The rhetoric of *diabole*

Abstract: *This paper examines role played in rhetoric and forensic oratory in classical Athens by the creation of prejudice in the judges against the opponent (*diabole*). It notes the under-representation of this process in the rhetorical tradition — as distinct from practical legal oratory, whose exponents show a clear awareness of the methods needed to create prejudice — and seeks to explain the deficiency. It also surveys briefly the manner and content of negative characterization of the opponent in Athenian forensic oratory.*

Rhetoric is for Aristotle the art of finding the means of persuasion feasible within a given situation.[1] This is a practical skill with specific goals. In this respect rhetoric is no different from the art of poetry. And with rhetoric as with tragedy, the specific effects to be achieved determine the nature of the artifact. The result for Aristotle's exposition is a pragmatic balancing act in which the ideal is recognized but tempered by a healthy realism. Though Aristotle in the *Rhetoric* stresses the primacy of reasoned argument as the basis for the task of persuasion, he makes argument only one aspect of this process. Unlike the primacy of argument, which for Aristotle is a matter of principle,[2] the recognition of other means of achieving the effect reflects the contexts of performance and the nature of the audience. The ideal context and audience have no need for means of persuasion other than argument, which are literally beside the point, *exo tou pragmatos*. Beyond the capitulation to the realities of the context of performance, Aristotle's approach also reflects established practice. From our earliest texts – verse texts – there is a recognition that the process of persuasion hinges on the perceived nature of speaker and audience, their emotions (however obliquely presented or invited) and the relationship between speaker and audience; it also hinges on the way in which any opponents or competitors are brought into this range of effects. It is this last which interests me here. The contexts for Greek oratory are explicitly or implicitly triangular; two speakers (sometimes more) or groups are competing[3] for the favourable judgement of an audience. It had been recognized long before Aristotle that audience good will was vital for the task of persuasion. But in a competitive context this almost inevitably has a negative counterpart, the creation of an emotional distance between the audience and one's opponent.

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[1] Arist.*Rhet.*1355b.26-7: Ἔστω δὴ ἡ ῥητορικὴ δύναμις περὶ ἕκαστον τοῦ θεωρῆσαι τὸ ἐνδεχόμενον πιθανόν.

[2] Arist.*Rhet.*1354a: νῦν μὲν οὖν οἱ τὰς τέχνας τῶν λόγων συντιθέντες οὐδὲν ὡς εἰπεῖν πεπορίκασιν αὐτῆς μόριον (αἱ γὰρ πίστεις ἔντεχνόν εἰσι μόνον, τὰ δ' ἄλλα προσθῆκαι), οἱ δὲ περὶ μὲν ἐνθυμημάτων οὐδὲν λέγουσιν, ὅπερ ἐστὶ σῶμα τῆς πίστεως, περὶ δὲ τῶν ἔξω τοῦ πράγματος τὰ πλεῖστα πραγματεύονται· διαβολὴ γὰρ καὶ ἔλεος καὶ ὀργὴ καὶ τὰ τοιαῦτα πάθη τῆς ψυχῆς οὐ περὶ τοῦ πράγματός ἐστιν, ἀλλὰ πρὸς τὸν δικαστήν·

[3] Epideictic oratory too was competitive (cf. Lys. 2.2. ὅμως δὲ ὁ μὲν λόγος μοι περὶ τούτων, ὁ δ' ἀγὼν οὐ πρὸς τὰ τούτων ἔργα ἀλλὰ πρὸς τοὺς πρότερον ἐπ' αὐτοῖς εἰρηκότας), though it differs from the other two categories (symbouleutic and dikanic), in that there is usually no immediate opposition or competition to surmount.

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That, in its purest sense, is what *diabole* is. *Diaballein* means in essence 'to set apart', 'to separate'. From this basic meaning it comes to mean 'set at variance' (LSJ), that is: create disagreement or antipathy between people/groups. As an inevitable part of the task of persuasion, *diabole* would seem to have a natural home in classical rhetoric.

But however inevitable it may be in oratorical contexts and however neutral its etymology, *diabole* rapidly developed a bad image, a process already well advanced at the time of our earliest rhetorical texts. As already mentioned, the basic meaning is 'divide', 'set at variance', hence 'make suspect'. It has no inherent connotation of truth or falsehood. This meaning is visible for instance in the passive at Thuc.1.127.2.[4] This usage persists to some degree even in the fourth century, as at Plato *Symposion* 222d.[5] But already by the late fifth century both noun and verb have begun to fossilize in a purely negative sense. Neutral uses are relatively few. More often noun and verb mean 'slander'. *Diabole* is associated for instance with false allegations, either explicitly or by association with words which denote or suggest falsehood.[6] Its link with falsehood is clear from its appearance with that most coloured and versatile of words *sykophantia* at Aischines 2.145, which describes the practice of the unprincipled exploiter of the legal process. Or it is linked with words relating to verbal abuse to suggest both that it lacks substance and that its sole purpose is to denigrate; *diaballein* occurs with *blasphemein* and *kakologein* at Dem.25.94, both terms which denote verbal insult. Or at the very least it involves irrelevant personal attack (Lysias 9.18, Lykourgos *Leokrates* 11, 13) which distracts from the facts and threatens to subvert the course of justice. It is linked with distorting the laws at Isaios 11.4. This usage is already established in the earliest oratorical texts (Gorgias *Helen* 34, Antiphon 5.86, 6.7, Andokides 1.30) and is present in Aristophanes' characterization of the arch-demagogue Kleon in *Knights* (45[7]). It does not matter whether those who present *diabole* in this way are accurately describing the purpose or nature of what their opponents say. The issue is what it tells us about the

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[4] Thuc.1.127.2: τοῦτο δὴ τὸ ἄγος οἱ Λακεδαιμόνιοι ἐκέλευον ἐλαύνειν δῆθεν τοῖς θεοῖς πρῶτον τιμωροῦντες, εἰδότες δὲ Περικλέα τὸν Ξανθίππου προσεχόμενον αὐτῷ κατὰ τὴν μητέρα καὶ νομίζοντες ἐκπεσόντος αὐτοῦ ῥᾷον <ἂν> σφίσι προχωρεῖν τὰ ἀπὸ τῶν Ἀθηναίων. οὐ μέντοι τοσοῦτον ἤλπιζον παθεῖν ἂν αὐτὸν τοῦτο ὅσον διαβολὴν οἴσειν αὐτῷ πρὸς τὴν πόλιν ὡς καὶ διὰ τὴν ἐκείνου ξυμφορὰν τὸ μέρος ἔσται ὁ πόλεμος. Cf. 2.13, 4.22.

[5] Plato *Symposion* 222d οὐ γὰρ ἄν ποτε οὕτω κομψῶς κύκλῳ περιβαλλόμενος ἀφανίσαι ἐνεχείρεις οὗ ἕνεκα ταῦτα πάντα εἴρηκας, καὶ ὡς ἐν παρέργῳ δὴ λέγων ἐπὶ τελευτῆς αὐτὸ ἔθηκας, ὡς οὐ πάντα τούτου ἕνεκα εἰρηκώς, τοῦ ἐμὲ καὶ Ἀγάθωνα διαβάλλειν, οἰόμενος δεῖν ἐμὲ μὲν σοῦ ἐρᾶν καὶ μηδενὸς ἄλλου, Ἀγάθωνα δὲ ὑπὸ σοῦ ἐρᾶσθαι καὶ μηδ' ὑφ' ἑνὸς ἄλλου.

[6] Association with falsehood e.g. Isok.15.18 Dem.37.47, Dem.41.30, [Dem.]59.5, Isaios 11.47, Deinarchos *Dem.*54.

[7] *Knights* 40-45
        Λέγοιμ' ἂν ἤδη. Νῷν γάρ ἐστι δεσπότης
                ἄγροικος ὀργήν, κυαμοτρώξ, ἀκράχολος,
                Δῆμος Πυκνίτης, δύσκολον γερόντιον
                ὑπόκωφον. Οὗτος τῇ προτέρᾳ νουμηνίᾳ
                ἐπρίατο δοῦλον βυρσοδέψην, Παφλαγόνα
           πανουργότατον καὶ διαβολώτατόν τινα.

routine associations of *diabole*. And these are clear; it is immoral and has as its goal the perversion of justice. Though it is not part of my theme here, the universally hostile treatment of *diabole* in comedy and oratory tell us much about the ethics of persuasion as tacitly perceived by the Athenians in the classical period. It has been argued intermittently that the Athenians had no interest in the facts of legal cases, merely in the ritual humbling of the elite or the role of adjudicating a competition. This competitive view of Athenian judicial activity is part of a larger tendency to view the Greek world solely (often naively) in terms of competition. It is however worth pointing out that the universally hostile treatment of *diabole* by orators addressing popular audiences or by comedians appealing to popular prejudices presupposes a widespread if largely unspoken belief very similar to that of Aristotle, i.e. that ideally a case should be decided on the basis of the unadorned facts and that anything not pertinent to those facts is potentially misleading. On the ethics of relevance the Athenians were substantially in agreement with modern critics.

The reality is of course more complicated. The courts continued to hear allegations whose main aim was to create prejudice against an opponent. Certainly later analysts have no difficulty in detecting its use in classical orators.[8] It is important not to exaggerate the volume of such material. In a recent paper Peter Rhodes has argued for the relevance of much of the argumentation in surviving speeches made before the Athenian courts.[9] On occasion he deals too generously with Athenian litigants and misses material which is self-evidently irrelevant. Thus though Lysias 13 devotes itself largely to narrative and argument which is directly or indirectly relevant to the issue, Rhodes' brief discussion[10] fails to note the character attack on Agoratos and his brothers (ch.65-69), which is not to the point, however broadly we define the point at issue, and is designed solely to create hostility. But it is an inescapable fact that litigants devote most of their attention to issues which are directly or indirectly relevant to the factual case and Rhodes is right to insist on this.[11] The key word here is 'indirectly'. In quantifying irrelevance in Athenian trials it is important to avoid superimposing the often artificial notions of relevance which operate in modern jurisdictions. Adriaan Lanni[12] has recently discussed at length the role of factors beyond the immediate facts of the subject at issue (such as personalities, relationships, antecedents, social and familial context, impact of verdict). She offers a variety of reasons for their presence – the amateur nature of the Athenian legal system, the restrictions on the judges created by the inflexibility of the penalty system (where the judges cannot tailor punishment to crime but can only convict or

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[8] See e.g. schol. ad Dem.20.143: πολλὰ δὲ θαυμάζων Λεπτίνου] ἀπὸ τῆς ποιότητος τῆς πόλεως μετέβη ἐπὶ τὴν ποιότητα Λεπτίνου, διαβολὴν ποιούμενος τοῦ τρόπου αὐτοῦ.

[9] P.J. Rhodes, 'Keeping to the point', in E M Harris/L.Rubinstein (ed.), *The law and the courts in Ancient Greece* (London 2004), 137-158

[10] Rhodes (n.9 above) p.146.

[11] Rhodes (n.9 above) p.155. See already C. Carey, 'Legal space in classical Athens', *Greece & Rome* 41 (1994), 182-3. The same conclusion is reached in a more sustained analysis by Daniel Tangri, *Relevance in Athenian courts* (diss. ANU 2004).

[12] See A. Lanni, *Law and justice in the courts of classical Athens* (Cambridge 2006), ch.3.

acquit in cases where the penalty is fixed and can only choose between penalty proposals in cases where the penalty was subject to competing assessment by prosecution and defence) with its implications for the judicial decision-making process,[13] and more generally a broader sense of what constitutes relevant information. Sally Humphreys[14] has stressed the difficulty for a jury at a remove from the events and personalities to achieve the degree of knowledge needed to resolve issues as an important factor in the presentation of self, opponent and interaction in forensic narrative. In the absence of any methods of or agencies for acquiring and validating forensic evidence, this wider conception of relevance makes excellent sense.[15] The courts needed as much information as was available. So what strikes the modern student of law as irrelevant may not seem so in the Athenian context. However, even if we allow for a broader sense of relevance in the Athenian legal culture, the fact remains that Athenian litigants do indulge in character assassination irrelevant to the main issue and that as far as we can see the judicial panels listen to them.

The reason is in part procedural. Though at least by the 320s[16] litigants swore to keep to the point, the only court which appears to have had adequate mechanisms for the enforcement of rules of relevance was the Areopagos, and even those could not keep an intelligent diabolist at bay, as we can see from the blatant appeal to the rules of relevance at Lys.3.44-6,[17] precisely in a context where the speaker is digressing to introduce allegations tangential to the case. Other reasons can be adduced. The first I have addressed only briefly elsewhere.[18] That is the scattergun approach favoured by Greek litigants, who like to come at their target from a number of directions. One can only guess at the reasons for this, though a fair guess would be that litigants have a good grasp of the dynamics of the situation. They have one opportunity to convince; they can only

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[13] Cf. C. Carey/R.A.Reid, *Demosthenes: selected private speeches* (Cambridge University Press 1985).12, C. Carey, 'Legal space in classical Athens' (n.11 above), 182.

[14] S. Humphries, 'Social relations on stage: witnesses in classical Athens', repr. in E. Carawan (ed.) *The attic orators* (Oxford 2007), 143-6; though she is talking specifically about witnesses, the point has more general relevance.

[15] A point impressed on me by Brenda Griffith-Williams, who is currently researching toward a PhD at UCL.

[16] *Ath.Pol* 67.1 κ[α]ὶ δ[ιο]μνύ[ουσι]ν οἱ ἀντίδικοι εἰς αὐτὸ τὸ πρᾶγμ[α] ἐρεῖν.

[17] Lys.3.44-46: ἐβουλόμην δ' ἂν ἐξεῖναί μοι παρ' ὑμῖν καὶ ἐκ τῶν ἄλλων ἐπιδεῖξαι τὴν τούτου πονηρίαν, ἵνα ἐπίστησθε ὅτι πολὺ ἂν δικαιότερον αὐτὸς περὶ θανάτου ἠγωνίζετο ἢ ἑτέρους ὑπὲρ τῆς πατρίδος εἰς κίνδυνον καθίστη. τὰ μὲν οὖν ἄλλα ἐάσω· ὃ δ' ἡγοῦμαι ὑμῖν προσήκειν ἀκοῦσαι καὶ τεκμήριον ἔσεσθαι τῆς τούτου θρασύτητος καὶ τόλμης, περὶ τούτου μνησθήσομαι. ἐν Κορίνθῳ γάρ, ἐπειδὴ ὕστερον ἦλθε τῆς πρὸς τοὺς πολεμίους μάχης καὶ τῆς εἰς Κορώνειαν στρατείας, ἐμάχετο τῷ ταξιάρχῳ Λάχητι καὶ ἔτυπτεν αὐτόν, καὶ πανστρατιᾷ τῶν πολιτῶν ἐξελθόντων, δόξας ἀκοσμότατος εἶναι καὶ πονηρότατος, μόνος Ἀθηναίων ὑπὸ τῶν στρατηγῶν ἐξεκηρύχθη.
Ἔχοιμι δ' ἂν καὶ ἄλλα πολλὰ εἰπεῖν περὶ τούτου, ἀλλ' ἐπειδὴ παρ' ὑμῖν οὐ νόμιμόν ἐστιν ἔξω τοῦ πράγματος λέγειν, ἐκεῖνο ἐνθυμεῖσθε . . .

[18] 'Observers of speech and hearers of action', in *Literature in the Greek and Roman worlds* ed. O. Taplin (Oxford 2000), 194-216, 206.

anticipate to a finite degree the tactics of the opponent; they are facing a large audience whose individual members may react to different issues and arguments.[19] Anything which might tip the balance for floating voters within the jury is worth inclusion. A final, and possibly the most important reason, is that *diabole* is ill-defined. It is regularly viewed in our sources as irrelevant material intended to create prejudice, generally by distortion or falsification. But what is relevant is itself contentious in the absence of objective evidentiary rules. In a system which relies heavily on argument from probability and which lacks procedural rules which exclude prior conduct as evidence for or against specific allegations, all conduct is potentially relevant and the decision on the relevance of a particular piece of information becomes a matter for subjective decision by each litigant and ultimately by each judge. The motive behind the introduction of an allegation is likewise contentious and subjective. The association of *diabole* with falsification means that the appropriateness of any statement not directly related to the specific charge or dispute depends to a large degree on the truth of the allegation, which is itself usually contested. A good example is Antiphon 1, in which a young man prosecutes his stepmother for the murder of his father. Rhodes finds that this speech keeps precisely to the point. He is almost entirely right. Certainly the young man who delivered it would agree. But his opponents might well raise the spectre of *diabole*. The speech contains a brief but effective allegation of a previous attempt by his stepmother to kill his father (Ant. 1.3, 9).[20] This allegation - if true - is not irrelevant to the case at issue, since it has a bearing on the probability of his allegation of poisoning against his stepmother. But it is prejudicial and entirely unsupported by evidence. Equally prejudicial (and probably also unattested by witnesses) is the series of violent acts committed by Simon in the preliminary narrative of Lys.3 (§§5-10), including the invasion of the women's quarters of the speaker's home. Again it can be maintained that it is relevant, since it establishes a pattern of behaviour against which we can measure Simon's conduct. Yet the speaker of Dem.37 fiercely criticizes as irrelevant a similar allegation of intrusion on the women's quarters made by the opponent against his business partner, though the main case to which it refers includes a claim of forcible interference in the working of a mineral processing plant (Dem.37.45), to which the alleged invasion of female space could be considered relevant as establishing a pattern. The ambiguities of *diabole* are well brought out by Lys.30, where the speaker first defends himself against an unjust attack on his democratic credentials, classed by him as *diabole* (ch.7) and then proceeds to attack his opponent's democratic credentials.[21] His

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[19] The difficulty of determining objectively the factors which influence a large judicial panel (a minimum of 201 in small private cases, a minimum of 501 in public cases with panels in the latter rising in multiples of 500) and consequently anticipating impact precisely is compounded by the absence (in itself probably due in part to the scale of the panels) of a system for recording the reasons for a verdict.

[20] Antiphon 1.3 καὶ μὴ ἅπαξ ἀλλὰ πολλάκις ἤδη ληφθεῖσαν τὸν θάνατον τὸν ἐκείνου ἐπ' αὐτοφώρῳ μηχανωμένην, 1.9 τοῦτο μὲν γὰρ ἠθέλησα μὲν τὰ τούτων ἀνδράποδα βασανίσαι, ἃ συνῄδει καὶ πρότερον τὴν γυναῖκα ταύτην, μητέρα δὲ τούτων, τῷ πατρὶ τῷ ἡμετέρῳ θάνατον μηχανωμένην φαρμάκοις, καὶ τὸν πατέρα εἰληφότα ἐπ' αὐτοφώρῳ, ταύτην τε οὐκ οὖσαν ἄπαρνον, πλὴν οὐκ ἐπὶ θανάτῳ φάσκουσαν διδόναι ἀλλ' ἐπὶ φίλτροις.

[21] Lys. 30.7: Ἴσως δέ, ὦ ἄνδρες δικασταί, ἐπειδὰν περὶ αὑτοῦ μηδὲν δύνηται ἀπολογεῖσθαι, ἐμὲ διαβάλλειν πειράσεται. Lys.30.9: Ἔτι δὲ κἀκεῖνο θαυμαστὸν νομίζω Νικόμαχον ἑτέροις ἀδίκως μνησικακεῖν ἀξιοῦν, ὃν ἐγὼ ἐπιβουλεύσαντα τῷ πλήθει ἀποδείξω.

justification here is self-defence or retaliation (he is unspecific). It is obviously important that he can present himself as reactive, not aggressive. But he uses a kind of argumentation which he himself regards as *diabole*, though unsurprisingly he does not use the term to describe his own character assassination. *Diabole* is what you do, not what I do.

The ambiguous attitude to *diabole* may explain (in part) its treatment by classical rhetoricians, which is marked by a combination of silence and evasion. The use of and response to *diabole* formed part of the teaching of Thrasymachos. We owe our knowledge of this aspect of Thrasymachos' work to a passing mention in Plato, *Phaidros* 267c:

τῶν γε μὴν οἰκτρογόων ἐπὶ γῆρας καὶ πενίαν ἑλκομένων λόγων κεκρατηκέναι τέχνῃ μοι φαίνεται τὸ τοῦ Χαλκηδονίου σθένος, ὀργίσαι τε αὖ πολλοὺς ἅμα δεινὸς ἀνὴρ γέγονεν, καὶ πάλιν ὠργισμένοις ἐπᾴδων κηλεῖν, ὡς ἔφη· διαβάλλειν τε καὶ ἀπολύσασθαι διαβολὰς ὁθενδὴ κράτιστος. τὸ δὲ δὴ τέλος τῶν λόγων κοινῇ πᾶσιν ἔοικε συνδεδογμένον εἶναι, ᾧ τινες μὲν ἐπάνοδον, ἄλλοι δ' ἄλλο τίθενται ὄνομα.

Some of this certainly reflects the language of Thrasymachos. Even without the revealing ὡς ἔφη, we might have assumed from the language of spells and enchantment (ἐπᾴδων κηλεῖν), so redolent of late fifth century attitudes to the mesmerizing effect of words, that Plato is quoting Thrasymachos' own words. What is less clear is whether Thrasymachos used the term *diaballein* in published works, that is whether Plato's words (διαβάλλειν τε καὶ ἀπολύσασθαι διαβολὰς) at *Phaidros* 267c are derived from Thrasymachos. But we can reasonably suppose from Plato's words that later writers had no difficulty in recognizing the process as *diaballein*. And we can also be sure from Plato's words that the process of *diaballein* and its opposite were not just touched on in passing by Thrasymachos but addressed at sufficient length to make him an acknowledged master of the art. Plato locates the term within a series of antitheses which list the opposing emotional effects achieved by Thrasymachos. Thrasymachos had made a study of emotional effects in particular and *diabole* fits readily into his broader interests.

Perhaps the most striking feature of the evidence for the treatment of *diabole* by subsequent rhetoricians is its paucity. We have evidence (from the catalogues at D.L. 5.46, 49, 50) for a work *On calumny/prejudice* (περὶ διαβολῆς) by Theophrastos, which may be but cannot be shown to be a work on rhetoric, since (as Fortenbaugh notes) it could have been an ethical or political essay.[22] With this sole (possible) exception it is

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[22] W. W. Fortenbaugh, *Theophrastus of Eresus: sources for his life, writings, thought and influence. Commentary vol 8: sources on rhetoric and poetics (texts 666-713)* (Leiden, Boston 2005), 108-111, esp. 110. Though Stobaios 3.12.17 (if from περὶ διαβολῆς), as an account of the role and outcome of *diabole* in a particular historical situation (rather than a descriptive or prescriptive address to the creation or removal of *diabole*), suggests an ethical work, in the absence of textual context it is consistent with a rhetorical, political or ethical tract. See also W.W. Fortenbaugh, *Quellen zur Ethik des Theophrasts* (Amsterdam 1984), 157. If the essay was rhetorical, we do not know whether, like Aristotle and Anaximenes (see below), it was primarily defensive. I am grateful to David Mirhady for pointing me to the Theophrastos title and to my colleague Bob Sharples for further discussion of the Theophrastan corpus.

difficult to find evidence for a serious attempt to create a rhetoric of *diabole* after Thrasymachos. The subject is not completely avoided but treatment tends to be cursory.[23] We cannot accurately assess the extent of the circulation of Thrasymachos' work after his death. But we can deduce both from Plato's knowledge of the range and nature of Thrasymachos' work and the fact that he can place this knowledge in the mouth of Phaidros that his books were widely available, at least to lovers of oratory and rhetoric. It is conceivable that his successors believed that Thrasymachos' treatment was so thorough that it left little room for further study. This is however unlikely. It has long been accepted[24] that what the fifth century practitioners of the art of *logos* wrote was not theoretical treatises but model texts, that is, set speeches which exemplified principles and techniques. The specific examples were in some cases at least accompanied by comment, sometimes perhaps no more than brief summary remarks. They were presumably fleshed out further with specific commentary and guidance in lectures. The title of one of Thrasymachos' works, *Eleoi*, literally 'Pities', is consistent with the view that much of it was devoted to model examples. Unlike a title such as *Peri eleou*, 'on pity', *Eleoi* suggests a plurality of instances rather than examination by description or theory. Thrasymachos may have treated *diabole* through a series of exemplary *Orgai* ('Angers') complementing his *Eleoi*. But we also know from Aristotle *Rh.*1404a that Thrasymachos found time to discuss delivery briefly. If his work on *diabole* followed a similar pattern, it is entirely possible that he either commented on specific effects or generalized about the principles at work – or both. If much of Thrasymachos' work on the subject consisted of exemplars, there was still work to be done in developing a theoretical approach. But even if it could be shown that he wrote a theoretical tract, it remains the case that on every other issue rhetorical textbooks tended to cover the ground covered by their predecessors, while on *diabole* the surviving treatises have so little to say. Moreover, apart from the riddling references to Theophrastos' περὶ διαβολῆς, we get no passing mentions of works which had dealt with the subject. Nor do we get any reflections of contemporary debate about the best way of achieving *diabole*. In contrast the oratorical works of the period are full of accusations of *diabole* against opponents and attacks on *diabole* as a practice. It is possible that the subject was considered too obvious for extensive treatment. If the rhetoricians believed this, they were mistaken, since negative spin requires some degree of skill. But since they are not above repeating received wisdom on other subjects, it is odd that so little was built on the foundations laid by Thrasymachos by fourth century rhetoricians – and that there is no reference to his work apart from one passage in Plato.

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[23] Cursory treatment of *diabole* e.g. Arist. *Rhet.*1415a ἔστιν δὲ οὐχ ὁμοίως· ἀπολογουμένῳ μὲν γὰρ πρῶτον τὰ πρὸς διαβολήν, κατηγοροῦντι δ' ἐν τῷ ἐπιλόγῳ· δι' ὃ δέ, οὐκ ἄδηλον· τὸν μὲν γὰρ ἀπολογούμενον, ὅταν μέλλῃ εἰσάξειν αὑτόν, ἀναγκαῖον ἀνελεῖν τὰ κωλύοντα, ὥστε λυτέον πρῶτον τὴν διαβολήν· τῷ δὲ διαβάλλοντι ἐν τῷ ἐπιλόγῳ διαβλητέον, ἵνα μνημονεύσωσι μᾶλλον.

[24] A. Gercke, 'Die alte *techne rhetorike* und ihre Gegner', *Hermes* 32 (1897), 341-81, G. A. Kennedy, 'The earliest rhetorical handbooks', *American Journal of Philology* 80 (1959), 169-78; K. Barwick, 'Das Problem der Isokrateischen Techne', *Philologus* 107 (1963), 43-60, T. Cole, *The Origins of Rhetoric in Ancient Greece* (Baltimore & London 1991), 71-94, S. Usher, *Greek Oratory: tradition and originality* (Oxford 1999), 2.

Not only is the rhetorical cover thin in volume, it is also narrow in focus. In his commentary on book 3 of Aristotle's *Rhetoric*[25] Cope takes the opportunity of Aristotle's comments on the opening section of a speech (*prooimion*) as the place to raise and remove suspicion[26] to compare Aristotle with the other surviving fourth century rhetorician, Anaximenes, in chapter 29 of *Rhetorica ad Alexandrum*. In Anaximenes' work he sees an example of the worst aspect of the rhetorician's amoral art. In fact what Anaximenes offers is in one respect very tame. It is defensive. Like Aristotle, he devotes his space to removing, not creating, *diabole*. When he does recommend offensive action, as at *Rh.A.*15.4, he actually envisages maligning a target which is morally reprehensible; he does not recommend free invention or distortion. The discussion is thus doubly unhelpful. It says nothing about content (what can I say about you which will make people dislike and distrust you) and is unhelpful on method (what is the best way for me to sneak in irrelevant or misleading information without appearing to do so?).

Of course, *diabole* does not have to speak its name. The fourth century tracts we have do have things to say about emotion, and clearly anything said about creating hostility against the opponent can according to context and nature be classed as *diabole*, depending on its accuracy, location and function. But even here one is struck by the narrowness of the treatment. The two characters in a dispute are relevant. But though rhetoric gives much attention to the issue of *ethos*, moral character, with reference to the speaker, it is largely unhelpful on the negative characterization of the opponent. This limitation is also reflected in the difference in the vocabulary of emotion between rhetoric and oratory. Orators are willing to invite their audience on occasion actually to hate the opponent.[27] Rhetoric avoids this kind of inflammatory language.

Thus on present evidence it appears that *diabole* remained largely untheorized and under-explored in rhetoric of the classical period. Though one cannot prove it, it does look as though rhetoricians are uncomfortable with outright espousal of *diabole* (even under another name) as a practice. Part at least of the reason may lie in the public perception both of diabole and of rhetoric. Rhetoric in Athens had a bad press in the latter part of the fifth century and well into the fourth century (it is of course important to bear in mind that these century boundaries are ours, not theirs). The exposure given to rhetoric in tragedy and comedy in the fifth century in particular meant that rhetoric was highly suspect in the late fifth century. The charge of making the weaker case (factually, morally) the stronger (in presentation) stuck. The anxiety in the fourth century is less acute; hence for instance the different tone in the treatment of intellectuals by the comic poets.[28] But the anxiety is still there and is particularly focused on the teaching of

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[25] E.M. Cope, *The Rhetoric of Aristotle with a Commentary*, ed. J.E. Sandys (London 1877), vol. II, 178

[26] Arist.*Rhet.*1415b: τὰ δὲ τοῦ δημηγορικοῦ ἐκ τῶν τοῦ δικανικοῦ λόγου ἐστίν, φύσει δὲ ἥκιστα ἔχειρ καὶ γὰρ καὶ περὶ οὗ ἴσασιν, καὶ οὐδὲν δεῖται τὸ πρᾶγμα προοιμίου, ἀλλ᾽ ἢ δι᾽ αὐτὸν ἢ τοὺς ἀντιλέγοντας, ἢ ἐὰν μὴ ἡλίκον βούλει ὑπολαμβάνωσιν, ἀλλ᾽ ἢ μεῖζον ἢ ἔλαττον, διὸ ἢ διαβάλλειν ἢ ἀπολύεσθαι ἀνάγκη, καὶ ἢ αὐξῆσαι ἢ μειῶσαι.

[27] E.g. Lykourg.*Leokr.*75: χρὴ τοίνυν ὦ ἄνδρες, ὥσπερ τοὺς ἀγαθοὺς ἐπαινεῖτε καὶ τιμᾶτε, οὕτω καὶ τοὺς κακοὺς μισεῖν τε καὶ κολάζειν, ἄλλως τε καὶ Λεωκράτην, ὃς οὔτε ἔδεισεν οὔτε ἠσχύνθη ὑμᾶς.

rhetoric. Isokrates[29] comments on the unpopularity of *philosophia*, by which he means rhetorical education, in the context of an attack on Polykrates' epideictic defence of Bousiris. Both Polykrates and Isokrates are writing in the epideictic tradition and choosing a standard theme, the defence of the seemingly indefensible,[30] here the mythical criminal Bousiris. While Isokrates essentially rewrites the story of Bousiris, Polykrates following the established approach to this exercise accepts the traditional version of the story of Bousiris and attempts to justify his monstrous behaviour as portrayed in the myth. Plato's attacks on rhetoric may be located in a fictive fifth century context, but they still have a resonance in fourth century Athens. Isokrates still feels it appropriate to respond to the criticism that the teaching of rhetoric corrupts the young.[31] And in Dem.35 we can see that hostility against teachers of rhetoric could still be exploited in court;[32] Aischines uses the same means of attack against Demosthenes.[33] The feeling that rhetoric was a dark art may explain the reluctance of rhetoricians to address this darkest of themes head-on.

But as often where we see deficiencies in our surviving sources for classical rhetoric, we find that the implied rhetoric of the practitioners is developed and astute. I turn first to content. Here the lack of detail in the surviving rhetorical sources, even if it reflects a widespread silence, does not present a problem. There was a wealth of tradition available for guidance on the denigration of character, largely because the substance of such attacks reflects the shared value system and amounts to allegations of deviation from that value system. Hence for instance the attacks on the opponent's civic record,[34]

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[28] T.B.L. Webster, *Studies in later Greek comedy* (Manchester 1970), 50-51, 110-111, O. Imperio in A.M. Belardinelli/O. Imperio/G. Mastromarco/M.Pellegrino/P. Totaro, *Tessere, frammenti della commedia greca: studi e commenti* (Bari 1998), 120-121.

[29] 11.49 Καὶ μὲν δὴ καὶ τοῦτο δῆλον, ὅτι τῆς φιλοσοφίας ἐπικήρως διακειμένης καὶ φθονουμένης διὰ τοὺς τοιούτους τῶν λόγων ἔτι μᾶλλον αὐτὴν μισήσουσιν.

[30] See C. Carey, 'Epideictic oratory', in *Companion to Greek rhetoric* ed. I. Worthington (Oxford 2007), 236-252, 247.

[31] Corrupting the youth e..g. Isok. 15.30: Ἐκ μὲν τοίνυν τῆς γραφῆς πειρᾶταί με διαβάλλειν ὁ κατήγορος, ὡς διαφθείρω τοὺς νεωτέρους λέγειν διδάσκων καὶ παρὰ τὸ δίκαιον ἐν τοῖς ἀγῶσι πλεονεκτεῖν . . .

[32] Dem.35.40: ἐγὼ δέ, μὰ τὸν Δία τὸν ἄνακτα καὶ τοὺς θεοὺς ἅπαντας, οὐδενὶ πώποτε ἐφθόνησα οὐδ᾽ ἐπετίμησα, ὦ ἄνδρες δικασταί, εἴ τις βούλεται σοφιστὴς εἶναι καὶ Ἰσοκράτει ἀργύριον ἀναλίσκειν·

[33] Aischin.1.173 Ἔπειθ᾽ ὑμεῖς, ὦ Ἀθηναῖοι, Σωκράτην μὲν τὸν σοφιστὴν ἀπεκτείνατε, ὅτι Κριτίαν ἐφάνη πεπαιδευκώς, ἕνα τῶν τριάκοντα τῶν τὸν δῆμον καταλυσάντων, Δημοσθένης δ᾽ ὑμῖν ἑταίρους ἐξαιτήσεται, ὁ τηλικαύτας τιμωρίας λαμβάνων παρὰ τῶν ἰδιωτῶν καὶ δημοτικῶν ἀνθρώπων ὑπὲρ τῆς ἰσηγορίας; ᾧ παρακεκλημένοι τινὲς τῶν μαθητῶν ἥκουσιν ἐπὶ τὴν ἀκρόασινρ κατεπαγγέλλεται γὰρ πρὸς αὐτούς, ἐργολαβῶν ἐφ᾽ ὑμᾶς, ὡς ἐγὼ πυνθάνομαι, λήσειν μεταλλάξας τὸν ἀγῶνα καὶ τὴν ὑμετέραν ἀκρόασιν . .

[34] E.g. Isai.6.45: Διὰ τί οὖν ἀξιώσεις σου τοὺς δικαστὰς ἀποψηφίσασθαι, ὦ Δικαιόγενες; Πότε-ρον ὅτι πολλὰς λῃτουργίας λελῃτούργηκας τῇ πόλει καὶ πολλὰ χρήματα δαπανήσας σεμνοτέραν τὴν πόλιν τούτοις ἐποίησας; Ἢ ὡς τριηραρχῶν πολλὰ κακὰ τοὺς πολεμίους εἰργάσω καὶ εἰσφορὰς

which simply presuppose a shared ethic of active commitment to the community. But there were also specific models for character attacks. Iambos and comedy – poetic genres in which invective is prominent – make much of sexual misconduct,[35] as does oratory. Both use gourmandise[36] and luxurious eating as targets. Both make allegations of theft, as does oratory.[37] Attacks on origin feature in both, though oratory has less occasion to use them.[38] Even epic could offer models. The rapacity and drunkenness of Agamemnon in

δεομένη τῇ πατρίδι εἰς τὸν πόλεμον εἰσενεγκὼν μεγάλα ὠφέληκας; Ἀλλ᾽ οὐδέν σοι τούτων πέπρακται.

[35] Sex e.g. Plat.Com. fr.4 κεκολλόπευκας· τοιγαροῦν ῥήτωρ ἔσει, Isai.8.44 Καὶ ζῶντος μὲν τοῦ πάππου καὶ τοῦ πατρὸς οὐδεμίαν αἰτίαν εἴχομεν, ἀλλ' ἀναμφισβήτητοι τὸν ἅπαντα χρόνον διετελέσαμεν· ἐπειδὴ δὲ ἐκεῖνοι τετελευτήκασι, κἂν νῦν νικήσωμεν, ὄνειδος ἕξομεν, διότι ἠμφεσβητήθημεν, διὰ τὸν Ὀρέστην τοῦτον τὸν κακῶς ἀπολούμενον, ὃς μοιχὸς ληφθεὶς καὶ παθὼν ὅ τι προσήκει τοὺς τὰ τοιαῦτα ποιοῦντας οὐδ' ὡς ἀπαλλάττεται τοῦ πράγματος, ὡς οἱ συνειδότες καταμαρτυροῦσι.

[36] Excessive or luxurious eating e.g. Ar.*Pax* 1003ff.
   κἀκ Βοιωτῶν γε φέροντας ἰδεῖν
  χῆνας, νήττας, φάττας, τροχίλους·
  καὶ Κωπάδων ἐλθεῖν σπυρίδας,
  καὶ περὶ ταύτας ἡμᾶς ἀθρόους
  ὀψωνοῦντας τυρβάζεσθαι
  Μορύχῳ, Τελέᾳ, Γλαυκέτῃ, ἄλλοις
  τένθαις πολλοῖς· κᾆτα Μελάνθιον
  ἥκειν ὕστερον εἰς τὴν ἀγοράν,
  τὰς δὲ πεπρᾶσθαι, τὸν δ' ὀτοτύζειν,
  εἶτα μονῳδεῖν ἐκ Μηδείας·
  'ὀλόμαν, ὀλόμαν ἀποχηρωθεὶς
  τᾶς ἐν τεύτλοισι λοχευομένας'
   τοὺς δ' ἀνθρώπους ἐπιχαίρειν.

Aischin.1.42 ἀλλ' ἔπραξε ταῦτα δουλεύων ταῖς αἰσχίσταις ἡδοναῖς, ὀψοφαγίᾳ καὶ πολυτελείᾳ δείπνων καὶ αὐλητρίσι καὶ ἑταίραις καὶ κύβοις καὶ τοῖς ἄλλοις ὑφ' ὧν οὐδενὸς χρὴ κρατεῖσθαι τὸν γενναῖον καὶ ἐλεύθερον.

[37] Theft e.g. Ar.*Knights* 77-9
  Τοσόνδε δ' αὐτοῦ βῆμα διαβεβηκότος
  ὁ πρωκτός ἐστιν αὐτόχρημ' ἐν Χάοσιν,
  τὼ χεῖρ' ἐν Αἰτωλοῖς, ὁ νοῦς δ' ἐν Κλωπιδῶν.

Lys.30.23-4 προσέχουσι <δὲ> τὸν νοῦν οἱ βουλόμενοι τὰ κοινὰ κλέπτειν, ὅπως Νικόμαχος ἀγωνιεῖται· οἷς ὑμεῖς, ἐὰν μὴ τοῦτον τιμωρήσησθε, πολλὴν ἄδειαν ποιήσετε· ἐὰν δὲ καταψηφισάμενοι τῶν ἐσχάτων αὐτῷ τιμήσητε, τῇ αὐτῇ ψήφῳ τούς τε ἄλλους βελτίους ποιήσετε καὶ παρὰ τούτου δίκην εἰληφότες ἔσεσθε.

[38] Origin e.g. Ar.*Frogs* 674ff.
  Μοῦσα, χορῶν ἱερῶν ἐπίβηθι καὶ ἔλθ' ἐπὶ τέρψιν
    ἀοιδᾶς ἐμᾶς,
   τὸν πολὺν ὀψομένη λαῶν ὄχλον, οὗ σοφίαι
    μυρίαι κάθηνται
   φιλοτιμότεραι Κλεοφῶντος, ἐφ' οὗ δὴ
   χείλεσιν ἀμφιλάλοις δεινὸν ἐπιβρέμεται
    Θρηικία χελιδὼν
   ἐπὶ βάρβαρον ἑζομένη πέταλον·

Il.1, at least as presented by Achilles, was a useful antecedent to some of the figures we meet in oratory.[39]

So the what was not demanding. More demanding and consequently more interesting was the how. Since attacks on the opponent are potentially subject to hostility from the listener as being irrelevant and prejudicial, it is necessary to ensure that one's *diabole* is perceived as neither. I have not attempted a systematic study of all the implicit ground rules. But there are some pointers which one can derive immediately from a brisk survey of the material. Firstly, how you introduce your material is (not surprisingly) important. If *diabole* is regularly irrelevant, you must make your attacks relevant. There are obvious ways to do this. Self-defence is an obvious way to do this (as in Lysias 30.9[40]) in a culture which accepts that retaliation is appropriate when attacked. Moving straight from one's opponent's attacks to one's own as here is a useful tactic. Protection of the judges and the judicial process is another useful line; you are only introducing this material because to omit it would allow the judges to be misled (as Dem. 54.38; again Lys.30 'I wouldn't have mentioned . . .')[41]. You should also keep it brief. Rhodes' view of Lys.13 is valuable here. He finds Lys.13 entirely to the point. It isn't. But he puts his finger inadvertently on an important aspect of the treatment. The brevity of the attack means that it is not felt to be disproportionate. It is helpful to use generic stereotypes (real or invented). It is always best if your audience already has a preconception of a person which you can utilize. It means that half the task of persuasion is done by the judges themselves; cf. Dem. 35, Dem. 37.[42] Bear in mind that you do not need always to use

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Aischin.2.180 καὶ δέομαι σῶσαί με καὶ μὴ τῷ λογογράφῳ καὶ Σκύθῃ παραδοῦναι

[39] Hom. *Il*.1.225 οἰνοβαρές, κυνὸς ὄμματ' ἔχων, κραδίην δ' ἐλάφοιο
Dem.54.3 ἔπινον ἑκάστοθ' οὗτοι τὴν ἡμέραν, ἐπειδὴ τάχιστ' ἀριστήσαιεν, ὅλην . . .

[40] Lys.30.9 Ἔτι δὲ κἀκεῖνο θαυμαστὸν νομίζω Νικόμαχον ἑτέροις ἀδίκως μνησικακεῖν ἀξιοῦν, ὃν ἐγὼ ἐπιβουλεύσαντα τῷ πλήθει ἀποδείξω.

[41] Dem.54.38 Ὃ τοίνυν πάντων ἀναιδέστατον μέλλειν αὐτὸν ἀκούω ποιεῖν, βέλτιον νομίζω προειπεῖν ὑμῖν εἶναι. φασὶ γὰρ παραστησάμενον τοὺς παῖδας αὐτὸν κατὰ τούτων ὀμεῖσθαι, καὶ ἀράς τινας δεινὰς καὶ χαλεπὰς ἐπαράσεσθαι καὶ τοιαύτας οἵας ἀκηκοώς γέ τις θαυμάσας ἀπήγγελλεν ἡμῖν. ἔστι δ', ὦ ἄνδρες δικασταί, ἀνυπόστατα μὲν τὰ τοιαῦτα τολμήματα· οἱ γὰρ οἶμαι βέλτιστοι καὶ ἥκιστ' ἂν αὐτοί τι ψευσάμενοι μάλισθ' ὑπὸ τῶν τοιούτων ἐξαπατῶνται· οὐ μὴν ἀλλὰ δεῖ πρὸς τὸν βίον καὶ τὸν τρόπον ἀποβλέποντας πιστεύειν.

Lys.30.15 Καὶ περὶ τούτων οὐδένα ἂν ἐποιησάμην λόγον, εἰ μὴ ᾐσθανόμην αὐτὸν ὡς δημοτικὸν ὄντα πειρασόμενον παρὰ τὸ δίκαιον σῴζεσθαι, καὶ τῆς εὐνοίας τῆς εἰς τὸ πλῆθος τεκμηρίῳ χρησόμενον ὅτι ἔφυγεν.

[42] Dem.35.1 Οὐδὲν καινὸν διαπράττονται οἱ Φασηλῖται, ὦ ἄνδρες δικασταί, ἀλλ' ἅπερ εἰώθασιν. οὗτοι γὰρ δεινότατοι μέν εἰσιν δανείσασθαι χρήματα ἐν τῷ ἐμπορίῳ, ἐπειδὰν δὲ λάβωσιν καὶ συγγραφὴν συγγράψωνται ναυτικήν, εὐθὺς ἐπελάθοντο καὶ τῶν συγγραφῶν καὶ τῶν νόμων καὶ ὅτι δεῖ ἀποδοῦναι αὐτοὺς ἃ ἔλαβον . . .

Dem.37.52 Ἐπειδὰν τοίνυν τις αὐτὸν ἔρηται ʻκαὶ τί δίκαιον ἕξεις λέγειν πρὸς Νικόβουλον;ʼ μισοῦσι, φησίν, Ἀθηναῖοι τοὺς δανείζοντας· Νικόβουλος δ' ἐπίφθονός ἐστι, καὶ ταχέως βαδίζει, καὶ μέγα φθέγγεται, καὶ βακτηρίαν φορεῖ· ταῦτα δ' ἐστὶν ἅπαντα, φησίν, πρὸς ἐμοῦ. καὶ ταῦτ' οὐκ

frontal assault. You can smear your opponent by association, if you can attach him to events, to types, to individuals which themselves are unpopular (e.g. Lys.14, Dem.56).[43] You should keep it decorous. *Diabole* is sometimes associated with *loidoria*. Avoid strong language and overt abuse, or keep it for climactic moments. And where you do avoid strong language, exploit that avoidance to your own character advantage. I am sure there are more rules and that the subject would repay more sustained analysis. My point is simply that there are ways to avoid the potential negatives of one's *diabole* and that these were appreciated by oratorical practitioners. One would like to know if this – as much as if not more than content – was what Thrasymachos taught.

The treatment of *diabole* is limited in another respect, though this is fairly typical of classical rhetoric. In the discussion of *diabole* (both offensive and defensive) by Aristotle and Anaximenes one weakness immediately apparent is the narrowness of the prescription and the serious inadequacy as a reflection of actual practice. As often, oratory proves more revealing than rhetoric for the period. Both Aristotle and Anaximenes deal with the creation and removal of *diabole* with reference specifically and exclusively to the prooimion and the epilogos. The logic is explicit and (in its way) reasonable. The rhetoricians focus on the points where contact is established and broken and assume that the point of break-off, as the last thing the audience hears, is the point to leave poison in their ears, while the opening as the point which creates the initial sympathetic bond with the audience is the natural place to dispel any hostility as part of the creation of that bond. It happens however to have only a limited bearing on actual practice. In reality, the effects of creating and dispelling prejudice are embedded throughout the speech. The main reason for this deficiency in the rhetoricians is probably the formalist approach to oratory typical of the period.[44] From this perspective, each part of the speech has its role and its desired qualities. As an approach this is not without merit, in that there are effects which are especially at home in each section. But the rigid application of architectural principles risks eliding the fact that many effects are potentially at home in any part of the speech. Beneath this deficiency lies a larger tendency for rhetoric and oratory to diverge, a tendency on which I have commented

αἰσχύνεται λέγων, οὐδὲ τοὺς ἀκούοντας οἴεται μανθάνειν ὅτι συκοφαντοῦντός ἐστι λογισμὸς οὗτος, οὐκ ἀδικουμένου.

[43] Lys.14.25 Οὗτος γὰρ παῖς μὲν ὢν παρ' Ἀρχεδήμῳ τῷ γλάμωνι, οὐκ ὀλίγα τῶν ὑμετέρων ὑφῃρημένῳ, πολλῶν ὁρώντων ἔπινεν ὑπὸ τῷ αὐτῷ ἱματίῳ κατακείμενος . . .

[Dem.]56.7 ἦσαν γάρ, ὦ ἄνδρες δικασταί, ἵνα μηδὲ τοῦτο ἀγνοῆτε, ὑπηρέται καὶ συνεργοὶ πάντες οὗτοι Κλεομένους τοῦ ἐν τῇ Αἰγύπτῳ ἄρξαντος, ὃς ἐξ οὗ τὴν ἀρχὴν παρέλαβεν οὐκ ὀλίγα κακὰ ἠργάσατο τὴν πόλιν τὴν ὑμετέραν, μᾶλλον δὲ καὶ τοὺς ἄλλους Ἕλληνας, παλιγκαπηλεύων καὶ συνιστὰς τὰς τιμὰς τοῦ σίτου καὶ αὐτὸς καὶ οὗτοι μετ' αὐτοῦ.

[44] From Aristotle one would deduce that his own limited categories of parts of the speech would not have been accepted by all rhetoricians, some of whom were prone to multiply subdivisions. Arist.*Rhet.*1414b: ἴδια μὲν οὖν ταῦτα, τὰ δὲ πλεῖστα προοίμιον πρόθεσις πίστις ἐπίλογος· τὰ γὰρ πρὸς τὸν ἀντίδικον τῶν πίστεών ἐστι, καὶ ἡ ἀντιπαραβολὴ αὔξησις τῶν αὐτοῦ, ὥστε μέρος τι τῶν πίστεων (ἀποδείκνυσι γάρ τι ὁ ποιῶν τοῦτο), ἀλλ᾽ οὐ τὸ προοίμιον, οὐδ᾽ ὁ ἐπίλογος, ἀλλ᾽ ἀναμιμνήσκει. ἔσται οὖν, ἄν τις τὰ τοιαῦτα διαιρῇ, ὅπερ ἐποίουν οἱ περὶ Θεόδωρον, διήγησις ἕτερον καὶ [ἡ] ἐπιδιήγησις καὶ προδιήγησις, καὶ ἔλεγχος καὶ ἐπεξέλεγχος. καὶ προδιήγησις, καὶ ἔλεγχος καὶ ἐπεξέλεγχος.

elsewhere.[45] This reflects a cultural fact, that (with the exception of Antiphon and – after his final eradication as a political force by Demosthenes – Aischines) rhetoric was not taught, and rhetorical treatises were not written, by active politicians and logographers. Rhetoric therefore has a tendency toward the abstract and cannot always survive the cold test of reality.[46]

Chris Carey, UCL (c.carey@ucl.ac.uk)

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[45] 'Artless proofs in Aristotle and the orators', *Bulletin of the Iinstitute of Classical Studies* N.S..39 (1994), 95-106, repr. in E. Carawan (ed.) *The attic orators* (Oxford 2007), 229-246, '*Nomos* in Attic rhetoric and oratory', *Journal of Hellenic Studies* 116 (1996), 33-46.

[46] This is a revised version of a paper delivered at a conference on philosophy and rhetoric at the University of Crete Rhethymno in October 2004 organized by Anna Missiou and Chloe Balla. I am grateful to the University of Crete for its hospitality and to all who commented on the oral version of the paper and to David Mirhady for picking up errors and alerting me to omissions.