

Make Athens Great Again: Fearmongering in the Athenian Courts

Litigants appearing in the courts of classical Athens appealed to commonly shared values and beliefs so that the jury would be more receptive to their legal arguments. The corpus of Attic orators is, as a result, an enormously valuable source for Greek historians seeking to reconstruct the ideology of democratic Athens (Ober 1989: 35-49; Wohl 2010: 5–6; Glazebrook 2021: 3–4). Rhetorical appeals, however, did not trump legal arguments. Athenian litigants were careful to maintain that they sought justice in according with established laws (see especially Lanni 2006: 41–74; Adamidis 2017). They insisted that were upstanding citizens who came to court because of the wrongdoing or malicious prosecution of their enemies. Yet, litigants did not always have compelling legal arguments. If they had a weak legal case, they sometimes offered fallacious interpretations of Athenian laws and drew conclusions from the facts of the dispute that were clearly erroneous. Similarly, Athenian litigants did not always appeal to commonly shared values and beliefs in ways that were necessarily unifying. They sometimes distorted these values and beliefs for selfish reasons, promoted irrational fears in the jury to win their cases, and depicted Athens in ways that undermined the democracy. By examining how Athenian litigants sought to instill fear in the jury to win their cases, I will show that their speeches sometimes fostered consensus and sometimes created division.

Because the corpus of Attic orators consists almost exclusively of speeches delivered by or for wealthy Athenians, it is not surprising that critical images of the wealthy were offset by favorable images. Demosthenes, for example, attacks Meidias not for being wealthy, but for his selfish and illegal use of his wealth, so that he threatens those that lack the resources to defend themselves. Demosthenes is also careful to detail the liturgies that he had performed for Athens

so that he can present himself as a protector of the *dêmos* (21.151–67). Although litigants sought to win convictions after the civil war of 404–403 BCE by instilling fear of further civil unrest, they depicted their opponents as exceptional, and they characterized the jurors as loyal democrats to avoid alienating the jury (see, for example, *Lys.* 12.92–99). Thus, rhetorical representations of the recent past were, for the most part, conciliatory (Wohl 2010: 201–42; Shear 2011: 286–312).

Depictions of women, foreigners, and slaves, for the most part, lack such equivocation. In addition, many speeches of the late fourth century show a heightened concern over the infiltration of foreigners into Athenian ranks. In 346/345 BCE, the Athenians required the demes to review their citizenship lists. The blurring of the dividing line between metic and citizen and the anxiety over the military threat of Macedon may have led the Athenians to enact this legislation (Vlassopoulos 2009: 340; Lape 2010: 215; Fisher 2023: 377). Yet, it is also quite striking that such anxiety is expressed most notably in cases that lacked legal merit (e.g., *Aeschin.* 1; *Dem.* 57, [Dem.] 59; *Is.* 3, 6). The litigants did not make such appeals simply in response to Athenian anxiety over the infiltration of foreigners into their ranks. They were intentionally inciting such fear to distract the jury from the weaknesses of their cases. In the process, they undermined the democracy because it was easiest to call into question the citizenship of the poor since they often worked side by side with slaves and metics (see Vlassopoulos 2009: 356–59; Kasimis 2018: 145–67). Such rhetoric made it difficult for the Athenian democracy to become more inclusive, and it ultimately endangered the democracy by instilling greater fear of foreign incursion into citizen ranks and discouraging the Athenians from granting citizenship to metics who could help further promote the democracy.

Works Cited

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