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FACULTY OF PHILOLOGY, UNIVERSITY OF THE PELOPONNESE

**“Witnesses and Evidence: Information and Decision in Drama  
and Oratory - From Antiquity to Byzantium”**

IN COLLABORATION WITH:

Centre for Oratory and Rhetoric (COR) Royal Holloway University of London

Centre for the Study of the Ancient World, Ionian University

Eötvös József College, Budapest

## ABSTRACTS

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## APOSTOLAKIS, KOSTAS

Assistant Professor of Ancient Greek Literature, Faculty of Philology, University of Crete  
'Witnesses, evidence and rhetoric in D. 57 *Appeal Against Euboulides*'

Demosthenes' *Against Euboulides* is one of the three forensic speeches in the corpus of Attic oratory which deals with contested citizenship, the others being Apollodoros' *Against Neaera* and Isaeus' *For Euphiletus*. Our speech was delivered as an appeal against a decision taken in the framework of an extraordinary procedure called *diapsēphisis*, activated in 346/5 BC. In this procedure, each member of a deme had to pass in turn an extraordinary scrutiny concerning his citizen status. More specifically, the speaker Euxitheus is appealing against the decision of his ejection from Halimus, his deme. The prosecutor Euboulides is acting as a representative of the deme. Euxitheus refutes the assertions of the prosecution by calling on his relatives and fellow-demesmen to bear witness to his citizen status.

In this paper I focus on the rhetoric of the testimonies, in the hope of showing some interesting aspects concerning the nature of Athenian citizenship. It is worth noting that the speech contains no fewer than 15 headings for witnesses and depositions. These testimonies bear the main burden of the rebuttal, and they accordingly have a structural function in the speech, being placed in its central part and either preceded or followed by relevant arguments and comments. The speaker also supports these statements with generalizations on human life and emotionally loaded arguments. Moreover, as occasion serves, he turns over the evidence used by the prosecution by adducing witnesses who support his own interpretation. An indicative passage is §§44–45, where he manipulates the allegation that his mother, having served in the past as a wet-nurse, was not an *astē*. Euxitheus admits that his mother was a nurse, but then he calls on the members of the family whom she had served to testify what they know, i.e. that she was an Athenian woman who was forced by poverty to undertake humble occupations (§§44–45). This particular issue is also considered in the light of similar slanders and allegations regarding the social status of well-known personalities, which occur both in political oratory and in comedy.

## ARGYRIOU, ANTOIPE

PhD, Department of Classics, Royal Holloway, London

'Witness of virtue: the epigraphic evidence of Hellenistic honorific decrees'

In this paper I will investigate the importance of witnessing in Hellenistic honorific decrees. An honorific decree presented condensed versions of narratives: 'In the motivating clause, a series of descriptions and actions, which are noted, in a conventional, moralizing vocabulary, as making visible the honorand's character; and the city's reaction, in the form of a series of decisions. The economy of the decree equates the two narratives.' (Ma 2013, 56-7). These narrations of honorific decrees are considered by many scholars as a useful source for the oratory during the Hellenistic period (Chaniotis, Rubinstein in Kremmydas & Tempest 2013). Several condensed narratives refer to individuals and/or groups of people, who have reported on the deeds and personal qualities of the honorand. The written and/or oral reports often provided by the envoys sent to testify the honorand's deeds and virtues are presented as an integral part of the decision making process of the award of public honours. This is particularly evident in the cases of honorands, who are granted honours for their services and conduct abroad, such as foreign judges, *theoroi*, *proxenoi*, and other. The polis who granted the honours often requested the affirmation and proclamation of the honours bestowed in the honorand's homeland too. Both the motivation and the hortatory clauses of the decrees emphasize the benefactions and the virtues of the honorand, which the polis wishes to raise to a civic example of *arete* for other citizens and foreigners alike. The person(s) who transferred the knowledge, i.e. the evidence of the honorand's good character and actions, took on a difficult task, which was to report and explain to the recipient community why the honorand deserved public honours. Apart from handing over copies of the *psephismata*, they also had to present orally before the boule and the demos the evidence for the honorand's good *ethos*. Thus, their reports formed parts of deliberative oratory. And, although we cannot be sure whether the oral reports matched the written documents,

however the language of the honorific decrees emphasizes that they spoke according to and in line with the passed decrees. The rhetorical elements of the Hellenistic honorific decrees have been studied, yet not from the aspect of witnessing and providing evidence. By shedding light on this aspect of the honorific decrees we come to realize that the decision of a polis to grant public honours for civic benefactions and good services is justified not simply on account of the manifestation of specific virtues and actions, but also on the basis of good reports, either written or oral (or both), which accompanied the honorific decree itself and enforced decisively its reliability and value as a piece of evidence.

### **BAZOU, ATHENA**

*Lecturer in Ancient Greek Literature, Faculty of Philology, Department of Classical Philology National & Kapodistrian University of Athens*  
'Galen as an Orator. Medical Rhetoric in the 2nd century A.D.'

Galen (2nd A.D.) is known as the greatest physician of antiquity after Hippocrates and one of the most prolific ancient authors. He claimed a position among the philosophers of his time and besides medical  $\alpha\upsilon\delta$  treatises he wrote philosophical, philological and rhetorical works from which little has survived. In the paper Galen will be presented as an orator in the highly competitive context of the Second Sophistic. Will be examined the relationship between Galen and rhetoric in his life (public speeches of medical content, public anatomical exhibitions) and medical practice (witnesses and evidence for advertising his medical competence) as well as examples of Galenic treatises as public speeches (stylistic analysis, means of persuasion).

### **CAREY, CHRIS**

*Professor Emeritus of Greek at University College London*  
'The Judge as Witness'

This paper looks at ways in which speakers in the Athenian courts turn the judges (at least rhetorically) into witnesses for their case. It begins with a brief survey of the complex role of the witness within Athenian forensic culture and then looks at the different ways in which speakers stretch this role both terminologically and conceptually to fit the judges facing them and in the process align them more closely with their own case and their own version of the facts at issue. It closes by looking briefly at other rhetorical games which speakers play with the notion and practice of witnessing.

### **EDWARDS, MIKE**

*Professor of Humanities, University of Roehampton, London*  
'Oral and written evidence in the Speeches of Isaios'

In this paper I shall re-examine the formulas for the calling of witness statements in the speeches of Isaios, which are of central importance for the dating of the change from oral to written evidence in the Athenian lawcourts of the fourth century. Calhoun (in *TAPA* 1919) fixed the date of the change to 378/7, and while this precise dating has not found general acceptance (see, e.g., MacDowell, *Law in Classical Athens* 243), most scholars agree that the change took place around 380 (e.g. Todd, *Shape of Athenian Law* 336; Phillips, *Law of Ancient Athens* 38). However, a major problem is that it is very difficult to assign dates with any degree of certainty to the majority of Isaios' speeches. Consistent with a date c. 380 is that the only speeches of Isaios that do not mention written depositions are speeches 1 and 10 (also 4, which has no witnesses of any kind), usually considered to be among the earlier speeches; while the only speeches that do not mention 'witnesses' are 2 and 3 (and 4), usually considered among the later. But one problem with the c. 380 date, which was acknowledged by Calhoun, is that speech 5 is datable to c. 389 but contains a reference to a written deposition; and Wev-

ers (*Isaeus: Chronology, Prosopography, and Social History*) challenged the traditional dating of Isaios' speeches, putting 1 and 10 much later. It is also the case that speeches 6, 7, 8, 9 and 11 all appear to have at least one example of both 'witnesses' and 'depositions'. I shall therefore consider the wording of the formulas and their context, and how the differences between the traditional and the Wevers dating may affect the standard view on the date of the changeover from oral to written evidence.

### **EFSTATHIOU, ATHANASIOS**

*Professor of Ancient Greek Language and Literature, Ionian University*

'The rhetorical effect of evidence / witnesses in the speeches of Aeschines'

*Joint abstract with D. Solti*

With regard of the testimonies and other documents in Attic Orators two main questions are emerging in scholarly research: *Are they original or fake*, and in second case, *how they have been incorporated in textual tradition*. Latest research leads to promising results in case of Demosthenes but the same research regarding the speeches of Aeschines remains until now a *desideratum*.

In present paper we will examine the testimonies and other documents of the Aeschinean Corpus in terms of originality, their role in the textual tradition, as well as their rhetorical value. Moreover, we will concentrate on the rhetorical use of testimonies by Aeschines in order to make them function within the overall rhetorical strategy opposing to Timarchus (speech 1) and Demosthenes (speeches 2 and 3).

### **EGEDI-KOVÁCS, EMESE**

*Researcher at Eötvös Loránd University, Budapest*

'Nachor le faux témoin. La métaphore Grecque de l'*apologie* perdue d'Aristide dans le Roman de *Barlaam et Josaphat* et sa version en Ancien Français (Ms. Athon. Iviron 463)'

In Chapters 26–27 of the novel *Barlaam and Josaphat*, King Abenner organises a theological dispute in order to discourage his son from Christian faith. One participant, Nachor, pretends to be Barlaam, the tutor of Josaphat. The king intends this "fake Barlaam" to speak so badly of Christianity as to allow all the other orators easily to triumph over him, thus making Josaphat abandon his belief. But Nachor's speech achieves the opposite effect: not only does he fail to persuade Josaphat, but he himself converts to Christianity as well. Nachor's pseudo-testimony is but a transcription of Aristides' *Apology*, long believed to have been lost, which the Athenian philosopher addressed to Emperors Hadrian and Antoninus Pius. Although both Eusebius and Hieronymus mention this work, the speech was believed lost until as late as 1878. This paper discusses the later fate of the *Apology*: in addition to Armenian, Syrian, and Georgian translations recovered in the 19th century, Greek papyrus fragments also carry details of the original script, while Codex Iviron 463 has preserved not only the Greek metaphrasis of the speech but also its Old French translation.

### **FINGLASS, PATRICK**

*Henry Overton Wills Professor of Greek, University of Bristol*

'The Rhetoric of Chrysothemis'

This paper looks at the language of Chrysothemis in Sophocles' *Electra*, and in particular her powerful speech announcing the return of Orestes. This speech fails to achieve its goal of persuading her sister to accept that her brother has really arrived, but that should not stop us from appreciating the force of its rhetoric. *Electra's* refusal to be moved by her sister's words results not from any deficiency in Chrysothemis' speech, but from the absolute trust which she places in the Paedagogus, who had claimed to be an eyewitness to Orestes' death; her choice of one speech over the other reflects contemporary ideas about the varying worth of different types of evidence, which this paper will explore.

## **FOUNTOULAKIS, ANDREAS**

*Associate Professor of Ancient Greek Literature, Faculty of Education, University of Crete*  
'Calling for Witnesses, Role-Playing and Metatheatre: Dionysus And Xanthias in Aristophanes, *Frogs* 494-533'

As soon as Dionysus, dressed as Heracles, arrives in the Underworld in Aristophanes' *Frogs*, he gives Heracles' lion skin and club to his slave Xanthias in order to save himself from the aggression of Aea-cus, who thinks that he is indeed Heracles. When Xanthias, assuming the appearance of Heracles at 494-533, is well received in the palace of Persephone, where he is about to have a lavish meal and be entertained by a female pipe-player and dancing girls, Dionysus tries violently to take back the lion skin. At 528-529 Xanthias calls bystanders as witnesses to the violence inflicted upon him and threatens to resort to legal action seeking the arbitration of the gods, but eventually hands over the lion skin to Dionysus.

The aim of this paper is to explore various aspects of Xanthias' call for witnesses from formal, dramatic and social points of view in order to highlight its associations with similar, rather conventional, calls in drama as well as in society. Considering especially the legal function of such calls occurring during violent incidents in social contexts in the ensuing presentation of testimonies and evidence at court, attention will be drawn to the, often differentiated, handling of those calls in drama. Xanthias' call for witnesses will subsequently be considered as part of dramatic conventions echoing social practice, while emphasis will be placed upon its examination in connection with the dramatic context of the *Frogs* and the metatheatricality of the entire scene, which mainly stems from the exchange of costumes between Dionysus and Xanthias, and the construction of the role of Heracles. It will be argued that calling for witnesses is, along with disguise, part of the metatheatrical devices pertaining to role-playing, which are employed in this scene in order to underline tensions between social reality and dramatic action, distinctions of status such as those between gods and mortals or masters and slaves, and processes relating to the fabrication of dramatic character and the power of dramatic representation. These aspects of the scene are echoed in the contest between Aeschylus and Euripides later in the play in wider patterns of action and thought relating to the construction of a dramatic world and its function within its social context.

## **FRANGAKIS, PENELOPE**

*Post-doc, Faculty of Philology, University of the Peloponnese*

'Reciprocal narrative influences between Greek texts of Drama and Rhetoric of the fifth and fourth centuries B.C.'

Inartistic proofs, as is known from Aristotle, were among the materials used for the purposes of argumentation made in Attic drama and law courts. The argumentation, in particular, of judicial speeches used material from inartistic proofs which included witness testimony. Witness testimony was among the sources of information that led to decision-making not only in the law courts but also in ancient Greek drama. The organisation of judicial speeches, the use of witness testimony in theatres and law courts and by extension the rhetorical similarities exhibited between Athenian drama and the oratory of the law courts, reveal that tragedy and judicial rhetoric have reciprocal influences. This paper will explore the reciprocal narrative influences between judicial rhetoric and drama evidenced during the fifth and fourth centuries B.C. The paper will provide a narrative analysis of the narrative construction used to create judicial speeches and by extension the organisation of direct evidence that is given through witness testimony in texts of drama and rhetoric. The paper will examine the subsequent decision-making resulting from the information provided by witness testimony in such texts. An emphasis will be placed on the reception of the narrative techniques of judicial speeches from texts of rhetoric and drama such as those by orators such as Antiphon, and playwrights such as Aeschylus, Sophocles and Euripides.

## **GAGARIN, MICHAEL**

*Centennial Professor Emeritus, Department of Classics, The University of Texas at Austin*  
'The function of witnesses in Athenian Law'

Witnesses in Athenian courts testified by swearing to a written document prepared ahead of time and read out by a clerk during a pause in the litigant's speech. Other documents, such as laws and contracts (the so-called "non-artistic proofs" – Aristotle) were similarly read out, but witness depositions were the most common of such proofs. Most of these depositions do not survive except for a notation in our manuscripts *MARTYRES*, OR *MARTYRIA*, but occasionally they do. On the basis of the surviving depositions, Thür has concluded (*Cambridge Companion to Ancient Greek Law* 152-55) that witnesses presented a "formulaic statement" using "formulaic words," either "I was present" or "I know." I will argue that witnesses were not limited to formulaic statements. First, I note that Thür is implicitly distinguishing between "formal" and "accidental" witnesses – between those who are summoned to witness an event, such as making a will or an agreement, and those who by chance happen to have seen or heard something – a distinction I long ago noted at Gortyn (*Symposium* 1985). Thür is correct that formal witnesses usually state that they were present when such and such happened, since their being present is the reason why they are witnesses. It is also true that accidental witnesses often testify that they "know." But by no means always. For example, in Demosthenes 35.14 the witness testifies that "Androcles, Nausicrates, Artemon, and Apollodorus deposited the agreement with him and that he still had the agreement." In 35.23 another witness testifies that "he lent Apollodorus eleven minas of silver," etc. These and other passages make clear that witnesses could testify using whatever words they wanted and that even if they often used certain words, they were not constrained to formulaic statements. Unlike Roman law, Greek law had no place for formalism, not even in witness depositions.

## **GARTZIOU, ARIADNE**

*Professor of Ancient Greek Philology, University of Ioannina*  
'Gods as witness in Euripidean oaths. Three case studies'

A common practice during the Archaic Greek era was to invoke gods as witnesses in political oaths. However, from the 5th century onwards, the testimonies of *horkioi* gods start to fade away, as the responsibility of monitoring the oaths fall to the appropriate officials (such as magistrates, *demos* etc). In this paper, we will present three case studies from Euripides (*Suppliants*, *Hyppolitos*, *Medea*). In these examples, the invocation of the gods is deemed necessary in oaths referring to agreements on offering immunity, signing of peace or alliance treaties and imposing the sentence of exile.

## **GIANNADAKI, IPHIGENEIA**

*Research Associate, University College, London*  
'Witness testimony in assault cases: Question of fact and construction of *ethos*'

It is a *topos* in modern scholarship on the topic of Athenian witnesses to emphasise an important difficulty when approaching the subject, namely to make a link between the identity of witness and the content of the particular piece of deposition he offers. Despite this difficulty, modern accounts are increasingly defining witness' legal, political, and rhetorical function. Nonetheless, different approaches have been offered with reference to a crucial question, the witnesses' legal function: some scholars argue that their role was primarily to support the litigant, so what matters most is 'who they are', while others rightly emphasise their main role to confirm certain events they knew, since they are always invited to this effect ('what they say' is most important).

Building on this latter view, which in my opinion, offers a better understanding of the role of witness testimony in the Athenian law, and the well-argued case for the artful use of this 'artless proof' (e.g. Carey 1994), I focus on the things they are invited to confirm, from a rhetorical point of view. There-



fore, this paper seeks to understand the rhetorical role of witness testimony in the wider strategy of two speeches dealing with assault: a private (Dem. 54) and a public (Dem. 21). It intends to shed light to various artful uses of witness testimony, from gathering and drafting witness testimonies to their orchestration in the strategy of the speeches—especially, to illustrate the *ethos* of the opponent, in order to achieve persuasion. Such artful uses of witness testimony compensate for the absence/weakness of factual evidence to prove crucial aspects of those cases.

### **GRIFFITH-WILLIAMS, BRENDA**

*Honorary Research Fellow of Greek, University College London*

‘The Evidential Value of Religious Observance in the Speeches of Isaios’

Several of the speeches written by Isaios for litigants in disputed inheritance cases include evidence about day-to-day family activities – especially (though not exclusively) about religious observance. For example, as part of his attempt to prove his identity as Kiron’s legitimate grandson, the speaker of Isa. 8 says that when he and his brother were children, Kiron always took them with him to public spectacles and festivals; and always included them in his private sacrifices to Zeus Ktesios, to which he never invited anyone from outside his own family (Isa. 8.15-16).

In other speeches, similar evidence about participation in religious ceremonies (or sometimes about absence from them) is used for different purposes: to show that the speaker’s opponent was an enemy of the deceased relative whose estate he claims (Isa. 1.31, 9.21), that the speaker himself was on terms of close friendship with the deceased (Isa. 9.30), that the speaker’s mother was a legitimate Athenian citizen (Isa. 8.19), or as general evidence of an opponent’s bad character (Isa. 6.48-49). Sometimes this kind of evidence is characterized as a σημείον (Isa. 1.31, 6.48) or a τεκμήριον (Isa. 8.15) of the point the speaker wants to prove, and it is almost always supported by witnesses who claim to have observed the presence (or absence) of the person in question at the ceremonies described. In one exceptional case, the speaker adduces ψηφισμάτα passed by the βουλή as evidence of his opponent’s sacrilegious behaviour (Isa. 6.50).

A close analysis of these passages (with reference to Aristotle’s theory of proof) will show that they all have some relevance to the legal issue in the case: who is best qualified to inherit the contested estate. But evidence of religious observance is never essential to the speaker’s case, and often forms only a small part of the total evidence he produces. I conclude, nevertheless, that its persuasive effect may often have been significant because of the strength of its appeal to traditional Athenian values.

### **HARRIS, EDWARD**

*Professor of Ancient History, University of Durham*

‘Written documents as evidence in Attic forensic oratory’

In his speech Against Ctesiphon Aeschines (3.75) praises the Athenian practice of preserving the texts of public documents. He observes that this record does not change, but gives the people the opportunity to see which politicians have been scoundrels in the past but now claim to be honest men. This passage makes an implicit contrast between written texts, which are kept in the public archive and considered reliable, and oral statements of politicians, which may be dishonest and must be checked against written documents. This talk will study the use of written documents in Athenian courts and show that in public cases decrees and other public records were considered more trustworthy than oral statements. Litigants might interpret the written laws in their oral arguments, but their interpretations were constrained by the existence of written documents. This part of the talk will concentrate on the speeches delivered at the trial of Ctesiphon, at the trial of Aeschines in 343 and Demosthenes’ Against Aristocrates. In private cases, there were methods of authenticating written records, which were considered essential in trials about contracts and wills Dem. 32-37, Dem. 56; Isaeus 1,9). Phratries also kept extensive written records to establish legitimacy in inheritance cases. Finally, the paper will discuss the role of the written plaint, which shaped the oral presentation of the

litigants in court provided a yardstick for the judges to evaluate their oral statements. The extensive use of writing helped to keep the Athenian courts democratic and to prevent the emergence of an elite ruling through expertise in rhetoric.

### **HATZILAMBROU, ROZALIA**

*Assistant Professor in Ancient Greek Philology Faculty of Philology, Department of Classics, National and Kapodistrian University of Athens*

‘Scandals as evidence in Attic forensic oratory’

In this paper, I explore the inclusion of scandalous incidents in the narrative of forensic speeches. My case study will be Aeschines Against Timarchos. I argue that the narration of scandalous stories in the Against Timarchos compensates for Aeschines’ lack of factual evidence mainly regarding his claim that Timarchos had prostituted himself, and contributed to the success of the action that Aeschines brought against Timarchos. In the course of the paper I will call attention to tactics employed by the orator with reference to the narration of such incidents, which reveal the understanding on behalf of the orator of the rhetorical importance and the potential persuasive power of the skilled construction and presentation within his narrative of scandalous stories, which could, and actually in this speech did, function as pieces of evidence.

### **HORVÁTH, LÁSZLÓ**

*Dr, Director of Eötvös József Collegium, Budapest*

‘Hyperides’ *Ultima Ratio*: Some considerations on the Phryne case’

One of the most famous arguments *extra orationem* is the “performance” of the hetaera Phryne. As the conclusion of his speech in her defence (Frg. 171–180 Jensen), Hypereides tore off her vestments, and her unfolding beauty won the case. The speech and its frame story were appreciated both in antiquity (cf. the acknowledgements of Ps. Longinus and M. Valerius Messala Corvinus, entries in handbooks of rhetoric, the epistles of Alkiphron) and in later times (including works of literature and fine art, such as Jean Léon Gérôme’s painting). This paper, considering aspects of eloquent oratory, dramatic elements, and the application and system of proofs, surveys the outcomes of philological research in order to systematise them and draw some new conclusions.

### **VAN HOVE, REBECCA**

*Research Fellow, King’s College London*

‘A dream on trial: religious evidence in legal decision-making in classical Athens’

This paper offers an investigation into the use of religious evidence in the legal decision-making processes of classical Athens. Whilst rather rare, divine signs such as oracles make occasional appearances in the speeches of the Attic orators. Their quotation as religious sources of evidence illustrates the complexity of the construction of religious authority in these speeches: rather than straightforward quotations, these divine signs bring with them questions of contested interpretation and authenticity. This paper explores the role of religious evidence in the courts through an examination of the singular trial recounted in Hyperides’ speech *In Defence of Euxenippus*, which centres around an oracular dream. The speech narrates the case of Euxenippus, a citizen who had been tasked by the city of Athens to undergo incubation at Amphiaraios’ sanctuary in Oropos. He was ordered to consult the god about a dispute between two Athenian tribes and the Oropian sanctuary of the god Amphiaraios himself, which concerned the allocation of land. Recent studies of the speech have downplayed the religious dimension of this case and the significance of the dream oracle in this decision-making process: Papazarkadas (2011. *Sacred and Public Land in Ancient Athens*), for example, emphasises the economic dimension of the dispute, while others point to the personal interest of the



god's sanctuary in this case as explanation for the Athenian *demos*' decision to consult the oracle (Harris, W. 2009. *Dreams and Experience in Classical Antiquity*; Whitehead, D. 2000. *Hyperides: The Forensic Speeches*). In their focus on explicating the reason for the oracle's involvement, these studies have neglected the actual place of the dream as source of evidence in the subsequent legal trial. This paper therefore investigates the use of the dream as a religious source of evidence. It demonstrates how the question of interpretation, which is often debated, complicates the use of divine signs as sources of evidence in legal trials. To do so, this paper examines the authority with which different elements – the god, the incubant Euxenippus, 'religious experts' and the Athenian *demos* – are invested in this decision-making process, paying particular attention to the relationship between witnesses and evidence. I argue that the case study of Euxenippus' dream illustrates the complexity of the public consultation of a god through incubation, as a process made up of a number of different stages in which human fallibility complicates the transmission of divine will from its expression in a dream through to human understanding of this will, and to its representation in a judicial context. Whilst unusual, the case at the heart of Hyperides' speech thus gives us an important glimpse into the potential role of religious evidence in the public discourse of fourth-century Athens.

### **KAPPARIS, KOSTAS**

*Professor of Classics, Director of the Center for Greek Studies, University of Florida*  
'The Curious Case of "Against Timarchos": Ancient evidence and modern conclusions'

The speech Against Timarchos has received a lot of attention in the past 40 years, ever since K.J. Dover published his influential study *Greek Homosexuality*, followed shortly afterwards by M. Foucault's *History of Sexuality*. The speech has been considered a standard for our understanding of 4<sup>th</sup> c. century Athenian morality, even though numerous studies have pointed out the weaknesses of this text as historical source. Timarchos almost unquestionably has been perceived throughout history as a male prostitute, although Aeschines does not provide a shred of evidence to support his allegations. In fact, a closer reading of the speech reveals that Aeschines had a great deal of difficulty trying to disguise some of the evidence which glaringly contradicted his assertions, like for example the age of Timarchos. Moreover, Aeschines does not present a shred of evidence proving that Timarchos was a corrupt politician, and in fact the evidence which he tries to present to this effect, if anything proves the opposite, that Timarchos must have been one of the most honest politicians who ever lived in Athens, if all Aeschines could produce in support of his assertions was a plot of corruption *in future*, which never materialized, never happened. He also produces absolutely no evidence proving that Timarchos treated his family badly. Again presenting the testimony of Arignotos, an angry, disgruntled relative accusing Timarchos of indifference in a matter which was outside his control certainly proves that there was no evidence against Timarchos in this area either. So, since Aeschines so absolutely and decidedly failed to prove anything at all, how did he succeed in producing a stunning reversal (ἄνω ποταμῶν in the words of Demosthenes) and having Timarchos convicted? Moreover, once we realize how weak was the evidence produced by Aeschines, and how desperate were his attempts to find something where nothing existed, how can we trust anything he says and take it as evidence for an important historical dialogue which has been going on for many years related to the sexual morality of the Athenians, as well as their perception of gender relations and stereotypes? In some ways this paper is a triptych, first discussing the quality of the evidence presented in the speech, then attempting to produce an explanation of how this evidence (or the lack of it) led to this verdict, and finally disputing the reliability of the evidence from the speech Against Timarchos as a historical source for our understanding of Athenian social history and gender studies.

## **KRAUS, MANFRED**

*AOR (Akademischer Oberrat) Dr. Universität Tübingen*

'False messengers and false witnesses: rhetorical effects of false testimony in Attic Drama and Oratory'

In Attic tragedy, messenger speeches played an important role for the disclosure of off-stage events. In special cases, however, false messenger speeches were deliberately employed by the plays' characters to bring about some desired effect. For instance, in Aeschylus' *Choephoroe* as well as in Sophocles' *Electra*, the murders of Clytaemestra and Aegisthus are facilitated by false messages reporting Orestes' death. Likewise, in Sophocles' *Philoctetes*, it is a fake narrative delivered by a false merchant that makes Philoctetes confide in Neoptolemus.

The motif of false testimony was taken up and discussed with special respect to judicial cases by the sophists, especially so in Gorgias's *Palamedes* and Antiphon's *Tetralogies*, and made its way into Attic law and oratory, in which reconstruction of narratives of past events based on testimony by eye-witnesses is equally paramount, and is theorized in rhetorical context by Aristotle and the *Rhetoric to Alexander*.

Fear of judicial errors owing to false testimony appears to have alarmed democratic Athenian society, so that precautions were taken by introducing the instrument of *dike pseudomartyrion*, which enabled litigants to impeach and legally sue witnesses produced by their opponents, if suspect of false testimony. Yet this instrument soon proved to be less of a means for guaranteeing the truthfulness of witnesses than, if masterly handled by a skilful orator, a powerful rhetorical tool for channeling and controlling the development of a trial. Accordingly, it plays a decisive role in speeches by Antiphon (Or. 6), Lysias (Or. 23), Demosthenes (e.g. Or. 29, 45, 46, 47, 49), Isaeus (Or. 2, 3, 4) or Hypérides.

The paper will compare and analyze the role and structure of false information in both tragedy and judicial oratory and the rhetorical effects to which it may be put. In the course of this analysis both similarities and differences will emerge.

## **KREMMYDAS, CHRISTOS**

*Reader in Greek History, Royal Holloway University of London*

'Proof, truth and justice in the *Epilogoi* of Attic forensic oratory'

The *epilogoi* of Attic forensic oratory have not attracted much attention in recent scholarship. Their treatment in Greek rhetorical theory is quite rigid, superficial and generally unsatisfactory. It mainly covers their key objective and basic functions and provides brief suggestions on how to perform these functions. Aristotle stresses the fact that the *epilogos* follows the demonstration of the speaker's truthfulness and the opponent's falsity and has to focus on "what has already been shown" in summary form. In this paper, I shall first discuss some key methodological problems encountered when dealing with *epilogoi*. I shall then proceed to consider the role played by references to proofs, and the concepts of truth and justice. An in-depth examination of extant *epilogoi* will demonstrate that references to these concepts and the reiteration of key proofs are part of wider, complex rhetorical strategies that fit the legal and rhetorical context of the speeches and the task that speakers had to perform in any given case.

## **KURIHARA, ASAKO**

*Professor of History, Graduate School of Letters, Osaka University*

'Rumor and hearsay evidence in the Athenian law courts'

It is well known that Herodotus privileged the direct seeing (*opsis*) over a theory-based approach. This emphasis on direct knowledge is a feature shared by other literary genres in the classical pe-

riod, including medical texts, philosophy, and tragedy. At the same time, Herodotus makes use of what is clearly hearsay (*akoe*) information, i.e. information given by someone else who had heard from direct eyewitnesses sometimes at several removes. The Athenian court was no exception. In this paper, I will examine the usage of hearsay information in the Athenian legal sphere.

First, hearsay evidence was accepted more widely than usually believed in the Athenian courts. To be sure, Athenian law did impose restrictions on the use of hearsay witness. For example, Dem.57 argues that the hearsay evidence is regarded as an unreliable source of information. However, re-examination of forensic speeches that make use of hearsay witnesses will show that hearsay evidence was often represented as an eligible source of information, even though it ranked second to testimony provided by eye witnesses.

The reliance on hearsay (*akoe*) is further attested in the litigants' use of rumour, too. One prominent example is Aeschines, who had succeeded in prosecuting Timarchus without presenting any direct evidence for his prostitution. For him, the rumours served as testimony confirming the common local knowledge in the Athenian community. Demosthenes, who had criticized Aeschines' use of rumour at that time, later in the turn reemphasized the force of rumour as a form of evidence. Rumour, as common knowledge based on hearsay, did not even have to be confirmed by individual witnesses.

Here lies the democratic feature of the Athenian courts, as well as the danger. The Athenian courts distinguished between direct evidence and hearsay evidence, privileging the former over the latter. The strategies of persuasion employed in the Athenian courts, however, did include hearsay information.

### **LENTAKIS, VASSILEIOS**

*Associate Professor of Greek Philology, National & Kapodistrian University of Athens*

'Reshuffling the evidence: a reading of Demosthenes *Against Conon* 26-36'

While taking his customary stroll in the Agora Ariston is assaulted by Conon and his company; the blows are so violent that for a while he lies between life and death. After his recovery he initiates a private case of *aikēia* against Conon. It has been suggested that one of the logographer's main tasks is to mask the fact that the victim does not have eye-witnesses. However, I don't think this is an issue, since the victim quotes verbatim his witnesses' testimony (*διαρρήδην μεμαρτυρήκασιν*). In my mind, the difficulty of constructing a convincing case against Conon lies elsewhere: in the fact that the latter won the arbitration preceding the actual trial. If we are to believe Ariston, everybody present resented Conon's delaying tactics; even the defendant himself ended up by hating himself, and his tricks became apparent to the arbitrator. If so, why did Conon win the *diaita*? As I shall argue, this is because he produced convincing evidence, and in a psychologically apt way. Demosthenes' task is rather difficult. Since the litigants were not allowed to invoke any other evidence apart from that used at the *diaita*, the logographer has to reconstruct the same evidence (which led to the defeat of his client) in a new, different way, *τὸν ἦττω λόγον κρείττω ποιῶν*. Thus this paper explores two issues: (a) the possible reasons for Ariston's defeat at the *diaita* and (b) Demosthenes' strategies in tipping the scales.

### **LIOTSAKIS, VASSILEIOS**

*Post-doctoral Fellow at Ruprecht-Karls Universität Heidelberg*

'Witness evidence in Thucydides: the case of the Mutilation of the Herms and its aftermath (Th. 6.27-29 And 53-61)'

The mutilation of the Herms in Athens at the dawn of the Sicilian Expedition (415 BCE) led to one of the most significant court cases in the history of Athens. According to Thucydides, its immediate consequence, Alcibiades' conviction and removal from leadership of the enterprise not only harmed the outcome of the undertaking but also generated a long-term domino effect of domestic commotions in the political life of Athens, commotions which gradually brought about its eventual defeat

at Aegospotami ten years later (405 BCE) (2.65.11-12). While modern scholarship has approached Thucydides' analysis of these events (6.27-29 and 53-61) as an open window to his judgment on the reasons of Athens' fall, the importance of these chapters for understanding Thucydides' view of the role of witnesses and evidence in court has relatively been neglected. The account of the judicial investigations in 415 BCE is the sole case in which Thucydides puts the legal life of his homeland under his microscope. In this respect, this segment of the *History* is of great significance with regard to Thucydides' opinion on the significance of legal cases in the political life of Athens and in its fate in the war against Sparta. In this paper, I analyze Thucydides' style at three levels (vocabulary, content, and arrangement of the material), in order to show that in these chapters Thucydides delineates the atmosphere of uncertainty and insecurity in which Alcibiades was convicted, and participates in that debate as Alcibiades' defender by neutralizing the validity of the witnesses and evidence used by Alcibiades' prosecutors against him. I will organize my analysis in three parts: (a) First, I will elaborate on the forensic vocabulary and themes of ch. 6.27-29 and 53-61; (b) Second, in light of – mostly – forensic speeches of the 5<sup>th</sup> and 4<sup>th</sup> centuries as well as of Aristotle's *Ars Rhetorica*, I will approach the digression of the tyrannicides as Thucydides' attempt to confute the validity of the evidence taken by Alcibiades' opponents from the glorious past of Athens; (c) Last but not least, reading Thucydides' account through the prism of his *Pathology* (3.82-83), I will conclude that the transition of the author's interest from the general picture of the war towards domestic politics deliberately mirrors the decisiveness of inner politics for the position of a city-state in the international arena.

### **MAFFI, ALBERTO**

*Professor Ordinarius of Ancient Law, Univerisita degli Studi di Milano-Bicocca*  
'The madness argument in Greek Rhetoric.'

The theme of madness has been treated in the classical Greek world mainly from two points of view: the medical and the philosophical. It does not seem to have found particular attention in the sources the socially most important aspect, i.e. how to evaluate the consequences for others persons of the behavior of a mad person. Only in the Laws of Plato we find a rule that concerns in general the treatment of mad persons. From historical poleis we know only a text of law that expressly contemplates madness: it is the law on the validity of the testament attributed to Solon. In any case, these are rules that concern the private sphere, inside the oikos. Regarding the consequences of an offense committed by a mad person, the Laws of Plato provide for the simple compensation of damage, because Plato recognizes that madness is a disease. It is difficult to establish if and how madness was relevant in the Athenian process. A preliminary step consists in verifying, on the basis of literary texts (in particular theatrical texts) and philosophical reflection (in particular Aristotle's *Ethics*), if the argument of madness had at least influence on the social evaluation of behaviors.

### **MANAKIDOU, FLORA**

*Professor of Ancient Greek Philology, Department of Greek Philology*  
Democritus University of Thrace, 'Μά (Νή) Τὸν Κύνα: Thoughts about the oath of Socrates'

One category of ancient witnessing which played a vital part in Greek society is oathtaking. Contrary to the ban on oath of Jewish Law, which is replicated in the New Testament, oaths are pertinent to all levels of human life in Greek antiquity to verify truth and secure order in the case of perjury. What interests us here is the object of the verbal invocation and its nature. Greeks always determined the identity of the person/power they invoke in the oath. Besides oaths in the name of traditional gods and divine powers, we know oaths that invoke an object or a personified power or an abstract concept or an animal and a plant. This category is known with the German term *Eideshorte*. One good example is the Ephebic Oath in Athens and many such cases feature in Attic Comedy.

This paper will focus on one specific oath the sources attributed to Socrates and this is his oath by the dog. Plato describes Socrates swearing in the name of the dog thirteen times (Apol. 22a, Charm.

172d-e, Crat. 411b3-4, Gorg. 461a7-b2, 466c3-5, 482b4-6, Hip. Maj. 287e5-6, 298b5-9, Lys. 211e 6-8, Phaed. 98e-99a, Rep. 399e5, 567d-e, 592a). It is noteworthy that neither Xenophon nor Aristophanes refer to that oath when depicting the philosopher. Up to now the Socratic oath by the dog has been interpreted in two different directions: the first saw in it another proof for the philosophers' religious sincerity and austerity. It has been connected either with the so-called Rhadamathyne oath which forbade the invocation of divine forces in oath-taking or with Anubis, because once Socrates swears by the dog, the Egyptian god. The second explanation suggests that we cannot take it seriously. I shall venture to revisit the Socratic oath by examining it as part of the way Plato's Socrates dealt with the animal. I will examine the references to the dog and to the natural qualities that the philosopher discusses. Each time Socrates mentions the dog he is interested in very specific qualities by natural disposition, that are connected with his activities of hunting-searching and of watching/guarding; both are applied to the human world and have analogies with the philosophical activity. The oath by the dog can be seen in the light of this approach of the animal as a foil for the man. If so, the tone of the oath is serious and conforms to the model-role Socrates argued for the animal. Furthermore, the dog-like mode of life of the later Cynics, the so-called *κῦνec*, could also have its origin in the known Socratic interest in dogs.

### MIRHARDY, DAVID

*Professor of Humanities, Simon Fraser University, Burnaby, Canada*  
'The torture of Prometheus'

Aristotle identifies torture among the *atechnoi pisteis*, which the orator does not himself compose. In Athenian law court oratory the focus is overwhelmingly on challenges to slave torture. Aristotle does not limit himself in this way, and this paper will instead focus on the torture of free people, using the torture of the god Prometheus in Prometheus Bound as its starting point. That torture is unsuccessful, since Prometheus does not reveal the information that is sought, and the play suggests several reasons why the Athenians thought that torturing free people, particularly citizens, was wrong, including the fact that it should be unsuccessful, since the free are supposed to be able to resist torture, as Prometheus does. However, some passages from oratory also reveal that torture (*basanos*) is sometimes identified with compulsion (*ananke*), and some other characters in tragedy do seem at critical moments to act on the basis of such compulsion, engaging in slavish behaviour unworthy of free citizens.

### NIKOLAIDOU, SMARO

*Assistant Professor in Ancient Greek Philology, Department of Greek Philology, Democritus University of Thrace*  
'Information and decision in Sophocles' *Trachiniae* and Euripides' *Medea* and *Ino*. Thinking and arguing about monogamy/polygamy in Greek Tragedy'

Marriage in classical Athens was monogamous, which protected the wife's position and influence in her household. The only example of polygamy is dated after the Peloponnesian War, when Athens temporarily changed the law and permitted a man two wives for the city to be repopulated. However, in tragedies performed before the War there is awareness about monogamous marriage, which is expressed through the theme of female jealousy, tragically combined with kin-killing. Data exist in Sophocles' *Trachiniae* (which remains undated but was probably written between 440 and 430 BC) and in Euripides' two tragedies, *Medea* (performed in 431 BC) and the fragmentary *Ino* (performed before 425 BC). In all three tragedies a central heroine, after having received the information of her husband's infidelity, makes her decision by organizing a plan. In *Trachiniae*, Deianeira attempts to deter Heracles from loving his young captive, Iole, but unwillingly causes his death. In Euripides' *Ino* (according to Hyginus' *Fabula* 4), jealous Themisto, Athamas' most recent wife, plans to kill Athamas' children born by his previous wife, Ino, but she unconsciously kills her own children, due to Ino's plot

against them. And Medea consciously kills her own children, at the culminating point of her jealous agency against the unfaithful Iason. What is interesting for the aim of our Conference is that in all three plays, in order to make their own decisions about loyalty and responsibility to their monogamous marriage, the dramatic heroines fight with witness and evidence. Particularly, Euripides' *Ino* combines the role of a witness (as Themisto's devoted servant) with that of a central heroine, who plans her plot after having been informed by her mistress (and rival) Themisto. But, unfortunately, *Ino's* exceptional paradigm belongs to a lost play.

### **PERYSINAKIS, IOANNIS**

*Emeritus Professor of Ancient Greek Literature, University of Ioannina*

'The foundation of the ancient quarrel between philosophy and poetry and its rhetoric in Plato's *Apology of Socrates*'

In his second critique of poetry in the tenth book of the *Republic* Socrates and Glaucon conclude to banish poetry from their city according to the demands of reason and say to her "if she looks like accusing us of being harsh or uncultured, that there is an ancient (*παλαιά*) quarrel between philosophy and poetry" (607b, Griffith with alter.). The 'ancient quarrel' is a self-defence of philosophy against poetry and it is old. The 'ancient quarrel' is a literary or rhetorical invention; and it is a second round de-fence of Socrates after the *Apology of Socrates*. Forensic commonplaces are both re-shaped and dismissed later in the speech. Counteracting the prejudicial attack Socrates uses arguments that might refute the unpleasant suspicion; he contests the disputed points by denying the fact and its harmfulness, and substitutes one motive for another not only denying the charges but arguing for the services done to the Athenians. Socrates, also, adapts elements of *eikos* and *ethopoiia* for his defence strategy and philosophical program.

I am going to suggest that the foundations of this "ancient quarrel" are laid in the *Apology of Socrates*. It consists not only of the popular charges of the old accusers- the first accusation is referred to by the adjective *παλαιά* (*διαβολή* and *ἀπέχθειαι*: Aristophanes' *Clouds*, Socrates is a sophist, the oracle, Socrates' 'pupils'), and the present formal charges brought by Meletus, but also of Socrates' condemnation and his death itself. The oracle is an *ad hoc invention* and its meaning in forensic terms is that it is not Socrates' fault that people or the oracle say that he is wise. It is not Socrates' fault, either, that those whom these young men (following Socrates of their own initiative) test, become angry at him, not at themselves, and they say "this fellow Socrates is utterly polluted, and corrupts the youth" (23c4-d2). Socrates not only has not harmed the Athenians, but he "believes that no greater good for the Athenians has ever come about in the city than his service to the god" (30a5-7, Reeve). He counts it of greatest importance that "the young should be as good as possible" (24d-e). He exhorts the Athenians to care about having concern for truth and the greatest possible excellence of their soul (29d8-e2). His main concern is to inspire the jurors to be concerned with philosophy and virtue.

### **PLASTOW, CHRISTINE**

*Lecturer in Classical Studies, Open University London*

'Perceptions of doctors in the Athenian forensic speeches'

In Demosthenes 54, amongst his witnesses the speaker calls a doctor who treated him after his alleged assault at the hands of Conon. The doctor presumably testified to the severity of his wounds, and is said to have been unsure whether or not the speaker would survive; he appears to act in a role resembling that of the modern 'expert witness', rather than speaking to the character of the speaker or the specific events of the assault. This is the only clear instance of a medical professional being called as a witness in the extant forensic speeches, but it is far from the only mention of them. In fact, forms of the word *iatros* appear in eleven extant forensic speeches, all by Demosthenes or Aeschines, as well as in one Demosthenic symbouletic speech, two non-forensic speeches of Isocrates, two of Antiphon's *Tetralogies*, and several fragments of Lysias and Lycurgus.



In this paper, I explore how the doctor in Demosthenes 54 may have been perceived by the audience, particularly with regard to his trustworthiness and expertise as a witness. I analyse the other mentions of doctors in the orators, both those referring to specific individuals, sometimes by name, and those referring to the profession in a more general or even proverbial sense, in order to build a picture of the ways in which doctors were deployed in the orators and the popular opinions of the profession that logographers felt able to exploit. I argue that doctors were not generally perceived to be more trustworthy than any other kind of witness, and that the concept of 'expert witnesses' has little use in the Athenian context; thus, the doctor in Demosthenes 54 should not stand out as much as we might expect.

**PINTO, PASQUALE MASSIMO**

*Professor of Classical Philology in the Department of Humanities at the Aldo Moro University of Bari, Italy*

'Self-Quotations as witnesses and evidence: the case of Isocrates' *Antidosis*'

In 354/3 BC, two years after the unfavourable outcome of a trial connected with an antidosis procedure, the octogenarian Isocrates wrote an extensive defence of his life and reputation as an intellectual and teacher, the Περὶ τῆς ἀντιδόσεως or *Antidosis*, in order to respond to the accusations that had been made on that occasion and led to his condemnation. The speech has nothing to do with the antidosis case, except for the telling title: in fact, Isocrates imagined defending himself, like a new Socrates, from the charge, brought by a fictitious prosecutor, of corrupting youth through his teaching. In this imaginary trial, extensive quotations from his previous works are read by a clerk as if they were key evidence and, at the same time, the most reliable witnesses to his honourable conduct towards the polis. However, this set of extracts also functions as an auto-anthology, thus merging fictional court speech and literary criticism. The paper aims to address the role of these quotations in the complex structure of the *Antidosis*, in relation to Isocrates' past experience as a logographer and as part of his effort to transform oratory into a new kind of prose.

**SATO, NOBORU**

*Associate Professor of Occidental History, Faculty of Letters, Kobe University*

'Additional information in witness testimonies in classical Athens'

Scholars have discussed the role of witness in the court of law in Classical Athens: Some have analyzed the witness' status and personal connection with the litigant whom he was supporting; others have advocated that the main function of Athenian witnesses was to tell the truth. However, the information given by the witness testimonies has been largely neglected. It is true that the content of the witness testimony is frequently omitted from the extant forensic speeches or regarded as spurious. Moreover, witness testimonies were, presumably in many cases, read only in order to confirm the information given by the litigant. But there are not a few witness testimonies that are highly likely to contain more detailed information than the litigant's speech itself provided (e.g. *Lys.* 12.42, *D.* 36.55, 56, 57; 37.54; 49.61; 55.21; 54.36; 58.35, etc). The main purpose of this paper, therefore, is to investigate rhetorical functions of such kind of witness testimonies in the Athenian law courts.

First of all, I will show that a litigant from time to time gives more detailed information on his own liturgical services or on the opponent's wrongdoings other than the main issue, through witness testimonies without telling anything concrete by himself. In other words, witness testimony with additional information contributes to give credibility to litigant's character portraiture either of himself or of his opponents. Secondly, I will argue that Athenian litigants could present the court of law with wide range of his personal supporters by making use of this type of witness testimonies. Although a litigant usually present those who were thought to have best knowledge about the fact to be testified, he could presumably easily produce many supporters as witnesses of such matters as his own liturgical services or his opponents' other bad conduct than the main issue.

## SCAFURO, ADELE

*Professor of Classics, Brown University*

‘Witnesses and Narratives of displacement in Attic Drama and Oratory’

In his important discussions of recognition (ἀναγνώρισις) in *Poetics* 11 and 16, Aristotle, with attention focussed on the mechanics of plot, does not distinguish between ‘recognition’ and ‘identification.’ In my view, the latter is a sub-division of the former: while ‘identification’ might be considered a ‘change from ignorance to knowledge’ (1452a30-31) and hence a ‘recognition’ of a general kind, it is *specifically* a change that creates a new identity for a particular person. Whereas Orestes in the *I.T.* after a separation of many years recognizes Iphigeneia, he does not cause a change in her identity—she is still Iphigeneia, daughter of Agamemnon and Clytemnestra; on the other hand, after the messenger in *O.T.* gives information to Oidipous about his true parentage, he not only comes to recognize who he is, he also has a new identity: he is no longer the son of the Korinthian Polybos and Merope, he is now the son of the Theban Laios and Iokaste. Although in the corpus of extant Greek tragedies recognitions of the ‘Iphigeneia type’ are more numerous, identifications of the ‘Oidipous type’ must have been common. The *Ion*, of course, stands out, together with the *O.T.*, as the only extant examples, but ‘identifications’ were featured in lost plays such as the *Tyro* of Sophokles, Astyadamos, and Karkinos—and in many more. In ‘tragedies of identification’, the character who acquires a new identity was separated from his parents at birth, exposed, and then ‘adopted’ by substitute parents. We might designate such a person as ‘displaced’ in society, and his or her story as a ‘narrative of displacement.’ Tragedies of identification having such narratives serve, in part, as models for certain plays of New Comedy, especially the ‘citizen identification’ plays. Two elements in the paradigmatic tragedies may be singled out for their reappearance in in New Comedy: familial identifications and evidentiary strategies. In my presentation, I focus on the latter, that is, the providing of witnesses and evidentiary proofs, especially in the construction of the story that accounts for original displacement of the infant or child. Such narratives are not uncommon in Attic oratory of the fourth century in those speeches in which the identity of persons and their status as citizens are contested (e.g. Dem. 57 and a number of speeches of Isaeus). Comparison of the deployment of witness testimony in narratives of displacement in the Orators with similar scenarios in New Comedy not only shows that the dramatic genre reflects issues that ruffle the surface and underbelly of Attic society—a feature that is well-known, but also raises the interesting question: from what direction does the influence come, from oratory to drama, or vice-versa?

Plays to be discussed include *OT*, *Sikyonioid*, *Andria*, *Menaechmi*, *Phormio*.

## SERAFIM, ANDREAS

*Postdoctoral Fellow at the University of Cyprus*

‘Word of Mouth: the rhetoric of *phēmē* in Attic oratory’

In his book *Rumour and Renown: Representations of Fama in Western Literature*, Philip Hardie explores two aspects of *fama*, the Latin equivalent for the Greek *phēmē*: first, *fama*-as-rumour, the unattributable, uncontrollable and unverifiable proliferation of a mainly oral messaging system; and second, *fama*-as-renown, the emergence through frequent and repeated talk of the glorious reputation of men whose fame aspires to fixity and endurance through the medium of writing. The purpose of this paper is to explore references to *phēmē*, both as rumour and as renown, in the speeches of the Ten Attic Orators, examining the purpose of these references, and the ways in which they converge with or diverge from popular beliefs, as presented in poetry (esp. drama). The most frequent use of the noun *phēmē* is in the three speeches of Aeschines that have come down to us in a textual form: seventeen times (1.48, 125, 127, 128, 129, 130, 131; 2.144, 145, 166). Strikingly, it is a noun used only a few times elsewhere in Attic oratory: once in Andocides (1.131), once in Lysias (2.3), seven times in Isocrates (1.43, 5.134, 4.30, 4.186, 9.21) and three times in Demosthenes (Dem. 19.243, 244). Orators usually use *phēmē* as witness and evidence to persuade the audience. Isocrates, for example, calls *phēmē* a good by which mortals partake of immortality (5.134), and claims that the soldiers

embarking on his envisioned Pan-Hellenic expedition would surely either enjoy great *phēmē*, *mnēmē* and *doxa* in their own lifetimes or, should they die in battle, would leave these behind for posterity (4.186). Orators also use *phēmē* as witness and evidence to substantiate their attacks on opponents. Andocides, for example, recounts a rumour that alleged that Hipponicus' house was bankrupted by an evil spirit (1.131). Aeschines is exceptional in attributing a divine status to *phēmē* (as in 1.127-131). Furthermore, before Aeschines, *phēmē* was not regarded as inherently good (cf. Aeschylus' *Libation Bearers* 1043-1047), and while *phēmē* had divine connotations, it did so only in certain senses and contexts. Aeschines misrepresents Hesiod's *Work and Days* 760-764 and a reference to the altar of *phēmē* in Athens, *inventing* ancestral beliefs about rumour to buttress his prosecution of Timarchus. Aeschines' deification of *phēmē* aims, I argue, not only to insulate the speaker from the accusation that he levels unsubstantiated attacks on his opponent, but also from the accusation of *aischrologia*. A speaker who talked about shameful acts, even if not his own, ran the risk of incurring shame. The use of foul, profane or abusive language, and slander is also denotative of *aischrologia*. By making *phēmē* a goddess, and by making frequent references to *phēmē* as the source of his claims, Aeschines endowed his own argument with divine authority – *euphēmia*.

### **SOLARIS, IOANNIS**

*Dr. in Modern History, Faculty of History, Archaeology and Cultural Resources Management, University of the Peloponnese*

‘Μαρτυρίες και μάρτυρες της α(Α)ληθείας. Από τον αρχαιοελληνικό στον χριστιανικό κόσμο’

Testimony is in a relationship of interdependence with truth, through mediation of faith-trust and persuasion. At the same time truth from functional role of the ancient Greek worldview is transformed into a person in the Christian society. Truthful «witnesses» are the Antigone by Sophocles, the Apology of Socrates by Plato, and the John's Gospel of the New Testament. The purpose is to investigate the «path» of the martyr from the classical era to the early Christian centuries, so as to reveal different approaches and individual engaging representations of testimony. The method chosen is analysis through the source texts themselves, the study of intrinsic references and review of related literature. Perceptions and beliefs of people of that time – through the texts – about witness of truth compose the image of their world.

### **SOLTI, DORA**

*Assistant Professor of Greek Philology, Eötvös Loránd University, Budapest*

‘Manuscripts and Evidence / Witnesses in the Speeches of Aeschines’

*Joint abstract with A. Efstathiou*

With regard of the testimonies and other documents in Attic Orators two main questions are emerging in scholarly research: *Are they original or fake*, and in second case, *how they have been incorporated in textual tradition*. Latest research leads to promising results in case of Demosthenes but the same research regarding the speeches of Aeschines remains until now a *desideratum*.

In present paper we will examine the testimonies and other documents of the Aeschinean Corpus in terms of originality, their role in the textual tradition, as well as their rhetorical value. Moreover, we will concentrate on the rhetorical use of testimonies by Aeschines in order to make them function within the overall rhetorical strategy opposing to Timarchus (speech 1) and Demosthenes (speeches 2 and 3).

## SOTIRIOU, MARGARITA

Lecturer of Ancient Greek Philology, Faculty of Philology, University of the Peloponnese  
'Poet, Patron, Message: Witness-Roles and the game of truth in the Epinician Eidography'

The victory Odes of Bacchylides and Pindar do not belong either to the masterpieces of the narrative genre or to the great rhetoric speeches of classical Athens: epinikion is a "communal drama" (L. Kurke [1991]), which celebrates an athletic victory in order to preserve the fame of the addressee in perpetuity. However, as already C. Carey (1999) indicated, the poet's task, his diction and the strategy he displays in order to persuade his audience, provide a nexus of affinities not only to the epideictic oratory but also to the Athenian dramatic scene. In my paper I will attempt to examine this association thoroughly by using Bacchylides' Epinician 10 as my test case. This Ode deserves closer scrutiny. Being the only poem of Bacchylides for an Athenian victory in the Isthmian games, the poem develops, through its rhetorical means of persuasion (the priamel, etc.), an eloquent example for the political contextualization of classical encomiastic poetry modelled, in a way, on the Old Elegy of Solon.

## SULLIVAN, ROBERT

Associate Professor of Classical Studies, Department of Communication Studies, Ithaca College, NY

'Classical witnesses: Early Greek theories of forensic testimony'

The earliest conceptualizations of rhetorical theory prominently featured accounts of how the testimony of witnesses could be deployed during trials and, once in play, either defended or attacked. This essay examines how strategic maneuvering around witness testimony developed in the earliest quantitative *techné* and then passed into more complex technical traditions of the mid- to late-fourth century BCE. Antiphon's *Tetralogies* represent a quantitative approach to rhetorical theorizing in which argumentation is expressed as a feature of the *pisteis* of the forensic speech. Though relatively scanty, these accounts (Antiphon 2.1.9; 2.4.4-7; 3.3.8; 4.1.1; 4.2.4-6) have a number of features worth noting:

All rely on a wooden and reductive notion of argumentation derived from situational strategies observed in Athenian trials. These can be categorized as non-productive modes of argument based on tactical maneuvering.

These accounts make little distinction between the statements of willing witnesses or those whose testimony would have been given after torture, or the testimony of persons under oath. All seem to exist in a single category, testimony, under which the various forms are subsumed.

Argumentation based on testimony is firmly distinguished from that derived from probability (*eikos*), the productive mode of argumentation with which Antiphon seems to have been most familiar.

Many of the maneuvers displayed in the *Tetralogies* appear in a number of the earliest recorded Greek trials (Antiphon 1. 6-12; 5. 20-30, 31-39, 49-56; 6. 16-19, 22-32; Andocides 1.11-19, 37-42, 69-70, 112-114, 127).

Taken together these features mark the *Tetralogies* as instances of argumentation by commonplaces. This mode of argumentation passed into the technical tradition, the earliest surviving instances being the Aristotelian *Rhetoric* and the pseudo-Aristotelian *Rhetoric to Alexander*; but in doing so underwent important change:

Types of testimony became distinguished from each other as testimony relying on oaths, witnesses, and torture came to be considered separately.

The heretofore isolated instances of a commonplace lines of argument became arranged in a more systematic manner that expressed more clearly how one might deploy or refute one's positions.

The commonplaces came to be considered in an abstract manner. No longer embedded in examples of common approaches to *pisteis*, they were seen as being theoretically separate from other, more flexible and productive modes of argumentation. So, for instance, in the *Rhetoric*

to *Alexander* testimony by opinions, witnesses, evidence given under torture, and oaths are considered «supplementary» or «additional» (ἐπιθέτων) to the more substantial modes of proof; probabilities, examples, enthymemes, maxims, and signs. In Aristotle, the ἀτέχνων πίστewων, laws, witnesses, contracts, torture, and oaths are literally 'outside the art,' the proper *pisteis* of which being *ethos*, *pathos*, and *logos*.

Furthermore the two surviving *technai* elaborate on the base of commonplace lines of argument with theoretically eccentric additions. Aristotle insists on a division of witnesses into ancient (παλαιοί) and recent (πρόσφατοι) where the ancient 'witnesses' appear to be indistinguishable from maxims and the *Rhetoric to Alexander* suggests lines of maneuver that go either to the testimony's general probability or to the witnesses' credibility. Both of these *technai* reflect processes of elaboration and categorization that marked treatise composition in the 4th century BCE.

## TEMPEST, KATHRYN

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'Memories of Demosthenes' speech Against Meidias: the case of Strato re-imagined'

I am writing a little and reading around; but when I read, I feel my own writing is poor by comparison, despite your cheering me up by comparing my speech in vindication of Helvidius with Demosthenes' *Against Meidias*. Of course, I had this speech to hand when I was composing my own, not so as to rival it (which would be shameless and almost madness), but to imitate and follow it, as far as the disparity between the greatest and the least amount of talent, as well as the difference between the cases, would allow (Pliny, *Letter* 7.30). When the Roman politician Pliny makes his remark on the continued importance of Demosthenes as a model for his own craft, he points to the enduring influence of the Attic orator's famous speech *Against Meidias* (Dem. 21), as well as its relevance to the practice of his own day. Indeed, the influence of this speech can also be traced in Cicero's prosecution of Verres, as Lionel Pearson already noted in his 1968 article on 'Cicero's debt to Demosthenes' (*PCPh* 3, 49-54). But what has received less attention is the striking fact that, of all the echoes of Meidias in Cicero's *In Verrem*, it is the appearance of the silent witness Strato, the victim of Meidias' overbearing wrath at Dem. 21.83-100, which has provoked most remembrance of all. Why did this passage resonate so strongly with Cicero? How did he evoke the memory of Strato in his own prosecution of Verres? And what can the later interest in this passage tell us more generally about the potential for dramatic spectacle in the presentation of witnesses in the Roman and Athenian courts? In reviewing the Roman reactions to the appearance of Strato, this paper will reflect, through a cross-cultural comparison, on the key ideas and values in social and political justice with which both Demosthenes and Cicero, and later Pliny, were concerned. At the same time, it will argue that the case of Strato, as it was imagined and reimagined, played a normative and didactic role in the moral instruction of the jurors and audiences, as well as a significant factor in their decision-making processes.

## TSEREVELAKIS, GEORGIOS

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'Το Μικτό Προγύμνασμα ως ένα δυναμικό μέσον στην λήψη καταδικαστικής απόφασης: Ο Βαγώας του Νικηφόρου'

Ἡ *Κατὰ Βαγῶα μελέτη*, ὡς πλήρης λόγος καὶ ὄχι ἀποσπασματικός, εἶναι ἓνα μικτὸ προγύμνασμα κατηγορητικῶν περιεχομένου, τὸ ὁποῖο στρέφεται ἐναντίον αὐτῶν ποὺ διέπραξαν τὴν ἔκνομη πράξη μὸλνσης τῶν εἰκόνων καὶ συνάμα ὑπερασπιστικὸ τοῦ ἀνθρώπου ποὺ κατηγορήθηκε ἄδικο ἀπὸ τοὺς παρανομήσαντες. Τὸ μικτὸ προγυμνασματικὸ εἶδος εἶναι ἐξαιρετικὰ ἰσχυρὸ κατὰ τὴν διάρκεια λήψης μιᾶς καταδικαστικῆς ἀπόφασης, ἀφοῦ συνδυάζει μὲ τρόπο δυναμικὸ τὴν πολυμορφία ὄλων τῶν εἰδῶν προγυμνάματος. Ἡ συνολικὴ ἰσχύς αὐτοῦ τοῦ αποτελέσματος ἐκφαίνεται στὴν χρῆση τῆς μαρτυρίας στὸ δικαστήριον ἣ ποῖα ἀνακόπτει τὴν διασάλευση τῆς ἠθικῆς τάξεως καὶ συνδέει ψυχικὰ

τον ρήτορα με το ακροατήριο. Στην παρούσα έργασία καταβάλλεται ή προσπάθεια νά ίχνηλατηθεί ή λειτουργία του μικτού προγυμνάσματος ώς ρητορικού είδους πού είναι έξαιρετικά ίσχυρο πρòς τήν λήψη μιås καταδικαστικής άπόφασης, όπως και η διαδικασία με την οποίαν η μαρτυρία υπηρετεί τους στόχους του ρήτορος και τον καταξιώνει στην συνείδηση του ακροατηρίου. Η *Κατά Βαγώα μελέτη* πληροί τå λογοτεχνικά κριτήρια ένòς «προγυμνασµατικού» δικανικού λόγου αλλά ουσιαστικά πρόκειται για ένα κείµενο πού δέν εκφωνήθηκε ποτέ σè ανάλογο περιβάλλον, και συνεγράφη άπό τòn ρήτορα πρòς γλωσσική εκγύµναση. Άκόµα και υπ' αυτήν τήν αίρεση, ή άποκάλυψη και ó σχολιασµòς τών ρητορικών μέσων πού χρησιµοποιήθηκαν για τήν κατασκευή του λόγου αυτού δεικνύουν τήν ιδιαίτερη σηµασία του για πράξεις µè ήθικες έπιπτώσεις στο Βυζάντιο του 12ου αιώνας.

## **VOLONAKI, ELENI**

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'Dike Pseudomartyrion and the case of Dem. 47.'*

Aristotle (*Rhet.* 1. 2.2; 1375a24ff.) lists five kinds of *pisteis atechnoi*: laws, witnesses, agreements, tortures and oaths, and the list may also include other kinds of evidence of the same sort, as for example challenges (*prokleseis*).

Only free adult males were allowed to be witnesses. It was the duty of the litigant to secure that the witnesses named by him did actually attend at the trial or arbitration to acknowledge their testimony. The role of witnesses in the Athenian courts has been widely discussed by scholars of Greek law and oratory and the perspectives vary according to the way they were considered to contribute to justice. It is generally conceived that witnesses are not the primary source of information for the judges but it is the litigants who tell the story, frequently calling witnesses to confirm the details. A witness in Athenian trial was a supporter of one of the litigants more than a medium for finding the truth and reconstructing justice.

The present paper will focus on the legal aspect of a *dike pseudomarturion* and its contribution to the operation of the judicial decision making process in Athenian courts. Private and public cases may have originated different conditions and effects upon the initiation of a trial for false testimony. The legal scope of the specific procedure prevented witnesses from affirming illegitimate evidence in court and may have consequently made them reluctant to undertake their role and to comply with a litigant's choice of argumentation. *Dike pseudomarturion* was an instrument that enabled both litigants before the final decision of the judges to sue witnesses produced by their opponents and rhetorically manipulate and control the development of the trial. My aim is to examine the specific legal procedure in the case of false testimony against Euergos and Mnesibolos, as presented in Demosthenes' speech 47, involving originally a trial of assault. Apart from the variety of legal issues that arises in the specific case, it is also worth examining the use of a *dike pseudomarturion* as a powerful rhetorical tool to reverse the outcome of a previous trial and get the benefit from compensation. As such, *dike pseudomarturion* appears to be the only possible way of appeal to the court for the judges' vote at a trial.

## **YOUNI, MARIA**

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'Use and abuse of evidence in the Herms and Mysteries cases'*

On a summer night of 415 BCE, a few days before the campaign to Sicily, most of the Herms on the streets of Athens were found mutilated, and a few days later information came about performances of the Eleusinian Mysteries at private houses. These two affairs were immediately considered to be connected and created a great disruption in Athens. As Thucydides reports, this 'double affair' was thought to be ominous for the expedition; more importantly, suspicions were raised that these were the workings of a conspiracy whose ultimate purpose was to overthrow the democracy. The Assem-



bly voted a decree inviting anyone who had information about this double affair to come forward and speak without fear of consequences, and large public rewards were offered to anyone who would reveal the names of the perpetrators. Numerous denunciations of persons allegedly involved in the two connected affairs were made before the Council and the Assembly by citizens, metics, slaves, by Alcibiades' wife Agariste, and by anonymous denunciators. All these resulted in an unprecedented number of trials before the heliastic courts. Dozens of citizens and a number of metics were put to trial; Hansen (1975, 58) enumerated as many as forty-eight trials that took place. This paper focuses on the evidence concerning the two affairs given both before (at the Council and the Assembly) and during the trials at the heliastic courts, and examines its use and abuse.