

II.—A Further Study on Demosthenes' Ability to Speak Extemporaneously

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In a previous study,¹ based on the *De corona*, I examined briefly the tradition which implies that Demosthenes could not speak extemporaneously. Also, I produced evidence from that oration which seemed to contradict that theory. In the present study, based on the oration *De fals. legat.*, I propose to produce a number of passages which 1) are actually extemporaneous; 2) are extemporaneous in style; 3) imply a readiness to speak without preparation; 4) refer to extemporary speaking by Demosthenes on occasions other than this oration. Finally, 5) I shall touch on the character of *euthynai* suits, to which group this oration belongs. In suits of this classification, the employment of extemporary speech was highly probable. In the following study, all numbers of sections refer to the *De fals. legat.*, unless otherwise indicated.

I

1. Demosthenes opens his oration by pointing out the great public interest in the case, which manifested itself by the crowd which gathered just before the opening of the trial, while the dicasts were being selected. He reminds them how they were jostled about and actually approached by partisan interests. This does not "smell of the lamp"; it is an observation of the moment.

3. Here Demosthenes observes that before a large, democratic jury, the outcome of a suit is governed just as much by temporary circumstances as by the facts in the case. Obviously, he could deal with facts in a speech carefully prepared beforehand, but the exigencies of the moment he could meet only by resorting to extemporization.

225. The orator has just pointed out that the Athenians are too complacent in the face of the dangers that surround and threaten them, a condition unnatural to a healthy body politic. He remarks

¹ *TAPA* 78 (1947) 69-76.

that, although he had not intended to speak on this subject, he will now take it up anyway.

234–236. Here Demosthenes remarks that some very important matters, upon which he ought to speak before the present jury, had almost escaped him. He then dwells on these points in three sections of text.

270. After asking the clerk of court to read a document, which had been placed in the evidence, the orator interjects an observation for the benefit of the jury. Thereupon, he calls on the clerk a second time. This practice is not common in the forensic orations.

332. Someone, according to Demosthenes, approached him just as he was about to enter the courtroom, and imparted to him information on an item, which, it was rumored, Aeschines would employ in his speech. The former then launches into a discussion of this point. The position of this passage, near the end of the oration, lends credence to the thought that the passage is extemporaneous. With his set speech finished, but with some water still left in the clock, a litigant would be especially inclined to indulge in extemporization. In this instance, the extemporized passage may run through section 340.

II

It is not only conceivable, but entirely possible, that a famous orator, like Demosthenes, would insert in his carefully prepared speech little tags and devices here and there which would give a spur-of-the-moment character to a passage. Even so, these passages are important, for, as I pointed out in my previous study,² the published form of a speech must not be embellished with such qualities of oratory as the speaker did not possess. Contemporaries, who knew a speaker's limitations, would never have accepted a fraud of that nature. The very fact, therefore, that Demosthenes occasionally creates the impression, or illusion, that he is inserting a passage without preparation, should lend credibility to the assumption that he had the ability to do so in actual practice. I shall now cite a few passages which seem to me to illustrate his extemporary style:

44. The first sentence of this section is broken off in the middle, and is then left unfinished. After telling the dicasts how he had

² *Ibid.* 72 f.

arrived at his inferences, Demosthenes resumes the interrupted thought at the beginning of the next section.³

89. This is an instance of simulated dialogue. Demosthenes phrases a question and puts it in the mouth of Aeschines, and then proceeds to answer it.

96 and 120. These are simulated question and answer passages, a kind of cross-examination.

111. Here the orator discusses a matter which happened *ἐναγχος*. It is impossible to fix the meaning of such temporal adverbs within narrow limits, but their employment certainly creates an atmosphere of recentness. The impression of extemporaneous speaking is strong.

113. Demosthenes employs a parenthetical expression,⁴ which is either actually extemporaneous, or at least intended to seem so.

295. Again there is a reference to and a discussion of recent⁵ events. We may say that these events took place only "the day before yesterday," without doing violence to the Greek text.

334. Here Demosthenes refers to a very recent⁶ situation in Megara. History is often distorted by the Greek orators, sometimes even a contemporary happening, but the line of demarcation between the recent and the remote past could not be ignored with impunity. If this passage in the *De fals. legat.* is not extemporaneous, Demosthenes is certainly trying to make it seem so, and that is all that matters for present purposes.

III

There are a few passages in the *De fals. legat.* which indicate a readiness on the part of Demosthenes to depart from his prepared speech. If Demosthenes had been an inept extemporizer, he could not have concealed this defect from his contemporaries, nor would he voluntarily have put himself in a position, where he might have been obliged to speak without preparation. Least of all would he have given Aeschines the opportunity to compel him to extemporize, as he does here.

³ § 45: ἐκ τούτων οὖν τεκμαιρόμενος . . .

⁴ § 113: μέμνησθε γὰρ δήπου.

⁵ The word used is *ἐναγχος*.

⁶ The expression is *πρώην ὀλίγου*, which might be rendered "practically the day before yesterday." In determining the meaning of *πρώην*, an old proverb is helpful: *μέχρι οὐ πρώην τε καὶ χθές*.

57. Demosthenes challenges Aeschines and his friends to arise and contradict his statement, if they have a mind to do so, in the time allotted him for his own speech.⁷ This challenge was occasionally hurled at a litigant in the Athenian courts of the fifth and fourth century, but, as it seems, rarely accepted. Nevertheless, Demosthenes could not be sure that his opponent would keep his silence, especially in view of the fact that irrelevant matter bulks large in the extant body of the Athenian forensic oratory. Even an irrelevant statement would have required a rebuttal on the part of Demosthenes.

120. Again, Demosthenes challenges Aeschines to step up and try to refute him, but in vain. After a few words of bitter sarcasm, which appear to spring from a sudden impulse, Demosthenes turns abruptly to a new point in his prepared speech.

205. Demosthenes is willing to prove in detail that he had no dealings with his traitorous colleagues on the embassy. But if the dicasts wish, he will omit these matters.⁸ Ancient juries were not always silent; at times they were vocal, perhaps even raucous. If a few men had shouted for all the details, mob psychology would probably have moved the rest to join in the clamor. Then Demosthenes would have been obliged to take up matters, which he had not intended to discuss, and, therefore, had omitted from his prepared speech.

IV

In my previous study,⁹ I found a reference to an occasion when Demosthenes obviously spoke without time or opportunity for preparation: when the fall of Elatea was announced, the senate was summoned so swiftly that he had no chance to prepare a speech. Although all the prominent men of the state were present, generals as well as orators, Demosthenes alone heeded the call of the herald to come forward and speak. In the *De fals. legat.*, too, there occur a few references to occasions, when Demosthenes was obliged to resort to improvisation.

45. The original terms of the treaty of peace between Philip and Athens applied to the allies of the latter also. Before the

⁷ Demosthenes gives Aeschines a similar opportunity in *De cor.* 139.

⁸ *Ibid.*, πάντα τὰλλ' ἀφείλ.

⁹ *TAPA* 78 (1947) 73. Cf. *De cor.* 169–173.

oaths were administered, however, Aeschines and his friends had managed to reshape the wording of the agreement, so as to exclude the Phocians from participation in its benefits. Demosthenes drew his inferences (τεκμαιρόμενος), arose, came forward, and tried to refute (ἀντιλέγειν) Aeschines. He was not granted a hearing. But it is clear that on this occasion Demosthenes was willing, nay, eager to speak without a moment of preparation.

116 f. In the impeachment-proceedings against Philocrates, Hypereides was the principal speaker. But Demosthenes, too, was present, and openly expressed his dissatisfaction with one aspect of the impeachment. Except for a short break, Demosthenes and Hypereides were friends, and they saw eye to eye politically. So, it may be argued that the former had enjoyed a preview of the latter's speech. A hoax of such sort, however, would have been entirely pointless. It may be noted that sections 116 to 118 themselves have the appearance of an extemporization. At any rate, we are informed that the events described therein happened only recently (πρώην).

184. In describing the government of the Athenians, Demosthenes employs a significant characterization: οἷς γὰρ ἐστ' ἐν λόγοις ἡ πολιτεία. . . . The democratic process demands thorough discussions *pro* and *con* by the proper deliberative bodies, before the government can take action. Such deliberations consist not only of the delivery of carefully prepared speeches, but also of indulgence in repartee and debate, for which latter little, if any, preparation can be made. Demosthenes, as a leading statesman in his troubled generation, participated in countless such deliberations. In his own words,¹⁰ εἴτα κρατῆσαι καὶ περιγενέσθαι δεῖ τοὺς τὰ βέλτιστα λέγοντας τῶν ἢ δι' ἄγνοιαν ἢ διὰ μοχθηρίαν ἀντιλεγόντων. Avoidance of improvisation was impossible on such occasions.

207. Demosthenes makes the simple statement that at every assembly, whenever the opportunity presents itself, he denounces Aeschines and his partners for accepting bribes and bartering away the interests of the state. These opportunities came suddenly and unexpectedly; Demosthenes doubtless had plenty of material ready to hurl at his hated rival, but the precise wording had to be left on each occasion to the exigencies of the moment.

¹⁰ *De fals. legat.* 186.

V

Euthynai CASES AND IMPROVIZATION

The *De fals. legat.* belongs to a class of lawsuits known as *euthynai*. Demosthenes, of course, was fully aware of the type of case in which he was here involved; in fact, he refers to τὰ νῦν συμβεβηκότα πάντ' ἐπὶ ταῖς εὐθύναις ταυταισί.¹¹ Furthermore, Demosthenes knew that irrelevant matters were especially likely to creep into suits of this category, and on two occasions¹² he urges the dicasts to compel his adversary to stick to the issue. Demosthenes appeared in many *euthynai* suits,¹³ and on all such occasions he was probably obliged to speak in part, at least, without preparation, especially when he was the defendant. In the present suit, Demosthenes, as the plaintiff, spoke first, and consequently he could choose and prepare his points for the most part beforehand. But in similar suits, when he was the defendant, he had to answer any and all unexpected charges which might be hurled at him.

A brief examination of the nature of *euthynai* suits¹⁴ reveals clearly the fact that the necessity of speaking extemporaneously was all but unavoidable on such occasions. Only a few speeches belonging to this category have come down to us; in addition to the *De fals. legat.*, there remain only four such speeches, and these have been handed down in the corpus of Lysias: *Against Eratosthenes* (xii), *For Polystratus* (xx), and probably *Against Epicrates* (xxvii), and the incorrectly named ἀπολογία δωροδοκίας (xxi). In the speech *Against Eratosthenes*, Lysias by no means confines himself to the official acts of Eratosthenes as a member of the Thirty. On the contrary, he draws upon the whole adult life of his opponent. Such discursive attacks were probably the rule rather than the exception in all *euthynai* cases. Consequently, a defendant in a case of this type could not well rely on a carefully prepared speech, covering his year, or term, of office, but he might reasonably expect that any and all "skeletons in his closet" would be exposed in a merciless manner.

¹¹ § 256.

¹² §§ 82 and 213.

¹³ *De cor.* 111: . . . ἅπαντα τὸν βίον ὑπεύθυνος εἶναι ὁμολογῶ ὧν ἡ διακεχείρικ' ἡ πεπολίτευμαι παρ' ὑμῶν. Cf. *ibid.* 117: ἤρχον. καὶ δέδωκά γ' εὐθύνas ἐκείνων. . . .

¹⁴ Cf. J. H. Lipsius, *Das Attische Recht und Rechtsverfahren* (Leipzig 1915) 286-298.

Liability to stand audit was extremely widespread in old Athens. Lipsius¹⁵ makes this fact abundantly clear. For Demosthenes, who was very active in the services of the city, there was no escape from constantly recurring audits. Some of these may well have been perfunctory and brief, but others doubtless obliged him to defend himself against accusations which were trumped up or irrelevant, or both. The need to employ extemporary speech was inescapable.

On the other hand, it may not be amiss to point out that any Athenian who was frequently subject to audit would likewise be obliged to appear for his *dokimasia*,¹⁶ before he could enter upon any public office. According to Lipsius,¹⁷ all officials had to present themselves for this examination. Public orators, too, were subject to scrutiny. Doubtless every *dokimasia* trial began with a series of stereotyped questions,¹⁸ but thereupon any citizen who wished could come forward and present his objections to the candidate.¹⁹ The candidate, of course, had to defend himself against every accusation, or run the risk of being rejected. If Demosthenes had lacked the gift of extemporary speech, his antagonists would have driven him to distraction every time he appeared for his scrutiny or his audit. Apparently Demosthenes enjoyed at least average success in such suits; otherwise, the sum-total of his public service would have been greatly curtailed.

¹⁵ Lipsius, 288.

¹⁶ Cf. Lipsius, 269–285.

¹⁷ Lipsius, 271.

¹⁸ Cf. Aristotle, *Ath. Pol.* 55.3.

¹⁹ *Ibid.* 55.4.