affronts and quarrels in the *Iliad*', in D.L. Cairns (ed.), *Oxford Readings in Homer's* Iliad (Oxford, 2001), 203–19, and 'Honour and shame: modern controversies and ancient values', *Critical Quarterly* 53 (2011), 23–41.

[2] I will offer a detailed discussion of the penalty in future publications: for an introduction see L. Rocchi, 'Identity, status, and "dishonour": was *atimia* relevant only to citizens?', in J. Filonik, C. Plastow and R. Zelnick-Abramovitz (edd.), *Citizenship in Antiquity: Civic Communities in the Ancient Mediterranean* (London, 2023), 313–26. For an overview of *atimia*, which, however, still presents some problems see M.H. Hansen, Apagoge, Endeixis *and* Ephegesis *against* Kakourgoi, Atimoi *and* Pheugontes*: A Study in the Athenian Administration of Justice in the Fourth Century B.C.* (Odense, 1976). See also A. Maffi, 'Ἀτιμάζειν e φεύγειν nei poemi omerici', in P. Dimakis (ed.),

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the sense of 'making someone legally *atimos*' (or, in any case, effecting a tangible loss of status), while *atimazô* is used to talk about 'disrespect' or 'disregard'.[3] This use of the verbs is in part reflected also in the ratios of the verbal aspect—imperfective, aorist, perfective—for the two families: as shown in the Appendix below, *atimazô* is mostly used in its imperfective forms (thirteen of seventeen occurrences), while *atimaô*/*atimoô* tends to be used in its aorist (x19) and perfective (x11) forms (out of forty occurrences). As will be seen in Section 2, the same differentiation in the use, and the same ratios of the verbal aspect, can be observed also in other major prose texts of the Classical period (Herodotus, Thucydides, Xenophon, Plato and Aristotle), where we regularly find *atimazô* for attempts to 'dishonour' others (mostly in imperfective forms), *atimaô*/*atimoô* for the legal penalty of *atimia* and/or objective loss of status (mostly in perfective forms).[4]

The differentiation in the use of these verbs is a relatively late development, which was probably aided by the formalization of *atimia* as a legal penalty.[5] In the Homeric epos, for instance, *atimaô*/*atimoô* and *atimazô* are used interchangeably, sometimes in the exact same context, and often to talk about unwarranted disrespect rather than actual loss of 'honour'.[6] However, in our prose sources from the Classical period, this is not the case—and this is particularly noticeable in the orators. Demosthenes' *Against Meidias* (Dem. 21) provides a compelling exemplification of how the two families of verbs are used in the corpus. For instance, when discussing how Strato of Phalerum had become legally *atimos* for (allegedly) mishandling his role as arbitrator,[7] Demosthenes invariably

Symposion 1979: Vorträge zur griechischen und hellenistischen Rechtsgeschichte (Vienna, 1983), 249–60; M.S. Youni, '*Atimia* in classical Athens: what the sources say', in L. Pepe and L. Gagliardi (edd.), *Dike: Essays in Greek Law in Honor of Alberto Maffi* (Milan, 2019), 361–78; E. Poddighe, 'Ateniesi infami (*atimoi*) ed ex Ateniesi senza i requisiti (*apepsephismenoi*): nuove osservazioni in margine al fr. 29 Jensen di Iperide sulle diverse forme di esclusione dal corpo civico di Atene', *AFLC* 24 (2006), 5–24 (with earlier bibliography); E.P. van 't Wout, 'Neglected evidence for the nature of *atimia*: Agora P 17615 and *DTA* 107', *ZPE* 176 (2011), 126–34; E.P. van 't Wout, 'From oath-swearing to entrenchment clause: the introduction of *atimia*-terminology in legal inscriptions', in A. Lardinois, M.H. Pierre, J.H. Blok and M.G.M. van der Poel (edd.), *Sacred Words: Orality, Literacy, and Religion* (Leiden and Boston, 2011), 143–60; C.J. Joyce, '*Atimia* and outlawry in archaic and classical Greece', *Polis* 35 (2018), 33–60 (refuting S. Dmitriev, 'Athenian *atimia* and legislation against tyranny and subversion', *CQ* 65 [2015], 35–50).

[3] To my knowledge, the only explicit remark on this distinction is in K.J. Dover, *Greek Homosexuality* (Cambridge, MA, 1978), 104 n. 89: 'The verb which denotes formal deprivation of citizen rights is *atīmoun*, but the abstract noun *atīmiā* corresponds both to *atīmazein* and to *atīmoun*.'

[4] Thirteen occurrences of *atimaô*/*atimoô* (x4 imperfective, 2x aorist; 7x perfective) and eighty-one of *atimazô* (x59 imperfective, 19x aorist, 3x perfective). I have limited the survey to prose texts from the Classical period because they represent a relatively coherent chronological and stylistic sample.

[5] The first direct attestation of *atimia*-terminology in a legal text (in the form of the adjective *atimos* + verb 'to be') comes from a document regulating the recolonization of Naupactus, usually dated to the late sixth or early fifth century B.C.E. (*IG* IX I^2 3.718, lines 40–1 and 44–5), but Dem. 23.62 reports that the term *atimos* appeared also in the entrenchment clause to Draco's homicide law, traditionally dated to 621 B.C.E. On Draco's law see most recently E.M. Harris and M. Canevaro, 'Towards a new text of Draco's law on homicide', *REG* 136 (2023), 1–52.

[6] Cf. also Joyce (n. 2), 42: in Homer and other archaic sources 'the verbs ἀτιμάζειν and ἀτιμᾶν are … normally used in a moral sense to imply the imparting of disgrace or dishonour'. Cf. especially Hom. *Il.* 1.11 and 94, where the two verbs (first *atimazô* and then *atimaô*/*atimoô*) are used to talk about the exact same event (i.e. Agamemnon disrespecting Chryses).

[7] See Dem. 21.83–96 with Rocchi (n. 2), 315: Demosthenes is referring to the legal penalty, but he is also hinting at its socio-ethical implications. For *atimia* as the penalty for misbehaving arbitrators see also Ps.-Arist. *Ath. Pol.* 53.6.

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employs the verb *atimaô*/*atimoô*:[8] at §§87–91,[9] when he recounts the story of Strato's conviction, and at §99, when he highlights the seriousness of his situation by saying that 'he had quite simply been made *atimos* by the strength of Meidias' anger and *hybris*' (ἁπλῶς οὕτως ἠτίμωται [from *atimaô*/*atimoô*] τῇ ῥύμῃ τῆς ὀργῆς καὶ τῆς ὕβρεως τῆς Μειδίου).[10] The verb is used to talk about the legal penalty of *atimia* in two other instances in the speech. First, at §103, where Demosthenes reminds the judges of how 'dusty' Euctemon, who had been hired by Meidias to lodge an accusation for cowardice (*graphê deilias*)[11] against Demosthenes, 'made himself *atimos*' (ἐκεῖνος ἠτίμωκεν αὑτόν) by failing to 'follow through' (*epexelthein*) with the accusation: the penalty for this was (partial) *atimia*, that is, the loss of the right to bring any type of public charge in the future.[12] Second, at §§182–3, in a discussion of the penalties against those who commit offences during a festival, Demosthenes mentions people who have been put to death or made *atimoi* by the courts,[13] sometimes through the imposition of heavy fines.[14] Conversely, when Demosthenes is considering *atimia* as 'disrespect' (rather than the legal penalty), he uses the verb *atimazô* instead. This comes to the fore in Demosthenes' description of the infamous incident between Euaeon and Boeotus.[15] According to Demosthenes, when Boeotus punched Euaeon while drunk and Euaeon responded by killing him, it was not the punch itself that made Euaeon angry, but rather the *atimia* (*qua* disrespect)—and Demosthenes remarks that he understands the desire to react when

[8] Even while admitting that the (legal) penalty of *atimia* also entailed social consequences for Strato (cf. Dem. 21.92), and even while implying that a miscarriage of justice—which nevertheless led to tangible legal consequences—had occurred: cf. especially Dem. 21.86, where Demosthenes says that the vote by which Strato was disfranchised happened 'against all the laws' (παρὰ πάντας τοὺς νόμους) and was a consequence of Meidias' wickedness. Youni (n. 2), 375 n. 52 cites these examples (and Dem. 21.23) when examining the uses of the noun *atimia*, but does not mention the differences in the usage of *atimaô*/*atimoô* and *atimazô*.

[9] Cf. especially §87 (ἀτιμοῖ [Meidias]) and §91 (ἠτίμωσεν [Meidias]; ἠτίμωται [Strato]).

[10] In this instance, the proximity of the language of *hybris* serves further to highlight that, according to Demosthenes, even though Strato had legally and objectively become *atimos*, he did not deserve it: cf. n. 8 above. For *hybris* as an absolutely pejorative term, reflecting badly on the *hybristês*, see N.R.E. Fisher, *Hybris: A Study in the Values of Honour and Shame in Ancient Greece* (Warminster, 1992) and, recently, D.L. Cairns, 'Aristotle on *hybris* and injustice', in C. Veillard, O. Renaut and D. El Murr (edd.), *Les philosophes face au vice, de Socrate à Augustine* (Leiden and Boston, 2020), 147–74.

[11] For which the penalty, upon conviction, was *atimia*: cf. e.g. Andoc. 1.74; Dem. 15.32; [59].26–7; Aeschin. 3.176. The aim was to tarnish Demosthenes' reputation: Meidias wanted the indictment to be posted 'for all to see' (ἵνα … πάντες ὁρῷεν). On *graphê deilias* see E.M. Harris, *The Rule of Law in Action in Democratic Athens* (Oxford, 2013), 169–70.

[12] Which Theophrastus (fr. 4b Szegedy-Maszak = *Σ* Dem. 22.3 [13b Dilts]) labels as 'a kind of *atimia*' (τις ἀτιμία), on top of a fine of 1,000 *drachmae*; on the penalty for 'frivolous prosecution' (i.e. for failing to follow through with a public suit by either going to court or withdrawing it at the *anakrisis*, or for failing to get one-fifth of the votes) see E.M. Harris, *Democracy and the Rule of Law in Classical Athens* (Cambridge, 2006), 405–22.

[13] Cf. §182 (ἠτιμωμένοι … εἰσίν); 183 (ἀτιμώσετε).

[14] As had been the case for Smicrus and Scito, mentioned by Demosthenes at §182. Cf. Dem. 37.49; [58]; [59].6; see also Isoc. 20.16, where the speaker seems to suggest that, in charges of *hybris*, the penalty for the convicted defendant should be high enough to prevent that individual from engaging in such behaviour again (περὶ δὲ τῆς ὕβρεως, ὅσον ἀποτείσας ὁ φεύγων παύσεσθαι μέλλει τῆς παρούσης ἀσελγείας)—perhaps a reference to the social, legal and political neutralization suffered by a victim of *atimia*. For the idea that particularly heavy fines could be a roundabout way to impose *atimia* see J.H. Blok, 'Ten thousand: fines, numbers and institutional change in fifth-century Athens', in R. Sing, T.A. van Berkel and R.G. Osborne (edd.), *Numbers and Numeracy in the Greek Polis* (Leiden and Boston, 2022), 96–130, and S. Johnstone, 'Punishing and valuing', in R. Sing, T.A. van Berkel and R.G. Osborne (edd.), *Numbers and Numeracy in the Greek Polis* (Leiden and Boston, 2022), 78–95.

[15] Dem. 21.72–4. On this passage see recently Rocchi (n. 2), 314–15.

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disrespected (ἀτιμαζόμενος, from *atimazô*).[16] What he is clearly implying is that, by being punched, Euaeon suffered *atimia* in that he was disrespected by Boeotus, not in that he was punished with legal *atimia*, or even in that he lost the respect of his peers because of the punch.[17]

This distinction in the use of the two verbs is observed throughout the corpus of the orators,[18] and is broadly reflected in the major English translations of the speeches, where *atimaô*/*atimoô* is generally linked to the 'loss of (civic) rights' and *atimazô* with the more general notion of 'dishonour' or 'disrespect'. But recognizing the consistency of this distinction is important, because it allows us to clarify the meaning of the verbs in those passages where the context could be ambiguous. Two examples will illustrate this point. The first is in the pseudo-Demosthenic *Against Stephanus I* (Ps.-Dem. 45). Here the speaker—Apollodorus, who is perhaps also the author of the speech[19]—is accusing the defendant of having given false testimony in a previous *paragraphê* trial against his stepfather, Phormio, who had formerly been the enslaved manager of his father Pasion's bank. Apollodorus attacks not only Stephanus (§§53–70), but also his associates, including Phormio (§§71–82) and his (Apollodorus') brother, Pasicles, whom Apollodorus accuses of being Phormio's son and therefore illegitimate (§83–4). And indeed, at §84, Apollodorus claims that, when Pasicles is taking legal action together with Phormio, 'the slave' (ὅταν γὰρ τῷ δούλῳ συνδικῇ), and making his own brother *atimos* in the process (τὸν ἀδελφὸν ἀτιμῶν), it is easy to suspect as much. In one of the standard English translations of the speech, Scafuro seems to read the verb *atimaô*/*atimoô* as a reference to 'dishonour' in the non-legal sense, and translates 'when [Pasicles] acts as an advocate for the slave and dishonors his brother'.[20] However, as Apollodorus himself admits (§6), he had lost the previous *paragraphê* rather spectacularly, having to pay a heavy *epôbelia* of more than three talents,[21] and Pasicles' testimony, discussed at Dem. 36.22,[22] appears to have been instrumental in Phormio's victory. Failure to pay a debt to the state resulted in legal *atimia*,[23] and therefore Apollodorus is implying that his brother is associating with Phormio in an attempt to make him (Apollodorus) *atimos* as a result of the debt:[24] it is clearly a reference to the legal penalty. Gernet does indeed interpret the passage from this perspective, and translates 'Lorsqu'on le voit faire cause commune avec son esclave pour faire condamner son frère à l'atimie',[25] with Dem. 27.67 as a *comparandum*. Highlighting that the use of *atimaô*/*atimoô*, here and elsewhere, directly refers to the

[16] Cf. §74.

[17] Cf. M. Canevaro, 'The public charge for *hubris* against slaves: the honour of the victim and the honour of the *hubristēs*', *JHS* 138 (2018), 100–26, at 111–14.

[18] Consistently with the use of the orators, in the Chalcis decree (*IG* I^3 40, dated to 424/3 B.C.E.) the verb used to talk about the legal penalty of *atimia* is *atimaô*/*atimoô* (lines 6–7: οὐδὲ ἰδιότεν οὐδένα ἀτιμ|όσο).

[19] Cf. D.M. MacDowell, *Demosthenes the Orator* (Oxford, 2009), 120.

[20] A.C. Scafuro, *Demosthenes, Speeches 39–49* (Austin, 2011), 265.

[21] Cf. Scafuro (n. 20), 126.

[22] A speech written by Demosthenes in defence of Phormio for the *paragraphê* trial.

[23] Cf. e.g. Andoc. 1.73; Dem. 21.182; 24.112, 123; 37.22; [58].2, 21, 48–9; [59].7; Hyp. 5.24; Din. 2.13, 17; Ps.-Arist. *Ath. Pol.* 48.1, 54.2; *FGrHist* 324 F 8 (Androtion).

[24] That the attempt was misguided (and unsuccessful) is highlighted through the language of *hybris* (cf. §§1, 6, 39, 67, 80, 83, 86, and also §4, where Apollodorus says that he tried to lodge a suit for *hybris*; cf. also n. 10 above), and perhaps also through the references to Apollodorus' current poverty (§§73–4, 85), which might suggest that he had paid the fine; note also that Apollodorus himself is in court pleading his case, and thus, evidently, not *atimos*.

[25] L. Gernet, *Démosthène, Plaidoyers civils*, vol. 2, *Discours XXXIX–XLVIII* (Paris, 1957), 178; see also n. 2: 'comme conséquence possible de l'épobélie pour le demandeur débouté et insolvable'.

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legal penalty of *atimia* is important, because it not only further indicates that *epôbelia* was paid to the treasury rather than to the successful litigant,[26] but it also sheds further light on the speaker's overall rhetorical strategy of presenting Pasicles as a morally bankrupt individual whose testimony is not to be trusted, because he is well versed in misusing the courts to his advantage—and not merely disrespectful towards his brother.

The second example is in the speech *Against Timarchus* (Aeschin. 1.183), where the verb *atimaô*/*atimoô* is used in the context of a discussion of a (supposedly) Solonian law on 'the good order of women' (ἡ τῶν γυναικῶν εὐκοσμία). By this law, Aeschines explains, any woman caught with a seducer was no longer allowed to wear jewellery and make-up, nor to attend public religious ceremonies, and anyone who caught her doing any of those things could mistreat her at will, provided that she was not killed or mutilated.[27] In this way the legislator is making the woman's life 'not worth living' (τὸν βίον ἀβίωτον αὐτῇ παρασκευάζων) and 'punishing her with *atimia*' (ἀτιμῶν). The passage is analysed in Rocchi (n. 2) as part of a larger argument that challenges the *communis opinio* on *atimia*—namely, that it was a legal penalty used only against male Athenian citizens—by which the reference to *atimia* at Aeschin. 1.183 has generally be read as referring to extra-legal, informal dishonour.[28] The use of a verb that is employed virtually without fail in the corpus of the orators (and invariably in the forensic speeches) to describe the legal penalty of *atimia*, in a context where the text of an actual law is discussed, seems to me to provide further confirmation to the interpretation of *atimia* as a legal penalty (loss of one or more rights) that was programmatically flexible and whose actual application (that is, the right(s) being targeted) depended both on the crime committed and on the legal identity (and associated legal rights) of the person it was meted out to, regardless of gender. However, even if we reject this reading, it still seems significant that the verb selected to describe these women's condition is one that focusses on the reality of their situation and on the tangible results of the legal provision: the actual curtailment of their freedom of movement and of expression, and a

[26] For this notion see D. Whitehead, 'Athenian laws and lawsuits in the late fifth century B.C.', *MH* 59.2 (2002), 71–96, referring to M.H. Hansen, '*Atimia* in consequence of private debts', in J. Modrzejewski and D. Liebs (edd.), *Symposion 1977: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Vienna, 1982), 113–20, at 119; on *epôbelia* in general see D.M. MacDowell, 'The Athenian penalty of *epobelia*', in E.M. Harris and G. Thür (edd.), *Symposion 2007: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Vienna, 2009), 87–94.

[27] The same provisions are described at Ps.-Dem. 59.85–6. The law quoted in the following paragraph (§87) stipulates that the penalty for not divorcing an unfaithful wife was *atimia* for the husband; this is not implausible, but the information is not confirmed by any other contemporary source, and the document itself is probably a late forgery: see M. Canevaro, *The Documents in the Attic Orators: Laws and Decrees in the Public Speeches of the Demosthenic Corpus* (Oxford, 2013), 190–6.

[28] Scholars have acknowledged the similarities between this provision and the limitations imposed on men through *atimia*: cf. E. Cantarella, *Bisexuality in the Ancient World* (New Haven and London, 1992), 52–3; N.R.E. Fisher, *Aeschines:* Against Timarchos (Oxford, 2001), 336; A. Glazebrook, 'Prostituting female kin (Plut. *Sol*. 23.1–2)', *Dike* 8 (2006), 33–53, at 47; K.A. Kapparis, *Athenian Law and Society* (London and New York, 2019), 142, 192. However, the consensus has been that the legal penalty of *atimia* was meted out to (citizen) men only: cf. P. van Lelyveld, *De infamia jure Attico commentatio* (Amsterdam, 1835), 269–70; Hansen (n. 2), 56; S.C. Todd, *The Shape of Athenian Law* (Oxford, 1993), 142, 182, 365; D. Kamen, *Status in Classical Athens* (Princeton, 2013), 74, 77, 91; Kapparis (this note), 114 n. 144, 131; and most recently K. Woram, 'Archaic and classical *atimia*: citizenship, religious exclusion, and pollution', *TAPhA* 152 (2022), 303–44, at 317, who states that women 'were punished with something akin to *atimia* (but not *atimia* itself)'.

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loss of standing in the community (with a corresponding loss of the legal right to protection from bodily harm) that is enshrined in the laws of the city.[29]

This focus on the end result of the action is especially prominent also in Isoc. 5.64, which is the only passage among the forty instances of *atimaô*/*atimoô* that is not immediately related to the legal penalty of *atimia*. Significantly, the instance is found not in a forensic speech, but rather in a pamphlet where Isocrates is addressing Philip II of Macedon and inviting him to unite all the Greek city-states and lead an expedition against the Persians. He uses the example of Conon who, after the battle of Aegospotami, had a fall from grace, but then recovered at the battle of Cnidus and managed to revive the fortunes of Athens as well. 'And yet', Isocrates asks, 'who would have thought that the affairs of Greece would be overturned by a man who was doing so poorly, and that some of the Greek cities would suffer *atimia* (ἀτιμωθήσεσθαι) while others would raise to prominence?' Isocrates is clearly not referring to the legal penalty of *atimia* here—what he wants to stress, by using *atimaô*/*atimoô*, is the fact that this reversal of fortune did in fact happen to these cities. It is not that, subjectively, these city-states felt disrespected—they actually suffered a loss of status, and forfeited the position of power they previously enjoyed.[30] What is in focus here, then, is the perfective meaning of the verb, which is the basis for its use as the preferred verb to describe the legal penalty of *atimia*: it describes an action performed in the past that has an objective result in the present.

On the other hand, the instances of *atimazô*—seventeen in total—undoubtedly show that the verb is used primarily to convey the idea of '(unwarranted) disrespect'. Aside from the clear example of Euaeon and Boeotus (pages 181–2 above), two instances in Aeschines' speech *On the Embassy* (Aeschin. 2) clarify this point. In the opening paragraphs, Aeschines claims that, by slandering him, Demosthenes 'dishonours' (ἀτιμάζει, §9) him—he disrespects him, not giving him his due.[31] A similar use of the verb is found at §121, where Aeschines suggests that an envoy who had been prevented by his colleagues from reporting to the Assembly might rightly consider himself disrespected (ἀτιμασθείς), clearly implying that such behaviour on the part of his fellow ambassadors would be unwarranted, and would certainly not entail legal consequences for the disrespected envoy.[32] The same form of the verb is used by Demosthenes, coupled with the passive participle of *propêlakizô*, 'to pelt with mud' (ἀτιμασθεὶς καὶ προπηλακισθείς),[33] at Dem. 22.62, when the speaker, Diodorus, is describing how those

[29] The verb *atimaô*/*atimoô* is used also in an Aristotelian fragment (fr. 611.42 Rose) from the constitution of Lepreum to describe the penalty for both men and women who engaged in *moicheia*: see page 191 below.

[30] Isocrates is here talking about the reversals of fortune of the general Conon, the father of Timotheus. Timotheus was a pupil of Isocrates and himself a successful general who, however, following the debacle at the battle of Embata, was fined 100 talents at his *euthynai* and became *atimos* because he could not pay (cf. R.A. Knox, '"So mischievous a beaste"? The Athenian *demos* and its treatment of its politicians', *G&R* 32 [1985], 132–61, at 137–8): for the fine see Isoc. 15.129; Din. 1.14; 3.17; for the procedure being connected with his *euthynai* rather than an *eisangelia* see E.M. Harris with A. Esu, 'Policing major crimes in classical Athens: *eisangelia* and other public procedures', *Rivista di Diritto Ellenico* 11 (2021), 39–119, at 70. The fine was then lowered to ten talents to keep Timotheus' son Conon from inheriting his father's *atimia* (cf. Nep. *Timoth*. 3.5). It is possible that Isocrates had these events at the back of his mind.

[31] Cf. the translation in C. Carey, *Aeschines* (Austin, TX, 2000), 96. This is made clear by §8.

[32] For another example of *atimazô* used by somebody who feels that they are not receiving their due see Dem. 57.36.

[33] The verb occurs thirty-seven times in the corpus of the orators, eight of which are in Dem. 21 (§§7, 61, 66, 72, 109, 131, 195, 219) to stigmatize Meidias' *hybris*; in four other instances (Dem. 9.60; 22.58; 23.120; 36.47) the verb is explicitly associated with the language of *hybris*. The same verb is used in *Agora* inv. IL 1702, first published by D.R. Jordan, 'A personal letter found in the Athenian

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who had been unjustly slandered and insulted by the defendant, Androtion, had understandably come to hate him.[34]

The verb *atimazô* appears also in the second speech *Against Boeotus* (Ps.-Dem. 40), concerned with the recovery of Mantitheus' mother's dowry. This instance is worth examining, because the dispute raises issues of citizenship and legitimacy—and so, potentially, of *atimia* and *epitimia* as legal notions.[35] Mantitheus does often cast doubt on whether his father, Mantias, was also the father of Boeotus and Boeotus' brother Pamphilus,[36] and uncertainty as to their father's identity would have endangered their citizen status,[37] because being born of two Athenian parents was the *condicio sine qua non* to be considered citizens by birth.[38] However, he sensibly does not make much of this claim: first, because he himself is forced to admit that Mantias seemed to have been in love with Boeotus' mother Plangon, and that they had children;[39] and second, because it is easier (and more advantageous to Mantitheus' argument) to maintain that Mantias and Plangon, although they had a romantic relationship, were never actually married, since this would disprove the existence of Plangon's dowry and endanger Boeotus' and Pamphilus' claim to a portion of Mantias' estate—children of Athenian parents born out of wedlock were still citizens,[40] but could not inherit. Thus, when Mantitheus repeatedly

agora', *Hesperia* 69 (2000), 91–103; see also Harris (n. 12), 271–9 and F.D. Harvey, '"Help! I'm dying here": a letter from a slave', *ZPE* 163 (2007), 49–50. This is a lead letter from the Athenian *agora* addressed by an enslaved individual (Lesis) to his mother and a certain Xenocles, where Lesis complains that he is being 'treated like dirt' (line 4: προσπηλακίζομαι) by the 'terrible man' (line 3: ἀνθρώπῳ πάνυ πονηρῷ) to whom his 'masters' (line 2: τὸς δεσπότας) have handed him over, and begs his mother and Xenocles to find a better situation for him. The comparison between this and Dem. 22.62 further shows that dynamics of *timê* and *atimia* need not invariably be tied to notions of legal status (although they often are): enslaved individuals have no *timê* from a legal perspective, and yet they can still feel that they are being disrespected on some level—in this case, for instance, Lesis feels that he is being treated unjustly because he has done nothing to deserve the treatment he is enduring (cf. Harris [n. 12], 275–6 n. 10).

[34] Cf. also Dem. 22.61, where Diodorus relates Androtion's remarks and implies that some of them were actionable under the law on slander. On slander, *parrhêsia* and *dikê kakêgorias* see M. Canevaro, 'Between freedom and social control? *Parrhesia*, slander and honour in Athenian law (and society)' (forthcoming).

[35] M. Canevaro, 'The decree awarding citizenship to the Plataeans ([Dem.] 59.104)', *GRBS* 50 (2010), 337–69 and Canevaro (n. 27), 203 has shown that, in legal discourse, *epitimia* has normally a restorative sense: it takes one back to where one was with regard to one's *timê*. As explained in Rocchi (n. 2), 321, the legal categories of *atimia* and *epitimia* are relevant both to (male) citizens and to other individuals who entertain relations with the *polis*, but they are of course supremely important to male citizens, who have more at stake in terms of rights.

[36] For example, at Ps.-Dem. 40.9–11, where Mantitheus describes how his father was tricked into adopting Plangon's sons.

[37] Cf. Dem. 39.2: according to Mantitheus, Boeotus claimed that he was being robbed of his citizen rights (τῆς πατρίδος ἀποστερεῖσθαι) if Mantias did not recognize him as his son—evidently, he was otherwise unable to prove dual Athenian parentage. See also Dem. 39.34–5 for Boeotus' anxiety regarding his status and rights.

[38] After Pericles' citizenship law, on which see recently J.H. Blok, 'Perikles' citizenship law: a new perspective', *Historia* 57 (2009), 141–70 and J.H. Blok, *Citizenship in Classical Athens* (Cambridge, 2017), to be read against P. Fröhlich, 'La citoyenneté grecque entre Aristote et les modernes', *CCG* 27 (2016), 91–136. See also L. Rocchi, *Studies on* P. Oxy. *XXXI 2537* (Berlin and Boston, 2021), 96–7, 100–2 and C.J. Joyce, 'Could Athenian women be counted as citizens in democratic Athens?', in J. Filonik, C. Plastow and R. Zelnick-Abramovitz (edd.), *Citizenship in Antiquity: Civic Communities in the Ancient Mediterranean* (London, 2023), 342–53.

[39] See the reluctant remark at Ps.-Dem. 40.8, the reference to passion at §9 and the admission that Mantias had a relationship with Plangon (both before and after the death of Mantitheus' mother) at §27.

[40] See A.R.W. Harrison, *The Law of Athens*, vol. 1 (Oxford, 1968), 63–5 and D.M. MacDowell, 'Bastards as Athenian citizens', *CQ* 26 (1976), 88–91; see also C.J. Joyce, 'Citizenship or inheritance? The phratry in classical Athens', *Polis* 36 (2019), 466–87, at 484–5 for a recent discussion of Dem. 39.

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uses the verb *atimazô* at §§26–9, he is not thinking of legal *atimia*,[41] especially since he starts by assuming his opponent's point of view and suggesting that Boeotus would say that Mantias had disrespected (ἠτίμαζεν, §26) him, his brother, and their mother for the sake of Mantitheus and his mother: from Boeotus' perspective (as described by Mantitheus), being excluded from Mantias' household despite being his son had been a misrecognition of a legitimate claim. Indeed, in the following paragraphs, Mantitheus not only maintains that it would have been far more likely for Mantias to 'dishonour' (ἀτιμάζειν, §27)—that is, exclude from his household—him rather than Plangon's children, but also that Boeotus cannot even claim that Mantias had adopted him as a child and then (unfairly) 'dishonoured' (ἠτίμαζεν, §29) him at a later time due to his anger at Plangon.[42] Here the action of dishonouring (*atimazein*) is explicitly contrasted to adoption and admission into Mantias' family, and, although adoption is a legal procedure with legal consequences, exclusion from one particular household does not in itself amount to legal *atimia*. As is explained at §10, Mantias had even arranged for Boeotus and Pamphilus to be adopted by Plangon's brothers, which would have preserved their political rights (τούτων γὰρ γενομένων οὔτε τούτους ἀποστερήσεσθαι τῆς πολιτείας) while still preventing them from joining his family. This, in Boeotus' view as Mantitheus presents it, was a clear lack of respect (*atimia*), irrespective of whether he and his brother kept their citizen status or not.

Even though *atimazô* is never the preferred verb to describe the legal penalty of *atimia*, in some instances its use has the potential to evoke the penalty without explicitly mentioning it in contexts where it would have been either inappropriate or inexpedient to do so.[43] That the two families of verbs maintained this kind of connection is not surprising, because the notion of *atimia* never lost its connection to the socio-ethical sphere, despite being an actual legal remedy. And yet, the consistency with which *atimaô*/*atimoô* is used to describe the legal penalty, while *atimazô* is employed in connection with *atimia* as 'lack of respect', is too pronounced to be casual, and the rare appearances of *atimazô* in passages where legal *atimia* is suggested invariably show that the verb was selected to highlight the focus on the extra-legal aspects of the concept. This can be seen in stark relief in the speech *Against Philon* (Lys. 31), a *dokimasia* speech against a prospective member of the Council.[44] After explaining at length why Philon is not worthy of Council membership, often by suggesting that he had engaged in

[41] Although he does suggest, at §22, that Boeotus and Pamphilus might have been *atimoi* because their maternal grandfather was still listed as a state debtor, but this has nothing to do with their father Mantias and with the issues of paternity and legitimate birth—it is just an attempt further to discredit them.

[42] Cf. Dem. 39.23.

[43] The opposite path (i.e. the use of *atimaô*/*atimoô* while subtly referring to extra-legal meanings of *atimia*) is also possible: cf. Isoc. 16.49, where Alcibiades the Younger is referring to the possibility that he might become *atimos* (ἀτιμωθήσομαι) because of his father's victory at Olympia, an achievement for which others get rewarded (τοὺς ἄλλους … δωρεὰς λαμβάνοντας). From previous paragraphs (cf. especially §47, ἠτιμωμένον), it is clear that he is talking about the actual legal penalty he would incur as a result of a fine he cannot pay, but the wording at §49 shows that he also believes that he is being deprived of due recognition.

[44] Youni (n. 2), 375 notes the rhetorical play between *atimia qua* 'loss of rights' and *atimia qua* 'dishonour'/'disgrace' in this speech, but does not analyse the verbs. On *dokimasia* see C. Feyel, *ΔΟΚΙΜΑΣΙΑ: la place et le rôle de l'examen préliminaire dans les institutions des cités grecques* (Paris, 2009) and recently S.C. Todd, *A Commentary on Lysias, Speeches 12–16* (Oxford, 2021), 595–8. On this speech and its relationship to other *dokimasia* speeches see B. Keim, 'Lysias and the rhetoric of citizen honour', in J. Filonik, B. Griffith-Williams and J. Kucharski (edd.), *The Making of Identities in Athenian Oratory* (London, 2020), 102–21.

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actions—such as maltreatment of parents or military misconduct[45]—that were punishable with *atimia*,[46] the speaker says explicitly that the members of the outgoing Council, who are presiding over the *dokimasia*, should punish Philon at least 'with the *atimia* available at this moment' (τῇ γε παρούσῃ ἀτιμίᾳ, §29), that is, rejection from office—since, as explained by Canevaro and Rocchi, the notion of *timê* in the legal sphere can identify a legal right,[47] revocation of a right can be construed as *atimia*.[48] Lysias, however, is well aware of the fact that this *atimia*, despite preventing its target from exercising a legal right, is contiguous but not entirely assimilable to the legal penalty bestowed upon conviction, that is, the *atimia* that he evoked when speaking of neglecting one's parents or deserting one's post. Therefore, at §30, he moves to a more general remark about how the Council honours good men (τοὺς ἀγαθοὺς ἄνδρας … τιμᾶτε) and dishonours bad ones (τοὺς κακοὺς ἀτιμάζετε)—he uses the verb *atimazô* not only to broaden the scope of his argument (which nods to the penalty of *atimia* but is not limited to it),[49] but also because, strictly speaking, rejecting a prospective councillor at his *dokimasia* is not equivalent to a conviction for the relevant crimes, even though it might lead to it.[50] Accordingly, at §33, Lysias' client explains to the councillors that they would not disrespect Philon (οὐ γὰρ ὑμεῖς νῦν αὐτὸν ἀτιμάζετε) by not letting him hold office, but it is rather he himself who has behaved in a manner that has made him unworthy of active participation (ἀλλ' αὐτὸς αὑτὸν τότε ἀπεστέρησεν): in this instance, with one verb, Lysias not only shows his awareness of the relationship (and difference) between rejection at a *dokimasia* and *atimia* upon conviction, but also suggests that, by excluding Philon, his client's fellow councillors are not 'unjustly disrespecting' him—Philon would

[45] Failure to bury his mother: §§20–3; likening of his behaviour to desertion in battle: §28 (cf. C. Carey, *Lysias: Selected Speeches* [Cambridge, 1989], 200). If the Solonian law on *stasis* prescribing *atimia* for those who do not side with either party is genuine (Ps.-Arist. *Ath. Pol*. 8.5), this could be framed as relevant in Philon's case, but it is true that Lysias' client does not mention it outright—even though he uses the same words (at §14) that, according to *Ath. Pol.*, stood in the Solonian text—and, more disturbingly, seems to maintain that no such law existed (§§27–8). On this see S.C. Todd, *Lysias* (Austin, TX, 2000), 308–9. Cf. also M. Valdés Guía, 'A new reading of Solon's law on *stasis*: the sovereignty of the *demos*', *DHA* 47 (2021), 187–219, at 194–5, whose argument, however, appears to me not entirely convincing.

[46] *Atimia* as the penalty for military misconduct: cf. e.g. Andoc. 1.74; Dem. 15.32; [59].26–7; Aeschin. 3.176; *atimia* as the penalty for maltreatment of parents: cf. e.g. Andoc. 1.74; Dem. 24.103; Aeschin. 1.28; see also Isae. 8.32; Harpocr. κ 12 Keaney (s.v. κακώσεως).

[47] M. Canevaro and L. Rocchi, 'Greek subjective rights? Justice, legal discourse and legal institutions', in C. Ando, M. Canevaro and B. Straumann (edd.), *The Cambridge History of Rights*, vol. 1: *Antiquity* (Cambridge, forthcoming). See also D.L. Cairns, 'Honour and kingship in Herodotus: status, role, and the limits of self-assertion', *Frontiers of Philosophy in China* 14 (2019), 75–93 and M. Canevaro, 'I diritti come spazio di socialità: la *timê* tra diritto e dovere', *Classici Contro* 15 (2020), 157–77.

[48] And indeed the *atimia* represented by the debarment from office is contrasted with the bestowal of special rights (*timai*) on deserving metics at the beginning of the paragraph.

[49] See also Carey (n. 45), 201, quoted also by van 't Wout (n. 2), 126 n. 5.

[50] Ps.-Dem. 25.30 seems to suggest that a candidate could be rendered *atimos* in a *dokimasia*, but the speech is very likely to be a Hellenistic rhetorical exercise: see E.M. Harris, *Demosthenes, Speeches 23–26* (Austin, TX, 2018), 193–7. As Harris points out (207 n. 48), Lipsius had already noted that those who had failed their *dokimasia* (alongside the other categories of people listed by the speaker) did not become *atimoi*: cf. J.H. Lipsius, 'Über die Unechtheit der ersten Rede gegen Aristogeiton', *Leipziger Studien* 6 (1883), 319–33, at 325, citing the case of Theramenes at Lys. 13.9–10 (rejection at his *dokimasia* for the generalship) as an example, to which we can also add the case of Aristogiton as described at Din. 2.10 (rejection at his *dokimasia* for the office of *emporiou epimelêtês*). In the very speech *Against Philon* (Lys. 31.24), the fact that the speaker considers the 'possibility of rehabilitation' (cf. Keim [n. 44], 110) for Philon in case he is rejected, so that he could serve at a later time, suggests that rejection itself was not enough to consider an individual legally *atimos* (and therefore excluded from Athenian public life), even though it was certainly not a good look.

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indeed have no right to be angry (μόνος δή … δικαίως οὐδ' ἂν ἀγανακτοίη μὴ τυχών),[51] because he fully deserves to be excluded from office.[52] The expression, then, exonerates the outgoing councillors from the accusation of having unjustly disrespected Philon while simultaneously suggesting that Philon himself has indeed made himself *atimos*, and his *atimia* could (and should) very well be actualized.[53]

A rhetorical use of the verb that fully capitalizes on its connection with the legal penalty is in Isocrates' *Encomium of Helen* (10.58),[54] probably a response to Gorgias' work of the same title. At the end of a section centred around the importance of beauty (§§54–8), Isocrates remarks that our reverence and concern for beauty are so great that 'of those who possess beauty, we dishonour (ἀτιμάζομεν) those who hire themselves out (τοὺς … μισθαρνήσαντας) and make bad decisions with regard to their youthful charms more than those who wrong the bodies of others'. The reference to the legal penalty of *atimia* is clear: as we know from the *Against Timarchus*,[55] male citizens who 'hired themselves out' were regarded as *atimoi* and required to behave as such.[56] Yet Isocrates does not use *atimaô*/*atimoô* precisely because the verb here governs two categories, one of which—actual male prostitutes—might be subject to *atimia* in either sense (legal, as the penalty, and extra-legal, as 'disgrace' or 'disrepute'), while the other—those who mishandle their beauty—would more normally be subject to it only in the non-legal sense. Moreover, Isocrates wishes his statement to have general validity from a socio-ethical standpoint: he is not interested in examining the legal consequences of (male) prostitution—which are not immediately relevant in this context—but rather, in using this analogy grounded by the allusion to legal *atimia*, to demonstrate the extent to which the misuse of beauty is generally regarded as morally base. In addition Isocrates, throughout the speech, often borrows forensic terms—such as 'judge',[57] 'witness'[58] or 'proof'[59]—but intentionally gives them a different spin by using them in entirely non-legal contexts: he toys with legal notions and terminology without committing to a forensic style or to full-blown legal argumentation both to show awareness of the apologetic style of the previous *Encomium of Helen*—his polemical target—and to highlight, by contrast, his superior command of the encomiastic genre.[60] Thus in alluding to *atimia*, Isocrates might have had at the back of his mind a specific passage of the Gorgian speech, where the legal penalty is directly mentioned in a discussion on how 'the

[51] Anger as the response to perceived unjust disrespect is mentioned also at Dem. 21.71 (Euaeon and Boeotus); cf. also Dem. 22.62 and Lys. 2.27. Arist. *Rh*. 1378b29–35 suggests that anger is the normal response in cases of unwarranted disrespect. On anger in the orators see L. Rubinstein, 'Stirring up dicastic anger', in D.L. Cairns and R.A. Knox (edd.), *Law, Rhetoric and Comedy in Classical Athens: Essays in Honour of Douglas M. MacDowell* (Swansea, 2004), 187–204.

[52] Cf. e.g. also Isoc. 20.19, where the speaker says that, by disregarding common people, the judges would be 'dishonouring' themselves (ὑμᾶς γὰρ ἂν αὐτοὺς ἀτιμάζοιτ' εἰ τοιαῦτα γιγνώσκοιτε περὶ τῶν πολλῶν), i.e. behaving in a way that is beneath them, and that this would be morally wrong, even though it would not lead to negative legal consequences for themselves: it was impossible to prosecute judges for miscarriage of justice, and therefore impossible to impose *atimia* on them in this way.

[53] The verb *atimazô* for extra-legal justified disrespect is also at Isoc. 2.14 = 15.72.

[54] See also Isoc. 15.235.

[55] Where the verb *mistharneô* ('to hire oneself out') is repeatedly used: cf. Aeschin. 1.40, 52, 87, 154.

[56] Cf. e.g. Aeschin. 1.19–20, 29; Dem. 22.30–2; Andoc. 1.100.

[57] Isoc. 10.38, 41, 42, 46, 47. Cf. also the verbs *skopein* and *dokimazein*, with reference to Paris, at §47 (χρὴ δὲ σκοπεῖν ὁποῖός τις ἦν καὶ δοκιμάζειν αὐτὸν οὐκ ἐκ τῆς ὀργῆς τῆς τῶν ἀποτυχουσῶν, ἀλλ' ἐξ ὧν ἅπασαι βουλευσάμεναι προείλοντο τὴν ἐκείνου διάνοιαν).

[58] Isoc. 10.38 (μάρτυς), 63 (μαρτυρέω).

[59] Isoc. 10.8, 60 (with the characteristic turn of phrase μέγιστον δὲ τῶν εἰρημένων τεκμήριον).

[60] Cf. Isoc. 10.14, where Isocrates calls Gorgias' speech an *apologia* rather than an encomium.

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undertaking undertaken by the barbarian [*sc*. abducting Helen and using *hybris* against her][61] was barbarous in word and law and deed, and deserves blame in word, *atimia* in law (νόμῳ δὲ ἀτιμίας) and punishment in deed':[62] Isocrates would then be showcasing not only his greater ability in using legal elements appropriately within a non-forensic speech, but also his deeper knowledge of Athenian law[63]—while, in classical Athens, (male) prostitution did invariably result in *atimia qua* debarment from active participation in political life, the penalty upon conviction for *hybris* was not fixed by law.[64]

One final striking example is Lys. 16.5. Among the passages in which *atimazô* is used, this is the one for which the connection with the legal penalty of *atimia* would seem, at first sight, indisputable: when the speaker, Mantitheus,[65] says that the Thirty 'would rather dishonour (ἠτίμαζον) those who joined them in overthrowing the *dêmos*' than giving people who were abroad—like himself—a share in the constitution (μεταδιδόναι τῆς πολιτείας), it might be hard to believe that he did not think, perhaps almost exclusively, of the diminution of rights of those who were debarred from active participation by the Thirty, which can be framed as a type of legal *atimia*. But the use of *atimazô* instead of *atimaô*/*atimoô* does not seem casual: imposing the penalty of *atimia* on an individual (*atimaô*/*atimoô*) is always the result of a legal process which, even though mistakes can be made,[66] is fundamentally sound and depends on criteria that have been agreed upon by the community. On the contrary, the Thirty's regime had been the epitome of illegality and unlawfulness: they killed and exiled, removed citizens from government,[67] and disregarded the legitimate claims of both citizens and metics, and nothing they did—Mantitheus seems to suggest—can be described with the language of the law. While the unlawful exclusion enacted by the Thirty can be (and at times is) described as *atimia*,[68] with the verb *atimazô* Mantitheus is able to embrace—and denounce—a wider range of disrespectful treatments, and all the examples of ungratefulness (even towards those who helped them) perpetrated by the Thirty. He also manages to imply, in one stroke, that the Thirty were operating completely outside the boundaries imposed by the law.

Thus in the Attic orators the distinction between *atimaô*/*atimoô* and *atimazô* is consistently observed: *atimaô*/*atimoô* expresses the notion of 'objective loss of status', which is most normally represented by the legal penalty of *atimia*, while *atimazô* describes a kind of 'disrespect' that is primarily extra-legal, even though it can assume legal undertones.

[61] Cf. the beginning of the passage: εἰ δὲ βίᾳ ἡρπάσθη καὶ ἀνόμως ἐβιάσθη καὶ ἀδίκως ὑβρίσθη, δῆλον ὅτι ὁ <μὲν> ἁρπάσας ὡς ὑβρίσας ἠδίκησεν, ἡ δὲ ἁρπασθεῖσα ὡς ὑβρισθεῖσα ἐδυστύχησεν.

[62] Gorg. *Hel*. 7 (transl. modified from M. Gagarin and P. Woodruff, *Early Greek Political Thought from Homer to the Sophists* [Cambridge, 1995]).

[63] Gorgias was from Leontini, and therefore he might be excused for not being attuned to the technicalities of Athenian law; but he was composing a rhetorical piece, the focus of which was not the Athenian legal system (regardless of how knowledgeable Gorgias might have been).

[64] Although, in principle, it could be *atimia*, probably as the result of a sizeable fine.

[65] Who might or might not belong to the same family involved in Dem. 39 and [40]: cf. Todd (n. 45), 178, who quotes J.K. Davies, *Athenian Propertied Families (600–300 B.C.)* (Oxford, 1971), 364–5, no. 9667.

[66] As, for example, Demosthenes seems to imply in Strato's case (cf. Dem. 21.83–100), and even in his own (cf. Dem. *Ep*. 2.24): cf. nn. 8 and 10 above.

[67] Cf. Lys. 30.15.

[68] Cf. Lys. 12.21, where Lysias says that 'many who were *epitimoi* [the Thirty] made *atimoi*' (πολλοὺς δ' ἐπιτίμους ὄντας ἀτίμους κατέστησαν). In this case, the illegality of their behaviour is the main point of the speech and does not need to be further highlighted.

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2. *ATIMAÔ*/*ATIMOÔ* AND *ATIMAZÔ* IN OTHER CLASSICAL PROSE TEXTS

As mentioned in Section 1, this distinction in the use of the two families of verbs is found not only in the orators, but also in other major classical prose texts.[69] A few examples from classical historiography and philosophy will make this clear.

In Herodotus (not an Athenian), *atimaô*/*atimoô* is used on two occasions, and in both cases it refers to non-Athenian contexts. At 4.66, while discussing Scythian customs around war (4.64–6), Herodotus describes an annual celebration where the Scythians partake in wine-drinking on the basis of their military prowess: those of them who have killed enemies drink one cup of wine; those who have killed an extraordinary amount, two; those who have killed none, however, are not allowed to drink, but rather have to sit apart, 'dishonoured' (ἠτιμωμένοι, from *atimaô*/*atimoô*). Here the use of the verb is similar to what we find at Isoc. 5.64: the reference is not to the (Athenian) legal penalty of *atimia*, but rather to the fact that these 'unworthy' Scythians, in the eyes of their community, have failed to live up to the standards of behaviour that are collectively endorsed, and suffered a corresponding diminution of status. The rationale is similar to that behind *atimia* as the legal penalty for military misconduct in Athens (cf. n. 46). A connection between shortcomings in the military sphere and *atimia* as an objective loss of status is clear also in the second Herodotean passage where *atimaô*/*atimoô* is used, dealing with Sparta. At 7.231, Herodotus recounts the fate of Aristodemus who, upon surviving the battle of Thermopylae, was dishonoured (ἠτίμωτο) in that his fellow Spartans refused to speak or share their fire with him, and mockingly called him 'the Trembler'. Herodotus also tells us that another Spartan Thermopylae survivor, named Pantites, was dishonoured in the same way (ἠτίμωτο, §232). Several other—mostly Athenian—authors link the Spartan treatment of cowards with the notion of *atimia*,[70] which seems to have been a legally sanctioned penalty (if, perhaps, under a different name) also in Sparta.[71] By contrast, unjustified dishonour is described with *atimazô* at 1.61, where Pisistratus having sexual relations with his wife, Megacles' daughter, 'not by the book' (οὐ κατὰ νόμον) in order to avoid having children with her is perceived as a terrible lack of respect by Megacles (and presumably also by his daughter).

Thucydides never uses *atimaô*/*atimoô*, but has *atimazô* in two instances. The first is in Diodotus' speech in the context of the Mytilenean debate (3.42.5): Diodotus is saying that a sensible *polis* should neither grant additional honour to her good advisers nor detract anything from the honour they already possess, and that a speaker whose advice does not prevail should suffer neither punishment nor dishonour (καὶ τὸν μὴ τυχόντα γνώμης οὐχ ὅπως ζημιοῦν ἀλλὰ μηδ' ἀτιμάζειν). Here *atimazô* is contrasted with *zêmioô*, 'to punish': if Thucydides were referring to the legal penalty of *atimia*, the contrast would make no sense. At 6.38.5, in Athenagoras' speech during an Assembly debate in Syracuse, the speaker directly addresses the youth and says that their exclusion from office is simply due to their age: once they will have reached maturity, no legal barriers will stand in their way. The verb conveys that this exclusion is due to no fault of

[69] Unsurprisingly, in the orators *atimaô*/*atimoô* appears more often than *atimazô* (forty occurrences vs seventeen), whereas in the historians and philosophers surveyed here *atimaô*/*atimoô* is used thirteen times, *atimazô* eighty-one (cf. n. 4 above).

[70] Cf. Thuc. 5.34.2; Xen. *Lac.* 9.3–6; Isoc. 8.143; Diod. Sic. 19.70.4–6; Plut. *Ages*. 30.2–4.

[71] See D.M. MacDowell, *Spartan Law* (Edinburgh, 1986), 42–6; *contra* S. Link, *Der Kosmos Sparta* (Darmstadt, 1994), 22–3, 84–5. See also J. Ducat, 'The Spartan tremblers', in S. Hodkinson and A. Powell (edd.), *Sparta and War* (Swansea, 2006), 1–55.

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their own, and therefore carries no shame—it is merely a question of reaching the appropriate age, and Athenagoras wants to stress that they will not be unjustly dishonoured (*atimazô*) once they are old enough to serve.

All instances of *atimaô*/*atimoô* in the Xenophontean corpus are found in the *Constitution of the Athenians* by the so-called Old Oligarch, where the reference is clearly to the Athenian legal penalty of *atimia*.[72] By contrast, the instances of *atimazô* in the corpus are never connected to the penalty. In some cases, the verb conveys the idea of 'unwarranted disrespect': for example, at *Hell*. 4.1.27, where Herippidas confiscates the booty amassed by Spithridates and the Paphlagonians, who then feel unjustly disrespected by him; or at *Ages*. 5.5, where Megabates perceives Agesilaus' refusal to kiss him as an unwarranted lack of respect. In other cases, *atimazô* describes a kind of disrespect that is perceived as justified at a socio-ethical level, but is not legally sanctioned. This is clear at *Cyn*. 12.21, where Virtue is said to honour those who are good to her and dishonour those who are bad (τιμᾷ τοὺς περὶ αὐτὴν ἀγαθούς, τοὺς δὲ κακοὺς ἀτιμάζει), but also at *Mem*. 2.2.14, where Socrates warns his son Lamprocles that being ungrateful (*acharistos*) to one's mother is bound to attract the disesteem of other people. This second example is particularly telling because, in Athenian law, maltreating one's parents was punished with *atimia*;[73] and yet, here Socrates/Xenophon chooses the verb *atimazô* both because he wants to focus on the social—rather than the legal—dimension of the 'offence' (that is, being shunned by one's fellow men), and because, on a more practical level, being ungrateful towards one's parents does not invariably entail the kinds of neglect and abuse that would be actionable under the Athenian *graphê kakôseôs goneôn* (and would be much harder to prove in court).

Similarly, in the Aristotelian corpus, *atimaô*/*atimoô* is used only twice, with reference to the legal penalty. Significantly, both instances are found in the works on constitutions:[74] at [*Ath. Pol.*] 53.6, where the verb describes the penalty used for misbehaving public arbitrators in Athens; and at fr. 611.42 Rose, from the constitution of Lepreum (Triphylia, Elis),[75] to talk about the penalty against both men and women caught in *moicheia*. *atimazô* is, again, only used to refer to 'disrespect': the best examples are at *Pol*. 1302b11–14 and *Rh*. 1378b30, where it designates disrespect that is perceived as unjust by its target.[76]

Finally, the case of Plato is the most instructive. The only two instances of *atimaô*/*atimoô* in the corpus are *Ap*. 30d2 and *Resp*. 553b5, and both passages discuss legal penalties—death, exile or *atimia*—that can be incurred upon conviction in court. The instances of *atimazô* are much more numerous,[77] and they all refer to *atimia* as 'disrespect' or 'disregard': for instance, the passages cited above can be contrasted with *Ap*. 19c5 and 34e1, and *Resp*. 549d5, 551a4–5, where this sense is especially clear.

[72] Ps.-Xen. *Ath. Pol*. 1.14, 3.12–13.

[73] The law is referred to at 2.2.13.

[74] A third instance is a Homeric quotation (*Il*. 1.356) at *Rh*. 1378b32.

[75] See T.H. Nielsen, 'Triphylia', in M.H. Hansen and T.H. Nielsen (edd.), *An Inventory of Archaic and Classical Poleis* (Oxford, 2004), 540–6, no. 306 in the inventory. See also n. 29 above.

[76] See also *Pol*. 1306b31, with D.L. Cairns, M. Canevaro and K. Mantzouranis, 'Aristotle on the causes of civil strife: subjective dispositions, proportional justice and the "occasions" of *stasis*', *Maia* 72 (2020), 551–70; 'Recognition and redistribution in Aristotle's account of *stasis*', *Polis* 39 (2022), 1–34, with further clarification in 'Recognition and redistribution in Aristotle's account of *stasis*: a response to our critics', *Polis* 40 (2023), 349–68.

[77] Fifty-four in the *TLG*.

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The careful avoidance of the verb *atimaô*/*atimoô* is particularly significant in the *Laws*.[78] As Plato clarifies at *Leg*. 855c1–2, in Magnesia 'nobody shall be made completely *atimos* (ἄτιμον … παντάπασιν) for any single crime'; accordingly, when the penalty of *atimia* is meted out, the expression used is the legal formula ἄτιμος ἔστω ('let him/her be *atimos*'),[79] followed by the precise indication of the area(s) in which the criminal will experience a diminution of rights:[80] this is done to avoid the confusion that might derive from the use of *atimaô*/*atimoô*, which, in the orators, is most often used in reference to total *atimia*. The one instance in which *atimazô* is used with the sense of 'excluding from office' (Pl. *Leg*. 762d1–6) is consistent with the use of the verb at Lys. 31.29–30 (examined at pages 186–8 above): Plato's wording suggests that being excluded from certain offices, from a legal point of view, is not the same thing as *atimia* upon conviction—and especially in the case of the officials whose functions he is describing in the passage (the archons and the *agronomoi*), who only serve for a period of two years and can therefore be debarred only during that limited timeframe. The meaning of *atimazô*, in opposition to the legal formula ἄτιμος ἔστω, is particularly evident at Pl. *Leg*. 784d2–e7, where it is prescribed that both men and women of reproductive age who engage in extramarital sex shall be *atimoi* (ἄτιμος ἔστω) and lose certain prerogatives—attending marriages and children's birthday parties, as well as, for women, female excursions (τῶν ἐξόδων … τῶν γυναικείων) and other feminine rights (τιμῶν)—whereas older men and women are simply to be held in disesteem (ἀτιμαζέσθω, from *atimazô*).

3. CONCLUSIONS

In the Attic orators, the verbs *atimaô*/*atimoô* and *atimazô* are not used interchangeably: although both families of verbs stem from the same root, *atimaô*/*atimoô* is used to describe objective diminutions of status, and most normally the legal penalty of *atimia* (the objective diminution of status *par excellence*); by contrast, *atimazô* expresses informal 'dishonour', often of a kind that is felt to be—or might be construed as—unjustified by its target and/or the wider audience. This is shown also by the distribution of verbal aspect in the corpus, where *atimazô* is found mostly in imperfective forms, to describe a conative action, while *atimaô*/*atimoô* is used primarily in aorist and perfective forms, to describe an action that brought about a state of affairs.

This distinction is mirrored in other prose texts from the Classical period: *atimaô*/*atimoô*, mostly in aorist and perfective forms, for actual diminution of status and standing (often with reference to the legal penalty of *atimia*); *atimazô*, mostly in imperfective forms, to describe instances of disrespect.

[78] Which is 'a reasoned criticism of contemporary Athenian law': cf. M. Piérart, 'Plato and the reform of Athenian law', in M. Canevaro and E.M. Harris (edd.), *The Oxford Handbook of Ancient Greek Law* (Oxford, 2016), online.

[79] ἄτιμος ἔστω/ἄτιμος εἶναι are the standard formulae also in inscriptions: cf. e.g. *CID* I 9 (Delphi); *IG* IX I^2 3.718 (Naupactus); *Chios* 76 (Chios); *IG* I^3 40 (Athens); *IG* I^3 1453 (Athens).

[80] Cf. Pl. *Leg*. 784d2–e7 (discussed below); 810a4–5 (with 832e); 841e2–4.

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APPENDIX: USE OF *ATIMAÔ*/*ATIMOÔ* VS *ATIMAZÔ* IN THE ATTIC ORATORS[81]

1. *atimaô*/*atimoô* (x40)

Author		Imperfective	Aorist	Perfective
Antiph. (x1)	2.4.7	ἀτιμοῦνται		
Isoc. (x3)	5.64	ἀτιμωθήσεσθαι		
	16.47			ἠτιμωμένον
	16.49	ἀτιμωθήσομαι		
Isae. (x2)	5.19		ἀτιμῶσαι	
	8.41		ἠτίμωσε	
Andoc. (x2)	1.33		ἀτιμωθῇ	
	1.106		ἠτίμωσαν	
Lys. (x5)	[6].25		ἠτιμώθη	
	10.22		ἠτίμωσεν	
	20.34	ἀτιμωθήσονται		
	25.24			ἠτιμῶσθαι
	25.26		ἀτιμῶσαι	
Dem. (x20)*	18.82		ἀτιμώσαντες	
	19.257		ἠτίμωσ’	
	19.262		ἀτιμώσατε	
	19.284			ἠτιμώσεται
	21.87	ἀτιμοῖ		
	21.91 (1)		ἠτίμωσεν	
	21.91 (2)			ἠτίμωται
	21.99			ἠτίμωται
	21.103			ἠτίμωκεν
	21.182			ἠτιμωμένοι εἰσίν
	21.183	ἀτιμώσετε		
	27.67			ἠτιμωμένος
	28.21			ἠτιμωμένον
	37.24		ἀτιμῶσαι	
	37.49		ἀτιμῶσαι	
	[45].84	ἀτιμῶν		
	51.12			ἠτιμῶσθαι
	[59].6		ἀτιμώσειεν	
	[59].10		ἀτιμῶσαι	
	[59].27		ἠτιμώθη	
Aeschin. (x3)	1.134	ἀτιμώσετε		
	1.183	ἀτιμῶν		
	3.232	ἀτιμοῦτε		

(*Continued*)

[81] For the reason why the tables are structured in terms of verbal aspect see Section 1 above.

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(*Continued*)

Author		Imperfective	Aorist	Perfective
Hyp. (x4)	2.12 (fr. 15b)			ἠτιμῶσθαι
	3.27		ἀτι]μωθῆνα[ι	
	4.34		ἠτίμωσαν	
	fr. 118.5		ἠτίμωσε	
Total		x10	x19	x11

I have disregarded the instance at Dem. 21.93, because the testimony reported there is a late forgery: cf. D.M. MacDowell, *Demosthenes. Against Meidias 21* (Oxford, 1990), 316–17 and Harris (n. 10), 120 n. 150.

2. *atimazô* (x17)

Author		Imperfective	Aorist	Perfective
Isoc. (x5)	2.14		ἀτιμάσῃς	
	10.58	ἀτιμάζομεν		
	15.72 (~ 2.14)		ἀτιμάσῃ	
	15.235	ἀτιμαζομένην		
	20.19	ἀτιμάζοιτ’		
Lys. (x4)	2.27	ἀτιμαζόμενος		
	16.5	ἠτίμαζον		
	31.30	ἀτιμάζετε		
	31.33	ἀτιμάζετε		
Dem. (x6)	21.74	ἀτιμαζόμενος		
	22.62		ἀτιμασθείς	
	[40].26	ἠτίμαζεν		
	[40].27	ἀτιμάζειν		
	[40].29	ἠτίμαζεν		
	57.36	ἀτιμάζετε		
Aeschin. (x2)	2.9	ἀτιμάζει		
	2.121		ἀτιμασθείς	
Total		x13	x4	/

I have disregarded the instance at Ps.-Andoc. 4.31, because the speech is probably a late rhetorical exercise: see MacDowell in M. Gagarin and D.M. MacDowell, *Antiphon and Andocides* (Austin, 1998), 159–61 and, recently, E.M. Harris, ‘Major events in the recent past in assembly speeches and the authenticity of [Andocides] *On the Peace*’, *Tekmeria* 16 (2021), 19–68 and ‘Recent events in assembly speeches and [Andocides] *On the Peace*’, in A. Kapellos (ed.), *The Orators and Their Treatment of the Recent Past* (Berlin, 2022), 81–100. The use of the verb is comparable with the rest of the corpus (that is, the verb does not refer to the legal penalty), but perhaps it is significant that it is the only instance in which the aspect of the verb is perfective (ἠτιμακώς), and might be further proof of the spuriousness of the speech.

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