has not been closed off. It would be easier for those in attendance if the victim were to avert her eyes,[7] an almost universally recognized sign of submission,[8] but she does not. This is most unnerving (and no doubt unforgettable—"those eyes"), because she glares at her executioners. She is like a figure in a painting not only because she is central and mute, but also because *she does not break gaze*. This striking prolongation of eye contact is suggestive of a painting, which has the property of extending an instant indefinitely. We need not imagine that she looks for minutes at each man—a gaze held even for seconds longer than an accepted norm has the effect of arousing tension or anxiety. This anxiety will be especially acute if the recipient of the gaze has cause to feel embarrassed or guilty about his behavior toward the sender.[9] (The man facing a firing squad is offered a blindfold not for his own benefit alone.)

One further point: mutual gaze in human social interactions has been shown to be, among other things, a means of ascertaining and ensuring that one person is attending to (usually the words of) another.[10] Since Iphigeneia cannot call out with her voice to those around her, she does so with her transfixing eyes. She thus makes herself conspicuous (πρέπουσα) by this alternative method of concentrating attention on her plight.

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7. Cf. the nuance captured in T. Harrison's rather free translation in *Aeschylus: The "Oresteia"* (London, 1981), p. 10:

> "a painting a sculpture that seems to be speaking
> seeking to say things but locked in its stone
> *they know what her eyes say* [my emphasis] that gang round the godstone."

8. See, e.g., S. Thayer, "The Effect of Interpersonal Looking Duration on Dominance Judgements," *Journal of Social Psychology* 79 (1969): 285–86, and M. Argyle, *Bodily Communication* (London, 1975), pp. 232–42.

9. See M. Argyle and M. Cook, *Gaze and Mutual Gaze* (Cambridge, 1976), pp. 66–67, 78–79, 95–97, and S. S. Tomkins, "Affect Theory," in *Emotion in the Human Face*[2], ed. P. Ekman (Cambridge, 1982), p. 385.

10. See, e.g., Argyle and Cook, *Gaze*, p. 108.

PLUTARCH *DEMOSTHENES* 25 AND DEMOSTHENES' CUP

Plutarch tells the story,[1] in connection with Demosthenes' bribe in the Harpalus affair, of a golden cup which Demosthenes so admired that Harpalus arranged to send it to him together with twenty talents, the amount which Demosthenes was accused later of accepting as a bribe.[2] As a result of this, Demosthenes conveniently lost his voice the next day in the assembly where a debate on Harpalus was in progress.

I should like to thank the anonymous referees of *CP* for several interesting comments on this article.

1. *Dem.* 25. 2–6.

2. Din. 1 *Dem.* 6, 45, 53, 69, 89; Hyp. 5 *Dem.* 2, 10; Plut. *Dem.* 25. 3; contra [Plut.] *X Orat.* 846C (thirty talents).

This anecdote is extremely doubtful.[3] Given the invective and forensic hyperbole found in the prosecution speeches of Dinarchus and Hyperides,[4] if Harpalus' gift of the cup was known by all we should expect some reference to it in these speeches.[5] The Areopagus, investigating the missing money and the accusations of bribery, had published its report (ἀπόφασις), which was a bare list of names together with the amounts of money supposedly taken by each orator, but citing no actual evidence.[6] Since the weakness of the case against Demosthenes, as against those others accused of bribery, lay in this lack of evidence,[7] a reference to the incident of the cup would have reinforced the charge of δωροδοκία leveled against Demosthenes by Dinarchus and Hyperides.[8] *Argumentum e silentio* is dangerous practice, but in this case there are grounds for arguing thus, and the odd silence may be taken to indicate that Plutarch's anecdote of the cup is invention.

The key, however, lies in the reference to the assembly at which Demosthenes apparently lost his voice. Hyperides states that, at an assembly held after Harpalus had been admitted into Athens,[9] Demosthenes [διεξῆλθεν] μακρὸν [λόγον][10] against the demand from Macedonian envoys to surrender Harpalus,[11] and proposed the decree calling for the arrest of Harpalus, the confiscation of his money, and the despatch of an embassy to Alexander seeking his directive on the matter.[12] Later, Hyperides adds that Demosthenes, having ordered Menestheus the dancer to ask Harpalus for the amount of money with which he had entered Athens (allegedly 700 talents),[13] [τὰ χρήματα εἶναι τη]λικ[αῦτα] αὐτὸς ἐν τῷ δ[ήμῳ] πρὸς ὑμᾶς ε[ἰπών].[14] Although Hyperides' text is fragmentary here, it appears, I believe, that he is referring to only *one* meeting of the assembly and not two or more. This means that Demosthenes would have spoken twice:[15]

3. Cf. A. Schäfer, *Demosthenes und seine Zeit*[2], vol. 3 (Leipzig, 1887), p. 322; A. W. Pickard-Cambridge, *Demosthenes* (New York and London, 1914), p. 467; P. Cloché, *Démosthène et la fin de la démocratie athénienne* (Paris, 1957), pp. 288–89.

4. Cf. the comment of Schäfer, *Demosthenes*, p. 342, on Hyperides, who "streut Verdächtigungen aus, deren Unwahrheit ihm nicht unbewusst sein konnte."

5. Plutarch relates a remark apparently made by someone when Demosthenes was heckled whilst attempting his defense: οὐκ ἀκούσεσθε, ὦ ἄνδρες Ἀθηναῖοι, τοῦ τὴν κύλικα ἔχοντος (*Dem.* 25. 5). There appears to be a conscious pun on the word κύλικα: at banquets the person holding the κύλιξ was allowed to talk or sing without interruption; here someone is stating that since Demosthenes has the cup (i.e., the golden one) he should be allowed to speak. The implication seems to be that, since a member of the ordinary public has said this, Demosthenes' acceptance of the cup was common knowledge.

6. Hyp. 5 *Dem.* 6 καὶ οὐδεμιᾷ προσγέγραφεν, δι' ὅ τι ἕκαστον ἀποφαίνει. Cf. Dem. *Ep.* 2. 1 and 15.

7. Even the prosecution noticed the failings of the ἀπόφασις: cf., e.g., Din. 2 *Arist.* 21, Hyp. 5 *Dem.* 5–7.

8. The twenty talents mentioned specifically: n. 2 above. Cf. the more general allegations of bribery: Din. 1 *Dem.* 1, 4, 15, 40, 41, 45, 47, 59, 77, 99, 103; Hyp. 5 *Dem.* 7, 24, 34, 37, 39.

9. Certainly by 21 July 324: see E. Badian, "Harpalus," *JHS* 81 (1961): 41–43. I believe by the end of June: see my "The Chronology of the Harpalus Affair," *SO* (forthcoming).

10. 5 *Dem.* 8.

11. 5 *Dem.* 8; cf. Diod. 17. 108. 7, [Plut.] *Mor.* 531A. On this embassy, see my "Harpalus and the Macedonian Envoys," *LCM* 9 (1984): 47–48.

12. Din. 1 *Dem.* 4, 62, 68, 82, 83, 89, Hyp. 5 *Dem.* 8–9; cf. 1, 19, [Plut.] *X Orat.* 846B.

13. 5 *Dem.* 9.

14. 5 *Dem.* 10; cf. ἐν τῷ δήμῳ ἑπτακόσια φήσας εἶναι τάλαντα.

15. Hyp. 5 *Dem.* 9 mentions that Demosthenes was καθήμενος κάτω ὑπὸ τῇ κατατομῇ, οὗπερ εἴωθε καθῆσθαι, which implies that Demosthenes, who would have stood before the people for his proposal, was sitting when it became necessary to question Harpalus and address the people again.

the first time to propose his decree and the second to report the figure told to him by Menestheus. This is by no means unusual, since politicians could speak twice in the assembly.[16] Even if Hyperides does refer to another meeting at the beginning of column 10, the argument of this article remains unaffected, since clearly Demosthenes did speak. Plutarch, in his *Life of Demosthenes,* does not appear to refer to this meeting, nor does he mention the arrival of the Macedonian envoys. Of the later sources who refer to any meeting of the assembly, ps.-Plutarch reports only one meeting at which Demosthenes ἀντεῖπεν ἔγραψε τ' ἀποθέσθαι τὰ χρήματα εἰς ἀκρόπολιν,[17] and Curtius, although somewhat confused as to its decision, still implies the one meeting.[18] Clearly Hyperides (echoed by ps.-Plutarch) must be preferred over Plutarch: as the contemporary source he not only informs us that Demosthenes spoke, but also outlines his proposals. Furthermore, it is difficult to imagine that both Dinarchus and Hyperides, bent on the successful prosecution of Demosthenes with so little evidence, would have neglected to remind the jurors of Demosthenes' appearance in the circumstances described by Plutarch.

Plutarch's account is also chronologically incorrect, which casts further doubt on the reliability of his anecdote. He states that, *after* Harpalus had entered Athens, Demosthenes πρῶτον μὲν ἀπελαύνειν συνεβούλευε τὸν Ἅρπαλον, καὶ φυλάττεσθαι μὴ τὴν πόλιν ἐμβάλωσιν εἰς πόλεμον ἐξ οὐκ ἀναγκαίας καὶ ἀδίκου προφάσεως.[19] In fact, Demosthenes gave this type of advice to the Athenians when Harpalus first appeared off the Attic coast (*before* his admission into the city) and, on his motion, Philocles the στρατηγός was ordered by the assembly not to admit Harpalus.[20] This action increased the already existing enmity between Demosthenes and the "radicals," led by Hyperides, who desired militant opposition to Alexander and were therefore eager to seize the opportunity of revolt offered by Harpalus. When the latter actually was in the city, having been admitted by Philocles on his own initiative (since Harpalus had deposited his force at Taenarum and returned as a suppliant and citizen),[21] Demosthenes did not advise the Athenians to drive him out, as Plutarch states, but persuaded them not to surrender him to the Macedonians.[22] In this way, he relieved the immediate tension and also parried any criticism leveled against him or Athens for the possible betrayal of an Athenian citizen.[23]

The sequence of events in this chapter of Plutarch is as follows: (*a*) Harpalus arrived in Athens and οἱ . . . ἄλλοι ῥήτορες attempted to persuade the people to

16. See, e.g., Xen. *Hell.* 1. 7. 12, 16; Dem. 24 *Tim.* 12–14.

17. *X Orat.* 846B.

18. 10. 2. 3: [Harpalus] pecunia conciliasse sibi principium animos; mox, concilio plebis habito, iussum urbe excedere.

19. *Dem.* 25. 2.

20. Diod. 17. 108. 7, [Plut.] *X Orat.* 846A. The assembly might well have been an ἐκκλησία σύγκλητος in view of the language of Hyp. 5 *Dem.* 18, stressing the sudden and unexpected arrival of Harpalus in Greece.

21. He had been granted Athenian citizenship for his gift of corn to the city during the famine of 330–326: Ath. 13. 596B, and see M. N. Tod, *Greek Historical Inscriptions,* vol. 2 (Oxford, 1948), no. 196 (especially line 5), with commentary.

22. Hyp. 5 *Dem.* 8 φάσκων οὔτε [τοῖς παρ]ὰ Φιλοξέ[νου ἐλθο]ῦσι καλῶς [ἔχειν τὸν] Ἅρπαλον [ἐκδοῦναι τ]ὴν πόλιν.

23. Cf. G. Colin, "Démosthène et l'affaire d'Harpale," *REG* 38 (1925): 328–29.

allow him to stay for venal reasons; (*b*) Demosthenes, at that time (πρῶτον), desired his expulsion; (*c*) a few days later (ἡμέραις δ' ὀλίγαις ὕστερον) an inventory was made of Harpalus' treasure, during which Demosthenes admired the golden cup; (*d*) that night the cup with twenty talents was sent to him; (*e*) the next day Demosthenes, having accepted the bribe, lost his voice in the assembly and was unable to speak.

(*a*) and (*b*) presumably refer to a meeting of the assembly. Our contemporary evidence shows not only that no such assembly was held at which Demosthenes spoke in these terms, but also that (*e*) is untrue. Furthermore, Hyperides tells us that, at the assembly debating the case of Harpalus, Demosthenes successfully proposed τά τε χρήματα [καὶ τὸν] ἄνδρα φυλάτ[τειν], καὶ ἀναφέρει[ν τὰ χρή]ματα ἅπαντα εἰς τὴν ἀκρόπολιν . . . ἐν τῇ αὔριον ἡμέρᾳ.[24] It is possible that some unofficial inventory was made of Harpalus' treasure but, if so, there would not have been any need to question Harpalus in the assembly as to the amount of money he had.[25] More important, doubt is cast on the time-span of (*c*), since Hyperides ambiguously says that Harpalus was arrested either the day of the meeting or the next. He could hardly, therefore, have been present ἡμέραις δ' ὀλίγαις ὕστερον at the supposed inventory to see Demosthenes marveling at the golden cup. This also helps to show that (*d*) is to be discredited.

It seems likely that Harpalus was arrested the same day as the assembly, rather than enjoying a night of liberty and being taken at the same time as the money.[26] Harpalus would, in that case, have been left with access to his money and might well have distributed bribes in order to effect his escape that night. That, in turn, would have made a mockery of Demosthenes' proposal to send an embassy to Alexander asking how Harpalus was to be treated. The subject, then, of ἐν τῇ αὔριον ἡμέρᾳ in the passage of Hyperides is the money: probably the next day was the earliest that Demosthenes could arrange a special commission to superintend the move.

The story that Demosthenes was bribed to lose his voice is found in other authors. Aulus Gellius[27] tells how some Milesian envoys came to Athens seeking aid but were so effectively opposed by Demosthenes in the assembly that they decided on a different course: "legatos ad Demosthenen venisse magnoque opere orasse uti contra ne diceret; eum pecuniam petivisse et quantam petiverat abstulisse." Consequently, the next day Demosthenes lost his voice and was unable to speak. Pollux[28] relates that in a clash between Demosthenes and Demades in the assembly the latter resorted to slander: ὡς Δημάδης σκώπτων Δημοσθένη συνάγχῃ λέγοντα εἰλῆφθαι καὶ ἐπὶ τοῖς ἀργυρίοις σιωπῶντα. ἀργυρίζεσθαι

24. 5 *Dem.* 9.

25. This point also throws doubt on Plut. *Phoc.* 21. 2 τῷ δὲ Φωκίωνι προσέπεμψε διδοὺς ἑπτακόσια τάλαντα, καὶ τἆλλα πάντα. Phocion refused to accept the money, but it is likely that Plutarch here is either confused and unreliable or manipulating his account for literary effect, since if the story were true, the amount would be known and therefore any such questions in the assembly would be pointless. Contra, Badian, "Harpalus," p. 31, n. 109.

26. The view of Colin, "Démosthène," p. 329, and *REG* 39 (1926): 76 (drawing on the force of ἐν τῇ αὔριον ἡμέρᾳ); cf. Cloché, *Démosthène*, p. 269, and J. A. Goldstein, *The Letters of Demosthenes* (New York and London, 1968), p. 39.

27. *NA* 11. 9.

28. 7. 104.

δέ, καὶ ἀργυρίδες φιάλαι, καὶ σκεῦος ἀργυροῦν. Finally, another version is told by ps.-Plutarch:[29] Πώλου δέ ποτε τοῦ ὑποκριτοῦ πρὸς αὐτὸν [Demosthenes] εἰπόντος, ὅτι δυσὶν ἡμέραις ἀγωνισάμενος τάλαντον λάβοι μισθόν, "ἐγὼ δ'," εἶπε, "πέντε τάλαντα, μίαν ἡμέραν σιωπήσας."

These drastically differing accounts dealing with the same theme lead to two conclusions: either Demosthenes was bribed on several occasions to lose his voice; or there has been manipulation of certain material to portray him in an unfavorable light. The former conclusion is implausible, since we would expect reference in the other authors to the other occasions; the second is the most likely. Perhaps the tradition of Demosthenes' speech deficiencies forms the core of an anecdote concerning a sudden loss of voice by that orator, which was variously embellished by these later authors for literary effect. Plutarch doubtless styled the anecdote to fit his framework of the Harpalus affair and further incriminate Demosthenes; but, as we have seen, there is no truth to his anecdote. The other authors probably drew on Plutarch's narrative (Aulus Gellius' description of Demosthenes' bandaging his neck and the people's reaction recalls almost word for word that of Plutarch)[30] but used the theme to fit their own contexts. All are probably unreliable.

Thus Plutarch's anecdote of the golden cup is inconsistent with the contemporary evidence, muddled, and has features of the sort that can often be found in his own handling of material for literary effect. It should therefore be regarded as unreliable: I submit that it was probably a later invention produced to help prove Demosthenes' guilt in the Harpalus affair.

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29. *X Orat.* 848B.
30. Aulus Gellius *NA* 11. 9; cf. Plut. *Dem.* 25. 4–5.

CICERO AND THE CENSORSHIP

The censors of the middle and late Roman Republic were responsible for a variety of tasks—notably, registration of citizens and assessment of their wealth; review and enrolment of the membership of the Senate (*lectio senatus*), and of the equestrian order (*recognitio equitum*); a general oversight of the *mores* of Roman citizens; a responsibility for public places and public buildings; the initiation of public works; the placing of numerous and multifarious contracts; and the performance of the final ritual, the *lustratio,* "completing the *lustrum.*"[1] Although in formal terms these duties remained largely unaltered, it does not follow that there was no change in role. Where there is a complex of powers and duties time will bring modifications in their practical significance, in their relative

1. Th. Mommsen, *Römisches Staatsrecht,* vol. 2^3 (Leipzig, 1887–88), pp. 358–459; J. Suolahti, *The Roman Censors* (Helsinki, 1963), pp. 25–66; W. Kubitschek, s.v. "Censores" (1), *RE* 6 (1899): 1902–5; C. Nicolet, *The World of the Citizen in Republican Rome* (London, 1980), pp. 49–88.