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Performing the Past in Lycurgus' speech *Against Leocrates*

Abstract:

The present chapter involves the performance of the past in Lycurgus' speech *Against Leocrates*, in particular the performative dimensions of quotations from epic, tragic and lyric poetry, going beyond *hypokrisis*, "delivery", and focusing on the impact of the content of the quotations upon the audience. There may be no indications of "delivery", i.e. information about gestures, voice or changes in the tone of speaking, but there are words and expressions that confirm a subtle communication between Lycurgus and his audience, as he attempts to recreate a rehearsal of tragic, epic and lyric pieces from earlier oral performance and share similar emotions and views to those arisen when they were actually performed in fifth-century Athens. Lycurgus' own inclusion of poetry in his forensic speech is an element of extemporaneity that is meant to impress, entertain, move, educate, promote traditional ideals, such as patriotism, and thus persuade the judges in order to win his *eisangelia* against Leocrates. The focus will be placed on the objectives of his use of poetry in relation with the judges and the desirable outcome of the trial.

1. Performative aspects of oratory

Modern scholars, over a number of years, have thoroughly discussed the interrelation between dramatic contests and legal trials in formal aspects such as performance before an audience and judgement by democratically selected judges.¹ They have stressed the similarities and differences between Athenian drama and forensic oratory in terms of context, subject-matter, verbal and thematic influences, structure, plot, narrative and characters, and finally the role of the audience.² In the oratorical texts, resemblances can be revealed with dramatic 'parts' in terms of the context in which they were performed, the relationship between litigants and judges, the cast of roles constituted by fictive identities, the physical appearance (*opsis*) of the litigants, their behaviour

¹ Aristotle, *Rhet.* 3.1403b24-30 recognised a similarity between theatrical and rhetorical delivery.

² Dorjahn 1927, 85-93; Perlman, 1964 155-72; Bers 1985; 1994; 1997; 2009; Hall 1995; 2006, ch. 12; Calame 2011, 1-19; Edwards 2012, 87-115; Edwards 2013, 56-76.

and conduct (*ēthos*). These are all factors that determine the performance, not the literal meaning of the words themselves but the meaning of the words as spoken by the speaker, a performer. He attempts to recreate a rehearsal of tragic, epic and lyric pieces from earlier oral performance and share similar emotions and views to those arisen when they were actually performed in fifth-century Athens.

In antiquity, most of rhetorical theories focused on the importance of delivery in the presentation of a forensic speech. Aristotle acknowledges that the study of delivery is essential, since ‘the whole business of rhetoric is concerned with appearance’ (*Rhetoric* 3.1404a1-8). Aristotle (*Rhetoric* 3. 1403b16), however, was also concerned with the rhetorical art of ‘what to speak’ (ὅ δεῖ λέγειν), i.e. content, arrangement and style, apart from the art of ‘how to speak’ (ὡς δεῖ εἰπεῖν). Ancient rhetoricians were discussing the techniques of designing a speech in such a way so that the litigants would win their case in court, and would influence the audience’s decision through a variety of arguments related to *ēthos* (their character and personality), *pathos* (arousing emotions of the judges) and *pisteis* (proofs), based on common views and rhetorical places as well as rhetorical strategies.

Nearly all of the modern scholarly approaches the understanding of performance as encompassing delivery –the use of gestures and vocal ploys– and the convergences and divergences between oratory and theatre. The interest of a new approach, as presented in this paper, is to offer a holistic perspective on performance and oratory. According to this perspective, oratorical performance is to be seen within an artful communication between the speaker and the audience beyond delivery. One needs to consider both the direct/sensory techniques (gestural and vocal ploys) and the cognitive/emotional techniques (communication between the speaker and the audience). The texts offer numerous indications of the performative dimension of the forensic speeches. The interaction of the speaker and the speech with the audience should be taken into consideration in order to make better sense of the oratorical text.

The nostalgic view of the past appears to function effectively as a kind of legal proof, evidence and argumentation in Lykourgos’ speech, *Against Leokrates*. The orator’s ‘authoritative voice’³ is transformed and strengthened through the voices of the poets, Euripides, Homer and Tyrtaeus and the voices of the heroes portrayed in their poems respectively so that the speaker interacts with the judges, makes them share well-established traditional views from the ancestors

³ For Lycurgus’ changing the authoritative voice, cf. Allen 2000, 5-31.

and effectively persuades them that the defendant has definitely been coward when his city was in danger.

2. Poetic quotations in oratory

The use and significance of poetic quotations in oratory has preoccupied ancient rhetoricians and modern scholars. Poetry was important to the training of the ancient *rhētor*,⁴ and was the means of education for *rhētores* in matters of eloquence and syntax.⁵ Aristotle draws from Homer and the tragic poets in his *Rhetoric*, assuming that logographers should have had a wide knowledge of poetry.

Orators praised the poets for their wisdom, their didactic authority and influence. It is possible that the Athenian judges liked quotations from poetry. Isocrates stresses the significance in the use of tragedy as setting models of human nature in order to entertain and please the audience (Isocrates, 2.48-49). Poetry can, thus, be effective in oratory for its didactic and entertaining purpose.

Aristotle, *Rhet.* 3.1.9 speaks of the Athenians' general knowledge of the mythological stories, which intensifies the enjoyment of the audience. Entertaining performances in court, such as the ones implied by Philocleon in Aristophanes' *Wasps* (562-70),⁶ required an experienced audience rather than an educated one. Nevertheless, Aristotle is sceptical about the ability of the majority of spectators in a theatre to recall even the most well-known material (*Poetics* 1451b23-6). Modern theorists, however, express different views. Revermann, for example, argues that "Athenian audiences in the fifth and fourth centuries, despite the diversity in their perceptiveness, education and experience of performances, were competent enough to recognise and interpret rhetorical effects at least at a basic level".⁷

The presentation of poetic quotations in court and their performative value within a forensic context adds to the whole impact upon the judges. Firstly, poetic quotations were chosen for specific purposes of persuasion and therefore appealed to the judges' common knowledge of the particular poetic extracts. Secondly, it is true that all the extant quotations from poetry are limited to a small number of forensic speeches delivered in public trials; the three speeches of

⁴ e.g. *Rhet. ad Alex.* 18:1433b11–14 on the way Euripides is quoted.

⁵ Perlman 1964, 160-61.

⁶ For the comic exaggeration and the audience's response, cf. Carey 2000, 198-203; Hall 2006, 353.

⁷ Revermann 2006, 99-124.

Aeschines, *Against Timarchus* (346 BC), *On the False Embassy* (343 BC), and *Against Ctesiphon* (330 BC), the speeches of Demosthenes, *On the Crown* (330 BC) and *On the False Embassy* (343 BC) and the speech of Lycurgus, *Against Leocrates* (330 BC).⁸ All these trials were held within a period of six years, between 346 and 330 BC.⁹ It is worth mentioning that most of the tragic quotations and surely the most excessive ones are used in forensic speeches delivered in the same year 330, by Lycurgus and Demosthenes themselves, in two public trials that came to court almost at the same time, eight years after the defeat of the Athenians at Chaeronea. The fact that direct quotations from poetry appear quite infrequently in the extant corpus of speeches may have reflected the Athenians' prejudice towards highly educated speakers. On the other hand, given that the surviving examples come from speeches that were delivered by the speechwriters themselves who were active politicians at their time, it may be suggested that performing tragedy in court was a challenge to inexperienced speakers or simple Athenian citizens (*idiotēs*).

There was an inherent antagonism towards experts and therefore speakers in court usually present themselves as ignorant and sometimes inexperienced in order to disprove any kind of allegation of rhetorical expertise and skill or professionalism.¹⁰ The role of a speaker in court would have been expected quite different from the role of an actor, but the limits between the two genres may have blurred. Thus, it may not be a coincidence that Aeschines, a former actor, was the first Athenian orator whom we know of to have used poetic citations in court.¹¹

In 345 BC, in his prosecution against Timarchus, Demosthenes' political ally and fellow prosecutor, Aeschines uses poetry¹² to show how Timarchus' own sexual behaviour is shamefully distant from the examples of honourable love as presented by the 'good and useful poets' (Aesch. 1.141).¹³ The practice of using poetic quotations in a court-trial was most

⁸ It is obvious that poetic quotations in forensic oratory are all included in the speeches that involve the political rivalry between Aeschines and Demosthenes, in particular the political trials that followed their Embassy to Philip II for the peace negotiations, and indirectly Lycurgus' political agenda supporting Demosthenes at the time.

⁹ 330 BC is connected with Lycurgus' first attempt to stabilize, protect and preserve the works of the three tragedians, Aeschylus, Sophocles and Euripides; cf. Hanink 2014, 9ff.

¹⁰ For the claim of amateurism in general, cf. Lys. 12.3, Dem. 54.1-2.

¹¹ Demosthenes (18.180, 267, 19.246-7, 337) presents Aeschines as a generally weak actor, when referring to his former career, and he claims that Aeschines had played poorly on stage and the specific plays he names are all by either Sophocles or Euripides; cf. Hanink 2014, 134ff.

¹² Aeschines includes in his first speech five quotations from Homer (144: *Iliad* 18.324-9; 148: *Iliad* 18.333-5; 149: *Iliad* 23.77-91; 150: *Iliad* 18.95-9), three from Euripides (128: tragedy unknown; 151: *Sthenoboia* (fr. 671N); 152: *Phoenix* (fr. 809N). and one from Hesiod (129: *Works and Days* 763-4).

¹³ Demosthenes and Timarchus had accused Aeschines for high treason due to his inactivity during the second embassy (346 BC), where he was sent to ratify the terms of peace. Aeschines counterattacked by claiming that Timarchus had usurped the right to speak before the Assembly even though he was prostituting himself to many

probably novel but proved effective since Timarchus was after all convicted to *atimia*. Nevertheless, it took fifteen more years before two other orators adopted the same rhetorical practice, at least those we know of.¹⁴

3. *Lycurgus Against Leocrates: the past and the poetry*

In 330 BC Lycurgus prosecutes Leocrates on the charge of treason and his speech is the first in the corpus of ancient oratory for its quantity of quoted poetic verse. Lycurgus deploys an unusually excessive number of historical examples and quotations from the poets in his speech *Against Leocrates*. Nothing can surpass the extravagance in the use of poetry by Lycurgus, particularly in his 55-line performance of Praxithea's great patriotic speech from Euripides' *Erechtheus* (*Leocr.* 100). It is very likely that Lycurgus used the poets in his other speeches as well, which have not been preserved to us, for Hermogenes reports that 'he digresses many times into myths and stories and poems' (*Peri ideōn* 2.389); in his speech *Against Menesaichmos*, or 'Delian speech', he seems to have taken the opportunity to recount the story of Abaris and the Hyperboreans.¹⁵

In his speech *Against Leocrates*, Lycurgus devotes sixty out of the speech's one hundred and fifty paragraphs to historic and poetic material, consisting of three types of arguments: (a) examples of patriotism and piety from the distant past as well as from the more recent past and the present, related to the battle at Chaeronea and the defeat of the Athenians by Phillip II (75-97); (b) poetic quotations which illustrate the patriotism both of the Athenians and the Spartans (98-110); and (c) examples of punishment in previous cases of treason and similar misconduct to that of Leocrates (111-135). Given the length of all this material, it seems unlikely that the aforementioned quotations were added to the original speech delivered in court in its edited form for publication. It seems more likely, that all poetic references and historical examples constitute an essential part of the orator's strategy and therefore must have been included in the original form of speech, as was performed by Lycurgus himself. There is no reference to a clerk of the court reading this material, and it can thus be assumed that Lycurgus himself was also a performer.

men in the port city of Piraeus. The suit succeeded and Timarchus was sentenced to *atimia* and politically destroyed, according to Demosthenes.

¹⁴On specific evidence concerning Aeschines' use of earlier literature in a dramatic/performative context.

¹⁵Hall 2006, 368.

The case, as presented by Lycurgus in his speech *Against Leocrates*, is briefly as follows: after the city of Athens had been destroyed at the battle in Chaeronea in 338 BC, the Athenians voted a series of strict measures to protect the city from the threat by Phillip II and the expansion of Macedonian power. Among these measures, it was voted that citizens should not send their families away from the city whereas they themselves were committed to serve as her guardians. Leocrates, most probably, fled away from Athens before these measures had been voted and went first to Rhodes and afterward to Megara for trade, together with his family and all his possessions. Eight years later, when he returned back to Athens, Lycurgus prosecuted him by an *eisangelia* for treason (330 BC). Lycurgus falsely gives the impression that Leocrates had violated the decree, when on the other hand he asks the judges to act as lawgivers in the specific case, setting an example for cases in the future (1.9). Given the difficulty to convince the judges that flight is equivalent to treason and in the absence of any legal grounding of the prosecution case, Lycurgus makes a speech with an epideictic value and emphasis on one's duty toward the city as opposed to treason and desertion. The theme itself allows for a display of a patriotic behaviour to contrast with the alleged treasonable action of the defendant. Moreover, he devotes a long section of the speech (72-132), immediately after the narration of the events concerning Leocrates' flight and return and the discussion of the relevant laws, to the presentation of mythical and poetic material. Such a long section, where speakers normally devote to present an alleged conflict or a personal attack against their opponent, is unparalleled in Attic oratory. Hence, Lycurgus has been strictly criticised both by ancient and modern scholars for failing in his rhetorical style.¹⁶

The performative aspect, however, of his style has not been adequately appraised; he introduces a lively element of dramatic performance, epideictic display, and extemporaneity as an integral part of the forensic speech and an effective strategic device for persuasion. The rare application of such material in court¹⁷ confirms the assumption that the Athenians would be expected to show prejudice against any pretentious element of a dramatic performance in court. Moreover, there are common appeals by litigants in court that the judges should not be deceived by the litigants' devices but they should only look for the truth.¹⁸ It is remarkable how Lycurgus succeeds in the presentation of a variety of literary and epigraphic evidence to such an extent

¹⁶ Cf. Dionysius of Halicarnassus, Hermogenes; Jebb 1893; for a review, see Allen 2000, 11; Hanink 2014, 29-31.

¹⁷ Cf. 2. 'Poetic quotations in oratory' in this paper.

¹⁸ On the discourse of deception in Attic oratory, cf. Kremmydas 2013, 51-89.

that, as we will see, he gets very close to a victory. His mastery lies not only in his authoritative voice as a most influential political figure at the time but also in his interpretation, justification and delivery of the literary sources he cites in court.

In the first section (1.72-97), the examples taken mainly from the Athenian mythology and history as well as a mythological episode from Sicily are skillfully interwoven with arguments from *pathos*; Lycurgus attempts to persuade the judges that Leocrates deserves punishment for his impiety, betrayal and ingratitude toward the city. The tone is epideictic and the delivery resembles that of an *epitaphios logos*; Lycurgus as a prominent political figure and reformer in financial, religious and educative issues attains the role of a distinguished orator who represents his city through his *epainos* of the ancestors and the idealisation of the past. With reference to the ancestors, he takes the opportunity to praise the democratic constitution and the ancestral customs and laws in order to set these as an example of the fifth century ideology and behaviour. The praise of the past includes also an advisory tone since Lycurgus needs to convince the judges to make their decision in accordance with the stereotyped standards of ancestral tradition and legislation.

The second group of examples includes quotations from poetry reflecting the moral values of patriotism, civic identity and self-sacrifice (98-110). The orator mingles his own interpretative comments of the poets' classical ideals with the theatrical presentation of the poetic extracts in order to emphasise Leocrates' dishonourable conduct. Lycurgus' 'literary criticism' of Euripides, Homer and Tyrtaeus distinguishes his role from that of a *hypocrites* ('actor'), but on the other hand acknowledges the importance of the theatrical performance that will take place in court, so that the judges pleasantly accept the poetic quotations as part of Lycurgus' proofs, while at the same time the dramatisation of the poetic extracts becomes even more authoritative.

The performative dimension of the poetic quotations lies both in their delivery (*hypokrisis*) and their effect upon the judges. Even though there are no clear indications concerning the delivery, e.g. voice, gesture etc., these quotations encompass the oral performance of epic, dramatic and lyric poetry of fifth century Athens. Each quotation represents a specific genre and it can thus be suggested that when citing tragedy, for example, one needs to cite it in such a way that the audience realise that they attend a tragic extract and the same goes for the other quotations as well. Thus, there must be some techniques to bring into the court the

dramatic effect from Euripides' *Erechtheus* or Homer's *Iliad* upon the audience so that the judges adopt Lycurgus' commentary that follows concerning the importance of the heroes and their deeds.

3.1 Euripides' *Erechtheus*

Euripides' *Erechtheus* involves the mythical story of Erichthonios, who was born from the bowels of the earth after it received the seed spread by Hephaistos during his attempted seduction of Athena. As an adult, Erichthonios becomes the king of Athens with the name of Erechtheus, before being buried in the soil from which he was born, by a stroke of Poseidon's trident; he had defeated and killed the god's son, Eumolpus the king of Thrace and ally to the Eleusinian rivals. However, this victory would come only with the sacrifice of Erechtheus' daughter.¹⁹

Euripides presents on the Athenian stage the wisdom of the autochthonous king and founder of the city of Athens. The homonymous tragedy becomes more interesting, since it was performed between 423 and 422 BC, towards the end of the first phase of the Peloponnesian War, and probably in connection with the beginning of reconstruction of the temple of Athena Polias, known as Erechtheion. The historic narrative of the war, which makes Erechtheus an enemy of Eumolpus, the son of Poseidon is dramatised during the dramatic festival of Great Dionysia, a fact that attributes a political dimension to the Euripidean tragedy.

Euripides' *Erechtheus* has reached us in a fragmentary condition, either through citations or through a papyrus, itself incomplete. Lycurgus cites a long monologue by Praxithea, Erechtheus' wife, who accepts the sacrifice of her daughter in the name of the civic principles that ought to be observed by all Athenians. Lycurgus reflects Euripides' own dramatisation of Erechtheus' myth and the values which his tragedy enhances, but also his own personality, his relation to the social and spiritual environment of his time, his political stance toward the city of Athens and its constitution.²⁰ Praxithea's words can be placed into the context of a narrative action dramatised on an Athenian stage before an Athenian audience that is calling Periclean

¹⁹ On the myth of Erechtheus, cf. Calame 2011, 2-3.

²⁰ As Hanink 2014, 28 notes, 'Lycurgus frames the lengthy passage of Euripides' *Erechtheus* in such a way that effectively rewrites literary history'.

ideology into question in the face of the Peloponnesian war, and as such becomes even more intense and effective.²¹

Lycurgus summarises the plot of Euripides' *Erechtheus*, before citing Praxithea's monologue in his speech *Against Leocrates* (98-9). In the beginning he calls the judges to become his audience:

[98] καίτοι σκέψασθε, ὦ ἄνδρες; οὐ γὰρ ἀποστήσομαι τῶν παλαιῶν: ἐφ' οἷς γὰρ ἐκεῖνοι ποιοῦντες ἐφιλοτιμοῦντο, ταῦτα δικαίως ἂν ὑμεῖς ἀκούσαντες ἀποδέχοισθε.

[98] Now pay close attention, men, for I am not about to turn away from the ancestors. Justice demands that you listen to the deeds for which they won respect and accept them into your heart.

In the specific passage, Lycurgus firstly calls for the judges' attention to what is to follow: 'καίτοι σκέψασθε, ὦ ἄνδρες'. Two clauses with γὰρ justify the reasons why the judges should first pay attention and then listen to Praxagora; Lycurgus explains that he will not turn away from the ancestors, since their deeds have won respect and been taken to heart (ποιοῦντες ἐφιλοτιμοῦντο). Moreover, Lycurgus asks the judges not only to listen but also to accept the prologue from Euripides' *Erechtheus*; the phrase ταῦτα δικαίως ἂν ὑμεῖς ἀκούσαντες ἀποδέχοισθε implies that the judges will be the audience of this monologue, and this suggests the dramatisation of the scene and the creation of a special communication between the judges and the speaker. The adverb δικαίως emphasises the exemplary value and legal justification of incorporating the tragic quotation in the forensic speech. In his summary, Lycurgus focuses on the specific story of the daughter's sacrifice: when the large army of Eumolpus and the Thracians was about to invade the country, Erechtheus went to Delphi and asked the god what he should do to gain victory over the enemy; the god's prophecy was that he should sacrifice his daughter before the two armies would meet in battle and in obedience to the god. Erechtheus performed the god's command and drove the invaders from his country.

There are three significant points stressed in this narration of the story; firstly, Erechtheus was a hero of his country who wished to save it before the enemy's threat, secondly, he asked the god's instructions and thirdly, he obeyed the god's command and willingly sacrificed his daughter in order to protect his country. In effect, Lycurgus praises Erechtheus as the hero who made the ultimate sacrifice for the sake of his own people; the implication of course is that Leocrates' action was completely the opposite and as such should be considered treason.

²¹Calame 2011, ff.

Lycurgus subsequently concludes that Euripides should be praised on the grounds that he is a good poet ‘ἀγαθὸς ποιητής’ (“good poet”), since he chose to create a tragedy with the particular myth of Erechtheus. According to Lycurgus, Euripides thought that the ancestors’ deeds would be the best example for the citizens, since if the citizens paid attention and looked at these as spectators, they would learn to love their country (τὸ τὴν πατρίδα φιλεῖν).

[100] διὸ καὶ δικαίως ἂν τις Εὐριπίδην ἐπαινέσειεν, ὅτι τὰ τ’ ἄλλ’ ὦν ἀγαθὸς ποιητῆς καὶ τοῦτον τὸν μῦθον προεῖλετο ποιῆσαι, ἡγούμενος κάλλιστον ἂν γενέσθαι τοῖς πολίταις παράδειγμα τὰς ἐκείνων πράξεις, πρὸς ἃς ἀποβλέποντας καὶ θεωροῦντας συνεθίζεσθαι ταῖς ψυχαῖς τὸ τὴν πατρίδα φιλεῖν. ἄξιον δ’ ὃ ἄνδρες δικασταί, καὶ τῶν ἱαμβείων ἀκοῦσαι, ἃ πεποιήκε λέγουσαν τὴν μητέρα τῆς παιδός. ὄψεσθε γὰρ ἐν αὐτοῖς μεγαλοψυχίαν καὶ γενναιότητα ἀξίαν καὶ τῆς πόλεως καὶ τοῦ γενέσθαι Κηφισοῦ θυγατέρα.

[100] Euripides therefore deserves our praise because, in addition to his other poetic virtues, he chose to make a tragedy out of this myth, considering that their deeds would serve as the best example that citizens could look to and attend as spectators and thus accustom their hearts to love their country. The iambic verses he wrote for the girl’s mother are worth hearing, gentlemen of the court, for in them you will see the magnanimity and nobility that made her worthy of our city and to be Cephisus’ daughter.

The present participles, ‘πρὸς ἃς ἀποβλέποντας καὶ θεωροῦντας’,²² encourages the judges to become the audience, by paying attention and looking at the spectacle that will obviously follow, an act, the orator’s performance of Praxagora. As a result, the judges will get used to the idea of loving their country; the phrasing ‘συνεθίζεσθαι ταῖς ψυχαῖς τὸ τὴν πατρίδα φιλεῖν’ recalls the *catharsis* (the cleansing of the harming emotions) in the positive and educative value of obtaining a moral lesson of how to love one’s country. The assumption that the judges will be the audience of the Euripidean verses, as they had been composed for Praxithea, becomes clear in the phrase, ‘καὶ τῶν ἱαμβείων ἀκοῦσαι, ἃ πεποιήκε λέγουσαν τὴν μητέρα τῆς παιδός’. Moreover, the following statement, ‘ὄψεσθε γὰρ ἐν αὐτοῖς μεγαλοψυχίαν καὶ γενναιότητα ἀξίαν καὶ τῆς πόλεως καὶ τοῦ γενέσθαι Κηφισοῦ θυγατέρα’ seems to indicate that a performance will immediately follow and that Lycurgus will play the role of Praxithea, he is the one who will dramatise Praxithea’s monologue, while the judges will be the audience who will perceive and realise Praxithea’s magnanimity and nobility. As becomes obvious, Lycurgus will attempt to set an example for education and imitation through his performance of the mother’s monologue just as Euripides had set at his own time through his tragedy, aiming to shape the citizens in such a way as to love their country.

²² ἀποβλέπω: ‘pay attention to’, ‘regard’ (*LSJ* A.2); θεωρώ: look at, attend as spectator’ (*LSJ* 2.II)

In subsequence, Praxithea's monologue is presented in a dramatised form, as given with the iambic metre and tragic extract, and we may suggest that Lykourgos will say himself the monologue keeping the metre and the dramatic context so that the judges will realise that for the specific moment they are the audience of this tragic monologue. Lycurgus has the authoritative voice of the political figure who introduced many novelties in the public sphere, the voice of Euripides, whom he admires and praises among the classical poets, and, finally, the voice of Praxithea, whom she praises as an idealised female prototype of bravery and courage. Praxithea starts her speech with a reference to the nobility, which should be shown in favours toward the city (l. 1-3). She offers many reasons for which she has decided to give her daughter to be sacrificed; she refers to the city of Athens as the best of all and her citizens as *autochthones*, arguing that those who desert the city are no longer citizens but foreigners, without a country (l. 4-15). She also explains that it is preferable for one only person to die than the many (l. 16-21). Moreover, she says that in opposition to other mothers who cry when their children go to war, she would have sent her child, if she had a boy, to fight for his country in order to gain the glory, just like her daughter who will get herself all the glory for her sacrifice (l. 22-40). Praxithea presents herself as the saviour of the city (l. 41-42) and appeals to the preservation of ancestral traditional institutions and rituals (l. 43-49). Finally, she offers her daughter while she is praising the love for the country that should be shared by all (l. 50-55).

It is obvious that the specific monologue involves two essential points, first the *autochthonia* of the Athenians, which should be defended against any threat by the enemies and secondly the patriotism (*philopatria*), which is praised and presented as the most prominent ideal of each citizen. As Lycurgus remarks, after the specific quotation from Euripides' *Erechtheus*, Praxithea's monologue and the tragedy as a whole contributed that citizens grew to love their country and would never desert or shame it as a result (*Leocr.* 1.101):

ταῦτα, ὧ ἄνδρες, τοὺς πατέρας ὑμῶν ἐπαίδευε. φύσει γὰρ οὐσῶν φιλοτέκνων πασῶν τῶν γυναικῶν, ταύτην ἐποίησε τὴν πατρίδα μᾶλλον τῶν παιδῶν φιλοῦσαν, ἐνδεικνύμενος ὅτι εἴπερ αἱ γυναῖκες τοῦτο τολμήσουσι ποιεῖν, τοὺς γ' ἄνδρας ἀνυπερβλητόν τινα δεῖ τὴν εὐνοίαν ὑπὲρ τῆς πατρίδος ἔχειν, καὶ μὴ φεύγειν αὐτὴν ἐγκαταλιπόντας μηδὲ καταισχύνειν πρὸς ἅπαντας τοὺς Ἕλληνας, ὥσπερ Λεωκράτης.

These verses, gentlemen, educated our fathers. Though all women by nature love their children, the poet portrayed this woman as loving her country more than her children, showing thus that if women will have the courage to do this, men should devote themselves to their country ahead of everything else. They should not abandon their country and flee or disgrace it in front of all the Greeks, as Leocrates did.

The key-word here is ἐπαίδευε and reflects the view that Athenian tragedy formed the civic ideology and represented democracy.²³ In this context, the idea of education confirms the dramatisation of Praxithea's monologue that has preceded and justifies the performance of a tragic monologue in court, using it as an example and thus an argument against Leocrates, who according to Lycurgus not only abandoned his country but also disgraced it in front of all the Greeks. The universality of Athenian tragedy is emphatically stressed here to underline the unanimous guilt of Leocrates' treason.

Lycurgus obviously recognised in the particular myth of Erechtheus a prototype which had inspired and educated the ancestors of the Athenian judges. Euripides' tragedy adds validity and authority since Athenian classical tragedy has widely acquired recognition and fame by the late fourth century, and particularly the Euripidean tragedy.²⁴ Moreover, Euripides' version of the myth has an emphatic dramatic impact upon the audience because of the contrast created between a woman who sacrificed her own daughter for the sake of the city and supported the civic values from the classical period of the Athenian history and a man, Leocrates, who was a coward and traitor of the city at a critical moment of danger in the city of Athens a few years before the time of the trial.

Lycurgus' quotation from Euripides' *Erechtheus* can be seen as an integral part of the *epitaphios* tradition, following Demosthenes' funeral oration for the dead at the Chaeronea battle, and dealing with the myth of Athenian *autochthonia*, which constitutes an essential part of the *epainos* in an *epitaphios logos*. Moreover, Erechthus –the archaic king of Athens and the founder of the *polis*– was one of the *eponymoi* heroes of Athens (thus the first Athenian tribe was named *Erechtheis*) and symbolised its ancestral history and tradition as well as its democratic constitution.

The Athenians' victory over Eumolpus is a commonplace of Athenian epideictic oratory, particularly in *epainos*,²⁵ used both by Euripides and Lycurgus in a different context in each case, dramatic and forensic. Beyond the encomiastic nature of the story, in the specific trial, the

²³ Cf., for example, Hall 1991; Id. 2010; Goldhill/Osborne 1999.

²⁴ In the second half of the fourth century a new vision of 'classical' tragedy was developed in such a way as to forge ideological links between the city's triumph in the fifth century and its theatrical history. Lycurgus' programme aimed at turning the city's 'golden age' into a usable past which provided thus new opportunities for innovation on the political, financial and cultural development, especially after the expansion of the Macedonian power in Greece.

²⁵ On the commonplaces of epideictic oratory, cf. Thomas 1989, 218; Ziolkowski 1981, 74-137; Loraux 1986, 241-51; Volonaki 2014, 16-33; Hanink 2014, 34-35.

mythic quotation may also be related to the recent history of the Athenians, after the battle at Chaeronea, when Alexander the Great had razed the city of Thebes, supposedly killing 6,000 of its inhabitants and enslaving another 30,000 (Diod. Sic. 17.11.1-14.1). The story of Eumolpus' invasion is also quoted by Demosthenes in his epitaphios logos that he was elected to deliver for those who died at the battle of Chaeronea in 338. The same story enhances the encomiastic tone of epideictic arguments and historic examples that Lycurgus is using to emphasise Leocrates' guilt for treason.²⁶

Lycurgus himself as the performer, he represents a plurality of voices, his own, Praxithea's and Euripides.²⁷ Lycurgus is justified to be the performer in this instance, since he is the one who re-evaluated the importance and value of the 'classical tragedy' through his programme concerning the rewriting, collection and archiving of tragic texts, the erection of the statues of the three tragic poets in the *agora* and the reconstruction of the theatre itself. It is likely that Lycurgus attempts to justify the value of the poetry by establishing the virtues of the poets.²⁸

By virtue of his status as Eteoboutad, 'Lycurgus was in a position to embody Praxithea in a rather strong sense, and to share her solemn priestly authority'.²⁹ The choice of Euripides' *Erechtheus* is associated with Lycurgus' own religious background, his personal involvement in the religious, theatrical and dramatic restructure of his time. Lycurgus employs an authoritative voice through his status as Eteoboutad, a reformer of culture and religion, and as an administrator of public finances in order to quieten down the *dicastic thorybos* that might break out due to the Athenians' prejudice against an excessive use of poetry in court or even toward the presentation of an old play of Euripides, *Erechtheus*.

On balance, the performative aspects in the presentation of Euripides' *Erechtheus* involve the dramatisation that takes place while Lykourgos delivers and reproduces Praxithea's monologue. There are no indications concerning the stance, voice, gestures of delivery but what we know from the text is that the specific tragic monologue addresses the judges in a similar way as it had addressed the audience in the fifth-century production of the tragedy, recalls the ideals

²⁶ For the interrelation between Lycurgus 1, *Against Leocrates* and Demosthenes 60, *Epitaphios*, cf. Loraux 1986, 393, n. 40.

²⁷ *Ibid.*, 396ff.

²⁸ On the view that Lycurgus reclaims Greece's most popular tragedian, Euripides, for Athens and assigns tragedy to a most important place in the city's history, cf. Hanink 2014, 70-87.

²⁹ Lambert 2015, 04-24.

of patriotism as they are expressed in this monologue and asks the judges to accept the female prototype of heroism and love for the country. The speaker makes clear through his delivery that he is saying Praxithea's monologue as if he was actually playing this role. On the other hand, however, he cannot take the role of an actor but as an orator he addresses the judges through the medium of a dramatic text.

3.2 Homer *Iliad*

Lycurgus goes further to recollect the virtues of those heroic times that were the *palaiia*. He quotes the example of Hector who was encouraging the Trojans to fight for their country; he also cites a monologue where Hector displays the glory that is acquired through death in battle for the sake of protecting and saving women, children and country. The Homeric hero is presented as a convincing model for the prosecution case. Lycurgus praises Homer and explains that the examples of nobility and brevity illustrated in the epic poetry can be more persuasive than the laws (*Leocr.* 1.102):

[102] βούλομαι δ' ὑμῖν καὶ τὸν Ὅμηρον παρασχέσθαι ἐπαινῶν. οὕτω γὰρ ὑπέλαβον ὑμῶν οἱ πατέρες σπουδαῖον εἶναι ποιητὴν ὥστε νόμον ἔθεντο καθ' ἐκάστην πεντετηρίδα τῶν Παναθηναίων μόνου τῶν ἄλλων ποιητῶν ῥαψωδεῖσθαι τὰ ἔπη, ἐπίδειξιν ποιούμενοι πρὸς τοὺς Ἕλληνας ὅτι τὰ κάλλιστα τῶν ἔργων προηροῦντο. εἰκότως: οἱ μὲν γὰρ νόμοι διὰ τὴν συντομίαν οὐ διδάσκουσιν ἄλλ' ἐπιτάττουσιν ἃ δεῖ ποιεῖν, οἱ δὲ ποιηταὶ μιμούμενοι τὸν ἀνθρώπινον βίον, τὰ κάλλιστα τῶν ἔργων ἐκλεξάμενοι, μετὰ λόγου καὶ ἀποδείξεως τοὺς ἀνθρώπους συμπεῖθουσιν.

[102] I wish to bring Homer also to your attention praising his poetry. Your ancestors considered him such an important poet that they established a law that every four years at the Panathenaia the rhapsodes recite the epic poems of this poet alone of all the poets, showing in this way the Greeks that they admired the noblest deeds. And rightly so, since the laws because of their brevity do not teach but merely order what one should do; the poets, on the other hand, by representing human life and selecting the noblest deeds, persuade men by using both reason and clear examples.

The phrase 'τὸν Ὅμηρον παρασχέσθαι'³⁰ connotes the presentation of the Homeric citation and by implication indicates its performative value here. The praise of the poet is consistent with the praise of Euripides earlier in the speech, in the sense that Lycurgus justifies the necessity for his citation while he adds authority to the poet's voice in the forensic context. Moreover, Lycurgus goes on to recall the ancestors' rhapsodic competitions where the Homeric poems used to be recited; thus, he insinuates to the oral culture and tradition in the context of which the Homeric epics were orally delivered and therefore performed. The reminding that the ancestors had made

³⁰ For [παρασχέσθαι](#) meaning 'to present', cf. *LSJ* B.I.3, III.

a law for this kind of competition adds legal authority as well to the oral presentation and by implication to the orator's performance of the Homeric poem here. Furthermore, the phrase 'ἐπίδειξιν ποιούμενοι' suggests again the epideictic nature not only of the content but also of the application of poetic quotation in Lycurgus' speech. He chooses to cite poetry in order to present examples for his legal case and the praise of the poets, the poems and the message he wishes to emphasise justifies his rhetorical strategy in the specific speech. The adverb 'εἰκότως' is emphasised to show that the poetic quotations are far more important than the laws in his case; the performance of the Homeric poem not only teaches and educates but offers logic and reason together with the necessary proof in order to establish his case. In other words, the performance of Hector's speech constitutes a reasonable argument and proof for his legal case against Leocrates. Lycurgus explains why he is using poetry in such a way so that his performance acquires authority but also significance in support of his speech.

Hector's brief address to his people (only 6 lines) focuses on the praise of an honourable death in war in defence of one's country. In subsequence, Lycurgus emphasises the ancestors' virtue, which has been proven in their deeds and not only in the words, since they died not only for their country but for the whole of Greece. The performative value of the epic poem is underlined by the phrase 'τούτων τῶν ἐπῶν ἀκούοντες' (104) with reference to the ancestors' oral experience implying that the judges are now the audience for the poem. Lycurgus earlier praised the rhapsodic competition that had occurred many decades before, during the Panathenaia, and it can be suggested that he plays the role of the rhapsodist in the forensic context.

The epideictic nature of the epic recitation is stressed in the praise of the ancestors' achievements in the past, such as their victory at Marathon (104), when they repelled the barbarian invader, dying not only for their fatherland, but also for the safety of all of Greece. Epic poetry is praised and exemplified to such an extent that not only the bravery and victory of the Athenians in the Persian wars is emphasised but also their superiority over Greece. Lycurgus has his own literary and authoritative voice of praising and interpreting Homer, on the one hand, and Hector's voice, on the other, a hero who glorifies death in battle and sets a moral example in the past and present. Obviously, there is a connection between Homer and Euripides, Hector and Praxithea through Lycurgus' voice.

3.3 Tyrtaeus' elegy – Simonides' epigrams

Tyrtaeus was a Spartan poet who wrote of the Second Messinian War.³¹ As with the other poets, Lycurgus praises Tyrtaeus for two reasons: firstly, under his command, the Greeks defeated their enemy and organised their system of training for their young men, and secondly, Tyrtaeus had composed elegiac poems which used to teach the ancestors to be courageous (106). The orality of the elegiac poems in the past and the performance in their recitation is underlined by the phrase, 'κατέλιπε γὰρ αὐτοῖς ἐλεγεία ποιήσας, ὧν ἀκούοντες παιδεύονται πρὸς ἀνδρείαν' ("he left them elegies, so that they, through hearing them, are educated to become brave"); the implication is that they judges will also benefit from listening to Tyrtaeus' elegy.

In subsequence, Lycurgus commends how the ancestors distinguished Tyrtaeus, more than any other poet; they were so enthusiastic with Tyrtaeus that they established a law, whenever they were on campaign, they must summon everyone to the tent of the king to hear the poems of Tyrtaeus, because they thought that this would encourage them to die for their country. Here, we have evidence supported by a law that poetry has actually shaped in the past brave citizens to such an extent that it motivated the young men to sacrifice their lives for the good of their country.

Lycurgus emphasises the usefulness of Tyrtaeus' poems so that he can justify, in this specific instance, his own performance of an elegy; he says that the judges will benefit by listening to the elegy because they will be able to understand the sort of deeds that brought men fame in their country (107: 'χρήσιμον δ' ἐστὶ καὶ τούτων ἀκοῦσαι τῶν ἐλεγείων, ἵν' ἐπίστηθε οἷα ποιοῦντες εὐδοκίμουν παρ' ἐκείνοις' "it's useful to hear these elegies in order to understand by which deeds they flourished"). The phrase 'ἀκοῦσαι τῶν ἐλεγείων' indicates that the judges will be Lycurgus' audience for his elegy. The usefulness of Lycurgus' performance is stressed within a context of a temporary educative value of the Athenians' history in the past. Again, here, as in the other two instances earlier, there is no indication that someone else, for example the court-clerk, makes the recitation and so we can assume that Lycurgus himself recites the poem.

The elegy is one of the longest fragments of Tyrtaeus (Fr. 10 West) to survive and it is preserved only because Lycurgus quotes it here. The first ideal stressed in the whole of the elegy

³¹ The legend that Tyrtaeus was actually an Athenian is found in Plato *Laws* 629a but is most probably an invention of Athenian propaganda; cf. Harris 2001, 189, n. 76.

is the noble and glorious death when fighting for one's country. The poem goes on to describe all the misfortunes that befall on someone who leaves behind his city; he will be hated by all, he brings shame on his family, disgrace to his noble shape, complete dishonour and wretchedness. The phrasing portrays a *persona* to avoid and implicitly describes best Leocrates' character. The poet then urges the audience to choose the opposite behaviour, since no one respects nor cares for the man who flees or for his descendants after him. Young men are encouraged to stand next to each and fight, not turn to shameful flight or fear, not to flee and abandon the older men.

Lycurgus criticizes the poem by emphasising the usefulness of these words to their ancestors, who having heard them became so brave that they won over the Persian Wars – the best and noblest deeds of all (108). Here we have another example, where ancestral values are closely related with literary history; the epideictic tone of funeral speeches is predominant and Lycurgus recalls that standard section of the *epainos*, which refers to the Greeks' victory in the Persian Wars. There are two allusions here, one to the Athenian victory over the Persians in 490 and the other to the battle at Thermopylae in 480, where a small band of Spartans held back the much larger Persian army for several days before they were overwhelmed. Lycurgus' voice is that of a poet who acts as an educator; the Homeric values of bravery and courage that are continuously prominent in the epideictic poetry toward the fifth and fourth centuries BC, are here re-evaluated to enhance civic ideology not only of the city of Athens but also of the whole of Greece, obviously against the Macedonian threat.

Lycurgus closes the section of literary evidence and performance with two epigrams attributed to the poet Simonides (555-468 BC), which constitute true testimonies of the Spartans' and the Athenians' courage for all the Greeks. The first one was written for the Spartans announcing that they lie there dead, after having been obedient to their laws (108). The second one is for the Athenians' ancestors after the Marathon battle, praising them for their victory over the strong and wealthy Persians.

Both epigrams praise the sacrifice, bravery and courage of Spartans and Athenians. Lycurgus' praise of Tyrtaeus, a Spartan poet who has influenced not only the Spartans but also the Athenians and the rest of the Greeks, is emphatically reaffirmed here in the presentation of the funerary epigrams of both the Spartans' and the Athenians' ancestors.

4. Conclusion

As has been shown so far, poetry constitutes a separate and complete section in the speech.³² According to Aristotle's classification of proofs cited in court, poetry is included among other *atechnai pisteis* (artless evidence), such as laws, decrees, oaths, wills, witnesses etc. On this view, direct quotations from poetry can be taken as a form of legal evidence upon which Leocrates' conviction is being established. As Lycurgus has himself demonstrated there is more to the performance and recitation of poetry than its legal value. Poetry supersedes any law since it sets examples to imitate, and as such it can educate, shape civic values, and thus persuade the judges.

Lycurgus presents himself in the very beginning of the speech (*Leocr.* 1.5-6) as a disinterested prosecutor, who has no personal involvement with the defendant Leocrates, but is bringing this case only for the sake of the city. His method of prosecution, as he argues (*Leocr.* 1.31-32), is opposite to that of a sycophant, making himself into a symbol of the positive ethical values.³³ In this context, Lycurgus appears to be interested only in justice, appealing to punishment as used to be enforced by the ancestors in similar occasions. As a political figure, Lycurgus has proved that his main concern is the public good and the protection of the city. His political *persona* contributes to the way he addresses the judges in court, in that it creates a specific communication between him and the audience. His political *ēthos* constitutes an important performative aspect of his prosecution in court. Moreover, his use of poetic quotations, in particular tragedy, epic and lyric poetry, as related to his reforms, adds dramatisation to his speech and constitutes a further performative aspect concerning his influence upon the judges' decision.

Lycurgus as a clever politician saw the opportunity to insert a new voice into the Athenian political arena, acting as someone who is simply voicing permanent but silenced concerns, while having erased his private voice. Lycurgus seems to think that mythical stories about the Athenians' ancestry are necessary to the contemporary virtue of citizens. Given that he introduces a new model of a public prosecutor and a novel approach to politics in the city, the use of myths about the ancestors can be seen as 'a necessary part of the work of re-founding'.³⁴

³² Dorjahn 1927, 89-90.

³³ For Lycurgus' status as a prosecutor in this speech, cf. Allen 2000.

³⁴ Allen 2000, 27-30.

Poetry constitutes a source of credibility and authority, as well as a source of political archetypes of behaviour for the continuity of ancient ideals in the city of Athens.³⁵ Lycurgus has a plurality of voices, first his own as a prominent politician who has actually a vision to reform the education of the *ephebes* and the cultural programme by re-evaluating the classical tragedy, the three tragedians and the golden age of civic, ideological and cultural principles they represented. Moreover, he has got the voice of an Eteoboutad, coming from a family of priests, who has performed changes to religious matters and laws while administering the public finances for twelve years. He has also other authoritative voices, those of the poets and their personality as reflected in their work, but also the voices of the heroes presented from the mythical background.

As has been shown, there is a specific pattern in Lycurgus' use of poetic quotations and his performance of the poetic extracts from tragedy, epic and elegy. He offers the judges a literary criticism of each poet and genre; in particular, he praises each poet, his work, his personality and his contribution to the Athenian glory and history. Lycurgus addresses the judges as his audience who will hear each poem and will benefit from it, either they will be educated or they will understand further the importance of certain values or they will themselves become patriots and good citizens. He is using poetry as a medium of dramatic mechanism to arouse emotions, to share with the judges ideals of patriotism and heroism, to promote specific heroic prototypes and finally to recall the impact the particular literary genres with their performative value from fifth-century Athens into the forensic context of an *eisangelia* of late fourth-century Athens.

The text offers numerous indications of the performative dimension of Lycurgus' speech *Against Leocrates*. As stated in the beginning of this chapter, the holistic view of performance in oratory involves the development of a better understanding of the objectives of Lycurgus' speech, his mechanisms of persuasion and the extent to which the performative aspects of his speech may have influenced the outcome Leocrates' trial. Lycurgus' interacts with his audience through the dramatic mechanisms of poetic citations, makes use of the past to influence upon the present trial, employs *ēthos* and *pathos* to communicate with the judges and, as we get informed (Aesch. 3.252), he succeeds in persuading almost all of them.

³⁵ For the nostalgic view of tragedy, as well as the argument that a forensic speech imitates the fundamental mechanisms of tragedy, cf. Wilson 1996, 310-31.

Lycurgus' rhetorical strategy in connecting the past with the present and integrating the literary genres of fifth century Athens at a trial of an *eisangelia* in the last quarter of the fourth century lies in the oral and performative value of education. In classical Athens, poetry was always performed for an audience so that the Athenians were educated with certain moral and social values, connected with excellence, freedom and democracy. Lycurgus employs the same approach of education in his use of poetic quotations in court; he wishes to educate the judges so that they reach the best and most beneficial verdict for the city. Thus, his rare and most extensive rhetorical use of poetry can be accepted in court as performed by Lycurgus' authoritative and plural voices.

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