**THE GODDESS OF REPORT IN THE COURTROOM**

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*Abstract:* Besides other allegorical deities, Athenians honoured Pheme with an altar as early as in the 5th c. BC, which was still worshipped in the imperial era (Paus. I 17). Aeschines the orator refers to her as a goddess of very great importance ((ep) (h) (ποιεσ μεγίστη) in his speech against Timarchus and since he has no hard evidence supporting his main charge (i.e. the wantonness of the defendant), he calls for the goddess of Report (Pheme) to be his star witness. Embodying an important factor of democratic Athens, the argument relying on Pheme is more than a mere figure of speech. Aeschines achieved victory not only through cunning oratorical skills but also exploiting the general attitude of his fellow citizens against those who endanger moral and religious norms of the community.

**Keywords:** Pheme, report, personification, Aeschines, Timarchus.

Pheme, the Goddess of Report and Rumour is not a widely attested and acknowledged deity of the Greek pantheon. Being an obvious personification of an abstract idea, no visual representation of her has been preserved, and she is not mentioned in Greek mythology, either. This should not have been necessarily so: there are a number of similar abstract personifications who enter myth and visual culture, e.g. the twin brothers Hypnos and Thanatos carrying away the body of Sarpedon are widely known from the *Iliad* and also from the famous Euphronios krater, whereas Demokratia (Democracy personified) is depicted in several Attic stelai. The Roman equivalent Fama received much greater attention after Virgil’s notorious description of the spread of rumour concerning the amorous relation between Dido and Aeneas in the forth book of the *Aeneid* (IV 173–197). Poets following this path include Ovid, Valerius

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2 Nevertheless, numerous vase paintings depict Eukleia (Good Repute), a similarly deified abstraction, e.g. a red-figure oinochoe in the Museum of Fine Arts (Budapest, Nr. T.754). See *LIMC* s.v. Eukleia. Though Eukleia was also honoured with an altar in Athens (Paus. I 14,5), apparently her cult was never intertwined with that of Pheme but rather with Eunomia, see Smith 2011, 71–76.
Flaccus, Statius, and others, and still, no visual representation of Fama was preserved from antiquity. But turning back to what is on our plate today, to Greek Pheme with scarce literary references and with no depiction, we can ask why we should consider such an abstraction a divinity at all?

Pheme is explicitly called a goddess in the first extant speech of Aeschines the orator, which was not directly delivered against his famous rival Demosthenes, but against a politician of lesser reputation, Timarchus, who was a close associate of Demosthenes. Timarchus and Demosthenes jointly accused Aeschines with the misconduct of the embassy negotiating peace with Philippos II in 346 BC. To avert this embarrassing trial, Aeschines carried out a powerful pre-emptive strike on his enemies: he announced a scrutiny of public speakers (δοκιμασία ῥητόρων, Aeschin. I 28–31) against Timarchus, who was probably considered more vulnerable than his fellow accuser. Aeschines claimed that Timarchus could not speak publicly since he used to be a prostitute and because he squandered his ancestral property. The charge of prostitution received a marked emphasis throughout the whole speech, though the orator was not able to present either a witness with direct testimony or hard evidence on that subject. In all modern standards, the obvious lack of evidence should have decided the case for the defendant, but still, through the application of astute oratorical techniques Aeschines managed to turn this deficiency to his advantage.

His main tool could be labelled as the “everyone knows”-technique. By repeating again and again that every Athenian is well aware of the disgraceful deeds of Timarchus, he managed to make his audience believe that they indeed know exactly how shameful the life of the defendant has been, even if they had never heard of him at all. It is natural, he says, that direct witnesses of Timarchus’ alleged activities do not show up, since (at least according to Aeschines) they must have been involved in the lawlessness and thus their testimony would incur the charge of prostitution (γραφή ἔταιρησεως) and capital punishment.

“What man is so witless that he would agree to give explicit testimony of this sort, by which it is certain, if he attests the truth, that he proves himself liable to the most extreme penalties?” (Aeschin. I 72.)

3 To the contrary, Fama became an extremely popular figure in Renaissance art form the 14th century onwards, see Hardie 2012, 603–639.

4”Τις οὖν οὔτω ταλαίπωρος ἵστην ἀνθρώπος ὡστε ἀν ἐθυλήσῃ σαφῶς τοιαύτην μαρτυρίαν μαρτυρήσῃ, ἐξ ἡς ὑπάρχει αὐτῷ, ἐὰν τάληθε μαρτυρήσῃ, ἐπιδεικνύεις ἐνοχλὸν ὡς τα ἑαυτὸν τοῖς ἐσχάτοις ἐπιτιμίοις?” If not otherwise indicated, all texts from Aeschnes are translated by C. Carey, see Carey 2000.
The deliberate misinterpretation of the laws cited in the first part of his speech cannot be discussed in this paper. The point was on the one hand simply to account for the absence of actual witnesses, and on the other hand to build up gradually the character of his star witness, the omniscient and omnipresent goddess of Reputation, i.e. Pheme, who tells the citizens the truth about everything.

"Where men's lives and actions are concerned, of its own accord a true report (φήμη) spreads through the city announcing an individual's conduct to the public at large, and often predicting future events, too. This statement is so patently true and uncontrived that you will find that both our city and our ancestors established an altar to Report (φήμη) as a goddess of very great power (ὡς θεός μεγίστη)." (Aeschin. I 127–128.)

Aeschines does not hesitate to make it clear that he considers Pheme a genuine goddess with an altar and proper worship that is due to other divinities as well. Her help is crucial since "all men who have public ambitions believe that they will win their reputations from common report. But people whose lives are base do not respect this god (οὐ τιμῶσι τὴν θεὸν ταύτην)" (Aeschin. I 129).

Not much later he exclaims: "If I were offering witnesses, you would believe me. Yet if I offer the goddess as witness, will you not believe, when in all piety one cannot charge her with false testimony?" (Aeschin. I 130.) But do we have to believe him? Was Pheme indeed considered a goddess at all in antiquity? It is very easy to give a sceptical reply to this problem. Running short of evidence in his argumentation, Aeschines desperately needed something to have recourse to. Undoubtedly, his appeal to an abstraction as a divine being sounds ridiculous to modern readers. Yet does that mean that Pheme was a goddess only in his mind – and not so in the minds of his audience?

To answer this question, we have to examine whatever little evidence we possess on this alleged divinity. A passage in the Works and Days of Hesiod seems to confirm Aeschines' view – it is small wonder that the orator quotes a part of this passage in his speech. After a lengthy admonition to conduct sacrifice properly, the poet says: "Do so to avoid the harmful report of men; for report is an evil thing, light and easy to start up but difficult to bear, hard to cast off. Report does not ever die out completely, one to which many people give utterance. She is herself a goddess." (760–764) It is not by mere chance that

5 Also quoted in Dem. XIX 243 and Aeschin. II 144.
6 Translation by Nick Fisher. "φήμη γάρ τε κακῆ πέλται κούρη μὲν ἀείραι λεία μοίλι. ἀργαλείᾳ δὲ φέρειν. χαλεπὴ δ' ἀποθεοθαι. φήμη δ' οὖ τίς πάμπαν ἀπόλλυσι. ἡπτινα πολλοὶ λαοὶ φημίζουν θεοὺς νῦ τίς ἐστι καὶ αὕτη." The focus of the passage is
Aeschines quotes only the second part of the passage ("Report does not ever die...") and tacitly omits the first part on the destructive force of bad (and presumably false) reputation: he has recently claimed that Pheme always tells the truth and never lies. Here we have to remark that Demosthenes sarcastically turned the weapon of Pheme as a star witness against Aeschines in 343 BC, when he put the case On the false embassy to court. He claimed that "if rumour is true, it’s you that the rumour of the majority attacks; and you yourself laid down that it ought to be trusted", thus the common report on Aeschines having taken bribes from Philippus is also reliable.7 As a matter of fact, probably both orators provide a false interpretation of the Hesiodic thought, which is not concerned with the moral character and the authenticity of the report, but rather expresses its power and immortality. The difference between the archaic (Hesiodic) and the classical (oratoric) notion of the divine is paramount: a deity is essentially powerful for the former, and good for the latter.8

Nevertheless, the words of Hesiod are taken by Martin Nilsson as the first example of deifying an abstraction.9 Still, Aeschines maintains that Pheme was taken as a deity by Homer as well, who allegedly often used the following sentence in the Iliad:

"You will find that Homer often says in the Iliad before some event that was about to happen: 'And Report came to the army' («φήμη δ’ εἰς στρατήν ἠλθε...»)"

– with a phrase forming half a hexameter line. Such a phrase, however, does not exist in the Homeric corpus, and moreover, the word ‘pheme’ is not attested in the Iliad at all.10 (Though we can find it in the Odyssey, its meaning is differ-

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7 Dem. XIX 243–244. Translation by D. M. MacDowell, see MacDowell 2000, 159. Aeschines replied in his apology that "there is an enormous difference between common report and malicious accusation (σκορπαντία). ... We sacrifice to Report publicly as a goddess, while we bring charges against sykophants publicly as criminals. Don’t mix the most noble of things with the most disgraceful." (Aesch. II 145.)

8 MacDowell 2000, 303. The absence of the moral aspect of rumour is also explicit in a fragment of the Hesiodic Catalogue of Women, where Aphrodite jealously threw Tyndareus’ daughter into bad reputation: "τήμην δὲ φιλομεμεθή Ἄφροδιτη ἤγάσθη προσδιδόοσα, κακή δὲ σφ’ ἐξεβαλε φήμη.” (Fr. 176 Merkelbach–West.)

9 Nilsson 1967, 813: "Das erste, auffällig frühe Beispiel eines Kults einer Personifikation ist der von Aeschines erwähnte Altar der Pheme.”

10 Lines in Homer and in other poets falsely presumed to have affected Aeschines’ words are enumerated by Fisher 2001, 268–269. Aeschines was rather creative in his other quotations from Homer, too, see Ford 1999, 252–253.
ent, denoting not report or rumour but a significant, prophetic utterance of the gods. 11) Although Friedrich Welcker and others have suggested that Aeschines referred to an apparently lost line of the epic cycle or the so-called Little Iliad12, it seems more probable that the orator invented this powerful line to support his claim that report is a divine messenger already in Homer. 13 Such a messenger does exist in Homer, though she is not called Pheme: Ossa is the name of any report or rumour of uncertain origin, which is consequently attributed to Zeus. Ossa is both attested as a personified abstraction14 and as a common noun15. Still, Aeschines makes no reference to Homeric Ossa.

Aeschines corroborates the image of Pheme as a goddess by quoting an otherwise unknown fragment of Euripides:

„Euripides declares that this goddess is able to reveal the character not only of the living, whatever it may be, but also of the dead, when he says: «Report declares the noble man, even when hidden in the ground (φήμη τὸν ἐσθλὸν καὶ μυχῷ δείκνυσι γῆς).” (Aeschin. I 128.)16

The personification of abstractions as divine beings is frequently found in Euripides. 17 Besides the quotations by Aeschines, we can easily find other passages of poetry in the 5th c. BC bearing witness to the divine and personified character of Pheme. Bacchylides calls her “giver of glorious gifts” (σεμινοδό-τειρα Φήμα, Bacch., Ep. 2,1)18, while the choir addresses her as an immortal child of Elpis in Sophocles’ Oedipus Rex (εἰπέ μοι, ὡς χρυσόσας τέκνον Ἐλπίδος ἄμβροτε Φάμα, Soph., OT 158).19

Aeschines’ remark on the altar of the goddess in Athens is explained by the ancient commentators of the speech against Timarchus. On the basis of their testimony, the altar of Pheme was erected to commemorate the double victory of Kimon over the Persians at Eurymedon (early 460s BC), since the news of the victory had reached the city of Athens well before the official report of Kimon

11 LSJ s.v. φήμα.
12 Welcker 1835, 124. This idea was still maintained by Marzullo 1953.
14 II. II 93–94: “[The Greeks] marched in order by companies to the assembly, and Ossa (Rumour) walked blazing among them, Zeus’ messenger, to hasten them along.” Od. 24,413–414: “Ossa (Rumour) as herald was speeding hotfoot through the city, crying the news of the suitors’ [of Penelope] hideous death and doom.”
15 Od. 1.282, 2.216.
16 The passage (Fr. 865 Nauck) is also quoted by the Suda (s.v. Φήμη, Φ 269).
17 Nilsson 1967, 775.
18 See also Bacch., Ep. 10,1.
19 See also Soph., El. 1066: “Τῷ χθονίᾳ βροτοϊς Φάμα, κατά μοι βόσον οἰκτράν δηλα.”
was received.\textsuperscript{20} Another, though relatively late reference to the altar is made by Procopius of Gaza in 5/6\textsuperscript{th} c. AD, who linked the miraculous reception of good news to the battle of Mykale in 479 BC.\textsuperscript{21} If any one of these two sources is reliable, then we can establish that the worship of Pheme as a goddess can be traced back to the era of the Persian wars in Athens, i.e. to the first half of the 5\textsuperscript{th} c. BC. The existence of the altar is ultimately confirmed by Pausanias, who lists the altar to Pheme among other altars devoted to abstract divinities:

“In the Athenian market-place among the objects not generally known is an altar to Mercy (Ελεος), of all divinities the most useful in the life of mortals and in the vicissitudes of fortune, but honoured by the Athenians alone among the Greeks. And they are conspicuous not only for their humanity but also for their devotion to religion. They have an altar to Shamefastness (Αιδος), one to Rumour (Φημη) and one to Effort (Ορμη).” (Paus. I 17.1)\textsuperscript{22}

Thus, on the basis of our literary sources we can ascertain that Aeschines is rightly referring to the goddess Pheme honoured by an altar, probably on the Agora of the city.\textsuperscript{23} The prevalence of her divine status can be further corroborated by epigraphic evidence. The name Pheme is attested on three inscriptions in the 4\textsuperscript{th} c. BC Attica: a trireme of the Athenian fleet bears this name according to the lists of naval commissioners in the 350s.\textsuperscript{24} The lists also reveal more than a hundred other ship names, several of which were given from other similar abstractions like Agathe, Horaia, Boetheia, etc.\textsuperscript{25} At least two other inscriptions commemorate the goddess (or at least an abstraction called Pheme) from other parts of the Mediterranean: an undated inscription from Tusculum (Φήμη Ευαγγέλων)\textsuperscript{26} and a funerary stela with elegiac stanzas from Smyrna in Asia Minor, 2nd c. BC. The monument was erected for two boys, Metrodoros and Matreas, sons of Demetrios, and their fate is narrated by the personified Report (Φήμα) herself:\textsuperscript{27}

\begin{itemize}
\item[\textsuperscript{20}] Schol. Aeschin. I 128: “Κύμανος ἐν Παµφυλίᾳ νικήσαντος ναυμαχίαν καὶ πεζοµα-
χίαν αὐθηροῦ ἔγνωσαν Ἀθηναῖοι, ὡς ὀὔτεν αὐτοῦ διὰ γραµµάτων τὴν νίκην ση-
µήναντος ὀθὲν πρῶτον καὶ βοµίον τῇ Φήµη ὡς θεόν ἀνθρώπων.”
\item[\textsuperscript{21}] Procop. Gaza., Ep. 40: “Νέου ὁτεύς ἔγνως, ὡς οὐκ ἦν ἄρα λόγος ἀλλὰ ἔργον ἡ
φήµη, καὶ βασιλέως τάχα τῶν νόµων τῶν Ἀττικῶν, ὡς ἐν θεοῖς καὶ ταύτην ἴδρυσαν.
οὐ γὰρ δὴ µόνον Ἡρώιδος θεὸν αὐτὴν ἀναµένει, ἀλλὰ Ἀθηναῖοι τὴν ἐν Μυκάλῃ µάχῃ
αὐθηροῦ ἔγνωσάν τε ὁµιλόµενοι ἐοίκοι ἀνεκτὸν ἔρασαν εἰ µὴ θεὸν ἴδον ὕπατο τὴν φήµην.” Herodotus
also maintains that news of the victorious battle at Plataeae reached the Hellenes at Mykale with
an unnatural speed through divine intervention, cf. Hdt. IX 100.
\item[\textsuperscript{22}] Translated by W. H. S. Jones.
\item[\textsuperscript{23}] Fisher 2001, 268.
\item[\textsuperscript{24}] IG II\textsuperscript{f} 1611,303; SEG 45,145, 1,67; SEG 45 147,4.
\item[\textsuperscript{25}] Shear 1995, 186–188.
\item[\textsuperscript{26}] IG XIV 1120.
\item[\textsuperscript{27}] IΣmyrna 513, see Petzl 1982, 214–215. (Image in Table 35.)
\end{itemize}
“Metrodoros, son of Demetrios. Matreas, son of Demetrios. Speaking among the living about the ones that are not alive for the fellow citizens, [I.] Pheme, proclaim with words of Muses on my mouth: Smyrna, the fatherland, Demetrios, the father, and Nannion, the mother have bewailed the double misfortune of their sons, one of them did not fulfil more than a year among the living, whereas your destiny, Matreas, was three years old. And you, the gate-keeper of Hades, Aiakos, please show them the path, as is due, to the throne of the pure ones.” It is not uncommon that a funerary inscription narrates the story of the deceased in first person – the speaker can be either the dead or the stone itself. The Smyrna inscription, however, is the only known example where Pheme as a personified abstraction speaks about people who have passed away – in perfect accordance with the line of Euripides (quoted above by Aeschines): “Re- port declares the noble man, even when hidden in the ground.”

It is time to draw a conclusion. No matter how ridiculous the argumentation of Aeschines may seem to us when he appeals to an apparently unimportant divinity as a star witness in his case against Timarchus, it was probably an entirely different experience for ancient Athenians. The Greek pantheon, at least in classical Athens, was an open-ended group of divinities: new members, including abstract personifications, were gladly accepted. Robert Parker suggested that the fundamental difference between the worship of various abstract deities is that those adopted in the 5th century BC are all in close association with Olympian gods (e.g. Nike – Athena, Peitho – Aphrodite, etc.), whereas this link is not present in the 4th century BC: Demokratia, Peace, Agathe Tyche are disconnected from the cult of the Olympian divinities. Since the altar of Pheme is positively dated to the 5th century, Parker supposed that her worship must have been linked to Hermes. However, his argument based on the herald's wand (i.e. an attribute of Hermes) found by the Greeks at Mykale is not strong.

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28 Parker 1996, 236.
enough to support this hypothesis.\textsuperscript{29} The case of Pheme could be an exception from the general rule: she was honoured on her own right and not in association with other deities.

Pheme’s cult was probably established to commemorate one specific and notable event, yet her importance did not diminish with the fading of memories, since (together with other abstract divinities) she represented something that was vital for the community. In the 5\textsuperscript{th} and 4\textsuperscript{th} centuries BC several abstractions of great political emphasis attracted particular attention among the Athenians, e.g. Demokratia, Eirene, Peitho, Aidos, Horme, and many others, including Pheme. In some way or another, each of them reflected significant behavioural principles of their political community.\textsuperscript{30} Pheme was granted supernatural status because citizens became aware of the importance of “what people say”, and what a tremendous impact it might have in the political life.\textsuperscript{31} In a city ruled by a tyrant or by a few oligarchs, the relevance of what people think or say about each other or even about their masters is highly limited. In a democracy, however, it was crucial. Aeschines perceived the importance of reputation perfectly, thus he artfully exploited the turbulent past of his enemy, and systematically denigrated him. Consequently, when the jurors had considered the case of Timarchus, they did not only deliberate on the alleged shameful acts of the defendant in the light of legal and testimonial evidence supplied by the accuser, but rather asked themselves: does it serve the interests of the community to acquit a defendant of ill reputation? Their answer was “no”. Reputation does matter – much more than factual evidence.

\textbf{Bibliography}

Carey 2000 = Carey, Chr.: Aeschines. Austin.

\textsuperscript{29} See Hdt. IX 100.
\textsuperscript{30} Herman 2006, 338.
\textsuperscript{31} Lewis 1996, 10–13.
The number of the days you work as a juror and your working hours depend on the jury selection system in the county in which you live. Working hours may also be varied by the judge to accommodate witnesses coming from out of town or for other reasons. Regardless of the length of your working day, one thing that may strike you is the amount of waiting. You will remember that the jurors decide the facts and that the judge decides the law. If you are sent out of the courtroom during trial, it is probably because a legal issue has come up that must be decided before more evidence can be presented to you. You are sent out because the judge decides that you should not hear the discussion about the law, because it might interfere with your ability to decide the facts in an impartial way. In this paper I would like to discuss some of the disputed key points of the first serious lese-majesty lawsuit that took place in the reign of the second emperor of the Principate. Libo Drusus's harassment is an early example of the most negative character of Tiberius's ruling: the lawsuits on matters of treason. A courtroom artist must work quickly, particularly during arraignment hearings where a witness may appear in court for only a few minutes. A television-ready illustration can be produced in that time, and viewed on television after a court proceeding is finished. The sketch of audience is a drawing of nature realized during a trial and published in the media following the judicial news. It allows to illustrate a case without breaking the laws of countries that prohibit any photographic or cinematographic shooting during court hearings. When drawing and engraving were the only way to report ima