

## The Rhetoric of Anticipation in Attic Forensic Oratory

Anyone who has read even a few of the forensic speeches from the Attic orators of the fifth and fourth centuries BCE is familiar with the trope, “I hear that my opponent will argue” (vel sim.) followed by a rejection or refutation of the opponent’s predicted line of reasoning. To my knowledge, however, the rhetorical use of this trope in forensic pleadings has never been studied. Dorjahn 1935 is concerned only with how speakers might have learned of the arguments that their opponents would make. Usher’s very useful survey of figures and tropes says nothing about anticipation. And anticipation is nowhere to be found in modern treatments of classical rhetoric.

Anticipation, of course, is a rhetorical strategy, used not only to refute arguments one knows the opponent will make but also to misrepresent those arguments, often knowingly, and to mislead the jury in other ways. Several of the more common uses of anticipation are as follows: The speaker can cast the opponent’s predicted argument in such a way that it appears much less convincing than it may be, so that even if the opponent makes a more convincing argument, the jurors’ first impression from hearing the speaker’s misleading anticipation may linger. The speaker may predict that his opponent will make an argument that, in fact, the opponent will almost certainly not make; this may serve to discredit the opponent’s case, and also sometimes to emphasize a point that the speaker himself wants to make. And by anticipating several arguments the opponent may make, the speaker may fix his version of his opponent’s case in the jurors’ minds so that they do not pay as much attention to other arguments the opponent may consider more important.

I give one example, taken from cases involving a charge of assault. In Lysias 3 the defendant argues, as almost all speakers in assault cases do, that his opponent, Simon, started the fight over a slave boy whom both parties desire and is responsible for any violence. Toward the end of his speech, after saying that he has sufficiently demonstrated that he is not to blame for any of the fighting, he then briefly argues (3.40-43) that “such

matters” (i.e. quarrels over a love object) should not be taken so seriously. It seems likely that this kind of argument was not uncommon in such cases.

In a different assault case, however, the speaker casts the argument more darkly. In Demosthenes 54, this “trivializing” argument is one of the arguments that the plaintiff, Ariston, anticipates that the accused, Conon, will make. But Ariston makes the argument sound quite different (54.13-14): “I want to tell you beforehand what I have learned he is prepared to say”: he will say that his sons have been smitten by *hetairai*, and they have often come to blows concerning them, and that’s just the sort of thing young men do. This hypothetical argument then becomes the basis for Ariston’s further accusation that Conon and his gang are a bunch of ruffians, who spend their days beating up people and think nothing of it. In other words, Ariston has anticipated an argument that could be effective and quite defensible and made it sound sinister. And this then becomes the basis for a much fuller criticism of Conon’s whole way of life.

My paper will provide an overview of anticipation in the forensic speeches. I obviously cannot discuss all the examples in a short paper, but I will provide a handout with a list of all examples organized by category. This will allow me to draw certain conclusions while also pointing to areas for further research.

### Bibliography

- Dohrjahn, Alfred P. 1935. “Anticipation of Arguments in Athenian Courts.” *TAPA* 66: 274-95.
- Usher, Stephen. 1999. *Greek Oratory: Tradition and Originality*. Oxford.