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THE ORATOR AND THE GHOSTS: PERFORMING THE PAST IN FOURTH-CENTURY ATHENS

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Quintilian tells us that impersonating people put particular physical demands on the ancient orator,[1] and it is no surprise that *eidōlopoeia* – the act of impersonation of a dead individual[2] – looks (on the basis of our evidence) to be something relatively rarely deployed. It was worth attempting, though, both as a means of generating *pathos* to help win a case by inviting the audience to consider the virtues and values of a figure or figures no longer alive, usually in contrast with those of an opponent, and also as a validation of a speaker's credibility as a public performer – if successfully managed. Cicero's conjuring up of the venerable and unassailably eminent Appius Claudius Caecus in *pro Caelio* (56 B.C.) to shame his descendant Clodia must be the best-known example;[3] Quintilian says that Cicero put on a special voice to play Appius, which he then varied for the impersonation of Clodius that followed.[4]

Eidōlopoeia has a fairly consistent meaning in ancient rhetorical theory,[5] and is most frequently placed in some sort of relationship with *prosōpopoeia*: therefore there is the regular expectation that the conjured dead figure should be given at least some direct speech, however much (or little) the orator may choose to do to individualize them.[6] Embedded direct speech voiced by secondary individuals in general is quite common both in Cicero and the Athenian

[1] Quint. *I.O.* 2.1.2 (with Reinhardt and Winterbottom (2006), 42; they compare 11.3.136; see also 3.8.49 and 9.2.33); cf. Cicero's own comments: *Orator* 85.
[2] Aphthonius, *Pr.* 11; Pseudo-Hermogenes, *Pr.* 20 Kennedy; cf. Priscian *Praeex.* 9 (*simulacri factio*).
[3] Cic. *Cael.* 33-4.
[4] Quint. *I.O.* 11.1.39-41.
[5] As opposed to philosophy (which I do not discuss here: [Long.] *Subl.* 15.1, linking *eidōlopoeia* with *phantasia*, seems to be drawing his understanding of the term partly from this side: see Russell (1964) 120). A broad consensus accepts a distinction between *ēthopoiia* (cf. *sermocinatio*) or *prosōpopoeia* (cf. *fictio personae*) as an umbrella term: for more on the choices here see Lausberg (1998), §§820-9 and De Temmerman (2010), 34-6) – note in particular that Quintilian (9.2.31) subsumes *sermocinatio* under *prosōpopoeia*. The speech of dead individuals tends to belong under *prosōpopoeia*, along with personified abstractions. Some writers (Quint. *I.O.* esp. 3.8.52-4, 9.2.31; Demetrius, *On Style* 265-6; Theon, *Pr.* 115; Nicolaus, *Pr.* 65 Kennedy; Apsines, *Rhet.* 10.5 Dilts-Kennedy) do not distinguish *eidōlopoeia* from *prosōpopoeia* 'proper' specifically; some do (see n.2). On *enargeia* and *ekphrasis*, which are relevant to these categories, see esp. Webb (2009b); in Aeschines particularly: (2009a); and in Demosthenes 18 and 19 now Serafim (2015) 96-108.
[6] The writers in n.5 tend to assume that direct speech will be employed in *prosōpopoeia*, but one of Apsines' examples (the personified *kairos* in Dem. 1.2) uses *oratio obliqua* (cf. the perhaps better-known Dem. 18.172), and Rutilius Lupus (2.6) even has a 'second type' of *prosōpopoeia* which embraces abstractions using *oratio obliqua*.

orators;[7] but the situation is different with the speaking 'ghosts' covered by *eidōlopoeia*. Cicero's *pro Caelio* passage seems to be an outstanding example of a wider phenomenon (if still sparingly deployed) in Roman oratorical contexts;[8] but by contrast, we find no *eidōlopoeia* – no speaking ghosts – in extant Classical Athenian oratory.[9] Why? And what do we find instead?

A helpful way of framing the issue will be to think in terms of the distinction between 'direct/sensory' and 'cognitive/emotional' performative techniques coined and examined by Serafim in his forthcoming monograph, *Attic Oratory and Performance*.[10] We see Athenian orators deploy the first type of technique hardly at all when presenting figures from the past – indeed, on the single occasion where we can be semi-confident that an orator used physical *mimēsis* to evoke a historical figure, this was specifically targeted by his opponent later.[11] But the orators do deploy the second type, and to striking effect, constructing set pieces aimed at emotive engagement with audience members' conceptions of the civic and moral values which the figures presented could be shown to embody, and using the techniques which belong in ancient theory under the rubrics of *ēthopoiia* and *enargeia* to do so.[12] Orators can, for example, encourage audiences to 'imagine that they see' a given individual, and do so in contexts where the encouragement operates as part of a persuasive nexus where audience members are also being prompted to more direct emotional reactions to the speaker's target. Channelling those emotions and mediations of positive values through a single famous historical figure (or a small number) focuses and economizes the rhetorical process, creating a direct, personalized connection with members of the audience in the present, via their shared and individual cultural understandings of those great figures. In effect, then, this chapter explores an area where orators can be found privileging cognitive/emotional techniques of performance despite the attractiveness and potential persuasive dividends of direct/sensory ones, and makes some

[7] Some Demosthenic examples: absent individuals: 19.22, 194-5, 320, 324; abstracted subsets of the present audience: 13.12; 21.153. Present specific individuals: Aeschines' series of speeches in Demosthenes' voice (e.g. Aes. 2.37, 43, 112; 3.166-7, 209, 211). See Trevett (1995) more generally. Cicero's standout example of a speaking abstraction is probably Patria in the *First Catilinarian* (18, 27-9), and of a present specific speaker probably Milo in *Pro Milone* (esp. 93-4, 98).

[8] Cicero assumes in his theoretical texts that it will get used: *Brut.* 322; *De Or.* 1.245, 3.205; *Part.* 55; *Top.* 45; *Orator* 85. Though we have no direct parallels for the Appius moment, three examples suggest wider deployment of the technique (given by Dufallo (2007) 28): i) Cicero's own conjuring up of Scaurus the Elder in *Pro Scauro* 49-50 (cf. Quint. *I.O.* 4.1.69 for his use of *prosōpopoeia* in the other *Pro Scauro*, on which see Crawford (1984) 198-201; ii) Helvius Mancia's address to Pompey, a sort of 'auto-*eidōlopoeia*' (*ORF*[4] 71 = V. Max. 6.2.8); iii) a speech made by Vatia Isauricus before Metellus Nepos in which the eminent consular "nearly raised all the Metelli from the dead": Cic. *Sest.* 130-1; cf. *Red. Sen.* 25-6; *Prov. Cons.* 22.

[9] With the quasi-exception Pl. *Menex.* 246d-248d (see below).

[10] Serafim (forthcoming).

[11] Aes. 1.25 and Dem. 19.252 (see below, main text).

[12] See above n.5.

suggestions as to why they might have made this choice. I begin by surveying the techniques on show.

The absence of more active personal physicalization of famous individuals may initially seem surprising in a culture where the institution of the funeral oration encouraged constant, active reflection on the influence of the dead on the living and percolated into other types of oratory in various ways. We do frequently find Athenian orators, especially in lawcourt contexts, invoking their ancestors as binding witness of events in the present (and usually co-opting them to the argument of the speaker).[13] Furthermore, in Demosthenes' *Against Aristocrates* (352 B.C.) there is a moment (210) where the speaker briefly vocalizes (οἴμοι) the horror that the dead would feel if they could see Charidemus receiving the special award which the speaker is opposing. But otherwise, although we see orators evoke and conjure up figures from the Athenian past to help persuade their audiences, none of these individuals breaks into speech (and some orators do not even go this far). The most dynamic and creative deployer of such passages is Aeschines, the main focus of what follows, and his background as an actor must up to a point explain his willingness to compose passages which he knew he could deliver and interpret skilfully. Demosthenes' constantly-expressed fear of Aeschines' powerful delivery neatly attests to the effect which he could expect to command as an oratorical performer.[14]

Another reason why Aeschines comes so close is precisely the competitive intensity and high-stakes nature of his oratorical interaction with Demosthenes, from the point of (as far as we can tell) first clash in the trial of Timarchus in 346/5 B.C. Not only that: the set of extant speeches indicate that this particular oratorical rivalry involved a fiercely competitive attitude to the authoritative handling of the Athenian past – who had a right to cite it, and how.[15] This came to the fore particularly in the Embassy trial of 343 B.C., where Demosthenes claimed (among many other things) that Aeschines had argued for peace with Philip by encouraging the Athenians to ignore speakers appealing to the traditional *topoi* of Athenian greatness – Marathon, Salamis, and so forth – articles of faith in the national past as far as audiences would have been concerned.[16] In his defence speech, Aeschines carefully addresses these

[13] e.g. Lys. 12.100; Andoc. 1.148; Isoc. 14.61; 5.105, 137; 6.110; Dem. 19.66; 20.87; 23.210; also Ant. *Tetr*. (e.g. 1.3.10).
[14] Kindstrand (1982) 18-22; Easterling (1999); Gotteland (2006); Hall (2006) 372-3; Hernández Muñoz (2006). Demosthenes' fear: for example Dem. 19.255, 336; 18.280, 308-9.
[15] As explored by Clarke (2008) 252-61, and by Hesk (2012) 219-26.
[16] Dem. 19.16, 307; see e.g. Nouhaud (1982) 147-64 for oratory, and Efstathiou (2013) 184-90 on the use of Marathon in this trial; for comparison with comedy, see most recently Carey (2013) and Papadodima (2013) 148-54 (on Marathon).

allegations,[17] and in doing so cements a link between responsible oratorical use of the past and being a good statesman. In the lawcourt engagements between Demosthenes and Aeschines, then, we should expect performative techniques which involved evoking historical individuals to feature naturally among the areas of contestation.

On being confronted with the two Aeschinean set pieces I examine below, it is telling that Demosthenes goes out of his way to attempt to counter their effect, seeking not only to demolish the arguments to which they contribute, but to undermine the basis of Aeschines' reference to them in the first place. That reflects the fact that the individuals conjured up in these two passages are specifically ones with whom Aeschines wishes to identify himself: he aims to map himself onto them, and allow them to help him perform to his audience the nature of his own contribution and character as a public figure. Demosthenes could not leave these uncontested, not least because his own strategies involved assimilation of himself to a range of eminent historical Athenians, expressed by and large in less theatrical ways.[18] The combination of Aeschines' investment in his 'ghosts' and their importance for his own self-presentation meant both that he took greater risks when evoking them and that Demosthenes made special efforts to 'exorcize' them. In a sense, Aeschines can be thought of as making even more interesting use of his 'ghosts' than Cicero: he may not let them speak, but Cicero's Appius and Scaurus function purely as discrete *exempla*: they seem to play their argumentative role, entertain the audience, and then leave. The easy manner in which Cicero moves on from the Appius impersonation suggests that he is not interested in meaningful or sustained self-association with him (36: *sin autem urbanius me agere mavis, sic agam tecum: removebo illum senem durum ac paene agrestem…* "You may, on the other hand, prefer me to deal with you in a smart, modern way; if so, this is what I shall do. I shall get rid of that harsh and almost rustic old man…" [tr. Berry]).[19] Aeschines' chosen 'ghosts', however, function as part of a set of broader self-fashioning manoeuvres aimed at the wider arousal of emotions to be concentrated negatively upon Demosthenes, and these figures' significance from the audience's point of view is key for communicating Aeschines' ideal self-image. The feud with Demosthenes offers an important example, then, of how the use of cognitive/emotional techniques of oratorical

[17] Especially Aes. 2.74-7; for a view of Aeschines' strategy, see Steinbock (2013).
[18] And not just Pericles (as argued by Yunis (1996) 268-77, Mader (2007); qualified by Gotteland (2010) 36-41). We need to remember that Demosthenes mentions Pericles only once (3.21). He apparently finds Themistocles more interesting: Dem. 13.21-2, 29; 20.73-4; 18.204; 23.196-8, 205, 207 (also singled out by Clarke (2008) 254).
[19] He is there first and foremost because he is of the *gens Claudia*, not to reflect on Cicero particularly: van der Blom (2010) 95. The Appius episode is certainly at some level comic (Geffcken (1973) esp. 17-23; Vasaly (1993) 175-6; Gaffney (1995) 427-9), but Appius himself, and his ethical message, remain serious in their purport (Osgood (2005); Dufallo (2007) 22-3).

performance could function as persuasive weapons – as instruments of wider political competition – and I move now to examine the two set pieces themselves.

In the first part of the *epilogos* of *Against Ctesiphon*, the text which represents his prosecution speech in the Crown trial of 330 B.C., Aeschines harnesses the resources of the broad sweep of Athenian history to expose Demosthenes' whole political career as a disaster for Athens (257-9):

> ὅταν δ' ἐπὶ τελευτῆς ἤδη τοῦ λόγου συνηγόρους τοὺς κοινωνοὺς αὐτῷ τῶν δωροδοκημάτων παρακαλῇ, ὑπολαμβάνετε ὁρᾶν ἐπὶ τοῦ βήματος, οὗ νῦν ἑστηκὼς ἐγὼ λέγω, ἀντιπαρατεταγμένους πρὸς τὴν τούτων ἀσέλγειαν τοὺς τῆς πόλεως εὐεργέτας, Σόλωνα μὲν τὸν καλλίστοις νόμοις κοσμήσαντα τὴν δημοκρατίαν, ἄνδρα φιλόσοφον καὶ νομοθέτην ἀγαθόν, σωφρόνως, ὡς προσῆκον αὐτῷ, δεόμενον ὑμῶν μηδενὶ τρόπῳ τοὺς Δημοσθένους λόγους περὶ πλείονος ποιήσασθαι τῶν ὅρκων καὶ τῶν νόμων, [258] Ἀριστείδην δὲ τὸν τοὺς φόρους τάξαντα τοῖς Ἕλλησιν, οὗ τελευτήσαντος τὰς θυγατέρας ἐξέδωκεν ὁ δῆμος, σχετλιάζοντα ἐπὶ τῷ τῆς δικαιοσύνης προπηλακισμῷ, καὶ ἐπερωτῶντα εἰ οὐκ αἰσχύνεσθε, εἰ οἱ μὲν πατέρες ὑμῶν Ἄρθμιον τὸν Ζελείτην κομίσαντα εἰς τὴν Ἑλλάδα τὸ ἐκ Μήδων χρυσίον, ἐπιδημήσαντα εἰς τὴν πόλιν, πρόξενον ὄντα τοῦ δήμου τοῦ Ἀθηναίων, παρ' οὐδὲν μὲν ἦλθον ἀποκτεῖναι, ἐξεκήρυξαν δ' ἐκ τῆς πόλεως καὶ ἐξ ἁπάσης ἧς ἄρχουσιν Ἀθηναῖοι, [259] ὑμεῖς δὲ Δημοσθένην, οὐ κομίσαντα τὸ ἐκ Μήδων χρυσίον, ἀλλὰ δωροδοκήσαντα καὶ ἔτι καὶ νῦν κεκτημένον, χρυσῷ στεφάνῳ μέλλετε στεφανοῦν. Θεμιστοκλέα δὲ καὶ τοὺς ἐν Μαραθῶνι τελευτήσαντας καὶ τοὺς ἐν Πλαταιαῖς καὶ αὐτοὺς τοὺς τάφους τοὺς τῶν προγόνων οὐκ οἴεσθε στενάξειν, εἰ ὁ μετὰ τῶν βαρβάρων ὁμολογῶν τοῖς Ἕλλησιν ἀντιπράττειν στεφανωθήσεται;
>
> And when, just near the end of his speech, he calls on his partners in corruption to speak in support, imagine that you see on the platform where I now stand as I speak the city's benefactors ranged against their impudence. See Solon, who equipped the democracy with the most noble laws, a philosopher and a worthy legislator, urging you in the restrained manner that befits him under no circumstances to set more value on Demosthenes' arguments than on your oaths and the laws. [258] See Aristides, who set the tribute for the Greeks, on whose death the people gave his daughters dowries, expressing his anger at the insult to justice and asking if you are not ashamed that, when Arthmius of Zelea brought gold to Greece from the Medes and visited the city, your fathers came close to killing him, even though he was representative of the people of Athens, and barred him by proclamation

> from our city and every city ruled by Athens, [259] but you are proposing to give a golden crown to Demosthenes, who did not bring gold from the Medes but took bribes from them and still has the money even now. Don't you think Themistocles and the men who died at Marathon and Plataea and the very graves of our ancestors will groan aloud, if a man who admits to plotting with the barbarians against the Greeks receives a crown? (tr. Carey)

This tableau of condemnation – much of it expressed in one long periodic sentence – seems consciously to appropriate the *topos* of the dead as binding witness and show how powerful it can become with the addition of only a small number of vivid details. In terms of the oratorical rivalry between Demosthenes and Aeschines, it seeks to confirm Aeschines' authoritative command of Athenian history by co-opting the most venerable of all its inhabitants – Solon and Aristides being the only great Athenians whose greatness (consisting especially in moral stature in their case) is never qualified in extant oratory[20] – as proxies for Aeschines himself, as a way of channelling and clarifying the emotional response (moral outrage) he wants the audience to feel. It is no accident that he had, earlier in the speech (107-29), constructed a dramatic account of how he roused the Amphictyons at Delphi to punish Locrian cultivators of the sacred Cirrhaean plain (thus precipitating the Fourth Sacred War) which made explicit reference to how Solon had taken the same role in recommending the punishment of their Crisaean predecessors, thus precipitating the First (108). In a climate where Aeschines and Demosthenes both wanted to affirm control over the historical examples they cited, and to use their historical figures to assist in their own political self-construction, Aeschines' bid to embody Solon's and Aristides' values directly in front of the audience was a communicative manoeuvre which Demosthenes could not afford to ignore.

In his defence (which *On the Crown* represents), then, Demosthenes needed to surpass Aeschines' passage in order to reassert control of the interpretation of the great men of the past, but also because it was a dramatic set piece that needed upstaging anyway, and sufficiently near the end of Aeschines' speech that its effect had to be neutralized.[21] Aeschines may have conserved his performative resources to 'go all out' on this *epilogos* section; certainly Demosthenes saw the need in *On the Crown* (18.127) to tear apart the final paragraph itself, which directly follows (3.260), criticizing Aeschines' histrionic delivery of it (ὥσπερ ἐν τραγῳδίᾳ βοῶντα, 'bawling out…as in a tragic play') as well as his expression (ἐπαχθεῖς

[20] Solon's influence is circumscribed, though not seriously, at Dem. 24.211. [Dem.] 26.6 is probably spurious.
[21] This would assume even greater importance in the disseminated version, where readers could pass straight from *Against Ctesiphon* to *On the Crown* without the live obstacle of Ctesiphon's own (presumably brief) defence.

λόγους, 'pompous phrases'). To negate Aeschines' tableau's persuasive effect, Demosthenes adopts the famous 'paradoxical argument' (199-210): that it would have been right for the Athenians to oppose Philip at Chaeronea even had they known in advance that they would be defeated. His strategy had been signposted by the way in which he had encouraged his audience, earlier in the speech (169-80),[22] to visualize the Assembly meeting at which Philip's surprise capture of Elatea had been reported formally, and at which Demosthenes had taken charge – an account apparently constructed to resemble and upstage Aeschines' account of his role at Delphi.[23] Now, in the 'paradoxical argument', Demosthenes embeds a famous oath which vindicates the Athenian opposition to Philip, and which is sworn explicitly by the dead of the Persian Wars, directly addressing Aeschines' *epilogos* and turning it in a new direction (208):

> ἀλλ' οὐκ ἔστιν, οὐκ ἔστιν ὅπως ἡμάρτετε, ἄνδρες Ἀθηναῖοι, τὸν ὑπὲρ τῆς ἁπάντων ἐλευθερίας καὶ σωτηρίας κίνδυνον ἀράμενοι, μὰ τοὺς Μαραθῶνι προκινδυνεύσαντας τῶν προγόνων, καὶ τοὺς ἐν Πλαταιαῖς παραταξαμένους, καὶ τοὺς ἐν Σαλαμῖνι ναυμαχήσαντας καὶ τοὺς ἐπ' Ἀρτεμισίῳ, καὶ πολλοὺς ἑτέρους τοὺς ἐν τοῖς δημοσίοις μνήμασι κειμένους ἀγαθοὺς ἄνδρας…
>
> But you cannot, you cannot have been wrong, men of Athens, when you took upon yourselves the peril of war for the freedom and salvation of all! I swear it by those ancestors of yours who faced the dangers at Marathon, and those who stood in the battle-line at Plataea, by those who fought in the sea-battles at Salamis and Artemisium, and by those many others who lie in the public tombs, brave men… (tr. Usher)

Unlike Aeschines (with στενάξειν, 3.259), Demosthenes does not allow his chosen dead to break silence – he only asks his audience to think of them lying in their tombs (κειμένους). Attention remains compellingly focused on the living: on Demosthenes himself, both as the authoritative performer who will mediate vocally to the audience the passionate exhortation to

[22] It is possible that the Elatea passage was added or embellished in post-trial revision for circulation, but that does not seriously affect the point that Demosthenes would wish to negate the effect of Aeschines' passage. For a close examination of the ekphrastic qualities of the passage, see Serafim (2015) 99-105.

[23] Some important points of contrast Demosthenes constructs are: his own dignity (18.172) versus Aeschines' confessed intemperateness (Aes. 3.117); the united and pragmatic response of the Athenians (Dem. 18.179) versus the rash, emotional, and half-thought-through response of the Amphictyons (Aes. 3.121-2); the dramatic use of light and dark accompanying the gatherings (Dem. 18.169 vs. Aes. 3.123); and Demosthenes' elevated and symbolic use of the herald (18.170) versus Aeschines' matter-of-fact use (3.122).

a true verdict that the dead cannot, and also as author (or co-author) of the policy that led to defeat at Chaeronea, and on the role of the citizen audience in validating it eight years earlier. One of Demosthenes' many persuasive achievements in this speech is simultaneously to vindicate the policy that led to Chaeronea and to dismiss the relevance to the trial of anything but Athens's present and the characters of the two major agonists in the trial, conceived as the sum of their careers to date.[24] His success also resides in his ability to take back control of a key conduit of ethical communication with the audience – the past – and to do so in ways that specifically draw audience attention to that recapture.

Aeschines' creativity in the *epilogos* of *Against Ctesiphon*, then, reflects the oratorical stakes of the Crown trial – hence his strenuous forging of a spatial (and by extension an ethical) bond with Solon and Aristides. Although he envisages Solon and Aristides rising as nightmare *synegoroi* at the end of Demosthenes' defence speech (ἐπὶ τελευτῆς ἤδη τοῦ λόγου), it would be hard for audiences to avoid imagining them there on the *bema* with Aeschines, their conjurer, now – he says explicitly that they occupy the same space (οὗ νῦν ἑστηκὼς ἐγὼ λέγω). The audience are being invited directly to view Aeschines as the closest thing to Solon and Aristides – *qua* outstanding citizens – that can be imagined in this setting. A similar view can be taken of Aeschines' entreaty to the judges to 'imagine that they see' (ὑπολαμβάνετε ὁρᾶν). This is part of a wider oratorical tendency to encourage active visualization, and one which, as Hobden and Webb have recently shown with reference to *enargeia*, Aeschines makes use of a good deal.[25] Here, though, responding to the challenge that having Demosthenes as an opponent presented and to the need to land a decisive blow in the *epilogos* – where emotive effects were *de rigueur* anyway[26] – he goes much further.

This is an extreme example of *enargeia* which poses a cognitive challenge to the judges to see something other than the individual before them, a transfiguration which comes straight from the theatrical stage, most familiarly from tragedy but also from comedy, and which need not always involve 'ghosts'.[27] Unlike Cicero in the *pro Caelio* – adopting the persona of Appius as just one of a series – Aeschines remains 'in character' throughout, sustaining the *ēthos* he has arrogated to himself by invoking Solon, Aristides, and the others to assist him. Indeed, he comes close to allowing these figures to speak through him, furnishing a rare extra level: while the conjured Aristides stays locked in Aeschines' *oratio obliqua*, he does use his own

[24] On this see e.g. Yunis (2000); (2001) 284-7 on Dem. 18.314-20.
[25] Hobden (2007); Webb (2009a).
[26] Arist. *Rhet.* 3.19, 1419b-20b; *Rhet. Her.* 2.47-50; Cic. *Inv.* 1.98-109; *De Or.* 2.311, 332; Quint. *I.O.* 4.1.28, 6. *pr.* and 1-2; Aps. *Rhet.* 10.5. See also Winterbottom (2004) 219-30 and Leigh (2004).
[27] As with Aeschylus' Clytemnestra: *Ag.* 1497-1504.

paradeigma – Arthmius of Zelea – just as any orator, including Aeschines himself, would. Arthmius' canonicity as a *paradeigma* for orators to use underlines that,[28] but it is almost certainly relevant here that Demosthenes had used Arthmius as a specific negative comparand for Aeschines in their previous major lawcourt encounter, the Embassy trial.[29] Furthermore, the Arthmius episode also seems to belong to the period of Aristides' political influence,[30] such that when Aristides the 'ghost' uses this *paradeigma* in this 330 trial, he does so with more than usual cogency. Why, then, do other orators – at least on the evidence we have – not choose to go as far as Aeschines? And why does the very singular Aristides '*paradeigma* within a *paradeigma*' seem to be the furthest Aeschines can go towards full impersonation, at least in *Against Ctesiphon*?

Audience ambivalence or wariness about this family of techniques must, at some level, be a key factor. An Athenian orator wishing to win a case might well present arguments designed to challenge or even shock listeners, but would hardly mediate those arguments via performative techniques unlikely to win their approval. Moreover, the degree to which individual audience members would be comfortable with the idea of allowing a good piece of oratorical 'acting' to affect their judgment in the case at hand would also vary.[31] There may, ultimately, have been the expectation that direct impersonation of the dead simply belonged in the theatre. We are certainly right, in the wake of an important 1995 article by Hall, to think that audiences would apply to oratorical contexts the cognitive frames developed in their (in many ways) isomorphic experience of theatre;[32] and we probably need to countenance more meaningful connections than have previously been canvassed between orators' conjuring up of figures like Solon, Aristides, and Themistocles, and Old Comedy's raising, for example, of Solon, Miltiades, Aristides, and Pericles in Eupolis' *Demes* (described by Aphthonius as just as much an *eidōlopoeia* as an oratorical one[33]), of the dead Solon (at least) in Cratinus' *Cheirones*,[34] and possibly of Phormion in Eupolis' *Taxiarchs*,[35] where we know he certainly featured;[36] and the overlap in the choice of individuals summoned up by (among others)

[28] Nouhaud (1982) 239-42.
[29] Dem. 19.271-2; cf. 9.41-6.
[30] For the date, e.g. Meiggs (1972) 511-12; Famerie (1992) 193-4 n.10. Colin (1933) 244-7 preferred the early 450s, after Aristides' death.
[31] Ar. *Wasps* 579-80 imagines judges only acquitting the (?) tragic actor Oeagrus after he has delivered his best speech from (Aeschylus'?) *Niobe*.
[32] This appeared in revised form as Hall (2006); see also Ober and Strauss (1990). On the orator as actor in passages of *ekphrasis* in declamation: Webb (2009b) 175-7.
[33] *Pr*. 11; see Storey (2003) 115.
[34] Fr. 246 K-A and Bakola (2010) 23.
[35] Storey (2003) 247 (though 246-60 *passim*) 369; (2011), II.210-11.
[36] Ar. *Peace* 348 e, and Fr. 268 K-A; also an Attic *oinochoe* of c.410: e.g. Csapo (2010) 28-9; (2014) 106-7.

Aeschines in *Against Ctesiphon* and by those fifth-century comic poets respectively is suggestive in itself. But even leaving aside the question of how far ghost-raising persisted as a comic device in the fourth century (and allowing for re-performance and reading), audiences could simply have expected (or at least have been prepared) to conceive of the great men of their past quite differently in different venues. I would also suggest that the reticence extant public oratory tends to show about filling in too fully the details of great past leaders' characters (as opposed to what their deeds indicated) responds precisely to an expectation that audience members would rely – and perhaps *enjoy* relying – on their own perceptions of the figure in question, derived from the whole spectrum of everyday experience of the civic past, to fill in orators' references and produce a variety of personalized meanings. The emotive use to which orators can put such figures certainly implies that they expected such hinterlands of reference to be available, and anticipated being able to engage with them for their own purposes. Orators' individual attempts to arrogate to themselves the characteristics of historical great men, and their efforts to use them as embodiments of the values deemed at stake in the situation, were probably sufficiently open to audience criticism as well as opponents' contestation in themselves that they would be unlikely to want to give these historical characters voices too.

Aeschines and others, then, will have made their choices with the dangers of *over*-performance in mind. A set of performative risks and opportunities not dissimilar to those governing *eidōlopoeia* was offered by quoting passages of poetry,[37] which we find in Aeschines, Demosthenes, and Lycurgus – these might present the chance to 'act out' the passage if there was a specific speaker to personify.[38] It is perhaps telling, then, that Aeschines, partly in order not to be seen to capitalize on the use of his famous voice,[39] apparently delegates most of his (copious) poetic quotation in *Against Timarchus* to the court clerk to recite; in *Against Ctesiphon*, however, where he quotes poetry only twice,[40] he recites it himself. Moreover, Demosthenes would hardly have bothered complaining about Aeschines' use of his actor's training if he did not expect that point to resonate: it belongs in the same category as attacks on an opponent's sophistic education, wealth, aristocratic origins and so on – external resources which could be spun as undemocratic and capable of prejudicing the contest in one combatant's favour.[41] Impersonating a great historical Athenian (the common property of the

[37] On these risks see e.g. Ober and Strauss (1990) 245-6, 250-3; Ford (1999) esp. 249-56; Hanink (2014) 136-7.
[38] Wilson (1996) 312.
[39] cf. Olding (2007) 161. (Olding argues that Aeschines does so to fix his rhetorically important variations on the text of Homer as authoritative, like laws and decrees.) Aeschines does give the audience at least one treat (1.144).
[40] Aes. 3.135, 184-5. The *manteia* at 3.112 are read by the clerk.
[41] On this group, see above all Ober (1989) esp. 156-91, 219-26, 279-89; Ober and Strauss (1990) 250-5.

polis) in a speech might easily be drawn under the same rubric of undemocratic behaviour: constantly articulated in oratorical texts is the assumption that a speaker should stage his integrity by relying only on his own record as a good Athenian citizen to persuade. This may be the reason why examples of the *epitaphios logos* – described explicitly by Thucydides and implicitly by Demosthenes as only delivered by men of outstanding reputation[42] – do not go any further towards Appius-style *eidōlopoeia* than Aeschines in *Against Ctesiphon*. One example that edges close but ultimately falls short is Hyperides' description in his *Funeral Oration* of the welcome given to Leosthenes in the underworld by the great past heroes: although the scene is vivid, none of the participants is given direct speech.[43] Plato's decision to include an *eidōlopoeia* of the fathers of the present generation in his *Menexenus* (246d-8d) is therefore intriguing, but the clearly parodic nature of the embedded *epitaphios logos* to which it belongs suggests that it cannot be used safely as an example; if anything, it may offer a further indication that direct speech by dead individuals was normally off-limits.

To explain why Aeschines, and Hyperides in the *Funeral Oration*, still go as far as they do, we need to consider another type of contextual dimension, beyond the Demosthenes-Aeschines feud (which, however much it may explain Aeschines' creativity in *Against Ctesiphon*, did not directly involve Hyperides). An argument made by Dufallo (with Cicero's Appius in view) that different examples of literary *prosōpopoeia* reflect and dramatize how the author perceives his socio-political context and his place within it[44] corresponds interestingly to a major theme in recent scholarship on the Lycurgan era, spearheaded on the epigraphic side by Lambert,[45] which identifies 'past-connectivity' as basic to Lycurgus' political programme and characteristic of Athenian civic activity in the period of his ascendancy more generally.[46] This, he and others argue, manifests itself (among many other things) in the enhanced volume and richness of and interest in historical material found in oratory, and Hanink has recently demonstrated the similar trajectory of contemporaneous oratorical interest in quoting tragedy.[47] While the sophistication at least of both Demosthenes' and Aeschines' use of the past (like their quotation of tragedy[48]) pre-dates the Lycurgan era, there is certainly an increase in volume,[49] and the speeches which unite the historical and the theatrical most explicitly –

[42] Thuc. 2.34.6; Dem. 18.285-8.
[43] Hyp. 6.35, 39. For the peculiar heroizing of Leosthenes see e.g. Herrman (2009) 21-3, 102-6; Hesk (2013) 52-60, 63-4.
[44] Dufallo (2007) 13-14.
[45] Lambert (2010); (2011); (2012).
[46] See e.g. Azoulay (2009); (2011); and the essays in Azoulay and Ismard (2011); Hesk (2012).
[47] Hanink (2014) esp. 29-59, 133-58.
[48] Hanink (2014) 92-100, 133-43.
[49] On the increase, see Hesk (2012) 214-15, with n.22.

Demosthenes 18, Aeschines 3, Lycurgus 1, and Hyperides 6 – do all fall in the period after Chaeronea. In rhetorical terms we could say that what we see is a cleaving closer to the models of historical and mythical discourse more familiar from epideictic and diplomatic oratory like Hyperides' *Deliacus* (of 343) than from symbouleutic or dicanic – orators are prepared to bring historical material before their audiences in greater quantity and with greater attention to its literary fashioning and possible persuasive effect. So it is easy to see why, in a climate of increased attention to the skilful harnessing of vivid appeals to the past, we might see orators attempting bolder performative manoeuvres.

Equally, the very choice of resurrected statesmen – Solon, Aristides, Themistocles and the men of Marathon and Plataea in the Aeschines example – would express precisely the kind of cultural appetite for linkage with the inviolate period prior to the Peloponnesian War that would correspond both to Dufallo's conception of *prosōpopoeia* (as articulating the concerns of a 'historical moment') and to scholarly attention to the new concern for past-connectivity in oratory of the Lycurgan period. After all, Solon, Aristides, Themistocles, Miltiades, Cimon, and Pericles were chosen in different combinations of four by Eupolis and Plato (and thus Aelius Aristides and other Imperial-era orators, and indeed the fourth-century orators themselves) precisely because they could be felt to embody a whole cultural climate.[50] Comparable imaginative efforts in this period include two sections of Lycurgus' own *Against Leocrates*. More elaborate and more specific than the usual judge-binding witness *topos*, though clearly growing out of it, is an appeal (136-7) centred on Leocrates' father, via a statue of him in the temple of Zeus Soter which Leocrates abandoned in his flight from the city. The *epilogos* (150), rousing the cityscape against Aeschines, is a fine piece of *enargeia* verging on standard *prosōpopoeia* (or, with the tombs, *eidōlopoeia*),[51] though further back from the line than Aeschines' in *Against Ctesiphon* because no person-on-person assimilation is possible. As for Demosthenes, we could say that *On the Crown* not only responds in kind to Aeschines' decision to maintain the relationship between the correct use of history and positive self-presentation more generally that had served the feuding pair well since the Embassy trial, but also represents a product consistent with Lycurgus' cultural project in emphasizing the didactic properties contained in the vision of the Athenian past that Demosthenes uses to explain defeat, not least in the 'paradoxical argument'.

[50] Eupolis, *Demes*: Storey (2003) 111-74, esp. 131-3, and on the choice of Themistocles and Pericles, Braun (2000); Pl. *Grg*. 503c, 515d; Ael. Ar. *On the Four*, *passim*, but see esp. 3.365, linking to Eupolis' play (though not by name): Storey (2003) 36.
[51] On this passage see Hobden (2007) 500-1.

But there were plenty of ways to respond to the new emphasis on past-connectivity, and not all orators seem to have been as dextrous (or as consistently dextrous) as one another in how they let that emphasis inform what they composed. Equally, not all orators may have been as 'performatively-minded' – i.e. alert to creative possibilities, or keen to experiment – as one another. Some orators may have used *eidōlopoeia* passages but performed them in a neutral way, as a medium for the expression of values without explicit relation at the same time to a speech section's emotional texture. To what extent the past was actively brought on stage in public oratory depended above all on the immediate trial or Assembly context, the imaginations of individual orators, and their estimation of what they felt they could perform effectively in context. The way that Lycurgus handles his copious historical and mythical material in *Against Leocrates* is instructive here: the two instances mentioned above are (at least judging from the text) the only moments where any compelling, synaesthetic performative manoeuvres are attempted. This seems surprising, given that Lycurgus was clearly a confident performer, who we find, for example, leaving none of his poetic quotations in this speech to the clerk.[52] But the high-stakes competitive needs governing Aeschines' decisions for the peroration in *Against Ctesiphon*, for example, were simply not present in this case; Lycurgus did not have to take risks. So individual calculations based on personal expertise (and tied to fulfilling or creatively frustrating audience expectations), and on personal need in a specific trial context, must be paramount; broader contextual factors cannot explain everything.

It is in fact fairly clear that (as far as Aeschines and Demosthenes go) the increased past-connectivity of the Lycurgan era simply moved seasoned practitioners to more advanced versions of what they were doing already. Aeschines can illustrate this too. The vivid language of 'imagining' on which he relies in the *epilogos* of *Against Ctesiphon* exemplifies what is actually a distinctive tendency in his oratory already: in *On the Embassy*, for example, he seeks to generate sympathy in his audience by visualizing his mother worrying about him as he stands defending himself (148). Even more important here is my second sample passage, from Aeschines' *Against Timarchus* of 346/5 B.C., which shows that it does not take a trial where there is a contextual need to discuss the Athenian past for orators to bring figures from that past onto the stage in imaginative ways. Nor is this instance from a peroration. It is the evocation

[52] Azoulay (2009) 166-70; Hall (2006) 367; Hanink (2014) 36. Reciting in person allowed Lycurgus to associate himself more clearly with the moral teaching he is offering via these passages (cf. Lycurg. 1.102) than recitation by the clerk (with its effect of assimilating poetic quotations to other types of depersonalized deposited evidence: Wilson (1996) 312; Olding (2007) 162-7) would normally allow. It is impossible to know how far he impersonated his speakers. He may not have wanted anything to distract listeners from the moral lessons, and, unlike Aeschines, he had no acting background.

of Solon standing as orator at *Against Timarchus* 25, designed to demonstrate the modest oratorical *habitus* of politicians of earlier times (Pericles, Themistocles, and Aristides are also mentioned) to contrast with the shameful behaviour allegedly displayed by Timarchus. The motivations present and the emotional response sought match Cicero's when introducing Appius in *pro Caelio*. All that is lacking is speech. What actually happens is that Aeschines stakes everything on a physical representation of Solon's oratorical posture, based on the posture of the statue of Solon in the agora at Salamis:

> εὖ γὰρ οἶδ' ὅτι πάντες ἐκπεπλεύκατε εἰς Σαλαμῖνα καὶ τεθεωρήκατε τὴν Σόλωνος εἰκόνα, καὶ αὐτοὶ μαρτυρήσαιτ' ἂν ὅτι ἐν τῇ ἀγορᾷ τῇ Σαλαμινίων ἀνάκειται ὁ Σόλων ἐντὸς τὴν χεῖρα ἔχων. τοῦτ' ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, ὑπόμνημα καὶ μίμημα τοῦ Σόλωνος σχήματος, ὃν τρόπον ἔχων αὐτὸς διελέγετο τῷ δήμῳ τῶν Ἀθηναίων.
>
> I am certain that you have all sailed to Salamis and have viewed the statue of Solon, and you yourselves could bear witness that Solon stands in the Agora on Salamis with his hand inside his robe. This, men of Athens, is a representation and a reminder of the posture that Solon in person used to adopt when he spoke to the Athenian people. (tr. Carey)

The moment is well-known from Demosthenes' demolition of it in 343, in *On the False Embassy* (251-7): he even calculates the time period (with notable exactness) to show how unlikely the statue was to represent the postures Solon actually adopted (251). Crucially, Demosthenes tells us that Aeschines imitated the posture during his speech (τοῦτο μὲν τοίνυν εἶπεν τοῖς δικασταῖς καὶ ἐμιμήσατο, 252), and this may well be the moment indicated.[53] If it is, Aeschines' ambiguous τοῦτ' ἔστιν neatly collapses the difference between his own posture and that of the statue of Solon. Again, it looks probable that 'casting oneself' in a visible way as a famous historical figure – a very overtly direct/sensory technique – was more likely to attract criticism and retaliation than integrating that figure into one's argumentation less vividly.

Demosthenes also introduces his quotation of the Solonian elegiac verses by commenting that Aeschines "has put a cap on his head and is going around abusing" him (255: ἂν πιλίδιον λαβὼν ἐπὶ τὴν κεφαλὴν περινοστῇς καὶ ἐμοὶ λοιδορῇ). Solon had supposedly worn a felt cap, a *pilidion* – traditionally associated with invalids or lunatics – while delivering his famous

[53] It is possible that Demosthenes distorts what Aeschines did two years earlier. But Aeschines' use of Solon here must have been distinctive and memorable – otherwise there would be no need to target it.

Salamis elegy,[54] and it is a Salaminian statue of Solon that is in point. As in *Against Ctesiphon*, the figure of Solon as a touchstone of civic morality is important to Aeschines as an example throughout *Against Timarchus*, not just at the moment of active imitation (25),[55] so Demosthenes may therefore be taking the opportunity to destabilize that now by suggesting (correctly or not) that Aeschines has been using the *pilidion* as a way of identifying himself with Solon: λαβὼν suggests that Aeschines has just been 'dressing up' for the role, and did not actually need the *pilidion*. Aeschines had been ill in mid-346 – Demosthenes denounces that illness as a sham elsewhere in *On the False Embassy*[56] – and may have been again; he may have worn a *pilidion* at some point while convalescing. This is made especially likely if Aeschines' complaint was in fact a head ulcer.[57] This may, then, be a callous but shrewd move by Demosthenes, alert to how Aeschines could be represented as attempting to fashion himself through performative manoeuvres involving great Athenians. All he needed for his barb to stick was for the audience to remember Aeschines wearing a *pilidion* like Solon's traditional *pilidion* at some point in the not-too-distant past. He did not even need them to remember Aeschines' emphasis on Solon in the Timarchus trial – but he reminds them, to be on the safe side. They may not in fact have needed reminding, though: it is clear from *On the Embassy* that Aeschines expects them to remember the moral basis of his prosecution of Timarchus (180). This nexus from *Against Timarchus* – invocation of Solon as an exemplar, plus personal evocation of him in posture and possibly costume too – put a historical figure on stage with a kind of compelling theatricality that Demosthenes, when responding to the speech two years later in *On the False Embassy*, was strategically obliged to challenge.

Two suggestions follow, then. First, it must be possible that the orators had no particular need of the voice effects that all-out *pro Caelio*-style *eidōlopoeia* would bring: costume and gesture were among the things already available to do the work of impersonation for them if they chose. Second, the advanced character of the imaginative choices Aeschines makes in *Against Timarchus* and *Against Ctesiphon* is fundamentally a function of his personal strategy – the natural response of a skilled actor to an environment where many were trying to fashion

[54] Plut. *Sol*. 8.2; see MacDowell (2000) 311 for interpretations.
[55] See e.g. Bouchet (2008) 282-7.
[56] Demosthenes on Aeschines' 'illness': 19.124-6. Aeschines on his own illness: 2.94-5. Rationalization: Harris (1995) 167-8.
[57] A fragmentary inscription (*IG* IV^2.1 255) from Epidaurus, relocated by Peek in 1961 (Peek (1962) 1003), seems to have borne what we know as 6.330 in the *Palatine Anthology*, an epigram purporting to be by Aeschines (who does tell us he wrote poetry: 1.135-6) thanking Asclepius for curing a head ulcer. There is no very strong reason to doubt the identification or the authenticity, supported by the first editor, Herzog (1931) 39-40, by Forbes (1967), and by the most recent editor, Girone (1998) 42-5; also by Wickkiser (2008) 59. Irigoin (1976) 121-3 expressed clear reservations but was disinclined to call it a forgery.

themselves as authoritative exponents of the Athenian past in front of popular audiences. Trying to prove anything from the results of trials is a dangerous game, but the result of the Timarchus trial, and Aeschines' readiness to remind the audience of his success in *On the Embassy*, suggest his overall self-characterization worked.

No extant Athenian orator, ultimately, makes use of *eidōlopoeia* as the theoretical tradition later understood it in an Assembly or court speech, but comparable creative manoeuvres reliant on cognitive techniques – prompting audience members to identify emotively with the figures being presented – were nonetheless possible within the following boundaries. Essential was the need to sustain self-presentational transparency as an honest Athenian citizen; casting oneself via direct/sensory techniques as someone else, especially a canonical figure identifiable with the democracy at large, was fraught with risk and encouraged contestation, and was to be approached only by those who could handle the consequences or those engaged in contests which demanded virtuoso creativity (as with Aeschines and Demosthenes). Key also was confidence and training. Quintilian's remark about the physical demands of a good *prosōpopoeia* is worth taking seriously. The technique might easily backfire, leaving the speaker looking ridiculous. We get a flavour of this in the way Demosthenes jumps at the chance to criticize the steps in this direction that Aeschines takes. It meant also that even among the most practised speakers, it was rare. Working in their favour, though, was a particular historical context. The low ebb of national pride after Chaeronea and the background of past-connective Lycurgan reform meant the political stakes for successful deployment of one's vision of the Athenian past – the better days – were even higher than before, hence Aeschines' readiness in 330 to continue his feud with Demosthenes on lines which valorized the persuasive use of the past. It is in the Crown trial, therefore (and not the earlier Embassy trial), in a context where interpreting the recent historical journey not only of one statesman but an entire *polis* was at issue, that Aeschines' and Demosthenes' great men of the past come closest to breaking into speech.