

Ethos in the Lysianic *dokimasia*-speeches concerning prospective magistrates:  
between theory and practice

Aristotle's (*Rhetoric* 2.12, 13, 15, 16) account of ethos is notoriously short and offers only a rudimentary treatment of the subject; its deficiencies have been explored to some extent by modern scholars (notably, Carey 1994), while more recent scholarship debates the function of character evidence in the Attic oratory. Views range from irrelevance of ethos arguments in the legal cases to a dominant role ethos played in forensic orations, even surpassing the legal matters in Athenian trials (including, e.g., Rhodes 2004, Lanni 2006, Harris 2013). In particular, this chapter, building on influential works on the construction of ethos in the orators, offers a fresh analysis of a cluster of orations written for the same type of legal procedure, *dokimasia*, albeit for different audiences (council, courts), attempting a comparison with the Aristotelian teachings on the employment of ethos in oratory. It also explores the function of ethos and the question of relevance in these speeches as constructed by Lysias who was considered the master of *ethopoia* since antiquity (e.g. D.H. *Lysias* 8, 9, 15).

Through a careful examination of the moral character of the individuals concerned (namely, Lys. 16, 25, 26, 31), this analysis illustrates the nuanced rhetorical employment of ethos, not only in implicit/explicit individual characterization, but it also examines questions of volume and distribution of ethical arguments in orations which are composed for high-profile scrutiny of prospective Athenian officials. Simultaneously, this chapter aims to address the hotly debated issue of the function of the *dokimasia* in so far as it enabled litigants to display their suitability to serve through ethical arguments. The nature of the procedure itself may have offered more flexibility in the employment of ethical arguments (as the individual circumstances of each citizen allowed) for the portrayal of Lysias' clients: the varied length of ethical arguments in these *dokimasia* cases and the explicit or implicit characterization of the officials involved illustrate the *incongruence* between

rhetorical theory, the Aristotelian approach to ethos as an *entechnos pistis*, and Athenian oratorical practice.

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