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LYSIAS

FROM A BUST IN THE MUSEUM OF NAPLES
LYSIAS

SELECTED SPEECHES

XII, XVI, XIX, XXII, XXIV, XXV,
XXXII, XXXIV

EDITED
WITH INTRODUCTION, NOTES, AND APPENDICES

BY

CHARLES DARWIN ADAMS, PH.D.

LAWRENCE PROFESSOR OF GREEK,
DARTMOUTH COLLEGE

NEW YORK:: CINCINNATI:: CHICAGO
AMERICAN BOOK COMPANY
TO MY FATHER

DANIEL EMERSON ADAMS
PREFACE

This volume has been prepared primarily for the use of college Freshmen. On the side of grammar I have tried to provide in the notes for the understanding of unusual constructions, and for a somewhat systematic study of certain matters which, while entirely regular, require more observation and reflection than can be counted upon before the first year in college. I have laid especial emphasis upon the force of the tenses. The feeling for the finer distinctions of the Greek tenses is more difficult of attainment than the understanding of the moods, and these distinctions often baffle translation. The force of the particles is another difficulty that can be met only by constant observation and comparison in reading. In many instances I have given in a single note a systematic review of the uses of a given particle, and have then attempted by repeated references to this note to provide for frequent review and discrimination. I have treated many of the uses of prepositions in the same way.

Rhetorical matters have received especial attention. In Lysias we have the first really successful application of rhetorical theory to practical speech. The more vehement and showy style of Demosthenes, imitated by Cicero, and through him passed on to the modern world, long dominated English oratory. But in our own time, with the marked tendency toward simplicity and directness in public speech, we are ready for a new appreciation of Lysias, and for the study of his style as a most valuable training in the art of combining simplicity with distinction in prose composition. I have added to the Introduction to each speech a chapter on its Argument and
Style, designed to be studied section by section as the reading advances.

I have attempted to bring all of the matter in the notes within the ready understanding of the young students for whom the volume is designed. Nothing can be more valuable to advanced students than constant reference to other Greek authors and to the standard modern authorities, but to fill notes for young students with such matters is only to discourage them in the attempt to use the notes at all.

The notes have been prepared upon the assumption that either the twelfth or the sixteenth speech will be the first to be read.

In the preparation of this volume I have made constant use of the stores of material in the great edition of Frohberger-Gebauer and the hardly less valuable edition of Rauchenstein-Fuhr. Thalheim's critical edition of 1901 has made the task of establishing and commenting on the text much simpler than that of my predecessors. For the treatment of Lysias's Ethopoia I have depended especially on the studies of the late Ivo Bruns, whose brilliant work, Das Literarische Porträt der Griechen, has made all students of Greek literature his debtors. And in all departments of my work I have turned constantly to the Attische Beredsamkeit of Friedrich Blass, the man who more than all others in our time has broadened the foundations for the study of Greek oratory.

I am indebted to Professor Herbert Weir Smyth for valuable suggestions and criticisms, and to my colleague, Professor Richard Wellington Husband, who has read nearly all of the volume in proof, and whose criticism has been of constant service.

CHARLES DARWIN ADAMS.

DARTMOUTH COLLEGE,
September 1, 1905.
# CONTENTS

## INTRODUCTION.

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life of Lysias</td>
<td>9</td>
</tr>
<tr>
<td>Works of Lysias</td>
<td>24</td>
</tr>
<tr>
<td>Style of Lysias</td>
<td>25</td>
</tr>
<tr>
<td>The Revolutions of 411 and 404 B.C.</td>
<td>32</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against Eratosthenes, XII</td>
<td>43</td>
</tr>
<tr>
<td>For Mantitheus, XVI</td>
<td>130</td>
</tr>
<tr>
<td>On the Estate of Aristophanes, XIX</td>
<td>160</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Against the Grain Dealers, XXII</td>
<td>213</td>
</tr>
<tr>
<td>For the Cripple, XXIV</td>
<td>231</td>
</tr>
<tr>
<td>Defense, XXV</td>
<td>253</td>
</tr>
<tr>
<td>Against Diogiton, XXXII</td>
<td>283</td>
</tr>
<tr>
<td>On the Constitution, XXXIV</td>
<td>313</td>
</tr>
</tbody>
</table>

## APPENDIX.

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chronological Outline</td>
<td>327</td>
</tr>
<tr>
<td>Athenian Legal Procedure</td>
<td>334</td>
</tr>
<tr>
<td>Rhetorical Terms</td>
<td>344</td>
</tr>
<tr>
<td>Money and Prices at Athens</td>
<td>357</td>
</tr>
<tr>
<td>The Manuscripts</td>
<td>361</td>
</tr>
<tr>
<td>Bibliography</td>
<td>362</td>
</tr>
<tr>
<td>Critical Notes</td>
<td>363</td>
</tr>
<tr>
<td>Indices</td>
<td>390</td>
</tr>
</tbody>
</table>
INTRODUCTION

THE LIFE OF LYSIAS

[Dionysius begins his essay on Lysias with a brief biography. We have a
critical edition of this essay in Usener-Radermacher, Dionysii Halicarnasei
Opuscula, Lips. 1899. We have also a biography in the Lives of the Ten
Orators, handed down to us under the false ascription to Plutarch; the
unknown author is cited as Pseudo-Plutarch. A critical edition of this text,
together with that of Dionysius's essay, is contained in Thalheim's text edition
of Lysias.

A brief life of Lysias is appended to the discussion of his works in Pho-
tius, Bibl. 262, but it offers nothing that is not found in Pseudo-Plutarch.

Suidas, s.v. Ἀυσίας, gives a very condensed life, but adds nothing to the
statements of Dionysius.

Harpocratio refers to a speech of Lysias Ἡπι πῶν ἱδίων ἐνεργεσίας (s.v.
Κεῖος, μεταπύργιον, Φηγαίεστοι). From this speech On his Services, lost to us,
the biographers probably obtained some of their facts about his life.]

LYSIAS was the son of Cephalus, a Syracusan who had settled
at the Piraeus by invitation of Pericles. The family was pros-
perous and honored, but by the Athenian consti-
tution neither Cephalus nor his sons could become
Athenian citizens except by special act of the Ecclesia. They
probably did receive the rank of privileged metics (ἰσοτελεῖς) by
which they were freed from the small, but humiliating, tax on for-
igners, and from the requirement that they be enrolled as under
the formal protection of an Athenian patron (προστάτης). They
came under the same military and financial obligations to the
state as though they had been citizens, and we have Lysias's
testimony to the fact that these duties were fully performed (12.

1 Lys. 12. 4; Plato, Republic, 328 b.
INTRODUCTION

They also received the privilege — not always granted even to ἱσορελεῖς — of holding real estate.¹

That Cephalus’s home was one of refinement and a gathering place of the most cultured men of the time is evident from the fact that Plato chooses it as the scene of his great dialogue, the Republic.² Plato draws a charming picture of the aged man, sitting in the center of an eager circle, talking with Socrates about the infirmities and the compensating pleasures of old age. He says that he has the comfort of knowing that the ample fortune which had come down from his grandfather, Cephalus, and his father, Lysanias, will pass on undiminished to his sons. He admits that wealth is a comfort to old age, but insists that without a calm and happy spirit wealth would be worthless to an old man.

Of the advantages that wealth gives he holds the greatest to be that it enables a man to fulfill all his obligations to gods and men, and so to face the unknown world beyond death with the good hope of which Pindar sings.³

The boy Lysias, brought up in such a home, had every advantage of contact with the leaders in the literary life of the city, and of education with the sons of the best families.⁴ But at the age of fifteen he set forth with his older brother, Polemarchus,⁵ for the new colonial city Thurii, in southern Italy.

¹ We have explicit testimony to the fact that Lysias was ἱσορελής (Ps.-Plut. 836 A), and the fact that the family owned real estate in Attica (12. 18) implies the same status for the others. (Inscriptions seldom show ἕγγυς καὶ οἰκεῖς except as added to a grant of ἱσοτέλεια or προεῖλα.)

² Plato does not take pains to secure exact chronological accuracy in the setting of the dialogue. If he thought of it as held before the departure of Polemarchus for Thurii, Lysias and Euthydemus would hardly have been of an age to warrant their mention with the company gathered; but if we place the dialogue after Polemarchus’s return from Thurii, as is now commonly done, we must probably assume that Plato forgets or ignores the fact that at this time Cephalus had been dead several years.

³ Plato, Republic, 328-332.

⁴ Dionys. Lysias, § 1; Ps.-Plut. 835 C.

⁵ Pseudo-Plutarch (835 D) says that Lysias had three brothers, Pole-
THE LIFE OF LYSIAS

Here, near the site of old Sybaris, a new city was rising, to which men prominent in every profession were flocking from Removal to all Greece. Athens took the lead in founding the colony, but she treated it as a pan-Hellenic enterprise, and settlers were welcomed from every city. Hippodamus of Miletus, the greatest architect of the day, laid out the plan of the orderly streets; Protagoras of Abdera, the greatest of the sophists, the poet-philosopher Empedocles of Agrigentum, Tisias of Syracuse, chief expounder of the new Sicilian art of Rhetoric, Herodotus the historian, Cleandridas the Spartan statesman, were among the famous men who joined in founding the new city.

It is possible that Lysias and his brother were among the first colonists, in 443 B.C.,¹ but it is more likely that they went much later, about the beginning of the Peloponnesian War.²

 marchedus, Euthydemus, and Brachyllus. Dionys. (§ 1) says that two brothers went with him to Thurii, but according to Ps.-Plut. he went σὺν τῷ πρεσβυτάτῳ ἀδελφῶν Πολεμάρχῳ (835 D). In the opening of the Republic (328 B) Plato says, ἦντο σὺν οἴκατε εἰς τοῦ Πολεμάρχου, καὶ Δυσίαν τε αὐτῷ κατελάβομεν καὶ Εὐθύδημον, τοῦ τοῦ Πολεμάρχου ἀδελφοῦ. Brachyllus was probably the husband of Lysias’s sister (Blass, Attische Beredsamkeit, I.² 346).

¹ On the date of the colonization of Thurii see Busolt, Griechische Geschichte, III. 1. 523.

² The question of the date of the removal to Thurii is bound up with the unsettled question of the year of Lysias's birth. The data for the year of birth are the following statements:

RELIABLE STATEMENTS

a. Cephalus settled in Athens by persuasion of Pericles; Lys. 12. 4.
b. Cephalus lived at Athens thirty years; Lys. 12. 4.

STATEMENTS THAT ARE PROBABLY RELIABLE

c. Lysias was born at Athens; Dionys. § 1; Ps.-Plut. 835 C; Cicero, Brutus, 16. 63.
d. Lysias was considerably older than Isocrates, who was born 436 B.C.; Plato, Phaedrus, 228 A, 279 A.
e. Lysias removed to Thurii at the age of fifteen; Dionys. § 1; Ps.-Plut. 835 D.
INTRODUCTION

Here Polemarchus received the citizenship that had been beyond his reach at Athens, and Lysias too became a citizen in

f. Lysias and his brother returned to Athens during the rule of the Four Hundred, 411 B.C.; Ps.-Plut. 835 E; Dionys. § 1.

STATEMENTS OF DOUBTFUL VALUE

g. Lysias was born in the archonship of Philocles (459/8); Ps.-Plut. 835 C. But this date would easily be the result of a computation of one who did not know the birth year, but assumed the removal to Thurii to have been in 444/3 (444/3 + 15 = 459/8).

h. Lysias went to Thurii when the colony was founded; Dionys. § 1; Ps.-Plut. 835 D. But any one who did not know the date of the removal would naturally assume this.

i. Lysias was forty-seven years old when he returned to Athens; Dionys. § 1. But this may be only a reckoning of the number of years between the computed date 459/8 and 412/11. That it was so obtained is probable from Dionysius’s qualifying words, ὡς ἄν τις εἰκάσειν.

j. Cephalus died before Lysias went to Thurii; Ps.-Plut. 835 D. But by Pseudo-Plutarch’s own statement that the removal was in 444/3 the coming of Cephalus to Athens is thus carried back before 474/3, a date too early for the influence of Pericles. The death of Cephalus before Lysias’s removal would be a natural assumption to account for the migration of so young a boy.

The traditional date, 459/8, based on g, is consistent with the data as given above, but it forces us to the conclusion that Lysias’s extraordinary professional activity fell between the years of fifty-five and seventy-eight. The improbability of so productive an old age, occupied with a profession taken up so late in life, has led many scholars to reject the date 459/8 and to seek other points of reckoning.

If we try to bring the birth year down to a later date, we must stop well before 436/5, the birth year of Isocrates (d'). If we assume 446 as the approximate date, we have the coming of Cephalus (a, c) at a time when Pericles’s influence was fully established, the removal to Thurii at about the beginning of the Peloponnesian War (= 446 – 15), and the death of Cephalus before 416 (= 446 – 30). This would bring the beginning of Lysias’s professional work into the prime of his life.

By bringing the birth year down to 444, as is often done, we bring the possible date of Cephalus’s death down to about 414, a time that allows the possibility of his having been seen by the boy Plato (b. 427). But the boy’s knowledge of the old gentleman could hardly account for the beautiful
due time. The brothers prospered and acquired property. We may safely conjecture that they were engaged in manufacture, as they were later at the Piraeus.

But the intellectual advantages open to the brothers in the new colony were no less attractive than their opportunities in politics and business. Polemarchus was committed to the study of Philosophy, but Lysias turned to the new art of Rhetoric.

In his school years at Athens his training had been in poetry only, the great epics and lyrics. He had doubtless heard, too, some of the works of the great dramatists; but prose literature was still in its infancy. He might have read some of the work of the Ionian chroniclers, the undeveloped beginnings of historical writing, and he may well have heard, shortly before his departure for Thurii, some of the earliest work of Herodotus from his own lips. He had heard powerful speeches,—probably he had heard Pericles himself,—but at this time public men had no thought of publishing their speeches; speech writing was only just coming to be regarded as a literary art, and the new art had not yet passed from the first theorists to the speakers in courts and ecclesia.

But at Thurii Lysias found himself in the midst of a new and vigorous literary movement, centering in the teaching of Tisias, the Syracusan rhetorician.

Corax of Syracuse had been the first to treat speech writing as an object of systematic study. We have only vague accounts of his work, but we know that, out of the mass of litigation that had come from revolutions and counter-revolutions in the Sicilian cities, the practice of the law courts had developed more rapidly than in the rest of Hellas, and that Corax

description in the Republic. It is more likely that Plato wrote of what he had learned from others.

For the detailed discussion of the whole question and the views of modern scholars, see Blass, Attische Beredsamkeit, I. 339 ff.

1 Dionys. § 1; Ps.-Plut. 835 D.

2 Plato, Phaedrus 257 B.
had formulated certain principles of pleading. His greatest service was his study of the art of argument from "probabilities," an art which would enable one to plead upon scanty evidence, or even against overwhelming evidence of his opponent. He had made some progress, too, toward a theory of the effective disposition of matter in a speech—at least he had developed a theory of the structure of the proem. Tisias, his pupil, succeeded to the master's place, and reduced his teachings to a system, embodying them in a formal treatise (Τέχνη).

Tisias, then, the young Lysias found at Thurii, and under his instruction he entered upon the study of the art of argumentation and speech writing (Ps.-Plut. 835 D).

But these studies were doubtless furthered by the influence of another great teacher, the greatest of the sophists, Protagoras. He had come to Thurii with the first colonists, and had helped draft their constitution. From him, or at least from pupils of his, Lysias would receive training no less valuable than that of Tisias. Protagoras did not aim so much at the production of a formal speech, but he professed to enable his pupils to conquer their opponents in any disputation, and this by his famous art of making the weaker the stronger argument, τῶν ἔτω λόγων κρείττω ποιεῖν. The whole art of dialectic and eristic was his, and he professed to be able to corner the professor of any science on his own ground, without himself knowing the facts of the science on which he was disputing. This brilliant training in argumentation fitted exactly into Tisias's more limited teaching. It was, moreover, accompanied by other teaching which was lacking in Tisias's course, the systematic study of language. Grammar and vocabulary received careful treatment at the hands of Protagoras, so that his pupils were trained not only in the invention of argument, but in its correct expression.

Lysias came under these influences just as he was passing from boyhood to manhood, the age when he was best fitted to profit by the instruction which his abundant means and leisure opened to
THE LIFE OF LYSIAS

him. He devoted himself to the study of prose composition in
the form of speech writing, not at all as a means of livelihood, but
purely as a literary accomplishment.

The prosperous life of the brothers at Thurii continued about
twenty years;¹ but in 413 came the terrible disaster to the Athe-
nian army before Syracuse, and the complete triumph
of the anti-Athenian party in Sicily. One result was the expulsion from Thurii of some three hundred Athenian
sympathizers, Polemarchus and Lysias being among the number.²
The brothers naturally returned to their former home at Athens,
where their mother was still living,³ and where their father had
left a large property.⁴ Here, at the Piraeus, the brothers conducted a shield manufactory operated by
more than a hundred slaves (12. 19). Lysias, and perhaps Pole-
marchus, lived at the Piraeus.⁵

On his return to the Piraeus Lysias had found the Four Hun-
dred in power. They were supported at the first by the more
intelligent and wealthy citizens, the class with whom Lysias's social and intellectual connections would be
most intimate. But as metics Lysias and Polemarchus could have
no direct share in the stirring political movements of the summer
of 411, which ended with the triumph of the conservative aristoc-
rapy. The next year saw the restoration of the radical democracy,
and then followed the tremendous exertions of the exhausted state
in its determined effort to ward off the inevitable result of the
long-protracted war. In the great financial sacrifices demanded
in these last years of the war, Lysias and his brother bore their
full share. But they had inherited sufficient property, their busi-

¹ Upon the supposition that Lysias was born c. 446. The earlier birth year
gives a residence of about thirty years. See p. 11.
² Dionys. Lysias, § 1; Ps.-Plut. 835 E.
³ [Dem.] 59. 22.
⁴ For the father’s death, see p. 12.
⁵ For the question of Polemarchus’s residence, see on 12. 16. The brothers
together owned three houses (12. 18).
ness was prosperous, and they came to the close of the war with better fortunes than did many of their associates.

The life of Lysias during these seven years was by no means that of a manufacturer hard pressed by the daily cares of his business. The men of his class knew little of the slavery that comes with the pressure of modern business methods. While he operated a successful manufacturer, the larger interests of his life were intellectual. His own study of rhetoric in the years at Thurii enabled him now, in the prime of life, to take his place at once among the most prominent writers at Athens. And in no department of literature would excellence find quicker recognition at just this time than in rhetoric. For during the years of Lysias's absence in Italy the same development of prose writing that had been going on at Thurii had advanced even more rapidly at Athens.

Even before the Peloponnesian War Protagoras had given his pupils at Athens the same training in language and in the art of disputation which he gave at Thurii, and the lesser sophists had worked effectively along the same lines, to train skilled debaters and to teach the art of polished expression. But in the distinctive art of rhetoric two men, greater than any of Lysias's teachers, had been doing brilliant work at Athens, Thrasymachus of Chalcedon and Gorgias of Leontini.1 Into the circle of their pupils Lysias now came.

Thrasymachus was one of the sophists and rhetoricians who went from city to city offering instruction in the new learning. He was already well known at Athens about the beginning of the Peloponnesian War 2 and became one of the great rhetorical teachers there, the most influential in the ultimate development of prose writing.3 We have only a sin-

1 It is entirely possible that Lysias had heard both Thrasy machus and Gorgias at Thurii; but the biographers name neither as his teacher.

2 Aristophanes has his fling at him in 427 B.C., Frag. 198. 7.

3 For a detailed study of Thrasy machus and his permanent influence on
gle fragment of his writing, but from statements of ancient critics we learn that he developed a clear and pure style of speech, avoiding, on the one hand, the artificial stiffness of other rhetoricians, and, on the other, the undignified speech of the untrained man; that he was probably the first to perfect the rounded, periodic sentence, gathering the separate thoughts into one compact whole; and that he added to this periodic structure the beauty of a fitting prose rhythm. Thrasydas also taught his pupils the effectiveness of the appeal to the feelings, in distinction from the appeal to the reason only. The art of disputation as taught by the other rhetoricians awakened the admiration of the hearers, but it did not move them; Thrasydas taught how to reach the will through the feelings. All of this work was sound, and it laid a permanent foundation for that dignified, forcible, noble Attic style which his pupil Isocrates later brought to perfection.

But during the same period, from 427 on, another, more popular, teacher of Rhetoric was coming from time to time to Athens, Gorgias of Leontini, an exponent of the Sicilian rhetoric, with its elaborate arguments from probability, but still more prominently the exponent of a new method of expression. Gorgias's invention was that of a new form of composition, intermediate between poetry and prose. Poetry had the beauty of the grouping of words in symmetrical verses determined by meter; Gorgias developed a form of prose in which short clauses of almost or quite equal length were ranged in pairs, each pair marked by an antithesis of thought, and often by rhyme of the final syllables. Poetry had also the beauty of a vocabulary of its own, raised above the common speech, and enriched by the free word formations of the poet; Gorgias transferred this rich vocabulary to his prose. To compensate for the loss of the rhythm of poetry, he pleased the ear with constant assonance of syllables, and with every sort of play on the sounds of words.

Attic prose, see Drerup, Untersuchungen zur älteren griechischen Prosalitteratur, p. 225 ff.

1 A proem of thirty-seven lines preserved by Dionys. Demosthenes, § 3.
INTRODUCTION

The young Athenians were carried away by this novel style of composition. They flocked to his lectures and vied with one another in imitating his prettily balanced antitheses and his cunning play of sounds. No writer of the time entirely escaped his influence. It formed an irresistible current setting toward all that was artificial in speech.

Yet a third man had been molding Attic prose style in these same years, Antiphon, an Athenian by birth. Under the influence of the earlier Sicilian teachers, Antiphon took up the study and teaching of rhetoric, and that in the most practical form. His work, like that of Thrasystratus and Gorgias, commenced about the beginning of the Peloponnesian War. He published a systematic treatise on rhetoric (Téχνη), and a series of model speeches to illustrate methods of handling both sides of typical cases at law. But Antiphon was more than a theorist; he was an active politician,—the real intellectual force back of the oligarchy of the Four Hundred,—and he wrote speeches for litigants to deliver in actual cases in the courts. He further treated these speeches not simply as pleas to accomplish their immediate purpose in the court room, but as literary masterpieces, to be published and circulated afterward.¹

In style Antiphon was neither poetic like Gorgias, nor clear and noble like Thrasystratus, but he had a dignity of expression which, with his strength in argument, gave him a commanding position. His mature work represents the earlier, strong type of Athenian speech of the Periclean time, modified, but not controlled, by the refinements of Thrasystratus and Gorgias.²

Now when Lysias returned to Athens in 411 he found the influence of these three men at its height. All had published treatises on the theory of rhetoric, and speeches by all were in circulation among students of oratory. The most mature work of each of the three falls near

¹ The sophists and rhetoricians were freely publishing their model speeches and rhetorical exercises, but Antiphon was the first to publish speeches that had been actually used in court. ² Dretup, pp. 293, 296, 350.
THE LIFE OF LYSIAS

this date. Lysias found also a body of men of his own age and younger, trained under these teachers, enthusiasts in the art of speech writing. Many men had taken up the work as a money-earning profession, and were prospering as speech writers (λόγο-

γράφοι) for the political assemblies and the courts. But they were looked upon only as tradesmen, and hardly had access to the inner circle of the gentlemen who were cultivating the new art for art's sake. Into this inner circle Lysias came, and was soon recognized as its ablest representative.

Of his work in this period we obtain invaluable knowledge through the Phaedrus of Plato, his younger contemporary. Plato represents Socrates as meeting his young friend Phaedrus all aglow from the hearing of a wonderful dis-

course of Lysias at the house of a friend. Upon Socrates's request that Phaedrus recite the speech to him, Phaedrus replies, "Do you suppose that I, a layman in the art, could give the speech from memory in a way that would be worthy of Lysias, the ablest writer of the day, a composition on which he has worked long and at his leisure? I would give much if I could!" After some byplay of insistence and refusal Socrates discovers that Phaedrus has Lysias's manuscript hidden under his cloak. So, seated under a plane-tree, Phaedrus proceeds to read aloud Lysias's discourse on Love. At the close of the reading Socrates finds his young friend in a fine frenzy, carried away by the charm of the language. After a bit of mock sympathy with his ravings, Socrates turns to a sharp criticism of the speech, both as to form and content.1

We may think of Lysias, then, in these last years of the Peloponnesian War, as occupying his abundant leisure with the com-

position of speeches and essays designed to be read to a circle of his private friends, and perhaps to be published. It is not likely,

1 Whether the discourse of Lysias in the Phaedrus was a part of a published speech which Plato incorporated in his dialogue as a subject for criticism, or only a discourse written by Plato in the manner of Lysias, has been much disputed. The prevailing opinion now is that it is the work of Lysias himself. So Jebb, Attic Orators, I. 305 ff.; Blass, o.c. p. 424 ff.
INTRODUCTION

though it is possible, that he was already beginning to give courses of lectures on rhetoric. His written discourses were ranked with the best work of Thrasymachus and Gorgias.

But the prosperity of these years after the return from Thurii was suddenly interrupted. The disastrous close of the war was followed by the political revolution which put the Thirty into complete control of the city, while this body itself soon fell under the domination of a reckless and desperate faction headed by the returned exile Critias. The Thirty found themselves with an empty treasury, with no subject states to furnish tribute as of old, with their own citizens terribly impoverished by the twenty-seven years' war; and they had to meet, not only the ordinary expenses of the state, but the expense of the employment of a standing Spartan garrison. They could not safely put heavy financial burdens upon those of their own citizens who had still some property remaining, for it was upon the goodwill of these richer citizens that the administration had to depend for moral support. The obvious resort was the seizure of the property of the wealthy metic, who formed a large class of the men engaged in business and manufacture.

False charges against a group of these metic were formulated and their condemnation pushed through the Senate, without warning or opportunity of defense for the accused. Among the victims of this lawless attack were the brothers Polemarchus and Lysias. In his twelfth speech Lysias gives the detailed account of their arrest, the seizure of their property, the execution of his brother, and his own narrow escape and flight to Megara.

When the democratic exiles who had been banished by the Thirty gathered on the frontier and moved down upon Piraeus, establishing themselves in camp at Munychia, Lysias joined them and became an active helper in the Return.¹ After the restoration of the democracy Thrasybulus, the

¹ 12. 53 implies that Lysias was with the exiles at Piraeus. Ps.-Plutarch (835 F) says that he furnished 2000 drachmas and 200 shields; that he hired
THE LIFE OF LYSIAS

great leader of the Return, carried a motion in the Ecclesia\(^1\) that
citizenship be granted to all who had joined in the
return of the democrats.\(^2\) This would have given to
Lysias the full rights of a citizen, but the decree was
attacked as illegal by Archinus, another of the democratic leaders,
and was defeated in the courts (see XXXIV, Introd.).\(^3\)

Immediately after the restoration of the democracy Lysias came
before the courts in the prosecution of Eratosthenes, the member
of the Thirty who had arrested his brother, Polemar-
chus. To this prosecution Lysias brought the per-
fected skill in argument and arrangement of matter
and the facility in expression which he had been acquiring in his
years of rhetorical training. This prosecution, while probably not
successful in securing the condemnation of Eratos-
thenes, brought Lysias prominently before the public,
and opened the way for him to enter at once upon
a career as a λογογράφος, or professional writer of

300 mercenaries (presumably Ps.-Plutarch means at his own expense), and
secured a gift of two talents for the cause from Thrasydæus, an Elean friend.
If these statements are true, Lysias must have saved something from the wreck
of his property. The statements may have come from Lysias’s speech “On
his Services.”

\(^1\) On the date, see Chron. 401 B.C.

\(^2\) μετεβίβασεν τὴς πόλιν πάσιν τοῖς ἐκ Πειραιῶν συγκαταλθοῦσιν, ἀν ἐνοι

\(^3\) The account of the biographers rests upon a misunderstanding of this
motion of Thrasybulus. Pseudo-Plutarch says (835 F) that Thrasybulus moved
that citizenship be given to Lysias, that it was so voted by the people, but
that their action was annulled by the courts as illegal, not being based on a
recommendation of the Senate (cp. Phot. 4. 172 C; Schol. Aesch. 3. 195; 
Schol. Hermog., Walz V. 343). The tradition has evidently represented
as a special proposition in the case of Lysias what was really a proposition for
all who had shared in the Return. The effect of a γραφὴ παρανόμων was to
suspend any decree against which it was brought, pending the decision of the
courts (Meier u. Schömann, Der attische Process, p. 435). Archinus probably
brought his action immediately upon the passage of the decree, so that we can
hardly suppose that Lysias enjoyed even a few weeks of citizenship.
speeches for others to deliver in the courts or political assemblies. What had before been the occupation of scholarly leisure now became the means of restoring his fortunes.

With remarkable literary insight Lysias was able to turn from the artificial style which he, like all rhetoricians of the time, had cultivated for purposes of display, and to perfect a type of plain, practical speech, which soon placed him at the head of his profession.

It was probably at this time that he also began the work of formal teaching. We have Aristotle's testimony that Lysias at first taught rhetoric, but that finding in Theodorus of Byzantium a rival who was his superior in rhetorical theory, he turned to the work of a λογογράφος.

Another rival also soon appeared in the person of his younger contemporary, Isocrates, who returned about 400 B.C. from a course of rhetorical training under Gorgias in Thessaly. Isocrates, with his artificial style and his refined elegance of expression, proved no match for Lysias in speech writing for court or ecclesia, and soon abandoned this field, turning to the teaching of rhetoric, and the publication of political pamphlets, cast for the most part in the form of speeches.

Lysias was thus left as the recognized master of practical speech writing. As a metic he was excluded from personal activity in politics, and thus he turned the more toward the one pursuit of writing for others. The fact of the superiority of his rivals in the department of teaching rhetoric tended to the same result. The twenty years after the restoration of the democracy show remarkable activity of Lysias in this professional work. In the first cen-

1 Cited by Cicero, Brutus, § 48.
2 It is quite possible (Blass, p. 347, holds it as certain) that his work as a teacher falls in the period before the Thirty, but it seems more probable that this money-earning work began with his work as a paid speech writer after the loss of his property. The title, ὁ σοφιστής, applied to him in [Dem.] 59. 21, probably comes from this work as a teacher.
tury A.D. more than two hundred of his published speeches were in circulation.¹

Only once do we find Lysias coming forward personally in public affairs. In 388 the Corinthian War was still dragging along, indecisive and burdensome to both sides; but rumors were abroad that a coalition was forming on the side of Sparta, between Persia and Dionysius, tyrant of Syracuse. At the Olympic Games of that year a splendidly equipped delegation from Dionysius appeared, and a band of rhapsodists chanted the poems of the tyrant.

Against this glorification of the tyrant of his father’s native city Lysias delivered before the assembled Greeks his Olympic oration. The Greeks were urged to give up their ruinous strife with one another, and to join against their common enemies, the tyrants. So effective is the speech said to have been that the crowds rushed upon the gold-bedecked tent of the Syracusans and plundered it.²

Of Lysias’s private life after the Return, we know only that his wife was a daughter of his sister, and that he was a lover of the hetæra Metanira, for whom he secured initiation into the Eleusinian Mysteries.³

As we can trace his professional work down to about 380 B.C., we conclude that he died not long after that date.⁴

¹ Pseudo-Plutarch (836 A) says that 425 speeches were current under the name of Lysias, of which Dionysius and Caecilius held 233 to be genuine. It was only natural that many speeches of unknown authorship came in time to be ascribed to so fertile and popular an author.

² Diodor. 14. 109; Dionysius, Lysias, § 29; Is.-Plut. 836 D. For the story of a mission of Lysias to the court of Dionysius, based upon a probably corrupt Ms. reading, see crit. note on 19. 19.

³ [Dem.] 59. 21, 22.

⁴ We have the statement of Pseudo-Plutarch (836 A) that Lysias died at Athens ὑγιῶθηκα τριὰ ἐτη μιὸς, ἦ ὡς τινὲς ἐξ καὶ ἔβδομηκοντα, ἦ ὡς τινὲς ὑπὲρ ὑγιῶθηκα, a statement which shows only that the biographers had no reliable knowledge of the date.
INTRODUCTION

THE WORKS OF LYSIAS

Our manuscripts of Lysias\(^1\) have preserved thirty-one speeches, of which twenty-three are now commonly held to be genuine. Parts of three other speeches are preserved in our manuscripts of Dionysius of Halicarnassus,\(^2\) being inserted by him as specimens of Lysias’s style. To these is to be added the fragment in Plato’s *Phaedrus*.\(^3\)

The ancient critics made the following classification of speeches:

\[
\begin{align*}
\text{Δικαίωσις, \ court \ speeches} & \quad \text{δημοσίου \ in \ public \ cases.} \\
\text{Privatheit, \ private \ cases.} & \quad \text{ιδιωτικοί \ in \ private \ cases.}
\end{align*}
\]

\[
\begin{align*}
\text{Δημοσίου, \ deliberative \ speeches \ in \ political \ assemblies.} & \quad \text{συμβουλευτικοί, \ deliberative \ speeches \ in \ political \ assemblies.} \\
\text{Exhibition \ speeches, \ including \ rhetorical \ exercises, \ eulogies, \ etc.} & \quad \text{ἐπίδεικτικοί, \ exhibition \ speeches, \ including \ rhetorical \ exercises, \ eulogies, \ speeches \ for \ public \ festivals, \ etc.}
\end{align*}
\]

Twenty-four of the twenty-six extant speeches fall under the first class, the department in which Lysias especially excelled. Of greatest historical interest is the group of speeches for public cases arising out of the question of reconstruction after the rule of the Thirty — cases which involved the vital question how far the supporters of the oligarchy were to be restored to political influence under the restored democracy.\(^4\) The political questions involved naturally give to these speeches much of the tone and manner of deliberative oratory, and in the most important, the *Speech against Eratosthenes* (XII), Lysias speaks in his own person.

We have only four speeches written for litigants in private cases: X is for the prosecution in a libel suit; XVII is for a claimant of disputed property; XXIII, a preliminary suit to determine the legal status of an alleged citizen, to clear the way for the prosecution of a private claim; XXXII, a suit of an heir against his guardian, to force the relinquishment of an estate.

Of speeches of the second main division, the deliberative, we

\(^1\) See App. V.  \(^2\) See XXXII, first crit. note.  
\(^3\) Blass (p. 375) classes this with ἐπιστολαί, after Hermias.  
\(^4\) For the fuller discussion of these cases, see p. 39 ff.
have only one, and that probably incomplete (XXXIV). It is a speech written for a citizen who, immediately after the overthrow of the Thirty, opposed a proposition before the Ecclesia to restrict the franchise to owners of real estate.\footnote{See XXXIV, Introd.}

The third main division is represented in our extant speeches only by the proem of the \textit{Olympic Speech}.\footnote{See p. 23.}

\begin{center}
\textbf{THE STYLE OF LYSIAS}
\end{center}

Lysias stands in the judgment of the Greek and Roman critics as the greatest representative of the Plain Style\footnote{For discussion of the three \textit{"Styles,"} see App. § 37 ff.} in prose composition.\footnote{Modern criticism of the style of Lysias naturally follows the generally sound observations of Dionysius of Halicarnassus. In his treatise on Lysias he extols his Purity of Language (§ 2), Simplicity of Language (§ 3), Clearness (§ 4), Brevity (§ 5), Compact and Rounded Composition (§ 6), Vividness (§ 7), Ethopoia (§ 8), Adaptedness (§ 9), Persuasiveness (§ 10), and Charm (§ 10 ff.). It must be remembered that Dionysius had a large body of Lysias's works where we have but a few, and that he had a broader basis for comparison in the possession of many more of the works of his contemporaries than have come down to us.} The Grand Style of Thucydides and the florid, poetic mannerisms of Gorgias stand at one extreme; the simple, straightforward style of Lysias, at the other. Lysias took the plain, direct speech of daily life, purified it of its colloquialisms and vulgarities, and shaped it into a perfect medium for the expression of his thought. His language is the current speech of his own day, neither elevated by occasional words from the vocabulary of the older generation, nor enriched by the diction of the poets, nor made striking by newly formed compounds. Even metaphorical language he seldom used.\footnote{In 24. 14 we have a brief simile, heightened by personification. In 24. 3 \textit{tēs thra} is a simple metaphor. But this speech is throughout in mock-rhetorical style. Other metaphorical expressions are the simple and common ones of}
To this simplicity of vocabulary was added a skill in phrase and sentence structure that produced remarkable clearness. In reading Thucydides or Antiphon we are often puzzled to catch the meaning of a sentence, though every individual word may be simple. Lysias seldom perplexes us; he expresses the relations of words as well as the words themselves; phrases follow in the natural order of thought; and the sentences are seldom too long to be carried in the mind as a whole.

And yet this clearness is consistent with brevity both in thought and language. From the union of this simplicity and brevity, together with a fine appreciation of the striking details in a story, comes the vividness of Lysias's narrative style—a department in which he was never surpassed.

But the simplicity of Lysias's composition, even in much of his narrative, is not the monotonous simplicity of the pure "running style." The art of periodic composition had already become the subject of careful study at Athens before Lysias returned from Thurii. While we have no knowledge of Lysias's own theories of the rhetorical "period," we certainly find him to be master of a style that made full use of the compact and rounded form that we properly call periodic, without sacrifice of grace and simplicity.

This effect is due to the brevity and simplicity of his periods, and to the fact that he seldom casts the whole sentence in periodic form. Within the limits of one sentence we often find one, or two, or even more, short periods, but united with other clauses that remain outside the periodic structure. Comparatively few

22. 8 μαχομένων; 22. 15 πολιορκομέθα; 25. 25 καρπωσαμένων; 32. 22 πολεμών.

We find personification in 12. 14 πρόθυμων δύναμιν; 12. 23 παραγόμενος; 12. 36 ἄρέτα; 12. 78 πονηρίας; 32. 23 πονηρίαν.

1 For the full discussion of the running and the periodic styles, see App. § 37 ff

2 Cp. p. 17.

3 On the ancient and modern use of the term "period" see App. § 52 ff.
sentences are entirely without periodic form, yet in comparatively few does the periodic structure embrace the whole thought. In many sentences again the periodic structure is that of form only, the formal subordination of clauses that are logically coördinate.¹

The periodic structure in a speech of Lysias is thus seldom obtrušive. We do not often, as in Isocrates regularly, find sentence after sentence shaped in a stiff periodic mold, nor do we often come upon periods so strong and compact that they challenge attention, as they so often do in the speeches of Demosthenes. In Lysias the periodic structure runs through all, giving tone to all, yet usually subordinate to the natural logical flow of the thought.²

The periodic language is most marked, as is fitting, in proems and the more earnest appeals, while in narrative it is either of a simplified type or is abandoned altogether.

Yet there is a difference in the periodic composition of the several speeches. Lysias was too good an artist to put into the mouth of the ordinary client a speech that would, by its very phraseology, remind the hearer that the speaker was only declaiming a purchased plea. For the plain man he wrote in a plain style that so concealed its art as to seem the natural expression of the man himself. But for the more mature or experienced client, from whose lips the more rhetorical style would not seem unfitting, and especially in cases that dealt with public questions, he sometimes wrote in a manner distinctly more formal, with no little use of the mannerisms of the current rhetoric in the structure of sentence and period.³

¹ See App. § 50.
² In this fact we find the explanation of the apparently contradictory statements of Dionysius that Lysias’s composition is smooth and simple (συντίθει τῇ αὐτῇ ἄφελώς πᾶν καὶ ἀπλώς, ὅτι οὐκ ἐν τῇ περιόδῳ καὶ τοῖς μυθοῖς, ἀλλ᾽ ἐν τῇ διαλελυμένῃ λέξει γίνεται τὸ ἡθος, Lysias § 8), and yet that he is a master of “compact and rounded expression” (ἡ συστερέφουσα τὰ νόηματα καὶ στρογγύλως ἐκφέρουσα λέξις, § 6).
³ The twenty-fifth speech is a notable example of this. Its style is far removed from that of the sixteenth.
INTRODUCTION

When writing for his own delivery, as in the *Speech against Eratosthenes*, Lysias was free to follow his own ideal of oratory, and it is in precisely this speech that we find him making largest use of the rhetorical devices of the day.\(^1\) Here we find, especially in proem and epilogue, the frequent use of antithetic and parallel structure of periods, set off by some of the so-called “Gorgian figures” of speech.\(^2\) When, therefore, we speak of Lysias as the representative of the Plain Style of composition it must be with the qualification that this statement applies strictly to his sentence structure in those speeches only where he is writing for the plain man or for the commonplace issue. In other cases, while always far from the grand style, he does show distinctly and repeatedly the artificial traits of the rhetorical style.

Another chief characteristic of Lysias’s work is implied in what has just been said. This is his Ethopoia, such adaptation of sentiment, argument, and language to the personality (ὑθος) of the client, that it seems to the hearers the natural expression of the speaker’s own thought. In this Lysias has no rival. And this effect was produced by no mechanical imitation of speech or character.\(^3\) Lysias did not put into the mouth of an uncultured man the ungrammatical or coarse language that he might easily have imitated, nor did he restrict himself to the narrow range of thought which such a client might have had. Both speech and thought are often above the level of the speaker’s own powers. And yet they are so nicely fitted to his case, they express so clearly his own feelings, and they so easily carry the hearer along by their apparent candor and sim-

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\(^1\) The twenty-fourth speech is so manifestly mock-rhetorical in form that it should not be considered as in the same class with the others.

\(^2\) For detailed statements as to these “figures” and Lysias’s use of them see App. § 56 ff.

plicity, that we forget the professional writer and think only of the speaker.

This perfection of art could have come only from a rare ability to enter into the feelings of the client, to grasp the essential points of his case, and to see in talking with him what sentiments would seem natural and unaffected as coming from his lips; and then artfully to embody all of this in language in which all art should be concealed.¹ Not every speech offers opportunity for Ethopoiaia. The prosecutor does not make his own personality prominent, and defendants have more occasion to emphasize their own personality in some cases than in others. It is in cases of defense on δοκιμασία, like those of the sixteenth and twenty-fifth speeches, that Lysias finds his perfect opportunity to embody his client's personality in his speech.²

Closely allied to Ethopoiaia is the portraiture of other persons involved in a case. Here Lysias is no less successful. With a few strokes he gives a picture that stands as a permanent character in literature. Such are the portraits of Theramenes in the twelfth speech, of Aristophanes in the nineteenth, of the speaker and his father in the same speech, of the politician in the twenty-fifth, of Diogiton and his daughter in the thirty-second.

To the qualities already discussed Dionysius adds adaptedness, τὸ πρέπον. This is in some measure included in Ethopoiaia, but it means more than that, for it includes adaptedness of the speech to all the conditions under which it is spoken. We have a good example in the twelfth speech, where there is no occasion for Ethopoiaia, but where the plea is adapted with great skill to appeal to the two very different factions in the jury.

¹ For the discussion of Ethopoiaia as shown in individual speeches, see Notes on Argument and Style. For the possible imitation of personal peculiarities of language, see on 19. 15.
² See Bruns's discriminating treatment of Lysias's pleas in prosecution and defense, p. 438 ff.
INTRODUCTION

Last of all, as the crowning quality of Lysias's style, and a quality so pervasive that it alone would serve to distinguish genuine from spurious speeches of Lysias, Dionysius names a certain indefinable charm, χάρμα. This is only to give a name to the final impression produced by all of the qualities that have been mentioned. It is the result of the combined purity and simplicity and vividness of diction, with the fine adaptation of all to speaker and occasion.

Dionysius admits what all readers must feel, that Lysias is not strong in the appeal to the feelings. He presents his case in a way that secures conviction, but he seldom arouses anger or fear. The pathos of simplicity he does have, through his marvelous power in narrative. But when we think how, in a case like that of the twelfth speech, Demosthenes would have poured out his wrath upon Eratosthenes, and how he would have swept all before his flood of indignation, we feel that even here, where Lysias is most stirred, his language is too cold and calm.

Nor has Lysias the power of Isocrates or Demosthenes to lift the hearer up to high planes of moral or political thought. He makes no attempt to raise a case from the range of small and temporary considerations to that of great principles.

But within these limits Lysias has unexcelled skill in the discovery and invention of arguments. He has the Greek shrewdness in turning a point for or against a man at will. When a rich man has performed large financial services for the state, if he is Lysias's client, the services are a proof of his noble loyalty; but if he is Lysias's opponent, they are a proof of the rapidity with which the fellow has enriched himself from the public funds, and of his shameless effrontery. If influential friends plead for the acquittal of the accused, Lysias urges the

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1 The early Greek Rhetoric was divided into three departments: εἰσαγωγή, invention; λέξις, expression; and τάξις, arrangement. See Volkmann, Rhetorik der Griechen und Römer, p. 28.
2 21. 1 ff.
3 27. 10.
jury to be as zealous in punishing the public enemy as these men are in trying to save their personal friend.¹ When Lysias's client finds that he is the only man to appear as prosecutor on a charge of embezzlement, this becomes a proof of the extent of the defendant's stealings—that he has been able to buy off all prosecutors save one.² If the opponent of Lysias's client is a rich man, the jury must condemn him to show that no man is rich enough to buy their votes;³ if the opponent is eloquent, he must be condemned as a warning to the whole class of demagogues, who try to deceive the people by their powers of speech.⁴

Lysias is always resourceful, shrewd in covering his own weak point, and as shrewd in finding or inventing the weakness of his opponent. He has the respectable moderation of his time in refraining from the vulgar invective and outright lying that marred the legal practice of Demosthenes and his contemporaries a generation later,⁵ but he does not hesitate to put false construction upon the actions of his opponent, and to play upon unworthy prejudices of the jury. He is, so far as invention of argument is concerned, a typical product of that rhetorical school which prided itself upon "making the weaker, the stronger case."

In the arrangement of matter and the structure of the framework of his speeches, Lysias is less successful. There is little variation in his plan—a proem to catch the attention and favor of the jury, a brief statement of the case (unless it is already before the jury), often a simple narrative of facts, then detailed arguments followed by a brief and seldom effective epilogue. He has little skill in so arranging his several arguments as to make them converge to one point, or lead up to a climax of conviction or feeling. In the shorter speeches we do not feel this weakness, but in a long plea like the nineteenth it is noticeable; our conviction is stronger at the middle than at the close.

THE REVOLUTIONS OF 411 AND 404 B.C.

The public activity of Lysias began immediately after the overthrow of the Thirty Tyrants. Several of his earliest and most important speeches were written for the prosecution or defense of men who had been engaged in the revolutions of 411 and 404 B.C. The understanding of many of his speeches requires a knowledge of both attempts of the richer and more intelligent classes to set aside the democracy of Pericles, as it had been modified in effect, if not in principle, by his successors, and to establish a conservative form of government, with limited franchise, which should deprive the masses of their political power.

Both of our traditional terms, "The Oligarchy of the Four Hundred" and "The Thirty Tyrants," are misleading. It is true that the administration of the Four Hundred did become a mere oligarchy, and that of the Thirty, outright tyranny; but it was because in each case a small clique of unprincipled men gained control of a movement which originated in an attempt at genuine political reform, and which was at the outset supported by the best intelligence and character of the city.¹

While the immediate occasion of the revolution of 411 was the offer of Alcibiades to rescue the city from its imminent danger, by securing Persian help, upon condition of the disfranchisement of the Demos, yet the real force back of the whole movement was the profound conviction among intelligent and loyal citizens that the existing democracy was a failure.

¹ For outline of events, see Chron. Appendix.
THE REVOLUTIONS OF 411 AND 404 B.C. 33

Athens had been plunged into a terrible war to gratify the personal ambition, as many believed, of the great democratic leader. Since the death of Pericles (in 429) the leadership had been neither energetic nor intelligent, except during brief intervals. When, by the trapping of a Spartan force on the island of Sphacteria (in 425), Sparta was brought to propose peace on terms which would have left Athens in full possession of her own power, and would surely have broken up the Peloponnesian confederacy, Cleon carried the crowd in the assembly against the peace proposals. When, after Cleon's death, the Peace of Nicias had been negotiated by the conservative leader on terms which preserved to Athens a fair equivalent of her former power (in 421), and when Sparta had gone so far as to seek a defensive alliance with her,—a turn of events full of unexpected promise,—peace was again snatched from the state by the masses, carried away by the influence of their latest and most dangerous leader, Alcibiades, with the help of Hyperbolus, Cleon's worthy successor. Then came the great democratic enterprise, the Sicilian expedition, with its dazzling promises and terrible failure, draining the city of men and ships and money. At last, in 412, crippled in resources, depleted in troops, weary of years of fighting, the state was facing dire peril. Against her stood the united Peloponnesians, supported now by Syracuse, and with the promise of Persian gold and ships; her control of the sea was no longer secure; a permanent Lacedaemonian army of occupation at Decelea controlled the outlying Attic districts, and forced the city to maintain a vigilant defense of her own walls; and now the allies, long restive under the arbitrary and shortsighted domination of Athens, were making haste to revolt and to put themselves under the protection of Sparta.

There was never a more imperative call for wise and efficient statesmanship; for an administration which could carry on large military enterprises, handle the finances of a hard-pressed state, conduct the most delicate foreign negotiations, and call out

LYSIAS—3
INTRODUCTION

the hearty support and confidence of all the citizens. The democratic administration was notoriously lacking in all of these qualities. Both Senate and Ecclesia expressed for the most part the changing will of the masses. Only in special emergencies, and not always then, could the better element be rallied with strength enough to overcome the popular vote. The demagogues had been steadily increasing in power since the beginning of the war, and the "sycophants" — politicians turned blackmailers — were on every side threatening the men of property. This new generation of democratic leaders, trained in the popular arts of rhetoric, was the more dangerous by reason of the perfection of its tools. The courts were in the hands of demagogues and sycophants, and their verdict no longer carried moral weight. And all the time the war, long maintained against the protests of the middle and upper classes, was bearing down upon them. Agriculture was destroyed, manufactures crippled by the loss of thousands of slave artisans and by the call for free men of the laboring class for service in the fleet; foreign trade was gone with the closing of the ports of the Athenian league, and the transference of the seat of war to the Aegean. And now heavy direct war taxes began to press upon all who had any considerable property left. The cutting off of the tribute by the revolt of the cities of the league threw the whole cost of the war upon the citizens themselves. To the whole body of the richer citizens financial ruin seemed inevitable.

Another influential class too was ripe for action against the radical democracy. The intellectual leaders, full of the new learning of the sophists, were in the full tide of revolt against the authority of tradition in politics, as in religion; every institution had to meet their challenge and justify itself to their reason. Among these men the incompetence of the Demos was taken for granted, and they were eagerly discussing theories of government and ideal constitutions. Some saw in the Spartan oligarchy the ideal form of gov-
ernment. Yet few had lost faith in the entire democratic idea; most believed that citizenship must be limited, and their watchword had already become "Return to the constitution of the fathers." To some this meant the constitution of Solon; to others, the moderate democracy of Clisthenes; to all it meant the cutting loose from the domination of the masses.

In this repudiation of the extreme democracy the men of the new culture found themselves in perfect agreement with the very men to whom in religious and literary questions they were most opposed, the representatives of the conservative aristocracy. Thus the anti-democratic idea was fostered by men like Antiphon, now a man of nearly seventy years, the ablest representative of the new profession of the law, and a leading theorist in the new political science; Thucydides, the scholarly representative of the property holding aristocracy; Socrates, the philosopher, and many of his circle; Euripides, the poet of the new culture, and his bitterest critic, Aristophanes, the champion of the "good old" beliefs and customs. The reaction against the existing democracy is prominent in all that is best in the thought of the time.

It was under these conditions, with dissatisfaction with the actual working of democracy pervading all the more intelligent circles, and under the impending ruin of the propertied classes by the continuance of the war, that the proposition came from Alcibiades for a change in the government. The result was the Revolution of 411, which put the Four Hundred into power. The movement was supported by the best and wisest men in the state.

But even in its preliminary stages the revolution betrayed signs of fatal weakness. The honorable and patriotic men among the leaders allowed the hot-headed younger men to take the lead in putting down opposition. More than one democratic opponent was assassinated, and a policy of general terrorism was followed, as the easiest means of clearing the way for the new movement.

The revolutionary government once set up, it was inevitable
INTRODUCTION

that the control should fall still more into the hands of the "prac-
tical politicians." The existence of a well-organized system of
party clubs enabled their leaders to set aside the representative
government that they had promised.

The failure to win the fleet to the support of the new move-
ment threw the aristocratic leaders into grave danger, for there
was every reason to fear a successful democratic reac-
tion. The leaders, instead of meeting this danger by
carrying out their earlier promises, and so drawing
together the whole body of conservative citizens, made the fatal
mistake of withdrawing more closely into their own small group,
and seeking their personal safety and the support of
their government by plans for a treacherous surrender
of the city to Sparta.

Their attempt was thwarted only just in time by the prompt
action of one of their own party, Theramenes, who
organized a revolt against the leaders of the Four-
Hundred within their own number, and succeeded in bringing
into power the real conservative aristocracy, under a
limited franchise along the lines at first proposed by
the reformers.

But now the fleet under its democratic leaders won a series
of brilliant victories on the Hellespont, which so
turned the tide of feeling at home that it soon
swept away the moderate administration of Theramenes and
restored the old democratic constitution. The attempt at a
reform of the democracy was at an end, and the
Demos, led by Cleophon, a typical demagogue, was
again in complete control.

For six years (410–404) the democracy went on as of old, led
now by Cleophon, now by Alcibiades,—welcomed back to the
city as the idol of the people, only to be repudiated
on his first reverse at sea,—then led again by Cleo-
phon and his radicals. All of the abuses of the democracy were
once more in full swing. The demagogues attacked the moderate
and conservative supporters of the Four Hundred, and inflicted upon them banishment or confiscation of property or disfranchise-ment; advantageous peace proposals from Sparta were rejected; victorious and patriotic generals were put to death under the hot anger of the populace at the loss of their friends in the storm off the Arginusae (406); and at last the fleet in which had been staked, by one supreme effort, the last resources of the impoverished city was lost at Aegospotami — betrayed by the treachery or the incompetence of its generals. And still the radical democratic leaders refused to talk of peace. It was only when the Peloponnesian fleet under Lysander had closed their harbor, and the land force had moved in upon the suburbs of the city, and when hunger was beginning to press hard upon them, that the conservative element succeeded in making itself heard, and its leader, Theramenes, was entrusted with negotiations for peace.

With the surrender of the city to Sparta the political situation was entirely changed. Whether or not the terms of surrender included the express provision that the democracy be set aside, it was certainly no part of the Spartan programme to leave the Athenian Demos, with its unyielding hatred of Sparta, anything of its old power. It was fully understood between the aristocratic leaders and the Spartans that a new government was to be set up, which should exclude the masses from political power.

When the Spartan Lysander entered the city upon its surrender, he brought with him a body of exiled Athenians, men who had been banished for their support of the government of the Four Hundred, and who now stood under the definite protection of Sparta. They at once united with the aristocratic element in the city in perfecting arrangements for a new aristocratic revolution. The old political clubs were reorganized under even more efficient central control; the extreme oligarchs, under the lead of Critias, made common cause with the moderate faction of Theramenes; and finally, supported by
INTRODUCTION

Lysander in person, they carried through, without violence, a complete revolution. Nominally the board of Thirty Commissioners who were appointed were to draw up a new constitution and to administer the government only until that should be adopted, but in fact they became an irresponsible governing board, with a Senate entirely subservient to them. The popular courts and the Ecclesia, the real strongholds of democratic power, were abolished outright.

This new oligarchy of 404 B.C. was thus in part thrust upon the city by Spartan dictation, and was in part due to the attempt of the returned oligarchical exiles to secure their own safety. But beyond these causes was a real revival of the old movement of the intelligent and substantial citizens to rid the city of the abuses of the radical democracy. Doubtless some of the supporters of the former oligarchy had lost hope of reform, had become convinced that a limited democracy was impracticable, and had decided that the evils of the old democracy were less than those of any government which could be secured in its place. But a large body of honest citizens supported the new movement, expecting it to result, not in an oligarchy at all, but in a democracy with franchise limited to the three upper property classes.¹

But almost from the start the new administration fell under the control of its own worst elements, the returned exiles of the extreme oligarchical faction, led by Critias. Returning with the most violent hatred of the democracy which had banished him, Critias conducted the administration in disregard of all rights of person and property. A minority, led by Theramenes, attempted to stand against this criminal exercise of power, as Theramenes had successfully stood against the abuses of the Four Hundred; but the attempt failed, and Theramenes lost his

¹ This was what the Thirty professed to have as their aim, and the fact that they had the support of so intelligent and patriotic a body as the Knights shows that many citizens had confidence in their purpose and ability to carry out their promise.
life. The faction of Critias pushed on, throwing off all pretense of reform, and took forcible possession of the city, killing or expelling all who opposed them. The result was the rally of the democratic exiles under Thrasybulus, and the restoration of democratic government.

The struggle of the exiled democrats to win their return had brought to the front a democratic leader of the best type, Thrasybulus. It was fortunate for the restored democracy that it was to begin its new career, not under men of the Cleon-Cleophon type, but led by a man of real power, of broad views, and of unquestioned patriotism. Thrasybulus saw that the first problem of the new government was to help conservative and democrat to forget the bloody attacks and reprisals of the past eight years, and to persuade the long-separated factions to unite, loyally and generously, as one people. The amnesty had provided for the exclusion of the extreme oligarchs from the city, for the peaceable withdrawal to Eleusis of all who preferred to cast in their lot with them, and for the ample protection of those of their former supporters who were ready to resume their allegiance to the democracy. Thrasybulus's problem now was to persuade the excitable, passionate people to abide faithfully by these terms of amnesty, to live up to its spirit as well as its letter. And this was no easy task: exiles of the democrats came back to live side by side with men who had actively supported an administration which had murdered their brothers, confiscated their property, and driven them and their families homeless into foreign cities. It was hard to see these men of the city party living unpunished, prosperous, possessed of all the rights of citizenship, and gradually resuming their places in the administrative offices or the Senate. Even the great influence of Thrasybulus was not sufficient to prevent attacks in the courts upon former members of the city party.

One of the first of these attacks came from Lysias himself. Eratosthenes, the member of the board of Thirty who was commonly believed to be least compromised by their crimes, ven-
INTRODUCTION

tured to take advantage of a special provision of the amnesty by which any member of that board might remain in the city if he would submit to the regular accounting for his conduct in office. Lysias, whose brother had been arrested by Eratosthenes in person, when he might, perhaps, have prevented his death, attacked him in the court of accounting (Speech XII, Against Eratosthenes, 403 B.C.), and made every effort to arouse the hostility of the jury against the conservative members of the late government. We do not know the outcome of the trial, but it is probable that the conservative influence in the jury was strong enough to restrain them from taking the vengeance for which Lysias pleaded.

Some three years later Lysias was employed to write a speech for a substantial citizen who had been a supporter of the Thirty, and who was now a candidate for office. He was attacked at his δικαστήριον on the ground that the supporters of the oligarchy ought to be considered ineligible for office under the restored democracy. Lysias (Speech XXV, Apologia, c. 400 B.C.) warns the democracy that such a policy will only perpetuate division and weaken their own administration, and he vigorously attacks the petty politicians who are trying to stir up party strife as a means of maintaining their own unworthy leadership.

Shortly after this Lysias was retained to prepare a speech for the prosecution of Nicomachus, on the ground of unjustifiable delay in completing a revision of the laws, for which he was a special commissioner. Lysias in this speech (XXX, Against Nicomachus, 399/8 B.C.) makes an incidental, but serious, charge that the defendant had helped pave the way for the establishment of the Thirty. He thus tries to revive the old bitterness, for the advantage of his client, in a case which has no connection with the events of 404.

About the same time he was employed to write the main speech for the prosecution of Agoratus, a man of servile origin, who had received citizenship for supposed services to the democracy at the time of the first oligarchy (Speech XIII, Against Agoratus, c.
Before the establishment of the Thirty, Agoratus had sworn away the lives of certain prominent democratic opponents of the movement. He is now prosecuted by the family of one of these victims, and Lysias makes every effort to excite the anger of the jury against the Thirty and all of their tools. The defendant was probably guilty enough, and a political adventurer who deserved little mercy, but he was fairly under the protection of the amnesty, and the attack upon him was a menace to the harmony of the reunited factions. Lysias, as a paid advocate, was arousing passions which had been allayed only by patient effort, and was showing himself a better pleader than statesman.

About this time he wrote another speech (Speech XXXI, Against Philon, c. 398 B.C.) for a client who was to attack a man who had been exiled by the Thirty, but who did not take up arms with the other exiles to secure the return. This man Philon was now a candidate for the Senate. Most of Lysias's attack is based upon Philon’s failure to help overthrow the Thirty. The appeal is to the old enmities, though pressed less forcibly than in some of the other speeches.

Some years after these attacks we find Lysias on the other side, writing a speech in defense of Mantineus, a young knight who was accused of having served in the cavalry of the Thirty (Speech XVI, For Mantineus, 394–389 B.C.). His enemies now seek to exclude him from office on this ground. In his skillful defense Lysias almost entirely ignores the political principle involved, merely appealing briefly to the fact that many of the cavalry of the Thirty had already held office since the restoration. We are disappointed to find no frank discussion of the political question, and no appeal on the ground of living up to the spirit of the amnesty.

Twenty-one years after the fall of the Thirty, Lysias was again employed to prepare a speech attacking an active supporter of that administration (Speech XXVI, Against Evander, 382 B.C.). Evander, an office-holder under the Thirty, was now a candidate for the archonship. In a vigorous attack upon him Lysias main-
tains that such a man should be excluded from office, and that he should be grateful that he is permitted to vote and sit on juries. He lays down the principle that those who held office in the oligarchy should be absolutely excluded from office in the democracy, a principle opposed to the whole spirit of the amnesty, and to the earnest conviction of the ablest democratic leaders.

The extant speeches of Lysias are only a fragment of his works, and probably give only a partial idea of his activity in connection with the questions growing out of the restoration of the democracy. As a foreigner Lysias had no direct share in politics, but as an advocate, writing speeches for others, he had a strong influence. From the extant speeches it would appear that his influence was, on the whole, against the harmony of the old factions; that, while his pen was occasionally at the service of men of the city party unjustly attacked, yet his most hearty service was rendered in seeking revenge on the aristocrats. There is in these speeches no sign of large, broad political views, of a grasp of the real issues involved, or of a great desire to see a united Athens.
XII

THE SPEECH AGAINST ERATOSTHENES

INTRODUCTION

This speech was delivered soon after the overthrow of the Thirty, probably in the autumn of 403 B.C. It is an attack upon Eratosthenes, one of the Thirty, and involves the discussion of the whole administration of that body, and to some extent of that of the Four Hundred, the oligarchy of 411 B.C.¹

Eratosthenes had been a supporter of the first oligarchy and a member of the second.² Early in the administration of the Thirty he had set forth with others of their number to arrest certain rich metic. It fell to him to seize Polemarchus, Lysias’s brother, who was immediately put to death (§§ 5–25). When, after the battle at Munychia (Spring, 403), most of the Thirty retired to Eleusis, Eratosthenes, with one other of their number, remained in Athens, though not as a member of the new governing board of Ten. In the final amnesty between the two parties it was provided that any one of the Thirty who was willing to risk a judicial examination of his conduct as a member of the late administration might remain in the city. Otherwise all were obliged to settle at Eleusis or remain permanently in exile.³ Eratosthenes, believing himself to be less compromised than the others of the Thirty, ventured to remain and submit to his “accounting.”⁴

¹ For an account of the two oligarchies, see Introd. p. 32 ff., and Chron. Appendix.
² For the doubtful claim that he was a member of the Central Committee that planned the second movement, see on § 43.
⁴ The office that the Thirty had held was nominally that of Ἐγγραφεῖς, commissioners for revision of the constitution.
XII. AGAINST ERATOSTHENES

The constitution provided an elaborate system of accounting by all public officers at the close of their year of office. This involved the examination of their record by a board of state auditors (Ἀγορασταὶ), a review of their findings by a jury of five hundred, and the fullest opportunity for prosecution of complaints against them by any private citizen. The accounting included not only their handling of public funds, but every act of their administration. But it is possible that for the accounting of members of the late oligarchical administration a special tribunal was established. We know that in one respect the jury was peculiar, for Aristotle tells us (Resp. Ath. 39. 6) that it was provided in the amnesty that their accounting should be before a jury taken from the three upper property classes—a wise provision for securing a fair hearing.

The regular time for accounting was at the close of the civil year, July–August, but as the democracy came back to power early in October, it is in every way probable that the court, whether by ordinary or extraordinary process, was immediately summoned, and that they heard not only the accounting of Eratosthenes, but that of subordinate members of the late administration. Before this court Lysias appeared, charging Eratosthenes with the murder of Polemarchus, and demanding the penalty of death. He could count on the support of the radical democrats, who found it by no means easy to accept the terms of amnesty dictated by Sparta. But this element was in the minority in a jury made up as this was. The more moderate democrats, notably Thrasybulus, the hero of the Return, were totally opposed to any attempt

1 On the details of the system of accounting, see Gilbert, Greek Constitutional Antiquities, 224 ff.; Gardner and Jevons, Manual of Greek Antiquities, 466–468.
2 See Wilamowitz, Aristoteles und Athen, II. 217 ff.
3 That other cases were before the court appears from §§ 2, 33, 35, 36, 37, 79, 91, 100.
4 As an ἑορτελής Lysias had full privileges before the Athenian courts. Other metics were under the formal restriction that they could introduce suits only through their προστάτης (see p. 9).
to strike back at the city party. With these there were also on
the jury some of the former supporters of the Thirty.¹

The task then which Lysias undertook was difficult. He had
to convince the jury that the one man of the Thirty who was com-
monly believed least responsible for their crimes was so guilty
that he was not to be forgiven, at a time when the watchword
of the leaders of both parties was “Forgive and forget.” He
had to reopen questions which had been settled, arouse resent-
ments which had been allayed with great sacrifice of personal
feeling, and urge the jury to act upon a principle which, if
further extended in the treatment of members of the city party,
would be fraught with the gravest danger. For at this crisis
everything depended upon holding together the long-contending
aristocratic and democratic parties. The real question of the day
was as to the power of the democracy to regain the confidence
and support of the great conservative middle class, men who
had formerly been represented by Theramenes, and later by
Eratosthenes. If these men could be convinced that the restored
democracy would use its power moderately, foregoing revenge for
the past, turning its back upon the demagogue and the political
blackmailer (συνοφάντης), there was hope for the future.

But if the jury should support the attack on Eratosthenes, it
would seem like a declaration of the opposite policy. No one
could blame the Sicilian Lysias for seeking his personal revenge,—
he could hardly be expected to put the good of the Athenian state
before the satisfaction of his personal feelings,— but the question
for the Athenian jurymen was whether to begin a policy of revenge
at the moment when the policy of forgiveness had brought rest
after a long and bitter struggle. It is this larger political as-
pect of the case which gives to the speech against Eratosthenes
its historical interest. It was one of the first tests,— perhaps the
first,— of the genuineness of the reconciliation. Nothing could
be more just than to declare that the man who had stood with the
Thirty in their guilty prosperity, however reluctantly, must fall

¹ See §§ 92–95.
with them under their penalty; but nothing could be more unwise. To distinguish between those of the Thirty who had sought to establish personal tyranny, and those who had honestly striven for a reformed, conservative democracy, was of first importance. The question of the hour was how to bring together the triumphant popular party and the large body of honest, patriotic citizens who had failed in their two attempts to establish a government better than the democracy, and had been betrayed into the attitude of supporting an outrageous tyranny.

Men there were of the late administration who were to be punished,—the men who had used the movement for their personal power and enrichment and to gratify personal hatred. But the great body of their supporters, and perhaps some of the leaders themselves, were to be so treated as to make it clear that the restored democracy was to be a government for the whole people, not another tyranny of class over class.

OUTLINE

I. Προοίμιον, Exordium, §§ 1–3. The novel difficulties of this prosecution.

II. Διήγησις, Narratio, §§ 4–19. The honorable record of Lysias’s family, § 4. The story of the crime of the Thirty against the family, §§ 5–19.

III. Παρέκβασις, Egressio, §§ 20–23. Denunciation of the defendants by means of a summary contrast between the patriotic services of Lysias’s family and the crimes of the Thirty.

IV. Πρόθεσις, Propositio, in the form of ἐρώτησις, §§ 24–25.

V. Πίστευς, Argumentatio, §§ 26–80.

A. Arguments based on the immediate charge, §§ 26–37. 1. The claim that Eratosthenes opposed the arrest is contradicted by his conduct. (Addressed to Eratosthenes.) § 26.
" 2. The answer that he was forced to make the arrest is insufficient, §§ 27–34.
3. The verdict will have far-reaching influence (a) on citizens, (b) on foreigners, § 35.
4. It would be inconsistent to have executed the generals of Arginusae and now to spare these men, § 36.
5. Enough is already proven. No punishment could be adequate to their crimes, § 37.

B. Argument based on the general career of Eratosthenes, §§ 38–61.

Introductory: Eratosthenes cannot plead, as so many do, that past services should outweigh present guilt, §§ 38–40.

1. Attack upon Eratosthenes’s conduct in the time of the Four Hundred, §§ 41–42.

2. Attack upon his conduct in the establishment of the Thirty, §§ 43–47.

3. Attack upon his conduct as one of the Thirty, §§ 48–52.

4. Attack upon his conduct in the time of the Ten, §§ 53–61.

C. Argument to counteract the defense that Eratosthenes was a friend and supporter of Theramenes. Attack on the career of Theramenes, §§ 62–78.

Introductory, §§ 62–64.

1. Attack upon Theramenes’s conduct in connection with the Four Hundred, §§ 65–66.

2. Attack upon his conduct after the rule of the Four Hundred, § 67.

3. Attack upon his conduct in the making of the peace, §§ 68–70.


5. Conclusion: This is the man whose past friendship the defendants cite as a proof of their loyalty, § 78.

D. General conclusion of Πίστεις.

The time has come to bring Eratosthenes and his fellow-rulers to justice, §§ 79–80.
VI. Επίλογος, Peroratio, §§ 81-100.

A. The utmost penalty that you could inflict would be inadequate to balance your charges against these men, §§ 81-84.

B. Attack upon the men who will plead for the defendants or give testimony for them, §§ 84-89.

C. To acquit the defendants will be to proclaim that you approve their conduct, §§ 90-91.

D. Appeal to the representatives of the two parties on the jury, §§ 92-98.

1. To the men εκ αστεως, §§ 92-94.

2. To the men εκ Περαιῶς, §§ 95-98.

E. Conclusion: Summary of the crimes of the accused, and appeal to the jurors to avenge the dead, §§ 99-100.

COMMENTS ON ARGUMENT AND STYLE

I. Προοίμιον, Exordium, §§ 1-3.

In the opening words of a speech an expression of perplexity as to how to begin, in view of the difficulty of the task, was a commonplace of the rhetoricians. Lysias gives a bright turn and challenges attention by reversing the thought, and saying—with exaggeration—that his only difficulty will be to find an end. Cicero uses the same device, Manilian Law, § 3, Huius autem orationis difficilium est exitum quam principium invenire. Ita mihi non tam copia quam modus in dicendo quaerendus est.

In § 2 attention is quickened by another reversal of an ordinary thought. "Sycophancy" had become so much of a trade that it was quite a matter of course for the prosecutor to explain at the outset that he had good reason for appearing in the case, some personal or family injury to avenge, or some obligation of friendship to the persons aggrieved. Lysias recalls this custom, but uses it in a novel way to arouse at the outset the resentment of the jury against the defendant and his friends. But before he leaves the point he really follows the custom, alludes to his motives, and adds
that in this he is in reality the representative of the interests of
the jury themselves.
§ 3 concludes the proem with another commonplace expres-
sion of perplexity, based on his inexperience in pleading.

The proem is thus made up largely of commonplace, formal
pleas of the rhetorical schools, but is made effective by novel
turns of the thought.
The sentence structure is at the beginning artificial; parallelism
of cola,¹ with antithesis, pervades the first two sections:

σὺν ἄρξασθαι μοι δοκεῖ ἄπορον εἶναι ὃ ἂνδρες
[δικασταὶ τῆς κατηγορίας

ἄλλα παύσασθαι λέγοντι

tοιαῦτα αὖτοι τὸ μέγεθος
καὶ τοιαῦτα τὸ πλῆθος εἰργασταί

ὡστε μήτ' ἂν ἴσανομένων

dεινότερα τῶν ὑπαρχόντων κατηγορήσεις
μήτε τάληθη βουλόμενον εἰπεῖν
ἀπαντά δύνασθαι

ἄλλ' ἀνάγκη

ἡ τὸν κατηγόρον ἀπειπεῖν

ἡ τὸν χρόνον ἔπιλπεῖν.

Here the balance of cola is repeatedly strengthened by simi-
larity of sound in words holding like position in the two cola
(cp. App. § 57. 3):

— ἄρξασθαι  τοιαῦτα τὸ μέγεθος  ἀπειπεῖν
— παύσασθαι  τοιαῦτα τὸ πλῆθος  ἔπιλπεῖν

While these formal devices give a distinctly rhetorical tone to
the opening, they are less formal and less obtrusive than the de-
vices in the openings of Gorgias or Antiphon. The members of a
pair of cola are in only one case (the last pair) precisely symmet-
rical, and the length of the cola — in strong contrast with those of

¹ For the terms “colon” and “period,” see App. § 44.

LYSIAS — 4
Gorgias — is sufficient to give dignity and to prevent the impression of petty play on sound.

II. Διήγησις, Narratio, §§ 4–19.

Lysias does not need to state the case, for the clerk of the court has read to the jury the formal complaint. The speaker can pass at once to the narrative of the conduct upon which he bases his attack. And here he is at his best. In the simplest language he describes the life of his own family and their suffering at the hands of the Thirty. As the narrative proceeds, the sentences become very short, significant details of the story follow rapidly, and the hearer is made to see the events as if passing before his eyes.¹ The devices of the rhetorician do now and then appear in artificial pairs of cola:

§ 6. {τιμωρεῖσθαι μὲν δοκεῖν
   τῷ δ’ ἔργῳ χρηματίζοσθαι

(Note the chiastic order.)

§ 6. {τὴν μὲν πόλιν πένεσθαι
   τὴν δ’ ἀρχὴν δεῖσθαι χρημάτων

§ 7. {ἀποκτιννύαι μὲν . . . περὶ οὐδενὸς ἡγαίνοντο
   λαμβάνειν δὲ . . . περὶ πολλοῦ ἐποιοῦντο

The rhymed ending adds to the artificial structure of this pair, as of the next (see App. § 57. 3 f.)

§ 7. {ὡς οὖ χρημάτων ἐνεκα ταύτα πεπρακταί
   ἄλλα συμφέροντα τῇ πολιτείᾳ γεγένηται.

But as he reaches the climax of his own ill treatment in §§ 10 and 11, and that of his brother’s family in §§ 18 and 19, he passes over into strong periodic structure.

III. Παρέκβασις, Egressio, §§ 20–23.

The term “digression” applies to this section only as an interruption of the strictly logical order, which would require the presentation of the arguments (Πώτεις) before the attempt to move the feelings of the jury by denunciation. But it is a wise

¹ For a full discussion of the narrative style, see App. § 42.
order that Lysias chooses. With the narrative fresh in the minds of the jury he hastens to play upon the feeling of indignation that the narrative has aroused, and so to bring the jury to the hearing of his formal arguments with minds strongly prejudiced against the defendant. He does this by emphatic and indignant—sometimes pathetic—comments on the conduct that he has just described. (For similar use of the Παρέμβασις, see on 24. 7–9.)

The structure is for the most part periodic, with much of antithesis and amplification.

The summary statement of the crimes of the Thirty (§ 21) illustrates the periodic effect which may be given purely by similarity of form to a group of coordinate cola. (See App. § 46.)


After the proem and immediately before or after the “narrative” (with its possible “digression”) the rhetoricians prescribed the Πρόθεσις, the statement of what the speaker proposes to prove. But here the narrative has already brought out the charge, showing it to rest upon an act which cannot be denied. Lysias’s argument must therefore be directed to answering the excuses that Eratosthenes will urge. This Lysias brings before the jury in the Ἐρώτησις.

V. Πίστεις, Argumentatio, §§ 26–80.

A. Arguments based on the immediate charge, §§ 26–37.

In the form of a direct personal attack Lysias confronts Eratosthenes with the inconsistency between his claim that he tried in council to save Polemarchus and his conduct in seizing him. In this attack (§ 26) everything is marshaled in balanced antitheses; only in the middle period do the cola extend beyond the briefest, most emphatic forms:

εἰτ' ὁ σχετλώτατε πάντων
ἀντέλεγες μὲν ἵνα σώσεις
συνελάμβανες δὲ ἵνα ἀποκτείνεις;

καὶ ὅτε μὲν τὸ πλῆθος ἦν ὑμῶν κύριον . . . τῆς ἡμετέρας
ἀντιλέγειν φῆς τοῖς βουλομένοις ἡμᾶς ἀπολέσαι
XII. AGAINST ERATOSTHENES

επειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο καὶ σώσατ... καὶ μὴ
eis tō deisommatήριον ἀπήγαγες;

ἐὰν ὅτι μὲν, ὡς φήσῃ ἀντεἰπὼν οὐδὲν ἀφέλθασ
ἀξιώς χρηστὸς νομίζεσθαι

ὅτι δὲ συλλαβῶν ἀπέκτεινας
οὐκ οίκει δεῖν ἐμοὶ καὶ τούτους δοῦναι δίκην;

After this vigorous outburst Lysias settles down to the detailed argument addressed to the jury in answer to the defendant’s claim that he acted against his will.

The language of §§ 27–36 is of a third Lysian type, differing from the set antitheses of the proem, and equally from the running style of the narrative. It is the natural form of argument, the sentence structure clear and simple, without padding to secure symmetry of form. The frequent use of questions of appeal enlivens the argument.

In the culminating passage in §§ 32–34, turning again to Eratosthenes, Lysias comes back to the more antithetic form of the previous attack (§ 26), but the antitheses are more those of short phrases than of whole cola:

§ 32. 
{oúx ως ἄνιωμένον
ἀλλ’ ως ἡδομένον

§ 33. 
ἀ ἵσασι γεγενημένα
tōn tōte λεγομένων

§ 33. 
πάντα τὰ κακὰ εἰργασμένους τῆν πόλιν
πάντα τάγαθα περὶ αὐτῶν λέγειν

B. §§ 38–61. Lysias now passes from the crimes against his own family to the attack upon Eratosthenes’s career as one of the oligarchs. He knows that there is a general belief that Eratosthenes was opposed to the worst crimes of the Thirty. He therefore tries to throw upon him the reproach of constant support of their action.
ARGUMENT AND STYLE

One period in the opening (§§ 39–40) is noteworthy for its even balance of cola:

ἐπεὶ κελεύετε αὐτὸν ἀποδείξειν
ὅπως τοσούτους τῶν πολεμίων ἀπέκτειναν
ὅσους τῶν πολιτῶν

ἡ ναὸς ὅπου τοσαύτας ἠλαβὸν
ὅσα αὐτοὶ παρέδοσαν

ἡ πόλις ἦν τῆς τοιαύτης προσεκτήσαντο
οὖν τὴν ὑμετέραν κατεδούλωσαν.\(^1\)

ἄλλα γὰρ ὅπλα τῶν πολεμίων τοσαύτα ἐσκύλευσαν
ὅσα περ ὑμῶν ἀφείλοντο

ἄλλα τείχη τοιαύτα εἶλον
οἷς τῆς ἑαυτῶν πατρίδος κατέσκαψαν.

All of the specific attacks of this section (§§ 42–61) have a plausible sound, but no one of them is well sustained. Even if Eratosthenes did labor for the establishment of the Four Hundred, that was only what most of the best men in the city were doing; in their evil government he had no part. The charge that Eratosthenes was one of the prime movers in the second oligarchy (§§ 43–47) is vaguely supported and is not in itself probable. Apparently the charge is made in the attempt to put Eratosthenes into close connection with the detested Critias.

In the review of Eratosthenes's conduct as one of the Thirty (§§ 48–52), Lysias can bring no specific charge beyond that of the arrest of Polemarchus. He tries to forestall the plea of Eratosthenes that he actively opposed certain of the crimes of the Thirty by the shrewd claim that this would only prove that he could safely have opposed them all. He finally (§§ 53–61) tries to give the impression that Eratosthenes was connected with the bad administration of the Board of Ten, a charge that seems to be entirely without foundation.

\(^1\) On the ὅμωστέλευτον, see App. § 57. 4.
To a jury already prejudiced by the affecting narrative of the arrest, and hurried on from one point to another, this whole attack was convincing; but the modern reader finds little of real proof, and an abundance of sophistry.

The language is clear and natural, in Lysias's characteristic argumentative style.

C. §§ 62–78.

Lysias comes now to the refutation of the main argument of the defense, that Eratosthenes was a member of that honorable minority among the Thirty who opposed the crimes of Critias’s faction, and whose leader, Theramenes, lost his life in the attempt to bring the administration back to an honest course.

Whatever we may think of the real motives of Theramenes, there can be no question that at the time of this trial the people were already coming to think of him as a martyr for popular rights. All knew that Eratosthenes was his friend and supporter. Lysias saw therefore that he must blacken the character of Theramenes. He accordingly turns to a rapid review of his career. In a few clear-cut sentences he pictures Theramenes at each crisis, always the same shrewd, self-seeking, unscrupulous man, always pretending to serve the state, always ready to shift to the popular side, always serving his own interests.

The attack is a masterpiece. There is no intemperate language, no hurling of epithets. "He accuses by narrating. The dramatically troubled time from 411 to 403 rises before us in impressive pictures. At every turn Theramenes appears as the evil genius of the Athenians. His wicked egoism stands out in every fact."

Regarded as a product of rhetorical art, the attack on Theramenes merits only admiration; but is this picture of Theramenes true to the facts? In his narrative Lysias selects those acts only upon which he can put a bad construction. He fails to tell us what appears so clearly in the narrative of Thucydides, and in the defense put into the mouth of Theramenes by Xenophon in

1 Bruns, *Das literarische Porträt der Griechen*, p. 493.
2 Thuc. 8. 89 ff.
ARGUMENT AND STYLE

his answer to Critias before the Senate,\(^1\) that his opposition to the extreme faction of the Four Hundred was, whatever may have been his motive, an efficient cause of their overthrow, at a time when there was reason to fear that they were on the point of betraying the city to the Peloponnesians. Lysias has nothing to say of the period which immediately followed, during which Theramenes was at the head of a successful administration by a limited democracy,\(^2\) except to accuse him of treachery to his friends for securing the punishment of some of his former colleagues, a punishment which may have been fully deserved. He misrepresents Theramenes's responsibility for the hard terms of the peace, and he ignores the fact that the final opposition to Critias which cost him his life was in every particular what would have been demanded of the most patriotic citizen. It is, indeed, possible to see in every act of Theramenes a cool, deliberate egoism, but it is also true that he sought his own advancement in every case save one by a policy which was in the interest of the conservative middle class.\(^3\)

Thucydides has a high opinion of his ability,\(^4\) but while he gives no explicit estimate of his moral character, he seems to look upon his opposition to the other faction of the Four Hundred as the result of personal ambition.\(^5\) His praise of the administration after the Four Hundred is rather praise of the form of government than of its leader.\(^6\)

Xenophon nowhere gives his own estimate of Theramenes, but he puts into his mouth\(^7\) an answer to Critias which is so complete, and which so well represents the true policy for the conservative middle class, that it seems impossible that Xenophon looked upon

\(^1\) Xen. *Hell.* 2. 3. 46.  
\(^2\) Thuc. 8. 97. 1 ff.  
\(^3\) In the one case, the prosecution of the generals for the failure to rescue the drowning men after the battle of Arginusae, he certainly sought to throw off the unjust censure that was falling upon himself by a deliberate and unjust attack upon other men.  
\(^4\) Thuc. 8. 68. 4.  
\(^5\) Thuc. 8. 89. 3.  
\(^6\) Thuc. 8. 97. 2.  
\(^7\) Xen. *Hell.* 2. 3. 35–49.
him as an unworthy leader of the party to which Xenophon himself belonged.

The tragic death of Theramenes soon led to the feeling that he had died a martyr to the rights of the people against the tyrants. Lysias evidently feels the danger of such a conviction even among the democrats of the jury. In the next generation opinions were sharply divided as to the character of Theramenes. Aristotle, to whom he stood as the representative of the ideal government by the upper classes, places him among the great men of Athens.¹

This section (§§ 62–78) presents a style of narrative very different from that of §§ 4–19, the story of the arrest. There we have the simplest statement of facts; the power of the narrative lies in the vividness with which we see the events, and the certainty of our feelings being stirred at the sight. Here Lysias is dealing with more complicated acts, and those which do not make their own appeal. He therefore at every step throws in with the narrative of the events his own interpretation of motive and result. By a phrase here, a single invidious word there, he shrewdly colors the medium through which we see the events. Every statement is so turned as to become an argument. It is a type of narrative which the effective speaker must master, an instrument the more effective because so subtle in its working.

¹ Resp. Ath. 28. 5, The best of the statesmen at Athens, after those of early times, seem to have been Nicias, Thucydides, and Theramenes. As to Nicias and Thucydides, nearly every one agrees that they were not merely men of birth and character, but also statesmen, and that they acted in all their public life in a manner worthy of their ancestry. On the merits of Theramenes opinion is divided, because it so happened that in his time public affairs were in a very stormy state. But those who give their opinion deliberately find him, not, as his critics falsely assert, overthrowing every kind of constitution, but supporting every kind so long as it did not transgress the laws; thus showing that he was able, as every good citizen should be, to live under any form of constitution, while he refused to countenance illegality and was its constant enemy (Kenyon’s trans.). For a summary of the modern discussions as to the character of Theramenes, see Busolt, Griechische Geschichte, III. ii. 1463.
ARGUMENT AND STYLE

The language of the section is simple, free from rhetorical forms; even antitheses are only sparingly used.

It is only in the concluding paragraph that the speaker passes over to the artificial, rhetorical form, in balanced periods. The amplification at the opening of § 78, with the striking repetition of καί in the long series (see App. § 58. 4), marks the change of style:

καὶ τοσοῦτων καὶ ἐτέρων κακῶν καὶ αἰσχρῶν
καὶ πάλαι καὶ νεωτί
cαὶ μικρῶν καὶ μεγάλων
αιτίων γεγενημένων
tολμήσοντι αὐτῶς φίλοις αὐτοῖς ἀποφαίνων
οὔχ ὑπὲρ ὑμῶν ἀποθανόντος Θηραμένους
ἀλλ’ ὑπὲρ τῆς αὐτοῦ ποιήσα
cαὶ δικαίως μὲν ἐν ὀλιγαρχίᾳ δίκην δόντος
πᾶν γὰρ αὐτὴν κατέλυσε
dικαίως δὲ ἀν ἐν δημοκρατίᾳ
τῆς γὰρ ὑμᾶς κατεδουλώσατο
tῶν μὲν παρόντων καταφρονῶν
tῶν δὲ ἀπόντων ἐπιθυμῶν
καὶ τῷ καλλίστῳ ὀνόματι χρώμενος
dεινοτάτων ἔργων διδάσκαλος καταστά

Here, as the period advances, every part falls into the artificial, balanced form, culminating in the four formal cola which sum up Theramenes’s character with the brevity and sharpness of an epigram.1

VI. Ἐπίλογος, Peroratio, §§ 81–100.

The peroration opens with a vigorous appeal to the resentment of the people against the Thirty. By ignoring the specific charge against Eratosthenes, Lysias is able to throw upon him the hatred of the jury for the crimes of the whole administration.

1 See Rn.-F. on § 78.
He then arouses suspicion against any who may appear as witnesses or supporters of Eratosthenes in his defense, by trying to make the jury believe that the city is still in danger from oligarchical plots. To the plea that Eratosthenes was the best man among the Thirty, he makes the keen reply of the rhetorician, "That only proves him to be worse than any other citizen."

After shrewdly warning the jury that to acquit Eratosthenes will be to convict themselves of approving the conduct of the Thirty, Lysias makes a direct appeal to the representatives of each of the two parties. It is a most effective plea, and as a summing up against the Thirty worthy only of admiration. But as a summing up against Eratosthenes it has the fault of the whole speech, the unfair heaping upon him of crimes which he did not instigate, and in the commission of which he probably took even a passive part only by compulsion.

The final section (§§ 99–100), addressed to men already deeply moved by the recital of their wrongs, brings them in the most solemn way face to face with their duty to avenge the dead, and, by an appeal that works upon the most profound feelings, warns them of the presence and earnest watchfulness of the spirits who look to them for the punishment of their murderers. It is a fine artistic sense which leads the speaker, after raising the feelings of the jury to such a pitch, to close with words of absolute simplicity,—Παίσομαι κατηγορῶν. ἄκηκατε, ἔωράκατε, πεπόνθατε,—ἐξετε· δικάζετε.

The language suited to a peroration is different from that of narrative or argument. It is addressed more to the feelings; and as holding the formal place of dignity at the close, it admits of more formal structure. Both considerations tend to throw the thought into periodic form. The thought of §§ 81–84 is of itself an antithesis, and the antithetic structure inevitably pervades the passage. It is dignified, with less apparent striving for formal balance of phrase and colon than we sometimes find in Lysias's antitheses. The questions of appeal are especially fitting to a peroration (§§ 82 close–84).
ARGUMENT AND STYLE

In the section §§ 84–89 there is a steady advance in balance of form until from § 87 on almost every sentence has its pair of antithetic cola.

The final section ( §§ 99–100) falls almost entirely within periodic forms, but without any petty play on sound or artificial balance to mar the earnestness of the appeal.

The study of the style of this speech is especially interesting because it is the only extant speech which Lysias wrote for his own delivery,¹ and one of the first in his career as a practical speech writer. In preparing each of his other speeches he had to adapt the speech to the man who was to deliver it; in this he was free to follow his judgment of what a speech should be. He was already well known as a student of rhetoric; he now undertook to apply his rhetorical theory to a practical case which was of the utmost importance to himself, and which involved great public questions.

¹ The Olympic Speech (XXXIII) was probably spoken by Lysias, but we have a mere fragment of it.
ABBREVIATIONS

B. = Babbitt's *Grammar of Attic and Ionic Greek*, 1902.
G. = Goodwin's *Greek Grammar* (revised edition), 1892.
GMT. = Goodwin's *Syntax of the Moods and Tenses of the Greek Verb* (enlarged edition), 1890.
GS. = Gildersleeve's *Syntax of Classical Greek* (first part), 1900.
HA. = Hadley's *Greek Grammar* (revised by Allen), 1884.
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΣ
ΤΟΤ ΓΕΝΟΜΕΝΟΤ ΤΩΝ ΤΡΙΑΚΟΝΤΑ, ΟΝ ΑΤΤΟΣ ΕΙΠΕ ΑΤΣΙΑΣ

1 Ούκ ἄρξασθαι μοι δοκεῖ ἀπορον ἐστιν, ὡς ἄνδρες
dικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγουτι:
tοιαῦτα αὐτοῖς τὸ μέγεθος καὶ τοιαῦτα τὸ πλῆθος ἐξρ
gασταί: ὡστε μήτ' ἄν ψευδόμενον δεινότερα τῶν ὑπαρ-

1. λέγωτι: as the inf. παύσασθαι takes its subject from μοι,
the partic. λέγωτι is assimilated in case to μοι. HA. 941; G. 928.
i; B. 631; Gl. 543 a (1). Crp.
ἔλεγεν ὡς . . . συμβουλεύειν
αὐτοῖς παύσασθαι φιλονικοῦν he
said that he advised them to stop
contending, 22. 8. — αὐτοῖς: plural,
because the denunciation of Era-
tosthenes will involve an attack
on all of the Thirty and their tools;
αὐτοῖς rather than τοῖς because
most of those included in the word
are absent. — τοιαῦτα . . . ἕργα-
σταί: this clause stands in an
unusual balance between the pre-
ceding and the following; it serves
as an emphatic statement of the
ground of the preceding assertion,
and at the same time it gives the
ground of the statement expressed
by the ὡστε clause. See Crit. Note.
— ἄν: the force of ἄν extends to
both κατηγορήσαι and δυνάσθαι:
[μήτ' ψευδόμενον . . . κατ-
ὡστε ἄν μήτ' βουλόμενον . . . δύ-
νασθαι.
The verbs are thrown into the
infin. by ὡστε; otherwise they
would be optative, apodoses of ψευ-
δόμενος and βουλόμενος. GMT.
592; HA. 964 a; G. 1308; B.
595; Gl. 579. The two clauses may
be so combined as to make both
κατηγορήσαι and εἰπεῖν depend on
dυνάσθαι, but this breaks the par-
allelism of the cola, which is
heightened by the play on sound
(see App. § 57. 3). — τῶν ὑπαρχόν-
tων: the facts. ‘No charges that
one could invent could be worse
than the crimes that are.’ On the
χόντων κατηγορήσας, μήτε τάληθη βουλόμενον εἰπεῖν ἄπαντα δύνασθαι, ἀλλ’ ἀνάγκη ἢ τὸν κατηγοροῦν ἀπει-ρεῖν ἢ τὸν χρόνον ἐπιλιπέτω. τούναντίον δὲ μοι δοκοῦ-μεν πείσεσθαι ἢ ἐν τῷ πρὸ τοῦ χρόνῳ, πρότερον μὲν γὰρ (ἔδει τὴν ἕχθραν τοὺς κατηγοροῦντας ἐπιδείξαι, ἦτες ἱναί πρὸς τοὺς φευγόντων χρή πυθάνεσθαι, ἦτες ἵνα αὐτοῖς πρὸς τὴν πόλιν ἔχθρα. ἀνθ’ ὅτου τοιαῦτα ἐτόλμησαν εἰς αὐτὴν ἔξαμαρτάνειν. οὐ μέντοι ὡς ὢν ἔχων οἰκείας ἔχθρας καὶ συμφορὰς

various meanings of ὑπάρχειν see on § 23.

2. πείσεσθαι: πάσχω has here its simplest meaning, experience. πάσχω = I am acted upon in distinction from ποιῶ I act. The idea of “suffering” would come only from the context or the addition of a specific word (e.g. κακῶς).

— ἐν τῷ πρὸ τοῦ χρόνῳ: other expressions for the same idea are ἐν τῷ πρόσθεν χρόνῳ 21. 25; ἐν τῷ ἐμπροσθεν χρόνῳ 19. 45, 19. 53; ἐν τῷ τέως χρόνῳ 7. 12, 21. 19. 27. 16, 28. 3. The form πρὸ τοῦ is a relic of the Homeric demonstrative τοῦ. HA. 655 d; G. 984; B. 443. 4; Gl. 549 c. — γὰρ: explicative γὰρ, see on 19. 12. — τὴν ἕχθραν: a modern prosecutor would certainly not tell the jury that he is a personal enemy of the man whom he is prosecuting. But in Athens “sycophancy” had become such a trade that when one man accused another in court, the pre-

sumption often was that it was a case of blackmail (cp. on 22. 1). Hence as a precaution against that supposition an honest prosecutor regularly tries to show to the jury at the outset that he or his family or his close friends have personal reasons for wishing to see the defendant punished. — τοὺς κατηγο- ροῦντας: the prosecutor is usually called ὁ διώκων (cp. 10. 11), or ὁ κατηγορῶν, or ὁ κατηγόρος (cp. § 1). The defendant is ὁ φεύγων (cp. ἐφύγομεν § 4). — πυθάνεσθαι: inquire, the conative present of πυθόμαι to learn. HA. 825; G. 1255; B. 523; Gl. 454 c; GMT. 25; GS. 192. — ὅτου: the antecedent is really the preceding clause, but ἄνθ’ ὅτου has come to be felt almost as a conjunction. wherefore. HA. 999; Gl. 619. — εἴς: for this use of εἴς in hostile sense see 32. 19 Crit. Note. — ἐξαμαρτάνειν: the present tense, a course of action. — ὃς: for sub-
jective ὡς see on 16. 8.—τοὺς λόγους ποιοῦμαι: a slightly more formal expression than λέγω; cp. English, “I make the statement” and “I speak.” The thought underlying the sentence is, ‘Do not imagine that I am emphasizing their hostility to the whole city from any lack of personal complaints of my own. I, the metic, wish to call your attention to the complaints which you all have, before I proceed to present my personal and family wrongs.’—ἀλλ’ ὡς ἀπασὶ κτλ.: but assuming that all have great abundance (of matter) for anger because of their public acts.—ἀφθονίας ὀργίζεσθαι: abundance for anger; in this expression the English demands the more precise statement, abundance of matter for, abundance of cause for, but we too use the vague expression in “abundance for his support,” “abundance for eating and drinking.”—ὑπὲρ: force, see on ὀργίζεσθαι § 80.

3. ἐγὼ μὲν οὖν: now I. μὲν οὖν originally connected its clause with the preceding through οὖν, and set it in contrast with some-thing following through μὲν (the weaker form of μὴν), as in § 12. But it has come to have often a mere transitional force, often without connection with the preceding, and often with no correlative to μὲν. A. Marking transition to a new topic, 12. 3, 19. 2, 19. 11, 24. 5, and often B. Marking transition to a new fact in a narrative, 12. 9, 12. 12, 32. 18. C. Marking the close of a topic in the discussion, 12. 47, 19. 24, 19. 53, 19. 55, 19. 56, 19. 60, 22. 4, 24. 4. For τοὺς μὲν οὖν see on 16. 7 (D). For οὖν = μὲν οὖν see on 19. 7 (B).—πράγματα: here in the technical sense, law-business, L. & S. s.v. III, 4. On the fact cp. Introd. p. 19.—ὑπὸ τῶν γεγενημένων: the use of ὑπὸ, the preposition proper to the voluntary agent, gives to the non-personal word a touch of personification.

GS. 166. Cp. 24. 17, 32. 10, 32. 18.—τούτου: as Lysias passes now to his personal complaint, he turns from speaking of the Thirty in general to the one man against whom he brings his formal charge. Before the speech began
πολλὴν ἀθυμίαν κατέστην, μὴ διὰ τὴν ἀπειρίαν ἀναξίως
καὶ ἀδυνάτως ὑπὲρ τοῦ ἄδελφου καὶ ἐμαυτοῦ τὴν κατη
gορίαν πονήσωμαι (ὀμως δὲ πειράσωμαι ὑμᾶς ἐξ ἀρχῆς
ὡς ἄν δύνωμαι δι’ ἐλαχιστών διδάξαμεν).

4 Οὐμὸς πατὴρ Κέφαλος ἐπείσθη μὲν ὑπὸ Περικλέους
εἰς ταύτην τὴν γῆν ἀφικέσθαι, ἐπὶ δὲ τριάκοντα ὄψησε,
καὶ οὐδεὶς πώποτε οὔτε ἡμεῖς οὔτε ἑκένως δίκην οὔτε
ἐδικασάμεθα οὔτε ἐφύγομεν, ἀλλ’ οὔτως ὥκούμεν δημο-
κρατούμενοι, ὡστε μήτε εἰς τοὺς ἄλλους ἐξαμαρτάνειν.

the Clerk of the Court had read Lysias's formal complaint, so that
the speaker does not need to name the defendant at this point.—κατ-
έστην: as the perfect of this verb is used as a present, “the aorist
may take a perfect translation” (GS. 249) and govern a subordi-
nate clause as a primary tense (GS. 252).—ἐν κατηγορίαν πονή-
σωμαι: cp. τοὺς λόγους πονῶμαι § 2. The Ms. reading is πονῦ-
σωμαί. For the question of mood involved see Crit. Note.—δι’ ἐλα-
χιστῶν: the usual expression is διὰ βραχυτάτων, as in § 62, 16. 9,
24. 4. Cp. διὰ βραχέων ἕρω I will tell in a few words, 24. 5.

4. Κέφαλος: Introd. p. 9.—ἐπείσθη: a shrewd reference, before
this jury of the restored democracy, to the close family con-
nection of the complainant with the greatest democrat of the last
generation.—游戏技巧: cp. ὧκούμεν below. Here, the aorist with a
‘definite number’ (GS. 243). Otherwise游戏技巧 would usually
mean settled (inceptive aorist), in distinction from游戏技巧 lived.—οὔτε
ἐδικασάμεθα οὔτε ἐφύγομεν: as a student of rhetoric, and perhaps
already a teacher of pleading, Lysias is liable to the suspicion
which the common men of the jury have against the professional
rhetorician; he here forestalls this. Nor has his family been guilty of
the prevalent sycophancy, nor of attempting to resist by litigation
the claims of others. They have lived the quiet and careful life that
befits a family who receive the hospitality of the city. As to the
rights of metrics in the courts see Introd. p. 44.—ἐδικασάμεθα: still
another term for the prosecution of a case; cp. on τοὺς κατηγοροῦ-
tας § 2.—μήτε . . . μήτε: on the παράσωσις see App. § 57. 2.—ἐξα-
μαρτάνειν: in ἐδικασάμεθα and ἐφύγομεν (aorist) he denies every
5. καὶ οἱ τῶν ἀλλων ἀδικεῖσθαι. ἐπειδὴ δὲ οἱ τριάκοντα 
ποιηροὶ καὶ συκοφάνται ὄντες εἰς τὴν ἀρχὴν κατέστησαν,
φάσκοντες χρήνα τῶν ἀδίκων καθαράν ποιήσαι
τὴν πόλιν καὶ τοὺς λοιποὺς πολιτὰς ἐπὶ ἀρετὴν καὶ
dικαιοσύνην προτρέψαι, τοιαῦτα λέγοντες οὐ τοιαῦτα
ποιῶν ἐτόλμων, ὡς ἐγὼ περὶ τῶν ἐμαυτοῦ πρώτων εἰπὼν
8 καὶ περὶ τῶν ἔμετέρων ἀναμνῆσαι περάσομαι. Θέο-
γνις γὰρ καὶ Πείσων ἔλεγον ἐν τοῖς τριάκοντα περὶ τῶν
occurrence; in ἐξαμαρτάνεται and ἀδικεῖσθαι (imperf.) he denies the
whole course of conduct; cp. on ἐξαμαρτάνεται § 2.
5. φάσκοντες: asserting; the
common use of φάσκων in distinc-
tion from λέγων; the falsity of
the assertion is commonly implied.—
οὐ . . . ἐτόλμων: they could not bring
themselves. τολμάν is wicked dar-
ing (so in § 2) or good courage,
according to the context. The use
of the imperf. with οὐ adds to the
idea of resistance that is in the
word itself. “The negative imper-
flect commonly denotes resistance
to pressure or disappointment.
Simple negation is aoristic” (GS.
216). So οὐδὲ ἐτυγχάνομεν § 20;
οὐδενὶ ἐτόλμα πείθεσθαι 32 2; οὐκ
ήθελε 32. 12. For a little time
the Thirty did live up to their pro-
fessions. Aristotle says of them:
At first, indeed, they behaved with
moderation towards the citizens
and pretended to administer the
state according to the ancient con-
stitution . . . and they destroyed
the professional accusers and those
mischievous and evil-minded per-
sons who, to the great detriment
of the democracy, had attached
themselves to it in order to curry
favor with it. With all of this
the city was much pleased, and
thought that the Thirty did it with
the best of motives. But so soon
as they had got a firmer hold on
the city, they spared no class of
citizens, but put to death any per-
sons who were eminent for wealth
or birth or character (Resp. Ath.
35, Kenyon’s tr.). Xenophon gives
similar testimony, Hell. 2. 3. 12.
6. γάρ: explicative γάρ. See
on 19. 12. —ἐν τοῖς τριάκοντα: ἐν
is the regular expression for at a
meeting of; so ἐν τοῖς Ἀμφικτύο-
νοι at the meeting of the Amphic-
tyons, Aes. 3. 114; ἐν τοῖς αὐτοῖς
δικασταῖς, at a session of the same
court, Ant. 6. 23. Cp. ἐν τῇ βουλῇ
§ 77, ἐν τῷ δήμῳ 16. 20, ἐν τῇ
ἐκκλησίᾳ 19. 50. The reference
LYSIAS — 5
here is to the discussion of the matter at a session of the Thirty by themselves, at their headquar-
ters, the Tholus. From § 25 we conclude that the proposition was carried thence to the Senate and there discussed and acted upon. The Tholus, a building near the senate-house, was the headquar-
ters and dining-hall of the Pryta-
nees. It was thus the natural center of the administration of the Thirty, who used the subservient Senate to give a form of legality to their own acts. — δεόντων: χρημάτων: when the Thirty took control they found the treasury exhausted by the expenses of the Peloponnesian War. They had not only to pro-
vide for the ordinary expenses of the government, but to pay their Spartan garrison on the Acropolis. Xenophon says (Hell. 2. 3. 21) that the despooiling of the metics was to meet the latter expense.

7. ἀποκτιννύναι ... ἑποιοῦντο: for the periodic form see App. § 57. 3. — ἐδοξέω: note that the pre-
liminary process and the attitude of mind are expressed by the im-
perfs. ἐπεθοῦν, ἡγούντο, ἑποιοῦντο; the final decision, the “upshot” of it all, by the aorist ἐδοξέω. GS. 238. — δέκα: these were certainly the first arrests of metics by the Thirty. Xenophon says (Hell. 2. 3. 21) that each member of the Thirty was to arrest one metic; this was probably on a later occa-
sion. Diodorus says (14. 5. 6) that the Thirty executed the sixty richest foreigners; this may be the whole number executed under their ad-
ministration. — πρὸς τοὺς ἄλλους: in the case of the rest (of the ten X metics). — ὡς οὐ κτῇ: on the παρι-
σωσις see App. § 57. 2. — συμφέ-
ροντα: predicate, in agreement with τὰῦτα; related to γεγένηται as χρημάτων ἑνεκα το πέπρακται.
8τῶν ἀλλῶν εὐλόγως πεποιηκότες. διαλαβόντες δὲ τὰς
οἰκίας ἐβαδίζον· καὶ ἐμὲ μὲν ἔχουσι ἐστιώντα κατέλα-
βον, οὐς ἐξελάσαντες Πείσωνι με παραδιδόασιν· οἱ δὲ

— ὁσπερ κτλ.: (sarcastic) as though
they had done any one of all their
other deeds on good grounds. Thal-
heim separates ὁσπερ from πεποι-
ηκότες, conduct (as) shrewd as that
in any one of all their other
measures. πεποιηκότες is placed
loosely in the nominative, its sub-
ject really being αὐτῶς; but αὐτῶς
η ἀπολογία is in effect equal τῷ
ἀπολογίαν ἔχων.

8. ἐβαδίζον: they set forth.
The imperfect, as the tense that
presents an act as in progress, is
sometimes used to present the act
as it gets under way; we see the
act in progress in its first stage,
the beginning of its evolution.
Some would name this the in-
gressive imperfect; others, the im-
perfect of evolution (see A.J.P. XVI,
p. 150).
Cp. ἐβαδίζον I set forth
1. 2. 16 εἴθυς ἀποπηθήσαντε Σω-
κράτους ἐπρατήτην τὰ πολιτικὰ
they instantly left Socrates with a
leap and proceeded to take active
part in politics. For other ex-
amples with adverbs of rapidity
see GS. 206. The succession of
tenses in this whole narrative is
noteworthy. Great force is given
by the interweaving of imperfects
of vivid description (ἀπεγράφωντο,
ἡρώτων, ἐφασκεν, etc. GS. 207),
the aorists of summary statement
(κατέλαβον, ἤπον, ωμολόγησε,
ἐκέλευσεν, etc.), and the nume-
rous historical presents (παρα-
διδόασιν, ἀνοίγωμι, εἰσέρχεται,
καλεῖ, etc.). — Ἠμὶ μὲν κατέλαβον:
when μὲν stands without a corre-
sponding δὲ a contrasted thought
is often latent. Here there is an
underlying thought of his brother’s
17. Cp. on 25. 16. Lysias was
arrested at his house in the Piraeus,
as we see by the fact that he sent
Archeneos εἰς ἄστυ (§ 16). This
entrance into Lysias’s house was,
in spirit, a violation of the princi-
ple that a man’s house is his
sanctuary, a principle as jealously
maintained in Athens as in mod-
ern states. But in form it was
legal, for Pison was executing a
ALL THE OTHERS, the shields factory, and the Thirty, were seized at table, in bed, in the agora (Xen. Hell. 2. 4. 14).

— ἐργαστήριον: the shield factory.
— ἀπεγράφοντο: the usual word for an inventory. For the caustic epithet see HA. 815; G. 1245; B. 505; Gl. 500 d.

9. εἴπον οὖν, . . . ἡπιστάμην μὲν οὖν: I said therefore, . . . now I knew. The first οὖν is inferential, the second, transitional, marking the passage from the narrative to the parenthetical remark. See on § 3 (B). — νομίζει: the ordinary word with θεοῦς (cp. Plato Apol. 26 c ταῦτα λέγω, ὡς τὸ παράπαν οὐ νομίζεις θεοῦς); but it has, as used here, so much of the idea of ‘respect,’ ‘fear,’ that the speaker can even add ἀνθρώπους. The retention of the indic. in νομίζει (ind. discourse with the secondary ἡπιστάμην) is a part of the increasing vividness with which Lysias recalls the events as his narrative advances, and which brings in the historical present (ἀνοίγωμε) in the following sentence. — ἐκ τῶν παρόντων: ἐκ, because the circumstances are viewed as the source of the conviction.

10. σώσει: tense, HA. 948 a; G. 1286; B. 549. 2; Gl. 578.
60 ἐνώτα καλεἰ τῶν ὑπηρετῶν δύο, καὶ τὰ ἐν τῇ κιβωτῷ
11 λαβεῖν ἐκέλευσεν. ἥπειρῇ δὲ οὐχ ὅσον ὠμολόγησεν
εἰχεν, ὡς ἄλλες δικασταί, ἀλλὰ τρία τάλαντα ἀργυρίου
καὶ τετρακοσίων κυψευδον καὶ ἕκατον δαρεικοὺς
καιρικάς ἀργυρᾶς τέταρτος, ἔδεομην αὐτοῦ ἐφόδια μοι
65 δοῦναι. ὃ δ’ ἀγαπήσει μὲ ἐφασκεν, εἰ τὸ σῶμα σῶσω.
12 ἔξωσεν δ’ ἐμοὶ καὶ Πείσων ἐπιτυγχάνει Μηλόβιος τε
καὶ Μησιθείδης ἐκ τοῦ ἑργαστηρίου ἀπόντες, καὶ
καταλαμβάνοντες πρὸς αὐταῖς ταῖς θύραις, καὶ ἐρωτῶς
σὺν ὅποι βαδίζομεν· ὃ δ’ ἐφασκεν εἰς τάδελφον τοῦ
70 ἐμοῦ, ἵνα καὶ τὰ ἐν ἕκεινῃ τῇ οἰκίᾳ σκέψηται. ἔκεινον

11. ὠμολόγησεν: sc. λαβεῖν, cr. σῶσαι χρήματα λαβῶν § 8.—κυψεύδοις: sc. στατῆρας. For the sums mentioned see App. § 61 f. This was only the ready money which Lysias happened to have in his strong box; perhaps the ready money of the shield manufactory. In addition to this, Lysias lost his house, his share in the stock and tools in the shield factory, and his share in the 120 slaves (§ 19). Yet it would appear from the accounts of his later contributions to the patriot cause that a considerable amount of his property escaped the hands of the Thirty (see p. 20, n. 1).—ἀγαπήσειν: the direct form is ἀγαπήσεις, εἰ τὸ σῶμα σῶ-
σεις you may consider yourself lucky, if you save your skin. The curt sarcasm well expresses the brutality of the whole proceeding. ἀγαπήσεις is a 'jussive' future.

GS. 269; HA. 844; G. 1265; B. 583 n. 1. For the mood of σῶσεις see HA. 899; G. 1405; Gl. 648.

12. ἐπιτυγχάνει: the verb agrees, as often, with the first of the two noms.; but the two being once expressed, the plural naturally follows in ἀπόντες, καταλαμβά-
νοντες, ἐρωτῶσιν. By the same usage ἔξωσεν might have been singular. —βαδίζομεν: optative after ἐρωτῶσιν, a historical pres-
ent. HA. 932. 2; G. 1268, 1487; B. 517. 1, 581; Gl. 661.—εἰς τά-
δελφοθ . . . εἰς Δαμνίστου: the Greek idiom is precisely the same as the colloquial English.—σκέ-
ψηται: the same sarcastic tone as in the preceding. The hearer feels with what cruel unconcern these robbers treated their victims.
μὲν οὖν ἐκέλευον βαδίζειν, ἐμὲ δὲ μεθ' αὐτῶν ἀκολούθειν θείων εἰς Δάμνιππον. Πείσων δὲ προσελθὼν σιγάν μοι παρεκκλείσετο καὶ θαρρεῖν, ὡς ἤξων ἐκείσε. καταλαμβάνομεν δὲ αὐτῶθι Θραγμών ἐτέρους φυλάττοντας ὣς 75 παραδόντες ἐμὲ πάλιν ϊχνοντο. ἐν τοιούτῳ δὲ ὄντι μοι κινδυνεύον ἐδοκεὶ, ὡς τοῦ γε ἀποθανεῖν ὑπάρχοντος ἡδη. καλέσας δὲ Δάμνιππον λέγω πρὸς αὐτὸν τάδε, "ἐπιτήδειος μὲν μοι τυχαίας ὅν, ἦκω δ' εἰς τὴν σήν οἰκίαν, ἀδικῶ δ' οὐδέν, χρημάτων δ' ἐνεκα ἀπόλλυμαι. 80 σὺ οὖν ταῦτα πάσχοιτί μοι πρόθυμον παράσχοι τὴν...

— μὲν οὖν: force, see on § 3.—
βαδίζειν: to go on his way, cp. on ἐβαδίζον § 8.
13. σιγάν: Lysias would have us suspect that Pison was planning to keep for himself the confiscated money.— ὡς ἤξων ἐκείσε: 'on the understanding that he would come there'; for ὡς 'subjective' see on 16. 8.— κινδυνεύον ἐδοκεί, ὡς... ὑπάρχοντος: it seemed to me wise to make a venture, believing that death at any rate was to be counted on already, i.e. whatever risks might be involved in any attempt to escape, one risk at least (γι', and that the supreme one, was already upon me (ὑπάρχοντος, see on ὑπάρχει § 23). κινδυνεύον is usually to meet danger, to be in danger, but it is used here for ἀποκινδυνεύον or παρακινδυνεύον = to take a risk; cp. 1. 45 ἄν... τοιοῦτον κινδυνον ἐκκινδυνεύον would I have taken such a risk; 4. 17 ἀλλ' ἀπεκινδυνόντον τούτο but I took this risk.

14. Δάμνιππον: this is all that we know of Damnippus; he was evidently a trusted adherent of the Thirty.— ἀδικῶ: I am guilty (not I am doing wrong). A present state or condition viewed as the result of a past action is usually represented in Greek, as in English, by the perfect; but certain words in Greek frequently express this idea by the present:
A. Words of hearing and saying, ἀκοίνω, πυθάνομαι (12. 62), αἰσθανομαι, γιγνώσκω, μανθάνω, λέγω.
B. Words of coming and going, especially ἦκω and οἴχομαι, I am come, I am gone (not I am on the way). C. ἀδικῶ (12. 82, 25. 1, 25. 24), φεύγω (12. 57), νικῶ (12. 36), κρατῶ, ἱττῶμαι, στέρομαι (and all verbs of privation, GS. 234), and some others. Kühn. § 382. 4.— ἀπολλυμαι: the action
σεαντού δύναμιν εἰς τὴν ἐμὴν σωτηρίαν." ὁ δὲ ὑπέ-
σχετο ταῦτα ποιήσειν. ἐδόκει δὲ αὐτῷ βελτιων εἶναι
πρὸς Θέογνιν μυησθῆναι. ἤγειτο γὰρ ἀπαν ποιήσειν
15 αὐτῶν, εἴ τις ἀργύριον διδοίη. ἐκείνου δὲ διαλεγομένου
Θεόγνιδι (ἐμπειρός γὰρ ὃν ἐτύγχανον τῆς οἰκίας, καὶ
ηδὴ ὅτι ἀμφίθυροι εἴη) ἐδόκει μοι ταύτη πειράσθαι
σωθῆναι, ἐνθυμομένῳ ὅτι, ἐὰν μὲν λάθω, σωθήσομαι,
is already under way, *I am being destroyed*. The change to direct
discourse in the series of brief
clauses with the repeated “and”
reproduces the breathless earnest-
ness and haste of the appeal. This
earnestness of feeling leads Lysias
into one of his rare personifica-
tions, that of δύναμιν by the per-
sonal epithet πρόθυμον; for other
examples see Introd. p. 25, n. 5.—
eis . . . σωτηρίαν: the purpose of
an act is that toward which the act
goes out; it may therefore be
expressed by each of the preposi-
tions eis, πρὸς, and ἐπὶ with the
accus. But Lysias prefers eis,
using πρὸς in 19. 22 and 19. 61
only, and ἐπὶ in 19. 21 and 28. 14
only. For δὰ with acc. expressing
purpose see on 32. 22, and for
ἐπὶ with dat. see on 12. 24. For
— ὑπέσχετο ποιήσειν: for the fut.
infin. see on σώσειν § 10. — ἀπαν:
anything. Cp. Demos. 18. 5,
πάντων μὲν γὰρ ἀποστερεῖσθαι λυ-
πηρόν ἐστι, to be robbed of anything
is vexatious.—διδοίη, offer, cona-
tive present, see on πυνθάνεσθαι
§ 2.

15. ἐνθυμομένῳ κτλ.:
ἐδόκει μοι ταύτη πειράσθαι σωθῆναι
ἐνθυμομένῳ ὅτι
1. ἐὰν μὲν λάθω
(σωθήσομαι)
2. ἐὰν δὲ ληφθῶ

ὁγούμην

(a) εἰ ἐὴ πεπεισμένος
ἀφεθήσεσθαι
(b) εἰ δὲ μὴ
ἀποδανείσθαι

The irregularity in this otherwise
symmetrical sentence lies in the
fact that after the second main
protasis (ἐὰν δὲ ληφθῶ) the gov-
erning verb is repeated in new
form (ὁγούμην replacing ἐνθυμο-
μένω), which shifts the construc-
tion of the apodosis from the fut.
indic. of indir. disc. with ὅτι,
to the fut. infin. of indir. disc.
This insertion of ἀγούμην makes
the thought clearer to the listener
by separating the second princi-
pal protasis from the subordinate ones that follow. This separation is further strengthened by shifting from the subj. in the leading pair of protases to the opt. of ind. disc. in the subordinate protasis. — ἡγούμην μὲν: μὲν is drawn to the leading verb from its natural position after εἰ. Such displacement of μὲν throws emphasis upon the word that it follows. So in 16. 18. For corresponding displacement of δὲ see on 16. 7. — εἰ δὲ μή: a stereotyped expression which may be used even when there is no place for the negative. Here with neg. force; so in 22. 6, 22. 21. Without neg. force, 12. 50.

16. ἐφευγον: set forth. The impf. pictures the flight in its beginning, where the aor. would merely state the fact of flight. See on ἐβαδίζον § 8. — αἰλείως θύρα: defined by Harpocratio (s.v. αἰλεύως) as ἥ ἀπο τῆς ὀδοῦ πρῶτη θύρα τῆς οἰκίας the front door, street door. The term αμφίθυρος (§ 15) must mean that the house had a second outer door, though we have no knowledge of such an arrangement except from this passage. The third door through which Lysias passed may have opened through a garden wall into a back street. But we have no facts on which to base anything more than conjecture. For the plan of the Greek house see Gardner, “The Greek House,” Journal of Hellenic Studies, 21 (1901), 293 ff.; Gulick, Life of the Ancient Greeks, p. 21 ff.; Gardner and Jevons, Manual of Greek Antiquities, p. 31 ff.; Smith, Die'y Greek and Roman Antiq., article “Domus.” — εἰς ἄστυ: cp. the English “to town.” Here ἄστυ is used as a proper name, the city in distinction from the Piraeus. Lysias's custom varies as to the use of the article with ἄστυ; cp. εἰς ἄστυ 13. 24. 32. 8; ἐν ἄστει 25. 1; but πρὸς τὸ ἄστυ 13. 80: εἰς τὸ ἄστυ 12. 54. Lysias sends Archeneos to the city as the speediest and
καὶ ἐγὼ τοιαῦτα πεποιήμενος τῆς ἐπιούσις
νυκτὸς διέπλευσα Μέγαράδε. Πολεμάρχῳ δὲ παρήγειλαν οἱ τριάκοντα τοῦτο ἐκείνων εἰθίσμενον παράγιογελμα, πίνειν κώνειον, πρὶν τὴν αἰτίαν εἰπεῖν δὴ ηὗτα ἐμελλέν ἀποδανεῖσθαι· οὐτω πολλοῦ ἐδέσσε κρίθηνα

surest means of learning whether his brother is under arrest, for he would be taken there by the arresting party. It does not imply that Polemarchus lived in the city rather than in the Piraeus.

17. τοῦτο ἐκείνων: εἶπ’ with gen. of a personal word = in the time of. So in 12. 42, 12. 65, 16. 3, 22. 9, 24. 25, 25. 21, 34. 4. — πίνειν: present tense, because this particular order is defined as an instance of the customary order. So Socrates’s jailor says χαλεπαίνουσι καὶ καταρώσατε, ἐπειδὰν αὐτοῖς παραγέλλω πίνειν τὸ φάρμακον they are angry and curse me, when I give them the order to drink the drug (Plato, Phaedo 116 c). — πρὶν εἰπεῖν: before telling, used loosely for without telling; cp. on 19. 7, πρὶν παραγενέσθαι. The English would allow the same loose expression, which comes from the underlying thought of the haste of the action. Aeschines uses πρὶν in the same way in speaking of the crimes of the Thirty, πλείον τὴν

ἡ χλώσαν καὶ πεπτακούσαν τῶν πολιτῶν ἄκριτος ἀπέκτειναν, πρὶν καὶ τὰς αἰτίας ἀκούσαν, ἐφ’ αἷς ἐμέλλον ἄποδημῆσθαι, καὶ οὐδ’ ἐπὶ τὰς ταφὰς καὶ ἐκφορὰς τῶν τελευτησάντων εῶν τοὺς προσήκοντας παραγενέσθαι more than 1500 of the citizens they put to death without trial, before they even heard the charges on which they were about to die, and they would not even allow the relatives to be present at their funerals or to follow them to their graves, 3. 235. Cp. Ant. Tetral. Α γ 2 φεύγοντες πρὸ τερον ἄπείνουσαν fleeing before they had time to strip them. With the coming of the Thirty to power all legal protection of citizens was thrown aside. One of the most common charges against them is that they condemned citizens to death without a trial, whereas the right of every citizen to trial with full opportunity for defense was one of the fundamental principles of the democracy. This right was extended to metics also.
18. ἀπεφέρετο: not ἐκφέρετο, because ἐκφέρειν is the usual word for the orderly funeral ceremony (cp. ἐξενεχθῆναι below). — ὀδεμαῖς: while ὀδεμαῖς depends on ἐξενεχθῆναι, the negative part of it goes over to ἐισαγαγότω βοώῳ κτῆσεσθαι, καὶ ἀνδρόποδα ἐερχαί καὶ ἐκατόν, ὅν τὰ μὲν βέλτιστα ἐλαθοῦν, τὰ δὲ λοιπὰ εἰς τὸ δημόσιον ἀπέδοσαν, εἰς τοσαύτην ἀπληστικαὶ καὶ ἀσχρόκερδειαν ἀφίκοιτο καὶ

19. On the πολυσύνθετον of this section see App. § 58. 4. — τὸ δημόσιον: L. & S. 520. III. 3. — ἀπέδοσαν: ἀπο—because the confiscated property belonged now to the state. — ἀπληστικά καὶ ἀσχρόκερδειαν: the doubling of words merely for rhetorical effect is as rare in the simple style of Lysias as it is common in the rhetorical style of Demosthenes: see App. § 58. 2. — εἰς τοσαῦτην... ἀφίκοιτο: the ὅσοι construction which we expect after τοσαῦτην is thrust aside by the emphatic καὶ τοῦ τρόπου τῶν αὐτῶν ἀποδεῖξιν ἐποίησαντο. The whole force of the long period is thus thrown upon what is really the one emphatic thought, that this act about to be described exhibits the real char-
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ ΧΙΙ 18–20

115 τοῦ τρόπου τοῦ αὐτῶν ἀπόδειξιν ἐπουήσαντο. τῇ γὰρ
Πολεμάρχου γυναῖκὸς χρυσός, ἐλικτῆρας, οὐς ἔχουσα
ἐπιγχανεῖν, ὅτε πρῶτον ἤλθεν εἰς τὴν οἰκίαν Μηλόβιος,
20 ἐκ τῶν ὁτῶν ἔξειλεν. καὶ οὖν κατὰ τὸ ἐλάχιστον
μέρος τῆς οὐσίας ἐλέον παρ’ αὐτῶν ἐπιγχάνομεν. ἀλλ’
120 οὖτος εἰς ἡμᾶς διὰ τὰ χρήματα ἐξεμάρτανον, ὡσπερ ἄν
ἐτεροι μεγάλων ἀδικημάτων ὀργὴν ἔχοντες, οὐ τούτων
ἀξίοις γε ὄντας τῇ πόλει, ἀλλὰ πάσας μὲν τὰς χρη-
acter of the men. With this idea fresh in the minds of the hearers,
and their attention sharpened by the interruption in the narrative,
Lysias at last gives the fact for which they are waiting, in the
more independent form of the clause with γάρ.— γάρ: explicative
γάρ, see on 19. 12.— δι’ πρῶτον: as soon as (for the differ-
ent meaning of διὰ τὸ πρῶτον see Crit. Note).— Μηλόβιος: Melo-
bius was one of the party that went to Lysias’s house, drove
out his guests, and put him under arrest (§§ 8 and 12).
20. ἐπιγχάνομεν: the negative imperfect of “disappointment”;
see on ἐτύλμων § 5.— διὰ τὰ χρή-
ματα: the whole preceding nar-
rative has laid all stress upon the
fact that this was outright robbery
— murder for money, not a politi-
cal arrest and assassination. An
honorable revolution might neces-
sitate the summary execution of
some political opponents, but this
act was robbery and murder. The
defendant stands under the protec-
tion of the feeling that there
should be a general amnesty for
political offenses. Lysias is
shrewdly bringing every fact to
the point that Eratosthenes
and his companions had used politics
merely as a means for personal
enrichment. If this is so, they
should be treated like robbers, not
like reconciled political opponents.
— ὡσπερ ἄν ἄτεροι: sc. ἔξεμάρτανον
or ἔξεμαρταν. HA. 905; G. 1313;
B. 616. 4; Gl. 656 b (the protasis here is ἔχοντες, giving
therefore ὡσπερ ἄν for ὡσπερ ἄν
ἐλ of the grammars).— τοῦτων:
this treatment.— πόλει: the dative
of the one “in relation to whom”
οὐκ ἄξιος is true. HA. 771; G.
1172. 1; B. 382, 2d example; Gl.
523 a, 5th example.— χρηγγίας:
for the nature and extent of such
services see Gulick, p. 62. For
the relation of metics to public
burdens cp. p. 9, and see Gardner
γίας χορηγήσαντας, πολλὰς δ’ εἰσφορὰς εἰσενεγκόντας,
κοσμίους δ’ ἡμᾶς αὐτοὺς παρέχοντας καὶ πᾶν τὸ προσ-
ταττόμενον ποιοῦντας, ἔχθρον δ’ οὐδένα κεκτημένους,

and Jevons, Greek Antiquities, p. 455. Pleas for favor based
on such services are a commonplace of Athenian court speeches.
Lysias himself gives a notable illustration in his twenty-first
speech, see on 19. 43.—χορηγήσαν-
tας: in sharp antithesis to ὀρτας
and with this modifying ἡμᾶς
above; but the series of partici-
ples, starting in this construction,
is so far prolonged that the feeling
of their grammatical connection
with the preceding is lost, and
the sentence is closed with em-
phasis by bringing in a new in-
dependent verb, ἡξίωσαν; to the
object of ἡξίωσαν the later partici-
ples attach themselves by a slight
anacoluthon.—εἰσφορὰς: the εἰ-
σφορά was a direct property tax
levied upon members of the three
upper property classes to meet
extraordinary expenses of war.
As the Peloponnesian War steadily
exhausted the ordinary revenues
of the state, the εἰσφορά became
a frequent and pressing burden.
—κοσμίους: by the close of the
fifth century the abuses of democ-
racy had become so notorious, and
the trade of politics so corrupt,
that ambition for political promi-
nence had become cause for sus-
picion; yet the obligation of every
citizen to take his place in the
common life of the state was still
a fundamental principle. Under
these influences it was felt that the
ideal citizen was the quiet, modest,
law-abiding man, who neither
sought political power nor neg-
lected political obligations. Lysias
defines the attitude of the ideal
citizen in his twenty-first speech
(§ 19): δίομαι οὖν ἤμων, ὁ ἄν-
δρες δικασταί, . . . μὴ μόνον
τῶν δημοσίων λητουργῶν μεμη-
σθαι, ἀλλὰ τῶν ἰδίων ἐπιτηδειομάτων
ἐνθεμένως, ἡγομένος ταίτηρ
εἰναι τὴν λητουργίαν ἐπιπονωτάτην,
διὰ τέλους τὸν πάντα χρόνον κόσμο
μον εἰναι καὶ σώφρονα καὶ μήθ’
ὑφ’ ἡδονῆς ἴτηθήναι μὴθ’ ὑπὸ
kέρδους ἐπαρθήναι, ἀλλὰ τοιοῦτον
παρασχέιν ἑαυτὸν ὡστε μηδένα τῶν
πολιτῶν μήτε μέμψασθαι μήτε δίκῃ
τολμήσαι προσκαλέσσαθι. I ask
you, gentlemen of the jury, not
only to remember my public ser-
vices, but to consider my personal
habits, thinking that this is the
most difficult public service, to be
from first to last always an orderly
man, and discreet, to be neither
conquered by pleasure nor carried
away by gain, and to show one’s
self such a man that no citizen
will complain of him nor dare summon him into court. Cp. Dem. 18. 308 ἐστι γὰρ, ἐστιν ἢσυχία δικαία καὶ συμφέρουσα τῇ πόλει, ἥν οἱ πολλοὶ τῶν πολιτῶν ὑμεῖς ἀπλῶς ἄγετε there is, there is a quiet that is right and useful to the state, which you the majority of the citizens keep in sincerity. The attitude that was thus honored in the citizen was even more to be demanded of the metic.—λυσαμένους: causative mid. See on ἀπεγράφοντο § 8.—οὐχ ὠμοίως... ἐπολιτεύοντο: not such metics as they were citizens. The restrained simplicity of the under-statement (Miosis) is stronger than the strongest terms could make it.

21. οὗτοι: cp. on αὐτοῖς § 1. The Thirty are now so definitely before the minds of the hearers that οὕτω becomes the natural expression, and with the Thirty are associated in οὗτοι those who support Eratosthenes in this trial. For the periodic form of the sentence see App. § 46.—εἰς τῶν πολεμίων: the rhetorical period which is to contrast the conduct of the Thirty with that of Lysias and his family gains emphasis by having its opening colon in verbal antithesis to the last colon of the preceding series: πολλοὺς δ’ Αθηναίων ἐκ τῶν πολεμίων λυσαμένους μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἔξηλασαν. —ἀτίμους: the technical term for men under ἀτιμία, the complete or partial deprivation of privileges of citizenship, inflicted by the courts as a penalty for crime. See Gulick, p. 61.—θυγατέρας: the dowry was so important in marriages of well-to-do Athenians that the seizure of the fathers’ property by the Thirty destroyed the hopes of marriage for many girls of good family. The lot of the Athenian wife was narrow and poor enough; to the unmarried woman no respectable career was open.—ἐκώλυσαν: every verb in the series of aorists ἔξηλασαν... ἐποίησαν... κατέστησαν... ἐκώλυσαν ex-
23. τοιαῦτα: i.e. ὡς οἶδ' ἄκονται κακών εἰργασμένου εἰσὶν.—ὑπάρχει: In our eight speeches note the following uses of ὑπάρχει: A. In the original sense, to begin, 24. 18 τοὺς ὑπάρξανας those who began it. B. Of what exists, or is true; fact in distinction from claim or falsehood, 12. 1, 12. 23, 12. 70, 34. 6. C. Of what exists or is true to start with, 12. 97, 19. 29, 25. 6, 34. 3, 34. 8. D. Of what is now so sure that it is to be counted ἄροι (whether for good or ill), 12. 13, 19. 11, 19. 20, 25. 4. E. Of what is ready, 12. 72. F. τὰ ὑπάρχοντα = property (= what one has to start with), 31. 18 τοὺς ἀφηρεῖτο τὰ ὑπάρχοντα these he robbed of their property. In 32. 28 τὰ ὑπάρχοντα = capital, in distinction from interest. —καὶ πρότερον: see on καὶ ἡμῶν 19. 2 (C).
εἰπὼν, Ἑρατοσθένης ἀπέκτεινεν, οὔτε αὐτὸς ἰδίᾳ ἀδικοῦ-
μένος οὔτε εἰς τὴν πόλιν ὅρων ἐξαμαρτάνοντα, ἀλλὰ τῇ
ἐαυτοῦ παρανομίᾳ προθύμοις ἐξυπηρετῶν.

24 Ἀναβιβασάμενος δὲ αὐτὸν βούλομαι ἐρέσθαι, ὡς ἄν-
δρες δικασταί. τοιαύτην γὰρ γνώμην ἔχων ἐπὶ μὲν τῇ
τοῦτον ὁφελείαν καὶ πρὸς ἐτέρων περὶ τούτου διαλέγε-
σθαι ἀσεβείας εἰναὶ νομίζω, ἐπὶ δὲ τῇ τούτου βλάβη καὶ
πρὸς αὐτὸν τούτον ὄσιον καὶ εὐσεβείας. ἀνάβηθι οὖν
μοι καὶ ἀπόκριναι, ὅ τι ἂν σε ἐρωτῆτο.

25 Ἀπήγαγες Πολέμαρχον ἢ οὖ; Ἄρα ὑπὸ τῶν ἀρχόν-

—τῇ ἑαυτοῦ παρανομίᾳ: a personification (rare in Lysias) like that of δύναμιν § 14, and better suited to the tone of its passage. See Introd. p. 25, n. 5. — ἐξ-ὑπηρε-
τῶν: serving to the end.

24. ἐρέσθαι: for the formal questioning of an opponent in court see App. § 20. — ἐπὶ ὁφε-
λείαν: ἐπὶ with the dative properly denotes the ground of an act, that upon which it rests (cp. on 32. 17); but often the ultimate ground of an act is its purpose, hence the use of ἐπὶ with the dat., instead of the phrases enumerated on εἰς σωτηρίαν § 14. So ἐπὶ τῇ
βλάβη § 48; ἐπὶ δέλθρῃ § 60. In 13. 20 ground and purpose are coupled: οὐκ ἐπὶ εὔνοια τῇ ὑμετέρᾳ
ἀλλ’ ἐπὶ καταλίψει τοῦ δήμου τοῦ ὑμετέρου not from good will to you, but for the destruction of your de-
ocracy. — διαλέγεσθαι: the cere-

monial impurity of a murderer was so great that the accused was, after indictment, forbidden en-
trance to the sanctuaries or the Agora while awaiting trial. The trial itself was held in the open
air, in order, as Antiphon tells us (5. 11), “that the jurors might not come into the same inclosure with
those whose hands were defiled, nor the prosecutor come under the
same roof with the murderer.” —
καὶ πρὸς αὐτὸν τοῦτον: even (to
talk) with him himself. So καὶ
πρὸς ἐτέρων above. — ἀνάβηθι: to the
platform for witnesses. See
App. § 20. — δυσον καὶ εὐσεβεῖς:
for the συνωμοσία see App. § 58. 2.
The amplified expression gives
dignity and force to the final
colon of the period. — μοι: case,
HA. 767; G. 1165, cp. 1167;
B. 377–378; Gl. 523 a, first
example.
των προσταχθέντα δεδιώς ἐποίουν. Ἡσθὰ δ' ἐν τῷ
150 Βουλευτηρίῳ, ὡτε οἱ λόγοι ἐγίγνοντο περὶ ἡμῶν;
Ἡ. Πότερον συνηγόρευες τοῖς κελεύουσιν ἀποκτείναι ἡ
ἀντέλεγες; Ἄντελεγον, ἵνα μὴ ἀποθάνητε. Ἡγοῦ-
μενος ἡμᾶς ἄδικα πάσχειν ἡ δίκαια; Ἄδικα.
28 Εἴτ', ὅ σχετλιώτατε πάντων, ἀντέλεγες μὲν ἵνα
155 σώσειας, συνελάμβανες δὲ ἵνα ἀποκτείνειας; καὶ ὅτε
μὲν τῷ πλῆθος ἦν ὑμῶν κύριον τῆς σωτηρίας τῆς ἡμετέ-
ρας, ἀντέλεγεν φής τοῖς Βουλομένοις ἡμᾶς ἀπολέσαι,
ἐπειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο καὶ σῶσαι Πολέμαρχον
καὶ μῆ, εἰς τὸ δεσμωτήριον ἀπήγαγες; εἴθ' ὃτι μὲν,

25. ἐποίουν: I was doing.
When the motive of an act is the
chief object of thought, the act
itself is naturally viewed in its
progress, hence the change from
the aor. ἀπήγαγες to (dediós) ἐποί-
ουν. Cp. §§ 26, 27, 90; 19. 59,
22. 3, 22. 11, 22. 12, 25. 13. The
following imperfects (ἐγίγνοντο,
συνηγόρευες, ἀντέλεγες, ἀντέλε-
γον) represent vividly the progress
of the discussion (cp. the similar
imperfects in § 8 ff.). In § 26 the
motive is again the chief thought
in ἀντέλεγες and συνελάμβανες.
As Lysias passes to the consum-
mation of the whole, he returns to
the aorist, ἀπήγαγες, ἀπέκτεινας.
— Βουλευτήριῳ: for the relation
of this discussion to the discussion
among the Thirty by themselves,
see on εἰ τοῖς τρίακοντα § 6. Un-
der the Thirty the popular courts
had been abolished and their func-
tions transferred to the Senate, a
body entirely subservient to the
will of the Thirty.

26. On Lysias’s use of rhetorical
questions see App. § 59. 1.—
elτα: Lysias has elτα in the follow-
ing uses: A. = again, secondly;
but ἐπείτα is his usual word for
this. See 19. 15. B. = then,
i.e. under those circumstances. See
19. 51. C. Meaning as under B,
but in a question implying indig-
nation or astonishment. With our
passage compare 34. 6.—ἀντίλε-
γαν: pres. infin. in ind. disc. repre-
senting the impf. of the direct. HA.
853 α; G. 1285. 1; B. 551; Gt.
577 a; GMT. 119; GS. 327. So
ἐλεῖν 12. 49; πράττειν 12. 63; ἔχειν
32. 20. — ἐλαὶ σοι: in your power.
Cp. ἐπὶ in § 33, 22. 17.— καὶ σῶσαι
... καὶ μῆ: both ... and, where
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ XII 26, 27

160 ὡς φῆς, ἀντειπὼν οὐδὲν ὥφελησας, ἀξίοις χρηστὸς νομίζονται, ὅτι δὲ συλλαβῶν ἀπέκτεινας, οὐκ οἷοι δὲιν ἐμοὶ καὶ τοιούτου δοῦναι δίκην;

27 Καὶ μὴν οὐδὲ τούτο εἰκὸς αὐτῷ πιστεύειν, εἰπερ ἀληθῆ λέγει φάσκων ἀντειπεῖν, ὡς αὐτῷ προσταχθῇν.

165 οὐ γὰρ δήποτ' ἐν τοῖς μετοίκοις πίστιν παρ' αὐτοῖς ἐλάμβανον. ἐπειτα τῷ ἥττον εἰκὸς ἡν προσταχθῆναι ἡ δόσις ἀντειπῶν γε ἐτύγχανε καὶ γνώμην ἀποδεδειγμένος; τίνα γὰρ εἰκός ἡν ἥττον ταῦτα ὑπηρετήσαι ἡ

the English, less logically, has or. Cp. 27. 3 ὅποιαν ἐν χρήμασιν ἢ καὶ σωθῆναι τῇ τοῖς πόλει καὶ μὴ when the safety or destruction of the city depends upon money.

27. εἰπερ ἀληθῆ λέγει: if he is speaking the truth (though I deny that he is). εἰπερ gives emphasis; it is oftenest, though not always, used (A) where there is an implied denial or doubt of the truth of the statement, §§ 32, 48; 16. 8, 22. 12, 25. 5; or (B) with implied protest against the fact stated, § 29. — ὡς προσταχθῆναι: in opposition with τούτο.—ἐν τοῖς μετοίκοις: cp. Isoc. Panegyr. 85 ἐπε- δείξαντο δὲ ταῖς αὐτῶν εἰψυχίαις ἐν τοῖς ὑπὸ Δαρείου περιβείνων they exhibited their bravery in the case of those who were sent by Darius.—πίστιν ἐλάμβανον: Eratosthenes may claim that his colleagues, suspicious of his loyalty to them, forced him to make this arrest in order to implicate him so deeply in their crimes that he could not withdraw (we have Plato's testimony, Apol. 32 c, that they used this means to hold men who were not of their own number). Lysias replies that for such a purpose they would have sent him to arrest some one more important and conspicuous than a mere metic. That such a claim by Eratosthenes will be insincere is implied in the ironical δῆπον. For the force of πίστιν cp. § 9; there the 'guaranty' lay in the oath; here it would be in the act.—ἐλάμβανον: tense, see on ἐποίονν § 25.—εἰκός ἡν: for the non-use of ἀν see HA. 897; G. 1400. 1; B. 567; Gl. 460; GMT. 415-417; GS. 363.—ἀντειπῶν, ἀποδεδειγμένος: the opposition and the expression of opinion were both past with reference to ἐτύγχανε, but the opinion expressed remained as a basis for the action of his colleagues, hence the change to the perfect. δόσις ἀντιλέγων

LYSIAS — 6
28 τὸν ἀντειπόντα οἷς ἐκεῖνοι ἐβούλουσιν πραχθῆναι; Ἐπὶ
τοῦ δὲ τούς μὲν ἄλλοις Ἀθηναίοις ἰκανή μοι δοκεὶ πρόφασις
εἶναι τῶν γεγενημένων εἰς τοὺς τριάκοντα ἀναφέρειν τὴν
αἰτίαν· αὐτοὺς δὲ τοὺς τριάκοντα. εἰς εἰς σφᾶς αὐτοὺς
ἀναφέρομοι, πῶς ἦμας ἐκός ἀποδέχεσθαι· εἰ μὲν γὰρ
τὸν ἦν ἐν τῇ πόλει ἄρχῃ ἰσχυροτέρα αὐτῆς, ὥστε αὐτῷ
προστατεύτετο παρὰ τὸ δίκαιον ἀνθρώπων ἀπολλύναι,
Ἱσώς ἂν εἰκότως αὐτῷ συγγνώμην εἰχέτε· νῦν δὲ παρὰ
τοῦ ποτε καὶ λήψεσθε δίκην, εἰπερ ἔξεσται τοῖς τριά-
κοντα λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα
(pres.) εὐγενεῖς would mean who
happened to be opposing. GMT.
144. 146. ἀνορθαίεσθαι is the
more common word with γνώμην.
In such expressions γνώμη has
become so fused with the verb
that it seldom takes the article
even when the opinion expressed
is specifically given in the follow-
ing clause: cp. 31. 6 γνώμη δὲ
χρωνται ἃς τὰ δόν γῆ πατρίς αὐτοῖς
ἐστιν ἐν ἃ ἂν τὰ ἐπιτηδεῖα ἐχουσιν
who hold the opinion that every
land that feeds them is their
fatherland; so Xen. Anab. 5.
5. 3 ἀπεδείχατο . . . γνώμην
ὅτι κτλ.
28. ἤτω: again. introducing
the third point in the argu-
ment, as ἤτω introduced the second.
29. αὐτῆς: itself. HA. 680. 3:
G. 990: B. 475. 2 n.: Gl. 558.—
προστατεύτω: for the assimilation
of tense to that of ἦν see HA.
919 b: G. 1440: GMT. 559.—
νῦν δὲ: cp. § 23. —παρὰ τὸν ποτε
καὶ λήψεσθε δίκην: whom in the
world WILL you punish? καὶ is
used as an emphatic particle in
questions, implying the inability
of the speaker to answer his own
question, or his impatience at the
circumstances that raise the ques-
tion. Its only English equivalent
is a peculiar emphasis. Cp. 24. 12,
24. 23. —τὸτε: the tone given by
καὶ is further strengthened by
τὸτε; the indefinite word of time
gives the idea of utter loss for an
answer. In English we prefer the
indefinite expression of place. in
the world. Cp. § 34 and 32. 12.
—if it is actually going to
be permitted. See on § 27.—ἐπὶ-
στα: a monitory protasis (see on
§ 35) made still more emphatic by
the intensive -τεπ.
30 ἐποίουν; Καὶ μὲν δὴ οὐκ ἐν τῇ οίκῃ ἄλλῃ ἐν τῇ ὀδῷ, ἐσφημεῖν τε αὐτῶν καὶ τὰ τουτοὺς ἐπηφανεῖν παρόν, συλλαβῶν ἀπήγαγεν. ὑμεῖς δὲ πᾶσιν ὀργίζεσθε, ὡσοι εἰς τὰς οἰκίας ἦλθον τὰς ὑμετέρας ζήτησιν ποιούμενοι ἢ ὑμῶν ἢ τῶν ὑμετέρων τινός. καίτοι εἰ χρῆ τοῖς διὰ τὴν ἑαυτῶν σωτηρίαν ἑτέρους ἀπολέσασι συγγνώμην ἔχειν, ἐκεῖνος δὲν δικαίωτον ἔχοιτε. κίνδυνος γὰρ ἦν σεμφθεῖσι μὴ ἐλθεῖν καὶ καταλαβοῦν εξάρνοις γενέσθαι. τῷ δὲ Ἐρατοσθείνει ἔζην ἐπεῖν ὅτι οὐκ ἀπήντησεν, ἐπειτὰ ὅτι οὐκ ἐλεύθην ταῦτα γὰρ ὦτ' ἐλεγχὼν οὔτε

30. καὶ μὲν δὴ: in this combination μὲν has the affirmative force of its stronger form μὴν. Where the main statement or argument has been concluded the combination καὶ μὲν δὴ often introduces another, less important, but confirmatory, statement. So in §§ 35, 49, 89; 22. 19, 22. 21, 25. 17. — σφημεῖν: precisely fitted to govern αὐτῶν only, but with slight extension of meaning made to govern τὰ ἐπηφανεῖα also. It was possible for Eratosthenes, not finding Polemarchus at home, to pretend that he did not see him in the street, and so “keep” him safe, and at the same time “keep” the commands of the Thirty. — σφημεῖν τε: unusual position of τε, as though καὶ σφημεῖν were to follow; cp. Isae. 2. 1 Βοσθείν τε τῷ πατρί καὶ ἐμαυτῷ both to help my father and myself, for to help both my father and myself. — παρόν: HA. 973; G. 1569; B. 658; Gl. 591. — πᾶσιν: referring not only to members of the Thirty, but to many honorable citizens whom they forced to do work of this kind, and for whom some excuse might be offered; cp. on § 27.

31. ἐξάρνοις: pred. of γενέσθαι, assimilated to the dat. pronoun understood with κίνδυνος ἦν; see on λέγοντι § 1. — τῷ δὲ Ἐρατοσθείνει: Lysias seldom uses the article with the names of parties to a suit. Here the antithesis to ἐκεῖνος accounts for its use. — ἔζην εἰπεῖν: he could have said (cp. παρόν, § 30). For non-use of ἂν see on εἰκός ἦν § 27. We have the same omission in οἶνον τ' εἶναι below, and in χρῆν § 32. — ἐλεγχὼν, βάσανον: for the συνωνυμία see App. § 58. 2.
The text on the page discusses the use of antithesis and its insertion into a discourse. The excerpt includes a discussion on the use of antithesis in rhetoric, with references to specific sections of the text. The passage mentions the use of words like "ἐκχειν" and "ἐπερ" in the context of rhetoric and the importance of emphasis in such discourse. The text ends with a note on the secrecy of meetings in the context of democracy, particularly in ancient Greek assemblies. The final lines refer to the Senate's potential for holding secret sessions and the use of expressions like "παρ' αὐτοῖς" and "κατὰ τοὺς ἄλλους". The text also mentions the natural order of words and the interruption of this order, which is a common rhetorical device. The page number 84 is visible at the top of the page.
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ XΙΙ 32-35

200 αὐτοῖς εἶναι, ὡστ' ἐπὶ τούτοις ἐστὶ πάντα τὰ κακά
eιργασμένοις τὴν πόλιν πάντα τάγαθὰ περὶ αὐτῶν
34 λέγειν. τούτῳ μέντοι οὐ φεύγω, ἀλλ' ὁμολογῶ σοι,
ei βούλει, ἀντείπεω. θαυμάζω δὲ τί ἂν ποτέ ἐποίη-
σας συνεπών, ὅποτε ἀντείπειν φάσκων ἀπέκτεινας

205 Πολέμαρχων.

Φέρε δὴ, τί ἂν εἰ καὶ ἀδελφοὶ ὄντες ἐτυγχάνετε αὐτοῦ
ἡ καὶ ὑεῖς; ἀπεισφύγασθε; δεὶ γὰρ, ὡς ἄνδρες δικα-
σταί, Ἐρατοσθένην δυοὶν θάτερον ἀποδείξας, ἢ ὡς οὐκ
ἀπήγαγεν αὐτὸν, ἢ ὡς δικαιῶς τούτῳ ἔπραξας. οὕτος
210 δὲ ὁμολόγηκεν ἀδικῶς συναλλαβεῖν, ὡστε ῥαδίαν ύμῶν
35 τὴν διαψήφισιν περὶ αὐτοῦ πεποίηκε. Καὶ μὲν δὴ
τὸ καὶ τῶν ἄστων καὶ τῶν ἑων ὑκοῦν εἰσόμενοι
τίνα γνώμην περὶ τούτων ἐξετῆ. ὃν σι µὲν ὑμέτεροι

home see on 16. 4. For παρά with dat. = under one's care see on 19. 22. — αὐτοῖς: for ἡμῖν αὐ-
τοῖς HA. 686 a; G. 995; B. 471, n. 1. — ἐπὶ τούτοις: see on ἐπὶ σοι
§ 26. — πάντα τὰ κακὰ: all possi-
ble injuries; the article is less
often used in this expression.—
eἰργασμένοις: tense, see on § 22.

34. τί ἂν ποτ' ἐποίησας: what
in the world you would have
done. For ποτε see on § 29. — φάσκων:
see on φάσκοντες § 5. — δή: see
on 25. 9 A. — τί ἂν εἶ: the Greek
hearer was no more conscious of
the loss of a verb here than we
are with our own “what if.” The
ἂν serves its own phrase and
also the following ἀπεισφύγα-
σθε. — καὶ ἀδελφοὶ . . . καὶ ὑεῖς:
καί (= even) is not here to be
connected with εἶ. Cp. on 19. 18.
— αὐτόθ: Eratosthenes. — ὑεῖς:
the ἡ of ὑος disappeared in Attic
writers of the fourth century, and
largely in Attic prose writers even
in the fifth. Declension, HA. 216.
19; G. 291. 35; B. 115. 25; Gl.
142. 9. — ἀπεισφύγασθε: on this
rare use of the aorist see Crit.
Note.

35. καὶ µὲν δή: force, see on
§ 30. — ἄστων: distinguish from
πολίτων, L. & S. s. v. ἄστος. The
word is chosen here as suggest-
ing those of the πολίται who
supported the Thirty and were
known as οἱ ἐξ ἄστεως. — οἱ µὲν
όντες πολίται μαθόντες ἀπίασιν πότερον δίκην δώσουσιν ὃν ἔξαμαρτσάτωσιν, ἡ πράξαντες μὲν ὃν εἵμαται τύραννον τῆς πόλεως ἔστωται, δυστυχήσαντες δὲ τὸ ἵσον ὑμῶν ἔξοσιν ὃσοι δὲ ξένοι ἐπιδημοῦσιν, εἰσονται πότερον ἀδίκως τοὺς τριάκοντα ἐκκηρύττοσιν ἐκ τῶν πόλεων ἡ δικαίως. εἰ γὰρ δὴ αὐτοῖς κακῶς πεποιθότες λαβόντες ἀφήσουσιν, ἡ ποι ὁ σφάς γ' αὐτοὺς ἤγκησον-36 ταῖ περίφραγμα ὑπὲρ ὑμῶν ἡμεριμνοῦσι. οὐκ οὖν δεινὸν

κτλ.: the scheme of the sentence is:

οἱ μὲν . . . μαθόντες ἀπίασιν
πότερον δίκην δώσουσιν
πράξαντες μὲν . . . ἔστωται

ὡν

ἡ δυστυχήσαντες δὲ . . . ἔστωται

ὁσι δὲ ξένοι ἐπιδημοῦσιν
εἰσονται

πότερον ἀδίκως . . . ἐκκηρύττοσιν

ἡ δικαίας

— ὡν (before ὡν): assimilated from cognate accus. to case of omitted antecedent, HA. 996 a. 2; G. 1032; B. 484. 1, 486; Gl. 614. For ὡν ἐφίεται (without assimilation) see HA. 739, 996 a. 1; G. 1099, 1033; B. 356; Gl. 510 d. — ἐξαμαρτσάτωσιν: indefinite, hypothetical sins of the future (general future supposition); ἐφίεται (indic.), the definite, known aims of the present.

— δὴ: force, see on 25. 9 (B). — ἀφήσουσιν: a monitory protasis. For the future indic. in minatory and monitory conditions see GMT. 447 n. 1; G. 1405; Gl. 648 b. So in §§ 29, 74, 85, 90; 22. 17, 34. 6. — ἡμεριμνοῦν: see Crit. Note. We infer that some of the states friendly to Athens had made formal proclamation excluding members of the late oligarchy from taking refuge with them. While Eleusis had been set apart as an asylum for the Thirty and their supporters, it is not unlikely that some, fearing that the democracy would not keep its promise of immunity, sought refuge in other states.

36. οὖν: for οὖν as a particle of emphasis see on 19. 7 (A). — δεινὸν εἶ: the thought as it lies in Lysias's mind at the beginning is οὐ δεινὸν ἐστι

τοὺς μὲν στρατηγοὺς . . . θα-εἶ νάτω ἔξημισατε

τούτους δὲ . . . οὐ κολάσσωθε; but as he comes to the climax the thought οὐκ οὖν δεινὸν is too remote, and he turns to a stronger,
more passionate form in the direct appeal οὐκ ἀρα χρῆ... κολά-ζεσθαι; this leaves τούτων without government, and the introductory εἰ, which was brought in by the expected οὐ κολάσεσθε, apparently, but only apparently, stands in the place of ὅτι. — ἐνίκων: tense, see on ἄδικω § 14. — τοὺς ἐκ τῆς θαλάττης: in speaking of the same event Plato uses τοὺς ἐκ τῆς ναυμαχίας (Ἀρισ. 32 b); con-structio praegnans, τοὺς ἐκ τῆς θαλάττης standing both for τοὺς ἐν τῇ θαλάττῃ, and ἐκ τῆς θαλάττης (with ἀνελέσθαι). Η.Α. 788 a; G. 1225; B. 398 n. 3.—θανάτῳ ἐζημιώσατε: in the summer of 406 the Athenian fleet under Conon was shut up in the harbor of Mytilene by the Lacedaemonians. Desperate efforts were made for their rescue; a new fleet was hastily equipped and manned by a general call to arms. Seldom had an expedition enlisted so many citizens of every class. The new fleet met the enemy off the Arginusae islands, and, in the greatest naval battle ever fought between Greek fleets, won a glorious victory. The generals, wishing to push on in pursuit of the enemy, detailed forty-seven ships under subordinate officers to rescue the Athenian wounded from the wreck-age. A sudden storm made both pursuit and rescue impossible, and more than 4000 men, probably half of them Athenian citizens, were lost. The blow fell upon so many homes in Athens that public indignation against the generals passed all bounds, and the generals were condemned to death. Not only was the sentence in itself unjust, but it was carried by a vote against the accused in a body, in violation of the law's guaranty of a separate vote upon the case of every accused citizen. A reaction in feeling followed, a part of the general reaction against the abuses of the democracy. That the popular repentance was not as general or as permanent as it ought to have been is clear from the fact that now, three years after the event, Lysias dares appeal to this precedent as ground for righteous severity in the present case; he is evidently not afraid that it will be a warning to them to beware of overseverity when acting under passion. Yet he shows his consciousness that he is on dangerous ground, for he takes pains, to state the defense of the
generals and the ground on which it was overruled. — τῇ ἀρετῇ: for Lysias’s rare use of personification see Introd. p. 25, n. 5. — ἴδιωται . . . ἐποίησαν ἡττηθήναι: Lysias appeals confidently to the popular suspicion that the oligarchical clubs were in negotiation with the Spartans during the last years of the war, and that the catastrophe at Aegospotami was a piece of sheer treachery carried out under their plans. The mismanagement there was so notorious that we are not surprised at the suspicion, though it is doubtful whether there was real cause for it. The suspicion was greatly increased by the fact that one general slipped away unharmed, while another was released by the Spartans, although all the other Athenian prisoners were put to death.— καὶ τοὺς παῖδας: an exaggeration, as it is in § 83, where he says that the death of these men and that of their children would not be sufficient punishment for them. No one ever seriously proposed at Athens to put sons to death for their fathers’ crimes, but lesser penalties were put upon them; loss of civil rights (ἀτιμία) was often visited upon the sons of a man condemned, and the common penalty of death and confiscation of property brought heavy suffering to the family (so in the case of the family for which Lysias pleads in Speech XIX). Yet even here the treatment was not inhuman; Demosthenes says (27. 65), "Even when you condemn any one, you do not take away everything, but you are merciful to wife or children, and leave some part for them."

37. τοῖνυν: force, see on 16. 7. — ἢξιον κτλ.: ἢξιον ἴκανα εἶναι τὰ κατηγορημένα would mean, the charges ought to be sufficient; but in order to add to this the idea
κατηγορεῖν, ἐξ ἀνθικάτου δῶξε τῷ φεύγοντι ἄξια
εἰργάσθαι. ταῦτην γὰρ ἐξ ἀκάτην δίκην δυνάμεθα παρ' αὐτῶν λαβεῖν. ὥστε οὐκ οἶδ' ὃ τι δὲι πολλὰ κατηγορεῖν τουτοῦτων ἀνδρῶν, οἶ οὐδ' ἂν ὑπὲρ ἐνὸς ἐκάστου τῶν πεπραγμένων δὲς ἀποθανόντες δίκην δοῦναι ἄξιαν
δύναμτο.

38 Οὐ γὰρ δὴ οὐδὲ τούτῳ αὐτῷ προσήκει ποιῆσαι, ὅπερ ἐν τῇ ἡ τῇ πόλει εἴθυσεν· ἔστι, πρὸς μὲν τὰ κατηγορημένα μηδὲν ἀπολογεῖσθαι, περὶ δὲ σφῶν αὐτῶν ἐτερα λέγοντες ἐνίοτε ἐξαπατῶσιν, ὅμως ἀποδει-

"I think," the Greek substitutes for ἄξιον ἂν (ought) the verb ἄξιον (I think . . . ought), putting it in the mood and tense proper to ἄξιον ἂν; we translate, then, I think the charges ought to be sufficient. For non-use of ἂν see on eikós ἂν § 27. — τῷ φεύγοντι: dat. of agent with εἰργάσθαι. — ταῦτην: the neut. pronoun is assimilated in gender to its predicate appositive (δίκην) as always in Lysias. Cp. 16. 6, 24. 10, 25. 13, 25. 23, 25. 28. See GS. 127; B. 465. — αὐτῶν: plural because of the plurality implied in the indefinite τῷ φεύγοντι, to which it refers. — οὐκ οἶδ' ὃ τί: the τί (adverbial acc.) of the direct question becomes ὃ τί of the indirect. HA. 719 c, 700; G. 1060, 1013; B. 336, 490; Gl. 540, 621. — ἐνός: the word adds emphasis to the individuality in ἐκάστου, each one. The speech against Ergocles (XXVIII) opens with words similar to these: τὰ μὲν κατηγορημένα οὖν ἔστι πολλὰ καὶ δεινά, ὡς ἀνδρὲς Ἀθηναίοι, ὡστε οὐκ ἂν μοι δοκεί δύνασθαι Ἐργοκλῆς ὑπὲρ ἐνὸς ἐκάστου τῶν πεπραγμένων αὐτῶ πολλάκις ἀποθανόντων δοῦναι δίκην ἄξιαν τῷ ὑμετέρῳ πλήθει the charges are so many and so grave, Athenians, that it does not seem to me that Ergocles, though he should die many deaths for each one of his deeds, could pay sufficient penalty to you the people.

38. γὰρ: force, as noted on 16. 10.—δῆ: force, see on 25. 9 (B). —οὐ . . . οἶδὲ: for the double negative see on 16. 10.— ἐξαπατῶσιν: a change from the infin. construction begun in ἀπολογεῖσθαι to the independent indicative; the anacolouthon makes it possible to present the long and detailed
thought of the second member in a simpler and more direct form.

*τρυπαρχήσαντες*: note that the time of this aorist participle is coincident with that of the leading verb, ἔλαβον. "The action of the aorist participle is ordinarily prior, but it may be coincident, so especially when the leading verb is aorist or future," GS. 339. Cr. HA. 856 b; G. 1290; B. 543, 545.

*φίλας*: φιλάς is more common; but cp. Dem. 19. 137 Ἀμφύπολει... ἤν τότε σύμμαχον αὐτοῦ καὶ φίλην ἔγραψεν (enrolled); Dem. 20. 59 καὶ παρασχόντες φίλην ὑμῖν τὴν αὐτῶν πατρίδα; Isoc. 16. 21 πόλεις... φίλας ὑμῖν ἐποίησε.

39. For the use of antithesis in this section and the next see App. § 57. 1. — ἐπεί: introducing the reason for the statement above, οὗ προσήκει; for tell him to show is here only a more emphatic way of saying, "for he could not show."

*ὅσον*: for the number see note on § 17. — ναὶς ὅσον: the first ὅσον had its natural place at the beginning of its clause, but the second ὅσον and the corresponding ἣμια of the third question are displaced to give emphasis of position to ναὶς and πόλιν. — παράθεσαν: though the ships were all lost before the establishment of the Thirty, the oligarchical leaders were commonly charged with having betrayed the fleet at Aegospotami (cp. on § 36), and were held responsible for the terms of the final surrender, which included the surrender of all but twelve of the war-ships that remained (Xen. Hell. 2. 2. 20, Andoc. 3. 12). — ἄλλα: the use of this relative adjective where the English has only 'as' enables the Greek to use a more compact expression.

40. ἄλλα γὰρ κτλ.: but in fact they seized so many arms of the enemy (and only so many) as they took from you; they captured such walls (and only such) as the walls of their country, which they dismantled; i.e. you, their fellow-citizens, are the only enemy that they ever faced. — ἄλλα γὰρ: see
όπλα τῶν πολεμίων τοσαύτα ἐσκύλευσαν ὅσα περ ὑμῶν ἀφείλοντο, ἀλλὰ τείχῃ τοιαύτα εἶλον ὡδά τῆς ἐαυτῶν πατρίδος κατέσκαψαν· οὕτως καὶ τὰ περὶ τὴν Ἀττικὴν φρούρια καθείλον, καὶ ὑμῖν ἐδήλωσαν ὅτι ὀυκεῖ τῶν Πειραιῶν Δακεδαμονίων προστατῶν περιείλον, ἀλλ' ὅτι ἐαυτοῖς τὴν ἀρχὴν οὔτω βεβαιοτέραν ἐνόμιζον εἶναι.

41. Πολλάκις οὖν ἐθαύμασα τῆς τόλμης τῶν λεγόντων

ΗΑ. 1050. 4 d; Gl. 672 d. In ἀλλὰ γὰρ the original confirmatory force of γὰρ is preserved (see on 19. 12); it is not for, but surely, certainly, in fact. It is often better left untranslated in English. We are not to assume an ellipsis and γὰρ in the causal sense but this is so, for. An emphatic, but is natural in closing the discussion of a point; ἀλλὰ γὰρ is often so used. Cp. § 99; 22. 11, 24. 14, 24. 21, 25. 17, 34. 10.—ὑμῶν: possess. gen. in the series ὑμετέραν...τῶν πολεμίων...ὑμῶν...τῆς ἐαυτῶν πατρίδος.—ἀφείλοντο: for the seizure of the arms of all citizens outside the 3000 supporters of the Thirty, see Xen. Hell. 2. 3. 20. This meant more than the crippling of the power of the people to resist. It was a keen personal affront to every man, for the lance and shield of the Athenian hoplite were an outward sign of his political and social rank. Lycurgus speaks of them (76) as ἱερὰ ὅπλα. The seizure of these arms, which

...many of the citizens had carried through all the years of the Peloponnesian War, was one of the most outrageous acts of the Thirty. —οὕτως: the simple relative οὗτοι is replaced by the indefinite rel. in a characterising clause. ὅς specifies; ὡσπερ specifies and identifies, laying stress upon the identity (cp. 22. 15, 24. 21, 25. 20, 25. 22, 25. 31, 32. 15, 34. 1, 34. 5); while ὅστις often characterizes, = the sort of man who. "With ὅστις you relegate the man to the class of people who do that sort of thing; with ὅς γε you have in mind only the man himself and his deed" (Forman, Selections from Plato, p. 450). Cp. § 84, 25. 17, 25. 18, 25. 23.—φρούρια: we have no other knowledge of this treacherous recall of frontier garrisons.

41. ἐθαύμασα...ὅταν ἐνθυμήθοι: for the tense of ἐθαύμασα see on κατάτηκτον § 3. As the aor. expresses here a repeated action it properly stands as apodosis of the general protasis ὅταν ἐνθυμήθω.
λυσιον

υπερ αυτου πλην οταν ενθυμηθω ότι των αυτων εστιν αυτους σε παντα τα κακα εργαζεσθαι και τους τουωτους επανειν. ου γαρ νυν πρωτον τω υμετερω πληθηε τα εναντια επραξεν, αλλα και επι των τετρακοσιων εν τω στρατοπεδω διυγαρχιαν καθιστας εφευγεν εξ Ελλησποντου (τρηραρχος καταλιπων την ναυ, μετα ιατροκλεους και έτερως, ουν τα ουδεμα ουδεμαι λεγειν. αφικομενος δε δευρο ταναντια τως βουλομενοις δημοκρατιαν ειναι επραττε και τουτων μαρτυρας ουν παρεξομαι.

μαρτυρες

43 των μεν των μεταξυ βιων αυτου παρησω επειδη δε η ναυμαχια και η συμφορα τη πολει εγενετο, δημο-

—των αυτων: a pred. gen. is often used to denote one whose nature it is to do the act expressed by an accompanying infin. H.A. 732 c. —παντα τα κακα: as in § 33. —τους τουωτους: i.e. τους παντα τα κακα εργαξομενους.

42. τω υμετερῳ πληθει: the common term for the democratic body of citizens in distinction from the oligarchical faction. —επι: force, see on § 17. The time is here to be taken broadly, including the months of preparation. —των τετρακοσιων: see Introd. p. 35.

—καθιστας: conative imperf. of an act preliminary to the main verb εφευγεν. See on ανωμαλου § 32. —εφευγεν: imperf. of the beginning of the flight (see on εβαδιζου § 8), the end of which is expressed by αφικομενος. We must conclude that while the leaders of the movement were working at Athens and among the allied cities (Thuc. 8. 64. 1), Eratosthenes was cooperating with them in the fleet on the Hellespont, which had headquarters at Sestos. —καταλιπων: and so guilty of desertion, for the trierarch was required to serve in person as commander of his ship (for some exceptions see on 19. 62). —ιατροκλεους: otherwise unknown. —

μαρτυρες: the clerk of the court here reads the depositions of witnesses, the witnesses themselves only acknowledging the written testimony as theirs. App. § 20.

43. τοινυν: see on 16. 7 (D). —

μεταξυ: i.e. from 412/11-405 B.C.
—*η ναυμαχία*: the addition of *η* συμφορά makes clear what battle is meant. Lysias elsewhere calls it *η τελευταία ναυμαχία* (18. 4, 21. 9); *η ναυμαχία η εν Ελλησπόντω* (19. 16), *η εν Ελλησπόντω συμφορά* (16. 4). — *δεν*: the antecedent of *δεν* is here, as often with *δεν*, the whole following clause. Here this position serves the periodic form by avoiding any interruption in the close succession: *πέντε ἄνδρες ἐφοροὶ κατέστησαν... | συναγωγεῖς μὲν τῶν πολιτῶν | ἀρχοντες δὲ τῶν συνωμοτῶν | ἑναντία δὲ... πράττοντες.

—*ἐφοροὶ*: a central committee, in control of the political machine. As the leaders of the pro-Spartan party, they were well named after the Spartan Ephors. The steps recounted here were the preliminary, secret steps taken to organize the anti-democratic citizens, preparatory to the open attempt to set aside again the democratic constitution. The organization was effected through the league of secret oligarchical clubs, *ἐπαρχεῖα*; see Introd. p. 37. —*κατεστήσαν*: the passive force of this intrans. act. form justifies the agent construction with *ὑπὸ*; cp. the trans. *κατεστήσαν* § 21. —*Κριτιας*: the secret oligarchical clubs had played a large part in the revolution of 411 b.c., and had probably continued after the overthrow of the Four Hundred. When Lysander received the surrender of the city (April, 404), former members and supporters of the Four Hundred who had been in exile entered the city with him; among these was Critias. It is probable that it was these returned exiles, who felt themselves unsafe under the democracy, who put new energy into the "clubs" and organized their new central committee (*ἐφοροὶ*). The fact that it was not one of their faction, but Theramenes, to whom were intrusted the final negotiations with Sparta as to terms of surrender, confirms the supposition that their activity was after the surrender and the return of the oligarchical exiles. Lysias chooses here to represent it as before the surrender, in order to give the impression that Eratos-
thenes sought his own safety in the fall of the city (cp. §§ 44–45). We cannot determine whether Lysias is right in charging Eratostenes with having been one of the ἐφοροί. He does not claim to have any proof except what his witnesses swear they have heard Eratostenes say. The probability is against Lysias’s claim, for Eratostenes was certainly the close political adherent of Theramenes, and Theramenes did not belong to the inner faction of the ἐταιρεία (see the explicit statement of Arist. Resp. Ath. 34. 3. confirmed by Lys. 12. 76). It is very strange, moreover, that if Eratostenes was so prominent in the first stage of the movement, we have no mention of any activity on his part in the accounts given by Xenophon and Aristotle.

44. φυλάρχους, φυλάς: the ten phylae were the first political subdivisions of the citizen body. These φυλάρχοι were well planned as ‘district leaders’ to pass the orders of the five chiefs on to the club members in their several phylae. The name φυλάρχοι is borrowed from that of the commanders of the cavalry, the favorite military department in aristocratic circles. — παρήγγελλον: Lysias purposely uses the common term for passing the orders of a military commander down the line. — ψηφισθεί: mood, HA. 885 a; G. 1372; B. 593: Gl. 638 a.

45. πραττόντων: sc. ἰμῶν. HA. 972 a; G. 1568: B. 657 n. 1; Gl. 590 a. — τῶν παρόντων κακῶν: the hearers would naturally understand this as referring to the hard pressure of famine before the surrender: see on Κρετίας § 43.
48 ἐνθυμήσεσθαι. ὡς τοινυν τῶν ἐφόρων ἐγένετο, μάρτυρος ὑμῶν παρέξομαι, οὐ τοὺς τότε συμπράττοντας (οὔ γαρ ἄν δυναίμην), ἀλλὰ τοὺς αὐτοῦ Ἐρατοσθένους ἀκούσαντας. καίτοι, κακείνοι εἰ ἐσωφρόνων κατεμαρτύρουν ἄν αὐτῶν, καὶ τοὺς διδασκάλους τῶν σφετέρων ἀμαρτησόματος σφόδρα ἀν ἐκόλαζον, καὶ τοὺς ὃρκους, εἰ ἐσωφρόνων, οὔκ ἄν ἐπὶ μὲν τοῖς τῶν πολιτῶν κακοῖς πιστοῖς ἐνόμιζον, ἐπὶ δὲ τοῖς τῆς πόλεως ἀγαθοῖς ῥαδίως παρέβαινον. πρὸς μὲν οὖν τούτους τοσαῦτα λέγω, τοὺς δὲ μάρτυράς μοι κάλει. Καὶ ὑμεῖς ἀνάβητε.

ΜΑΡΤΥΡΕΣ

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταῖον εἰς τὴν ἀρχὴν καταστάσει ἀγαθοῦ μὲν οὐδενὸς μετέσχεν,

47. τοὺς ὃρκους: they would not, if they were wise, hold inviolable the initiation oaths of their political clubs, while lightly violating the oath of loyalty which they had taken as Ephebi entering on citizenship. τοὺς ὃρκους includes both oaths. The construction is—

εἰ ἐσωφρόνων
οὐκ ἄν {ἐπὶ μὲν . . . ἐνόμιζον
{ἐπὶ δὲ . . . παρέβαινον

The English construction would put "would not" with only one of the clauses, and express the other by "while" with a participle. The Greek gives the sharper antithesis and so expresses the thought more precisely. — πρὸς: see on 32. 19, Crit. Note. — μὲν οὖν: force, see on 12. 3 (C). — κάλει: addressed to the court crier (κῆρυξ). — ἀνάβητε: i.e. to the platform, to acknowledge their written testimony. (See App. § 20.)

48. ἀκηκόατε: the testimony is before you. As commonly with the perfect the emphasis is not on the past action (the hearing), but on the present result. — τὴν ἀρχήν: Wilamowitz (Arist. u. Athen. II. 219) calls attention to this expression as supporting the theory that Eratosthenes is undergoing ἄκχωμα for his office, not being tried for murder (cp. Introd.
ἀλλ’ον δὲ πολλῶν. καίτων εἰτέρ ἂν ἀνήρ ἀγαθός, ἐχρῆν αὐτῶν πρῶτον μὲν μὴ παρανόμως ἄρχειν, ἐπειτα τῇ βουλῇ μηνυτὴν γίγνεσθαι περὶ τῶν εἰσαγγελίων ἀπα-\nξοσῶν, ὅτι ψευδεῖς εἶεν, καὶ Βάτραχος καὶ Λίσχυλίδης οὐ τάληθη μηνουσιν, ἀλλὰ τὰ ὑπὸ τῶν τριάκοντα πλα-\nσθέντα εἰσαγγέλλουσι, συγκείμενα ἐπὶ τῇ τῶν πολιτῶν

p. 44). — ἀλλ’ον πολλῶν: for κἀ-\nκὼν πολλῶν. Such euphemism is common in referring to troubles and disasters. To use it of Erato-\ntosthenes's crimes gives a fine touch of irony.— εἰτέρ: see on § 27.— ἐχρῆν: χρῆ (§§ 31, 33) is a feminine noun with ἔστι supplied. χρῆν (§ 32) is for χρῆν ἂν, so having an augment in ἂν. The other imperf. form, ἐχρῆν. somewhat less frequent than ἐχρῆν, is made by the mistaken addition of another augment to the form χρῆν; hence its peculiar accent. On the possibility of ἂν here with ἐχρῆν see Crit. Note.— αὐτῶν: intensive.— μηνυτὴν: as in § 32.— γίγνεσθαι: present, of a series of informations: in § 32 χρῆν ... μηνυτὴν γενέσθαι (aorist) refers to a specific case.— εἰσαγγελίων: in the process called εἰσαγγελία the Thirty found a legal name for their illegal acts. The εἰσαγγελία under the democracy was a process by which any citizen could file information before the Senate, and secure more summary action than through the ordinary course of law: but the accused had opportunity for defense before the Senate, and, in the more serious cases, before the Ecclesia or a law court which had final jurisdiction. Under the Thirty the accused lost these privileges of defense.— Βάτραχος: one of the most notorious of the informers: although protected from legal prosecution under the terms of the amnesty, he did not venture to return to Athens ([Lys.] 6. 45). Of Aeschylides we know only that Lysias selects him as a worthy mate for Batrachus.— ἔστι ... μηνουσιν: the choice between opt. of ind. disc. and the mood of the direct depends so entirely on the momentary feeling of the speaker that it is not strange that as Lysias proceeds to give the details of what Eratosthenes should have said, he passes over to the mood of the direct discourse: see GMT. 670.— συγκείμενα: used as pass. of συντίθημι, here in its bad sense, concocted.— ἐπὶ: force, see on § 24.
καὶ μὲν δὴ, ὃ ἀνδρεῖς δικασταί, ὅσοι κακονοὶ ἦσαν τῷ ὑμετέρῳ πλήθει, οὐδὲν ἔλαττον εἴχον σιω-πῶντες· ἔτεροι γὰρ ἦσαν οἱ λέγοντες καὶ πρᾶττοντες ἄν οὐχ οἶν τῇ ἢ μείζῳ κακὰ γενέσθαι τῇ πόλει. ὁπόσοι δὲ εὖνοι φασὶν εἶναι, τῶς οὖν ἔνταυθα ἐδει-ξαν, αὐτοὶ τε τὰ βέλτιστα λέγοντες καὶ τοὺς ἐξαμαρ-τάνοντας ἀποτρέποντες;

49. καὶ μὲν δὴ: force, see on § 30. — σωμάτων: Eratosthenes cannot claim that silence in this crisis showed disapproval; such men "were none the worse off for their silence," for there were other conspirators whose function it was to speak and act, and the silent men shared their evil gains. Outspoken opposition was the only proof of patriotism in those times. — ὁν οὖν κτλ.: than which no greater evils could have come to the city. The case of ὁν is governed by μείζω; its antecedent is the omitted object of λέγοντες and πρᾶττοντες. — εἶναι: tense, see on ἀντλέγεων § 26. — ἀποτρέποντες: conative present. See on πυθά-νεσθαι § 2.

50. ὅπως . . . φανήσετα: a colloquial expression of warning, HA. 886; G. 1352; B. 583 n. 3; Gl. 638. b; GMT. 271. — τοῖνυν: force, see on 16. 7 (A). — ἐν τῷ λόγῳ: in his speech. Lysias foresees that Eratosthenes will lay great stress upon the fact that he belonged to the faction of Theramenes, the man who lost his life in trying to check the abuses of Critias and the extreme oligarchs. Eratosthenes will certainly claim that he joined Theramenes in opposing the crimes of his colleagues. Lysias shrewdly tries to forestall this plea by claiming that if Eratosthenes was strong enough ever to oppose, his failure to oppose in cases like those just mentioned in § 48 must have been due to his approval of what was being done. — ἐναντιοῦμενος: tense, see on ἀναωμένου § 32. — εἰ δὲ μὴ: otherwise; the expression became a formula, not necessarily negative. — ἐνταυθοὶ: the - is the locative ending, as in αἰκοί, πέδοι; so
δῆλος ἐσται ὅτι ἐκεῖνα τε αὐτῶν ἦρεσκε, καὶ τοσοῦτον ἐδύνατο ὅστε ἐναντιούμενος μηδὲν κακῶν παθέων ὑπ' αὐτῶν. ἄρην δ' αὐτῶν ὑπὲρ τῆς ὑμετέρας σωτηρίας ταύτην τὴν προθυμίαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένου, ὃς εἰς ὑμᾶς πολλὰ ἐξήματε. ἰ ἀλλ' οὕτως τὴν ὑμεν. πόλιν ἑχθρὰν ἐνόμιζεν εἶναι, τοὺς δ' ὑμετέρους ἑχθροὺς φίλους, ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς ἀποτεκμηρίους παραστήσας, καὶ τὰς πρὸς ἀλλήλους διαφορὰς ὁχὶ ὑπὲρ ὑμῶν ἀλλ' ὑπὲρ ἐαυτῶν γιγαντώνας, ὅποτεροι τὰ πράγματα πράξονσι καὶ τῆς πόλεως

Ἡσθμοῖ, Μεγαραῖ; cp. on 19. 28 and 63. — δῆλος: with ὅτι we usually find the impersonal δῆλος; with the personal form a participle usually follows; cp. § 90 δῆλοι ἔσεθε ὡς ὀργιζόμενοι, and 24. 3 δῆλος ἐστι φθονῶν. — ἐκεῖνα: the εἰσαγγελία of § 48. — ἐς: force, see on πρὸς 32. 19, Crit. Note.

51. παραστήσας: this verb, introduced in a parenthetical clause, becomes for the remainder of the sentence the governing verb, throwing γιγαντώνας out of the indic. (it should be coordinate with ἐνόμιζεν) into the partic. of ind. disc. — πρὸς: see on 32. 19, Crit. Note. — γιγαντώνας: tense, see on ἀνωμένον § 32. — ὅποτεροι: which faction, that of Theramenes or that of Critias. Isocrates, writing a quarter of a century after the events discussed here, contrasts the spirit of the parties of later times with that of the parties in the time of the Persian wars. He says of the men of the earlier time (4. 79): οὕτω δὲ πολιτικός εἶχον, ὅστε καὶ τὰς στάσεις ἐποιοῦντο πρὸς ἀλλήλους, ὡς ὅποτεροι τοὺς ἐτέρους ἀπολέσαντες τῶν λοιπῶν ἀρέσκονται, ἀλλ' ὅποτεροι φησίστωσι τὴν πόλιν ἀγαθὸν τι ποιήσαντες καὶ τὰς ἑταρείας συνήγονοι ὡς ὑπὲρ τῶν ἰδίων συμφερόντων ἀλλ' ἐπὶ τῆς τοῦ πλῆθους ὁψελείας. they were so public spirited that even their party struggles were not to see which party could destroy the other and rule the rest, but which could be the first to do the state some service. And their secret clubs they formed, not for their private interests, but for the service of the state. Isocrates found warrant for this view in Herodotus, who represents Aristides as beginning his night interview with his party op-
52 ἀρξουσίων. εἰ γὰρ ὑπὲρ τῶν ἀδικουμένων ἐστασίαζον, ποῦ κάλλιον ἤν ἀνδρὶ ἀρχοντὶ, ἦ [Θρασυβούλου Φυλῆς κατειληφώτως] τότε ἐπιδείξασθαι τὴν αὐτοῦ εὐνοιαν; ὅ ὅντι τοῦ ἐπαγγείλασθαι τι ἡ πράξιν ἀγαθὸν πρὸς τοὺς ἐπὶ Φυλῆ, ἐλθὼν μετὰ τῶν συναρχόντων εἰς Σαλαμῖνα καὶ Ἐλευσίνας τριακοσίων τῶν πολιτῶν ἀπήγαγεν εἰς τὸ δεσμωτήριον, καὶ μᾶ ἴπταμοι αὐτῶν ἄπαντων θάνατον κατεφθάσατο.

58 Ἐπειδὴ δὲ εἰς τὸν Πειραιὰ ἡθομεν καὶ αἱ παραχαὶ γεγενημέναι ἱστων καὶ περὶ τῶν διαλλαγῶν οἱ λόγοι ponent, Themistocles, before the battle of Salamis with these words (8. 79): ἡμεῖς στασίαζον χρεὼν ἐστι εἰ ἐν τοῖς ἄλλοις καρφῷ καὶ δὴ καὶ ἐν τοῖς περὶ τοῦ ἄλλοτε ἡμέων πλέω ἀγαθὰ τὴν πατρίδα ἐρνήσεται. Now, if ever, we must vie one with the other to see which one of us will do his country the greater service.

52. κάλλιον ἤν: for non-use of ἄν see on εἰκὼς ἤν § 27.— Φυλή: for the event see Chron. App. Phyle lay high up on the pass across Mt. Parnes (hence τοῦ ἐπὶ Φυλῆ).—Σαλαμῖνα καὶ Ἐλευσίνας: see Chron. App., and the full account of the arrest of the Eleusinians given by Xenophon, who was probably one of the cavalry who executed it (Hell. 2. 4. 8-10).—μᾶ ἴπταμοι: these were Athenian citizens, entitled each to a separate verdict in any trial; cp. on § 36.

53. ἡθομεν: Lysias implies that he himself was with the exiles (see Introd. p. 20). He would be safe in returning from Megara as soon as Thrasybulus seized Munychia.—παραχαὶ: in speaking to a jury made up of men from both sides, Lysias wisely uses a mild term for events which included months of armed hostility and one desperate battle, in which the leader of the Thirty was killed.—οἱ λόγοι: immediately after the battle at the Piraeus there was friendly conference between the troops while under truce for burying the dead. Xenophon (Hell. 2. 4. 20 ff.) gives the earnest appeal of one of the exiles. But the more formal negotiations began after the arrival of the Spartan king, Pausanias.—τέλει ἡθομεν . . . γεγενημέναι ἱστον . . . ἐγγυνετο: this combination of tenses is noteworthy (GS. 264): after our ar-
DAΣΙΩΥ


gύρωντοι, πολλάς εκάτεροι ἐπίδας εἶχομεν πρὸς ἄλλη

λος διαλλαγήσεσθαι, ὁς ἄμφοτεροι ἐδειξαν. οἱ μὲν

γὰρ ἐκ Πειραιῶς κρείττους ὄντες εἰσαγαγ αὐτοὺς ἀπελ

θεῖν οἱ δὲ εἰς τὸ ἀστυ ἐλθόντες τοὺς μὲν τριάκοντα

ἐξέβαλον πλὴν Φείδωνος καὶ Ἐρατοσθῆνος, ἄρχοντας

dὲ τοὺς ἐκείνους ἐχθρίτους εἰλυντο, ἥγοιμενοι δικαίως

ἀν ὑπὸ τῶν αὐτῶν τοὺς τε τριάκοντα μισεῖσθαι καὶ

rival . . . after the completion . . . during the discussions. ἐτείθη usually takes the aor., forming the equivalent of the Eng. plup.: when it has the plup., it is to lay stress upon the completion of the action (as here) or upon its abiding result: with the imperf. it represents the action as under way.

— ἐκάτεροι . . . εἶχομεν: definite recognition of the fact that on the jury are members of both parties. — δοθαν: the text is uncertain (see Crit. Note.), but the change to the third person is not strange, as the division into the two parties immediately follows. The exiles showed their hope of reconciliation by letting the vanquished return unmolested to the city: the city party showed their like hope by deposing their war leaders. — κρείττους: another intentionally mild term for the victors in a hard battle.

34. ἐξέβαλον: the Thirty were probably not formally banished: but, deposed from office, only the least compromised among them could safely remain, as the peace party was apparently coming into control. Cp. Xen. Hell. 2. 4. 23 f. καὶ τὸ τελευταῖον ἐφφητάτο εἰκὼν μὲν κατατάθεται. ἄλλοις δὲ ἐλέσθαι. καὶ εἰλυντο δεκα. ἐνα ἀπὸ φιλῆς. καὶ οἱ μὲν τριάκοντα Ἐλευσίναδε ἀπῆλθον. And finally they voted to depose them and elect others. And they elected ten, one from each phyle. And the Thirty went to Eleusis: Arist. Resp. Ath. 38. 1 τοῖς μὲν τριάκοντα κατέλα

σαν. αἱροῦται δὲ δέκα τῶν πολιτῶν ἀυτοκράτορας ἐπὶ τὴν τοῦ πολέ

μον κατάλαβον They deposed the Thirty, and they elect ten citizens, with full power, to put a stop to the war. — Ἐρατοσθῆνος: Era
tosthenes was not one of the new board. The fact that he dared to remain in the city is a strong argument in his favor, which Lysias tries to counteract by throwing upon him the odium of connection with Phidon. — ἀνίκως: the Thirty as represented by the war faction. —
55 τοὺς ἐν Πειραιᾷ ἡθοίσθαι. τούτων τοῖνυν Φείδων γενόμενος καὶ Ἰπποκλῆς καὶ Ἐπιχάρης ὁ Λαμπτρεύς καὶ ἔτεροι οἱ δοκούντες ἦναν ἐναντιότατον Χαρικλεὶ καὶ Κριτᾶ καὶ τῇ ἐκείνων ἔταιρείᾳ, ἐπειδή αὐτοὶ εἰς τὴν ἀρχὴν κατέστησαν, πολὺ μείζων στάσιν καὶ πόλεμον ἐπὶ τοὺς ἐν Πειραιᾷ τοῖς ἐξ ἀστεως ἐποίησαν ὡς καὶ φανερῶς ἐπεδείξαντο ὅτι οὐχ ὑπὲρ τῶν ἐν Πειραιᾷ οὐδ’ ὑπὲρ τῶν ἄδικως ἀπολλυμένων ἐστασιάζον, οὐδ’ οἱ τεθνεώτες αὐτοὺς ἐλύσουν οὐδ’ οἱ μέλλοντες ἀποθανεῖν σθανὶ, ἀλλ’ οἱ μείζον δύναμεν καὶ θάττουν πλούτουντες. ἐλάβοντες γὰρ τὰς ἀρχὰς καὶ τὴν πόλιν ἀμφοτέρους ἐπο-

μείοντα καὶ ἡθοίσθαι: on the rhetorical form see App. § 57. 3.
55. Ἐπιχάρης ὁ Λαμπτρεύς: Andocides describes an Epichares as a sycophant under the democracy, a tool of the Thirty, and a member of the Senate under them (Andoc. 1. 95, 99).—Χαρικλεὶ: Xenophon (Mem. 1. 2. 31) and Aristotle (Pol. 1305b 25) speak of him as a leader of the extreme faction.—τῇ ἐκείνων ἔταιρείᾳ: the “club” element formed only a part of the Thirty. There was a large conservative element in the city who were dismayed at seeing the radicals with Critias in control; they now took the lead, but were again disappointed in that the new board of Ten fell under control of men who were in full sympathy with the Thirty at Eleusis, actively cooperated with them, and continued their war policy. It was an instance, not infrequent in modern times, of the better element in a city rising up under a sudden impulse and apparently overthrowing a political machine, only to find the machine still in control after the excitement was over.—στάσιν καὶ πόλεμον: on the συνωνυμία see App. § 58. 2.—ἐπιτ: see on πρὸς 32. 19, Crit. Note.
56. ἐστασιάζον, ἐλύσου: progressive imperfects of acts previous to ἐπεδείξαντο. The simple Eng. plup. secures the expression of the preliminary time (not expressed in the Greek) at the sacrifice of the expression of the progressive quality of the act; but the Eng. forms “had been quarreling,” “had been troubling” combine both ideas.
lēmon, tois te triákonta pánta kaká eirγasmeýnois kai
úmén pánta kaká pepouthoúi. Káitou touto pási dèlon
žn, óti ei mèn ekéinon dikaiow éfeunov, ùmeis adíkos,
ei ò ùmeis dikaios, oí triákonta adíkos. Oú gar dè
355 étérów érgon aítian labóntes ek tis pòlews éxepeuson,
álla touton. Óstse sfódra chrê órgísesthai, óti Fei-
dów aírethiès ùmás diallázai kai katagagein twon autón
érgon 'Eratosthénei meteikhe kai tý aútê gnwmê tous
mèn kréptous aútôn di ùmás kakôs poiein étémous žn,

57. tois te triákonta: here, as
in the statement that the city party
"expelled" the Thirty, Lysias ex-
aggerates. The Ten, so far from
making war on the Thirty at
Eleusis, joined them in asking
help from Sparta against the dem-
crats. In answer to their com-
mon request, Lysander came up
to Eleusis and there raised a mer-
cenary force, directly protecting
the Thirty. Xenophon says (Hell.
2. 4. 29), ói ò ò en tw òsttei pálon
aú méga ëfrovoun evi tw Luvánðov
the city party were again greatly
encouraged by Lysander's action.
Indeed, Lysias himself ascribes to
Phidon the securing of this very
force which Lysander organized
at Eleusis (§ 59). — pánta kaká:
but in § 33 pánta tâ kaká. — ûmén,
ûmás: the democratic exiles. So
large a portion of the jury were
of the party of the Piraeus that
Lysias speaks as though all were.
The other element in the jury were
not at all offended at being in-
cluded among the 'patriots.' —
ëfeunov: were in exile; see on
adikâ § 14. — dè: see on 25. 9
(B). — aítian labóntes: aítian la-
bein and aítian oxein (ingressive
aorists) = to incur a charge: aítian
ëxein = to be under a charge (cp.
22. 18 polloûn ëkoxonton tautihn
tûn aítian). — èxepeuson: used as
passive of èxebalov (§ 54), HA.
820; G. 1241; B. 513; Gl. 499 a.

58. órgísesthai òti: see on
§ 80. — diallázai: a true dative
infinitive, HA. 951; G. 1532; B.
640; Gl. 565. — katagagein: again
he speaks as though all the jury
were of the Piraeus party. — tû
aútê gnwmê: i.e. the same as that
of Eratosthenes. — tois mèn krê-
tous: their colleagues among the
Thirty. — di' ùmás: through your
means. For diá with acc. see on
§ 87. The Thirty were deposed
by the city party, but it was in the
interest of reconciliation, and so
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ XII 58–60

360 ὑμῖν δὲ ἀδίκως φεύγουσιν οὐκ ἤθελησεν ἀποδοῦναι τὴν πόλιν, ἀλλ' ἐλθὼν εἰς Δακεδαύμονα ἐπείθεν αὐτοῦς στρατεύεσθαι, διαβάλλων ὅτι Βουωτῶν ἡ πόλις ἐσται, καὶ ἄλλα λέγων οἷς θέτο πείσειν μάλιστα. οὗ δυνάμενος δὲ τούτων τυχεῖν, εἴτε καὶ τῶν ἱερῶν ἐμποδῶν ὄντων εἴτε καὶ αὐτῶν οὐ βουλομένων, ἐκατὸν τάλαντα ἐδανεῖσατο, ἵνα ἐχοί ἐπικουρός μισθοῦσθαι, καὶ Δύσανδρον ἁρχοντα ἤτήσατο, εὐνοοῦστον μὲν ὄντα τῇ ὀλγαρχίᾳ, κακονοῦστατον δὲ τῇ πόλει, μισοῦντα δὲ μάλιστα τοὺς ἔν Πειραιά. μισθοφορόμενοι δὲ πάντας ἀνθρώπους ἐπὶ οἴλεθρῳ τῆς πόλεως, καὶ πόλεις ὅλας ἐπάγοντες, καὶ τελευτῶντες Δακεδαμοῦνος καὶ τῶν συμμάχων ὑπόσον εἴδυναι πείσαι, οὗ διαλλάξαν ἂλλ' ἀπολέσαι παρε-

it was done “thanks to” the exiles. The speaker strains the facts for the sake of his neat antithesis: δὲ ὑμᾶς κακὼς ποιεῖν ἐτοιμὸς ἐχεῖ, ὑμῖν δὲ ... ἀποδοῦναι τὴν πόλιν. — ἐπείθεν: conative impf. HA. 832; G. 1255; B. 527; Gl. 459 a; GMT. 36; GS. 213. Cp. 19. 22. — Βουωτῶν: the exiles gathered at Thebes before they seized Phyle, and were hospitably received there.

59. εἴτε καὶ ... εἴτε καὶ: the correlation of the two clauses is emphasized by adding καὶ ... καὶ to εἴτε ... εἴτε. — ἱερῶν: an allusion to the well-known superstition of the Spartans. Lysias may have in mind the Carnean festival (Aug.-Sept.), which made the Spartans too late for the glories of Marathon (Herod. 6. 106). — αὐτῶν: intensive. — εὐνοοῦστον, κακονοῦστατον: on the παρονομασία see App. § 58. 5.

60. μισθοφορόμενοι: the mercenary force raised by Lysander at Eleusis; it supported the Thirty as much as the Ten; Lysias chooses to misrepresent their relation. Cp. on § 57. — εἴπη ὀλέθρῳ: a substantive purpose construction. See on § 24. — πόλεις ὅλας: a great exaggeration. The only “cities” which sent out troops were those which later joined Pausanias, and these are included in τῶν συμμάχων of the next line. — οὗ διαλλάξαν: inserted to keep the jury intent upon the central thought that in all this Phidon and Eratosthenes were
σκευάζοντο τὴν πόλιν, εἰ μὴ δὲ ἄνδρας ἀγαθοὺς, οἴς 374 ὑμεῖς δηλώσατε παρὰ τῶν ἐξθρων δίκην λαβόντες, ὅτι 61 καὶ ἐκεῖνοις χάριν ἀποδώσετε. ταῦτα δὲ ἐπίστασθε μὲν καὶ αὐτοὶ, καὶ οὐκ οἶδ' ὅ τι δὲι μάρτυρας παρασχέ-
σθαι. ὅμως δὲ ἐγώ τε γὰρ δέομαι ἀναπαύσασθαι, 379 ὑμῶν τ' ἐνίοις ὄδιον ὡς πλεῖστων τοὺς αὐτοὺς λόγοις ἀκούειν.

ΜΑΡΤΥΡΕΣ

62 Φέρε δὴ καὶ περὶ Ἐθραμένους ὡς ἰν δύνωμαι διὰ βραχυτάτων διδάξω. δέομαι δ' ὑμῶν ἀκούσας ὑπὲρ τ'

betraying their trust and being their own professions. Note that while the infinit. (not in ind. disc.) regularly takes μὴ, a negated infin. standing in parenthetical antithesis takes οἴ.—εἰ μὴ δὲ ἄνδρας ἀγαθοὺς: but for good men. For διὰ with acc. see on § 87. εἰ μὴ διὰ became a fixed formula, like Eng. “but for” (cp. on εἰ δὲ μὴ § 50). The phrase throws its force back upon ἀπολέσαι only (not upon παρασκευάζοντο). There underlies it the thought that the action ἀπολέσαι did not come to pass, and it states whom we have to thank for it, HA. 905. 2: G. 1414. 1; B. 616. 2; Gl. 656 a. The “good men” to whom, above all others, the exiles owed their rescue from an apparently hopeless situation were the Spartan king, Pausanias, and others of the anti-

punishing the men who were responsible for Lysander’s efforts at Eleusis in support of the Thirty and the Ten, they will please the present Spartan administration.—οἶς υμεῖς δηλώσατε: the Eng. requires “must” in place of the simpler Greek imperative in a relative clause; cp. ἔστε with the impv., 16. 8 N.—ἐκεῖνοι: the “good men.”

61. οὐκ οἶδ' ὅ τι: see on § 37 and Crit. Note.—δέομαι ἀναπαύ-

σασθαι: hardly the real reason; he had ‘rested’ a few moments before (§§ 42, 47); but by seeming indifferent to the testimony, he gives to his statements an air of certainty as needing no proof. In fact, he knows that they are full of exaggeration. What his witnesses proved we cannot say: certainly not that Eratosthenes was responsible for the policy of Phidon and the Ten.

62. δὴ: cf. § 34 and see on 25. 9 (A).—διδάξω: “The sub-
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ XII 61–63

ἐμαυτοῦ καὶ τῆς πόλεως. καὶ μὴ δεν τωτῷ παραστῇ,
(ὡς Ἕρατοσθένους κινδυνεύοντος Ὑθραμένους κατηγορῶ.]
384 πυθάνομαι γὰρ ταύτα ἀπολογησεσθαι αὐτῶν, ὡσι
68 ἐκείνῳ φίλος ἡν καὶ τῶν αὐτῶν ἔργων μετείχε. καὶ τοιο
σφόδρο ἣν αὐτῶν οἶμαι μετὰ Θεμιστοκλέους πολιτεύ-
μένου προσποιεῖσθαι πράττειν ὅπως οἰκοδομηθήσεται
tὰ τείχη, ὅποτε καὶ μετὰ Ὑθραμένους ὅπως καθαιρεθή-
σεται. οὐ γὰρ μοι δοκούσω ἵναν ἀξιοὶ γεγενήσθαι· ὃ
390 μὲν γὰρ Δακεδαιμονίων ἀκόντων ἀκοδόμησεν αὐτά,

junctive is used as the imperative of the first person, positive and negative. The negative particle is μη. The first person singular is less common than the plural, and is usually preceded by φέρε, instead of which Homer uses ἄγε," GS. 373 f. Cp. HA. 866. i.; G. 1344–5; B. 585; Gl. 472. — Ὑ-
θραμένους: for the bearing of this discussion of Theramenes's career see Introd. pp. 54–56. — ὡσ . . .
κατηγορῶ: 'Let not the thought occur to you that I am accusing
Theramenes when it is Eratosthene who is on trial. I am,
indeed, accusing Theramenes, but as a part of my prosecution
of Eratosthenes, for he will try to win your favor by claiming to
have been a friend and supporter of Theramenes.' — πυθάνομαι:
tense, see on ἄκικδ $ 14.

63. The thought is: That citizen must indeed be in desperate
straits and in sore need of reha-
bilitation who seeks to make him-
self more respectable by claiming
connection with the man who de-
stroyed our walls. 'If Eratosthe-
nes is so eager to claim connection
with Theramenes, who destroyed
the walls, how eagerly he would
have claimed connection with
Themistocles, who built them, if
he had but lived in his time!' —
σφόδρο ἦν: emphatic position,
widely separated from the verb
(προσποιεῖσθαι); for ἦν see HA.
964 b; G. 1308; B. 647; Gl. 579.
— πράττειν: tense, see on ἀντι-
λέγω $ 26.— ὅποτε καὶ: when
actually. — μετὰ Ὑθραμένους: sc.
πολιτεύμενος προσποιεῖται πρά-
τειν. — ὃ μὲν . . . ὅπος δὲ: a shrewd
device for throwing contempt on
the modern 'patriot.' For Ther-
amenes's responsibility for the
destruction of the walls see on
§ 68.
64. οὖτος δὲ τοὺς πολίτας ἐξαπατήσας καθελεῖ. περιέστηκεν οὖν τῇ πόλει τούναντίον ἦ ὦς εἰκός ἦν. ἀξίου μὲν γὰρ ἦν καὶ τοὺς φίλους τοὺς Ἐθραμένους προσαπολώλειαν, πλὴν εἰ τις ἐτυγχάνει ἐκείνω τὰναντία πράττων· τῶν δὲ ὁρῷ τὰς τε ἀπολογίας εἰς ἐκεῖνω ἀναφερομένας, τοὺς τῇ ἐκείνῳ συνόντας τιμᾶσθαι πειρωμένους, ὡσπερ πολλῶν ἀγαθῶν αὐτίκοι ἀλλ’ οὐ μεγάλων κακῶν γεγένηνέκιν. ὅς πρῶτον μὲν τῆς προτέρας ὀλγαρχίας αἰτιώτατος ἐγένετο, πείσας ὑμᾶς τὴν ἐπὶ τῶν τετρακο-

65. τούναντίον: subject of περιέστηκεν; so Thuc. 6. 24. 2 τούναντίον περιέστη αὐτῷ. A more common construction is that of Dem. 25. 12 φοβοῦμαι μὴ τὸ πράγμα εἰς τούναντίον περιέστη.—τούναντίον ἦ ὦς: ἐναντίος is treated as a comparative, and may be followed (1) by ἦ, (2) by the less common comparative connective ἦ ὦς, or (3) by the gen. without ἦ. (1) § 2, τούναντίον . . . ἦ ἐν τῷ πρὸ τοῦ χρόνῳ (2) Herod. 1. 22 ἤκουσ τοῦ κήρυκος . . . τοὺς ἐναντίων λόγους ἦ ὦς αὐτῶς κατεδόκει he heard from the herald words the opposite of what he had expected. (3) Dem. 19. 329 διδοικα μὴ τούναντίον οὐ βουλομαι ποιῶ I fear I may do the opposite of what I wish. For ἦ ὦς with other comparative words cp. Xen. Anab. 1. 5. 8 βάττων ἦ ὦς τις ἄν φητο more quickly than one would have thought. Dem. 6. 11 ἐστι γὰρ μείζω τὰ κείνων ἐργα, ἦ ὦς τῷ λόγῳ τις ἄν εἴποι their deeds are greater than one could tell.—ἀλλ’ οὗ: ὡσπερ is not treated as conditional, and takes the neg. οὗ, HA. 978. a.; G. 1576; B. 656 n.; Gl. 593 d.; GMT. 867. See on 25. 23.—γεγενήμενον: see on πραττόντων § 45.

65. αἰτιώτατος: Thucydides says (8. 68) that Antiphon was the moving spirit in planning the revolution of 411 B.C., that Pisander was the most prominent man in its execution, and Phrynichus the most daring; but he adds, καὶ Θηραμένης ὁ τοῦ Ἀγνώνος ἐν τοῖς ἐνεγκαταλύσας τὸν δήμον πρῶτος ἦν, ἀνὴρ οὐτέ εἰπεῖν οὐτε γρῶναι ἀδύνατος καὶ Θαραμένης, the son of Hagnon, was a prime mover in the abolition of the democracy, a man not without ability as a speaker and thinker. Aristotle says (Resp. Ath. 32. 2) ἦ μὲν οὖν ὀλγαρχία τούτων κατάστη τὸν τρόπον, . . . αἰτίων μάλιστα γενο-
καὶ ὁ μὲν πατὴρ αὐτῶν τῶν προβούλων ὄν ταύτ’ ἐπραττεν, αὐτὸς δὲ δοκὼν εὖνοι-
στατος εἶναι τοῖς πράγμασι στρατηγὸς ὑπ’ αὐτῶν
θερέθη, καὶ ἐως μὲν ἐτμάτο, πιστῶν ἐαυτὸν τῇ πολιτείᾳ
παρεῖχεν· ἐπειδὴ δὲ Πείσανδρον μὲν καὶ Κάλλαυσχρον
καὶ ἔτερον ἐώρα προτέρους αὐτοῦ γιγνωμένου, τὸ δὲ
μένων Πείσανδρον καὶ Ἀντιφώντος καὶ Θηραμίνους, ἀνδρῶν καὶ γεγενη-
μένων εὖ, καὶ συνέστη καὶ γνώμη δο-
κούντων διαφέρειν so the oligarchy
was thus established . . . the men
most responsible being Pisander
and Antiphan and Theramenes,
men of good birth and of eminent
reputation for ability and judg-
ment. Lysias exaggerates some-
what by failing to mention the
two who shared the leadership
with Theramenes, but he charges
Theramenes with little more than
do Thucydides and Aristotle, who
are friendly to him.—ἐπὶ τῶν
tetraokos[iw:] for ἐπί, see on § 17.
—προβούλων: see Chron. App.,
413 b.c.; cp. Thuc. 8. 1. 3,
67. 1; Arist. Resp. Ath. 29. 2.
Membership in this board was an
honor, in view of the emergency
which the προβούλων were elected
to meet. Some of them, like
Hagnon, actively favored the
change in government; others
assented to it reluctantly, as being
the only possible course. Aris-
totle’s Rhetoric (3. 18), preserves
an anecdote of Sophocles (proba-
bly the poet) which illustrates the
attitude of men of this second
class: Σοφοκλῆς ἐρωτώμενος ὑπὸ
Πείσανδρον εἰ ἔδοξεν αὐτῷ ὁπερ
καὶ τοῖς ἄλλοις προβούλοις, κατα-
στήσας τοὺς τετρακοσίους, ἔφη·
tί δὲ; οὐ πονηρὰ σοι ταύτα ἐδο-
κεῖ εἶναι; ἔφη· οὐκόν σὺ ταύτα
ἔπραξας τὰ πονηρὰ; ναι ἔφη· οὐ
γὰρ ἦν ἄλλα βελτίω Sophocles,
when asked by Pisander whether
he, like the other Probouloi, ap-
proved of the establishment of
the Four Hundred, said, “Yes.”
“But what? Did that not seem
to you a bad business?” “Yes,”
said he. “Then did you take
part in that ‘bad business’?”
“Yes,” said he, “for there was
nothing better to do.” —τοῖς πράγ-
μασι: to the government; see
on 16. 3.—ὑπ’ αὐτῶν: i.e. τῶν
tetraokos[iw].
66. τῇ πολιτείᾳ: to the admin-
istration.—ἐπειδῆ: for ἐπειδῆ with
imperf., see on ἐγίγνοντο, § 53.
—Κάλλαυσχρον: his son Critias
became the head of the second
υμέτερου πλήθος ουκέτι βουλόμενον τούτων ἀκροάσθαι, 
tότ' ἦδη διὰ τε τὸν πρὸς ἐκείνους φθόνον καὶ τὸ παρ' 
τι ύμῶν δέος μετέχῃ τῶν 'Αριστοκράτους ἔργων. βου- 
λόμενος δὲ τῷ ύμετέρῳ πλήθει δοκεῖν πιστὸς εἶναι 
410 Ἀντιφώντα καὶ Ἀρχεπτόλεμον φιλάτως ὄντας αὐτῶ̃ 
κατηγορῶν ἀπέκτεινεν, εἰς τοσοῦτον δὲ κακίας ἤλθεν, 
ὡςτε ἀμα μὲν διὰ τὴν πρὸς ἐκείνους πίστιν ύμᾶς κατε- 
δουλώσατο, διὰ δὲ τὴν πρὸς ύμᾶς τοὺς φίλους ἀπώλεσε.

oligarchy seven years later.—οὐκέτι: the people had been persuaded to accept the new form of government in the hope of ending the war through Alcibiades with Persian support; this hope had now failed, Introd. p. 36.—ἣν: strengthening τότε, then, and not till then. So in 25. 22.—τι: for position see on § 30.—τὸν πρὸς ἐκείνους φθόνον . . . τὸ παρ' ύμῶν 
δέος: the active emotion, envy, takes πρὸς with accus. of the object toward which the envy is directed; the passive emotion, fear, takes παρά with the gen. of the source from which the emotion springs. The objective gen. is oftener used with δέος, but the prepositional phrase is more explicit and stands in better parallelism with πρὸς ἐκείνους.—μετέχει: ingressive aorist (see on μετέχον, 16. 3); cp. the imperf. in §§ 58 and 62.—'Αριστοκράτους: a man of prominent family, who had done the city 
good service during the war. He was put to death in 406 B.C. with other generals after the battle of Arginusae. His association with Theramenes in deposing the Four Hundred is confirmed by Aris- totle, Resp. Ath. 33. 2 αἰτίωτατοι 
δ' ἐγένοντο τῆς καταλύσεως Ἀριστοκράτης καὶ Θηραμένης. So 
Thuc. 8. 89. 2.

67. τῷ ύμετέρῳ πλήθει: cp. 
§ 66 and see on § 42.—Ἀντι- 
φώντα: see on § 65.—Ἀρχεπτόλε- 
μον: he had worked for peace 
with Sparta earlier in the war 
(Ar. Equ. 794). After the de- 
position of the Four Hundred, Anti- 
phon and Archeptolemus were put 
to death on the charge of having 
plotted with others of the oli- 
garchs to betray the city to 
Sparta. Theramenes was at the 
head of the government, under a 
moderate constitution, from Sep- 
tember, 411, to about July, 410 
(see Introd. p. 55).
68 τιμώμενος δὲ καὶ τῶν μεγίστων ἀξιούμενος, αὐτὸς ἐπαγ-
415 γειλάμενος σώσει τὴν πόλιν αὐτὸς ἀπώλεσε, φάσκων
πράγμα ήρηκέναι μέγα καὶ πολλοῦ ἄξιον. ὑπέσχετο
dὲ εἰρήνην πουήσειν μὴτε ὀμηρὰ δοὺς/μὴτε τὰ τείχη
καθελῶν μὴτε τὰς ναῦς παραδοὺς: ταῦτα δὲ εἰπεῖν
419 μὲν οὕδενὶ ἡθέλησεν, ἐκέλευσε δὲ αὐτῷ πιστεύειν.

68. The following events belong to the time (404 B.C.) after
the complete restoration of the democracy, when the administra-
tion had passed from Theramenes and the moderate aristocrats into
the hands of Clephon and other popular leaders. Under their mis-
management came the disaster at Aegospotami, the siege of the
city, and the unsuccessful at-
tempts to obtain from Sparta
moderate terms of peace. In that
crisis Theramenes came forward
and offered to go to Lysander
(see Introd. p. 37). — αὐτὸς: of
his own accord. Greatly strength-
ened by repetition (ἐπαναφορά,
App. § 57. 5) with ἀπώλεσε.—
μέγα, πολλοῦ ἄξιον: on the συνο-
νυμία, see App. § 58. 2. — ὑπέσχετο
δὲ: after a general statement (here
φάσκων . . . ήρηκέναι) the par-
ticular explanation is often intro-
duced by a neutral δὲ, which has
lost all adversative force. The
English, and usually the Greek,
more logically uses “for,” as giv-
ing the grounds for the general
statement. Cp. on γὰρ explicative,
19. 12.—ὑπέσχετο: Xenophon
says (Hell. 2. 2. 14 ff.) that the
Spartans had already announced
the destruction of ten stadia of
the Long Walls as a condition of
peace, and that what Theramenes
offered to do was to find out from
Lysander whether this was in-
tended as a preliminary to the
enslavement of the city, or only
as a means of guaranteeing their
faithful obedience to the other
terms of peace. After remaining
three months with Lysander he
returned to Athens with the re-
port that Lysander had no power
in the matter, and that it must be
determined by the government at
Sparta. Theramenes was then
sent to Sparta with nine others to
negotiate peace. Lysias represents
all this as one mission, and as
the work of Theramenes alone:
the whole impression given is pur-
purposely misleading.—μῆτε, μῆτε:
μη instead of οὖ with the parti-
ciples because they depend on
πουήσειν, which, if negativated,
would take μη. HA. 1024 (last
line); G. 1496: B. 549. 2. A
participle takes μή (A) when it is equivalent to a protasis (this includes "generic" expressions, see on 25. 1). So in 12. 85, 19. 29, 19. 53, 25. 34. (B) when it depends on a verb which has μή or would have it if negativized. So in 19. 33, 19. 37, 19. 51, 24. 18, 24. 26, 25. 4, 25. 22, 32. 18.

69.

τρπτυκῆς μὲν ... βουλῆς ἀντιλεγόντων δὲ πολλῶν
εἰδότες δὲ ὅτι ἡμῖν ἄλλως ...

ὑμεῖς ... ἐπετρέψατε.

The use of μὲν ... δέ ... δέ is due to the fact that while εἰδότες is not correlative in form with the two other participles, it is in thought. We find similar construction in 19. 23, 19. 26, 25. 31. — σωτήρια : we have no other knowledge of these measures. Ordinarily the Areopagus had no jurisdiction in political or military affairs, but this crisis was so extreme, involving the very existence of the city, that extraordinary action by the Areopagus is not unlikely. — ἀντιλεγόντων: see Intro. p. 37. — τάπορρητα ποιοῦντα: keep state secrets. — αὐτῷ: on the first mission, that to Lysander, Theramenes went alone, but had no authority to negotiate; on the second, he had authority, but it was shared with nine fellow-ambassadors. Lysias purposely represents it as resting entirely with him. — γυναῖκας: the article is often omitted with words of family relationship (definite by their own force), especially where several are joined; cp. the Eng. omission of the possessive pronoun in the same expressions; both languages extend the construction to 'fatherland.'

70. οὕτως ἐνετεθύμητο: he was so convinced; the plup. to express mental attitude where the impf. would express mental action. Cp.
of peace openly proposed to the people and ratified by them. It is not included in the terms given by Xenophon (Hell. 2. 2. 20) and Andocides (3. 12). Aristotle (Resp. Ath. 34 3) regards it as one of the actual conditions; so Diodorus (14. 3. 2). The expression of Lysias himself in 13. 14 δυνάματι μὲν εἰρήνην λεγομένην, τῷ δὲ ἔργῳ τὴν δημοκρατίαν καταλύομεν implies that the change of government was not in the nominal terms of peace. — ἀποστερησθείς: voice, HA. 496; G. 1248; B. 514-15; Gl. 393. — τιμωρίαν: Lysias is claiming that Theramenes sought to destroy the independence of the city from fear that if the people should be left free to act their pleasure, they would inflict extreme punishment upon him. But punishment for what? He was under no accusation and in no danger. In the period immediately after the fall of the Four Hundred, when some of his colleagues were executed and others
This explicit statement should acquit Lysias of the charge brought by recent critics (cp. Meyer, *Gesch. des Alterthums* IV. 666) that he is purposely confusing the two assemblies. — οὗ πρώτερον . . . ἔως: the ordinary construction is either οὗ πρώτερον . . . πρὶν or οὗ . . . ἔως; here the two are combined, as in 25. 26. — ἐκείνων: the Spartans. — ἐκ Σάμου: see Chron. App. Diodorus says (14. 3. 4–5) that Lysander had just taken Samos and that he came to the Piraeus with 100 ships. But Xenophon (*Hell.* 2. 3. 7) says that on the surrender of Samos Lysander dissolved the Lacedaemonian fleet, and gives the impression that he sailed directly from Samos home. It is probable then that his visit to Athens was during the siege of Samos, with only a part of his fleet, and that he returned to Samos to complete the siege. — τὸ στρατόπεδον: the large Peloponnesian army which Pausanias brought up to Athens after Aegospotami, and which encamped in the Academy with Agis's troops from Decelea, was soon dismissed,
καὶ παρόντος Δυσάνδρου καὶ Φιλοχάρους καὶ Μιλτιάδου, περὶ τῆς πολιτείας τῆς ἐκκλησίας ἐποίουν, ἵνα μὴ τῇ ρήτωρ αὐτοῖς μὴ διεστραμμένος ἐναντιώντο μὴ διατίθεντο ὑμεῖς τε μὴ τὰ τῇ πόλει συμφέροντα ἐλοισθε, ἀλλὰ τάκειν δοκοῦντα ψηφίσαισθε. (ἀναστὰς δὲ Θηραμένης ἐκέλευσεν ὑμᾶς τράκοντα ἀνδράσιν ἐπιτρέψαι τὴν πόλιν καὶ τῇ πολιτείᾳ χρήσθαι ἣν Δρακοντίδης ἀπέφαυεν. ὑμεῖς δ’ ὦμοι καὶ οὕτω διακεῖν

Lysander being left to carry on the winter siege with his fleet (Diodor. 13. 107. 3); but a Spartan land force probably remained to cooperate with Lysander, and even after the surrender it would naturally be retained till the Athenians had completed the stipulated destruction of their walls, the work of several months.

72. ὑπαρχόντων: force, see on ὑπάρχει § 23. — Φιλοχάρους, Μιλτιάδου: the names are Attic; we can only conjecture that they were prominent men of the oligarchical party. — ἐποίουν: tense, see on ἐβδόμον § 8. — ρήτωρ: the term for one who addresses the popular assembly. The ρήτωρ may or may not have the technical training of the rhetoricians. The power possessed by one who could move the assembly tended to develop a class of professional ρήτορες. — τε: correlative with μήτε, and used instead of a second μήτε, so that it may connect the preceding with both the negative ἐλοισθε and the positive ψηφίσαισθε,—


73. Δρακοντίδης: confirmed by Arist. Resp. Ath. 34. 3. He was appointed one of the Thirty.— ἀπέφαυεν: the word would be used properly of the publication of a scheme of government by a lawgiver, or of the ‘report’ of a commission appointed to frame laws; Lysias uses it with the sarcastic implication that this was not a proposition for the people to discuss, but a ready-made scheme thrust upon them. There is no real inconsistency between the statement of Lysias that Dracontides presented a form of government (πολιτείαν ἀπέφαυεν) and that of Xenophon (Hell. 2. 3. 11) that the Thirty were appointed to
ΛΥΣΙΟΥ

μενοι ἐθορυβεῖτε ὡς οὐ ποιήσοντες ταῦτα. ἐγγυνώσκετε 450 γὰρ ὅτι περὶ δουλείας καὶ ἐλευθερίας ἐν ἐκείνῃ τῇ ἡμέρᾳ ἡ ἐκκλησιάζετε. Θηραμάκης δὲ, ὁ ἄνδρες δικασταί, (καὶ τούτων ὡμᾶς αὐτῶν μάρτυρας παρέξομαι) ἐπεν ὅτι οὐδὲν αὐτῷ μέλοι τοῦ ὑμετέρου θορύβου, ἐπειδή πολλοὺς μὲν Ἀθηναίων εἰδείη τοὺς τὰ ὁμοία πράττοντας 455 αὐτῷ, δοκοῦντα δὲ Δυσάνδρῳ καὶ Λακεδαιμονίοις λέγοι. μετ' ἐκείνου δὲ Δυσάνδρος ἀναστὰς ἀλλὰ τε πολλὰ εἶπε καὶ ὅτι παρασπόρους ὑμᾶς ἔχοι, καὶ ὅτι οὐ περὶ πολιτείας ὑμῶν ἔσται ἀλλὰ περὶ σωτηρίας, εἰ μὴ ποιήσεις 75 ἡ Θηραμάκης κελεύει. τῶν δ' ἐν τῇ ἐκκλησίᾳ ὅσοι 460 ἄνδρες ἀγαθοὶ ἦσαν, γνώντες τὴν παράσκευὴν καὶ τὴν ἀνάγκην, οἱ μὲν αὐτοῦ μένοντες ἐρυθίαν ἦγον, οἱ δὲ ψέμοντο ἀπίοντες, τούτῳ γοῦν σφίσθιν αὐτοῖς συνειδότες,

frame a constitution (συγγράφαι νόμους). Dracoindes doubtless presented the general plan, and the Thirty were chosen to draft a constitution which should carry it out in detail. — ὡς: for the usual force of ὡς with a partic. see on 16. 8. But sometimes, as here and in § 90 and 32. 23, it gives to the partic. nearly the same force of ind. disc. which ὡς so often gives to the indic. HA. 978; G. 1593. 1: B. 661 N. 4; Gl. 594; GMT. 919. — ἡ ἐκκλησιάζετε: for the form of augment see Crit. Note. The addition of ἐν ἐκείνῃ τῇ ἡμέρᾳ has led editors to the rejection of ἐκκλησιάζετε, the Mss. reading (present, normal ind. disc. construction). For the rare impf. see GMT. 674. 2; HA. 936; G. 1489. 1.

74. πολλοὺς: emphatic predicate of τοὺς πράττοντας. — παρασπόρους: Diodorus (14. 3. 6) and Plutarch (Lysander 15) say that the Athenians had not completed the demolition of their walls within the appointed time. — ἢσται . . . ποιήσει . . . κελεύει: for mood see Crit. Note and on ἀφήσουσιν § 35.

75. γνώντες: ingressive aor., see on μετέσχον 16. 3. — αὐτοῦ: the adverb. — ψέμοντο ἀπίοντες: ψέμοντο, were gone, is more summary than ἀπήλθον; ψέμοντο ἀπιόντες is more summary still, went straight off.
76. The scheme was carried out by means of the political machinery described in detail in § 44. — δέκα: it is evident that the Board of Thirty was the result of a union between the aristocratic club element represented by Critias and the moderate aristocrats led by Theramenes, with the addition of a third group to give nominal representation to the democratic masses (cp. Aristotle’s explicit statement as to the two aristocratic groups, Resp. Ath. 34. 3). Theramenes was at first the strongest man in the plot because of his personal connection with Lysander. This compromise in the formation of the new administration explains the fact of the almost immediate outbreak of dissension within its own ranks.

— ἀπέδειξε . . . κελεύονεν: Theramenes had doubtless designated his ten candidates before the preliminary club meetings were held; at these meetings the district leaders appear to have said to the members, naming two groups of ten men each, “Vote for these ten men whom Theramenes has designated (ἀπέδειξε), and for the following ten whom our chiefs, the Ephors, order you (κελεύουσιν) to vote for.” ἀπέδειξε remains unchanged according to the regular principle that dependent secondary tenses of the indicative do not become opt. in ind. disc., HA. 935 b, c ; G. 1497. 2, 1499; B. 675. 1, 3; GMT. 689. 3, cp. 695 I, last paragraph. — ἐκ τῶν παρόντων: i.e. from the citizens at large; a mere pretense of representation of the popular body.

77. ἀπολογούμενος: Xenophon (Hell. 2. 3. 35–49) gives at some length the speech of Theramenes
when accused by Critias before the Senate; but it is probably Xenophon's own defense of his former party chief rather than a literal report of the speech delivered. There is in it no reference to the points which Lysias mentions here. — ὀνειδίζων, ὀνειδίζων: on the ἐπαναφορά see App. § 57. 5. — δι' αὐτῶν: they had him to thank for their return. See on § 87. — κατέλθουσι: see note on Κριτίας § 43. The return of the aristocrats who had been banished after the overthrow of the Four Hundred was one of the terms of the peace which Theramenes and his fellow-ambassadors negotiated with Spartà. The Spartans were probably not as indifferent to this as Lysias would have us believe. The best guaranty of the continuance of Athens under Spartan hegemony lay in the repression of the democracy. Theramenes and his friends saw in this fact their own opportunity. — ὑπὲρ ὑμῶν: emphasis is given by the variation from the normal position (cp. τὰ ὑπὲρ ὑμῶν εἰρημένα five lines above). The central point of the argument is, "Theramenes's speech agrees with my account."

— πιστεύει: L. & S. s.v. II. — ἐκεῖνος: referring to the same persons as αὐτοῖς in the preceding line. When two clauses or phrases are sharply contrasted, ἐκεῖνος often takes the place of αὐτός in one of them. Cp. 14. 28 οὐχ ὃς ἀδελφὸν αὐτῆς, ἀλλ' ὃς ἄνδρα ἐκείνης not as her brother, but as her husband; Plato, Euthyphro 14 d αὐτῶν τε φης αὐτοὺς καὶ διδόναι ἐκείνοις do you say that we ask of them (the gods) and give to them?

78. On the striking τολυσάν-δετον of the opening words see App. § 58. 4. — ὑπὲρ . . . πονηρίας: 'he was serving — not the people,
δικαίως μὲν ἐν ὀλυγαρχίᾳ δίκην δόντος, ἢ δὴ γὰρ αὐτὴν κατέλυσε· δικαίως δὲ ἂν ἐν δημοκρατίᾳ, διὸς γὰρ ὑμᾶς κατεδουλώσατο, τῶν μὲν παρόντων καταφρονῶν, τῶν δὲ ἀπόντων ἐπιθυμῶν καὶ τῷ καλλίστῳ ὁνόματι χρώμενὸς δεινότατων ἐργῶν διδάσκαλος καταστάς.

79 ἦκε δ’ ὑμῖν ἐκεῖνος ὁ καιρός, ἐν ὃ ἔδει συγγνώμην καὶ ἔλεον μὴ εἴναι ἐν ταῖς ὑμέτεραις γνώμαις, ἀλλὰ παρὰ Ἐρατοσθένους καὶ τῶν τούτων συναρχόντων δίκην λαβεῖν, μηδὲ μαχομένους μὲν κρείττους εἶναι τῶν πολεμίων, ηφιξομένους δὲ ἥττους τῶν ἐχθρῶν.

but his own base nature; ὑπὲρ gives a touch of personification that we should not have in ἐνέκα. Cp. on ὑπὸ § 3. — κατέλυσε: for force of the tense see Crit. Note. — δικαίως δ’ ἂν: ἂν in this connection marks the thought as ‘contrary to fact’ (δόντος being supplied from the preceding).

HA. 987 (b); G. 1308. 2; B. 662, 606; Gl. 595. The thought is that had the Thirty not put Theramenes to death the restored democracy would justly have done it. On the ἐπαναφορά of δικαίως, δικαίως see App. § 57. 5. Cp. ὄνειδιζων, ὄνειδιζων § 77. — παρόντων ... ἀπόντων: to despise what one has and to covet what one has not was a proverbial mark of the restless and discontented man, the man who did not submit to the decrees of the gods as fixing his lot in life, and who failed of the due measure of self-control. On the rhetorical form of the clauses see App. § 57. 3. — ὁνόματι: the name of restoration of the government to the form of the ancestral limited democracy. — δεινότατων: outrageous, a stronger word than ἀισχομενος, the ordinary opposite of καλλιστος.

79. ἐκεῖνος: used rather than ὁτος, as suggesting “that time” for which they had long been hoping. — τούτων: note that συναρχόντων has become so fully substantivized as to take the gen. instead of the dat. proper to it as a participle. So τοὺς συνάρχοντας ἄτου § 87. GS. 39; HA. 966 a; B. 650 n. 1. — συναρχόντων: see Introd. p. 44, note 3. — ἐχθρῶν: since the amnesty the Thirty are
no longer τολέμων, but in the feeling of their former victims they will always be ἔχθροι.

80. ὄργιζονθε: οὖν is assimilated to the case of the (omitted) antecedent. Cp. on § 35. Lysias’s constructions with ὄργιζονθαι are the following: (A) the person against whom the anger is felt is always in the dat., 16, 17, 22, 2, 25, 1, and often. (B) the occasion of the anger is expressed by (1) gen. with ὑπὲρ, 12. 2; (2) gen. with τρίτο, 12. 96; (3) dat. with ἐπί, 14, 13, 28, 2, 32. 21; (4) acc. with διὰ, 21. 9, 30. 13; (5) dat. without prep., 12. 90, 20. 1; (6) gen. without prep., 12. 80, 27. 11, 31. 11 (in the first two the gen. is connected with another gen. clause); (7) a διί clause, 1. 15, 12. 58, 14. 20. — ἀποτελεῖ: the Thirty had withdrawn to Eleusis; the people were by no means sure that they could be safely allowed to hold that place permanently. In fact two years later Athens came to armed conflict with the aristocrats at Eleusis, and brought that city back under the Athenian government. — ἐπιβουλεύετε, ἄφητε: the English idiom does not here allow the use of coordinate clauses corresponding to the Greek (cp. on § 47 ἐνόμιζον . . . παρέβαινον); the Greek yields the sharper antithesis. For change of mood and tense from ὄργιζονθε . . . ἐπιβουλεύετε to ἄφητε . . . βοηθήσητε see HA. 874 a; G. 1346; B. 584; Gl. 485.

81. κατηγόρηται: § 79 marks the close of the attack on the memory of Theramenes, and § 81 the close of the attack on the career of Eratosthenes and the whole moderate party. — τούτων: used of one’s opponent present in court, as in § 79, Ἐρατοσθένους καὶ τῶν τούτων συναρχόντων. The English admits only the colorless “his” (αὐτοῦ). Cp. § 84, 24. 3, 25. 3, 25. 24, 25. 33, 34. 1, 34. 6. — φιλῶν: Theramenes, Phidon, and the others whom he has attacked; to be distinguished from the friends who will plead for Eratosthenes in court (τῶν συνεργοῦντων); the attack upon them comes in
οἱ τὰς ἀπολογίας ἀνοίσει καὶ μεθ’ ὄντι αὐτῷ ταῦτα πέπρακται. ὁ μέντοι ἄγων οὐκ ἔξ ἵσου τῇ πόλει καὶ Ἐρατοσθένει. οὕτως μὲν γὰρ κατηγοροὺς καὶ δικαστῆς ὁ αὐτὸς ἦν τῶν κρινομένων, ἦμεῖς δὲ νυν ἐἰς κατηγορίαν καὶ ἀπολογίαν καθέσταμεν. καὶ οὕτως μὲν τοὺς οὐδὲν ἀδικοῦντας ἀκρίτους ἀπέκτειναν, ἦμεῖς δὲ τοὺς ἀπολέσαντας τὴν πόλιν κατὰ τὸν νόμον ἀξιόσει κρίνειν, παρ’ ὄντι οὐδ’ ἀν παρανόμοις βουλόμενοι δίκην λαμβάνειν ἢ ἀξιόσει καὶ τῶν ἀδικημάτων ὃν τὴν πόλιν ἡδικήσας λάβοιτε.

509 ἢ γὰρ ἄν παθόντες δίκην τὴν ἀξίαν ἔχουσαν τῶν ἐργῶν ἐπεκτέινετο, πότερον εἰ αὐτοὺς ἀποκτείνατε καὶ τοὺς παιδας αὐτῶν, ἵκαν ἄν τοῦ φόνου δίκην λάβοιμεν, ὃν οὕτως πατέρας καὶ γυναῖκας καὶ ἀδελφῶς ἀκρίτους ἀπέκτειναν. ἅλλα γὰρ εἰ τὰ χρήματα τὰ φανερά δημεύσατε, καλῶς ἄν ἔχοι η ἡ πόλει, ἢς οὕτως πολλὰ εἰλήφατε, ἢ ἄν τοὺς ἠδικείτες, ὃν τὰς οἰκίας ἐξεπόρθησαν; ἐπειδὴ τοίνυν

§ 86. — οἷε... ἀνοίσει: an unusual construction for the regular one of § 64.

82. ἀδικοῦντας: tense, see on ἀδικῶ § 14. — ἀκρίτους: cr. on § 17. — ἀξιόσει: L. & S. s.v. III. 2. — δίκην τὴν ἀξίαν: “the substantive takes no article before it, when it would have none if the attributive were dropped,” HA. 668 α.; cr. B. 452. — δίκην... ἐπεκτέινετο: the unusual position of words throughout gives emphasis: see on ἦμεῖς § 33.

83. παιδας: cr. on καὶ τοὺς παιδας § 36. — λάβομεν: note the change to the first person. The jury alone could put them to death, but Lysias would share in this requital for wrongs suffered. — ἦν: the antec. is the subject of λάβομεν. — ὅτι: form, see on § 34.

— ἅλλα γὰρ: emphatic γὰρ really, possibly (see on § 40); connect with καλῶς ἄν ἔχω. — τὰ φανερά: it is assumed that they have put all their other property out of reach. — ἦσ. ἦν: possessive gen.

— εἰλήφατε: the perfect implies that they still have their ill-gotten gains in their possession.

84. τοῖνυν: force, see on 16.
πάντα ποιούντες δίκην παρ’ αὐτῶν τὴν ἀξίαν ὦν ἂν δύνασθε λαβεῖν, πῶς οὐκ ἀισχρὸν ὑμῖν καὶ ἡμών οὐκ ἀπολιπεῖν, ἦτεν δὲ τὸ βούλειτο παρὰ τούτων λαμβάνειν;

Πάν δ’ ἂν μοι δοκεῖ τολμῆσαι, ὅστις νυνὶ οὐχ ἐτέρων ὑμῶν τῶν δικαστῶν ἂλλ’ αὐτῶν τῶν κακῶς πεποιθῶν, ἤκει ἀπολογησόμενος πρὸς αὐτοὺς τοὺς μάρτυρας τῆς τούτου πονηρίας ἡ οὖν καταπεφρόνηκεν ἡ ἐτέρος πεπίστευκεν. οὖν ἀμφοτέρων ἄξιοι ἐπιμεληθῆς-525 ναι, εὐθείᾳ δὲ ἀν ἐκεῖνα ἐδύναντο ποιεῖν

7 (A). — ἠμών: se. δίκην. For the force of -ους see HA. 285; G. 432. 1; B. 151 n.; Gl. 221 c. — βούλειτο: opt. in protasis, the apodosis πῶς οὐκ ἀισχρὸν . . . ἀπολιπεῖν being nearly equivalent to πῶς οὐκ ἀισχρῶς ἄν ἀπολιποῦν. GMT. 555. — ἂν: see on § 1. — ὅστις: the ὅστις of a ‘characterizing clause,’ see on § 40. As the sentence advances the speaker passes from the general word ὅστις to the particular τούτων. For τούτων rather than ἄντων see on τούτων § 81. — ἦκει ἀπολογησόμενος: this implies that Eratosthenes has come into court of his own free will. It is therefore a very strong argument for the theory that this is a case of accounting, not a prosecution for murder. Cp. Introd. p. 44. — τοσοῦτον: for the asyndeton cp. Crit. Note on ἀργασταὶ § 1. — καταπεφρόνηκεν, πεπίστευκεν: perfect to denote a permanent attitude of mind where the present would denote a present mental action (cp. καταφρονῶν § 78; the distinction is one of emphasis). Lysias nowhere else uses the perf. active of either of these verbs. Cp. ἐνετεθύμητο § 70; Dinarch. 1. 104 σῦ δ’ οὖν σφόδρα πεπίστευκας τῶν σεαυτοῦ λόγως καὶ καταπεφρόνηκας τῆς τούτων εἰσφείας you have such confidence in your own eloquence and such contempt for the honesty of these citizens; Lycurg. 68 καὶ οὕτως ἂνθιν ἀνόητος καὶ παντάπασιν ὑμῶν καταπεφρονικός he is so foolish and so full of contempt for you; Isoc. 4. 136 δικαίως ἀπάντων ὑμῶν καταπεφρονηκός.

85. ἀμφοτέρων: their scorn of you and their trust in others; but what follows deals with the second
μὴ ἔτερων συμπραττόντων, οὔτ' ἂν νῦν ἐπεχείρησαν ἐλθεῖν μὴ ὑπὸ τῶν αὐτῶν οἷομενοί σωθήσεθαι, οἳ οὐ τούτοις ἦκουσι βοηθήσοντες, ἀλλὰ ἠγούμενοι πολλὴν ἀδειαν σφίσων ἔσεσθαι καὶ τοῦ λοιποῦ ποιεῖν ὦ τί ἂν 530 βούλωνται, εἰ τοὺς μεγίστους κακῶς αἰτίους λαβοῦντες ἀφῆσετε. 88 Ἀλλὰ καὶ τῶν συνεροῦντων αὐτοῖς ἄξιον θαυμάζειν, πότερον ὅς καλοὶ κάγαθοι αἰτήσονται, τῇν αὐτῶν ἀρετὴν πλείονος ἄξιον ἀποφαίνοντες τῆς τούτων πονηρίας ἐβουλόμην μὲν ἂν αὐτοῖς οὕτω προθύμοις 535 εἶναι σφίξει τὴν πόλιν, ὡσπερ οὗτοι ἀπολλύοντες. ἦς δεινοὶ λέγειν ἀπολογήσονται καὶ τὰ τούτων ἔργα πολλοῦ ἄξια ἀποφανοῦν. ἀλλ' οὕχ ὑπὲρ ὑμῶν οὐδεὶς αὐτῶν οὐδὲ τὰ δίκαια πῶς ἐπεχείρησεν εἰπεῖν.

87 Ἀλλὰ τοὺς μάρτυρας ἄξιον ἕδειν (οὗ τούτως μαρτύ- 
540 ροῦντες αὐτῶν καθηγοροῦσι) σφόδρα ἐπιλήσομας καὶ

idea only. — μὴ ἔτερων συμπραττόν-
tων: μὴ in protasis, see on § 68 (A). — τοῦ λοιποῦ ποιεῖν: the fuller and more regular construction is that of 30. 34 ἀδειαν ἂς τῶν λοιπῶν χρόνων λήψεσθαι τοῦ ποιεῖν ὦ τί ἂν βούλωσαι. For case of λοιποῦ see HA. 759; G. 1136; B. 359; Gl. 515. — ἀφῆσετε: mood and tense, see on ἀφήσοντας § 35. 86. ἄξιον θαυμάζειν

πότερον ὡς καλοὶ . . .
αιτήσονται

ἡ ὡς δεινοὶ . . . ἀπο-

λογήσονται.

The two halves of the double question are widely separated by the insertion of the parenthetical sentence ἐβουλόμην . . . ἀπολλύοντες. — ἐβουλόμην ἂν: cp. on § 22. — σφίξειν, ἀπολλύον: conative presents, see on πυθάνομαι § 2. — δεινοὶ λέγειν: a common characterization of the sophists and of the rising profession of pleaders, voicing the popular suspicion of their power; cp. Plato, Apol. 17 a ἔλεγον ὡς χρῆ ύμᾶς εὐλαβεῖσθαι μὴ ὑπ' ἐμοῦ ἐξαπατηθῆτε ὡς δεινὸς ὄντος λέγειν they said that you must be on your guard against being deceived by me, on the ground that I am an eloquent speaker.
87. **εὑθείς**: for the change of this word from an originally good meaning (ἔι, ἰδός) cp. the history of Eng. *simple* and *silly*. — διὰ πλῆθος, διὰ Ἐρατοσθένην: note the change from gen. to accus. with διὰ. ὑπὸ with the gen. denotes the voluntary agent by whom an act is performed. διὰ with the gen. denotes the mediator (G.S. 163) through whose voluntary action an effect is produced. διὰ with the acc. denotes the person through whom an effect is produced without implying that it was directly intended by him, the person thanks to whom something comes about. "When διὰ with gen. is used the agency is purposeful, when διὰ with acc. is used it is accidental" (Gildersleeve, A.J.P. XI. 372). For διὰ with gen. cp. § 92. 32. 27; διὰ with acc. §§ 58, 60, 77; 25. 6, 25. 27, 25. 29, 25. 30, 25. 32. For combination of the two see 25. 33.

88. *Extreme severity against the Thirty is necessary, for they, if permitted to live, will endanger the state, whereas their severity in dishonoring the dead bodies of their victims was wanton barbarity.* — ἔχοισιν: we should expect ἔχοιν, but Lysias neglects precision of connection in the pressure of his feeling that vengeance for his brother and the rest can come only through the fidelity of their friends now. — ἐξηρῶν: obj. gen. — συναπάλλωντο: were in danger of dying with them, impf. of an expected action, B. 527; GS. 213. So ἐγύρνετο 25. 10, ἀπεστηροῦσιν 25. 13.— η ποιητικ.: Lysias started to say, "Is it not then outrageous, if the friends of
those who were unjustly put to death were in danger of perishing with them, while (δὲ) to the very men who destroyed the city so many are preparing to bring aid?" But instead of following out the second half of the sentence he interrupts it with a bitterly sarcastic exclamation, and from that point abandons the connection with the original principal clause, οὐκ ὄντι δὲν: Aye, doubtless many will come to their funeral, when so many are preparing to bring them aid. — Εἰ ἐκφορᾶν: a grim reminder to the defense, that there is no doubt whatever as to the coming verdict.

89. καὶ μὴν δὲ: force, see on § 30. — ἐνα: the direct discourse would have πολὺ βρῶν ἢν . . . ἀντειπεῖν ἢ (ἐστὶ) ἀπολογήσασθαι it were much easier to accuse than (it is) to defend. For ἢν without ἃν see on εἰκὸς ἢν § 27. — ὑπὲρ ἃν: cp. on ὃν § 35. On ὑπὲρ see on 25. 5. — τευτηκασιν: tense, see on εἰργασμένοι εἰσίν § 22. — τῶν ἀλλῶν Ἑλλήνων πλείστα: strictly it should be τῶν ἄλλων Ἑλλήνων πλείστα, but such looseness of expression with the superlative is not infrequent, and is here caused by the parallelism with ἐλάχιστα τῶν τριάκοντα.

90. καταψηφιέσθε: monitory protasis, see on ἄφησον εἰς § 35. — ὃς: an uncommon use with δῆλος and the partic. of ind. disc. (see on § 73); cp. Xen. Anab. 1. 5. 9 δῆλος ἦν Κύρος ὡς σπείρων it was evident that Cyrus was hastening. — τοῖς τεπραγμένοις:
διὶ τὰ ὑπὸ τῶν τριάκοντα προστασχθέντα ἐποιεῖτε· νῦν μὲν γὰρ οὐδεὶς ύμᾶς ἀναγκάζει παρὰ τὴν ἰμηθέαν γνώμην ψηφίζεσθαι. ὥστε συμβουλεύω μὴ τούτων ἀποψηφισμένων ύμῶν αὐτῶν καταψηφίσασθαι· μηδ’ οἴσοθε κρύβδην εἶναι τὴν ψήφον· φανέραν γὰρ τῇ πόλει τὴν ἰμηθέαν γνώμην ποιήσετε.

Βούλομαι δὲ ὅλιγα ἐκατέρως ἀναμνήσας καταβαίνειν, τοὺς τε ἐξ ἀστεώς καὶ τοὺς ἐκ Πειραιῶς, ἵνα τὰς ὑμῶν διὰ τούτων γεγενημένας συμφορὰς παραδείγματα ἔχοντες τὴν ψήφον φέρητε.) καὶ πρῶτον μὲν ὂσοι ἐξ ἀστεῶς ἔστε, σκέψασθε ὅτι ὑπὸ τούτων οὕτω σφόδρα θρησκεύετε, ὡστε ἄδελφοις καὶ νέσι καὶ πολίταις ἱμαγκάζεσθε πολεμεῖν τοιοῦτον πόλεμον, ἐν δὲ ἡττηθέντες μὲν τοῖς νικήσασι τὸ ἱσον ἐξεῖτε, νικήσαντες δ’ ἀν τούτωσι

case, see on ὑγίζεσθε § 80. — προστασχθέντα: a side thrust at Eratosthenes’s excuse, § 25. — ἐποιεῖτε: tense, see on ἐποίον § 25.

91. μηδ’ οἴσοθε: nor think, “The ballot is secret.” The ballot of the individual juror will be secret, but the jurors are not to be influenced by that fact, for if the secret ballot acquits Eratosthenes, it will be clear that the members of the city party have so voted, and are therefore still hostile to the democracy. The negative μηδ’ οἴσοθε does not imply the untruth of κρύβδην εἶναι, as it would in an ordinary connection. Precisely similar is the use of the negative in μηδὲν τοῦτο παραστῇ, ὡς . . . κατηγορῶ § 62.

92. καταβαίνειν: i.e. from the speaker’s platform: — διὰ τούτων: force, see on διὰ πλῆθος § 87. — τὴν ψήφον φέρητε: by position and construction this is the leading phrase as compared with τὰς συμφορὰς . . . ἔχοντες, but subordinate in thought. The dropping of emphasis in delivery would give to it its real subordination; it may well be made subordinate. in trans.: that you may have the misfortunes . . . as warnings, as you cast your vote. — ἐν ὃ: the main clause of result has the construction οὕτω . . . ὡστε, the subordinate one, τοιοῦτον ἐν ὃ.
93. For the use of antithesis in this section see App. § 57. 1.
—οίκους: Xenophon sums up a discussion on the meaning of οίκος in these words, οίκος δ' ἡμῖν ἐφαινετο ὅτε κτίσις ἡ σύμπασα we agreed that οίκος is the same as one's whole property (Oeconom. 6. 4). —τοὺς ιδίους οίκους...μεγάλους εκτήσαντο: the Greek condenses into the one expression the thoughts expressed by the two Eng. sentences. “They acquired great estates” and “They made their own estates great.” —ἐκ τῶν πραγμάτων: from their political activity; see on 16. 3. —πρὸς: see 32. 19. Crit. Note.—εἰκάντο: conative impf., see on ἐπειδήν § 58.—ἀλλὰ...φοντο εἶναι: but they thought you were satisfied if they let you share the blame.

94. νῦν ἐν τῷ θαρράλει: implying that under the Thirty they had acted from fear. —ἐνθυμηθέντες, ἐνθυμηθέντες: on the ἐπαναφορά see App. § 57. 5.—νῦν ἄριστων: νῦν with πολιτεύεσθε; the reversal of the ordinary position, ἄριστων νῦν, throws strong emphasis upon both words; see on ἡμῖν § 33.—πολεμίου: ‘you now fight against the enemy, no longer against your fellow-citizens.’ Not that Athens was at war at this time, but that the former supporters of the Thirty are now back in normal relations; their wars are now against the public enemies. no longer against brothers and sons and fellow-
ἐπικούρων, οὖς οὕτω φύλακας τῆς σφετέρας ἀρχῆς καὶ
590 τῆς ὑμετέρας δουλείας εἰς τὴν ἀκρόπολιν κατέστησαν.
καὶ πρὸς ὑμᾶς μὲν ἐπὶ πολλῶν ὄντων εἰσεῖν τοσάκτα λέγω.
ὅσοι δὲ ἐκ Πειραιῶς ἔστε, πρῶτον μὲν τῶν ὄπλων ἀναμνη-
σθητε, ὅτι πολλὰς μάχας ἐν τῇ ἄλλοτρίᾳ μαχεσάμενοι
ὑπὸ τῶν πολεμίων ἀλλ' ὑπὸ τούτων εἰρήνης οὐχὶ
595 ἀφηρέθητε τὰ ὀπλα, ἔπειθ' ὅτι ἐξεκηρύχθητε μὲν ἐκ τῆς
πόλεως, ἢν ὑμῖν οἱ πατέρες παρέδοσαν, φεύγοντας δὲ
ὑμᾶς ἐκ τῶν πόλεων ἐξητοῦντο. ἀνθ' ὅν ὄργισθητε μὲν
ὡσπερ δὲ ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν ἄλλων
κακῶν ἀ πεπόνθατε ὑπ' αὐτῶν, οἱ τούς μὲν ἐκ τῆς

citizens (§ 92). — ἐπικούρων: the Spartan garrison under Callibius
(see Chron. App.). Lysias represents the calling in of foreign
troops as a sign that the Thirty distrusted their own supporters.

95. τῶν ὄπλων: brought out of
the ὅτι clause into immediate con-
nection with ἀναμνήσθητε (προ-
λέψις); its repetition in the ὅτι
clause is unusual, but is justified
by the length of the intervening ex-
pression and by the emphasis that
rests upon the words ἀφηρέθητε
tὰ ὀπλα. — ἄλλοτρίᾳ: L. & S. s.v.
II. 2. — ἐκ τῆς πόλεως: strictly
speaking ἐκ τοῦ ἀστεως only (προ-
εῖπον μὲν τοὺς ἔχω τοῦ καταλόγου
μὴ ἐστιναῖ εἰς τὸ ἀστυν, Xen. HELL.
2. 4. 1). The term πόλις would
include the Piraeus, but very many
of the exiles feared to remain
there; Lysias's statement is there-
fore little beyond the fact. — ἐκ
tῶν πόλεων: the cities of the Pe-
loponnesian alliance, the demand
being made by Sparta, the sup-
porter of the Thirty. But not
all these cities obeyed. Thebes
became the chief rallying point
of the exiles. When Lacedaemo-
nian ambassadors demanded of
Argos the surrender of certain of
the fugitives, the Argives gave the
embassy till sunset to leave the
country (Dem. 15. 22); exiles
were also harbored at Megara
(Xen. Hell. 2. 4. 1) and at Chal-
cis (Lys. 24. 25). — ἔξητοντο: the
imperf. of the repeated and inef-
fictual action; cp. the aorists ἀφη-
ρέθητε, ἐξεκηρύχθητε, of summary,
consummated actions.

96. ἀνθ' ὅν: see on ὅργισθε
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ XII 95–98

600 ἀγορᾶς τοὺς δ' ἐκ τῶν ἱερῶν συναρπάζοντες βιαίως ἀπέκτειναν, τοὺς δὲ ἀπὸ τέκνων καὶ γονέων καὶ γυναικῶν ἀφέλκοντες φονέας αὐτῶν ἠνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομίζομένης εἰσαγαν τυχεῖν, ἡγούμενοι τῇν αὐτῶν ἀρχήν βεβαιοτέραν εἶναι τῆς παρὰ τῶν ἱθεῶν τιμωρίας. ὃσοι δὲ τὸν θάνατον διέφυγον, πολλάχιοι κυνθυνεύσαντες καὶ εἰς πολλὰς πόλεις πλανηθείσατε καὶ πανταχόθεν ἐκκρυβότεκνοι, εὐδείς οντες τῶν ἐπιτηδείων, οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι τοὺς παῖδας καταλιπόντες, οἱ δὲ ἐν ξένῃ γῇ, πολλῶν ἐναντιομένων ἠλθετε εἰς τὸν Πειραιᾶ. πολλῶν δὲ καὶ μεγάλων κυνθυνῶν ὑπαρξάντων ἀνδρεὶς ἁγαθοὶ γενόμενοι τοὺς μὲν ἡλευθερώσατε, τοὺς δ' εἰς τὴν πατρίδα κατηγάγετε. εἰ δὲ ἐνυπνυχήσατε καὶ τούτων ἡμάρτετε, αὐτοὶ μὲν ἂν δείσαντες ἐφέυγετε μὴ πάθητε τοιαῦτα οὐδ' καὶ πρὸς τερον, καὶ οὔτ' ἂν ἱερὰ οὔτε βωμοὶ ὑμᾶς ἄδικομενοι

§ 80. — ἱερῶν: cp. § 98. — φονέας αὐτῶν... ταφῆς: as in the case of Polemarchus. — τῆς νομίζομένης: for position see on τῆν δεῖχναν § 82.

97. πολεμία: the Greek predicate position provides a more compact expression than is possible in Eng.; see on ἐκτήσαντο § 93, and cp. Xen. Anab. 1. 3. 14 ἡγεμόνα αἰτεῖν Κύρον ὅστις διὰ φιλίας τῆς χώρας ἀπάξει. — ἠλθετε: the sentence began with διέφυγον, but as it develops the speaker passes over unconsciously to the second person. — ὑπαρξάντων: force, see on ὑπάρχης § 23. — τοὺς μὲν: the children left at Athens. 98. τούτων: the safe return and the rescue of their children. — ἐφεύγετε: the time may be present or past (HA. 895 and 895 a; G. 1397; B. 606; Gl. 649), you would now be in exile, or you would have gone into exile (cp. ἐφευγὼν § 16); the second trans. is better, for οὔτ' ἂν ἱερὰ... ὧφελθον (aor.) must be past. — μὴ πάθητε: connect with δείσαντες; a negative purpose after ἐφεύγετε would in Lysias have ὧς μὴ (GMT. 315 n. 1). — καὶ πρὸς...
διὰ τούς τούτων τρόπονες ὑφέλησαν, ἀ καὶ τοῖς ἀδικοῦσιν σωτηρία γίγνεται. οἱ δὲ παιδεῖς ὡμῶν, ὡσοι μὲν ἐνθάδε ἦσαν, ὑπὸ τούτων ἄν ὑβρίζομαι, οἱ δ’ ἐπὶ ξένης μικρῶν ἄν ἐνεκα συμβολαίων ἐδούλευον ἐρημία τῶν ἐπικουρη-

620 σόντων.

99 Ἀλλὰ γὰρ οὐ τὰ μέλλοντα ἐσεσθαί βούλομαι λέγειν, τὰ πραξθέντα ὑπὸ τούτων οὐ δυνάμενος εἰπεῖν. οὐδὲ γὰρ ἐνὸς κατηγόρου οὐδὲ δυνῶν ἐργον ἐστίν, ἀλλὰ πολλῶν. ὁμοίως δὲ τῆς ἐμῆς προθυμίας οὐδὲν ἐλλέ-625 λευττεὶ, ὑπὲρ τε τῶν ἴερῶν, ἀ οὕτωι τὰ μὲν ἅπεδοντο τὰ δ’ εἰσιόντες ἐμίαυον, ὑπὲρ τε τῆς πόλεως, ἢν μικρὰν ἐποίουν, ὑπὲρ τε τῶν νεωρίων, ἀ καθεῖλον, καὶ ὑπὲρ τῶν

rov: for καὶ in a comparison see on 19. 2. — διὰ τρόπονες: connect with οὕτε ὑφέλησαν. — ἀ: agreement, HA. 628; G. 1021 (a); B. 463; Gl. 613 a. — ὑβρίζοντο... ἐδούλευον: of present time. — ἐνεκα: on the position of ἐνεκα see on 19. 17. — συμβολαίων: loans. How far slavery for debt existed in other states is uncertain; in Athens it had not existed since Solon’s reforms. Perhaps the term ἐδού-

66 λευον is used only as a strong expression for forced labor of a debtor unable to meet his note by money payment.

99. Ἀλλὰ γὰρ: force, see on § 40. — τὰ μέλλοντα: ἀ ἐμιλλεν. For the non-use of ἄν see G. 1402. 3; B. 567. 1. On the tense see on ἀνιτωμένου § 32. — λέγειν... εἰπεῖν: continuative present, complexive
τεθνεότων, οίς ύμεῖς, ἐπειδή ζῶσιν ἐπαμώναι οὐκ ἔδυ-
100νασθε, ἀποδανοῦσι βοηθήσατε. [οίμαι δ' αὐτοῖς ἧμῶν
te ἀκροάσθαν καὶ ὑμᾶς εἰσεθαί τὴν ψήφον φέροντας,
ἡγουμένους, ὅσοι μὲν ἄν τούτων ἀποψηφίσησθε, αὐτῶν
θάνατον κατεψηφισμένους ἔσεθαι, ὅσοι δ' ἄν παρὰ
τούτων δίκην λάβωσιν, ὑπὲρ αὐτῶν τὰς τιμωρίας πεποιη-
μένους.

635 Παῦσομαι κατηγορῶν. ἀκηκόατε, ἑωράκατε, πεπόν-
θατε,— ἔχετε· δικάζετε.

surprised, then, to read in Isocrates (7. 66) that the dockyards,
which had cost not less than 1000 t., were sold by the Thirty
for 3 t. to be broken up. But
apparently the work of destruc-
tion was not completed, for four
years after the Thirty Lysias (30.
22) speaks of the dockyards as
then falling into decay.

100. ὑμᾶς εἰσεθαί τὴν ψήφον
φέροντας: this would ordinarily
mean, "will know that you cast
your vote," an impossible meaning
here. The parallelism with ἧμῶν
te ἀκροάσθαν, together with proper
division of phrases in delivery,
makes the meaning clear:
I think they hear us, and will take
knowledge of you, as you cast your
vote; see G. 1582–3. For the
ingressive meaning of εἰσεθαί cp.
27. 7 ἤκουσι δὲ πάντες οἱ τὰ τῆς
πόλεως πράττοντες οὐχ ἧμῶν ἀκρο-
asμένοι, ἀλλ' ὑμᾶς εἰσόμενοι ἤρ-
tina γνώμην περὶ τῶν ἄδικοντων
LYSIAS — 9
THE SPEECH FOR MANTITHEUS

INTRODUCTION

Lysias wrote this speech for Mantitheus,\textsuperscript{1} a young man who, as a candidate for office, probably that of senator, was to appear before the outgoing Senate to pass his scrutiny (\textit{δοκιμασία}).\textsuperscript{2}

The charge was brought against Mantitheus that he had been a member of the cavalry which had supported the Thirty, and that he was therefore not a fit candidate for office.

The following facts as to cavalry service in Athens will make clear the point of this attack, and the bearing of the argument in reply.

Before the Peloponnesian War Athens had made very little use of cavalry, but from the beginning of that war to the close of the next century a force of a thousand horsemen was maintained.\textsuperscript{3}

\textsuperscript{1} We know the name only from the title handed down in the Mss. In § 13 we find one Orthobulus having charge of the cavalry list of the speaker's tribe. On a fragment of an Attic treaty, probably of the year 378 B.C., an Orthobulus of the deme Ceramicus is named as one of an embassy to Byzantium. If this is the Orthobulus of § 13, that fact determines the tribe of Mantitheus, for Ceramicus belonged to Acamantis (Köhler, \textit{Hermes}, V. 11).

\textsuperscript{2} See p. 253 N. 2. The office must have been that of senator or archon, for these offices only were subject to \textit{δοκιμασία} by the Senate (Arist. \textit{Resp. Ath.} 45. 3). In § 8, where Mantitheus cites precedents, he speaks of senators, generals, and hipparchs, but not of archons. Nor is there any reference to special duties involved in the office sought, or to the second \textit{δοκιμασία}, which would follow before a law court if the office were an archonship (Arist. \textit{ibid.} 55. 2).

\textsuperscript{3} These \textit{ίππες} are not to be confused with the \textit{ίππες} who formed the second property class of Athenian citizens. The name as applied to the
This force was made up from members of the first two property classes, selected by a board of ten Commissioners (καταλογίας), who were appointed annually.\textsuperscript{1} Cavalrymen on the new list, who had served the year before, might be excused by the Senate upon their taking oath that they were physically incapable of serving longer. Newly enrolled members who refused to serve could be compelled to do so through legal proceedings. But the service was popular, and it is probable that a large part of the men of one year were glad to be enrolled for the next, and that many young men stood ready to fill vacancies.\textsuperscript{2} The new members were obliged to pass their δοκυμασία before the Senate.\textsuperscript{3}

The cavalryman furnished his own horse, and in time of peace kept it in his own stable, but both in peace and in war he received a fixed sum for its keeping. He also received from the state, on entrance into the corps, a sum of money (κατάστασις) for an outfit.\textsuperscript{4}

The cavalry not only served in war but played an important part in the festal processions of the city. It was a matter of pride to appear there with spirited and finely trained horses, with brilliant equipment, and with perfect training in maneuvers. The frieze of the Parthenon preserves in idealized form the beauty of such a troop of cavalry in the Panathenaic festival.

An enrolment which thus offered opportunity for display in time of peace, and a less dangerous and less irksome form of service in war, attracted the more ambitious and proud young men of the aristocracy. As the feeling against the radical democracy steadily strengthened during the Peloponnesian War it found strong sup-

\textsuperscript{1} Arist. Resp. Amb. 49. 2. But see on § 13.
\textsuperscript{2} See Xenophon, Hippiarchicus, 1. 11 f.
\textsuperscript{3} Arist. Lc. 1 Lc. 14. 6, τοῦ δὲ ἀριστεύοντος τὰν τετραεκαντοσι ἀποκαλεῖται, ἀρμον εἰς ἀρμονίαν. Cp. 16. 13.
\textsuperscript{4} What the outfit included we learn from Xenophon's list in his pamphlet, De Re Equestri, 12. 1-12.
port in this aristocratic corps, and when at last the Thirty gained control of the city they depended largely for their military strength upon this well trained and equipped body of cavalry, coöperating with the Spartan garrison. When the returning exiles seized Phyle the cavalry went out with the garrison to attack them, and two squadrons of the cavalry were left to guard the frontier. At a later date the cavalry were drawn up outside the gate at Eleusis as the citizens were treacherously led out and seized, and they took the captives to Athens to their death. Later they took part in the unsuccessful assault on Munychia. When the Thirty were replaced by the Ten, the cavalry still supported the city party, guarding the circuit of the walls by night, and skirmishing against the Piraeus troops by day. Finally they were with the Spartans under Pausanias in their attack on the exiles at the Piraeus. From first to last they fought stubbornly to maintain the power of the oligarchy, and were the objects of the bitter hatred of the exiles.

The cavalry were, of course, included in the amnesty, but we learn from our speech (§ 6) that a vote was passed requiring every cavalryman to pay back into the treasury the sum which he had received for his outfit (κατάστασις). The full purpose of this action is not clear. The motive may have been to raise

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1 Xen. Hell. 2. 4. 2. 2 Ibid. 2. 4. 4. 3 Ibid. 2. 4. 8. 4 Ibid. 2. 4. 10. 5 Ibid. 2. 4. 24, 26. 6 Ibid. 2. 4. 31. 7 Xenophon was probably a member of the cavalry during this whole period. The fact of the suspicion under which he was sure to stand with the democracy in consequence of this service may well have been a strong motive in determining him to join his friend Proxenus in the expedition with Cyrus. He gives a striking testimony to the hatred of the democracy toward the cavalry corps in his statement that when, four years after the Return, the Spartans called upon Athens to furnish cavalry to help in the campaign in Asia Minor, the Athenians sent them three hundred of those who had served as cavalrymen under the Thirty, νομίζοντες κέρδος τῷ δήμῳ, εἰ ἀποδημώσειν καὶ ενακολουθοῦντα thinking it a good thing for the Demos if they should go abroad and die there (Hell. 3. 1. 4), a statement which betrays Xenophon’s own feeling toward the people.
money for the empty treasury by putting this indirect tax upon the rich aristocrats, without a technical violation of the terms of the amnesty; but some consider this only a part of a wider decree dissolving the whole corps.\textsuperscript{1}

As public life settled back into the old channels after the Return, individuals from among these former cavalrymen of the Thirty began to come forward in political life and even to offer themselves as candidates for office. It must have seemed to many of the returned exiles that the men who had so actively supported the lost cause ought to be more than content with permission to live retired lives as private citizens, and that for them to come forward now, seeking public office or any political influence whatever, was the height of presumption, and more than was ever intended, morally, at least, by the amnesty.\textsuperscript{2}

Such, then, was the state of feeling when Mantitheus presented himself for the δοκήμασία.

The senatorship was open to all citizens who had reached the age of thirty years. Fifty seats belonged to each of the ten phyle, and were distributed among the several demes according to their population. The lot was drawn in early spring among the members of the deme who offered themselves as candidates. The year of service for the new Senate began on the 14th of Scirophorion (two weeks before the close of the civil year, July–August).

The list of senators for the new year having been thus drawn up, the outgoing Senate passed upon the qualifications of each candidate. This scrutiny (δοκήμασία) did not cover questions as to technical knowledge of the duties to be performed, but only questions of good character and citizenship. Aristotle gives the following description of the examination of candidates for the

\textsuperscript{1} We find the statement in Harpocratus (i.e., κατάστασις) that the κατάστασις was always paid back to the treasury when a cavalryman retired from service. If this is true, the decree that all now repay their κατάστασις is doubtless a part of a decree dissolving the force; but the statement in Harpocratus may be based only on a misunderstanding of the present case.

\textsuperscript{2} For Lysias's position on this question, see Intro. pp. 40–42.
archonship, which probably did not differ materially from the examination for the senatorship: "When they are examined, they are asked, first, 'Who is your father, and of what deme? Who is your father's father? Who is your mother? Who is your mother's father, and of what deme?' Then the candidate is asked whether he has an ancestral Apollo and a household Zeus, and where their sanctuaries are; next, if he possesses a family tomb, and where; then, if he treats his parents well, and pays his taxes, and has served on the required military expeditions.\footnote{The question as to taxes would hardly be asked of candidates for a senatorship, for this was open to men of the lowest property class, who were not subject to taxation.} When the examiner has put these questions, he proceeds, 'Call the witnesses to these facts'; and when the candidate has produced his witnesses, he next asks, 'Does any one wish to make any accusation against this man?'" (Resp. Ath., ch. 55, Kenyon's trans.).

We conclude, then, that when at the hearing before the Senate the presiding officer asked the final question, some member of the outgoing Senate, or some private citizen, presented the formal objection that Mantitheus had served in the cavalry under the Thirty. The candidate must now have been given time to prepare a defense, so that we must assume that the charge was laid over for a later meeting of the Senate. Mantitheus then went to Lysias, who had in the past ten years won a reputation as a writer of court speeches, and employed him to compose a speech.

The lawyer could not appear in the Senate to plead for his client, but the young man was obliged, according to the custom both of court and Senate, to deliver his own plea.

The problem for Lysias was, then, to learn whether the charge was true, and if true whether it formed a valid ground for his client's exclusion, and to determine what pleas could be presented to offset the charge. Moreover, Lysias had to bear in mind the fact that the speech was to be spoken by the young man himself. The more the writer could adapt the tone of the speech and the
nature of the plea to the personality of his client, the less artificial would the plea appear, and the more effective would it be. He had, in short, to write the speech which the young man would himself have written if he had possessed Lysias's knowledge of law and politics, and Lysias's training in argumentation.

As the advocate went over the facts with his client, it appeared that the complainants did not attempt to cite any instance when Mantitheus had served with the cavalry, but had based their whole attack upon the fact that his name was found in the official list. The first business of the defense was, therefore, to throw discredit on this list. But if that should not convince the Senate, it remained still to show that service in the cavalry of the Thirty had not been interpreted as excluding a man from holding office under the restored democracy, if he was otherwise uncompromised. So much the lawyer could furnish for the defense. But Lysias knew the Athenian audience too well to suppose that plausible proof or valid proof would carry the case. He knew that their verdict would be determined more by their feelings than their judgment, and as he talked with his young client he saw that the man's own personality would be his best defense; that after the briefest argument on the technical charge the best possible course would be to let the young man talk in the most frank way of his own attitude and conduct. For he was a type of the best citizen, frank, enthusiastic, eager to serve the state, personally brave in danger, "the first to take the field and the last to return"; he had shown his devotion to the restored democracy by the most honorable military service; he had only to tell his story to the jury as he told it to Lysias to win their confidence. And so Lysias let him tell his story. Few speech writers would have been able to compose a speech which would let the man speak in his own hearty, unconscious way, and yet would present each fact in the most telling form. "Youth is confident and talkative, it lays stress upon details, it overestimates the importance of what it has itself experienced and accomplished. In Mantitheus these qualities seem to have been especially marked. In his interviews with his lawyer
they would not have failed to manifest themselves."¹ Lysias's mastery of simple, clear language, of brief expression, of vivid narration, was precisely what was needed in preparing a speech which should seem the natural expression of his client's own qualities.²

The date of the speech is between 394 and 389 B.C. It cannot have been written before 394, for § 15 speaks of events of that year. It can hardly have been written after 388, because in that year Thrasybulus died, while the sportive way in which he is spoken of in § 15, and the use of the perfect tense in ἀνειδικότος in that passage, almost compel the inference that he was living when the speech was delivered. The reference (§ 18) to other military services than those of § 15 makes it likely that the speech falls a considerable time after 394. It was certainly after the tide of popular feeling had begun to turn from Thrasybulus (see on § 15).

OUTLINE

I. Προοίμιον, Exordium (with first Πρόθεσις), §§ 1–3.
I am confident in my innocence (§§ 1–2); I shall prove that I have shown more than passive loyalty to the Democracy; but first I shall prove that I did not serve in the cavalry of the Thirty (Πρόθεσις), (§ 3).

II. Πώτερος, Argumentatio, §§ 4–8.
Answer to the immediate charge.
A. Proof that I could not have been in the cavalry, §§ 4–5.
B. Invalidation of the official cavalry roll.
   1. It has been found unreliable in other cases, § 6.
   2. My name is not in the reliable roll of the phylarchs, §§ 6–7.
C. Even had I served, precedent is in favor of my admission to office, § 8.

¹ Bruns, Literarisches Porträt, p. 448.
² In this speech Lysias was evidently concerned only for securing a verdict for his client. The argument is entirely personal. The great issues involved in the question of the interpretation of the amnesty are not discussed.
III. Second Πρόθεσις, Propositio, § 9.
   A plea in δοκιμασία should include review of the whole life: such a review I will give.

IV. Διήγησις, Narratio, §§ 10–18.
   A. My family relations, § 10.
   B. My social relations, §§ 11–12.
   C. My military record:
      1. The expedition to Haliartus, §§ 13–14.
      2. The expedition to Corinth, §§ 15–17.
      3. Other military service, § 18.

V. Αἰσχύς, Refutatio, §§ 18–21.
   A. Answer to prejudice arising from my personal appearance and bearing, §§ 18–19.
   B. Answer to the charge of forwardness in taking part in public life, §§ 20–21.

COMMENTS ON ARGUMENT AND STYLE

I. Προοίμιον, Exordium, §§ 1–3.
   The opening words strike the note of confidence that is to pervade the speech.

   An important point in any good proem is its power to catch the attention of the hearer; to this end a bright paradox is an excellent means. So the attention of any senator who was expecting to hear the usual complaint against the malice of the prosecution is pleasantly quickened by the opening remark that the speaker is almost grateful to them.

   The formal scheme of the rhetoricians for the framework of a speech prescribed, as the second or third division, a πρόθεσις (propositio), a formal statement of what the speaker proposes to prove. But here Lysias weaves his πρόθεσις into the proem so naturally and closely that we can hardly draw the line between them; § 3 begins as part of the proem, but its last sentence is in the full form of πρόθεσις.
The proem is free from rhetorical embellishment. The language is dignified and forcible, but entirely natural.

II. πλοτευς, Argumentatio, §§ 4–8.

A. §§ 4–5. The argument that the Thirty would not have received so late a comer into their service is weak. The time when the exiles were moving down upon the Piraeus was just the time when the Thirty were glad of help. The fact that Mantineus chose this time to return to the city, and that he was admitted by the administration, looks as though he was avowedly on their side. From what we see later of the enthusiastic eagerness of the young man to be at the front in time of danger, it is hard to believe that, returning to Athens as the crisis was approaching, he took sides with neither party.

B. §§ 6–7. The argument from the double lists is stronger, but it is impossible to say how strong. If the testimony presented at the close of § 8 included testimony from the phylarchs that his name was not on their lists, it would be almost convincing. But it is not quite certain that the absence of the name from the list of those who received the cavalry outfit proves that he was not in the service during the last weeks. May not some have furnished their own outfit in those times of great financial need on the part of the administration, and would this not be particularly likely in the case of a late comer and well-to-do volunteer like Mantineus? The most surprising thing is that neither the prosecution nor the defense seems to have produced the testimony of the officers under whom Mantineus would have served.

C. § 8. The third argument would be conclusive if we could count upon consistent action by the Athenian courts or Senate. The amnesty, if followed in good faith, ought to have precluded even the raising of the question of excluding a former member of the cavalry from the Senate. But the fact that Lysias does not dare let the case rest upon this one argument and that he passes over it quickly, shows how unreliable he felt the temper of the people to be.
ARGUMENT AND STYLE

The language is as simple and direct as that of the proem. There is nothing to suggest to the hearer that Mantitheus is speaking words other than his own.

III. Second Πρόθεσις, Proposito, § 9.
Lysias now prepares the way for his main defense, the presentation of the young man in his own frank, enthusiastic personality.

IV. Διάγγελμα, Narratio, §§ 10–18.
For this broader phase of the defense Lysias turns to narrative. There are three ways of using narrative as a part of a plea: the speaker may give his full narrative and then argue the conclusions to be drawn from it;¹ or he may narrate step by step, and at each step argue as to the conclusion to be drawn from a particular incident;² or he may give the full narrative without argument or comment, trusting to the power of the narrative itself to make its own argument. This last and most artistic form Lysias chooses for Mantitheus, making only the slightest comment on the bearing of the several statements. As Mantitheus proceeds with his story the senators see in him the generous brother, the temperate and orderly young man in a social circle inclined to intemperance and folly, the eager young soldier, seeking out the post of danger, and generous in sharing his means with his poorer comrades. If a little too eager in putting himself forward, and a little too confident in telling of his own achievements, yet he has only the amiable faults of youth. It needed no argument to convince the hearers that such a man as that, and with such a record of chivalrous service to the restored democracy, was not a dangerous man to sit in their Senate. Lysias leaves the simple, clear account to make its own impression.

V. Λύσις, Refutatio, §§ 18–21.
In a strict sense all that a defendant says in his argument is in the nature of a "refutation" of the charges; but the term λύσις

¹ So in Lys. XII, the narrative of the abuse of Lysias and his family.
² So in Lys. XII, the discussion of the career of Theramenes (see p. 56).
applies also to the answer to attacks of the other side subordinate to the main attack. Lysias knows that two such minor attacks are likely to be made; one, that the defendant belongs to the long-haired, swaggering Laconizers, the other that he is a forward and conceited aspirant for political preferment. Lightly and modestly Mantitheus answers both, without attempting to deny that he has given some occasion for such an impression. Then, with a word of compliment to the senators, quite unexpectedly, without summing up or final plea or peroration of any kind, he steps down.

This omission of the usual appeal to the feelings of the hearers is quite in keeping with the confident tone of the whole speech. The omission of the peroration is also wise from the rhetorical point of view. Throughout the speech Lysias has repressed everything that could suggest artificial or studied speech; it is in keeping with this that he omits that part of the plea in which rhetorical art was usually most displayed.

The language of sections IV and V preserves the simplicity of the earlier sections. We notice only a tendency to use larger and more rounded sentences in the main narrative, §§ 13–17, giving a compactness and force that are less often found in narrative style.¹ There is also a considerable use of antithetic cola² in this part of the plea, but hardly more than is natural in any earnest speech.

No speech of Lysias offered a better opportunity for his peculiar skill in fitting the speech to the man (ἡθορούλα) ;³ having decided to let the case depend chiefly on the impression which Mantitheus's personality (ἡθος) would make upon the hearers, he developed every thought and expression which would reveal this, and suppressed every other.

It is noticeable that there is no counter-attack on the prosecution, no denunciation of those who, according to his claim, must

¹ On this type of sentence structure see App. § 51.
² For the term 'colon' see App. § 44.
³ On the meaning of ἡθορούλα see Introd. p. 28.
have maliciously inserted his name in the list of the cavalry. Here, too, he is a gentleman and speaks like one. He says plainly that the motive in this complaint is personal injury to himself (§ 1), and speaks of the complainants as enemies of his (τῶν ὑπὸ διάφορων, § 3), but that is all. Lysias always refrains from abuse and scurrilous language, but he knows how, on occasion, to attack his opponent (cp. p. 31); in this speech he refrains from it altogether.
XVI

EN BOTΛΗΙ
MANTΙΘΕΩΙ DOKΙMAZΟΜΕΝΩΙ ΑΠΟΛΟΓΙΑ

1. Εἰ μὴ συνήδη, ὁ Βουλή, τοῖς κατηγόροις βουλομένοις ἐκ παντὸς τρόπου κακῶς ἔμε ποιεῖν, πολλὴν ἂν αὐτοῖς χάρων ἔχον ταύτης τῆς κατηγοριάς. Ἡγούμαι γὰρ τοῖς ἄδικως διαβεβλημένοις τούτους εἶναι μεγίστων ἁγαθῶν 5 αἰτίους, οὕτως ἂν αὐτοῖς ἀναγκάζωσιν εἰς ἐλεγχόν ἑτῶν αὐτοῖς βεβιωμένων καταστήναι. ἔγώ γὰρ οὕτω σφόδρα ἐμαυτῷ πιστεύω, ὥστε ἐλπίζω καὶ εἰ τις πρὸς μὲ τυχάναι ἁμάδους διακείμενος, ἐπειδὰν ἐμὸν λέγοντος ἀκούσῃ περὶ τῶν πεπραγμένων, μεταμελήσειν αὐτῷ 10 καὶ πολὺ βελτίω μὲ εἰς τὸν λοιπὸν χρόνον ἡγήσεσθαι. ἄξιω δὲ, ὁ Βουλή, ἐὰν μὲν τούτῳ μόνῳ ὑμῖν ἐπιδείξω,
ὡς εὖνος εἰμὶ τοῖς καθεστηκόσι πράγμασι καὶ ὡς ἡγάγασμαι τῶν αὐτῶν κυνδύων μετέχειν ὑμῖν, μηδὲν πώ μοι πλέον εἶναι· ἔαν δὲ φαύνωμαι καὶ περὶ τὰ ἀλλὰ μετρίως βεβιακῶς καὶ πολὺ παρὰ τὴν δόξαν καὶ παρὰ τοὺς λόγους τούς τῶν ἐχθρῶν, δέομαι ὑμῶν ἐμὲ μὲν δοκιμάζειν, τούτους δὲ ἡγεῖσθαι χείρους εἶναι.

for the matter at issue, or as something that is waived aside; so in 19. 1, 32. 11.

3. τοῖς καθεστηκόσι πράγμασι: to the existing government, viz. the democracy. τὰ πράγματα is often used of the government, as here, and in 12. 65, 25. 3, 25. 8, 25. 10, 25. 12. But also in the sense of administration of public affairs, political control; so in 12. 93, 25. 14, 25. 18, 25. 23.— ἡγάγασμαι: see on εἰργασμένοι εἰσίν 12. 22.— τῶν αὐτῶν κυνδύων: not the dangers of the exile under the Thirty, to which citizens so proudly referred in these times, but dangers in the Corinthian War, where Mantitheus has served the restored democracy and thereby shown his loyalty to it. — μηδὲν κτλ.: not yet do I claim any advantage for myself, viz. until I have shown more than this, I make no plea for special consideration from you.— πλέον: more than if I did not have such conduct to my credit.— καὶ περὶ τὰ ἄλλα: in all other relations also.— μετρίως βεβιακῶς: an expression which comes from the heart of Greek ideals of life. The Greek, and especially the Athenian, demanded avoidance of extremes as a fundamental principle in ethics, precisely as in literature and art. Asceticism was as far from the ideal as drunkenness, officiousness as little worthy of praise as indifference. The words μετρίως βεβιακῶς express this ideal life both in private and public relations. μηδὲν ἄγαν is the ancient proverbial expression of the same standard, σωφροσύνη its abstract name. In Athenian public life the doctrine of democratic equality strengthened this principle. Especially was this quality demanded of the rich or gifted man, who could easily show insolence toward common men. Cp. Taylor, Ancient Ideals, I. 202 ff.— δέομαι: he had said, "I do not claim"; by a neat turn he now uses the modest "I beg" (δέομαι).— δοκιμάζειν: in the technical sense; see Intro. p. 133.— χείρους: i.e. to hold them in less esteem than in the past. So the plaintiff in the
πρῶτον δὲ ἀποδεῖξιν ὡς οὖχ ἤπειν ἐπὶ τῶν τριάκοντα, ὑπὸ δὲ μετέχον τῆς τότε πολιτείας.

4 Ἡμᾶς γὰρ ὁ πατὴρ πρὸ τῆς ἐν Ἑλλησπόντῳ συμφορᾶς ὡς Σάτυρον τὸν ἐν τῷ Πόντῳ διαιτησομένους ἐξέπεμψε, καὶ οὐτε τῶν τείχων καθαρωμένων ἐπεδημούμεν οὐτε μεθυσμένης τῆς πολιτείας, ἀλλ' ἡλθό-

speech against Diogiton tells the jury, in case he shall fail to prove his charges, to hold him and his associates in less esteem for all future time (ἡμᾶς δὲ εἰς τὸν λοιπὸν χρόνον ἡγεῖσθαι χείρος εἶναι 32. 3).—ἱπτ.: force, see on 12. 17.—μετέχον: ingressive aorist, received a share. HA. 841; G. 1260; B. 529; Gl. 464; GMT. 55; GS. 239. Cp. μετέχει 12. 66, μετέχον 25. 18, γνώντες 12. 75, ἀθυμήσαι 24. 7, ὑργίσθημεν 32. 21.

4. γὰρ: explicative γὰρ, see on 19. 12.—τῆς συμφορᾶς: the battle of Aegospotami. Cp. on 12. 43.—ὡς: Lysias uses ὡς oftener than any other word for "to" with personal words after verbs of motion. (He always uses it when the idea of going to one's house or shop is clearly added to that of going to the man.) Cp. 19. 22, 19. 23, 24. 19, 24. 20. παρά is used in this way only in 1. 15, 1. 35, 3. 8. πρὸς only in 32. 10 (twice), 32. 14, 1. 16, 1. 19, 4. 7, 7. 2, Fr. 1. 1. —Σάτυρον: In a speech of Isocrates, de-

livered about this time, we read (17. 57) that Satyrus, and his father before him, had always given trade preference to the Athenians, that they had furnished cargoes of grain for Athenian ships when others had to go away empty, and that as judges in civil suits they had given Athenian litigants more than justice. Cp. Hicks and Hill, Greek Historical Inscriptions, 269 ff.—Πόντῳ: otherwise called τὸ κοινὸν τῶν Βοστροπανῶν, a Greek colony in the Taurian Chersonese (Crimea). Its chief city was Panticapeum (modern Kertch). It stood in close trade relations with Athens, furnishing cargoes of grain and salt fish, and of the hides and other raw products of the interior.—καθαρωμένων: the demolition of the walls, begun in a spectacular way by Lysander (Xen. Hell. 2. 2. 23), but left to the Athenians themselves to complete, continued for some time, being probably still unfinished when Lysander returned to Athens from Samos to set up the oligarchy (cp. on 12. 74).—
κατάλθειν: the compound is doubly fitting as applied to the 'coming down' from their hill fort, Phyle (see on 12. 52), and the 'coming back' from exile, for which it is the regular expression (cp. § 6; so 25. 29 φεύγοντες μὲν . . . καταλθόντες δὲ). — πένθ' ἡμέραις: in emphatic position and drawing πρότερον with it from its natural position before πρὶν.

5. εἰκός: for the prominence of the argument from 'probability' (εἰκός) in the teaching of the current rhetoric, see Introd. p. 14.

— εἰς: this is the only place where Lysias uses εἰς καρφόν for the ordinary ἐν καρφῷ (cp. 30. 14 ἐν τοιούτῳ καρφῷ); the accus. with εἰς represents the act as breaking into the time.

— μετέχειν: compare the tense with that of μετέχον § 3. — ἔχοντες: impf. with reference to φαίνονται; so ἀποδημοῦσι and ἐξαμαρτάνουσι impf. with reference to μεταβαίνοντες. See on ἄνωμάναυ 12. 32. — ἡτίμαζον: i.e. visited them with ἀτιμία; impf. referring to the general policy of the ruling faction of the Thirty.

6. σανδίου: a wooden tablet with whitened surface, used for public documents which were not of sufficient importance to be inscribed on stone. The prosecution had probably obtained from the official archives the list of cavalrymen called out for service under the Thirty. Some men whose names were in such a list may have been out of the city, others excused from serving (cp. Arist. Resp. Ath. 49. 2), and under the great pressure of the final conflict, others, not originally drawn for the service, are likely to have been accepted. We need not assume any tampering with the list to account for the statement that it was not reliable.

— εὐηθὲς: meaning, cp. on 12. 87.
7. τοίνυν: this particle is a compound of τοί (locative of the demonstrative τό), and νῦν in its weakened form νῦν, as a particle of transition. The τοί was a weaker equivalent of the Homeric τῶ = in that case, therefore. τοίνυν thus receives illative force (= therefore) from its first member, and transitional force from its second. In its common use sometimes one prevails, sometimes the other, but for the strictly illative use Lysias commonly prefers ὅνυ. His uses of τοίνυν are these: (A) As an illative particle = ὅνυ therefore, 12. 50, 12. 84, 19. 38, 19. 51, 24. 3, 24. 7, 24. 26, 25. 20, 25. 23. (B) As a weak illative, marking the close of an argument, or in turning to testimony, or in commenting on it, 12. 37, 12. 46, 12. 79, 16. 9, 19. 23, and often. (C) With slight illative force, after the statement of a general fact or principle, τοίνυν introduces the individual instance to which the principle is applied, 19. 57, 19. 60, 25. 11, 25. 12. (D) As a mere particle of transi-
Φυλάρχων ούτε παραδοθέντα τοῖς συνδίκοις ως κατά-
στασιν παραλαβόντα. καίτοι πᾶσι βάδιον τούτο
γνώναι, ὅτι ἀναγκαίον ἦν τοῖς φυλάρχοις, εἰ μὴ ἀπο-
deίξειν τοὺς ἐχοῦτας τὰς καταστάσεις, αὐτοῖς ἔρμην-
σθαί. ὥστε πολὺ ἄν δικαιότερον ἐκείνοις τοῖς γράμ-
μασι ό τούτοις πιστεύοιτε· ἐκ μὲν γὰρ τούτων βάδιον
τὴν ἐξαλειφθῆναι τῷ βουλομένῳ, ἐν εἰκόνοις δὲ τοὺς

tion (= μὲν οὖν) marking the next step in the argument, or the next
detail in the narrative = again, further, now; so in our passage,
and in 12. 43, 12. 55, 16. 12, 16. 14, 16. 15, 16. 18, 19. 15,
19. 59, 25. 15, and very often. — παραδοθέντα: by the Senate. —
τοῖς συνδίκοις: after the restoration of the democracy it was
found that there were many claims of individuals for the restoration
of property that had been seized by the oligarchy in the name of
the state, and many others for the recovery of state property that had
come into the possession of individuals. To investigate these
claims, and to preside in civil suits arising from them, special com-
mmissioners, called σύνδικοι, were appointed. The recovery of state
funds paid to the cavalry properly fell to them. — ἀναγκαίον: inevita-
bile. — ἀποδείξειαν: opt. because it is
the indir. expression of the past thought in the minds of the phy-
larchs (ἐὰν μὴ ἀποδείξωμεν). ΗΑ.
937; G. 1502. 2; B. 677; GMT.
696. — ἐκείνοις τοῖς γράμμασι: the
lists reported by the phylarchs.
— τούτοις: the lists presented in
court from the archives (either the
originals or certified copies). The
argument is, 'The absence of my
name from the phylarchs' lists is
conclusive, for a name could not
fail there, as it might so easily in
the complainants' list.' The usual
explanation of the possibility of
erasure from the state list is that
it was kept posted in a public
place. But if erasure had been
so easy, few names would have
remained on the bulletin boards
after the Return. The possibility
of erasure lay in the possibility
of securing the connivance of
the keepers of the records. —
ἐν ἐκείνοις δὲ: the placing of δὲ
after ἐκείνοις (cp. ἐκ μὲν just
before) throws emphasis on
ἐκείνοις. So in § 10; 24. 4, 25.
22. For similar displacement
of μὲν see on 12. 15. — τοὺς
ἱππεύσαντας: cp. the construc-
tion with that of tois philarchous above.

8. eti: furthermore, cp. epeita § 6. — etep: see on 12. 27. — ai: with both ἢ and ἥσιον. — ἢ: the older Attic form is ἤ, contracted from ἣ (used by Homer); the later form ἢν was beginning to appear in literature late in the fifth century; cp. ἢδη and ἢδεν (§ 1, N.). — ὡς ... πεποιηκός: with a participle ὡς has “subjective” force. The idea expressed by the participle is represented as lying in the mind of some person, as something which appears to him to be true, or something which he assumes to be true. It may or may not be true in fact, and the writer may or may not believe in it; subjective ὡς does not, like the English as if, imply untruth. Cp. on 12. 13. So 12. 2, 16. 14, 22. 5, 24. 13, 25. 13. — πεποιηκός, πέπονθε: perf. because the question is as to the speaker’s credit or guilt. See on εἰργασμένοι εἰσὶν 12. 22. — ἥσιον: I would claim as my right. Cp. ἤξιος § 3. — ὡς ἁμοί: for position see on ἡμῖν 12. 33. — πολλοὺς, πολλοίς: on the ἐπαναφορά see App. § 57. 5. — βουλεύονται: in the technical sense of membership in the βουλή. — καθηροτονημένου: the Athenians did not venture to make universal their general principle of appointment to office by lot. The lot applied to officials whose work did not absolutely demand political or military experience or technical knowledge. But they elected all higher military officers, the chief treasury officials, the officers who superintended the training of the cadets, and a few others whose work needed special knowledge or experience. — ὡστε μὴ ἔχειν ... ἥγεσθε: so that you must not suppose. ὡστε with the imperative gives closer connection than the illative ὡς. Cp. the imperative in relative clauses, 12. 60 N. — μὴ δὲν:
ηγεῖσθε τά ὑπεύθυνα τῇ ἀπολογίᾳ, ἡ ὅτι περὶ φανῶς ἐτόλμησαν μου καταψευσάθη. Ἀνάβητι δὲ μοι καὶ μαρτύρησον.

ΜΑΡΤΥΡΙΑ

9. Περὶ μὲν τοίνυν αὐτῆς τῆς αἰτίας οὐκ οἴδ' ὃ τι δεῖ πλεῖον λέγειν· δοκεῖ δὲ μοι, ὃ βουλή, ἐν μὲν τοῖς ἄλλοις ἀγώσι περὶ αὐτῶν μόνων τῶν κατηγορημένων προσήκειν ἀπολογείσθαι, ἐν δὲ ταῖς δοκιμασίαις δίκαιαι εἶναι παντὸς τοῦ βίου λόγον διδόναι. δέομαι οὖν ὑμῶν μετ’ εὐνοίας ἀκροάσασθαι μοι. ποιήσομαι δὲ τὴν ἀπολογίαν ὡς ἂν δύνωμαι διὰ βραχυτάτων.

10. Ἐγὼ γὰρ πρῶτον μὲν οὐσίας μοι οὐ πολλῆς καταλειψείσθη διὰ τὰς συμφορὰς καὶ τὰς τοῦ πατρὸς καὶ τὰς τῆς πόλεως, δύο μὲν ἀδελφὰς ἕξιδωκα ἐπιδίους τριάκοντα μνᾶς ἐκατέρα, πρὸς τὸν ἄδελφον δ’ οὕτως ἐνεμάμην ὅστ’ ἐκείνων πλέον ὀμολογεῖν ἐχεῖν ἐμοῦ τῶν πατρῶν, καὶ πρὸς τοὺς ἄλλους ἀπαντᾶς οὕτως

the negative would be οἶδ' (infin. in ind. disc.) but for the effect of the imperative.

9. τοίνυν: force, see on § 7 (B).
— παντὸς τοῦ βίου: on this plea see Introd. p. 135. — διὰ βραχυτάτων: see on δι' ἐλαχίστων 12. 3.

10. γάρ: here explicative γάρ introduces a new point in the discussion, without any preceding general statement: see on 19. 12.
— ἕξιδωκα: if a father left both sons and daughters, the sons only

inherited the property, but with it they inherited the father’s obligation for the support of the daughters and for proper dowry for their marriage. — τριάκοντα μνᾶς: in court speeches we have numerous references to dowries; from these it appears that thirty minae was an average sum in a family of moderate means. The rich Diogiton provided that his widow should have twice this amount if she married again (32. 6). — ἀδελφὸν δί: for position of δί see on § 7.
μηδεπόποτε... μηδὲ... μηδὲν: ΗΑ. 1030; Λ. 1619; Β. 433; Γλ. 487. The Greek, unlike the English, recognized the value of the instinctive tendency to pile up negatives for emphatic denial, and made the usage normal, under restrictions which avoided confusion. Morgan’s translation gives an excellent equivalent under the limitations of English usage: "There has never been any ground of complaint at all against me on the part of a single solitary man."

—μηδὲν πρὸς ἐνα: stronger than μηδέν by bringing ἐνα into sharp relief. πρὸς ἐνα is not strictly equal to a prep. with the genitive, complaint coming from one, but has originally the meaning in my relation toward as in πρὸς τῶν ἄδελφων and πρὸς τῶν ἄλλων just above. This peculiar use of πρὸς arises from the fact that with words of friendship, agreement, hostility, complaint, and the like, we may think of the friendship, hostility, etc., as coming to us in our relation toward a person (πρὸς τινα), as well as coming to us from a per-

son (παρὰ τίνος). For other examples see 32. 2; 10. 23 τίνος ὁντος ἐμοὶ πρὸς ὑμᾶς εγκληματος on the ground of what complaint from you against me? So Θυκ. 5. 105. 1 πρὸς τὸ θεῖον εὐμενείας favor from heaven; Ισο. 7. 8 τῆς ἐχθρας τῆς πρὸς βασιλέα the hostility of the king; Δεμ. 18. 36 τὴν μὲν ἀπέχθειαν τὴν πρὸς Θηβαίων καὶ Θεσσαλῶν τῇ πόλει γενέσθαι the hatred of the Thebans and Thessalians came to the city.

II. ίδια... κοινὰν: under κοινὰν Mantitheus includes all conduct that touches the public, not merely his political relations.

—κύβος: gambling with dice was common. The son of Alcibiades was alleged to have lost his property at dice (κατακυβεύοντας τὰ δοντα 14. 27). The aged Isocrates includes it in his list of the employments of the young men of the times as contrasted with the earnest pursuits of the youths of Marathonian Athens: The young men did not waste their time in the gambling halls, nor among the flute girls, nor in company of the sort in which they
75νουσι τὰς διατριβὰς ποιούμενοι, πάντας αὐτοὺς ὤφεσθε μοι διαφόρους ὄντας, καὶ πλείοτα τούτους περὶ ἔμοι λόγοποιοῦντας καὶ ψευδομένους. καίτοι δὴλον ὅτι, εἰ τῶν αὐτῶν ἐπεθυμοῦμεν, οὐκ ἂν τοιαύτην γνώμην ἔχον 12περὶ ἔμοι. ἔτι δ', ἡ βουλή, οὔδεις ἂν ἀποδείξας περὶ ἔμοι δύνατο οὔτε δίκην αἰσχρὰν οὔτε ὑγρὰν οὔτε εἰσαγγελίαν γεγενημένην· καίτοι ἑτέρους ὁπάτε πολλάκις εἰς τοιούτους ἀγώνας καθεστηκότας. πρὸς τοῖς τὰς στρατείας καὶ τοὺς κυνῆνους τοὺς πρὸς τοὺς πολε-13μίους σκέφασθε οὗν ἐμαυτὸν παρέχω τῇ πόλει. πρῶτον 85μὲν γὰρ, ὅτε τὴν συμμαχίαν ἐποίησασθε πρὸς

now spend their days, but they attended to the business appointed to them, admiring and emulating their superiors in these employments. And they so shunned the Agora that if they did have to pass through it, they were seen to do it with great modesty and propriety. . . . But as for eating or drinking in a tavern, not even a respectable slave would have ventured to do that (7. 48, 49).

—πάντας αὐτοὺς: οὗτος is the usual word for taking up the relative pronoun and carrying it into the antecedent clause, when the relative clause has preceded (οὗτος analeptic); but here the weaker αὐτοῦς takes the place of τούτους in order that the whole stress may fall upon πάντας. In the next clause the pronoun becomes emphatic, and the stronger τούτους appears; cp. 25. 11 and note.

12. ἔτι: cp. ἔτι § 8 and ἔπειτα § 6. — δίκην, γραφή, εἰσαγγελία: δίκη is a civil suit, γραφή a criminal indictment, εἰσαγγελία a summary criminal prosecution (cp. on 12. 48). Mantitheus does not, as Lysias himself does in the twelfth speech (§ 4), claim to have kept entirely out of the courts, but only that there has been no litigation that reflected upon his character.

—τοῖνων: further, introducing the next detail in the argument; cp. ἔτι above, and see on § 7, τοῖνων (D).

—πρὸς (line 83): see on 19. 20.

13. πρῶτον μὲν: correl. with μετὰ ταῦτα τοῖνων § 15. — ἡν συμ-μαχία: When, in 395 B.C., the Spartans were fully engaged in their contest against Persia on the coast of Asia Minor, Thebes saw
the possibility of becoming the center of a coalition against Sparta. Athens was ready to grasp any opportunity to weaken Sparta, and the veterans of the democratic exile were grateful for the help which they had received at Thebes when banished by the Thirty acting with the support of Sparta. The advance of two Spartan armies upon Boeotia led to an urgent call for help from Athens. The response of Athens was the first step in her reëntrance into Hellenic affairs after her entire prostration.—πρὸς Βοιωτοὺς: on omission of the article see Crit. Note. — Ἀλιαρτόν: Haliartus was the Boeotian city immediately threatened by Lysander’s army. Before the Athenian contingent arrived the Spartans had been defeated and Lysander killed (Chron. App.)—ἐπείδη πάντας κτλ.: when I saw that all believed the cavalry were likely to be safe. The Athenians never lost their dread of the Spartan hoplites.—εἶναι δὲιν: here used of what ‘ought’ from the nature of the case to follow.—ἀδοκιμάστων: without passing the scrutiny of the Senate. See Introd. p. 131. Shortly before this Lysias had written two speeches for clients who prosecuted the son of Alcibiades for just this conduct at this time.—Ὀρθοβοῦλῳ: if the method of making up the cavalry roll described by Aristotle (Introd. p. 131) was in use as early as this,—and the reference to the dokimasia of the cavalry supports this view,—Orthobulus must have been the καταλογεύς of Mantitheus’s tribe (ὑπὸ Ὀρθοβοῦλου κατελεγμένοι) and unable to erase a name, now that the lists had been passed on by the Senate and handed over to the cavalry commanders. Perhaps Mantitheus appealed to him to secure the change by special act of the Senate. But it is possible that the method of Aristotle’s time was not yet in use, and that at this earlier time the phylarchs drew up the lists and had power to excuse members, even after dokimasia by the Senate. On this supposition Orthobulus was
τοῦ καταλόγου, ἤγομενος αἰσχρῶν εἶναι τοῦ πλῆθους μέλλοντος κινδυνεῦσιν ἀδειαν ἐμαυτῷ παρασκευάσαντα στρατεύεσθαι. Καί μοι ἀνάβητε, Ὄρθόβουλε.

ΜΑΡΤΥΡΙΑ

14 Συλλεγέντων τοίνυν τῶν δημοτῶν πρὸ τῆς ἔξοδου, εἰδὼς αὐτῶν ἐνίοις πολίταις μὲν χρηστοὺς οὖντας καὶ προθύμους, ἐφοδίων δὲ ἀποροῦντας, εἶπον ὅτι χρὴ τοὺς ἔχοντας παρέχειν τὰ ἐπιτήδεια τοὺς ἀπόρως διακεφαλεῖς. καὶ οὐ μόνον τούτω συνεβούλευν τοῖς ἄλλοις, ἀλλὰ καὶ αὐτὸς έδωκα δυνῶν ἀνδρῶν τριάκοντα δραχμὰς ἐκατέρω, οὐχ ὡς πολλὰ κεκτημένος, ἀλλ’ Ἰππαρχαία τούτω τοῖς ἄλλοις γένηται. Καί μοι ἀνάβητε.

the phylarch of Mantitheus’s tribe. See Introd. p. 130.

14. τῶν δημοτῶν: the contingent from a deme was one of the units of which the levy from the tribe was made up. Fellow-demesmen were neighbors and knew one another’s circumstances. — ἐφοδιῶν: the state allowed an average of two obols a day as pay to the hoplite, and two obols for food; the four obols were about what an unskilled laborer would earn at home. A poor man who had to support his family at home on this pay might well need help. Cp. App. § 63 f. Under the earlier military organization only members of the three higher property classes served as hoplites, the men of the lowest class, the Thetes, serving only as light-armed troops, or as rowers in the fleet. But at the time of the Sicilian Expedition the hoplites had been so reduced in number by pestilence and war that Thetes were called in to arm as hoplites and serve as fighting men on ship-board (ἐπιβάται τῶν νεών Thuc. 6. 43). From that time on they were used for similar service. We do not know how far they were called upon for hoplite service on land. Cp. Gullick, The Life of the Ancient Greeks, 190 ff.— τριάκοντα δραχμὰς: as much as the man would receive from the state for service of a month and a half. — ἐκατέρω: HA. 624 d; G. 914 ; B. 319. — ὡς : force, see on § 8.
15. Μετὰ ταῦτα τοῖνυν, ὡς Βουλή, εἰς Κόρινθον ἔξοδον γενομένης καὶ πάντων προειδότων ὅτι δεσσεί κινδυνεύειν, ἱκείᾳ ἀναδυομένων ἐγὼ διεπραξάμην ὡστε τῆς πρώτης τεταγμένος μάχεσθαι τοῖς πολεμίοις. καὶ μάλιστα τῆς ἡμετέρας φυλῆς δυστυχησάσης, καὶ πλείστων ἐναποθανόντων, ὅστερον ἀνεχώρησα τοῦ σεμνοῦ Στειρών.

16. Μετὰ ταῦτα τοῖνυν, ὡς Βουλή, εἰς Κόρινθον ἔξοδον γενομένης καὶ πάντων προειδότων ὅτι δεσσεί κινδυνεύειν, ἱκείᾳ ἀναδυομένων ἐγὼ διεπραξάμην ὡστε τῆς πρώτης τεταγμένος μάχεσθαι τοῖς πολεμίοις. καὶ μάλιστα τῆς ἡμετέρας φυλῆς δυστυχησάσης, καὶ πλείστων ἐναποθανόντων, ὅστερον ἀνεχώρησα τοῦ σεμνοῦ Στειρών.
feel that he was self-willed and that 'he despised the people' (ἀθανάτης, ἦπερ οὗ τοῦ δήμου, Schol. Ar. Excl. 203). The defeat of the expedition to Corinth in 394 was a blow to his reputation. Then came Conon with his foreign fleet and Persian subsidies (see XIX. Introd. p. 160) and in the full tide of enthusiasm for the new navy and its commander the people forgot their allegiance to Thrasybulus. It is significant that Lysias dares to sneer at him in a speech before a body largely made up of democrats of the Return.—Στυρίας: Thrasybulus was of the deme Stiria.—ἀνειδικότος: the perfect would not be used if Thrasybulus were now dead; nor would Lysias be likely to speak of him in this jesting tone. He evidently refers to some well-known speech of his.

16. χαρὰς ἵσχυράν: the occupation of these posts held back the great Peloponnesian army from crossing the Isthmus and joining Agesilaus, who, recalled from Asia, and coming by the land route, was entering Boeotia from the north. —προσάναται: see Crit. Note.—’Ἀγαπητῶς... ἐμβαλόντος: modifying ψηφισμένων τῶν ἀρχόντων. —ἀποκαλύπτει: see Crit. Note.—τάξεις: not as in § 15 (τῆς πρώτης) of a line in battle, but the regular word for the contingent from a tribe. Its commander is the ταξιάρχος; he corresponds to the φύλαρχος of the cavalry contingent.—βοηθησοντι: for the relative clause of purpose see HA. 911; G. 1442; B. 591; Gl. 615.—ἄγαπητῶς: barely. The word has passed far from its original meaning: (1) to one's satisfaction, (2) in a way with which one may well be satisfied (cp. ἄγαπησεν 12. 11), hence (3) scarcely, barely.—ἀκληρον: had the request been granted we should expect to hear of Mantineus's part in the Boeotian cam-
17 ἡμετέραν τάξιν πέμπειν. ὦστ' εἰ τινες ύμῶν ὀργίζονται τοῖς τὰ μὲν τῆς πόλεως ἀξιοῦσι πράττειν, ἐκ δὲ τῶν ἱκών κινδύνων ἀποδιδράσκουσιν, οὐκ ἂν δικαίως περὶ ἐμοῦ τὴν γνώμην ταύτην ἔχουν· οὐ γὰρ μόνον τὰ προστάτειμα ἑποίου προόμως, ἀλλὰ καὶ κινδυνεῖσιν ἐτόλμων. καὶ ταύτ' ἑποίους οὐχ ὅσ' οὐ δεινὸν ἱγούμενος εἶναι Λακεδαιμονίων μάχεσθαι, ἀλλ' ἵνα, εἰ ποτὲ ἀδίκως ἐσ' κινδυνον καθισταίμην, διὰ ταύτα βελτίων ἕφ' ύμῶν νομιζόμενος ἀπάντων τῶν δικαίων τυχχάνωμι. Καί μοι ἀνάβηστε τούτων μάρτυρες.

ΜΑΡΤΥΡΕΣ

18 Τῶν τούτων ἄλλων στρατευῶν καὶ φρουρῶν οὐδεμᾶς ἀπελεύθην πώποτε, ἀλλὰ πάντα τῶν χρόνων διατετέθησαν εἰς τῶν πρώτων μὲν τὰς ἔξοδους ποιούμενος, μετὰ τῶν τελευταίων δὲ ἀναχωρών. κατ' οὖς παίγνιοι with its great battle of Coronea. We must conclude that his comrades did not second his request. 17. ὦστ' . . οὐκ ἂν δικαίως . . ἔχουν: ὦστε here much like ὦστε with imprv., § 8: stronger than οὖν.—τοῖς . . ἀξιοῦσι: case, see on ὀργίζεσθε 12. 80. — ἵνα κτλ.: a neat turn of the thought; the jury do not for a moment understand him as really representing this as his motive. Cp. the similar turn in 25. 13.—βελτίων: cp. on χείρους § 3.—ἀπάντων τῶν δικαίων: one of his ‘rights’ certainly is to hold office like other citizens. 18. ἄλλων: as the expedition to Haliartus was the first after the Peloponnesian War, and the one to Corinth the second, these other expeditions and services in garrison must have been after 394. The speech, then, could hardly have been delivered before 392: cf. Introd. p. 136.—πώποτε: very emphatic by its position in its own clause, and by the chias tic arrangement with πάντα τῶν χρόνων.—τῶν πρώτων μὲν: for the position of μὲν see on 12. 15.—τοῖς . . πολιτευόμενοις: the object of σκοπεῖν.—ἐκ τῶν τοιούτων: ἐκ with the gen. to express the
source from which the knowledge must come.—κομφ: the Homeric custom of wearing the hair long (κάρη κομώντες) prevailed always at Sparta, but at Athens from about the time of the Persian wars only boys wore long hair. When they became of age their hair was cut as a sign of their entering into manhood, and from that time on they wore hair about as short as modern custom prescribes; only the athletes made a point of wearing it close-cut. Cp. Gulick, 175 ff. But there was a certain aristocratic set of young Spartomaniacs who affected Spartan appearance along with their pro-Spartan sentiments, and who were proud of wearing long hair, to the disgust of their fellow-citizens. These were the men who largely made up the cavalry corps. Aristophanes in the Knights (580) makes them say to the people that they have only one thing to ask, if ever peace comes and they be free from trouble: μή φθονεῖθ' ἡμῖν κομψόν μηδ' ἀπεστλεγμένον δο not begrudge us our long hair or our shining skin. The plain old Strepsiades says of his spendthrift son ὅ δὲ κόμην ἔχων ἵππαξεται (Ar. Clouds 14). The extreme Laconizers are thus described: ἔλακωνομάνον ἀπαντεις ἀνθρωποι τότε, ἐκόμων, ἐπείνων, ἔρρυπων, ἐσωκράτων, σκυτάλη ἔφορον all men had Laconomania then; they wore long hair, they starved themselves, they went dirty, they Socratesized, they carried canes (Ar. Birds 1281).—ἐκ τῶν ἑθελόντων: such men are the source of the common good; agency would be expressed by ὑπό.

19. πολλοὶ κτλ.: 'many who have the voice and dress of quiet gentlemen.' Cp. on μετρίως βεβαιώκως § 3.—μικρὸν διαλεγόμενοι: a loud voice was by Athenian, even more than by modern, standards
μαμπεχόμενοι μεγάλων κακῶν αἰτίων γεγόνασιν, ἔτεροι δὲ τῶν τοιούτων ἀμελοῦντες πολλὰ κάγαθα ὑμᾶς εἰσὶν εἰργασμένοι.

20 Ἡδη δὲ τινων ἤσθόμην, ὁ βουλη, καὶ διὰ ταῦτα ἄχθομενοι μοι, ὅτι νεώτερος ὃν ἐπεχείρησα λέγειν ἐν ἑκτὸς δῆμῳ. ἐγὼ δὲ τὸ μὲν πρῶτον ἡμαγκάσθην ὑπὲρ τῶν ἐμαυτοῦ πραγμάτων δημηγορῆσαι, ἐπειτα μέντοι καὶ ἐμαυτῷ δοκῶ φιλοτιμότερον διατεθήναι τοῦ δέοντος, ἃμα μὲν τῶν προγόνων ἐνθυμούμενος, ὅτι οὐδὲν a mark either of ill-breeding or of conceit. A client of Demosthenes (37. 52) complains that his enemies say of him, Νικόβουλος δ’ ἐπιφθονός ἐστι; καὶ ταχέως βαδίζει, καὶ μέγα φθέγγεται, καὶ βακτηριάν φορεῖ Nicodules is crabbed, and he walks fast, and talks loud, and carries a cane. Mantitheus makes no apology for his voice and manner, which are quite in keeping with his natural impulsiveness and his good opinion of himself. — κοσμὸς ἄμπιχόμενοι: the Athenian gentleman was as careful of his dress as the Spartan was careless. Neglect here was another affectation of some of the young aristocrats.

20. ἤσθόμην: empirical aorist.

“When the aorist has a temporal adverb or a negative or a numeral with it, it is best referred to the same class with the English perfect of experience (empirical aorist).” GS. 259. With ἡδη as here 19. 4: with πολλάκις 19. 9; with πολλάκις ἡδη 22. 16, 25. 28; with πολλοί 19. 45; with πολλοί ἡδη 19. 51, 22. 18, 34. 10. — νεώτερος: the young Athenian attained his majority in his nineteenth year, but for two years his service as cadet in garrison (see Gulick 89 t.) almost necessarily precluded his exercising the privileges of a citizen. From his twentieth year on he might take any part in the Ecclesia which his modesty permitted. — ὑπὲρ πραγμάτων: in § 10 Mantitheus connects the loss of the family property with the disaster to the city and his father’s troubles: the relation to the foreign prince implies wide commercial connections. Probably some of Mantitheus’s property claims were affected by the early legislation after the Return. — τῶν προγόνων: proleptic with ἐνθυμούμενος, HA. 878; B. 717. 18: or it may be considered as modifying the whole clause ὅτι . . . πέπαυται. —
21 πέπαυνται τὰ τῆς πόλεως πράττοντες, ἀμα δὲ ύμᾶς ὅρῶν (τὰ γὰρ ἀληθὴ χρῆ λέγειν) τοὺς τοιούτους μόνους πολλοῖς ἄξιον νομίζοντας εἶναι. ὡστε ὅρῶν ύμᾶς ταύτην τὴν γνώμην ἔχοντας τίς οὐκ ἄν ἐπαρθεὶν πράττειν καὶ λέγειν ὑπὲρ τῆς πόλεως; ἔτι δὲ τί ἄν τοὺς τοιούτους ἀχθοῦσθε; οὐ γὰρ ἐτεροὶ περὶ αὐτῶν κριταὶ εἰσιν, ἀλλ' ὑμεῖς.

ὅτι . . . πράττοντες: that they have always been in public life.
21. τοὺς τοιούτους: i.e. men who take a leading part in politics.
—τὰ γὰρ ἀληθὴ χρῆ λέγειν: why need Mantitheus apologize for his statement? The answer lies in the fact that the Athenian theory was that the ideal citizen was the quiet one (see on κοσμοῖς 12. 20); Mantitheus tells the senators that in practice the honors go to the men who put themselves forward.
THE SPEECH ON THE ESTATE OF
ARISTOPHANES

INTRODUCTION

The events which led up to this speech began with the connection of two ambitious Athenians, Nicophemus and his son Aristophanes, with the naval enterprises of Conon.

After the disaster at Aegospotami Conon, and probably Nicophemus with him, fearing to return to Athens, took refuge with Evagoras, king of Salamis in Cyprus. Supported by Evagoras, Conon passed into Persian service, and was enabled to bring to Athens his Graeco-Persian fleet and Persian subsidies at the critical moment when, with Thebes, Corinth, and Argos, Athens was again facing Sparta in war (the "Corinthian War," 395–386). In the brief but brilliant career of Conon which followed, Nicophemus had a share, and after Conon's death in Cyprus (about 390), he remained there, the friend and helper of Evagoras.¹

The attempts of Evagoras to gain control of all Cyprus brought him into collision with Persia. Hard pressed to defend himself against a threatened attack, he sent envoys to Athens proposing an alliance and asking for ships and men (§ 21, Xen. Hell. 4. 8. 24). Although the Athenians were receiving Persian support in their war against Sparta, they took the doubtful step of securing Evagoras's support by voting the alliance and dispatching a squadron of ten ships under Philocrates (390 B.C.). On the voyage they were overtaken by a Spartan squadron and all were captured (Xen. l.c.).

¹ For Nicophemus's connection with Conon see, besides our speech, Diodor. 14. 81 (where Νικόθημος is probably a mistake of the Mss. for Νικόφημος) and Xen. Hell. 4. 8. 8.
The threatened Persian attack on Evagoras was delayed, but in the spring of 387, in response to a second appeal, another fleet of ten ships, with eight hundred peltasts, was sent out from Athens under Chabrias (Xen. Hell. 5. 1. 10). With their help Evagoras completed his conquest of Cyprus (Nepos, Chabrias 2. 2).

In the negotiations with Evagoras and the equipment of ships for him, a prominent part had been taken by a son of Nicophemus, Aristophanes, who had all the time made his home in Athens.

Aristophanes, in response to letters received from his father, did everything possible to secure favorable action by the state, made every effort to raise money to supplement the equipment of the fleet, and was sent as envoy, probably in advance of the fleet, to complete the negotiations with Evagoras.

It is uncertain whether these efforts were in connection with the first or the second expedition. We know only that sooner or later Aristophanes and Nicophemus fell under the gravest charges on the part of their countrymen, and that they were arrested and summarily executed. They were granted no opportunity for defense, their friends were not even allowed to see them after their arrest, and their bodies were not given to their family for burial (§ 7). Their property was declared confiscate, and so much of it as could be found was seized and sold.¹

¹ Both time and place of these events are in dispute. The time reference in § 29 is too vague for any safe reckoning. Thalheim (with Frohberger and Fuhr) places the efforts of Nicophemus and Aristophanes to aid Evagoras in connection with the first expedition. He thinks that its total failure led to the fierce anger against its promoters; that Nicophemus and Aristophanes, charged with ἀπαργή τοῦ δῆμου, were brought back to Athens on a dispatch ship, and that they were put to death after a summary trial, in which they were refused the ordinary rights of defendants.

Blass (Att. Bered. I² 531) holds that the connection of Nicophemus and Aristophanes was with the second expedition; that afterwards charges were brought against them in the Ecclesia, and that that body condemned them to death; that the penalty was executed in Cyprus by Chabrias.

In favor of the first expedition are the facts that Aristophanes went as envoy (§ 23), that in our speech there is no reference to an earlier expedition.
But the amount of property thus seized fell so far short of what they were supposed to have had, after their intimate connection with Conon and Evagoras, that it was suspected that a part was being concealed in the interest of the widow and children of Aristophanes. Suit was accordingly brought against the wife's father, now an old man of seventy years. His death before the time of trial threw the suit over to his son, who had now to defend the estate, and for whom Lysias wrote our speech.\(^1\)

The prosecution demanded the seizure of the speaker's property to reimburse the treasury for that part of Aristophanes's estate supposed to have been concealed by the speaker's father.\(^2\)

The date of the trial is 387, or very early in 386, for the generalship of Diotimus (388/7) is a recent event (§ 50), and the and that the severity of treatment is best explained by the anger of the people at the failure of the first. This theory, too, gives room for some form of trial, which is implied in § 7, προν παραγενέσθαι τινά αὐτοῖς ἐλεγχομένους ὡς ἰδιον. The objection to the theory is the difficulty in believing that an Athenian citizen, brought to Athens under arrest, could have been treated with such disregard of all legal forms and privileges. But we know one case, just after the restoration of the democracy, in which a man was executed without trial (Arist. Resp. Ath. 40. 2), and we hear of such action being proposed in other cases in the period under discussion (Lys. 22. 2, 27. 8; Isoc. 17. 42).

Meyer (Gesch. des All. V. §§ 870 Anm., 873 Anm.) connects the efforts of Aristophanes with the first expedition, but thinks that the execution was in Cyprus after the arrival of the second.

The confiscation of the property seems to have been by separate action, for Harpocrates (s. v. Χυτροῖς) has preserved the title of a speech of Lysias Καὶ Ἀλκιθρόν περὶ τῆς δημοκρατίας τῶν Ἀριστοφάνους χρημάτων. (For the natural connection of Lysias with the fortunes of this family see on § 15.)

\(^1\) The family connection is: —

<table>
<thead>
<tr>
<th>The friend of Conon and Evagoras</th>
<th>The original defendant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicophemus</td>
<td>(unnamed) now dead</td>
</tr>
</tbody>
</table>

Aristophanes  

m. Daughter  Son, the speaker (unnamed).  

\(^2\) Strictly speaking, the title of our speech, Περὶ τῶν Ἀριστοφάνους χρημάτων, as handed down by the Mss., is incorrect. The property now at stake is that of Aristophanes's brother-in-law.
Peace of Antalcidas (winter of 387/6 or spring of 386) is not yet concluded (the speaker is triarch, § 62).

The events which led to this speech were connected with two dangerous tendencies in the political life of the fourth century, the enrichment of naval commanders through their office, and the hasty and unreasonable punishment of public officers in response to a fickle public sentiment.

Under the Athenian Empire the cost of the navy had been amply provided for from the ordinary revenues of the state; the ships were built and furnished with the more important rigging; the other expenses of equipment and repair were met by the triarchs, while the pay of seamen and soldiers — some two hundred men to a trireme — was furnished from the state treasury. But after the Peloponnesian War had cut off all revenues from allies, it was only by the utmost exertions that sufficient ships could be built and equipped. The regular payment for the men — a sum ranging from \frac{1}{2} t. to 1 t. a month for each trireme — was a burden for which the state could not adequately provide. The generals and triarchs found themselves in constant difficulty with their men; more and more they were forced to find money for their payment by the operations of the fleet itself. The first and most dangerous source of supply was the subsidy from Persian satraps or the princes of the Asiatic cities. Conon's fleet, which won the battle of Cnidus, was created and supported by Persian subsidies; it was for a time so supported after it passed into the service of Athens. When the pay came from foreign sources, the generals could be under no such system of accurate accounting as when all funds came from the treasury of the state, while the relations with the foreign powers offered dangerous opportunities for personal corruption.

With the attempt to bring the island and coast cities back under Athenian rule, after the battle of Cnidus, payment from these cities was resumed, whether by way of a stated tax, or of penalty for resistance. From others forced contributions were exacted as the fleet cruised from city to city. The collection of
most of these funds probably rested with the generals. Upon the restoration of Athenian control of the Hellespont (390–389) the tax on incoming and outgoing vessels was reimposed, and new opportunities were opened for favors between commanders and merchants. To these were added the opportunities for gifts and bribes from merchants whose ships had to have a convoy in these years when hostile fleets were constantly cruising in the Aegean.

Commanders of Athenian fleets, and even of single ships, were thus put into a position where they handled large sums of money, under circumstances in which there could be no efficient control by the home government, and which offered constant temptation to corruption. Nor was it always easy for an honest man to draw the line between bribes and legitimate gifts from rich patrons, like the Persian satraps and such princes as Evagoras.

It came to be expected during the Corinthian War (395–386) that the higher naval officers would enrich themselves. It is significant that in our speech it is assumed, without apology, that Conon and his associates were all the time building up their private fortunes (§§ 35–36).

The effect of all this was to undermine the confidence of the people in their naval officers. The first reverse was the signal for their enemies to come before the people with charges that they were betraying the state for money. Public opinion was quick to respond with the demand for punishment — usually the confiscation of their property, often banishment or death. And this tendency was increased by the desperate straits of the political leaders to find money for the treasury. The city was attempting to take her old place in international affairs, with no sufficient revenue; the people saw in each new confiscation relief for the treasury. Men were even heard to plead in court for a conviction on the ground that only thus would the treasury have money to pay them for sitting on the case (Lys. 27. 1).

The case of Nicophemus and Aristophanes is but one among many between 388 and 386, when these prosecutions were at their height. It is disappointing to find that Lysias, the stout defender
of justice in this suit, was, nevertheless, ready to use his pen
on the side of confiscation and death when occasion offered.
We have three speeches of his written about a year before the
present one, in which he makes every appeal to the prejudice and
suspicion of the masses. The following extracts will show the
spirit in which public men and even friends of the great liberator,
Thrasybulus, were attacked: 1

From the Speech against Epicrates (27. 8–11): "In my
opinion, Athenians, if you should put these men to death without
giving them trial or opportunity of defense, they could not be
said to have perished 'without trial' (ἀκριτω), but rather to have
received the justice that is their due. For those are not 'without
trial' upon whom you pass judgment with knowledge of their
deeds, but rather those who, slandered by their enemies, in mat-
ters unknown to you, are deprived of a hearing. But the real
accusers of these men now on trial are their own deeds, and we,
the accusers, are but witnesses."

"These men in the war have, from your possessions, become
rich out of poverty, and you, poor through them. But it is not
the business of the leaders of the people in your misfortunes to
lay hands on what is yours, but rather to give their own to you.
But we have come to such a state that men who, when we were at
peace, were not even able to support themselves, are now paying in-
come taxes and performing liturgies 2 and building fine houses. . . .
And you are no longer angry at what they steal, but grateful for
what you get, as though they were your paymasters, and not the
thieves of your goods."

From the Speech against Ergocles (the friend of Thrasybulus):
"Why should you spare men when you see the fleets that they
commanded scattering and going to pieces for lack of funds, and
these men, who set sail poor and needy, so quickly become the

1 Thrasybulus himself was under summons to return home on such a charge
when death released him from the undeserved disgrace.

2 Thus their very services to the state are made ground of accusation. See
p. 30.
richest of all the citizens” (§ 2). And yet Lysias knew, when he wrote these words, that few fleets in all the history of the city had done grander service than had this. under the defendants, with Thrasybulus! He says further of these officers, “They enrich themselves and hate you, and they are preparing no longer to obey you, but to rule you, and fearing because of their ill-gotten gains, they are ready to seize strongholds, and to set up an oligarchy, and to do everything to keep you in extreme daily peril” (28. 7). “I beg you to come to your own relief, and much rather to punish the guilty than pity those who are keeping what belongs to the city. For the fines that they will pay will be no money of theirs, —they will simply restore to you your own” (29. 8).

If, in the speech for the defense on the Property of Aristophanes, Lysias found himself working against an unreasoning and lawless public sentiment, he could make no complaint, for he had helped to create it. The speech is full of incidental interest for its glimpses of the more personal affairs of famous men, but its greatest value is for the intimate knowledge which, with the speeches of the earlier group, it gives of the demoralized condition of the democracy.

OUTLINE

I. Προοίμιον, Exordium, §§ 1–11.

Plea for kindly and just hearing on the ground of the disadvantages (a) of any inexperienced defendant, (b) of the defense in this particular case.

II. Πίθευς, Argumentatio, §§ 12–54.

The narrative (Διήγησις) is interwoven with the argument.

Argument against the probability (εἰκός) that the speaker’s father had any of Aristophanes’s property in his possession.

A. The original marriage connection with the family of Nicophemus was not made for the sake of money, §§ 12–17.

1. Narrative showing motive for the marriage, §§ 12–13.

2. Narrative supporting the first, by describing the other marriages of the family, §§ 14–17.
B. Aristophanes would not have left his property in the hands of a man whose tastes were so unlike his own as were those of his father-in-law, §§ 18–20.

C. Aristophanes had no property to leave when he set out for Cyprus, §§ 21–27.
   1. Proved by his great exertions to borrow money, §§ 21–24.
   2. Proved by his inability to loan money on the royal vase, §§ 25–27.
   3. Proved by his borrowing table furnishings, § 27.

D. Answer to the common belief that Aristophanes must have had more property than the officers have found, §§ 28–54.
   1. Argument from the shortness of time in which Aristophanes could have acquired property, and his heavy expenses, §§ 28–29.
   2. Argument from the meager personal property even of old wealthy families, § 30.
   3. Argument from the extraordinary care of the family in turning over Aristophanes's house uninjured to the state, § 31.
   4. Argument from the willingness to take oath that all the property has been given up, § 32.

Brief Digression (Παρέξβασις). Description of the extreme hardships that threaten the defendant, § 33.

5. Argument from the unexpectedly small estate of Conon, and its proportion to what the state has obtained from that of Aristophanes, §§ 34–44.

6. Argument from the liability to error in the popular estimate of the estates of public men, §§ 45–52.
   (1) The cases of Ischomachus (§ 46), Stephanus (§ 46), Nicias (§ 47), Alcibiades (§ 52), Callias (§ 48), Cleophon (§ 48).
   (2) The cause of this error, § 49.
   (3) The case of Diotimus, §§ 50–51.

168 XIX. ON THE ESTATE OF ARISTOPHANES

III. Ἐπιλογός, Peroratio, §§ 55–64.
   A. Ἀνακεφαλαίωσις, Enumeratio.
   Brief recapitulation of the main argument, § 55.
   B. Appeal to the feelings of the jury, §§ 55–64.
   1. The exemplary life of the speaker, § 55.
   2. The father’s unselfish character as seen in his public services, §§ 56–63.
   3. Final appeal, § 64.

COMMENTS ON ARGUMENT AND STYLE

I. Προοίμιον, §§ 1–11.

No other proem of Lysias is so long or developed in such detail. The reason is to be found in the fact that the speaker is addressing a jury who are thoroughly prejudiced against his case. Nicophemus and Aristophanes are believed to have been guilty of the gravest crimes, and now the defendant is believed to be concealing their property to the damage of the state. The prosecution have said everything possible to intensify this feeling.

The proem falls into two parts, one (§§ 1–6) general, the other (§§ 7–11) based on the facts peculiar to this case. It is surprising to find that for the first part Lysias has taken a ready-made proem from some book on rhetoric, and used it with slight changes. We discover this fact by comparing §§ 1–6 with the proem of Andocides’s speech On the Mysteries, delivered twelve years earlier, and the proem of Isocrates’s speech Περὶ Ἀντιδότεως (XV), published thirty-four years after that of Lysias. Andocides has divided the section, inserting a passage applicable to his peculiar case, but the two parts agree closely with Lysias’s proem. Isocrates has used a small part of the same material, but much more freely, changing the order and the phraseology, and amplifying the selected parts to fit his own style. The following text gives a comparative view of the proems of Andocides and Lysias:

—
ANDOCIDES I

1. Τὴν μὲν παρασκευὴν,
οὐ ἄνδρες,
καὶ τὴν προθυμίαν τῶν ἐχθρῶν τῶν
ἐμῶν, ὡστε με κακῶς ποιεῖν ἐκ
παντὸς τρόπου καὶ δικαίως καὶ
ἀδίκως, ἡς ἀρχὴς ἐπεδὴ τάχιστα
ἀφικόμην εἰς τὴν πόλιν ταυτηνί,
σχεδὸν τι πάντες ἐπίστασθε,
καὶ οίδεν δὲι περὶ τούτων πολλοὺς
λόγους ποιεῖσθαι.

έγώ δὲ, ὦ ἄνδρες, δεήσομαι υμῶν
dίκαια καὶ υμῖν τε βάθια χαρίσε-
θαι καὶ ἐμοὶ ἄξια πολλοῦ τυχεῖν
παρ' υμῶν.

Here follow four paragraphs
applicable to this particular case.
The general proem is resumed
at § 6:

αὐτοῦμαι οὐν ὑμᾶς, ὦ ἄνδρες,
εὖνοιαν πλεῖον παρασχέσθαι ἐμοὶ τῷ
ἀπολογογομένῳ ἡ τοῖς κατηγόροις,
eἰδότες ὅτι κἂν ἐξ ἰσού ἀκροασθε,
ἀνάγκη τὸν ἀπολογούμενον

ἐλαττον ἔχειν.
οἱ μὲν γὰρ ἐκ πολλοῦ χρόνου
ἐπιβουλεύσαντες καὶ συνθέντες,
αὐτοὶ ἄνευ κυνήγων ὄντες,
τὴν κατηγορίαν ἐποιήσαντο,
ἐγὼ δὲ μετὰ δέους καὶ κυνήγον καὶ
dιαβολὴς τῆς μεγίστης τὴν ἀπο-
λογίαν ποιοῦμαι.

LYSIAS XIX

2. τὴν μὲν οὖν παρασκευὴν
καὶ τὴν προθυμίαν τῶν ἐχθρῶν

ὁράτε,
καὶ οίδεν δὲι περὶ τούτων λέγειν.

τὴν δ' ἐμὴν ἀπειρίαν πάντες ἴσα-
σιν, ὅσιο εἰμὲ γιγνώσκουσιν.
αιτήσομαι οὖν υμὰς δίκαια καὶ βάθια
χαρίσασθαι,

ἀνευ ἀργης καὶ ἡμῶν ἀκούσαι, ἢσπέρ
καὶ τῶν κατηγόρων.

3. ἀνάγκη γὰρ τὸν ἀπολογούμενον,
κἂν ἐξ ἰσού ἀκροασθε,
ἐλαττον ἔχειν.
οἱ μὲν γὰρ ἐκ πολλοῦ χρόνου
ἐπιβουλεύσατε,
αὐτοὶ ἄνευ κυνήγων ὄντες,
τὴν κατηγορίαν ἐποιήσαντο,
ἡμεῖς δὲ ἀγωνιζόμεθα μετὰ δέους
καὶ διαβολὴς καὶ κυνήγου τοῦ με-
γίστου.
XIX. ON THE ESTATE OF ARISTOPHANES

ANDOCIDES I

εἰκὸς οὖν ἤμας ἐστὶν εὑναὶν πλεῖων εἰκὸς οὖν ἤμας εὑναὶν πλεῖων παρασχέσθαι ἐμοὶ ἦ τοῖς κατηγό-

LYSIAS XIX

ροῖς ἐχεῖν τοῖς ἀπολογογιμένοις.

4. οἶμαι γὰρ πάντας ἤμας εἰδέναι

7. ἐτι δὲ καὶ τὸδε ἐνθυμητέων,

ὁτι πολλοὶ ἢδη πολλὰ καὶ δεινὰ κατηγορήσαντες παραχρῆμα ἐξη-

λέγχθησαν ὑενόμενοι οὕτω φα-

νερῶς, ὡστε

ἐτὸ παίτων τῶν παραγενομένων μοσθενεῖς ἀπελθεῖν.

ὁμᾶς πολὺ ἄν ἢδιν δίκην λαβεῖν.

παρὰ τῶν κατηγόρων ἢ παρὰ τῶν κατηγορομένων ὑπὸ Ἄσικ.

15. 19.)

οἱ δὲ αὐτοὶ μαρτυρῆσαντες τὰ ψευδή ὃι δὲ αὐτοὶ μαρτυρῆσαντες τὰ ψευδή καὶ ἁδίκως ἀνθρώπους ἀπολεύσα-

τες, ἐάλωσαν

παρ᾽ ἤμην ψευδομαρτυρῶν,

ἡνία οἴδειν ἢν ἦτι πλέον τοῖς πεπον-

θόσιν.

οἵτινεσ ὧν ἢδη πολλὰ τοιαῦτα γεγέ-

νηται,

εἰκὸς ἤμας ἐστιν

εἰκὸς ἤμας,

ὁ ἄνδρες δικασταῖ,

μῆπω τοῖς τῶν κατηγόρων λόγοις μῆπω τοῖς τῶν κατηγόρων λόγοις

πιστοῖς ἠγείρθαι.

πρὶν ἄν καὶ ἠμεῖς εἴπωμεν (ἐπ.

Iσοκ. 15. 17).

εἰ μὲν γὰρ δεινὰ κατηγορηται ἡ μή,

οἵν τε γινώσκει ἐκ τῶν τοῦ κατη-

γόρων λόγων εἰ δὲ ἀληθὴς ταῦτα

ἐστιν ἡ ψευδὴ, οὕχ  ο  ὄν τε ἤμας
ARGUMENT AND STYLE

ANDOCIDES I

πρότερον εἶδέναι πρὶν ἄν καὶ ἐμοῦ ἀκούσητε ἀπολογουμένου (cp. Isoc. 15. 17).

LYSIAS XIX

ἀκοῦω γὰρ ἔγνως, καὶ ὅμων δὲ τοὺς πολλοὺς οἴμαι εἰδέναι, ὅτι πάντων δεινότατῶν ἐστὶ διαβολὴ.

Cp. Isoc. 15. 18 ὡς ἐστι μέγιστον κακῶν διαβολῆς. Lysias goes on to illustrate the statement, while Isocrates amplifies it.

An examination of the matter common to the two writers shows that the borrowed proem was composed as a model for the opening of a defense; it was a plea for a kindly hearing on the ground (1) that any defendant is at a disadvantage (Andoc. and Lysias); (2) that oftentimes accusations have sooner or later been found to be false (Andoc., Lysias, Isoc.); (3) that the truth or falsity of charges can be learned only by hearing both sides (Andoc., Isoc.); (4) that slander is dangerous (Lysias, Isocrates).1

In the parts where the three writers use common matter, Isocrates agrees with Andocides rather than with Lysias; we may conclude that Lysias has changed the original more than Andocides has. Lysias’s form is in general shorter and simpler. There is also an occasional happy variation of a word, or of a tense, or of word order:

ANDOCIDES

πολλοὺς λόγους ποιεῖσθαι, § 1, δεήσομαι, § 1,
χαρίζομαι, § 1,
ἐπιβουλεύσαντες, § 6,
τὴν ἀπολογίαν ποιοῦμαι, § 6,
εἰκὸς ἔστω, §§ 6, 7,
ὅπως, § 7,
πιστοὺς ἥγεισθαι, § 7,

LYSIAS

λέγειν, § 2.
αιτήσομαι, § 2.
χαρίσασθαι, § 2.
ἐπιβουλεύσατες, § 3.
ἀγωνιζόμεθα, § 3.
eἰκὸς, §§ 3, 5.
ὅτε, § 5.

1 Blass, arguing from certain phrases of Andocides, attributes the original proem to Antiphon, Att. Bered. I. 8 115.
Especially interesting are Lysias’s additions designed to serve the ἱθος of his client, who carefully preserves throughout the speech the attitude of a man inexperienced in public life; in § 4 Lysias says, οἱμαί πάντας ὅμας εἰδέναι, where Andocides bids them consider; in § 5 Lysias inserts ὡς ἦγὼ ἁκοῦοι and ἁκοῦοι γὰρ ἔγρω, a disclaimer of making statements on his own authority. He also substitutes the simple expression πρὶν ἂν καὶ ἡμεῖς ἀπομεν, § 5, for the artificial antithesis of Andocides, § 7.

This is the only case in Lysias’s works in which we can discover the use of such a stock proem. We know that the publication of such ready-made proems and epilogues was common. The first rhetoricians gave great attention to these parts of the speech, and gave to them especial ornamentation both of thought and phraseology. It was possible to compose them in such general terms that any one of them would fit a large class of cases. We hear of such collections by Thrasymachus, Antiphon, and Critias, and the Mss. of Demosthenes have preserved to us a large collection of proems of his composition, five of which we find actually used in extant speeches of his.

The second part of our proem (§§ 7–11) is an appeal for kindly hearing, based on the peculiar hardships of the speaker. For the closing words of this, Lysias goes again to his stock proem, as we see by comparing them with later words of Andocides:

**Andocides, § 9**

τάδε δὲ ὅμων δέομαι,  
μετ’ εὐνοίας  
μον τὴν ἄκροασιν τῆς ἀπολογίας  
ποιήσασθαι, καὶ μήτε μοι ἀντιδικοὺς καταστήναι μήτε ὑπονοεῖν τὰ  
λεγόμενα μήτε ῥήματα θηρεύειν,  
ἄκροασμένους δὲ διὰ τέλους  
τῆς ἀπολογίας τότε ἡδη ψηφίζεσθαι  
τούτο δὲ τι ὅμων αὐτοῖς ἀριστον  
καὶ εὐορκότατον νομίζητε εἰναι.

**Lysias, § 11**

δέομαι δ’ ὅμων πάση τέχνη καὶ μη-  
χανῆ μετ’ εὐνοίας  

άκροασμένους ἡμῶν διὰ τέλους,  
ὁ τι ὅμων ἀριστον καὶ εὐορκότατον  
τούτο ψηφίζεσθαι εἰναι, τούτο ψηφίζεσθαι.
II. Πίστευς, Argumentatio, §§ 12–54.

Lysias omits the formal Πρόθευς, and proceeds at once to the narrative (§ 12) that is to form the basis of his first argument.

His purpose is first to dispel the idea that the defendant’s father had concealed any of the property. Apparently the prosecution had made no specific charges, and the refutation must rest entirely upon probabilities. He makes a plausible argument (A and B, §§ 12–20), but one which has less value for its own purpose than for giving such a picture of Aristophanes that the jury will be prepared for the next claim, and the one which forms the real foundation of the case, i.e. that Aristophanes had little property (C, §§ 21–27). The facts cited to prove this are pertinent and convincing. Yet Lysias knows how little weight such proof will have with a prejudiced jury. He therefore addresses himself to the removal of that prejudice by an elaborate argument (D, §§ 28–54), based partly on the facts of this case, and still more on the notorious instances of mistaken popular judgment in similar cases. It is an instance of the wisdom of the skilled pleader, who sees that logic is by no means sufficient with a popular jury, but that the appeal must take great account of prejudice.

III. Ἐπίλογος, Peroratio, §§ 55–64.

The recapitulation is of the briefest, covering only the central points of the positive argument, and is followed by an appeal to the jury, based on the good character of the defendant and his father, and their services to the city. But here Lysias turns from this use of the facts, so common in epilogues, and returns to argumentation, drawing from the facts of their life the conclusion of the improbability of the crime charged against them (the common argument Probabile ex vita). The final appeal is brief and simple.

The style of the whole speech is as simple as its framework. We can find hardly a trace of the artificial “figures” of rhetoric. Even antithesis, which Lysias often uses to excess, and nearly always in abundance, is almost excluded. The sentences are usually simple and non-periodic. In every particular Lysias has
fitted the speech to the man: the quiet, retiring, sincere gentleman. This adaptation of the language to the personality of the speaker (ἦθος) is perfected by delicate touches here and there. He reminds us of his inexperience in court, and of his fear under the pressing danger (§§ 2, 3, 53). He avoids putting forward his own knowledge or experience, but says, ὃς ἐγὼ ἄκοῦω, ἄκοῦω γὰρ ἔγωγε (§ 5), ὃς ἐγὼ ἄκοῦω (§ 14), ὃς ἐγὼ ἄκηκοα (§ 19), ἄκηκοα γὰρ ἔγωγε (§ 45), φασί δὲ (§ 53). His only boasting is of the quietness of his life, his filial obedience, and the good will of his neighbors (all condensed into four lines, § 55). His public service as trierarch comes in only incidentally, as does the fact of his scrupulous protection of the state's property confiscated unjustly. If we compare all this with the personality of Mantineus (see p. 135 f.), we see the grounds on which Lysias is regarded as a master of ἡθοποιία. But here, as in other speeches (cp. p. 29), other personalities beside those of the speaker are made to stand out. We feel that we know Aristophanes: ambitious, restless, hopeful, hurrying from one enterprise to another, eager to have a part in large movements; and clearest of all, the original defendant, the speaker's father: a gentleman of the old school; arranging for his children marriages that should bring honor rather than gold to the family, and connect them with old families and men of character (§§ 12–17); the trusted friend of the great Conon (§ 12); ready to loan all his ready money to help his son-in-law in his enterprise (§ 22); bearing large burdens for the city beyond the requirements of the law, yet seeking no office (§§ 56–58); the generous friend and neighbor (§ 59); in a life of seventy years free from all charge of love of money, and even in the year of his death, in his old age, contributing to the city in the most costly service (§ 62), and finally leaving the small fortune of two talents. And this characterization of the man is the more telling in that many of the particulars are brought out only incidentally.

But these personal portraits are not simply works of art; they are vitally related to the plea itself. More powerful than any argument of the speech is the feeling of the hearer that a man like
Aristophanes may well be believed to have died poor; that a man like the speaker is indeed to be pitied, forced into court to plead for all that he has, and by no possible fault of his own; and that a man like his father would never have committed the crime with which he was charged.¹

And here lies much of the power of Lysias. We often feel that his arguments are inconclusive; he fails to appeal strongly to the passions; in a case like this, where strong appeal might be made to our pity for the widow and little children, he seems cold. But the personality of the speaker and his friends is so real and their charm so irresistible, that at the close we find ourselves on their side.

ΧΙΧ

ΤΠΕΡ ΤΩΝ ΑΡΙΣΤΟΦΑΝΟΤΣ ΧΡΗΜΑΤΩΝ,
ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ

1 Πολλήν μοι ἀπορίαν παρέχει ὁ ἀγών οὕτως, ὁ ἄνδρες δικασταὶ, ὡς ἐνθυμηθῶ ὅτι, ἐὰν ἐγὼ μὲν μή νῦν εἰδεὶς, οὐ μόνον ἐγὼ ἀλλὰ καὶ ὁ πατὴρ δόξει ἀδίκος εἶναι καὶ τῶν ὄντων ἀπάντων στερῆσομαι. ἵνανάγκη ὁμοῦ, εἰ καὶ ἡ δεινὸς πρὸς ταῦτα πέφυκα, βοηθεῖν τῷ πατρὶ καὶ ἐμαντῷ οὕτως ὅπως ἂν δύνημαι. ἡτή μὲν οὖν παρασκευὴν καὶ τὴν προθυμίαν τῶν ἐχθρῶν ὁρᾶτε, καὶ οὐδὲν δεῖ περὶ τούτων λέγειν. τὴν δὲ ἐμὴν ἀπειρίαν πάντες ἰσασιν, δοῦν ἐμὲ γλυκῶν ἱσκούσιν. αἰτήσομαι οὖν ὑμᾶς δίκαια καὶ βάθια

ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ: in reply to the commonwealth. A defendant pleads πρὸς τίνα, a plaintiff brings suit and accusation κατὰ τίνος (ср. ΚΑΤΑ ΔΙΟΓΕΙ-ΤΩΝΟΣ, the title of XXXII). In this case, while perhaps a private individual appears as plaintiff, it is only to prosecute the claim of the commonwealth to the property (see on § 64).

1. On the use of borrowed material in this proem see Introd. p. 168 ff. These parts are indicated in the text by spaced type. — ἐγὼ μὲν: the contrast (μὲν) is in the underlying thought, “If I fail, there is no other man to save us.” Ср. on ἐμὲ μὲν 12. 8.— εἰ καὶ κτλ.: however little gifted for this I am by nature. See on καὶ εἰ 16. 2.— δεινὸς: see on δεινὸ λέγειν 12. 86.— τῷ πατρὶ: the suit was brought against the father. In the interval before it came to trial he had died, and the son now had to defend his father’s memory as well as his own inheritance (Introd. p. 162).

2. μὲν οὖν: see on 12. 3 (A).
χαρίσασθαι, ἀνευ ὀργῆς καὶ ἡμῶν ἀκούσαι, ὡσπερ 3 καὶ τῶν κατηγόρων. ἀνάγκη γὰρ τὸν ἀπολογοῦμενον, καὶ εὖ ἵσον ἀκροάσθε, ἐλαττῶν ἔχειν. οἱ μὲν γὰρ ἐκ πολλοῦ χρόνου ἐπιβουλεύοντες, 15 αὐτοὶ ἀνευ κινδύνων ὄντες, τὴν κατηγορίαν ἐπούσαντο, ἡμεῖς δὲ ἁγωνιζόμεθα μετὰ δέους καὶ διαβολὴς καὶ κινδύνου τοῦ μεγίστου. εἰκὸς οὖν ὑμᾶς εὐνοιαν πλείω ἔχειν τοῖς ἀπολογομένοις. 4 οἴμαι γὰρ πάντας ὑμᾶς εἰδέναι ὅτι πολλοὶ ἦδη ἡμὲς καὶ δεινὰ κατηγορήσαντες παραχρήμα ἐξήλεγχθησαν ψευδόμενοι οὐτω φανερῶς, ὡστε ὑπὸ πάντων τῶν παραγενομένων μισηθέντες ἀπελθῆν. οἳ δ’ αὐτὰρ μαρτυρήσαντες τὰ ψευδὴ καὶ ἄδικας ἃπολέσαντες ἀνθρώπους ἐάλωσαν, ἡνίκα οὐδὲν

— καὶ ἡμῶν . . . ὡσπερ καὶ: phrases or clauses which contain or imply a comparison often take καὶ in one or both members to emphasize their mutual relation. We can in English use also in the first member only; the Greek oftener uses it in the second: (A) καὶ in both members; here (Crit. N.) and § 36. (B) καὶ in the first member, 24. 25. (C) καὶ in the second member, 12. 23, 12. 98, 19. 62, 22. 11, 24. 21, 34. 1. — ἀκούσαι: one clause of the jurors’ oath was ἦ μὴν ὄρεξιν ἀκροάσθαι τῶν κατηγοροῦντων καὶ τῶν ἀπολογομένων to give equal hearing to prosecution and defense (Isoc. 15. 21).


4. ἐξήλεγχθησαν: tense, see on ἡσθάμην 16. 20. — αὐ, ἡνίκα: Lysias uses neither of these words elsewhere. Their use here, as that of several other expressions in this proem, betrays his use of borrowed material (Introd. p. 168). — ἡνίκα . . . πλέον: when it was too late to be of any use. Cp. Antiphon 5. 95 τί ἔσται πλέον τῷ γε ἀποδανώντι; what good will it do the dead? Cp. μηδὲν . . . πλέον 16. 3.
δήν πλέον τοίς πεπονθόσιν. ὃτ' οὖν τοιαύτα πολλά γεγένηται, ὃς ἐγὼ ἄκοι, εἰκὸς μοι, ὃ ἄνδρες δικασταί, μῆπω τοὺς τῶν κατηγόρων λόγους ἥγεισθαι πιστούς, πρὶν ἀν καὶ ἥμεις ἐπωμεν. ἄκοι ὡρ ἔγογγηκα, καὶ ὧμων δὲ τοὺς πολλοὺς ἔνοιμαι εἰδέναι, ὅτι πάντων δεινότατον ἐστὶ διαβολή. ἓβαλλον δὲ τοῦτο ἔχοι ἂν τις ἱδεῖν, ὅταν πολλοὶ ἐπὶ τῇ αὐτῇ αἰτίᾳ εἰς ἀγώνα καταστῶσιν. ὃς γὰρ ἐπὶ τὸ πολὺ οἱ τελευταῖοι κρίμονα ποιοῦν τις ἄργης αὐτῶν ἄκροασθε, καὶ τοὺς ἐλέγχους ἤδη ἐθέλοντες ἀποδέχεσθε.

7. Ἐνθυμεῖσθε οὖν ὅτι Νικόφημος καὶ Ἀριστοφάνης ἄκρητοι ἀπέθανον, πρὶν παραγενέσθαι τις αὐτοῖς

5. δή: causal.—ὡς ἐγὼ ἄκοι: to give the impression that he has no personal experience of proceedings in the courts. So ἄκοι γὰρ ἐγογγή below.—πάντων . . . διαβολή: cp. Herod. 7. 10 διαβολή γὰρ ἐστὶ δεινότατον κτλ. Isoc. 15. 18 ὃς ἔστι μέγιστον κακὸν διαβολή τι γὰρ ἂν γένοιτο ταύτης κακουργώτεραν κτλ. Both Herodotus and Isocrates proceed to give a short disquisition on the evils of slander. Such neat characterizations by way of praise (ἐγκώμια) or blame (ψόγοι) were favorite exercises of the sophists and rhetoricians.—δεινότατον: a common Greek construction, but Lysias uses it in this passage only; HA. 617; G. 925; B. 423; Gl. 544.

6. ὃς ἐπὶ τὸ πολὺ: as a rule. Lysias uses the expression here only.

7. οὖν: with transitional force. οὖν was originally a confirmative adverb, strengthening an assertion or question, in view of something just said. From this grew its use as a mere particle of transition, and its common post-Homeric use as an illative conjunction = therefore. Lysias has the three uses: (A) As a particle of emphasis, 12. 36, 14. 18, 1. 49. (B) As a particle of transition (Eng. now), 19. 7, 19. 22. For this he ordinarily uses μὲν οὖν or τοιῶν (see on 12. 3). (C) Illative = therefore 19. 1, 19. 2, 19. 3, and constantly. — ἄκρητοι: cp. on 12. 17. The
ελεγχομένους ώς ήδικους. ουδεὶς γὰρ οὐδ’ εἶδεν ἐκεῖνους μετὰ τὴν σύλληψιν. οὐδὲ γὰρ θάψαι τὰ σῶματ’ αὐτῶν ἀπέδοσαν, ἀλλ’ οὔτω δειμὼ ἡ συμφορὰ γεγένηται. ὁ θάνατος πρὸς τοὺς ἄλλους καὶ τούτου ἐστήρηται. ἀλλὰ ταῦτα μὲν ἐάσω. οὐδὲν γὰρ ἂν περαιώμην ἡ δὲ ἀθλιώτεροι δοκοῦσι μοι οἱ παιδεῖς οἱ 'Ἀριστοφάνους'. οὐδένα γὰρ οὖν’ ἴδια οὔτε δημοσία ήδικηκότες οὐ μόνον τὰ πατρῴα ἀπολωλέκασα παρὰ τοὺς νόμους τοὺς ὑμετέρους, ἀλλὰ καὶ ἡ υπόλοιπος ἐλπὶς ἦν, ἀπὸ τῶν τοῦ πάππου ἐκτραφῆναι, οὔτως ἐν δεινῷ καθέστηκεν. ἔτι δ’ ἡμεῖς ἐστηρημένοι μὲν κηδεστῶν, ἐστηρημένοι δὲ

word does not necessarily mean “without trial,” but may mean without full process as guaranteed by the constitution. — πρὶν παραγενέσθαι κτλ.: before the arrival of any one (of their friends) to hear their examination; or without the presence of any one (of their friends) at their examination (for the second use of πρὶν cp. πρὶν εἰσέλθων 12. 17 in a similar connection). The first interpretation would imply that the examination and execution took place in Cyprus; the second implies nothing as to the place. In either case the implication is that the men had an examination of some sort. See Introd. p. 161 n. 1. — γεγένηται, ἐστήρημεν: perfect, because the separate sad events of the past (ἀπέθανον, εἶδον, ἀπέδωκεν) are now gathered up in the summary συμφορᾶ, and regarded as a standing illustration of the fact that “slander is the worst of all things” (§ 5).

8. ταῦτα μὲν ἐάσω: this (but not the other abuses). See on ἵματ' μὲν 12. 8.— παρὰ τοὺς νόμους: referring to the fact that Nicophemus and Aristophanes were put to death ἀκριτοῖ (§ 7). The confiscation of property was often added to a death sentence. In this case it appears that the confiscation was by a separate decree; see Introd. p. 161 n. 1. — τοῦ πάππου: their mother’s father, against whose estate the present suit is brought.

9. ἡμεῖς: the widow of Aristophanes, her brother (the speaker), and her sister (the wife of one Philomelus. § 15). — ἐστηρημένοι: on the ἐπαινεφορά, see App. § 57. 5. — κηδεστῶν: Aristophanes
τῆς προκόσις, παιδάρια δὲ τρία Ἰναγκασμένοι τρέφειν, 50 προσέτη συκοφαντούμεθα καὶ κνυδνεύομεν περὶ δὲν οἱ πρόγονοι ἡμῶν κατελίπουν κτησάμενοι ἐκ τοῦ δικαίου. καίτοι, ὡς ἄνδρες δικασταί, ὡς ἔμοι πατήρ ἐν ἀπαντι τῷ βίῳ πλεῖω εἰς τὴν πόλιν ἀνήλωσεν ἡ εἷς αὐτὸν καὶ 54 τοὺς οἰκείους, διπλάσια δὲ ἡ νῦν ἔστων ἡμῖν, ὡς ἐγὼ 10 λογιζόμενοι αὐτῷ πολλὰς παρεγένομην. μὴ οὖν προ-
καταγιγνώσκете ἕδηκιάν τοῦ εἰς αὐτὸν ἐκ μικρᾶ δαπα-
νῶντος, ὑμῖν δὲ πολλὰ καθ’ ἐκαστὸν τὸν ἐνιαυτόν, ἀλλ’ ὅσοι καὶ τὰ πατρὸν καὶ ἐάν τί ποθέν ἄλλοθεν ἔχωσι,
59 εἰς τὰς αἰσχύνας ἤδονᾶς εἰδομένου εἰσὶν ἀναλίσκεῖν.
11 χαλεπῶν μὲν οὖν, ὡς ἄνδρες δικασταί, ἀπολογεῖσθαι

and Nicophemus.—προκόσις: the dowry of forty minae (§ 15) which the speaker’s sister brought to Aristophanes, and which should, at his death, have been returned to her father, ought now to be available for her support and that of her little children. In the confiscation of Aristophanes’s property even this dowry had been included; cp. on § 32, and on 12. 36.—παιδάρια: the diminutive touches the sympathy of the jury. —ἐκ τοῦ δικαίου: a common expression, arising from a deeper thought than that of mere manner (δικαίως); justice is thought of as the source and starting point of the prosperity. Cp. 24. 5 ἐκ τῆς τέχνης εἰσπορεῖ. —εἷς αὐτόν: see on εἰς τὰς ναίς § 21 (C). —δι-
πλάσια: in § 59 the sum is reckoned as 9½ t. The present estate is therefore estimated at something more than 4 t. See further on §§ 61 and 62.—ὡς...παρεγένο-
μην: as he often computed in my presence. Note that ὡς, while serving to connect the whole clause, modifies λογιζόμενος only. Cp. οἷς in 25. 27. On the tense of παρεγένομην see on ἡσθόμην 16. 20.

10. προκαταγιγνώσκετε: προ-, in advance, i.e. πρὶν ἄν καὶ ἠμὰς εἴπωμεν (§ 5). —τοῦ δαπανῶντος: case, HA. 752 a; G. 1123; B. 370; Gl. 514 a. For the tense of δα-
πανῶντος see on ἄνωμένου 12. 32.— εἷς αὐτόν, εἷς ἤδονᾶς: see on εἰς τὰς ναίς § 21 (C) and (B). —ἡμῖν: for the construction see Crit. Note.

II. μὲν οὖν: see on 12. 3 (A).
πρὸς δόξαν ἢν ἐνοι ἔχουσι περὶ τῆς Νικοφήμου ὅσιος, καὶ σπάνων ἄργυρον ἢ νῦν ἔστιν ἐν τῇ πόλει, καὶ τοῦ ἀγώνος πρὸς τὸ δημόσιον ὅντος· ὅμως δὲ καὶ τούτων ὑπαρχόντων βαδίως γνώσεσθε ὅτι οὐκ ἀληθὴ ἐστι τὰ ἐν κατηγορημένα. δέομαι δ’ ὑμῶν πάση τέχνῃ καὶ μηχανῇ μετ’ εὐνοίας ἀκροασμένους ἦμῶν διὰ τέλους, ὅ τι ἂν ὑμῖν ἄριστον καὶ εὐροκότατον νομίζητε εἶναι, τούτο ψηφίσασθαι.

12 Πρῶτον μὲν οὖν, δ’ τρόπῳ κηδεσται ἡμῖν ἐγένοντο, ἀδιδάξω ὑμᾶς. στρατηγών γὰρ Κόνων περὶ Πελοπόν-

--- πρὸς δόξαν... καὶ σπάνων: the general belief that Nicophemus was a rich man, and the present scarcity of money in the city treasury, are two facts which favor the prosecution, and in the face of which (πρὸς) the speaker must make his defense. See Introd. p. 164. — ὑπαρχόντων: force, see on ὑπάρχει 12. 23. — πάση τέχνῃ καὶ μηχανῇ: a comparison with § 53 shows that these words are to be connected with ἀκροασμένους ψηφίσασθαι, and not with δέομαι.

12. δ’ τρόπῳ: the relative for the indefinite relative, see on οὖς 25. 7. — γὰρ: explicative γάρ. The original use of γάρ (a combination of γε and ἄρα) was that of a confirmative adverb, giving a tone of assurance. From its frequent use in clauses which, though coordinate, really gave the ground or cause of what preceded, was developed its force as denoting cause or reason. We see a clear effect of this origin of causal γάρ in the fact that even the fully developed γάρ clause is still treated as coordinate, not subordinate as in English (see on πολλῶν γὰρ εὐπορήσειν § 25). Lysias has the following uses: (A) γάρ confirmative (the original force), 26. 7 ἐγὼ μὲν γὰρ οὖν ἂν ομαί I certainly think he would not. (B) γάρ of the cause or reason of an action, or the reason of a statement; so used constantly. (C) γάρ explicative. (1) The γάρ clause proceeds to give in full what was promised in a general statement, as in our passage; so 12. 2, 12. 6, 12. 19, 12. 64, 16. 4, 16. 6, 16. 13, 19. 25, 19. 50, 19. 55, 24. 4, 32. 24. (2) Sometimes the γάρ clause introduces a new point in the discussion without any preceding general
νησιον, τριπαρχήσαντι τῷ ἐμῷ πατρὶ πάλαι φίλος
gεγενημένος, ἐδεήθη δοῦνα τὴν ἐμὴν ἀδελφήν αἰτοῦντι
18 τῷ υἱῷ Νικοφήμου. ὦ δὲ ὅρῳν αὐτούς ὑπ’ ἐκείνου
tε πεποιθεμένους γεγονότας τε ἐπεικεῖσ τῇ τε πόλει ἐν
75 γε τῷ τότε χρόνῳ ἀρέσκοντας, ἐπείσθη δοῦνα, οὐκ
εἰδὼς τὴν ἐσομένην διαβολήν, ἀλλ’ ὅτε καὶ ὑμῶν ὅστις
οὖν ἀν. ἐκείνους ἦξιώσε κηδεστὴς γενέσθαι, ἐπει ὅτι
γε οὐ χρημάτων ἑνεκα, ῥάδιον γνώναι ἐκ τοῦ βίου
14 παντὸς καὶ τῶν ἔργων τῶν τού πατρός. ἐκεῖνος γὰρ
80 ὅτ’ ἦν ἐν τῇ ἡλικίᾳ, παρὰν μετὰ πολλῶν χρημάτων
γήμαι ἀλλήν, τὴν ἐμὴν μητέρα ἐλαβεν οὐδὲν ἐπιφερο-
μένην, ὅτι δὲ Ἐξενοφώτος ἦν θυγάτηρ τοῦ Εὐρυπίδου

statement, 12. 38, 16. 10, 19. 34. (D)
καὶ γάρ, see on 24. 3. (E) ἀλλὰ
gάρ, see on 12. 40. — Ἐκόνως: see
Introod. p. 160. — περὶ Πελοπόννη-
σον: see Introd. p. 160 N. 1.—
τριπαρχήσαντι: on some earlier
occasion, before the close of the
Peloponnesian War. — ἀδελφήν:
this sister was at that time a widow,
having been the wife of Phaedrus
(§ 15). — ὥστε: Aristophanes. For
the form see on 12. 34.

13. ἐν γε: γε, emphasizing a
prepositional phrase, stands regu-
larly after the preposition (so § 49,
ὑπὸ γε ἐκείνων). Note that γε three
lines below follows the conjunc-
tion, thus emphasizing the whole
clause rather than χρημάτων alone.
— τῷ τότε χρόνῳ: Lysias wisely
avoids discussing the question of
the guilt or innocence of the two
men, contenting himself with the
invidious word διαβολήν below.—
ἀλλ’ ὅτι: but at a time when.—
ἀν ἦξιώσε: potential (hypotheti-
cal) indicative, HA. 858; G. 1335;
B. 565; Gl. 467 c; GMT. 243-5,
GS. 430. Cp. §§ 18, 24, 42; 25.
12, 25. 27.

14. παρὰν: see on 12. 30. —
μετά: μετά is commonly used with
gen. of personal words only. With
material words Lysias uses it only
here and in 4. 7, 32. 16, 34. 4, Fr.
50 (Bury, Class. Rev. 7. 395).—
οὔσιν ἐπιφερομένην: in speaking of
the dowry a bride is said ἐπιφε-
ροθα, her father or guardian ἐπι-
δούναι (cp. § 15; 16. 10, 32. 6).—
Ἐξενοφώτος: not the Xenophon
of the Anabasis (the son of
ύέος, δι αὐτὸν ἔξεσεν ἵπποι εἶναι, ἀλλὰ καὶ 15 στρατηγεῖν αὐτὸν ἤξιοστατε, ὡς ἐγὼ ἄκουω. τὰς τούνων ἐμᾶς ἀδελφάς ἐθελόντων τινῶν λαβεῖν ἀπρόκοις πάνω πλουσίων οὐκ ἐδωκεν, ὅτι ἐδόκοιν κάκιον γεγονέναι, ἀλλὰ τὴν μὲν Φιλομήλῳ τῷ Παιανεῖ, διὸ καὶ πολλοὶ ἄλλως ἤγονται εἶναι ἡ πλουσιώτερον, τὴν δὲ πένητι

Gryllus), but a general in the Peloponnesian War, who with two colleagues received the surrender of Potidaea in 430/29, and died the next year in battle before Spartolus on the Chalcidian peninsula (Thuc. 2. 70, 79). The Euripides mentioned as his father was not the poet. — αὐτόν: for the difference between the Greek and the English idiom see on αὐτοῖς (before χάριν) 25. 11. — ὁς ἐγὼ ἄκοι: the speaker, in his character of the simple and modest citizen, would give the impression of not being exactly informed on matters of political history, and of not dwelling too much upon his maternal grandfather’s honorable career. Cp. p. 174.

15. πάνι πλουσίων: so this speaker says πολλῆν πάνι (§ 16), πάνι ἐπιθυμή (§ 30), πάνι πολλά (§ 48), οὐ πάνι βαυμαίζω (§ 49). πάνι appears nowhere else in Lysias except in 24. 15 and in the doubtful fragment 61. It would seem therefore that Lysias in talking with his client noticed the young man’s fondness for this very, and so gave a touch of naturalness to his speech by letting him use his favorite word repeatedly. Compare with this the fact that the intensive γε is used in this speech seven times, while in XII, written for his own delivery, Lysias uses it only three times, though that speech is a third longer. In XXXI, written for a client, γε appears eleven times, though the speech is only a third as long as XII. Our speech also contains three of the four instances of the emphatic ἀλλὰ μὴν to be found in Lysias. Cp. on ἡγοῦμαι 25. 2. — Φιλομήλῳ: the family was old and honored. That Philomelus was not a poor man is evident from several inscriptions which preserve his name as trierarch. — βελτίω ή πλουσιώτερον: more honorable than rich. “When two adjectives or adverbs are compared ἡ is always used, and both stand in the comparative degree,” B. 426 n. 3; cp. HA. 645. So in Latin: verior quam gravior more true than agreeable, Livy 22. 38. — τὴν δὲ: see on ἀδελφὴν § 12.
That this was the daughter who afterward became the wife of Aristophanes is clear from § 17, where we learn that there were only two daughters. — Φαιδρός: the Phaedrus whom we know through Plato as a young friend of Socrates (Sympos. 176 D), one of the group who listened to the Sophist Hipias (Prot. 315 C), and the friend and enthusiastic admirer of Lysias, delicately portrayed in Plato's Phaedrus. It was not strange that when the proposition was made to confiscate the property of Aristophanes (cp. p. 161 N. 1), his widow turned for help to the friend of her first husband, now at the height of his fame as an advocate, nor that when the present suit against her father’s estate came on Lysias again wrote the defense. — τετταράκοντα μνᾶς: see on 16. 10. — κατ‘: i.e. after the death of Phaedrus. — For έτα see on 12. 26. — Ἀριστοφάνει τὸ ἱσον: = Ἀριστοφάνει ἐδωκεν, τὸ ἱσον ἐπηδούς. The dat. with ἐπηδούς would be used only of the name of the bride, as in § 17 τοῖς θυγατέρων ἐπέδωκε.  

16. ἐξόν: cp. παρόν § 14. — ὡστε ... εἰδέναι: one of the less common expressions of purpose, representing it as the intended result, like the English “so as to”; HA. 953 a; G. 1452; B. 595 n.; Gl. 566 b. — κοσμίους: see on κοσμίους 12. 20. — ἀπέθανεν: after the battle of Aegospotami the Spartans put to death their Athenian prisoners (Xen. Hell. 2. 1. 32), 3000 in number (Plút. Lysander XI). — ἡ ναυμαχία: see on 12. 43.
100 στείευεν ὡς σὺν ἕνεκα χρημάτων τούτως κηδεσθής ἐγένετο;
18 Ἀλλὰ μὴν ὦ γε Ἀριστοφάνης ἢδη ἔχων τὴν γυναίκα ὑπὲρ τοιοῦτος ἐξήρητο ἡ τῷ ἐμῷ πατρί, ῥάδιον γυνῶν. ἡ τε γὰρ ἥλικία πολὺ διάφορος, ἡ τε φύσις ἐτὶ πλέον· ἐκεῖνῳ μὲν γὰρ ἄρκον ἤν τὰ ἐαυτοῦ πράττειν, Ἀριστοφάνης δὲ οὔ μόνον τῶν ἰδίων ἀλλὰ καὶ τῶν κοινῶν ἐβούλετο ἐπιμελεῖσθαι, καὶ εἰ τι ἤν αὐτῶ 19 ἀργύριον, ἀνήλωσεν ἐπιθυμῶν τιμᾶσθαι. γνώσῃσθε δὲ ὅτι ἀληθῆ λέγω εἰς αὐτῶν δὲν ἐκεῖνος ἐπράττε. ἰο πρῶτον μὲν γὰρ Βουλομένου Κόνωνος πέμπτεν τινὰ εἰς Συκελίαν, ἡχετὸ ὑποστὰς μετὰ Εὐνόμου, Διονυσίου

17. ἕνεκα χρημάτων: ἕνεκα is regularly placed after its object. Lysias places it before its object in two other passages only, ἕνεκα πόρης ἄνθρωπον 4. 9, and ἕνεκα χρημάτων 24. 2. It may also stand after a modifier of the genitive, as in 7. 40 τοῦτον ἐνεκα τοῦ κινδύνου, and 12. 98 μικρὸν ἄν ἕνεκα συμβολαίων.
18. ἐν... ἐχρήτο: potential indic.; see on ἐν ἧξισθε § 13.— καὶ εἴ: accidental juxtaposition of the particles (so in 25. 13, 32. 13), not the καὶ εἴ of 16. 2.— ἀνήλω- σεν: note that the condition and conclusion are in the “particular” form (the conclusion in the summary aorist), ‘he spent the property that he had’; in the next sentence the detailed description of this conduct is introduced by the imperfect ἐπράττε.

19. ἡχετὸ ὑποστάς: he undertook (the service) and went.— Εὐνόμου: Isocrates (15. 93, 94) mentions Eunomus first in a group of men who have been followers of his “from youth to old age,” all of whom the city had honored with golden crowns, and who had spent of their private fortunes generously for the city. Xenophon’s account (Hell. 5. 1. 5, 9) of his failure as a naval commander not long before this speech was delivered gives a less favorable impression of his ability; he was easily entrapped by the Spartan commander, and lost four of his little fleet of thirteen ships.— Διονυσίου: this is Sauppe’s conjecture for Λυσίου of the Ms.; for the important question as to Lysias involved in this reading, see Crit.
φίλον ἂντος καὶ ξένου, τὸ πλῆθος τὸ ύμετέρον πλείστα ἀγαθὰ πεποιηκότος, ὥς ἐγὼ ἄκηκοα τῶν ἐν Πειραιᾷ 20 τῶν παραγενομένων. ἦσαν δὲ ἐλπίδες τοῦ πλοῦ πείσαι πολέμιον καὶ Διονύσιον κηδεστὴν μὲν γενέσθαι Ευαγόρα, πολέμιον δὲ Δακεδαμονίους, φίλον δὲ καὶ σύμμαχον τῇ πόλει τῇ ύμετέρᾳ. καὶ ταῦτ’ ἔπραττον πολλάν κινδύνων ὑπαρχόντων πρὸς τὴν θάλατταν καὶ τῶν πολέμιον, και ἐπεισάν Διονύσιον μὴ πέμψαι τὰς τρήρεις ἄσ 21 τότε παρεσκεύαστο Δακεδαμονίους. μετὰ δὲ ταῦτα ἐπείδη οἱ πρόσβεις ἦκον ἐκ Κύπρου ἐπὶ τὴν βοήθειαν, οὐδὲν ἐνέλπε προθυμίας σπεύδων. ὑμεῖς δὲ δέκα

Note. Early in 393 a complimentary decree had been passed in honor of Dionysius and his brothers (Köhler, Hermes III. 156 ff.). — τὸ πλῆθος: see on 12. 42. — ὡς ἐγὼ ἄκηκοα: the same modest disclaimer of political knowledge as in § 14 ὡς ἐγὼ ἄκοον. As the speaker is now a man of thirty (§ 55), he was a boy of fourteen at the time of the Return. — τῶν ἐν Πειραιᾷ: men of the Piraeus party, i.e. the democrats; cp. 12. 55.

20. τοῦ πλοῦ: case, HA. 729 b; G. 1085. 2; B. 349. Here πείσαι takes the place of the common objective genitive with ἐλπίς; cp. § 53 ἐλπίς οὐδεμία σωτηρίας; 25. 21 ἐλπίδας εἴχετε τῆς καθόδου: κηδεστὴν: by marrying one of the daughters of Evagoras. Dionysius was already living with two wives, Doris, an Italian, and Aristomache, a Syracusan (Diodor. 14. 44). In the choice of both he had been governed by political considerations. — ὑπάρχοντα: force, see on ὑπάρχει 12. 23. — πρὸς τὴν θάλατταν: probably it was a winter voyage. Lysias always uses πρὸς and acc. with κινδυνος and κινδυνεύειν where the English uses either in the face of or from. So in 14. 15, 15. 12, 16. 12, 16. 18. — ἐπεισάν: with the mention of the difficulties under which the ambassadors were laboring during their mission we have the imperfect, ἔπραττον, but the summary statement of the result is in the aorist, ἐπεισάν. — παρεσκεύαστο: tense, see Crit. Note.

21. οἱ πρόσβεις: for these events see Introduct. p. 160 f. — ἐπὶ: one of Lysias's two instances of
τριήρες αὐτοῖς ἔδωκε καὶ τάλλα ἐφηφίσασθε, ἀργυρίον δ' εἰς τὸν ἀπόστολον ἡπόρουν. ὅλγα μὲν γὰρ Ἡλθον ἔχοντες χρήματα, πολλῶν δὲ προσεδήθησαν· οὐ γὰρ μόνον τοὺς εἰς τὰς ναῦς, ἀλλὰ καὶ πελταστὰς ἐμισθώσαντο καὶ ὁπλα ἐπρίαντο. Ἀριστοφάνης οὖν τῶν χρημάτων τὰ μὲν πλείστα αὐτὸς παρέσχεν· ἐπειδὴ δὲ οὐχ ἴκανα ήν, τοὺς φίλους ἐπείθε δεόμενοι καὶ ἐγ-30 γνώμενοι, καὶ τοῦ ἀδελφοῦ τοῦ ὀμοπατρίου ἀποκεμέ-νας παρ' αὐτῷ τεταράκοντα μνᾶς ἀπορῶν κατεχρήσατο. τῇ δὲ προτεραίᾳ ἦ ἀνήγετο, εἰσελθὼν ὅς τὸν πατέρα τὸν ἐμὸν ἐκέλευος χρῆσαι ὅ τι εἶξεν ἀργυρίον. προσ-δεῖν γὰρ ἐφι πρὸς τὸν μισθὸν τοῖς πελτασταῖς. ἦσαν

ἐπὶ with accus. to denote purpose; see on εἰς σωτηρίαν 12. 14. — τάλλα: the alliance of which this expedition was the result (Xen. Hell. 4. 8. 24). — ἡπόρουν: Athens furnished ships equipped by her own trierarchs (cp. § 25), but Evagoras had probably counted on her supplying crews and fighting-men: his ambassadors had not brought money enough to meet the unexpected expense of hiring them. — εἰς τὰς ναῦς: from the use of εἰς to denote local destination comes its frequent use to express figurative destination, passing over to the full idea of purpose (see on 12. 14). Closely connected with the ideas of destination and of purpose is the frequent use of εἰς governing the name of the person or thing for which or upon which expenditure is made. (A) Figurative destination, this passage, εἰς τὸν ἀπόστολον above, and § 39. (B) Expenditure for or upon an object, §§ 10, 25, 43; 32. 9, 32. 21, 32. 22. (C) Expenditure upon a person, §§ 9, 10, 56, 62; 25. 17, 32. 20.

22. οὖν: see on § 7 (B). — ἐπείθε: conative impf., see on ἐπείθει 12. 58 (contrast πείθω and ἐπείθω § 20). That he succeeded in part is evident from § 24. — τοῦ ἀδελφοῦ τοῦ ὀμοπατρίου: his half-brother. For the Greek for own brother see 32. 4. — παρ' αὐτῷ: with him = in his care. So in §§ 36, 48; 32. 16. — ὁς: see on 16. 4. — πρὸς τὸν μισθὸν: πρὸς rather than the usual εἰς, from the influence of προσ- in προσδείν.


ΔΥΣΙΟΥ

135 δ' ἡμῖν ἔνδον ἐπτὰ μναί. ὁ δὲ καὶ ταῦτα λαβὼν κατε-
σχήσατο. τίνα γὰρ οὐέσθε, ὃ ἀνδρεὶς δικασταί, φιλό-
tιμίων μὲν ὄντα, ἐπιστολῶν δ' αὐτῷ ἡκουσών παρὰ τοῦ
πατρὸς μηδενὸς ἀπορήσεων ἐκ Κύπρου, ἕρημένον δὲ
προσβεντὴν καὶ μέλλοντα πλεῖν ὡς Ἐναγόραν, ὑπο-
κολυπέσθαι ἄν τι τῶν ὀντῶν, ἀλλ' οὐκ εἰ ἦν δυνατὸς
πάντα παρασχόντα χαρίσασθαι ἐκεῖνω ἐφ' ὃ τε καὶ
κομίσασθαι μὴ ἐλάττω; 'Ὡς τοῖνυν ταῦτ' ἐστὶν ἅληθῆ,
κάλει μοι Ἐννομον.

ΜΑΡΤΥΡΙΑ

144 Κάλει μοι καὶ τοὺς ἄλλους μάρτυρας.

ΜΑΡΤΥΡΕΣ

24 Τῶν μὲν μαρτύρων ἀκούετε, οὐ μόνον ὅτι ἔχρη-
sαν τὸ ἀργύριον ἐκείνου δεηθέντος, ἀλλὰ καὶ ὅτι

For the only other instance in Lysias of πρός in a purpose phrase see on § 61 and cp. on εἰς σωτηρίαν 12. 14. — ἐνδον: in the house, "by us," cp. on § 47.

23. ὄντα, ἡκουσών: for correlation of gen. abs. with participles in other construction see on παρα-
tοιότητα κτλ. 12. 69. — πατρός: the father was in Cyprus with Evagoras.

579 a. — ἀπορήσεων: Aristophanes's father assured him that on his arrival at Cyprus Evagoras would more than repay him for all advances that he might make for the equipment of the expedition. — ἐκ Κύπρου: see Crit. Note. — ἄν: with both ὑπολυπέσθαι and χαρίσασθαι. The construction is that of ind. disc. for the potential indic. noted on ἄν ἥξισα £ 13. — τῶν ὀντῶν, . . . πάντα: his own property, . . . all the cost of the expedition. — ἀλλ' οὐκ: but (would) not rather. — Ἐννομον: called to acknowledge his testi-
mony as to the facts of §§ 19 and 20.

For the use of μη with fut. infin. with words of this class see H.A. 1024 (last sentence) and 948 a; G. 1496 and 1286; B. 549. 2; Gl.
ἀπειλήφασιν· ἐκομίσθη γὰρ αὐτοὶς ἐπὶ τῆς τριήμερος.

Ῥώδιον μὲν οὖν ἐκ τῶν εἰρημένων γρώναι ὅτι τοιούτων καίρων συμπεσόντων οὐδενὸς ἄν ἐφείσατο τῶν 25 ἑαυτοῦ· ὥ δὲ μέγιστον τεκμῆριον· Δήμος γὰρ ὁ Πυριλάμπους, τριηραρχῶν εἰς Κύπρον, ἐδεήθη μον προσελθεῖν αὐτῷ, λέγων ὅτι ἔλαβε μὲν σύμβολον

24. ἀπειλήφασιν: the perfect, because the question at issue is where the money now is which Aristophanes is supposed to have had at his death. The speaker shows that this part of it is now back in the hands of the men who loaned it to him.—ἐπὶ τῆς τριήμερος: probably one of the two state dispatch boats, the Paralus or the Salaminia, was sent to carry Aristophanes in advance of the fleet on his mission to Cyprus, and immediately brought back the money from Evagoras with which to repay the loans that had been made in his service.—μὲν οὖν: force, see on 12. 3 (C).—ἄν ἐφείσατο: cp. on ἄν ἡσίωσε § 13, and ὑπολείπεται ἄν § 23.

25. δ.: the antecedent is the γάρ clause. See on § 33, and cp. 32. 24.—Δήμος: Aristophanes speaks of this Demus as Δήμος καλὸς (Wasps 98). Plato has his joke on the name when he says that Callicles is lover of two at once, τοῦ τε Ἀθηναίων δήμου καὶ τοῦ Πυριλάμπους (Gorg. 481 D). The father, Pyrilampus, was, according to Plato (Charm. 158 A), among the most honored of all who were sent from time to time to negotiate with the king of Persia. It is probable that this gold cup was given to him and inherited by Demus, together with his father’s ἔνεια. Such cups, doubtless bearing some royal sign, were common gifts of the Great King, intended to serve as a token of his confidence in the bearer and his desire that he be helped by Persian officials in all the satrapies. The possession of such a token would be of especial value to Aristophanes on his mission to Asia.

—γάρ: γάρ explicative, see on § 12.—τριηραρχῶν: in the fleet of ten triremes which was to follow as soon as possible. We learn from Xenophon (Hell. 4. 8. 24) that the fleet was overtaken on the voyage by the Spartans and every trireme captured.—els Κύπρον: els of ‘destination,’ see on
para basilewos tou megaloú phalhèn xronhê, upothē
155 se ei de 'Aristofanei labwv ekkaideka mnas ep' auth, 
iv echos analiskev eis tin triperchian. epeidh de 
eis Kupron afikouto, lusethai apodous eksoi mnas 
pollon gar agathon kai allon xermatow euporhsew 
edià to sumbolon ev pashe th peirw. 'Aristofanhs 
160 toin ankoyn men taunte Dhmou, deounou de emou, 
meallon de azein to xronion, tepparas de mnas tokon 
lphesethai, ouc ephi einaiv, alla emine kai prosdepen 
neisthai tois exeis allithen, epeidh hdisan av anbrop 
pow angein te eudh ekew to sumbolon kai charisasthai 
eis tas nais § 21. — upothesin 
kt.l.: the text here is doubtful 
(see Crit. Note), but the proposi 
tion of Demus certainly was that 
Aristophanes loan him sixteen 
minae to help him fit out his tri 
reme, and take the cup as security. 
The offer of 25% on the short loan 
was a tempting one (the ordinary 
rate was 12% to 18% per annum). 
— eis tin trimperchian: see on eis 
tas nais § 21 (B). — pollon gar 
euporhseun: the Greek does not 
treat a gar clause as fully subordi 
nate, hence the ind. disc. carries 
the infin. construction to eupo 
rhsew. See on § 12.

26. ankoyn, deoimen: cp. on 
onta, hkomoin § 23. — einai: 
= exeinai. — kaí prosdepenristhai: 
he had not only spent all of his 
own money, but had also bor 
rrowed. For the middle see HA. 
816. 7; G. 1245; B. 506. Cp. 
edaneistato 12. 59. — tois exeis: 
the mercenaries mentioned in § 21. 
— anbropow: part. gen. with hdisa 
sta, HA. 756, 755 b; G. 1088; 
B. 355. 1; Gl. 507 d. Cp. monos 
anbropouw 24. 9. hdisa, reënforced 
by anbropow (see L. & S. anbrop 
ños 3 b) and followed by eudh 
instantly, emphasizes the eager 
ness with which Aristophanes 
would have accepted the offer. — 
av angein kal charisasthai: for with 
the utmost pleasure (he said) he 
would instantly have taken that 
security with him and have done 
us the favor. For the occasional 
use of the infin. in ind. disc. even 
in a subordinate clause see HA. 
947 a; G. 1524; B. 671 n.; GMT. 
755. This is the only instance 
of the construction in Lysias. The 
direct form would be hdisan av
21 ἡμῖν ἀ ἐδεόμεθα. ὡς δὲ ταῦτ' ἐστὶν ἄληθή, μάρτυρας
166 ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

"Οτι μὲν τοῖς ὑμῖν οὐ κατέλιπεν Ἀριστοφάνης ἀργόριον
οὐδὲ χρυσίον, ράδιον γνώναι ἐκ τῶν εἰρημένων καὶ
μεμαρτυρημένων· χαλκώματα δὲ σύμμεικτα οὐ πολλὰ
170 ἐκέκτητο, ἀλλὰ καὶ ὃθε εἰστὶν τοὺς παρ' Ἕναγόρου
προσβείοντας, αἰτησάμενος ἐχρήσατο. δὲ κατέλι-
πεν, ἀναγρώσεται ὑμῖν.

ΑΠΟΓΡΑΦΗ ΧΑΛΚΩΜΑΤΩΝ

28 Ἰσως ἐνίοις ὑμῶν, ὥς ἄνδρες δικασταί, δοκεῖ ὀλίγα
εἶναι: ἀλλ' ἐκεῖνο ἐνθυμεῖσθε, ὅτι πρὶν τὴν ναυμαχίαν

implies the point of view of the
narrator); cp. on ἡκκλησιάζετε
12. 73. For analogous cases of in-
complete incorporation of subord.
clauses in ind. disc. see GMT.
674. 2, 3.

27. σύμμεικτα: see L. & S.
σύμμεικτα; the spelling of the text
is established by inscriptions.—
αἰτησάμενος: cp. ἠγημένους 24. 12.
—ἀναγρώσεται: sc. ὁ γραμματεύς,
GS. 72.

28. ὀλίγα: i.e. too small to be
true.—πρὶν . . . νικήσαι: πρὶν
with infin. even though the prin-
cipal clause is negative. "An
infinitive with πρὶν sometimes de-
pends on a negative clause, where
a finite mood might be allowed,
because the temporal relation is
still so prominent as to determine
the construction," GMT. 628, cp. 627.— ναυμαχίαν: the battle of Cnidus, 394 B.C.— ἄλλη ἢ: except. Ραμνοῦντι: a true locative, HA. 783 b; G. 1197; B. 383; Gl. 527 a. Rhamnus was an Attic deme on the east coast, north of Marathon.

29. τέταρσιν: between the battle of Cnidus (394) and the mission to Cyprus, see Introd. p. 161 N. 1.— πρῶτον μὴ ὑπαρχόντος οὐσίας: assuming that (μὴ) he had no property at the beginning. See on ὑπάρχει 12. 23. For μὴ see on μὴ 12. 68 (A).— τραγῳδοῖς: see on 24. 9.— χορηγῷς: the sums spent in this and the other services are given in § 42.— πατρὸς: the father being absent on public service.— συνεχῶς: by law any one liturgy fell upon a citizen not oftener than every other year; the trierarchy (at any rate in the middle of the fourth century), not oftener than one year in three (Isae. 7. 38). But public-spirited citizens sometimes volunteered for continuous service (so the speaker of XXI says that he served as trierarch for a period of seven years (21. 2)).— τριηραρχήσας: note the 'complexive' aorist in this definite and summary statement of a "continued act"; see on φυκῆσε 12. 4.— οικίαι: that the house of a man reputed to be rich was worth only $900 is another indication of the simplicity of life in Athens (see on 32. 23) and of the great purchasing power of money there.— γῆς: the land cost (in round numbers) 250 minae (§ 42, land and house cost "more than 5 t." = 300 minae +). Reckoning the plethron as = .087 hekt. (Nissen), we have 65 acres at about $70 an acre. This is the only passage in Greek authors which, by giving both the contents and the price of a piece of land, enables us to reckon land value. As we know neither the situation
nor the nature of this land, even
this information is of little worth.
— καταλελοιτεναι: for the tense
cp. on ἀπειλῆφασιν § 24.
30. ἐξομολογεῖται: sc. ἐπιπλα.
Ξινενυκεῖν: to produce, exhibit, as
evidence of wealth.— ἐντοίχοις γὰρ
κτλ.: ‘even old and wealthy fami-
lies are not always able to find in
the market personal ornaments
and house furnishings (all in-
cluded in ἐπιπλα) that correspond
with their means and their tastes.’
31. οὖν ὡς ( = οὐκ ἑρῴ ὡς)
κτλ.: not to speak of your selling
the furniture,— even the doors
had been stripped from the rooms,
= not only did you not sell the fur-
niture (that having been removed
before your officers could seize it),
but even the doors had been stripped
from the rooms. HA. 1035 a; G.
1504 (where the passage is mis-
translated after Reiske). — διδη-
μεμελήνων: sc. τῶν χρημάτων from
tὰ χρῆματα above.— ἀπεφαίνετο;
i.e. when the officers made their
inventory.— πλείν: form, see on
32. 20.— χιλίων δραχμῶν: a further
indication of the simplicity of life
and the high purchasing power of
money.— οὖδεν: for the case cp.
on ὑμῶν 12. 40 and ἦς 12. 83.
32. πρότερον: in the prelimi-
nary steps of the case.— συνδι-
kous: see on 16. 7. We conclude
that this extraordinary commission
had been continued after the im-
mediate occasion for its appoint-
ment was past, and that it now
ἐθέλομεν πίστιν δοῦναι, ἵτις ἐστὶ μεγίστη τοῖς ἀνθρώποις, μηδὲν ἔχειν τῶν Ἀριστοφάνους χρημάτων, ἐνοφείλεσθαι δὲ τὴν προῖκα τῆς ἀδελφῆς καὶ τὰς ἐπὶ μνάς, ὡς ἄχετο λαβῶν παρὰ τοῦ πατρὸς τοῦ ἐμοῦ. 33 πῶς ἂν οὖν εἶεν ἀνθρωποὶ ἀθλιώτεροι, ἢ εἰ τὰ σφέτερ' αὐτῶν ἀπολογηκότες δοκοίν τάκεινων ἔχειν; ὃ δὲ πάντων δεινότατον, τὴν ἀδελφήν ὑποδέξασθαι παιδία ἔχουσαν πολλά, καὶ ταῦτα τρέφειν, μηδὲ αὐτοὺς ἔχον-φοτὰς μηδὲν, ἓαν ὑμεῖς τὰ ὅντ' ἀφέλησθε.

34 Φέρε πρὸς θεῶν 'Ολυμπίων: οὕτω γὰρ σκόπευε, ὃ

had jurisdiction in cases of confiscation in general. The preliminary hearing and the presidency at the trial would rest with these σινδικοί (see App. § 9). We find no mention of such a board after this date.—πίστιν: by the most solemn oath. Cr. 12. 10, 32. 13. —ἐνοφείλεσθαι: rests as a claim (upon the confiscated property). The dowry was never looked upon as the absolute property of the husband, but as held in trust for the wife; it could not therefore be confiscated with the husband’s estate; cp. on καὶ τοῦ παιδὸς 12. 36, and see Gardner and Jevons, Greek Antiquities, p. 555 ff.—ἔπτα μνάς: the loan mentioned in § 22.

33. ἀγελών: Aristophanes and his father. The speaker unconsciously passes from the hypothetical case (ἀνθρωποι) to his own.—δ...δεινότατον: the construction is, δ ὧν πάντων δεινότατον (ἐστίν) | (τούτ' ἐστιν) | ὑποδέξασθαι καὶ τρέφειν. A simpler expression is that of Plato’s Apology 41 b καὶ δὴ τὸ μέγατον | (τούτ' ἐστιν) | ἔξετάσοντα διά-γειν; less close is the connection where the relative precedes a clause with a finite verb, as in 32. 24 δ ὧν πάντων δεινότατον (ἐστίν), δ ἀνδρεὺς δικασταί: οὕτος γὰρ . . . λελόγισται. So in 19. 25. Cr. HA. 1009 a.—παιδία πολλά: a lot of little children is something of an exaggeration for the παιδία τρία of § 9.—μηδὲ: see on μήτε 12. 68 (B).

34. πρὸς θεῶν 'Ολυμπίων: the only form of oath used by Lysias, and this only here and in § 54, and in the earnest closing appeal to the jury in 13. 95. This avoidance of the common oaths of every-day
impassioned speech is as fitting to
the calm and simple style of Lysias
as is their constant use to the
vehement style of Demosthenes.
— γὰρ: force, see on § 12 (C) (2).
— Τιμοθέω τῷ Κόνωνος: Conon had
died in Cyprus not long before
this. Because of his services to
the king of Persia, and later to
Evagoras of Cyprus, he had been
believed to be enormously rich.
His son, Timotheus, was now
already well known in the city,
although he did not enter upon
his career of political leadership
until some years later.— τέτταρα
τάλαντα: we conclude that the sale
of Aristophanes’s property had
yielded about this sum to the state.

— ἀπολίσθαι: financial ‘ruin’; so
in § 45.— δὴ οὐδὲ πολλοστὸν κτῆ.: because his property was found to
be not even the smallest part of
what you had supposed. πολλοστὸν
μέρος τῆς δόξης is perfectly
intelligible, if less logical than the
equivalent expression in § 39 πολλο-
στὸν μέρος ἣν τὰ χρήματα ἄν
ἔμεισ προσδοκᾶτε.

35. τούτο: the participial
phrases stand in apposition with
tούτο, an uncommon construction.
7. 2. 4 ἔξωρε ταῦτα ἄκοινον διαφθε-
ρόμενον τὸ στράτευμα.— τῶν ἀφε-
λιῶν: it is assumed as a matter
of course that the officers were
enriching themselves. See p. 164.
περὶ τῶν χρημάτων ταύτα γυνώναι, ἵκανα μὲν ἐνθάδε τῷ ὑεὶ ἐκατέρω καταλιπέτιν, τὰ δὲ ἄλλα παρ' αὐτοῖς ἔχειν. ἢν γὰρ Κόνων μὲν ὅσ ἐν Κύπρῳ καὶ γυνῆ, Νικοφήμῳ δὲ γυνῇ καὶ θυγάτηρ, ἠγούντο δὲ καὶ τὰ ἐκεὶ ὁμοίως σφίσει εἶναι σὰ ὁσπερ καὶ τὰ ἐνθάδε. 37 πρὸς δὲ τοὺς ἐνθυμεῖσθι ὅτι καὶ εἰ τίς μὴ κτησάμενος ἄλλα παρὰ τοῦ πατρὸς παραλαβὼν τοὺς παιοὶ διώκειμεν, οὐκ ἐλάχιστα ἄν αὐτῷ ὑπὲλιπτε. βούλονται γὰρ πάντας ὑπὸ τῶν παιδῶν θεραπεύεσθαι ἔχοντες χρήματα μᾶλλον ἢ ἐκείνων δεῖσθαι ἀποροῦντες.

38 Νῦν τούντιν εἰ δημεύσατε τὰ τοῦ Τιμοθέου, — ὃ μὴ γένοιτο, εἰ μὴ τί μὲλλει μέγα ἀγαθὸν ἐσεθαί τῇ πόλει — ἐλάττω δὲ ἐξ αὐτῶν λάβοιτ' ἢ ἄ ἐκ τῶν Ἀριστοφάνους γεγένηται, τούτου ἔνεκα ἄν ἦσοιτε τοὺς ἀναγκαῖους

36. ταύτα γυνώναι: this ‘common resolution’ of Conon and Nicophemus is explained by the infin. clauses, ἵκανα μὲν ... καταλιπέτιν | τὰ δὲ ἄλλα παρ' αὐτοῖς ἔχειν. — ἐνθάδε ... παρ' αὐτοῖς: at Athens ... in Cyprus. — καὶ τὰ ἐκεί ... ὁσπερ καὶ: see on § 2 (A).

37. καὶ εἰ τίς κτλ.: ‘even a father who held ancestral property, and therefore regarded it as in trust for his children, would not, had he been in Nicophemus’s place, have turned over the larger part in his own lifetime to his son; still less one who had acquired his property by his own efforts,’ as Nicophemus had. The fact, therefore, that little of Nicophemus’s property was found in Aristophanes’s estate furnishes no ground for suspicion.’ On καὶ εἰ see on 16. 2.— μή: see on μῆτε 12. 68 (B). — θεραπεύεσθαι: a son whose father still keeps the property in his own control will presumably be most attentive to him.

38. εἰ μὴ τί κτλ.: i.e. unless the public good shall require it, as punishment for some crime on his part. The sentiment is quite in keeping with the deference which an Athenian pleader in court would show toward the supreme interests and will of the sovereign people.— ἄν ἠσοῦτε: the case which was thought of at first as supposable (εἰ δημεύσατε, λάβοιτε) is, as the
39 τοὺς ἑκέινου τὰ σφέτερ’ αυτῶν ἀπολέσαι; ἀλλ’ οὐκ ἐκός, ὡς ἄνδρες δικαιοῦν ὁ γὰρ Κόνωνος θάνατος καὶ αἱ διαθήκαι, ἃς διέθετο ἐν Κύπρῳ, σαφῶς ἐδήλωσαν ὅτι πολλοστὶν μέρος ἦν τὰ χρήματα ὅν ύμεῖς προσεδόκατε. τῇ μὲν γὰρ Ἀθηνᾶ καθιέρωσεν εἰς ἀναθήματα καὶ τῷ Ἀπόλλωνι εἰς Δελφοὺς πεντακισ- χίλιους στατήρας. τῷ δὲ ἀδελφίδιῳ τῷ ἑαυτοῦ, ὡς ἐφύλαττεν αὐτῷ καὶ ἐταμίευε πάντα τὰ ἐν Κύπρῳ, ἐδώ- κεν ὡς μυρίας δραχμάς, τῷ δὲ ἀδελφῷ τρία τάλαντα. τὰ δὲ λουπὰ τῷ νεὶ κατέλυπε, τάλαντα ἐπτακαίδεκα. τοῦτοι δὲ κεφαλαίοι γίγνεται περὶ τεταράκοντα τά- λαντα. καὶ οὐδενὶ οὗτον τε εἰπεῖν ὅτι διηρπάσθη ἡ ὡς οὐ δικαίως ἀπεφάνθη· αὐτὸς γὰρ ἐν τῇ νόσῳ ὅν ἐδιέθετο. Καὶ μοι κάλει τούτων μάρτυρας.

ΜΑΡΤΥΡΕΣ

sentence proceeds, treated as impossible (ἀν ἦσοντε, the “contrary to fact” construction).

39. εἰκός: sc. ὡμάς τούτ’ ἄν ἐξοῦτον.—eis: see on εἰς τάς ναύς § 21 (A).—ἀναθήματα: votive offerings to Athena, probably to be placed on the Acropolis. Conon had already dedicated a golden crown in memory of the battle of Cnidus, bearing the inscription Κόνων ἀπὸ τῆς ναυμαχίας τῆς πρὸς Δακεδαμωνίους (Dem. 22. 72).

40. τῷ ὃτι: Timotheus. What provision was made for the son of the Cyprian wife (§ 36), if he was still living, does not appear. Timotheus was already beginning to set an example of greater luxury than that of the older generation. Aristophanes in the Plutus (388 B.C.) speaks of his house as a πύργος (v. 180).

41. ἐν τῇ νόσῳ ... διέθετο: important for our knowledge of Conon’s death (cp. διέθετο ἐν Κύπρῳ § 39), for from a statement of Isocrates (ἐπὶ θανάτῳ συλλαβεῖν 4. 154) we should naturally, though not necessarily, infer that Conon was put to death by the Persians.—ἐδιέθετο: a technical term in Attic law, corresponding to the English “being of sound mind.”
42 Ἄλλα μὴν ὀστισοῦν, ὡς ἀνδρεῖς δικασταί, πρὶν ἀμφό
tερα δῆλα γενέσθαι, πολλοστὶν μέρος τὰ Νικοφήμου
τῶν Κόνωνος χρημάτων φήθη ἃν εἶναι. Ἀριστοφάνης
tοίνυν γῆν μὲν καὶ οἰκίαν ἐκτῆσατο πλεῖν ἥ πέντε
tαλάντων, κατεχορήγησε δὲ ὑπὲρ αὐτοῦ καὶ τοῦ πατρὸς
πεντακισεκατωναὶ δραχμᾶς, τριηράρχων δὲ ἀνήλωσεν
ὁγθοῖκοντα μνᾶς. εἰσενήκεται δὲ ὑπὲρ ἀμφοτέρων
οὐκ ἐλαττὸν μνῶν τεταράκοντα. εἰς δὲ τὸν ἐπὶ Σικε
λίας πλοῦν ἀνήλωσεν ἐκατὸν μνᾶς. εἰς δὲ τὸν ἀπόστο-
λον τῶν τριήρων, ὅτε οἱ Κύπριοι ἤλθον καὶ ἔδοτε αὐτοῖς
τὰς δέκα ναῦς, καὶ τῶν πελταστῶν τὴν μίζθωσιν καὶ
ἀποτῶν ὅπλων τὴν ἄνην παρέσχε τρισμυρίας δραχμᾶς.
καὶ τούτων κεφάλαιο πάντων γίγνεται μικρὸν λείπον-

42. The following details are valuable as showing something of
the cost of public services ren-
dered, partly voluntarily, and partly
under compulsion, by the wealthy
Athenians. The facts have been
more briefly stated in § 29.—
φήθη ἃν: see on ἅν ἡξίωσε § 13.—
γῆν, οἰκίαν: see on § 29.—κατε-
χορήγησι: for force of κατα- see
L. & S. s.v. κατά, E VI; here without
any disparaging sense. Cp.
English ‘use up.’ Cp. κατερή-
σατο § 22.—πεντακισεκατωναὶ δραχ-
μᾶς: in his two services as cho-
ragus. For full description of
these duties see Haigh, Attic The-
aatre (2d ed.), p. 73 ff.; cp. Gulick,
p. 62.—ὁγθοῖκοντα μνᾶς: this
was for a period of three years
(§ 29) = 26½ minae a year. The
defendant in XXI reckons his
expenditure for seven years as
trierarch at 6 t. = 360 minae, an
average of 51½ minae a year, about
twice the sum given in our passage.
We may reasonably assume that
our speaker was συντρηραχως,
bearing only half of the expense.
For the similar case of Diogiton,
with an expenditure of 24 minae,
see 32. 26, and note on 32. 24.

43. εἰσενήκεται: in § 29 the
occasions are spoken of as εἰσφο-
ρᾶς πολλᾶς. For the εἰσφορὰ see
on 12. 20.—εἰς: see on εἰς τὰς
ναῦς § 21 (B).—ἐπὶ Σικελίας: see
§ 19.—τῶν τριήρων: see § 21 ff.
—λείποντος: impersonal; for the
personal construc. see 32. 24 and 27.
This gives an average contribution of about 1½ t. a year. But these years were the final years of the Peloponnesian War, when public burdens were extraordinarily heavy; the same man gives smaller sums for the time immediately following. Moreover, the speaker says that the law would have required of him less than one fourth this amount. Unfortunately we have neither in this case nor in that of Aristophanes any knowledge of the total property or income from which these contributions were made, so that we have no sufficient basis for comparison with modern times. We lack the same data in the case of the speaker’s father, whose services of this kind amounted to 9 t. 2000 dr. in a period of fifty years (§ 59). We know that at his death the estate amounted to between four and five talents (see on § 9), but the son says that he left ἐκ πολλῶν ὀλίγα, so that we can form no safe estimate of the father’s property or income during the years of his active life.

44. τρίτον μέρος: Conon’s will showed 40 t. (§ 40); the speaker
Douie. kai ou prosologizomeba osa autos en Kupro exche
Nikophmos, ospsi aitw ekei gynaikos kai thugatros.

45 'Egvi miven ouk aziw, d' andrai dikastai, oui polla kai megala tekmiria parasxomévous hmais
wv apoleisthai adikos. akhkoa gar echege kai tov patros
kai allon presbupterwn, sti ou nwn mouon alla kai
en tov emprosothen chróni polloos efwoshteti ths ovsias,
ou zównes mwen ploutein edókon, apodanontes de polu

46 autika: for example; so

has accounted for about 15 t. of the property of Nicophemus and Aristophanes.—ισχε: kept (not
inpressive, got).

45. eiw miven: cp. on eive miven,
12. 8.—ouk aziw: with aziw and
an infinitive the negative (ou)
stands oftener with aziw than
(mu) with the infinitive.—apoll
seba: see on § 34.—akhkoa:
see on §§ 14 and 19.—efwos
sthti: 'empirical' aorist, see on
ghodhm 16. 20.—ovsias: case
HA. 748; G. 1117; B. 362. 1;
Gl. 509 a.—polu paras thn dozan:
the phrase stands as predicate of
efwoshtei, the indefinite participle
(ontes or ovvian ekontes) being
omitted. For the same phrase cp.
16. 3.

46. autika: for example; so
in § 63. See L. & S. s.v. II.—
'Ischomach: Xenophon in his Oecono-
micus presents Ischomachus as
the ideal gentleman, citizen, and
man of affairs, and puts into his
mouth a detailed statement of the
principles and habits by which he
has attained the name of kalos
kagados. But Athenaeus (12.
537 c) cites a statement of Hera-
cides Ponticus that Ischomachus
lost his property at the hands of
a couple of parasites. It would
appear, therefore, that the later
life of Ischomachus did not justify
Xenophon's praise.—plein: for
the form see on 32. 20.—ide sym-
konta talanta: for the amount of
some Athenian fortunes see on
32. 23.—in: this form of the
nom. dual is established by Attic
ὑπὲρ τῶν Ἀριστοφάν. ΧΡΗΜ. XIX 45–47, 52 201

φάνω δὲ τῷ Ῥήλλου ἔλεγετο εἶναι πλεῖν ἢ πεντήκοντα τάλαντα, ἀποθανὼν δὲ ἡ οὐσία ἐφάνη περὶ ἐνδεκα 47 τάλαντα. οἱ τοιῶν Νικίου ὁικοὶ προσεδοκᾶτο εἶναι 281 οὐκ ἔλαττον ἢ ἐκατόν τάλαντων, καὶ τούτων τὰ πολλὰ ἐνδοῦν. Νικήρατος δὲ οὗ ἀπεθνησκεν, ἀργύριον μὲν ἡ χρυσίων οὐδὲ αὐτὸς ἔφη καταλείπειν οὐδέν, ἀλλὰ τὴν οὐσίαν ἂν κατέλησε τῷ ὑὲ, οὗ πλεύσασιν ἂξια 52 ἐστὶν ἡ τεττάρων καὶ δέκα τάλαντων. ἔπειτ' οὖν μα 286 ύμᾶς εἰδέναι ὅτι Ἀλκιβιάδης τέταρα ἡ πέντε ἐν

inscriptions.—Στεφάνι: otherwise unknown to us.—περὶ ἐνδεκα τάλαντα: the phrase takes the place of a predicate nominative with ἐφάνη. A similar phrase may be used as subject, as in 13. ἡ κατασκαφείη τῶν τειχῶν τῶν μακρῶν ἐπὶ δέκα στάδια ἐκατέρων if of the long walls a space of ten stadia each should be destroyed.

47. τοιῶν: force, see on 16. 7 (D). —Νικίου: the conservative statesman and general, who led the ill-fated Sicilian expedition, and was captured and put to death by the Syracusans. Athenaeus (VI. 272 c) calls him ὁ τῶν Ἐλλήνων ζάπλοντος Νικίας. Plutarch says of him (Nicias, III) that “he won the people by his services as choragus and gymnasiarch and other such ambitious expenditures, surpassing in liberality and munificence all the men of former times, as well as his own contemporaries.” —ἐνδοῦν: used, as in § 22, of “ready money,” in distinction from loans, real estate, etc.—Νικήρατος: of Niceratus, the son of Nicias, Lysias says that, although like his father an aristocrat, he was recognized as dangerous to the party that overthrew the democracy, and was put to death by the Thirty. —τὴν οὐσίαν ἂν: “inverse attraction” is most common when the antecedent would be nom. or accus., least common when it would be dat. Cp. Xen. Anab. 3. 1. 6 ἀνεῖλεν αὐτῷ ὁ Ἀπόλλων θεός οἷς ἔδει θύειν (θεός for θεοῦ). HA. 1003; G. 1035; B. 484. 2; Gl. 613 c.

52. For the question of the genuineness and position of this paragraph, see Crit. Note.—Ἀλκιβιάδης: Alcibiades was banished in 415, and his property was confiscated. On his return to the city in 408 (see Chron. App.), the state gave him land to reimburse him for the confiscated property (Isoc.
ępexῆς ἐστρατήγει ἐπικρατῶν καὶ νευκηκώς Δακεδαι-
μονίους, καὶ διπλάσια ἐκεῖνοι ἕξιοι αἱ πόλεις διδόναι ἢ ἄλλῳ τινὶ τῶν στρατηγῶν, ὅστε ὁμοῦ εἶναι τινὲς ἀυτῶ πλεῖον ἢ ἐκατόν τάλαντα. ὁ δὲ ἀποθανὼν ἐδήλω-
σεν ὅτι οὐκ ἄληθή ταῦτα ἔμεν. ἐλάττω γὰρ οὗσιν κατέληπτε τοὺς παιῶν ἢ αὐτὸς παρὰ τῶν ἐπιτροπευσάν-
των παρέλαβεν. Καλλίας τοῖς ὁ Ἰππονίκου, ὅτε
νεωστὶ ἐτεθυηκεὶ ὁ πατήρ, πλεῖστα τῶν Ἑλλήνων ἐδο-

16. 46). Upon the reversal of 

sentiment toward him after the 

disaster at Notium, he withdrew 

to his possessions on the Thra-

cian Chersonese, where he re-

mained till after Aegospotami. 

He then took refuge from the 

Spartan power with the satrap 

Pharnabazus. The Thirty passed 

a decree of exile against him and 

seized his land in Attica. At the 

same time the Persians were per-

suaded, perhaps in part by the 

Thirty, to put him to death. His 

son returned from exile after the 

deposition of the Thirty, and at-

ttempted to recover the land that 

they had seized; in this he was 

unsuccessful (Isoc. 16. 46). The 

claim to this land, together with 

the possessions in the Chersonese, 

probably made up the inheritance 

referred to in the text. — τέταρα 

ἥ πνέει: in the summer of 411 the 

men of the fleet at Samos, refusing 

to serve the Four Hundred, elected 

Alcibiades général; he was in 

power from that time until after 

the battle of Notium (407). — 

διδόναι: on these contributions 

to commanders of fleets, see In-

tro. p. 163 f. — πᾶς: position, see 

on ἡμῖν 12. 33. — παιῶν: Alci-

biades left two legitimate children, 

a son and a daughter. — τῶν ἐπι-

τροπευσάντων: τοῦ δὲ Ἀλκιβιάδου 

Περικλῆς καὶ Ἀρίφρων οἱ Ἴσανθί-

πον, προσῆκοντες (relatives) κατὰ 

γένος, ἐπιτρόπευν (Plut. Alci-

biades, I).

48. Καλλίας ὁ Ἰππονίκου: the 

foundation of the fortune of this 

famous family is said to have been 

laid by a Hipponicus, a friend of 

Solon, who, learning from Solon 

of his plan to relieve debtors with-

out disturbing land titles, hastily 

borrowed large sums of money 

and invested in land (Plutarch, 

Solon, XV). His nephew, Cal-

lias the first, was famous for his 

wealth, his hatred of the Pisi-

stratidae, and his lavish expendi-

tures (Herod. 6. 121). Callias's
son, Hipponicus the second, is said to have added to his inherited wealth the treasure of a Persian general, which had been left in his hands by an Eretrian (Athen. XII. 537). His son, Callias the second, the πάππος of our passage, was reputed to be the richest Athenian of his time. Hipponicus the third inherited this wealth. He had 600 slaves let out in the mines; he gave his daughter, on her marriage to Alcibiades, the unheard-of dowry of ten talents. His son, the Callias of our text, finally dissipated the family wealth. He affected the new learning, and we have in Plato's Protagoras (VI ff.) a humorous description of his house, infested by foreign sophists. His lavish expenditures upon flatterers and prostitutes still further wasted his property, and he died in actual want (Athen. l.c.). — τοίνυ: force as in § 47. — έτμήσατο, τήμα: the technical terms for valuation in connection with assessment of taxes. But here they are used of the real value of the property, not of the 'assessed valuation.' (In determining the tax — at least after 378 — a certain fraction of the real valuation was taken as the 'assessed valuation,' and the tax levied upon that.) — Κλεοφάντα: a typical demagogue, the leader of the extreme democrats in the last years of the Peloponnesian War. His chief services were in the department of finance, where he was successful under the greatest difficulties. He was violently and persistently opposed to any compromise with Sparta, and stood so in the way of the final surrender that, during the peace negotiations, his political opponents compassed his death upon a doubtful charge of desertion of post. — προσήκοντες, κηδεσταί: relatives by birth, connections by marriage.
τῶν ἀρχαιοπλοῖων πολὺ ἐφευσμένων καὶ τῶν νεωτέρων. οὖν δὲ μοι δοκεῖ εἶναι, ὅτι 305 ῥᾴδιως τινὲς τολμῶσι λέγειν ὡς ὁ δεῖναι ἔχει τάλαντα πολλὰ ἐκ τῆς ἀρχῆς. καὶ ὅσα μὲν περὶ τεθνεῶν λέγουσιν, οὐ πάντων θαυμάζω (οὐ γὰρ ὑπὸ γε ἐκείνων ἐξελεγχθεῖν ἂν), ἀλλὰ ὅσα ζώντων ἐπιχειροῦσι κατασκεύασθαι. αὐτοὶ γὰρ ἐναγχος ἱκουσεῖ ἐν τῇ ἐκκλησίᾳ, ὡς Διότιμος ἔχοι ταλάντων τετταράκοντα πλεῖστον. ὅσα αὐτὸς ἀμολόγει παρά τῶν ναυκλήρων καὶ ἐμπόρων καὶ ταῦτα, ἐπειδὴ ἦλθεν, ἐκείνου ἀπογράφοντο καὶ χαλέπιος φέρουσθi 49. τῶν ἀρχαιοπλοίων: for the case see on oí̂sos § 45. — ἐκ τῆς ἀρχῆς: as in the case on trial, which turns upon the question whether Nicophemus and Aristophanes had grown rich through their naval service. 50. γάρ: explicative γάρ, see on 19. 12. Here the γάρ clause gives an instance illustrating a general statement = Eng. for instance. — Διότιμος: in the last campaign of the Corinthian War (388/7) Diotimus and Iphicles commanded an Athenian fleet on the Hellespont until forced back by the Spartan Antalcidas (Xen. Hell. 5. 1. 25 ff.). One duty of the fleet was to convoy grain ships coming from the Euxine. For this service the merchants paid a price to the treasury of the fleet, and in addition they were likely to make personal payments to the commanders, in order to secure prompt and efficient service. Such gratuitous opened the way to serious abuse. — ταῦτα: connect with ἐξελεγχεῖ. — ἀπογράφοντος: Diotimus made haste to “hand in his accounts” to the board of auditors, not waiting for their examination in regular course. — διεβάλλετο: = Eng. pluperfect. Whether a Greek subordinate impf. represents an act in progress at the time of the leading verb or before it, is determined by the context only. Cp. on 12. 56.
36 \(\text{άν \ εγένετο, εἰ \ Αθηναίων \ ἀπάντων \ ἀκηκοότων ὅτι τετ-}\) 
\(\text{ταράκοντα τάλαντα ἔχοι Διότιμος, εἶτα ἔπαθε \ τι πρὶν \) 
\(\text{καταπλήσσαι δεῦρο.} \) 
\(\text{έτα \ οἱ \ προσήκοντες \ ἀν \ αὐτοῦ \ ἐν \) 
\(\text{κινδύνῳ ήσαν τῷ \ μεγίστῳ, εἰ \ ἔδει \ αὐτοὺς \ πρὸς \) 
\(\text{τοσαύτην \ διαβολὴν \ ἀπολογεῖσθαι, μὴ \ εἰδότας \ μηδὲν \ τῶν \) 
\(\text{πεπραγμένων.} \) 
\(\text{ἀιτιο \ οὖν \ εἴσι \ καὶ \ ύμῶν \ πολλῶν \ ἦδη \) 
\(\text{ψευδὴν \ καὶ \ ἦδη \ ἀδίκως \ γέ \ τινας \ ἀπολέσθαι \ οἱ \) 
\(\text{βαδίως \ τολμῶντες \ ψευδεσθαι \ καὶ \ συκοφαντεῖν \ ἀνθρώ-}\) 
\(\text{πους \ ἐπιθυμοῦστε.} \)

58 \(\text{Ὅτι \ μὲν \ οὖν \ καὶ \ ἐν \ τῷ \ ἐμπροσθεν \ χρόνῳ \ τουιάτα \) 
\(\text{ἐγένετο, βαδίων γνώναι. \ φασὶ δὲ \ καὶ \ τοὺς \ ἀρίστους \) 
\(\text{καὶ \ σοφώτατους \ μάλιστα \ ἐθέλειν \ μεταγιγνώσκειν.} \) 
\(\text{εἰ \ οὖν \ δοκοῦμεν \ εἰκότα \ λέγειν \ καὶ \ ἱκανά \ τεκμηρία \ παρέ-}\) 
\(\text{χεσθαι, \ ὃ \ ἀνδρεῖς \ δικασταί, πάση \ τέχνη \ καὶ \ μηχαν\) 
\(\text{ṇ ἐλεύσατε. \ ὡς \ ἡμεῖς \ τῆς \ μὲν \ διαβολῆς \ οὕτω \ μεγάλης \) 
\(\text{οὐσίας \ ἤ\ ν \ προσδοκώμεν \ κρατήσεις \ μετὰ \ τοῦ \ ἀληθοῦς.} \) 
\(\text{ὑμῶν \ δὲ \ μηδένι \ τρόπῳ \ ἐθελησάντων \ πεισθῆναι \ οὐδὲ \) 
\(\text{ἐλπὶς \ οὐδεμία \ σωτηρίας \ ἔδοκεν \ ἡμῖν \ εἶναι.} \) 
\(\text{ἀλλὰ \ πρὸς \ θεῶν \ Ὀλυμπίων, \ ὃ \ ἀνδρεῖς \ δικασταί, ἄμβλεσθε \ ἡμᾶς \) 
\(\text{δικαίως \ σώσαι \ μᾶλλον \ ἢ \ ἀδίκους \ ἀπολέσαι, καὶ \ πιστεύ-}\) 
\(\text{ετε \ τούτως \ ἀληθῆ \ λέγειν, \ οὐ \ δὲ \ καὶ \ σιωπῶντες \ ἐν \) 

51. ἐπάθει κτλ.: if some disaster had prevented his return. πρίν used loosely as in 12. 17. — μή: see on μήτε 12. 68 (B). — ἕφεσθαι, ἀπολάθαι: tense, see on ἑφεσθήκες § 45.

53. μὲν οὖν: force, see on 12. 3 C. — ἐγένετο: impf. because the argument turns on the frequency of the occurrence. — πάσῃ τέχνῃ καὶ μηχανῇ: see on § 11. — μηδείς: see on μήτε 12. 68 (A).

54. πρὸς θεῶν Ὀλυμπίων: see on § 34. — βούλευσθαι: the positive and active wish, in distinction from mere willingness (cp. the neutral ἐθελησάντων πεισθῆναι willing to be persuaded § 53). — πιστεύειν τοῦ- τον κτλ.: lit. trust them that they
άπαντι τῷ βίῳ παρέχωσι σώφρονας σφάς άυτονός καὶ
dικαιόνς.

55 Περὶ μὲν οὖν αὐτῆς τῆς γραφῆς, καὶ ὃ τρόπῳ κηδε-
σταί ἡμῖν ἐγένοντο, καὶ ὡς οὐκ ἔξηρκει τὰ ἐκεῖνον εἰς
tὸν ἐκπλουν, ἀλλὰ καὶ ὡς ἀλλοθεν προσεδανεῖστο, ἀκηκόατε καὶ μεμαρτύρηται ὦμῖν· περὶ δὲ ἐμαυτοῦ
βραχέα βούλομαι ὦμῖν εἰπεῖν. ἐγὼ γὰρ ἔτη γεγονός
ἡδη τριάκοντα οὔτε τῷ πατρί οὐδὲν πώποτε ἀντέιπον,
60 οὔτε τῶν πολιτῶν οὔδεις μοι ἐνεκάλεσεν, ἐγγύς τε
οίκῶν τῆς ἁγορᾶς οὔτε πρὸς δικαστηρίῳ οὔτε πρὸς

speak the truth. The subject of
an infin. with πιστεύω is often
thus drawn into immediate de-
pendence upon πιστεύω. Cp.
Andoc. 1. 2 πιστεύσας μάλωτα
μὲν τῷ δικαίῳ, ἔστειτα δὲ καὶ ὦμῖν
γνώσεθαι τὰ δικά μου putting my
trust first of all in the justice of
my case, and then in you, that you
will reach a just decision; cp. the
similar and common construction
with οἶδα, as in § 48 Κλεοφῶντα
de πάντες ἵστε, ὦτι ... διεχείρον.

55. μὲν οὖν: as in § 53. On this
recapitulation see Crit. Note.—
eἰς τὸν ἐκπλοῦν: see on eἰς σωτη-
ρίαν 12. 14. The structure of the
negative sentence is:—

{oúte ánteípon
{oúte ἐνεκάλεσεν

ἀφθηθιν τε { oúte πρός . . .
oúte πρός . . .
— oúte ánteípon: Isocrates says
(7. 49) of the young men of the

“good old times,” ἀντείπειν δὲ
τῶν πρεσβυτέρων ἡ λαοδρήσα-
σθαι δεινότερον ἐνόμιζον ἡ νῦν
περὶ τῶν γονίων ἐξαιρέσεων to
contradict their elders, or to speak
impolitely to them, they considered
worse than young men now
consider ill-treatment of their
parents. Aristophanes’s attack on
Socrates in the Clouds gains much
of its force in the picture of the
son, corrupted and made impudent
by his new learning, contradicting
and correcting his old father.—

οὐδεὶς μοι ἐνεκάλεσεν: cp. 12. 4.
—ἀγορᾶς: the senate-house and
several of the court rooms were
on the Agora. Ordinary sessions
of the Senate and all sessions
of the courts were open to the
public. The speaker in Isaeus’s
first speech (§ 1) prides himself
upon the fact that he has never
been in court, even as a listener.
βουλευτηρίῳ ὄφθην οὐδεπόποτε, πρὶν ταύτην τὴν συμβ. 350 φορὰν γενέσθαι. περὶ μὲν οὖν ἐμαυτοῦ τοσαῦτα λέγω, περὶ δὲ τοῦ πατρὸς, ἐπειδὴ ὁποιοὶ ἀδικοῦντος αἱ κατη- γορίαι γεγένηται, συγγνώμην ἔχετε, ἐὰν λέγω ἃ ἀνή-

λωσέν εἰς τὴν πόλιν καὶ εἰς τοὺς φίλους· οὐ γὰρ φιλοτιμίας ἔνεκα ἄλλα τεκμήριον ποιοῦμεν Ὑπὸ οὐ
tοῦ αὐτοῦ ἐστιν ἀνδρὸς ἀνέν ἀνάγκης τε πολλὰ ἀνα-

λίσκει καὶ μετὰ κινδύνου τοῦ μεγίστου ἐπιθυμή-
355 σια ἐξείν τι τῶν κοινῶν. εἰσὶ δὲ τινες οἱ προαναλ.
ποντες μόνον τοῦτον ἔνεκα ἵνα ἀρχεῖν ὑπ’ ἵμοι
αξιωθέντες διπλάσια κομίσωσιν. ὁ τοίνυν ἐμὸς
πατὴρ ἀρχεῖν μὲν οὐδεπόποτε ἐπεθύμησε, τὰς δὲ
χρηματίας ἀπάσας κεχρηνήθηκε, τετριπλάρχηκε δὲ
360 ἐπτάκις, εἰςφορὰς δὲ πολλὰς καὶ μεγάλας εἰςενή.

In the Clouds of Aristophanes (991) the representative of the old customs promises the youth that he shall learn to hate the Agora. Cp. on 16. 11. — πρὶν . . .

γενέσθαι: see on πρὶν . . . νικήσαι
§ 28; “until” would serve with πρὸς δικαιστηρίῳ, but not with βουλευτηρίῳ.

56. μὲν οὖν: as in §§ 53 and 55. — τοσαῦτα: so much only, though here without the ἐκ πολ-

λῶν ὄντων which made the meaning clear in 12. 95. — εἰς τὴν πόλιν: see on εἰς τὰς ναῖς § 21 (C). —

ποιοῦμενος: sc. λέγω from the pre-

ceding sentence. — ἔχειν τι τῶν κοινῶν: the charge, originally brought against the speaker's

father, was that he was concealing property of his son-in-law, Aristophanes, which belonged to the state by the decree of con-

fiscation.

57. προαναλισκοντες: pro-
in advance; they treat their public services as an investment. The chief financial offices were elective. See on 16. 8. — τοίνυ: force, see

on 16. 7 (C); but here the individual instance is cited as in contrast with the general state-

ment. — κεχρηνήθηκε: this and the following perfects because the present bearing of the acts on the credit of the family is the essential thought. See

on εἰργασμένου εἰς 12. 22. —
νοχεν. ἢνα δὲ εἰδῆτε καὶ ὑμεῖς, καὶ καθ’ ἐκάστην ἀναγνώστεται.

ΔΗΙΤΟΥΡΓΙΑΙ

58 Ἀκούετε, ὃ ἄνδρες δικασταί, τὸ πλήθος. πεντή-
κοντα γὰρ ἐτη ἐστίν ὁσα ὁ πατὴρ καὶ τῶς χρήματι
καὶ τῇ σώματι τῇ πόλει ἐλητοῦργει. ἐν οἷς τοσοῦτοι
χρόνῳ δοκοῦντά τι ἐξ ἀρχῆς ἔχειν οὐδεμίαν εἰκὸς
dαπάνην πεφευγέναι. ὦμως δὲ καὶ μάρτυρας ὑμῶν
παρέξομαι.

ΜΑΡΤΥΡΕΣ

59 Τούτων συμπάντων κεφάλαιον ἐστιν ἐννέα τάλαντα
καὶ δυσχίλιαι δραχμαί. ἐτι τοίνυν καὶ ἰδίᾳ τισὶ τῶν
πολιτῶν ἀποροῦσι συνεξεδωκε θυγατέρας καὶ ἀδελφάς,
tοὺς δ’ ἐλύσατο ἐκ τῶν πολεμίων, τοὺς δ’ εἰς ταφήν

καὶ ὑμῖς: you, as well as his family. — ἀναγνώστεται: as in § 27.

58. πεντήκοντα ἐτη: a young man who inherited property be-
came subject to liturgies a year after he came of age (32. 24); the
speaker’s father died at the age of seventy (§ 60). — τῇ σώματι:
by service as trierarch (§ 57) and as cavalryman (§ 63). — ἐλητοῦργει:
impf. although with a definite number (which usually requires the
aorist, GS. 208) because the emphasis is on the repetition of the
act. Cf. on φίλητε 12. 4. — ἐν οἷς τοσοῦτοι χρόνῳ κτλ.: in so long a
period therefore and having the
reputation of being a man of
property to start with (ἐξ ἀρχῆς),
it is reasonable to suppose that he
avoided no expense, i.e. it is safe
to assume that the regular public
services of a rich man were ex-
acted of him.

59. ἑτι τοίνυν: force, see on
25. 15. — συνεξεδωκε: for the im-
portance of the dowry see on
12. 21. — ἐλύσατο: voice, see on
12. 8. The custom of selling
prisoners of war into slavery was
so common that the family of any
citizen serving in the field was
liable to be called upon to buy
back his freedom. The contribu-
tion of money to help poor fami-
παρέσχεν ἀργύριον. καὶ ταῦτ' ἐποίει ἡγούμενος εἶναι ἄνδρός ἀγαθὸν ὄφελεῖν τοὺς φίλους, καὶ εἰ μηδεῖς μέλλοι εἰσεθηκεί· νῦν δὲ πρέπον ἐστὶ καὶ ὑμᾶς ἀκοῦσαι μου. Καὶ μοι κάλει τὸν καὶ τὸν.

ΜΑΡΤΥΡΕΣ

60 Τῶν μὲν οὖν μαρτύρων ἀκηκόατε· ἐνθυμεῖσθε δὲ ὅτι ὁλίγον μὲν χρόνον δύνατ' ἂν τις πλάσασθαι τὸν τρόπον τὸν αὐτόν, ἐν ἔβδομηκοντα δὲ ἔτεσιν οὐδ' ἂν εἰς λάθοι πονηρὸς ὄν. τῷ τοίνυν πατρὶ τῷ ἐμῷ ἄλλα μὲν ἂν τις ἔχοι ἐπικαλέσαι ἰσως, εἰς χρήματα δὲ οὐδεὶς οὐδὲ τῶν ἔχοντων ἐτολμησε πάττοτε. οὐκοιν ἄξιον τοῖς τῶν κατηγόρων λόγοις πιστεύσαι μᾶλλον ἢ τοῖς ἔργοις, ἢ ἐπράξθη ἐν ἀπαντῇ τῷ βίῳ, καὶ τῷ χρόνῳ, διὸ ὑμεῖς

lies in such straits, as well as to dower their daughters, was as common as our custom of contributing to help them bury their dead. Men who sought political influence with the masses were especially liberal in these ways. Cp. Dem. 18. 268 οὐτ' εἰ τινας ἐκ τῶν πολεμίων ἐλυσάμην, οὐτ' εἰ τισῶν θυγατέρας συνεξείδωκα. Even metics gladly shared in this service, cp. 12. 20. — ἐποίει: tense, see on ἐποίων 12. 25. — καὶ εἶ: force, see on 16. 2. — καὶ ὑμᾶς: you, as well as the friends whom he helped; cp. καὶ ὑμεῖς § 57. — τὸν καὶ τὸν: one and another, L. & S. s.v. A. VII. 2; cp. Demos. 9. 68 ἐδει γὰρ τὸ καὶ τὸ ποιῆσαι, καὶ τὸ μὴ ποιῇσαι we ought to have done this and that, and we ought not to have done the other. Lysias purposely uses the vague expression as implying that he could find any number of witnesses. The clerk has in his hands the testimony, and the names of the witnesses who are to take the stand and acknowledge it; see App. § 20.

60. μὲν οὖν: force, as §§ 53, 55, 56; see on 12. 3 C. — ἀκηκόατε: tense, see on 12. 48. — οὐδ' ἂν εἶ: more emphatic than οὐδείς; cp. 24. 24 οὐδ' ἂν εἶς ἀποδείξειν. — εἶ: in the less usual sense as regards.

61. τοῖς λόγοις . . . τοῖς ἔργοις:
385 σαφέστατον ἐλεγχοὺ τοῦ ἀληθοῦς νομίσατε. εἰ γὰρ
μὴ ἢν τοιούτος, οὐκ ἂν ἐκ πολλῶν ὅλγα κατέληπτεν,
ἐπεὶ εἰ νῦν γε ἐξαπατηθεῖτε ὑπὸ τούτων καὶ δημοῦ-
σαίν ήμῶν τὴν οὐσίαν, οὐδὲ δύο τάλαντα λάβοιτ' ἂν.
ὡσεὶ οὐ μόνον πρὸς δόξαν ἄλλα καὶ εἰς χρημάτων
390 λόγον λυσιτελεῖ μᾶλλον ήμῶν ἀποψηφίσασθαι. πολὺ
69 γὰρ πλεῖω ὀφεληθήςσεσθ', εὰν ήμεῖς ἔχωμεν. σκοπεῖτε
dὲ ἐκ τοῦ παρελημνυθότος χρόνου, ὅσα φαίνεται ἀνηλι-
μένα εἰς τὴν πόλιν καὶ νῦν ἀπὸ τῶν ὑπολοίπων τρη-
ραρχῶν μὲν ἐγὼ, τρηραρχῶν δὲ ὁ πατὴρ ἀπέθανεν,
cp. 12. 33.— νομίσατε: on the imperative in a relative clause
see on 12. 60.— δύο τάλαντα: the property is over 4 t. (see on
§ 9); the speaker must assume a shrinkage of one half by a
forced sale.— πρὸς δόξαν: for πρὸς
in a purpose phrase see on 12.
14. πρὸς δόξαν is a standing
phrase with other writers.— εἰς χρημάτων λόγον: lit. for reckown-
ing of money: we change the figu-
rative preposition, and say 'from
the financial standpoint.'— ἔχο-
μεν: the young man whose ser-
vices have been described in the
note on § 43 makes the same plea
at greater length. He says (21.
13-14): You see, gentlemen of the
jury, how small is the income of
the state, and how what there is
is plundered by the office holders.
You may therefore well consider
the safest income of the state to be
the property of those who willingly
perform the liturgies. If, then,
you are wise, you will guard our
property no less than your own,
knowing that you will have the
use of all that is ours, in the
future as in the past. But I
think that you all know that I
shall be a much better adminis-
trator of mine for you than the men
who administer the city's property
for you. But if you make me a
poor man, you will wrong your-
selves, and others will divide this
among themselves, as they do the
rest.
62. εἰς τὴν πόλιν: see on εἰς τὰς
ναις § 21 (C).— ἀπὸ τῶν ὑπολο-
ipων: the minimum of property
which subjected a citizen to the
liturgies was 3 t. (Isae. 3. 80).—
τρηραρχῶ: the necessity of appear-
ing in court excuses the defendant
from the usual requirement of ser-
Moreover, if he was only συντριπτικός, he would be required to serve only half of the time. For inference as to date of this speech see p. 163. — ὄλγα κατὰ μικρὸν παρασκευάσασθαι: to provide a modest amount, little by little. A modest promise, in keeping with the whole attitude of the speaker.

63. τῶν ἀναγκαλῶν: as in 24. 10 and 16. — αἵτικα: as in § 46. — ἵππων: on enrolment in the cavalry see XVI. Introd. p. 131. — ἄθληται: sc. ἵππων. He was not content with furnishing a cavalry horse which would make a fine appearance in the public processions, but he kept race horses also to compete in the national games. — Ἰσθμοί, Νεμέα: for the locative see HA. 220; G. 296; B. 76. N.; Gl. 527 a. Cp. on 12. 50. — στεφανωθήναι: the prize at both of these games was a wreath of parsley, which the victor dedicated to the patron god of his city.

64. ὑπὸ τῶν ἔχθρων: there is nothing in the speech to show whether the suit was instituted by the σύντριμος (see on § 32) or by private citizens (see App. § 9); but the speaker, like many speakers in such suits, would have the jury believe that private malice is back of the prosecution. (If the first
ἐχθρῶν ἀναρεθέντας. καὶ ταῦτα ποιοῦντες τὰ τε
410 δίκαια ψηφιεῖσθε καὶ ύμῖν αὐτοῖς τὰ συμφέροντα.

part of § 2 were not from a ready-
made proem, it would be con-
cclusive proof that the attack was
by private persons.) — τὰ τε δίκαια
. . . καὶ τὰ συμφέροντα: cp. the
same appeal in 22. 22.
XXII

AGAINST THE GRAIN DEALERS

INTRODUCTION

This speech was written for a senator who was leading the prosecution of certain retail grain dealers, on the charge that, by buying up a larger stock of grain than the law permitted, they had injured the importers, and raised the price of grain to the consumers. It was probably delivered early in 386.1

The successful expedition of Thrasybulus in 389/8 had brought the Hellespont under Athenian control, and thus secured the safety of the grain trade, which had been harassed by hostile fleets. But his death and the transfer of the command into less competent hands made the control of the Hellespont insecure again. At the same time the Spartans, having dislodged the Athenians from Aegina, were able constantly to endanger the grain ships at the home end of the route. The result was a period of unusual disturbance in the grain trade in the winter of 388/7.

The retail dealers (σωματικῶλας) were bidding one against another for the limited stock of grain in the hands of the importers, thus raising the price of bread.

One of the Commissioners of Grain now advised the retailers to form a combination to keep down the wholesale price. The importers had to sell; they were forbidden by law to store up

1 The speech falls at a time when the acceptance of peace is in doubt (§ 14). The conspiracy fell in the winter before (§ 8). The air has been full of rumors of interference with the imports (§ 14). All of this fits the winter of 388/7 for the disturbance of trade, and the beginning of 386 for the speech, so closely that there can be little doubt of the dating.
more than one third of any cargo; two thirds had to be thrown upon the market immediately.\footnote{See the quotation from Aristotle, below.} If, then, a sufficient combination could be made among the retail dealers, they could hold the price down effectively.

In accordance with this advice a ring was formed, but instead of passing the grain on to the consumers at a fair profit, the retailers used the low price to increase the stock of grain in their own storerooms, and put the retail price up according to the war rumors of the hour. The same practice was repeated in the following winter (§ 9).

When the facts of this combination became known, information (ἐνδογγελία) was lodged before the Prytanes, the business committee of the Senate, probably by some of the importers. The retail dealers had violated no law either in combining on the buying price, or (probably) in exacting an exorbitant profit on retail sales,\footnote{See on § 8. The purpose of the law restricting the retailers to fifty baskets must have been to prevent their raising the retail price by cornering the market. But if the law fixed the retail price at a definite advance on the wholesale price, no accumulation of grain by the retailers could have raised it.} but there was a law which forbade any retailer to buy more than fifty baskets at any one time;\footnote{§§ 5, 6.} in their greed they had ignored this law, and through this it was possible to attack them.

When the Prytanes brought the complaint before the Senate, the senators were so aroused that some were ready to order the constables to arrest and execute the accused forthwith. But one of the senators, protesting against condemnation without trial, persuaded them to follow the legal procedure (§ 2). This would be for the Senate to give the accused a hearing, and if the charges were sustained, to pass the case on to a law court.\footnote{The Senate had final jurisdiction only in case of penalties not greater than a fine of 500 dr. ([Demos.] 47. 43); in all other judicial cases their findings had to be passed on to a law court for final action. Arist. Resp. Ath. 45. 1.}
INTRODUCTION

session of the Senate the dealers were examined. The senator by whose influence the orderly procedure had been adopted was the only one of the senators who at this session pressed the case against them (§ 3). The Senate found the charges sustained, and sent the case to a court under the presidency of the Thesmothetae.

The senator who had become so prominent in the prosecution felt obliged to carry the case through — otherwise he would have been believed to have been bought off by the "ring." He accordingly employed Lysias to prepare a speech for him to deliver in court.

A study of this case involves a knowledge of the Athenian laws relating to commerce.

The small area of the Attic territory in proportion to population, and the poor adaptedness of the soil to grain production as compared with that of olives and figs, left the people largely dependent upon foreign sources for their grain. More than half of the supply came from foreign ports; the greater part from the Hellespont and the Euxine.

The development and protection of this trade and the control of the retail market were objects of especial care. In all the

1 The threatening of suits against rich men had become so common on the part of professional blackmailers that reputable men were loath to have anything to do with a case like this (ep. § 1).

2 For the course in such cases, see Arist. Resp. Ath. l.c.

8 We have an inscription from Eleusis (CIA. II. 834 δ) which gives the amount of barley and wheat received as the Eleusinian tax from Attica and the cleruchies, Salamis, Scyros, Lemnos, and Imbros, for the year 329/8 B.C. We know that this tax was one-sixth of one per cent on the whole production of barley, and one-twelfth of one per cent on the wheat (CIA. I. 27 δ). From this it has been computed that the soil of Attica and the cleruchies gave the people of Attica for their own consumption in the following year about 600,000 med. of grain. A statement of Demosthenes (20. 31 f.) in 355 B.C. implies that the imports of grain at that time amounted to about 800,000 med. a year. While these data as to home and foreign grain are twenty-seven years apart, they may be taken as giving an approximate ratio for the two sources of supply. (See Meyer, Forschungen zur alten Geschichte, II. 190 ff.)
wars the control of the critical posts on the grain route was a constant aim; colonies were sent out to points were they could both protect the route and become producers; in time of war grain fleets were conveyed by triremes (cp. 19. 50). All export of grain from Attica was prohibited, and no citizen or metic was allowed to carry grain from any source to any place save Attica, or to lend money on grain cargoes destined to other ports.

The importation was in the hands of wholesale dealers (*ευποροι*) at the Piraeus. Their business, with that of the wholesale market in general, was under the control of a board of ten Superintendents of the Market (*Ευπορίου ἐπιμεληταί*).

These officers kept records of all grain imported, and enforced the law that of every cargo of grain two thirds must be taken from the Piraeus up to the city.

The greater part of the grain thus passed at once into the hands of the retailers, but to prevent its accumulation in their storerooms and their consequent control of prices, it was provided by law, under penalty of death, that no retailer should buy more than fifty baskets at a time (**§§ 5, 6**).

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1 Scholium on Demos. 24. 136.
2 [Demos.] 34. 37, 35. 50; Lycurg. 27.
3 [Demos.] 35. 50 ff.
4 Dem. 20. 32.
5 Arist. Resp. Ath. 51. 4, ἐμπόροι δ’ ἐπιμελητὰς δέκα κληροῦσιν· τοῦτος δὲ προστέτακται τῶν τ’ ἐμπόρων ἐπιμελεῖσθαι, καὶ τοῦ ἁίτου τοῦ καταπλέοντος εἰς τὸ σιτικὸν ἐμπόροιν τὰ δύο μέρη τοὺς ἐμπόρους ἀναγκάζειν εἰς τὸ δῶτ’ κομίζειν. This must mean that the importers at the Piraeus were obliged to sell immediately two thirds of every cargo to the retailers of the city proper (cp. Wilamowitz, Aristoteles u. Athen, I. 220 n. 68. Busolt, Gr. Alter. 2 p. 245). In this way the importers were allowed to hold enough in their warehouses to provide for emergencies, but prevented from holding back a stock sufficient to corner the market. The reading εἰς τὸ Ἀττικὸν ἐμπόροιν in Harpocrates s.v. ἐπιμελητῆς ἐμπόρων (now corrected by the text of Arist.) led Boeckh to interpret this as meaning that of every cargo of grain brought by foreign merchants to the Piraeus only one third could be shipped on to other ports, a mistake which had become current in our handbooks before the discovery of Aristotle's treatise.
The whole retail grain trade was supervised by a board of Grain Commissioners; of their appointment and duties we learn as follows from Aristotle (Resp. Ath. 51. 3):—

"There were formerly ten σιτοφύλακες, appointed by lot, five for the Piraeus, and five for the city, but now there are twenty for the city, and fifteen for the Piraeus. They see, first, that the unground grain in the market is offered at a reasonable price (ἀνεφέσται δικαίως); 1 secondly, that the millers sell the barley meal at a price proportionate to that of barley, and that the bakers sell their loaves at a price proportionate to that of wheat, and of such weight as the commissioners may prescribe (for the law requires them to fix the weight)."

Thus the government followed the grain at every step from its reception in the Piraeus to the home of the consumer.

In special emergencies the people were not content with merely restrictive measures, but they elected a board of σιτωνα to buy grain and sell it to the people at a reasonable price. 2 At the first meeting of the Ecclesia in every prytany a part of the routine business was the consideration of the grain supply. 3

**OUTLINE**

I. Προοίμιον, Exordium, §§ 1–4.

Apology for appearing in the case, presented through brief narrative (Διήγησις) of the circumstances which connect the speaker with it.

II. Πρόθεσις, Propositio, §§ 5–7.

The general line of argument is indicated by the use of ἕρωτας (cp. 12. 24–25).

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1 For the question whether the ratio of the retail to the wholesale price was fixed by law, see on § 8.

2 Boeckh, Staatshaushaltung I. 111; Dem. 18. 248; CIA. II. Nos. 335, 353.

3 Arist. Resp. Ath. 43. 4.
III. *Hóres, Argumentatio*, §§ 8–21.

A. Answer to the claim that the defendants acted under direction of the Grain Commissioners, §§ 8–10.
   1. The advice was by only one commissioner, and that only to stop their competition, not to corner the supply, §§ 8–9.
   2. The advice was by a commissioner of last year; the prosecution is against acts of this year, § 9.
   3. Should we grant that they acted under advice of the commissioners, our only conclusion must be that the commissioners ought to share their punishment, § 10.

B. Answer to the claim that the defendants acted for the purpose of keeping prices down, §§ 11–16.
   1. This claim is inconsistent with the sudden and high rise of prices on the stock in their hands, §§ 11–12.
   2. This claim is inconsistent with their manifest indifference to the good of the people when called upon to meet their share of the public burdens, § 13.
   3. This claim is inconsistent with their notorious attempts to spread rumors of coming disaster, and their profits in your reverses, §§ 14–16.

C. An acquittal would be an affront to the importers, § 17.

D. Their acknowledgment of their violation of the law makes acquittal impossible, §§ 17–18.

E. The example of conviction is needed to keep this class of men in order in the future, §§ 19–20.

F. Refuse to pity them, but have sympathy rather with the citizens whom they have starved and the importers whom they have cheated, § 21.

IV. *Epílogos, Peroratio*, § 22.

Their guilt is notorious. Justice and cheaper food are the issues of your verdict.
The acknowledgment of the defendants that they had broken the letter of the law left for the prosecution only the task of breaking down the moral effect of their plea that they acted under direction of the Commissioners. For this Lysias could count upon the common belief among the jury that the retailers were extortioners, and the popular indignation against anything that tended to raise the cost of food. He skilfully throws upon this group of defendants the odium that belongs to their class.

The issue was so simple, the case so prejudiced in favor of the prosecution by the preliminary action of the Senate, and the odium of the act so certain, that Lysias was content to present every fact of the prosecution with the utmost simplicity and brevity.

The personality of the speaker does not appear, but the arguments are unanswerable, and the appeal to prejudice is shrewdly planned.

The language is as simple as the thought. The speaker wishes to avoid every appearance of the professional prosecutor (§ 1); hence the language is free from all rhetorical artifice. The final words reflect the spirit of the speech and the practical character of the man.
XXII

ΚΑΤΑ ΤΩΝ ΣΙΤΟΠΩΛΩΝ

1 Πολλοί μοι προσεληκύνασιν, ὡς ἄνδρες δικασταί, Δαμάζοντες ὅτι ἔγω τῶν σιτοπωλῶν ἐν τῇ βουλῇ κατηγόρουν, καὶ λέγοντες ὅτι ὑμεῖς, εἰ ὡς μάλιστα αὐτῶν ἀδικεῖν ἤγεισθε, οὐδὲν ἦττον καὶ τοὺς περὶ στούτων ποιομένους τῶν λόγων συκοφαντεῶν νομίζετε. ὃθεν οὖν ἡμάγκασμαι κατηγορεῖν αὐτῶν, περὶ τούτων πρῶτον εἰπεῖν βουλομαί.

2 Ἐπειδὴ γὰρ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βουλὴν περὶ αὐτῶν, οὔτως ὁργίσθησαν αὐτοῖς, ὡστε ἔλεγον

1. ἐν τῇ βουλῇ: see Introd. p. 214. — καὶ (before τοὺς): also. The common idea of guilt in ἀδικεῖν and συκοφαντεῖν leads to the use of καὶ. 'However guilty you believe the dealers to be, you none the less think that those also who prosecute them are guilty—of sycophancy.' — ποιομένους τοὺς λόγους: cp. on 12. 2. — συκοφαντεῖν: an indication of the extent to which blackmail had gone in the hands of the petty lawyers and politicians. — δὲν: the antecedent is τούτων.

2. οἱ πρυτάνεις: as the executive committee of the Senate, the Prytanes received the complaint and laid it before the Senate. Who the complainants were does not appear. It is likely that they were importers, for their interests are urged in § 17. After the charge was once taken over by the Senate and the case sent on to court, these complainants had no further official connection with it. — ἀπέδοσαν: the technical term for reference of business to the body to which it belongs (cp. the use of the same word for payment of a debt), L. & S. s.v. I. 2 b. So Isoc. 18. 6 ἐκεῖνοι (the Ten) τῇ τὴν βουλήν περὶ αὐτῶν ἀπέδοσαν. — αὐτοῖς: case, see on ὁργίσθησαν
τίνες τῶν ἰητόρων ὡς ἀκρίτους αὐτοὺς χρὴ τοῖς ἑνδέκα
παραδοῦναι θανάτῳ ζημιώσαι. ἦγούμενος δὲ ἐγὼ
dεινὸν εἶναι τοιαύτα ξείζεσθαι ποιεῖν τὴν βουλήν,
ἄναστάς εἶπον ὅτι μοι δοκοῖ κρίνειν τοὺς σιτοπόλας
κατὰ τὸν νόμον, νομίζων, εἰ μὲν εἰσὶν ἅξια θανάτου
ἐφραγμένοις, ὡμᾶς οὐδὲν ἦττον ἡμῶν γνώσεσθαι τὰ
δύκαια, εἰ δὲ μηδὲν ἀδικοῦσιν, οὐ δεῖ ἀυτοὺς ἀκρίτους
ἀπολωλέναι. Πεισθείσης δὲ τῆς βουλῆς ταῦτα, δια-
βάλλειν ἐπεχείρουν με λέγοντες ὡς ἐγὼ σωτηρίας ἕκα
τῆς τῶν σιτοπολῶν τοὺς λόγους τούτους ἐποιεύμην.
πρὸς μὲν οὖν τὴν βουλήν, ὅτ’ ἦν αὐτοῖς ἡ κρίσις, ἔργῳ
ἀπελογησάμην τῶν γὰρ ἄλλων ἰσοχίαν ἀγώνων
ἀναστὰς αὐτῶν κατηγόρουν, καὶ πᾶσι φανερῶν ἐποίησα
ὅτι οὐχ ὑπὲρ τούτων ἔλεγον, ἀλλὰ τοῖς νόμοις τοῖς

12. 80. — ἀκρίτους: see on 12. 17. Note thatmetics are assumed here
to have the same right to trial as
citizens.—τοῖς ἑνδέκα: the board
of ten Constables and their clerk,
who had charge of prisons, executions,
and the more important arrests.
To be distinguished from
the corps of 1200 public slaves
who made up the city police.—
29. 4 παραδοῦναι τοῖς ἑνδέκα 
θανάτῳ ζημιώσαι. For the (dative)
infin. see HA. 951; G. 1532. 1;
B. 592; Gl. 565; GMT. 772 (a).
— ἐργῷ ἀπελογησάμην: the implication seems
to be that such customs of illegal
condemnation are already creeping
in. Cp. XIX. Introd. p. 161 n. 1.—

ἡμῶν: the Senate.—ἀκρίτους ἀπολο-
λέναι: the thought of the proposal
to put them to death without a
trial is so prominently in mind
that ἀκρίτους is used even in the
second half of the alternative,
where it strictly has no place: the
innocent ought not to be put to
death at all — tried or untried.

3. ἐπεχείρου: i.e. after the ses-
sion of the Senate. — ἐποιεύμην:
*i.e. at the recent session. Tense,
see on ἐποίου 12. 25, and on 12. 56
and 19. 50.—ἡ κρίσις: at the second
session of the Senate, when they
decided whether to try the case
themselves or refer it to a jury.—
ἀργῷ ἀπελογησάμην: I answered
the charge by my action.—ἔλεγον,
4 κεμένους ἐβοήθησαν. ἡρξάμην μὲν ὦν τούτων ἕνεκα, ἅς δεδώσ τὰς αἰτίας· αἰσχρὸν δ' ἡγούμαι πρότερον παῦσαι, πρὶν ἄν ύμεῖς περὶ αὐτῶν ὁ τι ἄν βούλησθε ψηφίσῃσθε.

5 Καὶ πρῶτον μὲν ἄνάβητε. εἰπὲ σὺ ἐμοί, μέτοικος εἶ; Ναί. Μετοικεῖς δὲ πότερον ὡς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσων ὁ τι ἄν βούλῃ;

Ὡς πεισόμενος. Ἀλλο τι οὖν ἡ ἁξιοὶ ἀποθανεῖν, εἰ τι πεποίηκας παρὰ τοὺς νόμους, ἐφ' οἷς θάνατος ἡ ζημία; Ἕγγυε. Ἀπόκριναι δὴ μοι, εἰ ὁμολογεῖς πλείω σῶτον συμπρίασθαι πεντήκοντα φορμῶν, ὃν ὁ 35 νόμος ἐξεῖναι κελεῦει. Ἕγὼ τῶν ἀρχόντων κέλευστος συνεπρίαμην.

ἐβοήθησαν: i.e. on the first occasion. Trans. by Eng. plup. like ἐποιηθέν above.

4. ἡρξάμην: i.e. at the second session, ἡ κρίσις § 3. — μὲν οὖν: force, see on 12. 3 C. — τὰς αἰτίας: the charges described in § 3 (διαβάλλειν... λέγοντες κτλ.).

5. On the ἐρωτησαί cp. on 12. 24. — σφ': the speaker calls the whole group of defendants to the stand, but addresses one (perhaps the leader of the "ring") as their representative. — ὡς: force, see on 16. 8. — ἄλλο τι... η: G. 1604; HA. 1015 b. — ὡς: the antecedent is the indefinite idea implied in τι; any of the crimes for which death is the penalty. — δὴ: see on 25. 9 (A). — συμπρίασθαι: bought up: the συν- implies the buying from various sources, not the combining with other buyers. In this case the buyers did combine to hold the price down, but the charge is that the individual retailer bought more than the law allowed. — φορμῶν: the word means a basket; but as to how much the standard grain basket held we have no knowledge whatever. — ἀρχόντων: the στοιχεῖα. For the attempt of the accused to defend himself by his answer, while admitting an apparent violation of the law, cp. 12. 25 τὰ ἐπὶ τῶν ἀρχόντων προσταχθέντα δεδώσ ἐποίουν.
6 Ἐστι νόμος ὃς κελεύει τοὺς συνοπώλεις συνωνείσθαι τὸν σύτον, καὶ οἱ ἀρχοντες κελεύωσιν, ἀποψηφίσασθε· εἰ δὲ μὴ, δίκαιον ὑμᾶς καταψηφίσασθαι. ἦμεῖς γὰρ ὑμῖν παρεσχόμεθα τὸν νόμον, ὃς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλεῖω σύτον πεντήκοντα φορμῶν συνωνείσθαι.
7 Χρῆν μὲν τούνῳ, ὃ ἀνδρεὶς δικασταί, ἱκανὴν ἐναι ταύτην τὴν κατηγορίαν, ἐπειδὴ οὗτος μὲν ὅμολογεν ὑπηρεσίας, ὃ δὲ νόμος ἀπαγορεύων ψηφίσαται, ὦμοις δὲ κατὰ τοὺς νόμους ὁμομούχα ψηφίσασθαι. ὁμοιὸς δὲ ἱνα πεισθῆτε ὅτι καὶ κατὰ τῶν ἀρχόντων ψεύδουται, ἀνάγκη διὰ μακροτέρων εἰπέων περὶ αὐτῶν. ἐπειδὴ γὰρ οὗτος τὴν αἰτίαν εἰς ἑκείνους ἀνέφερον, παρακαλέσαντες τοὺς ἀρχοντας ἡρωτώμεν. καὶ οἱ μὲν τέτταρες οὐδὲν ἐφασαν εἰδέναι τοῦ πράγματος, Ἀντος δὲ ἔλεγεν ὅσ τοῦ προτέρου χειμῶνος, ἐπειδὴ τίμιος ἦν οἱ σύτος, τοῦτων ὑπερβαλλόντων ἀλλήλους καὶ πρὸς σφᾶς αὐτῶς

6. τοῖνων: force, see on 16. 7 (B). — εἰ δὲ μὴ: see on 12. 15. — ἦμεῖς: the Senate. They would send down to the court the facts found in their investigation, the laws involved, and their own conclusion. — μηδένα: HA. 1029; G. 1615; B. 434; Gl. 572.
7. ἀπαγορεύων ψηφίσαται: distinguish from ἀπαγορεύειν ψηφίσαται. HA. 986; G. 1592. 1; B. 660. 1 n.; Gl. 585 a.
8. ἡρωτώμεν: at the hearing held by the Senate (ἡ κρίσις § 3). — οἱ μὲν τέτταρες: cp. on τὰς ὀκτὼ 32. 21. — Ἀντος: it is uncertain whether this was the Anytus who shared in the prosecution of Socrates. That Anytus, a rich tanner, was a leading democrat, associated with Thrasybulus in the Return. Cp. Isoc. 18. 23 Ὀρασύβουλος καὶ Ἀντος μέγιστον μὲν δυνάμειν τῶν ἐν τῇ πόλει (c. 399 B.C.). This activity in protecting the poor man’s food supply would be quite in keeping with his democratic rôle.
— πρὸς σφᾶς αὐτοῦς: the reflexive for the reciprocal pronoun Ἑ.Α.
686 b; G. 996; B. 471 n. 2), a use common in Attic prose; in Lysias confined to this passage and 14. 42. For πρός see on 32. 19, Crit. Note.
—μαχαμένων: on the metaphorical language, see Introd. p. 25 n. 5.—παύσασθαι φιλονικοῦσιν: cp. on παύσασθαι λέγοντι 12. 1.—ἀξιότατον: L. & S., ἄξιός I. 3 b; cp. a.—δεῖν γὰρ κτλ.: for they had to sell at an advance of not more than an obol (on the medimnus). This gives the reason for Anytus’s belief that by the plan proposed the people would get cheap grain: the retailers are to combine to keep down the wholesale price, and then they in turn ‘must’ sell at an advance of not more than an obol. But why ‘must’ they? Two interpretations are possible:
   (1) It may be that there was a law forbidding retailers of grain to sell for more than an obol per medimnus above the wholesale price (i.e. the wholesale price at the time of the sale). Such a law would neither be difficult of execution nor inconsistent with the conduct reviewed in this speech. The wholesale price day by day was matter of common knowledge, and the sales of retailers could easily be followed, for it was in the interest of the purchasers to report any overcharge. A case like that mentioned in § 12 is not inconsistent with this, for a rise of a drachma in the wholesale price would carry with it the same rise in the retail price. But we should suppose, if there had been such a law, that the violation of it would have been one of the facts brought out in the cross-questioning of § 5; there the case seems to rest on the violation of the law restricting quantity. The statement of Aristotle is not definite: ὁσα ὡς οἱ στρο-φύλακες ὅτε ἐπιμελοῦντα, πρῶτον μὲν ὅπως ὁ ἐν ἀγορᾷ σύντος ἀργὸς ἄνιος ἑσται δικάως Resp. Atl. 51. 3. See also p. 214 n. 2. (2) The restriction of an obol’s advance may have been laid by Anytus himself. He may have said to the retailers (though he now denies it) that he would overlook their violation of the law as to quantity on condition that they confine themselves to a profit of an obol per medimnus, so that the outcome should be cheaper grain.
ΚΑΤΑ ΤΩΝ ΣΙΤΟΠΩΛΩΝ ΧΧII 9-11

συμπτημαμένους καταθέσθαι ἐκέλευεν αὐτοὺς, ἀλλὰ μὴ ἀλλήλους ἀντωνεῖσθαι συνεβούλευεν, αὐτὸν ὑμῖν Ἀνω-
6οτόν μάρτυρα παρέξομαι.

ΜΑΡΤΥΡΙΑ

Καὶ ὡς οὗτος μὲν ἐπὶ τῆς προτέρας βουλῆς τούτοις εἶπε τοὺς λόγους, οὕτωι δὲ τῆς συνανωμένης φαί
νονται.

ΜΑΡΤΥΡΙΑ

10 'Οτι μὲν τοῖνυν οὖχ ὑπὸ τῶν ἀρχόντων κελευσθέντες
συνεπρίαντο τὸν σῖτον, ἀκηκόατε· ἤγοιμαι δ', ἐὰν ὡς
μάλιστα περὶ τούτων ἀληθῆ λέγωσιν, οὖχ ὑπὲρ αὐτῶν
ἀυτοὺς ἀπολογησθέσθαι, ἀλλὰ τούτων κατηγορήσειν·
περὶ γὰρ δὲν εἰσὶ νόμοι διαρρήκτην γεγραμμένοι, πῶς
οὐ χρῆ διδόναι δίκην καὶ τοὺς μὴ πειθομένους καὶ τοὺς
70 κελεύοντας τούτοις τάναντια πράττειν;

11 Ἀλλὰ γὰρ, ὡς ἄνδρες δικασταὶ, οἶδομεν αὐτοὺς ἐπὶ
μὲν τούτων τὸν λόγον οὐ τρέψεσθαι· ἵσως δὲ ἔρουσιν,
ἀσπέρ καὶ ἐν τῇ βουλῇ, ὡς ἐπὶ εὐνοίᾳ τῆς πόλεως

9. καὶ ὥς . . . εἴπε· for the connection see Crit. Note.— ἐπὶ τῆς προτέρας βουλῆς· for ἐπὶ see on 12. 17. The claim that they had an understanding with the commissioner of last year might have had weight in connection with the acts of last year; but the defendants are accused of acts of the present year, and by the Senate of the present year.—

LYSIAS — 15

συνανωμένοι: tense, see on ἀνω-

μένου 12. 32. For participle with φαίνομαι see on § 7.

10. ὡς μάλιστα: cp. § 1.—ἀπο-

λογησθέσθαι: the plea of the defendants will amount to an accusation of the commissioners (τούτων), not to a justification of themselves.

11. ἄλλα γὰρ: force, see on

12. 40. — ἐπὶ λόγον: see Crit. Note.

— ἀσπέρ καὶ: for καὶ in compari-
συνεωνούντο τὸν σίτον, ἰν' ὡς ἀξιώτατον ἕμων πωλοῦν.
75 μέγιστον δ' ἕμων ἑρῷ καὶ περιφανέστατον τεκμήριον
18 ὅτι ἐξεύονται· ἐχρῆν γὰρ αὐτοῖς, εἴπερ ἕμων ἔνεκα
ἐπραττὸν ταῦτα, φαίνεσθαι τῆς αὐτής τιμῆς πολλάς
ήμερας πωλοῦντας, ἔως ὅ συνεωνημένος αὐτοῖς ἐπέ-
λυτε· νῦν δ' ἐνίοτε τῆς αὐτής ἥμερας ἐπώλουν δραχμῆ
80 τιμίωτερον, ὡσπερ κατὰ μέδιμνον συνωνούμενοι. καὶ
18 τούτων ἕμας μάρτυρας παρέχομαι. δεινὸν δὲ μοι δοκεῖ
ἐιναι, εἰ ὅταν μὲν εἰσφορὰν εἰσενεγκεῖν δέχη, ἢν πάντες
ἐίσεθαι μελλουσιν, οὐκ ἐθέλουσιν, ἀλλὰ πενίαν προ-
φασίζονται, ἐφ' οἷς δὲ θάνατός ἐστω ἡ ζημία καὶ
85 λαθεῖν αὐτοῖς συνέφερε, ταῦτα ἐπ' εἰνοίᾳ φασὶ τῇ
ὕμετέρᾳ παρανομῆσαι. καίτοι πάντες ἐπιστασθεὶς ὅτι
τούτως ἥκιστα προσήκει τοιούτως ποιεῖσθαι λόγους.
14 τάναντία γὰρ αὐτοῖς καὶ τοῖς ἄλλοις συμφέρει· τότε

sons see on 19. 2. — συνεωνούντο: tense, see on ἐποίουν 12. 25.
12. ἐχρῆν: form, cp. χρῆν § 7, and see on 12. 48. — εἴπερ: see on
12. 27. — ὡς ἐπιλήπτε: the construction of an unfulfilled condi-
tion, GMT. 613. 2; note that ἐχρῆν = an apodosis with ἄν (see on
ἐλκὸς ἤν 12. 27).
13. εἰσφοράν: cp. on 12. 20. 'It is outrageous for these dealers to
pretend that they have been willing to risk death in order to do the
people a secret kindness. when we all
know that when there is occasion
to help the people by the payment
of war taxes, of which the people
will know and for which they will
be grateful, these same men make
every effort to avoid the payment.'
— εἰ . . . οὐκ ἔθλον: after ex-
pressions of wonder, delight, etc.,
a clause is sometimes treated
as a real protasis (εἰ, neg. μη),
sometimes as semi-causal (εἰ, neg.
ὁ), and sometimes as an object
clause stating the fact wondered
at (ὅτι, neg. οὐ). — οἷς: for omis-
sion of the pronoun with λαθεῖν
see on αὐτοῖς 25. 11. — ἑμείς: = obj. gen. ἕμων. HA. 694; G.
999. — τοιούτους λόγους: i.e. that
they rejoice in the prosperity of
the citizens and labor for it.
κατά τῶν σιτοπώλων ηχ. 12-16

γὰρ πλείστα κερδαίωσιν, ὅταν κακοῦ τινος ἀπαγ- 
γελθέντος τῇ πόλει τίμιον τὸν σίτον πωλῶσιν. οὔτω 
δὲ ἀσμενοι τὰς συμφορὰς τὰς ὑμετέρας ὄρωσιν, ὡστε 
τὰς μὲν πρότεροι τῶν ἄλλων πυθαγόναται, τὰς δὲ αὐτοῖ 
λογοτοιοῦσιν, ἣ τὰς ναῦς διεφθάρθαι τὰς ἐν τῷ Πόντῳ, 
ἡ ὑπὸ Δακεδαιμονίων ἑκπλεούσας συνελήφθαι, ἣ τὰ 
95 ἐμπόρια κεκλήσθαι, ἢ τὰς σπουδὰς μέλλειν ἀπορρη-

tιθεσθαι, καὶ εἰς τοῦτ ἐχθραὶ ἐληλύθασιν, ὡστὶ ἐν 
τοῖς αὐτῶι καριῶς ἐπιβουλεύσωσιν ἡμῖν, ἐν ὀλίσθε 
τοὺς πολέμιοι. ὅταν γὰρ μάλιστα σίτου τυγχάνητε δεν 
μεν, ἀναρπάζουσιν οὔτοι καὶ οὐκ ἔθελοσι πωλεῖν, 
100 ὡς ἦν περί τῆς τιμῆς διαφερόμεθα, ἀλλὰ ἀγαπῶμεν 
ἐὰν ὁποσομενοῦσιν πριάμουνοι παρ’ αὐτῶι ἀπέλθομεν. 
ὡστ’ ἐνίοτε εἰρήνης οὔσης ὑπὸ τοῦτων πολιορκοῦ-

tιθεσθαί. οὔτω δὲ πάλαι περὶ τῆς τοῦτων πανουργίας 
καὶ κακοῦοις ἡ πόλις ἐγνωκεν, ὡστ’ ἐπὶ μὲν τοῖς 
105 ἄλλοις ὑνίοις ἀπασι τοὺς ἀγορανόμους φύλακας 
κατεστήσατε, ἐπὶ δὲ ταύτη μόνῃ τῇ τέχνῃ χωρίς 
σιτοφύλακας ἀποκληροῦτε καὶ πολλάκις ἦδη παρ’

14. λογοτοιοῦσιν: cr. 16. 11. 

— ἥ, ἥ, κτλ.: on the polυσυνδέτων 
see App. § 58. 4. — ἑκπλεούσας: i.e. 
out of the Hellespont. — κεκλή-
σθαι: are blockaded. — ἀπορρη-
σθαι: L. & S. ἀπεῖτον IV. For 
the conclusion as to date based 
on this passage see Introd. p. 213 n. 1. 

15. ἀγαπῶμεν: force. see on 
ἀγαπῆσθαι 12. 11. Cr. on 16. 16. 
— πολιορκούμεθα: on the meta-
phor see Introd. p. 25 n. 5.

16. πανουργίας, κακονολαγ: on 
the συννομία see App. § 58. 2. — 
τοὺς ἀγορανόμους: they had the 
general supervision of the markets, 
issued trade licenses, guarded the 
purity of the wares and the fresh-
ness of perishable food products, 
and served as arbiters in disputes 
between buyer and seller. A 
board of five served for the city 
and five for the Piraeus. — τέχνη: 
the term includes “trade,” as well
ἐκεῖνων πολιτῶν ὄντων δίκην τὴν μεγίστην ἔλαβετε, ὅτι οὐχ ὁλοί τ' ἤσαν τῆς τούτων ποιηματίας ἐπικρατούσαι. καίτοι τι χρή αὐτοὺς τοὺς ἀδικοῦντας ὃς ὑμῶν πάσχειν, ὅπως καὶ τοὺς οὐ δυναμένους φυλάττειν ἀποκτείνετε;

17 ἦνθυμεσθαί δὲ χρὴ ὅτι ἀδύνατον ὑμῖν ἐστὶν ἀποψηφίσασθαι. εἰ γὰρ ἀπογνώσθηθε ὁμολογούντων αὐτῶν ἔπει τοὺς ἐμπόρους συνύστασθαι, δόξεθ' ὑμέῖς ἐπιβουλεύειν τοὺς εἰσπλέουσιν. εἰ μὲν γὰρ ἄλλην τινὰ ἀπολογίαν ἐποιήσωτο, οὐδὲς ἂν εἰχέ τοῖς ἀποψηφισμένοις ἐπιτυμάν. ἐὰν ὑμῖν γὰρ ὅποτέρως βούλεσθε πιστεύειν. νῦν δὲ πῶς οὐ δενα ἂν δόξατε ποιεῖν, εἰ τοὺς ὁμολογούντας παρανομεῖν ἄξιοις ἀφήσετε;

18 ἀναμνήσθητε δὲ, ὅ ἀνδρες δικασταί, ὅτι πολλῶν ἡ ἐχόντων ταύτην τὴν αἰτίαν, ἀμφισβητοῦντων καὶ μάρτυρας παρεχομένων, θάνατον κατέγρωτε, πιστοτέρους ἡγοσάμενοι τοὺς τῶν κατηγόρων λόγους. καίτοι πῶς ἄν οὐ ثαυμαστὸν εἶν, εἰ περὶ τῶν αὐτῶν ἀμαρτημάτων δικαζόντες μᾶλλον ἐπιθυμεῖτε παρὰ τῶν ἀρνομένων δίκην λαμβάνειν; Καὶ μὲν δὴ, ὅ ἀνδρες δικασταί,

as "the trades," cp. 24. 19 f. — πολιτῶν ὄντων: the defendants aremetics. — δίκην τὴν μεγίστην: for the order see on δίκην τὴν ἀξίαν 12. 82. — ἔλαβε: tense, see on ἔσθομα 16. 20. — φυλάττειν: to protect you.

17. ἀπογνώσθηκε: mood (cp. εἶ ἀφήσετε below), see on ἀφήσεως 12. 35. — εἰ: see on πρὸς 32. 19, Crit. Note, C, 4. — τοῖς εἰσπλέουσιν: = τοῖς ἐμπόροις the importers. Here probably comes out the real influence that lies behind this prosecution, see Introd. p. 214. — ὑμῖν: see on ἐπὶ σοὶ 12. 26.

18. κατήγοραι: tense, see on ἔσθομα 16. 20. — εἰ ἐπιθυμεῖτε: for the mixed form of prot. and apod. cp. § 17.

19. καὶ μὲν δὴ: force, see on
κατὰ τῶν σιτωπώλων ηείς—

πάσιν ἧγονυμα φανερὸν εἶναι ὅτι οἱ περὶ τῶν τοιούτων ἄγωνες κοινότατοι τυγχάνουσιν ὄντες τοῖς ἐν τῇ πόλει, ὥστε πεύσονται ἤτυχα γνώμην περὶ αὐτῶν ἔχετε, ἡγοῦμενοι, ἐὰν μὲν θάνατον τοῦτον καταγνώστε, κοσμιωτέρους ἔσεσθαι τοὺς λοιπούς. ἐὰν δ᾿ ἄξιμοις ἀφῆτε, πολλήν ἀδειαν αὐτοὺς ἐψηφισμένοι ἔσεσθε ποιεῖν ὅ τι οὐντο βούλωνται. χρὴ δὲ, ὦ ἄνδρες δικασταῖ, μὴ μόνον τῶν παρεληλυθότων ἔνεκα αὐτοὺς κολάξειν, ἀλλὰ καὶ παραδείγματος ἔνεκα τῶν μελλόντων ἔσεσθαι. οὕτω γὰρ ἔσονται μόνης ἀνεκτοί. ἐνθυμεῖσθε δὲ ὅτι ἕκ ταύτης τῆς τέχνης πλεῖστοι περὶ τοῦ σώματος εἰσὶν ἠγωνισμένοι· καὶ οὕτω μεγάλα ἐξ αὐτῆς ὠφελοῦνται, ὥστε μᾶλλον αἱροῦνται καθ ἐκάστην ἡμέραν περὶ τῆς ψυχῆς, κινδυνεύειν ἢ παύσασθαι παρ᾿ ὑμῶν ἀδίκως κερδαίνοντες. καὶ μὲν δὴ οὐδὲ ἐὰν ἀντιβολῶν ὑμᾶς καὶ ἱκετεύωσι, δικαιῶσι ἃν αὐτοὺς ἔλεγοντες, ἀλλὰ πολὺ μᾶλλον τῶν τε πολιτῶν οἱ διὰ τῆς τούτων πονηρίαν ἀπέθνησκον, καὶ τοὺς ἐμπόρους ἐφ᾿ οὐσ ὅτι συνεστη-

12. 30. — κοινότατοι: of the widest interest. The price of flour touched every home. — ἄδειαν ποιεῖν: cp. on τοῦ λοιποῦ ποιεῖν 12. 85. — ἐψηφισμένοι ἔσεσθε: the abiding result is the emphatic thought; they will have standing immunity.

20. μόνης ἀνεκτοί: barely endurable. Cp. Thuc. 6. 23. 1 μόλις οὕτως οἷοι το ἐσόμεθα in that case we shall be barely able.—περὶ τοῦ σώματος: for their lives. The same idea is expressed just below by περὶ τῆς ψυχῆς. The Greek idea of death as the separation of ψυχῆ from σῶμα makes the two expressions equivalent.

21. ἢν ἀντιβολῶν, ἢν ἱκετεύοντες: cp. on el ἐπιθυμεῖτε § 18. On the συνοννυμία in ἀντιβολῶν and ἱκετεύωσι see App. § 58. 2. — τῶν πολιτῶν: part. gen. with the omitted antec. of οὐ. — ἀπέθνησκον: referring to ἄδειον τῆς μεγίστην, inflicted on some of the στοιχύλακες for failure to check the abuses of the retailers, § 16. — ἐς οὖν: see on πρός 32. 19, Crit.
σαν· οἷς υμεῖς χαριεύσθε καί προθυμοστέρος ποιήσετε,
δίκην παρὰ τούτων λαμβάνοντες. εἰ δὲ μὴ, τίν’ αὐτοὺς
οὐσθε γνώμην ἔξεσιν, ἐπειδὰν πύθωνται ὅτι τῶν κατή-
λων, οὖ τοῖς εἰσπλέουσιν ὁμολόγησαν ἐπιβουλεύειν,
150 ἀπεθνῄσκεσθε;
22 Ὅνιν οἶδ’ ὃ τι δεῖ πλέω λέγειν· περὶ μὲν γὰρ τῶν
删除成功 τῶν ἁδικοῦντων, ὅτου δικάζονται δεὶ παρὰ
τῶν κατηγόρων πυθόσθαι, τὴν δὲ τούτων πονηρίαν
ἀπαντες ἐπιστασθε. ἔαν οὖν τούτων καταψηφϊσησθε,
155 τὰ τε δίκαια ποιήσετε καὶ ἄξιώτερον τὸν σύτων ὁμῆ-
σεσθε· εἰ δὲ μὴ, τιμώτερον.

Note, C, 4.—οἷς: for omission of the pronoun with ποιήσετε, which requires the accus., see on § 13.
22. ὅτου: i.e. on what charge.
XXIV

FOR THE CRIPPLE

INTRODUCTION

LYSIAS wrote this speech in support of the plea of a crippled artisan for the retention of his name on the list of disabled paupers who received a dole of an obol a day from the public treasury.

In earlier times poor-relief by the state had been confined to the families that had become dependent through war. But during the terrible hardships of the last years of the Peloponnesian War it became necessary to support large numbers of citizens, whose means of livelihood had been cut off by the war, and who, with their families, were shut up in the city. An allowance of two obols a day from the treasury was all that saved many people from starvation during the last third of the war.

We infer from our speech, supplemented by the later testimony of Aristotle, that with the return of peace the state still gave poor-relief to the disabled ($4), without restricting it to veterans or the families of men who had fallen in war, but at the rate of only one obol a day ($§ 13, 26).

1 A system of military pensions for men who had been disabled, and for the sons and dependent parents of men who had died, goes back to the time of Solon and Pisistratus: the soldiers' pension under Pisistratus, after the example of Solon in the case of a single disabled veteran (Heraclides, cited by Plutarch, Solon, 31); support and education of sons, introduced by Solon (Diogenes Laert. 1. 55). The pension of dependent parents (Plato, Menex. 248 E) presumably goes back to the same time.

2 Arist. Resp. Ath. 28. 3; Wilamowitz, Aristoteles u. Athen, II, 212 ff.

3 If the relief at issue in our speech had been granted on the ground of military service, that point would be brought out in the plea.

231
XXIV. FOR THE CRIPPLE

So many families had lost everything in the war and the subsequent exile under the Thirty that such general relief must have been necessary; and we may well believe that the impoverished condition of the treasury made it necessary to cut the sum down to one obol.

The Senate now had control of the distribution, passing annually upon the list of beneficiaries (§ 26). The year's allowance seems to have been given in ten payments.

Subsequently the relief was raised to two obols. For the time of Aristotle we have the following specific statement: "The Senate examines the disabled (τῶν ἀδύνατων) also. For there is a law which requires that those whose property is of less value than three minae, and who are so disabled in body as not to be able to do any work, be examined by the Senate and granted support at public cost to the amount of two obols daily to each. They have a paymaster, appointed by lot." (Resp. Ath. 49. 4.)

The case with which our speech is concerned arose at the time of the annual scrutiny of the list. Remonstrance was formally made against the continuance (§§ 7, 26) of the name of a certain elderly cripple (§ 7), who had a shop near the Agora (§ 20).

1 There is nothing in the words τὸ παρὰ τῆς πόλεως ἀργύριον (§ 4) to warrant the conclusion that the original grant to each individual was made by the Ecclesia. In § 22 the reference is to the act of the Ecclesia in establishing the system, not in making the individual award.

2 Aeschin. I. 104 τὸν τῆς πρωτανείας μουθύν.

3 Harpocrate, s.v. ἀδύνατος, cites a statement of Philochorus that the payment was 9 dr. per month. Reckoning the "month" as a Prytany, we have 1½ obols daily. The sum would naturally vary with changes in cost of living and with the financial ability of the state. A statement in the scholium on Aeschin. I. 103, that the sum was three obols, is probably due to a confusion of the relief payment with the daily pay of the juror.

It is to be remembered that the jury pay, available to all who cared to sit in court (see App. § 6), and the pay for sitting in the Ecclesia offered no small relief to the poor citizens. There were, moreover, Benevolent Orders, the members of which received help in emergencies from the funds of the fraternity (Boeckh, Staatsaushaltung, I. 312). For the aid often given by wealthy citizens, see on 19. 59.
INTRODUCTION

The Senate, having heard the remonstrance, appointed a hearing, at which the cripple would have opportunity to defend his claim. Thus far the facts are clear from references in our speech; but beyond this we can only conjecture the course of events. From the tone of the speech we may assume that the remonstrant is a man of character and property, quite in earnest in his efforts for reform, and quite out of touch with the average, easy-going senator whom the lot has sent up to represent the people. The old cripple is all that is charged—a lusty rascal, a "character" about the Agora, and the delight of the young men of the sporting set, who make his shop their resort.

When the news comes to the shop that the "reformer" is after the old man, the young fellows—half in sport and half in earnest—crowd around him protesting that he is being abused, and assuring him that he shall have the best legal talent in the city for his defense.

Lysias is called in and enters heartily into the fun. At the time of the scrutiny of the list the remonstrant publicly stated the grounds of his objection, so that the defense is able to anticipate the line of attack. And now a speech is to be fitted to this defendant; it must be full of his homely wit and sarcasm, and full of coarse abuse of the "reformer." And, as a piece of literary fun, an air of learning and a flavor of rhetoric must pervade the whole speech, and make it a parody on the oratory of the day.

And so the speech was written, and the old rascal committed it to memory, and spoke it off before the Senate with due solemnity,—with what result we do not know, but it would be a most un-Athenian Senate which would fail to cap the hour's fun with a jolly vote of confidence in the pauper, and a defeat for the aristocratic enemy of the poor.

Of the date of the speech we can say only that it is some time after the rule of the Thirty.¹

¹ Long enough after to give point to the parody on current pleas (§ 25), in which the attitude of a man toward the people in their exile had become a stock argument.
XXIV. FOR THE CRIPPLE

Some critics have held that this speech is only a bit of literary sport, and for an imaginary case.¹ Such rhetorical exercises were common enough among the writers of the time. The reason for so regarding the speech for the cripple is the feeling that the subject-matter is too unimportant, and the tone of the speech too comic, to have received the attention of the Senate. But the obol-case, small as it was, did rest with the Senate (Aristotle, l.c.), and the comic tone may well have been the only tone that would fit the man.

The ascription of the speech to Lysias seems to have been questioned in antiquity,² and has recently been vigorously attacked by Bruns.³ The first objection raised by Bruns is that the tone and extent of the attack on the complainant are at variance with Lysias's uniform calmness and restraint in attack; Lysias's defendants confine their attacks on the prosecutors to their acts in the case itself, and are far from giving a general characterization of the men; the extent of the attack is always well proportioned to the gravity of the case. But in our speech we have a bitter and scornful attack on the whole character of the opponent, and it is as vehement as though the issue were some great thing—not an obol a day. Bruns sees a second violation of the Lysian manner in the failure of the defendant to press the real points at issue—his physical disability and his poverty—and the comical pose in which he is made to give, instead of argument, a picture of himself. Bruns's arguments serve to emphasize more sharply than had been done before the peculiarities of the speech, and they are conclusive against any view of it as a sober defense; but they do not meet the theory that the speech is a humorous parody, written for the actual use of a notoriously odd character, for whom there

¹ Boeckh, ibid., p. 309. A παλγον like the little Encomium on Helen, ascribed (probably correctly) to Gorgias, the author of which closes with the words, ἔβουληθη γράψαι τὸν λόγον, Ἕλενης μὲν ἐγκώμιον, ἐμὸν δὲ παλγον.  
² Harp. s.v. ἀδύνατοι: ἔστι δὲ καὶ λόγος τις, ὡς λέγεται, Δυσίου περὶ τοῦ ἀδύνατον (Ed. Dindorf; Bekker reads ὡς Δυσίου).  
³ Literarisches Porträt, pp. 401-403.
was really no plea except his own comical personality. The definiteness of this personality, as it stands out in the speech, must always be the strongest argument for ascribing the work to the master of Ἡθοποιία.

OUTLINE

I. Προοίμιον, Exordium, §§ 1–3.
The satisfaction of the speaker in having an opportunity to give an account of his life.
The envy that has led to this case.

II. Πρόθεσις, Propositio, §§ 4–5.
Outline of the complaint.
Introduction to Narratio.

III. Διήγησις, Narratio, § 6.
Description of his needy condition.

IV. Παρέκβασις, Egressio, §§ 7–9.
Appeal for justice and mercy, based on the Narratio, §§ 7, 8.
The insincerity of the complainant, § 9.

A. Answer to the argument based on his horseback riding, §§ 10–12.
B. Answer to the claim that he is able to earn a living, §§ 13–14.
C. Answer to the charge that he is immoral and insolent, §§ 15–18.
D. Answer to the charge that his shop is the resort of the idle and dissolute, §§ 19–20.

VI. Ἐπιλογος, Peroratio, §§ 21–27.
A. Appeal to the sympathy of the senators, §§ 21–23.
B. Appeal based on his past life, §§ 24, 25 (the plea based on the probable ex vita).
C. Final appeal, §§ 26, 27.
COMMENTS ON ARGUMENT AND STYLE

In all criticism both of the matter and form of this speech we must bear in mind the large element of parody. Some of the arguments are purposely irrelevant, some of the expressions are purposely rhetorical.

I. Προοίμιον, Exordium, §§ 1–3.

The opening words of the speech for Mantitheus (XVI) show how neatly the old cripple is here imitating a stock form of introduction for a speech in δοκίμασια. This is, indeed, his δοκίμασια, for the office of — state pauper. The absurd humor of the rest of the proem puts the hearers into the right mood for appreciating the burlesque defense that is to follow.

The proem was the part of the speech on which the Gorgian school lavished their most artificial tricks of poetic word and form. It is a neat turn that Lysias gives in letting the illiterate old cripple close his proem with a couple of periods in the full Gorgian style: —

καὶ γὰρ ὁμαί νεῖν, ὅ βουλή,
tὰ τοῦ σώματος δυστυχήματα
τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἴασθαι
καλῶς.

eἰ γὰρ ἔστιν τῇ συμφορᾷ
καὶ τὴν διάνοιαν ἔσω
καὶ τὸν ἄλλον βίον διάζω.
tὶ τούτου δοιοίσω;

περὶ μὲν τούτων τοσαύτα μοι εἰρήσθω.

II. Πρόθεσις, Propositio, §§ 4–5.

The outline of the complaint is probably an absurd travesty on it. We may suppose that the complainant had called attention

1 On the παρονομασία see App. § 58. 5.
2 On the metaphor see Introd. p. 25, n. 5.
3 On the διοισθενον see App. § 57. 4.
to the horseback riding, something that only the richer citizens could afford, as indicating that the cripple had rich friends who could and would support him; the cripple pretends that the argument was that he was physically sound enough to jump onto a horse and ride it!

The complainant had doubtless charged against the character of the cripple that his shop was a gaming place for young spendthrifts; the cripple represents the complaint as being that the income from his trade is so great that he is able to hold his own among men whose expenditures are most lavish.

III. Διήγησις, Narratio, § 6.

The simple description of his sad plight has its touch of fun in the implication that the old pauper still hopes for children and a slave (οὗτω εἰσίν, οὗτω δύναμαι κτήσασθαι).

IV. Παρέκβασις, Egressio, §§ 7–9.

The Narratio is used as basis for an immediate appeal, instead of being followed directly by the arguments. Here, again, the style becomes rhetorical, in the conspicuous use of pairs of coördinate cola (see App. § 57. 3):

μη τοίνυν, ἐπειδὴ γε ἔστιν, ὁ βουλή,
σῶσαι μὲ δικαίως,
ἀπολέσητε ἀδίκως:
μηδὲ ἐνευτήρῳ καὶ μᾶλλον ἐρρωμένῳ ὑντὶ ἐδοτε
πρεσβύτερον καὶ ἀσθενεότερον γιγνόμενον ἀφέλησθε. § 7.

V. Πίστεις, Argumentatio, §§ 10–20.

In the argument we have a combination of parody on stock arguments, and witty, shrewd turns of defense and attack. There is no sound proof of either poverty or incapacity to earn support — probably because there could be none. Lysias gives a shining example of his ability to meet the common definition of the rhetorician's task, τὸν ἢπτω λόγον κρείττω ποιεῖν.

1 So in 12. 20–23; see p. 50.
XXIV. FOR THE CRIppLE

The argument from "probability" had been especially developed by Gorgias. It is with a fine sense of humor that Lysias makes the old man pass in §§ 16–18, where this comes forward, from the simple style of speech to the epideictic form, the utterance of wise observations on human nature, expressed in stilted, antithetic periods. Every sentence of §§ 16–18 falls into this formal, rhetorical mold; e.g.:

οὐ γὰρ τοὺς πενομένους
καὶ λίαν ἀπόρος διακειμένους
ύβριζεν εἰκός
ἀλλὰ τοὺς πολλῶν πλείῳ τῶν ἀναγκαίων κεκτημένους.¹
ο νὲ τοὺς ἀδύνατους τοὺς σώμασιν ὀντας
ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὐτῶν ῥώμαις.
ο νὲ τοὺς ἥδη προβεβηκότας τῇ ἴλικίᾳ
ἀλλὰ τοὺς ἐτε νέους καὶ νέαις ταῖς διανοίασις χρωμένους.

VI. Εἰπιλογος, Peroratio, §§ 21–27.

The parody on the common pleas of the day is carried out in the absurd appeal based on the past life of the speaker: he has been no sycophant; he, the cripple, has not been violent; he, the pauper, refrained from sharing in the government of the aristocratic Thirty!

The closing words thrust again at the would-be reformer.

¹ On the ὄμοιοτελευτων see App. § 57. 4.
XXIV
ΠΕΡΙ ΤΟΤ ΜΗ ΔΙΔΟΣΘΑΙ ΤΟΙ ΑΔΤΝΑΤΩΙ
ΑΡΓΤΡΙΟΝ

1 Οὐ πολλοῦ δέω χάριν ἔχειν, ὡ βουλή, τῷ κατηγόρῳ, ὡς μοι παρεσκεύασε τὸν ἀγώνα τούτον. πρότερον γαρ οὐκ ἔχων πρόφασιν ἐφ’ ἃς τοῦ βίου λόγου δοίην, νυνὶ διὰ τούτων εἰληφα. καὶ πειράσομαι τῷ λόγῳ τούτῳ μὲν ἐπιδείξαι ψευδόμενον, ἐμαυτόν δὲ βεβιωκότα μέχρι τῆς τῆς ἡμέρας ἐπαίνον μᾶλλον ἄξιον ἢ φθόνον. διὰ γαρ οὐδὲν ἄλλο μοι δοκεῖ παρασκευάσαι τούτῳ μὲν τὸν κίνδυνον οὕτως ἢ διὰ φθόνον. καίτοι ὡστὶς τούτοις φθονεῖ οὕς οἱ ἄλλοι ἔλεουσι, τίνος ἀν ἰοῦμι ὁ τοιοῦτος ἀποσχέσθαι δοκεῖ πονηρίας; εἰ μὲν

1. όů πολλοῦ: μικρῷ οὐ διάγων
   is the usual word with δεώ, cp. 12. 17 οὐτω πολλοῦ ἐδέσε. — ἐφ’ ἃς: for the usual ἐφ’ ἃ to denote the ground of an action (see on 32. 17). — δοίην: the mood is best understood by comparison with a construction like that of 32. 20 οὐκ ἔχων ὅποι τρέψει τὰ χρήματα as he was at a loss where to enter the sums (exended). οὐκ ἔχων is there equivalent to οὐκ εἰδὼς, or ἀπορῶν, and so takes the opt. of ind. question. The direct form
   would be the deliberative subjv.; ποτι τρέψω; In our passage we have an extension of that usage, for here οὐκ ἔχων has as its object, not an interrogative clause, but the antecedent of a relative clause. The idea of perplexity which underlies both sentences explains their common construction. — ἄξιον: see Crit. Note. — τούτῳ μοι.: for position see on ἰοῦμι 12. 33.

2. ἐν: see on 12. 1. — πονηρίας: doubly emphasized by its
γάρ ἐνεκα χρημάτων μὲ συκοφαντεῖ—· εἰ δ’ ὡς ἔχθρον ἔαντον μὲ τυμωρεῖται, ψεύδεται· διὰ γάρ τὴν ποιηρίαν αὐτοῦ οὕτε φίλῳ οὕτε ἔχθρῳ πάσποτε ἐχρησάμην αὐτῷ. 3 ἥδη τοίς, ὃ Βουλή, δῆλος ἐστι φθονῶν, ὅτι τουσίτη 15 κεχρημένος συμφορὰ τούτου βελτίων εἰμὶ πολίτης. καὶ γάρ οἶμαι δεῖν, ὃ Βουλή, τὰ τοῦ σώματος δυστυχίματα τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἱάσθαι· καλῶς. εἰ γάρ ἔξ ἵσου τῇ συμφορᾷ καὶ τῆν διάνοιαν ἐξω καὶ τὸν 19 ἄλλον βίον διάξω, τί τούτο αὐτοῖς;

4 Ἔπερ μὲν οὖν τούτων τοσαύτα μοι εἰρήσθω· ὑπὲρ δὲν δέ μοι προσήκει λέγεω, ὥς ἄν οἴός τ’ ὃ διὰ βραχυτάτων ἐρώ. φησὶ γάρ ὁ κατηγορος οὐ δυκαίως μὲ λαμβάνει τὸ παρὰ τῆς πόλεως ἄργυριον· καὶ γάρ τῷ wide separation from τίνος and by its position at the end of the sentence. — ἐνεκα: for the unusual position see on 19. 17. — συκοφαντεῖ: the cripple's look and gesture call out a burst of laughter from the hearers which makes an apology quite unnecessary.

3. τούτων: see on 12. 81. — καὶ γάρ: for the original force of γάρ see on 19. 12. καὶ γάρ varies in force according as the particles are fused or retain their separate force. The following include all instances in our eight speeches:
(A) καὶ γάρ = emphatic γάρ for. So in our passage. (B) Each particle preserves its own force:
(1) γάρ = for, καὶ emphatic 24.8; cp. 3. 43 καὶ γάρ δεινὸν ἄν εἶν for it would be a shame indeed. (2) γάρ = for, καὶ correlative with a following καὶ, 24. 4. — καλῶς: and a noble thought it is. — ἐξ ἵσου κτλ.: i.e. I shall be as lame in principle and conduct as he is. — καὶ τὴν διάνοιαν: καὶ of comparison. See on 19. 2.

4. μὲν οὖν: force, see on 12. 3 C. — ὑπὲρ: here and in § 21 = περὶ, a usage that became common with the later orators, especially Demosthenes and Aeschines; note that in both passages Lysias sets it over against a περὶ phrase. For other uses of ὑπὲρ see on 25. 5. — ἄν δὲ: for position of δὲ see on 16. 7. — οἶός τ’ ὃ: see Crit. Note. — διὰ βραχυτάτων: see on δ’ ἐλαχίστων 12. 3. — γάρ (after φησί): force, see on 19. 12 (C) (1). — καὶ γάρ: see on § 3 (B) (2).
σώματι δύνασθαι καὶ οὐκ ἐίναι τῶν ἀδυνάτων, καὶ τέχνην ἐπίστασθαι τοιαύτην ὡστε καὶ ἀνευ τοῦ διδο-
μένου τούτου ζήν. καὶ τεκμηρίοις χρήσται τῆς μὲν τοῦ σώματος ρώμης, ὅτι ἐπὶ τοὺς ἱπποὺς ἀναβαίνω, τῆς δ' ἐν τῇ τέχνῃ εὐπορίας, ὅτι δύναμαι συνεώνυμοι ἀνθρώποις ἀναλίσκεοι. τὴν μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἔμον βίον, οἶός τυχάνει, πάντας ὑμᾶς οἴομαι γιγνόμενον. ὅμως δὲ κάγῳ διὰ βραχεῶν ἐρῶ. ἐμοὶ γὰρ ο μὲν πατήρ κατέλυτεν οὐδέν, τῆς δὲ μητέρας τελευτήσασαν πέπαιμαι τρέφοντι τρίτων ἔτος τούτι, παῖδες δὲ μοι οὖν εἰς οἱ μεθερατεύσουσι. τέχνην δὲ κέκτημαι βραχέα δυναμένην ὅφελι,
ὡς ἴδως μὲν ἡδὴ χαλεπῶς ἔργαζομαι, τὸν

5. On this travesty on the complaintant's speech see Introd. p 236. — τοῖς ἵπποις: for the article see HA. 659; G. 950; B. 448. τοῖς ἵπποις ἀναβαίνει, he rides horseback, takes the article as regularly as does the English “He plays the flute.” Cp. 16. 13. — ἐν τῇ τέχνῃ . . . ἐκ τῆς τέχνης: we may think of the ἐυπορία of a workman as lying in (ἐν) his trade, or as coming from (ἐκ) it. — τυγχάνει: the only instance in Lysias of the omission of ὅν with τυγ-
χάνει.

6. τρίτων ἄτοσ τουτί: for the omission of the article where the noun has both a demonstrative and a numeral cp. Aeschin. 2. 149 συνεχῶς ἄτοσ ἡδὴ τουτί τρίτων στρατηγῶν; Dem. 8. 2 ἑνδέκατον μὴν τούτων. For the case see HA. 721; G. 1063. — οὖν: he is already getting to be an old man (πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον § 7); the jest is as obvious as that in οὖν δύναμαι κτῆσιν οὐκοῦν. — θεραπεύσουσι: for mood and tense see on βοηθή-
sουσι 16. 16. — τέχνην: he gives no hint as to what his trade is. He has a shop (§ 20), and his lameness does not entirely inca-
cpacitate him for his work (χαλέ-
pῶς ἔργαζομαι § 6). Perhaps the restriction in force in Aristotle's time (Introd. p. 232), confining the poor-relief to those so disabled ὡς τοῦτο μὴ δύνασθαι μηδὲν ἔργον ἔργαζεσθαι, was not yet in force.
διαδεξόμενον δ’ αυτὴν οὐπώ δύναμαι κτήσασθαι. πρόσοδος δὲ μοι οὐκ ἐστιν ἄλλη πλὴν ταύτης, ἦν ἀν ἀφέλησθέ με, κωδυνεύσαμι’ ἂν ὑπὸ τῇ δυσχερεστάτῃ γενέσθαι τύχῃ. μὴ τούτων, ἐπειδὴ γε ἐστιν, δ’ θαυμά, σὺνσαί με δικάιος, ἀπολέσητε ἄδικος· μηδὲ ἄ νεωτέρω καὶ μᾶλλον ἐρρωμένω ὡντι ἔδοτε, πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον ἀφέλησθε· μηδὲ πρότερον καὶ περὶ τούς οὐδὲν ἔχοντας κακών ἑλημονέστατοι δοκούντες εἶναι νυν διὰ τούτου τούς καὶ τοὺς ἐξθροίσ ἑλεεινούς ὡντας ἀγρίως ἀποδέξησθε· μηδ’ ἐμὲ τολμήσαντες ἀδικήσαί καὶ τοὺς ἄλλους τοὺς ὁμοίας ἐμοὶ διακειμένους ἀθυμήσαι ποιήστε. καὶ γὰρ ἀν ἄτοπον εἶν, δ’ θαυμά, εἰ ὅτε μὲν ἄπλη μοι ἦν ἡ συμφορά, τότε μὲν φαινοἱμην λαμβάνων τὸ ἀργύριον τοῦτο, νῦν δ’ ἐπειδὴ καὶ γῆρας καὶ νόσοι καὶ τὰ τοῦτοι ἐσόμενα κακὰ προσγίγνεται μοι, τότε ἀφαιρεθεῖν. δοκεῖ δὲ

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κτήσασθαι: the greater part of the skilled labor of the city was done by slaves, sometimes working in their owner's shop (cp. 12. 8), often let out to manufacturers.

δ’ αφέλησθε . . . κωδυνεύσαμι’ ἂν: mood, HA. 901 a; G. 1421. 2; B. 612. 1. — ὑπὸ τύχῃ: a slight personification of τύχῃ (cp. § 10).

7. δικαίως, ἄδικως: on the παρονυμασία see App. § 58. 5. — ἐρρωμένω: the passage of the partic. into the complete adj. construction (pred. with ἄντις) is helped here by its coordination with νεωτέρος. — δοκούντες: tense, see on ἀνωμένον 12. 32. — καὶ (before τοὺς ἄλλους): also. — ἀθυμήσα: ingressive aorist, see on μετέχων 16. 3.

8. καὶ γὰρ: for indeed, see on § 3 (B) (1). — δεῖ ὅτε μὲν ἦν | τότε μὲν φαινοἱμην || νῦν δὲ ἐπειδὴ προσγίγν. | τότε ἀφαιρεθεῖν. The antithesis is emphasized by using μὲν in both cola of the first member. In the second member νῦν δέ is the real correlative of τότε μὲν (φαινο梽μην), but is re-
μοι τῆς πενίας τῆς ἐμῆς τὸ μέγεθος ὁ κατήγορος ἄν ἑπιδείξαι σαφέστατα μόνος ἄνθρώπων. εἴ γὰρ ἐγὼ 55 κατασταθεὶς χορηγὸς τραγῳδοῖς προκαλεσάμην αὐτὸν εἰς ἀντίδοσιν, δεκάκις ἄν ἑλευθ. χορηγήσαι μᾶλλον ἢ ἀντίδοναι ἀπαξ. καίτοι πῶς οὐ δεινῶν ἐστὶ νῦν μὲν κατηγορεῖν ὡς διὰ πολλὴν εὐπορίαν ἐξ ἰσον δύναμαι συνειναι τοῖς πλουσιωτάτοις, εἰ δὲ δὲν ἐγὼ λέγω τόχοι 60τι γενόμενον, ὁμολογεῖν ἃν μὲ τοιοῦτον εἶναι καὶ ἐτὶ πονηρότερον;

10 Περὶ δὲ τῆς ἐμῆς ἰππικῆς, ής οὕτος ἐτόλμησε μνημοσθῆναι πρὸς ύμᾶς, οὐτὲ τὴν τύχην δείσας οὐτὲ ύμᾶς

enforced by the second τότε, which gives a more perfect verbal balance than a repetition of νῦν would have given. Note that the first τότε is to be taken strictly with λαμβάνων only, for φανούμεν refers to that hypothetical future time when the Senate may have refused him his obol. On the tense of λαμβάνων see on ἀνωμένον 12. 32.

9. ἀν: cp. § 2 and see on 12. 1.
— σαφέστατα μόνος: a combination of two ideas, σαφέστατα ἄνθρωπων and μόνος ἄνθρωπων. So Cicero, Pro. Consul. 12, unus omnium nequissimus.—κατασταθεῖς: cp. διδάσκαλος καταστάς 12. 78. Lysias uses the aor. pass. form only here and in 13. 35. It is very rare in other prose writers.
— χορηγὴς: next to the trierarchy the most costly of the liturgies; see on 19. 43.—τραγῳδοῖς: L. & S. s.v. I. 2. Case, HA. 767; G. 1165; B. 378; Gl. 523. Cp. 21. 2 ἄνθρωπος ἁρμόμεν εἰς Διονύσια.—ἀντίδοσιν: if A. was appointed for a liturgy, but claimed that B., as being richer than himself, should have been called upon first, he might demand of B. that he assume the burden or else exchange property with him. If B. refused, the courts decided which must perform the liturgy. See Smith, Dict. Antiq. s.v. —χορηγήσαι: tense, cp. on φιλήσει 12. 4.—τοιοῦτον, πονηρότερον: 'that I am as badly off as I claim to be, and even worse.' πονηρότερον covers both his physical and financial wretchedness, both of which the complainant disputes.

10. On the following argument see Introd. p. 237.—τῆς τύχης δείσας: τύχη is substituted here
Aíσχυνθείς, οὐ πολὺς ὁ λόγος. ἐγὼ γὰρ, ὅ βουλή, ἢς πάντας τοὺς ἔχοντάς τι δυστύχημα τοῦτ’ οἶμαι ἔτηεν καὶ τοῦτο φιλοσοφεῖν, ὅπως ὡς ἀλυστοτάτα μεταχειρισθη
tαι τὸ συμβεβηκός πάθος. ὃν εἰς ἐγὼ. καὶ περιπε-
πτωκῶς τουαῦτη συμφορὰ ταύτην ἐμαυτῷ βραστώνη
tες ἔξηυρον εἰς τὰς ὀδοὺς τὰς μακρότερας τῶν ἀναγκαῖων.
Π᾽ ὅ δὲ μέγιστον, ὅ βουλή, τεκμηρίων οτι διὰ τὴν συμφο-
ρὰν ἀλλ’ οὐ διὰ τὴν ὑβρίν, ὡς οὐτός φησιν, ἐπὶ τοὺς
ἵππους ἀναβαίνω. εἰ γὰρ ἐκεκτίμην οὐσίαν, ἐπ’ ἀσ-
τράβης ἀν ὁχούμην, ἀλλ’ οὐκ ἐπὶ τοὺς ἀλλοτρίους

for τοὺς θεοὺς in the common formula for “fear of the gods
and shame before men”; cp. 32.
13 εἰ μυθένα ἀνθρώπων ἡμιχύνοι,
toūs theous ἔχρην se . . . δεδει-
να. Here τύχη is fitting as be-
ing that divine power which is
particularly concerned in reversals
of life, and may any day make
a cripple and a beggar of the
now prosperous complainant. The
Greek conception of τύχη, while
sometimes not passing beyond
mere “chance,” is usually that of
an active power, and there is a
strong tendency to personify it,
making it coördinate with Prov-
dence, as Lysias distinctly does
where he says (13. 63) ἢ δὲ τύ-
χη καὶ ὁ δαίμων περιποίησε ἃ
fortune and Providence saved them.
The cripple’s idea is expressed in
Isocrates’s warning (1. 29) μυθένα
συμφοράν ὄνειδισθῆ: κοινὴ γὰρ ἢ
τύχη καὶ τὸ μέλλον ἀφατον re
tile no man for his misfortune, for
fortune is common to all and the
future unseen.— ἢ μεν, φιλο-
σοφεῖν: on the συνωτομια see App.
§ 58. 2. — ὃν εἰς ἔγα: the emphasis
upon the pronoun in this formula
causes the frequent omission of
the copula, even of the first and
second persons, which in other
connections is rarely omitted. —
ταύτην: gender, see on 12. 37. —
eίς: see on εἴς σωτηρίαν 12. 14.
—τῶν ἀναγκαίων: partitive, for
the longer trips among those that
I have to make; or perhaps ἢ
tὰς ἀναγκαίας ordinary trips,
i.e. trips for the everyday neces-
sities.

11. ὃ . . . τεκμηρίων: cp. on
32. 24. — τὴν ὑβρίν: the insolence
charged by the complainant.— ἄσ-
τράβης: a soft saddle with a back,
for women and invalids.— ἄν:
Ἰπποὺς άνέβαινον· νυνὶ δ’ ἐπειδὴ τοιούτον οὐ δύναμαι 75 κτῆσασθαι, τοῖς ἀλλοτρίοις Ἰπποῖς ἄναγκαζομαι χρή- 12σθαι πολλάκις. καὶ τοῖς τῶν οὐκ ἄτοπον ἔστων, ὡ βουλή, τούτον ἀν αὐτόν, εἰ μὲν ἐπ’ ἀστράβης ὧχούμενον ἔωρα με, σωπάν (τί γὰρ ἂν καὶ ἔλεγεν ;), ὃτι δ’ ἐπὶ τοὺς ἵππους άναβαίνω, πειρᾶσθαι πείθεων υμᾶς ὡς 80 δυνάτος εἰμι; καὶ ὃτι μὲν δυνῶν βακτήριας χρώμαι, τῶν ἀλλῶν μα ἁρμόμενων, μὴ κατηγορεῖν ὡς καὶ τούτῳ τῶν δυναμένων ἐστὶ; ὃτι δ’ ἐπὶ τοὺς Ἰπποὺς ἄναβαίνω, τεκμηρίω χρῆσθαι πρὸς υμᾶς ὡς εἰμὶ τῶν δυναμένων; 84 οἷς ἐγὼ διὰ τὴν αὐτὴν αἰτίαν ἀμφοτέρους χρώμαι.

13 Τοσοῦτον δὲ διενήνυξεν ἀναίσχυντα τῶν ἀπάντων ἀνθρώπων, ὡστε υμᾶς πειρᾶται πείθεων, τοσοῦτος ὄντας εἰς ὧν, ὡς οὐκ εἰμὶ τῶν ἀδυνάτων ἑγώ. καὶ τοῦτο πείσει τνας υμῶν, ὡ βουλή, τί με κωλύει κλη- ροῦσθαι τῶν ἐννέα ἀρχόντων, καὶ υμᾶς ἐμοῦ μὲν ἀφελέ-

with both ὧχούμεν and ἄνέβαινον, cp. 16. 8.

12. καὶ ἔλεγεν. for the force of καὶ see on 12. 29. — ἵππους: borrowed.— τῶν δυναμένων: case, cp. on τῶν αὐτῶν 12. 41.

13. εἰ . . . πείσει: the thought is not that if the complainant shall persuade, etc., then nothing will hinder, but that if the jury is now so disposed that the complainant is going to persuade them, nothing now hinders. See HA. 893 c; G. 1391; B. 602 n. 2; Gl. 648 a; GMT. 407; but here it is not the “present intention or necessity” that is involved, but the present prospect, due to the attitude of the hearers. — κωλύει: no formal action had ever opened the archonship to members of the fourth property class, as it had been opened to those of the third class in the fifth century; but in practice the restriction was ignored. The cripple’s ineligibility was therefore due to his physical imperfection, which rendered him unfit for the priestly functions involved in the archonship. — ἀρ- χόντων: case, see on τῶν ὀπλιτῶν 32. 5. — ἐμοῦ ἀφελέσθαι, τὸν αὐτὸν
αφαιρήσεις: case, HA. 724, 748 a; G. 1069, 1118; B. 340, 362; Gl. 535, 509 a. — ὁς: force, see on 16. 8. — ψηφίσασθαι πάντας (cp. πείσει τινὰς above): it will be as easy for all (πάντας) to see a cripple in him, as for any (τινὰς) to see a sound man in me. Forman (Class. Rev. 10. 105) calls attention to the fact that no one of Lysias’s speakers but the cripple uses πᾶς in the order, noun (or pronoun) + verb + πᾶς. He thinks it may well be a touch of Ethopoia to catch this trick of the old man’s speech as he does in §§ 13, 14, 19, 21, 27. — θεσμοθέτα: cp. Crit. Note. Of the nine archons the first three (Βασιλεύς, Πολέμαρχος, Ἀρχων) had individual departments of administration; the six others formed one board under the name θεσμοθέτα. Their chief work was the supervision of the law courts (see App. § 5); to this was added the drawing of the lot for those officers who were not elected by vote. Cf. Gulick, p. 301 f.

14. ἀλλὰ γὰρ: for this use in concluding a discussion see on 12.

40. — τοῦτῳ: drawn from its usual position after τὴν αὐτὴν to stand close against its contrasted word: ὑμεῖς τοῦτο ὁ διότι ὑμῖν. — ὡστε ὁ διότι ὑμῖν: “The drastic tautology of the two disjunctive members, You do not think as he does, and he does not think as you do, and that is a right good thing, fits the comic coloring of the passage” (Frb.) cp. Crit. Note. — εὖ ποιῶν: while grammatically εὖ ποιῶν is connected with the second clause only, its force extends over both. It is a stereotyped expression, fortunately, thank heaven. Its formal use went so far that Demosthenes could say (23. 143), τοῦτο . . . εὖ ποιῶν, οὐ συνέβη this, fortunately, did not happen. — ὡστερ πτυχή-ροιν: on the simile and the personification, see Introd. p. 25. N. 5. The point is that when by the absence of sons an estate fell to a daughter, the nearest male heir could demand the hand of the heiress in marriage, even to the extent of taking her from her husband, if she was already married. The provision was made in order
ρον τῆς συμφορᾶς οὕσης ἀμφισβητήσων ἡκεί καὶ
πειράται πείθειν ὡμᾶς ὥσ ὡν εἰμὶ τοιοῦτος οἴον ὡμᾶς
ὁρᾶτε πάντες· ὡμᾶς δὲ (ὅ τῶν εὖ φρονοῦσιν ἔργον
ἐστὶ) μᾶλλον πιστεύετε τοῖς ὑμετέροις αὐτῶν ὀφθαλμοῖς
τοῖς τούτων λόγοις.

16 Δέγει δ' ὡς ὑβριστής εἰμι καὶ βίαιος καὶ λίαν ἁσελ-
γῶς διακείμενος, ὥσπερ εἰ φοβερῶς ὁνομάσει, μέλλων
ἀληθῆ λέγειν, ἀλλ' ὡδ, ἐὰν πάνυ πραόως, ταῦτα ποιή-
σων. ἐγὼ δ' ὡμᾶς, ὃ βουλή, σαφῶς οἴμαι δεών διαγι-
γος γνώσκειν οἶς τ̃ ἐγχαρεί τῶν ἀνθρώπων ὑβρισταῖς ἐστι
καὶ οἶς οὐ προσήκει. οὐ γὰρ τοῖς πενωμένοις καὶ λίαν
ἀπόρως διακείμενοις ὑβρίζειν εἰκός, ἀλλὰ τοὺς πολλῷ
πλεῖω τῶν ἀναγκαίων κεκτημένων· οὔδε τοὺς ἄδυνά-
τους τοῖς σώμασιν ὄντας, ἀλλὰ τοὺς μάλιστα πιστεύον-
τας ταῖς αὐτῶν ρώμαις· οὔδε τοὺς ἅδη προβεβηκότας

15 φοβερῶς ὁνομάσει: 'he knows his claims to be false, so
he tries to frighten you by calling
me ὑβριστής, βίαιος, ἁσελγῶς δια-
κείμενος'—μέλλων λέγειν, ταῦτα
ποιήσων: an instance of the use
of the periphrastic future (going
to) parallel with the simple future,

GS. 274. Note that the form of
the apodoses corresponds to only
one of the protases, and that too
the one the verb of which is un-
expressed (ἐὰν πάνυ πραόως).—
πάνυ: see on 19. 15.—πραό-
ως: for πράως; used in only
one other passage in Attic Greek
(Aristoph. Frogs, 856). Probably
used here to give a stilted tone to
the cripple's "philosophy."—οἷς:
see on οὕς 25. 7; cp. ὃ τρόπῳ
19. 12.—προσήκει: force as in
25. 7; cp. εἰκός following.

16. πολλῷ: so in 17. 6 (πολλῷ
πλέον) and 29. 8 (πολλῷ πλεῖον);
elsewhere in Lysias, πολὺ.
τῇ ἡλικίᾳ, ἀλλὰ τοὺς ἐπὶ νέον καὶ νέως ταῖς διανοίασις
17 χρωμένους. οἱ μὲν γὰρ πλοῦσιοι τοὺς χρήμασιν ἐξω-
νοῦνται τοὺς κινδύνους, οἱ δὲ πέντες ὑπὸ τῆς παρούσης
ἀπορίας σωφρονεῖν ἀναγκάζονται· καὶ οἱ μὲν νέοι συν-
115 γνώμης ἀξιοῦνται τυχάνειν παρὰ τῶν πρεσβυτέρων,
toῖς δὲ πρεσβυτέροις ἐξαμαρτάνουσι ὁμοίως ἐπιτιμῶ-
18 σων ἁμφότεροι· καὶ τοῖς μὲν ἰσχυροῖς ἑγχωρεῖ ἡμῶν
αὐτοῖς πάσχουσιν οὓς ἄν θυμωθῶσιν ὑβρίζειν, τοῖς
dὲ ἀσθενεῖσιν οὐκ ἔστων οὕτε ὑβριζομένους ἀμώνεσθαι
120 τοὺς ὑπάρχοντας οὕτε ὑβρίζειν βουλομένους περιγύνε-
σθαι τῶν ἀδικωμένων. ὥστε μοι δοκεῖ ὁ καθήγορος
eἰπεῖν περὶ τῆς ἐμῆς ὑβρείας οὐ σπουδάζων, ἀλλὰ
παῖζων, οὐδὲ ὑμᾶς πεῖσαι βουλόμενος ὡς εἰμὶ τοιοῦτος,
124 ἀλλ’ ἐμὲ κωμῳδεῖν βουλόμενος, ὥστερ πι καλὸν ποιῶν.
19 ἂν δὲ καὶ συνελέγεσθαι φησίν ἄνθρωπός ὡς ἐμὲ
πονηροὺς καὶ πολλοὺς, οἵ τὰ μὲν ἑαυτῶν ἀνηλώκασιν,
toῖς δὲ τὰ σφέτερα σφόζειν βουλομένους ἐπιβουλευο-
σιν. ὑμεῖς δὲ ἐνθυμήθητε πάντες ὅτι ταῦτα λέγων
130 ὅθεν ἐμοῦ κατηγορεῖ μᾶλλον ἢ τῶν ἄλλων ὅσοι τέχνας
ὅσοι ἔχουσιν, οὐδὲ τῶν ὃς ἐμὲ εἰσιόντων μᾶλλον ἢ τῶν ὃς
20 τοὺς ἄλλους δημιουργούσ. ἔκαστος γὰρ ὑμῶν εἰθισται
προσφοίταν ὁ μὲν πρὸς μυρόπαλιον, ὁ δὲ πρὸς κοι-

17. ὑπὸ ἀπορίας: see on ὑπὸ
tῶν γεγενημένων 12. 3. — ἁμφότε-
ροι: both young and old.
18. μηδὲν: see on μήτε 12. 68
(B). — τοὺς ὑπάρχοντας: force, see
on ὑπάρχει 12. 23 A.
19. ὡς: see on 16. 4. — πολ-
λούς: made emphatic by reversal
of the usual order, πολλοὺς καὶ
πονηροὺς.
20. προσφοίταν: an indication
of the simplicity of Athenian life.
In the capital city the barber’s shop
and the cobbler’s shop are the club-
houses of men of leisure as in the
modern country village. That no
reïν, ὅ ἐπὶ πρὸς σκυτοτομεῖον, ὅ ὅποι ἀν τύχῃ, καὶ πλεῖστοι μὲν ὡς τοὺς ἐγγυτάτω τῆς ἁγορᾶς κατεσκευάζοντος, ἐλάχιστοι δὲ ὡς τοὺς πλεῖστον ἀπέχοντας αὐτῆς: ὥστε οἱ τις ὑμῶν πονηρίαις καταγγέλλεται τῶν ὡς ἐμὲ εἰσόντων, δῆλον ὅτι καὶ τῶν παρὰ τοὺς ἄλλους διατριβώντων: εἰ δὲ κακεῖνων, ἀπάντως Ἁθηναίων ἀπαντεῖς γὰρ εἰθισθεῖ προσφοιτῶν καὶ διατρίβειν ἄμου.

140 γέτονῳ.

21 Ἀλλὰ γὰρ οὐκ οἶδ᾽ ὅ τι δεῖ λιαν μὲ ἀκριβῶς ἀπολογούμενον πρὸς ἐν ἐκαστὸν υἱοὶ τῶν εἰρημένων ἐνοχλεῖν.

reproach was involved in frequenting such places is clear from the fact that Demosthenes thinks it a good point to make with a jury that the man whom he is attacking (25. 52) does not frequent the shops: He shares no man's affection or companionship; . . . nor does he resort to any of these barbers' shops or perfumers' shops in the city, nor any other shops—not one. But he is implacable, restless, unsocial, with no feeling of gratitude or friendship or anything else that a right-minded man feels. These ancient assemblies, like their modern counterparts, "saved the country," — with words, — as Isocrates tells us (7. 15): Which (the constitution) now become corrupted troubles us not, nor do we take thought how we may restore it; but we sit in the shops and find fault with the state of the country, and say that never in all the history of the democracy were we worse governed,— while in action, and in the principles that we cherish, we are better content with it than with the constitution that our fathers left us. — ὅποι ἀν τύχῃ: sc. προσφοιτῶν; cp. 12. 18. — ἁγορᾶς: on life about the Agora, see Gulick, p. 40 ff. — καταγγέλλει: with gen. and acc. HA. 752 a; G. 1123 (cp. 1121); B. 370; Gl. 514 a. — παρὰ τοῖς ἄλλοις: see on παρ᾽ αὐτῶς 12. 33. — ἄμου: see Crit. Note. ἄμου- is of the same origin as οὐδαμοῦ, ἀμόθεν, Eng. some (A.S. sum, Goth. suns); the Eng. has preserved the original meaning. Lysias has ἀμωσιγέτως in 13. 7.

21 Ἀλλὰ γὰρ: in transition; see on 12. 40. — ὑμῖν: the interruption of the normal order πρὸς ἐν ἐκαστὸν τῶν εἰρημένων by υἱοὶ
πλείω χρόνων. εἰ γὰρ ὑπὲρ τῶν μεγίστων εἰρήκα, τί
dei peri τῶν φαύλων ὁμοίως τοὔτω σπουδάζειν; ἔγω
145 ὁ ύμῶν, ὃ βουλή, δεόμαι πάντων τὴν αὐτῆν ἔχειν peri
ἐμοῦ διάνοιαν, ἥπερ καὶ πρότερον καὶ μὴ οὐ μόνον
μεταλαβεῖν ἔδωκεν ἡ τύχη μοι τῶν ἐν τῇ πατρίδι, τούτου
diὰ τούτου ἀποστερήσητη με. μὴ δ’ ἀπάλαι κοινῆς
πάντες ἔδωσεν μοι, τῶν οὕτως ἐἰς ὄν πείσῃ πάλιν ὑμᾶς
αφελέσθαι. ἑπειδὴ γὰρ, ὃ βουλή, τῶν μεγίστων ἀρχῶν
ὁ δαίμων ἀπεστέρησεν ἡμᾶς, ἡ πόλις ἡμῶν ἐνδήματο
τοῦτο τὸ ἀργύριον, ἠγουμένη κοινὰς εἰναι τὰς τύχας
tοῖς ἀπασί καὶ τῶν κακῶν καὶ τῶν ἀγαθῶν. τῶς οὖν
οὐκ ἂν δειλαιότατος εἰην, εἰ τῶν μὲν καλλίστων καὶ
155 μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἰην, ἃ δ’
ἡ πόλις ἔδωκε προνοθείσα τῶν οὕτως διάκειμένων,
diὰ τὸν καθήγορον ἀφαιρεθείν; μηδαμώς, ὃ βουλή,
tαύτη θήσθη τὴν ψήφον. διὰ τί γὰρ ἂν καὶ τύχομι

throws strong emphasis upon ἐν ἔκαστον. Cp. τὴν αὐτὴν . . . διά-
νοιαν below, and τὰς τύχας . . . καὶ τῶν κακῶν καὶ τῶν ἀγαθῶν § 22;
cp. on ἡμῖν 12. 33.—ὑπὲρ τῶν μεγίστων, peri τῶν φαύλων: for
ὑπὲρ = peri see on § 4. It is
fully in the spirit of parody that the cripple treats the complain-
ant’s sound arguments as “trivial”
and his own nonsense as “most
weighty.”—ἡπερ: see on αἱτίνες
12. 40.—καὶ πρότερον: for καὶ in
comparisons see on 19. 2.

22. ἡ τύχη: note that ὁ δαίμων
is used below of the same power;
cp. on § 10.—ἐνδήματο: i.e. by
the law which established poor-
relief in general. The award to
individuals would seem from this
speech to have rested with the
Senate; the veto on any case was
certainly theirs.

23. δειλαιότατος: another touch
of fine phraseology in the cripple’s
mouth; the word is common only
in poetry.—καλλίστων καὶ μεγί-
στων: on the συνυπηρεία see App.
58. 2.—διὰ τὸν καθήγορον: the
direct agents of the deprivation
would be the senators, but the
cripple would have the complainant
to ‘thank for it.’ See on 12. 87.—
καὶ τύχομι: for καὶ see on 12. 29.
24 τοιούτων ὑμῶν; πότερον ὅτι δι' ἐμὲ τις εἰς ἄγωνα
160 πῦτοτε καταστάσας ἀπώλεσε τὴν οὐσίαν; ἀλλ' οὕτ' ἄν
εἰς ἀποδείξειν. ἀλλ' ὅτι πολυπράγμων εἰμὶ καὶ θραύσ
cαὶ φιλαπεχθήμων; ἀλλ' οὐ τοιαύτας ἀφορμάς τοῦ
25 βίου τυγχάνω χρόμενος. ἀλλ' ὅτι λίαν ὑβριστὴς
καὶ βίαιος; ἀλλ' οὔδ' ἄν αὐτὸς φήσειν, εἰ μὴ βού-
165 λοιτο καὶ τούτο θεύδεσθαι τοῖς ἄλλοις ὁμοίως. ἀλλ' ὅτι ἐπὶ τῶν τριάκοντα γενόμενος ἐν δυνάμει κακῶς
ἐποίησα πολλοῦς τῶν πολιτῶν; ἀλλὰ μετὰ τοῦ ὑμετέ-
ρον πλῆθους ἔφυγον εἰς Χαλκίδα, καὶ ἐξὸν μοι μετ'
ἐκείνων ἄδεως πολιτεύεσθαι, μεθ' ὑμῶν εἰλόμην κωδι-
28 νεύεων ἀποδημῶν. μὴ τοίνυν, οὐ βουλή, μηδὲν ἡμαρτη-
κώς ὁμοίων ὑμῶν τύχομι τοῖς πολλὰ ἡδικηκόσιν, ἀλλὰ

24. 'I am no sycophant, as are
so many.' For the element of
parody in this appeal see Introd.
p. 238.—οὗθ' ᾧν ἐς: stronger
than οὗδεις ἄν; see on 19. 60.—
ἀλλ' οὖ τοιαύτας κτλ.: but fortune
has not given me the use of such
resources for a livelihood (for she
has made me weak and depend-
ent on the favor of others, cp. §
18). ἀφορμὴ originally = starting
point, then resource; in war, base
of operations; in finance, capital.

25. φήσων: if the speaker were
thinking of the particular assert-
tion to this effect which the com-
plainant had made (λέγει δ' ὄς
ὑβριστὴς εἰμὶ καὶ βίαιος καὶ λίαν
ἀσέλγος διακείμενος § 15), we
should have ἔφη; but he is think-
ing of any such possible assertion
on his part in the same general way
in which he thinks of οὗθ' ἄν εἰς
ἀποδείξειν above.—καὶ τούτο: see
on καὶ ἡμῶν 19. 2.—ἐπὶ τῶν τριά-
κοντα: for ἐπὶ see on 12. 17.—
πλῆθος: see on 12. 42.

26. τοίνυν: force, see on 16.
7 (A).—μηδὲν: see on μὴτε
12. 68 (B).—ἡμαρτηκὼς: tense,
see on εἰργασμένοι εἰσὶν 12. 22.—
ὁμοίων . . . τοῖς πολλὰ ἡδικηκόσιν:
as it stands the comparison seems
to be between ὑμῶν and τοῖς
ἡδικηκόσι, but of course the
meaning is μη ὁμοίων ὑμῶν τύχομι
οἰῶν ὑμῶν τυγχάνουσιν οἱ πολλὰ
ἡδικηκόσι. This looseness of ex-
pression in comparisons is com-
mon. resulting from an attempt at
τὴν αὐτὴν ψήφον θέσθε περὶ ἐμοῦ ταῖς ἄλλαις βουλαῖς, ἀναμνησθέντες ὅτι οὐτὲ χρήματα διαχειρίσας τῆς πόλεως δίδωμι λόγον αὐτῶν, οὐτὲ ἄρχην ἀρξας οὐδεμίαν εὐθύνας ὑπέχω νῦν αὐτῆς, ἀλλὰ περὶ ὁβολοῦ μόνον ποιήσομαι τοὺς λόγους. καὶ οὕτως ὑμεῖς μὲν τὰ δίκαια γνώσεσθε πάντες, ἐγὼ δὲ τούτων ὑμῶν τυχῶν ἔξω τὴν χάριν, οὕτως δὲ τοῦ λοιποῦ μαθήσεται μὴ τοῖς ἀσθενεστέροις ἐπιβουλευέν ἀλλὰ τῶν ὁμοίων αὐτῶν περιγγίνεσθαι.


27. τούτων ὑμῶν τυχῶν ἔξω: for position of ὑμῶν cp. on ὑμῶν § 21, and see on ἦμῶν 12. 33. — ἐπιβουλεύειν, περιγγίνεσθαι: present tense, of a practice, course of conduct.
XXV

DEFENSE AGAINST THE CHARGE OF HAVING SUPPORTED THE GOVERNMENT OF THE THIRTY

INTRODUCTION

This speech was written for a citizen who had been one of the Three Thousand admitted by the Thirty to a nominal share in their government. The speaker has now, under the restored democracy, been chosen (by vote or lot) to some office.\(^1\)

At the ὅκιμασία\(^2\) his eligibility is challenged on the ground that he was a supporter of the Thirty. The complainants have brought no charge of specific acts, basing their attack upon the principle that former members of the oligarchical party (οἱ ἐξ ἄστεως) cannot be trusted in office under the democracy. The defense must attack this principle, and it is this fact which raises the speech above the plane of personal questions, and makes it one of the most interesting documents in the history of the period immediately after the Return.

\(^1\) The title of the speech in the Mss. is Δῆμου καταλύσεως ἀπολογία, but that is probably only an ancient editor’s inference from the general character of the speech. It can hardly have been a defense against an indictment for treason, for the speaker nowhere expresses apprehension of any result save deprivation of some of the rights of a citizen (see §§ 3, 4, 23), and § 14 implies that he is pleading for an honor, not for safety (ὑφ’ ὑμῶν νυνὶ τιμᾶσθαι δίκαιός εἰμι).

\(^2\) All officials were required to submit to a formal scrutiny (ὅκιμασία) before entering upon office. Except in the case of Archons and Senators this was conducted by a law court. Senators were examined by the outgoing Senate; Archons appeared first before the Senate, then before a law court. See p. 133 f., and Gilbert, p. 218 ff.; Gardner and Jevons, p. 465.
The oath of amnesty\(^1\) provided for the exclusion from the city of certain specified leaders of the oligarchy; to all other citizens it guaranteed oblivion of the past (τῶν δὲ παρεληλυθότων μορδεὶ πρὸς μεθένα μησικακεὶν ἕξεινα). Under any fair interpretation of this agreement the former supporters of the Thirty, even senators, office-holders, and soldiers under them, were perfectly eligible to office under the restored democracy. But to keep their pledges in the full spirit of them proved to be a severe test of the self-control of the party of the Return.\(^2\)

The wiser democratic leaders fully recognized the critical nature of the situation. An attempt by one of the returned exiles to violate the agreement and take vengeance on one of the city party was met by the summary seizure of the complainant and his execution by the Senate without trial.\(^3\) This made it clear that there was to be no policy of bloody reprisals; but the feeling of hostility remained.

Then, less than three years after the Return, came the attempt of the survivors of the Thirty, settled at Eleusis, to organize an attack by force. The prompt march of the citizen forces, together with their treacherous seizure of the oligarchical leaders, soon put down the movement. But now more than ever it seemed to the democratic masses intolerable that members of the city party should have equal privileges with themselves. Their spokesmen began to say that the aristocrats might consider the people generous indeed in allowing their former enemies to vote in the Ecclesia and to sit on juries; that to ask for more than this was an impertinence (Lys. 26. 2, 3).

Those who had been conspicuous supporters of the Thirty, or personally connected with their crimes of bloodshed and robbery, naturally refrained from thrusting themselves into prominence; indeed, few of these had probably remained in the city. But the first test came when men whose support of the Thirty had been only passive, and against whose personal character no charge

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2 Cp. XVI Introd. p. 133.
could be raised, ventured to become candidates for office. Their δοκιμασία gave opportunity for attack by personal enemies, by political blackmailers, or by politicians who were posing as jealous guardians of the democracy.

This speech was written by Lysias for one of the first cases of this sort, — it may have been the very first. The issue was vital. If a man like the speaker, of proved ability and personal character, untainted by crime under all the opportunities offered during the rule of the Thirty, was now to be excluded from office, the reconciliation must soon break down.

The date of the speech cannot be earlier than 400 B.C., nor can it be much later.¹

OUTLINE

I. Προοίμιον, Exordium, §§ 1–6.

It is pardonable in you to feel resentment toward all who remained in the city under the Thirty, but it is amazing that my accusers try to persuade you to make no distinctions among us.

I will show that their charges against me are false.

Their conduct is consistent with their character; yours should be for the protection of the innocent and for the good of the state.

¹ The new officials took their seats in midsummer; their δοκιμασία occurred shortly before. The siege of Eleusis is already past (§ 9); this fell in the archonship which closed July, 400 (ἐτών Ζ[εναί]ντου ἄρχοντος Arist. Resp. Ath. 40. 4). The speech cannot be placed much later than 400, for the speaker, with all his pleas based on his good conduct before and during the rule of the Thirty, says nothing of his conduct since the Return (October, 403), nor does he cite cases of other men of his party holding office. Moreover, his warnings show that there are fugitives of the oligarchical party who still hope for a reaction and a counter blow against the democracy, and who are not yet sure what will be the treatment of the former supporters of the Thirty (§ 23), while in § 27 he speaks of the democracy not as established, but as in process of being established (δημοκρατία γίνεται). A longer time would seem to be implied in the charges against the sycophants (ταχέως μὲν ἐκ πλάσματος γέγονται, πολλὰς δὲ ἄρχας ἄρχοντες οὐδεμίας εὐθύνην διδασκόντων ἡσυχίης), were these not stock charges, hardly to be taken seriously.
In return for my positive services to the state I ask only what you give to the merely harmless citizen.

My accusers try to lay upon me the crimes of the Thirty because they can find nothing wrong in my own conduct.

II. Πρόθεσις, Proposito, § 7.

It is unreasonable to suppose that I am hostile to the democracy (the πρόθεσις is incomplete, stating only the first of the arguments that are to follow).

III. Πίστεις, Argumentatio, §§ 8–28. (The πίστεις form the λύσις of the charges.)

A. The proposed refusal of office would be unjust to me, for I was never disaffected toward the democracy, §§ 8–18.

B. The policy of refusal would be unwise for you, §§ 19–28.

IV. Παρέκβασις, Egressio, §§ 29–34.

The complainants are unworthy of your confidence.

V. Ἐπίλογος, Peroratio. (The peroration probably began with § 35; it is lost by the mutilation of the Ms.)

COMMENTS ON ARGUMENT AND STYLE

I. Προοίμιον, Exordium, §§ 1–6.

The opening words, like those of the defense of Mantitheus, give at once the impression of conscious innocence, but with this we have here a more indignant tone of protest against the action of the complainants, and an earnest tone of warning to the jury. From the first the tone is less that of one pleading for favor than of one who identifies his interest with theirs and earnestly counsels them.

The sentences are long and dignified. Only after the proem is well under way is there any touch of artificial rhetorric.

II. Πρόθεσις, Proposito, § 7.

A speech for the defense need not open with a statement of the case,—the speech of the prosecution has already given that,
— but the defendant will naturally give at the beginning some statement of his line of argument. Lysias chooses to state here only his first point. When, in § 19, he passes on to his second argument, he does it without any πρόκειται.

III. Πιστευ, Argumentatio, §§ 8–28.

A. §§ 8–18. The speaker cannot deny the fact that he remained in the city under the Thirty; he must therefore deny the significance of the fact. The argument is surprising; in the most blunt way he asserts that men follow self-interest in their attitude toward one form of government or another. He gives the jury to understand that he remained in the city under the Thirty because it was for his personal safety and for the safety of his property that he do so; but he claims that it would have been still more to his personal advantage that the Thirty had never been established, and shows that support of the restored democracy is altogether to his personal advantage. He frankly tells the jury to assume that he acts from an enlightened self-interest, and demonstrates that on that assumption he will be a reliable supporter of their government.

The cool frankness with which he waives aside all claim of sentimental patriotism, ascribes his services to the earlier democracy to the desire to stand well with the people (§§ 12–18), admits that he submitted to the oligarchy, and asks the jury to estimate his relations to the new government purely on the basis of his personal interests, must have been refreshing to a jury weary of hearing pious protestations of loyalty and sacrifice for the sacred democracy. If their first thought was that they were dealing with a shameless egoist, their later feeling must have been that this was an outspoken man, who dared express his opinions frankly; and then — who could deny the force of his arguments?

Not only is the argument as a whole novel and vigorous, but here and there Lysias gives a bright and unexpected turn to the subordinate parts. In the summary as to the speaker's conduct under the oligarchy he makes neat use of the dilemma: If the

LYSIAS — 17
Thirty offered him the chance to share their power and he refused, that shows that he was no friend to them; if the Thirty did not offer it, that shows that they were no friends to him (§ 14). Again, in § 17 he makes the keen plea that a man who kept his hands clean in times when there was every encouragement to wrong-doing can be counted on to be a law-abiding citizen under the present settled government.

The dignified language of the proem is continued throughout this argument. The sentences are in rounded, periodic form, with much of antithesis, which reaches its height in § 18:

υγούμας δε, ὦ ἄνδρες δικασταί
οδικόν δικαίος ὑμᾶς μασείν τοὺς ἐν τῇ ἀληθείᾳ μηδὲν πεποιθότας κακῶν
ἐξὸν ὅργιζοντας τοὺς εἰς τὸ πλήθος ἐξημαρτηκόσιν
οὐδὲ τοὺς μὴ φυγόντας ἐχθροὺς νομίζειν
ἀλλὰ τοὺς ὑμᾶς ἐκβαλόντας
οὐδὲ τοὺς προθυμουμένους τὰ ἐλαύνων σῶσαι
ἀλλὰ τὰ τῶν ἄλλων ἀφηρημένους
οὐδὲ τῆς σφετέρας αὐτῶν σωτηρίας ἐνεκα ἐμείκαν ἐν τῷ ἄστει
ἀλλ' οὖν ἐφίσεις ἐτέρους ἀπολέσαι βουλόμενοι μετέσχον τῶν πραγμάτων.

III. B. §§ 19–28. The speaker now assumes the part of political adviser. Entirely without passion, with the tone of one whose chief thought is for the good of the city, he analyzes the political situation, showing how essential it is that the restored democracy unite all citizens in its support, and how dangerous a course it would be to alienate from the new government the supporters of the oligarchy.

This is a strange tone for a defendant, that of political instruction and warning. But it was true to the situation. And such a plea was the more effective as coming from a speaker who had no sentimental illusions as to either form of government, but who argued purely on grounds of ordinary prudence.

The language becomes still more elevated with the increasing
dignity and earnestness of the thought, almost reaching the epideictic style.

IV. Παρέκβασις, Egressio, §§ 29–34.

A counter attack on the prosecution is a natural and a common part of a plea for the defense. It usually falls, as here, between the argument in rebuttal and the epilogue.

The attack here is direct and forcible. It is ingenious in showing that the principle that underlies the complaint is precisely the principle that governed the Thirty — a point already made in another connection (§ 20); it includes the stock charge against the professional politicians, — that they are getting rich from their trade; and it brings out distinctly the most serious charge, that they are fomenting discord in a community only just reunited.

The tone of the attack is severe and earnest, but always dignified. There is no display of personal passion. The speaker stands above petty recriminations, and in a most convincing way exposes the conduct of a group of small politicians who were coming to the front on false claims of service in the late civil war, and who were destined to succeed before long in discrediting and thrusting aside the great patriots of the Return.

In style of speech this attack keeps up the strong sentence structure, but the prevailing antitheses become sharper and clearer, particularly in the summary attack of § 30. In § 31 we have a period of the most artificial type, ἐκεῖνοι μὲν ὀλγαρχῶς ὀδυγής κτλ.; see App. § 57. 7.

In §§ 23 and 24 there is rhetorical play on the sound of words, not ill-fitted to the scornful tone of the attack; see App. § 58. 5.

V. Ἐπιλογος, Peroratio, §§ 35–.

The epilogue ordinarily follows the Παρέκβασις, and the closing sentence of § 34 seems to form the transition from the attack on the prosecution to the prayer to the jury. There is therefore little doubt that the epilogue begins with § 35, and probably little of the speech has been lost by the mutilation of the Ms.

One who has read this speech comes to the close with a definite
impression of the personality of the speaker. He is no enthusiast, he has no political sentiment; as a result of his observations of men he has reached the conclusion that all political attachments are determined by personal advantage,—and he is not afraid to express his opinion. This same analysis he brings to the discussion of party policy. He makes no appeal to the honor or generosity of the democratic jury, but with the utmost calmness and penetration he shows them that it is for the interest of their party to approve his candidacy.

We receive the impression that we are listening to a man of experience, of sharp observation of men, and of a personal dignity that forbids equally appeal to the sympathy of the jury and violent invective against his enemies.

The view that the speech embodies a true portrait of the client is most clearly expressed in the following words of Bruns. In the conversation between lawyer and client "the talk would soon pass from personal matters to questions of political principles. The keen lawyer, who had himself had an eventful political experience, would be impressed by his client's views—mature and free from all illusions. The coolness with which he explained all political attachments on the ground of personal interest had its effect upon Lysias, and he counted upon its having its effect upon others. He therefore built up his defense on this idea. He believed that the good impression which he had himself received from the straightforward tone of the speaker—free from all personal small talk,\(^2\) would not fail in the case of other listeners. And so in his treatment of the case, perhaps at the express request of the speaker, he let him pass quickly from his own person to general questions."

The style is noticeably more rhetorical than is usual with Lysias. In the more elevated parts his usual simplicity of sentence structure gives way to strong periods, with abundant antithesis and parallelism.

\(^1\) Literarisches Porträt, p. 451.

\(^2\) The speech for Mantitheus (XVI) offers a marked contrast in this respect. The young cavalryman is full of talk of his own achievements,
ΔΗΜΟΤ ΚΑΤΑΛΤΣΕΩΣ ΑΠΟΔΟΓΙΑ

1 Ὄμοιον μὲν πολλὴν συγγνώμην ἔχω, ὥς ἀνδρεσὶ δικασταῖ, ἀκούσωσι τοιούτων λόγων καὶ ἀναμμηνησκομένως τῶν γεγενημένων, ὅμως ἀπασχ ὄργιζεσθαί τοῖς ἐν ἄστει μεῖναι· τῶν δὲ κατηγόρων θαυμάζω, ὥς ἀμελεύοντες τῶν οἰκεῖων τῶν ἀλλοτρίων ἐπιμελούνται, καὶ σαφῶς εἰδότες τοὺς μηδὲν ἄδικοντας καὶ τοὺς πολλὰ ἐξημαρτηκότας ζητούσι κερδαίνει ἡ ὑμᾶς πείθειν περὶ ἀπάντων ἡμῶν τὴν γνώμην ταύτην ἐχειν. εἰ μὲν οὖν οἶνον ὀφείλει σὰ ὑπὸ τῶν τριάκοντα γεγένηται τῇ πόλει ἔμοι κατηγορηκέναι, ἀδυνάτους αὐτοὺς ἡγοῦμαι λέγειν.

1. τοὶς μεῖναι: case, see on ὄργιζεσθαι 12. 80. — ἄστει: for non-use of the article see on 12. 16. — μηδὲν: when a participle or adjective with the article is equivalent to an indefinite relative clause, it takes μή as its negative, as such a clause would do (μὴ in protasis). Such expressions refer to a class of persons or things, and this neg. may be called “μὴ generic.” — ἄδικοντας, ἐξημαρτηκότας: note the coupling of pres. and perf. participles; see on ἄδικος 12. 14, and for the perf. (of “guilt”), see on ἐργασμένοι εἰσίν 12. 22. — κερδαίνειν: for interpretation see Crit. Note.— ταύτην: the opinion urged by the complainants, and implied in ὄργιζεσθαι.

2. ἡγοῦμαι: this word expresses a more definite and mature conviction than ὀδυμαί (ὀδυμα) or νομίζω. It is significant that this experienced and confident speaker uses ἡγοῦμαι eight times (§§ 2, 5, 6, 7, 11, 17, 18, 29) in the eight (Teubner) pages, and nowhere says νομίζω or ὀδυμαι. The thirteenth speech shows a like fondness for ὀδυμαί (fourteen
occurrences in the twenty-one pages), but with the other words for “I think” used twice each. It is possible that in talking with his client Lysias noticed a fondness for this ἡγοῦμαι, and so gave a natural tone to the speech by its repeated use. Cp. on 19. 15.—ός ἐμοὶ... αὐτῶν: on the assumption that any charge against them involves me.

—τοὺς λόγους: cp. on 12. 2.—τούτων: see on τούτων 12. 81.— ἦμαντον δὲ τοιούτων ὄντα: the antithesis with τούτων μὲν...ψευδομένους causes this construction instead of the more common nominative (τοιοῦτος ὄν); cp. § 4 ἀποφήγω...ἀτίος γεγενημένος.

—ἐν ἄστει μείνας: had he remained in the city.

3. τούτων μὲν: τούτων rather than αὐτῶν because these complainants are the particular sycophants whom he is attacking. For the greater precision of Greek as compared with Eng. in such use of pronouns cp. on 12. 81, 84.—χρηματίζουσα: blackmail by the threat of bringing innocent men before the courts on trumped-up charges was the regular work of the “sycophants.” The quiet and orderly citizen was often ready to avoid both the reproach and the annoyance of a lawsuit by money payment. Xenophon tells how, by advice of Socrates, Crito finally supported a lawyer of his own to silence these fellows by counter attacks (Mem. 2. 9). The defendant for whom Isocrates wrote the speech against Callimachus tells how Callimachus began by telling in the streets and the shops that he had been wronged by the defendant; how then the defendant’s friends came to him and advised him to buy Callimachus off, cautioning him that, however confident he was in the justice of his case, he must remember that many things in court turn out con-
tois µηδεν adikousin ex isou ths politeias metadido-
vai, outw gar an tois kathestikois pragmaisi plei-
4 stous symbachous excute. axiow de, o andres dikastai,
ean apothen symforas men mndeimais aitios geganymi-
unos, polla de kagathia eiragnismenos thn polin kai th
25 swmati kai tois chrismasi, tauta gow ni par' umen
uparciein, oin ou monon tous e' pedouskotas alla kai
5 tois µηδεν adikountas tychanein dikaiow esti. mega
men ouh hgoymi moi tekmiroin elinai, oti, eipter edun-
nantio oi kathgoroi idia me adikounta exelegxi, ouk
30 an ta twn triakonta amartimata emo kathgoroun,
oo an fonito chrhmai uper twv ekeinos pepragmenwv
etereous dieballein, alla aitovs tous adikountas tiw-
reiso. vnd de nomysoi thn proes ekeinous orghn
34 ikanin elinai kai tois µηδεν kakon eiragnimous apo-
thetaesai. eyw de ouh hgoymi dikaiow elinai outhe ei twnes

trary to expectation, that verdicts are more a matter of chance than of
justice, and that it is wise by paying
a small sum to be freed from great
accusations and the possibility of
great pecuniary losses (Isoc. 18.
9 f.). — kathestikoi: pragmai: the
established order = the existing
government. See on 16. 3.
4. mndeimais: see on µite 12.
68 (B). — aitios geganymenos: cp.
on ejmantoν § 2; HA. 981; G.
1588; B. 661; Gl. 587. — upar-
chein: I may count upon. See on
uparchei 12. 23.
5. tekmiroin: predicate of the
oti clause: I hold the fact that,
etc., . . . to be a great proof in
my favor.— eipter: see on 12. 27.
— idia µ adikounta: crimes of my
own.— amartimata, emo: con-
struction, see on katagwosteau 24.
20.— uper: while uper usually = in
behalf of; it is often used to give
the ground of a feeling or action,
especially with words of thanking,
praising, accusing, punishing, de-
defending, and the like. Cp. 12. 37,
12. 89, 25. 19. For uper = peri
see on 24. 4. — µηδεν: see on § 1.
6. eyw δε ktl.: the normal con-
struction would be as follows:—
τῇ πόλει πολλῶν ἀγαθῶν αὐτοὶ γεγένηται, ἄλλοις τινάς ὑπὲρ τούτων τιμῆν ἡ χάριν κομίσασθαι παρ' ὑμῶν, οὔτε εἰ τινὲς πολλὰ κακὰ εἰργασμένοι εἰσώ, εἰκότως ἂν δὲ ἐκεῖνους τοὺς μηδὲν ἀδικοῦντας ὑνείδους φοι καὶ διαβολῆς τυγχάνειν. ἵκανοι γὰρ οἱ ὑπάρχοντες ἔχθροι τῇ πόλει καὶ μέγα κέρδος νομίζουντες εἶναι τοὺς ἀδίκως ἐν ταῖς διαβολαῖς καθεστηκότας.

7. Πειράσομαι δ' ὑμᾶς διδάξαι, οὗς ἡγοῦμαι τῶν πολυτων προσήκειν ὀλιγαρχίας ἐπιθυμεῖν καὶ οὓς δημοκρατίας. ἐκ τούτου γὰρ καὶ ὑμᾶς γνώσεσθε, καγώ περὶ ἐμαυτοῦ τὴν ἁπολογίαν ποιήσομαι, ἀποφαίνων ὡς οὔτε εἴ τι ἐν ἰδικρατίᾳ οὔτε εἴ ὧν ἐν ὀλιγαρχίᾳ πεποίηκα, οὔτε γὰρ προσήκόν κακόνον εἶναι τῷ πλήθει τῷ ὑμε- ὀτερὲ. πρῶτον μὲν οὖν ἐνθυμηθηναι χρῆ ὅτι οὔδεὶς ὅστιν ἀνθρώπων φύσι οὔτε ὀλιγαρχικὸς οὔτε δημο-

εἴρθε δὲ οὐχ ἡγοῦμαι δικαίον εἶναι οὔτε . . . κομίσασθαι οὔτε . . . τυγχάνειν.

But as the sentence develops Lysias breaks the regular order by adding to the thought of the injustice the further thought of unwisdom, leaving the broken construction

εἴρθε δὲ οὐχ ἡγοῦμαι δικαίον εἶναι οὔτε . . . κομίσασθαι οὔτε εἰκότως ἀν τυγχάνειν.

— δὲν: see on 12. 1; cp. 24. 2, 24. 9. — διὰ εἰκότως: for διὰ with acc. see on 12. 87. — ικανόι κτλ.: for the city has enemies enough already, and men enough who think that those who stand under false accusation are a great gain to themselves, viz. 'the city has enemies enough already, and every false accusation helps them by adding to their number.'

διήμων καταλύσεως απολογία ξυπ. 7-9 265

κρατικός, ἀλλ' ἦτε ἄν ἐκάστῳ πολιτεία συμφέρη, ταύτην προθυμείται καθεστάναν. ὡστε οὐκ ἐλάχιστον ἐν ύμιν ἐστι μέρος ὡς πλείστους ἐπιθυμεῖν τῶν παρόντων νυν ἑπραγμάτων. καὶ ταύτα ὃτι οὕτως ἔχει, οὐ 55 χαλέπως ἐκ τῶν πρῶτον γεγενημένων μαθήσεσθε. ἐσκέψασθε γάρ, ὃς ἄνδρες δικασταί, τοὺς προστάτας ἀμφοτέρων τῶν πολιτεῶν, ὅσας δὴ μετεβάλατο. οὐ Φρύνηχος μὲν καὶ Πείσανδρος καὶ οἱ μετ' ἐκείνων

8. ὡστε οὐκ ἐλάχιστον κτλ.: ‘So that in no small degree it is in your power to secure for the present government a great number of zealous supporters.’ This is quite aside from the argument, a parenthetical reminder to the jury that their action to-day will have an important effect upon the support of the new government.—ἐλάχιστον: made emphatic by its wide separation from its noun, μέρος. Note that the English idiom requires here the positive, in no small degree, for the Greek superlative.—μέρος: case, ἙΑ. 719; G. 1060; B. 336; Gl. 540. —τῶν παρόντων νυν ἑπραγμάτων: cp. τοῖς καθεστηκόσι πράγμασι § 3, and see on 16. 3.

9. δῇ: Lysias seldom uses δῇ. In the eight speeches of this volume there are seven instances of καὶ μὲν δῇ (see on 12. 30) and only eight of δῇ in other connections. Lysias’s sparing use of this vivid and emphatic particle is quite in keeping with the simplicity and moderation of his style (cp. on πᾶν 19. 15). The instances of δῇ are the following: (A) To emphasize a preceding word, 12. 34, 12. 62, 22. 5, all with imperatives, a common usage; 34. 1 τότε δῇ. (B) To emphasize the whole statement, 12. 35, 12. 38, 12. 57. (C) To mark a fact as a familiar one, 25. 9; this usage is in other writers especially common with relatives.—Φρύνηχος: a man of the common people, commander in chief of the fleet. He was at first strongly opposed to the oligarchs, but becoming involved in political intrigues he found that his personal safety lay in going over to Pisander. He became one of the most unscrupulous of the oligarchs, and was murdered in the Agora after the reaction against the extreme oligarchs had set in.—Πείσανδρος: he, too, was at first a prominent democrat, and one of the chief
δημαγωγοί, ἐπείδὴ πολλὰ εἰς ὑμᾶς ἐξήμαρτον, τὰς Ὠ περὶ τούτων δείσαντες τιμωρίας τὴν προτέραν διλιγαρχίαν κατέστησαν, πολλοὶ δὲ τῶν τετρακοσίων μετὰ τῶν ἐκ Πειραιῶς συγκατῆλθον, ἐνοι δὲ τῶν ἐκείνων ἐκβαλόντων αὐτοὶ αὖθις τῶν τριάκοντα ἐγένοντο; εἰσὶ δὲ ὧν ὑμῖν Ἐλευσίναδε ἀπογραφαμένων, ἐξελθόντες 10 μὲθ' ὑμῶν, ἐποιεῖτον τοὺς μὲθ' αὐτῶν. οὐκοῦν χαλεπῶν γνῶναι, ὃ ἄνδρες δικασταῖ, ὅτι οὐ περὶ πολιτείας

movers in the hue and cry raised over the mutilation of the Hermæ as being the work of anti-democratic conspirators. He became the chief executive among those who planned and established the government of the Four Hundred. See Chron. App. 412 B.C. — δημα-

γοι: democratic leaders. — εἰς: see on 32. 19, Crit. Note, πρός (C) 6. — ἔνοι: the mention of names of those involved in the so recent revolutions is avoided. Under ἔνοι all must think first of Theramenes, to whose faction the speaker probably belonged. — ἔκελ

νοὺς: strictly only the extreme faction of the Four Hundred, expelled by the moderates under lead of Theramenes. See Chron. App. Sept. 411 B.C. — τῶν Ἐλευσίναδε ἀπογραφαμένων: the amnesty pro-

vided that any partisans of the Thirty who desired to settle with them in Eleusis should be permitted to do so within twenty days, on condition of enrolling their names within ten days (Xen. Hell. 2. 4. 38, Arist. Resp. Ath. 39. 4). From our passage it appears that some who enrolled their names under the first fear of vengeance from the democracy became convinced of their safety in the city and did not withdraw. — τοὺς μὲθ' αὐτῶν: viz. those who had formerly been with themselves in the city party. Xenophon gives a very brief ac-

count of this siege (Hell. 2. 4. 43); he says: “Afterward they (the Athenians), hearing that those at Eleusis were hiring mercenaries, went out against them with all the citizen forces. They killed their generals, who had come into a conference with them, and sent friends and relatives to the others, and persuaded them to a reconcili-

ation.” Aristotle (Resp. Ath. 40. 4) places this event in the third year after the withdrawal to Eleu-

sis (401/0 B.C.). For the bearing of this on the date of our speech see Introd. p. 255 n. 1.
ΔΗΜΟΥ ΚΑΤΑΛΥΣΕΩΣ ΑΠΟΛΟΓΙΑ ΞΧV 10, 11 267

εἰσ' ὁ πρὸς ἄλληλονς διαφοραί, ἄλλα περὶ τῶν ἰδίων συμφερόντων ἐκάστως. ὑμᾶς οὖν χρη ἐκ τούτων δοκιμάζεων τόσον πολίτας, σκοποῦντας μὲν ὅπως ἥσαν ἐν τῇ ὁδημοκρατίᾳ πεπολιτευμένοι, ζητοῦντας δὲ εἰ τις αὐτοὶς ἐγίγνετο ὦφελεια τῶν πραγμάτων μεταπεσόντων· οὕτως γὰρ ἀν δικαιοτάτην τὴν κρίσιν περὶ αὐτῶν ποιοῖσθε. 11 ἐγὼ τοῖνυν ἥγο&omicron;μαι, ὅσοι μὲν ἐν τῇ δημοκρατίᾳ ἄτιμοι ἦσαν ἡ τῶν ὁμοίων ἀπεστερημένοι ἡ ἀλλή τινι συμφοραῖς τοιαύτης κεχρημένοι, προσήκειαν αὐτοῖς ἐτέρας ἐπιθυμεῖ νολιτείας, ἐπιτίθεντας τὴν μεταβολήν ὦφελειάν των αὐτοῖς ἐσεσθαι· ὅσοι δὲ τὸν δήμον πολλὰ κἀγαθὰ εἰργασμένοι εἰσὶ, κακῶν δὲ μηδὲν πώποτε, ὦφείλεται δὲ αὐτοῖς χάριν κομίσασθαι παρ’ ὅμων μᾶλλον ἡ ὥδεναι δίκην τῶν πεπραγμένων, οὐκ ἄξιον τὰς περὶ

10. πρὸς: see on 32. 19 Crit.  
Note.—ἐκ τούτων: on this basis.  
—δοκιμάζεων: probably here in the technical sense, L. & S. s.v. II. 2.  
—ἐν τῇ δημοκρατίᾳ: the (definite) democracy which preceded the rule of the Thirty; cp. ἐν δημοκρατίᾳ § 7, where the less specific reference causes the omission of the article.—ἐγίγνετο: was coming, impf. of an expected event; see on συναπώλειν 12. 88. —τῶν πραγμάτων: force, see on 16. 3.  
11. ἄτιμοι: see on 12. 21. —ἀπεστερημένοι: the tense implies both the past ill-treatment and the abiding resentment resulting from it.—προσήκειαν: tense, cp. on ἀντιλέγειν 12. 26. For force and construction see on § 7. —αὐτοῖς (before ἐτέρας): instead of οὗτος analeptic (see on πάντας αὐτοῖς 16. 11). The desire to throw the stress upon προσήκεια causes the use of the less emphatic αὐτοῖς. In the contrasted and emphatic form below we have τούτων (τὰς περὶ τούτων). —αὐτοῖς (before χάριν): to whom. In a coordinate relative clause the Eng. repeats the relative, while the Greek usually carries the idea along by a personal or demonstrative pronoun, especially if the case changes; HA. 1005; G. 1040; Gl. 615 a. So in 19. 14. But sometimes the pronoun is omitted in the second clause, as in 22. 13 and 21; HA. 1005; G.
τούτων ἀποδέχεσθαι διαβολάς, οὐδ' ἐὰν πάντες οἱ τὰ τῆς πόλεως πράττοντες ὀλυγαρχικοὺς αὐτούς φάσκωσιν εἶναι.

12 Ἐμοὶ τούς, ὥς ἄνδρες δικασταί, οὐτ' ἰδίᾳ οὔτε δημοσίᾳ συμφορὰ ἐν ἐκένῳ τῷ χρόνῳ οὐδεμία πάποτε ἐγένετο, ἀνθ' ἂς τινος ἂν προθυμοῦμενος τῶν παρῶν κακῶν ἀπαλλαγήναι έτέρων ἐπεθύμουν πραγμάτων. τετραπάραχηκα μὲν γὰρ περτάκις, τετράκις δὲ νεναυμάχηκα, καὶ εἰσφορᾶς ἐν τῷ πολέμῳ πολλάς εἰσενήκονοια, καὶ τάλλα λελητούργηκα οὐδενὸς χείρον τῶν ἕων πολιτῶν. καίτοι διὰ τούτο πλείω τῶν ὑπὸ τῆς πόλεως προστατομένων ἐδαπανώμην ἵνα καὶ βελτίων ὑφ' ὑμῶν νομιζόμην, καὶ εἰ ποὺ μοι τις συμφορὰ γένοτο, ἀμενον ἄγωνιζόμην. δὲν ἐν τῇ ὀλυγαρχίᾳ ἀπάντων ἀπεστεροῦμην: οὔ γὰρ τοὺς τῷ πλήθει ἄγαθον τινος αἰτίους γεγενημένους χάριτος παρ' αὐτῶν ἥξιον τυγχάνειν, ἀλλὰ τοὺς πλείστα κακὰ ὑμᾶς ἐιργασμένους εἰς

1041; B. 487. For an instance of both constructions in the same sentence see 32. 27 and note.

12. έτέρων πραγμάτων: cp. έτέρως πολιτείας § 11. The more common expression is νεωτέρα πράγματα (res novae). Cp. on 16. 3.—ἐν ἔπεθυμον: force, see on ἐν ἡξίωσε 19. 13.—τετραπάραχηκα: perf. of “credit,” see on εἰργασμένοι εἰς 12. 22. The logical connection would lead us to expect the pluperfect in this and the following verbs, for the argument is that he had these services to his credit at the time when the revolution was under discussion; but all the time the speaker has also in mind the fact that he has these things to his credit now, an argument for a favorable verdict now; so he half unconsciously uses the less logical perfect.—νεναυμάχηκα: see Crit. Note.—λελητούργηκα: for such services see on 19. 43.

13. ἐδαπανώμην: tense, see on ἐποίουν 12. 25.—καὶ εἰ: see on 19. 18.—ἄγωνιζόμην: viz. when involved in a case at law. —ἀποστε-
ΔΗΜΟΥ ΚΑΤΑΛΥΣΕΩΣ ΑΠΟΛΟΓΙΑ ΧΧΧΧV 12-15 269

τὰς τιμὰς καθίστασαν, ὡς ταύτην παρ’ ἡμῶν πίστιν εἰληφότες. ἀ χρή πάντας ἐνθυμομένους μὴ τοῖς τούτοις λόγοις πιστεύειν, ἀλλὰ ἐκ τῶν ἔργων σκοπεῖν ἃν 14 ἐκάστῳ τυχχάνει πεπραγμένα. ἐγὼ γάρ, ὡς ἄνδρες δικασταί, οὐτε τῶν τετρακοσίων ἐγενόμην ἢ τῶν κατηγόρων ὁ βουλόμενος παρελθὼν ἐλεγξάτω. οὔ τοῖςν οὔδ’ ἐπειδὴ οἱ τριάκοντα κατέστησαν, οὔδεις μὲ ἀποικίς δεῖξε οὔτε βουλεύσατα οὔτε ἀρχὴν οὐδεμίαν ἄρξαντα.

καίτις εἰ μὲν ἔξον μοι ἀρχεῖν μὴ ἐβουλόμην, ὡς ἕμων νυνὶ τιμᾶσθαι δίκαιος εἰμι: εἰ δὲ οἱ τότε δυνάμενοι μὴ ἥξιον μοι μεταδιδόναι τῶν πραγμάτων, τῶς ἄν φανερότερον ἡ σύνως ψευδομένους ἀποδείξαιμι τοὺς κατηγόρους;

15 "Ετι τοίνυν, ὡς ἄνδρες δικασταί, καὶ ἐκ τῶν ἄλλων τῶν ἐμοὶ πεπραγμένων ἄξιον σκέψασθαι. ἐγὼ γάρ τοιούτων ἐμαυτῶν ἐν ταῖς τῆς πόλεως συμφοραῖς παρέσχον ὡστε, εἰ πάντες τὴν αὐτήν γνώμην ἐσκοχν ἐμοί, 115 μηδένα ἄν ἕμων μηδεμιὰ χρήσασθαι συμφορά. ὑπ’ ῥούμην: tense, cp. on ἤγγενο το § 10.


14. παρελθὼν: the technical word for coming forward to the speaker’s platform. — ὡς τοίνυν 1. 86:’ corresponding, with slight anacolouthon, to οὔτε above. — βουλεύσατα: in technical sense, L. & S. s.v. III. — ἔξον: see on παρόν 12. 30. — δίκαιος: personal construction, HA. 944; G. 1527; B. 641; Gl. 565 a. — τῶν πραγμάτων: force, see on 16. 3.

15. Ετι τοίνυν: the τοίνυν of transition (see on 16. 7 (D)) is here strengthened by the more specific ἕτι; so in 19. 59, 32. 14. — παρέσχον: cp. 12. 20 κοσμίους δ’
έμοι γὰρ ἐν τῇ ὀλιγαρχίᾳ οὔτε ἀπαχθεῖς οὐδεὶς φαινότατα, οὔτε τῶν ἐχθρῶν οὐδεὶς τετμωρημένος, οὔτε 18τῶν φίλων εὗ πεπονθώς. (καὶ τούτο μὲν οὐκ ἄξιον θαυμάζειν. εὗ μὲν γὰρ ποιεῖν ἐν ἐκείνῳ τῷ χρόνῳ ἑαυτοῦ ἡν, ἡξαμαρτάνειν δὲ τῷ βουλομένῳ βρέδων,) οὔ τοίνυν οὐδ’ εἰς τὸν κατάλογον Ἀθηναίων καταλέξας

ἡμᾶς αὐτοὺς παρέχοντας. — ἀπαχθείς: a technical term. The ἀπαγωγή was, under the democracy, a summary process for the arrest and punishment of one caught in a criminal act of the grosser sort. It became a convenient form of law under which the Thirty could cover their arrests and executions; cp. the case of Polemarchus, 12. 25, and cp. on εἰσαγγελίων 12. 48.

16. τούτῳ μὲν: viz. οὐδένα τῶν φίλων εὗ πεπονθέναι. While μὲν without a correlative usually suggests an unexpressed contrast (see on 12. 8) it sometimes, as here, becomes a mere particle of emphasis. The speaker sees that in saying that he had helped no friend, he may meet the retort, "Were you then so contemptible a coward as to refuse to help your friends in such troubled times?" He guards against this by the parenthetical statement. — τῶν κατάλογον: we hear of two "lists" drawn up under the Thirty; one was the list of 3000 who were nominally to enjoy political rights (Xen. Hell. 2. 3. 18), the other a proscription list known to us only by two statements of Isocrates. The speaker in the case against Callimachus, referring to the time of the Thirty, says, "It will be made clear that I have brought upon no citizen loss of money, or peril of life; nor erased his name from those who held political rights, and enrolled him in the list with Lysander (18. 16). In another plea (21. 2) Isocrates makes the speaker say of his friend Nicias, that after the establishment of the Thirty his enemies erased his name from those who held political rights and enrolled him in the list with Lysander (τὸν μετὰ Δυσάνδρον κατάλογον). This is doubtless the list referred to in our passage. Why it was called the "Lysander list" we can only conjecture; it would be natural that on the drawing up of such a list Lysander would cause the insertion of the names of those who had most persistently held out against reconciliation with Sparta. The existence of such a list gave opportunity for
Esta enemistades privadas, como en el caso de Nicias. — Ἀθηναῖοι: conectado con οὐδένα.
— διαίτα: una provisión del sistema ateniense que sentó una gran clase de casos a los jueces. — see App. § 29. No es probable que los jueces fueran una parte del sistema de los Tercios, ya que se han abolido. La referencia es probablemente a la arbitraje. El abuso de esta práctica se terminó. — καταδιαίτησάμενος: procurando una sentencia desfavorable; la acción sería usada para dictar una sentencia.

17. πρόστιν διευκόλυνα: cp. 12. 27 

satisfying private enmities, as is clear from the case of Nicias. — Ἀθηναῖοι: connect with οὐδένα.
— διαίτα: a provision of the Athenian system sent a large class of cases to official arbitrators; see App. § 29. It is not likely that official arbitrators were a part of the system of the Thirty, as the popular courts themselves were abolished. The reference is probably to private arbitration. The custom of thus settling cases out of court was always common. — καταδιαίτησάμενος: procuring an unfavorable verdict; the active would be used of rendering a verdict.

the emphasis is quite as much on the fact that the jury now have the evidence as upon his having given it. — Cp. on ἀκρόατε 12. 48.
— ὅσις: here preferred to ὅ, because the emphasis is on the characteristic of the man (see on ὅρων 12. 40), not his identity. By the personal inflection of the verb the Greek combines two ideas that are expressed less simply in Eng. by I, a man who.

— ἤ ποι: these particles, giving emphasis to an apodosis (as in 12. 88), are often strengthened as here by σφόδρα, or as in 12. 35 by γε.
— ἀλλὰ γὰρ: for this use in concluding a discussion see on 12. 40.
— εἰς ὕμα: see on εἰς τὰς ναῖς 19. 21 (C).
18 Ἡγούμεναι δὲ, ὁ ἄνδρες δικασταί, οὐκ ἂν δικαίως ὑμᾶς μισεῖν τοὺς ἐν τῇ ὀλυγαρχίᾳ μηδὲν πεπουθότας κακῶν, ἐξὸν ὅργιζεσθαι τοῖς εἰς τὸ πλῆθος ἔξημαρτηκόσιν, οὐδὲ τοὺς μὴ φυγόντας ἐχθροὺς νομίζειν, ἀλλὰ τοὺς ὑμᾶς ἐκβαλόντας, οὐδὲ τοὺς προθυμουμένους τὰ 140 ἑαυτῶν σώσαι, ἀλλὰ τοὺς τὰ τῶν ἄλλων ἀφηρημένους, οὐδὲ ὁ τῆς σφετέρας αὐτῶν σωτηρίας ἔνεκα ἐμενῶν ἐν τῷ ἄστει, ἀλλ’ οἷς ἐτέρους ἀπολέσαι βουλόμενοι μετέχον τῶν πραγμάτων. εἰ δὲ οἰσθῆ χρήναι, οἷς ἐκείνου παρέλυτον ἀδικοῦντες, ὑμεῖς ἀπολέσαι, οὐδεὶς 145 τῶν πολιτῶν ὑπολειφθῆσεται.

19 Σκοπεῖν δὲ χρῆ καὶ ἐκ τῶνδε, ὁ ἄνδρες δικασταί. πάντες γὰρ ἐπίστασθαι ὅτι ἐν τῇ πρωτέρᾳ δημοκρατίᾳ τῶν τὰ τῆς πόλεως πραττόντων πολλοὶ μὲν τὰ δημόσια ἐκλεπτον, ένοι δ’ ἐπὶ τοὺς ὑμετέρους ἐδωροδόκους, οἱ

18. For the repeated use of antithesis in this section see App. § 57. 1.—ἀν: cp. § 6, and see on 12. 1.—ἐν τῷ δόσι: for the article see on 12. 16.—οίτινες: cp. on ὅσις § 17. Here the characteristic of the men as a class is the emphatic thought; cp. οἰ of the preceding clause.—μετέχον: tense, see on μετέχον 16. 3.—ὑμῖς: assimilated in case to the subject of the leading verb.

19. ἐκλεπτον: the stealing of the politicians was as common a theme in ancient, as in modern, times. Athenian politicians seem to have been notoriously open to the charge, if we may trust Chiriso-
150 δὲ συκοφαντοῦντες τοὺς συμμάχους ἀφίστασαν. καὶ
eĩ μὲν οἱ τριάκοντα τούτους μόνους ἐτυμωροῦντο, ἀνδρᾶς
ἀγαθοὺς καὶ ὑμεῖς ἂν αὐτοὺς ἤγείσθε. νῦν δὲ, ὅτε ὑπὲρ
τῶν ἑκείνων ἡμαρτημένων τὸ πλῆθος κακῶς ποιεῖν
ὑξίων, ἡγανακτείτε, ἤγομενοι δεινῶν εἶναι τὰ τῶν
155 ὁλίγων ἀδικήματα πάση τῇ πόλει κοινὰ γίγνεσθαι.
οὐ δὲ τούτων ἄξιον χρῆσθαι τούτοις, οἷς ἑκείνους ἐωρᾶτε
ἐξαμαρτάνοντας, οὐδὲ ἃ πάσχοντες ἄδικα ἐνομίζετε
πάσχειν, ὅταν ἐτέρους ποιήτε, δίκαια ἤγείσθαι, ἀλλὰ
τὴν αὐτὴν κατελθόντες περὶ ἧμῶν γνώμην ἔχετε, ἦντερ
160 φεύγοντες περὶ ὑμῶν αὐτῶν εἶχετε. ἐκ τούτων γὰρ καὶ
ὁμόνοιαν πλείστην τούσκετε, καὶ η θέλης ἐσται με-
γίστη, καὶ τοῖς ἐχθροῖς ἀνιαρότατα ἡμιφείσθη.

The text is a translation of a passage from the speech of Lysias (Lysias) and contains parts in Greek and English. The passage discusses the actions of the Syracusans against their former allies and the negative consequences of these actions. The text references Homer and emphasizes the importance of justice and fairness in legal matters, particularly in the context of war and politics. The English translations are included to aid understanding of the Greek text.


21 Ἑνθυμηθήναι δὲ χρή, ὡς ἄνδρες δικασταί, καὶ τῶν ἐπὶ τῶν τριάκοντα γεγενημένων, ἵνα τὰ τῶν ἔχθρων ἰῶς ἀμαρτήματα ἀμεινὸν ὡμᾶς ποιήῃ περὶ τῶν ὑμετέρων αὐτῶν βουλεύσασθαι. ὅτε μὲν γὰρ ἀκούοιτε τοὺς ἐν ἀστε τὴν αὐτὴν γνώμην ἔχειν, μικρὰς ἐλπίδας εἰχετε τῆς καθόδου, ἤγομένοι τὴν ὑμετέραν ὁμόνοιαν μὲν γὰς ὁκακὼν εἶναι τῇ ὑμετέρᾳ φυγῇ. ἐπειδὴ δὲ πυνήθη οἰσθε τοὺς μὲν τρισχιλίους στασιάζοντας, τοὺς ἄλλους δὲ πολίτας ἐκ τοῦ ἀστειοῦ ἐκκεκηρυγμένους, τοὺς δὲ τριάκοντα μὴ τὴν αὐτὴν γνώμην ἔχοντας, πλείους δὲ ὄντας τοὺς ὑπὲρ ὑμῶν δεδιότας ἢ τοὺς ὑμῶν πολεμοῦντας, τὸτ' ἢδη καὶ κατιέναι προσεδοκᾶτε καὶ παρὰ τῶν ἔχθρῶν λησίμεθα δίκην. ταύτα γὰρ τοὺς θεοὺς ἡχεσθε, ἀπερ ἐκεῖνος ἐωρᾶτε ποιοῦντας, ἤγομένοι διὰ τὴν τῶν τριάκοντα ποιημαίναν πολὺ μᾶλλον σωθήσεσθαι ἢ διὰ τὴν τῶν φευγόντων δύναμιν κατει-

in exile, others protected by the amnesty.

21. ἔπι: force, see on 12. 17. — ὅτε ἀκούοιτε, ἐπειδὴ πυνθάνοισθε (§ 22): in both instances the reference is to the repeated rumors that came from the city. HA. 914 B (2); G. 1431. 2; B. 625; Gl. 616 b; GMT. 532. — φυγῇ: best taken in the (rare) collective sense = you, the exiles. So Xen. Hell. 5. 2. 9 κατάγειν ἐβούλοντο τὴν φυγήν. Cp. τὴν ἁρχήν = the administration Lys. 12. 6. For the argument, cp. the plea of Theramenes to the same effect, Xen. Hell. 2. 3. 44.

22. τρισχιλίους: see on § 16. — στασιάζοντας: the execution of Theramenes marked the beginning of open division, which culminated after the battle at Munychia in the deposition of the Thirty and the appointment of the Ten; see Chron. App. — τοὺς ἄλλους δὲ: the displacement of δὲ throws emphasis upon ἄλλους. See on 16. 7. — ἐκκεκηρυγμένους: cp. 12. 95. — μὴ ἔχοντας: μὴ because ἔχοντας depends on a verb in protasis; see on μὴτε 12. 68 (B). — τὸτ' ἢδη: cp. cp. 12. 30. — ἀπερ: see on 12. 66. — διὰ: see on 12. 40. — κατιέναι (after δύναμιν): note that
ἀναλειψαί, τό χρη τούτον ὃ άνδρες δικαστάι, τοῖς πρότερον γεγονομένοις παραδείγμασι χρωμένους βουλεύεσθαι περὶ τῶν μελλόντων ἔσεσθαι, καὶ τούτους ἤγεισθαι δημοτικώτατος, οἵτινες διομονοεῖν ύμᾶς βουλόμενοι τοῖς ὄρκοις καὶ ταῖς συνθήκαις ἐμμένουσι, νομίζοντες καὶ τῆς πόλεως ταύτην ἱκανωτάτην εἶναι σωτηρίαν καὶ τῶν ἑχθρῶν μεγίστην τιμωρίαν. οὐδὲν γὰρ ἂν εἴη αὐτοῖς τούτων χαλεπώτερον, ἣ πυνθάνεσθαι μὲν ἡμᾶς μετέχοντας τῶν πραγμάτων, αἰσθάνεσθαι δὲ οὕτως διακείμενος τοὺς πολίτας ὥσπερ μηδενὸς ἐγκλήματος πρὸς ἅλλοις γεγονομένου. χρη δὲ εἰδέναι, ὃ άνδρες δικαστάι, ὅτι οἱ φεύγοντες τῶν ἁλλων πολιτῶν ὡς πλείστους καὶ διαβεβληθάντας καὶ ἡτίμωσθαί βουλοῦνται, ἐπιζόμεθα τούς υφ’ ύμων ἀδικομένους ἑαυτοῖς ἔσεσθαι.
συμμάχων, τοὺς δὲ συκοφάντας εὐδοκιμεῖν δέξαντ' ἀν
παρ' ὅμιν καὶ μέγα δύνασθαι ἐν τῇ πόλει· τὴν γὰρ
τούτων πονηρίαν ἔαντον ἡγοῦνται σωτηρίαν.
25 "Ἀξιόν δὲ μηνηθήναι καὶ τῶν μετὰ τούς τετρακοσίους
πραγμάτων· εὖ γὰρ εἰσεσθῇ ὅτι, ἃ μὲν οὕτωι συμβουλεύσων,
ουδεποτε ὅμιν ἐλυσιτέλησεν, ἃ δ' ἐγὼ παρανό, ἀμφοτέραις ἀεὶ ταῖς πολιτείαις συμφέρει.
26 Ἐστε γὰρ Ἐπιγένεν καὶ Δημοφάνην καὶ Κλεσθένην
ἰδία μὲν καρπωσαμένους τὰς τῆς πόλεως συμφοράς,
δημοσίᾳ δὲ οὕτας μεγίστως κακῶν αἰτίους. ἐνών μὲν
γὰρ ἔπευναν ὑμᾶς ἄκριτων θάνατον καταψυφίσασθαι,
πολλῶν δὲ ἀδίκως δημεῦσαι τὰς οὐσίας, τοὺς δὲ ἐξελά-

see on ἄδικω 12. 14. — δέξαντ' ἀν: would prefer, a meaning which
comes from a shortening of the
phrase μᾶλλον δέχεσθαι ἡ. Cp.
§ 32 δέξαντ' ἀν . . . μᾶλλον ἡ. —
tούτων : cp. on τούτου 12. 81.—
pονηρῶν, σωτηρίαν: for the pa-
ropomassia see App. 58. 5.
25. μετὰ τοὺς τετρακοσίους: the
fall of the Four Hundred was
followed by a brief compromise
administration under Theramenes
and the moderates (see Chron.
App. 411/10), but this gave way
to full democracy, under which a
violent reaction set in against all
who had had a share in the oli-
garchical movement. It went so
far that the men who had remained
in the city and served in the forces
under the Four Hundred were put
under a form of ἀτυμία which ex-
cluded them from the Senate and
from the privilege of speaking in
the Ecclesia (Andoc. I. 75). —
ἀ μὲν οὕτωι συμβουλεύσων: from
these words, and ὅστε οὐκ ἄξιων
κτλ. § 27, it is probable that Epi-
genesis, Demophanes, and Clithe-
nes were the complainants (οὕτωι)
in this case. Epigenes was the
mover of the resolution (409 B.C.)
by which the work on the Erech-
theum was resumed (C.I.A. I.
322), a measure perhaps designed
to give relief to the unemployed.
See Crit. Note. — ἀδι: position,
see on ἴμιν 12. 33. — καρπωσαμέ-
νους: for the metaphor see Introd.
p. 25, N. 5. — ἐντα: for the impf.
(note its coördination with καρπω-
σαμένους) see on ἄνωμένους 12. 32.
26. ἄκριτων: cp. on 12. 17. —
δημεῦσαι: confiscation of prop-
ery as a punishment for political offenses (cp. on 19. 8) had come down from early times. The custom offered to the demagogues and ‘sycophants’ a ready field for personal enrichment through blackmail, and for securing popularity by bringing the property of rich men into the treasury. — άπ-μόσαι: see on ήμιμωσαι § 24. — τῶν πολιτῶν: the position gives the greatest emphasis possible. — ἦστε ἄφιναι: the emphasis is not so much on what they did as on the character revealed by it. HA. 927; G. 1450; B. 595; Gl. 639; cp. the opening sentence of § 27. — οὗ πρότερον ἦσ: see on 12. 71. — στάσεις: the divisions that culminated in the revolution of the Thirty.

27. τούς μὲν φεύγοντας κτλ.: we learn from Andocides (1. 73, 76) that after Aegospotami and the beginning of the siege by the Lacedaemonians, the Athenians took special action for the reconciliation of factions. They voted to restore civic rights to those who were under ἀτιμία (τοὺς ἀτίμους ἐπιτίμους ἐποιήσατε), and to give mutual pledges of agreement between factions (πίστιν ἄλληλος περὶ ὁμονοίας δοῦναι ἐν ἀκροπόλει). But he says (1. 80) that the exiles were not at this time recalled. The return of the exiles (those banished after the fall of the Four Hundred) both Andocides (1. 80) and Xenophon (Hell. 2. 2. 23) place after the surrender. Lysias distorts the facts for the sake of his argument, representing the recall of the oligarchical exiles, which was really forced upon the city by Sparta, as a voluntary act connected with the reconciliation of parties before the surrender. — τελευτάντες: force, HA. 968 a; G. 1564; B. 653 n. 2; Gl. 583 a.
ΔΥΣΙΟΥ

ηδιον ἄν τοὺς ἐν τῇ δημοκρατίᾳ συκοφαντοῦντας ἐπιμωρήσασθε ἡ τοὺς ἄρξαντας ἐν τῇ ὀλιγαρχίᾳ. καὶ εἰκότως, ὃ ἄνδρες δικασταὶ. πᾶσι γὰρ ἦδη φανερὸν ἦστιν ὅτι διὰ τῶν μὲν ἄδικως πολιτευῳμένων ἐν τῇ ὀλιγαρχίᾳ δημοκρατία γίγνεται, διὰ δὲ τῶν ἐν τῇ δημοκρατίᾳ συκοφαντοῦντας ὀλιγαρχίας διὰ κατέστη. ὡστε οὐκ ἀξίων τούτων πολλάκις χρῆσθαι συμβούλως, οἷς οὐδὲ ἀπαξ ἐλυσιτέλησε πειθομένους.

28 Σκέφασθαι δὲ ἥρη ὅτι καὶ τῶν ἐκ Πειραιῶς οἱ μεγί-

— ἤδιον: see the testimony of Aristotle, quoted on 12. 5.— ἄν ἐτιμωρήσασθε: see on ἄν ἦδιοι 19. 13.— τῇ ὀλιγαρχίᾳ: the Four Hundred.— διὰ τῶν κτλ.: see on διὰ πλῆθους 12. 87. The democracy is being established in consequence of the action of the wicked rulers of the oligarchy, but by no means by their desire.— δημοκρατία γίγνεται: the speaker does not consider the work as yet completed. — τούτως: the complainants and the whole class of men, present and past, which they represent; cp. on § 25.— πειθομένοις: in agreement with ἦμων understood, and governing οἷς.

28. οἱ ἑχοντες . . . διεκελεύσαντο: their foremost leader, Thrasybulus, above all. Xenophon (Hell. 2. 4. 42) quotes these words from the speech of Thrasybulus in the assembly after the Return: οὗ μέντοι γε ὑμᾶς, ὃ ἄνδρες, ἂξιῶ ἐγὼ ὅν ὄμωμοκατε παραβήκαι οὖν ἄλλα καὶ τούτο πρὸς τοῖς ἄλλοις καλῶς ἔποιεσαμεν, ὅτι καὶ εὐφρονικαὶ δεδομὲν ἄρτε but I would not have you, fellow-citizens, in any way violate your oaths, but rather show this in addition to your other noble deeds, that you are reverent and faithful to your pledges. Isocrates some time later testifies to the self-restraint of Thrasybulus and Anytus: Θρασύβουλος καὶ Ἀνυτος μέγιστον μὲν δυνάμενοι τῶν ἐν τῇ πόλει, πολλῶν δὲ ἀπεστηρημένοι χρημάτων, εἰδότες δὲ τούς ἀπογράφαντας, ὅμως οἱ τολμῶσιν αὐτοῖς δικαὶ λαγχάνειν οὐδὲ μησικακεῖν Θρασύβουλος καὶ Ανυτος, who are the most powerful men in the city, and have been robbed of great possessions, though they know who confiscated them, nevertheless are unwilling to bring suit or cherish anger (18. 23). Archinus, a third democratic leader, when one of the returned exiles attempted to violate the amnesty
στην δόξαν ἔχοντες καὶ μάλιστα κεκοιμηθέντες καὶ
πλείστα ὑμᾶς ἀγαθά εἰργασμένοι πολλάκις ἡδυ τῷ
ὑμετέρῳ πλήθει διεκελεύσαντο τοὺς ὀρκοὺς καὶ ταῖς
συνθήκαις ἐμμένει, ἤγοντοι ταύτην δημοκρατίας
εἶναι φυλακὴν τοῖς μὲν γὰρ ἐξ ἀστεῶς ὑπὲρ τῶν
παρελθόντων ἀδειῶν ποιήσεων, τοῖς δὲ ἐκ Πειραιῶς
ἀνήκουσιν πλείστου ἐν χρόνων τὴν πολιτείαν παραμένειν.
οἷς ὑμεῖς πολὺ ἀν δικαιότερον πιστεύοντε τῇ τούτων,
οῖ φεύγοντες μὲν δὲ ἔτερον ἐσώθησαν, κατελθόντες
dὲ συκοφαντεῖν ἐπιχειροῦσιν. ἤγονμα δὲ, ὁ ἄνδρες
δικασταί, τοὺς μὲν τὴν αὐτὴν γνώμην ἔχοντας ἐμοί
τῶν ἐν ἀστεί μειῶσιν πανεροῦς γεγενήθηκαν καὶ ἐν
διλυγαρχία καὶ ἐν δημοκρατία, ὅποιοί τινες εἰσὶ πολι-
ταῖ. τούτων δὲ ἀξιόν θαυμάζειν, δὲ τι ἄν ἐποίησαν, εἰ
tis autōs εἰσα τῶν τριάκοντα γενέσθαι, οἱ νῦν δη-
μοκρατίας οὐσίς ταύτα ἐκείνοις πράττουσι, καὶ ταχέως
μὲν ἐκ πενήτων πλούσιων γεγένηται, πολλὰς δὲ ἀρχὰς

(μνησικακῶν), carried through the
Senate his condemnation to death
without trial, as an example to all
citizens who might be tempted to
violate the oaths of reconciliation
(Arist. Resp. Ath. 40. 2). — κεκοι-
μηθέντες: tense, see on εἰργασμέ-
νοι εἰσίν 12. 22. — διεκελεύσαντο:
tense, see on ἴσθομαι 16. 20. —
ὑπέρ: as words of penalty and
punishment take ὑπέρ (see on § 5),
it is natural that the same word
stand with ἀδειαν, a negative of
penalty. — ἀν παραμέναν: cp. §§ 6,
18; see on 12. 1.

29. δὲ ἔτερον: through others,
though not by their direct inten-
tion, hence acc.; see on 12. 87. —
γνώμην: the political principle de-
fined at the end of § 17. — ὀλ-
γαρχία: for omission of the article
cp. on § 10.

30. πλούσιοι: this is a stock
charge of the orators against their
opponents, and not to be taken
very seriously. Lysias has already
represented these men as having
become ἐκ πενήτων πλούσιοι (§ 26)
before the time of the Thirty.
Now they have done it again!
— _εἰθύνην:_ possibly an Athenian official did sometimes avoid the required _εὐθυνα_, but it could only be by unusually efficient party machinery or through an overriding personality (like that of Alcibiades), for the legal system of accounting was most minute. It included audit by independent boards, and offered the utmost freedom of complaint to all citizens. Charges like the present one are on a par with the general charges of thievery and rapid enrichment; without the specification of cases they are of little value. Every Athenian official was required every prytany (every thirty-five days) to submit an account of his receipts and expenditures to a board of ten auditors, selected by lot from the Senate. At the close of his term of office he was also required to present complete accounts to another board; see Introd. p. 44.

πόλεμον: the feeling had been so excited as to lead to the siege of the remnant of the Thirty at Eleusis; but from Xenophon’s account it appears that it was the action of the exiles themselves which led to this. Lysias is either misrepresenting the cause of the expedition to Eleusis or greatly exaggerating the extent of the existing ill-feeling at home. — _διὰ:_ see on 12. 87. — _τούτοι:_ for the change from the relative see on _αὐτῶι_ § 11. — _ἄπιστοι:_ the failure to abide by the terms of the amnesty, which allowed the Thirty to hold Eleusis, and the treacherous seizure of their leaders, may well have produced this effect.

31. For the rhetorical _ἐπαναστροφή_ and _κύκλος_ see App. § 57. 7 f. — _ἄντερ:_ see on _οἴνους_ 12. 40.

— _δημοκρατίας: sc. _οὖν._ — _χρῆναι:_ ‘they actually regard this conduct as a duty; they pose as righteous men punishing the un-
δήμου καταλύσεως ἀπολογία 25—4 281

249 ὡστερ τῶν μὲν ἄλλων ἀδικοῦντων, ἀριστοὶ δὲ ἄνδρες
32 αὐτοὶ γεγενημένοι. (καὶ τούτων μὲν οὐκ ἄξιον θαυ-
μάζειν, ὡμῶν δὲ, ὅτι οἴεσθε μὲν δημοκράτιαν εἶναι,
γένεται δὲ ο τι ἢ ἄν οὕτων βούλονται, καὶ δίκην διδό-
ασιν οὐχ οἱ τὸ ὑμέτερον πλῆθος ἀδικοῦντες, ἀλλ' οἱ
tὰ σφέτερα αὐτῶν μὴ διδόντες,) καὶ δέξαντ' ἂν
255 μικρὰν εἶναι τὴν πόλιν μᾶλλον ἡ δι' ἄλλους μεγάλην
33 καὶ ἔλευθεραν, ἡγούμενοι νῦν μὲν διὰ τοὺς ἐκ Πε-
ραιῶς κυντύνους αὐτοὺς ἐξεῖναι ποιεῖν ὁ τι ἢ ἄν βοῦ-
λονται, εὖν δ' ὡστερὸν ὡμῖν δ' ἐτέρους σωτηρία
γένεται, τούτους μὲν πεπαύσεσθαι, ἐκεῖνους δὲ μείζον
260 δυνῆσεσθαι. ὡστε οἱ τοιούτοι πάντες ἐμποδοῦν εἰσιν,
34 εὖν τι δι' ἄλλων ἀγαθῶν ὡμῖν φαίνεται. τοῦτο μὲν
οὖν οὐ χαλεπόν τῷ βουλομένῳ κατανόησαι: αὐτοὶ τε

righteous.' — ἀριστοὶ δὲ γεγενημέ-

νοι: for correlation of gen. abs.
with participles in other construc-
tion see on πραττούσῃς 12. 69.

32. δ' τι ἢ ἄν βούλονται: 'you
have exchanged the tyranny of
the Thirty for the tyranny of a
group of sycophants, who override
the first principles of democracy.'
— μὴ διδόντες: viz. whoever will not
buy off the sycophants. μη' generic,
see on μηδὲν § 1. — δέξαντ' ἂν: see
on § 24. — μικράν: cp. the same
charge against Theramenes, 12. 70.

33. ἐκ Περαιῶς: see Crit. Note.
The Piraeus was the starting point
of the dangerous undertaking.—
tούτους μὲν ἢ ἐκείνους δὲ: these
sycophants (τούτους) now hold

undisputed lead, on the ground
of the dangers which they met in
helping to secure the return. They
think that if, in the new situation,
other men shall come forward and
benefit the state, the leadership
will pass to these others (ἐκείνους);
they therefore try to discredit men
like the speaker who seek hon-
estly and unselfishly to serve the
state. For τούτους cp. on τούτου
12. 81. — δι' ἄλλων (cp. δι' ἐτέρους
above): see on 12. 87.

34. αὐτοὶ τε γάρ κτλ.: the struc-
ture is

γάρ [αὐτοὶ τε ὁὐκ ἐπιθυμοῦσιν

ἄλλοις τε ἀιδοῖς δὲ: these sycophants (τούτους) now hold

τὰ μὲν ὁμοιότε

τὰ δ' ἀκούετε
ɣαρ οὐκ ἐπιθυμοῦσι λανθάνειν, ἀλλ' ἁίσχυνονται μὴ
dοκοῦντες εἰναι πονηροί, ὑμεῖς τε τὰ μὲν αὗτοὶ ὀρᾶτε
οὕτα δ’ ἔτερων πολλῶν ἀκούετε. ἡμεῖς δὲ, ὁ ἄνδρες
dικασταί, δίκαιοι μὲν ἡγούμεθ’ εἰναι πρὸς πάντας
ὑμᾶς τοὺς πολίτας ταῖς συνθήκαις καὶ τοῖς ὀρκοῖς
ὕμμενειν, ὁμοί δὲ, ὅταν μὲν ἰδώμεν τοὺς τῶν κακῶν
αἰτίους δίκην διδόντας, τῶν τότε περὶ ὑμᾶς γεγενη-
στομένων μεμημένου συγγνώμην ἔχομεν, ὅταν δὲ φανε-
ροὶ γένησθε τοὺς μηδὲν αἰτίους εἰς ἰσον τοὺς ἄδικοὺς
tιμωρούμενοι, τῇ αὐτῇ ψήφῳ πάντας ἡμᾶς εἰς ὑποψίαν
καταστήσετε. . . .

— μη δοκοῦντες: see on μήτε 12. 68 (Ἀ). — ἡμεῖς: we of the city
party. — υμᾶς: the subject of ἐμμέ-
νειν, thrust between πάντας and
its substantive (πολίτας) to em-
phasize πάντας. See on ἡμᾶν
12. 33.

35. δίκην διδόντας: the seizure
and execution of the leaders at
Eleusis was a violation of the
amnesty, though done under great
provocation. We have record of
no other instance, though Isocra-
tes says (18. 2) that such attempts
were made, and that a special law
was passed to prevent them.
THE SPEECH AGAINST DIOGITON

INTRODUCTION

Diodotus, a wealthy Athenian merchant, married the daughter of his brother, Diogiton. Of this marriage a daughter and two sons were born. Diogiton was thus their uncle on the father's side, and their grandfather on the mother's side.

The father, Diodotus, was called upon in 410 B.C.¹ to join the expedition of Thrasyllos to the coast of Asia Minor, and was killed in the attack on Ephesus (§§ 4–7). Before leaving home he had made a will in which he provided for his sons, and bequeathed to his wife his personal valuables and one talent as dowry in case of her remarriage, and to his daughter one talent as dowry (§ 6).

Diodotus left the will with his brother, Diogiton, and a copy of it with his wife (§ 7).

We have no full inventory of the property, but the plaintiff claims that it included the following sums:

Left on deposit with Diogiton (§§ 5, 13), 5 t.
Invested in a loan on bottomry (§§ 6, 14), 7 t. 4000 dr.
Due in the Chersonese (§ 6), 2000 dr.
Left with his wife (§ 6) and turned over by her to
Diogiton on the death of her husband (§ 15),
20 minae = 2000 dr.
30 Cyzicene staters² = 840 dr.
A mortgage on real estate (§ 15), 100 minae = 1 t. 4000 dr.

Total, 15 t. 840 dr.

¹ For the date see Chron. App.
² The value of the Cyzicene stater is not entirely fixed. See App. § 62.
To this are to be added valuable house furnishings (§ 15).¹

On the death of Diodotus, Diogiton became the guardian of his widowed daughter and her three children. For a time he concealed from them the fact of Diodotus’s death, and under the pretext that certain documents were needed for conducting his brother's business, he obtained from his daughter the sealed package of papers that had been left with her (§ 7). After the death of Diodotus became known to her, the widow turned over to Diogiton whatever property was in her possession, to be administered for the family (§ 15).

Diogiton, as guardian of his widowed daughter, arranged a second marriage for her with one Hegemon (§ 12), but gave a sixth less dowry than the will prescribed (§ 8). In due time he arranged a marriage for his granddaughter also (§ 2); there is no claim that he gave with her less than the dowry required by the will.²

For eight years Diogiton supported the boys from the income of the estate, but when the elder came of age, he called them to him and told them that their father had left for them only 2840 dr.,³ and that this had all been expended for their support; that already he had himself paid out much for them, and that the elder must now take care of himself (§ 9).

The boys, who had supposed that they were to come into a large fortune, at once appealed to their mother, and she hastened to her daughter’s husband, as the only representative of the family who might secure justice from her father. But all appeals to Diogiton and all attempts at settlement through family friends

¹ The above reckoning assumes that the 2000 dr. of § 15 are the same as the claim of 2000 dr. in the Chersonese (§ 6); but it is quite possible that this is another investment.

² It would seem that the daughter was married not long before the trial, for in the estimate of reasonable expense for the children the speaker includes provision for the daughter and her maid for the full eight years (§ 28).

³ This was the sum which their mother had turned over to Diogiton in cash, and which he could not deny having received.
were in vain, and the case was brought to court (§§ 10–12). The elder son was the plaintiff, and the daughter's husband, as his συνήγορος, made the main plea for him by delivering this speech, prepared by Lysias.

In the preparation of his defense Diogiton saw that he could not maintain his original claim that he had received only 2840 dr. for the boys. The mother had documentary proof of his having received one sum of 7 t. 4000 dr. (§ 14), and Diogiton now acknowledged in his sworn answer that he had received that sum, but he submitted detailed accounts purporting to show that it had all been used for the family (§§ 20, 28).

The date of this speech is determined by the fact that Diodotus died in 410 B.C. (§ 5), and that the boys were under Diogiton's guardianship eight years (§ 29). It is not likely that a suit involving the whole family fortune would be long delayed, so that the trial must be put in 402/1 B.C. or very soon thereafter.

This speech is not contained in our Mss. of Lysias, but the part which we have is preserved in the treatise of Dionysius of Halicarnassus, On the Ancient Orators. After a discussion of the peculiarities of Lysias's style, Dionysius transcribes this speech, with comments after each rhetorical subdivision; unfortunately he does not give the last part of the proof or the epilogue.

1 See App. § 17.

2 It is not clear just how much Diogiton did acknowledge. If he did not retract his first statement, the 2840 dr. must be added to the 7 t. 4000 dr. And then there remains the question whether he included in these sums the money paid in the two dowries. Lysias says in § 20 that Diogiton in his reckoning claimed to have spent the 7 t. 4000 dr. for the two boys and their sister; but it is possible that the mother's and the sister's dowries were reckoned in this total in Diogiton's account.

If we had the documents which were presented in court and the complete speech of Lysias, these points, which seem in our fragment strangely confused, would probably be made clear.

3 Dionysius was a student and teacher of literature who came to Rome in 30 B.C. He taught Rhetoric both by lectures and by published treatises, and published a History of Rome from the earliest times to the beginning of the
OUTLINE

I. Προοίμιον, Exordium, §§ 1–3.
Apology for bringing a family dispute into the courts.
Justification of the speaker's appearance in the case, after
earnest efforts to effect a private settlement.
General πρόθεσις: the speaker will show that these plaintiffs
have been worse abused by their grandfather than any one ever
was even by men not related.

II. Διήγησις, Narratio, §§ 4–18.
The marriage of Diodotus to his niece, the daughter of Diog-
iton. Diodotus's departure for the wars and his provision for his
family. His death, and the conduct of Diogiton thereafter. The
action of Diogiton when the eldest son came of age. Protests of
the family and their attempts to secure justice out of court. The
mother's plea to her father and its effect on the hearers.

III. Particular πρόθεσις, Propositio, §§ 18, 19.
The call for witnesses for the speaker, and the request to the
jury to examine the accounts of the defendant.

IV. Πόσεις, Argumentatio, §§ 20–
A. Examination of the items charged against the sum which
Diogiton admits that he received.
B. Argument that the sum received was much larger than
Diogiton admits (this argument is not preserved; see p. 290).
Dionysius has not preserved the epilogue.

Punic Wars. He was an enthusiastic student of classical Greek oratory, and
devoted himself to the attempt to revive its pure standards as against the
degenerate rhetoric of the later times. He published a treatise on Lysias,
Isocrates, and Isaeus, as a part of a work on The Ancient Orators; a second
part was to treat of Demosthenes, Hyperides, and Aeschines, but it is un-
certain whether it was ever written.
ARGUMENT AND STYLE

COMMENTS ON ARGUMENT AND STYLE

I. Προοίμιον, Eροτημης, §§ 1–3.

The Greek rhetoricians, and the Romans after them, prescribed three ends to be sought in a proem: the gaining of the good will of the hearers, instructing them as to the case in hand and its proposed treatment, and arousing their attention (ἐναπτυγμα, εὐμάθεια, πρόσεξις).

Dionysius¹ in his criticism of the proem of this speech evidently has this definition in mind. He says that in the case of a suit against members of one's own family the rhetoricians are agreed that the plaintiff must above all things else guard against prejudice on the part of the jury in the suspicion that he is following an unworthy and litigious course. The plaintiff must show that the wrongs which he is attacking are unendurable; that he is pleading in behalf of other members of the family nearer to him and dependent upon him for securing redress; that it would be wicked for him to refuse his aid. He must show further that he has made every attempt to settle the case out of court.

This first quality of the ideal proem, adaptedness to secure the good will of the jury by the means indicated, Dionysius finds in full in our proem.

The second purpose of a proem, the clear instruction of the jury as to the case in hand, Dionysius finds equally well fulfilled. The proem includes a virtual πρόθεσις, which gives all the information that is needed for the understanding of what follows.

The third aim of a proem, the quickening of attention, Dionysius says is to be reached by surprising or even paradoxical statements, and by direct appeal to the jury. These things, too, Dionysius assures us that he finds in this proem, but to the modern reader it seems that his wish to find here all the elements of the ideal proem must have been father to the thought; for there is certainly no touch of the novel or surprising or paradoxical in thought. Some others of Lysias's proems have these character-

¹ Lysias, § 24.
istics in a marked degree, but not this one. There is a direct prayer to the jury, but that is brief and not very impressive.

The language of the proem, like that of Lysias's proems in general, is for the most part periodic. A larger group of thoughts is brought together under a single sentence structure both in § 1 and in §§ 2–3 than is usual with Lysias. - The impression is one of dignity and earnestness. There is no rhetorical embellishment either in grouping of cola or in play on words or phrases.

II. Διήγησις, Narratio, §§ 4–18.

Dionysius gives no comment on this "narrative," but before quoting this speech he had summed up his views of Lysias's excellence in each part of a speech. He there spoke as follows of his powers in narration (§ 18): "In narration, which in my opinion demands the utmost wisdom and attention, I consider him unquestionably the greatest of all orators, and I declare him to be the measure and standard (ὁρν τε καὶ κανόνα). And I believe that the treatises on the theory of rhetoric which contain anything valuable on the subject of 'narration' have derived their inspiration and their precepts from no source more than from the works of Lysias. For his narratives excel in conciseness and clearness. No others are so charming and persuasive. They convince you before you are aware, so that it is not easy to find any narrative as a whole, or any part of one, that is false or unconvincing. Such persuasion and charm are in his speech, and so completely do the hearers forget to ask whether it is true or fictitious."

This enthusiasm of Dionysius for Lysias's narratives is justified, and in no case more fully than in that of the narrative under discussion. This, like the great narrative of the arrest in XII, and the even greater narrative in I — an honest husband's story of the seduction of his young wife by an aristocrat — has the persuasive power of simple and clear speech. But in this narrative there is a stroke of genius that places it above even the other two. This
is the introduction of the mother's plea in her own words. The mother could not plead in court, but by picturing the scene in the family council Lysias carries the jurors in imagination to that room where a woman pleads with her father, protesting against the unnatural greed that has robbed his own grandsons, and begging him to do simple justice to her children. As the jurors heard how the hearers of that plea arose and left the room, silent and in tears, there was little need for argument.

Here, again, Lysias secures his result by the simplest means. As he talked in his office with his clients and heard their story of the family meeting, and how the mother of the boys had pleaded with her father, he had the insight to see that the central point of the prosecution should be to make the jury see this case as the mother saw it. Her view of it moved him, and he knew it would move the jury. His work was to take this narrative from the lips of his clients, to preserve its naturalness and simplicity, to suppress non-essentials, and to bring out the points of real power, condensing and clarifying all. The result was a work of art perfect in the concealment of art.

The language is, as in Lysias's narratives generally, of the simplest form. For the most part the sentences are short. When they are expanded, it is by a series of simple coördinate cola, binding the thoughts without making the whole complex. So the long narrative sentence of § 5. The long sentence of § 10 is a typical example of the running, in distinction from the periodic, structure. But, as often in Lysias, the simple narrative is concluded by a strong, amplified sentence, in full periodic form (see App. § 44): —

§ 18. τότε μὲν οὖν, ὁ ἄνδρες δικασταὶ
πολλῶν καὶ δεινῶν ὑπὸ τῆς γυναικὸς ῥηθέντων
οἳ διετέθησαν πάντες οἱ παρόντες
ὑπὸ τῶν τούτων πεπραγμένων
καὶ τῶν λόγων τῶν ἐκείνης

LYSIAS — 19

1 See App. § 42.
XXXII. AGAINST DIOGITON

дрόντες μὲν τοὺς παῖδας
ολα ἦσαν πεπονθότες
ἀναμμησκόμενοι δὲ τοῦ ἀποθανότος
ὡς ἀνάξιον τῆς οὐσίας τῶν ἐπίτροπων κατέληπεν
ἐνθυμούμενοι δὲ ὡς χαλεπῶν ἐξευρεῖν
ὅτω σχεῖ περὶ τῶν ἑαυτοῦ πιστεύσαι

ὡστε, ὥ ἀνδρεῖς δικασταί,
μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι
ἀλλὰ καὶ δικαίωτας μὴ ἤττον τῶν πεπονθότων
ἀπιστόν χειραθείς σιωπῆ.

III. Πρόθεσις, Propositio, §§ 18, 19.
A brief πρόθεσις introduces the aινδάβιτα of witnesses and the discussion of the guardian’s accounts as filed with the court.

IV. Πίστεις, Argumentatio.
We know from Dionysius¹ that the argument on the accounts submitted by Diogiton fell into two parts: A, Discussion of the use that Diogiton claims to have made of the property which he admits he has received from the estate; B, Proof that he has received a much larger sum than he admits. The second part is not included in what is preserved.

The examination of the alleged expenditures is sharp and clear. The overcharge seems written on the face of every item, and the series culminates in a case of the most shameless fraud (§§ 26, 27). The most striking characteristic of this convincing argument is the Lysian brevity. Out of an accounting of eight years Lysias selects a very few typical items, makes the most of them in a brief, cutting comment, and then passes on before the hearers are wearied with the discussion of details.

The language is in short and rounded periods. Vigor and terseness prevail in it all, and there is an occasional sharpening of expression by rhetorical device. Antitheses are common as in

¹ Lysias, § 26.
all vigorous speech of Lysias, and some are heightened by rhyming of the final words of cola (δουμονελευνον, see App. 57. 4).

§ 19. ἵνα τοὺς μὲν νεανίσκους διὰ τὸ μέγεθος τῶν συμφορῶν ἔλεγον τούτον δὴ ἀπασί τοὺς πολίτας ἔξιον ὤργῆς ἤγγισχέτε.

§ 25. καίτου εἰ μὲν τὰς ξημιάς τούτων ἀποδείξει τὰ δὲ σωθέντα τῶν χρημάτων αὐτός ἔξει ὅποι μὲν ἀνήλωται τὰ χρήματα οὐ χαλεπῶς εἰς τὸν λόγον ἐγγράψει ῥαδίως δὲ ἐκ τῶν ἀλλοτρίων αὐτὸς πλουτήσει.

The word play (παρονομασία, App. § 58. 5) in § 22, a turn of speech rare in Lysias, but a favorite with the rhetoricians, is fitted to the sarcastic tone:

ἐνα γράμματα αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξεισιν.

The personification in § 23, a figure equally rare in Lysias (Introod. p. 25. n. 5), is in the same sarcastic tone:

ήγούμενος δειν τὴν αὐτοῦ ποιημάς κληρονόμον εἶναι τῶν τοῦ τεθνε-ώτος χρημάτων.

§ 24 offers a striking instance of Lysias’s power of condensation. Each of the four brief phrases adds an incriminating feature of the action:

οὕτως δὲ πάππος ὤν | παρὰ τοὺς νόμους | τῆς ἔαυτοῦ τριηραχνᾶς | παρὰ τῶν θυγατριδῶν | τὸ ἠμιστ πράττεισαι.

Of ἥθος in the ordinary sense, the nice fitting of thought and speech to the personality of the speaker, so that the individuality of the man stands out in his plea, there is nothing here. The speaker might be any Athenian gentleman; we get no impression of his age or temperament or character.

Some see definite ἥθος in the mother’s speech, but it is rather the ἥθος of womanhood and motherhood than of this particular mother.

But there is another form of portraiture, closely allied to ἥθος, the picturing of the character, not of the speaker, but of

1 See Introod. p. 29.
his opponent. We have certainly a personal portrait of Diogiton, and this by the simple recital of his words and conduct. There is no piling up of opprobrious epithets. By his own conduct greed is shown to have been the one principle of his life, from the time when he married his daughter to his brother to keep hold of his increasing property, to the day when, with hollow professions of regret and with shameless lies, he turned his grandsons out of doors.
XXXII

ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ

1 Ἐι μὲν μὴ μεγάλα ἢν τὰ διαφέροντα, ὦ ἄνδρες δικασταί, οὐκ ἂν ποτε εἰς υμᾶς εἰσελθεῖν τούτους εἴασα, νομίζων αἰσχρότον εἶναι πρὸς τοὺς οἰκείους διαφέρεσθαι, εἴδος τε ὅτι οὐ μόνον οἱ ἀδικοῦτες χείρους υμῶν εἶναι δοκοῦσιν, ἀλλὰ καὶ οἰτίνες ἄν ἔλαττον ὑπὸ τῶν προσηκόντων ἔχουσες ἀνέχεσθαι μηδενῶς. ἐπειδὴ μὲν, ὦ ἄνδρες δικασταί, πολλῶν χρημάτων ἀπεσταρηταὶ, καὶ πολλὰ καὶ δεινὰ πεπορθότες ὑπὸ ἢν ἤκιστα ἐξῆρήν ἐπ' ἐμὲ κηδεσθῆν ὁντα κατέφυγον, ἀνάγκη μοὶ

1. τὰ διαφέροντα: ἐμοὶ διαφέρει = it matters to me, I have something at stake, hence τὰ διαφέροντα = the issues at stake. — εἰσελθεῖν: a technical term; cp. 25. 26 εἰς υμᾶς εἰσώντες. — τούτους: the usual word for either plaintiff or defendant; here the elder son, who has only recently come of age, is technically the only plaintiff, but his younger brother is equally interested in the suit, and is doubtless present. — πρὸς: see on § 19 Crit. Note. — τε: the simple τε (without καί or a correl. τε) is very rarely used in prose to connect single words; its use to connect clauses (as here) is common in Herod. and Thuc., less common in Xen., and rare in the orators (Kühn. II. ii. p. 242). Cp. § 22, and 1. 17, 13. 1, 31. 2. It is Lysias's one bit of old-fashioned syntax. See Introd. p. 25. — ἐλαττὸν ἔχοντες: being worsted, injured. For connection with ὑπὸ see on κατέστησαν 12. 43. — ἐξῆρήν: for the form see on 12. 48. For force see on εἰκὸς ἢν 12. 27. — κηδεσθῆν: affinis, any connection by marriage. By the context here of a brother-in-law; in § 5 of a father-in-law. Cp. on 19. 48. — κατέφυγον: the perfect might have
been used as in the corresponding clause (ἀπεστέρηται), but their appeal to the speaker was something so striking and definite, and stands so vividly in his mind, that he uses the aorist (of the definite act) rather than the perfect (of the present situation).

2. ἅμαθες: passive in form only, L. & S. s.v. II. 2; HA. 497; G. 444; B. 158. 3; Gl. 394. — ἐπιτρέπαι διαίταν: a technical term, cp. [Dem.] 59. 45 συνήγον αὐτοῖς οἱ ἔπιστήμονες καὶ ἔπεισαν διαίταν ἐπιτρέπαι αὐτοῖς τοὺς φίλους ἔτολμα πείθεσθαι, ἀλλ' ἐβουλήθη καὶ φεύγειν δίκας καὶ μὴ οὖσας διώκειν καὶ ύπομείναι τοὺς ἐσχα-

καὶ φεύγειν δίκας καὶ μὴ οὖσας διώκειν: the present infinitives and the plurals (δίκας . . . οὖσας) refer not to any particular movement of Diogiton, but to his determination to avail himself of all the 'twists and turns of the law.' φεύγειν δίκας is the usual term for defending suits. μὴ οὖσας διώκειν, to prosecute suits to set aside default, refers to one of the tricks for gaining time. If a party to a suit failed to appear at the time set for trial, he lost his case by default; such a case in the courts was called ἡ ἐρημωσία δίκη; if it was before a board of arbitrators it was also called μὴ οὖσα δίκη. But one who had thus lost a case by default might, within a specified time, appeal for a hearing on the ground that there was sufficient reason for his non-appearance: in this case he was said τὴν ἐρημωσίαν (δίκην) ἀντιλαχεῖν or τὴν μὴ οὖσαν (δίκην) ἀντιλαχεῖν. — τοὺς ἔσχατους κενθώνους: an exagger-
τους κυνάνους μᾶλλον ἢ τὰ δίκαια πονήσας ἀπηλλάχθαι 
τῶν πρὸς τούτους ἐγκλημάτων, ὑμῶν δέομαι, ἐὰν μὲν 
ἀποδείξεω ὦτως αὐτῷς αὐτοὺς ἐπιτετροπευμένους ὑπὸ 
τοῦ πάππου ὡς οὐδεὶς πώποτε ὑπὸ τῶν μηδὲν προση-
κόντων ἐν τῇ πόλει, βοηθεῖν αὐτοῖς τὰ δίκαια, εἰ δὲ μῆ, 
τούτῳ μὲν ἀπαντά πιστεύειν, ἡμᾶς δὲ εἰς τὸν λοιπὸν 
χρόνον ἠγείρθαι χείρος εἶναι. ἐξ ἀρχῆς δ᾿ ὑμᾶς περὶ 
25 αὐτῶν διδάξαι πειράσομαι.

4 Ἀδελφοὶ ἡσαυ, ὅ άλλος δικασταί, Διόδωτος καὶ 
Διογείτων ὁμοπάτριοι καὶ ὁμομήτριοι, καὶ τὴν μὲν 
ἀφανῆ οὐσίαν ἐνείμαντο, τῆς δὲ φανερᾶς ἐκοινώνουν. 
ἐργασμένου δὲ Διοδότου καὶ ἐμπορίαν πολλὰ χρή-
30 ματα πείθει αὐτὸν Διογείτων λαβεῖν τὴν ἑαυτοῦ θυγα-

dated statement; at the most the penalty would be only the resto-
ration of the sum found to have been taken, and a fine of one 
sixth of that amount; still the public disgrace must be counted 
among the ‘dangers.’ — πρὸς τοῦ-
touς: force, see on 16. 10.

3. ἐπιτετροπευμένους: perf. be-
cause the guilt of the guardian is the fact that is discussed. See on 
ἐργασμένα εἰς ὶν 12. 22. — βοηθεῖν 
αὐτοῖς τὰ δίκαια: a common con-
densed expression; τὰ δίκαια 
(their rights) is the acc. of effect 
(HA. 714; G. 1055. 1; B. 333-4; 
Gl. 536. b); to aid them their 
rights = to aid them in obtaining 
their rights. — χείρος: see on 
16. 3.

4. ἀφανῆ, φανερᾶς: in general 
= personal property, real estate; 
cash, investments, and credits are 
always οὐσία ἀφανῆς; houses and 
lands are οὐσία φανερᾶ; the appli-
cation of the terms to other prop-
erty is variable, as they are not 
sharply defined legal terms. — 
θυγατέρα: Greek marriages were 
regularly arranged by parents and 
guardians; naturally the property 
relations of the contract were a 
prominent consideration. Out of 
this grew the tendency to encou-
rage marriage between near rela-
tives (cp. Lysis's own marriage, 
Introd. p. 23) in order to keep 
the family property intact. A 
man might even marry his half-
sister if she was of a different
téra, Ἴπερ ἵνα αὐτῷ μόνη· καὶ γίγνονται αὐτῷ ύπὶ διός καὶ θυγάτηρ. χρόνῳ δὲ ύστερον καταλεγεῖται Διόδωτος μετὰ Ὄρασίλλου τῶν ὀπλιτῶν, καλέσας τὴν ἑαυτοῦ γυναῖκα, ἀδελφὸν δὲν ὀψαν, καὶ τὸν ἐκείνης 35 μὲν πατέρα, αὐτοῦ δὲ κηδεσθῆναι καὶ ἀδελφόν, πάππον δὲ τῶν παιδίων καὶ θείον, ἡγούμενος διὰ ταύτας τὰς ἀναγκαίοττας οὐδενὶ μᾶλλον προσέκειν δικαίως περὶ τούς αὐτοῦ παιδίας γενέσθαι, διαθήκην αὐτῷ δίδωσι τὰ καὶ πέντε τάλαντα ἀργυρίου παρακαταθήκην· ναυτικά

mother. — ὡς: form, see on 12. 34.

5. καταλεγεῖται: the names of all citizens liable to military service (men between eighteen and sixty years of age) were kept publicly posted in an official list. When troops were to be called into service a special decree of the Ecclesia determined the ages within which the draft should be made. Out of these available names the military authorities selected as many as were needed for the immediate emergency, and posted a list, which became the official roll. Such a list is here referred to. — Ὅρασίλλου: 410 B.C. See Chron. App. While Alcibiades was operating on the Hellespont, Thrasyllus was sent out to the coast of Asia Minor, with a force of 1000 hoplites, 100 cavalry, and 50 triremes (Xen. Hell. 1. 1. 34). Χρονοφόρος, who was one of these cavalrymen, has left a detailed account of the preliminary skirmishes of the expedition, and of their severe defeat before Ephesus (Hell. 1. 2. 1-9). Thrasyllus was an efficient and popular general, an opponent of the Four Hundred, and closely associated with Thrasybulus. It is a wise thought to let the jury know that the father of the plaintiff lost his life under their popular general. — τῶν ὀπλιτῶν: case, ΗΑ. 732; G. 1095; B. 355. 2; Gl. 508. Ср. τῶν ἀρχιότων 24. 13. — ἐκείνη: in contrast with αὐτοῦ below. Ср. on ἐκείνων 12. 77. — κηδεσθῆναι: Ср. on § 1. — δίκαιος: agreement, Ср. on λέγοντι 12. 1. — παρακαταθήκην: i.e. in trust for his family, and in case of his death to be disposed of according to the will.

6. For the value of the sums mentioned see App. § 61. — ναυτικὰ: in the great extension of Athenian trade in the fifth century there grew up a carefully guarded
40 δὲ ἀπεδείξεν ἐκδεδομένα ἐπτὰ τάλαντα καὶ τετταράκοντα μνᾶς . . . . δυσχιλίας δὲ ὀφειλομένας ἐν Χεροπονήσῳ. ἐπέσκηψε δὲ, ἐάν τι πάθη, τάλαντον μὲν ἐπιδοῦναι τῇ γυναικί καὶ τὰ ἐν τῷ δωματίῳ δοῦναι, τάλαντον δὲ τῇ θυγατρί. κατέλυτε δὲ καὶ εἶκοσι
45 μνᾶς τῇ γυναικί καὶ τριάκοντα στατήρας Κυζικηνοῦς. τὰ τῶν δὲ πράξεως καὶ οἶκων ἀντίγραφα καταληπτῶν ἄχετο στρατευσόμενος μετὰ Θρασύλλου. ἀποθανόντος δὲ ἐκείνου ἐν Ἑφεσῷ Διογείτων τὴν μὲν θυγατέρα ἐκρυπτεῖ
tὸν θάνατον τοῦ ἄνδρός, . . . καὶ τὰ γράμματα λαμ-

system of loans on vessels or their cargoes. There was no system of maritime insurance, while the primitive means of navigation, the prevalence of piracy, and the frequent dangers by war made the risks greater than in modern times. Accordingly the rates of interest were high; 12 per cent was common, and the rate sometimes went above 30 per cent. The papers in each case specified definitely the limits of place and time within which the voyage was to be made. In this period of the war the dangers were particularly great. — μνᾶς . . . : editors assume a lacuna here, for in § 15 we find that the family claimed an item of 100 minae on a real estate mortgage. The 2000 dr. of § 15 may be the 2000 dr. loaned in the Chersonese (§ 6). — δυσχιλίας: sc. δραχμάς, which is often omitted with numbers. — ἐπιδοῦναι : as dowry (cp. on 16. 10 and 19. 14); δοῦνα, a personal gift. — τὰ ἐν τῷ δωματίῳ : cp. 12. 10. — τῇ θυγατρί: i.e. as dowry on her marriage. — κατέλυτε: not to be understood of the will; he 'left' this sum in cash with his wife on his departure; after his death she turned it over to her father (§ 15).

7. ἀντίγραφα: the plural is generally used of a single 'copy,' probably from the connection with τὰ γράμματα, but the singular occurs, as in Andoc. 1. 76, Demos. 36. 7. The original will was left with Diogiton (§ 5); the copy was left at Diodotus's own house, probably sealed up with the other papers (§ 7). — ἐκρυπτεῖ: impf. of an attempted action (which succeeded for a time). — ἄνδρός . . . : see Crit. Note. There is force in Thalheim's conjecture that the
lost words are τὰ τὶς ἀντίγραφα, for that assumption explains the fact that the speaker makes no use of a copy of the will in his plea. — τὰ γράμματα: the notes for the several loans.

8. τὰ νομιζόμενα: Xenophon says that those who died fighting before Ephesus were buried at Notium (Hell. i. 2. 11). The ‘rites’ here referred to were probably in connection with the dedication of a cenotaph at Athens (the μνήμα of § 21), according to a common custom. — ἐν Πιεραιεὶ δητέτοιο: they ‘lived on’ at the Piraeus, where the father had naturally fixed his residence because of his foreign trade. At the end of the year the boys were sent to their grandfather’s house in the city in the deme Collytus (§ 14); they afterward removed with his family to another house (τὴν Φαι-δροῦ οἰκίαν § 14); apparently the heirs claim that the last house was purchased with money of the estate, for when the grandfather proposes to send them out to care for themselves, their mother says he is casting them ἐκ τῆς οἰκίας τῆς αὐτῶν (§ 16). — ἀυτῷ: the adverb. — ἐπιλειπόντων: note the force of the present, as compared with κατελέειπτο above. — ἐς ἀστυ: see on 12. 16. — ἐκδίδωσιν: Diogenitus became the head of the family, as the oldest son was a minor; it rested with him therefore to arrange the second marriage; we learn the name of the husband from § 12. — πεντακισχιλίας: cp. on 16. 10. The amount, though not niggardly, is small for a wealthy family.

9. δοκιμασθέντος: on a fixed day of each year (perhaps in July at the beginning of the civil year) all young men who had passed their eighteenth birthday in the twelve months preceding were entitled to enrollment in the citizens'
μετὰ ταύτα τοῦ πρεσβυτέρου τῶν μειρακίων, καλέσας ἀυτοὺς ἐπὶ Διογείτων, ὅτι καταλίπτοι αὐτοὶς ὁ πατὴρ ἐίκοσι μνᾶς ἄργυρίου καὶ τριάκοντα στατήρας. „ἔγὼ οὖν πολλὰ τῶν ἐμαυτοῦ δεδαπάνηκα εἰς τὴν ὑμετέραν τροφήν. καὶ ἔως μὲν εἶχον, οὐδὲν μοι διέφερεν, νυνὶ δὲ καὶ αὐτὸς ἀπόρως διάκειμαι. οὐ οὖν, ἐπειδὴ δεδο-
65 κύμασαι καὶ ἀνὴρ γεγένησαι, σκόπει αὐτὸς ἦδη σῶθεν τὸ ἔξεις τὰ ἔπιτήδεια.” ταύτ’ ἀκούσαντες ἐκπεπληγμένοι καὶ δικρύστεντες φρόντο πρὸς τὴν μητέρα, καὶ παραλα-
βόντες ἐκείην ἦκον πρὸς ἐμὲ, οἰκτρῶς ύπὸ τοῦ πάθους διακεῖμενοι καὶ ἀθλίως ἐκπεπτωκότες, κλαύοντες καὶ τὸ παρακαλούντες μὲ μὴ περιδεῖν αὐτοὺς ἀποστερηθέντας τῶν πατρίων μηδ’ εἰς πτωχείαν καταστάντας, ὑβρισμέ-
νους ύφ’ οὖν ἥκιστα ἔχρην, ἀλλὰ βοηθήσαι καὶ τῆς ἁδελφῆς ἑνεκα καὶ σφῶν αὐτῶν. πολλὰ ἂν εἶνεν ἔλεγεν,
όσον πένθος ἐν τῇ ἐμῇ οἴκῳ. ἥν ἐν ἐκείνῳ τῷ χρόνῳ. 75 τελευτῶσα δὲ ἡ μῆτηρ αὐτῶν ἤτεβολεί με καὶ ἴκετεν συναγαγεῖν αὐτής τὸν πατέρα καὶ τοὺς φίλους, εἴποντα ὅτι, εἰ καὶ μὴ πρότερον εἴθησαι λέγειν ἐν ἀνδράς, τὸ μέγεθος αὐτῆς ἀναγκάσει τῶν συμφόρων περὶ τῶν σφέ- 12 τέρων κακῶν δηλώσαι πάντα πρὸς ἡμᾶς. ἐλθὼν δὲ ἔγω 80 ἡγανάκτου μὲν πρὸς Ἡγῆμονα τῶν ἔχοντα τήν τοῦτον θυγατέρα, λόγους δὲ ἐποιούμην πρὸς τοὺς ἄλλους ἐπιτη- δείους, ἡξίουν δὲ τοῦτον εἰς ἐλεγχὸν ἴνα αἰ περὶ τῶν πραγμάτων. Διογείτων δὲ τὸ μὲν πρῶτον οὐκ ἦθελε, τελευτῶν δὲ ὑπὸ τῶν φίλων ἡμακάσθη. ἐπειδῆ δὲ 85 συνήλθομεν, ἤρετο αὐτὸν ἡ γυνὴ, τίνα ποτὲ ψυχὴν ἔχων ἄξιοί περὶ τῶν παῖδων τοιαύτη γνώμη χρῆσθαι, "ἀδελφὸς μὲν ὁν τοῦ πατρὸς αὐτῶν, πατὴρ δὲ ἔμοι, 13 θεῖος δὲ αὐτοῖς καὶ πάππος. καὶ εἰ μηδένα ἀνθρώ- πων ἡσυχῶν, τοὺς θείους ἔχρην σε" φησί "δεδείναι: 90 ὅτ' ἔλαβες μὲν, ὅτ' ἐκείνος ἐξέπλει, πέντε τάλαντα παρ' αὐτοῦ παρακαταθήκην. καὶ περὶ τούτων ἔγω ἐθέλω

it gives a touch of deeper feeling.
— ἤτεβολεῖ: for the double augment see HA. 361 a; G. 544. On the συνωνύμα see App. § 58. 2.
— εἰ: kal.: force, see on 16. 2.
— λέγω: to talk; cp. different force of the present above, πολλὰ ἄν εἰνε λέγειν to recount. — ἐν ἀνδράσι: for the seclusion of Athenian women see Gardner and Jevons, 342 ff.; Becker, Charicles (Eng. trans.), 462 ff.; Gulick, 30 f., 119 ff.

284.— λόγους δὲ ἐποιούμην: see on 12. 2.— ἡξίουν: as in 16. 8.— ἐλεγχὸν ἴνα: see on 16. 1.— σοκ ἦθελε: impf. of persistent refusal, 'resistance to pressure'; see on ἐκτόλμων 12. 5.— τίνα ποτὲ ψυχὴν: what possible heart, cp. on τοτέ 12. 29.— ἄξιοτ: the ind. disc. passes over quickly to the direct in πατὴρ δὲ ἔμοι.

13. kal εἰ: see on 19. 18.— ἔλαβες μὲν: who certainly received (whatever became of it). See on
KATA ΔΙΟΓΕΙΤΟΝΟΣ X.XII 12-15

12-15

touς παιδας παραστηπαμένη καὶ τοὺς καὶ τοὺς ὅπετον ἐμαυτῇ γενομένους ὑμᾶς ὅπον ἀν ὅς 
λέγῃ, καὶ τοῖς ὅποις ἑώ ύμω δήμῳ, ὅδε ὅπω 
95 περὶ πολλοῦ ποιοῦμαι χρήματα, ὥστε ἐπιρρήσασα 
κατὰ τῶν παῖδων τῶν ἐμαυτῆς τῶν βίων καταβαλεῖν, 
14 ἀδίκως δὲ ἀφελέσθαι τὴν τοῦ πατρὸς ὑσίαν." ἔτι 
τοῦν εἶξηλεγχεῖν αὐτὴ ἐπὶ τὰ τάλαντα κεκομισμένων 
ναυτικά καὶ τετρακισχιλίας δραχμὰς, καὶ τοὺς τὰ 
οὐγράμματα ἀπέδειξεν· ἐν γὰρ τῇ ἑξουσίᾳ, ὡς ἐκ 
Κολλυτοῦ ἐξωκίζετο εἰς τὴν Φαίδρου οἰκίαν, τοὺς παιδας 
ἐπιτυχόντας ἔκβεβλημένας βιβλίων ἐνεγκεῖν πρὸς αὐτὴν. 
15 ἀπέφηνε δ’ αὐτὸν ἑκατὸν μνᾶς κεκομισμένον ἐγγείω ἐπὶ 
τόκῳ δεδαυισμένας, καὶ ἐτέρας δισεκατομμυρίων δραχμὰς 
15 καὶ ἐπιπλα πολλοῦ ἀξίας· φολίαν δὲ καὶ σύνον αὐτοῖς

ἐμὲ μέν 12. 8.—τοὺς ὅπετον: by her marriage with Hegemon.—
ὅμοσα: for a parent to swear be-
fore an altar with the hand on the 
head of a child was to stake upon 
the truth of the oath what one 
held most dear. The penalty 
would be the death of the child. 
See Crit. Note, and cp. Pison’s 
12. 10.—ὁποῖν: i.e. at any 
shrine, however sacred.—οὖτος: 
the woman now turns appealingly 
to her friends.—οὖτος: position, 
see on ἡμᾶς 12. 33.—κατὰ τῶν 
παιδῶν: see on πρὸς 32. 19, Crit. 
Note.—τοῦ πατρὸς: my father’s. 
14. ἐτὶ τοῖν ν: force, see on 
25. 15.—τὰ γράμματα: the entries 
in the old memorandum or ac-
count book which the boys had 
found, and of which their mother 
had retained possession. The or-
iginal ‘writings’ which secured the 
loans had been carried off by 
Diogiton with the other sealed 
papers (§ 7).—Κολλυτόθ: a deme 
lying just north of the Acropolis. 
We conclude from a statement of 
Plutarch that it was a favorite 
residential quarter (Plut. de Exil. 
6 οὖδε γὰρ 'Ἀθηναῖοι πάντες κα-
τοκοῦσι Κολλυτον).—οἷκαν: see 
on § 8.—ἐνεγκαίν: in indir. disc. 
loosely dependent on the idea of 
saying implied in εἶξηλεγχεῖν.

15. ἐγγείω ἐπὶ τόκῳ: on a mort-
gage on real estate.—ἐπιπλα: cp. 
12. 19.—φοιτάν: of a regular
ἐκ Χερρονήσου καθ’ ἐκαστὸν ἐνιαυτὸν. “ἔπειτα σὺ ἐτόλμησας” ἐφ’ “ἐπεῖν, ἔχων τοσαῦτα χρήματα, ὡς διυχλιὰς δραχμὰς ὁ τούτων πατὴρ κατέλιπε καὶ τριά-
ιοι κοιτα στατήρας, ἀπερ ἐμοὶ καταλειφθέντα ἐκείνον
18 τελευτῆσαντος ἐγὼ σοι ἐδώκα; καὶ ἐκβάλλειν τούτων
ηξίωκας θυγατριδοῦς δόντας ἐκ τῆς οἰκίας τῆς αὐτῶν
ἐν τριβωνίου, ἀνυπόδητους, οὐ μετὰ ἀκολούθου, οὐ
μετὰ στρωμάτων, οὐ μετὰ ἰματίων, οὐ μετὰ τῶν ἐπὶ-
11. πλων ἀ ὁ πατὴρ αὐτῶν κατέλιπεν, οὐδὲ μετὰ τῶν
17 παρακαταθηκῶν ᾧς ἐκείνος παρὰ σοὶ κατέθετο. καὶ

coming. As we read of a claim of 2000 dr. in the Chersonese
§ 6), we may perhaps assume that this grain was sent annually
as payment of the interest.—
ἐπειτα: ἔπειτα is the more common
word to introduce an indignant
comment upon conduct as related
to a preceding statement (as in
12. 26), then, in view of all that.
διυχλιὰς δραχμὰς κτλ.: Diogiton
at first acknowledged only the
money which his daughter had
herself turned over to him as
head of the family. — ἀπερ: force,
see on οὖν 12. 40.
16. ἐκβάλλειν: tense, see Crit.
Note. — τούτους: it was to the
oldest boy only that the grand-
father had said that he must shift
for himself; though he says that
they are living on his generosity,
he does not intimate that the
younger brother must go now.

But the family naturally take it
as the casting out of both.—
τῆς αὐτῶν: see on § 8. — ἐν
τριβωνίαις, ἀνυπόδητους: in rags,
barefoot. — οὐ μετὰ: on the ἐπανα-
φορά see App. § 57. 5, and on the
ἀπόφεκτον, App. § 58. 3. — ἀκολο-
θοῦ: a man of ordinary standing
was expected to have a slave at-
tendant as he went about his busi-
ness. Even the schoolboy had his
παιδαγωγός. Among the in-
equalities that are to be abolished
in the reformed society of Aris-
tophanes’s Ecclesiazusae (v. 593)
is the undemocratic state of things
by which, while one citizen has
many slaves, another has not even
a personal attendant (ἀνδραπόδοις
tῶν μὲν χρήσθων πολλάς τῶν δ’
— μετὰ στρωμάτων: see on μετὰ
19. 14. — παρὰ σοί: see on παρ’
ἀυτῷ 19. 22.
νῦν τοὺς μὲν ἐκ τῆς μητρωνᾶς τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν εὐδαιμοναὶς ὄντας· καὶ ταῦτα μὲν καλῶς ποιεῖς· τοὺς δὲ ἐμοὺς ἄδικείς, οὓς ἀτίμους ἐκ τῆς οἰκίας ἐκβαλὼν ἄντι πλουσίων πτωχοὺς ἀποδείξαι· καὶ ἐπὶ τοιούτως ἔργοις οὔτε τοὺς θεοὺς φοβή, οὔτε ἐμὲ τὴν συνειδητὰν αἰσχύνη, οὔτε τὸν ἀδελφὸν μέμησαι, ἀλλὰ πάντας ἡμᾶς περὶ ἐλάττωνος ποιῆς χρημάτων." τότε μὲν οὖν, ὁ ἄνδρες δικασταῖ, πολλῶν καὶ δεινῶν ὑπὸ τῆς γυναικὸς θητέρων οὖτος διετέθημεν πάντας οἱ παρόντες ὑπὸ τῶν τούτων πεπραγ- μένων καὶ τῶν λόγων τῶν ἐκείνης, ὅρωντες μὲν τοὺς παῖδας, οίᾳ ἦσαν πεποιθότες, ἀναμμηνησκόμενοι δὲ τοῦ ἀποθανόντος, ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτρο-

17. ταῦτα μὲν: contrast with her censure of his other conduct is implied. See on ἐμὲ μὲν 12. 8. — ἀποδείξαι: often nearly equal to ποιῆσαι; here it combines the idea of making the children beggars with that of exhibiting their sad condition to the world. — προθυμή: in the course of the fourth century B.C. writers probably used the endings -η and -ει with equal freedom; in the fifth -η is to be assumed. Lysias belongs so far to the earlier generation that he is more likely to have used the older form exclusively. — ἐπὶ τοιούτοις ἔργοις: a natural development from ἐπὶ local is the use of ἐπὶ with the dat. in a figurative sense to give the ground of an action or feeling. So ἔφυρεν § 21; cp. 14. 35 ἐπὶ τῇ τοῦ πατρὸς πονηρίᾳ φιλοσυμένω, ηε is proud of his father’s wickedness. For the development of this into the purpose construction see on 12. 24. For ἐπὶ with gen. see on 24. 1. — πάντας ἡμᾶς. . . . χρημάτων: the position brings the contrast into relief and leaves χρημάτων as the last word of the mother’s indignant complaint.

18. μὲν οὖν: see on 12. 3 (B). — ὑπὸ: force, see on 12. 3. — ὡς ἀνάξιον . . . τὸν ἐπίτροπον κατέλειπεν: the Greek combines the two idioms of English "how unworthy a guardian he had left," and "how unworthy the guardian whom he had left." — τῆς οὐσίας: connect
πον κατέλιπεν, ἐνθυμομένου δὲ ὡς χαλεπῶν ἐξευρέων ἐντὸς χρῆ περὶ τῶν ἐαυτοῦ πιστεύσαι, ὡστε, ὁ ἄνδρες δικασταί, μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι, ἀλλὰ καὶ δικρύνοντας μὴ ἠττον τῶν πεπονθότων ἀπιόντας οἴχεσθαι σιωπῆ.

134 Πρῶτον μὲν οὖν τούτων ἀνάβητε μοι μάρτυρες.

ΜΑΡΤΥΡΕΣ

with ἐπίτροπον. — ἐντὸς: referring to the indef. subject of πιστεύσαι, how hard it is to find a man in whom one may safely put confidence as regards his property, i.e. to whom one may safely intrust his property.

— φθέγξασθαι: the strongest possible word = to utter a sound, cp. Dem. 18. 199 εἶ γὰρ . . . σὺ προϋλεγεῖς καὶ διεμαρτύρου βοῶν καὶ θερα-γώς, ὥστε ἐφθέγξω for even if you had foretold and protested with shouts and cries, you who did not even open your mouth. — μὴ ἠττον: cp. on μὴτε 12. 68 (B). — οἴχε-σθαι: the subject is πάντας, supplied from the connection with μηδένα δύνασθαι. — σιωπῆ: an instance of the force that may lie in the final word of a sentence; cp. χρησμάτων § 17.

A review of the tenses used in this whole section, §§ 10–18, is instructive as bearing on the use of historical present, impf., aorist, and plupf. in narrative and description:

The preliminary narrative:

钎οντο, ἕκον § 10, impf. with plupf. force.

ήτεβόλει, ἱκέτευε § 11, descriptive impf. (GS. 207) with added idea of persistence.

ἥγανάκτουν § 12, descriptive impf. ἐποιούμην, ἥξιον descriptive impf. with added idea of repetition.

οὐκ ἰθελε impf. with negative, 'resistance to pressure' (GS. 216).

ἥγακασθη aor. of 'attainment' (GS. 214).

The main narrative:

ἣρετο narrative aor. (GS. 238).

φησί § 13, histor. pres.; the scene becomes most vivid, with direct quotation.

ἐξῆλεγξεν § 14, descriptive impf., the general statement.

ἀπέδειξεν § 14, ἀπέφηνε § 15, narrative aor.

ἐφη neutral (one form for impf. and aor.).

ἀπετέθημεν § 18, aor., the "up-shot" of it all (GS. 238).
ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ ΧΧΧII 19, 20

19 ἰξίον τούν, ὅ ἀνδρεῖς δικασταί, τῷ λογισμῷ προσέ-χειν τῶν νοῦν, ἵνα τοὺς μὲν νεανίσκους διὰ τὸ μέγεθος τῶν συμφορῶν ἐλεήσητε, τούτοις δὲ ἀπασί τοῖς πολίταις ἄξιον ὄργης ἡγήσητε. εἰς τοσούτην γὰρ ὑποψίαν Διογείτων πάντας ἀνθρώπους πρὸς ἀλλήλους καθίστη-


μάλλον τοῖς οἰκειοτάτοις ὃ τοῖς ἐχθρίστοις πιστεύειν.

20 ὅσ ἐγόλμησε τῶν μὲν ἔξαρνος γενέσθαι, τὰ δὲ τελευτῶν ὀμολογήσας ἔχειν, εἰς δύο παιδίας καὶ ἄδελφην λήμμα καὶ ἀνάλωμα ἐν ὦκτῳ ἔτεσιν ἐπτὰ τάλαντα ἄργυρον καὶ τετρακυκλιάς δραχμάς ἀποδέξασαι. καὶ εἰς τούτο ἠλθέν ἀνασκυπτώς, ὥστε οὐκ ἔχων ὅποι τρέψει τὰ χρήματα, εἰς ὅφων μὲν δυὸν παιδίων καὶ ἄδελφη πέντε ὄβους τῆς ἡμέρας ἐλογίζετο, εἰς ὑποδήματα δὲ καὶ εἰς γναφείον καὶ εἰς κουρέως κατὰ μήνα οὐκ ἦν αὐτῷ.

19. τῷ λογισμῷ: the statement of accounts filed with the court by Diogiton.—πολίταις: construction, L. & S. ἄξιος II. 2 b.—πρὸς ἀλλήλους: for πρὸς see Crit. Note.

20. τελευτῶν: cp. §§ 11, 12.—ἕχειν: tense, see on ἀντιλέγειν 12. 26.—εἰς δύο παιδίας: see on εἰς τὸς ναὸς 19. 21 (C).—ἐπτὰ τάλαντα . . . καὶ τετρα. ὧπ.: see Crit. Note. This, the sum proved by the book that the boys found, is what Diogiton admits that he had for the use of the children. It does not appear what claim he made as to the money for the dowries of the widow and daugh-

ter. See Introd. p. 285 n. 2.—τρέψει: i.e. under what items to distribute so much as he claims to have spent. Mood, HA. 932.

2 (2); G. 1490; B. 673 last paragraph; Gl. 661; GMT. 677. For an important extension of this construction see on δοῦν 24. 1.—ὅφων: the term covers all that is eaten except bread, viz. meat, fish, vegetables, relishes, and desserts. Cp. Gulick, p. 144 ff. Xenophon tells some bright anecdotes of Socrates on the relation of bread to ὅφων, Mem. 3. 14. 1—7. Cp. Plato, Republic, II. 372.—εἰς γναφεῖον: under this item is included the whole expense for

LYSIAS — 20
ούδὲ κατ’ ἐναντίον γεγραμμένα, συλληβδηθην δὲ παντὸς τοῦ χρόνου πλεῖν ἢ τάλαντον ἄργυριον. εἰς δὲ τὸ μνῆμα τοῦ πατρὸς οὐκ ἀναλώσας πέντε καὶ εἰκοσι μνᾶς ἐκ πεντακοσιχιλίων δραχμῶν, τὸ μὲν ἣμισυ αὐτῷ τίθησι, τὸ δὲ τούτοις λελόγισται. εἰς Διονύσια τοῖνυν, ἄνδρες δικασταί, (οὐκ ἀτοπον γάρ μοι δοκεῖ καὶ περὶ τούτου μησθήναι) ἐκκαίδεκα δραχμῶν ἀπέφηνεν

clothing. Originally the γναφεύς only dressed and whitened the cloth that came from the home looms; then he added the work of a laundry; to this was again added the full business of the modern tailor and dealer in clothing (so we read in Aristoph. Eccl. 408 ff., the “most democratic” proposal that on the approach of cold weather the fullers give a cloak to every citizen who needs one). Cp. Gulick, p. 229. Still, much of the work, both of weaving and making of clothing, was done by the slaves of a household.

— εἰς κουρέως: sc. ἐργαστήριον. At “the barber’s” one not only had the hair dressed, but bought the oil and ointments that were regularly used at the bath.— παντὸς τοῦ χρόνου: note the various constructions for time in this section: τελευτῶν, ἐν δικῶ ἔσεσθαι, τῆς ἡμέρας, κατὰ μήνα, παντὸς τοῦ χρόνου. — πλεῖν: a shortened form of πλεῖν. See Crit. Note; cp. 19. 31, 19. 46.

21. εἰς: see on εἰς τὰς ναῦς 19. 21 (B). — μνῆμα: see on § 8. The Athenian tombs and monuments were among the finest products of Greek art. There was a tendency to extravagant outlay, but in most artistic form. The expense was great as compared with the expenditure for the living. We know of sums ranging from 3 minae to 2 talents. For full description and illustration see Percy Gardner’s Sculptured Tombs of Hellas. Cp. Gulick, 297 ff. — τὸ μὲν ἣμισυ: i.e. half of the 5000 dr., the pretended cost. His brother thus receives a very creditable monument, charged entirely to the estate.— εἰς Διονύσια: Lysias uses names of festivals without the article; so Eng. “for Christmas,” “for Easter.”— ἐκκαίδεκα δραχμῶν: the price is perhaps unreasonable (see App. § 64), though not so if this particular festival fell in one of the last years of the war; but the thing that hurts is that the children are charged with half the
ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ ΧΧΧII 21–23

εννημένον ἄρνιον, καὶ τοῦτων τὰς ὀκτὼ δραχμὰς ἐλογίζετο τοῖς παισίν. ἐφ' ἂν ἤμεῖς οὖν ἤκιστα ὄργισθημεν. οὖτως, ὥ ἄνδρες, ἐν ταῖς μεγάλαις ζημίαις ἔνιοτε οὖν ἠπτον τὰ μικρὰ λυπεῖ τοὺς ἅδικομένους. λιαν γὰρ φανερὰν τὴν πονηρίαν τῶν ἅδικούντων ἐπιδείκνυσιν.

23 εἰς τοῖνυ τὰς ἄλλας ἐορτὰς καὶ θυσίας ἐλογίσατο αὐτοῖς πλεῖν ἢ τετρακισχιλίας δραχμὰς ἁνηλωμένας, ἐτερά τε παμπληθῇ, ἀ πρὸς τὸ κεφάλαιον συνελογίζετο, ἵνα γράμματα αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξειν καὶ πενεστάτους ἀντὶ πλουτῶν ἀποφήμει, καὶ ἵνα, εἰ μὲν τις αὐτοῖς πατρικὸς ἔχθρος ἢ, ἐκεῖνος μὲν ἐπιλάθωνται, τῷ δ' ἐπιτρόπῳ τῶν πατριφῶν ἀπεστερημένου πολεμῶσι. καίτοι εἰ ἐβούλετο δίκαιος εἶναι περὶ τοὺς παιδας, ἐξῆν αὐτῷ, κατὰ τοὺς νόμους οἱ κεῖνται

expense of the family thanksgiving
day by their own grandfather.
— τὰς ὀκτὼ: the numeral as such
would not take the article, but
there goes with it here the idea of
"the half." H.A. 664 a; G.
948 a. — ἐφ' ἂν: force, see on ἐπὶ
§ 17, and on ὄργιζοντε 12. 80. — ὄργιζον: ingressive aor., see on
μετέχον 16. 3. — οὖτως: see 12. 1
Crit. Note.

on § 1. — πρὸς τὸ κεφάλαιον: for
his total. — συνελογίζοντε: be gath-
ered up (συν) and reckoned in.—
διὰ τοῦτο, ἵνα: the purpose of an
act is its “final cause,” hence it is
not strange that sometimes the
common purpose phrase, εἰς with
acc. (see on 12. 14), is replaced
by the causal phrase διὰ with acc.;
here the purpose idea is fully de-
veloped by the ἵνα clause. So in
1. 35 διὰ τοῦτο, ἵνα κτλ. — γράμ-
ματα, χρημάτων: for the play on
sound see App. § 58. 5. — εἰ μὲν,
ἐκεῖνον μὲν: for the repetition of
μὲν cp. on 24. 8. — ἐπιλάθωνται,
pολεμῶσι: for the change from the
preceding optatives, and the con-
sequent gain in vividness of the
presentation of the purpose, see
GMT. 321. πολεμῶσι, present of
a state of war. For the metaphor-
ical use see Introd. p. 25, N. 5.

23. κατὰ τοὺς νόμους: in such
case the first Archon, the state guardian of orphans, offered the lease of the entire property at public auction, taking security from the lessee. Such property often yielded more than 12 per cent interest.—τοὺς ἀδυνάτους: guardians disabled from managing the property by reason either of ill health or of business cares.—πραγμάτων: force as in § 2.—ἐποίησεν: mood and tense Ἡ. 915; G. 1433; B. 622.—οὐδενὸς ἰν ἔττον: cp. οὐδενὸς χείρον τῶν πολυτῶν 25. 12. The statement that the boys would have been as rich as any boys in the city (having about 12 t. after the payment of expenses for the eight years and of dowries for mother and sister) seems reasonable from what we know of Athenian fortunes. The war and the internal political troubles had impoverished the older rich families, and had pressed even harder upon the merchants, whose foreign trade had been destroyed, while their public burdens were enormous. The fabulously rich men of the older generation, Nicias and Callias, were popularly supposed to have had fortunes of 100 and 200 talents. But a man who had 8 to 10 talents at the close of the Peloponnesian War was a rich man. In comparing these with modern fortunes we must remember that property yielded from three to four times as much interest as now, that the price of living and of labor was very low (see App. § 63 ff.), and above all that the habits of life were simple. Demosthenes’s father was a rich man, having property about equal to that in question here (about $15,000), but his house was estimated as worth only $540 (cp. on 19. 29). It was only after Alexander’s conquests had brought Oriental ideas of luxury and the means to grow rich by conquest and by trade on a large scale, that the Greek family needed very much money to be “rich.” Cp. on 19. 42 ff.—νῦν δὲ μοι κτλ.: but the fact is, as it seems to me, that he never for a moment proposed to make public the amount
κατὰ διογέτονος ΧΧΧII 24, 25

στήσων τὴν οὐσίαν, ἀλλ' ὡς αὐτὸς ἔξων τὰ τοῦτον, ἵνα ἴπτων χρημάτων. δὲ πάντων δευτάτουν, ὃ ἄνδρες δικασταί· οὕτως γὰρ συντριπτορίκην Ἀλέξιδι τῷ Ἀριστοδίκου, φάσκων δυνών δεοῦσας πεντήκοντα μνᾶς ἐκείνω συμβαλέσθαι, τὸ ἡμιον τούτοις ὁρφανῶς οὔσι λελόγισται, οὐς ἡ πόλις οὐ μόνον παῖδας ὄντας ἀτελείς ἐποίησεν, ἀλλὰ καὶ ἐπειδὰν δοκιμασθῶσιν ἐνιαυτῶν ἀφήκεν ἀπασῶν τῶν λητουργίων. οὕτως δὲ πάντως ὃν παρὰ τοὺς νόμους τῆς ἐαυτοῦ τριπτορίκης παρὰ τῶν θυγατριδῶν τὸ ἡμιον πράττεται. καὶ ἀποπέμψας εἰς τὸν Ἀδρίαν ὅλκάδα δυνών ταλάντων, ὦτε μὲν ἀπέστελλεν, ἔλεγε πρὸς τὴν μητέρα αὐτῶν ὥς τῶν

of the estate (as he must have done if he had made the public loan through the Archon or invested it in real estate). φανεράν has the double suggestion of property revealed and of visible property, i.e. real estate. διανόησαι with ὡς and partic. of ind. disc. for infin. is rare; cp. on ὡς 12. 73. — πονηρίαν κληρονόμον: for the personification see Introd. p. 25, n. 5.

24. δ: the antecedent is the following sentence; cp. on δ... διενότασιν 19. 33. — γὰρ: force, see on 19. 12 (C) (1). — συντριπτορίκην: in the last years of the Peloponnesian War, because of the long-continued demand for service and the decline in wealth, it became necessary to assign two men to the burden that one had carried before. For the cost of the trierarchy see on 19. 42. — δοκιμασθῶσιν: see on § 9. — πράττεται: see L. & S. s.v. V. 2. Present tense: he is doing it now by trying to persuade the court to accept the accounting.

25. Ἀδρίαν: a notoriously dangerous voyage. Lysias says of a rascal at the Piraeus that his neighbors would rather take a voyage to the Adriatic than lend him money (Frag. 1. 4). — ταλάντων: i.e. with a cargo of that value. — ὅτε μὲν ἀπέστελλεν, ἐπειδὴ ἦταν ὥσπερ: note ὅτε with the impf. for the contemporary, ἐπειδὴ with the aor. for the preliminary, act
παιδών ὁ κύνδυνος εἰς, ἐπειδή δὲ ἐσώθη καὶ ἐπιπλασίασεν, αὐτοῦ τὴν ἐμπορίαν ἐφασκεν ἐναι. καὶ τοι τὸ μὲν ἐμπορίαν ἐφασκεν τὰ ἐναντίου τῶν χρημάτων αὐτὸς ἔξει, ὅποι μὲν ἀνήλωται τὰ χρήματα οὖ χαλεπῶς εἰς τὸν λόγον ἐγγράψει, ἡράδως δὲ ἐκ τῶν ἀλλοτρίων αὐτὸς πλουτήσει. καθ' ἐκαστὸν μὲν οὖν, ὃ ἀνδρεῖς δικασταί, πολὺ ἄν ἔργον εἰς πρὸς ὑμᾶς λογίζουσαι· ἐπειδή δὲ μόλις παρ' αὐτοῦ παρέλαβον τὰ γράμματα, μάρτυρας ἄχουν ἥρατων Ἀριστόδικου τὸν ἄδελφον τὸν Ἀλέξιδος (αὐτὸς γὰρ ἐτύγχανε τετελευτηκός), εἰ ὁ λόγος αὐτῷ εἰς ὃ τῆς τρυφηρκίας· ὁ δὲ ἐφασκεν εἴναι, καὶ ἐλθόντες οἰκάδε τῷ οἴκῳ Διογενετονα τέταρας καὶ εἰκοσι μνᾶς ἕκεινς συμβεβλημένον 21 εἰς τὴν τρυφηρκίαν. οὕτως δὲ ἐπέδειξε δυοῖν δειότας πεπηκόντα μνᾶς ἀνήλωκέναι, ὡστε τούτοις λειτογίσθαι ὁσοντερ ὅλων τὸ ἀνάλωμα αὐτῷ γεγένηται. καὶ τοι τί αὐτὸν οἰεσθε πεπουηκέναι περὶ ὁν αὐτῷ οὐδεὶς σύνοιδεν


27. ὁσοντερ: cp. on oίνων 12. 40. — περὶ ὁν αὐτῷ κτλ.: as to those matters the knowledge of which no one shares with him, but which he handled all alone. The object of σύνοιδεν is assimilated to the case of its omitted antecedent (gen. with περὶ), and the object of διεχέιριζεν is to be supplied from ὃν. Immediately following is an instance of the carrying forward of the relative idea by the demonstrative, ἃ δὲ ἐτίρων ἐπράξαθη ἂν οὐ χαλεπῶς ἦν περὶ τούτων τυθέοθα. For the omission of the second relative, or the substitution of a
άλλα αὐτὸς μόνος διεχείριζε, ὅς ἂ δι’ ἔτερων ἐπράχθη καὶ οὐ χαλεπὸν ἦν περὶ τούτων πυθόσθαι, ἐτύλησεν ψευσάμενος τέταρτον καὶ εἶκοσὶ μναῖς τοὺς αὐτοῦ θυγατριδοὺς ἤμιωσαί; Καὶ μοι ἀνάβητε τούτων μάρτυρες.

ΜΑΡΤΥΡΕΣ
28. Τῶν μὲν μαρτύρων ἀκηκόατε, ὃ ἄνδρες δικασταί· ἐγὼ δ’ ὅσα τελευτῶν ὁμολόγησεν ἔχεω αὐτὸς χρήματα, ἐπτὰ τάλαντα καὶ τετταράκοντα μναῖς, ἐκ τούτων αὐτοῦ λογιούμαι, πρόσοδον μὲν οὐδεμίαν ἀποφαίνων, ἀπὸ δὲ τῶν ὑπαρχόντων ἀναλίσκων, καὶ θήσω ὅσον οὐδεὶς πώποτε ἐν τῇ πόλει, εἰς δύο παῖδας καὶ ἀδελφὴν καὶ παιδαγωγὸν καὶ θεράπαιναν χιλίας δραχμὰς ἐκάστου ἐνιαυτοῦ, μικρὸ ἐλλαττον ἡ τρεῖς δραχμὰς τῆς ἡμέρας.

personal or demonstrative pronoun for it, see on 25. 11.—δι’ ἔτερων: see on διὰ πλῆθος 12. 87.

28. ἀκηκόατε: tense, see on 12. 48.—τελευτῶν: cp. on § 20.—ὁμολόγησεν: see on § 20.—πρόσοδον, τῶν ὑπαρχόντων: interest, capital; see on ὑπάρχει 12. 23. The estate would have yielded 12 per cent, enough to support the family and add a good sum to the capital yearly.—θήσω: cp. τίθησι § 21.—παιδαγωγὸν: a family slave who cared for the boys at home and on their way to and from school; see Gulick, p. 77.—θεράπαιναν: the sister’s attendant.—χιλίας δραχμὰς: this statement is of value in estimating the relative cost of living in Athens and in modern cities. But in such estimates we must bear in mind the greater simplicity of dress, the small use of meat, and the low price of labor. (Cp. on § 23.) The eight years covered by this guardianship included six years of the war, culminating in actual famine before the surrender. The estimate is for the children of a rich family, and covers both food and clothing. Thirty years later we find the young Demosthenes with his mother and sister supported from the father’s estate at a cost of 7 minae (= 700 dr.) per year (this probably included the board and clothing of personal servants).
διεν οκτὼ αυτα ἔσεσε γίγνονται ὀκτακισχίλιαι δραχμαί,
καὶ ἀποδείκνυται ἐξ τάλαντα περιόντα καὶ εἴκοσι
μναί. οὐ γὰρ ἂν δύνατο ἀποδείξαι οὐθ' ὑπὸ ληστῶν
ἀπολωλεκὼς οὔτε ξημίαν εἰληφὼς οὔτε χρήστας ἀπο-
225 δεδωκός. . . .

29. περιόντα: in the absence of the full account (λογισμός) which was before the jury (§ 19) we can form no safe estimate of what surplus really should have been found. Cp. Introd. p. 285 n. 2.
XXXIV

ON THE CONSTITUTION

INTRODUCTION

This speech was written immediately after the return of the democratic exiles from the Piraeus, for a citizen to deliver in opposition to a motion that under the restored democracy the franchise be restricted to holders of real estate and to men of pure Athenian descent.¹

By the amnesty effected under the mediation of the Spartan king, Pausanias, the two opposing parties were now reunited. The past was to be forgotten, the exiles restored to their homes, and the orderly life of the city taken up again. Pending the election of officers and the establishment of courts, a provisional administration was set up by the election of twenty men as a governing board, doubtless made up of ten from each party (Andoc. i. 81).

The first question to be settled, before senators or other officers could be chosen or courts put into operation, was that of the franchise. Should citizenship with full political rights be open to all Athenian men as before the oligarchical revolution, or should it be restricted according to the understanding with Sparta the year before in connection with the surrender?²

¹ The first restriction only is mentioned by Dionysius in his introduction, but the second is implied in οὗτος γένει ἀξελαυρωμένος § 3; it was far less important than the first.

² Usener (Jahrb. 1873, p. 164 ff.) holds that the men of the lowest class were not admitted to the first deliberations after the Return, but that the restriction of the franchise which had been legally adopted in connection with the establishment of the Thirty was considered as still in force. He holds that the question now under discussion was that of the continuance of
XXXIV. ON THE CONSTITUTION

It might well be presumed that the restoration of the democratic constitution would be considered an affront to Sparta, and it is possible that the Spartans had made definite statements to this effect. Moreover, the large body of conservatives who had, both in the revolution of 411 and in that of 404, sought to exclude the lowest class from political privileges, feared now more than ever to see the Demos brought back to power, embittered as the democratic exiles were by their sufferings and flushed with success. Who could guarantee the loyalty of the Demos to the terms of the amnesty, when once demagogue and sycophant should resume their trade?

This, too, seemed to be a good opportunity to clear the voting lists of many names of men of doubtful descent, who had been admitted to citizenship in recent years because of the great losses this restriction, and that the assembly for which the speech of Lysias was written included only the men of the upper classes. Usener finds support for this view in the fact that the appeal in our speech is constantly to the men of property, and, by supplying τὸλιν with τὴν ὑμετέραν, § 5, he obtains explicit confirmation of the statement that on their return the Demos did not take part in the administration (αὐτὸς δὲ οὐκ ἔτι συνεργιστεῖ ἡμῖν). Wilamowitz (Aristoteles u. Athen, II, p. 225 ff.) finds confirmation of Usener's view in the statement of Aristotle (Resp. Ath. 39, 6) that under the amnesty the former officials of the city party were to give their accounting before the citizens whose names were on the assessors' lists (τοὺς τὰ τιμήματα παραχωμένοις), i.e. the men of the upper classes; from this he concludes that this body formed the citizen body during the interval between the Return and the settlement of the permanent form of government. But the very fact that the amnesty provides that only property holders shall audit the accounts of officers of the city party implies that the government in general is to be in the hands of the whole people. Nor does the theory of the exclusion of the Thetes from the suffrage accord with the address of Thrasybulus immediately after the return, when he reminds the members of the city party that they are being handed over like muzzled dogs to the Demos (Xen. Hell. 2. 4. 41).

In our speech of Lysias the appeal is certainly to the property holders, but that is natural in any case, for the result will turn on their action. For the position against Usener, see Blass, p. 449 ff.; Meyer, Forschungen zur alten Geschichte, II, p. 177, n. 1.

1 Cp. § 6.
of citizens by war, but who were really ineligible under the constitution. For, since the amendment of Pericles in 451/0 B.C., those who could not show pure Athenian descent through both parents had been by law excluded from citizenship. Not only was it thought wise now to clear the lists of such names, but it was evident that the practically obsolete law must be revived to guard against the incoming of many new applicants, sons of Athenians who had until recently lived among the tributary states of the empire. These citizens had married foreign wives, and now many of them with their families were returning to Athens, bringing with them the question of admitting their half-Athenian sons to citizenship.1

The two proposals were formally brought before the people by motion of Phormisius. He had been a well-known soldier in the war,2 and was one of the leading supporters of Theramenes.3 The death of his party chief and the suppression of the moderate aristocrats by Critias drove him over to the democrats, and he shared their exile and return.4 It was natural that upon the reorganization of the democracy he should attempt to embody in the new constitution the principle for which Theramenes had always stood, a moderate limitation of the franchise. But his well-known record as a supporter of one faction of the oligarchs gave point to the charge that he was still an oligarch at heart, and had joined the democrats at the Piraeus only to secure his own safety (§ 2).5

1 Schaefer, Demosthenes, I.2 139.
2 Aristophanes makes sport of Phormisius's hairy face and military bearing (Frogs, 965 f., 405 B.C.); he calls him a trumpeting-whiskered-lancer, a gnashing-pinebender.
3 Arist. Resp. Ath. 34. 3. 4 § 2 of our speech, Dionysius, Lysias, § 32.
5 Of the later fortunes of Phormisius we know only that he was a prominent member of an unsuccessful embassy to Susa just before the Peace of Antalcidas (the poet Plato, Περίκλης, Fr. 119–121, Kock), and that he in some way escaped the condemnation that befell a part of the embassy on their return (Dem. 19. 277), for we hear of him as one of the Athenians who in 379 gave active support to the Theban exiles in recovering their city from the Spartan garrison (Din. 1. 38).
To his proposal the democratic leaders of the Return were opposed. They insisted on the political rights of their poorer comrades, and some were ready even to grant citizenship tometics and slaves who had shared their dangers.

The outcome was the defeat of Phormisius's motion, and the reënactment of the old Solonian constitution as a temporary form of government. To a special commission, acting with the Senate, was intrusted the preparation and adoption of such amendments as they might judge to be necessary to adapt it to present conditions. The conservatives were probably placated by the terms of the enactment, which read: ἰδοὺ τῷ δήμῳ, Τισσαμενὸς εἶπε, πολιτεύεσθαι Ἀθηναίοις κατὰ τὰ πάτρια, νόμοις δὲ χρήσθαι τοῖς Σόλωνοις, καὶ μέτροις καὶ σταθμοῖς, χρήσθαι δὲ καὶ τοῖς Δράκοντος θεσμοῖς, οὔσαντες ἑρωμεθα ἐν τῷ πρόσθεν χρόνῳ (Andoc. i. 83). This, if taken literally, would mean that, while the franchise was to be open to all classes, and all would have seats on the juries, the other political privileges of the lower classes, which had grown into the constitution since Solon's time, would be cut off, and a really conservative democracy would result. This may have been the effect during the short time occupied by the Constitutional Commission in making the revision, but when their work was completed it was found that the Periclean type of democracy, and not the Solonian, was the result.

One part of Phormisius's proposal was, however, renewed in the same year, when Aristophon carried a motion that the sons of foreign mothers be excluded from the franchise; but this action was too sweeping, and it was soon so modified by the resolution of Nicomenes that the exclusion was not retroactive, but applied only to sons born after 403.

Not content with defeating the essential provisions of Phormisius's motion, the democrats two years later carried a motion

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1 That our speech was not written for delivery before the commission is clear from the fact that the address is not to senators but to citizens (§§ 1, 3, 9, 11), and that the appeal is not to men acting for others, but for themselves.

2 Schaefer, Demosthenes, 1. 138 fi.
of Thrasybulus that the franchise be extended to all who had shared in the Return from the Piraeus. But one of their own leaders, Archinus, succeeded in annulling it in the courts as unconstitutional. But, as a compromise, citizenship was granted to the little group of foreigners who had stood with the first small band of exiles at Phyle.  

**COMMENTS ON ARGUMENT AND STYLE**

This speech of Lysias is of especial interest as being his earliest extant speech, and perhaps the first that he wrote for a client. It is, moreover, the only extant speech of his composed for delivery before the Ecclesia. We owe its preservation to Dionysius of Halicarnassus, who incorporated it in his treatise on Lysias, as an example of his style.

It is generally assumed that the speech as preserved by Dionysius is only a fragment. While it is complete in thought, and while §§ 10–11 would form a fitting peroration, yet the speech

1 See Introd. p. 21.

2 A part of the original record of this act was discovered on the Acropolis in 1884. It contains also a mutilated list of the metics who received citizenship, a group of humble laboring men; among them are "Chaeredemus the farmer, Leptines the cook, Demetrius the carpenter, Euphorion the muleteer, Hagesias the gardener, Sosias the fuller," and others of like occupation, while among these good Greek names stands Bendiphanes, a name to shock the blue-blooded Athenian who should find it on the check-list of his tribe. It is probable that this decree was moved by Archinus, who was the mover of the decree bestowing honors upon the citizens of the Phyle band (Aeschin. 3. 187, 190), and who would naturally, after defeating the more generous proposal of Thrasybulus, be the man to present the alternative proposition. The decree for the metics of Phyle was passed in 401/0 (Koerte, MAI. XXV, p. 394, against von Prott, ibid. p. 37) and its natural connection with the motion of Thrasybulus warrants Meyer (Gesch. d. Al. V. 222) in carrying that motion over to the same year, against the corrupt account of the biographers of Lysias, who place it immediately after the Return (ἐπ' ἀναρχιας τῆς πρὸ Εκαλείπου, Ps.-Plut. 835 F). For other considerations in favor of this date see Meyer, Lc.

3 See p. 285, n. 3.
seems too brief for the occasion. Neither of the two other speeches preserved by Dionysius is given in full, and it is probable that he took this part from the beginning of a longer speech. Appeals to members of the former city party and to the class in danger of disfranchisement may have followed.

The uncertainty as to the relation of the extant fragment to the whole speech makes it impossible to determine the relations of its subdivisions, or to judge of its effectiveness. The plan of this part is simple: to appeal to the great middle class, men who have shared in the exile and the Return, and to convince them that the loss of the support of the non-landholding citizens will be more dangerous to the restored democracy than the chance of offending Sparta by failing to meet her wishes as to the revision of the constitution. The event proved the soundness of the argument. Sparta did not interfere (see on § 6), and the democracy was soon called upon to take up arms again against the oligarchs at Eleusis.

In the composition of the speech two facts are significant: first, the meaning is not always clear. One must read and reread before being sure of the meaning of some sentences, and some are capable of widely differing interpretations; much is left to be supplied between the lines. The brevity is like Lysias, but not the obscurity. Second, there is a marked rhetorical coloring in the whole. The tricks of the current rhetoric are conspicuous — repeated antithesis and balance of cola, the rhyming of successive cola, and play on the sound of words. We may probably see in these features evidence of immaturity in practical oratory. Up to this time Lysias had written only for exhibition and for hearers who cared more for novelty of expression than clearness of thought. The language of this first public speech is not clear enough for argument in the Ecclesia, and it has too many marks of the rhetorician to be put into the mouth of a client.

How soon and how thoroughly Lysias corrected both faults, we see in the speech against Diogiton (written a year or two later) and that for Mantitheus (some ten years later).
The more noteworthy rhetorical expressions are the following:

§ 4.  ὃν ὑμεῖς ἀντεχόμενοι βεβαιῶς δημοκρατήσεσθε
tῶν δὲ ἐχθρῶν πλέον ἐπικρατήσετε
ὦφελιμώτεροι δὲ τοῖς συμμάχοις ἔσεσθε.
pολλοὺς μὲν αὐτῶν ἀποθανόντας
πολλοὺς δὲ ἐκ τῆς πόλεως ἐκπεσόντας.¹

§ 5.  οὐδὲ τοὺς λόγους πιστοτέρους τῶν ἔργων
οὐδὲ τὰ μέλλοντα τῶν γεγενημένων νομεῖτε.
οὐ τῷ μὲν λόγῳ τῷ δὴμῳ πολεμοῦσι
tῷ δὲ ἔργῳ τῶν υμετέρων ἐπιθυμοῦσιν.

§ II.  ὅτε μὲν ἐφεύγομεν
ἐμαχόμεθα Λακεδαιμονίοις
ἐνα κατέλθομεν
κατελθόντες δὲ φευξόμεθα
ἐνα μὴ μαχόμεθα.

The last period is quoted in Aristotle, *Rhetoric*, 2. 23, as follows:

eἰ φεύγοντες μὲν ἐμαχόμεθα ὅπως κατέλθωμεν
κατελθόντες δὲ φευξόμεθα ὅπως μὴ μαχώμεθα.

The rhetoricians have evidently worked over the period to make it even more formal. See App. § 57. 7.

¹ On the παραμόλωσις and ἐπαναφορά see App. § 57. 3, 5.
ΠΕΡΙ ΤΟΤ ΜΗ ΚΑΤΑΛΤΣΑΙ ΤΗΝ ΠΑΤΡΙΟΝ ΠΟΛΙΤΕΙΑΝ ΑΘΗΝΗΣ Ι

1. Ὅτε ἐνομίζομεν, ὡς ἄνδρες Ἄθηναῖοι, τὰς γεγενημένας συμφορὰς ἰκανά μυθεῖα τῇ πόλει καταλείψθαι, ὡστε μὴ δὴ τοὺς ἐπιγιγνομένους ἐτέρας πολιτείας ἐπιθυμεῖν, τότε δὴ οὕτωι τοὺς κακῶς πεπονθότας καὶ ἀμφοτέρων πεπειραμένους ἔξαπατήσαι ζητοῦσι τοῖς αὐτοῖς ἂν θησίμασιν, οἵπερ καὶ πρότερον δίς ἦδη. καὶ τούτων μὲν οὐ θαυμᾶξω, ὡμῶν δὲ τῶν ἀκρομένων, διὸ πάντων ἐστε ἐπιλησμονέστατοι ἡ πᾶσχεν ἐτοιμότατοι κακῶς ὑπὸ τοιούτων ἄνδρῶν, οἱ τῇ μὲν τύχῃ τῶν Πειν

1. ἄν: see on 12. 1. — πολιτείας: polity, form of government; cp. on § 3. — δὴ: force, see on 25. 9 (A). — οὕτωι: Phormisius and his supporters; see Introd. p. 315. — ἀμφοτέρων: both constitutions, democratic and oligarchical. — οἵπερ: see on οἴνινες 12. 40. — καὶ πρότερον: for καὶ in comparisons see on 19. 2 (C). — δίς ἦδη: one of the first steps in the institution of the oligarchies of the Four Hundred and of the Thirty was the exclusion of the masses from political rights.

2. ὡμῶν: the appeal throughout the speech is to the members of the upper classes. They form a large majority of a full ecclesia, and their vote will decide the question. Some of them have been supporters of the Thirty, others have just returned with Thrasybulus from exile. (On the number of the Thetes see on § 4.) — Παρασι: locative, HA. 220; G. 296; B. 76 n.; Gl. 527. Cp. on 12. 50. For the connection of Phormisius with the party of the Piraeus see Introd. p. 315.
ΠΕΡΙ ΤΗΣ ΠΟΛΙΤΕΙΑΣ ΧΧΧΙΙΙ ι–4

10 ραιοτι πραγμάτων μετέσχον, τῇ δὲ γνώμῃ τῶν εἶνε ἀστεως. καίτοι τί ἔδει φεύγωντας κατελθεῖν, εἰ χειρο-
πονοῦντες ὑμᾶς αὐτοῦς καταδουλώσεσθε; ἐγὼ μὲν οὖν,
ὅς ἄνδρες Ἀθηναίοι, οὕτε οὕσια τῆς πολιτείας οὕτε γένει
ἀπελαυνόμενος, ἀλλ' ἀμφότερα τῶν ἀντιλεγόντων πρό-
τερος ὦν, ἧγουμαι ταύτην μόνην σωτηρίαν εἶναι τῇ
πόλει, ἀπασιν ᾽Αθηναίοις τῆς πολιτείας μετείναι, ἐπεὶ
ὅτε καὶ τὰ τείχη καὶ τὰς ναύς καὶ χρήματα καὶ συμμά-
χους ἐκεκτήμεθα, οὐχ ὅπως τινὰ ᾽Αθηναίον ἄπώσομεν
dιενουόμεθα, ἀλλὰ καὶ Εὐβοικῶν ἐπιγαμίαν ἐποιοῦ-
τομεθα. νῦν δὲ καὶ τοὺς ὑπάρχοντας πολίτας ἀπελὰ
cέοικ, ἐὰν ἔμοιγε πείθησθε, οὐδὲ μετὰ τῶν τειχῶν καὶ
tαύτα ἰμῶν αὐτῶν περαιρησόμεθα, ὀπλίτας πολλοὺς

— κατελθεῖν: force, see on 16. 4.
— καταδουλώσεσθε: future tense of an action intended, proposed
 (= μέλλω with infin.). See on
ei πείσει 24. 13.
3. πολιτείας: citizenship. See
Crit. Note.— γίνει: see Introd.
p. 314 f.— Εὐβοικῶν ἐπιγαμίαν: as
a mark of especial gratitude or
friendship Athens sometimes con-
ferred upon individual foreigners,
and even upon cities, the privi-
leges of intermarriage (ἐπιγαμία),
acquisition of real estate in Attica
(ἐγκτησεις γῆς καὶ οἰκίας, cp. p. 10,
N. 1), and exemption from the
metics’ tax (ἀτέλεια, cp. p. 9).
Close connection with Euboea was
always of the utmost importance
to Athens. The ἐπιγαμία not
only bound the states together,
but enabled the Athenian cle-
ruchs, who were settled there in
large numbers, to intermarry with
their neighbors. The sons of
such marriage had full Athenian
citizenship.— ὑπάρχοντας: force,
see on ὑπάρχει 12. 23.
4. μετὰ τῶν τειχῶν: the Long
Walls had been torn down the
year before under the terms of
the surrender. For μετὰ see on
19. 14.— περαιρησόμεθα: Lysias
assumes that if the masses are
disfranchised they can no longer
be called out with the citizen
troops. Deprived of their rights
in the state, they could not be
trusted to fight for it.— ὀπλίτας,
ἰππίας, τοξότας: the regular hop-
lites and horsemen were of the higher property classes, and would not be affected by this change. But under the pressure of the long war the state had come to make considerable use of the Thetes beyond their regular service as rowers of the triremes (see on 16. 14). With the annihilation of the navy the work as rowers had ceased, so Lysias naturally speaks only of their other service. Perhaps he has in mind also the fact that many members of the classes that regularly furnished hoplites and horsemen are now by loss of property reduced to the class of Thetes. Dionysius says (Lysias, § 32) that about 5000 men would have been excluded from citizenship by this motion. The number of Thetes at the beginning of the Peloponnesian War is estimated at about 20,000 (Meyer, Forschungen zur alten Geschichte II. 168 ff.). The greatest losses of life in the war fell upon them through their service in the fleet. — δημοκρατήσθησθαι: the oligarchy had but just been put down; some of its leaders and many of its supporters were now settled at Eleusis; the future of the democracy was still matter of anxiety (cp. 12. 35, spoken soon after). — τῶν ἐχθρῶν: the exiled oligarchs. — τοῖς συμμάχοις: the Spartans. One of the conditions of surrender was alliance with Sparta (τῶν αὐτῶν ἔχθρων καὶ φίλων νομίζοντας Δακεδαμονίως ἐπέστηκαν καὶ κατὰ γῆν καὶ κατὰ θάλατταν ὅποι ἂν ἡγήσηται Χεν. Hell. 2. 2. 20). It had been urged that the proposed measure must be passed to please the Spartans. Lysias says that a united people will be a more useful ally. — ἥμων: see on 12. 17. — οὐ τοὺς γῆν κτλ.: ‘the advocates of the measure urge you to intrust your welfare to the holders of real estate; but experience has proved that against the oligarchs, your past and present enemies, the landholders are powerless; it is only the strength of the Demos that can protect you.’
ΠΕΡΙ ΤΗΣ ΠΟΛΙΤΕΙΑΣ XXXIV 5, 6

5 πόλεως ἐκπεσόντας, οὐς ὁ δῆμος καταγαγὼν ὑμῖν
30 μὲν τὴν ὑμετέραν ἀπέδωκεν, αὐτὸς δὲ ταύτης οὐκ ἑτολ-
μησε μετασχέιν. ὥστε, ἐὰν ἐμοιγε πείθησθε, οὗ τοὺς
εὐεργέτας, καθὸ δύνασθε, τῆς πατρίδος ἀποστερήσετε,
οὐδὲ τοὺς λόγους πιστοτέρους τῶν ἔργων οὐδὲ τὰ μέλ-
λοντα τῶν γεγενημένων νομεῖτε, ἀλλὰς τε καὶ μεμη-
35 μένοι τῶν περὶ τῆς ὀλιγαρχίας μαχομένων, οἱ τῷ μὲν
λόγῳ τῷ δῆμῳ πολεμοῦσι, τῷ δὲ ἔργῳ τῶν ὑμετέρων
ἐπιθυμοῦσιν. ἀπερ κτῆσονται, ὅταν ὑμᾶς ἐρήμους συμ-
μάχων λάβωσιν.

6 Εἶτα τοιούτων ἦμῖν ὑπαρχόντων ἑρωτῶσι τῆς ἔσται
40 σωτηρία τῇ πόλει, εἰ μὴ ποιήσομεν ἅ Δακεδαμώνοι

5. ἐκπεσόντας: see on ἕξεπεσον
12. 57. — καταγαγὼν: cp. on κατ-
elthein 16. 4. — τὴν υμετέραν: sc.
γῆς. Much property had been
confiscated by the Thirty, much
abandoned in the flight of the
owners. The restored Demos put
the owners back into possession,
and made no attempt at a dis-
tribution of land among them-
selves. For a different inter-
pretation, by supplying πόλιν with τὴν
ὑμετέραν (from ἔχοντας τὴν πόλιν
above) see Introd. p. 313 N. 2. —
αὐτὸς δὲ . . . οὐκ ἑτολμησὶ: while
themselves not venturing. An
English speaker would use the
logical subordination for this
clause; see on 12. 47. — τα με-
λοντα: sc. πιστότερα. — ἐπιθυμοῦ-
σιν: the facts justify this charge.
The Thirty had not been content
with robbing metics, but had made
themselves feared and hated by
the citizen property owners.—
ὑμᾶς: the men of the upper classes,
the holders of property.

6. εἶτα: see on 12. 26 (C). —τοι-
ούτων ἦμῖν ὑπαρχόντων: force, see
on ὑπάρχει 12. 23. — ποιήσομεν:
‘monitory,’ see on ἀφήσοντων 12.
35. — κελεύσωσι: see Introd. p.
314. The event showed that the
Spartan insistence upon dictating
in the internal affairs of Athens
had been due to the personal in-
fluence of Lysander. With his
fall from power this policy was
abandoned, and the restored Athe-
nian democracy was left undis-
turbed. — τούτων εἶπεν ἄξια: I call
upon them to tell. τούτων, the
κελεύουσιν; ἔγω δὲ τούτους εἰπεῖν ἀξίω, τίς τῷ πλήθει
περιγενήσεται, εἰ ποιήσομεν ἄ ἐκεῖνοι προστάττουσιν;
εἰ δὲ μη, πολὺ κάλλιον μαχομένου ἀποθνήσκεν ἡ
7 φανερῶς ἡμῶν αὐτῶν θάνατον καταψηφίσασθαι. ἦγοῦ-
45 μαι γάρ, εὰν μὲν πείσω, ἀμφότεροι κοινὸν εἶναι τὸν
κίνδυνον ὀρῶ δὲ καὶ Ἀργείους καὶ Μαντινέας τὴν
αὐτὴν ἔχοντας γνώμην τὴν αὐτῶν ὀἰκοῦντας, τοὺς μὲν
regular word for the opponents in
court or debate; see on τούτων 12.
81. — τίς: sc. σωτηρία. — τῷ πλή-
θεί: force, see on 12. 42. — ἐκεῖνοι:
the Spartans. — εἰ δὲ μὴ κτλ.: 'but if they cannot tell that, it is
much better for us to die fighting
than to condemn ourselves to cer-
tain death.'

7. ἠγοῦμαι κτλ.: the proposal
of Phormisius involves extreme
danger to one part (τῷ πλήθει)
of the state; the speaker admits
that his own policy also involves
danger, but he holds that it is the
more honorable course (κάλλιον),
because both parties in the state
(ἀμφότεροι) will share the danger.
— ὀρῶ δὲ κτλ.: he has said, "It is
better to die fighting"; but now
he shows that, after all, there is
no likelihood of things coming
to that pass. The example of the
Argives and Mantineans shows
that a people weaker than Sparta
may venture to administer their
own affairs, knowing that Sparta
will not take the risk of losing
what she has in the hopeless
attempt to enslave a determined
people. Argos never followed the
lead of Sparta except under com-
pulsion, or by the action of her
own oligarchical faction, which
sought supremacy by Spartan sup-
port. In 418 Argos was forced
into alliance with Sparta, and an
oligarchical government was set
up. But in the next year a suc-
cessful democratic reaction carried
the state over to the Athenian
alliance, and with more or less of
vigor it supported Athens through-
out the war. Mantinea, which
had joined Argos against Sparta,
was like her forced by the events
of 418 to return to the Spartan
alliance, and remained nominally
under Sparta's lead throughout
the war. But she maintained her
democratic constitution, and gave
only indifferent support to the
Spartans. — τὴν αὐτὴν ἔχοντας γνώ-
μην: 'although maintaining the
same policy that I advise,' i.e.
that of refusing to abandon demo-
cratic government at Spartan dic-
tation. — τὴν αὐτῶν οἰκοῦντας:
ὅμοροις ὄντας Δακεδαμιώνωι, τοὺς δὲ ἐγγὺς οἰκοῦντας, 49 καὶ τούς μὲν οὐδὲν ἦμῶν πλεῖον, τοὺς δὲ οὗδὲ τρισχι- 8λίους ὄντας. Ἰσασὶ γὰρ ὦτι, καὶ πολλάκις εἰς τὴν τού- 55 των ἐμβάλλωσι, πολλάκις αὐτοῖς ἀπαντήσουνται ὅπλα 1αβόντες, ὡστε οὐ καλὸς αὐτοῖς ὁ κῑδωνιός δοκεῖ εἶναι, 60 ἕαν μὲν νικήσωσι, τούτοις μὴ καταδουλώσασθαι γε, 65 ἕαν δὲ ἡττηθῶσι, σφᾶς αὐτοῖς τῶν ὑπαρχόντων ἁγαθῶν ἀποστερήσας· ὅσοι δὲ ἁν ἀμεων πράττωσι, τοσοῦτῳ 70 θήττων ἐπιθυμούσι κυνῳνεῖν. εἰχομεν δὲ, δ ἀνδρεῖς Ἀθηναῖοι, καὶ ἡμεῖς ταύτην τὴν γνώμην, ὅτε τῶν Ἐλλή- 60 νων ἔρχομεν, καὶ ἐδοκούμεν καλῶς βουλεύσασθαι περι- ὁρώντες μὲν τὴν χώραν τεμνομένην, οὐ νομίζοντες δὲ 75 χρήσιν περὶ αὐτῆς διαμάχεσθαι. ἄξιον γὰρ ἢν ὀλίγων ἀμελοῦντας πολλῶν ἁγαθῶν φείσασθαι. νῦν δὲ, ἐπεὶ 80 ἐκεῖνων μὲν ἀπάντων μάχῃ ἐστερήμεθα, ἡ δὲ πατρίς

holding their own territory, i.e. against any attempt of Sparta to dislodge them as dangerous neighbors.

8. Ἰσασὶ: sc. Δακεδαμιώνωι, see Crit. Note. — καὶ πολλάκις κτλ.: even if they invade them again and again. In fact, they have ceased invading. For καὶ εἰ see on 16. 2. — πολλάκις, πολλάκις: on the ἐπαναφορά see App. § 57. 5. — τούτων: the Argives and Mantineans. — ὡστε . . . δοκεῖ εἶναι: so that the risk seems to them (the Spartans) to be inglorious. If the Spartans conquer, they know that they will not succeed in enslaving the Argives and Mantineans, for both peoples always rise up again after their defeats, as stubborn as ever. It is not worth while, then, for the Spartans to risk serious losses of their own for the slight gain of an incomplete subjugation of their neighbors. — τῶν ὑπαρχόν- των: see on ὑπάρχει 12. 23.

9. τὴν χώραν τεμνομένην: according to the advice of Pericles at the opening of the Peloponnesian War, to allow the Spartans to ravage Attica rather than risk defeat on land, where Athens was weak, and to consider the maintenance of her empire by sea so great an issue as to make the losses of orchards and houses
ημῶν λέεινται, ὦσμεν ὅτι ὁ κίνδυνος οὗτος μόνος ἔχει
10τὰς ἐλπίδας τῆς σωτηρίας. ἀλλὰ γὰρ χρῆ ἀναμνη-
σθέντας ὅτι ἦδη καὶ ἑτέροις ἀδικουμένοις βοηθήσαντες
ἐν τῇ ἀλλοτρίᾳ πολλὰ τρόπαια τῶν πολεμιῶν ἐστή-
σαμεν, ἄδρας ἀγαθοὺς περὶ τῆς πατρίδος καὶ ἡμῶν
αὐτῶν γίγνεσθαι, πιστεύοντας μὲν τοὺς θεοὺς ἐλπίζον-
66τας δ’ ἔτι τὸ δίκαιον μετὰ τῶν ἀδικουμένων ἔσεσθαι.
11 δεινὸν γὰρ ἄν εἴη, ὃ ἄνδρες Ἀθηναίοι, εἰ, ὅτε μὴν
ἐφεύγομεν, ἐμαχόμεθα Δακεδαιμονίωι, ἵνα κατέλθωμεν,
κατελθόντες δὲ φευξόμεθα, ἵνα μὴ μαχώμεθα. οὐκ
οὖν αἰσχρὸν εἰ εἰς τούτο κακίας ἦξομεν, ὅστε οἱ μὲν
πρόγονοι καὶ ὑπὲρ τῆς τῶν ἄλλων ἐλευθερίας διεκινδύ-
75 νεον, ὑμεῖς δὲ οὐδὲ ὑπὲρ τῆς ὑμετέρας αὐτῶν τολμᾶτε
πολεμῶν; . . .

trilling in comparison (Thuc. 2.
62). — ὁ κίνδυνος οὗτος: this
risk: ‘only by taking the risk
of ignoring Sparta’s dictation,
and keeping a united people, can
we hope to maintain ourselves
against the attempts of the exiled
oligarchs.’
10. ἀλλὰ γὰρ: force, see on
12.40.—ἀλλοτρίᾳ: sc. γῆ.—ἐστή-
σαμεν: empirical aorist, see on

ἡσθόμεν 16. 20.—τὸ δίκαιον . . .
ἔσεσθαι: justice will be with the
victims of injustice. But the text
is doubtful, see Crit. Note.
11. ὅστε οἱ μὲν πρόγονοι: that,
while our fathers. On the Greek
preference for coordination of anti-
thetic clauses cp. on § 5 and on
12. 47. For the rhetorical ἐπαν-
στροφή and κύκλος in this section
see App. § 57. 7, 8.
APPENDIX

I. CHRONOLOGICAL OUTLINE

[In this chronological outline the sole purpose is to furnish a table of reference for the events involved in the speeches of Lysias that are contained in this volume. Some events that are otherwise of little importance are included because necessary to an understanding of the speeches.

For the dating of the speeches, see Blass, p. 647. For Speeches I, IV, V, and XXIII not even approximate dates can be given. For the outline of events from 413 to 404 B.C. I have followed Busolt, III, ii, p. xxxi ff. For the period after 404, Meyer and Beloch. For 410–403 cp. Boerner, De Rebus a Graecis inde ab Anno 410 usque ad Annun 403 A. Chr. N. gestis Quaestiones Historicae, Göttingen, 1894. For 408–380 cp. Judeich, Kleinasiatische Studien, Marburg, 1892.]

I. Events before the Revolution of the Four Hundred.

413 B.C. September. Defeat of the Athenian expedition to Sicily.

Appointment of ten Прóβοναλα by the Athenians as an extraordinary Committee of Safety, taking over a part of the work of the democratic Senate.

412 Rapid defection of Athenian allies. Sparta assured of active support of Syracuse and of Persia. Seat of war transferred to subject states of the Aegean.

Lysias and Polemarchus are banished from Thurii.

November–December. The Athenian Pisander heads a movement among trierarchs of the fleet to win the Persian support away from Sparta through intercession of Alcibiades. This service of Alcibiades is conditioned on a change in Athenian government by limiting the democracy.

December. Pisander is sent to Athens with a committee from the leaders of the fleet to propose the change in constitution.

411 January. The Ecclesia reluctantly approves the plan, and appoints Pisander and ten others to treat with Alcibiades and Tissaphernes.

Pisander perfects the organization of the oligarchical clubs in the city to prepare for the revolution.
APPENDIX

Pisander and the other commissioners return to the fleet. They fail in their negotiations with Alcibiades and Tissaphernes. Unable to retreat safely from the revolutionary movement, Pisander with five of the commissioners returns to Athens to complete the work.

May. The oligarchical clubs with Lysander finish their preparations.

June. The revolution is consummated by the establishment of the provisional government of the Four Hundred in place of the democratic Senate, the restriction of the franchise to a body of not less than five thousand property holders, and the adoption of temporary and permanent constitutions. The Four Hundred are for the time being in absolute control.

Lysias and Polemarchus return to Athens.

II. The Rule of the Four Hundred, June to September, 411 B.C.

The men of the fleet at Samos refuse to submit to the Four Hundred, organize themselves as the sovereign democracy, elect generals of their own, and call Alcibiades to the chief command.

The Four Hundred negotiate for peace with Sparta, and plan for the complete control of the harbor.

Growing opposition between the extreme oligarchs, led by Antiphon, and the moderate oligarchs, led by Aristocrates and Theramenes. The moderates demand that the five thousand citizens be designated. They hope for reconciliation with Alcibiades and the men of the fleet.

September. The approach of a Lacedaemonian fleet and the loss of Euboea bring the reaction to a head. The people, led by Theramenes, depose the Four Hundred and place the government in the hands of ‘all citizens who can furnish arms.’ This moderate restriction of the franchise is known to be acceptable to Alcibiades and the fleet.

III. The Rule of the Moderate Aristocracy, led by Theramenes, 411–410 B.C.

The new government carries out the reconciliation with Alcibiades and the fleet.

Some of the extreme oligarchs flee to the Spartan camp. Antiphon and two others are executed as traitors, Theramenes taking an active part in their prosecution.
Many less prominent oligarchs are punished with fine or otherwise.

The new administration is strengthened by a naval victory off Cynossema on the Hellespont (Sept.) and another at Abydus (Nov.).

410 Early Spring. Alcibiades wins the great victory of Cyzicus, capturing the whole Peloponnesian fleet. Regains control of the grain route.

May–June. Thrasyllus sails from Athens with reënforcements of ships and men for Alcibiades; he suffers a severe defeat in an attack on Ephesus.¹

The moderate restrictions of the compromise constitution are removed, and democracy is fully restored without violence (before the beginning of the new civil year, July 13).

IV. The Rule of the Radical Democracy after the First Restoration, 410–404 B.C.

Cleophon, the popular leader, provides for the masses by daily donations and by employment on public works.

The “sycophants” resume their trade, and vigorous attacks are made in the courts against the lesser supporters of the Four Hundred.

409 Beginning of friendly relations with Evagoras, tyrant of Salamis in Cyprus.

Winter (409/8). Alcibiades takes Byzantium.

408 June. Alcibiades returns to Athens. He is received with extraordinary honors, and is given practical control of the administration.

407 The Athenian defeat at Notium leads to the deposition of Alcibiades. Conon succeeds him in chief command.

406 June. Great efforts to equip a fleet to rescue Conon, blockaded in the harbor of Mytilene.

July–August. Athens wins a victory at Arginusae, but loses some four thousand men by the storm.

Autumn. Condemnation and execution of the generals of Arginusae.

¹ Grote and Beloch place the expedition of Thrasyllus in 409 and the return of Alcibiades in 407. Beloch places the battle of Notium in 406. For a summary of this much-disputed question, see Busolt, III. ii. 1529.
APPENDIX

Peace proposals of the Spartans are rejected under influence of Cleophon.

405 September. Lysander seizes the Athenian fleet at Aegospotami.
Conon takes refuge with Evagoras.

Late Autumn. Beginning of the siege of Athens.
Ambassadors sent to Agis to treat for peace. Then, by his direction, sent to Lacedaemonia. Their proposals refused, and other conditions laid down.

404 January. Theramenes sent to Lysander to learn the real purpose of Sparta. He uses the opportunity to mature plans for Lysander's help in overthrowing the democracy and restoring the banished oligarchs. He stays with Lysander three months.
The aristocrats come into control, and secure the death of Cleophon.

April. Theramenes, at the head of an embassy of ten, is sent to Sparta with full powers to negotiate peace.
Lysander takes possession of Athens, and begins the demolition of the walls (about April 25).
Lysander besieges Samos.
The two aristocratic factions, led respectively by Critias and Theramenes, together mature plans for the overthrow of the democracy.

Early Summer (?). The oligarchy of the Thirty is set up by the help of Lysander.¹

V. The Rule of the Thirty and their Successors, 404–403 B.C.

1. Administration of the Thirty.
The Thirty receive a Spartan garrison under Callibius.²
Execution of prominent democratic leaders.

Death of Polemarchus and flight of Lysias.
Three thousand admitted to nominal political rights. All others are disarmed.
Growing disagreement between the extreme and moderate factions of the Thirty. Theramenes is put to death by influence of Critias.
All men outside the three thousand are forced to leave the city.

¹ For the month, see Meyer, V. 19 Anm. So Beloch, II. 109 Anm.; Boerner (p. 71), Sept.; Judeich (p. 28 Anm.), late summer.
² On the order of events, see Meyer, V. 23 Anm.
CHRONOLOGICAL OUTLINE

Early Winter. Thrasybulus with about seventy exiles seizes Phyle.

403 The Thirty provide a place of ultimate refuge for themselves by seizing Eleusis. They put to death three hundred citizens of Eleusis and Salamis.

Early Spring. Thrasybulus with his force, now increased to one thousand, moves down to Munychia. He repels the attack of the Thirty. Critias is killed in battle.

The three thousand depose the Thirty, nearly all of whom retire to Eleusis. A Board of Ten succeeds them.

2. Administration of the Ten.

The Ten prosecute the war against the exiled democrats, instead of seeking reconciliation. They cooperate with the Thirty at Eleusis in securing help from Sparta. Sparta grants a loan of 100 t., with which Lysander raises a mercenary force at Eleusis. A Spartan fleet blockades the Piraeus.

Pausanias follows with Spartan troops, and effects a reconciliation between the oligarchs and the exiles.¹

October 4. Formal entry of the democratic exiles into the city.

Lysias returns with the exiles.

VI. The Rule of the Democracy after the Second Restoration, 403–.

1. Temporary Administration by a Commission of Twenty.

Rejection of motion of Phormisius to limit the franchise to holders of real estate.

Lysias, Speech XXXIV, On the Constitution.

Reestablishment of Senate and courts. Arrangements for the revision of the Solonian Constitution.

Lysias, Speech XII, Against Eratosthenes (possibly a little later than this).

2. Administration by the Regular Officers of the Democracy.

402 (?) Lysias, Speech XXIV, For the Cripple (some time after 403).

Lysias, Speech XXXII, Against Diagiton, and XXI, Defense on Charge of Bribery (402/1).

¹ Aristotle (Resp. Ath. 38. 3) says that this reconciliation took place under a second Board of Ten. Xenophon says nothing of a second Board. For the argument in favor of Xenophon's account, see Meyer, V. 39 Anm.
APPENDIX

401 Expedition of Cyrus.
   The exiled oligarchs at Eleusis surrender.
   Failure of Thrasybulus's proposal to extend the franchise to all who helped in the Return. *Lysias thus fails to secure Athenian citizenship.*  (See p. 317.)

400 Sparta enters upon war with Persia for control of the Greek cities of the eastern Aegean.
   Lysias, Speech XXV, *Defense of a Supporter of the Thirty* (c. 400).

399 Trial and execution of Socrates.
   Lysias, Speech XXX, *Against Nicomachus* (399/8).


397 Conon appointed admiral of a Persian fleet.
   Lysias, Speech XVII, *On the Property of Eraton*.

396 Lysias, Speech XVIII, *On the Confiscation of the Property of Eurates* (c. 396).

395 Beginning of war between Sparta and Thebes. Athenian troops help win Theban victory at Haliartus. Euboea, Corinth, and Argos join the anti-Spartan alliance. This begins the CORINTHIAN WAR (395–386).

394 Beginning of rebuilding of the Piraeus walls.
   July. Athenians and allies defeated at Nemea.
   Conon and Pharnabazus win decisive naval victory for Persia against Sparta at Cnidus. Greeks of the eastern Aegean revolt from Sparta.
   Agesilaus wins indecisive victory at Coronea.

393 Conon and Pharnabazus cruise along the coast of Peloponnesus; join delegates of the Athenian alliance at Corinth.
   Conon comes to Athens with his fleet, and helps complete the walls. Great honors to Conon and his patron, Evagoras.
   Conon tries through Aristophanes and Eunomus to turn Dionysius from support of Sparta by proposing a marriage connection with Evagoras.
   Sparta tries through Antalcidas to turn Persia from the support of Athens.
CHRONOLOGICAL OUTLINE

392 Conon arrested at Sardis by the Persian satrap. Escapes to Cyprus, where he dies not long after.
   Lysias, Speech III, Against Simon (c. 392).

390 Evagoras appeals to Athens for help against Persia. Aristophanes is sent to complete negotiations. Philocrates sails for Cyprus with ten ships; fleet is captured by the Spartans.

389 Thrasybulus regains control of Thracian coast and the Hellespont, and of many coast and island cities.
   Lysias, Speech XXVII, Against Epicyrates (c. 389).

388 Popular feeling turns against Thrasybulus and his colleagues. Suspicion that they are enriching themselves. Recall is ordered, but Thrasybulus dies before it can be executed.¹
   Spartan Antalcidas wins active support of Dionysius, and goes to Persia to negotiate for withdrawal of Persian support from Athens.
   Lysias, Speech XXXIII, The Olympic Speech. Speeches XXVIII² and XXIX, Against Ergocles, Against Philocrates (comrades of Thrasybulus).

387 Ill success of Athenian fleets on the Hellespont and on the home coast.
   High price of grain at Athens because of uncertainty of control of Hellespont.
   Second expedition to help Evagoras; Chabrias in command.
   Spartans gain control of the Hellespont, and are even raiding the Attic coast.
   Lysias, Speech XIX, On the Property of Aristophanes (387 or early in 386).

386 Lysias, Speech XXII, Against the Grain Dealers.
   Winter or Spring. Final ratification of the Peace of Antalcidas by the Greek States.⁸

384/3 Lysias, Speech X, Against Theomnesticus.
382 Outbreak of War between Sparta and Thebes.
   Lysias, Speech XXVI, Against Evander.

380 The last known speech of Lysias, For Pherenicus.
   The death of Lysias is probably to be placed soon after this.

¹ Beloch, Attische Politik, 355.
² Blass, 389 B.C. The date depends on that of the recall of Thrasybulus.
³ On the date, see Swoboda, MAI, VII. 180 ff.
II. ATHENIAN LEGAL PROCEDURE

[The following account is in general based on Lipsius's revision of Meier and Schömann, *Der Attische Process*, and his revision of Schömann, *Griechische Alterthümer*. The conditions described are those of the early part of the fourth century B.C., the time of Lysias's professional activity.]

CONSTITUTION OF THE COURTS

1. Athenian legal practice divided cases into three classes: (1) cases of homicide, (2) public cases other than those of homicide, (3) private cases. The separation of homicide from other cases was a survival of the ancient view of bloodshed as primarily a sin against the gods, to be atoned for both by criminal penalties and ceremonial cleansing.

2. The ancient court of Areopagus, composed of the ex-archons, sitting under the presidency of the Ἀρχείου βασιλεύς, the religious head of the state, had sole jurisdiction in cases of premeditated homicide.¹ The other forms of homicide were tried by the Ephetae, a special court of fifty-one members selected by lot from the noblest families, sitting under the same presidency.

3. Public cases (δίκαι δημόσιαι), other than those of homicide, included all cases in which the issue directly concerned the state, either alone or in common with an individual. Here belonged prosecutions for such offenses against the state as treason, bribery, desertion, impiety, and suits involving claims to public property; here, too, fell the numerous suits to test the legality of acts of the Ecclesia (γραφαί παρανόμων), the examination before a jury required of every public officer before taking up his office (δοκιμασία), and his examination at the close of his term of office (εὐθυναί). Public cases were tried before the heliastic courts.

4. Private cases were those in which the issue directly concerned individuals only, the state having no other interest than the preservation of the general order and the protection of individual rights. Here belonged suits concerning contracts and property; all cases concerning wills and inheritances, prosecution for damage in case of assault or slander, and for restitution in case of theft or fraud. Private cases came before the same courts as public cases, but the preliminary steps were different.²

¹ Arson also fell under their jurisdiction, ² See §§ 27–29.
5. The presidency of the various courts involved the reception of the complaints and documents necessary to the institution of a suit, the conduct of preliminary hearings, the presidency over the court at the time of the jury trial, and provision for the execution of the penalty in case of conviction. This presidency was assigned upon the principle that every official of the state should hold the presidency of the court in any case arising within the domain of his own office. Thus a case involving the claims of the state against a trierarch would be tried under the presidency of the Naval Board; cases arising from family relations were tried under the presidency of the First Archon; the Ἀρχων πολε-μαρχὸς presided in cases concerning foreigners; the six lower archons, the Θεσμῷδετα, presided in a large body of cases which did not fall within the field of other magistrates or boards.

6. All cases except those of homicide were tried before large juries, made up from a body of citizens drawn by lot from voluntary candidates for jury service for the year. The total number of these annual jurymen was, in theory, 6000, enough to provide ten sections of 500 men each, and to leave 1000 men to fill vacancies. But with the loss of population caused by the Peloponnesian War it became impossible to keep the number full. Under these conditions any citizen who chose to offer his name was sure of a place; he might even be enrolled as a regular member of one section and a substitute member of one or more sections besides, thus helping to fill out the scant number of jurymen, and earning his juror's wages on days when his service was not required in his own section.

7. Any citizen over thirty years of age, who was possessed of full civic rights, was eligible for jury service. The jurymen all took a solemn oath at the beginning of their year of office, and were then liable to be called on at any time for service in court. In the time of Lysias there was not such a pressure of legal business as in the Periclean period, when the Athenian courts were crowded with cases from the league cities, but a juror was probably in actual service more than half of the time. He might serve on year after year, and thus the service might become the regular employment of men who were quite content with small pay for light work, and of old men whose days of physical labor were over. From the time of Pericles the pay of the jurymen was an obol for each day of actual service, until Cleon raised it to three obols, about the wages of an unskilled laborer.

8. The whole body of jurymen was divided into ten sections, and
on the morning of each court day the Thesmothetae drew lots to determine what sections, or parts of sections, should sit for that day in the court rooms in different parts of the city. The number of men assigned to any case was determined by the nature of the case. A less important private suit had the smallest jury, 200 men; other private suits required 400; the ordinary number for public suits was 500, but in more important cases two or more sections were united, so that we read of juries of 1000, 1500, 2000, 2500,\(^1\) and even of a case where the whole panel of 6000 sat as one jury.\(^2\)

**Procedure in Public Suits**

9. The institution of a private suit depended, of course, upon the initiative of one of the parties directly concerned. In public cases suit might be instituted in two ways. First, it was the duty of any public officer who became cognizant of a violation of law in the department under his control to prosecute the offender.\(^3\) Secondly, any private citizen holding full civil rights was equally at liberty to bring any public case before the courts and to prosecute it to the end. To guard against malicious or hasty prosecution, however, it was provided that one who brought such a suit and then presented so weak a case that he failed to receive one fifth of the votes of the jury, must pay a fine of 1000 dr., and was thereafter disqualified from bringing a similar suit (partial δυναμία).\(^4\)

10. As the first step in the introduction of a public suit, the plaintiff had to summon the defendant to appear at a stated time before the magistrate under whose jurisdiction the trial would fall. This summons was served in person and before witnesses (κλητήρες).\(^5\)

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1 To the round numbers given one man was added in each case to avoid a tie, making juries of 201, 501, etc.  
2 Andoc. 1. 17.  
3 When a notorious crime had been committed, the Ecclesia sometimes appointed a special commission to investigate the case and prosecute the offender in the courts. There were no standing prosecuting attorneys as in our system.  
4 In many private suits the plaintiff who did not win one fifth of the votes had to pay to the defendant one sixth of the sum for which he sued (ἐποδέλλα, i.e. one obol in every drachma).  
5 It was not customary to arrest the accused and confine him while awaiting trial, except in a special class of crimes, prosecuted by special and more summary procedures, called διάγωνη, ἐφήγησις, and ἱδεῖσις; even then the defendant was released if he could furnish sufficient security for his appearance in court.
11. The second step was the appearance of the two parties before the magistrate on the day designated in the summons. If the magistrate accepted the case as falling within his jurisdiction, he received from the plaintiff a written statement of the charge, and from the defendant his written denial, and then appointed a day for a preliminary hearing of the case. He then published the accusation by posting it in a public place.

12. The third step was the preliminary hearing (ἀνάκρισις) before the same magistrate. The defendant might now take exception to the jurisdiction of the magistrate or to the technical form of the accusation, and in some cases this exception had to be tried as a separate case in court before the original case could proceed. If the defendant accepted the jurisdiction of the magistrate and the form of the charge, each party was required to take oath, the plaintiff to the truth of his accusation, the defendant to the truth of his denial. Each was also required to produce all the evidence which he wished to use at the coming jury trial. This evidence might include copies of the laws involved, documents of all kinds, such as contracts, wills, letters, and the testimony of witnesses. This testimony might consist of attested affidavits of witnesses necessarily absent, or of the statements of witnesses present at the hearing; but in the latter case the testimony was usually written down before the hearing, so that at the time of the hearing the witnesses had only to assent to the record of their testimony as correct. Usually each party administered an oath to the witnesses of the other party.

13. Many cases involved the testimony of slaves. This evidence was held valid only when given under torture, on the supposition that the desire for release from the torture on the one side would counterbalance the natural desire of the slave to testify according to his master's orders on the other. A party to a suit either challenged his opponent to submit his slaves or offered his own slaves. This testimony was taken in the presence of witnesses, usually previous to the ἀνάκρισις, and presented to the magistrate in writing with the other documents. The torture was conducted by the litigants themselves or by men agreed upon by them, or in some cases by public slaves. The point to which the torture should be carried was previously agreed upon by the litigants.

14. At the conclusion of the ἀνάκρισις the magistrate sealed up all documents, including all the testimony, in two urns, one for each side,
and kept them in his custody until the trial. No other testimony could be presented at the coming trial. ¹

15. The fourth step in the case was the trial before a jury, under the presidency of the magistrate before whom the preliminary hearing had been held. On the morning of the appointed day the Thesmophoretae, meeting at the central court house, assigned by lot to this magistrate a court house, and a section of jurymen sufficient for the hearing of the appointed case.

16. The court room had wooden seats for the jurors, provision for listeners outside the railing which shut in the jurors' seats, and four platforms. The presiding magistrate occupied one platform, a second served as speaker's platform, while plaintiff and defendant had each a platform for his own seat and those of his immediate friends.

17. Proceedings opened with libation and prayer by the herald of the court. The clerk then read the charge as sworn to by the plaintiff at the ἀνάκρισις, and the corresponding answer of the defendant. The plaintiff then took the speaker's platform and proceeded to argue his case. The law required every man to deliver his plea in person. If he had not the ability to compose a speech for himself, he could employ a professional speech writer (λογογράφος) to write it for him; he then committed the speech to memory and delivered it as his own. By the time of Lysias's professional activity such employment of a λογογράφος had become the common custom. Further, if no objection was raised by the jurors, the speaker might, at the conclusion of his own speech, call upon one or more of his friends to address the jury in his behalf. These συνήγοροι might present aspects of the case not taken up by the first speaker, and might be men of greater ability as speakers; but they made it clear to the jury that they were impelled entirely by personal friendship to the one party, or personal hostility to the other; a speech by a hired advocate was not tolerated. But very often these speeches of the συνήγοροι were also written by professional speech writers and delivered from memory.

18. At the conclusion of the speech or speeches for the prosecution the defendant followed under the same conditions. No opportunity for speeches in rebuttal was given except in the case of certain private suits.

¹ A rare exception was where at the trial one party challenged the other, in the presence of the jury, to present some piece of evidence, and the challenge was accepted.
19. The whole trial was concluded in one day, and in certain classes of important cases a fixed time, measured by the clepsydra, was at the beginning of the trial assigned to each side.

20. As a plea proceeded, the speaker called upon the clerk of the court from time to time to read the documents filed at the ἄνακρισις.1 When testimony was read, the witness mounted the speaker’s βῆμα and assented to the testimony as correct,—in some cases he read it aloud himself,—but he was not allowed to give new testimony, nor might he be cross-questioned. Each litigant might, however, call his opponent to the platform and cross-question him in the presence of the jury, and the law required him to answer. In the hands of a trained speaker this became a powerful weapon.2

21. It was customary for the defendant to make an earnest appeal, in the last part of his speech, to the emotions of the jurors, by reciting the sufferings that threatened him, and by presenting in court dependent relatives,—wife, children, aged parents,—who would suffer with him. Another form of supplication was the appeal to the presence in court of prominent and popular public men, as indorsing the speaker’s plea.

22. At the close of the speeches there was no exposition of the law by the presiding magistrate, nor was there any opportunity for the jurymen to consult one with another, but the herald of the court called upon them to come forward to the platform immediately and deposit their votes.

23. On the platform stood two urns, one of bronze, the other of wood. Each jurymen received two small bronze disks (ψηφων), one pierced by a solid axis, the other by a hollow one. The disk with solid axis was a vote for the defendant, the other for the plaintiff. As each jurymen passed before the two urns, he threw into the bronze urn the disk which represented his vote, and threw the discarded vote into the wooden urn. As one held the disks with the ends of the axis between thumb and finger, it was impossible for even the nearest bystander to see which vote he put into the bronze urn; the secrecy of the vote was thus fully protected. The voting finished, the bronze urn was emptied

1 When λογογράφοι published their speeches as literary productions they usually omitted these documents, merely indicating the points at which they were presented.

2 So Lysias, 12. 25, 22. 5. Cp. Socrates’s cross-questioning of Meletus in Plato’s Apology, 24 c ff.
upon a stone table, the solid and perforated votes sorted and counted, and the result announced by the presiding magistrate, and recorded by the clerk.

24. In many cases the penalty to follow conviction was prescribed by law (ἀγώνες ἀτίμητοι); but in other cases (ἀγώνες τιμητοί), if the jury voted for conviction, they then listened to a further argument from the prosecution, proposing a certain penalty, and then to one from the defense, proposing a milder one. They then had to vote again to determine which of the two penalties proposed should be inflicted.

25. From a verdict once rendered by a heliastic court there was no appeal; there was no provision for arguing "exceptions" taken during the trial, and usually no possibility of securing a second trial.1

26. The penalty was immediately executed: if death, by the Eleven (the chief constables); if loss of property, by the civil officers of the deme or by the Eleven; if a fine, by the collectors of the treasury to which the fine would be paid. Imprisonment was not used as a penalty, but only as a means for securing the presence of a criminal in court in certain cases (see § 10, n. 5), or as temporary confinement until the payment of a fine, or until the execution of a man condemned to death.

PROCEDURE IN PRIVATE SUITS

27. The early stages of a private suit differed in important particulars from those just described as belonging to public suits. Private suits as a whole fell under the jurisdiction of a board of forty justices, selected by lot and serving in groups of four, one group for each tribe.2

28. The first step in a private suit was, like that in a public suit, the formal summons of the defendant; but the second step carried the case, not to a civil magistrate, but to the group of four justices who represented the tribe of the defendant. In petty cases, involving not

1 A defeated litigant might, however, bring suit on the ground that false testimony had been given against him.

2 Several large classes of private cases, in which it was necessary to expedite proceedings, were grouped as "month cases" (δίκαι ἐμποτοί), under the jurisdiction of a separate board of five ἐσαγγελεῖς, who carried them through the jury courts to a decision within a period of one month. In cases involving not more than ten drachmas the ἐσαγγελεῖς themselves gave final decision, without a jury trial. These cases were for the most part concerned with business and banking.
more than ten drachmas, the decision of the four justices was final. If the sum was greater, they turned the case over to a public arbitrator (δικαιρίας).

29. The justices selected this arbitrator by lot from a large board of public arbitrators, who were liable to service for the year. This board consisted of all citizens who were in their sixtieth year, and who had thus just completed the forty-one years in which a citizen was liable to military service. ¹ To one of these elderly men the four justices turned over the private case, and after one or more formal hearings, at which testimony for both sides was produced, he gave his decision. If both parties accepted this decision, the case was ended. But either party had the right of appeal to a jury court. In case of such appeal the arbitrator sealed up all documents, including copies of all the evidence, in two urns, and handed them over to the board of four justices from whom he had received the case. ² This board now resumed charge of the case, received from the Thesmothetae a jury for its hearing, and presided at the trial, taking in every respect the place held by the magistrate in a public suit.

30. In comparing the Athenian legal system with our own, we are first of all impressed with the absence of a trained judiciary, standing between the executive officers and the citizen. The men who conducted all hearings and presided at all jury trials were ordinary citizens, selected usually by lot, and having no professional knowledge of the law. Their short term of office precluded the practical knowledge that might have come by experience. The control exercised by our judges — men of thorough legal learning and years of experience in the courts, and holding their office for a long term — was entirely unknown to the

¹ The names of these men for any year were readily obtainable from the citizen rolls. The young men who reached their majority in any year were enrolled as one group, forming a standing group for military purposes. The men of such a group all completed their last year of liability to military service together, and together passed on as the board of public arbitrators for the ensuing year. The total number, as well as the proportion from any one tribe, would, of course, vary from year to year. For the year 325/4 B.C. we have a list of one hundred and three names of arbitrators, “crowned” by the people. See Sandys on Aristotle, Resp. Ath. 53. 4.

² The hearing before the arbitrator in a private suit thus became in case of appeal what the δικαστήριον was in a public suit.
APPENDIX

Athenian system. There was no impartial presiding judge to expound the law and to explain to the jury the bearing of facts on technical points. The jury were at the mercy of the shrewd pleas of the speech writers.

31. Nor was there, as in our system, the possibility of appeal in the larger cases from the verdict of the jury court to the decision of a body of expert and impartial judges. At no stage could the honest litigant depend upon the protection given by legal knowledge.

32. Nor was the composition of the jury itself such as to inspire great respect for its decisions. Its large size did guard against the danger of individual bribery, but it gave to the body the faults and dangers inherent in any large assembly. This was especially true in public cases, where not less than five hundred men sat as one jury. In such a body the feeling of individual responsibility is weakened, and the contagious emotions of the crowd have full sway. But this was not the worst. The Athenian jury was far from being representative of the best intelligence and character of the city. Service was voluntary, and the pay was that of ordinary unskilled labor. The inevitable result was that the annual jury panel was filled up with men to whom the day offered no more rewarding occupation — the small politicians, the idle, the poor and enfeebled old men. The sturdy farmers from the country could not afford to take up such service, still less the successful men of the city demes. And there was no possibility of bettering this in any individual case. The more critical the suit, the larger the crowd that was called in to decide it. In our own system a great constitutional case comes before a board of expert justices, qualified by the ripest legal experience and the highest character. In Athens such a case would have been judged by increasing an incompetent jury of five hundred by a thousand or two thousand men of no greater wisdom or experience. To appreciate conditions in Athens we have only to imagine all the legal business of Boston or Chicago settled by jury courts made up by lot from native-born citizens, offering themselves for service at a dollar and a half a day, and presided over by men from the various executive boards of the city.

33. The lack of judicial control and the low type of jury service had its inevitable effect on the style of pleading followed by the λόγο-γράφο. It was useless to attempt any argument that involved long and close reasoning, or minute and careful attention to legal provisions. The argument that served best with such a court was the one that most
flattered their self-esteem, most shrewdly appealed to their prejudices, and most vigorously stirred their sympathies and passions. The profession of law was, in the time of Lysias, gradually developing out of that of the rhetorician; even in the next generation rhetorical skill formed a larger part of the equipment of the legal speech writer than knowledge of the law. Some men there were who were learned in the law, but the mass of the λογογράφοι were rather rhetoricians than lawyers.

34. Such a system of courts furnished a rich field for the “syco- phants.” When one of these professional haranguers, trained in the plausible rhetorical art, popular with the masses, and skilled in moving their emotions, threatened a quiet, law-abiding, wealthy citizen with a lawsuit, the citizen might well think twice before deciding to trust to the protection of the courts; to buy off the prosecutor was the simpler and safer way.

35. We must remember also that the Athenian jury courts had the widest possible jurisdiction. Through a γραφὴ παρανόμων the validity of every resolution of Senate and Ecclesia might be submitted to a jury. Every official had to pass his approval (δοκυμασία) in a jury court before entering upon office, and his record as an official was reviewed by another jury at the close of the year (εἰθναι). The jury system was rightly looked upon as the very heart of the democratic constitution. Here the sovereign people exercised their real power, and here they displayed their real weakness.

36. The Athenian legal system shows endless ingenuity in all the petty details,—the complicated allotment of jurors to their sections and court rooms, the orderly and secret ballots, the distribution of cases among magistrates,—but its fundamental principle, that voluntary, underpaid, and unskilled courts could safely be intrusted with the greatest public and private interests, was a mistake. It is not strange that from such an Athenian system the Roman and the modern world, while inheriting magnificent specimens of legal rhetoric, received no speeches which are of permanent value as legal arguments, and no commanding legal precedents.
APPENDIX

III. Rhetorical Terms

A. The Three Types of Prose Composition

II. ὁ ἵστχνος χαρακτήρ, genus subtile, The Plain Style. Lysias.

The Greek rhetoricians, beginning probably with Antisthenes, a contemporary of Lysias, distinguished three great types, χαρακτήρες, of prose composition.

38. They found in Thucydides the perfection of the grand style. Dionysius thus sums up his characteristics: “In fine, there are four ‘instruments,’ so to say, of the style of Thucydides — the artificial character of the vocabulary, the variety of the constructions, the roughness of the harmony, the speed of the narrative. Its ‘colours’ are solidity, pungency, condensation, austerity, gravity, terrible vehemence, and, above all, his power of stirring the emotions.”

39. Lysias was the representative of the plain style. Its basis was the adaptation of the language of daily life to literary effects. The master of this style depends upon common words, avoiding archaic and poetic diction: he refrains from the formation of new compounds.

1 Volkmann (Rhetorik der Griechen und Römer, 532 ff.) traces the development of the theories and classification of “Styles” in the Greek and Roman schools. He shows that the division into three styles was the original one, and that other divisions were modifications of it.

2 Dionysius uses χαρακτήρες as his precise technical term; but in discussing each χαρακτήρ, style, he often uses for it the more general term λέξις, language. Jebb’s note, Attic Orators, I. 21, which says that the three λέξεις distinguished in Dionysius’s essay on Demosthenes, cc. 1–3, refer “to the choice of words” is not justified. In those chapters λέξις is used for the more precise χαρακτήρες: that it is not limited to the “choice of words” appears in the subsequent chapters; e.g. of the λέξις of Isocrates it is said (Demosthenes, c. 4) that it borrows Gorgias’s antitheses and pairs of equal cola, gives excessive attention to rhythm and the avoidance of hiatus, and strives at unbroken periodic flow. All of these things are beyond the mere choice of words. For the relation of the three ἀρμοιαί of Jebb’s note to the χαρακτήρες, see Volkmann, 545–7.

3 Dionysius, Second Letter to Ammaceus, 793, Roberts’s translation.
and from the use of metaphor and simile; he perfects a simple and yet strong and rounded sentence structure, and his language flows on smoothly and rapidly, without appearance of effort for rhythmical effect.

40. Isocrates was the representative of the third style, the intermediate type. His style showed a union of the best qualities of the other two. He has the purity and precision of diction of the plain style, and for the most part he avoids metaphorical language. But with the simplicity and persuasiveness of the plain style he combines the dignity and grandeur and eloquence of the grand style.

41. So long as Thucydides, Lysias, and Isocrates were the greatest of prose writers these three "styles" served the purpose of classification; but when the critics were confronted with the problem of defining and classifying the oratory of Demosthenes, they saw the inadequacy of the old formulae. Demosthenes could be classed neither with Thucydides nor Lysias nor Isocrates. If he were placed with Isocrates as a representative of the intermediate style, the term would become so inclusive as to break down by its vagueness, and he could certainly be placed with neither of the extremes. The critics solved this problem of classification in two ways: some, like Demetrius, added a fourth style, χαρακτήρ δεινός, the powerful style. This new "style" was a recognition of the fact that the real characteristic of Demosthenes's oratory was not any mingling of grand and simple language, but a great power which moved men. Other critics, like Dionysius, made no attempt to remodel the old system of classification, or to find a place for Demosthenes within it. They preferred rather to treat the style of Demosthenes as something outside and above the three older types: a style which gathered up into itself the virtues of all, and so was superior to all, a δεινότης, power, of which the three χαρακτήρες became the instruments.

B. Running Style and Periodic Style

42. I. ἡ εἰρυμένη λέξις.
II. ἡ καταστραμμένη λέξις = ἡ ἐν περιόδοις.
Thrasymachus, a contemporary of Lysias, was the first to teach

1 Dionysius, Demosthenes, c. 4.  
2 Περὶ ἐρυμένες, §§ 36, 240 ff.  
3 Dionysius's whole essay on Demosthenes is founded on this idea. For the whole discussion as outlined above, see Volkmann, 537 ff.  
4 See Introd. p. 16 f.
the distinction between the loose, running form of speech, and the compact, periodic form, and he first developed the periodic form as a distinct artistic type.\(^1\) None of the definitions of Thrasȳm̄achus have come down to us, but Aristotle in the next generation gives in his *Rhetoric* (3. 9) a discussion of the periodic style, which probably represents the developed theory of Thrasȳm̄achus, and which has remained the fundamental exposition of periodic theory for both ancient and modern times.\(^2\) Aristotle calls the running style *ἐρωμένη λέξις*, the *string* style. The separate thoughts are strung along one after another like beads; the first gives no suggestion that the second is coming, nor the second that a third is to follow; the series may stop at any point, or it may go on indefinitely.

**43.** Good examples of the running style, *λέξις ἐρωμένη*, are the following:

12. 9 ὃ δὲ ἔφασεν
     εἰ πολλὰ εἰπή.
     εἶπον οὖν ὅτι τάλαντον ἀργυρίου ἐτομος εἴην δοῦναι.
     ὃ δὲ ὀμολόγησε ταῦτα ποιήσειν.

*He said yes,*

*if it was a large sum.*

*I said therefore that I was ready to give a talent of silver.*

*And he agreed to do it.*

12. 14 ὃ δὲ ὑπέσχετο ταῦτα ποιήσειν.
     ἐδόκει δὲ αὐτῷ βιλτικὸν εἶναι πρὸς θεόγνυν μυρσήναν.
     ἡ γείτο γὰρ ἀπὸ ποιήσειν αὐτὸν
     εἰ τις ἀργυρίου διδοίῃ.

\(^1\) Writers before Thrasȳm̄achus had used periodic structure freely, but Thrasȳm̄achus was the first to make it a matter of conscious study. Here, as in almost all matters of rhetoric, we must distinguish between the forms which the practical speakers instinctively shaped for themselves, and the names and theories which the rhetoricians afterward applied to them. The testimony as to Thrasȳm̄achus is that of Suidas, s.v. Ὑφαντομαχις, and of Theophrastus, cited by Dionysius, *Lȳsias*, c. 6.

\(^2\) The rhetorical treatise *Περὶ Ἐρμηνείας*, which bears the name of Demetrius, but is of unknown authorship, presents the Aristotelian theory as still further developed by the later rhetoricians. Roberts’s edition (*Demetrius on Style*, Cambridge, 1902), with its admirable translation, commentary, and glossary of technical terms, makes this treatise available as the best starting point for the study of the theory of Greek prose style.
Rhetorical Terms

And he promised to do this.
But it seemed to him to be better to speak to Theognis,
for he thought he would do anything,
if one should give him money.

In these passages we have a complete thought at the end of each clause, and nothing suggests that another clause is to follow, nor when we reach the end of the passage is there anything to give the feeling that the separate thoughts have now rounded out one larger, comprehensive idea. It is to be noted that the running style is not made up simply of a succession of "and" clauses; the second passage above shows how subordinate clauses, like those of cause or condition, may fit into the running style by being placed after the principal clause of the sentence.

44. In the periodic style, λέξεις κατεστραμμένη, the separate thoughts are so drawn together and compacted that they form parts of larger expressions, each group gathering the separate parts into a rounded, definite whole. As we hear the first thought, we anticipate another to correspond to it, or to complete its meaning; we cannot dismiss the first until the second and all that follow have been taken up with it; and when we hear the last, we have the feeling that the whole thought is now rounded out and complete. Such an expression the rhetoricians call a period, and its constituent parts—often, but not always, identical with the clauses of a sentence—they call cola.

45. Typical periods are the following:

12. 7 ἀποκτυνώναι μὲν γὰρ ἀνθρώπους περὶ οὐδενὸς ἡγούντο
λαμβάνεν δὲ χρήματα περὶ πολλοῦ ἐποιοῦντο.
To kill men they regarded as naught,
but to get money they held as of great importance.

The μὲν in the first colon (with the emphatic ἀποκτυνώναι) leads us to expect a colon to balance it;¹ we foresee the antithesis, and only when we have heard the corresponding member do we feel that the thought is rounded out. The first colon is like one arc of a circle, which implies one or more other arcs; or, to use the simile that underlies the Greek names, the first member is like the section of the race course out to the turning post; this section implies and demands the corre-

¹ Like the periodic effect of μὲν . . . δὲ is that of ὥστε . . . ὥστε, and the other correlative particles. Cp. 12. 4 μηδὲ εἰς κτλ.
sponding section (κῶλον), from the post back to the starting point, to complete the full circuit (περίοδος). \(^1\)

Antithesis of cola is the foundation of a large proportion of the more studied periods in Lysias. The earliest writers, especially Antiphon, had reveled in antitheses; the other school, the Gorgian, unlike them in many respects, had carried antithetic structure even further. Lysias, even in his plainest style, followed the custom of his time, and made frequent use of antithetic periods. His more elevated passages are full of them.

46. But a second type of period rests upon mere parallelism of cola. When successive cola are parallel both in form and thought, we feel, as the series proceeds, that each is part of a larger unity, and so receive, at least in some degree, the effect of a period. Such a period is less perfect, for often we do not at the end of each colon feel that the thought is incomplete and so demand another colon to round it out; but the group as a whole does give the impression of periodic unity. Such a period we have in 12. 21:

οὗτοι γὰρ

πολλοὺς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἔξηλασαν
πολλοὺς δὲ ἄδικως ἀποκτείναντες ἀτάφους ἔποιησαν
πολλοὺς δὲ ἐπιτίμους ὄντας ἄτιμος κατέστησαν
πολλῶν δὲ θυγατέρας μελλούσας ἐκδιδοσθαι ἐκώλυσαν.

For they drove many of the citizens into hostile lands, and many they unjustly killed and robbed of funeral rites, and many who had been citizens they deprived of citizenship, and the daughters of many they prevented as they were on the point of marriage.

In the English we lose much of the periodic effect in losing the similarity of sound at the beginning and end of the cola, which in the Greek added to the unity produced by the parallelism of thought and construction, and by the uniform length of the cola.

47. A third basis of periodic structure is the impression of unity produced by expressing the subordinate thoughts first, in subordinate construction, and holding back the main thought till the last. The mind is thus held intent; the subordinate thought cannot be dismissed till one hears the main thought which puts it in its right relation.

\(^1\) Cp. Demetrius, c. 11,
RHETORICAL TERMS

When the main thought does come, it gives an impression of completion and a feeling of satisfaction; the circle is complete, the runner has rounded his course and is back at the goal.¹ For this principle we may conveniently use the term *sensus suspensio.*²

48. We have an example of *sensus suspensio* in the following period (25. 18):

ēi δὲ οἶσοθε χρήμαι
οὐς ἐκείνον παρέλιπον ἄνθρωπος
ὑμεῖς ἀπολέσαι
οὐδεὶς τῶν πολιτῶν ὑπολειφθήσεται.

*But if you think it right
that those whom they forebore to wrong
be destroyed at your hands
no citizen will be left.*

The first three cola prepare the way for the fourth, and have value only as they contribute to its force.

49. This form of sentence structure is, of course, common in all writers. Wherever the protasis stands first, or subordinate acts are expressed by participles before the main verb, or by preliminary subordinate constructions of any form, we have *sensus suspensio.*

50. But often such expressions are periodic in form only. The real test of periodic structure in this type lies in the degree to which the preliminary cola contribute to the effect of the final one, and so

¹ Herbert Spencer, in his essay on the *Philosophy of Style,* gives a discriminating discussion of the relation of such structure to lucidity. But lucidity is only one of several aims in periodic structure.

² Aristotle holds that there are periods composed of a single colon (*Rhetoric* 3. 9. 5). Such a period he calls ἄφελῆς. He probably had in mind the case of a single colon of considerable length, based on *sensus suspensio* of words. Aristotle does not recognize the type of period that is based on *sensus suspensio* of cola, for he divides all periods of more than one colon into λέξις διηγημένη and λέξις ἀποκειμένη, that is, periods based on parallelism and those based on antithesis. We do not know whether any rhetorician in the time of Lysias had recognized the fact of *sensus suspensio* as a basis of periodic structure. In the matured rhetoric of Demetrius it is fully recognized (*Πεπλ ἔρμφελας*, c. 10). In antithetic structure the basis of periodic effect is really a *sensus suspensio,* but it is convenient to distinguish it from that which comes from placing subordinate cola before principal ones.
unite with it in one larger thought. A sentence like the following has periodic form, but is not in the full sense a period:

12. 97 ὅσοι δὲ τῶν θάνατον διέφυγον
    πολλαχοῦ κινδυνεύοντες
    καὶ εἰς πολλὰς πόλεις πλανηθέντες
    καὶ πανταχόθεν ἐκκηρυττόμενοι
    ἐνδεείς ὄντες τῶν ἐπιτυχεόν
οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι τοῖς παιδαῖς καταλειπόντες
οἱ δὲ ἐν ἔντυ γῇ
    πολλῶν ἐναντιομένων
ἐλθεὶς εἰς τὸν Πειραιᾶ.

And so many of you as escaped death
after manifold dangers
and after wanderings to many cities
and rejection from all
in want of food
some leaving your children in your own land turned hostile
others in a foreign land
against the opposition of many
came to the Piraeus.

So far as the effect of the final colon is concerned, the long sentence might equally well have been broken up into several short sentences. Moreover, the final colon is not strong or emphatic enough to carry the weight of the long-suspended thought.

51. Yet even this purely formal type of period has value, particularly in narrative. Instead of stringing along one detail after another, it gathers them into groups, giving compactness and rounded form. Admirable periods of this type are found in XVI. 13–16.

52. The length of a period was closely limited by the Greek rhetoricians. Aristotle did not recognize a period as of more than two cola. Demetrius limited the cola to four. The Roman theorists enlarged the number. Quintilian says (9. 4. 125): Habet periodus membra minimum duo. Medius numeros videntur quattuor, sed recipit frequenter et plura. The Greek orators seem not to have troubled themselves with any of these limitations as to number of cola in a period. They wrote as freely as do modern authors, and produced large, strong

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1 καλον δ' ἐστι τὸ ἐπερον μῆρον ταῦτη (sc. τῆς περιδού) Rhet. 3. 9. 5.
2 Περὶ ἐρμηνείας, c. 16.
RHETORICAL TERMS

units by the combination of many cola. Neither they nor their critics would have named these 'periods,' but such sentences have the unity of thought and the rounded form that are the essentials of periodic structure. Modern students of their works may wisely ignore the arbitrary limitation of number of cola, and treat these larger combinations as true periods.¹

53. Modern rhetoricians assume that a 'period' will make a complete sentence. No such idea prevailed with the Greeks; they saw a period wherever there was unity of thought and form in a group of cola; the group might be a pair of cola in the midst of a long sentence; again, a sentence might contain several periods together with non-periodic clauses, or be made up of a group of periods.

54. The following examples show how the true period may lie within the longer sentence:

12. 7 ἐδοξεῖν οὖν αὐτοῖς δέκα συλλαβεῖν
     τούτων δὲ δίῳ πένητας
     ἵνα αὐτοῖς ἦ πρὸς τοὺς ἄλλους ἀπολογία
     ὡς ὥσ | ὁ χρημάτων ἔνεκα ταύτα πέρακται
     ἄλλα συμφέροντα τῇ πολιτείᾳ γεγένηται |
     ὅσπερ τι τῶν ἄλλων εὐλόγως πεποιηκότες.

The sentence as a whole is of the running type, but a clear, true period is embedded in it:

12. 33 | οὗ γὰρ μόνον ἡμῖν παρεῖναι οὐκ ἔζην|
     | ἄλλ' οὔδε παρ' αὐτοῖς ἔλναι |
     | ὅσπ' ἔπε τούτως ἔστι |
     | πάντα τὰ κακὰ ἔργαςμενοι τῇν πόλιν |
     | πάντα τάγαθα περὶ αὐτῶν λέγειν. |

¹ The reason for the refusal of the Greek rhetoricians to use the term 'period' of a large group of cola lay in the feeling that the unity which is the foundation of the period was marred when too much was demanded either of the breath of the speaker or the attention of the hearer. The feeling was a true one. Gildersleeve (A. J. P. 24. 102) quotes the following from James Russell Lowell: "If I have attained to any clearness of style, I think it is partly due to my having had to lecture twenty years as a professor at Harvard. It was always present to my consciousness that whatever I said must be understood at once by my hearers or never. Out of this, I, almost without knowing it, formulated the rule that every sentence must be clear in itself and never too long to be carried, without risk of losing its balance, on a single breath of the speaker."
Here two antithetic periods are linked by a single clause in one grammatical sentence.  

C. RHETORICAL FIGURES

55. The Greek rhetoricians from Theophrastus on distinguished two groups of rhetorical "figures," σχήματα λέξεως and σχήματα διανοίας.

56. I. Σχήματα λέξεως, figures of speech, modifications of speech for-rhetorical effect.

57. (a) Figures connected with balance of cola.

1. αντιθεσις antithesis. The fondness for antithesis, already marked in the earlier literature, reached its height in the rhetorical work of Gorgias and his pupils. As compared with them, Lysias is moderate in its use. Yet we find it everywhere in his works, and often manifestly the result of studied art. He sometimes uses it with great effect, as in 12. 39 (see p. 53). Cp. 12. 32 f.; 12. 93; 24. 16–18; 25. 18.

2. παρισωσις, precise or approximate equality of cola as measured by number of syllables.

1 Aristotle's theory of the 'period' was faulty in that it restricted it to the two types of the antithetic and the parallel structure. But the modern rhetoricians have gone to the other extreme in making the sensus suspensio the only basis of the period. From that error it has resulted that they speak of a period as being always a full sentence. They have lost sight of the fact that the unity of form and thought that makes a period may be quite independent of the unity of thought that makes a sentence. The error is already embodied in Whately's definition (Elements of Rhetoric, 3. 2. 12), although in his examples he gives due attention to periods based on antithesis. We should obtain a better theory of the rhetorical period by returning to the sound doctrine of Demetrius, modifying it only by removing the restriction of four cola. We should then treat the period as something quite independent of the sentence (though often coinciding with it), and should recognize as the three fundamental types those based on antithesis, parallelism, and sensus suspensio.

2 Theophrastus (372–287 B.C.) was Aristotle's successor in the Peripatetic School.

8 Aristotle, Rhetoric, 3. 9. 7–9.

4 Aristotle, Rhetoric, 3. 9. 9 παρισωσις δ' έαν έσα τα κωλα. Cp. Anaximenes, c. 27. Demetrius (Περι έρμηνειας, c. 25) calls this ισόκωλον. Some rhetoricians used ισόκωλον of precise equality, and παρισωσις of approximate equality. See Volkmann, p. 482.
RHETORICAL TERMS

Cp. 12. 4 ὡς ἡμέρα ἑαυτῆς ἐξαμαρτάνειν
μήτε ὑπὸ τῶν ἄλλων ἀδικεῖσθαι.
12. 7 ὡς οὐ χρημάτων ἐνεκά ταῦτα πεπρακται
ἀλλὰ συμφέροντα τῇ πολιτείᾳ γεγένηται.
So 12. 6 (twice); 25. 18, three pairs of approximately equal cola; 25.
32; 34. 5.

3. παρομοιώσεις, equality of cola, heightened by the use of the same or similar words at corresponding points, particularly at beginning or end. So μήτε—μήτε—in the first example above; —πεπρακται—
γεγένηται in the second.

Cp. 12. 1 τουαῦτα—
τοσαῦτα—
12. 7 — περὶ οὐδενὸς ἡγούμενο
— περὶ πολλοῦ ἐποιοῦμεν
12. 1 ἡ τὸν κατήγορον ἀπείπειν
ἡ τὸν χρόνον ἐπιλείπειν
12. 19 — ἀφίκοντο
— ἐποιήσαντο
12. 26 ἀντέλεγες μὲν ἵνα σώσεις
συνελάμβανες δὲ ἵνα ἀποκτένειας
12. 32 ὡς ὁ ἀνιψίαν
ἀλλ’ ὡς ἠδομένου
12. 47 — ἐνόμιζον
— παρεβαίνουν
12. 33 πάντα τὰ κακά—
πάντα τάγαθα—
12. 54 — μεσίσθαι
— φιλείσθαι
12. 57 — δικαίως ἐφευγον | ὑμεῖς ἄδικως
— ὑμεῖς δικαίως | οἱ τριάκοντα ἄδικως
12. 57 διὰ τὴν πρὸς ἐκείνους —
διὰ δὲ τὴν πρὸς ὑμᾶς —
12. 70 — ἄναγκαζόμενος
— ἐπαγγελλόμενος
12. 78 τῶν μὲν παρόντων καταφρούν
τῶν δὲ ἀπόντων ἐπιθυμοῦν
12. 79 μηδὲ [μαχομένους μὲν κρείττους εἶναι τῶν πολεμών
ψηφιζομένους δὲ ἑττοὺς τῶν ἔχθρῶν
12. 89 ὑπὲρ ὧν ὑμεῖς—
ὑπὲρ ὧν εὐτοῖ—
12. 16 — ὀργίζεσθε
— νομίζεσθαι
25. 20 — ἀλλὰ τὴν αὐτὴν κατέλθοντες περὶ ἡμῶν γνώμην ἑχετε
ἡμπερ φεύγοντες περὶ ὑμῶν αὐτῶν εἰχετε
25. 23 — σωτηρίαν
— τιμωρίαν
— ἀφίναι
— ἀπολλύναι
25. 30 — κατηγορήκασιν
So 19. 54; 25. 13; 25. 22; 32. 28; 34. 2; 34. 4; 34. 5; 34. 6.

1 Aristotle, 3. 9. 9; Anaximenes, c. 28; Demetrius, c. 25.
LYSIAS — 23
4. ὀμοτεθαλατόν, rhymed cola. This becomes especially marked in παρομοιώσις, as in most of the examples cited above.

Cp. 32. 25 — ἀποδείξει, 12. 77 — δεδωκός — ἔξω
— ἔξει — εἰληφός — διάξω
— ἐγγράψει — πλουτήσει — διοίσω
— εἰρήσθω

5. ἐπαναφορά, the repetition of the same word at the beginning of successive cola. A fine example is that in 12. 21, πολλοὶς μέν —, πολλοὶς δὲ —, πολλοὶς δὲ —, πολλῶν δὲ — (see p. 348, § 46). Beside the examples under παρομοιώσις, cp. the following: 12. 77 ὅνειδιζων —, ὅνειδιζων —, 12. 78 δικαίως μέν —, δικαίως δὲ —. 12. 94 ἐνθυμηθέντες μέν —, ἐνθυμηθέντες δὲ —. 16. 8 πολλοὶς μέν —, πολλοὶς δὲ —. 19. 9 ἐστερημένου μέν —, ἐστερημένου δὲ —. 32. 16, the striking and effective repetition of ὀν μετά — at the climax of the mother's complaint. Cp. 12. 68; 34. 4; 34. 8.

Isocrates avoids this figure; Demosthenes is very fond of it; Lysias stands between the two.

6. ἀντιστροφή, the repetition of the same word at the close of successive cola. So 12. 57 — ἀδίκως, — ἀδίκως. 25. 20 — ἔχετε, — ἔχετε. But neither is an effective case of ἀντιστροφή, or to be compared with the famous example from Aeschines:

| ὅστις δ’ ἐν τῷ πρῶτῳ λόγῳ τὴν ψῆφον αἴτει
| ὅρκον αἴτει
| νόμον αἴτει
| δημοκρατίαν αἴτει.

3. 198

7. ἐπαναστροφή, the final word of one colon becomes the initial word of the next.

So 25. 31 ἐκεῖνος μὲν ἀλγαρχίας ὁυγής
ἐπιθύμων ὀντερ ὁυτοῦ
ὁυτοῦ δὲ καὶ δημοκρατίας
τῶν αὐτῶν ὀντερ ἐκείνοι.

1 Aristotle, 3. 9. 9; Demetrius, c. 26.
2 As rhyme was not an ordinary feature of Greek poetry, its use in prose did not seem to the Greek hearer as incongruous as it does to us.
3 Demetrius, c. 268, where ἀναφορά and ἐπαναφορά are used as synonyms.
Cp. c. 141.
4 Hermogenes, Περὶ ὕδεαν (Spengel, II. 335).
5 Hermogenes, Περὶ ὕδεαν (Spengel, II. 336).
Rhetorical Terms

34. 11 ἐμαχώμεθα Δακεδαμονίως ἵνα κατέλθωμεν κατελθόντες δὲ φευξόμεθα ἵνα μὴ μαχώμεθα.

8. κύκλος, a sentence or period begins and ends with the same word.¹ The first period cited under ἑπαναστροφή (7) shows perfect κύκλος also.

9. συμπλοκή, the first and last words of one colon become the first and last words of the next.²

Aeschin. 3. 202 ἐπὶ σαυτὸν καλεῖς ἐπὶ τοὺς νόμους καλεῖς ἐπὶ τὴν δημοκρατίαν καλεῖς.

58. (b) Figures not connected with balance of cola.

A second group of figures of speech is independent of balance of cola, and so is less frequently found in Lysias.

1. ἀναδιάλογος, the repetition of one or more words for rhetorical effect.³ This is too passionate a figure for Lysias’s restrained style. Cp. Aeschin. 3. 133 ᾽ Ὑβαϊ δὲ, Ὑβαϊ, πόλις ἀστυνεῖτον, μεθ’ ἡμέραν μιὰν ἐκ μᾶς τῆς Ἐλλάδος ἀνήρπασται.

2. συνονυμία, amplification by the use of synonyms. A favorite figure with Demosthenes; used sparingly by Lysias.⁴

Cp. 22. 21 ἐὰν ἀντιβολῶσιν ὑμᾶς καὶ ἱκετεύσι.
32. 11 ἡντεβολεὶ μὲ καὶ ἱκέτευ.
21. 21 ἐγὼ δ’ ὑμῖν δέομαι καὶ ἱκετεῖ καὶ ἀντιβολῶ.
12. 19 ἐκ τοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο.
12. 24 ὃςον καὶ εὐστέβης.

1. Hermogenes, Περὶ εὐρέσεως (Spengel, II. 252).
3. Demetrius, c. 140.
4. Alexander, Περὶ σχημάτων (Spengel, III. 30). Demetrius (c. 280) calls it ἐπιμονῆς ondawelling, a happy term to bring out the real force of the figure,
3. ἀνεύνετον, the omission of the conjunction in a series of coordinate words or phrases.\footnote{Aristotle, 3. 12. 2 and 4; Demetrius, c. 268; Hermogenes, \textit{Περὶ μεθὸν δεινοῦ} (Spengel, II. 435).} A remarkable example is in the closing sentence of XII: ἀνεύνετον, εὐράκατε, πεπόνθατε,—ἐξετε· ἐκάζετε. Cp. the impassioned words of the mother in 32. 16.

4. πολυσύνετον, the repetition of the conjunction in a series of coordinate words or phrases.\footnote{Demetrius (c. 63) calls this \textit{συνάφεια}.} Cp. 12. 78 καὶ τοσσοῦτοι καὶ ἔτερον κακῶν καὶ ἀδικρῶν καὶ πάλαι καὶ νεωτί καὶ μικρῶν καὶ μεγάλων αἰτίων γεγενημένων. Cp. 12. 19; 12. 99; 22. 14.

5. παρονομασία, play on the sound and meaning of words.\footnote{Alexander (Spengel, III. 36) limits the term to the particular case where the play is upon slight changes in the form of the word. For \textit{play on several meanings} of the same word he has the terms \textit{ἀντιμετάθεσις}, or \textit{στρα-κρισις}, or \textit{πλοκή} (\textit{Ibid.} p. 37).} The Gorgian school delighted in this artificial word play. Lysias did not entirely escape their influence. Cp. 12. 32 ἀνωμένον, ἥδομένον. 12. 33 παριαί, παρ' αὐτοῦ ἐναι. 12. 59 εὖνοοῦτον, κακονοοῦτον. 24. 3 δυνοτύχαμα, ἐπιτηδεύμασιν. 24. 7 δικαϊός, ἀδίκου. ἀδικήσας, ἀδυμήσῃς. 25. 23 σωτηρίαν, τιμωρίαν. 25. 24 πονηρίαν, σωτηρίαν. 32. 22 γράμματα, χρημάτων.

59. II. Σχήματα διανοιας, figures of thought.

Lysias does not make frequent use of the so-called figures of thought. Some of these figures appear, of course, in the unstudied speech of any man. In Lysias the following only demand especial attention.

1. τὸ πνευματικὸν σχήμα,\footnote{Tiberius, \textit{Περὶ σχημάτων} (Spengel, III. 64).} the rhetorical question. A question is asked, not for information or advice, but only for rhetorical effect. Sometimes the speaker answers his own question. The rhetorical question sometimes stirs the emotions of the hearers, sometimes confounds the opponent, sometimes gives an air of candor to the claims of the speaker, and always quickens the attention of the hearers. The ordinarily quiet style of Lysias has little place for such questions, but they are occasionally used with great effect. They are oftenest used in appealing to the good sense of the jury as the speaker draws his con-
clusions on the particular point under discussion. Cp. 12. 26–29; 12. 34, 36, 49, 52, 89; 16. 21; 19. 17, 23, 33, 34, 38; 22. 10, 16, 17, 18, 21; 24. 2, 3, 9, 12, 13, 21, 23; 32. 15, 27; 34. 2, 3, 11.

2. ἐνδοφορά,¹ the speaker raises objections, often in the form of questions, which the hearers or the opponents may be supposed to make. He answers the objections, sometimes putting the answer also in the form of a question. Lysias sometimes has an effective series of such questions and answers. Cp. 12. 39; 12. 82–4; 19. 29; 24. 23–5; 34. 6.

IV. MONEY AND PRICES AT ATHENS

60. The pre-Solonian system of weights, measures, and coinage of Athens was essentially that of Aegina and the Peloponnesus.² Solon introduced the Eubocean system, based on a foot 297 mm. long; the square of this foot gave the surface unit; its cube, the unit of capacity; and the weight of this cubic foot of water (or wine), the unit of weight. After the time of Pisistratus these units seem to have been slightly reduced, and made to correspond to a linear foot of 296 mm. While Solon's other units of measure came into universal use in Athens, his linear foot failed to displace, for common purposes, the old Aeginetan foot of 330 mm.; but this old foot was reduced, probably to correspond to the reduction in the Solonian foot, giving the common working foot of about 328 mm.³

61. Attic coinage was based on the talent, the weight of a cubic foot of water (or wine).⁴ The unit of coinage was the drachma, a coin of pure silver, weighing one six-thousandth of a talent, and equal to

¹ Tiberius, Περὶ σχῆματων (Spengel, III. 77).
² Busolt, Griechische Geschichte, II.² 262 f.
³ Nissen, Müller's Handbuch, I.² 876 ff. Nissen bases his computation of the reduced Solonian foot upon the diminished weight of our specimens of Attic drachmas after the early period; then, assuming that the common (Aeginetan) foot was reduced in the same ratio, he computes its length as 328.89 mm. Dörpfeld concludes by comparison of the description of dimensions of parts of the Erechtheum (C.I.A. I. 322) with the measurements of such of these parts as survive, that the common Attic foot was one of 328 mm. (Ath. Mittheil. XV. 167 ff.).
⁴ This cubic foot being based on the reduced Solonian linear foot of 296 mm.
4.32 grams, or 66.667 + grains Troy. The modern bullion value of the drachma would be, for the period 1899–1903, $0.08+, and its value in U.S. coined silver would be $0.1795+. The following table gives the Attic system with approximate equivalents in U.S. silver dollars:

| 1 obol    | $0.03 |
| 6 obols   | 1 drachma | $0.18 |
| 100 drachmas | 1 mina    | $18.00 |
| 60 minae  | 1 talent  | $1080.00 |

62. The Persian daric and the Cyzicene stater were the chief gold coins of the ancient world until the Macedonian supremacy. The daric, a coin of pure gold, passed in Athens as equal to 20 drachmas. The Cyzicene stater was a coin of electrum (gold and silver); its current value in the time of Lysias was above that of the daric, but the exact value in drachmas is not known. We learn that about 328/7 it passed at Bosporus in the Crimea as equal to 28 Attic drachmas.

63. The real value of the drachma must be measured by its purchasing power. In the time of Lysias a drachma would pay a day's wages of a carpenter, or stone cutter, or superintendent of building operations. It was the daily pay of a senator. A half-drachma a

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1 Here, as in all computations in this chapter, the modern equivalents are based on Nissen's tables, Müller's *Handbuch*, I, 3 835 ff.

2 The average bullion value of silver in London for the period 1899–1903 was $0.5776+ per ounce, *U.S. Treasury Report*, 1904, p. 405.

3 The standard silver dollar contains 371.25 grains of fine silver. Our silver "quarter" (our coin nearest to the drachma) contains only 347.22 grains of fine silver per dollar, but as our concern is chiefly with considerable sums of drachmas, the value is better taken on the dollar standard.

4 Xen. *Anab.* 1. 3. 21 compared with 5. 6. 23, 7. 3. 10.  [Demos.] 34. 23.

5 There was a continuous rise in nominal prices from the time of Solon to that of Demosthenes, caused in part by the increasing supply of silver. The period of Lysias includes a few years of abnormal conditions in the closing years of the Peloponnesian War. Cp. Speck, *Handelsgeschichte des Altertums*, II. 388 f.

6 Workmen on the Erechtheum, 408/7 B.C., *C.I.A.* I. 324, cp. *C.I.A.* IV. i. 321. That the Erechtheum wages were normal, although the work was perhaps a relief measure, appears from the fact that they bear about the same proportion to the cost of living at the close of the fifth century as do the higher wages of the Eleusinian inscription (*C.I.A.* II. ii. 834, b, c) to food prices in the later period to which it belongs (329/8 B.C. and the years following).

8 Hesychius, *s.v.* βουλής λαξεῖν.
day was the pay of an unskilled laborer, of a rower in the fleet, a juror's pay for a sitting, and the voter's pay for attendance on a session of the Ecclesia. Four obols (§ dr.) was the minimum pay of a hoplite in the field. The Attic drachma therefore bought labor that would with us cost from $2.50 to $3.75: that is, a given amount of silver coined in Attic drachmas would purchase from fourteen to twenty times as much Athenian skilled labor as the same silver coined in our money would purchase in our labor market.

64. We have some data for determining the real value of the drachma as measured by its purchasing power in the food market. A drachma would buy \( \frac{1}{2} \) to \( \frac{3}{4} \) medimnus of barley meal (= 1½ to 3 pecks), the common food of the people. We have the following quo-

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2 Thucyd. 8. 45. 2, Xen. Hell. 1. 5. 7. Thucydides (6.31.3) notes the pay of a drachma a day to rowers in the fleet on the Sicilian expedition as extraordinary.

3 Schol. Aristoph. Vesp. 88, 300.

4 Arist. Resp. Ath. 41. 3.

5 Busolt, Griechische Altertümer, p. 305.

6 The average day's wages in the United States in 1900 for men corresponding to the Athenian one-drachma workmen were: for carpenters, $2.63; stone cutters, $3.45; brick layers, $3.84; stone setters, $3.82. U.S. Bureau of Labor, Bulletin No. 53, July, 1904.

7 The medimnus = 51.84 li. = 5.88 pk.

8 A sacrificial calendar from the Attic Tetrapolis, of the early part of the fourth century (the period of most of Lysias's speeches), published in the Papers of the American School of Classical Studies at Athens, Vol. VI. 374 ff., gives numerous quotations of prices. So far as we can test these by other evidence, they seem to be higher than the average. This table gives a \( \varepsilon \kappa \tau \varepsilon \delta \nu \) of barley meal at 4 obols (= 4 dr. per medimnus). But from Aristoph. Eccles. 547 (392 B.C.) we infer that wheat was 3 dr. per medimnus at this period. We find later in the century the price of wheat to that of barley as 2:1 (C.I.A. IV. ii. 834 b) or 9:5 (C.I.A. IV. ii. 196, Beloch, II. 356 Anm. 4); assuming this ratio for the time when wheat was 3 dr., we have \( \frac{1}{2} \) to \( \frac{3}{4} \) dr. for unground barley. This agrees with the 2 dr. for barley meal mentioned in an anecdote of Socrates preserved by later writers (see Beloch, I. 411 Anm. 1).
tation of prices for live animals for sacrifice (naturally choice animals at a maximum price) in the Tetropolis inscription: a cow (or ox?), 90 dr. = $16.16; a sheep, 11 to 17 dr. = $1.97 to $3.05; a goat, 12 dr. = $2.15; a sow, 20 dr. = $3.59; a pig, 3 dr. = 54 cts.\(^1\) The cattle for a hecatomb in Athens in 410 B.C. cost on the average about 51 dr. (= $9.15) a head;\(^2\) for the Delian festival of 374 B.C. about 77 dr. (= $13.82).\(^8\) Oil and wine were cheap. An early fourth-century inscription\(^4\) has oil at \(\frac{1}{2}\) obol a κορυάν = about 20 cts. a gallon. At a later period, when all prices were higher, wine was 8 dr. a μετρητής = about 14 cts. a gallon.\(^5\) It is in accord with these prices that we find in a decree of thanks to a Delian who has rendered service to Athens, and is temporarily residing there, an appropriation of one drachma a day for his support (τροφή).\(^6\)

65. These prices show that in reckoning the real value of any sum of Attic drachmas for the time of Lysias we must make large allowance for the high purchasing power of silver. Its value was greatest in the labor market, where slave labor kept wages at a minimum, while in the food market it was in all departments greater than with us,—in some, much greater.

66. But it must be remembered that a small fortune made a man rich in the Athens of the fourth century B.C., not only because the necessaries of life were cheap, but still more because the simplicity of life was such that even the rich demanded few luxuries.\(^7\)

\(^1\) We find the same price for a pig in Aristoph. Peace, 374.

\(^2\) C.I.A. I. 188. This is upon the assumption that a full hundred cattle were bought for the 5114 dr. recorded. Possibly this was not done. It is difficult to understand how cattle could have been so cheap at this period of the war.

\(^3\) C.I.A. II. 814.

\(^4\) C.I.A. II. 631.

\(^5\) C.I.A. II. ii. 834 b (329/8 B.C.).

\(^6\) C.I.A. II. i. 115 b (p. 408), to be dated not long after the middle of the fourth century.

\(^7\) We have most interesting details as to the increased prices of labor and of many commodities later in the fourth century, in the accounts preserved from building operations at Eleusis, 329 B.C. and after, C.I.A. II. ii. 834 b, IV. ii. 834 b, II. ii. 834 c. Cp. Speck, ibid. II. 532 ff.
V. THE MANUSCRIPTS

67. Thirty-one speeches ascribed to Lysias have come down to us in the Codex Palatinus X (Heidelbergensis 88). All our other Mss. of Lysias were copied from this. Two of these speeches, however, numbered I and II, have also been preserved in another group of Mss. as a part of a collection of speeches by several authors.¹ We have also parts of three more speeches (in modern editions numbered XXXII, XXXIII, and XXXIV) in the Mss. of the treatise of Dionysius on Lysias, where they were transcribed as specimens of Lysias’s style.² The Ms. X was written in the twelfth century. From an entry in a fourteenth-century hand on a blank leaf it appears that the Ms. was originally at Nicaea.³ It was taken to Italy, thence to Heidelberg; in 1622 it was taken to Rome, thence to Paris by command of Napoleon in 1797; in 1815 it was taken back to Heidelberg.⁴ The Ms. consists of one hundred and forty-two leaves of parchment. Before it reached Italy it had lost one whole quaternion,⁵ two leaves in another place, and a single leaf in still another.⁶ The fact that all the other Mss. have lacunae at the places where X is mutilated is the conclusive proof that they were copied from it. The archetype of X had a considerable number of variant readings, which are preserved in X. The readings of the other Mss., where they differ from those of X, are conjectures of critics or copyists. Readings of C (Laurentianus plut. 57, 4) are occasionally cited in the following notes, not as ancient testimony, but as giving the origin of current corrections of X.

¹ Erdmann has shown that Speeches I and II in the Ms. X came to it from a different archetype from that which furnished the others. This other archetype was the common source of I and II of Ms. X and I and II of the other group. Erdmann, De Pseudo lysiae epitaphii codicibus, Lipsiae, 1881; Ly siaca, Strassburg, 1891.
² On the Mss. of Dionysius see Appendix, XXXII, introductory note.
³ Schöll, Hermes, XI. 203.
⁴ For the history of the Ms. see Sauppe, Epistola Critica ad Godofredum Hermannum scripta, Lipsiae, 1841.
⁵ This contained the close of Speech XXV, the whole speech entered in the index of the Ms. as Karà Nukíōu ἱπνιας, and the beginning of XXVI.
⁶ These two leaves contained the close of Speech V and the beginning of VI. The single leaf was between §§ 49 and 50 of VI.
There are many impossible readings in X. which must be corrected by pure conjecture. Of the speeches printed in this volume, the nineteenth has the greatest number of corruptions of text.

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CRITICAL NOTES

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VII. CRITICAL NOTES

In the following critical notes the statements of Ms. readings are taken from the notes of Thalheim’s critical edition of 1901. Minor orthographical errors of X in which Ms. authority is not significant are corrected in the printed text without comment; otherwise all variations of the printed text from the readings of X are
recorded, as are all variations (except in punctuation) from the text of Thalheim’s critical edition (1901).

The following abbreviations are used in the critical notes:

Cob., Cobet.  Rs., Reiske.
Cont., Conter.  Sch., Scheibe.
F., Fuhr.  Tayl., Taylor.
Frb., Frohberger.  Th., Thalheim.
Mor., Morgan.  West., Westermann.

XII

1. ἑργαστά. Th. Clauses introduced by τοιοῦτος, οὕτως, and the like, following the main statement without other connective, fall into two classes: (a) exclamatory clauses, often expressing indignation or surprise (so Lys. 12. 84. 13. 31. 11. 17. 12. 44. 13. 60. 28. 6), sometimes giving the general fact or principle of which the preceding statement is an illustration (so Lys. 1. 2. 1. 32. 32. 21), sometimes expressing the writer’s final reflection called out by a series of statements (so Thuc. 265. 13); (b) clauses which, like the one under discussion, give the ground for the preceding statement (so Herod. 3. 85: Dem. 20. 141. 22. 68: Eurip. Medea 718. 789). In class b the preceding statement is in effect a ὥστε clause, so that the connection is much closer than in class a; οὐκ ἀρξάσθαι δοκεῖ. τοιαύτα ἑργαστά = τοιαύτα ἑργαστά ὥστε οὐκ ἀρξάσθαι δοκεῖ. When two such clauses are followed by a ὥστε clause, the last clause tends to draw the middle (τοιοῦτος) clause toward itself, giving the effect of a harsh asyndeton after the first clause. Thalheim’s punctuation helps to resist this.

2. ταλλής ἀφθονίας οὕτως ὑπὲρ τῶν δημοσίων ἑργασθαι Ill... Rn.-F.: ταλλής ἀφθονίας οὐχ ὑπὲρ τῶν ἰδίων ἐν ὑπὲρ τῶν δημοσίων ὑπὲρ ζεσθαί X. Th. Even if we accept the single ἐν where we should expect ἐν... ἐν, the statement as it stands in X is not true. It is not a fact that all citizens have either public or private grounds of anger: all have public grounds, and many have private grounds in addition. Th. interprets ἐν as than through the comparative force of ἀφθονία, citing δεκαίην ἐν ἐν 10. 21.

3. τιθέομαι Vulg., Sch.; τιθέομαι X, Th. The probability of the contamination of τιθέομαι by the following τιθέομαι seems
greater than that Lysias used so rare a construction, found nowhere else in the orators. Weber, Entwickelungsgesch. der Absichtssätze, II. 94; GMT. 367.

5. πονηρόι Rs., Th.; πονηροὶ μὲν X.—προτρέψαι Wdn.; τραπέζοια X, Th., a reading which requires an awkward change of subject. —τοιαῦτα Markl.; καὶ τοιαῦτα X.

6. πένεσθαι Markl.; γενέσθαι X.—τὴν δ' ἀρχὴν Scaliger; τὴν ἀρ- χὴν X; τὴν ἀρχὴν δὲ Rs., Th.

7. ἔνεκα C; οὖνεκα (for οὖνεκα) X (Lampros, Hermes, X. 264).

11. έπειδὴ δὲ F.; έπεί δὲ X, Th. I have accepted Fuhr's conclusion that Lysias did not use ἔπει temporal (Rn.-F. on 32. 2, Anh.), and that ἔπειδὴ must be substituted wherever ἔπει temporal has been handed down. In all of these cases ἔπει is followed by δέ. Of Fuhr's cases only three are attested by the Mss. of Lysias (12. 11, 13. 43, 23. 14). In Fr. 88 ἔπει is clearly causal; in 32. 2 it is more causal than temporal. — ὄμολογησον: ὄμολογ' X (Schöll, Hermes, 11. 215). Pison had agreed to accept a talent; he now broke his agreement. I have written ὀμολογήσεως (repeated from § 9) as preferable to ὄμολογησα C, ὄμολογον Sch. (conj.), ὄμολογητο Fritzsche, Th. - διαρεικοῦς: Maussac; καρικοὺς X.

12. δηνοι Codex Vindob.; δηνη X.—εἰς τάδελφον Cob.; εἰς τὰ τοῦ ἀδελφοῦ X, Th.

15. ἤθη: ἤθειν X, Th. I have followed Morgan in restoring the older form here and elsewhere. Kühn. § 213. 5.

17. τοῦτ' ἱκέλνων Fritzsche; τὸ ὑπ' ἐ. X; τὸ ἐπ' ἐ. Aldus.

18. ἐξ οὔθεμᾶς Cob.; οὖθε μᾶς X.—κλαίσθαι Sauppe (Meisterhans 8 51); κλίσθαι X.

19. κτήσωθαι Dobr.; κτίσασθαι X. See GMT. 127, Kühn. 389, Anm. 7.—δὲ πρώτων Hertlein (Hermes, 13. 10), Rn.-F.; δὲ τὸ πρῶτον X, Frb.-Geb., Th. τὸ τὸ πρῶτον can mean only when . . . the first time, or when once. — ἥλθεν X; ἥλθον Th., with the comma after ἥλθων instead of after Μηλόβιος.

20. ἄξιος γε ὄτας: ἄξιος ἔχοντας X.—πᾶσας μὲν Rs.; πᾶσας X.—εἰςανέγκοντας Markl.; ἐγκέκοντας X.

21. ἀνίμους Markl.; ἀνίμους τῆς πόλεως X.

22. τοσοῦτον: τοσοῦτον X.

24. δομον: δομον X.—δ η. Brunck; ε η. X.

25. ἴ: ἴ X, Th. I have followed Morgan in restoring the older Attic form (Kühn. § 298. 4). — Ἀντιλεγων, ἰνα μὴ ἀποθάνητε Usener
(Rhein. Mus. 25. 590) ; ἀντέλεγον. ἵνα ἀποθάνομεν; ἵνα μὴ ἀποθάνητε Χ. The reading of Χ can stand only as a sarcastic question, ill fitted to the direct, rapid series of questions, and weakening the force of the outburst Εἶν, ὡς σχετικώτατα κτλ. Ἀντέλεγον. ἵνα ἀποθάνομεν; ἥ μὴ ἀποθάνομεν; ἵνα μὴ ἀποθάνητε. Rs., Th.

26. ἀποκτείνεις Kayser; ἀποκτείνης X, Th.; ἀποκτείνως Author Περὶ ἑρωτήσεως Spengel, 1. 166. The change of mood within the sentence would not in general be surprising, but where the two verbs are in antithesis the change is less likely, and for this speech very unlikely, when it carries with it the destruction of the rhymed ending.

οἴει δὲν ἐμι Φ.; οἴει ἐμί X; δὲν before δοῦναι Th. after Madvig.

27. προστάχθη Rs.; ἔταχθη X. — ἦττον Canter; πάσιν X.

28. αὐτῆς X; om. Dobr., Th. For examples of the intensive standing alone in oblique case, see Kühn. 468, Anm. 1. — παρὰ τοῦ Canter; παρ’ αὐτῷ Χ.

30. μὴν δὴ C; μηδὲν δὴ Χ. — σφιέν τε . . . παρόν Sauppe; σφιέν τε . . . οὖν X. — πάσιν Rs.; πάντες X.

31. τοῦ Rs.; τούτος Χ.

34. ποτ’ ἐποίησας Dobr.; πότε ποιήσας Χ. Gildersleeve defends ποιήσας, “as the question may safely be taken as a generic question” (GS. 439). But the parallelism with ἀπεκτείνας makes the distinctively past form more probable. — ἐτυγχάνετε . . . ἀπεισηφίσασθε: ἐτύχετε . . . ἀπεισηφίσασθε Χ; ἐτυγχάνετε . . . ἀπεισηφίσασθε Kayser; ἐτύχετε . . . ἀπεισηφίσασθε Th. (opt. after Markl.). The aor. indic. with ἂν, to express an unreal conclusion belonging to time immediately future, is rare, but this passage is perhaps supported by ἂν χαρίσασθαι 19. 26; see GMT. 414 (to the examples there add Eur. Medea, 426) and cp. Haley on Eur. Alcestis, 125. The unusual aor. of the apodosis probably led to the corruption of the protasis in the Mss. — ὅπεις F.; ὀλείς X.

35. ὑμετέροι Rs.; ὑμετέροι X. — ποτερον Hamaker; ὅτι ἦ Χ, Th.; ἦ δὴ Fritzsche. The reading of Χ gives the absurd statement that ‘the citizens will learn to-day that wrong-doers will either be punished or go free.’ Fritzsche’s remedy is simple, but we feel the lack of δὴ with the second ἦ (cp. ἦ ὡς . . . ἦ ὡς, § 34). — σφάς γς F.; σφάς X; σφόδρα σφάς Wdn. Lysias says either ἦ πον . . . γε or ἦ πον σφόδρα; see 7. 8, 13. 69, 25. 17, 27. 15, 30. 17; cp. Dem. 55. 18; Thuc. 5. 100, 6. 37. 2; Andoc. 1. 24, 90. — ὡμών: ἡμῶν Χ. — τηρομένους Χ. Th.; τερομένους Canter; κηρομένους Ρn.; τηρομένους Markl.; δια-τευνομένους Frb. The middle τηρομένους is appropriate here; the allies
are 'on their guard' against the exiles in the interest of the Athenians; cp. Thuc. 4. 108. 1 ; Ar. Wasps, 372, 1386.

36. τεθνεώτων: τεθνεώτων Χ. — ἀκρίτων: ἀκρίτως Χ. — ὃς ο.; ἃς Χ.

37. οὐδ' ἂν ... δίκην δοῦναι ἄξιαν δύναντο: οὐδ' ... δίκην δοῦναι δύναντ' ἂν Χ. In favor of the position of ἂν after οὐδ' (Herw.) is the fact that the four passages in Lysias similar to this have ἂν with the introductory word. These passages also have ἄξιαν either immediately after δίκην or separated by a single word. The position of ἄξιαν after δοῦναι (Markl.) breaks up the unpleasant succession of similar initial sounds in δίκην δοῦναι δύναντ' ἂν. To write ἄξιαν after δύναντ' ἂν (Fr., Th.) is to add to this unpleasant sound the awkward confusion of sound between ἂν ἄξιαν and ἄναξιαν.

38. κατηγορημένα C; κατηγορούμενα (sic) Χ. — ἣ ὡς πόλεις Meutzner; πόλεις Χ; ἡ πόλεις Markl., Th.

39. ἡμετέραν Rs.; ἡμετέραν Χ.

40. τοσαῦτα ἐσκύλευσαν Rs.; ἐσκύλευσαν τοσαῦτα Sch., Th.; om. τοσαῦτα Χ. — ἀφείλοντο, ... κατέσκαψαν. Wdn., Th.; ἀφείλοντο; ... κατέσκαψαν; Vulg. — διὶ ιαυτοῖς Sluiter after Tayl. and Rs.; οἰς αὐτοῖς Χ.

41. αὐτοῦ Dibree; αὐτῶν Χ.

42. ἐπραξαί Ald.; ἐπραξαί Χ.

43. ἡμετέρῳ Steph.; ἡμετέρῳ Χ.

44. φυλᾶς Tayl.; φυλακᾶς Χ. — χρῆ Bkk.; χρῆ Χ. — ψηφιακά Cob.; ψηφιακά Χ.

45. καλὸς Frb.; καλ. Χ. — ὑμᾶς Markl.; ἤμᾶς Χ.

47. καῖτοι κακεῖνοι Hertlein (Hermes, 13. 10); καῖτοι Χ. Th.

48. ἔχρην αὐτὸν Bkk.; ἔχρην ἂν Χ. αὐτῶν (intensive) adds greatly to the force and displaces a troublesome ἂν. Goodwin's defense of this ἂν (GMT. p. 410) rests upon the translation "have to" for ἔχρην: "if he had been an honest man, he would have had, first, to abstain from lawlessness in office," "not being an honest man, he did not have to abstain from lawlessness in office." But "have to" is just ambiguous enough to be misleading; it covers both external and moral necessity. If in Goodwin's phrase we substitute the strict translation of χρῆν, obligation, we have, "not being an honest man, he was not under obligation to abstain from lawlessness in office," the fatal absurdity which La Roche pointed out. The apodosis of εἰπερ ἦν ἄνηρ ἄγαθος is in μὴ παρανόμως ἄρχειν and μὴ προκαθεσθαι; both are contrary to fact, ἔχρην is not. — ἀλλὰ τὰ C; ἀλλὰ τάληθη Χ.
50. αὐτῷ Cont.; αὐτὰ ὧν X.

51. τὰ πράγματα Geb. (cp. 13. 60); μοι ταύτα X.

52. εἶ γὰρ Schott; καὶ γὰρ X.— ἦν C; ἄν ἦν X.— καταληψίας: κατειληψίας X.— εὑνοιαν Markl., cp. § 49; συννοιαὶ X.

53. (1) πρὸς ἀλλήλους διαλαγῆσεσθαι (Hamaker)
ως ἄμφότεροι ἔδειξαν (Canter);
(2) πρὸς ἀλλήλους ἔσεσθαι, ὡς ἄμφότεροι ἔδειξαν X;
(3) πρὸς ἀλλήλους ἔσεσθαι, ὡς ἄμφότεροι ἔδειξαν (Canter) Th.;
(4) πρὸς ἀλλήλους ἔσεσθαι, ὡς ἄμφότεροι ἔδειξαμεν, Geel, Rn.-F.;
(5) τὰ πρὸς ἀλλ. ἔσεσθαι, ὡς ἄμφοτέρους ἔδεξαν Frb.

With (3) Th. supplies τὰς διαλαγάς from τῶν διαλαγῶν above as subject of ἔσεσθαι, but the hearer almost inevitably takes ἔσεσθαι with the subject of ἀίχους; Fuhr so interprets it, and translates (4) Wir würden beiderseits gegeneinander sein, wie wir beiderseits zeigten, a translation that leaves the thought vague and incomplete. The same objection holds against (5). For (1) is the fact that the desire for reconciliation and its defeat by Eratosthenes's friends is the central thought of the passage, and ought to be definitely expressed.— αὐτοῦς X. We might expect a more definite word, yet the very vagueness of αὐτοῦς fits the delicacy with which Lysias is speaking to a part of the jury of their own defeat, and the restrained expression κρέιττους ὄντες.

55. γενόμενος Frb.; ὁ τῶν τριάκοντα γενόμενος X.— καὶ (after Κρι-
τής) om. X.— αὐτοῖ καὶ Markl.; αὐτοῖς X.— τοῖς Rs.; ἦtau X.

56. X. kai Rn.; οἱ καὶ X.

57. εἶ δὲ ύμεῖς δικαιώς, οἱ τριάκοντα δίκηκως Rs.; εἶ δὲ ύμεῖς δικάκως, οἱ τριάκοντα δικαίως X.— δὴ Steph.; δὲ X.

58. αὐτῶν: αὐτῶν X.— στρατεύοσθαι X; στρατεύοσθαι C, defended by F. as perhaps correct, on the ground that πείθειν usually takes the aor. F.'s many Lysian examples owe the use of the aor. to the nature of the verb itself, rather than to the connection with πείθειν. For pres. of an action similar to στρατεύοσθαι cf. Aes. 2. 63 πείθων ύμᾶς μὴ προσε-
χειν . . . μυδὲ . . . βοηθεῖν; Dem. 5. 5 ἦνικ’ ἐπειθόν τινες ύμᾶς . . .
βοηθεῖν Πλοῦταρχῳ. Other instances of πείθειν with pres. infin. are Xen. Anab. 5. 1. 14; Demos. 32. 7; Aeschin. 1. 48, 2. 154; Thuc. 2.
33. 1, 2. 67. 1.

59. ἐδανεῖστο: ἐδανείσαστο X.

60. πάλιν δίκας Cob.; πάλιν X, Th.— ole Tayl.; ovs X.

61. οὖκ οἶδ’ ὃ τῇ F., who cites 7. 42, 10. 31, 12. 37, 16. 9, 22. 22, 24. 21; oiv’ ὃς X; οὐκ οἴδ’ ὃς Th.— πλεῖστων Cont.; πλεῖστον X.
62. ἄν om. X. — παραστῇ, ὃς X. The thought is clear as it stands; the supposed objection that may arise in the mind of some juror is precisely the objection that Demosthenes raises in 18. 15 ἄτα κατηγορεῖ μὲν ἐμοὶ, κρίνει δὲ τουτοὺς, and it is presented in the same terse antithesis. For παραστήματι ὃς cp. Plat. Phaedrus 233 c; Thuc. 4. 61. 2, 4. 95. 2; Andoc. 1. 54; Demos. Epist. 3. 36 (otherwise παραστήματι is followed by infin., Thuc. 6. 34. 9, 6. 68. 3, 6. 78. 1). — ἀπολογήσεσθαι Markl.; ἀπολογήσεσθαι X. — ἐκεῖνος Tayl.; ἐκεῖνος X.

64. γάρ ἦν Rs.; γάρ X. — τοὺς Θηραμίνους Franz; τοὺ Θ. X. — αὐτοῦ . . . γεγενημένου Bekk.; αὐτῶν . . . γεγενημένους X.

65. ταῦτ' Classen; ταῦτ' X. — αὐτῶν Sauppe, followed by later editors generally; αὐτοῦ X, Wdn.

66. τῇ πόλει Dobr.; τῇ πόλει X; om. Th. — Κάλλαμυρχον: κάλλαμυρχον X. — προτέρους Canter; προτέρους X.

67. Ἀρχεπτάλεμον: ἀρχεπτάλεμον X.

69. σωτηρίων Markl.; σωτηρίων X. — ἐνεκα West.; σύνεκεν X. Cp. on 32. 10. — ταύθ' ἀ πρός Vulg.; ταύτα πρός X. — ἐπιτρέψατε Cont.; ἐπιμέμψατε X. — γνώικας: γνωικα X.


71. ἀμολογημένος West.; λεγόμενος X. — ἐκεῖνων Markl.; ἐκείνου X. 72. παρόντων: παρόντων X. — μηδὲ Empirius; μήτε X. — διαπεισότου Cob.; ἀπειλοῦτο X. — ψηφίωσιμοί: ψηφίωσιμοθε X.

73. ἥμας Cont.; ἥμα X. — ἡκκλησιάζετε Frb.; ἡκκλησιάζετε X. The other form of augment, which X gives in Lys. 13. 73 and 76, ἡκκλησιάζετε, was also certainly current (Kühn. I. ii. p. 415).

74. μᾶλ: μέλλοι X. — ποίησθε . . . κελέει Cob.; ποίησαθ . . . κελεύει X. With the reading of X we have after εἶπε the change from opt. of ind. disc. to indic., then back to opt. The reason for shifting to the vivid ἔσται is clear, but it is surprising if the speaker shifts back to the opt. as he comes to the culminating and emphatic clause of the period. Moreover ποίησαθ of X must stand for aor. subj. with ἄν; but the clause is emphatically minatory, so that we should expect fut. indic. or fut. opt. These considerations make probable (not necessary) the emendation ποίησεθ . . . κελεύει.

76. παράγγελτο Cob.; παραγγέλλειτο X, Th. — δίκα δ' Ald.; δίκα X.

77. δεί C; δοκεῖ X. — οὖδεν φροντιζόντων Δακ. Dobr. (See on Bou xo 16. 13); οὖδεν φροντιζόν εἶ τῶν Δακ. X. — αὐτὸς αἴτιος X; αὐτοῖς αἴτιοι Kayser, Th. — αὐτοῖς ἐργα C; αὐτῷ ἐργα X.

LYSIAS — 24
78. αἰτεῖν γεγενημένου Rs.; αἰτία γεγενημένοι X.— ήδη X.: διὰ Sauppe.— γὰρ X.; γὰρ πρῶτον Frb.; γάρ ποτε Geb. Additions like πρῶτον, ποτε are not needed with ήδη and the aor., however tempting to readers whose language requires a plup. to represent one past act as clearly preliminary to another.

79. τοῦτον Rn.; τούτῳ X.—μαχημάτων μὲν Cont.; μαχημάτως X.

80. μᾶλλον: μέλειν X.— ύμείς ὑμῖν αὕτως F.; ύμῖν αὑτοῖς X, Th.; ὑμῖν ύμεῖς αὑτοῖς Funkhānel. The clauses μηδὲ . . . πόλει and κάκων . . . βοηθήσετε form the culmination of a series of antitheses; it is, therefore, almost necessary to have a word (ὑμεῖς or αὐτῶ) expressed in antithesis to τύχῃς. Thalheim’s citation (Fr.-Th. p. 187) of 21. 14 for the omission of υμεῖς is not to the point, for there the antithesis is not between ἐμὲ and the subject of ἀδυκῆσθε, but between ἐμὲ and υμᾶς αἰτοῦς. His objection to the disturbing effect of the insertion of ὑμεῖς after the long series of verbs where it has not been expressed is met by the closely parallel construction of 18. 15.

81. κατηγορηται Bake; κατηγορεῖτε X.— μὲν F.; δὲ X. Th. κατηγορηται marks the transition from the attack on the career of Eratosthenes and the other moderates. The substitution of μὲν for the meaningless δὲ is therefore justified by 27. 1.— ὁ αὐτῶς Markl.; αὐτῶς X.—κραυμένως Rs.; γιανομένων X.

82. καὶ οὗτοι Dobr.; καίτοι οὗτοι X.— ἀκρίτως: ἀκρίτως X.

83. ἀποκτείνωτε Bekk.; ἀποκτεῖνοτε X.— ἀκρίτως C; ἀκρίτως X. — δημόσιατι Rs.; δημόσιετε X.— τὰς οἰκίας Sch.; οἰκίας X.— ἐξεπόρθησαν: Th. follows Frb.-Geb. in writing ἐξεπόρθησαν. Without the interrogation ἦ . . . ἦ is less fitting than καὶ . . . καὶ.

84. αὐτῶν τὴν ἄδειαν Auger; αὐτῶν X.: αὐτῶν ἰκανὴν Sintenis.— δέναιθε Bekk.; δύναμθε X.— δοκεῖ: δοκῇ X. — τοσοῦτον ἦ Rs.; τοσοῦτον ὁ X. X.

85. δέναιθε Markl.; δύναμτο X.— ἀδείν C; ἀδείν X.— ἰκανὸν kal Cob.: ἔσονται τῶν πεπραγμένων καὶ X.; ἐπ. τῶν τε πεπ. καὶ Rs., Th. Cp. 22. 19. 30. 34.

86. συμπροσποντος Rs.; ἐκπεργούντων X.— καγαθοῦl Canter; ἡ ἀγαθᾶ X.— τῆς τοῦτον Markl.; τῆς X.— ἀναλύουσι Markl.: ἀναλύουσι X.; προδούσαι Cont.— οἴδα Rs.; οἴτε X.

88. τῶν ἐξηρῶν Geb.; παρὰ τῶν ἐξηρῶν X.— δεινὸν εἰ: δεινὸν εἰ X. — εἰ added by Rs.: ἀπολέοσιν ἦτον X, with mark in the margin signifying corruption. — βοηθεῖν Vulg.; βοηθεῖν X.
89. πολὺ Vulg.; πολλῷ Χ; πολλῷ Rs., Th. Lysias has πολλῷ with πλεῖον in 17. 6, 24. 16, 29. 8; otherwise with the comparative he always uses πολὺ.—δέουν Steph.; δέιδου Χ.

90. δείξει Markl.; δείξετε Χ.

91. ψηφιζεσθαι Bekk.; ἀποψηφιζεσθαι X.—κρόβδην εἶναι Sch.; κρύβδην X.

92. διὰ τοῦτον C; διὰ τούτον Χ.

93. μᾶν Baiter; μᾶν τὸν Χ.

94. πολυποτάτῳ Rs.; πολυποτέρῳ X.—σφητέρας Markl.; ὑμετέρας Χ.

95. ἕξητούντο Cont.; ἕξητοντο Χ.

96. ἀπέκτειναν Rs.; ἀπέκτεινον X.—ἀφελκοντες Rs.; ἀφελλόντες X.

99. προθυμίας οὐδὲν Canter; προδυμίας Χ.—ὑπὲρ τι τῶν ιερῶν Sauppe; ὑπὲρ τῶν ιερῶν Χ.

100. ἡμῶν: Auger; ὑμῶν X.—ἐκσεβάζαι Χ; ὄφεσθαι or εἰσόφεσθαι Hamaker. See Commentary.—καταφησιμένους ἐκσεβαι Kayser; καταψηφιείται Χ.—τὰς τιμωρίας Franz; τιμωρίας Χ.

XVI

1. συνήδη: συνήθειν X, Th. I have followed Morgan in restoring the older form here and elsewhere; cp. 12. 15; Kühn. § 213. 5.

2. ἄρδις Rs.; ἄρδις ἢ κακῶς X.

3. καὶ περὶ Rs., Fr.-Geb.-Th.; περὶ X; καὶ (without περὶ) Herw., Th.—ὑπεννοο Ρ.; ὑπεννο οὖν ἑπεθήμουν X.

4. ἐπιθυμοῦμαι added after πολιτείας by Markl., after καθαρομεθανόν by Kayser.—μεθυσμαμένη τῆς πολιτείας Ald.; μεθυσμαμένη τῆς πολιτείας X.

5. μηδὲν Francken; τοῖς μηδὲν X, Th. There is no separation of two classes, but close connection of two characteristics of one class, the second, indeed, growing out of the first.

6. ἐγεγραμμένοι Markl.; ἐγεγραμμένοι X.—ἀναπράξῃς Harp. s.v. κατάστασις; ἀναπράξῃς Χ; ἀναπράξῃς Vulg. before Sch.; ἀναπράξῃ Sauppe. Mor. defends ἀναπράξῃ as referring to "the repeated number of cases"; but Lysias is quite as likely to have thought of the summary result ("upshot aorist") as of the detailed process, so that it becomes purely a question of the weight to be given to the quotation as independent textual evidence.
APPENDIX

7. ὅσι κατάστασιν παραλαβόντα F.; οὔτε κατάστασιν παραλαβόντα X; οὔτε κατάστασιν καταβαλόντα Bake, Th. The reading of X breaks the connection of thought; the whole argument turns on the absence of the name from the phylarchs’ list. — διὶ Kayser; διὸτι X.—ἀπο- 
δείξειν Rs.; ἀποδείξειν X.

8. ἦν X, Th. I have followed Morgan in restoring the older Attic form. Kühn. § 298. 4. Cp. on § 1 and on 12. 25. — ἦστε μηδὲν 
δὲ ἄλλο μὲ Tayl.; ὥστε εἰ μηδὲν διαβάλλομαι X.

9. αὐτῆς Frb.; ταύτης X; cp. 19. 55. — μόνων: μόνον οὐ X.

10. διόκησα Sauppe; διόνυσα X; ἡ τὰς F.; ἡ περὶ τὰς X.

13. Βουσοῦς Pertz; τοὺς Βουσοῦς X. In nominibus gentium usur- 
pandis Lysias constantem usum sequitur: nomina ubiuis sine articulo 
ponit, Pertz, Quaest. Lys. 1. 6. — ἀσφάλισαν εἶναι δεῖν νομίζοντας X. 
δεῖ has caused much question, but Geb. has successfully defended it 
by comparison with Thuc. 4. 10. 4 κατ’ ἐνδεικτικὰ τὰ καύρα 
δεῖ ἐν τῇ βαλάλῃ ἡμουργὴν. Here δεῖ has clearly the force of “may be 
expected.” Geb.’s comparison of Aeschin. 3. 170 is less convincing, 
for there δεῖ refers to what ought to be found to meet a definition, as 
well as to what one expects to find. — ἕγοημένους: the synonym to 
νομίζων in a parallel clause is quite in Lysias’s style, but it is strange 
that a new infinitive does not come with it. Perhaps Weidner’s con- 
jecture is right, κύνδυνον ἐφεστάναι ἕγοημένους. Kayser would erase 
ἕγοημένους. — εἶπον Dobr., cp. 1. 23; ἢτι X; ἔφην C, Th. (but only one 
prose instance of φημὶ = κελεύω is cited, Xen. Cyrop. 4. 6. 11). — παρα- 
σκεδασματα marg. Ald.; παρασκεδασματι X.

15. ἐναποθανόντων Markl.; ἐναποθανόντων X. — ἔστερος Cont.; ἔστερον 
X. — Στεφάνος Cob. : Στεφάνος X. See Meisterhans,§ 57. 10. — τοῦ 
πάντων Bekk.; τοῖς πάντων X.

16. προσέτευα X; παρέτευα Herbst, on the ground that the post was 
seized to prevent the victorious Spartans from ‘passing on’ to the north: 
but the point here is rather that Mantitheus would voluntarily leave a 
post which was so strong that the enemy could not approach (προσέτευα) 
for a place of great danger. — ἄποθετον X; ἄποθετον M. The 
emphasis is upon the fact that a division was to be removed from their 
I. ii. p. 544.

18. κομὴ Hamaker; τομὴ X.

19. ἀρχιχώριου Dobr.: ἀρχιχώριου X.

20. τὰ τῆς R.: τῶν τῆς X.
CRITICAL NOTES XVI  7–21, XIX 2–15  373

21. τούς τοιούτους Francken; τούτους X. — πολλούς δὲίους Cob.; cp. 10. 3, 33. 3; δὲίους X.; δὲίους τινὸς P. R. Müller, Th. Lysias is speaking of leadership in public affairs; he would hardly say that the people considered political leaders as the only people worth anything; this would reflect on too many of his auditors.

XIX

Title, ΥΠΕΡ: ΥΠΟ X.

2. τὴν προθυμίαν F., after Frag. 70; om. τὴν X. — δισπερ καὶ West.; om. καὶ X.

3. τοῦ μεγίστου Francken after Andoc. 1. 1; om. τοῦ X.

4. ὑπὸ πάντων τῶν παραγενομένων Dobr.; ὑπὲρ πάντων τῶν πεπραγμένων X.; ὑπὸ πάντων ὑπὲρ τῶν πεπραγμένων Sauppe, Th.

6. ἰδίων Cont.; δεινόστατον X. — ἱθέλοντες Pertz (Meisterhans, p. 178); ἱθέλοντες X.


9. ἀνέλωσεν Tayl.; ἀνάλωσεν X.

10. υἱῶν: the dative with δαπανώντος is not impossible, though not used elsewhere by Lysias, but the change from εἰς αὐτόν to the dat. gives reason for the suspicion that a word is lost in the second clause (δάντων, Sluiter; χορηγοῦντος Markl.; ἀναλώσατος Francken; ληγοῦντος P. Müller; ἐπιδιδόντος, Wdn.). — ἀλλοθεν ἔχωσιν F. (ἀλλοθεν after West., ἔχωσιν after Sch.); μὴ δώσῃ X. The correction of the impossible reading of X is pure conjecture; κερδάνωσιν Th. after Cont.; λάβωσιν C; λαβεῖν δινηθώσι Rs.; κτῆσώσιαi Dobr.

11. τοῦ ἀγώνος Halbertsma; καὶ τοῦ ἄγ. X, Th. — ἀκροασμένοις ἡμῶν: ἀκροασμένοι υἱῶν X. — νομίζῃς Rs.; νομίζεται X.

12. ἵνα ἀδελφὴν Tayl.; ἀδελφὴν X.

13. τῇ τι πόλει Rs.; τῇ πόλει X. — ἐν γε Rs.; ἐν τε X. — βίου παντοῦ καὶ: βίου παν καὶ X.

15. ἱθέλοντων: θελόντων X; see on § 6. — οὐκ ἔδωκεν Bekk.; οὐ δέδωκεν X. — ὁντι Φαίδρω Tayl.; φαίδρω (sic) ὁντι X. — τῷ after Φαί-
There were only two daughters

§ 17.

17. τοῦ: τῶν X. — ἤτοι Th.; νῦν X.
18. ἤν X: ἦν Sauppe. — ἄρκεσθαι ἦν P. Müller; ἦν X.
19. Διονυσίου Sauppe; καὶ Ανων X. Against the Ms. reading three objections have been raised: (1) It makes Lysias a ξένος of the Athenian Aristophanes. Now while Lysias was not an Athenian citizen, he had lived at Athens as boy and youth, and he had now been back in the city some twenty-five years; it is hard to believe that he would think of his relation to Aristophanes as ἰενίᾳ. (2) If Lysias was looked upon as a suitable man to help win Dionysius's friendship in 393, it is surprising to find him in 388, in the Olympic speech, urging the Greeks to unite against him. (3) It would certainly not be in good taste for Lysias to dismiss the general Eunomus without a word of appreciation, while calling attention to his own services to the democracy. Sauppe's conjecture restores to ἰενίᾳ its normal force, and gives to the participial clauses following τοῦ Εὐνόμου a real meaning, for they bring out the fitness of Eunomus for the embassy by showing his cordial relations to Dionysius on the one side and the democracy on the other. With the Ms. reading there would be a departure from the real point, in order to throw around the memory of Aristophanes something of the popularity that Lysias enjoys.

20. τὰς τριήρεις Frb.; τριήρεις X. — παρασκεύασα Ἱ X., Th. The context demands either plupf. or impf.
21. δέκα add. West. In § 43 the article (τὰς δέκα καὶς) implies that the number was given here. — τοῦ add. Frb.
22. οὖν Frb.; δ' οὖν X. — ἀπορῶν Kayser; εἶπόν X. — ἦ Steph.; ἦ X., Rn-F.
23. μὴ δεῖν Markl.: μηδὲν X. — ἐκ Κύπρου Th. follows Rn. in omitting these words, and their origin as a gloss is so easily explained that they cannot be defended with any certainty. Yet the expression is a possible one with ἀπορῶν, as we see when we use the positive form, πάντων εὐπορήσων ἐκ Κύπρου (see Rn.-F. ad loc.). — ὑπολείποντας Lipsius; ὑπολεύκασαν X. — οὐκ εἴ ἦν; οὐκ εἶπα (sic) X; οὗχ ἦν ἦν Bckk., Th. The Ms. reading presents no difficulty if we understand πάντα to mean all the money required for the expedition, not all of Aristophanes's property (τῶν οὖν). — οὐ μὴ τι: Rn.; τε X, Th. To the strangeness of the coordination of χαρίσσατη and κομίσσατη in
the Ms. reading is added the difficulty of explaining μή for οὐ (μη ἐλάττω). — Κάλα ... ΜΑΡΤΥΡΕΣ supplied by West. to fill the lacuna involved in τῶν μὲν μαρτύρων immediately following ΜΑΡΤΥΡΙΑ in X.

24. ξήρησαν τὸ ἄργυρον Rs.; ξηρήσαντο X.

25. μὲν ... φιάλην χρυσὴν: φιάλης μὲν χρυσῆς X; Sauppe transposed μὲν to its place after ἐλαβε. — ύποθήσει δὲ Ἀριστοφάνης λαβὼν F. after Rn. (who wrote δὲ εἰδιέως Ἀριστ.), ὃς ἀριστοφάνης λαβεῖν X; Th. omits ὃς Ἀριστ. (after Dobr.), and writes βούλεται δὲ λαβεῖν (after Frb.). While ὃς Ἀριστοφάνης is easily explained as a gloss on αὖτο, yet the meaning is not quite clear if the name does not appear before § 26. — ίν Σαύππε; ἄν X; άς Αλδ. — τὴν τριπαρχίαν: X combines τὰς τριπαρχίας and τὴν τριπαρχίαν (see Lampros, Hermes, X. 269). — λύσεσθαι Στεφ.; λυσασθαι X.

26. τὸ άδδ. Σαύππε. — ἄν άδδ. Μαρκλ.

27. σύμμετα: Meisterhans, p. 188; σύμμετα X. — ΑΠΟΓΡΑΦΗ ΧΑΛΚΩΜΑΤΩΝ wanting in X.


29. οὐσίας Cont.; αἰτίας X. — δίς χρησιμοὶ Rs.; διαχρησιμοὶ X. — οἰσθαί Rs.; οἰσθαί X.

30. ἀξιά λόγου ἔχουν C; διευκολύνειν έχοι X. — δ ἄδδ. Ταύλ.


32. μὴ δὲν West.; μῆ X. — ένοφειλέσθαι Bekk.; οὐφειλεσθαί X. — τὰς άδδ. West.

34. ἄνδρες add. F. — ἁξιότατον έν C; ἡξίουν X. — τοὺς θεσσαλίους τοὺς ἐκείνου Σλιττερ, Rn.-F.; τοὺς ... ἐκείνου (lacuna of four letters) X; ἐκείνου Th.


36. ὄμοιος Rs.; ὄμοιοι X. — σᾶ Στεφ.; ίς X.

37. διένεμεν X; διένεμεν Στεφ., Fr., F., Th. The supposition is particular, i.e. that of a single action of an indefinite subject (τοις), with the potential aorist in the apodosis.

38. δημιουσαίτε Rs.; δημιουσετε X. — ἀγαθὸν X; κακὸν Σαύππε, who
holds that the suggestion that the confiscation of the property of Timo-
theus might be justified by the prospect of a great gain to the city, is
strange and especially ill-fitted to the character of the speaker. But
the "good" (ἀγαθόν) to the city in the supposed case would be, not
the gain of so many talents of property, but the "good" sought in
every righteous confiscation, the protection of the city by the punish-
ment of crime. — δὲ C; ἡὰν X; δ᾽ εἰ Rn., Th. — λάβοι καὶ ἂν X, corrected
by the first hand from λάβοι τὴν; λάβοι καὶ Steph., Th. — τούτων:
τούτω X. — ἄν ἰξιῶτεs Cob.; ἰξιῶτε X.

40. γίγνεται Rs.; τί γίγνεται X.

41. διόθετο Tayl.; ἰσθέτο X. — ΜΑΡΤΥΡΕΣ om. X.

42. φήθῃ ἅν Steph.; ὁφθήσαν X. — οἰκίαν Markl.; οὐσίαν X. —
πλεῖν: πλέον X. Cp. on § 31. — κατεχορήγησε Rs.; καὶ ἐχορήγησε X.

43. ἐπὶ Σικέλιας Hertlein; ἐν Σικέλια X. — ναθ Tayl.; μνᾶς X.

44. αἰτώσασθε Doabr.; αἰτᾶσθε X. — ἐπεὶ Rs.; ἐπὶ X. — πλεῖν:
πλέον X. Cp. on § 31.

45. μὲν οὖν Markl.; μὲν X. — οἴ Tayl.; καὶ X.

46. πλεῖν: πλέον X. Cp. on § 31. — ἐνιμασθῇ δὲ τῷ ὑσεὶ: ἐνεκμασθῇ
dὲ τῷ νεκεί X. On ὑσεὶ see Meisterhans,§ 17. 4 and § 55. 4. — ἐκάτερος
Rs.; ἐκατέρω X. — πλεῖν: πλέον X. Cp. πλέον (X) above. — τάλαντα
Rs.; ταλάντων X.

47. ἐνδον Sch.; ἐνδον Ἰν X. — καταλείπειν Kayser; καταλείπειν X.

52. I have followed Th. in inserting this paragraph after § 47. The
instance of the mistaken assumption as to the property of Alcibiades
is fitting as one of the series introduced by οἱ ζωντες μὲν πλούτειν ἑδο-
κοῦν (§ 45), and closed with the comment φανομένα σὺν κτλ. (§ 49); —
the point in all of these cases is that after the death of the man, his
property was found to be far below popular expectation, or wasted
away rapidly in the hands of his heirs. With the close of § 49 a new
and more surprising instance of misconception is introduced,—that
concerning the property of a living man, who himself proved its falsity.
From this the speaker draws the telling inference that it is dangerous
to act under such rumors. This is followed in the most logical man-
er by § 53. The insertion here of the instance of Alcibiades would
betray not merely looseness of structure, but inability to remember the
point of the argument. Cp. Westermann, Quaestionum Lysiacearum,
II. 17 ff. The position of the paragraph in the Mss. would give a
strong presumption against its genuineness were not the text of the
whole speech in so poor condition. — πλεῖν: πλέον X.
48. πλείστα Baiter and Sauppe; ὃς πλείστα X. — φασι Cont.; φησι X. — τὰ αὐτῶν Sch.; αὕτω X. τὸ δὲ τούτου νῦν West.; τὸ, τι τούτου τοίνυν X. — κατέλυσεν ἄν Rn.; κατέλευσεν X.

49. οὖν add. Rs.— ἐψυχησμένον: ἐψυχησμένον X. — τεθνεῶν Markl.; τεθνεῶς X. — ἐξελύθησεν: ἐξενεχθείη X.

50. ταλάντως Francken; τάλαντα X, Th. — ἢ add. C; ὅσον Rs. — ἀπογράφοντος Rs.; ἀπογραφέντος X.

51. ἀπόντων Rs.; ἀπόντων X. — ἐπᾶθε C; εἶ ἐπαθεῖ X. — πρὶν Steph.; πλὴν X. — εἰδότας Steph.; εἰδότες X. — καὶ ήδη Dobr.; καὶ ιδία X. — γέ τινας Markl.; τέ τινας X. — ἀπολέσθαι οἱ βραδιοί Kayser; βραδιοὶ ἀπ. οἱ X.

54. μᾶλλον ἢ: ἢ μᾶλλον X. — ἀπολέσθαι Rs.; ἀπολέσθαι X.

55. καὶ ψ ροφί ... προσδεινάσατο: Th. follows West. (Quaest. Lys. II. 20) in treating this recapitulation as interpolated. But West.'s argument from its incompleteness is not conclusive. The speaker recapitulates the two great facts upon which he bases his argument; all that has followed the testimony to the impoverishment of Aristophanes by his Cyprian expedition has been to show the reasonableness of that testimony and the danger of rejecting it because of a different preconception. — οὐτὶ τῷ Rs.; οὐδὲ τῷ X. — οὐτὶ πρὸς ... οὐτὶ πρὸς C, Rs.; οὐδὲ πρὸς ... οὐδὲ πρὸς X.

57. μόνου τούτου ἐνεκα Ἰνα Hertlein; οὗ μόνον τούτου ἐνεκεν, ἄλλ' Ἰνα X. Th. suggests οὐδὲνος ἄλλον ἐνεκα ἄλλ' Ἰνα. — ἀναγνώσται: ἀναγνώστε X.1. — ΔΗΤΟΥΡΓΙΑΙ C; om. X.

58. καὶ τοῖς Sluiter; αὐτοῖς X. — δοκοῦντα Markl.; δοκοῦντας X.

59. παράδεχεν F.; παράδεχεν X, Th. — εἰςεσήκει: ἐςεσθαι X.

60. μὲν χρόνον Ald.; μὲν οὖν χρόνον X. — λάθου: λάθῃ X.

61. ἄν ὡμις Rs.; ὃ νῦν εἰς X. — δημευσαῦθ' C; δημευσθῇ X.

62. ὧσπερ καὶ Sch.; ὧσπερ εἰ X. — τῷ τ' ἔργῳ τῇ πόλει ταῦτ' ἐσται I have written for τῷ τ' ἔργῳ πόλει ταῦτ' ἐστὶ X; ὧστε τῷ γ' ἔργῳ πόλει τῆς πόλεως ταῦτ' ἐστὶ Th. — οὔτ' ἐγὼ X; οὐκ ἐγὼ Th. — οὐ μὲν τε Steph.; οὐ μὲν δὲ X, Th.

63. ἀθληταὶ Tayl.; ἀθλητάς X.

XXII

1. ποιομένου τοὺς λόγους Hirschig; ποιομένους λόγους X; λόγους ποιομένους Frb., Th.

2. ὡς ἄκριτους: ὡς ἄκριτως X. — γνώσεσθαι: γνώσεσθε X.
3. σωτηρίας ἐνεκα: σωτηρίας οὐνεκα X; cp. on 32. 10.
4. δεδιὸς τὰς αἰτίας: αἰσχρὸν τῇ ἡγούμαι Dobr.; δεδιὸς δὲ τὰς αἰτίας αἰσχρὸν ἡγούμαι X.
5. ἀνάβητε. εἰπὲ Frb.; ἀνάβηθι εἰπὲ X.—ἤ αἰκίοιε Rs.; ἄειοις ἦ X.
7. χρῆν Rs.; χρῆ X.—διὰ μακροτέρων P. Müller; καὶ μακρότερον X.
8. τέσσαρες Bergk; δύο X; γὰν Th. δύο of X is probably from a misunderstanding of δὲ τέσσαρες.—φιλονικοῦσιν: φιλονεικοῦσιν X.
9. παρέξομαι. ΜΑΡΤΥΡΙΑ. καὶ ὡς οὕτος ... φαίνονται. ΜΑΡΤΥΡΙΑ. X has a lacuna after παρέξομαι with space for about eight letters, and it has μᾶρ in the margin. Elsewhere Lysias always introduces his testimony immediately after παρέξομαι (F. ad loc.). With the reading that I propose the speaker calls Anytus to testify to what his advice really was; he then produces other testimony, probably copies of official records, to show that Anytus’s term of office fell the year before. With καὶ ὡς οὕτος ... εἴπε the governing verb is readily understood from the context. Th. transposes ΜΑΡΤΥΡΙΑ from the position after φαίνονται (ΜΑΡΤΥΡΙΑν vulg.) to the lacuna after παρέξομαι, and reads καὶ οὕτος ... (after Pluygers).—δὲ τῆτες Ἐμπερίος; δὲ ἐπίτηδες X.
10. ἀπολογήσεσθαι: ἀπολογήσασθαι X.
11. ἀλλὰ γὰρ Rs.; ἀλλὰ μὲν γὰρ X.—τοῦτον τὸν λόγον ... συν τρέψοντα Cob.; ... ἐλεύσεσθαι X; τούτῳ τῷ λόγῳ ... ἐλεύσεσθαι Wdn., Th.—ἡμῖν C; ἡμῖν X, and Suid. s.v. ἔσται, Th.; cp. ἡμῖν οὕνεκα § 12.
12. ἡμῖν X; ἡμῖν Th.—ἐνεκα: οὐνεκα X.—νῦν Hofmeister; νῦν X.
14. αὐτὸι Markl.; οὕτοι X.—κεκλήσθαι: κεκλεῖσθαι X.
15. τοῖς αὐτοῖς καὶροῖς ... ἐν οὐσήπερ Cob.; τοῖς τοῖς καὶροῖς ... ἐν οὐσήπερ X; τοῖς καὶροῖς ... ἐσήπερ Th.—ἡμῖν X; ἡμῖν Bekk., Th., because of τυγχάνετε following. But τυγχάνετε is itself joined with διαφερόμεθα and ἀγαπῶμεν.
18. ἀμφισβητοῦντων Th. after ἀλλ’ ἀμφισ. of Frb.; λαμβάνειν X; καὶ ἀρνομένων Dobr.; Wilamowitz, Arist. u. Athen. II. 379, suggests that the language follows the wording of the law as to the Eleven: ἐν μὲν [ὁμ. ἀλογοῦσιν, θανάτῳ ζημιώσωντας, ἐν δὲ ἀμφισβητῶνσιν, εἰςάξων- τας εἰς τὸ δικαστήριον Arist. Resp. Ath. 52. 1.
19. τοῦς Kayser; αὐτῶν X.
20. αἰτοῦνται Tayl.; αἰτοῦνται X.—παύσασθαι Vulg. before Sch.
\begin{quote}

The superscription in X is ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΥΝΑΤΩΙ ΑΡΓΥΡΙΟΝ. But it is clear from § 26, compared with Arist. Resp. Ath. 49. 4, that this is not a case of εἰσαγγελία. See Introd. p. 232.

1. οὖς παλloid Markl., cp. Xen. Anab. 5. 4. 32; ολλοῦ X.—γὰρ add. Rs.—ἐφ᾽ ἦς X; ἐφ᾽ ἦς Dobr. See commentary.—ἀξιόν X; ἀξίωσ or ἀξία Rs.; ἀξίων οὖν F. The force of βεβιωκότα so nearly approaches that of γεγονότα that the pred. adj. seems possible; yet no other instance is cited, and βεβιωκότα with adv. is very common. Lysias uses it even in 14. 41, where the parallelism of cola would tempt to the use of the adjective: ἄλλως δὲ κόσμοι εἰσὶ καὶ σωφρόνως βεβιωκότα.

3. ἴσθαι: καλῶς: ισθαι καλῶς X; ισθαι, εἰκότως P. Müller, Th. καλῶς is precisely fitted to the sportive tone.

4. οἶνος τ᾽ ἡ P. Müller; οἷον X; οἶον τε Ald., Th.; οἶον τ᾽ ἦ Schulze. Lysias elsewhere uses the formula ὡς ἄν δύνωμαι διά . . . (12. 3, 12. 62, 16. 9).

5. τὴν μὲν οὖν: τῆς μὲν οὖν X.—εὔποριαν καὶ τὸν ἄλλον: εὔπορίας καὶ τῶν ἄλλων X.

6. ἦν ἄν Cont.; ἦς ἄν X.

7. τοῦς καὶ Rs.; καὶ τοὺς X.

8. ἐπόμενα C; ἐχόμενα X.


10. ἐγὼ γὰρ . . . τοῦτο οἷμαι Wdn.; ἐγὼ γὰρ . . . τοιοῦτο X; εἰκὸς γὰρ . . . τοιοῦτο Kayser, Th.

11. ἀναβαίνω: after ἀναβαίνω X adds ἐρωτῶ ἐστι μαθεῖν, omitted by most editors after Sch.

12. τοῦτον ἄν αὐτῶν Kayser; τοῦτον αὐτῶν X; τοῦτον ἄν (omitting αὐτῶν) Wdn., Th. — εἰμι Kayser; εἶν X.
\end{quote}
13. θεσμοθεταί add Frb.
14. οὗτ' οὗτος ὃμιν' εἰ ποιῶν Cont., Rs., Th. (without interpunctuation). Mss. omit ὃμιν'. οὗτ' οἴδας εἰ φρονῶν Reuss; οὗτ' οὗτος οὐκ ἔστω Kayser.
15. λέγει C; λέγω X. — ὅνομάσαι Rn.; ὅνομάσαι X. — πραδέως, ταύτα Kayser; πραδόν ός μηδὲ ψεύδηται ταύτα X; πραδώς ψεύδηται, πιστὰ ποιήσων Wdn.
16. τοῦς πεινομένους Rs.; πεινομένους X.
17. προσβεντέρου Frb.; έτέρους X.
18. οὕς ἄν: οὕς εἶναι X. — ὑπάρξαντας Steph.; συνάρξαντας X.
19. ὁ δὲ (after μυροπώλιον): οἱ δὲ X.— ὅποι ἄν τόχω: ὅπη ἄν τόχωι X.— τοὺς ἐγγυνητάς Steph.; ἐγγυνητάς X.— τοὺς πλείστον Steph.; οὐ πλ. X.— ὁμονέσθην Mor. (Kühn. I. 1. 614); ἀλλοι γί που X.
20. περὶ τῶν φαίλων ὁμοίως τούτῳ Dobr., Rn.-F., Th.; π. τ. ὁμοίως τούτῳ φαίλων X, Fr., Blass (Att. Bered. I. 639). The Ms. reading gives a fine, keen thrust, quite in keeping with the tone of the speech, but it breaks the connection of the γάρ clause with the preceding, πρὸς ἐν ἀκαστον . . . τῶν εἰρημένων.
21. καλὶ μη: μηδὲ X.; μηδὲ οὖν F.; μηδὲ τοίνυν Wdn.; μὴ δὲ Herw.; μὴ Th. F. suggests that μηδὲ is right and that the necessary preceding negative clause has dropped out. I propose καὶ as giving the close connection needed with the preceding; this is not an inference (οὖν, τοίνυ) from that, but a continuation of it.— μοῦν Markl.; μοῦν X.— ἀρχῶν X, Rn.-F.; del. Frb., Th. ἀρχῶν fits the reference in § 13 and καλλιστόν of § 23; its erasure destroys a fine bit of humor.
22. δειλαιότερος Markl.; δικαιότατος X.— θῆσθε Bekk.; θέσθι X.— τὴν ψῆφον Cont.; τῇ ψῆφῳ X.
23. βίον: Francken; βίον πρός τὰ τοιαῦτα X.
25. ἀλλ' οἴδ' C; οἴδ' X.— ἅλκιδα Frb.; X adds τὴν ἐπ' ἑυρίσκη. — ἀποθημὼν Reuss; ἀπάντων X, F.; ἀπελθὼν Bäker, Th.; ἀπάντων of X, an exaggeration at best, is strangely put in so emphatic a position.
26. ὁμοίων Cont.; ὁμοίως X.

XXV

On the title see Introd. p. 253.

1. καλ ἱσαφῶς Dobr.; οἵ ἱσαφῶς X; el ἱσαφῶς Rs., Th. — μηδὲν Rs.; μὲν X.— κερδαίνειν ἆ X, Rn.-F.; omit Dobr., Th., Fr.-Geb. He is speaking of sycophants, who meddle with things that do not concern
them, hoping to be bought off (κερδαινέων) by the men whom they threaten, or else (ἡ) to carry the case against them through the courts (πείθειν). Francken proposes κερδαινεῖν ύμᾶς πείθωντες, and Reuss κέρδους ἐνεκα; but the gain of the sycophant comes not by his persuading the court, but by being bought off from the attempt.

2. δε μεν Herw.; ἄ X; ἀπανθάμενον Bartelt, Rn.-F.; Th. (after Rs.) retains ἄ and inserts πάντ' before ἐμοῦ. — γεγένηται Dobr.; γεγένηται X.—ἀποδείξω Steph.; ἀποδείξαι X.—ἀπανθά Steph.; ἀπανθας X.—ὁ Βλατστὸς Rs.; βέλτιστος X.

3. καθιστάναι: καθιστάνειν X.—χρηματίζοιντο Coraes.; χρηματίζειν τὸ X.

4. ἀποφήνω Van den Es; ἀποφαινό X.

5. μοι add. Frb.

7. οὐ add. Cont.

8. καθιστάναι F.; καθιστάναι X.

9. τῶν πολιτειῶν Rs.; πολιτειῶν X.—αὖθις Brulart; αὐτοὺς X.—ἐπολιάρκου τοὺς μὲ θ' Sch.; ἐπολιάρκοιντο μεθ' X.

10. εἰ τις: X has ἦτος with εἰ written above.—τὴν κρίσιν Rn.; κρίσιν X.

11. ἦσαν Francken; ἦσαν εὐθύνας δεδωκότες X, Fr.-Geb. εὐθύνας δεδωκότες gives an unnecessary limitation to the class of ἄτυχοι, and breaks the symmetry of the three parallel cola, thrusting δεδωκότες into apparent coördination with ἀπεστερημένου and κεχρημένου. The origin of the words as a gloss is easy to conjecture.—ὑμῶν Steph.; ὑμῖν X.—τὰς περὶ τούτων Auger; τὰς τούτων X.—ἀποδέχεσθαι Tayl.; ὑποδέχεσθαι X.

12. τετραγράφηκα Sch.; ἑταραγράφηκα X.—μὲν γὰρ X; τε γὰρ Geb., Th.—τετράκις ήτι: I have written ἡ for καὶ of X (Th.). This makes the five trierarchies, four of which included naval battles, the first of the forms of liturgy, the ἐισοφοραί, the second form. It avoids treating νεκαμάχηκα as a form of liturgy, as is done with the reading τε. Weldner's substitution of ἐισοφορᾶς ὑ' for καὶ ἐισοφορᾶs accomplishes the same thing, but less clearly.

13. προστατομένων ἐδιαπανώμην Steph.; προστατομένων ἐδιαπανώμεν X.—ἀλλὰ Emperius; ἀλλὰ καὶ X.

14. οὕτω τῶν Markl.; οὕτω ἐπὶ τῶν X.—οὐ τριάκοντα Markl.; οὐθὲ X.

15. χρησάθαι Frb.; χρησάθαι X.

16. οὐδὲ διαιταν: οὐτε διαιτάν X.—ὁργίζοντες Ald.; ὁργίζοντε X.
18. ἔχθρων C; ἐκ τοῦ X. — ἐκβαλόντας: ἐκβάλλοντας X. — ὑπολειφθήσεται Dobr.; ἀπολειφθήσεται X.  
19. ἦτω (before ὑπέρ) Geb.; ὅτι X.  
20. ἤγεισθαι C; ἤγεισθε X. — ἡμῶν Francken; αὐτῶν X.  
21. κακὸν C; ἀγαθὸν X.  
22. πυνθάνοντες X; ἐπυνθάνεσθε Francken, Th. With the opt. the following μὴ ἔχοντας is regular; with the indic. it would be very exceptional. — ἐκ τοῦ ἀστῶσ X has after στασιάζοντας F. placed before ἐκκεκηρυγμένους. — πλεῖος δὲ Cont.; πλεῖοι X. — ταῦτα Th.; ταῦτα X.  
23. τούτων χαλεπότερον Geb.; χαλ. τούτων X; see commentary.  
24. δεξιαντ᾽: δέξαι τ᾽ X.  
25. μησθήκαι καλ.: καλ add. Baiter. — Ἐπιγένην καὶ Δημοφάννην καὶ Κλεισθῆνην X. Beloch (Att. Politik, p. 78, Anm. 1) restores Ἐπιγένην in Arist. Eccl. 167 for Ἐπίγενον of the Mss. Schwartz (Rhein. Museum 44, 121 Anm. 1), followed by Busolt (Griech. Gesch. III. ii. 1542 Anm. 1), writes Δημόφαντον and Κλεισθῆνη, probably correctly. Both men were active at the time mentioned. In 410 Demophantus moved the decree of Andoc. i. 96 ff. Cligones was clerk of the Senate in the first prytany of 410/9 (C.I.A. I, 188, Andoc. i. 96); he is reviled by Aristophanes (Frogs, 707 ff.) as ὁ πίθηκος and ὁ μικρός (cp. v. 1085).  
27. ὕστε τοὺς: ὅστε add. C.  
28. διεκελέσαντο Tayl.; διελύσαντο X. — ταῦτην ... φυλακήν: Rs. would add μόνην, μεγάλην, or βεβαιωτάτην; so ἱκανωτάτην Herw.; ἀσφαλεστάτην F. — ὅν add. Geb.  
31. ὅμως Rs.; ὅμως X.  
32. δεξιαντ᾽: δέξαστε τ᾽ X.  
33. τοῖς ἐκ Πειραιῶς κυνβύνοις X; τοῖς τῶν ἐκ Πει. κυνβύνοις Sauppe. Sch. would drop κυνβύνοις or read κυνδυνεύσαντας; ἀκυνβύνοις P. Müller.  
34. 2 has τῶν εὐ ἀστεως (πραγμάτων), an expression parallel with τοῖς ἐκ Πειραιῶς κυνβύνοις. The expressions ἐκ Πειραιῶς and ἐς ἀστεως were becoming fixed formulas. Against the insertion of τῶν or its equivalent (making the prosecutors enjoy freedom to act as they will because of the dangers of other men) is the mention of the safety that may afterward come through others; this implies that the former safety came through them (τοῖς). — δι᾽ ἔτερου Tayl.; δι᾽ ἔτερου X. — σωτηρίᾳ Frb.; σωτηρίᾳ X. — πεπαύσεσθαι Geb.; ἐπιλύσασθαι X. — οἱ τοιοῦτοι πάντες: I have written this for τὸ αὐτὸ πάντες of X. Th. retains τὸ αὐτὸ πάντες, translating alle wie ein Mann. τὸ αὐτὸ πάντες
CRITICAL NOTES XXV 18–35

Baiter; διὰ τούτο πάντως Frb.; τούτων αὐτὸ δείσαντες Sch., Fr.-Geb.; τούτων γ’ ὄντες West.; αὐτὸ τούτο πάντες F.

34. κατανοῆσαι C; κατηγορήσαι X. — ὑμᾶς τε Rs.; ὑμεῖς δὲ X.

35. περὶ ὑμᾶς C; περὶ ἡμᾶς X. — ὑποψίαν καταστήσετε) Francken’s conjecture.

XXXII

For the text of speeches XXXII, XXXIII (the Olympic speech), and XXXIV we depend upon the Mss. of Dionysius Περὶ τῶν ἀρχαίων ῥητόρων. For a summary description of the Mss. and for bibliography see the preface of the text edition of Usener-Radermacher, Dionysii Halicarnassi Opuscula, Vol. I, Leipzig, 1899.

The Mss. are of the following families:

I. Mss. of a collection of selected works of Dionysius, Philostratus, Callistratus, Aristides.

II. Mss. of a collection of rhetorical works of Dionysius with a Compendium of Rhetoric by Josephus Rhacendytes.

III. Mss. of a collection of speeches and declamations by various orators and sophists, in which is included the treatise of Dionysius on Lysias. This text has been emended by an editor who has often made corrections according to his own judgment, not on authority of other Mss.; but the source of the text of the treatise on Lysias seems to have been a good Ms. of Family I.

In addition we have for §§ 1–3 as far as χείρους εἶναι, and § 4 as far as θυγατέρα, independent testimony in a citation by Syrianus, which has been transmitted also in the anonymous treatise Walz. VII. 1084, and in Maximus Planudes, Walz. V. 546.

In the following notes only the more important variant readings are recorded. Note is made wherever the text adopted differs from that of Thalheim or that of Usener-Radermacher. Mss. are cited as follows (see Usener-Radermacher, p. 2, Thalheim, p. vii.):

I. F Florentinus, bybl. Laurent. LIX. 15.

II. M Ambrosianus, D. 119, sup.
   P Vaticanus Palatinus gr. 58.
   B Parisinus, bybl. nat. gr. 1742.

III. C Parisinus, bybl. nat. gr. 1800.
    G Guelferbytanus n. 806.
    T Parisinus bybl. nat. 2944.
1. ὁ ἄνδρες δικασται after διαφέροντα, MSS.; ὁ δικασταῖ after ὦν, Syr.—εἰδός τε ὦτι Syr.; εἰδός ὦτι MSS., Us.R. (cp. 13. 11). See commentary.—πεπονθέτες F, G, T, Syr.; παθόντες M, P, B.


3. μηδὲν Syr.; οὐδὲν MSS, Us.R.

4. ὁ ἄνδρες δικασταῖ MSS.; ὁ δικασταῖ Syr.—ὅτι δόο Morgan (cp. on 12. 34); νοι νόο F, M, Us.R.; νῦν νῦ G, T.

5. τῶν ὑπληρῶν: τοῦ ἑπὶ τῶν ὑπληρῶν G, T.—ἀδελφὸν Herw.; ἀδελφὸν διαμορίησων MSS.; probably from § 4.—ἀναγκαῖοτάτα: ἀναγκαῖας T.—διακαλώ περὶ τοῦ αὐτοῦ παῖδας Sauppe; καὶ διέστη τοῦ αὐτοῦ παῖδας F, M, P, B; ἑτέρῳ ἐπὶ τοῦ αὐτοῦ παῖδας ἐπιτρέψει G.

6. κατηκόρν Markl.; αὐτήκα MSS.—μνημόνεια Sauppe pointed out the loss of an item in the reckoning.—ἐπὶ (after κατέληπτε) add. Rs.

7. ἄνδράς ...: Fuhr pointed out the lacuna, which is seen in the absence of a correlative to τὴν μὲν θυγατέρα. Wilamowitz (Hermes, 36. 536) would, instead of assuming the lacuna, read τέως μὲν τὴν θυγατέρα. Without lacuna Us.R.

8. ἐπειδὴ Fuhr; ἐπεὶ MSS.; cp. §§ 2 and 25. See 12. 11 Crit. N.—χρόνῳ F, M; cp. i. 8, 13. 83; τῷ χρόνῳ G, T; cp. i. 20.—ἐπιλατόντων Rs.; ὑπολατόντων (Ἀλ- G) MSS.

9. καταλίπτοι Steph.; καταλείποι MSS., Us.R.—διέφερεν: διέφερε Ald.; διέφερον MSS.


12. πραγμάτων MSS., Us.R. (cp. τὰ τοῦτον πράγματα, § 2); χρημάτων Th. and most editors, after Halbertsma.

13. θέλω Rn. (cp. Kühn. I. ii. p. 408); θέλω MSS. Us.R.—οὔτος λέγῃ F, M; αὐτὸς λέγης G, T.—καταβαλεῖν: καταβαλεῖν MSS.; ἐκλι-
πεῖν Sch.; λιπεῖν Dobr.; ἀπολοιπέν West.; καταβιοῦν Fuhr; καταναλίσκειν Us.R.; καταλύειν Th. The Ms. reading and the conjectures cited all rest upon the assumption that τὸν βιοῦ is the mother’s life; but her life is not involved in perjury over her children’s heads more than in any perjury. The point of the argument is that the mother is willing to stake her children upon the truth of her oath; τὸν βιοῦ is then the life of the children, which will be the penalty if her oath is false. I have therefore written καταβαλεῖν, the precise word for the payment of a price or penalty.


15. ἔγγειος Naber; ἔγγειος F, M, P, B; ἔγγειος G, T.

16. ἐκβάλλειν F, P, B, M¹; ἐκβαλεῖν T. The present infinitive is exactly fitted to the picturesque description of how he proposes to ‘send them packing.’ — ἡξίωκες Mss.; ἡξίωσας Pluygers, Th. — ὁ πατήρ T; πατήρ F, M, P, B.


18. μὴ ἦττον F, M, P, B; μηδὲν ἦττον G, T, Wdn. The emphatic form is more common; the simple negative with ἦττον appears in Lysias only here and in § 21.

19. πρὸς ἄλληλους: M, P, B, Th., Us.R.; εἰς ἄλληλους F; om. G, T. The only other instance in Lysias of ἦττος with prep. is 25. 30, where πρὸς may be due to the connection with ὁμονοίας. In other prose writers εἰς is used with ἦττος oftener than πρὸς. εἰς Thuc. 4. 27. 2, 6. 61. 4, 6. 103. 4; only once with πρὸς, 2. 37. The two instances in Andocides (1. 51, 1. 68) have εἰς. Antiphon always uses εἰς, but with a word of motion: II. β 3, 6, II. γ 2, 10. The only instance of either in Demosthenes is 23. 103 ἤ γὰρ ἐκεῖνων πρὸς ἄλληλους ταραχῇ καὶ ἦττοις, where πρὸς may be due to ταραχῇ. [Dem.] 48. 18 has τῆς ἦττος τῆς πρὸς τὸν οἰκέτην. Demosthenes has κατὰ in 29. 24.

LYSIAS — 25
Isocrates has ἰποψίαν περὶ αὐτῶν λαβεῖν 15. 123. In favor of πρὸς in our passage is Lysias's usage with words of hostile attitude. A full statement of his use of prepositions with words denoting hostility is the following:

**A.** Of hostile attitude, πρὸς with acc.,
- ἀρδὼς διακείσθαι 16. 2.
- ἄλλοτρως διακείσθαι 33. 1.
- διαφέρεσθαι 32. 1, 18. 17.
- διαφορά 12. 51, 25. 10.
- ἐχθρα 12. 2, 13. 1, 18. 5.
- ὑποψία 25. 5.
- ὑποψία 25. 30, (32. 19?)
- φόνος 12. 66.
- φιλονικεῖν 3. 40.
- φιλονικία 33. 4.

**B.** Of military movements (real or metaphorical),
1. πρὸς with acc.,
   - μάχεσθαι 22. 8.
   - μάχη 3. 45.
   - πόλεμος 12. 93, 33. 9.
   - ἐρχεσθαι 33. 8.
   - στάσις καὶ πόλεμος 12. 55.
   - 33, 18. 9.

2. ἐπὶ with acc.,

**C.** Of other action 'against,'
1. πρὸς with acc.,
   - ἀντεπεῖν 26. 4, 26. 5.
   - εἰπεῖν 26. 16.
   - λέγειν 12. 47.
   - ἀμφιᾶσθαι 33. 6.
   - ἕγκλημα 25. 23.
   - στασιάζειν 26. 22.
   - τιμωρία 1. 2.
   - πράγματα 29. 10.
   - πράττειν 27. 4.

2. κατὰ with gen.,
   - ἐξευρίσκειν 3. 34.
   - ἐπιρρεῖν 32. 13.
   - καταγωρία 31. 2.
   - ὀργὰς παρασκευάζειν 1. 28.
   - ὀμόψηφοι 13. 94.
   - τρόπαια στῆσαι 18. 3.
   - ψευδεσθαι 22. 7.

3. περὶ with acc.,
   - ἀδικεῖν 31. 24.
   - εἰς (cp. under eis).
   - κακία 31. 4.

4. ἐπὶ with acc.,
   - εἰσίναι 3. 7, 3. 23.
   - ἐκπηδάν 3. 12.
   - ἐχθρεῖαι 33. 8, Fr. 47.
   - συνίστασθαι 22. 17, 22. 21.
5. ἐπὶ with dat.,
δωροδοκεῖν 25. 19, 29. 11.
6. ἔσε with acc.,
ἐξαμαρτάνειν 12. 2, 12. 89, 25. 9
παρανομεῖν 3. 17.
and often (cp. under περί).
ἐπροσεύθην 4. 18.
ὑβρίζειν 1. 16.

μήτε . . . μήτε Bekk.; μηδὲ . . . μηδὲ MSS.
20. τῶν μὲν F₁, Us.R.; τὰ μὲν F₂, M, P, B, G, Th. — ἔχειν Rs.;
ἐλεῖν MSS. — τετρακυκλάζει Herw. (cp. § 28); ἐπτακυκλάζει MSS.,
Us.R. Fuhr makes up the 7000 by adding the 7 t. – 40 m. loaned on
bottomry, the evidence of which could not be denied, to what Diogitot
first told the boys their father had left them, 20 m. and 30 staters.
See p. 285 n. 2. — διοῦ τρίψεωs Cont.; διοῦ στράφειν F; διοῦ στράφει
P, B, G; διοῦ στράφει M. — γναφεῖον Rs.; γναφεῖον ἱμάτια MSS.; καὶ
εἰς γναφεῖαν καὶ εἰς ἦμ. Scaliger, Us.R. — The position of ἱμάτια is suspi-
cious; it would be strange to say, “For shoes and for laundry and for
clothing and for the barber’s.” — κουρέως F, M, P, B; κουρέων T; κου-
ρείων Ald. — πλεῖον MSS. See Kühn. § 50, Anm. 11.
21. αὐτῷ τίθησι, τὰ δὲ τούτως λελογίσται Rs.; αὐτῶν τίθησι τούτως
λελογίσται MSS. (λελογίσθαι M). — ἔφ' ὁ Sylburg; ἔφ' ὁn MSS. —
ἀνδρεὶς MSS. Herw. and Fuhr add δικασταῖ from a sign in M that seems
to indicate the loss.
22. τὸ δ' ἐπιτρόπῳ Frb.: τὸ δ' ἐπὶ F, M, P, B; τὸν δ' ἐπὶ T; τὸ δ'
ἐπει Ald.; τὸν δ' ἐπει G. G, T add εἰςιν after πατρίων.
23. ἀπηλλαγμένοι . . . πριάμενον Dobr.; ἀπηλλαγμένοι . . . πριά-
μενον F, M, P, B; ἀπηλλαγμένοι . . . πριάμενος T.— ὁπότερα F, M,
P, B, cp. Isae. 1. 22; ὁπότερον G, T. — καταστήσων T; καταστήσονται
F, M, P, B.
24. ἀνδρεῖς add. Herw.— δεισοῦσα Ald.; δεισοῦσαν F, M, P, B; δει-
σον G. — συμβαλλόται Ald.; συμβαλλόταται MSS., Us.R.— τοῦτοις
Dobr.; τοῦτων M, P, B; τοῦτων τοῖς F, G, T.— τῶν θυγατριῶν F, M,
P, B; τῶν αὐτοῦ θυγ. G, T.
25. ἐπειδὴ δὲ Fuhr; ἐπεὶ δὲ MSS., Us.R. See on § 8.— ἐφασκεν
G, T; φάσκων F, M, P, B; φάσκει Us.R. From the rarity of the
indic. of φάσκω in Lys., Fuhr suggests the loss of a phrase here, as
αὐτὸς τὴν ὥφελεν ὅλαβε. But ἐφάσκε is used of a false statement
precisely as here in 1. 14 and 10. 1.
F, G, T. — ὁ τῆς Herw.; τῆς MSS., Us.R.
APPENDIX

27. ἰπθείζει MSS., cp. on 16. 3. ἰπθείζει Pluygers, Th.—δεούσας:
δέουσαν T; δεούσαν G. Cp. § 24.—ἀνηλωκείναι: Fuhr suggests ἀνηλω-
μόνας (the more common construction) and λελόγσται.—ὡσεὶ M, G;
ὡσεὶ F, P, B, T.—ἀυτῷ οἷδες F; οἷδες αὐτῷ M, P, B, Th.; οἷδες T.
—περὶ τούτων: παρὰ τούτων Sylburg.—ΜΑΡΤΥΡΕΣ om. MSS., except
T margin.

—αὐτῷ F, M, P, B; αὐτῶν G, T.

29. ἄπται ἔτεσι T; ἄπται ἔτεσι F; ἔτεσιν ἄπται M, P, B, Ald.—
καὶ ἀποδείκνυται found in G, T, but probably an editor’s conjecture to
supply a lacuna in older MSS. For other possible expressions cp.
Dem. 27. 37, Isae. 6. 14. Us.R. omit, with indication of lacuna.—
περιόντα: after περιόντα all MSS. have τῶν ἐπὶ ταλάντων; either this
must be erased (Markl.) or after μναί we must add τῶν τετταράκοντα
μμῶν (Us.R.).

XXXIV

For the sources of the text, see introduction to the critical notes on
XXXII.

The title is from Dionysius’s introduction, Lysias, § 32, ἱπθέσων δὲ
περείληφε τὴν περὶ τοῦ μη καταλῦσαι τὴν πάτρων πολιτείαν Ἀθήνησι.

1. ὁ ἄνδρες Ἀθηναῖοι Us.R.; ὁ Ἀθηναῖοι MSS., Th. So in §§ 3, 9,
1873, p. 158.—δις ἡμ. καὶ Dobr.; διὰ δὴ καὶ MSS.

2. ἑστὶ Tayl.; εἰσίν MSS.—οὐ G; ὅτι F, M, P, B.—Πειραιοὶ Us.;
Πειραιεῖ F, M, Us.R.; Πειραιῶς G, T.

3. ὁ ἄνδρες Ἀθηναῖοι: see on § 1.—οὐτε οὖσα τῆς πολιτείας add.
Us.; οὔτε οὖσα add. Sauppe, Th. Cp. 18. 6.—χρήματα Us., Th.;
tὰ χρήματα MSS., Us.R.—ἐκκλησία Εμπερισ; ἐκκλησία ΜSS., Th.,
Us.R. The context demands “possessed,” not “acquired.”—ὥσω
Steph.; οὔτως MSS.—τινὰ Ἀθηναίον Us.R.; ἵνα ἄθηναῖον F1; ἵνα
ἄθηναίον G; ἵνα ἄθηναίον τίνα F2, M, P, B margin; ἵνα ἄθηναίον τινὰ B;
Ἀθηναίον τινὰ Th.—ἀπώσομεν Baiter; ποιήσομεν F, M, P, G; ποιή-
σομεν B.—νῦν δὲ G; om. F, M; Us.R. om. and indicate a lacuna
between ἐποιήσατε· and καὶ τούς.—ἀπελώμεν Bekk.; ἀπολούμεν MSS.;
ἀπελούμεν Rs.

4. πειθέσθω Slugter; πειθόμεθα F; πειθόμεθα M, P, B, G.—τὰ ἐν
tαι ἕφ᾽ ἡμῶν ἀληθείας γεγονημένα Weil, Th.; ταῖς ἐφ᾽ ἡμῶν ἀληθε-
χίαις γεγονημέναις F1, M, T (γεγονημέναις F pr.); πλείστα τῇ πόλει
CRITICAL NOTES XXXII 27–29, XXXIV 1–11 389

συμφοράς ἐν (οὐ πολλᾶς συμφοράς) ταῖς ἐφ' ἡμῶν ὄλγαρχίας γεγένη-
μένας Us.; ταῖς ἐφ' ἡμῶν ὄλγαρχίας ἐκεῖνος μάλιστα ἐξηροῖς γεγένη-
μένους Rad.—ἀλλά: ἀλλά καὶ F pr., G.

5. ἀπερ κτήσονται Steph.; ἀποκτήσονται F, M, P, B; ἀπερ κτήσον-
ται G, T.—λάβωσιν G, T; λάβητε F, M, P, B.

6. τοιῶν τῶν Baiter; τῶν τῶν F, M, T; τοιῶν Sluiter.—ἡμῖν F;
ὑμῖν M, T.—ἐρωτῶσι Markl.; ἐρώσασι Mss.; ἐρόσα Desrousseaux,
Us R.—ποιήσομεν: ποιήσωμεν M, P, B.—ἀ Δακεδαμόνιοι Steph.;
λακδαμονίως Mss.—τοῦτοις M; τούτος F, G, T.—τὴν F, M; τὸ T;
τὶ G.—περιγενήσεται: περιγενέσθαι F, M, P, B.—ποιήσομεν: ποιήσω-
μεν F1; ποιήσωμεν G, T.—μαχομένους Us.; μαχόμενοι F, M, P, B;
καταψηφίσοντε F, M; καταψηφίσονται T.

7. ἐὰν μὲν πείθω Us.; ἐὰν μὲν πείθω Mss.—ἀμφοτέροις κοινὸν εἶναι
tὸν κόινῳν: τὸν before κόινῳν add. Sch.; κοινὸν after εἶναι F corr.,
Us.R. The obscurity of the passage led Usener to the conclusion that
there is a considerable lacuna after κόινῳν (so Us.R.), in which stood
the correlative to this ἐὰν μὲν.—τὴν αὐτὴν ἔχοντας γνώμῃν om. F1, G,
T.—τὴν αὐτῶν οἰκούντας om. M, P, B.—τοὺς δὲ ... οἰκούντας om. T.
—ἡμῖν (T); ὑμῖν F, M, P, B.

8. ἴσασι γὰρ Mss.; ἴσασι γὰρ ἐκεῖνον Dobb., Th.; ἴσασι γὰρ Δακε-
δαμόνιοι Us.R. The definite τούτων in the second clause seems to
me sufficient to make clear, by contrast, the subject of ἴσασι and ἐμ-
βάλλωσιν.—ἐμβάλλωσιν T; ἐμβάλλωσι F, M, Us.R.; ἐκβάλλωσι P.—
kalὸς Ald.; καλὸς F, M, T.—τοῦτοις μὴ Th.; τοῦτος Mss.; τοῦτος
οὐκ Rs.; τοῦτος othd Us.R.—καταδουλώσασθαι Sylburg; καταδουλώ-
σεσθαι Mss.—ἑττον: add. Rs.; M has a space after τοσοῦτος; τοσοῦτος
οὐκ P, B.

9. ὁ ἄνδρες Ἄθηναίοι: ὁ Ἄθηναίοι F, M, P, B, Th.; ὁ ἄνδρες G,
T.—ἡμῖν M, P, B; ἡμῖν F, G, T.

10. ἡμῖν T; ὑμῖν F, M, P, B.—ἐπίζοντας δ' ἐτε I have written
after West. (κατεπίζοντας δ' ἐτε); καὶ ἐπίζοντας ἐτε MSS.; καὶ ἐπί-
ζοντας Tayl., Jebb; καὶ ἐπίζοντας . . . ἐτε (with δόσαι for ἐσεθαί)
Us.R., the correlative of μὲν being assumed to belong in the lacuna.
Th. prints as in X, with the comment "corrumpa." No solution that
has been proposed offers a normal construction and a reasonable expla-
nation of the origin of the corruption.

11. ὁ ἄνδρες Ἄθηναίοι: see on § 1.—ἐλευθερίας: ἐλευθ. ἐλλήνων
G, T.
GREEK INDEX

[The references are to the commentary (by speeches and paragraphs), unless otherwise designated.]

άγαπήσευν 12. 11, 22. 15.
άγαπητάς 16. 16.
άγορανόμοι 22. 16.
άγώνες τιμητοί, ἀτιμητοί p. 340.
ἀδικόν as perf. 12. 14.
'Αδριας 32. 25.
άδρος χαρακτήρ p. 344.
ἀδύνατοι p. 232.
ἀείων λαβεῖν 12. 57.
ἀκηκόατε 12. 48, 32. 28.
ἀλλὰ γάρ 12. 40.
ἀλλὰ μὴν 19. 15.
ἀλλο τε . . . η ἦ 22. 5.
ἀλλων, τῶν: with superlative 12. 89.
ἀμογέντοι 24. 20 Crit. N.
ἀν: with infin. in ind. disc. for potential indic. 12. 63, 19. 23; with infin. for opt. 12. 1, 24. 2, 24. 9, 25. 6, 25. 18, 25. 28; with partic. 12. 78; non-use with imperf. of necessity, etc. 12. 27, 12. 48 Crit. N., 12. 52; non-use with ἔμελλον 12. 99.
ἀναγκαῖον: construction with 16. 7.
ἀναδίπλωσις p. 355.
ἀνάκρισις p. 337.
ἀναφέρω: construction with 12. 81.
ἀνθ' ὅτου 12. 2.

ἀντίγραφα 32. 7.
ἀντιδοσις 24. 9.
ἀντιθέσις pp. 348, 352.
ἀντιστροφή p. 354.
ἀξίος 22. 8.
ἀξίω 12. 37, 16. 3, 16. 8, 32. 12; with negative 19. 45.
ἀπαγωγή 25. 15.
ἀπάτη τοῦ δήμου p. 161.
ἀπέδοσαν 22. 2, 19. 7 Crit. N.
ἀπογράφω 12. 8.
ἀποδείξαι 32. 17.
ἀποφαίνω: force 12. 73; with partic. 25. 4.
ἀρμονίαι p. 344.
ἀστός 12. 35.
ἀστράβη 24. 11.
ἀστυ 12. 16, 12. 95.
ἀσύνθετον 32. 11, p. 356.
ἀπελεία 34. 3.
ἀτιμητοί: see ἀγώνες.
ἀὰ 19. 4.
ἀὑλείῳ θύρα 12. 16.
ἀὑτικα 19. 46.
ἀὑτός: for οὗτος analeptic 16. 11; for (Eng.) relative 25. 11; intensive (alone) in oblique cases 12. 29 Crit. N.
**GREEK INDEX**

| ἀδαιρέω | 24. 13. |
| ἀδανθή οὕσια | 32. 4. |
| ἀφορμή | 24. 24. |

**βεβηλικός: with adverb** 24. 1 Crit. N.

**βοηθεῖν αὐτοῖς τὰ δίκαια** 32. 3.

**βουλεύειν** 16. 8.

**βούλομαι** 19. 54.

γάρ 19. 12.

γέ 19. 13, 19. 15.

**γναφεύς** 32. 20.

**γνώμη: without article** 12. 27.

**γραφαί παρανόμων** pp. 334, 343.

**γραφή** 16. 12.


δι: displaced 16. 7; neutral 12. 68.

δεῖν 16. 13 Crit. N.

δεινὸς λέγων 12. 86, 19. 1.

**δεινὸς χαρακτήρ** p. 345.

**δεινότητα** p. 345.

δέξαιτ' ἂν 25. 24.

**δέομαι** 16. 3.

δέος 12. 66.

δή 25. 9.

δήλος 12. 50, 12. 90.

δημόσιον, τὸ 12. 19.

δήλων 12. 27.

διά: with gen. or accus. 12. 87, 24. 23;

διὰ βραχύτατων 16. 9, 24. 4; δι' ἔλαχιστων 12. 3; διὰ τοῦτο, ἵνα 32. 22.

διαβολή 19. 5.

διαιτάω 32. 2 and Crit. N.

**διαιτητάλ** p. 341.

**διανοομαι** 32. 23.

**διαφέροντα, τά** 32. 1.

διάγνωσε p. 139.

δικαίζομαι 12. 4.

| δήκη 16. 12, 32. 2. |
| διάκειν 32. 2. |
| διάκων, ὁ 12. 2. |
| δοκιμασία 32. 9, pp. 133 f., 253, 334. |

διψαλόμην ἂν 12. 22.

δεκτήσις γῆς καὶ οἰκίας 34. 3, p. 10.

δέλω 19. 54, 32. 13 Crit. N.

δια: verbal ending 32. 17 Crit. N.

διὰ δὲ μὴ 12. 15.

διὰ καὶ 16. 2.

διὰ μὴ διά 12. 60.

δοκᾶς 16. 5, p. 14; δικᾶς ἂν 12. 27.

διὰμ: omission of 24. 10.

διερχόμουν 12. 27.

**διομένη, λέξις** p. 345 ff.

δια: of destination 19. 21; of action ‘against’ 32. 19 Crit. N.; of purpose 12. 14; = as regards 19. 60;

διὰ καὶ πᾶν 16. 5.

δισαγγελλα 12. 48, 16. 12, p. 214.

δισαγωγὲς p. 340.

**δισεισίν** 32. 1.

δισφορὰ 12. 20.


δὲ 16. 18, 19. 9.

δὲ Πειραῖῶς 25. 33 Crit. N.

διεισδύειν 12. 77, 32. 5; 16. 6.

δικαίωθω 12. 57, 32. 10, 34. 5.

δικφέρων 12. 18.

διατηρεῖν διχοτότες 32. 1.

διλεγον, διὰ λέγωι 16. 1, 32. 12.

διπλά 12. 70.

διέμπορον ἐπιμεληταί p. 216.

διεκτεύειν 12. 27.

ἐν 24. 5; at a meeting of 12. 6; in the case of 12. 27.

ἐνδεικά, ὁ 22. 2.
GREEK INDEX

ἐνδον 19. 22, 19. 47.
ἐνεκα 19. 17, 32. 10 Crit. N.
ἐξ ἄττεως 25. 33 Crit. N.
ἐξεῖν: non-use of ἐν 12. 31.
ἐξοικισμός 32. 14 Crit. N.
ἐξουκίζετο 32. 14 Crit. N.
ἐπαναστροφή p. 354.
ἐπαναφορά p. 354.
ἐπεὶ: temporal 12. 11 Crit. N.
ἐπειδή: tenses with 12. 53, 12. 66, 32. 25.
ἐπὶ: of action 'against' 32. 19 Crit. N.; of purpose 12. 24, 19. 21; in the power of 12. 26; in the time of 12. 17; on the ground of 24. 1, 32. 17.
ἐπιγαμία 34. 3.
ἐπιμονή p. 355.
ἐπιτρέψας διαταγή 32. 2 and Crit. N.
ἐπιβαλλα p. 336.
ἐρήμος δίκη 32. 2.
ἐταιρεύει 12. 43.
ἐτέρων πραγμάτων 25. 12.
ἐτί 16. 8, 16. 12; ἐτί τοίνυν 25. 15.
ἐτελεστό 19. 48.
ἐόφθησι 12. 87, 16. 6.
ἐόθυνας 25. 30, pp. 44, 334.
ἐφώροι 12. 43.
ἐχρῆν 32. 1; ἐχρῆν ἐν 12. 48 Crit. N.
ἐως: with secondary indic. 22. 12.

ἡγοῦμαι 25. 2.
ἡδη: with aorist 12. 78 Crit. N.; with τότε 12. 66.
ἡδη 12. 15 Crit. N.
ἡδοποιία. See English Index.
ἡκληροδοτείτε 12. 73 Crit. N.
ἡμετέρας 32. 11 Crit. N.
ἡμετέρον 12. 84.
ἡττον: with negative 32. 18 Crit. N.

ἱππαρχος 16. 6.
ἱππέας p. 130.
ἱσόκολον p. 352.
ἱσοτελεία pp. 9, 44.
ἱσχύως χαράκτηρ p. 344.
καιρός, εὶς 16. 5.
κατά: of action 'against' 32. 19 Crit. N.; in compounds 19. 10.
καταβάλειν 32. 13 Crit. N.
καταγαγων 34. 5.
καταγγέλλω 24. 20.
καταληγία 32. 5.
κατάλογον (τὸν μετὰ Δωσάνδρου) 25. 16.
κατασταθείς 24. 9.
κατάστασις 16. 6, p. 132.
καταληλθεῖν 16. 4, 25. 20, 34. 2.
κατηγοροῦμεν: construction with 25. 5.
κατηγοροίμα, ὁ κατηγορών 12. 2.
κατείλαι 25. 22.
κηδεσθείς 19. 48, 32. 1.
κλάοντες 32. 10 Crit. N.
κλεισθεν 12. 18 Crit. N.
κληθέρες p. 336.
κομψ ᾗ 16. 18.
κόρμος 12. 20, 16. 21, 19. 16.
kourelós 32. 20.
kórhoi 16. 11.
kukikynoi 12. 11, p. 358.
kuklos p. 355.
kálon p. 347.

λείπειν: construction 19. 43.
λέιν p. 344.
Δειγματά p. 44.
λόγοι ποιείσθαι 12. 2, 32. 12.
loupetó, toû 12. 85.

μέν: displacement of 12. 15; repeated 24. 8, 32. 22; μέν ... δέ 12. 69, 19. 23; without δέ 12. 8; in καλ μέν δέ 12. 30; μέν οὖν 12. 3.
μέσος χαράκτηρ p. 344.
μετριώσ βιβλικός 16. 3.
μη: generic 25. 1, 25. 5, 25. 32; with participle 12. 68; with verbs of promising, etc. 19. 23.
μη οὕτως διόκειν 32. 2.
μηδε πρὸς ἕνα 16. 10. ἄ
μηδίν ἡγαν 16. 3.
μηνυτῆν 12. 32.
μὲν ψήφῳ 12. 52.
μόνος: with superlative 24. 9.
ναυμαχία 12. 43.
νομίζω 12. 9.

δ ... δεινότατον 19. 33.
δ ... τεκμηρίων 24. 11.
δειν 12. 43.
oi en Παιαμί 19. 19.
oi eξ δόστως 12. 35.

οἴκος 12. 93.
οἴματi: with fut. and aer. 12. 19
Crit. N.
οἶς 12. 39.
όμοςοτελέστων p. 354.
όμοπάτρος 19. 22.
ὅτως φανήσται 12. 50.
ὄργιζεται: construction with 12. 80.
ὁσπερ 32. 27.
ὀσία in characterizing clauses 12. 40;
in ind. questions 12. 37, 12. 61.
ὅτε: with imperfect. 32. 25; ὅτε πρῶτον 12. 19 Crit. N.
οἰ: with infin. 12. 60; with ὅσπερ 12. 64; οὐ πρῶτον ... ἵως 12. 71, 25. 26.
oῦν 19. 7.

οὐντα σφανρά, ἀφανής 32. 4.
οὔτος: analeptic 16. 11; of opponent 12. 81, 32. 1.
οὔτως: clauses 12. 1 Crit. N.
οὔτωs ἐν δείνo 19. 8 Crit. N.
οὐχ ὅπως 19. 31.
ὁψε 32. 20.

παίγνιον p. 234.
παιδαγωγός 32. 16, 32. 28.
πάντα κακά 12. 57.
πάν ἐν 19. 15.
παρά: with dat. and acc. of personal words 12. 33, 19. 22; 16. 4.
παρά τῆν δόξαν 19. 45.
παρήγγελλον 12. 44.
παρίσωσις p. 352.
παρανομίσις p. 353.
παρανομασία p. 356.
πάση τέχνη καὶ μηχανὴ 19. 11, 19. 53.
πάσχω 12. 2.
παύσασθαι 22. 20 Crit. N.
πείθεν: with pres. or aor. infin. 12. 58
Crit. N.
Πιεραίας 34. 2.
περί: of action ‘against’ 32. 19
Crit. N.
περίοδος pp. 345 ff.; defined p. 347.
πιστεύω: with dat. and infin. 19. 54.
πίστιν ἐλάμβανον 12. 27; δεδοκιναί
25. 17.
πλέων 19. 31, 19. 46, 32. 20 Crit. N.
πλέων εἶναι 16. 3, 19. 4.
πλήθος 12. 42, 12. 67, 24. 25, 25. 7,
34. 6.
πολιτεία: administration 12. 66;
form of government 34. 1; citizen-
ship 34. 3.
πολλάκις: with aorist 16. 20.
πολλοῦ δεῖ 24. 1.
πολλῷ, πολὺ: with comparative 12.
89 Crit. N.
πολυσύνθετον p. 356.
ποτέ 12. 29.
πράγματα 12. 65, 16. 3, 32. 2, 32.
23.
πράγματα 12. 65, 16. 3, 32. 2, 32.
23.
πράσανος 24. 15.
πράτιν: after a negative 19. 28, 19. 55,
22. 4; = without 12. 17, 19. 7,
19. 51.
πρό τοῦ 12. 2.
πρόσβουλοι 12. 65.
πρόδειγμα p. 137.
πρός 32. 19 Crit. N.; = on the part of
16. 10; of purpose 12. 14, 19. 22,
19. 61; with personal words 16. 4;
in court language 19. 1; with κινδυ-
νώς 19. 20; πρός δεῖν 19. 34.
προσήκειν 24. 15, 25. 7.
προσήκοντες 19. 48.
προστάτης p. 9.
πρωτάνεις 22. 2.
πρώτον, δέ 12. 19 Crit. N.
πυματικὸν σχῆμα p. 356.
ῥήτωρ 12. 72.
σανίδιον 16. 6.
σιμνὸς 16. 15.
σισαμένους 16. 16 Crit. N.
σιτοπόλαι p. 213.
σιτοφύλαικας p. 217.
σιτῶναι p. 217.
Σιτειρίδος 16. 15 Crit. N.
συγκείμενα 12. 48.
σύμμεκτα 19. 27 Crit. N.
συμπλοκή p. 355.
συμπράξθεις 22. 5.
σύνδεικα 16. 7, 19. 32.
συνανυμία p. 355.
σχῆμα της διανοίας pp. 356 f.
σχῆματα λέξεως pp. 352–356.
σωφροσύνη 16. 3.
ταξιαρχὸς 16. 16.
τάξις 16 16.
τέ: as simple connective 32. 1; un-
usual position 12. 30, 12. 66.
τελευτῶν 25. 27, 28. 28.
τέχνη 22. 16.
τί ἄν εἶ 12. 34.
τίμημα 19. 48, p. 314.
τιμητός. See ἀγώνες.
τοιν 16. 7.
τοιοοτος: clauses 12. 1 Crit. N.
τὸν καὶ τὸν 19. 59.
τοῦντιν 12. 64.
τρίτον ἔτος τουτέ 24. 6.
τυγχάνει 12. 27; without ἄν 24. 5.
τύχη 24. 10.
<table>
<thead>
<tr>
<th>Term</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ὑός</td>
<td>12. 34, 19. 12, 19. 46 Crit. N.</td>
</tr>
<tr>
<td>ὑμετέρος = objec. gen. 22. 13.</td>
<td></td>
</tr>
<tr>
<td>ὑπάρχειν 12. 23.</td>
<td></td>
</tr>
<tr>
<td>ὑπήρ: of ground of action or feeling 25. 5; with words of punishment 25. 28; with ὁργεῖσθαι 12. 80; = περι 24. 4.</td>
<td></td>
</tr>
<tr>
<td>ὑπό: with verbs active in form 12. 43; with non-personal object 12. 3, 24. 6.</td>
<td></td>
</tr>
<tr>
<td>ὑπόφορά p. 357.</td>
<td></td>
</tr>
<tr>
<td>ὑποψία: prepositions with 32. 19 Crit. N.</td>
<td></td>
</tr>
<tr>
<td>φαίνεσθαι: with partic. or infin. 22. 7.</td>
<td></td>
</tr>
<tr>
<td>φανερά οὐσία 32. 4, 32. 23.</td>
<td></td>
</tr>
<tr>
<td>φάσκω 32. 25 Crit. N.; φάσκων 12. 5.</td>
<td></td>
</tr>
<tr>
<td>φέρε 12. 62.</td>
<td></td>
</tr>
<tr>
<td>φεύγειν δίκας 32. 2.</td>
<td></td>
</tr>
<tr>
<td>φεύγων, ὁ 12. 2.</td>
<td></td>
</tr>
<tr>
<td>φημὶ = κελεύω 16. 13 Crit. N.</td>
<td></td>
</tr>
<tr>
<td>φθείγασθαι 32. 18.</td>
<td></td>
</tr>
<tr>
<td>φλος 12. 38.</td>
<td></td>
</tr>
<tr>
<td>φοιτάν 32. 15.</td>
<td></td>
</tr>
<tr>
<td>φορμάν 22. 5.</td>
<td></td>
</tr>
<tr>
<td>φυγή 25. 21.</td>
<td></td>
</tr>
<tr>
<td>φύλαρχοι 12. 44, 16. 6.</td>
<td></td>
</tr>
<tr>
<td>χαρακτήρας p. 344.</td>
<td></td>
</tr>
<tr>
<td>χίρους 16. 3.</td>
<td></td>
</tr>
<tr>
<td>χρῆ, χρῆν, ἔχρῆν 12. 48.</td>
<td></td>
</tr>
<tr>
<td>ψήφοι p. 339.</td>
<td></td>
</tr>
<tr>
<td>ο ἄνδρες Ἀθηναῖοι 34. 1 Crit. N.</td>
<td></td>
</tr>
<tr>
<td>ὡς: subjective, 16. 8, 22. 5; with partic. in ind. disc. 12. 73; ὡς ἐπὶ τὸ τολύ 19. 6.</td>
<td></td>
</tr>
<tr>
<td>ὡς: preposition 16. 4.</td>
<td></td>
</tr>
<tr>
<td>ὡςπερ ἄν 12. 20.</td>
<td></td>
</tr>
<tr>
<td>ὡςτι: with infin. 25. 26; with infin. in purpose clause 19. 16; with ἂν and infin. 12. 1.</td>
<td></td>
</tr>
<tr>
<td>ψχεντο ἀπιόντες 12. 75.</td>
<td></td>
</tr>
</tbody>
</table>
ENGLISH INDEX

[The references are to the commentary (by speeches and paragraphs), unless otherwise designated.]

<table>
<thead>
<tr>
<th>Accounting by magistrates</th>
<th>p. 44.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Active form, passive force 12. 57.</td>
<td></td>
</tr>
<tr>
<td>Adriatic, the 32. 25.</td>
<td></td>
</tr>
<tr>
<td>Aegospotami 12. 36, 12. 39, 12. 43, 19. 16.</td>
<td></td>
</tr>
<tr>
<td>Aeschylides 12. 48.</td>
<td></td>
</tr>
<tr>
<td>Agoratus, Lysias against p. 40 f.</td>
<td></td>
</tr>
<tr>
<td>Alcibiades 19. 48, 19. 52.</td>
<td></td>
</tr>
<tr>
<td>Antalcidas, Peace of 163.</td>
<td></td>
</tr>
<tr>
<td>Antiphon 12. 65, 12. 67, p. 18.</td>
<td></td>
</tr>
<tr>
<td>Anytus 22. 8, 25. 28.</td>
<td></td>
</tr>
<tr>
<td>Aorist, complexive 12. 21, 19. 29; empirical 16. 20; ingressive 16. 3; upshot 12. 7, 12. 25, 19. 20; indic. in unreal conclusions of time immediately future 12. 34 Crit. N.; of verbs having present force in perf. 12. 3, 12. 41; with definite numbers 12. 4, 24. 9.</td>
<td></td>
</tr>
<tr>
<td>Apposition, partitive 16. 14; of pronoun and particip. phrase 19. 35.</td>
<td></td>
</tr>
<tr>
<td>Arbitrators, public 25. 16, p. 341.</td>
<td></td>
</tr>
<tr>
<td>Archeneos 12. 16.</td>
<td></td>
</tr>
<tr>
<td>Archeptolemus 12. 67.</td>
<td></td>
</tr>
<tr>
<td>Archinus 25. 28, p. 317.</td>
<td></td>
</tr>
<tr>
<td>Archons, eligibility of 24. 13.</td>
<td></td>
</tr>
<tr>
<td>Areopagus 12. 69, p. 334.</td>
<td></td>
</tr>
<tr>
<td>Arginusae 12. 36.</td>
<td></td>
</tr>
<tr>
<td>Argos, relation to Sparta 34. 7.</td>
<td></td>
</tr>
<tr>
<td>Aristocrates 12. 66.</td>
<td></td>
</tr>
<tr>
<td>Article, as demons. 12. 2; omitted 12. 27, 12. 31, 12. 69, 24. 6, 32. 21, 16. 13 Crit. N.; used with adj. only 12. 82, 22. 16; with ἄνθρωπος 12. 16, 25. 18; with ἱπποκάρδης 24. 5; with numerals 22. 8, 32. 21.</td>
<td></td>
</tr>
<tr>
<td>Assimilation: of neut. pron. to pred. appos. 12. 37; of modifier of subj. of infin. 12. 1, 22. 8, 32. 5; of relative, see Relative.</td>
<td></td>
</tr>
<tr>
<td>Augment, double 32. 11.</td>
<td></td>
</tr>
<tr>
<td>Batrachus 12. 48.</td>
<td></td>
</tr>
<tr>
<td>Benevolent orders p. 232.</td>
<td></td>
</tr>
<tr>
<td>Bottomry, loans on 32. 6.</td>
<td></td>
</tr>
<tr>
<td>Brachyllus p. 11.</td>
<td></td>
</tr>
<tr>
<td>Callias 19. 48.</td>
<td></td>
</tr>
<tr>
<td>Callibius 12. 94.</td>
<td></td>
</tr>
<tr>
<td>Cavalry p. 130 ff.; p. 132.</td>
<td></td>
</tr>
<tr>
<td>Cephalus 12. 4, p. 9 ff.</td>
<td></td>
</tr>
<tr>
<td>Chabrias p. 161.</td>
<td></td>
</tr>
<tr>
<td>Chiastic order 16. 18.</td>
<td></td>
</tr>
</tbody>
</table>
ENGLISH INDEX

Choregia. See Liturgies.
Citizenship. See Franchise.
Cleophon 12. 68, 19. 48, p. 36.
Clepsydra p. 339.
Clisthenes, 25. 25 Crit. N.
Clubs, oligarchical 12. 43.
Coinage, Attic p. 357 f.
Cola p. 347.
Collytus 32. 14.
Comparison, anticipated by τούτων
25. 23; between adjs. or advbs.
Conditions, fut. indic. in present
24. 13; minatory and monitory
12. 35; mixed forms 22. 17, 22. 18,
22. 21, 24. 6.
Constitutional revision in 403 B.C.
p. 313 ff.
Coordinate construc. for Eng. subord.
12. 47, 34. 5, 34. 11.
Corax p. 13.
Corinthian War 16. 13, 16. 15.
Corruption of politicians 25. 19.
Courts, Athenian, pp. 334-343.
Critias p. 38 f.
Cyzicene stater 12. 11, p. 358.

Doric p. 358.
Dative of interest 12. 20, 12. 24.
Deliberative subjunctive. See Sub-

junctive.
Demagogues p. 34.
Demetrius p. 346.
Demophanes 25. 25 Crit. N.
Demosthenes, style of p. 345.
Demus 19. 25.
Deponents, passive 32. 2.
Diodotus p. 283 ff.
Dionysius of Halicarnassus p. 285 f.;
on Speech XVI p. 287 ff.; Mss.
of p. 383.
Dionysius of Syracuse 19. 20, p. 23.
Diotimus 19. 50, p. 162.
Dowry 12. 21, 16. 10, 19. 32.
Dracontides 12. 73.
Elective offices 16. 8, 19. 57.
Eleusinians, seizure of 12. 52.
Eleusis, aristocrats in 25. 9; siege of
p. 254 f.
Emphasis of position 24. 2, 24. 14,
24. 19, 25. 8, 25. 26, 32. 17, 32. 18.
Ephetae p. 334.
Epichares 12. 55.
Epictates, Speech against p. 165.
Epigones 25. 25 Crit. N.
Erechtheum 25. 25.
Ergocles, Speech against p. 165.
Euboëans, privileges at Athens 34. 3.
Eunomus 19. 19.
Euphemism 12. 48.
Euthydemus p. 11.
Evagoras 19. 20, p. 160 f.
Evanter, Speech against p. 41 f.
Exiles, return of 12. 43, 25. 27.

Final clauses, moods in 16. 6.
Fortunes in Athens 32. 23.
Four Hundred, the 12. 65, p. 32 ff.
Franchise: age of enrollment 16. 20;
procedure at enrollment 32. 9;
qualifications for enrollment p. 315;
restriction of franchise p. 313 ff.;
extension p. 316 f.
Fullers 32. 20.
Funerals 12. 18.
Future indic.: after verbs of fearing
12. 3 Crit. N.; in protasis 12. 11;
in rel. clauses of purpose 16. 16, 24. 6; jussive 12. 11; of present intention or prospect 24. 13, 34. 2. Future middle as passive 12. 70. Future periphrastic 24. 15.

Genitive: absolute, correl. with other participles 12. 69, 19. 23; absolute, substv. omitted 12. 45; objective 19. 20; partitive 19. 26; pred. 12. 41, 16. 15, 24. 12; pred. partitive 24. 13, 32. 5; pred. possess. 32. 25; of separation 19. 45.

Gorgian figures p. 28. Gorgias p. 17 f.


Imprisonment pp. 336, 340. Indicative, potential 19. 13. Indirect discourse: change of tense 12. 73; dependent secondary tenses in 12. 76; mood unchanged 12. 48; subord. verb changed to infin. 19. 26; ὡς clause 19. 25. Infinitive: dative 12. 58, 22. 2; future, with words of hoping, etc. 12. 10; in subord. clause in ind disc. 19. 26; present (in form) for imperf. indic. of direct disc. 12. 26, 16. 6, 25. 11; with ἦπ, see ἦπ.


Military service, lists for 32. 5.
Miltiades 12. 72.
Minatory and monitory conditions 12. 35.
Monuments 32. 21.

Narrative style, Dionysius on p. 288; three types of p. 139.
Naval officers, enrichment of p. 163.
Navy, cost of p. 163.
Negative, double 16. 10; redundant 22. 6.
Nemea, battle of 16. 15.
Niceratus 19. 47.
Nicias 19. 47.
Nicomachus, Speech against p. 40.
Nicophemus p. 160 ff.

Oaths 32. 13, 19. 34.
Object clauses (ὅπως) after secondary tenses 12. 44; condensed colloquial form 12. 50.
Oligarchs. See Revolutions.
Olympic Speech of Lysias p. 23.
Optative: in ind. disc. for deliberative subv. 32. 20; extension of the same construction 24. 1; ind. disc. after histor. pres. 12. 12; in prot. of past general condition 25. 21.
Orphans, property leased for 32. 23.
Orthobulus 16. 13, p. 130.

Panticapeum 16. 4.
Parallelism of cola p. 348.
Parody p. 236 ff.
Pensions p. 231.
Period defined p. 347.
Periodic style pp. 345–352; Lysias’s use of p. 26 ff.
Phaedrus 19. 15.
Philochares 12. 72.
Philomelus 19. 15.
Philon, Speech against p. 41.
Phormisius p. 315.
Phrynichus 25. 9.
Phyle 12. 52; the heroes of p. 317.
Pisander 25. 9.
Plato, picture of Lysias’s home p. 10; Phaedrus p. 19.
Pontus 16. 4.
Poor-relief p. 231 f.
Portraiture, literary pp. 29, 174, 291.
Predicate adj., neuter 19. 5.
Predicate, assimilation in 12. 1, 12. 31.
Prepositions for hostile relation 32. 19
Crit. N.
Present: conative 12. 2; equal to Eng. perf. 12. 14; of a course of action 12. 2, 12. 32; of a series of acts 12. 48; of a state 32. 22.
Prices: Athenian 32. 21, pp. 358–360.
Proem, purpose of p. 287.
Prolepsis 16. 20.
Property, private 19. 29 ff.

Purpose: ὥστε with infin. 19. 16;

Questions, rhetorical p. 356.

Recapitulation 19. 55 Crit. N.
Reflexive for reciprocal pron. 22. 8;
third person for first 12. 33.

Relative: antecedent a clause 19. 33;
antecedent omitted 12. 35, 12. 80;
assimilation 12. 35, 12. 80, 25. 20,
32. 27; assimilation of verb in rel.
clause 12. 29; for indef. rel. in
ind. question 19. 12, 24. 15, 25. 7;
inverse attraction (assimilation) 19.
47; relative omitted or replaced by
personal or demons. 22. 13, 22. 21,
25. 11, 32. 27.

Revolutions of 411 and 404 B.C. p. 32 ff.
Rhetoric, beginnings of pp. 13 f.,
16 ff.

Rhetorical questions p. 356.
Running style pp. 345–347.

Satyrus 16. 4.
Senate, admission to p. 133; jurisdiction
in criminal matters p. 214.
Services of rich to poor 19. 59; public,
see Liturgies.
Shops, loitering in 24. 20.
Simplicity of Athenian life 32. 23,
32. 28.
Slaves: as personal attendants 32. 16,
32. 28; testimony of p. 337.
Stater, Cyzicene 12. 11, p. 358.
Styles of composition p. 344 ff.
Subject of verb omitted 19. 27.
Subjunctive as imperative of first per-
son 12. 62; deliberative 24. 1.

Substantive use of a phrase 19. 46.
Surrender to Sparta, terms of 12. 70,
12. 77, 34. 4.


Ten, The 12. 54, p. 331 Note.
Tenses, in narrative 32. 18.
Theodorus p. 22.

Theramenes 12. 65, 12. 67 f., 12. 70,
12. 77, pp. 36–38, 54 ff.

Thesmothetae, duties of 24. 13.
Thetes, political privileges of p. 313 ff.;
military service 16. 14, 34. 4.

Thirty, The p. 32 ff.; Aristotle on
12. 5, 12. 76.

Tholus 12. 6.

Thrasylus 16. 15, 25. 28, pp. 20 f.,
39, 165.

Thrasymachus pp. 16 f., 345 f.
Thucydides, style of p. 344.

Thurii, settlement of p. 11.

Time, constructions for 32. 20.

Timotheus 19. 34, 19. 40.

Tissias p. 13.

Tombs, Athenian 32. 21.

Trial, denial of p. 162.


Wages p. 358 ff.

Women, Athenian 32. 11.

Wonder, delight, etc., construction
with words of 22. 13.

Xenophon, the son of Euripides 19. 14.
Xenophon, the son of Gryllus 12. 52,
p. 132.

Youth, manners of Athenian 16. 11,
19. 55.