What Made *Hubris* an Actionable Offense in Classical Athens?

In his landmark study, Fisher defines *hubris* as "the committing of acts of intentional insult...which deliberately inflicts shame and dishonor " (1992: 148). Others argue that the disposition of the perpetrator mattered as much as the dishonor suffered by the victim (MacDowell, Cairns). Recently, Canevaro has suggested that the victim did not even have to suffer dishonor for the act of the perpetrator to be considered a form of *hubris* (107–8). His argument rests primarily on the protections that the law on *hubris* afforded to slaves and the legal strategies of Demosthenes in his speech against Meidias. Although litigants often focused on the disposition of the perpetrator, they also regularly emphasized the dishonor that the perpetrator intended to inflict on the victim (cf. Kamen). Because Demosthenes could not point to substantive harm that he suffered from Meidias' actions at the Dionysia, he spent much of his speech focusing on Meidias' disposition and intent. Nevertheless, he still argued that the shame inflicted on the victim distinguishes *hubris* from other acts of violence. The disposition of the perpetrator helped the litigant prove that his opponent intended to commit an act of *hubris*; however, there still had to be a victim, who suffered dishonor, for the offense to be legally actionable.

This paper first examines the five forensic speeches in the corpus of Attic orators that have the greatest frequency of *hubris* words (i.e., Dem. 21, 54; Isoc. 20; Lys. 3, 24). Except for Lysias 24, these results are not surprising. They concern acts of violence that also contain elements of shame and dishonor. However, even the speaker of Lysias 24 calls attention to violence as a core component of *hubris*. In cases that concern violent acts, speakers were more likely to place greater emphasis on and weight to their claims that their opponents had committed

hubris because it was easier for them to prove substantial harm from the insulting actions. Litigants in other cases sometimes accused their opponents of committing *hubris*, but they generally placed less weight on such claims because it was harder for them to show how the insulting actions harmed them.

Next, the paper assesses Demosthenes' case against Meidias. Although the assault holds a privileged position in the prologue of the speech, Demosthenes provides few details about the attack to substantiate his claims that it was a form of *hubris* (cf. Fisher 2024). Demosthenes attempts to draw the jury's attention from the weaknesses of his case by focusing on Meidias' previous and subsequent actions to prove the intent of the attack at the Dionysia. In the process, Demosthenes reverses the normal flow of *hubris* so that it is no longer primarily an attack on the individual and secondarily an attack on the Athenian people. He wants the jury to believe that if (or because) Meidias is guilty of *hubris* against the Athenian people, he must also be guilty of committing *hubris* against Demosthenes at the Dionysia. Yet, his definition of *hubris* still emphasizes the dishonor that the act of *hubris* inflicts on the victim (Dem. 21.72).

Athenian litigants sometimes emphasized the disposition of the perpetrator to prove that their opponent was guilty of *hubris* even when they could not establish that the victim suffered substantial harm. Yet, this only shows that Athenian litigants were willing to make allegations even when their allegations were not legally actionable. The frequency of *hubris* words in forensic speeches suggests that litigants were unwilling to place much weight on such allegations unless they also argued that they suffered shame and dishonor as a result of their opponent's actions. When litigants discuss the intent of the perpetrator, their goal is to convince the jury that the perpetrator has committed an act of *hubris,* which has dishonored the victim. If the

perpetrator's actions did not dishonor the victim, they were not actionable under the law on *hubris*.

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