Religious Discourse in Attic Oratory and Politics

The book offers a critical investigation of a wide range of features of religious discourse in the transmitted forensic, symbouleutic and epideictic orations of the Ten Attic Orators, a body of 151 speeches which represents the mature flourishing of the ancient art of public speaking and persuasion.

Serafim focuses on how the intersections between such religious discourse and the political, legal and civic institutions of classical Athens help to shed new light on *polis* identity-building and the construction of an imagined community in three institutional contexts – the law court, the Assembly and the *Boulē*: a community that unites its members and defines the ways in which they make decisions. After a full-scale survey of the persistently and recurrently used features of religious discourse in Attic oratory, he contextualizes and explains the use of specific patterns of religious discourse in specific oratorical contexts, examining the means or restrictions that these contexts generate for the speaker. In doing so, he explores the cognitive/emotional and physical/sensory reactions of the speaker and the audience when religious stimuli are provided in orations, and how this contributes to the construction of civic and political identity in classical Athens.

Religious Discourse in Attic Oratory and Politics will be of interest to anyone working on classical Athens, particularly its legal institutions, on ancient rhetoric, and ancient Greek religion and politics.

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To my parents and grandparents

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Athens,
September 2020

Abbreviations

The abbreviations of the names of ancient authors and their works follow those in LSJ⁹. Abbreviations of journals are those used in *L'Année Philologique*.

LSJ⁹ H. G. Liddell, R. Scott, and H. S. Jones. 1968. *A Greek-English Lexicon*. 9th ed. Oxford.

Introduction

This book aims to shed further light on the features of religious discourse across the full range of public speaking contexts in Athens in the fourth century BC (forensic, symbouleutic and epideictic), the similarities and differences in its use from context to context and the ways in which it influenced, determined or shaped people's attitudes. The focus on Attic oratory is justified not simply because the Athenians were distinguished in antiquity for their religiosity, as Pausanias points out (1.24.3),¹ but also because a substantial proportion of the speeches of the so-called Ten Attic Orators (Aeschines, Andocides, Antiphon, Demosthenes, Dinarchus, Hypereides, Isaeus, Isocrates, Lysurgus and Lysias) has come down to us in a textual form, thereby enabling us to investigate different contexts of public speaking, and make comparisons between them, thus offering the opportunity to enhance our knowledge and understanding of how religious discourse was used.

In this book, the term *religious discourse* is intended to cover a broad spectrum of topics regarding religion in the Attic orators – from oaths, curses, oracles, hymns and prayers, to invocations or references to the gods and other supernatural deities or agents, such as *moira* and *tychē*. This book offers a *holistic* approach to religious discourse in that it explores its use in the *entirety* of the transmitted forensic, symbouleutic and epideictic orations of the Ten Attic Orators, a body of 151 speeches which represents the mature flourishing of the ancient art of public speaking and persuasion, as well as both setting the standard for persuasion in the ancient world and underpinning aspects of how persuasion is understood in the modern world.² Religion is used in speeches because it influences and determines most aspects of Athenian socio-political, cultural and everyday life and because it could be exploited to the best rhetorical effect, in order to win the audience over, or manipulate it, to accept the speaker's arguments.

The speeches of the Ten Attic Orators that have come down to us in a textual form contain several references to matters of religious discourse. Reading the whole body of the transmitted speeches, I found references in 931 sections.³ This book delves into the deep waters of the full corpus of extant Attic oratory, aiming to answer the following important questions: how does religious discourse help to create a group or a community of people? What

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cognitive dispositions does religious discourse create in the audience, and what emotional reactions does it trigger? And are there any differences in the form, features and purposes of religious discourse in different public speaking contexts? Examination of religious discourse and its significance in public speaking urges us to pay closer attention to the fabric of Greek religion as having civic/political, rhetorical and persuasive dimensions.

Defining fundamental terms

Let us start with some definitions. There are three terms of fundamental importance for the purposes of this book that should be given an introduction: *religion*, *polis* and *religious discourse*.

What is ancient religion? Or, as R. Buxton famously asks, “What is Greek religion? What is religion *tout court*? Is there such a thing as ‘(Greek) religion?’” J. van Baal suggests a definition that emphasizes the transcendental nature of religion, disregarding its practice by people within societies: “all explicit and implicit notions and ideas, accepted as true, which relate to a reality which cannot be verified empirically”.⁴ C. Geertz sees religion as a cultural system: it “is a system of symbols which act to establish powerful, persuasive and long-lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic”.⁵ This definition recognizes the value of the exercise of religion in the context of a society, but it somehow dismisses the supernatural and transcendental part that is emphasized early in ancient sources (e.g. Protagoras highlighted *adēlotēs*, the obscurity and non-evidence of the gods; 4 DK, 20 GW). Greek religion is indeed about the supernatural, if we focus on the myths, which are preserved in literary form and present aspects of popular belief about the gods (their features, might, omniscience and omnipresence),⁶ and advanced, or subtle, theological and moral principles (e.g. the intervention of the gods in human life). But it also associates with cultural, societal and political practices and etiquettes – what can summarily be described by the notion of “*polis* religion” that will be discussed in detail below. The definition of ancient religion proposed in this book carefully considers both of its features – the cultural and the transcendental – without prioritizing one over the other: (ancient) religion is the system of designated behaviours, practices and theological beliefs, world-views, sanctified places, patterns of worship and rituals, ethics and morality, societal functions and organizations, which relate humanity to the supernatural or transcendental.⁷

What is polis? *Polis*, broadly defined in this book, refers to all features that belong to and sustain Greek community-formation. According to the *Oxford Classical Dictionary* “its main features are small size, political autonomy, social homogeneity, sense of community and respect for law”.⁸ Another defining feature is that each *polis* controlled a territory (equating to a town plus hinterland), delimited either topographically by mountains

or rivers, or politically by proximity to other *poleis*. The delimitation of boundaries between city-states was either a matter of political agreement or military effect. The Platonic *Definitions* 415c refer to the *polis* as a settlement (*oikēsis*) of a number of persons (*anthrōpoi*) living under common decisions (*koina dogmata*) and laws (*nomoi*). M. H. Hansen and T. H. Nielsen, gathering together several ancient sources and modern discussions, offer a comprehensive exegesis of the defining meanings of the word *polis*: “roughly speaking, the word *polis* had four different senses: (a) ‘stronghold’ or ‘citadel’, (b) ‘nucleated settlement’, (c) ‘country’ or ‘territory’ and (d) ‘political community’”.⁹ For Hansen and Nielsen there were 1035 city-states in Greece.¹⁰ J. Blok argues that “a *polis* conceived its identity in terms of the traditions by which the community had lived over generations (*nomoi*), the body of political rules in the strict sense as well as social practices and attitudes that had grown with those rules (*politeia*)”.¹¹ *Polis*, one may roughly sum up, consists of the architecture and the topographical structure of a place, the practices of the state and its citizens (since we tend to refer to the cities as a sum of people, e.g. “the Athenians”),¹² the political, economic and social landscape, and the religious spaces and ritual practices occurring within it. *Polis*, in other words, is a community (cf. Aristotle, *Politics* 1276b: κοινὴ πολιτῶν πολιτείας “a partnership of citizens in a government”; Thucydides 1.10.2).

What is religious discourse? Or, first of all, what is *discourse*? For S. Chatman, *discourse* refers to the “how”, i.e. “the means by which the content is communicated”.¹³ M. Foucault defined *discourse* as “an entity of sequences of signs in that they are enouncements”,¹⁴ i.e. statements that are acceptable by the discourse community. For him, discourses are historically situated truths or means of specifying knowledge, which play a role in the social construction of reality. L. Lessa summarizes Foucault’s definition of discourse in *Archaeology of Knowledge* as the “system of thoughts composed of ideas, attitudes, courses of action, beliefs and practices that systematically construct the subjects and the worlds of which they speak”.¹⁵ These definitions of discourse, especially the one proposed by Lessa, help to formulate the definition of the term *religious discourse* that runs throughout this work: *religious discourse* refers to all of the codified language that is incorporated in and can be extracted from an oratorical script – language that conveys ideas, beliefs and attitudes of people towards religion, and points to its use as a means of winning over, or manipulating, the audience in the forums of public speaking in Athens in the fourth century BC.

Welcome light on the meaning, the forms and the fundamental features of *religious discourse* in Attic oratory is shed by G. Martin, in his book *Divine Talk: Religious Argumentation in Demosthenes*. The term that Martin uses, *religious argumentation*, is close in meaning to the term *religious discourse* that is used in this book. *Discourse* has, of course, a broader and more all-embracing sense than argumentation: it refers to arguments as well as any other rhetorical techniques that a speech incorporates. *Divine Talk* is the first extensive discussion of religion in the speeches of Demosthenes and some

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of his contemporaries. Martin has produced a thoroughly researched and original study of the ways in which Athenian orators argued on the basis of religion, and the forms and features this argumentation acquires. He explores a wide range of religious arguments, from oaths and prayers to the references to the intervention of the gods in human affairs and the other persuasive usages of religious discourse in a small sample of Demosthenes' speeches (i.e. 18–20 and 22–24) and in a limited number of speeches by other orators (i.e. Pseudo-Lysias 6 *Against Andocides*, Aeschines and Lycurgus). His book offers a series of careful and well-researched discussions of the use of religious arguments in oratory, and in this sense it can be viewed as the precursor to this book.

Although much indebted to the stimulating work that has already been done in *Divine Talk*, my book adopts a distinctive approach that results in significant methodological differences, especially with regard to the thematic breadth that the term *religious discourse* covers. Martin points out that not every reference to the gods or the divine acquires a religious dimension or significance. He distinguishes between the references to the gods and the divine that are clear, forcible and unquestionable and that certainly acquire religious overtones in the minds of the audience, and those that are unobtrusive and not forcible enough to provoke religious thoughts.¹⁶ Although I agree with Martin that specific terms, such as *katharos* or *miaros* (basically translated as “pure” and “filthy” respectively – two terms that relate to the rituals of sacrifices) may not necessarily carry religious overtones, I would not *a priori* regard them insignificant or “incidental”. I would rather examine them, and any other references, in context, because frequently it is the context that calls for religious explanations. That would result in a larger-scale exploration of religious discourse than that in Martin's book.

Religious discourse, understood in this book as having a broad, large-scale, thematic spectrum, takes the following major forms: talking about the gods, prayers and curses, hymns, oaths and references to oracular divination. I will discuss each in turn.

Talking about the gods, the divine, supernatural powers or agents and religious rites

Discourse of this kind, as expressed in forensic, symbouleutic and epideictic speeches of Attic oratory, includes a wide range of features:

- a. Narration of the deeds of the gods and eulogy of their powers;
- b. References to the decisive intervention of the gods and/or supernatural powers, such as *moira* and *tychē*, in human affairs (cf. Antiphon 5.6 and 6.15 with references to fate; Lycurgus 94; Isocrates, *Archidamus* 31; *Panegyricus* 68, *Against Callimachus* 32; Demosthenes' dense array of references to *moira* and *tychē* in speech 18) to support or avenge individuals (cf. Antiphon 3.3.8; 4.1.3; Isocrates, *Panathenaicus* 37 where the

gods are presented as supplying people with all the great goods; *Antidosis* 282; Demosthenes 61.12 with a reference to how diligently the gods guard people against mishaps and 61.32 with a reference to fortune that scorns base men) and communities (cf. Aeschines 2.118 where it is mentioned that *tychē* is responsible for the political momentum of the hegemonic rise of Macedon; Demosthenes' attribution of any successes to Athens being beloved by the gods, as in *Olynthiac* 1.10, 2.1; *Philippic* 1.12, 37, etc.). References to the gods, or *moira* and *tychē*, are a means of justifying the failed political actions of leaders (cf. Hypereides, *Against Diondas* 136v30–137v8; Demosthenes 18);

- c. Invocation to the gods, *moira*, *tychē* and other divine agents, such as Earth and Sun (cf. Aeschines 2.260; a slight variation in Demosthenes 34.29, 39.21, 40.5, 45.73 where Earth and the gods are invoked);
- d. References to rituals, mainly those employed in the various institutions of public speaking in Athens (cf. Demosthenes 48.70 with a reference to the statue of Pallas that gave the name to the place where the court of *ephetai* held its sessions);
- e. The indications of the inextricable connection between democracy, civic identity/patriotism and piety (cf. Aeschines 3.196 where it is claimed that the gods and the laws protect democracy; Demosthenes 19.280 where it is pointed out that the protectors of Athenian democracy are honoured by the Athenians as gods or demigods).

Prayers, curses and prophetesses (e.g. sibyls)

Prophetesses – in the feminine – had a certain type of ancient religious language that was the preserve of women. Prophetesses were characterized by inarticulate cries, vocal rituals and *glossolalia*, which involved sounds with no meaning, in a state of prophetic ecstasy.

Curses are of two kinds: conditional and binding curses. Conditional curses, evident as early as the eighth century BC, had a social role to perform in preventing people from committing civic crimes. There is a story about Alkmaionid *genos*:

For having massacred the supporters of a revolutionary called Cylon in c. 610 BC [...] the curse was still in force nearly two hundred years later. [...] In 431 BC, the Spartans issued an ultimatum to the Athenians to the effect that they should “expel the accursed one”, meaning the Alkmaionid statesman Pericles, if they wished to avert the Peloponnesian War.

(Garland (1994) 75)

The binding curses aim at injuring individuals, physically and spiritually – these are *katadesmoi*, or, as they were often called, *defixiones*: small thin lead sheets, inscribed with curses, in some cases with a tablet formed in the shape of the part of the human body it was intended to attack.¹⁷ While *katadesmoi*

or *defixiones* are secretive, conditional curses are often attested in speeches, as in Aeschines 3.110–111, 121. Curses have a formulaic tripartite structure: the first part starts with the verb “I bind”, or “I bind up”, or even “I immobilize” or “restrain”, by which the targeted persons are identified. The second part involves a direct or indirect appeal to the relevant infernal power that sometimes seems like an order. “They directly address gods and ask them to act; others only invoke them as witnesses or overseers; others do both simultaneously”.¹⁸ The last part of the standard structural pattern of curses focuses on the afflictions people wish to direct towards their victims.

Prayer indicates the close bond between religion and rhetoric. “To pray is to speak to the gods in the form of an argued discourse. Therefore, prayer should be analyzed as discourse, insofar as prayer is a speech that a person addresses to a divinity, and prayer can be understood in terms of the ancient categories of discourse”.¹⁹ Or, as M. Depew eloquently puts it to underline the rhetorical character of prayers, “one interlocutor presses his claim on the other (whether it be recognition, hospitality or protection) by situating it in terms of mutually recognizable and valued information”.²⁰ Rhetoric lies in the heart of a prayer since this might be carefully formulated to convey a message as persuasively and effectively as possible to the god. The worshipper can mention previous offers to the god to establish his *ēthos*, his authority through character; because, as Aristotle points out in *Rhetoric* (1356a4–6, 1356a13, 1377b20–4, 1378a6–15), “the speaker persuades by moral character when his speech is delivered in such a manner as to render him worthy of confidence”.

Prayers, as well as hymns, generally follow a standard structure: invocation–argument–prayer. The worshipper first addresses the god(s) by name in vocative or double vocatives,²¹ adding “second-names” (*epiklēseis*) to invoke attributes of the god(s); next he mentions the reasons why the god(s) should hear his invocation; and, finally, having prepared the ground, he mentions the request.²² The second phase of a prayer, the argumentation, is based on the *do ut des* (“I give so that you may give”) tenet, by which worshippers seek to persuade the deity to return the favour to the sender of the prayer. “In worship the Greeks aimed at generating an atmosphere of reciprocal *charis* [...] the gods in turn grant them their *charis*, goodwill, which translated into wealth, health and power”.²³ The prayer, as evident from the above, encompasses a degree of inherent “rhetoricity”.

Hymns

Hymns are defined, in the ancient sense, as a eulogy of or a song to gods, accompanied by an invocation and an address. Hymns and prayers share a similar standard structural pattern. Unlike prayers, however, hymns are not intended to prepare the ground for a specific request, but, through beguiling words, music, dance-steps and the beauty of the performers, aim to entertain and please the god. Hymns fall largely into two categories with distinct

features: the *Homeric hymns* and the adapted later forms – e.g. *Orphic Hymns*, Proclus' *Hymns*. These:

Consist largely of narratives about the god's birth and/or exploits and finish with a brief prayer to the god to receive the song graciously before the singer turns to another – presumably epic – song. The *Cult Hymns*, the second major category of hymns, were meant for performance during religious ritual, whether calendrical festival or special event. Cult hymns usually address the god(s) directly in the second person.

(Furley (2010) 129)

These hymns often begin with a subsidiary invocation of other deities (e.g. the Muses). This invocation has the standard structural pattern of argument, narrative and prayer.²⁴ In Menander's *Rhetor* 331 classification, hymns are a subdivision of epideictic rhetoric – thus aiming to secure the goodwill of the god.

Oaths

Oaths (*horkoi*), as R. Janko argues, are intended “to invoke powers greater than oneself to uphold the truth of a declaration, by putting a curse upon oneself if it is false”.²⁵ It is thought that there are three specific acts involved in any oath: the swearer, first, makes a declaration; if this declaration is about the present or the past, the oath is *assertory*; if it is about the future, the oath is *promissory*. The swearer, second, specifies the supernatural or divine power that would be a witness to the declaration and the guarantor of its truth. He, finally, makes a conditional curse on himself, claiming that if the declaration was false, or if the promise was violated, he would be fined by the supernatural or divine power he invoked.²⁶ In Aristotle's *Rhetoric* 1355b, oath challenges are considered artless proofs (*atekhnoi pisteis*), which means that they are taken as types of evidence, together with witnesses, contracts and torture-challenges.

Speakers typically exploit oaths to the best rhetorical effect, since they have a more lasting, solemn and awe-inspiring effect on the minds of the audience than detailed legal arguments. There are, I argue, two ways in which oaths and invocations to the gods are used in speeches: the *defensive* and the *aggressive*. The defensive use of oaths aims to affirm the civil actions, words or policies (cf. Demosthenes 8.49),²⁷ while the aggressive use aims to add validity to the accusations levelled against the opponents (cf. Aeschines 3.208, Isaeus 6.58),²⁸ or to undermine the moral character and public authority of the opponents by presenting them as perjurers – thus attempting to prejudice the audience against them. The question of the integration of the opponents within, or their exclusion from, the civic community is at stake in the references to them as being perjurers. Having been presented as the enemies of the gods and the city – because the oath acquires both religious and legal dimensions – the

opponents are excluded from the group of people who pay great attention to both of these aspects: the Athenians.

The accusation of perjury aims, in other words, to activate “out-group” hostility, i.e. that the impious man and law-violator is excluded from the rest of the Athenians. This hostility is based on the popular belief that whoever has broken their oath and committed perjury is sure to be punished.²⁹ “The gods took an interest in human lying, cheating, accepting bribes, giving false testimony, deliberately voting unjustly in a law trial, failing to perform duties as a citizen or government officials, or in a host of similar ‘wrongs’”.³⁰ In some cases, defensive and aggressive uses of oaths are combined to maximize the rhetorical effect. In Isaeus 8.29, for example, the oath (μὰ τοὺς θεοὺς τοὺς Ὀλυμπίους “by the Olympian gods”),³¹ strengthened by other rhetorical language used in the surrounding text (e.g. the emphatic first person pronoun), aims to underline the speaker’s contention that he had proved his mother’s legitimacy, while simultaneously underlining the failure of his opponent to produce the slaves.³²

A distinct category of oaths is the judicial/dicastic oath and “bouletic oath”.³³ This is a technical formula recited by the judges and by the members of the Council. For Aristotle, in the *Athenian Constitution* 22.2, this oath was established in 501/500 BC; but according to Demosthenes 24.148, its establishment goes back to the legislation of Solon. As K. Kapparis notes, and I agree, “the fact that new pieces were added, and perhaps left out, indicates that it [the judicial oath] was rather seen as a functional text than an antiquated formula”.³⁴ Demosthenes 24.149–151 provides us with the content of the judicial oath, which was taken by the judges at the beginning of each year, despite the (not fully justified) suspicion that it conveys doubtful or incomplete information.³⁵ The judges swore that they “will give verdicts in accordance with the statutes and decrees of the People of Athens and of the Council of Five Hundred”. They also promised to, fearlessly and without bias, protect the democratic constitution and the Athenians, to increase the accountability of the magistrates by compelling them to undertake magistracies as the law instructs, to listen to both sides and cast their verdict righteously so as to show their respect towards the city, the laws, the constitution and the gods. The peroration of the oath, as transmitted in Demosthenes 24.151, increases its solemn tone with a reference to Zeus, Poseidon and Demeter and the destruction that will befall the judges if they do not make the most righteous possible decision at the end of the trial. References to civic issues and the divine make the oaths a matter of both legal and religious importance.³⁶

There was also an oath that witnesses in Athenian trials swore, as a result of a challenge by the litigants: “the evidentiary oath”. If a litigant wanted to introduce the statement of a woman as evidence, he did so by having the woman swear an oath before trial and then having the oath read out in the court. The evidentiary oath, however, did not make a woman a witness in court:

In earlier times, oaths have played a much more prominent role in litigation, and a grammarian records a law of Solon which laid down that, where neither party could produce either contract or witness to establish his case, the parties had to take an oath as to the truth of their case, and the court had to decide on that basis.

(Harrison (1971) 150–1)

Taking the evidentiary oath required the consent of the opposing litigant, and, as S. Todd argues, this oath was not used extensively in the court procedures in Athens.³⁷ It seems that a litigant ran no risk of being punished if he did not accept an oath challenge; he only gave the impression to the judges that he had something to hide – whatever repercussions this impression may have in the court.³⁸

References to oracular divination

Quotations of oracular divination in Attic oratorical speeches are rare: only three speeches in the Demosthenic corpus quote oracles (i.e. Demosthenes 19.297, 21.51; [Demosthenes] 43.66). Passages referring to oracular divination are also few and far between in the rest of the transmitted oratorical texts (cf. Aeschines 3.107, 130; Dinarchus 1.78, 98; Lycurgus 1.83–88, 93, 98–101, 105–7; Hypereides 4.14–15). Hypereides' *In Defence of Euxenippus* and Lycurgus' *Against Leocrates* stand apart. Hypereides' speech is the only speech preserved from classical Athens that discusses an occasion of oracular divination by way of a dream. It presents the case of Euxenippus, an Athenian who was asked to consult the god about a rivalry between two Athenian tribes and the Oropian sanctuary of Amphiaraos, which concerned the allocation of land. Lycurgus' *Against Leocrates* not only contains four references to different oracles, but these also differ significantly from those quoted by the other orators in form, function and purpose. Lycurgus' oracles are the only ones to be presented as part of the narrative of the speech, rather than as formal depositions of evidence to be read out by a clerk, and it is particularly in Lycurgus' references that the ambiguity of oracles, and thus the need for their careful interpretation, is emphasized.

Religion, rhetoric and the *polis*

What becomes evident from the discussion in the first section of this chapter is that religion is embedded in the *polis*, having affected and been affected by socio-political, legal and cultural institutions and structures within the Greek city-states. It is, in fact, a truism that ancient religion was a civic religion, a more or less overt extension of the social and political order. "Greek religion is community-based, and to the extent that the *polis* forms the most conspicuous of communities, it is therefore *polis*-based".³⁹ Or, as C. Sourvinou-Inwood eloquently puts it, "the *polis* anchored, legitimated, and mediated all religious

activity”.⁴⁰ Religion permeated every dimension of people’s lives and fundamentally influenced what people perceived as “culture”. It was believed that the omnipresent and omniscient gods should constantly be appeased and consulted because all human behaviours and actions, both those revolving around the quotidian transactions of individuals’ lives and those referring to decisive political matters, needed divine acceptance and permission. In fact, as will be argued in Chapter 4 of this book, patriotism, politics/civic spirit and religion are closely associated with each other, with the gods being presented as protectors of all the constituents of the *polis*: the constitution, laws, moral values and people. Political and personal stability and prosperity, in other words, were thought to be dependent on an orderly system of communication between the gods and humans.

The level of interconnectivity varied from city to city because of the fragmentary political landscape of Greece in the fifth and fourth centuries BC: a plethora of *poleis*-communities had developed in social, political and economic contexts that in turn determined the particular character and features of the religious discourse, myths, festivals and cults in those *poleis*. Despite the widespread similarities in ritual practices, beliefs and attitudes that induce some scholars to talk about a Panhellenic religious system (e.g. polytheism in all Greek cities and common rituals such as pre- and post-battle sacrifices; in Herodotus’ words in 8.144: “the shrines of gods and the sacrifices that we have in common”),⁴¹ there are some important divergences. S. Price attempts, for example, to distinguish between Panhellenic and local myths.⁴² Divergences even on the level of myth-telling may also point to divergent levels of religious adherence in the institutions within individual *poleis*. The high-handed and despotic behaviour of Creon, for example, may be accepted as proper by a king-liking Theban audience, but it would certainly alienate a democratic Athenian audience.

The intermingling of religion and the *polis*, or, as Sourvinou-Inwood points out, the embeddedness of the first in the second, permeated every single aspect of life in Athens in the fourth century BC, and forms the basis of the notion of “*polis* religion”. The focus on Athens in this period is not a fluke: a wide range of sources from oratory and history to literature in broader terms shed light on the inseparability between the institutions of the Athenian *polis* and its religion.⁴³ The connection of rhetoric, one of the fundamental sustaining institutions of Athens, with religion is, in a certain sense, indisputable. Religion is always open to be debated and articulated verbally; rhetoric, in other words, has been the major vehicle through which religion is phrased and propagated. Rhetoric in its broad sense – i.e. a reference to words spoken in a context or written for an audience – is used to address the divine, to invoke the gods, to talk about the sacred, to express piety and to articulate, refer to, recite or explain the meaning of hymns, oaths, prayers, oracles and other signs.

The relationship between rhetoric and religion is two-cornered: rhetoric is no less embedded in Greek religion than Greek religion is in rhetoric. In

the entrance of the Council, there was a shrine of Zeus and Athena, where, as Antiphon 6.45 informs us, members offered prayers as they entered; while, according to Demosthenes 25.99, copies of all Athenian laws were deposited for reference in the Sanctuary of the Mother-Goddess. Assembly meetings or law court trials in Athens started with a series of religious acts, such as sacrifices to Apollo and Artemis Boulaia, and to Artemis Phosphorus and Zeus Ktēsios in a later stage,⁴⁴ of a pig whose blood was spattered over the auditorium, prayers, curses against the speakers who spoke and acted against the city, and offerings to gods.

Divine agency was brought into the human, especially the legal, sphere in many other ways. *Peithō* (Persuasion) was regarded as a goddess (cf. Isocrates, *Antidosis* 249);⁴⁵ discourse can have supernatural effectiveness, rhetoric and eloquence are attributed to good fortune (cf. Isocrates, *Antidosis* 246) or believed to be distributed by the gods (cf. Isocrates, *Antidosis* 247), and the orator can be invested with religious powers. Other personifications, such as *Dikē* (Justice; cf. Demosthenes 25.11, 35), Themis and *Dikaïosynē* (Justice), mark Athenians' attempts to deify judicial principles and to underline the importance of their legal, legislatorial, juridical and moral system.⁴⁶ *Dikē*, or the Goddess *IlJustitia* in Latin or the *Lady Justice* in contemporary parlance, is a personification that represents the moral strength in judicial systems. *Dikē*, the goddess of Justice, is considered the daughter of Zeus and Themis and the sister of *Eunomia*, Order (cf. Hesiod, *Theogony* 901–904; Pindar, *Olympian* 13.5–9).⁴⁷ *Dikē* represents the spirit of morality and righteousness that is infused in the Athenian juridical and legislatorial system, implicitly pointing to the moral and functional superiority of that legal system. This legal system is considered the product of mortal and divine agency; in Demosthenes' words in 25.16: every law is at once “an invention and gift from the gods and a judgement of wise men”.⁴⁸

Religion intersects with social/civic institutions that are central to rhetorical processes and outcomes, thereby impacting upon political attitudes, decision-making and mass persuasion, or manipulation. The notion that gods are interested in law, and that law helps create a good relationship between humanity and the divine, constituted an important mindset that promoted a well-functioning civic community. Attic orations include references to the gods as monitoring the Assembly or sessions in the court of law, requiring the judges to arrive at a fair decision that would show their respect for the gods and their city (cf. Demosthenes 18.324; 19.239–40, 299; Aeschines 3.260). These references are designed and expected to persuade the audience: the speakers subtly aim to instil fear in the judges, encouraging them to think of themselves as being personally accountable to divine justice, if their verdict does not meet the expectations of the implied divine audience. The Greeks attributed the success of their community to the maintenance of good relationships with the gods and the observance of the social rules, values and “deep structures” they safeguarded (cf. Aeschines 3.196; Demosthenes, *Olynthiac* 1.10; 2.1, 22 and *Philippic* 1.12, 37, 45; 4.24, 31; Dinarchus 3.19; Isocrates 15.321).

At times of crisis of all sorts, religious discourse was used extensively in the forums for public speaking in Athens: in times of warmongering or engagement in war, for example, rhetoric in the Assembly would have been embellished by references to oracles and other portents, with the aim of moulding the collective mood of the people and determining the outcome of crucial decision-making processes (cf. in Thrasybulus' speech in Xenophon's *Hellenics* 2.4.14, 17).⁴⁹ There is no more solemnly effective way to win over and motivate people to embark on a policy than telling them that their city is beloved and supported by the gods, and that with the gods on their side their success is assured (cf. Demosthenes' Olynthiac speeches include many references to Athens being beloved and blessed by the gods and fortune). The human *psychē* longs for reassurance and comfort when things are tough, insecure or unpleasant. Religious discourse allays anxiety by providing a context in which these conditions are either explained or offset by the promise of a better life or salvation.⁵⁰

Current perspectives and approaches

Continuing research, textual interpretations and a broad analytical focus emphasizing social, political and legal approaches have shed welcome light on the synergy between religion and the art of public (i.e. political, social and rhetorical) speaking in classical Athenian antiquity. It has already been mentioned that Martin's book, *Divine Talk: Religious Argumentation in Demosthenes*, is the first fully-fledged examination of the role religion plays in the rhetorical strategy of selected speeches of Attic oratory. Martin's aim, as mentioned above, is to examine how, why and in which oratorical passages religious arguments are deployed. That is why he examines speeches for public trials (*graphai*; Chapters 1–5), symbouleutic speeches and speeches for private suits (*dikai*; Chapters 6–9).

Martin, despite breaking interesting new ground in the examination of the embeddedness of religion in Attic oratory, and, by extension, in the civic, social and political institutions of Athens, is not the first to explore the ways in which political community coincides with religious community. Scholarship on this issue is deeply indebted to the notion of "*polis* religion", which gained widespread currency thanks to Sourvinou-Inwood.⁵¹ Her works, a perennial source of inspiration for anyone interested in the field of ancient Greek religion, investigate the ways in which the Greek *polis* articulated, and was articulated by, religion. Sourvinou-Inwood's "'*polis* religion' embraces, contains and mediates all religious discourse – with the ambiguous and uncertain exception of some sectarian discourse".⁵² She also points out that "the fact that all the phratries in Athens have the same main deities suggests that their most important cults resulted from a central articulation of cult, an articulation of the *polis* given symbolic expression and cohesion through cult".⁵³ This socio-political unity in Athens is also manifest in active participation in the

cultural, socio-political and legal institutions that exemplify the ideal of *hiera kai hestia*:

the things humans give to the gods in return for their divine gifts, and all human acts, thoughts and possessions that conform to *hosiē*, rules of conduct in which the gods have a particular interest. The whole community is involved, each individual having a share as member of the group; in this sense, *hiera kai hestia* represent their common interests and identity.

(Blok (2011) 233–254)

For Blok, *hiera* is a reference to the “things of the gods” (e.g. temples, rites and the gifts devoted to the gods), while *hestia*, a matter of scholarly controversy and debate for decades, seems to denote “human actions, words, or possessions that comply with *hosiē*, a set of specific norms and rules of human conduct, and therefore are pleasing to the gods”.⁵⁴ The performance of communal religious rituals thereby worked as the “glue” that kept social groups together. All cult acts, even those performed in the *oikos*, were under the control of the *polis* of Athens.⁵⁵

Sourvinou-Inwood’s “*polis* religion” also describes the interconnectivity of religion and socio-political institutions beyond the *polis* level: Panhellenic congruity refers to the work in sanctuaries or *Amphictyonies* and religious leagues. Exploring the ways in which the political structure of the Greek *polis* shaped religious practices and representations, the model of “*polis* religion” pays attention to myth and rituals, adolescent transitions, illustrations of the afterlife and variations of Panhellenic representation found in Greek cities (“divine personalities”):

At the same time, the religious inventories of the individual city-states resembled each other because of their shared past and the spread of epic poetry throughout the Greek world. In particular, the poems of Homer and Hesiod had unified and structured the Greek pantheon. Religion thus offered a common set of ideologies and values, such as shared notions of purity and pollution, sacred and profane, human and divine, which were a reference point throughout the Greek world.

(Kindt (2012) 13–14)

The model of “*polis* religion”, despite being indelibly connected with Sourvinou-Inwood, describes a widely held set of ideas, originating in the 1980s among British and French classicists, sociologists and anthropologists. The idea that religion is an integral part of a community emerged in French sociologist E. Durkheim’s *The Elementary Forms of Religious Life*, in which religion is presented as a social phenomenon. Durkheim, investigating the Australian Totemic societies, argues that the development of religion is attained through communal life. For him, the animal or the plant that each

Totemic clan worshipped as a sacred power was, in fact, a representation of the society itself. The essence of religion, Durkheim finds, is the concept of the sacred that holds a community together and reflects upon forms of social organization. In his words, religion is not defined by the supernatural and the mysterious; it is rather “a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden – beliefs and practices which unite into one single moral community called a Church, all those who adhere to them”.⁵⁶

Durkheim’s theory of religion as a communal enterprise is further acknowledged and developed by his contemporary J. E. Harrison, known as one of the founders of modern studies in ancient Greek religion and mythology (along with K. Kerényi and W. Burkert). In her book *Themis*, Harrison argues that myths and rituals reflected and constituted the structure of Greek society. As she eloquently puts it, “religion sums up and embodies what we feel together, what we care for together, what we imagine together, and the price of that feeling together, that imagining together, the concessions, the mutual compromises that are at first gladly paid”.⁵⁷ For, as P. Boyer also rightly points out, “society would not hold together if people did not have some central set of beliefs that bind them together and make social groups work as organic wholes rather than aggregates of self-interested individuals”.⁵⁸ This is particularly true in the case of Athenian religion: festivals allowed factional social and political groups to come together. Festivals in the *demes* of Athens, for example, and important religious occasions, such as the Panathenaea and the Dionysia, helped the Athenians to celebrate the idea of communality, participating in the worship and the processions, the communal feasts and meals and the athletic or dramatic competitions.⁵⁹

The theory of “*polis* religion” was further exploited in W. Burkert’s *Greek Religion* and L. B. Zaidman and P. S. Pantel’s *Religion in the Ancient Greek City*. Both studies examine the religious structures of the Greek city-state in two periods of Greek history, the archaic and classical periods. For Burkert, who used the term “*polis* religion” (or “cosmic religion”) five years before Sourvinou-Inwood developed a full theory, “religion is not turned to the religious needs of the individual; it shapes the community of the *polis*, pointing out and verbalizing its functions through its gods”.⁶⁰ Burkert identified three specific markers of the association between Greek religion and the institutions of the *polis*: first, self-representation of the community through religious cults; second, the control of religious practices by the *polis* through its decision-making forums; and third, the creation or alteration of religious institutions within the socio-political community in Athens.⁶¹

Zaidman and Pantel, in a similar vein, rightly remark that religion impregnates a wide range of aspects of life in Athens, either *interstate* life (e.g. the foundation of colonies, declaration of wars and ratification of treaties) or *intra-state* life (e.g. liturgies and the ways in which the Assembly, the courts of law and other forums of public speaking work).⁶² Zaidman and Pantel are also right to note that the amalgam of political and religious functions

in Athens – what they call “religious patriotism” or “religious politics” – is manifested physically in the Athenian *agora*, the place where civic cults took place and where religious sites were founded (e.g. sanctuaries, altars, tombs of heroes), and the Acropolis with its temples and its history pointing to the interconnection of religion and partisan politics.⁶³

Since these preliminary studies on the relationship between religion and social, political and rhetorical aspects of life in the ancient *polis*, an extensive bibliography has emerged to focus on aspects of the theory of “*polis* religion”.⁶⁴ K. Dover, for example, discusses the oath that the judges swore in court and speakers’ claims or insinuations that their opponents violated divine as well as human law.⁶⁵ J. Mikalson analyzes treason and heroism as acts that acquire religious significance.⁶⁶ R. Parker examines the connection between patriotism, land and religion in the context of the Athenians’ belief that they had lived in Attica from time immemorial.⁶⁷ Parker also argues that “it was the ordered community, the *polis*, which assumed the role played in Christianity by the Church”.⁶⁸ G. Martin argues that political community coincides with religious community, and proceeds to examine the persuasive use of religious discourse in a small sample of Demosthenes’ speeches (i.e. 18–20 and 22–24) and in a limited number of speeches by other orators (i.e. Pseudo-Lysias 6 *Against Andocides*, Aeschines and Lycurgus).⁶⁹ My own first monograph offers limited discussions about how religious discourse is critical to the dynamics of the law court by creating a certain attitude in the judges towards the two litigants, and thus potentially affecting their verdict.⁷⁰

Although the theory of “*polis* religion” has been very influential, it has not been accepted unanimously, and many critical reassessments have emerged since the time Sourvinou-Inwood formulated a fully-fledged theory, with critiques often focusing on the level of authority that the ancient *polis* exercised over the religion. The most steadfast criticism of the “*polis* religion” model is that it can over-emphasize the degree of control that the *polis* had over religious practice, not paying enough attention to segregated and marginalized segments of Athenian society. The model presupposes the existence of a rigidly coherent, all-encompassing religious system, whereas in fact there would have been variations and inconsistencies. J. Kindt and J. Mikalson, for example, drawing on R. Garland’s “Religious Authority in Archaic and Classical Athens”, question the rigid authority of the *polis* over religious practices and officials. For Garland, religious authority in Athens was fragmented: it was the monopoly neither of the citizen body as a whole nor any particular group of individuals within it. It was rather a discrete prerogative shared out among a number of corporations, comprising amateurs as well as magistrates, religious experts and laity.⁷¹ Garland’s conclusion is that the ultimate authority lay outside the purview of the Athenian state. Mikalson remarks, quite similarly, that the authority that the Athenian *dēmos* exercised over priests, priestesses and cults is exaggerated by scholars, suggesting that the intervention of the Assembly and the *Boulē* was limited to the level of administrating and financing the cults.⁷² Kindt argues that there is religion

beyond *polis*, i.e. there are aspects of religious discourse and practices that are exerted within the borders of the city but privately.⁷³

In my view, in spite of the criticism, the “*polis* religion” model remains the most useful to the scholar who wants to explore aspects of the relationship between religion and the city-state. This is because the “*polis* religion” model denies neither the role of individuals or groups in exercising religion in private within the borders of the city, nor the role of *inter-polis* institutions, such as *Amphictyonies*, in transferring religious myths, discourses and practices from city to city. Certainly there were aspects of religion that the *polis* did not control, but there was no religious activity that set itself up as distinct from or out of the control of the civic institutions and the communal affairs within the *polis*. This is what the case of Socrates indicates: his identity, constructed around his failure to participate in state rituals, has been plausibly suggested as being among the factors that made him vulnerable to charges of impiety in 399 BC. Indeed, the wealth of references to impiety and its legal punishment in Attic law may indicate how powerful the control of the *polis* was over (what we tend to consider as) matters of privacy and religious status (including ritual practice or freethinking): anyone defying, disturbing or distorting the customs and the mainstream traditions of the city was subject to legal condemnation.⁷⁴ After all, it seems that there was social cost for those who participated in private religious associations. Passages, such as those in Demosthenes 18.259–260 and 19.199–200, where Aeschines is accused of having participated in rituals associated with Dionysus/Bacchus and Sabazius, “illustrate the hostile attitude of part of the Athenian elite towards all these rituals. It did not befit a respectable Athenian to be a member of such groups”.⁷⁵

This overview of the most fundamental trends in the study of the intermingling between religion and society indicates that much progress has been made in understanding religion as an agglomeration of civic, political and rhetorical variants. A diversity of topics has been investigated, from the links that betray the relationship between religion and society to the level and breadth of the authority that the second exerts over the first. Despite this expanded gamut of research inquiries, however, there is a notable lack of a single, full and up-to-date examination of the use of religious discourse in the *entirety* of the speeches of Attic oratory. Most of the current scholarship examines how particular aspects of religious discourse function in specific contexts, which may or may not include oratory. In addition to some studies (e.g. Dover, Mikalson, Sourvinou-Inwood and Parker), which only occasionally discuss how religious discourse is manifested and deployed in Attic oratory, my previous book, *Attic Oratory and Performance*, focusing mainly on performance in four speeches of Aeschines and Demosthenes, inevitably leaves many aspects of religious discourse undiscussed. Martin’s book, despite examining religious discourse in both judicial and symbouleutic oratory, adopts a small number of case studies, leaving a great wealth of speeches uninvestigated. His analysis is based on six speeches that Demosthenes wrote

for public trials: three that he delivered in person (speeches 18–20) and three that he composed to be delivered by others (speeches 22–24).

What this book is about

This book seeks to offer a critical investigation of a wide range of features of religious discourse – wider than any other recent approach to ancient religious discourse – in all public speaking contexts in classical Athens: forensic (comprising both public and private cases), symbouleutic and epideictic. There is a specific focus on how, where, why and to what effect, religious discourse is used in those speeches of the Ten Attic Orators that have come down to us in a textual form. While it is generally true that it is easier for us to discern patterns than to explain them, it is both interesting and useful to try to explain the strategic reasoning behind the use of religious discourse in specific texts, contexts and oratorical genres.

The framework – i.e. the means or restrictions – that specific contexts provide to the speaker concerning the use of religious discourse, remains largely under-theorized in classical scholarship on Attic oratory. Different institutions have different “logics of appropriateness”, to use a term that draws on New Institutionalism, which condition the ways in which discourses interact and affect society. The same orators did not use religious discourse in the same way in front of different institutional audiences because the same Athenian thought and voted differently, depending on the institutional setting in which he was called to make decisions. Martin draws four conclusions about the use of religious discourse in specific oratorical and institutional contexts: first, religious argumentation is more prominent in forensic than in symbouleutic speeches; second, within forensic oratory, religious discourse is more prevalent in speeches for public trials than in those for private suits; third, Demosthenes makes constrained use of religious arguments, even when he addresses religious issues and where the scope for religious argumentation is clearly present; and fourth, among Demosthenes’ speeches for public trials, those that he delivered himself stand out for their lack of religious argumentation, whereas those that he wrote for others make substantial use of such arguments.

These distinctions, despite being important in shedding light on the use of religious discourse in oratory, are not fully compatible with the use of religious discourse in the entirety of the corpus of Attic oratory. It is true that references to religious discourse are most extensive in forensic speeches (found in 708 sections), despite also being notable in symbouleutic (found in 125 sections) and epideictic speeches (found in 98 sections).⁷⁶ I also counted more instances of religious discourse in forensic public speeches (found in 495 sections) and fewer in forensic private speeches (found in 213 sections). A full investigation also reveals that references to matters of religious discourse are made in 460 sections out of 4224 sections of the full corpus of Demosthenic speeches (or 10.9%), with Demosthenes ranking sixth among the Ten Attic Orators in the frequency of deploying religious discourse.⁷⁷

Martin's fourth conclusion, however, is not validated. In fact, I draw exactly the opposite conclusion: instances of religious discourse are higher in number in the orations that Demosthenes delivered himself than in the three he composed for others to deliver (i.e. speech 22, *Against Androtion*; speech 23, *Against Aristocrates*; speech 24, *Against Timocrates*). In these three logographic speeches, I counted 51 sections with references to religious discourse (or 9.9%), in contrast to 95 (or 14.2%) in two non-logographic speeches alone: speeches 18, *On the Crown*, and 19, *On the False Embassy*, the two speeches Martin explores in his book.⁷⁸ In absolute numbers, the impression that non-logographic speeches contain more references to religious discourse does not change: I counted 412 sections with religious discourse in a total of 2951 sections that the forensic public and private speeches of Demosthenes comprise (or 13.96%). Presumably the difference in counting relates to Martin's argument that not all references to religion should be afforded equal weight in terms of their interpretation and impact.

So a more nuanced approach, and an examination with a broader scope, would help us make fuller sense of the use of religious discourse in the speeches delivered by Attic orators. It would be useful, for example, to examine contextual dichotomies, such as logographic/non-logographic and public/private speeches, to see what convergences and divergences in the features and purposes of religious discourse can be traced. Fuller investigation of religious discourse will focus on the entirety of the transmitted speeches, including epideictic speeches, and will suggest explanations about the forms and features of religious discourse, and the contexts and reasons that dictate its use. By exploring and interpreting the use of religious discourse in the entirety of the transmitted forensic, symbouleutic and epideictic orations of the Ten Attic Orators, this book will be the first to examine the mechanisms of religion as a tool for persuasion in the full range of public speaking contexts in classical Athens.

The originality of this book is further underlined by its aim to bring interdisciplinary theories – i.e. New Institutionalism, identity construction, group identity and social identity theory – to the fore in the discussion of religious discourse. The book aims to explore the cognitive and emotional impact that religious discourse exerted upon ancient audiences by activating a sense of group identity and creating a sense of a civic/political and religious community that unites its members. A fuller appreciation of the complicated interrelations between religion and the communal socio-political identity contributes towards a more complete understanding of ancient Greek persuasion, and such an understanding serves to advance our overall knowledge of the growing popular sovereignty, civic/political identity construction and decision-making processes in different public speaking contexts in classical Athens. The use of the latest interdisciplinary theories to understand the communicative function of religious discourse in the context of Athenian democracy provides insights into broader socio-political, legal and cultural frameworks.

Outline

This book is articulated in four chapters and a conclusion. Chapter 1, “Religious discourse in Attic oratory: A full survey”, aims to provide a comprehensive, full-scale survey of the *main* features and manifestations of religious discourse in the forensic, symbouleutic and epideictic orations of Aeschines, Andocides, Antiphon, Demosthenes, Dinarchus, Hypereides, Isaeus, Isocrates, Lycurgus and Lysias. This chapter attempts to refer to the *main* forms of religious discourse, i.e. the persistently and recurrently used features, or those situated in emotionally heightened contexts or other moments in the speech where the narrative and argument have intense significance. These surveys, however condensed they will inevitably be (or look), will enable us to reconstruct a coherent overarching picture of the main topics or approaches that each orator relies on in his speeches, thus making possible a deeper appreciation of the use of religion in the decision-making forums, and facilitating the discussion of its importance in the subsequent chapters of this book.

Chapter 2, “Contextualizing religious discourse”, aims to contextualize, comment on and explain the use of specific patterns of religious discourse in specific oratorical contexts, examining the means or restrictions that these contexts generate for the speaker. New Institutionalism argues that different institutions have different “logics of appropriateness” that condition the ways in which discourses interact and affect society. To act appropriately is to proceed according to the institutionalized practices which arise from a collective and mutual understanding of what is true, reasonable, natural, right and good in a specific context. Rules and practices specify what is normal, what must be expected, what can be relied upon, and what makes sense within a given context or community. The idea that people behave in a specific way depending on the institutional etiquette can shed light on the ways in which orators in classical Athens use specific arguments and rhetorical techniques in well-designated contexts, and only in those contexts. As L. Rubinstein argues, for example, the public or private legal character of the cases affects the options available to the speakers in terms of the content of their speech, the arguments and the rhetorical strategies.⁷⁹ It will be argued in this book that the differences between oratorical genres affect the use of religious discourse.

Chapter 3, “Reacting to the ‘airy nothing’”, aims to provide information about the reactions of both the speaker and the audience, when religious stimuli are provided in orations. These reactions can fall within two major categories: *physical/sensory* (i.e. voice reactions and gesticulation – everything that has to do with the senses of sight and hearing) and *cognitive/emotional* (i.e. the mental disposition that religious discourse inculcates in the audience and the emotions it triggers). This chapter is, therefore, divided into two parts: the first, “A two-cornered active involvement: The speaker and the audience”, focuses on the exploration of the physical/sensory reactions of both

the speaker and the audience: the ways in which religious discourse influenced the former's gesticulation and the use of other bodily movements and vocal ploys, and the ways in which the latter may have reacted verbally (i.e. voice reactions) or non-verbally (bodily or other physical actions). The second part of this chapter, "Cognitive dispositions and emotional reactions", explores the ways in which the use of religious discourse in the speeches of the Ten Attic Orators created a certain mindset in the audience, and instigated specific emotions.

Chapter 4, "Civic/political identity in religious discourse", aims to examine two specific ways in which religious discourse, as manifested and exploited in the whole corpus of forensic, symbouleutic and epideictic speeches of Attic oratory, contribute to the presentation and recognition of aspects of identity, either collective or individual. The areas of investigation include: first, references to the interconnection between religion and civic spirit or patriotism; and second, the religious dimension of the examples of ideal statesmen and mythical heroes that underline the bonds that keep the community together. An incessant game of inclusion and exclusion from a group can be found beneath all three areas of investigation. References aim first to create or maintain a group of people, underlining the shared civic and religious values and convictions, and the belief that this group has shared interests; and second, to exclude political rivals from the group as being alien and inimical to the religious and civic bonds that hold the community together.

This Conclusion pulls together the various threads that run through the book. After referring briefly to the insights into the interrelation between rhetoric and religion in Attic oratory and politics that this book provides, and after underscoring the value of the book's approach to the use of religious discourse in public (legal or political) speaking, it offers suggestions about religious discourse in other kinds of rhetoric, or in rhetoric of other eras and cultures (e.g. Hellenistic cities, Rome, Byzantium and beyond) that might be further explored in future research endeavours.

Notes

- 1 Pausanias 1.24.3: "They were far more zealous than other people in matters concerning the gods" (τὰ θεῖα). Translation: Jones (1918). Translations of the texts that are included in the Introduction to, and the following chapters of, this book are taken from the following works, unless otherwise noted: Demosthenes 1–10: Vince (1930); Demosthenes 11–20: Vince and Vince (1926); Demosthenes 21–50: Murray (1939); Demosthenes 51–61: DeWitt and DeWitt (1949); Aeschines: Adams (1919); Andocides: Maidment (1968); Dinarchus, Hypereides and Lycurgus: Burt (1962); Isaeus: Forster (1962); Isocrates: Norlin (1980); Lysias: Lamb (1930); Aristotle's *Politics*: Rackham (1944); Aristotle's *Rhetoric*: Freese (1926); Hesiod: Evelyn-White (1914); Pseudo-Plutarch's *Lives of the Ten Orators*: Goodwin (1874); Plato's *Laws*: Bury (1967–1968); Plato's *Minos*: Lamb (1967).
- 2 In the list of 151 speeches I do not include the 15 extant letters (six of which belong to Demosthenes and nine to Isocrates) and the fragments of two lost speeches of

Hypereides in the Archimedes Palimpsest (the speeches *Against Timandros* and *Against Diondas*). Chapter 1 provides full information about the speeches that are discussed in this book.

- 3 In the table below are the numbers of references to matters of religious discourse in the speeches of each of the Ten Attic Orators. The percentage given in the brackets is the quotient of the number of sections with references to matters of religious discourse and the total number of sections in the speeches of each orator.

Aeschines: 76 (11.9%)	Hypereides: 15 (8.4%)
Andocides: 31 (11.8%)	Isaeus: 26 (4.85%)
Antiphon: 47 (15.9%)	Isocrates: 131 (6.55%)
Demosthenes: 460 (10.9%)	Lycurgus: 33 (22%)
Dinarchus: 32 (19.75%)	Lysias: 80 (7.17%)

- 4 Baal (1971) 3.
- 5 Geertz (1973) 90.
- 6 Nilsson (1972); Parker (2011). I do not agree with the clear-cut distinction by H. J. Rose between modern Abrahamic religions, which are described as transcendental in a sense that they invite people to think of eternal life and happiness, and the ancient Greek religion, which is more “earthy”, i.e. more related or concerned with human life on earth. See Rose (1946) 10–11. Transcendentalism, in the sense Rose takes it, is also a feature of Greek religion: sources, for example, often refer to people whose life on earth made them eternally blessed (e.g. Isocrates, in *Evagoras* 14, on Aeacus’ kinship with Zeus that gives people relief from woes; Isocrates, in *Panathenaicus* 204, and Demosthenes, in the *Erotic Essay* 30, on Rhadamanthus and Minus), in contrast with people who are damned to suffer eternal tortures in Hades because of their impiety (e.g. Sisyphus and Tantalus).
- 7 Further on (ancient) religion, its nature and features: Dietrich (1974), (1986); Hamilton (1995); Buxton (2000); Gould (2001); Mikalson (2005); Kindt (2012); Winkelman and Baker (2016). An important area of classical scholarship on ancient religion aims to distinguish it from magic: Versnel (1991) 177–197; Fowler (2000) 317–343. On this matter, anthropological and sociological studies are also useful: Goody (1961) 142–164; Wax (1963) 495–518; Hammond (1970) 1349–1356; Geertz (1975) 71–89.
- 8 *Oxford Classical Dictionary* s.v. *polis*.
- 9 Hansen and Nielsen (2004) 39. For a comprehensive discussion of a wide range of ancient sources about the meanings and fundamental features of the Greek *polis*: Hansen (1998), (2000) 173–215, (2007); Hansen and Nielsen (2004) 39–46. On the *polis* as a sacred landscape: Alcock and Osborne (1994); Polignac (1995); Cole (2004).
- 10 Hundreds of other settlements which are not *poleis*, or the status of which remains in doubt, are listed in addition to the 1035 which are enumerated in Hansen and Nielsen (2004) 6.
- 11 Blok (2014) 14–15.
- 12 Blok (2014) 15. On the *polis* as a community of people: Manville (1990), (1997) 21–33; Walter (1993); Cartledge (2000) 11–22; Crowley (ForthcomingFM2_9781138570863.docx - CIT000020).
- 13 Chatman (1978) 19.

- 14 Foucault (1969) 141.
- 15 Lessa (2006) 285.
- 16 Martin (2009) 6–9.
- 17 On the features and functions of conditional and binding curses: Eidinow (2007) 140.
- 18 Eidinow (2007) 147.
- 19 Pernot (2005) 331.
- 20 Depew (1997) 233.
- 21 Pulleyn (1997) 133.
- 22 Furley (2010) 122.
- 23 Furley (2010) 119.
- 24 Further on the structural and performative features of the Greek cult hymns: Dowden (2007) 327–332; Furley (2010) 130–131.
- 25 Janko (1992) 194. Also in the *Oxford Classical Dictionary*: “an oath is a statement (assertory) or a promise (promissory) strengthened by the invocation of god as a witness and often with the addition of a curse in the case of perjury”.
- 26 Sommerstein and Torrance (2014) 1–2.
- 27 Demosthenes 8.49: for if you have the guarantee of some god, since no mere mortal could be a satisfactory surety for such an event that if you remain inactive and abandon everything, Philip will not in the end march against yourselves, by Zeus and all the other gods, it would be disgraceful and unworthy of you and of the resources of your city and the record of your ancestors to abandon all the other Greeks to enslavement for the sake of your own ease, and I for one would rather die than be guilty of proposing such a policy”.
- 28 Aeschines 3.208: “but when, perjurer that he is, he takes refuge in the confidence which you place in oaths, remind him of this, that when a man repeatedly perjures himself, and yet is continually demanding to be believed because of his oaths, one of two things ought to be true, either the gods ought to be new gods, or the hearers not the same”. Isaëus 6.58: “by the gods of Olympus, is it not extraordinary, gentlemen, that, if the children are legitimate, their guardian should claim for himself the estate of Euctemon and his daughter as an heiress, and, if they are not legitimate, that he should have given evidence now in support of their legitimacy? For these acts are the very contrary of one another; so that he is convicted of perjury not only by us but by his own acts”.
- 29 In Hesiod, for example, oaths are presented as running alongside the crooked judgements made by bribe-swallowing judges (*Works and Days* 219–221), who put their personal gain above justice and receive punishment from the gods. A useful survey of other sources about divine punishment of perjury is offered by Sommerstein and Torrance 2014: 12: “Hesiod’s concerns about perjury and private profit are picked up in Theognis 197–202, where the perjurer profits for a short while but becomes wretched in the long run (200; cf. also Theognis 1194–1195). Hesiodic resonances for the divine punishment of perjury for personal gain appear in Plato’s *Laws* (916e–917a), where perjury is forbidden by the market laws. There are similarities too between the two authors in the representation of oath-breaking and divine punishment; cf. Plato’s *Laws* 701b–c, which echoes Hesiod’s *Works and Days* 180–201, and also *Republic* 363d (resonances about the continuity of the family)”.
- 30 Mikalson (1991) 86.

- 31 This is the only occurrence of the phrase in Isaeus' speeches, where the use of invocations to the gods is generally timid and constrained. Cf. 11.36: "By the gods"; 6.58: "By the gods of Olympus"; 7.33: "By Zeus". Griffith-Williams (2013) 133.
- 32 Isaeus 8.29: "For events in the distant past I furnished hearsay evidence vouched for by witnesses; where living witnesses are available, I produced those who are familiar with the facts, who knew perfectly well that my mother was brought up in Ciron's house, that she was regarded as his daughter, and that she was twice betrothed and twice married; I further showed that on all these points my opponents have refused to allow the evidence of slaves under torture, who knew all the facts. By the gods of Olympus, I could not possibly give stronger proofs than these, and I think that those which I have produced are sufficient".
- 33 The term "bouleutic oath" belongs to Kapparis (1999) 171.
- 34 Kapparis (1999) 171–2.
- 35 Harrison (1971) 43; Todd (1993) 54.
- 36 More information on the judicial oath: Plescia (1970); Zaidman and Pantel (1995) 100; Lanni (1997) 188; Mirhady (2007) 48–59.
- 37 Todd (1993) 96.
- 38 Harrison (1971) 152. On the history of the oath and its development in ancient Greece: Plescia (1970); Karavites (1992); Aubriot (1991) 91–103; Faraone (1993) 60–80; Saladino (1998) 87–106; Giorgieri (2001) 421–440; Kitts (2003) 17–34.
- 39 *Oxford Classical Dictionary* s.v. *religion, Greek*.
- 40 Sourvinou-Inwood (1990) 297. On the interconnection between law, politics and religion in early Greece: Gagarin (2013) 59–78.
- 41 Price (1999) 3–9; Harris (2015) 77–9 on the meaning of the notion *ta patria*, the traditional common sacred practices of the Greek cities in antiquity.
- 42 Price (1999) 11–46.
- 43 There has been widespread acceptance in the last few decades of the religious dimension of literary genres, especially Greek tragedy, with much emphasis placed on the articulations and manipulations of rituals in the creation of tragic meanings. Useful bibliographical references on this issue include: Zeitlin (1965) 463–508; Vidal-Naquet (1972) 133–58; Goldhill (1990) 97–129 on the character of the dramatic performances as part of a festival; Easterling (1991) 87–109; Friedrich (1996) 269–70; Sourvinou-Inwood (2003) on how the tragedies were perceived by the ancient audiences as ritual performances; Sourvinou-Inwood (2005) 7–24; Lefkowitz (2016) 1–23 for a comprehensive overview of the relationship between the gods and humans in literary genres, especially epic and tragedy.
- 44 Mikalson (2016) 113.
- 45 Pausanias 1.22.3 states that the worship of *Peithō* was established in Athens by Theseus, and speaks of a statue of this goddess as once having stood near the Acropolis: "when Theseus had united into one state the many Athenian parishes, he established the cults of Aphrodite *Pandēmos* (Common) and of Persuasion. The old statues no longer existed in my time, but those I saw were the work of no inferior artists. There is also a sanctuary of Earth, Nurse of Youth, and of Demeter *Chloē* (Green). You can learn all about their names by conversing with the priests". References to personified and/or deified Persuasion can also be found in Hesiod's *Theogony* 349 and *Works and Days* 73; Aeschylus' *Suppliant Women*

- 1041; and Herodotus 8.111, where divine Persuasion is presented as supporting the Athenians: “the Athenians had come with two great gods to aid them, Persuasion and Necessity”.
- 46 On personification in Greek religious thought and practice: Stafford (2010) 71–85.
- 47 Hesiod, *Theogony* 901–904: “next he married bright Themis who bore the *Horai* (Hours) and *Eunomia* (Order), *Dikē* (Justice) and blooming *Eirēnē* (Peace), who mind the works of mortal men, and the *Moirai* (Fates) to whom wise Zeus gave the greatest honour”. Pindar, *Olympian* 13.5–9: “there [in Olympia] dwell *Eunomia* and her sisters, the secure foundation of cities: *Dikē* and *Eirēnē*, who was raised together with her, the guardians of wealth for men, the golden daughters of wise Themis”.
- 48 On lawgiving and the communication between gods and men in general: Willey (2016) 176–186.
- 49 Price (1999) 73–6; Martin (2016) 288ff.
- 50 On this topic, see also pp. 40–41, 48, 132.
- 51 Sourvinou-Inwood (1988) 259–274, (1990) 295–322.
- 52 Sourvinou-Inwood (1990) 302.
- 53 Sourvinou-Inwood (1990) 318, (2000) 51.
- 54 Blok (2014) 17. Also: Osborne (1993) 392–405; Cole (1995) 292–325; Burkert (1995); Georgoudi (1998) 325–334; Parker (2005); Peels (2015).
- 55 Sourvinou-Inwood (2000) 51–55. As Orlin et al. (2016) 732 also rightly put it, “citizens of a *polis* came to be united as a festival community, with a common religious calendar and collective rituals of various kinds, mostly funded centrally and managed by civic priests”.
- 56 Durkheim (1912) 62.
- 57 Harrison (1927) 487.
- 58 Boyer (2001) 23. Cf. Hedrick (2007) 283: “Religion is society’s worship of itself. Because it is thought to represent the absolute, religion has always been closely identified with acculturation, the inculcation of fundamental social values”.
- 59 Deacy (2007) 229–31.
- 60 Burkert (1985) 335.
- 61 Burkert (1995) 202. For a thorough analysis of new cults, their social contexts and the influence of politics over them in Athens in the fifth century BC: Garland (1992).
- 62 Zaidman and Pantel (1995) 92–101. The name of the second category that describes the mutual implication of political life and religious cult, the *intra-state* implications, is mine; the term *interstate* implications is used by Zaidman and Pantel.
- 63 On how the history of the Acropolis points to that dynamic relationship between religion and politics: Zaidman and Pantel (1995) 97–100.
- 64 Bremmer (1999); Hedrick (2007) 283; Evans (2010) 35–62; Horster (2010) 179; Parker (2011) 57–63: all arguing for the authority that the constitutional organs of the state exerted over religion discourse and practices; and Deacy (2007) 231–214 who sheds welcome light on the manipulative use of religious discourses and practices by partisan politicians.
- 65 Dover (1974).
- 66 Mikalson (1983).
- 67 Parker (1997).
- 68 Parker (2011) 58.

- 69 Martin (2009).
 70 Serafim (2017).
 71 Garland (1984) 75–123.
 72 Mikalson (2016) 189–203.
 73 Kindt (2009) 16–35, (2012) 13–25. Modern criticism may draw on Augustine’s influential separation of the secular “city of the earth”, which is corrupt, from the ideal *City of the God*. It may also echo the philosophical (especially in Xenophanes) and the sophistic segregation of religion from society. For a comprehensive discussion of the history of separation between religion and society: Hedrick (2007) 283–91.
 74 On impiety and its punishment, see Chapter 4, pp. 132–133.
 75 Arnaoutoglou (2011) 43.
 76 I also calculated the quotient of the number of sections with references to matters of religious discourse in forensic, symbouleutic and epideictic orations and the total number of sections of these three oratorical genres in the whole corpus of the speeches of Attic orators. The conclusion that religious discourse is used more extensively in forensic speeches (11.1%) than in symbouleutic (7.8%) and epideictic (8.5%) speeches does not change. The conclusion remains the same, if one calculates the quotient of the number of sections with references to matters of religious discourse in each of the three genres of oratory and the total number of sections in the 151 extant speeches of Attic oratory: a distinct preponderance in using religious discourse in forensic speeches is apparent, with 7.75% in contrast to 1.3% in symbouleutic and 1.1% in epideictic speeches.
 77 See n. 3.
 78 The percentage given in the brackets is the quotient of the number of sections with references to matters of religious discourse and the total number of sections in the speeches of Demosthenes, 516 for the logographic speeches and 667 for speeches 18 and 19.
 79 Rubinstein (2004) 187–203, (2005) 129–145.
 1 King (1954/5) 363–71; Vielberg (1991) 49–68; Montgomery (1996) 125–32; Furley (1997) 64–82; Martin (2009).
 2 Commentaries include: MacDowell (2000) on Demosthenes 19; Yunis (2001) 225 on fortune in Demosthenes 18; Todd (2007) on Lysias 1–11; Kremmydas (2012) on Demosthenes 20; Griffith-Williams (2013) 133 on Isaeus 8.
 3 In the table below are the numbers of references to matters of religious discourse in the speeches of each of the Ten Attic Orators. The percentage given in the brackets is the quotient of the number of sections with references to matters of religious discourse and the total number of sections in the speeches of each orator.

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Dinarchus: 32 (19.75%)	Lysias: 80 (7.17%)

- 4 Readings on the distinction of oratorical speeches into three sub-genres, and on the defining features of each one of these categories: Ober (1989) 147; Fahnestock (1993) 267–268; Edwards (1994) 3–7; Heath (1995) 10–11; Sheard (1996) 773–776; Albaladejo (2003) 51–58; Carey (2007) 236–252.

- 5 Surprisingly, despite the impressive advances in the study of Attic oratory that have been made in the last two decades, I found no single work that offers a full catalogue of the speeches that belong to each of the Ten Attic Orators, and no distinction of the extant speeches into the main three categories of oratory: forensic, symbouleutic and epideictic. References to speeches and distinctions of genre are usually, *but not always*, made in commentaries; e.g. Gagarin (1997) 7–9. This chapter fills this important gap by offering full lists of the speeches of each orator, and by separating speeches into their categories.
- 6 Fisher (2001) 267.
- 7 Translation: Lloyd-Jones (1994). See also the translation of McAuslan and Affleck (2003) 17.
- 8 Herodotus 1.43: “then the guest called Adrastus, the man who had been cleansed of the deed of blood, missed the boat with his spear and hit the son of Croesus. So Atys was struck by the spear and fulfilled the prophecy of the dream. One ran to tell Croesus what had happened, and coming to Sardis told the king of the fight and the fate of his son”.
- 9 Fisher (2001) 268.
- 10 Welcker (1835); Marzullo (1953).
- 11 On the *Epic Cycle*, part of which is the *Little Iliad*: West (2013).
- 12 Harris (1995) 105; Ford (1999) 249–50; Fisher (2001) 269; Bajnok (2013) 185.
- 13 Fisher (2001) 269.
- 14 The existence of the altar to *phēmē* is also attested in Pausanias 1.17.1: “In the Athenian market-place among the objects not generally known is an altar to Mercy (Ἐλέου βωμός), of all divinities the most useful in the life of mortals and in the vicissitudes of fortune, but honoured by the Athenians alone among the Greeks. And they are conspicuous not only for their humanity, but also for their devotion to religion. They have an altar to Shame (Αἰδοῦς), one to Rumour (Φήμης) and one to Effort (Ορμῆς). It is quite obvious that those who excel in piety are correspondingly rewarded by good fortune”. The attribution of divine status to rumour by Pausanias (second century AD) is perhaps influenced by its deification in sources from the fourth century BC, including oratory.
- 15 Φήμη] Ἀθήνησιν ἐστὶ βωμός Φήμης. Vat. Laur. mq. Ἄλλως. Κίμωνος ἐν Παμφυλία νικήσαντος ναυμαχίαν καὶ πεζομαχίαν αὐθημερὸν ἐγνώσαν Ἀθηναῖοι, ὥς ὕστερον αὐτοῦ διὰ γραμμάτων τὴν νίκην σημήναντος· ὅθεν πρῶτον καὶ βωμὸν τῇ Φήμῃ ὡς θεῷ ἀνιδρύσαντο. Vat. Laur. gmq.
- 16 Montgomery (1983).
- 17 Aeschines 3.77: “Now this man it was, fellow citizens, this past master of flattery, who, when informed through scouts of Charidemus that Philip was dead, before anyone else had received the news, made up a vision for himself and lied about the gods, pretending that he had received the news, not from Charidemus, but from Zeus and Athena, the gods by whose name he perjures himself by day, and who then converse with him in the night, as he says, and tell him of things to come”. 3.99: “Demosthenes, when he is cheating you, first adds an oath to his lie, calling down destruction on himself; and secondly, predicting an event that he knows will never happen, he dares to tell the date of it; and he tells the names of men, when he has never so much as seen their faces, deceiving your ears and imitating men who tell the truth”.
- 18 This is an example of Aeschines’ intention to activate “group identities” and exploit them to the best rhetorical effect. On the theory and practice of “group identities”, see p. 123ff.

- 19 Serafim (2019) 245–247; also: Rudhardt (1960) 87–105; Filonik (2013) 11–96.
- 20 On the marginalized status of sycophants: Lofberg (1917) esp. 19–25, (1920) 61–72; MacDowell (1978) 62–6; Harvey (1990) 103–121; Yunis (1996) 253–254, n. 31; Christ (1998) 48–71; Pernot (2005) 24–25.
- 21 Antiphon 4.2.8–9: “May God visit them with the punishment which they deserve. You on your side must look to your own interests and be more disposed to acquit than to condemn me. If I am acquitted unjustly, if I escape because you have not been properly informed of the facts, then it is he who failed to inform you, not you, whom I shall cause to be visited by the spirit who is seeking vengeance for the dead. But if I am wrongfully condemned by you, then it is upon you, and not upon my accuser, that I shall turn the wrath of the avenging demons. In this knowledge, make the prosecution bear the consequences of their sin; cleanse yourselves of guilt: and acquit me as righteousness and justice require you to do. Thus may all of us citizens best avoid defilement”.
- 22 Antiphon 1.25: “yet which is the more just: that a wilful murderer should be punished, or that he should not? Which has a better claim to pity, the murdered man or the murderess? To my mind, the murdered man: *because in pitying him you would be acting more justly and more righteously in the eyes of gods and men*” (emphasis is mine). 3.2.11: “do not bring a miserable fate upon us by condemning us: but show that you fear God by acquitting us”. 3.3.12: “so satisfy the claims of heaven and the laws by taking him and punishing him”. 6.3: “nevertheless, it is also, I think, of great importance to you who are my judges that you should reach a correct verdict in trials for murder, first and foremost because of the gods and your duty towards them, and secondly for your own sakes”.
- 23 On this process of the examination of magistrates: Harrison (1971) 208–11; Todd (1993) 112–3, 302.
- 24 The four religious references in Demosthenes’ *Funeral Oration* are in §§22, 27, 30, 34.
- 25 The ten religious references in Demosthenes’ *Erotic Essay* are in §§8–9, 11–14, 24, 30–32.
- 26 On the functionalistic role of religion: Durkheim (1912); Malinowski (1948); Parsons (1951); Thomas (1962) 30–40.
- 27 Cf. Demosthenes’ *On the False Embassy* 55, 256; *Against Aristogeiton* 1.34 with a reference to the gods-protectors of cities, such as *Athēnē Pronaia* (Lady of Forethought).
- 28 For a more detailed examination of the contexts in which specific features of religious discourse are used, and the rhetorical reasons that determine their use, see Chapter 2.
- 29 *On the Liberty of the Rhodians* 2: “now, it is one of the blessings for which, I think, the gods deserve your gratitude, that the same men who not long ago attacked you in the wantonness of their pride, now find in you alone the hope of their salvation”. *Philippic* 3.54: “and that, as all Heaven is my witness, you will never be able to do; but you have reached such a height of folly or of madness or—I know not what to call it, for this fear too has often haunted me, that some demon is driving you to your doom, that from love of calumny or envy or ribaldry, or whatever your motive may be, you clamour for a speech from these hirelings, some of whom would not even disclaim that title, and you derive amusement from their vituperations”.
- 30 Translation: Carey et al. (2008) 12. Serafim (2017) 104 argues that “this pattern of thought is notably presented in tragedy: the tragic plot in Aeschylus’ *Eumenides*,

for example, is constructed around the punishment of Orestes for the murder of his mother, despite this crime being instigated by Apollo, while the Sophoclean Oedipus himself accepts that he bears responsibility for his actions (*Oedipus Tyrannus* 1329–33)". Further on the role of τύχη in human life: Herodotus 1.32; Sophocles, *Oedipus Tyrannus* 263, 442, 1080–2; Pindar, *Olympian* 12.1–9; Demosthenes, *The Second Olynthiac* 22: "for fortune weighs heavily in the scale – nay, fortune is everything, in all human affairs"; *On the Peace* 11–2, where Demosthenes claims that good fortune "is more powerful than all the cleverness and wisdom on earth"; Aeschines 2.118, 131. Useful readings include: Kokolakis (1960); Chaniotis (2009) 171–3; Martin (2009) 92–101.

- 31 *Olynthiac* 2.23: "But one who is himself idle cannot possibly call upon his friends, much less upon the gods, to work for him".
- 32 Martin (2009) 109–11; cf. Serafim (2019) 233–253.
- 33 Serafim (2019) 240–241.
- 34 References to Earth are frequent in the corpus of Attic speeches; cf. Aeschines' *Against Ctesiphon* 260: ὦ γῆ καὶ ἥλιε καὶ ἀρετὴ καὶ σύνεσις καὶ παιδεία "Earth and Sun and Virtue and Conscience and Education"; Demosthenes' *Against Phormio* 29, *Against Boeotus I* 21, *Against Boeotus 2* 5 and *Against Stephanus I* 73. On the invocation Earth, see Chapter 3, pp. 9–10, 23–24.
- 35 On the features and functions of dreams in a range of ancient Greek and Roman literary genres: Miller (2007) 27–39; Hemingway (2008).
- 36 Demosthenes was also subjected to similar accusations by his enemy Aeschines, who claimed that he attributed to dreams those things he learned from spies; Aeschines 3.77.
- 37 Griffith-Williams (2013) 1.
- 38 Enos (1996) 229.
- 39 Boyer (2001).
- 40 Demosthenes 43.66: "They [the Athenians] set forth bowls of wine and institute choruses and wreath themselves with garlands after the custom of their fathers, in honour of all the Olympian gods and goddesses, lifting up the right hand and the left, and that they be mindful to bring gifts of thanksgiving after the custom of their fathers".
- 41 Demosthenes, *Against Neaira* 104: "On the motion of Hippocrates it is decreed that the Plataeans shall be Athenians from this day, and shall have full rights as citizens, and that they shall share in all the privileges in which the Athenians share, both civil and religious".
- 42 Aeschines 2.22–3: "For he claims that his main concern is the city's salt and the public table, when he does not belong to our land – it must be said – or our blood. And we who have *shrines* and *ancestral tombs* in our homeland and share with you the pastimes and dealings that befit free men and have legally valid marriages and in-laws and children, deserved your trust in Athens (or you would never have selected us), but on arriving in Macedonia we suddenly turned traitor."
Demosthenes 19.267: "The perpetrators of that infamy were not put to the blush by the sun that shone on their shame or by the soil of their native land on which they stood, by temples or by sepulchres, by the ignominy that waited on their deeds: such madness, men of Athens, and such obliquity does corruption engender!"
- 43 Romilly (1977) 113.
- 44 Todd (2007) 1.

- 45 Blass (1868) 445–660. The categorization proposed by Blass includes some highly contestable suggestions, as is, for example, his argument for considering two speeches of Lysias, *For the Invalid* and *To His Companions*, as “bagatelle”.
- 46 On pollution: Dodds (1957) 35–7; Parker (1983) esp. 145–7, 195–7, 257ff; Plastow (2020) 50–88.
- 47 On the punishment of impiety, see Chapter 4, pp. 132–133.
- 48 *Against Theomnestus I*: “Remembering these reasons, vindicate me and my father, and also the established laws and the oaths that you have sworn”.
- 1 Readings on (New) Institutionalism include: Merton (1938) 672–682; Simon (1965); Pitkin (1967); Meyer and Rowan (1977); Kratochwil (1984) 695–708; Apter (1991) 463–481; Weaver and Rockman (1993); March and Olsen (1995); Egeberg (2003).
- 2 Rubinstein (2004) 187–203, (2005) 129–145.
- 3 For a more detailed discussion of the use of religious discourse in speeches, with numbers and figures that support my conclusions, see pp. 17, 21 n.3.
- 4 See p. 18.
- 5 Martin (2009) 135–136, 211.
- 6 Ibrahim (2009) 475–498.
- 7 Lack of tangible proofs was a general problem that Attic orators had to tackle. Apart from the notorious case of Aeschines, who accused Timarchus of prostitution and moral depravity without having any concrete evidence, Demosthenes in his speech of 346 BC, *On the False Embassy*, also notoriously does not present any irrefutable proofs that Aeschines is guilty of bribe-taking. Lack of tangible proofs is also a problem when it comes to the historicity and facticity of descriptions in Attic speeches, as in Demosthenes 18.169 and 262. Further, see Serafim (2015) 96–108. On *ēthopoia* in Greek oratory: Serafim (2017) 25–26.
- 8 Jacquemet et al. (2013) 1–20. Cf. Ellingsen and Johannesson (2004) 397–420; Charness and Dufwenberg (2006) 1579–1601; Vanberg (2008) 1467–1480.
- 9 On perjury in ancient religion: Fitzgerald (2006) 178–197.
- 10 Berti (2006) 181.
- 11 Tajfel and Turner (1979). Also: Miller et al. (1981) 494–511; Conover (1984) 760–785; Lau (1989) 220–223; Carey (1990) 49; Huddy (2003) 511–558; Hall (2006) 388; Arena (2007) 151.
- 12 On the use of oaths in Greek drama: Fletcher (2012).
- 13 For more information about the ways in which religious discourse affects the lively performance of the speakers, especially *hypocrisy*, see Chapter 3, pp. 83–95.
- 14 Martin (2009) 292.
- 15 Martin (2009) 292–293. A similarly faulty line of argument can also be found in Whitmarsh (2015): “there are times when these orators strive to present their clients as pious types and their opponents as contemptuous of religion (although this actually a rather rare strategy: much more emphasis is placed on *responsible citizenship* [emphasis is mine] and on the treatment of fellow human beings)”.
- 16 Dodds (1951) 1 identifies the opposite of what is rational as “the awareness of mystery and the ability to penetrate to the deeper, less conscious levels of human experience”. On the mystical relationship between the gods and the humans: Otto (1917); Gekle (1993); Bowden (2004); Johnston and Struck (2005); Gagné (2019) 36–87.
- 17 Pritchett (1979) 3.

- 18 The criticism of irrationality is profound in a few ancient texts and contexts. The case of the author of the treatise *On the Sacred Disease*, who sets out a rational and natural causation of epilepsy, is a telling example of this criticism. See Lloyd (1979) 15–29; Whitmarsh (2015). However, scientists were not invariably good representatives of the popular beliefs and practices of their time.
- 19 Bowden (2016) 543–554.
- 20 Serafim (2020).
- 21 Martin (2009) 293.
- 22 Having investigated several private forensic speeches – i.e. Demosthenes 50–56 and Lysias 10, 11, 17, 23 and 32 – I can confirm that there is a lack of patterns of comic invective.
- 23 Isaeus, *Meneceles* 47: “do not allow Meneceles, by the gods and deities I beseech you, to be insulted by my opponents, but mindful of the law and of the oath which you have sworn and of the arguments which have been used in support of my plea, pass in accordance with the laws the verdict which is just and in conformity with your oath”. For more on the exploitation of references to religious discourse as a means of invoking emotions, see Chapter 3, pp. 95–110.
- 24 *Against Simon* 48: “So as a matter of justice I should receive pity both from you and from other people, not only if I were to suffer the fate that Simon intends, but simply because I have been compelled to undergo such a trial on the basis of an episode like this”. Translation: Todd (2007) 307.
- 25 On the Athenian laws against tyranny: Ostwald (1955) 103–28; Gagarin (1981) 71–7; Henderson (2003) 156; Ober (2003) 222–4. On the fear of subversion: Carey (2005) 75.
- 26 This is a topic that has been discussed a lot in the classical scholarship on the Greek orators. The most recent and comprehensive discussion, with updated references to influential scholarly work on the matter, is in Plastow (2020) 50–88.
- 27 Serafim (2019) 233–253.
- 28 Serafim (2017) 7.
- 29 See also pp. 48–49.
- 30 Carey (2007) 237. Readings on the fundamental features of forensic, symbouleutic and epideictic speeches include: Fahnestock (1993) 267–268; Sheard (1996) 773–776; Albaladejo (2003) 51–58.
- 31 Demosthenes’ *Olynthiac* 2.22: “But if any of you, Athenians, seeing Philip’s good fortune, thinks that he is in that respect a formidable antagonist, he reasons like a prudent man. For fortune is indeed a great weight in the scales; I might almost say it is everything in human affairs”.
- 32 References to the role that fortune plays in politics can be found elsewhere in the transmitted speeches of Attic oratory, but without being as recurrent, and thus as emphatic, as in Demosthenes 18 and Lysurgus 1. An example of a less emphatic reference to the role of fortune is in Dinarchus’ *Against Demosthenes* 32: “Charidemus set out to visit the Persian King, wishing to do you some practical service apart from mere talking, and anxious at his own peril to win safety for you and every Greek. Demosthenes went round the market making speeches and associating himself with the project. So completely did fortune (ἡ τύχη) wreck this plan that it turned out in just the opposite way to what was expected”.
- 33 Plato (*Republic* 388a–b) and Aristotle (*Nicomachean Ethics* 1099a31–1099b7, 1099b20–5, 1100b8–11) argue that human well-being is not totally affected by

uncontrollable circumstances. Secondary readings include: Mikalson (1983) 59–60; Nussbaum (1986) 318–323, 332, 380–1; Mogyorodi (1996) 359; Wallace (2007) 139.

- 34 For example, Aeschylus (fr. 395) notes, φιλεῖ δὲ τῷ κάμνοντι συσπεύδειν θεός “god loves to aid the man who toils”; Sophocles fr. 407: οὐκ ἔστι τοῖς μὴ ὀρώσι σύμμαχος τύχη “good luck never accompanies those who do not work”. Aesop (6th century BC) also underlines the significance of action in his notable phrase σὺν Ἀθηνᾷ καὶ χεῖρα κίνει “along with Athena, move also your hand” (*Fables* 30: *Shipwrecker*; cf. *Proverbs* 36).
- 35 Aeschines asks the audience, in 1.37, to pardon him if he uses “some expression that is as bad as Timarchus’ deeds”, while in 1.38 he points out that “the blame should rather be his [meaning Timarchus], if it is a fact that his life has been so shameful that a man who is describing his behaviour is unable to say what he wishes without using expressions that are likewise shameful”.
- 36 See Chapter 1, pp. 52.
- 37 Speech 25, in particular, is suggested to have been a stylistic exercise of a hypothetical defence of an individual rather than a case delivered in the law court. Dover (1968) 188–189 argues that the lack of specific details suggests speech 25 is “a hypothetical defence of a man against whom the charge is made at a *dokimasia* that he remained in the city during the rule of the Thirty Tyrants”; Elster (2004) 20 argues that “the cynically blatant appeal to self-interest in that speech would render it ineffective in an actual trial”.
- 38 Aristotle in *Rhetoric* 1404b famously stresses the differences between poetry and oratory in matters of style. In a similar vein, Quintilian in *Institutio Oratoria* 11.3.182–183 draws a sharp contrast between the style of delivery appropriate for an actor and that suitable for an orator. In modern scholarship, Harris (2017) 238–239 is a fervent proponent of these ancient prescriptive perceptions that “the Athenians took the boundaries between genres very seriously and expected them to be respected”. The sharp contrast in style between poetry and prose/oratory that Aristotle and Quintilian describe may not have been that sharp, definitive and crystal-clear in practice, inasmuch as ancient sources mention that a speaker is successful if and whenever he uses acting techniques to engage and win over the target audience. This would seem to imply that acting skills and talents were not thought of as being confined rigidly to the theatre; see Serafim (2017) 81–82. In principle, ancient theorists do not always describe practice accurately. A notorious example of this failure can be found in *The Rhetoric to Alexander* 1441b24–9 where the speakers are admonished to use humour and laughter-inducing techniques in public orations only. The transmitted scripts of public orations indicate, however, how widespread the use of these techniques was in the courtroom.
- 1 Boyer (2001) 000–000.
- 2 A possible objection to this kind of analysis is that to examine the expected or possible reaction of the ancient audience inevitably entails extensive speculation. Speculation is, in many ways, an inherent feature of any text-oriented analysis of aspects of ancient Greek and Roman literature. It does no harm, therefore, to use some “mind scenarios” to shed further light on the speeches of Attic oratory. Nonetheless, to limit speculation, I draw on a range of information provided by ancient sources and modern interdisciplinary scholarship on human behaviour, emotions and actions. See also Serafim (2017) 113–136, where it is explained how

- speculation in the examination of oratorical *hypocrisis* is limited by the use of ancient rhetorical treatises that give us valuable information about the speaker's gesticulation and techniques of vocalization.
- 3 On the notion of "non-verbal communication": Lateiner (1995); Boegehold (1999) 12–28. On the distinction between the *direct/sensory* and the *cognitive/emotional* features of oratorical performance: Serafim (2017) 2–3.
 - 4 Translation: Freese (1926).
 - 5 On the significance of gestures and bodily movements in the law court: *Institutio Oratoria* 11.3.66–136. For a full and detailed examination of the notion and key-aspects of *hypocrisis*: Serafim (2017) 28–46.
 - 6 Subjectivity refers to emotions, feelings and thoughts, while identity refers to how you see yourself and how others see you.
 - 7 Pernot (2005) 235–254.
 - 8 On speech act theory: Austin (1962); Searle (1969), (1975) 59–82, (1976) 1–24; Risselada (1993) 26–29; Bary (2009).
 - 9 A parallel practice to the one described by Pseudo-Aristotle about the *hypocrisis* of prayers can be found in the proceedings of the liturgies of the Christian Church, more specifically in the *Eucharistic Prayer* or *Anaphora*. In the preface of the Eucharistic prayer, the so-called *sumsum corda* ("lift up your hearts"), when the priest recites the dictum ἄνω σχῶμεν τὰς καρδίας, "he raises his hands to the sky and looks upward, inviting the people present in the church to do the same".
 - 10 Further on the gestural and vocal presentation of a prayer, and its linguistic features: Furley (2010) 127–9. On the *actio of prayer* in the forensic speeches of Aeschines (2, 3) and Demosthenes (18, 19): Serafim (2017) 117–120.
 - 11 Dinarchus' *Against Philocles* is another speech that starts with a reference to the gods. In contrast to Lycurgus' *Against Leocrates* and Demosthenes' *On the Crown*, however, that speech does not start with a prayer, but with an invocation: τί χρῆ λέγειν πρὸς τῶν θεῶν περὶ τοιούτων ἀνθρώπων "what in Heaven's name are we to say about such men as this?" Demosthenes 25.2 also makes a reference to the god, implying divine presence in the law court. This reference is in the second section of the exordium, not at the very beginning: εἰ δ' οἷοι μισεῖν, δίκην, ἐὰν θεὸς θέλῃ, τοῦτον δώσειν "if you are disposed to hate them, then this man, please God! Shall pay the penalty". Wankel (1976) 106 refers to some legal fragments from trials on religious matters.
 - 12 For a more detailed discussion of the purposes that these two prayers serve, see pp. 99–101.
 - 13 Translation from Murray (1939) is slightly amended in this passage.
 - 14 The densest accumulation of references to the gods and semi-divine personages can be found in Lycurgus' reference to the ephebic oath in 1.77 (Agraulus, Hestia, Enyo, Enyalios, Ares, Athena the Warrior, Zeus, Thallo, Auxo, Hegemone and Heracles) and Demosthenes in 43.66 (Zeus, Apollo, Athena, Heracles, Leto and Artemis). Lycurgus and Demosthenes do not use any formulaic phrases for oaths, however: the first refers to the gods as witnesses to oath-taking (ἱστορες θεοί), while the second refers to an oracle.
 - 15 Plutarch, *Demosthenes* 11.2–3; Cassius Longinus, *Ars Rhetorica* 567; Cicero, *De Oratore* 3.213–27; Quintilian, *Institutio Oratoria* 4.2.77, 11.3.1–14.
 - 16 Demosthenes 8.34: "for tell me, by Zeus, if the Greeks should call you to account for the opportunities that your carelessness has already thrown away".

- 17 It is remarkable that no oaths are cited in the whole corpus of Lysias' transmitted speeches, "unless we count *Against Andocides*, a speech almost certainly from a different hand", as Bers (2009) 110 points out.
- 18 Serafim (2017) 119–120.
- 19 Serafim (2017) 120.
- 20 On the ritual background of the cries in Demosthenes 18.259–260: Goodwin (1970) 161; Usher (1993) 260; Pulleyn (1997) 183–4; Bers (1997) 175; Yunis (2001) 255–6; Martin (2009) 104–15.
- 21 Selected primary sources: Aeschines 1.69, 77–8, 80–1; Aristophanes, *Acharnians* 37–9; Demosthenes 5.15; 13.3; 18.265; 19.23, 46, 112–3, 337; 23.18–9; Isaeus 6.59; Thucydides 4.28.1; Aristotle, *Rhetoric* 1400a9–11, 1408a23–25; Plato, *Laws* 659a, 700c–701a, 876b1–6, *Republic* 492b5–c2, *Protagoras* 319c, *Apology of Socrates* 17d1, 21a5, 27b1, 30c2–3; Lysias 12.73; Xenophon, *Hellenica* 1.12–3, 15; Pollux 4.88. Useful modern discussions on audiences' volubility in theatre, law court or the assembly include: Bers (1985) 1–15; Hall (2006) 363–6; Tacon (2001) 173–92; Roselli (2011) 47–51; Thomas (2011) 171–85; Bakker (2012) 396.
- 22 Bers (1985) 1–15; Thomas (2011) 175–85.
- 23 *The Lives of the Ten Orators* 845b: προελθὼν δὲ πάλιν εἰς τὰς ἐκκλησίας, νεωτερικῶς τινα λέγων διεσύρετο, ὡς κωμωδηθῆναι αὐτὸν ὑπ' Ἀντιφάνους [fr. 288] καὶ Τιμοκλέους [fr. 41; cf. Apostolakis (2019) 252–255] μὰ – νάματα ὁμόσας δὲ τοῦτον τὸν τρόπον ἐν τῷ δήμῳ θόρυβον ἐκίνησεν. "Another time, declaiming publicly, and using expressions too youthful for one of his years and gravity, he was laughed at, and ridiculed by the comedians, Antiphanes and Timocles, who in derision used to repeat such phrases as these, as uttered by him: 'By the earth, by the fountains, by the rivers, by the floods!' For having sworn thus in presence of the people, he raised a tumult about him".
- 24 "Interpretive communities", a "group of readers who share a set of conventions for understanding literary works in certain ways", is a notion coined by Stanley Fish in his article "Interpreting the Variorum"; Fish (1980) 147–173, esp. 167ff, (2004) 217–21; cf. Pelling (2000) 4–16. On the multiplicity of interpretive communities in the ancient theatre: Roselli (2011) 51–54.
- 25 Martin (2009) 6.
- 26 Demosthenes 23.18–19: "It is, perhaps, fair that I should allow you, who are to hear me, to choose what you wish to hear first and second and last. Consider what you prefer, that I may begin with that. You wish me to deal first with the illegality? Very well; I will do so". The last phrase makes sense only if we assume that the audience agreed with Demosthenes, shouting out a positive answer to his question.
- 27 In Demosthenes 18.52 the audience is asked whether Aeschines was a hireling or a friend of Alexander (μισθωτός or ξένος). Demosthenes then, turning to his opponent, says, "You hear what they say" (ἀκούεις ἃ λέγουσιν). In my book, *Attic Oratory and Performance*, I argue that "Demosthenes changes the narrative into an interactive exchange between himself, his opponent, and the audience, with the aim of allocating to the audience an active role in the performance and increasing the persuasiveness of his case. As the *Scholia Demosthenica* 104a–c report, the final period ('You hear what they say') refers to the response of the audience: when Demosthenes mispronounced the word μισθωτός by putting the accent on the antepenult, μίσθωτος, the audience corrected him by uttering the right form of the word. Another story involves the poet Menander, who was said to have

- acted as a kind of cheer-leader of a small but vociferous body of supporters who shouted ‘Aeschines is a hireling’, and Demosthenes accepted this as the sentiment of the whole audience’ (see *Scholia* 104b). Although neither of these anecdotal stories may be (at least, fully) reliable, they do, nevertheless, indicate that the audience, mobilized by the speaker, was not a passive recipient of communication” (Serafim (2017) 53); cf. Couch (1944) 173–4; Tacon (2001) 178–9; Yunis (2001) 140. Another anecdotal story about Demosthenes’ strategic mispronunciation of words is recorded in Pseudo-Plutarch, *Lives of the Ten Orators* 845b, where we are told that the speaker mispronounced the name of the god Asclepius to note that this god is benign (Ἀσκληπίος instead of Ἀσκληπιός). Fanciful or not, these anecdotes provide insights into how Demosthenes tried to engage the audience.
- 28 The function of imperatives in ritual discourse, according to Bakker, may point to the Greek popular attitude towards deities: they are not thought of as being distant and invisible entities, but as assistants and allies. Bakker (1966) 127.
 - 29 Karanika (2014) 94.
 - 30 Bers (2009) 113.
 - 31 Rijksbaron (2006) 102.
 - 32 Goodwin (1992) 313.
 - 33 For a comprehensive survey of major theories about (modern) religion as a source of emotions: Thagard (2005) 58–74.
 - 34 Solomon (1976).
 - 35 Cognitivism, the most widely accepted theory of emotions in analytic philosophy, is defined by Lyons (1993) 33 as “one that makes some aspect of thought, usually a belief, central to the concept of emotion and, at least in some cognitive theories, essential to distinguishing the different emotions from one.” Further on cognitivism: Kenny (1963); De Souza (1988); Nussbaum (2001); Dixon (2003).
 - 36 Thagard (2006) 238.
 - 37 Thagard (2002).
 - 38 Lemmens and Herck (2008) 3.
 - 39 Kapogiannis et al. (2009).
 - 40 Schjoedt (2009).
 - 41 On the punishment of impiety, see Chapter 4, pp. 132–133.
 - 42 Rubinstein (2004) 187–203; Serafim (2017) 23.
 - 43 Aeschines 3.228: “I am enraged the most at what I am now about to tell you. For he likens me in natural endowment to the Sirens, saying that it was not charm that the Sirens brought to those who listened to them, but destruction, and that therefore the Siren-song has no good repute; and that in like manner the smooth flow of my speech and my natural ability have proved the ruin of those who have listened to me. And yet I think no man in the world is justified in making such a statement about me. It is a shame to accuse a man and not to be able to show the ground for the accusation”.
 - 44 Antiphon 5.72: οὐ γὰρ ἔστιν ὃ τι ἂν ὀργιζόμενος ἄνθρωπος εἰ γνοίη αὐτὸ γὰρ ᾧ βουλεύεται, τὴν γνώμην, διαφθείρει τοῦ ἀνθρώπου “it is impossible for an angry man to make a right decision, as anger destroys his one instrument of decision, his judgment”.
 - 45 See Chapter 4, pp. 127–129.
 - 46 Aristotle discusses a Homeric example of repetition (and asyndeton) in the *Iliad* 2.261: “Nireus, again, from Syme, Nireus son of Aglaia, Nireus the most beautiful”. He notes: “if then the name is often mentioned, it seems as if much has

been said; so that, by means of this fallacy, Homer has increased the reputation of Nireus, though he only mentions him in one passage; he has perpetuated his memory, though he never speaks of him again". See also Demetrius' *On style* 61: "Again, take Nireus—he is personally mean, and his share is meaner still, three ships and a handful of men. But Homer has made him great, and multiplied his following, through using in combination the two figures of *repetition* and *disjunction*. 'Nireus', he says, 'brought three ships, Nireus Aglaia's son, Nireus the goodliest man'. The recurrence to one and the same name 'Nireus', and the disjunction, created an impression of multiplied power, though it is composed of but two or three items". Translation of Demetrius' treatise: Roberts (1902) 101.

- 47 See Chapter 1, p. 53.
- 48 Frequent references to the oath that the judges swore, and the legal-political obligations that this oath has for them; Aeschines 1.170; 2.1; 3.6, 8, 198 (this reference is important because of the mention that whoever violates the oath, simultaneously violates the law and the democratic constitution – the merging of the three indicates how closely interconnected patriotism, politics and religion were in ancient Athens), 233, 257; Andocides 1.2, 9, 90, 105; 3.22; Demosthenes 18.1, 121; 19.132, 179, 285, 297; 20.119; 21.177, 212; 23.96; 24.148, 175; 25.99, 149–151; 27.68; 39.41; 45.87; 55.35; Dinarchus 3.17; Lysias 14.22, 40; 15.8–11; 18.13; 34.23; Isaeus 2.47; 4.31; 6.65; 8.46; Isocrates 15.18, 21.
- 49 Medical language is also used in other speeches, but not in passages where religious discourse is deployed; cf. Demosthenes 25.95: "His case is incurable, men of Athens, quite incurable. Just as physicians, when they detect a cancer or an ulcer or some other incurable growth, cauterize it or cut it away, so you ought all to unite in exterminating this monster. Cast him out of your city; destroy him. Take your precautions in time and do not wait for the evil consequences, which I pray may never fall either on individuals or on the community".
- 50 On medical anxieties in antiquity: Dodds (1957) 223; Brock (2000) 30; Mitchell-Boyask (2008); Serafim (2019) 140–144 with references to Attic oratory in particular. On fear as a means of controlling the law court audience: Rubinstein (2004) 188–9; Konstan (2006) 129–55.
- 51 Isocrates, *Against Callimachus* 32: "the great majority of all those achievements that have been accomplished by fighting may be attributed to Fortune [τῇ τύχῃ]; but for the moderation we showed towards one another no one could find any other cause than our judgement [τὴν ἡμετέραν γνώμην]. Consequently it is not fitting that we should prove false to this glorious reputation". On the synergetic action between divine and human will, see Chapter 2, p. 77 n. 32.
- 52 Janis and Feshbach (1953) 78–92; Leventhal, Singer and Jones (1965) 20–9; Baron et al. (1992) 323–46; Gleicher and Petty (1992) 86–100.
- 53 Jay (2009) 155; cf. Pinker (2007); Fägersten (2012); Vingerhoets, Bylsma and Vlam (2013) 287–304.
- 54 Lysias 6.17: "now where these sacred things are concerned you should rather be indignant (ὀργίζεσθαι οὖν χρή), men of Athens, at guilt in your own citizens than in strangers".
- 55 On the marginalized status of sycophants: Lofberg (1917) esp. 19–25, (1920) 61–72; MacDowell (1978) 62–6; Harvey (1990) 103–21; Yunis (1996) 253–4, n. 31; Christ (1998) 48–71; Pernot (2005) 24–5.
- 56 On pollution: Dodds (1957) 35–7; Parker (1983) esp. 145–7, 195–7, 257ff. On the ritual of *katharsis*: Dodds (1957) 35ff., 48, 78–80.

- 57 On the links between piety, religion in general and patriotism, we can also take advantage of literary sources; e.g. Aeschylus, *Seven Against Thebes* 597–608; Menander's *Farmer* 35–9 where justice is merged with piety.
- 58 Modern critics call the process of portraying characters *ēthopoia*. This term, despite its wide use in contemporary scholarship, has limited ancient authority. It is used by later theorists, most notably Dionysius of Halicarnassus (in *Lysias* 8), but in a more restricted sense as a reference to the depiction of the speaker's *good* moral character in the speeches of Lysias. Modern scholars tend to use *ēthopoia* in two senses: for Usher (1965) 99, the emphasis is firmly on *ēthopoia* as moral character. For Carey (1989) 10–1, 61–2, *ēthopoia* designates the depiction of dramatic characters. Serafim (2017), adopting a moderate position in the middle of these two antithetical views, suggests that *ēthopoia*, in its original sense, can be used to describe the process of portraying the moral character of the speaker and his opponents, regardless of whether the quality of their character is good or bad, and whether the portrayal is commensurate with the real life character or is dramatic. The persuasiveness of *ēthopoia* is discussed by Aristotle (*Rhetoric* 1356a4–6; 1356a13, 1377b20–4, 1378a6–15). Negative *ēthopoia*, or character assassination, depicts the persona of the opponent negatively, by presenting him, for example, as an enemy of the gods, thereby inviting the judges and onlookers to foster negative emotions about him.
- 59 On the use of asyndeton as a means of stirring up emotions: Serafim (2019) 144.
- 60 Sicking (1991) 157.
- 61 Ancient theorists criticize the style of Isocratean speeches as being an impediment to their delivery; cf. Dionysius of Halicarnassus, *Isocrates* 13. See also Cooper (2004) 153.
- 62 Sicking (1991) 156.
- 63 See pp. 83–84.
- 64 Translation: Roberts (1902) 195. On the use of questions in Attic forensic oratory: Wooten (2013) 353–369; Serafim (2020).
- 1 Readings include, but are not limited to, the following: Christ (2006) on the civic/political identity of a bad citizen; Liddel (2007) on the civic obligations in Athens; Lape (2010) on race and citizen identity; Blok (2013) 161–175 (with a few references to religion); Brock and Duploux (2018) with chapters on civic identity in Archaic Greece; Filonik, Griffith-Williams and Kucharski (2019) with several chapters discussing socio-political, institutional, gender and other aspects of identity-making.
- 2 Filonik (2017) 247–249. Also: Liddel (2007) 133–136, 300–308 on piety as one of the obligations of citizens in Athens; Bonnechere (2013) 366–382 on the use of oracles in decision-making processes; Lozano (2017) 283–301 on the use of religion for the formation of Roman citizenship.
- 3 Serafim (2019) 233–253.
- 4 Clifford (1988) 344.
- 5 Hall (1989).
- 6 Wendt (1992) 397.
- 7 Deng (1995) 1.
- 8 Jenkins (1996) 4.
- 9 See also: Taylor (1994) 25–73; İnaç and Ünal (2013) 223; Hicks (2014) 10–15.
- 10 Bourdieu (1977) 82–3.
- 11 Bourdieu (1990 [1980]).

- 12 Mauss (1979) 97–123.
- 13 Goffman (1959).
- 14 Butler (1986) 35–49; (1990) 129.
- 15 Tajfel and Turner (1979). Also: Miller et al. (1981) 494–511; Conover (1984) 760–85; Lau (1989) 220–23; Carey (1990) 49; Huddy (2003) 511–58; Hall (2006) 388; Arena (2007) 151.
- 16 Cf. Lysurgus 1.150: “if you acquit Leocrates, you will vote for the betrayal of the city, of its temples and its fleet”; Isocrates 1.13: “first of all, then, show devotion to the gods, not merely by doing sacrifice, but also by keeping your vows; for the former is but evidence of a material prosperity, whereas the latter is proof of a noble character. Do honour to the divine power at all times, but especially on occasions of public worship; for thus you will have the reputation both of sacrificing to the gods and of abiding by the laws”.
- 17 Introduction, pp. 12–13.
- 18 Mol (1976); (1979) 11–38; Seul (1999) 553–68.
- 19 Lee (2002) 369–384; King (2003) 196–203; King and Boyatzis (2004) 2–6; Arweck and Nesbitt (2010) 67–87.
- 20 Durkheim (2001 [1917]) 43; Bellah (1967) 1–21; Coleman (1970) 67–77; Thomas and Flippen (1972) 218–225; Hammond (1976) 169–182; Derrida (1998) 1–78; Argyle (2000) 116–117.
- 21 Rousseau (1960 [1762]).
- 22 Sourvinou-Inwood (1990) 318; (2000) 51.
- 23 Plamper et al. (2010) 253; also Rosenwein (2002) 821–45, (2006).
- 24 Rosenwein (2006) 842.
- 25 Chroust (1954) 280–288. Also: Nathanson (1993) 34–35 who defines patriotism as entailing “special affection for one’s own country, a sense of personal identification with the country, special concern for the well-being of the country and willingness to sacrifice to promote the country’s good”.
- 26 See Introduction, pp. 0–0.
- 27 Crowley (2012) 121.
- 28 Moskos (1980); Padgett (1980) 55–77; Reitz (1980); Goldhill (1990) 97–129; Conor (1996) 217–226.
- 29 Blok (2014) 16.
- 30 Schaar (1981); Viroli (1995); Ben-Amos and Bar-Tal (2004) 13–28; Lewin (2010).
- 31 Dover (1974) 250–251.
- 32 Parker (2005) 454.
- 33 Martin (2009).
- 34 On the same issue also: Serafim (2017a) 55–60.
- 35 The speakers have at their disposal a choice of three *main* styles of address: civic (ὁ ἄνδρες Ἀθηναῖοι), judicial (ὁ ἄνδρες δικάσταί) and descriptive (ὁ ἄνδρες). The addresses ὁ Ἀθηναῖοι and ὁ δικάσταί are not counted separately from the standard forms of address. For, as Martin (2006) 76 argues, these variations are probably due to mistakes made by scribes, when reproducing the text of the speeches by hand. Also: Serafim (2017b) 26–41.
- 36 On the use of addresses to the audience in Attic forensic oratory: Serafim (forthcoming).
- 37 See p. 104–106.
- 38 Aeschines 3.156: “No! By Zeus and the gods, do not, my fellow citizens, do not, I beseech you, set up in the orchestra of Dionysus a memorial of your own defeat;

do not in the presence of the Greeks convict the Athenian people of having lost their reason; do not remind the poor Thebans of their incurable and irreparable disasters, men who, exiled through Demosthenes' acts, found refuge with you, when their shrines and children and tombs had been destroyed by Demosthenes' taking of bribes and by the Persian gold".

- 39 Parker (1996) 252.
- 40 Lycurgus 1.1: "If I have done justly to prosecute Leocrates, if he whom I now bring to trial has been a traitor to their temples, shrines and precincts, a traitor to the honours which your laws ordain and the sacrificial rituals which your ancestors have handed down". Lycurgus 1.143: "he will call on the gods to save him from danger. Who are they? Are they not the gods whose temples, altars and precincts he betrayed? He will beg and pray you to pity him".
- 41 Cf. Serafim (2017a) 51.
- 42 "The reason why Athenians could regard themselves as having occupied the same land was because they regarded themselves as descendants of the earth-born Erechtheus – a notion that is first explicitly articulated in Pindar's *Second Isthmian Ode* (18–20), probably to be dated to the 470s BC" (Hall (1997) 54). Cf. *Iliad* 2.547–8. The close relationship of the Athenians with earth is also reflected in the myth of divine contest between Athena and Poseidon for the patronage of Attica: "Poseidon was the god of sea, the god 'who holds the earth' and the 'god who shakes the earth' – functions incompatible with those who treated earth as their mother. Athena's victory in the contest judged by Kekrops can thus be viewed as the symbolic reflection of the rejection of Ionian ancestry and the adoption of the myth of autochthony" (Ibid. 55).
- 43 Loraux (2006) 210.
- 44 Plato's *Menexenus* 237b provides information about the Athenian claims of autochthony: "the good birth is in the first place founded in the origin of our ancestors, who, instead of being immigrants and making their descendants metics in the country to which they themselves came as outsiders, were autochthones, really and truly inhabiting their fatherland (ἀλλ' αὐτόχθονας καὶ τῷ ὄντι ἐν πατρίδι οἰκοῦντας καὶ ζῶντας), raised not as others by a stepmother, but by earth, their mother". Translation: Loraux (2000) 21.
- 45 On the emphasis placed on autochthony in epideictic (especially funeral) oratory: Rosivach (1987) 294–306; Loraux (1987) 1–2, 54, 148–150; (2006) 28–29, 210–214, 245–246; Grethlein (2010) 110–111.
- 46 Williams (2009) 24. References to political ἀρετή in a variety of ancient sources (e.g. Thucydides 3.38.2–7; Plato, *Protagoras* 323a–29d and elsewhere) indicate that this was considered a key feature of the Athenian civic identity.
- 47 Wagener (1931) 84.
- 48 On the suitability of references to one's noble birth and education – εὐγένεια καὶ παιδεία – in praise oratory, see Aristotle's *Rhetoric* 1367b27–30.
- 49 Dobson (1919) 198.
- 50 Dinarchus 3.21: "the whole country will be affected by the verdict you are about to give: the shrines which have been erected in it, the age-long traditions, and the constitution which your ancestors have handed down to you. It is not a question of Philocles alone; for he has condemned himself to death long ago".
- 51 Carey (2007) 75; also Harris (2018) 167–178. As Euripides points out in *Suppliant Women* 429: "there is nothing more hostile to a city than a tyrant". The fear of

- tyranny persisted throughout the classical period and induced the Athenians to pass anti-tyrannical legislation such as the law of Eucrates (337/336 BC).
- 52 Isocrates accuses the Thirty Tyrants for having plundered the temples (*Areopagiticus* 66). On the matter also: Seaford (2003) 96.
 - 53 Demosthenes, *Second Olynthiac* 18–19: “any of those who have experience in war or battle are cast aside by Philip through envy because he wishes that all achievements belong to him alone as a result of his unsurpassed ambition. If anyone is virtuous or generally honest and cannot stand his decadent life-style, drunkenness and obscene dancing, he is shoved aside and treated like nobody. The rest of his companions are pirates and flatterers and the sort of men who would perform the sort of drunken dances that I would be reluctant to describe”. Translation: Harris (2018) 169–170.
 - 54 On *prosōpopoeia* in Attic oratory, Westwood (2017) 57–74.
 - 55 Theft by day of more than fifty drachmas, theft by night regardless of value, theft from the Lyceum, the Academy of Kynosargos and theft from the harbour of more than ten drachmas, are punishable by death. See Cohen (1983) 40.
 - 56 Cf. Andocides, *On the Mysteries* 33 where it is mentioned that punishment in an impiety trial results in the repeal of the right to enter the temples of the gods. The same punishment is levied when impiety is caused by the act of murdering an individual, as Demosthenes 23.40 indicates, referring to the homicide law of Draco (also: *IG I³* 104).
 - 57 MacDowell (1978) 176.
 - 58 An interesting approach to the process of constructing a collective identity in Rome can be found in Connolly (2007) 231–6.
 - 59 Carlyle (1908); Smith (1987); Anderson (1991); Geertz (2000).
 - 60 “Men owed to kings not only their survival, but good order in their lives. It was kingship which represented the principle of just rule, insofar as the aim of rule according to justice is to the benefit of the ruled. Therefore people were willing to accept the leadership of their benefactors” (Bulloch (1993) 7).
 - 61 When the Social War broke out between Athens and its allies (357 BC), Olynthus was at first in alliance with Philip. Subsequently, in alarm at the growth of his power, it formed an alliance with Athens. Olynthus sent three embassies to Athens, the occasions of Demosthenes’ three Olynthiac Orations. On the third, the Athenians sent soldiers from among its citizens. Philip besieged Olynthus in 348 BC.
 - 62 On the educational function of the past in funeral speeches: Grethlein (2010) 119–21; Steinbock (2011) 77.
 - 63 Lycurgus, *Against Leocrates* 15: “for you must realize, Athenians, that you would be held to have neglected the virtues which chiefly distinguish you from the rest of mankind, piety towards the gods, reverence for your ancestors and ambition for your country, if this man were to escape punishment at your hands”. Isocrates, *Plataicus* 60: “and it is right that you should remember both the gods and the heroes who haunt that place and not permit the honors due them to be suppressed; for it was after favourable sacrifice to them that you took upon yourselves a battle so decisive that it established the freedom of both the Thebans and all the other Greeks besides. You must also take some thought of your ancestors and not be negligent of the piety due to them”.
 - 64 Demosthenes 2.1: “on many occasions, men of Athens, one may, I think, recognize the manifest favour of heaven towards our city, and not least at the present

crisis. That Philip has found men willing to fight him, situated on his frontiers and possessed of considerable power, above all so determined that they regard any accommodation with him as both delusive and fatal to their own country—this has all the appearance of a super-human, a divine beneficence”.

- 65 Isocrates 4.84: “methinks some god out of admiration for their valour brought about this war in order that men endowed by nature with such a spirit should not be lost in obscurity nor die without renown, but should be deemed worthy of the same honours as are given to those who have sprung from the gods and are called demi-gods; for while the gods surrendered the bodies even of their own sons to the doom of nature, yet they have made immortal the memory of their valour”. Isocrates 5.137: “you will best resolve upon this question if you feel that you are summoned to this task, not by my words only, but by your forefathers, by the cowardice of the Persians, and by all who have won great fame and attained the rank of demigods because of their campaigns against the barbarians”.
- 66 On Arthmius of Zeleia: Cary (1935) 177–180.
- 67 See p. 129.
- 68 Isocrates 9.14: “In the first place Aeacus, son of Zeus and ancestor of the family of the Teucridae, was so distinguished that when a drought visited the Greeks and many persons had perished, and when the magnitude of the calamity had passed all bounds, the leaders of the cities came as suppliants to him; for they thought that, by reason of his kinship with Zeus and his piety, they would most quickly obtain from the gods relief from the woes that afflicted them”.
- 69 Aeacus is a mythological king of the island of Aegina in the Saronic Gulf. After his death Aeacus becomes one of the three judges in Hades (Ovid, *Metamorphoses* 13.25; Horace, *Carmen* 2.13.22.). In works of art he is represented bearing a sceptre and the keys of Hades (Apollodorus 3.12.6; Pindar, *Isthmian Odes* 8.47.). Several references to Minos and Rhadamanthus are made in Greek literature. Homer, in *Odyssey* 19.172–180, portrays Minos as a monarch whose rule was advised by Zeus. Herodotus and Thucydides also present Minos as king and also as a creator of a Cretan thalassocracy (Herodotus 1.171, 3.122; Thucydides 1.4).
- 70 Plato, *Laws* 624a–b: “Do you then, like Homer, say that Minos used to go every ninth year to hold converse with his father Zeus, and that he was guided by his divine oracles in laying down the laws for your cities?”
- 71 On the Pseudo-Platonic *Minos*: Morrow (1960) 23–24.
- 72 Pseudo-Plato, *Minos* 320a–c: “For surely Minos did not, like an inferior person, think one thing and do another, different from what he thought: no, this intercourse, as I say, was held by means of discussion for education in virtue. Wherefore he ordained for his people these very laws, which have made Crete happy through the length of time, and Sparta happy also, since she began to use them; for they are divine. Rhadamanthus was a good man indeed, for he had been educated by Minos; he had, however, been educated, not in the whole of the kingly art, but in one subsidiary to the kingly, enough for presiding in law courts; so that he was spoken of as a good judge. For Minos used him as guardian of the law in the city, and Talos as the same for the rest of Crete. For Talos thrice a year made a round of the villages, guarding the laws in them, by holding their laws inscribed on brazen tablets, which gave him his name of ‘brazen’”.
- 73 More on Isocrates’ references to Theseus: Atack (2014) 344–354.
- 74 Jaeger (1944) 87.

- 75 Readings on the distinction of oratorical speeches into three matrices of genre, and on the defining features of each one of these matrices: Ober (1989) 147; Fahnestock (1993) 267–268; Edwards (1994) 3–7; Heath (1995) 10–11; Sheard (1996) 773–776; Albaladejo (2003) 51–58; Carey (2007) 236–252.
- 1 Pollini (2012).
- 2 Feeney (1998); Beard, North and Price (1998); Ando (2008).
- 3 Goar (1972); Lennon (2010) 427–445; Sauer (2013); Spencer (2013).
- 4 Hoz (2017) 187–220.
- 5 Pernot (2005) 235–254.
- 6 See, for example, Swain (1996); Cameron (1991); Ayers and Jones (1998); Cain and Lenski (2009); Digeser, Stephens and Frakes (2010).

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