

ONCE MORE, THE CLIENT/LOGOGRAPHOS RELATIONSHIP¹

Whilst Theophrastus (*Char.* 17.8) implies that the *logographos* had a great deal of control over the oral version of a forensic speech and what went into it,² the part played by the *logographos* and the client in the content and circulation of the oration after oral delivery is controversial, and has attracted a fair share of attention.³ Sir Kenneth Dover argued that joint or composite authorship of the speech (i.e. client and *logographos* together) could take place, and that it was the client who could publish the speech after the trial and was free to include his own remarks.⁴ Thus, as Dover would have it, in the case of Lysias (and of other orators too if joint composition occurred), no unique style of that orator could be discerned in his speeches as we have them today. This composite authorship was first questioned by T. N. Winter,⁵ and denied even more vigorously by S. Usher,⁶ who argued that responsibility for a speech's later circulation lay only with the *logographos*, who also revised the speech as he saw fit.⁷ Their arguments, which nicely complement each other, are convincing enough on the evidence we have (although a case will be made below that in certain circumstances some, but probably not many, speeches appear to be the work of joint authorship). However, two other factors may be brought in as further support: the stylistic nature of the revised speech and the extent of literacy. The argument of this paper is that the composition of the final circulated speech was beyond the ability of the ordinary client and could only have been produced by the *logographos*.

Although we have some speeches by the earlier orators (when I refer to orators as a group I include the *logographoi*), writing down and 'publishing' forensic speeches seems to have been a practice which increased in the fourth century B.C.⁸ This implies that many more speeches would have been in circulation in the fourth century than earlier.⁹ Of course, there was nothing to stop copies of a speech being made by other

¹ The anonymous referee of this journal made valuable comments, for which I am grateful.

² 'Should this man win a suit-at-law by a unanimous verdict, he is sure to find fault with his speechwriter for omitting so many of his pleas' (Loeb translation of J. M. Edmonds).

³ On the role of the *logographos* and some consideration of the nature of his dealings with his client, see the succinct comments of C. Carey and R. A. Reid, *Demosthenes: Selected Private Speeches* (Cambridge, 1985), pp. 13–18; cf. George Kennedy, *The Art of Persuasion in Greece* (Princeton, 1963), pp. 127–9.

⁴ K. J. Dover, *Lysias and the Corpus Lysiacum* (Berkeley, 1968), pp. 148ff. – especially pp. 150–6 and 159–67.

⁵ T. N. Winter, 'On the Corpus of Lysias', *CJ* 69 (1973), 34–40.

⁶ S. Usher, 'Lysias and his Clients', *GRBS* 17 (1976), 31–40. Usher rather misrepresents Dover as believing that joint composition was a regular practice; in fact, Dover does not argue that all extant speeches were the product of joint composition, but that this could happen in some cases. See further below on Demosthenes 22 and 24.

⁷ Cf. Carey and Reid, op. cit., p. 16 with n. 33, and Kennedy, op. cit., p. 127, who takes something of a neutral line.

⁸ Symbolaletic speeches seem rarely to have been revised for circulation: M. H. Hansen, 'Two Notes on Demosthenes' Symbolaletic Speeches', *Class. et Med.* 35 (1984), 60–70 (= *The Athenian Ecclesia*, ii (Copenhagen, 1989), pp. 286–96); cf. H. L. Hudson-Williams, 'Political Speeches in Athens', *CQ*² 1 (1951), 68–73 and Kennedy, op. cit., pp. 203–6.

⁹ Clearly there must have been more orators who lived and worked in Athens over the course of nearly two centuries than the meagre number listed in the so-called 'Canon of the Ten Attic Orators'.

orators, possibly even a client, which contained different material or methods of argumentation, and, since speeches were revised after oral delivery,¹⁰ nothing to cause questions to be asked about differing content and interpolations. However, since logography was a competitive and lucrative business, and each *logographos* wanted to be considered the best, it would plausibly follow that only the most notable *logographoi* would succeed in it and, through their speeches, enjoy renown.¹¹ The competitive nature of logography may well have led orators to guard their own work jealously – after all (human nature being what it is – and was), as Dover rightly says, ‘People would rather buy and read a speech which bore a famous name than one which bore a little-known name; one might say that in this way the “Canon of the Ten Attic Orators” was essentially established by the quality and reputation of those ten orators.’¹²

Yet few *logographoi* appear to have enjoyed a one-hundred per cent success rate in court, since some speeches we have today (by orators who were deemed worthy of inclusion in the canon), and were hence revised for posterity, were unsuccessful. Here Andocides 2 (*On His Return*) and 3 (*On the Peace with Sparta*); Lysias 12 (*Against Eratosthenes*) and 26 (*On the Scrutiny of Evandros*); Isaeus 6 (*On the Estate of Philoctemon*); Demosthenes 19 (*False Embassy*); Aeschines 3 (*Against Ctesiphon*); Lycurgus 1 (*Against Leocrates*); and Dinarchus 2 (*Against Aristogeiton*) and 3 (*Against Philocles*) spring to mind. We wonder why, for revision and circulation of an unsuccessful speech does not seem all that good for a *logographos*’ business! The answer, I suggest, lies not so much in the fate of the speech in court (or for that matter in the Assembly), but in the rhetorical and compositional qualities of the final version, the one circulated in the name of the orator.

How different the revised speech is from its oral version, especially in terms of content and composition, is a vexed question. It is also an important question, not hitherto asked, in determining who was responsible for the final speech, *logographos* or client or both. Although the differing content in the revised version (applying more to the value of Greek oratory as historical source material) is not relevant to the thrust of the present argument, the composition or structure has a bearing on who produced the final speech. Here the stylistic device of ring composition comes into play. Ring composition is used extensively by the *logographos* Dinarchus, who was commissioned by the state to write speeches for one of the ten orators chosen to prosecute those accused of complicity in the Harpalus affair of 324/323 (Din. 2.6),¹³ and there is evidence of the device in many other speeches too.¹⁴ Based on the implications of the device, I have argued elsewhere that ring composition was likely to have been used by the orators *en masse*, that it plays a role in the revision process

¹⁰ On revision, see Ian Worthington, ‘Greek Oratory, Revision of Speeches and the Problem of Historical Reliability’, *Class. et Med.* 42 (1991), 55–74.

¹¹ Clients may also have sought the services of *logographoi* in other legal matters: [Dem.] 58.19–20 refers to the *logographos* Ctesicles, who arranged a settlement, and cf. Thuc. 8.61.1 on Antiphon.

¹² Dover, *op. cit.*, p. 26.

¹³ See my *A Historical Commentary on Dinarchus: Rhetoric and Conspiracy in Later Fourth-Century Athens* (Ann Arbor, 1992), pp. 27ff. and Appendix 2.

¹⁴ For example, A. R. Dyck, ‘The Function and Persuasive Power of Demosthenes’ Portrait of Aeschines in the Speech On the Crown’, *G&R* 32 (1985), 42–8, highlights parts of the structure of Demosthenes 18 which indicate the presence of the device. Cf. also the comments on the structure of Demosthenes’ *Against Leptines*, *On the Symmories* and *On the Crown* of Kennedy, *op. cit.*, pp. 221–3 and 232–4, and also on Demosthenes, see my ‘The Authenticity of Demosthenes’ Fourth *Philippic*’, *Mnemosyne* 44 (1991), 425–8. The device is even evident in Isocrates’ letters, as I hope to show elsewhere.

of speeches, and that the two versions of the speech (oral and revised) were markedly different, not only in content but also in structure.¹⁵

The device as used by Dinarchus is very complex, and this aspect forms the basis of my argument here: that the more complex the ring composition, the more sophisticated the writing style. The depth and range of the ring structures in Dinarchus, and the resultant structural symmetry, lead one to wonder whether they would have been comprehended by a listening audience, especially as the noise-level in courts could be high and cause loss of attention.¹⁶ It follows, I suggest, that a more straightforward or simple composition was used for the oral version of the speech, since it was imperative that the listening audience in court not lose track of either party's case. The oral version does not preclude ring composition, employed on a less elaborate level as a mnemonic device to aid oral delivery and with the repetition for effect and to counteract any wandering attention.¹⁷ This oral version was then elaborately revised, now aimed at the reading audience, as the orators strove for compositional perfection and to boost their own literary reputation. The speeches thus grew increasingly sophisticated in structure, and not just in the range and use of subject-matter.¹⁸

Where, then, does this leave the client of the *logographos*? Here we may bring in the level of literacy. The extent of ancient Greek literacy, and indeed of literacy generally throughout the ancient world, has recently been the subject of an upsurge in scholarly activity. In particular, there are the recent books by W. V. Harris (*Ancient Literacy* (London, 1989)) and R. Thomas (*Oral Tradition and Written Record in Classical Athens* (Cambridge, 1989)). The lines are still drawn on whether or not literacy was widespread in classical Athens, as examples of a few scholars' work will show.¹⁹ F. D. Harvey argued at length for widespread literacy,²⁰ and Edward Harris's discussion of the orators' use of terminology on Attic mortgage-horoi has intriguing implications for literacy in Attica.²¹ The horoi would seem to support the view of a general literacy, but whether this was as widespread in Attica is another matter. By contrast, David Phillips, in a study of some Athenian ostraca from the Agora, argues that scribal activity was more widespread at ostrakophoriai than commonly thought, and thus that functional illiteracy was more in evidence amongst the ordinary Athenians.²² Whilst we should bear in mind that every well-written piece was not necessarily the work of a scribe, the evidence of the ostraca is significant. Most recently, W. V. Harris advances some powerful arguments that Greek literacy was not widespread,²³ and his thesis, in my opinion, has not been compellingly

¹⁵ See Worthington, 'Greek Oratory, Revision of Speeches and the Problem of Historical Reliability', 55–74.

¹⁶ On dicastic *thorubos*, see especially V. Bers, 'Dikastic Thorubos', in *Essays ... de Ste Croix = History of Political Thought* 6 (1985), 1–15; cf. Demosthenes' *Exordia* 5.1, 24.4 and 26.1, aimed at offsetting noise and interruption.

¹⁷ On my argument here see further, Worthington, 'Greek Oratory, Revision of Speeches and the Problem of Historical Reliability', 62–3.

¹⁸ Cf. the remarks of Usher, *op. cit.*, pp. 37–8.

¹⁹ For a full bibliography of the literacy issue, see Harris, *Ancient Literacy*, pp. 339–69.

²⁰ F. D. Harvey, 'Literacy in the Athenian Democracy', *REG* 79 (1966), 585–635. See also A. Burns, 'Athenian Literacy in the Fifth Century B.C.', *J. Hist. Ideas* 42 (1981), 371–87.

²¹ E. M. Harris, 'When is a Sale Not a Sale? The Riddle of Athenian Terminology for Real Security Revisited', *CQ* 38 (1988), 351–81; see especially pp. 379–80.

²² D. J. Phillips, 'Observations on Some Ostraka from the Athenian Agora', in Ian Worthington (ed.), *Acta of the University of New England International Seminar on Greek and Latin Epigraphy* (Bonn, 1990), pp. 123–48; also in *ZPE* 83 (1990), 123–48.

²³ Harris, *Ancient Literacy*, especially pp. 65ff.

refuted.²⁴ The debate continues, and into it must be thrown the implications of ring composition for the literacy rate of the audience.

It is perhaps unsurprising that literacy seems to have been more widespread amongst the upper echelons of society rather than the lower social stratum. But as far as speeches go, and indeed judicial matters in general, the change from oral to written testimony in 378 points to people who had some grasp of reading.²⁵ Moreover, the point of the question at Plato, *Apology* 26d ('Do you think you are accusing Anaxagoras, my dear Meletus, and do you so despise these gentlemen [the jurors] and think they are so unversed in letters as not to know, that the books of Anaxagoras the Clazomenian are full of such utterances?'), whatever its correct interpretation, is that some of the jurors at least could read.²⁶ And clearly people did read the speeches, given the revision process and the function of oratory;²⁷ as Dover has said, 'We must remember that when a written version of a speech was put into circulation it was not designed for compilers of law reports or for historians and scholars, but for four categories of reader: the partisan, the floating voter, the would-be politician and the connoisseur.'²⁸ In the process the people (and in particular the last of Dover's groups) were likely to evaluate the artistic worth of a *logographos*.

However, reading and writing are two different things. If an ordinary person had to consult a *logographos* in the first place, he would most probably have been unacquainted with the rhetorical handbooks and various rhetorical techniques,²⁹ given that such great care was lavished on the composition of a speech, and that structure was an integral part of an orator's training (Isocrates, *Against the Sophists* 16; on composition, cf. Isocrates, *Antidosis* 62–3 and Aristotle, *Rhetoric* 3.1.6ff.). Furthermore, he may have had only a limited degree of functional literacy. It is highly suspect, then, that such a person would have been able to contribute to the final version of the speech, and indeed since most clients could not emulate a good *logographos* stylistically, they would not try.

However, to say that the client played no role in the speech other than commissioning it is going too far. On a minor level, it is possible that the client made extemporaneous comments in court which appealed to the orator, who, in the final version of a speech, allowed this minimal input on the part of the client.³⁰ If so, we have to assume that the *logographos* was present in court to hear such remarks, or that his client (or someone else) reported back to him after the trial.

²⁴ For example, see the review of J. G. Keenan, 'Ancient Literacy', *AHB* 5 (1991), 101–6. Some of Keenan's criticisms are valid: for example, pp. 102–4 on Harris's interpretation of Plato, *Apol.* 26d (*Ancient Literacy*, pp. 104–5) and Aristoph. *Knights* 188–9 (*Ancient Literacy*, pp. 109–10). On the first passage see further below, n. 26.

²⁵ G. M. Calhoun, 'Oral and Written Pleading in Athenian Courts', *TAPhA* 50 (1919), 177–93, discusses the change primarily from the viewpoint of legal phraseology, and does not consider the implications for the level of literacy.

²⁶ The translation is that of the Loeb. Keenan has referred to this passage and that of Aristoph. *Knights* 188–9 (where the Sausage-seller talks of his functional illiteracy) in his review of Harris, *Ancient Literacy* (above, n. 24), and both passages may be used to support the point here that even if some of the lower stratum could read, they could not necessarily write.

²⁷ On a didactic function of oratory, cf. Worthington, 'Greek Oratory, Revision of Speeches and the Problem of Historical Reliability', p. 69 n. 40.

²⁸ *Op. cit.*, p. 70 with pp. 170–2; cf. his *Greek Popular Morality in the Time of Plato and Aristotle* (Oxford, 1974), p. 11.

²⁹ On which cf. J. Ober, *Mass and Elite in Democratic Athens* (Princeton, 1989), pp. 122ff., for example.

³⁰ On extemporaneous comments, see A. P. Dorjahn, 'Extemporaneous Elements in Certain Orations and the Proemia of Demosthenes', *AJPh* 88 (1957), 287–93.

More importantly, there is the question of clients who were politically active and experienced and who wanted speeches addressing political and public issues. Such people, we should expect, might not be prepared to take a back-seat role in the production of the speech. Here Diodorus, the speaker of Demosthenes 22 (*Against Androtion*) and 24 (*Against Timocrates*), comes to mind.³¹ That hiatus, hardly a feature of Demosthenes' style, occurs in Speech 24 has long been known, but the anonymous referee points out that hiatus, rising to a peak and then falling off, is also found in the central sections of *Against Androtion*. Advancing explanations such as that this speech is the earliest of Demosthenes' forensic speeches, and thus we should expect some imperfections so early in his career, or that Demosthenes was less concerned with his professional reputation at this time, and so did not bother with the finer stylistic elements in producing the speech, are not enough. It would appear that Demosthenes and Diodorus did collaborate to an extent in the final version, and thus it is plausible that the features of the speech which are markedly un-Demosthenic belong to Diodorus. Evidence, then, or at least good grounds, for Dover's thesis that joint authorship of the written version did happen. However, if the orators were intent on elevating their literary reputation by means of the circulated speech, such instances of collaboration cannot be on any large scale, and perhaps took place in the early stage of an orator's career.

Support for this last point is another explanation for the apparent composite authorship of *Against Androtion*, one which also has an implication for the outcome of Speech 20, *Against Leptines*,³² and for Demosthenes' early logographic career.³³ Demosthenes' earliest speeches were those against his guardians and trustees of his father's estate, delivered in 364,³⁴ but these were private cases (*dikai*), not public ones (*graphai*). His successes in the cases against his guardians won him reputation, and, as an aspiring *logographos*, no doubt drew him to the more public sphere of the *graphe* suit. Speech 22, *Against Androtion*, was Demosthenes' earliest speech for someone else in a case of public importance, but the earliest which he himself delivered in a case of public importance, to judge from Plutarch (*Dem.* 15.3), was that *Against Leptines*. The outcome of the latter is not known.³⁵ I suggest that *Against Leptines* predates *Against Androtion*, and that, whatever its technical merits, it was unsuccessful. Such an outcome would hinder commissions for other *graphai* speeches and, perhaps more significantly, any political career (that Demosthenes had such aspirations in 355 is

³¹ Diodorus: *PA* 3919, Hansen, *Athenian Ecclesia*, ii.43.

³² Some background on the case is necessary for my argument and the points raised in the following notes. In 356/355, owing to the financial plight of Athens, Leptines introduced a law repealing the immunity from liturgies which had been bestowed on individuals (except for the descendants of Harmodius and Aristogeiton) performing notable services for the state. Ctesippus, son of Chabrias, hired Demosthenes in a suit against the law, for although Ctesippus had inherited his father's immunity, under Leptines' law he would be expected to perform an expensive liturgy.

³³ Professor Ernst Badian was kind enough to correspond on matters relating to my argument here, and I am very grateful to him.

³⁴ On these speeches cf. Kennedy, *op. cit.*, pp. 209–11; on those against Androtion and the law of Leptines: Kennedy, *op. cit.*, pp. 216–22. On Demosthenes' early logographic career see, for example, A. W. Pickard-Cambridge, *Demosthenes* (London, 1914), pp. 111ff. and W. Jaeger, *Demosthenes* (Berkeley, 1938), pp. 24ff.

³⁵ Dio. Chrys. 31.128ff. says that Leptines lost the case, but the veracity of the passage is doubtful. Inscriptional evidence (*IG* ii² 3040) attests that a Ctesippus performed a liturgy (the *choregia*), probably in the 320s, but this cannot be taken as an indication that Demosthenes won the case, since Ctesippus' father Chabrias performed a similar liturgy in the 350s and did not seek exemption, as was his legal right: see further J. K. Davies, *Athenian Propertied Families* (Oxford, 1971), p. 561.

highly likely – his first symbouleutic speech, *On the Symmories* (14) was delivered the next year, in 354). Thus when Diodorus, hardly a great orator but in no way politically naïve, commissioned Demosthenes for Speech 22 (and 24), it is not unreasonable that he would have expected to play a greater role in the speech than the less-experienced Demosthenes. Demosthenes, who no doubt saw in Diodorus a political ally whose friendship he wanted to retain, could not have his own way when writing for this client. Plausibly, then, after his failure with *Against Leptines*, Demosthenes jointly collaborated with Diodorus on the next speech (22), not so much for his own literary merit but for reasons of political expediency.

In conclusion, the implications of the stylistic device of ring composition for the structure of a speech, together with the level of literacy, play not insignificant parts in the client/*logographos* relationship. Given the importance of arrangement in a work (cf. Plato, *Gorgias* 506d) and the resulting complexity of ring composition, and the general level of literacy, the ordinary client would not have been competent to undertake – or significantly help in – the task of producing the final revised speech. He (or the *synegoros*) merely recited a set speech, which is likely to have been less elaborate in structure, in court. Although collaboration could happen, and Demosthenes 22 and 24 would support this, it may not have been frequent, and, when it did, it was on a small scale and perhaps occurred at the start of a *logographos*' career. Generally, a speech was revised and circulated in the name of the *logographos* alone, the aim being not only to elevate his professional reputation but also to attract future clients.³⁶ Thus, for example, we find that Dinarchus' revised speech against Demosthenes (1) increased his own reputation, as Dionysius of Halicarnassus tells us that his standing was at its most influential after the death of Alexander (*Dinarchus* 2; cf. [Plut.] *X. Or.* 850c).

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³⁶ Cf. Usher, op. cit., p. 39, who also believes that the role of the client diminished in a revision-stage, but does not consider the literacy question.