Edith Hall*

# Some Functions of Rhetorical Questions in Lysias' Forensic Orations

https://doi.org/10.1515/tc-2022-0015

**Abstract:** The rhetorical question, often assumed to have been favoured by the sophist Gorgias, became a fundamental feature of ancient rhetoric in both Greek and Latin. By the time of Senecan tragedy, an accumulation of as many as seventeen serial rhetorical questions can be found expressing extremes of emotion, especially indignation or despair. Rhetorical questions in some archaic and classical Greek authors have received limited attention, for example, in the *Iliad* those delivered by Thersites in exciting indignation (2.225–233) and by the authorial voice to create pathos in asking Patroclus about the Trojans he has killed (16.692–693); the string of questions Aphrodite humorously asks in Sappho 1; the ritual queries in the Derveni Papyrus; the series of two to three questions found (often near the beginning of speeches) in the *agōns* of some tragedies. But the increasing variety and sophistication of the deployment of the rhetorical question in the Greek orators has been surprisingly neglected. This article analyses some of the different uses to which Lysias puts rhetorical questions especially in relation to characterisation in his orations and argues that they represent a considerable advance on the practice of any predecessor in any genre.

**Keywords:** Rhetorical questions, characterization, probability, argumentation, emotions.

## 1 Introduction

Why should anyone use a rhetorical question? Is it because they work? Modern research into consumer response to advertising, from a cognitive-response perspective, demonstrates that the rhetorical question can indeed be powerfully effective. It "appears to affect receivers' argument processing. A question is rhetorical if the answer is implicit within the question and understood by speaker

***Corresponding author: Edith Hall**, Department of Classics and Ancient History, University of Durham, England, E-Mail: edith.hall@durham.ac.uk

and receiver";[1] in comparison with similarly worded declarative statements, rhetorical questions "enhance the amount of message-relevant thought".[2] "Would you agree that we all enjoy a cold drink on a hot day?" prompts a more acute and vivid cognitive and imaginative response than "A cold drink on a hot day is enjoyable", or even "We all agree that a cold drink on a hot day is enjoyable".

An important dimension of this enhancement of thought is that rhetorical questions "cause the audience to focus on their own reaction to the message".[3] Rhetorical questions have also been shown to stimulate recall of the same or similar arguments cognitively processed earlier. But there are inherent risks. Too many rhetorical questions, especially if they are used sequentially, become distracting even when used to articulate strong arguments. They may also have a negative impact on argument recall.[4] Moreover, frequent rhetorical questions, at least in Anglo-American culture, are perceived as defining a speaker's style of delivery as "extroverted",[5] leading hearers to become conscious of the persuasive tactics and doubt the trustworthiness of the speaker.[6] The rhetorical question is therefore a precious device in the toolkit of anyone aiming to persuade, whether to elicit emotions, purchase a bottle of soda or acquit an Athenian citizen. But overuse of rhetorical questions will impair recall, distract the receiver from cognitive processing of the central message and may even cast doubt on the speaker's sincerity.

The author of the *Hercules Furens* attributed to Seneca was oblivious to the risks posed by a proliferation of rhetorical questions. The longest sequence I have yet identified in classical literature is in Hercules' speech, in the presence of Theseus and Amphitryon, when he recovers his sanity after killing his wife and children (1138–1186). He asks why he sees corpses in front of his house, whether his mind is not yet free of illusions, where his lion's skin has gone, and at least seventeen other questions not expecting any answer, until close to the end of the speech. Here the remaining seven questions become somewhat more factual, as he asks his father, addressing him in the vocative, to tell him who destroyed the household. Nothing in Greek literature comes close to this.

Rhetorical questions in Mesopotamian legal argumentation have been analysed.[7] The functions of rhetorical questions in both the Old and New Testaments

**1** Munch/Swasy 1988, 69.
**2** Petty/Cacioppo/Heesacker 1981.
**3** Munch/Swasy 1988, 76.
**4** Munch/Swasy 1988, 72.
**5** Zillmann 1972.
**6** Swasy/Munch 1985, 878; cf. Brown/Levinson 1987, 223–225.
**7** Schumann 2020.

have recently attracted widespread academic attention;[8] tools of analysis have emerged that can be transferred to classical texts, although little progress has been made in this regard, even in the context of ancient Greek rhetoric, where their use was sophisticated.[9] Later, the Greek and Roman rhetoricians developed an elaborate set of distinctions between different types of the rhetorical question.[10] Rhetorical questions, however, are already to be found working their persuasive effect even in the earliest Greek literature. In Homer, they are commonly used to express anger in passages of scathing sarcastic *kertomia*, such as that of Melanthius to Odysseus (*Od.* 17.177–179), or Hera to Zeus (*Iliad* 1.539–540).[11] In one famous passage in the *Iliad*, the narrator arouses first one emotion (exultation in an *aristeia*) and then another (pity) in his audience by asking Patroclus to catalogue the Trojans he slaughtered when the gods decreed his death (16.692–693). There have been occasional investigations of the rhetorical question, especially of the deliberative type, in Greek tragedy.[12] Sansone made it part of his argument that rhetoric was developed by the tragedians prior to the adoption of complicated figures by the rhetoricians.[13] He notes that what authors of rhetorical handbooks later labelled *prokatalēpsis*, or anticipation and pre-emptive rebuttal of an opponent's argument, is already used by Euripidean characters such as both Theseus and Hippolytus in *Hippolytus* (962–967, 1008–1011) or Adrastus in *Suppliant Women* (184–188).[14] The hermeneutic force of historical questions beginning with interrogatives ἆρα and τί has also been noted in the case of the Derveni papyrus.[15]

Lysias, too, worked millennia before scientific study of consumer cognitive responses, yet seems to have grasped, whether consciously or at a subconscious, intuitive level, the principles recognised much more recently. He was able to implement them in his oratory addressed to deliberative bodies about to make decisions, whether a lawcourt jury, the Assembly, the Council, or a committee convened to scrutinise a candidate's eligibility for or performance in civic office.

**8** See, e. g., Konopasek 1932; Wuellner 1986; Watson 1989; Cronjé 1992; Eriksson/Olbricht/Ubelacker 2002; Prince 2016.

**9** For exceptions, see Kucharski 2017 on Hyperides; Wooten 2013 on Demosthenes' *Philippics*; and Serafim 2020, 229–248.

**10** For rhetorical questions and their analysis in ancient oratorical theory see, e. g., *Ad Herennium* 4.15.22–16.24; 4.23.33–24.34; Quintilian 9.2.6–16; Wooten 2013; Lausberg 1960 I, 379–384, #767–779; Martin 1974, 284–288; for the Bible, see Bullinger 1898, 943–956.

**11** See also Achilles to Aeneas (*Il.* 20.178–190).

**12** McWhorter 1910.

**13** Sansone 2012, especially 180–184.

**14** Sansone 2012, 180–181.

**15** Bernabé 2008.

Yet his use of rhetorical questions has usually been overlooked.[16] The aim of this article is to identify some uses of his rhetorical questions, showing how he deploys them, sparingly, at points in the argument where the speaker needs maximal listener engagement. The particular focus is on the relationship between rhetorical questions and emotions, the appearance of spontaneity, characterisation, probability, and argument recall. Discussions of these aspects of rhetorical questions is followed by a reading of the device in relation to all these aspects in Lysias 12, *Against Eratosthenes*.

## 2 Eliciting of emotional response

The author of the treatise *On the Sublime* uses two examples from Demosthenes (*Phil.* 1.44) to explain the effectiveness of rhetorical questions, which he defines as πεύσεις τε καὶ ἐρωτήσεις (18):

> The impassioned rapidity of question and answer and the device of self-objection have made the remark, in virtue of its figurative form, not only more sublime but more credible. For emotion (τὰ παθητικά) carries us away more easily when it seems to be generated by the occasion rather than deliberately assumed by the speaker, and the self-directed question and its answer represent precisely this momentary quality of emotion (μιμεῖται τοῦ πάθους τὸ ἐπίκαιρον). Just as people who are unexpectedly plied with questions become annoyed and reply to the point with vigour and exact truth, so the figure of question and answer arrests the hearer and cheats him into believing that all the points made were raised and are being put into words on the spur of the moment.[17]

In Lysias, the emotion rhetorical questions are most frequently designed to arouse is indignation.

The brief speech 28, attacking Ergocles, was delivered in 388 BC by a public prosecutor in front of the Assembly. Ergocles had been impeached for his supposed role in the disastrous Asia Minor naval expedition of his colleague, the democrat Thrasybulus (who is now dead). The stakes are high: the prosecutor is now urging that Ergocles be executed, and his property confiscated. The speech is short and workmanlike. The strategy is to destroy any remaining gratitude the citizens may feel towards the democrats and paint Ergocles as having become corrupt to the point of presenting more of a threat to the Athenians even than the

**16** See, e. g., Turasiewicz 2000 and Huber 2004. Büchler 1936 lists rhetorical questions in Lysias but addresses neither their individual forms nor functions.

**17** Translation from Russell/Winterbottom 1972, 482.

Thirty had done. There is a single rhetorical question, very near the beginning, which elides Ergocles with Thrasybulus by using the plural; it is followed by the prescription of the appropriate emotion, anger, the Athenians should feel as they listen to the ensuing denunciatory statements (28.2–3):

> Now tell me, how can you forgive these persons, when you see the fleet that they commanded breaking up for want of money and dwindling in numbers, while these men, who were poor and needy on sailing out, have so quickly acquired the largest fortune in the city? It is your duty, therefore, men of Athens, to show indignation at such conduct (ἐπὶ τοῖς τοιούτοις ὀργίζεσθαι).[18]

Rhetorical questions are often used thus to arouse anger and indignation in the adjudicators. The cluster of vices in the opponent with which they are semantically linked include depravity (*ponēria*); the interrogatory phrase often includes a term such as *atopon* ("strange", e. g., 24.12) or *deinon*, "awful", to characterise the opponent's actions or conduct. Thus, the man defending his invalidity pension in Lysias 24 uses these two typical rhetorical questions (9):

> And how is it not monstrous (καὶ πῶς οὐ δεινόν ἐστι) that he should now accuse me of having such great affluence that I can consort on equal terms with the wealthiest people, while, in the event of such a thing as I have suggested, he should behave as he does. Why, what could be more villainous? (καὶ τί πονηρότερον;)

Lysias 15 offers us a typical example of the 'outrage' rhetorical question. A procedure presented as deplorable – magistrates intervening in private heiress cases – is characterised as both shameful and monstrous (15.2):

> What custom could be more shameful, what proceeding more monstrous (τί δ' ἂν αἴσχιον ἔθος ἢ δεινότερον πρᾶγμα), in our city than to have the magistrate making bold, in suits concerning heiresses, to implore and beseech the judges that the matter be settled as he may prefer, or to have the war-archon and the Eleven making requests, in the suits authorized by themselves, like that in the present case?

Other instances (e. g., 14.18, 18.15, 20.19) include one example where the speaker directs the rhetorical question defiantly to his opponent, asking him whether it is monstrous (10.13, οὐκ οὖν δεινόν) that he changes his definition of slander laws to suit himself.

**18** This and all subsequent translations of Lysias are reproduced, with some slight adaptation, from Lamb 1930.

## 3 Appearance of Spontaneity

A crucial characteristic of effective persuasion is the impression that the speaker is expressing themselves spontaneously. Some ancient practitioners and theorists of rhetoric were more sensitive to this principle than others. A treatise preserved only in a papyrus fragment of the early fourth century BC advises, as many ancient writers on rhetoric did, using "common phrases not written ones" in addresses to the jury. But it even advocates *feigning* memory loss in order to create an ingénue and spontaneous effect.[19] Much of the treatise *On the Sophists* by Gorgias' pupil Alcidamas is devoted to arguing that the ability to extemporize makes for more effective persuasion, in all social situations and contexts, including the *dikastērion*, than the ability to write an elegant oration (9):

> For who does not know that to speak on the spot is a necessary thing for those who speak in the public assembly, for those who go to law, and for those who make private transactions? And often unexpectedly opportunities for actions fall in one's way, at which times those who are silent will seem to be contemptible, but we see those who speak being honoured by the others as if having intelligence that is godlike.[20]

Lysias is highly skilled at making his speakers *appear* to extemporize.[21]

Lysias 9 was delivered by one Polyaenus, who is defending himself against the charge of failing to pay a fine to the Treasury. He is at risk of having his property seized and effective loss of his rights as a citizen. His main argument is that he is the victim of spiteful persecution by the generals who imposed the fine. They were reacting to his alleged verbal abuse of the generals during a conversation in the marketplace; he had criticized them for placing him on a list for military service too soon after his return from a previous campaign.

Polyaenus needs to present himself as an honest fighting man, perhaps with an over-ready tongue when provoked, but no criminal. This is conveyed by the most unusual opening of the speech, which begins abruptly with an indignant triple rhetorical question (9.1):

> What could have been the view of my opponents in disregarding the point at issue, and in seeking to traduce my character? Is it that they are unaware that their business is to speak

**19** *P.Oxy*. 410, ed. Grenfell/Hunt 1903, col. iv.114–123 (*[hoi]on gar mē epibe[bō]leukēmen all' autoschediazen to epilelasthai*). The treatise is of particular interest because of its early date and because it is in Doric and may represent a trace of the Sicilian rhetorical tradition founded by Tisias and Corax. See also Hall 2006, 356.

**20** Translated by Matsen 1990.

**21** Dorjahn/Fairchild 1966; Carawan 1983.

> on that point? Or, though well aware of this, do they consider it will pass unobserved that they take more account of anything than of that which is their business?

As Todd observes, this "lively attack on the prosecution … is rather abruptly introduced"; Polyaenus does not even pause for sufficient breath to acknowledge his audience explicitly. It "is one of very few extant forensic speeches to begin without a vocative address to the court, as if in this case Polyainos is too indignant to worry about such niceties".[22] Yet once he has kicked off his indignant tirade, he uses remarkably plain and unfigured prose, making adamant statements, with no further rhetorical questions, until the peroration. At the point that he wants to engage with the jurors on the question of their verdict, he says that he trusts them to find in his favour, adding that if they do not, he will need to run away (21–22):

> For with what hope to bear me up must I mingle with the citizens, or with what purpose in life, when I knew the zeal of my opponents, and could not tell where to look for any of my just rights?

The pathos of the question, underscored by the triple polyptoton τίνι … τί … τινός, brings us back to the point made in the opening threefold questions – the terrible impact on the speaker, with its potential for a tragic outcome, of the generals' malevolence against him.

## 4 Characterisation

The example of Polyaenus reveals that the degree of extemporaneity could be carefully calibrated to enhance the plausibility of the characterisation, or *ēthopoiia*, the rhetorical feature for which Lysias was and is rightly most admired.[23] His speeches illustrate the principle enunciated by a character in Menander's *Hymnis* (fr. 362.7 K-A) that "It is the demeanour (*tropos*) of the speaker which persuades, rather than his speech (*logos*)". The outcome of a case must frequently have depended on the credibility of the characters of those rendering them, and the ability to sustain the role under the stress entailed by public performance. Every litigant and every corroborative speaker needed to convince the jury that his character (*ēthos*) was authentic.[24] And the speaker's use of rhetorical figures,

**22** Todd 2007, 604.
**23** Devries 1892; Filonik/Griffith-Williams/Kucharski 2020. Cf. also van Emde Boas in this special issue.
**24** Hall 2006, 359–363.

including rhetorical questions, could help to individuate him. Their deployment in Lysias varies widely.[25]

It is crucial to the strategy of the speaker of Lysias 17, *On the Property of Eraton*, that he makes the impression of sincerity and public-spiritedness rather than devious opportunism. He therefore begins with a strong statement of being unaccustomed to public speaking (1), adopts a quiet, factual tone and avoids rhetorical questions altogether in seeking to present himself as a simple, sincere man rather than an avaricious and vindictive one.

Although we have lost the conclusion to Lysias 5, in which a friend of Callias vouches for his friend's good character, since affirmation rather than argumentation and proof is the objective, and the speaker wishes to present himself as an upstanding and non-contentious character, it is unsurprising to find no use of rhetorical questions at all. Nor are they implemented by the speaker of Lysias 32, who is prosecuting his orphaned wife's guardian Diogeiton for mismanagement of her and her siblings' estate. The speech, preserved by Dionysius of Halicarnassus, is incomplete, so it is possible that the trope did occur elsewhere in the speech. But Dionysius particularly commends the drawing of this speaker's *ēthos* by Lysias (*Lys.* 24): it is imperative that, in order tactfully to win sympathy, he persuades the jurors that he and the individuals he represents are neither malicious (πονηροί) nor vexatious litigants (φιλοπράγμονες). He needs to seem self-controlled, unassuming, but also business-like and level-headed. In this case, appearing to have given careful thought to the preparation of the financial details of the case, while adopting a matter of fact but modest tone, would have been far more effective than an impression of high emotion, outrage, indignation, and breathless extemporisation. Rhetorical questions might have undermined rather than advanced the cogency of a litigant attempting to present himself as a restrained and level-headed personality unused to litigation.

In Lysias 16, the young aristocrat Mantitheus is defending himself at his scrutiny after being elected a member of the Council. He states that he was not in the cavalry or indeed scarcely in Athens during the reign of the Thirty, and that his name is not on the list of the cavalrymen who are required to return to the Treasury the allowances made to them for their equipment. But his central strategy is to portray himself as a self-confident, spirited, forthright and merry young man, unashamed of his ambition to serve his country even at a young age. He does not want to come over as a knowing and experienced orator, nor to express strong

**25** See Usher 2007 on the stylistic inconsistency between Lysias' speeches and their internal self-consistency. Edwards and Usher 1985, 129 note the "high concentrations of rhetorical devices in certain passages ... rhetorical question in 10, 24, 31, 34".

emotions, but as an upbeat, genuine, promising and above all likeable newcomer to public life.[26]

It is therefore only in the climax to this self-characterisation, in the peroration, that he engages his audience's reasoning faculty by asking two rhetorical questions. The first asks them to put themselves psychologically into his shoes: given that his ancestors had always been politically active, and that the Athenians place a high value on that type of man (21), "who, on seeing you holding that view, would not be inspired to work and speak for the benefit of the State?" (τίς οὐκ ἂν ἐπαρθείη πράττειν καὶ λέγειν ὑπὲρ τῆς πόλεως;). He crowns this with a second rhetorical question asking them to inspect their own responses: "Moreover, how could you be irritated by such people?" (ἔτι δὲ τί ἂν τοῖς τοιούτοις ἄχθοισθε;). Having told them what their correct view would be, he makes it difficult for them to disagree with the proposition that they should not feel annoyed and heightens their cognitive responses by framing the proposition as a question. These two simple but searching questions are then rounded off with a compliment to their special status as adjudicators of the worth of public men: "for no others than you are their judges" (οὐ γὰρ ἕτεροι περὶ αὐτῶν κριταί εἰσιν, ἀλλ᾽ ὑμεῖς).

There is more work to be down on the relationship of rhetorical questions in the characterisation of the dour, cynical, financially, and politically savvy but honest realist in the case of the olive stump (7.17, 18, 27, 28). A very different character portrait is painted in Lysias 4, which is missing its narrative, but in the proof section contains some lively rhetorical questions. These reveal that the strategy is for the speaker to concede that he is a man who enjoys a good time, and is not a particularly dutiful citizen, but that these characteristics do not in themselves constitute evidence of criminality. The charge is that he wounded his rival for possession of a slave woman, with intent to kill him. The defendant asks, if he is as violent as the accuser argues, (4.5) "Why, then, did I not kill him, having his person in my power, and having got the upper hand to the extent of taking the woman?" It is a risky strategy, using a contorted argument from (im-)probability to ask the jurors to imagine themselves having the power to kill an opponent and yet not to; it is even riskier to use this as evidence of not being a violent person. But this defendant may have been in a position where a high-risk rhetorical strategy was the only option. The same self-presentation as a fun-loving, but not actually vicious person capable of premeditated violence, is consolidated in his next argument:

> In point of fact, we admit that we went to see boys and aulos-girls and were in liquor: so how is that premeditation?

**26** See Kapellos 2014.

The peroration also contains a high-wire rhetorical question. The speaker has conceded that he is something of a libertine, who enjoys his wine and may get violent if under threat. But does this mean he is a bad citizen? Just before he concludes, he delivers this statement of his plight and a question (19):

> I am vexed, gentlemen, at finding myself in danger of losing what I value most on account of a harlot and a slave: for what harm have I ever done to the city, or to this man himself, or against what citizen have I committed any sort of offence?

The defendant may well have been accused of quietism, the vice of failing to take a proper role in the affairs of the democratic state. His request that the jurors engage in an attempt to recollect any instance of actual harm he has done (commission) is a skilful way of drowning out the charge of culpable omission.

## 5 Probability

The man accused of premeditated wounding used an appeal to the improbability of a particular scenario – that if he were violent, he would not have killed when the opportunity and motive arose. Closely related to the use of rhetorical questions, or lack of them, in Lysias' characterisations, is their deployment as vehicles for arguments from probability.[27] Although there are occasional questions asked by characters in the Homeric epics which include an assessment of likelihood (*eikos*), the earliest argument from probability in a quasi-forensic setting, where a possible criminal action and the likelihood of guilt are being contested, occurs in the Homeric *Hymn to Hermes*. The new-born god, who has stolen his elder half-brother Apollo's cattle, defends himself to Zeus. He pleads innocent, appealing to his visually obvious lack of strength, saying he was born but yesterday, and that he therefore "bears no resemblance to a cattle-rustler, a strong man" (377); while he delivered his speech he deliberately "kept his swaddling bands on his arm, and did not cast them away" (388). This is an argument from probability in which visually perceptible debility and even accoutrements play a supporting role. It also has the effect of producing laughter and winning over the adjudicator; even though he knew Hermes was dissembling, Zeus "laughed out loud seeing the devious child making his defence well and cunningly" (389–390).

A similar strategy underpins Lysias 24; it, too, aims at laughter, and combines an argument from probability with an invitation to the adjudicators to

**27** See Fairchild 1979.

discern from the speaker's appearance that he is too weak to have done what he is accused of. The man who has been accused of fraudulently drawing a disability pension has earlier used two rhetorical questions near the beginning of his speech to prompt the adjudicators to conjure a picture in their imaginations of his accuser as depraved and devoid of pity and of himself as living a principled life despite being so physically disadvantaged. He suggests that his opponent will somehow acquire financial gain from the accusation (2):

> But I ask you, if a man envies those whom other people pity, from what villainy do you think such a person would refrain? Perhaps he slanders me for the sake of money ...

But the speaker maintains that he himself, on the other hand, believes that bodily afflictions need to be healed by spiritual means (τὰ τοῦ σώματος δυστυχήματα τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἰᾶσθαι, 3):

> ... for if I am to keep my thoughts and the general tenor of my life on the level of my misfortune, how shall I be distinguished from this man?

It is tricky to assess the tone here, since in much of the speech the invalid paints his lifestyle as humble and the conversations held in his shop as those of poor, common folk. Perhaps the claim to healing afflictions "by spiritual means" was designed to raise a laugh, as the small, unthreatening Hermes' clever faux-innocence, despite his obvious duplicity, deceived Zeus.

This suspicion is perhaps supported by the coupling of two rhetorical questions with obvious bids for laughter at the height of the speaker's rebuttal of his opponent's arguments one-third of the way through the speech. The accuser has apparently said that the speaker has been seen riding horses, although owning or stabling horses was far too expensive for a pensioner to afford. He would be expected to ride a mule. The speaker's response is a pair of convoluted rhetorical question, the first also including an embedded parenthetical internal query, where the disjointed syntax helps lend an impression of spontaneity; the second question, like Hermes' argument from probability, also asks the adjudicators to consider the visual evidence of the speaker's arm-held accoutrements. The question form, the effect of extemporisation and the distracting reference to the speaker's two walking sticks combine to conceal what it actually a tenuous defence (12):[28]

**28** See similarly Edwards 2007, 51 on the way that Odysseus covers over the weakness of his circumstantial arguments by unsubstantiated claims, probability and rhetorical questions in the *Odysseus* attributed to Alcidamas.

καίτοι πῶς οὐκ ἄτοπόν ἐστιν, ὦ βουλή, τοῦτον ἄν, εἰ μὲν ἐπ' ἀστράβης ὀχούμενον ἑώρα με, σιωπᾶν (τί γὰρ ἂν καὶ ἔλεγεν;), ὅτι δ' ἐπὶ τοὺς ᾑτημένους ἵππους ἀναβαίνω, πειρᾶσθαι πείθειν ὑμᾶς ὡς δυνατός εἰμι; καὶ ὅτι μὲν δυοῖν βακτηρίαιν χρῶμαι, τῶν ἄλλων μιᾷ χρωμένων, μὴ κατηγορεῖν ὡς καὶ τοῦτο τῶν δυναμένων ἐστιν· ὅτι δ' ἐπὶ τοὺς ἵππους ἀναβαίνω, τεκμηρίῳ χρῆσθαι πρὸς ὑμᾶς ὡς εἰμὶ τῶν δυναμένων; οἷς ἐγώ διὰ τὴν αὐτὴν αἰτίαν ἀμφοτέροις χρῶμαι.

Well, I ask you, gentlemen, is it not extraordinary that, if he saw me riding on a saddled mule, he would hold his peace (for what could he say?) and then, because I mount borrowed horses, he should try to persuade you that I am able-bodied? And that my using two sticks, while others use one, should not be argued by him against me as a sign of being able-bodied, but my mounting horses should be advanced by him as a proof to you that I am able-bodied? For I use both aids for the same reason.

It is of course not at all extraordinary that someone who saw a man receiving an invalidity pension on horseback might question whether he was really living in poverty. This is why the speaker needs to make a flashy rhetorical display. He prevents the adjudicators from concentrating on a mental picture of him on horseback by inserting another question which prompts a picture of him on a mule; he follows these questions speedily with another, while drawing attention to his sticks and probably raising a laugh; he then produces an argument so difficult to follow that cognitive *aporia* probably obscured completely the fact, which he does not deny, that he rides horses. The claim that riding horses and using two sticks provide equivalent evidence of his disability is in fact absurd, but the listeners will not have been able to follow the logic, so swiftly and interrogatively is it articulated.

Just in case any of the adjudicators had been able to spot the non-equivalence buried between the interrogatives, the speaker proceeds in this 'proofs' section of his speech to ask yet another question, clearly aimed at laughter. The question nudges the adjudicators into imagining him standing for selection as an archon, and his opponent – who must have been a man of considerable public profile – as an invalid living on a tiny pension. This is the precise equivalent of an Aristophanic inverted world, where a sausage-seller can become a general and Cleon be reduced to the lowly vendor's social position (13):

So utterly has he surpassed the whole human race in impudence that he tries with his single voice to persuade you all that I am not classed as disabled. Yet if he should persuade any of you on this point, gentlemen, what hinders me from drawing a lot for election as one of the nine archons, and you from depriving me of my obol as having sound health, and voting it unanimously to this man as being a cripple?

The humour presents the opponent's arguments as trivial, especially given the disparity in power and status between the elite opponent and invalid, so the latter reminds the listeners of this pettiness in another rhetorical question at the two-thirds point through the speech (21):

> But really I see no need for me to be so very particular in rebutting each one of the statements that he has made, and to weary you any longer. For if I have argued the principal points, what need is there to dwell seriously on trifles in the same way as he does? (τί δεῖ περὶ τῶν φαύλων ὁμοίως τούτῳ σπουδάζειν;)

Instead, in the peroration, the pensioner shifts the focus from whatever evidence *had* been laid against him to a series of fanciful pictures of the type of allegation that it would be ridiculous to lay against him.

His self-characterisation throughout has been of a humble but street-smart citizen with a witty and even flamboyant personality who keeps far away from public life but justifiably resents being harassed by the powerful. He emotively says that if deprived of his financial means of survival he would be the most miserable (δειλαιότατος) of creatures, and then asks why the adjudicators should find against him. This is followed by a remarkable series of four questions followed by answers – a rhetorical form labelled *hypophora* or *subiectio*, not otherwise much to be seen in Lysias (23–25):[29]

> Because anyone has ever been brought to trial at my instance and lost his fortune? There is nobody who can prove it. Well, is it that I am a busybody, a hothead, a seeker of quarrels? That is not the sort of use I happen to make of such means of subsistence as I have. That I am grossly insolent and savage? Even he would not allege this himself, except he should wish to add one more to the series of his lies. Or that I was in power at the time of the Thirty, and oppressed a great number of the citizens? But I went into exile with your people to Chalcis, and when I was free to live secure as a citizen with those persons [i. e., the Thirty] I chose to depart and share your perils.

This is a risky strategy, relying on the pensioner's confidence that no adjudicator has any negative memories of him. For the questions directly ask the listener to scour their recollections of the speaker for occasions on which he has litigated, displayed vexatious or aggressive behaviour, or shown any sympathy with the Thirty. It would be a powerful cognitive experience for the listener to be asked if they could dredge up any such memories, or indeed reconcile an image of the weak invalid before them with litigation or approval of oligarchy. The answers clinch the failure to produce such memories or images with the negatives ("nobody … not") and the true memory of the pensioner's loyalty to the democrats at the time of the 404 coup. This is a potent way to round off his case. I suspect that the pensioner prevailed.

---

**29** Although see 10.23, 11.8, 11.10, 14.41–42, 24.24–25, 30.26–27. Carey 1989, 196 on Lysias 31.24–33 also points to Gorgias *Palamedes* 13.14, Xen. *Hell.* 2.4.40–41, Is. 5.45 ff., Lycurgus *In Leocratem* 143–144 and other passages, but notes that "such passages are usually brief, since extended use of the device would be tedious".

Lysias' speeches, more than those of any other Attic orator, display clear moments of transition and distinctions between the four standard constituents of *prooimion* (introduction), *diēgēsis* (narrative), *pisteis* (proofs) and *epilogos* (conclusion);[30] rhetorical questions in this speechwriter are found most often in the proofs, occasionally in the introduction and conclusion and only rarely in the narrative. There is one speech which consists almost entirely of narrative, no. 23, in which the speaker is granted only a short amount of time to answer the defendant Pancleon's plea (ἀντιγραφή) that as a Plataean by birth and a townsman of Decelea he was permitted to claim the rights of an Athenian citizen. The speaker has a single objective, which is to clarify why this plea must be rejected. He wants to present himself as a veracious man. He is simply laying out the indisputable facts that Pancleon is a slave who had sought refuge in Thebes, on the evidence of several people. The swift narrative before some hurriedly drawn inferences uses vivid colour relating to everyday life, which enhances the plausibility of this account, and the absence of rhetorical questions implies that there is no need for speculation as to the relative probability of accounts or the appropriate response from the jury.

## 6 Argument recall

Rhetorical questions are often spaced out, punctuating argumentative sections where evidence is adduced or refuted, in order to nudge adjudicators, whose focus might be weakening, to recall the central argument for the prosecution or defence. In Lysias 1, Euphiletus has killed Eratosthenes, whom he says he found in bed committing adultery with Euphiletus' wife. Euphiletus, however, had gathered a posse of friends to witness the deed, which already raises questions as to the spontaneity of the deed. The question is whether the notion of provocation can be stretched to cover the length of time it took him to gather them and return to the house. Under the law of Draco, a husband could kill a man cuckolding him, with impunity, provided only that the killing was carried out on sudden provocation and without premeditation. Such a trial would have taken place in a special court at the Delphinium dedicated to such cases in front of a jury of fifty-one. Euphiletus does try to win sympathy and a sense of fellowship with the jurors by making substantial use of patriotic rhetoric – that he did what he did out of loyalty to the citizen body, which needed to safeguard the purity of the inheritance of citizen rights. But the key point is whether he acted with premed-

**30** Schweizer 1936, 9–21.

itation or not, and it is for this point that he reserves the tactic of the rhetorical question.

From the conclusion of the narrative onwards, eight rhetorical questions are serially spaced out over the remainder of the speech, punctuating the proofs at discrete points in order to remind the jurors of the question at issue. Since it is challenging to prove that any act was premeditated or not, especially in days before written evidence or material atechnic proofs of any kind could be securely dated, he is obliged to use arguments from probability. But these are couched within the persuasive rhetorical trope of the question in order to force the jurors to put themselves psychologically into Euphiletus' shoes and imagine how they might have behaved under pressure if they discovered another man *in flagrante delicto* in their own bed with their own wife.

Euphiletus' opponents have claimed that Eratosthenes was dragged in from the street and was killed despite taking up the position of supplicant at Euphiletus' hearth: since Euphiletus has claimed the deed was done in the bedroom, he rounds off the narrative, and argumentatively provides a bridge to the proofs proper,[31] by asking whether this is possible, let alone probable (1.27).[32]

Several chapters of proofs follow, before Euphiletus turns to rebutting the charge of entrapment. After vividly retelling the events of that painful, fateful night, he is able to ask two extremely detailed questions about what he would have been *more likely* to do in the circumstances. Such is the complexity of the cognitive demands he is making on the jurors that he, unusually, provides an answer to the first question relating to personal expedience and emotional plausibility (1.40):

> If on that night I had designs on Eratosthenes, which was more to my advantage, – to go and take my dinner elsewhere, or to bring in my guest to dinner with me? For in the latter case that man would have been less likely to venture on entering my house. And in the second place, do you suppose that I should have let my dinner guest go and leave me there alone and unsupported, and not rather have bidden him stay, in order that he might stand by me in taking vengeance upon the adulterer?

As Todd remarks, the tone is "of deliberate exaggeration, designed to undermine the opponents' argument at a climactic moment".[33]

**31** Todd 2007, 121–122: "Lysias has been careful to delay this statement of the charges until now, rather than to refute them during the course of the narrative, thereby encouraging us to absorb the whole story from Euphiletus' perspective before we become aware that there might be alternative versions".

**32** Edwards/Usher 1985, 226.

**33** Todd 2007, 140.

Having, he must have hoped, obtained the jurors' psychological identification with his conduct, he leaps into the most important question of them all: had he arranged the posse earlier in the day or only immediately before the killing? (1.41):

> Then again, sirs, do you not think that I should have sent word to my intimate acquaintances in the daytime, and bidden them assemble at the house of one of my friends living nearest to me, rather than have waited till the moment of making my discovery to run round in the night, without knowing whom I should find at home, and who were away?

The appeal to the jurors to make a cognitive effort to see him more plausibly running around in the night is reinforced by the apostrophe to them,[34] and by one more rhetorical question – or rather a dizzying two, because a further question is included in parenthesis – also depending on probability (1.42):[35]

> Yet if I had foreknown this, do you not think that I should have called up servants and passed the word to my friends, in order that I might have gone in myself with all possible safety (for how could I tell whether he too had some weapon?) and so I might have had as many witnesses as possible with me when I took my vengeance?

This intense series of rhetorical questions validating the probability of Euphiletus' version of events is now followed by the statements of witnesses to confirm it. But Euphiletus has not finished yet. He needs to recall the central issue, and his central argument in defence, one more time, and so he uses the same striking rhetorical figure. The antepenultimate and penultimate sentences of the peroration consist of a pair of rhetorical questions displacing enquiry as to probability with open enquiry as to possible motive, serving to negate utterly the possibility of any motive other than spontaneous outrage, in "a deliberate attempt here to conclude by ruling out even a weak form of disagreement" (1.45–46):[36]

> So far, indeed, from either abuse or a drunken brawl or any other quarrel having occurred between us, I had never even seen the man before that night. For what object, then, should I run so grave a risk, unless I had received from him the greatest of injuries? Why, again, did I choose to summon witnesses for my wicked act, when it was open to me, if I was thus criminally intent on his destruction, to have none of them privy to it?

**34** Todd 2007, 140.
**35** See, similarly, on Lysias 12.36, below pp. 000.
**36** Todd 2007, 145.

The use of rhetorical questions to punctuate a speech with recollections of the main argument is apparent elsewhere in Lysias, although the most striking example is 6, *Against Andocides*, which is almost certainly not by Lysias at all. The speaker punctuates his tirade with rhetorical questions spaced at fairly regular intervals to hammer home the impiety of the defendant's and the proper response to them – outrage (6.4, 5, 22, 23, 25, 28, 33, 35, 36, 40, 46, 49, 53). This also adds to the characterisation of the speaker as unusually devout,[37] but it is somewhat wearisome in effect, unlike the sparing and therefore dynamically effective instances in authentic Lysias.

## 7 Lysias 12

All the different functions of the rhetorical question identified above are manifest in Lysias 12, his most important surviving speech on account of its vivid depiction of life under both oligarchic juntas and because he wrote it for delivery himself. The author and the character he is scripting are for once the same entity: he was a much admired *logographos*, expected to use the full range of oratorical tactics. Yet, as someone from a family who had arrived in Athens as metics, he needed to be careful to play down any sense of arrogant entitlement to the loyalty of the Athenian citizenry.

After the restoration of the democracy in 404 BC, whether he still enjoyed full citizenship rights (or those of an alien entitled to some of them), he was certainly still in a position to launch an incrimination of an official, in this case Eratosthenes. The defendant had been an active supporter of the 411 oligarchy and was one of the Thirty Tyrants. Yet Eratosthenes is once again attempting to curry the favour of the Athenians and retain citizenship under the terms of the reconciliation agreement of 403. The arguments he has put forward are that he had acted with more moderation than the extreme hard-line oligarchs and had allied himself with the 'moderate' oligarch Theramenes. Theramenes had opposed the terror tactics of the extremists amongst the Thirty, who had therefore conspired against him and eventually executed him without conviction at a trial.

Lysias must have held a deep personal grudge against Eratosthenes. After the short introduction (1–3), the first part of his narrative (4–22) lays out his personal experience of the oligarch: Lysias and his brother Polemarchus had been targeted to be victims of the Thirty's policy of putting wealthy individuals to death in order

**37** Todd 2007, 452: "The focus here on religion may reflect the speaker's own predilection as well as emphasising Andocides' effrontery".

to expropriate their property. Lysias had survived, but his brother was killed and buried ignominiously, and their property confiscated. The next section rebuts Eratosthenes' claim that he had been forced by fear of the Thirty to arrest Polemarchus and had in fact opposed the proposed execution of the two brothers (23–41).

Having presented an impressively factual and emotionally controlled account of the victimisation of his family, devoid of any flamboyant logographic features such as rhetorical questions, Lysias saves this powerful instrument for his rebuttal of Eratosthenes' claim of his own reluctance to persecute him and his brother. He asks successive rhetorical questions, the first depending on inference from probability (27):

> And then, who was less likely to be given such orders than the man who was found to have spoken in opposition and to have declared his opinion? For who was likely to be less active in this service than the man who spoke in opposition to the object that they had at heart?

Lysias has made a clever choice here. He could have asked who was *more* likely to be given such orders than the man who did *not* oppose the action, but instead asks who was *less* likely, forcing the jurors to paint a picture in their minds of an unenthusiastic assassin being selected, an inherently ridiculous picture, pointing up the absurdity of Eratosthenes' claim.

This is followed by two further trenchant questions pointing up the implausible absurdity of one of the Thirty claiming innocence on the ground that he was merely carrying out the orders of the Thirty. But here Lysias explicitly transfers the focus to the jurors' own relationship with the Thirty by using the second person plural, asking them what the limits of their credulity are (28–29):

> Again, the rest of the Athenians have a sufficient excuse, in my opinion, for attributing to the Thirty the responsibility for what has taken place; but if the Thirty actually attribute it to themselves, how can you reasonably accept that? (πῶς ὑμᾶς εἰκὸς ἀποδέχεσθαι;)

> For had there been some stronger authority in the city, whose orders were given him to destroy people in defiance of justice, you might perhaps have some reason for pardoning him; but whom, in fact, will you ever punish, if the Thirty are to be allowed to state that they merely carried out the orders of the Thirty? (νῦν δὲ παρὰ τοῦ ποτε καὶ λήψεσθε δίκην, εἴπερ ἐξέσται τοῖς τριάκοντα λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα ἐποίουν;)

The second question repeats the same point, also using the second person plural, but nudging the addressees into imagining themselves meting out punishment for the conduct of the Thirty. The question format stresses that the issue is really about the relationship between citizens and tyrants rather than Lysias and Eratosthenes. There may also be a suggestion of humour, even if the laughter is bitter,

in the absurdity of the idea of the Thirty using the 'Nuremberg Defence'; by this, individuals pass on the culpability of a particular act to their superiors on the ground that they were merely "following orders".[38] But there was no hierarchy of power distinguishing any one member of the Thirty from any other. The force of the triple rhetorical questions may also help obscure what Todd calls the fact that Lysias' argument here "may come perilously close to an admission that the reason for prosecuting Eratosthenes is that those members of the regime with clearer responsibility were not available".[39]

In the remaining two-thirds of the speech, Lysias asks rhetorical questions in ten more passages. The first five are spaced out at intervals, to use argument recall every time there is a danger of focus on the main issue being lost; the last five are placed near one another, fairly close to the end of the speech. The emotion they all aim at arousing is indignation against the Thirty, or the man Lysias is framing as their typical representative; in almost all, the relationship stressed is that between the Athenian collective citizen body and the Thirty. The single message is that, if the Athenians feel they were wronged by the Thirty, then they must punish Eratosthenes. The questions therefore serve to make the jurors recall, at regular intervals and finally in an emphatic triple figure, the central plank in Lysias' case. The point at issue is not his own need for revenge for his brother's murderer, but their need to avenge themselves against the regime of the Thirty.

First, immediately after emotively addressing Eratosthenes in the second person singular, reminding the jurors that he had put Polemarchus to death, Lysias swerves to address a rhetorical question to the jurors (34):

> Now I would ask the court, even supposing that you had happened to be brothers or sons of this man, what would you have done? Acquitted him?
>
> Φέρε δή, τί ἄν, εἰ καὶ ἀδελφοὶ ὄντες ἐτύχετε αὐτοῦ ἢ καὶ υἱεῖς; ἀπεψηφίσασθε;

Such is the case he has made against Eratosthenes as one of the Thirty that Lysias can take the daring step, via a rhetorical question, of suggesting that in this particular case the Athenians would have overlooked even their strongly felt tabu against prosecuting their own immediate kin.[40] This is a clever way of minimising his own personal vested interest in the downfall of Eratosthenes.

**38** Murdough 2010.
**39** Todd 2020, 132.
**40** See Hall 2023.

In the next rhetorical question, Lysias turns the phrase that frequently introduces this figure by opening with the idea of "monstrous" conduct (see above p. 353), not against Eratosthenes/the Thirty but against the jurors themselves. Would it not be monstrous if they should fail to be persuaded by the accuser's arguments, which would mean behaving inconsistently with their former conduct (36):

> And how monstrous it would be (οὐκ οὖν δεινόν), when you have punished with death the commanders who won the victory at sea – they said that a storm prevented them from picking up the men in the water, but you felt that you must make them give satisfaction to the valour of the dead – if these men, who as ordinary persons used their utmost endeavours towards your defeat in the sea-fights, and then, once established in power, admit that of their own free will they put to death many of the citizens without a trial, – if these men, I say, and their children are not to be visited by you with the extreme penalty of the law?

Lysias wraps up, inside this forceful question, a long parenthesis summarising the entire painful history of the losses at Arginusae, the Athenians' furious reprisals against the admirals, and the presumed support lent by the oligarchic faction to the cause of Spartan victory at both Arginusae and at Aegospotami. The harshness of the suggestive picture Lysias' question prompts – of the jurors' inflicting punishment on Eratosthenes' children alongside him – has been prepared for by the mention of the dead both in the sea-battles and through persecution by the Thirty. There must have been at least some jurors who had lost sons from one or other cause.

The next three questions passages are spaced evenly, at similar distances apart, in the course of the long narrative outlining the rise, misconduct and fall of the Thirty. All the questions ask the jurors to consider and *reject* a conjured picture of the oligarchs providing some benefit upon them as representative Athenians. The answers in ch. 40 are both emphatically "No!"

> Nay, indeed, did they despoil the enemy of as many arms as they stripped from you? Did they capture fortifications to compare with those of their own country which they razed to the ground?

Twelve chapters later, the answer solicited is also negative, conjuring another crime of omission rather than commission. In 403 BC, the beginning of the end for the Thirty was marked by the exiled democrat Thrasybulus' seizure from the Spartan occupiers of Phyle on the crucial border between Attica and Boeotia. Lysias paints an absurd picture of the Thirty going out to lend him and his courageous contingent of exiled democrats their support. He paints the picture by asking the jurors via a rhetorical question whether the Thirty had done so,

knowing that the picture would be displaced by their own authentic and enraged memory of the Spartan government of Athens being assisted *against* Thrasybulus by the Athenian cavalry (52):

> For if their quarrel had been in the cause of those who had suffered wrong, at what moment could a ruler have more gloriously displayed his own loyalty than on the seizure of Phyle by Thrasybulus?

Eleven chapters later, the last of this group of five evenly spaced 'argument recall' rhetorical question passages ask the jurors to imagine – only scathingly to reject – a picture of Eratosthenes enthusiastically claiming that he had helped construct, rather than dismantle, the Athenian walls (63).

The final five chapters containing rhetorical questions appear in far greater concentration in the section considering what punishment the jurors should mete out to Eratosthenes. Lysias insistently makes his jurors imagine Eratosthenes and even his children being put to death, being given the minimal obsequies of a convicted criminal rather than a family funeral, and having his property confiscated, in order to make this distasteful and brutal course of action seem realisable. The visualisation of punishment being put into effect is consistently paired with recall of the injuries the Thirty had inflicted on the city, "the murder of our fathers, sons, and brothers", "the houses that they pillaged", in order to present it as just reprisal. The effect is heightened in all but the last by not only avoiding the use of Eratosthenes' name, but implementing a third-person plural to denote him, thus blurring any boundary individuating him from the Thirty which might exculpate him from their collective guilt (82–84, 88):

> And whereas these men put people to death untried who were guilty of no wrong, you think fit to try according to law the persons who destroyed the city, and whose punishment by you, even if unlawfully devised, would still be inadequate to the wrongs that they have committed against the city. For what would they have to suffer, if their punishment should be adequate to their actions?
>
> If you put them and their children to death, should we sufficiently punish them for the murder of our fathers, sons, and brothers whom they put to death untried? Or again, if you confiscated their material property, would this be compensation either to the city for all that they have taken from her, or to individuals for the houses that they pillaged?
>
> Since therefore, whatever you might do, you could not exact from them an adequate penalty, would it not be shameful of you to disallow any possible sort of penalty that a man might desire to exact from these persons?
>
> Yet these men, if they escape, will be able again to destroy the city; whereas those whom they destroyed, having lost their lives, can no longer look for satisfaction from their enemies. Then is it not monstrous that the friends of those who have been unjustly put to death were destroyed with them, and yet the very men who destroyed the city will have many people, I imagine, to conduct their funerals, since so many are making efforts to shield them?

The last two of these penultimate questions also employ the "would it not be monstrous?" idiom to increase indignation. But it is only in the final rhetorical question of the speech, before Lysias commences his peroration, that Eratosthenes is singled out and named (89):

> We are told, indeed, that of the Thirty Eratosthenes has done the least harm, and it is claimed that on this ground he should escape (σωθῆναι); but is it not felt that for having committed more offences against you than all the other Greeks he ought to be destroyed? (ἀπολέσθαι;)

The effect is underscored by the contrast between the infinitives ending the opposition's claim and Lysias' rhetorical question, as well as the enlargement of the group against which Eratosthenes is to be compared from merely the Thirty to "all the other Greeks". We do not know which way the jurors voted on this occasion. But if Eratosthenes was acquitted, it was not for want of Lysias' finely tuned use of rhetorical questions alongside all the other rhetorical excellences of the speech.

## 8 Conclusion

These examples discussed in this article illustrate the close relationship between rhetorical questions in Lysias and the arousal of emotion and psychological identification in jurors, the appearance of spontaneity (even extending to a rhetorical question being parenthetically embedded within another), characterisation, reasoning from probability and argument recall. Yet numerous further issues remain to be addressed. One is whom the rhetorical question is notionally aimed at – it may be informants (3.8) or opponents (10.22, 13.26),[41] as well as the adjudicators; occasionally the addressee seems to be the whole human race conceived like an audience being asked philosophical questions by a tragic a chorus, for example in (19.33), "Could human beings have a more miserable fate than to lose their own property, and then to be supposed to hold that of the mulcted party?" All questions can be set in the past, present or future, including questions invoking arguments from probability. In Lysias the latter include, in the past, 3.25, 29, 32, and 38, even in an elaborate counterfactual construction of history (31.10). They may be in the present (8.12), in a specific imagined future (8.18), or a purely hypothetical atemporal world (10.16). Non-probability rhetorical questions cluster in passages which ask jurors about their future actions, in passages which resemble

**41** See also Isaeus 11.5; Demosthenes, *de Corona* 18.53.

rhetorical questions in deliberative rather than forensic oratory (notably in 34.2, 3, 11). Rhetorical questions are useful for covering up the inherent weakness of arguments (e. g., 3.41, "For who is so simple as to premeditate a long time ahead how some enemy of his shall come by a wound?"[42]). They can be used to deflect attention from painful parts of the Athenians' own past (7.6),[43] or to conceal blatant speculation (Lysias 20.3), "And what reason could he have had for courting an oligarchy?"[44] There are further subtleties to be identified and analysed, such as arguments from contraries or alternatives being couched in the form of rhetorical questions (e. g., 3.38, 21.9),[45] and the particular vocabulary – besides the emotions of anger, shame, indignation – which clusters in rhetorical questions, as well as the particular particles.[46] Lastly, analysis of rhetorical questions could be constructively applied to other ancient Greek orators. How much might we enrich our understanding of their skill and attention to detail thereby?

## Bibliography

Bateman, J.J. (1962), "Some Aspects of Lysias' Argumentation", in: *Phoenix* 16, 157–177.
Bernabé, A. (2008), "On the Rites Described and Commented upon in the Derveni Papyrus, Cols. I–VI", in: *Classics@ Journal* 5, available online at https://classics-at.chs.harvard.edu/classics5-bernabe/.
Brown, P./Levinson S.C. (1987), *Politeness: Some Universals in Language Usage*, Cambridge.
Büchler, O. (1936), *Die Unterscheidung der redenden Personen bei Lysias*, Heidelberg.
Bullinger, E.W. (1898), *Figures of Speech Used in the Bible*, London.
Carey, C. (ed.) (1989), Lysias, *Selected Speeches*, Cambridge.
Carawan, E. (1983), "Erotesis: Interrogation in the Courts", in: *GRBS* 24, 209–226.

**42** Carey 1989, 109.

**43** This question, unusually, occurs mid-narrative. Todd 2007, 518 remarks that the speaker "has to tread a difficult line between emphasising the Athenians' inability to protect their property … and antagonising the jury by overemphasising Athenian weakness".

**44** For a discussion of the similar ways in which rhetorical questions can be used as concealment devices in the modern courtroom, see Ilie 1995.

**45** 3.38: "How, pray, should I have been treated, if the case were the opposite of what has now occurred; if I, with a number of my associates had gone to meet Simon, and fought with him, beaten him, pursued and caught him, and then tried to drag him by force, if, as it is, and when it is he who has done all these things, I have been subjected to proceedings like the present, in which I risk the loss of both my native land and all the property that I possess?" Bateman 1962, 163–164 notes that this type of argument is unusual in Lysias but suggests that its structure as an argument from contraries serves to bolster the earlier arguments about premeditation.

**46** E.g., on *ou dēpou* (Lysias 13.87) and its use in introducing surprised or incredulous questions, see Denniston 1934, 267.

Cronjé, J. van W. (1992), "The Strategem of the Rhetorical Question in Galatians 4:9–10 as a Means Towards Persuasion", in: *Neotestamentica* 26, 417–424.
Denniston, J.D. (1934), *The Greek Particles*, Oxford.
Devries, W.L. (1892), *Ethopoiia: A Rhetorical Study of the Types of Character in the Orations of Lysias*, Baltimore, MD.
Dorjahn, A.P./Fairchild W.D. (1966), "Extemporaneous Elements in the Orations of Lysias", in: *CB* 43, 17–19.
Edwards, M. (2007), "Alcidamas", in: I. Worthington (ed.), *A Companion to Greek Rhetoric*, Oxford, 47–57.
Edwards, M./Usher S. (1985), *Greek Orators I*, Warminster.
Eriksson, A./Olbricht, T.H./Ubelacker W. (eds.) (2002), *Rhetorical Argumentation in Biblical Texts*, Harrisburg, Pa.
Fairchild, W.D. (1979), "The Argument from Probability in Lysias, in: *CB* 55, 49–54.
Filonik, J./Griffith-Williams, B./Kucharski J. (eds.) (2020), *The Making of Identities in Athenian Oratory*, London.
Grenfell, B.P./Hunt, A.S. (1903), "Rhetorical Treatise", in: *The Oxyrhynchus Papyri* no. 410, iii. 26–31.
Hall, E. (2006), *The Theatrical Cast of Athens*, Oxford.
Hall, E. (2023), "Fathers, Sons, Slaves & Arguments: Some Comic Incidents & *Dramatos Prosōpa* in Plato's Early Dialogues", in: A. Capra/A. Hooper/S. Miles (eds.), *Plato on Comedy*, Oxford.
Huber, I. (ed.) (2004), Lysias, *Reden*, I, Darmstadt.
Ilie, C. (1995), "The Validity of Rhetorical Questions as Arguments in the Courtroom", in: F. van Eemeren/R. Grootendorst/J. Anthony Blair/C. Willard (eds.), *Special Fields and Cases: Proceedings of the Third ISSA Conference on Argumentation*, IV, Amsterdam, 73–88.
Kapellos, A. (2014), "*In Defence of Mantitheus*: Structure, Strategy and Argumentation in Lysias 16", in: *BICS* 57, 22–46.
Konopasek, J. (1932), "Les 'Questions Rhetoriques' dans le Nouveau Testament", in: *RHPR* 12, 47–66.
Kucharski, J. (2017), "Hyperides' Hypophora: *Against Diondas* 28 (174r 21–32): A Suggestion", in: *ZPE* 203, 56–64.
Lamb, W.R.M. (ed.) (1930), *Lysias*, Cambridge, MA.
Lausberg, H. (1960), *Handbuch der literarischen Rhetorik*, Munich.
Martin, J. (1974), *Antike Rhetorik: Technik und Methode*, Munich.
Matsen, P.P. (1990), "Alcidamas, Concerning those who Write Written Speeches, or Concerning Sophists", in: P.P. Matsen/P. Rollinson/M. Sousa (eds.), *Readings From Classical Rhetoric*, New York, 38–42.
McWhorter, A.W. (1910), "A Study of the So-Called Deliberative Type of Question (τί ποιήσω;) as Found in Aeschylus, Sophocles, and Euripides", in: *TAPhA* 41, 157–167.
Munch, J.M/Swasy, J.L. (1988), "Rhetorical Question, Summarization Frequency, and Argument Strength Effects on Recall", in: *Journal of Consumer Research* 15, 69–76.
Murdough, R.E. (2010), "'I Won't Participate in an Illegal War': Military Objectors, the Nuremberg Defense, and the Obligation to Refuse Illegal Orders", in: *Army Lawyer* 446, 4.
Petty, R.E./Cacioppo, J.T/Heesacker M. (1981), "Effects of Rhetorical Questions on Persuasion: A Cognitive Response Analysis", in: *Journal of Personality and Social Psychology* 40, 432–440.

Russell, D.A./Winterbottom M. (1972), *Ancient Literary Criticism: The Principal Texts in New Translations*, Oxford.
Prince, D.T. (2016), "Why Do You Seek the Living Among the Dead? Rhetorical Questions in the Lukan Resurrection Narrative", in: *Journal of Biblical Literature* 135, 123–139.
Sansone, D. (2012), *Greek Drama and the Invention of Rhetoric*, Oxford.
Schumann, A. (2020), "Legal Argumentation in Mesopotamia Since Ur III", in: *Journal of Argumentation in Context* 9, 243–282.
Schweizer, A. (1936) *Die 13. Rede des Lysias: eine rhetorische Analyse*, Borna-Leipzig.
Serafim, A. (2020), "ΕΡΩΤΗΣΟΝ ΑΥΤΟΥΣ: Questions, Rhetorical Purpose and *Hypocrisis* in Attic Forensic Oratory", in: G. Thür/S. Avramovic/A. Katanceviic (eds.), *Law, Magic and Oratory*, Belgrade, 229–248.
Swasy, J.L./Munch J.M. (1985), "Examining the Target of Receiver Elaborations: Rhetorical Question Effects on Source Processing and Persuasion", in: *Journal of Consumer Research* 11, 877–886.
Todd, S. (2007), *A Commentary on Lysias, Speeches 1–11*, Oxford.
Todd, S. (2020), *A Commentary on Lysias, Speeches 12–16*, Oxford.
Turasiewicz, R. (2000), "Style in the Speeches of Lysias", in: J. Styka (ed.), *Studies in Ancient Literary Theory and Criticism*, Kraków, 91–112.
Usher, S. (2007), "Lysias and His Clients", in: E. Carawan (ed.), *Oxford Readings in the Attic Orators*, Oxford, 27–36.
Usher, S. (2010), "Apostrophe in Greek Oratory", in: *Rhetorica* 28, 351–362.
Watson, D.F. (1989), "1 Corinthians 10:23–11:1 in the Light of Greco-Roman Rhetoric. The Role of Rhetorical Questions", in: *Journal of Biblical Literature* 108, 301–318.
Wooten, C.W. (2013), "Questions in Greek Rhetorical Theory and Demosthenes' *Philippics*", in: *Rhetorica* 31, 349–371.
Wuellner, W.H. (1986), "Paul as Pastor. The Function of Rhetorical Questions in First Corinthians", in: A. Vanhoye (ed.), *L'apôtre Paul. Personnalité, style et conception du ministère*, Bibl. Ephem. Theolog. Lovaniensium, LXXIII, Leuven, 49–77.
Zillmann, D. (1972), "Rhetorical Elicitation of Agreement in Persuasion", in: *Journal of Personality and Social Psychology* 21, 159–165.