

## *Ponêroi* vs. *Chrêstoi*: The Ostracism of Hyperbolos and the Struggle for Hegemony in Athens after the Death of Perikles, Part II

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**SUMMARY:** The ostracism of Hyperbolos, a *ponêros* and sykophant, realized a comic plot, bordered on *pharmakos* ritual, and inaugurated a period of increasingly violent *stasis* between *chrêstoi* and *ponêroi* that included the affairs of the Hermai and the Mysteries and the oligarchic takeovers of 411 and 404. The *stasis* ends with the labels *ponêros* and *chrêstos* negotiable. Over the next two generations, citizens of Hyperbolos' profile attained hegemony in Athenian society and the *dikasterion* evolved as the authoritative venue for the allocation of the labels. This marks the moment when ostracism is an institutional relic. This is the second and final part of a paper whose first part appeared in *TAPA* 134.1 (2004).

### THE HERMAI AND MYSTERIES AFFAIRS AND THE STRUGGLE FOR *PROSTASIA*

READING THE INQUIRIES INTO THE MUTILATION OF THE HERMAI and profanations of the Mysteries as the effort of Alkibiades' rivals to attain the *prostasia tou dêmou*, Thucydides offers support for interpreting them as a continuation of the ostrakophoria that resulted in Hyperbolos' ostracism (6.28.2):

And those who were particularly inimical to Alkibiades because he was an obstacle preventing them from securely leading the people, taking up these accusations, and thinking that if they drove him out they would be preeminent, magnified them and proclaimed that the Mysteries and the mutilations of the Hermai were committed for the dissolution of democracy, and that none of these acts was performed without him, citing as proof the rest of the undemocratic lawlessness in his way of life.<sup>1</sup>

<sup>1</sup> Unless otherwise noted, comic fragments are cited from Kassel and Austin [henceforth K-A]; authors include Alexis, Antiphanes, Archedikos, Archippos, Aristophanes, Aristophon, Axionikos, Diphilos, Euboulos, Eupolis, Hermippos, Kratinos, Leukon,

If Androkles, Kleonymos, Peisandros, and Charikles, whose support for the inquiries was documented in Part I, were part of Hyperbolos' faction during this ostrakophoria, their protection of the demos against subversion during the affairs of the Hermai and Mysteries "so that they would be preeminent" (πρῶτοι ὄν εἶναι) extended the earlier campaign.<sup>2</sup> The mutilations of the Hermai and performance of the Mysteries offered visible proof of the pretext for the ostrakophoria, that a tyrant's "undemocratic lawlessness" (οὐ δημοτικὴν παρανομίαν) threatened the "dissolution of democracy" (ἐπὶ δήμου καταλύσει; cf. Th. 6.60.1, 61.1; And. 1.36). As the dominant survivor of the ordeal, Alkibiades possessed what Hyperbolos' faction had sought: "to lead the people securely" (τοῦ δήμου βεβαίως προεστάναι).<sup>3</sup> Thucydides uses these events to explain why Perikles' successors lost the war: they bungled the invasion of Sicily "through private slanders over the *prostasia tou dêmou*" (2.65.11). These *diabolai* underlay the ostrakophoria; they were reactivated during the *zêtêsis*, intensifying the link between the transgressive pleasures of the *chrêstoi* and their desire to subvert the democracy.

Before the mutilation of the Hermai and reports of the performance of the Mysteries in private homes, Alkibiades withstood charges of tyrannical ambition, and the demos did not act on its suspicions of the *chrêstoi*. The ostracism of Hyperbolos had anointed Alkibiades, nephew and ward of Perikles, Perikles' political heir, and he was entrusted to expand the empire to

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Menander, Philemon, Phrynichos, Plato Comicus, Theophilos, Theopompos Comicus, Timokles, Xenarchos, as well as the Adespota. Fragments of historical works are cited from Jacoby; authors include Androtion (324), Istros (334), Philochoros (328), and Theopompos (115). The scholia to Aristophanes are cited from Koster/Holwerda unless otherwise noted. Ostraka from the agora are cited according to the inventory and catalogue numbers of Lang. The inventory numbers for the Kerameikos ostraka are available in Siewert 2002 and Brenne 2001. A catalogue of names on the Kerameikos ostraka can be found in Willemsen/Brenne. Translations are my own.

<sup>2</sup> For the personnel of Hyperbolos' faction and their roles in the *zêtêsis* see Rosenbloom 2004: 82–84.

<sup>3</sup> Thucydides' Alkibiades describes his standing as a leader after his defection to Sparta as if he were the dominant survivor of an ostrakophoria. He claims a "leadership of the majority" (προστασία ... τοῦ πλήθους) based upon his family's opposition to tyranny; he portrays himself as a *metrios*, a mean between extremes which unites them, and defines the demos as the group opposed to dynastic power (6.89.4–5). Those who exiled him, by contrast, "lead the mob toward baser ends" (89.5 ἐπὶ τὰ πονηρότερα). The ostrakophoria aimed to unite the demos in its opposition to tyranny, promising *prostasia* to the dominant survivor. Alkibiades claims this for himself: "we lead the whole" (89.6 ἡμεῖς δὲ τοῦ ξύμπαντος προέστημεν).

Sicily, Southern Italy, and Carthage—the vision, perhaps, of Kleon and Hyperbolos (e.g., *Ar. Eq.* 1084–89, 1300–15). Alkibiades was the *chrêstos* whose words and actions fulfilled the demos’ fantasies of itself, “speaking like a demagogue but acting like a tyrant” ([*And.*] 4.27).<sup>4</sup>

The symbolic power of Alkibiades’ four-horse chariot victory at Olympia was irresistible. Spartans dominated the event, winning seven of the previous eight contests from 448 to 420.<sup>5</sup> Alkibiades’ triumph presaged Athenian victory over Sparta. Nor could there have been a more auspicious prelude to an invasion of Sicily—whose tyrants loomed large in the epinician tradition (cf. *E. Tr.* 220–23; *Plut. Them.* 25.1)—than the most magnificent Olympic victory ever staged.<sup>6</sup> In 415, the city’s desire for *archê* was vested in Alkibiades, just as he would be the agent of *sôtêria* in 411 (*Th.* 8.53, 76.7, 81.1), 407 (*X. HG* 1.4.20), and 405 (*Ar. Ra.* 1418–32).<sup>7</sup>

Reports that the Spartans were at the Isthmos (*Th.* 6.61.2) and that Alkibiades’ associates in Argos were thought to be plotting against the democracy there (6.61.3; *D.S.* 13.5.1) also damaged him, enabling his enemies to cast suspicion upon him from all sides (*Th.* 6.61.4). Moreover, Thucydides claims the demos now knew by oral report that neither it nor Harmodios had ended the Peisistratid tyranny (*Th.* 6.53.3, 60.1). The original democratic act reenacted by an ostracism, namely, the expulsion of a tyrant, was not realized by Hyperbolos’ ostracism (*Th.* 8.73.3; Philochoros F30, quoted below), and was itself under question as a founding act. Neither the *chrêstoi*, whose claim to demotic status derived from ancestral opposition to tyranny, nor the demos, whose collective identity was bound up with the tyrant-slayers, had expelled the Peisistratidai.<sup>8</sup> The Spartans were responsible for Athenian freedom, and what they had given they could take back. Nikias warns in the second debate on the invasion of Sicily that the city’s concern should be to “exercise keen vigilance against a city plotting oligarchy against us” (*Th.* 6.11.7). Fear of subversion from inside and outside Athens peaked after the mutilation of the *Hermi* (cf. *And.* 1.45; *Th.* 6.61.2).

Such anxieties had been building since Alkibiades’ Olympic victory and the ensuing ostrakophoria. Hyperbolos’ ostracism exacerbated them, since as

<sup>4</sup> For the demos as a *rhêtôr* manqué see *Th.* 3.38.4–7; cf. *Ar. Eq.* 346–50; McGlew 1996: 339–61; for the demos as tyrant see Raafaub.

<sup>5</sup> Hodkinson 97–98.

<sup>6</sup> For the Sicilian tyrants in epinician see Kurke 218–24; McGlew 1993: 35–51.

<sup>7</sup> Forde, esp. 58.

<sup>8</sup> *Th.* 6.89.4; *Isok.* 16.25–27; *D.* 21.144. Cf. *And.* 2.26. Contrast Paphlagon (*Ar. Eq.* 447–49) and Antiphon (fr. 1 Thalheim).

*prostatês tou dêmou* he had stood as champion between the demos and its enemies. Preying upon such fears, the *hetairoi* may have vandalized the Hermai to symbolize their commitment to the fall of the democratic order. The vandalism revived Hyperbolos' faction as *zêtêtai* and *bouleutai* to renew their bid for *prostasia*, to drive Alkibiades from the city, to suppress the *hetairoi*, and to discredit the *chrêstoi* through the legal process by revealing their contempt for democratic society. The immediate outcome of the ostracism of Hyperbolos was recrudescent *stasis* between *ponêroi* and *chrêstoi* for hegemony at Athens.

### PONÊROI VS. CHRÊSTOI

The inquiries into the affairs of the Hermai and Mysteries continued the ostrakophoria of 415 not only in its aims but also in its personnel: *ponêroi* targeted *chrêstoi* to defend the demos against a conspiracy to subvert it.<sup>9</sup> On Thucydides' reading of the inquiries, *ponêroi* informants charge *chrêstoi* citizens (6.53.2):

For the Athenians, once the expedition sailed away, inquired no less into the things done in relation to the Mysteries and the Hermai, and, not scrutinizing the informers but accepting everything with suspicion, they arrested particularly *chrêstoi* citizens and imprisoned them through the credibility of *ponêroi* men, considering it more useful to test the matter and to find it out, rather than to have any man, even one who seemed *chrêstos*, be accused but escape without being interrogated because of the *ponêria* of an informer.

The informers were *ponêroi* because of their low status in the community and because of their use of public institutions to threaten the persons, property, and citizenship of high-ranking Athenians for private profit.<sup>10</sup> The youth Andromachos, winner of Peisandros' 10,000 dr. reward at the Panathenaic games for revealing the names of 11 men who performed the Mysteries at Polytion's house, was a slave, perhaps Alkibiades' (And. 1.12–14, 27–28). Pherekles' slave Lydos denounced his master and 20 others for performing the Mysteries (17–18). The metic Teukros, who participated in the performance of the Mysteries, indicted 13 men, including himself, for the act (15). He later divulged the names of 18 men who mutilated the Hermai (34–35; Phryn.Com. fr. 61.4–5). He was awarded 1000 dr. at the Panathenaic games for his revelations (And. 1.27–28). Diokleides, an Athenian citizen, denounced 42 Hermokopidai (And. 1.43). He was probably a small-time operator: he

<sup>9</sup> Thucydides uses the terms *ponêros* and *ponêria* only in his narrative of the period 415–11; this is his sole use of the *ponêros/chrêstos* antithesis.

<sup>10</sup> Rosenbloom 2004: 6–9; cf. E. *El.* 375–76.

made the 20-mile trek to Laureion himself to collect a cut of his slave's wages from labor at the mines (38), and, though eligible for a 10,000 dr. reward, attempted to extort two talents from Andokides and his group but was deceived (40–42). He enjoyed a hero's feast in Prytaneion, riding there in an ox-cart, crowned with a garland (45), but was put to death after he admitted that he fabricated his testimony (65–66). Andokides represents the informants' objectives as monetary; those who directed the proceedings in effect purchased information against citizens and prominent metics.

The inquiries themselves were described as *ponêria*. Thucydides' Alkibiades calls himself an "an exile from the *ponêria* of those who drove me out" (Th. 6.92.3; cf. 89.5, quoted below). In 411, he wishes to return "in an oligarchy and not in the *ponêria* and democracy that cast him out" (8.47.2). Some of the crowd waiting to see Alkibiades upon his return in 407 characterize those who exiled him in similar terms: "those ... who say what is worse (μολθηρότερα) and exercise political leadership for their own private profit" (X. *HG* 1.4.13 πρὸς τὸ αὐτῶν ἴδιον κέρδος πολιτευόντων).

Androkles, Kleonymos, Peisandros, and Charikles were in the vanguard of the *zêtêsis*. What roles, if any, Kleophon and Philinos played, are not known; but Aurenche is right to find "une vengeance particulière" in Kleophon's purchase at auction of the *oikia* of Leogoras and Andokides (And. 1.146).<sup>11</sup> On the other side, Phaiax and Nicias emerged untouched, but the latter's brothers were caught in the net.<sup>12</sup> The *zêtêsis* achieved the exile of Alkibiades and his uncle Axiochos (Th. 6.61.4–7; And. 1.16) and crippled Alkibiades' *hetaireia*. Some of the accused—Kritias, Phrynichos, Antiphon, Charmides—would intensify the *stasis* as major players in the oligarchic takeovers of 411 and 404.<sup>13</sup> While the leading figures of the *zêtêsis*, Peisandros and Charikles, also participated in these takeovers, they were among those "who seemed at that time to be most well-disposed toward the demos" (And. 1.36 εὐνούστατοι ... τῷ δήμῳ). They allied with Hyperbolos in this *stasis*.<sup>14</sup>

<sup>11</sup> Aurenche 148; Mattingly 24–25. For doubts see Grimanis/Heftner 230 n. 8.

<sup>12</sup> See Rosenbloom 2004: 70.

<sup>13</sup> MacDowell 97 believes this Phrynichos is the one mentioned in Ar. V. 1302, the leader of the "smart set," but does not identify him with the general. Aurenche 75–76 identifies him with the comic poet; cf. Ostwald 548–49. The comedian seems a less likely candidate than the general, who as Thucydides notes, demonstrated a remarkable passion for oligarchy (8.68.3; cf. Ar. *Ra.* 686–91). No one is certain which Antiphon Teukros indicted (And. 1.15). For discussion of those indicted see Aurenche 191–228; Gomme, *Historical Commentary on Thucydides* (henceforth *HCT*) 4.276–88; Ostwald 537–50.

<sup>14</sup> Rosenbloom 2004: 83–84. Isok. 16.5–8 conflates the events of 415 with those of 411 and 404/3 to present Alkibiades as a victim of oligarchic designs just as the demos had been.

The inquiry's focus on the society of the *hetairoi* was a calculated response to the *stasis* underlying the ostrakophoria of 415: the *hetairoi* had organized to facilitate Hyperbolos' ostracism.

### THE ROLE OF *HETAIREIAI* IN THE OSTRACISM OF HYPERBOLOS

A consistent feature of Plutarch's accounts of Hyperbolos' ostracism is that a merger of the factions of Alkibiades and Nikias unexpectedly ostracized him.<sup>15</sup> Many interpret this to mean that the *hetaireiai* ostracized Hyperbolos and subverted the institution.<sup>16</sup> But factions were endemic to ostracism.<sup>17</sup> Organized groups tried to determine the outcome of an ostrakophoria by preparing incised or painted sherds, amphora rims, and kylix bases.<sup>18</sup> Two ostraka bearing Hyperbolos' name may have been prepared: one is painted, the other neatly inscribed. A fragment of an unglazed amphora with his name on it seems crudely gouged by comparison.<sup>19</sup> The *Knights* prefigures the tradition about the ruse used by Alkibiades, Nikias, and Phaiax to avoid ostracism: the Sausage Seller alleges that Paphlagon dedicated shields confiscated from the Spartans with their *porpakes* intact, so that factions of honey-, cheese-, and hide-sellers might block Demos' access to the barley-meal market, preventing Paphlagon's ostracism (847–57).<sup>20</sup> Despite the efforts of factions, however, individuals retained their autonomy in the process, laboriously etching their own sherds.<sup>21</sup>

It is doubtful whether the membership of *hetaireiai* was large enough to decide an ostrakophoria by combining against a rival. A *hetaireia* comprised 10–30 members and was limited by considerations of wealth, status, and as-

<sup>15</sup> αἱ στάσεις: *Alk.* 13.7; *Nik.* 11.5; *Arist.* 7.4. The *Life of Nikias* claims that Nikias' and Alkibiades' supporters "came to the mutual realization of [Hyperbolos'] villainy (μοχθηρίαν)" and held secret discussions to join forces against him and ostracize him (11.5). In the *Life of Alkibiades*, when it becomes clear that Nikias, Alkibiades, or Phaiax would be ostracized, Alkibiades opens discussions with Nikias to join forces against Hyperbolos (13.7; cf. [And.] 4.2; Heftner 2000: 42–53). The *Life of Aristeides* limits the candidates for ostracism to Alkibiades and Nikias, and makes Nikias party to the talks to merge factions (7.3–4).

<sup>16</sup> Carcopino 235–39, esp. 237; Raubitschek 1991: 120; Hatzfeld 144; Camon 157.

<sup>17</sup> [And.] 4.4 (ostracism favors "those who have *hetairoi* and *synômotai*"); *Arist. Pol.* 1284b21–22; Calhoun 136–40; Connor 136; Rhodes 1994: 93–94.

<sup>18</sup> For pre-inscription see Vanderpool 11–12; Phillips, esp. 133–44; Connor 25–26.

<sup>19</sup> Agora P 12494 (painted); P 18495 (inscribed); P 29862 (gouged). There are similar differences in the Kleophon and Phaiax ostraka. See Phillips 134.

<sup>20</sup> See Palme 216–19. Cf. the oligarchs' control of grain in 411 (Th. 8.90.5).

<sup>21</sup> Vanderpool 15; Brenne 1994: 18. For resourcefulness of citizens in finding media to inscribe see Lang 8.

sembly space.<sup>22</sup> Alkibiades led a *hetaireia*.<sup>23</sup> It intimidated voters in the second assembly on the Sicilian invasion (Th. 6.13.1), performed the Mysteries to fortify its bonds, and in all probability played a role in this ostrakophoria.<sup>24</sup> Apart from scholiasts' comments that Diopeithes was Nikias' *hetairos* (ΣAr. Eq. 1085a, c), we have no evidence for a *hetaireia* of Nikias or Phaiax apart from Plutarch.<sup>25</sup> If they did lead *hetaireiai*, and united with those of Alkibiades, Charias, and Hippokles, it is unlikely that the union outnumbered the mass of voters.<sup>26</sup> The congeries of *hetairoi* that mutilated the Hermai totaled three hundred by an exaggerated count.<sup>27</sup> The order of magnitude for such membership city-wide is probably correct: it was in the hundreds.<sup>28</sup> Such a number could achieve its aims by manipulation, intimidation, and violence, not by the exercise of the vote.<sup>29</sup> The view that the demos lost a popular politician to the machinations of *hetaireiai* during this ostrakophoria is difficult to credit.<sup>30</sup> Given the size of *hetaireiai*, it remains fair to say that the demos ostracized Hyperbolos.<sup>31</sup> This is not to deny that the *hetaireiai* influenced voters or that they formed a bloc; indeed it is likely that they did, because Hyperbolos depicted their culture as inimical to democracy. The shifting al-

<sup>22</sup> Calhoun 29–30; Connor 27–29; Aurenche 20; Hansen 1987: 75, 79–86.

<sup>23</sup> And. 1.13, 16. See further Th. 8.48.4; [And.] 4.14; X. HG 1.4.19–20; Isok. 16.6; Plut. Alk. 22.4; Hatzfeld 110–12; Sartori 83–98; Aurenche 123–44.

<sup>24</sup> For the potentially subversive unity of initiates see McGlew 1998: 9–10.

<sup>25</sup> Hatzfeld 113 denies that Nikias led a *hetaireia*; Sartori 79–83 affirms it.

<sup>26</sup> I disagree with Connor 83–84 and n. 83 and Rhodes 1986: 139 on this point. I agree that these groups could influence tribesmen and citizens, but I doubt that they could achieve an ostracism by voting, even when a plurality carried the day. A wide scatter-vote would have worked in their favor, but its breadth and depth in this ostrakophoria are unknown. Siewert's 1999 case that the wide scatter-vote in this ostrakophoria argues against a coalition is unconvincing. An ostrakophoria allows the simultaneous expression of personal and factional voting. The other crucial variable is the total number of ostraka inscribed. It may have exceeded 6000 by many thousands. Cf. Heftner 2000: 55.

<sup>27</sup> Diokleides claimed to have seen some 300 men in connection with the mutilation of the Hermai (And. 1.37–38), but named only 42 of them (43). Andokides speaks as if 300 were the number of lives his confession saved (51, 58). The *hetaireia* of Andokides and Euphiletos numbered 23 (And. 1.34, 52).

<sup>28</sup> The *synōmotai* on Samos totaled some 300 (8.73.2). The Four Hundred augmented their *synōmosia* with hoplites from Andros, Tenos, Karystos (numbering 300), and Aiginetan colonists. Alexikles, who coordinated the *hetairoi* in arms, was arrested and detained by the taxiarch Aristokrates, who led the Kekropis tribe (Th. 8.92.4–5). Perhaps the *hetairoi* were at roughly tribal strength.

<sup>29</sup> Cf. Ober 1989: esp. 28–29, 127–38.

<sup>30</sup> Raubitschek 1991: 57; Calhoun 138.

<sup>31</sup> Hansen 1987: 76; *contra* Rhodes 1994: 93–94.



legiances of the demos, however, answer the question of who ostracized Hyperbolos. Solidarity between the demos and the *chrêstoi* was a hallmark of Athenian culture—as opposed to the economy, legal system, and government—after the death of Perikles; it withstood the pressures of this ostrakophoria.<sup>32</sup> Hyperbolos' ostracism reaffirmed hegemony in Athenian society as a bond between the demos and *chrêstoi*—citizens with traditional claims to elite status and legitimacy as leaders—even though this bond was undermined by the institutions and practices of democracy, which permitted *ho boulomenos* to speak, to prosecute, to propose, and to exercise leadership irrespective of class, status, or moral worth.

Hyperbolos' faction used the Boule and courts to achieve vengeance and to achieve the exile of Alkibiades. That the inquiries fell so heavily upon Andokides' *hetaireia* and family is probably not an accident. Andokides was Hyperbolos' avowed enemy. Sometime prior the ostracism, Andokides declared (fr. 5 Blass/Fuhr), "I am ashamed to speak about Hyperbolos, whose branded father still even now is a slave in the public mint, while he himself, a stranger and a barbarian, makes lamps." Andokides expresses similar contempt for Kleophon. Andokides treats the lyre-maker's occupancy of his house, which he describes as "the most ancient and most shared among those in need" and claims provided generations of leadership to the polis without inflicting harm on the demos or suffering harm from it, as an insult to it (1.146–47).

Andokides' slander of Hyperbolos may derive from *To the Hetairoi* (Plut. *Them.* 32.4). Plutarch quotes a false statement Andokides made in the speech "inciting the oligarchs against the demos": the Athenians found and cast Themistokles' bones from their territory (ibid.). Hyperbolos aligned himself with Themistokles and with Perikles as their genuine political heir during this ostrakophoria.<sup>33</sup> If Andokides' speech circulated at this time, it may have undermined evocations of Themistokles, depicting him as a *prodotês* whose bones were cast from Attika. A spurious speech on this ostrakophoria in Andokides' corpus ([And.] 4) may point to Andokides' actual involvement. Another possible fragment from *To the Hetairoi* expresses disgust that charcoal makers come into the city with their flocks, oxen, carts, and women (fr. 4 Blass/Fuhr). The speech may have stressed the negative legacy of Themistokles' and Perikles' leadership, the crowding of the rural population within the walls and the plague.

Contemporary literature may contain traces of *To the Hetairoi*. Plato Comicus perhaps alludes to its insult of Hyperbolos, transferring the slave's

<sup>32</sup> Carter 92–98; Hanson, esp. 305–7; Rosenbloom 2002: 318–29.

<sup>33</sup> See Rosenbloom 2004: 93–96.



brand from Hyperbolos' father to him (fr. 203). Similarly, Thucydides may echo Andokides' declaration "I am ashamed (αἰσχύνομαι) to speak of Hyperbolos" (fr. 5 Blass/Fuhr), claiming that Hyperbolos was ostracized because he was a "shame" (αἰσχύνη) to the city (8.73.3). If the speech belongs to this ostrakophoria, then Andokides' was the voice of the *hetairoi* who mobilized against Hyperbolos and his faction. His role in galvanizing the *hetairoi* motivates the backlash against him and the *hetaireiai* as vengeance for their participation in the ostracism of Hyperbolos. As a pamphlet written specifically for this ostrakophoria, *To the Hetairoi* links Hyperbolos' ostracism and the inquiries as two parts of the same struggle.

The ostracism of Hyperbolos, a *prostatês tou dêmou*, would have aroused fears of the demos' subversion. The mutilations of the Hermai played into this fear. The *hetairoi* may have celebrated Hyperbolos' exile by symbolically reenacting it: its perpetrators threatened the demos and committed themselves to its undoing.<sup>34</sup> The vandalism struck at the heart of the demos' control of power and communication in the polis.<sup>35</sup> As a phallic god, Hermes symbolized the demos' mastery (cf. Ar. *Eq.* 962–64, 1028–29, 1384–92; *Ek.* 626–34); as herald, he was the voice of Zeus just as Hyperbolos was the voice of the demos.<sup>36</sup> As *agoraios*, Hermes was the god of *ponêroi*, demagogues, and thieves.<sup>37</sup> Like the mutilation of the Hermai, Hyperbolos' murder in 411 was an act of violence that symbolized the bonds of those dissolving the Samian democracy (Th. 8.73.3). The mutilation of the Hermai re-enacted the shattering of the bond between *prostatês* and *dêmos* with symbolic violence; Hyperbolos' murder realized the symbolism of this violence. We can chart the evolution from symbolic to real violence against *ponêroi* in Athenian society through the career of Hyperbolos, as it extends from his branding and humiliation on the comic stage, to his ostracism and mockery for denigrating the institution, to his murder and the ritual drowning of his corpse.

<sup>34</sup> For the mutilations of the Hermai as the performance of a pledge among Euphiletos' *hetairoi* see And. 1.67; Murray 157–58; Furley 29–30, 58.

<sup>35</sup> Osborne 58–64 considers the "Eion Epigrams" (Aischin. 3.183–85) fundamental.

<sup>36</sup> Mutilation of the Hermai as symbolic castration: Ar. *Lys.* 1192–93; Osborne 66; Wohl, esp. 360–65; for the rhetor as the demos' spokesman see Ober 1989: 315–16; for the juror as Zeus see Ar. *V.* 620–30; as god, 570–71.

<sup>37</sup> Osborne 70 n. 37. Hermes receives *kapêlides*' offerings (Ar. *Pl.* 1120–22). Hermes' list of his attributes—στροφαῖος, ἐμπολαῖος, δόλιος, ἡγεμόνιος (*Pl.* 1152–70)—could describe Hyperbolos.

### HYPERBOLOS: FROM *PONÊROS* TO *OSTRACISÉ* TO *PHARMAKOS*

Involving *stasis* between those labeled *ponêroi* and *chrêstoi*, Hyperbolos' ostracism was the political realization of a conflict configured in symbolic terms on the comic stage. The comic parabasis programmatically subjected *ponêroi* to symbolic violence, ridiculing them to honor *chrêstoi*. As the chorus of the *Knights* proclaims in the second parabasis, "to revile the *ponêroi* is no cause for malice but an honor (τιμή) for the *chrêstoi*, if anybody does his sums right" (Eq. 1274–75). This chorus ridicules Ariphrades son of Automenes for being so vile that the label *ponêros* is insufficient to characterize him: he derives pleasure from oral sex with prostitutes in brothels, among other debaucheries (1278–89). The chorus then mocks Kleonymos as a gluttonous beggar who infiltrates the grain tubs of the wealthy and devours their stores like an animal, so that they have to supplicate him with "have mercy on my table" (1290–99). The chorus finally ridicules Hyperbolos, a *mochthêros* and lamp-seller who seeks 100 ships for an invasion of Carthage; the triremes refuse to serve under him (1300–15).

The parabasis of the *Thesmophoriazousai* asserts that mothers should be honored with *prohedria* at women's festivals for giving birth to "a man useful to the city (ἄνδρα χρηστόν), a taxiarch or general" (832–33). But if she gives birth to "a cowardly and vile man" (δειλὸν καὶ πονηρὸν ἄνδρα), "either a *ponêros* trierarch or *kakos* helmsman," she should sit behind the mother of "the valiant man" (τὸν ἀνδρείον) with her hair cropped in a bowl cut (836–39). The chorus complains that Hyperbolos' mother sits beside Lamachos' wearing a white gown, her hair flowing, and lending money at interest (839–42). No man, the chorus protests, should pay her interest; they should seize her money, telling her, "you deserve such interest (τόκον), having born such a son (τόκον)" (842–45). The polis owes Hyperbolos' mother no *charis* for his service and should pay no interest on her money; rather, she owes the polis for producing Hyperbolos. Four years after his ostracism, Hyperbolos remained the quintessential *ponêros*, the standard of vileness, poor performance, and uselessness, a man of such negative value that whatever valuables he possessed could be seized to even the account. The chorus urges the audience to take his assets, even though the wealth of an *ostracisé* was not confiscated (Philochoros F30; Plut. *Arist.* 7.6).

On the eve of the second oligarchic takeover, the parabasis of the *Frogs* implores the audience to restore *chrêstoi* to leadership and to remove *ponêroi* currently in power (*Ra.* 718–37; cf. 1446–50, 1454–59).<sup>38</sup>

<sup>38</sup> See Rosenbloom 2004: 65.

Old Comedy divided the polis into *chrêstoi* and *ponêroi* engaged in a zero-sum contest; it formulated this divide in consistent moral, economic, social, political, and religious terms. The *ponêros* is an outsider of low birth and inadequate education, a cheat and a parasite, hated by the gods; he has no right to wealth, honor, or leadership; rather he deserves to be branded, humiliated, and punished.

Aristophanes ridicules the plagiarism and excess of his rivals who trample on Hyperbolos and his mother once these have given them a wrestling hold (*Nu.* 545–62).<sup>39</sup> Nevertheless, achieving the aims of the Aristophanic plot is often the equivalent of getting rid of Hyperbolos. Dikaiopolis' triumph in his moneyless agora is a victory over Hyperbolos (among others): "you will go about in a clean mantle, and Hyperbolos will not accost you and fill you with lawsuits" (*Ach.* 845–47). The *Knights* banishes Kleon to the gates to sell sausages, have drunken squabbles with prostitutes, and get drenched with dirty bathwater (1397–1401); it also rejects Hyperbolos as a general and elicits Demos' promise to hang him by the throat and cast him into the pit (1300–15, 1356–63, see below). Bdelykleon's cooptation of his father into the aristocratic life-style means that "Hyperbolos will not scoff at you as he deceives you" (*V.* 1007). Trygaios celebrates peace, the release of the people from pain, and the return of his demesmen and fellow farmers to the fields as "stopping Hyperbolos" (*Pax* 918–21). "Driving out Hyperbolos" is a concomitant of the demos' enjoyment of peace, plenty, and fecundity in the countryside (1316–28).

Hyperbolos' humiliation and expulsion from the community were dramatized as an annual rite on the comic stage; they were woven into the fabric of Athenian culture. His ostracism was prefigured in comedy and realized a comic plot.<sup>40</sup> In civic ideology, however, ostracism is conducted not so much in the comic as in the tragic mode: it is the exile of "the best man," the citizen who towers above the rest.<sup>41</sup> Ordinarily an institution for enforcing the demos' control over its wealthy and powerful members while vesting power in a dominant survivor of this group, ostracism was not legal justice. The expulsion of a *ponêros*, however, evoked both criminal punishment and the sacrificial justice of a ritual related to ostracism, the expulsion of a *pharmakos*.<sup>42</sup>

<sup>39</sup> He refers to plays devoted to the ridicule of Hyperbolos: Eupolis' *Marikas*, Hermippos' *Bread Sellers*, and Plato Comicus' *Hyperbolos*.

<sup>40</sup> Cf. Carcopino 235: "Le dernier ostracisme avait été une comédie, et une comédie sans dénouement."

<sup>41</sup> Rosenbloom 2004: 71–78.

<sup>42</sup> See Vernant/Vidal-Naquet 123–26; cf. Burkert 1985: 83; Parker 269–70; Gribble 21–22.

Plutarch defines the *ostracisé* in opposition to the *ponêros*. “Ostracism was not a punishment for *mochthêria*” (*Arist.* 7.2).<sup>43</sup> Ostracism is not criminal punishment, yet Hyperbolos was ostracized “because of villainy” (*Nik.* 11.5 διὰ μοχθηρίαν). Plutarch invents a gradual degeneration in the status of *ostracisés* to explain Hyperbolos’ ostracism and the subsequent disuse of the institution.<sup>44</sup> Hyperbolos’ ostracism is the nadir: “Once certain men started to subject ignoble and vile men (ἀγενεῖς καὶ πονηρούς) to it—last of all Hyperbolos—they (i.e., the Athenians) stopped practicing ostracism” (*Arist.* 7.3).<sup>45</sup> For Plutarch, “the violation and debasement of ostracism” (*Arist.* 7.4; cf. *Nik.* 11.6) explain why the demos “gave it up completely and abolished it” (*Arist.* 7.4).<sup>46</sup> Plutarch depicts Hyperbolos as a man of low birth and status and as a criminal—a man “who considered himself a long shot for ostracism, since in fact he was a better candidate for the stocks” (*Nik.* 11.4).<sup>47</sup>

Plutarch, Philochoros, and Androtion (see n. 44) derive their judgments from Thucydides’ verdict on Hyperbolos’ ostracism (8.73.3):

... and they killed a certain Hyperbolos, one of the Athenians and a base man (μοχθηρὸν ἄνθρωπον), who had been ostracized not because of fear of his power or prestige but because of his vileness and the city’s shame ... (οὐ διὰ δυνάμεως καὶ ἀξιώματος φόβον, ἀλλὰ διὰ πονηρίαν καὶ αἰσχύνην τῆς πόλεως).<sup>48</sup>

<sup>43</sup> “In general, they did not exact punishments for *ponêria* from those who broke the laws, but used to humble the power and prosperity of men” (D.S. 11.87.2; see also 55.3).

<sup>44</sup> Plutarch’s version in the *Life of Alkibiades* contradicts this: prior to Hyperbolos, “no man of low-status (φάυλος) or disrepute (ἄδοξος) experienced this punishment” (13.9). Philochoros’ description of Hyperbolos’ ostracism is unequivocal on this point (F30): “Hyperbolos was the only man of disrepute (ἄδόξων) to be ostracized because of the villainy of his character (διὰ μοχθηρίαν τρόπον), not because of suspicion of tyranny. After him, the custom was abolished ...” Androtion explained Hyperbolos’ ostracism by his low status (F42 διὰ φαυλότητα). Harding 160–61 doubts that Androtion considered Hyperbolos a “worthless man” and thinks that the fragment may be a paraphrase of the traditional view. But since the tradition unanimously views Hyperbolos as *ponêros*, it would be more surprising if Androtion deviated from it.

<sup>45</sup> Theophrastos noted that Hyperbolos’ ostracism was the last in *On Laws* (ΣLuc. *Timon* 30 Rabe). ΣAr. *Eq.* 855b is antiquity’s only other attempt to explain the end of ostracism. Connor/Keaney 313–19 interpret it to mean that loss of manpower after the Sicilian disaster prevented the city from “obeying the law”: 6000 could not assemble for an ostrakophoria.

<sup>46</sup> Ostracism was never abolished. The demos held a vote on an ostrakophoria every sixth prytany through the fourth century (*Ath. Pol.* 43.5). See Christ 1992: 336–41.

<sup>47</sup> Old Comedy envisions Kleon in the stocks (Ar. *Eq.* 1048–49; Nu. 575–94), probably also Hyperbolos (Eup. fr. 192.151–55; cf. Ar. *Eq.* 1358–64 and discussion below). For imprisonment at Athens see Allen; for the stocks see Hunter 177–81.

<sup>48</sup> See Brenne 2002a. Brun 185 suggests a personal motive: Hyperbolos was behind Thucydides’ exile; cf. Carcopino 243. Plutarch’s characterization of Hyperbolos descends

Hyperbolos' ostracism contradicts the norms of the institution—fear of a citizen's power or prestige, rather than punishment for *ponêria* or the avoidance of shame, justifies ostracism. Thucydides' judgment reflects the axioms of late fifth-century Athenian culture. It is cognate with Andokides' slander of Hyperbolos (fr. 5, quoted above) and with the old comic caricature of Hyperbolos, which it signals with the word *mochthêros*, a *hapax* in Thucydides. A trireme in the *Knights* branded Hyperbolos "a vile man, a sour citizen" (1304 ἄνδρα μοχθηρὸν πολίτην ὀξύνην). Aristophanes' triremes mock the idea of Hyperbolos as a general: "but let him sail to hell by himself if he wants, launching the bowls in which he used to sell his lamps" (1314–15 τὰς σκάφας, ἐν αἷς ἐπώλει τοὺς λύχνους). The triremes seek to prevent the former lamp-seller from scoffing at the city as commander of 100 ships (1313).

In the *Clouds*, the Weaker Argument declares that "Hyperbolos, the guy from the lamp market, has grabbed a fortune through *ponêria*" (1065–66). To sell lamps and to traffic in the polis are two sides of the same coin.<sup>49</sup> In Kratinos' *Pytine*, someone proposes that Hyperbolos be struck from the citizen-roll (i.e., extinguished like a lamp) and registered as a metic with the right to sell in the lamp market (fr. 209). As a lamp-seller, Hyperbolos is not a citizen but a foreigner and a slave.<sup>50</sup> Plato Comicus' Hyperbolos, a "*ponêros* and *xenos*," wins a place in the Boule ahead of a citizen, who is his alternate (fr. 182). He cannot even speak the Attic dialect, saying ὀλίον for ὀλίγον and δητώμην for διητώμην (fr. 183).

The embodiment of *ponêria*, a slave and foreigner who infiltrated the ranks of citizenship and attained leadership, Hyperbolos is unworthy of the prestige (ὀξύωμα) ostracism conferred, earning "through villainy" the same treatment as Aristides, Thucydides, and men of their ilk (*Nik.* 11.5).<sup>51</sup> Plutarch echoes the contemporary reception of Hyperbolos' ostracism: it was "an honor and a pretence for boasting" (*Nik.* 11.5). Plato Comicus stressed Hyperbolos' unworthiness (fr. 203): "indeed, he has fared worthily of his character, but

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from this passage (*Alk.* 13.4, with πονηρός for μοχθηρός; cf. *Nik.* 11.3). Plut. *Alk.* 13.5 derives from the comic depiction of Hyperbolos as a syzkophant; Plutarch infers his character from the harshness of the comedians' ridicule.

<sup>49</sup> Ehrenberg 239, but cf. 120 n.3; Grimanis/Heftner 234 n. 18 suggest that διὰ πονηρίαν refers to political corruption, but in late fifth-century Athens political leaders' producing commodities for the market is a form of corruption. See Rosenbloom 2002: 300–12.

<sup>50</sup> See Rosenbloom 2002: 308 n. 102; Eup. fr. 192.81–83; And. fr. 5.

<sup>51</sup> Carcopino 248; Connor/Keaney 313; *HCT* 5.258; Rhodes 1994: 96–97; Heftner 2000: 56–57; Grimanis/Heftner 232–38. Eder 240–42 suggests that Aristophanes brought Hyperbolos on stage after his ostracism to dismiss him with an insult (fr. 661).

unworthily of himself and his servile brands (αὐτοῦ δὲ καὶ στιγμάτων ἀνάξια), for ostracism was not invented for such men.”<sup>52</sup> The lowest form of punishment is stigmatization; it is the mark of an errant slave.<sup>53</sup> Bearing *stigmata* and being branded *ponêros* are parallel forms of de-legitimization (cf. Diphilos fr. 67). The labels *chrêstos*, *ponêros*, *mochthêros*, and *phaulos* modify or refer to *tropoi*—“character,” “habits,” and “ways”—a mode of social life.<sup>54</sup> Plato Comicus agrees that Hyperbolos’ *tropoi* merit exile; the norms of Greek culture specify the punishment of a *ponêros*.<sup>55</sup> Hyperbolos’ punishment was a comic topos. A semi-chorus or a character in the *Marikas* declares, “But I say to you, do not punish Marikas” (fr. 203; cf. 192.151–55). We do not know whether this is the prelude to a joke or whether it is advocacy.<sup>56</sup> In any event, ostracism is not the correct form of punishment for “such men.”

Old Comedy plotted the punishment of “such men” to lie between criminal and ritual justice. Branding such leaders *ponêros* and depicting them as lower class villains, the genre expelled them as ritual scapegoats (*pharmakoi*, *katharmata*) in joyous comic climaxes, purifying and renewing the city, returning *chrêstoi* to hegemony, and restoring the heroic identity of “celebrated Athens.”<sup>57</sup> At the far end of the scale, they are destined for ritual sacrifice. Aristophanes’ Demos boasts that he fattens a single thieving *prostatês* for sacrifice, a declaration the scholia interpret as reference to *pharmakos* ritual (*Eq.* 1121–50 with Σ1136a, c).<sup>58</sup> The *Knights* transforms Paphlagon into a *pharmakos*. Demos invites Agorakritos to replace Paphlagon in the Prytaneion and to sit “where that *pharmakos* used to be” (*Eq.* 1404–5 ἵν’ ἐκεῖνος ἦν ὁ

<sup>52</sup> Grimanis/Heftner associate the passage with Plato Comicus’ *Symmachia* of 415. We should not rule out the possibility that it derives from the *Hyperbolos*, which may have fantasized his ostracism: πέπραγε is appropriate to the announcement of a dramatic event (*Ar. Eq.* 683; *Pax* 1255; *Lys.* 462; *Ra.* 302; *Pl.* 629, 633).

<sup>53</sup> Grimanis links Ades. Com. fr. 363 κεραμ[ε]ικὴ μάλιστα with the ostracism of the “slave” Hyperbolos. Cf. Ehrenberg 339.

<sup>54</sup> *Ar. Eq.* 192, *Pl.* 630, 1003; Σ*Pax* 681; Aischin. 3.173; [D.] 26.16; Alexis fr. 187; Diphilos fr. 113; Men. *Dys.* 388, *Aspis* 125, frs. 356, 375, 803, 851; Ades. Com. frs. 900, 1027, also 1208 (Kock = E. fr. 597 Nauck); cf. *Ar. Eq.* 1280–81; Aischin. 3.78; D. 36.31; Men. fr. 698.

<sup>55</sup> For the entailment of *ponêria* and punishment see Isok. 20.12–14; D. 25.97; 45.67; Dein. 1.27; 2.3; 3.11–12; Lykourg. 1.111; Men. *Sent.* 389 Jaekel; cf. D. 21.218.

<sup>56</sup> Whittaker 185 suggests that Hyperbolos’ mother, a *bômolochos*, advocates her son’s case.

<sup>57</sup> Cf. Rosenbloom 2002: 329–39. Aristophanes treats Hyperbolos’ leadership as short-term (*Pax* 685–87). For the *pharmakos* see Harpokration s.v. φαρμακός; Photios *Lex.* s.v. φαρμακός; Versnel 37–45; Burkert 1979: 64–72; Bremmer, esp. 301, 305, 313, 318–20; cf. Wilkins 196–97.

<sup>58</sup> For sacrificial ritual in the *Knights* see Wilkins 192–201.

φαρμακός). Paphlagon's *sitêsis* in the Prytaneion turns out to be the feast *pharmakoi* enjoyed before their expulsion, the fattening of the victim before its sacrifice.<sup>59</sup> Eupolis contrasted the entitlement of past generals to lead—they hail from the greatest houses, are first in birth and wealth, and godlike if not gods—with the scapegoats (*katharmata*) haphazardly elected as generals in the present (fr. 384; cf. Ar. Nu. 581–90). The parabasis of the *Frogs* caps this sentiment: in the past the polis would not even have used the *ponêroi* who lead the city as *pharmakoi* (730–33).<sup>60</sup>

According to the terms of late fifth-century Athenian culture, Hyperbolos the *ostracisé* was indistinguishable from a *pharmakos*. The adjectives Plutarch uses to describe Hyperbolos—“ignoble and base” (Arist. 7.3)—also modify *pharmakoi*: “very ignoble, and poor, and useless” (ΣAr. Eq. 1136c λῖαν ἀγεννεῖς καὶ πένητας καὶ ἀχρήστους; cf. ΣRa. 730). Transforming curse tablets and stoning into a kind of vote and lottery, ostracism substitutes a single high-ranking citizen for two of the lowest-ranking members of the community; but it retains similarities with *pharmakos* ritual: *limos*, “hunger” or “famine,” is a frequent target of ostracism.<sup>61</sup> This suggests a type of scapegoat ritual attested at Chaironeia: “driving out ravaging hunger” (βουλίου ἐξέλασις). A slave was expelled under the blows of rods and willow branches while the performers proclaimed, “out with famine and in with wealth and health” (Plut. Mor. 693E10–F3).<sup>62</sup> Ostracism retains the dual structure of this type of ritual: a high-ranking citizen suffers exile, but the dominant survivor ascends to *prostasia*.<sup>63</sup> Hyperbolos and Alkibiades bore this relation to one another.

If Hyperbolos' ostracism was the demos' determination of Perikles' political heir, it enacted the full ambivalence of that legacy.<sup>64</sup> Alkibiades was anointed *prostatês*, the *chrêstos* and *metrios* who possessed the symbolic power to lead, to represent, and to unite the entire demos around his person.<sup>65</sup> As an *ostracisé*, Hyperbolos was a *pharmakos* for negative side of Perikles' legacy: war, the displacement of the rural population, and above all, plague. *Limos* and *loimos* are common pretexts for scapegoat ritual.<sup>66</sup> Tzetzes defined a *pharmakos* as

<sup>59</sup> See Bennett/Tyrrell 239; Wilkins 175–84.

<sup>60</sup> Perhaps acknowledging thereby their role on the comic stage.

<sup>61</sup> Kerameikos O 5883–89; Brenne 2002: 97–100.

<sup>62</sup> See Bremmer 301–2; Brenne 2002: 164.

<sup>63</sup> Rosenbloom 2004: 90–93. Sausage-Seller and Paphlagon realize this pattern in the *Knights*; see Bennett/Tyrrell 249–50.

<sup>64</sup> Rosenbloom 2004: 93.

<sup>65</sup> For Alkibiades as a *metrios* see Th. 6.89.4–5, 8.86.4–7. For the *metrios* in late fifth-century ideology see Rosenbloom 2002: 318–23.

<sup>66</sup> See, e.g., ΣAr. Eq. 1136c; ΣA. Se. 680 L (Smith); Bremmer 301 with n. 17.



“purification of the diseased city” (*H.* 5.735–37). Euripides’ Boiotian Herald symbolically links disease and *ponēros* leadership: “this indeed is pestilential (νοσῶδες) for men of the better sort: whenever a *ponēros* man, who was nothing before, has prestige (ἄξιωμα) because he controls the demos with his tongue” (*Supp.* 423–25).<sup>67</sup> Bdelykleon invokes a similar association, calling the alliance between *ponēroi* and jurors “an ancient disease inborn in the polis” (*Ar.* V. 651 νόσον ἀρχαίαν ἐν τῇ πόλει ἐντετοκυῖαν). The Sausage-Seller threatens Kleon with the farmers’ vengeance after peace with Sparta for cooping them up in the city and making them dependent upon wages, cutting them off from the goods of rural life (*Eq.* 792–809). The rise of *ponēroi* to leadership, the crowding of the rural population into the city, and plague are an interrelated sequence. Andokides may have linked the migration of charcoal makers from the hills to the city to his slander of Hyperbolos (*fr.* 4–5 Blass/Fuhr). Eupolis’ *Marikas* involved a plague (λοιμός) sent by a wrathful god to the soldiers (*fr.* 206); this may recall the return of the plague in the winter of 427/6 (*Th.* 3.87).<sup>68</sup> Whether *Marikas* as a military leader (*fr.* 207) is held responsible is unknown, but it is likely.

The combination of criminal and ritual justice that characterizes *pharmakos* ritual informs Hyperbolos’ ostracism and murder. According to Theopompos, after Charminos and Samian oligarchs killed Hyperbolos, they stuffed his corpse into a skin and dumped it into the sea, performing the ritual of *katapontismos* upon it (*ΣLuk. Tim.* 30 Rabe; Theopompos F96a, b).<sup>69</sup> The act conjures up the symbolic violence aimed at Hyperbolos in the *Knights*. Aristophanes unexpectedly names him as the “altar-ambushing public prosecutor” (βωμολόχος συνήγορος) who makes jury-pay contingent upon conviction (*Eq.* 1357–66).<sup>70</sup> Agorakritos elicits Demos’ oath that, “lifting him up on high, I shall cast him into the pit (βάραθρον), hanging Hyperbolos from his throat” (*Eq.* 1362–63). Demos views Hyperbolos as someone who committed “injustice against the demos of the Athenians” and was subject to the law of Kannonos, execution by being thrown into the pit (*X. HG* 1.7.20). He is also guilty of crimes against the gods and liable to ritual violence. Scholiasts to the passage and the *Souda* note a pun on the name Hyperbolos:

<sup>67</sup> Medical writers used *ponēros* of disease: see, e.g., *Hp. Prog.* 3, 6, 10–14, 19, 23.

<sup>68</sup> Cf. *Eup.* *fr.* 192.7–8, which refers to the recrudescence of a plague, militating against Gomme’s suggestion in *HCT* 2.166 that *Eup.* *fr.* 206 recalls the outbreak of plague among Perikles’ and Hagnon’s forces in 430 (*Th.* 2.57–58).

<sup>69</sup> *Σ(Rec.) Ar. Ra.* 569/70 claims that Hyperbolos died in a naval battle against the Samians and confesses ignorance of the uses of the stone called “hyperbolos.” It is possible that the narrative of the *katapontismos* is based upon the pun at *Eq.* 1362–63.

<sup>70</sup> *Lys.* 27.1; 30.22; cf. 21.12–14. See also *Hyp.* 3. cols. 42–46 (Jensen).

“‘hyperbolos’ is a stone tied around the necks of those who are drowned by *katapontismos*” (ΣAr. Eq. 1363a1, b; Souda v 245). A *hierosylos* could be punished by drowning (D.S. 16.35.6); the desecration of Hyperbolos’ corpse erases the difference between the symbolic violence aimed at a *bômolochos* and ritual violence inflicted on a *hierosylos*.<sup>71</sup> *Ponêros* in comedy, ostracized, murdered, and dumped into the sea, Hyperbolos was not only marked with the symbolism of scapegoat ritual but also suffered the violence unleashed upon ritually polluted thieves. Athenian culture depicted Hyperbolos according to the pattern of Pharmakos, the founding anti-hero of the ritual at the Thargelia. Pharmakos was a *hierosylos* who stole cups sacred to Apollo; Achilles’ men stoned him to death (Harpokration s.v. Φαρμακός = Istros F50). Leukon’s charge that Hyperbolos stole the cups the Egyptian Paapis sent to the Athenians casts him in the role of Pharmakos (fr. 1). If the scholiasts and Souda correctly gloss the word “hyperbolos,” his *katapontismos* not only cruelly played on his name but also realized the meaning of the label *ponêros* in fifth-century Athenian culture.<sup>72</sup> For a leader to bear the brand of *ponêros* makes him the target of symbolic violence and assigns to him the exchange value of a *pharmakos*; it is the mark of death.

### THE PURGE OF PONÊROI

The oligarchic takeover of 411 escalated violence against *ponêroi*, crossing the boundary between symbol and reality. The label *ponêros*, which deprived its bearers of hegemony in society, now subjected them to extra-legal death. Isokrates asks (8.108), “didn’t the demos itself desire the oligarchy established by the Four Hundred because of the *ponêria* of the assembly speakers?” The motive force for oligarchy was Alkibiades’ yearning to return to Athens “in an oligarchy and not in the *ponêria* and *dēmokratia* that cast him out” (Th. 8.47.2). The message resonated among the “most powerful” (δυνατώτατοι) and the “best” (βέλτιστοι).<sup>73</sup> After the movement splintered into factions, Phrynichos, Peisandros, Antiphon, Aristarchos, and “the other most powerful men” (Th. 8.90.1 ἄλλοι οἱ δυνατώτατοι) resisted power-sharing outside of their self-selected group. Thucydides’ superlatives refer not merely to the power of wealth, though it is a factor, but also to the non-monetary considerations that convert wealth into legitimate social and political power—talent,

<sup>71</sup> For the identification of the βωμολόχος and ιερόσυλος see Hesych. β 1389; ΣAr. Nu. 901c; Et. Gud. s.v. βωμολόχος; pseudo-Zonaras s.v. βωμολόχος. Sometimes *pharmakoi* are tossed into the sea: Strabo 10.9.2; Souda s.v. περίφημα (π 1355); Photios s.v. περίφημα; Versnel 39–40.

<sup>72</sup> See Rosenbloom 2002: esp. 335–37.

<sup>73</sup> Th. 8.47.2–48.1; cf. 63.3; de Ste. Croix 1983: 291.

birth, intelligence, education, culture, and utility. Antiphon is “a man second to none of the Athenians of his time in *aretê* and best at formulating a plan and saying whatever he thought” (8.68.1, cf. 2–3). Phrynichos is steadfast: “once he undertook something, he appeared by far the most dependable in the face of danger” (Th. 8.68.3). Theramenes is smart and articulate: “a man not incapable at speaking or thinking” (8.68.4). Thucydides dubs the oligarchs “many intelligent men” (ibid.).

Peisandros appealed to cultural ideals of a citizen’s excellence, which commanded the tacit assent of the citizen body and seduced it into quiescence. The fiction of the Five Thousand promised to limit political participation and leadership to *chrêstoi*, “those who were especially able to provide benefit with both their money (χρήμασι) and their persons (σώμασιν).”<sup>74</sup> The Four Hundred encouraged the perception that theirs was a coalition of hippeis and hoplites—“those who provided their own arms”—as Thucydides describes the Five Thousand when they are finally voted into power (Th. 8.97.1; cf. 65.1, 69.3). Xenophon’s Theramenes asserts his commitment in both takeovers to limiting power and citizenship to “those who can provide benefit with horses and with shields” (X. *HG* 2.3.48).

The Four Hundred killed *ponêroi* and excluded their constituencies from power. Mobilized as a political force to ostracize Hyperbolos in 415, the *hetairoi* regrouped as an instrument of terror in 411. Astonishingly, Peisandros, oppressor of the *hetairoi* in 415/4, united the *synômosiai* for the purpose of “dissolving the demos” (Th. 8.54.4); they did the dirty work to prepare the coup (8.65.2). Younger *hetairoi* murdered the *prostatês* Androkles both because of his “leadership of the demos” and because they thought they were doing Alkibiades a favor (ibid.). Other leaders were assassinated, as was anyone who dared to contradict the oligarchs’ speakers (ibid., 8.66.2). The violence of the *hetairoi* insured that no *zêtêsis* or *dikaiôsis* would foil their plot (66.2), as had happened in 415. Thucydides remarks that “not many were killed” and that others were imprisoned, and still others exiled (8.70.2). Perhaps he meant that no *chrêstoi* suffered under the Four Hundred. That this did not hold for the Thirty was their undoing.

The Thirty defined themselves and those in their polity in the strictest opposition to *ponêroi*, attempting to purify the city of *ponêroi* and to establish a citizen body of 3000 *chrêstoi*.<sup>75</sup> Who were the *ponêroi*? There was a consensus

<sup>74</sup> Th. 8.65.3; cf. *Ath. Pol.* 29.5. Rhodes 1993: 382–83 *contra* de Ste. Croix 1956.

<sup>75</sup> For the self-designations of the Thirty see Rosenbloom 2004: 88 n. 125. For the Thirty’s aim of purging and excluding *ponêroi*—demagogues and sykophants—see Lys. 12.5; 18.11; 25.19; X. *HG* 2.3.12–14, 18–19, 27, 38; *Ath. Pol.* 35.3; cf. Pl. *Ep.* 7.324d.

based upon cultural knowledge and ideology that leaders such as Hyperbolos, Androkles, and Kleophon belonged to this group: litigious leaders who used the courts against *kaloi k'agathoi* and were labeled *ponêroi* were killed extra-legally and with impunity (X. *HG* 2.3.12; Lys. 25.19; *Ath. Pol.* 35.3; D.S. 14.4.2–3).

The Thirty soon exhausted the consensus about who was *ponêros* and hence subject to extra-legal death with impunity, exposing fatal contradictions within the alliance of classes and interests that dominated Athenian society. Deriving honor from the *demos* itself became a black mark; Xenophon's Kritias ceremoniously dubs the traitor Theramenes *ponêros* before he has him killed (*HG* 2.3.27). The Thirty murdered *kaloi k'agathoi* out of enmity, for monetary gain, and to eliminate potential leaders of the *demos*; they killed metics for money and to solidify their bond in blood.<sup>76</sup> Establishing by their violence an unsurpassable benchmark for *ponêria*, they and their supporters eventually bore the brand of the *ponêros* and sykophant.<sup>77</sup>

The *ponêria* of the Thirty enabled the inversion of the labels *chrêstos* and *ponêros* that was an aim of the ostrakophoria of 415.<sup>78</sup> In the aftermath of the Thirty, oligarchs are branded *ponêroi* and sykophants; litigious *ponêroi* of the fifth century are to blame for the oligarchic takeovers because of their sykophancy and use of political leadership as a means of self-enrichment.<sup>79</sup> The Thirty's murder of 1500 proved that the cultural knowledge that produced certainty about who was *ponêros* and *chrêstos* in late fifth-century culture was not only defective but even a source of chaos.<sup>80</sup>

#### AGORA, COURT, AND THEATER: HEGEMONY IN FOURTH-CENTURY ATHENS

Hyperbolos orchestrated this ostrakophoria partly to attain cultural legitimacy for his leadership and that of his class. His primacy in the courts, assembly, and Boule failed to offer the symbolic capital required for hegemony.<sup>81</sup> The

<sup>76</sup> Lys. 12 *pass.*, 13.1–2, 13 *et pass.*; Lys. 18.11; 30.14; X. *HG* 2.3.21–22, 38–49; *Ath. Pol.* 35.4. See Whitehead 127–28 for the murders of metics as a blood pledge.

<sup>77</sup> Lys. 12.5, 75, 78, 84, 86, 94; 18.11; 25.22; 30.11; [Lys.] 6.45; And. 1.95; Isok. 7.73; 18.17; *Ath. Pol.* 37.2. Cf. X. *HG* 2.3.22; Men. *Sik.* 156. For the Thirty in the reinvention of democratic ideology see Krentz 18; Ober 1998: 42; Christ 1998: 43; Wolpert, esp. 119–36.

<sup>78</sup> Rosenbloom 2004: 6, 89–90. Alkibiades (Lys. 14.37; [And.] 4.12) and his son (Lys. 14. 23, 25, 32, 35) become *ponêroi*, though the prosecutor still suspects the jury might acquit Alkibiades the younger “because his father had become *chrêstos* toward the polis” (Lys. 14.31). Andokides is also branded *ponêros* ([Lys.] 6.45).

<sup>79</sup> See Lys. 25.19–35; Isok. 8.121–23; 15.316–19.

<sup>80</sup> For certainty about *ponêroi* and *chrêstoi* see [X.] *Ath. Pol.* 2.19; Ar. *Ra.* 726–33.

<sup>81</sup> Rosenbloom 2004: 63–66, 78–79.

last ostracism is a moment in the evolution of the dikasterion as a venue for the production and distribution of symbolic capital in the polis. Some identify the introduction of the *graphê paranomôn* in the period 427–15 as a factor in the disuse of ostracism.<sup>82</sup> A symptom of the growing political power of prosecutors and juries in Athens—both oligarchic takeovers rescinded it (Th. 8.67.2; D. 24.154; *Ath. Pol.* 29.4; cf. *Ath. Pol.* 35.2)—the *graphê paranomôn* was but the tip of an iceberg. The rise of the industrial slave-holding oikos and its characteristic form of domination, the law court contest, to hegemony in Athenian society spelled the end of ostracism at Athens.

The oligarchic takeovers demonstrated that branding a leader *ponêros* and purging him as a *pharmakos* could function as a script for social and political upheaval. The fourth-century demos institutionalized this social drama as the law court drama and controlled it within the framework of the democratic legal system. Demosthenes declares that even the *ponêrotatos rhêtôr* deserves the protection of the laws and should not be subject to extra-legal violence (21.189; contrast Lys. 30.12–14). In the fourth century, the dikasterion authoritatively negotiated the *chrêstos-ponêros* divide required for the construction of hegemony; it likewise appropriated the discourse of the *pharmakos*.<sup>83</sup> The dikasterion replaced the comic stage as the definitive venue for negotiating hegemony in Athenian culture. A principal tactic of the law court contest is to establish a defendant's *ponêria*, to brand him *ponêros* or *ponêrotatos*, and to argue the necessity of his punishment, sometimes on the grounds that it realizes the ancestral values of the polis and restores the prestigious past. This was the argumentative pattern of Old Comedy. In the dikasterion, by contrast, the defendant too has the opportunity to label his opponent *ponêros* and argue that he himself is *chrêstos* and merits the *charis* and *eunoia* of the jury.<sup>84</sup>

Fourth-century Athenian society is less certain about the labels *ponêros* and *chrêstos*; they are continually negotiable. A virtually unqualified and non-negotiable mark of worthlessness in the fifth century found almost always in the positive degree, the label *ponêros* becomes graduated in the fourth century:

<sup>82</sup> Hansen 1991: 205 sees a causal relation the *graphê paranomôn* and the end of ostracism; Rhodes 1994: 97–98 sees a logical connection; Carcopino 249 stresses the Decree of Demophantos in 410/09 (And. 1.96–98) and the introduction of the *nomos eisangeltikos* after the restoration of democracy (Hyp. 3. cols. 20–24).

<sup>83</sup> [Lys.] 6.53; D. 18.128; 19.198; 25.80; Aischin. 3.211; Dein. 1.16. It vanishes from extant comedy after the *Ploutos* (30, 454). Men. *Sam.* 481 revives it; the *hierosylos* also makes a comeback: *Dys.* 640; *Sam.* 678; *Epit.* 935, 952, 1064, 1100, 1122; *Aspis* 227; *Pk.* 366; fr. 170. Euboulos fr. 6 applies *hierosylos* to “delicate side-fare.”

<sup>84</sup> For the uses of these terms by prosecutors and defendants see Rosenbloom 2003: 101, nn. 65–66.

comparative and superlative forms become part of a complex discourse of negotiation.<sup>85</sup> Moirokles, for instance, asserts that he is no “more *ponêros*” than a man who is “fair and noble” (ἐπιεικής), for he practices *ponêria* (πονηρεύεσθαι) at 10% interest, while the *epieikês* practices it at 33% (Arist. *Rh.* 1411a16–18). The *ponêrotatos* of all classes (ἔθνη) in the polis is not a socio-economic group, “but those whose habit it is to speak and to make proposals for payment” (ἐπὶ μισθῷ); the danger is that they represent whoever profits or does not profit themselves as *chrêstos* and *ponêros* respectively, and the jurors trust their descriptions (D. 23.146; cf. 51.22–23).<sup>86</sup> Moneyed interests mystify the *ponêros-chrêstos* divide. In the fifth century, *misthos* is a class problem, and focuses more heavily (but not exclusively) on payment for non-elite citizen labor: monetary payments cement an alliance between litigator and juror, creating “phratries of the triobol” (Ar. *Eq.* 255–57). The *misthos* erodes citizen autarchy, destroys the social fabric, and inverts the moral economy of the polis so that *ponêroi* dominate.<sup>87</sup> Non-elite *misthos* is unproblematic in fourth-century society.<sup>88</sup>

Oikos-type plays a less vital role in the determination of the labels; in the fourth century they become partially detached from socio-economic criteria. Telling in this regard is Xenophon’s account of how Sokrates convinced Aristarchos to employ his displaced female relatives in the production of woolen garments after his land had been stolen during the *stasis* of 404 (*Mem.* 2.7). Aristarchos, who holds his wealth in land, rental houses, and household goods—the typical citizen ensemble—disdains industrial slave-holding (2, 4, 6). Sokrates praises industrial slave-holders for amassing wealth, supporting households, living liberally, and in one case performing liturgies: Keramon, Nausikydes (miller, cattle, liturgist), Kyrebos (bread), Demeas of Kollytos (*chlamydes*), and Menon (*chlainai*) (3, 6).<sup>89</sup> Sokrates validates such production as the acquisition and retention of use-values (χρήσιμα) beneficial to life and as realizations of the knowledge and productive value of Aristarchos’ female relatives. Mutual profit fortifies the bonds of *philia* (7–10; cf. 12–14); realized value (ἔννεργα) is superior to idleness (ἀργία). To be sure, commodity production is a substitute for land holding and house rental, and Aristarchos is not an industrial slave-holder, but Sokrates removes the shame from commodity production (10). It is shameful for slave-holders to be

<sup>85</sup> See Lys. 24.19–20; Arist. *Rh.* 1376a8–12; Rosenbloom 2003: 96–105.

<sup>86</sup> For bribery see Harvey.

<sup>87</sup> See de Ste. Croix 1972: 362; Rosenbloom 2002: 323–24.

<sup>88</sup> See Markle; Todd, esp. 158–69.

<sup>89</sup> For Nausikydes see Ar. *Ek.* 422–26; Davies, *Athenian Propertied Families* (henceforth *APF*) 315.

wealthy “from worse people” (4 ἀπὸ τῶν πονηροτέρων) and Aristarchos to be poor “having much better people.”

Sokrates similarly advises Eutheros after he lost a foreign holding and returned without property to Athens (2.8). Eutheros labored for a wage. Sokrates convinces him to find a position as a bailiff, since he is growing too old for bodily labor, and consoles him when he is hesitant to endure slavery and to be reprehensible. Sokrates’ advice in *Mem.* 2.7–8 demonstrates the need for citizens to produce commodities and to sell their labor after the loss of productive land and rental opportunities in Attika and overseas and the failure of the mines in the aftermath of the Peloponnesian War.<sup>90</sup> But economic need, fundamental as it is, is not sufficient to explain the changes of post-restoration Athens; Sokrates’ arguments imply a lessening of ideological resistance to non-landed bases for wealth among the citizen body during this period.

The *chrēstoi* of fourth-century Athens derive in large part from industrial slave-holding and other non-landed households as did the *ponēroi* of the fifth century: thus Anytos, possibly Thrasyboulos, Agyrrhios, Kephalos, Aristophon, Iphikrates, Kallistratos, Demosthenes.<sup>91</sup> The Oxyrhynchos Historian associates Anytos and Thrasyboulos with “notable (*gnōrimoi*) and accomplished (*charientes*) citizens” (1.2–3).<sup>92</sup> Demosthenes’ Agyrrhios is “a good and demotic man” (24.134 χρηστὸν καὶ δημοτικόν). Aristophanes’ Kephalos may make bad pots, but “he tinkers the polis well and beautifully” (Ar. *Ek.* 252–53). Kephalos became a symbol of good leadership in the struggle between Aischines and Demosthenes in 330 (Aischin. 3.194; D. 18.251) and during the Harpalos affair (Dein. 1.37–40, 76–77). Cultural conditions for legitimacy unavailable to the first generation of non-landed leaders arose after the restoration of the democracy.

The criteria for elite political status evolved through a dialectical process of contestation, polarization, and reconciliation after the death of Perikles. Hyperbolos’ ostracism was the initial event; the *zêtēsis* on the Hermai and the Mysteries responded to it. The oligarchic takeovers of 411 and 404 in turn responded to the *zêtēsis*. The leaders of the restoration resolved the polarities of the late fifth century—landed or non-landed sources of wealth, distinguished or ordinary birth, military or rhetorical leadership, aristocratic culture

<sup>90</sup> For the economic conditions of Attika after the Peloponnesian War see Burke 1990 with bibliography.

<sup>91</sup> Anytos (*APF* 40–41); Thrasyboulos (Strauss 47, but cf. Buck 21); Agyrrhios (*APF* 278); Kephalos (Ar. *Ek.* 248–53); Aristophon (*APF* 65); Iphikrates (*APF* 248–49); Kallistratos (*APF* 278); Demosthenes (*APF* 126–35); see in general Mossé.

<sup>92</sup> Anytos’ social and political power: X. *HG* 2.3.42, 44; Isok. 18.23; *Ath. Pol.* 34.4; *APF* 41, stressing his relationships with Alkibiades and Menon. See further *Ath. Pol.* 7.4; Pl. *Men.* 90a1–b3.



or technical knowledge. They fused factional leadership—*prostasia tou dêmou* during a period of *stasis*—with leadership across classes and the realization of the *patrios politeia*.<sup>93</sup> Thrasyboulos, Archinos, and Anytos restored the demos and reconciled with the oligarchs as *prostatai* of this type.<sup>94</sup> They created a paradigm for non-landed leadership on the antithesis of the litigious model as *metrioi* between the demos, which they empowered, and the oligarchic collaborators, whom they sheltered from legal recrimination. They insured the defeat of Phormisios' proposal to limit citizenship to land-holders (Lys. 34), while Archinos blocked Thrasyboulos' proposal to enfranchise non-citizens who fought to restore the demos (*Ath. Pol.* 40.2). Anytos and Thrasyboulos eschewed the use of the courts to recover their property, even though they knew who stole it (Isok. 18.23). According to Isokrates, they were not sykophants, but hated them “and held the greatest reputation for *aretê*” (Isok. 8.123; cf. Lys. 12.94). They limited the use of the courts as instruments of vengeance against the Thirty and their supporters and enforced the oath of amnesty (μὴ μνησικακεῖν) against stiff resistance (e.g., Isok. 18.1–3, 23; 8.123; Lys. 25.28; *Ath. Pol.* 40.2).<sup>95</sup>

Anytos, Agyrrhios, Kephalos, and Epikrates continue to attract moral-economic ridicule.<sup>96</sup> Anytos is mocked as a cobbler and seller of shoes (Theopompos Comicus fr. 58; cf. Archippos fr. 31).<sup>97</sup> His money is a corrupting influence in the polis: he was first man to bribe a jury and he “saved his

<sup>93</sup> See Wolpert 35–42.

<sup>94</sup> Thrasyboulos was *prostatês* in 411 (Th. 8.81.1; cf. 75.2) and in 404/3 with Archinos (Aischin. 2.176). The sources of Archinos' (Kirchner, *Prosopographia attica* [henceforth PA] 2526) wealth are unknown. It is tempting to infer a moneyed background from his association with Agyrrhios in reducing the *misthos* of the comic poets when they were “in charge of the public bank” (ΣAr. Ra. 367). Anytos was general at Phyle (Lys. 13.78–79, 82). Agyrrhios was secretary of the Boule the year the democracy was restored (IG II<sup>2</sup> 1.41; 2.1,6). Epikrates (PA 4859) was “one of those who led the demos back from Peiraieus” (D. 19.277). The sources of his wealth are unknown apart from his political activity. APF 181 includes him in the Register because his receipt of “Persian bribes” made him rich (Lys. 27.10), and classes him as a small land-holder who converted these bribes into large estates and liturgical spending.

<sup>95</sup> For μὴ μνησικακεῖν see And. 1.90; X. HG 2.4.43; *Ath. Pol.* 39.6; Dorjahn, esp. 24–53; Wolpert, esp. 48–118.

<sup>96</sup> For Epikrates see Lys. 27; Oxy. Hist. 2.2; Harpokration s.v. Epikrates; Souda ε 2415–17. D. 19.277 praises him as *spoudaios*, *chrêsimos* to the city, and *dêmotikos*. Plato Comicus seems to make Epikrates Phormisios' double: a big-bearded Lakonophile and prolific bribe-taker (frr. 127.1; 132). His nickname “shield-carrier” (σακεσφόρος) mocks his enormous beard (fr. 130; ΣAr. Ek. 71, 502), a Spartan affectation that Agyrrhios also tried to adopt (Ar. Ek. 103–4). The Souda reports that Epikrates was nicknamed ἔφορος, “ephor” (ε 2417).

<sup>97</sup> See further X. *Apol.* 29–30. Anytos prosecuted Sokrates on behalf of craftsmen and politicians (Pl. *Apol.* 23e5–24a1).

life with money” (*Ath. Pol.* 27.5; D.S. 13.64.6; Plut. *Cor.* 14.6; ΣAischin. 1.78 Dilts). Tzetzes claims that Anytos and Meletos paid Aristophanes to compose the *Clouds* (*Hyp. Nu.* 6), and a scholiast alleges that he bribed Meletos to prosecute Sokrates (ΣPl. *Apol.* 18b Greene). Agyrrhios was also ridiculed for his corrupting and divisive monetization of the polis: a *ponêros* when the assembly did not meet, he bought praise by introducing pay for assembly attendance, breeding enmity among those who do not receive payment: they think “those seeking to earn a wage in the assembly are worthy of death” (*Ek.* 184–88; cf. 289–310, 372–93; *Pl.* 171; *Ath. Pol.* 41.3).<sup>98</sup> Agyrrhios even converts his flatulence into money (*Pl.* 176). His generalship is problematic: Plato Comicus’ Demos expresses horror as he is about to vote for him (fr. 201). Andokides mislabels him *kalos k’agathos* and portrays him as a tax-collecting villain who conspired to cheat the demos of six talents (1.133). Kephalos is called a crazy maker of bad bowls (*Ar. Ek.* 248–53). Plato Comicus’ Demos pairs Kephalos with Agyrrhios (and Mantias) and calls him “stinking Kephalos, the most hateful disease” (fr. 201). The profit motives of these leaders continues to undermine their publicly defined status.

The subsequent leadership of Aristophon, Iphikrates, and Kallistratos solidified the position of non-landed citizens as a hegemonic class. Demosthenes’ list of the “great and famous” *rhêtores* of the past includes “Kallistratos, Aristophon, Kephalos, Thrasyboulos, and myriads of others” (18.219).<sup>99</sup> Most if not all of these leaders held their wealth in liquid form and derived it from non-landed sources. All except Kephalos led as *stratêgos* and *rhêtôr*.<sup>100</sup> By the time Demosthenes ascended to the bema, his father’s ownership of slaves who produced knives and beds was immaterial to his publicly defined status. Aischines does not directly link Demosthenes’ *ponêria* to production for exchange.<sup>101</sup> Rather, he tries to insinuate a connection, ridiculing Demosthenes for speaking with pompous self-importance “as if to those who don’t know you’re

<sup>98</sup> Agyrrhios was mocked as an *androgynos* (*Ar. Ek.* 102–4). The introduction of the theoric fund in Diophantos’ archonship (395/4) was credited to him; see Harpokration s.v. θεωρικά; Hesych. δ 2351; Souda δ 1491; Buchanan 48–53. Cawkwell 53–58 dates the fund to just after the social war; cf. Rhodes 1993: 514–16.

<sup>99</sup> Kallistratos was mocked harshly in comedy; Rosenbloom 2003: 100, n. 64.

<sup>100</sup> See Perlman 1963 and 1967; Hansen 1983 and 1983a; Strauss, esp. 42–69, 89–120; Mossé.

<sup>101</sup> Aischin. 3 generally uses the terms *ponêros* and *ponêria* for Demosthenes and Ktesiphon. They characterize Demosthenes’ nature and character (147, 173), his behavior as a father (78), as a friend (81), and as a political leader (99, 137; cf. 75, 134, 147, 234); he surpasses “the *ponêroi* of old,” Phrynondas and Eurybatos, as “an imposter and a cheat” (137: *magos, goês*). Because of his Skythian ancestry, his *ponêria* is not even native (172). He is a *ponêros*

the bastard son of Demosthenes the knife-maker" (2.93) and for offering "proofs from the market place, completely consistent with his life" (1.125).<sup>102</sup>

Athenian culture at the time did not authorize this link. Although the theater continues to deploy the label *ponêros* and to dramatize patterns of *ponêria*, directing resentment against retailers—particularly fish-mongers, the fourth-century equivalents of the fifth-century politician-sellers—in the agora, it ceases to brand leadership *ponêros* and to ridicule leaders as sellers.<sup>103</sup> Monetary profit remains the antithesis of cultural value; but like citizens in general, politicians feature as buyers and consumers.<sup>104</sup> The label *agoraios* all but vanishes from fourth-century public discourse. It thrives in private, elitist writing.<sup>105</sup>

Euboulos' *Olbia* contends that "all things will be sold together in the same place in Athens": summoners, witnesses, trials, allotment machines, water-clocks, laws, and indictments for public crimes together with food and flowers (fr. 74; cf. Philemon fr. 68). The *Olbia*'s immersion of the legal process in the market underscores the integration of these cultures in fourth-century Athens, even as it undermines it. In the fourth-century polis, resentments toward the agora and political leadership find distinct forms of expression. Consumers compete with one another and with sellers; politicians are privileged consumers.<sup>106</sup> The late fifth century opposes self-sufficient production for consumption and the market (e.g., Ar. *Ach.* 33–36; fr. 402), which includes *rhêtores* and sykophants. Fourth-century comedy constitutes one of its tensions in the relationship between buyer and seller. The market is a metaphor for the society of the polis rather than its polluted antitype. Market culture can indicate class, status (e.g., Alexis fr. 78), and political identity. A monopoly

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masquerading as a *chrêstos*, corrupting the symbols of the *chrêstoi* (99). Honoring him will not make the *ponêroi* better and will cast the *chrêstoi* into extreme despair (177). For Ktesiphon see 213–14, 246. For Demosthenes as *ponêros* in the other speeches see 1.181; 2.51, 99, 130 (πονηρότατος τῶν Ἑλλήνων), 143 (id.), 153, 165. See also 1.131; 2.179–80.

<sup>102</sup> Demosthenes refers to his father's slaves as "knife-makers" (27.9, 30: μαχαίροποιοί). Dein. 1.71 accuses him of liquidating his ancestral land; Hyp. 1. fr. 4 col. 17 (Jensen) accuses him of using cash from the Persian King to make money in shipping and to offer bottomry loans.

<sup>103</sup> Alexis fr. 187, 285; Antiphanes fr. 166, 203, 230; Axionikos fr. 6, 10; Diphilos fr. 67, 94; Euboulos fr. 115; Theophrilos fr. 7. For the *ponêria* of grain-dealers see Lys. 22.16, 21–22.

<sup>104</sup> Rosenbloom 2003: 100–101, n. 64.

<sup>105</sup> Hyp. 5. col. 2.1 (Jensen). Cf. Pl. *Prt.* 347b7–48a9; R. 425c10–e2; X. *Cyr.* 1.2.3–4; Arist. *Pol.* 1319a24–39, 1328b33–42; Thphr. *Char.* 6.2. The *banausos*—the craftsman whose trade harms his body and fitness to defend the polis (e.g., X. *Oik.* 4.2–4; 6.5–8; Arist. *Pol.* 1258b36–39, 1278a6–13) is a fourth-century topos.

<sup>106</sup> Alexis fr. 57 for Kallimedon; Timokles fr. 4 for Hypereides.

on the consumption of fish is “undemocratic” (Antiphanes fr. 188.16–19); the supply of one-obol prostitutes, commodities with no strings attached, is a social, economic, and political good: it is “democratic” (Philemon fr. 3; cf. Euboulos fr. 67, 82; Xenarchos fr. 4).

In Aristophanes, sellers accuse buyers of aiming at tyranny: a sprat dealer is envious when a purchaser selects high-priced sea-perch instead of his more humble sprats; a green-grocer distrusts a buyer’s desire for leeks as a relish for anchovies—she likens such relishes to imperial tribute; a prostitute accuses a slave of wanting to establish the “tyranny of Hippias” because he requests the “keles” position (V. 493–502).<sup>107</sup> In fourth-century comedy, the relationship is reversed: fish-mongers exact “royal tributes” and “exact a tithe” from consumers (Alexis fr. 204). The market is a zone of free citizens: to keep Kallimedes out of the fish market is an “act of tyrants not of agoranomoi” (Alexis fr. 249).

The agora becomes the privileged stage for civic activity and site of communal memory (Aischin. 3.181–90). Sellers in the agora must be citizens and cannot be ridiculed for practicing a trade there, a law attributed to Solon and to Aristophan (D. 57.30–32); it is an affront to the community for a citizen who has lost his *timê* to set foot in the agora (Lys. 6.9–10; And. 1.76; D. 22.77; Aischin. 3.176; Lykourg. 1.5–6). Demosthenes assassinates Aristogeiton’s character on the grounds that he is not *agoraios*, but harasses *agoraiōi*—a tanner, a bronze-smith from Peiraeus, and Agathon the olive oil merchant (D. 25.38, 47). Twenty thousand Athenians spend time in the agora on private or public business, but Aristogeiton does not frequent “any of the barber shops or perfume-sellers or other workshops, not even one” (52; cf. Lys. 24.19–20). Like a viper or a scorpion with its stinger erect, he cruises the agora looking for victims, instilling fear and exacting money from them. In fourth-century Athens, the agora is the heart of the polis and space of society.<sup>108</sup>

The exercise of the profit motive within the polis is no longer in itself a sign of *ponêria*. We see this in the legal apparatus of the market that develops in the fourth century and in such developments as the exemption of *emporoi* from military service (Ar. *Pl.* 904 with Σ), the purchase of citizenship, and the involvement of the city’s elite in the money economy, especially in the silver mines.<sup>109</sup> It may be a marvel, as Demosthenes says, but “the same man can seem industrious in the *emporion* and among money-making men and be *chrêstos*.” So Pasion acquired his wealth: he proved to his masters that he was

<sup>107</sup> Davidson 1993; 1997: 278–79.

<sup>108</sup> Millet 1998.

<sup>109</sup> Hyp. 3. cols. 44.13–46.23 (Jensen); Davies 38–67; Burke 1992; Cohen 3–25, 87–90; Shipton, esp. 73 for the silver mine economy.

*chrêstos* and just and won their trust. He was *chrêstos* by nature, not because his masters made him so (D. 36.43–44).<sup>110</sup> We find comparable applications of this language to marketing and the provision of services in the fourth century (Antiphanes fr. 69.1–4; Alexis fr. 138.4; 153.6–7; Archedikos fr. 3.9–12).

#### PSEUDO-ANDOKIDES: OSTRACISM AND LEGAL JUSTICE

The virtual absence of ostracism as a topos in fourth-century oratory indicates that the practice is alien to the culture of the dikasterion. The orators specifically mention ostracism only twice (Lys. 14.39; And. 3.3), and their information is inaccurate. Demosthenes makes ostracism indistinguishable from exile as a punishment meted out by a jury, recalling that the Athenians “drove” Themistokles from the city and convicted him of medism (23.205), and that Aristides went into exile ([D.] 26.6); he does not identify the procedure as ostracism. He neglects Kimon’s ostracism entirely, claiming that the city fined him 50 talents for “changing the *patrios politeia* in his own interest” (23.205).

In fourth-century forensic culture, the ordeal of ostracism is antithetical to the legal process: it contradicts the logic of democratic political and judicial procedures, is incompatible with notions of justice and fairness, and undermines the hegemony of the courts. This is the upshot of pseudo-Andokides’ treatment of the institution. A man who has done no harm to the polis must go into exile for a decade (2).<sup>111</sup> Ostracism countermands the oaths of the Boule and demos not to exile, imprison, or execute without a trial (3).<sup>112</sup> Unlike a defendant, an *ostracisé* faced no charges and delivered no defense.<sup>113</sup> An open ballot sent him into exile (ibid.).<sup>114</sup> Having faced four public trials and won acquittal each time (8, 35–36), the speaker declares that his ostracism on the same charges without a trial would be a miscarriage of justice

<sup>110</sup> A slave may be *chrêstos*: E. *Med.* 54–55; Ades. Com. 1027; cf. Aristophon fr. 13.

<sup>111</sup> The argument of the speech contradicts this claim: Alkibiades has harmed and will harm the city (11–12, 16, 24, 28–29, 31, 39) and he merits punishment (16, 18, 25, 35, 40). Some ostraka assert the *adikia* of their targets (Agora P 16873 [Xanthippos]). See Brenne 2002: 139. For [And.] 4 as it relates to ostracism see Eder/Heftner; Heftner 2002; 2002a; 2002b; 2002c.

<sup>112</sup> An “oath of the demos” is difficult: members of the assembly did not swear an oath. It is just possible that the speaker uses the phrase for the Heliastic oath. See Cobetto Ghiggia 171–74.

<sup>113</sup> The speech is both the speaker’s self-defense and a prosecution of Alkibiades. It envisions speeches from the other “candidates” (7) including Alkibiades (25). The dual role is a result of speech’s imposition of a judicial form upon ostracism and its aim of reconciling ostracism with the justice of the dikasteria.

<sup>114</sup> Reading οὔτε διαψηφισαμένων κρύβδην with the MS. Schleiermacher deleted οὔτε, making the speaker claim that an ostrakophoria involved a secret ballot; cf. Philochoros F30. I agree with Raubitschek 1991: 120 and Brenne 1994: 20–21.

(36), an illegal form of double jeopardy (38; cf. 9), and a rejection of the authority of the *dikasterion* (38).

Ostracism can undermine the power of the *dikasteria* in other ways. Juries are impaneled by lot to insure a random combination of citizens and a fair outcome. An *ostrakophoria*, by contrast, favors men who have *hetairoi* and *synômotai* because the citizens vote *en masse* (4). The speaker calls the institution of ostracism *ponêros* (τὸν νόμον πονηρὸν ὄντα): no other city imitated it (6).<sup>115</sup> The speech makes ostracism the defendant.

The speaker establishes the incompatibility of ostracism and legal justice only to overcome it ([And.] 4.35):

I think the man who made the law had this intention: using as a model those citizens who are more powerful than the magistrates and the laws, since it is impossible to obtain justice from such men in private, he devised a public punishment (δημοσίαν τιμωρίαν) on behalf of those who are wronged.

The function of ostracism is to inflict public punishment on citizens who are more powerful than the laws and magistrates (cf. 14, 18–19) and have the capacity to prevent citizens from achieving justice against them, presumably, by blocking recourse to private legal procedure (*dikê*). Alkibiades, who prevents fellow citizens from prosecuting him through intimidation (35–36; cf. 15, 20–21) and by his aura of success (30), is such a citizen. He is one of those who are not “accountable” (ὑπευθύνοιοι), nor is he “liable to prosecution” (30 ὑπόδικος). Rather, he is one of those men “who are not willing to submit an account of their life to the city” (37).

For pseudo-Andokides, ostracism safeguards the jury system, which fourth-century orators invoke as the defender of democracy and its culture.<sup>116</sup> The speaker addresses his audience as jurors, reminding them that “you have sworn an oath to use the law” (9), and admonishing them that when defendants face the same charges after acquittal, it “destroys the jurors’ authority but preserves their apparent lack of authority and finality” (ibid.). The speaker reconstructs ostracism as legal justice: a punishment for criminals who break the laws and an education for bystanders, which makes them “most just and temperate” (40). Exiling Alkibiades will make the “most arrogant” “more law-abiding”; exiling the speaker, by contrast, will make “the best” anxious (ibid.).

<sup>115</sup> Aristotle noted the practice in Argos (*Pol.* 1302b18–21); Theophrastos found it in Argos, Miletos, and Megara (*Σαρ. Eq.* 855b). This casts doubt on the claim of Gribble 157 that the speech is Peripatetic. Cf. D.S. 11.86.5–87.6.

<sup>116</sup> Litigants consider juries the “guardians” of the constitution, democracy, and laws: D. 24.35–37, 25.6; Aischin. 1.7, 3.7; Dein. 3.16.

The speaker adopts the persona of Phaiax and the voice of a citizen accused of being “hostile to the demos” (*misodêmos*) and of involvement in subverting the demos, ignoring Hyperbolos entirely. Yet the speech attempts to enact and to defend the hegemony of the jurors in an ostracism. The speech fuses the ideology of ostracism as the exile of a *beltistos* (“best man”) with the notion of ostracism as a kind of legal and ritual justice. Alkibiades appears a traditional *ostracisé*—a man too powerful to be a citizen, a sort of Great King (17, 29). A tyrant bent on subverting the demos while posing as its protector, an Olympic victor and personification of empire, and a “magnificent man” (*megaloprepês*), Alkibiades epitomizes transgression of the social and political order (*paranoia*). Yet he is also a *pharmakos*-figure: an inveterate thief who stole the team that won at Olympia, a flatterer and slanderer of the demos (16), a sacrilegious thief (*hierosylos*) who used the city’s sacred implements as his own (29), and a lover of base profit (32 *aischrokerdês*). The speech attributes Hyperbolos’ moniker—“vile leader” (12 *ponêros prostatês*)—to Alkibiades even as it treats him as a superlative and powerful citizen. The date of the speech is unknown; but it post-dates the restoration of democracy.<sup>117</sup> The speech fictionalizes its reading audience as a jury, which it depicts as hegemonic.

## CONCLUSION

The rise of non-landed elites to hegemony at Athens and the ascendancy of the agora and dikasterion as venues for the allocation of symbolic capital in Athenian society contributed to the end of ostracism as a democratic institution. An ostrakophoria allowed farmers to take over the space of the agora, to vent their anger upon elite citizens, and to drive one into exile. A rural population living independently of the urban center is a distinctively late fifth-century ideal. Euripides praises a “courageous man, who infrequently touches the boundaries of the city or the circle of the agora, the *autourgos*, who alone preserve[s] the land” (*Or.* 918–20; cf. *El.* 298–99; *Th.* 2.14–17). The *Autourgos* of the *Orestes* opposes a Kleophon-like demagogue (903–16) and “seemed to speak well to the *chrêstoi* at least” (930). Aristophanes’ *Dikaiopolis* and *Trygaios* embody the ideal. Both are *chrêstoi* (*Ach.* 595, *Pax* 910; cf. the *metrios* *Chremylos*, *Pl.* 245–47). Both detest the culture of the city and agora and yearn for the countryside (*Ar. Ach.* 32–40, 263–70; *Pax* 556–97). They and the rural people despise leaders who dominate the courts and assembly and control the

<sup>117</sup> See Cobetto Ghiggia 69–121, who dates the speech broadly between 415 and 350, and considers the period 396–90 the most likely time of composition.



monetary payments that bind the demos to them.<sup>118</sup> Aristophanic comedy of the 420s seeks to unite *chrēstoi*, returning the “urban peasantry” to the countryside under a formal peace with Sparta, while excluding *ponēroi*—Kleon and Hyperbolos—to restore the *patrioi nomoi*.<sup>119</sup> The ostrakophoria of 415 challenged comic ideology. It sought to restore the prestigious past associated with ostracism by forming an alliance with the demos around the exile of a *chrēstos*.

As social drama, ostracism was on the verge of obsolescence at the time of Perikles’ death. The comic social drama—the humiliation and expulsion of an *agoraios* and *ponēros* who had attained leadership as a symbolic *pharmakos*—had replaced it. Hyperbolos’ ostracism realized this pattern rather than that of ostracism. The oligarchic takeovers of 411 and 404 perverted this type of social cohesion, transforming symbolic into actual violence. The law court drama appropriated and displaced the comic social drama: a man tagged *ponēros* is prosecuted for a crime against the demos and the laws of the city, and convicted or acquitted, punished or exonerated, in a drama that educates the citizens and deters them from crime, maintains the proper distribution of rewards and incentives for *chrēstoi*, while punishing *ponēroi* and realizing a vision of the prestigious past. The ideal of the farmer-citizen who never sets foot in the city or agora and yet is the backbone of society ceases to be sustainable—witness Demosthenes’ 20,000 citizens, Menander’s Knemon, and Theophrastos’ Agroikos.

In the fifth century, a non-landed, non-military elite leading in the dikasterion, assembly, and Boule lacked ideological validation. This motivated Hyperbolos and his faction, branded *ponēroi*, to act as *prostatai tou dêmou* and to have recourse to an ostrakophoria. The plan failed: the demos in alliance with the *chrēstoi* and the *hetaireiai* ostracized Hyperbolos as a *ponēros* and *pharmakos* for the negative effects of Perikles’ leadership, while Alkibiades won his positive legacy and assumed the mantle of *prostatēs tou xymphantos*. Hyperbolos’ faction won vengeance and partially achieved the objectives of the ostrakophoria in the *zêtêsis* over the mutilations of the Hermai and profanations of the Mysteries. But *stasis* between *chrēstoi* and *ponēroi* continued to mark the Athenian political landscape through the oligarchic takeovers until *prostatai* emerged from non-landed oikoi to lead the demos as generals and to restore the *patrios politeia*. This reversed the *stasis*: the Thirty and Four Hundred became exemplary *ponēroi* while Thrasyboulos, Archinos, Agyrrhios,

<sup>118</sup> Ar. *Ach.* 300–301, 659–718, 836–47; *Eq.* 224, 315–18, 801–9; *Pax* 632–69, 679–92; cf. Eup. fr. 99.30–34; E. *Supp.* 420–22 links the γαπόνος ἀνὴρ πέννης with the *ponēros* orator.

<sup>119</sup> Rosenbloom 2002: 319.

Anytos, and Kephalos earned elite status. The leaders of the next two generations solidified their position as a hegemonic class; under their leadership, the dikasterion authoritatively enacted the meaning of the labels *ponêros* and *chrêstos* in Athenian society.

Contemporary scholars have employed two models to understand these changes: either the commodity and money economy grew increasingly independent of social and political values; or, alternatively, social values expanded to encompass economic and political activity.<sup>120</sup> I suggest that the fundamental problem is the cultural negotiation of hegemony and the equation of communal interests with those of specific social classes; Kleon, Hyperbolos, and Kleophon were excluded from the *chrêstoi* and *kaloi k'agathoi*; Demosthenes contributed to their definition. The moral-economic need to embed wealth in nature acted as a check on the status of the emergent non-landed, litigious elite of the late fifth century and blocked their path to hegemony. Aristotle's analysis of "true wealth" makes explicit the suppositions of fifth-century culture: production for exchange is contrary to nature. Such activity uses objects improperly, does not derive from "plants and animals" but from other men, and produces a desire for money that is unlimited by the aims of living well in an *oikos* and *polis*.<sup>121</sup> Money cannot constitute "true wealth" because it does not furnish *trophê* (1256a1–58b39; cf. [Arist.] *Oik.* 1343a25–b6); it is useful as a medium of exchange, but it does not store or measure value. This concept underlies Solon's *telê*: citizens merit political power to the extent that their land can feed others (*Ath. Pol.* 7.3–4; Plut. *Sol.* 18.1–2). This is the principle of fifth-century hegemony and a precondition for the label *chrêstos*. Food is the elemental useable value in the *polis*. Kimon epitomized this form of leadership: the "brilliant liturgist" who "feeds many demesmen," and restores an "age of Kronos" (*Ath. Pol.* 27.3; Plut. *Kim.* 10.2). Perikles' introduction of jury-pay to compete with Kimon's *chorêgia* expresses not so much a historical as a cultural fact: the commodification of citizen labor, the monetization of the bond between leader and follower and of the value of citizenship itself, compete with and partially displace the politics of aristocratic largess during the Periklean period, as men tested in the agora (cf. Agorakritos) assume leadership roles in Athenian society. The political leadership of such men is branded *ponêria*. Ostracism fell into disuse when the attributes that made Hyperbolos *ponêros* became criteria for elite political status and for leadership across classes.

<sup>120</sup> For the first model see Burke 1992; Cohen 3–8; Shipton, esp. 7–20; for the second, Millett 1990, esp. 182–94; Morris 1994a.

<sup>121</sup> See Morris 1994: 351–66; Meikle 43–86; Balot 34–57.

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