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'THEFT' IN GREEK ORATORY

(a) Anaximenes of Lampsacus, *Techne Rhetorike* 1.17 = 1422b1-8:[1]

Τὸ δὲ νόμιμον αὐτὸ μὲν οἷόν ἐστιν ὥρισται ἡμῖν πρότερον, δεῖ δέ, ὅπου ἂν ᾖ χρήσιμον, αὐτόν τε τὸν ἀγορεύοντα καὶ τὸν νόμον λαμβάνειν, εἶτα τὸ ὅμοιον τῷ γεγραμμένῳ νόμῳ. εἴη δ' ἂν τοιόνδε· 'ὥσπερ γὰρ ὁ νομοθέτης μεγίσταις ζημίαις τοὺς κλέπτας ἐκόλασεν, οὕτω δεῖ καὶ τοὺς ἐξαπατῶντας μάλιστα τιμωρεῖσθαι· καὶ γὰρ οὗτοι κλέπτουσι τὴν διάνοιαν.'

What lawfulness itself is, we have defined earlier, but whenever it is useful we must take in both the speaker and the law, and then the (criterion of) similarity to the written law. This might be as follows: 'for just as the lawgiver punished thieves with the severest penalties, so deceivers too must be penalised severely; for these men are stealing our understanding'.

Classical Athenian oratory—the only manifestation of 'Greek' oratory examinable at close quarters—is full of allusions to actual, literal theft (*klopê*), both private and public. This is sometimes because *klopê* (or its specialized, religious subset, temple robbery: *hierosylia*) was the topic in hand or had a direct bearing upon it;[2] sometimes because introducing it could help to create a prejudicial aura around matters that were altogether different.[3] As my opening quotation should have served to show, however, I am concerned here not with theft but with 'theft'; that is, with figurative uses of the verb *kleptein* which relate to rhetorical modes of deception.

That such modes existed is confirmed by other passages in the two surviving fourth-century handbooks (which also show that more than one phenomenon was recognized under this head):

(b) Anax. *Tech*. 15.7–8 = 1432a4-11:

ἔστι δὲ καὶ κλέπτειν τὴν μαρτυρίαν τρόπῳ τοιῷδε· 'μαρτύρησον μοι, ὦ Καλλίκλεις'. ἐμὰ τοὺς θεοὺς οὔκουν ἔγωγε· κωλύοντος γὰρ ἐμοῦ ταῦτ' ἔπραξεν οὗτος'. καὶ διὰ τούτου ἐν ἀποφάσει ψευδομαρτυρήσας ψευδομαρτυρίου δίκην οὐχ ὑφέξει. τοιγαροῦν ὅταν μὲν ἡμῖν συμφέρῃ κλέπτειν τὴν μαρτυρίαν, οὕτως αὐτῇ χρησόμεθα· ἐὰν δὲ οἱ ἐναντίοι τοιοῦτόν τι ποιήσωσιν, ἐμφανιοῦμεν τὴν κακοποιίαν αὐτῶν καὶ συγγραψαμένους μαρτυρεῖν κελεύσομεν.

It is also possible to steal the witness-testimony, in the following way. 'Bear witness for me, Callicles.' 'No, by the gods, not I; for though I tried to prevent him, this man did do these things.' And by means of this, giving false witness in the form of a refusal, he will not be liable to a prosecution for false witness. So whenever it is to our advantage to steal the witness-testimony, we will handle it thus; but if the opponents should do something of the kind, we will expose their malpractice and call on them to put their testimony in writing.

[1] I cite this work—hereinafter as Anax. *Tech*.—by the sections and subsections of M. Fuhrmann's Teubner edition (Leipzig, 1966), cross-referenced with the (probably more familiar) Bekker conventions for it as [Aristotle], *Rhetorica ad Alexandrum*.

[2] See generally D. Cohen, *Theft in Athenian Law* (Munich, 1983). No actual cases of *klopê* survive in the Attic orators. For *hierosylia* see Lys. 5.

[3] See e.g. Dem. 22.26–7, in the context of a *graphe paranomôn*.

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(c) Anax. *Tech*. 35.4 = 1440b20-4: eulogies should distinguish between good things external to *arete* and inherent in it, and τούτων δὲ τὰ μὲν τῆς ἀρετῆς δικαίως ἐγκωμιάζεται, τὰ δ' ἔξω κλέπτεται· τοὺς γὰρ ἰσχυροὺς καὶ τοὺς καλοὺς καὶ τοὺς εὐγενεῖς καὶ τοὺς πλουσίους οὐκ ἐπαινεῖν ἀλλὰ μακαρίζειν προσήκει.

. . . of these the ones belonging to *arete* are justly eulogised, but those external to it are stolen; for it is appropriate for the strong and the handsome and the well-born and the rich not to be praised but congratulated.

(d) Arist. *Rh.* 1404b24-25 (3.2.5): κλέπτεται δ' εὖ, ἐάν τις ἐκ τῆς εἰωθυίας διαλέκτου ἐκλέγων συντιθῇ· ὅπερ Εὐριπίδης ποιεῖ καὶ ὑπέδειξε πρῶτος.

(*x*) is well stolen, if someone picks out and puts together (his words) from ordinary language; just as Euripides does and was the first to demonstrate.

(e) Arist. *Rh*. 1405a28-30 (3.2.10):

τὸ δὲ ὡς ὁ Τήλεφος Εὐριπίδου φησί, ἑκώπης ἀνάσσειν, καὶ ποβὰς εἰς Μυσίαν' ἁρπεές, ὅτι μεῖζον τὸ ἀνάσσειν ἢ κατ' ἀξίαν· οὐ κέκλεπται οὖν.

The saying in the *Telephus* of Euripides—'to lord it over the oar, and having disembarked in Mysia'[4]—is unsuitable, because 'to lord it' is grander than it merits; so (*x*) has not been stolen.

(f) Arist. *Rh*. 1408b4-8 (3.7.10):

ἔτι τοῖς ἀνάλογον μὴ πᾶσιν ἅμα χρήσασθαι· οὕτω γὰρ κλέπτεται ὁ ἀκροατής. λέγω δὲ οἷον ἐὰν τὰ ὀνόματα σκληρὰ ᾖ, μὴ καὶ τῇ φωνῇ καὶ τῷ προσώπῳ καὶ τοῖς ἁρμόττουσιν· εἰ δὲ μή, φανερὸν γίνεται ἕκαστον ὅ ἐστιν.

Furthermore, one should not make simultaneous use of all the (means of producing something that is) in proportion; for in that way[5] the listener is stolen. I am saying, for instance, that if the vocabulary is harsh, do not (do the same with) the voice and the face and the things connecting (them); otherwise, what each really is becomes clear.

As will be seen, I have resolutely translated κλέπτειν in all these passages as 'steal'. To be sure, *LSJ* s.v. κλέπτω, after that primary meaning ('s*teal*, c. acc. or abs.'), proceeds to give several others, chiefly 'II. c. acc. pers., *cozen*, *cheat'*, 'III. *conceal*, *keep secret, … disguise*', and 'IV. *do secretly* or *treacherously*', and it would be uphill work to attempt to deny that in some circumstances this range of secondary applications comes into play. It is my view nevertheless that weight should be given wherever possible to the idea of stealing/theft as the original and enduring sense of the word,[6] and I believe also that results which would otherwise be obfuscated can emerge if this is done. Let us revisit the six passages quoted, in that light.

[4] Eur. fr.705.1, with the participle ἀνάσσων for this ἀνάσσειν.

[5] Meaning if one does *not* do so.

[6] cf. (*mutatis mutandis*) D. Whitehead, '*Klopê polemou*: "theft" in ancient Greek warfare', *C&M* 39 (1988), 43–53, esp. 45–46: 'Other connotations [of the noun κλοπή] certainly develop, and sometimes they seem to predominate: surprise, secrecy, trickery, ingenuity, obliqueness. But on close examination an underlying idea of stealing something, whether concrete or (more interestingly) abstract, is generally detectable and rarely absent.'

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ANAXIMENES (A)–(C)

In (a) the Loeb translator, H. Rackham, renders *καὶ γὰρ οὗτοι κλέπτουσι τὴν διάνοιαν* as 'because they are thieves who steal our minds'. In respect of the verb, at any rate, this hits the mark admirably, and there is no call to water down its sense into 'cheat' *vel sim*. Deception not merely cheats or corrupts the understanding of its victims; it takes it away entirely.

In (b), by contrast, Rackham is not willing to translate *κλέπτειν τὴν μαρτυρίαν* (twice) along the same lines as (a)'s *κλέπτουσι τὴν διάνοιαν*. At the first of its two occurrences the phrase is rendered as 'to get evidence by a trick'; at the second, 'to procure it [= 'the evidence', in the preceding clause's 'So this is the way in which we shall manage the evidence'] by a trick.' But that is surely to lose sight of the meaning and implications of the phenomenon in question. First and incidentally, it would be better to preserve and respect the definite article, *τὴν μαρτυρίαν*, which does appear twice, and which on both occasions (so copious parallels show) should be understood as a specific deposition by a specific witness—Callicles in the hypothetical instance given. And second, neither 'get' nor 'procure' pinpoints the crux of what is happening to it. Two scenarios are envisaged. In the first of them, Callicles is set to appear for the defence side in the prosecution of X, but when he is called (whether by X himself or by someone else speaking on his behalf) he refuses to testify, claiming that X did indeed commit the crime of which he stands accused; Callicles, so far from affirming that he did not, would be obliged to confirm that he did. So this approach to how to 'manage' (Rackham) or 'handle' (Whitehead) Callicles' evidence is, precisely, to steal it (from those who had been intending to rely on it). The prosecution side has presumably won over Callicles in advance of the trial, so as to set up this unpleasant surprise for the defence side, and the former will 'get/procure' Callicles' *μαρτυρία* only as a by-product of stealing it from the latter. (The second scenario is then the obverse of the first: it is the opponents who try the ploy, on one's own witness, and one retaliates as described.)

In (c)— concerned with epideictic oratory—Rackham proffers 'but those external to it are kept in the background' for *τὰ δ' ἔξω κλέπτεται*. *LSJ* s.v. *κλέπτω* note the passage, under IV.3 '*effect* or *bring about clandestinely*': Theoc. *Id*. 22.151 (*γάμον δ' ἐκλέψατε δώροις*) is cited for this in the active voice and the present passage for the passive—'*to be "smuggled in"*'. Each of these translations of Anaximenes' phrase tries for a different nuance of *κλέπτεται*, but neither of them preserves (or apparently wishes to preserve) any link with theft: taking something away from where it properly belongs. On the contrary, the notion here is a sort of anti-theft: placing something where it does not properly belong, and hoping that nobody will notice its arrival (*LSJ*) or set any store by its presence (Rackham). True, omitting or removing irrelevant material *per se* is common sense and need not be described as furtive, so to that extent this passage may indeed take us some way from a simple, unadorned 'theft' meaning of *κλέπτειν*; but even so, is there any actual basis for *LSJ*'s sense IV.3 (above)? I believe not. In Theocritus 22.151 Idas and Lynceus are accusing Castor and Pollux of, precisely, having *stolen* their own marriage(s) to their cousins, the daughters of Leucippus. And as to the Anaximenes passage, the crucial point is whether one regards *τὰ ἔξω* as being, on his recommendation, absent or present. In my view the burden of proof lies on anyone who thinks they are present yet somehow mysteriously invisible. Instead, I suggest, we are here in the realms of *LSJ*'s sense IV.4, 'get rid of imperceptibly'. Good parallels exist, including two in the passages cited there: Dion.

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Hal. *Comp.* 19 (on things which, by means of variation, do this to satiety: *ῥυθμοί τε ἄλλοτε ἄλλοι καὶ σχήματα παντοῖα καὶ τάσεις φωνῆς αἱ καλούμεναι προσῳδίαι διάφοροι κλέπτουσαι τῇ ποικιλίᾳ τὸν κόρον*); [Dion. Hal.] *Rhet.* 8.7 (on how Demosthenes, in 14.3, does this to any impression that he is advising the Great King: *κλέπτων τὸ δοκεῖν συναγορεύειν τῷ βασιλεῖ*).

ARISTOTLE (D)–(F)

Passages (d) and (e) invite consideration as a pair, partly because both of them involve Euripides but also and especially because, in both, *κλέπτειν* is in the passive with its subject unstated (as was not the case in [c], above).

Concerning (d): *LSJ* s.v. *κλέπτω* offer, under II, 'impers., *κλέπτεται the deception is passed off*' (with (d) cited). The Loeb translator, J. H. Freese, renders *κλέπτεται δ' εὖ* as 'art is cleverly concealed'. The verb *λανθάνειν* has been identically translated by him a couple of sentences earlier (*διὸ δεῖ λανθάνειν ποιοῦντας*, 'Wherefore those who practice this artifice must conceal it'), and it would have been better to reflect this difference in translation (by saying 'must be unobtrusive about it', or the like); but that aside, the key requirement is to establish the implicit subject of *κλέπτεται*. Is it the listener (as is explicitly the case in (f), below)? If it is, the idea of *him* being 'stolen'—and indeed, oxymoronically, 'well' stolen (*εὖ*), in terms of the desired effect—could be argued to make sense as a more vivid version of having his understanding stolen ([a], above). I cannot quite persuade myself, however, that readers of the passage would construe it that way. Rather, we do need to follow *LSJ* and Freese in having an impersonal subject, but not to lose sight of a 'theft' sense of *κλέπτειν* while doing so. Cope and Sandys provide the answer in their gloss ad loc.: 'the assumed character escapes observation, is *stolen* from the view'.[7]

Much the same can be said of (e). Freese translates *οὐ κέκλεπται οὖν* as 'and so the artifice can be seen'. Especially after *ἔξεστι λέγειν … τὸν κλέψαντα καὶ λαβεῖν καὶ πορθῆσαι* immediately preceding ('it is possible to say … that he who has stolen something has both taken it and ravaged it') there is an outside chance that the listener is the subject; he has not 'been stolen', that is, robbed of his understanding. But here too an impersonal subject does seem more natural: 'so there has been no "theft" ' (whether of the listener's *διάνοια* or, more probably, of the linguistic artifice itself).

In (f)—whatever the case with (d) and (e)—the listener (*ἀκροατής*) is, unequivocally, the subject. Freese has him 'deceived', and *LSJ* s.v. *κλέπτω* concurs by logging this passage as a passive-voice instance of 'cozen, cheat'. I regard the listener as 'stolen' in the sense (first in [a], above) of having his understanding taken away.

Is it far-fetched to find connotations of theft in all six of these passages, including ones where a degree of special pleading (it might be felt) appears to be needed to detect them? I see no great problem in doing so in the two instances (b, c) where on any view the subject is impersonal. Rather, the difficult cases are the other four, because in only one of them (a), is 'steal' already entrenched as the appropriate translation of *κλέπτειν*. In (d) and (e), I have acknowledged, Aristotle's unhelpful omission of an explicit subject makes it likely that there too it is an impersonal subject. But passage (f) is a different and more suggestive matter: not only because the subject is stated, *ὁ ἀκροατής*, but also because that very word provides a link between

[7] E. M. Cope, rev. J. E. Sandys, *The Rhetoric of Aristotle* (Cambridge, 1877), 3.17 (their emphasis).

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the rhetorical handbooks on which I have concentrated so far and the real world of Athenian oratory.

The link comes in several passages of Aeschines 3 (I translate only the incidentals, so as to beg no questions):

§35: *οἴσουσι δὲ εἰς τὴν ἀπολογίαν τὸν Διονυσιακὸν νόμον, καὶ χρήσονται τοῦ νόμου μέρει τινὶ* ('they will bring into their defence the Dionysiac law, and they will use a certain portion of the law …') *κλέπτοντες τὴν ἀκρόασιν ὑμῶν*

§99: *κλέπτων τὴν ἀκρόασιν καὶ μιμούμενος τοὺς τἀληθῆ λέγοντας* ('… and imitating those who tell the truth')

§200: *κλέπτεις τὴν ἀκρόασιν, βλάπτεις τὴν πόλιν, Καταλύεις τὴν δημοκρατίαν* ('… you harm the city, you destroy the democracy').

Note also §142: *τοῖς ὀνόμασι κλέπτων καὶ μεταφέρων τὰ πράγματα*. *LSJ* s.v. *κλέπτω* log Aeschin. 3.142 under the '*conceal, keep secret*' meaning, and in the process indicate that they construe *τὰ πράγματα* as the object of both of these present participles, *κλέπτων* as well as *μεταφέρων*.[8] By contrast the Loeb translator, C. D. Adams, keeps the two separate—'cheating with words and altering the facts'—and if this is right, the unstated object of *κλέπτων* may once again be *τὴν ἀκρόασιν*.

In any event here are three certain (four possible) instances of a top-flight Athenian orator accusing his opponent(s) of doing something bad, something expressed by the verb *kleptein*, to the *akroasis* of those listening to him. The *akroasis*, in circumstances like these, is precisely the act of attentive and sympathetic listening expected of the speaker's audience, whether assembly-members or jurors—and if the latter, indeed, actually required of them in their oath of office: 'I shall listen to both the prosecutor and the defendant, equally to both.'[9] When Aeschines predicts to the jurors in 3.35 (quoted above) that Demosthenes' supporters will attempt to defend the crown proposed for him by invoking only that particular part of a law which suits their purposes, he says that this will be to *kleptein* their *akroasis*. *LSJ* s.v. *ἀκρόασις* translates the phrase as 'to cheat you into hearing'. In context, the claim is more that the jurors are being cheated *out of* something (implicit in Adams' 'cheating your ears'), that is, cheated out of a full presentation of the law in question, which would put a different gloss on the selected extract. But better still (I maintain), the complaint is that such a step on the part of the defence will be stealing the jurors' *akroasis*, robbing them of the complete and accurate version of what they have sworn to listen to and what Aeschines would wish them to hear. And the complaint is so damaging, in his opinion, that he repeats it—transferred to Demosthenes himself, the real opponent—in §§99, 142 (probably) and 200.

Figurative 'theft' in Athenian oratory thus turns out to operate on several levels, some of them interconnected.

(1) The first, schematically speaking, is represented by (b) and (c) in my opening dossier of passages from the rhetorical handbooks; Anaximenes in these instances. There, something impersonal is removed from where it ought to have been, notably

[8] Likewise the most recent translator of the speech, C. Carey (*Aeschines* [Austin, 2000], 213): 'used the wording to conceal and distort the situation'.

[9] For this part of the dicastic oath see Dem. 24.149–51, at 151 (*ἀκροάσομαι τοῦ τε κατηγόρου καὶ τοῦ ἀπολογουμένου ὁμοίως ἀμφοῖν*). Otherwise see e.g. Antiph. 5.4; Andoc. 1.9; Lys. 16.9; Isae. 6.2; Isoc. 8.3, 14.6, 15.12; Dem. 18.2, 23.19, 25.2; [Dem.] 43.2, 47.3; Aeschin. 2.34.

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from a position where the jurors (*vel sim.*) could have taken full and proper account of it. For forensic oratory, (b) is the passage of relevance, and (to reiterate the point) what is being affected by such a ploy are specific items of *martyria*, 'stolen' in the additional sense of being hi-jacked from one side in a lawsuit and either exploited or at least neutralized by the other.[10]

No actual examples of what (b) describes are to be found in the surviving lawcourt speeches, but one could adduce in general terms Lys. 26.3: the speaker predicts that Euandrus, here scrutinized for his suitability to be archon, will 'defend himself briefly on what he is being prosecuted for, slurring over the facts and stealing away the prosecution with his defence' (*ὑπὲρ μὲν τῶν αὐτοῦ κατηγορουμένων, διὰ βραχέων ἀπολογήσεσθαι, ἐπισύροντα τὰ πράγματα καὶ διακλέπτοντα τῇ ἀπολογίᾳ τὴν κατηγορίαν*). The Loeb translator, W. R. M. Lamb, gives 'shuffling off' for *διακλέπτοντα* here, and *LSJ* s.v. *διακλέπτω* logs the passage under '*evade*'[11]—together, there, with the only other instance of *διακλέπτειν* (again *διακλέπτοντα*, in fact) in Attic oratory: the young Demosthenes accuses Aphobus of 'behaving as a scoundrel and providing false witnesses and stealing with his own words the truth of what has happened' (*πανουργοῦντα καὶ μάρτυρας ψευδεῖς παρεχόμενον καὶ διακλέπτοντα τοῖς ἑαυτοῦ λόγοις τὴν ἀλήθειαν τῶν πεπραγμένων*: Dem. 29.5). The Loeb translator, A. T. Murray, has 'distorts' for *διακλέπτοντα* here. But translations of the evade/distort kind do no justice to the idea that the jury are actually being robbed of something they ought to have.

(2/3) The other two levels of the phenomenon interconnect because the focus of the 'theft' is the listener himself. In (a), the passage with which I began, this is expressed by saying that deception robs him of his *dianoia*, his intellectual capacity to grasp and respond to the argument; but in (f) he himself is somehow stolen away. Can this really be right, or should we revert to the orthodox policy of bringing in the secondary meanings of *κλέπτειν*, the ones in the cheat/conceal/distort/obfuscate/secrete range?

Grounds for not doing so, I would contend, lie in the early applications of the verb, more of which involve the idea of theft of someone's intellectual capacity than is sometimes recognized. In Hom. *Il.* 14.217, for example, seductive allure is said to have often stolen the mind of even wise men (*πάρφασις, ἥ τ' ἔκλεψε νόον πύκα περ φρονεόντων*); Hesiod in *Theog.* 613 declares that it is impossible to steal Zeus's mind (*οὐκ ἔστι Διὸς κλέψαι νόον*); and in Pind. *Pyth.* 3.29–30 Apollo's all-knowing mind is described as something which neither god nor man can steal (*πάντα ἴσαντι νόῳ· … κλέπτει τέ νιν οὐ θεὸς οὐ βρότος*). The actual noun can of course vary. The *νοῦς* in passages like these three becomes (e.g.) *φρήν* in Aesch. *Cho.* 854 (Aegisthus boasts that new arrivals with information to impart 'would not steal a mind furnished with eyes', *οὔτοι φρέν' ἂν κλέψειεν ὠμματωμένην*—i.e. his own) and it becomes *γνώμη* in the Hippocratic *Epidemics* 5.27: a patient has died of a head wound, and the physician rebukes himself for the fact that the sutures, exacerbating this, 'robbed me of my judgement' (*ἔκλεψαν δέ μου τὴν γνώμην αἱ ῥαφαὶ ἔχουσαι ἐν σφίσιν ἑωτῇσι τοῦ βέλεος τὸ σῖνος*). In all such cases, robbing someone of their capacity to think is tantamount to theft of themselves, as thinking beings.

[10] Compare generally the allusion in Antiph. 5.38 to the victims of informers who 'steal the informers and then make them disappear' (*κλέπτουσι τοὺς μηνύοντας κᾆτ' ἀφανίζουσιν*); but this, whether it really does mean spiriting away the informers themselves or merely suppressing their testimony, does not share with Anaximenes' 'Callicles' example the idea that the opposition might profit positively as well as negatively.

[11] The latter is adopted by the most recent translator of the speech, S. C. Todd (*Lysias* [Austin, 2000], 274): 'evading the charges in his defense'.

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What is true of the brain can also, albeit more rarely, be true of its companion organ (so Aegisthus, above) the eyes. In Hippoc. *Morb.* 2.12 a symptom of the eye-disease described is impaired vision of bright light (κλέπτεται οἱ ἡ αὐγή). On the other hand, the view (expressed in *LSJ* s.v. κλέπτω and elsewhere)[12] that κλέπτομενος in Hdt. 7.49.4 means 'blindfold[ed]'—Artabanos tries to persuade Xerxes that further advances by land which meet no military opposition will make him like someone proceeding ever onwards κλεπτόμενος—may well be wrong in confining the matter to vision. Rather, once again, the sensory deprivation involved there could be the broader, more fundamental one of intelligence and judgement, stolen away in these deceptive conditions.

Though 'theft' on these figurative levels plays a very minor part in surviving speeches, it would not have been mentioned in the handbooks, even to the limited extent that we find it mentioned, unless this fact is largely, and regrettably, accidental. Passages (a) and (b) (from Anaximenes), in particular, encourage the view that strategies involving it were well recognized. And no wonder, if so. In Pl. *Resp.* 413B Socrates suggests to Glaucon that when men are deprived of a true belief this happens because they have been 'robbed or beguiled or forced' (κλαπέντες ἢ γοητευσθέντες ἢ βιασθέντες). Glaucon is mystified, so Socrates glosses all three possibilities in plainer terms. 'By "robbed" I mean those who were persuaded to change their minds and those who are forgetting, with time for the latter and argument for the former bringing about this unnoticed removal' (κλαπέντας μὲν γὰρ τοὺς μεταπεισθέντας λέγω καὶ τοὺς ἐπιλανθανομένους, ὅτι τῶν μὲν χρόνος, τῶν δὲ λόγος ἐξαιρούμενος λανθάνει). Athenian jurors who *forget* what they ought to believe or to think generally do so not because of the lapse of time, which can scarcely arise in this context, but as the outcome of deliberate diversionary tactics (above and beyond mere *suppressio veri*). 'The last resort of those being convicted on the facts of the case is to invent charges and excuses which will make you forget the matter in hand and pay attention to arguments extraneous to the prosecution' (Dem. 58.23). But 'robbing' a jury—or an equivalent audience of another kind—by means of an argument (*logos*) was one of the unspoken aims at the heart of all Greek oratory.[13]

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[12] E.g. A. de Sélincourt's Penguin Classics translation.

[13] *CQ*'s anonymous referee offered acute and sympathetic suggestions, most of which I have been happy to adopt; they have helped to make the second draft of what follows stronger and less tendentious (if no less lexically-driven) than the first.

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