

## **Dynamics of forensic oratory in late fourth century BC**

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Intense political activities and rivalries were enhancing public life in the city of Athens during the second half of fourth century BC. An interesting period to focus upon is the aftermath of the defeat at the battle in Chaeronea in 338 BC. At that time the city of Athens faced the Macedonian threat and the destruction of the city on financial and political grounds. Politicians in Athens had already been divided in two parties; the defenders of Philip's policy, on the one hand (e.g. Aeschines), and his enemies, on the other, who were considering Philip an enemy of the city and the whole of Greece as well (e.g. Demosthenes).

At the same time, there was a tendency to idealize the past and keep a nostalgic view of Periclean Athens and its leading role during the First Athenian League. Thus, philosophers and political figures strongly expressed their wish to unite the whole of Greece and reconstruct the power and hegemony of Athens within it. Isokrates, the orator and founder of a rhetorical school, supported and pursued the unification of all Greek cities against the Persians, as reflected in his didactic essays. His epideictic orations, which were mostly written for a reading audience and were also used for didactic purposes, enhanced the political agenda of those who supported the revival of the city of Athens against the increasing power of Macedon. He promoted Greek political unity and cultural superiority based on monarchy and advocated a unified Greek attack on Persia under Philip II of Macedonia to secure unity and peace in Greece. Lykourgos, a prominent political figure in late fourth century, enforced policies by law to strengthen the Athenian prestige against any traitor or enemy of the city and attempted to renovate the public sites. On the whole, oratory was used as a means to impose new political strategies and achieve educational purposes in the public sphere.

The present article aims to examine the role of forensic oratory in Athenian politics during the second half of the fourth century BC. In particular, it will explore the dynamics of forensic oratory used as a kind of weapon by political leaders to influence upon the Athenian demos and implement political strategies and measures. Lykourgos played a significant role in the restoration of the city of Athens, but most importantly applied forensic oratory to cases against potential or assumed enemies of the constitution in the framework of political activity or intentionality. It seems that

the authority of the political figures at the end of the fourth century is substantially based and increased upon their rhetorical efficiency on the forensic stage. They get involved in court trials not only to have their opponents convicted on charges of alleged severe crimes, but to declare publicly their own beliefs and ideology for enforcing tactics of politics.

As will be shown, especially after the defeat of the Athenians at the battle in Chaironeia, at a time of financial and political crisis, politicians and orators made use of forensic oratory in court, as well as epideictic oratory in a parallel course, in order to present political ideology focusing upon the necessity for peace, unity, and safety of the constitution.

Lykourgos, the son of Lycophon, was one of the most influential politicians in Athens in the period between the Athenian defeat at Chaironeia in 338 and the death of Alexander the Great in 323.<sup>1</sup> He belonged to the aristocratic *genos* of the Eteoboutadai, two branches of which controlled two major cults in Athens, those of Athena Polias, and Poseidon Erectheus. Lykourgos inherited the priesthood of Poseidon. His grandfather Lycurgus won the honour of burial in the Keramikos and his prominence under the democracy may have been responsible for his execution by the Thirty.

In 338 Lykourgos succeeded Euboulos as controller of finances. The term of office was four years and Lykourgos remained in power for three such periods, from 338 to 326, during the second of which one of his friends nominally held the appointment, since the law did not allow it to fall to the same man for two consecutive periods.

He was elected to supervise preparations for war. Not only did he improve the walls of the city by replacing brick with stone and digging a ditch round them, but he built up a large supply of arms on the Akropolis and increased the fleet to four hundred vessels, finishing the docks and naval arsenal, which Euboulos had begun.

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<sup>1</sup> Lykourgos died probably in 325/4 BC. The main ancient source for the life of Lycurgus is the biography found in Pseudo-Plutarch, *Lives of the Ten Orators (Moralia)* 841a-844a with the decree at 851e-852e. The discovery of several inscriptions, many of which are collected in the valuable work of C. Schwenk, *Athens in the Age of Alexander the Great: The Dated Laws and Decrees of the Lykourgan Era 338-322 B.C.* Chicago 1985, has contributed significantly to our knowledge of Athens in the time of Lykourgos. More recent studies on Lykourgos' role to the formation of the constitution in relation to Kleisthenic democracy are included in the significant work edited by V. Azoulay and P. Ismard (2011), *Clisthène et Lycurgue d' Athènes*, Paris, which based both on inscriptional and literary evidence clarify further the political and religious shifts in Lykourgan Athens.

Lykourgos supplied the seven of the ten gold figures of Victory on the Akropolis, which had been used to meet the expenses of the Peloponnesian War. He also furnished numerous ornaments for processions and laid down various regulations to govern the conduct of sacrifices and the cults of different gods.

After destroying the city of Thebes in 335, Alexander demanded that the Athenians surrender Lykourgos, Demosthenes, and several other opponents of Macedon. Phocion argued that these men should sacrifice themselves for their country, but Demades persuaded Alexander to allow the Athenians to punish them in their own courts if they had done anything wrong.<sup>2</sup>

Alexander's attempt to punish Lykourgos only enhanced his reputation in Athens; in the following years, Lykourgos became the most powerful politician in Athens. Lykourgos exerted his influence through his control of Athenian finances during the period of twelve years, probably from 336 to 324. He increased public revenues to 1,200 talents a year and brought in either 14,000 talents or about 18,000 talents during his administration. The increase may have been in part due to his measures to promote trade. He was also active in the courts and this kind of activity may have also contributed to the increase of revenues for the state. As Plutarch mentions (*Moralia* 843d), his successful prosecution of Diphilus brought the treasury 160 talents.

Moreover, under Lykourgos' direction, work was completed on the Panathenaic stadium, the theatre of Dionysus was rebuilt and extended, and a gymnasium was added to Lyceum and a palaestra.<sup>3</sup>

Lykourgos also kept the Athenian armed forces strong, since he maintained four hundred triremes ready for battle,<sup>4</sup> he changed the method of appointing generals, enabling them to be chosen from the whole people irrespective of the tribe to which they belonged, and he may have played a role in the reorganization of the Ephebeia, the two-year programme of military training for Athenian youth, during their nineteenth and twentieth year of age, that took place in this period in order to serve the needs of the army. Lykourgos' interest in this particular training indicates that his policy involved a strategy of reformation in education. Humphreys (2004: 120) remarks that the Lycurgan 'programme represents a decentring of politics itself, a shift from a conception of the ideal-typical citizen as active, mature contributor to the

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<sup>2</sup> Arrian, *Anabasis* 1.10; Plut., *Dem.* 23.4, *Phocion* 17.2

<sup>3</sup> Plut. *Moralia* 841d, 852c.

<sup>4</sup> Plut. *Moralia* 852c with *IG II<sup>2</sup>* 1627, lines 266-269

defence of the city's interests in war and to the formulation of policy in assembly debates to a vision of the citizen as (pre-political) *ephebe*'.

One of Lykourgos' main interests was also religion.<sup>5</sup> The politician Stratokles credited him with preparing adornment for the goddess Athena, solid gold Victory statues, and gold ornaments for a hundred basket carriers in the Panathenaic procession.<sup>6</sup> In 344 he passed a major law about religious cults,<sup>7</sup> provisions for the cults of numerous deities, including Zeus the Saviour, Athena, Amphiareus, Asclepius, Artemis of Brauron, Demeter, and Kore. As it becomes clear, Lykourgos appears to have taken the religion and the cults of the *polis* with great seriousness.<sup>8</sup>

In 329/8 Lykourgos was elected one of the administrators of the new games for the hero Amphiareus and received a vote of honours and a gold crown for his work in that office.<sup>9</sup> A decree of 329/8 shows Lykourgos taking an active role in new construction in the sanctuary of the Eleusinian Mysteries.<sup>10</sup> Lykourgos was also responsible for measures about the Festival of Jars and the dramatic festival of the Dionysia.<sup>11</sup> During his administration there was also a reform of the Lesser Panathenaea.<sup>12</sup>

After the defeat at Chaironeia there was conflict in the city between those who were determined to defend against an expected attack by Philip,<sup>13</sup> and those who wished to negotiate. Some believed that a more oligarchic form of government was the solution to Athens' problems (cf. Hyperides *Against Philippides* 2). Already in the 350s there was a tendency to attribute a larger role for the Areopagos and by Demosthenes' decree (340 BC), it was decided that the Areopagos would be given the power to 'punish those who disobeyed the laws'. It had used its powers to condemn Antiphon for planning to burn the docks, after the Assembly had acquitted him (Plut. *Demosth.* 14; Dem. 18.132-4) and to replace Aischines when he had been elected to speak on behalf of the city at Delphi against the Delians (Dem. 18.134); at the time of Chaironeia it condemned citizens who tried to leave the city (Aischin. 3.252;

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<sup>5</sup> Parker (1996) 242-255

<sup>6</sup> Plut. *Moralia* 852b

<sup>7</sup> Schwenk no. 21

<sup>8</sup> Fisher (1976) 145.

<sup>9</sup> *IG VII*, 4254, lines 23-24.

<sup>10</sup> *IG II<sup>2</sup>* 1672, lines 302-303.

<sup>11</sup> Plut. *Moralia* 841ff.

<sup>12</sup> *IG II<sup>2</sup>* 334 with Schwenk no 17.

<sup>13</sup> Hyperides proposed that the Boule should go down to the Peiraeus in arms to decide on defence measures (Lyk. 1.37)

Lyk.1.52) and it got Phokion appointed to command the defence of the city, after the battle, in place of the anti-Macedonian Charidemos (Plut. *Phokion* 16).<sup>14</sup>

Lykourgos, who had obtained a prominent political role after the battle at Chaironeia due to the administration of finances delegated to him for subsequent twelve years, is highly critical to the function of democratic courts and emphasizes the superiority of the Areopagos court. The one extant speech that has been preserved to us by Lykourgos is his speech *Against Leokrates*, which was delivered in an *eisangelia* case in court, with the charge of treason, in 330. Lykourgos appears unsatisfied with the democratic courts, and argues for justice in his speech and prosecution. He criticizes the speakers who either give the people advice on public affairs or waste their charges on any subject except those on which people are going to vote (Lyk. 1.11). Moreover, he blames the Athenians themselves for granting such a freedom to speakers, although they ‘have, in the council of the Areopagus, the finest model in Greece: a court so superior to others that even the men convicted in it admit that its judgements are just’ (Lyk.1.12). Lykourgos expresses respect and concern for democracy but in practice he shows a rather authoritative power. He admits that three things uphold and preserve the democracy and the prosperity of the polis: (a) the system of laws, (b) the vote of the jurors, (c) the method by which offences are brought to them to be tried (Lyk. 1.3). His motivation, however, in the prosecution against Leokrates lies in his concern for the benefit of the city and therefore he tries to get all those who break the law of their country on a trial for punishment.<sup>15</sup>

Lykourgos’ prestige and reputation allowed him to maintain power in other aspects of administration, such as religion and cults, the system of ephebete and the role of public prosecutor. Lykourgos’ self-presentation in the role of prosecutor as the moral voice of the city may have corresponded to a need for public prosecution that his hearers were aware.<sup>16</sup> It is true that Lykourgos was involved in a series of prosecutions through *eisangeliai*, where he attempted to stress the meaning of

<sup>14</sup> For the political climate at the time and the role of the Areopagos, cf. Humphreys (2004) 79-80.

<sup>15</sup> Lykourgos *Against Leokrates* 5-6: [5] When I saw that Leokrates had run away from the dangers threatening the country, abandoned his fellow citizens, betrayed all your forces, and was thus subject to all the penalties the law provides, I initiated this prosecution. I decided to bring this case not for any personal feud nor out of personal ambition or any other such motive but because I thought it shameful to allow this man to burst into the Agora and share in our public sacrifices when he is a disgrace to his country and to all of you. [6] It is the duty of the just citizen therefore not to bring to public trial for the sake of private quarrels people who have done the city no wrong but to regard those who have broken the law as his own enemies and to view crimes that affect the commonwealth as providing public grounds for his enmity against them. (Harris 2000)

<sup>16</sup> Humphreys (2004) 107.

offences included in the impeachment law on the name of protection and safety of the city from alleged traitors and citizens who threatened the constitution of democracy. Nevertheless, he was strongly opposed by Hypereides for such an extensive and ‘trivial’ use of the procedure and the jurors may have not always received eagerly this type of political tactic.

Lykourgos’ forensic speeches are prosecutions which, if successful, would have led to confiscation of property –another source for revenue.<sup>17</sup> He equipped himself as an orator by attending the school of Isocrates, and his training will have enabled him to present his policies persuasively to the Assembly but also to courts. The speech *Against Leokrates* has survived intact out of 13 or 15 left by Lykourgos. Many of his speeches reflect his religious interests,<sup>18</sup> while others concern his administration of prosecutions of politicians and generals. Piety and deep religious feeling are evident in the speech *Against Leokrates*, and this can be explained by the fact that the defendant is emphatically portrayed as a traitor, an enemy of the city, its gods and its constitution. The charge is treason on the grounds that Leokrates left away from the city of Athens at a time of crisis after the defeat at Chaironeia; Lykourgos gives the impression that Leokrates disobeyed a decree according to which it was prohibited to leave the city, but this must have been passed after Leokrates had left the city.

*Eisangelia* is the procedure used against Leokrates on the grounds of treason, though it is unlikely that Leokrates’ flight from the city of Athens could be legally regarded as treason. The *eisangeltikos nomos* is cited in Hypereides *In Euxenippos* (4.7-8), which was delivered within 330-324 BC. It is the only law that refers explicitly to the *eisangelia* procedure and the offences subject to it include firstly the attempt to overthrow the democracy or conspiracy against the constitution, but also contain additional charges, such as treason, bribery of the *rhetores*, deceiving the *demos* by giving false promises and finally offences relevant to treason, such as damage of naval facilities or trading, arson of public buildings or documents and acts of sacrilege. This law can either be seen as continuing the preceding legislation on the offences concerning the attempts to establish a tyranny or overthrow the democracy, but presenting some differences from it as well as a few additional terms or it should

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<sup>17</sup> According to Plutarch (438d), Lykourgos accused and had several persons convicted as guilty, and even condemned them to death; moreover, Plutarch mentions that Lykourgos’ successful prosecution against Diphilus contributed to the amount of 160 talents for the treasure.

<sup>18</sup> Pseudo-Plut. *Moralia* 843d; ‘On the Priestess’ (VI, 1-22 Conomis), ‘On the Priesthood’ (VII, 1-6 Conomis), ‘On the Oracles’ (XIII, 1 Conomis).

be treated as a separate law concerning the specific procedure, which may have been amended to prescribe further more specified offences.<sup>19</sup> That there must have been modifications to the original *eisangeltikos nomos* it can be confirmed by the fact that after 333 BC the prosecutor of an *eisangelia* was subject to the fine of 1,000 dr.

The Athenians took extraordinary measures and strict legislative actions after the defeat in Chaironeia in order to secure the protection of their city and of the women and the children in it. Moreover, the authority of the Areopagos was exceptionally increased to the same end. Lykourgos in his speech *Against Leokrates* (1.52-54) refers to a decree, according to which the Boule of the Areopagos could seize and execute men who had fled from their country after the battle of Chaironeia and had abandoned it to the enemy. Nevertheless, the Areopagos' executions were a punishment beyond its jurisdiction, which occasioned the people's outrage both at the time and even at its mention in 330 BC at Leokrates' trial.<sup>20</sup> The Athenian Assembly had also prescribed by decree that the women and children should be brought inside the walls, and that the generals should appoint guards to protect the Athenian citizens and other residents at Athens. Under these circumstances the scope of the offences subject to *eisangeliai* was extended or allowed space for legal argumentation in court.

Lykourgos participated in a series of *eisangeliai* either as a prosecutor or as a *synegoros*. Immediately after the battle at Chaironeia, in 338 BC, he prosecuted Autolykos, based on both decrees passed by the Athenians, for treason, on the grounds that he had secretly sent his wife and sons away and the trial resulted in his condemnation to death.<sup>21</sup> Lykourgos also denounced Lysikles for his role as a general at the battle and succeeded in having him convicted to death.<sup>22</sup>

A few years later, in 333 BC, Lykourgos acted as a *synegoros* in the prosecution against Lykophron, which was an *eisangelia* with the accusation of treason, even though the actual offence was seduction; Hypereides had composed the

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<sup>19</sup> It is striking that the law does not mention the term 'tyranny' but only refers to the overthrow of the democracy or the conspiracy against the constitution. Furthermore, there is no reference to the immunity granted to anyone who might kill a traitor to the constitution. Perhaps, this term of the previous laws on *eisangelia* was no longer valid and the Athenians required that those citizens who were regarded guilty of treason or threat against the constitution should be tried in court. As to the supplementary terms, it appears that the Athenians had included the offences of bribery of the *rhetores* and more specified crimes connected to treason and involved damage of the navy, the cavalry, the city and other sacrilegious acts.

<sup>20</sup> Further on the Areopagos' abuse of authority after the defeat in Chaironeia, cf. Sullivan (2003): 130-134.

<sup>21</sup> Hansen (1975) no 113.

<sup>22</sup> *ibid*: no 112.

speech in defence of Lykophron, fragments of which have been preserved and as such it is difficult to draw firm conclusions about the actual charge (Hypereides *For Lykophron* 1). Unfortunately, the result is not known and we can only make assumptions. If, however, Hypereides had won the case he would have mentioned it later in his defence for Euxenippos where he mentions various impeachments based on ridiculous offences. As becomes clear, the use of *eisangelia* for an adultery case marked as treason indicates that at the time *eisangelia* was widely used as an especially valuable weapon against public figures in order to restore the political stability and military security of Athens.

At some point between 330 and 324 B.C., most probably after Leokrates' trial, who had been charged with treason on the grounds that he had fled away from Athens immediately after the battle at Chaironeia but was eventually acquitted, Euxenippos was charged with deceit of the *demos* after bribery, even though he himself was not *rhetor*; Lykourgos participated in the *eisangelia* against Euxenippos and Hypereides had composed his speech *For Euxenippos* (4) in his defence. Euxenippos' case constituted again an exceptional use of *eisangelia*, and the evident aim of the prosecution was to deepen the significance of Euxenippos' action so that it would seem a crime which threatened the security of the democracy.

Lykourgos was involved in a wide use of the *eisangelia* after the disaster of the Athenians in Chaironeia in 338 BC to include further more offences related to treason, adultery, impiety, bribery of the *rhetores*. Such a tactic reflects his aims to the protection and safety of the democratic constitution on the one hand and to a policy of exemplification and reformation on the other. A wide range of minor and more serious offences can now be subject to prosecution by an *eisangelia* – a procedure that could end in the exile or death of the accused. Courts are turned into an arena for education and reformation, where laws are extended and interpreted in a novel way that in practice attributes the prosecutors and the jurors with an extra legislative authority.<sup>23</sup> And this explains why Lykourgos asks the jurors to act as legislators in

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<sup>23</sup> The Lycurgan age is notable for a large number of new laws laying down new procedures for the conduct of public business, passed by the nomothetai but associated with the name of a single 'author' –drafter and proposer; cf. Humphreys (2004) 83-84.



the case against Leokrates, since for the first time treason is being defined under different terms and circumstances.<sup>24</sup>

In his speech, *Against Leokrates*, Lykourgos does not use slander (*diabole*) against Leokrates at all but his whole argumentation focuses upon his presentation as a traitor for leaving the city at a critical moment. The focal point of the speech lies in the representation of the past in a form of various digressions combining elements of myth, history, exemplary precedents, inscriptional evidence and cultural components of drama and poetry. All these stories and mechanisms tend to be viewed as having a *paideutic* value, designed to impress on the jury the ideals of the city, its gods and its constitution. This approach is based upon the treatment of Lykourgos' measures as aiming at an educative formulation of the Athenian citizen, in particular the young.

Given the difficulty to convince the jurors that flight is equivalent to treason and the absence of any legal grounding of the case, Lykourgos needs to distract his audience and therefore makes a speech with an epideictic value and emphasis on treason as opposed to the defence of one's own city. The theme itself allows for a display of a patriotic behaviour to contrast with the treasonable action of the defendant, which is deliberately presented as the most treacherous of all preceding actions from treason already convicted by the jurors in the past. Moreover, treason reflects impiety whereas defence of the city shows respect to its gods.

Lykourgos praises the Athenians for their bravery and self-sacrifice at the Chaironeia battle in a type of a funeral oration (Lyk. 1.44-51). The encomium of the Athenians who fought and died in Chaironeia is expanded with the encomium of the living Athenians for having honoured their benefactors with statues of athletes, successful generals and men who have killed tyrants. An important section of the speech, displaying Lykourgos' epideictic rhetoric on patriotism, is devoted to the ancestors of the Athenians.

Lykourgos uses a series of examples from men who proved their love for their country (*philopatria*) in sacrificing their lives contrasting Leokrates' desertion and

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<sup>24</sup> Lyk. 1.9: "The reason why the penalty for such offences, gentlemen, has never been recorded is not that the legislators of the past were neglectful; it is that such things had not happened hitherto and were not expected to happen in the future. It is therefore most essential that you should be not merely judges of this present case but lawmakers besides. For where a crime has been defined by some law, it is easy, with that as a standard, to punish the offender. But where different offences are not specifically included in the law, being covered by a single designation, and where a man has committed crimes worse than these and is equally chargeable with them all, your verdict must be left as a precedent for your successors."

treason. One case was Kodrus, the king of Athens, who preferred the self-sacrifice in order to prevent the Lacedaemonians from occupying the city (Lyk. 1.84-89). Another case is the story of a young man who wished to stay and support his father while the volcano of Aitna in Sicily had erupted and as a reward had the favour of the gods (Lyk. 1.94-97). Erechtheus, king of Athens, had to sacrifice his daughter so that the city was not defeated by Eumolpos' invasion (Lyk. 1.98-100).

A section of fifty-five verses by Euripides is recited, praising the nobility, courage and decisiveness of the daughter's mother who accepts the sacrifice for the safety and freedom of the city. Particular reference is made to the ancestors' law for establishing the bards' participation in the Panathenaia, an institution that reflects the Athenians' admiration for their noble deeds. An example of such a recital is presented from Iliad 15.494-499, a passage modified that describes how Hector was encouraging the Trojans to fight for their country pointing out that their death would bring safety to their families and reservation of their properties (Lyk. 1.130). In Athenian history is also included the incident concerning the ruling of Sparta during the Second Messenian War (Lyk. 1.105-106). According to the prophecy the Lacedaemonians won because of having the poet Tyrtaios, an Athenian, as their leader and general. Tyrtaios' poetry encouraged the soldiers and contributed to the organization of the educational system of the young people. Lykourgos recites thirty-two verses praising the self-sacrifice of the soldiers for the freedom of the city and the salvation of their families (Lyk. 1.107). Such verses are said to have inspired both the Athenians and the Spartans so that they displayed courage and bravery in the Marathon battle and the Thermopylai respectively during the Persian Wars (Lyk. 1.108-110).<sup>25</sup>

The use of myth in argument has been characteristic of epideictic rather than forensic oratory. With reference to the use of poetry and tragedy, scholars have diversely criticized Lykourgos' technique in lacking a sense of proportion,<sup>26</sup> or revealing a paideutic purpose and functionality.<sup>27</sup>

The dramatic and poetic digressions were quite extensive and irrelevant to the case; Lykourgos may have expected that the impact upon the jurors would be immediate and effective. He had introduced institutions to support dramatic festivals by repairing Dionysos' theatre but also contributed to the publication of tragedies. It

<sup>25</sup> It's worth mentioning that Tyrtaios is imitated in Lysias *Epitaphios* 2.25 and also mentioned in Plato's *Laws*; cf. Renehan (1970): 227-228.

<sup>26</sup> Dobson (1919) 281

<sup>27</sup> Humphreys (2004) 104-106

can be assumed that he was using his political achievements to persuade for his motives in the prosecution of Leokrates. It can also be suggested that Lykourgos is applying a new rhetorical method of persuasion by introducing elements of epideictic oratory, in particular funeral orations, in close relation with other literary genres to heighten the emphasis and succeed in the outcome. In this context, tragedy and poetry can be seen as a means of entertainment distancing the audience from the speaker in order to get the final approval.

It is amazing that eight years after Leokrates' flight from the city of Athens, an offence that is stretched to denote treason, Lykourgos achieves almost to win the case. His legal case is weak but he uses literary variety, such as tragedy, epic poetry and lyric poetry, with the aim to persuade but also to educate and entertain. In effect, the speech is characterized for a vivid, forceful and emotional narrative in a contrast lively created between patriotic and anti-patriotic behaviour. Lykourgos creates a distance between himself as a speaker, prosecutor, poet and performer and the jurors who need to act as an audience, judges and legislators (*nomothetai*).

In conclusion, forensic oratory combined with typical motifs and rhetorical devices of epideictic oratory obtains a novel role in courts and subsequently in public life of late fourth century Athens. Oratory is used to introduce legal changes and innovations in matters of procedure and punishment. Exemplification by the use of drama, poetry, inscriptions and precedent cases is meant to praise the virtue for new young Athenians. Performance is essential to forensic oratory, especially in the *hypocrisis* needed for the presentation of dramatic and poetic passages. Lykourgos, as examined in this paper, but other orators of that time as well, such as Aischines, Isokrates, Hypereides et als, are particularly interested in educating the jurors in courts and their audiences in general with ideals, patriotism, democracy, and the legal principles connected with democracy. Lykourgos prepared for a Hellenistic city rather than going back to the past and reinforcing Periclean Athens. His education, however, differs from his teacher's Isokrates in that Lykourgos did not have any plans for the future and foreign politics but was simply concerned with the administration of finances as well as military and cultural education in the city at the present. To that effect, oratory serves the purposes of a short term policy and reformation strategy.

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