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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 (*ὡς θεὸς 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.¹ 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.² 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 fourth 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, Staius, and others, and still, no visual representation of Fama was preserved from antiquity.³ 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 Philip 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 (*γραφὴ ἐταιρήσεως*) 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?”*⁴ (Aeschin. I 72.)

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

⁴ *“Τίς οὖν οὕτω ταλαίπωρος ἐστὶν ἄνθρωπος ὅστις ἂν ἐθελήσειε σαφῶς τοιαύτην μαρτυρίαν μαρτυρήσαι, ἐξ ἧς ὑπάρχει αὐτῷ, ἐὰν τᾶληθῆ μαρτυρήσῃ, ἐπιδεικνύναι ἐνοχλον ὄντα ἑαυτὸν τοῖς ἐσχάτοις ἐπιτιμίαις;”* If not otherwise indicated, all texts from Aeschines 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 θεὸς 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.⁵ 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.”*⁶ (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 γὰρ τε κακὴ πέλεται κούφη μὲν ἀεῖραι | ρεῖα μάλ’, ἀργαλέη δὲ φέρειν, χαλεπὴ δ’ ἀποθέσθαι. | φήμη δ’ οὐ τις πάμπαν ἀπόλλυται, ἦντινα πολλοὶ | λαοὶ φημίξουσι· θεὸς νύ τις ἔστι καὶ αὐτή.”* 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 Philippos 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 στρατὴν ἦλθε...»*”

– 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-

more on the supernatural power of Rumour than on its actual divine status, see Stafford 2000, 10–11.

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 (συκοφαντία). ... 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.*” (Aeschin. 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: “*τῆισιν δὲ φιλομειδῆς Ἀφροδίτη ἠγάσθη προσιδούσα, κακῆι δὲ σφ' ἔμβαλε 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 Iliad*¹², 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 κἀν μυχῶ δαίκνυσι 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” (σεμνοδότειρα Φήμη, Bacch., *Ep.* 2,1)¹⁸, while the choir addresses her as an immortal child of Elpis in Sophocles’ *Oedipus Rex* (εἰπέ μοι, ὦ χρυσεάς τέκνον Ἐλπίδος ἄμβροτε Φάμη, 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. *φήμη*.

¹² Welcker 1835, 124. This idea was still maintained by Marzullo 1953.

¹³ Fisher 2001, 269., cf. Ford 1999, 250.

¹⁴ *Il.* 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 Nauck²) 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: “ὦ χθονία βροτοῖσι Φάμη, κατὰ μοι βόασσον οἰκτρὰν ὄπα.”

was received.²⁰ Another, though relatively late reference to the altar is made by Procopius of Gaza in 5/6th c. AD, who linked the miraculous reception of good news to the battle of Mykale in 479 BC.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 5th 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 (Ἐλεος), 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 (Αἰδώς), one to Rumour (Φήμη) and one to Effort (Ὀρμή).” (Paus. I 17,1.)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.²³ The prevalence of her divine status can be further corroborated by epigraphic evidence. The name PHEME is attested on three inscriptions in the 4th c. BC Attica: a trireme of the Athenian fleet bears this name according to the lists of naval commissioners in the 350s.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.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 (Φήμηι εὐαγγελίωι)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 (Φάμα) herself:²⁷

²⁰ Schol. Aeschin. I 128: “Κίμωνος ἐν Παμφιλίᾳ νικήσαντος ναυμαχίαν καὶ πεζομαχίαν αὐθμερὸν ἔγνωσαν Ἀθηναῖοι, ὡς ὕστερον αὐτοῦ διὰ γραμμάτων τὴν νίκην σημηναντος· ὅθεν πρῶτον καὶ βωμόν τῇ Φήμη ὡς θεῶ ἀνιδρύσαντο.”

²¹ Procop. Gaza., Ep. 40: “Νῦν ὄντως ἔγνων, ὡς οὐκ ἦν ἄρα λόγος ἀλλ’ ἔργον ἡ φήμη, καὶ θαυμάζω τάχα τὸν νόμον τὸν Ἀττικόν, ὃς ἐν θεοῖς καὶ ταύτην ἰδρύσατο. οὐ γὰρ δὴ μόνον Ἡσίοδος θεὸν αὐτὴν ἀνυμνεῖ, ἀλλὰ Ἀθηναῖοι τὴν ἐν Μυκάλῃ μάχην αὐθμερὸν ἔγνωκότες οὐκ ἀνεκτὸν ἔφασαν εἰ μὴ θεὸν ἡγοῖντο 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.

²² Translated by W. H. S. Jones.

²³ Fisher 2001, 268.

²⁴ IG II² 1611,303; SEG 45,145, 1,67; SEG 45 147,4.

²⁵ Shear 1995, 186–188.

²⁶ IG XIV 1120.

²⁷ ISmyrna 513, see Petzl 1982, 214–215. (Image in Table 35.)

Μητροδώρος
Δημητρίου

Ματρέας
Δημητρίου

ἀ λάλος ἐν ζῶοισι τὰ μὴ ζῶοντα παρ' ἀστοῖς
Φάμα καρύσσω μουσοεπεῖ στόματι ·
5 Ζμύρνα πάτρα, γενέτας Δημήτριος ἠδὲ τεκοῦσα
Νάννιον ἔκλαυσαν δισὰ κόρων πάθεα,
ὧν ὁ μὲν οὐκ ἐτέλεσεν ἐνὶ ζῶοις ἐνιαυτοῦ
πλείω, μοῖρα δὲ σή, Ματρέα ἦν τριετής.
'Αἰ[δε]ω πυλαουρέ σὺ δ' εὐαγέων ἐπὶ θώκους
10 Αἰκέ, [σ]ημήναις ἦι θέμις ἀτραπιτόν.

“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): “*Report 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.²⁸ However, his argument based on the herald's wand (i.e. an attribute of Hermes) found by the Greeks at Mykale is not strong

²⁸ Parker 1996, 236.

enough to support this hypothesis.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 5th and 4th 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.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.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.

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²⁹ See Hdt. IX 100.

³⁰ Herman 2006, 338.

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A courtroom sketch is an artistic depiction of the proceedings in a court of law. In many jurisdictions, cameras are not allowed in courtrooms in order to prevent distractions and preserve privacy. This requires news media to rely on sketch artists for illustrations of the proceedings. Courtroom sketch artists attend judicial proceedings as members of the public or as credentialed media depending on the venue and jurisdiction. Judges may require or allow artists to sit in a designated area or they may allow cameras in courtrooms. Allowing cameras in courtrooms has stirred controversy and led to Supreme Court decisions in First Amendment cases. The Court has allowed states to experiment with this issue. Placing cameras in the courtroom has historically stirred controversy. Opponents and proponents have invoked First Amendment provisions guaranteeing the public's right to public information, the Sixth Amendment's rights to a fair and public trial, and the 14th Amendment's due process protection. Broadcasters have waged perennial battles, petitioning the courts to allow them to record judicial proceedings. Concern about media coverage of trials stems in part from past media trial circuses. "Media circus" around Lindbergh baby kidnapping trial spurred camera bans. Inside the courtroom: Most court proceedings are open to the public. If the judge has ordered that proceedings be held in camera (in private), a sign will be posted on the door. If you see a sign on the courtroom door saying that the proceeding is not open to the public, do not enter the courtroom. Be on time. When the courtroom is open, please find a seat in the gallery. Standing is generally not permitted in courtrooms. Please turn off your cellphone or pager before entering the courtroom. Members of the public are not permitted to use electronic devices (e.g. cellphones, cameras, recording devices etc.) in courtrooms unless the presiding judge orders otherwise. Counsel, parties, and members of the media may use electronic devices subject to certain conditions and restrictions.