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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

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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 Ethopoiaia 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.
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7
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 Halicarnassaei 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, Bibliotheca 262, but it offers nothing that is not found in Pseudo-Plutarch.

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

Harpocrate refers to a speech of Lysias Ἡ περὶ τῶν ιδίων ἐνεργειῶν (s.vv. 
Κεῖοι, μεταπόργιον, Φηγαίεστι). 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.1 The family was pros-
perous and honored, but by the Athenian constit-
tution neither Cephalus nor his sons could become 
Athenian citizens except by special act of the Ecclesia. They 
probably did receive the rank of privilegedmetics (ἱσοτελεῖς) by 
which they were freed from the small, but humiliating, tax on for-
eigners, and from the requirement that they be enrolled as under 
the formal protection of an Athenian patron (προοτάτης). 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.
20). They also received the privilege — not always granted even to ἰσοτέλεις — 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 Lysias’s Education 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 ἰσοτέλης (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 ἐγκτησίς γῆς καὶ οἰκίας except as added to a grant of ἰσοτέλεια or προιένια.)

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-
Here, near the site of old Sybaris, a new city was rising, to which men prominent in every profession were flocking from 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

marchus, 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, ἱμεν οὖν οἶκαδε εἰς τοῦ Πολεμάρχου, καὶ Δυσίαν τε αὐτόθι κατελάβομεν καὶ Εὐθυδήμου, τοὺς τοῦ Πολεμάρχου ἀδελφούς. 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, ὅσι 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 oftener 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.\textsuperscript{1} 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,\textsuperscript{2} 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 \textit{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, \textit{Attische Beredsamkeit}, I,\textsuperscript{2} 339 ff.

\textsuperscript{1} Dionys. § 1; Ps.-Plut. 835 D.
\textsuperscript{2} Plato, \textit{Phaedrus} 257 B.
INTRODUCTION

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, τὸν ἱπτώ 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
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 Athenian 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 Piræus, the brothers conducted a shield manufactory operated by more than a hundred slaves (12. 19). Lysias, and perhaps Polemarchus, lived at the Piræus.⁵

On his return to the Piræus Lysias had found the Four Hundred 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 aristocracy. 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 manufactory, 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, Thrasyamachus of Chalcedon and Gorgias of Leontini.¹ Into the circle of their pupils Lysias now came.

Thrasyamachus 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 War² 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 Thrasyamachus 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 Thrasyamachus 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. Thrasymachus 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; Thrasymachus 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.
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 Thrasymachus and Gorgias, commenced about the beginning of the Peloponnesian War. He published a systematic treatise on rhetoric (Τέχνη), 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 Thrasymachus, 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 Thrasymachus 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 Drerup, pp. 293, 296, 350.
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 (λογογράφοι) 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 discourse 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 composition 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.
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 metics, who formed a large class of the men engaged in business and manufacture.

False charges against a group of these metics 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
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-clus. To this prosecution Lysias brought the perfected 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 Eratosthenes, 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.

\(^2\) μετεδίδον τῆς πολιτείας πάσι τοῖς ἐκ Πειραιῶν συγκατελθοῦσιν, ἵνα ἕνων φανερῶς ἧσαν δοῦλοι, Arist. Resp. Ath. 40. 2.

\(^3\) 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 γραφή παρανήμων 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 ¹ 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.²

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 hetaera 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; Ps.-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 ὑγιόσιατα τρία ἐτη βιώσεα, ἦ ὡς τινες ἔξε καὶ ἐβδομὴκοντα, ἦ ὡς τινες ὑπὲρ ὑγιόσιατα, a statement which shows only that the biographers had no reliable knowledge of the date.
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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*.

The ancient critics made the following classification of speeches:

\[
\begin{align*}
\text{δικανικοί, court speeches} & \quad \text{δημόσιοι in public cases.} \\
\text{ιδιωτικοί in private cases.} \\
\text{Αδύνατοι, deliberative speeches in political assemblies.} \\
\text{ἐπιδεικτικοί, exhibition speeches, including rhetorical exercises, eulogies, speeches for public festivals, etc.}
\end{align*}
\]

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

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1 See App. V.  
2 See XXXII, first crit. note.  
3 Blass (p. 375) classes this with ἐπιστολάι, 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.1

The third main division is represented in our extant speeches only by the proem of the Olympic Speech.2

THE STYLE OFLYSIAS

Lysias stands in the judgment of the Greek and Roman critics as the greatest representative of the Plain Style3 in prose composition.4 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.5

1 See XXXIV, Introd. 2 See p. 23.
3 For discussion of the three “Styles,” see App. § 37 ff.
4 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.
5 In 24. 14 we have a brief simile, heightened by personification. In 24. 3 ὶᾶσθαι 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 πολιορκούμεθα; 25. 25 καρπωσαμένους; 32. 22 πολεμῶσι.

We find personification in 12. 14 πρόθυμον δύναμιν; 12. 23 παρανομία; 12. 36 ἀρετῆς; 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 obtrusive. 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 (συντιθησι γε αὐτὴν ἄφηλῶς πάνυ καὶ ἄπλως, ὁρῶν δτι οὐκ ἐν τῇ περιόδῳ καὶ τοῖς ρυθμοῖς, ἀλλ’ ἐν τῇ διαλελυμένῃ λέξει γίνεται τὸ ἡθος, Lysias § 8), and yet that he is a master of “compact and rounded expression” (ἡ συστρέφουσα 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.
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 (ἠθος) 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-

\(^{1}\) 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.

\(^{3}\) See Bruns’s enlightening discussion of the meaning and method of *Ethopoia*, *Literarisches Porträt*, p. 440 ff. The best treatment of the subject in English is the dissertation by Devries, *Ethopoia*, Baltimore, 1892.
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 ἀκρο-μασία, 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 πρέπειον. 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.
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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, χάρας. 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

1 The early Greek Rhetoric was divided into three departments: ἐισαγωγή, invention; λέξις, expression; and ῥάξ, 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.

\(^1\) 30. 33. \(^2\) 29. 1. \(^3\) 28. 9. \(^4\) 27. 5. \(^5\) Cp. Bruns, pp. 470, 552–6.
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 attitude of the masses toward the Peloponnesian War

Athens had been plunged into a terrible war to gratify the democratic personal ambition, as many believed, of the great 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
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
that the control should fall still more into the hands of the "practical 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 movement threw the aristocratic leaders into grave danger, for there was every reason to fear a successful democratic reaction. 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 Cleophon 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 impover-
ished city was lost at Aegospotami—betrayed by the treachery or the incompetence of its generals. And still the radical demo-
cratic 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 pro-
gramme to leave the Athenian Demos, with its unyield-
ing 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
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 Thrasybulus 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-
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 δοκιμασία 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 Mantitheus, a young knight who was accused of having served in the cavalry of the Thirty (Speech XVI, For Mantitheus, 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 metics. 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 Συγγραφέως, commissioners for revision of the constitution.
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 (Δογμοσταί), 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

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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 ἰσοτέλης Lysias had full privileges before the Athenian courts. Other metic 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 commonly 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 resentments 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 (συνοκοφάντης), 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 aspect 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.

   A. Arguments based on the immediate charge, §§ 26–37.
   i. 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 Πυτρεις.
The time has come to bring Eratosthenes and his fellow-rulers to justice, §§ 79–80.
VI. Ἐπίλογος, 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 ἐκ ἀστεως, §§ 92–94.
   2. To the men ἐκ Πειραιῶς, §§ 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 difficilior est exitum quam principium invenire. Ita mihi non tam copia quam modus in dicendo quaeendum 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:

\[ \text{σὺν ἀρξασθαί μοι δοκεῖ ἀπορον εἶναι ὃ ἄνδρες} \]
\[ \text{[δικασταὶ τῆς κατηγορίας]} \]
\[ \text{ἀλλὰ παύσασθαι λέγοντι} \]
\[ \text{τοιῶτα αὐτοῖς τὸ μέγεθος} \]
\[ \text{καὶ τοσαῦτα τὸ πλῆθος εἴργασται} \]
\[ \text{ὅπετε μήτ’ ἀν ψευδόμενον} \]
\[ \text{δεινότερα τῶν ὑπαρχόντων κατηγορῆσαι} \]
\[ \text{μήτε τάληθη βουλόμενον εἰπεῖν} \]
\[ \text{ἀπαντα δύνασθαι} \]
\[ \text{ἀλλ’ ἀνάγκη} \]
\[ \text{ἡ τὸν κατηγοροὺν ἀπειπεῖν} \]
\[ \text{ἡ τὸν χρόνον ἐπιλυπεῖν.} \]

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):

\[
\begin{align*}
- & \text{ἀρξασθαί} & \text{τοιῶτα τὸ μέγεθος} & - & \text{ἀπειπεῖν} \\
- & \text{παύσασθαι} & \text{τοσαῦτα τὸ πλῆθος} & - & \text{ἐπιλυπεῖν}
\end{align*}
\]

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 symme-
trical, and the length of the cola — in strong contrast with those of

\(^1\) For the terms “colon” and “period,” see App. § 44.

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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. \[
\begin{align*}
\tau\mu\mu\rho\epsilon\iota\sigma\theta\alpha\iota\iota \ & \mu\varepsilon\nu \ \delta\omega\kappa\epsilon\iota
\tau\iota \ & \delta \ ' \ \dot{\varepsilon} \ \rho\gamma\omicron\nu \ \chi\epsilon\mu\mu\alpha\tau\iota\zeta\varepsilon\sigma\theta\alpha\iota
\end{align*}
\]

(Note the chiastic order.)

§ 6. \[
\begin{align*}
\tau\iota \ & \nu \ \mu\varepsilon\nu \ \pi\omicron\omicron\omicron\nu \ \pi\epsilon\varepsilon\sigma\theta\alpha\iota
\tau\iota \ & \delta \ ' \ \dot{\alpha}\rho\chi\omicron\nu \ \delta\epsilon\omega\sigma\theta\alpha\iota \ \chi\rho\eta\mu\mu\alpha\tau\iota\nu
\end{align*}
\]

§ 7. \[
\begin{align*}
\dot{\alpha}\pi\kappa\tau\iota\nu\nu\iota\nu\iota \ & \mu\varepsilon\nu \ \ldots \ \pi\epsilon\iota \ \omega\delta\epsilon\omicron\nu\iota\sigma\omicron\nu \ \dot{\iota} \ \gamma\gamma\omicron\nu\nu\iota\nu
\lambda\alpha\mu\beta\acute{\alpha}\acute{\iota} \ & \ \delta \ \ldots \ \pi\epsilon\iota \ \pi\omicron\lambda\lambda\omicron\nu \ \dot{\epsilon} \ \pi\omicron\iota\omicron\omicron\omicron\nu\iota\nu
\end{align*}
\]

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

§ 7. \[
\begin{align*}
\dot{\omicron} \ \omega \ \sigma \ \chi\rho\eta\mu\mu\alpha\tau\iota \ & \ \dot{\epsilon} \ \nu\epsilon\kappa\alpha \ \tau\alpha\omicron\tau\alpha \ \pi\epsilon\omicron\rho\alpha\kappa\tau\alpha\iota
\ \dot{\alpha} \ \lambda\alpha\lambda \ \sigma\mu\mu\phi\acute{\epsilon}\rho\omicron\nu\nu \ \tau\iota \ \pi\omicron\lambda\tau\iota\epsilon\iota \ \gamma\gamma\acute{\epsilon} \ \gamma\eta\gamma\eta\eta\iota\iota
\end{align*}
\]

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 (Πώστες) 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 Παρέκβασις, 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 coördinate 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 Ερώτησις.

V. Πίστευς, Argumentatio, §§ 26–80.

Α. 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:

εἴτ' ὤ σχετλιώτατε πάντων
ἀντέλεγες μὲν ἵνα σώσεως
συνελάμβανες δὲ ἵνα ἀποκτείνειας;

καὶ ὅτε μὲν τὸ πλῆθος ἦν ὡμῶν κύριον . . . τῆς ἡμετέρας
ἀντιλέγειν φής τοὺς βουλομένους ἡμᾶς ἀπολέσω
XII. AGAINST ERATOSTHENES

ἔπειδὴ δὲ ἐπὶ σοὶ μόνῳ ἐγένετο καὶ σῶσαι . . . καὶ μὴ
eἰς τὸ δεσμωτήριον ἀπήγαγες;

ἐκθ' ὡς μὲν, ὡς φήσι, ἀντειπὼν οὔδεν ἀφέλησις
ἀξιῶς χρηστὸς νομίζεσθαι

ὅτι δὲ συλλαβῶν ἀπέκτεινας
οὐκ οἷει δεῖν ἐμοὶ καὶ τουτοις 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. {οὐχ ὡς ἀνωμένων
     ἀλλ' ὡς ἡδεμένων

§ 33. {ἀ ἵσασι γεγενημένα
     τῶν τότε λεγομένων

§ 33. {πάντα τὰ κακὰ εἰργασμένους τὴν πόλιν
     πάντα τὰ γαθὰ 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.
One period in the opening (§§ 39–40) is noteworthy for its even balance of cola:

ἐπεὶ κελεύετε αὐτῶν ἀποδείξει
dοποῦ τοσοῦτος τῶν πολεμίων ἀπέκτειναν
dόσους τῶν πολιτῶν

ἡ ναῖς ὅπου τοσαῦτα ἔλαβον
ὅσας αὐτοὶ παρέδωσαν

ἡ πόλιν ἡμών τοιαύτην προσεκτήσαντο
οίᾳ τῇ υμετέρᾳ κατέδουλώσαντο.\(^1\)

ἀλλὰ γὰρ ὅπλα τῶν πολεμίων τοσαῦτα ἐσκύλευσαν
ὅσα περ ὑμῶν ἀφεῖλοντο

ἀλλὰ τείχη τοιαύτα ἔλεν
οίᾳ 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 ὁμοιότελευτον, see App. § 57. 4.
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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

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1 Xen. *Hell.* 2. 3. 46.  
2 Thuc. 8. 97. 1 f.  
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.
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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 καὶ in the long series (see App. § 58. 4), marks the change of style:

καὶ τοσοῦτων καὶ ἐτέρων κακῶν καὶ αἰσχρῶν
καὶ πάλαι καὶ νεωστὶ
καὶ μικρῶν καὶ μεγάλων
αἰτίων γεγενημένων
τολμήσουσιν αὐτῶς φίλους ὄντας ἀποφαίνειν
οἷς ὑπὲρ ὑμῶν ἀποθανόντος Θηραμένους
ἄλλῳ ὑπὲρ τῆς αὐτοῦ πονηρίας

καὶ δικαίως μὲν ἐν ἀληθερχαῖ δίκην δόντος
ἡδη γὰρ αὐτήν κατέλυσε
δικαίως δέ ἄν ἐν δημοκρατίᾳ
διὸ γὰρ ὑμᾶς κατεδουλώσατο

τῶν μὲν παρόντων καταφρονῶν
τῶν δὲ ἀπόντων ἐπιθυμῶν

καὶ τῷ καλλίστῳ ὑμῶν ξύρματι χρώμενος
δεινοτάτων ἔργων διδάσκαλος καταστάς.

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. 'Επίλογος, 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, — Παύσαμεν κατηγορών. ἀκηκόατε, ἐωράκατε, πεπόνθατε, — ἔχετε· 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).
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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), 1896.
GS. = Gildersleeve's *Syntax of Classical Greek* (first part), 1900.
HA. = Hadley's *Greek Grammar* (revised by Allen), 1884.
ΧΙΙ

ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΣ
ΤΟΤ ΓΕΝΟΜΕΝΟΤ ΤΩΝ ΤΡΙΑΚΟΝΤΑ, ΟΝ
ΑΤΤΟΣ ΕΙΠΕ ΛΤΣΙΑΣ

1 Οὐκ ἂρξασθαί μοι δοκεῖ ἁπορον εἶναι, ὡς ἄνδρες
dικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι·
τοιαύτα αὐτοῖς τὸ μέγεθος καὶ τοσαῦτα τὸ πλῆθος εἰρ-
γασται· ὡστε μὴ ἂν ψευδόμενον δεινότερα τῶν ὑπαρ-

1. λέγοντι: as the inf. παύ-
σασθαί takes its subject from μοι, the partic. λέγοντι is assimilated
in case to μοι. HA. 941; G. 928.
1; B. 631; Gl. 543 a (1). Crp.
ἐλεγεν ὡς . . . συμβουλεύσετειν
αὐτοῖς παύσασθαι φλονικοῦντι he
said that he advised them to stop
contending; 22. 8.—αὐτοῖς: plural,
because the denunciation of Eara-
tostenes will involve an attack
on all of the Thirty and their tools;
αὐτοῖς rather than τοῦτοι because
most of those included in the word
are absent. —τοιαύτα . . . εἰργα-
σται: 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.
—ἀν: the force of ἂν extends to
both κατηγορήσαται and δύνασθαι:

[μὴτε ψευδόμενον . . . κατ-
ηγορήσαι
ὡστε ἂν
μὴτε 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 α; G. 1308; B.
595; Gl. 579. The two clauses may
be so combined as to make both
catēgorhēsai and eitein depend on
dynasthai, 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
5 хοντων κατηγορήσαι, μήτε τάληθη βουλόμενον εἰπέων ἀπαντά δύνασθαι, ἀλλ’ ἀνάγκη ἢ τὸν κατηγορον ἀπει-2 πεῖν ἢ τὸν χρόνον ἐπιλυσέω. τοῦναντίον δὲ μοι δοκοῦ-μεν πείσεσθαι ἢ ἐν τῷ πρὸ τοῦ χρόνῳ. πρότερον μὲν γὰρ ἔδει τὴν ἔχθραν τοὺς κατηγοροῦντας ἐπιδείξαι, ήτις 10 εὐθύ πρὸς τοὺς φεύγοντας· νυνὶ δὲ παρὰ τῶν φειγόντων χρὴ πυθάνεσθαι, ήτις ἣν αὐτοῖς πρὸς τὴν πόλιν ἔχθρα, ἀνθ’ ὅτου τοιαῦτα ἐτόλμησαν εἰς αὐτὴν ἐξαμαρτάνειν. οὐ μέντοι ὡς οὐκ ἔχων οἰκείας ἔχθρας καὶ συμφορὰς various meanings of ὑπάρχειν see on § 23.

2. πείσεσθαι: τάσχω has here its simplest meaning, experience. τάσχω = I am acted upon in distinction from τώ νι ἰ α. 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 τῇ 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 τῷ. HA. 655 d; G. 984; B. 443. 4; Gl. 549 c.—γάρ: explicative γάρ, see on 19. 12. — τὴν ἔχθραν: 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 presumption 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.—τοῦς κατηγο-ροῦντας: the prosecutor is usually called ὁ διώκων (cp. 10. 11), or ὁ κατηγορῶν, or ὁ κατηγορος (cp. § 1). The defendant is ὁ φεύγων (cp. εὑρυγομέν ὁ § 4).—πυθάνεσθαι: inquire, the conative present of πυθέσθαι to learn. HA. 825; G. 1255; B. 523; Gl. 454 c; GMT. 25; GS. 192.—ὅτου: the antecedent is really the preceding clause, but ἀνθ’ ὅτου has come to be felt almost as a conjunction, wherefore. HA. 999; Gl. 619.—eis: for this use of eis in hostile sense see 32. 19 Crit. Note.—ἐξαμαρτάνειν: the present tense, a course of action.—ὡς: for sub-
jective ὃς 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’ ὃς ἀπασί 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.”—ὑπέρ: force, see ὀργίζεσθε § 80.

3. ἐγὼ μὲν οὖν: now I. μὲν οὖν originally connected its clause with the preceding through οὖν, and set it in contrast with something 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 τοῦν = μὲν οὖν see or 16. 7 (D). For οὖν = μὲν οὖν see or 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 ὑπό, 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 ἄθυμαιν κατέστην, μὴ διὰ τὴν ἀπειρίαν ἀναξίως
καὶ ἀδυνάτως ὑπὲρ τοῦ ἀδελφοῦ καὶ ἐμαυτοῦ τὴν κατηγορίαν ποιήσωμαι ὃμως δὲ πειράσομαι ὡμᾶς ἐξ ἀρχῆς ὡς ἂν δύναμαι δι’ ἐλαχίστων διδάξαι.

4 Οὕμως πατὴρ Κέφαλος ἐπεισθῇ μὲν ὑπὸ Περικλέους εἰς ταύτην τὴν γῆν ἀφικέσθαι, ἐτή δὲ τριάκοντα ὥρας, καὶ οὐδὲν πώποτε οὔτε ἡμεῖς οὔτε ἐκεῖνος δίκην οὔτε ἐδικασάμεθα οὔτε ἐφύγομεν, ὀλλ’ οὔτως φίλοι μεν δημοκρατούμενοι, ὥστε μὴτε εἰς τούς 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.—κατέστην: as the perfect of this verb is used as a present, “the aorist may take a perfect translation” (GS. 249) and govern a subordinate clause as a primary tense (GS. 252). — τὴν κατηγορίαν ποιήσωμαι: cp. τὸν λόγον ποιήσωμαι § 2. The Ms. reading is ποιήσωμαι. For the question of mood involved see Crit. Note.—διὰ ἐλαχίστων: the usual expression is διὰ βραχιτάτων, as in § 62, 16. 9. 24. 4. Cp. διὰ βραχέων ἐρῶ I will tell in a few words, 24. 5.

4. Κέφαλος: Introd. p. 9.—ἐπεισθῇ: a shrewd reference, before this jury of the restored democracy, to the close family connection of the complainant with the greatest democrat of the last generation.—ψήσει: cp. ὁμοίωμεν below. Here, the aorist with a ‘definite number’ (GS. 243). Otherwise ἐκήρυγμεν would usually mean settled (inceptive aorist), in distinction from ἐκέκαθεν. —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 metics in the courts see Introd. p. 44.—ἐδικασάμεθα: still another term for the prosecution of a case; cp. on τοὺς κατηγοροῦντας § 2.—μὴτε . . . μὴτε: on the παρίσωσις see App. § 57. 2.—ἐξαμαρτάνειν: in ἐδικασάμεθα and ἐφύγομεν (aorist) he denies every
5 μήτε ὑπὸ τῶν ἄλλων ἀδικεῖσθαι. ἐπειδή δ᾽ οἱ τριάκοντα πονηροὶ καὶ συκοφάνται ὄντες εἰς τὴν ἀρχήν κατέστησαν, φάσκοντες χρῆναι τῶν ἀδίκων καθαράν ποιῆσαι τὴν πόλιν καὶ τοὺς λοιποὺς πολίτας ἐπὶ ἀρετὴν καὶ δικαιοσύνην προτρέψαι, τοιαῦτα λέγοντες οὐ τοιαῦτα ποιεῖν ἐτόλμων, ὡς ἔγω περὶ τῶν ἐμαυτοῦ πρῶτον εἰπὼν καὶ περὶ τῶν ὑμετέρων ἀναμνῆσαι πειράσομαι. Θεό-γνις γὰρ καὶ Πείσων ἐλεγον ἐν τοῖς τριάκοντα περὶ τῶν occurrence; in ἔξαρπάτανειν and ἀδικεῖσθαι (imperf.) he denies the whole course of conduct; cp. on ἔξαρπάτανειν § 2.

5. φάσκοντες: asserting; the common use of φάσκων in distinction from λέγω; the falsity of the assertion is commonly implied. — οὐ... ἐτόλμων: they could not bring themselves. τολμᾶν is wicked daring (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 imperfect commonly denotes resistance to pressure or disappointment. Simple negation is aoristic” (GS. 216). So οἶδε ἐτυγχάνωμεν § 20; οἶδεν ἐτόλμα πεθεσθαι 32 2: οὐκ ἔθελε 32 12. For a little time the Thirty did live up to their professions. 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 persons 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 persons 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 Ἀμφικτυόνων at the meeting of the Amphictyons, Aes. 3. 114; ἐν τοῖς αὐτοῖς δικασταῖς, at a session of the same court, Ant. 6. 23. Cp. ἐν τῇ θουλῇ § 77, ἐν τῷ δήμῳ 16. 20, ἐν τῇ ἐκκλησίᾳ 19. 50. The reference
here is to the discussion of the matter at a session of the Thirty by themselves, at their headquarters, the Thulus. From § 25 we conclude that the proposition was carried thence to the Senate and there discussed and acted upon. The Thulus, a building near the senate-house, was the headquarters and dining-hall of the Prytaneis. 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. — δείσθαι χρημάτων: when the Thirty took control they found the treasury exhausted by the expenses of the Peloponnesian War. They had not only to provide for the ordinary expenses of the government, but to pay their Spartan garrison on the Acropolis. Xenophon says (Hell. 2. 3. 21) that the despoiling of the metics was to meet the latter expense.

7. ἀποκτινύναι ... ἑποιοῦντο: for the periodic form see App. § 57. 3. — ἐδοξέων: note that the preliminary process and the attitude of mind are expressed by the imperfs. ἐπεθύνοντο, ἑγούμενον, ἑποιοῦντο; the final decision, the "upshot" of it all, by the aorist ἐδοξέων. 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 occasion. Diodorus says (14. 5. 6) that the Thirty executed the sixty richest foreigners; this may be the whole number executed under their administration. — πρὸς τοὺς ἄλλους: in the case of the rest (of the ten metics). — ὡς οὖ κτῆ.: on the παρίσωσις see App. § 57. 2. — συμφέροντα: predicate, in agreement with ταύτα; related to γεγένηται as χρημάτων ἐνεκα τὸ πέπρακται.
8 τῶν ἄλλων εὐλόγως πεποιηκότες. διαλαβόντες δὲ τὰς ὁικίας ἑβάδιζον· καὶ ἐμὲ μὲν ἐξόνως ἐστιώντα κατέλαβον, οὐς ἐξελάσαντες Πείσωνί με παραδιδόσαιν· οἱ δὲ

— ὦστερ κτλ.: (sarcastic) as though they had done any of all their other deeds on good grounds. Thalheim separates ὦστερ from πεποιηκότες; conduct (as) shrewd as that in any one of all their other measures. πεποιηκότες is placed loosely in the nominative, its subject really being αὐτοῖς; but αὐτοῖς ἡ ἀπολογία is in effect equal to ἀπολογιῶν ἔχωσιν.

8. ἑβάδιζον: 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 ingressive imperfect; others, the imperfect of evolution (see A.J.P. XVI, p. 150). C.p. ἑβάδιζον I set forth 1. 24, 1. 41; ἀλλ’ ἀικοθεν ἔχοντες ἀν ἑβαδίζωμεν but we should have started from home with them 4. 7; ἐφευγὼν I set forth in flight 12. 16 (so ἐφευγὼν 12. 42); τὴν ἐκκλησίαν ἐπιοίων they proceeded to hold the assembly 12. 72; τὰ τείχη κατέσκαπτον they proceeded to tear down the walls, Xen. Hell. 2. 2. 23; εἴθεσ αν ἀπελογοῦμεν I would at once proceed to my defense, Dem. 18. 9; Xen. Mem. 1. 2. 16 εἰθὺς ἀποπηδήσαντες Σωκράτους ἐπραττέτην τὰ πολιτικὰ they instantly left Socrates with a leap and proceeded to take active part in politics. For other examples 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 (ἀπεγράφοντο, ἡρώτων, ἐφασκεν, etc. GS. 207), the aorists of summary statement (κατέλαβον, ἔπον, ὁμολόγησε, ἐκέλευσεν, etc.), and the numerous historical presents (παραδιδόσαιν, ἀνοίγνυμ, εἰσέρχεται, καλεῖ, etc.).—ἐμὲ μὲν κατέλαβον: when μὲν stands without a corresponding δὲ a contrasted thought is often latent. Here there is an underlying thought of his brother’s fate. C.p. 19. 1, 19. 7, 32. 13, 32. 17. C.p. 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 principle that a man’s house is his sanctuary, a principle as jealously maintained in Athens as in modern states. But in form it was legal, for Pison was executing a
δικείς τὸ ἑργαστήριον ἐλθόντες τὰ ἀνδράποδα ἀπεγράφοντο. ἐγὼ δὲ Πείσωνα μὲν ἡρώτων εἰ βουλοῦτο 9 με σώσαι χρήματα λαβῶν: ὃ δ’ ἐφαιδεύε, εἰ πολλὰ ἐη. ἐπον οὖν ὅτι τάλαντον ἀργυρίῳ ἐτοιμὸς εἶναι δούναι: ὃ δ’ ἀλμόλυνησε ταῦτα πονήσεων. ἦπιοτάμημα μὲν οὖν ὅτι οὔτε θεοῦ οὔτε ἄνθρωπος νομίζει, ὡμοί δὲ ἐκ 55 τῶν παρόντων ἐδόκει μοι ἀναγκαίοτατον εἶναι πίστιν 10 παρ’ αὐτῶν λαβεῖν. ἐπειδὴ δὲ ἄμοσεν, ἐξώλειαν ἑαυτῷ καὶ τοῖς παισίν ἐπαρώμενος, λαβῶν τὸ τάλαντόν με σώσεων, εἰσελθὼν εἰς τὸ δωμάτιον τὴν κιβωτόν ἀνοίγνυμι. Πείσων δὲ αἰσθόμενος εἰσέρχεται, καὶ ἰδὼν τὰ
decree of the supreme governing body, and at all times, even under the democracy, search of the house and arrest of a criminal were open to the proper officers acting under such a warrant. But this authority was outrageously abused by the Thirty. The patriot Thrasybulus reminds his followers of their sufferings under such treatment: δηποῦντες συνελαμβανόμεθα καὶ καθεδόντες καὶ ἀγοράζοντες we were seized at table, in bed, in the agora (Xen. Hell. 2. 4. 14).
— ἑργαστήριον: the shield factory.
— ἀπεγράφοντο: the usual word for an inventory. For the causative middle see HA. 815; G. 1245; B. 505; Gl. 500 d.
9. εἶπον οὖν, . . . ἥπιοτάμημα 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 θεοὺς (cp. Plato Apol. 26 c ταῦτα λέγω, ὡς τὸ παράσαυν οὐ νομίζεις θεοὺς); but it has, as used here, so much of the idea of 'respect,' 'fear,' that the speaker can even add ἄνθρωπος. The retention of the indic. in νομίζει (ind. discourse with the secondary ἥπιοτάμημα) is a part of the increasing vividness with which Lysias recalls the events as his narrative advances, and which brings in the historical present (ἀνοίγνυμι) in the following sentence. — ἐκ τῶν παρόντων: ἐκ, because the circumstances are viewed as the source of the conviction.
10. σώσεων: tense, HA. 948 a; G. 1286; B. 549. 2; Gl. 578,
60 ἐνότα καλεῖ τῶν ὑπηρετῶν δύο, καὶ τὰ ἐν τῇ κιβώτῳ
11 λαβεῖν ἐκέλευσεν. ἐπειδὴ δὲ οὐχ ὅσον ὡμολόγησεν
ἀλήθεια, δὲ ἀνδρεῖς δικασταί, ἀλλὰ τρία τάλαντα ἁργυρίου
καὶ τετρακόσιοις κυβίκηνοι καὶ ἐκατὸν δαρεικοὺς
καὶ φιάλας ἁργυρᾶς τέταρας, ἐδεόμην αὐτοῖν ἐφόδια μοι
65 δοῦναι. ὃ δὲ ἀγαπήσειν μὲ ἑφασκεν, εἰ τὸ σῶμα σῶσω.
12 ἐξείσοις δ' ἐμοί καὶ Πείσωνι ἐπιτυγχάνει Μηλόβιος τε
καὶ Μνησιφέιδης ἐκ τοῦ ἐργαστηρίου ἀπίοντες, καὶ
καταλαμβάνοντες πρὸς αὐταῖς ταῖς θύραις, καὶ ἔρωτῶν
ὅποι βαδίζομεν: ὃ δ' ἑφασκεν εἰς τάδελφον τοῦ
70 ἐμοῦ, ἵνα καὶ τὰ ἐν ἐκείνῃ τῇ οἰκίᾳ σκέψηται. ἐκείνων

11. ὡμολόγησεν: sc. λαβεῖν, cp. σῶσαι χρήματα λαβῶν § 8. — κυβίκηνοι: sc. στατήρας. 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 considera-
ble amount of his property escaped
the hands of the Thirty (see p. 20,
n. 1). — ἀγαπήσειν: the direct
form is ἀγαπήσευς, 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
σώσεις 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 ἀπίοντες, καταλαμβά-
νοντες, ἐρωτῶν. By the same
usage ἐξείσοι 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-
δελφοῦ... εἰς Δαμνίππου: 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 ἐκέλευν βαδίζειν, ἐμὲ δὲ μεθ' αὐτῶν ἀκολουθεῖν. 13 θεῖν εἰς Δαμνιππον. Πεῦσον δὲ προσελθὼν συγάν μοι παρεκελεύσε ἡθην τιμασίας, ὡς ἦξον ἐκείσε. καταλαμβάνομεν δὲ αὐτόθι Θέοις εἰς πέρους φυλάττοντα. ὃς ἂν παραδόντες ἐμὲ πάλιν οὖν τῷ παραδόντος ἄγετο. ἐν τοιούτῳ δ' οὖν μοι κυνδυνεύειν ἐδόκει, ὅποι γε ἀποθανεῖν ὑπάρχοντος ἡμών. καλέσοσ δὲ Δαμνιππον λέγω πρὸς αὐτὸν τάδε, “ἐπιτήδειος μὲν μοι τυχάνεις ἰδίως, ἦκω δ' εἰς τὴν σήμερον οἰκίαν, ἄδικόν δ' οὖν γε, χρημάτων δ' ἐνεκα ἀπόλλυμαι. 80 σύ οὖν ταῦτα πάσχοντι μοι προθυμιαν παράσχον τὴν τὴν

— μὲν οὖν: force, see on § 3. — βαδίζειν: to go on his way, cp. on ἐβαδίζομαι § 8.

13. συγάν: Lysias would have us suspect that Pison was planning to keep for himself, the confiscated money. — ὃς ἦξον ἐκείσε: ‘on the understanding that he would come there’; for ὃς ‘subjective’ see on 16. 8. — κυνδυνεύειν ἐδόκει, ὅποι . . . 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 (γέ), and that the supreme one, was already upon me (ὑπάρχοντος, see on ὑπάρχει § 23). κυνδυνεύειν is usually to meet danger, to be in danger, but it is used here for ἄποκυνδυνεύειν or παρακυνδυνεύειν = to take a risk; cp. Ι. 45 δὲ τοιούτον κυνδυνον ἑκκυνδυνεύον would I have taken such a risk; 4. 17 ἀλλ' ἀπεκυνδυνεύον τοῦτο but I took this risk.

14. Δαμνιππον: this is all that we know of Damnippus; he was evidently a trusted adherent of the Thirty. — ἄδικόν: 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, ἀκοώ, πυθαῶμαι (12. 62), αἰσθάνομαι, γεγονόςκο, μαθάω, λέγω. B. Words of coming and going, especially ἦκω and οὖχομαι, I am come, I am gone (not I am on the way). C. ἄδικόν (12. 82, 25. 1, 25. 24), φεύγω (12. 57), νικῶ (12. 36), φρατῆμαι, στέρομαι (and all verbs of privation, GS. 204), and some others. Kühn. § 382. 4. — ἀπόλλυμαι: the action
σεαυτοῦ δύναμιν εἰς τὴν ἔμην σωτηρίαν." ὃ δ’ ὑπέ-
σχετο ταῦτα ποιῆσειν. ἐδόκει δ’ αὐτῷ βέλτιον εἶναι
πρὸς Θέογνιμον µνησθῆναι. ἡγείτο γὰρ ᾧπαν ποιῆσειν
αὐτόν, εἰ τις ἄργυρον διδοῖ. ἐκείνου δὲ διαλεγοµένου
Θεόγνιδι (ἐµπειρὸς γὰρ ὃν ἐπίγχανον τῆς οἰκίας, καὶ
 sockfd ὅτι ἀµφίθυρος εἰη) ἐδόκει µοι ταύτη πειράσθαι
σωθῆναι, ἐνθυµουµένω ὅτι, εἰὰν µὲν λάθω, σωθῆσοµαι,
is vexations. — διδοῖ, offer, conative present, see on πνευµάσθαι
§ 2.

15. ἐνθυµουµένῳ κτλ.:

ἐδόκει µοι ταύτη πειράσθαι σωθῆναι
ἐνθυµουµένῳ ὅτι
1. εἰὰν µὲν λάθω
   σωθῆσοµαι
2. εἰὰν δὲ ληφθῶ

ἡγούµην

(a) εἰ εἰθερπεισµένος
    ἀφεθήσεσθαι
(b) εἰ δὲ µὴ
    ἀποταλαίθησθαι

The irregularity in this otherwise symmetrical sentence lies in the fact that after the second main protasis (εἰὰν δὲ ληφθῶ) the governing verb is repeated in new form (ἡγούµην replacing ἐνθυµουµένῳ), which shifts the construction of the apodosis from the fut. indic. of indir. disc. with ὅτι, to the fut. infin. of indir. disc.

This insertion of ἡγούµην 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 μέν: μέν is drawn to the leading verb from its natural position after εἰ. Such displacement of μέν 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. ἐφευγὼν: set forth. The impf. pictures the flight in its beginning, where the aor. would merely state the fact of flight. See on εὐβαίδιζον § 8. — αὐλεῖον θύρα: defined by Harpocratin (s.v. αὐλεῖος) as ἡ ἀπὸ τῆς ὀδοῦ πρώτη θύρα τῆς οίκους the front door, street door. The term ἀμφίθυρος (§ 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, Dic'y Greek and Roman Antiqu., article “Domus.” — εἰς ἁστυ: cp. the English “to town.” Here ἁστυ 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 ἁστυ; cp. εἰς ἁστυ 13. 24, 32. 8; ἐν ἁστεί 25. 1; but πρὸς τὸ ἁστυ 13. 80; εἰς τὸ ἁστυ 12. 54. Lysias sends Archeneos to the city as the speediest and
κατὰ Ἐρατοσθένους XII 16, 17

95 πενσόμενον περὶ τοῦ ἀδελφοῦ· ἦκον δὲ ἔλεγεν ὅτι Ἐρατοσθένης αὐτὸν ἐν τῇ ὁδῷ λαβὼν εἰς τὸ δεσμωτήριον ἁπαγάγω. καὶ ἐγὼ τοιαῦτα πεπυσμένος τῆς ἐπιστούσης νυκτὸς διέπλευσα Μέγαράδε. Πολεμάρχῳ δὲ παρῆγειλαν οἱ τριάκοντα τοῦ π' ἐκείνων εἰθισμένον παράγον γελμα, πίνειν κόνειον, πρὶν τὴν αἰτίαν εἴπειν δὲ ἦμινα ἐμελλεν ἀποθανεῖσθαι· οὗτο πόλλο̣υ ἐδέησε κριθῆναι

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. τοῦτ' ἐκείνων: ἐπὶ 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 χαλεπάνονοι καὶ καταρώνται, ἐπειδὰν αὐτοὺς παραγελλὼν πίνειν τὸ φάρμακον they are angry and curse me, when I give them the order to drink the drug (Plato, Phaedo 116 c). — πρὶν εἴπειν: before telling, used loosely for without telling; cp. on 19. 7, πρὶν παραγενεῖσθαι. 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, πλεῖος ἡ χιλίων καὶ πεντακοσίων τῶν πολιτῶν ἀκρίτους ἀπέκτειναν, πρὶν καὶ τὰς αἰτίας ἀκοῦσαν, ἐφ' αἷς ἐμελλόν ἀποθηρήσειν, καὶ οὗτο ἐπὶ τὰς ταφὰς καὶ ἐκφορὰς τῶν τελευτησάντων εἰσὶν τῶν 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. A γ 2 φείγοντες πρὸ τοῦ ἂπέδυσαν 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 καὶ ἀπολογήσασθαι. καὶ ἐπειδὴ ἀπεφέρετο ἐκ τοῦ
dεσμωτηρίου τεθνεῶς, τριῶν ἡμῶν οἰκίων οὖσῶν εἴς οὐδε-


μίας εἴσασαι ἔξενεχθήναι, ἀλλὰ κλεισίων μισθωσάμενοι


προοθέντο αὐτῶν· καὶ πολλῶν ὅντων ἱματίων αὐτῶν καὶ


οὐδέν ἔδοσαν εἰς τὴν ταφήν, ἀλλὰ τῶν φίλων ὁ μὲν


ἱμάτιον, ὁ δὲ προσκεφάλαιον, ὁ δὲ ὁ τι ἐκαστὸς ἔτυχεν


ἐξωκένει εἰς τὴν ἔκειν ταφήν. καὶ ἔχοντες μὲν ἐπτακο-


σίας ἁσπίδας τῶν ἡμετέρων, ἔχοντες δὲ ἀργύριον καὶ


χρυσίων τοσοῦτον, χαλκὸν δὲ καὶ κόσμων καὶ ἐπιπλά καὶ


ἱμάτια ἤνων κείμενα σας οὐδεπόσποτε φόντο κτήσεσθαι,


καὶ ἀνδράποδα ἐκκοσι καὶ ἐκατόν, ὅπ τὰ μὲν βέλτιστα


ἐλαβον, τὰ δὲ λοιπὰ εἰς τὸ δημόσιον ἀπέδοσαν, εἰς


tοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο καὶ


18. ἀπεφέρετο: not ἐκφέρεσθαι, because ἐκφέρεσθαι is the usual word for the orderly funeral ceremony (cp. ἔξενεξθήναι below). — οὐδε-


μίας: while οὐδεμίας depends on ἔξενεξθήναι, the negative part of it goes over to οὐδαν; hence οὐδὲ,


not μη. — κλεισίων: see L. & S. κλεισίων. That the form is κλεισ-


is determined by inscriptions. — προοθέντο: see the description of funeral customs in Gulick, 292 ff.; Becker’s Charicles, English ed.,


p. 383 ff.; Gardner and Jevons, Greek Antiquities, p. 360 ff.;


Guhl and Koner, Life of the Greeks and Romans, p. 289 f. — εἰς τὴν ταφήν: see on εἰς σωτη-


ρίαν § 14.


19. On the πολυσύνεδετον of this section see App. § 58. 4. — τὸ


dημόσιον: L. & S. s.v. III. 3. — ἀπέδοσαν: ἀπό— because the con-


fiscated property belonged now to the state. — ἀπληστίαν καὶ αἰσχρο-


κέρδειαν: 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 τοσαύτην . . . ἀφί-


κοντο: the ὅστε construction which we expect after τοσαύτην is thrust aside by the emphatic καὶ τοῦ


τρόπου τοῦ αὐτῶν ἀπόφεξιν ἐπική-


σαντο. The whole force of the long period is thus thrown upon what is really the one emphatic thought, that this act about to be des-
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. — ὅτε πρῶτον: as soon as (for the different meaning of ὅτε τὸ πρῶτον see Crit. Note). — Μηλόβιος: Melobius was one of the party that went to Lysias's house, drove out his guests, and put him under arrest (§§ 8 and 12).

20. ἐπυγχάνομεν: the negative imperfect of “disappointment”; see on ἐπαλλάθων § 5. — διὰ τὰ χρήματα: the whole preceding narrative has laid all stress upon the fact that this was outright robbery — murder for money, not a political arrest and assassination. An honorable revolution might necessitate the summary execution of some political opponents, but this act was robbery and murder. The defendant stands under the protection 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. — ὅσπερ ἂν ἔτεροι: sc. ἐξαπάτοιεν or ἐξήματο. HA. 905; G. 1313; B. 616. 4; Gl. 656 b (the protasis here is ἔχοντες, giving therefore ὅσπερ ἂν for ὅσπερ ἂν ei of the grammars). — τούτων: 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. — χορηγίας: 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 χωρηγήσαντας, πολλὰς δ' εἰσφορὰς εἰσενεγκόντας;
κοσμίους δ' ἡμᾶς αὐτοὺς παρέχοντας καὶ πάν τὸ προσ-
125 ταττόμενον ποιοῦντας, ἐχθρὸν δ' οὐδένα κεκτημένους,

and Jevons, *Greek Antiquities*, p. 455. Pleas for favor based
on such services is a commonplace of Athenian court speeches.
Lysias himself gives a notable illustration in his twenty-first
speech, see on 19. 43. — χωρηγήσαν-
τας: in sharp antithesis to ὄντας
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 inde-
pendent verb, ἥξιωσαν; to the
object of ἥξιωσαν the later partici-
ples attach themselves by a slight
anacoluthon. — εἰσφορὰ: the εἰσ-
φορά 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): δῶμαι σὺν ὑμῖν, ὦ ἀν-
δρες δικασταί, ... μὴ μόνον
τῶν δημοσίων λητουργῶν μεμη-
σθαι, ἀλλὰ τῶν ἐπιτηθευμάτων
ἐνθυμεῖσθαι, ἡγουμένους ταύτην
ἐλεῖ τὴν λητουργίαν ἐπιπονωτάτην,
διὰ τέλους τῶν πάντα χρόνου κόσ-
μον εἶναι καὶ σώφρονα καὶ μήθ᾽
ὕφ᾽ ἡδονῆς ἔτηχθήναι μήθ᾽ ὑπὸ
κέρδους ἑπαρθήναι, ἀλλὰ τοιοῦτον
παρασχεῖν ἐκαύτων ὡστε μηδένα τῶν
πολιτῶν μήτ᾽ μέμψασθαι μήτ᾽ δίκην
τολμῆσαι προσκαλέσασθαι. 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
πολλοὶς δ’ Ἀθηναίων ἐκ τῶν πολεμίων λυσαμένους τοιούτων ἥξισαν, οὐχ ὁμοίως μετοικοῦντας ὠσπερ αὐτοὶ 21 ἐπολιτεύοντο. οὕτω γὰρ πολλοὺς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξῆλασαν, πολλοὺς δ’ ἄδικως ἀποκτεί

130 ναντεῖ ἀτάφος ἐποίήσαν, πολλοὺς δ’ ἐπιτίμους ἄντας ἀτίμους κατέστησαν, πολλῶν δὲ θυγατέρας μελλοῦσας 22 ἐκδίδοσθαι ἐκάλυσαν. Καὶ εἰς τοσοῦτον εἰσὶ τόλμης

will complain of him nor dare summon him into court. Cp. Dem. 18. 308 ἐστι γάρ, ἐστιν ἤνεχα δικαία καὶ συμφέρουσα τῇ πόλει, ἣν 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 ἀπεγράφωντο § 8.—οὐχ ὁμοίως . . . ἐπολιτεύοντο: not suchmetics as they were citizens. The restrained simplicity of the under-statement (Miosis) is stronger than the strongest terms could make it.

21. οὕτω: 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 οὕτω those who support Eratosthenes in this trial. For the periodic form of the sentence see App. § 46.—εἰς τοὺς

πολεμίους: 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: πολλοὶς δ’ Ἀθηναίων ἐκ τῶν πολεμίων λυσαμένους νῦ. πολλοὺς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἐξῆλασαν.—ἀτίμους: the technical term for men under ἀτμία, 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.—ἐκάλυσαν: every verb in the series of aorists ἔξῆλασαν . . . ἐποίησαν . . . κατέστησαν . . . ἐκάλυσαν ex-
ἀφιγμένοι ὡσθ' ἤκουσιν ἀπολογησόμενοι, καὶ λέγοντιν ὡς οὐδὲν κακὸν οὐδ' ἀισχρὸν εἰργασμένοι εἰσίν. ἐγὼ 135 δὲ ἐβουλόμην ἂν αὐτοὺς ἀληθὴ λέγειν· μετήν γὰρ ἂν 23 καὶ ἐμοὶ τούτον τάγαθον οὐκ ἐλάχιστον μέρος· νῦν δὲ οὗτε πρὸς τὴν πόλιν αὐτοῖς τοιαύτα ὑπάρχει οὕτε πρὸς ἐμὲ· τὸν ἀδελφὸν γὰρ μου, ὥσπερ καὶ πρότερον

presses a ‘repeated past action’; the study of such a series will help to correct the notion that the aorist is confined to ‘single’ or ‘simple’ actions. These ‘complexive’ aorists (GS. 243) sum up the whole career of the Thirty. On the ὁμοιοτέλευτον see App. § 57. 4.

22. κακὸν, αἰσχρὸν: on the συνώνυμία see App. § 58. 2.—εἰργασμένοι εἰσίν: when any aspect of a past action brings it up into immediate relation to the present, the whole idea of past action in present relation is usually expressed by the perfect. In the case of passive forms, the resulting condition is the usual present aspect which causes the perfect to be used; in the case of active and deponent verbs among the most common aspects are credit, guilt, responsibility; εἰργάσαντο they did the deed; εἰργασμένοι εἰσί they have done the deed, with the underlying idea in Greek as in English, they are responsible for the deed. Cp. τέπρακται § 7, εἰργασμένοις § 33, πεποιήκασιν § 89, καταψηφισμένος ἔσεσθαι § 100.—ἐβουλόμην ἂν: imperf. indic. of a hopeless wish (vellem), GS. 367 (cp. 398); B. 588 n.; Gl. 461 d. The “potential indic.” of G. 1339 and GMT. 246.

23. τοιαύτα: i.e. ὡς οὐδὲν κακὸν . . . εἰργασμένοι εἰσίν. —ὑπάρχει: In our eight speeches note the following uses of ὑπάρχει: A. In the original sense, to begin, 24. 18 τοὺς ὑπάρχοντας 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 upon (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 τούτων ἀφήρετο 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).
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ ΧΙΙ 23–25

εἶτον, Ἐρατοσθένης ἀπέκτεινεν, οὔτε αὐτὸς ἰδία ἀδικοῦ-

μενος οὔτε εἰς τὴν πόλιν ὅρων ἐξαμαρτάνοντα, ἀλλὰ τῇ

ἐαυτοῦ παρανομίᾳ προθύμως ἐξυπηρετῶν.

24 Ἀναβιβασάμενος δ' αὐτὸν βούλομαι ἐρέσθαι, ὁ ἄν-

δρες δικασταί. τοιαύτην γὰρ γνώμην ἔχω· ἐπὶ μὲν τῇ

tούτων ὦφελεία καὶ πρὸς ἐτέρων περὶ τοῦτον διαλέγε-

45 σθαί ἀσεβές εἶναι νομίζω, ἐπὶ δὲ τῇ τούτων βλάβη καὶ

πρὸς αὐτὸν τοῦτον ὀσίων καὶ ἐυσεβέσ. ἀνάβηθι ὦν

μοι καὶ ἀπόκριναι, ὦ τι ἄν σε ἐρωτῶ.

25 Ἀπήγαγες Πολέμαρχον ἡ οὖ; Τὰ υπὸ τῶν ἄρχον-

— τῇ ἐαυτοῦ 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-υπηρε-

τῶν: serving to the end.

24. ἐρέσθαι: for the formal questioning of an opponent in court see App. § 20. — ἐπὶ ὦφε-

λεία: 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 ὀλέθρου § 60. In 13. 20 ground and purpose are coupled: οὖκ ἐπὶ εὐνοία τῇ ὑμετέρᾳ

ἀλλ’ ἐπὶ καταλύσει τοῦ δήμου τοῦ ὑμετέρου not from good will to you, but for the destruction of your de-

mocracy.—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.—ὁσιόν καὶ εὐσεβές:

for the συνονυμία see App. § 58. 2.

The amplified expression gives dignity and force to the final colon of the period.—μοι: case,

H.A. 767; G. 1165, cp. 1167;

B. 377–378; Gl. 523 a, first

eexample.
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 (ded) ἐποίουν. Cp. §§ 26, 27, 90; 19. 59, 22. 3, 22. 11, 22. 12, 25. 13. The following imperfects (ἐγέγονον, συνηγόρευες, ἀντέλεγες, ἀντέλεγης) 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 consummation of the whole, he returns to the aorist, ἀπήγαγες, ἀπέκτεινας.

—βουλευτηρίῳ: for the relation of this discussion to the discussion among the Thirty by themselves, see on ἐν τοῖς τριάκοντα § 6. Under the Thirty the popular courts had been abolished and their functions 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.—ἐκεῖ: Lysias has ἔκεῖ in the following uses: A. = again, secondly; but ἔκεῖ 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 indignation or astonishment. With our passage compare 34. 6.—ἀντιλέγειν: pres. infin. in ind. disc. representing the impf. of the direct. HA. 853 a; G. 1285. 1; B. 551; Gl. 577 a; GMT. 119; GS. 327. So ἐκεῖν 12. 49; πράττειν 12. 63; ἔχειν 32. 20.—ἐπὶ σοι: in your power. Cp. ἔπι in § 33, 22. 17.—καὶ σῶσαι... καὶ μὴ: both... and, where
160 ὡς φήσ, ἀντειπῶν οὐδὲν ὑφέλησας, ἄξιοις χρηστὸς νομί-
ζεσθαι, ὅτι δὲ συλλαβῶν ἀπέκτεινας, οὐκ οἰεὶ δεῖν ἐμὸ
καὶ τοῦτοι δοῦναι δίκην;
27 Καὶ μὴν οὐδὲ τοῦτο εἰκὸς αὐτῷ πιστεῦειν, εἴπερ
ἀληθῆ λέγει φάσκων ἀντειπεῖν, ὡς αὐτῷ προσετάχθη.
165 οὐ γὰρ δῆπον ἐν τοῖς μετοίκοις πίστιν παρ' αὐτοῦ
ἐλάμβανον. ἐπειτα τῷ ἦττον εἰκὸς ἢν προσταχθήναι
ἡ ὀστὶς ἀντειπῶν γε ἐτύγχανε καὶ γνώμην ἀποδεειγ-
μένος; τίνα γὰρ εἰκὸς ἢν ἦττον ταῦτα ὑπηρετήσαι ἢ

The English, less logically, has or.
Cp. 27. 3 ὅποταν ἐν χρήμασιν ἢ καὶ
σωθήναι τῇ πόλει καὶ μή when the
safety or destruction of the city
defends upon money.
27. εἴπερ ἀληθῆ λέγει: if he is
speaking the truth (though I deny
that he is). εἴπερ gives emphasis;
it is oftenest, though not always,
used (A) where there is an im-
plied 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 προσετάχθη: in appos-
tion with τοῦτο. — ἐν τοῖς μετο-
ίκοις: cp. Isoc. Panegyr. 85 ἐπε-
δειξαντο δὲ τὰς αὐτῶν ἐψυχίας
. . . ἐν τοῖς ὑπὸ Δαρείου πεμφθε-
ισιν they exhibited their bravery in
the case of those who were sent by
Darius. — πίστιν ἐλάμβανον: Era-
tosthenes may claim that his col-
leagues, 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 tes-
timony, Κρ. 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 conspicu-
ous than a mere metic. That such
a claim by Eratosthenes will be
insincere is implied in the ironical
dῆπον. 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 εἴπερ § 25. — εἰκὸς ἢν: for
the non-use of ἢν see HA. 897;
G. 1400. 1; B. 567; Gl. 460; GMT.
415—417; GS. 363. — ἀντειπάν,
ἀποδεειγμένοι: the opposition and
the expression of opinion were
both past with reference to ἐτύγ-
χανε, but the opinion expressed
remained as a basis for the action
of his colleagues, hence the change
to the perfect. ὀστὶς ἀντιλέγων

LYSIAS — 6
28 τὸν ἀντεπόντα οἷς ἐκεῖνοι ἐβούλουντο πραχθῆναι; Ἐτι 170 δὲ τοὺς μὲν ἄλλους Ἀθηναίους ἵκανη μοι δοκεῖ πρόφασις εἶναι τῶν γεγενημέων εἰς τοὺς τριάκοντα ἀναφέρειν τὴν αἰτίαν. αὐτοὺς δὲ τοὺς τριάκοντα, ἕαν εἰς σφᾶς αὐτοὺς 29 ἀναφέρωσι, πῶς ὑμᾶς εἰκόνοι ἀποδέχεσθαι; εἰ μὲν γάρ τις ἦν ἐν τῇ πόλει ἀρχὴ ισχυρότερα αὐτῆς, υφ' ἑς αὐτῷ 175 προστάτητο παρὰ τὸ δίκαιον ἀνθρώποις ἀπολλύναι, ἵνας ἀν εἰκότως αὐτῷ συγγνώμην εἴχετε· νῦν δὲ παρὰ τοῦ ποτὲ καὶ λήψεσθε δίκην, εἴπερ ἐξέσται τοῖς τριά- κοντα λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα

(pres.) ἔτόγχανε would mean who happened to be opposing. GMT. 144, 146. ἀποφαίνεσθαι 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 following clause; cp. 31. 6 γνώμη δὲ χρῶνται ὡς πᾶσα γῆ πατρίς αὐτοῖς ἐστιν ἐν ἕ ἂν τὰ ἐπτυθέναι ἔχωσιν who hold the opinion that every land that feeds them is their fatherland; so Xen. Anab. 5. 5. 3 ἀπεδείχαντο . . . γνώμην ὅτι κτλ.

28. ἐτὶ: again, introducing the third point in the argument, as ἐπειτα introduced the second.

29. αὐτῆς: itself; HA. 680. 3; G. 990; B. 475. 2 n.; Gl. 558. — προστάτητο: for the assimilation of tense to that of ἐτὶ see HA. 919 b; G. 1440; GMT. 559.— νῦν δὲ: cp. § 23.— παρὰ τοῦ ποτὲ 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 question. Its only English equivalent is a peculiar emphasis. Cp. 24. 12, 24. 23.— ποτὲ: the tone given by καὶ is further strengthened by ποτὲ; 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.— εἴπερ: if it is actually going to be permitted. See on § 27.— ἐξε- σταί: a monitory protasis (see on § 35) made still more emphatic by the intensive -περ.
30 ἐποίοιν; Καὶ μὲν δὴ ὦκ ἐν τῇ οἰκίᾳ ἅλλ' ἐν τῇ ὅδῷ, σφόξειν τε αὐτῶν καὶ τὰ τούτων ἐγρηγορεύνα παρόν, συνακροὶ ἀπήγαγεν. ὡμεῖς δὲ πᾶσιν ὀργίζεσθε, ὅσοι εἰς τὰς οἰκίας ἤλθον τὰς ἀμέτροις ἐγκαύσις ποιούμενοι
31 ἣ ὦμον ἢ τῶν ἀμέτρων τινῶν. καὶ τοιοὶ εἰ χρὴ τοῖς διὰ τὴν ἐαυτῶν σωτηρίαν ἑτέρους ἀπολέσασι συγγενέωμην ἐξελευ, ἐκείνους ἃν δικαιώτερον ἐχοίτε. κύνδυνος γὰρ ἦν πεμφθείς μὴ ἐλθεῖν καὶ καταλαβοῦσαν ἐξάρνουσ γενέσθαι. τῷ δὲ Ἐρατοσθενεὶ ἐξῆν ἐπείγω ὅπι οὐκ ἀπήγαγον ἐπείτα ὁτι ὄντως ἐδεῖν. ταῦτα γὰρ οὕτω ἐλεγχον οὕτε

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. — σφόξειν: precisely fitted to govern αὐτῶν only, but with slight extension of meaning made to govern τὰ ἐγρηγορεύνα 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. — σφόξειν τε: unusual position of τε, as though καὶ σφόξειν were to follow; cp. Isae. 2. 1 βοήθειν τε τῷ πατρὶ 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. ἐξάρνουσ: pred. of γενέσθαι, assimilated to the dat. pronoun understood with κύνδυνος ἦν; see on λέγοντι § 1. — τῷ δὲ Ἐρατοσθενεί: Lysias seldom uses the article with the names of parties to a suit. Here the antithesis to ἐκείνου accounts for its use. — ἐξῆν εἰπεῖν: he could have said (cp. παρόν, § 30). For non-use of ἃν see on ἐκόσ ἦν § 27. We have the same omission in οἷον τ’ ἐμικτ below, and in χρὴν § 32. — ἐλεγχον, βάρανον: for the συνωνύμω see App. § 58. 2.
32. For the use of antithesis in this section and the next see App. § 57. 1. — εὐπερ: force, see on § 27. — μηνυτὴν: usually in bad sense, ‘informer,’ but here and in § 48 in good sense. — συλλαμβάνειν: present tense of a course of conduct. — ἀνωμένου ... ἡδομένου: present in form, impf. in force. Cp. §§ 42, 50, 51, 99; 16. 5; 16. 5. See HA. 856 a; G. 1289; B. 542. 1; GMT. 140; GS. 337. Cp. on ἀντιλέγειν § 26. On the rhetorical form see App. § 58. 5.

33. τῶν λεγομένων: connect with τεκμήρια. — οὗ γὰρ μόνον κτλ.: on the periodic structure see App. § 54. — ἡμῖν: thrust between οὗ μόνον and παρεῖναι to throw emphasis upon the latter. Hyperbaton, the interruption of the natural order of words, arrests the attention, and thus throws emphasis sometimes upon the inserted word, sometimes upon one or both of the words that it has crowded apart. Cp. εἴσαγαν § 82; νῦν § 94; ὃπ' ἐμοῦ 16. 8; τινὲς 19. 52; μοι 24. 1; ἡμῖν and ἔχειν 24. 21; τοῖς ἀπαστ. 24. 22; ἡμῖν 24. 27; δεῖ 25. 25; οὗτος 32. 13. — παρεῖναι: the secrecy of the meetings of the Thirty was in evil contrast with the openness of proceedings in the democratic assemblies. Yet even under the democracy the Senate might hold secret sessions on special occasions. Lysias indulges in a grim pun in παρεῖναι, παρ' αὐτοῖς ἔιναι, even bringing in an uncommon expression for the sake of it. See App. § 58. 5. — παρ' αὐτοῖς: at our own homes, or in our own land. Cp. chez nous, aριδ nos. Cp. παρὰ τοῖς ἀλλοῖς 24. 20. For the Greek for to one's
αὐτοὶς εἶναι, ὡστε ἐπὶ τούτοις ἐστὶ πάντα τὰ κακὰ εἰργασμένοις τὴν πόλιν πάντα τάγαθα περὶ αὐτῶν λέγειν. τοῦτο μέντοι οὐ φεύγω, ἀλλ’ ὁμολογῶ σοί, εἰ βούλει, ἀντεπεῖν. θαυμάζω δὲ τί ἂν ποτ’ ἐποίησας συνεπῶν, ὡπότε ἀντεπεῖν φάσκων ἀπέκτεινας

Πολέμαρχον.

Φέρε δὴ, τί ἂν εἰ καὶ ἀδελφοὶ ὄντες ἐτυγχάνετε αὐτοῦ ἢ καὶ υἱὸς; ἀπεισφίσασθε; δεὶ γάρ, ὃ ἄνδρες δικασταί, Ἐρατοσθένην δυὸν θάτερον ἀποδείξας, ἢ ὡς ὁ ποτ’ ἀπήγαγεν αὐτοῦ, ἢ ὡς δικαίως τούτ’ ἐπραξέν. οὕτος δὲ ὁμολογήκειν ἀδίκως συνλαβεῖν, ὡστε ῥαδίαν ὅμων τὴν διαψήφισιν περὶ αὐτοῦ πεποίηκε. Καὶ μὲν δὴ πολλοὶ καὶ τῶν ἄστων καὶ τῶν ἓκων ἦκον αὐτοῖς εἰσόμενοι τίνα γνώμην περὶ τούτων ἔξετε. δὲν οἱ μὲν υἱοῖ εἰργασμένοι

home see on 16. 4. For παρὰ with dat. = under one’s care see on 19. 22. — αὐτοὶς: for ὃμιῶν αὐτοῖς HA. 686 a; G. 994; B. 471, n. 1. — ἐπὶ τούτοις: see on ἐπὶ σοί § 26. — πάντα τὰ κακὰ: all possible injuries; the article is less often used in this expression. — εἰργασμένοι: tense, see on § 22.

34. τί ἂν ποτὲ ἐποίησας: what in the world you would have done. For ποτὲ see on § 29. — φάσκων: see on φάσκουσες § 5. — δὴ: 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 ἀπεισφίσα-

σθε. — καὶ ἀδελφοὶ . . . καὶ υἱὸς: καὶ ( = even) is not here to be connected with εἶ. Cp. on 19. 18.

— αὐτοῦ: Eratosthenes. — υἱὸς: the i of νίος 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. — ἀπεισφίσασθε: on this rare use of the aorist see Crit. Note.

35. καὶ μὲν δὴ: force, see on § 30. — ἄστων: distinguish from πολίτων, L. & S. s.v. ἄστος. The word is chosen here as suggesting those of the πολίται who supported the Thirty and were known as οἱ ἐξ ἄστεως. — οἱ μὲν
όντες πολίται μαθόντες ἀπίσων πότερον δίκην δώσουν ὃν ἄν ἐξαμάρτωσων, ἥ πράξαντες μὲν ὃν ἐφίένται τύραννοι τῆς πόλεως ἔσονται, δυστυχήσαντες δὲ τὸ ἱσον ὑμῶν ἔξουσιν ὥσοι δὲ ἔξονι ἐπιδημοῦσιν, εἴσονται πότερον ἁδίκως τοὺς τριάκοντα ἐκκηρύττουσιν ἐκ τῶν πόλεων ἑ δικαίως. εἰ γάρ δὴ αὐτοὶ οἱ κακῶς πεπονθότες λαβόντες ἀφήσουσιν, ἥ που σφᾶς γ᾽ αὐτοὺς ἡγήσουσιν ταῖ περίεργοι ὑπὲρ ὑμῶν τηρομένους. οὐκ οὖν δεινὸν κτλ.: the scheme of the sentence is:

{oι μὲν . . . μαθόντες ἀπίσων}
{πότερον δίκην δώσουν}
{πράξαντες μὲν . . .}
{ἔσονται}
{ὅσοι δὲ ἔξονι ἐπιδημοῦσιν}
{εἴσονται}
{πότερον ἁδίκως . . . ἐκκηρύττουσιν}
{ἡ δικαίως}

— ὃν (before ὃν): assimilated from cognate accus. to case of omitted antecedent, HA. 996 a. 2; G. 1032; B. 484. 1, 486; Gl. 614. For ὃν ἐφίένται (without assimilation) see HA. 739, 996 a. 1; G. 1099, 1033; B. 356; Gl. 510 d. — ἐξαμάρτωσιν: indefinite, hypothetical sins of the future (general future supposition); ἐφίένται (indic.), the definite, known aims of the present. — δή: 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. — τηρομένους: 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 ἔστι
{τοὺς μὲν στρατηγοὺς . . . θα-}
{νάτῳ ἐξημούσατε}
{τούτους δὲ . . . οὐ κολάσεσθε;}
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 ἄρα χρῆ . . . κολάζεσθαι; this leaves τούτων without government, and the introductory εἰ, which was brought in by the expected οὐ κολάζεσθε, 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 (Ἀφολ. 32 b); constructio praegnans, τοὺς ἐκ τῆς θαλάττης standing both for τοὺς ἐν τῇ θαλάττῃ, and ἐκ τῆς θαλάττης (with ἄνελέσθαι). Ἡ.Α. 788 a; G. 1225; B. 398 n. 3.—θανάτῳ ἐξεμιώσατε: 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
χρῆναι τῇ τῶν τεθνεωτῶν ἀρετῇ παρ’ ἑκείνων δίκην λαβεῖν, τούτους δὲ, οἱ ἰδιῶται μὲν ὄντες καθ’ ὅσον ἐδύναντο ἐποίησαν ἡττηθῆναι ναυμαχοῦντας, ἐπειδὴ δὲ εἰς τὴν ἀρχὴν κατέστησαν, ὅμολογοῦσαν ἑκόντες πολλοὺς τῶν πολιτῶν ἀκρίτους ἀποκτηνώναι, οὐκ ἀρα χρὴ αὕτως καὶ τοὺς παῖδας ὡς ὑμῶν ταῖς ἐσχάταις ἡμέραις κολάζεσθαι;

'Εγώ τοῖνυν, ὥς ἄνδρες δικασταί, ἥξιον ἰκανὰ εἶναι τὰ κατηγορημένα: μέχρι γὰρ τοῦτο νομίζω χρῆναι
generals and the ground on which it was overruled.—τῇ ἀρετῇ: for Lysias's rare use of personification see Introd. p. 25, n. 5.—ἰδιῶται . . . ἐποίησαν ἡττηθῆναι: 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. —ἣξιον κτλ.: ἥξιον ἦν ἰκανὰ εἶναι τὰ κατηγορημένα would mean, the charges ought to be sufficient; but in order to add to this the idea
“I think,” the Greek substitutes for ἂν ὑπὸ (ought) the verb ἂν ὑπὸ (I think . . . ought), putting it in the mood and tense proper to ἂν ὑπὸ; we translate, then, I think the charges ought to be sufficient. For non-use of ἂν see on εἰκὸς ἂν § 27. — τῷ φεύγοντι: dat. of agent with εἰργάσθαι. — ταύτην: 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 οἴδ’ ὃ τι: the τί (adverbial acc.) of the direct question becomes ὃ τι of the indirect. HA. 719 c, 700; G. 1060, 1013; B. 336, 490; Gl. 540, 621. — ὑπέρ: see on 25. 5. — ἐνὸς: the word adds emphasis to the individuality in ἐκάστου, each one. The speech against Ergocles (XXVIII) opens with words similar to these: τὰ μὲν καθηγορημένα ὑπὸς ἄντι πολλὰ καὶ δενᾶ, ὃ ἀνδρές Ἀθηναῖοι, ὥστε οὐκ ἂν μοι δοκεῖ δύνασθαι Ἐργοκλῆς ὑπὲρ ἐνὸς ἐκάστου τῶν πεπραγμένων αὐτῷ πολλάκις ἀποθανόντες δοῦναι δίκην ἄξιαν τῷ ἄμετέρῳ 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.—δη: force, see on 25. 9 (B). —οὐ . . . οὐδὲ: for the double negative see on 16. 10. — ἐξαπατώσω: a change from the infin. construction begun in ἀπολογείονθαι to the independent indicative; the anacoluthon makes it possible to present the long and detailed
κύντες ὃς ὀστρακώται ἀγαθοί εἶσιν, ἡ ὃς πολλὰς τῶν
πολεμίων ναῦς ἔλαβον τριημαρχήσαντες, ἡ ὃς πόλεις
πολεμίως οὖσας φίλας ἐποίησαν· ἔπει κελεύετε αὐτὸν
ἀποδεῖξαι ὅπου τοσοῦτοι τῶν πολεμίων ἀπέκτειναν
οσοὺς τῶν πολιτῶν, ἡ ναῦς ὅπου τοσαῦτας ἔλαβον ὅσας
αὐτοὶ παρέδοσαν, ἡ πόλιν ἢντινα τοιαύτῃ προσεκτῇ
σαντο ὄιαν τὴν ὑμετέραν κατεδουλώσαντο. ἀλλὰ γὰρ

thought of the second member in a simpler and more direct form.
— τριημαρχήσαντες: 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. Cp. HA. 856 b; G. 1290; B. 543, 545.
— φιλάς: φιλάς is more common; but cp. Dem. 19. 137 Ἄμφιπολιν ἢν τότε σύμμαχον αὐτὸν 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. — ἔπει: introducing the reason for the statement above, οὐ προσήκει; for tell him to show is here only a more emphatic way of saying, “for he could not show.”
— ὅσως: for the number see note on § 17. — ναῦς ὅπου: the first ὅπου had its natural place at the beginning of its clause, but the second ὅπου and the corresponding ἢντινα of the third question are displaced to give emphasis of position to ναῦς and πόλιν. — παρέδοσαν: 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). — ὄιαν: the use of this relative adjective where the English has only ‘as’ enables the Greek to use a more compact expression.

40. ἀλλὰ 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. — ἀλλὰ γὰρ: see
οἵ τῶν πολεμίων τοσαύτα ἐσκύλευσαν ὅσα περ ὑμῶν ἀφείλοντο, ἀλλὰ τείχη τουαύτα ἐτελοῦν οἷα τῆς ἐαυτῶν πατρίδως κατέσκαψαν ὡσπεῖνει καὶ τὰ περὶ τήν Ἀττικήν φρούρια καθείλον, καὶ ὑμῖν ἐδήλωσαν ὅτι οὐδὲ τῶν Πειραιᾶ Δακεδαμονίων προστατῶντων περείλον, ἀλλ' ὅτι ἐαυτοῖς τήν ἀρχήν οὕτω βεβαιοτέραν ἐνόμιζον εἶναι.

41 Πολλὰς ὅδε ἐθαύμασα τῆς τόλμης τῶν λεγόντων

ΗΑ. 1050. 4 d; Gl. 672 d. In ἀλλὰ γάρ the original confirmatory force of γάρ 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 γάρ in the causal sense but this is so, for. An emphatic but is natural in closing the discussion of a point; ἀλλὰ γάρ 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 ὀesda. 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.

— ὡσπεῖνε: the simple relative ὃς is replaced by the indefinite rel. in a characterizing clause. ὅς specifies; ὅσπερ 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 ὃς ye 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 ἐνθυμηθῶ: for the tense of ἐθαύμασα see on κατέστην § 3. As the aor. expresses here a repeated action it properly stands as apodosis of the general protasis ὅταν ἐνθυμηθῶ.
ὑπὲρ αὐτῶν, πλὴν ὅταν ἐνθυμηθῶ ὅτι τῶν αὐτῶν ἔστων
αὐτῶς τε πάντα τὰ κακὰ ἐργαζόμεθα καὶ τοὺς τοιούτους
ἐπαινεῖν. οὓ γὰρ νῦν πρῶτον τῷ ὑμετέρῳ πλήθει τὰ
ἐναντία ἔπραξεν, ἀλλὰ καὶ ἐπὶ τῶν τετρακοσίων ἐν τῷ
στρατοπέδῳ ὅληγαρχίαν καθιστᾶ ἐφευγεν ἐξ Ἐλλη-
σπόντου τριήμαρχος καταλιπὼν τὴν ναῦν, μετὰ Ἰατρο-
κλέους καὶ ἑτέρων, ὥστε τὰ δοματα οὐδὲν δεόμαι λέγειν.
ἀφικόμενος δὲ δεῦρο τάναντία τοῖς βουλομένοις ἰδιο-
κρατίαν εἶναι ἐπραττε. καὶ τούτων μάρτυρας ὕμιν
παρέξομαι.

ΜΑΡΤΥΡΕΣ

43 Τὸν μὲν τοῖνυν μεταξὺ βίων αὐτῶν παρήσω· ἐπειδή
δὲ ἡ ναυμαχία καὶ ἡ συμφορά τῆς πόλει ἐγένετο, δήμο-

—τῶν αὐτῶν: a pred. gen. is often
used to denote one whose natura
it is to do the act expressed by
an accompanying infin. HA.
732 c.—πάντα τὰ κακὰ: as in
§ 33.—τοὺς τοιούτους: i.e. τοῖς
πάντα τὰ κακὰ ἐργαζόμενοι.

42. τῷ ὑμετέρῳ πλήθει: the
common term for the democratic
body of citizens in distinction from
the oligarchical faction.—ἐπὶ:
force, see on § 17. The time is
here to be taken broadly, including
the months of preparation.—τῶν
τετρακοσίων: see Introdp. p. 35.
καθιστᾶς: conative imperf. of
an act preliminary to the main
verb ἐφευγεν. See on ἀνωμένου
§ 32.—ἐφευγεν: imperf. of the
beginning of the flight (see on
ἐβάδιζον § 8), the end of which
is expressed by ἀφικόμενος. We
must conclude that while the
leaders of the movement were
working at Athens and among the
allied cities (Thuc. 8. 64. 1), Era-
tosthenes was co-operating with
them in the fleet on the Hellenpont,
which had headquarters at Ses-
tos.—καταλιπών: 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).—Ἰατρο-
κλέους: otherwise unknown.—
ΜΑΡΤΥΡΕΣ: the clerk of the court
here reads the depositions of wit-
nesses, the witnesses themselves
only acknowledging the written
testimony as theirs. App. § 20.

43. τοῖνυν: see on 16. 7 (D).—
μεταξὺ: i.e. from 412/450 B.C.
κατα ΕΡΑΤΟΣΘΕΝΟΥΣ XI. 42-44 93

κρατιάς ἔτι οὐσης, οθὲν τῆς στάσεως ἡρξαν, πέντε ἀνδρες ἔφοροι κατέστησαν ὑπὸ τῶν καλουμένων ἐταῖρων, συναγωγεῖσ μὲν τῶν πολιτῶν, ἀρχοντες δὲ τῶν συνωμοτῶν, ἑναντία δὲ τῷ ὑμετέρῳ πλήθει πράττοντες. οὖν Ἡρατοσθένης καὶ Κριτίας ἠσαν. οὔτοι δὲ

— ἡ ναυμαχία: the addition of ἡ συμφορά makes clear what battle is meant. Lysias elsewhere calls it ἡ τελευταία ναυμαχία (18. 4, 21. 9), ἡ ναυμαχία ἡ ἐν Ἑλλησπόντῳ (19. 16), ἡ ἐν Ἑλλησπόντῳ συμφορά (16. 4). — οθὲν: the antecedent of οθὲν is here, as often with οθὲν, the whole following clause. Here this position serves the periodic form by avoiding any interruption in the close succession: πέντε ἀνδρες ἐφοροι κατέστησαν . . . | συναγωγεῖσ μὲν τῶν πολιτῶν | ἀρχοντες δὲ τῶν συνωμοτῶν | ἑναντία δὲ . . . πράττοντες.

— ἐφοροι: 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, ἐπαρεῖα; see Introd. p. 37. — κατέστησαν: the passive force of this intrans. act. form justifies the agent construction with ὑπὸ; cp. the trans. κατέστησαν § 21. — Κριτίας: 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 (ἐφοροι). 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 Ερατοσ—
275 φυλάρχος τε ἐπὶ τὰς φυλὰς κατέστησαν, καὶ ὁ τι δέοι χειροτονεῖσθαι καὶ οὕστως χρεία ἀρχεῖν παρῆγγελλον, καὶ εἰ τι ἄλλο πράττειν βούλωντο, κύριοι ἔσσαν· οὕτως οὐχ ὑπὸ τῶν πολεμίων μόνον ἄλλα καὶ ὑπὸ τούτων πολιτῶν ὄντων ἐπεβουλεύεσθε ὡπως μήτ' ἄγαθον μηδὲν ψηφιεῖσθε πολλῶν τε ἐνδεεῖς ἐσεσθε. 280 τοῦτο γὰρ καλῶς ἦπισταντο, ὅτι ἄλλως μὲν οὐχ οὐδ' τε ἐσονται περιγενέσθαι, κακῶς δὲ πραττόντων δυνη-σουται· καὶ υμᾶς ἤγοντο τῶν παρόντων κακῶν ἐπιθυμοῦντας ἀπαλλαγῆναι περί τῶν μελλόντων οὐκ

thenes sought his own safety in the fall of the city (cp. §§ 44–45). We cannot determine whether Lysias is right in charging Eratosthenes with having been one of the ἔφοροι. He does not claim to have any proof except what his witnesses swear they have heard Eratosthenes say. The probability is against Lysias’s claim, for Eratosthenes was certainly the close political adherent of Theramenes, and Theramenes did not belong to the inner faction of the ἐπαιρέαυ (see the explicit statement of Arist. Resp. Ath. 34. 3, confirmed by Lys. 12. 76). It is very strange, moreover, that if Eratosthenes 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. φυλάρχος, φυλᾶς: the ten phylae were the first political subdivisions of the citizen body. These φιλαρχοί 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 φωλαρχοί is borrowed from that of the commanders of the cavalry, the favorite military department in aristocratic circles. — παρῆγγελλον: Lysias purposely uses the common term for passing the orders of a military commander down the line. — ψηφιεῖσθε: mood, HA. 885 a; G. 1372; B. 593; Gl. 638 a.

45. πραττόντων: sc. ὑμῶν. 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 Κριτίας § 43.
46 ἐνθυμήσεσθαι. ὡς τοῖν τῶν ἐφόρων ἐγένετο, μάρτυρας ὑμῖν παρέξωμαι, οὐ τοὺς τότε συμπράττοντας (οὐ γὰρ ἄν δυνάμην), ἀλλὰ τοὺς αὐτοῦ Ἐρατοσθένους ἀκούσαντας. καίτοι κάκεϊνοι εἰ ἐσωφρόνον κατεμαρτύρουν ἄν αὐτῶν, καὶ τοὺς διδασκάλους τῶν σφετέρων ἀμαρτησόματος ὁ φόδρο ἄν ἐκόλαζον, καὶ τοὺς ὀρκοὺς, εἰ ἐσωφρόνον, οὐκ ἄν ἔπι μὲν τοῖς τῶν πολιτῶν κακοῖς πιστοὺς ἐνύμιζον, ἔπι δὲ τοῖς τῆς πόλεως ἁγαθοῖς ραδίως παρέβαινον. πρὸς μὲν οὖν τούτους τοσοῦτα λέγω, τοὺς δὲ μάρτυράς μοι κάλει. Καὶ ὑμεῖς ἀνάβητε.

ΜΑΡΤΥΡΕΣ

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταίον εἰς τὴν ἀρχὴν καταστὰς ἁγαθοῦ μὲν οὐδενὸς μετέσχεν,

47. τοὺς ὀρκοὺς: 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 ὀρκοὺς includes both oaths. The construction is —

ei ἐσωφρόνον
οὒκ ἄν ἔπι μὲν ... ἐνύμιζον
ἔπι 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 (κήρου). — 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 ἀρχὴν: Wilamowitz (Arist. u. Athen. II. 219) calls attention to this expression as supporting the theory that Eratosthenes is undergoing δοκιμασία for his office, not being tried for murder (cp. Introd.
ἀλλων δὲ πολλών. καίτοι εἴπερ ἦν ἀνὴρ ἀγαθός, ἐχρῆν αὐτὸν πρῶτον μὲν μὴ παρανόμως ἄρχειν, ἔπειτα τῇ βουλῇ μηνυτὴν γίγνεσθαι περὶ τῶν εἰσαγγελιῶν ἀπα-300 σῶν, ὅτι ψευδῆς εἶεν, καὶ Βάτραχος καὶ Αἰσχυλίδης οὗ τάληθη μηνύουσιν, ἀλλὰ τὰ ὅπο τῶν τριάκοντα πλα-σθέντα εἰσαγγέλλουσιν, συγκείμενα ἐπὶ τῇ τῶν πολιτῶν

p. 44). — ἀλλων πολλών: for κα-κῶν πολλῶν. Such euphemism is common in referring to troubles and disasters. To use it of Eratosthenes's crimes gives a fine touch of irony.—εἴπερ: see on § 27.—ἐχρῆν: ἐχρῆ (§§ 31, 33) is a feminine noun, with ἥτις supplied. ἐχρῆ (§ 32) is for χρῆ ἦν, so having an augment in ἦν. The other imperf. form, ἐχρῆ, somewhat less frequent than χρῆ, is made by the mistaken addition of another augment to the form χρῆ; hence its peculiar accent. On the possibility of ἦν here with ἐχρῆ see Crit. Note.—αὐτῶν: intensive.—μηνυτὴν: as in § 32.—γίγνεσθαι: present, of a series of informations; in § 32 χρῆ . . . μηνυτὴν γενέσθαι (aorist) refers to a specific case.—εἰσαγγελιῶν: 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.—εἶεν . . . μηνύουσιν: 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.
49. βλάβης. καὶ μὲν δὴ, ὃς ἄνδρες δικασταί, ὅσοι κακογοι ἦσαν τῷ ὑμετέρῳ πλῆθει, οὐδὲν ἐλαττὸν ἔχον σωτέρας ἔτεροι γὰρ ἦσαν οἱ λέγοντες καὶ πράττοντες ὃν οἷς οἶνον τ᾽ ἦν μείζων κακὰ γενέσθαι τῆς πόλεις. ὁπόσοι δὲ εἶδοι φασὶν εἶναι, πῶς οὐκ ἐνταῦθα ἐδείξαν, αὐτοὶ τε τὰ βέλτιστα λέγοντες καὶ τοὺς ἐξαμάρτοντάς ἀποτρέποντες;

50. Ἰσως δὲ ἄν ἔχοι εἰπεῖν ὅτι ἐδεικεί, καὶ ὑμὼν τοῦτο ἐνίος ἱκανὸν ἔσται. ὅπως τοῖνυν μὴ φανῄσεται ἐν τῷ λόγῳ τοῖς τριάκοντα ἐναντιούμενος. εἰ δὲ μὴ, ἐνταῦθοι force, see on § 30. — σωτέρας: 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.

— ὃν οἷς κτλ.: than which no greater evils could have come to the city. The case of ὃν is governed by μείζων; its antecedent is the omitted object of λέγοντες and πράττοντες. — εἶναι: tense, see on ἀντιλύειν § 26. — ἀποτρέποντες: conative present. See on πυθαγόρεια § 2.

50. ὅπως . . . φανるべき: a colloquial expression of warning, HA. 886; G. 1352; B. 583 n. 3; Gl. 638. b.; GMT. 271. — τοῖνυν: LYSIAS — 7
δῆλος ἦστα τῷ ἔκεινα τά αὐτῶ ἦρεσκε, καὶ τοσοῦτον ἐδύνατο ὅστε ἐναντιούμενος μηδὲν κακῶν παθεῖν ὑπ’ αὐτῶν. χρῆν δ’ αὐτῶν ὑπὲρ τῆς ὑμετέρας σωτηρίας ταύτην τῆν προθύμιαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένους, ὅς εἰς ύμᾶς πολλὰ ἐξήμαρτεν. ἀλλ’ οὗτος τῆν μὲν πόλιν ἐχθραῖν ἐνόμιζεν εἶναι, τοὺς δ’ ὑμετέρους ἐχθροὺς φίλους, ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς τεκμηρίως παραστήσω, καὶ τὰς πρὸς ἅλλους διαφορὰς οὕτω ὑπὲρ ύμῶν ἀλλ’ ὑπὲρ ἑαυτῶν γεγονόμενα, ὁπότεροι τὰ πράγματα πράξοντι καὶ τῆς πόλεως.
ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ ΧΙΙ 51–53

52 ἀρξουσιών. εἰ γὰρ ὑπὲρ τῶν ἀδικουμένων ἑστασίαξον, ποῦ κάλλιον ἦν ἄνδρε ἄρχοντι, ἡ Ὑθρασυβοῦλος Φυλήν κατειληφότος, τότε ἐπιδείξασθαι τὴν αὐτοῦ εὐνοιαν; ὃ δ’ ἄντι τοῦ ἐπαγγελάσασθαι τι ἡ πράξαι ἁγαθών πρὸς τοὺς ἐπὶ Φυλῆ, ἔθλον μετὰ τῶν συναρχόντων εἰς Σαλαμῖνα καὶ Ἐλευσίναδε τριακοσίων τῶν πολιτῶν ἀπήγαγεν εἰς τὸ δεσμωτήριον, καὶ μιᾶ ψήφῳ αὐτῶν ἀπάντων θάνατον κατεψηφίσατο.

53 Ἐπειδὴ δὲ εἰς τὸν Πειραιᾶ ἠλθομεν καὶ αἱ ταραχαὶ γεγονεμέναι ἦσαν καὶ περὶ τῶν διαλλαγῶν οἱ λόγοι ponent. Themistocles, before the battle of Salamis with these words (8. 79): ἡμέας οὐσιαζεν χρεόν ἐστι εἰ ἐν τῇ ἀλλῳ καιρῷ καὶ δῇ καὶ ἐν τῷ περὶ τῶν ὀκτὼρ ἡμῶν πλέω ἁγαθᾶ τῇ πατρίδα ἐργάσεται. 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 ἦν: for non-use of ἔν see on εἰκὸς ἦν § 27.—Φυλήν: for the event see Chron. App. Phyle lay high up on the pass across Mt. Parnes (hence τοὺς ἐπὶ Φυλῆ).—Σαλαμῖνα καὶ Ἐλευσίναδε: 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).—μιᾶ ψήφῳ: these were Athenian citizens, entitled each to a separate verdict in any trial; cp. on § 36.

53. ἠλθομεν: 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.—ταραχαί: 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.—ἕπειδη ἠλθομεν . . . γεγονεμέναι ἦσαν . . . ἐγίνοντο: this combination of tenses is noteworthy (GS. 264): after our ar-
ἐγίγνοντο, πολλὰς ἐκάτεροι ἐπίδας εἶχομεν πρὸς ἀλλήλους διαλλαγῆσθαι, ὡς ἀμφότεροι ἔδειξαν. οἱ μὲν γὰρ ἐκ Πειραιῶς κρείττους ὄντες εἰσαγαγον αὐτοὺς ἀπελ-54 θέιν. οἱ δὲ εἰς τὸ ἀστυ ἐλθόντες τοὺς μὲν τρίακοντα ἐξέβαλον πλὴν Φείδωνος καὶ Ἐρατοσθένους, ἀρχοντας δὲ τοὺς ἐκείνους ἐχθρίστους εἴλοντο, ἡγούμενοι δικαίως ἄν ὑπὸ τῶν αὐτῶν τοὺς τε τριάκοντα μισεῖσθαι καὶ

rival . . . after the completion . . . during the discussions. ἐπειδὴ 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. — ἔδειξαν: 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.

54. 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 ἐγυρφαίαντα ἐκείνους μὲν καταπάυσαν, ἄλλους δὲ ἔλεσθαι. καὶ εἴλοντο δέκα, ἕνα ἀπὸ φυλῆς. καὶ οἱ μὲν τριάκοντα Ἐλευσινάδε ἀπήλθον Αἰδ. 38. 1 τοὺς μὲν τριάκοντα κατέλυσαν, αἰροῦντα δὲ δέκα τῶν πολιτῶν αὐτοκράτωρας ἐπὶ τὴν τοῦ πολέμου κατάλυσιν. They deposed the Thirty, and they elect ten citizens, with full power, to put a stop to the war. — Ἐρατοσθένους: Eratosthenes 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. — ἐκείνους: the Thirty as represented by the war faction. —
55 τοὺς ἐν Πειραιαῖς φιλεῖσθαι. τούτων τοῖν τοῖς Φείδων γενόμενος καὶ Ἰπποκλῆς καὶ Ἐπιχάρης ὁ Λαμπτρεὺς καὶ ἔτεροι οἱ δοκοῦντες εἶναι ἐναντίωτατοι Χαρικλεῖ καὶ Κριτία καὶ τῇ ἐκείνων ἑταρείᾳ, ἐπειδῆ αὕτω εἰς τὴν ἀρχὴν κατέστησαν, πολὺ μείζων στάσιν καὶ πόλεμον 56 ἐπὶ τοὺς ἐν Πειραιαῖς τοῖς ἐξ ἀστεως ἐποίησαν. ὁ καὶ φανερῶς ἐπεδείξαντο ὅτι οἷς ὑπὲρ τῶν ἐν Πειραιαῖς οὐδ’ ὑπὲρ τῶν ἅδικως ἀπολλυμένων ἑστασίαζον, οὐδ’ οἱ τεθνεώτες αὐτοὺς ἐλύσουν οὐδ’ οἱ μέλλοντες ἀποθανεὶς ἑρεμοῦν ἐπὶ τοὺς καὶ τὴν πόλιν ἀμφιτέρως ἐπο-

μισεῖσθαι, φιλεῖσθαι: on the rhetorical form see App. § 57. 3.

55. Ἐπιχάρης ὁ Λαμπτρεὺς: Andocides describes an Epichares as a syco-phant under the democracy, a tool of the Thirty, and a member of the Senate under them (Andoc. i. 95, 99). — Χαρικλεῖ: Xenophon (Mem. i. 2. 31) and Aristotle (Pol. 1305b 25) speak of him as a leader of the extreme faction. — τῇ ἐκείνων ἑταρείᾳ: 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 coöperated 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 συνόνημα see App. § 58. 2. — ἐπὶ: see on πρὸς 32. 19, Crit. Note.

56. ἑστασίαζον, ἐλύσουν: 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 quarrel ing;” “had been troubling” combine both ideas.
λέμουν, τοῖς τε τριάκοντα πάντα κακὰ εἰργασμένοις καὶ
ῦμῖν πάντα κακὰ πεπονθόσι. καίτοι τούτο πᾶσι δὴλον ἢν,
ὅτι εἰ μὲν ἐκεῖνοι δικαίως ἐφευγοῦν, ὑμεῖς ἀδίκως,
εἰ δὲ ὑμεῖς δικαίως, οἱ τριάκοντα ἀδίκως. οὐ γὰρ δὴ
ἐτέρων ἐργῶν αὐτίαν λαβόντες ἐκ τῆς πόλεως ἐξέπεσον,
58 ἀλλὰ τούτων. ἀμφοτέρων δὲ ὡς τῆσι χρὴ ὅργανος θαλαμῆς, ὅτι Φεῖ-
δῶν αἱρεθείς ὑμᾶς διαλλάξαι καὶ καταγαγεῖν τῶν αὐτῶν
ἐργῶν Ἐρατοσθένει καὶ τῇ αὐτῇ γυνᾶ καὶ τοὺς
μὲν κρείττους αὐτῶν δι' ὑμᾶς κακῶς ποιεῖν ἔτοιμος ἢν,

57. τοῖς τε τριάκοντα: here, as in the statement that the city party
"expelled" the Thirty, Lysias exaggerates. The Ten, so far from
making war on the Thirty at Eleusis, joined them in asking help from Sparta against the
Democrats. In answer to their common request, Lysander came up
to Eleusis and there raised a mercenary force, directly protecting the
Thirty. Xenophon says (Hell. 2. 4. 29), οἱ δὲ ἐν τῷ ἄστει πάλιν
αὐτῶν μέγα ἐφρόνοις ἐπὶ τῷ Λυσάνδρῳ
the city party were again greatly
encouraged by Lysander’s action.
Indeed, Lysander himself ascribes to
Phidon the securing of this very
force which Lysander organized
at Eleusis (§ 59). — πάντα κακά:
but in § 33 πάντα τὰ κακὰ. — ὑμῖν,
ὑμεῖς: 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 included among the ‘patriots.’
— ἐφευγοῦν: were in exile; see on
ἀδικῶ § 14. — δὴ: see on 25. 9
(B). — αὐτίαν λαβόντες: αὐτίαν λα-
βεῖν and αὐτίαν σχεῖν (ingressive
aorists) = to incur a charge: αὐτίαν
ἐχεῖν = to be under a charge (cp.
22. 18 πολλῶν ἢδη ἐχόντων ταύτην
τὴν αὐτίαν). — ἐξέπεσον: used as
passive of ἔξεβαλον (§ 54), HA.
820; G. 1241; B. 513; Gl. 499 a.

58. ὅργανος θαλαμῆς ὅτι: see on
§ 80. — διαλλάξαι: a true dative
indefinitive, HA. 951; G. 1532; B.
640; Gl. 565. — καταγαγεῖν: again
he speaks as though all the jury
were of the Piraeus party. — τῇ
αὐτῇ γυνᾷ: i.e. the same as that
of Eratosthenes. — τοὺς μὲν κρεῖτ-
tous: their colleagues among the
Thirty. — δι' ὑμᾶς: through your
means. For διά with acc. see on
§ 87. The Thirty were deposed
by the city party, but it was in the
interest of reconciliation, and so
it was done “thanks to” the exiles. The speaker strains the facts for the sake of his neat antithesis: δὲ ὑμᾶς κακῶς ποιεῖν ἐτοίμος ἦν, ὑμῖν δὲ . . . ἀποδοῦναι τὴν πόλιν.

— ἐπείθεν: conative impf. HA. 832; G. 1255; B. 527; Gl. 459 a; GMT. 36; GS. 213. Cp. 19. 22. — Βοιωτῶν: the exiles gathered at Thebes before they seized Phyle, and were hospitably received there.

59. εἶτε καὶ . . . εἶτε καὶ: the correlation of the two clauses is emphasized by adding καὶ . . . καὶ to εἶτε . . . εἶτε. — ιερῶν: 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. — εὐνούστατον, κακονού-στατον: on the παρονομασία see App. § 58. 5.

60. μισθωσάμενοι: the mercenary force raised by Lysander at Eleasis; it supported the Thirty as much as the Ten; Lysias chooses to misrepresent their relation. Cp. on § 57. — εἰπ’ 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 διαλλάξαι: inserted to keep the jury intent upon the central thought that in all this Phidon and Eratosthenes were
betraying their trust and belying their own professions. Note that while the infinit. (not in ind. disc.) regularly takes μή, a negated infinit. standing in parenthetical antithesis takes οὐ.—εἰ μή δι’ ἄνδρας ἀγαθούς: but for good men. For διά with acc. see on § 87. εἰ μή διά became a fixed formula, like Eng. “but for” (cp. on εἰ δὲ μή § 50). The phrase throws its force back upon ἀπολέσαι only (not upon παρεσκευάζοντο). 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-Lysander faction in Sparta. Lysias shrewdly hints to the jury that in 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.—οἷς ὑμεῖς δηλώσατε: the Eng. requires “must” in place of the simpler Greek imperative in a relative clause; cp. ὡστε with the impv., 16. 8 N.—ἐκεῖνοι: the “good men.”

61. οὐκ οἶδ’ ὅ τι: see on § 37 and Crit. Note.—δέομαι ἀναπαύσασθαι: 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. δῆ: cf. § 34 and see on 25. 9 (A).—διδᾶξω: “The sub-
καὶ μὴ δενὶ τούτο παραστῇ, ὡς Ἰερατοσθένους κινδυνεύοντος Θηραμένους κατηγορῶ. 384 πυνθάνομαι γὰρ ταῦτα ἀπολογήσεσθαι αὐτῶν, ὅτι 63 ἐκείνῳ φίλος ἦν καὶ τῶν αὐτῶν ἔργων μετείχε. καὶ τοῦ σφόδρῳ ἄν αὐτῶν ὀμια μετὰ Θεμιστοκλέους πολιτευό-
μενον προσποιεῖσθαι πράττειν ὅπως οἰκοδομηθήσεται 
τὰ τείχη, ὅποτε καὶ μετὰ Θηραμένους ὅπως καθαρεθῆ-
σεται. οὐ γάρ μοι δοκοῦσιν ἵσταν ἄξιοι γεγενήσθαι. ὁ 390 μὲν γὰρ Δακεδαἱμονίων ἀκόντων ψικοδόμησιν αὐτῶ,

junctive is used as the imperative of the first person, positive and negative. The negative particle is μὴ. The first person singular is less common than the plural, and is usually preceded by φέρε, instead of which Homer uses ἂγε,”

GS. 373 f. Cp. HA. 866. 1 ; G. 1344-5 ; B. 585 ; Gl. 472. — Θη-
ραμένους: 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 Eratosthenes 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.’ — πυνθάνομαι: 
tense, see on ἄδικω § 14.

63. The thought is: That citi-
zen 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 
had but lived in his time!’ — 
σφόδρῳ ἄν: emphatic position, 
widely separated from the verb 
(προσποιεῖσθαι); for ἄν see HA. 
964 b ; G. 1308 ; B. 647 ; Gl. 579. 
— πράττειν: tense, see on ἀντι-
λέγειν § 26. — ὅποτε καὶ: when 
actually. — μετὰ Θηραμένους: sc. 
pολιτευόμενος προσποιεῖται πράττειν. — ὁ μὲν . . . αὕτως ὅποι: a shrewd 
device for throwing contempt on 
the modern ‘patriot.’ For The-
ramenes’s responsibility for the 
destruction of the walls see on 
§ 68.
64 οὗτος δὲ τοὺς πολίτας ἐξαπατήσας καθεὶλε. περιέστηκεν οὖν τῇ πόλει τούναντίον ἦ ὡς εἰκὸς ἦν. ἄξιον μὲν γὰρ ἦν καὶ τοὺς φίλους τοὺς Ἐθραμένους προσαπολολέναι, πλὴν εἰ τις ἐτύγχανεν ἐκεῖνῳ τάναντια πράττων. 395 νῦν δὲ ὁρῶ τὰς τε ἀπολογίας εἰς ἐκεῖνον ἀναφερομένας, τούς τ᾽ ἐκεῖνοι συνόντας τιμᾶσθαι πειρωμένους, ὡσπερ πολλῶν ἁγαθῶν αἰτίου ἄλλ᾽ οὖ μεγάλων κακῶν γεγ-

65 νημένου. ὃς πρῶτον μὲν τῆς προτέρας ὀλυγαρχίας αἰτιώτατος ἐγένετο, πείσας ὑμᾶς τὴν ἐπὶ τῶν τετρακο-

64. τούναντίον: subject of περιέστηκεν; so Thuc. 6. 24. 2 τούναντίων περιέστη αὐτῷ. A more common construction is that of Dem. 25. 12 θοβοῦμαι μη τὸ πράγμα εἰς τούναντίων περιστῇ. — τούναντίον ἦ ὡς: ἐναντίος is treated as a comparative, and may be followed (1) by ἦ, (2) by the less common comparative connective ἦ ὡς, or (3) by the gen. without ἦ. (1) § 2, τούναντίον . . . ἦ ἐν τῷ πρὸ τοῦ χρόνῳ (2) Herod. 1. 22 ἣκουσα τοῦ κήρυκος . . . τοὺς ἐναντίους λόγους ἦ ὡς αὐτὸς κατεδόκεε he heard from the herald words the opposite of what he had expected. (3) Dem. 19. 329 δέδοκα μη τούναντίον οὐ βούλομαι τοιῷ I fear I may do the opposite of what I wish. For ἦ ὡς with other comparative words cp. Xen. Anab. 1. 5. 8 βάθτον ἦ ὡς τὶς ἄν ψετὸ more quickly than one would have thought. Dem. 6. 11 ἔστι γὰρ μείζω τὰ κεῖνων ἔργα, ἦ ὡς τῷ

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 Ἐθραμένης ὁ τοῦ Ἀγνωστος ἐν τοῖς ἐνγκαλαλύσιοι τοῖς δήμοις πρώτος ἦν, ἀνὴρ οὗτε εἰπεῖν οὗτε γνῶναι αἴτιωτος and Theramenes, 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) ὃ μὲν οὖν ὀλυγαρχία τοῦτον κατέστη τὸν τρό-

πον, . . . αἰτίων μάλιστα γενο-
καὶ ὁ μὲν πατὴρ αὐτοῦ τῶν προβούλων ὁν ταῦτ' ἐπράττεν, αὐτὸς δὲ δοκῶν εἰνοῦστατος ἐἶναι τοὺς πράγμασι στρατηγὸς ὑπ' αὐτῶν ἥρεθη. καὶ ἔως μὲν ἑτμάτο, πιστὸν ἐαυτὸν τῇ πολιτείᾳ παρεῖχεν· ἐπειδῆ δὲ Πεισανδρόν μὲν καὶ Κάλλαυσχρόν καὶ ἔτερους ἐώρα προτέρους αὐτοῦ γιγνομένους, τὸ δὲ μένων Πεισανδρόν καὶ Ἀντίφωντος καὶ Θηραμένους, ἄνδρων καὶ γεγενημένων εδ., καὶ συνέσει καὶ γνώμη δοκούντων διαφέρειν so the oligarchy was thus established . . . the men most responsible being Pisander and Antiphon and Theramenes, men of good birth and of eminent reputation for ability and judgment. Lysias exaggerates somewhat 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 τετρακοσίων: for ἔπι, 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 προβούλοι 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. Aristotle’s Rhetoric (3. 18) preserves an anecdote of Sophocles (probably the poet) which illustrates the attitude of men of this second class: Σοφοκλῆς ἐρωτώμενος ὑπὸ Πεισανδροῦ εἶ ἐδοξεν αὐτῷ ὀσπερ καὶ τῶν ἄλλων προβούλων, καταστήσασα τοὺς τετρακοσίους, ἐφή· τί δὲ; οὐ πονηρὰ σοι ταῦτα ἐδοκειν; ἐφὴ· οὐκοῦν σοὶ ταῦτα ἐπραξας τὰ πονηρὰ; καὶ ἐφὴ· οὐ γὰρ ἦν ἄλλα βελτίω Sophocles, when asked by Pisander whether he, like the other Proboi, approved 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 πράγμασι: to the government; see on 16. 3.—ὑπ’ αὐτῶν: i.e. τῶν τετρακοσίων.

66. τῇ πολιτείᾳ: to the administration.—ἐπειδῆ: for ἐπειδῆ with imperf., see on ἐγίγνοντο, § 53. —Κάλλαυσχρόν: his son Critias became the head of the second
υμέτερον πλῆθος οὐκέτι βουλόμενον τούτων ἀκροάσθαι, τότε ἡδή διά τε τόν πρὸς ἐκείνους φθόνον καὶ τό παρ’ ὑμῶν δέος μετέσχε τῶν Ἀριστοκράτους ἔργων. Βουλόμενος δὲ τῷ υμετέρῳ πλῆθει δοκεῖν πιστῶς εἶναι Ἀντιφώντα καὶ Ἀρχεπτόλεμον φιλτάτους οὖν τὰς αὐτῶς κατηγορῶν ἀπέκτεινεν, εἰς τοσοῦτον δὲ κακίας ἦλθεν, ὡστε ἄμα μὲν διὰ τὴν πρὸς ἐκείνους πίστιν ὑμᾶς κατε- δουλώσατο, διὰ δὲ τὴν πρὸς ὑμᾶς 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. — ήδη: strengthening τότε, then, and not till then. So in 25. 22.—τε: for position see on § 30.—τὸν πρὸς ἐκείνους φθόνον . . . τὸ παρ’ ὑμῶν 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 ἐκεῖνους.—μετέσχε: ingressive aorist (see on μετέσχον, 16. 3) ; cp. the imperf. in §§ 58 and 62.—Ἀριστοκράτους: 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 Aristotle, Resp. Ath. 33. 2 αἰτιώτατοι δ’ ἐγένοντο τῆς καταλύσεως Ἀριστοκράτης καὶ Θηραμένης. So Thuc. 8. 89. 2.

67. τῷ υμετέρῷ πλῆθει: cp. § 66 and see on § 42.—Ἀντιφώντα: see on § 65.—Ἀρχεπτόλεμον: he had worked for peace with Sparta earlier in the war (Ar. Equ. 794). After the deposition of the Four Hundred, Antiphon and Archepolemus were put to death on the charge of having plotted with others of the oligarchs to betray the city to Sparta. Theramenes was at the head of the government, under a moderate constitution, from September, 411, to about July, 410 (see Introd. p. 55).
68 τιμώμενος δὲ καὶ τῶν μεγίστων ἄξιούμενος, αὐτὸς ἔπαγ
415 γειλάμενος σώσειν τὴν πόλιν αὐτὸς ἀπώλεσε, φάσκων
πρᾶγμα ἦρηκεναι μέγα καὶ πολλοῦ ἄξιον. ὑπέσχετο
δὲ εἰρήνην ποιῆσειν μὴτε ὁμηρα δοὺς μὴτε τὰ τείχη
καθελὼν μὴτε τὰς νάυς παραδοῦς· ταῦτα δὲ εἶπεῖν
419 μὲν οὐδενὶ ἡθέλησεν, ἐκέλευσε δὲ αὐτὸ πιστεύειν.

68. The following events belong to the time (404 B.C.) after the complete restoration of the democracy, when the administration had passed from Theramenes and the moderate aristocrats into the hands of Cleophon and other popular leaders. Under their mismanagement came the disaster at Aegospotami, the siege of the city, and the unsuccessful attempts 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 strengthened by repetition (ἐπαναφορά, App. § 57. 5) with ἀπώλεσε. —
μέγα, πολλοῦ ἄξιον: on the συνωνιμία, see App. § 58. 2. — ὑπέσχετο ὅτι: after a general statement (here φάσκων . . . ἡρήκεναι) the particular explanation is often introduced by a neutral ὅτι, which has lost all adversative force. The English, and usually the Greek, more logically uses "for," as giving the grounds for the general statement. Cp. on γὰρ explicative,
69 ύμεις δὲ, ὃ ἀνδρεὶς Ἀθηναῖοι, πραττούσης μὲν τῇς ἐν Ἄρεως πάγω βουλής σωτήρια, ἀντιλεγόντων δὲ πολλῶν Θηραμένει, εἰδότες δὲ ὦτι οἱ μὲν ἄλλοι ἀνθρώποι τῶν πολεμίων ἐνεκα τάπορρητα ποιοῦνται, ἐκείνος δὲ ἐν τοῖς αὐτοῖς πολίταις οὐκ ἡθέλησεν εἶπεν ταῦθ' ἀ πρὸς τοὺς πολεμίους ἐμέλλεν ἔρειν, ὃμως ἐπετρέψατε αὐτῷ πατρίδα καὶ παῖδας καὶ γυναίκας καὶ ὑμᾶς αὐτοὺς.

70 ὁ δὲ ὅν μὲν ὑπέσχετο οὐδὲν ἐπραξεν, οὕτως δὲ ἐνετεθύμητο ὡς χρὴ μικρὰν καὶ ἀσθενὴ γενέσθαι τὴν πόλιν,

participle takes μὴ (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 μὴ or would have it if negativated. So in 19. 33, 19. 37, 19. 51, 24. 18, 24. 26, 25. 4, 25. 22, 32. 18.

69. 

πραττούσης μὲν ... βουλής ἀντιλεγόντων δὲ πολλῶν εἰδότες δὲ ὦτι [οἱ μὲν ἄλλοι ... ἐκείνος δὲ ...]

ὑμεῖς ... ἐπετρέψατε.

The use of μὲν ... δὲ ... δὲ 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 Introd. p. 37. — τάπορρητα ποιοῦνται: 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. — γυναίκας: 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.
ὁστε περὶ δὲν οὐδεὶς πώποτε οὕτε τῶν πολεμίων ἐμνήσθη
οὕτε τῶν πολιτῶν ἠλπισε, ταύθ' ἦμας ἔπεισε πρᾶξαι,
οὐχ ὑπὸ Δακεδαμονίων ἀναγκαζόμενος, ἀλλ' αὐτὸς
ἐκείνος ἐπαγγελλόμενος, τοῦ τε Πειραιῶς τὰ τείχη
περιελεῖν καὶ τὴν ὑπάρχουσαν πολιτείαν καταλύσαι, εὖ
εἰδὼς ὅτι, εἰ μὴ πασῶν τῶν ἐλπίδων ἀποστερήσεσθε,
τὰ ταχείαν παρ' αὐτοῦ τὴν τιμωρίαν κομιείσθη. καὶ τὸ

"ον καταπεφρόνηκεν § 84. — ἠλπισε: ἐλπίδω has strictly only the idea of expectation; hope (its usual force) or fear is determined by the context. — ἔπεισε: i.e. in the assembly which received and acted upon the report of the ten ambassadors on the day after their return (Xen. Hell. 2. 2. 22). — αὐτὸς: as in § 68. — Πειραιῶς: the demand made on the first embassy was for the destruction of ten stadia of the Long Walls. The new demand was probably caused in part by exasperation at the stubborn refusal of Athens to accept unexpectedly mild terms, and in part by Sparta's finding it necessary to compromise with some of her own leading allies, who demanded the annihilation of the city. — πολιτείαν καταλύσαι: it is almost certain that the change of government was agreed upon between Sparta and Theramenes and his friends before the surrender; but it is not likely that it was one of the formal conditions 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 ὠνόματι μὲν εἰρήνην λεγομένην, τῷ δ' ἐργῷ τὴν δημοκρατίαν καταλυομένην implies that the change of government was not in the nominal terms of peace. — ἀποστερήσεσθε: voice, H.A. 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
ΤΕΛΕΥΤΑΙΟΝ, ὃ ἀνδρεὶς δικασταί, οὗ πρῶτερον έισε τὴν ἐκκλησίαν γενέσθαι, ἔως ὅ ὁμολογημένος ὑπ’ ἐκείνων καὶ διὰ ἐπιμελῶς ὑπ’ αὐτοῦ ἔτηρήθη, καὶ μετεπέμψατο μὲν τὰς μετὰ Δυσάνδρου ναῦς ἐκ Σάμου, ἐπεδήμησε δὲ τὸ τῶν πολεμίων στρατόπεδον. τὸτε δὲ τούτων ὑπαρ-

banished, he retained the confidence of the people and was for a time at the head of the new administration. In the years that followed (410-404), when the extreme democracy had returned to the fullest power, still no attack was made upon him. Had he been able to secure moderate terms from Sparta, he would have been the most popular man in the city.

71. ἘΚΚΛΗΣΙΑΝ: Lysias, having shown that Theramenes carried the proposition for surrender in the assembly on the day after his return from Sparta, turns now to the discussion of his efforts in a later assembly, called to discuss a change of government. He expects his hearers to understand by the words τὸ τελευταίον that he is passing to this later and final act. To hearers familiar with the events, less than two years past, this was probably clear; by us the words τὴν ἐκκλησίαν are liable at first to be understood as referring to the assembly of which he has just been speaking; but six lines below he makes all clear by adding the phrase περὶ τῆς πολιτείας.

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 πρῶτερον . . . ἔως: the ordinary construction is either οὗ πρῶτερον . . . τρίν 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,
χόντων, καὶ παρόντος Λυσάνδρου καὶ Φιλοχάρου καὶ Μιλτιάδου, περὶ τῆς πολιτείας τὴν ἐκκλησίαν ἐποίουν, ἵνα μὴ τῇ ῥήτορῳ αὐτῶις μηδὲς ἐναντιοῦτο μηδὲ διαπειλοῦτο ὑμεῖς τε μὴ τὰ τῇ πόλει συμφέροντα ἐλοιςθε, ἀλλὰ τάκεινοι δοκοῦντα ψηφίσασθε. ἀναστὰς δὲ Θηραμένης ἐκέλευσεν ὑμᾶς τριάκοντα ἀνδρῶι ἐπιτρέπαι τὴν πόλιν καὶ τῇ πολιτείᾳ χρῆσθαι ἣν Δρακοντίδης ἀπέφαινεν. ὑμεῖς δὲ ὅμως καὶ οὕτω διακεῖ-

Lysander being left to carry on the winter siege with his fleet (Diodor. i3. 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. — εποίουν: tense, see on ἐβάδιζον § 8. — ῥήτωρ: the term for one who addresses the popular assembly. The ῥήτωρ 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 ῥήτορες. — τε: correlative with μὴ τε, and used instead of a second μὴ τε, so that it may connect the preceding with both the negative ἐλοισθε and the positive ψηφίσασθε, —

    ἕναντιοῦτο
    μὴ τῇ ῥήτωρ ἀπειλοῦτο
    ὑμεῖς τε
    ἐναντιοῦτο
    μηδὲ
    διαπειλοῦτο
    μὴ ἐλοισθε
    ὅμως
    άλλὰ
    ψηφίσασθε

73. Δρακοντίδης: confirmed by Arist. Resp. Ath. 34. 3. He was appointed one of the Thirty. — ἀπέφαινεν: 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 ἀπέφαινεν) and that of Xenophon (Hell. 2. 3. 11) that the Thirty were appointed to

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frame a constitution (συγγράψαι νόμους). Dracontides 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.— ἡκκλησιάζετε: for the form of augment see Crit. Note. The addition of ἐν ἐκείνῃ τῇ ἡμέρᾳ has led editors to the rejection of ἡκκλησιάζετε, the Mss. reading (present, normal ind. disc. con-
struction). For the rare impf. see GMT. 674. 2; HA. 936; G. 1489. 1.

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

75. γυνότε: ingressive aor., see on μετέσχον 16. 3.— αὐτοῦ: the adverb. — φανονταί ἀπίστοι: φανοντα, were gone, is more summary than ἀπῆλθον; φανοντα ἀπί-
στοι 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 . . . κελεύουσι: 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 pretence of representation of the popular body.

77. ἀπολογούμενος: Xenophon (Hell. 2. 3. 35-49) gives at some length the speech of Theramenes
όνειδίζων μὲν τοῖς φεύγονσιν, ὅτι δὲ αὐτῶν κατέλθοιεν,
οὐδὲν φροντὶζόντων Δακεδαμονίων, ὀνειδίζων δὲ τοῖς τῆς
πολιτείας μετέχονσιν, ὅτι πάντων τῶν πεπραγμένων τοῖς
εἰρημένοις τρόποις ὑπ' ἐμοῦ αὐτῶς αἰτίους γεγενημένοις
tοιούτων τυχάνοι, πολλάς πίστεις αὐτῶς ἔργῳ δεδω-
κῶς καὶ πάρ' ἐκείνων ὁρκοὺς εἴληψοι. καὶ τοσοῦτων
καὶ ἐτέρων κακῶν καὶ αἰσχρῶν καὶ τάλαι καὶ νεωστὶ
καὶ μικρῶν καὶ μεγάλων αἰτίον γεγενημένον τολμήσου-
σιν αὐτοὺς φίλους ὡντας ἀποφαίνειν, ὡν υπὲρ ὴμῶν
ἀποσανότος Θηραμένους ἀλλ' ὑπὲρ τῆς αὐτοῦ πονη-
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 de-
ivered. There is in it no refer-
ence to the points which Lysias
mentions here. — ὀνειδίζων, ὀνε-
δίζων: on the ἐπαναφορά see App.
§ 57. 5. — δὲ αὐτῶν: they had him
to thank for their return. See on
§ 87. — κατέλθοιεν: 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 nego-
tiated with Sparta. 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 re-
pression of the democracy. The-
ramenes and his friends saw in
this fact their own opportunity.
— ὑπ' ἐμοῦ: emphasis is given by
the variation from the normal pos-
ition (cp. τὰ ὑπ' ἐμοῦ εἰρημένα five
lines above). The central point
of the argument is, “Theramenes’s
speech agrees with my account.”
— πίστεις: L. & S. s.v. II. — ἐκεῖ-
νων: 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 αὐτὸς in one of
them. Cp. 14. 28 οὐχ ὃς ἀδελφὸν
αὐτῆς, ἀλλ' ὃς ἄνδρὰ ἐκεῖνος not
as her brother, but as her husband;
Plato, Eth. phr. 14 d αἰτεῖν τε
φης αὐτῶν καὶ διδόναι ἐκεῖνος do
you say that we ask of them (the
gods) and give to them?
78. On the striking τολυσίμ-
δετον of the opening words see
App. § 58. 4. — ὑπέρ . . . πονηρίας:
‘he was serving — not the people,
but his own base nature’; ὑπὲρ gives a touch of personification that we should not have in ἐνεκα. Cp. on ὑπὸ § 3. — κατέλυσε: for force of the tense see Crit. Note. — δικαίως ὅν: ἀν 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. ὀνειδίζων, ὀνειδίζων § 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. — ὀνόματι: the name of restoration of the government to the form of the ancestral limited democracy. — δεινοτάτων: outraged, a stronger word than αἰσχιστός, the ordinary opposite of κάλλιστος.

79. ἐκεῖνος: used rather than οὗτος, as suggesting “that time” for which they had long been hoping. — τοῦτο: 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 συναρχόντας αἰτοῦ § 87. GS. 39; HA. 966 a; B. 650 n. i. — συναρχόντων: see Introd. p. 44, note 3. — ἐχθρῶν: since the amnesty the Thirty are
no longer πολέμου, but in the feeling of their former victims they will always be ἐχθροί.

80. ὕποτε: is assimilated to the case of the (omitted) antecedent. Cp. on § 35. Lysias's constructions with ὕποτε 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 ὑπέρ, 12. 2; (2) gen. with ἀντί, 12. 96; (3) dat. with ἐπί, 14. 13. 28. 2. 32. 21; (4) acc. with διά, 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 δή clause, 1. 15. 12. 58. 14. 20. — ἀποῦσι: 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. — ἐπιβουλεύσετε, ἂφητε: 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 ὕποτε . . . ἐπιβουλεύσετε to ἂφητε . . . βοηθήσετε 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. — τούτοι: 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. — φίλων: Theramenes, Phidon, and the others whom he has attacked; to be distinguished from the friends who will plead for Eratosthenes in court (τῶν συνερποστῶν); the attack upon them comes in
500 οἷς τὰς ἀπολογίας ἀνοίξει καὶ μεθ᾽ ὃν αὐτῷ ταῦτα πέπρακται. ὁ μέντοι ἄγων οὐκ ἔξ ἵσουν τῇ πόλει καὶ Ἐρατοσθένει: οὕτως μὲν γὰρ κατῆγορος καὶ δικαστὴς ὁ αὐτὸς ἢν τῶν κρινομένων, ὡμεῖς δὲ νυν ἐἰς κατη-82 γορίαν καὶ ἀπολογίαν καθέσταμεν. καὶ οὕτωι μὲν τοὺς
505 οὕδεν ἀδικοῦντας ἀκρίτους ἀπέκτειναν, ὡμεῖς δὲ τοὺς ἀπολέσαντας τὴν πόλιν κατὰ τὸν νόμον ἀξιοῦτε κρίνειν, παρ' ὑμῖν οὐδ' ἂν παρανόμως βουλόμενοι δίκην λαμβάνειν ἀξίαν τῶν ἀδικημάτων ὡν τὴν πόλιν ἡδικήκασι λάβοιτε. 509 τί γὰρ ἂν παθόντες δίκην τὴν ἀξίαν εἴησαν τῶν ἔργων 83 δεδωκότες; πότερον εἰ αὐτοῖς ἀποκτείνατε καὶ τοὺς παῖδας αὐτῶν, ἰκανὴν ἂν τὸν φόνον δίκην λάβομεν, δὲν οὕτωι πατέρας καὶ νεῖς καὶ ἀδελφοὺς ἀκρίτους ἀπέκτειναν; ἄλλα γὰρ εἰ τὰ χρήματα τὰ φανερὰ δημεύσατε, 514 καλῶς ἂν ἔχωι ἡ τῇ πόλει, ἡς οὕτωι πολλὰ εἰλήφασιν, ἡ 84 τοῖς ἰδιώταις, δὲν τὰς οἰκίας ἐξεπορθῆσαν; ἐπειδὴ τοῖς

§ 86. — οἷς . . . ἀνοίξει: an unusual construction for the regular one of § 64.
82. ἀδικοῦντας: tense, see on ἀδικῶ § 14. — ἀκρίτους: cp. on § 17. — ἀξιοῦτε: L. & S. s.v. ΙΙΙ. 2. — δίκην τὴν ἀξίαν: “the substantive takes no article before it, when it would have none if the attributive were dropped,” HA. 668 a.; cp. B. 452. — δίκην . . . δεδωκότες: the unusual position of words throughout gives emphasis; see on ἡμῖν § 33.
83. παῖδας: cp. ὁν καὶ τοὺς παῖδας § 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. — ὡν: the antec. is the subject of λάβομεν. — νεῖς: form, see on § 34. — ἄλλα γὰρ: emphatic γὰρ really, possibly (see on § 40); connect with καλῶς ἂν ἔχωι. — τὰ φανερὰ: it is assumed that they have put all their other property out of reach. — ἡς, ὡν: possessive gen. — εἰλήφασιν: the perfect implies that they still have their ill-gotten gains in their possession.
84. τοῖνυν: force, see on 16.
πάντα ποιοῦντες δίκην παρ’ αὐτῶν τὴν ἂξιαν ὀυκ ἂν δύνασθε λαβεῖν, πῶς ὀυκ αἰσχρὸν ὑμῖν καὶ ἠρτυνοῦν ἀπολυπεῖν, ἦττινά τις βούλητο παρὰ τοῦτων λαμβάνειν;

520 Πῶν δ’ ἀν μοι δοκεῖ τολμῆσαι, ὀστὶς νυνὶ ὀυκ ἐτέρων ὀυτῶν τῶν δικαστῶν ἀλλ’ αὐτῶν τῶν κακῶς πεπονθῶν, ἤκει ἀπολογησόμενος πρὸς αὐτούς τοὺς μάρτυρας τῆς τούτων πονηρίας· τοσοῦτον ἡ ὑμῶν καταπεφρόνηκεν ἢ 85 ἐτέρως πεπίστευκεν. ὃν ἀμφοτέρων ἀξίου ἐπιμεληθῇ·

525 ναὶ, ἐνθυμουμένου ὡς ὅτι ὅτι ἀν ἐκεῖνα ἐδύναντο ποιεῖν

7 (A). — ἠρτυνοῦν: sc. δίκην. For the force of -ονν see HA. 285; G. 432. 1; B. 151 n.; Gl. 221 c. — βούλητο: opt. in protasis, the apodosis τῶς ὀυκ αἰσχρὸν... ἀπολυπεῖν being nearly equivalent to τῶς ὀυκ αἰσχρὸς ἂν ἀπολύσατε. GMT. 555. — ἀν: see on § 1. — ὀστὶς: the ὀστὶς of a ‘characterizing clause,’ see on § 40. As the sentence advances the speaker passes from the general word ὀστὶς to the particular τούτων. For τούτων rather than ἐαυτοῦ see on τούτων § 81. — ἢκει 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 ἐιργασταί § 1. — καταπεφρόνηκεν, πεπίστευκεν: perfect to denote a permanent attitude of mind where the present would denote a present mental action (cp. καταφρόνων § 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 σὺ δ’ οὕτω σφόδρα πεπίστευκας τοῖς σεαυτῷ λόγοις καὶ καταπεφρόνηκας τῆς τούτων εὐθείας you have such confidence in your own eloquence and such contempt for the honesty of these citizens; Lycurg. 68 καὶ οὕτως ἐστὶν ἀνόητος καὶ παντάπασιν ὑμῶν καταπεφρόνηκώς he is so foolish and so full of contempt for you; Isoc. 4. 136 δικαίως ἀπάντων ἡμῶν καταπε- φρόνηκώς.

85. ἀμφοτέρων: their scorn of you and their trust in others; but what follows deals with the second
κατὰ ἐρατόσθενον XII 85-87

μὴ ἐτέρων συμπραττόντων, οὐτὶ ἄν νῦν ἐπεχείρησαν ἐλθεῖν μὴ ὑπὸ τῶν αὐτῶν οἰόμενοι σωθῆσεθαι, οὐκ ὁποῖος ἦκοι θηθήσοντες, ἀλλὰ ἡγούμενοι πολλὴν ἀδείαν σφόνων ἔσεσθαι καὶ τοῦ λυποῦ ποιεῖν ὦ τι ἄν

530 βούλωνται, εἰ τοὺς μεγίστους κακῶν αἰτίους λαβόντες ἀφήσετε. Ἀλλὰ καὶ τῶν συνεργότων αὐτῶι ἂξιων θαυμάζεων, πότερον ὡς καλοὶ κάγαθοι αἰτήσονται, τῆν αὐτῶν ἀρετὴν πλείων ἂξιαν ἀποφαίωντες τῆς τούτων πονηρίας. ἐβουλόμενη μὲντὸ ἄν αὐτῶι οὕτω προθύμους ἐναι σόφεως τὴν πόλιν, ὡσπερ οὕτω ἀπολλύναι· ἢ ὡς διενοὶ λέγεων ἀπολογήησονται καὶ τὰ τούτων ἔργα πολλοῦ ἂξια ἀποφαίωσον. ἀλλ' οὐχ ὑπὲρ ὑμῶν οὐδεὶς αὐτῶν οὐδὲ τὰ δίκαια πότες ἐπεχειρήσην εἰπεῖν.

87 Ἀλλὰ τοὺς μάρτυρις ἂξιον ἰδεῖν, οἱ τούτωι μαρτύροντες αὐτῶν κατηγοροῦσι, σφόδρα ἐπιθῆσον καὶ

idea only. — μὴ ἐτέρων συμπραττόντων: μὴ in protasis, see on § 68 (A). — τοῦ λυποῦ ποιεῖν: the fuller and more regular construction is that of 30. 34 ἀδείαν εἰς τὸν λυπῶν χρόνον λήψεσθαι τοῦ ποιεῖν ὦ τι ἄν βούλωνται. For case of λυποῦ see HA. 759; G. 1136; B. 359; Gl. 515. — ἀφήσετε: mood and tense, see on ἀφῆσον § 35.

86. ἂξιων θαυμάζειν

[πότερον ὡς καλοὶ . . .

αἰτήσονται]

(optargήσονται]

[ἡ ὡς δεινοὶ . . . ἀπο-

λογήσονται].

The two halves of the double question are widely separated by the insertion of the parenthetical sentence ἐβουλόμενη . . . ἀπολλύναι.

— ἐβουλόμενη ἄν: cp. on § 22.

— σώζειν, ἀπολλύναι: conative presents, see on πυθάνεσθαι § 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, Ἀπο. 17: ἐλέγον ὡς χρῆ ὑμᾶς εἰλαβεῖσθαι μὴ ὅτι ἐμοῦ ἐξαπατήθητε ὡς δεινοὶ δύνατο λέγειν they said that you must be on your guard against being deceived by me, on the ground that I am an eloquent speaker.
εὐθέως νομίζοντες ὑμᾶς εἶναι, εἰ διὰ μὲν τοῦ ὑμετέρου πλῆθους ἀδεός ἦγονται τοὺς τριάκοντα σώσειν, διὰ δὲ Ἐρατοσθένην καὶ τοὺς συνάρχοντας αὐτοῦ δεινόν ἦν καὶ τῶν τεθνεῶτων ἐπ’ ἐκφορὰν ἐλθεῖν. καὶ τοῖς οὕτωι μὲν σωθέντες πάλιν ἀν δύναντο τὴν πόλιν ἀπολέσαι· ἐκεῖνοι δὲ, οὐς οὕτωι ἀπώλεσαν, τελευτήσαντες τὸν βίον πέρας ἔχουσι τῆς τῶν ἐχθρῶν τιμωρίας. οὐκ οὖν δεινὸν εἰ τῶν μὲν ἄδικως τεθνεῶτων οἱ φίλοι συναπώλλυντο, αὐτοῖς δὲ τοὺς τὴν πόλιν ἀπολέσασιν — ἡ ποὺ ἐπ' —

87. εὐθέως: for the change of this word from an originally good meaning (ὠ, ἤθος) cp. the history of Eng. simple and silly.— διὰ πλῆθους, διὰ Ἐρατοσθένην: note the change from gen. to accus. with διὰ. ἐπ’ 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; 23, 6, 25, 27, 25, 29, 25, 30, 25, 32. For combination of the two see 25, 33.

— πλῆθος: cp. §§ 42, 66, 67.— διὰ: substitute Eng. while; as in §§ 47 and 80 the Eng. idiom does not allow the coordinate clauses.— αὐτοῦ: for the case see on τοῦτο § 79.

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.’ — ἔχουσι: we should expect ἔχουν, 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.— ἐχθρῶν: obj. gen.— συναπώλλυντο: were in danger of dying with them, impf. of an expected action, B. 527; G.S. 213. So ἔγινεντο 25, 10, ἀπεταστέρασμαν 25, 13.— ἡ ποὺ κτλ.: Lysias started to say, “Is it not then outrageous, if the friends of
καὶ μὲν δὴ πολὺ ῥάον ἥγουμαι εἶναι ὑπὲρ δὲν ὑμεῖς ἐπάσχετε ἀντειπεῖν, ἡ ὑπὲρ δὲν οὔτοι πεποιήκασιν ἀπολογήσασθαι. καὶ τοῦτο, λέγουσιν ὡς Ἔρατοσθένει ἐλάχιστα τῶν τριάκοντα κακὰ εἰργασταί, καὶ διὰ τούτο αὐτὸν ἀξίον σωθῆναι. ὁτι δὲ τῶν ἄλλων Ἑλληνών πλείστα εἰς ὑμᾶς ἔξημάρτηκεν, οὐκ οὔνταί χρῆναι αὐτὸν ἀπολέσθαι; ὑμεῖς δὲ δεῖξτε ἑντευκτικὴ γνώμην ἔχετε περὶ τῶν πραγμάτων. εἰ μὲν γὰρ τούτου καταψυφείσθη, δὴ δὲ ἐσπευσθεὶς ὡς ὀργιζόμενοι τοῖς πεπραγμένοις. εἰ δὲ ἀποψυφείσθη, ὀφθήσεσθε τῶν αὐτῶν ἐργῶν ἐπιθυμηταί τούτοις ὄντες, καὶ οὐχ ἔξετε λέγειν

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 οὖν δενῶν: Aye, doubtless many will come to their funeral, when so many are preparing to bring them aid. — ἐπὶ ἐκφορᾶν: a grim reminder to the defense, that there is no doubt whatever as to the coming verdict.

89. καὶ μὲν δὴ: force, see on § 30. — εἶναι: the direct discourse would have πολὺ ῥάον ἦν . . . ἀντειπεῖν ἡ (ἐστὶ) ἀπολογήσασθαι it were much easier to accuse than (it is) to defend. For ἤν without ἄν see on εἰκός ἦν § 27. — ὑπὲρ ἄν: cp. on ἄν § 35. On ὑπὲρ see on 25. 5. — πεποιήκασιν: tense, see on εἰργασμένοι εἰδὼν § 22. — τῶν ἄλλων Ἑ. πλείστα: strictly it should be τῶν ἄλλων Ἑλληνῶν πλείω, but such looseness of expression with the superlative is not infrequent, and is here caused by the parallelism with ἐλάχιστα τῶν τριάκοντα. — εἰς ὑμᾶς: force, see on πρός 32. 19, Crit. Note.

90. καταψυφείσθη: monitory protasis, see on ἀφήσουσιν § 35. — ὡς: an uncommon use with δῆλος and the partic. of ind. disc. (see on § 73); cp. Xen. Anab. 1. 5. 9 δῆλος ἦν Κύρος ὡς σπεῦδων it was evident that Cyrus was hastening. — τοῖς πεπραγμένοις:
91 ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα ἔποιεῖτε· νῦν μὲν γὰρ οὐδεὶς ύμᾶς ἀναγκάζει παρὰ τὴν ὑμετέραν γνώμην ψηφίζεσθαι. ὡστε συμβουλεύω μὴ τούτων ἀποψηφισμένους ύμῶν αὐτῶν καταψηφίσασθαι. μηδ' οἴεσθε κρύβδην εἶναι τὴν ψήφον· φανερὰν γὰρ τῇ πόλει τὴν ὑμετέραν γνώμην ποιήσετε.

92 Βούλομαι δὲ ὀλίγα ἑκατέρους ἀναμνήσας καταβαίνειν, τοὺς τε ἐξ ἁστεώς καὶ τοὺς ἐκ Πειραιῶς, ἵνα τὰς 570 ύμιν διὰ τούτων γεγενημένας συμφορὰς παραδείγματα ἔχοντες τὴν ψήφον φέρητε. καὶ πρῶτον μὲν ὅσοι ἐξ ἁστεῶς ἐστε, σκέψασθε ὅτι ὑπὸ τούτων ὦτω σφόδρα ἡρξεσθε, ὡστε ἀδελφοίς καὶ νέοι καὶ πολίταις ἡγακάζεσθε πολεμεῖν τοιοῦτον πόλεμον, ἐν δὲ ἠτηθέντες μὲν τοῖς νικήσασι τὸ ἱσον ἔχετε, νικήσαντες δ' ἄν τοῦτος

in μηδ' τοῦτο παραστῆ, ὡς ... κατηγορῶ § 62.

92. καταβαίνειν: i.e. from the speaker’s platform.—διὰ τούτων: force, see on διὰ πλῆθους § 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 subord. in trans.: that you may have the misfortunes ... as warnings, as you cast your vote.—ἐν δ': the main clause of result has the construction ὦτω ... ὡστε, the subordinate one, τοιοῦτον ἐν δ'.
93 ἐδουλεύετε. καὶ τοὺς ἰδίους οἶκους οὗτοι μὲν ἐκ τῶν πραγμάτων μεγάλους ἐκτήσαντο, ὡμεῖς δὲ διὰ τὸν πρὸς ἀλλήλους πόλεμον ἐλάττους ἐχετε. συνωφελείως μὲν γὰρ ὑμᾶς οὔκ ἦζεν, συνδιαβάλλεσθαι δ’ ἡμάγκαζον,
580 εἰς τοσοῦτον ὑπεροφίας ἐλθόντες ὡστε οὐ τῶν ἀγαθῶν κοινοῦμενοι πιστοὺς ὑμᾶς ἐκτωντο, ἀλλὰ τῶν ὑνειδῶν μεταδιδόντες εὔνους φόντο εἶναι. ἀνθ’ ἰν ὡμεῖς νῦν ἐν τῷ θαρραλέω ὄντες, καθ’ ὅσον δύνασθε, καὶ ὑπὲρ ὑμῶν αὐτῶν καὶ ὑπὲρ τῶν ἐκ Πειραιῶς τιμωρήσασθε,
585 ἐνθυμηθέντες μὲν ὅτι ὑπὸ τούτων πονηροτάτων ὄντων ἠρχεσθε, ἐνθυμηθέντες δὲ ὅτι μετ’ ἀνδρῶν νῦν ἀρίστων πολιτεύσεσθε καὶ τοὺς πολεμίους μάχεσθε καὶ περὶ τῆς πόλεως βουλεύσεσθε, ἀναμνησθέντες δὲ τῶν

93. For the use of antithesis in this section see App. § 57. 1.
— οἶκος: Xenophon sums up a discussion on the meaning of οἶκος in these words, οἰκὸς ἐν τῷ ἔφανεν ὑμῖν ἐπεκτείνετο ὑπὲρ κτήσεως ἡ σύμπασσα; we agreed that οἶκος is the same as one's whole property (Oeconom. 6. 4).— τοὺς ἰδίους οἶκους... μεγάλους ἐκτήσαντο: 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.— ἐκτωντο: conative impf., see on ἐπείδην § 58.— ἀλλὰ... φόντο εἶναι: but they thought you were satisfied if they let you share the blame.

94. νῦν ἐν τῷ θαρραλέω: implying that under the Thirty they had acted from fear.— ἐνθυμηθέντες, ἐνθυμηθέντες: on the ἐπαναφόρα see App. § 57. 5.— νῦν ἀρίστων: νῦν with πολιτεύσετε: the reversal of the ordinary position, ἀρίστων νῦν, throws strong emphasis upon both words; see on ἡμῖν § 33.— πολεμίους: '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, οὕς οὗτοι φύλακας τῆς σφετέρας ἀρχῆς καὶ τῆς ύμετέρας δουλείας εἰς τὴν ἀκρόπολιν κατέστησαν. καὶ πρὸς ὑμᾶς μὲν ἐτὶ πολλῶν ὄντων εἰπεῖν τοσαύτα λέγω. ὅσοι δ’ ἐκ Πειραιῶς ἔστε, πρῶτον μὲν τῶν ὄπλων ἀναμνήσθητε, ὅτι πολλὰς μάχας ἐν τῇ ἀλλοτρίᾳ μαχεσάμενοι οὐχ ὑπὸ τῶν πολεμίων ἀλλ’ ὑπὸ τούτων εἰρήνης οὕσις ἀφηρέθητε τὰ ὀπλα, ἔπειθ’ ὅτι ἐξεκηρύχθητε μὲν ἐκ τῆς πόλεως, ἢν ὑμῶν οἱ πατέρες παρέδοσαν, φεύγοντας δὲ ὑμᾶς ἐκ τῶν πόλεων ἔγιτοῦντο. ἀνθ’ ὑπὸ ὅργισθήτη μὲν ὡσπερ ὅτ’ ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν ἄλλων κακῶν ἀ πεπόνθατε ὑπ’ αὐτῶν, οὐ τοὺς 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 connection with ἀναμνήσθητε (προλέψις); its repetition in the ὅτι clause is unusual, but is justified by the length of the intervening expression and by the emphasis that rests upon the words ἀφηρέθητε τὰ ὀπλα. — ἀλλοτρία: L. & S. s.v. II. 2. — ἐκ τῆς πόλεως: strictly speaking ἐκ τοῦ ἄστεως only (προείπον μὲν τοὺς ἐξω τοῦ καταλόγου μὴ εἰσέναι εἰς τὸ ἄστεν, Xen. Hell. 2. 4. 1). The term πόλεως would include the Piraeus, but very many of the exiles feared to remain there; Lysias’s statement is therefore little beyond the fact. — ἐκ τῶν πόλεων: the cities of the Peloponnesian alliance, the demand being made by Sparta, the supporter of the Thirty. But not all these cities obeyed. Thebes became the chief rallying point of the exiles. When Lacedaemonian 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 Chalcis (Lys. 24. 25). — ἔγιτοῦντο: the imperf. of the repeated and ineffecctual action; cp. the aorists ἀφηρέθητε, ἐξεκηρύχθητε, of summary, consummated actions.

96. ἀνθ’ ὑπ.: see on ὅργισθέν ὑπ'
600 ἀγορᾶς τοὺς δὲ ἐκ τῶν ἱερῶν συναρπάζοντες βιάως ἀπέκτειναν, τοὺς δὲ ἀπὸ τέκνων καὶ γονέων καὶ γυναι-
κῶν ἀφέλκοντες φονεάς αὐτῶν ἡνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομιζομένης εἰςαν τυχεῖν, ἡγού-
604 μενοι τὴν αὐτῶν ἀρχήν βεβαιοτέραν εἶναι τῆς παρὰ τῶν 97 θεῶν τιμωρίας. ὃσοι δὲ τῶν θάνατον διέφυγον, πολλα-
χοὺ κινδυνεύοντες καὶ εἰς πολλὰς πόλεις πλανηθέντες καὶ πανταχόθεν ἐκκηρυττόμενοι, ἐνδείκτις ὄντες τῶν ἐπι-
τηδείων, οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι τοὺς παῖδας καταλιπόντες, οἱ δὲ ἐν ξένη γῆ, πολλῶν ἐναντιούμενων
610 ἡλθεῖ τοῖς Πειραιᾷ. πολλῶν δὲ καὶ μεγάλων κινδύ-
νων ὑπαρξάντων ἄνδρες ἁγαθοὶ γενόμενοι τοὺς μὲν
98 ἡλευθερώσατε, τοὺς δὲ ἐν τῇ πατρίδι κατηγάγετε. εἰ
dὲ ἐδυστυχήσατε καὶ τούτων ἡμᾶρτετε, αὐτοῖ μὲν ἄν
deίσωστε ἐφεύγετε μὴ πάθητε τοιαῦτα οία καὶ πρό-
615 τερον, καὶ οὗτ' ἄν ἱερὰ οὔτε βωμοὶ ἴματι ἀδικομένουσ

§ 80. — ἱερῶν: cp. § 98. — φονεάς
αὐτῶν . . . ταφῆς: as in the case
of Polemarchus.—τῆς νομιζομένης:
for position see on τὴν ἄξιαν
§ 82.

97. πολεμία: the Greek predic-
cate position provides a more
compact expression than is pos-
sible in Eng.; see on ἐκήρυσσαν
§ 93, and cp. Xen. Anab. 1. 3. 14
ἡγεμόνα αὐτῶν Κύδων ὡστις διὰ
φιλίας τῆς χώρας ἀπάξει.—ἡλθεῖ:
the sentence began with διέφυγον,
but as it develops the speaker
passes over unconsciously to the
second person. — ὑπαρξάντων:

force, see on ὑπάρχει § 23. — τοὺς
μέν: the children left at Athens.

98. τούτων: the safe return
and the rescue of their children.
— ἐφεύγετε: the time may be pre-
sent 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.
ἐφεύγον § 16); the second trans.
is better, for οὗτ' ἄν ἱερὰ . . . ὀφε-
λήσαν (aor.) must be past. — μὴ
πάθητε: connect with δείσωστε;
a negative purpose after ἐφεύγετε
would in Lysias have ὑπά μὴ
(GMT. 315 n. 1). — καὶ πρότε-
διὰ τούς τούτων τρόπους ὄφελησαν, ἃ καὶ τοῖς ἄδικονσι σωτηρία γύνεται· οἱ δὲ παῖδες ὑμῶν, ὥσοι μὲν ἐνθάδε ἦσαν, ὑπὸ τούτων ἀν ὑβρίζοντο, οἱ δὲ ἐπὶ ξένης μικρῶν ἂν ἑνεκα συμβολαίων ἐδούλευον ἐρημία τῶν ἐπικουρής σῶντων.

99 Ἀλλὰ γὰρ οὐ τὰ μέλλοντα ἔσεσθαι βούλομαι λέγειν, τὰ πραξθέντα ὑπὸ τούτων οὐ δυνάμενος εἰπεῖν. οὐδὲ γὰρ ἐνὸς κατηγόρου οὐδὲ δυοῖν ἔργων ἐστίν, ἄλλα πολλάν. ὦμως δὲ τῆς ἐμῆς προθυμίας οὐδὲν ἐλλε- λειπται, ὑπὲρ τε τῶν ἱερῶν, ἃ οὖν τὰ μὲν ἀπέδοντο τὰ δὲ εἰσίόντες ἐμίανον, ὑπὲρ τε τῆς πόλεως, ἣν μικρὰν ἐποίουν, ὑπὲρ τε τῶν νεωρίων, ἃ καθελοῦν, καὶ ὑπὲρ τῶν ἰσον: for καὶ in a comparison see on 19. 2. — διὰ τρόπους: connect with οὖτε ὄφελησαν. — ἄ: agreement, HA. 628; G. 1021 (a); B. 463; Gl. 613 a. — ὑβρίζοντο . . . ἐδούλευον: of present time. — ἑνεκα: on the position of ἑνεκα 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 ἐδούλευον 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 = ἃ ἔμελλεν. For the non-use of ἂν see G. 1402. 3; B. 567. 1. On the tense see on ἄναμενον § 32. — λέγειν . . . εἰπεῖν: continuative present, complexive aorist. — τέ, τέ, τέ, καί: on the πολυσύνδετον see App. § 58. 4. — τὰ μὲν: not the temples, but probably treasures from the temples, and especially tracts of land belonging to their endowments, ordinarily rented to private persons for the benefit of the temple funds. — ἐμίανον: the Thirty were so steeped in guilt that their very entrance into a temple was a pollution to it. — νεωρίων: the entire loss of the fleet at the close of the Peloponnesian War had left the dockyards and naval arsenal empty. It was the plan of Sparta and her Athenian supporters to see to it that the fleet should never be restored. This was the more acceptable to the Thirty as the fleet had always been the center of democratic power. We are not
τεθνεώτων, οίς ύμεῖς, ἐπειδή ζώσιν ἔπαμώναι οὐκ ἐδώ
100νασθε, ἀποθανοῦσι βοηθήσατε· οἴμαι δ' αὐτοὺς ἴμων
630 τε ἀκροᾶσθαι καὶ ύμᾶς εἰσεσθαί τὴν ψῆφον φέροντας,
ηγομένους, ὅσοι μὲν ἄν τοῦτων ἀποψηφίσησθε, αὐτῶν
θάνατον κατεψηφισμένους ἑσεσθαί, ὅσοι δ' ἄν παρὰ
τοῦτων δίκην λάβωσιν, ὑπὲρ αὐτῶν τὰς τιμωρίας πεποιη-
μένους.

635 Παύσωμαι κατηγορῶν. ἀκήκοατε, ἐωράκατε, 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. ύμᾶς εἰσεσθαί τὴν ψῆφον
φέροντας: this would ordinarily
mean, "will know that you cast
your vote," an impossible meaning
here. The parallelism with ἴμων
τε ἀκροᾶσθαι, 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
gressive meaning of εἰσεσθαί cp.
27. 7 ἦκουσι δὲ πάντες οἱ τὰ τῆς
πόλεως πράττοντες οἷς ἴμων ἀκρο-
ασμένοι, ἀλλ' ύμᾶς εἰσόμενοι ἴμω-
tων γνώμην περὶ τῶν ἀδικοῦντων
LYSIAS — 9

ἔχετε all who are active in politics
have come, not to hear us, but to
take knowledge of you, what view
you are going to hold about the
guilty.—κατεψηφισμένους ἑσεσθαί:
tense, future responsibility; cp. on
eἰργασμένοι εἰσίν § 22.—τὰς τιμω-
ρίας: the penalty due. This passage
is of great interest as bearing on
the question of the belief of the common
people, in distinction from
that of the poets and philosophers,
as to the condition of the dead.
Lysias assumes that the jurymen
believe in the conscious existence
of the dead, and their knowledge
of what is being done in this world
for or against them. An appeal
of this sort is not uncommon in
Athénian pleas, but in all other
instances is qualified by some ex-
pression which implies that such
knowledge on the part of the
dead is only a possibility.—On
the remarkable ἀσώνθετον in the
final sentence see App. § 58. 3.
XVI

THE SPEECH FOR MANTITHEUS

INTRODUCTION

Lysias wrote this speech for Mantineus, a young man who, as a candidate for office, probably that of senator, was to appear before the outgoing Senate to pass his scrutiny (δοκιμασία).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.3

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, Hermes, V. 11).

2 See p. 253 n. 2. The office must have been that of senator or archon, for these offices only were subject to δοκιμασία by the Senate (Arist. Resp. Ath. 45. 3). In § 8, where Mantineus 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 δοκιμασία, which would follow before a law court if the office were an archonship (Arist. ibid. 55. 2).

3 These ἵππεῖς are not to be confused with the ἵππεῖς who formed the second property class of Athenian citizens. The name as applied to the
INTRODUCTION

This force was made up from members of the first two property classes, selected by a board of ten Commissioners (καταλογεῖς), who were appointed annually.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.² The new members were obliged to pass their δοκιμασία before the Senate.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.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-

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² See Xenophon, Hippiarchus, 1. 11 f.
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, ημύζουσε κέρδος τῷ δήμῳ, εἰ άποδημοῖν καὶ έναπδήμωντο 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.\(^1\)

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.\(^2\)

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

The senatorship was open to all citizens who had reached the age of thirty years. Fifty seats belonged to each of the ten phylae, 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 (δοκιμασία) 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

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1 We find the statement in Harpocratian (s.v. 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 Harpocratian may be based only on a misunderstanding of the present case.

2 For Lysias’s position on this question, see Introd. 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. 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

1 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.
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 ὀνειδικότος 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. Πρότεστος, 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 δοκίμασις 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. Διάστημα, 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. Πώστευς, 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 Manti-theus 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 Manti-theus? The most surprising thing is that neither the prosecution nor the defense seems to have produced the testimony of the officers under whom Manti-theus 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.
The language is as simple and direct as that of the proem. There is nothing to suggest to the hearer that Mantineus is speaking words other than his own.

III. Second Πρόθεσις, Propositio, § 9.

Lysias now prepares the way for his main defense, the presentation of the young man in his own frank, enthusiastic personality.

IV. Διήγησις, 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 Mantineus, making only the slightest comment on the bearing of the several statements. As Mantineus 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 (ἡθοποιεῖα);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 ἡθοποιεῖα 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 ἐχθρῶν, § 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 ΒΟΤΑΗΙ
MANTHΣΕΩI ΔΟΚΙMΑΖΟΜΕΝΩI ΑΠΟΛΟΓΙΑ

1 Ἔι μὴ συνήδη, ὦ βουλή, τοῖς κατηγόροις βουλομένοις ἐκ παντὸς τρόπου κακῶς ἐμὲ ποιεῖν, πολλὴν ἀν αὑτοῖς χάρων ἔχων ταύτης τῆς κατηγορίας· ἤγοιμαι γὰρ τοῖς ἀδίκως διαβεβλημένοις τούτους εἶναι μεγίστων ἁγαθῶν 5 αὑτῶν, ὡστε ἂν αὐτοὺς ἀναγκάζωσιν εἰς ἐλεγχον 2 τῶν αὐτοῖς βεβιωμένων καταστῆναι. ἐγὼ γὰρ ὅτῳ σφόδρα ἐμαυτῷ πιστεύω, ὡστ' ἐλπίζω καὶ εἴ τις πρὸς 10 με τυγχάνῃ ἀπώδες διακείμενος, ἐπειδὰν ἐμὸν λέγωντος ἀκούῃ περὶ τῶν πεπραγμένων, μεταμελήσει τούτω 3 ἔξω δὲ, ὦ βουλή, ἐὰν μὲν τούτο μόνον ὑμῖν ἐπιδείξω,
for the matter at issue, or as something that is waived aside; so in 19. I, 32. II.

3. τοῖς καθεστηκοσί 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. — ἡνάγκασμαι: see on εἰργασμένοι εἰσίν 12. 22. — τῶν αὐτῶν κινδύνων: 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 βεβιωκῶς: 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 βεβιωκῶς express this ideal life both in private and public relations. μηδὲν ἂγαν 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 Introd. p. 133. — χείρους: i.e. to hold them in less esteem than in the past. So the plaintiff in the
πρῶτον δὲ ἀποδείξω ὡς οὐχ ἦπενον ἐπὶ τῶν τριάκοντα,
οὔτε μετέχον τῆς τότε πολιτείας.

4 Ἡμᾶς γὰρ ὁ πατὴρ πρὸ τῆς ἐν Ἑλλησπόντῳ συμφορᾶς ἡς Σάτυρον τῶν ἐν τῷ Πόντῳ διαμισθομένους ἐξέπεμψε, καὶ οὐ τῶν τειχῶν καθαιρουμένων ἐπεδημοῦμεν οúde μεθυσταμένης τῆς πολιτείας, ἀλλ' ἡλθο-

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 τῶν λαυτῶν χρόνων ἡγεῖται χαῖρον εἶναι 32. 3). — ἐπὶ: force, see on 12. 17. — μετέχον: ingressive aorist, received a share. ΗΑ. 841; G. 1260; B. 529; Gl. 464; GMT. 55; GS. 239. Cp. μετέχει 12. 66, μετέχον 25. 18, γινόμεν 12. 75, ἀθυμήσαι 24. 7, ὕργίσθημεν 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. πρός only in 32. 10 (twice), 32. 14, 1. 16, 1. 19, 4. 7, 7. 2, Fr. 1. 1. — Σάτυρον: In a speech of Isocrates, delivered 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 κοῦν τῶν Βοσπορανῶν, 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. — καθαιρουμένων: 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). —
κατελθείν: 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 ... κατελθόντες 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 καὶρὸν for the ordinary ἐν καὶρῷ (cp. 30. 14 ἐν τοιούτῳ καὶρῷ); the accus. with εἰς represents the act as breaking into the time.— μετέχειν: compare the tense with that of μετέχων § 3. — ἔχοντες: impf. with reference to φαίνονταί· so ἀποδημοῦσι and ἑξαμαρτάνονται impf. with reference to μεταδιδόναι. See on ἀνωμένον 12. 32. — ἡτίμαζον: i.e. visited them with ἡτίμα; impf. referring to the general policy of the ruling faction of the Thirty.

6. σανίδιον: 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.

— εὔθες: meaning, cp. on 12. 87.
ομολογούντων ἵππεύειν οὐκ ἔνεισιν, ἕνιοι δὲ τῶν ἀπο-
δημούντων ἐγγεγραμμένοι εἰσίν. ἐκεῖνος δὲ ἔστιν
35 ἔλεγχος μέγιστος. ἐπειδὴ γὰρ κατήλθετε, ἐφηφι-
σασθε τοῖς φυλάρχοισ ἀπενεγκεῖν τοὺς ἰππεύσαντας,
τίνα τὰς καταστάσεις ἀναπράξῃ παρ’ αὐτῶν. ἐμὲ
τούνν οἴδεις ἃν ἀποδείξειν οὔτ' ἀπενεχθέντα ὑπὸ τῶν

— ἵππευειν, ἀποδημούντων: tense, see on ἀνωμένοι 12. 32. — ἐκεῖνος
. . . μέγιστος: but the greatest
proof lies in another fact (not
in this (τοὔτο) worthless list).
Although the pronoun refers to
what immediately follows and to
what is nearest in thought, the
fact of its sharp contrast brings in
ἐκεῖνος in place of ὦδε. For gen-
der see on ταῦταν 12. 37. — φυ-
λάρχοι: one phylarch was elected
annually from each of the ten
phylae as commander of its ca-
valry contingent. The whole for-
ce was under the command of two
hipparchs. The phylarchs here
referred to are the new board,
elected after the return of the ex-
iles. — ἀπενεγκεῖν τοὺς ἰππεύσα
τας: make a return of the names
of those who joined the cavalry
(under the Thirty). — καταστά-
σεις: see Introd. p. 131. — ἀνα-
πράξῃ: mood, ΗΑ. 881 a; G.
1369; B. 590, 674; Gl. 642 a.
For the usage of Lysias and others
in the choice between subj. and
opt. in final clauses after a second-
ary tense, see GMT. 320 n. 1.

7. τούνν: this particle is a
compound of τοῖ (locative of
the demonstrative τó), and νόν
in its weakened form νών, as a
particle of transition. The τοῖ
was a weaker equivalent of the
Homerιc τῶ = in that case, there-
fore. τούνν thus receives illative
force (= therefore) from its first
member, and transitional force
from its second. In its common
use sometimes one prevails, some-
times the other, but for the strictly
illative use Lysias commonly pre-
fers οὖν. His uses of τούνν are
these: (A) As an illative particle
= οὖν 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 tes-
timony, 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, τοὔνν
introduces the individual instance
to which the principle is applied,
(D) As a mere particle of transi-
_Ypēr Mantineō, XVI_ 7

_Φυλαρχῶν οὖτε παραδιέςατα τοῖς συνδικοῖς ὡς κατά-
στασιν παραλαβόντα. καίτοι πᾶσι βαδιον τοῦτο
gρώναι, ὅτι ἀναγκαῖον ἡν τοῖς φυλαρχοῖς, εἰ μὴ ἀπο-
δείξεαν τοὺς ἔχοντας τὰς καταστάσεις, αὐτοῖς ἤμισ-
σθαι. ὡστε πολὺ ἀν δικαιότερον ἐκεῖνοι τοῖς γράμ-
μασιν ἡ τοῦτοι πιστεύοντε· ἐκ μὲν γὰρ τούτων βαδιον
ἡν ἐξαλειφθήναι τῷ βουλομένῳ, ἐν ἐκεῖνοι δὲ τοὺς

*παραδιέςατα* : by the Senate.

_τοῖς συνδικοῖς_ : 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-
misssioners. called _σύνδικοι_, were appointed. The recovery of state
funds paid to the _cavalry_ properly fell to them. — _ἀναγκαῖον_ : inevita-
ble. — _ἀποδείξειαν_ : opt. because it is the indirect expression of the past
thought in the minds of the phy-
larchs (_ἔαν μὴ ἀποδείξωμεν_). HA.

937; G. 1502. 2; B. 677; GMT.
696. — _ἐκεῖνοις τοῖς γράμμασιν_ : 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 ἐκεῖνοις δὲ_: the placing of _δὲ_
after _ἐκεῖνοις_ (cp. _ἐκ μὲν_ just
before) throws emphasis on
ἐκεῖνος. So in § 10; 24. 4, 25.
22. For similar displacement
of _μὲν_ see on 12. 15. — _τοὺς_
_ιππεύσαντας_ : cp. the construc-
ίππευσαντάς ἀναγκαῖον ἦν ὑπὸ τῶν φυλάρχων ἀπε-

8 νεχθῆναι. Ἐπὶ δὲ, ὁ βουλή, εἴπερ ἵππευσα, οὐκ ἂν

ἡ ἐξάρνος ὡς δεινόν τι πεποιηκός, ἀλλ' ἥξιον, ἀπο-

δείχας ὡς οὐδὲς ὑπ' ἐμοῦ τῶν πολιτῶν κακῶς πέπονθε,

50 δοκιμάζεσθαι. ὡρῶ δὲ καὶ ὑμᾶς ταύτῃ τῇ γνώμῃ

χρωμένους, καὶ πολλοὺς μὲν τῶν τότε ἵππευσάντων

βουλεύοντας, πολλοὺς δ' αὐτῶν στρατηγοὺς καὶ ἰππά-

ρχοὺς κεχειροτονημένους. ὡστε μηδὲν δι' ἄλλο με

tion with that of τοῖς φυλάρχοις above.

8. ἐτι: furthermore, cp. ἐπειτα 

§ 6. — εἴπερ: see on 12. 27. — ἄν: 

with both ἦ and ἥξιον. — ἦ: the 

older Attic form is ἦ, contracted 

from ἥ (used by Homer); the 

later form ἦν was beginning to 

appear in literature late in the 

fifth century; cp. ἤδη and ἤδεω 

(§ 1, N.). — ὡς . . . πεποιη-

κός: with a participle ὡς has 

"subjective" force. The idea ex-

pressed by the participle is rep-

resented as lying in the mind of 

some person, as something which 

appears to him to be true, or som-

ething 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. 15, 


because the question is as to 

d then speaker's credit or guilt. See 

on εἰργασμένοι εἰσίν 12. 22. — 

ήξιον: I would claim as my right. 

Cp. ἄξιῶ § 3. — ὑπ' ἐμοῦ: for posi-

tion see on ἦμιν 12. 33. — πολλοὺς, 

πολλοῖς: on the ἐπαναφορά see 

App. § 57. 5. — βουλεύοντας: in 

the technical sense of member-

ship in the βουλή. — κεχειροτο-

νημένοι: 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 μηδὲν . . . 

ἡγετοθε: so that you must not sup-

pose. ὡστε with the imperative 
gives closer connection than the 

illative ὥν. Cp. the imperative in 

relative clauses, 12. 60 N. — μηδὲν:
ήγεισθε ταύτην ποιεῖσθαι τὴν ἀπολογίαν, ἥ ὅτι περι-55
φανώς ἐτόλμησάν μου καταψεύσασθαι. Ἄναβηθι δὲ
μοι καὶ μαρτύρησον.

ΜΑΡΤΥΡΙΑ

9 Περὶ μὲν τοῖνυν αὐτῆς τῆς αἰτίας οὐκ οἶδ’ ὅ τι δεὶ
πλεῖω λέγειν· δοκεῖ δὲ μοι, ὥ βουλή, ἐν μὲν τοῖς
ἀλλοις ἀγώσι περὶ αὐτῶν μόνων τῶν κατηγορημένων
60 προσήκειν ἀπολογεῖσθαι, ἐν δὲ ταῖς δοκιμασίαις δί-
καιον εἶναι παντὸς τοῦ βίου λόγον διδόναι. δέομαι
οὗν ὑμῶν μετ’ εὐνοίας ἀκροάσασθαι μου. ποιήσομαι
dὲ τὴν ἀπολογίαν ὡς ἄν δύνωμαι διὰ βραχυτάτων.

10 Ἐγὼ γὰρ πρῶτον μὲν οὖν ἴδως μοι οὔ πολλῆς κατα-
65 λειψθείσης διὰ τὰς συμφορὰς καὶ τὰς τοῦ πατρὸς καὶ
τὰς τῆς πόλεως, δύο μὲν ἀδελφὰς ἕξεδωκα ἐπιδοῦς
τριάκοντα μνᾶς ἐκατέρα, πρὸς τὸν ἀδελφὸν δ’ οὕτως
ἐνειμάμην ὅστ’ ἐκεῖνον πλέον ὑμολογεῖν ἔχειν ἐμοῦ
τῶν πατρών, καὶ πρὸς τοὺς ἄλλους ἀπανταὶ οὕτως

the negative would be οἴδε (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 βρα-
χυτάτων: see on δι᾽ ἐλαχίστων 12. 3.

10. γὰρ: here explicative γὰρ introduces a new point in the dis-
ussion, without any preceding general statement; see on 19. 12.
—ἐξέδωκα: if a father left both sons and daughters, the sons only
inherited the property, but with it they inherited the father’s obliga-
tion 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 Diogitont
provided that his widow should have twice this amount if she
married again (32. 6).—ἀδελφὸν δὲ: for position of δὲ see on § 7.
70 βεβίωκα ὅστε μηδεπόποτε μοι μηδὲ πρὸς ἑνα μηδὲν
11 ἐγκλήμα γενέσθαι. καὶ τὰ μὲν ἰδία οὐτως διάκηκα·
περὶ δὲ τῶν κοινῶν μοι μέγιστον ἡγοῦμαι τεκμήριον
εἶναι τῆς ἐμῆς ἐπιεικείας, ὅτι τῶν νεωτέρων ὅσοι περὶ
kύβους ἢ πότους ἢ τὰς τοιαύτας ἀκολασίας τυγχά-

— μηδεπόποτε ... μηδὲ ... μηδὲν:
H.A. 1030; G. 1619; B. 433; Gl. 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 re-
strictions which avoided confusion. Morgan’s translation gives an ex-
cellent equivalent under the limi-
tations of English usage: “There
has never been any ground of com-
plaint at all against me on the
part of a single solitary man.”

— μηδὲ πρὸς ἑνα: stronger than
μηδένα. by bringing ἑνα into sharp
relief. πρὸς ἑνα 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
τὸν ἀδελφὸν and πρὸς τοὺς ἄλλους
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
ward toward a person (πρὸς τῶν), as
well as coming to us from a per-

son (παρά τινος). For other ex-
amples see 32. 2; 10. 23 τίνος
ὁντος ἐμοὶ πρὸς ὑμᾶς ἐγκλήματος
on the ground of what complaint
from you against me? So Thuc.
5. 105. 1 πρὸς τὸ θεῖον εὐμενείας
favor from heaven; Isoc. 7. 8
τῆς ἐχθρᾶς τῆς πρὸς βασιλέα the
hostility of the king; Dem. 18. 36
τὴν μὲν ἀπέχθεαν τὴν πρὸς Ἐνθ-
βαίους καὶ Ἐπεταλοῦς τῇ πόλει
genέσθαι the hatred of the Thebans
and Thessalians came to the city.

11. ἰδία . . . κοινῶν: under
κοινῶν 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 prop-
erty at dice (κατακυβεύσας τὰ ὄντα 14. 27). The aged Isocrates
includes it in his list of the em-
ployments 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 com-
pany of the sort in which they
νοστι τὰς διατριβὰς ποιούμενοι, πάντας αὐτούς ὁφεσθὲ μοι διαφόρους ὄντας, καὶ πλείστα τούτους περὶ ἐμοῦ λογοποιούντας καὶ ψευδομένους. καῖτοι δὴλον ὅτι, εἰ τῶν αὐτῶν ἐπεθυμοῦμεν, οὐκ ἂν τοιαύτην γνώμην εἴχον 12 περὶ ἐμοῦ. ἔτι δ’, ὁ Βουλή, οὔδεὶς ἂν ἀποδεῖξαι περὶ ἐμοῦ δύνατο οὔτε δίκην αἰσχρὰν οὔτε γραφὴν οὔτε εἰσαγγελίαν γεγενημένην· καῖτοι ἐτέρους ὀρᾶτε πολλάκις εἰς τοιούτους ἁγόνας καθεστηκότας. πρὸς τοῖνυν τὰς στρατείας καὶ τοὺς κυνήγους τοὺς πρὸς τοὺς πολε- 13 μίους σκέψασθε οἶον ἐμαυτὸν παρέχω τῇ πόλει. πρῶ- 

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 αὐτούς: 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 analentic); but here the weaker αὐτούς takes the place of τούτως in order that the whole stress may fall upon πάντας. In the next clause the pronoun becomes emphatic, and the stronger τούτως appears; cp. 25. 11 and note.

12. ἔτι: cp. ἔτι § 8 and ἔστεια § 6. —δίκην, γραφὴν, εἰσαγγελίαν: 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. —τοῖνυν: further, introducing the next detail in the argument; cp. ἔτι above, and see on § 7, τοῖνυν (D).

13. πρῶτον μὲν: correl. with μετὰ ταῦτα τοῖνυν § 15. —τὴν συμ- μαχίαν: 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 reéntrance into Hellenic affairs after her entire prostration. — τρός Βοιωτοῦς: on omission of the article see Crit. Note. — Ἀλίαρτος: 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.) — ἐπειδή 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 δεῖν: here used of what ‘ought’ from the nature of the case to follow.— ἀδοκιμᾶστων: 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. — Ὄρθοβούλῳ: 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 kata-logeis of Mantitheus’s tribe (ὑπὸ Ὄρθοβούλου κατελεγμένος) 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, ἡγούμενος αἰσχρῶν εἶναι τοῦ πλῆθους 
μέλλοντος κινδυνεύων ἀδειαν ἐμαυτῷ παρασκευάζωντα 
στρατεύεσθαι. Καὶ μοι ἀνάβητι, Ὀρθόβουλε.

ΜΑΡΤΥΡΙΑ

14 Συλλεγέντων τοῖνυν τῶν δημοτῶν πρὸ τῆς ἔξοδου, 
εἰδὼς αὐτῶν ἔνιοις πολίταις μὲν χρηστοῖς ὄντας καὶ 
προθύμους, ἐφοδίων δὲ ἀποροῦντας, εἶπον ὅτι χρῆ 
τοὺς ἐχοντας παρέχειν τὰ ἐπιτήδεια τοῖς ἀπόρως 
διακεκιμένοις. καὶ οὐ μόνον τοῦτο συνεβούλευον 
τοῖς ἄλλοις, ἀλλὰ καὶ αὐτὸς ἔδωκα δυνών ἀνδρῶν 
τριάκοντα δραχμὰς ἐκατέρω, ὥσ πολλὰ Κεκτημένος, ἀλλ' 
ἐνα παράδειγμα 
τοῦτο τοῖς ἄλλοις γένηται. Καὶ 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. — ἐφο 
διῶν: 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 
νεῶν 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. Gulick, 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 τοῖς, ὁ Βουλή, εἰς Κόρινθον ἔξοδον γενομένης καὶ πάντων προειδότων ὧτι δεήσει κινδυνεύειν, ἐτέρων ἀναδυμένων ἐγὼ διεπραξάμην ὡστε τὴς πρώτης τεταγμένος μάχεσθαι τοῖς πολεμίοις· καὶ μάλιστα τῆς ἡμετέρας φυλῆς δυστυχησάσης, καὶ πλείστων ἐναποθανόντων, ὠστερὸς ἀνεχώρησα τοῦ σεμνοῦ Στεριῶς.

15. μετὰ ταῦτα: the battle of Haliartus was in the autumn of 395, the expedition to Corinth in the following spring or early summer. The victory at Haliartus brought Corinth into the anti-Spartan alliance of Athens and Thebes, and in the next summer the allies attempted to hold the Isthmus of Corinth against the advance of a large Peloponnesian army. The armies met at the north of the stream Nemea, on the coast a little west of Corinth. Never before had so large forces of Greeks met in battle. The Athenian hoplites were in the most dangerous position, for they stood opposed to the Spartans, and in such way that the Spartans could easily outflank them if the Athenians kept connection with the rest of the army. The Athenians were defeated with heavy loss. This led to the defeat of the whole army of the allies, and they were forced to retreat upon Corinth (Xen. Hell. 4. 2. 9-23). — τῆς πρώτης: sc. τάξεως. Case, HA. 732 a; G. 1096, 1094. 7; B. 355. 2; Gl. 508. — μάλιστα ... δυστυχησάσης: therefore probably on the left wing, which was overlapped by the Spartan right. — ἐναποθανόντων: ἐν = ‘therein,’ ἐν ταύτῃ τῇ δυστυχίᾳ. — σεμνοῦ: a word properly of good meaning, but often used as here in a sarcastic sense. The σεμνὸς ἄνηρ is the man who ‘takes himself seriously.’ For the relation of this slur on Thrasybulus to the question of the date of this speech, see Introd. p. 136. Thrasybulus was at first the idol of the people under the restored democracy; but his moderate and conservative policy, sternly opposed to every violation of the amnesty and every indulgence of revenge, grew vexatious to the more radical element. Only an inflexible will could keep back the crowd from acts which would reopen the old controversies and endanger the democracy itself. It is not strange that they came to
feel that he was self-willed and that ‘he despaired the people’ (αὐθάδης, ὑπερόπτης τοῦ δήμου, Schol. Ar. Eccl. 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. — Ἀγγειλάου . . . ἑμβαλόντος: modifying ψηφισμένων τῶν ἀρχικῶν.

— ἀποχωρίσαι: 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 ταξιαρχὸς; he corresponds to the φύλαρχος of the cavalry contingent.

— Βοηθήσωμε: for the relative clause of purpose see HA. 911; G. 1442; B. 591; Gl. 615. — ἀγαπητῶς: 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. ἀγαπήσης 12. 11), hence (3) scarcely, barely. — ἐκέλευον: had the request been granted we should expect to hear of Manti-thenus's part in the Boeotian cam-
17 ἡμετέραν τάξιν πέμπειν. ὡστ' εἰ τινὲς ὑμῶν ὁργίζονται
τοὺς τὰ μὲν τῆς πόλεως ἀξιοῦσι πράττειν, ἐκ δὲ τῶν
κυνδύων ἀποδιδράσκουσιν, οὐκ ἂν δικαίως περὶ ἔμοῦ
tὴν γνώμην ταύτην ἔχοιεν· οὐ γὰρ μόνον τὰ προστατε-
tόμενα ἔποιον προθύμωσ, ἀλλὰ καὶ κυνδυνεύων ἔτολ-
μων. καὶ ταῦτ' ἐποίουν οὐχ ὡς οὐ δεινὸν ἡγούμενος
εἶναι Λακεδαιμονίως μάχεσθαι, ἀλλ' ἣν, εἰ ποτὲ ἄδικως
εἰς κύνδυνον καθισταίμην, διὰ ταῦτα βελτίων ὑπ' ὑμῶν
νομιζόμενος ἀπάντων τῶν δικαίων τυγχάνομι. Καὶ
μοι ἀνάβητε τούτων μάρτυρες.

ΜΑΡΤΥΡΕΣ

18 Τῶν τοιῶν ἄλλων στρατευῶν καὶ φρουρῶν οὐδεμιᾶς
ἀπελεύθην πώποτε, ἀλλὰ πάντα τὸν χρόνον διατετέ-
λεκα μετὰ τῶν πρῶτων μὲν τὰς ἐξόδους ποιούμενος,
μετὰ τῶν τελευταίων δὲ ἀναχωρῶν. καίτοι χρή τοὺς
paign with its great battle of Coro-
nea. We must conclude that his
comrades did not second his request.

17. ὡστ' . . . οὐκ ἂν δικαίως
. . . ἔχοιεν: ὡστε here much like
ὡστε with impv., § 8; stronger
than οὖν. — τοῖς . . . ἀξιούσι: case,
see on ἀργίζεσθε 12. 80. — ἴνα
κτλ.: a neat turn of the thought;
the jury do not for a moment
understand him as really repre-
senting this as his motive. Cp.
the similar turn in 25. 13.—βελ-
tίων: cp. on χείρους § 3.—ἀπάν-
tων 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 garri-
son 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 chiastic
arrangement with πάντα τὸν χρό-
νον.—τῶν πρῶτων μὲν: for the
position of μὲν see on 12. 15.—
tοῖς . . . πολιτευμένοις: the ob-
ject of σκοπεῖν. — ἕκ τῶν τοιοῦτων:
ἕκ with the gen. to express the
source from which the knowledge must come. — κομφ: the Homeric custom of wearing the hair long (κάρη κομψώντες) 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: μὴ φθονείθ' ἡμῖν κομψῷ μνῇ ἀπεστλεγμοσνέως do not begrudge us our long hair or our shining skin. The plain old Strepisades says of his spendthrift son ὅ δὲ κόμην ἔχων ἵππαζεται (Ar. Clouds 14). The extreme Laconizers are thus described: ἐλακωνομάνου ἀπαντες ἀνθρωποι τότε, ἐκόμων, ἐπείνων, ἐρρύπων, ἐσωκράτων, σκυτάλη ἐφόρων all men had Laconomania then; they wore long hair, they starved themselves, they went dirty, they Socratized, they carried canes (Ar. Birds 1281). — ἐκ τῶν ἔθελόντων: 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 βεβίωκες § 3. — μικρὸν διαλεγόμενοι: a loud voice was by Athenian, even more than by modern, standards
a mark either of ill-breeding or of conceit. A client of Demosthenes (37. 52) complains that his enemies say of him, Ἅρκαβοῦλος ὁ ἐπιθύμων ἔστι, καὶ ταχέως βαδίζει, καὶ μέγα φθέγγεται, καὶ βακτηρίαν φορεῖ. Nicobulus 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. — κοσμίως ἀμπεχόμενοι: 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. Ἰσθέμην: 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 Ἰθή as here 19. 4; with πολλάκις 19. 9; with πολλάκις Ἰθή 22. 16, 25. 28; with πολλοί 19. 45; with πολλοί Ἰθή 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 f.) 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. — ἐπὶ 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 . . . πέπαινει.
21 πέπαινταὶ τὰ τῆς πόλεως πράττοντες, ἀμα δὲ ύμᾶς ὄρων (τὰ γὰρ ἀληθῆ χρῆ λέγειν) τοὺς τοιούτους μόνους πολλοῦ ἄξιον νομίζοντας εἶναι ὡστε ὄρων ύμᾶς ταύτην τὴν γνώμην ἔχοντας τίς οὐκ ἂν ἐπαρθεὶν πράττειν καὶ λέγειν ὑπὲρ τῆς πόλεως; ἐτὶ δὲ τί ἂν τοῖς τοιούτοις ἀχθοῦσθε; οὗ γὰρ έτεροι περὶ αὐτῶν κριταί εἴσιν, ἄλλης ύμεῖς.

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 ἀληθῆ 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 κοσμίους 12. 20); Mantitheus tells the senators that in practice the honors go to the men who put themselves forward.
XIX

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 Νικόδημος is probably a mistake of the Mss. for Νικόφημον) and Xen. Hell. 4. 8. 8.
INTRODUCTION

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 ἀπάτη 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.* 1² 531) 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,

LYSIAS — II
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, πρὶν παραγενέσθαι τινὰ αὐτοῖς ἐλεγχομένος ὡς ἥδικον. 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 Alt. 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 Harpocration (s. v. Χύτρας) has preserved the title of a speech of Lysias Κατ' Ἀρωνον περὶ τῆς δημοσίους τῶν Ἰστοφάνους χρημάτων. (For the natural connection of Lysias with the fortunes of this family see on § 15.)

¹ The family connection is: —

The friend of Conon and Evagoras

Nicophemus

Aristophanes m. Daughter Son, the speaker (unnamed), now dead. Son, the speaker (unnamed).

² Strictly speaking, the title of our speech, Περὶ τῶν Ἰστοφάνους χρημάτων, as handed down by the Mss., is incorrect. The property now at stake is that of Aristophanes's brother-in-law.
INTRODUCTION

Peace of Antalcidas (winter of 387/6 or spring of 386) is not yet concluded (the speaker is trierarch, § 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 trierarchs, 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 trierarchs 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’ (ἀκριτοί), 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 matters 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 income 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 flees in all the history of the city had done grander service than hac 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 (α) of any inexperienced defendant, (β) of the defense in this particular case.

II. Πίστις, 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 (Παρέκβασις). 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.

XIX. ON THE ESTATE OF ARISTOPHANES

III. Ἐπίλογος, Peroratio, §§ 55–64.
A. Ἄνακεφαλαίωσις, 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, §§ i–ii.
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. N hippochus 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 (§§ i–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 §§ i–6 with the proem of Andocides’s speech On the Mysteries, delivered twelve years earlier, and the proem of Isocrates’s speech Περὶ Ἀντιδόσεως (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 παρασκευήν,
وذ ἀνδρὲς,
καὶ τὴν προθυμίαν τῶν ἐχθρῶν τῶν ἐμῶν, ὡστε με κακῶς ποιεῖν ἐκ παντὸς τρόπου καὶ δυκαίως καὶ ἀδίκως, εἰς ἀρχῆς ἐπειδὴ τάχιστα ἀφικόμην εἰς τὴν πόλιν ταυτηνι, σχέδον τι πάντες ἔπιστασε, καὶ οὐδὲν δεὶ περὶ τούτων πολλοὺς λόγους ποιεῖσθαι.

ἔγω δὲ, ὦ ἄνδρες, δεήσομαι ἡμῶν δίκαια καὶ ἡμῶν τε βαθὺ χαρίζονται καὶ ἐμοὶ ἄξια πολλοῦ τυχεῖν παρ’ ἡμῶν.

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

LYSIAS XIX

2. τὴν μὲν οὖν παρασκευήν
καὶ τὴν προθυμίαν τῶν ἐχθρῶν

ὄρατε,
καὶ οὐδέν δεὶ περὶ τούτων λέγειν.

τὴν δ’ ἐμὴν ἀπειρίαν πάντες ἐσά-σιν, ὅσιοι ἐμε γιγνώσκουσιν.
αιτήσομαι οὖν ἡμᾶς δίκαια καὶ ῥάδια χαρίσασθαι,

3. ἀνάγκη γὰρ τὸν ἀπολογούμενον,
καὶ εἰς ἴσουν ἀκροάσθη,

ἐλαττῶν ἔχειν.
οὶ μὲν γὰρ ἐκ πολλοῦ χρόνου ἐπιβουλεύσαντες καὶ συνθέντες,
αὐτοὶ ἄνευ κινδύνων ὄντες,
τὴν κατηγορίαν ἐποίησαντο,
ἐγὼ δὲ μετὰ δέως καὶ κινδύνου καὶ διαβολῆς τῆς μεγίστης τὴν ἀπο- λογίαν ποιοῦμαι.
ANDOCIDES I

εἰκός οὖν ὑμᾶς ἐστιν εὔνοιαν πλεῖον παρασχέσθαι ἐμοὶ ἢ τοῖς κατηγόροις.

7. ἔτι δὲ καὶ τὸ δὲ ἐνθυμητέον, ὧτι πολλοὶ ᾦδη πολλὰ καὶ δεινὰ κατηγορήσαντες παραχρῆμα ἐξηλέγχθησαν ψευδόμενοι οὕτω φανερῶς, ὡστε

ὑμᾶς πολὺ ἄν ἢδικὴν λαβεῖν παρὰ τῶν κατηγόρων ἢ παρὰ τῶν κατηγορομένων. (Cp. Isoc. 15. 19.)

ὁ δὲ αὐτὸς, μαρτυρήσας τὰ ψευδή καὶ ἀδίκους ἀνθρώπους ἀπολέσας, ἐάλωσαν παρ᾿ ὑμῖν ψευδομαρτυρῶν, ἣνικὰ οὐδὲν ἦν ἐτὶ πλέον τοῖς πεπνθόσι.

ὅτι δὲ οὖν ἢδη πολλὰ τοιαῦτα γεγένηται,

εἰκὸς ὑμᾶς ἐστιν

μῆπω τοὺς τῶν κατηγόρων λόγους πιστοῖς ἤγείσθαι.

εἰ μὲν γὰρ δεινὰ κατηγόρηται ἡ μῆ, οἴον τε γρῶναι ἐκ τῶν τοῦ κατηγόρου λόγων. εἰ δὲ ἀληθῆ ταῦτα ἐστὶν ἡ ψευδή, οὐχ οἷον τε ὑμᾶς

LYSIAS XIX

εἰκός οὖν ὑμᾶς εὔνοιαν πλεῖον ἔχειν τοῖς ἀπολογομένοις.

4. οἷν γὰρ πάντας ὑμᾶς εἰδέναι

ὅτι πολλοὶ ἢδη πολλὰ καὶ δεινὰ κατηγορήσαντες παραχρῆμα ἐξηλέγχθησαν ψευδόμενοι οὕτω φανερῶς, ὡστε

ὑπὸ πάντων τῶν παραγενομένων μυσθηνότες ἀπελθεῖν.

ὁ δὲ αὐτὸς μαρτυρήσας τὰ ψευδή καὶ ἀδίκους ἀπολέσας ἀνθρώπους ἐάλωσαν,

ἡνίκα οὐδὲν ἦν πλέον τοῖς πεπνθόσι.

5. οἶν δὲ οὖν τοιαῦτα πολλὰ γεγένηται,

ὡς ἐγὼ ἀκούω, εἰκὸς ὑμᾶς,

ὡ ἀνδρεὶς δικασταί,

μῆπω τοὺς τῶν κατηγόρων λόγους ἤγείσθαι πυττοῖς,

πρὶν ἄν καὶ ἡμεῖς εἴπωμεν (Cp. Isoc. 15. 17).
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

πολλοῖς λόγοις ποιεῖσθαι, § 1,
δεήσομαι, § 1,
χαριζεσθαι, § 1,
ἐπιβουλεύσαντες, § 6,
τὴν ἀπολογίαν ποιοῦμαι, § 6,
εἰκὸς ἐστὶν, §§ 6, 7,
όπότε, § 7,
πιστοὺς ἥγεισθαι, § 7,

Lysias

λέγειν, § 2.
αἰτήσομαι, § 2.
χαρίσασθαι, § 2.
ἐπιβουλεύσαντες, § 3.
ἀγωνιζόμεθα, § 3.
eἰκὸς, §§ 3, 5.
ὅτε, § 5.
ἡγεῖσθαι πιστοὺς, § 5.

¹ Blass, arguing from certain phrases of Andocides, attributes the original proem to Antiphon, Att. Bered. I.² 115.
Especially interesting are Lysias’s additions designed to serve the ἰθὸς of his client, who carefully preserves throughout the speech the attitude of a man inexperienced in public life; in § 4 Lysias says, οἷμαι πάντας ὑμᾶς εἰδέναι, where Andocides bids them consider; in § 5 Lysias inserts ὡς ἐγὼ ἀκοῦω and ἂκοῦω γὰρ ἐγώγε, a disclaimer of making statements on his own authority. He also substitutes the simple expression πρὶν ἀν καὶ ἠμεῖς ἐπισώμεν, § 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 epilogue 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 ὑμᾶν δέομαι,  
μετ' εὖνοιας

μον τὴν ἀκρόασιν τῆς ἀπολογίας  
ποιήσασθαι, καὶ μήτε μοι ἀντιδίκοις  
καταστήματι μήτε ὑπονοεῖν τὰ  
λεγόμενα μήτε ῥήματα θηρεύειν,  
ἀκροασμένους δὲ διὰ τέλους  
τῆς ἀπολογίας τότε ἡ ἡγεῖσθαι  
τοῦτο ὃ τι ἂν ὑμῖν αὐτὸς ἄριστον  
καὶ εὐφροκότατον νοµίζετε εἶναι.

**Lysias, § 11**

δέομαι δ' ὑμῶν πάση τέχνη καὶ μη-  
χανῆ μετ' εὖνοιας

ἀκροασμένοις ἡμῶν διὰ τέλους,  
ὁ τι ἂν ὑμῖν ἄριστον καὶ εὐφροκότα-  
των νοµίζετε εἶναι, τοῦτο ψηφί-  
sάσθαι.
II. Πίστευς, Argumentatio, §§ 12–54.
Lysias omits the formal Πρόθευσις, 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. Επιλογος, 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 (ἳθος) 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, ὡς ἐγὼ ἀκοῦο, ἀκοῦο γὰρ ἐγὼ ἐγώγη (§ 5), ὡς ἐγὼ ἀκοῦο (§ 14), ὡς ἐγὼ ἀκήκοα (§ 19), ἀκήκοα γὰρ ἐγώγη (§ 45), φασὶ 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 Mantitheus (see p. 135 f.), we see the grounds on which Lysias is regarded as a master of ἒθοςοιώ. 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.\footnote{Cf. Bruns, \textit{Literarisches Porträt}, pp. 466–467.}

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.
Πολλήν μοι ἀπορίαν παρέχει ὁ ἄγων οὐτοσί, ὁ ἄνδρες δικασταί, ὅταν ἐνθυμηθῶ ὦτι, ἔδω ἐγὼ μὲν μὴ νῦν εἴδε ἐπὶ ὦ, οὐ μόνον ἐγὼ ἄλλα καὶ ὁ πατήρ δόξει ἄδικος εἶναι καὶ τῶν οὖν ἄπαντων στερήσομαι. 5 ἀνάγκη ὦτι, εἰ καὶ μὴ δεινὸς πρὸς ταῦτα πέφυκα, βοηθεῖν τῷ πατρί καὶ ἐμαυτῷ οὕτως ὅπως ἄν δύνωμαι. 2 τὴν μὲν οὖν παρασκευὴν καὶ τὴν προθυμίαν τῶν ἔχθρων ὦρατε, καὶ οὐδὲν δει περὶ τούτων λέγειν. τὴν δὲ ἐμὴν ἀπερίαν πάντες ἰσασίν, ὃσοι ἐμὲ γιγνώ- 10 σκουσίν. αἰτήσομαι οὖν ὑμᾶς δίκαια καὶ ῥάδια

ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ: in reply to the commonwealth. A defendant pleads πρὸς τινα, a plaintiff brings suit and accusation κατὰ τινος (cp. KATA ΔΙΟΓΕ- ΤΟΝΟΣ, 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.” Cp. on ἐμὲ μὲν 12. 8. — εἰ καὶ κτλ.: however little gifted for this I am by nature. See on καὶ εἰ 16. 2. — δεινός: see on δεινοὶ λέγειν 12. 86. — τῷ πατρί: 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 δρυῆς καὶ ἡμῶν ἄκουσαι, ὡσπερ καὶ τῶν κατηγόρων. ἀνάγκη γὰρ τῶν ἀπολογούμενοι, κἂν ἔξ ἱσοῦ ἀκροάσθε, ἐλαττοῦν ἔχειν. οἰ μὲν γὰρ ἐκ πολλοῦ χρόνου ἐπιβουλεύοντες, αὐτοὶ ἀνευ κινδύνων ὄντες, τὴν κατηγορίαν ἐποιήσαντο, ἦμεῖς δὲ ἀγωνιζόμεθα μετὰ δέους καὶ διαβολῆς καὶ κινδύνου τοῦ μεγίστου. εἰκὸς οὖν ὑμᾶς εὐνοιαν πλεῖον ἔχειν τοῖς ἀπολογομένοις. διόμει γὰρ πάντας ἦμᾶς εἰδέναι ότι πολλοὶ ἢδη πολλὰ καὶ δεινὰ κατηγορήσαντες παραχρῆμα ἐξελέγχθησαν ψευδόμενοι οὐτω φανερῶς, ὡστε ὑπὸ πάντων τῶν παραγενομένων μισηθέντες ἀπελθὼν· οἱ δ’ αὐτοὶ μαρτυρήσαντες τὰ ψευδή καὶ ἄδικως ἀπολέσαντες ἀνθρώπους έάλωσαν, ἤνικα 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. — ἄκουσαί : one clause of the jurors' oath was ἦ μὴν ὁμοίως ἀκροάσθη τῶν κατηγορούντων καὶ τῶν ἀπολογομένων to give equal hearing to prosecution and defense (Isoc. 15. 21).


4. ἐξελέγχθησαν : tense, see on ἀσθόμην 16. 20. — αὖ, ἤνικα : 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). — ἤνικα . . . πλέον : when it was too late to be of any use. Cp. Antiphon 5. 95 τί ἔσται πλέον τῷ γε ἀποθανόντι what good will it do the dead? Cp. μηδέν . . . πλέον 16. 3.
5 ἦν πλέον τοῖς πεπονθόσιν. οτ' οὖν τοιαύτα πολλὰ γεγένηται, ὡς ἐγὼ ἄκοιω, εἰκὸς ὤμας, ὢ ἀνδρεὶς δικασταί, μήτω τοῦς τῶν κατηγόρων λόγους ἥγεισθαι πιστούς, πρῶν ἂν καὶ ἡμεῖς εἰπωμεν. ἄκοιω γὰρ ἐγώγε, καὶ ὤμων δὲ τοὺς πολλοὺς 30 οἴμαι εἰδέναι, ὃτι πάντων δεινότατὸν ἐστὶ διαβολὴ.

6 μάλιστα δὲ τούτο ἔχω ἂν τις ἰδεῖν, ὅταν πολλοὶ ἐπὶ τῇ αὐτῇ αἰτίᾳ εἰς ἄγωνα καταστῶσιν. ὡς γὰρ ἐπὶ τὸ πολὺ οἱ τελευταῖοι κρινόμενοι σώζονται, πεπαυμένοι γὰρ τῆς ὀργῆς αὐτῶν ἀκροασθε, καὶ τοὺς ἐλέγχους 35 ἤδη ἐθέλοντες ἀποδέχεσθε.

7 Ἐνθυμεῖσθε οὖν ὅτι Νικόφημος καὶ Ἀριστοφάνης ἄκριτοι ἀπέθανον, πρῶν παραγενέσθαι τινὰ αὐτοῖς

5. ὅτε: causal. — ὡς ἐγὼ ἄκοιω: to give the impression that he has no personal experience of proceedings in the courts. So ἄκοιω γὰρ ἐγώγε below. — πάντων . . . διαβολὴ: cp. Herod. 7. 10 διαβολὴ γὰρ ἐστὶ δεινότατον κτλ. Isoc. 15. 18 ὡς ἐστὶ μεγίστου κακὸν διαβολὴ: τί γὰρ ἄν γένοιτο ταύτης κακουργότερον 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. ὡς 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 τοῖνυ (see on 12. 3). (C) Illative = therefore 19. 1, 19. 2, 19. 3, and constantly. — ἄκριτοι: cp. on 12. 17. The
τῶν Ἀριστοφάν. ΧΡΗΜ. ΧΙΧ 5–9
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ἐλεγχομένους ὡς ἡδίκουν. οὐδεὶς γὰρ οὖδ' εἶδεν ἐκεῖνους μετὰ τὴν σύλληψιν. οὔδὲ γὰρ θάψα τὰ σῶματ' αὐτῶν ἀπέδοσαν, ἀλλ' οὕτω δεινή ἡ συμφορὰ γεγένηται. ὥστε πρὸς τοὺς ἄλλους καὶ τούτου ἐστήρηται. ἀλλὰ ταῦτα μὲν ἔσω: οὐδὲν γὰρ ἄν περαινομι: πολὺ δὲ ἀθλιώτεροι δοκοῦσι μοι οἱ παιδεῖς οἱ Ἀριστοφάνους· οὐδένα γὰρ οὕτ' ἰδία οὕτε δημοσίᾳ ἡδικηκότες οὐ μόνον τὰ πατρώα ἀπολωλέκασι παρὰ τοῖς νόμοις τοῖς ὕμετροις, ἀλλὰ καὶ ἥ υπόλοιπος ἔλπις ἦν, ἀπὸ τῶν τοῦ πάππου ἐκτραφήναι, οὕτως ἐν δεινῷ καθέστηκεν. ἦτι δ' ἦμεις ἐστήρημένοι μὲν κηδεστών, ἐστήρημένοι δὲ

word does not necessarily mean “without trial,” but may mean without full process as guaranteed by the constitution. — πρὶν παρα- 

gενάσθαι 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 εἶπεῖν 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, ἐστήρηται: perfect, because the separate sad events of the past (ἀπέθανον, εἶδεν, ἀπέδωκεν) are now gathered up in the summary συμφορά, and regarded as a standing illustration of the fact that “slander is the worst of all things” (§ 5).

8. ταῦτα μὲν ἔσω: this (but not the other abuses). See on ἐμὲ μὲν 12. 8. — παρὰ τοὺς νόμους: referring to the fact that Nicophemus and Aristophanes were put to death ἀκριτοί (§ 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. ἦμεις: the widow of Aristophanes, her brother (the speaker), and her sister (the wife of one Philomelus, § 15). — ἐστήρημένοι: on the ἐπαναφορά, see App. § 57. 5. — κηδεστῶν: Aristophanes
τῆς προικός, παιδάρια δὲ τρία ἤγαγασμένοι τρέφειν,
50 προσέτι συκοφαντούμεθα καὶ κινδυνεύομεν περὶ δὲν οἱ
πρόγονοι ἡμῶν κατελιπον κτησάμενοι ἐκ τοῦ δικαίου.
καίτω, ὡς ἄνδρες δικασταί, ὡς έμοι πατήρ ἐν ἄπαντι
τῷ βίῳ πλεῖω εἰς τὴν πόλιν ἀνήλωσεν ἡ εἰς αὐτὸν καὶ
54 τοὺς οἰκείους, διπλάσια δὲ ἡ νῦν ἔστιν ἡμῖν, ὡς ἐγὼ
10 λογιζομένως αὐτῷ πολλάκις παρεγενόμην. μὴ οὖν προ-
καταγιγνώσκετε ἀδικίαν τοῦ εἰς αὐτὸν μὲν μικρὰ δαπα-
νώντος, ὑμῖν δὲ πολλὰ καθ’ ἐκαστὸν τὸν ἐνιαυτόν, ἀλλ’
ὀσοι καὶ τὰ πατρῴα καὶ εάν τι ποθὲν ἀλλοθεν ἔχωσιν,
59 εἰς τὰς αἰσχύστας ἡδονάς εἰθυμέοι εἰςών ἀναλίσκειν.
11 χαλεπόν μὲν οὖν, ὡς ἄνδρες δικασταί, ἀπολογείοις

and Nicophemus. — προικός: 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 con-
fiscation of Aristophanes’s prop-
erty 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 ex-
pression, 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
tέχνης εἰπορίων.— εἰς αὐτὸν: 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 . . . παρεγενό-
μην: as he often computed in my
presence. Note that ὡς, while
serving to connect the whole
clause, modifies λογιζομένῳ only.
Cp. 0ς in 25. 27. On the tense of
παρεγενόμην see on ἡ πόλις
16. 20.

10. προκαταγιγνώσκετε: προ-
ἐν advance, i.e. πρὸν ἀν καὶ ἡμεῖς
εἰπομεν (§ 5). — τοῦ δαπανώντος:
case, HA. 752 a; G. 1123; B. 370;
Gl. 514 a. For the tense of δαπα-
νόντος see on ἀνωμένου 12. 32.—
eἰς αὐτὸν, εἰς ἡδονάς: see on εἰς τὰς
ναίς § 21 (C) and (B). — ψήνιν:
for the construction see Crit.
Note.

11. μὲν οὖν: see on 12. 3 (A).
προς δόξαν ἣν ἐνιού ἔχουσι περὶ τῆς Νικοφήμου οὐσίας, καὶ σπάνιν ἄρχυριόν ἢ νῦν ἐστὶν ἐν τῇ πόλει, καὶ τοῦ ἀγώνος προς τὸ δημόσιον ὄντος· ὃμοι δὲ καὶ τούτων ὑπαρχόντων, ῥαδίως γνώσεσθε ὅτι οὐκ ἀληθῆ ἐστὶ τὰ 65 κατηγορημένα. δέομαι δὴ ὑμῶν πάσῃ τέχνῃ καὶ μη-χανῇ μετ’ εὐνοίας ἀκροασμένους ἣμῶν διὰ τέλους, ὦ τι ἂν ὑμῖν ἄριστον καὶ εὐορκότατον νομίζῃτε εἶναι, τούτο ψηφίσασθαι.

12 Πρῶτον μὲν οὖν, ὃ τρόπῳ κηδεσταὶ ἦμῖν ἐγένοντο, τοδιδάξω ὑμᾶς. στρατηγῶν γὰρ Κόνων περὶ Πελοπόν-

— προς δόξαν ... καὶ σπάνιν: 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 (προς) the speaker must make his defense. See Introd. p. 164.—ὑπαρχόντων: force, see on ὑπάρχει. 12. 23.—πάσῃ τέχνῃ καὶ μηχανῇ: a comparison with § 53 shows that these words are to be connected with ἀκροασμένους ψηφίσασθαι, and not with δέομαι.

12. ὃ τρόπῳ: the relative for the indefinite relative, see on οὖς 25. 7. — γὰρ: explicative γάρ. The original use of γάρ (a combination of γέ and ἄρα) was that of a confirmative adverb, giving a tone of assurance. From its frequent use in clauses which, though coördinate, 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 coördinate, 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 οἴμαι 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
νησού, τριπαρχήσαντι τῷ ἐμῷ πατρὶ πάλαι φίλος γεγενημένος, ἑδεήθη δοῦναι τῇν ἐμὴν ἄδελφην αὐτούντι τῷ ὑεῖ τῷ Νικοφήμου. ὁ δὲ ὅρων αὐτοῦς ὑπ' ἐκείνου τε πεποιτεμένους γεγονότας τε ἐπεικεῖσ τῇ τε πόλει ἐν 75 γε τῷ τότε χρόνῳ ἀρέσκοντας, ἐπείσθη δοῦναι, οὐκ εἰδὼς τὴν ἐσομένην διαβολὴν, ἀλλ' ὅτε καὶ ὑμῶν ὀστισμοῦν ἂν ἐκείνους ἥξισε κριστής γενέσθαι, ἐπεὶ ὅτι γε οὐ χρημάτων ἕνεκα, ῥάδιον γνώναι ἐκ τοῦ βίου 14 πάντος καὶ τῶν ἐργῶν τῶν τοῦ πατρός. ἐκείνος γὰρ ὅτι ἐν τῇ ἡλικίᾳ, παρόν μετὰ πολλῶν χρημάτων γῆμα ἄλλην, τὴν ἐμὴν μητέρα ἔλαβεν οὐδὲν ἐπιφερομένην, ὅτι δὲ Ξενοφῶντος ἦν θυγάτηρ τοῦ Εὐρυπίδου

statement, 12. 38, 16. 10, 19. 34. (D) καὶ γάρ, see on 24. 3. (E) ἀλλὰ γάρ, see on 12. 40. — Κόνων: see Introd. p. 160. — περὶ Πελοπόννησου: see Introd. p. 160 n. 1. — τριπαρχήσαντι: on some earlier occasion, before the close of the Peloponnesian War. — ἄδελφην: this sister was at that time a widow, having been the wife of Phaedrus (§ 15). — ἦς: Aristophanes. For the form see on 12. 34.

13. ἐν γε: γε, emphasizing a prepositional phrase, stands regularly after the preposition (so § 49, ὅπο γε ἐκείνων). Note that γε three lines below follows the conjunction, 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 διαβολὴν below. — ἀλλ' ὅτε: but at a time when. — ἄν ἥξισε: potential (hypothetical) indicative, HA. 858; G. 1335; B. 565; Gl. 467 c; GMT. 243-5, GS. 430. Cp. §§ 18, 24, 42; 25. 12, 25. 27.

14. παρόν: 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). — οὐδὲν ἐπιφερομένην: in speaking of the dowry a bride is said ἐπιφέρεσθαι, her father or guardian ἐπιδοῦναι (cp. § 15; 16. 10, 32. 6). — Ξενοφῶντος: not the Xenophon of the Anabasis (the son of
νέος, ὃς οὖ μόνον ἓδης χρηστὸς ἐδόκει εἶναι, ἀλλὰ καὶ
15 στρατηγεῖν αὐτῶν ἦξιστατε, ὃ σε ἐγὼ ἄκοιῳ. τὰς τοίνυν
85 ἐμὰς ἄδελφας ἐθελοῦν τινῶν λαβεῖν ἀπροῖκους πάνυ
πλουσίων οὐκ ἔδωκεν, ὅτι ἐδὸκοι κάκιον γεγονεῖναι,
ἀλλὰ τὴν μὲν Φιλομήλῳ τῷ Παιανεῖ, ὅν οἳ πολλοὶ
βελτίω ἡγοῦνται 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 Chalcidic penin-
sula (Thuc. 2. 70, 79). The Eu-
rupides mentioned as his father
was not the poet.—αὐτὸν: for
the difference between the Greek and
the English idiom see on αὐτὸς
(before χάριν) 25. 11.—ὡς ἐγὼ
ἄκοιῳ: the speaker, in his charac-
ter of the simple and modest citi-
zen, would give the impression of
not being exactly informed on
matters of political history, and
of not dwelling too much upon
his paternal grandfather’s honor-
15. πάνυ πλουσίων: so this
speaker says πολλὴν πάνυ (§ 16),
πάνυ ἐπιθυμῇ (§ 30), πάνυ πολλὰ
(§ 48), οὗ πάνυ θυμάζω (§ 49).
πάνυ appears nowhere else in
Lysias except in 24. 15 and in the
doubtful fragment 61. It would
seem therefore that Lysias in talk-
ing 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 ἦγομαι
25. 2.—Φιλομήλῳ: the family was
old and honored. That Philome-
lus was not a poor man is evident
from several inscriptions which
preserve his name as trierarch.—
βελτίω η πλουσιώτερον: more hon-
orable than rich. “When two
adjectives or adverbs are com-
pared ἦ is always used, and both
stand in the comparative degree,”
B. 426 n. 3; cr. HA. 645. So
in Latin: verior quam gratior
more true than agreeable, Livy 22.
38. —τὴν ἄν: see on ἄδελφην § 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. — Φαίδρω: 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 Hippias (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 μνάς: see on 16. 10.

— κατ’: i.e. after the death of Phaedrus. For εἶτα see on 12. 26. — Ἀριστοφάνει τὸ ἱσόν: ἀριστοφάνει εὖδωκεν, τὸ ἱσόν ἐπιδούσ. The dat. with ἐπιδούσ would be used only of the name of the bride, as in § 17 τῶν 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 (Plut. Lysander XI). — ἡ ναυμαχία: see on 12. 43.
100 στείενω ὡς οὖχ ἔνεκα χρημάτων τούτως κηδεστής εγένετο;
18 Ἄλλα μὴν ὦ γε Ἀριστοφάνης ἡδη ἔχων τὴν γυναικα ὅτι πολλοῖς ἀν μᾶλλον ἔχρητο ὧ τῷ ἐμῷ πατρί, ράδιον γνώναι. ὦ τε γὰρ ἧλικία πολὺ διάφορος, ὦ τε φύσις ἐτὶ πλέον· ἐκείνῳ μὲν γὰρ ἄρκοιν ἦν τὰ ἐαυτοῦ πράττειν, Ἀριστοφάνης δὲ οὗ μόνων τῶν ἰδίων ἄλλα καὶ τῶν κοινών ἐβούλετο ἑπιμελεῖσθαι, καὶ εἰ τι ἦν αὐτῷ ἀργύριον, ἀνήλωσεν ἑπιθυμῶν τιμᾶσθαι. γνώσεσθε δὲ ὅτι ἄλληθι λέγω ἐξ αὐτῶν ὃν ἐκείνος ἐπράττε.
110 πρώτον μὲν γὰρ βουλομένου Κόψωνος πέμπειν τινὰ εἰς Σικελίαν, ψευτο ὑποστὰς μετὰ Εὐνύμον, Διονυσίου

17. ἔνεκα χρημάτων: ἔνεκα is regularly placed after its object. Lysias places it before its object in two other passages only, ἔνεκα πόρυνς ἀνθρώπου 4. 9, and ἔνεκα χρημάτων 24. 2. It may also stand after a modifier of the genitive, as in 7. 40 τούτων ἔνεκα τοῦ κυνήγου, and 12. 98 μικρῶν ἀν ἔνεκα συμβολαίων.
18. ἓν... ἔχρητο: potential indic.; see on ἔν ἡξίωσε § 13.—
καὶ εἶ: accidental juxtaposition of the particles (so in 25. 13, 32. 13), not the καὶ εἶ of 16. 2.—ἀνήλωσεν: 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. ψευτο ὑποστάς: he undertook (the service) and went.—
Εὐνύμον: 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 Διοσίου of the Ms.; for the important question as to Lysias involved in this reading, see Crit.
φίλου ὄντος καὶ ἔνου, τὸ πλῆθος τὸ ύμετέρον πλείστα ἀγαθὰ πεποιηκότος, ὡς ἐγὼ ἀκήκοα τῶν ἐν Πειραιᾷ 20 τῶν παραγενομένων. ἦσαν δὲ ἐλπίδες τοῦ πλοῦ τείσαι πολέμιοι, δὲ Λακεδαμινοῖς, φίλοι δὲ καὶ σύμμαχοι τῇ πόλει τῇ ύμετέρᾳ, καὶ ταῦτα ἐπραττόν πολλῶν κινδύων ὑπαρχόντων πρὸς τὴν θάλασσαν καὶ τοὺς πολεμίους, καὶ ἐπεισάνον Διονύσιον μὴ πέμψα τὰς τριήρεις ἀσ 21 τότε παρεσκεύαστο Λακεδαμινοῖς. μετὰ δὲ ταῦτα ἐπειδὴ οἱ πρέσβεις ἦκον ἐκ Κύπρου ἐπὶ τὴν βοήθειαν, οὔδὲν ἐνέλιπτε προθυμίας ἑταίρων. ὦμεῖς 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 ἀκήκοα: the same modest disclaimer of political knowledge as in § 14 ὡς ἐγὼ ἀκούω. 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 οὐδεμιᾷ σωτηρίας; 25. 21 ἐλπίδας εἰχετε τῆς καθοδον. — κηδεστήν: 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. — ὑπαρχόντων: force, see on ὑπάρχει 12. 23. — πρὸς τὴν θάλασσαν: probably it was a winter voyage. Lysias always uses πρὸς and acc. with κίνδυνος and κίνδυνεις where the English uses either in the face of or from. So in 14. 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, ἐπραττόν, but the summary statement of the result is in the aorist, ἐπεισάν. — παρεσκεύαστο: tense, see Crit. Note.

21. οἱ πρέσβεις: for these events see Introd. p. 160 f. — ἔπι: one of Lysias’s two instances of
τριήρεις αὐτοὺς ἔδωσε καὶ τάλλα ἐψηφίσασθε, ἀργυρίων δ’ εἰς τὸν ἀπόστολον ἤπόρουν. ὅληγα μὲν γὰρ ἠλθον ἔχοντες χρήματα, πολλῶν δὲ προσεδήθησαν. οὐ γὰρ μόνον τοὺς εἰς τὰς ναῦς, ἀλλὰ καὶ πελταστὰς ἐμισθώσαντο καὶ ὀπλα ἐπρίαντο. Ἀριστοφάνης οὖν τῶν χρημάτων τὰ μὲν πλεῖστα αὐτὸς παρέσχεν. ἐπειδὴ δὲ οὐκ ἴκανα ἦν, τοὺς φίλους ἐπειθεὶς δεόμενος καὶ ἐγγυώμενος, καὶ τοῦ ἀδελφοῦ τοῦ ὁμοπατρίου ἀποκειμένας παρ’ αὐτῷ τεταράκοντα μνᾶς ἀπορῶν κατεχρήσατο. τῇ δὲ προτεραίᾳ ἢ ἀνήγετο, εἰσελθὼν ὡς τὸν πατέρα τὸν ἐμὸν ἐκέλευσε χρῆσαι δ’ τι εἰς ἀργυρίον. προσδεῖν γὰρ ἐφη πρὸς τὸν μισθὸν τοὺς πελταστὰς. ἴσων 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). — ἐπιθέ: conative impf., see on ἐπιθέν 12. 58 (contrast πεϊσαι and ἐπιθαν § 20). That he succeeded in part is evident from § 24. — τοῦ ἀδελφοῦ τοῦ ὁμοπατρίου: 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. — ὡς: see on 16. 4. — πρὸς τὸν μισθόν: πρὸς rather than the usual εἰς, from the influence of πρὸς- in προσδεῖν.
135 δ’ ἥμιν ἔνδον ἔπτα μναί. ὦ δὲ καὶ ταύτας λαβὼν κατε-23 χρήσατο. τῶν γὰρ οἴκεσθε, ὦ ἄνδρες δικασταὶ, φιλό-
tιμον μὲν ὄντα, ἐπιστολῶν δ’ αὐτῷ ἥκουσῶν παρὰ τοῦ
πατρὸς μηδενὸς ἀπορήσεων ἐκ Κύπρου, ἁρμαμένων δὲ
πρεσβευτὴν καὶ μέλλοντα πλέιν ὡς Εὐαγόραν, ὑπο-
140 λιπέσθαι ἄν τι τῶν ὄντων, ἀλλ’ οὐκ εἰ ἦν δυνατὸς
πάντα παρασχόντα χαρίσασθαι ἐκείνῳ ἔφ’ ὦ τε καὶ
κομίσασθαι μὴ ἐλάττω; ῬΩς τοίνυν ταύτ’ ἐστὶν ἀληθῆ,
κάλει μοι Εὐνόμον.

МАΡΤΥΡΙΑ

144 Κάλει μοι καὶ τοὺς ἀλλούς μάρτυρας.

МАΡΤΥΡΕΣ

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

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

23. ὄντα, ἥκουσῶν: for correlation of gen. abs. with participles in other construction see on πρατ-
tούσης κτλ. 12. 69. — πατρός: the father was in Cyprus with Evagoras. — μηδενὸς: this form rather than οὐδενὸς from the idea of promising implied in ἐπιστολῶν.

For the use of μή with fut. infin. with words of this class see HA. 1024 (last sentence) and 948 a; G. 1496 and 1286; B. 549. 2; G.’. 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 ἐπολιπέσθαι and χαρίσασθαι. The construction is that of ind. disc. for the potential indic. noted on ἄν ἥξιωσε § 13. — τῶν ὄντων, . . . πάντα: his own property, . . . all the cost of the expedition.— ἀλλ’ οὐκ: but (would) not rather.— Εὐνόμον: called to acknowledge his testi-
mony as to the facts of §§ 19 and 20.
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παρὰ βασιλέως τοῦ μεγάλου φιάλην χρυσῆν, ὑποθή· 155 σει δὲ 'Αριστοφάνει λαβῶν ἐκκαίδεκα μνᾶς ἐπ' αὐτῆ, ἵν' ἔχων ἀναλίσκειν εἰς τὴν τριηραρχίαν· ἐπειδὴ δὲ εἰς Κύπρον ἀφίκοιτο, λύσεσθαι ἀποδοῦσι εἰκοσὶ μνᾶς· πολλῶν γὰρ ἀγαθῶν καὶ ἄλλων χρημάτων εὐπορήσεων διὰ τὸ σύμβολον ἐν πάσῃ τῇ ἡπείρῳ. 'Αριστοφάνης 160 τοῖς ἀκούσοι καὶ ταῦτα Δήμοι, δεομένου δ' ἐμοῦ, μέλλων δ' ἄξειν τὸ χρυσίον, τέτταρας δὲ μνᾶς τόκων λήψεσθαι, οὐκ ἔφη εἶναι, ἀλλ' ὁμνει καὶ προσδεδανείσθαι τοῖς ἐξενίοις ἁλλοθεν, ἐπειδὴ ἡδιστ' ἃν ἀνθρώπων ἄγειν τε εἴθυς ἐκεῖνο τὸ σύμβολον καὶ χαρίσασθαι
eis tás naís § 21. — ὑποθήσει κτλ.: the text here is doubtful (see Crit. Note), but the proposition of Demus certainly was that Aristophanes loan him sixteen minae to help him fit out his trireme, 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 tḗn τριηραρχίαν: see on eis tás naís § 21 (B). — πολλῶν γὰρ εὐπορήσεων: the Greek does not treat a γὰρ clause as fully subordinate, hence the ind. disc. carries the infin. construction to εὐπορήσεων. See on § 12.

26. ἀκούσοι, δεομένου: cp. on ὄντα, ἥκοντων § 23. — εἶναι: = ἐξεῖναι. — καὶ προσδεδανείσθαι: he had not only spent all of his own money, but had also borrowed. For the middle see HA. 816. 7; G. 1245; B. 506. Cp. ἐδανείσατο 12. 59.— τοῖς ἐξενίοις: the mercenaries mentioned in § 21. — ἀνθρώπων: part. gen. with ἡδιστα, HA. 756, 755 b; G. 1088; B. 355. 1; Gl. 507 d. Cp. μόνος ἀπολύτων 24. 9. ἡδιστα, reinforced by ἀνθρώπων (see L. & S. ἀνθρώ- πος 3 b) and followed by εἴθυς instantly, emphasizes the eagerness with which Aristophanes would have accepted the offer.— ἃν ἄγειν καὶ χαρίσασθαι: 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 ἡδιστ' ἃν
27 ἡμῶν ἄ ἐδεόμεθα. ὡς δὲ ταῦτ' ἔστιν ἀληθῆ, μάρτυρας
166 ὑμῖν παρέξωμαι.

ΜΑΡΤΥΡΕΣ

"Οτι μὲν τοίνυν οὐ κατέλυπεν Ἀριστοφάνης ἀργύριον
οὐδὲ χρυσίον, ῥάδιον γνώναι ἐκ τῶν εἰρημένων καὶ
μεμαρτυρημένων. χαλκάματα δὲ σύμμεικτα οὐ πολλὰ
170 ἐκεκτητο, ἀλλὰ καὶ ὅθ' εἰστίν τοὺς παρ' Ἐναγόρουν
πρεσβεύοντας, αἰτησάμενος ἐχρήσατο. ἀ δὲ κατέλυ-
πεν, ἀναγνώστει ὑμῖν.

ΑΠΟΓΡΑΦΗ ΧΑΛΚΩΜΑΤΩΝ

28 Ἡσώς εὖνοις ὑμῶν, ὡ ἀνδρεὶς δικασταί, δοκεῖ ὅλιγα
εἶναι. ἀλλ' ἐκεῖνο ἐνθυμεῖσθε, ὅτι πρὶν τὴν ναυμαχίαν

ἐγγὺς τε . . . καὶ ἐχαρίσαμην (if I had the money) most gladly would
I take this security with me and
do you the favor. For this rare
use of the aorist indic. in an unreal
apodosis belonging to time imme-
diately future see 12. 34 Crit. Note.
But another explanation is pos-
sible; it may be that the ἐπειδὴ
clause is incorporated into the
ind. disc. only so far as to throw
its verbs into the infin., other-
wise leaving the expression as it
would be uttered by the narrator,
not by the original speaker; the
narrator would say ἧδιστ' ἄν ἤγε
τε . . . καὶ ἐχαρίσατο most gladly
would he have carried that secur-
ity with him and have done us the
favor. In support of the second
explanation is the ἐκεῖνο (which
implies the point of view of the
narrator); cp. on ἤκκλησιάζετε 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. ἢτησάμενος 24. 12.
—ἀναγνώστει: sc. ὃ γραμματεύς,
GS. 72.

28. ὅλιγα: i.e. too small to be
true.—πρὶν . . . νικήσατι: 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, cr. 627.— ναυμαχίαν: the battle of Cnidus, 394 B.C.— ἀλλ’ ή: except. Ῥαμνοῦντι: a true locative, Η. A. 783 b; G. 1197; B. 383; Gl. 527 e. 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. I.— πρότερον μὴ ὑπαρχούσης οὗσίας: assuming that (μὴ) he had no property at the beginning. See on ὑπάρχει 12. 23. For μὴ see on μήτε 12. 68 (A).— τραγῳδοῖς: see on 24. 9.— χορηγῆσαι: the sums spent in this and the other services are given in § 42.— πατρός: 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)).— τριηραρχήσαι: note the ‘complexe’ aorist in this definite and summary statement of a “continued act”; see on ἀκησε 12. 4.— οἰκίαν: 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
30 ἔπιπλα πολλὰ καταλελοιπέναι; ἄλλ' οὐδ' οἱ πάλαι πλοῦσιοι δοκοῦντες εἶναι ἄξια λόγου ἔχουν ἀν ἐξενεγκεῖν· ἐνίοτε γὰρ οὐκ ἔστιν, οὐδ' εάν τις πάνν ἐπιθυμή, πρίασθαι τοιαύτα ἄ κτησαμένῳ εἰς τὸν λοιπὸν ἡμών ἄδικον ἄν παρέχοι. ἄλλα τόδε σκοπεῖτε. τῶν ἀλλων, ὅσων ἐδημεύσατε τὰ χρήματα, οὐχ ὁπως σκεύη ἀπέδωσοθε, ἄλλα καὶ αἱ θύραι ἀπὸ τῶν οἰκημάτων ἀφηρ-πάσθησαν· ἡμεῖς δὲ ἢδη δεδημευμένων καὶ ἐξεληλυ-θυίας τῆς ἐμῆς ἀδελφῆς φύλακα κατεστήσαμεν ἐν τῇ ἑρήμῃ οἰκίᾳ, ἵνα μήτε θυρώματα μήτε ἀγγεία μήτε ἀλλο μηδὲν ἀπόλοιπο. ἐπιπλα δὲ ἀπεβαίνετο πλεῦν ἢ δὲ τούτοις καὶ πρότερον πρὸς τοὺς συνδικοὺς καὶ νῦν

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nor the nature of this land, even this information is of little worth. — καταλελοιπέναι: for the tense cp. on ἀπευλήφασιν § 24.

30. ἄξια λόγου: sc. ἐπιπλα. — ἐξενεγκεῖν: to produce, exhibit, as evidence of wealth. — ἐνίοτε γάρ κτλ.: ‘even old and wealthy families are not always able to find in the market personal ornaments and house furnishings (all included in ἐπιπλα) that correspond with their means and their tastes.’

31. οὐχ ὁπως (= οὐκ ἐρῶ ὁπως) 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 furniture (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). — δεδη-μευμένων: sc. τῶν χρημάτων from τὰ χρήματα above. — ἀπεβαίνετο; i.e. when the officers made their inventory. — πλεῖν: form, see on 32. 20. — χιλίων δραχμῶν: a further indication of the simplicity of life and the high purchasing power of money. — οὐδενός: for the case cp. on οὐμῶν 12. 40 and ἦς 12. 83.

32. πρότερον: in the preliminary steps of the case. — συνδίκους: see on 16. 7. We conclude that this extraordinary commission had been continued after the immediate occasion for its appointment was past, and that it now
ἐθέλομεν πίστιν δούναι, ἢτις ἐστὶ μεγίστη τοῦ ἀνθρώπους, μηδὲν ἔχειν τῶν Ἀριστοφάνους χρημάτων, ἐνοφείλεσθαι δὲ τῇ προϊκα τῆς ἀδελφῆς καὶ τὰς ἑπτὰ 200 μνᾶς, ἀς ὢχετο λαβὼν παρὰ τοῦ πατρὸς τοῦ ἐμοῦ. 33 πῶς ἂν οὖν ἐδεῖν ἀνθρωποί ἀθλιώτεροι, ἢ εἰ τὰ σφέτερ' αὐτῶν ἀπολογικότες δοκοῦν τάκειων ἔχειν; ὃ δὲ πάντων δεινότατον, τὴν ἀδελφὴν ὑποδέχασθαι παιδία ἔχουσαν πολλά, καὶ ταῦτα τρέφειν, μηδ' αὐτοὺς ἔχουσας μηδέν, εάν ὑμεῖς τὰ ὄντ' ἀφέλησθε.

34 Φέρε πρὸς θεῶν Ὀλυμπίων· οὕτω γὰρ σκοπεῖτε, ὦ

had jurisdiction in cases of confiscation in general. The preliminary hearing and the presidency at the trial would rest with these σύνδικοι (see App. § 9). We find no mention of such a board after this date.—πίστιν: by the most solemn oath. Cp. 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 τοὺς παιδᾶς 12. 36, and see Gardner and Jevons, Greek Antiquities, p. 555 ff.—ἑπτὰ μνᾶς: the loan mentioned in § 22.

33. ἐκεῖνον: Aristophanes and his father. The speaker unconsciously passes from the hypothetical case (ἀνθρωποί) to his own.—ὁ…δεινότατον: the construction is, ὃ δὲ πάντων δεινότατον (ἐστὶν) | (τοῦτ' ἐστὶν) | ὑποδέχασθαι καὶ τρέφειν. A simpler expression is that of Plato’s Apology 41 b καὶ δὴ τὸ μέγιστον | (τοῦτ' ἐστὶν) | έξετάζοντα διάγειν; less close is the connection where the relative precedes a clause with a finite verb, as in 32. 24 ὃ δὲ πάντων δεινότατον (ἐστὶν), ὃς ἀνδρεῖς δικασταί· οὕτω γὰρ…λελόγισαι. So in 19. 25. Cp. Ha. 1009 a.—παιδία πολλά: a lot of little children is something of an exaggeration for the παιδάρια τρία of § 9.—μηδέ: see on μήτε 12. 68 (B).

34. πρὸς θεῶν Ὀλυμπίων: 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
ανδρες δικασται. εις υμων ετυχε δους Τιμοθεω τω Κονωνος την θυγατερα η την αδελφην, και εκεινον αποδημησαντος και εν διαβολη γενομενον εδημευθη η ουσια, και μη εγενετο τη πολει πραθευναι απαντων τετταρα ταλαντα αργυριου, δια τουτο ήξιουτε αν τους κηδεσσας τους εκεινου και τους προσηκουντας απολεσθαι, ότι ουδε πολλοστον μερους της δοξης της παρ’ υμιν έφαγη τα χρηματα; άλλα μην τουτο γε παντες επιστασθη Κονωνα μεν αρχουντα, Νικοφημου δε που- ουντα ο τι εκεινος προστατου. των ουν ωφελειων Κονωνα εικος πολλοστον μερους άλλω των μεταδιδοναι, ωστ’ ει οιονται πολλα γενεσθαι Νικοφημου, ωμολογη- σειαν αν τα Κονωνος ειναι πλειν ή δεκαπλασια. ετι δε φαινονται ουδεν πωποτε διενεχθεντες, ωστ’ εικος και

impassioned speech is as fitting to the calm and simple style of Lysias as is their constant use to the vehement style of Demosthenes. — γαρ: force, see on § 12 (C) (2). — Τιμοθεω το Κονωνος: 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. — τετταρα ταλαντα: we conclude that the sale of Aristophanes’s property had yielded about this sum to the state. — οπολεσθαι: financial ‘ruin’; so in § 45. — οτι ουδε πολλοστον κτλ.: because his property was found to be not even the smallest part of what you had supposed. πολλοστον μερος της δοξης is perfectly intelligible, if less logical than the equivalent expression in § 39 πολλοστον μερος η τα χρηματα δεν ομεις προσεδοκατε.

35. τουτο: the participial phrases stand in apposition with τουτο, an uncommon construction. See Crit. Note. Cp. Xen. Anab. 7. 2. 4 έχαρι ταυτα άκοιων διαφθει- ρομενον το στρατευμα. — των ωφε- λειων: it is assumed as a matter of course that the officers were enriching themselves. See p. 164.
περὶ τῶν χρημάτων ταύτα γνώναι, ἰκανὰ μὲν ἐνθάδε τῷ υἱὲ ἐκάτερον καταλιπεῖν, τὰ δὲ ἄλλα παρ’ αὐτοῖς ἔχειν. ἦν γὰρ Κόνωνι μὲν ὅσ ἐν Κύπρῳ καὶ γυνῇ, Νικοφήμῳ δὲ γυνῇ καὶ θυγάτηρ, ἦγούντο δὲ καὶ τὰ ἐκεῖ ὁμοίως σφίσθι εἰναὶ σὰ ὀσπερ καὶ τὰ ἐνθάδε. πρὸς δὲ τούτοις ἐνθυμεῖσθε ὅτι καὶ εἰ τις μὴ κτησάμενος ἄλλα παρὰ τοῦ πατρὸς παραλαβὼν τοῖς παισὶ διένειμεν, οὐκ ἐλάχιστα ἄν αὐτῷ ὑπέλθη. βούλονται γὰρ πάντες ὑπὸ τῶν παῖδων θεραπεύεσθαι ἔχουτε χρὴ ματα μάλλον ἢ ἐκείνων δεῖσθαι ἀποροῦντες.

38 Νῦν τοῖνυν ἐν δημεύσατε τὰ τοῦ Τιμοθέου, — ὁ μὴ γένοιτο, εἰ μὴ τι μέλλει μέγα ἄγαθον ἔσεσθαι τῇ πόλει —, ἐλάττω δὲ ἐξ αὐτῶν λάβοιτ’ ἢ ἄ ἐκ τῶν Ἀριστοφάνους γεγένηται, τούτον ἔνεκα ἄν ἰξιοῦτε τοὺς ἀναγκαίους

36. ταύτα γνώναι: this ‘common resolution’ of Conon and Nicophemus is explained by the infin. clauses, ἰκανὰ μὲν . . . καταλιπεῖν | τὰ δὲ ἄλλα παρ’ αὐτοῖς ἔχειν. — ἐνθάδε . . . παρ’ αὐτοῖς: at Athens . . . in Cyprus. — καὶ τὰ ἐκεῖ . . . ὀσπερ καὶ: see on § 2 (A).

37. καὶ εἰ τις 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 ἐι see on 16. 2. — μὴ: see on μὴ τε 12. 68 (B). — βεραπευνθαί: a son whose father still keeps the property in his own control will presumably be most attentive to him.

38. εἰ μὴ τι 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 ἰξιοῦτε: the case which was thought of at first as supposable (εἰ δημεύσατε, λάβοιτε) is, as the
39 τούς ἐκείνου τὰ σφέτερ’ αὐτῶν ἀπολέσαι; ἀλλ’ οὖν
236 εἰκός, ὃ ἄνδρες δικασταί· ὃ γὰρ Κόνωνος θάνατος
καὶ αἱ διαθήκαι, ἃς διέθετο ἐν Κύπρῳ, σαφῶς ἐδήλω-
σαν ὅτι πολλοστών μέρος ἢν τὰ χρήματα ὅπως ὑμεῖς
προσεδόκατε· τῇ μὲν γὰρ Ἀθηναὶ καθιέρωσεν εἰς
240 ἀναθήματα καὶ τῷ Ἀπόλλωνι εἰς Δελφοὺς πεντακισ-
40 χιλίοις στατήρας· τῷ δὲ ἀδελφιδῷ τῷ ἑαυτοῦ, ὃς
ἐφόλαττεν αὐτῷ καὶ ἔταμεν πάντα τὰ ἐν Κύπρῳ, ἔδω-
κεν ὡς μυρίας δραχμάς, τῷ δὲ ἀδελφῷ τρία τάλαντα·
τὰ δὲ λοιπὰ τῷ ὑεί κατέλυτε, τάλαντα ἐπτακαίδεκα.
245 τούτων δὲ κεφάλαιον γίγνεται περὶ τεταράκοντα τά-
41 λαντα. καὶ οὗδεν οἶόν τε εἰπεῖν ὅτι διηρπάσθη ἢ
ὡς οὐ δικαίως ἀπεφάνθη· αὐτὸς γὰρ ἐν τῇ νόσῳ ὅπως
ἔδ φρονῶν διέθετο. Καὶ μοι κάλει τούτων μᾶρτυρας.

ΜΑΡΤΥΡΕΣ

sentence proceeds, treated as im-
possible (ἀν ἡξίωτε, the “con-
trary to fact” construction).

39. εἰκός: sc. ἔμας τούτ’ ἀν
ἀξιών. — εἰς: see on εἰς τὰς ναὸς
§ 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 ἄν τῆς ναυμαχίας τῆς πρὸς
Δακεδαμονίου (Dem. 22. 72).

40. τῷ ὑεί: 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 lux-
ury than that of the older gener-
ation. 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 συλλα-
βέω 4. 154) we should naturally,
though not necessarily, infer that
Conon was put to death by the
Persians. — εὖ φρονῶν: a technical
term in Attic law, corresponding to
the English “being of sound mind.”
42. The following details are valuable as showing something of the cost of public services rendered, partly voluntarily, and partly under compulsion, by the wealthy Athenians. The facts have been more briefly stated in § 29.—φήθη ἄν: see on ἄν ἠέισωσε § 13.—γῆν, οἰκίαν: see on § 29.—κατεχόρησε: for force of κατα- see L. & S. s.v. κατά, E VI; here without any disparaging sense. Cp. English ‘use up.’ Cp. κατεχρήσατο § 22.—πεντακισχιλίας δραχμάς: in his two services as choragus. For full description of these duties see Haigh, *Attic Theatre* (2d ed.), p. 73 ff.; cp. Gulick, p. 62.—ὀγδοσήκοντα 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 συντριπτάρχος, 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. εἰσενήκτεα: in § 29 the occasions are spoken of as εἰσφοράς πολλὰς. For the εἰσφορά 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.
— _πεντεκαίδεκα τάλαντα:_ of the 15 t. expended in the five or six years in question, the speaker has reckoned 5 t. for house and land, and 10 t. for the various public services; of this sum 2½ t. was for ordinary liturgies of a rich citizen (service as choragus and trierarch) and for direct war taxes—an average of a little less than half a talent a year. A still more important source of information as to the public services of rich Athenian citizens is the account which Lysias gives in XXI (§§ 1–5) of the public expenditures of his client for the first seven years after he attained his majority; the items are as follows:—

1st year.
Choragus (tragic chorus) 3000 dr.
Choragus (men’s chorus) 2000
2nd year.
Choragus (Pyrrhic) . . . 800
Choragus (men’s chorus) 5000
3rd year.
Choragus (cyclic chorus) 300
7th year.
Gymnasiarch . . . . 1200
Choragus (boys’ chorus) 1500+
Trierarch, 7 years . 6 t.
War tax . . . . . 3000
War tax . . . . . 4000
Total . . . 9 t. 2800+ dr.

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
νους. καὶ οὗ προσλογιζόμεθα ὡσα αὐτὸς ἐν Κύπρῳ ἔσχε Νικόφιμος, οὕσης αὐτῷ ἐκεῖ γυναικὸς καὶ θυγατρός.

45 Ἐγὼ μὲν οὖν οὐκ ἄξιω, ὡς ἄνδρες δικασταί, οὕτω πολλὰ καὶ μεγάλα τεκμήρια παρασχομένους ἦμᾶς ἀπολέσθαι ἀδύκως. ἀκήκοα γὰρ ἐγώγε καὶ τοῦ πατρὸς καὶ ἀλλων πρεσβυτέρων, ὅτι οὐ νῦν μόνον ἄλλα καὶ ἐν τῷ ἐμπροσθεν χρόνῳ πολλῶν ἐμεύσθητε τῆς οὐσίας, οἱ ξόντες μὲν πλούσιν ἐδόκουν, ἀποθανόντες δὲ πολὺ παρὰ τὴν δόξαν τὴν ὑμετέραν ἐφανήσαν. αὐτίκα

275 ἵσχομάχῳ, ἐσε ἦγη, πάντες ἄντοντι εἶναι πλεῖν ἢ ἐβδομήκοντα τάλαντα, ὡς ἐγώ ἄκοιν. ἐνεμάσθην δὲ τῷ ὦ ὑδὲ δέκα τάλαντα ἐκάτερος ἀποθανόντος. Στε-

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

45. Ἐγὼ μὲν: cp. on ἐμὲ μὲν, 12. 8. — οὐκ ἄξιω: with ἄξιω and an infinitive the negative (οὐ) stands oftener with ἄξιω than (μη) with the infinitive. — ἀπολέοντες: see on § 34. — ἀκήκοα: see on §§ 14 and 19. — ἐπεύθυντε: ‘empirical’ aorist, see on ἰσθῆμιν 16. 20. — οὐσίας: case HA. 748; G. 1117; B. 362. 1; Gl. 509 a. — πολὺ παρὰ τὴν δόξαν: the phrase stands as predicate of ἐφάνησαν, the indefinite participle (οῦντες or οὐσίαν ἔχοντες) being omitted. For the same phrase cp. 16. 3.

46. αὐτίκα: for example; so in § 63. See L. & S. s. v. II. — ἵσχομάχῳ: Xenophon in his Oeconomicus 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 καλὸς κάγαθος. But Athenaeus (12. 537 c) cites a statement of Heraclides 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. — πλεῖν: for the form see on 32. 20. — ἐβδομήκοντα τάλαντα: for the amount of some Athenian fortunes see on 32. 23. — ὑεί: this form of the nom. dual is established by Attic
φάνω δὲ τῷ Θάλλου ἐλέγετο εἶναι πλεῖν ἢ πεντήκοντα τάλαντα, ἀποθανόντος δὲ ἡ οὐσία ἐφάνη περὶ ἕνδεκα ἐνάταλα. οἱ τούτων Νικίου οίκος προσεδοκᾶτο εἶναι οὐκ ἐλαττοῦν ἢ ἐκατόν ταλάντων, καὶ τούτων τὰ πολλὰ ἕνδον. Νικήρατος δὲ ὁ ἀπεθανὼν, ἀργύριον μὲν ἡ χρυσίων οὐδ’ αὐτὸς ἐφη καταλείπειν οὐδὲν, ἀλλὰ τὴν οὐσίαν ἣν κατέλιπε τῷ υἱῷ, οὐ πλεῖονος ἀξία 52 ἔστιν ἢ τεττάρων καὶ δέκα ταλάντων. ἔπειτ’ οἴομαι ὑμᾶς εἰδέναι ὅτι Ἀλκιβιάδης τέτταρα ἢ πέντε ἐτη

inscriptions.—Στεφάνω: otherwise unknown to us.—περὶ ἕνδεκα τάλαντα: the phrase takes the place of a predicate nominative with ἐφάνη. A similar phrase may be used as subject, as in 13. 8 ἐκ κατασκευασίας τῶν πείρων ἤτοι ἐπὶ δέκα στάδια ἐκατέρων if of the long walls a space of ten stadia each should be destroyed.

47. τούτων: 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 (V1. 272 c) calls him ὁ τῶν Ἑλλήνων ζαπλόντω νικίως. Plutarch says of him (Nicias, III) that “he won the people by his services as choragus and gymnasiarh and other such ambitious expenditures, surpassing in liberality and munificence all the men of former times, as well as his own contemporaries.”—ἔνδον: 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. —ην ὁδίαν ἢν: “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 ἀνείλετο αὐτῷ ὁ Ἀπόλλων θεὸς ὦς ἔδει θείεν (θείος for θεοίς). Ἡ. 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.
16. 46). Upon the reversal of sentiment toward him after the disaster at Notium, he withdrew to his possessions on the Thracian Chersonese, where he remained 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 persuaded, perhaps in part by the Thirty, to put him to death. His son returned from exile after the deposition of the Thirty, and attempted 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 ἦ πέντε : in the summer of 411 the men of the fleet at Samos, refusing to serve the Four Hundred, elected Alcibiades general; he was in power from that time until after the battle of Notium (407). — διδόναι: on these contributions to commanders of fleets, see Introd. p. 163 f. — τινες: position, see on ἡμῖν 12. 33. — παις: Alcibiades left two legitimate children, a son and a daughter. — τῶν ἐπιτροπευτῶν : τού δὲ Ἀλκιβιάδου Περικλῆς καὶ Ἀρίσταρχος οἱ Ἐανθιστοῦ, προσήκοντες (relatives) κατὰ γένος, ἐπιτροπευον (Plut. Alcibiades, 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 without disturbing land titles, hastily borrowed large sums of money and invested in land (Plutarch, Solon, XV). His nephew, Callias the first, was famous for his wealth, his hatred of the Pistratidae, and his lavish expenditures (Herod. 6. 121). Callias's
κει κεκτήσθαι, καὶ ὡς φασί, διακοσίων ταλάντων ἑτὲρμήσατο τὰ αὐτοῦ ὁ πάππος, τὸ δὲ τούτον νῦν τίμημα οὐδὲ δυοῖν ταλάντων ἐστὶ. Κλεοφώντα δὲ πάντες ἱστε, ὅτι πολλὰ ἐτή διεχείρισε τὰ τῆς πόλεως πάντα καὶ προσεδοκᾶτο πάνυ πολλὰ ἐκ τῆς ἀρχῆς ἐχειν. ἀποθανόντος δὲ αὐτοῦ οὐδαμοῦ δῆλα τὰ χρήματα, ἄλλα καὶ οἱ προσήκοντες καὶ οἱ κηδεσταῖ, παρ' οἷς κατέλυτεν ἄν, ὀμολογομένως πένητες εἶσι. φαινόμεθα οὖν καὶ

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.). — ποινων: force as in § 47. — ἐτμήσατο, τίμημα: 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.) — Κλεοφώντα: 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, κηδεσταῖ: relatives by birth, connections by marriage.
τῶν ἀρχαιοπλούτων πολὺ ἐψευσμένοι καὶ τῶν νεωτέρ
ἐν δόξῃ γεγενημένων. αὐτὸν δὲ μοι δοκεῖ ἐἶναι, ὅτι
ῥάδιος τινὲς τολμῶσι λέγεν ὃς ὁ δεῖνα ἔχει τάλαντα
τολλὰ ἐκ τῆς ἀρχῆς. καὶ ὅσα μὲν περὶ τεθνεῶτων
λέγουσι, οὐ πάνω θαυμάζω (οὐ γὰρ ὑπὸ γε ἐκείνων
ἐξελεγχθεῖν ἂν), ἀλλὰ ὅσα ζώντων ἐπιχειροῦσι κατα-
ψεύδεσθαι. αὐτὸν γὰρ ἔναγχος ἥκουσε ἐν τῇ ἐκκλη-
σίᾳ, ὡς Διότιμος ἔχοι ταλάντων τεττεράκοντα πλεῖον
ὅσα αὐτὸς ὁμολόγησε παρὰ τῶν ναυκλήρων καὶ ἐν
πόρων. καὶ ταῦτα, ἐπειδὴ ἤλθεν, ἐκείνων ἀπογράφοντος
καὶ χαλεπῶς φέροντο ὦτι ἀπὸν διεβάλλετο, οὐδεὶς
ἐξήλεγκε, δεομένης μὲν τῆς πόλεως χρημάτων, ἐθέλου-
τος δὲ ἐκείνου λογίσασθαι. ένθυμείσθε τούτων οἶνον

49. τῶν ἀρχαιοπλούτων: for the case see on οὐσίας § 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. γὰρ: explicative γὰρ, see on 19. 12. Here the γὰρ clause
gives an instance illustrating a general statement = Eng. for in-
stance. — Διότιμος: in the last campaign of the Corinthian War
(388/7) Diotimus and Iphicrates 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 gratuities opened the way to serious abuse. — ταῦτα: connect
with ἐξήλεγκε. — 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 pro-
gress at the time of the leading
verb or before it, is determined
by the context only. Cp. on
12. 56.
316 ἀν ἐγένετο, εἰ Ἀθηναίων ἀπάντων ἀκηκοότων ὅτι τετ- 
ταράκοντα τάλαντα ἔχοι Διότιμος, εἶτα ἐπαθέ τι πρὶν 
καταπλεύσαι δεύρο. εἶτα οἱ προσήκουστα ἂν αὐτοῦ ἐν 
κινδύνῳ ἦσαν τῷ μεγίστῳ, εἰ ἐδει αὐτοὺς πρὸς τοσαύ- 
320 τὴν διαβολὴν ἀπολογεῖσθαι, μὴ εἰδότας μηδὲν τῶν 
πεπραγμένων. αὐτοὶ οὖν εἰσὶ καὶ ὑμῖν πολλῶν ἦδη 
ψευσθήναι καὶ ἤδη ἀδίκως γε τινας ἀπολέσθαι οἱ 
ῥαδίως τολμῶντες ψεύδεσθαι καὶ συκοφαντεῖν ἀνθρώ- 
ποὺς ἐπιθυμοῦντες.

53 Ὄτι μὲν ὦν καὶ ἐν τῷ ἐμπροσθεν χρόνῳ τουλάχιστον 
326 ἐγένετο, ῥάδιον γράφαι· φασὶ δὲ καὶ τοὺς ἀριστοὺς 
καὶ σοφωτάτους μάλιστα ἐθέλειν μεταγιγνώσκειν. εἰ 
οὖν δοκοῦμεν εἰκότα λέγειν καὶ ἵκανα τεκμήρια παρέ-
χεσθαι, ὃ ἄνδρες δικασταί, πάση τέχνη καὶ μηχανὴ 
330 ἔλεγοντες· ὃς ἴμεις τῆς μὲν διαβολῆς οὕτω μεγάλης 
οὐσῆς δὲς προσεδοκοῦμεν κρατήσειν μετὰ τοῦ ἀληθοῦς· 
ὑμῶν δὲ μηδενὶ τρόπῳ ἐθελησάντων πεισθῆναι οὐδὲ 
54 ἔπειτε οὐδεμία σωτηρίας ἔδοκει ἤμιν εἶναι. ἀλλὰ πρὸς 
θεῶν Ὀλυμπίων, ὃ ἄνδρες δικασταί, βουλεύσεθε ἤμας 
335 δικαίως σώσαι μᾶλλον ἢ ἀδίκως ἀπολέσαι, καὶ πιστεύ-
ετε τούτοις ἀληθῆ λέγειν, οἱ ἄν καὶ σιωπῶντες ἐν

51. ἐπάθε κτλ.: if some disaster had prevented his return. πρὸν 
used loosely as in 12. 17.—μή: see on μή 12. 68 (B).—ψευ-
σθήναι, ἀπολέσθαι: tense, see on ἐφεύσθητε § 45.

53. μὲν οὖν: force, see on 
12. 3 C.—ἐγένετο: impf. be-
cause the argument turns on the 
frequency of the occurrence.— 

54. πρὸς θεῶν Ὀλυμπίων: see on 
§ 34.—βούλευθε: the positive and 
active wish, in distinction from 
mere willingness (cp. the neutral 
ἐθελησάντων πεισθῆναι willing to be 
persuaded § 53).—πιστεύετε τού-
τοις κτλ.: lit. trust them that they
άπαντε τῷ βίῳ παρέχωσι σώφρονας σφᾶς αὐτοῦς καὶ
dικαίους.

55 Περὶ μὲν οὖν αὐτῆς τῆς γραφῆς, καὶ ὃ τρόπῳ κηδε-

σταλ ὑμῖν ἐγένοντο, καὶ ὥστε οὐκ ἐξήρκει τὰ ἐκείνου εἰς
tὸν ἐκπλουν, ἀλλὰ καὶ ὡς ἀλλοθέν προσεδανεῖσατο,
ἀκηκόατε καὶ μεμαρτύρηται ὑμῖν. περὶ δὲ ἐμαυτοῦ
βραχέα βούλομαι ὑμῖν ἐπείδη. ἐγὼ γὰρ ἐτη γεγονὼς
ηθη τριάκοντα οὔτε τῷ πατρὶ οὔθεν πόστο εὐθείου,
οὔτε τῶν πολιτῶν οὖδεὶς μοι ἐνεκάλεσεν, ἐγγύς τε
οἰκῶν τῆς ἀγορᾶς 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 μάλιστα
μὲν τῷ δικαίῳ, ἐπειτα δὲ καὶ ὑμῖν
gνώσεσθαι τὰ δίκαια 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 οὖς, as in § 48 Κλεοφώντα
de πάντες ἰστε, ὅτι . . . δεικήσω.

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

{ οὔτε ἀντείπων
{ οὔτε ἐνεκάλεσεν

{ ὃφθην τε { οὔτε πρὸς . . .
{oὔτε πρὸς . . .

—οὔτε ἀντείπων: Isocrates says
(7. 49) of the young men of the
“good old times,” ἀντείπων δὲ
toīs προσβυτέρως ἢ λοιπορήσα-
θαι δεινότερον ἐνόμιζων ἢ νῦν
περὶ τοὺς γονέας ἐξαμαρτεῖν 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 ὥθην οὐδεπώποτε, πρὶν ταύτην τὴν συμ-
56 φοράν γενέσθαι. περὶ μὲν οὖν ἔμαυτοῦ τοσαῦτα λέγω,
περὶ δὲ τοῦ πατρός, ἑπειδὴ ὅσπερ ἀδικοῦντος αἱ κατη-
350 γορίαι γεγένηται, συγγνώμην ἔχετε, ἐὰν λέγω ἃ ἀνή-
λωσέν εἰς τὴν πόλιν καὶ εἰς τοὺς φίλους. οὐ γὰρ
φιλοτιμίας ἔνεκα ἅλλα τεκμήριον ποιούμενος ὅτι οὐ
tοῦ αὐτοῦ ἐστὶν ἀνδρὸς ἄνευ ἀνάγκης τε πολλὰ ἀνα-
lίσκειν καὶ μετὰ κυνύνου τοῦ μεγίστου ἐπιθυμη-
57 σαι ἔχειν τι τῶν κοινῶν. εἰσὶ δὲ ταῖς οἱ προαναλι-
356 σκοντεῖς μόνον τούτου ἔνεκα ὅνα ἄρχειν ὡς ὑμῶν
ἀξιωθέντες διπλάσια κομίσωνται. οὐ τούτων ἐμὸς
πατήρ ἄρχειν μὲν οὐδεπώποτε ἐπεθύμησε, τὰς δὲ
χορηγίας ἀπάσας κεχορήγηκε, τετραμάρχηκε δὲ
360 ἐπτάκις, εἰσφορᾶς δὲ πολλᾶς 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 δικαστηρίῳ, but not with
βουλευτηρίῳ.

56. μὲν οὖν: as in §§ 53 and
55. — τοσαῦτα: so much only,
though here without the ἔτι πολ-
λῶν ὡστον which made the
meaning clear in 12. 95. — εἰς τὴν πόλιν:
see on εἰς τὰς ναῖς § 21 (C). —

ποιούμενος: sc. λέγω from the
preceeding sentence. — ἔχειν τι τῶν
κοινῶν: the charge, originally
brought against the speaker’s
father, was that he was conceal-
ing property of his son-in-law, Aristo-
phanes, which belonged to the
state by the decree of con-
fiscation.

57. προαναλίσκοντες: προ-
in advance; they treat their public
services as an investment. The
chief financial offices were elective.
See on 16. 8. — τοινῦ: force, see
on 16. 7 (C); but here the in-
dividual instance is cited as in
contrast with the general state-
ment. — κεχορήγηκε: this and
the following perfects because
the present bearing of the acts
on the credit of the family
is the essential thought. See
on εἰργασμένοι εἰσίν 12. 22. —
νοχεν. ἵνα δὲ εἴδητε καὶ ὑμεῖς, καὶ καθ’ ἐκάστην ἀναγνώστηται.

ΛΗΤΟΥΡΓΙΑΙ

58 Ἀκούετε, ὦ ἄνδρες δικασταί, τὸ πλήθος. πεντήκοντα γὰρ ἔτη ἔστιν ὅσα ὁ πατὴρ καὶ τοῖς χρήμασι καὶ τῷ σώματι τῇ πόλει ἐλητούργησε. ἐν οὖν τοσοῦτοι χρόνῳ δοκοῦντα τι ἔξ ἄρχης ἐχεῖν οὐδεμίαν εἰκὸς δαπάνην πεφευγέναι. ὅμως δὲ καὶ μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

59 Τούτων συμπάντων κεφάλαιον ἐστιν ἐννέα τάλαντα καὶ δισχίλιαι δραχμαί. ἔτι τοίνυν καὶ ἱδία τισὶ τὸν πολιτῶν ἀποροῦσι συνεξεδώκε θυγατέρας καὶ ἀδελφᾶς, τούς δὲ ἐλύσατο ἕκ τῶν πολεμίων, τοῖς δὲ εἰς ταφῆν

καὶ ὑμεῖς: you, as well as his family. — ἀναγνώστησαι: as in § 27.

58. πεντήκοντα ἔτη: a young man who inherited property became subject to liturgies a year after he came of age (32. 24); the speaker’s father died at the age of seventy (§ 60). — τῷ σώματι: by service as trierarch (§ 57) and as cavalryman (§ 63). — ἐλητούργησει: 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 φιλέσε 12. 4. — ἐν οὖν τοσοῦτοι χρόνῳ κτλ.: in so long a period therefore and having the reputation of being a man of property to start with (ἐς ἄρχης), 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 exacted of him.

59. ἔτι τοίνυν: force, see on 25. 15. — συνεξεδώκε: for the importance 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 contribution of money to help poor fami-
lies in such straits, as well as to
dower their daughters, was as
common as our custom of con-
tributing to help them bury their
death. Men who sought political
influence with the masses were
especially liberal in these ways.
Cp. Dem. 18. 268 οὔτε ἐὰν τινὰς ἢ
τῶν πολεµίων ἐλυσάµην, οὔτε ἢ τινὰν
θυγατέρας συνεξέδωκα. Even
metrics gladly shared in this ser-
vice, cp. 12. 20. — ἐποίει: tense,
see on ἐποίησαν 12. 25. — καὶ εἶ:
force, see on 16. 2. — καὶ ὑµᾶς:
you, as well as the friends whom
he helped; cp. καὶ ὑµᾶς § 57.—
tὸν καὶ τὸν: one and another,
L. & S. s.v. A. VII. 2 ; cp. Demos.
9. 68 ἔδει γὰρ τὸ καὶ τὸ ποιῆσαι,
καὶ τὸ µὴ ποιῆσαι we ought to have
done this and that, and we ought
not to have done the other. Lysias
purposely uses the vague expres-
sion 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. — οἴδ' ἄν εἶσ:
more emphatic than οἴδεις; cp.
24. 24 οἴδ' ἄν εἶς ἀποδείξει εἰνὲν. —
eis: in the less usual sense as re-
gards.

61. τοῖς λόγοις . . . τοῖς ἔργοις:
385 σαφέστατον ἐλεγχὸν τοῦ ἀληθοῦς νομίσατε. εἰ γὰρ
μὴ ἦν τοιοῦτος, οὐκ ἂν ἐκ πολλῶν ὀλίγα κατέληπεν,
ἐπεὶ εἰ νῦν γε ἐξαπατηθέειτε ὑπὸ τούτων καὶ δημοῦ-
σαι ὑμῶν τὴν οὐσίαν, οὔτε δύο τάλαντα λάβοιτ' ἃν.
ὡςτε οὐ μόνον πρὸς δόξαν ἄλλα καὶ εἰς χρημάτων
390 λόγον λυσιτελεῖ μᾶλλον ὑμῶν ἀποψηφίσασθαι. πολὺ
62 γὰρ πλεῖον ὠφεληθήσεσθα, εἰν ὑμεῖς ἔχωμεν. σκοπεῖτε
dὲ ἐκ τοῦ παρεληλυθότος χρόνου, ὅσα φαίνεται ἀνηλω-
μένα εἰς τὴν πόλιν· καὶ νῦν ἄπο τῶν ὑπολοίπων τριη-
ραρχῶν μὲν ἐγώ, τριηραρχῶν δὲ ὁ πατὴρ ἀπέθανεν,

CR. 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.— eis
χρημάτων λόγον: lit. for reckoning
of money: we change the figu-
ратive preposition, and say 'from
the financial standpoint.'— ἔχω-
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. eis τὴν πόλιν: see on eis tás
ναις § 21 (C).— ἀπὸ τῶν ὑπολοί-
πων: the minimum of property
which subjected a citizen to the
liturgies was 3 t. (Isae. 3. 80).—
τριηραρχῶ: the necessity of appear-
ing in court excuses the defendant
from the usual requirement of ser-
vice in person. (See on 12. 42.) Moreover, if he was only συντηρηραχός, he would be required to serve only half of the time. For inference as to date of this speech see p. 163. — ὀλίγα 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 ἀναγκαίων: as in 24. 10 and 16. — αὐτικά: as in § 46. — ἱππευν: on enrolment in the cavalry see XVI. Introd. p. 131. — ἀθληταις: sc. ἱπποῖς. He was not content with furnishing a cavalry horse which would make a fine appearance in the public proces-

sions, but he kept race horses also to compete in the national games. — Ἰσθμοὶ, 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 ἐχθρῶν: there is nothing in the speech to show whether the suit was instituted by the σύνδικοι (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 ἀναιρεθέντας. καὶ ταῦτα ποιοῦντες τὰ τε ἔκτο δίκαια ψηφιεῖσθε καὶ ὑμῖν αὐτοῖς τὰ συμφέροντα.

part of § 2 were not from a ready-made proem, it would be conclusive 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 (συνοπωλαί) 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.\(^1\) 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 (ἐπίσελέξια) 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,\(^2\) but there was a law which forbade any retailer to buy more than fifty baskets at any one time;\(^3\) 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.\(^4\)

The opinion of this senator prevailed, and at a subsequent

\(^1\) See the quotation from Aristotle, below.

\(^2\) 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.

\(^3\) §§ 5, 6.

\(^4\) 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. 4.
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 (cp. § 1).  

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

3 We have an inscription from Eleusis (CIA. II. 834 6) 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 6). 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 con-
stant aim; colonies were sent out to points were they could both
protect the route and become producers; in time of war grain
fleets were convoyed 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 ("ἐμπο-
ροι") at the Piraeus. Their business, with that of the wholesale
market in general, was under the control of a board of ten Super-
intendents of the Market ("Εμπορίων ἐπιμεληται").

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 pro-
vided by law, under penalty of death, that no retailer should buy
more than fifty baskets at a time (§§ 5, 6).

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. All. 51. 4, ἐμπορίων δ’ ἐπιμελητὰς δέκα. κηροῦσιν· τούτοις δὲ
προστέτακται τὼν τ’ ἐμπορίων ἐπιμελεῖσθαι, καὶ τοῦ σῖτον τοῦ καταπλέοντος εἰς
τὸ σιτικὸν ἐμπόριον τὰ δύο μέρη τοῦ ἐμπόρους ἀναγκάζειν εἰς τὸ ἀστιν κομίζειν.
This must mean that the importers at the Piraeus were obliged to sell imme-
diately two thirds of every cargo to the retailers of the city proper (cp. Wila-
mowitz, Aristoteles u. Athen, I. 220 n. 68. Busolt, Gr. Alter. 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
cover the market. The reading εἰς τὸ Ἀττικὸν ἐμπόριον in Harpocratian s.vn.
ἐπιμελητῆς ἐμπορίου (now corrected by the text of Arist.) led Boeckh to in-
terpret 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 (ὁνίως ἔστωι δικαίως); 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 σιτώναι to buy grain and sell it to the people at a reasonable price. At the first meeting of the Ecclesia in every ptytany a part of the routine business was the consideration of the grain supply.

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**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 Ἐρωτησις (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. Πίστεως, 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. Ἐπιλογος, 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.
ΚΑΤΑ ΤΩΝ ΣΙΤΟΠΩΛΩΝ

1 Πολλοί μοι προσεληκύθασιν, ὅ άνδρες δικασταί, θαυμάζοντες ὅτι ἐγὼ τῶν συτοπωλῶν ἐν τῇ βουλῇ κατηγόρον, καὶ λέγοντες ὅτι ἡμεῖς, εἰ ὡς μάλιστα αὐτοὺς ἀδίκειν ἤγεισθε, οὐδὲν ἐττον καὶ τοὺς περὶ 5τούτων ποιομένους τοὺς λόγους συκοφαντεῖν νομίζετε. οἴθεν οὖν ἡμάγκασμαι κατηγορεῖν αὐτῶν, περὶ τούτων πρῶτον εἶπεῖν βούλομαι.

2 Ἐπειδὴ γὰρ οἱ πρυτάνεις ἀπέδοσαν εἰς τὴν βουλὴν περὶ αὐτῶν, οὕτως ἀργίσθησαν αὐτοῖς, ὡστε ἔλεγον

1. ἐν τῇ βουλῇ: see Introd. p. 214. — καὶ (before τοὺς): also. The common idea of guilt in ἀδίκειν and συκοφαντεῖν leads to the use of καὶ. ‘However guilty you believe the dealers to be, you none 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. — οἴθεν: 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) δ’ εἰς τὴν βουλὴν περὶ αὐτῶν ἀπέδοσαν. — αὐτοῖς: case, see on ὀργίζεσθε
κατὰ τῶν σιτοπώλων ΧΗ 

10 τινες τῶν ῥήτορον ὡς ἀκρίτους αὐτοὺς χρὴ τοῖς ἐνδεκα παραδοῦναι θανάτῳ ζημιόωσαι. ἡγούμενος δὲ ἔγὼ δεινὸν εἶναι τοιαῦτα ἐθιζεσθαι ποιεῖν τὴν βουλήν, ἀναστὰς ἐποὺ ὁ μοι δοκοῖ γρίνεων τοὺς σιτοπώλως κατὰ τὸν νόμον, νομίζων, εἰ μὲν εἰσὶν ἀξία θανάτου 

15 εἰργασμένοι, ὡμᾶς οὐδὲν ἄρων ἡμῶν γνώσεσθαι τὰ δίκαια, εἰ δὲ μηδὲν ἄδικον, οὐ δεῖν αὐτοὺς ἀκρίτους 3 ἀπολωλέναι. πεισθείσης δὲ τῆς βουλῆς ταῦτα, δια-

βάλλει ἐπεχείρον με λέγοντες ὡς ἔγὼ σωτηρίας ἐνέκα
tῆς τῶν σιτοπωλῶν τοὺς λόγους τοῦτος ἐποιούμην. 

20 πρὸς μὲν οὖν τὴν βουλήν, ὦτ' ἂν αὐτοὶς ἡ κρίσις, ἐργῶ ἀπελογησάμην τῶν γὰρ ἄλλων ἡσυχίαν ἀγώνων ἀναστὰς αὐτῶν κατηγόρουν, καὶ πᾶσι φανερῶ ἐποίησα ὁμολογοῦν ὑπὲρ τοῦτων ἔλεγον, ἀλλὰ τοῖς νόμοις τοῖς 

12. 80. — ἀκρίτους: see on 12. 17. Note that metics are assumed here to have the same right to trial as citizens. — τοῖς ἐνδεκα: 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. — ζημιόωσαι: cp. Arist. Res. Ath. 29. 4 paraodos x x

τοῖς ἐνδεκα θα-
nάτῳ ζημιόωσαι. For the (dative) infin. see HA. 951; G. 1532. 1; B. 592; Gl. 565; GMT. 772 (a). — ἐθιζεσθαι: the implication seems to be that such customs of illegal condemnation are already creeping in. Cp. XIX. Intro. p. 161 N. 1. — ἡμῶν: the Senate. — ἀκρίτους ἀπολωλέναι: 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. ἐπεχείρον: i.e. after the session of the Senate. — ἐποιούμην: i.e. at the recent session. Tense, see on ἐποίησα 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. — ἐργῶ ἀπελογησάμην: I answered the charge by my action. — ἔλεγον,
4 κειμένοις ἔβοήθουν. ἡρξάμην μὲν οὖν τούτων ἕνεκα, τὸ δεδιῶς τὰς αἰτίας· ἀποχρῶν δὲ ἡγοῦμαι πρότερον παύσασθαι, πρὶν ἂν ὑμεῖς περὶ αὐτῶν ὁ τι ἄν βούλησθε θησάμην.  

5 Καὶ πρῶτον μὲν ἀνάβητε. εἶπε δὲ ἐμοί, μέτοικος εἰ; Ναῖ. Μετοικεῖσ ὡς πρῶτον ὡς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἡ ὡς ποιήσων ὁ τι ἄν βούλη; Ὡς πεισόμενος. Ἄλλο τι οὐδὲ ἡ ἀξιοίς ἀποθανεῖν, εἰ τι πεπόνηκας παρὰ τοὺς νόμους, ἐφ' ὅς θάνατος ἡ ζημία; Ἔγωγε. Ἀπόκριναι δὴ μοι, εἰ ὁμολογεῖς πλεῖον σῶσαι συμπράσθηκε πεντήκοντα φορμῶν, δὲν ὁ 35 νόμος ἐξεῖναι κελεύει. Ἔγώ τῶν ἀρχῶν τῶν κελεύοντων συνεπηρήμην.

ἔβοήθουν: i.e. on the first occasion. Trans. by Eng. plup. like ἐπηκόοιμη 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 (διὰ βάλλειν... λέγοντες κτλ.). — πρὶν: the governing clause is positive in form only, it has therefore the effect of a negative, HA. 924 A; G. 1470 (last sentence); B. 627; Gl. 644 d; GMT. 647.  

5. On the ἐρώτησις cp. on 12. 24.— σὺ: 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... ἤ: 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).— συμπράσθηκε: bought up: the σωμ- 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.— ἀρχῶν: the στο-φύλακες. For the attempt of the accused to defend himself by his answer, while admitting an apparent violation of the law, cp. 12. 25 τὰ ὑπὸ τῶν ἀρχῶν προσ-ταχθέντα δεδιὸς ἐποίειν.
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6 Ἐὰν μὲν τοίνυν ἀποδείξῃ, δὲ ἄνδρες δικασταί, ὡς ἔστι νόμος δὲς κελεύει τοὺς σιτοπώλας συνοινεύσαί τον σῖτουν, ἐὰν οἱ ἄρχοντες κελεύσωσιν, ἀποψηφίσασθε· εἰ δὲ μὴ, δίκαιον ὡμᾶς καταψηφίσασθαι. ἦμεις γὰρ ὡμῶν παρεσχόμεθα τὸν νόμον, δὲς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλείω σῖτου πεντήκοντα φορμών συνοινεύσαν.

7 Χρῆν μὲν τοίνυν, δὲ ἄνδρες δικασταί, ἵκατὴν εἶναι ταύτην τὴν κατηγορίαν, ἔπειδη οὗτος μὲν ὀμολογεῖ συμπρίσασθαι, δὲ νόμος ἀπαγορεύων φαίνεται, ὑμεῖς δὲ κατὰ τοὺς νόμους ὁμοφόρους ψηφίσῃς· ὥσς δὲ ἢνα πεισθῆτε ὅτι καὶ κατὰ τῶν ἄρχοντων ἴστονται, ἀνάγκη διὰ μακροτέρων εἴπετε περὶ αὐτῶν. ἔπειδη γὰρ οὗτοι τὴν αὐτίαν εἰς ἔκεινος ἀνέφερον, παρακάλεσαν τοὺς ἄρχοντας ἡρωτήμεν. καὶ οἱ μὲν τέταρτες οὐδὲν ἐφασαν εἰδέναι τοῦ πράγματος, Ἀνυτος δὲ ἔλεγεν ὡς τοῦ προτέρου χειμῶνος, ἐπειδὴ τίμιος ἢν ὁ σῖτος, τούτων ὑπερβαλλόντων ἀλλήλους καὶ πρὸς σφᾶς αὐτῶς

6. τοίνυν: force, see on 16. 7 (B). — εἰ δὲ μὴ: see on 12. 15. — ἦμεις: 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 φαίνεται: distinguish from ἀπαγορεύων φαίνεται. HA. 986; G. 1592. 1; B. 660. 1 n.; Gl. 585 a.

8. ἡρωτῶμεν: at the hearing held by the Senate (ἡ κρίσις § 3). — οἱ μὲν τέταρτες: cp. on τὰς ὄκτω 32. 21. — Ἀνυτος: 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 Thrasylulus in the Return. Cp. Isoc. 18. 23 Ὀρασύβουλος καὶ Ἀνυτος μέγιστον μὲν δυνάμενοι 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 αὐτῶς: the reflexive for the reciprocal pronoun (HA.
μαχομένων συμβουλεύσεις εν αὐτοῖς παύσασθαι φιλονικοῦσιν, ἡγούμενος συμφέρειν ὑμῖν τοὺς παρὰ τοῦτον ὀνομαένοις ὡς ἄξιώτατον τούτους πρίασθαι. δὲν γὰρ ἵνα ἀὑτοὺς ὅβολον μόνον πωλεῖν τιμιώτερον. ὡς τοῦτον όν

686 b; G. 996; B. 471 n. 2), a use common in Attic prose; in Lysias confined to this passage and 14. 42. For πρὸς see on 32. 19, Crit. Note.

— μαχομένων: on the metaphorical language, see Introd. p. 25 n. 5. — παύσασθαι φιλονικοῦσιν: cp. on παύσασθαι λέγοντι. 12. 1. — ἄξιώτατον: L. & S., ἄξιός I. 3 b; cp. a. — δεῖν γάρ 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: οὗτοι (sc. οἱ στηρικλαικεῖς) ὅε ἐπιμελοῦνται, πρῶτον μὲν ὡσς ὁ ἐν ἀγορᾷ στέκτως ἀργὸς ὀνίος ἐσται δικαίος Resp. Ath. 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.
συμπριαμένους καταθέσθαι ἐκέλευεν αὐτούς, ἀλλὰ μὴ ἄλληλοις ἀντωνεῖσθαι συνεβούλευεν, αὐτὸν ὑμῖν Ἀνυ-δόντον μάρτυρα παρέξομαι.

ΜΑΡΤΥΡΙΑ

Καὶ ὡς οὖσας μὲν ἐπὶ τῆς προτέρας βουλῆς τούτους εἶπε τοὺς λόγους, οὕτω δὲ τήτες συνωνούμενοι φαίνονται.

ΜΑΡΤΥΡΙΑ

10 Ὅτι μὲν τοῖς εἴπερ τῶν ἀρχόντων κελευσθέντες συνεπριάντω τὸν σύτων, ἀκηκόατε· ἦγοῦμαι δ’, εὰν ὡς μάλιστα περὶ τούτων ἀληθῆ λέγωσιν, οὐχ ὑπὲρ αὐτῶν αὐτοὺς ἀπολογήσεσθαι, ἀλλὰ τούτων κατηγορήσεως περὶ γάρ δὲν εἰσὶ νόμοι διαρρήδην γεγραμμένοι, πῶς οὐ χρὴ διδόναι δίκην καὶ τοὺς μὴ πειθομένους καὶ τοὺς κελεύοντας τούτοις τάναντια πράττειν;

11 Ἀλλὰ γάρ, δ’ ἄνδρες δικασταί, οἶομαι αὐτοὺς ἐπὶ μὲν τούτον τὸν λόγον οὐ τρέψεσθαι· ἵσως δ’ ἐρούσιν, ὃσπερ καὶ ἐν τῇ βουλῇ, ὡς ἐπὶ εὐνοία τῆς πόλεως...

9. καὶ ὡς... εἶπε: 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.—συνωνοούμενοι: tense, see on ἀνιω-μένου 12. 32. For participle with φαίνομαι see on § 7.

10. ὡς μάλιστα: cp. § 1.—ἀπολογήσεσθαι: the plea of the defendants will amount to an accusation of the commissioners (τούτων), not to a justification of themselves.

11. ἀλλὰ γάρ: force, see on 12. 40.—ἐπὶ λόγον: see Crit. Note.—ὡσπερ καὶ: for καὶ in compari-
συνεσωμόντο τοῦ σεῦ, ἵν᾿ ὡς ἀξιώτατον ὑμῖν πωλοῦν.
75 μέγιστον δ᾿ ὑμῖν ἔρω καὶ περιφανέστατον τεκμήριον
12 ὃτι ψεύδονται· ἔχρην γὰρ αὐτούς, εἴπερ ὑμῶν ἐνεκα
ἐπραττὼν ταῦτα, φαίνεσθαι τῆς αὐτῆς τιμῆς πολλὰς
ημέρας πωλοῦντας, ἐως ὁ συνεσωμόνενος αὐτοὺς ἐπέ-
λιπε· νῦν δ᾿ ἐνίοτε τῆς αὐτῆς ἡμέρας ἐπώλουν δραχμὴ
80 τμημότερον, ὃσπερ κατὰ μεδιμνὸν συνομοῦμενοι. καὶ
13 τούτων ὑμᾶς μάρτυρας παρέχομαι. δεινὸν δὲ μοι δοκεῖ
εἶναι, εἰ ὅταν μὲν εἰσφορὰν εἰσενεγκεῖν δέη, ἢν πάντες
εἰσεσθαί μέλλουσιν, οὐκ ἐθέλουσιν, ἀλλὰ πενίαν προ-
φασίζονται, ἐφ᾿ οίς δὲ θάνατός ἐστιν η ἡμία καὶ
85 λαθεῖν αὐτοῖς συνεφέρε, ταῦτα ἔπι εἰνοίᾳ φασὶ τῇ
ὑμετέρᾳ παρανομήσαι. καίτοι πάντες ἐπίστασθε ὅτι
τούτως ἱκιστα προοῦκεν τοιοῦτος ποιεῖσθαι λόγους.
14 τάναντια γὰρ αὐτοῖς καὶ τοῖς ἄλλοις συμφέρει· τότε

soûs see on 19. 2. — συνεσωμόντο: tense, see on ἐτοιόν 12. 25.
12. ἔχρην: form, cp. χρῆν § 7, and see on 12. 48. — εἴπερ: see on
12. 27. — ἐως ἐπέλιπε: the construction of an unfulfilled condition, GMT. 613. 2; note that ἔχρην
= an apodosis with ἄν (see on εἰκὸς ἦν 12. 27).
"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 ἔθελουσιν: after ex-
pressions of wonder, delight, etc.,
a clause is sometimes treated
as a real protasis (εἰ, neg. μή),
sometimes as semi-causal (εἰ, neg.
οὗ), and sometimes as an object
clause stating the fact wondered
at (ὅτι, neg. οὗ). — οίς: for omis-
sion of the pronoun with λαθεῖν
see on αὐτοῖς 25. 11. — ὑμετέρα:
= obj. gen. ὑμῶν. ΗΑ. 694; G.
999. — τοιοῦτος λόγου: i.e. that
they rejoice in the prosperity of
the citizens and labor for it."
κατά τῶν σιτοπωλών XXII 12–16 227

gάρ πλείστα κερδαίνοντες, ὅταν κακοῦ τινος ἀπαγ
γελθέντος τῇ πόλει τίμιον τὸν σύντον πωλῶσιν. οὕτω δὲ ἀσμενοὶ τὰς συμφορὰς τὰς ὑμετέρας ὀρῷσιν, ὡστε τὰς μὲν πρότεροι τῶν ἄλλων πωλήσανταί, τὰς δὲ αὐτοῖς λογοποιοῦσιν, ἢ τὰς ναός διεφθάρθη καὶ ἐν τῷ Πόντῳ, ἢ ὑπὸ Δακεδαμονίων ἐκπλεοῦσας συνειληφθαί, ἢ τὰ
95 ἐμπόρια κεκλῆσθαι, ἢ τὰς σπονδὰς μέλλειν ἀπορρη
15 ὅντεσθαι, καὶ εἰς τοὺς ἑχθράς ἔληλυθαν, ὡστ' ἐν τοῖς αὐτοῖς καροῖς ἐπιβουλεύοντο ἡμῖν, ἐν οἶσπερ οἱ
πολέμοι. ὅταν γὰρ μάλιστα σίτου τυχάνητε δεό
μενοι, ἀναρτάζουσιν οὕτω καὶ οὐκ ἔθελονσι πωλεῖν,
100 ὅταν μὴ περὶ τῆς τιμῆς διαφερόμεθα, ἀλλ' ἀγαπώμεν
ἐὰν ὀποσουτινοσῶν πριάμουν παρ' αὐτῶν ἀπέλθωμεν. ὡστ' ἐνιότε ἐιρήνης οὔσης ὑπὸ τούτων πολιορκοῦ-
10 ὅμεθα. οὕτω δὲ πάλαι περὶ τῆς τούτων πανοργίας
καὶ κακονοίας ἢ πόλις ἕγνωκεν, ὡστ' ἐπὶ μὲν τοῖς
105 ἄλλοις ὀνίοις ἀπασί τοὺς ἄγορανόμους φύλακας
κατεστήσατε, ἐπὶ δὲ ταυτῇ μόνῃ τῇ τέχνῃ χωρὶς
σιτοφύλακας ἀποκληροῦτε καὶ πολλάκις ἧδη παρ'

14. λογοποιοῦσιν: cp. 16. 11.
— ἦ, ἦ, κτλ.: on the πολυσύνδετον see App. § 58. 4. — ἐκπλεοῦσας: i.e. out of the Hellespont. — κεκλῆ-
σθαι: are blockaded. — ἀπορρηθῆ-
σθαι: L. & S. ἀπείθον IV. For the conclusion as to date based on this passage see Introd. p. 213 n. 1.

15. ἀγαπώμεν: force, see on ἀγαπήσεσθαι 12. 11. Crp. on 16. 16.
— πολιορκούμεθα: on the meta-
phor see Introd. p. 25 n. 5.

16. πανοργίας, κακονοίας: on the συνοινισμάτων see App. § 58. 2. — τοῖς ἄγορανόμοις: they had the general supervision of the markets, issued trade licenses, guarded the purity of the wares and the freshness 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 οἰοὶ τῇ ἥσαν τῆς τούτων πονηρίας ἐπικρατήσαν. καὶ τοι τῷ χρῆ αὐτούς τὸν ἀδικοῦντας ὑψὸς ὑμῶν πᾶσχειν, ὅποτε καὶ τοὺς οὐ δυνάμενος φυλάττειν ἀποκτείνετε;

17 Ἕνθυμεσθαί δὲ χρῆ ὅτι ἀδύνατον ὑμῖν ἑστὶν ἀποψηφισθαί. εἰ γὰρ ἀπογνώσεσθε ὁμολογούντων αὐτῶν ἐπὶ τοὺς ἐμπόρους συνίστασθαι, δόξηθ’ ὑμεῖς ἐπιβουλεύειν τοὺς εἰσπλέουσιν. εἰ μὲν γὰρ ἀλλήν τινὰ ἀπολογίαν ἐποιεῖτο, οὐδὲὶς ἂν εἰχεῖ τοῖς ἀποψηφισμένοις ἐπιτιμᾶν. ἐφ’ ὑμῖν γὰρ ὅπως ὁ πόλεμος βούλεσθε πιστεύειν. νῦν δὲ πῶς οὐ δευτὰ τό ποιεῖν, εἰ τοὺς ὁμολογούντας παρανομεῖν ἄζημιον ἀφήσετε;

18 ἀναμνήσθητε δὲ, ὦ ἄνδρες δικασταί, ὅτι πολλῶν ἡδον ἐχόντων ταύτην τὴν αἰτίαν, ἀμφισβητοῦντων καὶ μάρτυρας παρεχομένων, θάνατον κατέγνωτε, πιστοτέρον θηγασάμενοι τοὺς τῶν κατηγόρων λόγους. καὶ τοῦ πῶς ἀν θαυμαστοῖς εἰς, εἰ περὶ τῶν αὐτῶν ἀμαρτημάτων δικαίοτερον τοῖς ἐπιθυμεῖτε παρὰ τῶν ἀρνομένων δίκην λαμβάνειν; Καὶ μὲν δὴ, ὦ ἄνδρες δικασταί,
12. 30. — κοινότατοι: of the widest interest. The price of flour touched every home. — άδειαν ποιεῖν: cp. on τού λαού ποιεῖν 12. 85. — ἐψηφισμένοι ἔσεσθαι: the abiding result is the emphatic thought; they will have standing immunity.

20. μόγις ἀνέκτοι: barely endurable. Cp. Thuc. 6. 23. 1 μόλις οὗτως οἵοι τε εὔσεμθα 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 ψυχή from σῶμα makes the two expressions equivalent.

21. εάν ἀντιβολῶσι, ἐὰν ἐλεησαίτε: cp. on εἴ ἐπιθυμεῖτε § 18. On the συνωμομετὰ in ἀντιβολῶσιν and ἐκτενότως see App. § 58. 2. — τῶν πολίτων: part. gen. with the omitted antec. of οἷ — ἀπέθνησκον: referring to δίκην τήν μεγίστην, inflicted on some of the στοφύλακες for failure to check the abuses of the retailers, § 16. — ἐφ’ οὗς: see on πρός 32. 19, Crit.
καὶ προθυμιότερος ποιήσετε, δίκην παρὰ τούτων λαμβάνοντες. εἰ δὲ μὴ, τίν' οὗτος ὤν σὲ γνώμην ἔξειν, ἐπειδὰν πύθωνται ὅτι τῶν κατηγορίων, οἱ τοῖς ἐσφλέονσιν ὁμολόγησαν ἐπιβουλεύειν, ἀπεισφίσασθε;

22 Οὐκ οἶδ' ὃ τι δεῖ πλείω λέγειν. περὶ μὲν γὰρ τῶν ἄλλων τῶν ἀδικούντων, ὃτου δικάζονται δεῖ παρὰ τῶν κατηγόρων πυθέσθαι, τὴν δὲ τούτων ποιηρίαν ἀπαντεῖ ἐπιστασθε. εἰν' οὖν τούτων καταψηφίσθησθε, τὰ τέ δίκαια ποιήσετε καὶ ἀξιώτερον τὸν σὸν ὑψηλοῦς. εἰ δὲ μὴ, τιμωτερον.

Note, C, 4. — ois: 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.1 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.2

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).3

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.
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 (τοὺς ἄδυνάτους) 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 πρυτανείας μυσθόν.

3 Harpocratie, s.v. ἄδυνάτος, 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, Staatskhaushaltung, 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 παιγνιον like the little Encomium on Helen, ascribed (probably correctly) to Gorgias, the author of which closes with the words, ἐβουλήθην γράψαι τὸν λόγον, Ἑλένης μὲν ἐγκώμιον, ἐμὲν δὲ παίγνιον.

² Harp. s.v. ἀδύνατον: ἔστι δὲ καὶ λόγος τις, ὥς λέγεται, Λυσίον περὶ τοῦ ἀδύνατου (Ed. Dindorf; Bekker reads ὡς Λυσίου).

³ Literarisches Porträt, pp. 461–463.
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 ηθοποιία.

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. Πρόθεως, 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. Επίλογος, 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 probabile 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 δοκιμασία. This is, indeed, his δοκιμασία, 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 οἴμαι δεῖν, ὡς βουλή,  
τὰ τοῦ σῶματος δυστυχήματα  
τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν¹ ἰᾶσθαι·²  
kαλῶς.

ἐὰν γὰρ ἔξ ἵσον τὴν συμφορά  
καὶ τὴν διάνοιαν ἔξω  
kαὶ τὸν ἄλλον βίον διάξω,  
τὸ τούτον διόισω;  

περὶ μὲν τούτων τοσαῦτὰ μοι εἰρήσθω.³

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 ὄμωιτέλευτον 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 spend-thrifts; 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 (οὖν εἰσίν, οὕτω δύναμαι κτήσωσθαι).

IV. Παρέκβασις, Egressio, §§ 7–9.
The Narratio is used¹ 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): —

μὴ τοίνυν, ἑπειδὴ γε ἢστιν, ὃ βουλή,
σῶσαί με δικαίως,
ἀπολέσθητε ἄδικως:

μηδὲ ἄ νεωτέρῳ καὶ μᾶλλον ἐρρωμένῳ ὄντι ἔδοτε
πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον ἀφέλησθε. § 7.

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 ἦττῳ λόγον κρείττω ποιεῖν.

¹ So in 12. 20–23; see p. 50.
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.:

οὗ γὰρ τοὺς πενομένους
καὶ λίαν ἄτόρως διακείμένους
ὑβρίζειν εἰκός
ἀλλὰ τοὺς πολλῷ πλεῖω τῶν ἀναγκαίων κεκτημένους.¹

οὐδὲ τοὺς ἀδύνατους τοὺς σώμασιν ὄντας
ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὐτῶν ρώμαις.

οὐδὲ τοὺς ἡδή προβεβηκότας τῇ ἡλικίᾳ
ἀλλὰ τοὺς ἐτὶ νέους καὶ νέας ταῖς διανοίασις χρωμένους.

VI. Ἐπίλογος, 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 ὀμοστέλευτον see App. § 57. 4.
ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΩΝΑΤΩΙ
ΑΡΓΙΤΡΙΟΝ

1. Οὐ πολλοῖν δὲω χάριν ἔχειν, ὃ βουλὴ, τῷ κατηγόρῳ, ὅτι μοι παρασκευάσε τοῦ ἄγωνα τοιοῦτοί. πρότερον γὰρ οὐκ ἔχων πρόφασιν ἐφ' ἦς τοῦ βίου λόγου δοῖν, νυνὶ διὰ τούτον εὖληφα. καὶ πειράσομαι τῷ λόγῳ 5 τούτον μὲν ἐπιδείξαι ψευδόμενον, ἐμαυτὸν δὲ βεβιωκότα μέχρι τῆς ἡμέρας ἐπαύνου μᾶλλον ἀξιόν ἢ φθόνον· διὰ γὰρ οὐδὲν ἄλλο μοι δοκεὶ παρασκευάσαι 2τόνδε μοι τὸν κίνδυνον οὔτος ἢ διὰ φθόνον. καίτοι ὡστὶς τούτοις φθονεῖ οὕτως οἱ ἄλλοι ἐλεοῦσι, τίνος ἢν ἴμιν ὁ τοιοῦτος ἀποσχέσθαι δοκεῖ πονηρίας; εἰ μὲν

1. οὐ πολλοῖν: μικροῦ or ἀλέγου is the usual word with δεῶ, cp. 12. 17 οὐτώ πολλοῦ ἐδέχεσθε. — ἐφ' ἦς: for the usual ἐφ' ἦ 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 (expended). οὐκ ἔχων is there equivalent to οὐκ εἰδός, or ἀπορῶν, and so takes the opt. of ind. question. The direct form would be the deliberative subjv., ποῦ 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. — ἀξιόν: see Crit. Note. — τόνδε μοι: for position see on ἴμιν 12. 33.

2. ἄν: see on 12. 1. — πονηρίας: doubly emphasized by its
γάρ ἔνεκα χρημάτων με συνοκφαντεῖ—· ἐι δ’ ὡς ἐξθρόν
ἔαυτον με τιμωρεῖται, ψεύδεται· διὰ γάρ την πονηρίαν
αὐτοῦ οὔτε φίλῳ οὔτε ἐξθρώπ πώποτε ἐχρησάμην αὐτῷ.
3 ἢδη τοίνυν, ὃ βουλή, δήλος ἐστι φθονῶν, ὅτι τοιαύτῃ
κεχρημένος συμφορὰ τούτου βελτίων εἰμὶ πολίτης. καὶ
γάρ οίμαι δεῖν, ὃ βουλή, τὰ τοῦ σώματος δυστυχήματα
tοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἦσθαι· καλῶς. εἰ γάρ
ἐξ ἵσου τῆς συμφορᾶ καὶ τὴν διάνοιαν ἔξω καὶ τὸν
19 ἀλλὸν βίον διάξω, τῷ τούτου διοίσω;

4  Περὶ μὲν οὖν τούτων τοσαῦτα μοι εἰρήσθω· ὑπὲρ δὲν
δὲ μοι προσήκει λέγειν, ὅς ἂν οἶδος τ’ ὁ διὰ βραχυτά-
tων ἐρώ. φησὶ γάρ ὅ κατήγορος οὐ δικαίως με λαμ-
βάνειν τὸ παρὰ τῆς πόλεως ἀργύριον· καὶ γάρ τῷ

wide separation from τίνος and by
its position at the end of the sen-
tence.—ένεκα: for the unusual
position see on 19. 17.—συνοκφαν-
tei: the cripple’s look and gesture
call out a burst of laughter from
the hearers which makes an apo-
dosis quite unnecessary.

3. τούτου: see on 12. 81.—
kai γάρ: for the original force of
γάρ see on 19. 12. kai 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) kai γάρ = emphatic γάρ for.
So in our passage. (B) Each
particle preserves its own force:
(1) γάρ = for, kai emphatic 24.8;
cp. 3. 43 kai γάρ δεινόν ἄν εἴη for it
would be a shame indeed. (2) γάρ
= for, kai correlative with a fol-
lowering kai, 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.—kai τὴν
diάνοιαν: kai of comparison. See
on 19. 2.

4. μὲν οὖν: force, see on 12.
3 C.—ὑπέρ: here and in § 21 =
περί, a usage that became common
with the later orators, especially
Demosthenes and Aeschines; note
that in both passages Lysias sets
it over against a περί phrase. For
other uses of ὑπέρ see on 25. 5.—
δὲ: for position of δὲ see on
16. 7.—οἶδος τ’ ὅ: see Crit. Note.
—διὰ βραχυτάτων: see on δὲ ἐλα-
χίστων 12. 3.—γάρ (after φησί’):
force, see on 19. 12 (C) (1).—kai
γάρ: see on § 3 (B) (2).
σώματι δύνασθαι καὶ οὐκ ἐναι τῶν ἄδυνάτων, καὶ τέχνην ἐπίστασθαι τουαύτην ὡστε καὶ ἀνεν τοῦ διδόμενον τοῦτον ζήν. καὶ τεκμηρίως χρήσται τῆς μὲν τοῦ σώματος ρώμης, ὅτι ἐπὶ τοὺς ἴππους ἀναβαίνω, τῆς δ’ ἔν τῇ τέχνῃ εὐπορίας, ὅτι δύναμαι συνεών ἄνθρωποις ἀναλίσκειν. τὴν μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἔμον βίον, οἰος τυγχάνει, πάντας ὑμᾶς οἶομαι γιγνώσκειν· ὅμως δὲ κάγω διὰ ἑβραχέων ἐρῶ. ἐμοὶ γὰρ ὁ μὲν πατὴρ κατέλιπεν οὐδέν, τὴν δὲ μητέρα τελευτήσασαν πέπαυμαι τρέφων τρίτων ἔτος τούτω, παίδες δὲ μοι οὖσιν εἰσίν οὐ μεθεραπεύσοντοι. τέχνην δὲ κέκτημαι βραχέα δυναμένην ὁφελέων, ἣν αὐτὸς μὲν ἡδή χαλεπῶς ἐργάζομαι, τὸν εὐρατηγῶν; Dem. 8. 2 ἐνδέκατον μῆνα τοιοῦτον. For the case see HA. 721; G. 1063.—οὖσα: he is already getting to be an old man (πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον § 7); the jest is as obvious as that in οὖσα δύναμαι κτῆσασθαι below.—θεραπεύσοντοι: for mood and tense see on βοηθήσοντι 16. 16.—τέχνην: he gives no hint as to what his trade is. He has a shop (§ 20), and his lameness does not entirely incapacitate him for his work (χαλεπῶς ἐργάζομαι § 6). Perhaps the restriction in force in Aristotle’s time (Introd. p. 232), confining the poor-relief to those so disabled ὡστε μὴ δύνασθαι μηδὲν ἔργον ἐργάζεσθαι, was not yet in force.
ΔΥΣΙΟΥ

διαδεξόμενον δ' αὐτὴν οὐπώ δύναμαι κτήσασθαι. πρόσωδὸς δὲ μοι οὐκ ἔστω ἄλλῃ πλὴν ταύτης, ἢν ἂν ἀφελησθὲ με, κινδυνεύσαμι ἀν ὑπὸ τῇ δυσχερεστάτῃ γενέσθαι τύχῃ. μὴ τούνιν, ἐπειδὴ γε ἔστων, ὦ βουλή, σῶσαι με δικαιῶς, ἀπολέσητε ἄδικως. μηδὲ ἂ νεωτέρῳ καὶ μᾶλλον ἐρρωμένῳ ὅντι ἔδοτε, πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον ἀφέλησθε. μηδὲ πρότερον καὶ περὶ τοὺς οὐδὲν ἔχοντας κακὸν ἐλεημονέστατοι δοκοῦντες εἶναι νῦν διὰ τοῦτον τοὺς καὶ τοὺς ἐχθροὺς ἐλεεῖνος ὅντας ἀγρίως ἀποδέξησθε. μηδὲ ἐμὲ τολμήσαντες ἄδικήσας καὶ τοὺς ἄλλους τοὺς ὁμοίως ἐμοὶ διακειμένους ἀθυμῆσαι ποιήσητε. καὶ γὰρ ἂν ἀτοπον εὖ, ὦ βουλή, εἰ ὅτε μὲν ἀπλῇ μοι ἢν ἡ συμφορά, τότε μὲν φαινοίμην λαμβάνων τὸ ἀργύριον τοῦτο, νῦν δ' ἐπειδὴ καὶ γήρας καὶ νόσοι καὶ τά τούτως ἐπόμενα κακὰ προσγίγνεται μοι, τότε ἀφαιρεθεῖν. δοκεῖ δὲ

— 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), oftener let out to manufacturers.
— ἂν ἀφελησθὲ . . . κινδυνεύσαμι ἂν: mood, H.A. 901 a; G. 1421. 2; B. 612. 1. — ὑπὸ τοῦχη: a slight personification of τοῦχη (cp. § 10). ὑπὸ with dat. is the regular expression for subjection under a person.
 7. δικαίως, ἄδικως: on the προνομασία see App. § 58. 5.— ἐρρωμένῳ: the passage of the partic. into the complete adj. construction (pred. with ὅντι) is helped here by its coördination with νεωτέρῳ. — δοκοῦντες: tense, see on ἀνιμόμενον 12. 32. — καί (before τοὺς ἄλλους): also. — ἀθυμησάς: ingressive aorist, see on μετέχον 16. 3.
 8. καὶ γὰρ: for indeed, see on § 3 (B) (1). — ὅτε μὲν ἦν | τότε μὲν φαινοίμην || νῦν δὲ ἐπειδὴ προσγίγνην. | τότε ἀφαιρεθεῖν. The antithesis is emphasized by using μὲν in both cola of the first member. In the second member νῦν δὲ is the real correlative of τότε μὲν (φαινοίμην), but is re-
μοι τῆς πενίας τῆς ἐμῆς τὸ μέγεθος ὁ κατήγορος ἂν ἐπιδείξῃ σαφέστατα μόνος ἀνθρώπων. εἰ γὰρ ἐγὼ κατασταθεὶς χρηγήσω τραγῳδοῖς προκαλεσάμην αὐτὸν εἰς ἀντίδοσιν, δεκάκις ἂν ἐλοιπὸν χρησίμησαι μᾶλλον ἢ ἀντιδόναι ἀπαξ. καίτοι πῶς οὐ δεινῶν ἐστιν νῦν μὲν κατηγορεῖν ὡς διὰ πολλῆς εὐπορίας εξ ἰσου δύναμαι συνεῖναι τοῖς πλουσιώτατοις, εἰ δὲ ὥν ἐγὼ λέγω τύχω 60 τι γενόμενον, ὁμολογεῖν ἂν μὲ τοιούτον εἶναι καὶ ἔτι πονηρότερον;

10 Περὶ δὲ τῆς ἐμῆς ἐπικής, ἂς οὗτος ἐτόλμησε μησθήναι πρὸς ὑμᾶς, οὐτὲ τὴν τύχην δείγας οὐτε ὑμᾶς 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 φανοῦμην 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. ἂν: cp. § 2 and see on 12. 1. — σαφέστατα μόνος: a combination of two ideas, σαφέστατα ἀνθρώπων and μόνος ἀνθρώπων. So Cicero, Prov. Consul. 12, unus omnium negissimus. — 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. — χρηγήσω: 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 ἀνθρώπων χρηγήσω 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. — χρησίμησαι: tense, cp. on ὄρθρε 12. 4. — τοιούτων, 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. — τὴν τύχην δείγας: τύχη is substituted here
αἰσχυνθείς, οὐ πολύς ὁ λόγος. ἔγω γὰρ, ὥς βουλή,
πάντας τοὺς ἔχοντάς τι δυστύχημα τούτ’ οἶμαι: ξητεῖν
καὶ τὸντο φιλοσοφεῖν, ὁπως ὃς ἀλυπότατα μεταχειροῦν-
tαι τὸ συμβεβηκός πάθος. ὃν εἰς ἐγώ. καὶ περιπέ-
πτωκῶς τοιαύτη συμφορᾶ ταύτην ἐμαυτῷ ῥαστώνην
ἐξήγρων εἰς τὰς ὄδοις τὰς μακροτέρας τῶν ἀναγκαίων.

11 ὃ δὲ μέγιστον, ὥς βουλή, τεκμηρίων ὅτι διὰ τὴν συμφο-
ρᾶν ἄλλ’ οὐ διὰ τὴν ὑβρίν, ὡς οὖτος φῆσον, ἐπὶ τοὺς
ἵππους ἀναβαίνω: εἰ γὰρ ἐκεκτήμην οὔσιαν, ἐπὶ ἀσ-
τράβης ἄν ὁχούμην, ἄλλ’ οὖν ἐπὶ τοὺς ἀλλοτρίους

for τοὺς θεοὺς in the common formula for “fear of the gods and shame before men”; cp. 32.
13 εἰ μηδένα ἀνθρώπων ἔχον, τοὺς θεοὺς ἔχρην σε . . . δεδέ-
ναι. Here τίχη is fitting as being 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 τίχη, 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 coordinate with Providence, as Lysias distinctly does where he says (13. 63) ἢ δὲ τίχη καὶ ὁ δαίμων περιποίησε but for-
tune and Providence saved them. The cripple’s idea is expressed in Isocrates’s warning (1. 29) μηδεὶς συμφορὰν ὀνειδίσῃς: κοινὴ γὰρ ἢ
tίχη καὶ τὸ μέλλον ἀποτελεῖ revile no man for his misfortune, for fortune is common to all and the future unseen. — ἤπειρον, φιλοσο-
φεῖν: on the συνωνυμία see App. § 58. 2. — ὃν εἰς ἐγώ: 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.—
eἰς: see on εἰς 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. — ἀσ-
τράβης: a soft saddle with a back, for women and invalids. — ἄν:
 ypous anevbainon: vini d' epieidh toinoton ou dynama
 75 kthasasthai, tois allotriois ypous anagkazoimai chr
t 12 0 sa polllakis. kaioi pws ouk aitopon estin, o boulh,
toiton an auton, ei mewn ep' astrobathe ochousenon e'wra
me, siwpan (t' yaro an kai elegev:), oti d' epi tois
78 thmemous ypous anabaion, perasthai peitein umas ws
30 dynatos eimi; kai oti mewn dunouv baktiria
chrwma, toon allon ma' chorwmenon, m' kathorein ws kai touto
toyn dynamewn estin: oti d' epi tois ypous anabaion,
teknymmChr'phosthai pros umas ws eimi toyn dynamewn;
84 ois evo диα την αυτην αιτιαν अमफोτέροις χρώμαι.

13 Tossouton de dienynixon anaisxhntia ton apantων
anvrotωn, 5ste umas peiratai peitein, tosoustou
86 onta eis oun, ws ouk eimi toyn dynata ton egw.
kaioi ei touto peisei twas umon, o boulh, t' me kowei klin
58 rosothai ton evneia archoinon, kai umas emou mean afel-

with both ochousen and anevbainon,
cp. 16. 8.

12. kai elegev. for the force of kai see on 12. 29. — thmewn: borrowed. — toyn dynamewn: case, 
cp. on ton auton 12. 41.

13. el... peisei: 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. — kowei: no formal ac-
ction had ever opened the archon-
ship to members of the fourth
property class, as it had been
opened to those of the third class
in the fifth century; but in prac-
tice the restriction was ignored.
The cripple’s ineligibility was
therefore due to his physical im-
perfection, which rendered him
unfit for the priestly functions
involved in the archonship. — ar-
chonton: case, see on toyn opliton
32. 5. — emou afelosthai, ton auton
αφαιρήσεως: case, HA. 724, 748 a; G. 1069, 1118; B. 340, 362; Gl. 535, 509 a. — ὦς: force, see on 16. 8. — ψηφίσασθαι πάντας (cp. πέισει τινάς above): ‘it will be as easy for all (πάντας) to see a cripple in him, as for any (τινάς) 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 τινάς in the order, noun (or pronoun) + verb + τινάς. He thinks it may well be a touch of Ethopoiō to catch this trick of the old man’s speech as he does in §§ 13, 14, 19, 21, 27. — θεσμοθέται: 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 Θεσμοθέται. 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.

40. — τούτω: drawn from its usual position after τὴν αὐτήν to stand close against its contrasted word: ὑμεῖς τοῦτο | οὗτος ὑμῖν. — οὗτος 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” (Frbr.); cp. Crit. Note. — εἰ ποιῶν: while grammatically εἰ 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 . . . , εἰ ποιῶν, οὐ συνέβη this, fortunately, did not happen. — ὥσπερ ἐπικλή-ρου: 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
15. Δέγει δ’ ὡς ὑβριστής εἰμι καὶ βίαιος καὶ λίαν ἀσελγῶς διακείμενος, ὡστερ εἰ φοβερῶς ὄνομάσει, μέλλων ἀληθῆ λέγειν, ἀλλ’ ὦκ, ἐὰν πάνω πραόνως, ταῦτα ποιήσων. ἐγὼ δ’ ὑμᾶς, ὦ Βουλή, σαφῶς οἶμαι δεῖν διαγνώσκειν ὅσ’ ἐγχώρει τῶν ἀνθρώπων ὑβρισταῖς εἶναι καὶ ὃς οὐ προσήκει. οὐ γὰρ τοὺς πενομένους καὶ λίαν ἀπόρως διακείμενους ὑβρίζειν εἰκός, ἀλλὰ τοὺς πολλῷ πλείω τῶν ἀναγκαίων κεκτημένους· οὐδὲ τοὺς ἁδυνάτους τοῖς σώμασιν ὄντας, ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὐτῶν ρώμαις· οὐδὲ τοὺς ἤδη προβεβηκότας

to keep the property in the family (cp. on 32. 4). The cripple says that the complainant looks upon his misfortune as an heiress, and is trying to get possession of her inheritance of an obol a day. It is the best of the joke to represent the complainant as trying to get the cripple's obol for himself.

15. φοβερῶς ὄνομάσει: 'he knows his claims to be false, so he tries to frighten you by calling me υβριστής, βίαιος, ἀσελγῶς διακείμενος.' — 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 unexpressed (ἐὰν πάνω πραόνως). — πάνω: see on 19. 15. — πραόνως: 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 οὗς 25. 7; cp. ὑ τρόπως 19. 12. — προσήκει: force as in 25. 7; cp. εἰκός following.

16. πολλῷ: so in 17. 6 (πολλῷ πλίον) and 29. 8 (πολλῷ πλείω); elsewhere in Lysias, πολύ.
τῆ ἡλικίᾳ, ἀλλὰ τοὺς ἐτὶ νέους καὶ νέας ταῖς διανοϊαῖς
17 χρωμένους. οἳ μὲν γὰρ πλούσιοι τοῖς χρήμασιν ἐξω-
νοῦνται τοὺς κινδύνους, οἳ δὲ πέντες ὑπὸ τῆς παρούσης
ἀπορίας σωφρονεῖν ἀναγκάζονται. καὶ οἳ μὲν νέοι συγ-
γνώμης ἀξιοῦνται τυχόνεισι παρὰ τῶν πρεσβυτέρων,
τοῖς δὲ πρεσβυτέροις ἐξαμαρτάνοντον ὁμοίως ἐπιτιμῶ-
18 ἂν ἀμφότεροι. καὶ τοῖς μὲν ἰσχυροῖς ἐγχωρεῖ μηδὲν
αὐτοῖς πάσχοντον ὅσ ἂν βουληθῶσιν υβρίζειν, τοῖς
δὲ ἀσθενέσιν οὐκ ἔστων οὔτε υβριζομένοις ἀμύνεσθαι
19 τοὺς ὑπάρξαντας οὔτε υβρίζειν βουλομένους περιγένε-
σθαι τῶν ἀδικουμένων. Ὁστε μοι δοκεῖ ὁ κατηγορος
εἰπεῖν περὶ τῆς ἐμῆς υβρεως οὐ σπουδάζων, ἄλλα
παῖζων, οὐδ' ὑμᾶς πείσαι βουλόμενος ὡς εἰμὶ τοιώτως,
1η ἀλλ' ἐμὲ κωμῳδεῖν βουλόμενος, ὅσπερ τι καλὸν ποιῶν.

17. ὑπὸ ἀπορίας: see on ὑπὸ
tῶν γεγενημένων 12. 3. — ἂμφότε-
ροι: both young and old.
18. μηδὲν: see on μῆτε 12. 68
(B). — τοὺς ὑπάρξαντας: 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. προσφοιτᾶν: 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
ρείον, ὁ δὲ πρὸς σκυτοτομείον, ὁ δὲ ὁποι ἄν τύχῃ, καὶ πλείστοι μὲν ὡς τοὺς ἐγγυτάτω τῆς ἁγορᾶς κατεσκευ-135 ασμένους, ἐλάχιστοι δὲ ὡς τοὺς πλεῖστον ἀπέχοντας ἀυτῆς. ὡσ' εἰ τις ὑμῶν πονηρίαν καταγγύσεται τῶν ὡς ἐμὲ εἰσίοντων, δῆλον ὁτι καὶ τῶν παρὰ τοὺς ἄλλους διατριβόντων. εἰ δὲ κακείων, ἁπάντων Ἄθηναιών. ἁπάντες γὰρ εἰθισθε προσφοιτῶν καὶ διατρίβειν ἁμοῦ-140 γέτου.

21 Ἀλλὰ γὰρ οὐκ οἶδ' ὁ τι δεῖ λιαν με ἀκριβῶς ἀπολογούμενον πρὸς ἐν ἐκαστὸν ὑμῖν 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. — ὁποι ἄν τύχῃ: sc. προσφοιτῶν; cp. 12. 18. — ἁγορᾶς: on life about the Agora, see Gulick, p. 40ff. — καταγγύσεται: with gen. and acc. HA. 752 a; G. 1123 (cp. 1121); B. 370; Gl. 514 a. — παρὰ τοῖς ἄλλοις: see on παρ' αὐτοῖς 12. 33. — ἁμονγέτου: see Crit. Note. ἁμον- is of the same origin as οἰδαμοῦ, ἁμοθεν, Eng. some (A.S. sum, Goth. sums); the Eng. has preserved the original meaning. Lysias has ἁμοςγέτως in 13. 7.

21. Ἀλλὰ γὰρ: in transition; see on 12. 40. — ὑμῖν: the interruption of the normal order πρὸς ἐν ἐκαστὸν τῶν εἰρημέων by ὑμῖν
πλείω χρόνον. εἰ γὰρ ὑπὲρ τῶν μεγίστων εἴρηκα, τί δει περὶ τῶν φαύλων ὁμοίως τοῦτο σουδάζειν; ἐγὼ δ' ὑμῶν, ὦ Βουλή, δέομαι πάντων τὴν αὐτὴν ἔχειν περὶ ἑμοῦ διάνοιαν, ἣνπερ καὶ πρότερον καὶ μὴ οὐ μόνον μεταλαβεῖν ἐδωκεν ἡ τύχη μοι τῶν ἐν τῇ πατρίδι, τούτου διὰ τούτοι ἀποστερήσητε με· μηδὲ ἀ πάλαι κοινῆ πάντες ἐδοτέ μου, νῦν οὖσος εἰς ὧν πείσῃ πάλιν ὡμᾶς ἀφελέσθαι. ἔπειδή γὰρ, ὦ Βουλή, τῶν μεγίστων ἀρχῶν ὁ δαίμων ἀπεστέρησεν ἡμᾶς, ἡ πόλις ἡμῖν ἐπιψήφισεν τότε τὸ ἀργύριον, ἡγουμένη κοινὰς εἶναι τὰς τύχας τοῖς ἀπασὶ καὶ τῶν κακῶν καὶ τῶν ἀγαθῶν. πῶς οὖν οὐκ ἂν δειλιότατος εἶναι, εἰ τῶν μὲν καλλίστων καὶ μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἶναι, ἐν ὡς ἡ πόλις ἐδωκε προονοθεῦσα τῶν οὕτως διακεμένων, διὰ τὸν κατήγορον ἀφαιρεθεῖν; μηδαμῶς, ὦ Βουλή, ταύτῃ θῇσθε τὴν ψήφον. διὰ τί γὰρ ἂν καὶ τύχωμι

throws strong emphasis upon ὑπὲρ ἑκαστὸν. Cp. τὴν αὐτὴν . . . διάνοιαν below, and τὰς τύχας . . . καὶ τῶν κακῶν καὶ τῶν ἀγαθῶν § 22; cp. on ἡμῖν 12. 33. — ὑπὲρ τῶν μεγίστων, περὶ τῶν φαύλων: for ὑπέρ = περὶ see on § 4. It is fully in the spirit of parody that the cripple treats the complainant's sound arguments as "trivial" and his own nonsense as "most weighty." — ἣνπερ: see on διὰ τῶν 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. — ἐπιψήφισεν: 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. δειλιότατος: another touch of fine phraseology in the cripple's mouth; the word is common only in poetry.— καλλίστων καὶ μεγίστων: on the συνονυμία see App. 58. 2. — διὰ τὸν κατήγορον: 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 τύχωμι: for καὶ see on 12. 29.
24 τοιούτων ὑμῶν; πότερν ὅτι δι' ἐμὲ τις εἰς ἅγωνα
πῶποτε καταστὰς ἀπώλεσε τὴν οὐσίαν; ἀλλ' οὐδ' ἂν
 eius ἀποδείξειν. ἀλλ' ὅτι πολυπράγμων εἰμὶ καὶ θρασύς
καὶ φιλαπεχήμων; ἀλλ' οὐ τοιαύτας ἀφορμαῖς τοῦ
βίου τυγχάνων χρώμενος. ἀλλ' ὅτι λίαν ὑβριστὴς
καὶ βίας; ἀλλ' οὐδ' ἂν αὐτὸς φήσειν, εἰ μὴ βοῦ-
λοιτο καὶ τούτο ψευδεσθαί τοῖς ἄλλοις ὁμοίως. ἀλλ'
ὅτι ἐπὶ τῶν τριάκοντα γενόμενος ἐν δυνάμει κακῶς
ἐποίησα πολλοὺς τῶν πολιτῶν; ἀλλὰ μετὰ τοῦ ὑμετέ-
ρου πλήθους ἐφυγον εἰς Χαλκίδα, καὶ ἔξον μοι μετ'
ἐκείνων ἄδεως πολιτευόμεθα, μεθ' ὑμῶν εἰλόμην καὶ
νεότερον ἀποδημῶν. μὴ τοῖνυν, ὦ βουλή, μηδὲν ἡμαρτη-
κός ὁμοίων ὑμῶν τύχομι τοῖς πολλὰ ἡδικηκόσις, ἀλλὰ

24. 'I am no sycophant, as are so many.' For the element of parody in this appeal see Introd. p. 238. — οὐδ' ἂν εἰς: stronger than οἶδες ἂν; see on 19. 60. — ἄλλ' οὐ τοιαύτας κτλ.: but fortune has not given me the use of such resources for a livelihood (for she has made me weak and dependent on the favor of others, cp. § 18). ἀφορμή originally = starting point, then resource; in war, base of operations; in finance, capital.

25. φῆσειν: if the speaker were thinking of the particular assertion to this effect which the complainant had made (Λέγει δ' ὃς ὑβριστής εἰμι καὶ βίας καὶ λαῖν ἄσελγῳς διακείμενος § 15), we should have ἐφη; but he is thinking of any such possible assertion on his part in the same general way in which he thinks of οὐδ' ἂν εἰς ἀποδείξειν above. — καὶ τούτο: see on καὶ ἡμῶν 19. 2. — ἐπὶ τῶν τριά-
kοντα: for ἐπὶ see on 12. 17. — πλήθους: see on 12. 42.

26. τοῖνυν: force, see on 16. 7 (A). — μηδὲν: see on μήτε 12. 68 (B). — ἡμαρτηκός: tense, see on εἰργασμένοι εἰσίν 12. 22. — ὁμοίων . . . τοῖς πολλὰ ἡδικηκόσιν: as it stands the comparison seems to be between ὑμῶν and τοῖς ἡδικηκόσιν, but of course the meaning is μὴ ὁμοίων ὑμῶν τύχομι οὕτων ὑμῶν τυγχάνοντοι οἱ πολλὰ ἡδικηκότες. This looseness of expression in comparisons is common, resulting from an attempt at
τὴν αὐτὴν ψῆφον θέσθε περὶ ἐμοῦ ταῖς ἄλλαις βουλαῖς, ἀναμνησθέντες ὅτι οὔτε χρήματα διαχειρίσας τῆς πόλεως δίδωμι λόγον αὐτῶν, οὔτε ἀρχὴν ἀρξας οὐδεμίαν εὐθύνας ὑπέχω νῦν αὐτῆς, ἄλλα περὶ ὁβολοῦ μόνον ποι-27 ούμαι τοὺς λόγους. καὶ οὕτως ὑμεῖς μὲν τὰ δίκαια γνώσησθε πάντες, ἕγῳ δὲ τούτων ὑμῖν τυχὼν ἔξω τὴν χάριν, οὖτος δὲ τοῦ λοιποῦ μαθῆσεται μὴ τοῖς ἀσθενεστέροις ἐπιβουλεύειν ἄλλα τῶν ὁμοίων αὐτῶ περιγίγνεσθαι.


27. τούτων ὑμῖν τυχὼν ἔξω: for position of ὑμῖν cp. on ἴμαν § 21, and see on ἴμαν 12. 33. — ἐπιβουλεύειν, περιγίγνεσθαι: present tense, of a practice, course of conduct.
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 ὀνειρεμασία,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 ἐκ 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 Δήμου 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 (ὃς ἰμών νυνι τιμᾶσθαι δίκαιος εἰμι).

² All officials were required to submit to a formal scrutiny (ὁνειρεμασία) 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 μηδενὶ πρὸς μεδενα μνησικαεὶν ἐξεύων). 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 Elcusis, 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

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

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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 (ἐπὶ Ζ[ευς] νέτον ἀρχοντος 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 γίγνεται). A longer time would seem to be implied in the charges against the sycophants (ταχέως μὲν ἐκ πενήτων πλοῦσιοι γεγένηται, πολλὰς δὲ ἀρχὰς ἀρχοντες ὀδεμίας εὐθύνῃν διδάσκων), 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, Propositio, § 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. Πίστες, Argumentatio, §§ 8–28. (The πίστες 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 rhetoric.

II. Πρόθεσις, Propositio, § 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 πρόθεσις.

III. Πίστευς, 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 egotist, 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
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:

> ἥγοιμαι δὲ, ὦ ἄνδρες δικασταί

> οὖν ἂν δύκασ τὸν ἡμᾶς μαςίν τοὺς ἐν τῇ ὁλιγαρχίᾳ μηδὲν πεπουθότας κακὸν ἔχον ὅργιζεσθαι τοὺς εἰς τὸ πλῆθος ἐξημαρτηκόσιν

> οὐδὲ τοὺς μὴ φυγόντας ἐχθροὺς νομίζειν

> ἄλλα τοὺς ἡμᾶς ἐκβαλόντας

> οὐδὲ τοὺς προθυμομένους τὰ ἑαυτῶν σῶσαι

> ἄλλα τοὺς τὰ τῶν ἄλλων ἀφηγημένους

> οὐδὲ οἱ τῆς σφετέρας αὐτῶν σωτηρίας ἐνεκα ἐμείναν ἐν τῷ ἄστει

> ἄλλοι οὕτως 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 thursting 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 διναρχίας οὖσις 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, 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.

2 The speech for Mantitheus (XVI) offers a marked contrast in this respect. The young cavalryman is full of talk of his own achievements,
XXV

ΔΗΜΟΤ ΚΑΤΑΛΤΣΕΩΣ ΑΠΟΛΟΓΙΑ

1 ἔμων μὲν πολλὴν συγγνώμην ἔχω, ὡς ἄνδρες δικασταί, ἀκούοντι τοιούτων λόγων καὶ ἀναμμηνησκομένους τῶν γεγενημένων, ὡμοίως ἀπασίων ὁργίζεσθαι τοῖς ἐν ἄστει μείναι: τῶν δὲ κατηγόρων θαυμάζω, οἱ ἀμελοῦντες τῶν οἰκείων τῶν ἀλλοτρίων ἐπιμελοῦνται, καὶ σαφῶς εἰδότες τοὺς μηδὲν ἀδικοῦντος καὶ τοὺς πολλὰ ἐξημαρτηκώτας ζητοῦσι κερδαίνειν ἢ ὑμᾶς πείθειν περὶ ἀπαντῶν ἡμῶν τὴν γνώμην ταύτην ἔχειν. εἰ μὲν οὖν οἴνοι ὑπὸ τῶν τριάκοντα γεγένηται τῇ πόλει ἐμοῦ κατηγορηκέναι, ἀδυνάτους αὐτοὺς ἡγοῦμαι λέγειν.

1. τοῖς μείναι: case, see on ὁργίζεσθης 12. 80. — ἄστει: for non-use of the article see on 12. 16. — μηδέν: when a participle or adjective with the article is equivalent to an indefinite relative clause, it takes μη as its negative, as such a clause would do (μη in protasis). Such expressions refer to a class of persons or things, and this neg. may be called “μη generic.” — ἀδικοῦντας, ἐξημαρτηκώτας: note the coupling of pres. and perf. participles; see on ἀδικῶ 12. 14, and for the perf. (of “guilt”) see on εἰργασμένοι εἰσών

12. 22. — κερδαίνειν: for interpretation see Crit. Note. — ταύτην: the opinion urged by the complainants, and implied in ὁργίζεσθαι.

2. ἡγοῦμαι: this word expresses a more definite and mature conviction than οἴομαι (οἴμαι) 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 οἴομαι. The thirteenth speech shows a like fondness for οἴμαι (fourteen
of pronouns cp. on 12. 81, 84. — χρηματίζοντο: 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-
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.). — καθεστηκόσι πράγμασι: the established order = the existing government. See on 16. 3.

4. μηδεμίας: see on μήτε 12. 68 (B). — αἰτίας γεγενημένος: cp. on ἐμαντόν § 2; HA. 981; G. 1588; B. 661; Gl. 587. — ὑπάρχειν: I may count upon. See on ὑπάρχει 12. 23.

5. τεκμήριον: predicate of the ὅτι clause: I hold the fact that, etc., . . . to be a great proof in my favor. — ἐπερ: see on 12. 27. — ἰδία με ἀδικούντα: crimes of my own. — ἀμαρτήματα, ἐμοῦ: construction, see on καταγνώστει 24. 20. — ὑπέρ: while ὑπέρ 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, defending, and the like. Cp. 12. 37, 12. 89, 25. 19. For ὑπέρ = περί see on 24. 4. — μηδέν: see on § 1.

6. ἐγὼ δὲ κτλ.: the normal construction would be as follows: —
τῇ πόλει πολλῶν ἀγαθῶν αὐτοί γεγένηται, ἄλλους τινὰς ὑπὲρ τούτων τιμῆν ἢ χάριν κομίσασθαι παρ’ ὑμῶν, οὕτ’ εἰ τινὲς πολλὰ κακὰ εἰργασμένοι εἰσίν, εἰκότως ἄν δὲ ἐκείνους τοὺς μηδὲν ἄδικοντας ὑπείδους καὶ διαβολῆς τυγχάνειν. ἰκανοὶ γὰρ οἱ ὑπάρχοντες ἐχθροὶ τῇ πόλει καὶ μέγα κέρδος νομίζοντες εἶναι τοὺς ἄδικως ἐν ταῖς διαβολαῖς καθεστηκότας.

7. Πειράζομαι δ’ ὑμᾶς διδάξω, οὖς ἣγούμαι τῶν πολιτῶν προσήκειν ὀλιγαρχίας ἐπιθυμεῖν καὶ οὖς δημοκρατίαις. ἐκ τούτου γὰρ καὶ ὑμεῖς γνώσεσθε, κἀγὼ περὶ ἐμαυτοῦ τὴν ἀπολογίαν ποιήσομαι, ἀποφαίνων ὡς οὔτε ἐξ δὲν ἐν δημοκρατίᾳ οὔτε ἐξ δὲν ἐν ὀλιγαρχίᾳ πεποίηκα, οὐδὲν μοι προσήκον κακόνον εἶναι τῷ πλῆθει τῷ ὑμετέρῳ. πρῶτον μὲν οὖν ἐνθυμηθῆναι χρὴ ὅτι οὕτως ἐστὶν ἀνθρώπων φύσει οὔτε ὀλιγαρχικὸς οὔτε δημο-

ἐγὼ δὲ οὖχ ἢγούμαι δίκαιον 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
ἐγὼ δὲ οὖχ ἢγούμαι
δίκαιον εἶναι οὔτε . . . κομίσασθαι
οὔτε εἰκότως ἀν τυγχάνειν.

—ἀν: see on 12. 1; cp. 24. 2, 24. 9.—δὲ ἐκείνους: for διὰ with acc. see on 12. 87.—ἰκανοὶ 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.’

7. οὖς: the rel. for the usual
indef. rel. in an indirect question.
Cp. 19. 12, 24. 15; HA. 1011 a;
G. 1600; B. 490; Gl. 621 a.—
προσήκειν: = εἰκὸς εἶναι. The dat.
with προσήκειν is more common
than the accus.; cp. § 11 προσή-
κειν αὐτοῖς ἐπιθυμεῖν; 12. 38
τοῦτο αὐτῷ προσήκει ποιῆσαι.
—οὗδὲν: adverbial. —προσήκον:
sc. ἐστί.—τῷ πλῆθει: cp. on 12.
42.
κρατικός, ἀλλ' ἦτις ἄν ἐκάστῳ πολιτείᾳ συμφέρη, ταύτην προθυμεῖται καθεστάναι. οὕτος οὖκ ἐλάχιστον ἐν ὑμῖν ἔστι μέρος ὁς πλείστους ἐπιθυμεῖν τῶν παρόντων νυνὶ πραγμάτων. καὶ ταῦτα ὅτι οὔτως ἔχει, οὐ χαλεπῶς ἐκ τῶν πρότερον γεγενημένων μαθήσεις. 9 σκέψασθε γάρ, ὅ ἄνδρες δικασταί, τοὺς προστάντας ἀμφοτέρων τῶν πολιτεῶν, ὅσας δὴ μετεβάλλουτο. οὐ Φρύνιχος μὲν καὶ Πείσανδρος καὶ οἱ μετ᾽ ἐκείνων

8. οὕτος οὖκ 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, HA. 719; G. 1060; B. 336; Gl. 540. — τῶν παρόντων νυνὶ πραγμάτων: cp. τοῖς καθεστηκώσι πράγμασι § 3, and see on 16. 3.

9. δὴ: Lysias seldom uses δῆ. In the eight speeches of this volume there are seven instances of καὶ μὲν δὴ (see on 12. 30) and only eight of δῆ 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 πάντων 19. 15). The instances of δὴ are the following: (A) To emphasize a preceding word, 12. 34, 12. 62, 22. 5; all with imperatives, a common usage; 34. 1 τότε δὴ. (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. — Φρύνιχος: 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, ἐπειδὴ πολλὰ εἰς ὑμᾶς ἐξήματον, τὰς ἑκ περὶ τούτων δείσαντες τιμωρίας τὴν προτέραν ὀλιγαρ-χίαν κατέστησαν, πολλοὶ δὲ τῶν τετρακοσίων μετὰ τῶν ἑκ Πειραιῶς συγκατῆλθον, ἐννοοὶ δὲ τῶν ἐκείνους ἐκβαλ-λόντων αὐτοὶ αὕθας τῶν τρίκοντα ἐγένοτο; εἰςὶ δὲ ὥστε τῶν Ἐλευσινάδε ἀπογραψαμένων, ἐξελθόντες μεθ' ὑμῶν, ἐπολιόρκον τοὺς μεθ' αὐτῶν. οὕκων χαλε-πῶν γνώναι, ὡς ἄνδρες δικασταί, 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-γωγοί: democratic leaders. — εἰς: see on 32. 19, Crit. Note, πρὸς (C) 6. — ἐννοοὶ: the mention of names of those involved in the so recent revolutions is avoided. Under ἐννοοὶ all must think first of Theramenes, to whose faction the speaker probably belonged. — ἐκείνους: 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 Ἐλευσινάδε ἀπογραψαμένων: the amnesty provided 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 μεθ' αὐτῶν: viz. those who had formerly been with themselves in the city party. Xenophon gives a very brief account 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 ΧΧV 10, 11 267

εἰσὶν αἱ πρὸς ἀλλήλους διαφοραὶ, ἀλλὰ περὶ τῶν ἰδίᾳ συμφερόντων ἐκάστῳ. ύμᾶς οὖν χρή ἐκ τούτων δοκιμάζειν τοὺς πολίτας, σκοποῦντας μὲν ὅπως ἦσαν ἐν τῇ ἰδημοκρατίᾳ πεπολιτευμένοι, ζητοῦντας δὲ ἐν τῷ ἰδιοῦ εἰγίγνετο ὄφελεια τῶν πραγμάτων μεταπεσόντων· οὕτως γὰρ ἀν δικαιοτάτην τὴν κρίσιν περὶ αὐτῶν ποιῶσθε. 11 ἐγὼ τοίνυν ὑγοῦμαι, οὐκ ἦν ἐν τῇ δημοκρατίᾳ ἅτιμοι ἦσαν ἢ τῶν ὄντων ἀπεστηρημένοι ἢ ἅλλῃ τώι συμφορᾷ 75 τοιαύτῃ κεχρημένοι, προσήκειν αὐτοῖς ἐτέρας ἐπιθυμεῖν πολιτείας, ἐλπίζοντας τὴν μεταβολὴν ὄφελειάν τινα αὐτοῖς ἐσέσθαι. ὡςοὶ δὲ τῶν δήμων πολλὰ κάγαθα εἰργασμένοι εἰσὶ, κακὸν δὲ μηδὲν πῶςποτε, ὀφείλεται δὲ αὐτοῖς χάριν κομίσασθαι παρ’ ὕμων μᾶλλον ἢ 80 δοῦναι δίκην τῶν πεπραγμένων, οὐκ ἅξιον τὰς περὶ

10. πρὸς: see on 32. 19 Crit.
Note.—ἐκ τούτων: on this basis.
—δοκιμάζειν: 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 συναπώλλυντο 12. 88.—τῶν πραγμάτων: force, see on 16. 3.

11. ἅτιμοι: see on 12. 21.—ἀπεστηρήμενοι: the tense implies both the past ill-treatment and the abiding resentment resulting from it.—προσήκειν: tense, cp. on ἀντιλέγειν 12. 26. For force and construction see on § 7.—αὐτοῖς (before ἐτέρας): instead of οὕτως analeptic (see on πάντας αὐτοῖς 16. 11). The desire to throw the stress upon προσήκειν 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 coördinate relative clause the Eng. repeats the relative, while the Greek usually carries the idea along by a personal or demons. 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, οὔτε ἐὰν πάντες οἱ τὰ τῆς πόλεως πράττοντες ὀλιγαρχικοὺς αὐτοὺς φάσκωσιν εἶναι.

12 Ἕμοι τοίνυν, δὲ ἄνδρες δικασταὶ, οὔτ' ἰδίᾳ οὔτε δημοσίᾳ συμφορᾷ ἐν ἐκείνῳ τῷ χρόνῳ οὐδεμία πῶς ἠγένετο, ἀνθ' ἂς τινὸς ἄν προθυμοῦμενος τῶν παρόντων κακῶν ἀπαλλαγῆναι ἑτέρων ἐπεθύμουν πραγμάτων. τετριμηράχηκα μὲν γὰρ πεντάκις, τετράκις δὲ νεναυμάχηκα, καὶ εἰσφορᾶς ἐν τῷ πολέμῳ πολλὰς εἰσενήνοιχα, καὶ τάλλα λελητούργηκα οὖν ξέρον τῶν πολιτῶν. καίτοι διὰ τούτο πλείω τῶν ὑπὸ τῆς πόλεως προστατομένων ἑδαπανώμην, ὡν καὶ βελτίων ὑφ’ ὑμῶν νομιζοῦμην, καὶ εἰ ποῦ μοί τις συμφορὰ γένοιτο, ἀμεινοῦν ἀγωνιζοῦμην. ὦν ἐν τῇ ὀλιγαρχίᾳ ἀπάντων ἀπεστερούμην. οὐ γὰρ τοὺς τῷ πλῆθει ἁγαθοῦ τινος αἰτίους γεγενημένους χάριτος παρ' αὐτῶν ἥξιοντες τυν-χάνειν, ἀλλὰ τοὺς πλείστα κακὰ ὑμᾶς εἰργασμένους εἰς

1041: Β. 487. For an instance of both constructions in the same sentence see 32. 27 and note.

12. ἑτέρων πραγμάτων: cp. ἑτέρας πολιτείας § 11. The more common expression is νεώτερα πράγματα (res novae). Cp. on 16. 3.—ἀν ἐπεθύμουν: force, see on ἄν ἥξισεν 19. 13.—τετριμηράχηκα: perf. of “credit,” see on εἰργασμένου εἰσὶν 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. ἑδαπανώμην: tense, see on ἐποίουν 12. 25.—καὶ εἴ: see on 19. 18.—ἀγωνιζοῦμην: viz. when involved in a case at law.—ἀπεστε-
tàς τιμᾶς καθίστασαν, ὡς ταύτην παρ᾽ ἡμῶν πίστιν εἰληφότες. ἀ χρή πάντας ἐνθυμομένους μὴ τοὺς τού- 100 τῶν λόγως πιστεύειν, ἀλλὰ ἐκ τῶν ἔργων σκοπεῖν ἀ 14 ἐκάστω τυγχάνει πεπραγμένα. ἕγω γὰρ, ὃ ἄνδρες δικασταί, οὔτε τῶν τετρακοσίων ἐγενόμην ᾗ τῶν κατη-
γόρων ὃ βουλόμενος παρελθὼν ἐλεγξάτω ὡς τῶν ὑπ᾽ ἑπειδὴ οἱ τριάκοντα κατέστησαν, οὐδεὶς μὲ ἀπο-
ιος δείξει οὔτε βουλεύσαντα οὔτε ἀρχὴν οὐδεμίαν ἀρξαντα. καίτοι εἰ μὲν ἔξον μοι ἄρχειν μὴ ἐβουλόμην, ὥσ ὑμῶν ἡμᾶς τιμᾶσθαι δίκαιος εἰμι. εἰ δὲ οἱ τότε δυνάμενοι μὴ

καίτοι εἰ μὲν ἔξον μοι ἄρχειν μὴ ἐβουλόμην, ὥσ ὑμῶν ἡμᾶς τιμᾶσθαι δίκαιος εἰμι. εἰ δὲ οἱ τότε δυνάμενοι μὴ ἡξίων μοι μεταδίδοναι τῶν πραγμάτων, ὥσ ἀν φανε-

ρώτερον ἢ οὔτως ὑποδημόνιος ἀποδείξαμι τοὺς κατη-

γόρους;

15 Ἔτι τοίνυν, ὃ ἄνδρες δικασταί, καὶ ἐκ τῶν ἄλλων
tῶν ἐμοὶ πεπραγμένων ἐξίων σκέφασθαι. ἕγω γὰρ
tοιοῦτον ἐμαυτὸν ἐν ταῖς τῆς πόλεως συμφοραῖς παρ-

έσχον ὡστε, εἰ πάντες τὴν αὐτὴν γνώμην ἐσχον ἐμοὶ,

τις μὴ δένει ἃν ὑμῶν μηδεμία ἥρισασθαι συμφορᾶ. ὥπρούμην: tense, cp. on ἐγέγνετο § 10.
— ὡς: force, see on 16. 8. — ταύ-
την: i.e. πλείστα κακὰ ὑμᾶς εἰργά-
σθαι. For the fact cp. 12. 27 and
93. For the gender see on ταύτην
12. 37. — παρ᾽ ἡμῶν: the people
who remained in the city. — τῶν ἔργων: the deeds of each indi-

gual, contrasted with the words of
these complainants.
14. παρελθών: the technical
word for coming forward to the
speaker’s platform, — ὦ τοῖνυν

οὐδ’: corresponding, with slight
aracoluthon, to οὔτε above. —

βουλεύσαντα: in technical sense,
L. & S. s.v. III. — ἔξον: see on
περόν 12. 30. — δίκαιος: personal
construction, HA. 944; G. 1527;
B. 641; Gl. 565 a. — τῶν πραγμά-
των: force, see on 16. 3.
15. ἔτι τοίνυν: the τοῖνυν of
transition (see on 16. 7 (D)) is
here strengthened by the more
specific ἔτι; so in 19. 59, 32. 14.
— παρέσχον: cp. 12. 20 κοσμίους δ’
ἐμοῦ γὰρ ἐν τῇ ὀλιγαρχίᾳ οὕτε ἀπαχθεῖς οὐδεὶς φανήσεται, οὕτε τῶν ἐχθρῶν οὐδεὶς τετυμωρημένος, οὕτε 16τῶν φίλων εὗ πεπονθώς. (καὶ τοῦτο μὲν οὐκ ἄξιον θαυμάζειν· εὗ μὲν γὰρ ποιεῖν ἐν ἐκείνῳ τῷ χρόνῳ χαλεπῶν ἦν, ἔξαμαρτάνειν δὲ τῷ βουλομένῳ ράδιον.) οὐ τοίνυν οὖδ᾽ εἰς τὸν κατάλογον Ἀθηναίων καταλέξας ἡμῶς αὐτοῖς παρέχοντα.—ἀπαχθεῖς: 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 εὐωγγελών 12. 48.

16. τοῦτο μὲν: viz. οὐδείς 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 troublous times?" He guards against this by the parenthetical statement. — τὸν 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 Δυσάνδρου 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
οὐδένα φανήσομαι, οὐδὲ διαίταιν καταδιατησάμενος οὐδενός, οὐδὲ πλουσιώτερος ἐκ τῶν ὑμετέρων γεγονός συμφόρων. καίτοι εἰ τοῖς τῶν γεγενημένων κακῶν 125 αἰτίοις ὄργιζεσθε, εἰκός καὶ τοὺς μηδὲν ἡμαρτηκότας 17 βελτίως ὑφ' ὑμῶν νομίζεσθαι. καὶ μὲν δή, ὁ ἄνδρες δικασταί, μεγίστην ἡγοῦμαι περὶ ἐμαυτοῦ τῇ δημοκρατίᾳ πίστιν δεδωκέναι. ὦστις γὰρ τότε οὐδὲν ἔξημαρτον οὕτω πολὴς δεδομένης ἔξουσίας, ἢ πον νῦν σφόδρα 130 προθυμηθόσομαι χρηστὸς εἶναι, εὖ εἰδὸς ὦτι, ἔαν ἀδικώ, παραχρῆμα δῶσω δίκην. ἄλλα γὰρ τοιαύτην διὰ τέλους γνώμην ἔχω, ὡστε ἐν ὀλιγαρχίᾳ μὲν μὴ ἐπιθυμεῖν τῶν ἀλλοτρίων, ἐν δημοκρατίᾳ δὲ τὰ ὀντα 134 προθύμως εἰς ὑμᾶς ἀναλίσκειν.

satisfying private enmities, as is clear from the case of Nicias.—

Ἄθηναι: connect with οὐδένα.

—διαιταί: 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.—κατα-

διαιτησάμενος: procuring an unfavorable verdict; the active would be used of rendering a verdict.

17. πίστιν δεδωκέναι: cp. 12. 27 οὐ γὰρ ... πίστιν παρ' αὐτοῦ ἐλάμβανον. Perfect tense because the emphasis is quite as much on the fact that the jury now have the evidence as upon his having given it.—Cp. on ἀκηκόατε 12. 48.

—ὡστις: here preferred to ὧς, because the emphasis is on the characteristic of the man (see on ὀπίσως 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.—Ἡ πον: 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.—

ἄλλα γὰρ: for this use in concluding a discussion see on 12. 40.

—εἰς ὑμᾶς: see on εἰς τὰς ναύς 19. 21 (C).
18 Ἡγούμαι δὲ, ὡς ἄνδρες δικασταί, οὐκ ἂν δικαίως ὑμᾶς μισεῖν τοὺς ἐν τῇ ὀλιγαρχίᾳ μηδὲν πεπονθότας κακόν, ἐξὸν ὁργίζεσθαι τοὺς εἰς τὸ πλῆθος ἐξημαρτη-
κόσων, οὔδε τοὺς μὴ φυγόντας ἐχθροὺς νομίζειν, ἀλλὰ τοὺς ὑμᾶς ἐκβαλόντας, οὔδε τοὺς προθυμομένους τὰ ἐαυτῶν σῶσαι, ἀλλὰ τοὺς τὰ τῶν ἄλλων ἀφηρημένους,
οὔδε οὐ τῆς σφετέρας αὐτῶν σωτηρίας ἕνεκα ἔμειναν ἐν τῷ ἀστει, ἀλλ' οὕτως ἑτέρους ἀπολέσαι βουλόμενοι
μετέσχον τῶν πραγμάτων. εἰ δὲ οἴεσθε χρῆναι, οὐς ἐκεῖνοι παρέλιπον ἀδικοῦντες, ὑμεῖς ἀπολέσαι, οὐδεὶς
τῶν πολιτῶν ὕπολειφθήσεται.
19 Σκοπεῦν δὲ χρῆ καὶ ἐκ τῶνθε, ὡς ἄνδρες δικασταί.
πάντες γὰρ ἑπιστασθεὶς ὅτι ἐν τῇ προτέρᾳ δημοκρατίᾳ
tῶν τὰ τῆς πόλεως πραττόντων πολλοῖ μὲν τὰ δημόσια
ἐκλεπτον, ἐμιοὶ δὲ ἐπὶ τοὺς ὑμετέρους ἐδωροδόκων, οἱ

18. For the repeated use of antithesis in this section see App. § 57. 1. — ἂν: cp. § 6, and see on 12. 1. — ἐν τῷ ἀστεῖ: for the article see on 12. 16. — οὕτως: cp. on ὅστις § 17. Here the characteristic of the men as a class is the emphatic thought; cp. o' of the preceding clause. — μετέσχον: tense, see on μετέσχον 16. 3. — ὑμεῖς: 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-

phus's joke in reminding Xenophon of the abilities of his countrymen: καγώ ὑμᾶς τοὺς Ἀθηναίους ἀκούω δεινοὺς εἶναι κλέπτειν τὰ δημόσια, καὶ μάλα ὅτι δεινοὺ τοῦ κόσμου τῶν κλέπτων, καὶ τοὺς κρατίστους μέντοι μάλιστα, εἰπὼ ὑμῖν οἱ κρά-
πιστοὶ ἀρχεῖν ἀξιοῦν, Xen. Anab. 4. 6. 16. — ἐπὶ τοὺς ὑμετέρους: against your interests. More clearly stated in Din. 2. 26 δῶρα δεχόμενον ἐπὶ τοὺς τῆς πατρίδος συμφέροντον taking bribes against the interests of his country. ἐπὶ with dat. in hostile sense is not common (see on 32. 19, Crit. Note); it is oftenest used of brib-
ery, but occasionally in other con-
νέον ἀνθρώπον ἔκαστον τούτος συμμάχους ἀφίστασαν. καὶ
eἰ μὲν οἱ τριάκοντα τούτοις μόνοις ἐπιμωροῦντο, ἄνδρας
ἀγαθοὺς καὶ ὑμεῖς ἂν αὐτοὺς ἤγείρεθε· νῦν δὲ, ὅτε ὑπὲρ
tῶν ἐκείνων ἡμαρτημένων τὸ πλῆθος κακῶς ποιεῖν
ἥξιόν, ἡγανακτεῖτε, ἡγοῦμενοι δεινὸν εἶναι τὰ τῶν
ὀλίγων ἀδικήματα πάση τῇ πόλει κοινὰ γίγνεσθαι.
οὐ τούτων ἄξιον χρῆσθαι τούτοις, οἷς ἐκείνους ἐωράτε
ἐξαμαρτάνοντας, οὖδὲ ἂ πάσχοντες ἄδικα ἐνομίζετε
πᾶσχεν, ὅταν ἔτερους ποιήτε, δίκαια ἤγείρεσθαι, ἀλλὰ
tῆν αὐτὴν κατελθόντες περὶ ἡμῶν γνώμην ἔχετε, ἦπερ
φεύγοντες περὶ ἡμῶν αὐτῶν ἔχετε· ἐκ τούτων γὰρ καὶ
ὁμόνοιαν πλείστην ποιήσετε, καὶ ἡ πόλις ἔσται με-
γίστη, καὶ τοῖς ἐχθροῖς ἀνιαρότατα ἴσηφεισθε.”

Connections from Homer down. Cp.
Thuc. 1. 102 τὴν γενομένην ἐπὶ τῶν Μῆδων ἐμμαχών the alliance that
had been made against the Medes.
—ἀφίστασαν: one of the chief
causes of the break up of the
Athenian empire was the require-
ment that a large class of cases
at law arising in the allied cities
be tried at Athens by Athenian
courts. The loss of time, the
expense of travel, and the uncer-
tainty of justice before a foreign
jury were so great that the sycoph-
phant found a rich field here. A
wealthy foreigner could afford to
pay liberally to buy off a threat-
ened prosecution. Under honest
administration the system would
have been burdensome to the
allies; under the actual abuses it
became intolerable.— ἄνδρας ἀγά-
θοις: this was the case at first; see
on 12. 5.— ὑπὲρ: force, see on § 5.
—κοινά: viz. a common charge.

20. οἷς: neuter, obj. of ἐξαμαρ-
τάνοντας, but assimilated in case
to its antec. τούτως. — οὖδὲ ἂ πάσ-
χοντες κτλ.: nor treatment which,
when you received it, you consid-
ered to be unjust treatment. ἄδικα
is obj. of πᾶσχεν.—κατελθόντες:
force, see on 16. 4. Cp. κατιέναι
§ 22.—ἔχετε: in passing to the
positive half of the sentence,
Lysias shifts from the mild ἄξιον
construction to the earnest im-
perative. On the rhetorical form,
ἔχετε, ἔχετε, see App. § 57. 6.—
ἡπερ: see on οὕτως 12. 40.—
ἐχθροῖς: the enemies of the de-
mocracy, some of whom were now

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21 Ἐνθυμηθήναι δὲ χρῆ, ὁ ἄνδρες δικασταί, καὶ τῶν ἐπὶ τῶν τριάκοντα γεγενημένων, ἵνα τὰ τῶν ἔχθρων ἀμαρτήματα ἀμεινοῦ ὡμᾶς ποιήσῃ περὶ τῶν ἤμετέρων αὐτῶν βουλεύσασθαι. Ὅτε μὲν γὰρ ἀκούοιτε τοὺς ἐν ἄστελ τῇ ἄυτην γνώμην ἔχειν, μικρὰς ἐλπίδας εἴχετε τῆς καθόδου, ἡγοῦμενοι τῇ ἤμετέρᾳ ὁμόνοιᾳ μὲ-22 γιετόν κακῶν εἶναι τῇ ἤμετέρᾳ φυγῇ. ἐπειδή δὲ πυν-170 θεῖοισθε τοὺς μὲν τρισχιλίους στασιάζοντας, τοὺς ἄλλους δὲ πολίτας ἐκ τοῦ ἀστεως ἐκκεκηρυγμένους, τοὺς δὲ τριάκοντα μὴ τῇ ἄυτην γνώμην ἔχοντας, πλείους δὲ ὄντας τοὺς ὑπὲρ ὑμῶν δεδιότας ἢ τοὺς ὑμῖν πολεμοῦντας, τῶν ήδη καὶ κατέναι προσεδοκάτε καὶ 175 παρὰ τῶν ἔχθρων λήψεσθαι δίκην. ταῦτα γὰρ τοὺς θεοὺς ήξεσθε, ἀπερ ἐκένωσ ἐωράτε ποιοῦντας, ἡγοῦ-μενοι διὰ τῇ τῶν τριάκοντα ποιηρίαν πολὺ μᾶλλον σωθήσεσθαι ἢ διὰ τῇ τῶν φευγόντων δύναμιν κατε-
23 ναί. Χρη τούνω, ὡς ἁγιᾶς δικασταί, τοῖς πρότερον
18οι γεγενημένοις παραδείγματι χρωμένους βουλεύοντας
περὶ τῶν μελλόντων ἐσέσθαι, καὶ τούτως ἤγεισθαι
dημοτικώτατος, οὕτως ὁμοῦν ὑμᾶς βουλόμενοι τοῖς
ὀρκοῖς καὶ ταῖς συνθήκαις ἐμμένουσι, νομίζοντες καὶ
τῆς πόλεως ταύτην ἰκανωτάτην εἶναι σωτηρίαν καὶ
185 τῶν ἐχθρῶν μεγίστην τιμωρίαν. οὐδὲν γὰρ ἄν εἴη
αὐτοῖς τούτων χαλεπώτερον, ἢ πυθάνεσθαι μὲν ἡμᾶς
μετέχοντας τῶν πραγμάτων, αἰσθάνονται δὲ οὕτως
dιακεκαθμένους τοὺς πολίτας ὀσπέρ μηδενὸς ἐγκλήματος.
24 πρὸς ἀλλήλους γεγενημένου. Χρη δὲ εἰδέναι, ὡς ἁγιᾶς
190 δικασταί, ὅτι οἱ φεύγοντες τῶν ἀλλῶν πολιτῶν ὡς
πλείστους καὶ διαβεβλῆσθαι καὶ ἡτμώσθαι βούλονται,
ἐλπίζοντες τοὺς ὑφ’ ὑμῶν ἀδικουμένους ἐαυτοῖς ἐσεσθαί

the present form is coordinate with the fut. σωθήσεσθαι, HA.
828 a.; G. 1257; B. 524 n.; Gl. 385 b. The verb is unnecessary
here, for the διά phrases might both be attached to σωθή-
σεσθαι; but Lysias is fond of balanced cola ending with words
in similar construction (see App. 57. 3).

23. οὕτως: see on 12. 40.—
tαύτης: gender, see on ταύτην
12. 37.—σωτηρίαν...τιμωρίαν:
for the παρονομασία see App.
§ 58. 5.—ἡ: the idea compared
is anticipated, without effect upon
its construction, by the comparative
gen. τούτων. This construction
is found from Homer down.

—ἡμᾶς: former members of the
Three Thousand.—οὕτως διακε-
καθμένους κτλ.: writing at a later date
Isocrates says (18. 46), ἐπειδὴ δὲ
τὰς πίστεις ἀλλήλοις ἐδομεν εἰς
tαὐτῶν συνελθόντες, οὕτω καλῶς
cαὶ κοινῶς πολιτευόμεθα, ὡσπέρ οὐ-
dεμάς ἤμιν συμφορᾶς γεγενημένης.
Note that Isocrates uses οὐδέμας,
the regular negative after ὀσπέρ
(see on ἄλλον 12. 64), while
Lysias has μηδενὸς. The μη-
δε is due to the governing verb
(infin.).—πρὸς: see on 32. 19
Crit. Note.

24. οἱ φεύγοντες: see on τοῖς
ἐχθρῶις § 20; cp. ἐχθρῶις § 23.—
ἡτμώσθαι: in technical sense, see
on 12. 21.—ἀδικουμένους: tense,
συμμάχους, τοὺς δὲ συκοφάντας εὐδοκιμεῖν δέξαντ' ἂν παρ' ύμῖν καὶ μέγα δύνασθαι ἐν τῇ πόλει· τῇ γὰρ τούτων ποληρίαν ἔαυτῶν ἠγούνται σωτηρίαν.

25 Ἄξιον δὲ μνησθῆναι καὶ τῶν μετὰ τοὺς τετρακοσίους πραγμάτων· εὖ γὰρ εὑσεθε ὃτι, ἃ μὲν οὗτοι συμβουλεύσαντες, οὐδεπότε ύμῖν ἐλυσιτέλησεν, ἃ δ' ἐγὼ παραίνω, ἀμφοτέραις ἀεὶ ταῖς πολιτείαις συμφέρει. ἵστε γὰρ Ἑπιγένην καὶ Δημοφάνην καὶ Κλεισθένην ἴδια μὲν καρπωσαμένους τᾶς τῆς πόλεως συμφοράς, δημοσίᾳ δὲ οὖνας μεγίστων κακῶν αἰτίοις. ἐνών μὲν γὰρ ἐπευσαυν ύμᾶς ἀκρίτων θάνατον καταψιφίσασθαι, πολλῶν δὲ ἀδίκως δημεύεισαι τὰς οὐσίας, τοὺς δ' ἐξελά-

see on ἄδικώ 12. 14. — δέξαντ' ἂν: would prefer, a meaning which comes from a shortening of the phrase μᾶλλον δέχεσθαι ἤ. Cr. § 32 δέξαντ' ἂν . . . μᾶλλον ἤ. — τούτων: cp. on τούτων 12. 81. — ποληρίαν, σωτηρίαν: for the παρονομασία 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 oligarchical 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 ἀτημία which excluded them from the Senate and from the privilege of speaking in the Ecclesia (Andoc. 1. 75). — ἀ σμὲν οὗτοι συμβουλεύσαν: from these words, and οὕτω ὕπακ Ἀξίων κτλ. § 27, it is probable that Epigenes, Demophanes, and Clisthenes were the complainants (οὗτοι) in this case. Epigenes was the mover of the resolution (409 B.C.) by which the work on the Erechtheum was resumed (C.I.A. 1. 322), a measure perhaps designed to give relief to the unemployed. See Crit. Note. — ἄει: position, see on ἡμῖν 12. 33. — καρπωσαμένους: for the metaphor see Introd. p. 25, N. 5. — ὄντας: for the impf. (note its coördination with καρπωσαμένους) see on ἀνωμένους 12. 32.

26. ἀκρίτων: cp. on 12. 17. — δημεύσαι: confiscation of prop-
οτι καὶ ἀτιμώσαι τῶν πολιτῶν· τοιοῦτοι γὰρ ἦσαν ὡστε τοὺς μὲν ἢμαρτηκότας ἀργύριον λαμβάνοντες ἀφιέναι, τοὺς δὲ μηδὲν ἢδικηκότας εἰς ὑμᾶς εἰσώντες ἀπολλύναι. καὶ οὐ πρότερον ἐπαύσαντο, ἦς τὴν μὲν πόλιν εἰς στάσεις καὶ τὰς μεγίστας συμφορὰς κατέστησιν, αὐτοὶ δὲ ἐκ πενήντων πλούσιοι ἐγένοντο. ὑμεῖς δὲ οὕτως διετέθητε ὡστε τοὺς μὲν φεύγοντας κατεδέξασθε, τοὺς δὲ ἀτίμους ἐπιτίμους ἐποιήσατε, τοῖς δὲ ἀλλοις περὶ ὁμονοίας ὀρκοὺς ὄμνυτε· τελευτῶντες δὲ

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 ποιῆσαι), and to give mutual pledges of agreement between factions (πίστιν ἄλληλοις περὶ ὁμονοίας δοῦναι ἐν ἄκροποιλεῖ). 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. —

tελευτῶντες: force, ΗΑ. 968 a.; Α. 1564; Β. 653 n. 2; Α. 583 a.
ἡδιον ἄν τοὺς ἐν τῇ δημοκρατίᾳ συκοφαντοῦντας ἐτειμωρήσασθε ἢ τοὺς ἄρξαντας ἐν τῇ διλυγαρχίᾳ. καὶ εἰκότως, ὃ ἀνδρες δικασταῖ. πᾶσι γὰρ ἦδη φανερῶν ἐστιν ὦτι διὰ τοὺς μὲν ἀδίκως πολιτευμένους ἐν τῇ διλυγαρχίᾳ δημοκρατία γίγνεται, διὰ δὲ τοὺς ἐν τῇ δημοκρατίᾳ συκοφαντοῦντας διλυγαρχίᾳ δίς κατέστη.

οὕτως οὖν ἄξιον τούτους πολλάκις χρήσθαι συμβούλους, οἷς οὐδὲ ἀπαξ ἔλυσιτελησε πειθομένους.

Σκέφασθαι δὲ χρῆ ὅτι καὶ τῶν ἐκ Πειραιῶς οἱ μεγί-

— ἦδιον: see the testimony of Aristotle, quoted on 12. 5. — ἄν ἐτειμωρήσασθε: see on ἦδιον 19. 13. — τῇ διλυγαρχίᾳ: the Four Hundred. — διὰ τοὺς κτλ.: see on διὰ πληθοῦς 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. — τούτους: the complainants and the whole class of men, present and past, which they represent; cp. on § 25. — πειθομένους: in agreement with ὑμῖν understood, and governing οἷς.

28. οἵ ἔχοντες . . . διεκκελεωσοντο: 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: οὐ μέντοι γε ὑμᾶς, ὃ ἀνδρες, ἄξιον εἰγώ ὅν ὁμωμόκατα παραβήναι οὐδέν, ἀλλὰ καὶ τοῦτο πρὸς τοὺς ἄλλους καλοὶς ἐπιδέει, ὅτι καὶ εὐόρκοι καὶ οὗτοι ἔστε 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 Ἀντύς μέγιστον μὲν δυνάμενοι τῶν ἐν τῇ πόλει, πολλῶν δὲ ἀπεστηρημένων χρημάτων, εἰδότες δὲ τοὺς ἀπογράφαντας, ὅμως οὐ τολμῶσιν αὐτοῖς δίκαις λαγχάνειν οὖν διεκκελεωσον Θρασύβουλος καὶ Ἀντύς, 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
στὴν δόξαν ἔχοντες καὶ μάλιστα κεκινδυνευκότες καὶ πλείστα ὑμᾶς ἄγαθα εἰργασμένῳ πολλάκις ἦδη τῷ ὑμετέρῳ πλήθει διεκελεύσαντο τοῖς ὤρκοις καὶ ταῖς συνθήκαις ἐμμένειν, ἥγοομενοὶ ταύτην δημοκρατίας εἶναι φυλακῆν· τοῖς μὲν γὰρ ἐξ ἀστεως ὑπὲρ τῶν παρεληφθότων ἂδειαν ποιήσεων, τοῖς δὲ ἐκ Πειραιῶς ὀυτῶς πλείστον ἂν χρόνων τῆς πολιτείας παραμεῖναι. 29 οἰς ὑμεῖς πολὺ ἄν δικαίοτέρου πιστεύοντες ἡ τούτοις, οἱ φεύγοντες μὲν δὲ ἐτέρους ἐσώθησαν, κατελθόντες δὲ συκοφαντεῖ ἐπιχειροῦσιν. ἡγοῦμαι δὲ, ὃ άνδρες δικασταί, τοὺς μὲν τὴν αὐτήν γνώμην ἔχοντας ἐμοὶ τῶν ἐν ἀστεί μεινάντων φανεροῦς γεγενήσθαι καὶ ἐν ὀλγαρχίᾳ καὶ ἐν δημοκρατίᾳ, ὅποιοι τινὲς εἰσὶν πολυτιτα τούτων δ᾽ ἄξιον θαναμάζειν, ὃ τι ἄν ἐποίησαν, εἴ τις αὐτοὺς ἐξαστί τῶν τριάκοντα γενέσθαι, ὃς νῦν δημοκρατίας ὀφθης ταύτα ἑκεῖνοι πράττουσι, καὶ ταχέως μὲν ἐκ πενήντων πλούσιων γεγενήνται, πολλὰς δὲ ἀρχὰς

(μνησικακεῖν), 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). — κεκινδυνεύκοτες: tense, see on εἰργασμένῳ εἰσὶν 12. 22. — διεκελεύσαντο: tense, see on ὑσθόμην 16. 20. — ὑπέρ: as words of penalty and punishment take ὑπέρ (see on § 5), it is natural that the same word stand with ἄδειαν, a negative of penalty. — ἂν παραμεῖναι: cp. §§ 6, 18; see on 12. 1.

29. δὲ ἐτέρους: through others, though not by their direct intention, hence acc.; see on 12. 87. — γνώμην: the political principle defined at the end of § 17. — ὀλγαρχίᾳ: 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 πενήντων πλούσιοι (§ 26) before the time of the Thirty. Now they have done it again!
240 ἀρχοντες οὐδεμιᾶς εὐθύνην διδόασιν, ἀλλ’ ἀντὶ μὲν ὀμονοίας ύποψιαν πρὸς ἄλληλους πεποιήκασιν, ἀντὶ δὲ εἰρήνης πόλεμον κατηγγέλκασι, διὰ τούτους δὲ 31 ἀπιστοὶ τοῖς Ἑλλησι γεγενήμεθα. καὶ τοσούτων κακῶν καὶ ἔτερων πολλῶν οὐντες αὐτοῖς, καὶ οὐδὲν διαφέροντες τῶν τριάκοντα πλὴν ὅτι ἐκεῖνοι μὲν ὀλυγαρχίας οὖσης ἐπεθύμουν ὑπέρ οὕτω, οὕτω δὲ καὶ δημοκρατίας τῶν αὐτῶν ὑπέρ ἐκεῖνοι, ὡμοσ οὖν ται χρῆναι οὕτως ῥαδίως ὅν ἄν βούλωνται κακῶς ποιεῖν,

— εὐθύνην: possibly an Athenian official did sometimes avoid the required εὐθύναι, 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.—τούτων: for the change from the relative see on αὐτοῖς § 11.—ἀπιστοῖ: 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 ἐπαναστροφῇ and κύκλος see App. § 57. 7 f.—ὑπέρ: see on οὕνες 12. 40.—δημοκρατίας: sc. οὖσης.—χρῆναι: 'they actually regard this conduct as a duty; they pose as righteous men punishing the un-
249 ὀστερ τῶν μὲν ἄλλων ἀδικοῦντων, ἀριστοὶ δὲ ἄνδρες
32 αὐτοὶ γεγενημένοι. (καὶ τούτων μὲν οὐκ ἄξιοι θαυ-
μάζειν, ύμων δὲ, ὡτι οἷοθε μὲν δημοκρατίαν εἶναι,
γίγνεται δὲ ὦ τί ἄν ὦτοι βούλωμαι, καὶ δίκην διδό-
ασιν οὐχ οἳ τὸ υμέτερον πλῆθος ἀδικοῦντες, ἀλλ' ὦ
οἳ τὰ σφέτερα αὐτῶν μὴ διδόντες.) καὶ δέξιαιτ' ἄν
255 μικρὰν εἶναι τὴν πόλιν μᾶλλον ἢ δὲ ἄλλοις μεγάλην
33 καὶ ἑλευθέραν, ἅγιομενοι νῦν μὲν διὰ τοὺς ἐκ Πει-
ραίως κυνόνους αὐτοῖς ἐξέθεναι ποιεῖν ὁ τί ἄν βού-
λωνται, ἐὰν δ' ὦστερον ύμων δὲ ἔτερον σωτηρία
γένηται, τούτοις μὲν πεπαύσεσθαι, ἐκείνους δὲ μεῖζον
260 δυνῆσεσθαι· ὡστε οἱ τοιοῦτοι πάντες ἐμποδῶν εἰσιν,
34 εάν τι δ' ἄλλων ἄγαθῶν ύμῶν φαίνηται. τούτῳ μὲν
οὖν οὐ χαλεπῶ τῷ βουλομένῳ κατανοήσαι· αὐτοῖ τε

righteous.'—ἀριστοὶ δὲ γεγενημέ-
νοι: for correlation of gen. abs.
with participles in other construc-
tion see on πραγματικῆς 12. 69.
32. ὦ τί ἄν βούλωνται: '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. μὴ generic,
see on μηδέν § 1. —δέξιαιτ' ἄν: see
on § 24. —μικράν: cp. the same
charge against Theramenes, 12. 70.
33. ἐκ Πειραίως: see Crit. Note.
The Piraeus was the starting point
of the dangerous undertaking.—
tούτους μὲν . . . 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. —δὲ ἄλλοιν (cp. δὲ ἔτερον
above): see on 12. 87.
34. αὐτοὶ τε γάρ κτλ.: the struc-
ture is

γάρ { αὐτοὶ τε ὄνκ ἐπιθυμοῦσι
τά μὲν ὄρατε
ὑμεῖς τε τὰ δ' ἀκούετε

ἀλλ' αἰσχύνονται

γὰρ οὐκ ἐπιθυμοῦσι λαυθάνειν, ἀλλ’ αἰσχύνονται μὴ
dοκοῦντες εἶναι πονηροί, ὑμεῖς τε τὰ μὲν αὐτοὶ ὄρατε
265 τὰ δὲ ἐτέρων πολλῶν ἀκούετε. ὑμεῖς δὲ, ὦ ἄνδρες
dικασταῖ, δίκαιων μὲν ἡγούμεθ’ εἶναι πρὸς πάντας
ὑμᾶς τοὺς πολίτας ταῖς συνθήκαις καὶ τοῖς ὁρκοῖς
35 ἐμμένειν, ὦμως δὲ, ὅταν μὲν ὑδωμεν τοὺς τῶν κακῶν
αιτίων δίκην διδόντας, τῶν τότε περὶ ὑμᾶς γεγενη-
τομένων μεμνημένων συγγνώμην ἔχομεν, ὅταν δὲ φανε-
ροὶ γένησθε τοὺς μηδὲν αἰτίους ἐξ ἢσον τοῖς ἀδικοῦσι
τιμωρούμενοι, τῇ αὐτῇ ψήφῳ πάντας ὑμᾶς εἰς ὑποψίαν
καταστήσετε. . . .

— μὴ δοκοῦντες: see on μήτε 12.
68 (A). — ὑμεῖς: we of the city
party. — ὑμᾶς: the subject of ἐμμέ-
νειν, thrust between πάντας and
its substantive (πολίτας) to em-
phasize πάντας. See on ἡμῖν
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.
XXXII

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 Thrasyllus 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.

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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\(^1\) 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).\(^2\)

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.*\(^3\) After a discussion of the peculiarities of Lysia’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.

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\(^1\) 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 Diogiton. 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. Πίστεις, 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 uncertain whether it was ever written.
1. Προοίμιον, Exordium, §§ 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 (ἐννοια, ἐμάθεια, 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 (ὀρῶν 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, ὃ ἀνδρὲς δικασταὶ
pολλῶν καὶ δεινῶν ὑπὸ τῆς γυναικὸς ῥηθέντων
οὖτω διετέλησεν πάντες οἱ παρόντες
uptools τῶν τούτω πεπραγμένων
καὶ τῶν λόγων τῶν ἐκείνης

1 See App. § 42.

LYSIAS — 19
XXXII. AGAINST DIOGITON

δρῶντες μὲν τοὺς παῖδας
οὐα ἦσαν πεπονθότες
ἀναμμηνηκόμενοι δὲ τοῦ ἀποθανόντος
ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτροπον κατέλυτεν
ἐνθυμούμενοι δὲ ὡς χαλεπὸν ἔξευρεῖν
ὅτῳ χρὴ περὶ τῶν ἑαυτοῦ πιστεύσαι

ὡστε, ὣς ἀνδρεὶς δικασταί,
μηδένα τῶν παρόντων δώσασθαι φθέγξασθαι
ἀλλὰ καὶ δακρύωντας μὴ ἔττον τῶν πεπονθότων
ἀπιόντας δίχεσθαι σιωπῇ.

III. Πρόθεσις, Proposito, §§ 18, 19.

A brief πρόθεσις introduces the affidavits of witnesses and the discussion of the guardian’s accounts as filed with the court.

IV. Πώτερος, 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 (δομοτέλεων, see App. 57. 4).

§ 19. ἵνα τοὺς μὲν νεανίσκους διὰ τὸ μέγεθος τῶν συμφορῶν ἔλεησήτε, τοῦτον δ’ ἀπασὶ τοῖς πολίταις ἄξιον ὄργης ἡγήσασθε.

§ 25. καίτοι εἰ μὲν τὰς ξημίας τούτων ἀποδείξει τὰ δὲ σωθέντα τῶν χρημάτων αὐτὸς ἔζει ὅποι μὲν ἀνήλωται τὰ χρήματα, οὐ χαλεπώς εἰς τὸν λόγον ἐγγράψει, ῥαδίως δὲ ἐκ τῶν ἄλλωτρών 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: —

ἵνα γράμματα αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξειν.

The personification in § 23, a figure equally rare in Lysias (Intro. p. 25. n. 5), is in the same sarcastic tone: —

ἥγοιμενος δεῖν τὴν αὐτοῦ πονηρίαν κληρονόμον εἶνα τῶν τοῦ τεθνεῶτος 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: —

οὕτος δὲ πάππος ὃν | παρὰ τοὺς νόμους | τῆς ἑαυτοῦ τριηραχίας | παρὰ τῶν θυγατριῶν | τὸ ἡμῶν πράττεται.

Of ἡθοποιοῖα 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 ἡθοποιοῖα in the mother’s speech, but it is rather the ἡθος of womanhood and motherhood than of this particular mother.

But there is another form of portraiture, closely allied to ἡθοποιοῖα,¹ the picturing of the character, not of the speaker, but of

¹ See Intro. 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 Εἰ μὲν μὴ μεγάλα ἢν τὰ διαφέροντα, ὃ ἀνδρὲς δικασταί, οὐκ ἂν ποτε εἰς ἥμᾶς εἰσέλθειν τούτος εἴσαι, νομίζων αἰσχύστον εἶναι πρὸς τοὺς οὐκείους διαφέροντα, εἰδώς τε ὅτι οὐ μόνον οἱ ἀδίκωντες χείρους ἕμων εἶναι δοκούσιν, ἀλλὰ καὶ οἰτίνες ἂν ἔλαττον ὑπὸ τῶν προσηκόντων ἔχοντες ἀνέχεσθαι μὴ δύνονται. ἐπειδὴ μέντοι, ὃ ἀνδρὲς δικασταί, πολλῶν χρημάτων ἀπεστήρηται, καὶ πολλὰ καὶ δεινὰ πεπονθότες ὑφ᾽ ὧν ἦκιστα ἐξηρῆν ἐπ᾽ ἐμὲ κηδεσθῆν ὁντα κατέφυγον, ἀνάγκη μοι

1. τὰ διαφέροντα: ἐμοὶ διαφέρει = it matters to me, I have something at stake, hence τὰ διαφέροντα = the issues at stake. — εἰσέλθειν: a technical term; cp. 25. 26 εἰς ὑμᾶς εἰσίστοτες. — τούτοις: 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 καὶ or a correll. 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. — ἔλαττον ἔχοντες: being worsted, injured. For connection with ὑπὸ see on κατέστησαν 12. 43. — ἐξηρῆν: 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

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2 γεγένται εἰπεῖν ὑπὲρ αὐτῶν. ἔχω δὲ τούτων μὲν ἀδελφὴν, Διογείτονος δὲ θυγατριδὴν, καὶ πολλὰ δεθέεις ἀμφοτέρων τὸ μὲν πρῶτον ἔπεισα τοῖς φίλοις ἐπιτρέψαι διαίταν, περὶ πολλοῦ πουούμενος τὰ τούτων πράγματα μηδένα τῶν ἄλλων εἰδέναι. ἐπειδὴ δὲ Διογείτων ἄ φανε-15 ρῶς ἔχων ἔξηλέγχετο, περὶ τούτων οὔδενι τῶν αὐτοῦ φίλων ἐτόλμα πείθεσθαι, ἀλλ' ἐβουλήθη καὶ φεύγειν δίκας καὶ μὴ οὕσας διώκειν καὶ ὑπομείναι τούς ἐσχά- 

been used as in the corresponding clause (ἀπετέρεσθαι), 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. δεθέες: passive in form only, L. & S. s.v. II. 2; HA. 497; G. 444; B. 158. 3; Gl. 394. — ἐπιτρέψαι διαίταν: a technical term, cp. [Dem.] 59. 45 συνήγον αὐτοὺς οἱ ἐπιτηδεῖσι καὶ ἐπειδώς διαίταν ἐπιτρέψαι αὐτοῖς their friends brought them together and persuaded them to submit to their arbitration. — πράγματα: L. & S. s.v. III. 5. — ἐξηλέγχετο, περὶ τούτων: the position of the rel. clause before its antecedent makes it emphatic. The prosecution had indisputable proof as to a part of the estate; Diogiton was not willing to yield even as to this. — ἐτόλμα: force as in 12. 5; cp. ἐβουλήθη in the following clause. — καὶ φεύγειν δίκας καὶ μὴ οὕσας διώκειν: the present infinitives and the plurals (δίκας... οὕσας) 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 οὕσας 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 ἔρημος δίκη; if it was before a board of arbitrators it was also called ἡ μὴ οὕσα 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 ἔρημον (δίκην) ἀντιλαχεῖν ορ τὴν μὴ οὕσαν (δίκην) ἀντιλαχεῖν. — τοὺς ἐσχάτους κινδύνους: an exagger-
τοὺς κινδύνους μᾶλλον ἢ τὰ δίκαια ποιήσας ἀπηλλάχθαι
3 τῶν πρὸς τούτους ἐγκλημάτων, ὡμών δέομαι, ἐὰν μὲν
20 ἀποδείξῃς οὖτως αὐσχρῶς αὐτοὺς ἐπιτετροπευμένους ὑπὸ
tοῦ πάππου ὡς οὐδεὶς πώποτε ὑπὸ τῶν μηδεν προση-
kόντων ἐν τῇ πόλει, βοηθεῖν αὐτοῖς τὰ δίκαια, εἰ δὲ μὴς,
tούτῳ μὲν ἀπαντά πιστεύειν, ἡμᾶς δὲ εἰς τὸν λοιπὸν
χρόνον ἥγεισθαι χεῖρος εἰναι. ἐξ ἀρχῆς δὴ ὡμᾶς περὶ
25 αὐτῶν διδάξαι πειράσομαι.

4 Ἀδελφοὶ ἦσαν, ὡς ἄνδρες δικασταί, Διόδοτος καὶ
Διογείτων ὁμοπάτριοι καὶ ὁμομήτριοι, καὶ τὴν μὲν
ἀφανῆ οὐσίαν ἐνείμαντο, τῆς δὲ φανερᾶς ἐκουσώνων.
ἐργασαμένοι δὲ Διοδότου κατ’ ἐμπορίαν πολλὰ χρή-
30 ματα πείθει αὐτὸν Διογείτων λαβεῖν τὴν ἐαυτοῦ 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-
tous: force, see on 16. 10.

3. ἐπιτετροπευμένουs: perf. be-
cause the guilt of the guardian is
the fact that is discussed. See on
eἰργασμένοι εἰσίν 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 obtain-
ing their rights.— χεῖρος: see on
16. 3.

4. ἀφανῆ, φανερᾶs: in general
= personal property, real estate;
cash, investments, and credits are
always οἴσια ἀφανῆs; houses and
lands are οἴσια φανερά; the appli-
cation of the terms to other pro-
erty is variable, as they are not
sharply defined legal terms.—
θυγατέραs: 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. Lysias’s own marriage,
Intro. p. 23) in order to keep
the family property intact. A
man might even marry his half-
sister if she was of a different
τέρα, ἢπερ ἢν αὐτῷ μόνη· καὶ γίγνονται αὐτῷ υἱὲν ἤνα καὶ θυγάτηρ. χρόνῳ δὲ ὄστερον καταλεγέεις Διό-δοτος μετὰ Θρασύλλου τῶν ὀπλιτῶν, καλέσας τὴν ἑαυτοῦ γυναῖκα, ἀδελφόδην οὐσαν, καὶ τὸν ἐκεῖνης μὲν πατέρα, αὐτοῦ δὲ κηδεστὴν καὶ ἀδελφόν, πάππον δὲ τῶν παιδίων καὶ θείον, ἡγούμενος διὰ ταῦτας τὰς ἀναγκαιότητας οὔδει μᾶλλον προσήκειν δικαίως περὶ τοὺς αὐτῶν παιδιῶν γενέσθαι, διαθήκην αὐτῷ δίδωσιν καὶ πέντε τάλαντα ἄργυριον παρακαταθῆκην· ναυτικά

mother. — ύετ: form, see on 12. 34.

5. καταλεγέεις: 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. — Ὁρασύλλου: 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). Xenophon, 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, HA. 732; G. 1095; B. 355. 2; Gl. 508. Cp. τῶν ἀρχιστών 24. 13. — ἐκεῖνης: in contrast with αὐτῶν below. Cp. on ἐκεῖνων 12. 77. — κηδεστήν: cp. on § 1. — δικαίω: agreement, cp. on λέγοντι 12. 1. — παρακαταθῆ-κην: 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. — ναυτικά: in the great extension of Athenian trade in the fifth century there grew up a carefully guarded
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). — δισχιλίας : sc. δραχμάς, which is often omitted with numbers. — ἐπιδοῦναι : as dowry (cp. on 16. 10 and 19. 14); δοῦναι, a personal gift. — τὰ ἐν τῷ δωματίῳ : cp. 12. 10. — τῇ θυγατρί: i.e. as dowry on her marriage. — κατέλιπε : 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). — ἔκρυπτε : impf. of an attempted action (which succeeded for a time). — ἀνδρός . . . : see Crit. Note. There is force in Thalheim’s conjecture that the
lost words are τὰ δ’ 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. 1. 2. 11). The
rites’ here referred to were prob-
ably in connection with the dedi-
cation of a cenotaph at Athens
(the μνήμα of § 21), according to
a common custom. — ἐν Πιαραῖ
διητόντο: they ‘lived on’ at the
Piraeus, where the father had natu-
rally 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 Φαύ-
δρον 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
tῆς αὐτῶν (§ 16). — αὐτοῦ: the
adverb. — ἐπιλειπόντων: note the
force of the present, as compared
with κατελέειπτο above. — ἐς
ἀστυ: see on 12. 16. — ἐκδίδωσιν:
Diogiton 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 en-
titled to enrollment in the citizens’
κατὰ ταύτα τοῦ προσβυτέρου τοῖνε μειρακίων, καλέσας
αὐτοὺς εἶπε Διογείτων, ὧτι καταλίποι αὐτοῖς ὁ πατὴρ
ἐκκόσι μῦν ἄργυρίῳ καὶ τριάκοντα στατήρας. "ἐγὼ
οὖν πολλὰ τῶν ἐμαυτοῦ δεδαπάνηκα ἐἰς τὴν ὑμετέραν
τροφήν. καὶ ἐὼς μὲν ἐίχον, οὐδὲν μοι διέφερεν· νυνὶ
dὲ καὶ αὐτὸς ἀπόρως διάκειμαι. σοὶ οὖν, ἐπειδὴ δεδο-
κύμασαι καὶ ἄνὴρ γεγένησαι, σκότει αὐτὸς ἥδη πόθεν
ἐξεις τὰ ἐπιτήδεια." ταύτ’ ἀκούσαντες ἐκπεπληγμένοι
καὶ διακρύοντες ᾠχοῦτο πρὸς τὴν μητέρα, καὶ παραλα-
βόντες ἐκεῖνην ἤκον πρὸς ἑμέ, ὀικτρῶς ὑπὸ τοῦ πάθους
dιακείμενοι καὶ ἄθλιος ἐκπεπτωκότες, κλάοντες καὶ
καὶ παρακαλοῦντες με μὴ περιδεῖν αὐτοὺς ἀποστηρηθήντας
tῶν πατρῴων μηδ’ εἰς πτωχείαν καταστάντας, ὑβρισμέ-
νοντες ὑφ’ ὄν ἡκιστα ἐχρῆν, ἀλλὰ βοηθῆσαι καὶ τῆς
ἀδελφῆς ἑνεκα καὶ σφῶν αὐτῶν. πολλὰ ἄν εἰὴ λέγειν,
όσον πένθος ἐν τῇ ἐμῇ οἰκίᾳ ἦν ἐν ἐκείνῳ τῷ χρόνῳ.
75 τελευτῶσα δὲ ἡ μήτηρ αὐτῶν ὑπεβόλει με καὶ ἰκέτευεν
συναγαγεῖν αὐτῆς τὸν πατέρα καὶ τοὺς φίλους, εἰποῦσα ὅτι, εἰ καὶ μὴ πρότερον ἐδισταῖ λέγειν ἐν ἀνδράσι, τὸ
μέγεθος αὐτῆς ἀναγκάσει τῶν συμφορῶν περὶ τῶν σφε-
12 τέρων κακῶν δηλώσαι πάντα πρὸς ἡμᾶς. ἐλθὼν δ’ ἐγὼ
80 ἡγανάκτον μὲν πρὸς Ἡγήμονα τὸν ἐχοντα τὴν τοῦτου
θυγατέρα, λόγους δ’ ἐποιούμην πρὸς τοὺς ἄλλους ἐπιτη-
δείους, ἦξίον δὲ τοῦτον εἰς ἐλεγχον ἴναι περὶ τῶν
πραγμάτων. Διογείτων δὲ τὸ μὲν πρῶτον οὐκ ἦθελε,
tελευτῶν δὲ ὑπὸ τῶν φίλων ἡγανάκτησθη. ἐπειδὴ δὲ
85 συνήλθομεν, ἤρετο αὐτὸν ἡ γυνὴ, τῶν ποτὲ ψυχὴν
ἐχων ἄξιοι περὶ τῶν παιδῶν τοἰαύτη γνώμη χρῆσθαι,
“ἀδελφός μὲν ὅν τοῦ πατρὸς αὐτῶν, πατὴρ δ’ ἐμὸς,
13 θεῖος δὲ αὐτοῖς καὶ πάππος. καὶ εἰ μηδένα ἀνθρώ-
pων ᾑχύνον, τοὺς θεοὺς ἐχρῆν σε’” φησὶ “δεδεῖναι. 90 ὅς ἔλαβες μὲν, ὃτ’ ἐκεῖνος ἔξεπλευ, πέντε τάλαντα παρ’
αὐτοῦ παρακαταθήκην. καὶ περὶ τοῦτον ἐγὼ ἔθελω
τοὺς παῖδας παραστησαμένη καὶ τούτους καὶ τοὺς ὑστερον ἐμαντὴ γενομένους ὀμόσαι ὅπου ἂν οὗτοι λέγῃ. καὶ τοῦ οὐχ οὕτως ἕγω εἰμι ἀθλία, οὔτε οὗτων 95 περὶ πολλοῦ ποιοῦμαι χρήματα, ὅστ’ ἐπιορκήσασα κατὰ τῶν παίδων τῶν ἐμαντῆς τῶν βιῶν καταβάλειν, 14 ἀδίκως δὲ ἀφελέσθαι τὴν τοῦ πατρὸς καὶ οὕσιν· ἔτι τούτων ἐξήλεγχεν αὐτὴ ἐπὶ τὰ τάλαντα κεκομισμένον ναυτικά καὶ τετρακισθιλίαι δραχμάς, καὶ τούτων τὰ 100 γράμματα ἀπέδειξεν· ἐν γὰρ τῇ ἐξουσίᾳ, ὅτε ἐκ Κολλυτοῦ ἐξωκιζετο εἰς τὴν Φαίδρου οἰκίαν, τοὺς παιδάς ἐπιτυχόντας ἐκβεβλημένοι βιβλίων ἐνεγκεῖν πρὸς αὐτὴν. 15 ἀπέφηνε δ’ αὐτῶν ἐκατὸν μᾶς κεκομισμένον ἐγγείω ἐπὶ τόκῳ δεδανεισμένας, καὶ ἐτέρας δισχιλίαι δραχμάς 105 καὶ ἐπιπλα πολλοῦ ἀξίας· φοιτᾶν δὲ καὶ σιτοῦ αὐτοῖς

ἐμὲ μέν 12. 8. — τοὺς ὑστερον: by her marriage with Hegemon.— ὀμόσαι: for a parent to swear before 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 oath 12. 10. — ὅπου: i.e. at any shrine, however sacred.— οὗτος: the woman now turns appealingly to her friends.— οὗτως: position, see on ἴμων 12. 33. — κατὰ τῶν παιδῶν: see on πρὸς 32. 19, Crit. Note.— τοῦ πατρὸς: my father’s.

14. ἔτι τοῖνυν: 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 original ‘writings’ which secured the loans had been carried off by Diogiton with the other sealed papers (§ 7).— Κολλυτόν: 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 οἴδι γὰρ Ἀθηναίοι πάντες κα-toukouβ Κολλυτόν).— οἰκίαν: see on § 8. — ἐνεγκεῖν: in indir. disc. loosely dependent on the idea of saying implied in ἐξήλεγχεν.

ekte Xerroníson kai ἔκαστον ἐνιαυτόν. "ἦπετα σὺ ἐτόλμησας" εἴῃ "εἰπέν, ἔχων τοσαύτα χρήματα, ὡς δισχιλίας δραχμάς ὁ τούτος πατήρ κατέλυπε καὶ τριά...κοιντα στατήρας, ἀπερ ἐμοὶ καταλειφθέντα ἐκείνων 16 τελευτήσαντος ἐγὼ σοὶ ἔδωκα; καὶ ἐκβάλλειν τούτους ἦξίωκας θυγατρίδοις ὄντας ἐκ τῆς οἰκίας τῆς αὐτῶν ἐν τριβωνίοις, ἀνυποδήτους, οὐ μετὰ ἀκολούθου, οὐ μετὰ στρωμάτων, οὐ μετὰ ἰματίων, οὐ μετὰ τῶν ἐτί...πλων ἃ ὁ πατήρ αὐτοῖς κατέλυπεν, οὐδὲ μετὰ τῶν 17 παρακαταθηκῶν ἃς ἐκείνως 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.—ἐπείται: etai 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.—δισχιλίαις δραχμᾶς κτλ.: Diogiton at first acknowledged only the money which his daughter had herself turned over to him as head of the family.—ἄπερ: force, see on oίνους 12. 40.

16. ἐκβάλλειν: tense, see Crit. Note.—τούτους: it was to the oldest boy only that the grandfather 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 τριβωνίοις, ἀνυποδήτους: in rags, barefoot.—οὐ μετά: on the ἐπανα- φορά see App. § 57. 5, and on the ἀσύνδετον, App. § 58. 3.—ἀκολούθον: a man of ordinary standing was expected to have a slave attendant as he went about his business. Even the schoolboy had his παιδαγωγός. Among the inequalities that are to be abolished in the reformed society of Aristophanes’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 (ἀνδραπόδος τὸν μὲν χρήσθαι πολλοῖς τὸν δ’ οὖν ἀκολούθης). Cp. Gulick, 66 ff. —μετὰ στρωμάτων: see on μετά 19. 14.—παρὰ σοὶ: see on παρ’ αὐτῷ 19. 22.
νὴν τοὺς μὲν ἐκ τῆς μητρικᾶς τῆς ἐμῆς παιδεύεις ἐν 
πολλοῖς χρήμασιν εὐδαίμονας ὅντας· καὶ ταύτα μὲν 
καλῶς ποιεῖς· τοὺς δὲ ἐμοὺς ἀδικεῖς, οὐὶ ἀτύμους ἐκ 
tῆς οἰκίας ἐκβαλὼν ἀντὶ πλούσιων πτωχοὺς ἀποδείξαι 
προθυμῇ. καὶ ἐπὶ τοιούτους ἔργους οὕτε τοὺς θεοὺς 
φοβή, οὕτε ἐμὲ τὴν συνειδώναν αἰσχυνὴν, οὕτε τοῦ 
ἀδελφοῦ μέμνησαι, ἀλλὰ πάντας ἡμᾶς περὶ ἕλαττόνος 
ποιῆ γρηγμάτων." τότε μὲν οὖν, ὃ ἀνδρεῖς δικασταῖ, 
pολλῶν καὶ δεινῶν ὑπὸ τῆς γυναικὸς ῥήθεντων οὕτω 
διετέθημεν πάντες οἱ παρόντες ὑπὸ τῶν τούτω πεπραγ-
μένων καὶ τῶν λόγων τῶν ἐκείνης, ὀρῶντες μὲν τοὺς 
pαίδας, ἐν ἡσαν πεπονθότες, ἀναμμουσκόμενοι δὲ 
τοῦ ἀποθανόντος, ὡς ἀνάξιον τῆς οὐσίας τὸν ἐπίτρo-

17. ταύτα 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 beg-
gars with that of exhibiting their 
sad condition to the world. 
— προθυμῇ: in the course of the 
fourth century B.C. writers probably 
used the endings -γη and -αι 
with equal freedom; in the fifth -γη 
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 
tοιοῦτος ἔργους: a natural develop-
ment 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 ἠφ᾽ ὡς § 21; 
cp. 14. 35 ἐπὶ τῇ τοῦ πατρὸς πονη-
ρίᾳ φιλοτιμεῖτας he is proud of 
his father’s wickedness. For the 
development of this into the pur-
pose 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 indig-
nant complaint.

18. μὲν οὖν: see on 12. 3 (B). 
— ὑπὸ: force, see on 12. 3. — ὡς 
ἀνάξιον ... τὸν ἐπίτροπον κατέ-
λιπεν: 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
ποι κατέλιπεν, ἐνθυμούμενοι δὲ ὡς χαλέπον ἔξευρεν
οτῷ χρῆ περὶ τῶν ἐαυτοῦ πιστεύσαι, ὡστε, ὁ ἄνδρες
dικασταῖ, μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι,
ἀλλὰ καὶ δακρύουντας μῆ ἦττον τῶν πεπονθότων ἀπιόν-
tαι οἴχεσθαι σιωπῆ.

Πρῶτον μὲν οὖν τούτων ἀνάβητε μοι μάρτυρες.

 Martianes

with ἐπιτροπον. — ἐαυτοῦ: 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.
— φθέξασθαι: the strongest possi-
ble word = to utter a sound, cp.
Dem. 18. 199 εἰ γὰρ . . . σὺ προφε-
λεγε καὶ διεμαρτύρον βοῶν καὶ κεκρα-
γῶς, δὲ οὐδὲ ἐφθέξω for even if
you had foretold and protested with
shouts and cries, you who did not
even open your mouth. — μῆ ἦττον:
cp. on μῆτε 12. 68 (B). — οἴχε-
σθαι: the subject is πάντας, sup-
plied from the connection with
μηδένα δύνασθαι. — σιωπῆ: an
instance of the force that may
lie in the final word of a sentence;
cp. χρημάτων § 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 de-
scription:

The preliminary narrative:
φιλοτο, ἦκον § 10, impf. with plupf.
force.
ἡττεβόλει, ἱκέτευε § 11, descriptive
impf. (GS. 207) with added idea
of persistence.
ἡγανάκτον § 12, descriptive impf.
ἐποιούμεν, ἥξιον descriptive
impf. with added idea of
repetition.
οὐκ ἥθελε impf. with negative, ‘re-
sistance to pressure’ (GS. 216).
ἡγαγκάσθη aor. of ‘attainment’
(GS. 214).

The main narrative:
ἡετο narrative aor. (GS. 238).
φησί § 13, histor. pres. ; the scene
becomes most vivid, with direct
quotat
εἴθεςκχεν § 14, descriptive impf.,
the general statement.
ἀπεδείξεν § 14, ἀπέφηνε § 15, nar-
rative aor.
ἐφη neutral (one form for impf.
and aor.).
διεσθήσεν § 18, aor., the “up-
shot” of it all (GS. 238).
Αξιω τοίνυν, δι άνδρες δικασταί, τῷ λογισμῷ προσέ-χειν τὸν νοῦν, ίνα τούς μὲν νεανίσκους διὰ τὸ μέγεθος τῶν συμφορῶν ἐλεήσητε, τούτον δὲ ἀπασὶ τοῖς πολίταις ἄξιον ὀργῆς ἡγήσησθε. εἰς τοσαύτην γὰρ ὑποψίαν Διογείτων πάντας ἀνθρώπους πρὸς ἄλληλους καθίστη-

ψιν, ὡστε μητε ζώντας μητε ἀποθνῄσκοντας μηδὲν μᾶλλον τοῖς οἰκειοτάτοις ἢ τοῖς ἐχθρίοις πιστεύειν· δς ἑτάλμησε τῶν μὲν ἔξαρνος γενέσθαι, τὰ δὲ τελευτῶν ὀμολογήσας ἐχεῖν, εἰς δύο παιδάς καὶ ἀδελφὴν λήμμα καὶ ἀνάλωμα ἐν ὁκτὼ ἔτεσιν ἐπτὰ τάλαντα ἀργυρίου καὶ τετρακισχιλίας δραχμᾶς ἀποδείξαι. καὶ εἰς τούτῳ ἦλθεν ἀνασκυντίας, ὡστε οὐκ ἔχων ὅποι τρέψει τὰ χρήματα, εἰς ὅφων μὲν δυοῖν παιδίων καὶ ἀδελφῆς πέντε ὀβολοὺς τῆς ἡμέρας ἐλογίζετο, εἰς ὑποθήματα δὲ καὶ εἰς γναφείον καὶ εἰς κουρέως κατὰ μὴν οὐκ ἦν αὐτῶ.
疽δὲ κατ’ ἐνιαυτὸν γεγραμμένα, συλλήβδην δὲ παντὸς 21 τοῦ χρόνου πλεῖω ἕ τάλαντον ἀργυρίου. εἰς δὲ τὸ μνήμα τοῦ πατρὸς οὐκ ἀναλώσας πέντε καὶ εἰκοσι μνᾶς ἐκ πεντακισχιλίων δραχμῶν, τὸ μὲν ἡμίσιν αὐτῷ τίθησι, τὸ δὲ τούτοις λελόγισται. εἰς Διονύσια τοῖνυν, 155 ὃ ἄνδρες δικασταί, (οὐκ ἄτοπον γάρ μοι δοκεῖ καὶ περὶ τούτου μνησθῆναι) ἐκκαΐδεκα δραχμῶν ἀπέφηνεν

clothing. Originally the γυαφεῖς 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 householc. — 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 ὀκτὼ ἔτεσιν, τῆς ἡμέρας, κατὰ μήνα, παντὸς τοῦ χρόνου. — πλεῖν: a shortened form of πλεῖον. See Crit. Note; cp. 19. 31, 19. 46.

21. εἰς: see on ἐπὶ τὰς ναὸς 19. 21 (B). — μνήμα: 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 ἡμίσιν: 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.” — ἐκκαΐδεκα 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
ἐωνημένου ἀρνίον, καὶ τούτων τὰς ὀκτώ δραχμὰς ἑλογίζετο τοῖς παισίν. εὖ' ὃ ἡμεῖς οὖχ ἕκειστα ὄργισθημεν. οὕτως, ὃ ἀνδρεῖς, ἐν ταῖς μεγάλαις ξημίαις ἐνίστε οὖχ ἔτος ἦττον τὰ μικρὰ λυπεῖ τοὺς ἀδικομένους· λίαν γὰρ

φανερὰν τὴν πονηρίαν τῶν ἀδικοῦντων ἐπιδείκνυσιν.

22 εἰς τούτων τὰς ἄλλας ἑορτάς καὶ θυσίας ἑλογίζατο αὐτοῖς πλεῖν ἢ τετρακισχιλίας δραχμὰς ἀνηλωμένας, ἐπερά τε παμπληθη, ᾧ πρὸς τὸ κεφάλαιον συνελογίζετο,

165 ἀσπερ διὰ τοῦτο ἐπιτρόπος τῶν παιδίων καταλειφθεῖς, ἵνα γράμματα αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξειν καὶ πενεστάτους ἀντὶ πλουτίων ἀποφήγειν, καὶ ἵνα,

εἰ μὲν τις αὐτοῖς πατρικὸς ἐχθρός ἦν, ἐκεῖνον μὲν ἐπιλάθωντα, τῷ δὲ ἐπιτρόπῳ τῶν πατρῴων ἀπεστηρη

23 μένοι πολεμῶσι. καίτοι εἰ ἐβούλετο δίκαιος εἶναι περὶ

tοῦς παιδας, ἔξην αὐτῷ, κατὰ τοὺς νόμους ὦ κεῖνιο

expense of the family thanksgiving festival by their own grandfather.

— τὰς ὀκτῶ: the numeral as such would not take the article, but there goes with it here the idea of “the half”; HA. 664 a; G. 948 a. — ἐφ' ὃ: force, see on ἐπί § 17, and on ὀργίζεσθε 12. 80. — ὄργισθημεν: progressive aor., see on μετέσχον 16. 3. — οὕτως: see 12. 1 Crit. Note.

22. εἰς: see on § 21. — τε: cp. on § 1. — πρὸς τὸ κεφάλαιον: for his total. — συνελογίζετο: be gathered up (σύν) and reckoned in.—

diὰ 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 developed by the ἵνα clause. So in 1. 35 διὰ τοῦτο, ἵνα κτλ. — γράμματα, χρημάτων: for the play on sound see App. § 58. 5. — εἰ μὲν, ἐκεῖνον μὲν: for the repetition of μὲν cp. on 24. 8. — ἐπιλάθωνται, πολεμῶσι: for the change from the preceding optatives, and the consequent gain in vividness of the presentation of the purpose, see GMT. 321. πολεμῶσι, present of a state of war. For the metaphorical use see Introd. p. 25. N. 5.

23. κατὰ τοὺς νόμους: in such
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. — τοῖς ἀδυνάτοις: 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 ἸΑ. 915; G. 1433; B. 622.— οὐδενὸς ἢ ἦτον: 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
στήσων τὴν οὖσίαν, ἀλλ' ως αὐτὸς ἔξω τὰ τοῦτων, ἵνα γονύμενος δεῖν τὴν αὐτοῦ πονηρίαν κληρονόμον εἶναι 24 τῶν τού τεθνεῶτος χρημάτων. ὃ δὲ πάντων δεινότατον, ὃ ἀνδρες δικασταί· οὗτος γὰρ συντριπτριχῶν Ἀλέξιδι τῷ Ἀριστοδίκῳ, φάσκων δυνῶν δεούσας πεντήκοντα μᾶς ἔκειν ἱμβαλέσθαι, τὸ ἦμισον τούτοις ὄρφανοῖς 185 ἀτελείς ἐποίησεν, ἀλλὰ καὶ ἐπειδὰν δοκιμασθῶσιν ἔν- αυτὸν ἀφήκεν ἀπασῶν τῶν λητουργιῶν. οὗτος δὲ πάππος ὁν παρὰ τοὺς νόμους τῆς ἐαυτοῦ τριεραρχίας 25 παρὰ τῶν θυγατριδῶν τὸ ἦμισον πράττεται. καὶ ἀπο- πέμψας εἰς τὸν Ἀδριάν ὀλκίδα δυνῶν ταλάντων, ὃτε 190 μὲν ἀπέστελλεν, ἔλεγεν πρὸς τὴν μητέρα αὐτῶν ὅτι 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). φανερὰν has the double suggestion of property revealed and of visible property, i.e. real estate. διανοοῦμαι with ὃς and partic. of ind. disc. for infin. is rare; cp. on ὃς 12. 73. — πονηρίαν κληρονόμον: for the personification see Introd. p. 25, N. 5.

24. ὃ: the antecedent is the following sentence; cp. on ὃ . . . δει- νότατον 19. 33. — γὰρ: force, see on 19. 12 (C) (1). — συντριπτριχών: 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. — δοκιμα- σθῶσιν: 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. Ἀδριάν: 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. i. 4). — τα- λάντων: i.e. with a cargo of that value. — ὃτε μὲν ἀπέστελλεν, ἐπειδὴ δὲ ἐσώθη: note ὃτε with the impf. for the contemporary, ἐπειδὴ with the aor. for the preliminary, act
παῖδον ὁ κύιδυνος ἦ, ἐπειδὴ δὲ ἐσώθη καὶ ἐδιπλασίασεν, αὐτὸν τὴν ἐμπορίαν ἐφασκέν ἐναι. καίτοι εἰ μὲν τὰς ζημίας τοῦτων ἀποδείξει, τὰ δὲ σωθέντα τῶν χρημάτων αὐτῶς ἐξει, ὅποι μὲν ἀνήλωτα τὰ χρήματα 195 οὖ χαλεπῶς εἰς τὸν λόγον ἐγγράψει, ραδίως δὲ ἐκ τῶν ἀλλοτρίων αὐτῶς πλουτήσει. καθ' ἐκαστόν μὲν οὖν, ὁ ἄνδρες δικασταί, πολὺ ἄν ἔργον εἴη πρὸς ύμᾶς λογίζεσθαι. ἐπειδὴ δὲ μόλις παρ' αὐτοῦ παρέλαβον τὰ γράμματα, μάρτυρας ἔχων ἡρώτων Ἀριστόδεκα 200 τὸν ἀδελφὸν τὸν Ἀλέξιδος (αὐτὸς γὰρ ἐπὶ γανεταπετε- λευτηκώς), εἰ ὁ λόγος αὐτῷ εἴη ὁ τῆς τριμπραχίας: ὁ δὲ ἐφασκέν εἰναι, καὶ ἐλθόντες οἴκαδε ηὐρομεν Διογε- τονα τέτταρας καὶ εἰκοσι μνᾶς ἐκείνω συμβεβλημένον 21 εἰς τὴν τριμπραχίαν. αὐτὸς δὲ ἐπέδειξε δυνῶν ἰσούσας 205 πεντήκοντα μνᾶς ἀνηλικέναι, ὡστε τούτοις λεγομένοις ὀσονπερ ὅλων τὸ ἀνάλομα αὐτῷ γεγένηται. καίτοι τί αὐτῶν οἴεσθε πεποιηκέναι περὶ δὲν αὐτῶ ὀνδεῖσ σύνοιδεν


27. ὀσονπερ: cp. on οἴτινες 12.

40. — περὶ δὲν 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 περί), and the object of διεχείριζεν is to be supplied from δὲν. Immediately following is an instance of the carrying forward of the relative idea by the demonstrative, τὰ δὲ ἐτέρων ἐπράξει ἂν οὖ χαλεπῶν ἢν περὶ τούτων τυθέσθαι.

For the omission of the second relative, or the substitution of a
èteρων ϑεράκθη καὶ οὐ χαλεπῶν ή̣ν περὶ τοῦτων πυθέσθαι, ἔτολμησεν ψευσάμενος τετπαρσι καὶ έκοσι μνᾶς τοὺς αὐτούς ϑυγατριδοὺς ζημιῶσαι; Καὶ μοι ἀνάβητε τούτων μάρτυρις.

ΜΑΡΤΥΡΙΟΣ

28 Τῶν μὲν μαρτυρῶν ἄκηκόατε, ὦ ἄνδρες δικασταῖ· ἐγὼ δ’ οἶσα τελευτῶν όμολογησεν ἐχειν αὐτὸς χρήματα, ἐπτὰ τάλαντα καὶ τετπαράκοντα μνᾶς, ἐκ τούτων αὐτῶς λογιούμας, πρόσοδον μὲν οὐδεμίαν ἀποφαίνον, ἀπὸ δὲ τῶν υπαρχόντων ἀναλίσκων, καὶ θήσω οἴσον οὐδεὶς πώποτ' ἐν τῇ πόλει, εἰς δύο παιδας καὶ ἀδελφῆν καὶ παιδαγωγὸν καὶ θεράπαιναν χιλίας δραχμᾶς ἐκάστου ἐνιαυτοῦ, μικρῶ ἐλαττὸν ἣ τρεῖς δραχμᾶς τῆς ημέρας.

personal or demonstrative pronoun for it, see on 25. 11. — δι’ ἑτέρων : see on διὰ πλῆθος 12. 87.

28. ἄκηκόατε: tense, see on 12. 48. — τελευτῶν : cp. on § 20. — όμολογησεν : see on § 20. — πρόσοδον, τῶν υπαρχόντων : 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 δραχμᾶς : 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).
29 εν ὠκτὼ αὕται ἔτεσι γίγνονται ὀκτακισχίλιαι δραχμαί, καὶ ἀποδείκνυνται ἐξ τάλαντα περιόντα καὶ εἰκοσι μναὶ. οὐ γὰρ ἀν δύνατο ἀποδείξει οὐθ' ὑπὸ ληστῶν ἀπολωλεκὼς οὔτε ζημίαν εἶληφώς 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 ὁτε γένει ἀπελαυνόμενος § 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
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 πόλιν 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 ταύτης οὐκ ἐτόλμησε μετασχεῖν). 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 (τοῖς τὰ τιμῆματα παρεχομένοις), 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, *Πρέσβεις*, 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.\(^1\) The conservatives were probably placated by the terms of the enactment, which read: ἔδεξε τῷ δήμῳ, Τεισαμενὸς εἶπε, πολιτεύοντες Ἀθηναίους κατὰ τὰ πατρία, νόμοις δὲ χρῆσθαι τοῖς Σόλωνοις, καὶ μέτροις καὶ σταθμοῖς, χρῆσθαι δὲ καὶ τοῖς Δράκοντος θεσμοῖς, οἰσπέρ ἔχρωμεθα ἐν τῷ πρόσθεν χρόνῳ (Andoc. 1.83). 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.\(^2\)

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, I, 138 ff.
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.\(^1\) 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.\(^2\)

**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,\(^3\) 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, Hegesias 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 Prätt, ibid. p. 37) and its natural connection with the motion of Thrasybulus warrants Meyer (Gesch. d. Alt. 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’ ἀναρχίας τῆς πρὸ Ἕλληνων, 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 ἐξθρῶν πλέον ἐπικρατήσετε
ὁφελιμῶτεροι δὲ τοῖς συμμάχοις ἔσεσθε.
pολλοὺς μὲν αὐτῶν ἀποθανόντας
πολλοῖς δὲ ἐκ τῆς πόλεως ἐκπεσόντας.¹

§ 5. οὐδὲ τοὺς λόγους πιστοτέρους τῶν ἔργων
οὐδὲ τὰ μέλλοντα τῶν γεγενημένων νομεῖτε.
οὔ τῷ μὲν λόγῳ τῷ δήμῳ πολεμοῦσι
τῷ δὲ ἔργῳ τῶν ὑμετέρων ἐπιθυμοῦσιν.

§ 11. οἱ τῶν ἐφεύγομεν
ἐμαχόμεθα Λακεδαιμονίωις
ἐνα κατέλθωμεν
κατελθόντες δὲ φευξόμεθα
ἐνα μὴ μαχόμεθα.

The last period is quoted in Aristotle, Rhetoric, 2. 23, as follows:
eἰ φεύγοντες μὲν ἐμαχόμεθα ὡς κατέλθωμεν
κατελθόντες δὲ φευξόμεθα ὡς μὴ μαχόμεθα.

The rhetoricians have evidently worked over the period to make it even more formal. See App. § 57. 7.

¹ On the παρομοίωσις and ἐπαναφορά see App. § 57. 3, 5.
ΠΕΡΙ ΤΟΤ ΜΗ ΚΑΤΑΛΤΣΑΙ ΤΗΝ ΠΑΤΡΙΟΝ ΠΟΛΙΤΕΙΑΝ ΑΘΗΝΗΣΙ

1 Ὄτε ἐνομίζομεν, δ' ἄνδρες Ἀθηναῖοι, τὰς γεγενημένας συμφορὰς ἵκαινὰ μνημεία τῇ πόλει καταλείψθαι, ὥστε μηδ' ἄν τοὺς ἐπιγγυνικόνους ἐτέρας πολιτείας ἐπιθυμεῖν, τότε δὴ οὗτοι τοὺς κακῶς πεπονθότας καὶ ἀμφοτέρων πεπειραμένους ἔξαπατησαι ζητοῦσι τοὺς αὐτῶν 2 ψηφίσμασιν, οἴσπερ καὶ πρῶτερον διὰ ἡδῆ. καὶ τούτων μὲν οὐ θανμάζω, ἡμῶν δὲ τῶν ἀκρωμένων, ὅτι πάντων ἔστε ἐπιληψιμονεύστατοι ἢ πάσχεων ἐτοιμότατοι κακῶς ὑπὸ τοιούτων ἀνδρῶν, οἴ τῇ μὲν τύχῃ τῶν Πει-

1. ἃν: see on 12. 1. — πολιτείας: polity, form of government; cp. on § 3. — δῆ: force, see on 25. 9 (A). — οὗτοι: Phormisius and his supporters; see Introd. p. 315. — ἀμφοτέρων: both constitutions, democratic and oligarchical. — οἴσπερ: see on οἴτινες 12. 40. — καὶ πρῶτερον: for καί in comparisons see on 19. 2 (C). — διὰ ἡδῆ: 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.) — Πειραίω: locative, Η.Α. 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.
only bound the states together, but enabled the Athenian cleruchs, 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 τείχῶν: the Long Walls had been torn down the year before under the terms of the surrender. For μετὰ see on 19. 14. — περιαρχοσόμεθα: 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, ἵππεας, 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. — ἰσθα: 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 ἔχθρων: the exiled oligarchs. — τοῖς συμμάχοις: the Spartans. One of the conditions of surrender was alliance with Sparta (τῶν αὐτῶν ἔχθρων καὶ φίλων νομίζοντας Δακεδαιμόνες ἐπεσθαί καὶ κατὰ γῆν καὶ κατὰ βάλαταν ὦποι ἄν γῆγωνται Xen. 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. — ἔφ. ἡμῶν: see on 12. 17. — οὐ τοὺς γῇν 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.'
5 πόλεως ἐκπεσόντας, οὐς ὁ δήμος καταγαγὼν ύμῖν 
30 μὲν τὴν ὑμετέραν ἀπέδωκεν, αὐτὸς δὲ ταύτης οὐκ ἐτόλ-
μησε μετασχέων. ὥστε, ἡν ἔρωιγε πείδησθε, οὐ τοὺς 
εὐεργέτας, καθ’ ἀυξάσθε, τῆς πατρίδος ἀποστερῆσετε,
οὐδὲ τοὺς λόγους πιστοτέρους τῶν ἐργῶν οὐδὲ τὰ μέλ-
λοντα τῶν γεγενημένων νομιμείτε, ἀλλὰς τε καὶ μεμνη-
35 μένοι τῶν περὶ τῆς ὀλγαρχίας μαχομένων, οὐ τῷ μὲν 
λόγῳ τῷ δήμῳ πολεμοῦσι, τῷ δὲ ἐργῷ τῶν ὑμετέρων
ἐπιθυμοῦσιν. ἀπερ κτήσονται, οὗτοι ύμᾶς ἐρήμους συμ-
μάχων λάβωσιν.

6 Εἰτα τοιούτων ἡμῖν ὑπαρχόντων ἑρωτώσω τίς ἔσται
40 σωτηρία τῇ πόλει, εἰ μὴ ποιήσομεν ἅ Δακεδαιμόνιοι

5. ἐκπεσόντας: see on ἔζεσσεν
12. 57. — καταγαγών: cp. on κατ-
ελθεῖν 16. 4. — τὴν ὑμετέραν: sc. 
ὦν. 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 distri-
bution 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 ἐτόλμησε: while
themselves not venturing. An
English speaker would use the
logical subordination for this
clause; see on 12. 47. — τὰ μέλ-
λοντα: sc. πιστοτέρα. — 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. εἰτα: see on 12. 26 (C). —τοι-
ούτων ἡμῖν ὑπαρχόντων: force, see
on ὑπάρχει 12. 23. —ποιήσομεν:
‘monitory;’ see on ἄφησον τιν 12.
35. —κελέουσιν: 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 εἰσήκου ἄξιο: I call
upon them to tell. τούτων, the
keleúousin; ἐγὼ δὲ τούτους εἴπειν ἄξιον, τίς τῷ πλήθει περιγενησταῖ, εἰ ποιήσωμεν ἄ ἐκεῖνοι προστάττουσιν; εἰ δὲ μὴ, πολὺ κάλλιον μαχομένοις ἀποθνήσκειν ἡ ̣ 7 φανερῶς ἡμῶν αὐτῶν θάνατον καταψήφισασθαί. ἡγοῦν μαι γάρ, εἲν μὲν πείσω, ἀμφότεροι κοινὸν εἶναι τῶν κίνδυνον. ὁρῶ δὲ καὶ Ἀργείους καὶ Μαντινέας τὴν αὐτὴν ἔχοντας γνώμην τὴν αὐτῶν οἰκονύτας, τοὺς μὲν

regular word for the opponents in court or debate; see on τούτου 12. 81.—τίς: sc. σωτήρια. —τῷ πλῆθει: 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 certain death.’

7. ἡγοῦμαι κτλ.: the proposal of Phormisius involves extreme danger to one part (τῷ πλῆθει) 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 (ἀμφότεροις) will share the danger.

—ὁρῶ 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 compulsion, or by the action of her own oligarchical faction, which sought supremacy by Spartan support. In 418 Argos was forced into alliance with Sparta, and an oligarchical government was set up. But in the next year a successful democratic reaction carried the state over to the Athenian alliance, and with more or less of vigor it supported Athens throughout 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 democratic government at Spartan dictation,—τὴν αὐτῶν οἰκονύτας:
ὅμόρους ὄντας Δακεδαμονίοις, τοὺς δὲ ἐγγὺς οἰκούντας, καὶ τοὺς μὲν οὐδὲν ἤμων πλείους, τοὺς δὲ οὐδὲ τρισχλίους ὄντας. ἦσασι γὰρ ὅτι, κἂν πολλάκις εἰς τὴν τοῦτων ἐμβάλλωσι, πολλάκις αὐτοῖς ἀπαντήσουνται ὅπλα λαβόντες, ὥστε οὐ καλὸς αὐτοῖς ὁ κύνδυνος δοκεῖ εἶναι, ἐὰν μὲν νικήσωσι, τούτους μὴ καταδουλώσασθαι γε, ἐὰν δὲ ἡττηθῶσι, σφᾶς αὐτοὺς τῶν ὑπαρχόντων ἀγαθῶν ἀποστερῆσαι. ὅσω δὲ ἄν ἁμείνων πράττωσι, τοσοῦτῳ ἡ ἤττον ἐπιθυμῶσι κινδυνεύειν. εἴχομεν δὲ, ὃ ἄνδρες Ἀθηναῖοι, καὶ ἤμεῖς ταύτην τὴν γνώμην, ὅτε τῶν Ἐλλήνων ἦρχομεν, καὶ ἐδοκοῦμεν καλῶς Βουλεύσασθαι περιορώντες μὲν τὴν χώραν τεμνομένην, οὐ νομίζοντες δὲ χρήναι περὶ αὐτῆς διαμάχεσθαι. ἄξιον γὰρ ἣν ὀλίγων ἀμελοῦντας πολλῶν ἀγαθῶν φεύγασθαι. νῦν δὲ, ἐπεὶ ἐκείνων μὲν ἀπάντων μάχῃ ἐστερήμεθα, ἢ δὲ πατρίς holding their own territory, i.e. against any attempt of Sparta to dislodge them as dangerous neighbors.

8. ἦσασι: cf. Δακεδαμόνιος, see Crit. Note. — κἂν 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. — ὥστε . . . 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 ὑπαρχόντων: see on ὑπάρχῃ 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
διήμερον λέξεις τα, ἵσμεν ὅτι ὁ κύδνυος οὗτος μόνος ἔχει
是韩国 ἀπό τῆς σωτηρίας. ἀλλὰ γὰρ χρῆ ἀναμνήστως σοθέντας ὅτι ἡ ἡδὴ καὶ ἐτέρως ἀδικουμένως βοηθήσαντες ἐν τῇ ἀλλοτρίᾳ πολλὰ τρόπαια τῶν πολεμίων ἐστὶν
άνδρας ἀγαθοὺς περὶ τῆς πατρίδος καὶ ἰμῶν
αὐτῶν γίγνεσθαι, πιστεύοντας μὲν τοῖς θεοῖς ἐλπίζουν-
όρτας δὲ ἐστὶ τὸ δίκαιον μετὰ τῶν ἀδικουμένων ἔσεσθαι.

11 δεινὸν γὰρ ἂν εἰ, ὃ ἄνδρες Ἀθηναῖοι, εἰ, ὅτε μὲν
ἐφεύγομεν, ἔμαχόμεθα Λακεδαιμονίως, ἦνα κατέλθωμεν,
κατελθόντες δὲ φευξόμεθα, ἦν μὴ μαχόμεθα. οὐκ
οὖν αἰσχρὸν εἰ ἔστω τοῦτο κακίας ἦξομεν, ὅστε οἱ μὲν
πρόγονοι καὶ ὑπὲρ τῆς τῶν ἄλλων ἔλευθερίας διεκινδύ-
νευόν, ὅμως δὲ οὐδὲ ὑπὲρ τῆς ὑμετέρας αὐτῶν τολμᾶτε
πολεμεῖν; . . .

trifling in comparison (Thuc. 2. 62). — ὁ κύδνυος 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. — ἀλλοτρία: sc. γῆ. — ἐστὶν

σαμεν: empirical aorist, see on ἴσθόμην 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 coördination of antithetic clauses cp. on § 5 and on 12. 47. For the rhetorical ἐπανα-

στροφῆ 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 Πρόβουλοι 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.
Piander 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, Piander 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 Lysan-
der's help in overthrowing the democracy and restoring the ban-
ished 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.
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 coöperate 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.

Reëstablishment 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 Diogiton, 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.
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 Eucrates* (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.
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 Epicrates (c. 389).
388 Popular feeling turns against Thrasybulus and his colleagues. Sus-
picion that they are enriching themselves. Recall is ordered, but
Thrasybulus dies before it can be executed.¹
   Spartan Antalcidas wins active support of Dionysiuss, 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.³
384/3 Lysias, Speech X, Against Theomnestus.
382 Outbreak of War between Sparta and Thebes.
   Lysias, Speech XXVI, Against Evander.
380 The last known speech of Lysias, For Phereinicu.
   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 Ἄρχων βασιλεύς, the religious head of the state, had sole jurisdiction in cases of premeditated homicide. 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 (γραφαὶ παρανόμων), the examination before a jury required of every public officer before taking up his office (δοκυμασία), and his examination at the close of his term of office (εὐθυνα). 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.¹

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 πολέμου μαρχος presided in cases concerning foreigners; the six lower archons, the Θεσμοθεταί, 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 Cléon 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, and even of a case where the whole panel of 6000 sat as one jury.  

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. 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 ἀτυμία).  

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).

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. i. 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 (ἐπωβελλα, 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 ἀπαγωγή, ἐφηγησις, and ἐνδείξις; 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 magis-
trate 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 prelimi-
nary hearing of the case. He then published the accusation by posting
it in a public place.

12. The third step was the preliminary hearing (ἀνάκρησις) 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 accusa-
tion, 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, docu-
ments 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 wit-
tnesses 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 counter-
balance the natural desire of the slave to testify according to his mas-
ter’s orders on the other. A party to a suit either challenged his
opponent to submit his slaves or offered his own slaves. This testi-
mony was taken in the presence of witnesses, usually previous to the
ἀνάκρησις, 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 ἀνάκρησις 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.\footnote{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.}

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 Thesmo-thetae, 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 each had 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 ἀνάκρυσις, 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.
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 ἀνάκρισις. When testimony was read, the witness mounted the speaker's προαίρεσις 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.

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 (ψηφον), 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.

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 ἀτύμητοι); 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 έμπεροι), under the jurisdiction of a separate board of five εἰδαγωγεῖς, 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 εἰδαγωγεῖς 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 (δικαστής).

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 ἀνάστημα was in a public suit.
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 λογογράφοι. 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 (δοκιμασία) 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 (ἐυθύνει). 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.
III. RHETORICAL TERMS

A. THE THREE TYPES OF PROSE COMPOSITION

Ⅱ. ὁ ἵσχυς χαρακτήρ, genus subtile, The Plain Style. Lysias.

The Greek rhetoricians, beginning probably with Antisthenes, a contemporary of Lysias,¹ distinguished three great types, χαρακτήρες, of prose composition.²

38. They found in Thucydides the perfection of the grand style. Dionysius thus sums up his characteristics:³ "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 λέξις 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 ἀρμονίαι of Jebb’s note to the χαρακτήρες, see Volkmann, 545–7.

³ Dionysius, Second Letter to Ammaeus, 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.¹ 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,² added a fourth style, καρακτήρ δευτός, 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 δευτός, power, of which the three καρακτήρεσ became the instruments.³

B. Running Style and Periodic Style

42. I. ἡ εἰρυμένη λέξις.
II. ἡ κατεστραμμένη λέξις = ἡ ἐν περιόδοις.

Thrasymachus, a contemporary of Lysias,⁴ was the first to teach

¹ Dionysius, Demosthenes, c. 4.
² Περὶ ἐρμηνείας, §§ 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. None of the definitions of Thrasy-machus 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 Thrasy-machus, and which has remained the fundamental exposition of periodic theory for both ancient and modern times. Aristotle calls the running style \( \varepsilon \iota \rho \omicron \mu \epsilon \eta \) \( \lambda \varepsilon \iota \varsigma \), 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, \( \lambda \varepsilon \iota \varsigma \) \( \varepsilon \iota \rho \omicron \mu \epsilon \eta \), are the following:

12. 9 ὅ δ' ἐφασκεν

\( \varepsilon \iota \pi \omicron \lambda \lambda \alpha \ \varepsilon \eta \).

ἐπτον οὖν ὅτι τάλαντον ἄργυρίου ἐτομος εὖν δούναι.

ὁ δ' ὠμολόγησε 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 ὅ δ' ὑπέσκετο ταῦτα ποιήσειν.

ἐδοκει δ' αὐτῷ βέλτην εἶναι πρὸς Θεόγνιν μνησθήναι.

ἡγεῖτο γὰρ ἅπαν ποιῆσειν αὐτόν

ἐῖ τις ἄργυριον διδοῖ.

1 Writers before Thrasy-machus had used periodic structure freely, but Thrasy-machus 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 Thrasy-machus is that of Suidas, s.v. Θρασύμαχος, and of Theophrastus, cited by Dionysius, Lysias, 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.
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 ἀποκτηνώναί μὲν γὰρ ἀνθρώπους περὶ οὐδενὸς ἠγούντο
λαμβάνειν 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 ἀποκτηνώναι) 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 οὕτε ... οὕτε, and the other correlative particles. Cp. 12. 4 μητὲ εἰς κτλ.
sponding section (κώλον), from the post back to the starting point, to complete the full circuit (περί-οδος).\(^1\)

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:

\[\text{oûtou gar}\\
\text{πολλοῖς μὲν τῶν πολιτῶν εἰς τοὺς πολεμίους ἔχλασαν}\\
\text{πολλοὺς δὲ ἀδίκους ἀποκτείνατες ἀπάφους ἐποίησαν}\\
\text{πολλοὺς δὲ ἐπιτύμους ὄντας ἀτίμους κατέστησαν}\\
\text{πολλῶν δὲ θυγατέρας μελλούσας ἐκδίδουσθαι ἐκώλυσαν.}\\
\]

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,
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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):

\[\text{εἰ δὲ οἴεσθε χρῆμα}
\text{oὐς ἐκεῖνοι παρέλιπον ἀδικοῦντες}
\text{ὡμεῖς ἀπολέσαι}
\text{oἴδεις τῶν πολιτῶν ὑπολειφθῆσεται.}
\]

*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

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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 ἀφελής. 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 διηρημένη and λέξις ἀντικειμένη, 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 (*Περὶ ἐρμηνείας,* 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 τὸν θάνατον διέφυγον
πολλαχοὶ κυνδυνεύσαντες
καὶ εἷς πολλὰς πόλεις πλαγιθέντες
καὶ πανταχόθεν ἐκκηρυττόμενοι
ἐνδεεῖς ὄντες τῶν ἐπιτηδείων
οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι τοὺς παῖδας καταλιπόντες
οἱ δὲ ἐν ἔνη γῇ
πολλῶν ἐναντιομένων
ἐλθεῖτο 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.1 Demetrius limited the cola to four.2 The Roman theorists enlarged the number. Quintilian says (9. 4. 125): Habet periodus membra minimum duo. Medius numerus 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

1 κόλον ὅ ἐστι τὸ ἐπερον μόριον ταύτης (sc. τῆς περιόδου) Rhet. 3. 9. 5.
2 Περὶ ἐρμηνείας, c. 16.
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.  

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 ἑδοξεν οὖν αὐτοῖς δέκα συλλαβεῖν
tούτων δὲ δύο πέντες

ἐνα αὐτοῖς ἡ πρὸς τοὺς ἄλλους ἀπολογία

ὡς ὁυ χρημάτων ἐνεκα ταῦτα πέτραςκαται

ἀλλὰ συμφέροντα τῇ πολιτείᾳ γεγένηται

ὡσπερ 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  οὐ γὰρ μόνον ἁμὲν παρεῖναι οὐκ ἤξην

ἀλλ' οὐδὲ παρ' αὐτοῖς ἦναι

ὡσπερ' ἐπὶ τούτοις ἔστι

πάντα τὰ κακὰ εἰργασμένοις τὴν 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.\(^1\)

**C. RHETORICAL FIGURES**

55. The Greek rhetoricians from Theophrastus on\(^2\) distinguished two groups of rhetorical "figures," \(σχῆματα λέξεως\) and \(σχῆματα διανοίας\).

56. \(Σχῆματα λέξεως\), figures of speech, modifications of speech for rhetorical effect.

57. (a) Figures connected with balance of cola.

1. \(αντίθεσις\) antithesis.\(^3\) 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. \(παρισθωσις\), precise or approximate equality of cola as measured by number of syllables.\(^4\)

\(^1\) 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 \textit{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 (\textit{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 \textit{sensus suspensio}.

\(^2\) Theophrastus (372–287 B.C.) was Aristotle’s successor in the Peripatetic School.


\(^4\) Aristotle, \textit{Rhetoric}, 3. 9. 9 \(παρισθωσις\) ὑ’ ἐὰν Ἰσά τὰ κῦλα. Cp. Anaximenes, c. 27. Demetrius (Περὶ ἑρμηνείας, c. 25) calls this \(ισθικῶλον\). Some rhetoricians used \(ισθικῶλον\) of precise equality, and \(παρισθωσις\) of approximate equality. See Volkmann, p. 482.
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Cp. 12. 4 ὅστε μὴτε εἰς τοὺς ἄλλους ἐξαμαρτάνειν μὴτε ὑπὸ τῶν ἄλλων ἀδικεῖσθαι.

12. 7 ὡς οὖν χρημάτων ἑνεκα ταῦτα πέπρακται ἄλλα συμφέροντα τῇ πολιτεῖᾳ γεγένηται.

So 12. 6 (twice); 25. 18, three pairs of approximately equal cola; 25. 32; 34. 5.

3. παρομοίωσις, equality of cola, heightened by the use of the same or similar words at corresponding points, particularly at beginning or end.1 So μὴτε—μὴτε—in the first example above; —πέπρακται—γεγένηται in the second.

Cp. 12. 1 { 
τοιοῦτα—
τοσοῦτα—

12. 7 { 
—περὶ οὐδενὸς ἔγοντο
—περὶ πολλῶν ἐποιήστο

12. 1 { 
ἡ τὸν κατήγορον ἀπειπεῖν
ἡ τὸν χρόνον ἐπιληπτεῖν

12. 19 { 
—ἀφίκοντο
—ἐποιήσαντο

12. 26 { ἀντέλεγες μὲν ἢνα σώσεις
ὀσυνελάμβανες δὲ ἢνα ἀποκτείνεις

12. 32 { 
οὐχ ὡς ἀνιωμένου
ἀλλ' ὡς ἢδομένου

12. 47 { 
—ἐνομίζον
—παρέβαινον

12. 33 { 
πάντα τὰ κακὰ—
πάντα τἄγαθα—

12. 54 { 
—μισεῖσθαι
—φιλεῖσθαι

12. 57 { 
—δικαίως ἔφευγον
—ὑμεῖς ἄδικος

12. 61 { 
διὰ τὴν πρὸς ἐκείνους—
διὰ ἰτὴν πρὸς ὑμᾶς—

12. 70 { 
—ἀναγκαζόμενος
—ἐπαγγελλόμενος

12. 78 { 
τῶν μὲν παρόντων καταφρονῶν
τῶν δὲ ἀπόντων ἐπιθημῶν

12. 79 μηδὲ { 
μαχομένως μὲν κρείττους εἶναι τῶν πολεμίων

12. 89 { 
ὑπὲρ δὲν ὑμεῖς—
ὑπὲρ δὲν οὗτοι—

25. 16 { 
—οὐρίζεσθε
—νομίζεσθαι

25. 20 { 
ἀλλὰ τὴν αὐτὴν κατελθόντες περὶ ἦμων γνώμην ἔχετε

25. 23 { 
οὐστριάν
—τιμωρίαν

25. 26 { 
—ἀφιέναι
—ἀπολλύον

25. 30 { 
—πεποιηκαίνω
—κατηγγέλκασι

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.

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4. ὰμοιοτέλευτον, rhymed cola. This becomes especially marked in παρομοίωσις, as in most of the examples cited above.

Cp. 32. 25 — ἀποδείξει 12. 77 — δεδωκός 24. 3—4 — ἐξω — διάξω — διαίσω — εἰρήσθω
— ἐγγράψει — πλουτήσει

5. ἐπαναφορά, the repetition of the same word at the beginning of successive cola. A fine example is that in 12. 21, πολλοὺς μὲν — πολλοὺς δὲ — πολλοὺς δὲ — πολλῶν δὲ — (see p. 348, § 46). Beside the examples under παρομοίωσις, cp. the following: 12. 77 ὀνειδίζων — ὀνειδίζων — 12. 78 δικαίως μὲν — δικαίως δὲ — 12. 94 ἐνθυμηθέντες μὲν — ἐνθυμηθέντες δὲ — 16. 8 πολλοὺς μὲν — πολλοὺς δὲ — 19. 9 ἐστερημένοι μὲν — ἐστερημένοι δὲ — 32. 16, the striking and effective repetition of οὐ 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: —

3. 198 [ὁσις δ' ἐν τῷ πρώτῳ λόγῳ τὴν ψήφον αἴτε]
[ἀρκον αἴτε]
[νόμοιν αἴτε]
[δημοκρατίαν αἴτε]

7. ἐπαναστροφή, the final word of one colon becomes the initial word of the next.

So 25. 31 ἐκεῖνοι μὲν ὀλιγαρχίας οὐσις ἐπεθύμων ὄντερ ὄντοι ὀντοὶ δὲ καὶ δημοκρατίας τῶν αἴτων ὄντερ ἐκεῖνοι.

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 ἰδεῶν (Spengel, II. 335).
5 Hermogenes, Περὶ ἰδεῶν (Spengel, II. 336).
34. Η ἐμαχόμεθα Δακεδαιμονίως ἵνα κατέλθωμεν κατελθόντες δὲ φευξάμεθα ἵνα μὴ μαχώμεθα.

8. κύκλος, a sentence or period begins and ends with the same word. The first period cited under ἐπαναστροφή (7) shows perfect κύκλος also.

9. συμπλοκή, the first and last words of one colon become the first and last words of the next.

Aeschin. 3. 202 ἐπὶ σαντὸν 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. ἀναδίπλωσις, the repetition of one or more words for rhetorical effect. This is too passionate a figure for Lysias’s restrained style. Cp. Aeschin. 3. 133 Θῆβαι δὲ, Θῆβαι, πόλις ἀστυνεῖτων, μεθ’ ἡμέραν μίαν ἕκ μέσης τῆς Ἑλλάδος ἀνήρπασται.

2. συνωνυμία, amplification by the use of synonyms. A favorite figure with Demosthenes; used sparingly by Lysias.

Cp. 22. 21 ἐὰν ἀντιβολῶσιν ὑμᾶς καὶ ἱκετεύσι.

32. Η ἡντεβόλει με καὶ ἱκέτευκ.

21. 21 ἐγὼ δ’ ὑμὸν δέομαι καὶ ἱκετεύο καὶ ἀντιβολῶ.

12. 19 εἰς τοπαύτην ἀπληστάν καὶ αἰσχροκέρδειαν ἀφίκοντ.

12. 24 ὅσιον καὶ ἐυσεβῆς.

12. 3 ἀναξίως ἠδυνάτως
12. 68 μέγα πολλοῦ ἡξίων
12. 22 κακόν αἰσχρόν
12. 31 ἐλεγχον βάσανον
12. 55 στάσιν πόλεμον
12. 16 πανουργίας κακονοιάς
24. 10 τοῦτο ζητεῖν τοῦτο φιλοσοφεῖν
24. 23 καλλιστῶν μεγίστων

1 Hermogenes, Περὶ εἰρέσεως (Spengel, Π. 252).

2 Alexander, Περὶ σχημάτων (Spengel, ΠΙ. 30): τοῦτο τὸ σχῆμα μικτὸν ἔστιν ἐκ τῆς ἀναφορᾶς καὶ τῆς ἀντιστροφῆς, διὶ καὶ οὐτῶ ἐκλήσσεται.

3 Demetrius, c. 140.

4 Alexander, Περὶ σχημάτων (Spengel, ΠΙ. 30). Demetrius (c. 280) calls it ἐπιμονὴ ondwellings, a happy term to bring out the real force of the figure.
3. ἀσύνδετον, the omission of the conjunction in a series of coordinate words or phrases. A remarkable example is in the closing sentence of XII: ἀκροάτε, ἐωράκατε, πεπόνθατε, — ἔχετε· δικάζετε. Cp. the impassioned words of the mother in 32. 16.


5. παρονομασία, play on the sound and meaning of words. The Gorgian school delighted in this artificial word play. Lysias did not entirely escape their influence. Cp. 12. 32 ἄνιμωμένων, ἡδομένων. 12. 33 παρεῖναι, παρ’ αὐτῶν εἶναι. 12. 59 εὐνοοῦστατον, κακονοῦστατον. 24. 3 δυνατόμα, ἐπιτηδεύσαι. 24. 7 δικαῖον, ἄδικον. ἄδικηται, ἄθυμος. 25. 23 σωπηράν, τυμωρίαν. 25. 24 πονηράν, σωπηρίαν. 32. 22 γράμματα, χρημάτων.

59. II. Ἑχήματα διανοιάς, 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 πυσματικὸν σχῆμα, 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-

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1 Aristotle, 3. 12. 2 and 4; Demetrius, c. 268; Hermogenes, Περὶ μεθόδου δεινοῦ (Spengel, II. 435).
2 Demetrius (c. 63) calls this συνάφεια.
3 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 play on several meanings of the same word he has the terms ἀντιμετάθεσις, or σύγκρισις, or πλοκή (Ibid. p. 37).
4 Tiberius, Περὶ σχημάτων (Spengel, III. 64).
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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. ὑποθέζω,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 Euboean 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 σχήματων (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.
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4.32 grams,¹ or 66.667 + grains Troy. The modern bullion value of the drachma would be, for the period 1899–1903,² $0.08+, and its value in U.S. coined silver³ would be $0.1795+. The following table gives the Attic system with approximate equivalents in U.S. silver dollars:

\[
\begin{align*}
1 \text{ obol} & = \$0.03 \\
6 \text{ obols} & = 1 \text{ drachma} = \$0.18 \\
100 \text{ drachmas} & = 1 \text{ mina} = \$18.00 \\
60 \text{ minæ} & = 1 \text{ talent} = \$1080.00
\end{align*}
\]

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,⁴ 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.⁵

⁶³ The real value of the drachma must be measured by its purchasing power.⁶ In the time of Lysias a drachma would pay a day’s wages of a carpenter, or stone cutter, or superintendent of building operations.⁷ It was the daily pay of a senator.⁸ A half-drachma a

¹ Here, as in all computations in this chapter, the modern equivalents are based on Nissen’s tables, Müller’s Handbuch, I.² 835 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. I. 3. 21 compared with 5. 6. 23, 7. 3. 10. ⁵ [Demos.] 34. 23.

⁶ 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.

⁷ 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.v. βουλὴς λαχεῖν.
day was the pay of an unskilled laborer,¹ of a rower in the fleet,² a juror's pay for a sitting,³ and the voter's pay for attendance on a session of the Ecclesia.⁴ Four obols (⅗ dr.) was the minimum pay of a hoplite in the field.⁵ 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.⁶

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 ¼ to ½ medimnus of barley meal (= 1½ to 3 pecks),⁷ the common food of the people.⁸ We have the following quo-

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.
⁴ Arist. Resp. Ath. 41. 3.
⁵ Busolt, Griechische Altertümer,² 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 ekreós 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 1½ to 1⅓ 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 Tetrapolis 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. The cattle for a hecatomb in Athens in 410 B.C. cost on the average about 51 dr. (= $9.15) a head; for the Delian festival of 374 B.C. about 77 dr. (= $13.82). Oil and wine were cheap. An early fourth-century inscription has oil at ½ obol a κοσυλή = 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. 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).

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.

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. 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 *Lysis*, where they were transcribed as specimens of Lysias’s style. 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. 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. The Ms. consists of one hundred and forty-two leaves of parchment. Before it reached Italy it had lost one whole quaternion, two leaves in another place, and a single leaf in still another. 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.

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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 Pseudolysiae epitaphii codicibus*, Lipsiae, 1881; *Lysiana*, 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 Κατὰ Νυκίδου ἀργίλας, 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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   parts and revised by Fuhr, 1880. Part I is now in the eleventh
CRITICAL NOTES

edition (1899), and Part II in the tenth edition (1897), revised repeatedly by Fuhr. Part I, Speeches XII, XIII, XVI, XXV, XXXI. Part II, Speeches VII, XIX, XXII, XXIII, XXIV, XXX, XXXII.


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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.
Fr., Frohberger. Th., Thalheim.
Mor., Morgan.    West., Westermann.

XII

1. εἴργασται. 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, 12. 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. 2. 65. 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 ὡςτε clause, so that the connection is much closer than in class a; οὐκ ἀρξάσθαι δοκεῖ, τοιαῦτα εἴργασται = τοιαῦτα εἴργασται ὡςτε οὐκ ἀρξάσθαι δοκεῖ. When two such clauses are followed by a ὡςτε 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. πολλῆς ἀφθονίας οὔσης ὑπὲρ τῶν δημοσίων ὰργίζεσθαι Herw., Rn.-F.; πολλῆς ἀφθονίας οὔσης ὑπὲρ τῶν ἴδιων ἦ ὑπὲρ τῶν δημοσίων ὰργίζεσθαι X, Th. Even if we accept the single ἦ where we should expect ὡςτε ... ἦ, 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 ἦ as than through the comparative force of ἀφθονία, citing δεξίωμην ἄν ἦ το. 21.

3. τοιῆσωμα Vulg., Sch.; τοιῆσωμα X, Th. The probability of the contamination of τοιῆσωμα by the following πειράσομαι seems
greater than that Lysias used so rare a construction, found nowhere else in the orators. Weber, *Entwicklungsgesch. der Absichtssätze*, II. 94; GMT. 367:

5. πονηρός Rs., Th.; πονηρὸι μὲν X.—προτρέψαι Wdn.; τραπέ- σθαι 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; οὐνεκα (for οὔνεκα) X (Lampros, *Hermes*, X. 264).

11. ἐπείδη δὲ F.; ἐπεί δὲ X, Th. I have accepted Fuhr's conclusion that Lysias did not use ἐπεί temporal (Rn.-F. on 32. 2, Anh.), and that ἐπείδη must be substituted wherever ἐπεί temporal has been handed down. In all of these cases ἐπεί 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 ἐπεῖ is clearly causal; in 32. 2 it is more causal than temporal. —ὁμολογησεν: ὁμολόγησεν X (Scholl, *Hermes*, 11. 215). Pison had agreed to accept a talent; he now broke his agreement. I have written ὁμολόγησεν (repeated from § 9) as preferable to ὁμολογησα C, ὁμολόγου Sch. (conj.), ὁμολόγητο Fritzsche, Th. —δαρεικοῦ: Maussac; καρικοῦ X.

12. ὁσιο Codex Vindob.; ὡσι X.—εἰς τάδελφον Cob.; εἰς τὰ τοῦ ἀδελφοῦ X, Th.

15. ἢδην: ἢδειν X, Th. I have followed Morgan in restoring the older form here and elsewhere. Kühn. § 213. 5.

17. τοῦτο ἐκείνων Fritzsche; τὸ ἐν' ἐ. X; τὸ ἐτ' ἐ. Aldus.

18. εἰς αὐθεμιᾶς Cob.; οὐδὲ μιᾶς X.—κλεισίων Sauppe (Meisterhans 3 51); κλίσιον X.

19. κτήσεσθαι Dobr.; κτήσασθαι X. See GMT. 127, Kühn. 389, Anm. 7.—οτέ πρῶτον Hertlein (*Hermes*, 13. 10), Rn.-F.; οτέ τὸ πρῶ- τον X, Frb.-Geb., Th. οτέ τὸ πρῶτον can mean only when . . . the first time, or when once. —ἡλθεν X; ἠλθον Th., with the comma after οἰκίων instead of after Μηλόβιος.

20. ἀξίους γε οὐτας: ἀξίους ἔχοντας X.—πᾶσας μὲν Rs.; πᾶσας X. —εἰσενεγκόντας Markl.; ἐνεγκόντας X.

21. ἀτίμους Markl.; ἀτίμους τῆς πόλεως X.

22. τοσοῦτον: τοσοῦτον X.

24. οὐσίων: οὐσιων X.—ὁ τι Brunck; εἷ τι X.

25. Ἡ: Ἡν X, Th. I have followed Morgan in restoring the older Attic form (Kühn. § 298. 4).—Ἀντέλεγεν, ἦνα μὴ ἀποθάνῃ Usener
(Rhein. Mus. 25. 590) ἀντέλεγον. ἰνα ἀποθάνωμεν; ἢνα μὴ ἀποθάνητε Χ. The reading of X can stand only as a sarcastic question, ill fitted to the direct, rapid series of questions, and weakening the force of the outburst Εἰτ', δὲ σχετιλωτάτε κτλ. Ἀντέλεγον. ἰνα ἀποθάνωμεν ἢ μὴ ἀποθάνωμεν; "Ἰνα μὴ ἀποθάνητε. Rs., Th.

26. ἀποκτείνειας Kayser; ἀποκτείνης X, Th.; ἀποκτείνοις Author Περὶ ἔρωτῆσεως Spengel, I. 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.

—οἱεὶ δεν ἐμοὶ F.; οἱεὶ ἐμοὶ X; δεν before δοῦναι Th. after Madvig.

27. προσετάχθη Rs.; ἑτάχθη X. — ἤτοι Tov Canter; πίστην X.

29. αὐτῆς X; om. Dobr., Th. For examples of the intensive standing alone in oblique case, see Kühn. 468, Anm. 1. — παρὰ τού Tov Canter; παρ’ αὐτοῦ X.

30. μὲν δὴ C; μηδὲν δὴ Χ. — σφιεῖν τε . . . παρὸν Sauppe; σφιζοντα . . . δν X. — πάσων Rs.; πάντες X.

31. τοῖς Rs.; τοῦτος X.

34. ποτ’ ἐποίησας Dobr.; πότε ποιήσως X. Gildersleeve defends ποιήσως, "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. — ἐπηγχάνετε . . . ἀπευφησίασθε: ἐτύχετε . . . ἀπευφησίασθε X; ἐτυγχάνετε . . . ἀπευφησίασθε Kayser; ἐτύχετε . . . ἀποφησίασθε Th. (opt. after Markl.). The aor. indic. with αὐτό to express an unreal conclusion belonging to time immediately future, is rare, but this passage is perhaps supported by ἢν 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. — ὑεῖς F.; νεῖς X.

35. υμέτεροι Rs.; υμέτεροι X. — πότερον Hamaker; ὦτι Χ, Th.; Χ οτι Fritzsch. The reading of X gives the absurd statement that the citizens will learn to-day that wrong-doers will either be punished or go free.' Fritzsch’s remedy is simple, but we feel the lack of ὦτι with the second Χ (cp. ἐς ὦ, . . . ἐς ὦ, § 34). — σφᾶς γ’ F.; σφᾶς Χ; σφόδρα σφᾶς Wdn. Lysias says either ἦ τού . . . γε or ἦ τού 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, 29. — υμᾶν: ὑμᾶν X. — τηρομένους X. Th.; τιμορομένους Canter; κηδομένους Rn.; τιμωρομένους Markl.; διατεινομένους 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. τεθνεότων: τεθνεότων X. — ἀκρίτως X. — ψ' C; ἄφ' X.

37. οὐδ' ἄν . . . δίκην δοῦναι ἄξιαν δύναιντο: οὐδ' . . . δίκην δοῦναι δύναιντ' ἄν X. In favor of the position of ἄν after οὐδ' (Herw.) is the fact that the four passages in Lysias similar to this have ἄν 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 δύναιντ' ἄν. To write ἄξιαν after δύναιντ' ἄν (Fr., Th.) is to add to this unpleasant sound the awkward confusion of sound between ἄν ἄξιαν and ἄναξίαν.

38. κατηγορημένα C; κατηγορομένα (sic) X. — ἦς πόλεις Meutzner; πόλεις X; ἦ πόλεις Markl., Th.

39. ψυμετέραν Rs.; ψυμετέραν X.

40. τοσαίτα ἐσκύλευσαν Rs.; ἐσκύλευσαν τοσαίτα Sch., Th.; om. τοσαίτα X. — ἀφείλοντο, . . . κατέσκαψαν Wdn., Th.; ἀφείλοντο . . . κατέσκαψαν Vulg. — ὅτι ἐαυτοῖς Sluiter after Tayl. and Rs.; οἷς αὐτοῖς X.

41. αὐτοῖ Dobree; αὐτῶν X.
42. ἔπραξαν Ald.; ἔπραξαν X.
43. ψυμετέρῳ Steph.; ψυμετέρῳ X.
44. φυλᾶσ Tayl.; φυλακᾶς X. — χρητι Bekk.; χρή X. — ψηφιεισθε Cob.; ψηφίσησθε X.

45. καλῶς Frb.; καὶ X. — ψμᾶς Markl.; ἡμᾶς X.
47. καίτοι κάκεινοι Hertlein (Hermes, 13. 10); καίτοι X, Th.

48. ἐχρήν αὐτῶν Bekk.; ἐχρήν ἄν X. αὐτῶν (intensive) adds greatly to the force and displaces a troublesome ἄν. Goodwin's defense of this ἄν (GMT. p. 410) rests upon the translation "have to" for ἐχρήν: "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." Bu: "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 χρήν, 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 ἄν ἄνηρ ἄγαθός is in μή παρανόμως ἄρχειν and μηνυτήν γίγνεται; both are contrary to fact, ἐχρήν is not. — ἀλλὰ τὰ C; ἄλλα ταλῆθε X.
50. αὐτῷ Cont.; αὐτὰ ὧν X.
51. τὰ πράγματα Geb. (cp. 13. 60); μοι ταῦτα X.
52. εἰ γὰρ Schott; καὶ γὰρ X. — ἤν C; ἄν ἄν X. — κατειληφότος: κατειληφότες X. — εὑρόνων Markl., cp. § 49; συνουσίαν X.
53. (1) πρὸς ἀλλήλους διαλλαγήσεσθαι (Hamaker)
               ὡς ἀμφότεροι ἐδειξαν (Canter);
(2) πρὸς ἀλλήλους ἐσεθαί, ὡς ἀμφότεροι ἐδοξαν X;
(3) πρὸς ἀλλήλους ἐσεθαί, ὡς ἀμφότεροι ἐδειξαν (Canter) Th.;
(4) πρὸς ἀλλήλους ἐσεθαί, ὡς ἀμφότεροι ἐδείξαμεν, Geel, Rn.-F.;
(5) τὰ πρὸς ἀλλ. ἐσεθαί, ὡς ἀμφότεροι ἐδοξαν Frb.

With (3) Th. supplies τὰς διαλλαγάς from τῶν διαλλαγῶν above as subject of ἐσεθαί, but the hearer almost inevitably takes ἐσεθαί with the subject of εἰχόμεν; 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.—αὐτοῖς X. We might expect a more definite word, yet the very vagueness of αὐτοῖς fits the delicacy with which Lysias is speaking to a part of the jury of their own defeat, and the restrained expression κρείττοις ὄντες.

55. γενόμενος Frb.; ὁ τῶν πριάκοντα γενόμενος X.—καὶ (after Κρι-τία) om. X.— αὐτός Markl.; αὐτὸς X. — τοῖς Rs.; ἦ τοῖς X.
56. χιλιάδες Rn.; οἱ καὶ X.
57. εἰ δ’ ὡς δικαίως, οἱ πριάκοντα ἀδίκως Rs.; εἰ δ’ ὡς δικάς, οἱ πριάκοντα δικαίως X.— δὴ Steph.; ἢ X.
58. αὐτῶν: αὐτῶν X.—στρατεύεσθαι X; στρατεύεσθαι 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 στρατεύεσθαι cf. Aes. 2. 63 πείθων ὡμᾶς μὴ προσέ-χειν . . . μηδὲ . . . βοθεῖν; Dem. 5. 5 ἣνίκ’ ἐπειθῶν τινες ὡμᾶς . . . βοθεῖν Πλουτάρχω. Other instances of πείθεαν with pres. infin. are Xen. Anat. 5. 1. 14; Demos. 32. 7; Aeschin. I. 48, 2. 154; Thuc. 2. 33. 1, 2. 67. 1.
59. ἐδανείσατο: ἐδανείσαγος X.
60. πόλεις ὀλὲς Cob.; πόλεις X, Th.—οῖς Tayl.; οῖς X.
61. οὐκ οἴδ' ὧ τί F., who cites 7. 42, 10. 31, 12. 37, 16. 9, 22. 22, 24. 21; οἴδ' ὧ τί X; οὐκ οἴδ' ὧ τί Th.—πλείστων Cont.; πλείστων X.
62. ἀν om. X. — παραστή, ὡς 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 εἶτα κατηγορεῖ μὲν ἐμοῦ, κρίνει δὲ τοῦτον, and it is presented in the same terse antithesis. For παραστήναι ὡς cp. Plat. Phaedrus 233 c; Thuc. 4. 61. 2, 4. 95. 2: Andoc. 1. 54; Demos. Epis. 3. 36 (otherwise παραστήναι is followed by infin., Thuc. 6. 34. 9, 6. 68. 3, 6. 78. 1). — ἀπολογήσεσθαι Markl.; ἀπολογήσασθαί X. — ἐκείνῳ Tayl.; ἐκείνος X.

64. γὰρ ἢν Rs.; γὰρ X. — τοὺς Θηραμένους Franz; τοὺ Θ. X. — αὐτίοι . . . γεγενημένου Bekk.; αὐτίοις . . . γεγενημένους X.

65. ταὐτ' Classen; ταὐτ’ X. — αὐτῶν Sauppe, followed by later editors generally; αὐτῶ X, Wdn.

66. τῇ πολιτείᾳ Dobr.; τῇ πόλει X; om. Th. — Κάλλασσχρόν: κά- λλασσχρόν X. — προτέρους Canter; προτέρους X.

67. Ἀρχεπτόλεμον: ἄρχεπτόλεμον X.

69. σωτηρία Markl.; σωτηρίαν X. — ἐνεκα West.; οὐνεκεν X. Cp. on 32. 10. — ταῦθ’ ἃ πρὸς Vulg.; ταῦτα πρὸς X. — ἐπέτρεψατε Cont.; ἐπέμψατε X. — γυναίκας: γυναίκα X.


71. ὁμολογημένος West.; λεγόμενος X. — ἐκείνων Markl.; ἐκείνου X.

72. παρόντως: παρόντως X. — μηδε Emperius; μητε X. — διαπε- λοίτο Cob.; ἀπελοίτο X. — ψηφίσασθε: ψηφίσωσθε X.

73. ώδε Cont.; ἔδει X. — ἕκκλησαζετε Frb.; ἔκκλησαζετε X. The other form of augment, which X gives in Lys. 13. 73 and 76, ἐκκλησαζε, was also certainly current (Kühn. I. ii. p. 415).

74. μέλοι: μέλλοι X. — ποιήσεθ . . . κελεύει Cob.; ποιήσατ' . . . κελεύοι X. With the reading of X we have after εἶνε 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 ποιήσατ' of X must stand for aor. subj. with ἀν; but the clause is emphatically minatory, so that we should expect fut. indic. or fut. opt. These considerations make probable (not necessary) the emendation ποιήσει' . . . κελεύει.

76. παράγγελτο Cob.; παραγγέλλετο X, Th. — δέκα δ' Ald.; δέκα X.

77. δέι C; δοκεῖ X. — οὕδεν φροντιζόντων Δακ. Dobr. (See on Boustóus 16. 13); οὐδεν φροντίζων δὲ τῶν Δακ. X. — αὐτός αὐτίος X; αὐτοῖς αὐτίος Kayser, Th. — αὐτοῖς ἔργα C; αὐτῶ ἔργῳ X.

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78. αἰτίου γεγενημένου Rs.; αἰτίου γεγενημένοι X. — ἡδη X; δές Sauppe. — γάρ X; γάρ πρότερον Frb.; γάρ τοτε Geb. Additions like πρότερον, τοτε, are not needed with ἡδη and the aor., however tempting to readers whose language requires a plup. to represent one past act as clearly preliminary to another.

79. τούτου Rn.; τουτοῦ X. — μαχαμένους μὲν Cont.; μαχαμένους X.

80. μέλειν: μέλειν X. — ύμεις ύμιν αύτοις F.; ύμιν αύτοῖς X, Th.; ύμιν ύμεις αύτοῖ Funkhænel. The clauses μηδὲ . . . πόλει καί κάκιον . . . βοηθήσετε form the culmination of a series of antitheses; it is, therefore, almost necessary to have a word (ὑμεῖς or αὐτοί) expressed in antithesis to τίχης. Thalheim’s citation (Fr.-Th. p. 187) of 21. 14 for the omission of ύμεις is not to the point, for there the antithesis is not between ἐμέ and the subject of ἀδυκήσετε, but between ἐμέ and ύμας αὐτοῖς. 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. κατηγόρηται Bake; κατηγορεῖτε X. — μὲν F.; δέ 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 δέ is therefore justified by 27. 1.— ὁ αὐτὸς Markl.; αὐτὸς X.— καὶ ρνομένων Rs.; γυμνόμενων X.

82. καὶ οὕτω Dobr.; καί τούτω οὕτω X.— ἀκρίτως: ἀκρίτως X.

83. ἀποκτείναιte Bekk.; ἀποκτείνοιτε X.— ἀκρίτως C; ἀκρίτως X. — δημεύσαιte Rs.; δημεύσετε X.— τὰς οἰκίας Sch.; οἰκίας X.— ἐξεπόρθησαν; Th. follows Frb.-Geb. in writing ἐξεπόρθησαν. Without the interrogation ἢ. . . ἢ is less fitting than καὶ . . . καὶ.

84. αὐτῶν τὴν ἀξίαν Auger; αὐτῶν X; αὐτῶν ἵκανη Sinentis.— δύνασθε Bekk.; δύνησθε X.— δοκεῖ: δοκῇ X.— τοσοῦτον ἢ Rs.; τοσοῦτον ὁ X.

85. ἐδύναντο Markl.; ἐδύναντο X.— ἠλθείν C; ἠλεῖν X.— ἐσεθαί kal Cob.; ἐσεθαί τῶν πεπραγμένων καὶ X; ἐσ. τῶν τε πεπ. καὶ Rs., Th. Cp. 22. 19, 30. 34.

86. συνεργοῦτων Rs.; συνεργοῦντων X.— καγαθοῖ Canter; ἢ ἀγαθοί X.— τής τούτων Markl.; τῆς X.— ἀπολλύναι Markl.; ἀποδοῦναι X; προδοῦναι Cont.— οὐδέ Rs.; οὔτε X.

88. τῶν ἐχθρῶν Geb.; παρὰ τῶν ἐχθρῶν X.— δεινῶν el: δεινῶν οἱ X.— ἐπ’ added by Rs.; ἀπολέσασαι ἦττον X, with mark in the margin signifying corruption.— βοηθεῖν Vulg.; βοηθεῖν X.
89. πολύ Vulg.; πολλοὶ X; πολλῷ Rs., Th. Lysias has πολλῷ with πλεῖον in 17. 6, 24. 16, 29. 8; otherwise with the comparative he always uses πολύ.—ρίφον Steph.; ρίδιον X.
90. δείξετε Markl.; δείξατε X.
91. ψηφιζεσθαι Bekk.; ἀποψηφιζεσθαι X.—κρύβθην εἶναι Sch.; κρύβθην X.
92. διὰ τούτων C; διὰ τούτων X.
93. μὲν Baiter; μὲν ἄν X.
94. πονηροτάτων Rs.; πονηροτέρων X.—σφετέρας Markl.; ύμετέρας X.
95. ἐξητούντο Cont.; ἐξητοῦντο X.
96. ἀπέκτεναν Rs.; ἀπέκτενον X.—ἀφελκόντες Rs.; ἀφελόντες X.
99. προθυμίας οὔδεν Canter; προθυμίας X.—ὑπέρ τε τῶν ἱερῶν Sauppe; ὑπέρ τῶν ἱερῶν X.
100. ἡμῶν: Auger; ἡμῶν X.—εἰσεθαί X; ὑφεσθαι or εἰσόψεσθαι Hamaker. See Commentary.—κατεψηφισμένους ἔσεθαι Kayser; κατα-ψηφίσθαι X.—τᾶς τιμωρίας Franz; τιμωρίας X.

XVI

1. συνηδῆ: συνηδεῖν X, Th. I have followed Morgan in restoring the older form here and elsewhere; cp. 12. 15; Kühn. § 213. 5.
2. ἀηδῶς Rs.; ἀηδῶς ἢ κακῶς X.
3. καὶ περὶ Rs., Fr.-Geb.-Th.; περὶ X; καὶ (without περὶ) Herw., Th.—ἐπιπενοῦν Rn.; ἐπιπενοῦν οὔτ' ἐπέδημον X.
4. ἐπεδημοῦμεν added after πολιτείας by Markl., after καθαιρομένων by Kayser.—μεθισταμένης τῆς πολιτείας Ald.; μεθισταμένη τῇ πολιτείᾳ 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. ἐγγεγραμμένοι Markl.; ἐγγεγραμμένοι X.—ἀναπράξῃ Harp. s.v. κατάστασις; ἀναπράττηται X; ἀναπράττητε Vulg. before Sch.; ἀναπράξατε Sauppe. Mor. defends ἀναπράττητε 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. ὁς 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.—ὅτι Kayser; διότι X.—ἀποδείξειαν Rs.; ἀποδείξειαν X.

8. ἕν X, Th. I have followed Morgan in restoring the older Attic form. Kühn. § 298. 4. Cp. on § 1 and on 12. 25.—ὡστε μηδὲν δι’ ἄλλο με Tayl.; ὡστε μηδὲν διαβάλλομαι X.

9. αὐτῆς Frb.; ταύτης X; cp. 19. 55.—μόνων: μόνων X.

11. διφύκησα Sauppe; διφύκησα X; ἣ τάς F.; ἣ περὶ τάς X.

13. Βοιωτοῦς Pertz; τοὺς Βοιωτοὺς X. In nominibus gentium usus pandis Lysias constantem usum sequitur: nomina ubivis sine articulo ponit, Pertz, Quaest. Lys. 1. 6.—ἀσφάλειαν εἶναι δεῖ νομίζωντας X. δεῖν has caused much question, but Geb. has successfully defended it by comparison with Thuc. 4. 10. 4 ἀπὸ νεόν, αἷς πολλὰ τὰ καῦρα δεῖ ἐν τῇ θαλάσσῃ ἐνιβήναι. 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.—ἡγομένους: the synonym to νομίζωντας 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 conjecture is right, κάνονταν ἐφεστάναι ἡγομένους. Kayser would erase ἡγομένους.—ἔντον Dobr., cp. 1. 23; ἔτι X; ἔφην C, Th. (but only one prose instance of φημὶ κελεύω is cited, Xen. Cyrop. 4. 6. 11).—παρασκευάσατα marg. Ald.; παρασκευάσατι X.

15. ἐναποθανόντων Markl.; ἐνθανόντων X.—ὕστερος Cont.; ὑστερον X.—Στειρόωs Cob.; Στειρείως X. See Meisterhans,§ 57. 10.—τοῦ πᾶσιν Bekk.; τοῖς πᾶσιν X.

16. προσεῖναι X; παρεῖναι 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 (προσεῖναι) for a place of great danger.—ἀποχωρίσαι X; ἀποκληρωσοῖ Μ. The emphasis is upon the fact that a division was to be removed from their position of safety.—σεσωμένους Wdn.; σεσωσμένους X, Th. Kühn. I. ii. p. 544.

18. κομῷ Hamaker; τολμᾶ X.

19. ἀπερχόμενοι Dobr.; ἀπερχόμενοι X.

20. τὰ τῆς R.; τῶν τῆς X.
21. τοὺς τοιούτους Francken; τούτος X. — πολλοῦ ἄξιονς Cob.; cp. 10. 3. 33. 3; ἄξιον X.; ἄξιον των 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. — ὁσπερ 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. ἰδεῖν Cont.; δεινότατον X. — ἐθελοντες Pertz (Meisterhans,3 p. 178); θέλοντες X.


9. ἀνήλωσεν Tayl.; ἀνάλωσεν X.

10. ὑπὸ: the dative with διαμανώτατος is not impossible, though not used elsewhere by Lysias, but the change from εἰς αὐτὸν to the dat. gives reason for the suspicion that a word is lost in the second clause (δόντος, Sluiter; χαρηγούντος Markl.; ἀναλώσαντος Francken; λητουργουντος P. Müller; ἐπιμελοῦντος, Wdn.). — ἀλλοθεν ἔχωσιν F. (ἀλλοθεν after West., ἔχουσιν after Sch.); μη δῶσιν X. The correction of the impossible reading of X is pure conjecture; κερδάνωσιν Th. after Cont.; λάβωσιν C; λαβέσιν δυνηθῶσι Rs.; κτῆσονται Dobr.

11. τοῦ ἄγαντος Halbertsma; καὶ τοῦ ἀγ. X, Th.—ἀκροασμάτων ἡμῶν: ἀκροασμάτων ἡμῶν X. — νομίζῃ Rs.; νομίζεται X.

12. ἐμὴ ἀδελφὴν Tayl.; ἀδελφὴν X.

13. τῇ τε πόλει Rs.; τῇ πόλει X. — ἐν γε Rs.; ἐν τε X. — βίου παντοῦ καὶ: βίον πάν καὶ X.

15. ἐθελοντῶν: θελοντῶν X; see on § 6.—οὐκ ἢδεκεν Bekk.; οὐ δεδωκεν X. — ὁστὶ Φαίδρῳ Tayl.; φαίδρῳ (sic) ὁστὶ X. — τῷ after Φαί-
δρω add. Rs. — κατ’ Sauppe; καὶ X. There were only two daughters (§ 17).

17. τοῦν: ταιν X. — νεί Th.; νω X.
18. ἥν X; δή Sauppe. — ἀρκοῦν ἥν P. Müller; ἥν X.
19. Διονυσίου Sauppe; καὶ Διονύσιου 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 ξένια. (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 ξένια 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. — παρεσκεύαστο Bekk.; παρεσκευάσατο X, Th. The context demands either plupf. or impf.
21. δέκα add. West. In § 43 the article (τὰς δέκα ναῦς) implies that the number was given here. — τοὺς add. Frb.
22. οὖν Frb.; οὖν X. — ἀπορῶν Kayser; εἰπὼν X. — η Steph.; ἡ X, Rn.-F.
23. μηδενὸς Markl.; μηδὲν X. — εκ 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 ἀπορήσεων, as we see when we use the positive form, πάντων εὑρωρήσεων εκ Κύπρου (see Rn.-F. ad loc.). — ὑπολειπόσθαι Lipsius; ὑπολειποσθαί X. — ὅκ εἶ ἥν: οὖκ εἶπ(sic) X; οὖξ ἄ ἥν Bekk., 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 δύνατων). — ἐφ’ ὑ τὲ: Rn.; τὲ X, Th. To the strangeness of the coördination of χαρίσασθαι and κομίσασθαι in
the Ms. reading is added the difficulty of explaining, μὴ for οὐ (μὴ ἔλαπτω). — Κάλει . . . ΜΑΡΤΥΡΕΣ supplied by West. to fill the lacuna involved in τῶν μὲν μαρτύρων immediately following ΜΑΡΤΥΡΙΑ in X.

24. ἐχρήσαν τὸ ἀργύριον Rs.; ἐχρήσαντο X.

25. μὲν . . . φιάλην χρυσῆν: φιάλης μὲν χρυσῆς X; Sauppe transposed μὲν to its place after ἔλαβε. — ὑποθέσει δὲ Ἀριστοφάνει λαβὼν F. after Rn. (who wrote δὲ εἰδέως Ἀριστ.) ; ὃς ἀριστοφάνην λαβεῖν X; Th. omits ὃς Ἀριστ. (after Dobr.), and writes βούλεται δὲ λαβεῖν (after Frb.). While ὃς Ἀριστοφάνη is easily explained as a gloss on αὐτῷ, yet the meaning is not quite clear if the name does not appear before § 26. — ἢν Sauppe; ἢν X; ὃς Ald. — τὴν τρημαρχίαν: X combines τὰς τρημαρχίας and τὴν τρημαρχίαν (see Lampros, Hermes, X. 269). — λύσετε Steph.; λύσασθαι X.


27. σύμμεκτα: Meisterhans, p. 188; σήμμεκτα X. — ΑΠΟΓΡΑΦΗ ΧΑΛΚΩΜΑΤΩΝ wanting in X.


29. σοῦσιας Cont.; αἰτίας X. — δις χρηγῆσαι Rs.; διαχρηγῆσαι X. — οἰεσθε Rs.; οἰεσθαὶ X.

30. ἄξια λόγου ἐχούν C; ἄξιολόγου ἐχού X. — α add. Tayl.


32. μὴδέν West.; μὴ X. — ἐνοφειλεσθαί Bekk.; ὀφειλεσθαί X. — τὰς add. West.

34. ἄνδρες add. F. — ἦξοιούτε ἢν C; ἦξιον X. — τοὺς κηδεστᾶς τοὺς ἑκείνου Sluiter, Rn.-F.; τοὺς . . . ἑκείνου (lacuna of four letters) X; ἑκείνου Th.


36. ὅμως Rs.; ὅμως X. — σὰ Cob.; ἵσα X.

37. διένεμεν X; διένεμεν Steph., Fr., F., Th. The supposition is particular, i.e. that of a single action of an indefinite subject (τις), with the potential aorist in the apodosis.

38. δημεύσατε Rs.; δημεύσετε X. — ἀγαθὸν X; κακὸν Sauppe, 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” (ἀγαθοῦ) 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; ἔ anv X; ὀ’ ἐi Rn., Th. — λάβοιτ η ἄ X, corrected
by the first hand from λάβει τὴν; λάβοιτ ἦ Steph., Th. — τούτου:
τούτο X. — ἂν ἰξειούτε Cob.; ἰξειούτε X.
40. γίγνεται Rs.; τί γίγνεται X.
41. διέθετο Tayl.; ἕσθεστο X. — ΜΑΡΤΥΡΕΣ om. X.
42. ψήθη ἀν Steph.; ἰδήσθησιν X. — οἰκίαν Markl.; οὐκίαν X. —
πλεῖν: πλέων X. Cp. on § 31. — κατεχορήγησε Rs.; καὶ ἐχορήγησε X.
43. ἐπὶ Σικελίας Hertlein; ἐν Σικελία X. — ναῦς Tayl.; μνάις X.
44. αἰτιάσασθε Dobr.; αἰτιῶσθε X. — ἐπεῖ Rs.; ἐπὶ X. — πλεῖν:
πλέον X. Cp. on § 31.
45. μὲν οὖν Markl.; μὲν X. — οἶ Tayl.; καὶ X.
46. πλεῖν: πλέον X. Cp. on § 31. — ἐνεμάσθην δὲ τῷ ὑεῖ: ἐνεμάσθη
δὲ τῷ υεῖ X. On υεῖ 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.; ἐνδόν ἦν X. — καταλείπειν Kayser; καταλιπεῖν 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 ζῶντες μὲν πλούστειν ἐδο-
kou (§ 45), and closed with the comment φαινόμεθα οὖν 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-
ner 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 Lysiacarum,
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. τιλείστα Baiter and Sauppe; ὅς τιλείστα X. — φασι Cont.; φησι X. — τὰ αὐτοῦ Sch.; αὐτοῦ X. τὸ δὲ τοῦτον νῦν West.; τὸ, τε τοῦτον τοῖνν X. — κατέλησεν ἤν Rs.; κατέλησεν X.

49. οὖν add. Rs. — ἐφευμένοι: ἐφημιμένοι X. — τεθνεῶτων Markl.; τεθνεῶτος X. — ἔσελεξθεῖεν: ἐσελεκτείεν X.

50. ταλάντοις Francken; τάλαντα X, Th. — ἦ add. C; ὅσοι Ρs. — ἀπογράφοντος Rs.; ἀπογραφέντως X.

51. ἀπάντων Rs.; ἀπόντων X. — ἔσαθε C; εἶ ἐσαθε X. — πρὶν Steph.; πλὴν X. — εἰδῶτας Steph.; εἰδότες X. — καὶ ἦδη Dobr.; καὶ ἴδιά X. — γε τινας Markl.; τέ τινας X. — ἀπολέσθαι οἱ ῥήδιος Kayser; ραδίως ἀπ. οἱ X.

54. μᾶλλον ἦ; ἦ μᾶλλον X. — ἀπολύσαι Rs.; ἀπολέσθαι X.

55. καὶ ὅ τρόπῳ ... προσεδανείσατο: 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. — οὔτε τῷ Rs.; οὐδὲ τῷ X. — οὔτε πρὸς ... οὔτε πρὸς C, Rs.; οὐδὲ πρὸς ... οὐδὲ πρὸς X.

57. μόνον τοῦτον ἕνεκα ἵνα Hertlein; οὐ μόνον τοῦτον ἕνεκεν, ἀλλ' ἵνα X. Th. suggests οὗδενδος ἄλλον ἕνεκα ἀλλ' ἵνα. — ἀναγνώσται: ἀναγνώστε X¹. — ΔΗΠΟΥΡΓΙΑΙ C; ῥμ. X.

58. καὶ τοῖς Sluiter; αὐτοῖς X. — δοκούντα Markl.; δοκοῦντας X.

59. παρέχειν F.; παρεῖχεν X, Th. — εἴσεβαι: ἔσεσθαι X.

60. μὲν χρόνον Ald.; μὲν οὖν χρόνον X. — λάθου: λάθη X.

61. ὁν ὑμεῖς Rs.; ὁ νῦν eis X. — δημεύσαθ' C; δημεύσῃ X.

62. ὁσπερ καὶ Sch.; ὁσπερ εἰ X. — τῷ τ' ἐργῷ τῇ πόλει ταῦτ' ἐσται I have written for τῷ τ' ἐργῷ πάλαι ταὐτ' ἐστὶ X; ὅστε τῷ γ' ἐργῷ πάλαι τῆς πόλεως ταὐτ' ἐστὶ Th. — οὔτ' ἐγὼ X; οὐκ ἐγὼ Th. — ὑμῖν τε Steph.; ὑμῖν δὲ X, Th.

63. ἀθληταῖς Tayl.; ἀθλητὰς X.

XXII

1. ποιομένους τοὺς λόγους Hirschig; ποιομένους λόγους X; λόγους ποιομένους Frb., Th.

2. ὡς ἀκρίτουs: ὡς ἀκρίτως X. — γνώσεσθαι: γνώσεσθε X.
3. σωτηρίας ἕνεκα: σωτηρίας οὐνεκα X; cp. on 32. 10.
4. δεδώς τὰς αἰτίας· αἰσχρὸν δὴ ἡγούμαι Dobr.; δεδώς δὲ τὰς αἰτίας
   αἰσχρὸν ἡγούμαι X.
5. ἀνάβητε. εἰπὲ Frb.; ἀνάβητε εἰπὲ X. — ἡ ἀξιοὶς Rs.; ἄξιοὶς ἦ X.
7. χρῆν Rs.; χρῆ X.— διὰ μακροτέρων P. Müller; καὶ μακρότερον X.
8. τέτταρες Bergk; δύο X; νῦν Th. δύο of X is probably from a mis-
   understanding of δὲ = τέτταρες.—φιλονικοῦσιν: φιλονικόουσιν X.
9. παρέξωμα. ΜΑΡΤΥΡΙΑ. καὶ ὁς οὕτος . . . φαίνονται. ΜΑΡ-
   ΤΥΡΙΑ. X has a lacuna after παρέξωμα with space for about eight
   letters, and it has μμα in the margin. Elsewhere Lysias always intro-
   duces his testimony immediately after παρέξωμα (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 ὁς οὕτος . . . εἶπε the governing verb is readily
   understood from the context. Th. transposes ΜΑΡΤΥΡΙΑ from the
   position after φαίνονται (ΜΑΡΤΥΡΙΑ vulg.) to the lacuna after παρέξω-
   μα, and reads καὶ οὕτος . . . (after Pluygers).—δὲ τῆς Ὑπερίους; δὲ ἐπίτηδες X.
10. ἀπολογήσεσθαι: ἀπολογήσασθαι X.
11. ἀλλὰ γὰρ Rs.; ἀλλὰ μὲν γὰρ X.—τοῦτον τὸν λόγον . . . οὐ
   τρέφωσθαι Cob.; . . . ἐλεύσεσθαι X; τοῦτῳ τῷ λόγῳ . . . ἐλεύσεσθαι
   Wdn.; Th.—ὑμῖν C; ἢμιν X, and Suid. s.v. ἄξιον; Θ.; cp. ὑμῖν
   ένεκα § 12.
12. ὑμῶν X; ἢμῶν Th.—ἐνεκα: οὐνεκα X.—νῦν Hofmeister;
   νῦνι Χ.
14. αὐτὸς Markl.; οὕτῳ X.—κεκλήσθαι: κεκλείσθαι X.
15. τοῖς αὐτοῖς καιροῖς . . . ἐν οἴσπερ Cob.; τοῖς τοῖς καιροῖς . . .
   ἐν οἴσπερ X; τοῖς καιροῖς . . . ὀπερ Th.—ὑμῖν X; ὑμῖν Bk., Th.,
   because of τυγχάνειτε 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:
   ἄν μὲν [ὁμολογοῦσα, θανάτῳ ξημιωόντας, ἄν δ’ ἀμφισβητῶσιν, εἰσάξωσιν-
19. τοῦτων Kayser; αὐτῶν X.
20. αἰροῦνται Tayl.; αἰτοῦνται X.—παύσασθαι Vulg. before Sch.
παύσεσθαι Χ; παύσεσθαι Sch., Th.; cp. § 8. Lysias repeatedly uses παύσεσθαι, never παύσεσθαι.

21. ἐφ' οὖς Tayl.; ἐφ' οἷς X. — παρὰ τούτων Tayl.; παρ' αὐτῶν X. — τίν' αὐτῶς C; τίν' αὐτήν X. — εἰσπλέουσιν Rs.; ἐκπλέουσιν X.

22. ὅτου Sauppe; ὅτε X.

XXIV

The superscription in X is ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΟΙ 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. οὖ πολλῷ Markl., cp. Xen. Anab. 5. 4. 32; ολλῷ X.— γάρ add. Rs. — ἔφ' ἢς X; ἐφ' ἦς Dobr. See commentary. — ἄξιον X; ἄξιος or ἄξια Rs.; ἄξιον ὄντι F. The force of βεβηκότα so nearly approaches that of γεγονότα that the pred. adj. seems possible; yet no other instance is cited, and βεβηκός 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 εἶσι καὶ σωφρόνως βε- βιώκας.

3. ἵσθαι: καλῶς: ἵσθαι καλῶς X; ἰσθαι, εἰκότως P. Müller, Th. καλῶς is precisely fitted to the sportive tone.

4. οἶος τ' ὁ P. Müller; οἶον X; οἶον te Ald., Th.; οἶον τ' ἦ Schultz. Lysias elsewhere uses the formula ὡς ἄν δύνωμαι διά . . . (12. 3, 12. 62, 16. 9).

5. τὴν μὲν οὖν: τῆς μὲν οὖν X. — εὐπορίαν καὶ τὸν ἄλλον: εὐπορίας καὶ τῶν ἄλλων X.

6. ἦν ἂν Cont.; ἤς ἂν X.

7. τοὺς καὶ Rs.; καὶ τοὺς X.

8. ἐπόμενα C; ἐχόμενα X.


10. ἐγὼ γάρ, . . . τοῦτ' οἶμαι Wdn.; ἐγὼ γάρ, . . . τοιοῦτο X; εἰκὸς γάρ, . . . τοῦτο Kayser, Th.

11. ἀναβαίνω: after ἀναβαίνω X adds ῥάδιον ἐστὶ μαθεῖν, omitted by most editors after Sch.

12. τοῦτον ἂν αὐτὸν Kayser; τοῦτον αὐτὸν X; τοῦτον ἂν (omitting αὐτὸν) Wdn., Th. — εἴμι Kayser; εἴην X.
13. θεσμοθέται add Frb.


15. λέγει C; λέγω X. — ονομάσει Rn.; ονομάσαι X.— πραόνως, ταύτα Kayser; πράον ώς μηδε ψευδήται ταύτα X; πραόνως ψευδήται, πιστά ποιήσων Wdn.

16. τοὺς πενομένουs Rs.; πενομένους X.

17. πρεσβυτέρουs Frb.; ετέρουs X.

18. οὗς ἁν: οὗς ἐὰν X. — ὑπάρξαντας Steph.; συνάρξαντας X.

20. ό δὲ (after μυροπώλιον): οἱ δὲ X.— ὁποῖ ἄν τῆς: ὁπῆ ἄν τὰχθοι X.— τοὺς ἐγγυτάτω Steph.; ἐγγυτάτω X.— τοὺς πλεῖστον Steph.; 

21. περὶ τῶν φαύλων ὀμοίως τούτω Dobr., Rn.-F., Th.; π. τ. ὀμοίως τούτῳ φαύλων X, Fr., Blass (Alt. 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, πρῶς ἐν ἐκαστόν... τῶν εἰρημένων.

22. καὶ μὴ: μηδ’ X; μὴ οὖν F.; μὴ τοῖνν Wdn.; μὴ δὴ Herw.; μὴ Th. F. suggests that μηδ’ 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, τοῖνν) from that, but a continuation of it.— μόνου Markl.; μόνον X. — ἀρχῶν X, Rn.-F.; del. Frb., Th. ἀρχῶν fits the reference in § 13 and καλλίστων of § 23; its erasure destroys a fine bit of humor.

23. δειλαιότατος Markl.; δικαίωτατος X.— θήσθε Bekk.; θέσθε X.— τὴν ψήφων Cont.; τῇ ψήφω X.

24. βίου: Francken; βίου πρὸς τὰ τοιαύτα X.

25. ἀλλ’ οὐδ’ C; οὐδ’ X.— Χαλκίδα Frb.; X adds τὴν ἐπ’ Εὐρίπε. — ἀποδημῶν Reuss; ἀπάντων X, F.; ἀπελθοῦν Bäker, Th.; ἀπάντων of X, an exaggeration at best, is strangely put in so emphatic a position.

26. ὀμοίων Cont.; ὀμοίως X.

XXV

On the title see Introd. p. 253.

1. καὶ σαφῶς Dobr.; ο’ σαφῶς X; εἰ σαφῶς Rs., Th.— μηδὲν Rs.; μὲν X.— κερδαίνειν ἦ 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 (κερδαίνειν) by the men whom they threaten, or else (ἢ) to carry the case against them through the courts (πείθειν). Francken proposes κερδαίνειν ὑμᾶς πείθοντες, and Reuss κέρδους ἔνεκα; but the gain of the sycophant comes not by his persuading the court, but by being bought off from the attempt.

2. ὥσα Herw.; ἄ X; ἀπανθ' ἄ Bartelt, Rn.-F.; Th. (after Rs.) retains ἄ and inserts πάντ' before ἔμοι.—γεγένηται Dobr.; γεγένηται X.—ἀποδείξω Steph.; ἀποδείξαι X.—ἀπαντά Steph.; ἀπαντᾶς X.—ὁ βέλτιστος Rs.; βέλτιστος X.

3. καθιστάναι: καθιστάνειν X.—χρηματίζοντο Coraes.; χρηματίζειν τὸ X.

4. ἀποφήνω Van den Es; ἀποφανῶ X.

5. μοι add. Frb.

6. οὖς add. Cont.

8. καθεστάναι F.; καθιστάναι X.

9. τῶν πολιτείων RS.; πολιτείων X.—αὕτης Brulart; αὕτος X.—ἐπολιορκοῦν τοὺς μεθ' Sch.; ἐπολιορκοῦντο μεθ' X.

10. εἶ τις: X has ἤτις with εἶ written above.—τὴν κρίσιν Rn.; κρίσιν X.

11. ἧςαν Francken; ἧςαν εἰθόνας δεδωκότες X, Fr.-Geb. εἰθόνας δεδωκότες gives an unnecessary limitation to the class of ἀτιμοι, 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.; ἧμῖν X.—τὰς περὶ τούτων Auger; τὰς τούτων X.—ἀποδέχεσθαι Tayl.; ὑποδέχεσθαι X.

12. τετριμήραχκα Sch.; ἐτριμήραχκα X.—μὲν γὰρ X; τε γὰρ Geb., Th.—τετράκεις δὲ: I have written δὲ for καὶ of X (Th.). This makes the five trierarchies, four of which included naval battles, the first of the forms of liturgy, the εἰσφορά, the second form. It avoids treating νεανιμάχκα as a form of liturgy, as is done with the reading τε. Weidner’s substitution of εἰσφοράς δ’ for καὶ εἰσφοράς accomplishes the same thing, but less clearly.

13. προστατομένων ἐδαπανῶμεν Steph.; πραττομένων ἐδαπανῶμεν X.—ἄλλα Emperius; ἄλλα καὶ X.

14. οὗτο τῶν Markl.; οὗτο ἐπὶ τῶν X.—οἱ τριάκοντα Markl.; οὐδὲ X.

15. χρήσασθαι Frb.; χρήσαται X.

16. οὗδε διαίταν: οὗτε διάιταν X.—ἀγρίζεσθε Ald.; ἀγρίζοισθε X.
18. ἐχθρὸς C; ἐκ τοῦ X.—ἐκβάλλοντας: ἐκβάλλοντας X.—ὑπο-
λειφθήσεται Dobr.; ἀπολειφθήσεται X.
19. ὅτε (before ὑπέρ) Geb.; ὅτι X.
20. ἢγείσθαι C; ἢγείσθη X.—ἡμῶν Francken; ἀυτῶν X.
21. κακόν C; ἀγαθόν X.
22. πυνθάνοισθε X; ἐπιψιθάνοισθε Francken, Th. With the opt. the
following μὴ ἔχοντας is regular; with the indic. it would be very excep-
tional.—ἐκ τοῦ ἀστέως X has after στασιάζοντας; F. placed before
ἐκκεκηρυγμένους. —πλείους δὲ Cont.; πλείους X.—ταῦτα Th.;
tαῦτα X.
23. τούτων χαλεπώτερον Geb.; χαλ. τούτων X; see commentary.
24. δεξαίντ' δέξαι τ' X.
25. μνησθῆναι καὶ: καὶ add. Baiter.—Ἐπιγένην καὶ Δημοφάνην καὶ
Κλεισθῆνην X. Beloch (Att. Politik, p. 78, Anm. 1) restores Επιγένην
44, 121 Anm. 1), followed by Basolt (Griech. Gesch. III. ii. 1542 Anm.
1), writes Δημοφάντον and Κλεισθῆνη, probably correctly. Both men
were active at the time mentioned. In 410 Demophantus moved the
decree of Andoc. i. 96 ff. Clingen 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 δ πίθηκος and δ μικρός (cp. v. 1085).
27. ὡστε τοὺς: ὡστε add. C.
28. διεκελεύσαντο Tayl.; διελύσαντο X.—ταῦτην . . . φυλακήν:
Rs. would add μόνην, μεγίστην, or βεβαιωτάτην; so ἰκανωτάτην Herw.;
31. ὂμως Rs.; ὀμοίως X.
32. δεξαίντ: δέξαι τ' X.
33. τοὺς ἐκ Πειραιῶς κινδύνους X; τοὺς τῶν ἐκ Πει. κινδύνους Sauppe.
Sch. would drop κινδύνους or read κινδυνεύσαντας; ἀκινδύνως P. Müller.
34. 2 has τῶν ἐξ ἀστεῶς (πραγμάτων), an expression parallel with τοὺς
ἐκ Πειραιῶς κινδύνους. The expressions ἐκ Πειραιῶς and ἐξ ἀστεῶς
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 (τούτων).—δι' ἐτέρως Tayl.; δι' ἐτέρον X.—σω-
τήρια Frb.; σωτηρία 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. τῷ αὐτῷ πάντες
Baiter; διὰ τούτο πάντως Frb.; τούτ' αὐτὸ δεῖσάντες Sch., Fr.-Geb.; 
tοσοῦτοι γ' ὀντες West.; αὐτὸ τούτο πάντες F.

34. κατανοήσαι C; κατηγορήσαι X. — ὑμεῖς τε Rs.; ὑμεῖς δὲ X.
35. περὶ ὑμᾶς C; περὶ ἡμᾶς X. — ὑπὸ(ψιαν 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 ἄρχαιων 
ῥητόρων. For a summary description of the Mss. and for bibliography 
see the preface of the text edition of Usener-Radermacher, Dionysii 

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 χείρον εἶναι, and § 4 as far 
as θυγατέρα, independent testimony in a citation by Syrusan, 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 fol-
lows (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 δικασταί after διαφέροντα, MSS.; ὁ δικασταί after ἤν, Syr.—εἰδώς τε ὅτι Syr.; εἰδὼς ὅτι MSS., Us.R. (cp. 13. 11). See commentary.—πεπονθότες F, G, T, Syr.; παθόντες M, P, B.


3. μηδέν Syr.; οὐδὲν MSS., Us.R.

4. ὁ ἄνδρες δικασταί MSS.; ὁ δικασταί Syr.—νεῖ δύο Morgan (cp. on 12. 34); νεῖ δύο F, M, Us.R.; δύο νεῖ G, T.

5. τῶν ὀπλιτῶν: τού ἐπὶ τῶν ὀπλιτῶν G, T.—ἀδέλφον Herw.; ἀδέλφον ὀμπάτριων MSS., probably from § 4.—ἀναγκαίωτητα: ἀνάγκας T.—δικαίως περὶ τοὺς αὐτοῦ παιδάς Sauppe; καὶ ὡσπερ τοῦ αὐτοῦ παῖδας F, M, P, B; ἐτέρῳ εἰς τοὺς αὐτοῦ παιδίς ἐπιτρόπως G.

6. ναυτικά Markl.; αὐτίκα MSS.—μνᾶς...: Sauppe pointed out the loss of an item in the reckoning.—δὲ (after κατέλιπεν) add. Rs.

7. ἄνδρος...: 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. ἔπεισεν Fuhr; ἔπει 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.—ἐπίλειπόντων Rs.; ἐπιλειπόντων (-λιπών) G MSS.

9. καταλίπτοι Steph.; καταλιπτοῦ MSS., Us.R.—διέφερον: διέφερε Ald.; διέφερον MSS.


12. πραγμάτων MSS., Us.R. (cp. τὰ τούτων πράγματα, § 2); χρημάτων Th. and most editors, after Halbertsma.

13. ἔθελω Rn. (cp. Kühn. I. ii. p. 408); θέλω MSS. Us.R.—οὕτος λέγη F, M; αὐτοῦς λέγης G, T.—καταβάλειν: καταλιπτεῖν MSS.; έκλι-
πειν Sch.; λυπεῖν Dobr.; ἀπολύπεῖν West.; καταβίον Fuhr.; καταναλίσκειν Us.R.; καταλύειν Th. The Ms. reading and the conjectures cited all rest upon the assumption that τὸν βίον 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 βίον is then the life of the children, which will be the penalty if her oath is false. I have therefore written καταβαλέιν, the precise word for the payment of a price or penalty.

14. αὐτὴ F², M; αὐτὴ F¹; αὐτόν G, Th.— ναυτικά Markl.; αὐτίκα Mss.— ἐξοικίσει Cob.; διοικήσει Mss.; διοικήσει Matthaei, Th, Us.R. So ἐξοικίζετο Cob.; διοικίζετο Mss., Th., Us.R. The analogy of forms like διαπέραν, διαπλεῦν, etc., cited by Th. to justify διοικίζετο in the sense of ‘removed’ is not valid in view of the familiar and otherwise universal use of διοικίζειν = to scatter a people in different settlements. See Cobet, Var. Lect. p. 68.— βιβλίῳ F, M, B, Us.R. (βυβλίῳ F, B); τῷ βιβλίῳ G, Th.; τῷ βιβλίῳ T.— αὐτήν Rs.; ταύτην Mss.

15. ἐγγείω Naber; ἐγείσις F, M, P, B; ἐγγύσις G, T.

16. ἐκβάλλειν F, P, B, M¹; ἐκβαλέιν T. The present infinitive is exactly fitted to the picturesque description of how he proposes to ‘send them packing.’— ἠξίωκας Mss.; ἤξισσας Plu. Th.— ὁ πατήρ T; πατήρ F, M, P, B.


18. μὴ ἤττον F, M, P, B; μὴ δὲν ἤττον G, T, Wdn. The emphatic form is more common; the simple negative with ἤττον appears in Lysias only here and in § 21.

19. πρὸς ἀλλήλους: M, P, B, Th., Us.R.; εἰς ἀλλήλους F; om. G, T. The only other instance in Lysias of ἔποφια with prep. is 25, 30, where πρὸς may be due to the connection with ὄμωνόυσας. In other prose writers εἰς is used with ἔποφια often than πρὸς. εἰς Thuc. 4. 27. 2, 6. 61. 4, 6. 103. 4; only once with πρός, 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 ἡ γὰρ ἐκείνον πρὸς ἀλλήλους ταραχῇ καὶ ὄμων, where πρὸς may be due to ταραχῇ. [Dem.] 48. 18 has τῆς ἔποφιας τῆς πρὸς τὸν ὀικέτην. Demosthenes has κατά in 29. 24.

LYSIAS — 25
Isocrates has ὑποψίαν περὶ αὐτοῦ λαβεῖν 15. 123. In favor of πρός 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, πρός with acc.,

άγδως διακείσθαι 16. 2. 
ἀλλοτρίως διακείσθαι 33. 1.
διαφέρεσθαι 32. 1, 18. 17.
διαφορά 12. 51, 25. 10.
ἐχθρα 12. 2, 13. 1, 18. 5.

δργή 25. 5.
ὑποψία 25. 30, (32. 19?).
φθόνος 12. 66.
φιλονικεῖν 3. 40.
φιλονικία 33. 4.

B. Of military movements (real or metaphorical),

1. πρός with acc.,

μάχεσθαι 22. 8.
μάχη 3. 45.
πόλεμος 12. 93, 33. 9.

2. ἐπί with acc.,

ἐρχεσθαι 33. 8.
στάσις καὶ πόλεμος 12. 55.

33, 18. 9.

C. Of other action 'against,'

1. πρός with acc.,

ἀντεπεῖν 26. 4, 26. 5.
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3. περὶ with acc.,

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4. ἐπί with acc.,

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5. ἐπὶ with dat.,
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6. εἰς with acc.,
and often (cp. under περὶ) — προσεῖδοι 4. 18.
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μὴ οὐ . . . μὴ οὐ Βεκκ.; μὴ οὐ . . . μὴ οὐ Mss.
20. τῶν μὲν F¹, Us.R.; τὰ μὲν F², M, P, B, G, Th. — ἔχειν Rs.;
ἐλεῖν Mss. — τετρακισχιλιάς Herw. (cp. § 28); ἐπτακισχιλίας 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 Diogiton
first told the boys their father had left them, 20 m. and 30 staters.
See p. 285 n. 2. — ὅποι τρέψει Cont.; ὅποι στράψειν F; ὅποι στράψει
P, B, G; ὅποι στράψει B. — γναφεῖν Rs.; γναφεῖν ιματία Mss.; καὶ
eis γναφεῖν καὶ εἰς ίμ. Scaliger, Us.R. The position of ιμάτια is suspi-
cious; it would be strange to say, “For shoes and for laundry and for
the barber’s.” — κουρίως F, M, P, B; κουρέον T; κου-
ρείον Ald. — πλεῖν: πλεῖον Mss. See Kühn. § 50, Anm. 11.
21. αὐτῷ τίθησι, τὸ δὲ τούτως λελόγισται Rs.; αὐτῶν τίθησι τούτως
λελογίσθαι Mss. (λελογίσθαι M). — ἐφ’ ὑ Sylburg; ἐφ’ ὅν Mss.—
ἀνδρεῖς Mss. Herw. and Fuhr add δικασταί from a sign in M that seems
to indicate the loss.
22. τῷ δ’ ἐπιτρόπῳ Frb.; τῷ δ’ ἐπὶ F, M, P, B; τὸν δ’ ἐπὶ T; τῷ δ’
ἐπεῖ Ald.; τὸν δ’ ἐπεῖ G. G, T add eicin after πατρόφων.
23. ἀπηλλαγμένον . . . πριάμενον Dobr.; ἀπηλλαγμένου . . . πριά-
μενον F, M, P, B; ἀπηλλαγμένου . . . πριάμενος T.— ὀπότερα F, M,
P, B, cp. Isae. 1. 22; ὀπότερον G, T. — καταστήσων T; καταστήσονται
F, M, P, B.
24. ἀνδρεῖς add. Herw.— δεοῦσας Ald.; δεόσαν F, M, P, B; δεοῦ-
σαν G.— συμβαλέσθαι Ald.; συμβάλλεσθαι Mss., Us.R.— τούτως
Dobr.; τούτων M, P, B; τούτων τοῦς F, G, T.— τῶν θυγατριδῶν F, M,
P, B; τῶν αὐτοῦ θυγ. G, T.
25. ἐπείδη δὲ Fuhr; ἐπεῖ δὲ Mss., Us.R. See on § 8.— ἐφασκεῖν
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 ὠφέλειαν ἐλαβε. But ἐφασκε is used of a false statement pre-
cisely as here in 1. 14 and 10. 1.
F, G, T. — ὁ τῆς Herw.; τῆς Mss., Us.R.
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29. αὐται ἐτεσι T; αὐταὶ ἐτεσι F; ἐτεσίν αὐταὶ 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 ἐπτὰ ταλάντων; either this must be erased (Markl.) or after μναί we must add τῶν τετταράκοντα μνῶν (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, ὑπόθεων δὲ περιείλοψε τὴν περὶ τοῦ μη καταλύσαι τὴν πάτριαν πολιτείαν Ἀθηναῖοι.


4. πειθήσθη Sluiter; πιθώμεθα F; πιθώμεθα M, P, B, G.— τὰ ἐν ταῖς ἐφ’ ἡμῶν ὀλιγαρχίαις γεγενημένα Weil, Th.; ταῖς ἐφ’ ἡμῶν ὀλιγαρ- χίαις γεγενημένας F1, M, T (gegenenmäns F pr.); πλείοτας τῆς πόλει
συμφοράς ἐν (οὐ πολλὰς συμφοράς) ταῖς ἐφ’ ἡμῶν ὀλγαρχίας γεγονημένας Οὐ.; ταῖς ἐφ’ ἡμῶν ὀλγαρχίας ἐκείνους μάλιστα ἐχθροὺς γεγονημένους Rad. — ἄλλα: ἄλλα καὶ Φ pr., G.


7. ἐὰν μὲν πείθω Us.; ἐὰν μὲν πείθω MSS. — ἀμφοτέρους κοινὸν ἐναι τὸν κίνδυνον: τὸν before κίνδυνον 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 κίνδυνον (so Us R.), in which stood the correlative to this ἐὰν μὲν. — τὴν αὐτὴν ἔχοντας γνώμην om. F1, G, T. — τὴν αὐτῶν οἰκοῦντας om. M, P, B. — τοὺς δὲ . . . οἰκοῦντας om. T. — ἡμῖν (T); ὑμῖν F, M, P, B.

8. ἵσασι γὰρ MSS.; ἵσασι γὰρ ἐκεῖνοι Dobr., Th.; ἰσασι γὰρ Δακεδαμιώνιοι Us R. The definite τούτων in the second clause seems to me sufficient to make clear, by contrast, the subject of ἵσασι and ἐμ-βάλλωσι. — ἐμβάλλωσι T; ἐμβάλλωσι F, M, Us R.; ἐκβάλλωσι P. — καλὸς Ald.; καλὸς F, M, T. — τοῦτος μὴ Th.; τοῦτος MSS.; τοῦτοι ὁυ Rs.; τοῦτος οὐδὲ Us R. — καταδολώσασθαι Sylburg; καταδολώσασθαι MSS. — ἤττον: add. Rs.; M has a space after τοσούτω; τοσούτῳ οὐκ P, B.


10. ἡμῖν T; ὑμῖν F, M, P, B. — ἐλπίζοντας δ’ ἐτι I have written after West. (κατελπίζοντας δ’ ἐτι); καὶ ἐλπίζοντας ἐτι MSS.; καὶ ἐλπίζοντας Tayl., Jebb; καὶ ἐλπίζοντας . . . ἐτι (with ἐτι for ἐεσθάι) Us R., the correlative of μὲν being assumed to belong in the lacuna. Th. prints as in X, with the comment “corrupta.” No solution that has been proposed offers a normal construction and a reasonable explanation of the origin of the corruption.

11. ὁ ἄνδρες Ἀθηναῖοι: see on § I. — ἐλευθερίας: ἐλευθ. ἐλλήνων G, T.
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