

More than a Feeling: Pity and Supplication in Athenian Epigraphy and Oratory
of the 5th and 4th Century BC

Is pity only for people who deserve it? Can it only be directed towards worthy (and innocent) individuals? In *Rhetoric* 2.8 Aristotle states that pity (ἔλεος) derives from an evaluative judgment, and therefore cannot be universally directed, but only limited to specific individuals and specific circumstances. Pity is only for people who deserve it; it can be only directed towards worthy (and innocent) individuals.

The rules articulated by Aristotle for allowing pity to be felt find a perfect correspondence in the rules expressed by orators and Athenians inscriptions in order – respectively- to grant acquittal in trials and requests presented in supplications. Both in oratory and in public supplications, pity takes a *quasi-legal* dimension and appears as a result of supplication. The frequency of these public appeals to pity, where the prosecuted supplicated the jury for ‘pity and deliverance from any accusation’, namely ἔλεος and συγγνώμη (Dem., *Adversus Androtonem* 57.8; *De falsa legatione* 257.4, 281.4; *In Aristocratem I* 81.4; *In Mid.* 105.9) can also be inferred from the fact that the Athenian Assembly had special sessions for suppliants, who made their pleas for issues that could be ‘either private or public’ (Arist., *Constitution of the Athenians* 43.6).

Because of its *quasi-legal* value, the ‘rules for pity’ are explicitly stated. Nor murderers could supplicate by a public altar (Dem. *Contra Aristocratem* 80), neither felons caught red-handed (Dem. *Contra Androtonem* 26). There were also specific regulations for the use of boughs (*And.1.116*: against supplication during Eleusinian mysteries). Because of the fact that pity could not be granted to guilty people, supplication could not emend fines or verdicts after a regular trial (Dem. *Contra Timocratem*.51-52) and could not overturn *res iudicata*. The very

same conditions are expressed in IG II²218 (*epainos* granted to Dioscurides of Abdera), 276 (Athenians granting the *isoteleia* to Asclepiodorus), 337 (Athenians granting to the people of Kythion the possibility of building a temple to Aphrodite, 333BC), 1094, 4786, which are roughly contemporary to Demosthenes. Therefore, supplication in front of a jury during a trial must have followed the same steps followed in front of the Assembly. The standard formula for the sanction of a supplication, in cases where it was accepted, was ἔδοξεν ἔννομα ἰκετεύειν ἐν τῇ βουλῇ (or ἐν τε τῷ δήμῳ).

Pity then, both in oratory and epigraphy, is the result of a ritual of supplication that follows a νόμος, therefore is ἔννομα (a term already used in connection to pity in Thuc. 3.67.5). Pity, then, is much more than a feeling: it is the result of the enactment of a specific ritual, namely supplication, which had very strict preconditions which were unanimously mentioned by Aristotle, orators and Athenian inscriptions in the 5th and 4th centuries BC.

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