

The Case Against Timocrates: Legal Issues and Substantive Arguments against the Unsuitability of Timocrates' Law (Demosthenes 24.17–109)

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Abstract

The primary aim of this paper is to examine the legal argumentation in the forensic speech *Against Timocrates* (24.17–109), which was delivered at a public trial against an inexpedient law. After a short introduction, I am going to discuss the way in which the orator exploits the available artless evidence, namely the documents comprising laws, in order to put forward rational arguments that will prove the unsuitability of the opponent's proposal. A careful analysis of this part of the proof section is going to shed light not merely on the actual legal violations of Timocrates, but also on his character as revealed by the law he enacted, and, notably, on his alleged intent to undermine the authority of the courts. I intend to demonstrate that the orator's main concern is to suggest that the defendant's law does not fit in a democratic constitution, thus opposing the spirit of the Athenian law-code in general, and, not least, that Timocrates' intention when enacting his bill was to plot against the city. In the final analysis, the defendant is portrayed as the enemy of the entire *polis* and its values, while at the same time the speaker presents himself as a citizen whose only genuine concern is the protection of the city from such a serious public danger as Timocrates' law.

1. Introduction

Demosthenes' speech *Against Timocrates* was written for a certain Diodorus who appears to be the prosecutor in a public trial against an inexpedient law (γραφὴ νόμον μὴ ἐπιτήδειον

θεῖναι).¹ The speaker urges the annulment of Timocrates' law, which was enacted in the month of *Hekatombaion* of the year 353/2 BCE.² The law rendered all previous and future public debtors (except for those who collect taxes or lease public property and their sureties) exempt from the additional punishment of imprisonment until the ninth prytany, on condition that they provide three sureties, who were to pay the money owed to the state in case the debtors themselves failed to do so. Should the debt not be redeemed by the ninth prytany, the debtor would be imprisoned, and the property of his sureties would be confiscated.³

Diodorus begins his speech by proclaiming that Timocrates' proposal contradicts all existing laws, it invalidates the dicasts'⁴ verdicts, and sets people who have stolen public money free, thus destroying all the fundamental pillars of the Athenian democracy. This is the general legal argument he projects against the defendant's law in the *prooemium*.⁵ He later, however, explains his personal aim in bringing the prosecution as well, which lies upon previous litigation between himself and Androtion, Timocrates' alleged associate, who had

¹This is the legal procedure followed by those who wished to indict a law as unsuitable. The traditional view is that the *graphe paranomon* after 403/2 BCE could be brought only against decrees, while the *graphe nomon me epithdeion theinai* was used against laws (see Kahrstedt 1938; Wolff 1970; Hansen 1974). On the distinction between laws (*nomoi*) and decrees (*psephismata*), see Hansen 1978:315–330.

²*Hekatombaion* (Ἑκατομβαιῶν) was the first month of the Attic calendar and corresponds roughly to July/August. We learn from Diodorus (Demosthenes 24.26) that Timocrates proposed and passed his law on the twelfth of *Hekatombaion*, the day on which the Athenians celebrated the *Kronia* (a festival in honor of Kronos). The date of the trial against Timocrates must be placed at some time before the end of 353/2 BCE. On this date, see Dionysius of Halicarnassus *Ad Ammaeum* 1.4, on which most scholars agree. Cf. however Lewis 1954:32 and Lewis 1997:230n1 for the alternative dating of the speech to 354/3 BCE.

³The law of Timocrates is read out at §§39–40. On the authenticity of the document, see Canevaro 2013:113–121.

⁴There has been much controversy over the issue of the translation of the word δικασταί into either “judges” or “jurors.” See the discussion of the issue in Canevaro 2016:178–179, with the bibliography and the views given. I prefer to use the term “dicasts” when referring to the Athenian δικασταί because neither “judges” nor “jurors” can be totally identified with the ancient Greek word and the exact role of the δικασταί.

⁵Demosthenes 24.1–5.

accused him of killing his own father.⁶ Diodorus, nevertheless, legitimizes his search of personal revenge by asserting that he was involved in this dispute to come to the aid of the city no less than of himself.⁷

The proof provided for the inexpediency of Timocrates' law seems to be comprising of two main parts: the first half of the speech (§§17–109) is masterly arranged and presents the legal argumentation in support of the unsuitability of the law combining documents (laws and decrees) and logical arguments. The second half of the speech (§§110–218) consists of passages which are not as systematically and consistently organized as the argumentation in the first section. The orator has put together freestanding pieces: attacks on Timocrates and each of his alleged associates (including passages drawn almost *verbatim* from the speech *Against Androtion*), quotation of laws and the dicastic oath which are hardly relevant to the case, a paradigm of law-making in the city of Locri, as well as other arguments which lack coherence.⁸

In this paper, I will focus on the first portion of the speech and examine the way in which the orator has organized the legal argumentation and exploited documentary evidence (“artless” proof)⁹ in order to put forward rational arguments. I will seek to demonstrate that Demosthenes uses the rhetoric of law and also frames the argumentation with the notions of *dikaion*, *kalon*, and *sympheron* (recognized by Aristotle as the main purposes of each of the three kinds of rhetorical speeches).¹⁰ On this basis, the orator attempts to draw the attention of the

⁶ Demosthenes 24.6–9.

⁷ See Demosthenes 24.8: ἡγούμενος ἀρμόττοντ' εἰληφέναι καιρὸν τοῦ βοηθησαί θ' ἅμα τῇ πόλει καὶ τιμωρίαν ὑπὲρ ὧν ἐπεπόνθειν λαβεῖν. The speaker's assertion reflects the common view that “public suits are very often the means whereby personal enmities correct civic wrongs” (Hunter 1994:127). Cf. Demosthenes 21.8, 22.1 (ἅμα τῇ τε πόλει βοηθεῖν οἶται δεῖν καὶ δίκην ὑπὲρ αὐτοῦ λαβεῖν); Lysias 7.20, 22.3; Aeschines 1.1–2.

⁸ Cf. MacDowell 2009:194–195 for an evaluation of the two half sections of the speech. MacDowell has been led to believe that the speech was never finished and was not even delivered in court.

⁹ On the laws as artless proof see Aristotle *Rhetoric* 1375a22 and Carey 1994.

¹⁰ Aristotle *Rhetoric* 1358b.

dicasts not just into his opponent's violations of the 'letter' of the laws but even more so, to his dissociation of the 'spirit' of the Athenian law-code and the moral values of the *polis*.

Timocrates is thus portrayed as a citizen who disobeys and opposes to the existing laws, does not represent the values of the city, and is hence considered a public danger that needs to be eliminated.

2. Arrangement of Legal Argumentation

Demosthenes has systematically arranged the first half of the speech (§§17–109), in which he presents the legal argumentation in support of the illegality and unsuitability of Timocrates' law. Firstly, the speaker discusses the procedural arguments against the law (§§17–38); then, he proceeds to cite Timocrates' law and examine the existing statutes that it violates one by one (§§39–67); the rest of this first section of the speech comprises of the substantive arguments for the unsuitability of Timocrates' law, in view of the public interest and the city's welfare (§§68–107). In the last two paragraphs (§§108–109), Demosthenes summarizes the arguments, which he has so far presented.

The orator recapitulates his legal points both at the end of this portion and also at different places throughout the speech.¹¹ The need for frequent repetition of the main points of the arguments is dictated by the length of the speech and the amount of information contained in it, which would otherwise escape the attention of the dicasts. The speaker's strategy is thus to enable his audience to remember the important details of the case by cleverly summarizing the arguments as well as by inserting a large number of documents to be read by the *grammateus*; this interruption probably created a notable pause which would leave an

¹¹ See for instance Demosthenes 24.17–18, where the speaker proclaims the particular legal violations of Timocrates he intends to discuss and 108, where he summarizes the three main issues he has already brought up: ἔφην γὰρ αὐτὸν ἐξελέγξειν κατὰ πάντ' ἔνοχον ὄντα τῇ γραφῇ, πρῶτον μὲν παρὰ τοὺς νόμους νομοθετοῦντα, δεύτερον δ' ὑπεναντία τοῖς οὖσι νόμοις γεγραφότα, τρίτον δὲ τοιαῦτα δι' ὧν βλάπτει τὴν πόλιν.

appropriate amount of time for the dicasts to assimilate the information.¹² Moreover, the constant citation of laws reflects the orator's aim to give the impression that the defendant has violated a great amount of existing statutes and has opposed the Athenian law-code in general.

We shall now briefly examine the types of arguments which the orator bases on the documents he cites.

Procedural arguments

In the inaugural part of the argumentation, the speaker provides two documents (at §§20–23 and 33) which concern the *nomothesia* procedure, the former being a law on the approval of the laws (ἐπιχειροτονία τῶν νόμων), the latter a law on the repeal of contradictory statutes and on the public action against inexpedient laws.¹³ After he has the grammateus read out the first document on *nomothesia*, the speaker explains in detail how Timocrates did not conform to each one of its provisions and the requirements of law-making. He argues specifically that Timocrates did not follow the correct procedure in enacting his law, in that he did not display his bill before the monument of the Eponymous Heroes in the *agora*, nor did he not allow any Athenian to make an objection or wait for the appropriate time to propose his law.¹⁴

The second law concerning the procedure of law-making (read put at §33) does not allow the enactment of a new law that refutes the existing statutes and, should such a law be

¹² Cf. Carey 1994:102.

¹³ These two documents might have been part of the same extensive law on the legislation procedure, since the document regarding the repeal of opposing laws begins with a δέ particle (τῶν δὲ νόμων τῶν κειμένων). There has been much controversy on the authenticity of both documents. See mainly MacDowell 1975; Hansen 1985; 2016a; 2016b; 2019; Canevaro 2013:80–104; 2018; 2020. I do not intend to argue here for or against the authenticity of the documents, inasmuch as this does not affect the examination of the orator's arguments. My purpose is to demonstrate how the documentary evidence is exploited and combined with logical argumentation and other techniques of persuasion.

¹⁴ According to the speaker (§25), Timocrates was supposed to wait until the third meeting of the assembly, in which the people would decide whether to appoint *nomothetai*, who would afterwards have the last word about either the enactment or the rejection of the proposed law.

enacted, it is permitted to anyone who wishes to bring a public indictment against it. The orator provides two arguments which explain the importance of this law. The first argument underlines why the law interdicts the simultaneous existence of two opposing statutes: to allow the dicasts to reach a just verdict with respect for the gods and in accordance with their oath.¹⁵ In order to enhance his argument, the litigant suggests that his audience imagine a conjectural situation in which two conflicting laws are valid at the same time.

εἰ γὰρ εἴησαν δύο τινὲς ἐναντίοι νόμοι, καὶ τινες ἀντίδικοι παρ' ὑμῖν
ἀγωνίζονται ἢ περὶ δημοσίων ἢ περὶ ἰδίων πραγμάτων, ἀξιοῖ δ' ἐκάτερος νικᾶν
μὴ τὸν αὐτὸν δεικνύων νόμον, οὗτ' ἀμφοτέροις ἐνὶ δήπου ψηφίσασθαι· πῶς γάρ;
οὔτε θατέρῳ ψηφιζομένους εὐορκεῖν· παρὰ γὰρ τὸν ἐναντίον, ὄντα δ' ὁμοίως
κύριον, ἢ γνώσις συμβαίνει.

Demosthenes 24.35

Imagine if there should be two laws contradicting each other, and two litigants should appear before you in court about some private or public matter, with each one demanding to win his case without citing the same law. It would certainly be impossible for the judges to vote for both litigants. How could they? Nor could they vote for either litigant and abide by their oath, for their verdict would go against the opposing law, which was equally valid.¹⁶

Given that two opposing laws are simultaneously in force and two litigants come to court for a case requiring citation of these two laws—each law protecting the interests of either part—, the verdict of the dicasts would be either way contradictory to one of the two equally valid

¹⁵ Demosthenes 24.34: πρῶτον μὲν ἴν' ὑμῖν ἐξῆ τὰ δίκαια ψηφίζεσθαι μετ' εὐσεβείας.

¹⁶ Translated by Harris 2018. All translations of Demosthenes 24 following are his own.

laws and thus incompatible with their oath, which demands that they vote according to the laws. By describing this hypothetical situation, Diodorus possibly wishes to make the dicasts experience the confusion as well as the irreverence they would be led to if they were to judge a case like that. Hence, this mental experiment would have helped them realize the destructive consequences that the existence of contradictory statutes has on the orderly function of the legal system.

The second provision of the law cited at §33 which Diodorus points to is that it is permitted to anyone to bring a public charge against an inexpedient law. The purpose of this rule is to make the dicasts guardians of the laws. This is explained with a lengthy argument which can be summed up as follows: all of the other safeguards which the lawgiver has established with a view to protecting the laws in force can be eluded; the advocates (*synegoroi*) can be made to remain silent; the people who see the displayed proposals might not pay close attention; one who may at first bring an indictment against an unsuitable law can possibly resile from the charge at a later stage. Eventually, the only safe and fair means of protection of the laws are the dicasts:

τοῦτό τ' οὖν ὑπὲρ ὑμῶν φυλαττόμενος ταῦτα προεῖπε καὶ ἔτι πρὸς τούτῳ
 βουλόμενος φύλακας ὑμᾶς τῶν νόμων καταστῆσαι· ἦδει γὰρ ἐκεῖνο, ὅτι τὰς
 ἄλλας ἃς γέγραφεν αὐτῶν φυλακὰς ἔστι πολλαχῆ διακρούσασθαι. [...] τίς οὖν
 μόνη φυλακὴ καὶ δικαία καὶ βέβαιος τῶν νόμων; ὑμεῖς οἱ πολλοί.

Demosthenes 23.36–37

To protect you against this, the lawgiver established these rules. It was also his aim to make you guardians of the laws. He knew that there are many ways to

evade the many other measures enacted to protect the laws. [...] What is the only just and sure protection for the laws? You, the people.

Diodorus places the dicasts at the top of the ‘safeguard-pyramid’ for the laws of Athens, by stating that they are the most just and secure protectors of the laws, for on the one hand, they have the indisputable ability to judge and vote for the best possible option, whereas on the other hand, they cannot be bribed or persuaded to favor a worse law over the more expedient proposal.

By proclaiming the dicasts’ being the guardians of the laws, the lawgiver intends to prevent the city from those who plot against its people.¹⁷ Diodorus clearly includes Timocrates among those who are contriving against the city. He attempts to gain the dicasts’ sympathy by implying that the defendant is their common enemy, since both the dicasts and Diodorus himself, who has brought the present indictment, are the safeguards of the laws. Thus, the only way to protect the city and its laws is to convict Timocrates, who appears to be a public danger.

Arguments on contradicting laws

Having analyzed Timocrates’ failure to comply with the procedural requirements of law-making, Diodorus provides the wording of his opponent’s law and underpins his statement that this law is illegal and inappropriate by detailing each and every one of the statutes, which it violates.

The speaker intends to draw the attention of the dicasts especially upon two crucial provisions included in Timocrates’ law: firstly, that the law applies to both past and future

¹⁷ Demosthenes 24.38: διὰ ταῦτα πάντ’ ἐφ’ ἐκάστην ἀπαντᾷ τὴν ὁδὸν τῶν ἀδικημάτων, κωλύων καὶ οὐκ ἐὼν βαδίζειν τοὺς ἐπιβουλεύοντας ὑμῖν. See below on page 11 the examination of the means by which the orator suggests that Timocrates is plotting against the city.

cases prescribing that whoever *has already been* or *will be* henceforth punished with the additional penalty of imprisonment is to be exempt from it, on condition that he provides sureties;¹⁸ and secondly, that the provisions of the law do not apply to some categories of people, specifically to tax-collectors, to lessees of public property, and to their sureties.¹⁹ The main objections that the orator raises regarding these two provisions are the retrospective character of Timocrates' legislation, as well as the general principle that a law must apply equally to all citizens.

The orator cites a series of eight laws which he presents as opposing to the above provisions of Timocrates' law. While scrutinizing the clause which prescribes that the law applies to both past and future debtors, he provides six laws that are allegedly contradictory to the proposal under scrutiny: a law of Diocles which orders that the laws are to be in force from the day when they are passed (§42); a law which forbids any discussion or proposal for the grant of immunity to disfranchised people (*atimoi*) or public debtors, unless six thousand Athenians vote in secret ballot to give permission for it (§45); a law that prohibits supplication in the *boule* or the *ecclesia* of a debtor who has not paid a penalty (§50); a law which does not permit reconsideration of any case that has already been heard at a court (§54); two laws (or rather two clauses of the same law) which prescribe respectively that all the verdicts reached during democracy are to be valid, whereas all the decisions made during the oligarchic regime of the Thirty tyrants are invalid (§56). Then the speaker adds one more piece of documentation to support his objection to the exemption of tax-collectors and lessees from the provisions of Timocrates' proposal: a statute which forbids the enactment of a law about an individual (§59).

¹⁸ Demosthenes 24.41: καὶ εἴ τι νι τῶν ὀφειλόντων δεσμοῦ προστετίμηται ἢ τὸ λοιπὸν προστιμηθῆ.

¹⁹ Demosthenes 24.41: πλὴν περὶ τῶν τελωνῶν καὶ περὶ τῶν μισθουμένων, καὶ ὅσοι ταῦτα ἐγγυῶνται.

The arguments based on the citation of those seven laws might have been well refuted by the opposing party and, as a result, do not in fact prove that Timocrates' law contradicts the existing statutes.²⁰ The most effective and persuasive argument of this section is probably the one that rests on a former law proposed by Timocrates himself.²¹ This law, a clause of which prescribes that “whoever is sentenced to a fine shall be placed in prison until he repays it” (§§63–64), renders Timocrates his own accuser:

ταῦτα τοίνυν κατηγορεῖ Τιμοκράτης Τιμοκράτους, οὐ Διόδωρος, οὐδ' ἄλλος
 ὑμῶν οὐδεὶς τοσοῦτων ὄντων τὸ πλῆθος.

Demosthenes 24.64

This is the charge brought against Timocrates by Timocrates, not by Diodorus, or any of the rest of you even though there are so many of you.

Substantive arguments

In this section Demosthenes argues that Timocrates, apart from both disobeying the procedural requirements of *nomothesia* and violating some of the laws in force, he introduced a proposal which is unsuitable and inexpedient for the Athenian people. He criticizes the very wording of the opponent's law and reveals its omissions and obscurities or ambiguities, while at the same time revisiting some issues already raised at the previous parts of the argumentation. This section, though, includes solely the orator's rational arguments, which are not supported by artless proof. The only additional document inserted is an excerpt of

²⁰ See for instance MacDowell 2009:187–189 and Harris 2018:135–142, for possible counterarguments Timocrates could have used.

²¹ Cf. MacDowell 2009:190.

Solon's laws concerning different types of offenders yet having no direct relevance to the case.²²

While the orator scrutinizes the law in question, he systematically cites once again the clauses of the law, which he considers problematic in terms of phrasing or feasibility of its provisions.²³ The plethora of arguments he parades can be examined under the following thematic axes:

In the first place, the orator reiterates the issue of retrospective legislation and repeats the clause of Timocrates' law which renders it applicable to both past and future cases.²⁴ The overall argument here is that the defendant's law overturns the decisions of the courts, thus diminishing their power and authority, by allowing the men of the *ecclesia*—who have not sworn the oath that the dicasts have—to approve the guarantors of the debtors who will as a result be exempted from imprisonment. The orator goes further to argue that retrospective laws are a characteristic of oligarchic regimes, hence the law of Timocrates does not comply with democracy insofar as it endangers its constitutions.²⁵

The second issue, which the attention of the dicasts is drawn upon, pertains to the omission of crucial information in the law under scrutiny and to the ambiguities it contains. As the speaker—rather justifiably—maintains, Timocrates failed to determine in the text of his law what happens between the day of the trial of the debtors and the meeting of the assembly during which the sureties are to be approved.²⁶ The law is moreover obscure as to the amount

²² See below on page 19 the discussion on the rhetorical purpose of the reference to Solon and his comparison with Timocrates.

²³ Cf. Demosthenes 24.68, where the speaker mentions the characteristics that a proper law should have.

²⁴ See Demosthenes 24.69–76, 87. Cf. 54 of the previous section.

²⁵ See below on page 21, where I elaborate on the oligarchic character of Timocrates' law.

²⁶ The law prescribes that the debtor provides his guarantors ὅταν τις βούληται. For the orator's arguments on the omissions of the law see §§79–81, 84–85, 88–89.

the debtor is to pay: it does not clarify whether the sum of money to be repaid would be the original debt or it would be multiplied by two or ten, as was the case with overdue payments.²⁷

Finally, Demosthenes assesses the financial implications the opponent's law will have on the city, should it remain in force. The postponement of the disbursement of debts until the ninth prytany will result in a consequent inability to finance the military expeditions on the one hand, and to proceed with the payments of the dicasts, the *bouleutai* and the people who attend the meetings of the assembly on the other.²⁸ In a somewhat exaggerated tone, the speaker presents Timocrates' law as a means of disruption in the proper functioning of the city's institutions and specifically of its economy. What is more important, the proposer of the law is presented as a man who does not share the moral values of the *polis*, inasmuch as he deprives Athens of the *philotimia* related to the military and naval achievements.²⁹ Last but not least, the orator alludes to the city's reputation among the other Greek cities by pondering over the impression which the lack of funds would make to Greeks:

ἐροῦμεν νῆ Δία τοῖς Ἑλλησιν Ἐτιμοκράτους νόμος ἐστὶ παρ' ἡμῖν: ἀναμείνατ' οὖν τὴν ἐνάτην πρυτανείαν: εἶτα τότε ἔξιμεν: τοῦτο γὰρ λοιπόν. ἂν δ' ὑπὲρ ὑμῶν αὐτῶν ἀμύνεσθαι δέη, ἄρα γ' οἴεσθε τοὺς ἐχθροὺς τὰς τῶν παρ' ἡμῖν πονηρῶν διαδύσεις καὶ κακουργίας ἀναμενεῖν;

Demosthenes 24.94

By Zeus, will we say to the Greeks, "Our city has a law of Timocrates; wait until the ninth prytany, and then we will march out"? That is all we can say. If you

²⁷ See Demosthenes 24.82–83, 86.

²⁸ See Demosthenes 24.91–101.

²⁹ Demosthenes 24.91: ὅτι τοίνυν ὅλην συγχεῖ τὴν πολιτείαν καὶ καταλύει πάντα τὰ πράγματα ὁ νόμος, καὶ πολλὰς φιλοτιμίας περαιορεῖται τῆς πόλεως, καὶ τοῦτο ῥαδίως ὑμᾶς νομίζω μαθήσεσθαι.

need to defend yourselves against attack, do you actually think that your enemies will wait for the scoundrels among us to stop their evasions and dishonesties?

3. Timocrates' plotting against the *polis*

Whereas the first part of the speech aspires to prove the illegality and unsuitability of Timocrates' proposal on both procedural and substantive terms and by means of documentary evidence and logical arguments, it also intends more or less clearly to suggest that Timocrates acted deliberately when passing his law in order to favor three people, Androtion, Melanopus, and Glaucetes, who happen to owe money to the public treasury. Those three alleged associates of Timocrates served as ambassadors in a mission to Mausolus, ruler of Caria.³⁰ During their trip, the Athenian trireme captured a ship from Naucratis and seized its cargo equivalent to nine talents and thirty minas, which, according to the law, were to become state property.³¹ Diodorus claims in his speech that the ambassadors paid Timocrates to enact the law he is currently convicting so that they avoid paying the money and being imprisoned. The connection between Timocrates' proposal and Androtion's misdeeds is fabricated by the orator and seems to be considered as an indisputable fact throughout the speech although it is never proved with evidence.³²

³⁰ The events considering how the three ambassadors ended up owing money to the state are briefly described by the orator in the narrative section (§§10–16). The anonymous hypothesis of the speech, which follows that of Libanius in the manuscripts, contains a much more detailed account of these events.

³¹ See Demosthenes 24.12, where the speaker refers to the laws, which ordered that the money or goods seized from the enemy were to become state property.

³² Cf. Harris 2018:116–117, who is the only one to doubt Diodorus' account of the motive which allegedly led the defendant to propose his law. All other scholars (for example MacDowell 2009:181–196, Sealey 1993:119–120, Roisman 2006:107) take Timocrates' association with Androtion and the other ambassadors for granted.

When referring to the procedural violations, the speaker places the emphasis particularly on the fact that his opponent attempted to propose his bill ‘quietly’ without anyone noticing,³³ in order to leave no room for objections. Hence, Timocrates, according to Diodorus’ assertion, acted deliberately and plotted against the *polis*. He passed his law on a day when all Athenians celebrated the *Kronia*, without addressing the *boule* first, yet taking advantage of a decree which had a session of *nomothetai* appointed to decide on matters concerning the festival of *Panathenaia*.³⁴ Therefore, Timocrates not only dared to pass a harmful law on a festival day, but also gave precedence to a decree over the city’s laws and, more seriously, did all this consciously, thus rendering his actions worthy of punishment.³⁵ Diodorus’ argument is formulated in three consecutive rhetorical questions which stress the opponent’s obnoxious behavior:

καίτοι πῶς οὐ δεινόν, εἰδότα μὲν τοὺς νόμους, ὧν ὀλίγῳ πρότερον πάντες
 ἠκούσατε, κυρίου ὄντας, εἰδότα δ’ οὐκ ἔωνθ’ ἕτερον νόμον ψήφισμ’ οὐδέν, οὐδ’
 ἂν ἔννομον ἦ, νόμου κυριώτερον εἶναι, γράψαι καὶ θεῖναι νόμον ὑμῖν κατὰ
 ψήφισμα, ὃ καὶ αὐτὸ παρὰ τοὺς νόμους εἰρημένον ἦδει; ἢ πῶς οὐ σχέτλιον τὴν
 μὲν πόλιν αὐτὴν ἐκάστῳ ἡμῶν δεδωκέναι ἄδειαν τοῦ μὴ τι παθεῖν ἀηδὲς ἢ
 δεινὸν ἐν τούτῳ τῷ χρόνῳ ποιήσασαν ἱερομηνίαν, αὐτὴν δὲ μὴ τετυχηκέναι
 ταύτης τῆς ἀσφαλείας παρὰ Τιμοκράτους, ἀλλ’ ἐν αὐτῇ τῇ ἱερομηνίᾳ τὰ μέγιστ’

³³ Demosthenes 24.29: κατὰ πολλὴν ἡσυχίαν ἐνομοθέτει.

³⁴ The decree appears to have been enacted on the eleventh of *Hekatombaion* by a certain Epicrates, but the name of the proposer is attested only in the document at §27 and is not mentioned by the orator. Diodorus has already insinuated a link between Timocrates and the decree of Epicrates: he states that Timocrates settled all the arrangements along with those who contrive against the dicasts and all the Athenian people so that a session of *nomothetai* be appointed on the very day after the approval of the laws had been discussed in the assembly (§26: διαπραξάμενος μετὰ τῶν ὑμῖν ἐπιβουλευόντων καθίζεσθαι νομοθέτας).

³⁵ The triple repetition of the verb οἶδα at §30 (εἰδότα, εἰδότα, ἦδει) emphasizes Timocrates’ deliberate deed.

ἡδίκησθαι; τί γὰρ ἂν τις μείζον ἡδίκησ' ἰδιώτης ἀνὴρ ἢ καταλύων τοὺς νόμους
αὐτῆς, δι' ὧν οἰκεῖται;

Demosthenes 24. 30–31

And yet isn't it shocking for someone who knows the laws that you heard just a moment ago are in force and who knows that another law does not allow a decree, even if it is legitimate, to prevail over a law, to propose and enact for you a law in accordance with a decree that he knew was proposed illegally? When the city has granted us immunity from suffering anything painful or terrible at this time by instituting the sacred month, how is it not intolerable for the city itself not to receive this protection against Timocrates but to suffer the greatest injustices during this sacred month? For what greater injustice could a private citizen do than to destroy the laws that regulate its affairs?

In an emotive and strongly affecting way created by the use of rhetorical questions and the election of the specific epithets (δεινόν, σχέτλιον, ἀηδές), Timocrates is portrayed as a man who not only shows ingratitude to what the city has generously offered but also repays the city's kindness by doing the severest injustice on a sacred day.

Later in the speech, when Diodorus cites the existing laws which Timocrates' law supposedly contradicts, he emphasizes once again that his opponent was well aware of the laws in force and yet he passed his proposal without obeying them.³⁶ He concludes—though without offering proof for this—that the fact that Timocrates enacted his law secretly, in haste, and illegally reveals his intention to plot against the city along with his associates:

³⁶ See Demosthenes 24.48: καίτοι χρῆν σε, ὦ Τιμόκρατες, εἰδότεν τὸν νόμον τόνδε ὃν ἀνέγνω, εἴ τι δίκαιον ἐβούλου πράττειν, [...].

[...] εἰ καί τις ἐπεχείρει δεικνύειν οὐκ ἐπιτήδειον ὄντα τῇ πόλει τὸν νόμον, μὴ οὖν ἐπιβουλεύειν γ' ἐδόκεις, ἀλλὰ γνώμη διαμαρτῶν ἀποτυχεῖν. νῦν δὲ τῷ λάθρα καὶ ταχὺ καὶ παρὰ τοὺς νόμους ἐμβαλεῖν τὸν νόμον εἰς τοὺς νόμους καὶ μὴ θεῖναι, πᾶσαν ἀφήρησαι σαυτοῦ τὴν συγγνώμην: τοῖς γὰρ ἄκουσιν ἁμαρτοῦσι μέτεστι συγγνώμης, οὐ τοῖς ἐπιβουλεύσασιν, ὃ σὺ νῦν εἴληψαι ποιῶν.

Demosthenes 24.48–49

So if anyone attempts to show that the law is inexpedient for the city, you do not seem to have plotted, but to have failed because of an error in judgment. But, as it is, by slipping your statute into the lawcode stealthily, hastily, and illegally and not properly enacting it, you have lost any right to lenience. One shows lenience to those who do wrong against their will, not to those who act deliberately. That is what you have been caught doing.

Diodorus alleges that if Timocrates had followed the correct and legal procedure in passing his law, even though the law could still be indicted as inexpedient, however he would not have been proved to be plotting against the city; for the dicasts are supposed to be clement to those who have acted inadvertently. Now that Timocrates has consciously neither complied with the established laws nor proposed an expedient law, he does not deserve forgiveness, since he has deliberately contrived against the city in its whole.

The orator's argument might appear strong but in fact it still does not provide proof on how Timocrates acted deliberately and also takes for granted that he was aware of all the laws in force. The speaker cleverly exploits though an ethical notion according to which those who intentionally scheme against the *polis* do not deserve pardon. This idea is also conveyed by Thucydides:

οὐκουν δεῖ προθεῖναι ἐλπίδα οὔτε λόγῳ πιστὴν οὔτε χρήμασιν ὠνητήν, ὡς
 ξυγγνώμην ἀμαρτεῖν ἀνθρωπίνως λήψονται. ἄκοντες μὲν γὰρ οὐκ ἔβλαψαν,
 εἰδότες δὲ ἐπεβούλευσαν: ξύγγνωμον δ' ἐστὶ τὸ ἀκούσιον.

Thucydides 3.40.1

No hope, therefore, that rhetoric may instil or money purchase, of the mercy due to human infirmity must be held out to the Mitylenians. Their offence was not involuntary, but of malice and deliberate; and mercy is only for unwilling offenders.³⁷

The assertion that Timocrates is not entitled to forgiveness is once again impressed upon the dicasts when the speaker lays the emphasis on the fact that his opponent was paid by Androtion and the other ambassadors to enact a law that would allegedly benefit them, this being considered as an additional indication of Timocrates' intention to disserve the city:³⁸

πάλαι γὰρ μισθοῦ καὶ γράφων καὶ νόμους εἰσφέρων ὤπται. καὶ μὴν οὐδ' ἐκεῖνό
 γ' ἔνεστιν αὐτῷ, ἀδίκημα μὲν εἶναι τὸ πρᾶγμα ὁμολογήσαι, συγγνώμης δὲ τυχεῖν
 ἀξιοῦν· οὐ γὰρ ἄκων οὐδ' ὑπὲρ ἡτυχηκότων οὐδ' ὑπὲρ συγγενῶν καὶ ἀναγκαίων
 αὐτῷ τεθηκῶς φαίνεται τὸν νόμον, ἀλλ' ἐκὼν ὑπὲρ μεγάλ' ἡδίκηκότων ὑμᾶς,
 οὐδὲν προσηκόντων αὐτῷ, πλὴν εἰ συγγενεῖς ὑπολαμβάνειν φησὶν τοὺς
 μισθουμένους αὐτόν.

Demosthenes 24.66–67

³⁷ Translated by J. M. Dent.

³⁸ The idea of Timocrates' plotting against the Athenian people after having been paid by the ambassadors is prominent throughout the speech. See for instance §§27, 38, 79, 110, 157.

He has been seen proposing and introducing laws for pay for a long time. Nor indeed could he confess that his action was wrong but that he deserves to receive sympathy. He clearly has not passed his law against his will or to help the unfortunate or his family and associates. No, he did this willingly to help those who have committed serious crimes against you and are not in any way related to him—unless of course he claims that he considers those who hired him his blood relations.

The orator urges not only to repeal the law he is indicting but also to punish its author.³⁹ Therefore, he is interested in both proving that the law is unsuitable for the Athenian state and that the man who enacted the law deserves to be punished with the worst of penalties because he intentionally tried to harm the city and its constitutions. The casual link Diodorus originates between the ambassadors' appropriation of public property and Timocrates' subsequent enactment of the law becomes for the speaker the central means of arguing on the defendant's guilt. If the accuser is able to demonstrate that his opponent and his associates plotted against the common good and proposed a bill which was to benefit only a specific group of people while doing wrong to the city in its whole, he then maximizes the possibility of achieving Timocrates' conviction. The speaker goes as far as to propose the penalty of death for the defendant, although this would be normally done at a later stage:⁴⁰

³⁹ If the *graphe nomon me epitedeion theinai* was brought within a year since the law in question was enacted, then its proposer was also liable to punishment. On the other hand, should the prosecutor not reach the time limit, he could still repeal the new law but not punish its author, as is the case with *Against Leptines* (Demosthenes 20). The penalty was usually a fine, but it could sometimes be as severe as the imposition death. See MacDowell 1978:50 and *Hypothesis* 2.3 to Demosthenes 20.

⁴⁰ The penalty was to be proposed during the second round of speeches at the *timesis* stage if the defendant was found guilty. The death penalty is also implied at §214.

ὥστ' ἔμοιγε δοκεῖ (καὶ γὰρ εἰ φορτικώτερον εἶναι τὸ ῥηθισόμενον δόξει, λέξω καὶ οὐκ ἀποτρέψομαι) κατὰ τοῦτο αὐτὸ ἄξιον αὐτὸν εἶναι θανάτῳ ζημιῶσαι, ἵν' ἐν Ἅιδου τοῖς ἀσεβέσιν θῆ τοῦτον τὸν νόμον, ἡμᾶς δὲ τοὺς ζῶντας τοῖσδε τοῖς ὀσίοις καὶ δικαίοις ἐᾶ τὸ λοιπὸν χρῆσθαι.

Demosthenes 24.104

As a result, in my opinion—what I am about to say may appear rather coarse, but I will say it and not change my mind—for this reason alone he deserves death as a punishment so that he can pass this law in Hades for the sacrilegious and allow us, the living, to follow our sacred and just laws from now on.

4. Timocrates' proposal against the 'spirit' of the Athenian laws

In order to prove that Timocrates' law is inappropriate and needs to be repealed, the speaker, as already mentioned, adduces a number of statutes in force which the law under scrutiny allegedly contradicts. In some of these cases, the laws are of doubtful relevance to factual violations of Timocrates; this reveals the underlying attempt of the orator to demonstrate that the opponent's law contradicts not just specific provisions of the existing statutes but more significantly the general spirit of the city's law-code and the intention of the archetypical lawgiver, usually identified with Solon.⁴¹ This is why Diodorus stresses throughout the speech that the law he is convicting is against *all* the existing laws. At the same time, the orator addresses the concepts of fairness, goodness, and expediency, which Aristotle recognizes as the distinct ends of each of the three species of oratory, i.e., forensic, epideictic, and

⁴¹ Cf. Canevaro 2019:81 and Harris 2006:4–5.

deliberative respectively.⁴² These notions are presented by the speaker as the criteria which determine whether a law deserves to be included in the Athenian law-code.⁴³

At the very beginning of the *prooemium* the speaker attempts to abstract Timocrates' law from the body of Athenian laws on the grounds of expediency and fairness:

παρὰ πάντας τοὺς νόμους νόμον εἰσήνεγκεν οὐτ' ἐπιτήδειον οὔτε δίκαιον, ὧ
ἄνδρες δικασταί.

Demosthenes 24.1

He introduced a law that violates all the laws and is neither expedient nor just, men of the court.

This suggests that the orator will attempt to prove the unsuitability of the indicted law in terms of illegality and inexpediency. At the end of the *prooemium*, though, Diodorus uses the commonplace about the laws being the ruler in democracy and being responsible for the public good to finally put forward a dilemma to the dicasts: should they accept Timocrates' law and annul all the other statutes which protect the city from public offenders, or should they keep the others and repeal Timocrates' law?⁴⁴ The need to choose between either the law of Timocrates or the laws in force permeates the whole speech; therefore, the decision the dicasts are to make is seemingly not whether the law of Timocrates is useful to the city but whether

⁴² Aristotle *Rhetoric* 1358b5. Scholars have well noticed the permeability of the boundaries which distinguish the three kinds of oratory, see Carey 2000:200 and Kremmydas 2007:24.

⁴³ See for instance §189: ἀλλ' ὡς ἐπιτήδειός ἐστιν καὶ καλῶς ἔχων ὁ νόμος, τοῦτο δίδασκε; §211: συμφέροντας ἔθηκαν καὶ καλῶς ἔχοντας νόμους; §212: εἰ δίκαιος αὐτοῖς καὶ καλῶς ἔχων ὁ νόμος φαίνεται.

⁴⁴ Demosthenes 25.5: περὶ τοίνυν αὐτοῦ τούτου νῦν ὑμῖν ἐστίν, πότερον δεῖ τοὺς μὲν ἄλλους νόμους, οὓς ἐπὶ τοῖς ἀδικοῦσι τὴν πόλιν ὑμεῖς ἀνεγράψατε, ἀκύρους εἶναι, τόνδε δὲ κύριον, ἢ τούναντίον τοῦτον μὲν λῦσαι, κατὰ χώραν δὲ μένειν τοὺς ἄλλους ἕαν. Cf. Lysias 1.34: ἐμοῦ τοίνυν, ὧ ἄνδρες, οἱ μὲν νόμοι οὐ μόνον ἀπεγνωκότες εἰσὶ μὴ ἀδικεῖν, ἀλλὰ καὶ κεκελευκότες ταύτην τὴν δίκην λαμβάνειν: ἐν ὑμῖν δ' ἐστὶ πότερον χρὴ τούτους ἰσχυροὺς ἢ μηδενὸς ἀξίους εἶναι.

they will vote for or against the existing Athenian laws. The impression imposed on the dicasts is that if they do not rescind the law under scrutiny they will be seen as invalidating and disgracing the existing laws of the city.

Moreover, Diodorus, after having the grammateus read a law in force, often praises the quality of the particular law and of the Athenian law-code as a whole.⁴⁵ It is very common in forensic speeches that the orators, by exploiting the collective memory of their audience for the glorious legislative past of Athens, invoke and praise the *'patria'*, the old laws of the city, usually based on two of their aspects: on the one hand, the written laws are praiseworthy because they are attributed to legislators of a high status, such as Solon and Dracon, who enjoyed the special respect of the Athenians; on the other hand, these laws have proved their worth through their stability and endurance over time.⁴⁶ The speaker in Demosthenes 24 praises the laws he cites on the basis of their just and democratic character, and also on the evidence of their usefulness over the years. Here is an example:

οὔτοι πάντες οἱ νόμοι κεῖνται πολὺν ἤδη χρόνον, ὧ ἄνδρες δικασταί, καὶ πεῖραν αὐτῶν πολλάκις δεδώκασιν ὅτι συμφέροντες ὑμῖν εἰσιν, καὶ οὐδεὶς πώποτε ἀντεῖπεν μὴ οὐ καλῶς ἔχειν αὐτούς. εἰκότως οὐδὲν γὰρ ὠμὸν οὐδὲ βίαιον οὐδ' ὀλιγαρχικὸν προστάττουσιν, ἀλλὰ τούναντίον πάντα φιλανθρώπως καὶ δημοτικῶς φράζουσι πράττειν.

Demosthenes 24.24

All these laws have already been in effect for a long time, men of the court, and have often proved themselves beneficial for you. No one has ever denied that

⁴⁵ See for example Demosthenes 24.24, 34, 43, 59.

⁴⁶ Cf. Harris 2006:58 and Carey 1996:44. For some examples of the orators' praising the existing laws, see Demosthenes 20.93, 98, 153; 21.9, 48–50; Isaeus 6.49.

they are good, and rightly so. They do not order anything harsh, violent, or oligarchic, but quite the opposite: they command us to act in a generous and democratic way.

The orator's strategy when praising the laws he cites is to intensify the divergence between the established law code and the proposal of Timocrates: the former are *dikaioi* (just), *kaloι* (good), and *sympherontes* (expedient), whereas the indicted law incorporates the opposite characteristics, thus being *adikos* (unjust), *aischros* (disgraceful), and *blaberos* (harmful).⁴⁷ Another significant attribute which is also attached to the laws of the city regards their benevolent and democratic character. Solon personifies the epitome of democratic legislation and embodies the spirit of the laws of Athens; he is the one who defined the way in which the Athenians should legislate, as Demosthenes stresses in his speech *Against Leptines*.⁴⁸ The name of Solon was of such authority for the Athenians that even after the revision of the laws at the end of the fifth century BCE, orators still included all the laws—even the ones obviously enacted much later—under the title “the laws of Solon.”⁴⁹ The attribution of a law to Solon not only confers authority and unquestionable validity on the law in question but also seems to express something more significant: it is linked to Solon's wider political, moral, and intellectual status as an original legislator.⁵⁰

Furthermore, the praising comments on the old legislators, and especially on Solon, apart from being merely prompted by the good and useful laws they enacted, become indirect allusions to the character of the legislator, to the intentions and the spirit of his laws, and to all

⁴⁷ Cf. Aristotle *Rhetoric* 1358b5.

⁴⁸ Demosthenes 20.90: ὁ Σόλων, ὁ τοῦτον τὸν τρόπον προστάξας νομοθετεῖν. Cf. Hypereides 3.21–22: ἀλλ' ὁ δημοτικώτατος Σόλων [...] ἔθηκε νόμον δίκαιον; Demosthenes 18.6: ὡσπερ οἱ νόμοι κελεύουσιν, οὗς ὁ τιθεὶς ἐξ ἀρχῆς Σόλων, εὖνους ὦν ὑμῖν καὶ δημοτικός.

⁴⁹ See Thomas 2005:41.

⁵⁰ Cf. Carey 2015:124.

the beliefs and concepts he espouses.⁵¹ Consequently, the comparison between the opponent as an aspiring legislator and Solon in a public lawsuit against an inexpedient proposal is not just limited to a comparison of the laws they have enacted in terms of content and suitability, but more importantly turns into a juxtaposition of the opposing characters and intents of the legislators. Besides, Demosthenes clearly points out in his speech *Against Timocrates* that the law proposed by the defendant reveals the very character of his:⁵²

οἶμαι γὰρ τοιοῦτον οὐδὲν εἶναι ὅτου ἂν ἀπέσχετο. ὁρᾶτε δὲ τὴν διάνοιαν αὐτοῦ·
ὁ γὰρ νόμος ὃν ἐτόλμησε θεῖναι τὸν τρόπον αὐτοῦ δείκνυσιν.

Demosthenes 24.138

I think that he is the sort of man who would stop at nothing. You see his intent because the law he dared to enact reveals his character.

On this view, the citation of Solon’s laws at §105—rather than providing evidence relevant to the case—aims precisely to give prominence to the character and the intentions of the ideal legislator, as opposed to the ones of the defendant. Hence, a purely artless proof, the document of a law, becomes an argument with moral implications, an attack on the opponent’s *ethos*:⁵³

ὅμοιός γ', οὐ γάρ; ὧ ἄνδρες Ἀθηναῖοι, Σόλων νομοθέτης καὶ Τιμοκράτης. ὁ μὲν
γε καὶ τοὺς ὄντας βελτίους ποιεῖ καὶ τοὺς μέλλοντας ἔσεσθαι· ὁ δὲ καὶ τοῖς
γεγενημένοις πονηροῖς, ὅπως μὴ δώσουσι δίκην, ὁδὸν δείκνυσιν, καὶ τοῖς οὖσιν
ὅπως ἄδεια γενήσεται κακουργεῖν εὐρίσκει, καὶ τοῖς μέλλουσιν ἔσεσθαι, τοὺς ἐξ

⁵¹ Cf. Thomas 1994:122

⁵² See also Lysias 30.28: οἱ μὲν πρόγονοι νομοθέτας ἠροῦντο Σόλωνα καὶ Θεμιστοκλέα καὶ Περικλέα, ἡγούμενοι τοιούτους ἔσεσθαι τοὺς νόμους οἷοίπερ ἂν ὧσιν οἱ τιθέντες.

⁵³ Cf. De Brauw 2001–2002:169.

ἀπάντων τῶν χρόνων πονηρούς, ὅπως ἔσονται σῶοι καὶ μηδὲν πείσονται,
 παρασκευάζων.

Demosthenes 24.106

Men of Athens, aren't this man and Solon the lawgiver rather similar? The former makes men better both now and in the future. The latter shows those who have committed crimes in the past the way to avoid punishment, discovers how those in the present can commit crimes with impunity, and provides that those in the future, in short, criminals at all times, can remain safe and suffer no harm.

Solon as a legislator cared about making the people better and protecting the city from *kakourgous*, while Timocrates, on the contrary, aspires with his own law to benefit the criminals (thieves, murderers, and men who have deserted the country, as the prosecutor argues) by overturning the decisions of the courts and thus endangering the democratic constitution. As a result, his law is one that fits only in oligarchic regimes. The orator stresses the contrast between democratic laws and cruel oligarchies a few times throughout the speech.⁵⁴ By exploiting the sad memories and the feelings of anger and hatred which the rule of the thirty tyrants has left the Athenian people with, the speaker urges to create similar emotions in the dicasts against Timocrates as well. He effectively, then, reminds the audience of the time of the Thirty and links Timocrates and his law to their oligarchy:

⁵⁴ Cf. Demosthenes 21.209–11; 22.51–52; 25.20–21 and Aeschines 1.4, for similar comparisons between democracy and oligarchy.

εἰπέ μοι, τί δεινότατον πάντες ἂν ἀκούσαντες φήσαιτε, καὶ τί μάλιστ' ἂν ἀπεύξαισθε; οὐχὶ ταῦτα τὰ πράγμαθ' ἅπερ ἦν ἐπὶ τῶν τριάκοντα μὴ γενέσθαι; ἔγωγ' οἶμαι.

Demosthenes 24.57

Tell me, what would all of you say is the most terrible event you have heard about and would pray not to happen again? Wouldn't it be that what happened under the Thirty never happen again? I certainly think so.

Later on, when elaborating on the opponent's retrospective legislation, he refers to the oligarchic features of his law:

[...] τί ποτ' ἐστὶν ᾧ νόμος ὀλιγαρχίας διαφέρει, καὶ τί δὴ ποθ' οἱ μὲν ὑπὸ νόμων ἐθέλοντες ἄρχεσθαι σώφρονες καὶ χρηστοὶ νομίζονται, οἱ δ' ὑπὸ τῶν ὀλιγαρχιῶν ἄνανδροι καὶ δοῦλοι. [...] Τιμοκράτης τοίνυν ἐν δημοκρατουμένη τῇ πόλει νομοθετῶν τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν εἰς τὸν αὐτοῦ νόμον μετήνεγκεν.

Demosthenes 24.75–76

Let him consider the difference between the rule of law and oligarchy, why those who are willing to be ruled by law are considered virtuous and good, while those ruled by oligarchies are cowardly and slavish. [...] Now Timocrates, who is legislating in a democratic city, has imported oligarchy's injustice into his own law.

The orator does not even hesitate to compare Timocrates with Critias, the leading and violent member of the Thirty Tyrants, in order to show that the opponent's law would only be

suitable for an oligarchic regime and by no means is it suited to a democratic constitution and to the city of Athens.

ἐγὼ μὲν γάρ, εἰ Κριτίας ὁ γενόμενος τῶν τριάκοντ' εἰσέφερεν τὸν νόμον, οὐκ ἂν ἄλλον τρόπον οἶμαι γράψαντ' εἰσενεγκεῖν ἢ τοῦτον.

Demosthenes 24.90

If Critias, who was a member of the Thirty, passed this law, I think that he would have written and proposed it in the very same way this man has.

Timocrates' character, as revealed through the law he proposed, does not assemble the character of the city, since his proposal contradicts the general spirit of the laws of Athens as a coherent whole. Therefore, Timocrates seems to contradict both the laws and the value system of the city, according which *philotimia* through the enactment of laws could become an example for the rest of the Greeks to follow. Anyone who attempts to deprive Athens of this honor by proposing disgraceful laws deserves punishment, because such laws are the shame of the *polis*, as the speaker asserts at the end of his speech.⁵⁵

5. Conclusions

Throughout the legal argumentation of the speech, Demosthenes impressively combines artless proof with logical arguments and exploits the ideas of *dikaion*, *kalon* and *sympheron* and the rhetoric of law to put forward issues concerning both the unsuitability of Timocrates' proposal and the character of the proposer himself. I first examined the way in which the orator has organized and allocated the rational arguments in the first portion of the forensic

⁵⁵ See Demosthenes 24.205: εἰ δέ τις εἰσφέρει νόμον ἐξ οὗ τοῖς ὑμᾶς βουλομένοις ἀδικεῖν ἢ πᾶσ' ἐξουσία καὶ ἄδεια γενήσεται, οὗτος ὅλην ἀδικεῖ τὴν πόλιν καὶ καταισχύνει πάντας· νόμος γὰρ αἰσχρὸς ὅταν κύριος ᾖ, τῆς πόλεως ὄνειδος ἐστὶ τῆς θεμένης, καὶ βλάπτει πάντας ὅσοι περ ἂν αὐτῷ χρωῶνται. τὸν οὖν καὶ βλάπτειν ὑμᾶς καὶ δόξης ἀναπιμπλάναι φαύλης ἐπιχειροῦντα, τοῦτον οὐ τιμωρήσεσθε λαβόντες;

speech and I then analyzed some of these arguments which, rather than merely stressing the defendant's violations strictly in terms of procedure and substance, aim at demonstrating that Timocrates acted deliberately to harm the city and its constitutions. Therefore, his law—inexpedient and undemocratic in character—has no place in the Athenian law-code.

The idea of the sovereignty of the laws and the courts in the Athenian state permeates the whole speech *Against Timocrates*.⁵⁶ The number of citations of laws and the array of arguments concerning procedural and substantive violations of Timocrates reveal the orator's intent to overwhelm the audience with the idea that the opponent has breached the body of the existing laws in its entirety and has diminished the authority of the courts. Thus, since the law he proposed is against the laws in force, he as well is presented as an enemy of the laws. This leads to two other conclusions which are impressed upon the audience: on the one hand, Timocrates is an enemy of democracy, insofar as the laws are responsible for the democratic constitution and the freedom of the citizens,⁵⁷ and on the other hand, Timocrates is also an enemy of the dicasts themselves provided that the dicasts are the guardians of the laws.⁵⁸ That being the case, the defendant becomes the rival of the entire city and the orator compels the need for his immediate punishment.

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⁵⁶ Cf. Hansen 1974:18.

⁵⁷ Demosthenes 24.5.

⁵⁸ Demosthenes 24.36.

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