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## Ancient Forensic Rhetoric in a Modern Classroom (with Sima Avramović)

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# Brill's Companion to the Reception of Ancient Rhetoric

*Edited by*

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CHAPTER 22

# Ancient Forensic Rhetoric in a Modern Classroom

*Sima Avramović and Gerhard Thür*

## 1 Law Students, Courts, and Rhetoric[1]

At the end of class, on the day we held an Athenian law-court simulation at the University of Belgrade's Faculty of Law, a student of mine quoted an introductory monologue from Shakespeare's *As You Like It*: "All the world's a stage, and all the men and women merely players." The parallel with the different roles that a man plays during his life in Shakespeare's play and the different roles that a citizen plays in the Athenian city-state (*polis*) was obvious. Indeed, the ancient Athenian court was a stage, a theatre, and rhetoric was a part of it. All citizens of democratic Athens who reached legal adulthood were players and parties in courts, but also in the Assembly, democratic executive bodies, local territorial or remaining tribal-based bodies like the *phratries* or *demes* etc. Athenian citizens had "their exits and their entrances, and one man in his time plays many parts," as Shakespeare went on to say. By holding short-term office in courts and executive bodies (usually lasting one year), Athens' direct democratic system enabled every free adult male citizen to perform a certain role in the city-state governance, at least as a lifelong member of the Assembly or by holding different offices quite frequently.[2]

Acting as a democratic *zōion politikon* and being involved in the political and legal context of the city-state in Athenian democracy, entailed primarily verbal communication in decision-making processes. In order to participate in public life, everyone had to be a *rhētōr*, a more or less successful and skilled public speaker. Nevertheless this word was usually applied mostly to

1 This and the following section belong to S. Avramović.

2 In a relatively small city-state which only had a few tens of thousands of adult male citizens with full civil rights, more than a thousand citizens held some type of office each year, usually chosen by lot and changed frequently. In addition, the Athenian supreme court (*Heliaia*), which was from the 4th century BCE in charge of almost all the civil and penal cases, consisted of six thousand members, chosen annually by lot among eligible citizens over the age of thirty. The *Heliaia* was divided into chambers of 201, 401, 501, 1,001, etc., depending on the type of the case, and sessions were held in an open space, under the sun (*hēlios*). Those institutions enabled every citizen to be engaged in some form of democratic political process throughout his life. Among many books on participatory Athenian democracy, see particularly Hansen (1991); Sinclair (1988); Thorley (2005).

professional politicians – orators. Proper and clever speech was expected not only in the Assembly and other political and administrative bodies, but an individual had to be an even more convincing and skilled public speaker at the popular court before lay judges. In general, oratorical traditions in the ancient Greek city-states were oral. When written laws appeared at some point,[3] the importance of oral presentation – considering both individual and general social issues – remained the principal method of persuasion, predominantly in the courts, regardless of whether it was a democratic city-state or not.[4]

Court speeches written by professional speechwriters (*logographers*) in democratic Athens are an immense resource not only for legal history, but also for the art and theory of persuasion.[5] Surviving ancient Athenian court speeches were written by *logographers* for particular litigants in court cases intended to be delivered in the *heliaia*. Both plaintiff and defendant were obliged to present their case in person and speak without any support of professional lawyers during the hearing. The only backing during the trial could come from *synēgoros* (co-speaker), a layperson, who was usually an unpaid friend. The *synēgoros* was supposed to give statements mostly about the character and general behaviour of the party or his opponent, in contrast to a witness, who had a duty to present the facts of the case. The preparation of the court speech was, therefore, necessarily supported by a *logographer*, skilled in both the law and rhetorical matters. He had a complicated duty to write a court speech for his client, without *precisely* knowing the opponent's arguments, approach, and tactics, even though the opponents would present their evidence at the *anakrisis*, so one side would have a *general* idea what the other side was going to argue. This general impression about the speaker and his overall appearance and performance were often as important as the arguments of the parties, law, and equity. Audience reaction and that of the jury in the Athenian courts in the 4th century BCE was often impacted by interpretative elements and the persuasiveness of the speaker rather than by facts. This is, indeed, the case among the students today who take part in an ancient Athenian court case simulation. Performance and presentation of the case is of vital importance, particularly in jurisdictions with the jury system like Athens, as well as in common law jurisdictions today.

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3 Gagarin (2008).

4 Already the famous Homeric trial scene in the *Iliad* depicts an oral altercation between the parties in a homicide case: see further Avramović (2017). Also, the oldest surviving ancient Greek (and European) written codification of laws from the aristocratic city of Gortyn at Crete (the so-called Code of Gortyn, mid-5th century BCE), attests that litigants were orally debating in courts: see Gagarin (2001) 49.

5 Serafim (2017).

The number of surviving ancient Athenian court speeches, the professional excellence of their writers, and the variety and number of seminal topics they discuss inspired me to apply a new teaching approach at the University of Belgrade's Faculty of Law more than twenty years ago. That line of thinking was inspired by moot courts or mock trial competitions, which were thoroughly developed in recent decades, mostly in US law schools.[6] Consequently, the Faculty of Law students in Belgrade were invited and encouraged to test their rhetorical skills in a simulation of Athenian court cases, relying on documented, real, and preserved forensic speeches. This extracurricular activity within the Comparative Legal Traditions course stresses the pertinence of ancient Athenian legal history today, shows how it can be presented in a modern way, and demonstrates how useful it is for a contemporary student to assess and use legal facts and develop performance skills.[7]

The students were enthusiastic and excited to assume and act out roles as litigants in Athenian cases and they undertook considerable effort to improve their appearance, performance, and verbal communication skills. The outcome was particularly impressive with the first-year students, newcomers without prior experience in rhetoric or public speaking. I shared my approach with colleagues from other universities, and some of them expressed interest in the method. Professors Gerhard Thür from Munich, Graz, and Vienna, Alberto Maffi from Milan and Trieste, Andriaan Lanni from Harvard,[8] Kalliopi Papakonstantinou from Thessaloniki, and colleagues from ex-Yugoslav universities have tested this model with good results, and some have expanded it to their teaching of Roman law and conduct a similar in-class staging of legal cases.[9] Various student competitions from different universities were occa-

6 There is a slight difference between the two: a *moot court* is mostly connected to the simulation of appellate court procedure or arbitration cases, including drafting memorials and defending memorials orally, while a *mock trial* simulates a jury trial and bench trial. These simulations usually do not include testimonies, witnesses, cross-examinations, and evidence presentations, and mostly focus on the application of the law. In our ancient Greek simulation cases, in accordance with the Athenian judiciary procedure and the jury trial system, those evidentiary elements and issues of fact play an important role, particularly from the rhetorical point of view. Some colleagues compare this teaching method with the so-called *legal clinics*, now a popular extracurricular activity at law schools all over the world, although within legal clinics students usually work on real cases with real clients.
* S. Avramović.

7 Avramović (2002), (2010).

8 For a brief report about the Harvard attempt, see London (2006) with a comment by A. Lanni that "re-enactment of a Greek trial is perhaps the most vivid way for students to get a feel for the procedures that governed Athenian justice."

9 Thür (2006), (2018).

sionally organised. Their outcome was not only the exchange of experiences about the teaching method, but they always ended with discussions about the importance of rhetoric in court speeches.[10] It became evident that classical rhetoric could be a very useful tool in legal education today as a way of learning through hands-on experience.

## 2 Belgrade Approach: Theatre-Like Process

The chief pedagogical goal of the ancient court case simulation was to encourage students not only to learn history and theory, but also to understand legal phenomena and develop their practical abilities. It includes organising a theatre-like environment as close as possible to the one in the Athenian court, with the use of a water clock (*klepsydra*) which measures the set time for speeches of both parties, voting by two voting-disks (*psēphoi*) with short pegs running through their centres (one peg with a hole in it and the other solid), which prevents the public from seeing how the judges vote in a voting urn.[11] Students usually wear ancient togas (by simply wearing a white sheet over their clothes), use an improvised *klepsydra* (usually clay garden pots), *psēphoi* (usually drilled and undrilled coins), and urns (usually made of cardboard, one painted in bronze). Sometimes they inherit these "court devices" from previous generations or simply raise hands to vote when there is not enough time. In any case, all members of the group are involved in the case as judges, while some of them are selected to be the parties, witnesses, *synēgoroi*, the presiding court officer, etc. They get their cases about a month ahead, which are selected

10 The last event was organised as part of the Sommerseminar *Recht und Magie* [*Law and Magic*] held at the University of Belgrade's Faculty of Law on 28–30 April 2018, see Thür, Avramović, and Katančević (2020). It was based on the Roman case "Against Apuleius," depicting an event in the life of Apuleius, a famous Latin prose writer, when he was accused of using magic to seduce a wealthy widow. Two teams participated in the case (one from Vienna and the other from Belgrade's Faculty of Law) with role-playing by students Helmut Lotz and Karin Wiedergut (Vienna), Veljko Milosević and Djordje Stepić (Belgrade). The audience (in the role of judges) regularly votes for the team with a better performance, independent of scholarly perfectionism.

11 The voting procedure in ancient Athens was very curious: judges voted by holding the ballot with a thumb over one end of the peg and a forefinger over the other, allowing them to hide whether it is with a hole or solid. They would hold one ballot in each hand, and put the ballots in a bronze or a wooden urn. The bronze urn was shaped so as to enable judges to put only one ballot in it, as only those ballots were counted as decisive. The solid disc was a vote for the defendant and the hollow one for the plaintiff. The second ballot was put into the wooden urn and discarded, with a simple majority deciding the outcome.

by a professor out of the many interesting surviving speeches of ancient court speechwriters. Students then divide the roles of plaintiff and defendant, prepare their colleagues for different characters in the process, and the students' legal theatre is set to proceed.

Students take their roles seriously, enthusiastically, at times quite emotionally, much like real actors in a play. They start immersing themselves in their roles before "the trial," but also go on to discuss it with their colleagues even days after the simulation ends. In order to stimulate students' legal reasoning, imagination, and rhetorical skills, they are allowed to include different elements, documents and other proof not included in the original ancient speech, which serve as a background and fit the logic of the case and the relevant legal system. Authenticity of the case is of course important, but allowing a bit more freedom when it comes to details helps students to learn in practice the most important general procedures better than from books. While encouraged to keep within the law and spirit of ancient Athens, students do not have to follow strictly the rules of these judicial procedures, particularly as they changed slightly during the century from which the forensic speeches date (between 420–320 BCE).

For example, according to the ancient Athenian procedure, parties had an opportunity to present two speeches each – the first as the main, longer speech, and the second as a short response. A statement by witnesses and evidence could only be presented during the main speech. The statement was written in advance so that a witness had only to verify his statement. However, we combine the previous procedural approach including oral statement by witnesses, which was in use before the 4th century BCE, with written witness statements to enable more emotional and vivid setting. We do not apply cross-examination, as it was not widely used in the Athenian court, but different challenges and direct questions to the speaker by the public are allowed. Bearing in mind the famous Athenian passion for lawsuits and their litigiousness, so well documented in many sources,[12] one could imagine that it was not possible to prevent the public from interrupting the proceedings. It could dramatise the case, make it more vibrant and attractive, it gives a chance to the student-speaker to react rhetorically. Many students create a dramatic appearance and scene which make an impression on the audience. In that way, students learn both legal history and rhetoric in practice.[13]

12 Most exploited in that context is the famous dog-trial scene and its political and social significance in Aristophanes' *Wasps*, vv. 891–1008. Detailed analysis in Olson (1996) 129–150. See also Todd (1993) 147–154; Christ (1998); Carey, Giannadaki, Griffith-Williams (2018).

13 Many interesting questions about procedural aspects of ancient Athenian trial appear through court role-play by students, including some that traditional scholars did not think about or have certain answers to: see Avramović (2002) 192.

Once the trial is over, discussion follows about the strong and weak points of all participants, both from a legal point of view (pertaining mostly to the procedural and logical inaccuracies) and issues of facts, but usually most comments concern the trial's presentation and rhetorical points. The performance, self-confidence, and persuasiveness of the litigants and witnesses are frequently the first elements to be examined. Students are expected to use proper gestures and body language (facial expressions, eye contact with the audience, and movement), manner of speaking, voice volume, articulation and pronunciation, rhetorical pauses, speech strategy, proper selection and disposition of arguments, the use of visual proof and supporting materials (different objects, documents, examples, testimonies, etc.), appropriate appeals to the emotions of the public, more or less successful ways of avoiding unpleasant issues, effective reaction to challenges, etc. All these issues are carefully commented on, helping students to improve their rhetorical skills. Students learn how to handle the audience and how to speak without reluctance and shame, and they come to understand the power of effective speech delivery and arguments in trials. In short, thanks to the simulation of ancient trials students have the possibility to test different rhetorical components without serious consequences as in real-life legal procedures. Due to its effectiveness, the simulation of ancient trials has become popular and an important part of the legal history teaching for the entire faculty.

The outcome is that students often come to the conclusion that it is not only the facts of the case but how the case is presented that has the decisive impact. Law students understand that persuasive powers are sometimes more important than the legal grounds, particularly when lay judges are deciding the case. They learn in taking on these roles how to keep their speech within the acceptable time limits, how to find the strongest evidence, and how to best arrange and represent available arguments. And, of course, the students enjoy practicing, inventive and proper use of humour, as well as many other attractive rhetorical elements.

Every single court case and forensic speech in all jurisdictions inevitably involves a rhetorical approach. Common law-courts with the jury are a specific legal theatre *per se*. But the ancient Athenian law-court with hundreds of lay judges was a rhetorical theatre *par excellence*. Training law students in applied rhetoric as early as possible contributes not only to their professional maturity but also to their awareness of the significance of performance and rhetorical skills. The experience of the members of the Faculty of Law at the University of Belgrade corroborates the view that the ancient Athenian court-simulation teaching method gives the best results with the first-year students, as it combines both demands of legal reasoning and proper expression of arguments at an early stage of their academic growth. It can be well adapted to

the environment of the Roman law-court,[14] as well as to other legal systems in history. It is very helpful for students' future studies, particularly for the moot court students in various fields. Those who participated in the "Athenian legal theatre" are regularly among the most successful students in international moot court competitions. Furthermore, moot court and mock trial trainers, and the participating students, often ask for the assistance of professors and students with experience in the ancient court simulations. With their experience in the ancient court simulation, students pay more attention to their performance and often report that it was an important part of their success.

## 3 (Former) Graz Approach: Sophisticated Preparation[15]

Like Sima Avramović with his books on *Isaeus* (1988 and 1997), I spent some years of my youth studying the Athenian court speeches, resulting in *Evidence* (*Beweisführung* 1977). So, from 1983 onwards a fruitful cooperation started. No wonder I got fascinated by his idea of simulating the Athenian court procedures with his students, and I partly imitated it in my own way between 2004 and 2008.[16] Then teaching in Graz, my idea was to introduce the students to all stages of preparing and performing an Athenian court speech.

In Athenian courts, a case was decided by the facts. The *logographoi* masterfully manipulated the relevant facts. Statutes quoted by the Athenian litigants are mostly clear and (though sometimes used in a distorted way) seem to fit a case exactly as presented in a speech. It is the facts of the case that usually are disputed. The facts, not law, are the primary topic of oratory. To this day Athenian oratory is useful to every erudite person, not only to law students, because it presents facts in a persuasive way. In everyday life everybody has to convince an "audience," and to be successful in doing so he or she needs to use rational elements (a well-arranged, persuasive narrative) as well as emotional ones. Either method can be studied in classical Greek sources. I have mostly used private speeches in my teachings at the Faculty of Law.

My starting point has been to observe that the *logographoi* rarely resorted to simplistic lies in order to support their clients' positions; instead, they typically created distortions that the audience was largely unable to unravel. They would

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14 Bablitz (2007).

15 This part belongs to G. Thür.

16 See Thür (2006), (2014), and (2018).

isolate the facts that belonged together and, by using psychological links, combined individual aspects of an issue that were true on their own, but perhaps not when combined. This art of lying – or manipulation – involved attributing typical psychological motives, personal enmities, greed, etc., to the opponent; there was a broad range of possibilities because a person's actual motives always remained in the dark. Thus, out of a set of true facts the *logographers* shaped an overall impression that was false but met the needs of their client's case. In court, the litigants used this technique of portrayal to their advantage by informing the audience in a thorough but guided manner. Through careful preparation of their speeches, the plaintiffs were able to keep their opponents from swaying the judges with new facts; every relevant fact had to be mentioned somewhere in the plaintiff's speech, but not necessarily in a coherent order. The defendants, on the other hand, by evoking strong emotions tried to highlight different aspects of the case from those their opponents would presumably produce. Because of the Athenian system of litigation by speeches composed in advance, there was no room for direct forensic dispute between the parties. The opportunity of checking each other's positions was given in pre-trial meetings (*anakrisis* and the official *diaita*). Here the litigants had to answer each other's questions and disclose all documentary evidence to be used in court. Given the requirements that Athenian law placed on a particular claim (*dikē*), the true state of the conflict (one party's assertion and the other's counter-assertion) can successfully be reconstructed out of just one oration through a logical synthesis of the details that the speaker reports disparately through what I called "Isolierung der Fakten" (*isolating the facts*).[17]

Fast forward to the 21st century and one may ask whether it makes sense to teach our students the sophisticated art of lying by manipulating an audience. Admittedly, detecting the technique of isolating the facts is a rather extreme method for studying classical oratory, combining philological, historical, sociological, and juristic aspects with mass psychology. Searching for the overall intellectual guidelines for court speeches one cannot benefit much from the ancient textbooks (*technai* or *institutiones*). Since every actual case preserved in classical court speeches was different, to achieve this aim an intensive study of forensic practice is necessary. A modern lawyer can profit by isolating the facts only in a very restricted way. Today, through cross-examination and forensic dispute, law-courts are better equipped to find the truth than the ancient Athenian *dikastēria*. In Athens the huge panels of lay judges in private

17 Thür (2018), thoroughly discussed by Plastow (2018).

cases were completely dependent on the opponents' speeches, performed in continuous blocks, which were only interrupted by reading aloud short documents – as strictly observed in the method of lawsuit simulation performed with my students. Nevertheless, in present-day penal cases, every prosecutor or attorney-at-law in his or her summation tries to manipulate the judges by stirring up emotions, in order to stress or diminish the significance of facts, just as Demosthenes or Hyperides did.

Today the art of isolating the facts, and exerting emotional manipulation, survives wherever mass psychology counts, in the fields of both politics and economics. This concerns every citizen. As it is generally known, for generations the most successful players in politics in Europe and the United States[18] have improved their natural abilities by studying classical oratory, and business executives are now trained in emotional "limbic presentation." Therefore, a responsible citizen also needs some knowledge of the tools of oratory and mass psychology in order to penetrate political propaganda and commercial advertising. This ability is a welcome by-product of rhetorical education.

The main goal in my teaching of classical oratory has been to furnish intellectual and formal guidelines of perfect self-portrayal in public speaking and, in the same way, in writing applications and speaking on TV. All of these techniques can be learned by studying and practising the classical art of persuasion. My idea was to practise oratory throughout all stages from *heuresis* (*inventio*) to *hypocrisis* (performing, *actio,* or *pronuntiatio*). The didactic aim was to perform cases preserved in classical literature, according to the pattern of an Athenian trial: adapting the preserved speech and inventing the opposing plea. Thus we strictly observed the following rules: a written *enklēma* (complaint), disclosure of all documents in *anakrisis* (a pre-trial session), a strict time limit in speaking controlled by a *klepsydra*, a prohibition on interrupting the speeches (unless by uproars, *thorybos*, in the audience – the speaker has to learn to cope with this behaviour), the use of testimonial depositions only as short, written documents read out loud – that means no oral performance by and questioning of the witnesses – followed by secret voting with pebbles immediately after the speeches.

Preparing such a performance in a seminar takes a whole term. The first step is that all participants (10–15 law and classics students) analyse the chosen Athenian court speech, e.g., the murder case in Lysias 1. In term papers, several students reconstruct and discuss the legal, historical, and sociological background of the case, the facts presented by the speaker, his legal arguments

18 E.g., for President Barack Obama, see Higgins (2008).

(either strong or weak), and the possible counterarguments of the opponent. Thereby the students also learn how to tackle manipulations by isolating the facts. Then, the rest of the group is separated into the roles of jurisdictional staff (presiding magistrate and court secretary), and the two parties, plaintiff and defendant with the supporters on both sides. Both sides, respectively, draft the documents of complaint (*enklēma*) and defence (*antigraphē*). The parties separately sketch the outlines of their arguments, check the statutes (*nomoi*) and draft witness depositions (*martyriai*) – thus far the stage of invention (*inventio*). Later, after the *anakrisis* (in which the litigants formally question each other and disclose their written documents to their opponents respectively), the speakers attend to composition and style: *dispositio* and *elocutio*. Finally, they learn their speeches by heart (*memoria*) and, at the end of the term, perform the trial (*pronuntiatio*) before a public audience.

The performance is always a great event that takes place in a larger classroom of approximately seventy seats. Students from different fields are invited to attend the trial. Fifty individuals among those watching the mock trial (the figure of the smallest Athenian law-court, and the limit of our equipment), randomly chosen, get "judge tablets" and take their seats in the front rows. Thus, the litigants fighting for life or death are confronted by a real, critical audience. They keep to the wording of their well-composed speeches; average Athenian litigants did so too, and normally did not risk improvising. Athenian judges were very accustomed to rhetorical performance and did not forgive the smallest of mistakes. Therefore, intellectual, emotional, and technical preparations were of the same importance. The duty of the presiding magistrate (*archōn*, one of the seminar students) was – and remains – only opening the session, giving the floor, taming uproars, and directing the voting procedure. Due to different pebbles for guilty and innocent (see above), voting is secret and counting the votes takes time. The outcome, which is eagerly anticipated and fills the air with tension, brings either a great exultation or disappointment. As in the Belgrade approach, the majority of votes is decisive.

This, to a certain extent theatre-like performance of an Athenian lawsuit, is a passionate introduction to ancient legal history. Everyone, including the audience, takes role-playing seriously, and the participants in the seminar gain some theoretical insight into the psychological background of persuasion techniques. A necessary precondition for a successful spectacle is to provide a short explanation about the procedures of the ancient Athenian lawsuit from the outset. Then the show can begin. The teams are not graded in terms of which one is better, but rather a realistic democratic decision is made between two opposing parties: victory or defeat.

## 4 Conclusion[19]

Fundamentally, both of us pursue the same goal: filling a gap within central-European legal education by exploiting the treasure of ancient Athenian court speeches. Performing such speeches in simulated court cases provides an excellent training in rhetorical skills, completely neglected by law schools (and other) curricula. That said, law schools produce strict, logical, deductive reasoning. However, court speeches are not theoretical academic demonstrations, but rather are transformed into fights for personal recognition. In practice, every lawyer and even an ordinary citizen will come across situations when it is necessary to assert oneself. In the same way, oratory promotes the rational ordering of one's arguments in combination with their emotional value. Studying the antique technique of "manipulating the facts," on the one hand, tempts one to sophisticated lying, but on the other, helps to decode/understand messages in politics and advertising – the antithetical problem of rhetoric since antiquity. In any case, the physician has to know the disease.

Regarding these general thoughts, the differences between the two methods of performing the cases (see the diagram below) seem nearly to vanish. Every professor sets, and hopefully will set, different personal priorities; the two patterns depicted above are certainly not the only possible ones. Certainly, the Belgrade style mainly puts emphasis on emotions. Narrative witness depositions and cross-examination, though unhistorical, make the show more vivid and demand some improvisation. Voting by show of hands, as practised in the Belgrade Summer Seminar 2018, is not authentic but shortens the play. The audience knows all these items very well from (American) court-trial movies and the performance needs no historical introduction.

The historically more authentic Graz style concentrates on the speeches themselves and cancels any accessory part. The course of the trial seems a little strange to a modern audience and needs a historical introduction. With this it reaches exciting highlights. By keeping strictly to previously drafted texts, the litigants, average citizens (like in Athens), learn to understand the demands of facing a critical audience, the crowd of judges. Only extremely gifted speakers (like the student performing the accused "Apuleius" in Belgrade)[20] are/were able to reply extemporaneously and still keep to the time allotted for speaking. The court honoured this risk and the excellent acting effort with an acquittal; when the speeches were read verbatim the case seemed less clear. As stated at the beginning of this chapter: "All the world's a stage."

19 G. Thür and S. Avramović.

20 See Thür, Avramović, and Katančević (2020) 192–213.

The Belgrade and Graz models

| | The BELGRADE model | The GRAZ model |
|---|---|---|
| Preparation | Individual preparation | In a seminar |
| Performance | Public | Public |
| Court | Audience = judges | Audience = judges |
| Speech time | No strict measuring | Measuring with water clock |
| Witness depositions | Speak freely | Acknowledge a written text read out by the court official |
| Witness questioning | Cross-examination | None |
| Voting procedure | Showing of hands | Secret voting with pebbles |
| Sentence/verdict | Pronouncing the result by the court official who counts hands *pro et contra* | Pronouncing the score by the court official after the voting pebbles are counted |
| General intention | Focus on oral performance, vivacity, improvisation | Focus on written preparation and oral performance |
| Approach | More theatre-like performance | More academic strategy |
| Final impression | Performance is more important than the historical trial and the facts of the case | Performance tries to keep to the historical case and trial as far as possible |

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