FORENSIC FABULAE:
STORY STRUCTURES IN ATTIC ORATIONS

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Growing literary interest in the Attic Orators has led to an increasing number of literary analyses of their stories. These literary analyses have assumed that certain groupings of the speeches (e.g., by author, procedure, or position) can be meaningfully used for comparative analysis. In this dissertation, I set out to examine the corpus of Attic forensic oratory through a structural lens to see whether, when you apply different structural readings to the corpus, these or any other distinct categories or genres of narrative emerged. To pursue that goal, in each chapter I applied a different theoretical framework that has been previously productive in generating narrative groupings to the corpus as a whole to see whether any novel or useful categories emerged. I looked at narrative introductions, the chronotope, focalization, and character types. Although there are some commonalities, such as the narratives from inheritance disputes appearing to be meaningfully distinct from the rest of the corpus regardless of the analytic approach taken, each of these theoretical approaches generates different narrative groups. The implications of my findings are, thus, twofold. First, the groupings that my chapters identified should in and of themselves be productive avenues for further comparative studies of narrative in the orators. Secondly, and perhaps more significantly, the variety of potential narrative categories that emerge when applying a theoretical lens to the corpus in a category-agnostic way, demands that future comparative studies of narrative technique in Athenian forensic orations starts by questioning the validity and applicability of the axes along which the corpus is being divided for comparison.

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Introduction:

Athenian Forensic Narratives and Genre

Over the last couple decades, scholars have become increasingly interested in Athenian forensic narratives as a literary form. As literary-critical interest has increased, so has the number of studies that approach the corpus through lenses provided by literary theory. Many of the projects that arise from these new approaches are comparative in nature. The scholars define categories of speeches and then compare and contrast their literary features. The categories of speeches that are used in these comparative studies were initially developed for scholarship with very different aims. These groupings were defined for studies aiming to teach rhetoric, understand the Athenian legal system, or trace the historical development of oratorical style.

In order to advance the literary study of the orators, in this dissertation I go back to the corpus as a whole and by examining the usage of four different narrative features, I see whether these approaches can produce new meaningful categories of speeches based on shared structural features. While looking for these new axes of comparison, I also examine whether any of the groupings of shared structural features correspond with the categories of speeches that are currently used in work on the orators. My hope is that this study will offer a productive starting point for future studies on narratives in the orators, both by providing new axes along which to compare and contrast speeches, and by demonstrating that certain groupings do not meaningfully correspond with a given narrative technique.

In this introductory chapter, I explain the context and nature of the Athenian forensic corpus. I then provide a summary overview of the history of scholarship on the corpus, with an eye to showing how and why the current categories of speeches developed. Then I explain my methodological approach to re-analyzing the corpus and outline the dissertation that will follow.

Law and Litigation in Democratic Athens:

The Classical Athenian legal system, as D. M. MacDowell points out in *The Law in Classical Athens* (1978: 26-7), reflected the state's democratic ideology. Public officials were chosen by lot and granted the authority to resolve conflicts within their particular domains–the *arkhon* would handle conflicts concerning property, the *polemarkhos* would handle those related to the military, and the *basileus* would take care of the ones of religious significance (*Ath. Pol.* 3.2-3). The *thesmothetai* were introduced to lessen the judicial burden on the other three (3.4). Then, the democracy evolved, and more laws and juries were introduced as democratic checks on what could otherwise become too much individual power on the part of magistrates (4.4, 8.4, and 9.1).[1]

The laws that were introduced to govern these conflicts were, from the earliest days, not rigorously codified. As S. C. Todd observes in *The Shape of Athenian Law* (1993), despite the custom among classicists of referring to the work of early legal reformers such as Drakon and Solon as codification of the laws, their work is better understood as compilation (55). As laws were passed by the Assembly rather than being added into a code of some kind, they would be inscribed on stone *stelai* and placed around the city (*Ath. Pol.* 7.1). Although this public display of statutes made it possible for anyone to see the laws, locating and cross-referencing particular laws to prevent contradictions was very difficult (Todd 1993: 56).[2]

This lack of codification created an anxiety about consistency between the laws, leading to legislative reforms in 403/2 BC which had the goal of producing a coherent code of law (Todd

[1] Ober (2009 [1989]:145-8) discusses how, in addition to providing limitations on politicians' power in office, the courts also served as an important venue for politicians to win over or alienate the citizenry.
[2] In the fourth century, the Athenians did establish a public archive in the Metroon from which it was easier to pull legal citations. See Sickinger (1999: 160-70). Despite the increase in accessibility of the laws, the task of organizing them and making them fully internally consistent was endless, as evidenced by the continued existence of the *graphē paranomōn*, a charge that could be brought against someone who proposed an illegal law (on which see Hansen (1974)).

1993: 56-7). These reforms included making a distinction between laws (*nomoi* (sg. *nomos*)) and decrees (*psephismata* (sg. *psephisma*)), with the latter coming from the *ekklesia* and the former taking legal precedence (57). They also introduced a new board of public officials called *nomothetai* who were capable of, and responsible for, creating and amending *nomoi* and who were charged with making certain that they did not contradict each other (*Dem.* 20.91)[3].

Despite these moves towards a comprehensive code of law, the laws did not play the same role in legal proceedings as they do in modern legal systems. There are two reasons for this difference. The first has to do with the orientation of Athenian laws. Laws can be broadly categorized as being either *substantive*– "That part of a legal system which answers the question, 'what are my rights and my duties?'" (Todd 1993: 399)–or *procedural*– "That part of a legal system which answers the question. 'how do I go about exercising my rights?'" (393). Athenian law was essentially procedural in its orientation.[4] Even Christopher Carey, who wrote an article challenging this prevailing opinion about the general orientation of Athenian law, acknowledges that the system contained "probably a majority of procedural law" (1998: 109). A key result of this orientation is, as Todd (1993: 66) points out, "that procedures overlapped [...] and it was this choice [of procedure] rather than any objective assessment of the actions allegedly committed by the defendant which would determine the risks and penalties faced during the trial".

The second reason that laws played a different role in Athenian trials than in most modern systems is the way in which laws were used in courtrooms. The jurors in an Athenian trial were chosen by lot from a pool of eligible (and available) jurors.[5] These eligible jurors were

[3] On this process, see Canevaro (2013).
[4] On the evidence for this claim, see Todd (1993: 64-7).
[5] Jurors were chosen from the subset of eligible citizens who had shown up to be selected on the day of the trial (Ober 2009 [1989]: 142). Some scholars (such as Todd (1993: 82)) use the Greek term *dikastai* or the anglicization 'dicasts' when referring to Athenian jurors to emphasize the Athenian understanding of the role as being in the middle ground between a judge and a juror. They want to distinguish this role from the contemporary understanding of what a juror is and does.

any citizen over the age of 30 who added himself to the list of potential jurors for the year (*Ath. Pol.* 63-4). Ober discusses the probable class composition of the jury in detail (2009 [1989]: 142-4), but the crucial fact for our purposes about the jury's composition was that it comprised ordinary citizens with no special legal expertise (Cohen 1978: 34).

The jurors were required to swear an oath to cast their votes in accordance with the laws of the city and where no laws existed, they were to vote in accordance with what they deemed to be most just.[6] But if they were not legal experts, then how could they know the laws in accordance with which they needed to vote? This points to another major difference. In Athenian trials, laws were not used as the assumed framework under which the case took place, but rather laws were treated in a manner similar to evidence (Todd 1993: 58-60). The jury was not expected to have specialist legal knowledge; instead, the litigants would introduce the laws that best suited their claim as evidence in the trial.[7] And, in cases where the lack of thorough codification meant that two opposing litigants brought in laws that appeared to contradict each other, it was the jury's job to decide which was more relevant and which was more just (59-60). Thus, although substantive laws did exist, they were not nearly so determinative of a trial's outcome as they are in contemporary courts.[8]

Our knowledge of the Athenian legal system derives primarily from the surviving corpus of forensic speeches that were written to be delivered in Athenian trials. These speeches were composed because the Athenian legal system was driven by the people who made use of it. Even

[6] A version of this oath is reported by Demosthenes (24.149-51). Harrison (1971: 48) doubts that Demosthenes' version is the exact text they swore to, but agrees on the broad strokes.
[7] This is what Steven Johnstone (1999: 1) refers to when he says that "Athenian law was essentially rhetorical. [...] Athenian litigation, therefore, was not so much about applying the law as about struggling over what the law was and how (or even if) it related to the dispute at hand."
[8] In opposition to Todd, Harris (2018: 49) argues that because of the process whereby disputes came before the courts, the jury were, by necessity ruling on a matter of law. Harris, however, over-values the legal expertise of the magistrates who allowed cases to come to trial and under-values the judicial power of a jury that, in the absence of a mention of the laws in a speech, would have no knowledge about the statutes governing the case.

cases about matters of public interest needed to be brought by an individual who was invested in the case.[9] This legal system based on self-help was also, at least ideally, entirely amateur. Because the Athenian system was based around large groups of citizens agreeing on the best course of action, there existed a substantial anxiety about the power of persuasive technique to lead people to the wrong decision.[10] This anxiety can be evidenced by the way that speakers in court would often attempt to sway the jury against their opponents by pointing out their skill as a speaker.[11]

Despite the extensive cultural anxiety about professionalism in the courts, professionalism still developed. Wealthy Athenians were particularly vulnerable to litigation because they had the most to lose, and the courts put them in a position to be judged by average citizens whose experiences and perspectives diverged greatly from theirs (Christ 1998: 74-6). Although the wealthy could not hire lawyers to represent them in court as they would in a modern legal system, an industry did, nevertheless, develop around writing speeches for litigants to memorize and deliver as if they were their own words when presenting their case to the jury. Professional logographers[12] developed a craft that gave rise to the forensic oratorical corpus. It is not entirely clear how these speeches were initially preserved. The logographer, when writing a

[9] Christ (1998: 124) discusses how, although the option to bring a public suit was available to anyone who wished to do so, Athenian anxieties about vexatious litigation and its consequences led to third-party voluntary prosecutions–that is, prosecutions brought by people not directly involved in the conflict–being uncommon. When an Athenian did volunteer to prosecute a case, he was careful to justify his motives in doing so, with a view towards preempting a charge of meddling in other people's affairs.

[10] Ober (2009 [1989]: 166) discusses how the Athenian reliance on collective decision-making was at the base of their fear of rhetoric. This anxiety about being persuaded into evil by a weaker argument made stronger by rhetorical technique can be seen in Aristophanes' *Clouds*. O'Regan (1992: 12) discusses the increasing Athenian interest in and skepticism of rhetorical prowess that are reflected and displayed in this play. In the courts this skepticism played out in strategies of orators accusing their opponents of being too well-spoken.

[11] "Athenian jurors were often warned by orator A to beware of orator B's eloquence" (Ober 2009 [1989]: 166). Ober also discusses how orators such as Demosthenes and Aeschines could use accusations of sophistry to turn the court against their opponent (171-2).

[12] This is an anglicization of the Greek *logographos* to avoid using the term "speechwriter" which, although a perfectly acceptable literal translation, has a more political implication in modern English than is appropriate for describing these professional writers.

speech for someone else, would likely have given them a copy to memorize, but that is probably not where our recorded versions of their speeches originate.[13] More probably, they were edited and published after the trial was over[14] and then circulated as an advertisement for the author's services during his lifetime (Lanni 2016: 8). After the orator's death, the speeches would no longer have had value as advertising, but instead as stylistic and/or historical models, and perfecting these may have led to further posthumous edits by Alexandrian teachers (Todd 1990: 165).

These logographers were also, in many cases, noted orators themselves, so in addition to writing speeches for others to deliver, they would speak on their own behalf, both in court and elsewhere. In antiquity there was a canonical list of ten orators whose work was held up and preserved as models of Athenian oratory. These were Aeschines, Andocides, Antiphon, Demosthenes,[15] Dinarchus, Hypereides, Isaeus, Isocrates, Lycurgus, and Lysias.[16] The extant corpus of Athenian oratory comprises collections of their speeches that were preserved throughout antiquity to be enjoyed as literature and used as rhetorical texts to teach students how to better persuade their audiences.[17] The collections of speeches that we have preserved by these orators contain both ones that they wrote for clients to deliver and ones that they wrote on their own behalf. The majority of the surviving speeches were written by Demosthenes and Lysias.

[13] M. Lavency (1964: 190-1), however, argues that the preserved versions of the speech, barring the vicissitudes of a manuscript tradition, do come from the scripts that the logographers provided their clients.
[14] See Todd (1990: 167) for a discussion of the evidence supporting the claim that the speeches were edited between delivery and publication.
[15] Contained within the corpus of Demosthenes is the work of a non-canonical eleventh orator, Apollodorus. Trevett (1992: 73) summarizes the evidence and the degree of certainty there is about the authorship of the non-Demosthenic speeches in his corpus.
[16] Of these 10, at least Aeschines and Andocides do not appear to have made their livings writing speeches for other people.
[17] Smith (1995) concludes that this canon was an Alexandrian invention and that, moreover, the canon was originally of greater academic interest than rhetorical (78). Regardless of why these authors were canonized, by dint of their canonization, they are the ones whose speeches were preserved and were thus available to become rhetorical exempla.

Forensic orations had a discrete format distinct from other forms of Athenian oratory. This format, using Stephen Usher's (2001 [1999]) terms for his composite breakdown of the sections are as follows. First there is the *prooemium*, where the speaker appeals to the jury for goodwill, whether that be through flattery, reference to his own troubled circumstances, or disparaging comments about his opponent's greater skill and practice at speaking (22-3). Then comes the *narrative*, the focus of this dissertation, where the litigant relates the events that led to a trial being necessary (23-4). Following that, comes the *proof*, where the speaker makes arguments about the facts of the case, whether they be logical, legal, or ethical. The *proof* is the section where the litigant tries to make clear why their case is superior to their opponent's (24-5). Then, finally, comes the *epilogue* where the speaker may summarize their argument and/or make a final appeal to the jury's sense of justice, compassion, or civic responsibility (25-6).[18] Although narratives were often present in the other forms of oratory, they do not play the same essential role.[19]

The other notable distinction that forensic oratory has is its requirement for amateurism. Although, as discussed above, the Athenian anxiety about the persuasive power of a trained orator did not prevent the rise of professionalism, these professional speeches all affected a guise of amateurism.[20] Speakers, as mentioned above, would reference their unpreparedness relative to

[18] Aristotle challenges this division of speeches in *Rhetoric* 3.13.3. He instead proposes that there are only two parts of a speech–the claim and the evidence (3.13.1). His argument, while philosophically interesting, is more important in that it provides evidence for a common view of speeches being divided into sections similar to Usher's breakdown.

[19] As Usher points out, narrative does not even play as significant a role in rhetorical theory as it does in court speeches: "Narrative was to come into its own in real lawsuits, in which litigants had real-life stories to tell" (2001 [1999]: 24).

[20] In addition to the logographers, Athenian litigants (particularly wealthy ones) could avail themselves of supporting speakers known as *sunegoroi*. Lene Rubinstein, who argues that we should view the institution of *sunegoria* as a "central feature of litigation in democratic Athens" (2000: 233), also points out that the Athenians made it illegal to take pay for acting as a *sunegoros* (*ibid.*). She argues that this was not intended to keep the legal system amateur, but rather to prevent the wealthy from taking advantage of an easy way to increase their legal standing relative to the poor (*ibid.*). Regardless of the aim of this legislation, it does have the effect of reinforcing the pretense of amateurism that, in part, distinguishes the forensic form of Athenian oratory.

their opponent and make explicit that they were unaccustomed to the form. They would do this even while delivering speeches written by the best logographers money could buy.[21] This pretense of amateurism leads to an affected unaffectedness that stands out in forensic speeches when contrasted to the other two forms of oratory.

Previous Treatments

In order to understand the scholarly tradition into which this study fits, it is necessary first to survey the history of scholarship on the orators. This will be a selective overview, starting from some of the earliest works of oratorical scholarship and going to the present with an eye to demonstrating the different approaches that have existed in parallel with each other for as long as people have been writing about these texts. This dissertation has a literary-critical orientation and follows on from a relatively recent trend of increasing scholarly interest in the narratives of forensic oratory, but literary-critical approaches to the orators exist alongside and build on work done by scholars who were much more concerned with literary history, rhetoric, and legal and social history. The particular strains of scholarship that I will be laying out in this section will establish the basis for my later discussion of the latent categorization schemes that support the comparative approach around which many of these works are structured. Although the summary will start chronologically, because it is concerned with the development of parallel research traditions, as it reaches the modern era, it will be divided into lines of research which will each be treated chronologically.

The earliest extant writings about Greek oratory were contemporary with the orators themselves. Plato's work about the value of rhetoric as a pursuit, the *Phaedrus*, is framed as a specific reaction to a speech by Lysias related to Socrates by his eponymous interlocutor. Ultimately, Plato's critique of rhetoric, illustrated by Socrates' two contrasting speeches in the

[21] For example, see Isaeus 10.1.

dialogue, is that rhetoric as a tool is useless without the philosophical rigor of dialectic. Rhetoric can teach you how to present an argument, but is not concerned with why you should argue one way or the other. This critique of rhetoric as a field of study is consistent with Athenian anxieties about the role of rhetoric in a democratic society.

Plato's student, Aristotle, aware of the problems inherent in teaching rhetoric as a pure art, still wrote about the subject. In his *Rhetoric* he is more interested in teaching how to compose persuasive speeches than he is in commenting on the existing state of the field, but he does draw examples from fifth and fourth-century speeches and specific logographers such as Isocrates (1.9.38). He also mentions logographers as professionals without naming specific ones (3.7.7). Using their speeches as examples to illustrate his instructional work constitutes a critical engagement with their work even more directly than Plato's response to an imagined speech by Lysias.[22] This early critical engagement with the orators was directly tied to their rhetorical skills, that is, their ability to persuade. In the "earliest post-Aristotelian treatise on literary theory to survive" (Innes 1995: 309), the *On Style* attributed to Demetrius of Phalerum, we see the first critical response to the orators' writing that does not center on their rhetorical skills.[23] In this treatise on literary style, the author both cites and quotes the orators to support his arguments about writing style, focusing more on their value as writers than as rhetors.

The canonical list of Athenian orators was developed at some point between the third century BC and the second century AD and that long time frame is important for our understanding of the critical engagement with these texts in the centuries following the orators' era. As Casper de Jonge (2022: 231-2: Table 8.3) has demonstrated, varied lists of "canonical"

[22] The other existing rhetorical handbook from this time period, the *Rhetoric to Alexander* that has been included in the Aristotelian corpus, is concerned more with education than criticism and does not contain any citations of speeches.
[23] The dating of these text is vexed. Innes biases towards the second century B.C. (1995: 311). Montanari (2022: 950) prefers the first or second century A.D.

orators circulated throughout this time period.[24] R. M. Smith (1995), whom de Jonge challenges, argues that the canon was fixed by Alexandrian scholars in the third or second century BC (76). Smith explains the fact that alternate lists of the orators continued to circulate up to the second century AD by saying that the Alexandrian canon was created out of philological and antiquarian rather than rhetorical interest and it only took hold in the second century because the writers of the Second Sophistic were looking for *exempla* for their archaizing works (78). De Jonge's stricter definition of canon may not admit for the possibility of a literary canon existing within a larger circulating corpus that can be drawn on as needed by teachers of rhetoric, but he does not conclusively disprove that the canon of ten could have been created in Alexandria. While he explicitly rejects Smith's dating of the canon, ultimately they agree on one key point: from the Hellenistic period through to the Second Sophistic, there was substantial and varied critical engagement with the Athenian oratorical corpus. The centerpiece of Smith's early dating of the canon despite other lists of orators circulating afterwards is that canonization for literary-historical purposes is distinct from the curation of exempla for rhetorical education (78).

This distinction can also be inferred from de Jonge's understanding that the alternative reading lists proposed by ancient rhetoricians and scholars varied "depending on the audience for which they were compiled or the context in which they were presented" (235). This speaks to a divided scholarly community, each author picking and choosing their exempla from the corpus as needed to illustrate their particular rhetorical or literary significance. A final relevant point that de Jonge raises about scholarly engagement with the orators in this period is that curation is in itself a critical act. Even the most rhetorically oriented of authors, by the act of creating a reading list of key Athenian orators, "invited comparative criticism" (236).

[24] When referencing de Jonge I use the word "canonical" in quotes because a central concern of his article is challenging our modern use of the term to refer to ancient reading lists.

Skipping forward a millennium, Aldus Manutius' Greek printing of the works of Demosthenes in 1504 and the rest of the Greek orators in 1513 was a key moment in the history of scholarship on these texts. They spread to a much wider audience than they had ever before reached (Tangri 2006: 571). One person who was known to have had a copy of the Aldine edition of Demosthenes was Guillaume Budé, who may have been the first to realize the value of the orators as a source for legal history (572). In 1514 he published *De Asse et Partibus Eius*, a reconstruction of Athenian legal institutions that drew heavily on the orators as a source, establishing a trend in scholarship on the orators that, as we will see, has continued to the present day. In the 17th and 18th centuries, as the orators continued to be popular school texts, it was clear that a better understanding of the orators required a better understanding of the Athenian legal institutions in which they were participating.[25] The combination of these two forces–the need for a better understanding of Athenian law in order to read the orators and the value of the orators as a source for that improved understanding–culminated in Meier and Schömann's 1824 *Der Attische Process*, which drew on the orators alongside historians, philosophers, and poets to provide the most complete reconstruction of the Athenian legal system up until that point.

A. R. W. Harrison followed in the footsteps of Budé in using the orators as a significant source for his 1968 book *The Law of Athens,* which attempted to derive from the orators as much information as possible about the laws regarding the family and property. The second volume (1971) did the same for categorizing all the procedures available to an Athenian who wished to pursue a legal matter. The task of identifying and analyzing the systems of Athenian law has since been continued and refined. In *The Law in Classical Athens* (1978), D. M. MacDowell set out to present the first general introduction to Athenian Law that would be accessible to a

[25] See Grafton (1991: 220-1) for a discussion of F. A. Wolff's late 18th century lamentations about how the contemporary understanding of Athenian legal institutions was insufficient to truly understand Demosthenes.

non-specialist audience (8). S. C. Todd, in his *The Shape of Athenian Law* (1993), produced a new general introduction that meant to provide a comprehensive overview of the state of our understanding of Athenian law while also drawing on and contributing to the fields of comparative law and social anthropology (vii). In 2006, Adriaan Lanni brought her expertise as a lawyer to bear in examining the assumption that Athenian law became more legalistic in its approach to relevance over time. In her book *Law and Justice in the Courts of Classical Athens*, she went through the evidence from the forensic speeches we have and concluded that the degree of legalism was a function of the particular circumstances of a case, rather than a progression towards a more modern approach to legal formalism (175-6).

Social historians working on Athenian material share a great deal with legal historians. Working from the legal realia identified within the texts, social historians of Athens in the age of the orators began to ask what we can learn about the attitudes and values of a society that would produce such a legal system. Josiah Ober drew on political science in *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People* (1989) to look at how the courts served to create and reinforce democratic ideology and sovereignty. David Cohen, in *Law, Sexuality and Society: The Enforcement of Morals in Classical Athens* (1991),[26] drew on the orators and social anthropological theory to examine how laws functioned to enforce Athenian social values. In *Policing Athens: Social Control in the Attic Lawsuits, 420-320 B.C.* (1994), Virginia Hunter looked at what we can learn about how people behaved from how the law set limits on their behavior.

Alongside the legal and social historical lines of scholarly interest, the speeches have, once again as in antiquity, been studied as rhetorical objects. In 1968, George Kennedy decried the general lack of interest in the subject of rhetoric from classicists in the introduction to his

[26] He continued this approach in his 1995 book, *Law, Violence and Community in Classical Athens*.

book *The Art of Persuasion in Greece*. "One of the principal interests of the Greeks was rhetoric. Classicists admit the fact, deplore it, and forget it" (3). Following in the tradition of the rhetorical teachers from Rome and Byzantium, he produced a systematic study of the art of rhetoric based on the orators, albeit with more of a descriptive purpose than a prescriptive one. Steven Johnstone neither deplored nor forgot the rhetorical interests of the Greeks in his 1999 *Disputes and Democracy: The Consequences of Litigation in Ancient Athens*. Johnstone showed how the law itself, rather than being something we can identify only after we clear away the obscuring layers of rhetoric, was fundamentally rhetorically constituted. To know the speeches, therefore, is to know how the law functioned. Going even further, Victoria Wohl, in *Law's Cosmos: Juridical Discourse in Athenian Forensic Oratory* (2010), demonstrates that not only did rhetoric constitute the law, it also created a world that was built on irreconcilable tensions such as the law's demand for consistency and its resistance to codification (291). The preservation and perpetuation of these tensions within the speeches and therefore the law (which as we know from Johnstone is rhetorically constituted) is what allows the unsystematized system to continue upholding itself.

Richard Jebb helped to establish the modern literary-historical tradition of scholarship on these texts. In the preface to his 1876 book *The Attic Orators from Antiphon to Isaeos*, he tells us that, while the other orators were popular texts for German students to read, only Demosthenes and Aeschines remained in circulation among Anglophone students ([1876] 1893: xii). This was, he claims, because these two orators were of more political-historical interest when read in isolation than the rest (*ibid.*), while the other orators needed to be read with more systematic context to be properly appreciated (xiii). Thus he set out to provide that systematic context as "a contribution to a chapter in the history of Greek Literature which has perhaps received less

attention than its importance deserves" (ix). Although he provides political and legal context for the orators he discusses, his goal, as set out in this preface, is to place the orators within the history of Greek prose literature, not to isolate them as rhetorical exemplars nor to mine them as a source of legal or political historical information.

Other scholars have since followed Jebb in aiming to give the orators their rightful place in literary history. By isolating oratory as a genre, Stephen Usher, in *Greek Oratory: Tradition and Originality* (1999), approached the creation of a literary subhistory that can be situated within the history of Greek literature. He went through the corpus of the Attic Orators and through close readings of every speech examined how the orators received and innovated on an oratorical tradition. Within that tradition he looked at the speeches' distinct structures, tactics, and styles to see how each orator distinguished himself. Positioning the orators in the literary canon opens them up to new methods of literary criticism. Victoria Wohl drew on the post-structuralist theories of Lacan and Foucault in *Law's Cosmos*. We can see the orators taking their place in the canon as objects of literary criticism in the chapters on Antiphon, Andocides, Lysias, Isocrates, Demosthenes and Aeschines that Mike Edwards contributed to the first volume of *Studies in Ancient Greek Narrative* (2004). In these pieces he compared and contrasted their narrative techniques to those of their contemporaries. Andreas Serafim's work on the performativity of Attic oratory (2017) fits into this trend of looking at the orations as literary texts in and of themselves through modern literary theoretical approaches.

Interest in Greek Forensic Oratory as a narrative genre has grown to such an extent that in 2020 Mike Edwards and Dimos Spatharas were able to put together an edited volume on *Forensic Narratives in Athenian Courts*. This book comprises articles that take a wide range of approaches to the act of narration within forensic orations, representing the, at the time, current

state of Athenian forensic narrative scholarship. These articles present a mix of approaches taken from legal studies, psychology, sociology, narratology, and old-fashioned philology, and apply them to the question of how Athenians told stories in court.

The Role of Comparison in Previous Studies

Questioning the validity of the current schemes of categorizing speeches is vital because comparison between groups of speeches is a key feature of how studies have been structured in all of these traditions of forensic oratorical scholarship. Jebb (1876) and Usher (1999) both divide their studies by author. Both of them undertake this comparison with a view to identifying the unique features of the orators they cover, while also working towards showing how Athenian Oratory developed. Although there is some overlap in the careers of the orators, authorship provides a reasonable proxy for historical arrangement of the speeches in a study. Edwards (2004) also divides his pieces in *Studies in Ancient Greek Narrative* by the author of the speech. His purpose is, in part, to be able to discuss the narrative styles of each orator he covers individually. This is consistent with the rest of the volume, which is organized by author. But he also uses his observations on the authors he covers in each chapter to compare and contrast the narrative techniques that the different orators employ. He, for example, contrasts Lysias' preference for single long narratives to Demosthenes' tendency to split up his narrative into multiple parts (343-4), and compares how often Demosthenes and Aeschines use questions in their narratives (351).

Authorship is not the only axis along which these speeches have been divided for the sake of comparison. Johnstone (1999) offered another potential grouping when he identified position, that is, whether the speech was written for defense or prosecution, as a meaningful distinction within the corpus. Throughout his text Johnstone examines the presence of various

elements of narrative and argumentation and shows how often they show up in prosecution versus defense speeches. For these prosecution and defense speeches, he further divides those into public and private speeches, those from cases brought on behalf of the polis and ones brought in a personal dispute respectively. Within the private speeches he also adds *diadikasiai*–a procedure by which an estate was adjudicated between claimants in the absence of a will[27]–as a separate category from prosecution and defense speeches because "all parties were on equal terms and there were neither prosecutors nor defendants" (136). Johnstone also separates out *paragraphai*–a type of countersuit concerning the legality of the case that would have to be resolved before the original trial could proceed[28]–because, given that the prosecutor and defendant from the original trial switch places in a *paragraphē*, "[i]n most of these, arguments about the original suit and about the *paragraphē* were mixed together by speakers on both sides, blurring the difference between prosecutor and defendant" (*ibid*.).

Adriaan Lanni (2006) examines the types of evidence that speakers brought into their stories and how these differed between the different courts in Athens and thereby the different procedures at law in order to demonstrate that the Athenian legal system did not become progressively more legalistic as it developed. She concludes, rather, that how strictly legalistic it was a function of the particular kind and necessities of the case at hand. The necessities of a homicide trial are decidedly distinct from those of a property dispute. Taking Lanni's conclusions as a basis for literary study, in their entries in *Forensic Narratives in Athenian Courts*, Christine Plastow and Brenda Griffith-Williams respectively treated homicide and inheritance disputes as distinct narrative genres. Plastow shows how the relevance rule in the homicide courts directly

[27] See Harrison (1968: 159-60) for more on this procedure.
[28] Harrison (1971:106-24) covers this procedure in detail, including an acknowledgement that "the speakers, whether for or against a [*paragraphē*], by no means limit themselves to the issue raised by the [*paragraphē*], but bring in arguments for or against the substantive claim of the plaintiff" (108-9), clearly illustrating the difficulty that including *paragraphai* among the data for either prosecution or defense speeches would pose for Johnstones statistical analysis.

impacted the narrative choices of the orator regardless of whether it was written by Antiphon or Lysias (49). Griffith-Williams, meanwhile, shows how the narratives in inheritance disputes were constructed to convey plausibility within an Athenian social normative framework that is fundamentally different from that of a modern reader (67-8). The social norms that determine what sort of anecdotes were worth including in the narrative in such speeches drive Demosthenes' narrative composition just as much as they do Isaeus's.[29]

The variety of axes along which the speeches can be and have been divided are well justified by their usage. Authorship is a useful category for tracking historical developments within a genre. Position is a sensible way to divide speeches when considering rhetorical strategies, as there are clear commonalities in the types of things defendants are trying to prove when contrasted with plaintiffs or prosecutors. And, of course, the differing laws regarding types of admissible evidence will have a meaningful impact on the speeches composed for different procedures.

My Contribution

In this dissertation, I am laying a foundation for further literary scholarship on the orators by proposing a new approach to categorizing the speeches for comparative study. The categories that are currently used–author, position, and procedure–were all chosen for their suitability for answering non-literary questions. Although they have been productive for literary-critical studies, the question that I am addressing is whether we have exhausted the possible schemata for dividing these speeches.

The question of how these speeches can be meaningfully grouped is, at its core a question of genre–or, rather, subgenre, as for the purposes of this study I will be accepting forensic

[29] See, for example, where Griffith-Williams uses Isaeus 6 and 8 alongside Demosthenes 39 and 40 to illustrate how the logographers in an inheritance dispute could employ the Athenian trope of a scheming woman exercising undue influence on the will of an older man in order to challenge a will's validity (61-4).

narrative as a valid category of narrative.[30] Genre is a form of categorization that defines the relationship between texts on the basis of shared characteristics. These characteristics can be arbitrary. Yuri Tynianov points out in *On Literary Evolution* (2019 [1927]: 273) that one of the primary defining characteristics of the novel as a genre is the number of printed pages. Furthermore, the elements that constitute a genre are constantly changing as the genre evolves historically (274). So we can understand genre as being an historically contingent collection of characteristics. Despite the arbitrariness and mutability of genre as a category, it is vital for understanding texts. In *Kinds of Literature: An Introduction to the Theory of Genres and Modes* (1982), Alastair Fowler argues that the first step in any critical reading is to construct the work in the sense of assembling the codes on which it relies and the elements in which it innovates. Identifying the generic features of a work is fundamental to this process of construction (256-9). From both Tynianov and Fowler we can see that the distinctive features of a work cannot be identified without comparison with its generic relatives.

In his 1971 generic approach to ancient lyric poetry, *Generic Composition*, Francis Cairns points out that genre was, at the time, not a popular critical framework among classicists. This is because it runs counter to many preferred forms of study. "Classical scholars like to talk about development" (2009 [1971]: 32), while genre studies show that there was, relatively speaking, a high degree of consistency for the entire classical period– "antiquity was in comparison with the nineteenth and twentieth centuries a time-free zone" (*ibid.*). Or, put another way, classicists have generally preferred diachronic studies to synchronic ones.[31]

[30] I will briefly revisit the question of the validity of forensic narrative as a meaningful category in my conclusion.
[31] We see similar evidence of this tendency in the field in Lanni (2006) as she challenges a developmental narrative about relevance in Athenian law with one that shows how the varied approaches to relevance are better understood synchronically and dependent on context.

In the years following Cairns' publication, genre has become much more popular in the field of classics.[32] But this work has often defined its project in contrast to Cairns. Anna Uhlig's Bryn Mawr review of the revised edition (2007) of *Generic Composition* details the main strains of criticism that Cairns' work has faced in the years since it came out. First, that his synchronic approach is too extreme in how it flattens real diachronic development over a millennium of poetry. And second, that his understanding of genre is idiosyncratic, and "flies in the face of modern usage" (Barchiesi 2001: 150) in focusing on content to the exclusion of form. Despite these criticisms about his methodology, in her review Uhlig acknowledges the productivity of his approach. By focusing on the elements that constitute a genre, Cairns is better able to illustrate how a poet plays with and innovates on their tradition.

Although Cairns provided an important inspiration for my decision to approach this corpus from a generic perspective, I will not be following him uncritically. Even outside of classics there are criticisms of his approach to defining genre. Alastair Fowler (1982), I think rightly, criticizes Cairns for being too proscriptive in his understanding of what genres are. Contrary to Cairns (and his theoretical forebears), Fowler points out that genres have very few necessary elements in their definitions (39). Instead of being classes, rigidly defined by the presence or absence of any particular element, they admit more variability. Genres are not rigid tools of categorization but a description of a familial resemblance between texts (40-4). Authors inherit one (or more) set(s) of codes that they incorporate into their work, allowing for the possibilities of works, like people, to inherit features from multiple generic traditions.

According to Tynianov (2019 [1927]: 272-4), genre is constituted by a literary-historically contingent set of structures. These structures cannot be considered in isolation but rather must be identified and understood within their synchronic literary context.

[32] A search of *L'Année philologique* in 2024 for "genre" reveals over 10,000 results published since 1990.

So, although I will not be going as far as Cairns in declaring all of antiquity to be "a time-free zone" (2007 [1972]: 32), in this dissertation I will be following the tradition of much scholarship on the Attic Orators by treating the corpus synchronically. Ober (2009 [1989]: 36-8) justifies his decision to do the same because of the relative stability of the Athenian political apparatus at this time. The very existence of the oratorical corpus also helps set this period apart, given that "genuine legal and political orations are rare before this period and nonexistent after it" (37).

The structures that we will be examining as indicative of genre comprise some of the elements of narration. The ways in which authors introduce their narratives, for example, is examined as a genre marker by Fowler (1982: 98-105). The amount of time that passes within a narrative has been used as an indicator of genre by critics since antiquity. In Aristotle's *Poetics*, one of the distinctions he notes between tragedy, epic, and history is the amount of time their narratives cover (§1459). Dorrit Cohn (1999: 119) considers focalization to be necessarily indicative of fiction, but it is used in forensic narratives to great effect. The character-types that the author portrays can also be indicative of genre.[33] This structural approach to genre is pragmatic for this project. Structural features can be identified discretely. This allows the corpus to be divided quantitatively based on the presence or absence of the particular structural feature under consideration.

The existing categories of speeches are based on facts about them that are external to the text–who wrote the speech and why. In this project I am using internal facts–the words and structures that constitute the narrative–to see if those same categories re-emerge or if new ones do instead. By applying each approach from a category-agnostic perspective, we can test the applicability of each of the existing categories to the corpus when looking through the lens of the

[33] See Northrop Frye (2000 [1957]: 166) where he points to the inclusion of a parasitic character as indicative of dramatic comedy.

presence of a particular structural element. And because genres can overlap, even if the existing categories emerge from the data, new ones may as well. The elements that I have chosen for each chapter were chosen based on the works of previous scholars from various world literatures who have used them productively in categorizing texts.

Outline

In the first body chapter, I will be starting with the words of the orators themselves. One of the explicit markers of genre that Fowler identifies is narrative "incipits" or the opening words of a narrative work (1982: 98-105) Because the structure of a forensic speech contains an explicit moment of transition into the narrative portion of the speech, there is an opportunity to see whether the phrasing or vocabulary used to mark that transition corresponds with any categories of speech. I start by identifying all of the vocabulary used by the orators to describe the act of narrating. Then I ask whether any patterns emerge in the relationship between that vocabulary and the narratives that follow.

Although this cannot definitively disprove that the orators themselves believed in discrete narrative genres within the corpus, if the terms used do map neatly onto one of the categories, it would go a long way towards confirming the validity of the existing groupings. If, on the other hand, the narrative incipits do not map onto any existing categories, we must ask whether they correspond with any new ones. So, with that goal in mind, we will start looking at more traditionally narratological elements as an axis of categorization in the second chapter.

This second chapter concerns time in forensic narratives. As mentioned above, Aristotle pointed to the timespan covered by a narrative as a key generic marker. So in this chapter we look at the amount of time in which the events narrated took place. I identify a set of different timescales ranging from single events to multiple generations and these timescales necessitate

different relationships between the pace of the narrative and the pace of the events narrated. With this narrative structural approach identified, the question then becomes whether this approach can generate meaningful groups of narratives in the corpus. I attempt to create these groups by looking at how these timescales cluster together in different narratives. In doing so, I find that these clusters produce new comparative possibilities both in inviting comparisons between speeches with disparate external category identifiers and in identifying contrasts between speeches from identical external categories. Despite the productivity of this approach, it does not amount to a comprehensive method for categorizing the corpus.

In the third chapter I look at focalization in the narratives. Focalization is a key narratological concept which distinguishes the person speaking the narrative from the person through whose eyes we are seeing the events unfold. This can be something of a vexed concept when it comes to non-fiction narratives. There are those who contend that in non-fiction the speaker can never have access to the viewpoint of anyone other than themself.[34] Whether or not their claims to access others' viewpoints are legitimate, however, the narrators in forensic speeches do narrate events to which they themselves were not witnesses and thus we must be seeing them through someone else's eyes. The interesting distinction then becomes how (and whether) the speakers justify their access to the point of view of another character. Sometimes they explain how they came to know about these events, but at other times they explain that it is purely hypothetical focalization. And in other cases they make no attempt to justify their ability to focalize through characters other than themselves. I identify some categories of information that generally require justification and others that do not.

The question of who is allowed to "see" in forensic narratives implies a further question: who is allowed to "be" in forensic narratives? This is what I address in my final chapter, which

[34] Cohn (1999: 119) *e.g.*, who includes focalization as a "signpost of fictionality."

concerns characters. Johnstone posits that one "requirement of a legal narrative was that parties to the case be legally competent" (1999: 53). This is true when considering the legal framing of the trial–that is to say who is prosecuting and who is being prosecuted–but it becomes less true when we restrict our inquiry to the narrative portion of the speech. The disputants in the courtroom may need to be legally competent in order for the case to proceed, but as Johnstone rightly qualifies (53 n.30) there are cases such as [Demosthenes] 59 where the narratives focus on the actions of women and children.

Vladimir Propp in *Morphology of the Folktale* (1928) categorized fairytales by cataloging the stock characters they contained and then dividing them into the common groupings that emerged. In this final chapter I attempt something similar with Athenian forensic narratives. I identify a set of common roles that are played in forensic narratives and ask whether they regularly occur together in a way that is indicative of any meaningful distinction between narrative groups. Here I find three notable subgenres of narrative and evidence that further investigation will reveal even more nuance. With this in mind I turn to sum up my findings in the conclusion.

In the conclusion I attempt to synthesize the pattern that emerged in the four substantive chapters to see if there are any discrete narrative genres that emerged from my data, whether those be the assumed ones or new ones. Before this dissertation, the axes along which groups of speeches were divided and compared were assumed based entirely on externally determined categories. My hope is that by taking a structural approach to categorization we can find groups of speeches that have more in common with each other in their storytelling technique so that our comparisons will be more illuminating. Thus, when we compare the speeches to each other we can do so within or between groups that have already been demonstrated to have a structural

affinity with each other. Knowing what narrative elements are generic allows the scholar to eliminate some noise from their data because they can forgo commenting on shared elements that are merely the results of generic necessity.

My results are not all positive. I also find in some chapters that the approach that I apply does not produce a novel grouping of speeches. This is also valuable information for future literary scholarship. For the approaches from which no distinct types of narrative emerge, this frees scholars to make more liberal comparative studies. If contract disputes are not meaningfully distinct from murder trials, at least as far as their narrative structures are concerned, then a comparison between narratives written for these seemingly disparate situations would be entirely reasonable.

When I find no structural distinctions between the existing categories of narratives, this does not disprove the value of those categories. We have seen how generations of scholarship have used them productively. It does, however, provide reason to rethink using them for future literary-critical work on the orators. If Lysias's narratives, for example, do not emerge as a discrete group when examining the corpus through a given structural lens, then authorship will not be a productive axis along which to base a comparative study of that narrative structure in forensic orations. It is my intention that both the positive and negative results provide a useful basis for future literary-critical scholarship on Athenian forensic narratives.

Chapter One:

Narrative Segues and Genre

In this chapter I will look at the words of the orators themselves to see whether they explicitly signaled the genre of their narratives to the audience in any way beyond the fact that it was a narrative in a forensic speech.[1] I examine the varied ways they marked the beginnings of the narrative section of the speech to see whether any notable groups emerge. Having identified which group seems most likely to be productive, I examine it in depth to see whether the way that the narrative was introduced does, in fact, indicate any narrative similarities with other narratives introduced in the same way. Ultimately, I rule out narrative segues as a productive method for dividing the corpus, establishing the need for other approaches.

Why Narrative Segues?

When attempting to classify texts, it is worth asking whether the authors themselves identify/classify their narratives in any particular way. In an oral medium where the title of a narrative work was not available to the original audience, the *incipit* or opening of a narrative provides the first opportunity for an author to signal their generic affiliations (Fowler 1982: 98-105). For a forensic narrative the *incipit* comes not at the start of the speech, but rather at the moment when the speaker transitions from the *prooemium* into the narrative. I outlined the parts of a forensic oration in the introduction, but it is worth going into more detail here: in order to justify treating the segue into the narrative portion of the speech as an *incipit*–that is, an explicit opening to a narrative where the author can indicate generic affiliation to the audience–it is necessary first to demonstrate that the orators understood the narrative to be a discrete part of the speech.

[1] Although authorial intent is generally difficult to confidently determine, the forensic context of these speeches means that we can reasonably assume that any narrative choice that furthers the side of the case that a given narrator is arguing has authorial intent behind it.

Aristotle's *Rhetoric* proves that in the earliest extant scholarly writings by non-orators the narrative was recognized as a distinct part of a forensic speech (3.16). While this is valuable information, the way in which he discusses previous writings about oratorical narratives is even more informative. Aristotle critiques previous advice on how to compose forensic narratives by ridiculing those who recommend that forensic narratives be rapid (3.16.4). These unnamed authors who recommend rapidity in forensic narration are evidence of a pre-Aristotelian understanding of the discrete status of the narrative within a forensic oration and likely included Isocrates, who was both a teacher of rhetoric and one of the canonical orators himself.[2] Rosalia Hatzilambrou demonstrates that the role of narrative as a tool of persuasion was under-theorized by early rhetoricians (2020: 243). In Aristotle's case, this is, at least in part, because of his moralizing goal of redirecting rhetoric from being a method of persuasion to being a method of discovering the truth, and Aristotle's influence on the later rhetorical tradition stifled further theoretical development (243-4). However, because Aristotle framed his own work as critiquing oratorical practice, there is good reason to assume that in their practice orators viewed narrative as a vital component of their work.[3]

The best evidence that the orators saw narration as a distinct part of a speech, however, is the very existence of the narrative segue. Of all the forensic speeches containing a narrative that survive intact, there is not a single one that does not include an explicit transition into laying out the facts of the case.[4] In the rest of the speeches, after the *prooemium* in which the speaker

[2] We cannot be certain that Aristotle was referencing Isocrates specifically because Aristotle avoids citing forensic speeches even when specifically discussing forensic oratory, instead opting to pull his examples from more literary texts (Trevett 1996: 376). Despite this intentional omission, the criticism is still generally understood to be directed at Isocrates (Hatzilambrou 2020: 232).

[3] *Cf. Rhetoric* 3.13 where Aristotle claims that the standard understanding of the parts of a speech is ridiculous and that a speech should be analyzed as comprising only two sections: the statement and the proof.

[4] Hyperides 1 is excepted because it is a fragmentary speech that starts in the middle of the narrative. The speeches in the forensic corpus that do not contain any narrative, such as [Demosthenes] 46, were usually delivered as secondary speeches in a trial and focused on reinforcing the arguments rather than clarifying the facts of the case.

establishes the stakes of the trial and the legal points that he is trying to prove, the speaker says something along the lines of "concerning the things that happened, I will try to narrate the truth to you" (περὶ δὲ τῶν γενομένων πειράσομαι ὑμῖν διηγήσασθαι τὴν ἀλήθειαν, Antiphon 1.13), and then proceeds into the narrative.[5]

On a first look at the data, narrative segues seem like a promising axis of division for two key reasons. The first is that, despite the relatively regimented format of the forensic oration, no standard formula crystalized. It may have been the common practice to make the transition to narrative explicit, but the nature of that explicit transition varied greatly. It could be an entreaty to listen to the entirety of the matter (Demosthenes 47.3), or an offer to show the jury the facts of the speaker's career (Lysias 16.3), or even simply a promise to narrate what had happened (Isocrates 17.3).

The second key fact that makes narrative segues promising is that, even with this total freedom of how to introduce the narratives in their speeches, the orators did not use a wide variety of verbs to describe the act of narration. As we shall see, the majority of narratives in the corpus are introduced by just three verbs and their compounds. This concentration of verbs means that dividing the corpus along this axis produces multiple substantial groups of speeches. The question that this chapter seeks to address is whether these groups of speeches reflect any meaningful commonalities in their narratives. Because these segues come after the *prooemia*, an important additional note is that for narrative segues to meaningfully signal genre, they need to provide the audience with information about the nature of narrative that will follow that could not be derived from the *prooemium*.

[5] Translation my own

What Narrative Segues?

In order to produce readily analyzable groups, I have limited my inquiry to the verb used to describe the act of narration that will follow the segue. Although the syntax of the segues is of some interest–whether the verb is active or passive, personal or impersonal, or whether the speaker is offering to narrate or begging the jury's permission to do so–analysis of this produces too many groups that are too small for a useful subgenre analysis. I have focused, therefore, exclusively on the different primary verbs used by the orator to describe the action he is about to undertake when he transitions into the narrative.

The most common of these are διηγεῖσθαι (to narrate),[6] δεικνύναι (to show), διδάσκειν (to teach) and their compounds. In particular, while δεικνύναι is only used on its own once,[7] ἐπιδεικνύναι (to display) is used eight times,[8] ἀποδεικνύναι (to point out) is used twice,[9] and ἐνδεικνύναι (to indicate) is used once.[10] διηγεῖσθαι, by way of contrast, is used 14 times without a second prefix[11] and only once as the compound προδιηγεῖσθαι (to narrate beforehand).[12] διδάσκειν is never compounded in a narrative segue.[13] The less common verbs used to describe the act of narration are δηλοῦν (to clarify),[14] ἀποφαίνειν (to show forth),[15] μιμνήσκειν[16] and the compounds ἀναμιμνήσκειν[17] and ὑπομιμνήσκειν[18] (all meaning to remind), ἐλέγχειν (to cross

[6] I have rendered διηγεῖσθαι as "to narrate" wherever possible to reflect the fact that the nominal form–διήγησις–is the technical term used for the narrative portion of a speech by ancient rhetoricians. Aristotle provides evidence for this technical use even as he mocks it and his rhetorical predecessors in the *Rhetoric* (3.13.3-5).
[7] Demosthenes 23.
[8] Antiphon 5; Isaeus 9, 11; Lysias 1, 3; and Demosthenes 21, 28, 33.
[9] Lysias 16, & 23.
[10] Aeschines 3.
[11] Antiphon 1, 6; Lysias 13; Isocrates 17, 18, 19, 21; Demosthenes 34, 37, 40, 42, 54; and [Demosthenes] 49, and 52
[12] [Demosthenes] 59.
[13] Andocides 1; Isaeus 1, 2, 7, 8, 10; Lysias 7, 9, 12, 19, 32; and Demosthenes 27, 29, 30, 43, 44.
[14] Demosthenes 41.
[15] Lysias 31.
[16] Lycurgus 1.
[17] Demosthenes 18.
[18] Demosthenes 19.

examine),[19] διέρχεσθαι (to recount),[20] and εἰπεῖν,[21] ἐρεῖν,[22] φράζειν,[23] and λέγειν[24] (all meaning to say). No single one of these is used more than four times to introduce a narrative.

In addition to these active verbs describing the act of narrating, Aeschines once uses the periphrasis ποεῖν κατηγορίας (to make accusations) to describe his narration (1.39). There are also a few cases where the orators describe the actions of the jury instead of their own. They will ask the jury ἀκούειν (to hear)[25] or ἀκροᾶσθαι (to listen)[26] to the facts of the case or they will promise that the jury can μανθάνειν[27] or πυνθάνεσθαι[28] (both meaning to learn) the truth of the matter from them.

As is evident from the fact that multiple verbs can be given the same English translation, there are four distinct categories of language that the orators use for describing their narrations. These categories are "showing" (δεικνύναι, ἐπιδεικνύναι, ἀποδεικνύναι, ἐνδεικνύναι, δηλοῦν, ἀποφαίνειν), "telling" (διηγεῖσθαι, προδιηγεῖσθαι, εἰπεῖν, ἐρεῖν, φράζειν, λέγειν, διέρχεσθαι, ἀκούειν, ἀκροᾶσθαι), "teaching" (διδάσκειν, μανθάνειν, πυνθάνεσθαι), and "reminding" (μιμνῄσκειν, ἀναμιμνῄσκειν, ὑπομιμνήσκειν). These verbs mean specific things outside of the context of a narrative segue, so it is reasonable to ask whether they communicate something specific about the content or the role of the narrative within the speech.

"Teaching" and "reminding" have clearly distinct meanings. The former means providing the jury with new information, while the latter means helping them to recall things that they already know. These different ways of positioning the relationship of the jury's knowledge to the

[19] Demosthenes 35.
[20] Demosthenes 24, & 56.
[21] Demades 1; and Demosthenes 32, 36, and 45.
[22] Lysias 24, and [Demosthenes] 53.
[23] Demosthenes 57.
[24] Demosthenes 48, and [Demosthenes] 50.
[25] Lysias 17, and Demosthenes 55.
[26] Isaeus 6, Lysias 30, and Demosthenes 47.
[27] Aeschines 2.
[28] Isaeus 5.

facts of the case are elements of "the story about the jury" that Peter O'Connell discusses in his article of the same name (2020). Choosing what assumptions to make about the jury's level of pre-existing knowledge is a method of characterization that an orator can use to get the jury on his side. Presenting the narrative as common knowledge of which the speaker is merely "reminding" the jury encourages them to agree to the facts of the case, in order not to feel like an outsider to the common knowledge (86). Offering to teach the jury the facts, on the other hand, respects their independence as adjudicators of right and wrong while positioning the speaker as an authority on the facts (90). Although these two approaches are almost direct opposites in terms of how they frame the jury's knowledge of events, they serve the same persuasive goal–to convince the jury that the facts of the narrative are the truth.

The type of information included in a narrative is a clear element of genre. Differences in topics are what constitute the "genres of content" as distinct from "genres of form" that Cairns discusses in the postscript to the revised edition of *Generic Composition* (2007: 333). The notion of genres of content is why throughout this dissertation I will be checking whether any categories that are produced correspond to the procedure of the cases. Procedure is self-evidently a genre of content, as all murder trials include a murder, all perjury trials include a lie, and all inheritance trials include a dispute over an estate. So, if "reminder" narratives and "educational" narratives indicate genres of content, we would want the subject of a "reminder" narrative to be a matter of public knowledge as you might see in a *dokimasia* (the public scrutiny that aspirational political figures had to undergo to be deemed eligible for office [Aeschines 1]) or a *euthyna* (the examination of a public official's career after he left office to determine whether he executed his office appropriately [Demosthenes 19]). An "educational" speech, on the other hand, should have

private knowledge as its subject, such as the intimate details of familial relationships that you might see in an inheritance dispute (Lysias 32).

The public knowledge element of "reminder" narratives does hold up when one looks at the three speeches that use verbs of "reminding" in the narrative segue. Demosthenes 19 is a *euthyna* in which he attempts to incline the jury to condemn Aeschines by "reminding" them (ὑπομιμνήσκειν) of the events leading to Aeschines' embassy to Phillip (§ 9). Lycurgus 1, which uses μιμνήσκειν to introduce its narrative, is an impeachment trial, and Demosthenes 18, which uses ἀναμιμνήσκειν, is a *graphē paranomōn*–a procedure that could be brought against someone who proposed an illegal law.[29] Against the theory that "reminder" narratives are used in public cases, this is not the full list of public cases. Between *euthynai*, *dokimasiai*, impeachments, and *graphai paranomōn*, every category of narrative segue is represented, including Aeschines' ποεῖν κατηγορίας, which does not really fit into any of the four categories of verbs. That said, there are only three speeches that use verbs of "reminding" to introduce their narrative. Although all three are public cases, that is probably too small a sample to use to draw conclusions about the value of narrative segues for determining genre. So that leads to the question:

Which Narrative Segues are significant?

With "reminding" narratives presenting too small a group to use as a test case for the genre-identifying potential of narrative segues, the remaining options are "showing," "telling," and "teaching." In the rest of this chapter, I will be examining whether segues that frame their narrative as "teaching" constitute a group of narratives with meaningful shared characteristics. The reason for this choice is twofold. The first is that the framing of the narrative as "teaching" contains an implication about the relationship between the jury and the information in the

[29] This was part of the movement to make Athenian law more internally consistent and also served to provide a check on the power of the assembly. See Yunis (2001) for a more detailed discussion of the role this procedure played in political maneuvering.

narrative that is not present in the other two categories, namely that it is expected to be new information to them. This means that we can test the validity of that implication while also looking for other similarities in story elements between "teaching" narratives. The second reason is that segues using the language of teaching are over-represented in cases concerning inheritance.[30] This over-representation could be a sign that the verb choice does, in fact, at least to some extent, reflect the relationship of the jury to the information contained within the narrative, or at least the orator's framing of that relationship. Inheritance disputes, which often hinge on the relationship between the decedent and those contesting the distribution of their estate, rely more than most on information that the jury is not likely to know.[31] So "teaching" narratives provide a valuable test case for these categories as determinants of genre because they represent a substantial discrete group within the corpus and contain an explicit statement about the purpose of the narrative in the speech.

Who Uses Which Narrative Segues?

Before examining the group of "teaching" narratives for storytelling similarities, it is first necessary to address the possibility of authorial preference playing a role in the choice of narrative segue. An author's vocabulary choice has been shown to be a key tool for identifying their individual style.[32] So it is worth asking here whether an orator's segue choice is more meaningfully indicative of their individual stylistic preference than it is of structural similarities between forensic narratives. In this section, I will show that authorship, when considered in conjunction with the types of cases these narratives occur in and the selective nature of our extant corpus, is not usefully predictive of segue choice.

[30] Of the 18 speeches that use "teaching" segues, 12 (i.e., 66.6%) of them are from inheritance disputes.
[31] Given the size of Athens, the jury members were unlikely to know any given litigant at all, let alone the details of his personal relationships (Vlassopoulos and Heudre 2016: 676).
[32] Lagutina et al. (2019: 185) collates several works on the use of vocabulary as a stylometric identifier of authorship.

To see why this is the case, we can look at the 18 speeches that use "teaching" segues. Six of these speeches are by Isaeus, five each by Lysias and Demosthenes, and one by each Andocides and Aeschines.[33] Isaeus is clearly the orator who uses these transitions the most, but that number alone does not indicate a preference because it does not take into account the size of his extant corpus. Just looking at the number of times that the orators uses a transition can be misleading without considering their corpus size. Demosthenes and Lysias both use "teaching" transitions the same number of times, but for Lysias those five uses represent 36% of his corpus while for Demosthenes they constitute a mere 19%.[34] Considering the size of his extant corpus, Isaeus' preference for "teaching" segues is even more apparent; he uses educational vocabulary to mark the transition to narrative in 66% of his nine preserved speeches containing a discrete narrative.

Although the number of uses both absolutely and relative to his corpus support the possibility that Isaeus exhibits a preference for this type of narrative segue, the data become much more complicated when the content of his speeches is taken into account. "Teaching" transitions are over-represented in inheritance disputes, and inheritance disputes are over-represented in the Isaean corpus. Considered, then, as a percentage of his inheritance speeches, Isaeus only uses "teaching" segues for 66% of them. Demosthenes, by contrast, uses them for 83% of his inheritance speeches,[35] and Lysias uses them for 100% of his single inheritance speech. So Isaeus, far from displaying a general preference for "teaching" transitions,

[33] The Isaeus speeches are 1, 2, 5, 7, 8, and 10, the Lysias ones are 7, 9, 12, 19, and 32, and the Demosthenes speeches are 27, 29, 30, 43, and 44. The other two are Andocides 1 and Aeschines 2.
[34] Indeed, taking corpus size into account could suggest that both Aeschines (who uses "teaching" transitions in 33% of his speeches) and Andocides (who uses them 25% of them time) exhibit a stronger preference for these transitions than Demosthenes. Their corpora of three and four speeches respectively are too small to make strong generalizations about their preferences and so they will not play a major role in this analysis of the role authorial preference plays in segue selection.
[35] Of Demosthenes' six inheritance speeches (namely, 27, 29, 30, 43, 44, and 48) he uses teaching vocabulary in five (namely, 27, 29, 30, 43, and 44).

could instead be demonstrating a tendency towards more variety in segue types when it comes to inheritance speeches when compared to his fellow orators.

Though Isaeus undoubtedly wrote speeches for cases on a wide range of topics (Usher 2001 [1999]: 127-8), all of his preserved complete speeches concern inheritance disputes. This may be because the ancient critics who collated his speeches thought that was a particular strength of his. It is also possible that the over-representation of inheritance disputes in his preserved corpus is a result of the ancient biographical tradition that Isaeus tutored Demosthenes in his early career to help him win the lawsuits he brought against his former guardians for mismanaging his estate (Ps.-Plutarch *X Orat.* 5). This tradition may have led the ancient anthologists to canonize his work on inheritance in preference to other topics. Whatever the reason for the topical skew of the preserved Isaean corpus, knowing that it is not reflective of his work complicates any conclusions we might try to draw about preference in transition choice. Lysias and Demosthenes use "teaching" transitions more as a percentage of inheritance speeches but less as a percentage of their corpora.

The number of speeches in this category, when divided by author and subject becomes too small to use as a basis for generalizations about authorial preference. This is particularly true given that, when it comes to Isaeus, we know that his preserved corpus is not reflective of the breadth of work he produced. So, although it is impossible to rule out the role that authorial preference may have played in the selection of narrative segue, it is also not possible to say that authorial preference is a strong determinant of segue choice. There is, therefore, a reasonable chance that the narrative content genre is reflected in the segue choice. In the rest of this chapter, I will be examining that possibility.

"Teaching" Transitions and Story Similarities

There are 18 speeches where the narrative is introduced with a "teaching" segue. In this section, I will be looking at these speeches to see whether there are any similarities in the narrative content that would explain why these narratives in particular are "educational" for the jury. As mentioned, above, the majority of the "educational" narratives are from inheritance disputes, so examining these is a good place to start when looking for commonalities.

Diadikasiai

The procedure most represented in the "teaching" narrative category is *diadikasia*.[36] In Athenian law, if a man died with no immediate heir (whether natural or adopted), anyone who believed that he was entitled to the estate could put in a claim to it. If a rival claimant came forward, their claims would be resolved in a *diadikasia*, a jury trial with no prosecutor or defendant, but rather rival claimants on equal footing.[37] In these trials the claimants would try to prove one of two things: either that they were closer (either affectively or familially) to the decedent than their opponent or that their opponent and the decedent were less close than their opponent represented. These claims, which are based on information about the personal lives of the litigants, were unlikely to be known to the jury. It makes sense, therefore, for the litigant to claim to be "teaching" the jury about the nature of their familial relationships.

The five narratives in this group from *diadikasiai* provide an interesting test of this assumed affinity. The speaker of Isaeus 1: *On the Estate of Cleonymous*, an orphan who was a nephew of the decedent, claims that he and his brother were left out of the will because Cleonymous did not like their guardian (§9) and did not want to risk his estate coming under his

[36] Five of the 18 "teaching" narratives come from *diadikasiai*: Isaeus 1, 7, 8, & 10 and Demosthenes 43.
[37] Todd (1993: 120) gives a brief overview of this procedure.

control if he died (§10).[38] After the speaker's guardian died, Cleonymous took him and his brother into his home and cared for them as his own (§12). He even tried to have his will changed to include them while on his deathbed, but one of the speaker's opponents turned the magistrate he had sent for away at the door (§14). These details of the family drama that led to Cleonymous's nearest relatives being left out of the will would not have been public knowledge. A randomly selected jury would need to be taught this information in order for it to inform their judgment.

The claimant in Isaeus 7: *On the Estate of Apollodorus* is, as in Isaeus 1, the nephew of the decedent. He also finds himself without a claim to the estate on the grounds that a legal procedure necessary for him to inherit was not completed before the estate owner's death. In Isaeus 1 it was the revision to the will; in Isaeus 7, the speaker claims that his uncle was in the middle of the process of adopting him at the time of his death which would have made him the default heir (§§ 15-7).[39] In both of these narratives, a nephew "teaches" the jury about how his uncle was in the midst of a legal process to bequeath his estate to his nephew but died before completing it.

In something of an inversion of the previous two speeches, the claimant in Isaeus 8: *On the Estate of Ciron* is a grandson attempting to wrest an inheritance away from the decedent's nephew. In this case there is no incomplete legal process at play, however. Instead the speaker claims that his opponents prevented Ciron from adopting him as an heir by tricking him into thinking that his wife was pregnant and that he might sire a natural heir (§ 36). If this is true,

[38] It is not clear from the text how many brothers the speaker has, merely that he is speaking on behalf of multiple people in the same position. I will use the singular to refer to the speaker's co-claimant(s).
[39] Scholars debate whether this adoption was legal. Griffith-Williams (2013) outlines the nature of this debate and argues convincingly on the basis of parallel adoption cases that the adoption was, in fact, legal (35-8).

there is no way that the jury would have known it before the trial, so it definitely suits the "teaching" transition.[40]

The claimant in Isaeus 10: *On the Estate of Aristarchus* is once again the decedent's nephew, albeit by a circuitous set of adoptions. In this case, instead of asserting that a particular legal formality had been left uncompleted (or, indeed, unstarted), the argument hinges around arguing that the speaker's opponent, who had claimed the estate as Aristarchus' posthumously adopted heir, had been adopted in an invalid manner. Posthumous adoption was a recognized practice in Athenian inheritance law,[41] but Isaeus seems to argue that the only way for someone to be adopted was in a will (§ 9).[42] Griffith-Williams (2013: 203-5) discusses the practice with a particular focus on the role it plays in the legal grounding of this case. In this discussion, she calls attention to a parallel between the adoption in question in this speech and the adoption that forms the basis of the claim in Demosthenes 43, the remaining *diadikasia* with a "teaching" transition (204). By contrast to the incomplete legal procedures from Isaeus 1 and 7 and the unstarted procedure from Isaeus 8, posthumous adoption is a process that can only take place after an estate owner dies intestate. These two cases are unlike each other in that one rests on undermining posthumous adoption (Isaeus 10) while the other relies on it to support the claim to the estate (Demosthenes 43). In both cases, however, there is a more important distinction from the other three speeches. The validity of a posthumous adoption did not rest on a good relationship existing between the decedent and their newly adopted heir. In the previous cases it was clear that the speaker needed to "teach" the jury about their family dynamics in order to support their claim that a particular procedure would have been undertaken or completed had the

[40] Indeed, it is unlikely for the speaker to have known it either. Griffith-Williams (2013: *ad loc*.) speculates that he could have deduced this from conversations with Ciron when he visited, but also admits that it could be a complete fabrication designed to explain away the question of why Ciron did not just adopt the speaker after his sons died.
[41] Scafuro (2011: 16-7) provides a good overview of the details and frequency of this practice.
[42] See Griffith-Williams (2013: *ad loc.*) for a discussion of the implication that adoption *inter vivos* was not possible.

estate owner not died. When it comes to posthumous adoption, on the other hand, a person could claim and win an inheritance "without requiring the blessing of (or even an acquaintance with) the adoptive father" (Scafuro 2011: 17). This means that the case can rely less on "teaching" the jury on the quality of the speaker's relationship with the decedent.

Demosthenes 43 is also an interesting contrast to the other speeches in this category because it is one of the few cases where we have other speeches from the dispute. The estate at issue in this speech had been adjudicated in the previous generation in the trial for which Isaeus 11: *On the Estate of Hagnias* was written. This imperfect pair of speeches evidences the fact that, at least for this family, the story of their relationships is not inherently more suited to a "teaching" transition, as the speaker in Isaeus 11 uses a "telling" segue to begin his narrative about the family (§ 7).

Procedures Related to *Diadikasiai*

Thus far I have been looking at the speeches in the "teaching" category that appear to have the greatest number of situational similarities. Despite some differences to which I called attention, these speeches are all written to resolve the same class of dispute: one concerning the adjudication of an estate without an obvious heir. One of the tests of whether a novel approach to categorization is productive is if it can reveal similarities between speeches that would otherwise be assumed to be unrelated. It is simple enough to see the similarities between narratives about how an estate ought to be (re)distributed amongst the potential heirs. This is true for the *diadikasiai*, discussed above, but also for the other inheritance disputes in this category. Demosthenes 44 "Against Leochares" is not from a *diadikasia* directly, but rather a perjury trial resulting from a *diamarturia*. A *diamarturia* was a sworn statement made by the heirs to an estate claiming that because there were firmly established heirs the estate was not adjudicable

(Harrison 1968: 156). It was, in other words, an attempt to prevent a *diadikasia* from being held. The speaker of Demosthenes 44 needs to prove that the estate was, in fact, adjudicable, and is therefore in much the same rhetorical position as a litigant in a *diadikasia*. Although unlike in a *diadikasia* there was a plaintiff and a defendant in a perjury trial,[43] the plaintiff here is still trying to prove that his connection to the decedent and his estate is stronger than that of his opponents with the same evidence that he would in a *diadikasia*. And, as in Demosthenes 43, this evidence includes a complex chain of posthumous adoptions.

Isaeus 2 and 5 are both also perjury trials arising from *diamarturiai*. Although they come from different positions–the speakers in Demosthenes 44 and Isaeus 5 are both prosecuting the perjury case against the person making the *diamarturia*, while the speaker in Isaeus 2 is defending himself against a charge of perjury–they share many story elements. They describe long-standing relationships between the claimant of their choice and the decedent. They explain why their claimant was the most suitable heir to the estate. And, perhaps most notably, they all discuss the fact that a long time elapsed in which the arrangements for the estate could have been disputed, but were not.

Non-*Diadikasia*-related Inheritance Procedures

Despite the fact that these speeches come out of different procedures than the previous ones, it is clear that given that they all arose from *diamarturiai*, they share the subject of an adjudicable or potentially adjudicable estate. There are only so many ways in which an estate can become subject to this sort of dispute and under law there are only so many ways in which a claimant could support their case for inheriting it. If narrative segues are to be considered a productive genre signal, they need to indicate similarities between narratives from more disparate speeches. Lysias 32: *Against Diogeiton* concerns an estate whose ownership is not in

[43] As discussed, above, a *diadikasia* had neither, but was instead an adjudication between claimants on equal footing.

dispute at all. Diodotus appointed his brother, the titular Diogeiton, to be his children's guardian in the event of his death (§§ 5-6). He then died, leaving his sons and wealth in Diogeiton's care (§ 7). When Diodotus' sons came of age, Diogeiton told them that there was nothing left of their inheritance and they would need to fend for themselves (§ 9). This speech is, perhaps, most notable for what happened next: the boys approached their mother for help (§ 10). Citizen women rarely played active roles in forensic narratives. They were not permitted to give evidence on their own behalf in court and there is debate about to what extent their evidence could be admitted when presented by a legally competent actor.[44] Whatever the specific limitations on women's ability to provide evidence in a case, it was uncommon. In this speech, however, the primary actor is Diodotus's widow, who prevails on her family to bring Diogeiton to a family meeting to resolve the matter (§§ 11-2). Then, at this meeting, she is the one who presents the details of the magnitude of wealth that Diodotus had embezzled in the course of his guardianship (§§ 12-7).

The details of this narrative are substantially different from those in the *diadikasiai* and the perjury trials discussed above. In order to identify similarities, the speeches would need to be reduced down to the barest facts: someone died, leaving behind an inheritance, concerning which a dispute arose. The "teaching" transition, on the other hand, is even more motivated in this speech than in those previously discussed. The details of the family's finances are very likely to have been entirely private information and, because of the limitations on women's legal agency, the only way for the jury to know about the widow's evidence is to be taught it by the speaker who was there when she presented it to the family.

[44] See Just (2008 [1989]: 23-7) for an overview of the various positions in this debate and a summary of the evidence.

The case in Lysias 32 is a *dikē epitropēs*, an action that could be brought against a guardian, forcing him to account for his expenditures during the guardianship and the condition of the estate (Harrison 1968: 119-21). Because this action concerned something as intimate to the household as childcare and rearing, it is obvious how the "teaching" transition would be appropriate for a speaker undertaking one of these. Demosthenes, who was orphaned in his childhood, started his forensic career with a series of cases against his guardians for mismanagement of his inheritance (MacDowell 2009: 21). Although not all five speeches from Demosthenes' disputes with his guardians are from *dikai epitropōn*,[45] they do all rest on the same base narrative about how these men failed in their duty of care for Demosthenes and left him with a substantially diminished estate. Guardianship disputes concern facts that are likely to be private knowledge and so are a suitable subject for "teaching" the jury. That knowledge becomes less private as the number of cases increases.[46] Three of the five speeches (27, 29, and 30) use "teaching" transitions. Only some of the speeches from Demosthenes' dispute with his guardians have survived. There were other speeches from these disputes that would have been given between 28 and 30, so it is worth asking how much of their dispute would have been public knowledge by the time Demosthenes was prosecuting the people who were holding the property he had won in the previous trials.

[45] Speeches 27 and 28 both come from the same *dikē epitropes*, and 29 is a defense for a perjury charge brought as a result of the *dikē* from the previous two speeches. Speeches 30 and 31 are from a *dikē exoulēs*, an action brought to expel someone from property that they were occupying illegally (on which see Harrison 1968: 217-21). In this case, Demosthenes is claiming the right to take the land he was occupying because it had been lent to Onetor by Aphobus whom Demosthenes had just defeated in a *dikē epitropēs* and whose property he was claiming in order to make up the value of the judgment.

[46] While it may not be fair to call information revealed to previous juries "public knowledge" per se, it is clear that speakers in Athenian courts saw speaking in them as bringing information into the public arena. This can be evidenced by the Athenian taboo against naming reputable citizen women in court, thereby bringing them from the private sphere into the public one (Schaps 1977: 330).

Non-Inheritance Property Disputes

Not all of the cases in the "educational" category are inheritance disputes. If narrative segues are productive as signals of story affinity, then they should be able to bridge topics as well as procedures. Lysias speeches 9 and 19 are defenses against *apographai*. An *apographē* was a procedure used to recover money or property that was owed to the state but was being improperly retained by a private citizen (Harrison 1971: 211-7). In Lysias 9, the speaker is a soldier who is attempting to avoid having his property confiscated as punishment for having been rude about the magistrates (§ 6).[47] The commonality with inheritance disputes is apparent here. The case concerns the proper distribution of property. The speaker is doing what he can to prevent another claimant from dispossessing him of property which he currently possesses. Just as he would if it were an inheritance dispute, he attempts to establish the events and the legality of them to prove that he is the one entitled to the property.

Lysias 19: *On the Property of Aristophanes: Against the Treasury* has even more that is patently similar to an inheritance dispute. The Aristophanes whose estate is at issue was the son of a man who had served under the notorious Athenian general Conon. After Conon's death, Aristophanes and his father were executed.[48] After an execution, the property of the deceased became the property of the treasury. However, this repossession did not yield as much as the treasury expected and so they attempted to claim that some of Aristophanes' wealth had been spirited away by his marital relatives. The speaker is acting on behalf of his sister, Aristophanes' widow. He is attempting to make the case that the treasury had already recovered what might reasonably be expected from Aristophanes' estate. The speaker's family property, he argues, is meaningfully separate from that of Aristophanes and so is not subject to this seizure.

[47] The speaker's argument rests in part on the claim that the punishment was illegal because it was only forbidden to abuse a magistrate in court, not to complain about him to a third party (§ 6).
[48] It is not clear from the speech precisely why they were executed (Todd 2000: 200).

Because we are looking for similarities between the "teaching" narratives, we could say that the treasury in this case is playing a role parallel to that of Demosthenes in oration 30 in that it is trying to recover the remainder of an estate to which it had already been adjudged the owner. The information contained in the narrative of Lysias 19 is the same sort of detailed private information about the value of property and the family relationships through which it changed hands as we saw in the *diadikasiai*. The most notable difference is the fact that the rival claimant is the public treasury. The fact that the treasury is the one claiming this property means that, at least to some extent, the facts of the case are public knowledge. The person speaking on behalf of the treasury would likely have no intimate connection with the family, but he would still have presented a narrative that covered the details of the estate to set the groundwork for why it should be seized by the state. So the narrative concerns the type of information that is likely to have been private, but due to the nature of the case, this particular set of private information is more likely to have been public knowledge, again raising questions about how "educational" the narrative actually was.

Where Narrative Segues Fail as Generic Signals

So far in this chapter, I have been looking for similarities between speeches with "teaching" transitions to varying degrees of success. Having made a case for the similarities I could identify between the speeches I have examined, I will now turn to the evidence against the validity of "teaching" narratives as a distinct narrative category. There are two ways in which narrative segues fall short as a signal of genre. The first is that in order to say that a group of narratives is distinct, it needs to both *include* speeches that share similar features and also *exclude* speeches that do not share those features. As I will show in the following section, the narrative in a speech delivered in a circumstance similar to the plurality of speeches in the

"educational" category that has a different segue is not substantially different from the narratives that use "teaching" transitions. The second way in which narrative segues fail as markers of genre is that they are not predictive of narrative affinity. In covering the narratives with "teaching" transitions, I have saved a few from other trial types that have substantially different legal circumstances and therefore narratives to discuss at the end of the chapter. As we shall see in the remainder of this chapter, "teaching" transitions do not mark speeches that are either distinct from others or similar to each other when put in the context of the larger corpus and so do not function as a generic signal.

Isaeus 6: *On the Estate of Philoctemon*

Like so many of the speeches that I have already discussed in this chapter, this speech is from a perjury trial that arose from a *diamarturia*. Unlike the previously mentioned speeches, however, the narrative in this speech is introduced by a "telling" transition instead of a "teaching" one. As we shall see from an in-depth look at this speech's narrative, despite this difference in segue, it is not substantially distinct from the narratives that we see in similar trials where the orator framed the narrative as being a matter of "teaching."

The Philoctemon whose estate is under dispute had been the last surviving heir of a wealthy man named Euctemon. Before Philoctemon's death, he had adopted his sister's son, the complainant, Chaerestratus, to be his heir. Philoctemon predeceased his father and so when Euctemon died a few years later, another relative, Androcles, attempted to claim Philoctemon's estate on behalf of two of Euctemon's children, children who Chaerestratus contends are illegitimate. This speech contains an excellent example of the "kettle logic" that Victoria Wohl identifies as typifying Athenian legal argumentation (2010: 8-9). The speaker makes parallel arguments that are not necessarily compatible with each other. He argues that Androcles'

diamarturia was baseless because Philoctemon had an heir.[49] But he also argues that even if it had been appropriate to make a *diamarturia*, Androcles' *diamarturia* would have been wrong because the supposed heirs were illegitimate. This bipartite goal, proving his opponent's perjury in the *diamarturia* and proving that the alternate claimants are illegitimate, means that he needs to provide the jury with two separate narratives.

He starts by addressing the act of perjury that led to this action–Androcles' claim in court that Philoctemon did not leave a will. The first thing that he narrates is the relationship between Chaerestratus and Philoctemon, asking the jury to "listen" (ἀκροάσασθαι, §2) to his narrative that they had been friends, and that the former had been adopted posthumously as the latter's heir (§3). However, before Chaerestratus had the chance to claim his inheritance (which was necessary due to his having been adopted posthumously[50]), Androcles put in a claim to the estate on the supposed grounds that Philoctemon had died intestate (§4). The speaker informs the jury that Philoctemon had no children of his own, but one of his sisters had two sons, the elder of whom was Chaerestratus (§6). In his will, which he deposited with his brother-in-law,[51] he said that, if he died without issue, Chaerestratus would be adopted as his heir (§7).

If everything the speaker had said until this point was true, he would have already proven that Androcles had committed perjury. However, he also takes it upon himself to show that Androcles had also perjured himself when he professed Euctemon's later children to be Philoctemon's brothers, and thus close enough to claim his estate (§ 10). In the *diamarturia*, they presented their claim that they were the sons of Euctemon and thus Philoctemon's closest relatives; however, when pressed for details about the names of their supposed relatives, they

[49] Griffith-Williams (2018) demonstrates how this *diamarturia* constituted a procedural abuse meant to dispossess a legitimate heir of his property.
[50] See Griffith-Williams (2022: *ad loc.*).
[51] This is not Chaerestratus' father, but rather the husband of his other sister who was also childless and thus materially disinterested in the estate (Griffith-Williams 2022: *ad loc.*).

were unable to name even their mother (§ 12). Instead, they claimed she was from Lemnos, asked for a recess to go find out her name, and returned claiming she was Callippe, daughter of Pistoxenus (§ 13). The speaker disproves this claim with some math (§ 14) and then offers to show the jury their actual origin (§ 17).

Euctemon had owned a brothel, and the woman who ran it hired a prostitute named Alke (§ 19). While working out of this brothel, Alke had two sons with a freedman who proceeded to commit a crime and then leave Athens, so to support her Euctemon set her up as a manager for one of his other properties (§ 20). He then took up residence in that property and was, in time, persuaded to claim Alke's sons as his own (§ 21). Philoctemon had attempted to stop him, but ultimately relented (§§ 22-4). Then, after Philoctemon died, Euctemon wrote a will that explained the circumstances under which he had claimed the boys as his own (§ 27). He did this to protect the share of his inheritance that would have gone to Philoctemon were he alive and therefore to the speaker as Philoctemon's heir (Griffith-Williams 2022: *ad loc.*).

After this, Euctemon's mental health began to fail him, so Androcles and his associates began to try to take more of his estate from him (§ 29). Euctemon attempted to nullify his will, but was prevented from doing so by a need to wait for a representative of the relatives with whom he had deposited the will (§§ 31-2). Instead, he began selling off property so that he had liquid assets to give to the people trying to take his estate (§ 33). When he became too incapacitated by age to continue personally enriching the schemers, they attempted to auction off his property in their capacity as guardians for his supposed sons (§§ 36-7). Then, when he eventually died, they prevented word from getting out to his family so that they could strip the house of valuables before anyone else knew he was dead (§ 39). When his daughters found out from a third party that he was dead, they went to his house where they were initially refused

entry (§ 40). Upon finally gaining admittance, they discovered that their father had been dead for two days and the house was empty of belongings (§ 41).

The elements of this narrative are, by this point, very familiar. This story contains multiple adoptions undertaken in every possible way: posthumous, testamentary, and *inter vivos*. The speaker challenges some, while affirming others. The case involves a will that the speaker's opponent denies the existence of, an attempt at a legal process that could not be completed before the decedent died, and even people being turned away at the door so they could not see the decedent. If this narrative were placed without its narrative segue next to the narratives from *diamarturiai* and *diadikasiai* that I discussed previously in this chapter, there is no clear element that would make this one stand out as being more "tell-able" than "teachable." If the elements of a "teaching" narrative were distinct, then a non-"teaching" narrative should be notably different. As it stands, however, if one were to read all of the narratives from the inheritance disputes that I have gone through in this chapter removed from the context of the speech in which they were delivered, there would be no obvious clue that this narrative is introduced by a different type of segue from the rest of them. This means that, as far as identifying a distinguishable group of narratives from narratives in similar trials goes, narrative segues do not function as generic signals.[52]

Other Types of Trials

Having demonstrated the first way in which narrative segues prove inadequate as generic signals, all that remains now is to show that they also fail to point out meaningful similarities between narratives from dissimilar trial types. To prove this, I will now turn to the remaining six speeches with "teaching" transitions. It is easy enough to see the potential similarities between

[52] This is not the only narrative concerning an inheritance that does not use a "teaching" segue. Demosthenes 48, Isaeus 9, and 11, and Isocrates 19 all use different segues.

narratives that are concerned with the distribution of property. The narrative will generally be about the relationships between the people who owned the property previously and the people who hold it at the time of the trial. This will then be followed by the narrative of how the property changed hands. The orator will then use these two general narratives to support his argument about whether the property has been rightly or wrongly distributed. This distillation of the narratives in property disputes is overly broad, but it is necessary to reduce them to these broad strokes in order to identify the similarities between the speeches discussed so far. Despite needing to reduce property dispute narratives to this level in order to identify the similarities between them, it is even harder to see what these narratives have in common with speeches in trials where the question is whether the litigant had committed the crime of impiety.

Lysias 7: *On the Olive Stump*, for example, is a defense speech against a charge of impiety.[53] The speaker was accused of having uprooted the stump of a sacred olive tree on a parcel of land that he had bought a few years before the trial. This crime was, at the time of the trial, punishable by exile (Filonik 2013: 61). His intention in the trial is to prove that he did not uproot the tree and so he proposes to "teach" (διδάξαι) the jury the entire matter from the beginning (§ 3). The narrative is very brief. When he bought the property, there was no olive stump on it (§§ 4-5). After renting it out to four individuals in succession, there was still no olive stump on it (§§ 9-10). Then he farmed it himself, and it was during this last period that he was accused of having uprooted the olive stump (§ 11). It is hard to even call this a narrative. Steven Johnstone identifies a dichotomy between *antinarratives*, where a defendant claims that the prosecution's narrative is false, and *counternarratives*, where he provides an alternative version of events (1999: 54). This case rides the line between those two options while leaning more towards antinarrative. The speaker proposes an idea of how the olive stump may have come to be

[53] See Filonik (2013: 60-1) for a discussion of the probable legal context of this trial and impiety trials in general.

removed, but it is purely speculative (§§ 6-7). The narrative situation in this speech, as Usher (2001 [1999]: 88) points out, most resembles Antiphon 5: *On the Murder of Herodes*, where the defendant is forced to defend himself against a charge of having murdered someone whose body was never found and whom he claims to have barely known. Although Antiphon adds a great deal more narrative detail, in both cases the speaker, rather than presenting a counternarrative in which they present their own version of the crime, relates a story about their life as being entirely separate from the crime at issue. Despite this similarity in narrative strategy, Antiphon 5 uses a "showing" (ἐπιδεῖξαι, §19) narrative segue, rather than the "teaching" (διδάξαι, §3) one that Lysias uses.

I have already touched on *euthynai* above, but I will now come back to them to close out this chapter. A *euthyna* was a public scrutiny undergone by an official after he had completed his term of office to see whether he had performed his duties appropriately (*Ath. Pol.* 48). Because this procedure is concerned with how someone has performed a public office, it makes intuitive sense that the narrative is more likely to "remind" the jury of what they already know rather than to "teach" them something new. Consistent with this, Demosthenes in his 19th oration, *On the False Embassy*, uses a "reminder" transition (ὑπομνῆσαι, §9). This speech comes from the only trial where we have both of the speeches preserved, offering a unique opportunity to examine how two different orators deal with the same set of facts when constructing their narratives. In this case, while Demosthenes frames his narrative as a "reminder" of Aeschines' behavior, Aeschines, in his own defense, sets the jury up to "learn" (μαθήσεσθε, §11) the facts of the case in his own speech *On the Embassy*.[54] The opposing narrative segues used, then, do not reflect the nature of the narrative content, but instead, as O'Connell (2020) identified, they reflect different rhetorical strategies to achieve the same goal. The speaker using a "teaching" transition makes

[54] See Efstathiou (2007) for a discussion of how this trial informs our understanding of the *euthyna* procedure.

his narrative seem plausible by establishing himself as an expert on the facts of the case (90), while the one using a "reminder" transition makes the jury buy into his version of events by treating them as if they already know them (86). Both approaches serve rhetorically to frame the speaker's version of the events leading to the trial as the right one. To further illustrate the narrative differences between *euthynai* and the inheritance disputes that constitute the bulk of this category, I will now discuss a *euthyna* to which Lysias contributed.

Lysias 12: *Against Eratosthenes*

This speech is notable in that Lysias himself is both the speaker and the author, because the victim was his brother, Polemarchus. The titular Eratosthenes was one of the Thirty who had taken oligarchic control of Athens in 404 BC. After the democracy was restored, an amnesty was declared, according to which all crimes that took place under the rule of the Thirty were legally forgotten (*Ath. Pol.* 39).[55] The only exceptions were the *euthynai* of the oligarchs themselves and murder trials.[56] It is not entirely clear whether this speech was delivered in Eratosthenes' *euthyna*, or in a separate murder trial, or even whether it was delivered at all (Todd 2020: 36-8). Lysias was a metic (a non-citizen resident of Athens) and so would not have been able to speak on his own behalf in court under normal circumstances (*ibid.*). Regardless of the procedure employed, Lysias is charging Eratosthenes with the judicial killing of his brother (38).

Lysias begins the narrative by relating to the jury how his father had moved to Athens at the invitation of Pericles and how he lived there uneventfully for thirty years (§4). Then the Thirty took power (§5) and decided to arrest some metics under the pretext of their hostility to the new constitution, while in reality they intended to use the arrests as an excuse to seize their

[55] Todd (2020: 23-32) discusses the likely accuracy of the version of the Amnesty recorded in the *Athenaion Politeia*. With a particular view to establishing the legal context for this speech, he looks at how the formulation of the Amnesty could have allowed this trial to have taken place either as a *euthyna* or a murder trial.
[56] See Todd (2020: 27-8) for the complex relationship between these two exceptions.

wealth to replenish the coffers of the city (§§6-7). Peison, one of the Thirty, came to Lysias and began drawing up a list of things to confiscate, until Lysias offered him a bribe (§8). They agreed on an amount (§9), but despite the oath that Peison swore, when he saw what was in Lysias' chest, he told his assistants to take everything (§10). Lysias asked him for money so he could leave the city, but Peison told him he was lucky to be left alive at all (§11). Peison and his allies then headed to Lysias's brother's house, sending Lysias to be looked after by Theognis (another of the Thirty) at the house of Damnippus (§§12-3). Lysias asked Damnippus, who happened to be a friend of his, to ask Theognis not to kill him for his wealth, and Damnippus agreed to intercede on his behalf (§14). While Damnippus was talking to Theognis, Lysias took the opportunity to escape (§15-6).

After his escape, Lysias sent a friend back into the city to ask after his brother and discovered that Eratosthenes had arrested and imprisoned him (§16). Lysias sailed immediately for Megara, and the Thirty ordered Polemarchus to drink hemlock without a trial (§17). When his body was given back to the family, the Thirty would not allow them to use their homes for the funeral, nor would they return one of the cloaks they had seized to use for the burial. Instead, Lysias and his family were forced to borrow all of the necessary accouterments for a proper burial (§18). Meanwhile, the Thirty kept the choicest things they had seized to enrich themselves and they turned the rest over to the treasury (§19). They did this despite the fact that Lysias and his family had been exemplary metics, taking on liturgies and ransoming Athenians as their wealth allowed them (§20).

Before I come to why this narrative is so different from the majority of narratives in this category, I want to address some of the similarities first. When looking to draw as many parallels as possible between "teaching" narratives, a few things stand out in this speech. It features some

elements that we have seen in the inheritance narratives that dominate this category. It begins with the genealogy of the principal characters involved. The conflict has its origin in the legitimacy of the distribution of property. And it ends with the speaker elaborating on the amount and details of the property that his opponent has unlawfully appropriated. Although Lysias is charging Eratosthenes with a violent crime, the murder itself takes place with no actual violence. It arguably does not even take place within the narrative. All that the narrative contains is Lysias learning about his brother's death. The only violence that takes place within the story is connected to the thefts he discusses.

The primary difference between this narrative and the majority of others in the "teaching" category does not lie in the bare facts he narrates, but the roles those facts play in the rhetorical strategy of the speech. In the inheritance disputes discussed above, the speakers narrate the disposition of property in order to establish a basis for arguing in favor of a particular arrangement of that property. In this speech, on the other hand, Lysias discusses how his and his brother's property was stolen by the oligarchs as an illustration of their characters. As Lysias moves into the argumentative portion, he seeks to prove that Eratosthenes is the one responsible for Polemarchus' death. Indeed, establishing culpability is a theme of the speech overall, not just on the part of Eratosthenes, but of the oligarchs as a group. Lysias attempts to prove that their culture of violence was the cause of his brother's murder. As Stephen Usher says about the later sections of the speech "Lysias makes collective responsibility the abiding theme" (2001 [1999]: 63). The fact that their motive for murder was something so base as greed does not play a role in Lysias' final argument. Then again, the fact that Eratosthenes murdered his brother does not play a role in his final argument. He concludes his speech by calling on the jurors to remember how badly the oligarchy had ruled the city. After establishing Eratosthenes' specific culpability

through a staged dialogue (§§ 24-33), he turns to his fellow oligarchs to elaborate on their excesses while in power. Prosecuting this murder, as he frames it, is an opportunity to take their revenge on the Thirty by condemning one of them for one of his myriad crimes. He describes his own prosecution as being just one of the many that will be needed to fully prosecute the Thirty (§ 99). He never even comes back to his brother's murder. From § 35 to the end, he seems more interested in the myriad crimes of the oligarchy than prosecuting his brother's murder. Lysias leverages the jury's anger about the oligarchy to pursue justice for his brother's murder, but also to encourage others to make the oligarchy pay for the way that the entire city suffered under their rule.

Lysias' choice of a "teaching" transition, just like his narration about theft while prosecuting a murder, is better understood as part of his rhetorical project in this speech rather than as a generic signal. He mentions the property that the oligarchy took from him, not to try to reappropriate it as the speakers from earlier in this chapter did, but rather to galvanize a jury who were more likely to have lost objects than they were to have lost relatives to their rule. Given how Lysias treats the jury as fellow victims of the oligarchy, a "reminder" segue may have made more logical sense. His use of a "teaching" transition, however, allows him to rhetorically step around the complexities of the amnesty. It would be a poor strategy to ask the jury to remember something that they have already agreed to forget. Instead he "teaches" them about his own personal suffering at the hands of the oligarchs so that they can remember their own. What he "teaches" them with his narrative is not primarily what happened, but why it should matter to them.

Conclusion

This chapter has focused on the beginning of the narrative section of the speech, to try to see if the orators used their transition from the proem to the narrative as an opportunity to signal a particular generic affinity. Although the initial examination of narratives with "teaching" transitions appeared promising, it did not end up generating a novel or productive grouping of stories. Narrative segues as a tool for dividing the corpus fail to indicate either similarities between narratives from notably different cases or differences between narratives from notably similar cases. Although "teaching" transitions are overrepresented in inheritance disputes, a juror at a trial concerning an inheritance would have no more information about the type of narrative that he was about to hear than he had already gleaned from the *prooemium*. Instead of indicating a generic affinity for the story, the narrative segue is better understood as a rhetorical element. The choice to position oneself as a "teacher" and thereby an expert may work to persuade a jury to trust the speaker's version of the facts, whereas framing a narrative as "reminding" them might help bypass the trust element by making them think they already agree with the speaker. "Telling" the narrative could be a feigned unaffectedness that encourages the jury to overlook the rhetorical purpose of the narrative within the speech, and "showing" them suggests a vividness that turns the jury themselves into witnesses to the events.[57]

Because narrative segues do not appear to generate productive groupings of narratives, we must look elsewhere for potential generic signals. In the next chapter, I will venture inside the narrative to consider whether grouping its structures can provide insight into story similarities.

[57] On this strategy of vividness to create persuasive verisimilitude see Webb (2020).

Chapter Two:

Time and Genre: The Forensic Chronotope(s)

In his *Rhetoric* (3.1), Aristotle lays out the three species of oratory: deliberative, forensic, and epideictic. In distinguishing between these three, he observes that each has a particular tense with which it is concerned. The deliberative looks to the future to recommend a course of action, the forensic litigates the past, while the epideictic focuses its praise or blame on present qualities (1.3.4). Although he admits that speeches of each kind will draw on other tenses, he still thought it useful to categorize these species according to their primary temporal orientation. Aristotle's division of the genres of oratory by temporal orientation proves that there was an ancient understanding of the importance of time as a signifier of genre, but it places all of forensic oratory under a single tense. In order to use time as a tool for identifying new potential groups within the corpus, I need to use a framework that admits more specificity.

For this purpose, Mikhail Bakhtin offers a very helpful tool with his chronotope. The chronotope, a metaphor borrowed from physics, describes the nature of the timespace of a work of literature and has "an intrinsic generic significance" (1981: 84-5). To put the chronotope in more narratological terms, it is a method for categorizing, among other things, the rhythm of a narrative or the relationship between the length of a narrative and the amount of time encompassed by the narrative.[1] In his initial work on the topic, Bakhtin examines ancient and modern genres of literature and identifies the characteristics of how they present time and space. However, as Bakhtin himself noted, "in literature the primary category in the chronotope is time" (85), so I will be focusing on time in this analysis.[2] The "adventure time" that characterizes the

[1] A definition of *rhythm* with examples of how it can vary in narratological terms can be found in de Jong and Nünlist (2007: xii). Prince (2003 [1987]: 91) would call this relationship *speed*.

[2] Although space is definitionally part of the chronotope, this is in part a result of the fact that, in a relativistic model, time and space are inextricably linked to each other. In future work I would like to consider the spatial elements of forensic oratory and its chronotopes that I identify, below, but for now I will be focusing exclusively on temporal relationships.

Greek Romance, for example, is characterized by events of unclear duration and relation to each other that end up in a time and place unchanged from the beginning of the story (89-90). The biographical time of the Greek rhetorical biography (as seen in Isocrates' *Antidosis*), by contrast, takes place over a defined period of time (the life of the biographized), and the events build on each other to make the status of the subject at the end inevitable (136-7).

The question of this chapter is, therefore, what temporal relationships characterize the forensic narrative. Aristotle may have given us a head start by observing that the tense of forensic oratory is the past, but there is still a great deal of work to be done. In this chapter, I will be looking at time in forensic narratives with a view to seeing whether I can identify a distinct generic chronotope or multiple distinct chronotopes that typify forensic narratives. To answer this question, I will be looking at the presence or absence of various temporal structures within the corpus to see what groupings emerge when divided along the lines of temporal relationships. The temporal analysis that I propose is productive insofar as it identifies notable differences and similarities between speeches that might go uncompared without this approach, but it produces groups too numerous and too small to constitute a comprehensive approach to identifying new genres within the corpus.

Forensic Chronotope(s)

In order to use the chronotope as a tool to differentiate narratives, first it is necessary to figure out what characteristics of the presentation of time are common in forensic narratives. Bakhtin has already gone some way towards this goal in his discussion of the chronotope of *rhetorical autobiography* and *biography* (1981: 131-7). He identifies this chronotope in a study of Isocrates 15: *Antidosis*, a speech written for a *diadikasia* resulting from, as the title implies, an *antidosis*, a procedure where an Athenian asked to perform a compulsory public service could

attempt to avoid that burden by offering to exchange their property with another individual they claimed to be richer than themselves and thus more suitable to bear the financial burden (Todd 1993: 120-1).[3] Although not all forensic narratives are biographies, they do share in the elements of rhetorical biographical time. Unlike the *adventure time* of the ancient novel, the forensic narrative takes place in the time of the real world. The events narrated are causally related, so the end of a narrative is a result of all the events leading up to it.

Forensic narrative in general, like Bakhtin's rhetorical (auto)biography, derives its persuasive power from credibility. Bakhtin notes that the events selected for narration all contribute to portraying a cohesive character across the biographized person's entire public life (1981: 137). Quintilian, similarly, drawing on Isocrates, says that the plausibility of a forensic narrative rests on the events portrayed being consistent with the characters in the narratives who participate in them (*Inst.* 4.1.52).[4] The presentation of time in forensic narratives is tied into this goal of producing a narrative that is plausible because the events are the necessary outcomes of the previous events and the characters involved.

Duration of Story Time

To begin to differentiate forensic narratives from each other, I turn first to the question of duration, or the amount of time in which the narrated events took place. While Isocrates takes the opportunity in his *Antidosis* to narrate his entire life, this is not the case in most forensic narratives. In some speeches, like Antiphon 6: *On the Chorister*, the totality of the narrative takes place within just a few days. Does this difference in duration indicate that these two narratives

[3] This speech is unlikely to have been delivered in court; §13 can be read as containing an admission that the forensic format is just a literary pretense. As with Lysias 12 in the previous chapter, the fact that it was intentionally written in the forensic form by one of the masters of the craft permits it to be analyzed as part of the corpus regardless of the reality of the trial.

[4] Whatever work of Isocrates Quintilian is drawing from here has been lost. Walker, in his work on the nature of Isocrates' rhetorical writings, takes it as credible that Quintilian had access to these writings which, albeit with all the expected caveats, allows my citation of Quintilian as a source for how a classical Greek rhetorician who also practiced oratory viewed narrative (2011: 6 and 57-68).

are operating under distinct temporal paradigms, or is the slice of life of Antiphon 6 just a microcosm of the biography of Isocrates 15?

In order to discuss how much time the narratives in these speeches cover, it is necessary to deal with another aspect of the forensic chronotope(s), that of explicit time passing. Although in some forensic narratives the passage of time is clear and explicit, in many of them there is no direct reference to the amount of time that passes during the narrated events.[5] To get around this difficulty in identifying the precise duration of the narrated events, I will be taking a more generalized approach to amounts of time. Some speeches only narrate the crime itself. Others narrate precipitating incidents. Others narrate whole lives, or even generations of lives in the service of their narratives. So, to divide these speeches by story duration I have devised a typology that can accommodate both the specified and unspecified passage of time in a narrative. For the purposes of this chapter, I will be treating story duration as a function of what sort of information the narrative includes, rather than an explicit amount of time, given that more than a third of the extant speeches do not specify the precise duration of the narrated events. So, for example, while nearly all speeches need to include a narrative of the crime that is at issue, or, in the cases of contract and inheritance disputes, the events on which the case is based, only some contain a biography of one of the principal characters.[6]

Many speeches contain background information about the crime. In Demosthenes 49 and 52, Apollodorus recounts how and why the defendants needed the money that his father had lent them, before he discusses the loans and their failure to repay them. For the purposes of this study,

[5] I tested the presence or absence of explicit signifiers of time passing as a potential generic signal, but the groupings it produced were unproductively large. This is why I have constructed my approach to story duration in this chapter to bypass the precise amount of time covered in the narrative.

[6] In some cases in which the defendant claims total non-involvement, they do not narrate the crime itself; for example see Antiphon 5: *On the Murder of Herodes*, which starts with the speaker and Herodes drinking together and then skips to him being accused of murder. This speech will come up again, below, in my discussion of antinarrative.

I will be considering the background that is immediately relevant to the events narrated, the most proximal background, as one type of duration. The proximal background is not, however, always where the litigants first came to know each other. Instead of or, indeed, in addition to the proximal background, the orators often tell the jury about the history of their relationships with each other. Even though the behavior of Conon's sons while on guard duty two years prior to the events of Demosthenes 54 are not directly relevant to their later crime, it demonstrates an existing relationship between the litigants that explains their behavior on the night of the assault just as effectively any proximal cause would have.

Sometimes a speaker will find that it is necessary to go back further, perhaps even before the litigants came to know each other to illustrate a subject's behavioral history. While relationships can be short term, character is for life. To attempt to lend plausibility to their narrative, the orators will often narrate a pattern of behavior that makes the crime/events seem like an inevitable outcome. This constitutes a small part of the narrative in Lysias 1: *On the Murder of Eratosthenes*, as Euphiletos recounts Eratosthenes' earlier sexual misdeeds, and it makes up the entirety of the narrative of Aeschines 1: *Against Timarchus*, for reasons that I will discuss in the next section of this chapter.

Key examples illustrating a pattern of behavior are not always sufficient to establish the characters who would sway the jury one way or the other. Sometimes it is necessary to narrate an entire life. So, from time to time, a speech will contain a biography of one of the litigants. In Lysias 16: *For Mantitheus* and [Demosthenes] 59: *Against Neaera*, the lives of one or more parties from childhood to the point of the trial are narrated. The possibilities of the forensic form for biography appears to be what led Isocrates to frame his own autobiography as an *antidosis*.[7]

[7] Perhaps notably, however, the one other speech from an *antidosis* that we have in the corpus, which is considered more likely to have been a genuine court speech, Demosthenes 42: *Against Phaenippus*, does not contain a *biography*.

Biography, however, is not the longest possible duration. It is occasionally necessary to narrate the life not only of an individual litigant, but also those of their forbearers. I call these genealogical narratives and, as might be assumed, they appear in inheritance disputes. But they can also be found in speeches that are concerned with much broader topics such as [Demosthenes] 59, or those concerned with much more specific topics, like the maltreatment of orphans in Lysias 32.

So, since the specific duration of many of these stories is impossible to determine, I have constructed this system of common units of time that can be defined in purely relative terms. These terms can be identified as minor chronotopes.[8] The minor chronotopes that a narrative can contain in my typology are, from proximate to distal: *previous trial*, *aftermath* of the crime, the *crime/events*, *proximal background*, *relationship history*, *pattern of behavior*, *biography*, and *genealogy*. Based on this typology, I set out to see whether there were any discernible patterns of speech types or authors including distinct collections of these minor chronotopes within their narratives. The short answer is that they do not, but it is worth seeing precisely how these features mostly fail to distribute along predictable lines.

The Minor Chronotopes in Forensic Narrative

The first topic that appears to display some consistency in the inclusion (or in this case exclusion) of previous trials is public life. At numerous places in the Athenian political process, it was possible to assess how public figures behaved. In *dokimasiai* before they took office, through *graphai paranomōn* and *eisangeliai* while they were in office, and in *euthynai* after they left, politicians were forced to answer for their public behavior before a jury. Of the ten speeches

[8] Bakhtin is not consistent in how he refers to these chronotopic elements that have generic significance but are not on their own constitutive of a genre, elsewhere calling them motivic chronotopes or chronotopic motifs. For a discussion of the divide in the field on how to refer to them, see Bemong and Borghart (2010: 6-7). In this dissertation I will endeavor to consistently refer to them as minor chronotopes.

that I have deemed to be primarily concerned with public behavior, only one contains a previous trial narrative.[9] The general absence of previous trial narratives in these cases makes sense when we look at what these procedures implied. A *dokimasia* took place before someone began a term of office. There is, ideally, no crime to be narrated here. If they had already been convicted of something that would disqualify them from office, it is unlikely that they would have ended up undergoing *dokimasia*. An *euthyna*, although it takes place after the subject leaves office, is equally unlikely to have a *previous trial* because the *euthyna* was usually the first opportunity to scrutinize the political career of someone who had made it through their term without being subject to a *graphē paranomōn* or *eisangelia*. These last two procedures seem unlikely to contain previous trials for the same reason as *dokimasiai*–because if there had been a previous trial, events are not likely to have progressed far enough to need either of these procedures. However, our only narrative concerned with public life that contains a previous trial is a *graphē paranomōn*, so it is possible that the existing sample size is too small to draw a meaningful conclusion for this procedure at least.

Perjury cases are more complicated. *Dikai pseudomartyriai*, or actions for false witness, were among the ways to challenge a previous, unfavorable verdict.[10] Of the six of them in our corpus (Demosthenes 29, 44, 45, and 47, and Isaeus 2 and 6), all of them are the results of property disputes, mostly involving inheritance. These speeches present a complication because by their very nature, these speeches all contain the minor chronotope of the previous trial. This previous trial does not, however, take place subsequent to the crime/events. Instead, in perjury trials, the previous trial constitutes the crime/event that precipitated the present trial. These

[9] These speeches are Aeschines 1, 2, and 3; Demosthenes 18 and 19; Lycurgus 1; and Lysias 16, 24, 30, and 31. Of these, the one that includes a previous trial narrative is Demosthenes 18: *On the Crown*, a speech well known for the length and detail of its narrative.
[10] One could, of course, challenge a previous favorable verdict, but that would make very little strategic sense.

speeches also contain narratives that would have constituted the crime/events of the trial that they are relitigating, because these narratives are necessary to prove that the opposition lied (in the case of a prosecution) or that the speaker did not (in the case of defense). Whatever else can be said about them, this consistency with respect to the presence of the previous trial in perjury cases is clearly determined by the nature of the case. The rhetorical goal of proving (or disproving) a charge of lying in a previous case demands the inclusion of this minor chronotope.

Having looked at one group of speeches that generally leaves out a particular minor chronotope and another that always includes a different one, I want to address a potentially surprising locus of variability when it comes to the presence of a minor chronotope. One could reasonably assume that the majority of narratives in forensic cases include a narrative of the crime/events that led to the trial. And in the majority of cases this would be correct. However, in 13 of the speeches in the corpus there is no narrative of the inciting incident.[11] In some cases the reason for this absence is clear. In Antiphon 5: *On the Murder of Herodes*, for example, because the speaker claims not to have been present at and not to know anything about the murder of Herodes, he cannot, under the conceit of his defense, possibly narrate the crime. Steven Johnstone discusses this approach to a defense narrative as an "antinarrative," defining it as "not a story, but an assertion that there was no story" (1999: 54). He also points out that a bare antinarrative appears not to have been deemed likely to be very persuasive, as most defense speeches also contain counternarratives, which present alternatives to the stories told by the speaker's opponent.

In other speeches, the reason for the absence of the crime/events is less obvious. In Lysias 23: *Against Pancleon*, for example, the speaker devotes his entire narrative to telling how he

[11] These speeches are Antiphon 1; Aeschines1; Isocrates 19; Isaeus 2, and 5; Lysias 16, 19, 23, 24, and 30; and Demosthenes 30, 45, and 57.

confirmed that Pancleon was not a Plataean. At no point does he explain why he and Pancleon were at variance in the first place. The closest that he comes to explaining why they are in litigation is when he explains that he began his investigation "because for a long time he did not cease from committing crimes against me" (Lys. 23.2).[12] It is possible that the speaker expected the jury to be aware of the events that led to the trial that had been postponed pending the results of an *antigraphē*.[13] This expectation is unlikely to be accurate given the fact that, as I mentioned in the previous chapter, Athens was far too big for litigants to assume a randomly selected jury would know them at all, let alone their complex legal history (Vlassopoulos and Heudre 2016: 676). Despite how unlikely it was for a jury to be aware of a speaker's legal history, there is at least one case where the orator explicitly treats the underlying dispute as common knowledge. In Demosthenes 30: *Against Onetor I*, one in the series of cases that Demosthenes brought against his guardians, Demosthenes does not explain why he is attempting to recover money and property from Onetor. Instead, he claims that his guardians' mismanagement of his estate was common knowledge (30.6) and then spends the entire narrative so focused on the proximal narrative that details Onetor's unwillingness to vacate Demosthenes' property that he neglects to explain why he was inhabiting that property in the first place.

The procedure that is least likely to have a crime/events narrative is rather predictable. Because *dokimasiai* take place before someone takes the office that they are being considered for, there is rarely a particular crime to narrate. Even Aeschines 1: *Against Timarchus*, takes the whole of Timarchus' life as evidence of his unsuitability for office. The only exception is Lysias 31: *Against Philon* which bases its claim that the titular Philon is unfit for the *boule* on the fact

[12] My own translation.
[13] This procedure, one of the ones that challenges the basis of a case and thus needs to be resolved before the original case can be resumed, is poorly attested. See Todd (1993: 168 n.1) for a discussion of how it appears to differ from other special pleas that fulfill the same role in halting a legal action.

that he abandoned the city during the rule of the Thirty and was slow to return. The *crime*, as Lysias presents it, was his failure to behave as a good citizen and return to help the city to recover. Other than *dokimasiai*, however, there are no procedures that appear to commonly lack a crime/events narrative.

The final group of unexpected inconsistencies that I want to address is genealogical narratives in inheritance and citizenship trials. Both of these topics seem, *prima facie*, to necessitate recounting genealogies, but they do not. Of the three surviving cases that focus on an issue of citizenship, only two contain genealogical narratives.[14] In Demosthenes 57, the speaker adduces narratives of his family as evidence of his citizenship in order to regain the citizenship that his deme voted away from him. In [Demosthenes] 59, Apollodorus narrates in genealogical time as he needs to demonstrate the foreign status of both Neaira and her daughter. The speaker in Lysias 23, on the other hand, does not feel the need to explain from what stock Pancleon came; his only purpose in his narrative, as mentioned above, is to demonstrate how he came to know that Pancleon was not Plataean. Where he is actually from makes no difference to his case.[15]

The inheritance speeches that do not contain the genealogical chronotope appear to be distinguished by the narrative exigencies of the speech. A *diadikasia*, for instance, neither demands nor precludes a genealogical narrative; the question is what strategy the orator is employing to assert the speaker's right to the inheritance. If they are trying to make their case on the basis of their own good personal relationship with the testator, as in Isaeus 7, then there is no need for a genealogical narrative.[16] If, on the other hand, the claim rests on the legal rights to the

[14] These three speeches are Lysias 23, Demosthenes 57, and [Demosthenes] 59.
[15] Speaking to how hard it is to use this speech as a datapoint to support any trends in the corpus, Todd (1993: 168) notes that this speech is "unique among preserved special pleas [...] in making no reference at all to the facts of the case and concentrating entirely on the legal issue."
[16] This also applies if the goal is to delegitimize the opponent's claim on the basis of their poor relationship with the testator, as also evidenced in Isaeus 7.

inheritance in a situation where there either is no will, or the will does not provide a solution, as in Isaeus 8, the genealogical narrative is of paramount importance for the argument. Both of these are defense speeches in *diadikasiai*, but the chronotopes that they employ are determined by the specifics of the narrative that they are trying to promote. As I will be discussing in more detail in a moment, the shape of the story is determined by the speaker's rhetorical goals.

It can be hard to see the utility of a new analytic approach when speaking entirely in the abstract. To demonstrate the benefits of the minor chronotopes as a lens, I adduce four case studies to show them in action. In the first two, Isaeus 7 and 8, I will show how the existing groupings of speeches can lead to two speeches with drastically different narratives being lumped in together because they share an author, a position, a topic, and a procedure. Under a minor-chronotopic analysis we will be able to see just how different these speeches are and begin to question what rhetorical aims inform these narrative differences. To show how this approach can produce novel groups for comparison, the other two speeches, Andocides 1 and Demosthenes 23, despite sharing none of the traditional categories, share all of the same minor chronotopes. With this fact in mind, we will see what is so similar in the rhetorical situation, despite the substantial differences in the legal one.

Minor chronotopes as signals of differentiation: The Two Isaeuses

The two speeches that I have chosen to illustrate how narratives from substantially similar trials can differ dramatically are both from *diadikasiai*. These are trials where the court is asked to rule on the distribution of funds, often from an inheritance, but also from debtors. Both of these speeches originate from inheritance disputes and were written by the same logographer. As I go through the cases, however, we will see that the inclusion and exclusion of two of the minor chronotopes most intuitively associated with inheritance–biography and genealogy–are

determined more by the specifics of the speaker's specific rhetorical goals than the shared legal framework and authorship.

In Isaeus 7: *On the Estate of Apollodorus*, Thrasyllus is trying to defend inheriting the estate of his adoptive father Apollodorus against a claim from Apollodorus' first cousin that the adoption was incomplete and thus that the estate should fall to her.[17] Isaeus constructs a complex narrative, starting with a summary of how Apollodorus was related to his opponent and that he adopted Thrasyllus (§5). Thrasyllus then, in a narrative set analeptically within the summary in §5, explains why Apollodorus had a poor relationship with his opponent's side of the family but a great relationship with Thrasyllus' family (§§6-9).[18] In §§11-3 he details Apollodorus' falling out with Eupolis, before pointing out that the older members of the jury should be able to remember the trials from when they were at variance with each other. Thrasyllus then undertakes to explain why Apollodorus was in need of an heir at the time that he adopted him (§§14-7.). His son and heir had died, and he chose Thrasyllus on the basis of the good relationship that he had had with his family, as discussed in §§8-9. This narrative catches us up to the end point of the narrative summary in §5. From this point, the narrative is no longer discrete as Isaeus brings up points of law and adds pieces of narration to point out how his adoption was in compliance with the laws. He also sprinkles in more information about his opponents, casting aspersions on the legitimacy of their case. So, in summary, Thrasyllus narrates his biography to explain why Apollodorus would have chosen him as heir over a closer relative, and relates Apollodorus' relationship history with his opponents to establish and reinforce the ways in which he was at odds with the opposing party in the speech.

[17] There is a debate among scholars about the merits of the claim that the adoption was incomplete. Giffith-Williams (2013) summarizes the evidence and concludes that it was likely valid (35-7). Griffith-Williams also briefly discusses how this adoption circumvents the usual patterns of intestate inheritance but does not find that to be a compelling reason to doubt the legitimacy of Thrasyllus' claim to the estate (12-3).

[18] Analepsis is the "narration of an event that took place earlier than the point in the story where we are" (de Jong and Nünlist 2007: xi).

Isaeus 8: *On the Estate of Ciron*, although also arising from a *diadikasia*, concerns quite a different set of circumstances. Ciron, a wealthy Athenian, died intestate, leaving behind a grandson, who under Athenian inheritance law is the heir to his estate. The speaker in this case, Ciron's maternal grandson, needs to prove the legitimacy of his claim to the estate on the grounds that he is more closely related to Ciron than his opponent in the case, Ciron's nephew. On the face of it, the speaker has the stronger claim, as descendants take precedence over collaterals in intestate succession.[19] His opponent, however, claims that the speaker's mother was illegitimate. The narratives in the speech are organized into discrete episodes, each dedicated to proving a different point: that his mother was Ciron's legitimate daughter, that his opponents have seized a valuable estate which they claim to be worthless, and that his real opponent in this case is not the person who brought the case, but rather Diocles of Phyla.

The first narrative episode begins in §7 with a genealogical account of how Ciron married the speaker's grandmother, who died after giving birth to the speaker's mother. He then married Diocles' sister, who bore him two sons. When the speaker's mother came of age, Ciron dowered her and married her off; then, when her first husband died, he married her off again, this time to the speaker's father (§8). Then, in a prolepsis to the events of the trial, the speaker says that he asked his opponents to offer the slaves for torture in order to prove his claims, but they refused (§10). This ends the narrative that is meant to prove the legitimacy of the speaker's inheritance. Before he moves on to the next narrative goal, he adduces some other behavioral proofs on the part of Ciron, mentioning how he always included the speaker and his parents in family religious rites (§§15-6). The speaker also includes a brief narrative of his parents' wedding to further

[19] Although we know that property could be passed through the female line, it is not clear from the evidence outside of this speech that a female lineal relationship was considered closer for the purposes of inheritance than a male collateral one (see Griffith-Williams 2013: 96-7).

emphasize that his father and his paternal deme treated his mother as a legitimate Athenian woman (§§18-9).

In §21, the speaker moves on to the aftermath of Ciron's death. He undertook the burial rites, and Diocles offered to help bankroll some of them and, while doing so, claimed that the estate was worthless (§23). This supports his claim to the estate, the speaker says, because if he had no reason to be involved, Diocles would have interrogated why he was there instead of offering to help with the arrangements (§24). After elaborating on this point, he moves on to arguing for the laws of intestate inheritance, pointing out the precedence of direct descendants over collaterals in *ankhisteia*.[20]

The final narrative episode begins before the time of the previous one, as the speaker values Ciron's property at the time of his death (§35). The size of the estate is, he explains, what motivated Diocles to plot against the speaker. Here is where we find out, in a completing analepsis back to an event during the genealogy, that Ciron's sons from his second marriage (to Diocles' sister) had died (§36).[21] He describes Diocles inserting himself into Ciron's life before his death by denigrating his son-in-law (the speaker's father) and misleading him about the chances of his sister bearing another child (§37). Then in §§38-9, he re-narrates the aftermath of Ciron's death, this time with the explicit context of Diocles' designs on the estate. Although he includes more character-defining evidence to prejudice the jury against Diocles later in the speech, he explicitly ends the narrative here (§40).

These two cases approach *ankhisteia* from the opposite directions. The speaker in Isaeus 8 needs to prove that he is the closest relative of the deceased. Thrasyllus, in Isaeus 7, on the

[20] *Ankhisteia,* or proximity, was the term used for the rules that governed which relatives were considered to take precedence when ranking how closely people were related to someone. This had applications both in inheritance law and in who had the right (or responsibility) to take revenge for a murder (see Todd 1993: 217-21, & 273-5).
[21] A *completing analepsis* is one that adds new information to the story, as opposed to a *repeating analepsis* which restates information that has already been covered (de Jong and Nünlist 2007: xi & xiii).

other hand, needs to explain why he was adopted as heir *instead* of a closer relative. To these different ends, the speeches (written by the same orator) include different minor chronotopes. Thrasyllus includes a biography to explain why Apollodorus was at odds with his closer relatives but leaves out the genealogy because that might bolster his opponents' claims to the estate on the basis of *ankhisteia*. Ciron's grandson, by way of contrast, includes no biography. If he did, he might have to explain why, despite being fully capable of doing so, Ciron neglected to adopt him as an heir.[22] Instead, he leans on his genealogy to justify his claim to the estate. Having seen two speeches with the same author and procedural context that differ from each other in their temporal scope, I will now look at narratives from two very different speeches that begin to appear much more similar through the lens of the minor chronotope.

Minor chronotopes as signals of affinity: Andocides 1 and Demosthenes 23

Andocides 1: On the Mysteries: In 415, on the eve of the Sicilian Expedition during the Peloponnesian War, many of the Herms in the city were mysteriously damaged overnight.[23] Because Hermes was, among other things, the god of travelers, this was taken to be a bad omen about the upcoming expedition. Shortly thereafter, it was revealed that some Athenians, among them the general Alcibiades, had been conducting parodies of the rites of the Eleusinian Mysteries in their homes in front of uninitiated people.[24] Andocides, the author of this speech was implicated in both of these major acts of impiety and only managed to avoid execution by informing on his comrades. Although he survived, the decree of Isotimides was passed shortly thereafter, forbidding anyone who had been convicted of impiety to enter temples or the marketplace.[25] These restrictions ultimately compelled Andocides to go into exile.

[22] It has been suggested that the speaker's opponent claimed that Ciron did not adopt the speaker because he was illegitimate (Rubinstein 1993: 104, as cited in Griffith-Williams 2013: 98).
[23] Herms were statues dedicated to the god Hermes that comprised a pillar with a face and an erect phallus.
[24] Filonik (2013: 40-1) covers the legal and political context of these acts of impiety.
[25] See Filonik (2013: 41-3) for a brief discussion of the effects of the decree on Andocides.

After the war and the declaration of an amnesty,[26] Andocides returned to Athens and re-entered public life. However, in 400, Cephisius charged him with violating the decree of Isotimides by attending the Eleusinian mysteries. He also claimed that Andocides had placed a branch on the altar at the Eleusinion in supplication, an act which was forbidden during the celebration of the mysteries and, furthermore, would have constituted an admission of guilt (MacDowell 1989 [1962] *ad* Andoc. 1.110). Andocides gave this speech as his defense to these charges. In it, he argues both that he did not commit the impieties of which he was convicted and that the decree of Isotimides was no longer valid under the terms of the amnesty.[27] As for the charge about placing the suppliant branch, he argues that he was framed and, in fact, had not placed the branch there at all. The arguments appear to have worked–Andocides was acquitted.

The narrative in this speech is somewhat complex. The narrated events took place over the course of over fifteen years and contain multiple important discrete points--his lack of involvement in the impieties of which he was convicted, the passing of the amnesty, and the placing of the suppliant branch. In order to explain each as clearly as possible, he narrates them as discrete episodes. These episodes are not presented in a strictly chronological order. Instead, they are interlinked in a way that reflects some of the trends that I have already discussed about how the minor chronotopes are employed in furthering the overall rhetorical aims of the speech. As we will see, the complexity of the narrative and its anachronic episodes is reduced when we understand the narratives as being responses to separate charges, fundamentally guided by the rhetorical purposes of the speech rather than a desire to narrate the facts of the case as clearly and

[26] On this amnesty, see my discussion of Lysias 12 in the previous chapter.
[27] Either one of these arguments would have, on its own, acquitted him if it were persuasive to the jury. This is another example of the Athenian forensic "kettle logic" that Wohl identifies (2010: 8-9). I do not follow her in thinking that these two lines of argument are logically contradictory (*cf.* 208). It is possible both that Andocides was innocent and that the decree was invalid.

efficiently as possible. To illustrate this, my analysis of time in this narrative will be focused primarily on how the episodes relate to each other chronologically.

The first narrative begins with Alcibiades being accused of profaning the mysteries by aping them in front of uninitiated peoples (§11). After the Council votes to offer immunity to Teucros, who claimed to have been present at these ceremonies (§12), he denounced several prominent Athenians for having taken part (§§13-4). Three more denunciations followed as more people came forward to get immunity by accusing their comrades (§§15-7). In this fourth denunciation, Andocides' father is claimed to have been present, but asleep, for the profanation of the mysteries.

At this point Andocides breaks off from narrating the denunciations to address the prosecution's version of the events. They claim that he informed on his own father, a claim that Andocides has already repudiated in his narrative of the events (§19). He also goes through some arguments to prove how unlikely it would be for him to have been the one to have informed on them before he resumes narrating the aftermath of the denunciations in §§27-8. The four informants were granted a monetary reward for their services. He then pauses the narrative again to explain that he narrated these facts to demonstrate his earlier innocence and that it is therefore vital for the jury to vote in his favor. He then moves on to the next episode of his narration in §34.

This episode begins with an internal analepsis back to the first denunciation.[28] In addition to informing on those who were performing the mysteries in their homes, Teucros had also reported eighteen people who had participated in mutilating the herms. Andocides has the list of names read and then, in a prolepsis to the time of the narrating, tells the jury that some of the

[28] *Internal analepsis* is an analepsis to an event that took place within the time period of the main story. It can be contrasted with an *external analepsis* which narrates an event that took place before the main story started (de Jong and Nünlist 2007: xi-xii).

survivors of Teucros' denunciation as well as some of the relatives of those who were executed on his information are present at the trial.[29] He challenges them to accuse him of responsibility for any of their exiles or deaths (§35). After Teucros informed on these eighteen people, Peisander and Charicles, thinking the mutilation of the Herms to have been the work of more people, initiated further inquiries (§36). Diocleides responded to the call of Peisander and Charicles and spoke up, indicating that 300 people had been involved in the mutilation (§37). Andocides then gives us an external analeptic inset narrative from Diocleides as he explains to the Council how he came to know who had been involved (§§38-42). In the middle of this inset narrative, Andocides breaks in to point out that the narrative gave Diocleides license to accuse whomever he wished, as no one could refute his version of the events (§39).

The narrative returns to the normal story time of the episode as Andocides tells the jury that Peisander ordered those whom Diocleides claimed to have recognized to be put to torture (§43). In the aftermath of this order, some of the named men provided sureties that they would stand trial and then the Council ordered for everyone else involved to be arrested (§§44-5). After a pause to have the names of those implicated read, Andocides relates how he and his family, being among those implicated, were all arrested and held in the same prison (§48). While they are in prison together, his family asks him to inform on anyone that he might know to have been involved (§§48-51), and after much deliberation (§§51-3) he agrees to do so, not to exculpate himself, but to protect his family.[30] Andocides pauses again to give more detail to the jury about all of the concerns that he had when trying to decide to inform. Then he relates what he told to the Council, moving, thereby, into an inset narrative.

[29] A *prolepsis* is a narration of events that will take place subsequent to the events that are currently being narrated in the story (de Jong and Nünlist 2007: xiii).
[30] Although he later tells the jury how he came to have this information, Andocides does not make clear how his whole family appeared to know that he has knowledge that could buy them out of prison.

Andocides had been drinking with Euphiletus when the idea of vandalizing the Herms was first raised, but he had spoken against it (§61). When he was later injured while horseriding, Euphiletus told their friends that Andocides was on board with the plan and, without him there to disagree, they undertook their mutilations (§62). When some of them later discovered that he had not approved of the plan, they asked him to keep quiet (§§63-4). After Andocides told this to the Council, they summoned Diocleides, who admitted to his lies and was executed (§§65-6). This is where the narrative of the speech ends, as Andocides summarizes what he has demonstrated about his motivations and the facts of his earlier conviction before transitioning into discussing the legal aspects of his case.

The key events in the narrative are, according the order in which they are narrated: (1) Alcibiades being charged, (2) Teucros being granted immunity, (3) the next two denunciations, (4) Andocides' father being implicated in the fourth denunciation, (5) Teucros naming some of the Herm vandalizers, (6) Diocleides volunteering further information, (7) Diocleides witnessing the mutilations, (8) the arrest of those denounced by Diocleides, (9) Andocides' family asking him to inform, (10) Andocides' drinking party with Euphiletus, (11) his horse accident, (12) Euphiletus' lie to their friends, (13) their friends asking Andocides to keep quiet, and (14) Diocleides admitting his perjury and being executed.

The order in which these events took place, however, is: (10), (11), (12), (7), (13), (1), (2), (5). From here it gets less clear. Judging just from Andocides' narrative, we cannot determine whether events (3) and (4) came before, after, or interlocked with the sequence (6), (8), (9), (14). The connection between the two major episodes--the denunciations of those who profaned the mysteries and those of the defilers of the Herms--is only indicated by Andocides' analepsis in §34 to the first denunciation. After that, due to the unspecified duration of events, it

is impossible to tell what took place when. The only statement about when Peisander and Charicles began to look for more witnesses to the mutilation is that they did so "*after* these things happened" (ἐπειδὴ δὲ ταῦτα ἐγένετο, §36), with "these things" (ταῦτα) referring to Teucros' naming of eighteen of the vandals.

Despite the complex interrelation of events in this speech, the narrative's temporal approach is logical when we consider both what we have learned from our overall examination of time in speeches and the demands of the case. The two major episodes are responses to separate charges of impiety. The first is Andocides' response to the claim that he had informed against his father. So he narrates the denunciations of the profaners of the mysteries while also emphasizing both the fact that his father had not really been involved and that he had been the one to encourage him to stay and trust the courts. The second is his defense to having been involved in the mutilation of the Herms. Here his primary goal is to explain why he had been implicated in the first place and also how he came to have information that could win him immunity if had not been directly involved.

The first episode is fundamentally chronological. Andocides is trusting that a simple recitation of the facts in order will be enough to prove his lack of involvement. Without the prosecution's speech preserved, it is impossible to identify whether this is a counternarrative, but it seems to be a plausible understanding of it. In the second episode, Andocides needs to explain how he came by knowledge and so he explains things with an analepsis. The two inset narratives in the second episode are external completing analepses. The first one, Diocleides' explanation of how he came to see the mutilation of the Herms, is, as we later learn, fictional–at least according to Andocides. These two inset narratives comprise different minor chronotopes. Diocleides' is a crime/events narrative, as he narrates the evening of the Herm mutilation itself.

Andocides', on the other hand, combines the background chronotope when he explains how he had attempted to prevent the mutilation and then the aftermath chronotope when he tells about the mutilators who, on learning of his opposition to the vandalism, came and asked him to keep quiet about it. The analepsis in these narratives allows Andocides to explain their relevance to his defense before he narrates them. This allows them to further his persuasive goals in a way that would not otherwise have been possible if he had started by narrating his drinking party with Euphiletus. On a larger scale within the speech, separating these two chronologically intertwined episodes allows both for more clarity and for a bit of purposeful obscurantism.[31] The clarity consists in Andocides being able to respond to two separate charges with separate evidence. Had he narrated all the events in a single narrative, it would fall to the jury to figure out what part of the story was relevant to which of the prosecution's charges.

To identify the obscurantism, all one needs to do is look at how the lack of specificity proliferates within the episodes. In the first episode, each of the four denunciations is narrated in turn. Because none of them is given a specific timeframe, each one adds some unclear amount of time to the duration of the story. So by the time the narrative comes to the implication of Andocides' father, a great deal of unclear time has accumulated. Then the story goes back to the beginning for the second episode. Again, the chronological facts of the narrative accumulate nonspecific time, but the analepses also further obscure the duration, as they distract the jury from reconstructing the events as they happened, by demanding more interpretive effort on the part of the audience.

Both of the narrative episodes build a buffer of unclear time between their beginnings and their endings. This means that when Andocides talks about informing on Euphiletus and his

[31] Although it is impossible to identify authorial intent with complete confidence, because of the forensic nature of the speech we can clearly identify that at least one of the author's goals is to win the trial. Thus, anything that works towards that goal can be identified as intentional.

comrades, the jury does not consider the implications this act of informing has for the charge that he informed on his father. If it took place clearly before the fourth denunciation, it would establish a precedent for the behavior of informing; if it took place clearly after, it would cast doubt on his truthfulness when he denied having informed previously. The vagueness serves his rhetorical purposes here. This also helps explain why he includes Diocleides' perjurious analepsis. If Andocides' only goal was to establish the facts of the case, he needed merely to say that Diocleides had denounced people. By including the inset analeptic narrative, he both increases the effort required to reconstruct a chronological arrangement of the narrated events, and by later proving it to be a lie he casts a shadow of doubt over whatever arrangement the listener might have managed to construct. This means that even if they did make a connection between him denouncing his friends and denouncing his father, there could still be some retrospective confusion over which sources of information were true. The fact that Andocides intentionally disconnected these two denunciations is further evidenced by the fact that when he mentions being imprisoned along with his family and his family begging him to inform, he does not mention his father at all in the relatives he lists.

Demosthenes 23: Against Aristocrates: At first glance, the speech that I am setting up in comparison with *On the Mysteries*, could not be more different. They are by different authors, delivered under different procedures, and come from different positions. Andocides wrote *On the Mysteries* in his own defense, while *Against Aristocrates* is a prosecution speech in a *graphē paranomōn* that Demosthenes wrote to be delivered by a man named Euthycles.[32] It is neither as long as *On the Mysteries*, nor is it episodic. These two speeches, however, contain the same

[32] The *graphē paranomōn* was a procedure that constituted one of the measures that the Athenians introduced in their attempt, as I discussed in the Introduction, to make a coherent code of laws. Using this procedure, a volunteer prosecutor could challenge a proposed decree or law as being contrary to existing laws and thus illegal (MacDowell 1978: 50). Zajonz (2022: 10-4) contains a detailed discussion of this procedure as it relates to this speech and its legal context.

minor chronotopes–crime/events and proximal background–and, as we will see, they share a particular orientation to their narratives in that the narrative is not a vital part of the argument for either of them. While Andocides' narrative proves that he was not guilty of the crime for which he was exiled, the basis of his argument is that even if he had been, the law was not against him. In the *Against Aristocrates*, Euthycles explicitly tells the jury not to consider the character of those involved because what matters for his argument is the illegality of the proposed decree. Although he does narrate the crimes that would be hidden by this decree, his argument primarily focuses on the fact that regardless of any narrative context, the proposed decree would be contrary to Athenian law. Let us look at how this plays out in the narrative.

This speech, like that of Andocides, has a complicated political background, but only part of it is relevant to my analysis. Charidemus was a soldier who had spent many years as a mercenary, attacking Athenian interests for his own profit. Ultimately, however, he was instrumental in arranging a treaty between Athens and the kings of Thrace. Later, he was chosen as a general in Athens, and Aristocrates, the defendant in this case, proposed a decree under which Charidemus would be immune to prosecution.[33] This is the decree that Euthycles is opposing with this *graphē paranomōn*.

The relatively brief narrative begins in §8 with Euthycles explaining how Thrace came under Cersobleptes' control. After the death of the previous Thracian king, the rule was split between three men including Cersobleptes, but when one of them died, Cersobleptes began to attack their heirs as well as the remaining king (§10), using Charidemus' aid to undermine their supporters (§11). Here, as Andocides did in "On the Mysteries" (§39), Euthycles pauses to explain the cleverness of Cersobleptes' strategy. In this case he proleptically points out that by having Charidemus elected general, the agents of the other kings would be more reluctant to act

[33] Harris (2018: 18-20) provides a much more detailed biography of Charidemus for the curious reader.

against him (§12). So Cersobleptes sent Aristomachus to say that Charidemus would be the only man who would be able to return Amphipolis to Athenian control (§§13-4). Here the narrative ends, omitting Charidemus' election as general.

It seems more perplexing in this speech than it does in *On the Mysteries* that the orator does not include the relationship history chronotope. In the case of Andocides' relationship to the Herm-defilers, it seems clear that it would harm his portrayal of himself to explain how close his friendships were with the people who committed such impiety. In this case, on the other hand, it does not appear that explaining the relationship between Cersobleptes and Charidemus would hurt Euthycles' case. Instead, it seems that he leaves this out because, in such an abbreviated narrative there would be no way to justify that knowledge. It is also possible that leaving out the relationship history serves an opposite purpose in this speech. Perhaps by leaving it out Demosthenes intends for the jury to come up with their own explanations that could portray Charidemus in a worse light than the facts themselves would.

The differences between this narrative and the previous one are apparent. There is a significant disparity in length, only one is episodic, and the *Against Aristocrates* is concerned with narrating the actions of a third party, while *On the Mysteries* is a first-person account of events. The question is whether their narratives have anything notable in common apart from the fact that they contain the crime/events and proximal background chronotopes and no others. The answer to this question can be found in the role that the narrative plays (or more accurately) does not play in the arguments that the orators are advancing. It may sound like a trite observation to claim that both of these speeches are concerned with the law, but this is a notable distinction when it comes to Athenian forensic oratory. As Steven Johnstone rightly observes, "Athenian litigation [...] was not so much about applying the law" (1999: 1). The orators generally tried to

establish their version of the facts of the case rather than its statutory validity. These two speeches, by contrast to that norm, are primarily concerned with proving a legal point rather than a factual one. In neither of these cases are the facts of the narration vital to the legal argument. In the Demosthenes speech, the narrative sets the stage for the legal argument that granting an individual immunity from prosecution contravenes Athenian law. Andocides has the somewhat harder task of providing a counternarration, not to support any of the key points of his legal argument, but rather to mitigate any existing prejudice that the jury might have against him. Although both of these narratives contain the crime/event chronotope, neither of these stories is about a crime; instead, each provides background context for a much more statutorily grounded argument.

The Forensic Chronotope

As I have shown in this chapter, the minor chronotope can be a productive tool for generating groupings for comparative analysis in the corpus. It can identify substantial differences in the rhetorical situation between two speeches that are otherwise categorically identical (as in Isaeus 7 and 8), and it can call attention to similarities in how narrative is employed in two speeches that differ in almost every possible characteristic (as in Andocides 1 and Demosthenes 23). The established groupings of speeches (by author, procedure, and position) do not predict the inclusion or exclusion of any specific approach to temporality in a speech. Instead, the timeframes that a narrative includes appears to be driven entirely by the orator's rhetorical strategy and the role that the narrative is meant to play in that strategy. This is notable given that, as Hatzilambrou (2020) has noted, the earliest writings on narrative in forensic oratory treated it as an informative tool rather than a persuasive one (243).

Despite the fact that the minor-chronotopic lens generates productive categories for comparative analysis within the corpus, it is insufficient as a comprehensive approach to identifying genres within the larger corpus. Its biggest weakness as an approach is that there are too many potential (and actual) combinations of minor chronotopes to create a generally useful set of categories. This approach would lead to a proliferation of micro-genres that are no more valuable as an analytic tool than treating the speeches individually. The possibilities allowed for by the diverse possible combinations of minor chronotopes within forensic narratives as a whole, do, however, permit some general observations about the forensic chronotope as a whole.

To start with: just as Bakhtin noted of the rhetorical biography, the forensic narrative takes place in real world time, as opposed to the more nebulous times of the novelistic chronotopes. Although it takes place in real world time, however, it is not always clear when the narrated events occurred. Only about half of the narratives in the corpus contain explicit information about the timing of their events either through references to specific political occurrences or with reference to how much time has passed between the crime and the trial.[34] Similarly, the duration of the stories is rarely clear. Although more than half of the speeches contain *some* explicit reference to the passage of time, most do not have enough of this information for us to determine the entire amount of time covered by the narrative.[35]

This lack of clarity could be rhetorically valuable. Slowing down and accelerating the rhythm of the narration, in conjunction with episodes ordered anachronically could obfuscate the relationships of events to each other in a way that suits the orator's narrative. It could be used to obscure an overlong gap between the crime and the prosecution, or to make a particular action

[34] These speeches are Antiphon 6; Demades 1; Aeschines 1, 2, and 3; Lycurgus 1; Andocides 1; Isocrates 18, and 21; Isaeus 5, and 6; Lysias 7, 9, 12, 13, 16, 17, 19, 23, 30, and 31; Demosthenes 18, 19, 23, 24, 27, 29, 30, 37, 42, 45, 47, and 56; and [Demosthenes] 49, 50, and 59.

[35] The speeches that contain explicit references to time passing are Antiphon 1; Aeschines 1, 2, and 3; Andocides 1; Isaeus 1, 2, 5, 6, and 7; Lysias 1, 3, 7, 9, 12, 16, 17, 23, 24, 30, and 32; Demosthenes 18, 19, 21, 23, 24, 27, 30, 35, 36, 40, 42, 44, 45, 47, 48, 54, and 56; and [Demosthenes] 49, 50, 52, 53, and 59.

appear to be motivated by another action that took place long before it. The fuzziness of the particulars of the time could be incidental. An orator may feel no need to clarify the timeframe of the events because he knows that the jury will care more about the relevant events than about the precise temporal relationship between them. For a chronotope that takes place in the time of the real world, the forensic chronotope is remarkably flexible. It admits timescales from the generational to the momentary. Although the events themselves took place in a real sequence and duration of time, the forensic narrative admits a wide range of rhythms and orders. As a genre, it is fundamentally mutable temporally, and its shape is determined by rhetorical purpose.

Having seen how, although it is a productive approach when it comes to generating new comparative possibilities, time is insufficient to constitute a system of genres within the corpus, in the next chapter we will look at the role of focalization in forensic narratives and its potential as a generic signal.

Chapter Three:

Focalization and Source Citation

In this chapter, I will look at how forensic narrators incorporate perspectives other than their own into their narratives. After establishing the general practices for incorporating these perspectives in forensic narratives, I will discuss how the narrative inclusion of third-party points-of-view can generate discrete subgenres with their own distinct rules governing what knowledge can be claimed and by whom. Forensic narrators tend to justify their ability to tell the jury about events that they did not witness. This justificatory discourse could, in the hands of a clever orator, serve to either reinforce or undermine the veracity of the account that the narrator is relating from his source.[1] There are, however, topics about which a speaker appears to have been permitted to narrate without needing to justify his access, even if he could not have possibly witnessed them himself. These topics constitute discrete subgenres that present different expectations with respect to justificatory discourse. By better understanding where the forensic narrative form demands justification and where it does not, we can better see how justificatory discourse, when present, participates in an orator's rhetorical strategy.

Focalization in Nonfictional Narratives

The perspective that a narrator of a forensic narrative is advancing is necessarily a limited and biased one. His narrative is being put in direct contrast with his opponent's version of what happened. The task of the narrator is not just informative; it is also, or perhaps even primarily, persuasive. The perspective that an orator takes on events is informed by the need to persuade the jury to take his side in the dispute at hand. Notwithstanding this rhetorical purpose,

[1] As sources of information for narrators, slaves present an interesting problem. Testimony from slaves could only be admitted if it was derived by torture, but when it was admitted, it was treated as if it were an infallible source of evidence. Because of this infallibility, it became an effective rhetorical ploy for a speaker merely to claim that he had asked permission to have his opponent's slaves tortured and had that permission denied (see Johnstone 1999: 91-2). The presumptive infallibility of tortured slaves presents a very specific set of rhetorical constraints for the orator that merits its own separate study which I am interested in pursuing further at a later date.

perspective is not as simple as whose version of events is being told. Although a litigant was tasked with providing his version of the events, the narrator was not always a witness to the events that he was narrating. So, narrators often needed to use witnesses, embed other people's narratives within their story, and even draw on common knowledge in order to provide the jury with a view of the events narrated.[2] This need to justify access to narrated events is further complicated by the fact that, as Stephen Johnstone (1999: 49) has pointed out, forensic narratives require that the primary players be legally culpable subjects.[3] In this chapter, I will look at both how narrators narrate events that they did and did not witness, and how they justify their ability to do so. To facilitate this analysis, I will draw, again, on narratology to provide the critical vocabulary for distinguishing perspectives in narration.

To define it broadly, focalization is "[t]he perspective in terms of which the narrated situations and events are presented" (Prince 2003 [1987]: 31). This can consist in a literal viewpoint, that is the things that a focalizer witnesses, but it can also include their thoughts and feelings about the events. The narrator in a forensic speech is, by necessity, completely identified with a character within the narrative (*character-bound* (Bal 2017: 13)) because he is a real person presenting his own case. It is, therefore, reasonable to ask whether forensic narrative permits embedded focalization—that is, focalization through characters other than the narrator (de Jong and Nünlist 2004: xvi). Gerard Genette coined the term focalization to make the distinction between *who speaks* and *who sees* in a narrative (1980: 186), so it seems perfectly suited to the problem at hand, that is: how do narrators in forensic speeches narrate events that they did not see? This applicability is, however, complicated by Genette himself, who raised the

[2] This is merely a question of rhetorical justification within the narrative. The logographer who wrote the narrative was often not party to the dispute at all, let alone a witness to all of the events leading up to the trial, but because his existence was ignored by the conventions of the court, there was no need for him to explain how he gathered the information necessary to write the speech.

[3] I will go into more detail about this requirement in the final chapter of this dissertation which deals with characters.

question of whether embedded focalization is possible in factual narratives when he was considering the similarities between the narratologies of fictional and factual narratives in *Fiction and Diction* (1993: 54-84). Although the author of a work of fiction has unlimited access to their characters' thoughts and the author of an history (or indeed a forensic narrative) necessarily has only partial access to the perspectives of those other than themselves, Genette ultimately concludes that there is no factual account so rigorous in its factuality that it does not admit techniques from fiction (82).

Dorrit Cohn, in *The Distinction of Fiction* (1999), is a little stronger in her distinction between fictional and factual narrative, pointing out that the author of a factual work will never have full access to the thoughts of their characters (117). To deal with this problem, these narrators will qualify their access to the internal worlds of their characters, often by either pointing out the impossibility of knowing what someone else is thinking or explaining how they came to know this information (122-3). Genette also calls attention to the fact that when a narrator participates in the story they are telling (*homodiegetic narrator* (Prince 2003 [1987]: 40-1), they need to justify their knowledge of events they did not witness and thoughts that other characters had (1983: 78). This need to explain access to the viewpoints of other characters in the narrative constitutes the basis for the justificatory discourse that I examine in this chapter.

Irene de Jong responds to Cohn and Genette's hesitation over applying the theory of focalization to factual texts in her introduction to *Narrators, Narratees, and Narratives in Ancient Greek Literature* (2004). She points out that, although their criticisms may be accurate when it comes to modern historiographic texts, the conventions of ancient non-fiction allowed for recounting speeches and embedded focalization without these being signs of fictionalization (9). She uses this fact to explain the inclusion of history and biography in the volume. When it

comes to forensic oratory, the participation in fictive modes of discourse is further justified by the rhetorical dimension of the texts. Although these narratives are all framed as being clear records of the events that took place, this is patently not the whole truth. The forensic narrator is, in the best-case scenario, presenting a biased version of the facts, and in some cases (as we know from the existence of perjury cases) outright fabricating it. Thanks to the ways in which, as de Jong identified, Greek conventions in nonfictional narration differ from modern ones, the orators participated in the discourse of fiction to an extent that Genette and Cohn do not fully account for. This participation in fictive modes of discourse is by no means a bad thing for the study at hand. Following Victoria Wohl in her attempt "to restore rhetorical opacity to the texts of Athenian forensic oratory" (2010: 7), I will put aside the question of the legitimacy of a forensic narrator's ability to focalize through others and instead examine the roles that embedded focalizations, both narratively justified and unjustified, play in the presentation of forensic narrative. Although sources and evidence can be important in the courtroom, there is also a powerful rhetorical effect in being able to claim to have access to your opponent's thoughts and opinions, whether or not one justifies that access to the audience.

Embedded Focalization - Necessity and Justification

I first need to elaborate on the sort of information that would necessitate a shift in focalization. The narrator in a forensic speech is almost always someone who participated in the events that he is narrating.[4] This character-boundedness places limits on the types of information that he can credibly claim access to. The most obvious of these limits is that the narrator cannot claim direct access to the mind of any other character in their narrative. Thus, whenever a

[4] A notable exception to this are speeches that were delivered by *sunegoroi*, or supporting speakers. These speeches were usually given to corroborate points made by the main speaker and thus do not typically contain a discrete narrative. In one of the rare ones that does contain a narrative, [Demosthenes] 59: *Against Neaera*, the primary litigant has no more access to the events than the *sunegoros* does, making the general question of legitimate access to the information narrated much more complex.

speaker claims to present someone else's feelings or motivations, he will need to explain how he came to access that information.

The other major problem for the character-bound narrator is counternarrative.[5] It is sometimes necessary for the litigant, instead of narrating his own version of the events that took place, to claim that an opponent's version of the events was incorrect, while also claiming to have been elsewhere. This, for example, is one of the problems in *On the Mysteries*: Andocides has to justify how he knew what happened during the mutilation of the Herms, while maintaining the premise that he was not a participant in the relevant event. In this case, the answer to the problem of narrating events to which he was not witness is simple–claiming to have been told about it by others who were there (Andoc. 1.38-9). Gaining access to this information is related in the narrative, constituting a small instance of embedded narration.

Embedded narratives explaining how the narrator came to learn about an event are not the only tactic that orators employ to justify knowledge of things their narrators cannot have witnessed. They can also adduce witnesses, not only to corroborate their version of events, but also to justify their knowledge of the events in the first place.[6] In Antiphon 6: *On the Chorister*, the speaker needs to explain how the titular chorus boy died, while also insisting that he was not present to witness it (§ 17). Rather than narrating how he came to learn about the death, he presents witnesses whom he charges with presenting the truth of how it happened, which, given that he was absent at the time, should exonerate him (§ 19). Witnesses can still serve this justificatory function even if Gerhard Thür is right about witness statements being formulaic

[5] As I mentioned in chapter 1, Johnstone (1999) discusses counternarrative, where a litigant presents an alternative his opponent's narrative, to oppose it to antinarrative, where he merely asserts the falsity of his opponent's version of the story (54).

[6] The waterclock that measured the time allotted to a speaker was stopped during witness statements. The contents of the statements themselves, even if they were preserved, would constitute a narrative pause and not the forensic narrative itself. See Todd (1993: 130-2) for more on how and why speeches were timed.

attestations to or rejections of written testimony that they gave before the trial.[7] The very presence of the witness allows the narrator to say that he learned what happened from the witness and then to ask the witness to corroborate his claims. Less commonly, the orators can cite written documents to justify their knowledge of events in which they did not participate. In [Demosthenes] 49, for example, the narrator justifies much of his knowledge about his father's dealings on the basis that bankers keep thorough records.[8]

The combination of eyewitness statements, whether in an embedded narrative or in the courtroom itself, and the use of documents can only help the orator with focalizing the actions of events that he did not witness (*external focalization* (Prince 2003 [1987]: 29)). It does very little to permit him access to the conceptual and perceptual worlds of the other characters within the narrative (*internal focalization* (Prince 2003 [1987]: 45)). To claim access to the thoughts and feelings of the characters in their narratives, the orators adopt other strategies for justification. These strategies can include moments where other characters tell the narrator what they are thinking (*e.g.,* Dem. 54.11, where the doctor tells the narrator that he is not very afraid). In the absence of a character willingly revealing their mental state to the narrator, the narrator can couch his internal focalization in supposition (*e.g.,* Antiph. 1.16-7, where the speaker admits that he is imagining the details before going on to explain the slave's thought process). The other possibility is that a speaker can claim that a character's motivations are clear from their subsequent actions (*e.g.,* Lys. 19.18-20, where the speaker explicitly justifies his account of Aristophanes' preferences by relating how he behaved after his marriage).

Outside of oratorical practice, there is also ancient rhetorical theoretical work that supports the idea that a character's thought processes can be inferred from their actions. Aristotle

[7] See Thür (2005) for this view, which I think is not supported by the evidence.
[8] I will elaborate on this in my discussion of [Demosthenes] 49: *Apollodorus against Timotheus*, below.

discusses this relationship between observed behavior and the character's underlying thoughts and feelings in his discussion of the ethos of different types of figures in speeches (young, old, well-born, base) in *Rhetoric* 2.12-17. Quintilian expanded on this idea when he defined a credible narrative as one in which the characters behave in a manner consistent with their motives (*Inst. Orat.* 4.2.52). Quintilian then gives an example of how one can narrate someone's actions in a way that implies the motives that one wants the jury to infer (*Inst. Orat.* 4.2.57-9). This approach enlists the jury in the act of focalization as they are tasked with imputing motives to the characters in the story.

The jury's role in focalizing the narrative has received some attention lately, notably in Peter A. O'Connell's and Ruth Webb's chapters in *Forensic Narratives in Athenian Courts* (2020). O'Connell, in his chapter, discusses the ways that the narrator incorporates the jury into his narrative. The narrator makes the jury his allies through strategies that include treating them as a single figure who agrees with him already, while simultaneously stressing the independence of their votes (95). Relying on this presumed agreement, the narrator will often ask the jury to imagine themselves on trial in similar circumstances (85-9).[9] What O'Connell does not discuss is the role that the jury can play as witnesses and thus as embedded focalizers. This can be literal, as when it comes to public events to which many of them may have been witnesses (*e.g.,* Lysias calling on the jury's memories of the excesses of the Thirty in Lysias 12, as discussed in the previous chapter). But it can also be virtual. This possibility for virtual focalization by jury is what Ruth Webb discusses in her work on *enargeia*.

In her chapter, Webb discusses the narrative techniques that an orator can employ in order to create *enargeia*, which she defines, following Dionysius of Halicarnassus (*Lysias* 7), as "a

[9] This is a scenario that Victoria Wohl (2010: 181-97) discusses in depth and one that I will be revisiting in my discussion of Lysias 13 later in this chapter.

certain power to make the subject matter accessible to the senses" (Webb 2020:157). The orators achieve this in their speeches through vivid narration including clear descriptions of actions and space to enable the jury to better picture the circumstances of the crime (163-7). They contribute to the vividness through internal focalization, allowing the audience not only to see what it was like to be there, but also to know what it felt like (163). Combining this technique of turning the jury into witnesses to the crime with the idea that it is possible to meaningfully derive people's motives from their actions explains how the orators can derive access to internal focalization of their characters through the jury. They position the jury as virtual witnesses to the crime, and then use the act of their witnessing as justification for imputing motive.[10]

Compared to the topics of the preceding chapters, the orators were more constrained when it came to how they implemented embedded focalization. Although there are exceptions that I will be discussing in more detail below, in general if they wanted to include a narrative of events that they could not have witnessed, they needed to include some justification for how they are able to narrate those events. This does not imply, however, that their participation in justificatory discourse was a neutral fact. As I will show in the following two case studies, although they justified their embedded focalization, the ways in which they did so it was rhetorically oriented towards their persuasive goals. In both cases the speakers cite their sources meticulously. In the first one the speaker does so in order to lend credibility to his narrative of events he could not have witnessed. In the second one, by contrast, the citations for the moments of embedded focalization serve to cast doubt on those events in the narrative, portraying the

[10] Understanding the role that the jury plays in focalizing the narrative helps to resolve a criticism I brought up of Webb's chapter when I reviewed the book for *BMCR* (Kochman 2020). In her analysis of the moment of Eratosthenes' death in Lysias 1, she analyzes a shift in focalization from Euphiletus to a non-participant observer in §§25–6 (p. 162). However, because the jury themselves are, thanks to the *enargeia* in Lysias' narrative, witnesses to the events with privileged access to Euphiletus' thoughts, it is easier to analyze the whole episode as virtually focalized through the jury.

speaker's opponent as an unreliable source of information in a dispute that rests more than most on which litigant the jury trusts more.

[Demosthenes] 49: *Apollodorus against Timotheus*

The events of this speech take place long before the narrator became involved in the dispute. In order to justify his ability to relate them to the jury, the speaker relies on written records, the creation of which he includes in his narration. The narrator is Apollodorus, son of the banker Pasion, who is attempting to recover a substantial sum that his father had lent to the defendant.[11] Over the course of several years Pasion had lent the defendant or paid out on his behalf, nearly 4,500 drachmas, and now that Apollodorus has taken over his late father's bank, he is attempting to recover the remaining debt. In the narrative of this speech, Apollodorus explains that Timotheus had first approached his father for a loan shortly before departing for an expedition (§ 6). After his voyage was unsuccessful, he borrowed more money, having been left penniless (§ 12). As his legal troubles increased, he borrowed more from Pasion to pay off his growing list of creditors (§ 17).

The various debts accrued by Timotheus over the years were acquired through his dealing with Pasion, both on his own and through intermediaries. Not only does Apollodorus have no claim to having witnessed Timotheus' action, but he cannot even claim that Timotheus told him himself. Instead, he justifies his knowledge of these events through his father's ledgers. This justification starts at the very beginning of the narrative, where he explains that he knows all of the information that he will convey precisely because bankers typically keep careful records (§ 5). Then, after he narrates the circumstances of the first debt, Apollodorus includes the act of recording the debt in his narration (§ 8). The narration of what the bank recorded helps to justify

[11] Apollodorus is also believed to have written this and several other speeches contained in the traditional Demosthenic corpus (see Trevett 1992: 73).

his knowledge, given that the bank recorded not only the amount loaned and the name of the borrower, but also the name of the person to whom the money was disbursed on Timotheus' orders.

When Timotheus failed to fulfill his command, he was brought to court and forced to pay reparations to each of the sixty trierarchs who had sailed under him (§§ 9-10). These reparations led to him mortgaging all his property and borrowing more money from other bankers (§ 11). Apollodorus's knowledge of some of these events can be explained as common knowledge. Timotheus had given depositions in court about his expenditures, and the mortgages would have been public knowledge.[12] Apollodorus is, however, able to assert deeper knowledge because, once Timotheus' other creditors demanded that he repay his debts, he took out another loan from Pasion to borrow more money to pay off those debts, money which Pasion duly lent him and ordered his chief clerk Phormio to record in his ledger (§17). Because the ledger only included the details about the loan and not the background of Timotheus' extra debts, Apollodorus justifies his knowledge of these other details through the deposition of Phormio (§18).

Apollodorus moves on to explaining yet another loan. Some friends of Timotheus came to stay with him to support him at his trial and, because of his previously mentioned circumstances, he was not in a position to be a good host, so he sent his friends to borrow some more money from Pasion along with some bedding and two silver bowls, all of which were duly lent by Pasion (§23). After Timotheus was acquitted, Apollodorus internally focalizes his father, telling the jury that he did not press Timotheus for repayment because he did not think that he would try to defraud him and could not see a way to reclaim his money (§24). He does not

[12] Mortgaged property in Athens was marked with pillars that gave the details of the mortgage terms (Cohen 1997: 146).

immediately justify his ability to explain his father's motives, but he will do so later in the speech (§42).

Despite not yet having repaid any of his debts to Pasion, before Timotheus sailed out on another military mission, he asked Pasion to pay for the freight on some lumber that a friend of his was bringing back to Athens (§ 25-6). Here, again, Apollodorus internally focalizes his father, explaining to the jury that his father was taken with Timotheus' blandishments and agreed to help him (§27). When the wood arrived in Athens, he paid the freight and added the amount to Timotheus' tab, including not only the amount, but also to whom it had been given and why (§30). Around the same time, a friend of Phormio's returned from abroad – the same friend who had given him for safekeeping the very bowls that Timotheus had failed to return to Pasion. Pasion managed to convince him to accept financial reparations for the bowls that he had accidentally lost, and then added that amount to Timotheus' list of debts (§§31-2). Apollodorus explains his knowledge of the remarkable backstory to these bowls through further depositions.

Finally, Apollodorus narrates one more source of justification for his ability to focalize his father's dealings from long before he entered adulthood. In addition to the ledgers and memoranda and witnesses who attested to all of his claims about what happened, he tells the jury that, on his deathbed, Pasion explained the details of all of his outstanding loans (§42). This fact not only adds some pathos to a narrative that could otherwise appear to be little more than the son of a banker asking for some money back, but also justifies the internal focalization of Pasion in §§24 and 27. So, even though Apollodorus was not present for or party to any of the events that he has narrated, he assiduously justifies all of the information that he has access to, through ledgers, memos, witnesses, and his late father's testimony. Despite the frequent embedded focalization, rather than participating in the discourse of fiction as Cohn or Genette might

suggest he is doing, Apollodorus portrays his narrative work as entirely factual, having pieced together a rigorously sourced account from the resources available to him.

This account of Apollodorus' approach to source citation should not be read as evidence of the truth of his narrative; rather, it speaks to how his participation in justificatory discourse plays into his rhetorical strategy. His choice not only to explain at the outset that he will be relying on the bank's careful records to explain his ability to narrate events he did not witness, but also to continue referring to his sources and their creation throughout his speech, serves to reinforce his claim to unique access to the truth of the matter despite his nonparticipation in the events narrated. When his repeated sourcing of his claims is combined with the fact that he opened the speech by pointing out that it was his late father to whom the money was owed and that he introduced the narrative by saying that the jury will see how generous his father was to the defendant, the overall effect is to suggest that Apollodorus is not bringing this case on his own behalf, but on behalf of his father. Not only is he justifying his access to the information, but he is also justifying his decision to bring someone to court, a fraught decision in a society as ambivalent towards litigiousness as Athenian society was.[13]

When Genette wrote that embedding focalization in narrator-focalized texts required textual justification, he clearly meant that justification was necessary to make the embedded focalization credible to the reader of the text. In this speech, Apollodorus's approach to justifying his embedded focalization is working towards that same goal of credibility. In the next case in this chapter, I will show how an orator can employ a similarly thorough approach to source citation for his embedded focalization to achieve the opposite rhetorical end. By citing his

[13] There is an additional element at play here. Bringing up his father's deathbed account at the end allows Apollodorus to use the pathos of the moment to help the jury imagine themselves in his shoes, as a son trying to finish his dying father's final business, hoping that they will overlook the fact that this is ultimately a dispute between wealthy elites who have more in common with each other than they do with the jury (O'Connell (2020) discusses this strategy of speakers creating identity between themselves and the jury to help the jury overlook substantial class differences (87)).

source, but presenting him as unreliable, he casts doubt on the factuality of the embedded narrative without providing the jury with his own version of events.

Demosthenes 37: ***Nicobulus against Pantaenetus***

This speech also comes from the Demosthenic corpus, although unlike the previous one it is generally considered to be a genuine Demosthenes speech. It also concerns recovering a debt, albeit from a slightly different perspective. A man named Mnesicles had purchased a silver mine in order to rent it to the defendant, Pantaenetus.[14] At some point, Mnesicles decided to sell the mine to the speaker, Nicobulus, and his friend Euergus. Then Nicobulus left town. When he returned, he learned from Euergus that Pantaenetus had failed to make rent and so Euergus had repossessed the property. Pantaenetus then successfully sued Euergus, claiming that it was Euergus' fault that he had failed to make rent. To make sure that the matter was fully resolved, Nicobulus asked Pantaenetus to give him a release, saying that he was not culpable in his dispute with Euergus. Pantaenetus granted him the release, but then sued him for damages.[15] Nicobulus responded with a *paragraphē*, on the grounds that he had been granted a release.[16] This is the trial in which he delivered this speech.

Because the speaker took part in some of the transactions with which the speech is concerned, this case presents something of a different situation than [Demosthenes] 49. Nicobulus does not have as thoroughgoing a need to justify his knowledge as Apollodorus did. There are, however, two parts of the story that he did not witness, and how he handles those will

[14] This is framed within the speech as Pantaenetus having borrowed the money in order to purchase the mine. In situations like this, it appears to have been conventional for either the creditor or the lessee to be referred to as the owner of the property. MacDowell's explanation of this type of transaction is the most cogent I have found (2004: 173-7). In this discussion, I will refer to the creditor as the owner for clarity.

[15] The law against pursuing further prosecution after granting someone a release is cited in this speech (§ 18) as well as in Dem. 36.24 and 38.4. These three speeches seem to be the sum total of our evidence for what constituted a release (see Harrison 1971: 115-20).

[16] The *paragraphē* was a countersuit where a defendant could sue his opponent for prosecuting him illegally. This created a new suit where the prosecutor from the initial suit became the defendant and vice versa (Todd 1993: 136).

provide the primary loci for analysis and comparison. The first segment concerns what happened before he and Euergus bought the mine from Mnesicles, and the second covers what happened while he was out of town–the events that precipitated the suit that he is attempting to avoid through this *paragraphē*.

The fact that Mnesicles bought the mine from a man named Telemachus in order to lease it to Pantaenetus seems almost not worth mentioning. It is conveyed in a single parenthetical when Nicobulus explains how he and Euergus became Pantaenetus' creditors (§5). What is illustrative here is that he does not explain how he knows the name of the person from whom Mnesicles bought it. Whether he learned it from documentation when he was purchasing the debt or from Mnesicles himself when he was selling it, he certainly had a legitimate claim to this knowledge. But his decision not to explain how he got this minor piece of information diverges from Apollodorus' exhaustive approach to citing his sources in the previous speech I discussed.

Nicobulus' willingness to include events that he could not have witnessed without explicitly justifying his knowledge thereof marks a sharp contrast to his presentation of the subsequent events that transpired while he was away. He starts his narration of the events with the disclaimer that he cannot directly attest to what happened while he was out of town because Pantaenetus' and Euergus' stories differ and because Pantaenetus' story has inconsistencies (§6). Having established his own inability to focalize the events, he relates each of their versions of what happened, but he does so unequally. He tells the jury that Pantaenetus sometimes claims that he was forcibly evicted in contravention of their agreement, and other times that it was Euergus' fault that he had been written up as a state debtor (§§6-7). Then he relates that Euergus says that he had not been receiving his payments and Pantaenetus had not been abiding by their

agreement, so he had repossessed the mine with his consent, and that he had no objection to Pantaenetus taking it back as long as he adhered to the terms of their contract (§7).

Nicobulus explicitly claims that he cannot know what happened while out of town because there are conflicting accounts, and he even says that if Pantaenetus' story is true, he was grossly mistreated by Euergus (§ 8). His framing of their opposing accounts, however, belies his pretense of neutrality. Both of their reports are related in indirect speech, positioning each of them as the source of the embedded narrations. Before he relates Pantaenetus' account, he tells the jury that Pantaenetus does not always say the same thing (§ 6). His version of events is framed as being inconsistent, even though the examples he provides are not, in fact, inconsistent with each other. It is not at all impossible for Euergus to have been at fault for Pantaenetus being written up as a state debtor and to have kicked him out of his leaseholding by force. Nicobulus continues casting aspersions by adding the claim that in addition to those two (non-conflicting) versions of events, sometimes Pantaenetus says "whatever else he wants to" (*ibid.*). By contrast, Nicobulus introduces Euergus' version as "simply told" (§ 7) and does not undercut the veracity of his account with a qualifying postscript. Simplicity is not a neutral term. The claim of simplicity in a forensic speech was implicitly a claim to veracity. A speech that was simple was one that lacked the sophistic and sophisticated artifice of a false speech.[17] Nicobulus' claim not to know what happened while he was away rings hollow when considered in light of how strongly his narrative biases one version of the events he relations..

All this raises the question of why Nicobulus would choose to frame the narratives in this way. The question of who was in the right in the dispute between Pantaenetus and Euergus is immaterial to his case. The base of Nicobulus' argument is that he received a culpability release from Pantaenetus, thereby rendering the suit illegal, regardless of the precise nature of the

[17] On the equation of simplicity in a forensic narrative with truthfulness, see Siron 2017: 96-7.

precipitating events. This positions the narrative similarly to those in Andocides 1 and Demosthenes 23, where, as discussed in the previous chapter, the cases rely more on the legal argument than the narrative for support. Nicobulus himself points out that whose version the jury believes is irrelevant to their decision (§ 8). He can include that acknowledgement because Pantaenetus had already received a judgement against Euergus for the assessed damages (*ibid*.). The conflict should have been considered resolved.

This case presents another example of the kettle logic or narrative overdetermination that I keep coming back to when discussing Athenian forensic orations (Wohl 2010: 9). Nicobulus can be seen to be saying: "Even if you don't believe that I obtained a release, there is reason to doubt the veracity of my opponent's claims." So, even if the *paragraphē* were to fail to prevent the initial suit against him from going forward, he implies that he would win the original case as well. In the spirit of narrative overdetermination, however, I will propose an additional reason to include these competing narratives despite their immateriality to the dispute at hand: to undermine Pantaenetus' credibility as a source of information in general. Although this speech is similar to Andocides 1 and Demosthenes 23 in that the fact that the narrative is largely immaterial to the legal argument, unlike in those cases the point under dispute is one of fact rather than one of law. Nicobulus claims to have been granted a release and Pantaenetus will, presumably, dispute that claim. With this simple fact being the crux of the case, the jury will need to make their decision based purely on whom they trust the most. The way in which Nicobulus frames Pantaenetus' perspective on events is not about establishing the facts, but about establishing a character, and that character is inconsistent and untrustworthy. This is effectively the inverse of how Quintilian recommends constructing a plausible narrative (*Inst. Orat.* 4.2.52, discussed above): instead of plausibly narrating behavior that is consistent with the

character, Nicobulus constructs a character who would plausibly behave in a way consistent with the narrative.

This clever strategy presents a marked contrast to the previous case in terms of their participation in justificatory discourse for their embedded focalizations. In *Apollodorus against Timotheus*, Apollodorus relies on citing his sources repeatedly in order to give credibility to the narrative that he constructed using those sources. In this speech, on the other hand, Nicobulus does not try to establish his own credibility. Instead, he focuses on undermining his opponent's credibility as a narrator by presenting him as an unreliable source of information. Although both speakers circumvent the problem of needing to narrate an event that they did not witness by embedding reports from people who did witness it, they justify these reports in very different ways and to very different effects. This illustrates the narrative freedom available to a forensic orator, while still distancing himself from participating in the discourse of fiction by including unjustified embedded focalization.

Accepted Exceptions: When is justification optional?

So far, I have shown how much narrative freedom existed in forensic narratives despite the restrictions on the use of embedded focalization. But this is not the extent of the freedom available to the forensic narrator. It appears that there are certain types of events that an orator could include in a narrative without explaining how he came to know about them, even if he did not witness them himself. I have already shown how the ways in which an orator justifies his embedded focalization can be an element of his rhetorical strategy. By understanding where justification is optional, we will be able to identify where the bare fact of engaging in justification constitutes an element of rhetorical strategy in and of itself.

The first of the two major exceptions to the demand for justified focalization is major political events. When a litigant mentions something newsworthy even if it happened in another country, he will only justify his ability to narrate it if the nature of the justification is important for his case. Demades, in *On the Twelve Years*, evidently saw no need to explain how he came to know that the Spartans and the Thebans were suffering and thus unable to help the Athenians when they were at war with Macedon (§§ 12-3). In Demosthenes 19: *On the False Embassy*, by contrast, Demosthenes provides additional sources for much of his information about what was going on at the time of the Embassy to Philip with Aeschines because otherwise the dispute would amount to a he said/he said between two people who have equally legitimate claims to being able to focalize the events of the Embassy. This is atypical, however; it appears that major political events were assumed to be common knowledge, thereby obviating the need for a speaker to justify his knowledge thereof.

The other significant narrative element for which justification of knowledge appears to have been optional was family history. Even in cases where the substance of the dispute relies on a significant disagreement about the facts of family history, narrators appear to have been trusted to know what happened within their families, even for events that occurred long before they were born. The speaker in Demosthenes 43 relates generations of Hagnias' family history without explaining how he came to know it (§§ 18-29). Though a jury could easily surmise how a narrator might have learned his own family's history, it is nevertheless notable that speakers evidently did not feel compelled to justify their ability to narrate such events.

The last two cases that I discuss in this chapter each concerns one of these topics where justification is not required for embedded focalization. In each of them I will look at how the

orator takes advantage of his ability to focalize freely and how he constructs his rhetorical strategy within this context. I will start with the exception for family history.

Isaeus 5: *On the Estate of Dicaeogenes*

The speeches that contain the most substantial discussions of family history and thus provide the best material for considering how narrators handle focalizing family history come from inheritance disputes. Although the putative defendant in the speech is a man named Leochares, who had served as a surety for a previous agreement to split the estate under dispute, the actual target of the speech is Dicaeogenes. Dicaeogenes III had been named heir to a third of his cousin Dicaeogenes II's estate, while the other two thirds had been split between the eventual children of Dicaeogenes II's sisters.[18] Twelve years after Dicaeogenes II's death, Dicaeogenes III produced a new will under which he became the sole beneficiary of the estate. Because the *epikleroi* had all been widowed and their children were still underage, there was no one to contest this new will, and it was enforced for ten years.[19] When one of the ultimate beneficiaries came of age, Dicaeogenes III offered to make a settlement with him, assigning Leochares as his surety. He failed to follow through on his agreement, and so Menexenus, one of the heirs, brought this suit.[20] As I will show, he takes advantage of the freedom from the need to justify his knowledge when narrating family matters, to push the boundaries until he sets himself up as an authority, not only on his family history, but also on his opponent's thoughts and motivations.

[18] Dicaeogenes I was the grandfather of Dicaeogenes II and does not play a role in this dispute. I retained the numbering to remain consistent with other discussions of this speech (e.g., Usher 2001 [1999]: 133-7).
[19] An *epikleros* was a daughter of a man who died without another heir. She became the owner of his estate (under her husband's control) until a son of hers came of age and become the heir to his grandfather. See Schaps (1981 [1979]: 25-8) for more on the *epiklerate* as an institution.
[20] There are other Menexeni in this family tree, including one of the speaker's cousins, who is among the people suing Dicaeogenes III to recover their share of the estate. Because they do not impact the narrative in a way that complicates this analysis, for this case I will be referring to only the speaker as Menexenus and describing the others based on their relationships to the other named figures in the speech. There is, unfortunately, no similarly easy way to deal with the two Dicaeogeneses who are relevant to this case.

Although the suit is about failing to follow through on the agreement, the speaker claims that his opponents will be relitigating the inheritance and so he takes it upon himself to narrate the relevant family history from the beginning (§5). This formulation forefronts the importance of point of view, as he explicitly says that they will be hearing the story from both of them from the beginning. Menexenus sets himself up as an authoritative source, using a "teaching" transition to mark the beginning of the narrative. This is notable because this suit took place twenty-two years after Dicaeogenes II's death, and Menexenus himself had not been old enough to bring a case even ten years prior to the date of the speech. He begins his narrative even further back than those twenty-two years, with his grandfather, explaining that he had had five children–Dicaeogenes II, Menexenus' mother, and three other daughters (§5).

Menexenus tells the jury that when Dicaeogenes II died, Dicaeogenes III's father produced a will under which Dicaeogenes III was to be posthumously adopted by Dicaeogenes II and named heir to a third of the estate, while the rest was to be divided equally between Dicaeogenes II's sisters (§6). Given that this took place before Menexenus' birth, he cannot himself have witnessed it, but he does not explain his knowledge. Although he provides witnesses after completing this narrative episode, they serve merely to corroborate his account. He does not include them in the narrative as sources from whom he learned about these events. He does not even say who the witnesses are.

Menexenus then tells the jury that there were no challenges to the will for twelve years after the estate was distributed (§7). When Dicaeogenes III did mount a challenge, Menexenus tells the jury that it was only because he was persuaded by a friend to do so. This discussion of his motivation for challenging the will constitutes the first unjustified moment of embedded internal focalization. Given that his opponent's motives do not fall under the rubric of family

history, one would not expect Menexenus to be able to claim this access to Dicaeogenes III's thoughts without a source in the narrative, but as will become clear, this is consistent with his overall rhetorical strategy. When Dicaeogenes III introduced the false will is also when Menexenus begins to himself be involved in the events of the narrative, and so his knowledge of subsequent events does not require as much justification, regardless of the topic. He introduces his participation in the events by presenting himself with clear internal focalization when he tells the jury that "we [the people who were disinherited under the new will] thought he was mad in making this claim," (§8).[21] Menexenus continues to involve himself in the narrative as he relates how they lost the trial thanks to Melas' perjury with first person plural pronouns and verbs–all this despite not having been the age of legal competence at the time of the trial.[22]

Next he narrates how poorly Dicaeogenes III treated their relatives after the verdict was rendered in his favor (§§9-11). Although he was not directly involved in the treatment and makes no effort to insert himself into this narrative, Menexenus relates the ignominies suffered by the people whom Dicaeogenes had dispossessed in a matter-of-fact way. He attempts neither to justify this knowledge nor to produce any witnesses. He is so casual about his access to this information that he treats these accounts as an aside–claiming to have said enough about the preceding sorts of things and will now return to his narrative from the point he left off (§12). In this return to the real narrative, he implicitly refers to the events to which he himself was party. Menexenus tells the jury that when his cousin had successfully prosecuted one of Dicaeogenes III's witnesses for perjury, Dicaeogenes approached the cousin and offered him a share in the estate if he would cease his attempts to break the false will. Again, Menexenus does not say how he learned of this exchange, but he does point to his own interest in the trial by parenthetically

[21] This translation is taken from Edwards (2009) with my bracketed interpolation added for clarity.
[22] That he was yet to achieve his majority at the time of the trial is evident because he says that they were not able to appeal because his father died shortly after the trial (§9).

informing the jury that his cousin was acting on behalf of all of Dicaeogenes II's dispossessed heirs, here, as before, referred to in the first person plural (§13). Here, again, Menexenus produces witnesses.[23]

Menexenus places himself back in the narrative, telling the jury that his cousin "betrayed us" before being himself betrayed by Dicaeogenes III and rejoining Menexenus and the rest of his relatives in trying to regain their inheritance (§ 14). Here, again, Menexenus offers some internal focalization, as he tells the jury that he and his relatives collectively judged that because of the convictions of the witnesses, Dicaeogenes III no longer had any claim to the estate, and so decided that they ought to try to claim it as if it were adjudicable, on the grounds that both existing wills were invalid. When they were about to make their claim, Leochares (the defendant in the current trial) countersued, claiming that the estate was not adjudicable to them because Dicaeogenes III had been made heir by testamentary adoption. His suit failed because the jury decided that he had perjured himself (§§16-7). After a series of appeals, but before their claim was tested, Dicaeogenes III offered Menexenus and his co-claimants their original two thirds of the estate, they agreed to his offer, and he assigned Leochares to be his surety that he would fulfill this agreement (§18). After providing witnesses to this, Menexenus, with more internal focalization, explains to the jury that they did not pursue disenfranchisement for Leochares because after how they had been treated, he and his relatives just wanted to be free of him and Dicaeogenes III (§19).

It was not to work out as they desired. Dicaeogenes III refused to hand over the agreed upon share of the estate, and then Leochares denied that he had agreed to serve as surety (§19-20). Menexenus promises to produce witnesses to the agreement and asks the jury, if any of

[23] Because of the number of events that preceded this call for witnesses, it is unclear to what they are providing witness. Most likely, it is the facts of the successful perjury trial against one of Dicaeogenes III's witnesses.

them were at the previous trial, to remember the agreement (§21).[24] After some more internal focalization explaining that this was precisely the scenario that they feared when they insisted that Dicaeogenes provide a surety to his renunciation of the property he stole, the narrative ends with the promised witness statement (§§22-4).

Having gone through how Menexenus does (or rather does not) justify his access to information throughout this narrative, it is now possible to consider how it differs from the previous two speeches I discussed, starting with the role of witnesses in justifying focalization. Witness statements were considered to be separate from the body of a speech, as is evidenced by the fact that they did not count against the speaker's allotted time (Todd 1993: 130-2). Therefore, in order for a witness statement to constitute part of the justificatory discourse in a narrative, the narrator would need to explain who the witnesses were and that they were the ones who provided the materiel for his narrative. This is the approach that Apollodorus takes in [Dem.] 49.18, when he explains that he got the details of the loan from Phormio before calling Phormio himself to attest to the information. In this speech, by contrast, when Menexenus calls a witness, he does so without having previously cited that witness as his source of information. Instead calls witnesses to corroborate his claims after the fact of his narration with no explanation of who they are or how they came to witness the events. Within the discourse of this narrative, the witnesses serve not to be Menexenus' source of information, but merely as reassurances, secondary figures who are willing to corroborate Menexenus' narration. Even when he calls witnesses to events that he was not party to himself, such as his cousin's deal with Dicaeogenes III, he does not explain how he came to know about it; he just narrates what happened and reinforces his claims with witnesses.

[24] His offer to produce witnesses to the agreement raises the question of what the witnesses called in §18 were attesting to. This question seems to be unanswerable based on the available evidence.

The largest steps that he takes towards justifying access to events involve the ways he inserts himself in the narrative. Not only does he talk about the collective action that he undertook with his fellow claimants in the first person, he also explicitly discusses the trial concerning the first will in regards to how it affected *his* inheritance He tells it this way even though he was far too young to have been involved in the trial. Menexenus also narrates the heritage of Dicaeogenes II by contextualizing the entire family in reference to himself. None of these in isolation would cause the reader to bat an eye, but the conglomeration of all of them, particularly when compared to the other cases discussed so far speaks to a consistent narrative strategy which can be readily explained by the exigencies of the case at hand.

As Menexenus explained in the introduction to the case, this trial is not about a question of law, but rather fact. If the jury were certain of what was true concerning the estate of Dicaeogenes II, there would be no ambiguity in how the case needed to be decided (§5). Because of this fact, Menexenus needs less to establish his claim than he does to establish his credibility so that the jury is more likely to take his side in this he said/he said case. He starts with the family history because that is generally exempt from the need to justify knowledge, and he bolsters his credibility by emphasizing his connection to the people involved. Throughout the speech, he makes his own connection to the events clear by showing how they impacted him. He does not participate in justificatory discourse because he is setting himself up as the authoritative source for the information. The witnesses serve to corroborate his account, not to provide information. Even when he narrates things he could not have witnessed, he does not explain how he came to know them because that would invite the jury to question his authority elsewhere as well. The entire narrative serves as a display of his confidence; he says nothing to suggest that his knowledge of the events is in any way imperfect. The stance that he takes allows him his

brief foray into internally focalizing his opponent in §7. Menexenus' claim that Melas was the one who prompted Dicaeogenes' attempt to seize the estate can go unremarked in the waves of his displaying his competence as narrator. His rhetorical strategy is to ensure that when the jury goes to decide between the two versions of events, they will not have any questions about Menexenus' credibility–a sensible approach in a case that swings on nothing more than which of the litigants' version of the facts the jury trusts more.

Lysias 13: *Against Agoratus*

The approaches to justifying embedded focalization in the previous speeches discussed in this chapter represented an all or nothing approach. In this final speech, I look at how citing sources for just some of an orator's embedded focalizations, particularly when dealing with a topic where justificatory discourse is optional, constitutes its own rhetorical strategy. The speech in question is a prosecution in an *apagoge*, a summary arrest for murder (among other crimes).[25] The accused, Agoratus, was an agent of the Thirty, the leaders of an oligarchic coup in 404. The speaker is seeking the death penalty for Agoratus on the grounds that he was responsible for the death of Dionysodorus, due to his denunciations.[26] This speech provides an interesting problem for the speaker, Dionysodorus' brother-in-law. Because it predominantly concerns events from recent political and legal history, he can draw on the jury's own knowledge when narrating events. On the other hand, because the defendant's crimes took place during the oligarchy, he has to work around and within the limits imposed by the amnesty.

As I mentioned in my discussion of Lysias 12 in Chapter One, after the restoration of democracy was in 404, the Athenians declared an amnesty whereby all crimes would be legally

[25] Todd (2020: 253-8) provides a comprehensive overview of this procedure with a particular view to how it works in this case.
[26] In his commentary on this speech, Todd notes how odd it is that we have so few records of the people who play major roles in this case (2020: 242). About the deceased, Dionysodorus, we know nothing apart from what we are told in the speech (243).

forgotten and thus no cases could be brought against people who committed crimes under the Thirty. The only two exceptions were *euthynai* and murder trials (*Ath. Pol.*: 39). The former exception may be how Lysias tried to get around the amnesty in *Against Eratosthenes*, the latter is what provides the opportunity for the trial currently under discussion. The speaker's argumentative strategy, as elucidated by Victoria Wohl, is to claim that Agoratus intended for his denunciations to lead to executions or at least that he was aware that the executions were inevitable and so was fully responsible for the murders even if did not physically commit them (2010: 217-26). Through his employment of *enargeia* and his frequent reliance on the jury's own memories, he "offers a means for the democratic jurors to try the past and–merely by voting to condemn–both to obtain vengeance for the sufferings of those years and to absolve themselves retroactively of any responsibility for them" (222). I will now turn to the narrative of the speech to see how that argumentative strategy affects the speaker's approach to focalization and justification.

As will be evident within the narrative, an orator generally does not need to justify his ability to narrate political or historical events. Although one might assume that this is because they were deemed to be common knowledge, the introduction to the narrative in this speech problematizes that assumption. When the speaker introduces the narrative, he says that he needs to narrate the events from the beginning, not only so that the jury will be aware of the nature and extent of Agoratus' crimes, but also "in what way your democracy was dissolved and by whom" (§4). This formulation suggests that the knowledge is, at least for the rhetorical purposes of this speech, not considered universal.[27]

[27] Todd (2020: *ad loc.*) points out that, although it is tempting to read the "by whom" as referring to Agoratus as being some sort of unindicted member of the Thirty, it is clear from the speech that he was just a tool of theirs, not a colleague in undoing democracy.

Nevertheless, the speaker does not try to justify his own knowledge. He relates how after the Battle of Aegospotami, while the Spartans were negotiating peace with the men in the Piraeus, some opportunistic politicians plotted to seize tyrannical power in Athens, and how Agoratus came to be their informer (§§5-18). Despite the fact that he is narrating events that took part in two places at the same time, and is not claiming to have taken part in either of them, he makes no attempt to justify his ability to narrate these events. The only steps he takes towards making his focalizer explicit are his addresses to the jury, in which he tells them what they themselves witnessed and did as men of Athens at the time in §§8, 10, and 11.

These places where he focalizes (or at least justifies his ability to narrate) through the jury are not the only ways that he makes sure that they are integrated into his narrative. Much as Menexenus did by centering himself in many of the events of Isaeus 5, the speaker of Lysias 13 connects the events leading up to the Thirty taking power to the men of the jury as often as he can. In addition to the calls to the jury to focalize mentioned above, at several points (§§9, 11, 12, 13, and 16), the speaker refers to either "you (the jury/Athenians)," "your democracy," or "your population" as the objects and targets of the villains' plots. Although the speaker does not claim special access to information, he does include himself in the narrative, alongside his fellow Athenians, as a victim of the Thirty's plotting when he says that "[h]e [Theramenes] came back bringing peace, and **we** know from experience what it was like"–that is: the dissolution of democracy–and when he says that "**we** lost many good citizens" (§13).[28]

As the speaker moves from the politico-historical background into narrating "in what way the men were killed by Agoratus" (§4), he also ceases to use the jury as his focalizers. He does tell the jury that the Thirty "wanted him [Agoratus] to appear to be informing unwillingly, in order that the information would appear more trustworthy" (§19), a piece of internal focalization

[28] This quote comes from the translation of Todd (2000), all other quotes from this speech are my own translation.

that seems eminently reasonable but that he fails to explicitly justify. He then proceeds to narrate a meeting that took place behind closed doors in which Theocritus, a close friend of Agoratus, told the council that there were people plotting against the oligarchy, but he refused to name them (§21). Not only does the speaker decline to explain how he came to know what happened in this private meeting, he goes further. He argues that there was probably a previous agreement between Theocritus and the Thirty, otherwise they would have found a way to compel him to speak (§22). Instead, they publicly arrested Agoratus, so that they could make him seem a reluctant witness (§23). Some of the people present bailed him out and then tried to convince him to flee the city so that he would not need to name names, but he refused (§§24-6). Again the speaker argues based on probability, this time in a direct address to Agoratus, that the only reason that he would not take the opportunity to flee would be if he had already come to some arrangement with the Thirty under which his safety had been assured (§§26-8).

The speaker cannot produce witnesses to the supposed prearrangement. He can and does, however, produce witnesses to the arrest and the public discussion of Agoratus' ability to flee. And because of the arguments that he has already adduced about Agoratus' behavior, the witnesses to the political theatre of his arrest, are, in the speaker's telling, witnesses to the fact that the whole affair was prearranged (§28). There is a possibility that when he says "that all the things that I am saying were prearranged, there are witnesses and the decree of the Council itself will testify against you," he does mean that there were actually witnesses to the agreement who would give statements. If he had witnesses to the agreement itself, however, he would likely have included them in his justificatory discourse, or, at least, he would have narrated the

agreements being made. The fact that he is letting the results of the agreement stand in for proof of the agreement itself suggests that he did not have witnesses to the conspiracy.[29]

Having established–to the extent possible–Agoratus' complicity, the speaker reminds the jury of how the people whom Agoratus denounced were tried under the oligarchs. He draws once again on their knowledge of the events, describing the layout of the chamber and the procedure they employed, both of which, he says, are well known to the jury (§37). After the sentences were passed, the speaker cites his only source in the speech. In a pathetic scene he tells how Dionysodorus, while awaiting execution, asked his wife (the speaker's sister) to have the speaker take vengeance on Agoratus for him (§41). Although he does not explicitly say that his sister told him about this enjoinder, this gap can be filled by implication. He then claims to produce witnesses to these facts. Because citizen women did not customarily speak in court, it is unlikely that he would have deposed his sister, but perhaps the witnesses are other friends or family members of Agoratus' victims who happened to have overheard this conversation. Whoever they are, they are brought in to reinforce the speaker's citation of his sister as his source for this conversation to which he was not a witness.

He ends the narrative by calling on the jury once again to serve as witnesses. Although they may not have been able to witness the alleged conspiracy, they were there to see the results of the oligarchy. Their own bereavements, to hear the speaker tell it, are witnesses to Agoratus' crimes. To that end, a second person plural pronoun or verb is used to refer to what the jury saw or suffered in every section from 43 through 49, where he marks the end of the narrative by asking each of the jurors to remember their shared suffering and to avenge themselves on

[29] Cf. Roisman (2006): "[t]he only people who had certain knowledge of what happened at the altar in Munychia were Agoratus and his sureties, and the latter had been executed by the oligarchs (13.59)." He further speculates that: "It is more likely that the witnesses for the prosecution were relatives or friends of those denounced by Agoratus, or men who claimed to have heard what transpired at the altar" (81).

Agoratus as the cause of their troubles. Apart from the major political events, none of these experiences are especially specific. He talks about unnamed people leaving behind unwed sisters and children in need. But they serve as a strong pathetic end to a story that is geared towards provoking anger from the jury/witnesses.

Where and when the speaker chooses to justify his embedded focalization and when he does not fits perfectly with Wohl's analysis of the rhetorical strategy of the speech as a whole being to provide the jury an opportunity to avenge themselves on and exculpate themselves for any role they played in the crimes of the Thirty (2010: 222). When he can, the speaker has the jury themselves focalize the narrative. The unsourced and unsourceable focalizations, particularly the claims about the existence of a conspiracy between Agoratus and the oligarchs, serve to increase the significance of the events to which the jury were witness. His lack of justification of his access to events that the jury themselves did not witness is calculated to not raise the question of he learned about them. If he explained how he learned about them himself, he would, in doing so, remind the jury that they had not witnessed any of these events.[30] Instead, he cites the jury as a source where he can reasonably do so, and where he cannot, he cites no one.

The speaker's strategy and conclusion belie both the introduction to the narrative and ultimately the narrative itself. If he were telling the truth about what the jury witnessed, the speech would be superfluous; Agoratus would have been long dead. Instead, he actively, and likely consciously, partakes in the discourse of fiction. First, he sets the stage to explain what happened, but in doing so, he weaves a tale in which the jury was and is a witness to the crimes. Through his narrative approach to the episode he gives them the opportunity to act so that they can erase any culpability they might still feel for the crimes of the Thirty. His, at best speculative,

[30] Allan (2022: 290) in his discussion of Lysias 1, points out how narrators calling attention to their own activity as narrators, such as investigating the facts of the case, functions as a distancing tactic serving to break the audience's immersion.

and at worse perjurious, narrative functions like a tragedy in the Aristotelian model, offering catharsis to the audience. It gives the audience an opportunity to confront their emotional reactions to the real world in a context that, although not fictional, adopts the discourse of fiction at will (*Poetics* 1449b).

Conclusion

When a writer narrativizes events, their biases mean that the narrative is never purely a straightforward record of the facts. This is doubly true in the forensic context where the entire purpose of the narrative is to win the audience over to a particular limited vision of what happened. Despite the element of fictionality that is inherent in the form, forensic narratives needed to reflect the real world in some meaningful way if they were to persuade the jury. Under most circumstances, if a speaker wanted to include someone else's perspective in his narrative, he needed to find a way to justify that inclusion to the audience. He could do this by producing witnesses and citing written records. This requirement to justify access to knowledge was not an overly burdensome one for the orator. As we saw in [Demosthenes] 49 and Demosthenes 37, a speaker can explicitly cite his sources for embedded focalization to two entirely different rhetorical ends.

As exceptions to the rule demanding justification for a speaker's access to events he did not witness, there are two genres of content that offer additional freedoms. In the case of family history, the speaker is permitted to focalize events that he did not take part in. He can take advantage of that additional freedom to present himself as an omniscient authority in presenting a case that rests too heavily on the jury needing to decide who seems like a more trustworthy source of information as in Isaeus 5. When it comes to major political events, not only is the orator permitted to focalize without a source, but he is also able to call on the jury themselves to

supply their perspectives, relying on their own experience of the events. In Lysias 13, this approach allowed the speaker to go even further and use this extra leeway to narrate events and emotions to which he could not claim special access, when the readily provable facts were insufficient to secure a conviction.

Having learned more about the possibilities of the forensic narrative genre as a whole, and having identified two subgenres that have different requirements for justificatory discourse, I will, in my next chapter, essay one last attempt to use the structural elements of forensic narratives to identify novel groupings within the corpus.

Chapter Four:

Character(s) in Forensic Narrative

Forensic narratives are an interesting type of literature because the figures involved in the stories are all real people. Even if the orator exaggerates or simplifies their characteristics for rhetorical effect, they are still ostensibly real-world people that a jury could encounter in the agora. This necessary correlation with the real world seems like it would require that all characters within the narratives be as varied and unique as the real-life people they represent. This is not the case. Because of the constraints imposed by the forensic context, the orators had to simplify the infinite complexities of people into characters who can be understood by their function within the narrative. In this chapter, I will identify these character roles and show how they can be used to divide the corpus into meaningful subgenres along topical lines.

After explaining my methodology for using character-types to delineate narrative groups, I will detail the set of characters that constitute the narrative in what I call a criminal trial. To see how these function in practice, I apply this approach to an analysis of Antiphon 1 and Lysias 1. Following this, I discuss how the cast of characters required for criminal trials differs from public scrutinies through the examples of Aeschines 1 and Lysias 24. Finally, I introduce the additional characters needed to fill out the roles of an inheritance dispute and show how they function in Isaeus 2 and Demosthenes 27.

Character-type as Narrative Function

In his discussion of how the move from a dispute to litigation simplifies the types of conflicts that can be presented in a legal story, Steven Johnstone points out that the move to litigate necessarily also simplifies characters and their relationships (1999: 49). In order for a case to be brought to court, the dispute needs to be simplified to the point that a single

perpetrator can be identified to be charged as the defendant (*ibid*.).[1] He also argues that legal stories are limited in the characters they can portray because in order for there to be a trial, the main characters in the dispute need to be legally competent. This requirement, he explains, is why Lysias 1, a case about a man who killed his wife's lover, reads as a contest about male honor and does little to address the obvious disputes between the men who take center stage in the narrative and the women in their lives whom they have wronged (54). While Johnstone's observations about the requirements of a legal story are correct insofar as there needed to be two legally competent litigants in order for a case to come to trial, in my view he understates the possibilities for legally incompetent people to play starring roles within the narrative portion of a speech.[2]

It is not a purely modern observation that forensic narratives simplify characters for legal requirements and to rhetorical ends. Although it is not entirely clear that Aristotle's student Theophrastus wrote his *Characters*–a collection of thirty sketches of character archetypes–intending it to be a tool for rhetorical education, it certainly functioned as such. Sonia Pertsinidis argues against the claim that Theophrastus was attempting to write a rhetorical handbook but still acknowledges that these portraits were of use to later students of rhetoric learning how to characterize the people in their forensic narratives (2018: 94-5). Later rhetoricians certainly incorporated character sketches such as his into their books to just that end (*e.g.*, Quint. *Inst. Orat.* 1.9.3). Johnstone's observation that it is necessary to reduce complex relationships and actions to produce a viable legal story and the work of ancient rhetoricians on

[1] Johnstone's concern is with how disputes between people were litigated (1999: 4-8). His observations about how the forensic requirements shape the narrativization of the real world are not intended to apply to public scrutinies (*dokimasiai* and *euthynai*), which did not require a dispute to proceed into court.
[2] In the discussion of Antiphon 1, we will see that, although women and slaves could not speak in court, they could still take center stage in a forensic narrative.

reducing characters in rhetorical narratives to archetypes, suggests that it should be possible to identify distinct character-types within the forensic genre.

The ability to identify a set of character-types is valuable for this project because subsets of a defined collection of characters have been previously shown to be a useful tool for delineating groups of narratives within a corpus. Vladimir Propp, in his *Morphology of the Folktale*, observes that across numerous fairy tales, characters with different names perform the same narrative functions. This led to him to suggest that a story can be studied and categorized "according to the functions of its *dramatis personae*" (1968 [1928]: 20). These functions of characters are "independent of how and by whom they are fulfilled. They constitute the fundamental components of a tale" (21). Their utility as a tool of categorization is aided by the fact that "The number of functions known to the fairy tale is limited" (*ibid.*). As suggested by Johnstone's observations about how real-life disputes need to be simplified in order to fit into the legal framework of the Athenian courts, it follows that the number of functions known to a forensic narrative is limited. To take a complex interaction between real world people and turn it into a legal story is to cast those people as characters in one of several possible forensic narratives.

In this chapter, I will identify a set of characters defined by their story functions and show how they can be mapped onto speeches within the corpus. In doing so, we will see that recognizable groups of narratives will emerge based on which subset of characters are present in a given set of speeches. Although it might be assumed that these collections of functions correspond to procedures, because procedures impose the clearest limitations on the nature of the crime that is being litigated, this assumption does not bear out. A perjury case arising from an inheritance dispute presents greater narrative affinity, when viewed through this lens of

character-functions, with another inheritance narrative than it does with a perjury case arising from the prosecution of a violent crime. These groupings, instead, represent intersections between procedure and topic and admit a great deal of complexity that invite further study.

Primary Character Types

The characters who are generally the easiest to identify in the narrative of a crime are the **victim** and the **perpetrator**. At the risk of being overly obvious, the perpetrator is the person who *within the context of the narrative* committed the crime, while the victim is the person who suffered the consequences of the crime. The italicized phrase is important because the roles in the narrative do not always correspond neatly to the roles in the trial. The victim is not always the prosecutor, nor is the perpetrator always the defendant. In the narrative of Antiphon 5: *On the Murder of Herodes*, for example, the defendant is not the perpetrator because he remained on the boat and had nothing to do with the murder of which he was accused (§ 23), and the prosecutor is not the victim because the victim is missing and presumed dead (§ 26). I will return to the rhetorical implications of the discontinuity between character types and forensic roles in my discussion of Lysias 1.

Another character type that has already featured heavily in this dissertation is the **informant**.[3] The function of this character is to tell the narrator about some or all of the events in the narrative to which the narrator himself was not a witness. These can be sources that the narrator used to justify narrating some of the action, such as Andocides' and Euphiletus' mutual friends in *On the Mysteries*, or they can be the ones that the narrator uses to claim an inability to narrate events beyond reporting their claims such as Pantaenetus and Euergus in Demosthenes

[3] I have chosen to identify this role as informant rather than witness in order to distinguish it from the forensic role of a witness who attests to the veracity of the narrator's claims in court. To avoid confusion with *mēnusis*, the process of presenting information directly to the council or assembly about crimes of particular state or religious importance, I will be referring to *mēnusis* as denunciation in this chapter (See MacDowell 1978: 181-3 for more on *mēnusis*).

37.[4] A key element to note here is that a single character can perform multiple functions. In Demosthenes 37, Pantaenetus is an informant about the circumstances of the previous dispute, and also the perpetrator of the crime of bringing an illegal prosecution against Nicobulus. But the informant could just as easily be a discrete character who plays no narrative role other than to inform the narrator and then fade into the background. We will see an example of this latter type of informant in the old women sent by Eratosthenes' former lover in the discussion of Lysias 1 (§§ 15-17).

Although it was uncommon to bring a single case against multiple defendants, perpetrators did not always work alone.[5] This fact introduces another character into the taxonomy–the **accomplice**. These are figures who aid in the commission of the crime but are treated as less responsible within the narrative because they are not the targets of the complaint at hand. If they were involved but then regretted that involvement, they can become informants like Andocides' and Euphiletus' friends in *On the Mysteries*.[6] Otherwise, accomplices may have been a defendant in a previous action by the speaker or even the object of a future suit in the narrative of which they will likely play the role of the perpetrator. This transition from accomplice to perpetrator and back between speeches is conspicuous, as we shall see, in Demosthenes' suits against his former guardians as each one takes center stage in his own trial.

Another common character type is the **extra**. This is a character who, although connected to the narrated events does not contribute materially to the plot. Instead they provide context either for the presence of another character or for one of their actions. Andocides' father in *On*

[4] I discussed *On the Mysteries* in more depth in Chapter 2, and Demosthenes 37 in Chapter 3.
[5] Lysias 22: *Against the Graindealers* and Demosthenes 47: *Against Euergus and Mnesibulus*, appear to be rare exceptions in a corpus that usually features trials with a single defendant.
[6] The accomplices may also regret their participation because they were for one reason or another unwilling participants. The accomplice in Lysias 1 is a slave, and thus has limited agency, and the accomplice in Antiphon 1 is tricked by the perpetrator into carrying out the murder. Their motivation for participating does not appear to affect their narrative function, which is to aid in the commission of the crime while not being treated as responsible for the crime within the narrative.

the Mysteries is an example of a character in this role. As Andocides tells it, he was present at the profanation of the mysteries but was asleep under his cloak (§ 17). By including him in the narrative as present but not participating, Andocides responds to the claims that he denounced his own father by both denying denouncing him and denying that he did anything worth denouncing (§ 19). Casting a person as an extra allows the orator to include people who are perhaps implicated by the opposition's case, while claiming that the opposition is wrong to implicate them in the crime. As a rhetorical strategy, casting someone as an extra is a form of counternarrative, while leaving them out entirely would constitute antinarrative (Johnstone 1999: 54).

There are more character types that I will outline later in this chapter, but for now, having defined some of the fundamental ones, I want to turn to see how they operate in our extant speeches. In the following cases, I will look at how the characters can be mapped onto the functions that I have identified. Then I will discuss how casting the participants in those roles functions within and informs us about the speaker's rhetorical strategy. To give the clearest representation of these roles, I will start with two cases in perhaps the archetypal type of trial–the murder trial.[7]

Antiphon 1: *Against the Stepmother*

The forensic conflict here is between the speaker, who is the victim's son, and his half-brother, who is defending his mother (i.e., the speaker's titular stepmother). The narrative, in which neither litigant plays a role, constitutes the most straightforward murder narrative that we have from the Athenian courts.[8] It is, therefore, a good speech to demonstrate the characters in a

[7] The homicide courts at Athens are almost certainly older than the popular courts and the maritime courts (Lanni 2006: 75).

[8] Only two other cases from a homicide tribunal have survived. Antiphon 6: *On the Murder of Heroides*, as mentioned several times already in this dissertation, contains mostly antinarrative, as the speaker claims innocence on the grounds that he was not present and knows nothing about it. The other one is Lysias 1: *On the Murder of*

relatively uncomplicated narrative in a criminal trial.[9] Despite the simplicity of this case, reading it through the lens of character-types will show how a skillful logographer can cast the primary players in a narrative to fit his rhetorical goals, regardless of the roles they may have played in reality.

In brief, the narrative goes as follows: The speaker's father had a friend named Philoneus who used to stay with him when he was in Athens. Philoneus had a concubine whom he was intending to set up as a prostitute (§14). The titular stepmother approached this concubine and told her that if she gave a potion to both Philoneus and the speaker's father, she could renew the men's love for their partners (§15). The concubine believed her and dosed both men. Thinking that the more potion she used, the better, she gave Philoneus a larger dose (§19). He died immediately, while the speaker's father was ill for twenty days before dying (§20). The concubine was tortured and executed for the poisoning (*ibid*.).

Despite the straightforwardness of this case relative to the other murder trials from the corpus, there is an obvious complication: the person who actually carried out the murder has already been executed for the crime.[10] Antiphon sidesteps this difficulty by recasting her. The concubine may have been the one who administered the poison, but she did so as an accomplice to the stepmother, the "real" perpetrator of the crime. The victim in this telling is the speaker's father. This is crucial to the forensic context because in order for the speaker to bring the case, he must be the aggrieved party, which in a murder trial would be the next of kin to the victim.[11] This means that, although Philoneus is a fellow victim of the same crime, in this narrative he plays the

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Eratosthenes. The cases concerning murders that were not tried before a homicide tribunal (Antiphon 5, and Lysias 12 and 13), present numerous complications that have already been discussed.

[9] I use the term criminal trial advisedly to refer to trials where the narrative revolves around the commission of a crime. This distinguishes these trials from public scrutinies and inheritance disputes. This is not a distinction, however, that would have been meaningful to a classical Athenian.

[10] This is assuming that it was, in fact, a murder. Gagarin speculates that the defense would have based their case on claim that the stepmother herself believed the poison to be a love potion (1997: 105).

[11] See Todd (1993: 273).

role of an extra.[12] His role in the narrative is to give his concubine context for becoming embroiled in the stepmother's plot.

The narrative in this speech is exceptionally vivid, but beyond that vividness the case seems fairly weak (Gagarin 1997: 104-6). The only evidence that the speaker even mentions of his stepmother's involvement is that some slaves had seen her attempt to murder his father previously, but his opponents declined to let him torture them to provide a forensically valid source of this evidence (§9). Within the narrative, he makes no attempt to justify how he could have learned about the conversations that the concubine and the stepmother had in the lead up to the crime. This could be because calling attention to himself as a narrator, disconnected from the events, adds distance, breaking the immersion of the narrative.[13] In presenting the narrative in this way, Antiphon has emphasized vividness at the expense of credibility. He is faced with the narrative problem of needing to present someone other than the person who carried out a killing as a murderer. He solved this problem by slightly shifting the casting in his narrative of the crime and presenting the narrative as vividly as possible.

Despite this slight shift in the character roles, this narrative is still a relatively straight distillation of the real world facts into a forensic story. The people who committed the crime are presented as having committed the crime and the victims of the crime are presented as victims. In the next case that I discuss, I will show how an orator can invert the character roles completely in a moment of rhetorical need.

[12] If there had been a trial before the concubine was executed, it is likely that his next of kin would have portrayed him as the primary victim of the crime.
[13] Allan (2022: 290) points to the narrator directing attention to himself as a distancing element in his discussion of Lysias 1.

Lysias 1: *On the Killing of Eratosthenes*

The speaker in this case is Euphiletus, the defendant in a murder trial. He is accused of having murdered the Eratosthenes from the title of the speech.[14] Unlike in the other two surviving defense speeches from murder trials (Antiphon 5 & 6), Euphiletus does not deny the claim that he killed Eratosthenes. Instead, his strategy is to prove that his killing was not only justified, but demanded by the law. Although this strategy plays out more in the legal argumentation than it does in the narrative, the way that he tells the story lays the groundwork for this argument. It also provides the perfect illustration for why it is necessary to distinguish the roles of perpetrator and victim within the narrative from those of defendant and prosecutor in the courtroom.[15]

Euphiletus begins by telling the jury that he married and had a child (§6). Everything was going well between him and his wife until she went to her mother's funeral, where she met Eratosthenes (§8). Eratosthenes seduced Euphiletus' wife and they developed a system whereby the maid would make the baby cry to let the wife know that Eratosthenes was downstairs waiting for her, and Euphiletus suspected nothing (§10). Euphiletus recounts that one day he came home unexpectedly early and they employed this system (§11). When Euphiletus told his wife to look after the baby, she jokingly accused him of using her absence as an excuse to make a pass at the maid, and locked him in his quarters (§§12-3). In the morning, when she unlocked the door, Euphiletus asked his wife why he had heard the door to the house opening during the night and she said that the lamp had gone out and she had gone to the neighbors to relight it (§14).

Some time after this event, Euphiletus was approached by an old woman enslaved to an earlier victim of Eratosthenes (§15). She told him what was going on and suggested that he

[14] This is a different Eratosthenes than the one from Lysias 12, which I discussed in Chapter 1.
[15] This is in addition to the fact that the victim by definition cannot prosecute a murder trial.

torture his maid for confirmation (§16). He did so, and she admitted everything (§§19-20). He told her not to tell anyone about the affair, but to show him concrete proof (§21). Four or five days later, Euphiletus ran into his friend Sostratus and invited him to dinner (§22). After Sostratus left and Euphiletus went to bed, the maid told him that Eratosthenes was in the house (§23). So Euphiletus left the house silently and gathered as many of the neighbors as he could find in their houses (*ibid.*). Then, having gathered them and some torches, they went into his house to find Eratosthenes in bed with Euphiletus' wife (§24). Eratosthenes begged Euphiletus not to kill him, but Euphiletus said that it was the law, and not he who was killing Eratosthenes and then he did so (§26).

When examining the roles played by the characters within this narrative, it is clear that the crime of this version of the story is not murder. In his narrative, Euphiletus instead focuses on Eratosthenes' crime, *moicheia*, and casts the characters in relationship to that crime.[16] The killing, which Euphiletus' prosecutors are trying to frame as a murder, is, in this telling, an inevitable result of Eratosthenes' actions. Euphiletus explicitly distances himself from the responsibility for his actions with his claim that the law was ultimately responsible for the killing. In my second chapter, I identified a minor chronotype constituted by a narration of a character's history of relevant behavior. A narrator will often attempt to bolster the credibility of his narrative by establishing that a perpetrator was accustomed to committing the crime in question. In this speech, Euphiletus focuses on Eratosthenes' history of *moicheia* rather than trying to establish his own non-violent nature.[17]

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[16] I use the Greek term here to refer to the crime because of the lack of a clear English correspondence. *Moicheia* is the crime of having sex with a woman who was under someone else's legal authority (*kurieia*) without his blessing. This includes adultery, but it could also cover premarital sex or sex with a widow. Additionally, adultery serves as a poor translation because in English women can commit adultery, whereas in Greek, *moicheia* can only be committed by men. See Wolicki (2007) for the best survey of the evidence delineating *moicheia*.

[17] If he had a previous history of committing murders, it would likely have been counterproductive to bring up in his defense speech.

The casting of the relevant individuals into character types is, as I said, all relative to the *moicheia*, rather than the killing. In Euphiletus' narrative, Eratosthenes is the perpetrator, and Euphiletus is the innocent victim, unaware that he is being cuckolded. His wife, through her role in locking her husband upstairs and instructing the maid to use the baby to signal Eratosthenes' presence is cast as an accomplice.[18] Casting his wife as accomplice in this narrative serves to set up one of the strands of Euphiletus' argument. He attempts to stoke the jury's insecurities about their own family integrity by arguing that seduction is worse than rape on the grounds that seduction undermines the security of the family (§§ 32-3).[19] By casting his wife as a willing accomplice to the crime, Euphiletus illustrates the extent of the danger posed by seducers who go unpunished.

The couple's slave plays two roles, both unwillingly. First she is also an accomplice to the *moicheia*. Then, after being tortured by Euphiletus, she becomes an informant as she confirms the claims of the old woman, herself also an informant, who had approached Euphiletus on behalf of Erathosthenes' former lover. The remaining characters–Sostratus and Euphiletus' unnamed neighbors–are extras. They are included to set up their later rhetorical relevance, but they play no direct role in furthering the action of the story. Euphiletus includes the story of Sostratus' visit so that he can claim that the killing was not premeditated. If it had been, he asks the jury, would it not have made more sense to ask his friend to stay to act as a witness? (§§ 39-40). The neighbors, by a similar token, are included to establish their presence at the killing, so that Euphiletus can call on them as witnesses to support his account of Eratosthenes' death at his hands (§ 29).

[18] This is, at least in part, because as mentioned in n.16, above, women cannot commit *moicheia*.
[19] It is unclear how much credence to lend to Euphiletus' presentation of this position as a standard one at the time. See Todd (2007: *ad loc.*) for the range of positions on the question of whether seduction was in actuality considered to be a worse crime than rape.

Looking at these characters through the lens of narrative function allows us to see how Lysias uses the narrative as a rhetorical tool. Every aspect of how he assigns functions to the figures serves to set up part of his argument. He casts Euphiletus as the victim of Eratosthenes' *moicheia* instead of the perpetrator of his killing and then from there continues to portray him as a generally passive participant in the events of the narrative. He does not investigate his wife's changing behavior; instead, he is told about her infidelity by the old woman informant. Even when he tortures his own slave, it is at the behest of the old woman. By the time he carries out the killing, if the jury has been persuaded by his narrative, it is impossible to consider him as anything other than the passive instrument through which the law is expressing itself.

Public Scrutinies

Having given a brief demonstration of how the character-types function within forensic narratives, I will now make the first steps towards illustrating their potential for identifying genres within the corpus. The speeches that I have looked at so far in this chapter have been from what I am referring to as criminal trials in that they arose as a result of an alleged crime committed by or against the speaker. Not all of the trials from Athenian courts fit into this mold. There were a few types of cases that examined a person's life and/or activities rather than any specific crime. A *dokimasia*, for example, was a jury trial that was used to determine whether the person being tried was eligible to hold a particular public office (Todd 1993: 115-6). After his term of office, a public official would need to undergo a *euthyna* where he offered an accounting of his time in office before a board of officials called *euthynoi* to demonstrate that he had discharged his duties appropriately. If it was found to be necessary, this examination would be referred to the courts (112-3). I refer to this class of trials, where the jury is given an opportunity to examine someone's life without a need to focus on a specific crime, as public scrutinies.

The difference between the narratives from public scrutinies and criminal trials, with respect to the character roles they contain, can be understood as a function of their difference in forensic context. Public scrutinies do not add any new character types to the cast outlined above. Instead, they depart from the mold by including a smaller subset of the characters than would be necessary for a criminal narrative. Because a crime was not needed for a public scrutiny to come before a court, there was not always a perpetrator (*e.g.* Lysias 24). In other cases, thanks to the fact that these cases do not impose the same requirement for personal investment on the part of a prosecutor as one usually sees in criminal trials, the subject may be accused of a crime for which there is no individual victim (*e.g.* Aeschines 1).[20] Despite using fewer character types, these narratives are not shorter than those in criminal trials. Indeed, because they need to cover a period of time rather than a specific event, they include some of the lengthiest and most complex narratives in the corpus. In the next two case studies, I will show how public scrutinies construct their narratives with a smaller set of character roles than criminal trials, without sacrificing narrative breadth or complexity.

Aeschines 1: *Against Timarchus*

This speech is the prosecution speech in a *dokimasia rhētorōn*, which is a bit of an odd procedure. Unlike a normal *dokimasia*, which would have been held before someone assumed a public office, the *dokimasia rhētorōn* was used to prevent someone from speaking publicly, on the grounds that he should have been disenfranchised based on something in his past. Todd notes that because other *dokimasiai* are concerned with their target's future ability to do something, while the *dokimasia rhētorōn* concerns an ability that the target has already likely exercised, the procedure may have a greater affinity with cases that concern illegitimately claiming citizens'

[20] As discussed in the Introduction, although third-party voluntary prosecution was available to anyone who wished to undertake it, Athenian anxieties about vexatious litigation led to it being rare (Christ 1998: 124).

rights (1993:116). While this observation is correct when it comes to the primary orientation of the procedure, as far as narrative structure is concerned, the *dokimasia rhētorōn* shares much more in common with other *dokimasiai* in that it is a biography of the target, rather than a narrative of a discrete crime.

The author of this speech, Aeschines, was also the speaker. It was part of a series of cases between him and Demosthenes (Fisher 2001: 2-3). Timarchus was an ally of Demosthenes who intended to join him in prosecuting Aeschines for his role in a failed embassy to Philip of Macedon. Aeschines' strategy was to bring this *dokimasia rhētorōn* against him to disenfranchise him, rendering him unable to join in the prosecution (5-6). He tries to achieve this, not by narrating a specific event, but rather by showing that Timarchus had lived his entire life in a manner that made him ineligible to speak in public.[21]

Aeschines begins his narrative by saying that he will pass over Timarchus' childhood on the grounds that it would not be useful to report on his acts from before the age at which he became responsible for them (§39). This framing implies that he was behaving unworthily even as a child, while not needing to support any such claims. He then goes through Timarchus' young adulthood, describing how he debased himself through lewd behavior and prostitution. When Timarchus first reached adulthood, he lived with a doctor named Euthydicus, under the pretext of studying medicine while in reality supporting himself through prostitution (§40). Timarchus then caught the eye of a man named Misgolas, a respected member of the community who was known for his fondness for male prostitutes. Misgolas hired Timarchus away from Euthydicus and gave him a new base for his operations (§41). Aeschines takes this opportunity to

[21] Fisher (2001: 5) notes that this approach is likely to have a been a surprising one because, although lawsuits targeting political opponents were common, they did not usually attempt to litigate events from decades earlier in their opponents' youths. I suspect that this procedure was chosen because a *dokimasia*, by its very nature, requires a third-party prosecutor. This allowed Aeschines to bring the suit without needing to justify his personal interest in a particular crime.

point out that Timarchus moved in with Misgolas as a result of his own proclivities and not by reason of poverty, as he had a substantial inheritance from his father (§41). He then quickly passes through the public outrages that Timarchus and Misgolas committed together, mentioning how easy it is to prosecute people who are so notorious for the very acts for which one is prosecuting them (§44). Aeschines offers Misgolas the opportunity to swear to an affidavit that he has prepared that would lend credence to his arguments, but, Aeschines argues, he is too ashamed to admit to having been party to Timarchus's actions at the time, and so refuses (§§45-8).[22]

When Timarchus grew too expensive for Misgolas, he moved in with Anticles (§53) and then Pittalacus, a public slave, to whom he prostituted himself until Hegesandrus came along (§§54-5).[23] Pittalacus was hurt over Timarchus leaving him and began to make a nuisance of himself, so Hegesandrus and Timarchus vandalized his home and assaulted him (§58-9). When Pittalacus tried to make their dispute more public, they promised to make it up to him (§60-1). By the time that Pittalacus realized that they would not follow through on their promises, Hegesandrus had begun a legal action against him, attempting to enslave Pittalacus to himself and not the state (§§62-4). At this point, Aeschines offers Hegesandrus the opportunity to swear to a statement regarding the truth of these events before he moves on to the argumentation of the case (§67).

When analyzing the character roles present in this narrative, it is important to note that Timarchus is not on trial for prostitution per se. Aeschines himself points this out, saying that if

[22] Johnstone (1999: 84-5) notes that being able to narrate that someone had refused an opportunity to sign an affidavit was, in and of itself, generally treated rhetorically as strong proof of the truth of a claim.
[23] The question of how a slave could have afforded to maintain a Timarchus, given his apparent extravagances, is a difficult one. Athens maintained a large number of state slaves, including in highly skilled trades, but the level of wealth attributed to Pittalacus is still remarkable (Fisher 2001: *ad loc.*). Fisher (*ibid*.) concludes that Pittalacus was most likely a freedman, whose status as a *former* slave is being simplified in the narrative in order to emphasize the degradation of an Athenian citizen prostituting himself to someone of such a low societal position.

the question was merely whether Timarchus had prostituted himself, the verdict would be obvious (§79). Because this is a public scrutiny, rather than a criminal trial, the question is whether he has lived his life in a way that is consistent with being allowed to speak in public. Although the story contains crimes, it is not about a crime, so there is no distinct victim role. Pittalacus is certainly victimized by Timarchus and Hegesandrus, but he is also an accomplice to Timarchus's prostitution. Indeed, were this case about prostitution, it would be possible to read Euthydicus, Misgolas, Anticles, Pittalacus, and Hegesandrus as accomplices. It would also be impossible to identify a victim in the narrative because prostitution is a victimless crime.[24] The men to whom Timarchus sells himself are not his victims, nor have they perpetrated a crime against him by hiring him. Although he casts aspersions on them, Aeschines also does not seem to be interested in prosecuting these other men. Indeed, he offers Misgolas and Hegesandrus the opportunity to play the role of witness, although he does not rely on them as informants (§§ 46, 67). Indeed, there are no informants in the narrative; Aeschines seems to justify his access to the information that he is narrating by appealing to common knowledge.[25] He asserts that Timarchus' profligacy is so well known that the jury would only need their own memories as proof of his unsuitability for public life (§44). Apart from Timarchus, all characters in this narrative play the role of the extra. They are not there to inform, aid, victimize, or be victimized. Their presence serves merely to provide context for Timarchus's crimes. Their taking turns sponsoring him as he moved around explains why he was where he was at any given time and thus how he had the opportunity to debauch himself in the ways that Aeschines expects the jury to know.

[24] This is not to minimize the material conditions that could force someone into prostitution (although in this case Aeschines goes out of his way to point out that Timarchus was doing this voluntarily (§ 41)). Prostitution is victimless insofar as it is a crime that consists in an act that is not committed against a person, but rather against societal rules.

[25] In the argumentative section of the speech Aeschines advances an argument that these are the sorts of accusations for which a jury should expect no informants, on the grounds that informing would be self-incriminating. In doing so he attempts to turn a weakness (his lack of witnesses) into an argument in favor of the value of public reputation as evidence (cf. Usher 2001 [1999]: 282-3).

The remaining question is how to analyze Timarchus. This is, in a way, a simple question to answer. He is clearly the perpetrator of many things that Aeschines wishes to portray as bad. But this assessment is complicated by the fact that, as Aeschines reminds the jury, this is not the narrative of a crime (§79). A *dokimasia* should be considered an opportunity for a neutral examination of its subject's life. Indeed, there are cases where the person under scrutiny thanks the one who brought them to court for the opportunity to tell their life's story (*e.g.* Lysias 16.1). In this case, however, the peculiarity of the *dokimasia rhētorōn* changes this dynamic. As Todd (1993:116) points out, this procedure is much more retrospective than the average *dokimasia*. This retrospective focus means that, although it is not about a crime *per se*, the contention of the person initiating the *dokimasia rhētorōn* is that a crime has been committed–speaking in public while being ineligible to do so on the basis of how one has lived. Timarchus is, by this token, the perpetrator of this crime, as well as many others within the narrative. The public scrutiny thus admits a perpetrator. It does not, however, require one. For an example of a public scrutiny without one, I turn to my next example.

Lysias 24: *On the Refusal of a Pension*

The Athenians maintained a state disability pension that was subject to a yearly *dokimasia* (*Ath. Pol.* 49.4).[26] This case is a *dokimasia adunatou*, the speaker, who is disabled, is undergoing scrutiny to see if he remains eligible to receive the state pension.[27] Although the speaker had been receiving it for years, this year an unnamed opponent challenged his eligibility. The speaker invokes the above-mentioned trope of thanking his opponent for giving him the opportunity to tell his life's story (§ 1). Despite his professed delight at the opportunity to

[26] Dillon (2016: 177-8) presents a reconstruction of this law based on a collation of the evidence from the *Athenaion Politeia* and the forensic orations in which it is relevant.
[27] See Rose (2016) for an in-depth analysis of what this case tells us about the status of the disabled in Classical Athens.

biographize himself, he narrates very little in this speech. He starts by outlining his opponent's claims against him (§§ 4-5) and then narrates very briefly as he responds to each of the claims in turn.

The speaker begins by establishing his poverty in the only truly biographical section of the speech (§6). He tells the jury that his father had left him very little money when he died and left him responsible for his mother until two years prior to the trial. He has no children to support him, but he has a craft that he can do, albeit with difficulty, to make some money. A fact that might appear to be of crucial relevance to the narrative is the nature or origin of his disability, but he narrates neither of these in the course of the speech.[28] Instead of explaining what is wrong with him to merit the disability pay, the speaker moves on to address each of his opponent's assertions about his wellbeing. Rather than claiming that his opponent is lying, the speaker says that each of his opponent's claims is further evidence of his disability. So, in response to his opponent's claim that he can ride a horse, he says that this is not evidence of health, but penury (§§10-11). If he had enough money, he would have borrowed a mule with a padded saddle. Instead, he needs to borrow other people's horses when he wants to take a long journey. Carey (1990: 49) identifies the structure of this speech as "verbal guerilla tactics, a regular sequence of attacks on his subject followed by retreats into entertaining or emotive irrelevance." Apart from the brief biography in §6, the rest of the speech consists of something between counternarrative and antinarrative. The speaker does not narrate specific events or activities; he just says that his opponent's narration of his activities misses the ways in which they are a reflection of his disability.

[28] Rose (2016: 141) questions whether the disability was physical at all. Instead she argues that the pension for the disabled covered a wider range of inability to support oneself than just physical impairment.

If this speech were part of a criminal trial, the most likely candidate would be some sort of benefit fraud. This is another crime that, like the prostitution in *Against Timarchus*, has no direct victim.[29] Nor, at least based on the narrative in this version, would the perpetrator of this hypothetical benefit fraud have any accomplices. As it stands, in the narrative of this *dokimasia*, there is not even a perpetrator. There is just a poor, disabled man living his life, through a series of non-specific events that do not even coalesce into a narrative, let alone a narrative about a crime. The only other significant character, his mother for whom he cared before her death, is an extra. She constitutes a responsibility contributing to his poverty, but not to the action of the narrative such as it is.[30] This narrative and that of *Against Timarchus* show how the narratives in public scrutinies, from the expansive to the minimalistic, tell their stories with much smaller collection of character roles than criminal trials do. The majority of the characters in these narratives serve merely to provide context for the actions of the scrutinized person throughout his life. There is, however, one more role in Lysias 24, one that the speaker's father plays, albeit very briefly. That role is one that I have yet to identify, but one that will be crucial to the sections of the chapter that follow–the **decedent**.

Inheritance Disputes

The characters that I have identified up to now–perpetrator, victim, accomplice, informant, and extra–are all defined by their relationship to a crime. Even the public scrutinies discussed above can be viewed through a criminal lens. There are, however, many trials and therefore narratives to which crime has no relevance. I will now turn to identify the character roles that are needed to construct the narrative in an inheritance dispute.

[29] This raises the question of who the speaker's opponent is, and what could possibly motivate him to bring such a low stakes case against the speaker. Usher (2001 [1999]: 107) argues, partially on the basis of these low stakes, that this is a rhetorical exercise, rather than a genuine trial speech.

[30] The fact that he had a dependent parent constitutes part of Rose (2016)'s broader understanding of how the Athenians defined disability (141).

The first, and most obvious, character role is that of the **decedent**, the character in the forensic narrative who established the conditions that made an inheritance dispute possible.[31] He could have done this by how he wrote his will, but he could have also done it by adopting one of the litigants into his family (*e.g.*, Menecles in Isaeus 2), or by having an illegitimate child (*e.g.*, Euctemon in Isaeus 6), or by appointing a bad guardian (*e.g.*, Demosthenes' father).[32] Someone can also fulfill the role by dying intestate (*e.g.*, Aristarchus in Isaeus 10).[33] This character's function is to set the stage on which the inheritance dispute will play out.

Where there is an inheritance, there will be an **heir**. The topic under dispute will be who exactly that is supposed to be. The heir in the narrative could have been named as such by a decedent (*e.g.*, Chaerestratus' testamentary adoption in Isaeus 6), or he could be the next person in the standard line of inheritance for someone who died intestate (*e.g.*, the titular Ciron's nephew who holds the estate under dispute in Isaeus 8).[34] A speech can also have more than one heir. If an inheritance narrative requires narrating multiple generations, there can be multiple generations of decedents and heirs in a single narrative (as in Demosthenes 43, which continues the dispute of Isaeus 11 a generation later).[35] An inheritance can also be shared among multiple heirs, either by design of the decedent (as in Lysias 32) or by the relative merits of multiple claims (cf. the initial division of Dicaeogenes' estate into three parts in Isaeus 5).[36]

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[31] I admit to some ambivalence on my choice of terminology. Decedent presents a difficulty in that there are often multiple people who died in an inheritance narrative but only one who established the conditions leading to the dispute. I ruled out estate-owner on the grounds that in disputes that extend to multiple generations, that title would more appropriately be applied to the person currently in possession of the inheritance. Testator, which I also considered, would be ill-suited to the decedent who triggers a dispute by dying intestate. I welcome suggestions to incorporate into my future work on this.

[32] I discussed Isaeus 6 in Chapter 1.

[33] I covered Isaeus 10 briefly in Chapter 1.

[34] For more on Isaeus 8, see my discussion in Chapter 2.

[35] The relationship between these two speeches by Demosthenes and Isaeus was discussed in Chapter 1.

[36] I discussed Isaeus 5 in Chapter 3. For a brief overview of Lysias 32, see Usher (2001 [1999]: 80-2).

As Johnstone (1999: 49) identified in regard to criminal trials, the forensic context of inheritance disputes is inherently dichotomizing. The dichotomy in play in an inheritance dispute is, however, not that between victim and perpetrator of a crime. This is because an inheritance dispute can arise without any crime at all having been committed. A *diadikasia* could be called for whenever there was a legitimate question about who had a better claim to an inheritance. To reflect this dichotomization, I identify the character of the **claimant**. As suggested by the name I have given it, this is a character who is laying claim to an estate that is under dispute.

The two characters of the heir and the claimant may seem at risk of collapsing into each other as they are both defined by their claim to the estate. The distinction between these roles is that the heir is the one who inherited or stands to inherit the estate. The claimant is the character who is attempting either to reclaim an estate that he believes to have been wrongly inherited or to prevent the wrong presumptive heir from inheriting. To step outside the narrative into the forensic context, the heir is the person who will win the dispute if the status quo is upheld by the jury, while the claimant will inherit only if the jury decides that the current distribution of the property is incorrect. The speaker in an inheritance dispute could, therefore, play either of these roles. He could be trying to defend his inheritance from a rival claimant (*e.g.*, Isocrates 19), or he could be making his own claim on an estate that had already been wrongly inherited (*e.g.*, Demosthenes 44).[37] As a final reminder of why it is vital to separate the narrative roles from the forensic ones, it is also possible for the speaker in an inheritance case to play neither of these roles. If the heir or claimant is still underage or is an *epikleros*, then the speaker would instead have to be a *sunegoros*, a legally competent speaker representing the interests of a legally incompetent heir or claimant (*e.g.*, Lysias 32).

[37] I discussed Demosthenes 44 briefly in Chapter 1. For a summary of the circumstances of Isocrates 19, our only inheritance dispute from a non-Athenian court, see Usher (2001 [1999]: 123-5).

The final new character that is present in some inheritance disputes is the **family friend**. Of course there are friends outside of inheritance disputes (*e.g.*, Sostratus in Lysias 1), but the role here is more specific than that. The family friend is an extra, insofar as he does not play a direct role in the narrative, but serves to provide context for the events. In an inheritance dispute, this specific role is to provide context for some break in the normal chain of inheritance. Usually what this means is that the family friend's role is to explain the relationship between a decedent and his adoptive heir. If, for example, an heir (like Chaerestratus in Isaeus 6) or his father (like the speaker's father in Isaeus 2) or grandfather (as in Isaeus 7) had been a close friend of the decedent, that fact would be used to explain why the decedent adopted him instead of one of his distant relatives to be his heir in the absence of direct offspring.[38] It is worth noting that to play the role of family friend, it is not necessary to be unrelated to the decedent. A family friend can be a more distant relative whose friendliness to the decedent is used to explain why the decedent would choose to adopt a more distant relative instead of relying on *ankhisteia* to determine his heir (as in Isaeus 7).[39]

Having identified these additional character roles, in the final two case studies in this chapter I want to show how they fit into narratives. In the cases where there are two interests in play–adjudicating an estate and resolving the damages of a crime–looking at the narrative through the lens of character will allow us to see how the orator orients his narrative and thus we can better understand his rhetorical strategy.

Isaeus 2: *On the Estate of Menecles*

This is a defense speech from a perjury trial arising out of a *diamarturia*. This means that, although the topic is an inheritance dispute, the procedure concerns a crime. In this case, the

[38] I discussed Isaeus 7 in Chapter 2.
[39] *Ankhisteia*, or proximity, as discussed in Chapter 2, was the general system of precedence used when ranking how closely people were related to each other (Todd 1993: 217)

narrative in the speech is directed more towards establishing the facts of the inheritance than it is with demonstrating the reality of the crime. The strategy appears to be to establish the truth about who ought to inherit, because once that truth is demonstrated, the absence of perjury will be obvious.

The narrator starts by telling the jury that his father, Eponymus, and the eponymous Menecles had been close friends (§3). They were so close, in fact, that even after Eponymus died, the speaker and his brother married their sister to Menecles (§5). When this marriage turned out to be unproductive of an heir (§6), out of affection for the speaker's sister, Menecles asked the speaker and his brother to marry her to someone else who would not leave her childless (§8). Although she was initially reluctant, she eventually remarried, and Menecles set about finding an heir (§9-10). Seeing that Menecles' brother (the speaker's opponent) had only one son, and not wanting to deprive him of an heir through adoption, he decided to adopt the speaker instead (§11-2). The speaker then expounds for a while on the laws of adoption (§§13-7), resuming the story for just a moment to provide the anti-narrative fact that, despite ample opportunity, his opponent never contested the adoption while Menecles was alive (§15).

After the adoption, Menecles found the speaker a wife, and together the speaker and his wife cared for him in his old age (§18). This is the end of the primary narrative of how the speaker came to inherit Menecles's estate. It is not the only narrative in the speech, however. Later on, while the speaker is addressing his opponent's arguments, he narrates an internally analeptic event that adds another layer of supposed triviality to his opponent's claim to the estate. When Menecles' wife, the speaker's sister, had remarried, Menecles had paid her dowry by borrowing from the inheritance of an orphan of whom he was the guardian. When it came time to pay back the orphan's inheritance, Menecles tried to sell off some land to raise the capital, but his

brother made a claim on the land to try to prevent him from selling it, as an act of revenge for adopting the speaker (§28). Menecles reserved the part of the land that his brother had claimed, sold the rest, and used the majority of the profits from the sale to pay back the orphan (§29). They submitted to arbitration on the rest of the estate, to determine what was in everyone's best interests (§30).[40] The arbiters decided that the best option was for Menecles to gift his brother with the portion of the estate that he had claimed, thus resolving his claim without anyone needing to rule on its legitimacy (§31). So, the speaker says, although he inherited Menecles' estate nominally, the majority of it is already held by his opponent (§35). He ends the narrative by saying that he took care of Menecles until his death, named his son after him, and buried him in a suitable manner (§36), while his opponent took remaining land while he was alive and is now attempting to take his heir and name from him (§37).

The most obvious of the character roles here is Menecles' as the decedent. The distribution of his estate is currently being disputed because of his decision to adopt the speaker, instead of allowing the laws of intestate succession pass his estate to Menecles' brother. Although the speaker treats this brother, his opponent, as unsavory, he does not treat him as the perpetrator of a crime. The brother may have deprived Menecles of a substantial portion of his estate, but it was done through arbitration that they both participated in willingly and by means of a gift that Menecles gave of his own free will at the suggestion of the arbitrators.[41] It would, therefore, be wrong to analyze the brother as a perpetrator. His function in this speech is to play the rival claimant to Menecles' inheritance.

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[40] This goal of collective benefit is made distinct in the speech from ruling about what was just. The arbiters explicitly refused to rule on who had the right to the estate (*ibid*.).

[41] The fact that they had submitted to arbitration would not have precluded the speaker from treating his opponent as a perpetrator. Roisman (2006: 40 n.28) catalogues multiple speeches in which arbitration is treated as a villainous conspiracy against the speaker. The speaker's choice not to take this rhetorical approach should, therefore, be taken as a choice to contextualize the speech more as a disagreement about the validity of his adoption than a referendum on his opponent's criminality.

The speaker plays a similarly apparent role. He is the heir. This is both because he was named as such by the decedent, and because he is already in possession of the estate–albeit a version that was much diminished by his opponent's actions before Menecles' death. A *diamarturia*, which is what he had been attempting to complete, when his opponent charged him with perjury, is a statement that only an heir would make.[42] A *diamarturia* aims to maintain the status quo, and the heir maintains his position in the status quo. The rival claimant's actions to first diminish the estate and then take it away from the heir was inspired by his anger at Menecles for having adopted the speaker instead of him. Of course, the reason that Menecles made that decision was his relationship with the speaker's father, Eponymous. In this speech Eponymous presents as the perfect example of the family friend function. His friendship with the decedent, Menecles, is what caused him to bypass *ankhisteia* and appoint the speaker as his heir.

Although this speech comes to us as a result of a criminal procedure, the narrative is clearly not criminal at all in its orientation. Every one of the character functions from an inheritance narrative is represented and none of the criminal ones are. Isaeus has chosen to address a criminal charge with a narrative of how the speaker came to inherit. This is an excellent illustration of how these character roles come to constitute an inheritance narrative. In other cases, an orator may feel a need to cast characters in roles from different types of narratives, incorporating characters from narratives both hereditary and criminal. In the final case study in this chapter, we will see an example of just that.

Demosthenes 27: *Against Aphobus I*

This speech, and the others that are related to it, mark Demosthenes' origins as a public figure (MacDowell 2009: 21). His father died when he was young and left him under the care of

[42] As mentioned in Chapter 1, a *diamaturia* was a sworn statement by the heir(s) to an estate, saying that the estate in question was not adjudicable (Harrison 1968: 156).

three guardians: Demophon, Therippides, and the Aphobus (32).[43] They mismanaged his estate to such an extent that when he reached adulthood, he sued each of them for how they had conducted their guardianship through a *dikē epitropēs*, a procedure that an orphan could bring against his guardian for corruption in his management of an estate (Todd 1993: 103). According to ancient sources, Demosthenes trained under Isaeus to learn the craft of rhetoric in order to prosecute his negligent guardians to the best of his abilities (Ps.-Plutarch *X Orat.* 5.6).[44] Whether or not Isaeus taught him, these speeches seemed to have worked. The guardianship cases, of which this is the first, marked the beginning of a prolific political and forensic career for Demosthenes.

Demosthenes begins the narrative of this speech by telling the jury that when his father died, he left behind a fortune and ordered that it be overseen by Demophon, Therippides, and Aphobus (§4). His father split responsibility for the estate between these three, with Aphobus being given Demosthenes' mother as wife with a substantial dowry.[45] His hope was that this division would give all three of them an equal stake in maintaining the estate appropriately. Demosthenes also points out that Therippides had been a childhood friend of his father's (§5). Unfortunately, despite his father's best laid plans, Demosthenes' appointed guardians mismanaged the estate and handed him a pittance when he came of age (§6). After establishing the starting and ending values of the estate, Demosthenes says that he will leave his claims against Demophon and Therippides for another day, so that he can fully focus on the ways in which Aphobus wronged him (§12). He starts this new, Aphobus-focused, narrative at the time

[43] Demosthenes' father was also named Demosthenes, so, to avoid confusion I will be referring to him as Demosthenes' father *passim*.
[44] MacDowell finds this claim about Demosthenes' education plausible on the grounds of Isaeus' expertise in the field of inheritance (2009: 21).
[45] Like Demosthenes, I will be passing over the specifics of what the other two were allotted as they are dealt with in other speeches. The dowry is important as it is the primary basis of Demosthenes' dispute with Aphobus in this particular case.

of his father's death, telling the jury that as soon as his father died, Aphobus moved into the house and sold off slaves and jewelry until he had received the promised dowry (§13). Aphobus was assigned a trierarchy shortly thereafter, but before he sailed off, he left written confirmation with Therippides that he had received the dowry that he was due (§14). After Aphobus returned from his trierarchy, he was accused, by Demosthenes' uncle, Democharés, of not maintaining Demosthenes' mother in a suitable manner. He also chose to manage Demosthenes' estate himself instead of renting it out to generate income for his ward.[46] When confronted about how lax he was being in discharging his duties as guardian, he claimed that he was involved in a dispute with Demothenes' mother about her jewels and would do his job better once that was resolved (§15). By this point in the narrative, Demosthenes has established all of the major players. The remainder of the narrative is devoted to explaining the specifics of what had been left to his guardians and how they squandered this.

The fact that this is a *dikē epitropēs* means that it straddles the line between a criminal trial and an inheritance dispute, and the cast of characters reflects that liminal position. As far the inheritance narrative goes, Demosthenes' father is, of course, the decedent. The provisions of his will are what led to the current dispute, even if the dispute does not directly concern those provisions. Therippides, although he does not play a major role in this trial, is cast explicitly as a family friend to explain why he was assigned part of the guardianship (§5). An interesting twist in the casting is that Demosthenes presents Aphobus (and his co-guardians) as the heir(s), and himself as the rival claimant. His father may have intended to leave his estate to him, but Aphobus was the one who had control of it, and it is from Aphobus that he is attempting to retrieve the balance of the estate that was lost to his mismanagement. As Demosthenes points out, Aphobus took possession of their home and movables at the time of his father's death (§13).

[46] This appears to have been a common enough practice for Demosthenes to remark on his not doing it.

The enumerations of how much wealth Aphobus (and his co-guardians) squandered, while remaining wealthy themselves, serve to present Demosthenes as having been practically, if not technically, disinherited.

With regards to the criminal side of the narrative, the way that Demothenes casts the roles is both predictable and informative. Aphobus, as the defendant in the case and the one who inherited the estate for all intents and purposes, plays the role of the perpetrator. His mismanagement is the crime that Demosthenes is prosecuting. His co-heirs, Demophon and Therippides, by participating in committing this crime of negligent management are his accomplices.[47] Democharés, bringing attention to Aphobus' poor treatment of Demosthenes' mother, while also attesting to the fact that Aphobus gave written confirmation of having received his allotted dowry, plays the role of informant in the narrative and witness in the courtroom. The victim of the crime is Demosthenes himself. Aphobus' negligent approach to his duties as guardian has left Demosthenes in a worse financial position than he ought to have been.

Perhaps the most interesting casting in the criminal reading of the speech is that of Demosthenes' mother. In this narrative, she is cast as an extra. Her role is primarily to facilitate the conflict between Aphobus and Demosthenes. Aphobus's not maintaining her sufficiently is what gives Demosthenes, thanks to Democharés, the opportunity to seize on a lie that he has told about the money that he received from the estate. This is odd because, if anything, Demosthenes' mother is the one who has been most directly wronged by Aphobus. Demosthenes may have received less than what he expected from his father's estate, but things ultimately worked out for him. He was wealthy enough even before the guardianship trials that, even if he did not actually

[47] In the trials that Demosthenes brings against them, they are perpetrators in their own rights. The other people with whom he has business dealings, whom Demosthenes mentions in the parts of the narrative that enumerate the estate, are also accomplices, but their role is small enough to pass over in a footnote–this footnote, in fact.

hire Isaeus to train him, it was plausible that he could have afforded to do so.[48] Demosthenes' mother, on the other hand, was being so ill-cared-for by the man whom her late husband had chosen to marry her in the event of his death, that her brother-in-law confronted him about it. Despite this treatment, Demosthenes does not make her play the role of victim. In his final appeal to the jury, after his narrative is over, he asks for the jurors' pity (§ 68). He asks on behalf of himself, as a fatherless man who has been wronged by those assigned to care for him, and on behalf of his sister, whose dowry he must now produce from a much diminished estate (§§ 65-6). He does not mention his mother, who had been left to marry a man who neglected her and left her son destitute.

In these two case studies we have seen how the character functions of an inheritance speech can be used to construct a narrative. In Isaeus 2, the speaker built the narrative around the inheritance and gave no account of the alleged crime for which he was on trial, trusting that the credibility of the inheritance narrative was all he needed to beat the charge of perjury. In *Against Aphobus*, Demosthenes wove a narrative that blended criminal and inheritance roles in order to advance his claim to Aphobus' profits from his guardianship. As a topic, inheritance disputes thus present their own set of characters as narrative functions while not precluding those of the criminal trial.

Conclusion

Analyzing the narrative functions of characters within the speeches has proven to be a productive approach for identifying narratively distinct groups of speeches within the corpus.

[48] Davies (1971: 132-3), acknowledging the difficulties imposed by the rhetorical spin of the evidence, disputes the 7,000 *drachmai* that Demosthenes claims to have been given on reaching his majority (27.6), saying that it cannot be reconciled with the value of the slaves and property that he admits to having received. Even if we were to accept the figure of 7,000 *drachmai*, that would still represent over 19 years' worth of earnings for a skilled laborer. Counted among this value is 14 slaves who were employed as knife makers. This means that Demosthenes was still, regardless of his specific net worth, maintained through his ownership of the means of production rather than his own labor and thus part of the wealthy class (cf. Ober 2009 [1989]: 195-6).

The narratives in these speeches contain characters that are defined by their relationship to the central concern of these speech. In criminal trials, it is their relationship to the crime. In inheritance disputes, it is their relationship to the estate. And in public scrutinies, it is their relationship to the person being scrutinized. Since the three subgenres that this approach produces cannot be fully delineated by procedure or topic, these groups are thus a novel result of this approach to the speeches. Public scrutinies are the easiest to separate out along procedural lines. These are narratives from *euthynai*, and *dokimasiai*. These procedures concern the public lives of their subjects and do not require a crime to come before a court. Criminal narratives and inheritance narratives, on the other hand, cannot be so neatly delineated. Procedures that were meant to address crimes like perjury could be used to resolve an inheritance dispute and the narrative, as we saw in Isaeus 2, could reflect only the inheritance as a focus. Or they can blur the boundaries between the two, calling in narrative elements from both genres as necessary to achieve the orator's rhetorical goals.

This blurring of the boundaries suggests that it may be productive to continue examining the intersections between the categories identified above. *Eisangeliai*, impeachment trials, for example, may offer an opportunity for a greater overlap between public scrutinies and criminal narratives.[49] There is also at least one character role, the **beloved**, that exists across genres, whose potential as a generic element I have yet to determine. The beloved is a love interest of one or more characters in a speech whose primary role is to precipitate conflict, usually between those who desire them. The most obvious of these can be found in Lysias 3: *Against Simon*, a criminal narrative about an assault that arose because of two men's interest in the same boy. Timarchus plays this role in the public scrutiny narrative of Aeschines 1 when Pittalacus and Hegesandrus enact violence against each other due to their respective relationships to the focal

[49] See Hansen (1975) for the definitive treatment of *eisangeliai*.

character. The relevance of this role to inheritance disputes is also fairly clear, as decedents with beloveds can produce illegitimate children who want to claim the estates or, as in Demosthenes 39, the names of their legitimate siblings.[50] The character-role approach to the corpus has proved to be a promising start, producing three discrete narrative subgenres and offering enough questions to guide future work on this approach.

[50] Summaries of Lysias 3 and Demosthenes 39 can be found in Usher (2001 [1999]: 91-3, 259-60).

Conclusion:

Genre and the Forensic Narrative

Growing literary interest in the Attic Orators has led to an increasing number of literary analyses of their stories. These literary analyses have assumed that certain groupings of the speeches (*e.g.*, by author, procedure, or position) can be meaningfully used for comparative and contrastive analysis. The question I set out to answer in this dissertation was whether significant groupings emerge from the data if those assumptions are set aside. Do the existing categories constitute discrete narrative genres? Do they constitute a single overarching narrative genre? Or does Athenian forensic narrative comprise multiple discrete narrative genres that can be better differentiated along different axes?

In Chapter One, I asked whether the orators themselves marked any explicit categorical distinctions between the narratives they used in different types of speeches defined along the lines of author, procedure, and position. I addressed this question by looking at narrative segues as an indicator of generic affiliation. There was a substantial correlation between segues involving "teaching" vocabulary and narratives in inheritance trials. Despite this correlation between topic and transition it became clear that narrative segues did not reliably function as generic signals. The choice of narrative segue does not communicate narrative similarity between two cases from disparate contexts nor does it communicate dissimilarity between cases that are otherwise categorically similar. In the cases where the choice of narrative segue was the most communicative, it conveyed more about the orator's rhetorical strategy than it did about the type of narrative that would follow. Because starting outside the narrative proved unproductive for identifying novel groupings of speeches, I turned in my remaining chapters to the narratives themselves to determine whether identifying narrative elements could be more productive.

In Chapter Two, I investigated how time functions in forensic narratives. I identified a series of minor chronotopes, or recurring temporal units such as biography or behavioral history, that exist in forensic narratives to see whether their presence or absence produced a meaningful distinction in narrative category. As in Chapter One, there were some notable commonalities between narratives in inheritance disputes, particularly regarding the inclusion of the genealogy and biography minor chronotopes. Despite this topical correlation, ultimately the deciding factor in the inclusion of a minor chronotope turns out to be the rhetorical needs of the speech, since even in inheritance disputes not all decisions will hinge on the same types of information. This minor-chronotopic approach to the corpus generates productive groups for comparative literary analysis, but it produces so many potential groups that any system of genre based on it would be unwieldy. Despite this drawback, it provides a great deal of insight into how time functions in the forensic narrative genre as a whole.

In Chapter Three, I turned to focalization to examine how forensic narrators incorporate points-of-view other than their own into their narratives. Focalization through someone other than the speaker in a non-fictional narrative introduces an inherent element of fictionality. To mitigate the fictive implications of presenting third-party perspectives, narrators generally participate in justificatory discourse where they explain how they came to be able to narrate these points-of-view. There are two categories of information that do not present the same justificatory demands on an orator presenting events that he did not witness–family history and political events. In the cases where justification is demanded, I demonstrated how narrators could use their justificatory discourse to diverse rhetorical ends. In the cases where it was not required, I showed how the orators could capitalize on that opportunity to narrate other people's perspectives freely to achieve their persuasive goals.

In Chapter Four, I considered the characters in forensic narratives through the lens of the functions those characters perform in the narrative. When the corpus is examined through this lens, three distinct categories of narratives emerged–"criminal" narratives, public scrutinies, and inheritance disputes. The character types that constitute the cast of each of these narrative types can each be understood by their relationship to the central topic of the speech. In criminal trials this is the crime, in inheritance disputes it is the estate, and in public scrutinies it is the person being scrutinized. These categories, although clearly distinct, admit overlaps as narratives can have multiple concerns such as when an inheritance dispute results in a crime. When these topics overlap, the orator's choice of which cast of characters to implement is an element of his rhetorical strategy. The character-role approach to the corpus merits further examination.

So, when synthesizing the results of all four chapters' approaches to the corpus to answer the question of whether Athenian forensic narrative as a category comprises multiple discrete narrative types that can be compared and contrasted, the answer is a qualified "yes." Groups of narratives that are meaningfully distinct structurally can be seen when looking at how the narrators employ embedded focalization, what timescales their narratives cover, and what character roles they include in their narratives. Significantly, however, these approaches do not generate the same groups. Inheritance narratives as defined by character analysis end up substantially subdivided when a minor-chronotopic lens is applied. Some inheritance narratives work in genealogical time while others only require a biographical narrative. The family history and political event exceptions to the need to justify embedded focalization may seem like they would correspond directly to inheritance narratives and public scrutinies, but Lysias 13, the case study for the political exception, is manifestly a criminal narrative.

Although I have not arrived at a simple answer to the question that I set out to examine, my research has important implications for the study of forensic narratives. First, it is vital to consider the validity and relevance of the groups that one uses when undertaking any comparative analysis of narrative in the orators. Authorship, for example, is by no means a useless category – a more style-oriented analysis would likely find many discrete differences between the orators – but when it comes to discussing narrative structures, authorship does not appear to correspond substantially to a preference for any of the structural features that I have examined. Instead of asking whether Demosthenes or Lysias does something differently, it is more productive to first determine what the orator needs to prove in a given narrative.

In her study of how ancient theorists talked about the narrative component in forensic speeches, Rosalia Hatzilambrou concluded that they did not treat narrative as a tool for persuasion (2020: 243). Despite this position of early rhetorical treatises, there appears to be a significant gap between rhetorical theory and oratorical practice. The most consistent determinant that I have seen for the presence or absence of any particular narrative feature is rhetorical exigency. If one wants to know why a particular narrative technique was employed, the likely answer is that it was necessary for proving the speaker's point. Orators choose what narrative elements to include and how to present them based primarily on their rhetorical goals in a speech. In the situations where broader patterns of inclusion and exclusion emerge, it is because speeches in those situations share particular rhetorical needs that are well served by a consistent implementation of a given narrative technique.

This is why procedure is most likely to be a more productive avenue for comparison. Speeches from cases that were brought to court under the same procedure often share enough

exigencies with each other that the narratives will be similar enough to group. This is doubly true if they share a topic such as inheritance, assault, or murder. If you want to compare the storytelling technique in two speeches, looking at two perjury trials arising from *diadikasiai* will be much more productive than comparing a murder case with a *euthyna*. It is only after controlling for the rhetorical exigencies of the speech that it will be productive to ask questions about an orator's narrative techniques because the rhetorical side always takes precedence. So, if one wishes to compare and contrast forensic narratives along the lines of existing groupings, procedure will be the most productive, not because it constitutes a narrative genre *per se*, but because it is, at least partially predictive of the rhetorical exigencies of a speech. When procedure is combined with topic, one finds that the types of stories that orators tend to tell when trying to convince a jury, for example, that they have the one true claim to their family fortune end up with a lot of similarities.

By choosing to confine my study to forensic narratives, I have not investigated whether forensic narratives constitute a genre distinct from those drawn from encomia and deliberative speeches or elsewhere. This presents a substantial opportunity for future work to place the observations that I have made about forensic narratives within the larger corpus of Athenian oratory, non-fiction, prose, or even literature as a whole. Even just within the forensic corpus, however, there are additional opportunities. A study that focuses on the sequence of events and how and why the orators choose to present particular episodes out of chronological order might prove illuminating. In my introductory chapter I commented on the arbitrariness of length serving to define a genre when discussing Tynianov's point about the number of pages constituting a significant characteristic of the definition of a novel (2019 [1927]: 273). But there

is a great deal of variation in length between forensic narratives from just a few paragraphs in Lysias 24 to tens of OCT pages in Demosthenes18: *On the Crown*. It is possible that a length-based analysis would provide further insights into the forensic genre. I hope that the categories of narrative that I identified in each chapter provide a useful starting point for future comparative analyses. But more importantly, I want this project to serve as a reminder of how productive it can be to question our assumptions about how literature is and should be categorized.

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