

The Discourse of Deception and Characterization in Attic Oratory

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AT FIRST SIGHT it seems that the Attic orators resorted to allegations of deception liberally in order to discredit their opponents' *ethos*. They also appear regularly to disclaim deception so as to appear to the audience honest and reliable. Such rhetorical uses of this concept are not surprising in the wider context of Athenian democracy which prized openness and prohibited deception of the *demos*.¹ According to one passage reporting the law against deception of the people, "if a man deceives the people by a promise, he shall be liable to *eisangelia*" ([Dem.] 49.67), while another adds that it prescribed the death penalty for anyone convicted of deceiving the people through false promises (Dem. 20.135).² Although only two cases involving *apate tou demou* ("deception of the *demos*") are known to have been prosecuted (both in the fifth century),³ orators continued into the fourth century to capitalize on the rhetorical potential of allegations and disclaimers of deception in the law courts and assembly. The orators expressed these

¹ J. Hesk, *Deception and Democracy in Classical Athens* (Cambridge 2000), esp. ch. 1, provides an excellent discussion of the Athenian ideological background.

² See also nn.45 and 46 below.

³ The two cases are those of Miltiades (Hdt. 6.136.1) and the one occurring in the aftermath of the generals' trial after Arginusae (Xen. *Hell.* 1.7.35). It cannot be determined whether the *nomos eisangeltikos* as attested from fourth-century quotations was in operation throughout the fifth century. It is likely that a charge of deception of the *demos* was recognized as an actionable offence prosecuted through *probole*.

allegations and disclaimers of deception through what I call the ‘discourse of deception’, that is, vocabulary and *topoi* denoting deception, and passages analyzing its operation.⁴ Study of fourth-century Attic deliberative and forensic speeches will show that the discourse of deception was not employed indiscriminately but was a powerful rhetorical strategy of portraying the *ethos* of the opponent, the speaker, and (more rarely) the audience, and operated within context-specific boundaries.

I shall argue that the diversity of the expressions of the discourse of deception is not due simply to the orators’ individual style but represents strategies adapted to different rhetorical situations and needs. I shall attempt to show how different *topoi* denoting deception help achieve different rhetorical effects and how the legal and rhetorical context determined the choice of *topoi* employed. The difference, in the use of *topoi* denoting deception, between deliberative and forensic, public and private prosecution, and public and private defence speeches seems to confirm that the orators paid attention to context-specific rhetorical ‘protocols’⁵ which placed limits on their use of the discourse of deception but at the same time helped them maximize the effect of this rhetorical strategy of characterization.

Recent scholarship has examined the concept of deception in its ideological, political, and legal context in Classical Athens⁶

⁴ In terms of vocabulary my examination covers the following nouns and verbs (see Appendix 2): (i) (ἐξ)ἀπάτη/(ἐξ)ἀπατέω, (ii) φενάκη/φenaκισμός/φenaκίζω, (iii) παρακρούομαι, (iv) παράγω (-ομαι), (v) (ἀπό)πλανάω. I omit terms for ‘lying’ (ψεῦδος, ψεύδομαι; the exception is Aeschin. 3.98–99, a key passage describing in detail Demosthenes’ deceptive rhetoric, which was clearly not confined to lying) because ‘lying’ is a more specific term than ‘deceiving’ (a subaltern term), but also because of limitations of space.

⁵ A parallel for the limitations imposed upon the use of specific terms in official contexts is the ban on the use of ‘unparliamentary language’ in the Houses of Parliament: see www.parliament.uk/site-information/glossary/unparliamentary-language.

⁶ J. Ober, *Mass and Elite in Democratic Athens* (Princeton 1989); Hesk, *Deception and Democracy*; M. Christ, “Ostracism, Sycophancy, and Deception of the

and suggested that *topoi* denoting deception are effective because they build on shared ideological presuppositions of the Athenians; but the use of deception in strategies of rhetorical characterization has not attracted much scholarly attention. At the same time, the significance of procedural distinctions in determining rhetorical strategies adopted in forensic oratory has only recently been highlighted.⁷ In my examination of the discourse of deception as a means of portraying *ethos*, I adopt the view that the choice of procedure affected the rhetorical strategies used in the law courts; I expand on it by also considering deliberative oratory and further contextual factors. I believe that this rhetorical study can contribute not only to a better understanding of *ethos* in oratory but also to a better appreciation of how rhetorical context helped shape strategies of persuasion in the Attic orators.

I discuss first the most elaborate strategy of characterization through deception, namely passages where the orators do not simply allege deception but also provide details regarding its operation. Although such passages throw negative light on the opponent by exposing his rhetorical deceptions, they also enable the speaker to project his own image as an experienced and trustworthy advisor of the city. I then examine in detail the use of various recurrent expressions denoting rejection of deception (*anti-deception topoi*) in forensic and deliberative oratory⁸ of the fourth century, and categorize them according to their function and rhetorical intensity (see Appendix 1).

Demos: [Arist.] *Ath. Pol.* 43.5," *CQ* 42 (1992) 336–346.

⁷ L. Rubinstein, "Differentiated Rhetorical Strategies in the Athenian Courts," in M. Gagarin (ed.), *The Cambridge Companion to Ancient Greek Law* (Cambridge 2005) 129–145.

⁸ The discourse of deception is too rare in surviving epideictic oratory: if one excludes attestations in Gorgias' *Encomium of Helen* and the Periclean funeral oration in Thucydides, there is a single attestation, [Dem.] 61.32. However, since the sample of extant epideictic oratory is so small, this is probably not significant.

Finally, I consider a number of contextual factors affecting the use of the discourse of deception in Attic oratory.

The 'mechanics' of deception and characterization

The reality of rhetorical deception is regularly referred to by public speakers as a fact of civic life. Demosthenes repeatedly reminds his audience that they have been deceived all too often in the past in their public decision-making.⁹ The discourse of deception is thus expected to occur in the context of general warnings against rhetorical manipulation by crafty orators or more specific finger-pointing at political or law court opponents. However, on occasion the orators go beyond the mere use of a topos as they also provide details about the 'mechanics' of rhetorical deception in order to expose the ways in which their opponents deceive the audience. Some of the passages highlight a single deceptive technique employed by their opponents (e.g. rhetorical manipulation of documents), while others shed light on cognitive and psychological aspects of deception, or analyze a whole gamut of techniques employed by an opponent in order to take in the audience. The apparent objective of such passages is to raise the audience's awareness of the opponent's deceptive intentions; but, once again, their key goal is to project the *ethos* of the speaker as an experienced, trustworthy individual/politician, while undermining the character of his opponent. These passages occur primarily in public prosecution speeches with strong political overtones (e.g. Aeschines 3, Demosthenes 19), but they are also occasionally attested in deliberative speeches.

In one of the passages (Aeschin. 3.168 ff.) the speaker suggests that Athenian audiences are impressed and consequently deceived by orators' rhetorical skill. It is true that many of the anti-deception topoi (for which see below) seem to imply that the opponent's rhetorical ability facilitated his attempted deception of the people (note the paradox of using rhetorical skill to denounce the opponent's rhetoric), yet in the passage in

⁹ E.g. Dem. 8.63, 15.16, 20.3, 23.96.

question the speaker is more specific: in his speech in the trial against Ctesiphon in 330, Aeschines suggests that Demosthenes' rhetoric in the *ekklesia* deceives the people and advises his dicastic audience not to be taken in by Demosthenes' "auspicious" words (εὐφημία ... τῶν λόγων). Aeschines draws a stark contrast between the deceptive mask, the façade of sweet-sounding rhetoric, and what is un-maskable, namely Demosthenes' true nature (φύσιν) and the truth (ἀλήθειαν), and he pledges to expose the glaring inconsistencies between Demosthenes' ostensibly civic-spirited, but deceptive, rhetoric and his actions. It is obvious that Aeschines is trying to capitalize on possible anti-rhetorical prejudice in the audience as he casts his opponent in the mould of the sophist-deceiver (3.168, transl. Carey):¹⁰

ἂν μὲν τοίνυν πρὸς τὴν εὐφημίαν αὐτοῦ τῶν λόγων ἀποβλέπητε,
ἐξαπατηθήσεσθε, ὥσπερ καὶ πρότερον, ἐὰν δ' εἰς τὴν φύσιν καὶ
τὴν ἀλήθειαν, οὐκ ἐξαπατηθήσεσθε.

Well, if you keep your eyes on his fine words, you will be tricked;
but if you keep them on his natural character and the reality,
you won't be.¹¹

Aeschines is not only trying to take advantage of any anti-sophistic bias in the audience; he is also building on their knowledge of Demosthenes' public profile as an orator and tries to undermine it throughout his speech. To this end, he goes into greater detail regarding the mechanics of Demosthenes' deceptive rhetoric at different points in his speech.

A little earlier in the speech, Aeschines exposes a number of features of Demosthenes' peculiar (ἴδιον καὶ οὐ κοινόν) deceptive discourse; he maintains that his adversary is able to imitate

¹⁰ Cf. Aeschin. 1.169, where Philip's εὐφημία is commended and contrasted with the ἀκοσμία of Demosthenes' general conduct. Note Dem. *Epist.* 2.19 where he stresses his εὐφημία in the face of public criticism. εὐφημία also describes the language used in decrees at Aeschin. 3.92, Dem. 19.48.

¹¹ Translations are from M. Gagarin (ed.), *The Oratory of Classical Greece* (Austin 1998-).

all the tell-tale signs of truth in order to disguise his deception of the Athenian people: i) he lies under oath and thus shamelessly manipulates religious sensitivities,¹² ii) he gives an impression of specificity regarding future events and individuals, and iii) he demonstrates feigned confidence in his own predictions (3.98–99):

καὶ γὰρ τοῦτο ἄνθρωπος ἴδιον καὶ οὐ κοινὸν ποιεῖ. οἱ μὲν γὰρ ἄλλοι ἀλαζόνες, ὅταν τι ψεύδωνται, ἀόριστα καὶ ἀσαφῆ πειρῶνται λέγειν, φοβούμενοι τὸν ἔλεγχον· Δημοσθένης δ' ὅταν ἀλαζονεύηται, πρῶτον μὲν μεθ' ὄρκου ψεύδεται, ἐξώλειαν ἐπαρώμενος ἑαυτῷ, δεύτερον δέ, ἃ εὖ οἶδεν οὐδέποτε ἐσόμενα, τολμᾷ λέγειν εἰς ὅπὸτ' ἔσται, καὶ ὧν τὰ σώματα οὐχ ἐώρακε, τούτων τὰ ὀνόματα λέγει, κλέπτων τὴν ἀκρόασιν καὶ μιμούμενος τοὺς τάληθῆ λέγοντας. διὸ καὶ σφόδρα ἄξιός ἐστι μισεῖσθαι, ὅτι πονηρὸς ὧν καὶ τὰ τῶν χρηστῶν σημεῖα διαφθείρει.

This, you see, is the peculiarity that distinguishes Demosthenes from other men. All other braggarts, when telling lies, try to make vague and imprecise statements, because they fear refutation. But Demosthenes, when making grandiose claims, firstly adds an oath to his lies, calling destruction down on himself, and secondly has the nerve to give a date for events he knows will never happen and provides the names of people he has not seen in person, deceiving his hearers and mimicking the manner of people telling the truth. And for this he deserves fierce hatred, because as well as being a criminal, he also obliterates the signs that distinguish honest men.

Aeschines' negative characterization of Demosthenes as a deceiver is strengthened further through an explicit appeal to the emotions of the *dikastai*: he seeks to arouse their hatred towards him (ἄξιός ἐστι μισεῖσθαι).

He goes on to elaborate further Demosthenes' deceptive strategies and sheds light on the mechanics of deception in the Athenian *ekklesia*. Although he is referring here to a specific oc-

¹² Cf. Lycurg. 1.79 on the civic importance of oaths; on perjury as an ethico-religious and legal offence see J. Plescia, *Oath and Perjury in Ancient Greece* (Talahassee 1970) 85–91.

casation of deception of the *demos*, he is probably insinuating that the features singled out are characteristic of Demosthenes' deceptive tactics. He highlights the length of the decree quoted (ψήφισμα ... μακρότερον μὲν τῆς Ἰλιάδος), the vacuousness of its contents, and the vain hopes it gave rise to (3.100):

ταῦτα δ' εἰπὼν δίδωσιν ἀναγνῶναι ψήφισμα τῷ γραμματεῖ μακρότερον μὲν τῆς Ἰλιάδος, κενότερον δὲ τῶν λόγων οὓς εἴωθε λέγειν, καὶ τοῦ βίου ὃν βεβίωκε, μεστὸν δ' ἐλπίδων οὐκ ἐσομένων καὶ στρατοπέδων οὐδέποτε συλλεγησομένων. ἀπαγαγὼν δ' ὑμᾶς ἄπωθεν ἀπὸ τοῦ κλέμματος καὶ ἀνακρεμάσας ἀπὸ τῶν ἐλπίδων, ἐνταῦθ' ἤδη συστρέψας γράφει ...

After this speech, he gave the clerk a decree to read out that was longer than the *Iliad* and emptier than the speeches he likes to make and the life he has led, but full of hopes that would not be fulfilled and armies that would never be mustered. After diverting your attention well away from the swindle and raising you up with hopes, he at last gathered his confidence and proposed ...

Aeschines then instructs the court clerk to read (ἀνάγνωθι· τοῦ κλέμματος ἅψαι) specific clauses from the decree in question which, in his view, prove Demosthenes' deception (101). And, while the latter deceived the *demos* through this decree, Aeschines is able to uncover the deception by explaining the contents of this same decree.¹³

Deception of Athenian audiences through what Aristotle (*Rhet.* 1355b) calls "artless proofs" (oaths, decrees, laws, witness statements) is touched on in further speeches of the orators. Either, as in the passage above, the document used by an opponent can be used to uncover the latter's deception or the speaker adduces other documents to that end. In a passage in the speech *On Halonnesus* (343 B.C.) Demosthenes comments on Philocrates' use of an illegal decree in order to promote Philip's

¹³ A little later in the speech Aeschines cites further factors exploited by Demosthenes in order to deceive the *demos* (3.125–126): a misleading προβούλευμα, an inexperienced member of the council, and the timing of the vote in the assembly, which coincided with Aeschines' absence.

deception of the people. He then contrasts this deceptive use of Philocrates' ψήφισμα with his own legal proposal (τὰ ἔννομα γράφοντα), whose aim is to reveal Philip's deceit. Thus, both deception of the *demos* and its uncovering can take place through Athenian decrees (Dem. 7.25, transl. Trevett):

τοῦτο μὲν οὖν παράνομον ἦν το ψήφισμα, τὸ τοῦ Φιλοκράτους, καὶ οὐχ οἶον τ' ἦν τὸν τὰ ἔννομα γράφοντα ταῦτὰ τῷ παρανόμῳ ψηφίσματι γράφειν. ἐκείνοις δὲ τοῖς προτέροις ψηφίσμασι, τοῖς οὖσιν ἐννόμοις καὶ σφύζουσι τὴν ὑμετέραν χώραν, ταῦτὰ γράφον ἔννομα τ' ἔγραψα καὶ ἐξήλεγχον τὸν Φίλιππον, ὅτι ἐξηπάτα ὑμᾶς καὶ οὐκ ἐπανορθώσασθαι ἐβούλετο τὴν εἰρήνην, ἀλλὰ τοὺς ὑπὲρ ὑμῶν λέγοντας ἀπίστους καταστήσαι.

This decree—the one of Philocrates—was illegal, and the proposer of a lawful decree could not have proposed the same thing as an illegal decree. But I proposed the same decree as those previous decrees that are lawful and that preserve your land, a lawful decree, and convicted Philip of deceiving you and of wishing not to revise the peace but to undermine the credibility of those who speak in your interest.

About sixty years earlier, at the start of the speech *On the Preservation of the Ancestral Constitution*,¹⁴ the speaker of Lysias 34, too, had condemned the attempt by some Athenian politicians to deceive the people through decrees in order to re-introduce oligarchic features to the democracy through the back door (Lys. 34.1, transl. Todd):

ὅτε ἐνομίζομεν, ὦ Ἀθηναῖοι, τὰς γεγενημένας συμφορὰς ἱκανὰ μνημεῖα τῇ πόλει καταλελειφθαι, ὥστε μηδ' ἂν τοὺς ἐπιγιγνομένους ἑτέρας πολιτείας ἐπιθυμεῖν, τότε δὴ οὗτοι τοὺς κακῶς πεπονθότας καὶ ἀμφοτέρων πεπειραμένους ἐξαπατήσαι ζητοῦσι τοῖς αὐτοῖς ψηφίσμασιν, οἷσπερ καὶ πρότερον δις ἤδη.

Just when we thought, men of Athens, that our recent disasters had left an adequate reminder to the city, such that not even our descendants would desire a different *politeia* (constitution), these men are now seeking to win over those who have suffered evil

¹⁴ This purports to be a deliberative oration but even in antiquity there were doubts: see Dion. Hal. *Lys.* 32.

and have experienced both types of constitution, by means of the same proposals with which they have deceived us twice before.

The decrees in question are not quoted in the rest of this partially preserved speech, yet the speaker vilifies his opponents by suggesting that their attempts to deceive the people through these non-quoted decrees are not surprising (τούτων μὲν οὐ θαυμάζω). However, he also points out that people are either forgetful or willing (ἐτοιμότατοι) to put up with the wickedness of men like his opponents. Their manipulation of documents, well known to the *demos*, only makes their wickedness more obvious. Thus, the reference to documents as a means of rhetorical deception helps make the characterization of his opponents and audience all the more pronounced.

Besides commenting on the manipulation of ‘artless’ means of persuasion to mislead and deceive the Athenians, the orators at times also refer to further factors facilitating rhetorical deception, factors relating to emotions and the state of mind of individuals and mass audiences alike.¹⁵ Such passages underscore the speaker’s deep knowledge of audience psychology and thus project an image of experience, knowledge, and reliability, while at the same time discrediting the opponent’s character.

In his prosecution speech in the trial *On the False Embassy*, Demosthenes alleges that Aeschines has either been bribed by Philip and is wilfully deceiving the Athenians or duped because of his simple-mindedness and ignorance (19.101–102, transl. Yunis):

¹⁵ The two extant classical rhetorical treatises have little to offer regarding the way in which deceptive discourse operates. Anaximenes does not touch on ἀπάτη (instead, he refers to ψεῦδος in connection with witness testimony and slave torture: e.g. 15.3–6, 16.2–3), while Aristotle has very little to say in his *Rhetoric*, where he stresses the responsibility of the individual in falling for different kinds of deceptions. He avers that one of the vices leading men to wrongdoing is “foolishness through being deceived about what is fair and unfair” (1368b).

ἀλλ' ὅμως ὑμεῖς ἄφετ' Αἰσχίνῃ τὰ δεινὰ ταῦτα καὶ ὑπερβάλ-
λοντα, ἂν δι' εὐήθειαν ἢ δι' ἄλλην ἄγνοιαν ἠντινοῦν λελυ-
μασμένος φανῆ. ἂν μέντοι διὰ πονηρίαν ἀργύριον λαβὼν καὶ
δῶρα, καὶ τοῦτ' ἐξελεγχθῆ σαφῶς ὑπ' αὐτῶν τῶν πεπραγμένων,
μάλιστα μὲν, εἰ οἷόν τ', ἀποκτείνετε, εἰ δὲ μή, ζῶντα τοῖς
λοιποῖς παράδειγμα ποιήσατε. σκοπεῖτε δὴ τὸν ὑπὲρ τούτων
ἔλεγχον, ὡς δίκαιος ἔσται, μεθ' ὑμῶν. ἀνάγκη δὴ πού τοὺς λό-
γους τούτους Αἰσχίνην πρὸς ὑμᾶς εἰπεῖν τουτονί, τοὺς περὶ τῶν
Φωκέων καὶ τῶν Θεσπιῶν καὶ τῆς Εὐβοίας, εἴπερ μὴ πεπρακῶς
αὐτὸν ἐκὼν ἐξηπάτα, δυοῖν θάτερον, ἢ διαρρήδην ἀκούσανθ'
ὑποσχομένου Φιλίππου ὅτι πράξει ταῦτα καὶ ποιήσει, ἢ εἰ μὴ
τοῦτο, γοητευθέντα καὶ φενακισθέντα τῇ περὶ τᾶλλα φιλανθρω-
πία καὶ ταῦτ' ἐλπίσαντα παρ' αὐτοῦ. οὐκ ἔνεστι τούτων οὐδὲ ἔν
χωρίς.

Nevertheless, forgive Aeschines these horrible, unprecedented crimes, if the harm he did seems the result of stupidity or some other form of ignorance. But if it seems that the result of corruption, of taking money and bribes, and if the facts themselves clearly make the case, by all means put him to death if you possibly can, but failing that, make him a living example for the future. Now consider for yourselves whether the proof of this matter is not entirely just. When Aeschines here made those speeches—the ones concerning Phocis, Thespieae, and Euboea—if he had not been bribed and was not consciously deceiving you, then there are only two possible explanations: either he heard Philip actually promise that he would act in that way and do those things, or else, having been mesmerized and duped by Philip's overall generosity, he expected it to carry over to these other matters, too. Apart from these alternatives, nothing else is possible.

Demosthenes' alternative explanations for Aeschines' conduct (either naïveté or wickedness) represent two rival representations of his opponent's character: Aeschines is portrayed as either deceiver or deceived. If he did receive a bribe from Philip and went on to deceive the people, he should be executed; however, if he did not, and was not willingly deceiving the *demos* (εἴπερ μὴ πεπρακῶς αὐτὸν ἐκὼν ἐξηπάτα), this was because he had received an explicit promise by Philip or because, having fallen under his spell, he had been deceived

hoping that he would carry out his promises. However, if he had been the victim of Philip's deception, he would be on the same level as the *demos* who have often been deceived by the deceptive promises of Athenian politicians. Demosthenes proceeds to rule out this possibility, emphasizing that Aeschines is a mercenary deceiver (110). This is a piece of masterful characterization: by first likening Aeschines to the *demos* in terms of their susceptibility to deception but then ruling out this possibility and stressing that he is a deceiver, Demosthenes creates distance between his opponent and the audience with the intention of arousing their anger. Some of the features highlighted here in connection with Aeschines' possible deception by Philip are often cited in other contexts in connection with the *demos*' deception: naïveté (εὐήθεια),¹⁶ ignorance (ἄγνοια), and hope (ἐλπίσαντα).

Although the mention of such features portrays the *ethos* of the *demos* too, it avoids alienating audiences either in the assembly or in the law courts. Naïveté, a trait with moderately derogatory overtones,¹⁷ can be attributed both to individuals and to the Athenian *demos*. It is a character weakness, a quality of the victim, and, paired with ignorance, is said to offer an advantage to potential deceivers.¹⁸ Meanwhile, ignorance of the issues at hand,¹⁹ or of the character of an enemy,²⁰ is easily manipulated by cunning orators/politicians. Demosthenes suggests that Philip, as an expert deceiver, successfully exploited the Greeks' ignorance of the danger he posed alongside other subversive methods such as bribery and engendering *stasis* in the cities (Dem. 18.61–62, transl. Yunis):

¹⁶ Sometimes the synonymous term ἀβελτερία ("silliness, fatuity": LSJ s.v.) is used alongside εὐήθεια (e.g. Dem. 19.98).

¹⁷ E.g. Aeschin. 3.256.

¹⁸ E.g. Dem. 19.98, 101, *Ex.* 24.2, 46.4.

¹⁹ E.g. Aeschin. 3.237, Dem. 9.64, 18.133–134, 196 (an orator's own ignorance), 246 (the responsibility of the orator in addressing the problem of ignorance), *Ep.* 1.2.

²⁰ The Athenians are unaware of Philip's character: e.g. Dem. 2.7.

καὶ πρότερον κακῶς τοὺς Ἕλληνας ἔχοντας πρὸς ἑαυτοὺς καὶ στασιαστικῶς ἔτι χειρὸν διέθηκε, τοὺς μὲν ἐξαπατῶν, τοῖς δὲ διδοῦς, τοὺς δὲ πάντα τρόπον διαφθείρων, καὶ διέστησεν εἰς μέρη πολλὰ, ἐνὸς τοῦ συμφέροντος ἅπασιν ὄντος, κωλύειν ἐκεῖνον μέγαν γίγνεσθαι. ἐν τοιαύτῃ δὲ καταστάσει καὶ ἔτ' ἀγνοίᾳ τοῦ συνισταμένου καὶ φουομένου κακοῦ τῶν ἀπάντων Ἑλλήνων ὄντων ...²¹

and though the Greeks were already ill-disposed to one another and rent with faction, he made things worse; some he tricked, some he bought, others he thoroughly corrupted. Thus, he divided Greece into many blocs though one policy was advantageous for all: to prevent his becoming powerful. Since all Greeks were in this situation, still ignorant of the gathering, growing evil ...

But while the people's ignorance can be abused by a devious orator bent on misleading an audience, it also justifies the role of the orator as teacher in matters of public interest (cf. the recurrent topos διδάξω ὑμᾶς).²²

Besides naïveté and ignorance, Attic orators also cite the desire of the *demos* to hear gratifying things as an additional factor exploited by deceptive orators.²³ In his *Third Philippic* Demosthenes likens the *demos*' fondness for gratifying rhetoric in their public deliberations to that of the Euboeans, the Olynthians, and the Oreians, Greek peoples who had already suffered at the hands of Philip (9.63–64). Meanwhile, in one of his *prooimia* he argues that a deceptive orator can be distinguished from a civic-spirited one by whether his rhetoric pleases the audience or he is ready to endure adverse crowd

²¹ Cf. Dem. 2.7, 18.33, Aeschin. 3.237 (contrast between the ignorance of some and the knowledge of others among the audience); contrast Philip's knowledge of Greek affairs as a factor contributing to his success: Aeschin. 3.148, Dem. 7.5.

²² E.g. Aeschin. 3.18, 32, 41, 181, 238, Andoc. 1.8, 10, 34, Dem. 4.22, 8.57, 15.1, 18.26, Lys. 7.3.

²³ E.g. Aeschin. 3.127, Isoc. 15.133; cf. Dem. 1.15, 18.138, Xen. *Mem.* 2.1.28, Arist. *Rhet.* 1364b, *Eth.Nic.* 1113b. See H. Yunis, *Taming Democracy: Models of Political Rhetoric in Classical Athens* (Ithaca 1996) 125.

reaction for the sake of the city (*Ex.* 5.1, transl. Worthington):

ὄρω μὲν, ὦ ἄνδρες Ἀθηναῖοι, παντάπασι πρόδηλον ὄν οὐς τ' ἂν ἀκούσατε λόγους ἡδέως καὶ πρὸς οὐς οὐκ οἰκείως ἔχετε· οὐ μὴν ἀλλὰ τὸ μὲν λέγειν ἅ τις οἶεται χαριεῖσθαι τῶν παρακρούσασθαι τι βουλομένων εἶναι νομίζω, τὸ δ' ὑφίστασθαι, περὶ ὧν πέπεικεν ἑαυτὸν συμφέρειν τῇ πόλει, καὶ θορυβηθῆναι κἂν ἄλλο τι βούλησθ' ὑμεῖς, εὖνου καὶ δικαίου τοῦτο πολίτου κρίνω.²⁴

I see, gentlemen of Athens, that it is entirely clear which speeches you listen to with pleasure and which you are not pleased to hear. Nevertheless, I consider that the mark of those who want to deceive you is to say what they think will please you, whereas I judge that the loyal and fair citizen is the one who will withstand your jeers and whatever else you wish to do and propose what he himself feels is in the best interests of the city.

The message that Demosthenes wishes to convey is that he is an honest, reliable, and patriotic orator even though the advice he gives may come across as disagreeable. Conversely, any orators indulging the audience should be recognized as deceivers.

A final factor manipulated by deceptive orators is hope. People tend to believe what they hope for, irrespective of whether it is true or not,²⁵ and deceptive politicians pander to them offering them false hopes. This is how Aeschines deceives the people, according to Demosthenes (19.333):

τί οὖν λέγω καὶ πόθεν ἄρχομαι κατηγορεῖν; τοῦ ποιουμένης τῆς πόλεως εἰρήνην Φιλοκράτει συνειπεῖν, ἀλλὰ μὴ τοῖς τὰ βέλτιστα γράφουσι, καὶ τοῦ δῶρ' εἰληφέναι, τοῦ μετὰ ταῦτ' ἐπὶ τῆς ὑστέρας πρεσβείας τοὺς χρόνους κατατρίψαι καὶ μηδὲν ὧν προσετάξαθ' ὑμεῖς ποιῆσαι, τοῦ φενακίσαι τὴν πόλιν καὶ παραστήσαντ' ἐλπίδας, ὡς ὅσα βουλόμεθ' ἡμεῖς Φίλιππος πράξει ...

²⁴ Cf. also *Dem.* 10.2.

²⁵ Cf. *Dem.* 19.27 (a combination of “hopes, deceptions, and promises”: ἐλπίσι καὶ φενακισμοῖς καὶ ὑποσχέσεσιν), 19.102 (manipulation of hope and self-deception at the same time), *Aeschin.* 3.101, 105.

What, then, do I mean, and from what point do I begin my accusations? From the point when in the midst of the deliberations on peace he supported Philocrates and not the proponents of the best policy; when he took bribes; when later on the Second Embassy, he wasted time and followed none of your instructions; when he tricked the city and destroyed everything by creating the expectation that Philip would do whatever you wanted ...

In this section I have discussed passages where the orators comment on the ways in which their opponents deceive the people. They deplore the way in which deceptive orators manipulate decrees and oaths, take advantage of the *demos*' ignorance and naïveté, and even exploit aspects of mass psychology. By giving an impression of detailed knowledge of their opponents' tactics, such passages appear to serve an 'educational' role, instructing the *demos* on how to identify and avoid the deceptions by orators who do not have the city's best interests at heart. However, their main function is as means of characterization, by portraying these deceptive orators as a foil for the speaker.

This same purpose is also served by a less elaborate but more frequently attested manifestation of the discourse of deception. Recurrent expressions disclaiming deception, denouncing the opponent's deception, or describing the *demos*' past dealings with deceptive orators (anti-deception *topoi*) abound in the orators and demonstrate diversity in terms of their wording, intensity, and intended effect as they are employed in different rhetorical contexts.

Anti-deception topoi and characterization

In the *Rhetoric* Aristotle lists twenty-eight *topoi* of enthymemes and nine *topoi* of fallacious enthymemes and provides examples of their use as means of rational argumentation in contemporary drama and oratory (e.g. *Rhet.* 1358a, 1396a–1402a). However, he does not adequately define these *topoi* or examine their further functions apart from those related to

rational argumentation.²⁶ Modern scholarship has addressed the absence of definitions and discussed how these rhetorical *topoi* reveal Athenian civic ideology. Ober provides the following definition:²⁷

When addressing a mass audience, the Athenian orator used symbols, in the form of modes of address and metaphors, that derived from and referred to the common ideological frame of reference of his listeners. At least some metaphors became standardized and can be described as *topoi* ... Indeed, *topoi* were reiterated precisely because of their symbolic value and demonstrated power to influence an audience.

Following up on Ober's analysis of *topoi* as content-specific rhetorical strategies, Hesk adds that they were also context-specific.²⁸ In another publication, he discusses in detail the 'as you all know' commonplace and examines how it is 'deconstructed' by orators in different contexts.²⁹ My examination of *topoi* denouncing deception differs from theirs in that I am adopting a more detailed lexical approach, in order to identify variations in the expression of *topoi* and to consider their importance in different rhetorical contexts. Although my definition of anti-deception *topoi* as 'recurrent expressions alleging or renouncing deception' is more fixed than the definition of *topoi* adopted by these two scholars, my search yields a far higher number of anti-deception *topoi*.

A typology of anti-deception topoi

While the anti-deception *topoi* attested in the orators are primarily a means of rhetorical characterization of speaker and opponent, they may also strengthen the refutation of the latter's

²⁶ His treatment of "common topics" as artistic means of persuasion is restricted to discussions of topics appealing to the character of different audiences.

²⁷ *Mass and Elite* 44.

²⁸ J. Hesk, "'Despisers of the Commonplace': Meta-*topoi* and Para-*topoi* in Attic Oratory," *Rhetorica* 25 (2007) 361–384, esp. 363–365.

²⁹ Hesk, *Deception and Democracy* 227–231.

arguments or help introduce the speaker's own arguments. My study shows variation in terminology and varying levels of rhetorical intensity between different anti-deception topoi: orators had to adapt topoi depending on the rhetorical effect they wanted to achieve and always within the boundaries set by the wider rhetorical and legal context. Since characterization remained the primary objective of anti-deception topoi, I categorize them according to the person they characterize; each category is then divided into sub-categories in an ascending order of rhetorical intensity:

- i) topoi characterizing an opponent(s),
- ii) topoi characterizing the speaker,
- iii) topoi describing the *demos'* previous experiences of deception.

This categorization will help highlight their operation in different contexts and explain their rhetorical effects as well as the limits within which they operate.³⁰

Category i a, "He/they will attempt to deceive you"

This is by far the most frequently attested sub-category of anti-deception topoi (for variants see Appendix 1, cat. i d) used to discredit the opponent by portraying him as an agent of deception. The wording used by the orator is cautious lest he alienate his audience; this topos portrays deception as an attempt, an intention, rather than a certainty (e.g. ἐξαπατήσαι ὑμᾶς πειράσεται, Lys. 13.70; ἐξαπατήσαι ὑμᾶς βούλονται, Isae. 4.1; προσδοκῶν ὑμᾶς ἐξαπατήσαι, Isae. 11.22).

While its main rhetorical function is to undermine the opponent's *ethos*, it also implicitly aims at arousing hostile emotions towards him in the audience.³¹ At the same time, it

³⁰ For each sub-category of topoi, I am providing only a single heading (a translation or paraphrase) which is representative of its rhetorical function. A comprehensive list of variants in each sub-category is in Appendix 1.

³¹ L. Rubinstein, "Stirring up Dicastic Anger," in D. L. Cairns and R. A. Knox (eds.), *Law, Rhetoric and Comedy in Classical Athens: Essays in Honour of Douglas M. MacDowell* (Swansea 2004) 187–203, successfully demonstrated that overt appeals to anger in forensic speeches were context-specific: they

predisposes the audience negatively towards the opponent. A further subtle effect is to encourage the audience to take action against him. But since a mere allegation of deception is unlikely to persuade, this anti-deception topos forms part of a wider rhetorical strategy of attacking the opponent's *ethos* and refuting his arguments. An example is found in Lysurgus' *Against Leocrates*. The prosecutor Lysurgus is accusing Leocrates of having deserted the city of Athens during the critical period before the battle of Chaeroneia, first fleeing to Rhodes and later returning to Megara where he pursued his commercial activities. He was prosecuted through *eisangelia* a few years after 338, and the prosecutor proposes the death penalty for his treason. The anti-deception topos (πυνθάνομαι δ' αὐτὸν ἐπιχειρήσειν ὑμᾶς ἐξαπατᾶν λέγοντα) is used by Lysurgus at the start of his anticipation and refutation of arguments that he expected Leocrates and his supporting speakers to use (1.55, transl. Harris):

ὡς μὲν οὖν ἔνοχός ἐστι τοῖς εἰσηγγελλέμοις ἅπασιν, ὧ ἄνδρες, Λεωκράτης φανερόν ἐστι· πυνθάνομαι δ' αὐτὸν ἐπιχειρήσειν ὑμᾶς ἐξαπατᾶν λέγοντα, ὡς ἔμπορος ἐξέπλευσε καὶ κατὰ ταύτην τὴν ἐργασίαν ἀπεδήμησεν εἰς Ῥόδον. ἐὰν οὖν ταῦτα λέγη, ἐνθυμεῖσθ' ὅ ῥαδίως λήψεσθ' αὐτὸν ψευδόμενον.

It is clear that Leocrates is subject to punishment for all the charges brought against him. I know he will try to trick you by saying that he sailed as a merchant and that he went away to Rhodes for business reasons. If he says this, look at how easily you will catch him lying.

This anti-deception topos builds on the statement of Leocrates' guilt (ὡς μὲν οὖν ἔνοχός ἐστι), while his deception is proved in 55–56 through the use of three consecutive arguments based on circumstantial evidence (the location of Leocrates' exit point from Athens, the identity of his companions on the flight from Athens, and the fact that he has sold his property in Athens and set up home in Megara). The details of his deception are

depended on the type of suit in which the speeches were delivered and the type of penalty that could be imposed.

set out in logical and easily comprehensible terms, so that the members of the audience are equipped to uncover Leocrates' deceptions. Finally, it is worth noting that ψευδόμενον is also used for *variatio* (instead of ἐξαπατῶντα), and that, according to the speaker, Leocrates will be easily (ῥαδίως) caught lying by the *dikastai* themselves, if he uses the line of argument just anticipated by Lycurgus.

While this topos portrays deception as an intention on the part of the opponent or as a possibility, the wording of the next topos is somewhat stronger, as the opponent's deception is presented almost as a certainty, which the audience will be at pains to escape without the speaker's help.

Category i b, "You will not realize that you have been deceived"

The reference to the agent of deception is not explicit in this anti-deception topos, although it can be deduced from the context; the topos is addressed to the dicastic audience in the second-person plural. At the same time as predisposing the audience negatively towards the opponent's arguments, it helps to raise the audience's awareness of the danger of deception and underlines their need to be 'taught' by the speaker in order to evade the opponent's deception.³² This anti-deception topos occurs mainly in Aeschines' public prosecution speeches *Against Timarchus* (1.117) and *Ctesiphon* (3.11, 168). In a passage from *Against Ctesiphon*, it precedes Aeschines' systematic analysis of his opponent's own supposed defence arguments and is accompanied by an allegation that the opponent's rhetoric is superseding the city's laws (κρείττονες λόγοι τῶν νόμων). Aeschines thus attempts to portray Ctesiphon's defence team not just as skilled deceivers but also as potentially subversive and undemocratic (3.11):

³² Cf. a similar topos at Dem. 45.44 (πρὸς δὴ τὸν λόγον τοῦτον καὶ τὴν ἀναίδειαν βέλτιόν ἐστι μικρὰ προειπεῖν ὑμῖν, ἵνα μὴ λάθητ' ἐξαπατηθέντες), where it precedes the refutation of an argument advanced by Stephanus.

καὶ ταῦτα οὕτως εὖ προκατειληφότες τοῦ νομοθέτου, εὔρηται κρείττονες λόγοι τῶν νόμων, οὓς εἰ μή τις ὑμῖν ἐρεῖ, λήσετε ἔξαπατηθέντες.

And though the legislator has taken this sensible precaution, arguments have been invented to subvert the law; and if you are not told of them, you will not notice you have been tricked.

It is worth noting that the supplementary aorist participle ἔξαπατηθέντες with λανθάνω stresses the furtive operation of deception through crafty rhetoric. Meanwhile the future indicative of the protasis (εἰ μή τις ὑμῖν ἐρεῖ) denotes a threat or warning and in conjunction with the future indicative expresses a future condition.³³

A variation of this topos occurs in a passage from *Against Timarchus* where Aeschines anticipates and outlines the defence's arguments; in the process he takes the opportunity to portray Demosthenes (although he does not name him) as a sophistic deceiver who may deceive through false arguments (παραλογισάμενος) to the detriment of the city (1.117):

ἔστι δ' ὁ μὲν πρότερός μοι λόγος προδιήγησις τῆς ἀπολογίας ἧς ἀκούω μέλλειν γίνεσθαι, ἵνα μὴ τοῦτο ἐμοῦ παραλιπόντος ὁ τὰς τῶν λόγων τέχνας κατεπαγγελλόμενος τοὺς νέους διδάσκειν ἀπάτη τινὶ παραλογισάμενος ὑμᾶς ἀφέληται τὸ τῆς πόλεως συμφέρον.

My first theme is an advance account of the defense that I am told will be offered, in case, if I fail to mention it, the man who advertises that he can teach young men the art of speaking, tricks you with false logic and prevents a result to the city's advantage.

In this passage, the use of the dative of instrument (ἀπάτη τινὶ) alongside παραλογισάμενος probably does not have as strong an effect as e.g. ἔξαπατήση ὑμᾶς ἀφελόμενος τὸ τῆς πόλεως συμφέρον. Thus, the rhetorical intensity of the sentence may

³³ See H. W. Smyth, *Greek Grammar* (Cambridge [Mass.] 1920) 525 §2328; W. W. Goodwin, *Syntax of the Moods and Tenses of the Greek Verb* (London 1886) 165 §447.

have been lower.

In sum, this topos places emphasis on the fact that the opponent's deception will go unnoticed unless the audience pay attention to the speaker who can unmask it. Its expression is stronger than the previous anti-deception topos but clearly not as assertive as the next one.

Category i c, "Do not be deceived by him"

This anti-deception topos undermines the character of the opponent while placing the burden of responsibility on the audience: the implication is that they can escape the opponent's deception as they can tell truth from lies. The orator's role is only ancillary: he anticipates and refutes the opponent's arguments. Meanwhile, the syntax conveys a greater sense of urgency and intensity.

In a passage of the speech *Against Andocides* (falsely attributed to Lysias), the imperative μηδ' ... ἐξαπατᾶσθε builds on the allegation that the line of defence adopted by the defendant Andocides is a lie (οὐκ ... ἀληθῆς αὐτῆ ἢ ἀπολογία). The sentence rounds off the refutation of one of Andocides' main arguments, namely that he was covered by the Amnesty, and therefore should not have been indicted ([Lys.] 6.38–41). It also precedes the refutation of yet another argument allegedly to be advanced by Andocides (41, transl. Todd):

οὐκ ἔστιν, ὧ ἄνδρες Ἀθηναῖοι, τούτῳ ἀληθῆς αὐτῆ ἢ ἀπολογία, μηδ' ὑμεῖς ἐξαπατᾶσθε. οὐ γὰρ τοῦτο λύειν ἐστὶ τὰ συγκείμενα, εἰ Ἀνδοκίδης ἕνεκα τῶν ἰδίων ἀμαρτημάτων δίδωσι δίκην, ἀλλ' ἐάν τις ἕνεκα τῶν δημοσίων συμφορῶν ἰδίᾳ τινὰ τιμωρῆται.

This defense of his is not true, men of Athens. Do not be deceived. What would break the settlement is not Andocides now paying the penalty for his own offenses, but if a person is somehow punished as an individual because of public disasters.

A variant of the topos occurs in another highly charged political context, in the third quarter of the fourth century, the turbulent trial concerning the Harpalus affair. One of the prosecutors, Hyperides, is attacking Demosthenes, his former political associate (Hyp. *Dem.* fr.3 col. 6, transl. Cooper):

Δ[ημοσθένης] δ' οὐ μόνον ἐπὶ τοῦ αὐτοῦ ἀγῶνος οἶεται δεῖν ὑμᾶς παρακρούσασθαι διαβαλὼν τὴν ἀπόφασιν, ἀλλὰ καὶ τοὺς ἄλλους ἀγῶνας ἅπαντας ἀφελέσθαι ζητεῖ τοὺς τῆς πόλεως ὑπὲρ οὗ δεῖ ὑμᾶς νυνὶ βουλευέσασθαι προσέχοντας τὸν νοῦν, καὶ μὴ τῷ λόγῳ ὑπὸ τούτου ἐξαπατηθῆναι.

Not only does Demosthenes think he should deceive you at his own trial by slandering the report (*apophasis*), but he also wants to detract from all the other trials in the city. You must keep this in mind when you now make your deliberations, and do not be deceived by this man's argument.

Hyperides juxtaposes two rival 'musts', both relating to the concept of deception: Demosthenes thinks he must deceive the *dikastai* by abusing the Council's report (διαβαλὼν τὴν ἀπόφασιν), while the *dikastai* must pay attention to what is at stake and not be deceived. Hyperides thus portrays Demosthenes as an inveterate deceiver and incites anger against him, while seeking to empower the *dikastai* to stand up against Demosthenes' deceptive tactics. The use of δεῖ + infinitive probably conveys the same sense of intensity as the use of the imperative in the first passage.

Although the main objective of the anti-deception *topoi* examined so far is to describe the opponent as a deceiver, the opponent is referred to in the third person, while the audience is addressed in the second-person plural. Conversely, the final sub-category of *topoi* is the most intense as it confronts the opponent directly in the second-person singular.

Category i d: "You are deceiving them"

This *topos* has the most confrontational tone, as it addresses the opponent in the second person (*apostrophe*) and is the least often used in the orators.

In *Against Ctesiphon* Aeschines alleges that Demosthenes was unworthy of the honour proposed by Ctesiphon and that his involvement in recent events has been misrepresented. Demosthenes' art of deception has rubbed off on his associate Ctesiphon; through the rhetorical device of *apostrophe*, Ctesiphon is accused of deceiving any ignorant Athenians and insulting

(ὕβριζεις) those who possess knowledge and understanding (3.237):

ὅταν δὲ τῆς πρὸς Θηβαίους συμμαχίας τὰς αἰτίας ἀνατιθῆς Δημοσθένει, τοὺς μὲν ἀγνοοῦντας ἐξαπατᾶς, τοὺς δ' εἰδότας καὶ αἰσθανομένους ὕβριζεις.

But when you give Demosthenes the credit for the alliance with Thebes, you may deceive the ignorant, but you insult people who know the facts and are alert.

The topos also occurs in a speech delivered in a commercial dispute. Demosthenes' *paragraphe* speech *Against Zenothemis* reports a dialogue between Protus and Zenothemis, where the former accuses the latter of colluding with Hegestratus to deceive others for monetary gain. A bystander then interjects that Zenothemis, too, is a victim of Hegestratus' deception (32.15, transl. MacDowell):

“σὺ χρήματα δέδωκας Ἡγεστράτῳ, μεθ' οὗ τοὺς ἄλλους ἐξηπάτηκας, ὅπως δανείσῃται; καὶ σοὶ πολλάκις λέγοντος ὅτι τοῖς προἰεμένοις ἀπολεῖται τὰ χρήματα, σὺ {οὖν} ταῦτ' ἀκούων αὐτὸς ἂν προήκω;” ἔφη καὶ ἀναιδῆς ἦν. “οὐκοῦν εἰ τὰ μάλιστ' ἀληθῆ λέγεις,” τῶν παρόντων τις ὑπέλαβεν, “ὁ σὸς κοινωνὸς καὶ πολίτης, ὁ Ἡγέστρατος, ὡς ἔοικεν, ἐξηπάτηκέν σε, καὶ ὑπὲρ τούτων αὐτὸς αὐτῷ θανάτου τιμήσας ἀπόλωλεν.”

“Did you give money to Hegestratus, with whom you collaborated in deceiving other people so as to enable him to borrow, even though he repeatedly said to you that those who risked their money would love it? When you heard that, would you have risked your money?” He impudently said yes. “Well then,” interrupted one of those who were there, “if what you say is absolutely true, your partner and fellow-citizen, Hegestratus, it seems, deceived you, and he has condemned himself to death for it and perished.”

Although one would expect this topos to feature more frequently in prosecution speeches, its rarity may suggest that there was limited tolerance of it in forensic contexts. Its appearance in the Demosthenes passage is part of a reported dialogue that took place earlier than the court proceedings and so its use may not have been construed as too confrontational for the court. Thus, it seems that the more direct and confrontational

an anti-deception topos regarding an opponent, the less frequently it was employed.

Although all the topoi in category i served the same primary goal of undermining the opponent's *ethos*, less confrontationally worded ones were preferred in most contexts in order to avoid any negative reflections on the speaker's own character.

The next three topoi, category ii, are self-referential and concern the character of the speaker. They, too, demonstrate some gradation in terms of their wording and the function they perform.

Category ii a, "I shall not appear to deceive you"

This topos precedes the presentation of the speaker's own arguments³⁴ and obviously contributes to the presentation of a credible and trustworthy persona right from the *prooimion*³⁵ (it could be taken as a *captatio benevolentiae*). Although this seems to be the most straightforward verbal disclaimer of deception on the speaker's part, there are only two attestations in Attic oratory. The syntax is cautious (cf. cat. i a and i b above): instead of a future indicative (οὐκ ἐξαπατήσω...), a dependent participial construction (Dem. 5.10) and a substantivized infinitive (Dem. 20.88). This suggests that orators in the assembly and the law courts generally avoided referring to deception in the first person,³⁶ as though they might become 'tainted' by association.

At the start of *On the Peace* Demosthenes establishes his credentials as a trustworthy and experienced adviser of the people of Athens by referring to three examples from their recent history when his advice proved correct (5.10–22). Before proposing that the Athenians preserve the Common Peace, he says

³⁴ This compares to topoi where the orator stresses his sincerity: e.g. πάντα ὑπὲρ τῆς ἀληθείας εἰρημένα, Dem. 18.21; cf. 23.151.

³⁵ Cf. the variation of the topos in the *prooimion* of Euryptolemus' speech at Xen. *Hell.* 1.7.19.

³⁶ Cf. 71–72 above on the rare use of anti-deception topoi in the second-person singular.

(10, transl. Trevett):

τότε Θεσπιάς τινων καὶ Πλαταιᾶς ὑπισχνουμένων οἰκισθῆ-
σεσθαι, καὶ τοὺς μὲν Φωκέας τὸν Φίλιππον, ἂν γένηται κύριος,
σώσειν, τὴν δὲ Θηβαίων πόλιν διοικεῖν, καὶ τὸν Ὀρωπὸν ὑμῖν
ὑπάρξειν, καὶ τὴν Εὐβοίαν ἀντ' Ἀμφιπόλεως ἀποδοθήσεσθαι,
καὶ τοιαύτας ἐλπίδας καὶ φανακισμούς, οἷς ὑπαχθέντες ὑμεῖς
οὔτε συμφόρως οὔτ' ἴσως καλῶς προεῖσθε Φωκέας, οὐδὲν τού-
των οὔτ' ἐξαπατήσας οὔτε σιγήσας ἐγὼ φανήσομαι, ἀλλὰ προ-
ειπὼν ὑμῖν, ὡς οἶδ' ὅτι μνημονεύετε, ὅτι ταῦτ' οὔτ' οἶδα οὔτε
προσδοκῶ, νομίζω δὲ τὸν λέγοντα ληρεῖν.

At that time some men were promising that Thespieae and Plataea would be restored, and that Philip would preserve the Phocians, if he got control of them, and would disperse the city of Thebes into villages, and that Oropus would be given to us, and that Euboea would be surrendered in return for Amphipolis, and were offering such hopes and deceiving you with promises, by which you were induced, neither to your advantage nor perhaps to your credit, to abandon the Phocians. But I shall show that I did not deceive you and was not silent about any of these matters but declared to you, as I am sure you remember, that I neither knew nor expected that any of these things would happen, and that I thought the speaker was talking nonsense.

The anti-deception topos occupies the centre of a section that focuses on Demosthenes' own persona, which is contrasted with his political adversaries' *ethos*: on the one hand, he alleges deception against his opponents (τοιαύτας ἐλπίδας καὶ φανακισμούς), while on the other, he presents his actions as embodying honesty and boldness (οὔτε σιγήσας ἐγὼ φανήσομαι, ἀλλὰ προειπὼν ὑμῖν).

Although this topos presents the most explicit disclaimer of deception, the rarity of its use along with its careful wording, and additional affirmations of honesty, may suggest (cf. cat. i d) that the concept of deception was used rhetorically with a great deal of caution, especially since the projection of the speaker's *ethos* was at stake.

Category ii b, "I will not allow you to be deceived"

In this sub-category the speaker goes beyond merely stating that he will refrain from deception; he in fact assumes an active

role in exposing it and protecting his fellow citizens from it. As in the previous sub-category (ii a), his *ethos* as a wise, trustworthy, and proactive advisor is projected, and its function thus appears to correspond to that of sub-category i b.

In the *prooimion* of his assembly speech *For the Megalopolitans*, Demosthenes stresses the difficulty of his rhetorical task because his fellow Athenians have already been deceived and are following diametrically opposed political courses (16.2). Even though he knows he will be attacked on both sides, he is keen to strike a middle course rather than allow some politicians to deceive the people (3, transl. Trevett):

οὐ μὴν ἀλλ' αἰρήσομαι μᾶλλον αὐτός, ἂν ἄρα τοῦτο πάθω, δοκεῖν φλυαρεῖν, ἢ παρ' ἃ βέλτιστα νομίζω τῇ πόλει, προέσθαι τισὶν ὑμᾶς ἐξαπατῆσαι.

Nevertheless, I would rather be thought to be talking nonsense, if indeed such is my fate, than allow certain men to deceive you, against what I believe are the city's interests.

Category ii c, reversing the topos: “He said I'd deceive you”

While the two previous topoi stress the speaker's honesty and his ability to forestall deception, and precede the presentation of his own arguments, this anti-deception topos represents his response to allegations of deception against him. This self-referential topos only occurs in Demosthenic forensic speeches. It implicitly affirms the currency and effectiveness of topoi referring to an opponent (cf. cat. i a, b) and helps the speaker refute his opponent's allegation of deception and defend his *ethos*.

The trial of Ctesiphon provides a fascinating passage where Demosthenes defends himself against Aeschines' charges that he is a sophist and an accomplished deceiver. Although not personally indicted in this trial (he was Ctesiphon's *synegoros*), he still bore the brunt of Aeschines' invective (Dem. 18.276):

... ὥσπερ αὐτός ἀπλῶς καὶ μετ' εὐνοίας πάντας εἰρηκῶς τοὺς λόγους, φυλάττειν ἐμὲ καὶ τηρεῖν ἐκέλευεν, ὅπως μὴ παρακρούσομαι μηδ' ἐξαπατήσω, δεινὸν καὶ γόητα καὶ σοφιστὴν καὶ τὰ τοιαῦτ' ὀνομάζων, ὡς ἐὰν πρότερός τις εἶπη τὰ προσόνθ' ἑαυτῷ περὶ ἄλλου, καὶ δὴ ταῦθ' οὕτως ἔχοντα, καὶ οὐκέτι τοὺς ἀκούοντας σκεψομένους τίς ποτ' αὐτός ἐστὶν ὁ ταῦτα λέγων.

ἐγὼ δ' οἶδ' ὅτι γινώσκετε τοῦτον ἅπαντες, καὶ πολὺ τούτῳ μᾶλλον ἢ ἐμοὶ νομίζετε ταῦτα προσεῖναι.

... as if he himself were sincere and loyal in everything he says, he urges you to be alert and to guard against my misleading or deceiving you, and he calls me a skilful speaker, a sorcerer, a sophist, and other such names. He hopes that by pre-emptively ascribing his own attributes to another, this description will be accepted, and the audience will not consider any further what kind of person is saying these things. But I am confident that all of you know him and realize that those terms apply far more to him than they do to me.

Defending himself against Aeschines' allegations would not have been too easy for Demosthenes, as by 330 B.C. he was one of the highest-profile Athenian politicians, orators, logographers, and teachers of rhetoric, while his hostility to Aeschines was equally well known. Re-branding himself as an *idiotes* and playing down his rhetorical reputation was not an option; at the same time, Aeschines' career was well known, too. The integrity and reputation of these two political rivals was at stake. In this passage Demosthenes is effectively telling the audience: 'You know who I am. You know who Aeschines is. You know that he, rather than I, is engaging in deception'. He thus attempts to counter a topos used by Aeschines to discredit his *ethos*: he had alleged that the Athenians ought to watch out lest Demosthenes deceive them, because he is a "skilful speaker, a cheat, and a sophist" (δεινὸν καὶ γόητα καὶ σοφιστήν).³⁷ After questioning the qualities of Aeschines' oratory (ὥσπερ ... τοὺς λόγους is ironical and insinuates that he is not exactly a civic-spirited speaker) Demosthenes argues that Aeschines is taking advantage of the rhetorical situation, namely that as a prosecutor he speaks first and may thus have a better chance of persuading the audience.³⁸ What is more, Aeschines is projecting his own deceptions onto Demosthenes (τὰ προσόνθ' ἑαυτῷ περὶ

³⁷ See Aeschin. 3.137, 202.

³⁸ Cf. Aeschin. 2.1–6, Antiph. 5.74–80, Dem. 18.7, Lys. 19.4–6; see also Arist. *Rhet.* 1415a, 1418b.

ἄλλου). Demosthenes suggests that, since the character of the two men is well known to the audience, they should be able to discern that Aeschines rather than Demosthenes deceives them. The repetition of this suggestion using the indefinite and then the demonstrative pronoun (τις ... τὰ προσόνθ' ἑαυτῷ περὶ ἄλλου – τούτῳ μᾶλλον ἢ ἐμοὶ νομίζετε ταῦτα προσεῖναι) is intended to impress it upon the audience. In order to distance himself even further from the allegation of deception levelled against him, Demosthenes goes on to argue that, although he was a competent orator, he had only used the power of his eloquence (ἐμπειρία τοιαύτη) in a patriotic way, and thus he turns the tables on Aeschines (277).

Although this topos would be expected to occur primarily in defence speeches in response to allegations of deception by the prosecution, a variant also occurs in Demosthenes' prosecution speech *Against Leptines*, where he rebuts an allegation made by Leptines at the pre-trial stage of the *anakrisis* (20.98). Demosthenes alleges that Leptines would try to deceive the *dikastai* by arguing that the prosecution had wrongly appended a draft proposal to their *graphe* in order to deceive the *thesmothetai*. Leptines' allegation of deception against Demosthenes and the prosecution team is undermined by a counter-allegation of deceptive intent directed at Leptines before it is refuted in a section dealing with legal technicalities of the *nomothesia* procedure.

This anti-deception topos helps Demosthenes cancel out the effect of the anti-deception topos (or *topoi*) used by his opponent against him. He takes the opportunity to dispel any doubts about his *ethos* and preempts his opponent's attack by implying that he is the real deceiver and thus further discrediting his character.

Category iii of anti-deception *topoi* focuses the *demos*' previous experiences of deception and is used by the orators to spur the audience to action. While the first topos may portray the Athenians as susceptible to deception and needing to break away from this pattern of wrong decision-making, the second is more flattering to the *demos* as it stresses their ability to resist deceitful orators.

Category iii a, “You have been deceived by orators”

This frequently attested descriptive *topos* reminds the audience that they have been the victims of deception in the past and acts as a warning for the future. It is only implicitly linked to the *ethos* of the speaker and his opponent, instead placing the responsibility upon the audience (cf. cat. i c).

In the wider context of a passage in the speech *Against Timarchus*, Aeschines has warned the judges to be wary of Demosthenes’ deceptive rhetoric (1.170), explained how he can carry them away to discussions of irrelevant points (173–175), and urged them to resist his tactics. He then goes on to praise the Athenian laws and commitment to justice, yet alleges that in the courts and assembly meetings the Athenians are being deceived into considering extraneous issues, thus introducing new habits into public life (177–178):

ἐγὼ τὰς τούτων αἰτίας ἐπιδείξω. ὅτι τοὺς μὲν νόμους τίθεσθε ἐπὶ πᾶσι δικαίους, οὔτε κέρδους ἕνεκ’ ἀδίκου, οὔτε χάριτος οὔτ’ ἔχθρας, ἀλλὰ πρὸς αὐτὸ μόνον τὸ δίκαιον καὶ τὸ συμφέρον ἀποβλέποντες· ἐπιδέξιοι δ’ οἶμαι φύντες ἐτέρων μᾶλλον, εἰκότως καλλίστους νόμους τίθεσθε. ἐν δὲ ταῖς ἐκκλησίαις καὶ τοῖς δικαστηρίοις πολλάκις ἀφέμενοι τῶν εἰς αὐτὸ τὸ πρᾶγμα λόγων, ὑπὸ τῆς ἀπάτης καὶ τῶν ἀλαζονευμάτων ὑπάγεσθε, καὶ πάντων ἀδικιώτατον ἔθος εἰς τοὺς ἀγῶνας παραδέχεσθε· ἔατε γὰρ τοὺς ἀπολογουμένους ἀντικατηγορεῖν τῶν κατηγορούντων.

I shall explain the reasons for this. It is because in making the laws you take account of all the principles of justice. You do not act for dishonest profit or favour or enmity, but consider only justice and the public good. And being naturally more intelligent, I think, than other men, as one would expect, you make the best laws. But in the Assembly and the courts you often lose sight of the arguments relating to the main issue; you are misled by deceit and posturing and admit the most unjust practice into your trials. You allow the defendants to bring counteraccusations against their accusers.

This passage has strong legal-ideological overtones: the Athenians are being praised for the operation of their constitution and legal system, but it is pointed out that during trials they are often deceived into considering extraneous issues. The impli-

cation is that this is out of character, un-Athenian. This anti-deception topos tries to project the image of the *dikastai* as custodians of the Athenian constitution in order to encourage them to resist deception. The fact of deception thus works as a reminder that that they should stay true to their Athenian character.

Category iii b, When the *demos* reversed the effects of deception...

This sub-category of anti-deception topoi appears to be the flip-side of the preceding one. The *dikastai* are reminded of cases in the past when they defeated their deceivers; this should encourage them to rise up against deception in the present.

In the peroration of the speech *On his Return*, Andocides seeks to empower the Athenians in the assembly to overturn his penalty of exile and draws a comparison to the overthrow of the Four Hundred. He maintains (2.27) that just as they were deceived into substituting tyranny for democracy, so the decision to punish him was the result of deception. Therefore he urges them to overturn the penalty unfairly imposed on him just as they had overturned the tyrannical regime (28, transl. MacDowell):

βουλοίμην μέντ' ἄν, ὥσπερ ἐν τοῖς ὑμετέροις αὐτῶν πράγμασιν, ἐπειδὴ ἐξουσίαν ἐλάβετε, τὰς τῶν ἐξαπατησάντων ὑμᾶς ἀκύρους ἔθετε βουλὰς, οὕτω καὶ ἐν ᾧ περὶ ἐμοῦ ἐπέισθητε γνῶναί τι ἀνεπιτήδειον, ἀτελῆ τὴν γνώμην αὐτῶν ποιῆσαι, καὶ μήτε ἐν τούτῳ μήτε ἐν ἑτέρῳ τῷ τοῖς ὑμῶν αὐτῶν ἐχθίστοις ὁμόψηφοί ποτε γένησθε.

But just as in your own affairs, as soon as you could, you invalidated the measures of the men who deceived you, so too, with regard to the inappropriate decision which you were persuaded to take about me, I should like you to make their decision ineffectual, and neither in this nor in anything else ever to vote on the same side as your own worst enemies.

The imperative to take action is underlying this topos, too (cf. cat. i c), as the *dikastai* are portrayed as custodians of the restored democracy. Andocides associates deception of the *demos* with the traumatic period of the oligarchy of the Four Hundred; now the restored democracy is presented with a new op-

portunity to rectify another wrong committed by the oligarchy.

So far, I have discussed the ways in which passages detailing the workings of deception and nine anti-deception *topoi* are used by the orators to portray negatively the *ethos* of their opponents, and at the same time undermine their arguments or bolster the speaker's own arguments. I have suggested that in certain cases the discourse of deception might aim to incite anger against the opponents and encourage the audience to adopt the suggested course of action. I shall now explore how contextual factors affect the orators' use of the discourse of deception and suggest reasons for the differentiated rhetorical strategies observed.

Contextual factors and the use of the discourse of deception

This analysis of anti-deception *topoi* and passages commenting on the opponent's deception has shown the ways in which they fitted the speakers' rhetorical strategies of characterization within a given speech. Examination now of the frequency of vocabulary of deception in deliberative and forensic speeches reveals patterns of usage within and across oratorical genres and even specific types of speeches. These patterns in turn will highlight the limits of the discourse of deception in a given context.

i) Oratorical genre: deliberative vs. forensic speeches

The first observation arising from such an examination is that there are significant variations between deliberative and forensic speeches in the use of the discourse of deception. But since the sample of deliberative speeches is relatively small and comprises mainly assembly speeches by Demosthenes,³⁹ a com-

³⁹ Nineteen speeches fall under the category of deliberative oratory: Andoc. 3, Lys. 34, Dem. 1–16, [Dem.] 17. I do not exclude speeches such as [Dem.] 7 (probably by Hegesippus), 13, 17, the authorship of which is disputed, or 'speeches' such as 11 (*On Philip's Letter*), 12 (*Philip's Letter*), which are rhetorical compositions in epistolary format. Although many of Isocrates' speeches (*e.g.* 2, 4, 5, 6, 7, 8, 14) deal with deliberative themes, they are not, strictly speaking, deliberative orations as they were not meant to be delivered. They also contain strong epideictic features.

parison of forensic with deliberative speeches preserved in the *Corpus Demosthenicum* will be more helpful.⁴⁰ The frequency of vocabulary denoting deception in the Demosthenic forensic speeches is almost double that in deliberative orations (see Appendix 2 for references): in the latter there are 28 attestations in a total of 703 chapters of Greek text (0.040 words per chapter), while in the former there are 219 attestations in 2917 chapters (0.075 words per chapter). As we have seen, the first category of anti-deception *topoi* is not used in any of the extant deliberative speeches to discredit an opponent:⁴¹ the exception to this rule is the villain looming large in the Greek world, Philip of Macedon, whose character was attacked in assembly debates fiercely and repeatedly.⁴² These results seem to confirm that, despite the existence of overlaps between *genos dikanikon* and *symbouleutikon* (e.g. symbouleutic themes are frequently employed in forensic speeches of public character), different rhetorical protocols were adhered to and different strategies adopted in the law courts and the assembly respectively. They also confirm that the law courts offered orators greater scope for invective and characterization of the opponent than did the *ekklesia*, where etiquette probably imposed limits on the use of personal invective.

These variations in the rhetorical strategies adopted might also be explained with reference to the different perceptions of the role of the speaker in the *ekklesia* and the *dikasterion*: in a de-

⁴⁰ E.g. in each of two speeches by Andocides, 3 (a deliberative speech, 41 paragraphs long) and 1 (forensic, 150 paragraphs), there are two attestations of the discourse of deception, while in his remaining two forensic speeches there is one attestation in each. Such results clearly are not statistically significant. In the *Corpus Lysiacum* a comparison between the one extant speech of deliberative character (34; see n.41 below) and the forensic orations is equally unhelpful.

⁴¹ Lys. 34.1 is an exception but this is probably a pamphlet and not a speech delivered in the assembly; see Dion. Hal. *Lys.* 32.

⁴² E.g. Dem. 2.7, 8, 6.23, 7.25, 8.62. Dem. 7.5 insinuates that there are Athenian politicians deceiving the people and thus doing Philip's bidding.

liberative context, the orator was expected to act as an advisor and teacher of the *demos*, helping it reach a decision beneficial to the polis as a whole (*sympheron* is the primary objective of deliberative oratory: Arist. *Rhet.* 1362a).⁴³ Conversely, in the adversarial forensic context the orator was taking part in a legal action and was expected to demonstrate the justice or injustice (*Rhet.* 1358b) of a legal case, thus helping the *dikastai* reach a just verdict. And while we do occasionally hear reports of speakers allegedly launching personal attacks against political enemies from the *bema* of the *ekklesia*, such behaviour is portrayed as inappropriate, transgressive, and characteristic of sycophants rather than civic-minded politicians.⁴⁴

ii) Forensic speeches: public vs. private cases

When one turns to the use of the discourse of deception in the *genos dikanikon*, another difference emerges between public and private cases: there are 234 attestations of the discourse of deception in speeches delivered in public prosecutions (in a total 3921 chapters of Greek text: 0.596 words per ch.) and 79 in speeches delivered in connection with private suits (in 1967 chapters: 0.040 words per ch.). In the Demosthenic corpus the public/private distinction is more marked and vocabulary of deception occurs twice as frequently in public (0.087 words per ch.) as in private speeches (0.0487 words per ch.). In the context of a public prosecution, where questions of public concern were foregrounded, the recourse to deceptive rhetoric on the part of the opponent could be portrayed as a matter of common interest. Conversely, in private suits deception was a matter ultimately affecting the actual parties to the suit and perhaps a small number of their relatives/associates. Demosthenes seems to be employing the discourse of deception more frequently than other orators in his public speeches, yet this does not alter the overall pattern, which suggests that there was

⁴³ See Ober, *Mass and Elite* 166–170, and Yunis, *Taming Democracy* 72–76, 257–262; cf. Dem. 4.22, 8.57.

⁴⁴ E.g. Dem. 4.44, 8.1, 25.41, 47, 58.40.

more room in public cases for the rhetorical deployment of the concept of deception.

iii) Forensic speeches: prosecution vs. defence speeches

The limitations on the use of this rhetorical strategy become clearer when one considers the relative rhetorical and legal position of the two parties. As already suggested, some anti-deception *topoi* (cat. i a, b) occur only in prosecution speeches, whereas others (cat. ii c) were deemed more appropriate to defence speeches. In public prosecution speeches the frequency of vocabulary of deception is three times higher (207 attestations in 2842 chapters: 0.0728 words per ch.) than in public defence speeches (27 attestations in 1079 chapters: 0.025 words per ch.). This pattern is confirmed by an examination of private prosecution and defence speeches: there are 71 attestations in the former (in 1527 chapters: 0.046 words per ch.) and 8 in the latter (in 440 chapters: 0.018 words per ch.). This suggests that the discourse of deception was an effective strategy of characterization for the prosecution but that the rhetorical job of defendants (and their supporting speakers) was far more challenging: they found themselves at the receiving end of allegations of deception and could only defend their *ethos*, while their ability to mount counter-attacks was quite limited.

iv) The legal context

Although deception might take place in both the public and the private spheres, in the assembly and the agora, Athenian law differentiated between these settings and forbade deception of the *demos* in the *ekklesia*. The available legal procedures identified the assembly as the civic space where deception of the people could be held to take place,⁴⁵ with the law courts as the

⁴⁵ Curses were pronounced before every meeting of the *ekklesia* against anyone deceiving the *demos*, the *boule*, and the *Heliaia* (Dem. 23.97), but it is clear from the *nomos eisangeltikos* (referred to at Dem. 20.135, [Dem.] 49.67, and quoted at Hyp. 4.8) that making deceptive promises to the *demos* in the *ekklesia* is meant. Dem. 20.100 seeks to extend the application of the law to cover the law courts and the Council of 500, but this is a loose interpretation of the law by Demosthenes in order to reinforce the seriousness of his

place for trying and penalizing deception.⁴⁶ The legally circumscribed anti-deception context of the assembly may have been an additional factor discouraging speakers from employing the discourse of deception against opponents except in a neutral, depersonalized way, or when referring to Philip; often deception is described as a fact of past history,⁴⁷ or used to encourage the *demos* to take action in the present. At the same time, in a forensic context, the adversarial nature of trials and the availability of penalties contributed to a more direct use of the discourse of deception.⁴⁸ The higher the stakes in a trial (e.g. in a public case), the more intense the personal invective in prosecution speeches and the more frequent the discourse of deception. In private cases, differences between types of suits also affected the way the discourse of deception was employed. For instance, in speeches delivered in *diadikasiai* the discourse of deception is very sparsely used (8 attestations in 246 chapters; 0.032 per ch.); after all, *diadikasiai* only decided between the merits of two competing claims (usually regarding inheritance) and did not impose any penalties on any of contestants.⁴⁹ Conversely, in the eight extant speeches delivered in *dikai pseudomartyrion* (private prosecutions for false witnessing) the discourse of deception is more frequently used (29 attestations in 518 chapters: 0.056), although there are also variations

pledge. On this point see C. Kremmydas, *Commentary on Demosthenes Against Leptines* (Oxford 2012) 364–365.

⁴⁶ The available legal procedures against deception were *eisangelia* and *probole*. On *eisangelia* see Hyp. 4.7–8 and M. H. Hansen, *Eisangelia. The Sovereignty of the People's Court* (Odense 1975); on *probole* see *Ath. Pol.* 43.5 and A. R. W. Harrison, *The Law of Athens II* (Oxford 1971) 59–64.

⁴⁷ E.g. Dem. 5.10 (τοιούτους ἐλπίδας καὶ φενακισμούς), 6.23 (φενακισομένην τὴν πόλιν), 8.63 (and [Dem.] 10.65, ἐν αὐτῷ τῷ τὴν εἰρήνην ποιήσασθαι, ποσ' ἐξηπάτησθε, πόσων ἀπεστέρησθε), 15.16, 16.2.

⁴⁸ On deception through witnesses see Dem. 19.177.

⁴⁹ Note however the *parakatabole*, which was essentially a deposit of 10% of the value of the estate and was meant to discourage the reopening of *diadikasiai*; see Harrison, *The Law of Athens II* 181–183.

between individual authors (e.g. higher frequency in Demosthenes and Apollodorus than in Isaeus) and speeches.⁵⁰

v) Specifics of forensic cases

Specific features of individual forensic cases may also explain variations in the use of the discourse of deception. Two prosecution speeches by Demosthenes stand out for their significantly higher frequency of the discourse of deception: i) in *Against Aristocrates*⁵¹ the concept of deception plays a central, dual role: first, because the honorific decree⁵² for Charidemus had been suspended at the probouleumatic stage through a *graphe paranomon*, deception of the *demos* was still a distinct possibility, if the *dikastai* acquitted Aristocrates in the trial and the people then ratified his decree in the *ekklesia*.⁵³ Second, deception is presented as one of the attributes of Charidemus' character, career, and behaviour towards Athens, and therefore it should disqualify him from Athenian civic honours. ii) Demosthenes' prosecution speech *On the False Embassy* delivered at Aeschines' *euthyna* has deception at its very centre.⁵⁴ Demosthenes' bitter rival is accused of having misled and deceived the *demos* in connection with the peace treaty with Philip. Since this trial is the culmination of Aeschines' *euthyna* (he had been an elected ambassador in the embassy affair), it is hardly surprising that Demosthenes would attempt to maximize the impression of his opponent's wrong-doing by repeatedly employing

⁵⁰ In these speeches the frequency of the discourse of deception per chapter of OCT is: Dem. 29 (0.066 words: defence), Dem. 44 (0.058: prosecution), [Dem.] 45 (0.034: prosecution), [Dem.] 46 (0.142: prosecution), Dem. 47 (0.158, the highest: prosecution), Isae. 2 (0: defence), Isae. 3 (0: prosecution), Isae. 6 (0.015: prosecution).

⁵¹ 42 attestations in 220 chapters (0.190 words per ch.).

⁵² See 57–59 above on deception through documents.

⁵³ M. H. Hansen, "Graphe Paranomon against Psephismata not yet Passed by the Ekklesia," *The Athenian Ecclesia II* (Copenhagen 1989) 271–281, esp. 274–279, argues that suspended decrees would be automatically ratified on the acquittal of the accused.

⁵⁴ 52 attestations in 343 chapters (0.157 words per ch.).

the discourse of deception as he seeks the maximum penalty for him (e.g. 19.3, 131).

Conclusion

It is not surprising that the ideologically charged concept of deception was used by the Attic orators to bolster the speaker's credibility and undermine that of his opponent in the assembly or law courts. In fact, the discourse of deception was only one of the strategies by which speakers might engage in *diabole* against an opponent and promote their own *ethos*. I hope to have shown that, as a strategy of rhetorical characterization, it was highly flexible and adaptable: the orator could choose from a range of anti-deception topoi depending on the rhetorical intensity he wished to express; he could also purport to expose to his audience the 'dark secrets' of the opponent's deceptive rhetoric, thus showing his own knowledge and experience. We have also seen that it is context-sensitive: factors such as the oratorical genre, the relative position of the speakers, procedural considerations, and specific features of a given speech could determine the way it was used.⁵⁵

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APPENDIX 1: Typology of anti-deception topoi

<p>Cat. i a “He/they will attempt to deceive you”; “he is expecting to deceive you”; “they want/hope/ to deceive you”: Aeschin. 1.93, 3.48, Dem. 32.31, 33.36, Isae. 4.1, 21, 8.3, 9.27, 11.22, Isoc. 14.7, 15.92, Lycurg. 1.55, Lys. 5.4, 13.70, 30.34, 31.16, 34.1</p>	<p>Cat. ii a “I shall not (appear to) deceive you/lead you astray”: Aeschin. 3.176, 190, Dem. 5.10, 20.88</p>	<p>Cat. iii a “You are being (/have been) deceived by orators”: Aeschin. 1.178, Dem. 19.29, 23.95, 145, 158, 160, 162, Hyp. <i>Eux.</i> fr.A r. col. 45.17–23, Lys. 12.63, 14.36</p>
<p>Cat. i b “You will (not realize that you have) be (/been) deceived,” “you will be deceived,” “I will tell you so that you do not find that you have been deceived”: Aeschin. 1.117, 3.11, 168</p>	<p>Cat. ii b “I am foretelling you so that you are not deceived without realizing it,” “I will not allow you to be deceived”: Aeschin. 3.35; Dem. 6.29, 16.3, 20.125, 24.190, [45.44], Lys. 31.16</p>	<p>Cat. iii b When the <i>demoi</i> reversed the effects of deception: Andoc. 2.28, Antiph. 5.91</p>
<p>Cat. i c “Do not be deceived by him”: Dem. 19.216, [Lys.] 6.41, Lys. 31.16, Hyp. <i>Phil.</i> fr.15b5, Hyp. <i>Dem.</i> fr.3 col. 6, Isae. 8.3, Isoc. 19.47 (delivered in an Aeginetan court)</p>	<p>Cat. ii c “He/they will say I deceive you”: Dem. 18.276, 20.98</p>	
<p>Cat. i d “You are deceiving (them)/ have deceived them/he has deceived you”: Aeschin. 3.237, Dem. 32.15</p>		

APPENDIX 2: Frequency of deception discourse⁵⁶

	(ἐξ)απατ-	φενακ-	παρακρου-	παραγ-	(ἀπο)πλαν-
Aeschin.	ἐξαπατ- 3 (x 5)		1.170		3 (x 2)
	ἀπατ- 1 (x 3), 2.124				
Andoc.	ἐξαπατ- 1.60, 2.82, 3 (x 2), [Andoc.] 4.29				
	ἀπατ-				
Antiph.	ἐξαπατ- 1.19, 5.91, 6 (x 3)				
	ἀπατ- 5.22, 6.7				
Dem.	ἐξαπατ- 2 (x 2), 3.19, 5.10, 6.23, 7.25, 8 (x 3), 9 (x 2), [10.64 (x 2)], 15.16, 16.2 (x 2), 18 (x 8), 19 (x 31), 20 (x 13), 21 (x 4), 22 (x 4), 23 (x 22), 24 (x 2), 26.20, 29.54, 30.24 (x 4), 33.36, 35.22 (x 2), 36 (x 3), 37 (x 5), 38.17, 39 (x 7), 41.21, 43.38, 44.39, 45 (x 2), 46 (x 3), 47 (x 13), 48.36, 49 (x 3), 50.15, 52.20, 53.29, 54.38, 56.44, 58 (x 3), 59 (x 11), 61.32,	2.7, 4.38, 5.10, 6.29, 9.8, [14.3], 18 (x 2), 19 (x 14), 20 (x 2), 21.204, 22 (x 5), 23 (x 14), 24 (x 4), 25 (x 2), 29.36, 31.12, 32.31, 56.31, 58.43, 62 (<i>Exord.</i> x 2), 63	2.5, 7.5, 15.8, [17.13], 18 (x 2), 19 (x 4), 20 (x 2), 21.160, 22 (x 3), 23 (x 3), 24 (x 4), 25 (x 2), 26.21, 29 (x 2), 31.12, 32 (x 2), 42.27, 43 (x 2), 44.7 (x 2), 56.18, 62 (<i>Exord.</i> x 3), 63 (<i>Epist.</i> x 2)	20.98, 22.34, 23.215, 45.87, 46.1	

⁵⁶ Where there is a single attestation in a speech, the full reference is given; where there are multiple attestations in a speech or within a specific passage, the number of attestations is noted in brackets.

	62 (x 13), 63 (<i>Epist.</i> 1.14)	<i>Epist.</i> 5.4)			
	ἀπατ- [10.76], 11.7, 23.98, 44.19, 47.9, 59.56, 62 (<i>Exord.</i> 49.3)				
Hyper.	ἐξάπατ- <i>Dem.</i> fr.3 col. 6, <i>Euxen.</i> col. 45, <i>Philipp.</i> 15b	Hyp. <i>Athen.</i> col. 1	<i>Dem.</i> fr.3 col. 6, fr.134		
	ἀπατ- <i>Athen.</i> col. 12, fr.21				
Isacus	ἐξάπατ- 4 (x 4), 5 (x 6), 6.62, 8.3 (x 2), 9.27, 11 (x 2)		4.14, fr.3.2		
	ἀπατ- 5.14				
Isoc.	ἐξάπατ- 8.10, 10.7, 11.24, 12.101, 14.7, 15 (x 5), 17.51, 19.47 (x 2)	Isokr. 17.36, 19 (x 5), 21.269	12 (x 3)		7.77, 13.15
	ἀπατ- 15.199				
Lycurg.	ἐξάπατ- 1 (x 4)		1.139		
	ἀπατ- 1.86				
Lys.	ἐξάπατ- 4.15, 5.4, 6.41, 12.38 (x 2), 13.70, 14.36, 15.10, 19.61, 20.20, 27.7, 30.34, 31.16, 34.1				