

Narrative in forensic oratory: persuasion and performance

Eleni Volonaki

Ass. Prof. of Ancient Greek Literature,

Faculty of Philology, School of Humanities and Cultural Studies,

University of the Peloponnese

ABSTRACT

There is a gap between ancient rhetorical theory and the practice in the classical period concerning the position and significance of the narrative section in oratorical speeches. Matters of structure and content of the narrative are of special interest in the present paper, which explores the composition, the thematic principles, the use and intermingling of diverse arguments either concentrated in one section or scattered and divided in many different parts of narration in the speech. Narrative incorporates many and diverse elements of dramatic characterization, argumentative proofs, emotions for the pathos of the judges, a depiction of a portrayal or the narration of a series of events adding plausibility to the litigant's case and enhancing the argumentation used for persuasion. Ancient rhetoricians give little or no indication that a narrative can be a means of persuasion as well as a statement of the facts. Our evidence reveals, as will be shown, that the narrative can function as a powerful vehicle of persuasion. Narrative establishes the main framework of the speaker's case which is further exemplified and argued in the other sections of the forensic speeches. Variations in form and structure may depend upon the nature of the speech or the identity and role of the speaker in a private or public case.

GENERAL INDEX

Narrative composition

Narrative persona (characterization)

Narrative and direct speech

Narrative and pathos (emotions)

Narrative and proof sections

INDEX LOCORUM

And. 1.48-53, 129

Ant.1.1-20

Dem. 54.3-12

Lys. 1.1-16

Lys. 13.29-30

Ancient theory of narrative

The narrative in the oratorical context is usually taken to denote one of the major divisions of a speech. Some scholars define the narrative as a continuous, discrete part of a speech, whereas others distinguish the continuous ‘narrative’ from pieces of ‘narration’ that appear in other parts of the speech.¹ There is, however, a gap between ancient rhetorical theory and practice concerning the role of the narrative in a speech, and matters of structure and content; these issues involve firstly, whether narrative is necessary or not, secondly, which is the appropriate form of composition for narratives and finally which are the thematic principles of a narrative that are meant to have a rhetorical effect upon the whole persuasion technique of a speech. The present paper aims to explore the areas where the gap between theory and practice lies and, subsequently, focusing on several and different narratives from forensic speeches, to examine the wide range of techniques and strategies by which the narrative can function effectively as a rhetorical means of persuasion.

According to Aristotle, not every speech needs a narrative. The necessary and appropriate parts of each speech are the statement of the case (*prothesis*), which states the subject, and the proof (*pistis*), which proves it (Arist. *Rhet.* iii.13.3-5). Furthermore, Aristotle in *Rhetoric* considers the narrative as belonging in a manner to forensic oratory, whereas it is not necessary to a deliberative or epideictic speech (Arist. *Rhet.* iii.13.3; 16.11). The audience may already know the facts of a deliberative speech and therefore there is no need to present a case. Nevertheless, parts of narration can be found in the use of historic examples offered to deliberate for future action. Furthermore, mythological and historical narratives constitute important sections of epideictic oratory.² On the other hand, the *Rhetoric to Alexander* regards that every speech should have a narrative in some form: if, for example, the facts are already known to the audience, it is possible to attach the narrative to the *prooimion*, but it is still necessary to remind.

¹ de Brauw (2007) 193

² Edwards (2004) 352

Alternatively, the narrative can serve to present the facts that are going to happen and, as a whole, a speech without a narrative may seem too brief and incomplete (*Rhet. ad Alex.* 1438a2-16).

In practice, the narrative is often omitted in the orators, and not only in deliberative speeches. As a further possible explanation, Aristotle has also argued that in a defence speech a narrative is not necessary since the case has already been presented by the prosecutor (*Arist. Rhet.* iii.16.6). Our knowledge of defence speeches, however, indicates that the defendants need to give their own version of the story, a ‘counter-narrative’, and, in many cases, this is a detailed extensive narrative section or sections. The possible reasons for the omission of a narrative may vary, depending on a case, private or public, the crime committed and the nature of a speech, main or *synegoria*.

Ancient rhetoricians tend to accept that narration as a form of composition can be used in an oratorical context in the one or the other way, for example as a distinct, continuous section or as scattered segments in a speech or as a part of a *prooimion* or as a *prothesis*. They give, however, little or no indication that a narrative can be a means of persuasion as well as a statement of the facts. Our evidence reveals, as will be shown, that the narrative can function as a powerful vehicle of persuasion.

The *Rhetoric to Alexander* states that a narrative should be clear and concise. Aristotle (*Rhet.* iii.16.4) writes (showing his sense of humour), ‘But nowadays they all ridiculously say that the narrative should be rapid. Yet, as the man said to the baker, when asked whether the dough should be kneaded hard or soft, “What? Can’t it be done right?”’. The orators, however, often promise to be as brief as possible (e.g. *Isok.* 21.2, *Dem.* 37.3, 40.5, 54.2). On the other hand, they also promise to tell the story from the very beginning without omitting any detail. The idea is that the speaker will tell the whole truth without deceiving the judges or concealing the facts. This does not necessarily imply that it will be a long narrative, rather a clear depiction of the true version of the story. In any case, when the orators use a discrete narrative, it is typically introduced by a formulaic transition sentence such as ‘I wish to recount these matters from the beginning’, and then begins with the particle *gar*³. Edwards’ survey of the narrative sections in speeches from all orators (2004: 317-352), concludes that the start of the narrative is clearly defined by meta-narrative narratorial interventions, and various types of concluding remark

³ de Brauw (2007) 193

indicating its close.

The narrative may, in line with the theoretical discussion of Aristotle in the *Rhetoric*, be a single, extended passage within the speech but even from the speeches of the earliest orators it appears that in practice a narrative might well be divided into two or more sections, which deal with different temporal stages or thematic aspects of the story.⁴ Thus, Antiphon combines the technique of a single narrative in the prosecution of *the stepmother for poisoning* (1), with discrete, shorter narratives in the defence speeches, *On the murder of Herodes* (5) and *On the choreutes* (6), in line with the requirements of each case. In Antiphon 1, the prosecutor's story constitutes a long narration of the events that concluded with the death of the father and his friend, whereas in Antiphon 6, the *choregos* offers three distinct narrative sections, in the first, he displays the organization of his *choregia* and, in the other two parts, he narrates the whole story of his personal enmity between him and the prosecutors, from the initial charge to the present case.⁵ It may be assumed, though not exclusively in all oratorical speeches, that an extended narrative would have been more suitable to a prosecution case, since the prosecutor needs to offer the whole story of the facts to prove his case against the offender, whereas in a defence case narrative segments would have been more effective in that they repeatedly add to the story with narrative details.

Narrative and the case of argumentation

In both techniques of narrative composition, the narrative story is presented in such a way as to prove or disprove the accusation for the alleged offence. In this sense, the narrative serves as a means of persuasion; in particular, the narrative in a forensic speech does not only tell the story but establishes and proves the arguments that surround the legal case and the whole story. Hence, if we take as an example Antiphon 1, the prosecution of the stepmother for poisoning, the speaker is one of the dead man's sons, who prosecutes his stepmother for plotting the murder of his father. He describes the events that had taken place several years earlier, when he was still a child and he presumably learned of them only from his father when on his deathbed (1.30). The order of the events narrated does not follow a chronological order but aims at proving the charge

⁴ Edwards (2004) 352.

⁵ On a detailed analysis of the three narrative sections in Antiphon 6, cf. *ibid* 318-323.

and portraying the stepmother as a vicious murderer. The speaker starts with his father's order on his deathbed to avenge his death (1.1). Consequently, the speaker challenges his half-brother to accept the torture evidence *–basanos–* of slaves and is rejected (1. 6-13). Then, the speaker presents his stepmother as having made previous attempts on the father's life (1.9). And the story continues with a reference to Philoneos, a friend of the speaker's father (1.14). Philoneos had a mistress whom he was going to put into a brothel (1.14). From this point onwards, the speaker actually presents the story of the murder, as follows: The stepmother persuades the mistress to go as a servant in their house in the Peiraeus and offer the father and Philoneos, who will have gone there on an occasion of a sacrifice before a trip, a love filter. She gives a double dose to Philoneos who dies immediately, whereas it took a few days for the father to die (1.15-20).⁶

Antiphon's narrative makes clear from the very beginning of his story two significant points, first that his prosecution was prescribed by his father's wish and his motivation was not to be in contrast with his own family but due to his brother's rejection of the *basanos*, he was left with no other choice, and secondly that the mother had wished long before to commit the murder and succeeded only when she found an accomplice. The details of the events are left at the end of the narrative.⁷

As becomes clear, the narrative serves to build the personae of the prosecutor himself on the one hand and the stepmother, the vicious and dangerous plotter of a murder on the other. Moreover, in the narrative it is implied that she is like the most famous tragic husband-slayer, Clytemnestra (Ant.1.17: "Finally following the advice of Clytemnestra—this man's mother—she decided it would be better to give it after dinner" [Gagarin 1998] (ἔδοξεν οὖν αὐτῇ βουλευομένη βέλτιον εἶναι μετὰ δεῖπνον δοῦναι, τῆς Κλυταιμνήστρας ταύτης [τῆς τούτου μητρὸς] ταῖς ὑποθήκαις ἅμα διακονοῦσαν). This cunning and effective allusion suggests that the speaker is an Orestes who avenges the unjust murder of his father, by offering the woman up to the jurors of Athens, in strong opposition to his stepbrother, the accused, for complying with a murderer against his father's wish for revenge.

The identification of the stepmother with Clytemnestra has a mythical but also tragic and in effect dramatic dimension. If the stepmother is a Clytemnestra, it is particularly important that her son, that is the speaker, should assume his proper role to imitate Orestes and take revenge

⁶ Generally, on the case and the litigants, cf. Gagarin (1997) 104-106.

⁷ On the narrative levels of this speech, cf. Edwards (2004) 51-63.

upon his father's death. As Wohl has lucidly and thoroughly demonstrated, the *Oresteia* is used here as a legal precedent.⁸ She states characteristically that 'the speaker uses the Aeschylean model in order to prejudge the issue of his stepmother's intent and to preempt it, to rule it inadmissible' (Wohl 2010a: 50). Clytemnestra is the plotter and with the aid of Aigisthus, which here could be identified with the *pallake*'s help, and has planned the revenge for a long time, waiting for Agamemnon to return from Troy. Following the *Eumenides*, the speaker should be given justice whereas the stepmother should be punished. Of course, as criticism has suggested (Gagarin 2002: 150; Wohl 2010a: 51), the stepmother would be best identified with Deianira, Sophocles' heroine in *Trachiniae*, who in despair of losing Heracles' love uses a love charm, which turns out to be a deadly poison and when she realizes that she has murdered her husband, she kills herself.⁹

Dramatic, mythical and tragic implications of the narrative enhance the portrayal of the stepmother aiming to prejudice and persuade the jurors that she is capable of murder and in effect strengthens the plausibility of the prosecutor's story. Thus, the narrative constructs effectively the persona of a killer reinforcing thus the argumentation case for persuasion.

⁸ Wohl (2010a: 33-70) and Wohl (2010b: 90-98) offer a detailed analysis of the dramatic use of Clytemnestra as well as Sophocles' Deianira in Antiphon's speech, drawing the parallels in plot, language, style and dramatic effect upon the same Athenian audience. The story shows analogies with that of Clytemnestra and Orestes. The sacrifice before the dinner, just before the moment of poisoning the men, is reminiscent of Agamemnon's sacrifice when murdered by a knife, trapped in a net. The polar antithesis between the stepmother's son who defends her, most probably, on the grounds that she did not know that it was poison or even that she had nothing to do with the killing, but unjustly accused by her stepson and the husband's son, and the speaker who has been instructed by his father, when very young, to avenge his death. The particular *antithesis* is the same as the contrast and fight between the Erinyes who defend Clytemnestra, the mother and Apollo with Orestes who defend Agamemnon, the father.

⁹ Drawing on tragic stereotypes of the two heroines, Clytemnestra and Deianira, Antiphon attributes to the stepmother the characteristics of a betrayed woman who seeks revenge on the one hand and of a despaired woman in love on the other, to distract the jurors' attention from the factual case on trial and the absence of relevant evidence so as to pass the verdict of death, as death was also the result in the scheming of the two tragic women. Antiphon, however, needs to go beyond the dramatic effect of the tragic stories and depict two real female prototypes of Athenian society. The use of tragic figures in a forensic context may not be welcomed given that the judges are called to vote on a factual case. The appeal, however, to tragic stereotypes directs the judges' emotions to feel sympathy for the son, by blurring the dividing line between reality and fiction. Moreover, this stepmother typically treats badly her stepson, as one would expect of her and thus appears capable of plotting, scheming and conspiring against her husband.

Narrative and Dramatic Characterization

Aristotle (*Rhet.* 3.16.8) notes that the narrative should be ‘ethical’, and that a speaker can reveal moral character through the narrative by calling attention to deliberate choices. Aristotle further discusses the technique of saying things to relate with one’s virtue or the opponent’s villainy. As Carey (1994: 39) points out, ‘The advantages of this technique are that the exposition of character appears uncontrived and that the hearer draws the character by inference for himself. The resultant persona is therefore more plausible’. Appeals to the Athenians’ virtues and behavior constitute in effect arguments from *pathos*, encouraging the judges to show either sympathy or enmity toward the speaker.

Another aspect to the use of character as a means of persuasion in the narrative is dramatic characterization. In most cases in law-court trials, litigants used to buy speeches from logographers and perform as if they were speaking spontaneously in their own words. The Athenians disapproved professionalism and would be more sympathetic to litigants who appeared convincing in their own manner and personality.

In the opinion of Dionysius of Halicarnassus (Lysias 18), Lysias was ‘unquestionably the best’ of the orators at writing narrative; his technique lies in the way in which he characterizes his clients in order to persuade and win their case in court. A dominant feature of many of his works is an extensive *diegesis* and over one third of several Lysianic speeches (e.g. 1, 3, 13, 16 and 31) is taken up by narrative. Thus, for example, the narrative plays a key role in the portrayal of Euphiletus’ character, in speech 1 (*On the killing of Eratosthenes*), as the speaker tells a simple story of deception and discovery.¹⁰ Euphiletus is accused of homicide and his defence is that the killing was lawful since he caught Eratosthenes in adultery with his wife. The relatives of the dead man are alleging that Eratosthenes was the victim of a plot. The characterization is central to the defence case, for the personality that emerges is such a simple individual that he would be unable of the cunning attributed to him.¹¹ Lysias’ narrative art reflects a unique simplicity in the telling of the story but also the portrayal of the husband, as well as the female roles;¹² Euphiletus is portrayed as a solid Athenian citizen abiding the law of the city, an unsophisticated man and incapable of plotting, a caring husband, a naïve person but firm when

¹⁰ For a detailed analysis of the role of Euphiletus as an internal narrator, cf. Edwards (2004) 334-36.

¹¹ Carey (1994) 41

¹² On the narrative art of the speech, cf. Carey (1989) 66-77, Edwards (1999) 58-67.

he needs to be. Thus, characterization and narrative are linked in many ways in order to represent the killing of Eratosthenes as a normal reaction to his adultery.¹³

A noticeable feature of the narrative, as a whole, is tense variation. A dramatic vividness is added to Euphiletus' account by the use of the historic tense present at certain key points, as for example the birth of the child (1.8), the corruption of his wife (1.8), the deception perpetrated by the wife when she chooses the bedroom (1.13), the approach to Euphiletus of the old servant woman (1.15). As Todd points out (2007: 52), the narrative of this speech is characterized by an almost complete absence of rhetorical figures but by the presence of considerable repetition, both elements help to sustain the impression of Euphiletus' naivety.

Euphiletus, the most famous husband in Attic eloquence, killed Eratosthenes, the lover of his wife, because of his adultery (*moicheia*), after he had caught him in the act (*ep' autophoroi*); his persona is perfectly constructed upon the characteristics of naivety, self-restraint, prudence, devotion and trust. Euphiletus is a comic but simultaneously tragic figure, since the audience knows the story well in advance, while he narrates it step by step from the very beginning to the moment of discovering the truth and revealing himself together with a few friends the crime of adultery.

The creation of Euphiletus' dramatic character is very successful, but it is also so fictitious that the whole narrative resembles an imaginative story taken from a 'novel' rather than from a speech delivered in court. Such an impression may depend on the way it is presented and its dramatic elements, such as dialogue. A fundamental device of persuasion adding to the dramatization in the performance of the speaker's story is the use of direct speech, in a form of an assumed, fictitious dramatic dialogue between Euphiletus, the husband and other persons who could not obviously have been present at court, the old servant who informed Euphiletus about Eratosthenes and Eratosthenes himself. In this way, a whole new performance of what supposedly did take place in private is presented now in public, in the court.

A good example of the use of direct speech is the presentation of the evidence from the old servant woman, who supposedly revealed Eratosthenes the truth about his wife's relationship with Eratosthenes. The dramatic tone in the climax of the story, when the servant, who knows everything and can give more details, responds to Euphiletus' pressing

¹³ Todd (2007) 50

questions on the identity of the seducer, is impressive in portraying Euphiletus as a tragic figure, a victim of deception and manipulation (1.15-16):

[15] μετὰ δὲ ταῦτα, ὧ ἄνδρες, χρόνου μεταξὺ διαγενομένου καὶ ἐμοῦ πολὺ ἀπολελειμμένου τῶν ἐμαυτοῦ κακῶν, προσέρχεται μοί τις πρεσβῦτις ἄνθρωπος, ὑπὸ γυναικὸς ὑποπεμφθεῖσα ἦν ἐκεῖνος ἐμοίχευεν, ὡς ἐγὼ ὕστερον ἤκουον: αὕτη δὲ ὀργιζομένη καὶ ἀδικεῖσθαι νομίζουσα, ὅτι οὐκέτι ὁμοίως ἐφοίτα παρ’ αὐτήν, ἐφύλαττεν ἕως ἐξηῦρεν ὃ τι εἶη τὸ αἴτιον. προσελθοῦσα οὖν μοι ἐγγὺς ἢ ἄνθρωπος τῆς οἰκίας τῆς ἐμῆς ἐπιτηροῦσα, ‘εὐφίλητε’ ἔφη ‘μηδεμιᾶ πολυπραγμοσύνη προσεληλυθέναι με νόμιζε πρὸς σέ: ’’ [16] ὁ γὰρ ἀνὴρ ὁ ὑβρίζων εἰς σὲ καὶ τὴν σὴν γυναῖκα ἐχθρὸς ὢν ἡμῖν τυγχάνει. ἐὰν οὖν λάβῃς τὴν θεράπαιναν τὴν εἰς ἀγορὰν βαδίζουσαν καὶ διακονοῦσαν ὑμῖν καὶ βασανίσης, ἅπαντα πεύσῃ. ἔστι δ’ ἔφη ‘Ερατοσθένης Ὀῆθεν ὁ ταῦτα πράττων, ὃς οὐ μόνον τὴν σὴν γυναῖκα διέφθαρκεν ἀλλὰ καὶ ἄλλας πολλὰς: ταύτην γὰρ τὴν τέχνην ἔχει.’

[[15] After this, gentlemen, there was an interval of some time, during which I remained completely unaware of my misfortunes. But then an old woman came up to me. She had been secretly sent, or so I later discovered, by a lady whom this fellow had seduced. This woman was angry and felt cheated, because he no longer visited her as before, so she watched until she found out why. [16] The old woman kept an eye out and approached me near my house. “Euphiletus”, she said, “please do not think that I am being a busybody by making contact with you. The man who is humiliating you and your wife is an enemy of ours as well. Get hold of your slave girl, the one who does the shopping and waits on you, and torture her: you will discover everything. It is,” she continued, “Eratosthenes of the deme Oe who is doing this. He has seduced not only your wife but many others as well. He makes a hobby of it.” Todd 2000]

Direct speech is here used supposedly by the old servant addressing Euphiletus; the female's voice sounds serious and decisive in announcing that Eratosthenes is the guilty person whereas Euphiletus is obviously the victim. The old servant's tone, as used by Euphiletus himself here, is purposely directed to arouse the sympathy of the judges toward the husband and thus persuade for the alleged story for his discovery of the adultery committed by Eratosthenes. Furthermore, direct speech adds to the plausibility of the adultery story while presenting Euphiletus as completely unaware of what was going on in his own house, as clearly reflected in the phrase later used by him: *ταῦτά μου πάντα εἰς τὴν γνώμην εἰσήει, καὶ μεστὸς ἦ ὑποψίας* (1.17: [All these flashed into my mind, and I was full of suspicion. Todd 2000]).

Another case of a private scene presented in court is Euphiletus' interrogation of his own slave girl, who used to go to the market place and was allegedly transferring the messages from Eratosthenes to Euphiletus' wife. Here, again the whole conversation is presented by Euphiletus, whereas the female servant's voice is used to dramatize Euphiletus' deception and in effect is taken to constitute evidence though not actually substantiated and established with the expected torture of a slave (1.18), as was normally the case when a slave's testimony was used in a trial.

Furthermore, direct speech is also used for the scene of adultery, when Eratosthenes is caught in the act (*ep' autophoroi*) and avows his guilt in front of witnesses and Euphiletus is taking revenge by enforcing the city's law and killing him (1.26). Here, Euphiletus' direct justification for his murder portrays him as the law-abiding citizen, while Eratosthenes as a criminal who disobeys the laws for his own pleasure. The effect of this more elevated scene, where Euphiletus stands over Eratosthenes before executing him, announcing with all the formality of a judge reading a sentence, "it is not I who shall kill you, but our city's laws" (*οὐκ ἐγὼ σε ἀποκτενῶ, ἀλλ' ὁ τῆς πόλεως νόμος*) reaches a dramatic climax, inviting the jurors to identify themselves with this form of justice.

In the law courts female speeches were often delivered in direct speech to great effect by men, who thus took on female roles on the forensic stage. Women could not normally be called in as witnesses. The best example of such a case is in Lysias' speech *Against Diogeiton* (32.11-13), where the speaker cites the powerful speech of Diodotos' widow on behalf of her children. It starts with a dramatic tone, underlining the lamentation that took place in the speaker's house as to highlight the widow's supplication and plea. The widow's speech effectively turns the jurors into recipients of her supplication, even though there are reasons for doubting that she ever did

give a speech of exactly this kind. In this narrative, also, Lysias creates characteristic vividness by the use of direct speech (32.9, 12-13, 15-17). The speaker does not emerge as a lively personality but Lysias keeps his narrative consistent with the restrained persona introduced in the proem. Lysias provides for the emotional effect through the medium of the mother's intense denunciation of the treatment of the orphans (32.15-17). Lysias effectively ascribes speeches to the mother so that he creates the illusion that the mother is actually speaking in court. Given the plausibility of her words under the circumstance, Lysias creates also the impression that something like her speech had been really said.¹⁴ Thus, the persona of the mother emerges very powerful, even though no detail is given about her character or personality. The point that needs to be emphasized in the narrative for the purposes of the case is that this woman was a good mother, consistently interested in her children, a modest and decent woman who is about to gain the judges' sympathy.

Hence, Lysias uses the narrative to create various characters by mixing characterization and the narration of the story as proof. Another indicative case of Lysias' narrative art in combining elements of *ethos* and *pisteis* is speech 3, *Against Simon*, a defence speech against a charge of intentional wounding, we are presented at the outset with a retiring figure, a man of mature years highly embarrassed to find himself in court because the case arose from a dispute between two rivals for the sexual favours of a young man, an individual who is incapable of behaving in the aggressive manner alleged.¹⁵ Here, again, Lysias achieves plausibility by the vividness and internal consistence of the narrative. As Carey points out, the vividness results from the relaxing swiftness of the narrative, together with the effective use of detail (3.8, 12, 16) and the internal consistency results from the repeated acts of malicious violence by Simon and the repeated attempts of the speaker to avoid trouble.¹⁶ The description of the detailed account of the enmity between the two persons adds to the characterization of the litigants as two opposing types of personality – the opponent an aggressive man and the speaker a patient and wise person, as well as to the plausibility of the speaker's case.

In the case against Agoratus (13), the narrative constructs through a detailed narration of a series of events before the negotiations for peace between Athens and Sparta in 405 until the establishment of the Thirty (404), the persona of an unscrupulous man of slave origin who was

¹⁴ On the narrative art in this speech, cf. Carey (1989) 210-12.

¹⁵ Carey (1994) 41

¹⁶ Carey (1989) 95ff.

used by the oligarchs in order to eliminate Athenian democrats in exchange of bribes and other benefits. The prosecution case of homicide is solely based upon the characterization of a traitor, an enemy of democracy, a slave from a criminal background as emerges in the narrative section.

Agoratus was involved as *menytes*, an informer, against them and was brought to give information before the Boule and the Assembly. The prosecution needs to convince the judges that Agoratus deliberately denounced the victims in order to establish the charge of responsibility for murder. The claim that Agoratus was party to the oligarchic conspiracy against the democrats is stressed throughout the speech. According to the speaker's description of the oligarchic plot Agoratus' denunciation was organized to seem involuntary (13.19ff.). For this purpose the Boule made decrees for Agoratus' arrest on the basis of an allegation from a man named Theokritus that there were people acting against the constitution. The presentation of the decrees made for Agoratus' arrest adds plausibility to the speaker's case. In order to convince the jury of the existence of the plot, Lysias attacks the Boule before the Thirty for its oligarchic conspiracy against the democracy. The whole idea of conspiracy and plotting creates a temporal duration of the oligarchic criminality and illegality. It all started with the Boule's initiative to bring cases of *eisangelia* against citizens who clearly objected the oligarchic plans. Agoratus was used, according to the speaker's case, for this purpose. In order to support the argument that Agoratus willingly became a tool of the oligarchs, the speaker repeatedly points out that he had rejected the chance he was given by his sureties to rescue his life and avoid giving any names (13.25-38, 52-54). The narrative section in the speech *Against Agoratus* ends with the presentation of all misfortunes which befell the city during the oligarchy of the Thirty. Emotional appeal is central to narrative and is elaborated through *auxesis* or *deinosis*. Lysias maintains the fiction of a politically undifferentiated audience in order to engage their support. He manipulates the enmity against the Thirty and emphasizes their injuries to the city with the tragic effect that he arouses the hostility against Agoratus, a man of servile origin who preferred to betray the democratic constitution in exchange of benefits and power rather than leave the city of Athens and spare the democrats from being tried and convicted to death by the Thirty.

The same technique of creating characterization in the narrative is to be found in the narrative of Demosthenes' *Against Conon* (54), who is accused of an assault that took place in the Agora. Conon, the speaker's opponent, apparently planned to argue that the fight in question was nothing but youthful struggle, that the speaker provoked it, and his decision to bring the

matter in court was unmanly and litigious. The background related in the reported behavior of Conon's son (54.3-5) anticipates and indirectly refutes each of these claims. In a quite extended narrative which presents the alleged events (3-12), Ariston, the speaker, is characterized as a shy and reserved man, in contrast to the drunken and violent Conon, his sons and their friends. Demosthenes shows that the character revealed through narrative and the facts narrative reports can in effect corroborate one another.¹⁷ The account of the 'factual' details forms the basis of the speaker's case and the narrative consists of two parts, the prehistory of the alleged attack (54.3-6) and the attack and its consequences (54.7-12). The account of the events in Panactum (54.3-6) not only serves to prejudice against Conon by offering the portrayal of a violent and aggressive persona but also achieves the double aim of creating the desired emotion in the judges and offering a precedent of behaviour pattern to add plausibility of the subsequent account of the attack in the agora.¹⁸

On balance, characterization with dramatic and emotional elements is often constructed in the narration of the story in forensic speeches adding credibility to the argumentation case, strengthening the arguments that are to follow in the section of proofs and constitute the basis upon which all the subsequent arguments can be established. As a result, dramatic characterization enhances the persuasive value of the narrative section while it emphasizes arguments from *pathos*, creating emotional reactions to the judges.

Narrative and *Pathos*

Apart from *ethos*, *pathos* itself is also present in narrative sections through a variety of stylistic modes and rhetorical devices, such as emotive vocabulary, use of direct speech, interaction with the judges, use of rhetorical questions and emotional appeals through personal attacks. A few examples to examine will be taken from narratives that follow the practice of breaking up the story into two or more sections. Andocides in his speech, *On the mysteries*, is faced with a complex set of circumstances spanning fifteen years, and his defence is adapted to the needs of the situation. It is divided into several parts thematically rather than chronologically, with narrative details provided at regular intervals. One section, for example, tells the emotive story of

¹⁷ De Brauw (2007) 194-95.

¹⁸ Carey & Reid (1985) 77-78.

what happened to Andocides after his arrest (1.48-53): ‘We were all thrown into one prison. Darkness fell, and the gates were shut. Mothers, sisters, wives, and children had gathered. Nothing was to be heard save the cries and moans of grief-stricken wretches bewailing the calamity which had overtaken them’ (number on the handout). He first quotes his cousin Charmides’ appeal to him for help in direct speech, and then presents his own thoughts as he wrestled with his conscience whether or not to inform, first in direct, then in indirect speech. These thoughts contain the evaluations ‘αδίκως’ (wrongfully) and ‘δικαίως’ (rightfully).¹⁹

A typical tragic scene used in forensic narratives that involves the incrimination of the opponent or the highlighting of the victim as a hero is the scene at the prison where the victim gives directions to his relatives before his death (*episkepsis*). In Andocides’ speech for his own defence against the accusation for impiety (*asebeia*) in relation with the Eleusinian mysteries and the mutilation of the Herms, there is a vivid description of his imprisonment where a moving interactive discussion takes place between himself and his cousin Charmides on the issue of submitting the requested information in order to save his family (And. 1.48-51).

Andocides describes the *episkepsis* made by the victims of the informer, Diokleides, in prison, where mothers, sisters and wives went to visit them. This narration presents the events just before Andocides’ denunciation and aims to justify his action. Andocides explicitly displays the emotions of female relatives mourning for the victims, “there were cries and moans from the men as they wept and carried on about the trouble they were in” [MacDowell 1998] (*ἦν δὲ βοή καὶ οἶκτος κλαόντων καὶ ὀδυρομένων τὰ παρόντα κακά*). Moreover, the dramatic dialogue between Charmides and Andocides, where the former tries to persuade Andocides to make the denunciation in order to save those who have supported him, appeals to their emotions under the threat of death, especially after the murder of Andocides’ friends. Finally, the dramatic tone reaches its peak with a series of Andocides’ rhetorical questions, where he refers to his own misfortune showing his despair not to let three hundred Athenian perish unjustly.

Episkepsis –the process during which the victim gives last instructions to relatives and friends on family matters and asks them to take revenge on his murderer– is important for homicide cases since it can provide evidence of the murderer’s identity. It furthermore arouses

¹⁹ For an analysis of the structure of narrative in Andocides 1, cf. Edwards (2004) 325-31.

the audience's sympathy for the victim, and to that effect dramatic elements are normally used.²⁰ Thus, the instructions given by the father to his fourteen-year-old child for revenge, in Antiphon *Against the Stepmother for Poisoning* (1.29-30), constitute an effective argument to arouse *pathos*. Similarly, in Lysias 13, *Against Agoratus* (39-42), the prosecutor narrates the scene in prison before the execution of his relative, where the victim had revealed the identity of the accused and given instructions to his own family.

Lysias' description is far more restrained than Andocides' one and emotions here are indirectly presented, stimulating the audience's imagination. The style is vivid with the use of repetition and changes from historic present to imperfect. The interchange from a general to a specific point adds tension and is dramatically effective. At first, the speaker hints at the mourning of the relatives of all victims, who are coming into prison, "They did this so as to greet their families for a final time before dying" [Todd 2000] (*ἵνα τὰ ὕστατα ἀσπασάμενοι τοὺς αὐτῶν*). He proceeds with the arrival of the Dionysodorus' wife, "dressed in a black cloak" (*μέλαν τε ἱμάτιον ἠμφιεσμένη*), who as the next of kin takes instructions about Dionysodorus' will. In consequence, Dionysodorus asks his brother, brother-in-law and friends to take revenge on the murderer, Agoratus. Finally, the scene reaches its tragic climax when Dionysodorus refers to his unborn son ordering him to revenge Agoratus, the accused of murder.

Pathos is also created by the use of mythical parallels creating an element of ridicule to the characterization and thus add plausibility to the case of argumentation. An instance of such a use of a mythical dramatic parallel is to be found in Andocides' speech *On the mysteries* (1.129), where Andocides describes Callias' allegedly lively private life. Callias is supposed to have been married to a mother and her daughter simultaneously, and to have fancied the grandmother in the beginning:

οἶμαι γὰρ ἔγωγε οὐδένα οὕτως ἀγαθὸν εἶναι λογίζεσθαι, ὅστις ἐξευρήσει
τοῦνομα αὐτοῦ. τριῶν γὰρ οὐσῶν γυναικῶν αἷς συνωκηκῶς ἔσται ὁ πατήρ

²⁰ The *episkepsis* scene constitutes a typical dramatic scene presents a combination of vivid dramatic and rhetorical elements enhancing a fictitious version of the story. It reflects similar scenes from tragedy, when the tragic heroes are about to die and give their final advice and instructions, as for example in Sophocles' *Oedipus in Colonus* (1518-1555), when Oedipus refers to his homeland and relatives and in Euripides' *Alcestis* (280-325), when Alcestis instructs Admetus not to bring another woman as a mother to her children.

αὐτοῦ, τῆς μὲν υἱός ἐστιν, ὡς φησι, τῆς δὲ ἀδελφός, τῆς δὲ θεῖος. τίς ἂν εἴη
οὗτος; Οἰδίπους, ἢ Αἰγισθος; ἢ τί χροὶ αὐτὸν ὀνομάσαι;

[I shouldn't think anyone is good enough at calculating to work out what to call him.

There are three women with whom his father will have lived, and he's the son of one (so he says), the brother of another, and the uncle of the third. Who can he be? Oedipus?

Aegisthus? Or what name should we give him? MacDowell 1998]

So asks Andocides, “Who can he be? Oedipus? Aegisthus?”. In this case, the mythical example is used to create a comic result and ridicule Callias, in order to provoke the audience’s contempt. Myth and tragic prototypes are drawn in forensic orators to arouse *pathos*, to add a dramatic and emotional tone and persuade the court in favour of the speaker’s case. Dramatic parallels enhance the orator’s authoritative voice and aim to manipulate the judges’ ideals in order to tell a convincing and appealing story of the case. As Edith Hall (2006: 386) remarks: ‘The mythical parallels are left engraved upon the jury’s imagination, suggesting that Callias has transgressed the most basic socio-sexual tabus’.

Narrative and Proof sections (*pisteis*)

Another aspect to the narrative composition is the alternation of narrative and proof sections. This pattern can effectively work in the complex narratives consisting of two or more sections. An example of this approach can be seen in Demosthenes 29, *Against Aphobus III*, a supporting speech in a *dike pseudomarturias*, for Phanus, a witness who had given testimony concerning Milyas, the foreman of the workshop of slaves manufacturing knives which formed part of Demosthenes’ estate. This supporting speech that Phanus did not give false testimony would have followed first Aphobus’ speech of accusation and also Phanus’ own speech of defence, and consequently Demosthenes does not probably find it necessary to explain all the facts, since these would have already been reported by the previous speakers.²¹ The circumstances of the case may have directed Demosthenes to adopt the specific technique of alternating narrative accounts and proof sections in order to persuade for Phanus’ innocence. On other occasions there is no clear distinction between the sections of narrative and proof in terms of introductory or

²¹ MacDowell (2004) 48-50

concluding formulaic expressions of each sections respectively (e.g. Dem. 36 and 38) but it is not unusual to repeat narrative accounts when proceeding with the arguments from probability.

Demosthenes tends to insert several sections of narrative in his longer speeches in order to avoid monotony, as for example in the *Crown* speech, where he divides the narrative of his own career into three major stages (18.17-52, 53-109, 160-226) and adds a narrative of Aeschines' treachery in connection with the war against Amphissa (139-159). Typical of Demosthenic narrative are two features that add vividness and plausibility to his cases, the extensive use of rhetorical questions and the personal attacks his narrators or he himself make on their opponents. The best example of personal attack is the one saved for Aeschines in the *Crown* speech (18.129): 'I am at no loss for information about you and your family; but I am at a loss where to begin. Shall I relate how your father Tromes was a slave in the house of Elpias, who kept an elementary school near the Temple of Theseus, and how he wore shackles on his legs and a timber collar round his neck? or how your mother practised daylight nuptials in an outhouse next door to Heros the bone-setter, and so brought you up to act in tableaux vivants and to excel in minor parts on the stage? However, everybody knows that without being told by me'. Apart from rhetorical questions, we often find in forensic speeches regular interactions of the speakers with the judges, in the form of reference to their own knowledge of the persons and the places involved in a case. This sort of interactions may be seen as emotional appeals to influence upon their decision but also constitute a coverage for lack of solid evidence or an attempt by the speaker to make himself a trustworthy character who shares their concepts and modes of behavior.

Conclusions

In the context of narrative composition, we can find a mixture of short and longer narrative sections intermingled with argument, as for example in Aeschines *Against Timarchos*, where the speaker tells how Timarchos lived in turn in the houses of various partners. Even in extended narrative forms, it is not unusual to have comments by the speakers on the events narrated or insinuations to the motivations and guilt of the opponent, appealing for immediate action or punishment.

In conclusion, the ancient theoretical approach to narrative composition is limited to a conventional form of a distinct part of speeches and does not refer to the whole range of variations both in form and theme. Aristotle may insinuate to the importance of dramatic characterization but does not refer to its persuasive value. From the brief presentation of narratives from well-known forensic speeches, it has emerged that in practice there is a flexibility to the form, mixture, interaction, order, pattern, sequence

and blend of various elements in narrative composition in forensic oratory and this flexibility depends upon the specific circumstances of each case as well as the nature of each speech. Moreover, as to the necessity of using a narrative in a forensic speech, it appears that not only to tell a story was crucial to the presentation of a case but narrative itself was proof, upon which the rest of the arguments were to be established.

As it has been displayed in detail from a variety of aspects of the use of narrative in forensic speeches, narrative incorporates many and diverse elements of structure, form and thematic motifs; a narrative can vary in form in the interchange of different sections in a speech, containing elements of dramatic characterization, argumentative proofs, emotions for the pathos of the judges, a depiction of a portrayal or a series of events adding plausibility to the litigant's case and enhancing the argumentation used for persuasion. It is clear that narrative cannot be classified only in one single category but it rather includes many diverse elements used at different places and in different forms of combination in order to persuade for one's case in court. As a means of persuasion, narrative in forensic oratory is used to enhance the *ethos* argumentation, i.e. character and personality of the opponents, the *pathos* argumentation, i.e. emotional appeals and dramatic elements that add to the sympathy toward to the accused or the prosecutor and finally the *pisteis*, i.e. arguments that constitute the basis for the proof section and the speaker's case.

SELECT BIBLIOGRAPHY

- Bers, V. (1994) 'Tragedy and rhetoric' in Worthington, I. (ed.) *Persuasion. Greek Rhetoric in Action*, Routledge, 176- 195.
- Carawan, E. (1998) *Rhetoric and the Law of Draco*, Oxford
- Carey, C. and Reid, R.A. (1985) *Demosthenes. Selected private speeches*, Cambridge
- Carey, C. (1989) *Lysias. Selected speeches*, Cambridge
- Carey, C. (2007) (ed) *Lysiae Orationes cum Fragmentis* (Oxford Classical Texts).
- De Brauw, M. (2006) 'The Parts of the Speech', in I. Worthington (ed.), *A Companion to Greek Rhetoric* (Oxford: Blackwell), 187-202
- de Jong, I., Nanlist, R. and Bowie, A. (eds) (2004) *Narrators, Narratees, and Narratives in Ancient Greek Literature, Studies in Ancient Greek Narrative, vol. 1*, Brill, Leiden
- Edwards, M. & Usher, S. (1985) *Antiphon & Lysias*, Aris & Phillips
- Edwards, M. (1999) *Lysias: Five Speeches*, Duckworth

- Edwards, M. (2004) *Oratory* in de Jong, I., Nanlist, R. and Bowie, A. (eds) (2004) *Narrators, Narratees, and Narratives in Ancient Greek Literature, Studies in Ancient Greek Narrative, vol. 1*, Brill, Leiden, pp. 317-356
- Gagarin, M. (1997) *Antiphon. The speeches*, Cambridge
- Gagarin, M. & MacDowell, D. (1998) *Antiphon and Andocides*, Austin
- Gagarin, M. (2001) 'Women's voice in Attic oratory' in Lardinois, A. & McClure, L. (2001) *Making Silence Speak: Women's Voices in Greek Literature and Society*, Princeton
- Gagarin, M. (2002) *Antiphon the Athenian. Oratory, Law and Justice in the Age of the Sophists*, University of Texas Press
- Hall, E. (2006) 'Lawcourt Dramas: Acting and Performance in Legal Oratory' in Hall, E. (2006) *The Theatrical Cast of Athens*, Oxford, pp. 353-377
- Kennedy, G.A. (1994) *A New History of Classical Rhetoric* (Princeton).
- Todd, S. C. (2000) *Lysias Translated by S. C. Todd*, The Oratory of Classical Greece, Volume 2 (University of Texas Press, Austin).
- Todd, S. C. (2007) *A Commentary on Lysias, Speeches 1-11* (Oxford).
- Usher, S. (1999) *Greek Oratory. Tradition and Originality* (Oxford).
- Wohl, V. (2010a) *Law's Cosmos. Juridical Discourse in Athenian Forensic Oratory*, Cambridge
- Wohl, V. (2010b) 'A Tragic Case of Poisoning: Intention Between Tragedy and the Law', *TAPHA* 140 (2010), pp. 33-70
- Wolpert, A. (2002) *Remembering Defeat: Civil War and Civic Memory in Ancient Athens*, Baltimore, MD: Johns Hopkins University Press
- Worthington, I. (ed) (2007) *A Companion to Greek Rhetoric*, Blackwell