

ANA ELAKOVIĆ-NENADOVIĆ

University of Belgrade
Faculty of Philology
aelakovic@yahoo.com

THE FUNCTION OF HISTORICAL EXAMPLES IN LYCURGUS' ORATORY

Abstract: In this paper we will start from the basic hypothesis that Lycurgus' selection of historical allusions in his oratory represents, above all, a reflection of his patriotic feelings and true moral beliefs. Lycurgus' speeches are primarily in the service of the endangered polis and his high ethical principles. Thus, a large number of his accusations are based on his moral views of the current social and political situation rather than on any precise or legal argumentation. Therefore, our main intention is to examine to what extent Lycurgus' digressions to the past history of Athens were a powerful weapon of persuasion in his oratory, especially in his speech *Against Leocrates*.

Keywords: oratory, Lycurgus, *Against Leocrates*, ancient Greek history, patriotism, morality, polis.

Although Lycurgus is one of the most important rhetorical names of the 4th century B.C. in ancient Greece,¹ from the standpoint of the history of literature, his work is poorly studied and insufficiently analyzed.² When we consider his oratory, the evidence available to us from both ancient and recent criticism is highly controversial. In recent literary criticism³ there are not many works which deal with his oratorical engagement. The fact that over the centuries only one of his speeches, *Against Leocrates*, has survived in its entirety lends support to this claim. From his other speeches⁴ only

¹ He was included in the famous Alexandrian Canon of ten Attic orators.

² About his life and literary work the most extensive evidence is provided by Pseudo-Plutarch (*Vit. X orat.* 841a-844a) and Photius (*Bibl. cod.* 268). He was born around 390 and died in 324 B.C. His father was Lycophon, who belonged to the noble family of Eteobutadae. Lycurgus tied his political and oratorical career throughout his whole life only to Athens. He was a fierce supporter of the anti-Macedonian party.

³ Cf. Salomone 1976: 41-52; Burke 1977: 330-340; Renehan 1970: 219-231; Tandoi 1970: 154-178; Albini 1985: 354-360.

⁴ As for the number of his fragments, Pseudo-Plutarch asserts that there were fifteen of them. This information is also found in Photius' *Bibliotheca*. All of those lost speeches belonged to the category of forensic oratory (*γένος δικάσιμόν*). In two of them he defended his public activity, while the others largely represented his accusations

fragments have survived. They have come to us thanks to the evidence which seems to have been important and interesting to former grammarians and lexicographers. Those fragments offer us some details from the public life of Greece, especially about the cult and rituals, but they also contain etymological explanations for certain Greek words.⁵

For over a decade, Lycurgus was also one of the most successful and important politicians. Namely, from 338 to 326 B.C. he indirectly controlled or managed almost all of Athens' financial affairs⁶ and he was known for his incorruptibility and fairness.⁷ He was also the only nobleman among Attic orators⁸ and he admired the Athenian cult and tradition of his ancestors, which made him uncompromising toward the unpatriotic elements within Athens at that time. Therefore, when studying Lycurgus' literary work, it is important to bear in mind all aspects of his life, since they were visibly involved in his oratorical thought and expression.

Let us say something about his sole surviving speech *Against Leocrates* (*Κατὰ Λεωκράτους εἰσαγγελία*). The action of this speech is placed in the period following the Battle of Chaeronea, which took place in 338 B.C. between the Macedonians led by Philip II and the Greek army. The Greeks suffered a heavy defeat despite their numerical superiority. Athenians had expected an attack on their city and had taken all the measures necessary for its defence. The people made the decision whereby none of Athenians and their families were allowed to leave the city. The entire population were expected to be at the disposal of the military commanders. However, Leocrates, a wealthy Athenian citizen, did not obey this command. At sunset, taking all his property with him, he left the city with his mistress Irenis and fled with her to Rhodes. There he spread the news that Athens had fallen and that Piraeus was besieged. In doing so, he caused great damage to his city because all the merchants who had intended to go to Athens were forced to unload their goods in Rhodes. However, his lie was soon discovered and Leocrates had to leave Rhodes. He went to Megara, where he lived for five years as a metic. In the meantime, he sold his house and slaves in Athens. From the money he gained he started to trade. He traded grain with Leukada, Corinth and Epirus, thus violating the law, because grain trade with foreign countries was strictly prohibited in Athens. After six years, Leocrates returned to Athens thinking that his shameful escape had been forgotten. However, he was to encounter Lycurgus, whose duty was to arrest those who had violated the law, especially those who had deserted the town at what was a crucial moment for their country. Lycurgus prosecuted him for treason and demanded the death-penalty. The trial against Leocrates was held in 331/330 B.C. Leocrates was acquitted by one vote. The main reason for his acquittal was

against the personalities of the public and political life of Athens of that time. On the other hand, there have been many disagreements over the centuries between literary historians and literary critics about the time and the circumstances of their origin and their authenticity.

⁵ N. C. Conomis provides us with a very detailed study which deals with the interpretation of the surviving fragments of Lycurgus and particularly with the language and style used in them (cf. Conomis 1961: 72-152).

⁶ Cf. Markianos 1969: 325-333; Atkinson 1981: 37-48; Burke 1985: 251-264.

⁷ Burke 1977: 330.

⁸ He belonged to the old aristocratic family of Eteobutadae, which, according to tradition, is derived from Butes, a descendant of Poseidon Erechtheus. Like all the male members of his family he exercised the office of hereditary priest of Poseidon Erechtheus. The female members of his family were the priestesses of Athena Polias.

that he had escaped from Athens a few hours before the adoption of the controversial decree.

As we previously noted, the central topic of Lycurgus' speech *Against Leocrates* is the condemnation of this respectable Athenian citizen for treason and lack of patriotism. The fact that the punishment for treason had not yet been legally sanctioned by the law, we can see that in ancient oratory the citation of certain customs, oaths, decrees, historical events⁹ or quotations from poetry had the function of a particular argument which was used as a substitute for adequate legal norms. Lycurgus explains this fact at one point in his speech with the following words:

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.¹⁰

In addition to the incompleteness and inadequacy of the law in terms of punishment for certain offenses, Lycurgus also emphasizes the necessity of its existence as a “warning” (the Greek term *παράδειγμα*) for those who presume to commit a similar offense. If we briefly hold off on Lycurgus' concept of the term *παράδειγμα*, we should see that his semantic interpretation of this term is primarily “example”, but in the sense of a “model” or a “pattern”. So, he says: “Let me remind you of a few past episodes; and if you take them as examples you will reach a better verdict in the present case and in others also”.¹¹ Thus, we can conclude that we must view this term in Lycurgus' oratory, in the first place, in his ethical context.

When speaking about the citation of historical facts in Lycurgus' oratory, although we can say they are used as arguments in the absence of valid documentary evidence, they also serve as a means for expressing Lycurgus' personal views on the actual situation and his ethical principles. According to some modern critics, digressions into the past history of Athens were mentioned more in broad outlines rather than in detail and through them orators tried to stir up patriotic feelings among their listeners in the court.¹² The most important thing for gaining the attention of the court and making their historical allusions effective as legal arguments was to speak about historical topics with which they were familiar. Hence, their use of historical events, especially past ones, did not have to be consistent with the degree of their listeners' historical knowledge and they used to be shorter without any details or unfamiliar facts which could cause impatience in the audience. At one place in his speech Lycurgus stresses that he “ask them to listen and not regard such pleas as out of keeping with public trials”.¹³ Thus we can see that such digressions into historic events and tradition were commonplace in the oratory and for them they seemed to be legitimate and valid. On the other hand, we could say that historical allusions in the Attic oratory also had a didactic

⁹ According to B. Steinbock, Lycurgus' speech is *unusual for its exuberant use of mythological and historical examples, which make up almost half of the entire speech...* (Steinbock 2011: 280).

¹⁰ Lycurg. 1. 9. Translations from Lycurgus are by J. O. Burt.

¹¹ *Ibid.* 1.83. See also 1.12, 100, 104.

¹² Cf. Pearson 1941: 210, 229.

¹³ Lycurg. 1.46.

role. Polybius, for example, says that history has a dual purpose: to teach the statesman and to teach the reader how to face disaster. He mentioned that:

To inspect ancient records indeed, with the view of ascertaining the notions entertained by the ancients of certain places, nations, polities and events, and of understanding the several circumstances and contingencies experienced in former times, is useful; for the history of the past directs our attention in a proper spirit to the future, if a writer can be found to give a statement of facts as they really occurred.¹⁴

The statements of ancient orators were usually accompanied by certain emotions which were manifested through language.¹⁵ The language and style of a particular speech allows us to gain insight into the orator's moral and political beliefs. Sometimes, there were historical moments which produced orators who were not rhetoricians by vocation, and nor did they have adequate general education. So, we could say that their oratorical engagement was the result of some specific situation, which may also have been the product of talent or of a strong motive arising from the depths of the soul, i.e. from the heart. Sometimes these speeches were successful because a crucial historical moment was part of the listeners' lives and sensibility and the orator was able to find an easy path to his audience, which in a specific situation and need provided powerful encouragement through speech.

We can notice such moments, for example, on the part of Aeschines. The purpose of his rhetoric was in fact pragmatic and it responded to the political moment in which he found himself. We have to say that his rhetoric was not the product of either rhetorical intention or rhetorical instinct, but was only the reaction of his deep involvement in a certain political situation in Athens at the time. He begins his speech *Against Timarchus* with these words:

I have never, fellow citizens, brought indictment against any Athenian, nor vexed any man when he was rendering account of his office... But when I saw that the city was being seriously injured by the defendant, Timarchus, who, though disqualified by law, was speaking in your assemblies and when I myself was made a victim of his blackmailing attack—the nature of the attack I will show in the course of my speech—I decided that it would be a most shameful thing if I failed to come to the defence of the whole city and its laws, and to your defence and my own.¹⁶

Many critics of Aeschines' oratory consider him, first of all, as a politician, and thus classify his rhetoric as the main instrument of his policy, since Athenian statesmen were usually excellent orators. So, we can imagine to what extent oratory skills facilitated success in conducting various political activities and also how this oratory skill was, as it remains today, the main weapon of political action and the implementation of political goals. Hence, we can see that the purpose of rhetoric, personified in the act of persuasion, has not really changed, unlike some other elements of the speech such as its structure, form, style, or the length of the speech.

¹⁴ Plb. 12.25. Translation E. S. Shuckburgh.

¹⁵ Gorgias refers to the psychological aspect of rhetoric, defining it as "leading the mind by words" (Pl. *Phdr.* 261 A: ψυχαγωγία τις διὰ λόγων κ.τ.λ.)

¹⁶ Aeschin. 1.1.2. Translation Ch. D. Adams.

After the testimonies of some of Lycurgus' contemporaries, for example, of Hyperides,¹⁷ Lycurgus was known for his fairness and honesty. Dio Chrysostom suggests that through his oratory Lycurgus reveals the "simplicity" and "nobility" of his own character.¹⁸ So, one might draw the conclusion, that he, as a highly moral person, "lived" his own speeches. From this point of view, we may also conclude that in his rhetoric he speaks primarily as an Athenian citizen desirous of justice and truth, and then as an orator and literary artist. His entry into public and political life had probably helped him a great deal to understand the rules of behaviour and moral principles within a community. His psychological plunge into the social behaviour of people of different classes was essential to any orator then in order to reach his goal of proving some truth and winning over his listeners. Therefore, we can underline here the didactic function of history, and also that of poetry. Some modern critics say that Lycurgus' appeals to past history are "absurdly" numerous and that he insists that "his reminiscences are valuable, however familiar the tales may be to them".¹⁹

Let us now take a look at one example of older history that Lycurgus gives us in his speech *Against Leocrates*. It is a genuine example of the patriotism and self-sacrifice of the last Athenian mythical king Codrus.²⁰ This is also the earliest version of the story of Codrus, which we find recorded by Hellanicus. According to tradition, the Delphic Oracle promised victory to the Peloponnesians, who were at war with Athens, if they did not kill the Athenian king. However, Delphian Cleomantis announced this prophecy to the Athenians, after which Codrus decided to sacrifice his life for his country. Disguised as a beggar, he went outside the city walls to collect firewood. Along the way he encountered two enemy soldiers and, inciting their anger, was killed. Then the Athenians asked for his body so as to bury him. The Peloponnesians, seeing that their prophecy had not been fulfilled, returned home. Lycurgus used this example to underline the patriotism not only of Codrus, but also the patriotism and moral attitude of all Athenians toward their own polis. He compared their attitude with that of Leocrates in the following words:

They did not desert their country and retire as Leocrates did, nor surrender to the enemy the land that reared them and its temples. No. Though they were few in number, shut inside the walls, they endured the hardships of a siege to preserve their country.²¹

Here we can confirm our aforementioned claim that orators often used familiar historical facts and legends, which were interesting and well-known to their audience. Lycurgus introduced the following historical argument, with the question: "Who does not know the fate of Callistratus which the older among you remember and the younger have heard recounted...?"²² Here we can also see that the orator used an example from history which was familiar to older Athenians, but also known because of tradition among the

¹⁷ Hyp. *Eux.* 12, col. 26.

¹⁸ D.Chr. XVIII, 11.

¹⁹ Cf. Pearson 1941: 216.

²⁰ Lycurg. 1. 84.

²¹ *Ibid.* 1.85-86.

²² *Ibid.* 1.93

young ones. Here he cites the example of this Athenian orator and politician, who was processed in court in 336 B.C.²³

Another example of treason in Lycurgus' oratory was the treatment of the Spartans' betrayals. Namely, they caught their King Pausanius trying to betray Greece to the Persians. Lycurgus informs us about this historical evidence:

He escaped in time into the temple of the Brazen House, but they walled up the door, took off the roof and mounted guard in a circle round it, remaining at their posts until they had starved him to death and made his punishment a proof to all that even divine assistance is not vouchsafed to traitors. And it is right that it should not be; for impiety towards the gods is the first crime by which they show their wickedness, since they deprive them of their traditional cults.²⁴

We can find the same testimony in Thucydides' *History of the Peloponnesian War*.²⁵

When we speak about treason and patriotism in ancient Greece, some modern authors characterise the ancient polis primarily as a place of opportunity, where its citizens were able to realize their personal aspirations and ambitions. So, the city was not necessarily an "object of patriotic devotion" and because of this particularism it cannot be identified with patriotism in the modern and moral sense of this term.²⁶ So, when we speak, for example, about Aeschines' oratory, we can also open a huge chapter dealing with the question of patriotism. Demosthenes claims that Aeschines received a bribe from Philip and thus placed himself among the ranks of traitors to his homeland. It is remarkable that at one point Aeschines made an unexpected turnaround toward Philip in his policy and that was the main stumbling block in the study of his public engagement. One part of the criticism stands on his side claiming that his behaviour was the result of his reflection of what would be most useful and worst for Athenians. Therefore, it is necessary to take into account, above all, the real circumstances and the existing political reality, which did not allow political adventure when Greece was politically divided and militarily unprepared for great frustrations, especially with no army like Philip's. Aeschines' rhetorical engagement was based on pragmatism and his political activity was based on the idea that the state and the people must change their minds according to the circumstances and that it is always necessary to strive for what is optimal in the country at that time. However, opinions on this are divided, both then and today. Polybius, for example, claims that all those people whom Demosthenes called traitors were, in fact, patriots who were deeply concerned with the community's interest within their city.²⁷ He considered Demosthenes' policy to be disastrous for the Greeks, believing that the people whom he characterized as traitors in fact respected the obligations to their homeland, but differed in the assessment of the situation. Polybius' opinion points us to all the complexity of evaluating the validity of the evidence of historical events which we can find in Attic oratory.

²³ He had a great political influence in the period from 377-361 B.C. Having prosecuted the ambassadors who proposed peace with Sparta in 391, he was elected strategus in 378 when the Second Athenian League was founded.

²⁴ Lycurg. 1.128-129.

²⁵ Th. I 128-134.

²⁶ Cf. Chroust 1954: 288.

²⁷ Plb. 18. 14-16

There are also some inaccurate interpretations of historical events in Lycurgus' speeches. As an example of Lycurgus' false interpretation of historical facts, we present one point in his speech when he informed us that about 481 B.C. Sparta invited all Greek states to unite and eliminate the mutual hostilities that existed among them in order to successfully oppose the Persians. Eurybiadas, together with Leonidas, was the supreme commander of the land and naval forces of that alliance. Here Lycurgus replaced Eurybiadas with Eteonicus, who, during the Peloponnesian War, was the commander of the Spartan army at Lesbos and Tasos in 412 B.C.²⁸

However, this rhetorical inexactness is nothing unusual in Attic oratory and here we can raise a very important question as to how much we can believe orators' interpretations of historical facts in their speeches. There is also the issue here of the orators' level of historical knowledge and whether these inaccuracies were the result of some failure in their education or the orators' use of some other interpretations to support their argumentation. L. Pearson holds the view that it could be a question of some other historical sources which are unknown to us and that the system of interpretation was just the will of orators for their listeners to pay attention rather to their conclusions than to the "dry facts of historical narrative".²⁹

Lycurgus' second inaccuracy in the interpretation of historical testimonies was when he spoke about King Alexander I, the son of Amintas, who, on orders from Mardonius, went to Athens to present a proposal to the Athenians which consisted of the Persians offering them complete independence and money for restoring everything the Persian army had destroyed. Xerxes was also ready to reward them any territory they wanted.³⁰ The main condition for the Athenians was to conclude a military alliance with Persia, which was something inadmissible for Athens. Lycurgus said that the Athenians stoned Alexander, but if we read the testimony of this event by Herodotus, there is no evidence of any kind of stoning of Alexander.³¹ On the contrary, Herodotus informs us that the Athenians told Alexander:

Come no more to Athenians with such a plea, nor under the semblance of rendering us a service, counsel us to act wickedly. For we do not want those who are our friends and protectors to suffer any harm at Athenian hands.³²

The next evidence of Lycurgus' inaccuracy in presenting historical facts was when he informed us as about Demophantus' decree, which was passed in 410 B.C. after the fall of the Four Hundred. Lycurgus made a mistake in his evidence with the assertion that it was the fall of Thirty.³³

At another point in his speech he also informs us about the battle near Egospotamos,

²⁸ Lycurg. 1.70.

²⁹ Pearson 1941: 211.

³⁰ Lycurg. 1. 71.

³¹ Hdt. VIII, 136-143.

³² *Ibid.* VIII, 143. Translation A. D. Godley.

³³ Lycurg. 1.124.

in which the Athenian fleet suffered a major defeat. According to Plutarch,³⁴ the Tebanians wanted to completely destroy Athens and “to turn this place into a pasture”. We can find the same metaphor in fig. 22 which belonged to Lycurgus’ speech *Against Autolycus*.³⁵

In addition to politics, Lycurgus, like other orators, used quotations from Greek poetry.³⁶ According to V. Jeger, literature in fact had a social function for Greeks, i.e. social engagement.³⁷ According to this author, the process of education is one of shaping or forming, while the process of learning has the role of a mould with whose help the subject is formed. This view is also confirmed by rhetor Lycurgus, who, quoting some of Homer’s verses in his speech *Against Leocrates* as an example worthy of praise,³⁸ compares at the same time the function of law and poetry. It is his opinion that because of their brevity laws cannot give instruction; they merely state the things that must be done. On the other hand, poets, depicting life itself, select the noblest actions and so through argument and demonstration convert men’s hearts.³⁹ Perlman⁴⁰ and North,⁴¹ for example, stress that the function of poetry was largely seen as a solid foundation for the development of eloquence and persuasion when it comes to public property.

At one point in his speech Lycurgus quotes Tyrtaeus, citing one of his elegies which clearly reflects the notion of virtue. In Tyrtaeus’ opinion, the greatest virtue is manifested by courage in war. And it is from this warrior ethic that the ethos of patriotism developed, with which Lycurgus’ oratory is largely imbued. The significance of this quotation also lies in the fact that this elegy was preserved thanks to Lycurgus and it belongs to the so-called “warnings” (Υποθήκαιδι’ ἐλεγείας). Lycurgus says that Tyrtaeus wrote his elegies and left them to his citizens. So they could be inspired towards virtue while listening to his poems,⁴² believing that their own courage as the highest virtue was a surer protection than battlements of stone. This assertion is supported by Tyrtaeus’ view that the common good for the country and for the whole nation is a measure of every virtue, which is clear from the quoted passage from Tyrtaeus’ elegy in Lycurgus’ speech.

To sum up, the speeches of Greek orators represent a great value for the interpretation of some of the historical events which marked the ancient world. If we enter deeply into the analysis of the information and historical facts which we come across in their works, we will see that there are great contradictions and interpretative liberty in a large number of

³⁴ Plu. *Lys.* 15.

³⁵ Autolycus was a member of Areopagus. Lycurgus accused him of having taken his wife and children to safety after the Battle of Chaeronea, although the decree was in force which forbade the citizens of Athens to leave the city. We also have the same testimony in his speech *Against Leocrates* (1.53).

³⁶ Most citations from Greek poetry belong to the court proceedings. Beside Lycurgus’ *Against Leocrates*, we also find them in three of Aeschines’ speeches: *Against Timarchus*, *On the False Embassy* and *Against Ctesiphon* and in Demosthenes’ *On the Crown* and *On the Embassy*. However, if we want to enquire into the use of poetry in the works of these three authors, we must pay special attention to the existing differences in relation to the role and the essence of using quotations from poetry in their forensic speeches.

³⁷ Cf. Jeger 2007: 57.

³⁸ Lycurg. 1.102-103.

³⁹ *Ibid.* 102.

⁴⁰ Cf. Perlman 1964: 158

⁴¹ Cf. North 1952: 2-4

⁴² Lycurg. 1.107.

them. All Greek politicians were at the same time excellent orators, so their speeches were often shaped by their own political manifestation in the frame of certain social and political events. Furthermore, the 4th century represented a period which was marked by many contradictions and a great chronologic dissonance towards the events which were described in the speeches.

On the other hand, if we examine Lycurgus' selection of historical events, we come to the conclusion that they are the reflections of his patriotic fervour and true moral impulses. Lycurgus' oratorical activity is pragmatic and entirely in the service of endangered politics in which the greater part of the defence is based on an emphasis on moral principles and less on precise and legal argumentation. As we said before, the main intention of the orators was that their listeners pay attention rather to their conclusions and personal attitudes than to the historical factography which is presented in any given oration and this implies the ability of an orator to choose the historical allusions which are interesting and familiar to his listeners.

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АНА ЕЛАКОВИЋ-НЕНАДОВИЋ

Универзитет у Београду, Филолошки факултет

ФУНКЦИЈА ИСТОРИЈСКИХ ПРИМЕРА У ЛИКУРГОВОМ БЕСЕДНИШТВУ

Резиме

У раду полазимо од основне хипотезе да је Ликургов одабир одломака из славне атинске прошлости, пре свега, одраз његовог патриотског заноса и истинских моралних убеђења. Ликургова беседничка делатност је у потпуности у служби угроженог полиса, односно највиших етичких начела и патриотских осећања, у којој се највећи део његових судских тужби више темељи на истицању моралних начела, а мање на некој прецизној и на темељу закона формираној аргументацији. Имајући у виду да је Ликургова реторика имала превасходно етички и дидактички карактер, његова дела су више била интересантна за потоње књижевне критичаре и лексикографе, као вредни документи и сведочења о тадашњим приликама у политичком и јавном животу Атине. Основни циљ Ликургових беседа је првенствено био да оне образују дух атинског грађанина и упуте га на моралне вредности, па тек онда да му пружи сведочанство о суптилности и рафинираности језика и стила тадашњих атинских ретора. Као предложак за наше истраживање узели смо, пре свега, једину сачувану Ликургову беседу *Против Леократа*. На основу историјских примера на које наилазимо у овом делу, а које се првенствено односе на историјску прошлост атинског народа, истражићемо неке од методских приступа у одабиру поменутих одломака и њиховог дејства на судски аудиторијум.

Кључне речи: беседништво, Ликург, *Против Леократа*, историја античке Грчке, патриотизам, морал, полис.

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