

'New perspectives in the study of impiety: escaping from the letter of the law'

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Unless otherwise specified, all texts and translations follow the Loeb edition, sometimes with slight modifications.

A. 'Interpolitical' dimension of impiety

1/ Thucydides 4.98:

τούς τε νεκρούς πολὺ μείζονας ἐκείνους ἀντὶ ἱερῶν ἀξιοῦντας ἀποδιδόναι ἀσεβεῖν ἢ τοὺς μὴ ἐθέλοντας ἱεροῖς τὰ πρόποντα κομίζεσθαι.

'Moreover, in presuming to give up the bodies of the dead in return for temples they [the Boeotians] were impious in a much higher degree than they who refused by the exchange of temples to procure that which they had a right to recover.'

2/ Hyperides fr. 70 Jensen:

Ἀφίκοντό τινες εἰς Δῆλον ἄνθρωποι Αἰολεῖς πλούσιοι, χρυσίον ἔχοντες πολὺ, κατὰ θεωρίαν τῆς Ἑλλάδος ἀποδημοῦντες ἐκ τῆς ἑαυτῶν· οὗτοι ἐφάνησαν ἐν Ῥηνεῖα ἐκβεβλημένοι τετελευτηκότες· τοῦ δὲ πράγματος περιβοήτου ὄντος, ἐπιφέρουσι Δῆλιοι τοῖς Ῥηνεῦσιν αἰτίαν, ὡς αὐτῶν ταῦτα πεποιηκότων, καὶ γράφονται τὴν πόλιν αὐτῶν ἀσεβείας. οἱ δὲ Ῥηνεῖς ἡγανάκηνται τε τῷ πράγματι, καὶ προσκαλοῦνται Δηλίους τὴν αὐτὴν δίκην.

'Some wealthy Aeolians people arrived in Delos, with a lot of gold, leaving their country to carry out a visit of Greece. Their corpses were found, cast away in Rheneia. As people spoke a lot about the event, Delians impute the responsibility of this act to the Rheneians, and indict their city for impiety.

Rheneians, irritated at the accusation, summon Delians to the same trial.' (my translation)

3/ Diodorus Siculus 2.55

πλεῖν δὲ διεκелеύοντο πρὸς τὴν μεσημβρίαν ἥζειν γὰρ αὐτοὺς εἰς νῆσον εὐδαίμονα καὶ ἐπεικεῖς ἀνθρώπους, παρ' οἷς μακαρίως ζήσεσθαι. ὁμοίως δὲ καὶ τὸ ἑαυτῶν ἔθνος ἔφασαν, ἐὰν μὲν οἱ πεμφθέντες εἰς τὴν νῆσον διασωθῶσιν, ἐξακοσίων ἐτῶν εἰρήνης καὶ βίου κατὰ πᾶν εὐδαίμονος ἀπολαύσειν· εἰ δὲ καταπλάνηντες τὸ μῆκος τοῦ πελάγους εἰς τοῦπίσω ποιήσονται τὸν πλοῦν, ὡς ἀσεβεῖς καὶ λυμεῶνας ὅλου τοῦ ἔθνους τιμωρίαις περιπεσεῖσθαι ταῖς μεγίσταις.

'Furthermore, they commanded them to steer towards the south; for, they were told, they would come to a happy island and to men of honourable character, and among them they would lead a blessed existence. And in like manner, they stated, their own people, in case the men whom they sent forth should arrive safely at the island, would enjoy peace and a happy life in every respect throughout six hundred years; but if, dismayed at the extent of the sea, they should turn back on their course they would, as impious men and destroyers of the entire nation, suffer the severest penalties.'

4/ Calymnos, second century BC – *Tituli Calymnii*, n. 77, 2-5:

τοῖς ἀποδα]-
μοῦσι δὲ μὴ [ἔστω ζαμία, ἀλλὰ ἀπογράφεσθαι ἐξέστω]
ἕως τῶν Πυθίων· μετὰ δὲ τὰ Πύθια ἔστω αὐτοῖς ἐπιτίμι]-
ον ὡς ἀσεβοῦ[σι ποτὶ τοὺς πατρίους θεούς]

'To the people going abroad, there will be no sanction, but they will be allowed to register until the Pythia. After the Pythia, they will be punished of impiety towards the ancestral gods.'

5/ Cos, 242 BC – RIGSBY, *Asyilia* n. 36:

[ἐπὶ -----] Ἐπαμείνωνος [------]
[ἐπειδὴ ----- Κῶιο]· θεωροὺς ἀπέστειλαν ---]
[- ----- Ἰππότη] <ν> Ε[ὐ]χρίτου καὶ Α[λ]σχροῦ]

4 [Θευδότου καὶ Ἐπιπλῆ Ἀγορακρίτου ἐπαγγέλλοντες τὴν θυσίαν καὶ τὸν ἀγῶνα]
 [- - - - - ὑπὲρ τῆς αὐτῶν πατριδος καὶ ἀξιούντες]
 [- - - - - αὐτοῖς ἄστυον / ΑΟ [- - -]
 [- - - - - δεδόχθαι τῷ δῆμῳ δέ-
 8 [χεσθαι μὲν τὴν ἐπαγγελίαν - - - - - ἀμφοτέρων
 [- - - - - τὸ ἱερὸν τοῦ Ἀσκληπιοῦ· τὸν δὲ παρὰβαί[νοντα]
 [- - - - - τῆς ἀστυίας τῶν ἐκ. .σαι | [- - -]
 [- - - - -]ων ἔνοχον εἶναι τοῖς . . οἱς ΕΠ
 12 [- - - - - εἰς? τ]ὸ θεῖον ἀσεβοῦσι

6/ Ceos, 242 BC –RIGSBY, *Asyilia* n. 32:

Κιαν[ῶν]
 [- - - - - ἐπειδὴ] Κῶιοι [φίλοι ὄντες ἀπεστάλκασι πρὸς]
 [τὴν ἡμετέραν πόλιν? θεωροῦς Αἰσχρον [Θευδότου Ἐπιπλῆ Ἀγορακρίτου]
 4 [καὶ ἀρχιθέωρον Ἰππότην Εὐκρίτου ἐπαγγέλλοντες τὴν τε θυσίαν]
 [καὶ τοὺς ἀγῶνας οὓς συντελοῦσιν τῷ Ἀσκληπιῷ καὶ ἀξιοῦσι τὸ ἱε-
 [ρὸν τοῦ Ἀσκληπιοῦ τὸ παρὰ]τοῖς ἄστυον [εἶναι, δεδόχθαι τῷ δῆμῳ]
 [τὴν τε θυσίαν καὶ τὴν ἐκχευρίαν δέχεσθαι· ὑπάρχειν δὲ τὸ ἱερὸν ἅ]-
 8 [στυον, καθάπερ Κῶιοι ἀξιοῦσιν· δοῦνα[ι δὲ τὸν ταμίαν τοῖς θεωροῖς]
 [εἰς ξένια καὶ εἰς ἀπαρχὴν τὰ ἐκ τ]οῦ νόμου. vacat]

7/ Iasos? – RIGSBY, *Asyilia* n. 35

[- - - - -] Ἰασοῦ
 [ἐπὶ στεφανηφόρου - - - - -]μου· ἐπειδὴ Κῶιοι φίλοι ὄντες ἀφες-
 [τάλκασι θεωροῦς Αἰσχρον Θεωδ]ότου, Ἐπιπλῆ Ἀγορακρί[του] καὶ ἀρχιθέ-
 4 [ωρον Ἰππότην Εὐκρίτου ἐπαγγέλλοντες θυσιάν τε καὶ πανήγυριν
 [τοῦ Ἀσκληπιοῦ καὶ ἐκχευρίας] κα<ι> ἀξιοῦσι τὸ ἱερὸν τοῦ Ἀσκληπιοῦ
 [τὸ ἐν Κῳ ἄστυον νομίζει, ἀγαθ]ῇ τύχῃ, δεδόχθαι τῇ βοιωτῇ καὶ τῷ δ[ή]-
 [μῳ ἀποδέχεσθαι τὴν θυσίαν καὶ] τὰς ἐκχευρίας καὶ τὸ ἱερὸν τοῦ Ἀσκλη[π]-
 8 [πιοῦ ἄστυον εἶναι, καθὼς ἀξιοῦσι Κῶιοι, εἰς ἅπαντα τὸν χρόνον· ἐὰν [δέ]
 [τις παρὰβαίῃ - - -] Ο [- - - - - ἔν]οχος ἔστω τ. . .
 [- - - - -]ν μήτε εἰ [- - - - -]
 [- - - - -]εἶναι [- - - - -]

B. *Application to forensic speeches*

8/ Demosthenes, *Against Androtion* 27:

τῆς ἀσεβείας κατὰ ταῦτ' ἔστ' ἀπάγειν, γράφεσθαι, δικάζεσθαι πρὸς Εὐμολπίδας, φαίνειν πρὸς τὸν βασιλέα.

'The situation is the same with cases of impiety: someone can make an arrest, bring a public charge, bring a private charge before the Eumolpidae, or make a denunciation to the King.' (trans. HARRIS)

9/ Demosthenes, *Against Meidias* 51-52 :

Εἰ μὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, μὴ χορηγὸς ὦν ταῦτ' ἐπεπόνθειν ὑπὸ Μειδίου, ὕβριν ἂν τις μόνον κατέγνω τῶν πεπραγμένων αὐτῷ· νῦν δέ μοι δοκεῖ, **κἂν ἀσέβειαν εἰ καταγινώσκῃς**, τὰ προσήκοντα ποιεῖν. ἴστε γὰρ δήπου τοῦθ' ὅτι τοὺς χοροὺς ὑμεῖς ἅπαντας τούτους καὶ τοὺς ὕμνους τῷ θεῷ ποιεῖτε, οὐ μόνον **κατὰ τοὺς νόμους** τοὺς περὶ τῶν Διονυσίων, ἀλλὰ καὶ κατὰ τὰς μαντείας, ἐν αἷς ἀπάσαις ἀνηρημένον εὐρήσετε τῇ πόλει, ὁμοίως ἐν Δελφῶν καὶ ἐν Δωδώνης, χοροὺς ἰστάναι κατὰ τὰ πάτρια καὶ κνισᾶν ἀγυιάς καὶ στεφανηφορεῖν.

'Now, if I had not been the victim of these crimes when acting as chorus producer, someone would have condemned only the abusive nature of his actions. But as it is, if this person should also condemn his impiety, I think he would be acting in an appropriate way. For you are certainly aware that you perform all these choruses and hymns for the god not only in obedience to these laws about the Dionysia but also to the oracles where you will find it has been proclaimed, both by Delphi and similarly by Dodona, that the city should institute choruses in accordance with the ancestral rules and fill the alleyways with the smoke of sacrifices and wear crowns.' (trans. HARRIS)

10/ Aeschylus, *Agamemnon* 1489-1504:

{Σο.}
 ἰὼ ἰὼ βασιλεῦ βασιλεῦ,
 πῶς σε δακρύσω;
 φρενὸς ἐκ φιλίας τί ποτ' εἴπω;
 κεῖσαι δ' ἀράχνης ἐν ὑφάσματι τῷδ'
ἀσεβεῖ θανάτῳ βίον ἐκπνέων,
 ὦμοι μοι, κοίταν τάνδ' ἀνελεύθερον

Chorus:
 Io, io, my king, my king,
 How shall I weep for you?
 What is there I can say from my local heart?
 Here you lie in this spider's web
 After breathing your life out in an

δολίῳ μὲν δαμῆς <δάμαρτος>
ἐκ χειρὸς ἀμφιτόμῳ βελέμενῳ.

{Κλ.}
ἀγχιεῖς εἶναι τόδε τοῦργον ἐμόν;
<μὴ > μὴδ' ἐπιλεχθῆς
Ἀγαμεμνονίαν εἶναι μ' ἄλογον
φανταζόμενος δὲ γυναικὶ νεκροῦ
τοῦδ' ὁ παλαιὸς δριμύς ἀλάστωρ
Ἀτρεὺς χαλεποῦ θοινατῆρος
τόνδ' ἀπέτεισεν,
τέλεον νεαροῖς ἐπιθύσας.

11/ Demosthenes, *Against Androtion* 2-3:

αἰτιασάμενος γὰρ με, ἃ καὶ λέγειν ἂν ὀκνήσειέ τις, εἰ μὴ τύχοι προσόμοιος ὦν
τούτῳ, τὸν πατέρ' ὡς ἀπέκτον' ἐγὼ τὸν ἑαυτοῦ, καὶ **κατασκευάσας ἀσεβείας**
γραφῆν οὐκ ἐπ' ἐμέ, ἀλλ' ἐπὶ τὸν θεῖόν μου, γράψας ἀσεβεῖν ἐμοὶ συνιόντ' εἰς
ταῦτόν ὡς πεπονηκότι ταῦτα, εἰς ἀγῶνα κατέστησεν· ὃν εἰ συνέβη τόθ' ἄλῳναι, τίς
ἂν ἀθλιώτερός ἐμοῦ πεπονθὼς ᾗ ὑπὸ τούτου; τίς γὰρ ἂν ἦ φίλος ἢ ξένος εἰς ταῦτό
ποτ' ἐλθεῖν ἠθέλησεν ἐμοί; τίς δ' ἂν εἶπαι πόλιν που παρ' ἑαυτῇ γενέσθαι τὸν τὸ
τοιούτ' ἀσέβημα δοκοῦντ' εἰργάσθαι; οὐκ ἔστιν οὐδὲ μία.

'He accused me of a crime that anyone would be reluctant to mention (unless
he happened to be the same sort of person as this man), killing my own father.
Then after trumping up a charge of impiety not against me but against my
uncle for having associated with me when I was allegedly guilty of this crime,
he brought him to trial. If that had resulted in his conviction, who would have
suffered a more miserable fate at his hands than I? What friend or guest-
friend would have been willing to come near me? What city on earth would

impious death –

Ah me, ah me! – lying in a state unfit
for a free man,
Laid low in treacherous murder by
the hand
<of your wife> with a two-edged
weapon.

Chytemnestra:

You think this deed is mine?
<Do not suppose so,> nor reckon
That I am the spouse of
Agamemnon:
No, the ancient, bitter avenging spirit
Of Atreus, the furnisher of the cruel
banquet,
Has taken the likeness of this
corpse's wife
and paid him out, adding a full grown
sacrificial victim to the young ones.

have allowed me to live in its territory if I were thought to be guilty of such
an act of impiety? Not even one.' (trans. HARRIS)

12/ Demosthenes, *Against Timocrates* 7:

αἰτιασάμενος γὰρ μ' ἃ καὶ λέγειν ἂν τις ὀκνήσειεν εἰς φρονῶν, τὸν ἑαυτοῦ πατέρ'
ὡς ἀπέκτονα, ἀσεβείας γραφῆν κατασκευάσας εἰς ἀγῶνα κατέστησεν.

'He accused me of a crime which a man of good feeling would be loath even
to mention, - of having killed my own father; he concocted an indictment for
impiety, and brought me to trial.'

13/ Demosthenes, *Against Timocrates* 104:

ὥστ' ἔμοιγε δοκεῖ (καὶ γὰρ εἰ φορτικώτερον εἶναι τὸ ὀρθησόμενον δόξει, λέξω
καὶ οὐκ ἀποτρέψομαι) κατὰ τοῦτ' αὖτ' ἄξιον αὐτὸν εἶναι θανάτῳ ζημιῶσαι, **ἔν**
Ἄιδου τοῖς ἀσεβέσιν θῆ τοῦτον τὸν νόμον, ἡμᾶς δὲ τοὺς ζῶντας τοῖσδε τοῖς
ὁσίοις καὶ δικαίοις ἔξ τὸ λοιπὸν χρῆσθαι. ἀνάγνωθι δὲ καὶ τούτους τοὺς νόμους.

'Therefore, in my judgement (and though they may think what I am going to
say rather coarse, I will say it without hesitation), he deserves, on that very
account, to be punished with death, so that he may pass this law in Hell for
the benefit of the impious and leave us who are still alive in the continued
enjoyment of our holy and righteous laws.'

14/ Lucian, *A True Story* 2.23:

Ἄρτι δὲ τοῦ ἀγῶνος συντετελεσμένου ἠγγέλλοντο οἱ ἐν τῷ χώρῳ τῶν ἀσεβῶν
κολαζόμενοι ἀπορρογῆξαντες τὰ δεσμὰ καὶ τῆς φρουρᾶς ἐπικρατήσαντες ἐλαύνειν
ἐπὶ τὴν νῆσον.

'Hardly had the games been concluded when word came that those who were
under punishment in the place of the impious had burst their bonds, had
overpowered their guard, and were advancing on the island.'

15/ [Demosthenes], *Against Aristogiton* 53-53:

ἀλλὰ πορεύεται διὰ τῆς ἀγορᾶς, ὥσπερ ἔχῃς ἢ σκορπίος ἡρῶς τὸ κέντρον,
ἄττων δεῦρο κἀκεῖσε, σκοπῶν τίνι συμφορὰν ἢ βλασφημίαν ἢ κακὸν τι
προστριψάμενος καὶ καταστήσας εἰς φόβον ἀργύριον εἰσπράττεται. οὐδὲ
προσφοιτᾷ πρὸς τι τούτων τῶν ἐν τῇ πόλει κουρείων ἢ μυροπωλίων ἢ τῶν ἄλλων

ἐργαστηρίων οὐδὲ πρὸς ἓν· ἀλλ' ἄσπειστος, ἀνίδρυτος, ἄμεικτος, οὐ χάριν, οὐ φιλίαν, οὐκ ἄλλ' οὐδὲν ὧν ἄνθρωπος μέτριος γινώσκων· μεθ' ὧν δ' οἱ ζωγράφοι τοὺς ἀσεβεῖς ἐν Ἱαίδου γράφουσιν, μετὰ τούτων, μετ' ἁρᾶς καὶ βλασφημίας καὶ φθόνου καὶ στάσεως καὶ νείκους, περιέργεται. εἴθ' ὃν οὐδὲ τῶν ἐν Ἱαίδου θεῶν εἰκός ἐστιν τυχεῖν ἴλεων, ἀλλ' εἰς τοὺς ἀσεβεῖς ὠσθῆναι διὰ τὴν πονηρίαν τοῦ βίου, τοῦτον ὑμεῖς ἀδικοῦντα λαβόντες οὐ μόνον οὐ τιμωρήσεσθε, ἀλλὰ καὶ μειζόνων ἄξιόσαντες δωρεῶν ἀρήσεται ἢ τοὺς εὐεργέτας;

'But he makes his way through the market-place like a snake or a scorpion with sting erect, darting hither and thither, on the look-out for someone on whom he can call down disaster or calumny or mischief of some sort, or whom he can terrify till he extorts money from him. He never calls at the barber's or the perfumer's or any other shop in the city. He is implacable, restless, unsociable; he has no charity, no friendliness, none of the feelings of a decent human being; he is attended by those companions whom painters couple with the damned souls in hell – by Malediction, Evil-speaking, Envy, Faction, Dissension. This man, then, who is likely to find no mercy from the powers below, but to be thrust out among the impious for the depravity of his life – this man, when you have caught him doing wrong, will you not only decline to punish, but actually dismiss him with greater rewards than you would have bestowed on your benefactors?'

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