

HISTORY AND THE MAKING OF THE ORATOR IN DEMOSTHENES AND AESCHINES

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ABSTRACT

This thesis aims to contribute to the study of the role of the civic past in the public discourse of fourth-century Athens. It does so by close examination of the surviving public speeches of Demosthenes and Aeschines, arguing that presentation of the city's history in front of mass audiences held singular persuasive potential for public speakers, allowing them to furnish with a more meaningful ethical context both the discussion of issues addressed in the Assembly and the arguments advanced in public trials. Deploying the past convincingly in such settings redounded to speakers' personal credibility and authority, and Demosthenes and Aeschines – who offer rare examples of paired opposing speeches from the same trials – are selected as 'case-study' orators in order to illustrate: i) the importance of the invoking of Athenian historical models, both distant and recent, to Demosthenes' self-fashioning as a politician; and ii) the extent to which orators made the very question of how to cite the past in public a stake in their wider struggle for political pre-eminence, seeking to be recognized as the 'true' and authoritative mediator of this material. These interests are reflected in the organization of the thesis. After an Introduction which discusses key preliminaries, Chapter One argues for Demosthenes' early recognition of the potential of historical illustration for wider self-presentation, honed over the course of his Assembly career (Chapter Two) to become essential to his self-casting as Athens's leading statesman. Chapter Three compares Demosthenic and Aeschinean approaches to citing the past in court, in two prosecutions from the mid-340s, and Chapters Four and Five – focusing on the high-profile Embassy and Crown trials – move to argue the importance of each politician's contestation of the other's versions of history to their battle over the reputations arising from their careers to date. The Conclusion summarizes, and reflects on some methodological aspects with a view to further work.

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HISTORY AND THE MAKING OF THE ORATOR

IN DEMOSTHENES AND AESCHINES

0. INTRODUCTION

0.0. Two Opening Considerations

0.0.1. Audience Then, Audience Now

As part of his defence speech *On the Mysteries*, delivered in 400 or 399, Andocides includes a version of an eyewitness account given by a certain Diocleides of a large nocturnal gathering of men in the Theatre of Dionysus – men who, Diocleides claimed, must have been implicated in the mutilation of the Herms, which happened the same night (in 415) and whose full extent became clear the following day, occasioning widespread alarm.¹ The version Andocides gives is a version that he hopes the jurors will corroborate, as it was before them that Diocleides originally gave the account (ἐν ὑμῶν γὰρ ἦσαν οἱ λόγοι, καὶ μοι ὑμεῖς τούτων μάρτυρές ἐστε: 37). Quite apart from the fact that Diocleides had actually given his account before the Boule, the composition of the audience could not literally be the same – probably far from it, as Andocides himself presently admits (46).² But what Andocides says in 1.37 is ‘true’ in the sense that audiences at trials (and indeed the Assembly) could be, and in oratory often are, thought of as mapping seamlessly onto

¹ Thuc. 6.27-8. Importance of the Herms to the democracy: recently Quinn (2007), 84-95.

² MacDowell (1962), 88. Pelling ([2000], 30), making a similar point, doubts a more than single-figure overlap (as does Todd [2004], 94).

one another across time (and sometimes across venues) according to a speaker's needs.³ The audience to Diocleides' account in 415 was in a sense just as much 'you' as Andocides' live listening audience of jury and bystanders now, fifteen years on.⁴

In the same way Demosthenes felt able to 'remind' the audience of *On the Crown* in 330 of how 'they' had marched out (ἐξήλθετε: 96) to Haliartus sixty-five years earlier in 395 (just as surely as they had come into court a matter of hours earlier).⁵ Clearly this would have been literally true only of a tiny minority of those now present,⁶ as indeed Demosthenes acknowledges immediately when he refers to the Haliartus expedition as the initiative 'of the Athenians of that time' (τῶν τότε Ἀθηναίων) – so his default expectation is that *no* Haliartus veterans will be present. Consequently anyone in his audience who *was* of military age in 395 – or who could remember the expedition – must, by assimilation, be a venerable part of the national legacy.⁷ Demosthenes goes so far as to merge Haliartus veterans with the huge and distant category of Athenian ancestors, the πρόγονοι. His realistic expectation, by contrast, is that most of the older members of his audience are in fact of the generation that assisted Sparta against Thebes around 369, forty years earlier (98: ταῦτα [i.e. Haliartus] ἐποίουν οἱ ὑμέτεροι πρόγονοι, ταῦθ' [i.e. the expedition to block the Theban return] ὑμεῖς οἱ πρεσβύτεροι...).⁸ That forty-year period is important. Jan Assmann's estimation that around this very point ancient societies' recollection of events tends to pass from the realm of 'communicative' memory, where things are relatively fixed

³ Pelling (2000), 31 (and cf. 67 on 'history'); Hesk (2012), 215-16 on Ober (2008), 188-9; Wolpert (2002), 91 (on the post-404/3 fiction that the whole audience – being the *demos* – had been in exile). On the related issue of defining the *demos*: Hansen e.g. (1978); (2010); Ober (1996), esp. 118-19 (the 'synecdochic' model, well refined by Wohl [2010], 184 n.46); Blanshard (2004), esp. 36-42.

⁴ For the management of time in Andoc. 1 in general: Wohl (2010), 206-17, esp. 209-10.

⁵ cf. Lys. 16.13 on the danger involved.

⁶ Crichton ([1991-3], 62-70, 75-9), looking at comic and earlier oratorical evidence, makes this clear. Demosthenes had been more circumspect in 351 (4.17: use of πρότερόν ποτέ φασιν before Haliartus).

⁷ Something similar happens when Aeschines mentions Pyrrhander 'who is still alive even now' alongside famous pro-Theban Athenians of the past (3.139: ὃς ἔτι καὶ νῦν ζῆ; cf. Din. 1.38).

⁸ X. *Hell.* 6.5.33-52; D.S. 15.63.2; Buckler (1980), 88-9. Callistratus' role in persuading the Athenians to undertake the Corinthian expedition ([D.] 59.27) may have appealed to Demosthenes (cf. Plut. *Dem.* 5.1-3).

by direct personal transference, to ‘cultural’ or ‘collective’ memory,⁹ more often characterized by ‘official’ versions, can be borne out quite well from a survey of what Demosthenes and Aeschines ask their audiences to recall, and how.¹⁰ In many cases, of course, it is an older subset of the audience that is appealed to. But the *topos* of the identical audience, on the other hand, by definition tends to involve rhetorical stretching even if quite recent events are being referred to,¹¹ and it is interesting to see these two types of harnessing of audience memory occurring side by side, as in the Haliartus example above.¹²

These suspensions of literal truth tend to be accepted by both orator and audience (whether that be a jury, spectators at a trial, an Assembly audience, or those watching Assembly transactions but unable to participate¹³). So does, for example, the serial attribution to Solon both of laws for which we now know he could not have been responsible and (more importantly) of laws which even the presented document itself may reveal he could not have been.¹⁴ Both phenomena are part of the ideological and cultural furniture of mass communication contexts in fourth-century Athens. They are ‘fictions’ (in the sense pursued in the still-fundamental work of Josiah Ober¹⁵) or ‘metonymies’ (in Victoria

⁹ Assmann (2011), 36-7, 195; cf. Thomas (1989), esp. 221-6 on ‘telescoping’.

¹⁰ Within forty years (*some* audience members’ memory solicited): e.g. D.8.74; 18.99, 168; 20.77 (oddly using *πρεσβύτατοι*); 21.64; 24.138; A.2.64, 150. Mixed: D.4.3. Recollection by hearsay beyond forty years: e.g. D.19.65 (on which see Steinbock [2012], 331-6), 273; 20.47; 22.13, 52; 24.154. Blur round and just beyond the forty-year mark (when ‘knowledge’ rather than direct memory is sometimes solicited): D.19.264 (36-39 years); 22.15 (c.50 years); and cf. 15.22 (c.50 years); 19.276 (50 years; ‘in your lifetime’). Centred on the speaker: D.4.17, 24. See Milns (1995), 4.

¹¹ Various types of stretching: D.5.10; 21.2; 24.7 cf. 159; many in A.1 (e.g. 52, 93, 116); 2.12, 84; 3.166.

¹² At D.20.52-3 the expedition to Corinth involved both ‘you’ and ‘the older ones among you’, Demosthenes’ sources; cf. 68-70.

¹³ For this audience: A.3.224.

¹⁴ Certainly D.20.93-4 (Aristophon at least would remember that *nomothetai* were a creation of the post-403/2 era, not of Solon); possibly Andoc. 1.95 (if Canevaro and Harris’ second possibility about the identity of the document that follows is correct: [2012], 124-5). More on ‘laws of Solon’: Pearson (1941), 221-4; Mossé (1979/2004); Hansen (1989); Rhodes (1993), 60-4; (2006); Thomas (1994); Witte (1995), 44-9 (Demosthenes’ attitude); Wolpert (2002), 37-9; Bouchet (2008), 282-8.

¹⁵ Ober (1989), esp. 147, 152-5, 174-7, 181, 190-1, 306-9; also Pelling (2000), 28-9.

Wohl's terms¹⁶), and are sustained in public discourse not only because they are individual deformations expressive of social remembering in democratic Athens¹⁷ but also because people found them actively convenient – because they could bind together audiences divided by age, status, and a host of other variables in ways mutually satisfactory to speaker and listeners. 'You' (a jury in 400 or 399) could be thought to represent a cross-section of the democratic community just as credibly or validly – for the purposes of the communicative context with which all present would have been at some level familiar – as the 415 Boule, *none* of whom may have been on Andocides' jury in 400 or 399. These jurors are being encouraged to refocus their general memories of the Herms affair in 415 creatively as recollections of a much more specific and privileged kind: of personal contact with Diocleides' original account as presented to the Boule. This engages the jurors in a compelling, direct, and positive manner. Nobody is left out; each juror gains the satisfaction of being thought to possess knowledge which in this case he would be very unlikely to.¹⁸ Goodwill therefore accrues to the orator and, as long as the argument is not obviously execrable, so does a level of trust to which he may well not be entitled.¹⁹ From there it is a short step indeed to increased credibility and authority. Greatly enhanced possibilities for audience endorsement open up. And beyond the strictly competitive realm, Nicole Loraux showed that this idea of the interchangeability of the audience was also central to the *epitaphios logos*, where the creation of a sense of communal belonging was essential to the chosen orator's successful fulfilment of his task.²⁰

¹⁶ Wohl (2010), 181-97.

¹⁷ See for Solon esp. Rhodes (1993), 63; (2011), 26.

¹⁸ Pelling (2000), 29.

¹⁹ From a psychologist's point of view: e.g. Kahneman (2011), esp. 138-40.

²⁰ Loraux (1986), e.g. 118-30, 270-84, 328-35.

0.0.2. ‘Where the bronze general stands...’

The passage of *On the Mysteries* is worth lingering over to illustrate a second preliminary point too. Andocides has Diocleides explain what he did when he saw the large, as yet unknown, group of men approaching – he crouched and hid in the nearby corner of the Theatre, ‘between the column and the pedestal with the bronze statue of the general upon it’ (μεταξὺ τοῦ κίονος καὶ τῆς στήλης ἐφ’ ἧ ὁ στρατηγός ἐστιν ὁ χαλκοῦς: 38). We know that the Theatre eventually had two bronze statues of generals – Miltiades and Themistocles²¹ – but our source, the scholiast to Aelius Aristides, is late, and so the grounds on which Margarete Bieber was able to suggest that the statue in question was Themistocles have since been made to look significantly less firm.²² But Andocides’ very failure to name the general makes the identification unlikely too. In this study orators’ enthusiasm for citing and contesting Themistocles will emerge prominently; he and the evacuation of Athens, and the prelude to and engagement at Salamis, were basic indices of civic pride with which orators constantly expected their audiences to identify and which seem to have been regarded as essential resorts for historical illustration.²³ The same goes for Miltiades (though both commanders could be spun negatively as people²⁴) and

²¹ Miltiades and Themistocles theatre statues: A.A. 3 (*On the Four*) 154, with Σ (pp. 535-6); Krumeich (1997), 86-7. Further representations of Themistocles: Krumeich (1997), 71-89; of Miltiades: Gauer (1968), 128-32, 139-40; Krumeich (1997), 85-6, 93-109.

²² Krumeich (1997), 86-7, 148-50, vs. Bieber (1954), 282-4, followed by MacDowell (1962), 89.

²³ cf., partly, Theopompus F 153. Victories and/or commanders treated together: Isoc. 4.85-98 (victories); 5.147 (victories); 8.75 (commanders); 15.306-7 (all, but only Marathon named); Lys. 2.20-44 (victories plus Themistocles); [D.] 59.94-5 (victories); D.14.29-30 (victories); 19.303 (commanders), 312-13 (victories); 23.196-8 (all), 207 (commanders); 13.21-2 (all); 18.203-8 (victories plus Themistocles); 60.10-11 (victories); A.2.74-5 (victories); 3.181 (all), 259 (Themistocles and Marathon); Hyp. *Di.* 4.12-19 (victories); *Epit.* 37 (commanders). Themistocles’ other appearances: Andoc. F II; Lys. 12.63; 30.28; D.13.29; 20.73-4; 23.205; A.1.25; 2.9; Din. 1.37. Salamis sequence: Isoc. 6.83; 8.43; D.(19.16); 22.13; 18.238; 6.11; A.2.172; Lyc. 1.68-74, 122-3. Together: Isoc. 4.154; 12.51; 15.233. In this note and relevant ones further down, I aim at comprehensive lists of oratorical citations (i.e. not purely moments where the subject is being cited as historical).

²⁴ Negative Miltiades and/or Themistocles: D.23.205 (possibly both: Witte [1995], 39-40); A.3.186; [D.] 26.6.

Marathon.²⁵ And, as we shall see in subsequent chapters, the question of how these fifth-century commanders were honoured by the *demos* for these victories comes up quite often in oratorical argument and is subject to rhetorical spin.²⁶ It could matter that a state-commissioned sculpture of Miltiades was erected in Delphi but not in Athens,²⁷ and that Cimon's victory at Eion was commemorated by Herms that did not feature the name of any general but the hero Menestheus:²⁸ the issue was whether communal responsibility for communal successes was being recognized appropriately.²⁹ An orator's depiction of Miltiades *asking* for individual honours could toxify the latter as a usable positive example in a particular dispute context.³⁰ All this seems to make it unlikely that a statue of either general could fail to be identified, not least in a prominent place like the Theatre.³¹

This means, then, that if the general in question *were* one of the two greats we would have to assume either that Andocides is trying to stress Diocleides' ignorance (whether or not Diocleides originally offered the name) so as – subtly – to show up his account as a lie now, as he will do explicitly later, or to suggest that Diocleides' terror was such that he had momentarily forgotten who the general was. But it is much more economical to assume, with Ralf Krumeich, that this was neither Miltiades nor Themistocles,³² and that neither Andocides nor Diocleides – nor, perhaps, most of the present audience – may have

²⁵ Miltiades' other appearances: (Andoc. 3.3); [Andoc.] 4.33; D.3.26; (A.2.172); Ar. *Rhet.* 1411a9-11 (Cephalotes); [D.] 26.6. Marathon: Andoc. 1.107; Isoc. 8.38; 12.195; (D.4.34); (*Pro.*20/[21].2); Lyc. 1.104, 108-9. Together: A.3.186.

²⁶ The key moments are D.23.196-201; D.13.21-5; cf. A.3.181-90, 243.

²⁷ Paus. 10.10.1.

²⁸ Jacoby (1945), 185-211 for the epigrams; A.3.183-5 for quotation; cf. D.20.112. See Shapiro (2012), 168-9 for the possibility that Cimon might wish to be seen as a 'new Menestheus'.

²⁹ On the sequence in the honours context: Gauthier (1985), 120-8.

³⁰ As we will see with A.3.186 in Ch. 5; and cf. Plut. *Cim.* 8.1.

³¹ D.13.21, 20.70, and 23.196 are not evidence that statues to Themistocles and Miltiades were not erected at all, only that they were not state-commissioned; cf. MacDowell (1962), 89; Oliver (2007), 190; and Lyc. 1.117 (with Krumeich [1997], 63-4).

³² Krumeich (1997), 149.

been absolutely sure *who* the statue represented.³³ It must have been a private votive, in any case; there were no bronze statues of generals voted by the *demos* until 394/3 (Conon), and even private ones may well have been few.³⁴ Krumeich raises the possibility of a mythical general (hence placement in the Theatre), and that is attractive.³⁵ We could compare the ‘place of the Horse and the Girl’, mentioned by Aeschines in *Against Timarchus* (1.182), a reminder of a quasi-mythical event and commemorated by an *abaton* somewhere in the city, but apparently susceptible to differing accounts when it came to who the girl and her father actually were.³⁶ The trouble with this parallel, though, is that in Andocides we are talking about the environs³⁷ of one of the best-known locations in Athens.

That is what makes the conundrum here – which we cannot solve – particularly intriguing. Statues were, as we are coming to realize more and more,³⁸ essential carriers of civic memory, along with other public buildings, inscriptions, art, trophies, burial sites, the specifics of cult and so on.³⁹ It will become clear in this study that the Athenian individuals chosen by Demosthenes and Aeschines (and other orators) for repeated citation are virtually all notable figures whom audience members would be able to link to a particular statue (whether state-commissioned or not⁴⁰) in a prominent urban location, or at least to a

³³ No labels until the fourth century: Keesling (2003), 192.

³⁴ Keesling (2003), 195.

³⁵ Krumeich (1997), 149-50.

³⁶ Fisher (2001), 331-4 with references, to which add Edmunds (1999).

³⁷ Rather than anywhere more prominent in it: Krumeich (1997), 148-9 and Keesling (2003), 196.

³⁸ Shear (2011), 274-85 (and [2007a], 107-13); Ma (2013), 10. Orientation on artistic aspects: Dillon (2006), 99-113; Keesling (2003), 165-98; Krumeich (1997), 51-150, 207-12. Importance of placement of statues and honorific aspects: Oliver (2007); Ma (2013), 103-7, 123-4.

³⁹ See e.g. Hölscher (1998); Shear (2007a); (2011); Ma (2009); Lambert (2010) (epigraphy); Osborne (2011), esp. 36-8; Shapiro (2012); Steinbock (2012), 48-99. Survey of the climate in which these scholars are working: Alcock (2002), 15-32; Osborne (2011), 25-8.

⁴⁰ Presumably the two categories might fuse for the viewer in practice, however: Lyc. 1.51.

famous building (indeed, references will sometimes include a mention of the statue).⁴¹ This explains, for example, the frequent citation of Harmodius and Aristogeiton (and via them the more occasional citation of the Peisistratids),⁴² the frequent grouping of Chabrias, Timotheus, and Iphicrates, and the occasional addition to their number (or separate citation) of Conon.⁴³ It also tallies with orators' appeals to the Athenian built environment:⁴⁴ to the Propylaea and Parthenon⁴⁵ (which audiences at the Pnyx and presumably some courts could see⁴⁶), the Stoa Poikile,⁴⁷ and other structures,⁴⁸ and inscribed *stelai*, such as those recording the honours voted to the democrats who returned from Phyle,⁴⁹ and the decree of Demophantus.⁵⁰ Other less prominent individuals seem to

⁴¹ The exceptions seem to be Alcibiades and Aristides, who are frequently cited (and clearly well-remembered) but, as far as we know, linked neither to contemporary statues nor to prominent buildings. In Aristides' case, it may be due to the ongoing honours to his descendants (cf. *D.Ep.* 3.19-20). Further, our main source for statues, Pausanias, lauds Themistocles at the expense of Aristides, and so may be selective: e.g. 8.52.2). The painting of Alcibiades' Nemea victory (by Aglaophon) near the Propylaea will have been known (Paus. 1.22.6-7; Plut. *Alc.* 16.5); cf. Krumeich (1997), 131-4.

⁴² Statues: Paus. 1.8.5 (Antenor's erected probably shortly after 508/7; Critius and Nesiotes' erected c.477; agora). Appearances: Lys. F 44-7; Is. 5.46-7; D.19.280; 20 *passim*; 21.170; A.1.132, 140; Lyc. 1.51; Hyp. *Phil.* 2-3; *Epit.* 39; Din. 1.63, 101; Peisistratids: Andoc. 1.106; 2.26, cf. Isoc. 12.148; 16.25-6; D.21.144; [D.] 17.3; Lyc. 1.61; F X-XI.6.

⁴³ Statues: Ar. *Rhet.* 1411b7; Nep. *Cha.* 1.3 Marshall; D.S. 15.33.4 (Chabrias: voted 376; in the agora); Paus. 1.3.2, 24.3; Nepos, *Tim.* 2.3; cf. also Isoc. 9.56-7 (Conon: voted c.393, with Euagoras; Timotheus: voted 375: both had two, in the agora and Acropolis); Paus. 1.24.7; Σ *ad* D.21.62 (200 Di) (Iphicrates: voted 389 or 371; agora, though Pausanias' report is of one on the Acropolis. Gauthier [1985], 177-80 argues convincingly for the 389 date). Appearances (including more evidence for the statues): Chabrias: [D.] 59.33-4; D.19.287; 20.1, 75-87, 133, 146-7; 21.64-5; 23.171-2; [D.] 40.24; (A.3.222); Ar. *Rhet.* 1411b6-10 (Lycoleon). Iphicrates: Isoc. 15.129; Lys. F 44-8, 180-5; Is. 2.6; D.21.62-3; 23.129-37, 149, 151, 156; [D.] 49.9, 66; D.*Pro.* 49/[50].2-3; A.1.157; 2.27-9, 149. Timotheus: Isoc. 15.101-39; Is. 6.27; D.2.14; 8.74-5; 15.9-10; 22.72; 23.149-54, 202; 27.7; 29.59; 36.53; [D.] 49 *passim*; [D.] 61.46. Conon: Andoc. 3.22; Isoc. 4.142, 154; 5.61-4, 67; 7.65; 9.52-7; 12.105; (Lys. 2.59!); D.19.191; 20.67-74; (Hyp. *Phil.* F 6?). Chabrias and Iphicrates: D.4.24. Conon and Timotheus: Isoc. 7.12; *Ep.* 8.8; Lys. 19 *passim*; D.22.72; A.2.70; Din. 1.14-17; 3.17 (in Asia: Ma [2013], 5 n.18). Chabrias, Timotheus, Conon: D.24.180. The main three together: D.13.22; 20.84-5; 23.198; A.3.243. All four: Din. 1.75; also Theopompus F 105.

⁴⁴ Hobden (2007a), esp. 497-8, 500-1; Steinbock (2012), 84-94; also Fredal (2006). For Ciceronian Rome: Vasaly (1993).

⁴⁵ Propylaea and Parthenon appearances: D.13.28; 22.13, 76; 24.184; A.2.74, 105; Lyc. (F I.3); F IX.2; D.Ph. F 110.

⁴⁶ Steinbock (2013), 80 and n.64; Fredal (2006), 121-4; cf. Lambert (2010), 232, 235.

⁴⁷ Stoa Poikile appearances: [D.] 59.94; D.13.28; 22.76, 24.184 (*stoai*); (45.17); A.3.186.

⁴⁸ e.g. the ship-sheds (e.g. Andoc. 3.7; D.13.28; 22.76; 24.184; Lyc. 1.150; F I.4; Din. 3.13), and walls (e.g. Andoc. 3.5; D.20.68, 73-4; Lyc. 1.150; Din. 1.37), including the Long Walls, as well as tombs etc. Solon and Dracon would be well represented by the display of their laws, though an agora statue of Solon is mentioned in [D.] 26.23, and Pausanias certainly saw one there (1.16.1).

⁴⁹ Appearances of the men of Phyle alone: Isoc. 8.108; Lys. 13.63, 77-82; 14.33; 16.4; 26.17; 28.12; 31.8-9; A.3.181, 208. Thrasybulus alone: Isoc. 18.23; Lys. 16.15; 28.4-8; 29.7; D.20.59-60. Archinus alone: Isoc. 18.2; Din. 1.76. Together: *D.Ep.* 3.19. Thrasybulus and Phyle: Lys. 12.52; D.19.280; Din. 1.25. Archinus and Phyle: D.24.135; A.3.187-90. Phyle, Thrasybulus, and Archinus together: Lys. F 52a-c; A.2.176; 3.195.

be remembered partly or precisely because they have a statue or a famous *stèle* associated with them, and that may include some of the more apparently shadowy of the Eponymous Heroes⁵¹ (and explain Aeschines' one-off use of Tolmides).⁵² Importantly, it also includes the frequently-used but historically obscure Persian agent Arthmius of Zelea.⁵³ Equally, figures we might expect to be mentioned more often are those for whom statues or famous *stelai* are not recorded, and this is unlikely to be wholly a matter of our evidence, and therefore coincidental: Cimon, better known for building work which may have subsumed his personal identity, belongs in this category.⁵⁴ Pericles is a borderline case: Pausanias reports a statue (probably the one by Cresilas) on the Acropolis, but this was a private votive, and perhaps less familiar than the agora statues of Conon and the others.⁵⁵ This explanation may work for Cleisthenes too by the mid-fourth century, although Greg Anderson's argument that Cleisthenes deliberately wrote himself out of Athenian memory is attractive. At all events, we hear of no Cleisthenes statue.⁵⁶

One outstanding persuasive deployment of a statue in our sources is Lycoleon's impassioned gesture to Chabrias' statue, nearby in the agora, when defending him in the Oropus trials of 366.⁵⁷ Lycoleon appears in our evidence here and nowhere else;⁵⁸ the

⁵⁰ Demophantus: Andoc. 1.95-102; D.20.159; Lyc. 1.124-7; Shear (2007a), 98-101; (2007b); (2011), esp. 72-111 *passim*; (2012), 286-90; Canevaro and Harris (2012), 119-25; McGlew (2012).

⁵¹ Heroes: see esp. D.60.27-31. Note Demosthenes' shortage of things to say about Antiochus (31) (and Kron [1976], 190-3; Kearns [1989], 149). On remembering one's tribal (and age-class) heroes: Steinbock (2011). Others: e.g. Anthemocritus (Is. F 21; [D.] 12.4; Paus. 1.36.3), though see Ma (2013), 4 n.14; Lysimachus (D. 20.115-17 – Demosthenes interestingly does *not* link him with his father Aristides).

⁵² Statue: Paus. 1.27.5 (and Krumeich [1997], 109-11); appearance: A.2.75; Nouhaud (1986); Steinbock (2013), 84-7.

⁵³ Arthmius: D.9.41-6; 19.271-2; A.3.258; Din. 2.22-6.

⁵⁴ Cimon: [Andoc.] 4.33; D.13.29; 23.205. At least twice he seems to be confused with Miltiades: Andoc. 3.3 and A.2.172 (unless the issue there is scribal). On forgetting Cimon: Pearson (1941), 226-7; Perlman (1961), 157 n.32; Nouhaud (1982), 219-21; Thomas (1989), 203-5.

⁵⁵ Pericles: Isoc. 8.126-7; 15.111, 234-5, 307; 16.28; [Lys.] 6.10; Lys. 12.4; 30.28; D.3.21; A.1.25; [D.] 26.6; 61.45; Lyc. F IX.2 (listing Pericles' buildings); D.Ph. F 110; statue: Paus. 1.25.1, 28.2; *IG I³* 884 and Plin. *Nat.* 34.74 Rackham; further, Keesling (2003), 193-5; Krumeich (1997), 114-25; Gauer (1968), 141-3.

⁵⁶ Anderson (2007), esp. 119-24; and on the forgetting of 508/7, Flaig (2011). Cleisthenes is only cited in oratory by Isocrates (7.16; 15.232, 306; 16.26). *Mnema*: Paus. 1.29.6.

⁵⁷ Ar. *Rhet.* 1411b6-10; Anderson (1963); Buckler (1972). The honours: Gauthier (1985), 99-102.

demonstrative use of statues in persuasive contexts could have been more widespread. In 330 Lycurgus sought to mobilize hostility against Leocrates by casting him as a traitor to his own father's statue in the temple of Zeus Soter in the Piraeus (1.136-7).⁵⁹ Given, then, that statues acted as vivid visual cues for recalling notable individuals and details about them, Andocides' mention of the bronze general testifies to the statue's notability, even without a named identity. The very language he deploys in 1.38 is suggestive: the 'pedestal which the general is on, the bronze one'. The implication is almost that the general could, like the famous statues of Daedalus, get down off it at some point and go somewhere else. Aeschines apparently imitated a statue of Solon when delivering *Against Timarchus* (1.25) – and this proved too dynamic for Demosthenes to resist contesting, even as late as the pair's next major court battle two years later (see Chapters Three and Four). Aeschines' manoeuvre must have been calculated to appeal precisely to the suppressed animation that public statuary of great men of the past would have presented to a citizen (or any) viewer (admittedly more by the end of the fourth century), especially given that such statues could be thought to evoke their subject's ethical stances,⁶⁰ and this must put them in a category of their own as compelling carriers of memory.⁶¹ Lycurgus plays with the idea that Leocrates' dead father might judge him sternly from beyond the grave, and the physical conductor for this is the statue, talked about by a hypothetical onlooker as though it could be outraged by Leocrates' shameful behaviour.⁶² In his development of the Solon illustration, we find Aeschines encouraging his audience to enjoy the same fantasy of reversion that he was to conjure later in his career in the peroration of *Against Ctesiphon*

⁵⁸ Lycoleon: *PA* 9226; *PAA* 610895; perhaps a relative of Chabrias (cf. Rubinstein [2000], 156 n.93).

⁵⁹ Thus assaulting Leocrates' respectability (rightly noted by Blass [1898], 111; more recent scholarship has often characterized him as a blacksmith; this is based on misreadings of Lyc. 1.58). Compare Cicero's public shaming of Lentulus Sura in 63, using his grandfather's image on a seal (*Cat.* 3.10 Clark).

⁶⁰ A.1.25 and Hesk (2012), 223-4; Lyc. 1.136 (μνημεῖον τῆς αὐτοῦ μετριότητος); Polyuctus of Sphettus in *Aps. Rhet.* 10.6 Dilts/Kennedy. Statues as representing ethical attitudes: orientation in Dillon (2006), esp. 61-2; Ma (2009), 249-50; Zanker (1995) (45-9 on A.1.25).

⁶¹ A little curiously, Steinbock (2012) barely mentions them at all.

⁶² Lyc. 1.136: τοιοῦτου γὰρ υἱοῦ πατὴρ προσαγορεύεται.

(257-9), ‘resurrecting’ Solon and Aristides (and, in the background, an angry Themistocles) to join him on the platform in condemning Demosthenes.

These are not only part of wide-ranging Aeschinean strategies in these speeches, but testify to something much more general and of central importance to this study: that historical material, dextrously handled, could be pitched to engage and move listeners (on which more below),⁶³ and that that was a key motivation for Demosthenes’ and Aeschines’ wider competitive practice. Dextrous and compelling handling of the past was a natural thing for orators to want to undertake, as Isocrates makes clear in the *Panegyricus* of c.380 (4.8-9):⁶⁴

ἐπειδὴ δ’ οἱ λόγοι τοιαύτην ἔχουσι τὴν φύσιν, ὥσθ’ οἷον τ’ εἶναι περὶ τῶν αὐτῶν πολλαχῶς ἐξηγήσασθαι, καὶ τὰ τε μεγάλα ταπεινὰ ποιῆσαι καὶ τοῖς μικροῖς μέγεθος περιθεῖναι, καὶ τὰ τε παλαιὰ καινῶς διελθεῖν καὶ περὶ τῶν νεωστὶ γεγενημένων ἀρχαίως εἰπεῖν, οὐκέτι φευκτέον ταῦτ’ ἐστὶ περὶ ὧν ἕτεροι πρότερον εἰρήκασιν, ἀλλ’ ἄμεινον ἐκείνων εἰπεῖν πειρατέον. αἱ μὲν γὰρ πράξεις αἱ προγεγενημένα κοινὰ πᾶσιν ἡμῖν κατελείφθησαν, τὸ δ’ ἐν καιρῷ ταύταις καταχρησασθαι καὶ τὰ προσήκοντα περὶ ἐκάστης ἐνθυμηθῆναι καὶ τοῖς ὀνόμασιν εὖ διαθέσθαι τῶν εὖ φρονούντων ἰδίων ἐστίν.

When, nearly forty years later, Speusippus came to mount his vitriolic attack on Isocrates’ command of history and myth in his *Letter to Philip* (9-10), he referred mockingly to that very passage of the *Panegyricus* (Isocrates as ὁ τὰ παλαιὰ καινῶς καὶ τὰ καινὰ παλαιῶς ἐπαγγελλόμενος διδάσκειν λέγειν, 9).⁶⁵ The *Letter* was written within months, possibly,⁶⁶ of Demosthenes’ and Aeschines’ first great forensic clash in the Embassy trial, where Demosthenes made the disputing of Aeschines’ use and command of what was important

⁶³ Steinbock (2012), 2.

⁶⁴ Compare Marincola (1997), 276-7, Clarke (2008), 245-9, 297, and Grethlein (2010), 139 for uses of this passage.

⁶⁵ Natoli (2004), 140. We should also note the similarity with A.1.117, of 346/5 (Demosthenes described derisively as ‘ὁ τὰς τῶν λόγων τέχνας κατεπαγγελλόμενος τοὺς νέους διδάσκειν’).

⁶⁶ Dating: Natoli (2004), 64-6.

about the Athenian past an integral prosecution strategy, and Aeschines responded in kind. For Speusippus, demolishing the credibility and authority Isocrates would have derived from impressive treatment of his historical examples was just as important as disputing the details of those examples themselves, something a written letter gave him more space to do than was available to the political orators in the trial context.⁶⁷ Both Aristotle's *Rhetoric* and the *Rhetorica ad Alexandrum* attributed to Anaximenes give advice on how to rebut opponents' examples, and what Anaximenes says corresponds well to Speusippus' principal objection: that Isocrates has picked bad comparisons for Philip's success.⁶⁸

As we will see, the political orators handle the task of rebuttal with great variety. Historical (and mythical) appeals themselves are very flexible in both form and content, ranging from swift mentions of such-and-such an event or person, focused on a particular effect in context, to excursuses pursued for many paragraphs, or themes pursued throughout the course of (often lengthy and complex) trial speeches, between speeches, and – critically – between litigants. Flexibility is also the keynote even if we compare court speeches from similar types of action: there is considerable variety in what is chosen and how it is presented (and due to our evidence,⁶⁹ any relevant conventions must, sadly, tend to elude us⁷⁰). Further, certain types of offence would naturally have encouraged orators to select certain examples,⁷¹ but need not have exercised much influence over how they presented them in context. Given, then, that no strong distinction seems to exist in the *kind* of usage made of historical material (and expectations about what it could achieve) between

⁶⁷ Essential here is Natoli (2004), 84-90.

⁶⁸ Speusippus, *Letter* 9-10; Ar. *Rhet.* 1403a6-10; Anax. *RA* 36.33, cf. 8.10.

⁶⁹ We have very few speeches which overlap even on three of the following heads, let alone all: i) same type of action; ii) same type of offence; iii) both prosecutor/defendant; iv) both principal/*synegoros*; v) author also the speaker; vi) sufficient survival to observe some historical usage. An important exception is the similar handling in D.18 and Hyp. *Di.* in the 330s, which must come down to joint court strategies: see Ch. 5.

⁷⁰ The issue needs separate, freestanding examination (along the lines of Rubinstein [2005] and Kremmydas [2013] on two other oratorical themes).

⁷¹ e.g. Timagoras for embassy misconduct: see Ch. 4.

Assembly speeches and speeches from different kinds of public trial – only in the space devoted to it and the actual selection of examples – we should make the general assumption that orators could aim for similar effects in each, and the material presented in this thesis aims to bring that out.⁷²

What might audiences bring to the task of processing an orator's historical references? The especially profound impact of certain events – for example the oligarchic coup of 411, Aegospotami and the defeat of 404, and the regime of the Thirty, often subsequently recalled as a fused period of acute collective distress⁷³ – has rightly received ample treatment (though we should always be careful to maximize the range of possible *types* of recollection).⁷⁴ But in general pinning down what a particular juror listening to, say, a Demosthenic public speech between 355/4 and 323/2 might typically remember of the city's past in his lifetime, or indeed know about previous periods, is a very difficult task,⁷⁵ and depends on a host of factors (we have touched on age already). Up to a point, of course, the likely familiarity of much of the orators' material caters explicitly to a broad range.⁷⁶ But beyond that point – and the point (or points) would vary in each individual case – any lacunae are addressed by techniques such as the insidious motif of the identical audience that we saw Andocides employ. A number of different things could determine these limits: any lacuna opened up by time spent abroad; the survival of older relatives to fix versions of the events of one's childhood as well as earlier periods; military service at particularly interesting times and in particularly interesting places; intellectual milieu,

⁷² We will see later in the Introduction and elsewhere that two familiar types of oration not covered by this definition – speeches in private cases, and *epitaphioi logoi* – have their own distinct conventions.

⁷³ For collective/cultural 'trauma': Steinbock (2012), 291-2.

⁷⁴ Lévy (1976); Wolpert (2002); Loraux (2002); Wohl (2010), 201-42; Shear (2011); Steinbock (2012), 291-300. Individual vs. collective memory: Alcock (2002), 15-16; Wolpert (2002), xiv-xv; Ricoeur (2000/2004), 120-4, 393-7 (on Halbwachs [1950], still fundamental here); Ma (2009); Grethlein (2010), 2; Shear (2011), 6-12; Steinbock (2012), 8-13. Further on the tenacity esp. of the Thirty in popular memory: Rhodes (2010); Lambert (2012), 257-9, 261 (a 'psychological hurdle').

⁷⁵ For disentanglements: e.g. Thomas (1989), 123-31 (on family memory).

⁷⁶ cf. Hornblower (1992), 151 (on Thucydides' use of Herodotus' allusions).

educational background, familiarity with literature, and many others. Oratorical usage of the past, therefore, might profitably be compared with the rationale and ambitions behind topical (or detail-dependent) jokes in comedy.⁷⁷ The well-handled oratorical past is calculated to have – simultaneously – something for everybody and something for as many conceivable audience subsets as possible.⁷⁸ Techniques like the ‘identical audience’ mentioned above bind that fissile Assembly or court together, irrespective of the precise cogency of whatever claim is being made. Not every allusion will hit the mark with everybody. Sometimes orators admit that openly, encouraging older men to tell the younger men present; sometimes they tailor their material explicitly to cater for younger listeners; and elsewhere they resort to fictions.

0.1. Oratory, Memory, and Contestation

I opened by using the passage from Andocides because, in drawing attention to the historical memory required of audiences by those who addressed them, and to the specifics on which orators might rely when featuring examples of great individual figures, they offer important signposts for what follows. This thesis seeks to contribute obliquely to the current surge of interest in how Classical Athenians remembered and processed their past, by examining how individual politicians presented it for their own ends, drawing creatively on a common pool of examples (and deploying with notable care elements that could be perceived as deriving from an elite education⁷⁹), and vigorously contesting them – and above all each other’s handling of them. Building argumentation round historical material allowed orators to enrich the ethical texture of their pleas as a whole and so to

⁷⁷ cf. Dover (1972), 188-9 (comedy on tragedy).

⁷⁸ cf. Ar. *Rhet.* 1356b28-35 (esp. 30: οὐδεμία δὲ τέχνη σκοπεῖ τὸ καθ’ ἕκαστον).

⁷⁹ Ober (1989), 181; Pearson (1941), 217-19; Nouhaud (1982), 112-21.

demonstrate their powers of selection and presentation, and, as Katherine Clarke has recently noted, this had the potential to redound to the orator's wider authority in both venues and to his profile as a credible politician in general.⁸⁰ My approach is informed by, and shares a number of assumptions with, the recent work of Julia Shear and Bernd Steinbock on the mechanics of Athenian social memory,⁸¹ but diverges from them in focusing less on those mechanics and more on what it meant *for individual orators* to raise and develop historical material when addressing mass audiences and how the strategic behaviour at issue contributed to each man's overall 'making' as an effective public communicator. This is a thesis about people first and processes second.

Some scholars of social memory might view this as recidivist; they tend to highlight how previous discussion of the orators' use of the past has concentrated narrowly on formal rhetorical aspects or on the reliability status of the historical examples themselves.⁸² These concerns are valid up to a point; Karl Jost's 1935 dissertation concentrated on what each orator contributes to 'the theory' of the historical examples, looking for underlying rationales in each case.⁸³ A flip side of the same kind of formalist assumption has led some to characterize the orators' examples as the largely unedifying result of ignorance or carelessness (or, at best, wanton shoehorning).⁸⁴ Georges Mathieu could even describe them as 'thrown' into speeches 'almost at random'.⁸⁵ Fortunately analysing historical examples as rhetoric need not involve Jost's prescriptivism.⁸⁶ More profitable is the type

⁸⁰ Clarke (2008), 249.

⁸¹ Above all Shear (2011), and Steinbock (2012). Greek remembering more generally: the essays in Foxhall, Gehrke, and Luraghi (2010), Luraghi (2001) (esp. Gehrke [2001]), and Marincola, Llewellyn-Jones, and Maciver (2012); Thomas (1989); Grethlein (2010).

⁸² Shear (2011), 4-7; Steinbock (2012), 38-9; (2013), 73-4; Canevaro (forthcoming 2014).

⁸³ Jost (1935 [*sic*]); see e.g. 162 (final paragraph) for a telling juxtaposition revealing his priorities; or 247 (second paragraph) for the idea of Demosthenes 'at the culmination of a [theoretical] development'.

⁸⁴ See esp. Jacoby (1954), 95; Finley (1975a), 30; (1975b), 57-8; also Rutherford (1994), 60; Hunt (2010), 8. Carefully contextualized: Rhodes (1993), 62; Demosthenes' 'reasonable accuracy': Milns (1995), 40.

⁸⁵ Mathieu (1914), 185.

⁸⁶ As Steinbock himself admits: (2012), 38.

of approach first outlined in brief compass by Lionel Pearson and then Shalom Perlman. Pearson anticipated Ober in treating the audience-speaker communication function of the examples, while Perlman grasped the nettle of the importance of personal oratorical spin in historical citation (even if his argument that ‘political propaganda’ was the motivation works for only some of the evidence).⁸⁷ In the most recent monograph-length treatment of the subject (1982),⁸⁸ Michel Nouhaud assumes (like many of his predecessors) that accurate citation of history is a standard of virtue in an orator (from which individuals must deviate to greater or lesser extents) and that historical references are best appreciated when categorized thematically or according to the event or person treated. He delineates less consistently whether a reference to, say, the Peace of Callias might mean something particular for Demosthenes in a particular context regardless of its accuracy (as far as that can be traced), and might therefore help us construct a sense of the persuasive capital inherent in the convincing citation of such an example by Demosthenes or any other orator.⁸⁹ The latter is precisely my focus in this study.

Since Nouhaud wrote, the implications for orators’ public profiles generated by how they choose to handle history in front of popular audiences have come to be recognized (using ‘history’ here, as throughout this study and indeed in its title, as a loose shorthand to denote ‘a representation or set of representations of the past’⁹⁰). In recent articles Jon Hesk, Bernd Steinbock, and Vincent Azoulay have all pursued (by different routes) the idea – basic to what follows – that contesting and shaping conceptions of the value

⁸⁷ Pearson (1941); Perlman (1961); for criticism of ‘propaganda’: Steinbock (2012), 40.

⁸⁸ This attracted an unenthusiastic review from Perlman (1986) and a merciless one from Robertson ([1984], 381-3); more generous: Clarke (2008), 247 n.5.

⁸⁹ Similarly, Jutta Witte’s treatment of Demosthenes’ political programme in her wide-ranging and avowedly historical ([1995], 6) study of the development of traditional notions of Athenian statehood does not focus on the persuasive techniques employed to communicate the substance of that programme and to recommend Demosthenes as its best possible proponent.

⁹⁰ Picking up on e.g. Nora (1989), 8.

inherent in the historical past could pay persuasive dividends to an orator and could help to distinguish him as an authoritative individual whom people could trust. Azoulay (2009) argues cogently that Lycurgus' deployment of aspects of civic history helped both to enable and to determine the character of his policy of cultural renewal after Chaeronea (on this, more below). Steinbock's (2012) book, grounding itself in a comprehensive extended portrait of how social remembering in (mainly) fourth-century Athens worked and proceeding to four case studies of how Athenian memory constructed flashpoints in the city's relationship with Thebes, shares aims with this thesis, but its remit debars Steinbock from any extended comment on the strategies of particular speeches and allows him only very limited holistic comment on the persuasive context of the individual strategic moves he examines. He is not absolutely uninterested in the orators as individuals, but his focus is on the audience, on what they would get from the different uses to which historical material could be put, and on the role of orators as transmitters and moulders of aspects of Athenian memory.⁹¹

His 2013 spin-off article goes somewhat further.⁹² There, he suggests that Aeschines' presentation of the past in *On the Embassy* (of 343) indicates how in the original debate about the Peace of Philocrates in 346 (with which the Embassy trial is concerned) Aeschines had harnessed a source alternative to the civic 'master narrative' – namely the stories he had been told by his father and uncle – as a means of validating a distinctive strategy aimed at scotching the present purveyors of that 'master narrative', including Demosthenes.⁹³ Although (as we will see in Chapter Four) Steinbock's view seems to involve some misconceptions and takes insufficient account of the fact that this speech of 343 has its own trial context – and the historical material presented by Demosthenes as

⁹¹ Steinbock (2012), 36-43, 94-9, 354-5; (2013), 69-75.

⁹² For another reading of an orator 'challenging the Athenian master narrative': (2012), 149-54.

⁹³ Steinbock (2013), 75-99.

prosecutor – to confront, and should therefore be regarded as no more accurate a witness to what Aeschines actually said in 346 than Demosthenes’ own 343 speech,⁹⁴ his preparedness to view historical material as a dynamic and characterizing force, assisting the orator’s self-presentation strategies in general, is stimulating and helpful. I put more emphasis than he does, though, on the flexibility of the choices orators could and did make: I see less a handful of plucky ‘challenges to the Athenian master narrative’ than constant inflections of it, married to the rhetorical circumstances and objectives of each speech. The notion of a ‘master narrative’ governing how orators operated works best for the institution of the *epitaphios*;⁹⁵ arguing that orators in all public contexts had to cater to audience expectations,⁹⁶ presumably continually, obfuscates the extent to which speakers had to excite, surprise, and engage their audiences to mark themselves out. We can posit a certain (fluctuating, situation-dependent) level of ‘ideological monotony’⁹⁷ in Athenian public discourse without assuming that the mediation or mediators themselves were largely monochromatic.⁹⁸ Steinbock’s Athens may perhaps end up seeming a slightly dull or predictable place to have been an audience member, and it will usually have been anything but.

Finally, Hesk’s (2012) discussion of court clashes between Aeschines and Demosthenes makes, in brief but effective fashion, the point that the past was up for grabs, relied on oratorical processing, and was susceptible to contestation as well as distortion by orators with specifically persuasive ends in view. I shall be building on that here (especially on the prime importance of the rhetorical weight given to the notion of the ‘right’ use of the

⁹⁴ For these problems: esp. Cawkwell (1960); Harris (1995), 7-16; Efstathiou (2004).

⁹⁵ Steinbock (2012), 49-58.

⁹⁶ Steinbock (2012), 40-3, 94-6; esp. (2013), 74-5.

⁹⁷ A concept developed for republican Rome by Morstein-Marx ([2004], 230-40).

⁹⁸ I am talking about presentation rather than content (cf. Steinbock [2012], 57).

past⁹⁹), but will also be concerned to show how we can trace such manoeuvres when we are unable confidently to reconstruct the arguments that opposing speakers made. Here I am thinking particularly of Demosthenes' Assembly speeches, where the (apparently conventional¹⁰⁰) preference for leaving opponents unnamed thwarts any too-exacting identification of particular policies with other likely figures, making it less easy to see what Demosthenes might be contesting. Likely moves towards the formation of a literary corpus pose a further obstacle to straightforward fitting of this group of texts to their purported performance situations.¹⁰¹ Accordingly, in the earlier chapters, where I discuss the Assembly speeches and Demosthenes' early court speeches, I will be focusing more upon what self-image Demosthenes is seeking to construct, and how this develops, than upon how his chosen examples might play in debate or in the trial concerned.

Demosthenes recommends himself as an obvious focus not only by virtue of the quality and range of his surviving output, but precisely because his three major court clashes with Aeschines offer the best available chance to assess the role of historical examples and argumentation as material of which opposing orators can vie to remain (as it were) 'in possession', asserting the factual correctness, 'truth' to popular experience or memory, greater moral acceptability or force, superior detail etc. of their chosen examples. I am interested in getting as close as our often revised, often subsequently enhanced texts can allow us to an element that mattered in performance not only because it drew explicitly on audience's lived experience of their city's past, distant and recent, but also because it could help stage disagreements between (often) prominent individuals seeking to give a public account of themselves in front of large audiences of their fellow citizens. This is the

⁹⁹ For which see also Clarke (2008), 258-61.

¹⁰⁰ Adams (1912), 15; Trevett (1996b), 432; Tuplin (1998), 302-3; possibly linked to the similar convention in the *epitaphios* (cf. Grethlein [2010], 133-5).

¹⁰¹ Tuplin (1998).

consideration which debars two possible alternative focuses: first, the *epitaphios logos*, because any competition with previous orators – while possibly implicit in the character of the institution – is hardly primary given the focus of the occasion itself;¹⁰² and second, the non-logographic speeches of Isocrates. His didactic concentration on the spinning of historical material is well-known,¹⁰³ but even those items in his corpus which assume a (fictive) live mass-communication context tend to concentrate on the leisurely unfolding of ideal arguments rather than on Aeschines' and Demosthenes' conjuring of real (and remembered) forensic or deliberative occasions, in however worked-up a form, for their readership.¹⁰⁴ An inquiry that focused more on the orators' constitutional references, on documents, and on their representation of Athenian legal history – where important recent work has been done¹⁰⁵ – could not afford to sideline Isocrates, but my focus is primarily on what Aeschines and Demosthenes do with personalities and events. What I want to show is that the capacity to appeal authoritatively to the past becomes integral particularly to Demosthenes' personal image-creation – to his self-fashioning as a politician.¹⁰⁶ I shall contextualize that claim in the next section.

¹⁰² As Hesk shows ([2013], 60-5), the fit with the occasion determines the orator's 'voice'.

¹⁰³ cf. Speusippus, *Letter* 9 (above).

¹⁰⁴ So against Steinbock (2012), 37 n.168, and with e.g. Milns (1995), 3; Hunt (2010), 271-2; raised by Clarke ([2008], 301-3).

¹⁰⁵ Rhodes (1993); (2006); (2010); (2011).

¹⁰⁶ Terminologically speaking, 'self-fashioning' is now jaded; but the concept remains useful and seems appropriate in Demosthenes' case, not least because so much of the biographical tradition hangs on colourful stories of his personal development, self-discipline, and overcoming of early difficulty, and on flashpoints like his alleged first live experience of great oratory when listening to Callistratus at his Oropus trial, which Plutarch depicts as implanting a desire for an oratorical career: *Dem.* 5-8.

0.2. ‘O, you and I have heard our fathers say...’: Politics and Paradigms

Most work on the instrumental potential of historical examples for public self-fashioning has concerned Rome rather than Athens. Henriette van der Blom has recently explored the way that Cicero involves carefully-chosen ‘personal *exempla*’ in a self-fashioning project designed to offset the impediment of his *novitas*.¹⁰⁷ This complements John Dugan’s work on Cicero, which stresses a similar strategy of usurpation of aristocratic cultural models, this time in the service of a project which recommends Cicero as a statesman who derives his eminence from a distinctive cultural profile – expressed through his rhetorical writings – rather than more traditional sets of attributes.¹⁰⁸ Importantly for our purposes, both emphasize the need to individualize oneself amidst a crowd of competing would-be statesmen.¹⁰⁹ Whatever the Athenian *demos*’ attitude to its leaders, that consideration can be as relevant and guiding for us as it is for scholars of republican Rome:¹¹⁰ for fourth-century Athens, indeed, we can not only carry out the genuine comparison of different orators’ techniques that the Roman evidence largely denies us,¹¹¹ but also compare oratorical competition with the personal agonistics of practitioners in cognate genres like comedy (an aspect attracting a good deal of scholarly attention at present).¹¹² The compelling articulation of versions of the Athenian past was an important ingredient in

¹⁰⁷ van der Blom (2010); also Flower (1996), e.g. 88-9.

¹⁰⁸ Dugan (2005).

¹⁰⁹ In the tradition in particular of Greenblatt (1980).

¹¹⁰ van der Blom (2010), esp. 151-74; Dugan (2005), 8-15, and again Morstein-Marx (2004), 230-40.

¹¹¹ That is being rectified: note Steel and van der Blom (2013), and their major Glasgow-based *Fragments of the Roman Republican Orators* project (2012-).

¹¹² Sidwell (2009); Biles (2011); Storey (2003), 278-303.

manufacturing an individualized persona; part of the orator's authority was, after all, like the comic poet's, didactic.¹¹³

In an important way, though, the parallel with Cicero must be limited. Our orators seem to enjoy citing certain historical figures – Aeschines makes particularly frequent use of Solon, for example, as already hinted – but they cannot be shown to adopt consistent ‘personal *exempla*’ in the same way that Cicero does.¹¹⁴ Civic ideology must be relevant here: adopting a historical figure as one's own too often or too overtly might well be perceived as having a whiff of the anti-democratic about it, especially if that figure was a problematic or compromised one: Alcibiades, for example.¹¹⁵ (Exceptions seem to be models from one's own family: the younger Alcibiades, harried in court in the 390s, is perfectly prepared to identify himself with his father, despite the prosecution's use of the latter to discredit him.¹¹⁶) When Aeschines criticizes details of Demosthenes' usage, it is their appearance in previous Demosthenic speeches, not their particularity to Demosthenes, that is being criticized; indeed, as noted above, the goal is often to wrest them away from (temporary) ‘possession’ by the rival orator, all in a trial-specific context. So neither Demosthenes nor Aeschines can be shown to be undertaking quite the same kind of ‘cultural project’ as Dugan's Cicero. Furthermore, the circumstances of the revision and circulation of their speeches (below, Section 0.5) are far too nebulously understood to allow the same kind of confident speculations about intent that can be applied to the Ciceronian rhetorical texts Dugan examines.¹¹⁷

¹¹³ On our topic e.g. Nouhaud (1982), esp. 110-11; Worthington (1992), 22; Clarke (2008), 249, 274-86, 300-3. For caution: Rutherford (1994), 60.

¹¹⁴ The only seriously-floated possibility (for Demosthenes) has been Pericles (see further in Ch. 2).

¹¹⁵ On whom, esp. Gribble (1999).

¹¹⁶ Isoc. 16 *passim* vs. Lys. 14 (esp. 16-19, 23-40). On these speeches: Gribble (1999), 90-148.

¹¹⁷ See now Gurd (2012), who discusses both periods (25-47 on the fourth century, esp. 28-32 on Isocrates).

It is possible, though, to see a different kind of project at work in Demosthenes' case which allows us to consider parameters similar to Dugan's and van der Blom's, and this is what I see separating Demosthenes and Aeschines. This project – an oratorical and political one – is best seen in the assertion of a consistent type of political vision which Demosthenes develops as his recognizable hallmark, in both his Assembly and his court speeches.¹¹⁸ This vision is articulated via a consistent application of historical material covering the whole range from formal and fleeting references to themes pursued *in extenso*. It is consistent because it adopts as a repeated standard the interpretative cogency of appeal to the continuum of traditional Athenian values,¹¹⁹ as nuanced by Demosthenes' own reflections on it – which is what distinguishes it from the versions of, say, the *epitaphios*. The persuasive element in each case resides in how Demosthenes chooses to negotiate the potentially difficult question of how the Athenians of the present – the trial or the debate – relate to the continuum.¹²⁰ Finally, in *On the Crown*, he makes a bid to join it – a bid which involves casting his own career to date as a match for any part of the continuum itself. We unfortunately possess no extant Assembly oratory by Aeschines, but it will be demonstrated in Chapters Four and Five that the two surviving speeches he composed for trials which involved Demosthenes as principal opposing litigant aim to subvert the authoritative status of Demosthenic usage of the past, invading Demosthenes' 'world of the ancestors' to re-appropriate its terms for Aeschines' own ends. Aeschines' usage is often technically well-calibrated to achieve its persuasive goals, but also tends to be more consistently and tightly trial-dependent than Demosthenes', hence the invasions. Vivid set-piece reflections from a fictive parallel Athens, rooted in civic tradition (and often starring Aeschines by proxy), tend to be preferred to the more Demosthenic constant

¹¹⁸ On Demosthenes' vision particularly Yunis (2000) and various studies by Mader, esp. (2007a) and (2007b).

¹¹⁹ cf. Loraux's broader notion of the eternality of the (democratic) city ([1986], 118-71).

¹²⁰ cf. Christian Meier's 'political time' (in Csapo and Miller [1998], 95).

appeal to an audience's place within a continuum. He is also less committed than Demosthenes to highlighting another point: that his usage is the best on offer; there is less reason, then, to look for a 'project' in Aeschines' case.

Some unease may be felt over whether fourth-century Athenians should be thought of as associating self-fashioning motivations, the use of the past, and wider (and more concrete) cultural aspirations in ways similar to first-century Romans. A convincing recent case which supports the idea, though, is that made by Azoulay, who sees Lycurgus' key role in the cultural restoration of Athens in the 330s-320s as operating alongside, and partly expressing, a very shrewd understanding of the potential of the Athenian past for his own self-fashioning.¹²¹ The possibilities for further work here are manifold, and though space restrictions prevent me from devoting part of this thesis to Lycurgus, he will appear for purposes of comparison. Lycurgus' dynamic manipulation of the past's place in public discourse is also a constant theme in a recent volume co-edited by Azoulay:¹²² he was in a strong position to pilot cultural change in the 330s and the cityscape itself was part of it.¹²³ It is much less clear that Demosthenes was involved in any such physical stamping of his own self-presentation strategies, though he was responsible for symbolic public works in

¹²¹ Azoulay (2009), 166-80; (2011), 192-204, 211-16. Steinbock (2011) takes a much broader view. It has become popular to see Lycurgus' 'past-connectivity' (Hesk [2012], 208, 214-15; Lambert [2010]; [2011], 187-90; [2012], 253-7) as a product of the post-Chaeronea context. This works better for the epigraphic evidence than for Lycurgus' extant oratory, not least because it takes insufficient account of the sophisticated persuasive uses to which Aeschines and Demosthenes were already putting the past: and that included the 'new' culture of forged or updated documents (for which Habicht [1961]; Robertson [1982]; Davies [1996]; Rhodes [2011], 25; Steinbock [2012], 94) – a good (and epigraphic) example is D.19.303. Cephisodotus had probably used the document too (possibly in 357): *Ar. Rhet.* 1411a9-11; compare the Theban decree in *Din.* 1.25. See too Fisher ([2001], 64, 218) on nascent past-connectivity regarding the Pnyx in the mid-340s. The differences are that Lycurgus was in a position to pilot holistic transformation, affecting both cityscape and political discourse, and that as an Eteobutad he may have felt stronger connections with the city's past (especially religious past) than most (Lambert [2010], 229, 236). We need not assume (with Witte [1995], 64, 98-104) that Lycurgus was primarily the physical realizer of basically Demosthenic propaganda.

¹²² Azoulay and Ismard (2011).

¹²³ 'Lycurgan Athens': Mitchel (1970); Will (1983), esp. 77-100; Faraguna (1992) (with [2011]); Habicht (1997), 22-30; Hintzen-Bohlen (1997); Brun (2003a), (2003b), (2005); Humphreys (2004) (rev. version of [1985]); Azoulay and Ismard (2011); Hesk (2012); Lambert (2012); *Lyc.* 1 edition: Engels (2008).

the year of Chaeronea and thereafter.¹²⁴ In *On the Crown* eight years later he freely encourages recollection of his work on the walls to invite his audience to view his career to date as a continuous enacting of his constantly stated fidelity to Athens's past,¹²⁵ and here the walls stand for a whole range of activities in the aftermath of Chaeronea. Indeed, Aeschines and others expected Demosthenes to adopt such a strategy.¹²⁶ But in his sheer apparent investment in his project – and opportunity to express it – Lycurgus looks as if he might be a special case (we would relish knowing whether Eubulus, who apparently enjoyed a similar status in the late 350s, did anything similar¹²⁷). Demosthenes' project existed primarily at the level of oratorical communication, but was (and is) no less cogently expressed for that: we will also see, in Chapter Five, that shared conceptions of the civic past similar to those sponsored by Lycurgus helped to unite anti-Macedonian politicians post-338, and that these work themselves out in identifiably similar court strategies in the surviving corpora of Demosthenes, Lycurgus, and Hyperides. Lycurgus was not necessarily the pioneer here.¹²⁸

Having sketched some parameters for thinking about politicians' use of the past, I proceed to outline my stance on three separate aspects relevant to the inquiry: on the roles of mythical and non-mythical historical material in our speeches, and how different orators used them; on how we might talk about the historical example itself; and on the nature of our texts.

¹²⁴ Demosthenes' public works: Will (1983), 20-6; Sealey (1993), 199 and D.18.111-19, cf. A.3.25-31.

¹²⁵ D.18.113, 248, 299 cf. 311.

¹²⁶ Negatively: A.3.14-17, 23-27, cf. 84; also Demades F XXV (though note de Falco's misgivings about including this as a genuine fragment). Positively (though ignoring Demosthenes' 'project'): Lyc. 1.43-5, 150 (obliquely); esp. 138 (less so).

¹²⁷ A.3.25 with Knox (1976), 79-81 on public works. For Eubulus: Cawkwell (1963b); also Badian (1995), 100-3. Comparing the two: Hintzen-Bohlen (1997) and Oliver (2011).

¹²⁸ Engels ([1989], 94-145) and Wirth ([1999], 20-53) on each as context for the other.

0.3. Using Examples; History and Myth

Aeschines and especially Demosthenes are able to make their use of the past do broader argumentative work because they are often prepared to foster and develop the effects produced by vivid and emotive examples throughout the speeches in which they appear. The examples pursued therefore colour the material that surrounds them, giving the speeches unity and crystallizing the orators' aims and the ethical messages (not least in the domain of civic values) that they wish to impress on their audience. The contrast with Dinarchus in particular here is striking.¹²⁹ His use of the past concentrates on situation-specific paradigmatic illustration and comparison with the past career of the accused, after which he changes focus – he does not 'run with' the themes that his chosen examples present. He can also recycle his examples without much alteration,¹³⁰ just as he reworks arguments from Aeschines' *Against Ctesiphon*.¹³¹ More generally, he may offer evidence for some growing canonicity for Demosthenes towards the end of his career: Porphyry, as mediated by Eusebius, spotted in Dinarchus' *Against Cleomedon for Battery I*¹³² verbatim passages lifted from Demosthenes' *Against Conon*, and there are other examples.¹³³ Even though similar remarks in this part of the *Praeparatio Evangelica* about orators' 'stealing' from one another are anachronistic and much better explained either by shared court strategies or by common resort to *topoi* or handbooks¹³⁴ – which should make us wary of

¹²⁹ In a sense Dinarchus does not belong in our 'set' because he only ever wrote speeches for others to deliver, but his logography for politicians qualifies him on the practical grounds which disqualify Isocrates, for example.

¹³⁰ Din. 1.14 cf. 3.17 (on Timotheus).

¹³¹ e.g. the reworking of A.3.138-9 in Din. 1.38 (for other aspects: e.g. Worthington [1992], 15 n.6, 24).

¹³² F LXVI.

¹³³ Din. 1.87 is close to D.23.66, though handbook usage is possible and it is interesting that these are precisely the same two mythical stories Pausanias knows about the Areopagus (1.28.5, in similar levels of detail). Interest in D.20 seems possible from the reference to Ctesippus at Din. 1.111.

¹³⁴ With Carey et al. (2008), 3; Demont (2011), 38-40; *topoi*: Worthington (1992), 23-4.

the Dinarchus-Demosthenes ‘theft’¹³⁵ – Dinarchus’ practice still looks basically derivative.¹³⁶

The mechanics of Lycurgus’ usage, as far as we can trace them, look different again. Nearly halfway through his sole surviving speech, *Against Leocrates*, he embarks on the narration of an immense series (basically 68-134) of mythical and historical paradigmatic episodes, frequently finishing one by comparing the heroism of its protagonists straightforwardly with the turpitude of the defendant.¹³⁷ There is an obvious contrast with Demosthenes and Aeschines at the level of structure. In their speeches for major public trials, both these orators pursue structures whereby different appeals to the civic past are made at a series of locations in a speech where similar argumentative points (often points with a strong ethical component) are being made, thus touching off recollection of the previous appeals and enabling the orator to unify disparate points. This technique is especially pronounced in Aeschines’ extremely artful *Against Timarchus*, but occurs to various extents across both orators’ corpora. It seems fair to suggest that its function is as much mnemonic (for the orator) as it is psychologically persuasive (for his audience). Ring composition – of which, incidentally, there is plenty in *Against Timarchus* – might be a good parallel.¹³⁸ Lycurgus’ lengthy *en bloc* paradigmatic series is important in its own right, though; his fascinating surviving fragments suggest an enthusiasm for expatiation on distant or mythical material more generally, and that needs further comment.¹³⁹

¹³⁵ Worthington ([1992], 15, 24, against e.g. Blass [1893], 318-21) prefers to think in terms of common *topoi*, but A.3 would have canonical status by 323.

¹³⁶ Nouhaud (1982), 364.

¹³⁷ e.g. Lyc. 1.97, 101, 110, 115; a similar technique can be found in Aeschines’ *Against Timarchus* (e.g. 11, 20, 26-7) and Demosthenes’ *Against Timocrates* (e.g. 38, 44, 46 etc., and esp. 106).

¹³⁸ Ring composition in oratory: esp. Worthington (1991a); (1992), 27-39; (1994); (1996) (for whom ring composition is a sign of a careful *written* version; cf. Tuplin [1998], 311 on D.14-15); Wooten (2010), esp. 3-12, on the deliberative speeches. On the Homeric side: e.g. Lohmann (1970) and Nimis (1999); for comparison, Niles (1979); and more generally Douglas (2007).

¹³⁹ cf. Hermogenes *Id.* 403 Rabe. The appearance of Micon and Polygnotus in *On the Priestess* (Lyc. F VI.3, 17) was perhaps part of a large-scale employment of the Stoa Poikile in the argument: Conomis (1961), 110-

In stark contrast to Lycurgus (and Hyperides, apparently¹⁴⁰), the extant court speeches of Aeschines and especially Demosthenes¹⁴¹ suggest a comparative lack of interest in myth-based illustrations (with the exception of quoted poetry)¹⁴² – this study will embrace what little there is.¹⁴³ Does this make their authors unrepresentative?¹⁴⁴ Lycurgus and Hyperides were, after all, not alone in citing myth in competitive public contexts: another important example is Phocion’s suggestion in the Assembly in 335 that Demosthenes, Lycurgus, and the other orators demanded by Alexander should be prepared to imitate the daughters of Leos and Hyacinthus and sacrifice themselves for Athens – and this from a famously unflowery speaker.¹⁴⁵ Even excluding Isocrates on the grounds outlined above, there are still a number of examples that we could advance, while allowing for the fact that the colourful names and features of mythical episodes were particularly likely to catch the attention of scholars with purposes like Harpocration’s.¹⁴⁶

There are contexts where mythical examples (and argument from myth) clearly have their place: in the epideictic genre and in the *epitaphios logos* in particular, and in the often-

12. As Hall notes ([2006], 367-8), *Against Menesaechmus* (F XIV) appears to have involved a story about Abaris and Apollo and the plague among the Hyperboreans (cf. Hdt. 4.36), perhaps excused by its Delian connections (5a-b cf. Conomis [1961], 145-6). *On the Priesthood* (F VII) may have involved *genos* history.

¹⁴⁰ Hyperides was known for his ‘superb flexibility in narrating myths copiously’ ([Long.] *Subl.* 34.2: μυθολογήσαι κεχρμένως, tr. Fyfe/Russell [Loeb]); [Longinus]’ example is from the *Deliacus* (quasi-dicanic because addressing a diplomatic dispute).

¹⁴¹ Jost (1935), 167-8.

¹⁴² As noted by e.g. Clarke ([2008], 264-5). In quoted poetry: D.19.243, 246-8; A.1.128-9, 141-54. Beyond it: D.18.180; 23.65-6, 74; 60.4-8, 10, 27-31; A.1.133; 2.31; 3.185, 231.

¹⁴³ Though not the funeral oration (where Demosthenes is similarly terse with his mythical specifics: 60.9).

¹⁴⁴ In context: Perlman (1961), 158-62; Nouhaud (1982), 12-20; Clarke (2008), 264-72; and esp. Gotteland (2001).

¹⁴⁵ D.S. 17.15.2. It is tempting to suggest that Phocion was revelling in the chance to use Lycurgus’ mythological expertise against him. Plutarch has Phocion behaving far more nobly and sympathetically (Plut. *Phoc.* 17.2-3). Phocion’s terseness: Plut. *Phoc.* 5.3-4; *Dem.* 10.2-3.

¹⁴⁶ cf. Clarke (2008), 250 n.18. Myth in extant and fragmentary dicanic speeches beyond Demosthenes and Aeschines (including quoted poetry, but excluding Isocrates’ non-logographic speeches): e.g. *Andoc.* 1.129; [*Andoc.*] 4.22; *Lyc.* 1.83-9, 94-104; see also n.139 above; *Din.* 1.87. Both *Lyc.* *On the Priestess* (F VI.6) and *Din.* *Diadikasia of the Phalerians* (F XX.2) featured Alope, mother of the Eponymous Hero Hippotho(o)n (D.60.31); she may well have been more familiar than she looks: Kron (1976), 177-80 and de Polignac (2011), esp. 109-10.

overlooked genre of diplomatic oratory (which contains elements of the epideictic and the symbouleutic).¹⁴⁷ The fragments of Hyperides' *Delian Oration* may give us an idea of the kinds of arguments used in the latter, complementing examples in the historians and in Speusippus' *Letter to Philip*.¹⁴⁸ There may have been an assumption that myth did not usually stray outside the epideictic and the diplomatic. Harpocration tells us that Philepsius of Lamptrae, a contemporary of Agyrrhius and mentioned by Demosthenes in *Against Timocrates* (24.134), was mocked in comedy for his insertion of *muthoi* – 'tales', at least – into his Assembly speeches. Aristophanes mentions these *muthoi* in *Wealth*, and this may well, in the backhanded manner familiar from comic invective in general, attest the practice's success with the audience as much as it does its peculiarity to Philepsius (in 388, anyway).¹⁴⁹ Comic evidence reminds us of the importance of public individualization – if you attracted a distinctive designation, however unflattering, that was good; it meant people knew who you were.¹⁵⁰ If Philepsius was indeed a poor man (πένης ὄν), or even if he was not, the telling of (probably gnomic) tales in public may have helped him to present

¹⁴⁷ Myth in the *epitaphios*: Ziolkowski (1981), 74-99; Loraux (1986), esp. 53-8, 65-9, 132-55; Frangeskou (1999), 319-23; Gotteland (2001); Gehrke (2001), 301-2.

¹⁴⁸ esp. Hyp. F 67. Political context of the *Deliacus*: Engels (1989), 74-80. A well-known example is X. *Hell.* 6.3.6 (Callias at the 371 Congress of Sparta, citing Triptolemus; Steinbock [2012], 83); also the Spartans in Athens after Leuctra (6.5.33-5) and the Phliasian Procles there (6.5.45-8) (epitaphic *topoi*): on the contrast see now Pontier (2013), 178-84 (also Steinbock [2012], 200-1). Notable for their generic self-awareness are Hdt. 9.26-7 (the speeches before Plataea; see Solmsen [1944], esp. 248-50) and cf. the matching historical examples in the generals' speeches at Delium (Thuc. 4.92.6-7, 95.3). For Speusippus and his lengthy mythical examples: Natoli (2004), 66-77; for the fragmentary historians esp. Pownall (2004); and several historical (but no mythical) examples in Andocides 3, arising from diplomatic activity (Gretlein [2010], 129-35).

¹⁴⁹ Harpocration (s.v. Φιλέψιος): Philepsius as a special target for comic poets 'ἐπὶ τῷ μεταξὺ τῶν δημηγοριῶν μύθους λέγειν' = Sauppe (1850), 2.244 s.v. XXVb (ΦΙΛΕΨΙΟΣ); PA 14256; PAA 924750; sole recorded Philepsius in *LGPN* II (.447); D.24.134 with Σ (270 Di); Aristophanes *Wealth* 176 (Φιλέψιος δ' οὐχ ἔνεκα σοῦ μύθους λέγει;) and Σ 177 (adding ἱστορίας), 177a (with Sommerstein [2001], 148), attesting audience enjoyment (so also Jost [1935], 20 n.1); Platon F 238 (full references). Scobie ([1979], 236), ignores D.24.134 and Harpocration and makes Philepsius a professional storyteller, as does Anderson ([2000], 8). The baseline interpretation 'stories' is of course possible (cf. e.g. Major [2002], 552; Dillon [1987], 170-1); it is the element of the fabulous that is key.

¹⁵⁰ A shared *topos* of oratory and comedy: e.g. Cleophon 'the Lyre-maker' to compare with e.g. Callimedon 'the Crab (or Lobster)', 'Topknot' Hegesippus and so on. These are still the province of politicians themselves, and sketch-writers: e.g. 'the Beast of Bolsover' (Frank Johnson on Dennis Skinner), and 'the Chingford Skinhead' (Healey on Tebbit); cf. Demosthenes' 'Battalus of Paeania' and 'Oenomaus of Cothocidae' to refer to himself and Aeschines (D.18.180). Incidentally, Skinner, like Demosthenes on the Pnyx (Hyp. *Dem.* 9 with Whitehead [2000], 392-4), has a well-known habitual Commons seat – another means of visibly distinguishing oneself.

himself as homespun and down-to-earth; Iphicrates' self-presentation appears to have relied on a variation of this (casting himself as a straight talker and self-made man).¹⁵¹ There was, then, a genuine range of possible levels of exploitation here, as there was with more recognizably 'historical' material, and orators correspondingly vary in the concentration and nature of their usage; it was open to Demosthenes and Aeschines to prefer the more recent.

The formulation 'more recognizably 'historical'' raises an important further question, not least for the delimiting of this study: what meaningful barrier there may be, if any, between history and myth in the way the orators choose and shape their exemplary material. The issue is complex,¹⁵² and I only comment briefly here. Aristotle assumes a distinction between real events (*πράγματα προγενομένα*) and fictive ones: *παραβολή* (made-up comparison) and *λόγοι* (fables) (*Rhet.* 1393a28-31).¹⁵³ Mythical examples usually seem to belong under 'real' comparisons,¹⁵⁴ and, absent any indication otherwise from Aristotle, we should treat them as working similarly to historical illustrations.¹⁵⁵ The orators themselves rarely tend to see a meaningful distinction between myth and very ancient history.¹⁵⁶ The practical feature that stands out most in our texts instead is the frequent

¹⁵¹ For Iphicrates in general see now Sears (2013), 118-36, 273-87. Iphicrates' oratory: Bianco (1997), and e.g. *D.Pro.* 49/[50].2-3 (*ὅπως μὴ τὰ ἢ τὰ γενήσεται, ἀλλ' ὅπως τὰ* – about as gnomic as it gets); *Ar. Rhet.* 1365a28-9; 1367b17-18; 1397b30-4; 1398a17-22; 1405a19-21; 1411b1-4; *Plut. Sayings of Kings and Commanders* 186f-7b; *A.A.* 28.84-7. Aristotle's interest in him is intriguing (he uses him as an example simply of a person in his discussion of maxims: *οἷον ποῖός τις Ἴφικράτης*, *Rhet.* 1394a22-3; cf. the famous use of Alcibiades at *Poetics* 1451b11 Kassel). Kennedy thinks he may even lie behind a *οὔτος* in *Rhet.* 1395a25 ([2007], 167 n.120). Dionysius was less impressed: *I.Amm.* 11.

¹⁵² Discussions: Perlman (1961), 158-9; Finley (1975a); Nouhaud (1982), 12-20; Gotteland (2001), 89-102; the contributors to Luraghi (2001), esp. Gehrke (2001), 296-306 (and in general [2010]); Natoli (2004), 66-8; Grethlein (2010), 110; Steinbock (2012), 26-8. A figure who tends to belong right on the cusp is Theseus: Pearson (1941), 221; Davie (1982); Kearns (1989), 117-24; Walker (1993); Mills (1997), 43-86; Rhodes (2011), 27-8; Steinbock (2012), 169-74. Fusing with autochthonous figures in art: Shapiro (1998), 149-51; (2012), 169-82.

¹⁵³ Factual comparison: 1393a32-1393b4; made-up comparison: 1393b4-8; fable: 1393b8-1394a1.

¹⁵⁴ For similar difficulties of placement: Fortenbaugh (1995), 3-7.

¹⁵⁵ Using *logoi* and *pragmata*: *Ar. Rhet.* 1394a2-8.

¹⁵⁶ But 'tend' is correct: cf. *D.*60.9 (and Grethlein [2010], 123-4) (*pace* Jost [1935], 168, *D.*23.66 is an example of Demosthenes *not* drawing a strong distinction between myth and ancient history, as is clear from

(and much more general) implication that audiences prefer hearing more recent material rather than anything more distant.¹⁵⁷ Orators often apologize for mentioning the latter, especially if it is mythical, in the same way that they do when discussing examples drawn from the history of other cities – examples drawn from the speaker or recipient’s own country are usually assumed to be the most suitable.¹⁵⁸ I proceed on the understanding that while myths may have been thought more appropriate to some contexts than others, the important distinction for the orator’s expressive or compositional practice was between the distant and the recent past, and how he could fashion listeners’ response to non-recent material – the prescription of the *Rhetorica ad Alexandrum* (32.3) that the orator should prefer examples close to the audience in time as well as place bears that out.¹⁵⁹

A good example of the staging of the assumption is Aeschines’ mention of a mythical precedent he used in front of Philip (featuring Acamas as the founder of Ennea Hodoi, and thus the origin of the Athenian claim to Amphipolis) (2.31).¹⁶⁰ It suits his purpose to be brief here, but he suggests that he ought to be brief now anyway (τότε μὲν ἤρμιοντε λέγειν καὶ ἐρρήθη ὡς ἐνεδέχεται ἀκριβέστατα, νυνὶ δὲ ἴσως ἀνάγκη συντέμνειν τοὺς λόγους).

D.22.14-15). *Muthos* itself can of course mean several things; for an example of the difficulties that can arise in handling it, see Robertson (1978), 52-3, on the views about the historicity of the First Sacred War given in D.18.149 and Speusippus *Letter* 8-9.

¹⁵⁷ e.g. Isoc. 6.21; D.19.276; 22.13, 15; [61].46; [26].7; Din. 1.37-8; cf. Lyc. 1.62 (Troy: εἰ καὶ παλαιότερον εἰπεῖν ἔστι); 95 (beginning his paradigm series with the Etna story: εἰ γὰρ καὶ μυθώδεστερόν ἐστιν, but stressing its value for the young. Expatiating on past events to ‘inform the younger men’ is also legitimate: cf. Isoc. 16.4). Whether audiences actually had these preferences is less clear. As Clarke ([2008], 252 n.22) points out, Dinarchus happily features mythical material later in Din. 1 (87) despite 1.37. Recent vs. distant as more meaningful than myth vs. history as a working distinction: Grethlein (2010), 143. His phrasing: ‘*exempla* from recent history were felt to be more persuasive’ (143-4) gives the right inflection; and RA 32.3 may suggest an oratorical convention rather than a popular preference. The valorization is not limited to oratory: see Nicolai ([2001], 282-5) on Thucydides engaging combatively with predecessors on precisely this point.

¹⁵⁸ Domestic vs. external *paradeigmata*: Jost (1935), 163-6; Clarke (2008), 282-3; cf. Speusippus, *Letter* 10 and Natoli (2004), 85-6, 144-5 (Speusippus, interestingly, does not categorically commit himself, just jabs at Isoc. 1.9, 9.77, and especially 5.113); cf. Anax. RA 32.3, and especially A.1.180-2, and Lyc. 1.128-30, vs. e.g. Isoc. 5.113; 6.42; 9.77; 20.10; D.3.23; 13.21; 19.269.

¹⁵⁹ RA 32.3: λαμβάνειν δὲ δεῖ τὰ παραδείγματα <τὰ> οἰκεία τῷ πράγματι καὶ τὰ ἐγγύτατα τοῖς ἀκούουσι χρόνῳ ἢ τόπῳ. Anaximenes’ prescriptions in this section for placing *paradeigmata* fit our evidence less well.

¹⁶⁰ Acamas: Kearns (1989), 88-9, 143-4 and Gotteland (2001), 60, 341-2; also Perlman (1961), 161-2. A pro-Macedonian version of all this is associated with Antipater of Magnesia (Natoli [2004], 68-77).

He implies that he is restraining himself to respect a convention operative when addressing the present type of audience, and simultaneously seeks to gain the credit that would come from creating the impression that he had performed with authority in front of Philip and represented Athens well. The delicate sense of disappointment at being unable to indulge himself must also be calculated to gain some sympathy from his hearers: the important thing is to suggest that he *could* say more – as appropriate to presbeutic rather than dicanic oratory – while being careful to perform the symbolic rejection of such a course.¹⁶¹ As with squarely historical examples, selectivity carries its own *charis* for the orator.¹⁶² Giving an audience the impression that he has chosen his illustrations (and the arguments that come from them) carefully to present what he deems most relevant to the case at hand helps to build his self-characterization as a committed and realistic public communicator.¹⁶³ It also involves an understanding of the commodity status (and high visibility) of this sort of illustration. Copious or striking exposition – foregrounding an orator’s willingness to forgo the usual dicanic constraints and devote himself to making a bold impression – invited contestation, as we will see in the Crown and the Embassy trials.

More broadly, Aeschines’ restraint with his historical material here is a rare moment of such reticence in a speech where a key strategic component is the refutation (by the sheer abundance of the response¹⁶⁴) of the aspersions cast in Demosthenes’ prosecution speech about Aeschines’ knowledge and grasp of the Athenian past and, fundamentally, his respect for it. Both techniques – the encouragement of the idea that one could say more and the dramatic effect of giving a virtuoso display of it – are all of a piece with the orator’s creation of personal (including didactic) authority. Aeschines carefully

¹⁶¹ Lycurgus might be seen as a possible exception, bucking the trend as much as he exemplifies it: 1.98 (ὄν γὰρ ἀποστήσομαι τῶν παλαιῶν).

¹⁶² cf. e.g. [D.] 61.27, Isoc. 4.73-4.

¹⁶³ cf. Clarke ([2008], 259) on Aeschines’ claim to have combined mythical and contemporary events well.

¹⁶⁴ Aeschines goes well beyond refutation (and well beyond the Athenian past) in places: e.g. A.2.116.

problematizes the question of who is in control and at the same time exhibits – not least with that soupçon of petulance on ἴσως – his personal attachment to (and pride in) his material and his own handling of it. The popular enthusiasm for myth as developed by orators in epideictic contexts, then, does not automatically vanish when the genre changes. When examining the historical examples that speeches in the Assembly and courts present us with, we should think in terms of the same kind of interplay of authority-creation, physical restrictions, audience expectations, and, of course, conventions regarding relevance in court (though these have sometimes been overstated).¹⁶⁵

Linked to the copious presentation of (figured) historical or mythical knowledge at moments when it mattered is the cultural concern about the *sources* of orators' knowledge.¹⁶⁶ Exposure to suspicions voiced by adversaries about one's sophistic training – one of Ober's 'fictions', since both litigants in the kind of major public case we have under review were likely to be highly educated and literate people¹⁶⁷ – is a commonplace which orators are well known to try to deflect with formulations that assert the comfortably democratic origins of the knowledge they simultaneously put to use,¹⁶⁸ a deflection perhaps more important than the question of how much orators actually used, say, historians.¹⁶⁹ Complementing that practice is the frequent appeal to universal audience knowledge: 'you all know', a close relative of the 'identical audience' motif we saw in Andocides 1.37.¹⁷⁰ Both types of formulation are usually more or less inscrutable: sometimes (e.g. Lyc. 1.62) it is difficult to believe that a citizen audience would not know

¹⁶⁵ Relevance: Yunis (1988); Lanni (2005) and Gagarin (2012), qualifying Rhodes (2004). Valuable here is Wohl's argument ([2010], 106-12) that one of the functions of dicanic oratory can be to advance for active (parallel) consideration by jurors aspects of justice 'alternate' to the law's actual prescriptions (e.g. 110).

¹⁶⁶ Ober (1989), 170-4, 177-91, extending Pearson (1941), 213, 217-19; Canevaro (forthcoming 2014).

¹⁶⁷ Ober (1989), 182-7.

¹⁶⁸ e.g. D.24.154; 4.24; 3.21; 19.65.

¹⁶⁹ So differing from Steinbock ([2012], 96).

¹⁷⁰ e.g. Steinbock (2012), 42-3.

what they are being asked to imagine; sometimes (e.g. D.21.71) the opposite is the case.¹⁷¹ This latter situation jars interestingly with one of the basic elements of Aristotle's definition of the *paradeigma*: that it will be better known (γνωριμώτερον) than the thing to which it is being applied,¹⁷² and indeed the whole phenomenon could be read as an oratorical response to the privileging in rhetorical theory of the idea that *paradeigmata* must be 'things the audience know'.¹⁷³ We need to recall, though, how much of our evidence for how types of display of knowledge were perceived comes from the taunts of adversaries. Whether audiences actually had strong views about how orators knew what they claimed to know, or whether audiences connived with orators in the shared fiction that this mattered, remains unclear (and perhaps varied from audience to audience depending on other factors). What does seem clear is that though orators sometimes excuse themselves before, during or after a (suspiciously?) extended passage of historical argumentation, sheer volume itself tends to be criticized only rarely; it is the figurations of detail themselves that are contested.

0.4. Aristotle and the Historical Example

Part of the historical example's reputation for interchangeability and triteness must rest on the habit of basing it too austere and prescriptively on the logical role outlined for *paradeigmata* by Aristotle in the *Rhetoric* (1393a23-1394a18). Central to the persuasive effect of (well-handled) historical material is its capacity to move those who hear it – this

¹⁷¹ I give some examples, drawn purely from what the phrase 'ἴστε γὰρ δήπου τοῦτο' can cover. Knowledge likely: D.19.247; 20.26; 24.91; less so (at least in the terms stated): D.20.31; 21.132; 23.118. Pearson ([1941], 212-19) gives a range.

¹⁷² Ar. *Rhet.* 1357b29-30. The translation 'more distinguished' is clearly also possible: Natoli (2004), 144-5.

¹⁷³ Ar. *Rhet.* 1377a6 (παραδείγματα ἃ ἴσασιν οἱ κρίνοντες), cf. *Top.* 157a14-15 Ross (εἰς δὲ σαφήνειαν παραδείγματα καὶ παραβολὰς οἰστέον, παραδείγματα δὲ οἰκεῖα καὶ ἐξ ὧν ἴσμεν) and [*Pr.*] 916b29-31 Louis. *Prior Analytics* 69a13-16 Ross/Minio-Paluello gives the basis (and cf. *Rhet.* 1357b26-30). Anaximenes (*RA* 8) makes satisfying or confounding audience expectations the key issue.

is implicit in the whole notion of using such examples at all (e.g. in the proem of the *First Philippic*, operating on Demosthenes' hearers' sense of shame¹⁷⁴). Audiences relished hearing them (χαίρουσιν), as admitted elsewhere in the Aristotelian corpus.¹⁷⁵ That people will be moved by appeals to the past and by protreptic to the imitation of ancestors is also a basic premise of the funeral oration, and civic memorials of all kinds;¹⁷⁶ and whether or not elite individuals personally felt a spontaneous desire to imitate their forebears, they certainly spend a lot of time in court performing such a desire, and thus expecting their listeners to understand it.¹⁷⁷ At the same time, as we saw in the Isocrates passage, orators had to make the material interesting on each new occasion. The task of questioning the traditional view, then, involves an emphasis both on the versatility and on the emotive potential of historical detail for the enrichment of orators' rhetorical strategies. But Aristotle's insistence on the logical essence and mechanical quality of *paradeigmata* – encouraging the sense that their dramatic influence on the course of a speech is particular to an argument and thus ephemeral – proves an obstacle. It is time to examine what he says, and the problems involved in using the *Rhetoric* to illuminate our subject, in more detail.

As we saw above, the chapter Aristotle devotes to formal *paradeigmata* (as a type of *pistis*, accompanying enthymemes) starts by dividing them into factual and fictional. Further on, he gives advice on how to use them (and elsewhere makes clear that some orators do so more than others¹⁷⁸). For him, their best persuasive function is testimonial (ὡς μαρτυρίαις),

¹⁷⁴ Wooten (2008), 45.

¹⁷⁵ [Ar.] *Pr.* 916b26-35 Louis: they enjoy them more than the enthymemes because they allow them to learn more quickly.

¹⁷⁶ Loraux (1986), e.g. 98-131; Milns (1995), 5; Clarke (2008), 280-4; Goldhill (2012), 349; and cf. Lysias' *Olympic Oration* 6 and passages like D.15.35; 18.68, 95; the Herms: Osborne (1985), 61; in general Shear (2011) (e.g. 101-2: models for *bouleutai*, cf. [2007a], 103-4; [2007b], 151-3) and Steinbock (2012), 84-5.

¹⁷⁷ e.g. Andocides: 1.141; cf. Csapo and Miller ([1998], 98) on Thuc. 6.16.1 (Alc. giving glory to his ancestors).

¹⁷⁸ Ar. *Rhet.* 1356b22-3: καὶ ῥήτορες ὁμοίως οἱ μὲν παραδειγματώδεις οἱ δὲ ἐνθυμηματικοί.

backing up the enthymemes;¹⁷⁹ they should only be used freestanding when enthymemes are not available.¹⁸⁰ He also prescribes where best to use both the factual and fictive types: in symbouleutic oratory (enthymemes are said to be more suited to dicanic oratory).¹⁸¹ Applying this set of precepts about *paradeigmata* to our texts, though – not least in the attempt to plot the level of our orators’ engagement with it, if any – is, as with attempts to link our texts with the *Rhetoric* more generally,¹⁸² a difficult task. First, Aristotle’s *paradeigmata* – and not just the factual type – seem to be conceived of as discrete, are cited as supporting witnesses for enthymematic proof, and then have no further part to play – no role here, then, for the more generalized and often emotive deployment of historical detail we see time and again in Demosthenes and Aeschines. Secondly, although Aristotle argues that the proper home of *paradeigmata* is the symbouleutic genre, that is only where the stricter, terser form of *paradeigma* implied by his chosen example of a factual comparison looms larger (i.e. proposition, two brief examples, application).¹⁸³ Nothing is said about the much more developed pistis role of historical referencing in dicanic (and epideictic) oratory.

Thirdly, any source he may have for his chosen example here (about Greek preparations against Persia) is not given.¹⁸⁴ No sense is offered of how an orator might – in performance or in the speech itself – put his personal stamp on (or mediate authoritatively) what was certainly a popular topic (so popular, in fact, that Aristotle may well simply have come up

¹⁷⁹ Ar. *Rhet.* 1394a11. This seems to be contradicted at 1402b13-14, where enthymemes are stated to come from the four *koinai pisteis* (thus including *paradeigma*), rather than to stand in parallel (Kennedy [2007], 190 n.209).

¹⁸⁰ Ar. *Rhet.* 1394a9-16.

¹⁸¹ Ar. *Rhet.* 1394a6-7 cf. 1368a29-33 (and, succinctly, 1418a1-2: ἔστιν δὲ τὰ μὲν παραδείγματα δημηγορικώτερα, τὰ δ’ ἐνθυμήματα δικανικώτερα).

¹⁸² Problems of Aristotle for assessing ‘real’ oratory: Trevett (1996a), 376-9.

¹⁸³ Ar. *Rhet.* 1393a32-b4.

¹⁸⁴ Aristotle’s failure to cite his sources: Trevett (1996a), 371-5.

with this himself),¹⁸⁵ and this is relevant to us because that was precisely what the young Demosthenes, treating this very issue, did in 354 in *On the Symmories* (as we will see). This individualization in front of audiences – as we saw above – is an absolute necessity for a speaker claiming a hearing in the direction of policy. Finally, in suggesting that fables (λόγοι) are suited to symbouleutic oratory (εἰσι δ’ οἱ λόγοι δημηγορικοί), Aristotle’s theoretical interests appear to win out comprehensively over any ties to the practical.¹⁸⁶ Given that no extant Assembly speech contains any fables,¹⁸⁷ we need either to call Demosthenes (our main source for them) unrepresentative or admit that Aristotle’s practical experience of symbouleutic oratory should be called seriously into question.¹⁸⁸ We have already seen that Philepsius could be represented as eccentric for his insertion of *muthoi* into his Assembly speeches, whatever precise form they took or whatever his audience actually thought of them (cf. *Plut.* Σ 177a); that may have changed over the thirty to forty years between *Wealth* and the beginning of Demosthenes’ public career, but this seems unlikely.

So while Aristotle does obviously use some examples from real speeches (e.g. the series 1411a-b; and, at various points, historical examples which orators do use¹⁸⁹), we need to be

¹⁸⁵ As we see in e.g. D.14.12. It was important in the *epitaphios*, which grew up in the direct aftermath of the Persian Wars (Loraux [1986], esp. 56-62, 155-6; Steinbock [2012], 50 and n.3).

¹⁸⁶ *Ar. Rhet.* 1394a2. He makes clear how far what he says stays in the scholastic realm: his precepts about how to employ fables (i.e. like comparisons) are based on the educational experience of the speaker, not on whether the audience might notice any similarity or difference (ποιῆσαι γὰρ δεῖ ὡσπερ καὶ παραβολάς, ἅν τις δύνηται τὸ ὅμοιον ὀρᾶν, ὅπερ ῥᾶόν ἐστιν ἐκ φιλοσοφίας, 1394a4-5).

¹⁸⁷ There is the anecdote about Demosthenes and the ass’s shadow ([*Plut.*] *Vit. Dem.* 848a-b). I am also tempted to see the remnant of a fable like Stesichorus’ of the bridled horse (reported by Aristotle, *Rhet.* 1393b8-22: see esp. 18-21: “οὕτω δὲ καὶ ὑμεῖς,” ἔφη, “ὄρατε μὴ βουλόμενοι τοὺς πολεμίους τιμωρήσασθαι τὸ αὐτὸ πάθητε τῷ ἵππῳ· τὸν μὲν γὰρ χαλινὸν ἔχετε ἤδη, ἐλόμενοι στρατηγὸν αὐτοκράτορα”) in Demosthenes’ admonition to the pro-Philip Messenians in the *Second Philippic* (“οὐ φυλάξεσθ’ ὅπως,” ἔφην, “μὴ πολέμου ζητοῦντες ἀπαλλαγῆναι δεσπότην εὐρήτε;”: 6.25). Dicanic fable: *Lyc.* 1.95-7; quite close: D.24.139-41, 212; A.1.180-1.

¹⁸⁸ See Trevett (1996a), who convincingly demonstrates Aristotle’s familiarity with the texts of Athenian epideictic but not the other two genres, and suggests oral tradition (374) as a source for many of Aristotle’s unattributed quotations from orators in apparently symbouleutic or dicanic contexts (*contra* Perlman [1961], 153-4; Steinbock [2012], 35).

¹⁸⁹ Collected by Jost ([1935], 192 n.4).

clear that reflection of oratory as actually practised in Athenian venues was not one of his guiding aims in the *Rhetoric*, and that while what he says about *paradeigmata* has admittedly more to do with precept than prescription – he does not go out of his way to deny possibilities to orators – the amount of help he can furnish in an inquiry about how orators operated in Athenian public contexts must be limited. With this in mind (and in the spirit of the large semantic range of the word παράδειγμα generally¹⁹⁰), I will tend to prefer less systematic and more contextually informed terminology for paradigms in what follows.

If orators were not reading the *Rhetoric*,¹⁹¹ what theoretical texts were they reading? Some exposure to handbooks of some kind is in theory likely for all of the orators under consideration, though the evidence for their reading them is precarious.¹⁹² We can note that in the passage of Eusebius mentioned earlier, the five speeches in which Porphyry identified verbatim (αὐτοῖς ὀνόμασιν) or virtually verbatim (σχεδὸν διὰ τῶν αὐτῶν) borrowing are all from private cases,¹⁹³ suggesting that this is where handbooks (or teaching texts) could have had the most to offer. For public oratory, the *Rhetorica ad Alexandrum*, a more practical affair, is a possible candidate. What it has to say about *paradeigmata* (8, 32, 36) not only reflects what we see in our texts quite closely,¹⁹⁴ but also intriguingly features a set of examples very close to those with which Demosthenes rounds up the argumentation of *Against Leptines* (20.161-2).¹⁹⁵ However we are to view

¹⁹⁰ Natali (1989). For Demosthenes in particular: Jost (1935), 19-21.

¹⁹¹ D.H. *Iamm.* is aimed at correcting precisely this misapprehension.

¹⁹² e.g. Demosthenes' acquaintance with handbooks as featured in Plut. *Dem.* 5.7 and [Plut.] *Vit. Dem.* 844c.

¹⁹³ Eusebius *Praep. Ev.* 10.3.17 Mras: i.e. Is. 8.12 ≈ D.30.37 ≈ Isoc. 17.53-4 (on slave-torture), and Dinarchus and Demosthenes (n.132 above). The case of Hyperides and Demosthenes is one of creative reworking (10.3.14-15), hence Porphyry's critical judgment.

¹⁹⁴ See above, nn. 68 and 159, and *RA* 32.5, which prescribes that examples should respond to the cases of justice being instanced: cf. e.g. the choice of Timagoras and Epicrates as illustrations in D.19 (Ch. 4).

¹⁹⁵ *RA* 8.6-8. Demosthenes was thirty – and quite possibly new to prosecuting in a major public trial – at this point, so recourse to a familiar set of examples from oral usage and/or a handbook is not unlikely.

any direct connection between the two here (or, potentially, lack of one),¹⁹⁶ interests in precept and example are well attested for Demosthenes by the collection of symbouleutic *proemia* in the corpus, now usually thought genuine.¹⁹⁷ But most features that might be ascribed to handbook training might just as well be derived from oral instruction (e.g. by Isocrates). The *Rhetoric* itself is a compilation of Aristotle's teaching materials (whether set in this form by the master himself or by pupils¹⁹⁸), but such essentials as the structuring of speeches could be honed as much by practical observation of professionals at work in courts and Assembly as by lectures and handbooks.¹⁹⁹ When Aeschines alludes to Demosthenes' pupils in *Against Timarchus*, he has them present in court (173), observing the trial and 'shadowing' Demosthenes, and only later back at his house – their presumed place of instruction – to listen to their mentor's hypothetical bragging about how he won the case (175: *σεμνυνόμενον ἐν τῇ τῶν μειρακίων διατριβῇ*).

There is no obstacle to thinking that 'how to treat historical material' was passed on in precisely this way. Written repertoires of stock *paradeigmata* may have been available to (say) a young Demosthenes; or they could have been taught to him orally; or the frequent use of them in public could have helped form his own usage. The last seems overwhelmingly likeliest as the chief influence. First, the initial step towards individualizing oneself as a public speaker is to locate what the shared expectations of audience and speaker are and to tap into them. If making reference to the semi-canonical set of victories won by Chabrias, Iphicrates, and Timotheus was what people did, then a

¹⁹⁶ The mention of Corinthian support for Syracuse against Carthage (i.e. Timoleon's expedition) gives a *terminus post quem* (343 at the earliest) for the *Rhetorica*'s date and seems to 'update' Demosthenes' examples, observing chronological order and displacing Dion one place accordingly. This may not be a 'correction' of Demosthenes, though; a common handbook source is just as likely, which the author of the *Rhetorica* simply updated.

¹⁹⁷ Worthington (2006), 57 and n.5; Yunis (1996), 247-57 (treated as genuine).

¹⁹⁸ Nature of the text: Kennedy (2007), 17-18 (Aristotle as master hand in the composition).

¹⁹⁹ cf. the Roman *tirocinium fori*. Plut. *Dem.* 5.2 may not be unstable evidence.

sensible strategy for a tyro orator to adopt was to pay lip-service to that norm while finding a way to make his own usage particularly powerful and relevant. Secondly, it is precisely the influence of other orators' usage that dominates the choice and management of historical examples and argumentation in the two trials where we have speeches from both sides: Demosthenes and Aeschines in the Crown and Embassy trials. After all, orators are 'talking' to each other as much as they are to their audiences; dynamic handling of material is meant to provoke fellow practitioners,²⁰⁰ and inform the next round of combat.²⁰¹ Thirdly, it does Demosthenes *qua* author no disservice to have him make increasingly creative and sensitive use as his career progressed of a feature elementary to talking about the past in public but susceptible in unimaginative hands to a slide into the banal and predictable, if still retaining functionality at the 'Aristotelian' level (hence Dinarchus and hence the traditional view of oratorical *paradeigmata*). In fact, a growing sensitivity to and awareness of the potential of this material for self-fashioning as the citizen and statesman *par excellence* is precisely what I posit for him, and precisely what I aim to show over the following chapters – hence, partly, the chronological and speech-by-speech structure, to bring out Demosthenes' increasingly sophisticated responses to the rhetorical challenges he faces, and to put the clashes with Aeschines in their proper context.

I close this section with two more delimiting considerations. First, I do not propose to undertake a special lexical examination of, for example, *πάλαι*- words.²⁰² They will mean different things to different audience members, and correspondingly what we tend to see happening is that orators' deployment of them reflects that: the keynote is vagueness.²⁰³

²⁰⁰ cf. on comedy: Sidwell (2009); Biles (2011), esp. 134-66; and especially Wright (2012), 31-69.

²⁰¹ As with quotation of poetry: see nn. 60-1.

²⁰² A brief but comprehensive examination is Cawkwell (1963b), 62 n.85.

²⁰³ cf. Grethlein (2010), 114.

Within twenty paragraphs in *Against Ctesiphon*, Aeschines designates Solon (early sixth century) and Cephalus (*fl.* 390s-370s) as ὁ παλαιός.²⁰⁴ It will be more useful to examine such notable vocabulary in its individual contexts rather than making pronouncements here which will be qualified several times over in what follows.

Secondly: where historical argumentation is concerned, the distinction between private and public speeches is observed quite strictly, in that it is rare for past events with a civic complexion to be harnessed persuasively in private speeches. Rosalind Thomas' discussion of family traditions in fact almost exhausts the sum of references to the civic past that appear in those in the Demosthenic corpus.²⁰⁵ Events and/or persons (sometimes among those used freely for persuasive purposes in the public sphere) tend to be mentioned either in passing – to contextualize a period of someone's life spent on military service, for example, and without particular persuasive intent – or when a family link is demonstrable which will boost the status and credibility of the litigant concerned, as in the case of [Demosthenes] 58, treated by Thomas.²⁰⁶ The remit of most private speeches simply makes appeals to the civic past less relevant or necessary. The credibility that could be gained from authoritative citation of the past was first and foremost an attribute that could raise an orator's profile as a prominent *public* communicator, and most litigants in private cases had little need of this. Consequently, they are not discussed in the present thesis.²⁰⁷

²⁰⁴ A.3.175 and 194.

²⁰⁵ Thomas (1989), 108-23. The others, mostly minor, are D.40.32, 46 (Thirty-related), D.57.18 (the Decelean War), [D.] 58.37 (a decree of Thucydides), [D.] 58.62 (wistfulness for better times), and various generic references to Solon (D.36.27; [D.] 42.1; [D.] 43.62, 67; [D.] 48.56; D.57.31-2) and Dracon ([D.] 47.71).

²⁰⁶ Thomas (1989), esp. 132-8, including 124 on Cleon: [D.] 40.25.

²⁰⁷ Space forbids discussion of the only private speech in the corpus which, given its public aspects, engages in extended historical illustration (deriving from Thucydides): Apollodorus' *Against Neaera* (Trevett [1990]; Carey [1992], 132-40; Kapparis [1999], 375-98; Pelling [2000], 61-81; Steinbock [2012], 126-42).

0.5. The Texts

Individual speeches carry their own problems where ‘the publication issue’ is concerned, but I sketch here the basic assumptions on which my own route through this very thorny territory relies. They will not satisfy everyone; scholars negotiate the hazards very variously. On the basis that it is correct to think of both Demosthenes and Aeschines as fully connected – despite various professions to the contrary – with contemporary intellectual and literate culture,²⁰⁸ textual revision is more than possible, and indeed a necessary assumption for our texts of both the Embassy and especially the Crown speeches.²⁰⁹ It does not need to be assumed that it was heavy.²¹⁰ A step too far would be to assume that the artistry present in their speeches can only be the result of the process of writing up. Much of the artistry examined by those who do make that assumption consists in techniques just as appropriate – if not more – to a predominantly oral picture, where, as noted above, such elements as ring composition fulfil an important mnemonic function.²¹¹ The model pursued should be based on recognition of the easy interchangeability, at least by 330, of oral and written modes of composition and revision. Whether the habits of either orator changed over time, or whether the practices just sketched would have seemed more outlandish in the 350s than in the 330s, is hard to address, let alone answer. What is

²⁰⁸ Demosthenes’ education: MacDowell (2009), 18-22. Aeschines’ traditional education: Harris (1995), 28 with 185, nn.29-30. Aeschines may not have received rhetorical training initially (Phld. *Rhet.*, II p.97, F VIII; p.219, Col. XIV.23-30 Sudhaus), but by the time he made the first of surviving speeches he had probably learnt enough to hold his own. The context of Philodemus’ comments looks unreliable, too; his picture may derive mainly from impressions (not necessarily his own) gained from reading Demosthenes’ and Aeschines’ speeches.

²⁰⁹ See e.g. Yunis (2001), 26-7 (with MacDowell [2000a], 22-30, for comparison) and Chs. 4 and 5 below. Also Dover (1968), 168-70; Hubbard (2008), 193-200.

²¹⁰ Level-headed statements: Olding (2007), 168-9; Steinbock (2012), 37 n.168.

²¹¹ So largely *contra* Worthington (1991a), esp. 64-70; (1992), 36-9; (1994), esp. 115-16; (1996); though sometimes ([1992], 26, 36) he does acknowledge that the initial purpose might be mnemonic. Ring composition may not, then, be one of the types of artistry audiences might view negatively, as marks of a ‘written’ composition (treated by Schloemann [2002], 137-41).

clear is that we need not in what follows assume differences serious enough to derail us between what was delivered and what we now read.

Circulation of at least some speech texts from trials was probably happening early, though in what quantity and for what audience remains inscrutable.²¹² For our period and authors, internal evidence suggests that Dinarchus and Hyperides were able to use strands of Aeschines' *Against Ctesiphon* against Demosthenes in 323.²¹³ Whether the norms prevailing at the beginning of Demosthenes' public career had more in common with those of Hansen's earlier period or those of the 320s is, like the question of how much politicians wrote out and revised their speeches, less certain. Demosthenes and Aeschines may, again, by definition be among those most in touch with what 'circulation culture' there might have been, and thus unrepresentative. Why circulate in any case? An acceptable variation on the now-discredited 'pamphlet theory' of motivation²¹⁴ might be that after 338, with possibilities for liberal self-expression now limited under Macedonian hegemony, Demosthenes (quite possibly with help) put together a selection of both symbouleutic and dicanic speeches for some form of public circulation which monumentalized his policy and his period at the helm of affairs. The consistency of his policy was what Aeschines attacked in 330, and it remained at issue throughout the 320s to be foregrounded as the key failing addressed by the two extant prosecution speeches in the Harpalus trials of 323, brought into sharper focus by the bribery charge.²¹⁵ Demosthenes (or whoever did the dissemination for him – perhaps his nephew Demochares²¹⁶) may have felt that a selection of speeches which charted the progress of his resistance to Philip (plus *On the Crown*) would be an appropriate means of asserting that consistency at a period when he was in

²¹² Hansen (1984), 60-8; Edwards (2000); Milns (2000), 207-9; Hunt (2010), 271-4.

²¹³ But see Worthington (1992) (above, n.135).

²¹⁴ Adams (1912); Martin (2009), 11.

²¹⁵ Din. 1 esp. 7-9, 31-6, 61-3, 99-104; Hyp. *Dem.* esp. 20-2.

²¹⁶ Goldstein thinks he edited *Letters* 1-4: (1968), 24-5.

eclipse.²¹⁷ This does not explain Aeschines' motivations for releasing *Against Ctesiphon*, but if there is any truth in the tradition that he founded a rhetorical school after his defeat in the Crown trial of 330, then circulation of samples for educational purposes might seem an apt explanation.²¹⁸

Before opening, with Demosthenes' earliest public speeches, I append a brief note on the authenticity of certain items in the corpus.²¹⁹ I reject the authenticity of Demosthenes 25 and 26 and am far from confident about their status as genuine products of fourth-century Athenian practical speechwriting.²²⁰ I also reject 7, 11, 12, and 17 as authentic, along with most scholars, but respect the likelihood that Demosthenes 7 and 17 are tied to a genuine fourth-century delivery context, even if their authorship will remain an open question.²²¹

²¹⁷ A very loose parallel might be Cicero's selection of consular speeches, probably aimed at a similar kind of sustaining of personal authority in 60, at a time when Cicero's star had waned: *Att.* 2.1.3 Watt (with McDermott [1972] and references in Dyck [2008], 10-12 and Cape [2002], 115-20). N.B. Cicero's overt comparison with Demosthenes' *Philippics* there.

²¹⁸ Aeschines' school: Kindstrand (1982), 75-84. See Carey (2005), 94-5 on Aeschines' motivations for publishing.

²¹⁹ So genuineness vs. authenticity as with e.g. Badian [2000], 10.

²²⁰ With Usher ([1999], 244 n.2; *contra*, MacDowell (2009), 310-13 ([D.] 25 by D.; [D.] 26 not); also Martin (2009), 10-11, 182-202 (Demosthenic authorship for [D.] 25). The debate on [D.] 25: Wohl (2010), 51 n.63.

²²¹ On these two: Hunt (2010), 275.

CHAPTER 1: DEMOSTHENES: AGAINST LEPTINES

1.0. Introduction

Against Leptines (355/4) is the first extant Demosthenic speech from a major public trial, and is roughly contemporaneous with the first major public speech which he wrote for a client: *Against Androtion*.¹ It argues that Leptines' proposed law – removing *ateleiai* (and opportunities for their future conferral) from all holders but the two senior descendants of Harmodius and Aristogeiton – would be a step ruinous to Athens's reputation on the international stage, and would privilege the answering of momentary exigencies over the perpetuation of behaviour intrinsic to the Athenian character.² Over thirty years later it could still be recalled obliquely (and in a distorting fashion³) by a client of Dinarchus as a notable piece of Demosthenes' early work, though strictly we cannot be sure whether it succeeded, or, if it did, whether it was the principal factor in the overall success of the prosecution's case.⁴ After all, Demosthenes only spoke after a shadowy principal *synegoros*, one Phormion, the character and focus of whose speech have proved notably hard to pin down.⁵ Demosthenes' own speech betrays stylistic signs of its author's immaturity.⁶ What I want to stress in this chapter, though, is the extent to which

¹ Following D.H. *IAmm.* 4. It is unclear why he puts D.22 first in the year (followed by Canevaro [2009], 119). Same year: Sealey (1993), 126-7.

² Summaries and discussions of the law, the case, the issue, and the speech: Usher (1999), 192-8; MacDowell (2009), 156-67; Canevaro (2009), 117-33; Kremmydas (2012), 45-58. Honours to the Tyrannicides and their descendants: Gauthier (1985), 92-5.

³ Din. 1.111. Chabrias' son, Ctesippus, stands to lose his hereditary *ateleia* should Apsephion's attack fail, but Demosthenes' *synegoria* in the case cannot easily be seen as Dinarchus' 'defence of Ctesippus' (ὕπερ Κτησίππου), though the mercenary reason for Demosthenes' involvement (μισθοῦ τὰς δίκας λέγοντος) cannot be so easily dispensed with. Dinarchus also mentions Demosthenes' defence of Phormion (D.36), but, as Rubinstein ([2000], 50 n.69) and Canevaro ([2009], 118-19) point out, Dinarchus' terms are sufficiently blurred that the 'Phormion' here could be the Phormion of D.20.

⁴ Kremmydas ([2012], 58-60) argues vigorously for its success (*contra*, Sealey [1993], 127).

⁵ Phormion: D.20.2, 51, 100, 159. Hermogenes also had a try: *Meth.* 24 Rabe. Kremmydas (2012), 42-3.

⁶ MacDowell (2009), 166; Pearson (1975), 220-1 (unchallenging delivery-wise).

Demosthenes is already displaying the facility and dexterity with historical material that we tend more immediately to associate with works dating from his period of political eminence: the later Assembly speeches and his contributions in the Embassy and Crown trials.

It is tempting to plot a ‘light-bulb moment’ for Demosthenes’ recognition of the threat Philip would pose, and some have seen that as the moment when a relatively directionless young Demosthenes began to develop a distinctive programme of political self-individualization as Athens’s defender against Philip’s designs,⁷ which for our purposes works itself out in the galvanizing of compelling historical usage (as we shall see in the next chapter). The existence of a light-bulb moment as such is probably unrealistic.⁸ If not, Philip’s crushing (and extremely bloody⁹) defeat of Onomarchus at the Crocus Plain in 353/2 is probably the best candidate,¹⁰ indicating as it will have done the likelihood that Philip could capitalize on the newly-compliant Thessaly as a strategic corridor to Greece as well as a resource.¹¹ (Further, in the *Third Philippic*, of spring 341, Demosthenes says that Philip has been ‘coming to the top’ for not quite thirteen years, which roughly fits.¹²) If so, it makes all the more sense to examine those speeches that fall before 353/2 to help trace whether the threat of Philip also led to a new sharpening of Demosthenes’ sense of the persuasive impact that treatment of the Athenian past could have in front of popular audiences, or whether this was sharp already and ready to be applied in a new direction.

⁷ e.g. Badian ([2000], 35-7) sees Demosthenes as primarily intent on entering Athenian high politics; issues came second.

⁸ Staggered light-bulbs: personal contact with Philip in 346 may have been transformative, and that was five years after the *First Philippic*. See also Jaeger (1938), 114-24; Badian (2000), 35-7; Ryder (2000), 45-58.

⁹ Buckler (1989), 75, 189.

¹⁰ An offhand reference to Philip like the one at D.23.121 was impossible after Crocus Plain: Lane Fox (1997), 185-6, 202-3. Also dating to the second half of 353/2 (i.e. spring/early summer 352): Hammond and Griffith (1979), 723; Ellis (1994), 743-6; Ryder (2000), 48-9.

¹¹ Philip and Thessaly: Hammond and Griffith (1979), 2.267-81, 285-95; Buckler (1989), 78-81.

¹² D.9.25 (ἐν τρισὶ καὶ δέκα οὐχ ὅλοις ἔτεσιν, οἷς ἐπιπολάζει).

As early as the *First Philippic* of 351, Demosthenes' famous juxtaposition of Athenian democratic ideals and values (against an explicitly timeless backdrop) with Philip's despotic and mechanistic exercise of *Realpolitik* has already been theorized and is on display (as we shall see in Chapter Two). What I argue in the present chapter is that the exploration of this theme has important roots in his earlier practice from the mid-350s onwards. *Against Leptines* is the notable example, where the character of Athens – and Athens throughout time – becomes ethical proof against the distorted view of the city's priorities which is assigned to Leptines and the other *syndikoi*. Further – and importantly for the rest of this study – I argue that the speech also shows that Demosthenes was already interested in using the past to do politics: that is, that he had already realized the potential of convincing and authoritative treatment of historical material for enriching the ethical appeal fostered by a speech as a whole, and marking him out – he had just, or not quite, turned thirty – among a host of competitors. Scholars have debated the extent to which the Leptines trial reflected clashing economic interests, or political factions, given its directly post-Social War context in a war-weary and depressed Athens and in an atmosphere where the politicians who had taken Athens into it – Aristophon in particular – might naturally attract criticism launched from various angles.¹³ Although I will draw on these discussions in what follows, my emphasis will be more upon what the speech was designed to achieve for Demosthenes himself (and, in the other cases, his clients), and on how far the modes and character of his deployment of the past in *Against Leptines* help achieve that. Who Demosthenes might have been 'working for', beyond himself, must be left open.

Some clarification is necessary, though, on the political context of the trial. First, a broad point: it falls very soon after the conclusion of the notorious Embata trials (356/5), where

¹³ Dušanić (1979), 69-71; Burke (2002), 177-9; Canevaro (2009), 123-33; Kremmydas (2012), 39-42.

Aristophon and Chares indicted Timotheus, Iphicrates, and Iphicrates' son Menestheus – a group cemented by marriage, possibly since as early as 370/69 and at any rate since 362.¹⁴ Timotheus was convicted and, confronted with a fine he could not pay, went into exile in Euboea and soon died there. The other two were forced out of public affairs, Iphicrates permanently.¹⁵ Demosthenes' decision to devote a lengthy encomiastic passage to Timotheus' father Conon in *Against Leptines* (67-74) (a close relationship staged in bronze for the Athenian public in the juxtaposition of their honorific statues¹⁶) must have seemed political at some level – as political as his decision not to mention any of the three Embata victims directly in the present trial, except at one point (84-6) where Timotheus and Iphicrates are explicitly aligned (and purely in their capacity as recipients of honours¹⁷) with the untouchable Chabrias, the subject of the other lengthy encomium in the speech (75-87). This treatment of Conon resembles how Demosthenes writes Iphicrates into *Against Aristocrates* two years later as a fallen hero, seemingly constructed to stand comparison with Themistocles, as we shall see. The elimination of the three Embata defendants from public affairs (Menestheus temporarily¹⁸) must have occasioned a flurry of factional realignments which had probably not quite settled by the time of the Leptines trial. Possibly Aristophon's signal success against very high-profile rivals strengthened his hold over some sort of faction, but it is hard to know, and convincing cases have recently been made for seeing the *syndikoi* here as individuals not necessarily politically aligned.¹⁹

¹⁴ [D.] 49.66: Harris (1988a), 51 (date: 370/69-367/6) vs. e.g. Davies [1971], 250-1, 509 (date: 362). Embata trial and conviction of Timotheus: Sealey (1955a), 74; Hansen (1975), 101-2 (356/5 date, followed by Harris [2008], 67 n.179, and Kremmydas [2012], 37); but cf. Sealey (1993), 112 (354/3 date this time, following Cawkwell [1962b], 45-9). Group and collapse: Sinclair (1988), 168-9.

¹⁵ Trial, acquittal, and aftermath: Isoc. 15.129; Harris (1989b), 271 and n.27; Bianco (1997), 202-7.

¹⁶ Paus. 1.3.2; Gauthier (1985), 102-3; Shear (2007a), 110; (2011), 282; Krumeich (1997), 207-9.

¹⁷ And (84-5) as the reason honours were conferred on their mercenary subordinates (Strabax and Polystratus in the case of Iphicrates, Clearchus and others in the case of Timotheus). Strabax and Polystratus at least seem intimately connected with earlier Athenian military success (Strabax: Ar. *Rhet.* 1399b2; Polystratus: D.4.24), and a reference to them would probably have been received positively (contrast e.g. 20.131-3).

¹⁸ Later activity: [D.] 17.20 (*strategos*); trierarchies: *IG II²* 1622b 199; e 723 and 731-2; 1623a 47-8.

¹⁹ Rubinstein (2000), 172 (and cf. the mix of prosecutors in the Harpalus trials: Worthington [1992], 53); Martin (2009), 240-1. D.20.137-8 has been a crux for those wishing to see factional conflict in the Leptines

My point, then, is that when Demosthenes did his best to blur the identities of individual *syndikoi* in *Against Leptines*, he probably did so in defiance of a complex political situation. And even if we were to adopt a 354/3 date for the Embata trials,²⁰ it would still be reasonable to think of Demosthenes as providing nuanced comment on a situation where the future of Timotheus' group would have looked precarious following Chares' letter of accusation.²¹

Either way, in attacking Leptines' law Demosthenes confronted a line-up of skilled, veteran orators and men of affairs, all probably well able to integrate the Athenian past into their arguments should they have wished to.²² Demosthenes in fact predicts that Leptines will do just this (112), using a 'ready-made' argument (πρόχειρος λόγος) – that past Athenians did not ask for special honours, but were content with commemoration in the district of the Herms – which we will find Aeschines using in a similar way (3.183-5) in the Crown trial.²³ It would probably work best for Leptines as part of a strategy of

case (esp. Sealey [1955a], 79-80, following Sandys [1890], 100). On this reading, Diophantus and Eubulus have personal enemies among the *syndikoi*. But (with Harris [2008], 64 n.165, Canevaro [2009], 130-2, and Kremmydas [2012], 410) this is not the only way to read that passage, and we should not be misled by the fact that such enmities did exist (Sealey [1955a], 74-80 and Martin [2009], 241 on Eubulus vs. Aristophon and Leodamas vs. Diophantus). Demosthenes' point is rather that Diophantus and Eubulus, despite having personal enemies among questionable *ateleia*-holders, have chosen not to pursue them, unlike the *syndikoi* now; the jurors should not be tempted to indulge this un-Athenian behaviour.

²⁰ See above n.14.

²¹ D.S. 16.21.4 and Cawkwell (1962b), 48. Those who prefer a 354/3 date will wish to adjust the arguments that follow accordingly (i.e. to reflect a situation where Demosthenes is talking about a group under threat rather than one now ruined). On either dating, what is paramount is Demosthenes' use of Iphicrates and Timotheus as *symbols* of a glorious Athens the *syndikoi* cannot properly represent, not any specific *affiliation* he may have.

²² On the individual *syndikoi* and their careers: Canevaro (2009), 119-23 and Kremmydas (2012), 36-8. Interestingly, four out of five of the defence team feature in Aristotle's *Rhetoric* (Leptines: 1411a5-6; Leodamas: 1364a19-23; Aristophon: 1398a4-7; and especially Cephisodotus (if he is the right one: see below n.51): 1411a6-11, 23-4, 28-9). Leodamas, as the (son or) grandson of Phaeax and nephew (?) of another Leodamas (Davies [1971], 521-4), was oratorical royalty (on Phaeax's oratory: Piccirilli (1995), 8-11 and Vanotti (1995), 121-8; and cf. A.3.139 on Leodamas' own skills; Ar. *Rhet.* 1400a32-6 and Lys. 26.13-14 for the uncle (?), though Traill [PAA 605085] thinks the two might be identical).

²³ Jacoby argued ([1945], 195-202, endorsed by Osborne [1985], 59) that Leptines manipulated the Herm epigrams to suit his case in his original proposition of the law on *ateleiai*, hence Aeschines' later citation (3.183-5; see below, Ch.5, n.141. But there is certainly no special reason to think that Aeschines 'quoted' from Leptines' speech (Jacoby 198) rather than simply picking up on it or, indeed, similar usages (197), nor to retroject to 356/5 what is referred to only in the later 354 context. It could be *Demosthenes* having a

valorizing the accomplishments of pre-394/3 Athens – when Conon was awarded the first state-commissioned bronze statue since the Tyrannicides²⁴ – over what had happened since (which is what Demosthenes partly did when making a similar case in *Against Aristocrates*). Demosthenes’ use of *πρόχειρος* here must mean either that the Herms example is in frequent oral usage or is prominent in rhetorical handbooks.²⁵ By advertising it, Demosthenes must be trying to force Leptines either to avoid using it or to commit to it and thus expend valuable time and energy elaborating it and justifying its place. But this is also an opportunity for Demosthenes to outline his own appeal by contrast. Leptines’ hypothetical resort to a ‘ready-made’ argument implies that his arguments as a whole are not only going to be erroneous in the various ways Demosthenes’ speech outlines, but hackneyed and predictable too – and Demosthenes duly combats the Herms illustration in advance with a slightly *recherché* (and not particularly close²⁶) example: honorific grants made to Aristides’ son Lysimachus by ‘decree of Alcibiades’ (115),²⁷ followed by an expression of hope that the city will soon be in a position to make other grants of that kind (τότε μὲν γὰρ ἡ πόλις ἡμῶν καὶ γῆς ἠὲ πόρει καὶ χρημάτων, νῦν δ’ εὐπορήσει). This dynamic – combating the trite with non-canonical, and tying in the issue of the city’s economic welfare – helps answer a central need we see Demosthenes addressing with his historical material in this speech: to portray his opponents as the spokesmen of an enervating post-Social War consensus which has encouraged a damaging lack of sympathy between the Athenian tradition of generosity and enterprise and the city’s political establishment. The *demos*, significantly, is not to blame for any of this. The possibility that

‘brain-wave’ (201) as to the monuments that would fit Leptines’ case, rather than Leptines himself, who had not yet spoken in the trial at hand; though it should also be noted that Demosthenes’ Leptines is actually not represented as necessarily interested in whether or not people are named on their honorific monuments (20.112, *pace* Jacoby 202). Hobden ([2007a], 496) sensibly posits the existence of ‘competing analyses’ of the Marathon painting, and that may well work for Aeschines’ Herms too (see also her n.18).

²⁴ Shear (2007a), 107-9; (2011), 275-80.

²⁵ Kremmydas (2012), 382.

²⁶ Gauthier (1985), 94 n.49.

²⁷ Davies (1971), 51-2; Kremmydas (2012), 385-8.

the proliferation of honours in the last forty years might be bad for the city in the longer term – and that Leptines might have a good case grounded in genuine respect for the (pre-394/3) Athenian past – is completely ignored. The furthest Demosthenes will go to excuse his main opponent is to suggest that Leptines might be honest but either ignorant or stupid (102).

Mirko Canevaro usefully points to the political aspect of Demosthenes' involvement in the trial: to gain public attention in taking on a high-profile case, and in countering the ideological consensus currently operative.²⁸ With others, he also argues cogently that the recognition of the need to respond – or at least the need to be seen to respond²⁹ – to post-War economic conditions simply cut across any factional lines in forming the body of *syndikoi*.³⁰ He also follows others in characterizing the speech's tone as respectful – that of a young would-be politician anxious not to alienate potential patrons.³¹ But that tone is a good deal less respectful than it looks, and the passion contained by a calm, logical structure emerges at key moments.³² This suppressed energy is essential to Demosthenes' task: to manipulate the consensus to depict his opponents as an undemocratic and paternalistic cabal, defining himself by contrast, and with his historical argumentation well to the fore, as a fresh voice untainted by the mistakes that led to the Social War. He writes a similar voice for Diodorus (*Against Androtion*, *Against Timocrates*) and Euthycles (*Against Aristocrates*) in the three logographic speeches in the 350s: thrusting, angry, discontented with the way Athenian politics is currently done: especially apt, perhaps, in the case of Euthycles, about whom an identity question hovers which is best solved by

²⁸ Canevaro (2009), 136-7.

²⁹ cf. Martin (2009), 239 on the symbolic rather than especially transformative character of the legislation.

³⁰ As argued for by e.g. Martin (2009), 240-2; Canevaro (2009), esp. 123-34; Kremmydas (2012), 40-2, against the older view that the *syndikoi* were actually members of a faction ranged round Aristophon (Jaeger [1938], 56, 58; Dušanić [1979], 69-71; also Sealey [1955a], 78-9).

³¹ Canevaro (2009), 136, as e.g. Jaeger (1938), 65-7.

³² Logical structure: Kremmydas (2007); more briefly (2012), 54-6.

suggesting that he might be one of Demosthenes' age-mates as well as a fellow trierarch from 360/59.³³ It may well be no accident that very similar criticisms surface in *On the Trierarchic Crown* (19-20) probably genuine and written by Demosthenes for himself – or perhaps Euthycles? – to deliver in that year.³⁴

The objections against Androtion's behaviour that Demosthenes writes for Diodorus (also in 355/4) focus partly on vigorous criticism of that politician's exactions of arrears of *eisphora* – possibly open to association on a policy level with Leptines' law, and thus open to attack as a sample of the oppressive and undemocratic ambitions of a cabal. In *Against Leptines*, Demosthenes seeks to turn the *syndikoi*'s principal advantages, namely political experience and representativeness, into their principal weaknesses and into a facet of the stifling paternalism of an assured ruling group. This must have resonated more widely given Aristophon's presence on the defence team. That this is a rhetorical strategy (albeit a powerful one, and one which Demosthenes deploys in four speeches) and not in any sense an accurate picture of socio-political realities (as Werner Jaeger argued in a vigorous chapter³⁵) is exposed by several discrepancies in the 'us and them' vision. More will

³³ Age-mates supporting one another in litigation: esp. Nausicles for Aeschines (A.2.184) (and Rubinstein [2000], 149, 168-9). Hansen ([1975], 98-9 cat. no. 96), followed by Rubinstein ([2000], 139, 237 cat. no. 17) even had Demosthenes as prosecuting *synegoros* to Euthycles against Cephisodotus the general in 359, but this stretches the evidence (A.3.51-2) too far (Aeschines says Demosthenes turned κατήγορος of Cephisodotus, but that could simply mean he was called as a witness: Schaefer [1885-7], 1.453 n.5; Davies [1971], 135-6; Badian [2000], 18; MacDowell [2009], 134). It is still possible to argue that Demosthenes was a *synegoros* to *someone* then, and that Euthycles indeed took a milder view of Cephisodotus (D.23.167-8); cf. Knox [1976], 186-93 [esp. 190]. Euthycles may even have been a *synegoros* too (if we take κατηγορέω in D.23.5 to mean that, as Knox argues it does in A.3.51). The (speculative) image of these two young men (in their mid-20s) trying to find a way in 359 to reconcile their civic duty (and the enhancement of their public profile) with their loyalty to a commander to whom at least one of them was bound by dignities conferred as well as personal ties (A.3.52: τούτων ἀξιώθει διατὸ πατρικὸς αὐτῷ φίλος εἶναι) seems to me compelling. It is interesting that at D.23.5 Demosthenes does not have Euthycles name those he brought to book – what he has him stress is that he has done his public duty. For the (connected) Cephisodotus identity question: below n.51.

³⁴ And see the strong phrasal link between 51.9 and 23.130. In D.51 Cephisodotus is praised (1), though (as Bers [2003], 40 n.2 notes) Demosthenes' view may have changed after Cephisodotus' failure (see also Knox [1976], 192, though D.19.180 is more neutral than either he or Jacoby claim, and his detailed attempt to remove D.51 from the discussion [190-3] is not totally convincing).

³⁵ (1938), 55-67. It is by no means clear, for example, that Demosthenes and the others were closely associated with Eubulus at all (so *contra* 57; and also Burke [2002], 175-9, *pace* Canevaro [2009], 135).

emerge below; I give just one example here: Leptines is probably the same as the Leptines targeted by Androtion's arrears-collection (D.22.60).³⁶ The historical reality is one where fluidity – of *ad hoc* alliances on individual aspects of policy, and at key moments – matters more than the shifting personal relationships detectable in the sources, and that holds good for this whole study. Demosthenes' preoccupations in his portrayal were personal – the priorities of a young man keen to penetrate Athenian high politics.

As Leptines' personal liability for his legislation had lapsed, the usual expatiation on an individual's bad proposals as reflective of their bad moral character (as in the case of Timocrates) was unavailable, had Demosthenes even wished to adopt that approach.³⁷ Instead, by expounding a vision of an Athens true to what he represents as its timeless and essential values, Demosthenes stakes a claim, on the basis of altruistic outsider status, to a political voice by proxy. At the level of historical usage, this is very self-aware writing, in each of the four major 350s trial speeches. Demosthenes may have found common ground with Aristophon by 346 if the latter, like him, tended to conceive of issues in overtly tradition-framed terms (as the anti-Philocrates speech given him by Theopompus suggests³⁸), but in 355/4 the very problem must have been finding interesting ways to head off likely appeals to tradition by a venerable statesman whose political existence had spanned most of the very events that *Against Leptines* draws upon for persuasive effect. The proxy identity that Demosthenes chooses allows him to channel what may well have been at least a modicum of personal antipathy towards Leodamas³⁹ into a carefully-

³⁶ With Sealey (1993), 113. Another example (less strong), might be that Androtion was the proposer of the decree honouring Leucon's sons in 347/6 (*RO* 64, 318-25), which harmonizes with Demosthenes' sympathies in this speech (and note [323] that the proposer of the amendment is Polyuctus, son of Timocrates).

³⁷ D.20.144; 2*Arg. ad D.20* 3-4 Weil; D.23.92; though Martin ([2009], 236-9) is right to indicate that the liability rule alone need not explain as much about the speech as it is conventionally said to: see also Hesk (2000), 50 for another angle on the absence of invective.

³⁸ Theopompus F 166.

³⁹ See below n.80.

constructed ideological conflict on an intentionally impressive scale. This endorses Demosthenes' 'Athens' as the only acceptable version, and carefully exonerates Athenians beyond Leptines and the four *syndikoi* from complicity in the troubling and undemocratic present-day political situation which Demosthenes seeks to challenge. The persuasive work that overt self-reference could have done is done more subtly by an ambitious display of engagement with the past.

For reasons of space, full examinations cannot be made of the three major Demosthenic public speeches written for clients that date from before Crocus Plain – *Against Androtion*, *Against Timocrates*, and *Against Aristocrates* – but I shall comment on significant connections when they arise (as with the relevant Assembly speeches). As indicated above, the thematic and ideological preoccupations behind Demosthenes' management of historical passages in *Against Leptines* are sometimes replicated in his speeches for clients, though all three of the logographic speeches largely lack developed historical illustrations, and the recent past tends to be endowed with less of the overtly paradigmatic quality notable in the encomium of Chabrias, for example. Noting some of the connections that there are with these speeches will help to reveal two things: first, that Demosthenes' thinking about persuasion via history itself cannot at this stage be said *necessarily* to manifest itself in especially distinctive ways, though his articulation of it might do; and secondly, that he might have preferred to retain advanced – and more distinctive – presentations of it for trials where he was personally involved. The latter habit links historical argumentation directly to the question of the orator's projected authority and identity, and thus to the idea that to be seen exercising impressive control of such argumentation could pay personal dividends.

Two sections follow. First, I show that Demosthenes' structured featuring of themes of past resistance to tyranny and anti-democratic elements helps shape his assault on the case to be mounted by the defence *syndikoi* in *Against Leptines* and the defendants in the other 350s trials. All are represented as anti-Athenian and to a greater or lesser degree threatening, while Demosthenes, by effacing his own personality and mobilizing the city's reputation to act as proxy for him, proclaims impeccable democratic credentials and motivations. Once the persuasive template is in place, it can easily be adjusted to accommodate the struggle with Philip, and the spectre of a fifth column remains a powerful motif throughout the Assembly speeches from 351 onwards. In trials of the late 340s onwards, Demosthenes' public prominence after his involvement in the peace negotiations of 346 means that his 'rhetoric of the cabal' tends to be applied only at specific moments rather than helping to structure oratorical responses.⁴⁰ What we see particularly are strategic modifications to contest the deft historical usage of another astute operator: Aeschines. Second, I examine how the encomia of Conon and Chabrias and allusions to other politicians enable Demosthenes subtly to articulate his own political ambitions – to take a stand against the prevailing orthodoxy he seeks to have the *syndikoi* represent. By deploying his examples authoritatively and coherently, he lays claim to the kind of privileged position that they enjoy – and (allegedly) misuse. Fundamentally, he does so only by implication – his claim to notice is founded not on points of personality but on his compelling picture of how Athens could be.

⁴⁰ Such moments would include D.19.289-99 (on Eubulus' continuing influence).

1.1. Paternalism and Danger

Before Demosthenes spoke, Phormion did. Two relevant aspects of his speech are referred to by Demosthenes: that he went through (διεξελήλυθε) examples of past Athenian benefactors who had helped at times of crisis (20.51),⁴¹ and that he referred to the *stèle* of Demophantus of 410/9 (159: περὶ ἧς εἶπε Φορμίων), recording the oath sworn by the *demos* after the fall of the Four Hundred to reward with honours commensurate to those awarded to Harmodius and Aristogeiton anyone who suffered while trying to depose tyrants in the city.⁴² It is certainly right to posit shared themes here, and a ‘team-strategy’, as Christos Kremmydas does briefly and with appropriate caution.⁴³ It used to be common to think of Phormion’s as the speech which laid out the key legal objections, allowing Demosthenes to spend as much time as he does on material with more symbouleutic and epideictic qualities, but there is no particular reason to do so.⁴⁴ In Chapter Five we will see that Demosthenes and Hyperides shared historical examples when involved in trials in the fallout of Chaeronea; the suggestion *a fortiori* is that (within reason) litigants in teams might use similar (or complementary, and perhaps cross-referenced) material, pitched in different ways. The theme of the possibility of a resurgence of anti-democratic government is essential to *Against Leptines* and to the other 350s speeches. It allows Demosthenes and his clients to fashion themselves as impeccably democratic and to present themselves as individuals with a reassuring commitment to fundamental aspects of the city’s democratic history; and it enables a careful assimilation of their opponents to the sinister and never-quite-quelled forces of anti-democracy. This involves the activation of memories and

⁴¹ τοὺς...παρασχόντας χρησίμους αὐτοὺς ἐπὶ τηλικούτων καὶ τοιούτων καιρῶν, οἶον μικρῶ πρότερον Φορμίων διεξελήλυθε κἀγὼ νῦν εἶρηκα... This need not, as Kremmydas suggests, refer to Social War benefactions ([2012], 42); the phrasing is quite general (and translated so by Harris [2008], 37).

⁴² On which: Shear (2007b) and (2011), esp. 72-111; Kremmydas (2012), 445-6.

⁴³ (2012), 283, cf. MacDowell (2009), 158-9.

⁴⁴ Weil (1883), 6; Schaefer (1885-7), 1.397-8; Sandys (1890), 24; Blass (1893), 267-8; *contra*, MacDowell (2009), 159.

traditions connected with the Peisistratids (and Harmodius and Aristogeiton's murder of Hipparchus), the Four Hundred (and their deposition, memorialized in the Demophantus *stèle*) and the Thirty (toppled by the men of Phyle/Piraeus), and the deft binding of them to other arguments.

That binding is the chosen strategy both in *Against Leptines* and in *Against Androtion*. Regardless of the fact that the two senior descendants of Harmodius and Aristogeiton will escape the ban on *ateleiai* that Leptines is proposing, Demosthenes constantly reminds us of the Tyrannicides in *Against Leptines*, encouraging the sense that the relevance of these two chronologically distant figures stands outside time. Comparing Conon's activities with theirs (that he was the first man to whom the *polis* awarded a bronze statue since their time: 70), Demosthenes plays up the tyranny link, creatively reconstructing the intentions of the voting *demos* of the late 390s (including a portion of his present audience, no doubt) much as he and other orators frequently do when characterizing the intention of Solon or legislators in general (ἡγοῦντο γὰρ οὐ μικρὰν τυραννίδα καὶ τοῦτον, τὴν Λακεδαιμονίων ἀρχὴν καταλύσαντα πεπαυκέναι).⁴⁵ This may have seemed slightly forced,⁴⁶ and he resorts straight to the reading of decrees honouring Conon. But associating tyranny-suppression of any kind with Conon brings that concern to prominence in a way that perpetuates the sense Demosthenes is developing in *Against Leptines* that tyranny, or oligarchy, could come to Athens again, and that his opponents display just the kind of traits that should put the *demos* on their guard. The anti-democratic potential of the *syndikoi* in the Leptines trial is argued through the wider revelation by Demosthenes of their paternalistic consensus on the economic road the city should be taking. He and Phormion assume the character of staunch democrats in control of the facts, able to spot where all this could lead from their

⁴⁵ Conon's honours (c.393): Lewis and Stroud (1979), 186-7; Gauthier (1985), 96-7; Krumeich (1997), esp. 207-9; Shear (2007a), 110; (2011), 275-80.

⁴⁶ cf. Tuplin (1985), 359. But Isocrates puts it similarly in the *Euagoras* (9.56-7); also Shear (2011), 277-80.

grasp of precedents in the very Athenian past which the law of Leptines seeks to efface *en bloc*.

Demosthenes' main point is that the possibility for oligarchy or tyranny to emerge in Athens is a constant, as much of a constant as the continuum of Athenian glory itself – which is why the jurors should eye the activities of the present political elite with suspicion. Harmodius and Aristogeiton, and the Thirty and the Four Hundred, make appearances throughout the speech. Most are brief, but tend to be noticeable enough to add an extra level to the surrounding argument. This train of anti-democratic references is set up at §§11-12, and completed at §§157-62. These are the only substantial passages in the sequence. It is the frequency of the intervening brief reminders that is important (18, 29, 42, 48, 70, 127), and the choice of the moments at which Demosthenes introduces them.

Communal repayment in 403 of the Spartan loan that helped fund the Thirty is the focus at §§11-12.⁴⁷ Demosthenes uses this as evidence of the generous and high-minded Athenian *ethos*, but that is not the only work the illustration is doing. The link to Sparta may prepare jurors for the anticipation (105-11) of a possible defence argument comparing honour-giving practice at Sparta and Thebes;⁴⁸ and this works well if our Leptines is the Leptines Aristotle depicts recommending aid to Sparta ('one of Greece's eyes') in a context which must be 371 or soon after.⁴⁹ Cephisodotus may have had links with Sparta too (if he is the Cephisodotus who served on the 371 embassy before Leuctra), while Leodamas and

⁴⁷ With references: Hesk (2000), 42 n.76; Harris (2008), 25 n.35; Kremmydas (2012), 202-7.

⁴⁸ Probably a genuine anticipation: Fisher (1994), 365-6.

⁴⁹ *Rhet.* 1411a4-6: Fisher (1994), 365 n.61 (and Steinbock [2012], 322 n.141 for other appearances of the image). If they are identical, Demosthenes' claim not to know much about our Leptines (14) is simply evasive.

Aristophon were, according to Aeschines, noted pro-Thebans.⁵⁰ Politicians' attitudes towards cities could change,⁵¹ and the membership of embassies typically reflected a mix of external sympathies as well political persuasions,⁵² but given the continued relative cordiality of Athenian relations with Sparta in 355/4,⁵³ and given the fact that Aeschines tells us Leodamas and Aristophon were *known* for their (presumably long-standing) pro-Theban stance,⁵⁴ the significance of Demosthenes' foregrounding of Athenian and Spartan dealings in 403 at §§11-12 may not have been lost on the jurors. It was possibly even an example Leptines liked to use, showing Athenian readiness to cooperate with Sparta even in the toughest of times. Usurpation of historical material likely to be used by the opposition is a favoured Demosthenic dynamic, as we shall see throughout this study and as the usurpation of Leptines' Herms argument shows (112), and a structurally key juncture like §§11-12 may have seemed an advantageous place to attempt it. If so, the critique of the ultramontanist attitude to Sparta attributed to Leptines and the others at §105 is importantly anticipated.

The Spartan loan illustration also sets up the train of 'anti-democratic moments' in the speech in a distinctly uncomfortable fashion. In isolation, its content proclaims order, an end to *stasis*, partly achieved by the honourable use of public resources (the main issue in *Against Leptines*). The subsequent 'anti-democratic moments' will complicate that, piquing the audience and reminding them of the ease with which civic discord emerges. I look at examples, and then show how §§157-62 functions as an elegant and strong

⁵⁰ Cephisodotus and Sparta: X. *Hell.* 6.3.2; the identification problem: Harding (1994), 114-16. It is noteworthy that Xenophon gives Cephisodotus no patronymic; Aristotle also seems to assume a single eminent orator. Leodamas and Aristophon: A.3.139.

⁵¹ e.g. Demosthenes' attitude to Thebes: see Trevett (1999). The mention of the destruction of Orchomenus by Thebes in 364 places D.20 solidly among examples of his early hostility (Trevett [1999], 190).

⁵² The membership of the 371 embassy to Sparta (*Hell.* 6.3.2) is a good example. Callias and Callistratus are sympathetic to the Spartans; Autocles admits that he is not (6.3.7). Role of *xenia* here: Steinbock (2012), 82-3.

⁵³ Strictly relative: Fisher (1994), 355-6.

⁵⁴ A.3.139.

conclusion: if the jurors have not picked up the succession of hints by now, the final passage is calculated to leave them in no doubt.

The way that Demosthenes contextualizes his account of the benefactions of Epiclerdes of Cyrene offers a good example of the effects created by the unexpected appearance of oligarchic forces in the text.⁵⁵ Epiclerdes had already received an *ateleia* grant for his kindness to Athenian prisoners in Sicily in the aftermath of the disaster there in 413 (42),⁵⁶ but received another later: ὁρῶν ἐν τῷ πολέμῳ **πρὸ τῶν τριάκοντα μικρὸν** σπανίζοντα τὸν δῆμον χρημάτων, τάλαντον ἔδωκεν αὐτὸς ἐπαγγελιάμενος. If we accept the presence of *πρὸ τῶν τριάκοντα μικρὸν* in the text,⁵⁷ a sinister reverse parallel with the current situation appears. In both cases, Athens is in financial difficulties, and is aided by altruistic benefactors – and in the 404 case is then overtaken by oligarchs. What about now? Given that at §§11-12 Demosthenes had not emphasized the city’s poverty at the time when the *demos* repaid the Thirty’s Spartan loan, a new context where that poverty *is* stressed stands a good chance of signalling something to jurors in a similarly straitened 355/4 Athens who are considering the question of benefactions like Epiclerdes’. Demosthenes had a choice of temporal descriptors, and chose to relate the dearth directly to the oligarchic coup that followed. The argument that then follows – emphasizing how wrong it would be for Epiclerdes’ altruism and goodwill to be repaid now in the annulling of his awards, whether or not he actually makes use of them (44) – is capped by comparing his case with that of those who overthrew the Four Hundred and Thirty (perhaps dealt with in Phormion’s speech) (ὁ αὐτὸς τοίνυν ἐστὶ μοι λόγος οὗτος καὶ περὶ τῶν τοὺς τετρακοσίους καταλυσάντων, καὶ περὶ τῶν ὅτ’ ἔφευγεν ὁ δῆμος χρησίμους αὐτοὺς παρασχόντων, 48).

⁵⁵ For Epiclerdes: Meritt (1970); MacDowell (2004); Kremmydas (2012), 264-77.

⁵⁶ The form the benefaction took is not entirely clear: see Kremmydas (2012), 267-70 for discussion.

⁵⁷ Kremmydas (2012), 271, following Meritt (1970), 114 and Sandys (1890), 44 against Weil (1883), 35. Dilts ([2005], 126) applies braces.

There is no special reason why these historical events should be raised as parallels other than that Demosthenes intends them to contribute to the pattern he is placing before the jurors' eyes – a mapping onto the present and an encouragement of them to recognize the similarities between that present and the context of oligarchic behaviour in the past. We are given no reason to imagine that he is actually predicting a real imminent oligarchic coup on the part of Aristophon and the other *syndikoi* – but he is speculating about how paternalism can easily slide into danger, using the associations with anti-democracy as a creative means by which the jurors may contemplate the trial's (and its litigants') broader significance, and so be moved to question the right of Aristophon and the others to continue to control the economic discourse after the signal recent failure of their wider policies. This is all the more effectively achieved by the way Epicerdes is set up: he is unlikely to be familiar to the audience (cf. 41) and so, as a relatively blank slate, is susceptible to Demosthenes' creativity. He is made to act as a shadowy analogue for Athens, accompanying the city in all its darkest times (παρὼν τῷ τῆς πόλεως ἀτυχίματι...παρὰ τοὺς μεγίστους καιροὺς, 43-4); but now, divorced physically from the picture (probably in retirement in Cyrene⁵⁸), his exemplary presence can function as a way of reminding Demosthenes' audience what *would* constitute the value-set of an ideal Athens, and how far Leptines and the others depart from it. Themes of loyalty and betrayal, voluntary and compulsory action and a resourceful grasp of the right moment to act stand out in the example – Epicerdes, of course, displayed the positives (45), and the *stele* itself (*IG I³ 125*) echoes them.⁵⁹

⁵⁸ Or dead: Kremmydas (2012), 265, 273.

⁵⁹ On the proximity between the two: West (1995), esp. 241; and Canevaro (forthcoming 2014).

The cumulative impression to which the ‘anti-democratic moments’ contribute is mainly fostered, though, by the repeated appearances of Harmodius and Aristogeiton, via their senior descendants (18, 29, 70, 127, 128, 159, 160).⁶⁰ In each case (except one: 70: the reference to Conon’s statue), these are embedded in Demosthenes’ citation either of the part of Leptines’ law that exempts those descendants from the proposed ban on *ateleiai*, or of a close paraphrase, capturing the tension between Demosthenes’ sympathy with the retention of their descendants’ *ateleiai* as he cites that clause, and the implied grudgingness of Leptines’ decision to retain even these (πλὴν τῶν ἀφ’ Ἄρμοδίου καὶ Ἀριστογείτονος). One of the ways in which §§157-62 is important is in bringing that tension to a head – the passage also refers back to other key moments in the sequence. Those who argue for a respectful tone in this speech must explain away the directness of Demosthenes’ characterization of Leptines’ motives, which he glosses as a combination of φθόνος and φιλονικία (157).⁶¹ This must be a raising of oratorical stakes, or, put politically, burning of bridges. Here tyrannicide and protection against tyranny becomes of direct relevance, as the Areopagus’ role in homicide trials and Dracon’s law on homicide (as well as the *stèle* of Demophantus) are mobilized – superficially as an analogy, but with clear intrinsic connection – against the subversive spirit of Leptines’ law (157-9). Up to now the audience have been almost exclusively reminded of Harmodius and Aristogeiton in the context of their exemption from Leptines’ ban; now Demosthenes swings that round (159) in reminding the jurors of how they feature on the Demophantus *stèle* (ἄν τις ἀμύνων τι πάθη τῆ δημοκρατία, τὰς αὐτὰς δώσειν δωρεὰς ἄσπερ Ἄρμοδίῳ καὶ Ἀριστογείτονι) such that when he cites their clause of Leptines’ law once again, its hollowness is made all the clearer.

⁶⁰ Embeddedness of the Tyrannicides in popular memory and culture: Taylor (1991), esp. 1-9; McGlew (1993), 150-6; (2012); Raaflaub (2003), 63-9; Ober (2003), 216-22.

⁶¹ So against e.g. Jaeger (1938), 65-6.

Leptines' anti-Athenian credentials – by now covered in great detail in the legal argumentation – mean that when Demosthenes moves to reflect (in overtly philosophical terms: 162) on how the future can bring tyranny when the victims least expect it, he does so in such a way that Leptines and his *syndikoi*, or the interests in which they operate, may easily be cast as the unforeseen enemy. Part of the point is that Leptines cannot necessarily see this himself: Demosthenes uses him to voice an objection to the idea that tyranny could ever come to Athens again (ὅτι νῆ Δία πόρρω τοῦ τι τοιοῦτον ἐλπίζειν νῦν ἐσμέν: 161); but this serves as a very effective way of summing up an argument that Demosthenes has been using the historical material to make throughout: that threats to democracy do simply emerge in the natural order of things. Their human vehicles will always see them as something different (what starts out as confidence about the right way to govern quickly turns to corruption and oppression⁶²), but they all reflect a spirit out of step with the set of timeless values Demosthenes has been arguing Athens possesses, one manifestation of which is the city's just rewards to its benefactors. This out-of-step spirit Leptines does demonstrably possess, so logically the other fears can follow. Demosthenes does something similar at §§49-50, where he had answered an objection that modern Athens is hardly in need of the kind of aid given by those who overthrew the Four Hundred and Thirty (πολὸν τοῦ δεηθῆναι τινος τοιούτου νῦν ἀπέχειν τὴν πόλιν). In both cases the answer is a rather loaded recommendation to hope for that to be true, with prayer at §49 (ταῦτα μὲν εὐχέσθω τοῖς θεοῖς, κἀγὼ συνεύχομαι) and an even more tantalizing wish at §161 (εἴη μὲν γ' [i.e. πόρρω], ὃ ἄνδρες Ἀθηναῖοι). The key point is that Demosthenes explains this as historical process (hence the examples of the doldrums of the Spartans after Leuctra, Dionysius' tyranny over the Syracusans, and the recent deposition of Dionysius II

⁶² The idea is important for the beginning of the Thirty's rule: [Pl.] *Ep.* VII (324d), plus X. *Hell.* 2.3.12, D.S. 14.4.2, and *Ath. Pol.* 35.3; Rhodes (2011), 20.

by Dion: 161-2⁶³), taking a certain amount of pressure off his opponents as individuals but also alerting his audience to the forces at work. What has changed between §49 and §161 is that Demosthenes has made considerable efforts to establish his own (impersonal) didactic authority, such that when he follows §161 up with the historical examples, he is able to recommend foresight and moderation in an overtly didactic fashion without sounding trite (διὸ δεῖ μετριάζειν ἐν ταῖς εὐπραξίαις καὶ προορωμένους τὸ μέλλον φαίνεσθαι, 162).

The business of referring to the threat of oligarchy was in itself of course well-trodden ground.⁶⁴ What helps to set Demosthenes' treatment apart as a distinctive vision, and so demands that we consider what looks like a subtle undercurrent as a major theme recommended for the jurors' attention, is his depiction of Diodorus' opponents in the quite closely contemporaneous *Against Androtion* (355/4) and *Against Timocrates* (353). The *ethos* he writes for Diodorus is one distinctively more forthright and intemperate,⁶⁵ but otherwise strong similarities emerge in the foregrounding of anti-democratic behaviour as a useful and necessary way of contemplating the opposition. The most noticeable is the cumulative structure. In *Against Leptines*, repeated appearances of Harmodius and Aristogeiton, reinforced by references to the late fifth-century oligarchic regimes, foster a climate of attentiveness to potential links to the present situation. *Against Androtion* casts Androtion's activities as collector of arrears of *eisphora* in explicitly anti-democratic terms, having him make invasions of people's homes and eliciting a parallel with the

⁶³ No commentator seems interested by the passages' similarity to the set of examples of *παρὰ τὸ εἰκὸς* given by Anaximenes (*RA* 8.6-8), as noted in the Introduction (n.196 there).

⁶⁴ Two aspects (apart from straightforward reference to the Thirty) worth noting here are the tendency to merge the 411 and 404 regimes (cf. *Lyc.* 1.124-7 on when the oath of Demophantus was sworn) and 'the oligarchs'' shutting down *γραφὴ παρανόμων* procedures (*D.24.154*; *A.3.191*) (i.e. the Four Hundred: *Thuc.* 8.67.2; *Ath. Pol.* 29.4).

⁶⁵ Blass (1893), 262-4; Jaeger (1938), 60; Usher (1999), 200; MacDowell (2009), 180-1. Diodorus as clearly experienced: Pearson (1975), 218-19.

activities of the Thirty which reflects negatively on him – not even the Thirty did this; they only arrested people in the agora (22.52). We know they did more, especially to metics;⁶⁶ probably Demosthenes is bending this on purpose, and the fact that Androtion is worse because he is conducting public business in a democracy (ἐν δημοκρατίᾳ πολιτευόμενος, cf. 24.76) helps remind us that the kind of relative restraint which governs *Against Leptines* is not applicable here. Androtion’s house-invasions in §52 fit into a pattern where he is depicted constantly invading spaces where he does not belong (50, 52, 56, 68, reversed at 77, and cf. 24.126, 145 etc.), inhibiting citizens’ integrity both physically and in action (making arrests and threats); and although *Against Timocrates* does not continue the pattern so consistently, precisely the same hints are offered about the ‘real’ import of Timocrates’ legislation; comparison of Timocrates with Critias (24.90) is only the most direct. The speech also goes even further than *Against Androtion* in its use of Solon to encourage a view of Timocrates and his allies as a sinister cabal who legislate for their own purposes.⁶⁷ Similarly, *Against Aristocrates* (of 353/2) overtly develops a parallel, pivoted on the hypothetical provision of public statues (143), between the Lampsacene killers of the despotic mercenary Philiscus and the Athenian Tyrannicides.⁶⁸

The anti-cabal rhetoric of *Against Timocrates* is further spiced by abstract and vivid conceptualizing of the emergence of oligarchy which looks like the speculation that we saw in *Against Leptines* 49-50 and especially 160-2 – oligarchy and tyranny often merge.⁶⁹

What suggests a close link between the two speeches’ conceptions is the theme of constant vigilance,⁷⁰ and imagery of natural generation – that a move towards oligarchy will

⁶⁶ X. *Hell.* 2.3.21; D.S. 14.5.5-7; Whitehead (1977), 154-9; Krentz (1982), 80-2.

⁶⁷ Use of Solon in this speech: Wohl (2010), 295-300.

⁶⁸ Though Harmodius and Aristogeiton are not named.

⁶⁹ Mitchell (2006), esp. 182-5.

⁷⁰ To which Athenians were committed by the way the Tyrannicides were remembered: McGlew (2012), 92-3.

become a surge unless action is taken. Tyranny as a growing thing, corrupting and autonomous, is familiar from tragedy and elsewhere; in *Against Timocrates*, Demosthenes completes an argument about how oligarchic rule begins (154) with precisely the same kind of staged objection that we saw in *Against Leptines* 49 and 161 – that fears about the overthrow of democracy are irrelevant in modern Athens (ἴσως μὲν οὖν ἂν τις ὑπολάβοι ὅτι οὐχ ὁμοίων ὄντων τῶν πραγμάτων νῦν καὶ τότε, 154). He imagines anti-democratic thinking as a seed (σπέρμα) that will lie hidden until the time is right for it to appear (ἐκφύοι).⁷¹

The (implied) unexpectedness of the final emergence is a key aspect – it fits with the chain of repeated appearances of anti-democratic forces which we saw in *Against Leptines* and which Aeschines was also to find useful (talking about warmongers rather than oligarchs) towards the end of *On the Embassy* (172-7) in 343. But the presentation in *Against Leptines* and *On the Embassy* operates on the premise that these periodic emergences are endemic to the life of the state – something to look out for and try to suppress once the signs are discerned. Demosthenes goes a step further in *Against Timocrates* (206-9), writing Diodorus a version which invites the jurors not to examine the process objectively but to participate – to be *there* at one of those moments when oligarchy begins to erupt (here in the form of a dramatic release from gaol for those previously convicted: καὶ μὴν εἰ αὐτίκα δὴ μάλα κραυγὴν ἀκούσαίτε πρὸς τῷ δικαστηρίῳ, εἴτ' εἴποι τις ὡς ἀνέφκται τὸ δεσμωτήριον, οἱ δὲ δεσμῶται φεύγουσιν..., 208). Earlier (at 154) we had heard about the revoking of γραφαὶ παρανόμων as a warning sign preceding fifth-century oligarchic takeover. Here, though, the emphasis is on suddenness – nobody has told the jurors this is going to happen. What is being played with is the tension arising from the fact that these

⁷¹ Tyranny as a plant: Brock (2013), 164 and n.175.

self-same jurors have not yet decided to accept the case against Timocrates as a whole, and so have not yet validated Diodorus as a counsellor. Diodorus is shown to be all the more necessary in consequence, as someone able to read the signs in advance: a classic function of the good statesman.⁷² At another level, this idea that anti-democrats do things in the wrong order – undoing the past by reversing previous dicastic judgments which have put these people in gaol (ἔλυσαν τοὺς πρότερον νόμῳ δι’ ἁμαρτίαν τινὰ ταύτην ὑπέχοντας τὴν δίκην: 206) and showing a disordered temporal awareness (and so a failure to understand the past as Demosthenes/Diodorus shows he can) – is a constant in the four 350s speeches, and we will examine it further below.

1.2. Youth, Experience, and Knowledge: Taking a Stand

The Leptines trial was an overtly political trial as much as one about determining the specific course to take to recover Athens’s financial position. For Demosthenes at least, it was about personalities. He presents interpersonal wrangling as intimately involved (137) and Leptines’ motivation in proposing his law as entirely personal (142: ἵνα Λεπτίνης ἰδίᾳ τισίν, οἷς ἀηδῶς ἔχει, ἐπηρέαση). He tries to expose the precarious foundation on which the consensus rests. Images of spite and spiteful behaviour (φθόνος, φθονερός) play a notable part.⁷³ I began by outlining how far we ought to think of Demosthenes setting out his own political stall in his speech. So far, though, we have looked at more general ways of characterizing the wrongheadedness of, and potential peril arising from, Leptines’ attitude to the civic past. Now I turn to the specific means by which Demosthenes figures his opponents as false to recent history and therefore ripe for supersession in the conduct of public affairs. Fundamental to his approach is the virtual heroizing of Chabrias, turning

⁷² Foresight and the statesman: esp. Mader (2007b).

⁷³ As Gallet (1990) shows.

him into a paradigmatic figure fit to rival the fifth-century greats despite his recent death. Lycoleon's defence of Chabrias in the Oropus trials of 366/5, in which he used the posture of Chabrias' statue for emotive appeal, suggests that this was possible even in Chabrias' lifetime; but his removal from the scene by 355/4 allows an ampler set of opportunities for usage, and Demosthenes ostentatiously takes them, assimilating Chabrias to the broader fulfilment of his goals: constructing a heroic and consistently glorious Athens to contrast with the utilitarian, misdirected, and (as we saw in the previous section) potentially dangerous situation presided over by the *syndikoi* and their colleagues. The latter group's attitude to, or grasp of, history distant and recent is constructed as an infallible moral indicator, and, inevitably, they largely fail the test.

Demosthenes' stance is signalled from the beginning. The jurors are made aware from the first words of the proem that this is a *synegoria* motivated by personal connection (or at the very least sympathy) with the family of Chabrias as well as by concern for the interests of the state (μάλιστα μὲν εἵνεκα τοῦ νομίζειν συμφέρειν τῇ πόλει λελύσθαι τὸν νόμον, εἶτα καὶ τοῦ παιδὸς εἵνεκα τοῦ Χαβρίου, 1).⁷⁴ What nuances Demosthenes' approach importantly is that he impersonalizes his own credentials, and channels them through his astute and authoritative command of his historical material. One key method worth recalling before we continue is his appeal to the knowledge of older jurors, a familiar mode of speaker-audience connection (as we saw in the Introduction) and quite prominent in this speech.⁷⁵ The audience can see that Demosthenes is only about thirty; to avoid problems of credibility, or resentment,⁷⁶ he glosses everything before the mid-360s as learnt from them, while being careful to introduce nothing that will interfere with his

⁷⁴ The prioritization on show must be there to allay suspicions that the personal element is more important to Demosthenes' *synegoria* than the public: Rubinstein (2000), 138-40; Kremmydas (2012), 177-8.

⁷⁵ D.20.52, 68, 77.

⁷⁶ Kremmydas (2012), 285.

central picture of uninterruptedly successful Athenian negotiation of problems through the centuries.⁷⁷ For example, the Corinthian exiles honoured by Athens are revealed to have opened the city gates after the defeat at the Nemea River in 394 to none other than the jurors themselves (μεθ' ὑμῶν τῶν τότε στρατευσαμένων, 53),⁷⁸ and by implication to have been honoured by them too (ὑποδεξάμενοι δ' ὑμεῖς αὐτούς...). Jurors of all ages are implicated in an act of generosity which will in fact have involved few of them at best. Conon's greatness, too, is defined by calling on very elderly jurors, his age-mates (ὡς ὑμῶν τινῶν ἔστιν ἀκοῦσαι τῶν κατὰ τὴν αὐτὴν ἡλικίαν ὄντων, 68). There would probably have been a handful present, enough to clear Demosthenes' gambit of charges of absurdity, and what he in fact asks this group to remember (Conon's victory at Cnidus) only takes us back as far as 394 – within the competence of everyone in their mid-fifties and older. The exaggerated initial age-marker furthers Demosthenes' aim of heading off any argument from Leptines that pre-394 Athenian history exceeded more recent times in glorious achievement. It may also be designed to undermine Aristophon's authority in advance, assuring the audience that, as Conon's age-mates by proxy, they already know what they need to. The decision to work towards 394 from a starting-point in the return of the *demos* in 403 – in which Aristophon was prominently involved⁷⁹ – may support that suggestion. They are assured that they know their history without needing Aristophon to tell them.

It is notable, then, that when Demosthenes begins his encomium of Chabrias (75) he qualifies the account he is about to present with a similar move (ἴστε μὲν οὖν ἴσως, καὶ ἄνευ τοῦ παρ' ἐμοῦ λόγου, ὅτι σπουδαῖος Χαβρίας ἦν ἀνὴρ) – he suggests that any of them could come up with a similar account if asked to. Effectively, this is a challenge to disagree with any aspect of what will follow. It is also a challenge to the *syndikoi*, and a

⁷⁷ Thomas (1989), 221-37 esp. 231-6.

⁷⁸ cf. the union of mercenaries and citizens at 4.24 (with Wooten [2008], 83-4).

⁷⁹ Aristophon in 403: Oost (1977), 240; Whitehead (1986), 314; Harding (2006), 196.

means of political positioning. The *syndikos* Leodamas' enduring enmity with Chabrias is well-documented,⁸⁰ and it is easy to see how the young Demosthenes' admiration for Callistratus might naturally make him positive towards Callistratus' fellow Oropus defendant and hostile to Leodamas – he has trouble containing such hostility when coming to describe him later in the speech (146-7). Such extrapolation seems to have happened with relatives of Callistratus: Demosthenes writes Diodorus some fulsome praise for Callistratus' uncle Agyrrhius in *Against Timocrates* (ἄνδρα χρηστὸν καὶ δημοτικὸν καὶ περὶ τὸ πλῆθος τὸ ὑμέτερον πολλὰ σπουδάσαντα: 24.134) in a context where the family connection is played up (Καλλίστρατος δυνάμενος καὶ ἀδελφιδοῦς ὦν αὐτοῦ); indeed policy-based and rhetorical emulation of Agyrrhius by Demosthenes has recently been canvassed.⁸¹ Either way, it is very hard to deny that the encomium of Chabrias itself (75-84) stages such admiration,⁸² and that it is aimed negatively at Leodamas at some level. The passage is rich in explicitly heroizing manoeuvres and expressions, and we can consider it alongside the Conon encomium which precedes it.

Juxtaposing the two allows Demosthenes to blend his two concerns: articulating *polis* renown and calibrating political polemic. The very fact that the political and military giants of the last three or four decades have disappeared from the scene within the last two and given place to an altogether less dazzling group, their enemies (Leodamas) and accusers (Aristophon), in itself encourages the engaging of historical illustration as a covert polemical tool, and the assimilation of the recently deceased Chabrias both to Conon – more standardly susceptible to development as an example – and to the famous fifth-century figures. Given Demosthenes' stylistic and broader intellectual debt to

⁸⁰ Leodamas vs. Chabrias: Ar. *Rhet.* 1364a21-3 and here; Bearzot (1990), 96-7; MacDowell (2009), 157-8 (tentative); Kremmydas (2012), 38, 425-7.

⁸¹ Moreno (2007), 256-7.

⁸² While perhaps suppressing inconvenient possibilities: Bearzot (1990).

Thucydides,⁸³ it may be that there is even a slight nod here to the latter's famous snapshot of post-Periclean squabbling between politicians all out for themselves (2.65.10);⁸⁴ certainly the statement that no Athenian was orphaned by the activities of Chabrias (πολλάκις ὑμῶν στρατηγήσαντος Χαβρίου οὐδενὸς πώποθ' υἱὸς ὀρφανὸς δι' ἐκεῖνον, 82) recalls the Periclean deathbed dictum recorded by Plutarch that no living Athenian ever put on mourning because of him,⁸⁵ and the theme of the subject's ἀσφαλεία recurs in both cases (Chabrias was ἀσφαλέστατος, 82).⁸⁶ Thucydides in fact seems to lurk more generally in the two encomia: he is probably the source for Demosthenes' account of Themistocles' crafty treatment of the Spartans while getting the new city walls completed (i.e. 1.90-2), though this is very carefully marked as a version the jurors will 'probably' know (καὶ πάντες ἴσως ἀκηκόατε ὃν τρόπον ἐξαπατῆσαι λέγεται, 73). Again, what is important is that Demosthenes is making the jurors complicit in his version.

He uses that complicity to align the Conon and Chabrias encomia. Just as his appeal to the jurors' knowledge in the Conon case did not require them to remember quite as much as first appeared, so in §77 he appeals to the eldest of them to recall events from 388 (the Cyprus expedition) down to Chabrias' victory at Naxos in 376 – all well within the competence of everyone around fifty and older (καὶ τούτων πάντων ὑμῶν τινὲς οἱ πρεσβύτατοι μάρτυρές εἰσὶ μοι). Demosthenes seeks to impose a definitive, monolithic version of someone recently deceased whom everyone would remember in different ways, by treating him in the same way as Conon, a figure round whom official versions had now coalesced forty years on from his post-Cnidus zenith (cf. 69), and asserts the superiority of his own account by allowing the possibility that it might fall short of individuals' opinions

⁸³ Yunis (1996), esp. 240-1, 256-7, 269-77; Mader (2007a), esp. 155-65; Gotteland (2010).

⁸⁴ This had a rich fourth-century afterlife: Isoc. 8.124-8; 15.230-6; *Ath. Pol.* 28. Thucydides in the fourth century: esp. Hornblower (1995).

⁸⁵ Plut. *Per.* 38.4. Kremmydas ([2012], 331) also notes the parallel, making a different point.

⁸⁶ Thuc. 2.65.5 and Plut. *Per.* 18.1-3. D.20.82 may hide a good deal: Bearzot (1990), 98-108.

(76), a familiar epideictic *topos*.⁸⁷ If Demosthenes' Chabrias in some sense recalled Pericles to an audience, then that might match the parallel with Themistocles set up for Conon (73-4). It is worth noting that the latter is a parallel from which Conon emerges the better man. Themistocles' greatness is delimited to a time period: he is the greatest τῶν καθ' ἑαυτὸν, 73, leaving room for Conon to be greater on balance.⁸⁸ It being rare to qualify the merits of the early fifth-century 'greats' at all in the orators, Demosthenes' manoeuvre must have struck his audience as daring; his reasoned explanation, though, enables him to seem authoritative rather than gauche or imprudent (74).

It is fundamental to the adversative use to which Conon and Chabrias are put – built up as exemplars of the glorious Athenian continuum to challenge the thinking of Demosthenes' opponents – that both in a sense resemble Athens itself, and more particularly Athenian history. Conon's career – as virtual tyrannicide in putting down Sparta (70), building Long Walls (68), ensuring a classic Persian War-era-style power-balance with Sparta (68), and spreading democracy in the Aegean (68) – encapsulates Athens's imperial highlights. What clinches the metaphorical as well as substantive character of this list of exploits is the first of them, the virtual tyranny represented by the Spartan 'empire' (ἡγοῦντο γὰρ οὐ μικρὰν τυραννίδα καὶ τοῦτον, τὴν Λακεδαιμονίων ἀρχὴν καταλύσαντα, πεπαυκέναι, 70: noted earlier). In comparing Conon with Harmodius and Aristogeiton Demosthenes makes it possible to offer him for consideration as a species of foundation figure (πρώτου is positioned emphatically), and his bronze statue as much the focus of a new era of Athenian democratic renown as the early portraits of Harmodius and Aristogeiton.⁸⁹ The award of a

⁸⁷ See Kremmydas (2012), 322-3 for parallels. The insouciance also comes in the next sentence (ἄ δ' οὐδαμῶς ἂν εἰπὼν οἴομαι μικρὰ ποιῆσαι, ταῦθ' ὑπομνήσαι πειράσομαι) – Demosthenes is perfectly aware that *his* skills are indeed up to the job. Forty years again: see Introduction nn.9-10.

⁸⁸ Both Demosthenes and Isocrates present Conon and Themistocles similarly: Witte (1995), 65-8.

⁸⁹ On Harmodius and Aristogeiton's statues: e.g. Krumeich (1997), 57-9; Keesling (2003), 172-5; in detail: esp. Brunnsåker (1971) and Fehr (1984); also Taylor (1991), 13-21.

statue is thus figured as the highest possible honour, and for an Athenian audience, intimately familiar with the topography of the agora, three other Athenian figures are instantly connoted by it:⁹⁰ Chabrias, Iphicrates,⁹¹ and Timotheus: the first bitterly opposed by Leodamas (cf. 146), even if unsuccessfully; the second and third hounded out of politics by Aristophon. This implicit contrast between the majesty of their award from the *demos* and the ignominious end of their careers is only ever implicit, and channelled through Chabrias, but the low-key single appearances of both Iphicrates and Timotheus (84) make a quiet bid to put it to the audience that the enthusiasm of the *syndikoi* for the law of Leptines is not a matter of altruistic policy but nothing less than a commitment to the diminution of Athenian glory by the elimination of men whose calibre they cannot match, generated by personal enmity (cf. 20.137, 142 again). It is probably no accident that there seems to be a covert reference to the Embata convictions in the midst of Chabrias' encomium (μίαν μὲν πόλιν εἰ ἀπώλεσεν ἢ ναῦς δέκα μόνας, περὶ προδοσίας ἂν αὐτὸν εἰσήγγελλον οὗτοι, 79), conjuring the spectre both of Leodamas' repeated attacks on Chabrias⁹² and of Aristophon's recent Embata prosecutions by *eisangelia* περὶ προδοσίας of Iphicrates, Timotheus, and Menestheus.⁹³

Comparison with the other 350s speeches supports the idea that this is part of a wider design to keep the political memory alive not only of the dead Chabrias but also of the disgraced Timotheus and Iphicrates, as key contributors to the history of Athenian renown whose exposition is so central to the speech. First, Conon's statue would surely make

⁹⁰ Paus. 1.3.2; Isoc. 9.56-7; Gauer (1968), 118-24; Krumeich (1997), 207-9; Oliver (2007), esp. 197; Shear (2007a), 105-12; (2011), 280-5. For Euagoras (also here): Lewis and Stroud (1979).

⁹¹ Pausanias misses Iphicrates' agora statue (Shear [2007a], 110 n.77), but reports one on the Acropolis (1.24.7).

⁹² As Kremmydas ([2012], 327-8) wonders. It seems likely that they would have made the connection. The Oropus trials seem to have been the *cause célèbre* of the decade, and the political rivalries on show among the most high-profile in Athens at the time.

⁹³ For full details: Hansen (1975), 100-2, cat nos. 100-102. An *eisangelia* is all but certain in the case of Iphicrates and probable in the other two cases.

audience members think of the other three generals: that is clear from a move Demosthenes makes in *Against Aristocrates* and *On Organization*, both of 353/2,⁹⁴ where the three men are cited together as examples of how victories have become attached to individuals.⁹⁵ No criticism of the individuals is implied, only of how the *demos* view the victories (23.198 and 13.22: νῦν πολλοὶ τοῦτο λέγουσιν). The presentation of Iphicrates in *Against Aristocrates* more generally is also relevant. This has been seen as a damning one,⁹⁶ but that might not be the whole story.⁹⁷ Again, the pivot of the version is his bronze statue, along with other honours (ὅτι χαλκῆς εἰκόνοσ οὔσης παρ' ὑμῖν Ἴφικράτει καὶ σιτήσεωσ ἐν πρυτανείῳ καὶ δωρεῶν καὶ τιμῶν ἄλλων, δι' ἃσ εὐδαίμων ἐκεῖνοσ ἦν, 23.130) – his service with his marriage connection Cotys of Thrace against Athens is then all the more striking.⁹⁸ But the use of εὐδαίμων may already be interesting. The word is used rarely by Demosthenes of specific living people (like Iphicrates in the account), and some sort of tragic echo may perhaps be canvassed, particularly as he is described as narrowly avoiding extreme misery due to the Athenian people's restraint (καὶ εἰ μὴ μετριωτέραν ἔσχετε τὴν ὀργὴν ὑμεῖσ τῆσ ἐκεῖνοσ προπετείας, οὐδὲν ἂν αὐτόν ἐκόλυεν ἀθλιώτατοσ ἀνθρώποσ ἀπάντων εἶναι).⁹⁹ It is on the reversal in Iphicrates' good fortune that Demosthenes'/Euthycles' emphasis lies here, on Cotys' failure to reward Iphicrates adequately, the latter's subsequent (Themistocles- or Alcibiades-like,¹⁰⁰ and faintly tragic) wandering (καὶ εἰσ τοῦτο κατέστησε τὸν Ἴφικράτην ἀπορίας, ὥστε ἀπελθόντα εἰσ

⁹⁴ For my dating of D.13, see Ch. 2 n.55.

⁹⁵ All four together: Din. 1.75.

⁹⁶ Kallet (1983), 250-2; Heskell (1997), 89-94, esp. 92; Sears (2013), 134-6.

⁹⁷ A positive portrayal: Harris (1989b), 268-9.

⁹⁸ But only here; their connection was clearly close: Sears (2013), 126-9. For the honours: Gauthier (1985), 97-9.

⁹⁹ There may even be an echo here of Eur. *Antigone* F 157 Kannicht, though Kannicht and Collard/Cropp ([2008], 160) prefer εὐτυχῆσ there (Wilson [2007], 2.189 prefers εὐτυχῆσ and Dover [1993], 336 εὐδαίμων for *Frogs* 1182). Euripides' version seems to have influenced that of Astydamas the Younger, in mid-career in 355/4. For the resemblance to D.51.9, see n.34 above.

¹⁰⁰ cf. Callistratus' sneaking around the north Aegean: [D.] 50.46-52 and Heskell (1997), 34.

Ἄντισσαν οἰκεῖν καὶ πάλιν εἰς Δρῶν, 132),¹⁰¹ and his cruelty in leading Iphicrates to reject his enviable position in Athens (136).¹⁰² It does not fall on the perfidy of Iphicrates' own side-switching, which is treated objectively, as simply something that happened. As a coda, it has often been assumed that Demosthenes and Timotheus would end up on different sides of Athenian politics,¹⁰³ but Demosthenes' fulsome recommendation of Timotheus as a model for swift and timely action in the 341 speech *On the Chersonese* (8.74-5) (regarding the Euboea expedition in 357 on which Demosthenes served as syntrierarch) should at least make us think twice.¹⁰⁴

Another relevant link may be made: between the motivation for citing the inscription honouring Conon (20.69), and the impression it makes in its persuasive context (fixing an official version of Conon as a great figure of the past – and a great benefactor, rather than someone whom many would remember in different ways), and similar moves written for Diodorus in *Against Androtion* and *Against Timocrates*. The final sequence of *Against Androtion* picks up on an earlier passage (12-15) where Diodorus contrasts the ambitions of the fifth century with the shabby present (12) and stresses the role played at critical moments in Athenian history by the availability of triremes: the 357 Euboea expedition is one, the loss of the fleet at Aegospotami in 405 another (15), and war with the Spartans in the 370s the third. The medley of periods is intentional, and Diodorus flags them with a variety of abrupt shifts (καὶ παλαιὰ καὶ καινὰ, 13; ἀλλ' ἐκεῖνα μὲν ἀρχαῖα καὶ παλαιά. ἀλλ' ἃ πάντες ἐοράκατε, 14; καὶ τί δεῖ τὰ παλαιὰ λέγειν; 15) – Demosthenes intends the coverage to be understood as comprehensive, and Diodorus to be seen as vigorous, passionate, eager to get to the point and expose Androtion for the disgrace he is.

¹⁰¹ For the more positive reality: Heskell (1997), 93-4.

¹⁰² As Harris ([1989b], 268) agrees.

¹⁰³ e.g. by Rowe (2000), 288-92; also Kallet (1983), 250-1.

¹⁰⁴ See Sinclair (1988), 168-9, for an interesting parallel with Isocrates' *Antidosis*. Matching regard for Iphicrates: *D.Pro.* 49/[50].2-3.

Building on all this, the final sequence (22.69-78) – which Demosthenes (and Diodorus) clearly thought had been successful enough in performance to re-run very closely in *Against Timocrates* (176-86)¹⁰⁵ – contrasts the cultural criminality of Androtion’s action in melting down crowns with the glorious continuum of Athenian civic history of which they were expressions and memorials. The crowns’ inscriptions are given particular prominence (72) as inspirers of those who see them (ἃ ζῆλον πολλὸν εἶχεν καὶ φιλοτιμίαν ὑμῶν, 73), but Demosthenes’/Diodorus’ specific choices may be important. The crown for the *demos* offered by the Euboeans (“Εὐβοεῖς ἐλευθερωθέντες ἐστεφάνωσαν τὸν δῆμον”, 72) inevitably connotes Timotheus’ victory,¹⁰⁶ mentioned above, followed by commemoration of Conon’s victory at Cnidus (“Κόνων ἀπὸ τῆς ναυμαχίας τῆς πρὸς Λακεδαιμονίους”, 72). When the passage is repeated in *Against Timocrates*, eighteen months to two years after *Against Androtion* and *Against Leptines*, Chabrias has joined the list too (“Χαβρίας ἀπὸ τῆς ἐν Νάξῳ ναυμαχίας”, 24.180): it is almost as if the assimilation of Chabrias to Conon in *Against Leptines* has invited Demosthenes’ future conception. In all this, an aspect of a loose political programme seems to be at work: one which involves Demosthenes and others of like mind, possibly men of a similar age, seeking to offer wide-ranging criticism of the current makers of policy by (among other things) filtering their discontent through historical illustrations which integrate the recently deceased or politically eliminated Chabrias, Iphicrates, and Timotheus – whatever their own affiliation with them – into a broader logic of what makes, or made, Athens great, and, in the post-War climate, can do so again. Physical memorials of honours might not enable, but certainly help provide a vehicle for, that integration.

¹⁰⁵ He is quite open about this: 24.159.

¹⁰⁶ We do not need to agree with Lewis’ re-dating ([1954], 45, 47) to agree with him that talking about a recent crown as falling apart (45) looks wrong; the *connotation* with the 357 victory is what is important, even if the crown commemorated a different event.

Essential to the thinking in the doublet ‘crowns’ sequences, as in *Against Leptines* (composed in the same year), is the petty value of what is gained practically compared with what is lost spiritually by such policies (posed as a contrast between ἀρετή and πλοῦτος at 22.75). It is possible that the ‘couple of jugs, or three or four bits of gold plate’¹⁰⁷ which Androtion’s melting and recasting of the crowns has produced might parallel rhetorically the small number of additional liturgists Leptines’ law would produce (20.21-3): the *ateleis* forced to perform liturgies would be transformed – like the vessels that were formerly crowns – from entities whose worth depended on spiritual rather than material value to the opposite of that. That the conception of this key issue in the two speeches is twin may be corroborated by reminiscences at the level of vocabulary. In *Against Leptines*, Athenian ancestral behaviour is summed up in the idea of giving up vast wealth to pursue honourable ambition (χρήματα μὲν γὰρ πλεῖστά ποτε κτησάμενοι πάνθ’ ὑπὲρ φιλοτιμίας ἀνήλωσαν, 10); this, and the sentence that follows, is very closely imitated in *Against Androtion* (76: χρήματα μὲν γὰρ πλεῖστα τῶν Ἑλλήνων ποτὲ σχὼν ἅπανθ’ ὑπὲρ φιλοτιμίας ἀνήλωσεν) and as usual *Against Timocrates* follows suit (184).¹⁰⁸

It is also possible that the crowns sequence subtly brings up the key theme of anti-democratic behaviour: Philochorus tells us that the Athenian state processional vessels in use at this date were made from the melted-down property of the convicted Thirty and their adherents.¹⁰⁹ If Demosthenes could rely on some audience knowledge of the history

¹⁰⁷ In Vince’s translation ([1935], 207).

¹⁰⁸ In all three cases, the illustration is preceded by τεκμήριον δέ, which may indicate provenance in a handbook, but does not have to; the important thing is that it binds these three speeches together, whatever its origin.

¹⁰⁹ Philochorus *FGrH* 328 F 181, Jacoby (1954), 550-1; Lewis (1954), 43-9 (re-dating D.22 to 357); Walbank (1982), 96; Fornara and Yates (2007) (i.e. not a genuine fragment).

of the city's πομπεῖα,¹¹⁰ then a sharp point can be discerned. Gunther Martin observes that in stamping his name on the recast ceremonial φιάλαι (73) Androtion 'creeps into the sacred space where the person himself is denied entry';¹¹¹ in a similar way, Demosthenes here shows Androtion attempting to efface by personal intervention one sanctified outlet for the community's resolution of enmity from the troubled period of the Thirty. Androtion, in effect, carries out a hideous reversal of the earlier recasting. The idea is further supported by the suggestion that Androtion might legislate to melt the ceremonial plate down again when the mood takes him, a clear pointer to oligarchic wilfulness (ἄς, ὅταν σοι δοκῆ, σὺ πάλιν γράψεις καταχωνεύειν, 76).¹¹² Again, Demosthenes is using the Thirty to 'think aloud with'. There is much about the characterization of Androtion generally that invalidates the idea that he poses a direct threat, but Demosthenes' strategy is to invest his actions with sufficient similarity to the Thirty's to force reflection on them preparatory to the general condemnation of them at the end of the trial.

This last idea itself – the casual attitude of Demosthenes' opponents to proper temporal order and process, connoting anti-democratic instincts – appears repeatedly in the speeches under review. We have seen examples already: in the hypothetical release of prisoners by Timocrates (24.206-9) and in the staged objections to Demosthenes' doubts about the stability of democracy in the near future (20.49, 161; 24.154). Such errors are presented as not always the product of malice; failure of perception is figured as just as good a reason to distrust opponents' measures (as with Androtion at 22.76: the Athenian surrender of their wealth ὑπὲρ φιλοτιμίας is something he simply did not fundamentally 'get': καὶ οὐδ' ἐκεῖν' εἶδεν, ὅτι πρὸς μὲν χρημάτων κτῆσιν οὐδεπώποτε ὁ δῆμος ἐσπούδασεν, πρὸς δὲ

¹¹⁰ The kind of embedded understanding of the significance that is assumed, for example, by Wilson ([2011], 30), and also implied in Lambert (2010), 226-31.

¹¹¹ Martin (2009), 130.

¹¹² cf. Thuc. 8.53.3 (Peisander and the constitution; cf. Hornblower [2008], 914-15 on its striking placement) and 8.67.3 (ὁπότεν αὐτοῖς δοκῆ).

δόξης ὡς οὐδὲ πρὸς ἕν τῶν ἄλλων). Demosthenes mobilizes it particularly when the act of legislation is in point, and not only because arguments in all three speeches hang on the opponents' failure to follow proper procedure. It also dovetails with general criticism of how their actions have failed to reflect properly on the past: how revoking of previous generations' decisions, or passing a law which legislates for past and future in the same way, must in themselves be bad things (20.47 and 160).

Before closing, we can comment on how Solon – the untouchable past Athenian politician *par excellence*, and virtually the only figure about whom nothing bad is ever said¹¹³ – is drawn into such arguments. In a way which we will see exemplified elsewhere too, the orator often imaginatively reconstructs Solon's thought processes, sometimes *in extenso* (e.g. on how he saw Androtion coming and legislated about prostitution accordingly: 22.30-2). The most important point to make, though, is that Demosthenes' (or Diodorus') own relationship with Solon and his laws is implied otherwise simply to be that of the ordinary Athenian citizen. This aids the assault on the *syndikoi* in *Against Leptines*: to suggest that the senior politician Leptines either has not read the laws of Solon or does not understand them (ἐμοὶ δ', ὧ ἄνδρες Ἀθηναῖοι, δοκεῖ Λεπτίνης (καί μοι μηδὲν ὀργισθῆς· οὐδὲν γὰρ φλαῦρον ἐρῶ σε) ἢ οὐκ ἀνεγνωκέναι τοὺς Σόλωνος νόμους ἢ οὐ συνιέναι, 102) is (despite the ironic qualification) actually to insult him deeply. It strikes right to the heart of his citizenship and his competence to participate in Athenian public affairs (and potentially, of course, his basic intelligence¹¹⁴). Further, both Leptines and Timocrates are explicitly set up as anti-Solonian legislators, while Demosthenes' criticisms are never presented as anything other than those that any good citizen would make. Finally, both *Against Leptines* and *Against Timocrates* end with a comparison between the actions of the opponents and

¹¹³ Though Demosthenes/Diodorus does attempt to circumscribe what can be attributed to him at 24.211.

¹¹⁴ Kremmydas (2012), 367. Sandys (who otherwise sees these as terms of 'studied courtesy') is prepared to acknowledge this 'cruel alternative': (1890), 82.

the debasing of coinage (20.167 cf. 24.212-14) – in the first case, in a final, undeveloped observation (θαυμάζω δ' ἔγωγε, εἰ τοῖς μὲν τὸ νόμισμα διαφθείρουσιν θάνατος παρ' ὑμῖν ἔστιν ἢ ζημία, τοῖς δ' ὄλην τὴν πόλιν κίβδηλον καὶ ἄπιστον ποιούσι λόγον δώσετε); in the second a fully-fledged parable which makes the same point and in which Diodorus and Solon are explicitly aligned, and the situation re-enacted (βούλομαι τοίνυν ὑμῖν κάκεῖνο διηγῆσασθαι, ὃ φασὶ ποτ' εἰπεῖν Σόλωνα κατηγοροῦντα νόμον τινὸς οὐκ ἐπιτήδειον θέντος..., 212).¹¹⁵ A wide-ranging assault is thus mounted on the opponents' credibility, motives, and patriotism which parallels the way other, more squarely historical, material is used. It is about exposing aspects of an entrenched elite to the Athenian public, and making a tacit bid to replace them and do better, a project that mimics the very γραφή νόμον μὴ ἐπιτήδειον θεῖναι action itself, where a prerequisite to success was the proposition of a better alternative law (20.97-101).¹¹⁶

1.3. Conclusion

In giving Demosthenes the most prominent place in their line-up, the prosecution team were taking something of a risk. While he had already written numerous private speeches and indeed by now possibly *Against Androtion* for delivery by others, this would still be his first appearance in a public dicanic setting. Whatever the result, he seems not to have disappointed, moving swiftly to the *bema* itself (with *On the Symmories*) within the year. *Against Leptines* shows that he already had an astute grasp of the potential of the past for exploitation and for deployment in the service of the main argumentative strands of a speech. The assault on the consensus politicians that he pursues across the 350s speeches –

¹¹⁵ On this moment: Wohl (2010), 297-300, usefully pointing to how Solon is 'reanimated': cf. A.3.257.

¹¹⁶ On this aspect: MacDowell (2009), 159-61; Kremmydas (2012), 45-50 (and cf. 24-33, though he misses Atkinson [2003]).

however illegitimate its lumping together of disparate groups – paves the way importantly for the rhetorical strategies with which he faces Philip from 351, especially in the development of historical argumentation as ethically and morally probative. The opponents will be shaped as figures hostile to or ignorant of what is essentially Athenian, and past events and notable men fashioned as witness to the rightness of the Demosthenic version. This works especially powerfully given the nods made throughout to the ‘fallen heroes’ of the 350s, but Demosthenes was soon to raise it to an even less personalized level in the *First Philippic*. *Against Leptines* exudes confidence and authority, communicating why this young speaker is prepared to go as far as he does to criticize those who might more naturally be seen as potential patrons.

The impression of authority is made all the stronger by the discourse of Athenian greatness that serves as proxy; Demosthenes stakes his whole credibility on, and channels all expression of personal credentials into, a skilful and successful exegesis of that past. What he does for his clients is similar: modestly ethopoeic, but not overpowering in terms of the foregrounding of personal experience (contrasting, for example, with Deinias’ anticipated citing of his liturgies in *Against Leptines* 151).¹¹⁷ The vigour on show in all four speeches is there to assure the jurors and other citizen audience-members that they do not have to accept the version of Athens they are sleepwalking into under the management of an experienced group whose failings have nonetheless been shown up abundantly in the course and aftermath of the Social War, and have atrophied to spite in the Embata trials. At the same time, in *Against Leptines* – in a move which anticipates the vein of optimism present even in Demosthenes’ most beleaguered later Assembly speeches – even Aristophon himself is reminded that all is not lost, and that he too can change: he can

¹¹⁷ cf. Usher ([1999], 205) on the ‘high-minded impersonality’ of the D.23 proem.

embrace the legacy of his own *ateleia* proposal for the 403 benefactor Gelarchus in his younger days (149), a move that ties the final sequence of the speech back to the early illustration of the Spartan loan (11-12) in a fine piece of ring composition.¹¹⁸

Historical detail as fashioned throughout articulates a nexus of key concepts relevant to Athenian citizenship, civic obligation, and civic *mores* and weaves them together in compelling ways. Arguments in the *Against Leptines* are set in the context of continual, and unsettling, reminders: of the fragility of the democracy; of the essential need to recognize opportunities and act on them, as previous Athenians and their benefactors did; of the *ethos* which Athens has shown to those benefactors. Demosthenes makes the area ‘between the lines’ the main issue of the trial. Precisely what is at stake, he argues, is the very caucus of values that he has conjured up by a series of mnemonic signposts. The audience are required, as the performance goes on, to reckon what these point and add up to. And along the way he does all he can to appeal to their various historical tastes: possible ignominies like the repayment of the Spartans in 403 turn into generous manifestations of Athenian civic prowess;¹¹⁹ the old men are involved, their lacunose memories called upon, prized and exploited; the younger men are offered examples close to their own time to which to relate and are assured that Demosthenes’ knowledge of the more distant past comes from acceptable democratic, non-elite, sources. All these are priorities and interests that recur again and again in Demosthenic public discourse, binding audience to speaker and creating precisely the kind of reciprocal relationship the integrity of which Demosthenes, in this speech, deems so vital for the maintaining of the city’s reputation. Persuasive appeals to the past are essential to that creative process, and *Against Leptines* and the other speeches under review show Demosthenes fully aware of the fact,

¹¹⁸ On ring composition in the speech: Kremmydas (2012), 54-6.

¹¹⁹ cf. Thomas (1989), esp. 231 on defeats turning into victories.

harnessing them to a pragmatic goal: to bring the establishment to book and secure an entry into politics for himself and his allies. In these speeches, Demosthenes effectively constructs a (rhetorical) generation gap:¹²⁰ on one side, the self-interested holders of power (20.91); on the other, a future order committed to perpetuating the glory of Athens. When Demosthenes uses a well-known formula¹²¹ to tell the jurors in the closing seconds of the Leptines prosecution that he believes they ‘are not unaware’ of what has been said (οἶμαι γὰρ ὑμᾶς οὐδὲν ἀγνοεῖν τῶν εἰρημένων) – that could just as well signify his bold taking of a stand, and the wider message of his speech: get rid of the current *rhetores*, and give the new generation a chance.¹²²

¹²⁰ Forrest (1975); also Strauss (1993), esp. 136-48 (420s).

¹²¹ Also D.36.62; 38.28; 54.44; cf. Is. 7.45; 8.46 (and mid-speech: 11.36) (but in no other orator).

¹²² cf. strongly 22.37 (εἰ...τῶν ἐθάδων καὶ συνεστηκότων ῥητόρων ἀπαλλαγῆσεσθε, ὄψεσθε, ὃ ἄνδρες Ἀθηναῖοι, πάνθ’ ἃ προσήκει γιγνόμενα), echoed perhaps in D.13.12-13, probably of 353/2, a speech which also links up in important ways with the contemporaneous *Against Aristocrates*.

CHAPTER 2: DEMOSTHENES' ASSEMBLY

SPEECHES

2.0. Introduction

The young orator used to the courts will initially have found the dynamics of the Assembly a daunting prospect, requiring a different mode of public presentation.¹ While it is natural, when speculating about the essential ‘feel’ of Assembly debate, to assimilate it to how a major public trial, with its mass juries, might have felt, we should be careful always to bear in mind that a full Pnyx in the mid-fourth century accommodated somewhere between 6,500 and 14,800 Assembly attendees (i.e. Pnyx II), such that (although evidence is lacking) higher potential audience figures ought to be canvassed than for major trials: Hansen suggests 6,000.² Work on the physicality of the Pnyx has emphasized how commanding a presence an orator needed to sustain to hold the attention of that kind of gathering in a far from acoustically perfect space.³ We should probably assume that there was a premium on relatively focused and pointed expressions of opinion, to ensure the efficient transaction of pressing public business – a setting, then, where famously terse speakers like Phocion thrived.⁴ An exception might well have been occasions where whole-day Assembly sessions were arranged to discuss specific very high-profile questions (like 18 and 19 Elaphebolion 346, on whether or not Athens should make peace

¹ Thomas (2011), esp. 175-80; also Tacon (2001); and on court *thorubos*: Bers (1985); Hall (2006), 363-6.

² Hansen ([1976a], 121-30) notes a quorum of 6000 for some decisions, importantly grants of citizenship, and so supports the archaeological estimate of 6500 maximum for Pnyx II (131); so Thompson (1982), 139 and Todd (1990), 172; but Stanton ([1996], 17-20) estimates 14,800. Hansen ([1996], 28, 31) maintains c.6000 as both a maximum and a regular figure, again based on the quorum (and enforced by the *ekklesiastikon* [29-33]). cf. jury sizes: Blanshard (2004), 33-4 (only once 6000 – possibly: Andoc. 1.17).

³ Johnstone (1996), 116-27 (mainly for Pnyx I), followed by Fredal (2006), 124-9; Thompson (1996), vi.

⁴ Plut. *Phoc.* 5.2-4; *Dem.* 10.2-3; Tritle (1988), 11, 22-3.

with Philip); but it is hard to know how many of our speeches should fall into that category. The important thing to note is that in this environment, historical argumentation is generally going to mutate. Where the premium is on conciseness, the leisurely unfolding of the kind of rich passage we see in *Against Leptines* is simply not going to take place.

The status of our texts as reasonably accurate reflections of what Demosthenes said in the Assembly has come under fire from Christopher Tuplin, who argues for large-scale reshaping for circulation.⁵ But it seems unlikely that Demosthenes (or anyone else) would have wished to produce a literary speech for circulation that bore little resemblance to what he had delivered in the Assembly (especially if, as Tuplin suggests, the purpose of the circulation was educational).⁶ The attraction of using an Assembly speech by Demosthenes rather than one by, say, Isocrates for such purposes would have been precisely the fact that something like the presented text had been written to persuade real audience members in a real debate.⁷ Tuplin discards the possibility that these are (more or less revised) drafts, circulated by Demosthenes or someone else later.⁸ But he has to work hard to turn to his purposes the ancient testimony to Demosthenes' particular affinity for writing,⁹ and he does not bring into play the more general evidence for Demosthenes' appetite for careful preparation, for example the important passage of *Against Meidias* where the orator feels the need to anticipate his opponents' criticism of that very preparation (191-2), and asserts freely how much time he has spent on it (καὶ

⁵ Tuplin (1998); Worthington (1991a); (1994).

⁶ Tuplin (1998), 319.

⁷ Tuplin (1998), 296, admits the strength of this objection, differently cast.

⁸ Tuplin (1998), 296-7, 299 (cf. with [296, ll.38-40], the conclusion of Trevett [1996b]). Tuplin apparently wrote without knowledge of Trevett's article. Drafts of symbouleutic speeches: Hansen (1984); Trevett (1996b), 437-41. Circulation in lifetime? No: Trevett (1996b), 426-30; Yes: Kennedy (1963), 206; Hansen (1984), 60-8; Milns (2000), 207-9.

⁹ His intriguing idea ([1998], 299) that the ancient testimony casts Demosthenes as a writer of drafts only because later authors possessed his symbouleutic speeches and nobody else's must be a step too far. D.H. on Demosthenes' precision: *Comp.* 25 with Gurd (2012), 87-90.

μεμελετηκέναι γ' ὡς ἐνῆν μάλιστα ἐμοί, 191).¹⁰ It is not enough to argue, as Tuplin does, that if Demosthenes was known for drafting his speeches in advance, Aeschines would have mentioned the fact – it was probably something that enough other people did that it was hard to target it, though it could easily belong under the general rubric of ‘sophistic behaviour’ which Tuplin rightly indicates as the main theme of Aeschines’ criticism of Demosthenes’ practice.¹¹ The whole point of Aeschines’ vivid depiction of Demosthenes’ famous flop in front of Philip at Pella in 346 is that he has his ‘notes’ *there with him*, and is trying desperately to read off them (ὁ δέ, ὡς ἄπαξ ἐταράχθη καὶ τῶν γεγραμμένων διεσφάλη, οὐδ’ ἀναλαβεῖν ἔτι αὐτὸν ἐδυνήθη, A.2.35); and it is easy to see how that locks into the tradition of disdain for written speeches codified by Alcidamas and figured as unspontaneous and thus undemocratic by orators like Aeschines.¹² The sense is there implicitly that had Demosthenes left his notes behind, Aeschines would have had less of a ‘way in’ (and indeed that Demosthenes might then not have been so far from standard practice).¹³ I am perfectly prepared, then, to believe that the speeches we have are in substance the drafts Demosthenes drew up pre-performance, revised in some cases and perhaps to various levels after the event, and that we should not rule out the possibility that others might have prepared written drafts too, and simply not circulated them later.

The speeches’ length, given an Assembly atmosphere where succinctness must have been at a premium, might cause some disquiet. But the draft theory can explain that too. If the drafts we have are substantially unrevised, then Demosthenes must have prepared the material we have based on the expectation that he might deliver it;¹⁴ but even if we have

¹⁰ Though not strictly ‘external’, it should fit somewhere at (1998), 297-9, but does not appear.

¹¹ Tuplin (1998), 295, 298-9; cf. e.g. A.1.117, 173; 2.156, 165; 3.97-9, 200 (and Din. 1.111).

¹² cf. Plut. *Dem.* 8.4-5 (Pytheas); but esp. the criticism Demosthenes anticipates at D.21.191-2.

¹³ See Schloemann (2002), 141-6 on the situation-dependency of criticism of written speeches.

¹⁴ cf. MacDowell’s view (for court speeches) that you might prepare more than you needed: esp. (2000a), 22-30.

substantially revised drafts, then we can conclude that speeches of that length and character *were* possible in the Assembly, and that these represent a plausible Demosthenic navigation through his prepared material (even if perhaps the choicest, and informed no doubt by whatever had happened on the day). On top of this, the reason why by far the longest speeches (D.8, 9, 10) fall in the late 340s could be that this was the time of Demosthenes' greatest prominence – the period when people were listening to him, and most prepared to hear him out at length. It is at the beginning of his career that he seems particularly keen to remind his audience that he is aware of how long he is speaking for (ἵνα...μὴ μακρὰ λίαν λέγων ἐνοχλῶ, 14.41), thus acknowledging general expectations about seniority in speech-making.

If the balance and proportions of the constituent elements in each speech have not been radically altered at the revision stage, then the following holds: that although not given as much space as it can be in court situations, historical material still plays a very significant part. In fact it would be right to say that it stands out and makes proportionally *more* impact. Colourful features like attacks on individuals tend to be limited in the Assembly speeches; historical material provides an alternative form of colour, and conjures emotive associations which can keep people engaged. It also serves to articulate the symbolic dimensions of Demosthenes' policy recommendations, fulfilling a function analogous to its ethical role in the public trials we have already examined. Sometimes its sheer bulk is noticeable. A third of the relatively succinct *Third Olynthiac* (36 sections), and a similar proportion of the earlier *On Organization*, is taken up with it. Aristotle's statement that

paradeigmata are in general best suited to symbouleutic oratory seems well borne out, as far as it goes.¹⁵

But there is a wider sense in which historical argumentation is most at home in the Assembly: Athenian decision-making is *about* the proper consideration of past Athenian decisions, applied to present circumstances. The city's past is an inalienable frame for its present situation and possible conduct; but, especially in Demosthenes' hands, it is also a stage, and above all *his* stage. Paralleling the frequent manipulation of the audience's sense of themselves as part of a continuum of Athenian values – as we have seen in the court speeches – and of their recognition of themselves as in some way assimilated, or assimilable, to (or, sometimes, different from) *other* past Assembly meetings from which came decisions relevant to the question at hand – is Demosthenes' all-important self-construction as the confident and reliable *symboloulos*.¹⁶ His goal at each stage is to persuade his audience of the rightness and credibility of his version of historical events, and in the arena of political decision-making proper that takes on a significance essentially different in kind from the one operative in the public trials, where Demosthenes, or his clients, must play other roles: prosecutor, defendant, *synegoros*. That creation of authority and development of self-characterization, and the care and subtlety with which Demosthenes builds them, will be the constant reference-point and main focus of interest in this chapter.

I shall refer to these texts as consistently as possible as 'Assembly speeches' rather than as 'deliberative' or 'symbouleutic' speeches, in order to accommodate the way in which

¹⁵ Ar. *Rhet.* 1368a29-31; cf. the criticism of Pearson ([1976], 28 n.50). Familiarity: Trevett (1996a), esp. 379 *versus* A.3.224 (foreigners are able to watch).

¹⁶ e.g. Yunis (1996), 237-77 esp. 272-3; and a series of often overlooked studies by Mader, esp. (2004), esp. 63-7; (2007a), (2007b).

Demosthenes admixes dicanic and especially epideictic language and thought. This technique has recently been given some attention by Sophie Gotteland with reference to what Demosthenes may or may not have derived from the close acquaintance with Thucydides with which antiquity credited him.¹⁷ Specifically, she argues for a good deal of influence from Pericles' funeral oration.¹⁸ That raises an important question about our expectations from the material to be analysed in this chapter. Thucydidean 'influence' there certainly is, and Harvey Yunis has shown how Demosthenes worked with it;¹⁹ but it has also been argued by Gottfried Mader that Demosthenes is interested in modelling himself *as Pericles* in the Assembly speeches – that there is a 'Periclean' self-fashioning 'project' at work.²⁰ Mader consciously does not separate Thucydides' Pericles from any abstract historical Pericles, or differentiate him from whatever image of Pericles Demosthenes might have built up from a combination of Thucydides and other traditions.²¹ What we are being offered is an image of Demosthenes as cultivating a 'personal *exemplum*' along Ciceronian lines. As noted in the Introduction, though, the situation with fourth-century Athenian orators is much more diffuse. For the most part both Aeschines and Demosthenes prefer to deploy a wide variety of historical figures – the more and the more eminent, the better.

Demosthenes usually operates with a number of figures as analogues for himself. We can safely talk of his deliberative practice as being partly informed by his familiarity with Thucydides – we can even say (with Yunis) that he has a productive engagement with the figure of Thucydides' Pericles (and some people in the audience may have appreciated

¹⁷ Gotteland (2010); on epideictic, also Pence (1981). Further on Demosthenes and Thucydides: (briefly) Hornblower (1995), 52; Apollodorus and Thucydides: see (above) Introduction n.207.

¹⁸ Gotteland (2010), esp. 38-41.

¹⁹ Yunis (1996), esp. 268-77 (for D.18); also Mader (2003), 64-8.

²⁰ Mader (2007a).

²¹ Mader (2007a), 155. Pericles: above, Introduction n.114.

that). But if Pericles *qua* Pericles were being canvassed as something like a personal example, we would probably expect to see more than the single reference to him by name that appears in Demosthenes' corpus (D.3.21).²² Scholars have clearly been attracted by Plutarch *Demosthenes* 6.4, where the elderly Eunomus of Thria tells the young orator that his speeches are very like Pericles'. But we should be wary.²³ Plutarch not only likes to draw comparison with the great men of fifth-century Athens as moral touchstones, but also likes to feature this sort of mapping (or to perpetuate it if it comes from his sources). *Dem.* 6.4 in fact sounds very like *Pericles* 7.1, where old men (again, very old men²⁴) tell Pericles (who reportedly *looks* like Peisistratus) that he speaks like Peisistratus too, a comparison which is doing important work in that *Life* as a whole.²⁵ And while Plutarch in fact limits the extent to which Demosthenes fashioned himself as Pericles to a few characteristics (9.3), all of these seem to come from the wider tradition rather than Thucydides, and one (the tendency to speak only at intervals) links up suspiciously, again, with Plutarch's own picture of Pericles (*Per.* 7.5).

So Pericles should be seen as just one of a range of (especially fifth-century) figures who appeal to Demosthenes and are available for exploitation by him (and it is then a safely separate thing to say that Demosthenes shows influence by the Periclean *epitaphios*). It could be argued, for example, that Demosthenes is actually more interested in the

²² Relative lack of interest in Pericles in fourth-century oratory: Stadter (1989), lxxxi and Nouhaud (1982), 221-3; Hansen (1989), 77 n.34 (omitting D.3.21); and Introduction n.55 above.

²³ Mader (2007a), 155 n.1. This looks like the 'old practitioner meets young star' biographical *topos*: Fairweather (1974), 261-3. A near-comrade for Eunomus and Pericles' old men is Aesion (Plut. *Dem.* 11.4). Eunomus: a common name, but Isoc. 15.93 (with Too [2008], 140) and Lys. 19.19, 23 feature men who are probably the same as Plutarch's (plus [Plut.] *Vit. Dem.* 845a) as well as one another; cf. Lintott (2013), 52.

²⁴ As Stadter points out: (1989), 89. Eunomus is ἡδὴ πᾶντο γέρον (possibly already in Lys. 19.19).

²⁵ Stadter ([1989], 89) thinks the source at *Per.* 7.1 is Theopompus. Plutarch does not always cite Theopompus when he uses him (cf. Plut. *Cim.* 10 with Blamire [1989], 129), so he might be the source here too.

chameleonic figure of Themistocles.²⁶ All this is well exemplified in the corpus of Assembly speeches, and Demosthenes' habits when selecting, suppressing and arranging arguments based on historical figures and events to suit his needs will occupy us throughout.

In this chapter I pursue three broad themes, two of them familiar from discussion of the court speeches, but now unified by Demosthenes' self-representation and authorization as a *symbolos* figure in front of an audience entrusted with high-level political decision-making. I seek to trace how Demosthenes' practice develops over time: how his handling becomes increasingly sure and varied as his career progresses and – just as importantly – in what ways it remains consistent.²⁷ Not every Assembly speech makes extensive use of historical material, and I aim to delineate what Demosthenes' possibilities were rather than to establish some kind of hard-and-fast practice for him.²⁸ First, I look at the concept of the 'right use of history' (including recent history) familiar from the dicanic speeches, and argue for its central place in Demosthenes' presentational strategy, noting his inclusion of it in types of argument that also stress the desirability of a gift for accurate foresight in a statesman, and his right to be considered as a person so endowed.²⁹ Second, I examine how Demosthenes dwells for persuasive ends on the possibility that the Athenian national character – often typified (including by Demosthenes himself) as unchanging, thus enabling easy mapping from one generation to another when rhetorically necessary – might have fractured, or else been suspended or become dormant through improper or deficient exercise. I show that the persuasive key here is often a qualifying vein of

²⁶ Themistocles by Demosthenes: 13.21-2, 29; 20.73-4; 18.204; 19.303 (decree); 23.196-8, 205, 207. Also singled out by Clarke ([2008], 254).

²⁷ This parallels the wider question whether Demosthenes was essentially a conviction politician or an opportunist. Conviction: Goodwin (1901), ix; Ryder (2000), 45; opportunist: Jaeger (1938), 57-8 (against Schaefer); Ellis and Milns (1970), 12; Badian (2000), 26-37; Worthington (2000b), 107.

²⁸ I take my main examples from D.3, 4, 5, 6, 9, 13 and 14 (not 1-2, 8, 10, or 15-16).

²⁹ On this topic: Mader (2007a); (2007b).

optimism which always admits the possibility that things can still change.³⁰ Third, I analyse Demosthenes' control and deployment of ideas and self-presentation that go 'against the flow': striking reversals, self-isolation, contradictions, contraventions and above all the frustration of audience expectations. I argue that Demosthenes' self-distinguishing among many rivals often rests on the staged capacity to dispense unpalatable advice, based on his previous correct estimation of outcomes. Others were adopting similar strategies (much of Phocion's appeal seems to have rested on the unpopular stances he took³¹), and indeed it has also been suggested that there might have been a traditional cultural role for the 'minatory moralizer, a lone individual setting himself up against the majority' in Athens.³² But what matters here is that Demosthenes thought his particular combination of qualities distinctive enough for this strategy to work *for him*.

Finally, I have decided to retain D.13, *On Organization*, and D.10, the *Fourth Philippic*, both of which have often been regarded as spurious, sometimes on the basis of the 'doublet passages' with the *Third Olynthiac* and *Against Aristocrates* in the case of D.13 and *On the Chersonese* and the *Third Philippic* in the case of D.10. The presence of doublet passages in speeches whose authenticity has never been doubted is proof against this view, as is Demosthenes'/Diodorus' open announcement at one point in *Against Timocrates* that he is going to recycle material (D.24.159), which he then duly does, replaying a passage of

³⁰ *Contra*, Witte ([1995], 108-13) who largely sees Isocrates-style straight criticism.

³¹ esp. Plut. *Phoc.* 8; also Tritle (1988), 142-5 (Phocion as an 'oddity'). Laconism: Fisher (1994), 360-1.

³² Dover (1974), 30. Contrast an earlier ethic exemplified by Thersites' opposition and punishment (Hom. *Il.* 2.211-77); N.B., though, X. *Mem.* 1.2.58 for how that passage could be perceived in the Athenian democracy.

Against Androtion.³³ For the purposes of this study, D.13 and D.10 are both Demosthenic products, authentic in both authorship and occasion.³⁴

2.1. Applying the Past: Demosthenes Sets Out His Stall

On the Symmories – Demosthenes’ first Assembly speech (354/3) – soberly argues for restraint and quiet preparedness in the context of a build-up of tension with Persia directly following the Social War.³⁵ As far as virtuosity with the handling of historical material and argumentation goes, Demosthenes lands on his feet (here as in the logographic realm). Practical observation of predecessors’ and contemporaries’ usage, and the detail of his own rhetorical education, whatever that actually was, must have played a key role here.³⁶ The proem in fact focuses on our very topic: how to praise the ancestors in an Assembly context. For Demosthenes, his debating opponents offer a ‘pleasurable theme’ but little more, not giving the ancestors their due (οἱ μὲν ἐπαινοῦντες, ᾧ ἄνδρες Ἀθηναῖοι, τοὺς προγόνους ὑμῶν λόγον εἰπεῖν μοι δοκοῦσι προαιρεῖσθαι **κεχαρισμένον**, οὐ μὴν συμφέροντά γ’ ἐκείνοις οὐς ἐγκωμιάζουσι ποιεῖν, 1).³⁷ He quickly (and brusquely) turns to the nature of his own contribution, brief and very straightforward (αὐτὸς δὲ πειράσομαι τὸν τρόπον εἰπεῖν ὃν ἂν μοι δοκεῖτε μάλιστα δύνασθαι παρασκευάσασθαι, 2).

³³ MacDowell ([2009], 355) implicitly wonders whether replays were less tolerable in the Assembly than in court. I think this is unlikely, though the advantage of only overlapping *between* venues is clear enough. See Jaeger (1938), 64 (22.47-56 and 65-78 as propaganda material).

³⁴ Using Todd’s distinction: (1990), 166-7; (2007), 30. Main authenticity arguments: D.13: *Against*: Sealey (1967); Fossey (1986); Radicke (1995), 34 n.122; Milns (2000), 205; Badian (2000), 44 n.70. *For*: Trevett (1994); Lane Fox (1997), 191; MacDowell (2009), 226-7. D.10: *Against*: Pearson (1976), 155-7; Milns (1987); *For*: Worthington (1991b); Sealey (1993), 232-3; Tuplin (1998), 291-2; *Uncertain*: MacDowell (2009), 354-5; Hunt ([2010], 274-5). Further on D.10: Cawkwell (1963a), 134-6 (date of 341/0, following D.H.); Sealey (1955b), 104-10 (pre-342/1); (1993), 182-5; Lewis (1970/1997), 247 (layered); Usher (1999), 241-3; MacDowell (2009), 354-9. In this and all subsequent notes unless specified, D.H. = D.H. *I.Amm.* 4.

³⁵ D.14: discussions and dating (354/3: D.H.): Sealey (1955b), 117; (1993), 128-9; Aidonis (1995), 161-313; Lane Fox (1997), 177-81; Usher (1999), 209-11; Karvounis (2002), 71-116 (and 72-5 on the date: late 354); MacDowell (2009), 142-7.

³⁶ Education summarized: MacDowell (2009), 20-2.

³⁷ See Jost (1935), 188 n.1 for parallels for the use of *κεχαρισμένον* here.

An initial reading might suggest that the relatively young Demosthenes (only thirty at this point) doubts the argumentative force and/or relevance of appeals to the ancestors.³⁸ But the way the speech proceeds undermines that notion completely. Gradually, Demosthenes feeds historical material back into the speech, starting with an all-but-stated appeal to the memory of the Persian Wars in §6. At §12, we hear how any ambassadors sent to warn states of the Persian threat will ultimately only ‘tell stories’ (ῥαψωδήσουσιν) and not convince their audiences – the stories, of course, being none other than reminders of Athenian prowess in 490 and 480.³⁹ By §29, events from the Persian Wars are openly under discussion. The double message to be taken from the speech as a whole, then – and this is underlined by the *epilogos* (τὰ δ’ ἔργα ἡμῶν ὅπως ἄξια τῶν προγόνων ἔσται σκοπεῖν, μὴ τοὺς ἐπὶ τοῦ βήματος λόγους, 41) – is that only one person in the Assembly is qualified to voice and interpret appeals to the past: Demosthenes himself.⁴⁰ Without his counsel and special direction, the fine-sounding ‘themes’ go awry, failing to honour their targets and getting in the way of the important thing: preparation. But at the same time Demosthenes is already concerned with the rhetorical potential of the Athenian past’s purely symbolic qualities in *On the Symmories*, a mode of thinking which (as we saw) saturates the roughly contemporaneous *Against Leptines*. *On the Symmories* not only assumes implicitly that the right kind of praise of the ancestors is an accepted part of high-quality public speaking; it also suggests (8, cf. 24) that Demosthenes, who claims to valorize deeds over words, is its only reliable – indeed its only possible – interpreter. Other speakers talk airily but will do little: Demosthenes alone is going to get the right balance

³⁸ cf. Usher (2007), 228 and Pearson’s idea ([1976], 112-13) that it is a mere denial of intent to use rhetorical training.

³⁹ See Aidonis (1995), 335 for the usage.

⁴⁰ The appeal is echoed at the end of *On the Liberty of the Rhodians* (15.35), notably enough for Tuplin to press the fact into service in his case for a literary arrangement of the two speeches ([1998], 312).

between reflection and action. Part and parcel of that is the encouragement of faith in the historical material he chooses and in the spin he gives it.⁴¹

On the Symmories was, we ought to note, treated by Demosthenes as a personal success three years later, when he claims that he was the first to speak against the proposed escalation of hostility towards Persia (παρελθὼν πρῶτος ἐγὼ παρήνεσα), indeed practically alone in doing so (μόνος ἢ δεύτερος).⁴² But he does not yet claim any conspicuous foresight, or at least not in relation to how his possession of it might give him the right to a guiding role. By 346/5, though, at a time where he is already putting himself in a position where he can begin to repudiate the Peace of Philocrates that he helped to make and ward off any criticism of his *volte-face*, he is making that link.⁴³ Past and future are combined in *On the Peace*,⁴⁴ where Demosthenes spends nearly a third of the speech (4-10) pointing out how right his previous predictions have been. The accuracy of his foresight then has been endorsed by events now, in the recent past (esp. 9-10). His personal qualities needed more display than usual; although *On the Peace* may look uncharacteristically restrained to us, we lack any speeches from the period of the Peace itself, and Demosthenes needed to manage his self-dissociation from it very carefully. To the hawks in sympathy with Aristophon and Hegesippus – a group he needed to keep on side, as we will see in Chapter Four – it probably still looked unacceptably moderate.⁴⁵ So he bases his case on pragmatism (i.e. non-provocation of Philip while the latter is in a position of strength in the Amphictyonic Council) and, again, the recent past is the ideal frame. Demosthenes

⁴¹ On this symbouleutic politics of choice, see Khong (1992) on competing recommendation of historical paradigms (distant and recent) when making decisions in war situations (esp. Vietnam).

⁴² D.15.6 (*pace* Wooten [2008], 9 and [2010], 4-6).

⁴³ On the repudiation: Cawkwell (1963a), 206; Sealey (1993), 156-7. Milder: Ryder (2000), 65-6; MacDowell (2009), 326-8. Always anti: Buckler (2000), 132.

⁴⁴ D.5: discussions and dating (346/5: D.H.): Sealey (1955b), 119; (1993), 157-8; Usher (1999), 230-2; MacDowell (2009), 327-8.

⁴⁵ Aristophon as hawk: esp. Didymus *Dem.* 8.64-9.9 (with Harding [2006], 196-7). On the consistency in Hegesippus' foreign policy outlook (and association with Aristophon) over a long period: Davies (2011), 15-16.

goes into detail about how he has been proved right in his solitary predictions about the Euboean expedition of 348, despite the fact that he was ‘nearly torn apart’ (**πρῶτος καὶ μόνος** παρελθὼν ἀντεῖπον, καὶ **μόνον οὐ διεσπᾶσθην**, 5) for opposing it, about the ulterior ambitions of the actor-negotiator Neoptolemus (6-8) and, most importantly, about the falsity of rumours that Philip would protect the Phocians and humble the Thebans once through Thermopylae at the time of the making of the Peace itself (9-10). This is all couched in an archly self-deprecating frame:

ἀκριβῶς δ’ εἰδῶς, ὧ ἄνδρες Ἀθηναῖοι, τὸ λέγειν περὶ ὧν αὐτὸς εἶπέ τις καὶ περὶ αὐτοῦ παρ’ ὑμῖν ἀεὶ τῶν πάνυ λυσιτελούντων τοῖς τολμῶσιν ὄν, οὕτως **ἡγοῦμαι** φορτικὸν καὶ ἐπαχθὲς **ὥστ’ ἀνάγκην οὕσαν ὀρῶν ὅμως ἀποκνῶ. νομίζω δ’** ἄμεινον ἂν ὑμᾶς περὶ ὧν νῦν ἐρῶ κρίναι, **μικρὰ τῶν πρότερόν ποτε ῥηθέντων ὑπ’ ἐμοῦ μνημονεύσαντας.** (4)

Once he has claimed his licence, of course, he expatiates. But the assumptions on show in these two sentences deserve to be picked apart. It simplifies matters if we posit that Demosthenes is going to proceed with recollections of his own speeches (as he does at greater length in the *Second Philippic*: 20-5) regardless of the conventional constraints. One hallmark of his approach in the Assembly speeches is a willingness to dispense with (what he claims to be) usual form – in the interests of the right advice being given freely, he argues. That means that here, in *On the Peace*, we have to assume that the reluctance to do so is meant to act as a draw for the audience. He pays lip-service to a popular idea of bad and empty speechmaking, clearly best exemplified in this case by Demosthenes’ opponents, and separates himself from it personally (*ἡγοῦμαι* vs. *νομίζω*); but he intends to do it anyway. So the implication seems to be that his audience are welcome to judge him by not approving his policy if the tedious recalling of his previous speeches seems to them not to advance the issue at hand. In that series of recollections, the element on which stress is laid each time is how right Demosthenes, with his superior foresight, turned out to be,

and not his opponents (e.g. πάντες ὑμεῖς ἔγνωτε τήν τε τῶν τότε ταῦτα πεισάντων κακίαν καὶ τὰ βέλτιστα εἰρηκότα ἐμέ, 5; δύο μὲν δὴ ταῦτα ὧν προεῖπον ἐγὼ μαρτυρεῖ τοῖς γεγενημένοις λόγοις ὀρθῶς καὶ δικαίως, οἷά περ ἦν, ἀποφανθέντα ὑπ’ ἐμοῦ, 9).

But *On the Peace* is most notable as the occasion where Demosthenes makes the link explicit between his right to make policy and that gift for forecasting, arising from his understanding of past situations, that events have proved him to have. At §§11-12, he gives an ‘open CV’ of his qualities. Of course he has a talent for foresight, as proved by the foregoing (ὅσα φαίνομαι βέλτιον τῶν ἄλλων προορῶν); but he also has to slough a quality that seems to have accrued to him by reputation (οὔτε δεινότητα οὔτ’ ἀλαζονείαν ἐπανοίσω).⁴⁶ To do so, he lays stress on the levelling influence of good luck (11: ἦν συμπάσης ἐγὼ τῆς ἐν ἀνθρώποις οὔσης δεινότητος καὶ σοφίας ὀρῶ κρατοῦσαν) and above all his political disinterestedness and imperviousness to personal gain (12: ὀρθὸν οὖν, ὃ τι ἂν ποτ’ ἂπ’ αὐτῶν ὑπάρχη τῶν πραγμάτων, τὸ συμφέρον φαίνεται μοι). That contains the fundamental new assumption that he is one of the politicians whose conduct is being actively scrutinized and evaluated by the Athenian *demos*, which makes sense if it was the negotiation of the Peace of Philocrates that brought him to prominence.⁴⁷ By now, Demosthenes is over halfway through his speech, and his decision to spend so much of it talking about himself must have created a strong impression, and not necessarily an unfavourable one. Not least (functionally speaking), it would have been hard to argue with the brute facts of Demosthenes’ accurate (and ignored) advice. He adopts the sensible order of ‘missed opportunities/failures to attend to the Demosthenic forecast’ proceeding to a statement of the advice he proposes now. In that context, the latter seems effectively

⁴⁶ Aeschines was able to draw on a popular notion of Demosthenes’ characteristic ‘δεινότης’ – i.e. his sophistic connections – that same year (A.1.170-6); also Milns (2000), 210.

⁴⁷ e.g. Sealey (1993), 163-6.

the audience's only option; a similar stark choice is presented in the *Second Philippic* (6.6) of 344 (ἵνα, ἐὰν μὲν ἐγὼ δοκῶ βέλτιον προορᾶν, ἐμοὶ πεισθῆτε).

Demosthenes' capitalization on the frame of events in the recent past reaches its most developed stage in the *Third Philippic* (341), where he now criticizes other politicians' command of the temporal context within which present-day Athens belongs.⁴⁸ He does so by returning to the line of attack mapped out for *On the Symmories* and adding to it the hard-nosed advice we see in the *Olynthiacs* that the nature of the enemy and the type of warfare that Athens is now facing are quite new and require special engagement to overcome. At the level of presentation, he reverses this in the *Third Philippic* (47-52). Here, he has opponents (perhaps not strictly political opponents – he refers to their argument as a εὐήθης, 'naïve' one, rather than anything worse: 47) who question his control of the relevant historical examples, citing their own. To combat them, Demosthenes qualifies the relevance of the late fifth- and early fourth-century Spartan hegemony to the position of Philip. First, he saddles the opposition with an obviously tendentious piece of historical argument in his representation of their case: the idea that Athens was never taken by storm (ἀνηράσθη) by Sparta at the height of its power,⁴⁹ technically correct, but a transparently calculated way of figuring the point (his as well as 'theirs').⁵⁰ He also goes into some detail about historical Spartan fighting methods (48-9): specifically the custom of a citizen army invading enemy territory in summer, laying waste the land for four or five months and then retiring (48). Perhaps his opponents are to be conceptualized as 'good citizens' like the historical Spartans (who fought openly, without anything like the contemporary exchange of bribes: οὕτω δ' ἀρχαίως εἶχον, μᾶλλον δὲ

⁴⁸ D.9: discussions and dating (342/1: D.H.): Sealey (1955b), 101-4; (1993), 181-5, 233-5; Lewis (1970/1997), 247 (layered); Usher (1999), 239-41; MacDowell (2009), 349-54.

⁴⁹ Weil ([1912], 341) and Abbott and Matheson ([1895], 55) rightly compare A.3.133, on the ruined Thebes.

⁵⁰ Even if Demosthenes means the Spartan hegemony of the 390s and 380s, it is indicative of his intention to discredit his adversaries that he does not go into greater detail.

πολιτικῶς, ὥστε οὐδὲ χρημάτων ὠνεῖσθαι παρ' οὐδενὸς οὐδέν, ἀλλ' εἶναι νόμιμόν τινα καὶ προφανῆ τὸν πόλεμον, 48) and, by implication, their Athenian adversaries. Certainly the same word is applied to the strategic character of the conflict between Athens and Sparta (εὐήθειαν, 51) as is applied to the opponents' criticism. Demosthenes' point is that just as surely as these methods of military engagement are confined to the past, just so is his critics' thinking stuck there, doing no good to the city, when what is necessary is the ability to interpret past events to answer current needs. Demosthenes' grasp of the past seems more useful and reliable because it accepts the uniqueness of Philip and also the military revolution in recent times (οὐδὲν ἡγοῦμαι πλέον ἢ τὰ τοῦ πολέμου κεκινήσθαι καὶ ἐπιδεδωκέναι, 47).

There is also another important dynamic here which we saw operating in the court speeches: Demosthenes' care in masking the sources of his historical knowledge. Although he introduces his comments on (recognizably Peloponnesian War-era) Spartan military habits with the eminently democratic 'ἀκούω' (48), an understanding derived from reading of Thucydides looks to be in fairly clear evidence.⁵¹ The historian's work is famously arranged by summers and winters – one of the set of points of comparison here (Philip makes no difference between them: καὶ σιωπῶ θέρος καὶ χειμῶνα, ὡς οὐδὲν διαφέρει, 50) – and wide coverage of the ravaging of the territory of Sparta's enemies (together with the matching expeditions by Athens) is a well-known feature of the early books. Demosthenes' acquaintance with Thucydides, then, may well have prompted the parallel, and here it is deployed to impress the orator's superior control of what is relevant to Athens's current situation upon both opponents and wider audience.

⁵¹ cf. Gotteland (2010), 39 n.20.

Mirroring the increasing relevance of the Peloponnesian War to the threat presented by Philip, the importance of historical frames, distant and recent, to Demosthenes' analysis keeps growing. At the same time, he seems to handle the possibilities for the creation of personal authority out of historical argument with progressively greater confidence, using it to confront rivals' conceptions of the past – or what may be represented as their conceptions – in a number of ways. Such arguments do not all occur in every speech; at different points Demosthenes identifies and pursues different combinations that will serve his needs better. But the effortless assertion of a statesmanlike command of the *longue durée* of Greek military history evinced in that passage of the *Third Philippic* suggests the orator's arrival at an advanced stage of assurance in his ability to capitalize on the potential of this material for the explication of his aims before an Assembly audience. We now turn to how he manages that with reference to a motif already probed for the early court speeches: the Athenian continuum and climate of values.

2.2. A Broken Continuum?

The changelessness and perpetual validity of Athenian martial and cultural values – in short, what Demosthenes sometimes calls the distinctive Athenian *ethos* – is, as we have seen elsewhere, something that unites a good deal of Demosthenes' examples.⁵² Consequently, it is rhetorically effective, especially in an Assembly situation, to present this as in some way ruptured or in danger. Sometimes the preferred manoeuvre is to portray the value-system as under threat for the period of the debate alone, with the outcome a decider of whether those values will be upheld or deteriorate further. Managing

⁵² Gotteland (2004), 111-15 (esp. 112: 'permanence') for this use of ἥθος; cf. Grethlein (2010), 113-17 and Steinbock (2012), 264-5 on the 'continuum' of the *epitaphios*.

all these permutations successfully depends on a sure handling of historical material, and again we will see that Demosthenes becomes progressively more exploitative of the opportunities as his Assembly career goes on. Authoritative and convincing formulation of paradigmatic arguments allows Demosthenes to play with the audience's fears of the ramifications attendant on any decline in civic excellence – an acute tactic in a state where the citizens were regularly reminded of their unchanging and unchangeable virtue in the *epitaphios*.⁵³ But other aspects of this tradition are drawn on to underline points: principally the Athenians' uniqueness among the Greeks and the responsibilities that can be represented to come with that uniqueness (cf. 14.6; 15.35; 9.73-4). In *epitaphioi* themselves, that is often construed in terms of autochthony,⁵⁴ but here the main focus is on civic character distinct from the specific question of origins. Indeed, in the *Third Philippic* (73-4) it is presented as just as much the handiwork of the great deeds of the ancestors as anything innate. Another key idea is the contrast of symbolic and material kinds of wealth. In Demosthenes' schema, the former is always to be prized; the latter is only valuable if gained and maintained in a manner consistent with traditional Athenian virtue. A constant concern in these speeches is that in recent years the (stock of the) latter has risen at the expense of the former. While the large sums amassed on the Acropolis by the fifth-century ancestors were the natural material accompaniment of symbolic wealth (13.26; 3.24), Athens's well-stocked markets are a sure sign of the kind of defective prioritization which Demosthenes is trying to reverse (ὕμεῖς δ' ἔρημοι καὶ ταπεινοί, τῆ τῶν ὀνίων ἀφθονία λαμπροί, τῆ δ' ὄν προσῆκε παρασκευῆ καταγέλαστοι: 8.67, cf. the very similar 10.69, which picks up on 10.49-50). The restoration of those priorities to the forefront of Athenian policy-making is precisely the goal of Demosthenes' rhetorical engagement with

⁵³ Ziolkowski (1981), 100-29; Loraux (1986), esp. 132-45; Frangeskou (1999), 319-20.

⁵⁴ Lys. 2.17-19; D.60.4-5; Pl. *Mx.* 237bc; Hyp. *Epit.* 7. Other genres too: Clarke (2008), 269-71.

the past here. Two especially significant movements can be discerned across the corpus, as follows.

2.2.1. Exposing the Threat to the Continuum

Demosthenes' criticism is kept relatively mild in *On Organization* (353/2) where he makes the gulf between fifth-century and present-day political cultures explicit without serious exaggeration of the benefits brought by the former.⁵⁵ The speech pulses with the conception of Athens's role within Greece as unique and naturally hegemonic – a state of things which the Athenians currently do nothing to sustain (7). §§32-5 gives attention to that problem in depth, with Demosthenes strikingly comparing his own and his fellow statesmen's role within Athens with the position of Athens among the Greeks (35). The blunt, ironic statement with which he closes before the formal *epilogos* shows that he is under no illusions about what Athens's hegemonic past entailed (πεπολίτευσθε γὰρ ἐν τοῖς Ἑλλησιν).⁵⁶ Athens has changed the face of Greek politics for good or ill to such an extent throughout its history that if it is to retain what was universally acceptable about that past (principally the *ideal* of maintaining Greek freedom, however that worked out in practice), then it cannot shirk its duty – it is a question of pride (αἰσχρὸν γάρ, ὃ ἄνδρες Ἀθηναῖοι, αἰσχρὸν λιπεῖν τὴν τοῦ φρονήματος τάξιν, ἣν ὑμῖν οἱ πρόγονοι παρέδωκαν, 34) but also of consistency and necessity (πρὸς δὲ τούτοις οὐκ ἔστιν ἐφ' ὑμῖν, οὐδ' ἂν ἀποστῆναι τῶν Ἑλληνικῶν βούλησθε). The central dynamic of all this is that the continuum is under threat as Demosthenes speaks, and from two kinds of people: critics of his reforms, who question

⁵⁵ D.13: discussions and dating (vexed; my preference: 353/2) (see n.34 for authenticity): Jost (1935), 164 n.2; Cawkwell (1963b), 48 with n.9; (1969b), 328-9; Lewis (1970/1997), 245-6; Vervaecke (1989); Trevett (1994); Aidonis (1995), 1-75; Lane Fox (1997), 191-5; Usher (1999), 215-17; Harding (2006), 245-6, 248; MacDowell (2009), 223-9.

⁵⁶ This seems to recall Thucydides' Cleon (Thuc. 3.40.4) and ultimately Pericles (2.63.2). See also Donarelli (1997), 31 on the linked 3.21, and Aidonis (1995), 159, comparing Thuc. 2.37.1.

his habit of invoking historical parallels (“ἐνέπλησε τὰ ὄντα λόγων, καὶ διέσυρε τὰ παρόντα, καὶ τοὺς προγόνους ἐπῆνεσεν, καὶ μετεωρίσας καὶ φυσήσας ἡμᾶς κατέβη,” 12), and those of his political peers who oppose those policies (not necessarily the same). The way to shame the two groups is to indicate with authoritative detail how far people like them have allowed the city’s priorities to decline from the days of fifth-century dominance, and how committed Demosthenes is to a restoration of those values.

He approaches that in a number of ways. First, the very formulation of the criticism in §12 is calculated to remind the audience of the impressive quality and emotional effect of his ability to cite historical detail successfully, creating an impression – clearly a misleading one – that he is the *only* regular speaker who does it. Second, and most importantly, he strikes right at what he construes as undemocratic elements in the habits of the current political establishment: the tendency to refer to Athenian victories as those of particular commanders (22) and to bestow wide-ranging honours accordingly, and the unsettling appetite the elite demonstrate for extravagant house-building accompanied by only third-rate civic improvements (τὰς ὁδοὺς...καὶ κρήνας καὶ κονιάματα καὶ λήρους, 30). This is a textbook case of the inordinate privileging of material over symbolic wealth – these houses are undemocratic and implicitly show contempt for the ancestors too, given that the majority of public buildings were fifth-century (οἱ μὲν τῶν δημοσίων οἰκοδομημάτων σεμνοτέρας τὰς ἰδίας οἰκίας κατεσκευάκασιν, οὐ μόνον τῶν πολλῶν ὑπερηφανωτέρας, 30).⁵⁷ Appeal to popular knowledge is expected to highlight the fact that very few of Demosthenes’ audience will even know where Themistocles’, Cimon’s and Aristides’ former houses actually are (εἴ τις ἄρ’ ὑμῶν οἶδεν ὅποια ποτ’ ἐστίν), so modest and

⁵⁷ The image is used to underline Meidias’ anti-democratic character (D.21.158). ὑπερήφανος is normally used of overbearing *persons* (e.g. Thphr. *Char.* 24) thus tying down the conceit here of houses as extensions of their builders.

‘democratic’ are they (οὕτω μετρίως καὶ τῷ τῆς πολιτείας ὀνόματι ἀκολούθους, 29).⁵⁸ The house of Chabrias, by contrast – only four years dead in 353/2 – does indeed seem to have been a large one,⁵⁹ though Demosthenes does not target individuals in §30, and probably would not have targeted Chabrias anyway.

Another specific tactic is to align himself with a particular view he claims the fifth-century ancestors took of the trophies they erected: that Athenian posterity should imitate their virtue (καίτοι νομίζετε αὐτοὺς ταῦτα στήσαι, οὐχ ἵνα θαυμάζωμεν ἡμεῖς θεωροῦντες αὐτὰ, ἀλλ’ ἵνα καὶ μιμώμεθα τὰς τῶν ἀναθέντων ἀρετάς, 26). That is at best a narrow view of the purposes of monumental commemoration, only one of which is to help ensure some kind of trans-generational spur to virtue;⁶⁰ the φιλοτιμία Demosthenes refers to is on the face of it the primary, and a far more natural, response. Again, Demosthenes is interested to do something other than what his audience will expect, marking himself out, and he ties down the legitimacy of his reading of the τρόπαια by going into detail about the context in which they were set up. This detail is carefully calibrated to be specific enough to assure his audience that he knows his subject (the ten thousand talents and forty-five years, for example: 26), but sufficiently loose to avoid the possibility, at this risky rhetorical moment where ‘undemocratic behaviour’ is precisely what is implicitly under discussion, that audience members may be distracted by hostile speculation about the sources of his knowledge. Demosthenes handles his demotic credentials deftly: balancing his assertion of *demos* sovereignty over its politicians (31) is the displacement onto that same *demos* of his

⁵⁸ Some have questioned Cimon’s inclusion here, on the basis of e.g. *Ath. Pol.* 27.3 (with Rhodes [1981], 338-40) and Plut. *Cim.* 10; indeed, Sealey ([1967], 252; [1993], 236) uses this as an argument for *On Organization*’s inauthenticity. But Cimon’s wealth was in land outside the urban centre (as Theopompus [F 89] and Plutarch suggest: *Cim.* 10.1-2, 6); his actual town-house does not have to have been magnificent. On the Theopompus fragment, cf. F 135 and Connor (1968), 30-8.

⁵⁹ Hyp. F 137 (and another one?: [D.] 59.33-4); and cf. Theopompus F 105.

⁶⁰ On battlefield trophies, Pritchett (1974), 246-75; post-conflict monuments: esp. Ma (2008); both: Steinbock (2012), 84-6, 108-9.

criticism about uninspiring public works – according to him, that is the fault of his audience and their low horizons (καὶ οὐ τοῖς εἰσηγησαμένοις ταῦτ’ ἐπιτιμῶ, πολλοῦ γε καὶ δέω, ἀλλ’ ὑμῖν, εἰ ταῦθ’ ἰκανὰ ὑμῖν αὐτοῖς ὑπολαμβάνεται εἶναι, 30). In the context, that dovetails with his criticism of their slowness to act in general (32-5): limited popular horizons are the problem. Demosthenes is at pains elsewhere to point out that it is in φρόνημα – pride, spirit, a positive estimation of self – that the 353/2 Athenians differ from their ancestors, *not* in essential nature (τὰς φύσεις, 25); so a glimmer of optimism lingers.⁶¹ This is a continuum of values desperate to function – the material is there – but stalled by Demosthenes’ opponents.⁶²

In his criticisms at §30 Demosthenes had delicately skirted serious possible repercussions from direct attack on the powerful Eubulus and his colleagues (whose contemporary civic improvements the scholiast confirms as the target here; it was made likely by the dark reference to ‘those who control the funds’, also in §30).⁶³ In the *Third Olynthiac*,⁶⁴ however, four years later, Demosthenes embraces the inflammatory purport of this passage, and the same historical material now does different, and more politically radicalized, work in its new context.⁶⁵ Now the struggle with the establishment is specifically about Demosthenes’ own claim to be involved in the directing of public affairs, and to that end ancient models of statesmanship are canvassed in an overt

⁶¹ Contrast A.3.178. See esp. Mader (2004) on the importance of a varying tone.

⁶² Vlassopoulos ([2010], 357) uses this part of D.13 to illustrate his ‘alterity’ mode of relation of past to present, but clearly his ‘immanency’ mode is relevant too: perhaps we could talk about a ‘(comforting) immanency-based subtext’ and a ‘(chastening) alterity-based surtext’.

⁶³ Σ *ad* D.3.28 (132b Di) and esp. 3.29 (136, 138, 139a-c, 140 Di). Eubulus and the Theoric Fund: Cawkwell (1963b), esp. 53-65. Non-Demosthenic criticism of Eubulus: Theopompus F 99-100 (with Flower [1994], 72-3, 125-7). List of relevant scholia given by Harris (1996), 69 n.23, and cf. A.3.25-6 (with Knox [1976], 79-81) and Din. 1.96 (with good n.: Worthington [1992], 266-8, pointing out how Eubulus is now serving as a historical example so soon after his death).

⁶⁴ D.3: discussions and dating (349/8: D.H.): Sealey (1955b), 95; (1993), 139; Cawkwell (1962a), 133-4; Lane Fox (1997), 197; Usher (1999), 224-6; Karvounis (2002), 292-316 (dating the trio), 335-43 (examination of D.3); MacDowell (2009), 229-39.

⁶⁵ For the criticism here: esp. Karvounis (2002), 340-3.

competition with myopic and self-serving demagoguery, vividly portrayed by Demosthenes here (ἐξ οὗ δ' οἱ διερωτῶντες ὑμᾶς οὗτοι πεφήνασι ῥήτορες “τί βούλεσθε; τί γράψω; τί ὑμῖν χαρίσωμαι;” προπέποτα τῆς παραυτίκα χάριτος τὰ τῆς πόλεως πράγματα, 22). Those ancient models are Aristides (carried over from the ‘house-size’ illustration in *On Organization*, which will be replayed with a rather different cast at §26), two politicians indelibly associated with Athens’s mid-late fifth-century fortunes (Nicias and Pericles), and Demosthenes the general (τὸν ὁμώνυμον ἑμαυτῷ, 21). It is a curious group; its membership’s congruence with associations of demagoguery versus good statesmanship is not entirely clear (piecing together much purely political activity for the fifth-century Demosthenes is difficult anyway).⁶⁶ The intent – to self-recommend – is plain, and not least from the manner of the reference. The earlier Demosthenes is defined with reference to the one addressing the Assembly now (‘my namesake’).⁶⁷ Perhaps Demosthenes even intends there to be audience conjecture about some genealogical link – a further form of validation.⁶⁸ Furthermore, the group of statesmen is *not* presented as Demosthenes’ own choice – they are the examples his rivals praise but fail to imitate (21: μιμοῦνται δ’ οὐ πάνυ), and as such waiting to be rescued by the present speaker, intent on articulating their high principles for the present audience.

Alongside this new importation of examples, the repeated material (especially with the polite qualifications of 13.30 stripped away), looks all the more pointed; but Demosthenes’ hard and ironic introduction determines how we are to understand it:

⁶⁶ For hints, Roisman (1993), 23, 34-5, 51 (*choregia* in 422/1: *IG II² 2318.124*); also Donarelli (1997), 30-1.

⁶⁷ Implied but not stated by Milns ([1995], 14).

⁶⁸ Genealogical linkage as a validator of quality in Greek thought: see esp. Thuc. 3.7.1, where the Acarnanians insist on Phormion being succeeded by a son or relative of his (and N.B. the Acarnanian Phormion, grandson of Phormion, honoured with his brother Carphinas post-Chaeronea in *IG II² 237*; *RO 77*, 380-5; Lambert [2010], 234-5; [2012], 261-2). Hornblower ([1991], 388) notes that Roman parallels (sons gaining experience through observation of their fathers’ methods) may be relevant.

καὶ ταῦτ' οὐχ ἵν' ἀπέχθωμαί τισιν ὑμῶν, τὴν ἄλλως προήρημαι λέγειν · οὐ γὰρ οὕτως ἄφρων οὐδὲ ἀτυχῆς εἰμι ἐγὼ ὥστε ἀπεχθάνεσθαι βούλεσθαι μηδὲν ὠφελεῖν νομίζων · ἀλλὰ δικαίου πολίτου κρίνω τὴν τῶν πραγμάτων σωτηρίαν ἀντὶ τῆς ἐν τῷ λέγειν χάριτος αἰρεῖσθαι (21).

This introduction inclines to the precise opposite of what it claims to. Previously – when Demosthenes first voiced the following examples in *On Organization*, in 353/2 – circumstances were less troubling for Athens and (according to Demosthenes) the political establishment could impose a blanket view of what the city's best interests were without doing critical damage. His present argument is that that is no longer possible – that Athens's situation is too vulnerable now for that self-interested elite's orthodoxy to continue dictating policy. That is why the just citizen – the outsider – Demosthenes – must speak with the state's wellbeing in focus, and in doing so assert the validity of his historically-informed understanding of how statesmen should operate. Demosthenes is picking a quarrel, then – but it is a quarrel he now feels he can hold his own in, particularly if he concentrates on relaying unpalatable truths and illustrating the decadence and stagnation of the establishment's command of where Athens is in a broader temporal context. Their over-privileging of the Theoric Fund (especially, Demosthenes argues, their use of it as a way of hiding their own ineptitude from the *demos*: 31) and his radical call earlier in the speech for the removal of some of its legal buttressing (10-11) are the excuse for the laying out of a multivalent symbolic case, echoed (without reference to historical material) in the *First Olynthiac* (19-20). All this was a risky strategy at a time⁶⁹ when Apollodorus was condemned *παρὰ νόμων* for even broaching the idea of circumscribing the Fund – but, like the whole passage, it reflects Demosthenes' growing confidence.⁷⁰ By

⁶⁹ The Apollodorus affair preceding the *Olynthiacs*: Cawkwell (1963b), 60; Carter (1971); Hansen (1976b), 239.

⁷⁰ Theoric Fund, its law, and Demosthenes' rhetoric: Hansen (1976b); Sealey (1993), 256-8; Harris (1996); Mader (2005). Harris (68-70) argues against the existence of political differences between Eubulus and Demosthenes over the Fund, but at 69 assumes he has proven Demosthenes' lack of hostility to it (60-5). But that earlier section employs the evidence selectively (D.3.30-2, essential to the attack, is not discussed) and

linking himself with the fifth-century statesmen through his namesake, and appropriating the models he claims his opponents only pay lip-service to, he recommends the comprehensiveness of his own perspective on the city's situation and – crucially – the timeless legitimacy of the priorities he is asking his audience to privilege.

2.2.2. Parallels for a Crisis

My second 'movement', which deals essentially not with action but reaction, is the shift in the balance of Demosthenes' response according to the perceived level of crisis, reflected in the historical material he chooses to cite. For example, the *First Philippic* (of 351/0⁷¹) professes confidence that an Athenian citizen force still has the potential to stop Philip in his tracks; the *Third Philippic* (of 341), however, relies on that as a premise (5) but begins by asserting that things could not be worse than they are for Athens even if the worst possible measures had been proposed (οὐκ ἂν ἡγοῦμαι δύνασθαι χεῖρον ἢ νῦν διατεθῆναι, 1). Correspondingly, the *First Philippic* shows little of the grimly shrewd assessment of Philip's devastating uniqueness and novelty that informs the *Third Philippic* or even the *Olynthiacs*. I now briefly show how Demosthenes adjusts his parallels to accommodate new contexts, without compromising his own deftness in selection and presentation.

We had cause to note earlier that Demosthenes shows little patience in the *Third Philippic* with those who compare Philip's efforts at domination unfavourably with the Spartan

when noting the 'praise' (59) in the *Fourth Philippic* (10.35-42) Harris does not consider the likelihood that there were politicians more hostile to the Fund than the Demosthenes of the *Olynthiacs*. Instead the *Fourth Philippic* reflects the confidence and popularity of a Demosthenes at the height of his influence, who no longer needs the Fund as a way of attacking those in control. *He* is now the one in control. What he says about the Fund in the *Olynthiacs* has nothing to do with any objection to the Fund *per se* and everything to do with the picture that he wants to paint of the political establishment he wishes to unseat.

⁷¹ D.4: discussions and dating (352/1: D.H., but notoriously difficult): Sealey (1955b), 81-9; (1993), 132-3; Cawkwell (1962a), 122-7; Lane Fox (1997), 195-9; Milns (2000), 206; Karvounis (2002), 223-60 (dating: 223-32); Usher (1999), 217-20; Badian (2000), 33-7; Wooten (2008); MacDowell (2009), 210-18.

hegemony. In the *First Philippic*, he falls directly foul of his own later criticism.⁷² Pitched battle against the Spartans (3, 17, 24) involving citizen hoplites – or (24) a combination of hoplites and mercenaries – is represented as precisely the kind of behaviour the present-day Athenians ought to be emulating, in line with the *First Philippic*'s focus on the need for citizen hoplite, rather than mercenary, service. Correspondingly, we get nothing here of the victory of Iphicrates at Lechaeum which Demosthenes features elsewhere in the Assembly speeches as a signal Athenian success on a par with the battle of Naxos (13.22).⁷³ *First Philippic* 24 is a good deal more guarded, even about the famous Iphicrates and Chabrias, stressing the effort and not the heroics, but still finding something to celebrate in the pooled effort of citizens and mercenaries (καὶ οἶδα ἀκούων ὅτι Λακεδαιμονίους παραταπτόμενοι μεθ' ὑμῶν ἐνίκων οὗτοι οἱ ξένοι καὶ ὑμεῖς μετ' ἐκείνων). ἀκούω, as we saw earlier with the Spartan parallel in the *Third Philippic*, is slippery; but the temporal demarcation that the references supply is consistent with a reasonable estimate of expected direct audience recollection, i.e. the usual forty years (390 to 351/0 from Lechaeum to our speech, for example).⁷⁴ Demosthenes aims to get credit from citing these occasions adroitly, respecting the superior memory of the over-sixties, and sustaining at least a modicum of triumphalism. Other rousing moments of the speech are §3 (well within memory: καὶ παρ' ἄλλων ἀκούουσι καὶ τοῖς εἰδόσιν αὐτοῖς ἀναμνησκομένοις) and especially §17 – citing the Euboea expedition of 357, the Haliartus expedition in 395,⁷⁵ and the recent stalling of Philip at Thermopylae post-Crocus Plain in 352.

⁷² As Pearson ([1976], 153-4) also notes.

⁷³ Iphicrates and the Spartan *mora*: X. *Hell.* 4.5.11-18; D.S. 14.91.2; also D.23.198, and Iphicrates' presence at Corinth noted in D.4.24.

⁷⁴ cf. Introduction nn. 9-10.

⁷⁵ From which no engagement ensued. Xenophon has the Athenians arrive after the main action and only serve to make the Thebans feel more confident (*Hell.* 3.5.22) cf. D.S. 14.81.2. Hunt (2010), 67.

These get comprehensively undercut when Demosthenes revisits the relevant periods and topics in the *Third Philippic* a decade on (21-46). Here, what he offers is a disquisition, for which he makes no direct apology, on the course of Greek interstate history since the beginning of the Athenian hegemony in 480/79 (23). All he does is ask his audience to bear with him and consider endorsing his reading as standard (εἰ μὲν ὀρθῶς λογίζομαι, μετάσχητε τῶν λογισμῶν καὶ πρόνοιάν τινα ὑμῶν γ' αὐτῶν... ποιήσησθε, 20). The most important things to note about this rich passage (again, a third of the speech) are that Demosthenes now posits a serious attenuation of the continuum of values which will be all but impossible to revive; and that the coverage has moved from the practical level of the *First Philippic* to a state heavily influenced by the symbolism conceived in *On the Symmories* and continued in varying dosages since. Philip may have risen through Athenian and wider Greek failure to act properly to check him, but Demosthenes is interested above all in examining why. He finds his answer in an unquantifiable but nevertheless (he says) identifiable intellectual or spiritual lassitude, the product of the admission of impure and corrupting factors – bribery, above all – into interstate politics:

ἦν τι τότε', ἦν, ὧ ἄνδρες Ἀθηναῖοι, ἐν ταῖς τῶν πολλῶν διανοίαις, ὃ νῦν οὐκ ἔστιν, ὃ καὶ τοῦ Περσῶν ἐκράτησε πλούτου καὶ ἐλευθέραν ἤγε τὴν Ἑλλάδα καὶ οὔτε ναυμαχίας οὔτε πεζῆς μάχης οὐδεμιᾶς ἠττάτο, νῦν δ' ἀπολωλὸς ἅπαντα λελύμανται καὶ ἄνω καὶ κάτω πεποίηκε πάντα τὰ πράγματα (36).

This is a triumph for the ‘symbolic’ use of history. That juxtaposition, ‘πλούτου’/‘ἐλευθέραν’ encapsulates the old relationship between material wealth and symbolic poverty (or, more tendentiously, grubby reality and sacred ideals) along lines reminiscent of the Herodotean and wider Ionian ‘hard/soft nations’ dualism.⁷⁶ Symbolic poverty, the orator argues – now irrecoverable (ἀπολωλὸς) – used to translate into

⁷⁶ For this nexus: Thomas (2000), 103-14.

consistent military victory (whatever the historical accuracy here – as Demosthenes is talking about the Persian Wars, the hyperbole seems relatively venial).⁷⁷ Now the situation is reversed: Athens has all the resources it needs (including the Athenians themselves, whose *διάνοια* is in question, not their essence) but corruption makes them worthless (*ἄχρηστα, ἄπρακτα, ἀνόνητα*, 40). Demosthenes uses for that satiety the same word – *ἀφθονία* – that he had used for the superfluity of produce in Athens’s markets in *On the Chersonese* 67, and indeed he describes the way Athens’s spiritual advantages have been lost in terms of marketplace selling (*ἅπανθ’ ὥσπερ ἐξ ἀγορᾶς ἐκπέπραται ταῦτα*, 39).

The example chosen for the rift this constitutes with traditional Athenian practice is one we will see Demosthenes reuse: that of the Athenian condemnation of Arthmius of Zelea, a Persian agent (and in Aeschines’ version the Athenian *proxenos* at Zelea), for bringing bribe-money to the Peloponnese (41-6).⁷⁸ Demosthenes shows little concern for the bribery of politicians as a subject before about 350,⁷⁹ but here it is a well-calculated illustration of his point about the erosion of the collective *διάνοια* of §36, and it is possible that it was this treatment that encouraged Arthmius’ later rhetorical appearances.⁸⁰ Again, Demosthenes puts in question the nature of the Athenian *thinking* behind the condemnation (*λογίζεσθε δὴ πρὸς θεῶν, τίς ἦν ποθ’ ἡ διάνοια τῶν Ἀθηναίων τῶν τότε ταῦτα ποιούντων, ἢ τί τὸ ἄξιωμα*, 43), and the language sets up an explicit link both with §36 and with the issue of the past/present rift. But it is just as important to his strategy – impressing his audience by his control over the relevant detail – to maintain a sliver of optimism. He shows that the continuum is being preserved, but is in deadly danger, and the Arthmius example confirms this too (i.e. Arthmius was not successful). In the *Third*

⁷⁷ Ambiguous outcomes remade as victories: esp. Loraux (1986), esp. 137-41; Thomas (1989), 227-36.

⁷⁸ For discussion of this Arthmius passage as evidence of Athenian understandings of *ἀτιμία*: Colin (1933); Famerie (1992); Yatromanolaki (1997), 117-69; Youni (1998), 114-18.

⁷⁹ As noted by Milns ([2000], 211).

⁸⁰ Later use: A.3.258; Din. 2.24; Plut. *Them.* 6.3; A.A. 1.369, 3.334-6, 650-1.

Philippic's schema, Philip has changed paradigmatic status from a threat explicable by reference to early fourth-century wars with Sparta to one that can only be paralleled convincingly by recalling pre-Peace of Callias relations with Persia, including the Persian Wars themselves.⁸¹ For Arthmius, read any of the go-betweens used, allegedly, to liaise with politicians in the various cities approached by Philip.⁸² That is the level of threat Philip is conceptualized as posing – there is no other possible diagnostic toolkit among the available parallels. That is why Demosthenes must talk about the absence of early fifth-century δίανοια – because he no longer feels that he can talk relevantly about whatever spirit it was that made the Athenians march out in 378 (3) and in 395 (17) in the *First Philippic* (3, 17). By exploiting divisions among the Greeks, Philip has gone beyond the level where he can safely be assimilated to models of intra-Hellenic conflict.

Throughout this, Demosthenes develops his self-characterization as a teller of unpalatable truths: in the *Third Philippic*'s final third, Philip's setting up of tyrannies and brutal enforcement is imagined as a nightmarish unravelling of the Hellenizing of the past hundred years, which had 'made Greece safe for democracy' (symbolized perhaps by his domination of Euboea, reminiscent of the 490 expedition sent by Darius). In this speech, the *First Philippic*'s relatively unweighted reference to the symbolism of Philip's raid on Marathon (4.34) would have been unthinkable in that form. Demosthenes' realization that those wars have overtaken previous intra-Hellenic conflicts as the appropriate paradigmatic recourse when figuring Philip's threat is already present earlier, in the *Second Philippic*; but it is in the *Third* that he decisively revises the standpoint he had adopted in the *First*. As for the Athenian continuum of values, the orator presents his audience with two competing possibilities: either it has ceased to function, or it is under

⁸¹ As noted also by Jaeger ([1938], 173-4).

⁸² See most famously D.18.48, 295.

the same kind of threat that it was as the seemingly unstoppable Persian armament made for Athens in 490 and 480. The Athenians must choose: that is the privilege that has been bequeathed to them (ταῦτ' ἐστὶν πόλεως ἀξίωμα ἐχούσης ἡλικὸν ὑμῖν ὑπάρχει, 73; again, conferring a note of optimism). What unites the historical usage in these two *Philippics* and their response to differing levels of perceived crisis is Demosthenes' projection of personal control: he is to be trusted because he can read the signs and draw appropriate parallels.

2.3. Managing the Unexpected

I have already suggested that Demosthenes' appeal in the Assembly speeches stems partly from confounding likely audience expectations. I now examine two effects created by Demosthenes' interest in counterintuitive presentation and argumentation: first, what happens when he channels the hypothetical apprehension of selected examples through Athens's adversaries; and second – and dealing with material in the very recent past but handled in a paradigmatic way – his use in the *Third Philippic* of the figure of Euphraeus of Oreus, the ex-leader of that city's now-defunct democratic party, as tragic code for himself and his own endeavours for Athens. We have seen variations on this technique elsewhere. Demosthenes likes to posit a 'nightmare scenario' which he presents not as a counterfactual so much as a logical culmination of (his version of) current civic and political trends.⁸³ The rhetorical capital is derived from the mismatch between the apparent impotence of his plea – usual in such situations – that this be averted, and the wider persuasive context in which it belongs, which entreats the audience in the most forceful terms not to let it happen. The force of the entreaty relies partly, of course, upon the

⁸³ Key example: D.24.208-9.

strength of the *ethos* conjured so far in the speech. In the Euphraeus comparison, a device which normally stands out anyway for its vividness is allied with a recent example, and becomes integral to Demosthenes' strategy as he rounds up the speech, colouring and intensifying its message.

2.3.1. Demosthenes and Other People's Parallels

Demosthenes' propensity for doing the unexpected with his content is reflected at the level of style; his fondness for hyperbaton, anacoluthon, and *hysteron proteron*, all disruptive devices which force new juxtapositions and emphases within sentences, has often been noted.⁸⁴ Sometimes the two meet, complementing one another. One such passage is §5 of the *First Philippic*. This is where its most recent commentator chooses to place his excursus on hyperbaton;⁸⁵ but it is also where we encounter a Demosthenic habit which looms large as a persuasive device in the Assembly speeches: the representation of himself as having command of Philip's thoughts, feelings and, above all, intentions. Viewed critically, the notion is, obviously, a very suspect one. In order for it to pass, Demosthenes' *ethos* must already be well in place, as it is in the *First Philippic*. A 'surprise'-based technique had seen to that right from the outset, in §1, where Demosthenes had thrust himself into the debate ahead of regular speakers, already laying claim to a superior grasp of the situation. This is then reinforced by judicious use of a classic example (3-4): how the Athenians prevailed despite Sparta's dominant position in the Corinthian War and in the 370s.⁸⁶ He has, in short, assured people of the validity of his right to be heard, at least for a little, by §5. That helps in making the leap that he then makes into Philip's head, not

⁸⁴ Ronnet (1951), 41-62 esp. 42-8; Usher (1993), 23-5; Wooten (2008), 13-16.

⁸⁵ Wooten (2008), 55-6.

⁸⁶ Wooten (2008), 48-54, esp. 48-9.

just from a simple authority-based point of view but also with the practical point in mind that the audience may have thought Demosthenes had some particular reason to be aware of Philip's thinking: contacts on the inside, for example.⁸⁷ Philip apparently 'knew well' (εἶδεν...καλῶς) that he could easily take Athenian overseas possessions given her apathetic attitude to maintaining them. Even if he did not, the point still stands that the Athenians have let a bad situation get worse; Philip's success reflects badly on them.

This 'displacement effect' meshes well with historical examples. *On the Symmories* is a speech which (appropriately, given its engagement with the issue of possible war with Persia) makes constant use, especially in its later stages, of Persian Wars themes and imagery. The Theban reaction to Athenian arming, for example, is conceived in terms of a likely Theban desire to atone for their medizing (ὥστε πολλῶν ἂν χρημάτων, εἰ ἔχοιεν δοῦναι, πρίασθαι γενέσθαι τιν' αὐτοῖς καιρὸν δι' οὗ τὰς προτέρας ἀναλύσονται πρὸς τοὺς Ἕλληνας ἀμαρτίας, 34) – likely, that is, from Demosthenes' point of view as represented here.⁸⁸ Again, though we do not know when Demosthenes assumed his *proxenia* of Thebes, he is fairly mild towards the Thebans here (33).⁸⁹ He may already have had some link, and the audience might have put more weight – positive or negative – on *his* view (as someone perhaps in touch with Theban opinion) than we may be inclined to.⁹⁰ But what

⁸⁷ He freely admits to having an informant at Philip's court in the *Second Olynthiac* (17), and does not name him (ἀνδρὸς οὐδαμῶς οἶον τε ψεύδεσθαι). If challenged with 'undemocratic' failure to reveal such information, Demosthenes might perhaps have cited the danger to the individual concerned from what Philip's supporters in Athens could relay back to him (especially given his treatment of Xenocleides: D.19.331 with MacDowell [2000a], 349). Also cf. Thuc. 7.49.4 (assumptions that Nicias has privileged knowledge).

⁸⁸ See Steinbock ([2012], 152-3) for an explanation. It may well have been on Theban minds: cf. Ma ([2008], 85-6) on Theban use of a lion as their monument at Chaeronea to participate in the commemorative rhetoric established by the Spartans' lion at Thermopylae, and thus submerge their medizing, even (or perhaps especially) at this late stage when Philip had shifted the paradigm.

⁸⁹ Trevett (1999), 185-6 (first evidence is 343) and esp. 190. At 15.15 Demosthenes does say he is *not* the Rhodians' *proxenos*. With 14.33 contrast, though, 20.109 (a year earlier).

⁹⁰ Herman ([1987], 137-42) notes that potential *proxenoi* usually had *xenia* ties with the city in question already.

catches attention (in a move reminiscent of the *epitaphios*⁹¹) is his casting of the Persian King himself as considering the Persian Wars – and, specifically, the experiences of his *own* ancestors – as a paradigmatic basis for action:⁹²

οἶδε μὲν γε διακοσίαις τριήρεσιν, ὧν ἑκατὸν παρεσχόμεθ' ἡμεῖς, **τοὺς προγόνους αὐτοῦ** χιλίας ἀπολέσαντας ναῦς, ἀκούσεται δὲ τριακοσίας αὐτοὺς ἡμᾶς νῦν παρεσκευασμένους τριήρεις· ὥστε μὴ κομιδῆ, μηδ' εἰ πάνυ μαίνοιτο, νομίσαι ῥάδιόν τι τὸ τὴν ἡμετεράν πόλιν ἐχθρὰν ποιήσασθαι (29).

The passage usually gets cited as an example of the orators' propensity to historical error or manipulation.⁹³ Demosthenes is talking about Salamis, and Herodotus' figures for allied ship-numbers there (180 Athenian ships, 366 or 378 or 380 total) are thought to be more accurate, not least because they are backed up by Aeschylus (and, in a round way, by figures Demosthenes gives in *On the Crown*).⁹⁴ It is also unclear what relationship the 'thousand ships' figure has with the traditional twelve-hundred and seven of the initial Persian line-up.⁹⁵ This kind of consideration misses the point, though, not least because Demosthenes could be referring to the battle(s) of the Eurymedon, which did involve two hundred Delian League triremes (we do not know the composition).⁹⁶ More interesting is how the orator chooses to express the temporal relationship between the present-day actors and their historical counterparts. It would be normal for the Athenians' own πρόγονοι to appear at this point, and this would balance the reference to the King's, those defeated at Salamis; but it is the Athenians' continuity that Demosthenes stresses, using the 'identical

⁹¹ cf. Lys. 2.22-3 (with Grethlein [2010], 120-1).

⁹² See also Steinbock (2012), 150-1, who argues (n.166) that the Athenian ancestors are meant, but see Weil ([1912], 23) for the opposite grammatical argument. The match with 'his' ancestors in §30 is also important.

⁹³ Nouhaud (1982), 186-90; Aidonis (1995), 352-3.

⁹⁴ Hdt. 8.44 (180 Athenian ships); 8.48 (378; itemized total [8.43-8] gives 366), 8.82 (380); 300 (or 310) (Aesch. *Pers.* 338-40) of which the Athenians provided 200: D.18.238; Hyp. *Di.* 4.12-17 (220/360 total, but interested in Artemisium too); Horváth (2009), 211-14 (esp. 212 n.98 for further refs.) with rejoinder by Rhodes (2009), 226-8; also Walters (1981) (on Thuc. 1.74.1). Both Hyperides and Demosthenes are working with a Chaeronea comparison (see Ch. 5).

⁹⁵ Total of 1207: Aesch. *Pers.* 341-3 (but cf. Garvie [2009], 175-6, favouring 1000); cf. Hdt. 7.184.1 (for the problems: Bowie [2007], 154).

⁹⁶ Thuc. 1.100.1 (with esp. Gomme [1945], 286-9); D.S. 11.61; Plut. *Cim.* 12-13; Meiggs (1972), 74-82.

audience' *topos*. 'We' – the Assembly audience *themselves* – provided a hundred of the triremes that defeated the King's πρόγονοι, and 'we' would be providing the triremes again. He suggests that while the Persians have got through several generations in the interim, the Athenians are unchanged.

In pursuing this, though, he deepens the contrast. *On the Symmories* keeps the patriotic import – and the parallel with 480 – well in view by emphasizing the self-sufficiency of the land of Attica (30) compared with the transitory nature of the King's wealth (ὁ μὲν γὰρ χρυσίον, ὡς φασιν, ἄγει πολύ. τοῦτο δ' ἐὰν διαδῶ ζητήσῃ, 30), reminiscent of passages of Aeschylus' *Persians*.⁹⁷ There seem to be allusions to other important elements of the Persian invasion tradition – the draining of Macedonian and Thracian rivers by the advancing army, for example (καὶ γὰρ τὰς κρήνας καὶ τὰ φρέατα ἐπιλείπειν πέφυκεν, ἐάν τις ἀπ' αὐτῶν ἀθρόα καὶ πολλὰ λαμβάνῃ, 30; cf. Hdt. 7.127). The temporal distinction between Athenian and Persian relationships with their ancestors is kept up throughout the passage, and reaches a climax of grim relish at the end of §30, where the King is brought close to his glorious ancestors only to be ripped away from them by the overwhelming fact of death and defeat at the hands of the Athenians at Marathon (ὕπερ ἧς ὡς μὲν τοὺς ἐπιόντας ἐκείνων ἀμυνόμεθα, οἱ Μαραθῶνι τῶν προγόνων αὐτοῦ μάλιστ' ἄν εἶδεῖεν).⁹⁸ It is also sustained when the recollections are repeated at §§39-40 (detailing how Athenian fortunes waxed in the midst of the privations – and the glorious feats – of the 490 and 480 conflicts). All this conduces to an important political end for the young Demosthenes in his first extant Assembly speech: treating traditional material (and thus showing he can stand alongside seasoned politicians), but doing so from a distinctive angle. He does not yet appear confident enough to move on from the easy habit of suppression of inconvenient

⁹⁷ Attic self-sufficiency: e.g. Darius at *Pers.* 792 and the Chorus at 238 (with Garvie [2009], 137 and 307, comparing Hdt. 7.49.1 and Aesch. *Th.* 585-6; also Hall [1996], 128, with remarkable n.)

⁹⁸ cf. Aesch. *Pers.* 244, 474-5.

detail (the burning of Athens, for example) that characterizes much oratorical treatment of the Persian Wars.⁹⁹ He is fulfilling a need to demonstrate an assured participation in the wider discourse of his political seniors.

A similar but more developed manoeuvre puts Philip's knowledge of history¹⁰⁰ in focus in the *Second Philippic*.¹⁰¹

εὐρίσκει γάρ, οἶμαι, καὶ ἀκούει τοὺς μὲν ὑμετέρους προγόνους, ἐξὸν αὐτοῖς τῶν λοιπῶν ἄρχειν Ἑλλήνων ὥστε αὐτοὺς ὑπακούειν βασιλεῖ, οὐ μόνον οὐκ ἀνασχομένους τὸν λόγον τοῦτον, ἠνίκ' ἦλθεν Ἀλέξανδρος ὁ τούτων πρόγονος περὶ τούτων **κῆρυξ**, ἀλλὰ καὶ τὴν χώραν ἐκλιπεῖν προελομένους καὶ παθεῖν ὅτιοῦν ὑπομείναντας, καὶ μετὰ ταῦτα πράξαντας ταῦθ' ἅ πάντες ἀεὶ γλίχονται λέγειν, ἀξίως δ' οὐδεὶς εἰπεῖν δεδύνηται, **διόπερ κάγῳ παραλείψω**, δικαίως (ἔστι γὰρ μείζω τὰ κείνων ἔργα ἢ ὡς τῷ λόγῳ τις ἂν εἴποι), τοὺς δὲ Θηβαίων καὶ Ἀργείων **προγόνους** τοὺς μὲν συστρατεύσαντας τῷ βαρβάρῳ, τοὺς δ' οὐκ ἐναντιωθέντας. **οἶδεν** οὖν...(11-12).

Here, in contrast with the passage in *On the Symmories*, everyone's πρόγονοι are on open show in order for Demosthenes to characterize each state's behaviour on a level field. Actions in the period of the Persian Wars are still the prescribed interpretative key (though Athens is still not burned), but now the focus is Philip.¹⁰² It is fundamental that he is taking an interest in Greek history: trying to understand it, and sense weak points to exploit (an analogue to his military manoeuvres). The idea seems designed to ruffle the audience: Philip can be privy to their comprehension of their past, increasing the need for them to act swiftly to oppose him. The two most important characterizations are those of the Macedonians and the Athenians: the first, Philip's own ancestry, little better than craven

⁹⁹ Nouhaud (1982), 135-64; Thomas (1989), 221-6. The evacuation (157-60) is about as far as orators will go.

¹⁰⁰ 'Philip' uses examples with assurance in [D.] 12. On that text: Hammond and Griffith (1979), 714-16; Sealey (1993), 240; MacDowell (2009), 363-6.

¹⁰¹ D.6: discussions and dating (344/3: D.H.): Sealey (1955b), 119; (1993), 171-2; Usher (1999), 232-4; MacDowell (2009), 329-33. See on this passage: Carey (2005), 88-9.

¹⁰² cf. Rhodes (2011), 25.

servants of the barbarian (Alexander as a king willingly demoted to a mere κῆρυξ);¹⁰³ the second, an assertion of the rightness of Athenian denial of the opportunity to rule (ἄρχειν), a piece of breath-taking selection given the fifth-century empire, but validated by the very specific context in which it is presented. Demosthenes avoids any complex focalization, however; what Philip knows is exactly what his audience know.

The persuasive manoeuvre that impresses most here is the creation of the assumption that Philip acts on historical precedent. This allows Demosthenes both to encourage the Athenians to make their choice as to what version of their past can be employed best against him, and then to enact it, but also to let them feel they can master Philip if they know that he is using the same precedents as they are. It is a tactic that may help them counterbalance Philip's originality, unpredictability, and versatility in other areas. Demosthenes makes them feel they can pin Philip and his mental processes down, and that contributes to a wider generation of hope in this part of the speech (6-12). Ten years on from the rather more mainstream message of *On the Symmories*, Demosthenes is more prepared to challenge his hearers, to give them more of the picture, and to make the threat clear, building an impression of himself as an adviser in control of the facts who nonetheless offers a view of the situation which conceptualizes it in a distinctive – and fundamentally, an optimistic – way. Any value in airy simplification or generalization about great events is, as in our previous section, definitely out by 344 (ταῦθ' ἅ πάντες ἀεὶ γλίχονται λέγειν, ἀξίως δ' οὐδεὶς εἰπεῖν δεδύνηται, διόπερ καὶ γὰρ παραλείψω).¹⁰⁴

There is more to be found in that sentence, though. Something carefully occluded in 6.11-12 is any sense of Philip's actual attitude to historical precedents, which was likely to have

¹⁰³ See Steinbock ([2012], 144-5) for other references to this incident, above all Hdt. 8.140-4.

¹⁰⁴ The idea of praise being inadequate (cf. A.1.140) is, again, an epitaphic *topos*: see Ziolkowski (1981), 130-2; Frangeskou (1999), 318.

been essentially realist. He had long since come up against a set of issues which probably attracted serially *paradeigma*-heavy argumentation from Athenian speakers: ownership of Amphipolis.¹⁰⁵ Our general uncertainty about the kinds of speeches made by Athenian ambassadors is a problem, but after Aeschines' 'academic harangue'¹⁰⁶ during the first embassy to Pella (as represented in A.2.25-33, at least), Philip may have realized that the Athenians were best dealt with by catering, at least sometimes, to their conviction that the Greek world continued to revolve around them. Despite demonstrating an acute understanding of the nature of Philip's potential for revolutionizing Greek interstate politics (e.g. at 9.47, on the novelty of the military challenge Philip posed), Demosthenes cannot afford to admit outright to his audience that there are people to whom the treasured Athenian examples mean little – who may appear to be swayed by them when they hear them, but in the event will act without reference to them.¹⁰⁷ Therefore he weaves an elaborate positive fiction of careful engagement with them by Philip; but the parallel between the Persian Wars and the current situation, and Macedonia's continuing detachment from the cause of Greek freedom, simultaneously allows the more troubling inference to be drawn. Demosthenes' own refusal on this occasion to expatiate on details, carefully employing as his reason the *topos* we saw above – that nobody can do so successfully (διόπερ καὶ ὠ παραλείψω) – may also help to introduce a sense of unease: in §11 we leave the Athenians of the 480 parallel mid-evacuation, 'suffering every hardship', and although we know the end is Salamis, and thus glorious (μείζω τὰ κείνων ἔργα ἢ ὡς τῷ λόγῳ τις ἂν εἴποι), we do not actually know what form its present-day equivalent will take, and it may, like 480, require great sacrifice. By stimulating this thought, Demosthenes sustains a careful balance between communicating optimism and, via the ambiguities,

¹⁰⁵ Philip and Amphipolis: esp. Badian (1995), 95-7; Hammond and Griffith (1979), 230-54. cf. also Aristophanes' speech in Theopompus (F 166) with (pertinently) Shrimpton (1991), 84-5.

¹⁰⁶ Pickard-Cambridge (1914), 242.

¹⁰⁷ He was able to do so before the threat of Philip occupied his public oratory: e.g. 14.12, cf. 2.12.

encouraging the realization that nothing about the situation or the task at hand is going to be straightforward.

2.3.2. Demosthenes and Euphraeus

Sometimes undesirable potential situations must be spelt out more vividly, and we turn to the *Third Philippic* and my second broad point in this section. Here, the contrast between Demosthenes and his opponents is interpreted in terms not so much of past performance as of innate virtue. To make it (and its consequences) clear, Demosthenes casts himself as a previous embattled democratic leader – Euphraeus of Oreus (59-62) – and sculpts him as a martyr to good statesmanship. This episode may be very recent, but the usage is strongly paradigmatic nonetheless. Mader notes the assimilation (or ‘mirror effect’), but does not pursue the implications.¹⁰⁸ Oreus stands at the culmination of a sequence of cities, begun by Olynthus and continued by Eretria (56-8), but Demosthenes flags the Oreite case as the clincher (καὶ τί δεῖ τὰ πολλὰ λέγειν; ἀλλ’ ἐν Ὠρεῶν..., 59). The five-man syndicate of tyrants headed by Philistides, bound together in their criminality by polysyndeton, constitutes the greatest threat to the exercise of democracy yet presented in the sequence. Their solitary opponent is Euphraeus (Εὐφραῖος δέ τις ἄνθρωπος...), known otherwise as a Platonist;¹⁰⁹ as Demosthenes points out, he had spent time in Athens (καὶ παρ’ ἡμῶν ποτ’ ἐνθάδ’ οἰκήσας, 59). He never says Euphraeus was well-known there; it is likely that he can fashion him as he wishes. Whatever we think of the traditional connection between Demosthenes himself and Plato,¹¹⁰ it seems likely that Demosthenes would have known at least something of the intellectual community Euphraeus would have belonged to while in

¹⁰⁸ Mader (2007a), 173-6; quotation: 175; odd misunderstanding at (2007b), 353.

¹⁰⁹ See below n.120.

¹¹⁰ See esp. [Plut.] *Vit. Dem.* 844bc; Plut. *Dem.* 5.5; Gel. 3.13 Marshall (both from Hermippus = *FGrH* 1026 F 49-50); Pernot (1998b). Discussion of the Hermippus citations: Bollansée (1999a), 398-409 (esp. 403-5 on Plato, with more sources for the tradition at n.88).

Athens and may even have known him personally (making his mapping onto him an apt one).¹¹¹ In addition, and probably beyond Platonism,¹¹² Demosthenes might be drawing on his earlier example of the Lampsacene brothers in *Against Aristocrates* (142-3), in which these men are motivated to kill the despotic mercenary captain Philiscus partly by traditions directly parallel to those prevailing in Athens (οἱ παραπλήσια τοῖς παρ' ἡμῶν γνόντες περὶ τῶν τυράννων).¹¹³

The points of contact between Euphraeus and Demosthenes are clear: both are anti-Macedonian, and have a hard time persuading their respective audiences (60); Euphraeus is trying to keep the people of Oreus ἐλεύθεροι καὶ μηδενὸς δοῦλοι, potential slavery being a leitmotiv of the Assembly speeches;¹¹⁴ the party of Philistides for whom Philip is χορηγός (60) are Aeschines and the other politicians whom Demosthenes constantly argued were in Philip's pay.¹¹⁵ So Euphraeus functions as a strong apotropaic, his end the 'nightmare scenario'. Just as he killed himself when, after several attempts to make the populace aware of their danger, his opponents converged on him (συστραφέντες¹¹⁶) and had him imprisoned,¹¹⁷ Demosthenes wields as a powerful emotive weapon the idea that similar treatment might be his lot too (ἐκεῖνος ἀπέσφαξεν ἑαυτόν, ἔργῳ μαρτυρήσας ὅτι

¹¹¹ For how Euphraeus might have affected the rivalry between Demosthenes and Aeschines: Meulder (1989), 322 nn.72-3. Bouchet ([2008]: 287-8 and n.2 on 288) puts Aeschines close to the Platonists.

¹¹² Though Platonists did kill hybriatic people in power: cf. Python and Heraclides, the killers of Cotys I: D.L. 3.46 and cf. D.23.119. This was topical in 353/2: Clearchus of Heraclea was murdered by Plato's pupil Chion (a Euphraeus-like court philosopher) and others in spring 352 (Burstein [1974], 64); and Dion by Callippus in 354 (Ath. 11.508f; though the point in Plut. *Dion* 54.1, following [Pl.] *Ep.* VII (333e), is actually that Callippus is only associated with Platonists, not one himself [cf. Davies (1971), 274-5; Nails (2002), 77-8; Too (2008), 141]). Lampsacus itself was a hotbed of intellectual, especially philosophical, activity, especially in the late fourth century (as home to Euaeon, Straton, Anaximenes, and others; cf. Strabo's list of great Lampsacenes: 13.1.19.35-9 Radt). It would not be at all surprising if Thersagoras and Execestus' sympathy with Athenian anti-tyrannical discourse were in some way philosophically-informed.

¹¹³ Compare the proactive Lampsacenes in Cic. *Ver.* 1.68-82 Peterson (and the mysterious Themistagoras and Thessalus; and on Cicero's construction of Lampsacus as a model Greek community, Steel [2004], 243-7).

¹¹⁴ cf. D.8.51 (cf. 10.27); 14.32 and cf. 15.15.

¹¹⁵ This is a strong semantic link with 19.216 (Φιλίππῳ χορηγῶ χρώμενος), delivered two years earlier.

¹¹⁶ cf. A.2.178.

¹¹⁷ He uses a similar expression (συστάντων) in 18.249 to describe the combined attack of sykophants in the 330s.

καὶ δικαίως καὶ καθαρῶς ὑπὲρ τῶν πολιτῶν ἀνθειστήκει Φιλίππῳ, 62). Key to the parallel, also, is the attitude of the *demos*, who do precisely the wrong thing, gloating over Euphraeus' wrong-footing by his adversaries (ἀντὶ τοῦ τῷ μὲν βοηθεῖν, τοὺς δ' ἀποτυμπανίσαι, τοῖς μὲν οὐκ ὠργίζετο, τὸν δ' ἐπιτήδειον ταῦτα παθεῖν ἔφη καὶ ἐπέχαιρεν).

It is worth exploring their reaction a little. They are demonstrably Demosthenes' Athenians: they only act when it is too late (τηνικαῦτα δ' οἱ μὲν ἡμύνοντο, οἱ δὲ προὔδιδον, 61), much as the Athenians do (hypothetically, at least) especially in the earlier Philippic speeches, in the situation Demosthenes often foresees should his advice not be heeded and Philip be allowed to proceed into Greece.¹¹⁸ But their 'gloating' at Euphraeus' fate may point us to how carefully the episode has been constructed. We know from Carystius of Pergamum that Euphraeus had previously flourished at the Macedonian court as a key power-broker in the relationship between Philip and his elder brother and predecessor Perdiccas III,¹¹⁹ so (if we wish to reconcile Carystius with Demosthenes) it was presumably only later – once Philip had sidelined him – that he came to prominence as an anti-Macedonian in his native Oreus.¹²⁰ No wonder the Oreites gloated: an intellectual, a toady, and a turncoat was unlikely to attract sympathy. Carystius' account, though, actually casts doubt on the *demos*' role and indeed the anti-Macedonian activity and the noble suicide: he simply tells us that Euphraeus was put to death by Parmenion on Philip's orders as soon as the latter came to power.¹²¹ But he is probably wrong (and

¹¹⁸ Ideas of lateness, sluggishness, and apathy in the *First Philippic* alone: 5, 10-11, 17, 34-41.

¹¹⁹ Ath. 11.508e (Carystius) on Euphraeus' relationship with Perdiccas: οὐχ ἦτρον αὐτοῦ ἐβασίλευε.

¹²⁰ Carystius *ap.* Ath. 11.506ef (power-broking) and 508de (behaviour at court; death); Harpocration *s.v.* Εὐφραῖος; above all, [Pl.] *Ep.* V (sending Euphraeus to Perdiccas as counsellor). Euphraeus is said to know the φωνὴ τῶν πολιτῶν (321d) and how to theorize monarchy; comparison with a modern spin doctor is hard to resist. Authenticity of the letter: rejected by Pasquali ([1938], 252-8) as by Hackforth ([1913], 74-5). On the φωνή itself here (cf. Pl. *R.* 493ab) and Pasquali's (254-5) and Hackforth's scepticism, contrast Novotný (1930), 121.

¹²¹ Ath. 11.508e (Carystius): ὅθεν Φιλίππου τὴν ἀρχὴν παραλαβόντος Παρμενίων αὐτὸν ἐν Ὀρεῶν λαβῶν ἀπέκτεινε.

Demosthenes right) about the date; Euphraeus' fall most likely belongs in the context of Parmenion's military activity in Euboea in 342.¹²²

Euphraeus still looks compromised as a model; but Demosthenes invests heavily in and imaginatively reshapes him. In the context of the *Third Philippic* so far, the parallel reads as an idealized estimation of Demosthenes' own position *vis-à-vis* his public *and* the other democratic leaders. He sets himself out on his own and, just as the example revolves round Euphraeus (Εὐφραῖος δέ τις ἄνθρωπος...), Demosthenes recommends himself as the paragon of good statesmanship round whom envious lesser men (like Oreus' five tyrants, or like Aeschines and other pro-Macedonians) swarm, waiting for their chance to combine and effect his ruin. The dramatic – indeed, tragic – end met by Euphraeus in a sense validates that self-promotion: Euphraeus' fall can only be so resonant – can only function paradigmatically, in fact, and justify such an excursus – if he is as great as the hero of a tragic drama.¹²³ Yunis has shown how important tragic thinking is to Demosthenes' self-representation and interpretation of events in *On the Crown*, and the associated techniques are clearly being rehearsed here.¹²⁴ So there is a dovetailing between the evidence for how democracy was extinguished in Olynthus, Eretria, and Oreus (a wider civic point) and the fate of a particular statesman endowed with the kind of gifts (and active initiative: ἐνέδειξεν ὡς προδότην τὸν Φιλιστίδην καὶ τοὺς μετ' αὐτοῦ, αἰσθόμενος ἃ πράττουσιν, 60) that make possible the prevention of tyranny's rise in the first place. In destroying Euphraeus, Oreus ensured its own destruction.

¹²² Cawkwell (1963a), 210-13 and in more detail (1978a) on that context. Parmenion in Euboea: Hammond and Griffith (1979), 545-7.

¹²³ Uses of tragedy in fourth-century rhetoric: Wilson (1996), esp. 319-24.

¹²⁴ Yunis (2000).

The impressive command of events and personal authority Demosthenes has aimed to cultivate during the *Third Philippic* wills the Athenians to commit to his version of a future (where the Athenian character is maintained, enacted and comes through its trials strongly) rather than that of his adversaries. The latter is sketched as a future where politics is about the Machiavellian targeting of those unwilling to subscribe to the herd-like, self-aggrandizing orthodoxy, where the populace are tamed and blinded by personal prosperity (63-4) and where apathy replaces preparedness. Just as the Athenians can transcend Demosthenes' Oreites, though, he too can transcend Euphraeus. Where his Euphraeus faced his opponents on a level, and truly alone, Demosthenes is the leader of an active interest-group (72), in a position to take the fight to the pro-Macedonians if necessary, and at every stage careful to articulate his individual contributions and claims on popular trust, past, present and potential. He has, in a sense, already transcended Euphraeus by achieving what he has by 341; it is up to the listening *demos* to transcend the Oreites. The striking character of this example, conjuring strong emotion and entirely reliant upon a counterfactual, demands it.

2.4. Conclusion

Apart from Demosthenes' thirteen relevant works, our list of surviving Assembly speeches is short. [Demosthenes] 11 is usually thought to be an inauthentic work, and the jury is still out over Andocides 3.¹²⁵ That leaves [Demosthenes] 7 and 17, *On Halonnesus* and *On the Treaty with Alexander*.¹²⁶ It is hard to know what to make of the latter,¹²⁷ but *On Halonnesus* has a good chance of being an authentic product, and can stand brief

¹²⁵ Harris (2000); countered by Grethlein ([2010], 128-9 n.9).

¹²⁶ Following Hansen's breakdown ([1984], 60-1).

¹²⁷ Summary: Will (1983), 67-70.

comparison with Demosthenes' speeches.¹²⁸ The author – possibly the hardline anti-Macedonian Hegesippus – makes scant use indeed of historical argumentation beyond talking of recent grievances. Three moments attract attention: a reference to a time when Macedonia was tributary to Athens (12); a reference to 'earlier decrees' by which Athens claimed possession of Amphipolis (24); and the citation of an inscription to prove Athenian possession of part of the Chersonese (39-40). There is no systematic attempt to conjure an atmosphere or a vision; the first two items are vague and the third cited like a law, with little elaboration.¹²⁹ The author is interested in historical facts as directly (often flatly) probative, and although he clearly distorts some, he appears to do so without Demosthenes' more sophisticated 'symbolizing' purposes in mind. His past has little ethical flavour; his presentation of the *symbola* relationship between Macedonia and Athens has since been shown to be dangerously wide of the mark,¹³⁰ and the former was never tributary to the latter. The author is, in fact, the kind of orator who gives the orators' attitude to history a bad name; and if Hegesippus delivered something with anything like the same kind of tenor as this speech to Philip at Pella in 344, then it is unsurprising that the embassy achieved nothing.¹³¹

It is hard to tell whether Hegesippus or Demosthenes is the more representative of Assembly speakers' practice. But we should recall D.13.12, where Demosthenes represents himself as 'the history man' – the one who always comes up and talks about the ancestors. He either expected people to be familiar with that image, or wanted them to be. Both possibilities shed light on his strategic behaviour and priorities. His personal investment in, and concern for the elaboration and incorporation of, his historical examples

¹²⁸ Taken as the work of Hegesippus by Davies ([2011], 13-16).

¹²⁹ Davies ([2011], 14) notes the author's lawyerly quality.

¹³⁰ Harrison (1960); also Tomassetti Gusmano (1950), 18.

¹³¹ On this: Ryder (2000), 74-5.

and argumentation is consistent and intense, and acquires depth, precision, and audacity as his career progresses (though he makes a strong start in *On the Symmories*). That goes for versions of recent history (especially common in Assembly speeches given the genre) as much as for more standardized and familiar *paradeigmata*. All points on the spectrum are equally attractive according to the demands of Demosthenes' context in its various forms. In strategic terms, the manufacture of versions of the past has as much and more to offer Demosthenes here as it does in the dicanic speeches. This does not have to take the form of self-assimilation to individuals (though it can do); nor does an example or argument have to individualize Demosthenes as a *symbolos* (though it often does). A consistent priority is the creation of a generalized rather than necessarily pinpointed picture of the past – the Athenian continuum, or what Carl Joachim Classen has called a 'climate of values'¹³² – which is designed to appeal to all and to galvanize a *demos* reaction, to Philip or to whatever issue is currently under discussion.

It is also clear that there are whole swathes of some speeches where Demosthenes undertakes all sorts of self-construction without going near historical specifics, or ones relevant here: *On the Chersonese* 68-72 would be a good example (a classic treatment of the role of the *symbolos*, and his above all). Equally, Demosthenes' talent for presenting the unexpected, the eccentric, the solitary, or the counterintuitive could be instanced by *Third Olynthiac* 32, where Demosthenes conjectures that he will be treated in a worse fashion for saying what he has said than the culprits that he has identified as responsible for what he is criticizing (a partial foreshadowing of the idea brought to a climax with the Euphraeus paradigm) – and the past is not particularly on show there. But here the 'climate of values' is relevant again. Developed historical material, generating emotion and

¹³² Classen (1991), 199.

drawing on memory, seeps into the surrounding texture of a speech, often elevating and always colouring its ethical content, just as it illustrates the *ethos* of the speaker himself. Demosthenes' success lies in making elements that could so easily look prosaic (and be attacked as such) bear symbolic weight in context, using that weight to validate his conduct, vision, and authority as a politician and the appropriateness, rightness, and superior intrinsic worth of his policies. His insistence on his singular skill at finding the right paradigms, his emphasis on the precariousness of the situation at hand, and his readiness to surprise and unsettle his audiences are techniques he makes instrumental to that project.

CHAPTER 3: DEMOSTHENES: *AGAINST MEIDIAS* AND AESCHINES: *AGAINST TIMARCHUS*

3.0. Overview

In Chapters Three and Four, I examine Demosthenes' and Aeschines' four surviving speeches from public trials in the 340s. In Chapter Four, the focus falls exclusively on Demosthenes' prosecution of Aeschines for misconduct as an ambassador (the Embassy trial of 343). Historical usage in that trial is strenuously competitive in character, and in the present chapter, I examine the strategic context in which that usage belongs. That involves consideration of two major recent prosecution speeches by each orator: Demosthenes' *Against Meidias* (which reached its final form in 347/6)¹ and Aeschines' *Against Timarchus* (of 346/5).² Both can serve to contextualize the Embassy trial even more directly than may first appear: Demosthenes' *On the False Embassy* betrays signs that its compositional genesis may belong in 346 itself, when Timarchus and Demosthenes mounted the original legal attack on Aeschines at his *euthyna* – the attack whose processing was delayed by Aeschines' counter-indictment of Timarchus.³ 'Layered composition' in general serves as a useful concept when considering the prosecution speeches, precisely because Demosthenes (whether in pre-trial or post-trial revision) appears not to have been especially painstaking in his removal of temporal inconcinnities – this is especially clear in *Against Meidias* and *On the False Embassy*.⁴ Sometimes a point

¹ Dating of D.21: Sealey (1955b), 96-101; Harris (1989), 121-3; (2008), 79; MacDowell (1990), 10-11.

² Dating of A.1: Harris (1985); (1995), 102 n.52; Wankel (1988); Fisher (2001), 6-8.

³ MacDowell (2000a), 24-5.

⁴ Dover (1968), 172-4; MacDowell (1990), 23-8; (2000a), 23-6.

will be made which fits the original temporal context of the dispute or indictment much better than the delivery context itself. This phenomenon might be explained by carelessness, or by the recognition that in the economy of a long and complex speech a moment or two's strictly incorrect detail would not matter much; but it might also be a persuasive choice, stimulating audiences to imagine themselves (whether 'creatively' or not) back at the point where the present situation became a situation at all.⁵ It would be a compositional counterpart to moments like *Against Meidias* 77 where Demosthenes narrates the dispute from (what he claims to be) the beginning. Sometimes several possible compositional layers can be discerned (as in *Against Aristocrates*), enriching the persuasive possibilities of temporal dislocation further.⁶

In what follows, then, I shall be concerned to indicate how *Against Meidias* and *Against Timarchus* can help us understand the choices made in the Embassy trial speeches; but I shall also show how the way that history is managed in *Against Meidias* helps identify it as just as much a conceptual heir of the 350s speeches. Anticipation and demolition of opponents' historical arguments grows from a useful technique in *Against Leptines* to a structuring one in the Embassy prosecution, but looking at *Against Meidias* may help to address how far my privileging of that technique relies on the fact that in the Embassy case we have the Aeschinean response; Meidias, by contrast, will never tell us anything. Looking at Aeschines' anticipations in *Against Timarchus* will clarify the character of each orator's handling of the past. Aeschines' speech is a constant reference point for Demosthenes in *On the False Embassy*, and the notable success of a speaker who, by his own admission, had never been the principal prosecutor in a public case before (1.1),⁷ will

⁵ Depending on when the individual details entered the text of the speech, that could apply equally to the live audience or the subsequent reader.

⁶ Lewis (1970/1997), 247-8; Lane Fox (1997), 184-7 (suggesting a first draft for D.23 in 356).

⁷ Harris (1995), 102; Rubinstein (2000), 239 n.8; Fisher (2001), 120-1.

probably have combined with personal exposure to Aeschines on the embassies to Pella in 346 to make Demosthenes interested in precisely how Aeschines was doing it. *On the False Embassy* seems intended at some level as an argumentative mirror for *Against Timarchus*;⁸ key to that are attempts to seize Aeschines' ground in advance, occupy it, and turn it against him. To an extent, this procataleptic system must have been standard in prosecutions centring on inappropriate behaviour or misconduct in office. But the concentration with which Aeschines and Demosthenes pursue the sequence is one apparently born of personal enmity as much as political expediency. Deriving persuasive capital from aspects of self-presentation like the successful mastery of the Athenian past was even more of an imperative than usual. Importantly, then, *Against Meidias* and *Against Timarchus* allow us to see both orators developing strategic practices that would be essential to the fairly overtly enmity-driven Embassy trial.

Plotting positive connections between the Meidias and Timarchus trials themselves can only go a certain distance: Meidias and Aeschines seem to have developed a political friendship at some point, but all we really know is that in 330, in the Crown trial, Aeschines thought it worthwhile to refer to the now-dead Meidias in generous terms (3.115) and to give a distorted (perhaps a very seriously distorted) account of the outcome of the Meidias prosecution to discredit Demosthenes at that stage (3.52 cf. 212).⁹ There is no strong sense that the Meidias trial necessarily had precise influence on Aeschines' choices in *Against Timarchus* the following year in the way that *Against Timarchus* seems likely to have had on Demosthenes' Embassy prosecution. The principal theme of *Against Timarchus* – illegitimate and morally bankrupt public self-presentation and conduct – meant its techniques lent themselves easily to refashioning by Demosthenes to characterize

⁸ Carey (2000), 19.

⁹ Knox (1976), 194-7; Harris (1989a), 118, 129-36; (1995), 38; (2008), 84-5.

Aeschines' misconduct in *On the False Embassy*. The gap between the issues raised there and the specific act of *hybris* perpetrated by Meidias, though one that could be bridged in various ways, would inevitably make itself felt at the procedural level: they were just different types of case. Consequently, although the way in which they inform the inquiry is the same, treatment of the speeches is kept separate in what follows.

3.1. Demosthenes: *Against Meidias*

3.1.1. Introduction

One respect in which *Against Meidias* differs from *Against Timarchus* is in the range and scale of its author's deployment of the past. In *Against Timarchus* much depends, as we will see, on Aeschines' self-presentation as a moderate and disinterested citizen trying to right civic wrongs (recalling to us the professed motivations of Demosthenes and his clients in the 350s speeches). But in *Against Meidias* Demosthenes makes no secret of the personal element, expatiating on the quarrel in question, openly conducting a syncrisis of his and Meidias' public actions, and presenting that and the civic desirability of a conviction as interlocking and complementary. In Aeschines' case, any personal enmity with Timarchus is absolutely suppressed in favour of exploration of the wider purport of the accused's behaviour. Consequently, where Aeschines takes an interest in making Timarchus' private past – his *bios* – probative at the level of civic history, tying Timarchus' activities to past events and well-known landmarks, Demosthenes focuses mainly on aspects of Meidias' 'private' past. Details of his public activities are frequently given, but Demosthenes tends not to relate them to the course of recent Athenian history with much consistency. This serves to highlight Meidias' undemocratic credentials,

suggesting that his public activities have made little impression, and that he is known (or ought primarily to be known) to the audience as ostentatious, arrogant, and interested in masking unhealthy quietism with occasional forays into practical politics which involved a good deal of shouting but little notable activity.¹⁰ Meidias' involvement in Athenian politics was in fact a good deal less exceptionable than that;¹¹ but all we need note is that Demosthenes' focus on this chosen portrayal leads to only relatively rare conjuring with the civic past as ethical proof. I will spend the next section discussing a prominent exception: the extended passage where Alcibiades is set up as a foil for Meidias, and where the comparison is pursued to the continuous detriment of the latter (21.143-50). This – one of the most developed historical illustrations in the whole corpus – sits at the centre of the ethical plea and crystallizes its goals and interests.

I see Demosthenes seeking to achieve two things with this passage. First – in line with the interests of the 350s speeches – he negotiates a link not only between Meidias and a fifth-century paradigm of aristocratic behaviour who could safely reflect both Athenian honour and reputation at the highest level as well as the civic consequences of excessive independence in the democratic *polis*,¹² but also between Alcibiades' tyrannical credentials *in posse* and the dangers of big-man domination of a democratic society more generally.¹³ In doing so – and in a fashion reminiscent especially of his strategy in *Against Leptines* – he effects a thematic connection between Meidias and the very prominent Eubulus (205-7), who is about to act as *synegoros* for Meidias along with a number of well-known rich men (208-18). The latter passage openly stages the possibility of anti-democratic danger from this group, hypothesizing a takeover of the state (209) along the lines Demosthenes had

¹⁰ Meidias as model 'bad elite Athenian': e.g. Witte (1995), 86-91.

¹¹ Tritle (1992).

¹² cf. importantly Themistocles and Cimon at 23.205 (and cf. Bauman [1990], 22-31).

¹³ Alcibiades and tyranny: esp. Seager (1967) and Gribble (1999), 118-43. Generally: Ober (1989), 197-8, 265.

explored via Diodorus, especially in *Against Timocrates*, and couched in similar no-holds-barred terms. The ‘cabal rhetoric’ that we saw in Chapter One might on the face of it be thought out of place here – Demosthenes, after all, must have gained public notice from his growing opposition to Philip and his vigorous support for expeditions to Olynthus in 349/8.¹⁴ But, as we saw in Chapter Two, he had still not made a break into the front rank of Athenian politics by 347/6 – that was to follow when his place on the Embassy to Pella (as its youngest member) gave him his chance¹⁵ – and to an extent we have to expect the same kind of outsider rhetoric that we find in the 350s court speeches (and, famously, in the proem of the *First Philippic* of 351). What points us forward to 343, though, is Demosthenes’ sensitivity and flexibility in anticipating historical arguments that the defence might mount. That I see as the other main purpose of the Alcibiades passage, and that is where I begin.

For the purposes of this analysis, solutions to the speech’s three main contextual conundrums – date, delivery, and type of action – need not be sought in full, though I agree with most recent opinion in seeing the arguments against genuine delivery as based on fundamentally flawed evidence,¹⁶ and on the type of action incline to Harris’s view (that the initial *probole* and the action of which our speech is part are separate) rather than to MacDowell’s (that initial vote and subsequent action are parts of the same procedure).¹⁷ As noted above, I see furnishing a precise date as perhaps less helpful for our purposes

¹⁴ For the context Giugnoli (1975); Sealey (1993), 143-4. Defining himself as arguing for an Olynthian not a Euboean expedition was, he tells us in 346/5 (5.5) something that earned him notice – and widespread hostility (though we need not believe that he was the *only* speaker to argue for it, as he claims there).

¹⁵ And his shrewd strategy thereafter: Sealey (1993), 156-7.

¹⁶ Delivery: Erbse (1956/1979); Dover (1968), 172-4; Harris (1989a), 117-29; (1992), 74-5; (2008), 84-6; MacDowell (1990), 23-8; (2009), 246; Ober (1994), 90-2.

¹⁷ Action: Harris (1989a), 129-35; (1992), 73-4; (2008), 79-82; MacDowell (1990), 13-23; (2009), 245-6; Rowe (1994).

than ‘thinking with’ some sort of layered composition, and *Against Meidias* is a speech where this can profitably be thought to apply.

3.1.2. Meidias and Alcibiades

We saw in Chapter Two that person-to-person examples tend to work by revealing attitudes of mind and action in the *comparandum* which can then persuasively decode those of the target for the audience. Demosthenes’ Euphraeus in the *Third Philippic* was a key example. Here, the contrast between Alcibiades, the flawed hero,¹⁸ and Meidias, the contemptible would-be, foregrounds the theme of violent assault which pervades the speech as a whole. Meidias’ physical assault on Demosthenes is made to stand for the assault on Athenian democracy by its enemies, a thematic component which animates the pre-epilogue discussion of the kind of people who will support Meidias (205-18). In a technique familiar from the Diodorus speeches, the assault in the Theatre – only recalled visually, in an oblique way, at §72, and not in the earlier narration¹⁹ – is repeatedly re-enacted in the jurors’ minds each time it is referenced.²⁰ The re-enactments stretch back in time, too. When the fifth-century Alcibiades strikes his fellow *choregos* Taureas in the face (147), the ‘assault’ imagery already connotes the *hybris* that is of a piece with Alcibiades’ wealth, lineage and impulsive and spirited character; but Alcibiades’ flip-side – his great deeds – still functions to keep Meidias out of direct comparison.²¹

¹⁸ Or indeed the ‘fêted, bored, and so subsequently hubristic’ hero: cf. Iphicrates at D.23.130. Iphicrates is portrayed similarly, though (in accord with Demosthenes’ purposes) on the cusp of the fall into hubris, in *Against Meidias* (62: φρονῶν δ’ ἐφ’ αὐτῷ τηλικούτον ἠλίκον εἰκὸς ἀνδρῶν καὶ δόξης καὶ τιμῶν τετυχηκότα ὢν ἐκεῖνος ἠξίωτο παρ’ ὑμῶν). There he defers to the laws, furnishing a positive *paradeigma*.

¹⁹ On 21.72: MacDowell (1990), 290 and Wilson (1991), 176-7.

²⁰ As we saw in *Against Androtion* and *Against Timocrates*, the chief villain’s transgressive penetration of the agora and of citizen’s houses is constantly replayed: 22.50, 52, 56, 68, and stylishly reversed at 22.77; cf. 24.126, 24.145 etc. Meidias, too, is keen on house-invasion: 21.116.

²¹ cf. Wilson (1991), 182 (‘Alcibiades is thus virtually cited for praise’).

The contrast is also mounted on the basis of birth and wealth. At the end of the passage Demosthenes indulges in humorous demolition of his opponent's claim to noble birth like Alcibiades' (148-50) and it is a constant concern of his here and throughout to show that all Meidias does with his wealth is misapply it.²² That misapplication, in turn, stands easily for Meidias' practical and ethical dereliction of his (liturgical and wider) duty as an elite citizen; this is a lopsided Alcibiades who cannot excel where Alcibiades excelled. As the scholiast comments, the comparison should more accurately be designated a sustained juxtaposition (*parathesis*);²³ and the listener is presented with unambiguous signposts as to how to read the grounds for the parallel between the two.²⁴ Demosthenes himself disclaims any link between his parallel subjects (καὶ οὐκ ἀπεικάσαι δήπου Μειδίαν Ἀλκιβιάδῃ βουλόμενος τούτου μέμνημαι τοῦ λόγου, 143). By unfolding Alcibiades' career and showing how Meidias fails to measure up at each stage, Demosthenes points not only to his opponent's hypocrisy, arrogance, and greed, but also to the deeply destabilizing implications of his behaviour for the prosperous democratic community at large: a community which (as in *Against Leptines* and in the *First Philippic* and *Olynthiacs*) he makes a concentrated bid to embody and to champion.²⁵

That all sustains a fiction which the very decision to compose and include the Alcibiades passage at all may be seen to qualify. The most serious distortion *Against Meidias* practises is the fostering of the impression that its target has no real place on the Athenian political scene, and thrives only because he is rich and well-connected. What we know of Meidias' career clearly gives the lie to that characterization.²⁶ It is safest to think of him as a substantial oratorical opponent for Demosthenes in his own right, and therefore someone

²² Meidias may not even have been so very rich: Davies (1971), 386.

²³ Σ *ad* 21.148 (515 Di); see also Jost (1935), 183.

²⁴ A juxtaposition: also Tritle (1992), 490.

²⁵ Wilson (1991), 187; Ober (1994), 100-4.

²⁶ Davies (1971), 385-7; MacDowell (1990), esp. 11-12; Engels (2006), 608.

whose objections the latter would need to seek to anticipate precisely as he had done with Leptines in 354 and would again with Aeschines in 343. In 347/6, the onus which in the Leptines trial had been shared at least with Phormion rested on him alone as sole prosecutor. It is important, then, to take seriously David Gribble's intriguing suggestion that Demosthenes might have chosen Alcibiades specifically as an example in order to prevent Meidias from doing so – his own spin on the fifth-century politician would be an obstruction that Meidias would have to confront and refute.²⁷ It would follow up an earlier procataleptic sequence (36-41). Demosthenes' selection there of examples of people who were struck but did not prosecute is clearly designed to seize Meidias' (advertised) position in advance (Meidias was apparently going round trying to find some: 36).

Qualification, though, is necessary. Gribble's suggestion is useful not because Alcibiades would have been an obvious choice for self-identification for Meidias. Any extended account of Alcibiades that concentrated on, say, his Olympic victories (145) and military reputation (145) and omitted the vicissitudes of his loyalty to Athens (146), his role in either the affair of the Herms or that of the Mysteries (both in 415: 147²⁸) or indeed both, and the negative aspects of his wealth and self-esteem (147) would be an incomplete one. Every appearance of Alcibiades in fourth-century oratory acknowledges both sides of his behaviour (even Isocrates 16 by implication), which suggests Athenian audiences would expect him to be cited as a problematic figure.²⁹ Instead, what Gribble's suggestion can be said to highlight usefully is how far the Alcibiades passage establishes cogent versions of a range of aspects of civic behaviour, marking ethical boundaries beyond which Meidias falls and which Meidias in his own speech will find it very difficult to shift – it makes, by

²⁷ Gribble (1999), 143 n.191: Demosthenes might have thought Meidias would tap into the inherent ambivalence of *hybris*: its capacity (in someone like Alcibiades) to arouse admiration as well as loathing.

²⁸ For the fusion of these two by this point: Todd (2004), 88.

²⁹ Nouhaud (1982), 292-3.

a metaphorical series of moves, points which it would be a good deal harder to articulate interestingly if put straightforwardly ('it is the good citizen's part to do X, and not Y' etc.). By exploring various sides of Alcibiades' character – and, above all, by defining them in advance – Demosthenes makes φύσις the standard against which Meidias will be judged, and so gives himself free rein to show how parodic, and how dangerous, is Meidias' conduct in *polis* society.³⁰

Alongside the parallel between physical assault and anti-democratic behaviour comes Demosthenes' continuing need to stress his own demotic character. His very choice of and introduction of this *paradeigma* aids the latter aim; Alcibiades is a sensational, well-known³¹ and entertaining character to hear about (whether or not that frisson is produced by his status as the arch-problematizer of the *demos*' attitude to great men, as plotted by Gribble and others).³² Demosthenes is also very careful to indicate *how* he knows about Alcibiades: by orthodox channels of oral tradition (λέγεται, 143, 144 and λέγουσιν 147; φασιν, 144, 145, 147), not by any exclusive written source available to him as a member of any educated elite. Similarly, the contextualizing of Alcibiades at the high point of the Athenian empire is pitched at an impressive level of vagueness that will cause no problems for any listener (κατὰ τὴν παλαιὰν ἐκείνην εὐδαιμονίαν: 143), and which is meant to essentialize: the important thing Demosthenes is communicating is not that Alcibiades' values and behaviour had a particular impact at a particular time, but that they fundamentally made sense, and continue to make sense, in the context of the democracy in a way that Meidias' do not and could never have done.³³ Again, the passage's primary

³⁰ As Nouhaud ([1982], 297) notes, he has also seriously distorted chronology.

³¹ Nouhaud (1982), 292-8.

³² See for example Wilson ([1991], 182).

³³ There is certainly no particular need to think that Demosthenes is covering personal ignorance. Older commentators condemned the erroneous parentage he gives Alcibiades (Weil [1883], 175; Goodwin [1906], 84), but it would be correct for the younger Alcibiades (Isoc. 16.25-8; Thomas [1989], 144-6).

function is demarcation: assuming Meidias' hybriistic tendencies, and then constructing a framework of possible extenuating circumstances which cannot apply in Meidias' case.

It is key to the juxtaposition that this *hybris* is shown by Meidias all the time (cf. 1) and by Alcibiades just at crucial moments, counterbalancing his good services.³⁴ Stridently demotic – and optimistic, indeed statesmanlike – in tone, Demosthenes announces that the purpose of the juxtaposition is ‘ἴν’ εἰδῆθ’ ὑμεῖς...καὶ γνῶθ’ ὅτι οὐδὲν οὔτ’ ἔστιν οὔτ’ ἔσται, οὐ γένος, οὐ πλοῦτος, οὐ δύναμις, ὅ τι τοῖς πολλοῖς ὑμῶν, ἂν ὕβρις προσῆ, προσήκει φέρειν’ (143). It is interesting that the services then recounted fall neatly under these headings, and the one whose import deserves to be clarified is γένος. Simple aristocratic birth is argued not to be enough; it profited Alcibiades because it was so intimately bound up with the liberation of the *demos* from oppression, and personal expenditure to that effect at Delphi (τούτους δέ φασιν ὑπὸ τῶν τυράννων ὑπὲρ τοῦ δήμου στασιάζοντας ἐκπεσεῖν, καὶ δανεισαμένους χρήματ’ ἐκ Δελφῶν ἐλευθερῶσαι τὴν πόλιν καὶ τοὺς Πεισιστράτου παῖδας ἐκβαλεῖν, 144); but he performed great deeds of his own too (145-6). Meidias' birth, however, is available for ridicule (148-50) and outright denunciation (μηδένα μηδαμόθεν, 148) without names.³⁵ In assimilating the concept of γένος to its argumentative context – how far it can extenuate (or at least explain) *hybris* – Demosthenes has actually extended the argument's reach. Achievement, and contribution to the glory of Athens, are made to function as the standard for nobility;³⁶ no evidence is

³⁴ *Hybris* in the speech and in general: MacDowell (1976); (1990), 18-23; Fisher (1976); (1979); (1990); (1992), esp. 44-9; Ober (1994), 89-90, 98-100; Cairns (1996); Martin (2009), 15-48. The prosecution case itself is figured right from the start as a counter-offensive (21.1); cf. Tempest (2007), 23.

³⁵ The brevity and absence of names in 21.149-50 means the absence of much of the mock-grandeur of the otherwise comparable *Andoc.* 1.124-9 (cf. MacDowell [1990], 365).

³⁶ It might be tempting to see a ‘rhetoric of the new nobility’ here, focused on merit: the self-made Iphicrates used it against Harmodius when the latter opposed his award of a statue, claiming that his deeds have shown him more closely related (συγγενέστερος) to the Tyrannicides than Harmodius himself, their descendant (*Ar. Rhet.* 1398a17-22) – a very nice illustration of past-based contestation. Iphicrates' choice of the name Menestheus for his son was (even if it was a family name; perhaps Iphicrates was related to the family of

presented to give us the impression that Meidias' forebears were anything other than non-achieving, like him.³⁷ The force of Demosthenes' relative lack of emphasis on Alcibiades' famous 'aiming at tyranny' is that Meidias looks an even paler version of the great man when all he is shown doing is surrounding himself in an unsystematic fashion with the paraphernalia of tyranny, not even 'aiming at' it.³⁸ So Alcibiades, Demosthenes, and the citizens are all brought onto the same noble, achieving side, in a manner reminiscent of the nobility of the *demos* constantly emphasized in *epitaphioi*.³⁹ Consequently, the association into which Alcibiades' lineage is drawn turns out not to be with the aristocratic but not notably illustrious birth of Meidias, but the common ancestry of the citizens: οἱ κατ' ἐκεῖνον ὑμέτεροι πρόγονοι (146 cf. 143; κατ' ἐκεῖνον almost seems to have the sense of a quiet recognition that Alcibiades defined his times).⁴⁰ Demosthenes reinforces the point when he aligns Alcibiades and the citizens who were his contemporaries with their present-day descendants (the jurors), and ranges them against Meidias (148: τοιούτων ἀνδρῶν οὖσιν ἀπογόνοις). The continuity of the citizens' expression of their core values is given particular emphasis; Demosthenes uses ἀπόγονος only two other times in the extant corpus, and each time the genealogical link is a literal one.⁴¹ Our individual jurors are being encouraged with more than usual precision to think of their own personal forebears, and relate them (and thus themselves) to the collective condemnation of Alcibiades by his

Phylomache in [D.] 43 who used it) probably not accidental (for other ideas, see Davies [1971], 81 and Sears [2013], 118).

³⁷ Pace Wilson ([1991], 186), μηδένα μηδαμόθεν cannot be regarded so seriously as a 'denial of civic status'; this type of formulation is the stock-in-trade of invective (cf. D.13.24: οἰκοτρίβων οἰκότριβας; 22.61: δοῦλον ἔφη καὶ ἐκ δούλων).

³⁸ 21.158: Meidias has a huge house (τοσαύτην ὥστε πᾶσιν ἐπισκοτεῖν τοῖς ἐν τῷ τόπῳ) and his wife's conveyance is drawn by Sicyonian horses (ἐπὶ τοῦ λευκοῦ ζεύγους τοῦ ἐκ Σικυῶνος). Sicyon would probably connote tyranny (Hdt. 6.126-31, esp. 6.126.1) especially with the recent mention of the Alcmaeonids, connected by marriage with the famous tyrant Cleisthenes (cf. King [1901], 83, with Σ ad 21.158 (539 Di) (i.e. the Sicyonian tyrants drove white horses); Thomas [1989], 268-70), and the relatively recent dictatorship of Euphron there (X. *Hell.* 7.1.44-46, 7.3, with Lewis [2004]). For the tyrannical trope: Wilson (1991), 183-4; Tempest (2007), 31-3.

³⁹ Nobility of forebears in funeral orations, often identified with autochthony: e.g. D.60.4-5; Hyp. *Epit.* 7. Loraux (1986), 145-53, 210-17; Rosivach (1987), 302-5; Frangeskou (1999), 319-20; Herrman (2009a), 73.

⁴⁰ cf. the usage at 19.251 (also 18.95); MacDowell (2000a), 309 (too literalist).

⁴¹ D.*Ep.* 3.19; [D.] 43.76.

peers for attempting to conduct himself at his own pleasure, transgressing civic norms and (like Meidias at §150) putting himself above the law.

Demosthenes further answers the challenge Meidias' connections present by reactivating the 'rhetoric of the cabal' from the 350s speeches, and one of the functions of the Alcibiades passage is to communicate its main persuasive aspects in a concentrated fashion. Two examples used in *Against Aristocrates* will recall the kind of oligarchical and tyrannical thinking that Demosthenes is trying to connote in describing his Alcibiades in the way that he does: Themistocles (μεῖζον αὐτῶν ἀξιοῦντα φρονεῖν) and Cimon (ὅτι τὴν πατριον μετεκίνησε πολιτείαν ἐφ' ἑαυτοῦ) (both 23.205).⁴² Meidias, it is suggested throughout the speech, cleaves very closely to elements which together add up to a deeply troubling anti-democratic outlook. One notable one is his attitude to oral communication. Meidias' public performances are – in contrast with Alcibiades' nonpareil oratory (145) – described as disastrous both in their expression and in their outcome (οὐδὲν πρόποτ' εἶπεν ἀγαθόν: 148); in private he badmouths everyone (κακῶς δὲ ἰδίᾳ πάντας ἀνθρώπους λέγει). In a similar way, he has allegedly rehearsed his arguments for the present trial in front of a small (and inevitably sinister) group of people (ἰδίᾳ πρὸς τινας, 25) – the disjunction between private and public sharing of opinion tropically marks the oligarchic man.⁴³ Alcibiades is seen never to have stooped so low (it is notable that at no point here is he connected with anti-democratic activity except by implication when fighting against Athens, like Iphicrates in *Against Aristocrates*⁴⁴). Meidias' willingness to do so with so much less to extenuate his actions therefore serves as an index of how far he has deviated from the norms of Athenian elite behaviour. The kind of company he keeps is made crystal

⁴² As Witte notes ([1995], 39-40), Miltiades could be meant here (cf. the confusions at A.2.172 and Andoc. 3.3).

⁴³ As, for example, in *Against Timarchus*, where Demosthenes only reveals the deceptive techniques he had used earlier in court behind closed doors (A.1.175); and cf. Thphr. *Char.* 26.3.

⁴⁴ esp. D.23.129-32.

clear later (208-10), where Demosthenes envisages those super-rich who may serve as Meidias' *synegoroi* lording it over the democracy and arrogantly suppressing criticism from the *demos*, a vivid fantasy reminiscent of – and possibly a reworking and extension of – the similar passage in *Against Timocrates* (206-9) so admired by the author of *On the Sublime* (15.9).

The idea of Meidias as a perverter of straightforward democratic communication here locks into a wider interest in him as a perverter of civic values; but one function of the Alcibiades juxtaposition seems to be to prepare the ground for the ringing endorsement Demosthenes gives later of his own public politics as opposed to Meidias' behaviour (189-90). This was necessary given the continued failure of the policies Demosthenes represents as ones for which he took personal responsibility, and all the more so given Philip's continued aggression post-Olynthus – something Demosthenes had argued would happen (even if his solution to it probably still lay more in terms than in aggression at this point; he might even have gone on the first embassy to Pella already when he delivered our speech⁴⁵). *Against Meidias* was a chance for Demosthenes to burnish his reputation, and so the projection of a consistent and sustained individual *ethos* was even more essential than usual. In bringing Alcibiades, himself, and the jurors onto the same side, he validates the wider operational discourse he fosters about the right way to treat the politicians currently in power, and that deserves some extended comment.

A key point to make in this connection is that he welds together the terms used to describe political action in the 350s court speeches and in the Assembly speeches, using an argument found also at §153 to define the good liturgist, when he defines the sense in

⁴⁵ Historical circumstances: Cawkwell (1978b), 91-8; Sealey (1993), 143-4. See also discussions of the speech's dating (n.1 above, plus Giugnoli [1975]) for precise fit with the sending of the first embassy.

which he might be considered a *rhetor*: ‘εἰ μὲν ὁ συμβουλευὼν ὅ τι ἂν συμφέρειν ὑμῖν ἡγήται, καὶ τοῦτ’ ἄχρι τοῦ μηδὲν ὑμῖν ἐνοχλεῖν μηδὲ βιάζεσθαι, ῥήτωρ ἐστίν, οὔτε φύγοιμ’ ἂν οὔτ’ ἀπαρνοῦμαι τοῦτο τοῦνομα’ (189). As in *Against Aristocrates*, the bad type of *rhetor* ‘badgers’ people (ἐνοχλεῖν, cf. 23.4) and as in the Assembly speeches the good (and, crucially independent-minded) *rhetor* is the straightforward counsellor in the state’s interests – the characterization to which Demosthenes is always coming back.⁴⁶ He cast himself or his client of the moment as outsiders then, with *demos* interests at heart; now he is an insider, but still with *demos* interests at heart. The bad *rhetores*, on the other hand, have not changed at all; they are still up to their tricks, and are here characterized by getting rich off the back of the *demos* (ἐξ ὑμῶν πεπλουτηκότας, 189, cf. 24.124: ἐκ πενήτων πλούσιοι ἀπὸ τῆς πόλεως γινόμενοι). It is also essential for him to point (despite the foundering of his policies) to his potential, and above all his potential as an independent voice. This is important in *On the Peace*, delivered later the same year (5: πρῶτος καὶ μόνος παρελθὼν ἀντεῖπον) and in other Assembly speeches, and recurs to impressive effect in *On the Crown* (173: μόνος τῶν λεγόντων καὶ πολιτευομένων).⁴⁷

As in the Assembly speeches, Demosthenes is committed to casting himself as the lone truth-teller, the one whom nobody else will work with but who has the capacity to guide the city through its times of trouble – and that is what we see in the comparison of himself with Meidias (ἔτι τοίνυν οὐδὲ εἷς ἐστίν ὅστις ἐμοὶ τῶν λεγόντων συναγωνίζεται, 190).⁴⁸ The drawing of Alcibiades and himself onto the same side, together with the jurors, again recalls the language of the *Against Aristocrates* proem, where Demosthenes conceives of Euthycles’ task – to cut through the operational apathy and personal passive hostility of the

⁴⁶ Important pre-347/6 instances of this: D.13.12-13, 18; 16.1-3; 4.1, 51; 3.21. It is strongly exemplified in 346 itself (5.4-10), at which point Demosthenes has made a name for himself in the Peace negotiations.

⁴⁷ cf. D.*Ep.*2.10 (μόνου). Harris ([2008], 77) thinks Demosthenes is lying in 5.5.

⁴⁸ Slater (1988), 126-30; Wilson (1991), 174-5 (with nn. 46 and 47); Yunis (1996), 268-77; (2000) and (2001), 204; Mader (2007a) and (2007b); and on our speech, Ober (1994), 100-1.

political elite – as a project that must be undertaken by him and by the jurors *as colleagues* (συναγωνίσησθέ μοι, 23.4). And when Demosthenes comes to define his task (21.190), he does so in a way that echoes the terms of the later award of the crown (οὐδὲ γὰρ αὐτὸς οὐδενὸς ἔνεκα τούτων οὐδὲν ἐν ὑμῖν πρόποτ' εἶπον, ἀλλ' ἀπλῶς κατ' ἑμαυτὸν ἔγνω καὶ λέγειν καὶ πράττειν ὅ τι ἂν συμφέρειν ὑμῖν ἡγῶμαι: cf. 18.57: πράττοντα καὶ λέγοντα τὰ βέλτιστά με τῷ δήμῳ διατελεῖν). This was a formula (which we find in epigraphic contexts⁴⁹), so his use of it here – assuming the guise of a great statesman being awarded high honours for his present conduct – is not only striking in itself but subtly encourages the jurors to follow the idea through to its logical conclusion, and award him that role.

Subtle encouragement of the jurors to a logical conclusion is relevant in more than one way for the Alcibiades passage. This is precisely the rhetorical manoeuvre (though here of a positive, rather than a negative character) that we saw in the *Third Philippic* in Demosthenes' self-identification with the tragic Euphraeus. There, Demosthenes encouraged the jurors not to let the story end as badly as it did for Euphraeus, who was ultimately driven to suicide (9.61-2). There is a similar apotropaic example in the Meidias/Alcibiades passage (147), although not sustained for as long or with such commitment. Demosthenes' position as *choregos* offers apparently easy identification with Alcibiades' rival *choregos* Taureas (cf. [Andoc.] 4.20-1). But Demosthenes instead chooses to point out that his own misfortune is fundamentally far worse, highlighting the disjunctions rather than the similarities: in Taureas' case, the festival law had not yet been passed (he claims) and the affair was between *choregoi* (ἀλλὰ χορηγῶν γε χορηγοῦντα τοῦτ' ἐποίησεν, 147). In his own case he avoids such a suggestion of two rivals of matching status, and in this way attempts to evade the possible construction of his own

⁴⁹ Harris (2008), 156 n.280 and the references given there.

dispute with Meidias as the kind of elite wrangling that is manifested in the other case;⁵⁰ and that is helped by the examples of Iphicrates and Chabrias which follow: recent figures who did not take similar bait and stayed impeccably ‘democratic’ in doing so.

Further, the point about the non-existence of the festival laws ties the parallel between the Alcibiades/Taureas and the Demosthenes/Meidias incidents back to the legal plea, the main unifier in Demosthenes’ case.⁵¹ he has chosen to take this injury to the courts so as not to perpetuate the quarrel even further in the manner of aristocratic feuds (the quarrel is demonstrated to have occupied both parties enough already), and constantly draws attention to the decision. Part of the point of transporting Alcibiades’ context to the Athenian ‘golden age’ (143) – even with the appearance of temporal indicators marking the end of the Peloponnesian War (145-6) – is to make more convincing (and starker) the gulf between how things (can be thought to have) operated then (aristocratic disputes occupying the public arena) and how they do now (submission to the laws).⁵² Separating and arguing different social norms for the two periods enables Demosthenes to plot all the more cogently the lack of connection between the bad outcome for Taureas (whose honour Alcibiades successfully fractured) and the hypothetical outcome in the present case. He encourages the sense that the social paradigm has now shifted for good: that this sort of conduct – outrages at festival times – is now policed by specific substantive law, and that therefore he can expect a positive result, as it is in the hands of impeccable law-abiding democrats like the jurors. Demosthenes therefore stakes a claim to represent not only ordinary citizens, but the whole contemporary civic body and its constitutional features.

⁵⁰ Wilson (1991), 170; Cohen (1991), 161; (1995), 95-6 (and more generally 90-101); Ober (1994), 93-4.

⁵¹ On the festival laws and their relative chronology, see 21.8-12, and MacDowell ([1990], 226-36).

⁵² A familiar parallel is the setting of Solon’s lawgiving alongside modern legislators who are caught out in their nefarious practices by the very all-encompassing nature of the modern law-code (esp. Timocrates: D.24.106, at the end of a catalogue of laws Timocrates has breached; see de Brauw [2001-2], 168-9).

3.1.3. Conclusion

In a speech where it is so important to Demosthenes' agenda to allow public and private spheres to speak to one another, not as much is done as we might expect with the possibilities of co-opting personal political careers as civic history under another name; that was to follow with the Embassy trial. The Euboea expedition of 348 does not become an opportunity to set both litigants within a broader context of historic Athenian achievement or dilatoriness. Hints of Demosthenes' principled (and ultimately well-founded) stand over Olynthus frequently emerge, but seem (in this primarily dicanic rather than symbouleutic context) to take second place to assertions of his committed understanding of his public role as elite citizen and, in 348, *choregos*. The political breakthrough – in the year of his bouleutic service – was already in motion when he delivered *Against Meidias*, but not complete until later in the year, when he was able to define his stance forthrightly in *On the Peace*. Equally, at a non-political level, any broader implications of the popular gossip about Demosthenes' involvement in the murder of Nicodemus are not developed (102-7); indeed, this is not figured by Demosthenes as an anticipation of something Meidias would talk about (even if it might have been). But we also need to think tentatively about influence between orators. By the time all this dramatizing of individual careers as civic history reached its fruition in *On the False Embassy*, Demosthenes had a model to reflect on – Aeschines' *Against Timarchus* – which explicitly considered Timarchus' activities up against (and inseparable from) a parallel Athens with a 'Demosthenic' unchanging value-system and paradigmatic elements against which to judge contemporary issues, but also an 'un-Demosthenic' relative freedom from chronological context, with enhanced possibilities for the orator to appear in it by proxy. The success of Aeschines' treatment may have encouraged Demosthenes to remodel the

preoccupation with setting the issues of the present trial in a great continuum that he had deployed in his earlier court and Assembly speeches. Here was another adroit rhetorical manipulator of the past; his own usage would have to be even more inventive and committed in any future entanglements.

In *Against Meidias*, Demosthenes may also have been wary of making the litigants' careers serve as quasi-civic historical illustrations – or indeed, using historical illustrations much at all – when the nature of the action required the focus to be on the specific injury. But that does not properly account for the lavish scale of the Alcibiades passage (or for various other moments which add force in their particular contexts, like the appearance of Harmodius and Aristogeiton at §170). While not perhaps procataleptic in the formal sense that Meidias might necessarily have wished to cite him, the Alcibiades juxtaposition allows Demosthenes to problematize a range of positive versions of aspects of elite behaviour (generous liturgical practice etc.) which might be offered by the defendant and his wealthy *synegoroi* (and his *hetaireia* of witnesses: 139).⁵³ This is a kind of anticipation similar to the forecasting of responses in *Against Leptines* (for example in Demosthenes' warning against Deinias' likely recitation of his liturgical record: 20.151). Sustaining a sense of Alcibiades' prowess amid all his transgressions taints and belittles Meidias as both public and private actor, and serves to show his connections with the rich and powerful for what they truly are: links not based on anybody's recognition of his merits. The cabal rhetoric of the 350s – here aimed with vigour at the defence team and

⁵³ This naturally completely obscures Demosthenes' own support base. It is intriguing that his examples of good trierarchs (165) include Euctemon, son of Aesion. This Aesion could well be both the syntrierarch (from Coprus) (*IG II*² 1612.293) and the oratory enthusiast who remembers 'the *rhetoires* of old', and rates Demosthenes' speeches highly as written products, in Plutarch's *Life* (11.4) (cf. *Ar. Rhet.* 1411a25) – the name is rare (Davies [1971], 5; *LGPNI* II.14 [two individuals]). It is possible that his son Euctemon is the one supported by Demosthenes as logographer for Diodorus in D.22 and D.24, but the name is very common (*LGPNI* II.176; cf. MacDowell [1990], 384). Oratorical activity ran in families, though, as a reflection of such continuity in the political and military elite more generally: e.g. Phaeax and Leodamas; Agyrrhius and his nephew Callistratus and grandson Callimedon; Demosthenes and his nephew Demochares.

particularly at Eubulus – blends with increasingly assured handling of historical material for purposes of engaging with aspects of opponents’ *ethos*, or likely *ethos*, and so points us ahead to the notable, and complex, dynamics on show in the Embassy and Crown trials, where Demosthenes’ own ideal *ethos* emerges ever more clearly. I now move to consider what it was about Aeschines’ *Against Timarchus* that may have stimulated Demosthenes to consider how his historical usage in the Assembly – and the continuum of Athenian values – might grow and develop, and what it might achieve persuasively, when adapted to the setting of a public trial in which Demosthenes himself (rather than Timarchus) would be one of the figures in focus.

3.2. Aeschines: *Against Timarchus*

3.2.1. Introduction

The aim of *Against Timarchus* is absolutely transparent: to drive the defendant out of political life. That is inherent in the procedure employed (the *dokimasia rhetoron*) and it is important to the discussion that follows to remember that so far we have encountered no case under any type of action where this goal is foregrounded so clearly.⁵⁴ To achieve it, Aeschines needed an *ethos* which figured his prosecution as coming from a ‘typical’ citizen, like the jurors, confronting Timarchus’ flawed public conduct and deficient personal standards – aspects which are (as in Aeschines’ other extant prosecution, *Against Ctesiphon*) assimilated to one another as far as possible. His response to that need involved sustained self-presentation as a ‘moderate’ individual, a key part of which is the ‘rhetoric

⁵⁴ Lane Fox (1994), 149-51; Fisher (2001), 40, 157-60.

of anti-rhetoric' examined by Hesk.⁵⁵ Aeschines had to anticipate not only Timarchus, a seasoned enough politician,⁵⁶ but also Demosthenes, who was due to act as *synegoros*, not to mention whoever 'the General' was (a figure Aeschines mocks in advance in the passage that begins at §132).⁵⁷ By 346/5, Demosthenes could be regarded as a notable and successful orator (otherwise Aeschines' characterization of him as such could not work). He had gained public notoriety from his involvement with the Embassies to Philip and had staked a claim to an independent position on this headline issue in *On the Peace*. While still not in the front rank of Athenian politics, it is probably right to think of him as a very recognizable Assembly (and court) performer, with an accompanying logographic profile which opponents like Aeschines could use against him.

Historical argumentation offered Aeschines an economical way of addressing both problems: how to make an impression sufficient to confront Demosthenes (especially if he was already known for his adept use of historical examples, as has already been suggested), and how (simultaneously) to remind the dicastic audience that Timarchus was being prosecuted both by a citizen of exemplary disinterestedness and goodwill *and* also by Aeschines son of Atrometus of Cothocidae, recent co-maker of the Peace of Philocrates (174). Aeschines' near-avoidance of current political topics is figured quite strenuously as a virtue of this prosecution, which valorizes relevance over the contemporary issues which Demosthenes will try to bring in (esp. 166-76). Consequently, his choice and management of historical examples is geared specifically to ensuring that his broader political sense and democratic commitment is advertised and validated by proxy. The present situation – the dispute between Aeschines and Demosthenes in the aftermath of the Peace, with whose repudiation Demosthenes could be associated in *Against Timarchus* (even if *On the Peace*

⁵⁵ Hesk (1999); (2000), 202-41; cf. Wooten (1988).

⁵⁶ Timarchus' career: Fisher (2001), 20-3.

⁵⁷ Fisher (2001), 274 for the identity question.

had clarified a rather different position) – is assimilated firmly to the wider question of Athenian public morals, and thus to the problem of Timarchus’ personal morality as an operator in that context. Aeschines’ treatment of historical material repeatedly polarizes the prosecution and defence, staging the triumph of virtue both personal and civic over defective personal morality and the skewed commitment to the proper functioning of the civic order which (as in *Against Ctesiphon*) is made necessarily attendant on it.

In a typical example of Demosthenes’ fictive Athens (as fashioned, for example, in *Against Leptines* or the *Third Olynthiac*), the actions of those involved in the present debate or trial are assessed by their place (and, often, awareness of their place) in a continuum of behaviour which also tends to assume a chronological progression to the present point. The past Athens Aeschines creates in *Against Timarchus*, however, is a parallel, almost neighbouring, Athens. It tends to be imagined outside chronological constraints, and it overlaps with the ‘real’ present in the specific respects which Aeschines picks out as essential and therefore, in the present trial, probative. Each emphasized aspect of the post-Peace world is given a specific analogue in a conjured world, peopled by and furnished with historical exemplars of apparently equal availability, where there are (as in Demosthenes’ more linear conception) incontrovertible benchmarks of civic behaviour. Their historical context *per se* (and thus providing historical context for them) simply tends to be less important for Aeschines than it is for Demosthenes. Some sort of relationship with the techniques of comedy (cf. the parallel-Athens fantasies of Old Comedy) may be relevant here, and Aeschines, as a former tragic actor, may have been particularly receptive to them.⁵⁸

⁵⁸ Fantasy-worlds: esp. Ruffell (2011), esp. 29-53.

What is certain is that in *Against Timarchus* – and like Demosthenes in *Against Meidias* – Aeschines is interested first and foremost in examples which can function to close off defence possibilities, both general and specific. Rather than placing the outcome of the trial or debate in the context of Athenian achievement to date, though, Aeschines openly announces a much more particular aim: to boost civic morality by securing a conviction (foreshadowed in a second *partitio*: 117) – so he operates with sharp horizontal contrasts between the fictive and the real Athens. His mission statement that a successful *Against Timarchus* will be a ‘new start for civic good order’ (ἀρχὴν εὐκοσμίας, 192) goes beyond mere appropriateness to a *dokimasia rhetoron* procedure, and is consistent with a wide-ranging ambition to debar Demosthenes from dictating what will count as appropriate past and future comparanda in this case. That will be *his* task, implied in his consistent – if nameless and only ever implied – self-casting in the parallel-Athens situations he describes.

In what follows, I analyse this explicitly, as part of a discussion of Aeschines’ techniques of anticipation and reversal more generally. I argue that Aeschines builds, by his specific references to individuals acting in vivid situations or making particular pronouncements, a totality of personal casting which can be contrasted with, and is tactically distinct from, the totality of the continuum of values more familiar from Demosthenes’ speeches, where the orator stands at the point the process has reached, and in order to look forward looks back for models. Aeschines imagines himself moving freely among his models, comparatively disconnected from temporal and contextual constraints. Aeschines in fact becomes an actor playing several roles, all broadly interchangeable and all authoritative, and pivoting in some instances on the figure of Solon. This answers Aeschines’ (very democratic) conundrum about being seen and staying hidden at the same time: as a mouthpiece (in

some cases literally) he can encourage the sense of self-identification with his material and with the moral authority of his characters without incurring the charge of arrogating superior qualities to himself. This conjuring of interchangeable images of ideal democratic behaviour is a strategy particularly well calibrated to a *dokimasia rhetoron* trial, where models of the good *rhetor* are going to be relevant, and Aeschines modifies it in his two later speeches in order to tackle Demosthenic usage head-on. In *Against Timarchus*, though, it functions as an economical way of forging a community of democratic virtue to oppose the carefully-selected outsiders, Timarchus and Demosthenes, calling in unanswerable authorities to ‘speak for’ a prosecutor whose overall strategy revolves around claiming only moderate abilities and ambitions. Its success may, as suggested above, have helped Demosthenes to modify his own handling of the past.

3.2.2. Casting, *Ethos*, and Anticipation

Much of the material Aeschines treats as ethical proof is recent or indeed contemporary, again as in *Against Meidias* – and that is dictated by his lack of serious evidence and consequent insistence on the knowledge of Timarchus’ public conduct that the audience supposedly have.⁵⁹ Important to his procataleptic strategies (and well-served by scholarship⁶⁰) are his discussions of the poetry that his rivals will use (132-54). Those are strictly beyond our discussion, but the same competitive dynamic applies to them as applies to history.⁶¹ Demosthenes seems to quote poetry in *On the False Embassy* in explicit reaction to Aeschines’ large-scale use of it in *Against Timarchus*.⁶² Quoting poetry

⁵⁹ e.g. A.1.65, 70, 93, 116.

⁶⁰ Poetry: Ford (1999), 249-56; Dué (2001); Fisher (2001), 268-70, 286-96; Olding (2007).

⁶¹ Tragic quotations as authoritative: Wilson (1996), 315-16; Olding (2007), 156 n.8. Poetry and history treated together: Ober (1989), 177-82; Ober and Strauss (1990), esp. 250-8. An important hint of mutuality: Ford (1999), 236.

⁶² Fisher (2001), 286-7; MacDowell (2009), 339. Usher ([1999], 236 n.225) is way off.

authoritatively – and knowing when to hand over to the clerk⁶³ – had the same persuasive goals in view, and Aeschines is careful to present his quotation as pre-emptive: he claims the General will talk about Homer along with his citation of Harmodius and Aristogeiton (132-3) and implies that this foray into the poets is a risky and possibly excessive or self-indulgent move (οὐκ ἀφέξεται δέ, ὡς φασι, οὐδὲ τῶν Ὀμήρου ποιημάτων οὐδὲ τῶν ὀνομάτων τῶν ἠρωικῶν). As has been noted, the point of the anticipation is to detoxify Harmodius and Aristogeiton, freeing them in advance from the elitist construction the General is bound to put on them in detaching them from his (forecast) association of them with Achilles and Patroclus and treating the two pairs separately.⁶⁴ But it is important to note that Aeschines is satisfied with his re-shelving of Harmodius and Aristogeiton (140) after this episode, and they do not recur. In fact he explicitly shuts off the need for further comment either by him or by the other side (ὥστε τοὺς ἐπαινοῦντας τὰ ἐκείνων ἔργα καταδεεστέρους δοκεῖν εἶναι ἐν τοῖς ἐγκωμίοις τῶν ἐκείνων πεπραγμένων), and moves on to define (and thus detoxify) where the Homeric heroes are to be situated and how they are to be used. All this is essentially reactive. What I want to focus on now is the series of covert self-castings that Aeschines designs on his own initiative, not just claiming to scotch specific examples that the defence ‘will’ offer but rather making a bid to occupy and define the ideological territory in advance, much as with Demosthenes’ Alcibiades passage. What this and the reactive arguments have in common is a shying away (except in one significant case, as we will see) from tight temporal definition. As noted above, a key sense in which Aeschines’ past Athens differs from the Demosthenic one previously explored is that it is at once extremely blurred *and* enlivened by dramatic set-pieces free of chronological framing which are so fashioned as to make the ethical contrast as clear as

⁶³ On this: Olding (2007), esp. 160-3. Practical goals too (voice-resting!): Pearson (1976), 173.

⁶⁴ Lape (2006), 149-51; cf. A.3.228 and Hall ([2006], 373) on the defusing ‘pre-emptive strike’.

possible between Aeschines and his proxies on the one hand, and Timarchus, Demosthenes, and their proxies on the other.

Aeschines' moral and structural glue early in the speech – and first in a chain of authority figures with whom Aeschines can make a bid to be associated by his audience – is the figure of 'the legislator', who can successfully cover the whole sweep of the Athenian democratic past. The orator capitalizes upon the previously-noted cultural shorthand which by the fourth century attributed laws of various dates – even very recent ones – to Solon.⁶⁵ As in other speech contexts, 'the legislator' starts off as Solon, but very soon floats free of that specific identification, to become an anonymous figure who is there specifically to confront Timarchus repeatedly (11, 18, 20, 25). This happens even before the comparison between Solon's and Timarchus' public deportment at §§25-6, where Solon is merely following the precepts of 'the legislator', whether this is meant to be Solon himself or someone else. Indeed right from the start (6) Solon is only the most emphasized of a group to which Dracon and 'other legislators of that period'⁶⁶ also belong (ὁ Σόλων ἐκεῖνος, ὁ παλαιὸς νομοθέτης, καὶ ὁ Δράκων καὶ οἱ κατὰ τοὺς χρόνους ἐκείνους νομοθέται). The sequence closes with a similarly loose assemblage of accepted greats, to illustrate Aeschines' contention about the public modesty of the Athenians of previous periods (οὕτως ἦσαν σώφρονες οἱ ἀρχαῖοι ἐκεῖνοι ῥήτορες, ὁ Περικλῆς καὶ ὁ Θεμιστοκλῆς καὶ ὁ Ἀριστείδης, 25). The conventional vagueness which he echoes (and possibly heightens, with the especially vague κατὰ τοὺς χρόνους ἐκείνους) enables him to establish a comprehensive moral standard with which he must be associated by default and with which he can associate all those who can safely be thought law-abiding – everyone listening to him, in fact, apart from the defendant and his *synegoroi*. But he reinforces it by

⁶⁵ As noted in the Introduction, n.14.

⁶⁶ See Thomas' wry note: (1994), 123.

specific and daring role-play – daring enough that Demosthenes thought it worth reacting to in 343. The persuasive function of the comparison in which that fits (and Demosthenes’ response to it) deserve examination; this will be considered again in Chapter Four from the Demosthenic angle.

Aeschines cites a statue of Solon in the agora on Salamis (25-7) as iconic of old-time restraint in oratorical performance, keeping the hands modestly covered – the strongest possible contrast with Timarchus’ disgusting public histrionics (ἐπαγκρατίαζεν, 26). But, as we noted in the Introduction, in Aeschines’ hands the statue has colour and moves. It does precisely what Solon always did in life – to all intents and purposes he is *there* (ἀνάκειται ὁ Σόλων ἐντὸς τὴν χεῖρα ἔχων), acting as he always did in front of the *demos* (τοῦτο δ’ ἔστιν, ὃ ἄνδρες Ἀθηναῖοι, ὑπόμνημα καὶ μίμημα τοῦ Σόλωνος σχήματος, ὄν τρόπον ἔχων αὐτὸς διελέγετο τῷ δήμῳ τῶν Ἀθηναίων, 25). In appealing to public knowledge of the statue (εὖ γὰρ οἶδ’ ὅτι πάντες ἐκπεπλεύκατε εἰς Σαλαμίνα καὶ τεθεωρήκατε τὴν Σόλωνος εἰκόνα, 25) Aeschines places his listeners in a direct chronological relationship with Solon’s own audience, irrespective of whether or not he is right to suggest that all of them will have seen the statue.⁶⁷ What is most important, though, is that when Aeschines’ audience look up, they are meant to *see* Solon, as physically acted (μίμημα) by Aeschines. This must be the moment when, as Demosthenes was to point out in 343, Aeschines imitated the precise posture of the statue of Solon (τοῦτο μὲν τοίνυν εἶπεν τοῖς δικασταῖς καὶ ἐμμύησατο: D.19.251), and the τοῦτο at 1.25 must be taken as an unmissable pointer to that. This is another instance of Aeschines’ strategic concern to foreground the degree to which his case rests on ocular proof and

⁶⁷ Fisher ([2001], 151) assumes that this is perfectly possible, and it is; but given the more than usually cavalier use to which the ‘you all know’ *topos* is put in A.1 (cf. Webb [2009], 135-6), I would prefer to be sceptical.

popular knowledge rather than documents and witnesses;⁶⁸ but it also communicates to the audience both his versatility (he can modify his behaviour to fit in with popular expectations) *and* his conservative commitment to ancestral standards – a powerful mix.

Demosthenes' demolition of the example in *On the False Embassy* (251-4) allows us to clarify the Aeschinean strategy. Demosthenes demonstrates the recent date of the statue and uses that as a means of invalidating what he represents as Aeschines' point,⁶⁹ tying Solon down to a historical period (with notable exactness: his ἀπὸ Σόλωνος δὲ ὁμοῦ διακόσια ἔστιν ἔτη καὶ τετταράκοντα εἰς τὸν νυνὶ παρόντα χρόνον [251] is correct as far as it goes⁷⁰), and demonstrates how ironically short of Solon's standards Aeschines comes.⁷¹ We need to note that the statue's own antiquity was not actually something Aeschines had claimed; his point had been the timeless validity of the values portrayed and his own (directly performed) claim to embody them. Demosthenes, then, cuts right to the quick of Aeschines' self-representation in the Timarchus speech as a whole here, imposing chronological context in the familiar Demosthenic fashion noted in the introduction to this sub-chapter. Tying Solon down chronologically, and claiming that Aeschines' argument rested on chronology at all, seeks retrospectively to remove Aeschines' 'right' to play him (and, prospectively, play him again in his defence speech in 343). It scotches his bid to align himself with Solon didactically and morally – a bid that had involved not only adopting the persuasive figure of the monolithic and eternal legislator, but putting a good deal of persuasive weight on getting inside the legislator's head to make plausible if

⁶⁸ cf. Weil (1984), 312.

⁶⁹ D.19.251; see Hesk (2012), 223-4.

⁷⁰ cf. MacDowell (2000a), 309. Compare Demosthenes' painstaking accuracy about *fifth*-century periods in the Assembly speeches: e.g. 3.24 cf. 13.26; 9.23, 25. His numbers are frequently correct.

⁷¹ Worman (2008), 254.

completely unjustified assumptions about his methods.⁷² Demosthenes further suggests that the statue commemorates Solon as performer of elegies, not simply as counsellor of the *demos*,⁷³ again delimiting (again in retrospect – but with a forward look to Aeschines’ defence speech) the multivalent character (and the probative force) of Aeschines’ Solon. Demosthenes homes in on those points that could now (in 343) be represented as ones where Aeschines had aimed to score on particularly questionable grounds or had made particularly grandiose pronouncements: the *parodic* character of Aeschines’ attack on Timarchus is stressed (287), and the turning of the poetic quotations back on their original citer would fall into these categories too (243-5); likewise Aeschines’ dignified forecasts about moral improvement (285, cf. A.1.192). Demosthenes’ attack is, on this consideration, almost a tribute to the persuasive enterprise of Aeschines’ Solon illustration; it was an area where he particularly felt he needed to refute and surpass his rival, and anticipate any new outing.

The ‘legislator’ *topos* and the Solon comparison at 1.25-7 fit into a careful structure which relies to an unusual degree on the appearance of similar arguments in disparate framing contexts, and is aided by loose ring composition.⁷⁴ Essential to the speech is the notion that a man’s personal and public life can interpret one another, and Aeschines concentrates this wholesale on procataleptic definition of what counts as good civic behaviour. At §31, in dealing with the third and fourth terms of the provisions for *dokimasia rhetoron* – namely the two charges on which he particularly expatiates in his prosecution of Timarchus, prostitution and squandering of one’s inheritance – he continues the speech’s initial legal section’s preference for the abstract, though it is absolutely transparent that Timarchus

⁷² On this: Thomas (1994), esp. 132-3, and Bouchet (2008), 272-86. Examples: ἀπιστῶν φαίνεται, 9; ἡγήσατο, 11 (twice); ἐσπούδασεν, 17; οὐκ ἡγνόμεν οἶμαι ὁ νομοθέτης, 24; συνιδῶν, 27.

⁷³ On this and other issues connected with the statue: Fisher (2001), 151-2 and further bibliography cited there.

⁷⁴ Fisher (2001), 325-6.

(and Demosthenes) are being referred to. As usual, he provides a complete notional map of the lawgiver's intention.

καὶ οὐκ ἐδόκει οἷον τ' εἶναι τῷ νομοθέτῃ τὸν αὐτὸν ἄνθρωπον ἰδίᾳ μὲν εἶναι πονηρόν, δημοσίᾳ δὲ χρηστόν, οὐδ' ὄρετο δεῖν ὁ νομοθέτης τὸν ῥήτορα ἤκειν ἐπὶ τὸ βῆμα **τῶν λόγων ἐπιμεληθέντα πρότερον**, ἀλλ' οὐ τοῦ βίου. καὶ παρὰ μὲν ἀνδρὸς καλοῦ καὶ ἀγαθοῦ, κἂν πάνυ κακῶς καὶ ἀπλῶς ῥηθῆ [λόγος], χρήσιμα τὰ λεγόμενα ἠγήσατο εἶναι τοῖς ἀκούουσι · παρὰ δὲ ἀνθρώπου βδελυροῦ καὶ καταγελάστως μὲν κεχρημένου τῷ ἑαυτοῦ σώματι, αἰσχυρῶς δὲ τὴν πατρίαν οὐσίαν κατεδηδοκότος, **οὐδ' ἂν εὖ πάνυ λεχθῆ** συνοίσειν ἠγήσατο...(30-1).

The choice of those two particular heads of the *dokimasia rhetoron* procedure explicitly signal Timarchus; and the mention of his 'schooling' in his defence speech seems to look forward to the later criticism of Demosthenes on precisely that head (94-5). By drawing a contrast between the impact on civic affairs of the man who speaks elegantly but lives reprehensibly and the man who may not be so accomplished a speaker but who speaks altruistically and from a life of virtue, a simple and essential disjunction is being made between personal morality and public speech.⁷⁵ Aeschines must be casting himself as the virtuous speaker; the idea of his (potentially) speaking only 'πάνυ κακῶς καὶ ἀπλῶς' is yet another piece of daring Aeschinean reversal. The disjunction he makes here, of course, goes back at least to Achilles.⁷⁶ But in practical terms it would have been transparent to the audience that Timarchus had made plenty of sound oratorical contributions (or, at least, ones that were not seriously compromised) over a period of twenty years, irrespective of the kind of abstract distinction that Aeschines is making. Indeed, the defence appears to have used the argument that Timarchus had not been held to account in this way before during his long career.⁷⁷ It was open to them to say that even if Timarchus was as bad as Aeschines now alleges, the city did not appear notably to have lost out by whatever

⁷⁵ cf. A.3. e.g. 77-8, 174-5. As Worman ([2008], 214-15) points out, though, he is simultaneously in the habit of capitalizing on his beautiful voice – another piece of disingenuousness.

⁷⁶ Hom. *Il.* 9.312-13.

⁷⁷ D.19.286 (with MacDowell [2000a], 329).

influence he had had on policy (and in 343 Demosthenes played up Timarchus' positive influence: 19.286-7). Aeschines had to anticipate such an objection, and the train set up by §§30-1, and pivoted on the incontrovertibility of the 'legislator', serves that need.

Some sixty paragraphs later, we find the same argument, still embedded in a historical example, but divorced from the exegetical legal context in which it began, and so from voicing by the 'legislator'. Here Aeschines himself takes over. Following an outing of the well-iterated excuse for his lack of proof from witnesses (90), all in a context where the jurors' own knowledge is being praised as the best kind of proof in itself (89), Aeschines picks the Areopagus as an example (*παράδειγμα*, 92).

χρήσασθε δὴ παραδείγματι τῆ βουλῆ τῆ ἐξ Ἀρείου πάγου, τῷ ἀκριβεστάτῳ συνεδρίῳ τῶν ἐν τῇ πόλει. πολλοὺς γὰρ ἤδη ἔγωγε [ἔναγχος] **τεθεώρηκα** ἐν τῷ βουλευτηρίῳ τούτῳ **εὖ πάνυ** εἰπόντας καὶ μάρτυρας πορισμένους ἀλόντας · ἤδη δέ τινας **κακῶς πάνυ** διαλεχθέντας καὶ πρᾶγμα ἀμάρτυρον ἔχοντας οἶδα νικήσαντας. οὐ γὰρ ἐκ τοῦ λόγου μόνον οὐδ' ἐκ τῶν μαρτυριῶν, **ἀλλ' ἐξ ὧν αὐτοὶ συνίσασσι καὶ ἐξητάκασσι**, τὴν ψῆφον φέρουσι. τοιγάρτοι διατελεῖ τοῦτο τὸ συνέδριον εὐδοκιμοῦν ἐν τῇ πόλει. (92)

The Areopagus operates on its own knowledge and examination, hence its continuing unrivalled reputation (εὐδοκιμοῦν). That much is self-evident; but Aeschines is expertly going over old ground in a different form. To be sure, the addition of witnesses is a new element, introduced so as to provide an easy passage from §§90-1. But otherwise he is reintroducing the abstract scenario of the guilty silver-tongued speaker versus the blameless verbal incompetent (the use of πάνυ, as at §31, offers an explicit phrasal link). Previously it had been introduced to reinforce Aeschines' narrative of the legislator's intention. It is shaped to its context with similar adroitness here, and unimpeachably buttressed by Aeschines' own experience (τεθεώρηκα). And he goes one step further: to add to the authority accruing to him from his coverage of the 'development' of Athenian

moral legislation earlier, he claims the supremacy of the past – of Timarchus’ βίος – over any arguments that the defence will make now (ἔπειτα τὸ πρᾶγμα θεωρεῖτε μὴ ἐκ τοῦ παρόντος, ἀλλ’ ἐκ τοῦ παρεληλυθότος χρόνου. ...ἀπόδοτε οὖν τὴν ψῆφον τῷ πλείονι χρόνῳ καὶ τῇ ἀληθείᾳ καὶ οἷς αὐτοὶ σὺνίστατε: 93). That past, given the course of the speech, now includes the narrative of Athenian legislation as much as it does Timarchus’ past life; all belong in an authority-vested parallel present, where authority is conferred not only on the speaker but on the *demos* too. The paradox is that the past is still felt in the present at the level both of the specific argument here and of the speech’s course; Aeschines’ self-representation as the authoritative voice here both poses and resolves the paradox. The effect is that this argument (aired earlier in the speech, now re-enacted in a new and different context) has independent *pistis* value to add. There is more patterning here: just as prior to §31 there had been an emphasis on the wiles of Timarchus’ skilfully prepared defence, now at §94 the direct attack on Demosthenes as the engineer of that defence is begun, though his name is still withheld for effect: (καίτοι λογογράφος γέ τις φησὶν, ὁ μηχανώμενος αὐτῷ τὴν ἀπολογίαν...).⁷⁸ What Aeschines appeals to is the original manifestation of this argument, quietly operating with new definitions of past and present and continuing the self-identification with the virtuous incapable *rhetor*, a good case of Hesk’s ‘rhetoric of anti-rhetoric’.

In the sequence of paradigmatic illustrations before the *epilogos*, the argument recurs for the last time (180-1). Appropriately, it finds a strong culmination here, with both previous occurrences carefully incorporated into what becomes a memorable set piece. Here a member of the Spartan *Gerousia* (τις τῶν γερόντων, 180), on whose high standards of personal morality particular stress is laid (καθιστᾶσι δ’ αὐτοὺς ἐκ τῶν ἐκ παιδὸς εἰς γῆρας

⁷⁸ There may be a pattern of imitation with this delayed naming: A.1.94 might recall the delayed naming of Eubulus at D.21.205 (*pace* the preferences of MacDowell [1990], 410); perhaps D.19.289 – another delayed naming of Eubulus – would then follow A.1.94.

σωφρόνων, 180...ὁ γέρων ὁ ἐκ παιδὸς σεσωφρονηκῶς, 181) stops a vote in the Spartan assembly on the grounds that the speaker (ἄνδρὸς βεβιωκότος μὲν αἰσχρῶς, λέγειν δ' εἰς ὑπερβολὴν δυνατοῦ καὶ τῶν Λακεδαιμονίων, 180) is morally unfit to be making the proposal; he then directs another man, this time a poor speaker but of outstanding virtue, to make the same proposal instead (ἄνδρα λέγειν μὲν οὐκ εὐφυᾶ, τὰ δὲ κατὰ πόλεμον λαμπρὸν καὶ πρὸς δικαιοσύνην καὶ ἐγκράτειαν διαφέροντα, 181).

So far, it is easy to see the same pattern as already observed. It is also straightforward to see the incompetent speaker again as the desired reflection of a disingenuous Aeschines, and the original speaker as a hybrid of Timarchus and Demosthenes, and that is all correct.⁷⁹ But Aeschines, with his usual acumen for creating highly theatrical situations, has effected here a particularly brilliant combination of different thematic elements that have been exercising him throughout the speech. The scenario is a total fabrication by Aeschines to play up the elements he wishes to,⁸⁰ and again the setting is very carefully bleached of any temporal markers (beyond the fact that it must be imagined as pre-Leuctra). The notion of Sparta as yet ἀπόρθητον (180) could, as Fisher suggests, be an attempt to minimize the potential opprobrium of using a Spartan example by setting it in a remote past.⁸¹ After all, apologizing for use of Spartan illustrations is conventional.⁸² But I would also see it as an attempt to create verisimilitude:⁸³ first, in the sense that the role the inviolateness of Spartan soil played in that city's mindset was well known to the Athenians;⁸⁴ and there is a second, topical, type of verisimilitude that I will suggest in a

⁷⁹ Fisher (2001), 328; (1994), 375 esp. n.86.

⁸⁰ As Fisher notes, there is no reason why later sources featuring a similar story should not have got it from Aeschines: (2001), 328.

⁸¹ And cf. Fisher (1994), 373.

⁸² Here at 1.180 and 182, and also at Lyc. 1.128 (where the orator argues for Sparta's fitness as a source of paradigms about justice, given how well-governed it is – cf. D.24.139 on Locri, with Wohl [2010], 310 – and Fisher [1994], 367-70).

⁸³ Fisher (2001), 329.

⁸⁴ See e.g. Lys. 33.7, Din. 1.73; D.S. 15.65.1; and esp. Antiphanes, *Cithara-Player* F 115 K-A.

moment. Also important for our reading is the symbouleutic setting. Aeschines simultaneously abstracts the situation from the political in playing down the importance of giving different opinions (the bad speaker was still giving the advice which prevailed) *and* makes it even more relevant than it is in the present trial (which has clear political overtones but is not being conducted in a symbouleutic context). That is an excellent preparation for the symbouleutic points he will make to close the speech (192) – he imports the terms of the situation in his imaginary scenario into the present trial, making the ‘Spartan example’ in a sense more real than what is actually happening.

Aeschines carefully imports the frames he had used in the previous manifestations of this argument (what the ‘legislator’ ‘thought’ about public and private morality [30-1] and how this works out in the Areopagus [92-3]).⁸⁵ In those two passages, he gave his audience the keys to understanding the Spartan Assembly of §§180-1. The γέρων there stands for three individuals or groups: for the ‘legislator’ (30-1); for the Areopagus (92-3), as a roughly equivalent Athenian institution;⁸⁶ and, finally, for Aeschines, who correspondingly ‘plays’ the Spartan γέρων as well as the virtuous poor speaker. Not for nothing does Aeschines play up his age in this speech (cf. 49), and not merely to finesse that of Timarchus.⁸⁷ Embassy service will have enhanced his claim to γέρων status, but at the same time his relative inexperience in politics (especially when contrasted with his opponents) would have concerned him.⁸⁸ But this is the final step in the two-way assimilation with Solon, underway at §§25-7. It is hardly surprising that Solon reappears immediately after the Sparta passage, in a matching pair of Athenian paradigms about the oversight of personal morality (183), which clinches the fit with the old Spartan and with Aeschines. While the

⁸⁵ Fisher ([2001], 328) notes the link with §§30-1, but not the one with §§92-3.

⁸⁶ Isoc. 12.153-4 and Wallace (1989), 172-3; Fisher (1994), 374, 376-7.

⁸⁷ The age question: Lewis (1958); Harris (1988b); Lane Fox (1994), 136-8; Fisher (2001), 10-12.

⁸⁸ Ambassadorial activity as usually the province of older men: Mosley (1973), 46 (and cf. Plut. *Per.* 17.2 [the Congress Decree]; also *IG I³* 61.16-17, though age-*limits* themselves are rare: Stadter [1989], 207).

virtuous second speaker, with his reputation for military excellence, justice and self-control seems ostensibly a better fit for Aeschines – he had been decorated only two years earlier during the Euboea campaign,⁸⁹ and right from the beginning of this speech has stressed his personal justice and moderation⁹⁰ – there is no obvious reason why Aeschines should not have two roles in the theatrical space he has created: indeed, if we consider the virtuous man and the γέρων as twin embodiments of those who behave virtuously in the city, there is no difficulty with this at all.

But there is also the sense that the ideal ‘legislator’, who can fairly be imagined to have lived by his own ‘code’ as expounded at §§6-36, has followed us throughout the speech in the composite persona presented by Aeschines, such that now we have a repeat image of Solon’s modest statue (25: ὄν τρόπον ἔχων αὐτὸς διελέγετο τῷ δήμῳ), as the old Spartan offers advice to the citizens (παρήνεσε τοῖς ἑαυτοῦ πολίταις, 181). Meanwhile, Aeschines’ ‘membership’ of the Gerousia re-enacts §§92-3, privileging the past above the present (also done in the implied irrelevance of the actual policy under discussion: τὰς αὐτὰς εἰπεῖν γνώμας οὕτως ὅπως ἂν δύνηται, ἃς εἶπεν ὁ πρότερος ῥήτωρ, 181) and implicitly appealing to his hearers’ knowledge of the past life of the first speaker. And there is more in *Against Timarchus* to support this. Another memorable episode – Aeschines’ depiction of the Assembly at which he laid his charge against Timarchus (81-5) – is carefully aligned with the other scenes.⁹¹ On the face of it, it is a bad fit. This Assembly is recent; indeed it differs from the other moments in being chronologically fixable. That is precisely Aeschines’ point. As the grave Areopagite Autolycus is laughed at by an audience unable to stop themselves finding *double entendre* references to Timarchus’ sexual exploits in

⁸⁹ Aeschines’ war record: A.2.167-71; Lane Fox (1994), 141-2; Fisher (2001), 13-14; Christ (2006), 133-4; Spatharas (2011a), 214.

⁹⁰ e.g. A.1.1, 3.

⁹¹ As Fisher ([1994], 372-5) shows.

Autolycus' report on Timarchus' Pnyx proposals (82-4),⁹² and as the venerable Pyrrhander achieves nothing when he tries to shame the audience for doing so (84),⁹³ Aeschines is able to depict a chronologically fixable Athens in crisis, in need of precisely the kind of moral reform he will recommend (192) in the jurors' conviction of the alleged cause of all this: Timarchus. The situation has got so bad that Autolycus and Pyrrhander between them, who should be analogues for (or certainly voices as respected as) the Spartan γέρων, cannot control it. Aeschines, who brilliantly keeps himself out of the scene altogether despite his implied part (81) in that very Assembly meeting, offers himself as the solution – implicitly in the speech as a whole, explicitly in §192.

This is the real Athens, rather than the parallel, fictive Athens which is explored in the Spartan illustration and which animates much of Aeschines' historical scheme in this speech, and in constructing this Assembly scene to resemble the other moments where the issue of private versus public morality is dramatized, Aeschines stresses the permeability and signposts the thematic relevance of his parallel Athens to the present trial in straightforward and prescriptive terms. Timarchus and Demosthenes are left with a whole normative approach to civic morality to qualify if they dare. This norm is emphasized rigorously even in minor illustrations: in one of the Athenian examples introduced to balance the Spartan Assembly story, the imprisonment by an Athenian father of his wayward daughter in the same small building as a horse (182), we are meant to take a largely positive view of his action. And the way Aeschines handles this no doubt

⁹² For Autolycus: Fisher (2001), 219. Although Winkler's position ([1990], 52) – that Autolycus might be conscious of his own *double entendres* – is worth consideration, the rhetoric of the passage on the whole seems to demand the opposite interpretation (Fisher [1994], 373).

⁹³ On Pyrrhander, see esp. A.3.139 (of 330: ὄς ἔτι καὶ νῦν ζῆν - he is the last survivor of an older generation); Fisher (2001), 221, though Pyrrhander's intervention is surely not 'good-humoured': the point is that it is the outraged response of somebody identifiable with the strictness of an earlier period. Pyrrhander as an architect of the Second Athenian Confederacy in 378/7: *IG II*² 41.20 (ambassador to Byzantium); *IG II*² 43.76-7 (to Thebes, with Thrasybulus of Collytus, also named at A.3.138-9); *IG II*² 44.7 (helping cement the alliance with Chalcis) (with Kirchner's n.3 to *Syll*³ I.148). So he was over sixty at least in 346, and probably older.

traditional tale offers another sidelight on his general strategy. Popular knowledge of the place where it happened ('of the Horse and the Girl') is appealed to (182: καὶ ἔτι καὶ νῦν τῆς οἰκίας ταύτης ἔστηκε τὰ οἰκόπεδα ἐν τῷ ὑμετέρῳ ἄστει καὶ ὁ τόπος οὗτος καλεῖται Παρ' ἵππον καὶ κόρην), and thus democratized, and an Athenian citizen father (εἷς τῶν πολιτῶν) substituted for the regal or aristocratic Hippomenes, whether consciously or unconsciously.⁹⁴

In fact, throughout this chain of authoritarian, and authoritative, examples, what is emphasized is civic morality. Harmodius and Aristogeiton did what they did 'as benefactors of the city' (τοὺς τῆς πόλεως μὲν εὐεργέτας, 140), responding to a 'lawful feeling' (σώφρων καὶ ἔννομος). The General's elite version is therefore stymied.⁹⁵ The Spartan example seems to go a step further towards a specifically democratic morality: it happens in the Spartan Assembly (**δημηγοροῦντος** γάρ τινος ἐν τῇ τῶν Λακεδαιμονίων **ἐκκλησίᾳ**: 180) rather than in the Gerousia, to which the elderly authority figure in Aeschines' double role-play certainly belongs. It sounds remarkably like home, in fact, and given that parallelizing manoeuvre, the fact that the jurors would be perfectly well aware that Laconia had endured Epaminondas' post-Leuctra invasions over thirty years earlier may be designed by Aeschines as part of his wider moral wake-up call: the γέρον fears Sparta will not long remain ἀπόρθητον, but for the 346/5 audience, the era of Spartan security is long gone – the second piece of verisimilitude I indicated above.⁹⁶ Aeschines' message is that if we do not act now, we will be dealing with a crisis – precisely what he suggests later, in fact (192).

⁹⁴ Ar. F 611.1 p.371.8-12 Rose. See esp. Ghiron-Bistagne (1985); Edmunds (1999); Fisher (2001), 331-4.

⁹⁵ Lape (2006), 151.

⁹⁶ Buckler (1980), 70-90.

Equally, the Areopagus illustration is carefully brought into line with democratic norms at §§92-3 (Aeschines has been there personally; they act just as he is encouraging the impeccably democratic jurors to act), and when we see them in §§81-5 they are explicitly fulfilling one of their present-day democratic roles: offering moral steerage to the Assembly.⁹⁷ This is yet another angle of attack from the opposition that Aeschines is closing off in advance: the charge of using non-demotic examples. He knows the danger (182: ἵνα δὲ μὴ δοκῶ Λακεδαιμονίους θεραπεύειν, καὶ τῶν ἡμετέρων προγόνων μνησθήσομαι).⁹⁸ Given that some of the key concepts he treats as unproblematic in the speech (e.g. *eukosmia* and *sophrosyne*⁹⁹) are precarious ones in a democratic context,¹⁰⁰ one important function of the chain of authority figures must be to standardize and mediate safely the common ethic they proclaim and to force Timarchus and Demosthenes to resort to mealier-mouthed (and unnecessary, and anyway compromised) definitions of what Aeschines has already highlighted and stabilized abundantly.¹⁰¹ The effect produced is powerful and consistent: Aeschines, the jurors, and all good citizens past and present are drawn into alliance to confront a defence team who now have little choice but to discuss Timarchus' case within the persuasive set of cultural parameters that Aeschines has already outlined to his advantage and constructed as a system that no good Athenian would challenge.

⁹⁷ Wallace (1989), 120-1.

⁹⁸ Fisher (1994), 374.

⁹⁹ cf. the σώφρων feeling animating the Tyrannicides, above (140).

¹⁰⁰ Athenian *eukosmia* (22, 34, 183, 192) cf. Solon F 4.32 (interestingly, given Demosthenes' response [255]) to Aeschines' Solon imitation, using this poem); *Ath. Pol.* 44.3; Isoc. 7.37-9, 50-1; but cf. Thuc. 1.84.3 (Archidamus on *eukosmia* and *sophrosyne* as Spartan virtues). Problems with *sophrosyne*: North (1966) sees none (135-49 and esp. 140-2 for Aeschines); more nuanced: Whitehead (1993), 70-2. A much broader view of the concept is taken by Witte ([1995], 50-6).

¹⁰¹ cf. Cook (2012), 225-7 on this difficulty of operation once Aeschines has occupied this (emotive) ground.

3.2.3. Conclusion

Aeschines' overt self-identification with Philocrates and his Peace (174) reveals that he is operating in an Athens where the results of that Peace are already being contested. He may represent the prosecution of Timarchus (and the content of this speech) as the spontaneous action of a dutiful citizen, but it is as much about personal image-refurbishment as *Against Meidias* was for Demosthenes. The way that Aeschines handles the historical material here allows him to associate himself with a gallery of supremely authoritative 'virtue figures', some of them convincing but notional, allowing him to dominate the main moral parameters well in advance, and by multiple proxy. This co-opting of 'fellow actors' from the past into the drama of discrediting Demosthenes and others is a technique he was to perfect and stage outright in a moment of near-transfiguration in the *epilogos* of *Against Ctesiphon*, as we will see in Chapter Five; here, it is one of many successful elements in a concentrated and vivid evocation of past and pseudo-past situations which Demosthenes was to attempt to combat by imitation in *On the False Embassy*, as we will see in Chapter Four.

The co-opting assembles a fellowship of individuals devoted to the maintaining of good – and, importantly, democratic or at the very least democratically-tinged – civic order and moral behaviour. Aeschines tacks himself onto this sequence, seeking association by default, as their actor-manager. But, with one exception, each scene is featured explicitly in an ahistorical vacuum, meaning that the validity of the moral clout each key figure possesses can rely even more heavily on how culturally fundamental it can be perceived to be – the continuum of Athenian values does not necessarily need to be plotted out, although the legal sequence (6-36) hangs together in a sustained fashion thanks to the

helpfully anonymous construct of the ‘legislator’. Variety of presentation in key respects (straightforwardness of identification with Aeschines; physical location; source of likely knowledge) maintains audience interest and engagement. The point of the fellowship, then, is to stand closely aligned to confront Timarchus, Demosthenes, and their allies. It helps fulfil an aim – gluing Demosthenes and Timarchus together – which is also furthered in a complex of links with tyranny and despotic thinking in general,¹⁰² reinforced by the identification of Demosthenes with the worst kind of sophistic activity (170-6) and by a direct association of his alleged involvement with the murder of Nicodemus with his wider desire to suppress free democratic discourse (172).¹⁰³ This was all possibly necessary, as it had been for Demosthenes in *Against Leptines*; there is little evidence of political alignment between Demosthenes and Timarchus before their common bouleutic service in 347/6.¹⁰⁴ These general lines of attack fit naturally with the historical material, and assist the aim of denying the defence team much ambit when trying to define Athenian democratic behavioural norms. They must accept Aeschines’ set of definitions, or risk fitting precisely the negative categories that he has forecast that they will, leading to rejection by the jurors.

Aeschines’ response to the rhetorical situation faced in his prosecution of Timarchus is a dazzling piece of sustained finessing at a number of levels. Its success in its aim is unsurprising (though it seems to have done little to dent Demosthenes’ influence),¹⁰⁵ and, as we will see in Chapter Four, Demosthenes recognized that fact and tried to turn it to his own purposes. What this chapter has sought to do is to take the most prominent sequences

¹⁰² See esp. Meulder (1989). Aeschines is careful to bring Demosthenes into alignment with Timarchus on questions of sexual behaviour (e.g. 181), also creating the link of the squandering of inherited property (170 cf. 31).

¹⁰³ Aeschines is possibly reacting here to the attempt in *Against Meidias* to represent the Nicodemus-Aristarchus story as simply the result of Meidias’ malicious gossiping (D.21.104-7).

¹⁰⁴ Harris (1995), 96.

¹⁰⁵ Sealey (1993), 169.

of historical argumentation in *Against Meidias* and *Against Timarchus* and use them as case-studies of how the two orators manipulate this element to communicate the essence of their ethical pleas against the two defendants. In *Against Meidias*, the Alcibiades illustration is in fact the only such extended passage in a speech where the priority is on explaining the specific injury in terms that balance the public and private; in *Against Timarchus*, Aeschines is able explicitly to draw on specific civic paradigms. The case invites it, and he has selected the procedure. In the articulation of historical arguments in that trial, Aeschines enjoyed an advantage additional to the prosecutor's inbuilt opportunity for wide-ranging and effective procatalepsis (an opportunity he takes with gusto): his 'transferable skills' gained as an actor, which may well have given him (as well as an enviable delivery) an enhanced perception of the rhetorical possibilities of more or less overt 'role-play' in his speeches, and enabled him to apply that to his historical arguments with particular precision and penetration. The two examinations, then, have sought to clarify the roles of choice and context in the deployment of historical examples, and how the two orators handle their tasks differently, relying on differing ways of conceptualizing the Athenian past they draw on. In what follows, as hinted earlier and as stimulated by Aeschines' artistic decisions in the *Against Timarchus*, I seek to argue for the essential place in the mix of a third factor – the influence of adversaries' practice – in two trials where the survival of the speeches for both sides makes the attempt to measure it a legitimate undertaking.

CHAPTER 4: THE EMBASSY TRIAL

4.0. Introduction

The Embassy trial of 343 is nearly unique in extant Athenian oratory in being represented by surviving speeches from both sides: Demosthenes 19 (*On the False Embassy*) and Aeschines 2 (*On the Embassy*) respectively.¹ It gives us a rare chance – otherwise only afforded us in the later Crown trial – to examine the dynamic patterns of exploitation, contestation and appropriation involved in the two orators’ handling of the past ‘in action’. I will argue that Demosthenes predicates his prosecution on a set of strategic miscalculations – a view that an analysis of his historical material helps to clarify. To begin with, I trace Demosthenes’ significant temporal investment in two major themes whose treatment is intended to build a negative characterization of Aeschines: the trial of Timarchus, which he subsumes into the collective memory of his audience, and a parallel with the ‘bad envoy’ Timagoras. Their effect is seriously qualified when Aeschines simply avoids responding to either. In the second section, I confront the issue which both orators place at the heart of the competitive treatment of the past in this trial: the correct use of history itself. I argue that Aeschines succeeds in challenging Demosthenes’ aspersions on his respect for and competence to assess and use the Athenian past (as ‘revealed’, according to Demosthenes, by Aeschines’ arguments at the debate on the Peace of Philocrates in Elaphebolion 346). I extend that in the third section to look succinctly at two important passages where Aeschines pursues an elaboration of historical material which

¹ Plutarch doubted whether these speeches were ever delivered (*Dem.* 15.3) because they are not referred to in the speeches from 330 (see further Pearson [1976], 177 and n.28 for references; Lintott [2013], 62). Close examination demonstrates numerous connections between the two pairs of speeches in the two trials at the levels both of content and strategy.

goes beyond rebutting Demosthenes' charges, invades more typically Demosthenic strategic ground, and aims to cement Aeschines' authority as an intelligent and committed public engager with the city's past. These are his accounts of his speeches made before Philip at Pella, which he constructs as key contributions to the city's diplomatic history, and the excursus in which he gives an account of fifth-century Athenian history intended to reflect badly on his opponent. Though we learn that Aeschines was acquitted only by a small margin,² his handling of his historical material stands as a carefully-considered and integrated feature which we need have no problem imagining conducting to his wider credibility. First, though, I discuss some necessary prolegomena.

4.0.1. Revision and Circulation

The usual double issue of revision and circulation looms large here, because Demosthenes appears to anticipate points that Aeschines never makes in our text of his defence speech, while Aeschines occasionally makes precise allusion to points that Demosthenes made but which do not appear in our text of his prosecution speech.³ This has often been thought to indicate revision on a noticeable scale by both parties; and Aeschines' speech does have passages which can only have joined the text post-trial.⁴ Only the prosecutor can safely

² Plut. *Dem.* 15.3.

³ Examples: Dover (1968), 168-9; Buckler (2000), 150; MacDowell (2000a), 24-6; (2009), 334. Another constant in discussions of the gap, if any, between performance and our text is the issue of Philocrates' apparent presence in Athens at some points in D.19, and apparent absence at others. I see no particular problem here (with Hubbard [2008], 196); Demosthenes could simply have altered in performance anything that he had prepared (however far in advance) that was now incorrect. Further, if he thought the speech as it stood post-trial was a good rhetorical product, then he may have thought correcting the Philocrates discrepancy would add little.

⁴ The key passages are A.2.4 and 153-8 (responding to D.19.192-8). MacDowell ([2000a], 24-5) must be right, though, that not all the passages of A.2 which seem to indicate post-trial revision of D.19 (Buckler [2000], 150) necessarily do so, and that we are not required to think instantly of Demosthenic deletion pre-circulation (as does e.g. Baron [2013], 126, following Paulsen [1999], 431-2). Misrepresentation of what the prosecutor said can take many forms.

prepare and memorize something like a full text, after all;⁵ the defendant can prepare, but has to be ready to make snap changes in performance, which he is then free to work into his text later. With Demosthenes' speech, opinions pivot on the status of his 'anticipations' of things Aeschines 'will' say: did he actually deliver these (i.e. we have a pre-trial draft) or were they added later (i.e. in revision)? Given that only two of these seem to me at all close to what we find Aeschines saying, and that both can be ascribed to accurate prediction just as the rest can,⁶ I think that MacDowell is correct, and that we have basically a pre-trial draft of Demosthenes' speech,⁷ while Aeschines' has undergone a certain amount of revision, perhaps only to reflect rebuttals he was able to make in performance (e.g. A.2.153-8). I therefore leave further discussion of this kind of problem for the next chapter, on the Crown trial, and only offer a working view here on a connected issue of special relevance to the Embassy trial.

MacDowell and I both reject any need to see all the correspondences between the two Embassy speeches as the product of post-trial revision; but we part company on another facet of how far the speech as we have it may reflect the real performance. MacDowell's position is that the second half 'lacks an overall logical structure' and that we have here material Demosthenes planned to include in performance only if he had time – material which was not critical to his presentation of the prosecution, or part of its core plan.⁸ In support, he asserts that it 'is surely obvious' that *On the False Embassy* as we have it would simply be too long to deliver in what we can reconstruct of the trial context we must posit for it, basing this view on an orthodoxy concerning the duration of Athenian political

⁵ No doubt contributing to the predominance of prosecution speeches in our surviving evidence.

⁶ These are D.19.182 (vs. A.2.178) and 19.332 (vs. A.2.70-3). The looser ones: D.19.88-9 vs. A.2.172-7; D.19.147 vs. A.2.70-3; D.19.234-5 vs. A.2.45-6, 111, 121 cf. D.19.188.

⁷ MacDowell (2000a), 25-6. I would stress 'basically'; Hubbard ([2008], 197-200 makes some important points.

⁸ MacDowell (2000a), esp. 23-4, 28; (2009), 335; supported by Usher (1999), 236 (with regret).

trials which he himself did much to develop.⁹ Believing this to be far from obvious, I operate here on precisely opposing premises.¹⁰ While I agree with MacDowell that *On the False Embassy* is more likely a published version of a pre-trial draft than the product of any significant post-trial revision, I cannot see that that need give us licence to assume any parts of it were simply not delivered; nor can we be sure which parts or aspects of the speech Demosthenes would have thought of as strategic priorities.¹¹ Further, our knowledge of how long public trials could take is fragile in the extreme, and efforts to establish a standard ‘time they took’ may be misdirected.¹² MacDowell’s discomfort may also stem partly from how much longer Demosthenes’ speech is (343 sections, or rather 338¹³) than Aeschines’ (184).¹⁴

Turning the question on its head, and asking why Aeschines’ is shorter rather than why Demosthenes’ is longer, opens up possible explanations. One usually overlooked factor might be the speeches of Aeschines’ *synegoroi* – Eubulus, Phocion, and Nausicles (announced in ringing terms at 2.184). These may have been more than sober and brief character references;¹⁵ Eubulus, for example, may have wanted to respond at some length to the stinging attack on him that Demosthenes features in the prosecution speech (19.288-304).¹⁶ A hypothetical MacDowell objection would be that this attack comes in the part of the speech that ‘lacks an overall logical structure’ – where he sees Demosthenes making a

⁹ MacDowell (1985); (2000a), 22-4 [quotation from 23], with (2000b), esp. 557-8; (2009), 334. Support from Frazier ([1994], 414), though she shows how well-composed 19.179-314 is (423-8, 437); also Hubbard (2008), 195. Even-handed: Buckler (2000), 150.

¹⁰ cf. Worthington (1989); (2003), esp. 369-70; Hubbard (2008), 195. I follow their rejection of MacDowell’s conclusions, but not their own about the extent of revision.

¹¹ Allowing, for example, that there are different types of ‘relevant’ content: see above, Introduction n.165.

¹² The water-clock problem: Worthington (1989), 205; (2003), 365 n.4; MacDowell ([2000a], 23) uncritically accepts the relevance of the dimensions of the sole extant *clepsydra* – belonging to the tribe Antiochis – to our case (on this item, see Allen [1996] with Young [1939], esp. 277-8 on how orators would know when time was running out). None of the literary evidence helps us on that sticking-point.

¹³ Taking into account the jump from 19.104 to 19.110 (MacDowell [2000a], 250).

¹⁴ cf. again Buckler (2000), 150.

¹⁵ On the *synegoroi* here: Rubinstein (2000), 168-9; as connections: Lane Fox (1994), 141-2.

¹⁶ He has a vital role in [Plut.] *Vit. Aeschin.* 840c.

number of heterogeneous points which he does not really try to connect properly. Here resides my main objection, to be developed implicitly throughout this chapter: that, far from being a loose concatenation of optional extras, the second half of the speech brings important themes raised in the first half not only to an advanced but to an essential stage of fruition. MacDowell's 'minimalist' view of the speech leaves us with plenty of loose ends, key strands of historical argumentation among them.

4.0.2. The Legacy of the Timarchus Trial

In a speech where events in even the recent past assume a probative quality, a good example of this category of historical argumentation might be Demosthenes' decision to spend sixteen sections in the second half talking about Aeschines' successful prosecution of Timarchus two or three years earlier – the two earlier references to it in the speech (both of them by allusion rather than name: 19.2, 120) lose point without this extended treatment of what that past prosecution says about Aeschines now (241-57).¹⁷ The key thing to note is that what appears to validate Demosthenes' investing of the recent past with a probative quality here is the involvement of the same personnel as the present trial. Demosthenes (and then Aeschines) can derive persuasive profit from picking up on the emotive possibilities of harping on the Timarchus trial: Demosthenes to show how unjustly Timarchus was treated, Aeschines to restate the moral character and justice of that prosecution. Both orators, in adopting techniques usually associated with the treatment of rather more distant 'past' time to treat events only two or three years in the past, seek to acquire the credibility that impressive handling of those techniques usually confers. We saw this in the case of Euphraeus in the *Third Philippic* and in some of the other Assembly

¹⁷ So directly *contra* Usher (1999), 236 n.225.

speeches, and it is central to the strategies of all four speeches in the Embassy and Crown trials.

The Timarchus trial is in fact treated by Demosthenes – tendentiously, of course – as just as much part of the city’s collective memory as, say, the condemnation of Timagoras in the early 360s (used as a model for the blackening of Aeschines, and slowly unfolded through the speech much like the Timarchus theme) or indeed the allusions to fifth-century (and earlier) history which pepper the speech. In the last chapter we looked at Demosthenes’ virtuoso demolition of Aeschines’ claim in the *Against Timarchus* to (almost literally) assume the mantle of Solon (1.25-6).¹⁸ What needs to be emphasized now is how *On the False Embassy* responds to *Against Timarchus* more generally. We have no evidence of a court clash between the two politicians in between these two events (i.e. 346/5-343); and the overwhelming success of the slightly older Aeschines against an even more seasoned political operator like Timarchus (and Demosthenes himself as *synegoros*) might well have had an effect on Demosthenes’ behaviour as orator.¹⁹ *On the False Embassy*, then, is an attempt to beat Aeschines at his own game. Demosthenes initiates a struggle with the Aeschines of 346/5 – close to the context of his original prosecution – as well as the Aeschines of 343 for the right to be considered the responsible and authoritative user of historical argumentation. We see especially concentrated appropriation and redirection of Aeschines’ arguments at *On the False Embassy* 241-57 and 283-6 – a strategy aimed at undermining the imminent Aeschinean defence with the tools used to demolish the defence of Timarchus in 346/5, and a commitment to classing the Timarchus trial as history and to using it as such.

¹⁸ cf. Hesk (2012), 223-5.

¹⁹ The length of Timarchus’ political career: D.19.286; MacDowell (2000a), 20; Fisher (2001), 20-3.

In the event, this plan backfires up to a point – Aeschines chooses not to talk about Timarchus very much (144, 180) – but this does not make Demosthenes’ aim any less clear. Aeschines’ decision may be understandable, given that he was confronting a prosecution speech in which, if we maintain an anti-MacDowell view of how much of our version of *On the False Embassy* made it into performance or was intended for it in this form, there was so much material he could choose to respond to anyway. But it is in any case more important that Demosthenes apparently entered the court simply assuming Timarchus would feature.²⁰ Perhaps the intense lobbying he refers to (19.1: σπουδή, παραγγελία) had made him think so²¹ (hence perhaps the extravagant way he refers to Aeschines’ success in 19.2: ἀνήρηκεν).²² The procedural tie between the two trials would also have seemed to dictate it.²³

Instead Aeschines offers his own version of what counts as relevant background to their dispute; and though it is not one that always convinces, it is coherent and in it Aeschines is by and large careful to stay within domains that the audience could not reasonably contest, giving a window into embassy appearances at Pella that the audience could not see except via oratorical accounts, and simultaneously appealing to a wider recognition of his own virtues aimed at making Demosthenes’ charges seem inherently unlikely. To that end, Aeschines uses the past (and, above all, *oral* history: 2.78; cf. Demosthenes esp. at 19.280) as a means of assessing current events, but notably does so with little regard for proportion: some of his historical excursuses (including the infamous 2.172-7, on the fifth

²⁰ I assume that the Timarchus material did not arrive at the revision stage; the points are well-integrated, and cf. A.2.144.

²¹ I am possibly taking the σπουδή and παραγγελία too literally – these are expressive of a *topos* (cf. e.g. A.3.1).

²² One scholiast (17b Di) claims that Timarchus killed himself in shame. That is probably too literal-minded (contrast D.19.284), but cf. Paches’ possible suicide: Plut. *Arist.* 26.3.

²³ MacDowell (2000a), 20-22; (2009), 333-4.

century, to which we shall come later) are very long,²⁴ and at two junctures he summarizes in detail speeches he gave while on embassies to Philip at Pella – again, the recent past deployed with probative force. Whatever problems we may have with the presence of the ‘fifth century excursus’, it is probable that the audience (mostly unaware of the Andocidean antecedent for this excursus [Andoc. 3], if that is even the right way of conceiving the relationship²⁵) revelled in this sort of display. As for the embedded Pella speeches and the summary that surrounds them, the key is the lively, dramatic quality of the retelling in both cases (much like embedded speeches in *On the Embassy* generally, especially the humorous impressions of Demosthenes). Features like the emotive tableau of Iphicrates and Eurydice (28) – an excursus within a speech of near-excursus status itself – redound both to Aeschines’ present credibility as a communicator and his authority as a good representative of the city. As noted in the Introduction, a positive audience response – admiration for someone who could not only organize but also present this material in a lively way before Philip – is likely.²⁶ Consequently, we should see Aeschines’ decision to embark on these lengthy passages less as the offloading or bald parading of knowledge for its own sake by a try-hard parvenu (all this being aggravated by his willingness to quote himself),²⁷ and more as a shrewd piece of playing up to popular appetites – and a way of counteracting Demosthenes’ appeal and strategies.

In *On the False Embassy*, Demosthenes’ presentation accords with the sophisticated standards seen elsewhere: the past, distant and recent, has an overarching moral function, serving to lay down democratic operating principles which Aeschines has allegedly

²⁴ We begin to see, perhaps, why Demosthenes thought he could get something from his characterizations of Aeschines’ oratory as long-winded (19.11, 20, 303 [and possibly by implication 209]).

²⁵ Harris (2000) argues the other way; the traditional view: Usher (1999), 287; Buckler (2000), 152-4; Grethlein (2010), 128-9, 132-3.

²⁶ For the importance of good narration (inc. meta-narratives) in court: Spatharas (2011b), 99-101.

²⁷ e.g. Rolih (1969), 108, 112.

repeatedly transgressed in his covert service of Philip. Demosthenes chooses to focus on the role of the ambassador itself, and past ambassadors to a broadly comparable autocratic foreign power – Persia – are summoned up for comparison (Timagoras) and contrast (Callias, Epicrates). Aeschines’ speech diminishes their effect by selectivity and sidestepping. Demosthenes swiftly captures the moral high ground as couched in the civic context; Aeschines’ shrewd response is to leave that totalizing type of high ground to Demosthenes, and to rely instead on demonstrating his personal integrity and his rival’s perfidy, deploying his versions of the past (as in *Against Timarchus*) less to guide his overall strategy than to reinforce his individual points. Alongside, he counters Demosthenes’ allegations about his regard for the past by experimenting with ‘Demosthenic’ concentrations on detail based on the notion of a continuum: this applies to the ‘fifth century excursus’. Finally, the multifaceted role-play that supports the strategy in *Against Timarchus* mutates, in this trial about Aeschines’ personal misconduct, into a spotlight on the ‘real’ Aeschines alone.

I begin the discussion by considering how some of Demosthenes’ specific engagements with the Timarchus trial and with the selected historical ambassadors fit in his overall strategy. I then look at aspects of his historical argumentation that Aeschines *does* respond to, challenging or appropriating them for his own purposes, before moving to examine Aeschines’ own separate historical contributions – to which Demosthenes, of course, cannot reply. As signalled above, I assume for the purposes of what follows that we have the speeches substantially as they were delivered, and therefore that a comparison between these texts in the close terms I will be pursuing is a valid undertaking.

4.1. Demosthenes and the Prosecution

4.1.1. Aeschines and Solon

Aeschines had invested significantly in his Solon illustration in *Against Timarchus* (25-6), making it key to his self-characterization as a just and moderate man.²⁸ In *On the False Embassy*, Demosthenes anatomizes precisely how flawed that manoeuvre was (though it may well have worked in 346/5). As noted above, Demosthenes' strategic error in 343 is to fail to allow for the fact that Aeschines has moved on – a worrying miscalculation, perhaps, given his defeat, but explicable if we entertain the possibility that *On the False Embassy* is meant in some sense to be the 'ideal' prosecution speech he would have given in 346, *before* the Timarchus affair. All the same, the demolition of Aeschines' Solon still offers us an important glimpse of Demosthenes' handling of historical argumentation in *On the False Embassy* as a whole.

By citing Solon as culmination to a series of remarks about civic arrangements to ensure decency attributable to (mainly) Solon (or a νομοθέτης), Aeschines had attempted to foster in *Against Timarchus* a vision of a relatively homogeneous vision of 'traditional Athenian behaviour'. In that case, this had been centred on the ultimate choice for a particularly venerable ancestor-figure, to enhance Aeschines' credibility in court as the obvious positive contrast to the sordid private past and *ethos* with which he was busily equipping his colourful opponent. Demosthenes invades the impressive archaic setting created *ad hoc* by Aeschines and tears it – and the authoritative tone and vision of traditional values thus created – apart. Whatever positive effect Aeschines' physical imitation of Solon had (251:

²⁸ Hesk (2012), 223-4.

καὶ ἐμμύησατο) is inverted and laid open to mordant comedy by positioning: the comment comes after the revelation that the Salaminian statue of Solon to whose dignified posture Aeschines had drawn attention had only been up some fifty years (according to the Salaminians themselves, 251); that is, some 240 years after Solon's time (the rare exactness of Demosthenes' knowledge here deriving presumably from archon lists).²⁹ So, in an atmosphere of doubt over how Solon really comported himself when addressing public gatherings,³⁰ Aeschines' imitation is available for characterization as empty, arrogant, and over-theatrical (picking up on another of Demosthenes' principal strands of characterization in the speech). Demosthenes indeed comments that Aeschines would have done far better to imitate Solon's ψυχή and διάνοια (252), but did not. Demosthenes, then, is engaging in a strategy involving the selective exploitation of areas of potential ambiguity in those parts of *Against Timarchus* that Aeschines' own strategic concerns helped mark out as high-visibility (and fixed by the physical *mimesis* itself); a game at which Aeschines turns out – in this trial – to be a more astute player.

Demosthenes' strategy here relies on other kinds of reflective reversal too, and an important one comes directly after the Solon reversal, extending its persuasive logic and making the denial of Aeschines' right to cite the ancestors even more forcible. Demosthenes drags Aeschines' citation right into the present, illuminating his opponent's conduct as he does so. Citing the statue of Solon on Salamis instantly connoted Solon's famous poetic exhortation to the Athenians to recover the island, fixing his reputation as a great Athenian patriot as well as lawgiver, politician, philosopher, and poet (though Aeschines in *Against Timarchus* had, as we saw, done nothing in particular with the

²⁹ Nouhaud ([1982], 111 n.323 and 176 n.142) points this out as a rare moment of an orator correcting another orator on a *fact*; cf. Rhodes (1993), 62 n.37.

³⁰ Unless the statue referred to at [D.] 26.23 was already up in the agora, but Aeschines' use of the Salaminian one rather suggests it was not.

historical Salamis connotation *per se*).³¹ Demosthenes now draws that historical connotation out, and for Solon's Salamis, he substitutes Aeschines' public claims about Amphipolis. This is a construction Aeschines does then choose to confront by implication in *On the Embassy*, in his embedded speeches about what he said at Pella, which include prominently what he claimed to have said about Amphipolis. That city was as much a focus of patriotic enthusiasm *in posse* to 340s Athenians as the Salamis of the Solonian period (whatever the hopelessness of their ongoing ambition to reclaim it³²), and Demosthenes uses it to perpetuate the contrast between Aeschines and Solon, keeping himself carefully in view as 'the alternative', and thus aligned with 'the real' Solon. Clarifying that Solon's intervention came at a time when Athenian enthusiasm for Salamis had turned into deadly resentment against anyone proposing to do anything about it (252) helps the parallel, reflecting the brooding discontent there must have been in late 340s Athens about Amphipolis (retained controversially by Philip when he took it in 357 and hardly likely to be restored to Athens now after the concessions made in the Peace of Philocrates), and so filling out Demosthenes' binary depiction of an Aeschines who masks treachery with measured, impressive oratory opposed to a Solon whose integrity and patriotism oblige him to move to save Salamis (and Athenian honour) at very high personal risk (252). If so, then Demosthenes' version (conscious or unconscious) of a Salamis which is *in revolt* (ἀφεστηκυίας) – rather than simply the focus of a dispute with Megara – helps to underline how unforgivable Aeschines' behaviour has been: Amphipolis could have been returned to Athens by precisely the negotiation Aeschines claims he was involved with, whereas Solon's task – galvanizing a war-weary Athens into hostile action – involved enormous courage and potential self-sacrifice.

³¹ On Solon, Salamis, and the elegy *Salamis* (F 1-3), e.g.: Plut. *Sol.* 8.1-3; Vox (1984), 17-48; Mülke (2002), 73-88; Irwin (2005), esp. 134-46; (2006), 40-4; Noussia (2006), 135-8; Gudopp-von Behm (2009), 94-104; Noussia-Fantuzzi (2010), 203-16.

³² Badian (1995), 94.

Demosthenes relies on a distinctive version of their two performances on the First Embassy to Pella and their subsequent report in Athens which stresses Aeschines' failure to push the agenda that looked to reclaim Amphipolis for Athens, despite talking about it (254) and leaving Demosthenes no room to do so, and then claiming in his report (253) that he had said nothing about Amphipolis because he had left that for Demosthenes (“περὶ Ἀμφιπόλεως εἶχον μὲν καὶ γὰρ λέγειν · ἵνα δ’ ἐγγένηται Δημοσθένει περὶ αὐτῆς εἰπεῖν, παρέλιπον”, 253). This interpretation is of course strongly at odds with Aeschines' own account in *On the Embassy* (esp. of his own speech at Pella, 25-33, but also of the report to the Assembly later, esp. 43, 48, 52; see further below), and as usual the disentanglement of which is more likely to have been the case on the day is a difficult proposition.³³ What we can say is that Demosthenes' bringing of the ancient and the contemporary cases into line with one another, and backlighting Aeschines' alleged conduct by reference to Solon's, allows him (and the jurors) clear reflection on key themes in the prosecution: Aeschines' corruption, self-delusion and superficiality. A great achievement like Solon's move to regain Salamis (252) – one sanctioned by tradition as an inspired one – is juxtaposed with Aeschines' filibustering to avoid a result adverse to Philip, his paymaster (254). As Demosthenes figures it, Solon's action was selfless and motivated by the natural desire of the good citizen to further the interests of his fellows (τὸν ἴδιον κίνδυνον ὑποθεῖς, 252), but Aeschines' was utterly self-interested, unsurprising given his venality and natural reluctance to do a favour to others (‘θᾶπτον γὰρ ἂν τοῦ αἵματος ἢ λόγου μεταδοῦναι τι’, 254). Further, Solon's dignified oratorical *habitus* was at one with his political behaviour,

³³ For attempts to do so: Harris (1995), 58-60; MacDowell (2000a), 4-5, 310-11. Despair: Bers (1997), 169. The best solution, to my mind, is to see a skilful blending here of the returns of the First and Second Embassies. Demosthenes replays the circumstances of public reporting in Athens post-First Embassy in concert with the idea that Aeschines had not spoken about Amphipolis while in Macedonia. This can only reasonably refer to the Second Embassy (when Amphipolis was no longer a main element in the discussion, Philip's position on it having been made clear already). Yunis ([2005], 189 n.226) is wrong to play down its influence on the negotiations in 346 (recognized by Adams [1919], 186-7 n.1 as well as by Harris above).

but Aeschines' corruption means that he can only imitate the outward form (the form most accessible to him through his actor's training) and not the virtue within ('οὐ λέγειν εἴσω τὴν χεῖρ' ἔχοντ', Αἰσχίνη, δεῖ, οὐ, ἀλλὰ πρεσβεύειν εἴσω τὴν χεῖρ' ἔχοντα', 255). There is a further function of the comparison: to contribute (in describing Amphipolis as 'ἦν βασιλεὺς καὶ πάντες οἱ Ἕλληνας ὑμετέραν ἔγνωσαν', 253) to the long-running parallel with the corrupt activities of the envoy Timagoras in 367: the King had favoured him, but had substantially reassessed his relationship with Athens after hearing of his execution (19.137, 253; see the next section).

The persuasive authority that accrues to Demosthenes by his criticisms is then activated by his famous quotation of some Solonian elegiac verses (though not the Salamis poem itself) (255; F 4 West²). This offers numerous opportunities for pertinent reflections, most of whose applicability is fairly easy to discern (we can all see the relevance of *χρήμασι πειθόμενοι*, 1.6, to the conduct of bad ambassadors).³⁴ Two considerations colour the quotation. First, although Demosthenes has made the decision to mount his own rival Solonian model, he is extremely wary of imposing himself on his material except by implying a contrast; and to distance himself as far as possible from Aeschines' overblown 'playing Solon', Demosthenes makes a point of asking the court clerk to read out the Solonian elegiac verses. He and Solon must be on the same side, but they should not fuse. Generally speaking, neither Aeschines and Demosthenes is categorically averse to personal recitation of their poetic quotations;³⁵ but Demosthenes' choice here – where subverting

³⁴ And these Rowe (1972) has argued for as part of his case for the inclusion in performance of the last 16 lines (followed by Steinbock [2012], 79 n.172; *contra*, Pinto [2013], 93). Work on F 4 West², the *Eunomia* poem (to add to the references given by MacDowell [2000a], 312, e.g.: Mülke (2002), 88-159; Irwin (2005), 83-197; (2006), 63-72; Lewis (2006), 60-73; Blaise (2006); Stehle (2006), 82-9; Tsigarida (2006), 23-9; Gudopp-von Behm (2009), 306-15, 326-52; Noussia-Fantuzzi (2010), 217-65; for background, Raaflaub (2006).

³⁵ Personal recitation (or *just possibly* reading): A.1.128-9, 144; 2.158; 3.135, 184-5; D.19.243-5. Clerk reading: A.1.148-50; 3.190; D.19.247, 255 (plus the *manteiai* at D.19.297 and A.3.112); 18.267, 289. Unclear: A.1.151-2.

Aeschines' self-association with Solon is in point – is made significant by targeting what Aeschines had chosen to do in *Against Timarchus* – i.e. a good deal of personal recitation of poetry as well as getting the clerk to read.³⁶ Here, Demosthenes reinforces 'λέγε δὴ μοι λαβὼν καὶ τὰ τοῦ Σόλωνος ἐλεγεία ταυτί, ἴν' ἴδηθ' ὅτι καὶ Σόλων ἐμίσει τοὺς οἷος οὗτος ἀνθρώπους' (254), with an emphatic 'λέγε σὺ' (255), prefaced by some barbed comments about Aeschines' fondness for 'voice exercises' (φωνασκήσας).³⁷ The concern seems to be for the 'lessons' offered by the Solonian verses to come through to the jury undistorted by the stamp of personal performance – it is corrupt performance, and actorly superficiality and subterfuge in general, that Demosthenes is laying to Aeschines' charge. Having the clerk, a neutral third party, read all these famous verses means that a democratic uniformity is preserved, that the community of orator, audience and clerk are drawn onto the same side, confronting the defendant at whom the citation is aimed. That performative frame, then, offers an immediate 'cast' to the Solonian verses favourable to Demosthenes' purposes.

The second consideration relates to mockery. Both Solon when inciting the people to retake Salamis,³⁸ and Aeschines in the near-present according to Demosthenes, wore a cap (πλίδιον: 255). Whatever Solon's may have signified in the original circumstance,³⁹ we should perhaps suggest (extending MacDowell) that Aeschines had worn his at the Timarchus trial to emphasize his illness (i.e. the illness that had prevented him discharging

³⁶ On personal recitation/clerk's reading: esp. Olding (2007), (dealing with Aeschines 1); valuably too, Azoulay (2009), 166-70 (on the choices made in Lycurgus 1). North ([1952], 24-8) discusses the citations without considering the dichotomy here; nor does Perlman (1964).

³⁷ On Demosthenes' resistance to Aeschines' corrupting voice: Gotteland (2006), 591-8; Worman (2008), 247-55 (on D.19 in particular).

³⁸ Plut. *Sol.* 8.2.

³⁹ For rationalizations: Flacelière (1947); Masaracchia (1958), 90-3; Vox (1984), 42-6; Robertson (1998), 300-1; Paulsen (1999), 248-9; MacDowell (2000a), 311; above all Irwin (2005), esp. 134-42; Noussia (2006), 137 n.12.

his public duty by going on the Third Embassy shortly before⁴⁰) and gain a more sympathetic hearing when taking on Timarchus and Demosthenes.⁴¹ The implications of a fascinating inscription from Epidaurus – an epigram otherwise found in the *Palatine Anthology* composed by ‘Aeschines the *rhetor*’ to thank Asclepius for curing a head-ulcer – have not, as far as I have seen, been taken into account.⁴² If Aeschines wore a soft cap for everyday protection of such an affliction (the otherwise redundant-sounding *περὶ τὴν κεφαλὴν* might lend support),⁴³ his appearance with it at the trial of Timarchus could have worked in his favour in imitating Solon (either as herald or madman, whichever of the principal explanations one wishes to buy), but by 343 could presumably possess some comic value – either for the visual comedy itself or because Aeschines insisted on wearing it for some time to keep up the Solonian impression.⁴⁴ Either way, Demosthenes’ deflation of it here serves as a further attack on the self-identification with Solon being practised by Aeschines in *Against Timarchus* 25-6, and a further frame for the ‘lessons’ directly available in the Solon quotation. By being careful to close the frame with further reference to the Timarchus trial at §257 (as we shall see later in a different context), Demosthenes completes the union of Aeschines’ corrupt performance as envoy with his morally bankrupt prosecution of Timarchus; the two things, Demosthenes argues, are two sides of the same coin of Aeschines’ character. Treating the trial as history, and using it as a frame for his demolition and reconstitution of Aeschines’ use of history for self-construction in

⁴⁰ cf. D.19.124 vs. A.2.94-5.

⁴¹ MacDowell (2000a), 311.

⁴² *IG IV²* 1.255 cf. *AP* 6.330 Waltz; Forbes (1967); *CEG* 2.776. Identification with our Aeschines was proposed by Herzog ([1931], 39-40) and corroborated by Peek when he rediscovered and reviewed the inscription ([1962], 1003). The most recent edition and discussion is Girone (1998), 42-5. She favours authenticity, but omits the important contribution of Irigoin ([1976], 121-3), who notes the acrostich in the epigram (ΘΕΙΕ) and, although not rejecting the identification with Aeschines (*pace SEG* 26.450), points out that this would be the first Greek acrostich we have if it is genuine.

⁴³ MacDowell ([2000a], 164 l. 22) prints ἐπὶ for περὶ here, but my suggestion is unaffected.

⁴⁴ The colloquialisms in close proximity support the idea of a comic tone: ‘λογάρια δύστηνα’ (cf. Aristophanes [*dub.*] *F* 950 K-A; Theognetus *F* 1 K-A; various later philosophical uses in dismissive or contemptuous contexts: Zeno at D.L. 7.20; Themistius 32.358d (of Persaeus), but rare in general) and ‘περινοστής’ (cf. Aesop. *Fab.* 269 l.10 Hausrath; Aristophanes *Peace* 762; *Thesmophoriazusae* 796; *Wealth* 121, 494).

the Solon illustration, has allowed him to attach to the §§241-57 passage a number of the important features of his attack as a whole; and he has brought himself (and by implication his audience) into tacit, but still clear, alignment with the value-system of the Solonian elegiac verses.

This is also true, though to a somewhat lesser extent, of the reappearance of the Timarchus trial at *On the False Embassy* 283-6. Again, the focus is on throwing Aeschines' bogus moralizing from *Against Timarchus* back at him, and to aid that a highly tendentious paraphrase of Aeschines' points against Timarchus is brought into play. To aid his argument, Demosthenes twists memorable items from Aeschines' speech: the comment at *Against Timarchus* 99, for example, that Timarchus had no pity for his mother as she pleaded with him not to sell off key family property becomes in Demosthenes' version a standard-issue exhortation by Aeschines to the jurors not to pity Timarchus' mother (19.283).⁴⁵ But Demosthenes' strategy is not necessarily an ineffective one: the jurors would not have had a text of *Against Timarchus* in front of them. The point, as before, is that Demosthenes is treating the event of the Timarchus trial just as he would a more standardized historical example, and that in his hands it is manipulated to reflect on the moral compass both of his opponent and himself.

The consequences are twofold. First, Aeschines' interesting take on a standard *topos* (if he did indeed say it in performance) is made homogeneous with a much more conventional type of plea, obscuring Aeschines' artifice. Second, the main lines of the ethical accusations against Aeschines are brought into a cluster round the accusation, most significantly Aeschines' lack of humanity (to which good civic feeling is closely related)

⁴⁵ Yunis ([2005], 199 n.249) takes Demosthenes' representation of *Against Timarchus* too literally.

twinned with political opportunism. As before as well, the characteristic techniques which assist the expression of those accusations cluster round them too: Demosthenes is particularly keen in this speech on strenuous appeals to public knowledge of Aeschines' character and actions, and the powerful 'οὐκ ἀναμνησθήσεσθε' (283) which begins this particular look back to the trial of Timarchus is a fine example.

In condemning Aeschines' opportunism (285), Demosthenes masks his own. The motif of the visit to Macedonia as the turning-point at which Aeschines revealed his true moral turpitude (ἕως εἰς Μακεδονίαν ἐλθὼν ἑαυτὸν ἐμίσθωσεν, 286) functions as a smoke-screen to hide the swift mutual political realignments occasioned by the unsatisfactory outcome of the Peace of 346 (and so the circumstances leading up to the trial of Timarchus in the first place).⁴⁶ The way Demosthenes conceptualizes that opportunism offers further possibilities for highlighting Aeschinean and Demosthenic characteristics. He argues that Aeschines' intention in prosecuting was not an altruistic desire to better the standards of the youth (οὐ μὰ Δί' οὐχὶ τῶν ὑμετέρων παίδων, ὅπως ἔσσονται σώφρονες, προορῶν, 285) but a cynical political manoeuvre to knock Timarchus out of public life. The really interesting thing is the use of προορῶν. This links in with a whole chain of symboletic thinking and expressions throughout the speech – and, more often than not, Demosthenes' own foresight, the foresight of the able politician, is set against the oversight and inertia of the *demos* (cf. the similar παροράω, περιοράω).⁴⁷ Here, Aeschines is condemned not by his arrogation to himself of the authority to use the past (as in the case of his use of the statue of Solon) but of the foresight and care proper to the good statesman, precisely the opposite, in Demosthenes' terms, of the qualities he has actually exhibited in public life. It is the

⁴⁶ It is comparable to such other pieces of finessing in these speeches as Demosthenes' effort to blur the first two Embassies at §§253-4, referenced above.

⁴⁷ Them: e.g. D.19.84, 153 (hypothetical), 271; him: 19.223, 230 (and here, 285); what they should be doing or should have done: 19.64, 304.

look back to the Timarchus trial that has made this avenue of attack available, and it fits particularly well with the contrast between Aeschines' 'counterfeit' desire to better the youth and Demosthenes' 'genuine' desire to better the politicians (οὐκουν καὶ διὰ τόνδε οἱ πολιτευόμενοι, δι' ὧν τὰ μέγιστα κινδυνεύεται τῇ πόλει · προσήκει δὲ καὶ τούτων φροντίζειν, 285). Aeschines' 'programme' in *Against Timarchus* has been shown up as both petty and false, and worthwhile only in reflecting on the character of its speaker; Demosthenes on the other hand attempts to invest his own speech with real public significance and to characterize himself as a man with vision, building upon the foundations of an already burgeoning career at the *bema*. Whereas Aeschines' prosecution of Timarchus was a perversion of objectively noble motives, Demosthenes portrays himself as a statesman with consistently and genuinely noble intentions.

4.1.2. Aeschines as Ambassador: the Timagoras Parallel

Also worth special attention are Demosthenes' 'bad envoy' examples (to none of which Aeschines responds).⁴⁸ His treatment of Callias and Epicrates (273-80⁴⁹) furnishes a twin example of a *topos* which we have observed before and which became even more popular later: the correctness of the *demos*' condemnation even of its major benefactors when they

⁴⁸ On these, see in general Nouhaud (1982), 234-8, esp. 237 n.373 (on Callias); Buckler (2000), 152-4.

⁴⁹ Sources on Callias 'Lakkoploutos' (*PA* 7825; *PAA* 554480; Davies [1971], 258-62) and his Peace(s) – the main pre-Diodoran testimony apart from D.19.273 being Hdt. 7.151.1 – are collected by MacDowell ([2000a], 320-1), to which add Piccirilli (1989). For Epicrates (*PA* 4859; *PAA* 393945; Davies [1971], 181), see Buckler (2000), 153; MacDowell (2000a), 322-4; Harding (2006), 174-5. Strictly, Epicrates' critical condemnation seems to have been not for his activities at the Persian court itself, which were earlier in the 390s, but for his actions on the controversial 392/1 peace mission to Sparta (Philochorus *FGrH* 328 F 149a); for the debate here, see MacDowell (2000a), 322-3, with a nuanced version of the traditional view; and detailed discussion by Harding (2006), 168-77. For a very different view: Harris (2000), 499-500. Epicrates' visit to the Persian court was perhaps more memorable, though: Platon F 127 K-A (with Dover [1950]); Mosley (1968), 159-60; Ath. 6.251a-b. The document signalled at 19.276 would presumably have made the circumstances clear. The Spartan mission did at least respond to Persian peace proposals (so Philochorus; though see Harding [2006], 169-70 for the debate), and perhaps that is enough for Demosthenes' purposes here.

were found guilty of backsliding.⁵⁰ Epicrates' ambassadorial activity and condemnation is still within living memory (ἐφ' ὑμῶν τουτωνὶ τῶν ἔτι ζώντων ἀνθρώπων, 276⁵¹); Demosthenes carefully transports us from demonstrable 'olden days' time (with Callias and his Peace, 273-5) further towards the present (οὐ τοίνυν τὰ παλαιὰ ἄν τις ἔχοι μόνον εἰπεῖν, 276), and so Aeschines serves as a culmination and a reversal, on the logic: 'if benefactors (a signal one in the case of Epicrates: 280) paid for backsliding, even more should Aeschines'. The moral pressure, intensified by this progression, is hard to miss (ὕμεις <ἐξ> ἐκείνων τῶν ἀνδρῶν ὄντες, οἱ δὲ καὶ τινὲς αὐτῶν ἔτι ζῶντες, 280). I want, though, to concentrate on a different figure (and different manoeuvre), the most consistently employed paradigmatic 'code' for Aeschines: Timagoras.⁵² As with the Timarchus trial, it will be shown that Demosthenes so structures his thematic material that each reference to Timagoras attracts a number of the key ethical accusations against Aeschines, allowing him to refer constantly to them and increase their persuasive force and value by that continual reference: part of the framework of repetition basic to the speech's overall structure. Following on from the previous section, we will see how Demosthenes makes strenuous efforts to make his historical parallels match the current subject.

A brief reference to Timagoras at §31 sets up the train: no returning embassy was ever denied entertainment in the *prytaneion* after its report to the *Boule*, Demosthenes claims, not even that of Timagoras 'οὗ θάνατον κατεχειροτόνησεν ὁ δῆμος'. He goes on to play up his own role in the denial of this courtesy in 346, claiming that it was thanks to his foresight that this corrupt embassy was so treated: 'ἀλλ' εὐθὺς κατηγοροῦν καὶ **προεώρων**

⁵⁰ e.g. Din. 1.14-17 (Timotheus); Lyc. 1.93 (Callistratus); D.23.205 (Cimon and Themistocles).

⁵¹ Cobet called the last four words an *absurdum additamentum*. Rather, this is typical Demosthenic pleonasm, and links up well with the resumption of this theme in similar wording at §280.

⁵² Timagoras: PA 13595; PAA 883250. Principal sources: Plut. *Pel.* 30.6-7; Plut. *Art.* 22.5-6; X. *Hell.* 7.1.33-8; Ath. 2.48d-e, 6.251b, 6.253f. Appearances: Mosley (1968); (1972); Adcock and Mosley (1975), 165; MacDowell (2000a), 221; Hagemajer Allen (2003), 199-201.

τὰ μέλλοντα’ (and later: εἰμὶ τοίνυν ὁ κατηγορῶν ἐξ ἀρχῆς ἐγὼ τούτων, τούτων δ’ οὐδεις ἐμοῦ, 33). Again, Demosthenes emphasizes his ability to see consequences, a contrast with Aeschines’ lack of a share in this fundamental property of the good statesman. But Demosthenes seems to ‘protest too much’. He appears to take suspicious delight in the fact that his opponents will not be able to counter the evidence of the witness and *probouleuma* itself that he has just been able to quote (32), and draws inordinate attention to the fact: ‘εἰ δέ φησιν οὗτος, δεῖξάτω καὶ παρασχέσθω, κἀγὼ καταβαίνω. ἀλλ’ οὐκ ἔστιν’; he also demands that his audience recollect the occasion with him: ‘ἀναμνήσθητε παρ’ ὑμῖν αὐτοῖς’ (33).

It is very tempting to suggest that there might have been some procedural reason why this embassy at this point would not have been entitled to entertainment in the *prytaneion* in any case, and that Demosthenes has finessed the order in which events took place on the ambassadors’ return.⁵³ Cawkwell’s solution, that there was another meeting of the Boule between the ambassadors’ Boule and Assembly reports, at which they *were* honoured, and that the *probouleuma* was then not read out in the Assembly because superseded by events, also works well.⁵⁴ Either way, we see Demosthenes capitalizing upon the ambiguity to help the (anti-)fit with Timagoras. Doubts also hover, for me as for Cawkwell, over Demosthenes’ accusation of his fellow-ambassadors itself (18).⁵⁵ Although he claims (ἔπεισα ταῦτα τὴν βουλήν) that his accusation dissuaded the Boule from conferring the usual reward, how far he actually voiced that, or indeed went out of his way to accuse them, is far from clear, and not something to which the witness and quoted *probouleuma* further on necessarily had anything to add. Perhaps he exaggerates some kind of role he

⁵³ Good parallels for such finessing – or strategic vagueness – would be Aeschines’ handling of 2.12-18 (Badian and Heskell [1987], esp. 268-71) and 2.74-8 (as noted by Efstathiou [2004], 400).

⁵⁴ Cawkwell (1962c), 454-8; MacDowell (2000a), 15, accepts Demosthenes’ interpretation.

⁵⁵ Cawkwell (1962c), 456.

had on 13 Scirophorion in encouraging his fellow *bouleutai* to deal first with the other matters Cawkwell mentions before turning to the question of the honours; and perhaps that encouragement was uncontroversial under the circumstances. Certainly, there is nothing to say that many of those *bouleutai* would be in court now.

The twenty-three or four years that had elapsed since the execution of Timagoras in 367/6 help the orator: they allow his presentation some elasticity. ὡς λέγεται is used at §137 to fill out the details of the story.⁵⁶ Elsewhere in Demosthenes, (ὡς) λέγεται and its cognates are only used once (13.22) with reference to a point later than 403 (when not referring to the present or last year or so, that is).⁵⁷ Demosthenes seems to be parking the Timagoras affair just at the limits of direct popular memory rather than squarely within them, so that it can do more work for him. But it is also possible that, for all its sensational quality, the execution might not have had the enduring appeal in popular memory that (for example) a naval defeat or victory, or the execution of a failed or treacherous military figure or leading statesman, would have had.⁵⁸ Mosley usefully points to the tradition in which the Timagoras story belongs: that of Athenian ambassadors to Persia almost inevitably either hoodwinked or corrupted in the ways familiar from Attic comedy.⁵⁹

When Demosthenes introduces the Timagoras parallel in earnest at §134, he does so obliquely, as part of a response to a hypothetical objection. It steals into the argument rather than being foregrounded. Certain details of the story assist his marrying of it with the Aeschines (and Amphipolis) situation; others he has to bend. In the former category, it may well be relevant that at least one standard version of the story, drawn on by Xenophon

⁵⁶ cf. Heskell (1997), 108.

⁵⁷ Referring to events earlier than 403: D.20.11, 73; 21.143, 144, 147; 24.140-1, 212.

⁵⁸ e.g. Callistratus' execution in Lyc. 1.93.

⁵⁹ (1968), 160, with references; also Hagemajer Allen (2003), 201-3.

and Plutarch (in one of the two relevant *Lives*), stressed the secrecy of Timagoras' relations with the King: in the *Artaxerxes*, the King is particularly pleased with Timagoras because he writes to him personally (a species of communication that can be presented as explicitly anti-democratic),⁶⁰ while in Xenophon one of Leon's grounds for accusation of Timagoras when they get home is that his colleague refused to share quarters with him and only spent time with Pelopidas.⁶¹ This closely resembles the state of affairs that Demosthenes describes on the Second Embassy, where Aeschines builds up a similar covert one-to-one relationship with Philip, based on a letter and on anti-democracy (ὁ γενναῖος οὕτως ἐμὲ μὲν τὸν δῆμον ἔφη τὸν ὑμέτερον καταλύσειν ἐπηγγέλθαι Φιλίππῳ...αὐτὸς δὲ ἰδίᾳ πάντα τὸν χρόνον ἐντυγχάνων οὐδ' ὅτιοῦν ἐπαύσατο Φιλίππῳ, 175). So, as we can safely assume that in 367/6 Leon's charge was integral to Timagoras' condemnation, Demosthenes' stress on the commensality theme in *On the False Embassy* as a whole makes particular sense.⁶² If that suggestion was what Demosthenes was aiming for and/or if it was one an audience might pick up, it helps to explain why Aeschines felt the need to respond to it, offering his slaves for torture to demonstrate that he had never made any nocturnal departures from the quarters he shared with Aglaocreon and Iatrocles, who then give testimony on his side: 2.126-7).

Timagoras' anti-democratic secret communication with the King links well with the developing theme of Aeschines and company's oligarchic leanings; Demosthenes has them tell Philip 'ὡς ὁ μὲν δῆμός ἐστιν ἀσταθμητότατον πρᾶγμα τῶν πάντων καὶ ἀσυνθετότατον,

⁶⁰ *Art.* 22.5: 'γραμματίδιον ἀπόρητον' cf. e.g. the opprobrium Demosthenes sought to inspire with his story of Aeschines writing a letter as from Philip as part of a nocturnal fraternization with him (A.2.124-5). Anti-democratic: esp. Steiner (1994), esp. 142-66 for Persia.

⁶¹ *Hell.* 7.1.38. Perlman ([1976], 229) is right to note the status of bribe-taking as only one of a number of available charges in a *paraprosbeia* case like this – there are other key political considerations. Further, Plutarch says (*Pel.* 30.6-7) that it was Timagoras' support of Pelopidas, rather than the bribe-taking, that made the Athenians really angry.

⁶² For which: Hobden (2009). Aeschines' responses are clever and various: e.g. 2.22, 39, 42-3.

ὡσπερ ἐν θαλάττῃ πνεῦμα ἀκατάστατον, ὡς ἂν τύχη κινούμενος' (136)⁶³ – which might be a nasty reversal of Aeschines' beloved Solon's image of the state, like the sea, as even and calm (or δικαιοσύνη) until dissension or revolution (winds) ruffle it (F 12.2).⁶⁴ Equally, one of the ways in which Timagoras 'sells out' to Persia in Xenophon's account is in his warm seconding of a speech by Pelopidas at Susa which inverted a long series of classic Athenian liberty-related *paradeigmata* to reflect well on the early fifth-century medizing Thebans: 'συνεμαρτύρει δ' αὐτῷ ταῦτα πάντα ὡς ἀληθῆ λέγοι ὁ Ἀθηναῖος Τιμαγόρας' (*Hell.* 7.1.35). If that were a part of the tradition, it could certainly bolster Demosthenes' portrayal of Aeschines as contemptuous of the Athenian past, which, as we shall see, is central to Demosthenes' strategy as a whole.

These are examples of how the cogency of Demosthenes' comparandum might have been assisted by the details of the tradition, even if they are not the ones Demosthenes chooses to stress. Others he manipulates to render seamless the connection between the present and past cases. The case of Philip and the Persian King is already suggested to match the even more obvious case of Aeschines and Timagoras (134-7), but it is the use of Amphipolis (137) that really ties that parallel down. Demosthenes again uses the occasion for some subtle symbouleutic self-presentation and personal image-refurbishment. The members of the First Embassy may have recognized the futility of continuing to push the Athenian claim on Amphipolis to Philip, argued against it in the Assembly sessions on 18 and 19

⁶³ It is important to note (with e.g. Brock's mention [2013], 159 and n.126, and against Clarke [2008], 286) that this is *not* Demosthenes' own stated view. MacDowell ([2000a], 29, 260) seems to think that ἄ καὶ πρότερον ποτ' εἶπον ἐγὼ πρὸς ὑμᾶς ἐν τῷ δήμῳ καὶ τούτων οὐδεὶς ἀντεῖπεν means Demosthenes used this language in the Assembly and that Aeschines and company did not object. A stronger suggestion might be that Demosthenes *claimed that this was his opponents' view* (so εἶπον πρὸς ὑμᾶς as 'told you about'), and that they did not object to his characterization. This makes them look smug and sinister, a very familiar portrayal. The similar collocation of Aeschines' alleged anti-democratic views and the 'wave' image at §314 then looks completely natural and in keeping (otherwise it does not: MacDowell [2000a], 260 again) – as does Aeschines' rejection of anti-democratic sympathies (2.171).

⁶⁴ See esp. Blaise (2011). Solon favours wind-waves imagery: F 13.17-20, 43-5, and Noussia (2006), 140-1; cf. tyranny as a hailstorm in F 9.1 (cf. strongly D.9.33).

Elaphebolion, and then (as indicated above) not raised the claim much (if at all) on the Second Embassy, especially now that a Peace was drawn up for the Macedonians to swear to and to which the Athenians and allies had already sworn. But many Athenians must have seen this perfectly politic decision by the advocates of some sort of peace – Philocrates, Demosthenes, and Aeschines – as a ‘stab in the back’.⁶⁵ If we are to trust the basic elements of Theopompus’ version of the debate,⁶⁶ Aristophon’s hawkish contribution cited the ceding of Amphipolis as unjust (παρὰ τὸ δίκαιον) and a national disgrace.⁶⁷ It seems to have taken a cutting speech from Aeschines (D.19.15-16; A.2.74-7) as well as a decisive and very direct intervention by Eubulus (D.19.291) to stop the debate potentially swinging Aristophon’s way. Aristophon was, after all, the most venerable of Athens’s living politicians, with a career stretching back to the iconic democratic restoration of 403, and still somebody of great influence to whom people would have listened (as he continued to be into the 330s).⁶⁸ Like Aeschines’ very elderly father Atrometus, as we shall see, he was in a sense ‘living history’ and the authoritative embodiment of the national past whose neo-imperial ideals he voiced. At Aristophon’s side, apparently, was Hegesippus;⁶⁹ and, thanks to him, Amphipolis was still a hot topic in 343, as evidenced by its lengthy appearance (23-9) in the inflammatory *On Halonnesus* attributed to him. Whatever his role in 346, Demosthenes at least had to present himself in 343 as someone

⁶⁵ A.2.74 implies a strong movement in favour of resistance to Philip among the political class (ἀνιστάμενοι δὲ οἱ συντεταγμένοι ῥήτορες); but he may be exaggerating the weight of opposition to emphasize the unlikelihood (and consequently the clout-enhancement value) of his victory under such circumstances, and simultaneously engaging in the rhetoric of the ‘massed gang of opponents’; twin tactics we see Demosthenes (and Aeschines) using elsewhere (e.g. D.18.322; A.2.74, 178).

⁶⁶ F 166, quoted by Didymus (coll. 8.64-9.9).

⁶⁷ e.g. Steinbock (2013), 78. Harding ([2006], 197) doubts that Theopompus had access to, or the inclination to reproduce, Aristophon’s real speech. Perhaps not; but Theopompus’ Aristophon certainly argues in terms similar to how Demosthenes and Aeschines (D.19.15-16; A.2.74) both claim the anti-peace spokesmen argued, and he is unlikely to have been picked as a speaker at random by the historian – this was a famous debate. The *case* Aristophon made may be well-represented.

⁶⁸ A.2.74, and Aeschines’ decision to deny the relevance of some national *paradeigmata*, imply that Aristophon and those presently supporting his line were a force to be reckoned with, and that creative tactics were needed to subvert their proposals. 330s: Whitehead (1986), esp. 314-15, with his quotation of Hyp. *Eux.* 28 (ἰσχυρότατος ἐν τῇ πολιτείᾳ). Further on Aristophon: Davies (1971), 65; Oost (1977) with Sinclair (1988), 162; Fisher (2001), 202-3; Harding (2006), 196-7.

⁶⁹ Σ *ad* 19.72 (173 Di) (with appropriate caution from Efstathiou [2004], 396 n.21).

who cared about Amphipolis, and had cared about it all along; and in our speech he refers with grim disappointment to Hegesippus' recent diplomatic failure in Macedonia (19.331), where the latter had reignited the question of Athens's claim, and been rebuffed after offending Philip.⁷⁰

For the 360s parallel, what Demosthenes stresses (137) is the King's change of front after hearing of Timagoras' execution from ambassadors who succeeded him.⁷¹ By bringing the Athenian claim to Amphipolis in here, he makes it a means of manufacturing a resemblance between the 360s example and the negotiations with Philip of 346, and therefore his disputed version of what Aeschines said about Amphipolis then (and what he allowed Demosthenes to say about it). Strands of accusation important to *On the False Embassy* as a whole are well-represented in §§134-7: like Timagoras at Susa, Aeschines has connived with Philip against Athenian interests; he has discharged the duty laid on him by a democratic state by engaging in crooked one-to-one exchanges with Philip (175-6 and later, 128); and, like Timagoras, he has taken money and favours for his perfidious actions (e.g. 110). Most importantly for the connecting role of Amphipolis, though, Demosthenes argues (138) that Philip, like the Persian King, will change his mind and work with the Athenians if he sees the modern-day heirs of Timagoras punished (ταὐτὸ τοίνυν τοῦτ' ἄν ἐποίησε Φίλιππος, εἴ τινα τούτων εἶδε δίκην δόντα, καὶ νῦν, ἄν ἴδη, ποιήσει) (again, the symbouleutic idea of the Athenians making better decisions – because it is up to them – appears). Amphipolis (an emotive nexus at the best of times) indeed continues to serve as the persuasive link between the two cases: the King's sanction reappears in the midst of the Solon example at §253, a passage already focused on the appropriateness of historical

⁷⁰ Hegesippus' mission and the 343 context: Cawkwell (1963a), 133-4; Hammond and Griffith (1979), 489-95.

⁷¹ On the 'second embassy' to Persia of 367/6: Heskell (1997), 108. What this embassy really achieved must remain unclear.

parallels. The events of 367/6, 346 and 343 are thus tightly connected, to cast Aeschines' anti-values not as contributory to the latest instantiation of an unpleasant historical phenomenon so much as central to its definition. Demosthenes opposes Aeschines by essentializing his traits and by denying the validity of any more nuanced attempt to understand him as a person. It is his words and actions, as presented in Demosthenes' version, that count.

The third appearance of Timagoras (in §§188-91) widens the attack and continues the Demosthenic project of self-recommendation by contrast. Here the theme of blighted commensality, and the perverted embassy as symbolic of wider ill-will in its members towards the city's health, comes into its own as an ethical probative aimed at shaping Aeschines negatively. The passage presents the ambassadors as sordid parodies of *prytaneis* (190), united in vice and too far gone in corruption to follow precedent in casting that corruption out. Demosthenes assumes that purgative role. Following on from his strenuous self-casting as the accuser from the beginning (188, cf. 31-3), he sits behind his chosen examples – Leon, Eubulus, and Conon – as each, in a different department of civic life, counteracts the wrongdoing committed by his fellows.

Each is well-suited to Demosthenes' purposes. Leon functions very easily as code for him, and Xenophon's characterization of Leon may preserve a fair picture of a tradition of him as an outspoken and honest operator, who impresses the King (“Νῆ Δία, ὃ Ἀθηναῖοι, ὄρα γε ὑμῖν, ὡς ἔοικεν, ἄλλον τινὰ φίλον ἀντὶ βασιλέως ζητεῖν”: *Hell.* 7.1.37). Though we know nothing of Eubulus' accusation of Tharrhex and Smicythus, with whom he had messed (συσσεσιτηκῶς, 191), it is possible that this was not in his capacity as a general: the force of the triad seems undercut if this refers to the same department as the following

συστρατηγήσας. I would accept that some period of military service by Eubulus is most likely,⁷² but it could have happened during service as one of the *prytaneis* (the *sitesis* then being the regular provision made for such active magistrates in the *tholos*).⁷³ This would bring out the paradigmatic frame of the ‘parody *prytaneis*’ well, and keep the application of the triad broad: domestic, military, and diplomatic service would thus all be represented. As for Conon, it is perhaps Adeimantus who is the key (famous, of course, for allegedly fraternizing with Athens’s principal enemy of that time, Sparta,⁷⁴ and thus linking up with Aeschines), though the popularity of Conon himself is in general high among those fourth-century figures referred to by the orators, and a reference to him a dependable resort more generally (e.g. as we saw in *Against Leptines*).⁷⁵ The perversion of commensality, of the shared diligent execution of a democratic duty, is the paramount point against Aeschines, and the link with the circumstances of the Second Embassy tangible – Demosthenes constructs his own protest as legitimate and motivated by a desire to highlight that perversion.⁷⁶ Despite Aeschines’ tragic bleating (189: τραγωδεῖ περιών), Demosthenes argues, the main point is not that he is turning his back on his messmates, but that in the wider context of the embassy they turned their back on their civic duty, and on Demosthenes, its champion.⁷⁷

So susceptible does Demosthenes make the Timagoras parallel to his wider purposes that he appears to allude to it even in the peroration.⁷⁸ Once again, the audience are encouraged to think that Philip will change his mind towards them (τὸν τρόπον μεταθήσεται, 341) if

⁷² This may be the sense of Yunis’ translation (‘colleagues at the common mess’) ([2005], 172). cf. Lys. 13.79, Pl. *Smp.* 219e. More general sense: Pl. *La.* 179b.

⁷³ Rhodes (1972), 16, 32.

⁷⁴ Adeimantus: MacDowell (2000a), 285. And Sparta: X. *Hell.* 2.1.30-2; Lys. 14.38.

⁷⁵ Nouhaid (1982), esp. 333-8, and above, Introduction n.43; on likely enduring memory of the trial, Milns (1995), 17.

⁷⁶ Hobden (2009), 79, 84-5.

⁷⁷ cf. MacDowell (2000a), 285: ‘Demosthenes interprets the meals...as functions of the Athenian state’; and Hobden (2009).

⁷⁸ MacDowell (2000a), 354 notes the similarity to the argument of §§137-8, but goes no further.

they convict Aeschines, a notion figured in terms of a shift of Philip's attitude towards democracy and against those who had shown oligarchic sympathies e.g. at §§136-7, as we saw above (νῦν μὲν γὰρ ἤρηται τοὺς πολλοὺς ἐξάπατῶν ὀλίγους θεραπεύειν, ἂν δὲ τούτους ἀπολωλότας πύθηται, ὑμῖν τοῖς πολλοῖς καὶ πάντων κυρίοις τὰ λοιπὰ ποιεῖν βουλήσεται, 341). This is a look back to the Persian King and his concession of Amphipolis after the execution of Timagoras (137). Demosthenes makes abundantly clear where he stands in the democratic-oligarchic spectrum, of course; but he does so by investing his round-up of the prosecution case, again, with a tone explicitly symbouleutic. As at §§137-8, this is a case of a desired sea-change in right Athenian decision-making, and nothing to do with Philip, with whom there is (135) a chance of a peace beneficial to Athens, if the right people are listened to in future. In choosing to look back to previous occurrences of the Timagoras parallel a few moments before closing, Demosthenes leaves an abiding impression that if his audience respond to the lessons that that parallel has been offering throughout, both in terms of the ethical case against Aeschines (underlined by the recurrence of the paradigmatic traitors Euthykrates and Lasthenes [265] at §342) and the symbouleutic, motivational case for Demosthenes' advice, they will start to make the gains they deserve. The optimism and vision which we have come to associate with Demosthenes in the Assembly speeches, and which recur strongly in *On the Crown*, are clearly signposted here. His fashioning project aims at a twin impact, then; but the final allusion to the Timagoras example, drawing on its predecessors, enables Demosthenes to finish strongly by uniting the strands that will conduce to that twin impact: past and present, envoy and statesman, commonwealth and personal gain, loyalty and perfidy.

4.2. Aeschines and the Defence: Accepting the Challenge

In the last section, I explored two rich examples of thematic caucuses with paradigmatic status – one recent, one less so – pursued in Demosthenes’ prosecution speech. Here, I examine a similar movement: the contest over who has the right to use the past, and how Aeschines confronts the impression created by Demosthenes that Aeschines can only use it wrongly and for crooked purposes. To do so, he combines selective omission of some aspects with sustained critique of others to contest Demosthenes’ own handling – its accuracy, its relevance, and the purity of the motives behind it – and to advance his own: to characterize it, looking back, as delivering the true picture of its past that the city needed to be offered on 19 Elaphebolion 346, and, looking to the present, offering convincing support for his claim both to acquittal now and to be considered a credible source of well-informed advice in the future.

We start with the nub of the dispute. Contrary to what Aeschines says in *On the Embassy*, there must have been speeches in the Assembly on 19 Elaphebolion; he reveals happily in 330 what it would have been inconvenient for him to admit in 343.⁷⁹ On the 19th, he made a speech in support of Philocrates’ peace proposals to which we have already had cause to refer, and which Demosthenes condemns in a passage worth quoting in full (as it encapsulates the nature of the struggle):

ἀναστὰς ἐδημηγόρει καὶ συνηγόρει ἐκείνω⁸⁰ πολλῶν ἀξίους, ᾧ Ζεῦ καὶ πάντες θεοί, θανάτων λόγους, ὡς οὔτε τῶν προγόνων ὑμᾶς μεμνήσθαι δεοί οὔτε τῶν τὰ τρόπαια καὶ τὰς ναυμαχίας λεγόντων ἀνέχεσθαι, νόμον τε θήσειν καὶ γράψειν μηδενὶ τῶν Ἑλλήνων ὑμᾶς βοηθεῖν, ὃς ἂν μὴ πρότερος βεβηθηκῶς ὑμῖν ἦ. καὶ

⁷⁹ A.3.63-4 and 71, compared with A.2.64-9. See Harris (1995), 145-6; Buckler (2000), 149; MacDowell (2000a), 7.

⁸⁰ Philocrates.

ταῦθ' ὁ σχέτλιος καὶ ἀναιδὴς οὗτος ἐτόλμα λέγειν ἐφεστηκότων τῶν πρέσβεων καὶ ἀκουόντων, οὓς ἀπὸ τῶν Ἑλλήνων μετεπέμψασθε ὑπὸ τούτου πεισθέντες, ὅτ' οὔπω πεπρακῶς αὐτὸν ἦν (D.19.15-16).

Before the end of the speech, he is expressing himself in similar terms again (μήτε τῶν προγόνων μεμνήσθαι μήτε τρόπαια λέγειν μήτε βοηθεῖν μηδενί, 307; cf. closely 311).

Aeschines reacts strongly in *On the Embassy* to the idea that there were envoys from the other Greek states present then, but, as Ryder has shown, the passage in which he does so (57-62) puts on display precisely the kind of legerdemain with detail (and especially with the introducing of documents and witnesses) that we saw him employ in *Against Timarchus*.⁸¹ On the whole, we may safely assume that Demosthenes may be exaggerating the number of other Greeks present but not the fact that there were some there (not least delegates from the allies, presumably included in this company). The kernel of his outrage (well conveyed, for example, by the deferring of θανάτων, 15) is the small-mindedness inherent in the Aeschinean view (as he represents it) – both in the sense of the belittlement of past Athenian prowess and in the suggestion that Athens should only reciprocate favours already done, strangling future enterprise. (Keeping Cersobleptes, Halus, and the Phocians out of the Peace is clearly at issue, something Demosthenes was probably as much part of as Aeschines⁸²). But whatever Aeschines actually said on 19 Elaphebolion, Demosthenes seizes the chance to continue shaping his self-dissociation from the Peace itself now in 343 – he could perfectly easily claim to be a politician whose whole oratorical career had been marked by imaginative and memorable deployments of the past in public contexts (as we saw especially in Chapter Two), and by a vision informed by that

⁸¹ Ryder (1977), esp. 220-2; also Cawkwell (1960), 435-8.

⁸² Cawkwell (1960), 433-5; Harris (1995), 146; and esp. Efstathiou (2004), 392-3 n.18.

past. Such a politician's relationship with the subtext of the Peace of Philocrates – declining Athenian power – could never be simple.

Aeschines' criticism – as far as we can trace it in the 343 versions – looks strongly as though it was aimed at the hawks ranged with Aristophon.⁸³ The fragment of Theopompus' version of Aristophon's speech as quoted by Didymus⁸⁴ tallies in tone with Demosthenes' criticisms (16: οὔτε τῶν προγόνων... οὔτε... τὰ τρόπαια; 307: μήτε τῶν προγόνων μεμνήσθαι μήτε τρόπαια λέγειν) and with Aeschines' rebuttals (2.63: τοῖς τὰς μάχας καὶ τὰ τῶν προγόνων λέγουσι τρόπαια; 74: καὶ τῶν τάφων τῶν προγόνων καὶ τῶν τροπαίων); stating numbers of triremes, allies and revenues is part and parcel of this sort of rhetoric. So Aristophon may have been the main target; but what Demosthenes does in *On the False Embassy* is to respond to Aeschines' attack of three years earlier as one directed at him personally, and respond compellingly enough to require Aeschines to reply in *On the Embassy*, and at length (2.56-7, 63, 69-78). There may be more to the Demosthenic strategy than appears at first sight. Apart from the fact that he is seizing an opportunity to continue to salvage his reputation for spirited invocations of ancestral Athenian excellence, he appears also to be making a strong case for being regarded as an alternative head for Aristophon's group, whose resilience despite the comprehensive discrediting of its leader's forward policy in the Social War had been proved on 18 and 19 Elaphebolion 346 (as noted above, it seems to have required a forceful intercession by Eubulus – defending his own familiar territory, Athenian finances – to convince the Assembly to accept

⁸³ Cawkwell (1960), 437; Efstathiou (2004), 396-7; 399-400; Martin ([2009], 52 n.12) is uncertain; more confidence: Harding (2006), 196-7.

⁸⁴ F 166: “ἐνθυμείσθε δ’ ὡς πάντων ἂν ποιήσαιμεν ἀνανδρότατον, εἰ τὴν εἰρήνην δεξαίμεθα παραχωρήσαντες Ἀμφιπόλεως **μεγίστην μὲν πόλιν τῶν Ἑλληνίδων οἰκοῦντες, πλείστους δὲ συμμάχους ἔχοντες, τριακοσίας δὲ τριήρεις κεκτημένοι καὶ σχεδὸν τετρακοσίων ταλάντων προσόδους λαμβάνοντες**· ὃν ὑπαρχόντων τίς οὐκ ἂν ἡμῖν ἐπιτιμήσειεν, εἰ τὴν Μακεδόνων δύναμιν φοβηθέντες συγχωρήσαιμὲν τι παρὰ τὸ δίκαιον.”

Philocrates' solution).⁸⁵ Aristophon was by 343 ninety, or a little over, and although clearly vigorous could surely not be expected to last much longer.⁸⁶ It is interesting that in *On the False Embassy* Demosthenes refers to Aristophon quite distantly (297), as a politician belonging firmly to a previous generation, and makes no mention of his inflammatory speech in the peace debate, though he refers to Eubulus' response (291). A sort of writing-out policy might be the strategy. Demosthenes and Hegesippus were clearly allies by 341 (D.9.72), but after Demosthenes' advocacy of peace with Philip (after years of vocal opposition to his rise), it was unlikely to be easy to convince those who had not wavered that he was ready to share their ground with any consistency. I therefore read D.19.16 and the care with which Demosthenes manages his historical argumentation as a stage in that delicate rapprochement process.⁸⁷

Handling of the past, then, is shown as potentially of importance to political positioning⁸⁸ as well as to the more freestanding characterization that we traced in the previous section. By condemning Aeschines' attack on the anti-peace group, and by giving the glories of the Athenian past their usual prominence in his prosecution speech (esp. 311-13), as well as continuing to debunk Aeschines' usage at vitriolic length (307-14), Demosthenes attempts to demonstrate his ideological kinship with a group whose popularity was growing as Philip's reluctance to keep to the terms of the Peace became more patent. This matches a wider strategy in *On the False Embassy* as a whole (e.g. 19.291, where he tries to drive a

⁸⁵ Eubulus could not allow Aristophon – his principal political rival at least since the early 350s, and probably earlier – to prevail: D.20.137; 21.218; 18.162 as well as our passage; Sealey (1955a); Cawkwell (1963b), 49; Dušanić (1979); Whitehead (1986), 316; Mitchell and Rhodes (1996), 15.

⁸⁶ Aristophon's age: Σ *ad* A.1.64 (145 Di), with Davies (1971), 65 and Harding (2006), 196.

⁸⁷ Hegesippus receives mention as a fellow-opponent of Aeschines (whom the latter is likely to attack in his defence speech) in D.19 (72, 74), but no link between him and Demosthenes is suggested, and in any case Aeschines fails to oblige, at least in our text of *On the Embassy*. The Timarchus trial of 346/5 had seen Demosthenes and Hegesippus on the same side, but it is notably difficult to construe underlying political alignments in teams representing litigants.

⁸⁸ As modification of Perlman's (1961) 'propaganda'.

wedge between Aeschines and Eubulus by citing an allegedly politically-motivated prosecution by Aeschines of one of Eubulus' associates, Philonicus⁸⁹).

Aeschines' detailed reaction in *On the Embassy*, though, is even more interesting (esp. 69-78). As we have tended to see elsewhere, this lacks the saturating quality of Demosthenes' conception of the past, but is a well-calibrated – and multifaceted – response to the rhetorical situation he is faced with. Broadly, he reverses the charge of bribe-taking, highlighting the consistency of his conduct as a counter to Demosthenes' main point: his mysterious deviation from a previously unexceptionable policy (e.g. 311). The way he introduces discussion of that consistency sounds daring and sophistic (e.g. 70: προήρημαι γὰρ παρρησιάσασθαι, καὶ ἐλευθερῶς ἅμα καὶ τἀληθῆ εἰπὼν σφῶζεσθαι), but what follows has the advantage of being open and clearly representative of what he did indeed do. It thus contrasts with Demosthenes' swift attempt to disclaim involvement in the Peace: it was, Aeschines claims, the consistency of serving Athenian interests, which meant changing his own position (2.79). This privileges the rationalizing of politics as being about managing change, something Aeschines stresses eloquently later in the speech (165), and something listening jurors could accept if it was properly packaged (though whether it would persuade them to save Aeschines in the current climate of broad hostility to the Peace was another matter). There is further care taken with the initial framing, though: after professing to see off the constructions put on his 346 speech by Demosthenes (esp. 19.16) with a flurry of documents (54-68: an example of proof by volume), he does what Demosthenes was to make a central feature of his strategy in *On the Crown*: declares his positive pride in the achievements under criticism (οὔτ' αἰσχύνομαι ἐπ' αὐτοῖς, ἀλλὰ καὶ φιλοτιμοῦμαι, 69), grounding his reaction in an assertion both of his ability and of his right

⁸⁹ On what ought to be taken away from this in political terms (possibly not much): Rubinstein (2000), 168 n.27 vs. Harris (1995), 155 (convincingly demolishing this and D.18.162).

to produce a convincing alternative account, reinforced by a self-consciously realist reading of late fifth-century history (74-8).

The reaction itself takes two forms: exploitation of Demosthenic carelessness on the one hand, and rebuttal – and re-appropriation – of Demosthenic points on the other. The target for the latter is easy to characterize. Much of 19.303 onwards is devoted to the theme: Aeschines' selling out to Philip obliterated his ability to use history correctly (307; 311); good users of the past are never corrupted (308); Aeschines' speeches have become a historical event in themselves, superseding all that went before in sheer perfidy (312: *καίτοι τούτων αἰσχίους λόγοι οὐδένες πρόποτ' ἐν τῷ παντὶ χρόνῳ γεγονάσι παρ' ὑμῖν*). As for the first type of reaction, 19.273 is a good example of a moment where, in seeking to illustrate the distance between the Aeschinean attitude to the past as voiced in the debate on the Peace and a desirable model of Athenian public engagement with it, Demosthenes simply goes too far.⁹⁰ The suggestion that the Athenians should imitate the ancestors *in everything* – albeit followed up with some cogent *negative* examples (the bad envoys) – may have aroused some suspicion (*νομίζω τοίνυν ὑμᾶς, ὧ ἄνδρες Ἀθηναῖοι, οὐ καθ' ἓν τι μόνον τοὺς προγόνους μιμουμένους ὀρθῶς ἂν ποιεῖν, ἀλλὰ καὶ κατὰ πάντα ὅσα ἔπραττον ἐφεξῆς*). It certainly fits with the political positioning I have already sketched Demosthenes as pursuing in this speech. Only the most confirmed traditionalist would have found this vast generalization acceptable, but it is precisely to this strategic and ideological territory that Demosthenes may be set – too set – on demonstrating his attachment. His formulation looks either naïve, badly thought-through, or dishonest.

⁹⁰ With Clarke (2008), 279.

In his defence speech, then, Aeschines pounces, capitalizing on an opportunity to indicate not only the breadth and sophistication of his own historical understanding, but also the oral (and thus eminently democratic) origins of his knowledge: the tales told him by his father, Atrometus (77-8, 147). This strategic aspect has been explored recently by Steinbock, who demonstrates its importance, seeing Aeschines' assault as a bid to undermine the Athenian 'master narrative'⁹¹ as purveyed by Demosthenes, Aristophon, and Eubulus (in odd company here).⁹² But this takes insufficient account of the present trial context – Aeschines is giving a persuasive rather than an accurate account of what he said on 19 Elaphebolion – and of the dynamics of contestation. Aeschines is responding first and foremost to Demosthenes now, not to the 'master narrative' articulated in 346. He is making a counterbid against the unduly universalizing (and, it could be argued, opportunistic) political stance Demosthenes mediated through his use of the past *in this trial* as well as in 346, and offering a carefully nuanced appreciation of different historical decisions by the *demos* to fit his picture of how he conducted himself as a careful, responsible, and statesmanlike presence in the Peace negotiations, with a matching nuanced appreciation of the context of Athenian decision-making (as we shall see below on his speech to Philip on the First Embassy).

The creation of trust seems critical here: Aeschines confides that the decisions he made in 346 corresponded to the details of the circumstances then, and that his (and, to a lesser extent here, Philocrates') opinions were not tied into the kind of unhelpful, totalizing Demosthenic conception of Athens which that orator had just pushed in his prosecution

⁹¹ Defined by Steinbock elsewhere as 'the prevalent version of the Athenian past' ([2012], 20-1) – but we should keep in mind the flexibility of the orators' treatment of the constituent elements of that prevalent version, and the importance of rhetorical situations to how they were mediated and perceived – Demosthenes' whole organization of a speech and his performance, for example, will always be a crucial modifier of the latter. Steinbock's concept works best for the *epitaphios*.

⁹² Eubulus was on the other side of the debate, and his intervention (D.19.291) aimed at derailing Aristophon, as we have seen.

speech but which he had notably failed to articulate back in Elaphebolion 346 in front of the hawkish political allies he is now trying to win. Aeschines presents himself as a decision-maker for whom precise context and moderate deliberation are all – a good ambassador and a good statesman. Demosthenes emerges by contrast as the articulator of a perhaps more coherent but certainly less immediately realistic conception of the past, ill-fitted for engagement with a shrewd political operator like Philip or with the circumstances Athens faces. This closely resembles our guiding hypothesis on the kind of pasts the two orators tend to conjure, and indicates that Aeschines (like Demosthenes) has decided partly to play to what he considers his strengths, arguing the relevance to the present (and to the debate in 346) of a model other than Demosthenes' universalizing commitment to ancestral behaviour – just as he freely admits he had done in 346 to the hawks (2.74). For the purposes of demolishing Demosthenes' position, he assimilates him and his universalizing conception of the Athenian past directly to what he argues was displayed by those 346 opponents. Demosthenes, Aristophon, and the others get bundled together.

So Demosthenes (especially at points like 19.273) is countered by the warts-and-all discussion of Athenian high and low points at *On the Embassy* 70-8: how Aristophon (not named) and similar speakers had completely misconstrued the mechanics of applying the past to present affairs. Aeschines gives (a version of) the precise context in which deliberation was being made in 346 (mapped out at §§70-4), and so is able to push the idea that examples of ancestral εὐβουλία – the kind of good judgment he assimilates to his own conduct during the Peace negotiations – were far more appropriate models than the kind of blanket appeals being made by his opponents, like Demosthenes (ἀποβλέπειν δὲ εἰς τὰ προπύλαια τῆς ἀκροπόλεως ἐκέλευον ὑμᾶς, καὶ τῆς ἐν Σαλαμῖνι...ναυμαχίας μεμνηῖσθαι, 74). For Aeschines, in the categories he demarcates, the latter appeal is wrongheaded (and

probably constructed deliberately by him as such): the Propylaea (a popular paradigmatic resort for orators⁹³) was indelibly associated not only with Athenian glory and national identity⁹⁴ (as Aeschines notes Epaminondas realized: 2.105) but usually with its fifth-century imperial context, and the tribute which funded the principal stage of its construction.⁹⁵ It is the period of the empire, and its proponents, whose mistakes – the result of overreaching pride encouraging unwise decision-making (ἀβουλίαν, 76, 77) – Aeschines criticizes: the Sicilian expedition while Decelea was fortified (not wholly accurate, but we take the point nonetheless⁹⁶), and the resistance to peace led by Cleophon despite Spartan willingness to make terms (76).⁹⁷ The fact that Aeschines makes the distinction between the empire-period and previous decisions, though, is meaningful – there is a motivation here which is conciliatory as much as it is polemical. Aristophon and his fellow speakers, as we saw, had a good deal of support, and Aeschines wisely makes the decision not to alienate that potential support-base among the jurors completely, by recapturing for himself (and recasting and extending) a series of examples from the pre-imperial period: in this case Plataea, Salamis, Marathon, and Artemisium (75) – thus answering the ‘τῆς ἐν Σαλαμῖνι...ναυμαχίας μεμνησθαι’ part of his opponents’ appeals (in his version at §74).

An interesting extension is his skewed coverage of Tolmides’ generalship, where the famous 456/5 *periplous* of the Peloponnese becomes a land campaign (not even a very good item to include, given that Tolmides died at Coronea in 447 after an exhibition of just the kind of proto-imperial impetuosity that Aeschines is busy condemning).⁹⁸ Nouhaud

⁹³ See above (Introduction) n.45.

⁹⁴ Paulsen ([1999], 345) captures this concisely.

⁹⁵ See esp. *IG* I³ 462-6; *ML* 60, 165-6 (noting the extravagance); Giovannini (1990), 138.

⁹⁶ This was instead Demosthenes’ *reinforcing* expedition (Thuc. 7.20).

⁹⁷ For complication of this tradition: Natalicchio (1990).

⁹⁸ Tolmides’ impetuosity: at least on Plutarch’s account (*Per.* 18.2-3).

attractively characterizes the reference as an overcompensation for those Demosthenic criticisms of Aeschines' attitude to the past in *On the False Embassy* – hence, partly, the error (due also to Aeschines' misunderstanding).⁹⁹ Steinbock makes a good case for classing Tolmides with the heroes,¹⁰⁰ but I would prefer to see Aeschines, who is on the point of crossing into the passage featuring the 'bad', imperial-era, examples, setting Tolmides up as a transitional figure (transitions being important to the 'fifth century excursus' later in the speech). Even if we assume he knew nothing of Tolmides' impetuosity at Coronea,¹⁰¹ the fictive march through the Peloponnese cannot help evoking not Athenian valour in defence of Greece (as in the other four cases) but the beginnings of the worst phase of imperialistic ambition. The sense is, then, that Aeschines could just about countenance Tolmides' heroics, but that the tide was already turning – he wants his audience to make a similar judgment. We are then prepared well for what follows. If he had wanted to make a simpler point, he could have chosen a less problematic example: the victory at the Eurymedon, for instance, which would have given him the opportunity to do something with Demosthenes' points about Callias' peace and would not have conjured the spectre of Greeks killing Greeks.¹⁰²

Imperial pride, then, is the keynote – and its dark side, errors and unseasonable appetite for conquest (ἀμαρτήματα...καὶ τὴν ἄκαιρον φιλονικίαν, 75).¹⁰³ Aeschines puts in its place an alternative sort of pride: prudent deliberation, and his pride in his own careful negotiation of the peace-making process (as at §69: φιλοτιμοῦμαι). But Aeschines is also doing politics here, and fashioning himself a place in the post-Peace order as much as

⁹⁹ Nouhaud (1986), 346.

¹⁰⁰ Steinbock (2013), 84-7 (and Hesk [2012], 225).

¹⁰¹ cf. Nouhaud (1986), 345 n.23.

¹⁰² And was used e.g. by Lycurgus (1.72). Internecine warfare avoided in art: Boedeker (1998), 193.

¹⁰³ The qualifying ἄκαιρον itself suggests that Aeschines recognizes φιλονικία as open to possible positive gloss: cf. e.g. X. *Cyr.* 7.1.18, 8.2.26, *Agas.* 2.8 – i.e. that it was acceptable for Athens to be competitive *per se* (and constructively), but that this was a time of destructive over-competitiveness.

Demosthenes is. We noted above that Aeschines has decided to accept for his own purposes Demosthenes' self-identification with those who had been aligned with Aristophon and Hegesippus in 346, and who probably remained committed to opposing it, especially now such a view was popular – a group to which we should probably add Hyperides, Philocrates' principal accuser earlier in the year in the trial that led to his exile.¹⁰⁴ But we can add now that Aeschines pairs the conciliatory part of his motivation with a capitalizing upon a clean fit (or what can be represented as one) between Aristophon's and Demosthenes' policies – reflected in their choice of historical illustrations – and those of the very fifth-century politicians whose glorious Athens they look back to and whose actions Aeschines has criticized.

Cleophon should, then, probably stand for both of them (and possibly other figures, perhaps Hegesippus). His violence on the *bema*, threatening to butcher anyone suggesting peace (76), recalls Aeschines' broader characterization of Demosthenes' hyperactive performances and language in our speech.¹⁰⁵ Further, the suggestion that Cleophon got himself on the deme-rolls only by corrupt activity (παρεγγραφείς αἰσχροῦς πολίτης) dovetails with Aeschines' taunts about Demosthenes' 'Scythian' origins (78; 180; 3.172; and cf. 2.22, 87, 93, 171, 183) and later outrage at Demosthenes' ingratitude to Aeschines' father-in-law Philodemus, who sponsored his own entry on those rolls (2.150).¹⁰⁶ Aeschines certainly warmed to the potential of this match: Demosthenes is cast as

¹⁰⁴ See Engels (1989), 70-4 and Whitehead (2000), 5, 235 on this part of his earlier career; his prosecution of Aristophon twenty years earlier (Hyp. *Eux.* 28) should not cause us particular alarm (for which trial: Whitehead [2000], 232-3).

¹⁰⁵ Hyperactive and histrionic Demosthenes in A.2.36-7, 40-2, 49, 51, 85, 157; Nouhaud (1982), 123-4, 290-2; and cf. *Ath. Pol.* 34.1 (where Cleophon is drunk and wearing a breastplate). The violent language of Hegesippus (?) in [D.] 7 must be relevant too: e.g. the harsh image at 7.45. Hyperactive Hegesippus: A.1.71.

¹⁰⁶ cf. the taunting of Cleophon for his 'Thracian' origins in comedy: Aristophanes *Frogs* 679-85, 1532-3; and for 'the lyre-maker', cf. *Andoc.* 1.146; *Ath. Pol.* 28.3. Cleophon in comedy: possibly behind the demagogue in Eupolis, *Demes* F 99: Storey (2000), 183-4; Aristophanes *Thesmophoriazusae* 805; *Frogs* 1504; Platon F 61 (via Σ *ad* Aristophanes *Frogs* 681); on his *Cleophon*, defeated by *Frogs* in 405: Sommerstein (2000), 443-4.

Cleophon directly in *Against Ctesiphon* (3.150), violence being emphasized again. It is worth noting that while Cleophon certainly divided people¹⁰⁷ (and seems, with Hyperbolus, to bear out the *topos* of the worsening quality of the political class after the death of Pericles¹⁰⁸), other views were possible, and for all we know some or all of Aristophon, Demosthenes, Hegesippus, and the rest may have held them. Cleophon's democratic credentials, at least, were watertight – he took them with him to the grave under the Thirty¹⁰⁹ – and the young Aristophon, who was well-known as one of those who returned with the democrats in 403, might have known and/or associated with him; he will certainly have heard him.¹¹⁰ By rejecting Cleophon, and indeed Athens post-Tolmides and pre-404 (77), Aeschines marks himself out carefully not only as someone sympathetic to Athens's 'true' glory-days, but capable of discrimination – fundamentally, in control of the past, and with a view of it which he seems to offer as more precisely married to current needs than the cruder, more generalized visions of continuity erected by his opponents.

The final point to make, with Steinbock, is that Aeschines supports that from an unimpeachable source – family tales told by his father Atrometus (77-8), present in court (147) at ninety-four (σχεδὸν πρεσβύτατος τῶν πολιτῶν · ἔτη γὰρ ἤδη βεβίωκεν ἐνενήκοντα καὶ τέτταρα).¹¹¹ The most important thing about Atrometus, according to Aeschines, is the fact that he helped to restore the democracy. This is stated twice, at §78 and again at §147, and on the latter occasion Aeschines even signposts his own repetition of the point (ὥσπερ

¹⁰⁷ cf. Lys. 30.12-13.

¹⁰⁸ See esp. Isoc. 8.75 (and 13) and *Ath. Pol.* 28.3-4 as good follow-ups to Thuc. 2.65; and on Cleophon himself, Baldwin (1974); also Mathieu (1914), 196-7; Nouhaud (1982), 123-4, 290-2.

¹⁰⁹ Cleophon victim of the Thirty: Lys. 30.10, 12; 13.12; X. *Hell.* 1.7.35.

¹¹⁰ Three sides in Lysias: an honest democrat (13.7-8, 12) (and cf. Todd [1996], 118-19); rather more vocal (30.10); even an elder statesman figure (19.48); *Ar. Rhet.* 1375b31 (Cleophon's citation of Solon's elegies: like Demosthenes here [19.255]). Cleophon may have chosen his material well: cf. Pl. *Critias* 113b and Pinto [2013], 86).

¹¹¹ Steinbock (2013), 81-98; cf. Thomas (1989), 139-44, and Grethlein (2010), 131 on Andocides' use of family traditions of political conduct. The crucial connecting factor, guaranteeing acceptability, is that both Andocides' relatives and Atrometus were good servants of the *polis*.

καὶ ὀλίγω πρότερον εἶπον, 147). Aeschines' parallel between the late Peloponnesian War rejection of peace at §76, with its negative results, and his own advocacy of peace in 346, which he implicitly claims prevented such results (though goes no further than that¹¹²), is certainly constructed to make his democratic credentials absolutely clear.¹¹³ But he also seems to be creating in the person of Atrometus an anti-Aristophon for himself, who can match the venerable politician in a series of parallel ways: in age, in role played in 403, and, fundamentally, in authority for knowledge about, and correct interpretation of, the city's past – something that Aeschines can then be seen to have inherited (οὐ γὰρ παρὰ τῶν ἄλλοτριῶν, ἀλλὰ παρὰ τοῦ πάντων οἰκειοτάτου ταῦτα ἐπυνθανόμεν, 77). He claims, too, to have inherited a sense of that past itself at a deep personal level – he, then, can reasonably care about potential misfortunes befalling the city as much as any of his contemporaries, and is in a position to talk about them from the heart (ὥστε οἰκεῖά μοι καὶ συνήθη τὰ τῆς πόλεως ἀτυχήματα εἶναι τοῖς ὡσὶν ἀκούειν, 78).

The invasion of 'Demosthenic' ground is clear. The age parallel is foregrounded in the detail: Aristophon was ninety or just over; so Atrometus is older than Aristophon (cf. 147: ninety-four, and σχεδὸν πρεσβύτατος τῶν πολιτῶν). The credibility that would normally attach to Aristophon thanks to his seniority is thus countered.¹¹⁴ The involvement with the restoration of the democracy is also made patent.¹¹⁵ It may also be that the reason why Aeschines spells out his maternal uncle Cleobulus' association with a prominent member of the Bouzygae¹¹⁶ (78: μετὰ Δημαινέτου τοῦ Βουζύγου συγκατεναυμάχησε Χεῖλωνα) is

¹¹² Demosthenes was clearly expecting more (D.19 esp. 88-90, 336).

¹¹³ Demosthenes (19.136, 314) had rattled him in this department: 2.171.

¹¹⁴ Authority attached to 'being the oldest': cf. Lys. 23.5. We need to keep open the possibility that Aeschines is lying: he lies about ages elsewhere (1.49), as does Demosthenes (21.154). Perhaps not accidentally, Atrometus is also older than Isocrates (who was 93 in 343).

¹¹⁵ For Aristophon's involvement: Oost (1977), 240, with D.20.148-9.

¹¹⁶ For Demaenetus (and his encounter in 397/6 with Milon, the harmost in Aegina probably lurking behind 'Cheilon'): *Hell. Oxy.* 16.72 (onwards) Chambers, with Bruce (1967), 50-1; McKechnie and Kern (1988), 132-3; elucidated by Steinbock ([2012], 247-8 and [2013], 95-8).

that, as older scholars suggested, the 371 envoy Demostratus ‘son of Aristophon’ is the son of our Aristophon, hinting at some sort of link with the late fifth-century Bouzyges Demostratus mentioned in comedy. This is strictly speculative, but if correct would constitute yet another competitive manoeuvre.¹¹⁷

Fending off Demosthenes’ criticisms, then, offers Aeschines a prime opportunity not only to stress his regard for the Athenian past, and prove its personal meaning to him (78), but also to give practical demonstration of his understanding of – and hermeneutic skill in – how the contesting of historical illustration articulates political rivalry more generally. He repeats with greater subtlety – and no doubt develops further than he was able to on 19 Elaphebolion 346 – his critique of the kind of arguments used by the opponents of peace, now in the political ascendant. To challenge the fundamental criticism of his behaviour that Demosthenes had expressed through his historically-informed argumentation – namely his change of front – he carefully sets out the conception of the past that forms his ideological base, both now and in 346, answering the challenge in kind and plotting out how he differs from Demosthenes and from Aristophon – differences which pervade the speech more generally (though Aristophon is not once mentioned. Aeschines’ opponents [74] are not to be treated as individuals – they are a gang [cf. 178]).¹¹⁸ But there are distinctive passages of historical material in *On the Embassy* put to use by Aeschines which function to answer Demosthenes’ criticisms directly *and* to do more. These are Aeschines’ reports of his own speeches at Pella and the presentations of the past embedded

¹¹⁷ See Oost (1977), 240 for debunking of older views (given in full in Davies [1971], 64-5), echoed by Whitehead ([1986], 315 n.19), but I wonder whether they might be on to something. Demostratus son of Aristophon: X. *Hell.* 6.3.2; Demostratus the Bouzyges: Aristophanes *Lysistrata* 397; Davies (1971), 105-6.

¹¹⁸ Aeschines’ language of ‘ganging up’: see above n.65. Other possible anti-Aristophon as much as (and more than) anti-Demosthenes slurs in the speech include: i) the attack on Aristophon’s Embata trials co-prosecutor Chares, whom Demosthenes seems to have regarded pretty positively by 343 (A.2.70-3 answering D.19.332-3), cf. a neutrally-viewed Chares at D.23.173; wistful recollection by 323/2 (D.*Ep.* 3.31); support in 341: D.8.30. Aeschines praises Chares’ Embata victim Timotheus (A.2.70); ii) the criticism of Demosthenes’ pro-Theban sympathies (2.106). Aristophon was also well-known for these (3.139). Aeschines is notably negative about him at 3.194.

in them (25-33; 113-18), and especially the ‘fifth century excursus’ (172-7). Their importance is testified to by a compositional aspect: Aeschines carefully situates his two images of the ‘gang of opponents’ at the start of one sequence of historical material (74) and at the end of another (178); just as Aeschines portrays himself as under attack from these people, so the treatments of history which Aeschines has invested in are framed by references to them. Let us now look at these more closely.

4.3. Aeschines and the Defence: New Opportunities

4.3.1. Aeschines at Pella

While we can never know precisely what happened at Pella either on the First or on the Second Embassy, Aeschines claims to have the support of his fellow-ambassadors for his account of the First (2.44, 46) – though we should be wary of Aeschines’ habit of exploiting the gap between his presentation of what a witness’s statement will mean and what the witness actually turns out to be proving.¹¹⁹ But both here and in the later passage his priorities are multiple. Implicit in giving a ‘true’ account of the embassies here is the creation of authority, and not just the authority of the experienced envoy, but the didactic authority of the skilled user of historical detail. As suggested above, the account of the First is meant to encourage the audience to take pride in Aeschines’ virtuoso assertion of Athenian claims to Amphipolis (especially when Demosthenes at 19.253-4 had deliberately left blank which Embassy it was that had featured no reference to Amphipolis by Aeschines whatsoever). Philip is a passive recipient of instruction in Aeschines’ account; Aeschines’ description of his later reply (38) is clearly supposed to suggest he

¹¹⁹ It may or may not be significant that it is the clerk who voices the fellow-ambassadors’ testimony (46).

was moved and impressed by the lecture. It is perhaps worth noting that Aeschines records no reaction for the later speech (118), contenting himself with a brief summary. What is important here, as with the account of how he spoke about the past on 19 Elaphebolion 346, is what he can gain by the retelling, not the reality of the situation itself.

Selection is crucial to the persuasive impact of both; and despite his promise to keep the first (25-33) to a summary (25: *διὰ κεφαλαίων*), Aeschines emphasizes how complete the original was in what it sought to cover and argue (26: *οὐδὲν παραλείπων* when enumerating Athens's services to Amyntas). The second speech (113-18) is also aimed at providing a whole in the sense that it is designed to supply essential points which Demosthenes allegedly failed to make (114). The selectivity that complements this striving for wholeness, though, has both a performative and an argumentative function: it both accomplishes its own plan of enhancing Aeschines' credibility independently (performative) and responds to Demosthenes' criticisms earlier in the trial about Aeschines' use of the past in 346 (argumentative). A good example of the latter would be the calculated allusion to the presence of other Greek ambassadors 'judging' Demosthenes' second Pella speech (112: *παρόντων τῶν πρέσβεων ὡς ἔπος εἶπεῖν ἐξ ἀπάσης τῆς Ἑλλάδος*), just as Demosthenes had claimed for Aeschines' speech in favour of peace in the Elaphebolion debate (19.16: *ἐφεστηκότων τῶν πρέσβεων καὶ ἀκουόντων*).

Simultaneously with his presentation of well-worked-out, well-informed cases made to Philip, we find Aeschines responding strategically to Demosthenes in the way mentioned above: encouraging the idea that Demosthenes' more totalizing conception of the Athenian past suits the present need (and the need in 346) less well than Aeschines' exact application of the details that will reflect importantly on that need. But even alongside that,

Aeschines in these two embedded speeches seems to be seeking to establish his *own* credentials as someone with the same kind of wider understanding of the 340s' place within the continuum of Athenian history as that of a totalizer like Demosthenes, in the sense that his selectivity implies a similar broad *knowledge* to draw from – and this will come to a head in the 'fifth century excursus' just before the peroration. The parading of the detail he does parade (especially in the second speech: the enumeration of the twelve Amphictyonic peoples at §116 springs to mind) assures the audience that his own engagement with the past is not piecemeal and entirely pragmatic, but that it comes from a genuine and broad field of choice. The wisdom of this strategy must be questionable. Moments like §116 suggest the insecurity of the would-be know-all rather than selectivity. Was it really necessary for Aeschines to give Philip a full potted history of Delphi and the Amphictyonic League, with much information that would have been elementary both to Philip and to the 343 audience (114-16)? Or to set himself up fairly pointedly as one of 'those who undertake to give instruction about our traditions', and so worth Philip's attention (προσῆκει [Φίλιππον]...τοῖς περὶ τῶν πατρίων ἐγχειροῦσι διδάσκειν προσέχειν τὸν νοῦν, 114)? The fact that Aeschines relishes the recollection (ἅμα δ' ἐξ ἀρχῆς διεξῆλθον τὴν κτίσιν τοῦ ἱεροῦ...) must indicate not only that he must be expecting this to go down well with his present audience but also two other things: first, that he expects to derive credibility from this account of an accomplished presentation to a foreign king; and second, that he is trying to reconcile his two motives – to give Demosthenes' wide-angle view and to select the details that will persuade Philip (and his 343 audience) now – but is instead only managing to highlight a mismatch between them.

That is mainly a problem in the second embedded speech, however. When recounting the first, Aeschines is extremely careful to flag his awareness of what detail suits what

audience: his disquisition on the origins of Amphipolis, for example, is tailored, with recent historical time privileged above mythical time (there is a straight distinction: ἃ δὲ ἦν τῶν σημείων οὐκ ἐν τοῖς ἀρχαίοις μύθοις, ἀλλ’ ἐφ’ ἡμῶν γεγενημένα, τούτων ἐπιμνησθήσομαι, 31). What is most telling about the tailoring, though, as we saw in the Introduction, is a clear perception of the appropriateness of different volumes of detail to the different audiences. Aeschines insists that he recounted the history of Amphipolis and the Athenian claim because it fitted at the time (τότε μὲν ἤρμοττε λέγειν καὶ ἐρρήθη ὡς ἐνεδέχετο ἀκριβέστατα, νυνὶ δὲ ἴσως ἀνάγκη συντέμνειν τοὺς λόγους, 31) – and this serves also to answer Demosthenes’ allegation at 19.253-4 about his command of the past. The tantalizing suggestion that there is a complete hand to show in the right circumstances – i.e. not the present – nicely characterizes the balance between focused illustration and the more Demosthenic broader view. So, as I suggested before, does the slightly rueful ‘ἴσως’, assuming a complicity of desire in audience and orator to hear and tell more – a desire frustrated by the time and space available, and by convention (whether relevance-based or not¹²⁰). Aeschines is broadcasting his ability to handle both techniques with confidence, and it is this secure grip that seems to be lacking when we come to the second speech. There Aeschines assumes, rather than demonstrates, the relevance of his long historical disquisitions to the situation at hand, and his report of it to the present trial audience correspondingly looks less impressive.

Deft selection – and, in this case, a long contextualizing build-up (26-7) – means that the first speech pivots on a tableau: the appeal to Iphicrates by the queen Eurydice, with her children Perdiccas and Philip employed for pathetic effect (28-9). Unfortunately there are at least four problems with Aeschines’ charming scene, one of them especially serious:

¹²⁰ For which: Rhodes (2004) (esp. 153 on A.2), all qualified importantly by general considerations noted by Lanni ([2005], esp. 112-18) and recently by Gagarin (2012).

Philip was a hostage in Thebes at the time.¹²¹ Additionally: the late-teenage Perdikkas had no need to be put in Iphicrates' arms, as Aeschines says he was (28);¹²² Aeschines carefully omits any sense that Eurydice is now married to the murderous regent Ptolemy of Alorus; and he also suppresses the fact that while Iphicrates may have ejected Pausanias, he did not succeed in taking back Amphipolis, the desideratum lurking behind the whole story despite Aeschines' attempt to show that that was not Iphicrates' purpose in the north (ἐπὶ κατασκοπῇ μᾶλλον τῶν πραγμάτων ἢ πολιορκίᾳ τῆς πόλεως, 28).¹²³ It was highly unlikely that the first two of these would have got past Philip; unlikely also that the last of them would have escaped him.

Aeschines' summary, then, is tailored to his Athenian listeners of 343 in more than just length and subject matter. He also appears to add elements that will conduce to the fashioning of an easily-memorable image to sum up a convincing take on the relative status of Athenian-Macedonian claims to Amphipolis (i.e., bluntly, that the Athenians can only defend their right to Amphipolis if the Macedonian party – Eurydice – feels that they are getting something out of it). But the variation on the supplication-scene is important: 'Macedonia' – female, in this case – is shown pleading with the very embodiment of early-fourth-century Athenian enterprise himself, advocating mutually beneficial relations between the two states (28).¹²⁴ The idea of the infant future king (παιδίον ὄντα) on Iphicrates' knees could have played well before Philip, providing him with a direct link to a past paragon of the military prowess he valued highly himself, were it not for the story's patent untruth. This is a version for Athenian listeners, designed to indicate Aeschines' firmness (as well as a talent for rhetorical *enargeia*) in his performance at Pella, and to

¹²¹ Hammond and Griffith (1979), 184 n.3; Bers (1997), 167 n.78.

¹²² Paulsen (1999), 318-19.

¹²³ Historians' doubts: Hammond and Griffith (1979), 184.

¹²⁴ Children involved in supplication scenes of this type: Naiden (2006), 98-100.

demonstrate the completeness of his understanding of the historical context in which he made the appeal – a completeness further filled out by his shrewd protreptic to Philip to imitate not his stepfather Ptolemy or his elder brother Perdikkas (hostile to the Athenian claim: 29) but, rather, his father Amyntas (33), who he claims had always got on well with Athens (26: πατρικὴν εὐνοίαν, though clearly that might have had wider application, and 28: τῇ δὲ Ἀθηναίων πόλει οἰκεῖως ἐχρήσατο) and his adoptive brother: none other than Iphicrates himself (28: υἱὸν ἐποίησατό σε).

The embedded Pella speeches, then, are important to Aeschines' overall strategy regarding the 'rewriting' of the events of the 346 embassies for 343 popular consumption, and also in giving a sense of Aeschines' credentials as a user of the past. They are not likely, as we have seen, to have been an unqualified success – the second of them gives too little away about what was really important on that embassy (not itself a problem if we take it performatively); but, more critically, it simply seems not to put the historical material it presents to an especially coherent purpose. We are given little real sense of why that material is there. Comparison with a major digression – the 'fifth century excursus' – is, then, in order.

4.3.2. Aeschines and the Fifth Century (2.172-7)

This excursus has usually been thought to reflect reading by Aeschines of Andocides' *On the Peace* (3.3-12), set in the 392/1 context of the Athenian peace negotiations at Sparta that included Epicrates.¹²⁵ That orthodoxy, though, has been called into question by Harris,

¹²⁵ e.g. Paulsen (1999), 409-10 ('eine Kopie'); Buckler (2000), 152-4 (though he presses too far for comfort the idea that Demosthenes and Aeschines would have seen 392/1 as a clear map for 346). This was the occasion whose outcome led to Epicrates' exile (e.g. MacDowell [2000a], 322-4); cf. Harris (2000), 499-500,

who prefers to see the Andocidean item as the later effort, a rhetorical exercise by a veritable ‘scoundrel’ relying upon a reading of Aeschines (and others).¹²⁶ Certainly the orthodox view has a number of points to recommend it: the appearance of Andocides the Elder at 2.174 sends out warning signals, for example. But, with Harris, I find it far more alarming that Andocides, fifty years earlier than Aeschines, might garble so many events that had occurred in or close to his lifetime (it is alarming enough that Aeschines should make these errors).¹²⁷ I also find it surprising that if Aeschines had this speech available to him, he chose not to use it as a contextual aid to challenge (and recapture, as we have seen him do elsewhere) Demosthenes’ usage of Epicrates in the prosecution (19.277-80).¹²⁸ In fact, it would have bolstered Aeschines’ case a great deal to be able to point to Epicrates and his fellow ambassadors, who could have been represented as unjustly condemned for a laudable desire for peace. The fact that he chooses not to do so (or certainly not specifically) rather suggests that he had not the precise material available to him (or else that he felt Epicrates was simply too hot to handle). The last specific event he mentions is the restoration of democracy, naming Archinus and Thrasybulus (176), which is consistent with his interest in 404/3 as a marker elsewhere in the speech. It is perhaps important that the author of Andocides 3 does not feature the democratic restoration or these two figures.¹²⁹ Given that the jury must remain out, I limit my focus to Aeschines’ handling of what we see.

doubting the existence of the 392/1 negotiations in their usually accepted form; Harding (2006), 169-70 and 174-5.

¹²⁶ Harris (2000), esp. 495 and references there; quotation from 500.

¹²⁷ cf. Harris (2000), 496-7.

¹²⁸ So directly *contra* Buckler (2000), 153.

¹²⁹ The hypothetical ‘scoundrel’ might have realized that Andocides, who returned in 403 but only under the general amnesty, might not be particularly enthusiastic about placing Archinus and Thrasybulus in any kind of pantheon.

One misunderstanding on which the orthodox view rests is relevant to us here: and that is the assumption that Aeschines is here simply parading peace-related knowledge (and thus getting it wrong).¹³⁰ The excursus in fact fulfils a very clear function, and that is nothing less than the offering of an alternative totalizing vision of fifth-century Athens to Demosthenes' – an ultimate answer to the criticisms in *On the False Embassy*. Just before he closes his speech (at §184), Aeschines allows himself a chance – for a few sections – to show that he can play Demosthenes' game – that he can appropriate not just his material but his techniques and tactics too. He takes Demosthenes' beloved vision of the ancestors and turns it inside out, demonstrating that at each stage of the last century or more, there have been people like Demosthenes and the hawks with whom he is in sympathy who have wrecked a wholly advantageous domestic situation (172: συνταραχθέντες δὲ ὑπὸ τινῶν...; 173: παρεμπεσόντων δ' εἰς τὴν πολιτείαν ἡμῶν οὐκ ἔλευθέρων ἀνθρώπων καὶ τοῖς τρόποις οὐ μετρίων...; 175: πάλιν δὲ εἰς πόλεμον διὰ Μεγαρέας πεισθέντες; 176: ἐκ τῆς τῶν ῥητόρων ἀψιμαχίας...). The technique should not surprise us: it is visible in Demosthenes' linked pictures of Androtion in 355 and 353 and in Aeschines' own picture of Timarchus much more recently – where the negative figure or figures burst repeatedly onto the public scene throughout the speech in question, replaying iconic moments of transgression and oppression. Demosthenes and Aristophon have always been with us, Aeschines appears to be saying, and each time they cause a grievous setback to the society they talk so much about. So much is hinted at before Aeschines opens the catalogue (171): that Demosthenes' ancestors are not everybody else's, because he hasn't any (οὐδὲ τοὺς Δημοσθένους ὑμᾶς ἔδῶν προγόνους μιμεῖσθαι (οὐ γὰρ εἰσὶν) ἀλλὰ τῶν καλῶν καὶ τῆ πόλει σωτηρίων βουλευμάτων ζηλωτὰς εἶναι παρακαλῶν). For a moment, the jibe is not just about Demosthenes' alleged Scythian origins, but about his fundamental personal

¹³⁰ Nouhaud (1982), 234.

disconnect from his audience's understanding of their past.¹³¹ For Aeschines' Demosthenes, the oratorical past is a political construct, something to move people against their better natures.¹³² For Aeschines and true statesmen, it is a source of good counsel – things to learn and profit from. Consequently, the only *progonoi* worth admiring are those presented by Aeschines and the wise.

The liberties taken here, consciously or otherwise, with the interpretation and ordering of events are legion. Certainly, Athenian setbacks unhelpful to the main dynamic being traced seem to be suppressed.¹³³ That the rhetorical imperative is all can be seen in other ways too. Athens's freedom from all-consuming war since 404/3 is not, of course, quite true (various moments in the Corinthian War, and the whole course of the Social War, would qualify); but Aeschines needs parallels to the contemporary hawks which evoke less than immediate personal reminiscences but nonetheless carry generalized emotional associations for most people in his audience, and stopping at 404/3 achieves that. Nor is Aeschines interested in who the responsible parties are at each stage. It is tempting to identify him as in harmony with the *topoi* of demagogic deterioration after the death of Pericles, but Pericles himself seems indirectly targeted at §175 by the reference to going to war over Megara (possibly also connoting Demosthenes' own uncompromising view of Megarian encroachment on the sacred Orgas ten years earlier: 13.32). For Aeschines' purposes, all these shadowy 'persuaders' and 'speakers' are avatars of Demosthenes and his fellow opponents of peace, the 'gang'; men who probably, like them, claimed to be acting within the most ideologically watertight contextual frame for Athens's best interests, but who simply achieved a sequence of temporary debasements by war, cancelling out the abundant good things (173; 174; 175) the intermissions of peace had

¹³¹ Demosthenes would answer this comprehensively in D.18.285-8.

¹³² cf. Theopompus F 153 on this kind of oratorical control.

¹³³ Principally Egypt (which should fit at §173).

brought.¹³⁴ Hawkishness converges with generalized appeal to the past in Demosthenes' case, and had done with Aristophon's party in 346; it is natural that this wholesale usurpation of the Demosthenic large-scale view of the fifth century should accompany a demolition of Demosthenes' policies.

Its alternativeness to Demosthenes' fifth century is important too. Aeschines moves on from the condemnation of imperialism that had characterized 2.74-8 (with the ideological assumptions of which passage this excursus generally accords well, albeit giving them heightened new realization). Amassing riches on the Acropolis is a good thing, as are other paraphernalia of the high empire. Aeschines' point, though, throughout this whole passage, is that Athens does not have to choose between glory and peace, or democracy and peace. His alternative (and idealized) conception of fifth-century Athens can accommodate both. The obstacles are his opponents, and those who frustrated the fifth-century peacemakers (the elder Andocides and Nicias being named *honoris causa*: 174, 175), people whose conceptions are over-rigid and self-interested. The link to the present-day 'imperialists' – Aristophon and Demosthenes among them – is not fully expressed until §§177-8, and then there is no mistaking it; but the way things are going is signposted by the 'οὐκ ἐλευθέρων ἀνθρώπων' of §173, a clear reference back to Demosthenes' alleged barbarian origins.

At §§177-8, too, we find a strong verbal link back to the citation of Demosthenes-as-Cleophon (ἄνθρωποι **παρέγγραπτοι** γεγεννημένοι πολῖται). The following familiar elements appear: endless warmongering; the encouragement of empty fears in peacetime (ἐν μὲν εἰρήνῃ τὰ δεινὰ τῷ λόγῳ προορώμενοι) – a Demosthenic speciality, from his detractors' point of view, especially pre-348, and a nice dig too here at Demosthenes'

¹³⁴ The pregnant parallel has to be Pericles, taking Athens into the Peloponnesian War. Thucydides' Pericles on his activity in the city's interest: 2.60-1, esp. 2.60.5 on his patriotism.

carefully-nurtured discourse of foresight;¹³⁵ avoidance of real fighting (again, we recall Aeschines' survey of his own exemplary military record, just moments earlier: 168-70); and, finally and vividly, a kind of fatherhood which jeopardizes the integrity of the citizen body (παιδοποιούμενοι δὲ ἐξ ἑταίρων, 177). The genitive plural here obscures whether males or females are meant; commentators tend to assume the latter.¹³⁶ The obvious parallel, though, is to Demosthenes' alleged fathering of children by letting his friend Cnasion sleep with his wife, mentioned earlier in the speech (149); but given the ambiguity a reference also seems more than possible to Aristophon and his mistress, the *hetaera* Choregis. According to Carystius of Pergamum (mediated by Athenaeus) their union was targeted in comedy for its breach of Aristophon's own citizenship law of 403/2 (i.e. that those with non-Athenian mothers be considered illegitimate).¹³⁷ In a context where Aeschines is lambasting his opponents' hypocrisy (in praising the ancestors while subverting their legacy), such a jab – provided that the gossip about Aristophon and the mistress was still known, which we cannot be sure of – might have been grist to the mill. It also dovetails well with the criticisms of Demosthenes' own birth (again, he is targeted via his mother) – illegitimate activity as breeding further illegitimate activity.

The excursus, then, brings what had been begun at 2.74-8 – where Aeschines had 'explained' what he had meant about the fifth-century ancestors in the Assembly in 346 – to logical fruition. It still privileges the pre-Pentecontaetia period as the time of Athens' unblemished greatness (172: πρότερον ἢ πόλις ἡμῶν εὐδόξησε μετὰ τὴν ἐν Σαλαμῖνι ναυμαχίαν). But now it extends the earlier passage's remit to launch a broadside against Demosthenes on his own terms, not only in content but also in broader ideology.

¹³⁵ esp. Mader (2007b).

¹³⁶ Carey (2000), 156; Adams (1919), 295 (both 'mistresses'); Paulsen (1999), 414 ('Hurenkinder').

¹³⁷ Ath. 13.577c. Athenaeus' text gives the comic poet's name as Calliades, but that may not be right (Olson [2010], 340 n.204).

Aeschines steps beyond the parallel, traditional Athens he had conceptualized in *Against Timarchus* and invades familiar ‘Demosthenic’ territory, painting a continuum of his own from which lessons are to be drawn: that time and again hawkish elements have ruined Athens. At the same time, following up his rebuttal of Demosthenes’ criticisms in the prosecution, he offers a coherent ‘realist’ vision of what elements present-day Athens should take from its fifth-century past. His realization of both aims here makes a powerful bid, close to the end of the speech, to expose the weaknesses in Demosthenes’ construction and offer a cogent alternative model.

4.4. Conclusion

Given the prominence of the Crown trial in the later tradition, it is easy to forget that the Embassy trial was probably the most intense political struggle Demosthenes and Aeschines had had to face in their careers to date. The reflection that we are dealing here with the outflow of a situation where the two had been allies (even if relatively briefly – it is hard to know) gives the right sense of the keenness with which we therefore see each orator marshalling the most formidable intellectual and presentational forces he can against the other. Both see the public control and management of the Athenian past as a serious stake in that struggle, and not simply because a past event, and past policies, are under review. Both work from that necessary constraint – but they aim to produce compelling and dominant readings of the civic inheritance for their audiences. Recent events, and the characters of the two opponents themselves, inform and inflect that task.

Their readings are essentially polemical. Just as Demosthenes’ efforts focus on a critique of Aeschines’ speech to the Assembly on 19 Elaphebolion, Aeschines concentrates his

attack on the assumptions made by Demosthenes in his prosecution speech and, crucially, on the confident handling of the past – viewed as a virtually sanctified continuum of Athenian values and behaviour – which characterized that orator’s public figuring of what decisions to make about present and future, and how. Aeschines’ strategy in his own defence combines two approaches: to mark out the merits of his own emphasis on the well-chosen illustration that will serve a particular argument, keyed to rebuttal of Demosthenes’ criticisms; and to present an alternative past Athens pitched to be more meaningful and relevant than that of Demosthenes, using some of the latter’s typical techniques against him. It is impossible to know what impact these strategies had on the eventual verdict, the most likely explanation of which is that Demosthenes simply did not have enough evidence to make the specific bribery charge work.¹³⁸ What we see is a clash of opposing presentations of personal *ethos* which provide wildly different accounts of key events and rely for cogency on the nature of the presentation itself. But where Aeschines implements an inventive composite strategy, Demosthenes makes the mistake of thinking that sticking to his usual moral high ground will be enough. Aeschines, from the summit of a different kind of moral high ground of his own creation, proves him wrong.

¹³⁸ For the verdict: Plut. *Dem.* 15.3.

CHAPTER 5: THE CROWN TRIAL

5.0. Introduction

When Aeschines indicted Ctesiphon *παρὰνόμων* in 336 for decreeing the crowning of Demosthenes for his past and present services to the state, he instituted the most famous Athenian court proceeding of the high fourth century.¹ The case, however, did not come up until summer 330, and much debate has clustered around why it was not pursued in 336 and who chose to revive it.² Major unknowns here include the needs and interests of Ctesiphon himself. It is in Aeschines' interests to portray him as Demosthenes' stooge – his prosecution is all about getting at the one through the other – but Ctesiphon was clearly a speaker with a substantial profile of his own. Aeschines cannot help admitting this when he recalls the recent choice of Ctesiphon for a delicate ambassadorial assignment to the grieving Molossian queen Cleopatra (A.3.242), in order to indicate that his opponent will not be able to use the defence of mediocre oratorical ability. Demosthenes, on the other side, laments the overtly political character of Aeschines' prosecution (D.18.13-16) and the fact that Ctesiphon is now in serious danger simply for attempting to confer the same honour Aristonicus had successfully moved in 340 and Demomeles and Hyperides in 338.³ What Demosthenes cannot hide is that he has had to withstand a large number of prosecutions centred on his conduct pre- and post-Chaeronea (e.g. 18.249); so he makes a positive virtue of the fact that he *has* withstood them (e.g. 18.322). Some scholars have

¹ Fame: e.g. Cic. *Opt. Gen.*; Plut. *Dem.* 24; Demosthenes: Yunis (2000), 99-100; Pernot (2006), 177-238 (on the oath at 18.208 alone); Aeschines: Martino (1998a), (1998b).

² Delay: Harris (1995), 140-1; Sawada (1996), 60-1; MacDowell (2009), 383. Comparison with the delay of the Diondas case: Horváth (2009), 197-211.

³ The earlier crowns: D.18.83, 222-3.

tended to favour Demosthenes as the reviver for various reasons.⁴ I prefer the view that Aeschines may have felt the context was right in 330 (after a series of setbacks for the anti-Macedonian cause culminating in the collapse of Agis' Spartan revolt with its leader on the battlefield near Megalopolis in 331 or early 330), and that is the assumption I operate with here.⁵ It is not without its problems,⁶ but I think there are more involved in taking the opposite view.⁷

As with the Embassy speeches, the questions of drafting and revision for circulation arise. There, the main question was about how far Demosthenes 19 reflects the speech delivered on the day.⁸ Also problematic was how far our texts deviate from the performance versions in order to take account of what had happened in the trial (and of the result): whether in order to take account of arguments actually made on either side or to attempt to supply 'ideal' versions to reflect well on the writer. That is our main problem now. Here, the presumption is unavoidable that both orators have done some noticeable post-trial modification.⁹ In the case of other speeches, we can be sceptical about the idea of thoroughgoing revision, but (like the Embassy speeches) the Crown speeches invite more scrutiny, partly because of the context – both orators have clear motives in circulating post-trial – and partly because of what we find in the texts. Sometimes a) Aeschines makes a very precise anticipation to which we see no correspondence in Demosthenes, or b)

⁴ Demosthenes as reviver: Burke (1977), 334-40; Sawada (1996), 60-71; Martin (2009), 86-7.

⁵ Aeschines as reviver: Cawkwell (1969a), esp. 167, 180; Wankel (1976), 1.24; Knox (1976), vi-xii; Harris (1995), 141-2, 173-4; Worthington (2000b), 96-7 (enmity as key); Yunis (2001), 10-11; Todd (2009), 162-3.

⁶ Principally that Lycurgus clearly thought it a good moment to attack Leocrates; but there are probably many unknown factors in play (and it would be wrong to buy the Lycurgan rhetoric and assume Leocrates was a pro-Macedonian). In any case, Lycurgus narrowly failed (A.3.252, with Sullivan [2002] and Bianchi [2002]).

⁷ Mainly, I am not convinced by Sawada's case ([1996], 67-71) that Demosthenes would have coerced Aeschines (see e.g. Knox [1976], vi-vii; Todd [2009], 162 n.5). Criticism of Sawada: Worthington (2000b), 96 n.31 (on 110).

⁸ Main discussion: MacDowell (2000a), 25-6.

⁹ Revision: Yunis (2001), 26-7; Hubbard (2008), 194-5; Worman (2008), 264-5 n.170; and cf. on the Embassy trial MacDowell (2000a), 23-8; (2009), 382.

Demosthenes refers to something very specific that Aeschines said which is not in our text of A.3. But both these phenomena are less intractable than they might appear because in each case there are only two real types of possibility.¹⁰ For a): Whether Demosthenes had replied to the anticipation at all, well, or badly, i) Aeschines may still have felt the anticipation made good rhetoric when he came to revise;¹¹ and/or ii) Demosthenes did not feel the insertion of any rebuttal he had made or could now add would make *his* text a better read. For b), in turn: Either i) Aeschines simply omitted from his circulation text passages which had been successfully rebutted or which he felt had not worked; or ii) Demosthenes (in performance as much as in post-trial revision) could safely represent something as having been said by the prosecution even if it had not been, because it was in the air and had been mentioned in recent contexts outside the trial – perhaps in the *anakrisis*, Assembly, another trial,¹² or at large – or because it was simply persuasive and/or entertaining, and thus good rhetoric.¹³ We should note that both examples in *On the Crown* allow him to embark on extended passages of historical illustration, intended to undermine his opponent’s credibility in that area; this further attests the premium placed on this kind of contestation.¹⁴

In three cases, though, what Demosthenes says does not just correspond but corresponds with great precision to anticipations we also see Aeschines make; in one case he responds

¹⁰ Dover ([1968], 168-70) deals well with these. The orators *could* have simply added passages like A.3.228 separately, later, but that seems unlikely.

¹¹ A good candidate here is A.3.228 (the Sirens) (with Dover [1968], 170 and against Yunis [2001], 27 n.88).

¹² cf. Usher (1993), 253 on A.3.225-7.

¹³ Embassy trial examples: A.2.6, 10, 86, 124. All can belong under (ii) here, especially A.2.10 (the Sicilian priestess’ dream and Demosthenes’ comparison of Aeschines with Dionysius). These may have emerged from the documentary oracles read out at D.19.297 (*contra* Julien and de Péréra [1902], 9).

¹⁴ e.g. D.18.95, 238 (both really partial: Goodwin [1901], 67, 167; Yunis [2001], 161-2, 241). See esp. Wankel (1976), 1.507-10.

directly (as he does on more general issues, as we would expect¹⁵). Commentators are united in seeing the first, the image of the bad doctor (A.3.225-7 vs. D.18.243) as an insertion by Aeschines at the post-trial stage, and that seems to me inevitable.¹⁶ Second, and more interesting, is Aeschines' forecasting of an illustration Demosthenes 'will' use involving the chronologically disparate champion boxers, Philammon and Glaucus (3.189). Demosthenes duly does so, and in precisely the manner forecast (18.318-19), but does not mention Aeschines' anticipation.¹⁷ The third is a contesting by Demosthenes (18.251¹⁸) of Aeschines' use of the incorruptible early fourth-century statesman Cephalus (3.194) – and the fact that this is an explicit response (φησί) matters.¹⁹

The key to understanding these latter two is that neither Aeschines' anticipation of Demosthenes' boxers nor Demosthenes' response to Aeschines' Cephalus fits very well in its context. The boxers parallel breaks up Aeschines' extended 'men of Phyle'²⁰ example (187-92), and even though it is thematically well-situated, it disrupts the flow, and Aeschines admits this as he resumes (ἵνα δὲ μὴ ἀποπλανῶ ὑμᾶς ἀπὸ τῆς ὑποθέσεως, 190 cf. 176). In a similar way, Demosthenes' response on Cephalus fits its context thematically (attacks on him in the lawcourts post-Chaeronea: 248-50), but is neither introduced properly nor linked to what follows. Even allowing for the fact that these examples come from parts of their respective speeches where a looser structure prevails, it seems highly

¹⁵ I omit the large number of generalized responses to prosecutors' points that defendants naturally make. An interesting case, though, is A.2.156, back-referencing a different version of D.19.192-6 from the one we see. This must indicate Demosthenic revision.

¹⁶ Weil (1883), 533; Richardson (1889), 27; Goodwin (1901), 170; Wankel (1976), 2.1070; Yunis (2001), 243-4; Hubbard (2008), 194.

¹⁷ Loose parallels in the Embassy trial are D.19.182 vs. A.2.178 and D.19.332 vs. A.2.70-3 (again, no *direct* response by the defendant in either). The Philammon/Glaucus example is much more specific.

¹⁸ The pro-Theban Demosthenes would probably want to recover 'possession' of the pro-Theban Cephalus, who decreed Athenian aid for the Theban exiles' return in 379/8 (Din. 1.39 – cf. D.S. 17.8.6 for Demosthenes).

¹⁹ The key parallel from the Embassy trial is D.19.192-8 vs. A.2.4, 153-8, where Aeschines, the defendant, *must* be principal reviser.

²⁰ For this shorthand: Taylor (2002), 395; Steinbock (2012), 236-7.

likely that these are post-trial additions by Aeschines and Demosthenes respectively.²¹ But we should countenance the possibility that Demosthenes combated Aeschines' Cephalus illustration on the day. It would be very easy to rebut swiftly in performance, and then to add to the revised text; and contesting an Aeschinean historical example would after all yield persuasive dividends of its own. For Aeschines' part, we should assume that he kept his 'half' of the Cephalus illustration in *Against Ctesiphon* when he came to revise because he thought (with a new audience in mind) that it would continue to function effectively as rhetoric, as per category a) i) above. Another notable example, often invoked on the revision question, leads in a similar direction.²² As for the questions whether Aeschines and Demosthenes might have revised from memory or with opponent's text in hand, and 'blind' or reactively (or indeed whether there might have been a number of stages of reactive revision²³), we have insufficient evidence to direct us conclusively either way.

On the Crown is the only Demosthenic defence speech in a public trial that we have, so a higher level of disconnect (or at least fuzziness of overlap) between pre-trial plan-out, performance version, and later revised version should not surprise us. When dealing with the Crown speeches we should stay alert to the implications of post-trial reshaping on whatever scale, and recognize that the whole issue is complicated by details of these speeches' literary context: the apparent end of Aeschines' career and the place of *On the Crown* in Demosthenes' later reputation. But this examination of the handful of well-known cruces seems to suggest that revision was relatively light. If this is the tip of an

²¹ So Simcox (1872), 95 and Richardson (1889), 27 (the boxers); Goodwin (1901), 176, 222; Wankel (1976), 2.1101-2, 1137-8; Usher (1993), 275 (the boxers).

²² This is the image of the metaphorical walls (A.3.84 vs. D.18.299-300). Demosthenes uses this rather differently from Aeschines' forecast, and with Wankel ([1976], 2.1271-2) and against Yunis ([2001], 276) I suggest that each could have come up with his version independently, and felt that they still worked post-trial. Demosthenes likes metaphors to do with walling (cf. 19.84) and is likely to have featured them elsewhere. So this case is not really a direct parallel for the others.

²³ Which Yunis ([2001], 27 and n.89) is prepared to countenance.

iceberg, it is hard to know how to get below sea level to have a proper look. After all, Aeschines did not go so far as to excise or modify purple passages which are, as we shall see (and unlike the Cephalus example), seriously subverted by Demosthenes;²⁴ but if he went elsewhere to found a rhetorical school, as the tradition has him do,²⁵ he will not have needed to. His priority at that stage will have been the furnishing of a freestanding model speech to learners, and in that respect *Against Ctesiphon* would serve its purpose well.²⁶

There is nothing about the two speeches themselves, then, which need stop us positing for Aeschines' and Demosthenes' use of the past a dynamic similar to what we observed for the Embassy trial. Importantly, we know of no litigation-based collision between the two orators between 343 and the indictment of 336 or 335, or again between then and 330.²⁷ Demosthenes in fact points out how Aeschines has up to now *not* been among the jackals buying for his political blood (18.249; 322), linking this to the famous 'argument used seventy-two times' in *On the Crown*, which runs 'if you objected to what was going on, you could have voiced that objection, but you did not'.²⁸ It is reasonable to push the idea, then, that the resolution of the feud – and neither orator pretends with any consistency that the goal is anything else (nor would the audience have been fooled) – couches itself in and constantly refers back to the 343 transactions of the Embassy trial. But the domestic and international political context had changed beyond recognition, with Demosthenes' move to the helm of foreign policy, the alliances with the Euboeans, Thebes, and Byzantium, the war with Philip, defeat at Chaeronea in 338, and the destruction of Thebes in 335.²⁹ I argue

²⁴ e.g. 3.260 savaged at 18.127-8; 3.259 comprehensively upstaged at 18.208.

²⁵ Aeschines' fate: e.g. Kindstrand (1982), 175-84; Harris (1995), 148; Yunis (2001), 12.

²⁶ Both versions of the famous anecdote about Aeschines' reading of *Against Ctesiphon* to his audience of learners on Rhodes imply that they do not already know *On the Crown*: [Plut.] *Vit. Aeschin.* 840d-e and Cic. *de Orat.* 3.213 Mankin. For his motivation in disseminating: Carey (2005), 94-5.

²⁷ cf. Harris (1995), 142. Aeschines (3.223) claims he was on the point of indicting Demosthenes by *eisangelia* at one stage.

²⁸ 72 times: Σ *ad D.*18.14 (48 Di); Donnelly (1935).

²⁹ Beyond recognition: esp. A.3.132. Aeschines fails to apply this insight to his own strategy.

in the following that the fundamental strategic picture – foregrounded by the historical argumentation – is that Aeschines remains locked in the debates and characterizations of 343, apparently his most notable moment of prominence on the Athenian political stage.³⁰ Meanwhile, Demosthenes has risen to the foremost position on that stage, guided Athens through a major defeat with sufficient dignity to be elected as speaker of the funeral oration for 338 (18.285) and – even with the apparent waning of his influence in the 330s, ceding place to Lycurgus, Demades, and perhaps Hyperides³¹ – is now able to draw once again on his trademark uses of the past, above all the marshalling of the vision of historic Athenian glory and reputation, informing the present and future, which Aeschines had hijacked in 343.

I also show that Aeschines, for his part, maintains the blend of ‘parallel-based’ and ‘continuum-based’ historical argumentation that had served him well in *On the Embassy*, but here partly revives the strategy of *Against Timarchus*, attempting some ambitious character-based self-modelling, perhaps because this was felt to work especially well in prosecutions. But the context is against him. Demosthenes, who had led Athens, could take the role of hero (and does so, unforgettably, at 18.169-79³²); the man endowed with clear (and grim) foresight wrong-footed by fortune and now harried by lesser men.³³ Self-fashioning by reference to specific figures was open to him – the ‘Periclean’ ethos has often been detected here³⁴ – but in fact, as in the Assembly speeches, he prefers to align himself with numerous figures who offer different facets of the whole self-characterization

³⁰ As noted also by Harris ([1995], 142), but not pursued; cf. the caution of Todd (2009), 165.

³¹ Increased political importance of the other three: Worthington (2000b), 100-2; (2010); Sealey (1993), 208-12; on Lycurgus’ ascendancy, e.g. Faraguna (1992), esp. 195-209; Sawada (1996), 74-82; Brun (2003a), (2005); Azoulay (2009); Demades: Brun (2000), modified by Demont ([2011], 41-2) in the light of the *Diondas* fragment; Hyperides’ place: Engels (1989), 94-209; Wirth (1999).

³² Admiration: e.g. [Long.] *Subl.* 10.7; Hermogenes *Id.* 291, 316, 320 Rabe.

³³ Heroism: Yunis (2000), 106, 111, 114-15 (collective; and cf. Demont [2011] 44-5 on Hyperides’ Thermopylae); Jaeger (1938), 195. Limits: Rowe (1966), 404.

³⁴ Yunis (1996), 268-77; (2001), 204 cf. importantly Mader (2007a), esp. 160, 176-7 on D.18.169-79.

he aims to project; and it would be fair to say that he models himself most of all on the heroic Demosthenes of 339-8 himself, still heroic after eight years of relative inactivity.³⁵ Aeschines could not do this so straightforwardly; and another of his strategic failures is not capitalizing more on that inactivity of the 330s. Probably he avoided doing so because he himself had done little in that period too (this is certainly Demosthenes' allegation).³⁶ So Demosthenes (still) has the contextual advantage, as well as a skilled defendant's natural advantage (i.e. greater freedom to be the game-changer in the contestation and adaptation stakes – cf. Aeschines in 343), honed in his case by the barrage of prosecutions since 338.³⁷ He must have been able to draw on and perfect material and arguments presented in those trials, about which we know virtually nothing.³⁸

Also helpful to him – and something Aeschines does nothing to counter in his single-minded focus on his target – was his at least broad, and probably closer, alignment with Lycurgus, currently piloting the Athenian recovery and bringing to court several figures identifiable with less than complete civic commitment in the post-Chaeronea fallout, among them Leocrates (quite possibly the second *ιδιώτης* mentioned by Aeschines at 3.252) but also Autolycus, perhaps the Areopagite we met in *Against Timarchus* (Lyc. 1.53 and F III), and Lysicles, one of the Athenian generals at Chaeronea (F XII).³⁹ Political

³⁵ Relative inactivity: Cawkwell (1969a), 173-80; Sealey (1993), 208; Sawada (1996), 67 (though I contest her inferences); Worthington (2000b); Herrman (2009b), 176-7.

³⁶ Aeschines' inactivity: Cawkwell (1969a), 166; Burke (1977), 334; Harris (1995), 138; Sawada (1996), 67-8.

³⁷ The attacks: D.18.249-50, 285, 322; Hyp. *Di.* 3.9-28; Plut. *Dem.* 21.1; Horváth (2009), 198-200.

³⁸ cf. the connections between speeches delivered by prosecutors in the Harpalus trials (e.g. Worthington [1992] 51-73). A Roman parallel might be the prosecution of P. Sulla in 62 by L. Torquatus; the latter's case would have been informed by other contemporary prosecutions of alleged Catilinarians (cf. Alexander [2003], 191), hence partly Cicero's need to explain his decision to act as defence advocate in *this* case (e.g. *Sul.* 3-10 Berry).

³⁹ Lycurgus' accusations: D.S. 16.88.1-2 (on Lysicles; he calls Lyc. a *πικρότατος...κατήγορος*); [Plut.], *Vit. Lyc.* 843d. Religious aspects to Lycurgus' prosecutions: Martin (2009), 156-65. Diodorus (Lyc. F XII.1) features the 'thousand (citizen) deaths' on Lysicles' watch; cf. strongly D.18.263-4, noting Aeschines' indifference to Athenian losses.

collaboration between Demosthenes and Lycurgus here has been canvassed.⁴⁰ Though this is probable, the important point for our purposes is that whereas ‘the establishment’ – Eubulus, Phocion – had been on Aeschines’ side in 343, Eubulus was now dead and it was Demosthenes’ turn to enjoy this advantage, aligned as he was with the strong moderate anti-Macedonian element represented by Lycurgus.⁴¹ The latter, like Demosthenes, was more than aware of the inspiring and culturally binding value of well-turned versions of the Athenian past, and his usage, like Demosthenes’, is rich and strategically important, as noted in the Introduction. Further, the recently-published portion of Hyperides’ defence against Diondas – the accuser whom we previously knew only from Demosthenes’ references in *On the Crown* (222, 249)⁴² – bears out a post-Chaeronea concern with setting reactions to the defeat in the context of Athenian reputation through the ages.⁴³ The preserved passages exhibit such close kinship with the Demosthenic material that in this case joint court strategies are likely (the Diondas case came up in 334, shortly after the abortive Crown case), and political collaboration certainly to be entertained.⁴⁴ One notable example of the kinship is an elegant reference to the Athenian contribution at Salamis,⁴⁵ a facet of the example also used by Demosthenes in our speech (238) as a parallel to the Athenian two-thirds contribution to the Theban alliance, thus stylishly deflating one of

⁴⁰ Burke (1977), esp. 335-40. The criticisms of Burke made by Harris ([1995], 173-4) and Sawada ([1996], 71-80) look less cogent now that we have a parallel model involving close work between Demosthenes and Hyperides: see below n.44. The suggestion of a close Hyperides-Lycurgus-Demosthenes alignment – at least in the period directly following Chaeronea (see Engels [1989], 118-36) – is aided by the new evidence that Diondas attacked them all in the same period (Hyp. *Di.* 3.15-22) and that Hyperides conceived of them as a set (τοῖς δὲ τάναντία ἐκείνῳι πολιτευομένοις, ll.13-14) confronting a pro-Philip set (τῶ[v] ὑπὲρ Φιλίππου πολιτευομένων, ll.10-11).

⁴¹ ‘Establishment’ support for Aeschines in 343: Harris (1995), 37-40, 118; Sawada (1996), 68.

⁴² See also [Plut.] *Vit. Hyp.* 848a; Eusebius *Praep. Ev.* 10.3.14-15 Mras (with Todd [2009], 163-4; Horváth [2009], in detail: 200-1 n.56). But note (with Demont [2011], 29-30) that this speech might *not* be from the trial we knew about from pseudo-Plutarch.

⁴³ e.g. Herrman (2009b), 176-8; he adds Hyp. *Epit.* and D. 60 to the mix.

⁴⁴ Dating: 334 (Carey et al. [2008], 3); more detail: Horváth (2009), 187-97 and Rhodes (2009), 223-6. Collaborative strategies: Rubinstein (2000), 224 n.89 and in Carey et al. (2008), 3; Todd (2009); Herrman (2009b), 179; Horváth (2009), 201; Demont (2011), 39-40.

⁴⁵ Hyp. *Di.* 4.8-17.

Aeschines' points (from A.3.145-6).⁴⁶ The precise proportions given by the two orators are in near accord.⁴⁷ Similarly, Lycurgus had referred to the battle of Delium in his prosecution of Lysicles.⁴⁸ Aeschines may have reckoned the post-Megalopolis context was right, not least in a climate where Demosthenes' associations with Lycurgus and the others failed to shelter him from frequent attack. There clearly was a pro-Macedonian narrative of the 330s whose exponents enjoyed wider support, and we would be wrong to buy Aeschines' rhetoric (250-4, esp. 252) and simply assume Lycurgus and the others were the only ones doing post-Chaeronea witch-hunting. Demosthenes' equally rhetorically-motivated list of prosecuting jackals is an appropriate counterweight.

Demosthenes' strategy – the acceptance of his record – therefore seems natural in a climate where he was constantly having to defend it (and it is interesting that Aeschines does not do more to head off such a strategy in advance). The reviving of the prosecution of Ctesiphon was an ideal context for him to return to the territory that had made him famous (cf. D.13.12) and develop – with his recent experience well to the fore – a landmark version of it. People would have wanted to hear it; the more answers they could get for what had happened in 338, and the more convincingly a viable future could be conjured that emphasized continuity with antique Athenian prowess, probably the better.⁴⁹ Demosthenes' complaint, as before – and his strategic way in – is not that Aeschines uses examples from the past, but that he uses them wrongly. *Against Ctesiphon* is indeed rich in historical argumentation of various types. A leitmotif – and a sensible (though not, as it turned out, a winning) strategy in the circumstances – is, as Brad Cook has recently reminded us, Aeschines' casting of himself as the authoritative 'good citizen' contrasted

⁴⁶ See e.g. Herrman (2009b), 179; on the ship numbers: Horváth (2009), 211-14 and Rhodes (2009), 226-8. Hyp. *Epit.* approaches the Persian War parallel in general (Herrman [2009b], 183).

⁴⁷ Horváth (2009), 212.

⁴⁸ Lyc. F XII.3 (from Harpocration s.v. ἐπὶ Δηλίου μάχῃ) with Conomis (1961), 138.

⁴⁹ Yunis (2000), 102-4; (2001), 12-17.

with Demosthenes' 'bad statesman' (effectively flipped by Demosthenes).⁵⁰ It is easy to figure the contestation of the past in these speeches as a contest over what constitutes good statesmanship, but that is more a concern of the Embassy speeches; here, Aeschines seems to accept the fact that he has not played a starring role in 330s politics.⁵¹ His solution is to make a virtue of it in his anticipation of the 'argument used seventy-two times' (3.215-25), to devise standards of good democratic behaviour to which only Demosthenes will be held (esp. 3.169-70), and to demonstrate not principally how he has measured up but how Demosthenes has fallen short.

Aeschines remains a simple citizen – and of a democracy. Kinship with the concerns of *Against Timarchus* is clear in his self-presentation as a moderate, largely self-effacing prosecutor (cf. the language of personal μετριότης again⁵²) dealing with a morally bankrupt 'politician' and his cronies (part, as we have seen, of Demosthenes' own early rhetoric, up to *Against Meidias*); in his extensive use of Solon; and in his emphasis on law and the courts, especially in the elaborate opening of the speech (1-8), as in the Timarchus case. We even have a reappearance of the slander about Aeschines' haunting of gymnasia seeking out attractive young men (3.216 cf. 1.135), something Demosthenes does not in fact follow up in *On the Crown*. In Aeschines' targeting of Demosthenes' malign influence on politics in particular, and in Demosthenes' tracing of Aeschines' gradual, cancerous self-infiltration into Greek affairs to their undoing (as part of the general νόσος – cf. 18.45), both speeches seem to echo the rhetoric of Aeschines' 'fifth century excursus' in *On the Embassy* (2.172-7), further attesting that passage's striking qualities. Both, it might

⁵⁰ See e.g. Usher (1999), 275; Buckler (2000), 145; Worman (2008), 213-74, esp. 217-18; Cook (2012).

⁵¹ Most of the Aeschinean activity that the two cover is pre-Chaeronea. The Delphi embassy is clearly most prominent. Less importantly: Aeschines' attempt to defend the alleged Macedonian agent Antiphon (18.132-4), and his deselection from the Delian embassy (134-5). See Cawkwell (1969a) esp. 173-80 and Worthington (2000b), 96-100 on the significance of each orator's privileging of different periods.

⁵² The language of μετριότης: A.3.9, 61, 170, 218; by association, 3.1, 57; by inversion, 3.11; cf. A.1.1, 3, 39, and by association 1.51.

be noted, also have much more to offer in the way of metaphor and especially simile than any previous speeches by their authors.⁵³ This contributes to the sense of occasion the trial presents and presented – with both orators engaging in serious, conscious literary artistry – and dovetails with the pictorial quality both of Aeschines’ bold self-positioning in historical settings (as ersatz-Solon at Delphi in particular, and his impressive final tableau) and of Demosthenes’ reassertion of the continuum of Athenian values whose explication and illustration was one of his hallmarks, undertaking large-scale contestation of Aeschinean passages. The climate nurtured in the *Third Olynthiac*, *Against Leptines* and elsewhere is intensified and given an even more explicitly probative function.

The key in all this is Demosthenes’ ability to sustain the cut and thrust of a personal quarrel while making his appeal primarily to the Athenian collective. Both orators constantly seek validation from the audience’s memories, as usual, and predominantly (as in the Embassy trial) from their direct memory of recent events rather than anything more distant. Both are interested in assimilating Demosthenes’ career, especially his recent career, to the civic legacy, and once again each presents versions of the recent and of the more distant past which are mutually reinforcing. It is Demosthenes, though, who stresses how much his recent career has been the *demos*’ experience too, and how much of it they themselves have approved. This idea is persuasive because it implies an infallible *demos* (or at least a *demos* whose intentions are infallible) – clearly a more attractive prospect than Aeschines’ despairing multitude led astray by the wiles of its leading men, in both Assembly (e.g. 3.141-2) and court (e.g. 3.192). It also relates well to Demosthenes’ master concept of the continuum of Athenian behaviour. The particular force of his famous *paradoxon* argument at 18.199-211 (that the Athenians should have acted as they did even

⁵³ For Demosthenes: e.g. Ronnet (1951), 176, 181; Wooten (1979), 326-7; Usher (1999), 276; Yunis (2001), 19.

if they had known the outcome of Chaeronea) is that in making these decisions – not being led to them by Demosthenes, who was merely an enabler – the Athenians were spontaneously (and finally) making decisions natural to and worthy of their reputation (but were simply foiled by fortune) (206: νῦν δ' ἐγὼ μὲν ὑμετέρας τὰς τοιαύτας προαιρέσεις ἀποφαίνω, καὶ δείκνυμι ὅτι καὶ πρὸ ἐμοῦ τοῦτ' εἶχεν τὸ φρόνημα ἢ πόλις).⁵⁴ Crucially, he gets closer to them than Aeschines does, claiming to understand their needs and contending – by mentioning that the relatives of the dead chose to hold the collective funeral meal at his house – that *they* know they are his sole concern (288).⁵⁵ It is a patriarchal self-casting, but not one that implies an asymmetrical relationship with the audience:⁵⁶ Demosthenes stresses that he is just one of them (γένει μὲν γὰρ ἕκαστος ἐκάστῳ μᾶλλον οἰκεῖος ἢν ἐμοῦ, κοινῇ δὲ πᾶσιν οὐδεὶς ἐγγυτέρῳ),⁵⁷ just as it happened to be him who stepped up – alone – the morning after the news from Elatea.⁵⁸

In this chapter's three sections, I examine the following aspects, all reflecting on both Aeschines' and Demosthenes' speeches. In the first, I analyse Aeschines' bold attempt to portray his intervention at Delphi in 340/39 as a Solonian defence of Athenian honour, aligning himself with the moral and didactic authority of the great legislator, and at how Demosthenes confronts this inventively. In the second, I look at Aeschines' peroration, where he summons up a remarkable tableau of great Athenians to help him accuse

⁵⁴ Yunis (2000), 114-15; (2001), 16-17; *Hyp. Di.* 1.25-2.5.

⁵⁵ On the passage: esp. Yunis (2001), 269.

⁵⁶ Asymmetry in audience-speaker relations: Ober (1989), e.g. 165-77, 182-91 on the potential for alienation; and for Rome: e.g. Hölkeskamp (1995), 242-6, 248-50; (2013); Morstein-Marx (2004), e.g. 246-58 and esp. 257. Elevation of the *bema*: Camp (1996), 43-5.

⁵⁷ There is a strong non-verbal echo here of Oedipus' speech to the afflicted people of Thebes in Sophocles (*OT* 59-64), noted by Wankel ([1976], 2.1230-1) and Usher ([1993], 268). Given the relevance of 'Theban plight' to the whole setup (cf. A.3.133) of the Crown trial, and given that Demosthenes was happy to quote a sizeable section of *Antigone* elsewhere (D.19.247), I see a dual allusion here to Thebes' fall in 335 and the disaster (for both cities) at Chaeronea (παθόντων ἃ μήποτ' ὄφελον, 288).

⁵⁸ See Rowe ([1966], 404) for Demosthenes' self-casting as the city's servant (18.62, 173, 211, 300); also Dyck (1985), 42, noting Plutarch's usage of the speech as an example of inoffensive periautology; for more references: Pernot (1998a), 118 n.67.

Demosthenes. Demosthenes' main response is to build the very powerful *paradoxon* argument, culminating in the oath sworn on the dead of the Persian Wars – the really relevant models for a post-Chaeronea Athens, he argues, are those who sacrificed themselves in that context. Again, we see a focus on the paradigmatic qualities of the recent past, with the past glories of Athens refracted through them. In the third, I discuss *Against Ctesiphon* 177-92, a string of paradigmatic material designed to support the charge that relates most directly to the spirit of Ctesiphon's crowning decree (namely that Demosthenes does not deserve to be crowned at all) and how Demosthenes devastates it in one casual phrase. The dynamic being traced here, in fact, tends not to be so much one of specific answering of individual points by Demosthenes as one of manufacture of other extended passages which can serve to upstage Aeschines' equivalents. But no passage matches another squarely, and Demosthenes fashions (for example) his defence of his primacy in the 330s (314-20) such that it will respond both to Aeschines' fifth-century examples (177-92) and to his final tableau (257-9).

5.1. Aeschines and Solon, Demosthenes and Demosthenes:

Authoritative Performance and Performative Authority

We saw in *Against Timarchus* that Aeschines was able to construct a particular affinity with Solon, and thus legitimize his prosecution. *On the Embassy* provided less of an opening, and he does not feature there at all.⁵⁹ But in *Against Ctesiphon*, Aeschines realizes once again Solon's potential for both general and specific bolstering of authority-based arguments, in four separate and significant places fairly evenly distributed through

⁵⁹ Aeschines might have planned to use Solon and then refrained (whether in performance or in post-trial revision) after Demosthenes' successful demolition of the statue illustration (at D.19.251-5).

the speech (3.2, 108, 174-6, 257-9). Each time, Solon's uniquely multifaceted appeal is stressed (2: as legislator encouraging *eukosmia* in the Assembly; 108: ἀνδρὸς καὶ νομοθετῆσαι δυνατοῦ καὶ περὶ ποιήσιν καὶ φιλοσοφίαν διατετριφότες; 175: ὁ παλαιὸς νομοθέτης; 257: τὸν καλλίστοις νόμοις κοσμήσαντα τὴν δημοκρατίαν, ἄνδρα φιλόσοφον καὶ νομοθέτην ἀγαθόν). (I postpone discussion of Solon's appearance in the peroration until the next section.) The appearance of Solon at §§174-6, legislating against cowardice, is relatively straightforward: a means of maintaining audience appreciation of the right way of doing things and disapproval of what Aeschines represents as desertion on Demosthenes' part at Chaeronea (probably just involvement in the general retreat).⁶⁰ It perhaps also serves to remind people by contrast of Aeschines' military record.⁶¹ But what really constructs Aeschines as Solon is the Amphissa-Delphi episode that begins at §107, and here Aeschines, like Solon, is a man – unlike Demosthenes – of both words and deeds.⁶² That is a key strand for Aeschines' development of his *ethos* in general in this speech; and, even though Aeschines, in his account of Demosthenes' career, has reached the period when he might talk about Demosthenes' alliance with Byzantium, he elects instead to compose this riveting set piece, not least because he needs to convince his audience a) that he actually did something useful between 343 and Chaeronea and b) that his visit to Delphi was a glorious vindication of Athenian honour rather than the disgraceful betrayal Demosthenes was to outline (18.140-59).⁶³

Aeschines claims to have performed, in 340/39, precisely the same role for Athens that Solon had done in the 590s: persuading the Amphictyons, assembled at Delphi and busy investigating an alleged infraction by the Athenians (116, *contra* D.18.150), to avenge

⁶⁰ See esp. Christ (2006), 134-41. Aeschines' rhetoric of the 'cowardly deserter': Cook (2012), 232-42.

⁶¹ cf. in particular A.2.167-71.

⁶² Demosthenes as 'all words': e.g. A.3.92, 166-7.

⁶³ See above, n.51, on Aeschines' inactivity.

themselves instead on those illegally cultivating the nearby sacred plain – Crisaeans or Cirrhaeans in the 590s, Amphissaeans in 340/39 (an apparently elaborate curse is quoted at §§110-12; cf. 120-1).⁶⁴ *Against Ctesiphon* 107-29 (especially §§116-24) is, in addition, a brilliant and underrated piece of dramatic ecphrastic narrative, Aeschines' masterpiece in this department.⁶⁵ The destruction of Crisa/Cirra,⁶⁶ whatever its historicity, appears to have been tenacious in Athenian popular memory,⁶⁷ so Aeschines would have found a receptive audience for his parallel. But there are a number of potentially destabilizing elements involved in his treatment. He passes over the fact that the action in the 590s was supposed to have precipitated the First Sacred War, corresponding to his wider need to dissociate the action he persuaded the Amphictyons to take in 340/39 as far as possible from Cottyphus' decision to appoint Philip commander of the Amphictyonic forces.⁶⁸ Awkwardly, he needs to present what was done under his own direction simultaneously as a local scrap rather than the beginning of the Fourth Sacred War which led directly to Chaeronea, and as a significant moment for the showcasing of Athenian piety and general renown.⁶⁹ Involved in this is the fact that while Solon's targets were the rather grand-sounding Cirrhaeans and Cragalidae (107: γένη παρανομώτατα⁷⁰), on whom our evidence is patchy,⁷¹ Aeschines' were the Locrians of Amphissa, hardly just local people but inhabitants of a significant *polis* fully linked up to the present alliance systems prevailing

⁶⁴ On the historicity of the 'First Sacred War': Robertson (1978) (mythical); Lehmann (1980) (taken as fact by the Athenians by 373: Isoc. 14.31); Tausend (1992), 34-47; Davies (1994); Sánchez (2001), 58-81; ancient sources in Rhodes (2012), 52-3.

⁶⁵ Usher ([1999], 290-1) gives it a brief mention; Londey ([1990], 248) is appreciative.

⁶⁶ For the nomenclature: Robertson (1978), 40-8.

⁶⁷ Examined by Steinbock ([2012], 301-19, 353).

⁶⁸ Roles of Cottyphus and Colosimmus: Westlake (1935), 189, 208-9; Sealey (1976), 487-8; Hammond and Griffith (1979), 586-8; Londey (1990), 256-7; Sánchez (2001), 239-43. Demosthenes (18.151) regards Cottyphus neutrally (*pace* the scholiast [266 Di]).

⁶⁹ On which see esp. Sánchez (2001), 227-43.

⁷⁰ There is something of a 'cities of the plain' quality to this phrase in apposition: cf. *Genesis* 18.20; and something of the Old Testament prophet about Aeschines. Robertson ([1978], 38-9) chooses his words well: 'the great city [cf. Babylon?: *Revelation* 14.8] of Crisa appears nowhere but as the exemplary target and victim of this crusade [the 'First Sacred War']'.

⁷¹ Robertson (above n.66).

in central Greece (116; though Aeschines does try to connect the two, calling the Amphissaeans ἄνδρες παρανομώτατοι, 113).⁷²

Further, although Plutarch (*Solon* 11) uses Aristotle's list of Pythian victors to attest to Solon being the prime mover in that early case (Σόλωνι τὴν γνώμην ἀναπιθείς, 11.2), it is only clear from what he says next that the records at Delphi attest Alcmaeon as general, not that they also speak of Solon as initiator. The only other source is Aeschines himself.⁷³ Pausanias, on the other hand, has Solon as a clever advisor, hired after the decision to go to war has already been taken.⁷⁴ So we cannot be absolutely sure even that Aeschines' version was a mainstream one, and disingenuous manipulation of a well-loved example may legitimately be canvassed. Even assuming that he *was* drawing on a mainstream Athenian tradition,⁷⁵ he still encountered a difficulty. In both the 590s and 340/39, Athens was just one of a number of players among the Amphictyons; Aeschines knew (2.172-6) that the era of Athenian primacy in Greece fell within the action of the fifth century. The difficulty, then, was that while he needed (as always) to present Solon within the frame of an unassailable, 'golden age' Athens, he had to reflect the present-day diffuse international reality in his account of 340/39. His solution, then, was to offer a stimulating image of a present-day Athenian statesman attempting to recapture a largely fictive ancient pre-eminence among the Amphictyons, with 'Σόλωνος εἰπόντος Ἀθηναίου τὴν γνώμην' (108). Athens's (and possibly Solon's) earlier role, and Aeschines' present role, are thus all finessed together.

⁷² Alliance systems: Londey (1990), 242, 246 n.44, 257-8.

⁷³ Both are deployed against the otherwise unknown Euanthes of Samos, mediated by Hermippus. See Bollansée (1999a), 198-201 with references; on the dubious status of the 'Δελφῶν ὑπομνήματα': 199 n.143 (cf. Robertson [1978], 60-3); on Plutarch's self-distancing from Euanthes (and Hermippus): 200; also (1999b), 109, 111-12. cf. on the problems Davies (1994), 198.

⁷⁴ Paus. 10.37.6-7.

⁷⁵ As most now do: Robertson (1978), 66-8, 73; Bollansée (1999a), 198-9.

Aeschines further enhances the links between the two episodes – strengthened by the alleged continuance to the present of the curse, oaths and oracle from the 590s (ἔτι καὶ νῦν, 113)⁷⁶ – by making Solon look as Aeschinean as possible without making the parallel explicit.⁷⁷ Like Aeschines, he composes poetry (108), and his reputation for φιλοσοφία (also 108) fits Aeschines well in a speech where he makes much of his own *paideia* and points to other people’s lack of it.⁷⁸ The Amphissaean antagonist in the session of *hieromnemes* at Delphi (117: ἄνθρωπος⁷⁹ ἀσελγέστατος καὶ ὡς ἐμοὶ ἐφαίνετο οὐδεμιᾶς παιδείας μετεσχηκῶς, ἴσως δὲ καὶ δαιμονίου τινὸς ἐξαμαρτάνειν προαγομένου) – probably the Amphissaean *hieromnemon* Callicron⁸⁰ – is built up to resemble Demosthenes, a connection Aeschines makes even easier for himself by stressing that Demosthenes was in the pay of Amphissa (113, 125). The Amphissaean is pro-Theban, like his countrymen (or, even better, their leaders – like him: 113) and like Demosthenes (more on this later). Like Demosthenes throughout *Against Ctesiphon*, he is ill-educated (οὐδεμιᾶς παιδείας μετεσχηκῶς). He is rude and abrasive, like Demosthenes and Ctesiphon (ἀναβοήσας, 117 cf. 2.106, 3.202). Finally, in a particularly neat twist, Aeschines even has this ersatz-Demosthenes badmouth Demosthenes’ real-life political ally, Hegesippus ‘Crobylus’ (118). But a careful touch of distance between them is preserved. One of the things Dinarchus was to find particularly useful in *Against Ctesiphon* was the notion of Demosthenes as a malevolent spirit;⁸¹ unlike Demosthenes, the Amphissaean is putatively led on *by* it, rather than embodying it (ἴσως δὲ καὶ δαιμονίου τινὸς ἐξαμαρτάνειν, 117).⁸²

⁷⁶ On the oath: e.g. Lefèvre (1998), 147-51 (and 352-4, responding to Sánchez [1997]); Sánchez (2001), 159-61.

⁷⁷ In a sense we approach ‘personal *exemplum*’ territory here – cf. aptly Lane Fox (1994), 136.

⁷⁸ *Paideia* language in A.3: 130, 241, 260.

⁷⁹ cf. the use of ἄνθρωπ at S. *Aj.* 1142, 1150, with Finglass (2011), 459-60 (noting parallels with fable).

⁸⁰ Callicron: Londey (1990), 244 (table); Lefèvre (1998), 79.

⁸¹ *Daimon* and *al(e)iter*- language: A.3.115, 157 cf. 131; and Din. 1.30-3, 77; cf. Demosthenes as a δυστυχία (D.*Ep.* 4.1).

⁸² The Amphissaean’s double stimulus (personal lack of *paideia* and possibly divine influence) recalls Hdt. 9.5.2 (εἴτε δὴ δεδεγμένους χρήματα παρὰ Μαρδονίου, εἴτε καὶ ταῦτά οἱ ἐάνδανε on the stoning of Lycides on Salamis; see the next section) (and Thymoetes in *Aeneid* 2.34!).

Aeschines' actors remain grounded in reality; it is the figure of Aeschines himself (and the setting in which they all operate) that participates in a context which avoids real temporal definitions.

Despite the problems with the Solon example, then, Aeschines attempts to offer a convincing parallel between distant and recent past. Demosthenes contests Aeschines' version in almost every detail (18.140-59). For him, Aeschines is the hireling (of Philip), his speech is dismissed as 'λόγους εὐπροσώπους καὶ μύθους' (149),⁸³ and it is claimed that he managed to persuade the Amphictyons only because they were unused to rhetoric (ἀνθρώπους ἀπείρους λόγων, 149), something Aeschines himself comes near to hinting.⁸⁴ Further, the warlike Amphictyonic excursion Aeschines describes is reduced to a survey (περιελθεῖν, 150) which ends in a farcical near-slaughter (μικροῦ κατηκόντισαν ἅπαντας, 151).⁸⁵ Importantly, Demosthenes also denies that the Athenians were under any kind of legal summons, and argues that Aeschines spoke unprovoked (150). Aeschines is further undermined by Demosthenes' playing on various elements of Aeschines' story (18.140-4): he claims Pythian Apollo for Athens (141),⁸⁶ seems to mock the grandeur of Aeschines' recital of the curse (142: τί οὖν ταῦτ' ἐπήραμαι καὶ διετεινάμην οὕτως;), and (143) almost casts himself – performing in the Athenian Assembly – as an unsuccessful version of Aeschines at Delphi, his loud objection stymied by a clique under Aeschines' direction. He does not dignify Aeschines' self-alignment with Solon with a response, and his adversary emerges as a posturing fool, overexcited to be in the distinguished company of the *hieromnemes* alone (again, something for which Aeschines had provided the fuel, candidly admitting his intemperate approach in a session he was not expected to attend:

⁸³ cf. Aeschines' speeches in Arcadia (D.19.11).

⁸⁴ A.3.122: κραυγή πολλή καὶ θόρυβος ἦν τῶν Ἀμφικτυόνων.

⁸⁵ Compare here the sheepish humour that comes from totalizing language in Lys. 3.18.

⁸⁶ cf. D.Ep. 4.3.

A.3.117). So far, though, so negative; Demosthenes has offered the audience nothing positive to substitute for the strong impression Aeschines must have made. His tactical ploy is to upstage, and that is by doing his own self-fashioning: as himself, in the same year as the Delphi episode.

The best-known passage in Demosthenes – beginning at §169 – functions as a comprehensive tactical answer to the effects Aeschines had aimed for with his Delphi episode, developing points of contact with it only to project a much more positive image of Athens’ (and especially Demosthenes’) activities over the previous decade.⁸⁷ It falls only a few paragraphs after the end of the discussion of what the Delphi affair precipitated (at §159), and, dramatically speaking, serves as a bracing variation from a straightforward explanation of how Philip faced (and was prepared to exploit) a divided Thebes and Athens (160-3, 168), and the reading of the associated documents (164-7), all sadly spurious.⁸⁸ Demosthenes’ achievement here – making his 339 self act as model for his *ethos* now – serves as a microcosm of his successful approach in devising presentational strategies in *On the Crown* as a whole: maintaining a balance between emphasis on his star-quality statesmanship and assertion of his status as one of a whole body of citizens who could easily have done what he did – and, unlike Aeschines, had the virtue to – but did not. In the Delphi episode, Aeschines is only interested in reminding the jurors how impressively he represented their interests in a context pregnant with historical symbolism (not least the alleged cause of the dispute: Athenian re-dedication of Persian War shield trophies inscribed “Ἀθηναῖοι ἀπὸ Μήδων καὶ Θηβαίων, ὅτε τὰναντία τοῖς Ἑλλησιν ἐμάχοντο” before the completion of the new temple [3.116]). Why the audience should care particularly in 330 is left unclear, and how Aeschines has protected or advanced their

⁸⁷ Renown: references and discussion: Wankel (1976), 2.846-8; Usher (1993), 230-1.

⁸⁸ Spuriousness of the documents: Yunis (2001), 29-31; Canevaro (2013), 304-10.

cause since 340/39 undisclosed. The rhetoric of the embedded speeches to Philip in 346 featured in *On the Embassy* – capitalizing on natural Athenian pride in a good performance by one of their own – fits less well here, after Chaeronea and the destruction of Thebes. In Demosthenes’ speech, however, his 339 is made scintillatingly relevant by his reminders of his continued work in their interest: what Ctesiphon’s 336 decree stated, in fact.⁸⁹ Comparing the two – Aeschines aligning himself with Solon, Demosthenes aligning himself with his former self – gives a good illustration of the dichotomy between Aeschinean past-based strategies (rooted in 343, and in the expectation that Demosthenes would bring on figures like Miltiades and Themistocles) and the Demosthenic equivalent (the recognition that what the audience needs is the elucidation of a continuum made explicitly relevant to their recent experiences, and the fashioning of a self-paradigm to help achieve that). It is made even more palpable by the fact that Aeschines’ subject-matter again revolves round his knowledge of and involvement with Amphictyonic dealings, and his willingness to talk about them at length (cf. esp. 2.114-17). On his side, Demosthenes does make use of the fifth-century heroes he loves to talk about,⁹⁰ but not quite in the way Aeschines seems to have expected. I now move to a syncrisis of the two key passages.

Demosthenes builds up his conception of the Assembly held after receiving the news of Philip’s capture of Elatea (169-80) via an almost paradoxical movement that raises the stakes by admitting that it was even more instrumental in bringing Athens into direct collision with Philip than Aeschines’ Delphi episode. Indeed, the *paradoxon* argument itself is only some sixteen sections away (seven of those [181-7] occupied by Demosthenes’ decree in our text⁹¹). But it is in the absorption accompanied by upstaging

⁸⁹ Nature of Ctesiphon’s decree: Gwatkin (1957); Harris (1994), 140-8; Cook (2009).

⁹⁰ A well-documented preference: e.g. Witte (1995), 68.

⁹¹ Pearson ([1976], 192) suggests that this was a chance for Demosthenes to rest his voice before the intense dramatic passage beginning at §169; Canevaro ([2013], 310-18) demonstrates the decree’s forged status.

of Aeschines' vivid passage that the persuasive key to the Elatea narrative lies. The elements are numerous and diverse; together, they offer a comprehensive demolition of Aeschines' assured dramatization. First, whereas Aeschines at Delphi is able to capitalize on a sweeping theatrical gesture (“ὄρᾱτ”, 119), indicating how the whole relevant terrain can be seen by the Amphictyons as they sit there (εὐσύνοπτον, 3.118⁹²), Demosthenes is seen to need no such gesture. When he comes forward, he is the only thing to look at because nobody else has moved (18.170, 173). The sole figure rising to the *bema* (173: καὶ παρελθὼν εἶπον εἰς ὑμᾶς) has prompted scholarly comparisons with Thucydides' lone and dignified Pericles.⁹³ That, though, underprivileges a crucial part of Demosthenes' presentation of his appeal: that despite his action, he is only doing what anyone else – any other regular speaker, anyway – could have done (and what everyone could reasonably have wished to do). That needs to be contrasted with the dominant position in affairs of which Thucydides' Pericles is presented as well aware.⁹⁴

The tone and pace, too, are important. Aeschines, even on his own account, bursts into an environment where he does not officially belong (3.117); he is foreign to the stage he attempts to dominate. Demosthenes, on the other hand, depicts himself as judging the moment perfectly, and having the right statesmanlike credentials at the right time (ἐκεῖνος ὁ καιρὸς καὶ ἡ ἡμέρα ἐκείνη οὐ μόνον εὖνουν καὶ πλούσιον ἄνδρα ἐκάλει, ἀλλὰ καὶ παρηκολουθηκότα τοῖς πράγμασιν ἐξ ἀρχῆς, καὶ συλλελογισμένον ὀρθῶς τίνος ἕνεκα ταῦτ' ἔπραττεν ὁ Φίλιππος καὶ τί βουλόμενος, 172).⁹⁵ Two other aspects become

Parts of it are too long (315-16) for its 339 context. A shorter decree means Demosthenes' transition here was even quicker.

⁹² A word, incidentally, with strong intellectual connections: Isoc. 15.172; Ar. *Po.* 1451a4 Kassel; *Pol.* 1323b7, 1327a1-2 Ross (similar usage to Aeschines'); *Rhet.* 1409a37; 1414a12.

⁹³ See above (Ch. 2); and esp. here Yunis (2001), 204.

⁹⁴ Pericles needing to assert what he stands for: Thuc. 2.60.5; 2.61.2 (with a tantalizing link between the latter's ἐξίσταμαι and the usage at D.18.319).

⁹⁵ cf. Slater (1988) on the language of epiphany here.

meaningful in Demosthenes' passage: what was a confessed piece of personal intemperateness in Aeschines, however engaging the candid expression of it, (3.118: οὐτῷ παρωξύνθην ὡς οὐδεπώποτ' ἐν τῷ ἑμαυτοῦ βίῳ) becomes a grand response to the call of the fatherland itself in Demosthenes (18.170: καλούσης δὲ τῆς {κοινης} πατρίδος {φωνῆς} τὸν ἐροῦνθ' ὑπὲρ σωτηρίας), an altogether more arresting – and moving – image. On top of that, Demosthenes turns his herald into the natural conduit for that common voice (ἦν γὰρ ὁ κῆρυξ κατὰ τοὺς νόμους φωνὴν ἀφήισι, ταύτην κοινήν τῆς πατρίδος δίκαιόν ἐστιν ἡγεῖσθαι, 170); Aeschines' herald had (in *oratio recta*, 3.122) required the presence of all delegates the next day at the Thyteum, but had not strayed into a more meaningful symbolic role.

The turning of night into day – and vice versa – plays a key dramatic role here too, noteworthy because darkness is something Demosthenes likes to associate with Aeschines and his services to Philip (cf. in this speech the sinister image at §159).⁹⁶ The passage begins as, symbolically, darkness falls (169: ἐσπέρα μὲν γὰρ ἦν...); the messenger arrives at dusk, with the agora tradesmen still active (τούς τ' ἐκ τῶν σκηνῶν τῶν κατὰ τὴν ἀγορὰν ἐξεῖργον), while the Assembly meets at daybreak (τῆ δ' ὕστεραία, ἅμα τῆ ἡμέρα, 169). The night of panic (καὶ θορύβου πλήρης ἦν ἡ πόλις) recalls nothing more clearly than Xenophon's grief-stricken Athens after receiving the news of Aegospotami in 405 (*Hell.* 2.2.3), which Demosthenes may be echoing (it would certainly have meant something more than historiographical to the very elderly in the audience).⁹⁷ The atmosphere

⁹⁶ Light and darkness: the darkness that prevents the audience from seeing Aeschines' treachery: 18.159 cf. 19.226. Aeschines operating in darkness: A.2.125-6 (replying to Demosthenes).

⁹⁷ The parallel is tonal rather than lexical, but compare, in any case, the Assembly the morning after (*X. Hell.* 2.2.4), just as in Demosthenes and Aeschines (τῆ δ' ὕστεραία ἐκκλησίαν ἐποίησαν); cf. Steinbock (2012), 291-5. Memories: a decent modern analogue (in 2013) for the fall of Athens could be the 1940-1 Blitz – the chronological distances involved differ by only a few years. The essential shared element is that the singular widespread distress produced by this kind of event is remembered by the very youngest (cf. esp. on children, Gardiner [2010], 193-9; postwar mythologized memory of it: Calder [1991]).

conjured by a few telling details crisply told seems deliberately to recall, and makes a significant advance on, the matter-of-fact daybreak meeting of the delegates with their spades and picks in Aeschines (3.123: τῆ δὲ ὑστεραία ἤκομεν ἕωθεν εἰς τὸν προειρημένον τόπον), while in order for the terrain to be seen by the *hieromnemes* (118) this session must be happening during the day (and finishes late in it: ἤδη δὲ πόρρω τῆς ἡμέρας ὄντος, 122) – bereft of dramatic possibilities.

Demosthenes is soon obeyed by a calm and united populace (18.179), whom he depicts as simply carrying out his measured, straightforward instructions, which are based on what is actually happening and carefully correct any misapprehensions (174). The contrast is strong with the angry and precipitate reaction of the Amphictyons (3.122) to an impassioned outburst by Aeschines which (like *Against Ctesiphon* itself up to a point) appeals to emotive events in the distant past in the hope of crowd-pleasing (121). Demosthenes, on the other hand (as in *On the Crown* more generally) advises his audience against spending too much time worrying about paradigms of Athenian relations with Thebes (which is what Philip wants: 176), and indeed, later, it is the Macedonian ambassadors in the Theban Assembly who think some capital is to be gained from citing Athenian hostility to the city (213), bearing out Demosthenes' prediction.⁹⁸ But the most important point of contrast between the two episodes is that Demosthenes' was successful, at least in the short term (188: τοῦτο τὸ ψήφισμα τὸν τότε τῆ πόλει περιστάντα κίνδυνον παρελθεῖν ἐποίησεν ὥσπερ νέφος), whereas Aeschines' was not, coming unstuck both immediately (D.18.151; A.3.123) and in the longer term; and Demosthenes is able to use his conclusion to hit home the version of the 'argument used seventy-two times' presently best applicable: that while Demosthenes was doing all this (covered esp. in the striking

⁹⁸ On Demosthenes' likely examples in the Theban Assembly: Steinbock (2012), 269-70; and cf. Plut. *Dem.* 9.1 for Demosthenes' historical knowledge about Thebes.

climax at §179⁹⁹), Aeschines did nothing (τότε τοίνυν κατ' ἐκεῖνον τὸν καιρὸν ὁ Παιανιεὺς ἐγὼ Βάπταλος Οἰνομάου τοῦ Κοθωκίδου σοῦ πλείονος ἄξιος ὦν ἐφάνην τῇ πατρίδι, 180 – cf. ἐφάνην, 173). The impugning of Aeschines' acting ability here gains particular point: in 340/339 Aeschines failed on the international stage as much as on any Athenian one, and now in 330 he has had his carefully-crafted theatrical tableau torn away from him and replaced with an altogether richer specimen.

The Demosthenic passage, rewriting the Aeschinean and 'doing it better', denies as it does so the validity of the self-alignment Aeschines had made with the distant past in the form of Solon and the early history of the Delphic Amphictyony, and thus subverts his approach more generally. Doubts may linger over whether Demosthenes could carry out so precise an upstaging as this so soon after the original was delivered. It is true that post-trial revision by Demosthenes – *perhaps* with a text of Aeschines' speech to hand¹⁰⁰ – is a strong possibility, and I am prepared to admit that Demosthenes may have revised this passage in some way. Indeed scholars may have shied away from connecting Aeschines' Delphi episode with Demosthenes' Elatea episode because they do not want to have to countenance the possibility that this remarkable passage only came into being at the revision stage. But just as strong is the possibility (or indeed likelihood) that Demosthenes, by this time a very experienced lawcourt speaker, had developed to a high degree the ability to isolate – while the prosecution speeches were in full flow – the points which he could capitalize on artistically.¹⁰¹ It is hard to be more certain without more Demosthenic defence speeches to look at, but given that this kind of fierce concentration was necessary to rebut the elements of the prosecution case in general, we should not neglect the likelihood that Demosthenes was not only planning his rebuttals but honing them. He

⁹⁹ cf. esp. Demetrius *On Style* 270 Innes (other references: Usher [1993], 234).

¹⁰⁰ *Contra*, Hubbard (2008), 195.

¹⁰¹ A high degree of mnemonic sophistication, honed by practice, needs to be canvassed too.

could, alternatively, have envisaged while planning his speech (which he probably did carefully in any case) that he might find room somewhere for a depiction of his glorious Assembly performance in 339 anyway – and now Aeschines gave him a context to knit it to, in an adversarial and artistic way. Either way, when he saw that Aeschines was taking pride in the virtuosic Delphi passage, he must have known this was something he could profitably challenge and upset, wrecking Aeschines’ credibility and asserting his own rhetorical credentials in the process. This model of competitive imitation or response will hold good for the next two sections.

The Elatea narrative is not the only place where Aeschines’ claim to a modern-day Solonian authority is undermined; Demosthenes directly challenges Aeschines’ early reference to him (A.3.2, on speakers’ *eukosmia*) in his own proem (18.6-7), by shifting the context to the courtroom, and using that to suggest that the kind of age-based precedence endorsed by Aeschines has no relevance to the present trial. Aeschines may think the first (and eldest) speaker should have priority (A.3.2) – he concludes that it would mean fewer trials – but trials by their very nature, and by the implicit direction of the Heliastic oath, involve the jurors listening to the second speaker just as closely (D.18.7). Demosthenes rejects Aeschines’ ideal procedure (which was probably never formally observed anyway, and unlikely to have been Solonian if it was¹⁰²); his Solon is, like Demosthenes himself throughout the speech, εὖνους...ὑμῖν καὶ δημοτικός (18.6).¹⁰³ An adroit piece of contesting of Solon as model has been spotted here,¹⁰⁴ helped along by Demosthenes’ exploration of Solon’s activities in the confident psychologizing terms Aeschines had used in one of his later Solon sections (ᾠετο δεῖν: 18.6 cf. A.3.175), and Lane Fox has indicated the

¹⁰² On this: esp. Knox (1976), 4-17; Lane Fox (1994), 147-9; Hobden (2007a), 491 n.7.

¹⁰³ Usage of *eunoia*: Hernández Muñoz (1989); Cook (2009).

¹⁰⁴ Richardson (1889), 35: Demosthenes matches A.3.2 ‘that [Solon] might not appear to belong to Aeschines as a patron saint’.

relevance of Aeschines' own age by this point.¹⁰⁵ Most important, perhaps, is that Demosthenes recycles the attractions Aeschines points out in his 'ideal first speaker' when he comes to depict himself coming before the Assembly the morning after the news from Elatea; like him, Demosthenes comes forward quietly (3.2 cf. 18.173) – without a movement from anyone else (170: οὐδὲν μᾶλλον ἀνίστατ' οὐδεῖς) – and speaks above all from practical experience (3.2: ἐξ ἐμπειρίας, cf. 18.172: παρηκολουθηκότα τοῖς πράγμασιν ἐξ ἀρχῆς, καὶ συλλελογισμένον ὀρθῶς).

The challenge to Aeschines, then, comes at numerous points, and not always explicitly. What Demosthenes pushes in each of the cases examined is his own continuing credentials as a director of public policy, and the impression of Aeschines as essentially a spent force, ready to be superseded at both the literary level and the level of the quarrel. It is true that there are moments here where Aeschines looks – to us as readers, anyway – in something of a creative rut:¹⁰⁶ even more so if we recall that his 'three constitutions' opening (3.6-7), clearly aimed to impress with its pithy summation of something 'everyone knows', is simply a slightly refurbished re-run of a similar passage in *Against Timarchus* (1.4-6). It would be wrong, though, to be left with an impression that Aeschines spends his prosecution speech struggling uphill – a peroration which he clearly expected to confound all comers is the subject of the next section.

¹⁰⁵ (1994), 149, though he does not suggest that Aeschines is conjuring Solon specifically.

¹⁰⁶ cf. Harris (1995), 142.

5.2. Mapping onto Ghosts: Aeschines' Peroration and Demosthenes' Climax

Aeschines sometimes encourages his audiences to imagine that they see something other than the court and the present trial taking place. This is especially prevalent in *Against Ctesiphon*, unsurprisingly, given that the whole prosecution involves leading the audience to a view of Demosthenes' behaviour completely other than the one they presently have (cf. 3.59-60). The technique has been subject to recent examination, not least by those working on theatricality in oratory and on the various types of kinship between the two genres (it is a form of *diatyposis*).¹⁰⁷ The natural explanation for Aeschines' proclivity towards it – which seems distinctive¹⁰⁸ – is the heightened appreciation of its possibilities that would (or at least might) come from his past career as an actor.¹⁰⁹ Manna-like for this topic is the moment in *Against Ctesiphon* (153) where, in lamenting the appointment of Demosthenes as funeral orator for 338 and seeking to demonstrate its inappropriateness, Aeschines asks the jurors to suspend belief for a moment and imagine (νομίσαθ' ὄρᾶν) they are in the theatre and see the herald making the proclamation (γένεσθε δὴ μοι μικρὸν χρόνον τὴν διανοίαν μὴ ἐν τῷ δικαστηρίῳ, ἀλλ' ἐν τῷ θεάτρῳ). But we need to be wary of over-swift conclusions about what interpretative direction this passage should take us in. Although it is good to have a passage where the mutuality of the two venues is explicitly referenced, it is also important to keep in mind that Aeschines only does it because the very idea of proclamation of the crown in the theatre is the substance of one of the legal charges (A.3.32-48; D.18.120-2) and because it happened to be the theatre where the

¹⁰⁷ Hernández Muñoz (2006); Hobden (2007a); Webb (2009); in general on the kinship: Ober (1989), 152-5; Hall (2006) (on isomorphism of theatre and courts); Duncan (2006), 58-89.

¹⁰⁸ Though Wohl ([2010], 40) rightly compares [D.] 59.115 (cf. Aesch. Ag. 1497-1504!).

¹⁰⁹ Aeschines as actor: Kindstrand (1982), 19-20, 93-5; Harris (1995), 30-1; Easterling (1999), esp. 156-62; Cooper (2000), 234; Hall (2006), 372-3; Duncan (2006), 58-89 (on his exploitation of it); Webb (2009), 146.

presentation of orphans had taken place.¹¹⁰ The point he wants to make is that Demosthenes has ‘orphaned’ a substantial section of the city’s youth by his policies (155: παραστησάμενος τὸν τῆς ὀρφανίας τοῖς παισὶν αἴτιον), and thus is the least appropriate person possible to receive the award proposed by Ctesiphon. If the Pnyx, for example, had been the place concerned in both these cases, it would have served just as well as a springboard for an image. It is more that given that the venue *is* the theatre, the possibilities multiply and Aeschines capitalizes on them. His deft performative moves are always made in the service of the argument; and the cost to the city of Demosthenes’ policies was the strongest line of argument he really had.¹¹¹

This technique – a variety of *enargeia* – is also applied (and more daringly) in the following passage, where the orator asks his audience to imagine they see (ταῖς γε διανοίαις ἀποβλέψατ’, 157) the plight of the Thebans after its destruction in 335; but it is perhaps at its grandest and most effective in Aeschines’ peroration, where it provides a vehicle for the historical argumentation. Up to a point it had done so in §154, where Aeschines laments the ‘old’ style of orphan ceremony as characteristic of a time when ‘εὐνομεῖτο μᾶλλον ἢ πόλις καὶ βελτίοσι προστάταις ἐχρῆτο’;¹¹² a typical piece of crowd-pleasing Aeschinean romanticizing intended to cut Demosthenes off from access to self-alignment with the fifth century. That separation is the function of the peroration too, but in an even more realized fashion. This is Aeschines’ ultimate articulation of the extent to which the city’s tradition revolts against Ctesiphon’s proposal, and, much as he had carefully mapped himself onto Solon (and vice versa) in the Delphi episode, he claims a selection of Athens’s ‘greats’ – Solon and Aristides – as his *synegoroi* (to match

¹¹⁰ For which (as well as Isoc. 8.82-3 and Lys. F 129) see esp. Goldhill e.g. (1987) esp. 63-8; cf. Rhodes (2003), 111-12, making a point similar to mine in a different connection.

¹¹¹ With Usher (1999), 288; Yunis (2000), 103. A weak legal case: Harris (1994), 142-8 vs. Gwatkin (1957).

¹¹² See *Ath. Pol.* 42.4 and, importantly, Dillery (2002), esp. 467-8.

Demosthenes': 257), but also as personal proxies. They are to be imagined not only accompanying him on the *bema*, but actually standing where he is standing (ὕπολαμβάνετε ὁρᾶν ἐπὶ τοῦ βήματος, οὗ νῦν ἐστηκὼς ἐγὼ λέγω..., 257).¹¹³ Simultaneously, Themistocles and the dead of Marathon and Plataea lurk in the background, about to groan at the decision being mooted (259).¹¹⁴ Dramatically, the scene is very impressively built up: alongside (and, in the sense just mentioned, *in place of*) Aeschines' own closing words, Solon begs the jurors to prioritize the laws and their oath over Demosthenes' speeches (257) while Aristides cites the condemnation of Arthmius of Zelea (258), who merely distributed money, as a reason not to allow the allegedly medizing Demosthenes – who took it – to be crowned.¹¹⁵

Strategically, we have here a decisive delineation by Aeschines of how he wishes his control of historical argumentation (and the invalidity of Demosthenes' usage) to be construed. Aeschines' self-alignment with Solon is picked up from the Delphi episode (108) and his other appearances in the speech, while Aristides is an exemplar Aeschines does occasionally use (1.25, 2.23, 3.181) and, more importantly, one instantly identifiable with standards of justice (cf. 181: ὁ δίκαιος ἐπικαλούμενος), here as in comedy and elsewhere.¹¹⁶ Here, Aeschines fills out the characterization (οὗ τελευτήσαντος τὰς θυγατέρας ἐξέδωκεν ὁ δῆμος, 258), but, crucially, has Aristides use Arthmius as an

¹¹³ On the peroration: in brief Webb (2009), 144-5.

¹¹⁴ As Clarke ([2008], 261) notes, especially vivid. The sentient dead are, of course, a *topos* (cf. e.g. Lys. 12.100; Andoc. 1.148), but if we accept the alignment at this time (and perhaps joint court strategies) of Lycurgus and Demosthenes, it is difficult not to be reminded (as Hobden [2007a], 500 is) of Lycurgus' begging and pleading countryside and cityscape (including the tombs) in the peroration of the recent *Against Leocrates* (1.150) (cf. the broader shared interests of the speeches noted by Sullivan [2002], 4). Aeschines had, after all, mentioned the Leocrates trial obliquely only a few moments earlier (252), in the context of some premier 'cabal rhetoric'. The suggestion would then be that Demosthenes has let the Athenians down by his misguided policies just as surely as Leocrates by his flight.

¹¹⁵ For Arthmius: D.9.41-6; 19.270-2; Din. 2.24-6; A.3.258; Colin (1933); Wallace (1970), 200-2; Meiggs (1972), 508-12; Nouhaud (1982), 239-42; Famerie (1992); Yatromanolaki (1997), 117-69.

¹¹⁶ Aristides as representative of justice: cf. Eupolis, *Demes* and Storey (2003), 129-31; also (2011), 97 and restoration of Aristides as speaker in the dialogue on *Pap. Cair.* 43227 (F 99); 'justice' in ll. 80, 91, 119; Braun (2000), 194-5. Plut. *Arist.*, esp. 6-7.

embedded example of his own, a very rare move indeed and one which brings Aristides even more sharply into the present – a statesman citing examples in front of a popular audience, just as Aeschines is. Arthmius, after all, appears prominently both in the *Third Philippic* (41-6) and *On the False Embassy* (271-2), such that the effect of 3.258 is to turn Aristides’ fire not only on Demosthenes’ alleged medizing for cash itself (δωροδοκῆσαντα καὶ ἔτι καὶ νῦν κεκτημένον) but on the honesty and integrity of his paradigmatic usage itself, underlined by the adoption of examples Demosthenes had made notable use of before.

The coherence of this series in Aeschines’ peroration functions, then, as the perfect antitype to Demosthenes, featuring law and the foundations of the jury courts (Solon), justice and the empire (Aristides himself) and, to a slightly subsidiary extent, Athenian heroism (Themistocles and the Persian War dead).¹¹⁷ Demosthenes and his dexterity with the past are left out in the cold with Arthmius, with no viable place in this cosmos of Athenian achievement as ‘correctly’ understood and interpreted. The choice of the examples is a skilful blend of assertion of the identifiably Aeschinean over the identifiably Demosthenic with procataleptic assimilation of likely Demosthenic material: Demosthenes might not be planning to mention Arthmius (though he might, in connection with Aeschines: that was the import of the reference in *On the False Embassy*) but some allusion to the Persian Wars was likely and Demosthenes’ relations with Persia worth stressing as an apotropaic manoeuvre.¹¹⁸ Once again, then, Aeschines sticks to the terms of 343, apparently content (even, presumably, in the revised version) with this passage’s

¹¹⁷ The apparent division of labour between the resurrected characters of Eupolis’ *Demes* again seems reflected (whether consciously or not); cf. Storey (2003), 129-33. Fourth-century speechwriters did read comic texts: Hall (2006), 388.

¹¹⁸ Aeschines’ stress on Demosthenes and Persia: 3.156, 173, 209 and obliquely 164. cf. Din. 1.10, 18; also Worthington ([2000b], 98-100) for valuable rationalization.

procataleptic force despite Demosthenes' decision to defend his political record on the basis of full acceptance rather than nuanced denial.¹¹⁹

Demosthenes' *paradoxon* argument (199-211) is aimed at dismantling all this. He refuses to respond anywhere in *On the Crown* to Aeschines' self-alignment with Aristides or indeed to the implied comparison with Arthmius, while (as has been pointed out¹²⁰) Solon appears in Demosthenes' proem (6-7) moments (presumably¹²¹) after his quasi-resurrection by Aeschines in 3.257. There, Demosthenes' stress is on Solon's democratic credentials (δημοτικός) and the εὔνοια that is so important to his own self-presentation in *On the Crown*. The motivation to wrest from Aeschines an example on which he had lavished attention and which he had made integral to his own image seems clear. What Demosthenes does instead is to play up the relevance to himself of the theme of the statesman's foresight and role in saving the city. Hyperides in *Diondas* also stressed how the anti-Macedonians had succeeded in keeping Philip and his army at a 'safe' distance, on the borders of Boeotia.¹²² To achieve his aim, Demosthenes magnifies Themistocles and the dead of Marathon and Plataea – secondary, as we saw, in Aeschines' version (259) – and makes Themistocles' leadership and the other Athenians' sacrifice the outstanding image of his response.

Demosthenes' *paradoxon* passage (199-211) does not respond only to Aeschines' peroration. His great oath (208: μὰ τοὺς Μαραθῶνι προκινδυνεύσαντας τῶν προγόνων, καὶ τοὺς ἐν Πλαταιαῖς παραταξαμένους, καὶ τοὺς ἐν Σαλαμῖνι ναυμαχήσαντας καὶ τοὺς ἐπ' Ἄρτεμισίῳ...etc.) recalls Aeschines' oath 'μὰ τοὺς θεοὺς τοὺς Ὀλυμπίους' and its

¹¹⁹ Strategic embracing of record: Yunis (2000), 104; (2001), 14.

¹²⁰ Cook (2009), 42.

¹²¹ There is the mysterious figure of Diodotus the *synegoros* ([Plut.] *Vit. Dem.* 846a) who might interpose: Rubinstein (2000), 241; MacDowell (2009), 386.

¹²² Hyp. *Di.* 5.20 cf. D.18.230, very closely.

accompanying claim that it would be inappropriate to mention Themistocles, Miltiades, the men of Phyle, and Aristides on the same day as Demosthenes (3.182). But the peroration, which picks up on this earlier passage, is nonetheless the chief target. For the peroration, Aeschines retained the cast members he did for good reasons: first, the men of Phyle were too numerous to work as proxy *synegoroi*, nor was the sense of mass (potential) self-sacrifice necessarily so strong with them.¹²³ Second, the whole point of mentioning Miltiades at §186 had – as we shall see – been to feature his problematic status *vis à vis* awards from the *demos*; again, a needlessly problematic figure to feature again in §§257-9. For his peroration, then – the moment when the priorities the jurors needed to have uppermost in their minds were those of law and justice¹²⁴ – Aeschines chose Aristides and gave him the already well-exercised figure of Solon as a companion, making his authoritative self-alignment complete. Themistocles and the Persian War dead, in the background, supported the theme of medizing broached by Aristides’ embedded deployment of Arthmius. Demosthenes’ achievement, in answering, is to put them centre stage, and to reverse not only the tendentious complexion Aeschines had given them in §§177-92, but especially the weight he had failed to put on them in §259. §§177-92 had been about the relationship between the *demos*, its leaders, and its rewards to them; §§257-9 had addressed what it means to be an Athenian statesman *sub specie aeternitatis*. For Demosthenes in 18.208, though, what happened at Marathon, Plataea, Salamis, Artemisium and the rest – and Chaeronea – expresses that most fully. He succeeds by avoiding special self-identification with any particular leader, or featuring any as especially responsible for or identifiable with this sort of expression of civic ethos.

¹²³ Hobden (2007b), 168-9.

¹²⁴ Peroration as moment for appeal to the judges to do their job: e.g. A.1.196, D.21.227, 23.219-220.

Themistocles is the exception, and even he does not make it in person into the oath section at 18.208. Demosthenes likes to use him,¹²⁵ and the qualities that he can embody – foresight and intelligence – are those that Demosthenes still wishes to impress on the audience on his own account too.¹²⁶ There are further complementary roles. In the context of the *paradoxon* argument, Demosthenes saved the city by showing the same kind of commitment and talent as Themistocles – the former’s land expedition against a barbarian matches the latter’s sea expedition against a barbarian. Both were in a sense responsible for losses: Themistocles for the destruction of the symbolic core of the physical city and those of its people who refused to evacuate; Demosthenes for the dead of Chaeronea. Both of them, however, saved the spiritual Athens, defined by liberty and principled resistance to autocracy (esp. 205) as well as by the survival of the majority. All this is conjured – in compressed form – by the reference to the 480 evacuation and the antithesis between the election of Themistocles and the stoning of Cyrsilus (and his wife) at §204. Alternative versions of the latter suggest that Demosthenes (unless he is relying on a different tradition) may have dislocated it temporally to suit the Chaeronea parallel better; the execution is made to seem to happen before the evacuation, just as Aeschines’ advice might be seen as symbolically rejected in the Athenian decision to fight Philip before the expedition to Chaeronea.¹²⁷ Either way, Themistocles and Cyrsilus must stand at some level for Demosthenes and Aeschines, but Demosthenes has no need to press it. His strategy is to stick to what is well known about his conception of the Athenian past, and to bind his own recent record as closely to it as possible. This is in fact a characteristically personal spin on (and possibly, in view of Demosthenes’ prominence, the definitive

¹²⁵ The appearances: D.13.21-2, 29; 20.73-4; 18.204; 19.303 (of the decree); 23.196-8, 205, 207.

¹²⁶ The most famous statement of them in Thuc. 1.138.3; Demosthenes’ study of Thucydides: e.g. Mader (2007a), 155-6; Gotteland (2010).

¹²⁷ In Hdt. 9.5, Lycides is stoned *after* Salamis, not before; D.18.204 may belong in a tradition which emphasizes Salamis at Plataea’s expense (Flower and Marincola [2002], 107). Cicero’s version (*Off.* 3.48 Winterbottom) follows Demosthenes.

version of) a more standardized paradigmatic key for Chaeronea already in use in anti-Macedonian circles:¹²⁸ Hyperides' *Diondas* features the same run of Persian War victories as Demosthenes' great oath did, and Lycurgus also conceives of the civic commitment displayed in 338 as paralleling the events of 480, with Leocrates as a latter-day Cysilus/Lycides, whom he cannot bear even to name (1.122-3).

Once again, the Demosthenes who acted in 339 is recommended as the most compelling analogue for the Demosthenes being targeted in the indictment of Ctesiphon. In his personalizing of the struggle – as brought to a particularly pointed adversarial level in 3.257-9 – Aeschines fails to engage with the civic collective in the way that Demosthenes repeatedly does. The latter's very rejection of an outcome-based evaluation of his policies' success (noted by Yunis¹²⁹) involves a reassessment of what those Persian War victories meant too, and increases their malleability as examples. Demosthenes detaches Marathon and Plataea from their role as further evidence of physical success (i.e. the victorious repulse of barbarian aggression) and stresses their symbolic instantiation of Athenian civic ideology – something that Chaeronea also instantiated – hence the oath itself, notable among $\mu\alpha$ -based invocations in addressing persons other than immortals.¹³⁰ For Demosthenes here, of course, they are not 'other' at all. The heading-off of the imputations of §§257-9 assumes a martial quality itself: Solon and Aristides are 'arrayed' against

¹²⁸ See Demont (2011), 44-5. Marathon is a good fit for Chaeronea in some ways (e.g. as a land battle), but not in others (i.e. less opportunity for figuring as a collective exercise, given the popular Athenian tradition that they had fought it alone – e.g. *Hyp. Di.* 4.17-19 – $\mu\acute{o}\nu\upsilon\iota$, 1.18; cf. *Lys.* 2.20, *Pl. Mx.* 240c (practically), *D.*60.10; Walters [1987]; Nouhaud [1982], 149-50). In that sense Salamis works better. The possibilities for matching battles are also entertained (with different casting) by Todd ([2009], 170-1): Hyperides' choice of Thermopylae (*Di.* 6.13-18) as an analogue for Chaeronea where Aegospotami had been 'a sort of perversion of Salamis' (171). cf. also Herrman (2009b), 177. In all the passages noted in the main text, though, the creation of tone is more important than the privileging of specific parallels.

¹²⁹ Yunis (2001), 14, but see Todd (2009), 165.

¹³⁰ Yunis (2001), 226; but given that Eupolis' Miltiades (or another character) used the $\mu\alpha$ form with reference to Marathon (F 106 'οὐ γὰρ μὰ τὴν Μαραθῶνι τὴν ἐμὴν μάχην...'; see Storey [2003], 136), we should resist thinking of the specific striking usage here as Demosthenes' invention (though the author of *On the Sublime* [16.2-4] explains how the two differ). It is possible that Demosthenes even intends a reference to some real or traditional coining of such a phrase by the historical Miltiades, which Eupolis would then be drawing on too to generate humour.

Demosthenes (the alleged deserter, we recall) (ἀντιπαρατεταγμένους, 3.257), and the choice of words is answered by Demosthenes' men at Plataea, παραταξαμένους (18.208). He presents this, then, as a clash of warring conceptions not only of the place that Chaeronea should now occupy in the Athenian consciousness but also of the validity of examples as wielded by himself or by Aeschines. Aeschines may have Solon and Aristides on his side, but Demosthenes can point to the thousands of dead of all kinds who have ever fought for Athens (καὶ πολλοὺς ἑτέρους τοὺς ἐν τοῖς δημοσίοις μνήμασι κειμένους ἀγαθοὺς ἄνδρας) – just as much part of the city's legacy as any quantity of identifiable 'great men'. That willingness to supply his hinterland with the whole sweep of events in the city's history (not just the Persian Wars, but the wars of the fourth century in which his audience would have fought, and their relatives and contemporaries would have died), as well as utterly obfuscating Chaeronea's status as either a defeat or a victory,¹³¹ works as an adroit parallel for Demosthenes' self-identification with each member of his audience. Again, just as any respectable patriot could have stood up in the Assembly on the morning after the Elatea news arrived (170), just so should the entire Athenian people regard itself as having made the correct choice in deciding to emulate its ancestors (206: ἄξια τῶν προγόνων φρονεῖν) – an empowering message to contrast with Aeschines' negative and reductive counsel of expediency.

5.3. The Orators and the Monuments: Fixity and Flexibility

Aeschines' other 'set piece' involving examples – in this case a long string of them – is the passage on public honours for leaders at §§177-92. This he carefully grounds in popular

¹³¹ cf. Lycurgus' role in instituting or reviving the cult of Good Fortune in the aftermath of Chaeronea: F V.6 (*On his Administration*). Perhaps he listed this among his achievements (cf. Conomis [1961], 103-4); on one of the key inscriptions, *IG II² 1195(+)*, Tracy (1994); Humphreys (2004), 66, 105-6 n.66, 119.

knowledge, sketching why his audience should care about these everyday landmarks charged with symbolic meaning (in a manner Demosthenes was to echo at 18.65-6), using a variation of the *enargeia*-based technique we noted earlier to take the jurors on a mental tour round the agora,¹³² and (for the part concerning the men of Phyle) renewing the appeal he had made in *On the Embassy* to the knowledge imparted to him by his now-deceased father Atrometus. But Demosthenes feels safe in simply dismissing the relevance of Aeschines' discussion (18.209-10), not answering it until just before his peroration (314-20) and then not in any of its detail. Why? Although the appeal to the monuments of the agora in 3.177-92 has been well discussed recently by Hobden and Webb, neither really assesses whether it is likely to have worked or not, and what Demosthenes' options were for refuting it.¹³³ As Hesk does so only in brief compass,¹³⁴ an extended analysis is attempted here.

The problem seems to come from a lack of coherence which arises not in the way Aeschines narrates his sequence – this is, as is usual for him, clear and vivid – but in the way he handles the individual items. His surface intention is palpable: to appeal to the authority of the *demos*' decisions about awards to its leaders through the ages and project those onto the jurors as the present embodiment of that collective.¹³⁵ In doing so, he re-implements a strategy from the Embassy trial, picking up on and turning to his own uses the idea of the continuum of Athenian values in its chronologically-anchored (and thus typically Demosthenic) form. This all seems geared to anticipate the identification with the *demos* that his opponent could be expected to undertake (and indeed does). But, as with his various overreactions in *On the Embassy* to Demosthenes' slurs about his attitude to the

¹³² We are very probably within the walls of the Heliaea, unroofed but perhaps with no obvious view out: Boegehold (1995), 93, 150-2.

¹³³ Hobden (2007a); Webb (2009), 138-47.

¹³⁴ Hesk (2012), 220-3.

¹³⁵ Webb (2009), 131-2.

past, Aeschines appears to ‘play Demosthenes’ almost too well here. At no point in his surviving public corpus does Demosthenes claim that the present Athenians are any *worse people* than the glorious ancestors,¹³⁶ but at §178 Aeschines does (ἄνδρες δὲ πότερον τότε ἀμείνους ἦσαν ἢ νυνί; τότε μὲν διαφέροντες, νυνὶ δὲ πολλῶ καταδεέστεροι).

There is nothing here for the audience to hope for or to aspire to. As we saw in Chapter Two, Demosthenes’ lambasting of the present in the Assembly speeches draws its persuasive cogency partly from its simultaneous incorporation of a consistent vein of optimism. Even as it criticizes, it encourages confidence that a more concentrated effort by the audience to act as becomes Athenians – midwifed by listening to Demosthenes – will yield glorious results (as, for example, at 13.13).¹³⁷ Aeschines’ assessment, by contrast, is bleak – potentially resentment-inducing. The point should be one about performance and achievement (in Demosthenes’ mouth it would be) but instead Aeschines makes fundamental capacity (καταδεέστεροι) the main issue – i.e. something very difficult to alter.¹³⁸ This claim is the springboard for a series of difficulties with the examples which follow. The sequence, briefly, shows a disconnect between Aeschines’ proof that the ancestors gave their awards to few people and the argument that Demosthenes does not deserve one. Nothing in 3.177-92 proves why, if the Athenians were to resume instantly the practice of honouring only a few, Demosthenes would not make the list. In order to attack Demosthenes’ award successfully, it needs to. Where Aeschines fails to plot the connection, Demosthenes does so – and both his responses, the dismissive one at 18.209-10 and the pre-peroration round-up at 18.314-20, seek to explain why he not only makes the list, but can claim to head it.

¹³⁶ This is an important distinction which qualifies Clarke’s ([2008], 278) view of the passage in this connection.

¹³⁷ Other examples: 2.1-2; 8.77; 9.4-5.

¹³⁸ Isocrates often uses it in φύσις and δόξα-related contexts, e.g. 2.7; 3.5/15.253; 3.18; 9.11, 13, 41; 15.191. Demosthenes’ ‘Then and Now’ usages: Jost (1935), 231-4.

A prime example of Aeschines' less than advantageous confrontation of the difficulties he manages to create for himself is the treatment of Miltiades, well-known as an embodiment of tension between democratic and aristocratic values and requiring handling with care.¹³⁹ Casting Miltiades outright as the ultimate successful anti-Demosthenes, the figurehead of Athens's greatest land victory versus the alleged deserter from the iconic recent land defeat at Chaeronea, might well have worked. That is certainly the way Aeschines initially looks as if he is going to use Miltiades. At §181, as ὁ τὴν ἐν Μαραθῶνι μάχην τοὺς βαρβάρους νικήσας, he is very much the iconic victorious general, and one of a number of figures (Themistocles at Salamis, the men of Phyle, Aristides) played off pithily against Demosthenes. But a set of problems arises. First, the reference to Themistocles (directly prior) had made very clear that the *demos* – not the general – was responsible for the victory at Salamis (Θεμιστοκλῆς ὁ στρατηγῆσας ὅτ' ἐν τῇ περὶ Σαλαμῖνα ναυμαχίᾳ τὸν Πέρσῃν ἐνίκησατε). That inconcinnity means Themistocles and Miltiades end up looking like strange paradigmatic bedfellows in a situation where less (or different) detail would have preserved the harmony they often exist in elsewhere (e.g. D.23.207).¹⁴⁰ Simplifying Miltiades so that he could function as an appropriate contrasting example for Demosthenes – like Themistocles – is a natural move; but Aeschines looks like he is creating unnecessary obstacles to the clear progression of his argument. The tendency of the list of 'greats' at §181 is, in fact, apart from Miltiades and his apparently lone victory (ὁ νικήσας), entirely demotic; and the whole point of Aeschines' subsequent discussion of the Herms voted to the generals after the victory at Eion (183-5), of the Marathon victory as depicted in the Stoa Poikile (186) and of the crowns voted to the restorers of the

¹³⁹ See esp. Hdt. 6.104.2; Nouhaud (1982), 169-77; Bauman (1990), 16-22; Vanotti (1991).

¹⁴⁰ Some sort of reflection of the tradition of the 'battle of the battles' – maintaining the demotic credentials of the sea victory over the hoplite victory at Marathon (under Miltiades' generalship) – might possibly be detected here: see e.g. Pelling (1997), 9-12.

democracy in 403 (187-92) is not only that the democracy awards honours for signal achievements (and is sovereign in that allocation) but that they are by their very nature *demos victories*.¹⁴¹ The awkward figure of Miltiades supplies cause for complication and doubt where what is needed is unanimity of implied condemnation of Demosthenes. But, as I suggest in a moment, this confusion may be precisely what Aeschines intends. As we saw with Leptines' forecast Herms argument in Chapter One (D.20.112), these issues mattered; how successful leaders and their entitlements were spun (and by whom) in the event and later was a minefield of contestability.

It makes sense that Aeschines' choice to leave Miltiades out later, in the peroration, must be motivated by a recognition of his problematic status. So it is interesting and revealing that he lays emphasis on him when he reappears at §186, in the discussion of the Marathon painting. Here, Miltiades may be simply the *strategos* of a wider *demos*; but he resumes his traditional aristocratic cast when he asks for honours – like ὁ νικήσας of §181:

τίς οὖν ἦν ὁ στρατηγός; οὕτως μὲν ἐρωτηθέντες ἅπαντες ἀποκρινεῖσθε ὅτι Μιλτιάδης, ἐκεῖ δὲ οὐκ ἐπιγέγραπται. πῶς; οὐκ ἤτησε ταύτην τὴν δωρεάν; ἤτησεν, ἀλλ' ὁ δῆμος οὐκ ἔδωκεν, ἀλλ' ἀντὶ τοῦ ὀνόματος συνεχώρησεν αὐτῷ πρῶτον γραφῆναι παρακαλοῦντι τοὺς στρατιώτας. (186)

Aeschines may be working with a tradition where Miltiades *did* ask, in person, to be named on the painting. Given the problems with this, though, we have to canvass the possibility that Aeschines is manipulating to suit the argument. Miltiades was dead well before the Stoa Poikile pictures were painted (whether we construe the Stoa as ultimately a

¹⁴¹ Plutarch has the people allowing Cimon to dedicate them: *Cim.* 7.3 (his choice: Clairmont [1983], 1.152). Blamire ([1989], 113-14) prefers Aeschines' interpretation, but: 1) Aeschines could be suppressing Cimon to make his point; 2) (just as likely) the association between Cimon and the Herms might have been weak by 330; or 3) (a combination) it might have been or become normal and natural to interpret the monument as Aeschines does, and so he is following a tradition: for which, see above (Ch.1) n.23.

‘demotic’ or a ‘Cimonian’ monument¹⁴²), so could not have made any request in person. Plutarch in fact reports another tradition entirely, where Miltiades claimed not a labelling on a painting (ταύτην τὴν δωρεάν) but an olive crown in the Assembly, only to be told by the war hero Sophanes that he could make that request if and when he defeated the enemy on his own.¹⁴³ An argument which took account of this tradition and compared the *demos*’ rejection of Miltiades’ (*Miltiades*’!) olive crown with its likely acceptance of Demosthenes’ gold one would seem to be signposted. It would combine two types of a *fortiori* argument to be found elsewhere in the orators. One, which we have met several times, emphasizes how correct it was even for great servants of the people to face punishment when they offended later.¹⁴⁴ The other type – dovetailing well with Aeschines’ theme – compares the defendant’s arrogant anticipation of high honours (and lack of a sense of proportion) with great former recipients’ acceptance of modest rewards. If Aeschines knew and wanted to draw on the tradition of Miltiades and the olive crown, then an argument of this second type had been conveniently staged in a very similar context – a high-profile prosecution of a secondary figure παρανόμων for proposing honours for a major statesman – only four years earlier, by the anti-Macedonians. This was Lycurgus’ use of Pericles in his speech *Against Cephisodotus on the Honours for Demades* (F IX.2), attacking the proposed award of a bronze statue and *sitiesis*.¹⁴⁵ Although some more context for the fragment would be helpful, Lycurgus’ point seems fairly clear: Pericles,

¹⁴² Demotic or ‘Cimonian’?: Loraux (1986), 63-4 and 372 nn.281-2, following Meiggs (1972), 96, 469-72; Castriota (1992), esp. 76-89; De Angelis (1996); Pelling (1997), 11-12; Stansbury-O’Donnell (2005), 78. In detail, Fiorini in Cruciani and Fiorini (1998), 19-76. In A.3: Hobden (2007a), 496. With special reference to our passage and Miltiades: Krumeich (1996) and (1997), 55-6.

¹⁴³ Plut. *Cim.* 8.1-2, with Blamire (1989), 114-15. Sophanes: Hdt. 6.92.3; 9.73-5; Paus. 1.29.5. This may be the tradition Eupolis is working in, if F 106 (‘Marathon, *my* battle’) is meant to parody any inflated sense of self-worth on Miltiades’ part (see n.130 above).

¹⁴⁴ As, e.g. in D.23.205 with Themistocles and Cimon; Din. 1.14, 16 with Timotheus; [D.] 26.6 with Miltiades himself (in the latter two cases with the similar context-specific tweak that the guilty accepted their punishment, whereas the defendant arrogantly refuses to). Lyc. 1.93 (Callistratus) is a not-fully-spelt-out variant.

¹⁴⁵ For which see esp. Conomis (1961), 126-8. A certain amount of collaboration between them, though: Lambert (2008/2012), 342 n.20.

though with a string of glorious achievements to his credit, was still only awarded a crown of olive.¹⁴⁶ (We note in passing that Pericles is not said to *request* anything.) Lycurgus' argument, then, is that Demades should be happy with that too, but (as with Aeschines' Demosthenes) wants more.

Why does Aeschines not make such arguments? He might simply not have known of the olive crown tradition;¹⁴⁷ or perhaps one version of it expressed disapproval of Sophanes' intervention, taking the emphasis off the appropriateness or otherwise of Miltiades' request. It is also possible that Aeschines was reserving the arguments for use with the men of Phyle a little further on: the 'great men who went to the bad' argument is used at §195 for Thrasybulus,¹⁴⁸ while the 'modest reward' argument itself appears at §187 when the men of Phyle receive, significantly, olive rather than gold crowns: θαλλοῦ στεφάνω...ἀλλ' οὐ χρυσῶ.¹⁴⁹ But there is another explanation available which does greater credit to Aeschines as a strategist, even if its execution means that the clear progression of his attack suffers. This would be that (despite the appearance of Miltiades in the line-up at §181) Aeschines actually does not *want* Miltiades to be either a wholly positive or a wholly negative figure. His aim is to complicate one of Demosthenes' favourite examples as far as possible by way of *procatalepsis* (we can see a good example of this with the role of the figure of Alcibiades in the Meidias trial).¹⁵⁰ If Demosthenes tried to put a positive spin on his own role in making Chaeronea happen, Miltiades and Marathon might be an

¹⁴⁶ Lyc. F IX.2: Περικλῆς δὲ ὁ Σάμον καὶ Εὐβοίαν καὶ Αἴγινα ἐλών, καὶ τὰ Προπύλαια καὶ τὸ Ὀιδεῖον καὶ τὸ Ἑκατόμπεδον οἰκοδομήσας, καὶ μύρια τέλαντα ἀργυρίου εἰς τὴν ἀκρόπολιν ἀνενεγκών, θαλλοῦ στεφάνω ἐστεφανώθη.

¹⁴⁷ Vanotti ([1991], 16) thinks the 330 audience *would* have known this alternative version.

¹⁴⁸ A partisan of Thrasybulus had used it in 403: cf. Lys. 34.1-2, 11.

¹⁴⁹ The honours: Shear (2007a), 106-7; more generally (2011), 287-94; Steinbock (2012), 237-45. Archinus' decree: *SEG* 48.45 with Raubitschek (1941) and Taylor (2002), esp. 390-6 (vs. Krentz [1982], 83-90); also Steinbock (2012), 239 (supporting Taylor, but see *SEG* 52.86). Thrasybulus' decree: *IG* II² 10 (see *RO* 4, 24-5 for a list of sources; Steinbock [2012], 241-5).

¹⁵⁰ Uses of Miltiades by Demosthenes in public speeches: 3.26; 13.21-2; D.19.303 (of the Decree); D.23.196-8, 207; [D.] 26.6.

obvious analogue – and we have seen how the two battles were connected by anti-Macedonians in the 330s. So Aeschines’ thinking might have been that Demosthenes would not be able to use Miltiades in his defence speech if the latter had been pulled in opposite directions sufficiently to be made meaningless by Aeschines in his prosecution (and it is true that, in our text at any rate, Demosthenes does *not* use him, focusing instead on Themistocles). The Miltiades who emerges from Aeschines’ treatment has been shorn of any fixed definitions. His precise role at Marathon (as opposed to his depiction in the front line), his demotic credentials, or otherwise, the character and purport of his claim of honours, and the nature of his activities post-Marathon are all rendered unclear. This is a case – to reverse Hobden – not so much of a recommendation of a particular reading as a denial of any particular reading’s validity.¹⁵¹ We are left unsure whether Miltiades can be a parallel for Demosthenes or not, and if he can be, what kind of parallel he might be.

I have focused on Miltiades, but there are other problematic items whose exposition by Aeschines might have been less ambiguous and thus perhaps more effective in front of an audience. One is the slightly eccentric, and certainly daring, parallel that he seems to draw between the return from Phyle in 403, led by the heroic democrats (181, 187-92) and the city’s climactic eclipse at Chaeronea, in a retreat involving the Phyleans’ ultimate antitype, Demosthenes. It is never quite spelt out, but all the elements are present.¹⁵² The men of Phyle are contrasted explicitly with those who fled at Chaeronea (187) – an obvious reference to Demosthenes, who has been absent since §182. If he is not on the same side as the men of Phyle, he can be nowhere but on the opposite side – and not simply thanks to the usual binary ‘my side/your side’ model standard in Aeschines’ and Demosthenes’ contests. At §188 Ctesiphon’s decree is said to cancel out the reward to the men of Phyle

¹⁵¹ Hobden (2007a), 495-6, 500; echoed by Webb (2009), 141.

¹⁵² On Phyleans vs. Demosthenes generally here, Hobden (2007b), 165-9.

(τούτω τῷ ψηφίσματι ἐξαλείφεται ἢ τῶν καταγαγόντων τὸν δῆμον δωρεά); it is the evocative use of ἐξαλείφεται brings out the full point. ‘Erasing’ laws and ordinances (and erasing people from rolls) connotes the oligarchic revolutions of 411 and 404,¹⁵³ and Aeschines spells out that link at §191, where he notes that the removal of the indictment παρανόμων – the present action – was one of the acts of the oligarchy (i.e., in context, the Thirty) (ἐναυλον γὰρ ἦν ἔτι τότε πᾶσιν ὅτι τηνικαῦτα ὁ δῆμος κατελύθη ἐπειδὴ τινες τὰς γραφὰς τῶν παρανόμων ἀνεῖλον).

By now, Demosthenes’ association with all this is fairly clear: §191 leads into a lament for the severity of the post-403 courts as opposed to the current situation (again, like §178, which began the passage, hardly likely to endear Aeschines to the present jurors!), and once again Atrometus – now some twelve years dead – is Aeschines’ informant. But here I think this is suspect. Not only does Aeschines seem to mistake, or blur, which oligarchic regime removed the procedure – that in itself would not worry us, because the Thirty could have done it too, or either Atrometus or Aeschines could have misremembered¹⁵⁴ – but there is a close match with a passage of Demosthenes’ *Against Timocrates* (154), of which A.3.191 may simply be a colourful adaptation (or of a *topos*).¹⁵⁵ ‘Atrometus’ detail about the old severity of the courts (191-2) looks an *ad hoc* contrivance, like the example involving the old Spartan in *Against Timarchus*, embedded in Aeschines’ ‘parallel Athens’ scheme. Further, Aeschines does nothing to develop this alignment of Demosthenes with the Thirty, and at §195, in (as Hobden points out) apparently aligning himself with

¹⁵³ *The Four Hundred*: Thuc. 8.67.2; *The Thirty*: Krentz (1982), 60-2; Shear (2011), 172-7; X. *Hell.* 2.3.51-2 (of Theramenes being ‘erased’ from the roll); a possible allusion in Lys. 1.48; esp. Lys. 30 on the post-403 politics of ‘erasure’ generally (esp. 30.2, 5, linked up with 9-16 [Nicomachus as closet oligarch] – see further Todd [1996], esp. 115-20). In general on the Thirty’s removal of laws: *Ath. Pol.* 35.2; Shear (2011), 166-87 esp. 175-80.

¹⁵⁴ *The Four Hundred*, not the *Thirty*: Thuc. 8.67.2; *Ath. Pol.* 29.4; but cf. Rhodes (1981), 378; (2010), 71; Hobden (2007b), 166; Hansen (1974), 55. See also Hobden ([2007a], 492-4, 498-9) on how all this links up with Aeschines’ proem.

¹⁵⁵ Wayte ([1882], 217), in turn, thinks Demosthenes took it from Thucydides. [D.] 58.34 suggests that it is a *topos*, but that need not rule this out.

Archinus, prosecuting Thrasybulus/Demosthenes παρανόμων, he unnecessarily complicates it.¹⁵⁶ There is not the consistency, say, of Demosthenes' suggestive referencing in *Against Leptines*. Hence it seems unlikely that an audience to whom their own march to, and retreat from, Chaeronea – both involving Demosthenes – can hardly have appeared *more* expressive of a united polity would buy this half-formed and rather strained parallel.¹⁵⁷ This sense of community is precisely the one Demosthenes devotes his defence speech to recapturing.

His first response (18.209-10) is to meet Aeschines' resumption of his 343 strategies with what he too had said in 343 – but inverted. His dismissal of *Against Ctesiphon* 177-92 almost seems to identify the tension in that section between what should normally be interlocking aims – proof of the example's validity and discrediting of the target. Aeschines' failure fully to articulate that allows Demosthenes to represent the section as simply irrelevant (209: τρόπαια καὶ μάχας καὶ παλαιὰ ἔργα ἔλεγες, ὧν τίνος προσεδεῖτο ὁ παρῶν ἀγῶν οὐτοσί;). The relevance of precisely these paraphernalia of civic pride was what Demosthenes had Aeschines criticizing in his version of the debate in 346 (D.19.16). After the *volte-face* of Aeschines' *On the Embassy*, with its prominent, 'Demosthenically' totalizing, excursus on fifth-century history, and the similar appropriative bias in *Against Ctesiphon*, Demosthenes is able to turn the tables completely. The reference to the requirements of the παρῶν ἀγῶν get to the bottom of Demosthenes' reactive strategy: the message is that this is 330, not 343, and that Demosthenes has by now transcended Aeschines completely. Answering Aeschines' athletic characterization of the jury as umpires at 3.180 (ἀγωνοθέτας πολιτικῆς ἀρετῆς), he relegates Aeschines to the realm of

¹⁵⁶ cf. also *Ath. Pol.* 40.2 and [Plut.] *Vit. Lys.* 835f-836a. Hobden's point ([2007b], 167) is neat because it has Aeschines conceding Demosthenes some recognition of his signal role in 339-8. But Archinus is unlikely to have suggested that Thrasybulus' proposal revealed oligarchic tendencies (Hansen [1974], 59; Wolpert [2002], 43-5). The proposal probably had support; a version of it was enacted in 401/0 (*IG II² 10 = RO 4*).

¹⁵⁷ Implying *demos* cowardice was a poor strategy: Ochs (1996), 135-6.

the theatrical, the fantastic (ὃ τρίταγωνιστά, 209), while he himself is the one who belongs in the fused world of physical exertion and high politics that Aeschines has manufactured (ἐμὲ δέ...τὸν περὶ τῶν πρωτείων σύμβουλον τῆ πόλει).¹⁵⁸ Consequently he can recommend that the jurors judge public affairs by the standards of their ancestors' glory with complete sangfroid (τὰς δὲ κοινὰς προαιρέσεις εἰς τὰ τῶν προγόνων ἀξιώματα ἀποβλέποντας, 210) because his *ethos* is so distinct from Aeschines'. When Aeschines talked about the past, then, it meant nothing, partly because it was Aeschines and partly because it was irrelevant, addressing a rhetorical situation long past. Demosthenes' own usage, he argues, is the usage that will take proper account of how far the city has travelled in those thirteen years and *still* be able to plot good connections with the all-important προγόνων ἀξιώματα, as its proponent always had.

Demosthenes' second response (314-20) rids the stage of virtually all parallels, all historical specifics except the Demosthenes of the war with Philip – Demosthenes is again recommended as the only valid available model for Demosthenes, and this time this is foregrounded and unmissable. The Philammon and Glaucus parallel, focusing on Aeschines' lack of understanding of how things have changed, reflects Demosthenes' strategy (so well that Aeschines could not resist the later insertion). Just as Aeschines fails to grasp the fact that it is perfectly valid *not* to allow a comparison of individuals of different eras, so has he also failed to comprehend that his old criticisms can no longer work. And Demosthenes' argument in §§314-20 succeeds where Aeschines' string of parallels had failed because it corresponds to the audience's real, relatively recent, lived

¹⁵⁸ πρωτεῖα language: cf. 18.66 (with Wankel [1976], 1.396 for parallels), 203, 321 too; cf. 3.27; 10.74. Related is the use of ἐφαμίλλου at 18.320: Cook (2009), 47-50.

experience;¹⁵⁹ and that experience *did* involve Demosthenes making speeches, decrees, and laws and going on embassies,¹⁶⁰ and being seen to do so (ἐγὼ κράτιστα λέγων ἐφαινόμην, καὶ τοῖς ἔμοῖς καὶ ψηφίσμασι καὶ νόμοις καὶ πρεσβείαις ἅπαντα διωκεῖτο, 320, cf. 179) (even if the claim that no other politician had ever been as active must be hyperbolic [219]). Importantly, Demosthenes also demonstrates how far Aeschines skews the valuable practice of historical reference, wresting the theory back; and again he does so by showing how the whole point of the ancestors' glory is that it continues now, expressed day by day in the laudable practice of talented and deserving individuals like Demosthenes (316). Aeschines' view is too literal, too fixed, too antiquarian and, above all, too derivative – and after all, only Demosthenes is allowed to use the past correctly.¹⁶¹ In comparing Aeschines' habits with those of all the sykophants who harassed great men through Athenian history (317), Demosthenes effects a neat alliance of concepts: the sykophant is nothing without the great man, can do nothing on his own account, as that means he has nothing to attack (διασύροντες, 317). In a similar way, Aeschines is nothing without Demosthenes' own virtuosic use of the past; the only strategies he can muster respond rather than initiate, and never look ahead (317: τοὺς {δὲ} πρότερον γεγενημένους ἐπήνουν), as Demosthenes always has done. This tells less than the whole story about Aeschines' creativity in *On the Embassy*, which, of course, Demosthenes would rather forget.

Demosthenes' response to Aeschines' maximized view of the field of comparanda for his activity is to claim that such comparanda are not only limited in number, but in fact do not exist: οὐδένα ἐξίσταμαι (319). The surface meaning is, of course, 'none of Demosthenes'

¹⁵⁹ Although it could be said that memories of his frenzied activity 340-338 might have faded by 330 - the years in between were apparently ones of inactivity (n.35 above; and, for another perspective, Lambert [2001]).

¹⁶⁰ In the period before and after Chaeronea: Sealey (1993), 185-201.

¹⁶¹ This is the key ingredient in the 'critical historicisation' Hesk talks of ([2012], 222).

contemporaries'; the historical figures are left out of account. But the swelling pride of this lapidary pronouncement ('I yield to no one' in Yunis' version¹⁶²) – as well as the preceding 'πρὸς ὄντινα βούλει τῶν ἀπάντων' (319) – must extend the remit. Recalling his claim to a rank separate from that occupied by earlier fourth-century politicians earlier in the speech (in that unlike the luminaries he names – including Callistratus and Aristophon – he moved proposals, took action *and* went on embassies: 219-20), it is worth wondering whether only the earlier heroes Aeschines features in his peroration would do as comparanda. By ensuring that his primary personal model is himself, Demosthenes transcends Aeschines' more objective illustrations (3.177-92) and puts on show for his audience not only a visceral personal connection with his material but also a consistent rationale for why they should endorse it. Aeschines' connections, by contrast, smell of the archives.¹⁶³ He had preferred the virtues of the dead to those of the living (3.178) and now Demosthenes qualifies that (316: οὐσας ὑπερμεγέθεις (οὐ μὲν οὖν εἴποι τις ἂν ἡλικίας)...), showing that the living have just as much – and more – to offer.

5.4. Conclusion

The Crown trial, then, takes its cue from the anxieties and priorities of the Embassy trial – at least for Aeschines. As Demosthenes reveals (and as Aeschines himself is unable to hide), Aeschines' public activity had not matched that of his opponent during the 330s, such that by 330 he might still have been 'the one who was acquitted after the Peace of Philocrates, but only just'. Demosthenes takes advantage of the divergence in their careers to demolish Aeschines' prosecution strategy, which, understandably enough, relies upon

¹⁶² Yunis (2005), 112. In his text ([2001], 103) he prints οὐδέν(α), but the temptation is strong here to read οὐδενὶ as in the *varia lectio* of the S Parisinus, supported by A and F (Dilts [2002], 317).

¹⁶³ Aeschines as secretary: Lane Fox (1994), 140-1; Harris (1995), 29-30; cf. Aeschines' mention of the Metroön (3.187). Attitudes to undersecretaries in oratory: Todd (1996), 112-13.

what had been voiced (and had succeeded, albeit narrowly) in 343 – which in part consisted in attempting to match Demosthenes’ sophisticated handling of the Athenian past and selling himself as just as compelling and accurate a guide to it. Demosthenes, emphasizing his statesmanlike qualities and the inherent virtue and quintessential reflection of the Athenian character in his unbroken policy of resistance, built on his Assembly record – which was now perhaps available for a wider audience to read and reflect upon – and produced the oratorical masterpiece of his career. But, fundamentally, it was the audience that had changed. Eight years after their defeat, Aeschines gave them nothing to believe in beyond the benefits of quiescent acceptance of Macedonian hegemony; and offering that, and only that, to a proud but conquered democratic audience in 330 could have nothing like the success that espousing a pragmatic and peace-focused policy had done – still – in 343. When noting his own election as the funeral orator for 338, Demosthenes comments that Demades was not chosen even though he had just concluded the peace with Philip (18.285).

In the Crown trial, the optimism he continued to nurture in the Assembly as the final showdown with Philip approached – the optimism, in fact, which we see him continue to foster in *On the Crown*, when he reports what he said after the fall of Elatea (174-8) – works itself out in an important new way: the involving of the audience in a commitment to the timeless evocation of Athenian values despite the huge upheaval generated by Macedonian victory. This is why the principal historical model used by Demosthenes is a recent one: himself. The mainspring of his assured handling of his historical material in this trial is his preparedness to assimilate himself to the fifth-century untouchables, exploiting the tension between maximizing recollection of his sterling efforts to avert defeat and the unreachable ‘classic’ status of figures like Miltiades and Aristides. In what

he depicts as a constant exercise of his intellectual gifts and his patriotic energy, he recommends himself effectively as the last in the series of Athenian ‘greats’, a Themistocles thwarted only by fortune. The spiritual Athens is evacuated to a safe realm once again, but not, this time, to the precarious safety of Salamis and Troezen, with the outcome still dependent on a battle. This time the refuge is unassailable, because it is a creation of nothing more – and nothing less – than Demosthenes’ oratory. The safe place is posterity itself.¹⁶⁴

¹⁶⁴ Oratory (and the *logismos* informing it) as providing protection in the abstract: cf. Demosthenes’ ‘walls of adamant’: A.3.84 cf. D.18.299-300.

6. CONCLUSION

I begin with a summary of the foregoing, and then move to a broader conclusion.

6.1. Summary

In Chapter One, I argued that the use of historical material in *Against Leptines* is part of a wide-ranging assault by the young and ambitious Demosthenes upon what he constructs as an atrophied political consensus: an alliance of elite interests whose self-interested and defective understanding of the Athenian past becomes a cogent reason not to trust their wider motivations for upholding Leptines' legislation. This project goes beyond *Against Leptines* itself and can also be found in his speeches for Diodorus and Euthycles, and is powerful testimony to Demosthenes' already having a sophisticated grasp of what the past could achieve when mobilized in a major public trial: a grasp no doubt developed by personal observation, much practice, and acute honing of an ability to spot both an opponent's weak points and the passages where he expected a virtuoso performance to win adherents. The Oropus trials – in 366, when Demosthenes was eighteen – may have been formative here, including as they did Lycoleon's daring appeal to the statue of Chabrias, Callistratus' memorable self-defence, and no doubt models of the kind of prosecution that made no secret of personal enmity as a motivation, in the speeches of Philostratus¹ and the eloquent Leodamas. I noted how the situation in 355/4 can be thought of as still responding to the political fallout of the Embata trials two years earlier, and the speeches

¹ Philostratus' bitter prosecuting style made an impression; Demosthenes rarely uses 'we all know' (πάντες ἴσμεν) as he does when recalling it at 21.64.

given there too will have given Demosthenes much to contemplate. Not least, they will have confirmed that giants could be killed: Iphicrates' and Timotheus' careers did not survive these trials. When Demosthenes confronted Leodamas and Aristophon in court in 355/4, he knew that a successful performance could enhance his profile very considerably; and his glossing of these political veterans as out of touch and associated with wrong-headed and damaging priorities draws on skilfully-managed historical material, both distant and recent. Above all, Demosthenes denies that the recent past – from the watershed moment of the award of a bronze statue to Conon in 393 onwards – can legitimately be thought less expressive of the Athenian continuum of values than the city's fifth-century heyday. That sends an empowering message to the audience that only a correct decision in this case is necessary for the continuum – and civic society – to function as it should. That decision implicitly involves exchanging political advisors, and giving Demosthenes and his allies a chance to succeed where the older generation had failed. The past is shown to be a useful way of coding (and decoding) more general political motivations.

In Chapter Two, I examined how that very appeal – to optimism based on the endorsement of Demosthenes as a trustworthy advisor – runs through the Assembly speeches. Stretching over a relatively tight, if eventful, period from 354 to 340, these testify to increasing Demosthenic agility with and investment in the persuasive potential of the past. Growing prominence on the public stage is mirrored by continuous refinement of the ideas communicated with the aid of historical examples in earlier speeches (though not every speech makes extensive use of this mode of persuasion – *On the Chersonese*, for example, deals with very recent events and tends to avoid much illustration of any kind). I was particularly interested to demonstrate two things: i) that Demosthenes' conception of

himself as a farsighted and impeccably democratic and well-intentioned statesmanlike figure is informed by frequent reference to a wide range of past models, personal and general; and ii) that his self-characterization often relies on surprises or pursued unlikelihoods, intended to provoke the curiosity and secure the attention and intellectual engagement of audiences. Although we are limited by our evidence for Assembly oratory in general, it is possible to see Demosthenes emerge from this examination as a deft marrier of developed historical detail to the situation at hand, based on the credibility and authority built up by previous successful performances (not least those where the issue had in fact accorded with Demosthenes' predictions rather than those of his rivals, always more plausible). His attentiveness to the stringent models presented by fifth-century and more recent Athenian behaviour enable Demosthenes the more convincingly to self-cast as a statesman who demands considerable effort from his hearers but who is also the only person who can help them realize the very potential as democratic citizens of which both Philip and Demosthenes' adversaries, for their different ends, would deprive them. Demosthenes' setting of himself and his audience in a context of past achievement is so fashioned as to provide a platform where orator and audience can meet and commune with one another, carefully separated from the erroneous or reductive views of the city's past adopted by other speakers.

In Chapter Three, I discussed two speeches – *Against Meidias* and *Against Timarchus* – where Demosthenes' and Aeschines' principal task is the application of the city's history to cases where the prosecution depends on judgments of the targets as people as much as political actors. I demonstrated how Demosthenes – who is under particular pressure to prove the public import of the case he is bringing – adjusts his practice quite significantly to fit these needs. Without further examples of speeches from this kind of action, we

cannot judge how representative he is; but what we can certainly elicit is the extent to which Demosthenes takes the opportunity to paint a positive picture of himself to contrast with the figure of Meidias he is shaping. In the extended section in which he expatiates on the life and career of Alcibiades, he makes it constantly clear that the points of comparison between Meidias and Alcibiades, which may at points look transparent enough, are in fact not all they seem: that Meidias can be compared usefully with nobody but himself, and judged purely on his own behaviour as a bad citizen, as instanced in the attack on Demosthenes in the Theatre. Also keen to particularize the behaviour of his victim is Aeschines in *Against Timarchus*, who is also interested in self-recommendation as a trustworthy and civically-engaged political operator. The discursive elements he deploys, however, efface his personality more than Demosthenes' do in *Against Meidias*; there is less of an appetite to self-construct by contrast, and more of a motivation to impose a carefully-constructed civic frame whose ethical profile, evoked in a wide range of historical illustrations, cannot accommodate someone like Timarchus. This overtly political prosecution also allowed us to broach the issue of contestation of models in didactic contexts in earnest, to consider possible responses by Aeschines to the public career of Timarchus' principal *synegoros* Demosthenes, and to develop the point that although Aeschines' characteristic conception of the Athenian past, on show in *On the Embassy* and *Against Ctesiphon*, involves a reliance upon individual set-piece depictions drawn from a 'parallel' traditional Athens, *Against Timarchus* deals with its acute absence of hard evidence by iterations, in different forms, of essential strands. It makes it easier to see that we should be talking as much about how astutely orators construe the needs of a particular case as about characteristic personal styles of historical reference (or indeed any distinction between usage in prosecution and defence speeches – very hard to divine when we have only one defence speech by each orator).

That balance assumed special importance in Chapters Four and Five, where I argued that in the Embassy and Crown trials each orator's use of the past (and indeed past use of the past) becomes central to his figuration of the gulf between himself and his own career and *ethos* and that of his opponent. It can also be seen knitted more closely to the main strategies than before, which is one of the reasons why I have felt confident in giving it a role in the assessment of the four speeches' overall effect and outcome. Of course, such a role is unlikely to be one we can pin down as easily as saying 'some jurors would have liked X or Y argument or example, and it would have helped them vote the way they did'. They (or rather some of them) may very well have liked X or Y, but within contexts both argumentative and, inevitably, performative: even assuming the speeches in the Crown trial (especially) were presented to the 330 audience substantially as we read them now, the 'reality check' that anything could have happened in performance must be borne in mind (to adapt a pithy formulation of Judith Mossman's: for all I know, it rained, and Demosthenes was struck by a coughing fit during the Elatea passage).² I hope to have shown that what emerges from each pair of speeches, especially the Crown speeches, is how far strategic choices are governed by the previous *dicanic* encounters of the litigants in question – and the historical argumentation involved plays a key role in articulating the strategies that arise from that dependence. The chief strategic need for each orator to determine is how far an element that informed a previous success of his own should be restaged and developed in the new encounter, relative to how far a high-visibility element raised by the opponent (whether in response or initially) in the previous encounter should now be targeted and undermined. Part of Demosthenes' success in the Crown trial is to find ways to capitalize on Aeschines' strategic error in assuming that reviving the modes

² Mossman (1995), 6-7 (also cf. Griffith and Carter [2011], 9 n.15).

of accusation prominent in the Embassy trial (where Aeschines had succeeded in securing a narrow acquittal) – especially experimentation with a Demosthenes-style chronologically-based continuum of values – could work in a context where Demosthenes now commanded widespread support, was well used to defending his record, and had with a group of allies including Lycurgus and Hyperides developed a compelling ‘past-connective’ public discourse for all in post-Chaeronea Athens to buy into;³ and this seems to have answered the needs of the jury in 330 better than the reductive spin offered by Aeschines.

The issue of the representativeness of these two inevitably limits the applicability of this study somewhat – one with more generous limits would have allowed the examination of the full oratorical corpus. But the dynamics observable in the cases of Demosthenes and Aeschines are precisely those we should expect for the combative and personality-based politics which Athenian cultural self-representation as a *polis* guided by intelligent and logical argument (a pose encouraged by orators, of course⁴), constantly attempted to efface. In public, the past was a weapon. It helped orators define their political standpoint, debate with others both in Assembly and courts, and to communicate ethical arguments engagingly to their audiences. At the same time, those very audiences stood there as silent (or indeed vocal⁵) arbiters of orators’ creativity and ambition with their historical material. Each audience member had his own ideas about his city’s past. Orators had to *take account* of audience expectations – and we tend to find them framing obvious departures from them carefully – but in order to recommend themselves as inspirational and imaginative public figures, and thus worthy of *demos* time, frustrating those expectations to prompt thought could be just as, if not more, important. Both Demosthenes and Aeschines

³ See above (Introduction), n.121.

⁴ Rational Athenians: D.23.109, and on intelligence cf. A.1.178, D.3.15.

⁵ Bers (1985); Tacon (2001); Thomas (2011).

understood this, and invested significant time and energy into their examples in the struggle – sometimes with each other – to be recognized.

6.2. Afterwards

To round off a study that has repeatedly grappled with the problems of reliability, credibility, and motivation raised by Athenian public oratory,⁶ it may be salutary to think for a moment about orators' *genuine* imitation of models, and countenance the possibility that Demosthenes had actually come by the closing stages of his career to believe in the version of Athens – or the vision of Athens – he had made integral to his political behaviour for so long. It was, after all, crucial to his image – how he had 'made' himself. Demetrius of Phalerum, via Plutarch, attests Demosthenes' conscious – if, in Demetrius' judgment, unsuccessful – imitation of the figures he cited.⁷ But Demosthenes' own complete immersion in a particular idea of what ancestral models could offer is also vividly suggested by an isolated example from very late in his career indeed. When conviction in the Harpalus trials of 323 sent him into exile,⁸ Demosthenes chose for his place of refuge a known Athenian (physical) *lieu de mémoire*, freighted with connections to the very period he had harked back to so much in his historical argumentation. He writes from Calauria, in the territory of Troezen, that he went there because he knew (ἤδειν) that Troezen was where the Athenians of the Persian Wars had gone, not because he was eager to go to a city where he might win renown (ἐν ἧ μεγίστα πράξειν αὐτὸς ἔμελλον) (*Second Letter* 18).⁹ Parallels with other famous exiles, Themistocles and Alcibiades, then, could

⁶ See summarily Harding (1987).

⁷ Plut. *Dem.* 14.2 (D.Ph. F 156).

⁸ Worthington (1992), 41-77; (2000b), 102-7; also Will (1983), 113-27

⁹ Hyperides also knew this (*Ath.* 31). cf. Hdt. 8.41.1, and Goldstein's ([1968], 244-5) and Clavaud's notes: (1987), 158-9. Troezen had helped Athens in the aftermath of Chaeronea too (Lyc. 1.42). Themistocles' role

no longer serve; they had been considered important men in their new Asian and Spartan contexts respectively.¹⁰ According to Plutarch, Demosthenes made the contrast with Alcibiades explicitly when, later in 323, he was recalled to help lead Athens – to its final eclipse in the Lamian War, as it turned out.¹¹ Demosthenes, then, was forging a straight connection between himself and the Athenian continuum, and one invested with characteristic optimism: after all, the Athenians returned from Troezen to make their city greater than ever before; Demosthenes might have hoped for a similar restoration.

This glimpse may take us beyond the ‘past-connectivity’ Lycurgus had been practising at an oratorical and a wider policy level for the last decade or more, until his death in 324. It attests the capacity of attentiveness to historical models to dictate basic behaviour and effect self-fashioning manoeuvres in a way familiar from the Roman personal *exemplum*. It may be important, then, to the understanding of Demosthenes’ conduct especially in the Crown trial that his sense of personal connection with his material be given some weight. There was certainly a narrative packaged for the *demos* by Demosthenes, Hyperides, Lycurgus, and others, reliant upon an alternative version of the present essential to which was that, as far as Athens’s value-system was concerned, nothing had happened in August 338. But as Yunis points out, Demosthenes builds *On the Crown* round an ambition to lock his audience into a project to perpetuate the spirit of Chaeronea¹² – this is cast as the culmination of an individual great orator’s dicanic *and* symbouleutic career, not just the articulation of a political line. Further, allowing consideration of the differing strengths and characters of orators’ personal connection with their material – however dimly we can trace them – helps make the parallel point that each orator had his own way of packaging

in the sending to Troezen, and the two famous decrees: Whitehead (2000), 342-3, with references. This all points to the Troezenian involvement being better remembered than Steinbock suggests ([2012], 98).

¹⁰ Alcibiades (at Sparta, at least): Plut. *Alc.* 23.3-6; Themistocles in Asia: Thuc. 1.138.5; Theopompus F 87.

¹¹ Plut. *Dem.* 27.1-28.1.

¹² Yunis (2001), 17; cf. strongly Lincoln’s Gettysburg Speech (para. 2) (with Wills [1992], 60-2).

elements of that narrative. The treatments in *On the Crown*, *Against Leocrates*, and *Against Diondas* share strategies and partake of identical historical illustrations, but there was much else that would have made them seem distinctive, above all performance itself. Both this group of speeches and how we are to conceptualize the role of ‘performance’ when analysing Greek oratory are currently attracting a good deal of scholarly attention, and the future possibilities are manifold.

In 323 Demosthenes and Hyperides collaborated once more to turn the spirit of Chaeronea into a reality, launching the largest fleet Athens had ever put to sea and engaging Leosthenes as commander. The fact that the disaster that followed brought with it the deaths of both orators¹³ and the subjection of Athens should do nothing to alter our view of 330, of what the *demos* wanted from its public speakers at that point, and of how fatally Aeschines appears to have misjudged that; or of the living force of the civic past, dramatizing their visions, sustaining their hopes, and, in Demosthenes’ hands, immortalizing (18.208) both their successes and their failures. The intensity and scope of this shaping of the past to make vital connections with a mass audience – and that it was important for politicians to argue about it – is what I hope to have broached in this thesis. We may add by way of coda that the sheer force of the past – the kind of connectedness to it that Demosthenes appears to have felt and that he and his allies nurtured in the city in the 330s and 320s – simply kept growing after the Macedonian takeover of Athens in 322.¹⁴ We return to where we started: honorific statues. In 280/79, on the motion of Demosthenes’ nephew Demochares, whose devotion to his uncle’s memory recommends him as more consciously prone to ‘past-connectivity’ than anyone else encountered in this

¹³ Bianchi (2004).

¹⁴ Shear (2012) on the honours for Demochares in 271/0; cf. those for Lycurgus in 307/6: [Plut.] *Vit. Lyc.* 850f-852e. On both, Gauthier (1985), 79-92.

study,¹⁵ Polyuctus' bronze Demosthenes was erected in the agora, and was seen by an admiring Pausanias in the company of Callias and Solon.¹⁶ By 330, and *On the Crown*, we saw Demosthenes strenuously staking a claim to the attention of posterity; now he had got his wish. The last – and ongoing – stage in the making of this orator was his transition to the ranks of the very figures he had cited, available for repeated exploitation and imitation by future generations.¹⁷

¹⁵ Asmonti (2004) (influence of Demosthenes on Demochares).

¹⁶ Paus. 1.8.2; cf. Plut. *Dem.* 30.5. cf. the statue of Lycurgus, voted in 308/7: Lambert (2012), 263-5.

¹⁷ cf. van der Blom (2010), 257-9; 266-7 (Cicero setting himself up: 293-339). Reception of Demosthenes as orator: esp. Wooten (1983); Harding (2000); Pernot (2006).

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ABBREVIATIONS AND NOTES

A number of authors (e.g. Aristophanes, Theopompus) are simply cited by their full name. Author and work abbreviations follow *LSJ*⁹, with the following exceptions: A. stands for Aeschines; A.A. for Aelius Aristides; Aesch. for Aeschylus (play abbreviations as *LSJ*⁹); Andoc. for Andocides; Ar. for Aristotle; D.Ph. for Demetrius of Phalerum; Plut. and [Plut.] for Plutarch and pseudo-Plutarch; Thuc. for Thucydides. The *Constitution of Athens* attributed to Aristotle is designated simply by *Ath. Pol.*, the *Rhetorica ad Alexandrum* attributed to Anaximenes by Anax. *RA*, and the treatise *On the Sublime* appears as [Long.] *Subl.* Dionysius of Halicarnassus' *First Letter to Ammaeus* appears as *Iamm.* and the Libanian and other *Argumenta* to Demosthenes' speeches in the form 'IArg. ad D.20 1' (first *hypothesis* to Demosthenes, *Against Leptines*, line 1).

For footnote and some in-text citations of Demosthenes and Aeschines, I adopt the practice of G.L. Cawkwell in his (1978) *Philip of Macedon* (London), namely referencing in the following form: e.g. 'D.3.21' for Demosthenes, *Third Olynthiac* 21 or 'A.3.21' for Aeschines, *Against Ctesiphon* 21. Pseudo-Demosthenic works appear in the form '[D.] 61.1'.

Fragmentary speeches of Dinarchus, Lycurgus, and Andocides are cited in the form 'Lyc. F IX.1' (for Lycurgus, *Against Cephisodotus on the Honours for Demades*, F 1) to reflect Conomis' and Maidment's practice of starting a new numbering sequence for the speech titles of fragmentary as opposed to extant speeches. Fragments of Hyperides, Isaeus, and Lysias are cited according to Jensen's, Thalheim's, and Carey's continuous numeration respectively.

<i>CEG</i>	P.A. Hansen (ed.) (1983-9), <i>Carmina Epigraphica Graeca</i> , Berlin
<i>FGrH</i>	F. Jacoby (ed.) (1923-58), <i>Die Fragmente der griechischen Historiker, I-III C</i> , Berlin and Leiden; also Bollansée (1999a) below
K-A	R. Kassel and C.F.L. Austin (eds.) (1983-), <i>Poetae Comici Graeci</i> , Berlin and New York
<i>IG</i>	<i>Inscriptiones Graecae</i> (various eds.) (1873-), Berlin
<i>LGPN II</i>	M.J. Osborne and S.G. Byrne (eds.) (1994), <i>A Lexicon of Greek Personal Names: Volume II: Attica</i> , Oxford
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