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CHAPTER 22

Lysias

*Mathieu de Bakker**

> Only one writer, however, fully appreciated the potential of dramatic characterisation, the speechwriter Lysias, who in several surviving speeches creates a vivid and consistent portrayal of the speaker.
>
> CAREY 1994: 40

Introduction

The orator and logographer Lysias has bequeathed us a set of forensic speeches that stand out for their conciseness, liveliness and insights into everyday Athenian life. Their transparent Attic style makes them highly suitable as a first introduction to ancient Greek literature. As a consequence, many students nowadays grow up with Lysias' characters. They may ridicule the gullibility of the cuckolded Euphiletus (Lys. 1), pity the victim of Simon's bullying (Lys. 3), wonder about the fuss over the uprooted olive stump (Lys. 7), imagine Lysias' anger about the murder of his brother Polemarchus (Lys. 12), or marvel at the indignant speech of Diodotus' daughter (Lys. 32). These speeches are attractive because one can so easily identify with their speakers, who, like their problems, appear to be human and timeless, in spite of their historical setting in late fifth and early fourth century BCE Athens.

Behind this—almost deceptive—accessibility, however, lie subtle strategies of characterization. For these, Lysias was already praised in antiquity, and it was in particular his talents in *ēthopoiia* that guaranteed his reputation as a canonical orator.[1] Dionysius of Halicarnassus, in his essay *On Lysias*, formulates this as follows:

* I thank the editors of this volume for their useful guidance, numerous valuable suggestions and meticulous editing and Hannah Kousbroek for correcting my English. Unless indicated otherwise, I refer to Lysias' speeches (OCT edition of Carey 2007). The translations of the passages are mine.

1 *SAGN* 1: 333 (Edwards). See Büchler 1936: 11 for an overview of the places in ancient literature where Lysias' *ēthopoiia* is praised.

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> For he became the best (*kratistos*) of all orators in observing human nature (*phusin*) and in attributing to individuals appropriate emotions, characters (*ēthē*), and deeds.
>
> D.H. *Lys.* 7

As Hagen points out in his discussion of this passage, we should be aware of the specific meaning of *ēthos* and *ēthopoiia* within ancient Greek rhetorical theory[2] and avoid equating the terms with our concepts of 'character' or 'personality'. In antiquity, *ēthos* used to be defined in terms of (moral) categories, and although we do not know whether Lysias actively propagated such theories,[3] most specialists agree that he did not portray his speakers and their opponents as individuals, but made their behaviour and utterances adhere to certain distinctive and recognizable types.[4]

This approach can be understood from a generic point of view. Lysias drafted his speeches for clients who had to convince large and potentially hostile audiences of their own integrity and the plausibility of their account.[5] His narratee was drawn by lot from a pool of citizens from different tribes and backgrounds, and was temporarily granted ultimate authority to decide where to place his vote. After this, no appeal could be made to a different court. As the ancients attached more value to the argumentative content of the speech itself (*pistis entekhnos*) than to the independent testimonies of witnesses (*pistis atekhnos*), a convincing characterization of those involved in the lawsuit could

2 Hagen 1966: 5, and compare Usher 1965: 99 n. 2, with further references. See also the Introduction to this volume and Grethlein 2013: 17 on the concept of *enargeia* (mentioned by Dionysius of Halicarnassus in the same paragraph) in relation to Lysias' characters, and Bruss 2013 for a comprehensive discussion of Dionysius' account of Lysias' *ēthopoiia*.

3 In a scholion on Hermogenes (*Rhetores Graeci* 4, 352, 5–11) reference is made to *paraskeuai*, rhetorical exercises supposedly drafted by Lysias that were related to characterization. See Motschmann 1905: 9–15.

4 *Pace* Usher 1965. Devries (1892) was one of the first to identify a set of clearly defined types of character in Lysias' speeches, and his views were followed by Bruns (1896), Motschmann (1905), and Trenkner (1958). See, too, Büchler 1936: 12–14, Carey 2000a: 203, Cooper 2007: 210–211, Bruss 2013: 36–37, and compare Carawan 2007a: xvii: 'The way a character conforms to type, as others regard him, often seems more important than what actually happened'.

5 As concerns the difference between Lysias as a logographer and the other orators, Todd observes (2007: 3): 'As far as interpretation is concerned, for instance, the distinction between litigant and logographer means that questions of persona, voice and characterization operate very differently in Lysias from the way they do in the speeches of Cicero, or even from those speeches delivered in their own person by Attic Orators like Aiskhines, Andokides, or (in his major public cases) Demosthenes.'

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be crucial and make the difference between life and death, or between exile and living at home.[6] Thus Lysias may have applied a certain degree of typification to allow the average member of the jury to recognize the characters involved and thereby enhance the credibility of his speeches.

Furthermore, the speeches had to be composed with an eye on their performance. Juries usually did not remain silent during their delivery, but responded vocally to the drama as it unfolded on the stage.[7] Any sensible orator should take this situation into account. Clarity and consistency about the main events of the case, as well as the characters involved, were of crucial importance, and too much complexity was to be avoided. Important elements and arguments were to be repeated, and doubtlessly experienced orators resorted to expressions, ideas, and narratological and argumentative methods that were popular and familiar to their audience.

Finally, the narratee was supposed to represent—at least during jury-service—the democratic laws and institutions of the Athenian state, which meant that Lysias could make his clients appeal to certain values that were commonly shared and held in esteem.[8] Such appeals certainly had an impact in the politically charged atmosphere in Athens in the late fifth and early fourth century BCE, in the aftermath of the Peloponnesian War and the traumatic regime of the Thirty. This latter period of lawlessness gravely affected the lives of many, not least that of Lysias himself. A number of his cases directly or indirectly deal with the behaviour of his clients or their opponents during this regime. In these speeches, he draws a connection between the jury and the democratic faction that rose up against the Thirty. It is the jury's task to vote in the interest of the restored constitution, and—to quote the end of the speech *Against Philon*—to condemn behaviour that is 'alien to democracy as a whole' (Lys. 31.34).

This chapter will analyse the ways in which Lysias portrays the characters of those involved in the lawsuits. Research into this subject has often been conducted along the lines of stylistic analysis, and many have argued that Lysias sought to endow the language of his speeches with certain individual characteristics, so as to make them befit his clients.[9] Statistics indeed reveal

6 See Arist. *Rh.* 1354a–1355a, where arguments based on proper reasoning are qualified as the 'most authoritative kind of proof' (*kuriōtaton tōn pisteōn*).

7 Bers 1985.

8 See Carey 1994: 36–38 for the list of qualities that were used when a speaker needed 'to project a personality which invited belief' (36), among others a selfless attitude in supporting the community.

9 Including Usher (1965), who identifies differences in the language between the speeches, but does not deliver statistics.

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differences in vocabulary and constructions between the speeches, but they themselves—let alone their *narrationes*, where the differences are most clearly identified—are generally too short to yield conclusive evidence.[10] Moreover, if Lysias indeed wished to highlight individual traits of the language of his speakers, this had to be done within certain limits to avoid hampering the clarity of the content or distracting the jury from the arguments. The most promising approach to these stylistic differences appears to be to look for certain trademarks in the language of individual speeches. One can think here of the frequent use of relative attraction and articular infinitives by the speaker in the case against Philon (Lys. 31),[11] and the relatively frequent use of clause-initial *kai* ('and') and *kagō* ('and I') by Euphiletus in the *narratio* of *On the murder of Eratosthenes* (Lys. 1).

In this chapter I will, however, focus upon the narratological means by which Lysias makes his speakers portray themselves, as well as their opponents. As we know relatively much about the narratee that Lysias had in mind when he composed his speeches—whether they were meant to be genuinely delivered or to function as exercises—his strategies of characterization may be studied from the point of view of cognitive narratology. To what extent did he 'frame' the characters of his speeches within recognizable categories that were identifiable for the jurymen, and how did he distribute this information across the speech? I will argue that, like Herodotus (→) and Thucydides (→), Lysias appears to work with a default set of terms and *topoi* that are clearly morally defined and recognizable, and are often repeated more than once throughout the speech.[12] Starting from these, as I hope to show, he adds elements that are demanded by each individual case, and carefully weaves them into his speeches wherever he considers them most effective. After reflecting upon these explicit means of characterization and the distribution of characterizing elements, I will follow in Carey's footsteps (1994, 2000a) and discuss Lysias' method of implicit,

10 For some statistical evidence, see Büchler, who follows Motschmann 1905 in denying that Lysias used mimetic language to present his various characters (Büchler 1936: 30–39). His statistics do not reveal major differences in style between the speeches. Moreover, his methodology can be questioned as he does not differentiate between *parataxis* and *hypotaxis*, and incorporates statistics on figures of speech that were only defined much later in antiquity. For the latter problem, see Slings 1997, and see also Todd 2007: 52, criticizing Büchler for considering repetition a characterizing device. For a methodologically more consistent stylometric analysis with an eye on determining which speeches are genuine, see Dover 1968; for a different approach see van Emde Boas fc.

11 Büchler 1936: 30–31, Usher 1999: 77.

12 For an overview and discussion of many of these *topoi*, see Vögelin 1943.

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'metaphorical' characterization by contrasting the opponent's behaviour with that of the speaker and that of other persons involved in the case.[13]

Given the limited space, I will concentrate upon a selection of forensic speeches (Lys. 1, 3, 7, 12, 13, 24, 31, 32), and leave the few epideictic speeches ascribed to Lysias (such as the *Epitaphios*) aside. As Lysias' characterizing strategies are not restricted to the narrative parts of his speeches, observations on character in the non-narrative parts need to be included here, especially when they refer back to, or interrelate with, information that has been given in the narrative parts.

Characterization: Terms, Topoi, Distribution

The *exordia* of most forensic speeches in Lysias' corpus usually contain words of a general, moralizing nature, either meant to condemn the opponent right from the start, or to raise sympathy for the speaker. Within the selection of speeches analysed for this chapter, they revolve around the concepts of '(in)justice' (*dikē*, *dikaios*, *adikos*, 1.2; 3.2, 3; 7.1, 2; 13.1, 3; 31.3; 32.1, 2, 3), 'hybris' (*hubris*, 1.2, 4), 'wickedness' (*ponēria*, *ponēros*, 7.1; 24.2 (bis); 31.3), 'awful(ness)' (*deinos*, 1.2; 3.1; 12.1; 32.1), 'shame(lessness)' (*aiskhunō*, *aiskhros*, 1.3; 3.3; 32.1, 3), 'piety' (*hosios*, 13.3, 4). 'reproachful action' (*hamartia*, *hamartēma*, *hamartanō*, 7.1; 12.2; 31.2, 4), and 'daring' (*tolmē* 3.1; 12.2; 31.1 (bis); 32.2). Some, but not all *exordia*, give, apart from these generic moral expressions, more specific information about the nature of the crime committed. In *On the murder of Eratosthenes*, the defendant mentions the adultery of his victim (1.4) and in *Against Agoratus*, the plaintiff immediately charges Agoratus with murder (13.2, 4; see below). Two defence speeches highlight the disingenuousness of the charge by calling the plaintiffs 'sycophants' (7.1; 24.2). Altogether, the opening words leave no doubt about the character of the opponent, who is portrayed in a negative manner right from the beginning.

The content of the *exordia* allows Lysias to frame the subsequent narrative and invite the jury to evaluate the specific events of the case against the background of these general moral categories. To stimulate this, Lysias makes these terms recur when specific details of the crimes are revealed. The *dokimasia* case *Against Philon* provides a good example of this strategy. This case concerns the election by lot into the senate of a certain Philon, whom the speaker accuses of disloyalty to the city during the revolt against the Thirty. In the *exordium*, he

13 For contrastive characterization, see also Kucharski 2009.

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qualifies Philon's character as 'daring in many respects' (*polla tolmēros*, 31.1), a claim he substantiates by narrating Philon's behaviour at the time of the revolt, when he chose to cross the border and live as a metic in Oropos (31.9) rather than support one of the warring factions and show himself to be a committed citizen. The speaker evaluates this behaviour as a betrayal, pointing out that Philon 'dared (*etolma*, 31.10) to betray us, when he saw that we were successful'. In the ensuing part of the speech, the speaker accuses Philon of robbery. Setting off from Oropos, he stole goods from the old and infirm who had been left in the farmsteads while their owners had gone to the coast to fight against the Thirty (31.17–18): 'he dared (*etolmēsen*, 31.19) to steal goods from those to whom others preferred to give from their goods out of pity with their poverty'. The other moral terms that Lysias chooses in the *exordium* likewise recur later in the speech when Philon's behaviour is fleshed out.[14]

In revealing the characteristics of Philon, Lysias focuses on his deeds and chooses a distribution that goes from bad to worse, evaluating them initially from a private perspective before expanding on their public consequences. He first deals with Philon's evasiveness at the time of the revolt against the Thirty. Worse is to come, however, when he is accused of abusing the unstable situation in the city for the purpose of stealing goods (31.17–19). This *aiskhrokerdeia*, 'the shameless pursuing of profit for one's own interest', is a specific characteristic of Philon, and is evident from his own mother's decision not to entrust her estate to him but adopt another son instead, so as to ensure that she was properly buried (31.20–22). In the last part of the speech, Philon's behaviour is evaluated in a public context, his escape to Oropos is elevated to 'draft-evasion' (*lipotaxia*, 31.28), and his betrayal of the democratic faction is upgraded to a betrayal of 'the city as a whole' (31.26) and of 'the ancestral gods' (31.31). Instead of holding a place in the senate, the defendant should lose his citizenship rights (*atimia*, 31.29; 33). By placing the elements that characterize Philon in this speech in an increasingly public frame, Lysias turns a person of questionable private merit into a danger to the common good, and changes an individual *dokimasia* hearing into a political lawsuit about the (past) behaviour that is to be expected from those who serve in the senate.

In the speech *Against Agoratus*, Lysias distributes the characterizing material in a different way. The case concerns a murder charge against Agoratus,

14 '(In)justice' (*dikē*, *dikaios*, *adikos*): 31.5, 11 (ter), 18, 19, 20, 22, 24, 26, 27 (ter), 28, 33; 'wickedness' (*ponēria*): 31.25; 'reproachful action' (*hamartia*, *hamartēma*, *hamartanō*): 31.12, 20, 24 (bis), 27, 28, 29, and observe in particular the *figura etymologica* in the summative statement *hamartanei hamartēmata* (31.23).

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who acted as an informer on behalf of the Thirty and thereby became responsible for the death of a number of its opponents. In the *exordium*, the murder charge is unambiguously laid out (*apekteine*, 'he murdered' 13.2), and in the rest of the speech, the charge is explicitly repeated twenty-three times.[15] On top of that the verb *apokteinō* 'kill' recurs ten times in the refutation of the murder claim that Agoratus apparently made in his own defence, that of Phrynichus, the leader of the oligarchy of four hundred in 411 BCE.[16] The insistent repetition of the word *apokteinō* throughout the speech has the effect, not of a frame, but of a refrain, between which the speaker—a relation by marriage of one of the victims—fills in further aspects of Agoratus' character step by step.

Initially, Agoratus fades into the background when the speaker dwells upon the political situation in Athens after the Peloponnesian War, portraying a climate of lies and intimidation by which the oligarchs, with the help of Sparta, seek to conclude a peace deal that will give them unlimited power. Fearing the resistance of prominent military officials, they encourage Agoratus to act as an informant (13.16). It is here that we learn about his low status, a 'slave, born out of slaves' (13.18), no member of the conspiracy itself but only 'useful' for their plans. According to the speaker, the oligarchs devise a plot by which it appears as if Agoratus will deliver his testimony against his will, staging a fake arrest in the Piraeus, and a fake supplication at an altar in Mounichia. Agoratus' disingenuousness is revealed when he refuses to embark on a ship that his guarantors hastily provide so that he can escape (13.23–28). The slow pace of the narrative here enables the narrator to highlight the slave status of Agoratus, who is dependent upon these guarantors for his safety (13.23) and runs the risk of being tortured (*basanizō*, 13.25; 27) when cross-questioned. Once he is brought before the senate, Agoratus lays false charges not only against the military officials, but also against his own guarantors (13.30; cf. 13.58–59), which reveals his character to be as low as his status. Athens, Lysias seems to imply, lost its military elite (as well as its walls) due to the lawless regime of the Thirty, and, to add insult to injury, it was a slave who brought this about. After lengthy reflections upon the deadly consequences of Agoratus' actions, the narrator returns to his character at the end of the narrative and blackens Agoratus' reputation with *topoi* that are also found in other speeches. He describes him as an arch-sycophant (13.65, compare Lys. 7 and Lys. 24), and as a convicted adulterer (13.66, compare Lys. 1). A further section deals with his brothers,

15 With *apokteinō* ('kill'): 13.28, 42, 43, 48, 53, 54, 59, 61, 63, 64, 84, 85, 86 (bis), 87 (bis); with the qualification *phoneus* ('murderer'): 13.33, 42, 92, 93; with *apothnēiskō hupo* ('be killed by'): 13.4, 87, 95.

16 13.70 (bis), 72 (bis), 73, 74, 75 (ter), 76.

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all of whom were caught red-handed in criminal activities, for which they paid with their lives (13.67–68). The ensuing section exposes the lies about his involvement in the killing of Phrynichus and about his status as a citizen, which, according to the speaker, allowed him to take a seat in the law courts and the assembly (13.73). A last piece of slander is found at the end of the *argumentatio*, where Agoratus is said to have beaten up his own father and robbed his stepfather of his possessions (13.91, compare Lys. 3 and Lys. 31).

The combination of the repetition of the murder charge and the step-by-step blackening of Agoratus' character in the course of the speech has the effect of creating a Thersites-like character, a caricature of a human being who, in his baseness, is hardly surpassed by any other characters in Greek literature. Just as in the case against Philon, in the last part of the speech, the private lawsuit is upgraded to a case of political interest, as the speaker points out that the jury that acquits Agoratus shares with him the responsibility for the death of those against whom he informed (13.92–97). Perhaps Lysias chose this strategy to compensate for a weak legal case, as Agoratus could only be convicted if he were caught 'in the act' (13.85–88), which remained difficult to prove in the case of an informant. A sharp focus upon Agoratus' character may then have been the best rhetorical tool that Lysias had at his disposal, and, by introducing his mostly topical material step by step against the background of the refrain of 'murder', he might have expected his client to win the day.

Characterizing by Contrast

In most of his forensic speeches, Lysias highlights the negative characteristics of the opponent by contrasting them with those of the speaker. A clear example of this strategy is found in the speech *Against Diogiton*, of which parts are preserved in Dionysius of Halicarnassus' essay *On Lysias*. In this inheritance case, Diogiton is portrayed as a villain for refusing to grant the children and grandchildren of his deceased brother Diodotus the due portions of his estate. In the opening chapters of this speech, Lysias' client, the granddaughter's husband, evaluates Diogiton's disloyal behaviour in terms of daring (*etolma* 'he dared', 32.2), injustice (*mallon ē ta dikaia poiēsas* … 'and not by doing justice', 32.2) and shamelessness (*aiskhrōs* 'shamelessly', 32.3). Just as in the speech *Against Philon* (see above), these moral concepts frame the narrative that follows, in which they all recur more than once, e.g. respectively, *su etolmēsas … eipein* 'you dared to declare' (32.15, cf. 32.20, 27), *tous d' emous adikeis* 'you wrong my children' (32.17, cf. 32.13, 21) and *eis touto ēlthen anaiskhuntias* 'he came to such a degree of shamelessness' (32.20, cf. 32.13, 17).

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Diogiton's 'shameless' way of handling his brother's estate is put in an even more unfavourable light in contrast with the behaviour of the plaintiff. In his opening sentences, he seeks the sympathy of the jury by admitting that it is 'most shameless' (*aiskhiston*, 32.1) to be in conflict with one's relatives, and that he initially tried to deal with the affair discreetly (32.2), but that the seriousness of the case leaves him no other option (32.1). His wife's family has sought refuge with him (32.1), whereas Diogiton refuses even to heed the advice of his own friends not to go to court (32.2). Throughout the speech, the speaker presents himself as a dutiful and loyal husband, who offers shelter to his relatives, and piously responds to his mother-in-law's supplication (32.11) by arranging a family meeting so that Diogiton can account for his behaviour.

It is during this meeting that Diogiton's shamelessness is further exposed by Diogiton's daughter, the mother-in-law of the plaintiff, who lays bare—in a harrowing invective presented in direct speech—his impiety towards his deceased brother and his lack of loyalty to her children (32.13, 17).[17] It is only at this point that we learn more about Diogiton's motives, when she accuses him of shifting his allegiance to his new wife's (her stepmother's) children, whom he raises 'in great wealth' (32.17). The description of the reaction to the invective further isolates Diogiton, as everyone—even Diogiton's friends, who had forced (32.12) him to go to the meeting and give account of his actions—is speechless and in tears (32.18).

By singling out Diogiton for his shameless impiety in the *narratio*, the plaintiff prepares the jury for his *coup de grâce* in the *argumentatio*:

> For Diogiton places all men in so much suspicion towards one another that they can neither when they live nor when they die trust their closest relatives more than their worst enemies.
>
> 32.19

As in the cases against Philon and Agoratus, Lysias uses the end of the speech to evaluate Diogiton's actions, which characterize him as a morally depraved person, within a public frame. The disloyal behaviour that Diogiton displays among his relatives allows the plaintiff to present him as a credible danger to the social structures in the city as a whole. This means that the plaintiff's decision to go to court not only testifies to his loyalty towards his family, but also to his selfless attitude towards the city, which he seeks to protect from an

17 Usher observes (1965: 118–119) that direct speech has the effect of highlighting the selfish, unsympathetic character of Diogiton.

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individual whose behaviour threatens the *oikos*, the foundation of the city as a whole. His role as plaintiff can therefore be compared to that of Diogiton's brother Diodotus, who sacrificed his life on behalf of the city when he was enlisted in an infantry campaign in Ionia (32.7), and whose trust in his brother was so bitterly betrayed. This willingness to sacrifice oneself on behalf of the city is a topical characterization of the Athenians within the extant funeral orations.[18] Its presence in the speech *Against Diogiton* may well be explained as a means to further the sympathy of the jury. Thus a case that on first sight seemed 'most shameless' (*aiskhiston*, 32.1) is eventually presented as a heroic enterprise from which the entire community is to benefit.

For another example of Lysias' characterizing strategy, we can look at *Against Simon*. This speech describes the escalation of a conflict between two Athenians about the favours of a boy prostitute called Theodotus. Although it is a defence speech, and although the case revolves around street violence in full, public daylight, Lysias' strategy of characterizing is similar to the one adopted in the inheritance case against Diogiton. Simon's deeds and character are evaluated by way of a similarly limited set of concepts that are repeated throughout the speech, such as daring (*tolmē*, *tolmaō*, *tolmērōs* 3.1, 20, 22, 25, 26, 29, 39, 45, cp. *thrasutēs* 3.45), shamelessness (*aiskhron* 3.17) and hubris (*hubris*, *hubrizō*, 3.5, 7 (bis), 17, 23, 26, 40).[19] Added to this are more specific terms that highlight the violence and drunkenness of Simon and his gang (*tuptō* 'beat up' 3.8, 17, 18, 23, 29, 45; (*sug*/*ek*)*koptō* 'knock (out)' 3.6, 16; *biāi* 'with violence' 3.7, 15, 29, 37, 38, 46 (bis); *methuō*, *methē*, *paroineō* '(being) drunk' 3.6, 12, 18, 19, 43). On top of these, Simon's behaviour is qualified as 'criminal' (*ponēros*, *ponēria* 3.9, 30, 45; *panourgos* 3.44) and 'against the law' (*paranomos*, *paranomeō* 3.5, 10, 17, 37, 44).[20] These latter terms are often found in other speeches, but are not part of the register in *Against Diogiton*, perhaps because they might be felt as inappropriate in the case of a relative, and therefore made Lysias decide to make Diogiton's awful acts speak for themselves.

Just like the plaintiff in Diogiton's case, the defendant of the speech against Simon presents himself as the opposite of his opponent in every respect.[21] He

18 For striking examples see Lysias 2.48–53 (on Myronides' Geraneia campaign, 458–457 BCE) and Demosthenes 60.27–31, in which the selfless sacrifice of some of the eponymous heroes of Athens is connected to that of the Athenians who fell at Chaeroneia (338 BCE).

19 Cf. Carey 1994: 43. Kucharski believes (2009: 41–43) that especially *hubris* here hints at sexual violence.

20 See Kucharski 2009: 45–46 on *ponēria* ('criminal behaviour') and *tolmē* ('daring') as consistent traits in the case of Simon.

21 Kucharski 2009: 46: 'his character traits diametrically oppose those of Simon in all three

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portrays Simon throughout as the one who looks for trouble (3.6, 8, 11–13, 15–18), and himself as reluctant and seeking to avoid conflict.[22] He claims that he initially decided to cope with the bullying in silence (3.9) and even moved out of town (3.10) to prevent escalation. In the fighting incidents, the speaker carefully describes his actions as evasive (3.13) or at most defensive (3.8, 18), and he claims to have only seized Theodotus (3.17, 37), and not to have lashed out at his opponents (3.37). The aggression of Simon and his gang, on the other hand, even extends to innocent bystanders, such as the fuller Molon and others who stand in their way and receive blows (3.16).

Furthermore, the defendant mentions his impeccable record as a citizen in performing the duties that the state demands (3.10, 47), and portrays Simon's behaviour in opposite terms, especially in the anecdote about his army service, which is marred by his late arrival in the battle of Coroneia, his subsequent altercation with the commander Laches, and his discharge without honours from the army (3.45).

The defendant also consistently claims to speak the 'whole' truth (3.3, 10), although it may reflect badly upon his character and position. This is contrasted with Simon, who is qualified as a liar and perjurer in the *argumentatio* (3.21, 23, 25, 28, 31, 35; cf. *panta autōi tauta sunkeitai kai memēkhanētai* 'all this has been plotted and contrived by him' 3.26). The speaker specifically draws attention to Simon's opportunism in bringing the case to court no less than four years after the incidents took place (3.19–20).[23] This litigiousness of Simon is introduced at a later stage in the speech (3.44), and stands in contrast to the image that the speaker gives of himself as someone who shies away from the spotlight and—as in the case of Diogiton's accuser—only enters court when 'necessity' (*anankē*, 3.3, 48) forces him. If it had been up to him, he claims, the case would never have ended in court (let alone the Areopagus court) given its trivial nature (3.40, 43).[24]

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respects, where the latter is represented as failing so badly: mental sanity, violence (*hubris*) and litigiousness (sycophancy). Yet again, as in the negative *ēthopoiia* of his adversary, they are closely tied with each-other.' Todd believes (2007: 284–286) that the character of the speaker is not flawless, and that this is a deliberate strategy of Lysias to make him more credible.

22 See Usher 1965: 105–106 and Carey 1994: 41 on the speaker's shyness and modesty.

23 Cf. Kucharski 2009: 45, identifying five characteristics of Simon that make him befit a typical sycophant: (1) making false charges; (2) sophistical quibbling; (3) slander; (4) litigiousness; (5) acting (long) after the event.

24 Compare the way in which Lysias points at the spotless record of his family in the speech *Against Eratosthenes* (12.4–5). They were never before in court, as opposed to the

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Finally, just as in the speech *Against Diogiton*, the opponent is isolated in his wickedness as his behaviour is contrasted with that of the others who are involved. This concerns, in the first place, Theodotus, who, according to the speaker, happily prefers his company to that of Simon (3.5, 31). Another role is awarded to the fuller Molon and the anonymous bystanders, who choose his side, according to the defendant, and even receive blows when they seek to help him (3.16, 18). Their support for the defendant in the *narratio* subtly encourages the jury to do the same. Just like the ordinary Athenians who helped the defendant in the fight, the jurymen are made aware of an ugly series of events and asked to choose the right side. Lastly, there are Simon's friends, who can be divided in two groups. The first are those who join him, but refuse to become engaged in the actual fighting (3.12) and try to restrain him when he breaks into the defendant's house (3.7). The second do partake in the fighting (the defendant mentions their names in 3.12), but repent and apologize soon afterwards (3.19, cf. 43) as the speaker expected them to do (compare 3.7, 13). Simon, however, is the only one who, in the words of the speaker, does neither, but, on the contrary, files a lawsuit against the defendant that in its timing and lack of proportion is revealed to be an opportunistic and disingenuous attempt to enrich himself and damage the defendant, who, though a good citizen, may have to leave the state.

The characterization strategy in the speech *On the olive stump* (Lys. 7) is similar. It was also delivered in the Areopagus court and concerns the defence of a landowner who was charged by one Nicomachus with the accusation of illegally uprooting a sacred olive stump from his land. Just as in the case against Simon, the defendant presents himself as the victim of 'wicked sycophants' (7.1; compare 7.20, 23, 38) and contrasts their litigiousness with his lifestyle away from the spotlight (7.1). In this case, too, the defendant claims that he was charged 'so much later in time' (7.42), whereas it would have made more sense to call for witnesses and catch him red-handed if he was really guilty of uprooting the stump. In contrast to the 'lies' of the plaintiff Nicomachus (e.g. 7.11) and his refusal to admit the evidence of witnesses (7.19–20, 22–23, 34–38, 43), the defendant portrays himself as careful and accurate.[25] He gives

members of the Thirty, whom he describes as sycophants. In the speech *On the invalid and his pension* the speaker also presents himself as a better citizen (24.3), who helped the democrats in their resistance against the Thirty (24.25) and has never been in court before (24.24).

25 On the accuracy of the defendant, see Usher 1965: 107 and Carey 1994: 42: 'the reckless folly of removing the stump does not befit the calculating personality that surfaces from the speech.'

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a detailed account of the history of the plot of land from which the stump was allegedly removed (7.4–10, observe especially the precise time indications in 7.9–10), provides witnesses to confirm this overview (7.10–11), and alleges that others acknowledge his accuracy (7.12). He also hints at the self-evident accuracy of the members of the Areopagus court, who are responsible for the inspection of the sacred olive trees and send out inspectors every year (7.25, 29). Given their seniority and expertise, they should give precedence to what they 'know for themselves' (7.30) and to the defendant's allegedly spotless record of services to the state (7.31, 41). Comparable to the cases against Diogiton and Simon, the plaintiff is isolated (7.33), whereas the speaker hints at the interests of the community as a whole (7.33), which will be threatened if he is convicted. The jury is thus reminded of the opening phrases of the speech, where we find an *adunaton* stating that 'even unborn children should be fearful about the future' in the light of the arbitrariness of Nicomachus' charge (7.1).

Contrastive Characterization: Two More Complex Cases

A complication to the scheme of contrastive characterization arises in the case of Euphiletus' defence speech on the murder of Eratosthenes (Lys. 1). If we believe the account of the defendant, he killed the man who seduced his wife after catching him red-handed, and refusing his supplication and offer of a sum of money (1.25, 29). As there were witnesses present at the killing, the rejection of the supplication cannot be denied, which places Euphiletus in a potentially less favourable light. Lysias solves this problem in three ways. First, he makes Euphiletus mitigate the formal, religious status of the supplication by denying the accusation that Eratosthenes had sought refuge at the hearth (1.27). Second, he makes Euphiletus consistently refer to himself as a law-abiding man, who, in the interest of the city as a whole, exacts the capital punishment that is prescribed in the case of adultery instead of enriching himself by way of a private arrangement:

> … neither did I do this for money so as to become rich instead of poor, nor for any other advantage except the punishment according to the laws (*kata tous nomous*).
>
> 1.4

> I did not agree upon a sum of his money, but instead found the law of the city to be of more authority (*kuriōteron*).
>
> 1.29

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He further develops this argument by pointing at the threat to the common interests of his fellow-citizens if adulterers were to be spared and could continue to confound the city's social fabric (1.32–33, 47).[26] Third, in his description of the behaviour of Eratosthenes and his own wife, he highlights issues of religious (in)decency. Eratosthenes lets his eyes fall on her for the first time in the context of the funeral of her mother-in-law, an occasion at which Euphiletus himself must have been present as well (1.8). Furthermore, his wife appears to wear make-up although her brother had died less than thirty days earlier and she was officially in mourning (1.14, 17). Moreover, as the servant reports to Euphiletus, she accompanied Eratosthenes' mother to the temple during the Thesmophoria, presumably to meet her lover (1.20).[27] Given that the adulterers appear to show contempt for matters of religious sanctity, Euphiletus' rejection of Eratosthenes' supplication becomes easier to condone.

The contrast in behaviour is furthered by the way in which Euphiletus' gullibility is portrayed. This is often held to be an individual trait, typical of a farmer with modest means who lives an honest life in a 'small house' (*oikidion*, 1.9).[28] These characteristics may, however, also have been highlighted because of the contrast with the sophisticated plotting of the affair by Eratosthenes, who uses Euphiletus' servant to seek contact (1.8) and, ignoring her marital status, holds on until she gives in (observe *khronōi*, 'in the course of time', in 1.8 and 1.20). This servant plays an important role in covering up the traces of the affair, as she hurts the couple's infant so as to distract Euphiletus' attention, when he returns from his land unannounced (1.11). The conversation that Euphiletus reports between himself and his wife on that occasion is painful, too, when she accuses him of 'hitting on the maid' (1.12), and while 'pretending to be joking'

26 Compare Sickinger 2007: 291: 'litigants speak a generic language of law in order to elicit goodwill for themselves, incite anger against and mistrust of their opponents, and inspire in dicasts a sense of obligation to vote in their favor—since the law naturally stood on their side.'

27 Todd points out (2007: 52–53) that the characterization of Euphiletus' wife is complicated as it initially takes some time for her to yield to Eratosthenes' advances, but once she has given in she actively participates in the affair.

28 Cf. Usher 1965: 102–105. Porter hypothesizes (1997) that Lysias makes the characters in this speech conform to generic types that are familiar from comic adultery narratives, with an eye on engaging his audience. For contrary views, see Nývlt 2013 and Colla 2015. The latter argues that although Lysias was inspired by literary models in portraying his characters, he ultimately started working from models as they appeared in everyday life. Trenkner claims that Lysias in this speech 'imitated the novella' (1958: 159), but again, the contemporary evidence is thin.

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(*prospoioumenē paizein*, 1.13) locks her husband out. When Euphiletus learns the truth, Eratosthenes is said to have seduced 'many other women' (*allas pollas*, 1.16) too, and to practise adultery as a profession (*tekhnē*, 1.16). Further insult is added by the reaction of the servant, who initially denies any wrongdoing, and only stops lying when confronted with Eratosthenes' name (1.19). In spite of her disrespectful behaviour towards her master, he offers her securities in response to her supplication (1.20).

Altogether, Lysias' characterizing strategy appears to be to create as many contrasts as possible between Euphiletus as a hard-working man of an honest profession and the shrewd and amoral Eratosthenes, whose *tekhnē* consists of seducing women, and who conspires with accomplices within the houses of his victims and is also helped by his own mother. In this light, Euphiletus' killing of Eratosthenes is presented as a selfless feat as a result of which the city is liberated from a persistent threat to its female population and to its social cohesion.[29]

The last speech to discuss here is Lysias' accusation speech against Eratosthenes (Lys. 12), a former member of the Thirty, who had received a pardon after the restoration of democracy. Lysias held Eratosthenes responsible for the death of his brother Polemarchus, but in his speech targets the entire group of Thirty, and focuses on their collective guilt for all the evils that befell Athens after their defeat in the Peloponnesian War. Thus the speech provides an example of characterization by group membership, as the well-known traits of the group (cruelty, lawless killing, greed) reflect upon the individual, with whose conviction Lysias also aspires at a precedence that he can use against any other still living member of the group. Furthermore, it is the only speech of which we know that it reflects an actual performance in court by Lysias, and, from the perspective of characterization, worth including here as the orator talks about himself, and is not writing a speech on someone else's behalf.

Despite his unique, personal role in this case, it is striking to see how similar the terms and *topoi* are that Lysias uses to describe himself and his family as well as his opponents, and how much his technique of contrastive characterization matches that of his other speeches. Again, Eratosthenes' behaviour, as well as that of the Thirty, is evaluated in general terms of daring (12.2, 22, 84, cf. 41, where Lysias mentions the daring of those who speak on Eratosthenes' behalf),

29 Porter (1997: 61, 80), Cooper (2007: 212) and Todd (2007: 50–51) follow Carey (1994: 41) in pointing out that Euphiletus' characterization may also be explained in light of the accusation: a man of such gullible straightforwardness could never have devised such an intricate plot to kill Eratosthenes. Cf. *SAGN* 1: 333–336 (Edwards).

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criminal behaviour/hubris (12.5, 39, 52, 75, 84, 86, 94,[30] 98), litigiousness and 'sycophantism' (12.5), 'shameless greed' (*aiskhrokerdeia* 12.19, observe in particular Melobius' theft of the earrings of Polemarchus' wife, which he snatches from her ears, and compare 12.7, 78, 83, 93), lack of respect of sacred customs (intrusion of private space, 12.8; perjury, 12.9–10; denial of proper burial, 12.18, 87–88, 96, 99; lack of respect for gods and their temples, 12.96, 99; lawlessness, 12.23, 48; mendacity, 12.27, 48).[31] Meanwhile, Lysias evaluates himself and his family in terms that are no different from his other speakers. As in most other cases discussed above, Lysias is 'forced' (*ēnankasmai*, 12.3) to go to court, although he and his family have never been involved in any form of litigation (12.3–4) and always lived according to the law (12.4) and, despite being metics, in full support of the city, to which they donated large sums of money (12.20).[32]

Apart from this largely topical contrast, a specific characteristic of this speech concerns alleged crimes of the Thirty against the Athenian democratic constitution and the city itself. This theme runs through the entire speech, and as such makes it more political than the other speeches in the corpus. The Thirty are presented as traitors and enslavers of Athens (12.39, 48, 51, 58, 71, 93), and held responsible for the dismantling of the city-walls and the docks in Piraeus (12.40, 63, 99). They are recidivists, too, in that some of them, Eratosthenes included, also took part in the oligarchic revolution of 411 BCE (12.42, 65, 75). Lysias lays the most emphasis in his *narratio*, however, upon the way in which the Thirty came to power and subverted the democratic course of events. He describes how they infiltrated the tribes, appointed *phularkhoi* ('chieftains') who told their members whom to vote for (12.44), and intimidated the assembly on the day that Theramenes proposed to install the Thirty, making use of the Spartan commander Lysander to put a knife to the throat of the Athenians:

30 Observe the superlative *ponērotatos* ('most criminal') at the end of the speech. The same superlative is used at the end of the speech *Against Simon* (3.45).

31 See Murphy 1989 for a discussion of the typical characterization of the oligarchs in this speech.

32 Observe the personal use of the verb *dēmokrateomai* ('to live in a democracy', 12.4), which is unique within Lysias' forensic corpus. As a metic, Lysias emphasizes that his family live by the rules of their host for decades, and now appeals to a democratic jury to support him in a case against a group of 'litigious criminals' (*ponēroi … kai sukophantai*, 12.5) who ruined his fortune in a single day. According to Usher (1965: 114–115) it is the political nature of the case that makes Lysias reluctant to give much information about his own character.

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> And as for all men in the assembly who were good (*agathoi*), when they recognized the set-up (*paraskeuēn*) and the inevitability (*anankēn*), some of them remained there and kept quiet, whereas others left, so that they were conscious of at least this, that they had voted nothing evil for the city. But a few criminals and men with evil intentions (*oligoi … tines kai ponēroi kai kakōs bouleuomenoi*) voted in support of the commands that had been given.
>
> 12.75

In Lysias' version, the city falls apart into two opposite classes, a majority that was bullied into silence, and a greedy minority of 'evil-doers' who abused the temporary weakness of the Athenian political system to further their own interests.

Lysias contrasts the course of affairs at the time of the installation of the Thirty with the proceedings and freedom of vote in the current lawsuit.

> For now no one forces (*anankazei*) you to vote against your opinion.
>
> 12.91

For him, taking part in the official Athenian legal system can be seen as a statement against Eratosthenes and his allies, whom he repeatedly accuses of putting Athenians to death without trial, a fate they shared with his brother Polemarchus (12.17, 33, 36, 83). Lysias again uses a poignant contrast, put in legal terms, to highlight the difference between then and now:

> The contest (*agōn*), however, between the city and Eratosthenes is not one of equal terms. For he was plaintiff (*katēgoros*) and judge (*dikastēs*) of those who were judged, whereas we are now involved in accusation and defence. And they killed people who had done nothing wrong without trial (*akritous*), whereas you think it fit to judge those who have destroyed the city according to the law (*kata ton nomon*) …
>
> 12.81–82

Throughout the speech, Lysias connects his private interest in suing Eratosthenes with the larger interest of the city (12.5, 23, 62), thereby making his individual case against a single member of the Thirty into a collective impeachment of the entire group by the city's restored democracy. For this purpose, he consistently uses the second person plural (e.g. 12.57–58) when he refers to the Athenian citizens who suffered at the hands of the Thirty. It is they who now man the jury, which makes them representatives and defenders of the current constitu-

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tion. The effect of this is, as in other speeches discussed above, to isolate the opponent, who, as one 'of the worst criminals' (*ponērotatōn*, 12.94), belonged to a group of 'tyrants' (*turannoi*, 12.35) that worked towards the enslaving of the Athenian people.

Conclusion

The above overview of a selection of forensic speeches in the *corpus Lysiacum* reveals a consistent methodology in characterization. Lysias prefers clarity to complication, and describes the individuals involved in his cases by making use of clearly understandable moral categories right from the beginning. In the course of the speeches he keeps repeating the qualifications mentioned in the *exordia*, and inserts more specific characteristics step by step. In this he often focuses upon the acts of the speaker and the opponent (metonymical characterization), as was seen in Lysias' speeches *Against Philon* (Lys. 31) and *Against Agoratus* (Lys. 13). Furthermore, Lysias uses contrastive characterization so as to highlight particular traits of his client or his opponent. Typically, for instance, he contrasts the shamelessness of the latter with the selflessness of the former.[33] In addition to such commonplaces, there are elements that are specific to each case, and which are largely determinative in further characterizing the individuals involved. Thus, in the speech *On the murder of Eratosthenes* (Lys. 1), the cunning of the adulterer and his circle is contrasted with Euphiletus' gullibility; in the speech *Against Simon* (Lys. 3), the non-violent, conflict-avoiding character of the speaker is contrasted with the aggression of Simon and his gang; in the speech *On the olive stump* (Lys. 7) the plaintiff's lack of accountability is contrasted with the defendant's accuracy, whereas in the case *Against Eratosthenes* (Lys. 12), the contrast is expressed in political terms, with Lysias as a champion of the restored democracy, fighting against one of its former attackers. In the case *Against Diogiton* (Lys. 32), the contrast revolves around loyalty to one's relatives, a quality the speaker possesses to a high degree, in contrast to the accused. Furthermore, Lysias also makes contrasts visible between the speaker, opponent, and other groups, such as Simon's friends (Lys. 3), who behave considerably better than their ringleader, and Eratosthenes' accomplices (Lys. 1), who take part in the conspiracy against

33 Carey 1994: 41: 'Lysias simply selects one or two distinctive characteristics and by presenting these consistently creates the illusion of depth of characterisation.' Compare Carey 2000a: 204: 'The speaker's character is a blank page to be filled in by the speech-writer according to his needs.'

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Euphiletus. These transparent, contrastive schemes of characterization can be explained in view of Lysias' narratee, who could be any Athenian citizen from any background and tribe, and may not have had much education. Too much complexity should therefore be avoided or at least not stand in the way of a straightforward understanding of the main incidents of the case as well as the characters of those involved. Given the decisive nature of verdicts in lawsuits, and the specific, performative demands of their setting in court, this clarity was of utmost importance, together with a consistent emphasis upon the interests of the democratic community on whose behalf the jurymen cast their votes. In this light it remains questionable to what extent Lysias, either in substance or style, attempted to characterize individuals beyond what was needed in the case. From the above discussion it appears that the demands of the Athenian jury system were overriding in composing his speeches, and ultimately account for their accessibility and enduring appeal.

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