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Performing the Law:

The theatrical features of Demosthenes' *On the Crown*

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The theatrical features of Demosthenes' *On the Crown*

by

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Report

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Dedication

Τῷ πατρὶ καὶ τῇ μητρὶ καὶ τοῖς ἐμοῖς διδασκάλοις

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The University of Texas at Austin, 2010

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Scholarly analysis of rhetorical speeches over the last century has been concentrated on the “traditional” ways of approaching this kind of texts, without paying much attention to their theatrical nature. The old critical analysis paid attention primarily (if not exclusively) to textual issues such as the recognition of grammatical points and the use of such texts as sources of information about historical and legal issues. The interest of scholars focuses, recently, on the study of rhetorical speeches as performances. Although some critical approaches of Demosthenes' *On the Crown* appeared over the last few years, there is no systematic argument about the theatrical features of this masterpiece.

By reading *On the Crown*, I emphasize the connection between law and theater and I suggest that rhetoric has its own “performativity”. The speech is a judicial performance: the speaker is like an actor, the court rostrum is like a theatrical scene and the audience that

will vote for Demosthenes consists of the same people who take part in a theatrical performance, praising or booing the actors. The comic and tragic language and imagery, the use of emotional appeals (*pathos*) that is associated with the construction of characters (*ēthopoia*), and finally, delivery (*hypocrisis*) are important theatrical devices, which Demosthenes uses in the speech. This report has a twofold structure: first, it offers a brief theoretical survey of the above-mentioned theatrical devices. Second, it provides a text-based analysis of the theatrical features of *On the Crown*, discussing how Demosthenes by using theatrical techniques in his speech succeeds in persuading the audience of the Crown trial and gaining an overwhelming victory over Aeschines.

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Chapter 1. Introduction

[...] τοῦ ὑπὲρ Κτησιφῶντος
[λόγου], ὃν ἐγὼ κράτιστον
ἀποφαίνομαι πάντων λόγων·

(Dionysius of Halicarnassus, *On
Literary Composition* 25.153–5)

1.1 The trial on Demosthenes' Crown: historical context and the *graphē paranomōn*

Few works in Greek literature have been read more than Demosthenes' speech *On the Crown*, which is, as all ancient and modern critics admit, a masterpiece of rhetorical artistry. The majority of scholars nowadays emphasize the high literary value of Demosthenes' speech; the complexity of its rhetorical structure, the perspicuity of its argument, and the brightness of its style make this speech one of the best rhetorical speeches of classical rhetoric. It is impossible, however, for the reader to understand and evaluate the argumentative and rhetorical power of the speech without having in mind its historical context. The speech is, in fact, a valuable source of information about the sociopolitical situation within the Greek cities in the light of Macedonian expansion.

On the Crown displays the bitter rivalry between Demosthenes and Aeschines, which has its roots in the political situation of that era. The power of the kingdom of Macedon was at its peak, Philip II, a man of high political and military skills, had conquered important territories, and he was threatening the strategic interests of Athens. Amphipolis and Pydna (357 BC), Potidea (356), Methone (354), territories in Thrace (353-2), Thessaly (352), the area of Chalcidice and Olynthus

(349-8) are some of the territories that fell under the Macedonian power.¹ Philip was becoming dominant in Greek affairs and this fact posed a problem for Athens, which had to deal with the kingdom of Persia also. Macedon's influence increased even within Athens, despite the warnings of Demosthenes, who opposed Macedonian supremacy and defended Athenian independence and hegemony. Demosthenes delivered harsh speeches against Philip (*Philipics* 1–4 and *Olynthiacs* 1–3) urging the Athenians to stand up to him. After these Macedonian victories, Athens sued for peace with Macedon. In 346 BC, an Athenian delegation of ten envoys – with Demosthenes, Aeschines, and Philocrates among them – was officially sent to Pella to negotiate a peace treaty. The Athenian assembly accepted the terms Phillip imposed. However, when a second Athenian delegation arrived at Pella to put Phillip under oath, which was required to conclude the treaty, he was campaigning in Thrace, conquering regions of high importance for the Greek cities. Finally, the “Peace of Philocrates” was sworn, but it was considered a great failure for Athens because it legalized all the conquests made by Philip between the time the treaty was negotiated and the time it was ratified by oaths.

Demosthenes' and Aeschines' direct clash happened when Demosthenes accused Aeschines and the other envoys of venality (18.31; 36). In 343 BC Demosthenes delivered *On the False Embassy* against Aeschines, who was facing a charge of high treason. However, Aeschines was acquitted by a narrow margin of

¹ In 18.69–72, Demosthenes refers briefly to some of Philip's conquests.

votes.² In the meantime, Philip continued his campaigns against Greek cities and locations. In the winter of 339–338 BC, he passed through Thermopylae, entered Amphissa and defeated the Locrians. After this significant victory, Philip swiftly entered Phocis in 338 BC, and seized Elatea. Demosthenes orchestrated the creation of an alliance between Athens, Thebes, and other cities. Athens and the allies began war against Philip, the outcome of which was their defeat at the battle at Chaeronea (338 BC). The Macedonian victory meant the end of independence of the Greek cities and ended Athens' leading role in Greece.³ “Demosthenes had been the architect and foremost proponent of the policy that brought the Athenians to Chaeronea”.⁴ The Athenian defeat at Chaeronea injured Demosthenes' public image, but it did not “blacken” his prestige, since he was selected to give the funeral oration for those killed at Chaeronea.

In 337 (or 336), a little after the Athenian defeat at Chaeronea, Ctesiphon, a supporter of Demosthenes suggested that the *polis* might crown the orator in the Theater of Dionysus “because of his continuous devotion to the ‘higher good’ of the Athenian *dēmos*” (ὅτι διατελεῖ καὶ λέγων καὶ πράττων τὰ ἄριστα τῷ δήμῳ).⁵ This was a common procedure; the Athenians often honored prominent citizens as acknowledgement of their patriotism and virtue. The council accepted Ctesiphon's

² Plutarch, *Aeschines* 840c

³ This brief historical flashback is based on Yunis (2001) 1–6; Kennedy (1994) 76–8; Cawkwell (1969) 163 – 80.

⁴ Yunis (2005) 4–5. See also Yunis (2007) 372–3.

⁵ Aeschines, *Against Ctesiphon* 49–50. Although Ctesiphon's decree is lost, some excerpts of this text are included in Aeschines' *Against Ctesiphon* and Demosthenes' *On the Crown* 117–8.

decree, but Aeschines, using a *graphē paranomōn*, prevented the decree from being voted on in the assembly and led the whole case into the courts. This legal procedure gave to the court the opportunity to decide if a decree was incompatible with existing laws (*παράνομον* or *παρὰ τοὺς νόμους*).⁶ In some cases, the decree under indictment might concern the grant of honors or citizenship; in this case, the judges also decided if a person was worthy of honors or citizenship.

Aeschines' case was brought against Ctesiphon. Nonetheless, the main purpose of the prosecutor was to attack the life and career of Demosthenes, who was the true defendant in the court.⁷ The *graphē paranomōn* gave the courts the opportunity to think not only of various legal issues, but also of political issues of high importance for their city. The *dikastēria* had both a legal role and a political role, since they were responsible for protecting the Athenian democratic constitution and making decisions on behalf of the Athenian *dēmos*.⁸ The gist of *On the Crown* is that Aeschines is an enemy of Athens, a hireling of the king of Macedon, whereas Demosthenes is a patriot. Thus, the judges must accept Ctesiphon's decree and crown Demosthenes for his unwavering devotion to the best interest of Athens. Demosthenes himself admits that the trial is about "his acts of statesmanship" (18.57: *tois pepoliteumenois*).

⁶ For more information about *graphē paranomōn*, see Hansen (1974).

⁷ Rubinstein notes that Ctesiphon is "a pawn" in the game of hostility between Demosthenes and Aeschines. See Rubinstein (2000) 16.

⁸ Aristotle (*Athēnaiōn Politeia* 9.1) believes that a trial is a political procedure, where the Athenian *dēmos* has a sovereign role. From the secondary bibliography see Yunis (1988) 363 – 5, 369 – 71; Carey (1994) 172 – 3, 176; Rubinstein (2005) 131.

Aeschines' argument in *Against Ctesiphon* mixes legal and political pleas.

First, Aeschines asserts that Ctesiphon's decree was illegal (3.9–48). He centers his counterargument on the time of the decree, claiming that Demosthenes held a public office (*teichopoios*) and according to a law at Athens, he could not receive any public award during that period. Aeschines also argues that the place of Demosthenes' crowning is not right; customarily the crowning took place in the area of the assembly and not in the Theater of Dionysus.⁹ Second, Aeschines argues that Demosthenes is an enemy of the Athenian *dēmos* and that it was unacceptable to bestow such a great public honor on a politician whose foreign policy led Athens to destruction.

Demosthenes' counterargument centers primarily not on law,¹⁰ but on "worthiness" (especially in sections 113 and 266, where he emphasizes his continuous services on behalf of the interests of Athens). The orator, answering to Aeschines' allegations, calls on the members of the jury and the Athenian *dēmos* to crown him as an acknowledgement of his *philopatria* ("love for native land"). Demosthenes tries systematically throughout the speech to show his audience that his own crowning had symbolical perspectives: it could be an allegorical declaration of independence of

⁹ Cicero (*De Optimo Genere Oratorum* 7.19–23) outlines briefly the legal and political background of this trial. From secondary sources see Kochin (2002) 80; Yunis (2001) 7 – 9; Cawkwell (1969) 166; Sealey (1982) 289 – 302; Sickinger (2007) 292; Harris (1994) 130 – 50.

¹⁰ Demosthenes, of course, answers Aeschines' legal pleas; in 18.120–1, he cites a law that allows the crowning even in the Theater of Dionysus. Demosthenes, moreover, tries to prove that the arguments of his opponent about the time of crowning are assailable, noting in sections 113 and 117 that Aeschines misreads the law that, in fact, forbids the crowning of a person as acknowledgement of his performance in his office. In other words, Demosthenes was able to receive a crown while he held a public office, because this would be an award not for his services as *teichopoios*, but for his donation of money and for his "good services" towards Athens. In 18.114–6, the speaker refers to examples of people who received a crown while they were in office.

Athens, a refusal to accept the political and military supremacy of Macedonia.¹¹

Hence, the main purpose of *On the Crown* is to determine if Demosthenes is worthy of receiving the honorable crown for his patriotic actions and his leadership.

Aeschines expected that the indignation of the people for the devastation at Chaeronea, would give him the opportunity to nullify his opponent. However, unknown reasons delayed the trial.¹² Demosthenes, who delivered the speech in 330 BC, defends his political choices, praises his *ēthos* and his loyal citizenship, bitterly attacks Aeschines, and finally, defeats him by an overwhelming majority of votes.¹³

¹¹ Cawkwell has an interesting idea; he stresses that when Philip wanted to commend himself to the Greeks and invited representatives from the Greek cities, he received many crowns. In the pile of crowns, Philip found another from Athens. We can assume that Demosthenes, imagining that the majority of his fellow citizens might remember that Philip received a crown from Athens, tried to show that his crowning could be a declaration of Athens' independence from Macedonian power. Unfortunately, we have no clue that Philip received a crown from Athens and Cawkwell does not give any information about ancient sources, where he found this information. Cawkwell (1969) 167-8.

¹² There is no certain information about the reasons for the long delay of this trial. However, the unsettled political situation, owing to unexpected events (for example the assassination of Philip), seems to be a possible explanation. See Harris (1995) 140 – 8, 173 – 4.

¹³ Plutarch, *Demosthenes* (24.2.9–10): ἀλλ' οὕτω λαμπρῶς [Δημοσθένην] ἀπέλυσαν, ὥστε τὸ πέμπτον μέρος τῶν ψήφων Αἰσχίνην μὴ μεταλαβεῖν “but they acquitted (Demosthenes) so honorably, that Aeschines did not obtain the fifth part of their suffrages on his side”

1.2 Analyzing *On the Crown*: aims and methodology

The resemblances between theater and oratory might be more prominent in Athens, where theater was an integral part of social, cultural, and educational life. Plato (Laws 701a) accuses classical Athens of being a “theatrocracy” (θεατροκρατία); this shows that in fifth- and fourth-century Athens performance was a fundamental element in city’s life.¹⁴ According to Demosthenes (*Against Meidias* 156), politicians boasted that they were *chorēgoi*, people who paid for comedies and tragedies and this could be beneficial for their political careers. A first conclusion, which easily can be drawn from this statement, is that both the audience of a trial and that of a theatrical performance consisted of the same people. Athens has a “performance culture”, and “its democracy might depend on performance in specific and special ways, for all that gymnasia, symposia, political assemblies, festivals (for example) are seen throughout Greek culture”.¹⁵ The Athenian *polis* offered a special payment (*theorica* or *theoricon* “money for spectacle”) to the destitute in order to attend theatrical activities.¹⁶ Thus, in the Athenian ideological and cultural system rhetoric and theater are closely connected to each other. Furthermore, there were significant similarities between dramatists and orators: both were citizens of Athens and “occupied a prestigious place within the city’s speech regime”.¹⁷ Orators like dramatists sought to gain the sympathy of mass audiences and of judges who made

¹⁴ Thomas (2003) 348-9.

¹⁵ Goldhill (1999) 1.

¹⁶ For a detailed discussion about *theoricon*, see Wilson (1997) 98 – 101.

¹⁷ Rosenbloom (2009) 194.

the final decisions about the winner of both a law-court trial and a dramatic contest. Finally, the audiences of both orators and actors consisted of (almost) the same people.¹⁸ Another proof of the close relationship between theatre and law is the fact that the biographical sources about Demosthenes' life insist on associating him with acting and actors. Plutarch in the *Life of the Ten Orators* claims that the actor Satyros was Demosthenes' teacher of delivery (7) and that the orator considered his weak voice a flaw and trained it using pebbles (11). Quintilian, in *Institutio Oratoria* (11.3.7–8) and the Byzantine lexicographer Photius, in his work *Library* (265.493a42–b16), mention that Demosthenes was a student of the actor Andronicus, who taught him the secrets of delivery.

A few scholars, nowadays, work on the theatrical aspect of *On the Crown*. The fact that the speeches are representations of oral performances moves the interest of scholars to the study of the relationship between rhetoric, performance, and narrative. It would be useful to outline briefly some of the most important scholarly analyses of this debated issue. Carey, discussing Aristotle's *Rhetoric*, which is one of the most important rhetorical treatises that deal with the theatrical nature of rhetoric, presents an argument about the emotive power of spoken words (*pathos*) and the depiction of the *ēthos* of litigants, showing that orators and tragic poets use the same techniques in order to persuade their audience.¹⁹ Slater recognizes that a strong connection between rhetoric and theater exists. Discussing some Greek and Latin

¹⁸ Rosenbloom (2009) 194, 197–8.

¹⁹ Carey (1994) 26 – 45.

works, he tackles various aspects of “theatricality” such as the use of tragic and comic language and imagery, the use of emotional appeals in a rhetorical *logos* and the relationship between a speaker and his audience.²⁰ The same issues are on the center of Sifakis’ study, who adds two additional aspects of performance; first, the way a speaker delivers his speech (*hypocrisis*), and second, the importance of rhythm in a speech.²¹ Hall’s work is valuable; she detects and analyzes the common links between the ancient Greek drama and oratory, focusing her investigation on the construction of characters, the use of tragedy and comedy in a speech, and delivery.²²

However, the works of these scholars are more like a survey of ancient theories about the theatrical nature of rhetorical speeches. A few works include occasional references to the theatrical context of Demosthenes’ *On the Crown*. Classen points out that a speech is “a three-cornered dialogue” between the two litigants and the audience. Examining how Demosthenes (and Aeschines) develops theatrical techniques, in order to control his audience, Classen argues that character drawing (*ēthopoia*) is an important means of persuasion, since its main aim is to establish the speaker’s authority to the audience and deconstruct his opponent’s.²³ Easterling concentrates her study on Demosthenes’ techniques of persuasion in *On the Crown*. She discusses the use of comic language and coarse invectives in the speech, as a means to ridicule Aeschines’ life and career, and destroy his public

²⁰ Slater (1995) 143 – 57.

²¹ Sifakis (2002) 148 – 64.

²² Hall (2006) 353 – 92.

²³ Classen (1991) 195 – 207.

profile.²⁴ Duncan analyzes Demosthenes' speeches, pointing out that our speaker uses *topoi* of tragedy and present himself as a tragic hero, who fought to protect Athens contrary to Philip. Although I found the argument of Duncan stimulating, nevertheless I argue that her idea is not completely accurate, since Demosthenes has analogies to a tragic hero but he has not all the qualities of a tragic hero. The most recent commentary on *On the Crown* that of Yunis, is a useful work, which treats the speech primarily as a masterpiece of rhetorical artistry, explaining the orator's choices of vocabulary and providing information about the use of language highly suggestive of tragedy and comedy. However, Yunis' work does not provide a systematic argument about the theatrical elements of Demosthenes' masterwork. In fact, the structure and the aims of a commentary do not give him the opportunity to do so.²⁵

Despite the work done, modern bibliography lacks a complete analysis of all the theatrical features of Demosthenes' masterpiece. My report seeks to cover this lack, focusing specifically on the theatrical nature of *On the Crown*. The goal of chapter 2 is twofold. First, it presents a brief theoretical survey of the elements of "theatricality" that are under examination, namely the use of tragic and comic elements, the emphasis that the speaker places on the emotive power of his speech (*pathos*), the construction of characters (*ēthopoiia*), and the interaction between orator and audience, which may be summed up as *hypocrisis* "delivery". We present

²⁴ Easterling (1999) 154 – 66.

²⁵ Yunis (2001).

how various rhetorical treatises discuss these elements and why they consider them indispensable means of persuasion. The basis of this theoretical survey is Aristotle's *Rhetoric*, which is a systematic argument about the art of rhetoric in classical Athens. It describes several techniques that speakers use in order to elicit the sympathy of their audiences. Aristotle discusses almost all the issues that are under examination in this report; from emotions to characters and from delivery techniques to specific techniques employed by the orator, such as the use of comic language and laughter in a speech and the importance of such a use. This theoretical survey includes also select works from Cicero, especially *De Oratore* and *Rhetorica ad Herennium*, Quintilian's *Institutio Oratoria* and Dionysius of Halicarnassus' *On Demosthenes' Diction*.²⁶

Second, chapter 2 provides introductory information about the theatrical features of Demosthenes' *On the Crown*, in order to create the first comprehensive picture about the theatrical nature of this masterwork and prepare the reader for the text-based analysis of this speech in chapter 3.

Chapter 3 aims to answer two questions: how Demosthenes uses the theatrical elements mentioned above in his speech and why. This chapter investigates the affinity of Demosthenes' speech with tragic and comic plays. *On the Crown* is closely associated with language, imagery, and themes taken from comedy and tragedy. Furthermore, *ēthos* and *pathos* are connected with the dramatic genres and Demosthenes emphasizes this connection in his speech. Moreover, some parts of *On*

²⁶ In chapter 3, we include Hermogenes' *On the Types of Style*, a work that discusses several stylistic virtues of a rhetorical speech with many references to the techniques of style that Demosthenes uses in his speeches and especially in *On the Crown*.

the Crown provide us with more or less clear information about *hypocrisis* and theatrical “staginess”. Examining the theatrical techniques that Demosthenes uses in his masterwork, my report shows how the speaker succeeds in controlling the thoughts and emotions of the audience, winning it over.

Before proceeding to the next chapter, it is necessary to discuss briefly several counterarguments to what I suggest, clarifying, therefore, the whole situation about theatricality in rhetorical speeches. *Audiatur et altera pars*; one could claim that what I describe above as devices of theatricality, such as the vocal delivery of a speech, gestures, facial expressions, contrast of emotions and so forth, are “normal” and “expected” aspects of courtroom etiquette and thus, they cannot be used to justify a relationship between theater and rhetoric. I have an objection to such a counterargument: first, why are these techniques “normal” and “expected”? Some scholars tend to use our modern rhetorical practice and experience of legal procedures in order to analyze ancient speeches. However, this method of analysis is tricky, if not erroneous. Our legal procedures and oratorical practices are different from that of the ancient Greeks. While the judges in a modern courtroom must make a dispassionate decision, in the ancient court they are emotionally involved, expressing their positive or negative emotions towards the two litigants. In some cases the members of an ancient jury were asked to shout their opinion of what the defendant or the prosecutor says (*dicastic thorubos*).²⁷ For example, in 18.52, Demosthenes asked the judges and the onlookers to express their disapproval for Aeschines and in

²⁷ Carey (1994) 177.

18.10, he encourages his audience to “boo” him, if they believe that he tells lies. Moreover, in most countries of Europe and in the United States, the courts are independent from the influence of political bodies, such as parliaments or governments. In fifth- and fourth-century Athens, however, a jury consists of Athenian citizens who think about the effect of their verdict on the city before they cast their votes. Needless to say, a court in a European country consists of specialists in law, while the judges of classical Athens were ordinary citizens. Hence, there are many differences between modern legal procedures and ancient courtroom practices. As Carey appositely notes, “the problem of the scholar is the familiar one of negotiating distance. Implicit imposition of our own standards leads to confused and fruitless questions”.²⁸

²⁸ Carey (1994) 184.

Chapter 2. Performing the law: a theoretical survey

A central issue under examination in this report is the relationship between oratory and the so-called “dramatic genres”, tragedy and comedy. Demosthenes uses tragic diction and imagery, because he knows that the Athenians were theater-goers and thus, they had deep knowledge of tragic performances, language, and imagery. “The same people who regularly gave judgement on a drama by their applause or booing were the same as those who gave judgement in court”.²⁹ Demosthenes had in his mind that the viewers of a tragic performance “took part” in onstage actions (*methexis* “participation”), showing their *sympatheia* to a hero, a process which, according to the famous Aristotelian definition of tragedy (*Poetics* 1449b), leads to *katharsis*. The Greek terms *katharsis* and *sympatheia* are two of the most disputable terms of tragedy. *Katharsis* has two meanings, medical and religious. Medically, this word means “purgation of unhealthful substances from the body. In the older religious sense *katharsis* is the ‘purification’, the removal of spiritual pollution, by means of some ritual”.³⁰ The word *sympatheia* literally means “compassion”; during a tragic performance, the viewers can show their sympathy or antipathy for the tragic characters. As I argue, Demosthenes uses tragic language and imagery and adds dramatic tension to his speech. He tries to purify the negative emotions that audience has towards him and his anti-Macedonian policy, which cost Athens her leading role in Greek affairs. His main purpose is to gain the *sympatheia* of his audience.

²⁹ Slater (1995) 143.

³⁰ Walker (2000) 76–7.

Consequently, *pathos* is a very important part of both tragic performance and a law-court performance. Aristotle, in *Rhetoric* 1356a, says that *pathos* “creates a certain disposition in the audience” and in 1378a, he says that “the emotions are all those affections which cause men to change their opinion in regard to their judgments”. As Dionysius of Halicarnassus notes, in his treatise *On Demosthenes’ Diction* (section 22), “when I pick up one of Demosthenes’ speeches, I am transported. I am led hither and thither, feeling one emotion after another – disbelief, anguish, terror, contempt, hatred, pity, goodwill, anger, envy – every emotion in turn that can sway the human mind”. *Pathos* is a technical term of tragedy: Aristotle in his famous definition of tragedy says that the goal of this genre is *katharsis*, emotional cleansing of audience (*Poetics* 1449b.24 – 8: δι’ ἐλέου καὶ φόβου περαίνουσα τὴν τῶν τοιούτων παθημάτων κάθαρσιν). The term *pathēma* could mean “suffering” or “experience”, “but it can also mean ‘emotional condition’ or ‘states of mind’, and thus can refer to the pity and fear felt by the audience, and this variance makes elusive the specific meaning of *katharsis* in the *Poetics*”.³¹ Therefore, *ēthos* and *pathos* are closely connected concepts. Quintilian (*Institutio Oratoria* 6.2.8–10) includes *ēthē* in the province of *pathē*, saying that “emotions as we learn from ancient authorities fall into two classes. The one is called *pathos* by the Greeks and rightly and correctly expressed in Latin by *adfectus* (emotion); the other is called *ēthos*, a word for which in my opinion Latin has no equivalent”.

³¹ Walker (2000) 76.

The use of tragic and comic elements helps the orator to construct his own and his opponent's character (*ēthopoiia*). Quintilian (*Institutio Oratoria* 6.2.17–9) notes that, “*ēthos* in all its forms requires the speaker to be a man of good character and courtesy”, a fact that gives him the opportunity to be more convincing. In *Rhetoric* 1356a and 1377b, Aristotle recognizes the use of *ēthos* “(moral) character” as a means of persuasion, on the grounds that a speaker presents himself in such a way that leads the audience to trust him. Walker notes that, “in Greek, to say that someone is persuaded (*peithesthai*) is to say that he trusts the ‘assurances’ or *pisteis* presented to him, in the sense of having faith or being ‘faithicized’ ”.³² Demosthenes in *On the Crown* is like a dramatic director: he chooses a specific version of the events of the Crown case that he wants to present publicly and he writes one scenario for himself and another for his opponent. Demosthenes has not just to depict his character, but also to present the qualities of his *ēthos* to the audience. In other words, his work is not only to write the speech, but also to perform it before the audience of the Crown trial. As Scafuro puts it, “the creation of *ēthos* is the staging of a recognizable *persona*”.³³ Nobody would ever think to discuss a tragic or comic play merely as a text. Likewise, a rhetorical speech with its characters is not just a text. It is also a law-court performance. Moreover, in Aristotle's *Poetics* (1450a.9-10) characters (*ἥθη*) are one of the six the basic characteristics of a perfect tragedy. Consequently, if *ēthos* is an integral part of a perfect tragedy and a necessary part of a speech's success, it

³² Walker (2000) 84. See also Sifakis (2002) 153.

³³ Scafuro (1997) 64.

could be considered then a connection between tragedy and oratory. That is why I suggest that *ēthopoia*, which is a technical term that describes the art of acting onstage, is a theatrical element in *On the Crown* (and generally in rhetorical speeches).

Demosthenes presents himself as a major proponent of the interests of his fatherland and a protector of the *dēmos* (*positive ēthopoia*), aiming to gain the *eunoia* of the members of the jury and spectators of the trial, exactly like an actor onstage who tries to win his audience over. This could be considered another link between tragic performance and a rhetorical speech. Demosthenes knows that the characters of tragedy are *spoudaioi* (“important”), while the characters of comedy are *phauloi* (“trivial”).³⁴ That is why he uses tragic diction for himself: he is an exceptional Athenian citizen, worthy of public respect.

On the other hand, Demosthenes uses comic language for his rival, in order to depict his character (*negative ēthopoia*). He deconstructs the public image of Aeschines, claiming that he is a hireling of Philip and an enemy of his native land. Laughter is an effective means of *ēthopoia*. By presenting a comic caricature of his opponent, Demosthenes makes Aeschines a laughable person. In his valuable article entitled “Laughter in Greek Culture”, Halliwell notes that for Greeks laughter was a means of ridiculing their opponents and destroying their public status: “once the playful is exceeded, laughter is invariably regarded in Greek texts as having a human object or target, and it is the intended or likely effect of ‘pain’, ‘shame’ or ‘harm’ on

³⁴ Aristotle’s *Poetics* 1449a32.

this target”.³⁵ Mockery by the enemies was a powerful fear in Greek culture: the Greeks took care of their reputation, which was marred by mockery. For example, Medea in Euripides’ play makes the decision to kill her sons because she does not want to let her enemies mock her (*Medea* 1049–50). The speaker at Lysias 3.9 claims that for long he remained silent and did not accuse Simon (his rival for the love of a young man) of his behavior towards him because he was afraid of the social mockery because of his homosexual adventures. In both cases, laughter seems to be a powerful weapon for one’s opponent. Furthermore, for Cicero (*De Oratore* 2.236), merriment secures the goodwill of the audience towards the speaker, and defeats the opponent, since it often dispels strong arguments of an opponent that a speaker cannot weaken by reasoning.

To sum up, I suggest that there is a link between rhetoric, dramatic genres, *ēthopoia*, and *pathos*. The use of tragic and comic vocabulary and imagery is crucial for the depiction of characters, which is not only a textual work. It includes also the in-court presentation of characters to the audience of a trial. In the Crown trial, Demosthenes changes the law-court procedure into a dramatic performance, by using language and imagery from tragedy, in order to present his portrait (*positive ēthopoia*). The aim of this kind of character construction is to purge the negative emotions of people towards Demosthenes’ anti-Macedonian policy that brought Athenians in a terrible state of affairs. As Riggsby astutely notes, this could be called

³⁵ Halliwell (1991) 283.

the “ethos of sympathy”.³⁶ Hence, *ēthopoia* is closely connected with *pathos*.

Furthermore, Demosthenes changes his speech into a comic performance when he attacks Aeschines. He uses *topoi* from comedy, in order to depict the *ēthos* of his opponent (*negative ēthopoia*). The goal of this kind of *ēthopoia* is to create a negative disposition in the audience towards Aeschines.

Demosthenes’ *hypocrisis* is another theatrical device. *Hypocrisis* is a technical term that comes from the language of theater and literally means “performance”.³⁷ The Latin word for *hypocrisis* is *actio*. As Fantham explains the earliest use of this term was legal, “to denote the formal and formulaic procedure of the civil courts. In the developed and freer form of public advocacy the speech itself, as a brief or plea was also called *actio* (like Cicero’s *actio* against Verres), and so again was its manner of performance”.³⁸ Hence, in Greek (and in Latin) the word *hypocrisis* (and *actio*) shows that there is an overlap of rhetoric and theater. Sifakis, presenting Aristotle’s argument about delivery, notes that “Aristotle discusses *hypocrisis* with respect to public speaking, but makes so many references to tragedy as to leave no doubt that much of what he says about oratory is also relevant to theatrical performance”.³⁹

³⁶ Riggsby (2004) 181.

³⁷ The term *hypocritai* means (still in Modern Greek) “actors”. However, in Christian religion the same word has negative connotations: it is applied metaphorically to someone who is insincere. The lexicographer Hesychius in his *Lexicon* s.v. ὑπόκρισις says: εἰρωνεία “irony”. ὑπολόγησις “slyness”. Δόλος “deception”. Nevertheless, in a rhetorical context the meaning of the term is usually neutral.

³⁸ Fantham (2002) 363.

³⁹ Sifakis (2002) 155–6.

I suggest that *hypocrisis* is a much more complicated term than what current critical analysis presents. Traditionally, many scholars explain this term by referring exclusively to gestures, facial expressions, and speaker's volume of voice. In fact, some texts discussing *hypocrisis*, pay attention to it as being only a gesture-vocal situation. For example, Quintilian (*Institutio Oratoria* 11.2.65 – 184) offers a detailed discussion of gestures and how bodily movements can give extra strength to the spoken words. The author of *Rhetorica ad Herennium*, moreover, offers valuable information about delivery that includes voice quality (3.20–4) and physical movement (3.26–7).

However, various ancient sources highlight that *hypocrisis* is not only a gesture-vocal situation, but also a technique that allows the speaker to control the emotions of the audience. In fact, delivery is closely connected with pathos: all emotional appeals will fall flat, unless they are given the power that voice, gestures, and bodily movements give them. Cassius Longinus in *Ars Rhetorica* (567) says that, “delivery is the plausible imitation of characters and emotions [*ēthopoia* and *pathos*], and body's disposition and the pitch of voice, which is used in order to present a situation”. Aristotle's *Rhetoric* 1413b.8 – 10 links delivery with the emotions (*παθητική λέξις*) and with the characters (*ἠθικὴ λέξις*). It is useful to bear in mind that Aristotle uses the term *lexis* for both style and delivery. There are uncertain boundaries between style and delivery in Aristotle's discussion of them in *Rhetoric*

because “style and delivery are traditionally associated under the single rubric of ‘how’ to speak”.⁴⁰

ἔστι δὲ λέξις γραφικὴ μὲν ἢ ἀκριβεστάτη, ἀγωνιστικὴ δὲ ἢ
ὑποκριτικωτάτη (ταύτης δὲ δύο εἶδη· ἡ μὲν γὰρ ἠθικὴ ἡ δὲ παθητικὴ).

The style of written compositions is most precise, that of debate is most suitable for delivery. Of the latter, there are two kinds, ethical and emotional.

In another *locus*, Aristotle provides us with a brief definition of *hypocrisis*:

Delivery is a matter of voice, how it should be used for each particular emotion (*Rhetoric* 1403b 26–31)

Cicero (*De Oratore* 3.217 – 220) says that there are different tones of voice for different *pathē*, such as pity, anger, fear, lamentation, and many others. In *De Oratore* 3.213–27, Cicero, using excerpts from tragedy, tries to show the connection between voice and emotion, which is how voice could be used in order to emphasize the emotional context of some words and phrases that are taken from dramatic genres. In the Aristotelian and Ciceronian theory, and in Quintilian (*Institutio Oratoria* 11.3, especially 11.3.1-14), *pathos* and *ēthos* are terms closely connected with delivery and both are of great importance for a rhetorical speech, as means of the jury’s persuasion.

Another important aspect of oratorical *hypocrisis* is musical tone and rhythm. In fact, voice and the body (the means of delivery) are the connection between music and rhetoric.⁴¹ Aristotle (*Rhetoric* 1403b) notes that there are three qualities of a successful delivery, volume (μέγεθος), harmony (ἁρμονία) and rhythm (ῥυθμός).

⁴⁰ See Sonkowsky (1959) 270.

⁴¹ Harran (1997) 23.

Dionysius in his work *On literary Composition* (25.218–20) says that “Demosthenes pays attention to secure euphony and melody and to use no word or thought haphazardly or without scrutiny”. Dionysius of Halicarnassus adds,

Rhythm is not a trivial element in prose. It is not to be classed as an inessential adjunct, but to tell the truth, I consider it the most potent device of all for bewitching and beguiling the ear (*On Demosthenes' Diction* 39)

In section 22 we can read:

ὅταν μὲν τινα τῶν Ἰσοκράτους ἀναγινώσκω λόγων **[rhetorical speech]**, εἴτε τῶν πρὸς τὰ δικαστήρια καὶ τὰς ἐκκλησίας γεγραμμένων [...] ἐν ἧθει **[ēthos]** σπουδαῖος γίνομαι καὶ πολὺ τὸ εὐσταθὲς ἔχω τῆς γνώμης **[disposition]**, ὥσπερ οἱ τῶν σπονδείων αὐλημάτων ἢ τῶν Δωρίων τε κἀναρμονίων μελῶν ἀκροώμενοι **[music - melody]**.

Whenever I read a speech of Isocrates, whether written for the courts or assemblies, I become serious in character and have great stability of thought, like those listening to libation-music played on reed-pipes or to Dorian or enharmonic melodies.⁴²

This text underlines the effects that music and melody have upon the audience of a speech. The musical tone of a speech can change the disposition and feelings of the hearers and elicit their sympathy towards the speaker. As Aristotle puts it (*Politics* 1340b10-5) music has a great power of producing certain effects on the soul and that is why it could be used for the education of the young. The technical virtues of an effective delivery are accuracy, clarity, elegance, and propriety. Accuracy includes the speaker's voice, pronunciation, and breathing. Clarity includes enunciation and punctuation; elegance means the quality of sound and voice used. Finally, propriety

⁴² Translation Walker (2000) 84.

means that delivery must be in accordance with the demands of each section of a speech.⁴³

Hypocrisis plays an important role in the communication between orator and audience. Delivery is the “channel” through which the “sender” (orator) communicates the ideas of the speech to the “receiver” (jury). As Aristotle (1404a.1–5) puts it, *hypocrisis* cannot be ignored in the training of a good orator, since the major aim of a speaker is to influence the audience. Aristotle (1404a.12 – 9) highlights the fact that the audience rewards the orators who excel in delivery:

Now, when delivery comes into fashion, it will have the same effect as acting. [...] Wherefore people who excel in this in their turn obtain prizes, just as orators who excel in delivery; for written speeches owe their effect not so much to the sense as to the style.⁴⁴

Aristotle with this point underlines the decisive role that the audience plays in a trial just like in a theatrical performance. The philosopher implies that even “strong” arguments cannot ensure the success of a speech; delivery is *sine qua non*.⁴⁵ There is an anecdote in Plutarch’s *Lives of the Ten Orators* that shows the importance of delivery for a rhetorical speech:

ὅθεν ἐρομένου αὐτόν <τινος> τί πρῶτον ἐν ῥητορικῇ, εἶπεν ‘ὑπόκρισις’· καὶ τί δεύτερον ‘ὑπόκρισις’ καὶ τί τρίτον ‘ὑπόκρισις’ (845b)

⁴³ Harran (1997) 27–36.

⁴⁴ In Aristotle’s *Rhetoric* the boundaries between *lexis* (style) and *hypocrisis* (delivery) are unclear. There is an overlap of these two terms, since both describe the way a speaker presents his arguments.

⁴⁵ Cf. 1403b.16 where Aristotle, comparing the way of speaking (*hōs dei eipein*) with the content of a speech (*ha dei legein*), points out that *hypocrisis* is more important than the content of a rhetorical speech. See Hall (2006) 356 – 7.

When someone asked him which the most important thing in rhetoric is, [Demosthenes] said “delivery”; and the second “delivery”, and the third “delivery”.⁴⁶

Plutarch in *Demosthenes* 11.2–3 says that “there is a story about Demosthenes, that he was approached by a man asking him to help him plead in court. When the man explained orator how he had been beaten by someone, Demosthenes said ‘But you have not at all suffered what you say you have suffered’. The man raised his voice and screamed ‘Have I, Demosthenes, not at all suffered?’ and then Demosthenes said ‘Oh yes, now, I hear the voice of someone who has been wronged and suffered’. This shows how important for persuasion he considered the pitch of voice and delivery to be for speakers”. The speaker knows that it is not enough to present the facts of the case, and prove that his opponent violated the law or that his client is not guilty of error. He needs to employ an attractive mode of presentation of his arguments in order to hold the attention of the audience and persuade it to vote for him or his client. As Aristotle notes, a speaker who bases his argument merely on the facts could fail to persuade the members of his audience. Delivery, the way of presentation of these facts, has a crucial role in audience’s persuasion (*Rhetoric* 1355a). As Quintilian points out (*Institutio Oratoria* 11.3.2), “the nature of the speech that we have composed within our minds is not so important as the manner in which we produce it, since the emotion of each member of the audience will depend on the emotion made upon his hearing”. To sum up, I argue that the term *hypocrisis* has double meaning: it includes both the “gesturo-vocal” actions of a speaker and his

⁴⁶ This translation belongs to the author of this report.

ability to interact with hearers, take control of their emotions, and finally, persuade them.

Chapter 3. The theatrical features of Demosthenes' *On the Crown*

As it is noted in chapter 1, Demosthenes' bellicose strategy towards the kingdom of Macedonia seems to have accelerated the loss of the power of Athens. However, Demosthenes managed to gain an overwhelming victory and resurrected his public prestige. His victory poses the question: "how could the Athenians, eight years after the defeat at Chaeronea, when the Macedonian hegemony seems more secure than ever, have endorsed the policy that brought them in a miserable state of affairs"?⁴⁷ This chapter tries to answer the above-mentioned question by investigating the theatrical features of *On the Crown*, which are effective means of persuasion.

The first important issue we have to discuss is the identity of the audience of this trial. It is important to decipher the identity of the audience of the Crown trial, since the role that both the judges and the onlookers have in this (and every) law-court procedure is crucial. Demosthenes says explicitly that the audience would critically evaluate his speech (18.277: *καίτοι ἔγωγ' ὁρῶ τῆς τῶν λεγόντων δυνάμεως τοὺς ἀκούοντας τὸ πλεῖστον κυρίους* "and yet I observe that it is the audience which for the most part regulates the power of public speakers", 18.315: *νῦν ἐγὼ κρίνωμαι καὶ θεωρῶμαι* "I am now critically inspected"). Demosthenes uses the phrase *andres Athēnaioi* throughout his speech. The one exception is in 18.196,

⁴⁷ Yunis (2007) 378.

where the speaker uses the common *andres dikastai*.⁴⁸ This textual evidence indicates that the audience of the speech consisted of onlookers and judges. In fact, Demosthenes describes clearly the synthesis of his audience when he says that his argument is intended for “the men of jury and for the outer circle of hearers” (18.196). We do not know how many onlookers there were – there may have been just as many onlookers as judges and even more – but the body of judges in the trial consists of “501 randomly chosen citizens, but most likely several panels were brought together for this high-profile case, bringing the number up to 1001, 1501 or more”.⁴⁹

Demosthenes, like a good actor, understood how important it was to elicit the audience’s sympathy. Thus, if the sympathy of the audience is the main goal of both orators and actors then, one could suggest that the use of this term in *On the Crown* is highly suggestive of the connection between oratorical and theatrical professions. *Eunoia* (favor) in the speech has various meanings: not only the audience must show its favor towards the speaker, but also the latter must prove that he is *eunous* towards the audience. The term *eunoia* is repeated forty times in *On the Crown* in different forms, as adjective, noun, or adverb. Demosthenes begins his speech by asking for *eunoia*, the good disposition of his audience commensurate with the good will he has for the *polis* and for the judges:

⁴⁸ The use of this phrase could also reveal the place of the trial; as a *graphē paranomōn* case it would have been tried in the *dikastērion*.

⁴⁹ Yunis (2001) 11; Harris (1994) 132 – 7.

εὐχομαι [...] ὅσῃν εὐνοίαν ἔχων ἐγὼ διατελῶ τῇ τε πόλει καὶ πᾶσιν ὑμῖν,
τοσαύτην ὑπάρξαι μοι παρ' ὑμῶν εἰς τουτονὶ τὸν ἀγῶνα (18.1)⁵⁰

I pray that I may find in Athenian hearts such benevolence towards me as I
have ever cherished for the city and the people of Athens.

Demosthenes himself admits that the favor of the audience gives power to a speaker:

καίτοι ἔγωγ' ὁρῶ τῆς τῶν λεγόντων δυνάμεως τοὺς ἀκούοντας τὸ
πλεῖστον κυρίους ὡς γὰρ ἂν ὑμεῖς ἀποδέξησθε καὶ πρὸς ἕκαστον ἔχητ'
εὐνοίας, οὕτως ὁ λέγων ἔδοξε φρονεῖν (18.277)

Although I notice that in general, an audience controls the ability of a speaker,
and that his reputation for wisdom depends upon your acceptance and your
discriminating favor (*eunoia*).

Aristotle (*Rhetoric* 1377b) correlates *eunoia* with the construction of *ēthos*, claiming
that wisdom (*phronēsis*), virtue (*aretē*), and goodwill toward the audience (*eunoia*)
are three qualities necessary for the orator who wants to persuade his audience. In
other words, the orator must show his moral character and persuade the members of
the audience that he is devoted (*eunous*) to their personal interests and to the general
good of the *polis*. According to Scafuro, the creation of an actor's character in
combination with his argument of fair play is a feature of New Comedy.⁵¹ *Mutatis*
mutandis, Demosthenes does almost the same thing here: he presents his good
character, along with a plea for fair hearing. Our speaker, from the very beginning of
the speech, claims that he is *eunous* towards the city (cf. 18.321) and prays to all gods
and goddesses for what was particularly for the good of the judges, namely to make
their decision by paying attention to the laws of the city and not to Aeschines' pleas.

⁵⁰ Demosthenes uses exactly the same phraseology in 18.8.

⁵¹ Scafuro (1997) 66.

Favor may have another perspective: it means not only the relationship between Demosthenes and his fatherland, but also his *eunoia* towards the whole Hellas. In section 66, orator says clearly that the Athenians following his advice fight to prevent Philip “from building despotism over the Hellenes”. In sections 66–7, Demosthenes emphasizes his *eunoia* towards his city and the whole Hellas, by highlighting his leading role in the struggle against Philip. The speaker this way changes himself and the Athenian *dēmos* into panhellenic heroes, whose actions are dictated by the illustrious past of Athens, which is full of battles “all of which the city undertook on behalf of the freedom and security of the rest of the Greeks” (18.100–1). Therefore, the use of the term *eunoia* is a communicative strategy: Demosthenes, like an actor, tries to gain the audience’s sympathy (also known with the term *captatio benevolentiae*).⁵²

Demosthenes’ use of the term *eunoia* is a way to depict Aeschines’ character negatively (18.320, 322). The aim of Demosthenes is twofold: by showing “his own faithful loyalty and unbroken *eunoia* towards Athens and the lack of *eunoia* in Aeschines and the ‘Philippizers’ ”,⁵³ he wants to strengthen his personal authority among the hearers and undermine Aeschines’ public image. Demosthenes notes that Aeschines shows his favor to Philip: in sections 41–2, for example, Demosthenes says that Aeschines fought together with the king of Macedon and worked with him

⁵² Some scholars argue that Demosthenes uses the term *eunoiam* in order to ask for divine favor. However, *eunoia* in this context has primarily political connotations, since Demosthenes tries to gain the sympathy of his audience. See Rowe (1967) 176.

⁵³ Pearson (1976) 199.

(*synagonistēs*; *synergos*). In sections 207–8, the speaker succeeds in changing the trial into an “I–You” rivalry. The audience has either to vote for Demosthenes, who was such an exceptional citizen or to support Aeschines, who was an underling to the Macedonians. Throughout the speech, Demosthenes pinpoints the fact that his opponent is an actor whose ultimate aim is to deceive the Athenian *dēmos*. Like an actor who plays a part pretending to be someone else, likewise, Aeschines pretends to be a good citizen, but he is not. Instead, he is a hireling to Philip. The opposition between our speaker and his opponent is notable in 18.267:

Φέρε δὴ καὶ τὰς τῶν λητουργιῶν μαρτυρίας ὧν λελητούργηκα ὑμῖν
ἀναγνῶ. παρ’ ἃς **παρ**ανάγνωθι καὶ σύ μοι τὰς ῥήσεις ἃς ἐλυμαίνου.

Let me now read to you the testimony of the public services I have rendered, and you shall read for comparison some of the blank verse you used to make such a hash of.

And,

καὶ ‘κακὸν κακῶς σε’ μάλιστα μὲν οἱ θεοί, ἔπειθ’ οὗτοι πάντες
ἀπολέσειαν, **πονηρὸν ὄντα καὶ πολίτην καὶ τριταγωνιστήν.**

May the gods first destroy you wretchedly, wretched man (i.e. Aeschines) and afterwards all these (i.e. judges) – because you are villainous both as a citizen and as an actor of third parts.⁵⁴

Demosthenes makes a contrast between his useful liturgies and Aeschines’ useless and low-quality acting. Their contrast becomes clearer by the use of a verb in the first person singular (*anagnō*) and another in the second singular person (*paragnōthi*). Given that, both Demosthenes and Aeschines have a relationship with theater –

⁵⁴ This translation belongs to the author of this report.

Demosthenes' teachers are actors and Aeschines was an actor himself – one could suggest that this rivalry between them looks like an emulation between actors, who struggle to prove who can gain the sympathy of the audience, showing that he is much better than the other.

Furthermore, Demosthenes' references to the gods throughout the speech are another method of gaining the *eunoia* of the audience. With references to the gods and oaths, Demosthenes plays with the (religious) emotions of the Athenians. The oath to the gods was sacred for the ancient Greeks.⁵⁵ As Hermogenes points out, the effect of the use of oath in a speech “is the same if one binds the audience or the opponent with an oath”.⁵⁶ Furthermore, one could suggest that the frequent references to the gods are a purely communicative strategy, which is a means of the depiction of characters, the goal of which is to elicit the sympathy of his audience. By appealing to the gods, Demosthenes wishes to gain the sympathy of the judges: he describes them as pious men, compelling them to focus not on legal technicalities, but on the patriotic (political) connotations of the trial. He succeeds, thus, in consolidating his personal authority as the man who is as pious as his fellow citizens are and cares about the city and its people. Hermogenes (*On Types of Style* 326-7) notes that oaths, prayers, and references to gods are means of *ēthopoia*: “to prove one's point by means of oaths rather than by using facts reveals character in the thought” and helps

⁵⁵ For the significance of oaths in the life of the ancient Greeks see *OCD* s.v. *oaths*. All these references to the gods, to the piety of Demosthenes, and impiety of Aeschines introduce a complex topic that of the relationship between law and religion. Parker (2005) 61–81 explores the common links between religion and Athenian law.

⁵⁶ Translation of this and of the following excerpt from Hermogenes comes from Wooten (1987) 74.

the speaker to be persuasive. In 18.8, the orator emphasizes again the piety of his audience:

[...] ἔπειθ' ὅ τι μέλλει συνοίσειν καὶ πρὸς εὐδοξίαν κοινῇ καὶ πρὸς εὐσέβειαν ἐκάστω, τοῦτο παραστῆσαι πᾶσιν ὑμῖν περὶ ταυτησὶ τῆς γραφῆς γνῶναι.

[...] and next, that the Gods will suggest to all of you to come to that decision concerning this indictment which is likely to benefit you both in reputation collectively and in righteousness individually.

In this section, the reference to the gods supports Demosthenes' plea for fair hearing. The speaker says that, "it is not right to rob me of the privilege of appearing before the people and of obtaining a fair hearing, much less to do so because of spite and jealousy. No, by heavens, men of Athens, it is neither just, nor constitutional, nor honest". The reference to the gods in section 1 has the same purpose; it is a plea for fair hearing and a means of eliciting the sympathy of the audience: "First, Athenians, I pray to all the gods and goddesses". In section 141, the speaker swears by the name of all the gods who protect Athens that he tells the truth, whereas Aeschines is a liar and a traitor to his *polis* and consequently, he is an enemy of the gods (sections 46–7 and 61).

In section 193, Demosthenes refers to the gods and tries to absolve himself from the consequences that his anti-Macedonian policy had for Athens. He claims that "it is not his (Demosthenes') crime the fact that Philip happened to win the battle; for the event was in god's hand, not his own". Sections 289 and 290 present the same argument. Demosthenes' references to gods have tragic perspectives, since

the struggle of men against the will of the gods is one of the most substantial thematic motifs of tragedy. One of the features of a tragic hero is that he is doomed from the start and he has to deal with the plans of the gods and with external adverse factors such as fortune. The speaker probably has in mind that tragedy was considered a serious genre and its characters exceptional (*spoudaioi*).⁵⁷ The orator tries to identify himself with the characters of tragedy, in order to show that he is *spoudaios*, exactly like the characters of tragedy. Although there is not strong textual information, I argue that Demosthenes has analogies to a tragic hero, because he tries to defend his fatherland contrary to the *moira* “fortune” and the gods (18.192 – 210, 270 – 5).

[...] τὸ μὲν γὰρ πέρας ὡς ἂν ὁ δαίμων βουληθῇ πάντων γίγνεται
(18.192)

For the result of all things issues in whatever way god (or providence) may please.

And,

μηδὲ τοῦθ' ὡς ἀδίκημ' ἐμὸν θῆς, εἰ κρατῆσαι συνέβη Φιλίππῳ τῇ μάχῃ·
ἐν γὰρ τῷ θεῷ τὸ τούτου τέλος ἦν, οὐκ ἐμοί (18.193)

Do not then assume it my crime that it fell to Philip to win the battle; for that was a purpose that lay in god's province, not in mine.

And again,

ἐπεὶ θνητοῖς ἐκ Διὸς ἦδε κρίσις· μηδὲν ἁμαρτεῖν ἐστὶ θεῶν καὶ πάντα
κατορθοῦν ἐν βιοτῇ· μοῖραν δ' οὐ τι φυγεῖν ἔπορεν (18.290)

For the sovereign decree pronounced by Zeus unto mortals is this: to err in nothing and to succeed in all things is the prerogative of gods, but in the human life has not granted that in any respect men should escape fate.

⁵⁷ Cf. Aristotle's *Poetics* 1449a32.

οὐ τῷ συμβούλῳ τὴν τοῦ κατορθοῦν τοὺς ἀγωνιζομένους ἀνέθηκεν
δύναμιν, ἀλλὰ τοῖς θεοῖς (18.291)

For it does not ascribe to the political leader, but to the gods, the power of
securing that those who struggle shall succeed.

These references add tragic color to this rhetorical speech. One of the most basic thematic motifs of Greek tragedy is that there is a gap between the will of the tragic characters and that of gods. The tragic characters and especially the tragic hero struggle against the plans made by the gods.⁵⁸ From this point of view, I suggest that the textual *persona* of Demosthenes in *On the Crown* has tragic qualities, because he fought to avoid the destruction of his fatherland, which, according to him, was due to gods' decision and not due to his own failure.

I believe that we can find similarities between Demosthenes and tragic heroes, like Oedipus and Orestes. These heroes act in the light of decisions made by the gods and by destiny. In the case of Oedipus there was a prophecy telling what his future actions would be. If Oedipus was a defendant in a trial, an appropriate apology for him would be: "I confess that I killed a man and married a woman, and I am ashamed to know that the man was my father and the woman my mother. However, I could not do otherwise, since destiny decided me to commit patricide and incest". In the case of Orestes, furthermore, we know that Apollo decided that the hero would commit the slaughter of his mother. He was unable to deny committing matricide; Apollo's decision makes this crime inevitable for Orestes. Demosthenes, likewise, implies that

⁵⁸ Parker (1997) 145.

he could do nothing else to protect Athens, since the gods and fortune have different plans. Another link between Demosthenes and Oedipus specifically is that both do serve the best interests of their *polis*. Oedipus by blinding himself cures the plague and saves the city. Demosthenes believes that his action to stand up to Philip and lead the Athenians against him is beneficial for Athens, since it was a declaration of independence towards the Macedonian supremacy. Therefore, we can find similarities between our speaker and tragic heroes like Oedipus and Orestes, but still we cannot speak about an absolute identification of Demosthenes with these tragic *personae*. In other words, what I suggest here is that Demosthenes has some of the features of a tragic hero, but not all. For example, a tragic hero always bears responsibility for his downfall because of his *hamartia*, his mistake. In *On the Crown*, however, Demosthenes does not acknowledge that he made any mistake.

The references to the gods, who were responsible for the defeat of Athens at Chaeronea, allow one to claim that Demosthenes' argument is contradictory. The speaker begins and ends the speech with a prayer to the benevolent gods and asks for their *eunoia* (favor). On the other hand, he claims that Athens' defeat at Chaeronea was due to a decision taken by the gods. A possible (and plausible) explanation in this case would be that Demosthenes uses different techniques where it is convenient for him, believing (or hoping) probably that in such a long speech it is difficult (if not impossible) for the audience to remember what was said, when, where, and if there are contradictory arguments.

Demosthenes' speech offers relief to the Athenians and strengthens their hope that with men like Demosthenes the future will be better. *On the Crown* (especially from section 203 to section 208) constitutes an encomium of an idealized Athenian history and of the Athenian *dēmos*. As Hermogenes notes in *On Type of Styles* (266-7), one of the virtues of the style of *On the Crown* is *lambrotēs* "brilliance", the way "to speak noble sentiments nobly".⁵⁹ This is exactly what Demosthenes does: he moralizes the painful outcome of the defeat at Chaeronea and he claims that the Athenians defended the values of democracy and freedom, following the example of their ancestors, who were engaged in battles with bitter enemies for the liberty and security of Greece (18.206–10). He points out that a sincere love and interest for the city dictates his actions (18.66–7, 321). Pseudo-Longinus (*On Sublime* 16.2) notes that Demosthenes' speech healed the hearers' mind and made them feel *spoudaioi* ("significant citizens") and proud of their fight for the sake of Athens – as their ancestors did – regardless of victory or defeat. The speaker has a twofold goal: not only to praise himself but also to synthesize an encomium of his audience, which according to him, consists of exceptional patriots, like the fighters of Marathon. Demosthenes' arguments seem to have the same goal as tragedy, which is *katharsis*.⁶⁰ The surest way to win the trial was to change the feelings of his fellow citizens toward him, by telling them what they want to hear: that they might be proud

⁵⁹ An example that Hermogenes includes in his work is the use of oath in 18.208: "no, I swear it by those of our ancestors who fought at Marathon". Translation Wooten (1987) 34.

⁶⁰ A distinctive difference between the purpose of *katharsis* in tragedy and its purpose in Demosthenes' speech is the fact that in the first case *katharsis* does not refer exclusively to negative emotions, whereas in the second case the orator skillfully manipulates this technique, in order to overturn audience's negative status of emotions into a positive one.

of the past of their city, protect its values, and honor whoever defends the illustrious past of Athens (18.203–4). As Burke astutely notes, “you persuade a man only insofar as you can talk his language by speech, gesture, tonality, order, image, attitude, idea, identifying your ways with his”.⁶¹ We could say that Demosthenes is like a tragedian, who has to write a scenario the purpose of which is to elicit the sympathy of his audience and win over both the onlookers and the judges. He chooses to discuss the political and military events of the past in such a way that delights his audience. Therefore, he purifies the negative emotions of the audience towards his failed foreign policy (a strategy that seems to be very close to *katharsis* in tragedy) and he succeeds in weakening the arguments of Aeschines, who claims that Demosthenes’ policy towards Philip led Athens to political humiliation.

Demosthenes tries to gain the sympathy of the members of the audience, by exposing his misfortunes (*miseratio*):

Second, the tendency that is naturally inherent in all men, on one hand to listen to invective and accusation with pleasure, and on the other hand to be vexed with those who praised themselves (18.3-4)

Demosthenes points out that not only does Aeschines insult him but also he knows that some members of the audience may begrudge him and may vote against him because he speaks about himself and praises his foreign policy. However, Aeschines’ falsehoods force him to defend his career and speak about himself in order to prove that he has an unspotted character. In other words, what Demosthenes does in this section is to ask for the sympathy of the audience. Although visualization of this part

⁶¹ Burke (1969) 55.

of the speech's proem is tricky, one can imagine Demosthenes speaking to the audience like an actor in a performance of tragedy, who presents his personal story and laments for his misfortunes onstage. Presenting this lamentation, Demosthenes may have used specific delivery techniques. Cicero (*De Oratore* 3.58.217–19) claims that in the case of sorrow the tone of voice of the speaker and his general expression must be doleful. In this section, we could imagine Demosthenes using his voice and his expressions in such a way in order to show to his audience that he is in a terrible situation.

Demosthenes gives voice to the fatherland (*prosopopoiia*) in order to describe one of the most dramatic scenes in the speech, which is the description of the reaction of the *dēmos* to the news that Philip captured Elatea. In section 170, Demosthenes imagines that the voice of herald is “the common voice of our native land demanded one to speak for her deliverance” (καλούσης δὲ [τῆς κοινῆς] τῆς πατρίδος [φωνῆς] τὸν ἐροῦνθ’ ὑπὲρ σωτηρίας). By giving voice to Athens, the speaker wants to give theatrical vividness to this dramatic scene. The hearers of this speech and we, the readers, could imagine the personified Athens addressing the assembly. The whole scene reminds us of the epiphany of gods in tragedy and their conversation with tragic characters, since the fatherland was as sacred and respectable as a god was. There are various examples of such epiphanies of gods and conversation with tragic characters. For example, in the last scene of Euripides’ *Hippolytus* the goddess Athena addresses Hippolytus’ father, Theseus and reveals to him the whole truth

about the tragic plot and the role of Aphrodite. Another example is that of Euripides' *Iphigenia in Tauris*, where Orestes' and Pylades' escape from the island of Taurians was achieved only after the conversation of Athena with Thoas, the king of Taurians.

Demosthenes changes the description of Elatea's conquest into a tragic episode. As Hall puts it, "both tragedy and legal speeches examine, in a public arena, actions that have happened away from the public gaze".⁶² Just as violent actions in tragedy take place away from the stage and then their result is presented to the viewers of a tragic performance, so rhetorical speeches visualize a violent or sinister action and present it to the audience of a trial. *Mutatis mutandis*, Demosthenes' description of Elatea's capture (18.169) could be such an example. This description echoes the beginning of a tragic performance: *Εσπέρα μὲν γὰρ ἦν, ἣκε δ' ἀγγέλλων τις ὥς τοὺς πρυτάνεις ὥς Ἐλάτεια κατείληπται*, "it was evening when a man had come to the *prytaneis* bringing the news that Elatea has been captured". The herald, who brings bad news about the destruction of Elatea, seems to play the role of the messenger who appears in tragedies to announce destructions or deaths, which happened off stage, and which the characters on stage do not have in mind.

Consequently, Demosthenes puts the description of the conquest of Elatea in a tragic context. That is why I suggest that the sudden reversal of circumstances is a kind of tragic *peripeteia*. According to Aristotle (*Poetics* 1452a22) *peripeteia* is "a

⁶² Hall (2006) 382.

change of the situation into the opposite, which is probable or inevitable”. In section

169, Demosthenes describes a reversal of the situation in Athens:

Ἐσπέρα μὲν γὰρ ἦν, ἦκε δ' ἀγγέλλων τις ὥς τοὺς πρυτάνεις ὥς Ἐλάτεια
κατείληπται· καὶ μετὰ ταῦθ' οἱ μὲν εὐθὺς ἐξαναστάντες μεταξὺ
δειπνοῦντες τοὺς τ' ἐκ τῶν σκηνῶν τῶν κατὰ τὴν ἀγορὰν ἐξεῖργον καὶ τὰ
γέρο' ἐνεπίμπρασαν, οἱ δὲ τοὺς στρατηγοὺς μετεπέμποντο καὶ τὸν
σαλπικτὴν ἐκάλουν· καὶ θορύβου πλήρης ἦν ἡ πόλις.

Evening had already fallen when a messenger arrived bringing to the presiding councilors the news that Elatea had been taken. They were sitting at supper, but they instantly rose from table, cleared the booths in the marketplace of their occupants, and burned the wicker frames, while others summoned the commanders and ordered the attendance of the trumpeter. The commotion spread through the whole city.

In the beginning of the scene, the citizens take their dinner (δειπνοῦντες) and thus, we can imagine that the city was tranquil, since none knows the bad news that Philip captured Elatea. Immediately after the announcement of this bad news, the tranquility disappeared, the shocked citizens stand up abruptly (ἐξαναστάντες) unable to believe what had happened, and the whole city became noisy. The mental agitation of the citizens and the turmoil in the city, which was tranquil at first, shows how great the reversal in Athens was and what its effect upon the citizens was. Even the meter of the first line of this section shows how dramatic was the reversal of the situation in Athens. There is “an abrupt switch from the balanced opening clause (– U – – U –) to the jarring pace that follows (– U – – – U), reinforced by the sense-pause and *men/de*, which reflects the way in which the tranquil evening is shattered by the

messenger's sudden arrival".⁶³ Demosthenes describes the turmoil in Athens in such a way that allows us to imagine the Athenian assembly as a tragic orchestra with a noisy crowd coming and going, exactly like the entrance of the tragic chorus on the stage.

Moreover, the antitheses in the setting of Elatea's scene make the description far more dramatic. In the beginning, there was a dark atmosphere, but the next scene took place sometime in the morning. The first scene that describes the Athenian assembly is noisy. The next scene, however, is silent: nobody wanted to speak in the assembly. The only one who dared to speak was Demosthenes. Again, we could think of the tragic perspectives of this fact. We know that the chorus consists of common people who cannot do anything heroic at least without the guidance of a tragic hero. On the other hand, a tragic hero is *spoudaios*, an exceptional character, who does the right thing in the right time. In this case, Demosthenes could be such a hero, since he alone was the savior of the fatherland in time of danger. Under his guidance, his supporting chorus, which consists of his common fellow citizens, can do the best for their *polis*.

Another indication that highlights the connection between *On the Crown* and the dramatic genres is the fact that Demosthenes uses quotations from tragic and comic plays. The most explicit proof is the quotation from Euripides' *Hecuba* in 18.267:

ἦκω νεκρῶν κευθμῶνα καὶ σκότου πύλας

⁶³ Yunis (2001) 204.

I have come from the chamber of the dead and the gates of darkness

Yunis says that this line “was presumably familiar to the audience and put them in mind of tragedy and impending doom”.⁶⁴ In the same section, Demosthenes uses another line, which is supposed to be highly suggestive of a tragic context:

κακαγγελεῖν μὲν ἴσθι μὴ θέλοντά με

Know that I do not bear evil tidings willingly

According to Yunis, this line is nondescript and it could have been taken from any tragedy.⁶⁵ Furthermore, the last period of the same section evokes tragedy, as well as comedy:

κακὸν κακῶς σε’ μάλιστα μὲν οἱ θεοί, ἔπειθ’ οὗτοι πάντες ἀπολέσειαν

May the gods first destroy you wretchedly, wretched man (i.e. Aeschines), and afterwards all these (i.e. judges).⁶⁶

The first part of this phrase, *kakos kakōs* [*apōleto*], is a tragic phrase in tragic meter, that of iambic trimeter. Such locution is found in various tragedies, such as Sophocles’ *Ajax* 839, 1177, 1391; *OT* 248; *Ph.* 1369, Euripides’ *Medea* 805, 1386; *Tr.* 446, 1055.⁶⁷ However, the combination *kakos kakōs* is not necessarily suggestive of tragedy. It has also comic and colloquial sense and it is common in comedy, for example Aristophanes’ *Eq.* 2, 189, 190; *Lys.* 162; *Nub.* 554; *Plut.* 65, 418, 879; Menander’s *Dysc.* 220-1, 926-7; *Epitr.* 424.⁶⁸ However, Renehan pinpoints that this

⁶⁴ Yunis (2001) 260.

⁶⁵ Yunis (2001) 260.

⁶⁶ This translation belongs to the author of this report.

⁶⁷ Renehan (1976) 114.

⁶⁸ Renehan (1976) 114-5.

verse looks like “a normal Attic curse-formula”, which is common primarily in tragedy, and he suggests (convincingly) that this locution adds more dramatic tension to the speech.⁶⁹

Furthermore, the depiction of *ēthos* is an important aspect of the theatrical features of rhetoric. The construction of characters is a link between theater and rhetoric. Both professions include the construction and presentation of characters: the orator is like a dramatic director who has to create a different character for each actor of his troupe.⁷⁰ The character of the speaker must be credible, trustworthy, and compatible with his words and actions. During the process of character construction Demosthenes uses tragic and comic *personae* (for example, that of tragic hero) and *topoi*. This fact is another strong link between dramatic stage and rhetorical speech. *On the Crown* contains an exceptional character study, since Demosthenes, like a dramatic director, writes one scenario for himself and another for Aeschines. He skillfully turns the trial into a zero-sum, “I–You” rivalry. He commemorates his own noble origins, high social status, and his continuing services on behalf of the interests of his city (18.113, 256ff, and especially 266).⁷¹ On the other hand, Demosthenes brings out various insults against Aeschines. He emphasizes his humble origins, the

⁶⁹ For more information, see Renehan (1976) 115-6.

⁷⁰ In some cases, where the logographer could not speak in court and defend his client, he had to train the speaker in his role, exactly as a dramatist trains the actors of his troupe.

⁷¹ Demosthenes’ systematic emphasis on his high social status could reveal some of his political views. The speaker – a would-be politician – presents himself as a high-level aristocrat who ridicules the low-level origins of his opponent, who has a lot of potential to be a politician too. This “anti-egalitarian stance” of Demosthenes can add to our knowledge of the relationship between different social groups within the Athenian society. Cohen (1995) 80–1 presents an interesting argument about this issue.

lack of education, his ridiculous career as a tragic actor, and the fact that he is ignoring the Athenian interests (18.258–64).

The speaker, addressing successive questions (18.66–8) to his opponent (*apostrophē*), depicts two characters (*ēthē*): on the one hand, the orator is a real patriot, who shares common values with his fellow citizens. On the other hand, Aeschines does not belong to the city because, as the speaker says in 18.199 – 200, if he had the opportunity, he would choose his city to be subjected to Macedonian despotism. Demosthenes repeats the same charges against Aeschines throughout the speech. He claims that his opponent is a liar, a traitor and a hireling of the king of Macedon (18.19, 31, 38, 48–9 where Demosthenes includes Aeschines in a catalog of traitors and in 294 where the orator accuses his rival of “treason because he took the part of Philip”). He insistently uses terms that describe Aeschines’ deception and lies and he accuses Aeschines of shameful crimes, and immorality. By attacking Aeschines, the speaker’s aim is to undermine his opponent’s public image and create a negative disposition in the Athenians towards him. This zero-sum contrast between Demosthenes and Aeschines indicates that there is another link between this particular speech and a tragic performance: both have an educational role. Tragic performances present the mistake (*hamartēma*) of a tragic hero, which often affects not only his life, but also the life of his relatives (cf. Creon in Sophocles’ *Antigone*, Hippolytus in Euripides’ play) and his city (cf. Oedipus). In this way, the playwright creates examples (*paradeigmata*) either for imitation or for avoidance. For example, in Euripides’ *Hippolytus* the mistake of the tragic hero is his impiety to Aphrodite

that leads him and his stepmother to die. The playwright's message to the viewers of this performance may be to show piety to the gods and avoid behaviors like that of Hippolytus. Demosthenes tries to do the same in *On the Crown*: his attempt is to make the members of the audience (and especially the judges) feel that they have the power that a playwright or a dramatist has. Our speaker puts the judges in a dilemma, by emphasizing the fact that their decisions will create examples: if they vote for Aeschines, they will lead the citizens to imitate his example, leading their city to destruction. If the judges vote for him, the citizens will receive the correct message, to imitate the behavior of good citizens.⁷²

Demosthenes constructs the *ēthos* of his opponent, presenting him as a monster of vice and a disease for the city. He uses medical terms and the imagery of pollution, in order to show that Aeschines and corrupted men like him are a fatal disease for Athens (18.121: τί σ' αὐτὸν οὐκ ἐλλεβορίζεις ἐπὶ τούτοις; “why do you not dose yourself with hellebore after these ravings?” 296:

*ἄνθρωποι μίαιοι καὶ κόλακες καὶ ἀλάστορες, ἡκρωτηριασμένοι τὰς αὐτῶν
ἑκάστοι πατρίδας, τὴν ἐλευθερίαν προπεπωκότες πρότερον μὲν Φιλίππῳ, νῦν δ'
Ἀλεξάνδρῳ, τῇ γαστρὶ μετροῦντες καὶ τοῖς αἰσχίστοις τὴν εὐδαιμονίαν* “profane
men, and parasites, and ministers of destruction, men who have each mutilated their
own countries, men who have toasted away our freedom first to Philip and now to
Alexander, men who measure [happiness] by their bellies and all that is most

⁷² Rubinstein (2005) 135 – 45 presents an interesting argument about the educational role of courts.

base”).⁷³ I suggest that the medical language of this particular speech is a theatrical element. First, because the orator uses it in order to construct characters (*ēthopoiia*) which, as it is noted above, is a duty of both a speaker and a dramatic director. The second reason is that the use of medical terminology is frequent in Greek comedy.⁷⁴ Aristophanes, for example, uses a considerable number of medical terms and expressions in his comedies.⁷⁵ Aristophanes in *Wasps* (1489) and Menander in fragment 69 use the word hellebore that is used by Demosthenes in section 121, also. As Rowe argues, words like *helleborizein*, *nervizein* (242), *laryggizein* (291), and *kratērizēin* (313) have comic sense due to their “unusual sound”.⁷⁶ A stimulating point is what Garcia Novo says, when she discusses the structure and style of a Hippocratic treatise (*Prorrhetic 2*): verbs created in *–izō* are ironic, sarcastic, and pejorative.⁷⁷ If this is true, then at least *helleborizein*, which is a medical term, has a comic and ironic sense. Moreover, Aristophanes in *Clouds* (387, 409, and 549), *Acharnians* (733), *Knights* (1208), *Wasps* (1020) and *Frogs* (663 and 1095) uses the word *gastēr* (belly) as Demosthenes does in section 296. The frequency of the use of this word in Aristophanes’ comic plays may indicate that this word has comic sense.

Furthermore, Demosthenes claims (18.243) that Aeschines is like a doctor who, while his patient was alive, refused to give him the remedy, but when the patient

⁷³ Rowe (1966) 399 emphasizes the prominent role of belly in comedy and especially in Aristophanes’ *Birds* 1591–1605.

⁷⁴ Medical terminology is used also in tragedy. This is another proof that there is a common link between rhetorical speeches and the dramatic genres. In this case, however, Demosthenes uses medical language in order to ridicule his opponent.

⁷⁵ Miller’s article on Aristophanes’ use of medical language remains helpful. See Miller (1945) 74–84.

⁷⁶ Rowe (1966) 398.

⁷⁷ Garcia Novo (1995) 545.

died, he explained how the dead man could have escaped death. The quack doctor, who pretends to have worthy qualities that he does not have, is a comic character that of *alazōn* (braggart).⁷⁸ Mockery of doctors was a thematic motif that concerns comedy and appears on the comic stage in fourth-century Athens. As Dean-Jones notes, “doctors in New Comedy are often depicted as buffoons and charlatans”.⁷⁹ We know, furthermore, that three comedies from Middle Comedy and one from New Comedy have the title *Iatros* (doctor). This is another indication that these figures were objects of comic mockery. Therefore, we could draw the conclusion that Demosthenes’ use of medical language is suggestive of the language of comedy. The speaker transmutes the medical terms and uses them in order to depict Aeschines as a caricature, ridiculing him in the eyes of the judges and of his fellow citizens.

Demosthenes accuses Aeschines of behaving like a bad actor. The speaker adds negative connotations to the term *hypocrisis*: while he himself is a sincere citizen, Aeschines who was an actor by career, is playing a part using the power of drama deceptively (18.15: *ὑποκρίνεται* “dissimulates”). In 18.280 – 1 he says:

Indeed, by these acts you seem to me, Aeschines, to have chosen this trial with a wish to make a sort of exhibition of rhetoric and voice-cultivation, not to secure the punishment of any crime. **But, it’s not the verbal fluency of the orator, Aeschines, not the stretch of his voice, that is valuable,** but that he should choose the same ends as the bulk of his countrymen, and should hate and love the same persons as his country.

⁷⁸ Rowe (1966) 400, 402. Whitman notes that *alazōn* is the man who pretends to have more knowledge than what he has, while *eirōn* is the man who pretends to less. See Whitman (1964) 26-8; Dean-Jones (2003) 106.

⁷⁹ Dean-Jones (2003) 104.

Demosthenes accuses his opponent of using his fluency and his loud voice in order to deceive the Athenians and make them hirelings of Philip. The orator accuses Aeschines of using artificial means of delivery for “verbal exhibitionism” and “speechifying” (18.259: *ὀλολύξαι* and 260: *ὀλολύζειν* “scream”; 280: *λόγων ἐπίδειξιν* *τινα καὶ φωνασκίας* “a sort of exhibition of rhetoric and voice-cultivation”; 291: *οὐχ ὥς ἂν εὖνους καὶ δίκαιος πολίτης ἔσχε τὴν γνώμην οὐδ’ ἐδάκρυσεν, οὐδ’ ἔπαθεν τοιοῦτον οὐδὲν τῇ ψυχῇ, ἀλλ’ ἐπάρας τὴν φωνήν καὶ γεγηθῶς καὶ λαρυγγίζων* “his comments were never such as would have been made by an honest and loyal citizen. He shed no tears. He had no emotion of regret in his heart. He vociferated, he exulted, he strained his throat”; 308: *πεφωνασκηκῶς* “ready to cry”). Demosthenes assails Aeschines for trying to conceal his insincerity by using his verbal fluency and his loud voice. In 18.287 he says: *μηδὲ τῇ φωνῇ δακρύειν ὑποκρινόμενον τὴν ἐκείνων τύχην, ἀλλὰ τῇ ψυχῇ συναλγεῖν*, “and that the chosen speaker should not lament their fate with the feigning voice of an actor, but express the mourning of his very soul”. According to Demosthenes, Aeschines behaves like a bad actor and he uses all the strategies that a bad actor uses in order to gain the sympathy of the audience. I suggest that the above-described activities of Aeschines are very close to the demeanor of *ponēros*, which is a comic character. According to Whitman, *ponēros* is anyone who tries “to get advantage of somebody or some situation by virtue of an unscrupulous exercise of craft, in order to come out on

top”.⁸⁰ This is exactly how Demosthenes describes Aeschines. In fact, in section 267 he explicitly accuses his rival of being *ponēros*, aiming at identifying him with this comic character, since Aeschines is not just ridiculous but also dangerous.

Demosthenes pays much attention to the *hypocrisis* (delivery) of his speech, but on the other hand, he accuses Aeschines of delivering an extremely polished speech, in order to conceal the truth from the audience. This poses the question: does Demosthenes accuse acting and actors, while he shares the same techniques as an actor onstage? Is his argument so obviously contradictory? No, it is not; we have to explain clearly the whole case. It is worth bearing in mind that the accusations of Demosthenes are not against tragedy as a literary genre, or against onstage acting and delivery. He uses the negative overtone of acting exclusively for his attack against Aeschines. In other words, the object of his criticism is Aeschines, not *hypocrisis* and theatrical acting. Demosthenes tried to show his rival's insincerity, debunking his public profile, and ridiculing his previous career as tragic, but untalented actor. A successful actor always tries to make the audience forget that he plays a role onstage and identify him with the character that he impersonates. Demosthenes succeeds in making his audience feel that he does not play a part and therefore that he is sincere, whereas Aeschines fails to achieve this because, as Demosthenes says, he is an untalented third-rate actor. In other words, while Demosthenes accuses his opponent of deceiving the audience with his low-quality acting, “he still avails himself of the

⁸⁰ Whitman (1964) 30.

real power of the theatrical metaphor – and of real acting”.⁸¹ In 18.265 – 6 of *On the*

Crown, we can find an explicit contrast between the two rivals:

ἐδίδασκες γράμματα, ἐγὼ δ' ἐφοίτων. ἐτέλεις, ἐγὼ δ' ἐτελούμην.
ἐγραμμάτευες, ἐγὼ δ' ἠκκλησιάζον. ἐτριταγωνίστεις, ἐγὼ δ' ἐθεώρουν.
ἐξέπιπτες, ἐγὼ δ' ἐσύριττον. ὑπὲρ τῶν ἐχθρῶν πεπολίτευσαι πάντα,
ἐγὼ δ' ὑπὲρ τῆς πατρίδος.

You taught letters, and I went to school. You initiated, and I was initiated.
You were a clerk and I was a member of the assembly. You were a third actor,
and I was spectator. You broke down, and I hissed. You work on behalf of our
enemies, I on behalf of our country.

Demosthenes seems to use arguments of increasing importance, since the last sentence shows the most important difference between him and his antagonist. Their greatest difference is that Demosthenes fights for Athens' interests, whereas his rival “worked and fought together with Philip” (sections 41–2: *synergos kai synagonistēs*). The clause ἐτριταγωνίστεις, ἐγὼ δ' ἐθεώρουν “you were a third actor, and I was spectator” is a hint to Aeschines as an untalented tragic actor. In his speech *On the embassy* 247, Demosthenes mentioned that “it is the enviable privilege of third-rate actors (τοῖς τριταγωνισταῖς) to come on as tyrants”. Pickard-Cambridge suggests that this is more an attempt of Demosthenes to destroy Aeschines' reputation as an actor, rather than a sincere care of providing information about tragic performances.⁸²

Demosthenes, using comic language and *topoi* to attack Aeschines, deflates his public image.⁸³ The use of laughter is an extremely effective means of character

⁸¹ Duncan (2006) 79. See also Wilson (1960) 315.

⁸² See Pickard-Cambridge (1968) 141 n.2

⁸³ The main two invectives against Aeschines are in sections 122–31 and 258–62. Hermogenes, in his work *On Types of Style* 261–3, says that this is a specific type of style that of *sphodrotēs* “vehemence”.

assassination: “to mock or insult a person is one way of challenging his identity and injuring his status”.⁸⁴ Demosthenes mocks his opponent for his low-ranked family (18.129: his father was a slave and 18.130, 259–60: his mother was a whore). The fact that Demosthenes identifies Aeschines’ mother with a character from Aristophanes’ *Frogs*, Empousa (18.130), shows that this mockery has comic nature. Empousa is a female monster that has the ability to change forms and is frequently used in comedies. Brown claims that, “there is some indication that prostitutes were often called by (or perhaps in some cases adopted) the names of female monsters of one sort or another. The middle comic poet, Anaxilas, provides a humorous catalogue of such names [...]. Empousa is at home in such company”.⁸⁵

Moreover, Demosthenes slurs Aeschines’ low-profile career, as a third-rate actor in tragic performances (18.129, 262, and 265-7). Behind these references to Aeschines’ career as an actor, a hidden irony exists: while he took part in tragic performances, he is a comic person and his career is ridiculous. In 18.313, we can find:

ἐν τίσιν οὖν σὺ νεανίας καὶ πηνίκα λαμπρός; ἤνικ’ ἂν κατὰ τούτων τι δέη,
ἐν τούτοις λαμπροφωνότατος, μνημονικώτατος, ὑποκριτῆς ἄριστος,
τραγικὸς Θεοκρίνης (18.313)

In what field, then, are you heroic and at what hour are you resplendent?
Whenever anything must be done to harm my hearers, those are occasions on

According to Hermogenes, orators use such a type of style in order to attack less important persons than themselves, such as their opponents.

⁸⁴ Halliwell (1991) 287.

⁸⁵ For more information, see Brown (1991) 43-4.

which you are the most splendid in voice, the strongest in memory, an excellent actor, a stage Theocrines.⁸⁶

Demosthenes' subtle irony is obvious when the orator says that Aeschines is "an excellent actor", whereas in the speech he tries to ridicule Aeschines' career, presenting him as a comic character. "The argument is designed to remove Aeschines from courtroom and give him a stage context, where he can be classified as a failure".⁸⁷ In 18.242, Demosthenes calls Aeschines *αὐτοτραγικὸν πίθηκον* "a monkey on the tragic stage". Aristotle's *Poetics* 1461b34–5 offers a parallel to this phrase: Aristotle says that, "Mynniscus used to call Callippides 'the monkey', because he overacted." In section 242, Demosthenes calls his opponent "a rustic Oenomaus" (*ἀρουραῖος Οἰνόμαος*); Aeschines' low-quality acting puts the tragic hero Oenomaus in a comic context.⁸⁸ In 18.180, the speaker says that Aeschines "villainously murdered Oenomaus at Collytus" that is another innuendo of Aeschines' bad acting. The disparagement of a character's career is a comic *topos*, since comedy, frequently, parodies tragic plots, playwrights, and agents. A well known example is that of Euripides and Aeschylus in Aristophanes' *Frogs*.⁸⁹

The speaker uses adjectives, names of animals or descriptions of animal traits, which are commonplace in comedy. For example, 18.162, 262: *ὦ κίναδος* "fox",

⁸⁶ Theocrines is unknown. This name seems to be the personification of a sycophant.

⁸⁷ Slater (1995) 144.

⁸⁸ Oenomaus was the king of Pisa and the father of Hippodamia and as Hermogenes notes, his *persona* has heroic and tragic connotations. Cf. Hermogenes' *On the Types of Style* 365.

⁸⁹ Rowe (1966) 402.

there is a clever irony in this point, since the fox is cunning but Aeschines is stupid;⁹⁰

263: λαγῶ βίον ἔζης “you live a hare’s life”. Demosthenes uses also diminutives

(18.242: τὰνθρώπιόν “little man”, 18.261: γραμματεύειν καὶ ὑπηρετεῖν τοῖς

ἀρχιδίοις “he fawns upon petty officials”), neologisms (18.127: σπερμολόγος

“babbling”; 139: ἱαμβειοφάγος literally, “iamb-eater” or generally, “devourer of

insults”; 209: γραμματοκύφων “hunchbacked clerk”), and low-life street language

(18.127: περίτριμμ’ ἀγορᾶς “man who loafs in the market-place”),⁹¹ which are

words and phrases suggestive of comic language. Given that the ancient *agora* was

the place of court sessions, I suggest that the phrase *peritrimma agoras* could be an

echo of what Aristophanes parodies in *Wasps* (88ff). There, the comic character

Philocleon suffers from jurophilia and attempts to refrain from taking part in trials but

he cannot. Demosthenes by accusing Aeschines of jurophilia, may want to identify

him with the comic character Philocleon and ridicules him once again. The comic

topoi and laughter in this point are not means of entertaining the audience. They are

means of stirring up the negative emotions of the audience against Aeschines.

Hermogenes (*On the Types of Style* 359-60) refers to the above-mentioned words and

phrases that Demosthenes uses in *On the Crown* in order to attack Aeschines and

⁹⁰ Rowe (1966) 398 emphasizes the possible connection between the use of the word *kinados* “fox” in this speech and in comedy. This word appears as epithet in Aristophanes’ *Clouds* (448) and *Birds* (429).

⁹¹ *Peritrimma* literally means “anything worn smooth by rubbing”. The same word appears in Aristophanes’ *Clouds* (447). Men who frequented the place of *agora* (“market”) were called *agoraioi*, an adjective that has both positive and negative meaning. It means “common fellows” or “low sort of men”. *LSJ* s.v. περίτριμμα; ἀγοραῖος. According to Harding (1987) 30 it was not appropriate for a woman to be in *agora*, and this “prejudice resulted in a great number of jokes”.

points out that “rough and vehement diction and coined words are indicative of anger”.⁹²

It is not easy for us to understand fully why all the above-mentioned expressions and *topoi*, which Demosthenes brings out against Aeschines, are comic and what their effect in the audience of this trial was. However, the fact that these phrases belong to comedy’s language can allow us to imagine their effect on the audience. Given that judges and onlookers of a law-court performance were theatergoers and probably took part in performances of comedy that were organised in Athens, they were aware of the use of language and imagery from comedy and they may have laughed when Demosthenes uses this kind of phraseology, in order to slur Aeschines. In a recent article, MacDowell notes that a hundred and forty men took part in comic performances during the Dionysia and the Lenaia. Simultaneously, according to him, six thousand citizens were judges every year and many others were involved in a law-court trial one way or another. All this information leads MacDowell to conclude that many Athenians “regarded both comedy and law as parts of their life, and either consciously or subconsciously they allowed each of those activities sometimes to influence the other”.⁹³

The speaker delivers *On the Crown* using various rhetorical techniques that were used both in a trial and in a theatrical performance. His major aim is to hold the

⁹² Translation Wooten (1987) 94.

⁹³ MacDowell (2010) 147-8.

attention of the audience. One of these techniques is the so-called *apostrophē*.⁹⁴

Demosthenes chooses to speak directly either to his opponent or to the audience, as he does in 18.52:

ἀλλὰ μισθωτὸν ἐγὼ σε Φιλίππου πρότερον καὶ νῦν Ἀλεξάνδρου καλῶ,
καὶ οὗτοι πάντες. εἰ δ' ἀπιστεῖς, ἐρώτησον αὐτούς, μᾶλλον δ' ἐγὼ τοῦθ'
ὑπὲρ σοῦ ποιήσω. πότερον ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, δοκεῖ μισθωτὸς
Αἰσχίνης ἢ ξένος εἶναι Ἀλεξάνδρου; ἀκούεις ἃ λέγουσιν.

But, I call you Philip's hireling of yesterday, and Alexander's hireling of today, and so does every man in this Assembly. If you doubt my word, ask them; or rather I will ask them myself. Come, men of Athens, what do you think? Is Aeschines Alexander's hireling, or Alexander's friend? You hear what they say.

Demosthenes (18.52), after saying that he considers Aeschines a hireling of Alexander, with an *apostrophē* calls his rival to ask for the opinion of people. This sort of conversation that Demosthenes seems to have with Aeschines resembles the dramatic dialogue in tragedy. Then Demosthenes addresses a question to the audience and answers the question by himself, saying that everyone agrees that Aeschines was a traitor (ἀκούεις ἃ λέγουσιν “you hear what they are saying”). We can imagine that the audience may react in Demosthenes’ question, shouting out one of the two accusations that the speaker brings out against Aeschines (*misthōtos/ xenos*).⁹⁵ There is an anecdote that Demosthenes deliberately mispronounced the word *misthōtos* by

⁹⁴ The rhetorical figure of *apostrophē* is very frequent in *On the Crown* (18.63; 66; 82 and so forth). Hermogenes notes (*On Types of Style* 262) that apostrophe or direct address are figures that create the style of *sphodrotēs* “vehemence” in a speech. Hermogenes gives examples of this rhetorical figure that produce vehemence in *On the Crown*.

⁹⁵ Cf. *Rhetoric* (1408a. 32–6) where Aristotle points out: “the hearers are also impressed in a certain way by a device employed extravagantly by writers of speeches: “who does not know?”, “everyone knows”. The hearer agrees because he is ashamed to appear not to share what is a matter of common knowledge”.

putting the accent on the antepenult (μίσθωτος instead of the correct μισθωτὸς), “so that the audience would correct him and supply the wanted response”.⁹⁶ With this rhetorical trick, Demosthenes gives his audience the opportunity to be involved in law-court procedure, exactly as the viewers of theatrical performances express their feelings of sympathy or antipathy for the actors. This technique resembles the “direct audience address of a comic *parabasis*”.⁹⁷ Consequently, Demosthenes and an actor onstage share the same techniques in order to address their audience. This shows that *On the Crown* is not just a text, but also a performance since it includes various techniques that an actor in a theatrical performance uses.

Rhythm and the speaker’s volume of voice are other important elements of *hypocrosis* in *On the Crown*. An important part of the rhetorical acting is how Demosthenes (and each speaker) stressed words, played with the musical tone of each word, and regulated the pitch of his voice.⁹⁸ For example, we could guess that Demosthenes may have employed special techniques of delivering specific sections of *On the Crown*. One of these sections is probably the section 208:

ἀλλ’ οὐκ ἔστιν, οὐκ ἔστιν ὅπως ἡμάρτετ’, ἄνδρες Ἀθηναῖοι, τὸν ὑπὲρ τῆς
ἀπάντων ἐλευθερίας καὶ σωτηρίας κίνδυνον ἀράμενοι.

⁹⁶ See Couch (1944) 173. Cf. Stanford (1967) 31-2; Tacon (2001) 178-9; Yunis (2001) 140. Stanford defends the historicity of this anecdote by referring to another instance where Demosthenes mispronounces the name of the god Asclepius in order to note that this god is benign (Ἀσκληπίους instead of Ἀσκληπιὸς). This story is recorded in Plutarch’s *Moralia* 845b and it could show that Demosthenes used to mispronounce specific words, in order to elicit the wanted reaction from his audience. Cf. Stanford (1967) 45, n.22.

⁹⁷ Duncan (2006) 77.

⁹⁸ Cicero (*De Optime Genere Oratorum* 1.2.5) notes that “there is a way of putting words together – a structure as it were – to produce the effects of rhythm and smoothness”.

But it cannot be, it cannot be that you committed errors, men of Athens, when you took upon yourselves to fight the battle for the liberty and security of all.

The repetition of the phrase *οὐκ ἔστιν* is for emphasis, and we could imagine the speaker raising the volume of his voice when he read this line.

Another aspect of *hypocrisis*, as the paper shows above, is the combination of voice and gestures. Unfortunately, we have no clear proof about the bodily movements of the speaker during the delivery of the speech. The reader of *On the Crown* can find only few direct references to gestures, when Demosthenes accuses Aeschines of imitating his own “movements” (18.232: *σχήματα μιμούμενος*). The speaker continues:

γέγονεν τὰ τῶν Ἑλλήνων, εἰ τουτὶ τὸ ῥῆμα, ἀλλὰ μὴ τουτὶ διελέχθην ἐγώ, ἢ δευρὶ τὴν χειρᾶ, ἀλλὰ μὴ δευρὶ παρήνεγκα (18.232 – 3)

On this I expressed myself in one phrase not in another, and that I drew my hand across to the right instead of the left side.

This quotation is a textual proof that Demosthenes used hand gestures when he was delivering this speech. If we visualize this scene – this method of analysis is quite tricky, but it can be used sometimes – we can imagine Demosthenes moving his hand right and left when he read this line. There are also some words in the recitation of which the speaker might move his hands. For example, when Demosthenes refers to Aeschines he uses the pronoun *toutoni* (18.15, 33, 141, 149): this is the accusative of the pronoun *houtos* strengthened by the deictic –i.⁹⁹ Thus, whenever the speaker uses this pronoun, he may have used his hand to show Aeschines. Moreover, Quintilian

⁹⁹ *LSJ* s.v. *οὗτος*.

(*Institutio Oratoria* 11.3.96–7) provides us with the description of a gesture with which, as he believes, “Demosthenes commenced the timid and subdued exordium of his speech in defense of Ctesiphon”. According to him Demosthenes delivered the exordium of his speech, “with the thumb and the next three fingers gently converged to a point and the hand carried to the neighborhood of the mouth or chest, then relaxed palm downwards and slightly advanced”. We do not know what Quintilian’s sources are and thus, his information that Demosthenes uses these gestures during the delivery of *On the Crown* remains dubious. Nevertheless, Quintilian’s description of Demosthenes’ hand movements shows that the writers of rhetorical handbooks recognize gestures as an indispensable means of delivering a speech and discuss them in detail. In any case, it will be very helpful if we treat, very carefully of course, Quintilian’s work as a source of information, which throws light on the uninvestigated area of the delivery of this speech and makes our difficult task to recognize Demosthenes’ *hypocritical* techniques in *On the Crown* easier.

Chapter 4. Conclusions

In recent years, various scholars emphasize what they ignored before: that a court is a stage, the speaker is like an actor or a dramatic director, and that a trial is a judicial performance. The orator uses all the necessary techniques in order to hold the attention of the audience, control its emotions, “shape” the thoughts of the viewers, and persuade them to accept his arguments. Hence, “judicial theatricality”, the way that the orator chooses to structure a rhetorical speech and transfer the gist of his arguments to the audience, is an integral part of rhetorical composition. The main aim of my report is to investigate the theatrical features of *On the Crown*. I have investigated specific aspects of oratorical performance: the tragic and comic language and imagery, the emphasis the speaker places on the emotive power of spoken words (*pathos*), the construction of *ēthos* of the two litigants (*ēthopoia*), and delivery (*hypocrisis*). I argue that all these devices of “theatricalization” are effective means of audience’s persuasion.

The audience is the common evaluator of an onstage performance and of a speech that is delivered in court. Demosthenes, like an actor or a dramatist, employs theatrical techniques in order to elicit the hearers’ sympathy. The main emotional aim of Demosthenes’ speech seems to be the same as that of tragedy, which is *katharsis*: the orator tries to purge the audience’s negative emotions regarding his policy towards Philip, which had sorry consequences for Athens. *On the Crown*’s connection with tragedy remains strong throughout the speech. The most obvious example is the description of Elatea’s destruction in section 169. The orator

maneuvers the narrative in such a way that allows us to imagine the Athenian assembly as a tragic orchestra with a noisy crowd coming and going, like the entrance of the chorus on the stage.

On the Crown contains a subtle construction of characters (*ēthopoia*).

Demosthenes himself is like a dramatic director; he writes one scenario for himself and another for Aeschines. He presents himself as having some qualities of a tragic hero, since he fought to protect his fatherland contrary to the plans of the gods. He is also an exceptional citizen, who respects the values of his *polis* (positive *ēthopoia*). The goal of this construction of characters is to soothe the audience's emotions towards Demosthenes, whose bellicose foreign policy has accelerated Athens' subjugation by Macedonia. On the other hand, the speaker used comic language and *topoi* to attack Aeschines and vilify his life and career, showing that he is a dangerous comic buffoon, a comic impostor, and a traitor to his *polis* (negative *ēthopoia*). By using this kind of *ēthopoia*, Demosthenes aims at creating a negative disposition in the Athenians towards Aeschines.

Demosthenes' strategies of audience manipulation include the use of *hypocrisis*. *Hypocrisis* is a technical term taken from the language of theater and literally means "performance". This term is multifarious; it refers to the speaker's volume, pitch of voice, and gestures. It refers also to his ability to interact with his audience, take control of people's emotions, and finally persuade them. My report offers a brief survey of the origins and the use of *hypocrisis* in rhetorical speeches and presents major views of ancient rhetorical handbooks and modern scholarly

analyses of delivery and its important role in a rhetorical speech. This report tries to show that there are specific parts of this speech, which the orator may have delivered by elevating the volume of his voice or by using gestures. However, as I have warned the reader, the discussion of Demosthenes' delivery techniques is tentative, since we cannot draw any absolute conclusion about this issue and unfortunately, we cannot investigate it further.

In his speech *Against Ctesiphon* (153), Aeschines addresses his audience with these words: "imagine that you are not in a court, but in a theater". As my report shows, this act of imagination was not difficult either for Aeschines' or for Demosthenes' audience. The analysis of the theatrical features of *On the crown* proves that there is a close relationship between rhetoric and theater.

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