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LYSIAS

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PREFA E

The Greek text in this volume is based on the edition of Thalheim (Teubner, 1901): the emendations which have been accepted from him and other scholars are indicated in the notes as they occur.

The translation is intended to show something of the structure as well as the full sense of the original, so far as English speech will permit, in order to give some impression of the versatile tact with which Lysias adapted his style to the various characters of his clients. The introductions, notes and translations in the excellent edition of MM. Gernet and Bizos ("Les Belles Lettres," 1924) have been helpful at many points of difficulty or doubt. For more detailed information and discussion than the scope of this volume allows the English reader is referred to Jebb's *Attic Orators* (Macmillan, 1876) and Shuckburgh's edition of sixteen of the speeches (Macmillan, 1895).

W. R. M. LAMB.
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GENERAL INTRODUCTION

Our surest information concerning the life of Lysias is derived from his own statements in the speeches Against Eratosthenes and Against Hippotherses, and also, in a more general way, from Plato's account of him in the Phaedrus. These indications, together with the most probable among the statements of later tradition, enable us to construct a fairly definite outline of his character and career. His father, Cephalus, was a wealthy shield-maker of Syracuse who, on the invitation of Pericles, had settled as a resident alien in the Peiraeus about 470 B.C. The opening pages of Plato's Republic give us a pleasant glimpse of Cephalus in extreme old age: he is in full possession of his faculties, and his cheerfulness, good sense and love of intelligent discussion evoke the warm admiration of Socrates, who meets him in the house of Cephalus's eldest son, Polemarchus, in the Peiraeus; Lysias and a third son, Euthydemus, are also present. It is clear that the house was a favourite meeting-place of the most cultivated men who lived or stayed in Athens. The date of Lysias's birth cannot be fixed with any certainty. Tradition places it in 458–457 B.C. There is

\[a\] Of the latter only a few fragments have survived (Oxyrhynchus Papyri, xiii., Grenfell and Hunt, 1919); see p. xviii.

\[b\] Collected in the Lives of the Ten Orators, a work formerly attributed to Plutarch.
INTRODUCTION

no serious difficulty in accepting this date, and with it the story that he went in early youth, after his father’s death, to the new colony of Thurii in the south of Italy about 440 B.C. In this settlement, which was intended to promote Athenian interests in Italy, he lived with his brother Polemarchus till 412 B.C., studying for a while under the Sicilian rhetorician Tisias, and then, as a man of ample means and leisure, exercising a natural gift for a clear and impressive prose-style, and taking an active part in public affairs. His sympathies were wholly and strongly on the side of the democrats in the town, who were just able to hold their own against the oligarchs: that the latter had at times the upper hand is shown by their reception of Alcibiades when he was in disgrace after the affair of the Hermae (415 B.C.). But two years later they were overpowered and banished by the democrats; and Demosthenes, in command of the second Sicilian expedition sent from Athens, obtained useful support from the people of Thurii. The disastrous failure of the Athenians at Syracuse (413) produced an oligarchical revolution in the colony, and Lysias’s turn came to be banished (412). He betook himself to Athens, which he had left about thirty years before in the height of her power and splendour.

It is probable that during his long absence he had kept in touch with literary movements and triumphs

a For the purpose of his scene in the Republic Plato seems to have imagined Cephalus to be alive as late as 430, or even 410 B.C.

b Although he represents himself at the beginning of the speech Against Eratosthenes (XII. 3) as inexperienced in oratory, the fluency and force of that performance suggest that he had had considerable practice in public speaking at Thurii.
INTRODUCTION

in that brilliant epoch of Athenian culture. Sophocles, Euripides and Aristophanes had led dramatic poetry along their several paths to unexplored heights of beauty and power, while on a humbler level Antiphon had been stimulated by the teachings of Protagoras and Prodicus to evolve an effective prose-form for the use of pleaders in the law-courts. Moreover, the arrival of Gorgias from Sicily in 427 had awakened the ears and minds of the Athenians to the potent charms of antithetical and ornamental speech. And when Lysias returned to Athens, the young Plato was listening spell-bound to the talk of Socrates, who was now fifty-eight years old, and who, since the production of Aristophanes' Clouds (423), had become famous in the city for the sly humour with which he inveigled young men into perturbing arguments on the principles of their conduct and thought.

Lysias and Polemarchus (who definitely joined the Socratic circle) were doubtless delighted to escape from the petty politics of Thurii: but affairs in Athens were by no means tranquil. The occupation of a part of Attica by the Spartans resulted in the loss of a main source of Athenian revenue, the silver mines of Laurion; and everywhere the allies were revolting. A deep weariness under the protracted struggle of the Peloponnesian War was expressed by Aristophanes in his Lysistrata (411), and the oligarchic party began to rear its head amid the general discontent. Making use of the menace of a Persian alliance with Sparta, a number of conspirators induced the democracy to restrict its executive to a Council of four hundred representatives of the ten tribes, and this body was in power for a few months. But, as Thucydides observed, a

a viii. 68.
INTRODUCTION

although the new government had been contrived by such able men as Antiphon, Phrynichus and Theramenes, "it was a difficult thing to deprive the Athenian people of liberty, when they were not only subject to none, but had been accustomed for over half a century to govern others." A strong democratic movement arose among the soldiers and sailors in the Athenian fleet at Samos, where Thrasybulus was arranging terms with Alcibiades and courting the support of Persia; and the democrats found that the more moderate oligarchs led by Theramenes were ready to join hands with them. The Spartans defeated the Athenians in a sea-fight at Eretria, and the whole of Euboea, on which Athens was dependent for food-supplies since the hostile occupation of Attica, was immediately lost to her. The Four Hundred were deposed, and on the motion of Theramenes a limited democracy of Five Thousand was established. Successes against Sparta at sea (Cynossema, 411; Cyzicus, 410) led to a restoration of the old democracy, and a new temple of Athena Polias (the "Erechtheum") arose near the Parthenon on the Acropolis. It was not long, however, before Persia began to weight the scales heavily in favour of Sparta, which had, moreover, a great advantage in the extraordinary abilities of Lysander. Athens had perforce to entrust her fortunes to the gifted but unstable Alcibiades, and gained a few successes; but the defeat of a naval contingent through his carelessness at Notion near Ephesus (407) finally discredited him, and he took refuge in a castle on the Hellespont. Next year came the Athenian victory at Arginusae, near Lesbos, and the democracy showed its wayward ill-humour by passing a death-sentence on the eight xii
Athenian commanders for neglecting to rescue the men from the disabled vessels. Lysander obtained fresh support from Cyrus, and dealt the final blow to Athenian power at Aegospotami (405). Starvation and submission quickly followed; Attica and Salamis were all that remained of the wide Athenian Empire, and the Long Walls were demolished (404). With Lysander’s aid the oligarchs formed a small government of thirty men, who held absolute and ruthless sway over the unhappy city for about eight months.

During these perilous and disastrous times Lysias and Polemarchus were apparently carrying on a lucrative manufacture of arms in the Peiraeus. As resident aliens, they had no share in public life, except in the discharge of those public services which were required of wealthy persons; as householders, they paid taxes like citizens. For some of these years Lysias seems to have kept a rhetorical school, and he certainly became noted for his skill in prose composition. But trouble soon overtook the brothers. After taking vengeance on their political opponents, the Thirty proceeded to strip citizens and aliens alike of their possessions. In many cases the process was hastened by imprisonment and execution. Lysias and Polemarchus were arrested: we read in the single speech that Lysias delivered in person at Athens the grim story of Polemarchus’s summary execution and Lysias’s escape to Megara. There, and at Corinth and Thebes, many others had sought refuge: the three cities were willing now to lay aside old enmities and help the homeless democrats, so sharply had the cruel excesses of the Thirty under

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*a* This status was that of an “isoteles.”

*b* XII. *Against Eratosthenes.*
Spartan protection revealed the horrors of unrestricted oligarchy. When Thrasybulus marched with seventy Athenian exiles from Thebes in the autumn of 404, and seized the fort Phyle, Lysias, who probably had some property outside Attica, assisted them with personal gifts of money and arms, and procured recruits and further funds through his friends. At length Thrasybulus was strong enough to seize the Peiraeus (403) and, after anxious negotiations with Sparta, to restore the old democracy in Athens. On his proposal the citizenship was conferred on Lysias, who at once impeached Eratosthenes, one of the Thirty, for the murder of Polemarchus. Shortly afterwards, owing to a technical irregularity in Thrasybulus’s procedure, Lysias lost his citizenship and had to content himself thenceforth with his previous status of “isoteles.” This meant that, while he could write speeches for others, he could deliver none in public himself. For the time there was little to be done by the manufacture of arms; and he decided to make a regular profession of speech-writing for lawsuits, after the example set by Antiphon. His aptitude for this work soon brought him a busy practice: we learn from Dionysius that his genuine works numbered 230. Isocrates, and later Isaeus, were for some years his rivals in this business. From 394 B.C. he had the satisfaction of seeing Athens arise from her humiliation, rebuild the Long Walls, and gradually recover something of her former prestige in the Greek world. In 388 we find him addressing the great congress of Greeks at the Olympic festival: in grave yet fervent tones of personal authority he warns the Greeks against their two chief enemies, Dionysius, tyrant of Syracuse, and Artaxerxes, King of Persia, and he
deprecates the harsh, disruptive policy of Sparta. He seems to have died some eight years later, having lived to the age of eighty.

Of the thirty-five pieces which have been handed down under his name, four—the Love Speech apparently quoted by Plato in the Phaedrus, the Funeral and Olympic Orations, and the speech Against the Subversion of the Ancestral Constitution—are show-pieces of no particular distinction: they have an interest, however, as examples of the formal style which was cultivated in the sophistic schools of the fifth century; and they may serve to indicate the character of his numerous rhetorical treatises and public addresses which have perished. Of the thirty-one other extant pieces, five are almost certainly by other writers. Yet there remains a goodly collection of authentic works, which is rich in sterling material for the history of human life and manners, and which marks an important stage in the development of literary art. As each plea unfolds its defence or accusation, we become acquainted with many details of domestic, commercial and civic life which the Greek historians have passed over as too familiar or insignificant for notice in their memorials. We get frequent and valuable glimpses of the workings of Athenian law in regard both to the body politic and to the every-day relations between man and man. Besides the dark pictures of murder and depredation under the rule of the Thirty (XII., XIII.), we see orphans in distress claiming their stolen or sequestrated property (XVIII., XIX., XXXII.); young citizens of spirit and ambition making their way in public life (XVI., XXI.); an

\[230 e-234 c.\] More probably a Platonic parody of sophistic disquisition than an actual work of Lysias.
adulterer's intrigue in a citizen's house, and amorous rivals brawling in the streets (I., III., IV.); the profligacy of the young Alcibiades (XIV., XV.); and quiet, industrious persons resisting the attacks of venal slanderers (VII., XXIV.). These and many other notable additions to our knowledge of the ordinary life of the ancient world are the outcome of the peculiar gifts and principles which Lysias brought to the practice of his profession.

In his highest achievement, the speech Against Eratosthenes, we feel the deliberate balance and elevation of phrase which are noticeable in the formal pieces already mentioned, and which remind us of the stately manner of Protagoras, Antiphon and Thucydides. But here, in demanding vengeance for the murder of his brother, he allows neither formal artifice nor personal passion to obtrude, except for some specially calculated effects in his opening and his closing words. We may well believe that he found little or no use for the jingling epigrams of Gorgias, and taught himself and his pupils to admire only the precision and euphony which were certainly to be remarked in some works of the brilliant Sicilian. But it is rather in his regular writing for the courts that he shows his distinctive qualities. The mere limitation of the time allowed to the speaker, and the constant endeavour to produce an impression of sincerity, would naturally preclude any scholastic pomp of words or phrases. Lysias, at any rate, had the good sense to see that a plain, close-fitting style was the safest vehicle for his expositions and demonstrations, which must be not only clear,

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a In some speeches and disquisitions of the History. For a full discussion of this element in Attic prose see my Clio Enthroned (Camb. Univ. Press, 1914).

xvi
concise and vigorous, but also appropriate to the character of his client. Thus the language is generally simple; yet it is chosen and applied with a peculiar grace which gradually asserts its presence, though it may not be easily analysed or described. These pleadings show no convolution of periods, no rarity of idiom, no great complication or resonance of phrase. Their only formal artifice is the steady poise imparted by antithesis, which gives way, as in Thucydides,\(^a\) to a more rapid and looser system for the vivid presentation of scenes and characters. The arrangement of subject matter is orderly and lucid: we have usually a preface, a narrative, an argued proof, and a conclusion, and we are led by easy steps from one section to another.

In the centuries succeeding his own Lysias was highly esteemed for his resource in devising always a different preface for each case that he undertook, and his narratives were regarded as models of conciseness and clarity. Although considered strong in point of reasoning, he was felt to be deficient in pathetic appeal and in the emotional heightening of his proofs and conclusions.\(^b\) For us his artistic interest and distinction mainly reside in the masterly restraint with which he presents the facts or points in the exact relief that the importance of each requires, endowing them with just enough life to work their own effect on the minds of the audience. This subtle tact, allied to a ready grasp of his client’s circumstances and claims, and a strong dramatic instinct for their impressive mobilization in court, easily kept him at the head of

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\(^a\) See preceding note.

\(^b\) These and other criticisms of Lysias are set forth by Dionysius of Halicarnassus, *De Lysia.*
INTRODUCTION

his profession. If some of his lesser speeches seem now to be lacking in emphasis and life, we should recall the story told by Plutarch \(^a\) of a litigant who received from Lysias a speech that he had composed for him, and who, after reading it a number of times, came to him in despondent mood, saying that on his first perusal it seemed admirable, but that on going over it a second and a third time he found it utterly flat and ineffective. Whereupon Lysias laughed and said: “Why, to be sure, you are only going to speak it once before the judges!” But happily he has given more than the vitality of the moment to the greater part of his extant writings. Throughout his life he was a determined supporter of absolute democracy; and wherever there is a question of the people’s rights and liberties, we feel the fervour of the man beneath the discretion of the advocate.

Many fragments of his writings survive in the quotations of later authors and compilers, and also in papers which have been unpacked from the coffins of Egypt. One piece, from a speech Against Hippotherses,\(^b\) shows Lysias asserting his right to some property of which he had been dispossessed by the Thirty. He describes himself as “the wealthiest resident alien in the times of your prosperity, but one who was staunch to you in your calamity”:\(^c\) he gives details of his activities in support of the popular cause,\(^d\) and alludes to his frustrated hope of receiving the citizenship as his reward. Another piece, quoted by Athenaeus,\(^e\) tells how Cinesias, the poetaster, poltroon and slander-monger,\(^f\) feasted with three companions

\(^a\) De Garrulitate, 5.
\(^b\) Oxyrhynchus Papyri, Grenfell and Hunt, 1919.
\(^c\) See above, p. xiv.  \(^d\) xii. 551.  \(^e\) Cf. XXI. 20 n., p. 487.
on a "forbidden day," and how they called themselves the Society, not of the New Moon, but of the Evil Genius. The blasphemers have all perished except Cinesias, who lives in such a state of misery that his enemies wish him rather alive than dead, and his example shows that in such extreme cases of outrage the gods do not visit their vengeance upon the children, but bring a dire perdition on the guilty themselves, smiting them with greater and more grievous calamities than other people.\(^a\) A passage of some length, quoted by Dionysius,\(^b\) relates how Teisis, after a quarrel with Archippus in a wrestling-school, was persuaded by Pytheas, his guardian and lover, to simulate friendship towards Archippus and invite him to a wine-party one night. There Archippus was tied to a pillar and whipped by Teisis; he was then shut up in a room, and next day he was whipped again in the same manner. His injuries aroused general indignation when his brothers showed him in public. Another piece given by Athenaeus\(^c\) describes how Aeschines, the disciple of Socrates, obtained capital for starting a scent shop, the lender assuming that one who talked so finely about justice and virtue would never stoop to the basest villainy and wrong. Aeschines had so many creditors hanging about his shop that passers-by thought it must be a funeral; while the Peiraeus folk considered it far safer to voyage on the Adriatic\(^d\) than to have dealings with him. He also seduced the seventy-year-old wife of the perfumer Hermaeus—"ravishing the bloom of this little miss, whose teeth are easier to count than the fingers on her hand." So that is our professor's

\(^{a}\) Cf. VI. 20, p. 127.  
\(^{b}\) De Demosthene, 11.  
\(^{c}\) xiii. 611.  
\(^{d}\) Cf. XXXII. 24, p. 675.
INTRODUCTION

way of life!" This extract suggests that the ignorant or wanton destruction of all but about an eighth of the work of Lysias has deprived us, not only of numerous scenes and portraits as vivid as those that have been preserved, but also of occasional comic thrusts at the prominent characters and reputations of the time. In his private humours, at least, as well as in his artistic handling of common affairs, we may fairly claim for him some kinship with his great contemporary, Aristophanes.
CHRONOLOGICAL SUMMARY

415–380 B.C.

415 Mutilation of the Hermae in Athens, and banishment of Andocides, after he had laid information, under the decree of Isotimides. The first Sicilian Expedition sets out under Nicias, Alcibiades and Lamachus. Alcibiades is recalled to stand his trial for impiety, but escapes at Thurii and is condemned to death in his absence. He urges Sparta to intervene in Sicily.

414 Siege of Syracuse by the Athenians. Death of Lamachus. Gylippus the Spartan comes to the support of the Syracusans.

413 Fortification of Decelea in Attica by the Spartans, depriving Athens of the silver mines of Laurium. Second Sicilian Expedition under Eurymedon and Demosthenes. Great battle in the harbour of Syracuse, in which the Athenians are utterly defeated. Ten "Probolii" or Commissioners are appointed to direct affairs in Athens.

412 Revolt of Athenian allies—Chios, Miletus, etc.—and treaty between Sparta and Persia (Tissaphernes). Alcibiades leaves Sparta and seeks friendship with Tissaphernes. Lysias and
Polemarchus are driven by oligarchs from Thurii and come to Athens.

411 Democracy overthrown in Athens by an oligarchy of Four Hundred, promoted by Theramenes and effected by Antiphon, Peisander and Phrynichus in co-operation with the Probuli: in this new Council of Four Hundred, each of the 10 tribes is represented by 40 members. The army and fleet at Samos, under Thrasybulus and Thrasylus, remain loyal to democracy, and receive Alcibiades as a general. Division at Athens between the extremists Antiphon and Phrynichus and the moderate Theramenes. Murder of Phrynichus. Battle of Eretria and revolt of Euboea. The Assembly deposes the Four Hundred: execution of Antiphon. Government of Five Thousand formed by Theramenes. Athenians under Thrasybulus and Thrasylus defeat the Peloponnesian fleet at Cynossema, north of Rhodes.

410 Athenians under Alcibiades, Theramenes and Thrasybulus destroy the Peloponnesian fleet at Cyzicus in the Propontis: democracy is restored in Athens. (Speech XX. For Polystratus.)

408 Gorgias at Olympia protests against the tendency of Greeks to solicit the aid of Persia against Greeks.

407 Lysander arranges with Cyrus, son of King Darius, that Sparta shall be supported by Persia. Alcibiades returns to Athens and is re-appointed general. Lysander defeats the
CHRONOLOGICAL SUMMARY

Athenian fleet at Notium, near Ephesus. Alcibiades, discredited, retires to a castle on the Hellespont. Callicratidas the Spartan defeats Conon and an Athenian fleet off Mytilene.

406 A fresh Athenian fleet defeats the Spartans at Arginusae, south of Lesbos. On the motion of Archedemus, eight Athenian generals are condemned to death by a single sentence, and six of them are executed, for neglecting to save men from disabled ships.

405 The Athenian fleet is surprised and destroyed by Lysander at Aegospotami in the Hellespont, despite the warnings of Alcibiades. Athens is blockaded by Lysander at sea and Pausanias on land. Theramenes visits Lysander to arrange terms of surrender, and stays with him three months.

404 Theramenes is sent with full powers to Sparta, and agrees to the destruction of the Long Walls and the fortifications of the Peiraeus, and the surrender of all foreign possessions and the fleet. Exiles are recalled. Theramenes works for another overthrow of democracy and establishment of oligarchy, and the scheme is taken up by oligarchs returned from exile. With the aid of Lysander, a government of thirty oligarchs is set up, including Critias, Theramenes and Drahontides (September). Lysander goes to Samos and Agis evacuates Decélea, leaving Attica in peace. The Thirty appoint a subservient Council of Five Hundred, which usurps the judicial powers of the people. Protected by a Spartan
guard, they limit the citizenship to 3000, and condemn and execute democrats and moderate law-abiding oligarchs like Niceratus, son of Nicias. Rich resident aliens ("metics") are arrested and condemned to death, and their property is confiscated. Arrest of Polemarchus and Lysias, and escape of Lysias to Megara. Critias and the extreme oligarchs overpower and execute Theramenes. Flight of proscribed citizens to Peiraeus, Megara, Argos, Thebes, etc. Thrasybulus with a small party leaves Thebes and seizes Phyle, on the road to Athens, where he rallies exiled democrats. The Thirty seize Eleusis and hold it as a future place of refuge (November).

403 Thrasybulus at Munychia, near Peiraeus, defeats the oligarchs, and Critias is killed (May). The Thirty are deposed by the Three Thousand and ten chief magistrates are appointed (one from each tribe), who obtain the intervention of Sparta. Pausanias, superseding Lysander, sets up ten other magistrates of more moderate views, and reconciles the parties of the town and of Peiraeus. General amnesty (September), except for the Thirty and their special agents, who retire to Eleusis. Restoration of democracy in Athens. Lysias delivers his Speech XII. Against Eratosthenes, and is deprived of the citizenship which he had just obtained. (Speech XXXIV. Against the Subversion of the Ancestral Constitution.)

401 (Speeches XXXII. Against Diogeiton and XXXI. Against Philon.)
CHRONOLOGICAL SUMMARY

400 The Athenians capture Eleusis and finally crush the oligarchs. (Speech XXV. Against a Charge of subverting the Democracy.)

399 (Speeches VI. Against Andocides and XXX. Against Nicomachus.)

398 (Speech XIII. Against Agoratus.)

396 (Speech XVIII. On the Confiscation of the Property of the Brother of Nicias.)

395 Lysander is defeated and killed by the Boeotians at Haliartus. (Speeches XIV. and XV. Against Alcibiades.)

394 The Spartans defeat the Corinthians and their allies (including the Athenians) at Nemea, near Corinth. Pharnabazus and Conon with a Persian fleet defeat the Spartans under Peisander off Cnidus, and the Greek cities of Asia acknowledge the sovereignty of Persia. Agesilaus defeats the Athenians and Boeotians at Coronea, but evacuates Boeotia.

393 The Long Walls are restored at Athens by Conon through the aid of Persians under Pharnabazus.

392 Union of Corinth and Argos. The Spartans gain control of the Isthmus of Corinth.

391 (Speech XVI. In Defence of Mantitheus.)

390 Athens sends assistance to Evagoras of Cyprus against Persia.

389 Thrasybulus recovers Thasos, the Chersonese, Byzantium and Chalcedon for Athens.

388 Thrasybulus is killed at Aspendus in Pamphylia. (Speeches XXVIII. Against Ergocles, XXIX. XXV)
CHRONOLOGICAL SUMMARY

Against Philocrates, and XXXIII. Olympic Oration.)

387 Antalcidas of Sparta gains the goodwill of Artaxerxes, King of Persia, and of Dionysius, despot of Syracuse. (Speech XIX. On the Property of Aristophanes.)

386 Athens is compelled to submit to the King’s Peace, or Peace of Antalcidas: by its terms the cities of Asia are to belong to Persia, while all other Greek cities are to be independent, except Lemnos, Imbros and Scyrus, which are to belong to Athens.

382 The Spartans seize the citadel of Thebes and restore Plataea. (Speech XXVI. On the Scrutiny of Evandros.)

c. 380 Death of Lysias.

A full account of the events of this period from 411 B.C. onwards is given by Xenophon, Hellenica, i.-v.
THE ORATIONS OF LYSIAS
I. ON THE MURDER OF ERATOSTHENES: DEFENCE

INTRODUCTION

This able and interesting speech was written for Euphiletus, an Athenian who had killed Eratosthenes, of Oe in Attica, after surprising him in the act of adultery with his wife, and who was being prosecuted for murder by the dead man’s relatives. In the prefatory part (1-5) Euphiletus, after appealing to the universal detestation of the offence of seduction, claims that Eratosthenes seduced his wife, and that in taking the extreme course of killing him he had no motive of enmity or of gain, but only that of fulfilling the injunction of the law. The narrative (6-26) then describes how, after his marriage, he at first kept a watch on his wife, but after the birth of a child he trusted her entirely, and she gave him every satisfaction. At his mother’s funeral, however, she is seen by Eratosthenes; who, aided by her servant-girl, and her husband’s unsuspecting nature, seduces her and carries on the intrigue in the house. At length Euphiletus’ eyes are opened by an old woman sent by one of Eratosthenes’ neglected mistresses; he takes the servant-girl to the house of a friend, and frightens her into confessing the whole story of the intrigue. She agrees to betray the offender to him in the very act, and tells him one evening that Eratosthenes is in the house. He slips out quietly, collects some of his friends, returns and enters the house with them. Eratosthenes is caught
in the act; he admits his guilt, and begs that his life be spared and compensation accepted in the form of money. Euphiletus, after stating that his action is taken in the name of the law, kills him. The whole story is told with masterly clearness and force, and presents us by the way with some striking details of Athenian family life.

The argument (27-46) shows that Eratosthenes was taken by surprise in the act of adultery, not hunted down in pursuance of a feud; that he owned his guilt, and met with the punishment allowed, nay, enjoined by the law; that restriction of this penalty, and consequent disregard of the law, will encourage thieves to call themselves adulterers; that all the circumstances tell against the suggestion that Euphiletus set a trap for his wife's lover; and that the evidence shows that he was not actuated by personal spite against Eratosthenes.

The conclusion (47-50) insists that the public interest is involved in his justification. If he is convicted of murder, he will have been entrapped by the law, which he trusted and obeyed.

The law of Draco—and possibly also of Solon—to which Euphiletus appeals allowed the husband to kill his wife's seducer, if taken in the act suddenly and not by premeditation. In most cases, apparently, this extreme penalty was commuted by consent to a payment of money. This speech was delivered before a court of fifty-one judges at the Delphinium, outside the walls on the east side of Athens; it was the special court for cases in which the accused admitted homicide, but pleaded that it was justified under the law. If convicted, he would be sentenced to death, and if he got away before sentence was passed, he would suffer exile and confiscation of all his property.
Steph.
p. 92.

ΛΥΣΙΟΤ

I. ΥΠΕΡ ΤΟΥ ΕΡΑΤΟΣΘΕΝΟΥΣ ΦΟΝΟΥ
ΑΠΟΛΟΓΙΑ

1 Περὶ πολλοῦ ἃν ποιησάμην, ὥ ἄνδρες, τὸ τοιοῦτος ὑμᾶς ἐμοὶ δικαστὰς περὶ τούτου τοῦ πράγματος γενέσθαι, οἴοιπερ ἂν ὑμῖν αὐτοῖς εἴητε τοιαῦτα πεπονθότες· εὑ γὰρ οἶδ᾽ ὦτι, εἰ τὴν αὐτὴν γνώμην περὶ τῶν ἄλλων ἔχοιτε, ἦπερ περὶ ὑμῶν αὐτῶ, οὐκ ἂν εἴη ὡστις οὐκ ἐπὶ τοῖς γεγενημένοις ἀγα- 


[92]


I should be only too pleased, sirs, to have you so disposed towards me in judging this case as you would be to yourselves, if you found yourselves in my plight. For I am sure that, if you had the same feelings about others as about yourselves, not one of you but would be indignant at what has been done; you would all regard the penalties appointed for those who resort to such practices as too mild. And these feelings would be found, not only amongst you, but in the whole of Greece: for in the case of this crime alone, under both democracy and oligarchy, the same requital is accorded to the weakest against the strongest, so that the lowest gets the same treatment as the highest.\(^a\) Thus you see, sirs, how all men abominate this outrage. Well, I conceive that, in regard to the severity of the penalty, you are all of the same mind, and that not one of you is so easy-going as to think it right that men who are guilty of such acts should obtain pardon, or to presume that

\(^a\) The general statement in these last words shows that the full sense of the preceding is: “the same requital is accorded to the weakest against the strongest as to the strongest against the weakest.”
4 ἔργων αἰτίους· ἥγουμαι δέ, ὁ ἄνδρες, τούτῳ με δεῖν ἐπιδείξαι, ὅς ἐμόιχενεν Ἑρατοσθένης τὴν
gυναῖκα τὴν ἐμῆν καὶ ἐκείνην τε διεφθειρε καὶ τοὺς
παῖδας τοὺς ἐμοὺς ἤσχυνε καὶ ἐμὲ αὐτὸν ὑβρίσεν
εἰς τὴν οἰκίαν τὴν ἐμῆν εἰσιῶν, καὶ οὐτε ἔχθρα ἐμοὶ καὶ ἐκείνῳ οὐδεμία ἡν πλὴν ταῦτης, οὐτε
χρησάτων ἕνεκα ἐπράξα ταῦτα, ἕνα πλούσιους ἕκ
πένητος γένωμαι, οὐτε ἄλλων κέρδους οὔδενός

5 πλὴν τῆς κατὰ τοὺς νόμους τιμωρίας. Ἕγω τοῖνυν
ἐξ ἀρχῆς ὑμῖν ἀπαντα ἐπιδείξω τα ἐμαυτοῦ πράγ-
ματα, οὐδὲν παραλέιπον, ἀλλὰ λέγων τάληθῇ
ταύτην γὰρ ἐμαυτῷ μόνην ἥγουμαι σωτηρίαν, ἐὰν
ὑμῖν εἰπεῖν ἀπαντα δυνηθῶ τα πεπραγμένα.

6 Ἡγὼ γὰρ, ὁ Ἀθηναῖοι, ἐπειδὴ ἐδοξέ μοι γῆμαι
καὶ γυναῖκα ἡγαγόμην εἰς τὴν οἰκίαν, τὸν μὲν
ἄλλον χρόνον οὕτω διεκείμην ὡστε μῆτε λυπεῖν
μῆτε λίαν ἐπ' ἐκείνη εἶναι τι ἄν ἐθέλῃ ποιεῖν,
ἐφίλαττόν τε ὡς οἶδον τε ἢν, καὶ προσεῖχον τὸν
νοὸν ὄσπερ εἰκός ἢν. ἐπειδὴ δὲ μοι παιδίον γί-
γνεται, ἐπίστευον ἢδη καὶ πάντα τὰ ἐμαυτοῦ
ἐκείνη παρέδωκα, ἥγούμενος ταύτην οἰκείότητα

7 μεγάστην εἰναι· ἐν μὲν οὖν τῷ πρῶτῳ χρόνῳ, ὁ
Ἀθηναῖοι, πασῶν ἢν βελτίστη· καὶ γὰρ οἰκονόμος
dενὴ καὶ φειδωλὸς ἢγαθη] καὶ ἀκριβῶς πάντα
dioikouša. ἐπειδὴ δὲ μοι ἡ μῆτρα ἐτελεύτησε,
pántων τῶν κακῶν ἀποθανοῦσα αἰτία μοι γεγένηται.

8 ἔπ' ἐκφορὰν γὰρ αὐτὴ ἀκολουθήσασα ἢ ἐμὴ γυνὴ
ὑπὸ τοῦτον τοῦ ἄνθρώπου ὀφθείσα, χρόνῳ δια-
φθείρεται· ἐπιτηρῶν γὰρ τὴν θεράπαιν τὴν εἰς
τὴν ἀγόραν βαδίζουσαν καὶ λόγους προσφέρων ἀπ-

9 ὀλεσεν αὐτὴν. πρώτον μὲν οὖν, ὁ ἄνδρες, (δεὶ

1 ἢγαθη del. Dobree.
slight penalties suffice for their deserts. But I take it, sirs, that what I have to show is that Eratosthenes had an intrigue with my wife, and not only corrupted her but inflicted disgrace upon my children and an outrage on myself by entering my house; that this was the one and only enmity between him and me; that I have not acted thus for the sake of money, so as to raise myself from poverty to wealth; and that all I seek to gain is the requital accorded by our laws. I shall therefore set forth to you the whole of my story from the beginning; I shall omit nothing, but will tell the truth. For I consider that my own sole deliverance rests on my telling you, if I am able, the whole of what has occurred.

When I, Athenians, decided to marry, and brought a wife into my house, for some time I was disposed neither to vex her nor to leave her too free to do just as she pleased; I kept a watch on her as far as possible, with such observation of her as was reasonable. But when a child was born to me, thenceforward I began to trust her, and placed all my affairs in her hands, presuming that we were now in perfect intimacy. It is true that in the early days, Athenians, she was the most excellent of wives; she was a clever, frugal housekeeper, and kept everything in the nicest order. But as soon as I lost my mother, her death became the cause of all my troubles. For it was in attending her funeral that my wife was seen by this man, who in time corrupted her. He looked out for the servant-girl who went to market, and so paid addresses to her mistress by which he wrought her ruin. Now in the first place
γάρ καὶ ταῦθ' ὅμως διηγήσασθαι οὐκίδιον ἦστι μοι διπλοῦν, ὡσ ἔχον τὰ ἀνώ τοῖς κάτω κατὰ τὴν γυνακωνίτιν καὶ κατὰ τὴν ἀνδρωνίτιν. ἐπειδὴ δὲ τὸ παιδίον ἐγένετο ἡμῖν, ἡ μήτηρ αὐτὸ ἐθῆλαξεν· ἦν δὲ μῆ, ὅποτε λούσθαι δέου, κινδυνεύῃ κατὰ τῆς κλίμακος καταβαίνουσα, ἐγώ μὲν ἀνώ διητώμην, αἱ δὲ γυναῖκες κάτω. καὶ οὖτως ἦδη συνειδισμένοι ἦν, ὡστε πολλάκις ἡ γυνη ἀπήει κάτω καθευδήσουσα ὡς τὸ παιδίον, ἵνα τὸν τυτθὸν αὐτῷ διδὼ καὶ μὴ βοᾶ. καὶ τάυτα πολὺν χρόνον οὖτως ἐγένετο, καὶ ἐγὼ οὐδέποτε ὑπώπτευσα, ἀλλ' οὖτως ἡλιθίως διεκείμην, ὡστε ὃμην τὴν ἐμαυτῷ γυναίκα πασῶν σωφρονεστάτην εἶναι τῶν ἐν τῇ πόλει. προϊόντος δὲ τοῦ χρόνου, ὥς ἄνδρες, ἦκον μὲν ἀπροσδοκήτως ἐξ ἄγροι, μετὰ δὲ τὸ δείπνον τὸ παιδίον ἔβοα καὶ ἐδυσκόλασεν ὑπὸ τῆς θεραπαίνης ἐπιτηδεῖς λυπούμενον, ἵνα τάυτα ποιῆσαί τὸ γάρ ἀνθρωπὸς ἐνδόν ἦν· υἱότερον γάρ ἀπαντᾷ ἐπυθόμην. καὶ ἐγὼ τὴν γυναίκα ἀπείναι ἐκέλευσον καὶ δοῦναι τῷ παιδίῳ τὸν τυτθόν, ἵνα παύσηται κλάον. ἦ δὲ τὸ μὲν πρῶτον οὐκ ἦθελεν, ὡς ἂν ἀσμένη με ἐωρακυόνα ἦκοντα διὰ χρόνου· ἐπειδὴ δὲ ἐγὼ ὑφριγζόμην καὶ ἐκέλευσα αὐτὴν ἀπείναι, Ἰνα σὺ γε ἔφη ἐνεπρᾶς ἑνταῦθα τῇ παιδίσκῃ καὶ πρότερον δὲ μεθύων εἶλκες αὐτὴν· καὶ ἐγὼ μὲν ἐγέλαω, ἐκείνη δὲ ἀναστάσα καὶ ἀπίστους προστίθης τὴν θύραν, προσποιομένη παῖζειν, καὶ τὴν κλεῖν ἐφέλκεται. καὶ ἐγὼ τὸν οὐδὲν ἑνθυμούμενον οὐδ' ὑπονοῶν ἐκάθευσον ἀσμένος, ἦκών ἐξ ἄγροι. ἐπειδὴ δὲ ἦν πρὸς ἡμέραν, ἔκειν ἐκείνη καὶ τὴν θύραν ἀνέσειν. ἐρωμένου δὲ μοι τί αἱ θύραι νῦκτωρ ψοφοῖαν, ἐφασκε τὸν λύχνον
I must tell you, sirs (for I am obliged to give you these particulars), my dwelling is on two floors, the upper being equal in space to the lower, with the women’s quarters above and the men’s below. When the child was born to us, its mother suckled it; and in order that, each time that it had to be washed, she might avoid the risk of descending by the stairs, I used to live above, and the women below. By this time it had become such an habitual thing that my wife would often leave me and go down to sleep with the child, so as to be able to give it the breast and stop its crying. Things went on in this way for a long time, and I never suspected, but was simple-minded enough to suppose that my own was the chastest wife in the city. Time went on, sirs; I came home unexpectedly from the country, and after dinner the child started crying in a peevish way, as the servant-girl was annoying it on purpose to make it so behave; for the man was in the house,—I learnt it all later. So I bade my wife go and give the child her breast, to stop its howling. At first she refused, as though delighted to see me home again after so long; but when I began to be angry and bade her go, —“Yes, so that you,” she said, “may have a try here at the little maid. Once before, too, when you were drunk, you pulled her about.” At that I laughed, while she got up, went out of the room, and closed the door, feigning to make fun, and she turned the key in the lock. I, without giving a thought to the matter, or having any suspicion, went to sleep in all content after my return from the country. Towards daytime she came and opened the door. I asked why the doors made a noise in the night; she told
άποσβεσθήναι τοῦ παρὰ τῷ παιδώ, εἶτα ἐκ τῶν
gειτόνων ἐνάψασθαι. ἐσιώπων ἐγὼ καὶ ταύτα
οὕτως ἔχειν ἤγομην. ἔδοξε δὲ μοι, ὦ ἄνδρες,
tὸ πρόσωπον ἐφιμυθιῶσθαι, τοῦ ἀδελφοῦ τεθνεώτος
οὕτω τριάκονθ' ἡμέρας· ὁμως δ' οὐδ' οὕτως οὐδὲν
εἰπὼν περὶ τοῦ πράγματος ἐξελθὼν ψυχῆν ἔχω
15 συωπῆ. μετὰ δὲ ταύτα, ὦ ἄνδρες, χρόνον μεταξὺ
dιαγενομένου καὶ ἐμοῦ πολὺ ἀπολελειμμένον τῶν
ἐμαυτοῦ κακῶν, προσέρχεται μοὶ τις πρεσβύτης
ἀνθρώπος, ὑπὸ γυναικὸς ὑποσεμφθείσα ἢν ἐκεῖνος
ἐμοίχευεν, ὡς εἶχαν ὑπερον ἤκουον. αὐτὴ δὲ
ὀργιζομένη καὶ ἀδίκεισθα νομίζουσα, οτί οὐκέτι
ὡς ἐφοίτη παρ' αὐτὴν, ἐφιλαττεῖν ἐως ἐξηύρεν
ὁ τι εἶν τὸ αἰτίον. προσελθοῦσα οὖν μοι ἐγγὺς ἡ
ἀνθρώπος τῆς οἰκίας τῆς ἑμῆς ἐπιτηροῦσα,
"Εὐφίλητε," ἔφη "μηδεμία πολυπραγμοσύνη
προσελθηλθείναι με νόμιζε πρὸς σέ· ὁ γὰρ ἀνήρ
16 ὁ υβρίζων εἰς σὲ καὶ τὴν σὴν γυναῖκα ἐξηρὸς ἡ
ἡμῖν τυγχάνει. ἐὰν οὖν λάβῃς τὴν θεράπαιναν τὴν
εἰς ἀγορὰν βαδίζουσαν καὶ διακονοῦσαν ἡμῖν καὶ
βασανίσῃ, ἀπαντᾷ πεύχῃ. ἔστι ὁ " ἔφη " Ἐρατο-
σθένης. Ὅθεν ο ταῦτα πράττων, ὦς οὐ μόνον
17 τὴν σὴν γυναίκα διέφθαρκεν ἄλλα καὶ ἄλλας
πολλάς· ταύτην γὰρ [τὴν] ἕχει." ταύτα
eἰποῦσα, ὦ ἄνδρες, ἐκείνη μὲν ἀπηλλάγη, ἐγὼ δὲ
ἐυθέως ἐταραττόμην, καὶ πάντα μου εἰς τὴν
γνώμην εἰσῆι, καὶ μεστὸς ἡ ὑποψίας, ἐνθυμοῦ-
μενος μὲν ὡς ἀπεκλήσθην ἐν τῷ δωματίῳ, ἀνα-
mμνησκόμενος δὲ ὅτι ἐν ἐκείνῃ τῇ νυκτὶ ἐμόθει ἡ
μέταυλος θύρα καὶ ἡ αὐλεος, ὁ οὐδεποτε ἐγέιτο,
ἔδοξε τέ μοι ἡ γνω ἐφιμυθιῶσθαι. ταύτα μου

1 τὴν del. Bekker.
me that the child’s lamp had gone out, and she had
lit it again at our neighbour’s. I was silent and
believed it was so. But it struck me, sirs, that she
had powdered her face, though her brother had died
not thirty days before; even so, however, I made
no remark on the fact, but left the house in silence.
After this, sirs, an interval occurred in which I
was left quite unaware of my own injuries; I was
then accosted by a certain old female, who was
secretly sent by a woman with whom that man was
having an intrigue, as I heard later. This woman
was angry with him and felt herself wronged, because
he no longer visited her so regularly, and she kept a
close watch on him until she discovered what
was the cause. So the old creature accosted me
where she was on the look-out, near my house, and
said,—“Euphiletus, do not think it is from any
meddlesomeness that I have approached you; for
the man who is working both your and your wife’s
dishonour happens to be our enemy. If, therefore,
you take the servant-girl who goes to market and
waits on you, and torture her, you will learn all.
It is,” she said, “Eratosthenes of Oë who is doing this;
he has debauched not only your wife, but many others
besides; he makes an art of it.” With these words,
sirs, she took herself off; I was at once perturbed;
all that had happened came into my mind, and I was
filled with suspicion,—reflecting first how I was shut
up in my chamber, and then remembering how on
that night the inner and outer doors made a noise,
which had never occurred before, and how it struck
me that my wife had put on powder. All these things

a Athenian women used white lead to give an artificial
delicacy to their complexion; cf. Aristoph. Eccles. 878, 929.

11
πάντα εἰς τὴν γνώμην εἰσήκουσα, καὶ μεστὸς ἦν

18 ὑπομίας. ἔλθων δὲ οίκαδε ἐκέλευον ἀκολουθεῖν μοι τὴν θεράπαιναν εἰς τὴν ἁγοράν, ἁγαγὼν δὲ αὐτὴν ως τῶν ἐπιτηδείων τινὰ ἐλεγον ὅτι ἐγὼ πάντα εἰπὼν πεπυμένος τὰ γνωρίμενα ἐν τῇ οίκῃ: "οὐκ οὖν" ἐφην ἐξεστὶ δυοῖν ὅποτερον βοῦλει ἐλέσθαι, ἡ μαστιγωθεῖσαν εἰς μύλων ἐμπεσεῖν καὶ μηδέποτε παύσασθαι κακοῖς τοιούτοις συν-

εχομένην, ἡ κατειποῦσαν ἀπαντα τάληθι μηδὲν παθεῖν κακὸν, ἀλλὰ συγγνώμην παρ’ ἐμοὶ τυχεῖν τῶν ἡμαρτημένων. ἑσύση δὲ μηδέν, ἀλλὰ πάντα

19 τάληθι λέγε." κακείνη τὸ μὲν πρῶτον ἐξαρνόν ἦν, καὶ ποιεῖν ἐκέλευεν ὧ τι βούλομαι· οὐδὲν γὰρ εἰδέναι· ἐπειδὴ δὲ ἐγὼ ἐμμηνήσθην Ἐρατοσθένους πρὸς αὐτὴν, καὶ εἶπον ὅτι οὐτὸς ὁ φοιτῶν εἰ ὑπὸς τὴν γυναῖκα, ἐξεπλάγη ἡγησαμένη με πάντα ἀκριβῶς ἐγνωκέναι. καὶ τότε ἦδη πρὸς τὰ γόνατά

20 μοι πεθοῦσα, καὶ πίστιν παρ’ ἐμοὶ λαβοῦσα μηδὲν πείσεσθαι κακὸν, καθηγόρει πρῶτον μὲν ως μετὰ τὴν ἐκφορὰν αὐτὴν προσίοι, ἐπειτὰ ως αὐτῇ τελευ-

tτῶσα εἰσαγγείλει καὶ ως ἐκείνη τῷ χρόνῳ πεισθεῖ θείη, καὶ τὰς εἰσόδους oίς πρόποις προσίοιτο,1 καὶ ως Θεσμοφορίας ἐμοῦ ἐν ἀγρῷ ὄντος χεῖτο εἰς τὸ ἐρών μετὰ τῆς μητρὸς τῆς ἐκείνου· καὶ τάλλα τὰ γενόμενα πάντα ἀκριβῶς διηγήσατο.

21 ἐπειδὴ δὲ πάντα ἐφητὸ αὐτῇ, εἶπον ἐγὼ, ἀπὸ τοῦν ταῦτα μηδεὶς ἀνθρώπων πεύσεται· καὶ δὲ μή, οὐδέν σοι κύριον ἔσται τῶν πρὸς ἐμ’ ὑμολογημένων. αξιῶδε δὲ σε ἐπ’ αὐτοφώρῳ ταῦτα μοι ἐπιδεῖξαι· ἐγὼ γὰρ οὐδὲν δέομαι λόγων, ἀλλὰ τὸ ἐργον

22 φανερὸν γενέσθαι, ἐάπερ οὕτως ἔχει." ὑμολόγει

1 προσίοτο Kayser: προσίοι mss.
came into my mind, and I was filled with suspicion. Returning home, I bade the servant-girl follow me to the market, and taking her to the house of an intimate friend, I told her I was fully informed of what was going on in my house: "So it is open to you," I said, "to choose as you please between two things,—either to be whipped and thrown into a mill, never to have any rest from miseries of that sort, or else to speak out the whole truth and, instead of suffering any harm, obtain my pardon for your transgressions. Tell no lies, but speak the whole truth." The girl at first denied it, and bade me do what I pleased, for she knew nothing; but when I mentioned Eratosthenes to her, and said that he was the man who visited my wife, she was dismayed, supposing that I had exact knowledge of everything. At once she threw herself down at my knees, and having got my pledge that she should suffer no harm, she accused him, first, of approaching her after the funeral, and then told how at last she became his messenger; how my wife in time was persuaded, and by what means she procured his entrances, and how at the Thesmophoria, a while I was in the country, she went off to the temple with his mother. And the girl gave an exact account of everything else that had occurred. When her tale was all told, I said,—"Well now, see that nobody in the world gets knowledge of this; otherwise, nothing in your arrangement with me will hold good. And I require that you show me their guilt in the very act; I want no words, but manifestation of the fact, if it really is so." She agreed

a A festival in honour of Demeter, celebrated by Athenian matrons in October.
ταῦτα ποιήσειν. καὶ μετὰ ταῦτα διεγένεντο ἡμέραι
tέσσαρες ἡ πέντε, . . . ὡς ἔγω μεγάλοις ὑμῖν
tεκμηρίοις ἐπιδείξω. πρῶτον δὲ διηγήσασθαι βού-
λομαί τὰ πραχθέντα τῇ τελευταίᾳ ἡμέρᾳ. Σώ-
στρατος ἤν μοι ἑπιτήδειος καὶ φίλος. τούτω
23 ἡλίου δεδυκότος ἴστι εἴς ἀγροῦ ἀπήντησα. εἰδὼς
δ' ἔγω ὅτι την καύτα ἀφιγμένος οὐδένα1 καταλή-
ψοιτο οἴκοι τῶν ἑπιτήδεων, ἐκέλευον συνδεπτεῖν:
καὶ ἐλθόντες οἶκαδε ὡς ἔμε, ἀναβάντες εἰς τὸ
ὑπερῷον ἐδειπνοῦμεν. ἐπειδὴ δὲ καλῶς αὐτῷ
[94] εἶχεν, ἐκείνος μὲν ἀπιῶν ὑχετό, ἐγὼ δ' ἐκάθενδον.
ὁ δ' Ἐρατοσθένης, ὁ ἄνδρες, εἰσέρχεται, καὶ ἡ
θεράπανα ἐπεγείρασα με εὐθὺς φράζει ότι ἐνδὸν
ἔστι. κἀγὼ εἰπὼν ἑκείνῃ ἐπιμελεῖσθαι τῆς θύρας,
καταβὰς σιωπῇ ἐξέρχομαι, καὶ ἀφικνοῦμαι ὡς
tον καὶ τὸν, καὶ τοὺς μὲν ἑνδὸν κατέλαβον, τοὺς
24 δὲ οὐκ ἐπιδημοῦντας ἦδρον. παραλαβὼν δ' ὡς
οἶν τε ἣν πλείστους ἐκ τῶν παρόντων ἐβάδιζον.
καὶ δάδας λαβόντες ἐκ τοῦ ἐγχύτατα καπηλείου
eἰσερχόμεθα, ἀνεφυγεν αὐτῆς τῆς θύρας καὶ ὑπὸ τῆς
ἀνθρώπου παρεσκευασμένης. ὡσαντες δὲ τὴν θύραν
τοῦ δωματίου οἱ μὲν πρῶτοι εἰσιόντες ἐτε ἐδομεν
αὐτὸν κατακείμενον παρὰ τῇ γυναικὶ, οἱ δ' ὑστερον
25 εν τῇ κλίνῃ γυμνῶν ἑστηκότα. ἐγὼ δ', ὁ ἄνδρες,
pατάξας καταβάλλων αὐτῶν, καὶ τῷ χείρε περι-
αγαγῶν εἰς τοῦπισθεν καὶ δῆσας ἡρωτών διὰ τῇ
ὑβρίζει εἰς τὴν οἰκίαν τὴν ἐμῆν εἰσών. κἀκεῖνος
ἀδικεῖν μὲν ὡμολόγησε, ἤπειθολί σὲ καὶ ἰκέτευε
μὴ ἀποκτείναι δ' ἄργυρον πράξασθαι. ἐγὼ δ' 26
ἐἴπον ἵνα "οὖν ἔγω σε ἀποκτενῶ, ἀλλ' ὁ τῆς
πόλεως νόμος, διὸν παραβαίνων περὶ ἐλάττωνοι
τῶν ἡδωνῶν ἐποιήσω, καὶ μᾶλλον ἐιλαὶν τοιοῦτον
14
to do this. Then came an interval of four or five days... as I shall bring strong evidence to show. But first I wish to relate what took place on the last day. I had an intimate friend named Sostratus. After sunset I met him as he came from the country. As I knew that, arriving at that hour, he would find none of his circle at home, I invited him to dine with me; we came to my house, mounted to the upper room, and had dinner. When he had made a good meal, he left me and departed; then I went to bed. Eratosthenes, sirs, entered, and the maid-servant roused me at once, and told me that he was in the house. Bidding her look after the door, I descended and went out in silence; I called on one friend and another, and found some of them at home, while others were out of town. I took with me as many as I could among those who were there, and so came along. Then we got torches from the nearest shop, and went in; the door was open, as the girl had it in readiness. We pushed open the door of the bedroom, and the first of us to enter were in time to see him lying down by my wife; those who followed saw him standing naked on the bed. I gave him a blow, sirs, which knocked him down, and pulling round his two hands behind his back, and tying them, I asked him why he had the insolence to enter my house. He admitted his guilt; then he besought and implored me not to kill him, but to exact a sum of money. To this I replied,—"It is not I who am going to kill you, but our city's law, which you have transgressed and regarded as of less account than your pleasures,

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1 οὐδένα Bekker: οὐδὲν ἂν mss.
2 ἀποκτεῖναι Hertlein: αὐτὸν κτεῖναι mss.

Some words are missing here in the text.
LYSIAS

άμαρτημα ἐξαμαρτάνειν εἰς τὴν γυναῖκα τὴν ἐμὴν καὶ εἰς τοὺς παῖδας τοὺς ἐμοὺς ἢ τοὺς νόμοις 27 πείθεσθαι καὶ κόσμιος εἶναι.' οὕτως, ὦ ἀνδρές, ἐκείνος τούτων ἔτυχεν ὄντερ οἱ νόμοι κελεύουσι τοὺς τὰ τοιαῦτα πράττοντας, οὐκ εἰσαρπασθεῖς ἐκ τῆς ὁδοῦ, οὐδὲ ἐπὶ τὴν ἐστίαν καταφυγόν, ὥσπερ οὗτοι λέγουσιν τῶς γὰρ ἄν, ὅστις ἐν τῷ δωματίῳ πληγεῖς κατέπεσεν εὐθὺς, περιέστρεψα δ' αὐτοῦ τῷ χείρε, ἐνδον δὲ ἦσαν ἄνθρωποι τοσοῦτοι, οὕς διαφυγεῖν οὐκ ἔδυνατο, οὔτε σίδηρον οὔτε ξύλον οὔτε ἄλλο οὐδὲν ἔχων, ὦ τοὺς εἰσελθόντας ἂν 28 ἡμῖνατο. ἀλλ', ὦ ἀνδρές, οἴμαι καὶ ὑμᾶς εἰδέναι ὅτι οἱ μὴ τὰ δίκαια πράττοντες οὐχ ὀμολογοῦσι τοὺς ἐχθροὺς λέγειν ἀληθῆ, ἀλλ' αὐτοὶ ψευδόμενοι καὶ τὰ τοιαῦτα μηχανώμενοι ὅργας τοῖς ἄκουσοι κατὰ τῶν τὰ δίκαια πραττόντων παρασκευάζουσι. πρῶτον μὲν οὖν ἀνάγνωσθι τὸν νόμον.

NOMOS

29 Οὐκ ἡμφεσβήτει, ὦ ἀνδρές, ἀλλ' ὀμολογεῖ ἀδικεῖν, καὶ ὅπως μὲν μὴ ἀποθάνῃ ἡντεβόλει καὶ ἐκένευν, ἀποτίνειν δ' ἔτοιμος ἢν χρήματα. ἐγὼ δὲ τῷ μὲν εκείνου τιμήματι οὐ συνεχώρουν, τὸν δὲ τῆς πόλεως νόμον ἡξίουν εἶναι κυριώτερον, καὶ ταύτην ἔλαβον τὴν δίκην, ἢν ὑμεῖς δικαιοτάτην εἶναι ἡγησάμενοι τοῖς τὰ τοιαῦτα ἐπιτηδεύονσιν ἐτάξατε. καὶ μοι ἀνάβητε τούτων μάρτυρες.
choosing rather to commit this foul offence against my wife and my children than to obey the laws like a decent person."

Thus it was, sirs, that this man incurred the fate that the laws ordain for those who do such things; he had not been dragged in there from the street, nor had he taken refuge at my hearth, as these people say. For how could it be so, when it was in the bedroom that he was struck and fell down then and there, and I pinioned his arms, and so many persons were in the house that he could not escape them, as he had neither steel nor wood nor anything else with which he might have beaten off those who had entered? But, sirs, I think you know as well as I that those whose acts are against justice do not acknowledge that their enemies speak the truth, but lie themselves and use other such devices to foment anger in their hearers against those whose acts are just. So, first read the law.

Law

He did not dispute it, sirs: he acknowledged his guilt, and besought and implored that he might not be killed, and was ready to pay compensation in money. But I would not agree to his estimate, as I held that our city’s law should have higher authority; and I obtained that satisfaction which you deemed most just when you imposed it on those who adopt such courses. Now, let my witnesses come forward in support of these statements.

* The hearth in a Greek house retained its primitive sanctity as a centre of the family religion, and it would be sacrilege to kill anyone there.
LYSIAS

ΜΑΡΤΥΡΕΣ

30 Ἀνάγνωσθι δὲ μοι καὶ τοῦτον τὸν νόμον <τὸν> εἰκ τῆς στήλης τῆς ἐξ 'Αρείου πάγου.

ΝΟΜΟΣ

'Ακούετε, ὁ ἄνδρες, ὅτι αὐτῷ τῷ δικαστηρίῳ τῷ εἰς Ἀρείου πάγου, ὁ καὶ πάτριον ἐστὶ καὶ ἐφ' ἡμῶν ἀποδέδοται τοῦ φόνου ταῖς δίκαις δικαίεις, διαρρήκτην εἰρηται τούτου μὴ καταγγέλλοις κακῶς τοῦ φόνον,1 ὃς ἄν ἐπὶ δάμαρτι τῇ ἑαυτὸν μοιχὸν λαβὼν ταῦτην τὴν τιμωρίαν ποιήσῃταί. καὶ οὔτω σφόδρα ὁ νομοθέτης ἐπὶ ταῖς γαμεταῖς γυναιξὶ δίκαια ταῦτα ἡγήσατο εἶναι, ὡστε καὶ ἐπὶ ταῖς παλλακαῖς ταῖς ἐλάσσονοι ἁξίαις τὴν αὐτὴν δίκην ἔπέθηκε. καίτοι δὴλον ὅτι, εἰ τινα εἰχε ταῦτης μείζω τιμωρίαν ἐπὶ ταῖς γαμεταῖς, ἐποίησεν ἄν. νῦν δὲ οὐχ οἶδος τε ὣν ταύτης ἰσχυρότεραν ἐπὶ ἑκείναις ἐξευρεῖν, τὴν αὐτὴν καὶ ἐπὶ ταῖς παλλακαῖς ἢξίωσε γίγνεσθαι. ἀνάγνωσθι δὲ μοι καὶ τοῦτον τὸν νόμον.

ΝΟΜΟΣ

32 'Ακούετε, ἄνδρες, ὅτι κελεύει, ἐὰν τις ἄνθρωπον ἐλεύθερον ἢ παίδα αἰσχύνῃ βία, διπλὴν τὴν βλάβην ὀφείλειν· ἐὰν δὲ γυναῖκα, ἐφ' ἀδικεῖς ἀποκτείνων ἐξείπτων, ἐν τοῖς αὐτοῖς ἐνέχεσθαι· οὔτως, ὁ ἄνδρες, τοὺς βιαζομένους ἐλάσσονος ξημίας ἁξίους ἡγήσατο εἶναι ἢ τοὺς πείθοντας· τῶν μὲν γὰρ θάνατον κατέγνω, τοῖς δὲ διπλὴν ἐποίησε τὴν βλάβην, ἡγούμενος τοὺς μὲν δια-

1 τῶν add. Westermann.

2 τοῦτον ... φόνον Reiske: τοῦτον ... φόνου MSS.
WITNESSES

Read out also, please, that law from the pillar in the Areopagus.

LAW

You hear, sirs, how the Court of the Areopagus itself, to which has been assigned, in our own as in our fathers' time, the trial of suits for murder, has expressly stated that whoever takes this vengeance on an adulterer caught in the act with his spouse shall not be convicted of murder. And so strongly was the lawgiver convinced of the justice of this in the case of wedded wives, that he even applied the same penalty in the case of mistresses, who are of less account. Now surely it is clear that, if he had had any heavier punishment than this for the case of married women, he would have imposed it. But in fact, as he was unable to devise a severer one for wives, he ordained that it should be the same for that of mistresses also. Please read this law besides.

LAW

You hear, sirs, how it directs that, if anyone forcibly debauches a free adult or child, he shall be liable to double damages; while if he so debauches a woman, in any of the cases where it is permitted to kill him, he is subject to the same rule. Thus the lawgiver, sirs, considered that those who use force deserve a less penalty than those who use persuasion; for the latter he condemned to death, whereas for the former he doubled the damages, considering that

\[a \text{ i.e., double the amount laid down for violating a slave.}\]
LYSIAS

33 πραττομένους βία υπὸ τῶν βιασθέντων μισεόσθαι, τοὺς δὲ πείσαντας οὕτως αὐτῶν τὰς ψυχὰς διαφθείρειν, ὡστ' οἰκειοτέρας αὐτοῖς ποιεῖν τὰς ἀλ.

[95] λοτρίας γυναῖκας ἤ τοῖς ἀνδράσι, καὶ πάσαν ἐπ' ἐκείνους τὴν οἰκίαν γεγονέναι, καὶ τοὺς παῖδας ἀδήλους εἶναι ὡποτέρων τυχάνονσιν ὄντες, τῶν ἀνδρῶν ἢ τῶν μοιχῶν. ἀνθ' ὅν ὁ τὸν νόμον
34 τιθεῖς θάνατον αὐτοῖς ἐποίησε τὴν ἥμισιν. ἐμοῦ τούς, ὡ ἀνδρεῖς, οἱ μὲν νόμοι οὐ μόνον ἀπεγνωκότες εἰσὶ μὴ ἀδικεῖν, ἀλλὰ καὶ κεκελευκότες ταύτην τὴν δίκην λαμβάνειν· ἐν ὑμῖν δ' ἐστὶν ὁ τὸν νόμον πότερον χρὴ τούτους ἱσχυροὺς ἡ μυθεύς ἄξιοὺς
35 εἶναι. ἐγὼ μὲν γὰρ οἶμαι πάσας τὰς πόλεις διὰ τοῦτο τοὺς νόμους τίθεσθαι, ἵνα περὶ ὅν ἂν πραγμάτων ἀποροῦμεν, παρὰ τούτους ἔλθοντες σκέψω−

μεθα ὁ τι ἡμῖν ποιητέον ἑστίν. οὐδοὶ τοῖς περὶ τῶν τοιούτων τοῖς ἀδικουμένοις τοιαύτην δίκην
36 λαμβάνειν παρακελεύονται. οἰς ὑμᾶς ἄξιῶ τὴν αὐτὴν γνώμην ἔχειν· εἰ δὲ μὴ, τοιαύτην ἀδειαν τοῖς μοιχοῖς ποιήσετε, ὡστε1 καὶ τοὺς κλέπτας ἐπαρείτε φάσκειν μοιχοὺς εἶναι, εὖ εἰδότας ὅτι, ἐὰν ταύτην τὴν αὐτίαν περὶ ἐαυτῶν λέγωσι καὶ ἐπὶ τούτῳ φάσκωσιν εἰς τὰς ἀλλοτρίας οἰκίας εἰσίναι, οὐδεὶς αὐτῶν ἄψεται. πάντες γὰρ εἰςον−

ται ὅτι τοὺς μὲν νόμους τῆς μοιχείας χαίρειν ἔαν δεῖ, τὴν δὲ ψήφον τὴν ύμετέραν δεδείναι· αὐτὴ γὰρ ἐστὶ πάντων τῶν ἐν τῇ πόλει κυριωτάτη.

37 Σκέψασθε δέ, ὡ ἀνδρεῖς· κατηγοροῦσι γὰρ μου ὡς ἔγω τὴν θεράπαιναν ἐν ἐκείνῃ τῇ ἡμέρᾳ μετελθεῖν ἐκέλευσα τῶν νεανίσκον. ἐγὼ δέ, ὡ ἀνδρεῖς, δίκαιον μὲν ἂν ποιεῖν ἡγοῦμην ὡτινοῦν τρόπῳ τῶν τὴν γυναίκα τὴν ἐμὴν διαφθείραστα

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those who achieve their ends by force are hated by the persons forced; while those who used persuasion corrupted thereby their victims’ souls, thus making the wives of others more closely attached to themselves than to their husbands, and got the whole house into their hands, and caused uncertainty as to whose the children really were, the husbands’ or the adulterers’. In view of all this the author of the law made death their penalty. Wherefore I, sirs, not only stand acquitted of wrongdoing by the laws, but am also directed by them to take this satisfaction: it is for you to decide whether they are to be valid or of no account. For to my thinking every city makes its laws in order that on any matter which perplexes us we may resort to them and inquire what we have to do. And so it is they who, in cases like the present, exhort the wronged parties to obtain this kind of satisfaction. I call upon you to support their opinion: otherwise, you will be giving adulterers such licence that you will encourage thieves as well to call themselves adulterers; since they will feel assured that, if they plead this reason in their defence, and allege that they enter other men’s houses for this purpose, nobody will touch them. For everyone will know that the laws on adultery are to be dismissed, and that it is your vote that one has to fear, because this has supreme authority over all the city’s affairs.

Do not consider, sirs, what they say: they accuse me of ordering the maid-servant on that day to go and fetch the young man. Now I, sirs, could have held myself justified in using any possible means to catch the corrupter of my wife. For if I had bidden the

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1 ὅστε Baiter et Sauppe: ὅς mss.
38 λαμβάνων· εἰ μὲν γὰρ λόγων εἰρημένων ἔργου δὲ μηδενὸς γεγενημένου μετελθεὶν ἐκέλευον ἕκεινον, ἦδικον ἂν· εἰ δὲ ἦδη πάντων διαπεπραγμένων καὶ πολλάκις εἰσεληλυθότος εἰς τὴν οἰκίαν τὴν ἐμὴν ὀτινιοῦν τρόπῳ ἐλάμβανον αὐτὸν, σωφρονεὶν
39 ἢν· ἐμαυτὸν ἡγοῦμην· σκέψομητε δὲ ὅτι καὶ ταῦτα ψεύδονται· βαδίσω δὲ ἐκ τῶν γνώσεσθε. ἐμοὶ γὰρ, ὡς ἄνδρες, ὅπερ καὶ πρότερον εἶπον, φίλος ὦν Ὀσώστατος καὶ οἰκεῖως διακείμενος ἀπαντήσας ἐξ ἀγροῦ περὶ ἡλίου δυσμᾶς συνεδείπνει, καὶ ἐπειδὴ καλῶς εἰχεν αὐτῶ, ἀπίων ψιχετο.
40 καίτοι πρῶτον μὲν, ὡς ἄνδρες, ἐνθυμήθητε: [ὅτι] εἰ ἐν ἐκείνῃ τῇ νυκτὶ ἐγὼ ἐπεβούλευον Ἐρατοσθένει, πότερον ἣν μοι κρείττων αὐτῶ ἐτέρωθι δειπνεῖν ἢ τὸν συνδειπνήσοντά μοι ἐσσαγαγεῖν; οὔτω γὰρ ἢ ἢττον ἑτόλμησεν ἐκείνος εἰσελθεῖν εἰς τὴν οἰκίαν. εἰτα δοκῶ ἢν ἦμιν τὸν συνδειπνοῦντα ἀφεῖς μόνος καταλειψθήναι καὶ ἔρημος γενέσθαι, ἢ κελεύειν ἐκείνον μεῖναι, ἢν μετ᾽ ἐμοῦ τὸν μοιχὸν ἐτμιωρεῖτο; ἔπειτα, ὡς ἄνδρες, οὐκ ἂν δοκῶ ἢμῖν τοῖς ἐπιτηδείοις μεθ᾽ ἥμεραν παραγγείλαι, καὶ κελεύσαι αὐτοὺς συλλεγήσαι εἰς οἰκίαν <του> τῶν φίλων τῶν ἐγγυτάτων, μάλλον ἡ ἐπειδὴ τάχιστα ἡθόμην τῆς νυκτὸς περιτρέχειν, οὐκ εἰδὼς ὅτινα οἴκιοι καταλήφομαι καὶ ὁτινά ἔξω; καὶ ἢς Ἀρμόδιον μὲν καὶ τὸν δεῖνα ἥλθον οὐκ ἐπίδημοῦντας (οὐ γὰρ ἦδη), ἐτέρους δὲ οὐκ ἐνδον ὁντας κατέλαβον, οὐς δὲ οἰός τε ἡ λαβὼν ἐβαδίζουν.

1 ἢν add. Taylor.
2 ὅτι del. Reiske.
3 μεῖναι Fuhr: μὲν εἶναι, μὲνειν mss.
4 τοῦ add. Gernet et Bizor.
ON THE MURDER OF ERATOSTHENES, 38–41

girl fetch him, when words alone had been spoken and no act had been committed, I should have been in the wrong: but if, when once he had compassed all his ends, and had frequently entered my house, I had then used any possible means to catch him, I should have considered myself quite in order. And observe how on this point also they are lying: you will perceive it easily in this way. As I told you, sirs, before, Sostratus was a friend of mine, on intimate terms with me; he met me as he came from the country about sunset, and had dinner with me, and when he had made a good meal he left me and departed. Now in the first place, sirs, you must bear this in mind: if on that night I had designs on Eratosthenes, which was more to my advantage,—to go and take my dinner elsewhere, or to bring in my guest to dinner with me? For in the latter case that man would have been less likely to venture on entering my house. And in the second place, do you suppose that I should have let my dinner-guest go and leave me there alone and unsupported, and not rather have bidden him stay, in order that he might stand by me in taking vengeance upon the adulterer? Then again, sirs, do you not think that I should have sent word to my intimate acquaintances in the daytime, and bidden them assemble at the house of one of my friends living nearest to me, rather than have waited till the moment of making my discovery to run round in the night, without knowing whom I should find at home, and who were away? Thus I called on Harmodius, and one other, who were not in town—of this I was not aware—and others, I found, were not in; but those whom I could I took along with me. Yet if I had foreknown this,
LYSIAS

42 καίτου γε ἐν προήδη, οὐκ ἂν δοκῶ ὡμῶν καὶ θεράποντας παρασκευάσασθαι καὶ τοῖς φίλοις παραγγεῖλαι, ἵν' ὡς ἀσφαλέστατα μὲν αὐτὸς εἰσήγη (τι γὰρ ἦδη εἰ τι κάκεινος εἰχε σιδήρουν;), ὡς μετὰ πλείστων δὲ μαρτύρων τὴν τιμωρίαν ἐποιούμην; νῦν δ' οὐδὲν εἴδως τῶν ἐσομένων ἑκείνη τῇ νυκτὶ, οὗς οἶος τε ἦ παρέλαβον. καὶ μοι ἀνάβητε τούτων μάρτυρες.

ΜΑΡΤΥΡΕΣ

43 Τῶν μὲν μαρτύρων ἀκηκόατε, ὦ ἄνδρες· σκέψασθε ἐκ παρ' ὡμῶν αὐτοῖς οὕτως περὶ τοῦτον τοῦ πράγματος, ἐπηούντες εἰ τις ἡμοὶ καὶ Ἕρατοσθένει ἔχθρα πῶποτε γεγένηται πλὴν ταύτης. οὐδεμίαν
44 γὰρ εὑρήσετε. οὕτε γὰρ συκοφαντῶν γραφᾶς μὲ ἐγράψατο, οὕτε ἐκβάλλειν ἐκ τῆς πόλεως ἐπεχείρησεν, οὕτε ὡδὰς δίκας ἑδικάζετο, οὕτε συνήδει κακὸν οὐδὲν ὦ ἐγὼ δεδώς μὴ τις πύθηται ἐπεθύμουν αὐτὸν ἀπολέσαι, οὕτε εἰ ταῦτα διαπραξαίμην, ἡλπίζον ποθεν2 χρήματα λήψεσθαι· ἐνιοὶ γὰρ τοιούτων πραγμάτων ἔνεκα θάνατον ἀλλήλοις ἐπιβουλεύουσι. τοσούτω τοῖνυν δεὶ ἡ λοιποία
[96] ἡ παροιμία ἡ ἀλλη τις διαφορὰ ἡμῖν γεγονέναι, ὥστε οὐδὲ ἐωρακὼς ἡ τὸν ἄνθρωπον πῶποτε πλὴν ἐν ἑκείνῃ τῇ νυκτὶ. τὶ ἂν οὖν βουλόμενος ἐγὼ τοιούτων κίνδυνον ἐκυδύνευν, εἰ μὴ τὸ μέγιστον
45 τῶν ἀδικημάτων ἢ ὑπ' αὐτοῦ ἡδικημένος; ἐπείτα παρακαλέσας αὐτὸς μάρτυρας ἁσέβουν, ἐξὸν μοι, εἴπερ ἀδίκως ἐπεθύμουν αὐτὸν ἀπολέσαι, μηδένα μοι τούτων συνειδέναι;

1 διαπραξάιμην Lipsius: διεπραξάιμην mss.
2 ποθεν Emperius: μὲν codd. plerique, om. duo.
do you not think that I should have called up servants and passed the word to my friends, in order that I might have gone in myself with all possible safety,—for how could I tell whether he too had some weapon?—and so I might have had as many witnesses as possible with me when I took my vengeance? But as in fact I knew nothing of what was to befall on that night, I took with me those whom I could. Now let my witnesses come forward in support of all this.

WITNESSES

You have heard the witnesses, sirs; and consider this affair thus in your own minds, asking yourselves whether any enmity has ever arisen before this between me and Eratosthenes. I say you will discover none. For he had neither subjected me to slanderous impeachment, nor attempted to expel me from the city, nor brought any private suit against me, nor was he privy to any wrongdoing which I was so afraid of being divulged that I was intent on his destruction, nor, should I accomplish this, had I any hope of getting money from anywhere: for there are people who plot each other's death for such purposes. So far, indeed, from either abuse or a drunken brawl or any other quarrel having occurred between us, I had never even seen the man before that night. For what object, then, should I run so grave a risk, unless I had received from him the greatest of injuries? Why, again, did I choose to summon witnesses for my wicked act, when it was open to me, if I was thus criminally intent on his destruction, to have none of them privy to it?
LYSIAS

47 Ἡγὼ μὲν οὖν, ὅ ἄνδρες, οὐκ ἰδίαν ὑπὲρ ἐμαυτοῦ νομίζω ταύτην γενέσθαι τὴν τιμωρίαν, ἂλλ' ὑπὲρ τῆς πόλεως ἀπάσης. οἱ γὰρ τοιαῦτα πράττοντες, ὀρὼντες οία τὰ ἄθλα πρόκειται τῶν τοιούτων ἀμαρτημάτων, ἦττον εἰς τοὺς ἄλλους ἐξαμαρτ- 

48 ἐχοντας. εἰ δὲ μή, πολὺ κάλλιον τοὺς μὲν κει- 

μένους νόμους ἐξαλείψαι, ἐτέρους δὲ θεῖναι, οἵτινες 

τοὺς μὲν φυλάττοντας τὰς έαυτῶν γυναῖκας ταῖς 

ζημίαις ζημιώσουσι, τοῖς δὲ βουλαμένους εἰς αὐτὰς 

49 ἀμαρτάνειν πολλὴν ἀδειαν ποιῆσουσι. πολὺ γὰρ 

οὖτω δικαιότερον ἢ ὑπὸ τῶν νόμων τοὺς πολίτας 

ἐνεδρέσθαι, οἵ κελεύοντοι μὲν, εὰν τις μοιχὸν 

λάβῃ, ὁ τι ἄν οὖν βούληται χρῆσθαι, οἵ δ' ἀγὼν 

δεινότεροι τοῖς ἀδικουμένοις καθεστήκασιν ἢ τοῖς 

παρὰ τοὺς νόμους τὰς ἀλλοτρίας κατασχύνουσι 

50 γυναῖκας. ἐγώ γὰρ νῦν καὶ περὶ τοῦ σώματος καὶ 

περὶ τῶν χρημάτων καὶ περὶ τῶν ἄλλων ἀπάντων 

κινδυνεύσω, ὅτι τοῖς τῆς πόλεως νόμοις ἐπειθόμην.
I therefore, sirs, do not regard this requital as having been exacted in my own private interest, but in that of the whole city. For those who behave in that way, when they see the sort of prizes offered for such transgressions, will be less inclined to trespass against their neighbours, if they see that you also take the same view. Otherwise it were better far to erase our established laws, and ordain others which will inflict the penalties on men who keep watch on their own wives, and will allow full immunity to those who would debauch them. This would be a far juster way than to let the citizens be entrapped by the laws; these may bid a man, on catching an adulterer, to deal with him in whatever way he pleases, but the trials are found to be more dangerous to the wronged parties than to those who, in defiance of the laws, dishonour the wives of others. For I am now risking the loss of life, property and all else that I have, because I obeyed the city’s laws.
II. FUNERAL ORATION

INTRODUCTION

This speech appears to be a rhetorical exercise in the manner of the eulogies which were delivered by persons of recognized distinction at the public funerals of Athenian citizens who had fallen in war: the whole ceremony on these occasions was arranged and conducted by the State, and it usually included games and competitions. The most famous of such orations—that spoken by Pericles in 431 B.c.—has been preserved for us, with some modulation of form, in the History of Thucydides (ii. 35-46), and we possess one, as it was originally composed, by Hypereides (323 B.c.). The Corinthian War, during which the present oration purports to have been delivered, was a struggle in which Athens ranged herself with Thebes, Corinth and Argos against Sparta (395–386 B.c.), when the latter had exasperated Greece by her illiberal use of the power that she acquired after Aegospotami (405 B.c.). Defeated by Sparta at Corinth and Coronea in 394, the Confederates yet succeeded in holding Corinth and confining the Spartans for a while within the Peloponnese. In 394 also the Persian fleet under the Athenian Conon defeated the fleet assembled by the Spartan Peisander at Cnidus; and the support of 28
FUNERAL ORATION

this Persian force enabled Athens in 393 to rebuild her Long Walls and fortify the Peiraeus. After some Spartan successes at Corinth in 392-391, the scale was again turned by the skilful tactics of the Athenian Iphicrates. In 386 both sides, weary of sharp fighting with no decisive result, submitted to the Peace of Antalcidas, dictated by the Persian king Artaxerxes.

The particular occasion for which this oration might be supposed to have been designed cannot be specified with any certainty: it might be just after a defeat at Corinth in 392, or some later action. The attribution of the oration to Lysias has been much disputed. Aristotle (Rhet. iii. 10) quotes some words of it as though it were famous, but does not name its author. Dionysius of Halicarnassus makes no mention of it in his essay on Lysias, or in discussing the similar oration in the Platonic Menexenus Jebb (Attic Orators, ix) found the internal evidence "overwhelmingly against the authorship of Lysias," noting the absence of his characteristic simplicity, grace, clearness and sense of symmetry. Yet it may well be that Lysias, when asked to produce an example of his skill in this type of composition,—possibly for actual use by a person whose distinctions did not include eminence in oratory,—found himself somewhat embarrassed by the traditional theme of ancestral valour, and showed a certain awkwardness of experiment in an attempt to rival the sententious formality of the sophists.
Εἰ μὲν ἡγούμην οἷον τε εἶναι, ὃ παρόντες ἐπὶ τῷ τάφῳ, λόγῳ δηλώσαι τὴν τῶν ἐνθάδε κειμένων ἀνδρῶν ἀρετήν, ἐμεμψάμην ἃν τοῖς ἐπαγγείλασιν ἐπ’ αὐτοῖς ἐξ ολίγων ἡμερῶν λέγειν· ἐπειδή δὲ πᾶσιν ἀνθρώποις ὁ πᾶς χρόνος οὐχ ἰκανὸς λόγον ἵσον παρασκευάσαι τοῖς τούτων ἔργοις, διὰ τούτο καὶ ἡ πόλις μοι δοκεῖ, προνοούμενε τῶν ἐνθάδε λεγόντων, ἐξ ολίγου τὴν πρόσταξιν ποιεῖσθαι, ἡγομένη οὕτως ἃν μάλιστα συγγνώμης αὐτοὺς παρὰ τῶν ἀκούσαντων τυγχάνειν. ὡμως δὲ ὁ μὲν λόγος μοι περὶ τούτων, ὁ δὲ ἀγὼν οὐ πρὸς τὰ τούτων ἔργα ἀλλὰ πρὸς τοὺς πρότερον ἐπ’ αὐτοῖς εἰρήκοτας. τοσαύτῃ γὰρ ἄφθονίαν παρεσκεύασεν ἡ τούτων ἀρετὴ καὶ τοῖς ποιεῖν δυναμένοις καὶ τοῖς εἰπεῖν βουληθείσιν, ἦστε καλὰ μὲν πολλὰ τοῖς προτέροις περὶ αὐτῶν εἰρήσατι, πολλὰ δὲ καὶ ἐκεῖνοι παραλειφθαὶ, ἴκανὰ δὲ καὶ τοῖς ἐπιγνομένοις ἔξειναι εἰπεῖν· οὕτε γὰρ γῆς ἀπειρο ὡς τῆς θαλάττης οὐδεμίας, πανταχῇ δὲ καὶ παρὰ πᾶσιν ἀνθρώποις οἱ τὰ αὐτῶν πενθοῦντες κακὰ τὰς τούτων ἀρετὰς ὑμνοῦσιν.

Πρῶτον μὲν οὖν τοὺς παλαιοὺς κυνδύνους τῶν
II. FUNERAL ORATION FOR THE MEN WHO SUPPORTED THE CORINTHIANS

If I believed it possible, friends who are attending this burial, to set forth in speech the valour of the men who lie here, I should have reproved those who gave me but a few days' notice of having to speak over them. But as all mankind would find all time insufficient for preparing a speech to match their deeds, the city itself therefore, as I think, taking forethought for those who speak here, makes the appointment at short notice, in the belief that on such terms they will most readily obtain indulgence from their hearers. However, while my speech is about these men, my contest is not with their deeds, but with the speakers who have preceded me in praising them. For their valour has provided matter in such abundance, alike for those who are able to compose in verse and for those who have chosen to make a speech, that, although many fair things have been spoken by those who preceded me, there are many that even they have omitted, and plenty more remain to be said by those who succeed them; since nowhere is there any land or sea on which they did not venture, and in every place and every nation the people, in lamenting their own disasters, glorify the valorous deeds of these men.

So now, in the first place, I shall recount the ancient
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προγόνων διέμι, μνήμην παρὰ τῆς φήμης λαβοῦν· άξιον γὰρ πάσιν ἀνθρώπους κάκεινων μεμνήθαι, ύμνοῦντας μὲν ἐν ταῖς φώδαις, λέγοντας δ' ἐν ταῖς τῶν ἀγαθῶν γνώμαις, τιμῶντας δ' ἐν τοῖς καρυῶ τοῖς τοιούτοις, παιδεύοντας δ' ἐν τοῖς τῶν τεθνεῶ των ἔργοις τοὺς ζώντας.

4 Ἀμαξόνες γὰρ Ἄρεως μὲν τὸ παλαιὸν ἦσαν θυγατέρες, οἰκοῦσαί [ἐ' ἐπὶ] 1 παρὰ τῶν Θερμώδοντα ποταμοῦ, μόναι μὲν ἁπλισμέναι σιδήρω τῶν περὶ αὐτάς, πρῶται δὲ τῶν πάντων ἐφ' ἱπποὺς ἀναβάσαι, οἰς ἀνελπίστως δι' ἀπειρίαν τῶν ἐναντίων ἡρώων μὲν τοὺς φεύγοντας, ἀπέλειπον δὲ τοὺς διώκοντας· ἐνομίζοντο δὲ διὰ τὴν εὐφυχίαν μᾶλλον ἄνδρες ἣ διὰ τὴν φύσιν γυναίκες. πλέον γὰρ ἐδόκοι τῶν ἀνδρῶν ταῖς ψυχαῖς διαφέρειν ἢ ταῖς ἰδέαις ἐλ-

5 λείπειν. ἀρχοῦσαι δὲ πολλῶν ἔθνων, καὶ ἔργῳ μὲν τοὺς περὶ αὐτὰς καταδεδουλωμέναι, λόγῳ δὲ περὶ τῆς τῆς χώρας ἀκούσουσα κλεός μέγα, πολλῆς δόξης καὶ μεγάλης ἐλπίδος χάριν παρα-

λαβοῦσαι τὰ μαχιμώτατα τῶν ἐθνῶν ἐστράτευσαν ἐπὶ τὴν πόλιν. τυχοῦσαι δ' ἀγαθῶν ἀνδρῶν ὁμοίας ἐκτήσαντο τὰς ψυχὰς τῇ φύσει, καὶ ἐναν-

1 1915 πίνα τὴν δόξαν τῆς προτέρας λαβοῦσαι μᾶλλον ἐκ τῶν κινδύνων ἢ ἐκ τῶν σωμάτων ἐδοξάν εἶναι γυναίκες. μόναις δ' αὐτάις οὐκ ἐξεγένετο ἐκ τῶν ἡμαρτημένων μαθοῦσαι περὶ τῶν λοιπῶν ἁμεινον βουλεύσασθαι, οὐδ' οἰκάδε ἀπελθοῦσαι ἀπαγ-

γείλαι τὴν τε σφητέραν αὐτῶν δυστυχίαν καὶ τὴν τῶν ἡμετέρων προγόνων ἁρέτην· αὐτοῦ γὰρ ἀποθανοῦσαι, καὶ δοῦσαι δίκην τῆς ἀνοίας, τῆςδε 1 ὑ' del. Markland.

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ordeals of our ancestors, drawing remembrance thereof from their renown. For they also are events which all men ought to remember, glorifying them in their songs, and describing them in the sage sayings of worthy minds; honouring them on such occasions as this, and finding in the achievements of the dead so many lessons for the living.

Well, of old there were Amazons, daughters of Ares, dwelling beside the river Thermodon; they alone of the people round about were armed with iron, and they were first of all to mount horses, with which, owing to the inexperience of their foes, they surprised them and either caught those who fled, or outstripped those who pursued. They were accounted as men for their high courage, rather than as women for their sex; so much more did they seem to excel men in their spirit than to be at a disadvantage in their form. Ruling over many nations, they had in fact achieved the enslavement of those around them; yet, hearing by report concerning this our country how great was its renown, they were moved by increase of glory and high ambition to muster the most warlike of the nations and march with them against this city. But having met with valiant men they found their spirit now was like to their sex; the repute that they got was the reverse of the former, and by their perils rather than by their bodies they were deemed to be women. They stood alone in failing to learn from their mistakes, and so to be better advised in their future actions; they would not return home and report their own misfortune and our ancestors' valour: for they perished on the spot, and were punished for their folly, thus

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* In Pontus, flowing into the Euxine.

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μὲν τῆς πόλεως διὰ τὴν ἀρετὴν ἀθάνατον τὴν μνήμην ἐποίησαν, τὴν δὲ ἐαυτῶν πατρίδα διὰ τὴν ἐνθάδε συμφορὰν ἀνώνυμον κατέστησαν. ἐκεῖνα μὲν οὖν τῆς ἀλλοτρίας ἀδίκως ἐπιθυμήσασα τὴν ἐαυτῶν δικαίως ἀπώλεσαν.

7 Ἀδράστου δὲ καὶ Πολυνείκους ἐπὶ Θήβας στρατευσάντων καὶ ἡττηθέντων μάχῃ, οὐκ ἐώντων Καδμείων θάπτειν τοὺς νεκροὺς, Ἀθηναίοι ἤγησάμενοι ἐκείνους μὲν, εἰ τι ἡδίκουν, ἀποθανόντας δίκην ἔχειν τὴν μεγίστην, τοὺς δὲ κατὸ τὰ αὐτῶν οὐ κομιζέσθαι, ἱερῶν δὲ μιανομένων τοὺς ἀνωθεοὺς ἀσβεσθῆναι, τὸ μὲν πρῶτον πέμψαντες κήρυκας ἐδέντο αὐτῶν δοῦναι τῶν νεκρῶν ἀν-

8 αἵρεσιν, νομίζοντες ἀνδρῶν μὲν ἀγαθῶν εἶναι ξώντας τοὺς ἐχθροὺς τιμωρήσασθαι, ἀπιστοῦντες δὲ σφίσσαν αὐτοῖς ἐν τοῖς τῶν τεθνεότων σώμασι τὴν εὐφυχάν ἐπιδείκνυσθαι. οὐ δυνάμενοι δὲ τοῦτων τυχεῖν ἐστράτευσαν ἐπ' αὐτοὺς, οὐδεμιᾶς διαφορᾶς πρότερον πρὸς Καδμείους ὑπαρχοῦσης, οὐδὲ τοῖς ἔξων Ἀργείων χαριζόμενου, ἀλλὰ τοὺς τεθνεότας ἐν τῷ πολέμῳ ἄξιοντες τῶν νομίζομένων τυγχάνειν πρὸς τοὺς ἐτέρους ὑπὲρ ἀμφοτέρων ἐκυψόνευσαν, ὑπὲρ μὲν τῶν, ἢν μηκέτι εἰς τοὺς τεθνεότας ἐξαμαρτάνοντες πλείων ἐπὶ τοὺς θεοὺς ἐξυβρίσσωσιν, ὑπὲρ δὲ τῶν ἑτέρων, ἢν μὴ πρότερον εἰς τὴν αὐτῶν ἀπέλθωσι πατρίοις τιμῆς ἀτυχήσαντες καὶ Ἑλληνικῷ νόμῳ στερηθέντες καὶ κοινῇς ἐλπίδος ἡμαρτηκότες. ταῦτα διανοηθέντες, καὶ τὰς ἐν τῷ πολέμῳ τύχας κοινὰς ἀπαντῶν ἀνθρώπων νομίζοντες, πολλοὺς μὲν πολεμίους κτώμενοι, τὸ δὲ

1 τὴν add. Sauppe. 2 ἐποίησαν Bekker: ἐποίησαντο mss. 

King of Argos, and father-in-law of Polyneices, who
making our city's memory imperishable for its valour; while owing to their disaster in this region they rendered their own country nameless. And so those women, by their unjust greed for others' land, justly lost their own.

When Adrastus and Polyneices had marched against Thebes and had been vanquished in battle, and the Cadmeans would not allow the corpses to be buried, the Athenians decided that, if those men had done some wrong, they had paid by their death the heaviest penalty, while the gods below were not obtaining their dues, and by the pollution of the shrines the gods above were being treated with impiety: so first they sent heralds and requested permission to take up the corpses, considering it to be the duty of brave men to take vengeance on their enemies while they lived, but a mark of self-distrust to display their valour over the bodies of the dead. When they failed to obtain them, they marched against them: no previous quarrel subsisted between them and the Cadmeans, nor did they wish to gratify the Argives who were yet living; but thinking it right that those who had died in the war should receive the customary treatment, they risked combat with one of the parties in the interest of both, that on the one side they should cease from grossly outraging the gods by their trespass against the dead, and that on the other they should not hasten away to their own land frustrated of an ancestral honour, cut off from Hellenic custom, and disappointed in a common hope. With these thoughts in their minds, and holding that the fortunes of war are shared by all men in common, they found a

gone with him on the expedition against Thebes, the city of the Cadmeans, to claim the throne.
δίκαιων ἔχοντες σύμμαχον ἐνίκων μαχόμενοι. καὶ οὐχ ὑπὸ τῆς τύχης ἐπαρθέντες μείζονος παρὰ Καμυκίων τιμωρίας ἐπεθύμησαν, ἀλλ’ ἐκεῖνοι μὲν ἀντὶ τῆς ἁσβείας τῇ ἐαυτῶν ἁρετήν ἐπεδεί-
ξαντό, αὐτοὶ δὲ λαβόντες τὰ ἀθλα διντρ ἐνεκα ἀφίκοντο, τοὺς Ἀργείων νεκρούς, ἔθαψαν ἐν τῇ ἀυτῶν Ἐλεύθερο. περὶ μὲν οὖν τούς ἀποθανόντας τῶν ἐπτὰ ἐπὶ Θήβας τοιοῦτοι γεγόνασιν.

11 Ὑστέρω δὲ χρόνῳ, ἐπειδὴ Ἦρακλῆς μὲν ἐξ ἀνθρώπων ἴμανθή, οἱ δὲ παῖδες αὐτοῦ ἐθευγοῦ
μὲν Ἐνυσθέα, ἐξηλαύνοντο δὲ ὑπὸ πάντων τῶν Ἐλλήνων, αἰσχυνομένων μὲν τοῖς ἔργοις, φοβου-
μένων δὲ τὴν Ἐνυσθέως δύναμιν, ἀφικόμενοι εἰς τὴν πόλιν ἱκέται ἐπὶ τῶν βασιλῶν ἐκαθέζοντο·

12 ἐξαιτομένου δὲ αὐτοῦς Ἐνυσθέως Ἀθηναίοι οὐκ ἠθέλησαν ἐκδοῦναι, ἀλλὰ τὴν Ἐρακλέους ἁρετήν
μᾶλλον ἱδοῦντο ἡ τῶν κίνδυνον τῶν ἐαυτῶν ἠφο-
βοῦντο, καὶ ἥξιον ὑπὲρ τῶν ἀσθενεστέρων μετὰ τοῦ δικαίου διαμάχησθαι μᾶλλον ἡ τοῖς δυναμένοις
χαρίζομενοι τοὺς ὑπ’ ἐκεῖνων ἀδικομένους ἐκ-
δοῦναι. ἔπιστατεῦσαν δὲ Ἐνυσθέως μετὰ τῶν ἐν ἐκεῖνῳ τῷ χρόνῳ Πελοπόννησον ἐχόντων, οὐκ
ἔγγυς τῶν δεινῶν γενόμενοι μετέγνωσαν, ἀλλὰ τὴν αὐτήν εἰχον γνώμην ἢνπέρ πρῶτον, ἁγαθὸν
μὲν οὐδὲν ἴδια ὑπὸ τοῦ πατρὸς αὐτῶν πεποιθότες,
ἐκεῖνοι τ’ οὐκ εἰδότες ὅπως τοις ἀνδρεῖς ἐσονται

13 γενόμενοι. δίκαιον δὲ νομίζοντες εἶναι, οὐ προτέρας ἐχθρας ὑπαρχοῦσα πρὸς Ἐνυσθέα, οὐδὲ κέρδους
προκειμένου πλὴν δόξης ἁγαθῆς, τοσοῦτον κίνδυνον

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a According to the usual story all the seven were slain.
b The sons of Heracles (Heracleidae; cf. Euripides’ play

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FUNERAL ORATION, 10–14

numerous enemy, but had justice as their ally, and they fought and conquered. And they did not allow themselves to be so elated by their fortune as to seek a heavier punishment of the Cadmeans, but in contrast to their impiety showed them their own virtue, and obtaining for themselves the prize for which they had come—the corpses of the Argives—they buried them in their own land of Eleusis. Such, then, is the character that they have evinced in regard to those of the Seven against Thebes who were slain.a

In a later time, when Heracles had vanished from amongst men, and his children were fleeing from Eurystheus and were expelled by all the Greeks, who were ashamed of these acts but afraid of Eurystheus’ power, they came to this city, and seated themselves as suppliants at our altars.b And when Eurystheus demanded them, the Athenians refused to give them up, but revered the virtue of Heracles more than they feared their own danger, and preferred to do battle for the weaker on the side of right, rather than favour the powerful by giving up to them the men whom they had wronged. Eurystheus marched against them with the people who held the Peloponnese at that time; yet they did not falter at the approach of the danger, but maintained the same resolve as before, though they had received no particular benefit at the father’s hands, and could not tell what manner of men the sons would grow to be. Acting on what they held to be just, on no grounds of former enmity against Eurystheus, with no gain in view but good repute, they made this perilous venture on behalf of those of this name) were protected by the Athenians against their father’s oppressor, Eurystheus, king of Argos, before their conquest of the Peloponnese.

a
b
LYSIAS

υπὲρ αὐτῶν ἦραντο, τοὺς μὲν ἀδικομένους ἔλεοντες, τοὺς δ' ὑβρίζοντας μισοῦντες, καὶ τοὺς μὲν κωλύειν ἐπιχειροῦντες, τοῖς δ' ἐπικουρεῖν ἄξιοῦντες, ἡγούμενοι ἐλευθερίας μὲν σημεῖον εἶναι μηδὲν ποιεῖν ἄκοντας, δικαιοσύνης δὲ τοῖς ἀδικομένοις βοηθεῖν, εὐψυχίας δ' ὑπὲρ τούτων ἀμφότερων, εἰ 15 δέοι, μαχομένους ἀποθνήσκειν. τοσοῦτον δ' ἐφρόνουν ἀμφότεροι, ὡσθ' οἱ μὲν μετ' Εὐρυσθέως οὐδὲν παρ' ἐκόντων εξήτουν εὐρίσκεσθαι, Ἀθηναῖοι δὲ οὐκ ήξίον Εὐρυσθέα αὐτὸν ἰκετεύοντα τοὺς ἰκέτας αὐτῶν ἔξελειν. παραταξάμενοι δ' ἴδια δυνάμει τὴν ἐξ ἀπάσης Πελοποννήσου στρατιὰν ἐλθοῦσαν ἐνίκων μαχόμενοι, καὶ τῶν Ἡρακλέους παιδῶν τὰ μὲν σώματα εἰς ἀδειαν κατέστησαν, ἀπαλλάξαντες δὲ τοῦ δέους καὶ τὰς ψυχὰς ἠλευθέρωσαν, διὰ δὲ τὴν τοῦ πατρὸς ἀρετὴν ἐκείνους 16 τοῖς αὐτῶν κυνιῦνοι ἐστεφάνωσαν. τοσοῦτον δὲ εὐτυχέστεροι παῖδες ὅντες ἐγένοντο τοῦ πατρὸς· ὁ μὲν γάρ, καίπερ ὃν ἀγαθῶν πολλῶν αἰτίως ἀπασὶν ἀνθρώπωις, ἐπίτονοι καὶ φιλόνικοι καὶ φιλότιμον αὐτῶν καταστήσας τὸν βίον τοὺς μὲν ἄλλους ἀδικοῦντας ἐκόλασαν, Εὐρυσθέα δὲ καὶ ἐχθρὸν ὄντα καὶ εἰς αὐτὸν ἐξαμαρτάνοντα συν ὦλὸς τε ἢν τιμωρῆσοσθαι· οἱ δὲ παιδεῖς αὐτοῦ διὰ τὴν τῇ ἡμέρᾳ τῆς θ' ἐαυτῶν σωτηρίαν καὶ τῇ τῶν ἐχθρῶν τιμωρίαν.

17 Πολλὰ μὲν οὖν ὑπῆρχε τοῖς ἡμετέροις προγόνοις μιᾷ γνώμῃ χρωμένοις περὶ τοῦ δικαίου διαμάχεσθαι· ἦ τε γὰρ ἀρχὴ τοῦ βίου δικαία· οὐ γάρ, ὥσπερ οἱ πολλοί, πανταχόθεν συνειλεγμένοι καὶ ἐτέρους ἐκβαλόντες τὴν ἀλλοτρίαν ὕκησαν, ἀλλ' αὐτο- χθονες ὅντες τὴν αὐτὴν ἐκέκτητο μητέρα καὶ 38
children, pitying the wronged and hating the oppressor; attempting to check the one, and deigning to assist the other; conceiving it a sign of freedom to do nothing against one's will, of justice to succour the wronged, and of courage to die, if need be, in fighting for those two things at once. So high was the spirit of both sides that Eurystheus and his forces sought no advantage from any offer of the Athenians, while the Athenians would not suffer Eurystheus, even at his own supplication, to take away their suppliants. Having arrayed their own sole force against the host assembled from the whole Peloponnese, they conquered them in battle, rescued the sons of Heracles from bodily peril, liberating also their souls by ridding them of fear, and by their own daring crowned the sons with the meed of their father's valour. So much happier in the event were these, the children, than the father; for he, though author of many benefits to all mankind, devoting his life to a laborious quest of victory and honour, did indeed chastise those who wronged others, but was unable to punish Eurystheus, who was both his enemy and his oppressor. Whereas his sons, thanks to this city, saw on the same day both their own deliverance and the punishment of their enemies.

Now in many ways it was natural to our ancestors, moved by a single resolve, to fight the battles of justice: for the very beginning of their life was just. They had not been collected, like most nations, from every quarter, and had not settled in a foreign land after driving out its people: they were born of the soil, and possessed in one and the same country their mother and their fatherland. They were the first
18 πατρίδα, πρώτου δὲ καὶ μόνου ἐν ἑκείνῳ τῷ χρόνῳ ἐκβαλόντες τὰς παρὰ σφίσαν αὐτοῖς δυναστείας δημοκρατίαν κατεστήσαντο, ἥγούμενοι τὴν πάντων ἐλευθερίαν ὁμόνοιαν εἶναι μεγίστην, κοινὰς δʼ ἀλλήλοις τὰς ἕκ τῶν κινδύνων ἐλπίδας ποιήσατε ἐλευθέραις ταῖς ψυχαῖς ἐπολυτεύοντο, νόμῳ τούς ἀγαθοὺς τιμῶντες καὶ τούς κακοὺς κολάζοντες, ἥγησάμενοι θηρίων μὲν ἔργων εἶναι ὑπὸ ἀλλήλων βία κρατεῖσθαι, ἀνερωποίς δὲ προσήκειν νόμῳ μὲν ὁρίσαι τὸ δίκαιον, λόγῳ δὲ πείσαι, ἔργω δὲ τούτοις ὑπηρετεῖν, ὑπὸ νόμου μὲν βασιλεομένους, ὑπὸ λόγου δὲ διδασκομένους.

19 Καὶ γὰρ τοι καὶ φύντες καλῶς καὶ γνώντες ὁμοία, πολλὰ μὲν καλὰ καὶ θαυμαστὰ οἱ πρόγονοι τῶν ἐνθάδε κειμένων ἐφράσαστο, ἀείμνηστα δὲ καὶ μεγάλα καὶ πανταχοῦ ὁ εἶ ἑκείνων γεγονότες τρόπαια διὰ τὴν αὐτῶν ἁρετὴν κατέλιπον. μόνοι γὰρ ὑπὲρ ἀπάσης τῆς Ἑλλάδος πρὸς πολλὰς μυριάδας τῶν βαρβάρων διεκκυδύνευσαν. δὲ γὰρ τῆς Ἀσίας βασιλεῶς οὐκ ἀγαπῶν τοὺς ὑπάρχουσιν ἁγαθοῖς, ἄλλ' ἐπίζων καὶ τὴν Εὐρώπην δουλωσοθαί, ἔστειλε πεντήκοντα μυριάδας στρατιὰν. ἡγησάμενοι δὲ, εἰ τῆς τῆς πόλεως ἡ ἐκοῦσαν φίλην ποιῆσαιτη ἠκουσαν καταστρέψαιτω, ῥαδίως τῶν πολλῶν Ἑλλήνων ἄρξειν, ἀπέβησαν εἰς Μαραθῶνα, νομίσαντες οὕτως ἂν ἐρημοτάτους εἶναι συμμάχων [τοὺς Ἑλλήνας], εἰ ἐτὶ στασιαξούντας τῆς Ἑλλάδος ὡς των χρή τρόπως τούς ἐπιλύνταις αμύνασθαι, τῶν κινδύνων ποιῆσαιτω. 20 καὶ γὰρ ὑπὲρ ἀπάσης τῆς Ἑλλάδος πρὸς πολλὰς μυριάδας τῶν βαρβάρων διεκκυδύνευσαν. δὲ γὰρ τῆς Ἀσίας βασιλεῶς οὐκ ἀγαπῶν τοὺς ὑπάρχουσιν ἁγαθοῖς, ἄλλ' ἐπίζων καὶ τὴν Εὐρώπην δουλωσοθαί, ἔστειλε πεντήκοντα μυριάδας στρατιὰν. ἡγησάμενοι δὲ, εἰ τῆς τῆς πόλεως ἡ ἐκοῦσαν φίλην ποιῆσαιτη ἠκουσαν καταστρέψαιτω, ῥαδίως τῶν πολλῶν Ἑλλήνων ἄρξειν, ἀπέβησαν εἰς Μαραθῶνα, νομίσαντες οὕτως ἂν ἐρημοτάτους εἶναι συμμάχων [τοὺς Ἑλλήνας], εἰ ἐτὶ στασιαξούντας τῆς Ἑλλάδος ὡς των χρή τρόπως τούς ἐπιλύνταις αμύνασθαι, τῶν κινδύνων ποιῆσαιτω. 21 μυριάδας τῶν βαρβάρων διεκκυδύνευσαν. δὲ γὰρ τῆς Ἀσίας βασιλεῶς οὐκ ἀγαπῶν τοὺς ὑπάρχουσιν ἁγαθοῖς, ἄλλ' ἐπίζων καὶ τὴν Εὐρώπην δουλωσοθαί, ἔστειλε πεντήκοντα μυριάδας στρατιὰν. ἡγησάμενοι δὲ, εἰ τῆς τῆς πόλεως ἡ ἐκοῦσαν φίλην ποιῆσαιτη ἠκουσαν καταστρέψαιτω, ῥαδίως τῶν πολλῶν Ἑλλήνων ἄρξειν, ἀπέβησαν εἰς Μαραθῶνα, νομίσαντες οὕτως ἂν ἐρημοτάτους εἶναι συμμάχων [τοὺς Ἑλλήνας], εἰ ἐτὶ στασιαξούντας τῆς Ἑλλάδος ὡς των χρή τρόπως τούς ἐπιλύνταις αμύνασθαι, τῶν κινδύνων ποιῆσαιτω.
and the only people in that time to drive out the ruling classes\(^a\) of their state and to establish a democracy, believing the liberty of all to be the strongest bond of agreement; by sharing with each other the hopes born of their perils they had freedom of soul in their civic life, and used law for honouring the good and punishing the evil. For they deemed that it was the way of wild beasts to be held subject to one another by force, but the duty of men to delimit justice by law, to convince by reason, and to serve these two in act by submitting to the sovereignty of law and the instruction of reason.

For indeed, being of noble stock and having minds as noble, the ancestors of those who lie here achieved many noble and admirable things; but ever memorable and mighty are the trophies that their descendants have everywhere left behind them owing to their valour. For they alone risked their all in defending the whole of Greece against many myriads of the barbarians. For the King of Asia, not content with the wealth that he had already, but hoping to enslave Europe as well, dispatched an army of five hundred thousand. These, supposing that, if they obtained the willing friendship of this city or overwhelmed its resistance, they would easily dominate the rest of the Greeks, landed at Marathon, thinking that we should be most destitute of allies if they made their venture at a moment when Greece was in disension as to the best means of repelling the invaders. Besides, from the former actions of our city they had conceived a particular opinion of her: they thought

\(^a\) \(\delta\nu\alpha\sigma\tau\epsilon\alpha\) was a small ruling class or narrow oligarchy, opposed to \(\pi\omega\lambda\tau\epsilon\alpha\) or constitutional rule; cf. Thucydides, iii. 62, iv. 78.
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πρότερον ἐπ’ ἄλλην πόλιν ἰασών, ἐκεῖνοι καὶ Ἀθηναῖοις πολεμήσουσι· προθύμως γὰρ τοὺς ἀδικουμένους ἦξουσί βοηθήσοντες· εἰ δ’ ἐνθάδε πρῶτον ἀφίξονται, οὔδένας ἄλλους τῶν Ἑλλήνων τολμήσειν ἐτέρους σώζοντας φανερὰν ἐχθραν πρὸς ἑκείνους ὑπ’ αὐτῶν καταθέσθαι. οἱ μὲν τοῖν παύτα διενοῦντο· οἱ δ’ ἡμέτεροι πρόγονοι οὐ λογισμῷ εἰδότες τοὺς ἐν τῷ πολέμῳ κινδύνους, ἀλλὰ νομίζοντες τὸν εὐκλεά θάνατον ἀθάνατον περὶ τῶν ἀγαθῶν καταλείπειν λόγον, οὐκ ἐφοβήθησαν τὸ πλῆθος τῶν ἐναντίων, ἀλλὰ τῇ αὐτῶν ἀρέτῃ μάλλον ἐπίστευσαν. καὶ αἰσχύνομεν οἴτι ἦσαν οἱ βάρβαροι αὐτῶν ἐν τῇ χώρᾳ, οὐκ ἀνέμειναν πυθέσθαι οὐδὲ βοηθῆσαι τοὺς συμμάχους, οὐδ’ ὠφθησαν δεῖν ἐτέροις τῆς σωτηρίας χάριν εἰδέναι, ἀλλὰ σφίσαν αὐτοῖς τοὺς ἄλλους Ἑλλήνας. ταῦτα μιᾶ γνώμη πάντες γνόντες ἀπήντων ὀλίγοι πρὸς πολλούς· ἐνόμιζον γὰρ ἀποθανεῖν μὲν αὐτοῖς μετὰ πάντων προσήκειν, ἄγαθοὺς δ’ εἶναι μὲτ’ ὀλίγων, καὶ τὰς μὲν ψυχὰς ἀλλοτρίας διὰ τὸν θάνατον κεκτήσαν, τὴν δ’ ἐκ τῶν κινδύνων μνήμην ἰδίαιν καταλείψαν. ἥξιον δὲ, οὐς μὴ μόνοι νικῆσαν, οὐδ’ ἄν μετὰ τῶν συμμάχων δύνασθαι· καὶ ἡττηθέντες μὲν ὀλίγῳ τῶν ἄλλων προαπολείσθαι, νικήσαντες δὲ καὶ τοὺς ἄλλους ἔλευθερώσειν.

[193] ἄνδρες δ’ ἀγαθοὶ γενόμενοι, καὶ τῶν μὲν σωμάτων ἀφειδήσαντες, ὑπὲρ δὲ τῆς ἀρετῆς οὐ φιλοψυχήσαντες, καὶ μάλλον τοὺς παρ’ αὐτοῖς νόμους αἰσχυνόμενοι ἢ τὸν πρὸς τοὺς πολεμίους κίνδυνον φοβοῦμενοι, ἔστησαν μὲν τρόπαιον ὑπὲρ τῆς Ἑλλάδος τῶν βαρβάρων ἐν τῇ αὐτῶν, ὑπὲρ χρή-
that if they attacked another city first, they would be at war with it and Athens as well, for she would be zealous in coming to succour her injured neighbours; but if they made their way here first, no Greeks elsewhere would dare attempt the deliverance of others, and for their sake incur the open hostility of the foreigners. These, then, were the motives of the foe. But our ancestors, without stopping to calculate the hazards of the war, but holding that a glorious death leaves behind it a deathless account of deeds well done, had no fear of the multitude of their adversaries, but rather had confidence in their own valour. And feeling ashamed that the barbarians were in their country, they did not wait till their allies should be informed and come to their support; rather than have to thank others for their salvation, they chose that the rest of the Greeks should have to thank them. With this one resolve in the minds of all, they marched to the encounter, though few against many: for death, in their opinion, was a thing for them to share with all men, but prowess with a few; and while they possessed their lives, because of mortality, as alien things, they would leave behind something of their own in the memory attached to their perils. And they deemed that a victory which they could not win alone would be as impossible with the aid of their allies. If vanquished, they would perish a little before the others; if victorious, they would liberate the others with themselves. They proved their worth as men, neither sparing their limbs nor cherishing their lives when valour called, and had more reverence for their city’s laws than fear of their perils in face of the enemy; and so in their own land they set up on behalf of Greece a trophy of victory over the
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26 μάτων εἰς τήν ἀλλοτρίαν ἐμβαλόντων, παρὰ τοὺς ὄρους τῆς χώρας, οὕτω δὲ διὰ ταχέων τὸν κινδυνον ἐποιήσαντο, ὡστε οἱ αὐτοὶ τοῖς ἄλλοις ἀπήγγειλαν τὴν τ ἐνθάδε ἀφίξειν τῶν βαρβάρων καὶ τὴν νίκην τῶν προγόνων. καὶ γάρ τοι οὐδεὶς τῶν ἄλλων ἔδεισεν ὑπὲρ τοῦ μέλλοντος κινδύνου, ἀλλ' ἀκούσαντες ὑπὲρ τῆς αὐτῶν ἔλευθερίας ἤσθησαν. ὡστε οὐδὲν θαυμαστόν, πάλαι τῶν ἐργῶν γεγενημένων, ὡσπερ καινῶν ὄντων ἔτι καὶ νῦν τὴν ἀρετὴν αὐτῶν ὑπὸ πάντων ἀνθρώπων ζηλοῦσθαι.

27 Μετὰ ταῦτα δὲ Ξέρξης ὁ τῆς Ἀσίας βασιλεύς, καταφρονήσας μὲν τῆς Ἑλλάδος, ἐψευσμένοι δὲ τῆς ἐλπίδος, ἀτιμαζόμενοι δὲ τῶ γεγενημένω, ἀχθόμενοι δὲ τῇ συμφορᾷ, ὀργιζόμενοι δὲ τοῖς αὐτίως, ἀπαθὴς δ' ὠν κακῶν καὶ ἀπειρος ἀνδρῶν ἀγαθῶν, δεκάτῳ ἔτει παρασκευασάμενοι διοικοσίας μὲν καὶ χιλίας ναυσίν ἀφίκετο, τῆς δὲ πεζῆς στρατιάς οὔτως ἀπειρον τὸ πλῆθος ἤγεν, ὡστε καὶ τὰ ἕθη τὰ μετ' αὐτοῦ ἀκολουθήσαντα πολὺ

28 ἀν ἐργον εἰς καταλέξακα δ' δὲ μέγιστον σημείον τοῦ πλῆθους· ἔξον γὰρ αὐτῶ χιλίας ναυσὶ διαβιβάσαι κατὰ τὸ στενότατον τοῦ Ἑλλησπόντου τῆς πεζῆς στρατιῶν ἐκ τῆς Ἀσίας εἰς τὴν Εὐρώπην, οὐκ ἠθέλησεν, ἥγούμενος τὴν διατριβὴν αὐτῶ πολλὴν ἐσεβαί: ἀλλ' ὑπεριδὼν καὶ τὰ φύσει πεφυκότα καὶ τὰ θεία πράγματα καὶ τὰς ἀνθρωπίνας διανοίας ὅδον μὲν διὰ τῆς θαλάττης ἐποιήσατο, πλοῦν δὲ διὰ τῆς γῆς ἦναγκασε γενέσθαι, ξεύξας μὲν τῶν Ἑλλησπόντου, διορύξας δὲ τῶν Ἀθων, ὑφισταμένοι οὐδενός, ἀλλὰ τῶν μὲν ἀκόντων ὑπακοῦντων, τῶν δὲ ἐκόντων προδιδόντων. οἱ

1 πάλαι Reiske: παλαιῶν mss.
barbarians, who had invaded others’ territory for money, past the frontiers of their land; and so swiftly did they surmount their ordeal that by the same messengers information reached the other Greeks both of the barbarians’ arrival here and of our ancestors’ triumph. For indeed none of the other Greeks knew fear for the peril to come; they only heard the news and rejoiced over their own liberation. No wonder, then, that these deeds performed long ago should be as though they were new, and that even to this day the valour of that band should be envied by all mankind.

Thereafter Xerxes, King of Asia, who had held Greece in contempt, but had been deceived in his hopes, who was dishonoured by the event, galled by the disaster, and angered against its authors, and who was unused to ill-hap and unacquainted with true men, in ten years’ time prepared for war and came with twelve hundred ships; and the land army that he brought was so immense in numbers that to enumerate even the nations that followed in his train would be a lengthy task. But the surest evidence of their numbers is this: although he had a thousand ships to spare for transporting his land army over the narrowest part of the Hellespont from Asia to Europe he decided against it, for he judged that it would cause him a great waste of time: despising alike the effects of nature, the dispositions of Heaven and the purposes of men, he made him a road across the sea, and forced a passage for ships through the land, by spanning the Hellespont and trenching Athos; none withstood him, for the unwilling submitted, and the willing chose to be traitors. The former were not
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μὲν γὰρ οὐχ ἴκανοι ἦσαν ἀμύνασθαι, οἱ δὲ ὑπὸ χρημάτων διεφθαρμένοι: ἀμφότερα δ' ἤν αὐτοὺς
tὰ πείθοντα, κέρδος καὶ δέος. Ἀθηναίοι δ' οὖν
dιακειμένης τῆς Ἑλλάδος αὐτοὶ μὲν εἰς τὰς ναὸς ἐμβάντες ἐπὶ Ἀρτεμίσιον ἐβοήθησαν, Ἀκαδαι-
μόνοι δὲ καὶ τῶν συμμάχων ἐνιοί εἰς Θερμοπύλας ἀπήντησαν, ἡγούμενοι διὰ τὴν στενὸττα τῶν
χωρίων τὴν πάροδον οίοι τ' ἔσεσθαι διαφυλάξαι.

31 γενομένου δὲ τοῦ κινδύνου κατὰ τὸν αὐτὸν χρόνον
Ἀθηναίοι μὲν ἐνίκων τῇ ναυμαχίᾳ, Ἀκαδαιμόνοι
δὲ, οὐ ταῖς ψυχαῖς ἑιδεῖς γενόμενοι, ἀλλὰ τοῦ
πλῆθους ψευσθέντες καὶ οὐσ φυλάξειν ὄντο καὶ
πρὸς οὐσ κινδυνεύσειν ἐμελλον, διεφθάρησαν;
οὐχ ἥττηθέντες τῶν ἐναντίων, ἀλλ' ἀποθανόντες

32 οὖπερ ἐτάξθησαν μάχεσθαι τούτω δὲ τῶ τρόπῳ
τῶν μὲν δυστυχησάντων, τῶν δὲ τῆς παρόδου
κρατησάντων, οἱ μὲν ἐπορεύοντο ἐπὶ τὴν πόλιν, οἱ δ' ἠμέτεροι πρόγονοι πυθόμενοι μὲν τὴν
γεγενημένην Ἀκαδαιμονίωις συμφορᾶν, ἀποροῦντες
δὲ τοῖς περιστηκόσι πράγμασιν, εἰδότες δὲ ὅτι,
ἐὰν κατὰ γῆν τοὺς βαρβάρους ἀπαντήσονται,
ἐπιπλεύσαντες χιλίαις ναυσὶν ἔρημην τὴν πόλιν
λήψονται, εἰ δὲ εἰς τὰς τριήρεις ἐμβῆσονται, ὅπο
τῆς πεζῆς στρατιάς ἀλώσονται, ἀμφότερα δὲ οὐ
dυνῆσονται, ἀμύνασθαι τε καὶ φυλακῆν ἴκανή

33 καταλιπεῖν, δυοῖν δὲ προκειμένου, πότερον χρῆ
tῆς πατρίδας ἐκλιπεῖν ἢ μετὰ τῶν βαρβάρων
gενομένους καταδουλώσασθαι τοὺς Ἑλλήνας, ἣν-
σάμενοι κρείττον εἶναι μετ' ἀρετῆς καὶ πενίας καὶ
φυγῆς ἐλευθερίαν ἢ μετ' ὀνείδους καὶ πλούτου
dουλεῖαν τῆς πατρίδος, ἐξέλιπον ὑπὲρ τῆς Ἑλλάδος

1 διεφθάρησαν add. Jacobs.
capable of resisting, and the latter were corrupted by bribes: they were under the double persuasion of gain and dread. But while Greece showed these inclinations, the Athenians, for their part, embarked in their ships and hastened to the defence of Artemisium; while the Lacedaemonians and some of their allies went off to make a stand at Thermopylae, judging that the narrowness of the ground would enable them to secure the passage. The trial came for both at the same time: the Athenians conquered in the sea-fight, while the Lacedaemonians, showing no failure of spirit, but deceived as to the numbers alike of those whom they expected to mount guard and of those with whom they had to contend, were destroyed, not having been worsted by their adversaries, but slain where they had been stationed for battle. When in this manner the one side had suffered disaster, and the other had captured the passage, the invaders advanced against this city; while our ancestors, informed of the calamity that had befallen the Lacedaemonians, and perplexed by the difficulties that surrounded them, were aware that, if they marched out to meet the barbarians on land, they would sail against the city with a thousand ships and take it undefended, and if they embarked on their war-vessels they would be reduced by the land army; that they would be unequal to the double strain of repelling the foe and leaving behind a sufficient garrison. So having to choose one of two courses, either to desert their native land or to join the barbarians in enslaving the Greeks, they decided to prefer freedom together with valour and poverty and exile to their country’s servitude in infamy and wealth: they left their city for the sake of

* The Athenians left in the city.
τὴν πόλιν, ἵνα ἐν μέρει πρὸς ἐκατέραν ἀλλὰ μὴν ὁμοίως ἐις Σαλαμῖνα, συνήθροιζον καὶ τὸ τῶν ἄλλων σωμάτων ναυτικὸν. οὐ πολλὰς δ᾽ ὑπεροῦν ἥμερας ἦλθε καὶ ἡ πεζῇ στρατιὰ καὶ τὸ ναυτικὸν τοῦ τῶν βαρβάρων, δὲ τίς οὐκ ἂν ἰδὼν ἐφοβήθη, ὡς μέγας καὶ δεινὸς τῇ τῇ πόλει κίνδυνος ὑπὲρ τῆς τῶν Ἑλλήνων οἰκοδομίας ἡγοῦντα; ποίαν δὲ γνώμην εἶχον ἢ οἱ θεовέοντος ἄι αὐτὸν ναυαίκας, οὐσίας καὶ τῆς αὐτῶν σωτηρίας ἀπίστου καὶ τοῦ προσιόντος κινδύνου, ἢ οἱ μέλλοντες ναυμαχῆσειν ὑπὲρ τῆς φιλότητος, ὑπὲρ τῶν ἄθλων τῶν Ἐλλήνων πανταχῶθεν περιειστῆκε πλῆθος πολεμίων, ὥστε ἐλάχιστον μὲν αὐτοῖς εἶναι τῶν παραγόντων κακῶν τὸ βάρατον τῶν αὐτῶν προειδέναι, μεγίστην δὲ συμφορὰν, ἔπειτα ὡς τῶν βαρβάρων εὐτυχησάντων τοὺς ὑπεκτεθέντας ἦλπι-37 ζον πείσεσθαι. ἢ που διὰ τὴν ὑπάρχουσαν ἀπορίαν πολλάκις μὲν ἐδεξιώσαστο ἄλλης, εἰκότως δὲ σφαγὸς αὐτοὺς ὁλοφύραντο, εἰδοτες μὲν τὰς σφητέρας ναις ὀλίγας οὐσίας, ὅρωντες δὲ πολλὰς τὰς τῶν πολεμίων, ἐπιστάμενοι δὲ τὴν μὲν πόλιν ἡρμημένην, τὴν γὰρ χώραν πορθομένην καὶ μεστὴν τῶν βαρβάρων, ἱερῶν καὶ καιμένων, ἀπάντων δὲ ἐγγύς ὁμιῶν τῶν δεινῶν, ἀκούοντες δὲ ἐν ταὐτῷ συμμεμειγμένου Ἐλλήνικοῦ καὶ βαρβαρικοῦ πιαῖνοι, παρακελευσμοῦ δὲ ἀμφοτέρων καὶ κραυγῆς τῶν διαφθειρμένων, καὶ τῆς θαλάσσης μεστῆς τῶν νεκρῶν, καὶ πολλῶν μὲν συμπιπτόντων καὶ φιλίων καὶ πολεμίων ναυαγίων, ἀντιπάλου δὲ πολυν 1

1 à add. Taylor.
Greek, that they might challenge each of the two forces in turn, not both at once. They deposited their children and wives and mothers safe in Salamis, and assembled to their aid the ships of their allies. A few days later both the land army and the fleet of the barbarians appeared; at such a sight, who would not have been afraid of the greatness and terror of the danger that had come upon our city in her struggle for the freedom of Greece? What were the feelings of those who beheld their friends on board those ships, when their own salvation was as doubtful as the approaching contest; or again, of those who were about to do battle at sea for their dearest, for the prizes there in Salamis? On every hand they were surrounded by such a multitude of foes that they reckoned it the least of their present troubles to anticipate their own death, but saw the greatest of disasters in the fate that they must expect to be dealt by the barbarians, if successful, to those whom they had transported from the city. We may be sure that the perplexity of their case made them often grasp each other by the hand, and with reason bewail their plight; knowing their own ships to be few, and seeing those of the foe to be many; understanding that their city was now deserted, that their land was being ravaged and overrun by the barbarians, that the temples were being burnt, and that horrors of every kind were close upon them. At the same moment they heard mingled battle-hymns of Greek and barbarian, exhortations on either side, and shrieks of the perishing: the sea was full of corpses, there was clashing of many wrecks of friends' and foemen's vessels, and for a long time the sea-fight was evenly

\* i.e., the fleet and the army of the Persians.
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χρόνον οὖσῃ τῆς ναυμαχίας δοκοῦντες τοτὲ μὲν νευκηκέναι καὶ σεσώσθαι, τοτὲ δ’ ἤττησθαι καὶ
39 ἀπολωλέναι. ἣ̣ οὖν διὰ τῶν παρόντα φόβον πολλὰ
μὲν ὡθήσαν ἵδειν ὅν οὐκ εἴδον, πολλὰ δ’ ἀκούσαι
ὡν οὐκ ἦκουσαν. ποίαι δ’ οὐχ ἰκετεῖαθεών ἐγένοντο ἦ
θυσίων ἀναμνήσεις, ἐλεός τε παίδων καὶ γυναικῶν πόθος οἰκτός τε πατέρων καὶ
μητέρων, λογισμὸς δ’, εἰ δυστυχήσειαν, τῶν
40 μελλόντων ἐσεσθαί κακῶν; τὰς οὐκ ἂν θεῶν
ήλεσθεν αὐτοὺς ὑπὲρ τοῦ μεγέθους τοῦ κινδύνου;
ἡ τίς ἀνθρώπων οὐκ ἂν ἐδάκρυσεν; ἡ τίς τῆς
τόλμης αὐτοὺς οὐκ ἂν ἤγαθη; ἡ πολὺ πλείστουν
ἐκεῖνοι κατὰ τὴν ἀρετὴν ἀπάντων ἀνθρώπων
διήνεγκαν καὶ ἐν τοῖς βουλεύμασι καὶ ἐν τοῖς τοῦ
πολέμου κινδύνους, ἐκλειπόντες μὲν τὴν πόλιν, εἰς
τὰς ναύς δ’ ἐμβάντες, τὰς δ’ αὐτῶν ψυχὰς ὅλιγας
ουσας ἀντιταξάντες τῇ πλῆθει τῷ τῆς Ἁσίας.
41 ἐπέδειξαν δὲ πάσων ἀνθρώπων, νικήσαντες τῇ ναυ-
μαχίᾳ, ὅτι κρείττον μετ’ ὀλίγων ὑπὲρ τῆς ἐλευ-
θερίας κινδυνεύειν ἣ μετὰ πολλῶν βασιλευομένων
42 ὑπὲρ τῆς αὐτῶν δουλείας. πλείστα δὲ καὶ κάλλιστα
ἐκεῖνοι ὑπὲρ τῆς τῶν Ἑλλήνων ἐλευθερίας συν-
εβάλοντο, στρατηγῶν μὲν Θεμιστοκλέα, ἰκανώτατον
ἐπείν καὶ γνώναι καὶ πράξαι, ναύς δὲ πλείους τῶν
ἄλλων συμμάχων, ἀνδρας δ’ ἐμπειροτάτους. καὶ
γὰρ1 τίνες ἄν τούτοις τῶν ἄλλων Ἑλλήνων ἦρισαν
43 γνώμη καὶ πλήθει καὶ ἄρετῇ; ὡστε δικαίως μὲν
ἀναμφισβήτητα τάρταρεια τῆς ναυμαχίας ἔλαβον
παρὰ τῆς Ἑλλάδος, εἰκότως δὲ τὴν εὐτυχίαν
ὁμονοοῦσαν τοῖς κινδύνοις ἐκτήσαντο, γνησίαν δὲ

1 καὶ γὰρ Dobree: καίτοι mss.
balanced; they seemed at one moment to have conquered and been saved, at another to have been defeated and destroyed. Certainly the fear that was upon them must have made them believe that they saw many things which they saw not, and heard many that they did not hear. What supplications, what reminders of sacrifices, were not sent up to Heaven! What pity was felt for children, what yearning over wives, what compassion for fathers and mothers, in calculating the evils that would result from their ill-success! What deity would have denied them pity for such an awful danger? What man but would have shed tears? Who would not have marvelled at their daring? Beyond all compare did those men in their valour surpass all mankind, whether in their counsels or in the perils of that war; for they abandoned their city and embarked on their ships, and pitted their own few lives against the multitude of Asia. They declared to all men, by their victory in the sea-fight, that there is better hope for the venture shared with a few in the cause of freedom than for that in which numerous subjects of a king contend for their own servitude. They made the fullest and fairest contribution in aid of the freedom of the Greeks by providing Themistocles as commander, most competent to speak and decide and act, and ships more numerous than those of all their allies, and men of the greatest experience. For indeed who among the rest of the Greeks could have vied with these in decision, in number, and in valour? Hence it was just that they should receive from Greece without dispute the prize of prowess in the sea-fight, and reasonable that they should attain a prosperity in accord with the measure of their perils, having taught the barbarians
καὶ αὐτόχθονα τοῖς ἐκ τῆς Ἀσίας βαρβάρους τὴν αὐτῶν ἄρετήν ἐπεδείξαντο.

44 Ἐν μὲν οὖν τῇ ναυμαχίᾳ τοιούτους αὐτούς παρασχόντες καὶ πολὺ πλείστον τῶν κινδύνων μετασχόντες τῇ ἱδίᾳ ἄρετῇ κοινῆν τὴν ἐλευθερίαν καὶ τοῖς ἄλλοις ἐκτύπαντο· ὑστερον δὲ Πελοποννησίων διατείχεσθον τὸν Ἰσθμόν, καὶ ἄγαπῶντων μὲν τῇ σωτηρίᾳ, νομιζόντων δ’ ἀπηλλάχθαι τοῦ κατὰ θάλασσαν κινδύνου, καὶ διανοούμενοι τοὺς ἄλλους Ἑλλήνας περιδείν ύπὸ τοῖς βαρβάροις

45 γενομένους, ὁρμισθέντες Ἀθηναίοι συνεβούλευσαν αὐτοῖς, εἰ ταύτην τὴν γνώμην ἔξουσι, περὶ ἀπασαν τὴν Πελοπόννησον τεῖχος περιβαλεῖν· εἰ γὰρ αὐτὸι ύπὸ <τῶν>1 Ἑλλήνων προδοδόμενοι μετὰ τῶν βαρβάρων ἔσονται, οὐτ’ ἐκεῖνοι δέσθεν χιλίων [195] νεῶν οὕτω τούτους ὑφελῆσεν τὸ ἐν Ἰσθμῷ τεῖχος· ἀκινδύνως γὰρ ἔσεσθαι τὴν τῆς θαλάττης ἄρχην

46 βασιλέως. διδασκόμενοι δὲ καὶ νομίζοντες αὐτοὶ μὲν ἄδικα τε ποιεῖν καὶ κακῶς βουλεύεσθαι, Ἀθηναίοι τε δικαία τε λέγειν καὶ τὰ βέλτιστα αὐτοῖς παραμεῖν, ἐβοήθησαν εἰς Πλαταιᾶς· ἀποδράντων δὲ ὑπὸ νῦκτα τῶν πλείστων συμμάχων ἐκ τῶν τάξεων διὰ τὸ πλῆθος τῶν πολεμίων, Δακεδαμιώνοι μὲν καὶ Τεγεάται τοὺς βαρβάρους ἔτρεφαντο, Ἀθηναίοι δὲ καὶ Πλαταιείς πάντας τοὺς Ἑλλήνας ἐνίκων μαχόμενοι τοὺς ἀπογνώντας τῆς ἐλευθερίας καὶ ὑπομεινάντας τὴν δουλείαν.

47 ἐν ἐκείνῃ δὲ τῇ ἡμέρᾳ καλλίστῃ τελευτῆν τοῖς πρωτέρους κινδύνους ἐπιθέντες, βέβαιων μὲν τὴν ἐλευθερίαν τῇ Εὐρώπῃ κατειργάσαντο, ἐν ἀπασι δὲ τοῖς κινδύνοις δόντες ἐλεγχον τῆς ἑαυτῶν ἄρετῆς, καὶ μόνοι καὶ μεθ’ ἐτέρων, καὶ πεζο-
of Asia that their own valour was genuine and native to their soil,

By thus proving their quality in the sea-fight, and bearing by far the greatest share in its dangers, they obtained through their particular prowess a general access of freedom for the rest of Greece. But after this the Peloponnesians built a wall across the Isthmus; and being satisfied with their safety, and considering that they were now rid of the peril from the sea, they were disposed to stand by and see the other Greeks subdued by the barbarians. Then the Athenians, in anger, advised them, if they meant to be of this mind, to encompass the whole Peloponnesian with a wall: for if they themselves, betrayed by the Greeks, should be united with the barbarians, these on their part would have no need of a thousand ships, nor would the wall at the Isthmus help its builders, since the empire of the sea would belong without hazard to the King.

Taking the lesson to heart, and deeming their action unjust and ill-advised, while the words of the Athenians were just and their advice to them was the wisest, they went to their support at Plataea. Most of the allies had deserted their posts at nightfall, owing to the multitude of the enemy; but the Lacedaemonians and Tegeates routed the barbarians, while the Athenians and Plataeans fought and vanquished all the Greeks who had despaired of freedom and submitted to slavery. On that day they brought the ventures of the past to a most glorious consummation; for not only did they secure a permanence of freedom for Europe, but had given proof of their own valour in all those trials, whether alone or with others, in land-

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1 τῶν add. Reiske.
μαχοῦντες καὶ ναυμαχοῦντες, καὶ πρὸς τοὺς ἑβαρβάρους καὶ πρὸς τοὺς Ἕλληνας, ὥστε πάντων ἥξιωθησαν, καὶ μεθ’ ὧν ἐκινδύνευσον καὶ πρὸς οὐς ἐπολέμουν, ἴγεμόνες γενέσθαι τῆς Ἕλλάδος.

48 Ὑπερτηρῶ δὲ χρόνῳ Ἕλληνικόν πολέμοι καταστᾶντος διὰ ξῆλον τῶν γεγενημένων καὶ φθόνον τῶν πεπραγμένων, μέγα μὲν ἀπαντεῖς φρονοῦντες, μικρῶν δὲ ἐγκλημάτων ἐκαστοι δεόμενοι, ναυμαχίας Ἀθηναίοις πρὸς Ἀιγυπτίας καὶ τοὺς ἐκεῖνων συμμάχους γενομένης ἐβδομήκοντα τριήρεις αὐτῶν ἐλάμβανον. πολιορκοῦντων δὲ κατὰ τὸν αὐτῶν χρόνον Ἀιγυπτίων τε καὶ Ἀιγυπτίων, καὶ τῆς ἡλικίας ἀπούσης ἐν τε ταῖς ναυσὶ καὶ ἐν τῷ πεζῷ στρατεύματι, Κορινθιοὶ καὶ οἱ ἐκεῖνων σύμμαχοι, ἤγοιμενοὶ ἣ εἰς ἔρημον τὴν χώραν ἐμβαλεῖν ἡ ἡ Αἰγύπτης ἄξειν τὸ στρατόπεδον, ἐξελθόντες παν-

50 δημει Γεράνειαν κατέλαβον. Ἀθηναίοι δὲ τῶν μὲν ἀπούντων, τῶν δὲ ἐγγύς ὀντῶν, οὐδένα ἐτολμήσαν μεταπέμβασθαι ταῖς δὲ αὐτῶν ψυχαῖς πιστεύσαντες καὶ τῶν ἐπιόντων καταφρονήσαντες οἱ γεραίτεροι καὶ οἱ τῆς ἡλικίας ἐντὸς, γεγονότες ἡξίουν αὐτοῖς ἑνδύνον τοῦ ποιῆσασθαι, οἱ μὲν ἐμπειρία τὴν ἅρετήν, οἱ δὲ φύσει κεκτημένοι καὶ οἱ μὲν αὐτοὶ πολλαχοὶ ἀγαθοὶ γεγενημένοι, οἱ δὲ ἐκεῖνοι μμοῦμενοι, τῶν μὲν πρεσβυτέρων ἄρχεν ἐπισταμένως, τῶν δὲ νεωτέρων τὸ ἐπι-

51 ταττόμενον ποιεῖν δυναμένοι, Μυρωνίδου στρατηγοῦντος ἀπαντήσαντες αὐτοῖς εἰς τὴν Μεγαρικῆν ἐνύκων μαχόμενοι ἀπασάν τὴν δύναμιν τὴν ἐκείνων τοῖς ἑκατερηκόσι καὶ τοῖς οὖπω δυναμένοις, τοὺς εἰς τὴν σφετέραν ἐμβαλεῖν ἄξιώσαντας, εἰς

1 τοὺς add. Reiske.
fights or in sea-fights, against the barbarians or against the Greeks; and thus they were judged worthy by all—by their comrades in peril no less than their foes in the field—to have the leadership of Greece.

In later times\(^a\) a Grecian war arose from envy of what had come to pass, and jealousy of what had been achieved: great was the conceit of all, and small the allegation that each found needful. The Athenians, in a sea-fight with the Aeginetans and their allies, took seventy of their warships. As they were blockading Egypt and Aegina at the same time, and their men of serviceable age were absent either in their ships or in their land army, the Corinthians and their allies, conceiving that if they invaded our land they would either find it unprotected or draw off our forces from Aegina, marched out in full strength and seized Geranea.\(^b\) But the Athenians, though their men were away and the enemy close at hand, would not deign to summon anyone. Trusting in their own spirit, and despising the invaders, the elderly and those below the age of service thought fit to take the risk upon themselves alone: the former had acquired their valour by experience, the latter by nature; those had proved their own worth on many a field, while these would imitate them, and as the seniors knew how to command, so the juniors were able to carry out their orders. With Myronides as general they made a sally of their own into the land of Megara and conquered in battle the whole force of the enemy with troops whose strength was already failing or not yet capable,—of an enemy who had chosen to invade their country, but whom they had hastened to meet on alien

\(^a\) 459-458 B.C. \(^b\) Near Megara.
53 τὴν ἀλλοτρίαν ἀπαντήσαντες, τρόπαιον δὲ στῆ- 
σαντες καλλίστον μὲν αὐτοῖς ἔργον, αἰσχίστοι δὲ 
τοῖς πολέμιοις, οἱ μὲν οὐκέτι τοῖς σάμασιν, οἱ δὲ 
οὕτω δυνάμενοι, ταῖς δὲ ψυχαῖς ἀμφότεροι κρείτ-
τους γενόμενοι, μετὰ καλλίστης δόξης εἰς τὴν 
αὐτῶν ἀπέλθόντες οἱ μὲν πάλιν ἐπαιδεύοντο, οἱ δὲ 
περὶ τῶν λοιπῶν ἐβουλεύοντο.

54 Καθ’ ἐκαστον μὲν οὖν οὐ τὰ ὑπὸ πολλῶν 
κυνωνευθέντα υφ’ ἐνὸς ῥηθῆναι, οὐδὲ τὰ ἐν ἀπαντ 
τῷ χρόνῳ πρακτέντα ἐν μιᾷ ἡμέρᾳ δηλωθῆναι. 
τὸς γὰρ ἂν ἡ λόγος ἡ χρόνος ἡ ῥήτωρ ἰκανὸς 
γένοιτο μηνύσαι τὴν τῶν ἑνθάδε κειμένων ἀνδρῶν

55 ἀρετήν; μετὰ πλείστων γὰρ πόλιν καὶ φανερω-
τάτων ἀγώνων καὶ καλλίστων κυνωνών ἐλευθέραν 
μὲν ἐποίησαν τὴν Ἑλλάδα, μεγίστην δ’ ἀπεδείξαν 
τὴν ἑαυτῶν πατρίδα, ἐβδομήκοντα μὲν ἐτη τῆς 
θαλάττης ἅρξαντες, ἀστασιάστως δὲ παρασχόντες

56 τοὺς συμμάχους, οὐ τοὺς ὀλίγους τοὺς πολλοὺς 
δούλευειν ἀξιώσαντες, ἀλλὰ τὸ ἵσον ἔχειν ἀπαν-
τας ἀναγκάσαντες, οὐδὲ τοὺς συμμάχους ἀσθενεῖς 
pολούντες, ἀλλὰ κακεῖνους ἰσχυροὺς καθιστάντες, 
καὶ τὴν αὐτῶν δύναμιν τοσαύτην ἐπιδείξαντες, 
ὡσθ’ ὁ μέγας βασιλεὺς οὐκέτι τῶν ἀλλοτρίων 
ἐπεθύμει, ἀλλ’ ἐδίδον τῶν ἑαυτοῦ καὶ περὶ τῶν

57 λοιπῶν ἐφοβεῖτο, καὶ οὔτε τριήρεις ἐν ἐκείνῳ τῷ 
χρόνῳ ἐκ τῆς Ἀσίας ἐπελεύσαν, οὔτε τῦραννος ἐν 
τοῖς Ἑλληνικῇ κατέστη, οὔτε Ἑλληνῖς πόλις ὑπὸ 
[196] τῶν βαρβάρων ἡμαρπαδίσθην τοσαύτην σωφρο-
σύνην καὶ δέος ἡ τούτων ἅρτη πάσων ἀνθρώποις 
παρείχεν. ὡν ἔνεκα δεὶ μόνον καὶ προστάτας 
tῶν Ἑλλήνων καὶ ἑγεμόνας τῶν πόλεων γίγνεσθαι.

58 Ἐπεδείξαν δὲ καὶ ἐν ταῖς δυστυχίαις τὴν ἑαυτῶν 
56
soil. There they set up a trophy of an exploit most glorious for them, but most disgraceful for the foe. One part of them had ceased, and the other had not begun, to be able-bodied; but together they took strength from their spirit, and thus with fairest renown they returned to their own land, where the young resumed their education and the old took counsel on what remained to be done.

Now it is not easy for one person to recount in detail the perils undergone by many men, or to show forth in a single day the deeds of all past times. For what speech or time or orator would suffice to declare the valour of the men who lie here? By means of countless toils, conspicuous struggles, and glorious perils they made Greece free, while making their native land surpassing great: they commanded the sea for seventy years and saved their allies from faction, not suffering the many to be slaves of the few, but compelling all to live on an equality; instead of weakening their allies, they secured their strength along with their own, and displayed their own power to such effect that the Great King no more coveted the possessions of others, but yielded some of his own and was in fear for what remained. In that time no warships sailed from Asia, no despot held sway among the Greeks, no city of Greece was forced into serfdom by the barbarians; so great was the restraint and awe inspired in all mankind by the valour of our people. And for this reason none but they should become protectors of the Greeks and leaders of the cities.

And in misfortunes also they displayed their ac-

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\(^a\) From 476 B.C., when Athens became the head of the Delian League, to 405 B.C., when she was defeated at Aegospotami.

\(^b\) i.e., they were the general promoters of democracy.
LYSIAS

ἀρετήν. ἀπολομένων γὰρ τῶν νεῶν ἐν Ἑλλησπόντῳ ἐίτε ἡγεμόνος κακία ἐίτε θεὸν διανοία, καὶ συμφορᾶς ἐκείνης μεγιστὴς γενομένης καὶ ἡμῶν τοῖς δυστυχίσας καὶ τοῖς ἅλλοις Ἑλλησίων, ἐδήλωσεν οὐ πολλῷ χρόνῳ ὑπερον ὅτι ἡ τῆς πόλεως δύναμις
59 τῆς Ἑλλάδος ἦν σωτηρία. ἐτέρων γὰρ ἡγεμόνων γενομένων ἐνίκησαν μὲν ραβμαχοῦντες τοὺς Ἑλλήνας οἱ πρότερον εἰς τὴν ἐλατταν οὐκ ἐμβαινοῦντες, ἔπλευσαν δ' εἷς τὴν Εὐρώπην, δουλεύοντες δὲ πόλεις τῶν Ἑλλήνων, τύραννοι δ' ἐγκαθεστάσαν, οἱ μὲν μετὰ τὴν ἡμετέραν συμφοράν, οἱ δὲ μετὰ τὴν νίκην τῶν βαρβάρων. ὥστ' ἄξιον ἦν ἐπί τῶν τῶν τάφων τότε κείρασθαι τῇ Ἑλλάδι καὶ πενθῆσαι τοὺς ἐνθάδε κειμένους, ὡς συγκαταθαπτομένης τῆς αὐτῶν ἐλευθερίας τῇ τούτων ἀρετῆς ὡς δυστυχὶς μὲν ἡ Ἑλλᾶς τοιοῦτων ἄνδρῶν ὀρφανὴ γενομένη, εὐτυχὶς δ' ὁ τῆς Ἀσίας βασιλεὺς ἐτέρων ἡγεμόνων λαβόμενος. τῇ μὲν γὰρ τούτων στερεθείσῃ δουλεία περιέστηκε, τῶ δ' ἄλλων ἀρξάντων ἥλιος εγγίγνεται τῆς τῶν προγόνων διανοίας.

60 Ἐ' Ἀλλὰ ταῦτα μὲν ἐξήκεθην ὑπὲρ πάσης ὀλοφυρασθεὶς τῆς Ἑλλάδος. ἐκείνων δὲ τῶν ἄνδρῶν ἄξιον καὶ ἱδίᾳ καὶ δημοσίᾳ μεμνησθαί, οἱ φεύγοντες τῇ δουλείᾳ καὶ περὶ τοῦ δικαίου μαχόμενοι καὶ ὑπὲρ τῆς δημοκρατίας στασιάσαντες πάντας πολεμίως κεκτημένοι εἰς τὸν Πειραιᾶ κατηλθοῦν, οὐχ ὑπὸ νόμον ἀναγκασθέντες, ἀλλ' ὑπὸ τῆς φύσεως πει-

a At Aegospotami, 405 B.C.
b The Persian fleet under Conon defeated the Lacedaemonians under Peisander at Cnidus in Cilicia, 394 B.C. In the preceding years Sparta, relying on the support of Persia, 58
customed valour. For when the ships were destroyed in the Hellespont—a—whether it was through the fault of the commander or by the design of Heaven—and that supreme disaster overtook not only us, who suffered that misfortune, but all the rest of the Greeks, it became evident shortly after that the power of our city was the salvation of Greece. The leadership was taken by others, and a people who had never before embarked upon the sea defeated the Greeks in a naval action; they sailed to Europe and enslaved cities of the Greeks, in which despots were established, some after our disaster, and others after the victory of the barbarians. So it would have been fitting for Greece to come then and mourn over this tomb, and lament those who lie here, seeing that her own freedom was interred together with their valour. Unhappy Greece, to be bereft of such men, and happy King of Asia, to be at grips with other leaders! For Greece, deprived of these men, is sunk in slavery, while he, finding others in command, is moved to emulate the designs of his ancestors.

But though I have been led to utter this lament over Greece as a whole, it behoves us to remember, in public as in private, those men who, shunning slavery, fighting for the right, and rallying to the cause of democracy, incurred the hostility of all and returned to the Peiraeus; compelled by no law, but induced by their nature; imitating had placed her governors in many Greek cities: after Cnidus the Greeks of Asia Minor were abandoned to Persian rule.

The speaker returns to the story of Athens after Aegospotami—the tyranny of the Thirty and the democratic opposition in the Peiraeus, 404–403 B.C. For the whole series of events see the General Introduction and Chronological Summary.
σθέντες, καίνοις κυνδύνοις τὴν παλαιὰν ἀρετήν τῶν 62 προγόνων μμησάμενοι, ταῖς αὐτῶν ψυχαῖς κοινήν τὴν πόλιν καὶ τοῖς ἄλλοις κτησόμενοι, θάνατον μετ᾽ ἐλευθερίας αἱροῦμεν η ἢ βίων μετὰ δουλείας, οὐχ ἢπτον ταῖς συμφοραῖς αἰσχυνόμενοι ἢ τοῖς ἐχθροῖς ὀργιζόμενοι, μᾶλλον βουληθέντες ἐν τῇ αὐτῶν ἀποθνῄσκειν ἢ ζῆν τὴν ἄλλοτρίαν οἰκοῦντες, συμμάχους μὲν ὀρκοὺς καὶ συνθήκας ἔχοντες, πολεμίους δὲ τοὺς πρῶτον ὑπάρχοντας καὶ τοὺς πολίτας 63 τοὺς ἑαυτῶν. ἀλλʼ ὠμως οὐ τὸ πλῆθος τῶν ἑναντίων φοβηθέντες, ἀλλʼ ἐν τοῖς σώμασι τοῖς ἑαυτῶν κυνδυνεύσαντες, τρόπαιον μὲν τῶν πολεμίων ἔστησαν, μάρτυρας δὲ τῆς αὐτῶν ἀρετῆς ἐγγὺς ὄντας τοῦδε τοῦ μνήματος τοὺς Λακεδαιμονίων τάφους παρέχονται. καὶ γὰρ τοι μεγάλην μὲν ἀντὶ μικρὰς ἀπέδειξαν τὴν πόλιν, ὁμονοοῦσαν δὲ ἀντὶ στασιαζούσης ἀπέφηναν, τείχη δὲ ἀντὶ τῶν καθ- 64 ἡρμημένων ἀνέστησαν. οἱ δὲ κατελθόντες αὐτῶν, ἀδελφὰ τὰ βουλεύματα τοῖς ἔργοις τῶν ἐνθάδε κεμένων ἐπιδεικνύστε, οὐκ ἕπι τιμωρίαν τῶν ἐχθρῶν ἀλλʼ ἕπι σωτηρίαν τῆς πόλεως ἐτράποντο, καὶ οὔτε ἐλαττοῦνθαι δυνάμενοι οὔτε αὐτοὶ πλέον ἔχειν δεόμενοι τῆς μὲν αὐτῶν ἐλευθερίας καὶ τοῖς βουλομένοις δουλεύειν μετέδοσαν, τῆς δὲ ἐκείνων δουλείας αὐτοί μετέχειν οὐκ ἤδεισαν. ἔργους δὲ 65 μεγίστοις καὶ καλλίστοις ἀπελογήσαντο, ὅτι οὐ κακία τῇ αὐτῶν οὖν ἀρετῇ τῇ τῶν πολεμίων πρῶτον ἐδυστύχησεν ἢ πόλις: εἰ γὰρ στασιάσαντες πρὸς ἀλλήλους βιὰ παρόντων Πελοπον-
in fresh encounters the ancient valour of their ancestors; ready to purchase with their own lives a common share in the city for the rest; choosing death with freedom rather than life with slavery; no less ashamed of their disasters than angered against the enemy; preferring to die in their own land rather than live to dwell in that of others; and having as allies their oaths and covenants, and as enemies their open foes of aforetime and their own fellow-citizens. Nevertheless, having felt no fear of the multitude of their opponents, and having exposed their own persons to the peril, they set up a trophy over their enemies, and now find witnesses to their valour, close to this monument, in the tombs of the Lacedaemonians. For we know that they restored in the sight of the world the diminished greatness of our city, revived in her the harmony that had been shattered by faction, and rebuilt walls in place of those that had been demolished. The men who finally returned, showing the kinship of their counsels with the deeds of those who lie here, applied themselves, not to vengeance upon their enemies, but to the preservation of the city; and being men who at once could not be overreached and would not seek their own advantage, they shared their own freedom even with those who wished to be slaves, and declined for themselves a share in that slavery. By the conspicuous greatness and nobility of their conduct they justified the claim that the former disasters of the city were due to no remissness of theirs, nor to the valour of the enemy; for if they proved able, after internal dissensions and despite the presence of the

a Slain in a fight between the Athenian democrats and the Spartans under Pausanias.
νησίων καὶ τῶν ἄλλων ἔχθρῶν εἰς τὴν αὐτῶν οἷοι
tε ἐγένοντο κατελθεῖν, δῆλον ὅτι βαδίσω ἃν ὀμο-


66 'Εκείνοι μὲν οὖν διὰ τοὺς ἐν Πειραιᾷ κυνήγους


67 οὶ δὲ νῦν ἡπτόμενοι, βοηθήσαντες Κορυνθίους


68 φανερὰς τὴν αὐτῶν ἀρετὴν ἑπεδείξαντο. ἑτόλμη-


69 'Εκείνοις μὲν οὖν οὕτω διακειμένοις ὁ βίος


1 καυοὶ Taylor: κοινοὶ mss.

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*a* As aliens, they were stirred by love of valour rather than by patriotism.
Peloponnesians and their other enemies, to return to their own place, unanimity would clearly have made it an easy matter for them to make war on their foes.

Thus the struggles at the Peiraeus have earned for those men the envy of all mankind. But it is right that we should also praise the strangers who lie here: they came to the support of the people, and fought for our salvation; they regarded valour as their native land, and with this noble end they closed their lives. In return the city has not only mourned them but given them a public funeral, and has granted them in perpetuity the same honours as it gives to its own people.

The men who are being buried to-day went to support the Corinthians, who were wronged by ancient friends, while they were but new allies; they did not act in the same spirit as the Lacedaemonians (who envied the Corinthians their wealth, whereas our men pitied them for their wrongs, unmindful of their former enmity and regardful of their present friendship), but showed forth their own valour in the sight of all men. To enhance the greatness of Greece they had the courage, not merely to imperil themselves for their own preservation, but also to die for their enemies' freedom: for they fought the allies of the Lacedaemonians for the freedom of those allies. Had they conquered, they deemed their foes worthy of obtaining equal rights: in their misfortune they settled a sure inheritance of slavery on the peoples of the Peloponnese.

Now in such a plight as theirs, life was miserable,
OLKrpos /cat 6ddvaros evKros'

6

t,tovres /cat trrodavovres ^rjXtoroi,

<jxev ev

roZs rtov

rrpoyovtov dyaBoZs,
dvopes Se yevofxevot

nqv re ei<eivtov $6£av scaatoaavres /cat rjv avrtov

70 dperrjv eTTtoel^avres. TroXXtov jxev yap /cat KaXtov

a'tVtot yeyevrjvrai rfj
eirarpi, eiriqvtop-

$6£av Se ret u</>' ereptov Svarvx^Oevra,
rroppto S'

drrd rrjs

avrtov rov

TToXepLov Karearrjaav.

Xevriqaav Se rov fiiov,
toanep xpj rovs dyadovs

a7Todvrjcn<eLV,

rfj jxev irarpioi rd
erpot£a a.770-

oovres,

roZs Se Opeipaoi Xvttols KaraXiirovres.

ware d^uov rols £a><7t rovrovs irodelv /cat othas

avrovs 6Xotf)vpeo9ai /cat rovs rrpoorjKovras

eXeeZv rod emXoiTTOv fiiov.

ris yap avroZs en

rjoovr)

KaraXeiirerai roiovrtov
dvoptov 6a7rro[xevtov t

ol rtdvra rrepX edrrovos rfjs dperrjs fyovfxevoL

avrovs {Jiev dneareprjaav filov,

€yvvaZKas etToi-qoaVy 6ptf>avovs Se rovs avrtov

TraZoas direXL7Tov,

ep-qfiovs o°
do£xtftovs /cat Trarepas /cat fxr/repas /car-

72 earrjaav;
rroXXayv he /cat Setvtov vrtapyovruiv rovs

jxev rrZoas avrtov ^rjXto,
on vetorepoi eloiv

ware et'SeVat oltov

nareptov eoreprjvrai, et;
tov 8'

ovroi yeyovaaiv,

olKrrelpto,

73 emXaOeadai rrjs Suo-nr^ta?

rrjs eavrtov.

rovrtov dviaporepov yevoiro,

reKeZv fiev /cat dpeipat /cat ddipat rovs

eve elvai rto
crajuart,

iraotov 8'

prjfjLevovs rtov
eXrrLhtov df>iXovs /cat drropovs yeyo-

vevau,

VTrep Se rajv avrtov

ixporepov tpqXovadai /cat

vvv eXeeZoOac,
rrodeivorepov 8'

avroZs elvai rov

6d-

varov rod fiiov;

do£eXtftovs yap
dfoeXtftovs /cat Trarepas /cat 1

υπέρ Sauppe: υπό mss.

Lysias

οικτρός καὶ ο̄ θάνατος εὐκτός· ο̄τοι δὲ καὶ ζωντες καὶ ἀποθανόντες ζηλωτοί, παιδευέντες μὲν ἐν τοῖς τῶν προγόνων ἀγαθοῖς, ἀνδρεῖς δὲ γενόμενοι τὴν τε ἐκείνων δόξαν διασώσαντες καὶ τὴν αὐτῶν ἀρετὴν ἐπιδείξαντες. πολλῶν μὲν γὰρ καὶ καλῶν αὐτοῖς γεγένηται τῇ ἐαυτῶν πατρίδι, ἐπηνωρθῶσαν δὲ τὰ ύψι ἐτέρων δυστυχηθέντα, πόρρω δ’ ἀπὸ τῆς αὐτῶν τὸν πόλεμον κατέστησαν. ἐτελύσαν δὲ τὸν βίον, ὦσπερ χρῆ τοὺς ἀγαθοὺς ἀποθησκευ, τῇ μὲν πατρίδι τὰ τροφεῖα ἀποδόντες, τοῖς δὲ θρέψασι λύπας καταλυόντες.

71 ὡστε ἄξιον τοῖς ζῶσι τούτους ποθεῖν καὶ σφάς αὐτῶν ὀλοφύρεσθαι καὶ τοὺς προσήκοντας αὐτῶν ἐλεείν τοῦ ἐπιλοίπον βίου. τίς γὰρ αὐτοῖς ἐτί ἱδονὴ καταλείπεται τοιούτων ἄνδρων θαπτομένων, οἳ πάντα περὶ ἐλάττονος τῆς ἀρετῆς ἤγοιμεν οὔτως ἄνευ γναίκας ἐποίησαν, ὄρφανοι δὲ τοὺς αὐτῶν παῖδας ἀπέλιπον, ἑρήμους δ’ ἀδελφοὺς καὶ πατέρας καὶ μητέρας κατ’ ἐστησαν; πολλῶν δὲ καὶ δεινῶν υπαρχόντων τοὺς μὲν παῖδας αὐτῶν ἰηλῶ, ὃτι νεώτεροί εἰσιν ἡ ὡστε εἰδέναι οἴων πατέρων ἐστήρησαν, ἐξ ὧν δ’ οὕτω γεγόνασιν, οὐκτεῖρω, ὃτι προσβύτεροι ἡ ὡστε

72 ἐπιλαθέσθαι τῆς δυστυχίας τῆς ἐαυτῶν. τί γὰρ ἄν τούτων ἀναρότερον γένοιτο, ἡ τεκείν μὲν καὶ θρέψαι καὶ θάμαι τοὺς αὐτῶν, ἐν δὲ τῷ γῆρα ἀδυνάτους μὲν εἶναι τῷ σώματι, πασῶν δ’ ἀπεστερημένους τῶν ἐπίθων ἀφίλους καὶ ἀπόρους γεγονέναι, ὑπέρ 1 δὲ τῶν αὐτῶν πρότερον ἡγοῦσθαι καὶ νῦν ἐλεεῖσθαι, ποθευότερον δ’ αὐτοῖς εἶναι τὸν θάνατον τοῦ βίου; ὅσῳ γὰρ ἀνδρεῖς ἀμείνους ἦσαν,

1 ὑπέρ Sauppe: ὑπὸ mss.
death desirable. But these men, both in their life and after their death, are enviable; for they were first trained in the excellences of their ancestors, and then in manhood they preserved that ancient fame intact and displayed their own prowess. For the benefits that they have conferred on their own native land are many and splendid; they restored the broken fortunes of others, and kept the war at a distance from their own country.\textsuperscript{a} They have closed their lives with a death that befits true men, for thus they repaid their native land for their nurture and bequeathed sorrow to those who reared them. Hence it is meet that the living should yearn for these men, and bewail themselves, and pity their kindred for the life that lies before them. For what pleasure now remains for them, when such men are being buried? These, prizing valour above all else, deprived themselves of life, widowed their wives, left their own children orphans, and brothers, sisters, fathers, mothers in a state of desolation. Though their children have many troubles in store for them, I envy them because they are too young to know of what noble fathers they have been bereft: but I pity those whose sons they were, as being too old to forget their own misfortune. For what woe could be more incurable than to bring forth and rear and bury one’s own children, and then in old age to be disabled in body and, having lost every hope, to find oneself friendless and resourceless? to have the very cause of former envy turned now to a matter of pity, and to regard death as more desirable than life? For the

\textsuperscript{a} i.e., in the territory of Corinth.
LYSIAS

tosoútω τοῖς καταλειπομένοις τὸ πένθος μεῖζον.

74 πῶς δ' αὐτοὺς χρῆ λῆξαι τῆς λύπης; πότερον ἐν ταῖς τῆς πόλεως συμφοραῖς; ἀλλὰ τότε αὐτῶν εἰκὸς καὶ τοὺς ἄλλους μεμνήσθαι. ἀλλ' ἐν ταῖς εὔτυχίαις ταῖς κοιναῖς; ἀλλ' ἰκανὸν λυπῆσαι, τῶν μὲν σφετέρων τέκνων τετελευτηκότων, τῶν δὲ ζώντων ἀπολαυόντων τῆς τούτων ἀρετῆς. ἀλλ' ἐν τοῖς ἰδίοις κυνύνοις, ὅταν ὅρωσι τοὺς μὲν πρότερον ὄντας φίλους φεύγοντας τὴν αὐτῶν ἀπορίαν, τοὺς δ' ἐχθροὺς μέγα φρονοῦντας ἐπὶ ταῖς

dυστυχίαις ταῖς τούτων; μόνην δ' ἂν μοι δοκοῦμεν ταύτην τοῖς ἐνθάδε κειμένους ἀποδοῦναι χάριν, εἰ τοὺς μὲν τοκέας αὐτῶν ὁμοίως ὦσπερ ἐκεῖνοι περὶ πολλοῦ ποιομέθα, τοὺς δὲ παῖδας οὕτως ἀσπαζόμεθα ὦσπερ αὐτοῖς πατέρες οὖντες, ταῖς δὲ γυναιξίν εἰ τοιούτους βοηθοὺς ἴμασ αὐτοὺς παρέχομεν, οὐοίπερ ἐκεῖνοι ζῶντες ἦσαν. τίνας γὰρ ἂν

eἰκότως μᾶλλον τιμῶμεν τῶν ἐνθάδε κειμένων; τίνας δ' ἂν τῶν ζώντων δικαιοτέρον περὶ πολλοῦ ποιομέθα ἥ τοὺς τούτους προσήκοντας, οἳ τῆς μὲν τούτων ἀρετῆς τὸ ἱσον τοῖς ἄλλοις ἀπέλαυσαν, ἀπολαυόντων δὲ μόνου γνησίως τῆς δυστυχίας μετέχουσιν;

77 Ἀλλὰ γὰρ οὐκ οἶδ' ὅ τι δεῖ τοιαύτα ὀλοφυρε- σθαι; οὐ γὰρ ἐλανθάνομεν ἡμᾶς αὐτοὺς ὄντες θυτοῖ· ὥστε τί δεῖ, ἀ πάλαι προσεδοκῶμεν πείσθαι, ὑπὲρ τούτων νῦν ἀχθεῖσθαι, ἡ λιὰν οὕτω βαρέως φέρειν ἐπὶ ταῖς τῆς φύσεως συμφοραῖς, ἐπισταμέ- νοι ὅτι ὁ θάνατος κοινὸς καὶ τοῖς χειρίστοις καὶ
toῖς βελτίστοις; οὔτε γὰρ τοὺς πονηροὺς ὑπερορᾷ
tou̇s ἄγαθους θαμμάζει, ἀλλ' ἴσον ἐαυτοῦ

pαρέχει πάσιν. εἰ μὲν γὰρ οἶνον τε ἡν τοῖς τοὺς

78

[198]
more they excelled in manhood, the greater the grief

to those who are left behind. And how should they

have suence from their sorrow? In the city’s

disasters? But then, surely, the fallen will be re-

membered by everyone else as well. In the public

successes? But it is cause enough for sorrow that

after the death of their children the living should

enjoy the fruits of their valour. In their private

adversities? When they see their former friends

deserting them in their destitution, and their enemies

elated with the misfortunes of these fallen? We have

but one way, as it seems to me, of showing our grati-
tude to those who lie here: it is to hold their parents

in the same high regard as they did, to be as affec-
tionate to their children as though we were ourselves

their fathers, and to give such support to their wives

as they did while they lived. For whom could we

be expected to honour in preference to those who lie

here? Whom amongst the living should we more

justly hold in high regard than their relations, who

were on an equality with us all in reaping the fruits

of their valour, but now that they are dead bear alone

the kinsmen’s part in their misfortune?

But in truth I do not know what need there is to

lament so sadly: for we were quite aware that we

were mortals. So why chafe now at the fate which

we so long expected, or be so extremely distressed

by the calamities of nature, when we know well that
death is common to the basest and the noblest alike?

Death neither disdains the wicked nor admires the vir-
tuous, but is even-handed with all. Were it possible
LYSIAS

ἐν τῷ πολέμῳ κυνδύνους διαφυγοῦσαν ἀθανάτους εἶναι τὸν λοιπὸν χρόνον, ἢξιον τοῖς ἄξωσι τὸν ἀπαντα χρόνον πενθεῖν τοὺς τεθνεῶτας· νῦν δὲ ἦ τε φύσι καὶ νόσων ἦττων καὶ γήρως, ὃ τε δαίμων ὁ τῇ ὁμετέραν μοῦραν εἰληχως ἀπαραίτητος.

79 ὥστε προσήκει τούτους εὐδαιμονεστάτους ἤγεισθαι, οἴτινες ὑπὲρ μεγίστων καὶ καλλίστων κυνδυνεύσαντες οὕτω τὸν βίον ἐτελεύτησαν, οὐκ ἐπιτρέψαντες περὶ αὐτῶν τῇ τύχῃ, οὐδ' ἀναμείναντες τὸν αὐτόματον θάνατον, ἀλλ' ἐκλεξάμενοι τὸν κάλλιστον. καὶ γὰρ τοῦ ἀγήρατοι μὲν αὐτῶν αἱ μνημαί, ξηλωταί δὲ ὑπὸ πάντων ἀνθρώπων αἱ 80 τιμαί· οἱ πενθοῦνται μὲν διὰ τὴν φύσιν ὡς θνητοί, ὑμνοῦνται δὲ ὡς ἀθανατοί διὰ τὴν ἁρετήν. καὶ γὰρ τοῦ θάπτονται δημοσία, καὶ ἁγώνες τίθενται ἐπ' αὐτοῖς ῥόμης καὶ σοφίας καὶ πλοῦτον, ὡς ἄξιον ὄντας τοὺς ἐν τῷ πολέμῳ τετελευτηκότας ταῖς αὐταῖς τιμαῖς καὶ τοὺς ἀθανάτους τιμᾶσθαι.

81 ἔγε γὰρ ὅπως αὐτοὺς καὶ μακαρίζω τοῦ θανάτου καὶ ζηλῶ, καὶ μόνοις τούτοις ἀνθρώπων οἶμαι κρείττον εἶναι γενέσθαι, οἴτινες, ἐπειδὴ θνητῶν σωμάτων έτυχον, ἀθανατόν μνήμην διὰ τὴν ἁρετήν <τῆν>1 αὐτῶν κατέλιπον· ὀμοιός δ' ἀνάγκη τοῖς ἀρχαίοις έθεσε χρήσθαι, καὶ θεραπεύοντας τὸν πάτριον νόμον ολοφύρεσθαι τοὺς θαπτομένους.

1 τῆν add. Hude.
for those who escaped the perils of war to be immortal for all time, there would be cause for the living to mourn the dead for evermore. But we see not only that our nature yields to sickness and old age, but that the spirit to whom has been allotted the charge of our fate is inexorable.

Therefore it is fitting to consider those most happy who have closed their lives in risking them for the greatest and noblest ends; not committing their career to chance, nor awaiting the death that comes of itself, but selecting the fairest one of all. For I say their memory can never grow old, while their honour is every man's envy. Of their nature it comes that they are mourned as mortal, of their valour that they are lauded as immortal. Thus you see them given a public funeral, and contests of strength and knowledge and wealth a held at their tomb; because we think that those who have fallen in war are worthy of receiving the same honours as the immortals. So I, indeed, call them blessed in their death, and envy them; I hold that for those alone amongst men is it better to be born who, having received mortal bodies, have left behind an immortal memory arising from their valour. Nevertheless, we must needs follow our ancient customs, and observe our ancestral law by bewailing those who are now being buried.

a Since about 450 B.C. the State funerals had become elaborate festivals: they were celebrated each year in October, and included athletic and musical competitions.
III. AGAINST SIMON: DEFENCE

INTRODUCTION

This speech, like that which follows it, *On a Wound by Premeditation*, is for the defence in a prosecution before the court of the Areopagus for wounding with intent to kill: the penalty following conviction is banishment and confiscation of property. The main object of the speaker is to prove that there was no premeditation; that any wounds that may have been given were the result of casual brawls; and that the first acts of violence came from his opponents. After blaming his accuser, Simon, for bringing the action at all, and excusing his own part in a discreditable quarrel (1-5), he tells the story of his and Simon's amorous rivalry for the possession of a young Plataean—probably a slave—named Theodotus. This led Simon to make a raid on his house, and then to attack him in the street (6-8). The defendant, to avoid scandal, went abroad for a while, taking Theodotus with him. On their return, Simon and his friends tried to seize the boy, and some further fights ensued (9-20). The argument then proceeds to show the falsity of Simon's contentions,—that he had paid a sum of money to the young fellow, that he later recovered it by private arrangement with the defendant, and so did not have to claim it, that
AGAINST SIMON

he was badly beaten outside his house, and that he was the victim of a premeditated scheme (21–34). The victimization is rather the other way about (35–39). The terms of the law clearly show that the defendant’s part in the affair cannot be regarded as criminal (40–43). The military record of Simon tells the same tale of unruliness and mischief (44–45). The conclusion recalls the facts of the case, and claims compassion for the serious risk to which the defendant is exposed (46–48).

The mention of the battles at Corinth and Coronea places the date of the trial at some time later than 394 B.C. The practised skill of Lysias is evident throughout the speech,—in the contrast between the honest, peace-loving character of the defendant and the reckless, insolent and violent temper of the prosecutor, in the brief yet vivid descriptions of affrays in the street, and in the tactful frankness with which a respectable citizen of middle age is enabled to speak of an amorous indiscretion and its disagreeable consequences.
Πολλά καὶ δεινὰ συνειδῶς Σίμωνι, ὅ βουλή, οὐκ ἰν ποτ' αὐτὸν εἰς τοσοῦτον τόλμης ἤγησάμην ἄφικέσθαι, ὥστε ὑπὲρ ὁν αὐτὸν ἔδει δοῦναι δίκην, ὑπὲρ τούτων ὡς ἀδικούμενον ἐγκλημα ποιήσασθαι καὶ οὕτω μέγαν καὶ σεμνὸν ὅρκον διομοσάμενον εἰς ὑμᾶς ἐλθεῖν. εἰ μὲν οὖν ἄλλοι τινὲς ἐμελλον περὶ ἐμοῦ διαγνώσθαι, σφόδρα ἢν ἐφοβούμην τὸν κύνδυνον, ὃραν ὦτι καὶ παρασκευαὶ καὶ τύχαι ἐνίστε τοιαύτα γίγνονται, ὥστε πολλά καὶ παρὰ γνώμην ἀποβαίνειν τοῖς κυνδυνεύονοις εἰς ὑμᾶς δ' εἰσελθὼν ἐλπίζω τῶν δικαιῶν τεύξεσθαι. μάλιστα δ' ἀγανακτῶ, ὅ βουλή, ὦτι περὶ τῶν πραγμάτων εἰσεῖν ἀναγκασθῆσομαι πρὸς ὑμᾶς, ὑπὲρ ὃν ἐγὼ αἰσχυνόμενος, εἰ μέλλοιον πολλοὶ μοι συνείσθαι, ἤνεσχόμην ἀδικούμενος. ἐπειδὴ δὲ Σίμωνι με εἰς τοιαύτην ἀνάγκην κατέστησεν, οὔδὲν ἀποκρυψάμενος ἀπαντα διηγήσομαι πρὸς ὑμᾶς τὰ πεπραγμένα.

1 ἀξιῶ δὲ, ὅ βουλή, εἰ μὲν ἀδικῶ, μηδεμᾶς συγ-γνώμης τυγχάνειν' εάν δὲ περὶ τούτων ἀποδείξω ὡς οὐκ ἐνοχὸς εἰμὶ οἷς Σίμωνι διωμόσατο, ἀλλως δὲ υμῖν φαίνωμαι παρὰ τὴν ἥλικιαν τὴν ἐμαυτοῦ ἀνοητότερον πρὸς τὸ μειράκιον διατεθεῖς, αἰτοῦμαι

1 πραγμάτων Markland: τραυμάτων mss.
III. AGAINST SIMON: DEFENCE

Although I was aware of much that was outrageous about Simon, gentlemen of the Council, I did not believe that he would ever have carried audacity to the pitch of lodging a complaint as the injured party in a case where he was the person who should be punished, and of taking that great and solemn affidavit and so coming before you. Now if it were any other court that was to make a decision upon me, I should be terrified by the danger, considering what strange machinations and chances occur at times to cause a variety of surprises to those who are standing their trial: but as it is before you that I appear, I hope to obtain justice. What especially vexes me, gentlemen, is that I shall be compelled to speak to you of the facts of this case; for it was my feeling of shame at the mere thought that many would know of my troubles that made me put up with my wrongs. But since Simon has placed me in such a necessity, I will relate to you the whole of the facts without the slightest reserve. If I am guilty, gentlemen, I expect to get no indulgence; but if I prove my innocence as regards the counts of Simon's affidavit, while for the rest you consider my attitude towards the boy too senseless for a man of my age, I ask you not to think the

\[a\] The oath or affidavit (διώμοσία) taken by both parties to a suit at a previous examination (ἀνάκρισις).

73
LYSIAS

υμᾶς μηδέν με χείρω νομίζειν, εἰδότας ὅτι ἐπιθυμήσαι μὲν ἀπασίν ἀνθρώποις ἔνεστιν, οὕτως δὲ βελτιστός ἃν εἰη καὶ σωφρονέστατος, ὡς τις κοσμῶτα τὰς συμφορὰς φέρειν δύναται. οἷς ἀπασίν ἐμποδοῦν ἐμοὶ γεγένηται Σίμων οὕτοςί, ὡς ἐγὼ ὑμῖν ἑπιδείξω.

5 Ἡμεῖς γὰρ ἐπεθυμήσαμεν, ὁ βουλὴ, Θεοδότου, Πλαταίκοι μειρακίων, καὶ ἐγὼ μὲν εἰ δοῦν αὐτὸν ἐξίον εἰναι μοι φίλον, οὕτως δὲ ὑβρίζων καὶ παρανομῶν ζέτο ἀναγκάσειν αὐτὸν ποιεῖν ὅ τι βουλίστηκα. ὥσα μὲν οὖν ἐκεῖνος κακὰ υπ᾽ αὐτοῦ πέπονθε, πολὺ ἃν ἔργον εἰῃ λέγειν· ὥσα δὲ εἰς ἐμε αὐτὸν ἐξημάρτη-

6 κεν, ἡγοῦμαι ταῦθ᾽ υμῶν προσήκειν ἄκοιμαι. πυθό-

[97] τὴν οἰκίαν τὴν ἐμῆ πῦκτωρ μεθύων, ἐκκόψας τὰς θύρας εἰσῆλθεν εἰς τὴν γυναίκωντιν, ἐνδον οὖσῶν τῆς τε ἀδελφῆς τῆς ἐμῆς καὶ τῶν ἀδελφίδῶν, αἱ οὐτῶ κοσμῶς βεβιακάσω ὡστε καὶ ὑπὸ τῶν

7 οἰκείων ὅρῳμεναι αἰσχύνεσθαι. οὕτως τοῖς εἰς τοῦτο ἦλθεν ὑβρεως ωστ᾽ οὐ πρότερον ἡθελήσεν ἀπελθεῖν, πρὶν αὐτὸν ἡγούμενοι δεινὰ ποιεῖν οἱ παραγενόμενοι καὶ οἱ μετ᾽ αὐτοῦ ἐλθόντες, ἐπὶ παιδας κόρας καὶ ὁρφανὰς εἰσίντα, ἐξήλασαν βίας καὶ τοσοῦτον ἐδήσεν αὐτῷ μεταμελήσαι τῶν ὑβρισμένων, ωστε ἐξευρών οὐ ἐδειπνοῦμεν ἀτοπώτατον πράγμα καὶ ἀπιστότατον ἐποίησεν, εἰ

8 μὴ τις εἴδειν τὴν τοῦτον μανίαν. ἐκκαλέσσας γὰρ μὲ ἐνδοθεν, ἐπειδὴ τάχιστα ἔξηλθον, εἰδὺς με τύπτειν ἐπεχείρησεν· ἐπειδὴ δὲ αὐτὸν ἡμυνάμην,

* Athenian women usually lived in seclusion, and only left

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worse of me for that, since you know that all man-
kind are liable to desire, but that he may be the best
and most temperate who is able to bear its misfor-
tunes in the most orderly spirit. All my efforts in
this way have been thwarted by the plaintiff Simon,
as I shall make clear to you.

We felt desire, gentlemen, for Theodotus, a
Plataean boy; and while I looked to win his affection
by kindness, this man thought by outrage and
defiance of the law to compel him to accede to his
wishes. To tell all the ill-treatment that the boy
has suffered from him would be a lengthy business:
but I think it proper that you should hear the numer-
ous offences he has committed against myself.
Hearing that the boy was at my house, he came there
at night in a drunken state, broke down the doors,
and entered the women’s rooms: within were my
sister and my nieces, whose lives have been so well-
ordered that they are ashamed to be seen even by
their kinsmen. This man, then, carried insolence to
such a pitch that he refused to go away until the
people who appeared on the spot, and those who
had accompanied him, feeling it a monstrous thing
that he should intrude on young girls and orphans,
drove him out by force. Far from repenting of his
outrageous proceedings, he found out where we
were dining, and acted in the strangest, the most
incredible manner, as it might seem to those
unacquainted with his madness. He called me out
of doors, and, as soon as I went outside, made an
immediate attempt to strike me. When I beat him
off, he stood out of reach and began pelting me with

the house to attend a religious ceremony or festival; cf.
Speech I. 20; Thucyd. ii. 45.
LYSIAS

ἐκστάς ἐβαλλέ με λίθοις. καὶ ἐμοῦ μὲν ἀμαρτάνει, Ἄριστοκρίτου δὲ, ὃς παρ᾽ ἐμὲ ἦλθε μετ᾽ αὐτοῦ, 9βαλὼν λίθω συντρίβει τὸ μέτωπον. ἐγὼ τούνων, ὦ βουλή, ἡγούμενος μὲν δεινὰ πᾶσχειν, αἰσχυνόμενος δὲ, ὥσπερ ἦδη καὶ πρότερον εἶπον, τῇ συμφορᾷ, ἢνειχόμην, καὶ μάλλον ἠρούμην μὴ λαβεῖν τούτων τῶν ἀμαρτημάτων δίκην ἢ δόξαι τοῖς πολίταις ἀνόητος εἶναι, εἰδὼς ὅτι τῇ μὲν τούτου πονηρίᾳ πρέποντα ἦσται τὰ πεπραγμένα, ἐμοῦ δὲ πολλοὶ καταγελάσονται τοιαῦτα πάσχοντος τῶν φθονεῖν εἰθισμένων, ἐὰν τις ἐν τῇ πόλει προθυμήται χρηστὸς εἶναι. οὕτω δὲ σφόδρα ἦπορούμην ὃ τι χρησαίμην, ὦ βουλή, τῇ τούτου παρανομίᾳ, ὥστε ἐδοξῆ μοι κράτιστον εἶναι ἀποδημῆσαι [ἐκ τῆς πόλεως]. 10λαβών δὴ τὸ μειράκιον (ἀπαντά γὰρ δεὶ τάληθη λέγειν) ὡχόμην ἐκ τῆς πόλεως. ἐπειδὴ δὲ ὡμὴν ἰκανὸν εἶναι τὸν χρόνον Σίμωνι ἐπιλαβέσθαι μὲν τοῦ νεανίσκου, μεταμελῆσαι δὲ τῶν πρότερον ἡμαρτημένων, ἀφικνοῦμαι πάλιν. κἀγὼ μὲν ὡχόμην εἰς Πειραιᾶ, οὕτως δὲ αἰσθόμενος εὐθέως ἢκοντα τὸν Θεόδοτον καὶ διατρίβοντα παρὰ Λυσιμάχῳ, ὃς ὥσκε πλησίον τῆς οἰκίας ἡς οὕτως ἐμεμίσθωτο, παρεκάλεσε τινάς τῶν τούτον ἐπιτηδείων. καὶ οὕτω μὲν ἱράτων καὶ ἐπινον, φύλακας δὲ κατέστησαν ἐπὶ τοῦ τέγους, ὡς, ὅποτε ἐξέλθου τὸ 11μειράκιον, εἰσαρπάσειαν αὐτοῦ. ἐν δὲ τούτῳ τῷ καιρῷ ἀφικνοῦμαι ἐγὼ ἐκ Πειραιῶς, καὶ τρέπομαι παρισίων ὡς τὸν Λυσιμάχον ὅληγον δὲ χρόνων δια- τρίβαντες ἐξερχόμεθα. οὕτως δὲ ἦδη μεθύοντες ἐκπελώσων ἐφ᾽ ἡμᾶς καὶ οἱ μὲν τινὲς αὐτῷ τῶν παραγενομένων οὐκ ἥθελσαν συνεξαμαρτεῖν, Σι-

1 ἐκστάς Taylor: ἐνστάς mss.
AGAINST SIMON, 8–12

stones. He missed me, but Aristocritus, who had accompanied him to my house, was struck by a stone which broke his forehead. So I, gentlemen, feeling myself grossly ill-used, but ashamed—as I have already told you before—at my misfortune, put up with it, and preferred to go without satisfaction for these offences rather than be thought lacking in sense by the citizens: for I knew that, while his actions would be found appropriate to his wickedness, I should be derided for the treatment I received by a number of people who are in the habit of resenting any ambition that one may show for a good standing in the city. I was so perplexed, gentlemen, in face of this man's lawless behaviour, that I decided that it would be best for me to reside abroad. So I took the boy (since the whole truth must be told), and left the city. When I thought it was time enough for Simon to have forgotten the young fellow, and also to have repented of his former offences, I came back again. I betook myself to the Peiraeus; but this man, observing immediately that Theodotus had arrived and was staying with Lysimachus,—who lived hard by the house that this man had rented,—invited some of his friends to join him: they were at lunch and were drinking, and posted watchers on the roof so that, when the boy should come out, they might seize upon him. At this moment I arrived from the Peiraeus, and in passing I turned into Lysimachus's house: after spending some little time there, we came out. Then those people, already drunk, sprang out upon us; some of his party refused to join in his criminal action,
LYSIAS

μων δὲ οὔτοι καὶ Θεόφιλος καὶ Πρῶταρχος καὶ Αὐτοκλής εἶλκον τὸ μειράκιον. ὃ δὲ ρώμας τὸ
13 ἱμάτιον ὃ χετο φεύγων. ἐγὼ δὲ ἡγούμενος ἐκείνον μὲν ἐκφευγέσθαι, τούτως δ', ἐπειδὴ τάχιστα ἐν-
tύχοιεν ἀνθρώποις, αἰσχυνομένους ἀποτρέψεσθαι—ταῦτα διανοηθεὶς ἑτέραν ὁδὸν ὕψισθι ἅπασιν·
οὔτω σφόδρ' αὐτοὺς ἐφυλαττόμην, καὶ πάντα τὰ ὑπὸ τούτων γιγνόμενα μεγάλην ἐμαυτῷ συμφορὰν
14 ἐνόμιζον. κάνταῦθα² μὲν, ἵνα φησί Σίμων τὴν
μάχην γενέσθαι, οὔτε τούτων οὔτε ἠμῶν οὔδεις
οὔτε κατεάγῃ τὴν κεφαλῆς οὔτε ἀλλο κακὸν οὔδεν
ἐλαβεν, ὅν ἐγὼ τοὺς παραγενομένους ὑμῖν παρ-
ἐξόμαι μάρτυρας.

ΜΑΡΤΥΡΕΣ

15 "Ὅτι μὲν τοῦν οὔτος ἢν ὁ ἀδικήσας, ὁ βουλή,
καὶ ἐπιβουλεύσας ἦμιν, καὶ οὐκ ἐγὼ τούτω, ὕπο
τῶν παραγενομένων μεμαρτύρηται ὑμῖν. μετὰ δὲ
tαῦτα τὸ μὲν μειράκιον εἰς γναφεῖοιν κατέφυγεν,
οὔτοι δὲ συνειπεσόντες ἤγον αὐτὸν βία, βοῶντα
16 καὶ κεκραγότα καὶ μαρτυρόμενον. συνδραμοῦντων
de ἀνθρώπων πολλῶν καὶ ἀγανακτοῦντων τῷ
πράγματι καὶ δεινὰ φασκόντων εἶναι τὰ γιγνόμενα,
tῶν μὲν λεγομένων οὔδεν ἐφρόντιζον, Μόλωνα δὲ
tὸν γναφέα καὶ ἀλλος τινας ἐπαμύνειν ἐπὶ-
17 χειροῦντας συνέκοψαν. ἦδη δὲ αὐτοῖς οὐσὶ παρὰ
tὴν Λάμπωνος οἰκίαν ἐγὼ μόνος βαδίζων ἐντυχάμεν,
δεινὸν δὲ ἡγησάμενος εἶναι καὶ αἰσχρὸν περιουδίν
[98] οὔτως ἀνόμως καὶ βιαῖως ὑβρισθέντα τὸν νεανίσκον,
ἐπιλαμβάνομαι αὐτοῦ. οὔτοι δὲ, διότι μὲν τοιαῦτα

1 τὰ Reiske: ταῦτα mss.
2 κάνταῦθα Contius: καὶ ταῦτα mss.
but Simon here, and Theophilus, Protarchus and Autocles began dragging the boy along. He, however, flung off his cloak and ran away. Then I, expecting that he would make good his escape, while they, if they met anybody, would at once turn aside from a feeling of shame,—with this conclusion I took myself off by another street; so careful I was to give them a wide berth, for I regarded all the proceedings of these men as a grievous misfortune to myself. Thus, on the spot where Simon says that the fight occurred, nobody on either their or my side had his head broken or received any other hurt: as witnesses to all this I will produce to you the persons who were then present.

Witnesses

That this man, then, was the wrongdoer, gentlemen, and that he had designs on us, and not I on him, has been testified to you by those who were then present. After this the boy took refuge in a fuller's shop; but these men dashed in after him and laid violent hands on him, while he shouted and cried out and called the bystanders to witness. A crowd of people came running up, and protested against their action, which they declared a monstrous proceeding: these men gave no heed to anything that was said, but gave a severe beating to Molon the fuller and some others who were endeavouring to protect the lad. They had already got as far as Lampon's when I, walking by myself, met with them; and considering it a monstrous and shameful thing to stand by and see the young fellow subjected to such lawless and violent outrage, I seized hold of him. They, when asked why they were treating him
παρενόμονον εἰς ἐκείνουν, οὐκ ἡθελήσαν εἰπεῖν ἐρωτηθέντες, ἀφέμενοι δὲ τοῦ νεανίσκου ἐτυπτοῦν ἐμὲ.

18 μάχης δὲ γενομένης, ὁ βουλή, καὶ τοῦ μειρακίου βάλλοντος αὐτοὺς καὶ περὶ τοῦ σώματος ἀμυνομένου καὶ τούτων ἡμᾶς βαλλόντων, ἔτι δὲ τυπτόντων αὐτῶν ὑπὸ τῆς μέθης καὶ ἐμοῦ ἀμυνομένου, καὶ τῶν παγανομένων ὡς ἀδικούμενος ἦμῖν ἀπάντων ἐπικουροῦντων, ἐν τούτῳ τῷ θορύβῳ συν-πριβόμεθα τὰς κεφαλὰς ἀπαντεῖς. καὶ οἱ μὲν ἄλλοι οἱ μετὰ τούτου παραγνῆσαντες, ἐπειδὴ τάχιστα με εἶδον μετὰ ταῦτα, ἐδέοντο μου συγγνώμην ἔχειν, οὐχ ὡς ἀδικούμενοι ἄλλι ὡς δεινὰ πεποιηκότες· καὶ εἴς ἐκεῖνον τοῦ χρόνου τεττάρων ἑτών παρεληλυθότων οὐδὲν μοι πώποτε ἐνεκάλεσεν

19 οὐδές. Σύμων δ' οὔτοσι, οἱ πάντων τῶν κακῶν αἰτίων γενόμενος, τὸν μὲν ἄλλον χρόνον ἰσχυρίαν ἤγε δεδώς περὶ αὐτοῦ, ἐπειδὴ δὲ δίκας ἴδιας ἡσθετο κακῶς ἀγωνισάμενον ἐξ ἀντιδόσεως, κατα-φρονήσας μου οὔτω οἰκυμώδος εἰς τοιούτων ἀγώνα με κατέστησεν. ὡς οὖν καὶ ταῦτ' ἀληθή λέγω, τούτων ὑμῖν τοὺς παραγενομένους μάρτυρας παρ-έξωμαι.

ΜΑΡΤΥΡΕΣ

20 Τὰ μὲν οὖν γεγενημένα καὶ ἐμοὶ καὶ τῶν μαρτύ-ρων ἀκηκόατε· ἐβουλόμην δ' ἂν, ὥς βουλή, Σύμωνα τὴν αὐτῆς γνώμην ἐμοὶ ἔχειν, ἐν ἀμφοτέρων ἡμῶν ἀκουσάντες τάληθη διαδύς ἐγνωτε τά δίκαια. ἐπει-δὴ δὲ αὐτῶ δουδεν μέλει τῶν ὀρκῶν ὡν δι-

A wealthy citizen, such as the speaker here, had to undertake certain public services, which he could only avoid by challenging some other citizen, whom he considered.
in such lawless fashion, refused to answer, but letting
the young fellow go they began to beat me. A battle
ensued, gentlemen; the boy was pelting them and
defending his person, while they were pelting us;
they also, in their drunkenness, were beating him,
and I was defending myself, and the others present
were all supporting us, as being the injured party;
and in this brawl we all of us got our heads broken.
The others whom Simon had led into this drunken
assault, at their first sight of me after the affair
begged my pardon, as men who, so far from suffering
injury, had acted in a monstrous way; and though
since that time four years have elapsed, nobody has
ever brought any charge against me. Simon here,
who was the author of all the trouble, kept quiet
for some time, in fear for himself; but when he
became aware that I had failed in a private suit on
a challenge to an exchange of property, he conceived
a contempt for me and, with the audacity that you
now see, has involved me in this serious prosecution.
Now, as witnesses to show that here too I am speaking
the truth, I will produce to you the persons who were
present on the occasion.

WITNESSES

So now you have heard from the witnesses as well
as myself the story of what took place; and I could
wish, gentlemen, that Simon had the same intentions
as I, so that after hearing the truth from us both you
might have arrived with ease at the just decision.
But since he cares nothing for the oaths that he has
wealthier than himself, either to exchange his property with
him, or to undertake the service.

81
22 διδάσκειν ὑμᾶς. ἐτόλμησε γὰρ εἰπεῖν ὡς αὐτὸς μὲν 
τριακοσίας δραχμὰς ἐδώκε Θεοδότῳ, συνθήκας 
πρὸς αὐτὸν ποιησάμενος, ἐγὼ δὲ ἐπιβουλεύσας ἀπ- 
έστησα αὐτὸν τὸ μειράκιον. καὶ τοῖς αὐτῶν, 
εἴπερ ἤν ταύτ’ ἀληθῆ, παρακαλέσαντα μάρτυρας 
ὡς πλείστους κατὰ τοὺς νόμους διαπράττεσθαι 

23 περὶ αὐτῶν. οὖν δὲ τοιούτοι οὐδὲν πῶς πῶστε 
φαίνεται ποιήσας, ὑβρίζων δὲ καὶ τύπτων [ackbar'] 
ἀμφοτέρους ἡμᾶς καὶ κωμάζων καὶ τὰς θύρας 
ἐκβάλλων καὶ νύκτωρ εἰσοῦν ἐπὶ γυναῖκας ἐλευ-
θέρας. ὁ χρή μάλιστα, ὃ βουλὴ, τεκμήρια νομίζειν 

24 ὅτι ψεύδεται πρὸς ὑμᾶς. σκέψασθε δὲ ὡς ἀπίστα 
εἴρηκε. τὴν γὰρ οὐσίαν τὴν ἑαυτοῦ ἀπασαν πεν-
τήκοντα καὶ διακοσίων δραχμῶν ἐτιμήσατο. καὶ τοῖς 
θαυμαστοῖς εἰ τὸν ἐταυρήσοντα πλείστων ἔμι-

25 σθώσατο ὅτι αὐτὸς τυγχάνει κεκτημένος. εἰς τούτο 
δ' ἦκε τόλμης ὡστε οὐκ ἔξαρκεῖ περὶ τούτου 
μόνου αὐτῶ ψεύσασθαι, περὶ τοῦ δεδωκέναι τὸ 
ἀργύριον, ἀλλὰ καὶ κεκομίσθαι φησί· καὶ τοῦ πῶς 
εἰκός ἢ τότε μὲν ἡμᾶς τοιαῦτα ἔξαρματάνειν 
οὐκ ἐκκαθορίσων οὕτω, ἀποστερῆσαι βουλομένους 
τὰς τριακοσίας δραχμὰς, ἐπειδὴ δὲ ἀπεμαχεσά-
μεθα, τυπικαῦτα ἀποδοθήναι τὸ ἀργύριον αὐτῷ, 
μὴ ἀφειμένους τῶν ἐγκλημάτων μὴ ἀνάγκης 

26 ἦμιν μηδεμιᾶς γενομένης; ἀλλὰ γὰρ, ὡ βουλὴ, 
πάντα αὐτῶ ταῦτα σύγκειται καὶ μεμηχάνηται, 
καὶ δοῦναι μὲν φησί, ἵνα μὴ δοκῇ δεινὰ ποιεῖν, εἰ 
μηδενὸς αὐτῶ συμβολαίον γεγενημένου τοιαῦτα 
ἐτόλμα ύβρίζειν τὸ μειράκιον, ἀπειληφέναι δὲ προσ-

1 ἁμ' del. Taylor.
sworn, I will try also to inform you concerning the lies that he has told. He had the audacity to state that on his part he had given three hundred drachmae to Theodotus, under an agreement made with him, and that I by intrigue seduced the boy from him. And yet, if this was true, it was for him to summon as many witnesses as he could and pursue the matter in accordance with our laws. But it does not appear that he has ever done anything of the sort, but only that he has outraged and beaten us both, and has revelled and broken in doors and intruded on free women by night. You ought to take all this, gentlemen, as primary proof that he is lying to you. And then, consider how incredible his statements are. He has valued his property altogether at two hundred and fifty drachmae: yet how surprising that he should hire his companion for more than he himself in fact possesses! And he has carried audacity to such lengths that it does not suffice him merely to lie about this matter of having given the money, but he even says that he has recovered it! Yet how is it likely that I first committed such a crime as he has laid to my charge—of seeking to deprive him of his three hundred drachmae—and then, after we had had our affray, paid him back the money, without either obtaining a quittance of all claims or being subjected to any compulsion? Why, gentlemen, this is all mere invention and artifice of his: he says that he gave it, so as to avoid the scandal of daring to commit such an outrage on the lad without any bargain struck between them; and he pretends that he has got it

*a Either simply by carrying off the young man or else by arranging with him for a share in the money.
LYSIAS

ποιεῖται, διότι φανερός ἐστιν ἐγκαλέσας οὐδέποτ' ἀργύριον οὐδὲ μνείαν περὶ τοῦτον οὐδεμίαν ποιησά-
μενος.

27 Ἐπὶ ταῖς αὐτοῦ θύραις ὑπ' ἐμοῦ δεινῶς διατεθῆναι τυπτόμενος. φαίνεται δὲ πλεῖν ἡ τέτταρα
στάδια ἀπὸ τῆς οἰκίας διώξας τὸ μειράκιον οὐδὲν
κακὸν ἔχων, καὶ ταῦτα πλεῖν ἡ διακοσίων ἱδόντων
ἀνθρώπων ἔξαρνός ἐστι.

28 Δέγει δ' ὃς ἡμείς ἠλθομεν ἐπὶ τὴν οἰκίαν τὴν
τούτου ὀστρακον ἐχοντες, καὶ ὃς ἠπείλουν αὐτῷ
ἔγω ἀποκτενεῖν, καὶ ὃς τοῦτο ἐστὶν ἡ πρόνοια.
ἔγω δ' ἡγούμαι, δ' θουλῆ, ὁδὸν εἴναι γνῶναι
ὅτι ψεύδεται, οὐ μόνον ὑμῖν τοῖς εἰσωθοσι σκοπεῖσθαι
περὶ τῶν τοιούτων, ἀλλὰ καὶ τοῖς ἄλλοις ἀπασί.

29 τῷ γὰρ ἄν δοξεῖε πιστῶν ὃς ἔγω προνοθεὶς καὶ
ἐπιβουλεύων ἥλθον ἐπὶ τὴν Σύμωνος οἰκίαν μεθ'
ἡμέραν, μετὰ τοῦ μειρακίου, τοσοῦτον ἀνθρώπων
παρ' αὐτῷ συνελεγμένων, εἰ μὴ εἰς τοῦτο μανίας
ἀφικόμην ὡστε ἐπιθυμεῖν εἰς ὃν πολλοὶς μάχεσθαι,
ἀλλωσ τε καὶ εἰδὼς ὅτι ἁμένως ἂν με εἴδεν ἐπὶ
ταῖς θύραις ταῖς αὐτοῦ, ὅσ καὶ ἐπὶ τὴν ἐμὴν
φωτῶν εἰσῆκε βίᾳ, καὶ οὔτε τῆς ἀδελφῆς οὔτε τῶν
ἀδελφῶν φροντίσας ζητεῖν με ἐτολμα, καὶ ἐξευρὼν
30 οὐ δειπνῶν ἔτυγχανον, ἐκκαλέσας ἐτυπτέ με; καὶ
τότε μὲν ἄρα, ὡς μὴ περιβόητος εἶναι, ἄσυχίαν
ἐγγον, συμφορὰν ἐμαυτοῦ νομίζων τὴν τούτου
πονηρίαν· ἐπειδὴ δὲ χρόνος διεγένετο, πάλιν, ὡς
31 οὐτός φησιν, ἐπεθύμησα περιβόητος γενέσθαι; καὶ
εἰ μὲν ἂν παρὰ τούτῳ τὸ μειράκιον, εἶχεν ἂν τίνα
λόγον τὸ ψεύδος αὐτῷ ὃς ἔγω διὰ τὴν ἐπιθυμίαν

84
back, because it is clear that he never laid a claim to money or made the least mention of the matter.\(^a\)

He says that I gave him a beating at the door of his house, which left him in a terrible state. But we find that he pursued the boy for more than four stades\(^b\) from his house with no sign of injury, and this he denies, although it was seen by more than two hundred people.

He states that we went to his house with potsherds in our hands, and that I threatened to kill him, and that this is premeditation. But I think that this lie of his, gentlemen, is easily detected, not only by you who are used to investigating this sort of case, but by everyone else as well. For who can find it credible that by a premeditated manœuvre I went to Simon’s house after daybreak with the boy, when so many people had gathered about him, unless I had become so utterly insane as to be eager to fight them all single-handed; especially when I knew that he would have been delighted to see me at his door,—he who in fact kept coming to my house, and entered it by force, and, disregarding both my sister and my nieces, had the audacity to seek me out, and having discovered where I happened to be dining called me out and beat me? And so, as it seems, I, who at first, to avoid notoriety, kept quiet, taking this man’s wickedness to be so much misfortune to myself, was yet after a lapse of time, as he says, converted to a desire for notoriety! Now if the boy had been living with him, there would be some show of reason in his lie that I was

\(^a\) His pretence of having got the money back by private arrangement is the excuse he makes for not having formally claimed the money of which he says he was defrauded.

\(^b\) About 800 yards.
Theodotus was a free Plataean, he would have the same rights as an Athenian citizen, and could not be subjected
driven by my desire to an act of quite improbable folly: but the fact is that the boy would not even talk to him, but hated him more than anyone in the world, and was actually living with me.

So who of you can believe that I previously left the city on a voyage with the boy to avoid a fight with this man, and then, when I had got back, I took him to Simon’s house, where I was to expect most embarrassment? And though I had designs on him, I came utterly unprepared, without calling to my aid either friends or servants or anybody at all, save only this child, who would have been unable to support me, but was capable of giving information under torture upon any crime that I might commit! But such was the depth of my stupidity that, having my design against Simon, I did not look out for him where he might be caught alone, whether by night or by day, but went to the place where I should find most people to see me and give me a thrashing, as though I were contriving my premeditation against myself, with a view to getting the utmost amount of outrage from my enemies!

And besides, gentlemen, from the very fight that took place you can easily perceive that he lies. When the boy saw what was on hand, he flung off his cloak and ran away: these men pursued him, while I took myself off by another street. Now which party should be held responsible for such affairs, those who flee, or those who seek to capture? In my opinion it is obvious to all that those flee who are in fear for themselves, and those pursue who mean to do some

to torture. Perhaps he or his father was a Plataean slave, like Panceon (see Speech XXIII.), or had not yet established his claim to the citizenship. Cf. Aristoph. Frogs, 694.
κακοῦν. οὖ τοῖνον ταύτα εἰκότα <μέν> \(^{1}\), ἀλλως δὲ περὶ αὐτῶν πεπρακταί, ἀλλὰ καταλαβόντες τὸ μειράκιον ἐκ τῆς ὄδου ἤγον βία, ἐνυχῶν δ' ἐγὼ τούτων μὲν οὖν ἕπτόμην, τοῦ μειράκιον δ' ἐπελαμβανόμην. οὕτω δὲ ἐκείνων τε ἤγον βία καὶ ἐμὲ ἐτυπτον. καὶ ταύθ' ύμίν ὑπὸ τῶν παραγενομένων μεμαρτύρηται. ὡστε δεινὸν εἰ περὶ τούτων ἐγὼ δόξω προνοοθῆκαι, περὶ δὲ οὕτω τυγχάνουσιν

οὕτω δεινὰ καὶ παράνομα πεποιηκότες. τί δ' ἂν ποτε ἐπαθον, εἰ τάναντια τῶν νῦν γεγενημένων ἢν, εἰ πολλοὺς ἔχων τῶν ἑπιτηδείων ἐγώ, ἀπαντήσας Σίμωνι, ἐμαχόμην αὐτῷ καὶ ἐτυπτον αὐτῶν καὶ έδώκον καὶ καταλαβῶν ἄγεν βία ἐξήτουν, ὅπως νῦν τούτων ταύτα πεποιηκότος ἐγὼ εἰς τοιοῦτον ἁγώνα καθάστηκα, ἐν ὧ καὶ περὶ τῆς πατρίδος καὶ τῆς οὐσίας τῆς ἐμαυτοῦ ἀπάσης κινδυνεύω: τὸ δὲ μέγιστον καὶ περιφανέστατον πάντων: δ' γὰρ ἀδικηθεῖς καὶ ἐπιβουλευθεὶς ὑπ' ἐμοῦ, ὡς φησιν, οὐκ ἐτόλμησε τεττάρων ἐτῶν ἐπισκήψασθαι εἰς ὑμᾶς. καὶ οἱ μὲν ἄλλοι, ὅταν ἔρωσι καὶ ἀποστερώνται ὅπε ἐπιθυμοῦσι καὶ συγκοπῶσιν, ὄργυζόμενοι παραχρήμα τιμωρεῖσθαι ζητοῦσιν, οὕτως δὲ χρόνως ύστερον.

"Οτι μὲν οὖν, ὧ βουλῆ, οὐδενός αὐτίος εἰμὶ τῶν γεγενημένων, ἰκανῶς ἀποδείχθαι νομίζω· οὕτω δὲ διάκειμαι πρὸς τὰς ἐκ τῶν τοιούτων πραγμάτων διαφοράς, ὡστε ἀλλὰ πολλὰ ὑβρισμένοι ὑπὸ Σίμωνος καὶ καταγείς τὴν κεφαλὴν ὑπ' αὐτοῦ οὐκ ἐτόλμησα αὐτῷ ἐπισκήψασθαι, ἡγούμενος δεινὸν [100] εἶναι, εἰ ἀρα περὶ παίδων ἐφιλονικήσαμεν ἡμεῖς

\(^{1}\) μέν add. Sauppe.
AGAINST SIMON, 37-40

hurt. And this is not a case of a probable thing having turned out otherwise in fact: no, they caught the boy and were dragging him by force out of his way, when I met them, and without touching these men I took hold of the boy; whereas they not only dragged him by force, but also beat me. All this has been testified to you by those who were present. So it will be extraordinary if I am held to have premeditated any of those things wherein these men are found to have so monstrously transgressed the laws.

How, pray, should I have been treated, if the case were the opposite of what has now occurred: if I, with a number of my associates, had gone to meet Simon, and fought with him, beaten him, pursued and caught him, and then tried to drag him by force, if, as it is, and when it is he who has done all these things, I have been subjected to proceedings like the present, in which I risk the loss of both my native land and all the property that I possess? But here is the strongest and most striking proof of all: the man who was wronged and victimized by me—as he says—did not dare for four years to denounce me before you. Everyone else, when in love, and deprived of the object of desire, and battered with blows, immediately in his anger seeks redress; but this man seeks it long afterwards.

So, gentlemen, that I am not to blame for any of these occurrences has, I conceive, been sufficiently proved. And observe the spirit in which I treat quarrels arising from this sort of affair: although I had suffered a variety of outrages at Simon's hands, and had even had my head broken by him, I could not bring myself to denounce him, as I felt it extravagant, just because of a mutual rivalry over a child, to
πρὸς ἀλλήλους, τούτου ἐνεκα ἐξελάσαι τινὰς

41 ζητήσαι ἐκ τῆς πατρίδος. ἐπειτα δὲ καὶ οὐδέμιαν ἡγούμην πρόνοιαν εἶναι τραύματος ὅστις μὴ ἀποκτείναι θουλόμενος ἔτρωσε. τίς γὰρ οὖτως ἔστιν

42 εὐήθης, ὅστις ἐκ πολλοῦ προνοεῖται ὅπως ἔλκος τις αὐτοῦ τῶν ἑχθρῶν λήψεται; ἀλλὰ δῆλον ὅτι καὶ οἱ τοὺς νόμους ἐνθάδε θέντες, οὐκ εἰ τινες μαχεσάμενοι ἐτυχον ἀλλήλων κατάξαντες τὰς κε- φαλὰς, ἐπὶ τούτους ἥξιωσαν τῆς πατρίδος φυγὴν ποιῆσασθαι· ἣ πολλοῦς γ’ ἂν ἐξῆλασαν· ἀλλ’ ὅσοι ἐπιβουλεύσαντες ἀποκτεῖναι τινὰς ἔτρωσαν, ἀποκτεῖναι δὲ οὐκ ἐδυνήθησαν, περὶ τῶν τοιοῦτων τὰς τιμωρίας οὖτω μεγάλας κατεστήσαντο, ἡγοῦ- μενοι, ὑπὲρ ὅν ἐβούλευσαν καὶ προῦνήθησαν, ὑπὲρ τούτων προσήκειν αὐτοῖς δίκην δοῦναι· εἰ δὲ μὴ κατέσχον, οὐδὲν ἤττον τὸ γ’ ἐκείνων πεποιῆσθαι.

43 καὶ ταῦτα ἦδη καὶ πρότερον πολλάκις ὡμεῖς οὖτω διέγνωσε περὶ τῆς προνοίας. καὶ γὰρ δεινὸν ἂν εἶ, εἰ ὅσοι ἐκ μεθῆς καὶ φιλονικίας ἡ ἐκ παιδιῶν ἡ ἐκ λοιδορίας ἡ περὶ ἑταῖρας μαχόμενοι ἐλκος ἐλαβόν, εἰ ὑπὲρ τούτων ὡν, ἐπειδὰν βέλτιον φρο- νήσωσιν, ἀπασὶ μεταμέλει, οὖτως καὶ ὡμεῖς μεγάλας καὶ δεινὰς τὰς τιμωρίας ποιῆσῃσθε, ὥστε ἐξελαύνειν τινὰς τῶν πολιτῶν ἐκ τῆς πατρίδος.

44 Θαυμάζω δὲ μάλιστα τούτου τῆς διανοίας. οὐ γὰρ τοῦ αὐτοῦ μοι δοκεῖ εἶναι ἐρὰν τε καὶ συκο- φαντεῖν, ἀλλὰ τὸ μὲν τῶν εὐθεστέρων, τὸ δὲ τῶν πανουργοτάτων. ἐβουλόμην δ’ ἂν ἐξεῖναι μοι παρ’ ὑμῖν καὶ ἐκ τῶν ἄλλων ἐπιδείξαι τὴν τούτου πονηρίαν, ἵνα ἡπίστασθε1 ὅτι πολὺ ἂν δικαίοτερον

1 ἡπίστασθε Bernhardy: ἐπίστησθε mss.
press for a man’s expulsion from his native land. Besides, I did not see that there was any premeditation of wounding in the case of a man who gave a wound without meaning to kill. For who is so simple as to premeditate a long time ahead how some enemy of his shall come by a wound? Why, it is clear that even the makers of our laws did not think well, when people happened in a fight to break each other’s heads, to make it a case for banishment from their country; else they would have exiled a goodly number. But in the case of any persons who, designing to kill, wounded others without being able to kill them, they appointed the punishment in that degree of severity, judging it meet that where they had shown design and premeditation they should pay the penalty: though if they did not check all such misdeeds, none the less their best efforts had been exerted. And in this way you have decided, many a time in the past, on this point of premeditation. Extraordinary, indeed, it would be, if in all cases of wounds received through some drunken rivalry, or game, or abuse, or in a fight for a mistress,—affairs of which everyone repents on better consideration,—you are to inflict a punishment of such awful severity as that of expelling any of our citizens from their native land.

I wonder most of all at this man’s temperament. For it does not seem to me that the same person can be both a lover and a slanderer, since the former implies the simpler sort of man, and the latter the most villainous. I could wish that I were allowed to expose this man’s wickedness before you in all its other effects, so that you might have understood how

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45 autōs perī theanatōn ἥγωνιζετο ἡ ἐτέρους ὑπὲρ τῆς 
πατρίδος εἰς κύνδυνον καθῆτη. τὰ μὲν οὖν ἄλλα 
eāsω. ὁ δὲ ἡγοῦμαι ὑμῖν προσῆκεν ἀκοῦσαι καὶ 
τεκμήριον ἔσεσθαι τῆς τοῦτον θρασύτητος καὶ 
tόλμης, περὶ τοῦτον μνησθήσομαι. ἐν Κορίνθῳ 
γάρ, ἐπειδὴ ὑπέτερον ἥλθε τῆς πρὸς τοὺς πολεμίους 
μάχης καὶ τῆς εἰς Κορώνειαν στρατείας, ἐμάχετο 
tῶ ταξιάρχῳ Λάχητι καὶ ἐτυπτεν αὐτόν, καὶ παν-
στρατιά τῶν πολιτῶν ἐξελθόντων, δόξας ἀκοσμώ-
tatos¹ εἶναι καὶ πονηρότατος, μόνος Ἄθηναιῶν 
ὑπὸ τῶν στρατηγῶν ἐξεκηρύξθη.

46 Ἔχομι δ’ ἂν καὶ ἄλλα πολλὰ εἰπεῖν περὶ τοῦτον, 
ἀλλ’ ἐπειδὴ παρ’ ὑμῖν οὐ νόμιμον ἐστὶν ἔξω τοῦ 
πράγματος λέγειν, ἐκεῖνο ἐνθυμεῖσθε: οὕτωι εἰσὶν 
οἱ βίᾳ εἰς τὴν ἡμετέραν οἰκίαν εἰσιόντες, οὗτοι οἱ 
diώκοντες, οὕτωι οἱ βίᾳ ἐκ τῆς ὄδοι συναρπάζοντες 
ημᾶς. ὃν ὑμεῖς μεμνημένοι τὰ δίκαια ψηφίζεσθε, 
καὶ μὴ περιύδητε ἐκ τῆς πατρίδος ἀδίκως ἐκπεσόν-
tα, ύπὲρ ἓς ἐγὼ πολλοὺς κυνίδυνους κεκυνίδυνευκα 
καὶ πολλὰς λητουργίας λελητουργηκα, καὶ κακοῦ 
μὲν αὐτῇ οὐδένος αὐτίος γεγένημαι, οὔδὲ τῶν 
ἐμῶν προγόνων οὐδείς, ἄγαθῶν δὲ πολλῶν. ὡστε 
dικαίως ἂν ὑφ’ ὑμῶν καὶ υπὸ τῶν ἄλλων ἔλεη-
θειν, οὐ μόνον εἰ τι πάθοιμι ὃν Σίμων βούλεται, 
ἄλλα καὶ ὅτι ἤναγκάσθη ἕκ τοιοῦτων πραγμάτων 
eἰς τοιοῦτος ἄγωνας καταστῆαι.

¹ ἀκοσμώτατος Emperius: κοσμώτατος mss.

⁰ At the battle of Coronea in 394 B.C. the Athenians and 
Thebans fought the Spartans commanded by Agesilaus.
in justice he ought far rather to be on trial for his life than bringing others into peril of losing their native land. I will, however, pass over all those things, and will mention but one which I consider you ought to hear, as being a sure proof of his brazen-faced audacity. In Corinth, where he arrived after our battle with the enemy and the expedition to Coronea, he fought with the taxiarch Laches and gave him a beating; and when the citizens had set forth in full military strength, he was specially noted for insubordination and knavery, and was the only Athenian ordered by the generals to be banned by herald.

I could go on to relate many other things regarding this man; but, since it is not lawful to speak in your court beyond the limits of the case, I ask you to reflect on this: it was these men who forced their way into our house, they who pursued us, and they who forcibly seized and dragged us out of our path. Remembering these things, give your vote for justice, and do not suffer me to be unjustly ejected from my native land, for which I have bravely faced many dangers and performed many public services: no harm have I ever brought upon that land, nor has any of my ancestors; nay, many are the benefits that we have brought her. Justly, then, should I receive your pity, and all other men's too, not merely if I should meet with such a fate as Simon wishes, but even for having been compelled, as a result of such transactions, to stand my trial on such a charge.

b The officer commanding an infantry contingent from one of the ten tribes.
IV. ON A WOUND BY PREMEDITATION: CLIENT AND OPPONENT UNKNOWN

INTRODUCTION

The narrative part of this speech has been lost; what we have is only the argument or proof. It was written for a defendant who was brought before the court of the Areopagus on a charge of wounding a man, with intent to kill, in an affray for the possession of a slave-girl, whom the defendant alleged to be their joint property, while the accuser said that he was her sole owner. The penalty involved was banishment and confiscation of property.

The speaker states that he and the prosecutor had been reconciled after a quarrel on terms arranged by their friends. He had challenged the prosecutor to an exchange of property, as was commonly done by a citizen who was charged with a costly public service, and who thought that it should be undertaken by some other citizen of ampler means than himself: this act of his had been brought up against him by his accuser as evidence of personal enmity. But the exchange, though begun, was cancelled by agreement (1–2). Another sign of their friendly relations is that he nominated the prosecutor as one of the
judges of the competitions at the Dionysia, and although his friend was not actually appointed, he showed by a note under his hand that he had agreed to vote for the defendant’s tribe. Apparently there was a private understanding between the two men which the speaker is not ashamed to avow before that august tribunal (3–4). Yet, even supposing they were enemies, the manner in which the assault took place forbids any suspicion of premeditation. The prosecutor got a black eye, which he called a wound, and behaved as though he were seriously injured; while he would not allow the slave-girl, who was the subject and witness of the quarrel, to be put to the torture for evidence (5–10). This refusal on the accuser’s part is dwelt on at length as a sure indication of the defendant’s innocence: his opponent’s excuse, that she is a free woman and not available for the question by torture, is false (12–17). The dreadful danger in which the defendant now finds himself is utterly out of proportion to the paltry nature of a dispute whose consequences have been grossly exaggerated (18–20).

This incomplete piece, though not very well arranged or argued, is direct and lively in style, and is probably a genuine work of Lysias, who took good care that a quite ordinary client should borrow quite ordinary plumes.
IV. ΠΕΡΙ ΤΡΑΥΜΑΤΟΣ ΕΚ ΠΡΟΝΟΙΑΣ, ΥΠΕΡ¹ ΟΥ ΚΑΙ ΠΡΟΣ ΟΝ <ΑΔΗΛΟΝ>²

1 Θαυμαστόν γε, δ’ Βουλή, τὸ διαμάχεσθαι περὶ τούτου, ὡς οὐκ ἐγένοντο ἦμιν διαλαγαὶ, καὶ τὸ μὲν ξένως καὶ τὰ ἀνδράποδα, καὶ ὅσα εἴ ἀγροῦ κατὰ τὴν ἀντίδοσιν ἠλάβε,³ μὴ ἄν δύνασθαι ἀρνηθῆναι ὡς οὐκ ἀπέδωκε, φανερῶς δὲ περὶ πάντων διαλευκήν άρνεῖσθαι τὰ περὶ τῆς ἀνθρώπου,

2 μὴ κοινὴ ἦμᾶς χρήσθαι συνχωρῆσαι. καὶ τὴν μὲν [101] ἀντίδοσιν δ’ ἐκείνην φανερὸς ἐστὶν ποιησάμενος, τὴν δ’ αἰτίαν δ’ ἦν ἀπέδωκεν ἠ ἠλάβεν, οὐκ ἄν ἄλλην ἔχοι εἰπεῖν (βουλόμενος τάληθη λέγειν) ἢ ὅτι οἱ φίλοι περὶ πάντων ἦμᾶς τούτων συνήλλαξαν.

3 ἔβουλόμην δ’ ἂν μὴ ἀπολαξεῖν αὐτῶν κριτὴν Διονυσίοις, ἢ ὑμῖν φανερὸς ἐγένετο ἐμὸι διηλαγμένοις, κρίνας τὴν ἑμὴν φυλὴν νικᾶν νῦν δὲ ἔγραψε μὲν ταῦτα εἰς τὸ γραμματεῖον, ἀπέλαξε

4 δὲ. καὶ ὅτι ἀληθῆ ταῦτα λέγω, Φιλίνος καὶ Διοκλῆς ἦσασιν ἀλλ’ οὐκ ἐστ’ αὐτοῖς μαρτυρῆσαι μὴ διομοσαμένοις περὶ τῆς αἰτίας ἢς ἐγὼ φεύγω, ἐπεὶ σαφῶς ἐγνωτ’ ἂν ὅτι ἥμεις ἦμεν αὐτὸν οἱ


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¹ Apparently an exchange of property in the matter of a λειτουργία. See note on III. 20, p. 80 and IV., Introd. p. 94.  
² The great dramatic festival, held about the end of March.
IV. ON A WOUND BY PREMEDITATION: CLIENT AND OPPONENT UNKNOWN

It is surprising, gentlemen of the Council, that the fact of our reconcilement is so keenly disputed, and that, while he cannot deny his having restored the yoke of oxen, the slaves, and all the goods on the estate that he received under the exchange, he denies, in face of the settlement clearly made on every point, that we agreed to share the woman between us. It is plain that he made the exchange because of her; and the only reason he can give—if he wishes to speak the truth—for having restored what he received is that our friends reconciled us on all these matters. I could wish that he had not been omitted by lot from the judges at the Dionysia, so that you might have seen clearly that he had been reconciled to me, from his decision that my tribe was the winner. In fact he recorded it thus on his tablet, but he was omitted by lot. My statement on this is true, as Philinus and Diocles know: but it is not possible for them to testify when they have not taken oath upon the charge laid against me; you would then have perceived clearly that it was we who proposed him as judge, and that Ten judges of the contests seem to have been appointed beforehand, but only some of these were chosen by lot for the actual recording of votes.

Witnesses must have taken a solemn oath at a preliminary stage before they could come before the Areopagus.
κριτήν ἐμβαλόντες καὶ ἡμῶν ἔνεκα ἐκαθίζετο. 5 ἂλλ’ ἦν, εἰ βούλεσται, ἔχθρός· δίδωμι γὰρ αὐτῷ τούτο· οὐδὲν γὰρ διαφέρει. οὐκοῦν ἦλθον αὐτὸς αὐτὸν ἀποκτενῶν, ὡς οὕτος φησί, καὶ βία εἰς τὴν οἰκίαν εἰσῆλθον. διὰ τί οὖν οὐκ ἀπέκτενεν, ὑποχειροῦν λαβῶν τὸ σῶμα, καὶ τοσοῦτον κρατήσας ὡστε καὶ τὴν ἀνθρωπον λαβεῖν; φρασάτω 6 πρὸς ὑμᾶς. ἂλλ’ οὖν ἔχει εἰπεῖν. καὶ μὴν οὔδείς γε ὑμῶν ἀγνοεῖ ὃτι θάττων ἢν ἐγχειριδίως πληγεῖς ἀπέθανεν ἡ πυξ παιόμενος. φαίνεται τοῖνυν οὐδ’ αὐτὸς αὐτώμενος τοιοῦτον τι ἔχοντας ἡμᾶς ἔλθειν, ἂλλ’ ὀστράκῳ φησί πληγήναι. καίτοι φανερὸν 7 ἡδὴ εξ ὧν εἰρήκειν, ὅτι οὐ πρόνοια γεγένηται. οὐ γὰρ ἢν οὕτως ἠλθομεν, ἀδήλου οὖντος εἰ παρὰ τούτῳ εὐρήσουμεν ὀστρακὸν ἡ ὡτ’ αὐτὸν ἀποκτενοῦμεν, ἂλλ’ οὐκοθεν ἔχοντες ἢν ἐβαδίζομεν. νῦν δὲ ὀμολογούμεθα πρὸς παῖδας καὶ αὐλητρίδας καὶ μετ’ οὖν έλθόντες. ὡστε πῶς ταῦτ’ ἐστὶ πρόνοια; 8 ἐγὼ μὲν γὰρ οἶμαι οὐδαμῶς. ἂλλ’ οὖτος ἐναντίως τοῖς ἀλλοῖς δύσερως ἔστι, καὶ ἀμφότερα βούλεται, τὸ τε ἀργύριον μὴ ἀποδοῦναι καὶ τὴν ἀνθρωπον ἔχειν. εἰτα ύπὸ τῆς ἀνθρώπου παρ- ᾠκεμένος ὀξύχειρ λίαν καὶ πάροινος ἔστιν, ἀνάγκη δὲ ἀμύνασθαι. ἡ δὲ τοτε μὲν ἔμε περὶ πόλλου τοτε δὲ τούτον φησί ποιεῖσθαι, βουλομένη ὑπ’ 9 ἀμφότεροις ἔρασθαι. καὶ ἐγὼ μὲν καὶ εξ ἄρχης εὐκόλως εἶχον καὶ νῦν ἐτί ἔχω. ὃ δ’ εἰς τούτο βαρυδαιμονίας ἦκει, ὡστε οὖν αἰσχύνεται τραύματ’ ὀνόμαξων τὰ ὑπόπτα καὶ ἐν κλίνῃ περιφερόμε- 1 δτῳ Markland: οὖτως mss.

* i.e., the half of the woman’s price contributed by the speaker.
it was on account of us that he went on the bench. But—if he will have it so—he was our enemy: I grant him that, for it makes no difference. So then I went myself to kill him, as he says, and forced my way into his house. Why, then, did I not kill him, having his person in my power, and having got the upper hand to the extent of taking the woman? Let him explain it to you: but he cannot tell you. Furthermore, everyone of you is aware that he would have been killed more quickly by the stroke of a dagger than by the blow of a fist. Now, you find that not even he accuses us of having come with anything like that in our hands; he only says he was struck by a potsherd. Why, it is evident already from what he has said that there has been no premeditation. For we should not have gone in that way, when it was uncertain whether we should find in his house a potsherd or something to serve for killing him, but should have brought it from home as we set out. In point of fact, we admit that we went to see boys and flute-girls and were in liquor: so how is that premeditation? In no wise, to my thinking. But this man takes his love-sickness in an opposite fashion to the rest of us: he wants to have it both ways—to avoid paying up the money and to have the woman as well. And then, with his passion inflamed by the woman, he is excessively hasty of hand and the worse for liquor, and one is forced to defend oneself. As to her, sometimes it is I, and sometimes he, for whom she professes affection, wishing to be loved by both. Now I have shown an easy temper from the beginning, as I still do to-day; but he has got into such an irritable state that he is not ashamed to call a black eye a wound, and to be carried about in a litter and
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νος καὶ δεινῶς προσποιούμενος διακείσθαι ἓνεκα πόρνης ἀνθρώπου, ἣν ἔξεστιν αὐτῷ ἀναμφισβητήτη-

tως ἔχειν ἐμοὶ ἀποδόντι τάργυριον. καὶ φησὶ μὲν
dεινῶς ἐπιβουλευθῆναι καὶ πρὸς ἀπανθ’ ἡμῖν ἀμφισβητεῖ, ἐξὸν δ’ ἐκ τῆς ἀνθρώπου βασαν-

σθείσης τὸν ἔλεγχον ποιῆσασθαι οὐκ ἦθελησεν.

ἡ πρῶτον μὲν τοῦτ’ ἀν κατείπεν, πότερα κοινὴ ἡμῖν ἢν ἡ ἱδία τοῦτον, καὶ πότερα τὸ ἡμίσου τοῦ ἀργυρίου ἐγώ συνεβαλόμην ἢ οὕτως ἀπαν ἐδωκε, καὶ εἰ διηλαμαμένοι ἢ ἐτὶ ἐχθροὶ ἠμεν, ἐτὶ δὲ εἰ μεταπεμφθέντες ἠλθομεν ἢ οὐδενὸς καλέσαντος, καὶ εἰ οὕτως ἥρχε χειρῶν ἀδίκων ἢ ἐγὼ πρότερος τοῦτον ἐπάταξα. τοῦτων καθ’ ἐν ἐκαστον καὶ τῶν ἄλλων οὐδὲν ἢν ὃ τι οὐ βάδιον τοῖς τε ἄλλοις ἐμφανὲς καὶ τούτως ποιῆσαι.

12 Ὅτι μὲν οὖν οὕτε πρόνοια ἐγένετο οὔτε ἀδίκω τοῦτον, ὥ βουλή, ἐκ τοσοῦτων τεκμηρίων καὶ μαρ-

τυριῶν ἡμῖν ἐπιδείκται. ἀξίω δ’ ὅσον ἄν ἐγένετο σημεῖον τοῦτο πρὸς τὸ δοκεῖν ἄληθῆ λέγειν φυγόντος ἐμοῦ τὴν βάσανον, τοσοῦτον ἐμοὶ τεκμήριον γενέ-

σθαι ὅτι οὐ ψεύδομαι, διότι οὕτως οὐκ ἠθέλησεν ἐκ τῆς ἀνθρώπου ποιῆσασθαι τὸν ἔλεγχον, καὶ μὴ τοσοῦτον ἴσχυσθαι τοὺς τοῦτον λόγους, ὅτι φησὶν αὐτὴν ἐλευθέραν εἶναι. ὡμοίως γὰρ προσήκει κἀκεῖνοι

13 τῆς ἐλευθερίας, τὸ οἷον καταθέντι ἀργύριον. ἀλλὰ ψεύδεται καὶ οὐκ ἄληθῆ λέγει. ἡ δεινὸν γε, εἰ εἰς μὲν λύσιν τοῦ σώματος [ἐδωκα τὸ ἀργύριον]1 ἐκ

1 ἐδωκα τὸ ἀργύριον del. Hamaker.

a It was common in Athenian law-suits to demand or offer that slaves be tortured for the extraction of evidence. See below.

100
pretend to be in a dreadful condition, for the sake of a harlot wench whom he is free to have uncontested on restoring the money to me. And he says that he has been plotted against in a monstrous way, and contests every point with us; yet although it was open to him to procure his proof by having the woman tortured, he refused. She would first have informed you whether she was shared by us or belonged only to him, whether I contributed half the money or he gave it all, and whether we had been reconciled or were still enemies; also whether we went on receipt of a summons, or without invitation from anyone, and whether this man struck the first blow by assault, or I first hit him. Each of these points in turn, as of the rest, could have been cleared up with ease in every case both for the public and for this court.

Thus there has been neither premeditation nor wrongdoing on my part, gentlemen: this has been made clear to you by an abundance of evidences and testimonies. And I think it fair that, inasmuch as this man could have found an indication in favour of his speaking the truth in my evasion of the test of torture, I should equally find a proof that I am not lying in the fact that he refused to settle the question by means of the woman; and I claim that the less weight should be given to his words, when he says that she is free. For I am alike concerned in her freedom, since I have put down an equal sum of money. But he lies, and does not speak the truth. What a monstrous position it would be! To ransom my person from the enemy, I could have made what use

\[ i.e., \text{if I let her keep the sum paid by me, she can obtain her freedom; if not, she will continue to be a slave.} \]
LYSIAS

τῶν πολεμίων ἔξην ἃν μοι χρῆσθαι αὐτῇ ὠ τι ἐβουλόμην, κινδυνεύοντι δὲ μοι περὶ τῆς πατρίδος οὐδὲ πυθόθαι παρ’ αὐτῆς τάληθῃ ἐγκενήσεται περὶ ὅν εἰς τὴν κρίσιν καθέστηκα· καὶ μὲν δὴ πολὺ ἂν δικαιότερον ἐπὶ ταύτη τῇ αὐτίᾳ βασάνισθεὶ ἢ ἐπὶ τῇ ἐκ τῶν πολεμίων λύσει πραθείνῃ, ὡσπερ παρὰ μὲν ἐκείνων βουλομένων ἀπολύσαι ἔστι καὶ ἀλλοθεν εὐπορήσαντι κομισθήναι, ἐπὶ δὲ τοῖς ἐχθροῖς γενόμενον οὐ δυνατόν· οὐ γὰρ ἀργύριον λαβεῖν προθυμοῦνταί, ἀλλ’ ἐκ τῆς πατρίδος ἐκ-βαλεῖν ἐργον' ποιοῦνται. ὡσθ’ ὑμῖν προσήκει μή ἀποδέχεσθαι αὐτοῦ διὰ τοῦτο οὐκ ἄξιοντο βα-σανισθῆναι τὴν ἀνθρώπουν, ὡς αὐτὴν ἐλευθέραν ἐσκῆπτετο εἶναι, ἀλλὰ πολὺ μᾶλλον συκοφαντίαν καταγγυψκεω, ὅτι παραλυτῶν ἔλεγχον οὕτως ἀκριβῆ ἐξαπατήσειν ὑμᾶς ῥαδίως ψήθη. οὐ γὰρ δήποτε τὴν γε τοῦτο πρόκλησιν πιστοτέραν ὑμᾶς νομίζεις δεὶ τῆς θητέρας, ἐφ’ οἷς τοὺς αὐτοῦ οἰκε-τας ἥξιον βασανίζεσθαι. ἃ μὲν γὰρ ἑκεῖνοι ἦδεσαν, ἐλθόντας ὑμᾶς ὡς τοῦτον, καὶ ἡμεῖς ὁμολογοῦμεν. εἰ δὲ μεταπεμφθέντες ἤ μῆ, καὶ πότερον πρότερος ἐπλήγην ἡ ἐπάταξα, ἐκεῖνη μᾶλλον ἃν ἦδει. ἐπὶ δὲ τοὺς μὲν τοῦτο οἰκέτας ἑδίους ὄντας τοῦτον εἰ ἐβασανίζωμεν, ἄνοιτος ἃν τι τούτω χαριζόμενοι καὶ παρὰ τὴν ἀλῆθείαν ἐμοῦ κατεψεύσαντο· αὕτη δὲ ὑπῆρχε κοινή, ὁμοίως ἀμφότεροι ἀργύριον κατατεθηκότων, καὶ μάλιστα ἦδει: διὰ ταὐτὴν ἀπαντὰ τὰ πραχθέντα ἡμῖν γεγένηται· καὶ οὐ λήσει οὐδέν’ ὡς ταύτης ἐγγυ’ ἀνίσον εἶχον βασα-

1 ἐργον Scheibe: αὐτὸν mss.
2 δι᾽ ταύτης Herwerden: ἐν ταύτῃ mss.
of her I pleased; but when I am in danger of losing my native land, I am not to be permitted even to ask her for a true statement on the matters for which I have been brought to this trial. Nay, it would be far more just to have her tortured for the purpose of this charge than to have her sold for my ransom from the enemy, inasmuch as, if they are willing to take a ransom, one can get plenty of means elsewhere for obtaining one's return; but if one is in the power of one's adversaries, it is impossible. For they are not set on gaining money, but make it their business to expel one from one's native land. It is your duty, therefore, to reject his claim that the woman should not be tortured, which he made on the pretended ground of her freedom; you ought much rather to condemn him for slander, on the ground that he put aside so decisive a test in the expectation that he would easily deceive you. For surely you should not regard his challenge as more convincing than ours, in regard to the points on which he claimed to have his own servants put to the torture. For as to their knowledge of our having gone to his house, we likewise admit that; but whether we were sent for or not, and whether I received the first blow or gave it, are things that she would be better able to know. And then, had we put his servants, who were wholly his property, to the torture, they would have been led by a foolish complaisance to him into denying the truth and falsely accusing me. But this woman was our common possession, both alike having put down money, as she knew very well: it is on her account that all this business has come upon us. And it will be observed by all that in having her put to the torture I must be

\[i.e., I could have raised money by selling her.\] See below.
LYSIAS

νισθείσης, ἀλλ' ἀπεκδύνευν τοῦτο· πολὺ γὰρ περὶ πλείονος τοῦτον ἦ ἐμὲ ἑαυτοῖς ποιησαμένη, καὶ μετὰ μὲν τοῦτον ἦ ἑδικηκύια, μετ' ἐμοῦ δ' οὐδεπόσποτε εἰς τοῦτον ἐξαμάρτουσα. ἀλλ' ὃμως ἔγ' ὡ μὲν εἰς ταύτην κατέφυγον, οὖτος δὲ οὐκ ἐπὶστευσεν αὐτῇ.

18 Οὔκοιν δεῖ ὑμᾶς, ὦ βουλή, τηλικοῦτον ὄντος τοῦ κινδύνου, ῥαδίως ἀποδέχεσθαι τοὺς τοῦτον λόγους, ἀλλ' ἐνθυμομένους ὅτι περὶ τῆς πατρίδος μου καὶ τοῦ βίου ὥς ἁγών ἐστιν, ἐν' ὑπολόγῳ ταύτας τὰς προκλήσεις ποιεῖσθαι. καὶ μὴ ἄχητε τούτων ἐτι μείζους πίστεις· οὐ γὰρ ἁν ἑχομι εἰπείν ἀλλ' ἡ ταύτας, ὡς οὐδὲν εἰς τοῦτον προμνοήθην.

19 Ἀγανακτῶ δ', ὦ βουλή, εἰ διὰ πάρην καὶ δοῦλην ἀνθρωπὸν περὶ τῶν μεγίστων εἰς κινδύνον καθ-έστικα, τί κακὸν πώποτε τὴν πόλιν ἡ αὐτῶν τοῦτον εἰργασμένος, ἡ εἰς τίνα τῶν πολιτῶν ὅτιοιν ἐξαμαρτῶν; οὔτε γὰρ ἐμοιγέ ἑστὶ τοιοῦτον πεπραγμένον, ἀλλ' ἀλογώτατον τὰντων κινδύνεων πολὺ μείζων συμφορὰν ἐμαυτῷ διὰ τοῦτος ἐπαγαγέσθαι. πρὸς οὖν παιδῶν καὶ γυναικῶν καὶ θεῶν τῶν τόδε τὸ χωρίον ἐχόντων ἱκετεύων ὑμᾶς καὶ ἀντιβολώ, ἐλεήσατε με, καὶ μὴ περιδήτῃ ἐπὶ τοῦτο γενόμενον, μηδὲ ἀνηκέστω συμφορὰ περιβάλλῃ· οὐ γὰρ ἄξιος οὔτ' ἐγὼ φεύγω τὴν ἐμαυτοῦ, οὔτε οὖτος τοσαύτην δίκην παρ' ἐμοῦ λαβεῖν ὑπὲρ ὧν φησιν ἡδικήσθαι, οὐκ ἡδικημένοις.

1 ἐν Markland: μὲν mss.
2 προονοθήνει Contius: προνοθήναι mss.
3 ἀλλ' ἀλογώτατον Sluiter: ἀλλὰ λόγῳ τὸ τῶν mss.
at a disadvantage, and yet I ran this grave risk; for clearly she was much more attached to him than to me, and has joined him in wronging me, but has never joined me in offending against him. Nevertheless, while I sought her as my refuge, he put no confidence in her.

You should therefore decline, gentlemen, when my danger is so great, to accept offhand the statements of this man: you should rather reflect that I have my native land and my livelihood at stake, and so should take these challenges into your reckoning. Do not look for still stronger pledges than these: I could not instance others to show that I did not premeditate anything against this man. I am vexed, gentlemen, at finding myself in danger of losing what I value most on account of a harlot and a slave: for what harm have I ever done to the city, or to this man himself, or against what citizen have I committed any sort of offence? Nothing of the kind have I ever done, yet with the least show of reason in the world I am in danger of bringing upon myself a much more serious disaster on account of these men. So I pray and beseech you, by your children, your wives, and the gods who keep this place, have pity on me, and do not suffer me to fall into the hands of this man, nor involve me in an irremediable calamity. For it is equally unfair that I should be banished from my own country, and that he should exact so heavy a penalty from me for wrongs which, though he says that he has received them, he has never received.
V. FOR CALLIAS: DEFENCE ON A CHARGE OF SACRILEGE

INTRODUCTION

This short speech, of which the conclusion has been lost, was composed for a friend who desired to support the accused, Callias, a resident alien of advanced years and good standing: the slaves of Callias, in the hope of being rewarded with liberty, had denounced him for sacrilege, the penalty for which was death. The case was heard before the ordinary court of Athenian citizens sitting as paid judges (δικασταί or Ἰλιασταί). After the restoration of the democracy in 403 B.C., accusations of various forms of impiety, which had been fairly common in the previous time, became very frequent. We find again in the speech On the Olive-stump (vii. 16) the danger arising from the public encouragement of slaves to earn their freedom by laying information of impious acts against their masters. We have no means of ascertaining either the particular act that was the subject of this case or the date of the trial.

The speaker explains that the gravity of his friend’s danger has induced him to add his own good opinion and offices to those of others who have pleaded in
FOR CALLIAS

Callias’ defence (1-2). The evidence of slaves should count for nothing as against an unblemished reputation: if it is accepted, we shall have servants constantly renouncing their proper duty in order to calumniate their masters (3-5).
V. ΥΠΕΡ ΚΑΛΛΙΟΥ
ΙΕΡΟΣΥΛΙΑΣ ΑΠΟΛΟΓΙΑ

1 Εἰ μὲν περὶ ἄλλου τινὸς ἡ τοῦ σώματος, ὃ ἄνδρες
dικασταί, Καλλίας ἤγωνίζετο, ἐξήρκει ἄν μοι καὶ
tὰ παρὰ τῶν ἄλλων εἰρημέναν. νῦν δὲ μοι δοκεῖ
αἰσχρὸν εἶναι, κελεύοντος καὶ δεομένου, καὶ φίλου
ὄντος καὶ ἐμὸι καὶ ἑως ἐξῆ τῷ πατρί, καὶ πολλῶν
συμβολαίων ἴμιν πρὸς ἄλληλους γεγενημένων, μὴ
βοηθήσαι Καλλία τὰ δίκαια, ὡπώς ἄν δύνωμαι.
2 ἐνώμιζον μὲν οὐν οὕτως μετοικεῖν αὐτὸν ἐν ταύτη
τῇ πόλει, ὡστε πολὺ πρότερον ἀγαθοῦ τινος
tεύξεσθαι παρ’ ύμῶν ἡ ἐπὶ τοιαύταις αἰτίαις εἰς
tοσοῦτον κίνδυνον καταστήσεθαι: νῦν δὲ οἱ ἐπι-
βουλεύοντες οὐχ ἔττον ἐπικίνδυνον ποιοῦσι τὸν
βίον τοῖς μηθέν ἀδικοῦσιν ἣ τοῖς πολλῶν κακῶν
3 αἰτίως οὕσω. ύμᾶς δὲ ἄξιον μὴ τοὺς μὲν τῶν
θεραπόντων λόγους πιστοὺς νομίζειν, τοὺς δὲ
tούτων ἀπίστους, ἐνθυμομένους ὅτι Καλλία μὲν
οὐδείς πῶποτε οὕτ’ ἰδιώτης ἐνεκάλεσεν οὕτε
ἀρχῶν, οἰκῶν δ’ ἐν ταύτῃ τῇ πόλει πολλὰ μὲν
ἀγαθὰ ύμᾶς ἐποίησεν, οὐδεμίαν δὲ σχὼν αἰτίαν
eἰς τοῦτο τῆς ἠλικίας ἀφίκται, οὕτω δὲ ἐν ἄπαντι
tῷ βίῳ μεγάλα ἠμαρτηκότες καὶ πολλῶν κακῶν
108
V. FOR CALLIAS: DEFENCE ON A CHARGE OF SACRILEGE

If Callias had anything else than his life at stake in this trial, gentlemen of the jury, I should be content with what you have heard from the other speakers; but, as it is, and when he urges and requests me, and he is not only a friend of mine but was one of my father's so long as he lived, and we have had many arrangements between us, I feel it would be disgraceful not to support Callias so far as justice requires and my ability permits. I did expect, indeed, that the character that he showed as an alien residing in this city would far more readily gain for him some benefit at your hands than allow him to face so grave a danger because of such accusations as you have heard. But I find that these designing persons make life no less dangerous for those who have done no wrong than for those who are guilty of many misdeeds. You, however, ought not to credit the statements of mere servants and discredit those of the accused; for you should reflect that no one, either private citizen or magistrate, has ever indicted Callias before, and that while dwelling in this city he has bestowed many benefits upon you, and has arrived at his time of life with a blameless reputation; whereas these men, having spent their lives in committing serious offences and incurring a variety of troubles, make their
πεπειραμένων, ἂσπερ ἀγαθοῦ τινος αὐτοῦ γεγενημένων περὶ ἐλευθερίας νυνί ποιοῦνται τοὺς λόγους. 4 καὶ οὖν θαυμάζω, ἵσασι γὰρ ὦτι, ἐὰν <μὲν>¹ ψευδόμενοι ἐλεγχθῶσιν, οὕτως μεῖζον τῶν ὑπαρχόντων πείσονται, ἐὰν δὲ υμᾶς ἐξαπατήσωσι, τῶν παρόντων κακῶν ἐσονται² ἀπηλλαγμένοι. καίτοι τοὺς τοιούτους οὔτε κατηγόρους οὔτε μάρτυρας πιστοὺς χρῆ νομίζειν εἶναι, οἵτινες αὐτοὶ μεγάλα κερδαίνοντες περὶ ἐτέρων ποιοῦνται τοὺς λόγους, ἀλλὰ πολὺ μᾶλλον ὁσοὶ τῷ δημοσίῳ βοηθοῦντες εἰς κινδύνους 5 σφᾶς αὐτοὺς καθιστᾶσιν. ἂξιον δὲ μοι δοκεῖ εἶναι οὐ τούτων ἰδίον ἥγεισθαι τὸν ἀγώνα, ἀλλὰ κοινὸν ἀπάντων τῶν ἐν τῇ πόλει οὐ γὰρ τούτως μόνοις εἰσὶ θεράποντες, ἀλλὰ καὶ τοῖς ἄλλοις ἀπασίν, οἱ πρὸς τὴν τοῦτων τύχην ἀποβλέποντες οὐκέτι σκέφονται ὁ τι <ἀν>³ ἀγαθὸν εἰργασμένοι τοὺς δεσπότας ἐλεύθεροι γένοιτο, ἀλλ' ὁ τι ψεῦδος περὶ αὐτῶν μηνύσαντες . . .

¹ μὲν add. F. Müller.
² ἐσονται Aldus: εἴωνται mss.
³ ἀν add. Scheibe.

* A slave whose accusation was accepted as true was rewarded with freedom. Cf. VII. 16.
FOR CALLIAS, 3–5

speeches to-day with an air of having performed a great service, merely in the hope of freedom. And I am not surprised; for they know that, if they are convicted of lying, they will suffer nothing worse than their actual lot; while if they succeed in deceiving you they will be rid of their present troubles. Yet surely such men as these, whether accusers or witnesses, should win no credit, when they have a great profit to make for themselves by their statements concerning others; much rather should it be given to those who, to uphold the public weal, involve themselves in danger. The trial, in my opinion, ought to be regarded, not as the personal affair of the accused, but as the common concern of everybody in the city; for these are not the only people who own servants; they are owned by everyone else, and looking at the fate of the accused will no longer ask themselves by what great service to their masters they might gain their freedom, but by what lying information about them. . . .

b Perhaps Callias was employed by the stewards of the sacred treasure of the Parthenon, and was accused of embezzling some of it.

c Others besides Callias appear to have been involved in the accusation.
VI. AGAINST ANDOCIDES: FOR IMPIETY

INTRODUCTION

This piece, which takes the form of a speech in accusation of Andocides at his trial in 399 B.C., is probably a pamphlet composed by one of his many persecutors after hearing or reading his defence, which has come down to us under the name On the Mysteries. This writer against Andocides has certain weaknesses and faults which are familiar enough to readers of the ancient rhetoricians: his topics are ill-arranged, his allusions to important facts are vague and hasty, and he avails himself of elaborate language to conceal the uncertainty of his grip on his subject. It is now generally agreed, on these grounds alone, that the writer cannot have been Lysias; and when we consider the curious insistence on the religious guilt of Andocides, and the misfortunes and sufferings which he has endured for the last sixteen years and which, like even his survival of them all, show the curse of Heaven upon him, and observe the abrupt and tactless manner in which it is admitted that there may be something in Andocides' charges against his actual accuser, Cephisius, we are led to the conclusion, which is supported also by the author's claim to be
AGAINST ANDOCIDES

the great-grandson of a priest of the Mysteries (54), that we have here a declamation composed by a zealous devotee whose prejudices had been only deepened and inflamed by the able defence put forward by Andocides.

In the early summer of 415 B.C., when the Athenians were already excited by the last preparations of the great armament intended for the conquest of Sicily, they were thrown into a state of panic by finding that in one night nearly all the stone images of Hermes at their house-doors had been mutilated. The religious terror was increased by a persistent rumour that the most sacred rites of the Greeks, the Mysteries of Eleusis, had been travestied in a number of private houses. At the inquiry which followed, Andocides, one of the many persons who had been arrested on the first informations, informed against the small group of his associates under a guarantee of impunity for himself, which had been offered by a decree of the Assembly. His information appears to have included a confession of his own complicity in the outrage on the Hermae; but he denied having had anything to do with the profanation of the Mysteries. However, a new decree was passed, on the proposal of Isotimides, that persons who had confessed to an act of impiety should be excluded from the market-place and the temples. Andocides came under the terms of this law, and he left Athens, and was virtually in exile for thirteen years. During this period he carried on a trade in timber and other supplies, first in Macedonia, then in Cyprus, and again in Samos. In 411 B.C., while the oligarchs were in power at Athens, he returned there, only to be imprisoned for aiding the democrats at Samos. He got away when the
oligarchs fell from power, and returned to Cyprus, where he got into some trouble with Evagoras, King of Salamis. In 410 he was again in Athens, trying to re-establish himself by recalling his services to the people at Samos (see his speech On his Return); but he failed, and went wandering again, in Sicily, Italy, the Peloponnese, Thessaly, the Hellespont, Ionia and Cyprus. He seems in this time to have made a considerable fortune. In 402, after the amnesty had been arranged between the Athenians and the Spartans, he returned to Athens; he enjoyed the citizenship for three years, and performed several responsible and costly services, besides speaking in the Council and the law-courts. But in 399 his enemies brought him to trial for impiety, on the ground that despite the decree of Isotimides he had taken part in the Greater Mysteries at Eleusis. His defence succeeded in obtaining his acquittal.

The present piece lacks the clarity, strictness and tact of any real forensic pleading. With a manner of bitter antagonism the writer relates, first, a story of awful retribution for impiety: about half of the story has been lost, but it instanced the case of a man who cheated the Eleusinian goddesses of an offering, and was punished by starvation amid plenty of food. We must therefore be careful to punish the impious (1-3). If acquitted, Andocides may be in a position to officiate at the Mysteries: this would cause a scandal in Greece, where his uneasy wanderings are well known (4-8). Remember Pericles' advice, that though written laws may be rescinded, the unwritten laws which guide the priesthood remain to condemn the impious. Andocides has had the impudence to pose as an upholder of the sanctity
of the Hermae (9-12). He has confessed his guilt, and it was an outrage on the religion of his own country; he had so little fear of Heaven that he took to a seafaring life, but Heaven was guiding him to a just condemnation (13-20). Consider the miserable life that the man has led, abroad and at home: clearly gods and men alike have joined in persecuting such a miscreant (21-32). He is now attempting to enter public life, and will have many pleas to urge for the people’s indulgence, but they are all irrelevant, and he has done you no real service at any time: he was only concerned to save his own skin (33-49). Refresh your memory of that past profanation of the Mysteries and the curse pronounced over Andocides. To cleanse the city and appease the gods we must be unmoved in our determination to condemn the vile outcast (50-55).
VI. ΚΑΤ’ ΑΝΔΟΚΙΔΟΥ ΑΣΕΒΕΙΑΣ

1 . . . ἐδησε τὸν ἵππον ἐκ τοῦ ῥόπτρου τοῦ ἱεροῦ ὡς ἀποδιδούσ, τῇ δ’ ἐπιούσῃ νυκτὶ ὑφείλετο. οὕτος οὖν ὁ ταῦτα ποιήσας θανάτῳ τῷ ἀλγίστῳ ἀπώλετο, λιμῷ πολλῶν γὰρ καὶ ἄγαθῶν αὐτῶ ἐπὶ τὴν τράπεζαν παρατιθεμένων ὦζεν ἐδόκει τοῦ ἄρτον καὶ τῆς μάζης κάκιστον, καὶ οὐκ ἐδύνατο ἐσθίειν. 2 καὶ ταῦτα πολλοὶ ἦμοιν ἦκουν τοῦ ἱεροφάντου 3 λέγοντος. δίκαιον οὖν μοι δοκεῖ εἶναι νῦν ἐπὶ τούτῳ τὰ τότε λεχθέντα ἀναμνῆσαι, καὶ μὴ μόνον τοὺς τούτου φίλους ὑπὸ τούτου καὶ τῶν τούτου λόγων ἀπόλλυσαι, ἀλλα καὶ αὐτὸν τούτον ὑφ’ ἑτέρου.

Αδύνατον δὲ καὶ ὑμῖν ἔστι, περὶ τοιούτου πράγματος φέρουσι τὴν ψήφον, ἡ κατελεύσαι ἡ κατα-χαρίσασθαι Ἀνδοκίδη, ἐπισταμένοι ὅτι ἐναργῶς τῷ θεῷ τούτῳ τιμωρεῖτον τοὺς ἄδικοντας: ἔλπισε οὖν χρῆ πάντα ἀνθρώπων ταῦτα καὶ 4 ἐαυτῷ καὶ ἑτέρῳ ἔσεσθαι. φέρε γάρ, ἐὰν νυνὶ Ἀνδοκίδης ἀθὼς ἀπαλλαγῇ <δι’> 4 ὑμᾶς ἐκ τοῦ ἀγώνος καὶ ἔλθῃ κληρωσόμενος τῶν ἐννέα

1 post λέγοντος sequuntur ὅτι Ἀνδοκίδης μηνύων τοὺς αὐτῶ (αὐτῶ X) συγγενεῖς καὶ φίλους ἀπώλει (ἀπολλύων Xk), φάσκων αὐτῶς συνεργοῖς εἶναι: dannavit Reiske.
2 τιμωρεῖτον Dobree: τιμωρείτε, τιμωρεῖται mss.
3 ταῦτα Thalheim: διντα mss.
4 δὲ add. Scheibe.
VI. AGAINST ANDOCIDES: FOR IMPIETY

... he tied up the horse to the knocker on the temple door, as though he were handing it back; but on the following night he contrived to take it away. Well, the man who did this has perished by the most painful death, of hunger; for, although plenty of good things were set on the table before him, he found that the bread and cake had a vile odour, and he was unable to eat. This fact a number of us heard stated by the priest in charge of the rites. I therefore think it just that I should now recall in connexion with the accused the statements made at that time, and that not only should his friends perish by his act and his information, but he himself too should perish by the action of another.

It is impossible for you on your part, when you give your vote on a matter of this kind, to show either pity or indulgence to Andocides, since you understand that these two goddesses take signal vengeance upon wrongdoers: every man ought therefore to expect the same consequences for himself and for others. I would ask you, if you allow Andocides to get off now unscathed from this trial, and to attend for drawing the lots for the nine archons, and to be

* Demeter and Persephone.
ερχόντων καὶ λάχη βασιλεύσ, ἀλλο τι ἣ ὑπὲρ ύμῶν καὶ θυσίας θύσει1 καὶ εὐχὰς εὑξεται κατὰ τὰ πάτρια, τὰ μὲν ἐν τῷ ἐνθάδε Ἐλευσινῶν, τὰ δὲ ἐν τῷ Ἐλευσίνι ιερῷ, καὶ τῆς ἑορτῆς ἐπι-
μελήσεται μυστηρίους, ὅπως ἂν μηδεὶς ἀδικῇ μηδὲ
5 ἁσβῆ τὰ ἱερά; καὶ τίνα γνώμην οἴεσθε ἐξειν τοὺς
μύστας τοὺς ἀφικνουμένους, ἐπειδὰν ὕδωσι τὸν
βασιλέα ὅστις ἐστὶ καὶ ἀναμνησθῶσι πάντα τὰ
ἡσεβημένα αὐτῶ, ἡ τοὺς ἀλλοὺς Ἐλλήνας, οἱ ἕνεκα
tαύτης τῆς ἑορτῆς ἔρχονται; 2 ἡ θύεων εἰς ταύτην
6 τὴν πανήγυριν βουλόμενοι ἡ θεωρεῖν; οὔδὲ γὰρ
ἀγνῶς ο Ἀνδοκίδης οὐτε τοῖς ἐξω οὔτε τοῖς ἐνθάδε
dιὰ τὰ ἡσεβημένα. ἀναγκαίως γὰρ ἔχει ἀπὸ τῶν
πολὺ διαφερόντων ἡ κακῶν ἡ ἀγαθῶν ἔργων τοὺς
ποιῆσαντας γυγώσκεσθαι. ἐπειτὰ δὲ καὶ διώχληκε
πόλεις πολλὰς ἐν τῇ ἀποδημία, Σικελίαν, Ἰταλίαν,
Pελοπόννησον, Θεττάλιαν, Ἐλλήσποντον, Ἰωνίαν,
Κύπρον: βασιλεάς πολλοὺς κεκολάκευκεν, ὥ ἂν συγ-
7 γένηται, πλὴν τοῦ Συρακοσίου Διονυσίου. οὐτὸς
dὲ ἡ πάντων εὐτυχεστατός ἐστὶν ἡ πλείστον
γνώμη διαφέρει τῶν ἄλλων, ὁς μόνος τῶν συγ-
γενομένων Ἀνδοκίδη οὐκ ἔξηπατήθη ὑπ’ ἄνδρός
τουστών, ὃς τέχνην ταύτην ἔχει, τοὺς μὲν ἐχθροὺς
μηδὲν ποιεῖν κακῶν, τοὺς δὲ φίλους ὃ τι ἂν δύνηται
cakon. ὡστε μὰ τὸν Δία οὐ ράδιον ἐστιν ὕμων
[104] αὐτῷ οὐδὲν χαρισμαένους παρὰ τὸ δίκαιον λαθεῖν
tους Ἐλλήνας.
8 Νῦν οὖν ύμῖν ἐν ἀνάγκῃ ἐστὶ βουλεύσασθαι περὶ

1 θυσίας θύσει Cobet: θυσιάσουσι, θυσιάσει mss.
2 ἔρχονται add. Reiske.

a The king-archon’s functions were mainly religious, and
were especially concerned with the Mysteries.
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AGAINST ANDOCIDES, 4–8

elected king-archon, shall we not see him performing sacrifices and offering prayers on your behalf according to ancestral custom, sometimes in the Eleusinium here, sometimes in the temple at Eleusis, and overseeing the celebration of the Mysteries, to prevent the commission of any offence or impiety concerning the sacred things? And what, think you, will be the feelings of the initiated who arrive for the rite, when they see who the king is, and remember all his impious acts; or what the thoughts of the other Greeks who come for this celebration, purposing either to sacrifice or to attend in state at that great assembly? For Andocides is by no means unknown either to foreigners or to our own people, such has been the impiety of his conduct; since it needs must be that, if they are specially outstanding, either good or evil deeds make their doers well-known. And besides, during his absence abroad he has caused commotion in many cities, in Sicily, Italy, the Peloponnese, Thessaly, the Hellespont, Ionia and Cyprus: he has flattered many kings—everyone with whom he has had dealings, except Dionysius of Syracuse. That monarch is either the most fortunate of them all, or far above the rest in intelligence, since he alone of those who dealt with Andocides was not deceived by the sort of man who has the art of doing no harm to his enemies but as much as he can to his friends. So, by Heaven, it is no easy matter for you to show him any indulgence in contempt of justice without being noticed by the Greeks.

The moment, therefore, has come when you must

\[a\] As distinguished from the sanctuary at Eleusis.
\[b\] As distinguished from the sanctuary at Eleusis.
\[c\] Religious envoys came either as spectators or to give notice of a festival about to be held elsewhere.
αὐτοῦ· εὗ γὰρ ἐπίστασθε, ὃ ἀνδρεὶς Ἀθηναῖοι, ὅτι σοῦ ὅν τε ὑμῖν ἔστιν ἀμα τοὺς τε νόμους τοὺς πατρίους καὶ Ἀνδοκίδης χρῆσθαι, ἀλλὰ δυὸν θάτερον, ἢ τοὺς νόμους ἐξαλειπτέον ἔστιν ἡ ἀπ- 9 ἀλλακτέον τοῦ ἀνδρὸς. εἰς τοσοῦτον δὲ τόλμης ἀφίκται, ὡστε καὶ λέγει περὶ τοῦ νόμου, ὡς καθήρηται ὁ περὶ αὐτοῦ κείμενος καὶ ἐξεστιν αὐτῷ ἠδὴ εἰσιναὶ εἰς τὴν ἀγορὰν καὶ εἰς τὰ ἱερὰ... ἀν ἔτι καὶ νῦν Ἀθηναῖων ἐν τῷ βου- 10 λευτηρίῳ. καίτοι Περικλέα ποτέ φασι παρανε- σαι ὑμῖν περὶ τῶν ἀσεβοῦντων, μή μόνον χρῆσθαι τοῖς γεγραμμένοις νόμοις περὶ αὐτῶν, ἀλλὰ καὶ τοῖς ἀγράφοις, καθ' οὓς Ἐυμολπίδαι ἐξηγούν- ται, οὓς οὕδεις πιὸ κύριος ἐγένετο καθελεῖν οὐδὲ ἐτόλμησεν ἀντεπείν, οὔδε αὐτὸν τὸν θέντα ἵσασιν· ἤγείσθαι γὰρ ἂν αὐτοῦ οὕτως οὐ μόνον τοῖς ἀνθρώποις ἀλλὰ καὶ τοῖς θεοῖς διδόναι δίκην. 11 Ἀνδοκίδης δὲ τοσοῦτον καταπεφρόνηκε τῶν θεῶν καὶ ὃν ἐκεῖνος δεῖ τιμωρεῖν, ὡστε πρὶν [μᾶλλον ἡ ἡττον]¹ ἡ ἐπιδεδημηκέναι δέκα ἡμέρας ἐν τῇ πόλει προσεκαλέσατο δίκην ἀσεβείας πρὸς τὸν βασιλέα, καὶ ἔλαχεν Ἀνδοκίδης <ἡν>² καὶ πεποιη- κώς ἂ οὕτως πεποίηκε περὶ τοὺς θεοὺς καὶ (ἔνα μᾶλλον πρόσοχητε τὸν νοῦν) φάσκων τὸν "Ἀρχι- ὑππον" ἀσεβεῖν περὶ τὸν Ἐρμήν τὸν αὐτοῦ πατρῶν. ὁ δὲ Ἀρχιττος ἑντείκει ἡ μὴν τὸν Ἐρμήν


a A decree of Isotimides excluded from the market-place and the temples those impious persons who had obtained immunity by laying information against others.
b A few words are missing here from the text.
of necessity make a decision on his case. For you are well aware, men of Athens, that it is not possible for you to live with our ancestral laws and with Andocides at the same time: it must be one of two things, —either you must wipe out the laws, or you must get rid of the man. He has carried audacity to such a pitch that he actually refers to the law we have made regarding him as one that has been abolished, a and claims liberty henceforth to enter the market-place and the temples . . . b even to-day in the Council House of the Athenians. Yet Pericles, they say, advised you once that in dealing with impious persons you should enforce against them not only the written but the unwritten laws also, which the Eumolpidae c follow in their exposition, and which no one has yet had the authority to abolish or the audacity to gainsay,—laws whose very author is unknown: he judged that they would thus pay the penalty, not merely to men, but also to the gods. But Andocides has shown such contempt for the gods and for those whose duty it is to avenge them, that before he had been resident in the city ten days he instituted proceedings for impiety before the king-archon, and lodged his complaint, d though he was Andocides, and had not only done what that person has done with regard to the gods, but asserted—and here you should give your closest attention—that Archippus was guilty of an impiety against the Hermes of his house. Archippus countered this with a sworn statement that the Hermes was sound and entire and

a The hereditary priests of Eleusis, who pronounced orally on cases of conscience, etc., and were the repositories of traditional, as distinct from codified, custom.

b πρόσκλησις was the citation of the person accused, and λήκης was the formal complaint before the magistrate.
12 οἱ ἄλλοι Ἐρμαῖ. ὃμως μέντοι ἵνα μὴ ὑπὸ τοῦτον τουστοῦ ὄντος πράγματ' ἔχοι, δοὺς ἀργύριων ἀπηλλάγη. καὶ τοι ὡστε οὗτος παρ᾽ ἐτέρου ἥξισε δίκην ἀσεβείας λαβεῖν, ἢ που ἐτέρους γε παρὰ τοῦτον λαβεῖν δίκαιον καὶ εὐσεβεῖς ἐστιν.

13 Ἀλλὰ λέξει δεινόν εἶναι, εἰ δὲ μὲν μηνυτής τὰ ἔσχατα πεῖσται, οἱ δὲ μηνυθέντες τῶν αὐτῶν ὑμῖν ἐπίτιμοι ὄντες μεθέξουσι. καὶ τοι οὐχ ὑπὲρ αὐτοῦ ἀπολογήσεται, ἄλλα καὶ τῶν ἄλλων κατηγορησει. τοὺς μὲν οὖν ἄλλους οἱ ἐπιτάξαντες καταδέξασθαι ἀδικοῦσι καὶ τοῦ αὐτοῦ ἀσεβήματος αἴτητο εἰσών. εἰ δ' ὑμεῖς αὐτοκράτορες ὄντες αὐτοῖς ἐςτε οἱ ἀφελόντες τὰς τιμωρίας τῶν θεῶν, ἀλλ' οὖ' οὗχ' οὗτοι αἴτητο ἐσονταί. ὑμεῖς οὖν μὴ βουλέσθε εἰς ὑμᾶς τὴν αἰτίαν ταύτην περιτρέψαν, εξὸν τὸν ἀδικοῦντα κολάσασιν ἀπηλλάχθαι. ἐπείτα δ' ἐκεῖνοι μὲν ἀρνοῦνται τὰ μεμηνυμένα, οὗτος δὲ ὁμολογεῖ ποιῆσαι. καὶ τοι καὶ ἐν Ἀρείῳ πάγῳ, ἐν τῷ σεμνοτάτῳ καὶ δικαιοτάτῳ δικαστήρῳ, ὁμολογῶ μὲν ἀδικεῖν ἀποδημήσει, ἐὰν δὲ ἀμφισβητῇ, ἑλέγχεται, καὶ πολλοὶ οὐδὲν ἐδοξάν ἀδικεῖν. οὐκον οἷον χρή γνώμην ἔχειν περὶ τῶν ἄρνουμένων καὶ περὶ τῶν ὁμολογοῦντων.

14 δεινὸν δὲ μοι δοκεῖ εἶναι· εὰν μὲν τις ἄνδρος σώμα τρώσῃ, κεφαλὴν ἢ πρόσωπον ἢ χεῖρας ἢ πόδας, οὗτος μὲν κατὰ τοὺς νόμους τοὺς ἔξ Ἀρείου πάγου φεύξεται τὴν τοῦ ἀδικηθέντος πόλιν, καὶ εὰν κατη,  

1 ὄντες αὐτοῖς Reiske: ἢτε καὶ mss.  
2 οὐχ add. Reiske.  
3 ὁμολογοῦντων Reiske: ὁμολογουμένων mss.  
4 οὗτος Dobree: αὐτὸς mss.  
5 post πόλιν in libris ἡ τραύματος ἐκ προνοιασ: del. Taylor.  
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had in no way been treated like the other figures of the god: but at the same time, to avoid being troubled by a man of Andocides' sort, he got his release by a payment of money. Well now, since Andocides has sought to exact a penalty from another for impiety, surely justice and piety require that others should exact one from him.

But he will say it is strange that the denouncer should suffer the extreme penalty, while the denounced are to retain their full rights and share the same privileges with you. Nay, in fact, he will not speak in his own defence, but will accuse the rest. Now of course the persons who ordered the recall of the rest are in the wrong, and are guilty of the same impiety as they: but if you, with your supreme authority, are yourselves the persons who have cheated the gods of their vengeance, it is certainly not those men who will be the guilty ones. Then do not allow this charge to rebound on you, when you are free to clear yourselves by punishing the wrongdoer. Moreover, they deny the acts for which they have been denounced, whereas he admits those reported of him. And yet, in a trial before the Areopagus, that most august and equitable of courts, a man who admits his guilt suffers death, while if he contests the charge he is put to the proof, and many have been found quite innocent. So you should not hold the same opinion of those who deny and of those who admit the charge. And this, to my mind, is a strange thing: whoever wounds a man's person, in the head or face or hands or feet, he shall be banished, according to the laws of the Areopagus, from the city of the man who has been injured, and if he returns, he
LYSIAS

ένδειξθείς θανάτω ζημιωθήσεται: εάν δέ τις τά αυτά ταύτα ἀδικήσῃ τά ἀγάλματα τών θεών, οὐδὲ αὐτῶν κωλύσετε τῶν ἱερῶν ἐπιβαίνειν ἢ εἰσούντα <οὐ>1 τιμωρήσεσθε; καὶ μὲν δὴ τούτων καὶ δίκαιον καὶ ἀγαθόν ἐστιν ἐπιμελεῖσθαι, ύφ’ ὁν καὶ εὗ καὶ

16 κακῶς δυνήσεσθε πάσχειν. φασὶ δὲ καὶ τῶν Ἐλλήνων πολλοὺς διὰ τά ἐνθάδε ἀσεβήματα ἐκ τῶν παρ’ αὐτοῖς ἱερῶν ἐξείργενεν. ὑμεῖς δὲ αὐτοὶ οἱ ἀδικηθέντες περὶ ἑλάττων ποιεῖσθε τά παρ’, ὑμῖν νόμιμα ἡ ἔτεροι τά ὑμέτερα. τοσοῦτον δ’ οὗτος Διαγόρου τοῦ Μηλίου ἀσεβέστερος γεγένηται: ἐκεῖνος μὲν γὰρ λόγῳ περὶ τά ἀλλότρια ἱερὰ καὶ ἐφετέρος ήσθεῖ, οὗτος δὲ ἐργῇ περὶ τά2 ἐν τῇ αὐτοῦ πόλει. ὄργὰζεσθαι οὐν χρή, ὡς ἄνδρες Ἀθηναίοι, τοῖς ἀστοῖς ἀδικοῦσι μᾶλλον ἡ τοῖς ξένοις περὶ ταύτα τά ἱερά: τὸ μὲν γὰρ ὡσπερ ἀλλότριον ἐστίν ἀμάρτημα, τὸ δ’ οὐκείον. καὶ μὴ οὐς μὲν ἔχετε ἀδικοῦντας ἀφίετε, τοὺς δὲ φεύγοντας ζητεῖτε συλλαμβάνειν, ἐπικηρύττοντες τάλαντον ἀργυρίου

[105] δῶσειν τῷ ἀπάγοντι ἢ ἀποκτείναντι. εἰ δὲ μὴ, δοξεῖ τοῖς Ἐλλησοι κομπάζειν μᾶλλον ἡ τιμω- ρεῖσθαι βούλεσθαι. ἐπεδείξατο δὲ καὶ τοῖς Ἐλ-

19 λησοι ὅτι θεοὺς οὐ νομίζει. οὐ γὰρ ὡς δεδώσα τά πεποιημένα, ἀλλ’ ὡς θαρρῶν, ναυκληρία ἐπιθέμενος τὴν θαλαττὰν ἔπλει. ὁ δὲ θεὸς ὑπήγεν αὐτὸν, ἵνα ἀφικόμενος ἐις τὰ ἀμαρτήματα ἐπὶ τῇ ἐμῇ προ-

flάσει δοῖχ ἡ δίκην. ἐλπίζω μὲν οὖν αὐτὸν καὶ

1 oὐ add. Aldus. 2 tά Aldus: tάς mss.

a Called the “Godless”; cf. Aristoph. Birds, 1073; Diodorus Siculus, xiii. 6.

b The text implies that the deity is employing the speaker as a fair and convenient means of punishing Andocides.

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shall be impeached and punished with death; but whoever does these same injuries to the images of the gods is not to be debarred by you from approaching the very temples, and is not to be punished for entering them! Nay, surely it is just and good to have a care for those beings by whom you may be either well or ill entreated. It is even said that many of the Greeks exclude men from their own temples on account of impious acts committed here; while to you, the very persons who have suffered these wrongs, your own established customs are of less account than they are to mere strangers! And mark how far more impious this man has shown himself than Diagoras the Melian; for he was impious in speech regarding the sacred things and celebrations of a foreign place, whereas Andocides was impious in act regarding the sanctities of his own city. Now where these sacred things are concerned you should rather be indignant, men of Athens, at guilt in your own citizens than in strangers; for in the one case the offence is in a manner alien to you, but in the other it is domestic. And do not let off those whom you hold here as wrongdoers, while you seek to apprehend those who are in exile, proclaiming by herald your offer of a talent of silver to anyone who arrests or kills them; else you will be judged by the Greeks to be making a brave show rather than intending to punish. He has made it plain to the Greeks at large that he does not revere the gods. For without a sign of misgiving for his actions, but with an air of assurance, he took to ship-owning, and went voyaging on the sea. But the deity was enticing him on, that he might return to his iniquities and pay the penalty at my instance.\footnote{125} Well, I hope that he
δώσειν δίκην, θαυμάσιον δὲ οὐδὲν ἂν μοι γένοιτο. οὔτε γὰρ ὁ θεὸς παραχρήμα κολάζει [ἀλλ’ αὐτὴ μὲν ἐστιν ἀνθρωπίνη δίκη]1. πολλαχόθεν δὲ ἔχω τεκμαρόμενοι εἰκάζειν, ὅρων καὶ ἔτερους ἴσο-βηκότας χρόνω δεδωκότας δίκην, καὶ τοὺς ἐξ ἐκείνων διὰ τὰ τῶν προγόνων ἀμαρτήματα· ἐν δὲ τούτῳ τῶ χρόνῳ δέη πολλὰ καὶ κινδύνους ὁ θεὸς ἐπιπέμπει τοὺς ἀδικοῦν, ὡστε πολλοὺς ἤδη ἐπιθυμήσας τελευτήσαντας τῶν κακῶν ἀπηλλάχθαι. ο ὁ δὲ θεὸς τέλος τούτῳ λυμνάμενος τῷ βίῳ θάνατον ἐπέδηκε.

21 Σκέψασθε δὲ καὶ αὐτοῦ Ἀνδοκίδου τὸν βίον, ἀφ’ οὗ ἦσέβηκε, καὶ εἰ τις τοιοῦτος ἐτερὸς ἐστιν. Ἀνδοκίδης γὰρ ἐπειδὴ ἦμαρτεν, εξ ἐπιβολῆς2 εἰσαχθείς εἰς τὸ δικαστήριον, ἔδησεν3 ἐαυτὸν τμησάμενος δεσμοῦ, εἰ μὴ παραδοθῇ τὸν ἀκόλου-θον. εὗ δ’ ἦδει οὐ δυνησόμενος παραδοθῆναι, δὲ διὰ τούτον καὶ τὰ τούτου ἀμαρτήματα ἀπέθανεν, ἢν μή4 μηνυτὴς γένοιτο. καὶ τοὺς οἷς οὐ θεῶν τις τὴν τούτου γνώμην διέφθειρεν, οὐ τόν ἤγνωστο δεσμοῦ τμησάσθαι ἡ ἀργυρίων:5 ἐπ’ ἔλπιδι τῇ αὐτῇ;

23 Εἰ δ’ οὖν τοῦτο τῷ τιμήματος ἔδεδητο ἐγγὺς ἐνιαυτόν, καὶ ἐμήνυσε δεδεμένως κατὰ τῶν αὐτοῦ συγγενῶν καὶ φίλων, ἀδειὰς δοθέως αὐτῷ, εἰ δόξεε τάληθθη μηνυσάι. καὶ τίνα αὐτὸν δοκεῖτε ψυχήν ἔχειν, ὅποτε τὰ μὲν ἔσχατα καὶ τὰ αὐσχίστα

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1 ἀλλ’ . . . δίκη del. Halbertsma.
2 ἐπιβολῆς Taylor: ἐπιβολής mss.
3 ἔδησεν Stephanus: ἔδησεν mss. 4 μή add. Stephanus.
5 ἡ ἀργυρίου Taylor: μαρτυρίου mss.

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a εἰς ἐπιβολῆς (if Taylor’s conjecture is correct) must imply "as the result of a fine summarily inflicted" (by the archons); cf. xxx. 3.
will indeed pay the penalty, and there would be nothing to surprise me in that; for the deity does not punish immediately, as I may conjecture by many indications, when I see others besides who have paid the penalty long after their impious acts, and their descendants punished for the ancestors' offences. But in the meantime the deity sends upon the wrong-doers many terrors and dangers, so that many men ere now have desired that their end had come and relieved them of their troubles by death. At length, it is only when he has utterly blasted this life of theirs that the deity has closed it in death.

Only consider Andocides' own life since he committed his impiety, and judge if there is any other man to compare with him. For Andocides, when after his offence he was brought before the court by a summary citation, committed himself to prison, having assessed the penalty at imprisonment if he failed to hand over his attendant: he knew well that he would not be able to hand him over, since this servant had been put to death because of this man and his offences, lest he become an informer about them. Now, must it not have been some god that destroyed his reason, when he conceived it to be easier for him to assess imprisonment than a sum of money, with as good a hope in either case? However, as the result of this proposal he lay for nearly a year in prison, and informed as a prisoner against his own kinsmen and friends, having been granted impunity if his information should be deemed true. What soul do you think was his, when he could descend to the

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A defendant could propose a penalty as an alternative to that proposed by the plaintiff, and the judges had to vote for one or the other penalty.
ἐποίει μηνύων κατὰ τῶν ἐαυτοῦ φίλων, ἢ δὲ
24 σωτηρία ἀφανής αὐτῶ; μετὰ δὲ ταῦτα, ἐπειδὴ
ἀπεκτονῶς ἤν οὐς αὐτὸς ἐφή περὶ πλείστου ποι-
εῖσθαι, ἔδοξε τάληθη μηνύσαι καὶ ἐλύθη, καὶ
προσεψηφίσασθε ὡμεῖς αὐτὸν εἰργεσθαι τῆς ἁγορᾶς
καὶ τῶν ἕρων, ὡστε μηδ' ἀδικούμενον ἕπο τῶν
25 ἐχθρῶν δύνασθαι δίκην λαβεῖν. οüδείς γάρ πω,1
ἐξ ὀσοῦ 'Ἄθηνα2 ἀείμνηστοι εἰσιν, ἐπὶ τοιαύτη
αὑτὰ ἡτμιώθη. δικαίως οüδέ γάρ ἔργα τοιαύτα
οüδείς πω εἰργάσατο. καὶ τούτων πότερα τοὺς
26 θεοὺς χρὴ ὧ τὸ αὐτόματον αὐτίσθαι; μετὰ δὲ
ταῦτα ἐπλευσεν ὡς τὸν Κυτών βασιλέα, καὶ προ-
διδοὺς ληφθεὶς ὑπ' αὐτοῦ ἐδέθη, καὶ οὐ μόνον τὸν
θάνατον ἐφοβεῖτο ἀλλὰ καὶ τὰ καθ ἕμεραν αἰ-
κίσματα, οἰδίμενος τὰ ἀκρωτήρια ζώντος ἀποτμή-
27 θήσεθαι. ἀποδράσ τε ἐκ τούτου τοῦ κινδύνου
κατέπλευσεν εἰς τὴν ἐαυτοῦ πόλιν ἐπὶ3 τῶν τετρα-
κοσίων. <τοσαύτην γὰρ ὃν>4 θεός λήθην ἐδωκεν,
ὡστε εἰς τοὺς ἡδικημένους αὐτοὺς ἐπεθύμησεν
ἀφικέσθαι. ἀφικόμενος δὲ ἐδέθη καὶ ἡκίσθη,
28 ἀπώλετο δὲ οὐχί, ἀλλ' ἐλύθη. ἐνθεν δὲ ἐπλευσεν
ὡς Εὐαγόραν τὸν Κύπρου βασιλέυοντα, καὶ
ἀδικήσας εἰρχῆ. ἀποδράσ δὲ καὶ5 τούτων ἐφευγε
μὲν τοὺς ἐνθάδε θεοὺς, ἐφευγε δὲ τὴν ἐαυτοῦ
πόλιν ἐφευγε δὲ εἰς οὐς τὸ πρῶτον ἄφικοτο τόποις,
καίτω τὸς χάρις τῷ βίῳ, κακοπαθεῖν μὲν πολλάκις,
29 ἀναπαύσασθαι δὲ μηδέποτε; καταπλεύσας δὲ ἐκεί-
θεν δεύρο εἰς δημοκρατίαν [εἰς τὴν αὐτοῦ πόλιν]6

1 πω Reiske: πολ. mss. 2 'Άθηνα Bekker: 'Αθηναλων mss.
3 επὶ Taylor: ἐπει mss.
4 γὰρ add. Taylor, τοσαύτην et ὁ Markland.
5 ἀποδράσ δὲ καὶ Reiske: ἀπόδρας mss.
6 εἰς . . . πόλιν del. Dobree.
utmost depth of baseness in informing against his own friends, with so little prospect of deliverance? After that, when he had achieved the death of those whom he professed to value most highly, he was held to have given true information and was released: you then passed a special decree that he was to be barred from the market-place and the temples, so that even if wronged by his enemies he could get no redress. Why, nobody to this day, throughout the ever-memorable history of Athens, has been disqualified on so grave a charge. And justly; for neither has anyone to this day committed such acts. Should we attribute these results to the gods, or to mere chance? After this he took ship and went to the king of Citium\(^a\); and being caught by him in an act of treachery he was imprisoned, and was in fear, not merely of death, but of daily tortures, expecting to be docked alive of his extremities. But he slipped away from this danger and sailed back to his own city in the time of the Four Hundred\(^b\): such a gift of forgetfulness had Heaven bestowed on him, that he desired to come amongst the very persons whom he had wronged. When he came, he was imprisoned and tormented, but not to death, and he was released. He then took ship and went to Evagoras, who was king of Cyprus, committed a crime, and was locked up. He slipped away from those clutches also, a fugitive from the gods of our land, a fugitive from his own city, a fugitive from each place as soon as he arrived in it! And yet what charm could he find in a life of repeated suffering without a moment of respite? He sailed back from that land to this city—then under a

\(^a\) On the south coast of Cyprus.

\(^b\) June to September, 411 B.C.
τοῖς μὲν πρυτάνεσιν ἐδωκε χρήματα, ὡς αὐτὸν προσαγάγουσιν ἐνθάδε, ὡμεῖς δὲ αὐτὸν ἐξηλάσατε ἐκ τῆς πόλεως, τοῖς θεοῖς βεβαιοῦντες τοὺς νόμους 30 οὐς ἐψηφίσασθε. καὶ τὸν ἀνδρὰ οὐ δῆμος, οὐκ ὀλγαρχία, οὐ τύραννος, οὐ πόλις ἐθέλει δέχασθαι διὰ τέλους, ἀλλὰ πάντα τὸν χρόνον, εἰς ὥσον ἦσέβησεν, ἀλώμενος διάγει, πιστεύων ἂεὶ μάλλον τοῖς ἀγνώσι τῶν γνωρίμων διὰ τὸ ἡδυκηκέναι οὕς γγνώςκει. τὸ δὲ τελευταίον νῦν ἀφικόμενος εἰς 31 τὴν πόλιν δίς ἐν τῷ αὐτῷ ἐνδέδεικται. καὶ τὸ μὲν σώμα ἂεὶ ἐν δεσμοὶς ἔχει, ἡ δὲ οὐσία αὐτοῦ ἐλάττων ἐκ τῶν κινδύνων γίγνεται. καὶ τούτῳ 1 ὅταν τις τὸν αὐτοῦ βίων τοῖς ἑχθροῖς καὶ τοῖς συκοφάνταις διανέμη, τούτες ἐστὶ τὸ τίνα 2 βίων ἄθιστων. ἀ τούτω ὁ θεὸς οὐκ ἐπὶ σωτηρίᾳ ἐπινοεῖν δίδωσιν, ἀλλὰ 32 τιμωρούμενος τῶν γεγενημένων ἀσεβημάτων. τὸ δὲ τελευταίον νυνὶ παραδέδωκεν αὐτὸν ὑμῖν χρήσθαι ὁ τι ἄν βουλήσῃ, οὐ τῷ μὴ ἀδικείων πιστεύων, ἀλλὰ ὑπὸ δαιμονίου τυφῶς ἀγόμενος ἀνάγκης. οὐκον χρῆ μὰ τὸν Δία οὔτε πρεσβύτερον ὅντα οὔτε νεώτερον, ὀρῶντας 'Ανδοκίδην ἐκ τῶν κινδύνων σφῶνευκον, συνειδῶτας αὐτῷ ἔργα ἁνόσια εἰργασμένῳ, ἀθεωτέρους γίγνεσθαι, ἐνθυμουμένους ὅτι ἡμῖνας ὁ βίος βιώναι κρείττων ἄλλως ἐστὶν ἦ διπλάσιος λυπουμένως, ὡσπερ οὕτος. 33 Εἰς τοσοῦτον δὲ ἀνασχυντίας ἀφίκται, ὡςτε καὶ παρασκευάζεται τὰ πολιτικὰ πράττειν 3 καὶ ἢδη δημηγορεῖ καὶ ἐπιτιμᾶ καὶ ἀποδοκιμάζει τῶν

1 καίτω Markland: καὶ mss.
2 τίν Cobet: τὸν mss.
3 τὰ πολιτικὰ πράττειν Valekenaer: τῷ πόλει καὶ πράττει mss.

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democracy—and bribed the presiding magistrates to introduce him here; but you banished him from the city, upholding at Heaven's behest the laws which you had decreed. And there is not a democracy, an oligarchy, a despot, or a city anywhere that is willing ever to receive this man: during all the time since he committed his impiety he spends his days as a wanderer, trusting always to unknown people rather than known, because of the wrong that he has done to those whom he knows. Finally, on his present arrival in the city he has been twice impeached in the same place. He keeps his person always in gaol, while his substance diminishes owing to his embarrassments. And yet, when a man portions out his own life among enemies and blackmailers, it is living no life at all. These shifts are suggested to him by the deity, not for his salvation, but to punish him for the impieties that have been committed. And now at last he has given himself up to you, to be dealt with at your discretion, not trusting in an absence of guilt, but urged by some supernal compulsion. Now, by Heaven, it must not be that any man, whether elderly or young, should lose faith in the gods through seeing Andocides saved from his dangers, when all are acquainted with the unholy acts that he has committed: we should reflect that half a life lived in freedom from pain is preferable to one of double span that is passed, like his, in distress.

But so high is the flight of his impudence that he actually prepares for a public career, and already speaks before the people, makes accusations, and is for disqualifying some of our magistrates; he

— Any citizen could accuse a magistrate-elect at the public examination or scrutiny of his qualifications (δοκιμασία).
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άρχόντων τισί. καὶ συμβουλεύει τὴν βουλὴν εἰσιών
περὶ θυσιῶν καὶ προσόδων καὶ εὐχῶν καὶ μαντεῖων.
καίτοι τούτω πειθόμενοι ποιοὶς θεοὶ ήγησεσθε
κεχαρισμένα ποιεῖν; μὴ γὰρ οἷεσθε, ὡς ἄνδρες
δικασταί, εἰ ὡμεῖς βουλεύσθε τὰ τούτω πεποιημένα

34 ἐπιλαβέσθαι, καὶ τοὺς θεοὺς ἐπιλήσθαι. ἀξιοὶ
δὲ οὐχ ὡς ἡδικηκὼς ἁσυχίαν ἔχων πολιτεύσθαι,
ἀλλ᾽ ὥσπερ αὐτὸς ἐξευρὼν τοὺς τὴν πόλιν ἀδι-
κήσαντας, οὕτω διανοεῖται, καὶ παρασκευάζεται
ὅπως ἐτέρων 1 μειζόν δυνησθαι, ὥσπερ οὐ διὰ
πρώτητα καὶ ἀσχολίων τὴν ὑμετέραν οὐ δεδωκός
ὑμῶν δίκην, εἰς οὓς νῦν ἀμαρτάνων οὐ λανθάνει,
ἀλλ᾽ ἀμα ἐξελεγχήσεται τε καὶ δώσει δίκην.

35 Ἰσχυρεῖται δὲ καὶ τούτω τῷ λόγῳ· ἀναγκαίως
γὰρ ἔχει 2 ὡμᾶς διδάσκειν ὁ οὗτος ἀπολογησθαι,
ἐν ἀκούσαντες παρ᾽ ἀμφοτέρων ἆμεινον διαγωτε.
φησὶ γὰρ ἅγαθὰ μεγάλα ποιῆσαι τὴν πόλιν μηνύσας
καὶ ἀπαλλάξας δέους καὶ ταραχῆς τῆς τότε. τίς

36 δὲ τῶν μεγάλων κακῶν αὕτως ἐγένετο; οὐκ αὐτὸς
οὗτος, ποιῆσας ἃ ἐποίησεν; εἶτα τῶν μὲν ἅγαθῶν
dei τούτω χάριν εἰδέναι, ὅτι ἐμήνυσε, μισθὸν ὑμῶν
αὐτῷ διδόντων τὴν ἄδειαν, τῆς δὲ ταραχῆς 3 καὶ
tῶν κακῶν ὑμεῖς αὕτω ἐστε, ὅτι ἐξήτειτο τοὺς
ήσεβηκότας; οὗ δὴπουθεν, ἀλλ᾽ αὐτῷ τούτου τοῦναν-
tίον ἑταράξε μὲν οὗτος τὴν πόλιν, κατεστήσατε
δ᾽ ὑμεῖς.

37 Πυθάνομαι δ᾽ αὐτὸν μέλλειν ἀπολογήσεσθαι

1 ἐτέρων Contius: ἐτέρους, ἐτέρως MSS.
2 ἔχει Franz: ἔχω MSS.
3 δὲ ταραχῆς Schott: δ᾽ ἀρχῆς MSS.

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attends meetings of the Council, and gives advice in debates on sacrifices, processions, prayers and oracles. Yet, in allowing yourselves to be influenced by this man, what gods will you expect to be gratifying? For do not suppose, gentlemen of the jury, that, if you wish to forget the things that he has done, the gods will forget them also. He does not deign to share in his city’s affairs quietly, seeing that he has been a wrong doer; no, he has the ideas of one who has himself discovered the injurers of the city; and he plans to have more power than other men, as though he had not to thank your mildness and preoccupation for his escape from punishment at your hands. He is trespassing against you now, as all can see; but the instant of his conviction will also be that of his punishment.

But there is another argument on which he will insist,—for it is necessary to instruct you in the defence that he will make, in order that having heard both sides you may form a better decision: he says he has conferred great benefits on the city by laying information and relieving you of the fear and confusion of that time. But who was the author of our great troubles? Was it not this very man, by the acts that he committed? After that, ought we to feel grateful to him for those benefits, because he laid information when you offered him impunity as his payment, and are you the authors of that confusion and those troubles, because you sought out the wrongdoers? Surely not: the case is quite the contrary; he threw the city into confusion, but you restored it to composure.

I understand that he proposes to urge in his de-
φῶς αἱ συνθήκαι καὶ αὐτῶ εἰςι, καθάπερ καὶ τοῖς ἄλλοις Ἀθηναίοις. καὶ τοῦτο πρόσχημα ποιοῦμενος οίεται πολλοὺς ύμῶν, δεδίτας μὴ λύσητε τὰς συνθήκας, αὐτοῦ ἀποψηφιείσθαι. ὥς οὖν ὦδὲν προσήκει Ἀνδοκίδη τῶν συνθηκῶν, περὶ τούτου λέξω, οὔτε μὰ τὸν Δία τῶν πρὸς Λακεδαιμονίων, ἃς ύμεῖς συνέθεσθε, οὔτε ὄν ἀπὸ τοὺς ἐν [τῷ] ἀστεί έκ Πειραιῶς. οὐδενὶ γὰρ ἦμῶν τοσοῦτον ὄντων τὰ αὐτὰ ἀμαρτήματα οὐδ’ ὀμοία ἢν τοῖς Ἀνδοκίδου, ἀστε καὶ τοῦτον ἦμῶν ἀπολαῦσαι. ἅλλ’ οὖ μὲν δὴ ἐνεκά γε τούτου διαφερόμενοι, ἐπείδη καὶ τούτω μετέδομεν τῶν συνθηκῶν, τότε διηλάγημεν. οὐ γὰρ ἐνεκα ἐνὸς ἀνδρὸς ἅλλ’ ἐνεκα ἦμῶν τῶν εξ ἀστεως καὶ ἐκ Πειραιῶς αἱ συνθήκαι ἐγένοντο καὶ οἱ ὅρκοι, ἐπεὶ τοις δεινῶν ἂν εἴη, εἰ περὶ Ἀνδοκίδου ἀποδημοῦντος αὐτοῖ ἐνδειες ὄντες ἐπεμελήθημεν, ὅπως ἐξαλειφθείη 40 αὐτῶ τὰ ἀμαρτήματα. ἅλλα Λακεδαιμονίοι γὰρ ἐν ταῖς πρὸς αὐτοὺς συνθήκαις ἐπεμελήθησαν Ἀνδοκίδου, ὅτι ἔπαθον ἀγαθὸν τι ὑπ’ αὐτοῦ· ἅλλ’ ύμεῖς ἐπεμελήθητε γε αὐτοῦ; ἀντὶ ποίας ἐυρεγεσίας; ὅτι πολλάκις δὲ ύμᾶς υπὲρ τῆς πόλεως ἐκινδύνεσατε· 41 νευσεν; οὐκ ἔστην, ὡς ἄνδρες Ἀθηναῖοι, τούτω ἀληθῆς αὔτη ἡ ἀπολογία, μηδ’ ύμεῖς ἐξαπατάσθε. οὐ γὰρ τοῦτο λύειν ἐστὶ τὰ συγκεῖμενα, εἰ Ἀνδοκίδης ἐνεκα τῶν ἰδίων ἀμαρτημάτων δίδωσι δίκην, ἅλλ’ ἐὰν τις ἐνεκα τῶν δημοσίων συμφορῶν ἰδία τινὰ τιμωρήσατι.

42 Ἰσως οὖν καὶ Κηφισίου ἀντικατηγορήσει, καὶ

1 ὄν Reiske: τῶν mss. 2 τῷ del. Pertz.

*The treaties for pacification and amnesty made on the restoration of the democracy in 403 B.C.*

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fence that the agreements hold for him in just the same way as for the rest of the Athenians; and on the strength of this pretext he supposes that many of you, in fear of breaking the agreements, will absolve him. I will therefore explain how Andocides has no part in those agreements,—not only those, I aver, which you made with the Lacedaemonians, but also those which the men of the Piraeus made with the party of the town. For not one amongst us all had committed the same offences, or anything like the same, as Andocides, whence he might be able to make us serve his turn. But of course, as it was not on his account that we were divided, we did not wait to include him under the terms of the agreements before we came to a reconciliation. It was not for the sake of a single man, but for the sake of us, the people of the town and of the Piraeus, that the agreements were made and the oaths taken; for surely it would be an extraordinary thing if we in our want had taken so much care of Andocides, an absentee, as to have his offences expunged. Yet it may be said that the Lacedaemonians, in the agreements made with them, took care of Andocides because of some benefit that they had received from him; but did you take care of him? For what sort of good service? Because he has often risked danger because of you, in aid of the city? There is no truth, men of Athens, in this defence of his; do not let yourselves be deceived. You have a breach of the agreements, not if Andocides is punished for his private offences, but if private requital is exacted from a man on account of public misfortunes.

Perhaps, then, he will bring a counter-accusation against Cephisius, and he will have plenty to say;
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έξει ο τι λέγη· τά γὰρ ἀληθῆ χρῆ λέγειν. ἄλλο ὑμεῖς οὐκ ἂν δύνασθε τῇ αὐτῇ ψήφῳ τὸν τε ἀπολογούμενον καὶ τὸν κατηγοροῦντα κολάζαι. ἄλλα νῦν μὲν περὶ τοῦτο καιρός ἐστι γνώναι τὰ δίκαια, [107] ἔτερος δὲ ἦξει Κηφισίων καὶ ήμῶν ἐκάστῳ, ὃν οὗτος νῦν μεμνῆσεται. μή οὖν καὶ δι' ἐτέραν ὀργῇν τοῦτον ἀδικοῦντος νῦν ἀποψηφίσῃςθε.

43 ' Ἀλλὰ λέξει ὅτι μηνυτής ἐγένετο καὶ ἔτερος οὐδεὶς ὑμῖν ἐθελήσει μηνύειν, εάν κολάζητε. ' Ἀνδοκίδης δὲ ἔχει τὰ μήνυτρα παρ' ὑμῶν, σῶσας τὴν αὐτοῦ ψυχὴν ἐτέρων διὰ ταῦτα ἀποδανόντων. τῆς μὲν οὖν σωτηρίας ὑμεῖς τούτῳ αὐτῷ ἔστε, τῶν δὲ κακῶν τῶν δὲ κακῶν τῶν ἢ καὶ τῶν κυνδύνων αὐτὸς ἑαυτῷ, παραβὰς τὰ δόγματα καὶ τὴν ἄδειαν ἔφ' ἦ μηνυτής ἐγένετο. οὐκὼν ἔξουσίαν χρῆ ποιεῖν τοῖς μηνυταῖς ἀδικεῖν (ἀρκεῖ γὰρ τὰ πεποιημένα), ἄλλα παραβαίνοντας κολάζειν. καὶ οἱ μὲν ἄλλοι μηνυται, ὅποιοι ἐπ' αἰσχραῖς αἰτίαις ἐξεληλεγμένοι σφάς αὐτοὺς ἐμήνυσαν, ἐν γοῦν ἐπίστανται, μὴ ἐνοχλεῖν τοῖς ἡδικημένοις, ἠγούμενοι ἀποδημούντες μὲν Ἀθηναίοι καὶ ἔπιτυμοι δόξειν εἶναι, ἐπιδημοῦντες δὲ παρὰ τοῖς πολίταις τοῖς ἡδικημένοις πονηροῖς ἀδικεῖν καὶ ἀσεβεῖς εἶναι. ὥς γοῦν πάντων πονηροτάτος Βάτραχος πλὴν τούτου, γενόμενοι ἐπὶ τῶν τριάκοντα μηνυτής καὶ οὕσων αὐτῷ συνθηκῶν καὶ ὀρκὼν καθάπερ τοῖς Ἐλευσινόθεν, δείσας ὑμῶν οὐς ἡδίκησεν, ἐν ἐτέρα πόλει ὕκει. ' Ἀνδοκίδης δὲ καὶ αὐτοῦς τούς θεοὺς ἀδικήσας περὶ ἐλάττωνος

\[a\] 404-403 Β.C.
for the truth should be spoken. But you could not, by the same vote, punish both the defendant and the accuser. Now is the moment for a just sentence upon this man, another time will come for Cephasius, and for each of us whom he will now proceed to cite. Do not, therefore, be led by anger against another to absolve now the wrongdoer here before you.

But he will say that he turned informer, and that no one else will be willing to give you information, if you punish him. Yet Andocides has got from you the informer’s price, since he has saved his own life while bringing others, for that price, to their death. You are the authors of his salvation, but he is the author of his own present troubles and dangers, for he transgressed the decrees and the terms of impunity on which he turned informer. You ought not to give informers a free licence for wrongdoing, since what is already done is enough: you have rather to punish them for their transgressions. All other informers who, after being convicted on disgraceful charges, have informed against themselves, understand one thing at least,—that they must not molest those whom they have wronged: they feel that while resident abroad they will be accounted Athenians in full possession of their rights, but that residing here among the citizens whom they have wronged they will be regarded as wicked and impious persons. Batrachus, for instance, the most wicked, next to this man, of them all, having turned informer in the time of the Thirty, and being covered by agreements and oaths along with the party at Eleusis, was yet so afraid of those of you whom he had wronged that he made his abode in another city. But Andocides, who has wronged the very gods themselves,
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αὐτοὺς ἔθετο, ἐσιών εἰς τὰ ἱερά, ἣ Βάτραχος τοὺς ἀνθρώπους. ὁστὶς οὖν καὶ ποιητέροις καὶ ἀμαβέστερος Βάτραχου ἐστὶ, πάνυ δεῖ ἀγαπητῶς υφ' ύμῶν αὐτὸν σωθῆναι.

46 Φέρε δή, εἰς τί σκεψαμένους χρή ύμᾶς Ἄνδοκιδοῦ ἀποψήφισαθαί; πότερον ὡς στρατιώτης ἀγαθός; ἄλλ' οὐδεπώποτ' ἐκ τῆς πόλεως ἐστρατεύσατο, οὕτε ἅπαντ' οὔτε ὀπλίτης, οὕτε τριήμαρχος οὐτ' ἐπιβάτης, οὕτε πρὸ τῆς συμφορᾶς οὕτε μετὰ τὴν συμφοράν, πλέον ἡ τετταράκοντα ἐτη γεγονός.

47 καίτοι2 ἐτεροὶ φεύγοντες ἐν Ἑλλησπόντῳ συνετριηράχουν ύμῖν. ἀναμηνήσθητε δὲ καὶ αὐτοὶ έξ ὦσων κακῶν καὶ πολέμου ύμᾶς αὐτοὺς περιεποίησατε καὶ τὴν πόλιν, πολλὰ μὲν τοῖς σώμασι πονήσαντες, πολλὰ δὲ ἀναλῶσαντες χρήματα καὶ ἰδία καὶ δημοσίαι, πόλλους δὲ καὶ ἀγαθοὺς τῶν πολιτῶν καταθάψαντες διὰ τὸν γενόμενον πόλεμον. Ἄνδοκίδης δὲ ἀπαθὴς τούτων τῶν κακῶν γενόμενος3 . . . εἰς τὴν σωτηρίαν τῇ πατρίδι, ἄξιοὶ νυνι μετέχειν τῆς πόλεως, ἀνεβῆν εν αὐτῇ. ἄλλα πλουτῶν γὰρ καὶ δυνάμενος τοῖς χρήμασι καὶ βασιλεύσων ἐξενωμένοις καὶ τυράννοις—ἀ νυνι κομπάσει, ἐπιστάμενος τούς ύμετέρους τρόπους—ποιῶν εἰσφορὰν . . . τούτῳ ἀγαθον γένοντο, καὶ ἐπιστάμενος ἐν πολλῷ σάλῳ καὶ κυνύνῳ τῆς πόλιν γενομένην, ναυκληρῶν οὐκ ἐτόλμησεν ἐπαρθείς ὑπὸν εἰσάγων ωφελῆσαι τὴν πατρίδα. ἄλλα

1 eis τ1 Markland: el τ1 mss.
2 kaioi Auger: ka mss.
3 Post γενόμενος add. οὐδὲν συμβαλόμενο Cobet.

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made less account of them by entering their temples than Batrachus did of mankind. He therefore who is both more wicked and more obtuse than Batrachus ought to be only too glad to have his life spared by you.

Pray now, on what consideration ought you to absolve Andocides? As a good soldier? But he has never gone on any expedition from the city, either in the cavalry or in the infantry, either as a ship's captain or as a marine, either before our disaster or after our disaster, though he is more than forty years old. Yet other exiles were captains with you at the Hellespont. Remember from what a load of trouble and warfare you by your own efforts delivered yourselves and the city: many were your bodily labours, many your payments from private and public funds, many the brave citizens whom you buried because of the war that you waged. And Andocides, who suffered none of these troubles to his country's salvation, claims now to take part in the affairs of the city, the scene of his impieties! But with all his wealth, and the power of his possessions, the accepted guest of kings and despots,—so he will now boast, well acquainted as he is with your character,—what sort of contribution might stand to his credit? Knowing that the State was tossed in storm and danger he, a seafarer, had not spirit enough to venture to aid the city by importing corn. Why, resident aliens from abroad, just be-

\[a\] The victory of the Peloponnesians over the Athenians at Aegospotami in the Hellespont, 405 B.C.

\[b\] Translating Cobet's restoration of a gap in the text.

\[c\] Some words denoting other public services appear to have fallen out of the text.
μέτοικοι μὲν καὶ ξένοι ἐνεκα τῆς μετοικίας ὑφέ-
λον τὴν πόλιν εἰσάγοντες. οὐ δὲ τί καὶ ἀγαθὸν
ποιήσας, ὥ 'Ανδροκίδη, ποία ἀμαρτήματα ἀνα-
καλεσάμενος, ποία τροφεία ἀνταποδοῦσ . . .
50 Ἀθηναῖοι, μνήμηθετε τὰ πεποιημένα 'Ανδροκίδη,
ἐνθυμήθητε δὲ καὶ τῆς ἔορτῆς, δι' ἧν ὑπὸ τῶν
πολλῶν προϋμηθήτε. ἀλλ' ἔστε γὰρ ὑπὸ τῶν
τούτων ἀμαρτημάτων ἡδή καταπλῆγες διὰ τὸ
πολλάκις ἰδεῖν καὶ ἀκοῦσαι, ὥστε οὔδὲ τὰ δεινὰ
ἐτι δεινὰ δοκεῖ ὑμῖν εἶναι. ἀλλὰ προσέχετε τὸν
νοῦν, δοκεῖτω δ' ὑμῖν ἡ γνώμη ὑπὸν ὧντος
51 ἐπολεί, καὶ διαγνώσθηκε ἄμενον. ὤντος γὰρ
ἐνδὺς στολῆν, μμούμενος τὰ ἱερὰ ἐπεδείκνυε τοῖς
ἀμνήτους καὶ εἶπε τῇ φωνῇ τὰ ἀπόρρητα, τῶν δὲ
θεῶν, οὐς ἥμεις [θεοὺς] νομίζομεν καὶ θερα-
πευόμενες καὶ ἀγνεύοντες θύμεν καὶ προσευχόμεθα,
τούτων περιέκοψε. καὶ ἐπὶ τούτως ἰέρεια καὶ
ἱερεῖς στάντες κατηράσαντο πρὸς ἐσπέραν καὶ φοι-
νικίδας ἀνέσεισαν, κατὰ τὸ νόμιμον τὸ παλαιὸν
52 καὶ ἄρχαίον. ὄμολογησε δὲ οὕτως ποιῆσαι. ἐτὶ δὲ
παρελθὼν τὸν νόμον ὄν ὑμεῖς ἔθεσθε, εἴργεσθαι
τῶν ἱερῶν αὐτὸν ὡς ἀλητήριον ὄντα, ταύτα πάντα
βιασάμενος εἰσελήλυθεν ἥμων εἰς τὴν πόλιν, καὶ
ἐλθον ἐπὶ τῶν βασιλέων ὄν ὃν ἔξην αὐτῷ καὶ
ἀπήντα τοῖς ἱεροῖς περὶ ἡσύχησεν, εἰσῆλθον εἰς τὸ
[108] Ἑλευσύνιον, ἐχερνύματο ἐκ τῆς ἱερᾶς χέρνιβος.

1 εἰσαγαγὼν, εἰσαγαγόντες mss.
2 ἐπολεί Taylor: πολεί mss. 3 θεοὺς del. Dobree.

a A page is missing here.
b The Mysteries, in which the present judges had been
initiated.
c Cf. the solemn cursing of Alcibiades described by Plu-
140
cause they were resident aliens, aided the city by such imports. But you, Andocides, what benefit have you actually conferred, what offences have you made good, what return have you made for your nurture? ...a

Men of Athens, recall the actions of Andocides, and reflect too on the festivalb which has brought you special honour from the majority of mankind. But indeed you have become so stupefied by now with his offences, from your frequent sight and hearing of them, that monstrous things no longer seem to you monstrous. But apply your minds to the task of making your thought envisage the things that he did, and you will come to a better decision. For this man donned a ceremonial robe, and in imitation of the rites he revealed the sacred things to the uninitiated, and spoke with his lips the forbidden words: those deities whom we worship, and to whom with our devotions and purifications we sacrifice and pray, he mutilated. And for such a deed priestesses and priests stood up and cursed him, facing the west,c and shook out their purple vestments according to the ancient and time-honoured custom. He has admitted this action. Moreover, transgressing the law that you made, whereby he was debarred from the temples as a reprobate, he has violated all these restrictions and has entered into our city; he has sacrificed on the altars which were forbidden him, and come into the presence of the sacred things on which he committed his impiety; he has entered into the Eleusinium, and baptized his hands in the tarch, Alcib. 22. In prayers and vows addressed to the celestial gods the speaker faced the east, but in those addressed to the infernal gods, the west.
LYSIAS

53 τίνα χρή ταύτα ἀνασχέσθαι; ποίον φίλον, ποίον συγγενῆ, ποίον δημότην\(^1\) χρή τούτω χαρισάμενον κρύβδην φανερώς τοῖς θεοῖς ἀπεχθέσθαι; νῦν οὖν χρή νομίζειν τιμωρουμένους καὶ ἀπαλλαττομένους Ἀνδοκίδου τὴν πόλιν καθαίρειν\(^2\) καὶ ἀποδιοπομπεῖσθαι καὶ φαρμακὸν ἀποπέμπει καὶ ἄλληρίου ἀπαλλάττεσθαι, ὡς ἐν τούτων οὐτός ἐστι.

54 Βούλομαι τούν ἐπείν ἄ Διοκλῆς ὁ Ζακόρου τοῦ ἱεροφάντου, πάππος δὲ ἠμέτερος, συνεβούλευσε βουλευομένους ὑμῖν ὦ τι δεῖ χρῆσθαι Μεγαρεὶ ἀνδρὶ ἡσαβηκτόν. κελευόντων γὰρ ἑτέρων ἀκριτὸν παραχρήμα ἀποκτεῖναι, παρῆνεσε κρῖναι τῶν ἀνθρώπων ἑνεκα, ἵνα ἀκούσαντες καὶ ἱδόντες σωφρονέστεροι οἱ ἄλλοι ὑπὶ, τῶν δὲ θεῶν ἑνεκα οἶκοθεν ἐκαστον, ἃ δεὶ τὸν ἀσεβοῦντα παθεῖν, αὐτὸν παρ’ έαυτῷ 55 κεκρικότα εἰς τὸ δικαστήριον εἰσίναι. καὶ ὡμεῖς, ὁ ἄνδρες Ἀθηναίοι (ἐπὶστασθὲ γὰρ ἃ δεὶ ποησαί), μὴ ἀναπεισθῆτε ὑπὸ τοῦτον. φανερῶς ἔχετε αὐτὸν ἀσεβοῦντα· εἶδετε, ἥκουσατε τὰ τοῦτον ἀμαρτήματα. ἀντιβολῆσει καὶ ἱκετεύσει ὑμᾶς· μὴ ἐλεεῖτε. οὐ γὰρ οἱ δικαίως ἀποθνήσκοντες ἀλλ’ οἱ ἀδίκως ἄξιοί εἰσιν ἐλεεῖσθαι.

\(^1\) δημότην Blass; δικαστήν mss.
\(^2\) Post καθαίρειν in libris ἀρὰν ἀπάγεσθαι del. Taylor.
AGAINST ANDOCIDES, 53-55

holy water. Who ought to tolerate these doings? What person, whether friend or relation or townsman, is to incur the open enmity of the gods by showing him secret favour? You should, therefore, consider that to-day, in punishing Andocides and in ridding yourselves of him, you are cleansing the city, you are solemnly purifying it from pollution, you are dispatching a foul scapegoat, you are getting rid of a reprobate; for this man is one of these.

And now I would mention the advice that Diocles son of Zacorus the officiating priest, and our grandfather, gave you when you were deliberating on the measures to be taken with a Megarian who had committed impiety. Others urged that he be put to death at once, unjudged; he counselled you to judge him in the interest of mankind, so that the rest of the world, having heard and seen, might be more sober-minded, and in the interest of the gods he bade each of you, before entering the court, judge first at home and in his own heart what should be the fate of the impious. So you, men of Athens,—for you understand what you are bound to do,—must not be perverted by this man. You hold him, caught in the open commission of impiety: you have seen, you have heard his offences. He will beseech and supplicate you: have no pity. For it is not those who justly, but those who unjustly, suffer death that deserve to be pitied.

a It seems likely that the speaker’s family belonged to the Eumolpidae or hereditary priesthood of the Mysteries.
VII. BEFORE THE AREOPAGUS:
DEFENCE IN THE MATTER OF
THE OLIVE-STUMP

INTRODUCTION

A rich Athenian citizen of unassuming character has been accused, in the first instance, of removing a sacred olive-tree from his farm: but, as the persons who rented from the State the produce of the sacred olives have not given any evidence against the accused, he is now charged before the Council of the Areopagus with the removal of a fenced-in stump of such an olive. The moriae or sacred olives all over Attica were supposed to be offshoots of the tree originally planted by Athene on the Acropolis: not only these, but also the stumps of those which had been injured by invaders or by lightning, were fenced about for their preservation, and were regularly inspected by commissioners of the Areopagus, as there was always a chance that they might revive in the manner of the olive in the temple of Athene which shot up again after it had been burnt down by Xerxes. The strict attention given to the matter may be connected with a well-founded belief that, in the dry soil of Attica, trees of any kind were of value to the community.

a Herodotus, viii. 55; cf. Virgil, Georg. ii. 30, 181.
ON THE OLIVE-STUMP

The offence of removing a sacred stump was an impiety punishable in former times by death, but later only by exile and confiscation of property. In this case it is alleged to have been committed at a date which we can fix as 397 B.C., and the trial took place a considerable time (unspecified) after that date. The defendant makes out a good case for his innocence in simple and unemotional language. He has had to leave the quietude of his normal life in order to contend against the malevolence of a venal slanderer, and he gives reasons to show that there has been no sacred olive or stump on his farm since he became its owner (1-11). It is unlikely that he would attempt such a dangerous act when he could not hope to escape detection (12-18); and the accuser, Nicomachus, has produced no witnesses (19-23). Although the accused had plenty of such trees on his other farms, where there was much less risk of detection, he has never been charged by the court's inspectors with the removal of any of them (24-29). He has performed the various public services expected from a good citizen of the wealthier class (30-33); the accuser has declined to take over his slaves for the test of evidence extracted under torture (34-40). It is a heavy penalty that he must suffer if the accusation is believed, but this is a mere assertion which Nicomachus has refused to support by a fair test (41-43).
Πρότερον μέν, ὁ βουλή, ἐνόμιζον ἔξειν τῷ βουλομένῳ, ἰσχύον ἀγοντι, μήτε δίκας ἔχειν μήτε πράγματα· νυνὶ δὲ οὕτως ἀπροσδοκήτως αἰτίας καὶ πονηροῖς συκοφάνταις περιπέτευσκα, ὥστ' εἰ πως οἶνον τε, δοκεῖ μοι δεῖν καὶ τὸν μὴ γεγονότας ἥδη δεδείναι περὶ τῶν μελλόντων ἔσεσθαι· διὰ γὰρ τοὺς τοιούτους οἱ κίνδυνοι [οἷ]¹ κοινοὶ γίγνονται καὶ τοῖς

οὐτω δ' ἀπορος ὁ ἀγών μοι καθέστηκεν, ὥστε ἀπεγρά-φην τὸ μὲν πρῶτον ἐλάν ἐκ τῆς γῆς ἄφανίζευν, καὶ πρὸς τοὺς ἐωνιμένους τοὺς καρποὺς τῶν μορίων πυθανόμενοι προσῆσαν· ἐπειδ' ὥστ' ἐκ τούτου τοῦ τρόπου ἀδικοῦντά με οὐδὲν εὑρέθη ἕξωνθησαν, νυνὶ μὲ σηκὸν <φασιν>² ἄφανίζευν, ἥγοιμενοι ἕμοι μὲν ταύτην τὴν αἰτίαν ἀπορωτάτην εἶναι ἀπελεγξαί,³ αὐτοῖς δὲ ἔξειν μᾶλλον ὃ τι Ἀν βουλώνται λέγειν.

καὶ δεῖ με, περὶ ὅ ὤν οὕτως ἐπιβεβουλευκὼς ἥκει, ἔμ' ὑμῖν τοῖς διαγνωσμένοις περὶ τοῦ πράγματος ἀκούσαντα⁴ καὶ περὶ τῆς πατρίδος καὶ περὶ τῆς

1 οἱ del. Stephanus.
2 φασιν add. Reiske.
3 ἀπελέγξαι Westermann: ἀποδεῖξαι mss.
4 ἀμ' ... ἀκούσαντα Sauppe: ἀλλ' ... ἀκούσαντας, εὖ ... ἀκούσασι mss.
VII. BEFORE THE AREOPAGUS: DEFENCE IN THE MATTER OF THE OLIVE-STUMP

Heretofore, gentlemen of the Council, I thought it possible for a person who so desired to avoid both law-suits and anxieties by leading a quiet life; but now I find myself so unexpectedly embarrassed with accusations and with nefarious slanderers that, if such a thing could be, I conceive that even those who are yet unborn ought now to be feeling alarmed for what is in store for them, since the conduct of these men brings as great a share of danger upon those who have done no wrong as upon those who are guilty of many offences. And this trial has been made specially perplexing for me, because at first I was indicted for clearing away an olive-tree from my land, and they went and made inquiry of the men who had bought the produce of the sacred olives; but having failed by this method to find that I have done anything wrong, they now say it is an olive-stump that I cleared away, judging that for me this is a most difficult accusation to refute, while to them it allows more freedom to make any statement that they please. So I am obliged, on a charge which this man has carefully planned against me before coming here, and which I have only heard at the same moment as you who are to decide on the case, to defend myself against the loss of my native land.
οὐσίας ἄγωνισασθαι. ὀμως δὲ πειράσομαι εξ ἄρχης ὅμας διδάξαι.

4 Ἡν μὲν γὰρ τούτῳ Πεισανδροῦ τὸ χωρίον, δημευθέντων δὲ τῶν ὄντων ἐκείνου Ἀπολλόδωρος ὁ Μεγαρεύς δωρεῖαν παρὰ τοῦ δῆμου λαβὼν τὸν μὲν ἄλλον χρόνον ἐγεώργη, ὡλίγῳ δὲ πρὸ τῶν τριάκοντα Ἀντικλῆς παρ' αὐτοῦ πριάμενος ἐξεμίσθωσεν· ἔγω δὲ παρ' Ἀντικλέους εἰρήνης οὖσις ὄνομαί· ἡγούμαι τοίνυν, ὥς βουλή, ἐγὼ ἔργον ἀποδείξαι ὡς ἐπειδὴ τὸ χωρίον ἐκτησάμην, οὔτ' ἐλάᾳ οὔτε σηκὸς ἐνήν ἐν αὐτῷ. νομίζω γὰρ τοῦ μὲν προτέρου χρόνου, οὐδ' εἰ πάλαι ἐνήσαν μορία, οὐκ ἄν δικαίως ζημιοῦθαι· εἰ γὰρ μὴ δί' ἡμᾶς εἰσιν ἡφαιστεῖα, οὐδὲν προσήκει περὶ τῶν ἀλλοτρίων ἀμαρτημάτων ἡς ἀδικοῦντας κινδυνεῖν. 6 νενεχεῖ. πάντες γὰρ ἐπίστασθαι ὅτι ὁ πόλεμος καὶ ἄλλων πολλῶν αἰτίως κακῶν γεγένηται, καὶ τὰ μὲν πόρρω ὑπὸ Δακεδαμιών ἐτέμνετο, τὰ δ' ἐγγὺς ὑπὸ τῶν φίλων διηρπάζετο· ὥστε πῶς ἄν δικαίως ὑπὲρ τῶν ἑπτὰ τῶν τοῦτο τῇ πόλει γεγενημένων συμφορῶν ἐγὼ νυνὶ δίκην διδοίην; ἄλλωσ τε καὶ 7 τούτῳ τὸ χωρίον ἐν τῷ πόλεμῳ δημευθέν ἀπρατον ἥν πλεῖν ἥ τρια ἐτη. οὐ θαυμαστὸν δ' εἰ τότε τὰς ἐξεκοπτον, ἐν ὃ οὖν τὰ ἡμέτερ' αὐτῶν

1 δὲ τῶν ὄντων Bekker: τῶν ὄντων ὅ mss.
2 ὧνοιμαι Emperius: ὧνοιμην mss.
3 ὁ add. Dobree.
4 τότε add. Reiske.

6 Peisander was a leader in the revolution of the Four Hundred (411 B.C.), and his property was forfeited on the counter-revolution of the Five Thousand in the same year; Apollodorus was rewarded for taking part in the assassination of Phrynichus, another of the Four Hundred.
and my possessions. Nevertheless I will try to explain the affair to you from the beginning.

This plot of ground belonged to Peisander; but when his property was confiscated, Apollodorus of Megara had it as a gift from the people\(^a\) and cultivated it for some time, until, shortly before the Thirty,\(^b\) Anticles bought it from him and let it out. I bought it from Anticles when peace had been made.\(^c\) So I consider, gentlemen, that my business is to show that, when I acquired the plot, there was neither olive-tree nor stump upon it. For I conceive that in respect of the previous time, even had there been sacred olives of old upon it, I could not with justice be penalized; since if we have had no hand in their clearance, there is no relevance in our being charged as guilty of the offences of others. For you are all aware that, among the numerous troubles that have been caused by the war, the outlying districts were ravaged by the Lacedaemonians,\(^d\) while the nearer were plundered by our friends; so how can it be just that I should be punished now for the disasters that then befell the city? And in particular, this plot of land, as having been confiscated during the war, was unsold for over three years: it is not surprising if they uprooted the sacred olives at a time in which we were unable to safeguard even our

\(^{b}\) 404 B.C.

\(^{c}\) After the fall of the Thirty and on the intervention of Sparta, 403 B.C.

\(^{d}\) During the Peloponnesian War Pericles kept the people inside Athens, and allowed the Lacedaemonians to devastate Attica, as he knew that the strength of Athens was on the sea, not on the land. “Our friends” may refer to Boeotian and Thessalian troops which aided the Athenians in occasional attacks on the invaders. Cf. Thucydides, ii. 14, 19, 22, etc.
φυλάττειν ἐδυνάμεθα. ἐπίστασθε δὲ, ὦ βουλή, ὡς μάλιστα τῶν τοιούτων ἐπιμελείσθε, πολλά ἐν ἐκείνῳ τῷ χρόνῳ δασέα ὡντα ἱδίαις καὶ μορίαις ἑλάις, ὥν νῦν τὰ πολλὰ ἐκκέκοπταί καὶ ἡ γῆ ψιλὴ γεγένηται· καὶ τῶν αυτῶν καὶ ἐν τῇ εἰρήνῃ καὶ ἐν τῷ πολέμῳ κεκτημένων οὐκ ἄξιοντες παρ’ αὐτῶν, ἐτέρων ἐκκοφάντων, δίκην λαμβάνειν. 8 καίτοι εἶ τοὺς διὰ παντὸς τοῦ χρόνου γεωργοῦντας τῆς αὐτίας ἀφίετε, ἢ που χρῆ τοὺς γ’ ἐν τῇ εἰρήνῃ πριαμένους ἄφ’ ὑμῶν ἀξιόμενος γενέσθαι.

9 Ἀλλὰ γάρ, ὦ βουλή, περὶ μὲν τῶν πρῶτον γεγενημένων πολλὰ ἔχων εἰπεῖν ἴκανὰ νομίζω τὰ εἰρημένα· ἐπειδὴ δ’ ἔγω παρέλαβον τὸ χωρίον, πρὶν ἡμέρας πέντε γενέσθαι, ἀπεμίσθωσα Καλλι-

10 στράτῳ, ἐπὶ Πυθοδώρου ἄρχοντος· ὦς δυὸν ἐτή ἐγεώργησεν, οὔτε ἵδιαν ἐλάιαν οὔτε μορίαν οὔτε σηκῶν παραλαβὼν. τρίτω δὲ ἔτει Δημήτριος οὔτωσι εἰργάσατο ἐνιαυτόν· τῷ δὲ τετάρτῳ Ἄλκια Ἀντισθένους ἀπελευθέρω ἐμίσθωσα, ὦς τέθηκεν κατὰ τρία ἐτή ὀμοίως καὶ Πρωτέας ἐμισθώσατο. καὶ μου δεῦρ’ ἵτε, μάρτυρες.

ΜΑΡΤΥΡΕΣ

11 Ἐπειδὴ τούτων ὁ χρόνος οὕτως ἔξηκεν, αὐτὸς γεωργῷ. φησὶ δὲ ὁ κατηγορος ἐπὶ Σουνιάδου ἄρχοντος σηκῶν πρὸ ἐμοῦ ἐκκέκοφθαι. ὑμῖν δὲ μεμαρτυρήσασθοι οἱ πρῶτον ἐργαζόμενοι καὶ πολλὰ ἐτή παρ’ ἐμοῦ μεμισθωμένοι μή εἶναι σηκῶν ἐν τῷ χωρίῳ. καίτοι πῶς αὖ τις φανερώτερον

1 δυὸ Harpocratian: δυὸ δ’ mss.
2 κατὰ Meutzner: ταύτα mss.
3 σηκῶν Suidas: οἶκον mss.
4 φανερώτερον Contius: φανερός mss.
personal property. You are aware, gentlemen—especially those of you who have the supervision of such matters,—that many plots at that time were thick with private and sacred olive-trees which have now for the most part been uprooted, so that the land has become bare; and although the same people have owned these plots in the peace as in the war, you do not think fit to punish them for the uprooting done by others. And yet, if you exculpate those who have cultivated the land throughout the whole period, surely those who bought it in the time of the peace ought to leave your court unpunished.

Well now, gentlemen, although I might speak at length on what had previously occurred, I think these remarks will suffice: but when I took over the plot, after an interval of five days I let it out to Callistratus, in the archonship of Pythodorus: he cultivated it for two years, and had taken over no olive-tree, either private or sacred, nor any olive-stump. In the third year it was worked by Demetrius here for a twelvemonth; in the fourth I let it to Alcias, a freedman of Antisthenes, who is dead. After that Proteas too hired it in the same state during three years. Now, please step this way, witnesses.

WITNESSES

Well now, since the termination of that time I have cultivated it myself. My accuser says that in the archonship of Souniades an olive-stump was uprooted by me. And the previous cultivators, who rented it from me for a number of years, have testified to you that there was no stump on the plot. I ask you, how

\footnote{a 404–403 B.C.}  \footnote{b 397–396 B.C.}
LYSIAS

έξελέγξειε ψευδόμενον τὸν κατήγορον; οὗ γὰρ οἶνον τε, ἃ πρότερον μὴ ἦν, ταύτα τὸν ὅστερον ἐργαζόμενον ἀφανίζειν.

12 Ἕγῳ τοῖνυν, ὃ δειλή, ἐν μὲν τῶ τέως χρόνῳ, ὡς καὶ φάσκοιεν δεινῶν εἶναι καὶ ἀκριβὴ καὶ οὐδέν ἐν εἰκῇ καὶ ἀλογίστως ποιῆσαι, ἡγανάκτον ἀν, ἡγούμενος μᾶλλον λέγεσθαι ἢ, ὃς μοι προσήκε. νῦν δὲ πάντας ἂν ὑμᾶς βουλομίην περὶ ἐμοὶ ταύτῃ τὴν γνώμην ἔχειν, ἢν ἡγήσθη με σκοπεῖν ἢν, ἐπερ τοιούτους ἔργους ἐπεχείρουν, καὶ ὃ τι κέρδος ἐγίγνετο [τῷ] ἀφανίσαντι καὶ ἦτις ζημία περιποιήσαντι, καὶ τί ἂν λαθὼν δι- επραξάμην καὶ τί ἂν φανέρος γενόμενος ύπ' ὑμῶν ἔπασχον. πάντες γὰρ ἀνθρωποὶ τὰ τοιαῦτα οὐχ ὑβρεως ἀλλὰ κέρδους ἐνεκα ποιοῦσι, καὶ ὑμᾶς εἰκὸς οὕτω σκοπεῖν, καὶ τοὺς ἀντιδίκους ἑκ τούτων τὰς κατηγορίας ποιεῖσθαι, ἀποφαίνοντας ἦτις ὁφέλεια τοῖς ἀδικήσασιν ἐγίγνετο. οὗτος μέντοι οὖκ ἂν ἔχοι ἀποδείξασι οὐθ', ὡς ὑπὸ πενίας ἡμα- κάσθην τοιούτους ἔργους ἐπιχειρεῖν, οὐθ' ὅσ τὸ χωρίον μοι διεφθείρετο τοῦ σηκοῦ οὗτος, οὐθ' ὃσ ἀμπέλους ἔμποδῶν ἦν, οὐθ' ὡς οἰκίας ἐγγύς, οὐθ'

15 ὃς Ἕγῳ ἀπειρος τῶν παρ' ὑμῖν κινδύνων. ἢ Ἕγῳ δε' ἐϊ τι τοιοῦτον ἐπραττόν, πολλὰς ἂν καὶ μεγάλας ἐμαυτῷ ζημίας γενομένας ἀποφήμαι. ὁς πρῶτον μὲν μεθ' ἠμέραν ἐξέκοπτον τὸν σηκόν, ὥσπερ οὐ πάντας λαθεῖν δέουν, ἀλλὰ πάντας Ἀθηναίοις εἰδέναι. καὶ ἐι μὲν αἰσχρὸν ἦν μόνον τὸ πράγμα, ἦσως ἂν τις τῶν παριόντων ἡμέλησε· νῦν δ' οὖ

1 ἢ add. Taylor.
2 οὖν add. Frohberger.
3 τῷ del. Dobree.
4 περιποιήσαντι Kayser: τῷ ποιήσαντι mss.
could one convict the accuser more patently of lying? For it is not possible that the cultivator who came after cleared away what was not there before.

Now formerly, gentlemen, whenever people declared me to be a shrewd, exact man who would do nothing at random or without calculation, I would take it hard, feeling that these terms were wide of my true character; but now I should be glad if you all held this opinion of me, so that you should expect me, if I did set about such an act as this, to consider what profit I stood to get by clearing away the stump, and what loss by preserving it, what I should have achieved if I went undetected, and what I should suffer at your hands if I were exposed. For in every case such acts are done, not for mere mischief, but for profit; and that is the proper direction for your inquiry, and the prosecution should make that the basis of their accusation, by showing what benefit accrued to the wrongdoers. Yet this man is quite unable to show either that I was compelled by poverty to venture on such an act, or that the plot was declining in value to me while the stump existed, or that it was obstructing vines or close to a building, or that I was unapprised of the dangers awaiting me in your court. And I would make it obvious that many great penalties were my lot if I attempted anything of the kind; for in the first place, it was daylight when I uprooted the stump,—as though I had not to do it unseen by all, but must let all the Athenians know! If the act had been merely disgraceful, one might perhaps have disregarded the passers-by; but the case...
perι αισχύνης ἀλλὰ τῆς μεγίστης ζημίας ἐκινδύ- 
16 νευν. πῶς δ' οὐκ ἄν ἢ ἀθλιώτατος ἀνθρώπων ἀπάντων, εἰ τοὺς ἐμαυτοῦ θεράποντας μηκέτι δουλοὺς ἐμελλον ἔξειν ἀλλὰ δεσπότας τὸν λοιπὸν βιόν, τοιοῦτον ἔργον συνειδότας; ὡστε εἰ καὶ τὰ μέγιστα εἰς ἐμὲ ἐξημάρτανον, οὐκ ἄν οἶδον τε ἢν δίκην μὲ παρ' αὐτῶν λαμβάνειν: εἰ γὰρ ἄν ἦδη
1 ὅτι ἐπ' ἐκείνοις ἦν καὶ ἐμὲ τιμωρήσασθαι καὶ
17 αὐτοῖς μηνύσασιν ἐλευθέροις γενέσθαι. ἔτι τοιῶν, 
εἰ τῶν οἰκετῶν2 παρέστη μοι μηδὲν φροντίζεων, 
πῶς ἄν ἐτολμῆσα τοσοῦτον μεμισθωμένων καὶ ἀπάντων συνειδότων ἀφαίνεσα τὸν σηκὸν βραχέος 
μὲν κέρδος ἕνεκα, προθεσμίας δὲ οὐδεμίας οὕσης 
τῶν κινδύνω τῶν εἰργασμένων ἀπασὶ τὸ χωρίον 
ὁμοίως προσῆκον εἶναι σῶν τὸν σηκὸν ἵν', εἰ τις 
αὐτοῖς ὑπιαίτο, εἶχον ἀνενεγκεῖν ὅτι παρέδοσαν;
νῦν δὲ καὶ ἐμὲ ἀπολύσαστες φαίνονται, καὶ σφᾶς 
αὐτοὺς, εἰπερ ψεύδονται, μετόχους τῆς αἰτίας 
καθιστάντες. εἰ τοιῶν καὶ ταῦτα παρεσκευασάμην, 
πῶς ἄν οἶδος τ' ἢ πάντας πεῖσαι τοὺς παριόντας, 
ἡ τοὺς γείτονας, οὐ οὐ μόνον ἄλληλων ταῦτ' ῥάσαω 
ἀ πάσω ὅραν ἔξεστιν, ἀλλὰ καὶ περὶ ἄν ἀποκρυπ-
τόμεθα μηδένα εἰδέναι, καὶ περὶ ἔκεινων πυθα-
νονται; εἰμοι τοιῶν τούτων οἱ μὲν φίλοι οἱ δὲ
19 διάφοροι περὶ τῶν ἐμῶν τυγχάνουσιν ὄντες: οὐς 
ἐχρῆν τούτον παρασχέσθαι μάρτυρας, καὶ μὴ

1 ἦδη Emperius: ἦδη Hude: εἰδεὶν mss.
2 οἰκετῶν Scaliger: εἰκότων mss.

* Cf. V. 5.

* In non-religious cases, a limit of time might be prescribed

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was one of my risking, not disgrace, but the severest penalty. And surely I must have been the most wretched of human creatures if my own servants were to be no longer my slaves, but my masters for the rest of my life, since they would be privy to that act of mine; so that, however great might be their offences against me, I should have been unable to get them punished. For I should have been fully aware that it was in their power at once to be avenged on me and to win their own freedom by informing against me.\(^a\) Furthermore, supposing I had been of a mind to be heedless of my domestics, how should I have dared, when so many persons had rented the plot, and all were acquainted with the facts, to clear away the stump for the sake of a petty profit, while there was no statute of limitations\(^b\) to protect them, so that all who had worked the plot were alike concerned in the preservation of the stump, and hence they would be able, if anyone accused them, to transfer the blame to their successor? But as it is, they have manifestly absolved me,\(^c\) and have thus taken upon themselves a share of the charge in case they are lying. Again, if I had settled this matter by arrangement, how could I have prevailed on all the passers-by, or the neighbours who not only know of each other what is open for all to see, but even get information of what we try to keep hidden from the knowledge of anyone? Now, some of those people are my friends, but others are at feud with me about my property: these persons he ought to have produced as witnesses, instead of merely by law beyond which a crime was not chargeable to anyone. Cf. Demosthenes, De Corona, 269.

\(^a\) By not accusing me for their own exculpation.
μόνον ούτως τολμηράς κατηγορίας ποιεῖσθαι· διὸ φησιν οὐκ ἔγω μὲν παρειστήκη, οἷ δ’ οὐκέταί εξέτεμνον τὰ πρόμα, ἀναθέμενος δὲ ὁ βοηλάτης ὕχετο ἀπάγων τὰ ἔναι.

20 Καίτοι, ὁ Νικόμαχε, χρῆν σε τότε καὶ παρακαλεῖν τουσ παρόντας μάρτυρας, καὶ φανερὸν ποιεῖν τὸ πράγμα· καὶ ἔμοι μὲν οὐδεμίαν ἂν ἀπολογίαν ὑπελίπες, αὐτὸς δὲ, εἰ μὲν σου ἐχθρὸς ἦ, ἐν τούτῳ τῷ πρόπῳ ἤσθα ἂν μὲ τετμωρημένοις, εἰ δὲ τῆς πόλεως ἔνεκα ἐπράττες, οὔτως ἐξελέγχας οὐκ ἂν ἐδόκεις εἶναι συκοφάντης, εἰ δὲ κερδαίνειν

21 ἐβούλου, τὸτ’ ἂν πλείστον ἔλαβες· φανερὸν γὰρ οὖντος τοῦ πράγματος οὐδεμίαν ἄλλην ἡγούμην ἂν εἶναι μοι σωτηρίαν ἦ σὲ πεσαί. τοῦτων τοίνυν οὐδὲν ποιῆσας διὰ τούς σους λόγους ἀξίοις μὲ ἀπολέσθαι, καὶ κατηγορεῖς ὡς ὑπὸ τῆς ἐμῆς δυνάμεως καὶ τῶν ἐμῶν χρημάτων οὐδείς ἐθέλει

22 σοι μάρτυρεῖν. καίτοι εἰ στὸ τῆς μορίαν ἀφανιζοντα τοὺς εἶνεα ἀρχοντας επήγαγες ἢ ἄλλους τινὰς τῶν ἐκ 'Αρείου πάγου, οὐκ ἂν ἐτέρων ἔδει σοι μαρτύρων· οὔτω γὰρ ἂν σοι συνηθέσαν ἄληθῆ λέγοντι, οὔπερ καὶ διαιγινώσκειν ἐμελλον περὶ τοῦ πράγματος.

23 Δεινότατα οὖν πάσχω· τοσ’ εἰ μὲν παρέσχετο μάρτυρας, τούτους ἂν ἥξιον πιστεύειν, ἐπειδὴ δὲ οὐκ εἰσόν αὐτῷ, ἐμοὶ καὶ ταῦτην τῆν ζημίαν οἴτει τριμῆ χρῆναι γενέσθαι. καὶ τούτου μὲν ὦ βαυμᾶξω· οὖ γὰρ δῆπον συκοφάντων ἄμα τοιούτων τε λόγων

1 ὑπέλιπες Franz: ἀπέλιπες mss.
2 στὸ add. Markland.
3 τὴν del. Bekker.
4 τούτου Auger: τοῦτο mss.
5 ἄμα Bekker: ἄλλα mss.
6 τὸ Bekker: γε mss.

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bringing these hazardous accusations; for he says I stood by while my domestics hewed down the stems and the wagoner loaded up the wood and took it right away.

But surely, Nicomachus, you ought, at the time, both to have called up those who were present as witnesses, and to have exposed the affair: you would then have left me without any defence, while on your own part, if I was your enemy, you would have achieved by this means your vengeance upon me; while if you were acting in the interest of the State, you would in this way have convicted me without being regarded as a slanderer. If you were looking for profit, you would have made the largest then; for, the fact being exposed, I should have decided that my sole deliverance lay in seducing you. Well, you did nothing of the sort, and you expect that your statements will effect my ruin: you put in the plea that owing to my influence and my means there is no one willing to bear you witness. Yet if, when you saw me—as you say—clearing away the sacred olive, you had brought the nine archons on the scene, or some other members of the Areopagus, you would not have had to seek witnesses elsewhere; for then the truth of your statements would have been ascertained by the very persons who were to decide upon the matter.

So he makes my situation most perplexing; for if he had produced witnesses, he would have expected you to believe them, but as he has none, he thinks that this also should count to my detriment. And I am not surprised—at him; for, to be sure, in his slanderous proceedings he is not going to be as
άπορήσει καὶ μαρτύρων· ύμᾶς δ’ ούκ ἀξίω τῇ
24 αὐτὴν τούτω γνώμην ἔχειν. ἐπίστασθε γὰρ ἐν τῷ
πεδίῳ πολλὰς μορίας οὕσας καὶ πυρκαίας ἐν τοῖς
ἀλλοις τοῖς ἐμοῖς χωρίοις, ἃς, εἶπερ ἐπεθύμουν,
pολὺ ἢν ἀσφαλέστερον καὶ ἀφανίσαι καὶ ἐκκόψαι
καὶ ἐπεργάσασθαι, ὅσωπερ ἦττον τὸ ἄδικημα πολ-
25 λῶν οὕσων ἐμελλε δὴλον ἔσεσθαι. νῦν δ’ οὕτως
αὐτάς περὶ πολλοῦ ποιοῦμαι ὦσπερ <καὶ τὴν
πατρίδα> καὶ τὴν ἅλλην οὕσιαν, ἠγούμενος περὶ
αμφοτέρων τούτων εἶναι μοι τῶν κίνδυνον. αὐτοὺς
τούπτων ὑμᾶς τούτων μάρτυρας παρέξομαι, ἐπι-
μελουμένους μὲν ἐκάστου μηνός, ἐπιγνώμονας
26 μορίας χωρία. καίτοι οὐ δήποτε τάς μὲν μικρὰς
ζημίας οὕτω περὶ πολλοῦ ποιοῦμαι, τοὺς δὲ περὶ
τοῦ σώματος κινδύνους οὕτω περὶ οὗδεν ήγοῦ-
μαι· καὶ τὰς μὲν πολλὰς ἐλᾶσας, εἰς ἃς ἔξην μάλλον
ἐξαμαρτάνειν, οὕτω θεραπεύων φαίνομαι, τὴν δὲ
μορίαν, ἣν οὐχ οἶον τ’ ἣν λαθείν ἔξορύξαντα, ὡς
ἀφανίζων νυνί κρίνομαι.

27 Πότερον δὲ μοι κρείττον ἦν, δ’ θουλή, δημο-
κρατίας οὕσης παρανομεῖν ἢ ἐπὶ τῶν τριάκοντα;
καὶ οὐ λέγω ὃς τότε δινάμενος ἢ ως νῦν δια-
βεβλημένος, ἀλλ’ ως τῷ βουλομένῳ τότε μάλλον
ἐξὸν3 ἀδικεῖν ἢ νυνί. ἐγὼ τούμων οὖν ἐν ἐκείνω
τῷ χρόνῳ οὔτε τοιοῦτον οὔτε ἄλλο ὤδεν κακὸν
28 ποιήσας φανήσομαι. πῶς δ’ ἂν, εἰ μὴ πάντων
ἀνθρώπων ἐμαντῶν κακονούστατος ἢ, ὑμῶν οὕτως

2 ἐπιγνώμονας Harpocration: γνώμονας mss.
3 ἔξον Auger: ἔξην mss.

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hard up for statements of this sort as he is for witnesses; but you, I trust, will not be in agreement with this man. For you understand that in the plain there are many sacred olives and burnt stumps on my other plots which, had I so desired, it would have been much safer to clear away or cut down or encroach on inasmuch as among so many of them the wrongful act was likely to be less evident.

But the fact is that I have as great a regard for them as for my native land and my whole property, realizing that it is the loss of both of these that I have at stake. And you yourselves I shall produce as witnesses to that fact; for you supervise the matter every month, and also send assessors every year, none of whom has ever penalized me for working the ground about the sacred olives. Now surely, when I pay so much regard to those small penalties, I cannot so utterly disregard the perils involved for my person. You find me taking all this care of the many olive-trees upon which I could more freely commit the offence, and I am on my trial to-day for clearing away the sacred olive which it was impossible to dig up unobserved!

And under which government was I better placed for breaking the law, gentlemen,—that of the democracy, or that of the Thirty? I do not mean that I was influential then, or that I am in bad odour now, but that there was a better chance for anyone who wished to commit a crime then than there is at present. Well, you will find that not even in that time did I do anything wrong, either in this or in any other way. And how—except in all the world I were my own most malignant enemy—could I have
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ἐπιμελουμένων ἐκ τούτοι τὴν μορίαν ἀφανίζειν ἐπεχείρησα τοῦ χωρίου, ἐν οὐ δένδρον μὲν οὐδὲ ἐν ἑστὶ, μᾶς δὲ ἑλάς σηκός, ὃς οὔτος φησιν, ἢν, κυκλόθεν δὲ οἶδος περιέχει, ἀμφοτέρωθεν δὲ γείτονες περιοικοῦσιν, ἄρεκτον δὲ καὶ πανταχόθεν κάτωπτον ἑστὶν; ὥστε τὸς ἄπετόλμησε, τούτων οὐτως ἑχόντων, ἐπιχειρήσαί τοιούτῳ πράγματι;

29 δεινὸν δὲ μοι δοκεῖ εἶναι ὑμᾶς μὲν, οἷς ὑπὸ τῆς πόλεως τῶν ἀπαντὰ χρόνου προστέτακται τῶν μορίων ἑλαών ἐπιμελεῖσθαι, μηθ' ὡς ἐπεργαξόμενον, πάσποτε ζημιώσαι με<με> μηθ' ὡς ἀφανίσαντα

[111] εἰς κύδυνου καταστήσαι, τούτων δ' ὅσ οὔτε γεωργῶν ἐγγὺς τυχόντες οὐτὶ ἐπιμελητής ἥρμηνεύονος οὐθ' ἥλικιαν ἔχων εἰδέναι περὶ τῶν τοιούτων, ἀπογράψαι με ἐκ γῆς μορίαν ἀφανίζειν.

30 Ἔγω τοῖνοι δέομαι ὑμῶν μὴ τοὺς τοιούτους λόγους πιστοτέρους ἡγήσασθαι τῶν ἑργῶν, μηδὲ περὶ ὧν αὐτοὶ σύνιστε, τοιαύτ' ἀνασχέσθαι τῶν ἐμῶν ἐχθρῶν λεγόντων, ἐνθυμομυεύονας καὶ ἐκ τῶν εἱρή-

31 μένων καὶ ἐκ τῆς ἄλλης πολιτείας. ἐγὼ γὰρ τὰ ἐμοὶ προστεταγμένα ἀπαντὰ προθυμότερον πεποίηκα ἕως ὑπὸ τῆς πόλεως ἡγαγαζόμην, καὶ τρημαρχῶν καὶ εἰσφοράς εἰσφέρων καὶ χορηγῶν καὶ τάλα λητουργῶν οὖν ἄλλων ἵπτον πολυτελῶς τῶν πολιτῶν. καὶ τοιαῖ μὲν μετρίως ποιῶν ἄλλα μὴ προθύμως οὐτ' ἐν περὶ φυγῆς οὔτ' ἐν περὶ τῆς ἄλλης οὐδές ἡγωνιζόμην, πλείω δ' ἐν ἐκεκτήμην, οὐδὲν ἄδικῶν οὖδ' ἐπικύδυνον ἐμαυτῷ καταστῆσαι τὸν βίον· ταῦτα δὲ πράξας, ἡ οὐτὸς

1 ἢν Meutzner: εἶναι mss.
2 ἐπεργαξόμενον Stephanus: ἀπεργαξόμενον mss.
3 με add. Meutzner.
4 ἐκ γῆς Jacobs: ἐγγὺς mss.

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attempted, with you supervising as you do, to clear away the sacred olive from this plot; in which there is not a single tree, but there was, as he says, a stump of one olive; where a road skirts the plot all round, and neighbours live about it on both sides, and it is unfenced and open to view from every point? So who would have been so foolhardy, in these circumstances, as to attempt such a proceeding? And I feel it is extraordinary that you, whom the city has charged with the perpetual supervision of the sacred olives, have never either punished me for encroaching on one of them nor brought me to trial for having cleared one away, and that now this man, who, as it happens, is neither farming near me nor has been appointed a supervisor nor is of an age to know about such matters, should have indicted me for clearing away a sacred olive from the land.

I beg you, therefore, not to consider such statements more credible than the facts, nor to tolerate such assertions from my enemies about matters of which you are personally cognizant: let your reflections be guided by what I have told you and by the whole tenor of my citizenship. For I have performed all the duties laid upon me with greater zeal than the State required: alike in equipping a warship, in contributing to war funds, in producing drama, and in the rest of my public services, my munificence was equal to that of any other citizen. Yet, if I had done these things but moderately and without that zeal, I should not be struggling to save myself at once from exile and from the loss of all my property, but should have increased my possessions without incurring guilt or imperilling my life: whereas, had

5 τοιοὰτ' Lipsius: ταὐτ' mss. 6 ἣ add Taylor.
μον κατηγορεῖ, ἐκέρδασθον μὲν οὖδέν, ἐμαυτόν δ’
33 εἰς κῑνδυνον καθῆθην. καίτοι πάντες ἃν ὁμολογή-
σατε δικαίωτερον εἶναι τοῖς μεγάλοις χρῆσαθαι
tεκμηρίους περὶ τῶν μεγάλων, καὶ πιστότερα
ήγειόθαι περὶ ὧν ἀπασά ἡ πόλις μαρτυρεῖ, μᾶλλον
ἡ περὶ ὧν μόνος οὕτως κατηγορεῖ.
34 Ἐτι τούνων, ὃς βουλή, ἐκ τῶν ἄλλων σκέψασθε.
μάρτυρας γὰρ ἔχων 1 αὐτῷ προσήλθουν, λέγων ὦτι
μοι πάντες <έτι> 2 εἰσὶν οἱ θεράποντες, οὓς ἐκẹ-
κτήμην ἐπειδὴ παρέλαβον τὸ χωρίον, καὶ ἐτομμός
εἰμι, 3 εἰ τινα βούλοιτο, παραδοῦναι βασανίζειν,
ήγομένος οὕτως ἂν τὸν ἐλεγχὸν ἵσχυστερον γενε-
σθαι τῶν τούτου λόγων καὶ τῶν ἔργων τῶν ἐμῶν.
35 οὕτως δ’ οὐκ ἤθελεν, οὐδὲν φάσκων πιστῶν εἶναι
τοῖς θεράπονσι. ἔμοι δὲ δοκεῖ <θαυμαστῶν> 4
eῖναι, εἰ περὶ αὐτῶν μὲν οἱ βασανιζόμενοι κατηγο-
ροῦσιν, εὖ εἰδότες ὅτι ἀποθανοῦνται, περὶ δὲ τῶν
dεσποτῶν, οῖς πεφύκας κακονουστατοῦ, μᾶλλον
ἀν ἐλούντο 5 ἀνέχεσθαι βασανιζόμενοι ἡ κατ-
36 εἰπόντες ἀπηλλάχθαι τῶν παρόντων κακῶν. καὶ
μὲν δὴ, ὃς βουλή, φανερὸν οἶμαι εἶναι πᾶσιν 6 ὦτι,
eἰ Νικομάχον ἐξαιτοῦντος τοὺς ἀνθρώπους μὴ
παρεδίδουσιν, ἐδόκουν ἃν ἐμαυτῶν συνειδέναι· ἐπειδὴ
τοῖναν ἐμοὶ παραδίδοντο οὕτως παραλαβέων οὐκ
ήθελε, δίκαιον καὶ περὶ τούτου τὴν αὐτήν γνώμην
σχεῖν, ἄλλως τε καὶ τοῦ κινδύνου οὐκ ἦσον ἰμ-
37 φοτέροις οὐνοῖς. περὶ ἕμοι μὲν γὰρ εἰ ἔλεγον ᾧ
οὕτως ἐβούλετο, 7 οὐδ’ ἂν ἀπολογήσασθαί μοι εἴ-

1 γὰρ ἔχων Reiske: παρέχων mss.
2 έτι add. Westermann.
3 εἰμι Scheibe: ἡμὴn mss.
4 θαυμαστῶν add. Stephanus.
6 ἐλούντο Rauchenstein: εἰλούντο mss.
I done what this man accuses me of doing, I stood to make no profit, but only to endanger myself. Surely you will all acknowledge that it is fairer to judge important issues by important proofs, and to give more credit to the testimony of the whole city than to the accusations of this single person.

And further, gentlemen, take note of the other events in the case. I went with witnesses to see him, and said that I still had the servants that I owned when I took over the plot, and was ready to deliver any that he wished to the torture, thinking that this would put his statements and my acts to stronger test. But he declined, asserting that no credit could be given to servants. To my mind it is surprising that, when put to the torture on their own account, they accuse themselves, in the certain knowledge that they will be executed, but when it is on account of their masters, to whom they naturally have most animosity, they can choose rather to endure the torture than to get release from their present ills by an incrimination! Nay, in truth, gentlemen, I think it is manifest to all that, had I refused to deliver the men at Nicomachus's request, I should be considered conscious of my guilt; so, since he declined to accept them when I offered to deliver them, it is fair to form the same opinion regarding him, especially as the danger is not equal for us both. For if they had made the statements about me that he desired, I should not even have had a chance of

6 οἶμαι εἶναι πᾶσιν Hude: εἶναι εἰπεῖν mss.
7 ὁ οὖτος ἐβούλετο post ὑμολόγου mss.: transp. Bekker.
lysias

εγένετο· τούτω δ’ εἰ μὴ ὠμολογοῦν, οὐδεμιᾶ ξημία ἐνοχὸς ἦν. ὥστε πολὺ μᾶλλον τοῦτον παραλαμβάνειν ἔχρην ἦ ἐμὲ παροδοῦναί προσήκεν. 1 ἐγὼ τοίνυν εἰς τοῦτο προσθήκαμι ἀφικόμην, ἥγουμενος μετ’ ἐμοῦ εἶναι καὶ ἐκ βασάνων καὶ ἐκ μαρτύρων καὶ ἐκ τεκμηρίων ὤμᾶς περὶ τοῦ πράγματος τάληθη πυθέσθαι. ἐνθυμεῖσθαι δὲ χρή, ὃ Βουλῆ, ποτέροις χρή πιστεύειν μᾶλλον, οἷς πολλοὶ μεμαρτυρήκασιν ἡ ὥ μηδείς τετόλμηκε, καὶ πότερον εἰκὸς μᾶλλον τοῦτον ἀκινδύνως πιστευόμεθα ἡ μετὰ τοσοῦτον κινδύνου τοιούτου ἐμὲ ἔργον ἐργάσασθαι, καὶ πότερον οἴσθε αὐτὸν ὑπὲρ τῆς πόλεως βοηθεῖν ἡ συκοφαντοῦντα αἰτιάσασθαι. ἐγὼ μὲν <γὰρ> 2 ὤμᾶς ἥγουμαι νομίζειν ὅτι Νικόμαχος ὕπὸ τῶν ἐχθρῶν πεισθεὶς τῶν ἔμων τοῦτον τὸν ἀγώνα ἀγωνίζεται, οὐχ ὡς ἀδικοῦντα ἐλπίζων ἀποδείξειν, ἀλλ’ ὡς ἀργύριον παρ’ ἐμοῦ λήψεισθαι προσδοκῶν. ὅσω γὰρ <οἴ> 3 τοιοῦτοί εἰσιν ἐπαντώτατοι καὶ ἀπορωτάτοι τῶν κινδύνων, τοσοῦτῳ πάντες αὐτοὺς φεύγουσι μάλιστα. ἐγὼ δὲ, ὃ Βουλῆ, οὐκ ἥξιον, ἀλλ’ ἐπειδήπερ με ζητάσατο, παρέσχον ἐμαυτὸν ὁ τι βουλέσθη χρῆσθαι, καὶ τοῦτον ἕνεκα τοῦ κινδύνου οὐδενὶ ἐγὼ τῶν ἐχθρῶν διηλλάγην, οὐ ἐμὲ ἥδιον 4 κακῶς λέγουσιν ἡ σφᾶς αὐτοὺς ἐπανούσι. καὶ φανερῶς μὲν οὐδεὶς πῶς ἐπὶ ἐμὲ ἀυτὸς 5 ἐπεχειρήσα τοιῆσαι κακῶν οὐδέν, τοιοῦτος δὲ ἐπιπέμπουσί μοι, οἷς ὑμεῖς οὐκ ἂν δικαίως πιστεύοιτε.

1 προσήκεν Markland: προσήκει MSS.
2 γὰρ add. Fuhr.
3 οἷς add. Reiske.
4 ἦδιον Taylor: ἦδη MSS.
5 αὐτὸς Reiske: αὐτὸν MSS.

a In prosecutions for impiety, and in certain other cases, the accuser was not subject to the rule that he forfeited 1000 164
defending myself; while if they had not supported his statements, he was liable to no penalty. It behoved him, therefore, much rather to take them than it suited me to deliver them. For my part, I was so solicitous in the matter, because I felt it was in my favour to have you informed of the truth regarding this matter, at once by torture, by witnesses, and by evidence. And you should consider, gentlemen, which side you ought rather to credit, those for whom many have borne witness, or one for whom nobody has ventured to do so; whether it is more likely that this man is lying, as he can without danger, or that in face of so grave a danger I committed such an act; and whether you think that he is vindicating the cause of the State, or has been plying the slanderer’s trade in his accusation.

For I believe it is your opinion that Nicomachus has been prevailed upon by my enemies to conduct this prosecution, not as hoping to establish my guilt, but as expecting to obtain money from me. For precisely as such actions at law are most damaging and perplexing, so everyone is most anxious to avoid them.

But I, gentlemen, disdained that: as soon as he charged me, I placed myself entirely at your disposal, and came to terms with none of my enemies on account of this ordeal, though they take more pleasure in vilifying me than in commending themselves. Not one of them has ever attempted, openly and in his own person, to do me a single hurt; they prefer to set upon me men of this stamp, whom you cannot honestly believe. For I shall be the most drachmae and some of his civic rights if he failed to get a fifth of the votes of the judges.
πάντων γὰρ ἀθλιώτατος ἂν γενοίμην, εἰ φυγᾶς ἀδίκως καταστήσομαι, ἀποιαὶ μὲν ὡς καὶ μόνος, ἐρήμου δὲ τοῦ οὐκ οὐνομένου, μετρῶς δὲ πάντων ἐνδεοῦς <οὐσίας> ἔπ' αἰσχί- 
σταίς στερηθεὶς αἰτίαις, πολλὰς μὲν ναυμαχίας ύπὲρ αὐτῆς νεανιμαχηκὼς, πολλὰς δὲ μάχας 
μεμαχημένος, κόσμων δὲ ἐμαυτὸν καὶ ἐν δημο-
κρατία καὶ ἐν ὀλιγαρχίᾳ παρασχῶν.

42 Ἀλλὰ γὰρ, ὥς Βουλή, ταῦτα μὲν ἐνθάδε οὐκ οἶδ' ὦ τι δεῖ λέγειν· ἀπέδειξα δ' ὑμῖν ὡς οὐκ ἐνή τω χωρίῳ, καὶ μάρτυρας παρεσχόμην καὶ τεκμη-
ρία. ἀ χρή μεμνημένους διαγγελνὼσκεῖν περὶ τοῦ 
πράγματος, καὶ ἄξιοὺν παρὰ τούτου πυθέσθαι ὅτου 
ἐνεκα, ἔξον ἐπ' αὐτοφώρῳ ἐλέγξαι, τοσοῦτω χρόνῳ

43 ὑστερον εἰς τοσοῦτόν με κατέστησεν ἄγωνα, καὶ 
μάρτυρα οὐδένα παρασχόμενος ἐκ τῶν λόγων ζητεῖ 
πιστὸς γενέσθαι, ἔξοιν αὐτοῖς τοῖς ἑργοῖς ἀδικοῦντα 
ἀποδείξαι, καὶ ἐμοὶ ἀπαντᾷς διδόντος τοὺς θερά-
pontos, οὐς φησι παραγενόσθαι, παραλαβεῖν οὐκ 
ἡθελεν.

1 οὐσίας add. Frohberger.
miserable of creatures if I am to be unjustly declared an exile: I am childless and alone, my house would be abandoned, my mother would be in utter penury, and I should be deprived of a native land, that is so much to me, on the most disgraceful of charges,—I who in her defence have engaged in many sea-fights and fought many battles on land, and have shown myself an orderly person under both democracy and oligarchy.

But on these matters, gentlemen, I do not know what call I have to speak in this place. However, I have proved to you that there was no stump on the plot, and I have produced witnesses and evidence: these you should bear in mind when you make your decision on the case, and require this man to inform you why it was that, neglecting to convict me as taken in the act, he has delayed so long in bringing so serious an action against me; why he seeks to be credited on the strength of his statements, unsupported by a single witness, when the bare facts would have sufficed to establish my guilt; and why, on my offering all the servants whom he asserts to have been then present, he declined to accept them.
VIII. ACCUSATION OF CALUMNY AGAINST FELLOW-MEMBERS OF A SOCIETY

INTRODUCTION

This curious speech is almost certainly not the work of Lysias. It appears, however, to have been written not very long after his time, and may fairly be regarded as the actual protest of an outraged member of a society which existed, in part at least, for the performance of certain ceremonial duties. Its members also took a joint responsibility in arranging loans and other financial affairs between any two or more of their number. In the present case, the speaker has lent twelve minae to a fellow-member named Polycles, who gave him a sick horse as security. The creditor, discovering the animal's condition, sought to cancel the transaction at once, but was dissuaded by another member, Diodorus, who assured him that he would be repaid in due time. The horse died, and the creditor found that, instead of getting the support of his fellow-members as he had a right to expect, he was told that he had got the horse for his money, and must put up with his loss. He was, in fact, the victim of a trick, and discovered that his fellow-members were his enemies and that he could

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get no satisfaction. He proceeds therefore to protest against his ill-treatment, principally by taxing the members with continual evil-speaking of each other, which will soon lead to the disruption of the society. He takes the first step towards this by resigning his own membership.

The text of the speech is very uncertain at several points, and the details of the quarrel are left in some obscurity. One point, however, is quite clear,—that this society suffered from a more than ordinary prevalence of backbiting amongst its members.
VIII. ΚΑΤΗΓΟΡΙΑ ΠΡΟΣ ΤΟΥΣ ΣΥΝΟΥΣΙΑΣΤΑΣ ΚΑΚΟΛΟΓΙΩΝ

1 Ἑπιτήδειον μοι δοκῶ καύρων εἰληφέναι περὶ ὅν εἰπεῖν ἑβουλόμην πάλαι· πάρεισι μὲν γὰρ ὁσ ἐπεγκαλῶ, πάρεισι δὲ ὅν ἐναντίον ἐπιθυμῶ μέμψασθαι τοῖς ἀδικοῦσιν ἐμέ. καίτοι πολλῶ πλεῖον ἐστὶ σπουδὴ πρὸς τοὺς παρόντας· τοὺς μὲν γὰρ <παρ'> ὁυδὲν οἴμαι τιμήσειν, εἰ τοῖς ἐπιτηδείοις ἀνεπιτήδειοι δόξουσι εἶναι (τὴν γὰρ ἀρχὴν ὁυδ' ἂν ὁποιομενος ἐξαμαρτάνειν εἰς ἐμε'), τοὺς δὲ βουλοίμην ἀν δόξαι μηδὲν ἀδικῶν τοῦτοις ὑπὸ τοῦτων ἀδικείσθαι πρότερον. ἀνισρόν μὲν ὁν ἀναγκάζεσθαι λέγειν περὶ τοῦτων, ἀδύνατον δὲ μὴ λέγειν, ὅταν ἐναντίον τῆς ἐλπίδος κακῶς πάσχω καὶ τοὺς δοκοῦντας εἶναι φίλους ἀδικοῦντας εὑρίσκω.

2 Πρῶτον μὲν οὖν, ὧν μὴ τις υμῶν τάχα δὴ βοηθῶν οἰς ἔξημάρτηκε πρόφασιν πορίσηται τῆς ἀμαρτίας, εἰπάτω οὖν τίς υμῶν ὑπ' ἐμοῦ κακῶς ἀκήκοεν ἢ πέποιθεν, ἢ τίς ἐμοῦ δεηθεὶς οὐκ ἐτύχειν ὃν ἐγώ τε δυνατὸς ἢ κἀκεῖνος ἐπήγγειλε.—τί δὴ τά με κακῶς τα μὲν λέγειν τα δὲ ποιεῖν ἐπι-

3 Πρῶτον μὲν οὖν, ὧν μὴ τις υμῶν τάχα δὴ βοηθῶν οἰς ἔξημάρτηκε πρόφασιν πορίσηται τῆς ἀμαρτίας, εἰπάτω οὖν τίς υμῶν ὑπ' ἐμοῦ κακῶς ἀκήκοεν ἢ πέποιθεν, ἢ τίς ἐμοῦ δεηθεὶς οὐκ ἐτύχειν ὃν ἐγώ τε δυνατὸς ἢ κἀκεῖνος ἐπήγγειλε.—τί δὴ τά με κακῶς τα μὲν λέγειν τα δὲ ποιεῖν ἐπι-

1 παρ’ add. Emperius.
VIII. ACCUSATION OF CALUMNY AGAINST FELLOW-MEMBERS OF A SOCIETY

It is a suitable opportunity, I consider, that I have taken to deal with matters on which I had long been wishing to speak; for we have here present the persons against whom I have to complain, and those present also before whom I am anxious to reprove the men who have done me wrong. To be sure, one is far more earnest towards men in their presence; for although I suppose that my opponents will count it as nothing to be considered unfriendly by their friends (else they would never have made even a first attempt to offend against me), to the rest I would like to show that I have done no wrong to these men, but that they were beforehand in wronging me. Now of course it is painful to be compelled to speak of these matters; but it is impossible not to speak, when I meet with ill-treatment against my expectation, and find that I am wronged by those whom I took to be friends.

Well then, first of all, so that none of you may per-chance defend his faults by scraping up an excuse for his errors, let him say who among you has been ill-treated by me in speech or in act, or who has made a request of me without getting what I was able to give as he proposed. Why, I ask, do you endeavour to do me harm, sometimes in word, and sometimes in
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4 χειρεῖτε, καὶ ταῦτα πρὸς τούτους ἡμᾶς διαβάλλειν, οὐς πρὸς ἡμᾶς αὐτοὺς διεβάλλετε; καὶ τοι οὔτως ἴνωχλείτε,1 ὡς τε περὶ πλείονος ἐπούστατο <τις>2 δοκεῖν ἐμοῦ κηδεσθαι, ἥ ἄλλον3 ἐμοὶ4 κατειπεῖν. ἀ δὲ ἐλεγε, πάντα μὲν οὐκ ἂν εἶπομι (καὶ γὰρ ἀκούων ἥχοθμην) οὐδὲ ἂν ὑμῖν ἐπικαλών, ότι ἐλέγετε κατ' ἐμοῦ, ταῦτα λέξαμι5· καὶ γὰρ ἂν ἀπολύσαι τῆς αἰτίας ὑμᾶς, εἶπερ ὑμῖν ταῦτα

5 λέγομι περὶ ἐμαυτοῦ· ἄ δὲ υβρίζειν οἰόμενοι ἐμε καταγελάστους ὑμᾶς αὐτοὺς ἐποιεῖτε, ταῦτα λέξω. βία γὰρ ὑμῖν ἐφάσκετε με ἰνεῖναι καὶ διαλέγεσθαι, καὶ πάντα ποιοῦντες οὐκ ἔχετε ὅπως ἀπαλλαγῆτε μου, καὶ τὸ τελευταῖον ἀκόντων ὑμῶν Ἔλεος ἐνδέχεται ξυνθερεῖν. καὶ ταῦτα λέγοντες οὔσθε μὲν ἐμε κακολογεῖν, ἀποφαίνετε δὲ σκαιοτάτους ἑαυτοὺς, οἴτινες [μὲν]6 ὑπὸ τὸν αὐτὸν χρόνον τὸν αὐτὸν ἀνδρα λάθρα7 μὲν ἐλοιδορεῖτε, φανερῶς δὲ φίλον

6 ἐνομίζετε· χρὴν γὰρ ὑμᾶς ἡ μὴ κακῶς λέγειν ἡ μὴ ἰνεῖναι, καὶ ταῦτα φανερῶς ἀπειπόντας ὀμιλίαν. εἰ δὲ αἰσχρὸν ἤγειρες τοῦτο, πῶς αἰσχρὸν ἂν ὑμῖν ἰνεῖναι, πρὸς ὄν οὔτε ἀπειπέιν

7 καλὸν ἤγειρε· καὶ μὴν οὔδὲν αὐτὸς ἐξήρον8 ὁπόθεν ἂν εἰκῶς ὑπερείδετε τὴν ἐμὴν ὀμιλίαν. οὔτε γὰρ ὑμᾶς σοφωτάτους ἐώρων οὔτας, ἐμαυτὸν δ' ἀμαθέστατον, οὐ μὴν οὔτε πολυφόλους ὑμᾶς, ἐμαυτὸν δ' ἐρήμων φίλων, οὔτ' αὖ πλουτούντας, ἐμὲ δὲ πενόμενον, οὐδ' αὖ ὑμᾶς μὲν ὑπερευδοκι-

1 ἴνωχλείτε Kayser: ἴνωχλεί mss.
2 τις add. Thalheim.
8 ἅ ἄλλον Gernet et Bizos: καὶ μᾶλλον mss.
4 ἐμοὶ Emperius: ἐμοὶ mss.
5 ταῦτα λέξαμι Markland: ταῦτα δόξαμι mss.
6 μὲν del. Bekker. 7 ἀνδρα λάθρα Reiske: λάθρα ἀνδρα mss.
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deed; and, what is more, to traduce me to these men, whom you traduced to myself? Nay, indeed, you were making so much mischief that one man preferred to appear to be concerned for me rather than have another give me information of it. I could not tell you the whole of what he said—the mere hearing of it was grievous to me—nor, for my protest against your aspersions on me, would I speak in the same terms; for I should be absolving you of my charge against you if I used the same language to you on my own behalf. But I will tell you how, in thinking to do me an outrage, you made yourselves ridiculous. You asserted that it was an intrusion when I associated and talked with you; that despite all your efforts you did not know how to get rid of me; and finally, that it was against your will that you went with me on a mission to Eleusis. In making these statements you think you are defaming me, but you only reveal yourselves as utter dunderheads; for you were covertly abusing the same man whom at the same moment you were openly treating as a friend! You ought to have refrained either from defaming him or from associating with him, and that by an open renunciation of his company. But if you felt that to be dishonourable, how was it dishonourable for you to associate with a man whom you did not even feel it honourable to renounce? And, mark you, I for my part have discovered no ground on which you could reasonably have despised my company. For neither could I see that you were very clever and myself very stupid, nor indeed that you were surrounded with friends and myself destitute of them, nor again that you were wealthy and I poor, nor again that

8 αὐτὸς ἐξηύρον Schott: οὗτος ἐξεὐρέν mss.
μοντας, ἐμαυτὸν δὲ διαβεβλημένον, οὔτε τὰ μὲν ἐμὰ πράγματα κινδυνεύοντα, τὰ δ’ ὑμετέρα ἁσφαλῶς
[113] ἔχοντα. πόθεν ἄν οὖν εἰκότως ὑπόπτευσον ἁχθεσθαί
8 μοι συνόντι; καὶ ταῦτα δ’ ὅτε πρὸς τοὺς τελευταίους ἐλέγετ’ οὐκ ᾧσθε ἀπαγγελεῖν ἦμιν, κανταῦθα
σφίσμα καλὸν ἣγοὺμενοι2 περιήλθετε πάντας3 ὑμῶν αὐτῶν κατηγοροῦντες ὅτι πονηροὶς ἐκόντες ὁμιλεῖτε.

Περὶ μὲν οὖν τοῦ λέγοντος οὐδὲν ἂν περαιτεῖν ὑπνανόμενοι. πρῶτον μὲν γὰρ εἰδότες4 ἐρήσεσθε
9 τὸν εἰπόντα μου· πῶς γὰρ οὐκ ὥστε πρὸς ὑμᾶς ἐλέγετε τὸν λόγον; ἔπειτα κακὸς ἂν εἴην, εἰ ταῦτ’5 ποιή-
σαμι αὐτὸν ἀπερ ἐκείνος ὑμᾶς. οὐ γὰρ ἐπὶ τοῖς αὐτοῖς ἐκεῖνος ἢμῖν ἀπήγγελλεν, ἐφ’ οἷσπερ ὑμεῖς
ἐλέγετε πρὸς ἐκεῖνον. ἐκεῖνοι μὲν γὰρ ἐμοὶ χαρι-
ζόμενοι ἀπῆγγελε τοῖς ἐμοῖς ἀναγκαῖοι, ύμεῖς
dὲ βλάπτειν ἐμὲ βουλόμενοι πρὸς ἐκεῖνον ἐλέγετε. καὶ ταῦτα εἰ μὲν ἡπιστοῦν, ἐξελέγχειν ἂν ἐξῆτον·
nῦν δὲ (ἐμβαίνει γὰρ καὶ ταῦτα τοῖς πρὸς τοῦ, καὶ
10 ἐμοὶ σημεῖα ταῦτα μὲν ἐκείνων ἐστίν, ἐκείνα δὲ
tοῖτων ἴσαν) πρῶτον μὲν ἀπαντά δι’ ὑμῶν
πράξαντα με περὶ τῆς θέσεως τοῦ ἵππου πρὸς
‘Ἡγέμαχον,6 κάμινοντα τὸν ἰππὸν ἀνάγειν με
βουλόμενον Δίοδωρος οὐτοῦ ἀποτρέπειν ἐπειράτο,
φάσκων οὐδὲν ἀντιλέξειν περὶ τῶν δῶδεκα μνῶν
Πολυκλέα, ἀλλ’ ἀποδώσειν. τότε λέγων ταῦτα,
μετὰ τὸν βάνατον τοῦ ἵππου κατέστη τελευτῶν
ἀντίδοκος μετὰ τοῦτων, λέγων ὡς οὐ δίκαιον με
11 εἶ ἐκεῖνος καῦσαν οὐ πάροι. καὶ τούτῳ σφῶν7 γε
1 ὅτε . . . ἐλέγετ’ οὐκ Sauppe: ὅτι . . . ἐλεγεν, οὐς mss.
2 ἢγούμενοι Dobree: εἶπεν εἰ mss.
3 πάντας Sauppe: πάντες mss.
4 εἰδότες Reiske: εἰπόντες mss. 6 ταῦτα Scaliger: τὰ mss.
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you were in particularly good repute and myself in ill odour, nor were my interests in danger and yours in safety. What reasonable ground, then, had I for suspecting that you were annoyed by my association with you? Moreover, when you made these statements to our newest members, you did not expect that they would report them to us, and there you were, supposing it a fine stroke of cleverness to go round accusing yourselves to everyone of consenting to be in the company of evil men!

As to my informant, it would be vain for you to inquire. For, first of all, you know the person who told me, before you ask: how can you not know him, the man to whom you made your statement? In the second place, I should do wrong to deal with him as he did with you. For he had not the same view in reporting it to me as you had in making it to him. He reported it to my relatives out of kindness to me, but you made it to him with the intention of injuring me. And if I disbelieved his words, I should seek to test them: as it is, they tally with the former reports, and I find in them corroboration of those, as those amply corroborated them. So, first of all, dealing entirely through you with Hegemachus about the deposit of the horse, I wished to return the horse because the animal was in a sickly state: Diodorus here tried to dissuade me, asserting that Polycles would make no objection to refunding the twelve minae. So he said at the time; but after the death of the horse he ranged himself in the end with these men as my opponent, saying that I had no right to recover the money. Yet in fact they

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6 πρὸς Ἰτέμαχον Dobree: προσήγε μαχόμενον mss.
7 σφών Dobree: ἑφ’ ὃν mss.

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αὐτῶν κατηγόρουν. εἰ γὰρ ἀ μετὰ τούτων ἐπραττον τοῦ ἀδικουμένῳ μοι μηδὲν ἢν δίκαιον εἰπεῖν, ἢ ποιν κακῶς συνέπραττον. καὶ ἐγὼ μὲν ἁμύρα

12 ἀλλὰ ἀντέπραττον, καὶ διὰ τούτο ἀντέλεγον, ἢν τὸν ἐμὸν λόγον εἰδείη Πολυκλῆς· ἐξηλώθη γὰρ ταῦτα. παρόντων τῶν διαιτητῶν ὅργιζόμενος ο Πολυκλῆς εἰπεν ὅτι καὶ τοῖς ἐμοῖς ἐπιτηδείους ἀδικεῖν δοκοῖν, ὡς πρὸς ἐκεῖνον λέγουν. ἀρά γε ταῦτα ἐμπαίνει τοῖς ἀπαγγελλομένοις; ὃ γὰρ αὐτὸς ἀπῆγγελεν ὡς τοὺς ὑπὲρ ἐμοῦ μέλλοντας λέγειν ἀποτρέψειν φάσκοιτε, τοὺς δὲ τινας ἦδη κωλύσατε. καὶ ταῦτα τι με δεὶ φανερώτερον ἐξελέγχειν ἐτί; φέρε γὰρ, ὃδε ποτὲ ἐκεῖνος ὁτι

13 Κλειτοδίκου δεηθεὶς ἐπιλέγειν οὐκ ἑτυχον; οὐ γὰρ δὴ παρῆν τούτοις· ἢ τι δὲρδος ἢν αὐτῷ διαβάλλειν ἐμὲ πρὸς ὑμᾶς ὀφυῖος προθύμως, ὥστε σπουδάσαι πρὸς τοὺς ἐμοῖς ἀναγκαῖος πλάσασθαι ταῦτα;

14 Γεγυώσικῳ δὲ νῦν ἦδη καὶ πάλαι ζητοῦντας πρόφασιν, ἡνίκα Θρασύμαχον ὑμᾶς ἐφάσκετε κακῶς λέγειν δι' ἐμὲ. καὶ ἐγὼ μὲν ἡρώτων αὐτὸν εἰ δι' ἐμὲ κακῶς λέγοι Διόδωρον· ὁ δὲ τοσοῦτον ὑπερείδε τὸ δι' ἐμὲ πολλοὺ γὰρ δεῖν ἐφη δι' ὀντινοῦν εἰρηκέναι Διόδωρον κακῶς. καὶ ταῦτα

1 ἐπραττον add. anon. Fritzschii.
2 κακῶς Gernet et Bizos: κακῶς mss.
3 ἀντέλεγον Emperius: ἀντέπραττον mss.
4 ὅργιζόμενος Markland: ὁριζόμενος mss.
5 ἀποτρέψειν Contius: ἀποτρέψειν mss.

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were merely accusing themselves. For if I had no rightful claim in regard to a wrong suffered through an arrangement shared with them, surely they were wrong in so sharing it. And I also thought it was for the mere theory of the thing that they took up the argument in opposition: but I found they were not arguing but acting against me, and the purpose of their argument was to enable Polycle to know my argument. This became evident: in the presence of the arbitrators Polycle angrily said that even my friends considered that I was in the wrong,—so they told him. Now, does this tally with what was reported to me? My informant himself reported that you declared you would hinder those who intended to speak on my behalf, and had prevented several others already. What need have I to set the proof of these facts in a yet clearer light? I ask you, could that man know that, having asked Cleitodicus to speak next, I was refused? I was told he was not present at the meeting. Then what interest had he to be so zealous in getting me into disgrace with you that he busied himself with fabricating such a story for my relatives?

And I observe that not only now, but for a long time past, you have been seeking a pretext—when you declared that Thrasy machus was defaming you because of me. Well, I asked him if it was because of me that he was defaming Diodorus; and how he disdained that "because of me"! For he said he was far from having defamed Diodorus because of anybody. If I should prefer this charge,  

6 κωλύσατε Reiske: κωλύσετε mss.
7 ἐτὶ Reiske: δὲτι mss.
8 ἐπιλέγειν Emperius: ἐκλέγειν mss.
9 ἢ τὶ Emperius: ἐπεὶ mss.
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προσάγοντος ἐμοὶ πρόθυμος ὁ Θρασύμαχος ἦν ἐξελέγχεσθαι, περὶ δὲ υἱὸν ἐλεγεν· οὗτος δὲ πάντ' ἀν μᾶλλον διεσπράττετο. μετὰ τούτῳ Αὐτοκράτης ἐμὸν παρόντος Θρασύμαχῳ ἐλεγεν Εὐρυπτόλεμον αὐτῷ μέμφεσθαι, φάσκοντα κακῶς ἀκουέν ὑπ' αὐτοῦ· τὸν ἂπαγγέλλοντα δὲ εἶναι Μηνόφιλον. εὐθὺς δ' ἐκεῖνος ἔπι τὸν Μηνόφιλον ἐβάδιζε μετ' ἐμοῦ· κάκεινος οὐτὲ ἀκούσαι πῶστε ἔφασκεν οὔτε ἂπαγγέλλαι πρὸς Εὐρυπτόλεμον, καὶ οὐ ταῦτα μοῦν, ἀλλ' οὐδὲ διειλέχθαι πολλοῦ χρόνου.

16 τοιαύτας προφάσεις προφασιζόμενοι τότε μὲν ἐκ τῆς ἔμης καὶ Θρασύμαχον συνουσίας ἐστὲ φανεροί, νῦν δὲ ἐπειδὴ ἐκλελοίπασιν ὑμᾶς αἱ προφάσεις, ἐλευθεροῦτερον με κακώσαι λείπετε ἥδη οὐδέν. χρῆν μὲν οὖν τότε με γιγνώσκειν ὀφελόμενον μοι ταῦτα παθεῖν, ὅτε καὶ πρὸς ἐμὲ περὶ υἱῶν αὐτῶν ἐλέγετε3 κακῶς· ἐπείτα καὶ περὶ Πολυκλέους, ὥς μνή βοηθεῖτε, πάντ' εὐρήκα πρὸς υἱᾶς. κατὰ τί δὴ ταῦτα <οὐκ>4 ἐφυλαττόμην; εὐθές τι ἔπαθον. ὑμὴν γὰρ ἀπόθετος υἱῶν εἶναι φίλος τοῦ μηδὲν ἀκούσαι κακῶν δι' αὐτοῦ τοῦτο, διότι πρὸς ἐμὲ τοὺς ἄλλους ἐλέγετε κακῶς;5 παρακαταθήκην ἔχων υἱῶν παρ' ἐκάστου λόγους πονηροῖς περὶ ἄλλων.

17 Ἐγὼ τοῖνυν ἐκὼν υἱῶν ἐξίσταμαι τῆς φιλίας, ἐπεὶ τοιὸν μὰ τοὺς θεοὺς οὐκ οἶδ' ὅ τι ξημωθήσομαι μὴ ἐξελάνων ὑμῖν· οὐδὲ γὰρ ὀφελοῦμην ἐξελάνων! πότερον γὰρ, ὅταν ἂ τί μοι πράγμα, τότε ποθέσοι μοι τὸν ἐροῦντα καὶ τοὺς μαρτυρήσοντας; καὶ νῦν ἀντὶ μὲν τοῦ λέγειν ἕπερ ἐμοὶ τὸν λέγοντα πειράζει

1 πάντ' ἀν Markland: πάντων, πάντα MSS.
2 λείπετε ἥδη Scheibe: λείπετε, λεπτίδι MSS. 3 ἐλέγετε Contius: ἔλεγε MSS.
4 οὐκ add. Reiske. 5 κακῶς Foertsch: καὶ MSS.

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Thrasymachus was anxious to be put to the test in regard to this man's statements; but to settle it thus was the last thing that the latter would have done. After that Autocrates told Thrasymachus in my presence that Euryptolemus was complaining of him, with the assertion that he was being defamed by him, and that the reporter of this was Menophilus. Immediately Thrasymachus walked over with me to see Menophilus; who asserted that at no time had he either heard it or reported it to Euryptolemus, and what was more, that he had not even talked with him for a long time. Such were the pretexts that you clearly invented then from my association with Thrasymachus; but now that pretexts have failed you, in more straightforward oppression you show that you stop at nothing. I ought indeed to have understood then that this fate was in store for me, when you were actually defaming to me your own members; and then I have told you my whole opinion of Polycles, whom you are now supporting. What can have made me so incautious? It was a fatuous lapse in me. I thought I was a friend of yours who was exempt from all defamation for the very reason that you defamed the others to me, since I held a pledge from each of you,—your malicious statements about one another.

I therefore willingly resign your friendship, since, by Heaven, I cannot see what penalty I shall suffer by not associating with you; for neither did my association with you bring me benefit. Shall I find, when I have some suit, that I feel the lack of a pleader and witnesses? At present, instead of pleading in my defence, you try to prevent anyone
κωλύειν, ἀντὶ δὲ τοῦ βοηθεῖν ἔμοι καὶ μαρτυρεῖν
tὰ δίκαια ἔνεπτε τοῖς ἔμοις ἀντιδίκοις καὶ
19 μαρτυρεῖτε. ἀλλ’ ὡς εἶνοι1 ὑπερεῖ ἔμοι τὰ βέλτιστα
ἐρείτε περὶ ἔμοι; ἀλλὰ καὶ νῦν ὑμεῖς με μόνοι2
κακῶς λέγετε. τὸ μὲν οὖν ἔμοι ὑμῖν ἐπιστῶν
ὑμῖν ἔσται. τοιοῦτοι δ’ ἄρα3 πρὸς ὑμᾶς αὐτοὺς
πείσεσθε, ἐπειδὴ περὶ ὑμῶν ἔθος ἔστιν ἐνα τῶν
ξυνόντων αἰε κακῶς λέγει καὶ ποιεῖν ἐπειδὰν
ὑμῖν ἐγὼ μὴ ἔμυνω,4 πρὸς ὑμᾶς αὐτοὺς τρέψεσθε,5
κατείητα καθ’ ἕνα ἐκαστὸν ὑμῖν αὐτοῖς ἀπεχ-
θῆσθε, τὸ δὲ τελευταίον εἰς ὁ λειπόμενος αὐτός
αὐτὸν κακῶς ἐρεῖ. κερδανῷ δὲ τοσοῦτον, ὅτι
πρῶτος νῦν6 ὑμῶν ἀπαλλαγεῖσ ἐλάχιστα κακῶς
ὑπ’ ὑμῶν πείσομαι τοὺς μὲν γὰρ χρωμένους ὑμῖν
κακῶς καὶ λέγετε καὶ ποιεῖτε, τῶν δὲ μὴ χρωμένων
οὐδένα πώποτε.

1 εἶνοι Reiske: εἰνοὺς mss. 2 μόνοι Bekker: μόνον mss.
3 δ’ ἄρα Thalheim: γὰρ mss.
4 μὴ ἔμυν Markland: ὑμῖν, μηνίσω mss.
5 τρέψεσθε Markland: τρέπεσθε mss.
6 πρῶτος νῦν Thalheim: πρῶτον μὲν mss.
from doing this, and instead of supporting me and bearing just witness, you associate with my opponents and bear witness for them. Or, as my well-wishers, will you speak the best you can about me? Why, to-day you are the only persons who speak ill of me! Well, for my part I shall not hinder you. And this is what will happen to you among yourselves, since it is your habit to be ever injuring one of your associates in speech and in act: when I have left your association, you will turn against yourselves; then you will conceive a hatred of each one of your number in turn; and finally the last one left will defame himself. And my advantage will be at least this,—that, by being the first to rid myself of you now, I shall suffer the least injury at your hands: for you injure both in speech and in act the people who have to do with you, but never a single one of those who have not.
IX. FOR THE SOLDIER

INTRODUCTION

This speech is the defence of a man named Polyaenus, who has been summoned before the court on a writ of confiscation (ἀπογραφή) for having failed to pay a fine to the Treasury. He explains that after returning home from a campaign he was very soon placed on the list for service again. He protested against the unfairness, but was treated in an insulting manner by the general who had enrolled him: he then discussed the matter with a friend at a banker's in the market-place, and was reported to the generals as having abused them in public. They unlawfully imposed a fine on him for this, but did not try to exact it: at the close of their year of office, however, they gave notice of it to the Treasury clerks, who decided that it had been wrongfully imposed and cancelled it outright. Notwithstanding this decision, he is now sued, more than a year after, as a State debtor, and is threatened with the confiscation of his property and virtual loss of citizenship. The date of the suit

a Probably an ordinary democratic court of δικασταί presided over by the Eleven, who had special jurisdiction in serious criminal cases, or else by the Syndics, who were magistrates specially appointed in the fourth century to deal with cases involving confiscation of property.
is probably to be placed in the Corinthian War (395–386 B.C.).

After pleading the provocation given him by the spiteful action of the generals, and the fact that the law only forbids abuse of a magistrate in open court, Polyaeus relies mainly on the point that the fine was cancelled by the Treasury officials, who evidently found that it had been imposed in an irregular way. He adds that the suit is brought by his personal enemies, who are in league with the generals: their enmity is due to the friendship that he had formed with Sostratus, a man of great influence in the State; and while their bitterness against him is quite in the ordinary course of things, an adverse decision of the court would be ruin to him and a great discredit to the city.

The speech lacks the clear reasoning and simple exposition of Lysias, but it was probably composed for an actual trial of the fourth century. Part of its obscurity is due to the unsound condition of the text.
IX. ὙΠΕΡ ΤΟΥ ΣΤΡΑΤΙΩΤΟΥ

1 Τί ποτε διανοηθέντες οἱ ἀντίδικοι τοῦ μὲν πράγματος παρημελήκασιν, τὸν δὲ τρόπον μου ἐπεχείρησαν διαβάλλειν; πότερον ἄγνοοντες ὅτι περὶ τοῦ πράγματος προσήκει λέγειν; ἡ τόδε μὲν ἐπίστανται, ἦγουμενοι δὲ λήσειν περὶ τοῦ παντὸς πλείω

2 λόγου ἢ τοῦ προσήκοντος ποιοῦνται; ὅτι μὲν οὐκ ἐμοὶ καταφρονήσαντες ἀλλὰ τοῦ πράγματος τοὺς λόγους ποιοῦνται, σαφῶς ἐπίσταμαι· εἰ μὲντοί ὑμᾶς οἴνονται δὴ ἄγνοιαν ὑπὸ τῶν διαβολῶν πεισθέντας καταβιβαζόντας, μου, τοῦτ᾽ ἃν θαυμάσαμι. ὡμὴν μὲν οὖν, ὥς ἄνδρες δικασταί, περὶ τοῦ ἐγκλήματος, οὐ περὶ τοῦ τρόπου τὸν ἀγῶνα μοι προκεῖσθαι· διαβαλλόντων δὲ με τῶν ἀντιδίκων ἀναγκαίον ἔστι περὶ πάντων <τὴν> ἀπολογίαν ποιήσασθαι. πρῶτον μὲν οὖν περὶ τῆς ἀπογραφῆς υμᾶς διδάξω.

3 Ἀφικόμενος προπέρυσιν εἰς τὴν πόλιν, οὐποθ' ὑδό μὴν ἐπιδεδήμηκας κατελέγαν στρατιώτης. αἰσθόμενος δὲ τὸ πραχθὲν ὑπετοπούμην εὔθεως ἐπὶ μηδενὶ υγείᾳ κατελέκθαι. προσελθὼν οὖν

1 τοῦ del. Markland.
2 ἄγνοιαν Rauchenstein: εὐνοιαν mss.
3 τοῦτ' Markland: οὐκ mss. 4 τὴν add. Franz.
5 πρόσερμουν Reiske: πρότερον mss.

* Yet, in what follows, we are spared the usual commenda-

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IX. FOR THE SOLDIER

What could have been the view of my opponents in disregarding the point at issue, and in seeking to traduce my character? Is it that they are unaware that their business is to speak on that point? Or, though well aware of this, do they consider it will pass unobserved that they take more account of anything than of that which is their business? That their statements are made in a spirit of contempt, not for me, but for the point at issue, I clearly understand: if, however, they suppose that from mere ignorance you will be induced by their aspersions to condemn me, this to me would be a surprise. I did indeed suppose, gentlemen of the jury, that I had to face my trial on the charge preferred, not on my character; but, as my opponents are traducing me, it is necessary to deal with all of their points in my defence. So then, to begin with, I will inform you as to the writ against me.

The year before last, after I had arrived in the city, I had not yet been in residence for two months when I was enrolled as a soldier. On learning what had been done, I at once suspected that I had been enrolled for some improper reason. So I went to the

tion of the speaker's character. He means, apparently (see the next sentence), the whole story of how he came to be fined.

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Whose duty it was to make up lists of citizens of military age, with instructions for specific service, and post them on statues in the market-place.

Apparently Polyaeus had complained that a man named Callicrates, who had not been enlisted, had enjoyed a longer leave at home than himself.
general,\(^a\) and pointed out that I had already served in the army; but I met with most unfair treatment. I was grossly insulted but, although indignant, I kept quiet. In my perplexity I consulted one of our citizens as to the measures that I should take: I was told that they even threatened to put me in prison, on the ground that "Polyaenus had been as long a time in residence as Callierates."\(^b\) Now my conversation just mentioned had been held at Philius's bank: yet Ctesicles and his fellow-officers,\(^c\) on a report from somebody that I was abusing them,—although the terms of the law only forbid the abuse of a magistrate at session of his court,—decided unlawfully to punish me. They imposed the fine, but instead of attempting to exact it, at the expiration of their term of office they recorded it on a register which they handed over to the clerks of the Treasury.\(^d\) So much for their operations; but the clerks of the Treasury, taking a very different view from theirs, demanded an explanation from the persons who had handed over the record, and inquired into the grounds of the charge. Hearing what had occurred, and impressed by the strange treatment I had received, they at first urged them to let me off, pointing out that it was not reasonable that any of our citizens should be registered as public debtors out of personal enmity; then, failing to dissuade them, they took upon themselves the risk of a trial before you, and ruled that the penalty was null and void. . . .\(^e\)

Well, that I was let off by the Treasury clerks, you

\(^a\) i.e., the generals, who made the selection of men for military service.
\(^b\) In the temple of Pallas on the Acropolis.
\(^c\) A gap follows in the text, which should show that witnesses were called.
LYSIAS

προσήκειν δὲ ἡγούμενος καὶ διὰ ταύτην τὴν ἀπόδειξιν ἀπηλλάθαι τοῦ ἐγκλήματος, ἐτι πλείονας καὶ νόμους καὶ ἄλλας δικαιώσεις παρασχήσομαι. καὶ μοι λαβὲ τὸν νόμον.

ΝΟΜΟΣ

9 Τοῦ μὲν νόμου διαρρήδην ἁγορεύοντος τοὺς ἐν τῷ συνεδρίῳ λοιδοροῦτας ζημιοῦν ἄκηκόατε· ἐγὼ δ’ ὅτι μὲν οὐκ ἐισήλθον εἰς τὸ ἁρχεῖον, μάρτυρας παρεσχόμην, ἀδύκως δὲ ζημιωθείς οὐτ᾽ ὀφείλω

10 οὐτ’ ἐκπείσαι δίκαιος εἴμι. εἰ γὰρ φανερὸς εἰμὶ μὴ ἔλθων εἰς τὸ συνεδρίον, ὃ δὲ νόμος τοὺς ἐντὸς πλημμελοῦτας ἁγορεύει τὴν ζημιὰν ὀφείλειν, ἡδικηκὼς μὲν οὐδὲν φαίνομαι, ἔχθρα δὲ ἀνευ τούτου παραλόγως ζημιωθεὶς. συνέγνωσαν δὲ

11 καὶ αὐτὸι σφίσιν ὡς ἡδικηκότες· οὐτὲ γὰρ εὐθύνας ύπέσχον, οὐτὲ εἰς δικαστήριον εἰσέλθοντες τὰ πραξθέντα ψῆφῳ κύρια κατεστησαν. εἰ δ’ οὖν ἐξημιώσαν μὲν οἴδε προσηκόντως, ἐκύρωσαν δ’ ἐν ὑμῖν τὴν ἐπιβολὴν, τῶν ταμών ἄφεντων εἰκότως

12 ἀν τοῦ ἐγκλήματος ἀπηλλαγμένος εἴην.1 εἰ μὲν γάρ <μη>2 κύριοι ἴσαν πράξασθαι ἥ ἄφειναι, ἐντὸμος ζημιωθεὶς εὐλόγως ἄν ὀφειλον· εἰ δ’ ἐξεστὶ μὲν αὐτοῖς ἄφειναι, διδόσι δὲ λόγους3 ὑπὲρ ὃν ἂν διαχειρίζωσιν, εἰ τι ἡδικήκασιν, τῆς προσηκούσης βάδισις δίκης τεῦξονται.

1 ἀπηλλαγμένος εἴην Schott: ἀπηλλαγμένως εἴην mss.
2 μη add. Thalheim.
3 λόγους Dobree: αὐτοῖς mss.

* At the investigation of their acts (ἐυθύνας held by ἐβούναν, officials chosen by lot from the tribes), to which all magistrates 188
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now know. But although I consider that merely on the strength of this demonstration I ought to stand cleared of the impeachment, I will put in a yet stronger array both of laws and of other justifications. Now, please, take the law.

**LAW**

You have heard how the law expressly enjoins the punishment of those who utter abuse at a session of the court. But I have produced witnesses to the fact that I did not enter the magistrates’ hall, and that, as the fine was unjustly imposed on me, I neither owe it nor in justice ought to pay it. For if it is evident that I did not go into the court, and the law enjoins that the fine is to be due from those who misbehave inside it, it is manifest that I have done no wrong, but because of enmity, and for no such act, have been fined against all reason. They knew in their own hearts that they had done wrong; for they neither submitted their act to investigation, a nor went into a law-court to get their proceedings confirmed by a vote. However, supposing they had been correct in imposing a fine on me, and had got the imposition confirmed in your court, I should stand fairly cleared of the impeachment by the release of the Treasury clerks. For if they were not competent to exact or remit it, being lawfully fined I should reasonably owe the payment; but if they have power to remit, subject to rendering an account of their proceedings, they will easily be visited with the proper penalty for any wrong they have done.

had to submit, they omitted this fine, on the ground that the matter had been referred to the Treasury.
LYSIAS

13 Ὡμὲν τρόπω παρεδόθην καὶ ἔξημιῶθην, ἐπίστασθε· δεῖ δὲ ἦμάς μὴ μόνον τοῦ ἐγκλήματος τῆς αἰτίας ἀλλὰ καὶ τῆς ἐχθρας τῆς πρόφασιν εἰδέναι. Σωστράτω γὰρ φίλος ἐγενόμην πρότερον μὲν τῆς τούτων ἐχθρας, εἰδὼς δὲ περὶ τὴν πόλιν ἄξιον

14 λόγου γεγενημένον. γνώριμος δὲ γενόμενος διὰ τῆς ἐκείνου δυναστείας οὔτ' ἐχθρὸν ἐτυμωρησάμην οὔτε φίλον ἦνεργήτησα· ζῶντος μὲν γὰρ [διὰ τὴν] ἀνάγκην· διὰ τὴν ἡλικίαν ἐσχόλαζον, ἐκλυπότοτος δὲ τὸν βίον οὔτε λόγῳ οὔτε ἔργῳ ἐβλασφ. οὐδένα τῶν κατηγοροῦντων, ἔχω δὲ καὶ τοιαῦτα εἶπεν, εἰς ὧν ὑφελοῦμην ἂν πολὺ δικαίοτερον ὑπὸ τῶν ἀντι-

15 δίκων ἡ κακῶς πάσχομι. τὴν μὲν οὖν ὀργὴν διὰ τὰ προειρημένα συνεστήσαντο, προφάσεως οὐδεμίας πρὸς ἐχθραν ὑπαρχόντας. ὁμόσαντες μὲν οὖν τοὺς ἀστρατεύτους καταλέξειν παρέβησαν τοὺς ὀρκούς, προῆθεσαν δὲ τῷ πλῆθει βουλεύ-

16 σασθαι· περὶ τοῦ σώματος, ἐξημιώσαντες μὲν ὡς τὴν ἄρχην λοιδοροῦντα, κατολιγωρήσαντες δὲ τοῦ δικαίου, βιαζόμενοι βλάπτεν αἰ ἀπαντος [τοῦ] λόγου· πᾶν ἢ ἐπραξαν μέλλοντες μεγάλα μὲν ἐμὲ βλάψειν, πολλὰ δ' ἑαυτοὺς ὑφελήσειν, οὕτως οὐδετέρου τούτων ὑπάρχοντος πάντα περὶ ἑλάττονος

17 ποιοῦνται τοῦ ἄδικειν. ἀλλὰ γὰρ οἱ κατεφρόνησαν τοῦ ὑμετέρου πλῆθους, οὐδὲ φοβηθῆναι τοὺς θεοὺς ἥξισαν, ἀλλ' οὕτως ὀλιγώρως καὶ παρανόμως προσηνέχθησαν, ὡστε ἀπολογησάσθαι μὲν περὶ

1 διὰ τὴν ἀνάγκην mss.: καὶ ἀνάγκη Emperius.
2 βουλευσάσθαι Reiske: βουλεύσαι mss.
3 τοῦ del. Dobree.
4 δ' add. Franz.
5 ἄδικειν Reiske: δικαίον mss.
6 of Markland: ei mss.
7 οὕτως Aldus: οὔτε mss.

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Of the manner in which my name was handed over, and the fine imposed on me, you are now informed: but you must be apprised, not only of the charge preferred, but also of the pretext for this enmity. I had made friends with Sostratus before their enmity began, because I knew he had done remarkable service to the State. I became well-known through his personal influence, but did not make use of it either to avenge myself on an enemy or to serve a friend: for while he lived I was necessarily inactive on account of my age; and when he passed away I injured none of my accusers either in word or in deed, and I can give such an account of myself as will show that in justice I ought much rather to receive benefits than ill-treatment from my opponents. Well, the circumstances that I have mentioned had the effect of accumulating their anger, though they had no real excuse for enmity. And so, having taken their oaths to enrol only those who had not served in the field, they violated those oaths, and then brought my case before the people for decision on a capital charge, after having fined me for abusing the magistrates, and having utterly disregarded the claims of justice: they were exerting themselves to injure me on any sort of plea, and they would have stopped at nothing so long as they could do me grievous injury and also win great advantage for themselves, seeing that when they are sure of neither of these ends they make everything of less account than their injustice. Nay, the men who showed their contempt for the people of your city disdained also to show fear of the gods: so reckless and lawless were their proceedings that they did not

a The penalty being the loss of civic rights consequent on confiscation.
τῶν πεπραγμένων οὖν ἐπεξείρησαν, τὸ δὲ τελευταῖον, νομίζοντες οὐχ ἱκανῶς με τετμωρήσαται,
18 τὸ πέρας ἐκ τῆς πόλεως ἐξῆλασαν. διατεθέντες δὲ οὕτως παρανόμως καὶ βιαίως ἐπικρύψασθαι τὴν ἀδικίαν περὶ οὐδενὸς ἐποιήσαντο, παραγαγόντες δὲ πάλιν περὶ τῶν αὐτῶν ἡδικηκότα με οὐδὲν ἐπιδεικνύοντο καὶ λοιδοροῦσι, τοῖς μὲν ἔμοις ἑπιτηδεύμασιν οὗ προσηκούσας διαβολὰς ἐπιφέροντες, τοῖς δὲ αὐτῶν τρόποις τὰς οἰκείας καὶ συνήθεις.


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1 τοῦ del. Stephanus.
2 ἂν del. Stephanus.
3 ἐν add. Stephanus.
4 παραχθείς Markland: πραχθείς mss.

a He means, by implication, if their suit for the fine should be successful. b He refers to the Treasury officials.
even attempt to defend their actions; and finally, considering the revenge that they had taken on me insufficient, they took the last step of expelling me from the city. In this mood of lawless violence they have not cared at all to conceal their injustice, but have summoned me here again on the same charge; and although I have done no wrong, they denounce me and abuse me with a shower of calumnies that have no connexion with the tenor of my life, but are conformable and habitual to their own character.

These persons, then, are endeavouring on any sort of plea to get me cast in this suit. But you must neither be incited by their calumnies to condemn me, nor invalidate the decision of those who have acted on a better, and on a just, consideration. For their action was entirely in accordance with the laws and fair dealing, and it is plain that they have committed no injustice, but made most account of what is just. The injustice of these men only caused me a moderate annoyance, as I considered it ordained that one should harm one’s enemies and serve one’s friends; but to be deprived of justice at your hands would cause me a far deeper distress. For it will be thought that my evil plight is due, not to enmity, but to an evil condition of the State. Professedly, indeed, I am on trial for the matter of this writ, but actually for my citizenship. If I obtain justice—and I have confidence in your verdict—I may remain in this city; but if the summons of

\[c\] This doctrine was accepted by Greek thought as part of the fixed order of things: it appears in Hesiod, Works and Days 351, Pindar, Pyth. ii. 83, and a saying of Simonides to this effect is taken by Plato as the starting-point of his discussion of justice in Republic i. 332.

\[d\] Namely, confiscation.
τῶνδε εἰ ἀδίκως ἀλοίπην, ἀποδραίην ἄν. τίνι γὰρ ἐπαρθέντα ἐλπίδι δεῖ με συμπολιτεύεσθαι, ἢ τί μὲ χρὴ διανοηθέντα, εἰδότα μὲν τῶν ἀντιδίκων τὴν προθυμίαν, ἀποροῦντα δ' ὅθεν χρὴ τῶν δικαίων 22 τινὸς τυχεῖν; περὶ πλείστου οὖν ποιησάμενοι τὸ δίκαιον, καὶ ἐνθυμηθέντες ὅτι καὶ ὑπὲρ τῶν περιφανῶν ἀδικημάτων συγγνώμην ποιεῖσθε, τοὺς μὴ δὲν ἀδικήσαντας διὰ τὰς ἔχορας μὴ περιώδητε ἀδίκως τοῖς μεγίστοις ἀτυχῆμασι¹ περιπεσόντας.

¹ ἀτυχῆμασι Reiske: ἀδικήμασι mss.
these men should lead to my unjust conviction, I should run away. For with what hope to bear me up must I mingle with the citizens, or with what purpose in life, when I knew the zeal of my opponents, and could not tell where to look for any of my just rights? Put justice, therefore, above everything else; reflect that you grant pardon even for glaring acts of injustice; and do not allow those who are guilty of no injustice to be unjustly entangled in the greatest misfortunes because of private feuds.
X. AGAINST THEOMNESTUS, I

INTRODUCTION

In this private action Theomnestus is accused of having slandered the speaker by charging him with parricide. Some time before, Theomnestus had been impeached by Lysitheus for speaking in the Assembly after throwing away his shield in battle,—a reproach of cowardice which is familiar to us in Aristophanes: he had been acquitted, and had taken proceedings for perjury against one of Lysitheus’s witnesses, Dionysius, who was convicted and disfranchised. The present speaker had been accused of parricide by Theomnestus in the same action, and now prosecutes him for slander, after a preliminary hearing before an arbitrator.

In Athenian law certain defamatory statements were expressly forbidden, and among these were the charges of murder, of beating a parent, and of throwing away one’s shield: actions for such defamation, like the present, were heard before an ordinary court.

a Wasps 191; Birds 290, 1481.

b Composed of Athenian citizens serving as δικασταὶ. The case has been heard first by the Forty, who had to deal with most private suits, and then referred to an official arbitrator (διακρήτης, § 6), from whose decision an appeal is now made to an ordinary court.
AGAINST THEOMNESTUS, I

his age in the time of the Thirty (4) we gather that the speech was delivered in 384-383 B.C. His lively argument first dismisses the possibility of his having killed his father (4-5), and then proceeds to his main business of ridiculing the pedantic excuse put forward by Theomnestus for his admitted obloquy,—that the law forbids the use of the word "murdered," and he only said "killed." One might expect, on this principle, to escape punishment for any kind of slander, if only the words actually mentioned in the law are to be punishable (6-9). And so all sorts of quibbles might be allowed in regard to other offences and crimes (10-14). To make the matter still clearer, let us take some of the antiquated words in the laws of Solon: some of these have been abandoned altogether, but we observe the intention of the law none the less (15-20). Theomnestus obtained redress when he had been accused of cowardice in the field: much more should the speaker obtain it, when he has been charged with the awful crime of parricide (21-26). He recalls the valiant services of his father, and contrasts them with the poltroonery of the defendant and his father (27-29). Theomnestus has another excuse,—that he made the charge in the heat of ill-temper: but this cannot be allowed in law (30). The speaker in his youth impeached the Thirty Tyrants: son and father alike deserve a just sentence upon their maligners (31-32).

The vigour, directness and accomplished ease of the speech proclaim it a genuine and excellent work of Lysias.
Χ. ΚΑΤΑ ΘΕΟΜΝΗΣΤΟΥ, Α

1 Μαρτύρων μὲν οὐκ ἀπορίαν μοι ἔσεσθαι δοκῶ, ὦ ἄνδρες δικασταί· πολλοὺς γὰρ ὡμῶν ὅρω δικάζοντας τῶν τότε παρόντων, ὅτε Λυσίθεος Θεόμνηστον εἰσήγγελλε τὰ ὅπλα ἀποβεβληκότα, οὐκ ἔξον αὐτῷ, δημηγορεῖν· ἐν ἐκείνῳ γὰρ τῷ ἁγίῳ τὸν πατέρα μ᾽ ἐφασκεν ἀπεκτονέναι τὸν ἐμαυτοῦ.  

2 ἐγὼ δ', εἰ μὲν τὸν ἐμαυτοῦ μὲ ἀπεκτονέναι ἦττατο, συγγνώμην ἂν ἔχον αὐτῷ τῶν εἰρημένων (φαύλου γὰρ αὐτὸν καὶ οὐδενὸς ἄξιον ἡγούμην); οὔτε εἰ τι ἀλλ' τῶν ἀπορρήτων ἱκουσα, οὐκ ἂν ἐπεξήλθον αὐτῶ (ἀνελευθέρου γὰρ καὶ λίαν φιλοδίκου εἶναι).  

3 νομίζω κακηγορίας δικάζεσθαι). νυνὶ δὲ αἰσχρόν μοι εἶναι δοκεῖ περί τοῦ πατρός, οὕτω πολλού ἄξιον γεγενημένου καὶ ὡμῶν καὶ τῇ πόλει, μή τιμωρήσασθαι τὸν ταῦτ' εἰρηκότα, καὶ παρ' ὡμῶν εἰδέναι βουλομαι πότερον δώσει δίκην, ἢ τούτω μόνω Ἀθηναίων ἔξαερτόν ἔστι καὶ ποιεῖν καὶ λέγειν παρὰ τοὺς νόμους ὃ τι ἂν βουλήται.  

4 'Εμοὶ γὰρ, ὦ ἄνδρες δικασταί, ἔτη ἔστι <δύο καὶ>² τριάκοντα, ἐξ ὅτου <δ'>³ ὑμεῖς κατεληλύθατε, εἰκοστὸν τούτ. φαίνομαι οὖν τρισκαίδεκάτης ὃν ὅτε ὁ πατὴρ ὑπὸ τῶν τριάκοντα ἀπέθνησκε.

¹ ἀνελευθέρου ... φιλοδίκου Markland: -ον ... -ον mss.  
² δύο καὶ add. Contius.  
³ δ’ add. Markland.
X. AGAINST THEOMNESTUS, I

I believe that I shall not be at a loss for witnesses, gentlemen of the jury; for I see many of you in this place of judgement who were present at the time when Lysitheus was prosecuting Theomnestus for speaking before the people, since he had lost the right to do so by having cast away his armour. Now it was during that trial that he asserted that I had killed my own father. If he accused me of having killed his own, I should forgive him his statement, regarding him as an insignificant and worthless person; nor, if I had heard him apply any other forbidden term to me, should I have taken steps against him, since I consider it a mark of a mean and too litigious person to go to law for slander. But in the present case I feel it would be disgraceful,—as it concerns my father, who has deserved so highly both of you and of the State,—not to take vengeance on the man who has made that statement; and I wish to know from you whether he will be duly punished, or whether he alone of the Athenians has the privilege of doing and saying whatever he pleases in defiance of the laws.

My age, gentlemen, is thirty-two, and your return to the city was nineteen years ago. It will be seen, therefore, that I was thirteen when my father was * 403 B.C.
LYSIAS

ταύτην δὲ ἐχων τὴν ἡλικίαν οὔτε τί ἐστιν ὀλιγαρχία ἡπιστάμην, οὔτε ἢν ἔκεινώ ἁδικουμένω ἑδυνάμην

5 βοηθήσατ· καὶ μὲν δὴ οὐκ ὀρθῶς τῶν χρημάτων ἕνεκα ἐπεβούλευσα <ἀν> αὐτῷ· ὁ γὰρ προσβύτερος ἀδελφὸς Πανταλέων ἀπαντᾷ παρέλαβε, καὶ ἐπιτροπεύσας ἦμᾶς τῶν πατρῶν ἀπεστέρησεν, ἢστε πολλῶν ἕνεκα, ὡς ἄνδρες δικασταί, προσήκει μοι αὐτὸν βούλεσθαι ζην· ἀνάγκη μὲν οὖν περὶ αὐτῶν μνησθῆναι, οὐδὲν δὲ δεὶ πολλῶν λόγων· σχεδὸν γὰρ ἐπίστασθε ἀπαντεῖ ὅτι ἀληθῆ λέγω. ὦμως δὲ μάρτυρας αὐτῶν παρέξομαι.

ΜΑΡΤΥΡΙΣ

6 Ἰσως τούτων, ὡς ἄνδρες δικασταί, περὶ τούτων μὲν οὐδὲν ἀπολογήσεται, ἐρεί δὲ πρὸς θμάς ἀπερ ἐτόλμα λέγειν καὶ πρὸς τὸν διαιτητήν, ὡς οὐκ ἐστι τῶν ἀπορρήτων, ἐάν τις εἴπη τὸν πατέρα ἀπεκτονέναι· τὸν γὰρ νόμον οὐ παύτ' ἀπαγορεύειν, ἀλλ'

7 ἄνδροφόνον οὐκ ἐὰν λέγειν. ἐγὼ δὲ οἴμαι θμᾶς, ὡς ἄνδρες δικασταί, οὐ περὶ τῶν ὄνομάτων διαφέρεσθαι ἄλλα τῆς τούτων διανοίας, καὶ πάντας εἰδέναι, ὅτι ὅσοι ἀπεκτόνασι τινας, καὶ ἄνδροφόνοι εἰσί, καὶ ὅσοι ἂνδροφόνοι εἰσί, καὶ ἀπεκτόνασι τινας. πολὺ γὰρ ἐργὸν ἢν τῷ νομοθετῇ ἀπαντα τὰ ὅνοματα γράφειν ὅσα τῆς αὐτῆς δύναμιν ἔχει·

8 ἀλλὰ περὶ ἐνός εἰπὼν περὶ πάντων ἐδήλωσεν. οὐ γὰρ δήπου, ὡς Θεόμυηστε, εἰ μὲν τίς σε εἶποι


* The speaker was thus too young either to be implicated in the political murder of his father or to aid in his protection. 200
AGAINST THEOMNESTUS, I. 4–8

put to death by the Thirty. At that age I neither knew what an oligarchy was, nor would have been able to rescue him from the wrong that he suffered. Besides, I could have had no true motive in the monetary way for making designs upon him: for my elder brother Pantaleon took over everything, and on becoming our guardian he deprived us of our patrimony; so that I have many good reasons, gentlemen, for wishing my father alive. Now, although it is necessary to mention those reasons, there is no need to dwell on them at length; for you all know well enough that I am speaking the truth. Nevertheless I will produce witnesses to those facts.

WITNESSES

Well, it may be, gentlemen, that he will make no defence on these points, but will state again to you what he had the boldness to say before the arbitrator—that it is not a use of a forbidden word to say that someone has killed his father, since the law does not prohibit that, but does disallow the use of the word "murderer." For my part, gentlemen, I hold that your concern is not with mere words but with their meaning, and that you are all aware that those who have killed someone are murderers, and that those who are murderers have killed someone. For it was too much of a task for the lawgiver to write all the words that have the same effect; but by mentioning one he showed his meaning in regard to them all. For I presume, Theomnestus, you would not go so far, while expecting to get satisfaction from

b At the preliminary trial, which was subject to appeal to a higher court. See Introduction, p. 196, note b.
Magistrates who had powers of summary arrest and judgement in capital and other serious cases, and also the charge of prisons and executions.

The speaker suggests that Theomnestus’s ignorance...
a man who called you a father-beater or a mother-beater, as to consider that he should go unpunished for saying that you struck your male or your female parent, because he had spoken no forbidden word! And I should be glad if you would tell me this,—since of this affair you are a past master, both in action and in speech: if a man said that you had cast your shield (in the terms of the law it stands,—“if anyone asserts that a man has thrown it away, he shall be liable to penalty”), would you not prosecute him? Would you be content, if someone said you had cast your shield, to make nothing of it, because casting and throwing away are not the same thing? Nay, if you were one of the Eleven, you would refuse to accept a prisoner arrested on the charge of having pulled off the accuser’s cloak or stripped him of his shirt: by that same rule, you would rather let him go, because he was not called a clothes-stealer! Or if somebody were seized for the abduction of a child, you would declare him to be no kidnapper, since your contention will be about words, and you will have no thought to spare for deeds,—objects for which all men make their words! Then, again, consider this, gentlemen,—for I believe that this man, from indolence and enervation, has not even gone up to attend the Areopagus: you all know that in that place, when they try cases of murder, they do not use this term in making the sworn statements, but the one which was used for slandering me; the prosecutor swears that the other party has killed, and the defendant that he has not killed. Well now, it would be absurd to acquit the doer of the deed when shows that he has never attended a sitting of the Areopagus, the most august tribunal of Athens.
LYSIAS

σαντ’ ἀφείναιτ’ φάσκοντα ἀνδροφόνον εἶναι, ὅτι ὁ διώκων, ὡς ἐκτενεῖ, τὸν φεύγοντα διωμόσατο; τί γάρ ταῦτα, δὲν οὕτως ἔρει, διαφέρει; καὶ αὐτὸς μὲν Λυσιθέως κακηγορίας ἐδικάσω εἰπόντι σε ἐρριφέναι τῇ ἀσπίδα. καίτοι περὶ μὲν τοῦ ῥῆμας οὔδὲν ἐν ὑπ’ ἀποβεβληκέναι τὴν ἀσπίδα, πεντακοσίας δραχμᾶς

13 ὀφείλεινι κελεύει. οὐκ οὖν δεινὸν, εἰ ὅταν μὲν δέη σὲ κακῶς ἀκούσαντα τοὺς ἕχθρους τιμωρεῖσθαι, οὔτω τοὺς νόμους ὡσπερ ἐγὼ νῦν λαμβάνεις, ὅταν ὃ ἐτερον παρὰ τοὺς νόμους εἰπῆς κακῶς, οὐκ ἀξιοῖς δοῦναι δίκην; πότερον οὖτως σὺ δεινὸς εἰ ὡστε, ὅπως ἂν βούλῃ, οἷος τ’ εἰ χρῆσθαι τοῖς νόμοις, ἡ τοσοῦτον δύνασαι ὡστε οὐδέποτε οἴει τοὺς ἁδικουμένους ὑπὸ σοῦ τιμωρίας τεῦξεσθαι;

14 εἰτ’ οὐκ αἰσχύνῃ οὕτως ἀνοῆτως διακείμενος, ὡστε οὐκ ἐξ ὃν εὐ πεποίηκας τὴν πόλιν, ἀλλ’ ἐξ ὃν ἀδικῶν οὐ δέδωκας δίκην, οἴει δεῖν πλεονεκτεῖν; καὶ μοι ἀνάγνωσθι τὸν νόμον.

NOMOS

15 Ἐγὼ τούτων, ὃ ἀνδρες δικασταί, ὑμᾶς μὲν πάντας εἰδέναι ἡγοῦμαι ὅτι ἐγὼ μὲν ὄρθως λέγω, τούτων δὲ οὕτω σκαῖν οὖν ἐστε οὐ δύνασθαι μιαθεῖν τὰ λεγόμενα. βούλομαι ὃν αὐτὸν καὶ ἐξ ἑτέρων νόμων περὶ τούτων διδάξαι, ἐὰν πως ἀλλὰ νῦν ἐπὶ τοῦ βήματος παιδευθῆ καὶ τὸ λοιπὸν ἡμῖν μὴ

1 ὀμάσαντ’ ἀφείναι Dobson: δείξαντα κτείναι mss.
2 Λυσιθέω Frohberger: Θέων mss.
3 εἰπόντι σε Taylor: εἰπε τίς σε mss.
4 εὖ add. Markland.
5 καὶ μοι Markland: καίτοι mss.

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he declared he was a murderer, on the ground that
the prosecutor deposed on oath that the defendant
killed. And is not this the same thing as what this
man's plea will amount to? Why, you have taken
proceedings yourself against Lysitheus for slander,
because he said that you had cast your shield: yet
there is nothing in the terms of the law about casting,
whereas, if anyone says, that a man has thrown away
his shield, it imposes a penalty of five hundred
drachmae. How monstrous it is, then, that when
you have to avenge yourself on your enemies for
slander you take the laws in the sense that I do now,
but when you slander another in defiance of the laws
you claim to escape punishment! Tell me, are you
so clever that you are able to turn the laws about to
suit your pleasure, or so powerful that you suppose
that the people whom you have wronged will never
get their revenge? And then, are you not ashamed
of such a senseless vagary as to presume on advan-
tages due to you, not for any services done to the
State, but for your unpunished offences? Please
read me the law.

Law

Well, gentlemen, I think you have all perceived
that my statement is correct, whereas this man is so
stupid that he cannot understand a word that is said.
So I would like to avail myself of some other laws for
his instruction on these points, in the hope that even
now, on the daïs, he may learn a lesson, and may

a About £30.
b There were separate raised seats for the prosecutor and
the defendant.
LYSIAS

παρέχει πράγματα. καί μοι ἀνάγνωσθι τούτους τοὺς νόμους τοὺς Σόλωνος τοὺς παλαιοὺς.

ΝΟΜΟΣ

16 "Δεδέσθαι δ' ἐν τῇ ποδοκάκκη ἡμέρας πέντε τὸν πόδα, ἐὰν [μή]¹ προστιμήσῃ ἡ ἡλιαία." Ἡ ποδοκάκκη αὐτὴ ἦστιν, ὁ Θεόμνηστε, δ' νῦν καλεῖται ἐν τῷ ξύλῳ δεδέσθαι. εἰ οὖν ὁ δεθεὶς ἐξελθὼν ἐν ταῖς εὐθύναις τῶν ἐνδεκα κατηγοροῦσ' ὁτι οὔκ ἐν τῇ ποδοκάκκῃ ἐδεδετο ἀλλ' ἐν τῷ ξύλῳ, οὔκ ἐν ἡλίθιον αὐτὸν νομίζοιες; λέγε ἐτερον νόμον.

ΝΟΜΟΣ

17 "Ἐπεγγυῶν δ' ἐπιορκήσαντα τὸν Ἀπόλλω. δεδι-ότα δὲ δίκης ἐνεκα δρασκάζειν." Τοῦτο τὸ ἐπιορκήσαντα ὁμόσαντα² ἦστι, τὸ τε δρασκάζειν, δ' νῦν ἀποδιδράσκειν ὁνομάζομεν. "Ὅστις δὲ ἀπίλλει τῇ θύρᾳ, ἐνδον τοῦ κλέπτου ὀντος." Τὸ ἀπίλλευν τοῦτο³ ἀποκλείειν νομίζεται, καὶ μη-δὲν διὰ τοῦτο διαφέρου.

18 "Τὸ ἄργυριον στάσιμον εἶναι ἐφ' ὀπόσῳ ἄν βού-ληται ὁ δανείζων." Τὸ στάσιμον τοῦτο ἦστιν, ὃ βέλτιστε, οὐ ζυγῷ ἤσταν τὰ τόκον πράττεσθαι ὀπόσον ἄν βούληται. ἔτι δ' ἀνάγνωσθι⁴ τούτου⁵ τοῦ νόμου τὸ τελευ-ταῖον.

19 ""Ὅσαι δὲ πεφασμένως πολοῦνται," καὶ "οἰκής [καὶ] βλάβης τὴν διπλῆν⁶ εἶναι ὀφείλει εἰναι ὀφείλειν." 206
henceforward cease from his vexatious proceedings against us. Please read me those ancient laws of Solon.

**Law**

"He shall have his foot confined in the stocks for five days, if the court shall make such addition to the sentence."

The "stocks" there mentioned, Theomnesterus, are what we now call "confinement in the wood." So if a person confined should on his release accuse the Eleven, at their public examination, of having him confined, not in the stocks, but in the wood, they would take him for an idiot, would they not? Read another law.

**Law**

"He shall vow by Apollo and give security. If he dreads the course of justice, let him flee."

Here to "vow" is to "swear," and "flee" is what we now call "run away." "Whosoever debars with his door, when the thief is within,"—Here to "debar" is taken to be "shut out"; no dispute, now, on that score! "Money shall be placed out at whatever rate the lender may choose." "Placed out" here, my fine fellow, is not a case of placing in the balance, but of drawing interest to such amount as one may choose. Once more, read the final clause of this same law. "All women who ply about overtly," and "for hurt to a varlet the redress shall be double." Pay
LYSIAS

Προσέχετε τὸν νοῦν. τὸ μὲν πεφασμένως ἐστὶ φανερῶς, πολείσθαι δὲ βαδίζειν, τὸ δὲ οἰκήσος θερά-20 τοντος. πολλὰ δὲ τοιαῦτα καὶ ἄλλα ἐστίν, ὥς ἄνδρες δικασταί. ἂλλ' εἰ μὴ σιδηροῦσ ἐστιν, οὐκει αὐτὸν ἔννοιν γεγονέναι ὅτι τὰ μὲν πράγ-118] ματα ταὐτά ἐστι νῦν τε καὶ πάλαι, τῶν δὲ ὠνο-μάτων ἐνίοις οὐ τοῖς αὐτοῖς χρώμεθα νῦν τε καὶ πρότερον. δηλώσει δὲ· οἰχήσεται γὰρ ἀπιῶν ἀπὸ τοῦ βίηματος σιωπῆ. εἰ δὲ μὴ, δέομαι ὑμῶν, ὥς ἄνδρες δικασταί, τὰ δίκαια ψηφίσασθαι, ἐνθυμο-μένους ὅτι πολὺ μείζον κακῶν ἑστιν ἀκούσαί τινα1 τὸν πατέρα ἀπεκτονέναι ή τὴν ἁσπίδα ἀπο-βεβληκέναι. ἐγὼ γοῦν δεξαίμην ἃν πάσας τὰς ἁσπίδας ἔρριφεν ή τοιαύτην γνώμην ἔχειν περὶ τὸν πατέρα.

22 Οὗτος οὖν ἔνοχος μὲν ὃν τῇ αὐτίᾳ, ἑλάττονος δὲ οὐσίας αὐτῶ τῆς συμφορᾶς, οὐ μόνον ὑφ' ὑμῶν ἡλείηθη, ἄλλα καὶ τὸν μαρτυρήσαντα ἡτίμωσεν. ἐγὼ δὲ ἐωρακὼς μὲν ἕκεινο τοῦτον ποιήσαντα δὲ καὶ οὐκεῖς ἵστε, αὐτὸς δὲ σώσας τὴν ἁσπίδα, ἀκηκώς δὲ ὁὕτως ἀνόσιον2 καὶ δεινὸν πράγμα, μεγίστης δὲ οὐσίας μοι τῆς συμφορᾶς, εἰ ἀπο-φεύξεται, τούτω δ' οὔδενος ἀξίας, εἰ κακηγορίας ἀλώσεται, οὐκ ἃρα δίκην παρ' αὐτοῦ λήψομαι;

23 τίνος οὗτος ἐμὸι πρὸς ὑμᾶς ἐγκλήματος; πότερον ὅτι δικαίως ἀκήκοα; ἄλλ' οὖν δ' ἂν αὐτῷ φήσατε. ἄλλ' ὅτι βελτίων καὶ ἐκ βελτιώνων ὁ φεύγων ἐμὸδ; ἄλλ' οὖν δ' ἂν αὐτὸς ἀξιώσειεν. ἄλλ' ὅτι ἀποβεβλη-κὼς τὰ ὀπλα δικάζομαι κακηγορίας τῷ σώσαντι;

1 ἀκούσαι τινα Foertsch: ἀκούσαντα mss.

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AGAINST THEOMNESTUS, I. 19-23

attention: "overtly" is "openly," "ply about" is "walk about," and a "varlet" is a "servant." We have many other instances of the sort, gentlemen. But if he is not a numskull, I suppose he has realized that things are the same now as they were of old, but that in some cases we do not use the same terms now as we did formerly. And he will show as much, for he will leave the daïs and depart in silence. If not, I beg you, gentlemen, to vote according to justice, reflecting that it is a far greater slur to be told that one has killed one's father than that one has thrown away one's shield. I, for one, would rather have cast any number of shields than entertain such thoughts regarding my father.

Now this man, on a charge which was well-founded, but which involved less disaster to him, obtained not only your pity, but even the disfranchisement of the witness for the prosecution. But I, who have seen him do that which you likewise know, who have saved my own shield, who have been accused of a proceeding thus unholy and monstrous, and whose disaster will be overwhelming if he is acquitted, while his will be inconsiderable if he is convicted of slander,—am I not to obtain satisfaction from him? What imputation have you standing against me? Is it that I have been justly accused? No, not even yourselves can say so. That the defendant is a better man and of better birth than I? No, not he himself can claim this. That having thrown away my arms I am suing for slander a man who saved his?

a For perjury.  

b Namely, throw away his shield.

\[ \text{a} \ \text{\textit{dvósiou} Hertlein: \textit{dvomov} mss.} \]
LYSIAS

αλλ' οὐχ οὗτος ὁ λόγος ἐν τῇ πόλει κατεσκέδασταί. 24 ἀναμνήσθητε δὲ ὅτι μεγάλην καὶ καλῆν ἐκείνην ἰωρεῖν αὐτῷ δεδώκατε. ἐν ἥ τίς οὐκ ἂν ἐλέησεις Διονύσιον, τοιαύτη μὲν συμφορὰ περιπεπτωκότα, ἀνδρά δὲ ἀριστοῦ ἐν τοῖς κινδύνοις γεγενημένον, 25 ἀπίόντα δὲ ἀπὸ τοῦ δικαστηρίου [καὶ] 3 λέγοντα ὅτι δυστυχεστάτην ἐκείνην εὑρίσκεις στρατεύεις εὑρίσκεις, ἐν ἥ πολλοὶ μὲν ἡμῶν ἄπεθανον, οἱ δὲ σώσαντες τὰ ὁπλα ὑπὸ τῶν ἀποβαλόντων ψευδομαρτυρίων ἐαλώκασε, κρείττον δὲ ἦν αὐτῷ τότε ἄποθανεν. 26 ἦ οἶκαί ἐλθόντι τοιαύτη τὐχῇ χρῆσθαι; μὴ τοιῶν ἀκούσατά <τε> Ἀθέομνηστον κακῶς τὰ προσήκοντα ἐλεείτε, καὶ ὑβρίζοντι καὶ λέγοντι παρὰ τοὺς νόμους συγκυώμην ἔχετε. τίς γὰρ ἂν ἐμοὶ μεζών ταύτης γένοιτο συμφορά, περὶ τοιοῦτον 27 πατρὸς οὗτος αἰσχρὰς αἰτίας ἀκηκοότε; ὃς πολλάκις μὲν ἐστρατήγησε, πολλοὺς δὲ καὶ ἄλλους κινδύνους μεθ᾽ ὑμῶν ἐκινδύνευσε καὶ ὅπου τοῖς πολεμίοις τὸ ἐκεῖνον σῶμα ὑποχείριον ἐγένετο, οὔτε τοῖς πολίταις οὐδὲμίαν πώποτε ὦφλεν εὐθύνη, ἐτὴ δὲ γεγονὼς ἐπτὰ καὶ ἔξηκοντα ἐν ὁλιγαρχίᾳ δὲ εὔνοιαν τοῦ ὑμετέρου πλήθους 28 ἄπεθανεν. ἢρ' ἄξιον ὀργισθῆναι τῷ <τοιαύτῃ> εἰρηκότι καὶ βοηθῆσαι τῷ πατρί, ὅσ καὶ ἐκείνου κακῶς ἀκηκοότος; τί γὰρ ἂν τούτου ἀνιερότερον γένοιτο αὐτῷ, ἡ τεθνάναι μὲν ὑπὸ τῶν ἐχθρῶν, αἰτίαν δ᾽ ἔχειν ὑπὸ τῶν παιδῶν ἄνηρήσχαι; οὔ ἔτι καὶ νῦν, ὡς ἀνδρες δικασται, τῆς ἀρετῆς τα

1 κατεσκέδασταί Brulart: κατεσκεύασταί mss.
3 τε add. Bekker.
4 ἀκηκοότε; ὃς Reiske: ἀκηκοότος mss.
5 τοιαύτη add. Frohberger.
6 ἄνηρήσχαι add. Brulart.

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This is not the story that has been disseminated in the city. Remember that there you have presented him with a rich and goodly gift: in that respect, who would not pity Dionysius for the disaster that overtook him, after he had proved himself a man of the highest valour in times of danger, who on leaving the court remarked that that was our most calamitous campaign, in which many of us were killed, and those who saved their arms had been condemned for false witness at the suit of those who threw theirs away; and that it had been better for him to be killed on that day than return home to meet with such a fate? Do not, then, if you pity Theomncestus for the obloquy that he deserves, forgive him for outrages and expressions whereby he has broken the laws. For what greater misfortune could befall me, after I have had such shameful charges brought against me, and in relation to such a father? He was general many times, and shared your peril besides in many a conflict: neither did his person fall into the hands of the enemy, nor was he ever convicted by his fellow-citizens at any audit of his service, but at the age of sixty-seven he lost his life under the oligarchy for loyalty to your people. Is there not good cause to feel anger against the man who has made such statements, and to defend my father as included in this calumny? For what more distressing fate could overtake him than this,—after being slain by his enemies, to bear the reproach of having been destroyed by his children? Even now, gentlemen, the memorials

\(a\) i.e., his success in securing the condemnation and disfranchisement of Dionysius, the other witness in the previous trial.
LYSIAS

...μημεία πρὸς τοὺς ὑμετέρους ἱεροῖς ἀνάκειται, τὰ δὲ τούτου καὶ τοῦ τούτου πατρὸς τῆς κακίας πρὸς τοὺς τῶν πολεμιῶν· οὕτω σύμφυτος αὐτοῖς ἡ δελία. καὶ μὲν ὅ, ὡς ἄνδρες δικασταί, ὅσῳ μείζονς εἰσὶ καὶ νεανίαι τὰς ὀψεις, τοσοῦτοι μᾶλλον ὄργης ἄξιοί εἰσι. δὴ λοιπὸν γὰρ ὅτι τοὺς μὲν σώματι δύνανται, τὰς δὲ ψυχὰς οὐκ ἔχουσιν.

Ἀκοῦστ' ὡς αὐτόν, ὡς ἄνδρες δικασταί, ἐπὶ τούτου τὸν λόγον τρέπεσθαι, ὡς ὀργισθεὶς εἰρήκε ταῦτα ἐμοὶ μαρτυρήσαντος τὴν αὐτὴν μαρτυρίαν Διονυσίων. ὑμεῖς δ' ἐνθυμεῖσθε, ὡς ἄνδρες δικασταί, ὅτι ὁ νομοθέτης οὐδεμίαν ὀργῆν συγγνώμην δίδωσιν, ἀλλὰ ἥμισυ τὸν λέγοντα, εάν μὴ ἀποφαίνῃ ὡς ἐστιν ἀληθῆ τὰ εἰρημένα. ἐγὼ δὲ δις ἦδη περὶ τούτου μεμαρτύρηκα· οὐ γὰρ πώ ἦδη ὅτι ὑμεῖς τοὺς μὲν ὑδόντας τιμωρεῖσθε, τοῖς δὲ ἀποβαλοῦσι συγγνώμην ἔχετε.

Περὶ μὲν οὖν τούτων οὐκ οἰδ' ὃ τι δεῖ πλεῖω λέγειν· ἐγὼ δ' ὑμῶν δεόμαι κατασφησάσθαι Θεομυνήστου, ἐνθυμομένως ὅτι οὐκ ἂν γένοιτο τούτου μείζων ἀγών μοι. τὸν γὰρ διώκει τίνος ὡς θεός ἀνθρωποφάιος τῇ ἐν τῷ πατρὸς, ὅς μόνος, ἐπειδὴ τάχιστα ἐδοκιμάσθην, ἐπεξήλθον τοῖς τριάκοντα ἐν Ἀρείῳ πάγῳ. ὃν μεμνημένου καὶ ἄμοι καὶ τῷ πατρὶ βοηθήσατε καὶ τοῖς νόμοις τοῖς κεμένοις καὶ τοῖς ὀρκοῖς οἷς ὀμωμόκατε.

1 ἱεροῖς add. Contius.
2 ἔν add. Emperius.
3 μὲν add. Scheibe.

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of his valour are hanging in your temples, while those of this man's and his father's baseness are seen in the temples of the enemy, so ingrained is cowardice in their nature. And indeed, gentlemen, the taller and more gallant they are in looks, the more they are deserving of anger. For it is clear that, though strong in their bodies, they are ill in their souls.

I hear, gentlemen, that he is resorting to the argument that he has made these statements in a fit of anger at my having borne witness to the same effect as Dionysius. But your reflection on this, gentlemen, must be that the lawgiver grants no indulgence to anger; he punishes the speaker, unless he proves the truth of the statements that he has made. I myself have now borne witness twice in regard to this man; for I was not yet aware that you punished the persons who had seen the deed, but pardoned those who had done the throwing away.

I doubt if on these points there is need to say any more. I request you to condemn Theomnestus, reflecting that no trial could be more serious for me than the present. For although I am now prosecuting for slander, yet at the same casting of your vote I am prosecuted for murdering my father,—I who alone, as soon as I was certified to be of age,\(^a\) indicted the Thirty before the Areopagus. Remembering these reasons, vindicate me and my father, and also the established laws and the oaths that you have sworn.

\(^a\) By the Council, when he was eighteen years old.
XI. ΚΑΤΑ ΘΕΟΜΝΗΣΤΟΥ Β

1 ὤτι μὲν τὸν πατέρα μ’ ἐφασκεν' ἀπεκτονέαν, πολλοὶ συνοίδασιν ὑμῖν, καὶ μαρτυροῦσι δέ μου· ὅτι δὲ οὐ πεποίηκα, δῆλον· ἐτή γὰρ ἐστὶ μοι δύο καὶ τριάκοντα, ἐξ οὖ δ’ ὑμεῖς κατήλθετε, ἐκείστον·

2 τοῦτι. φαίνομαι οὖν δωδεκαέτης ὡν, ὅτε ὁ πατὴρ ὑπὸ τῶν τριάκοντα ἀπέθηκεν, ὥστ’ οὐδ’ ὁ τι ὀλυγαρχία ἢν ἢδη, οὖδὲ τῷ πατρὶ βοηθεῖν οἷος τ’ ἦ. ἀλλὰ μὴν οὖδὲ τῶν χρημάτων ἑνεκα ἐπεβούλευσα αὐτῷ· ὁ γὰρ πρεσβύτερος ἀδελφὸς πάντα λαβὼν ἀπεστέρησεν ἡμᾶς.

3 Ἰσὼς δ’ ἐρεῖ ως οὐκ ἐστὶ τῶν ἀπορρήτων, εάν τις φη τὸν πατέρα ἀπεκτονέαν· τὸν γὰρ νόμον οὐ ταῦτ’ ἀπαγορεύειν, ἀλλ’ ἀνδροφόνοις οὐκ ἔαν λέγειν. ἐγὼ δ’ οἱμαί δεῖν οὐ περὶ τῶν ἀνομίατων διαφέρε- σθαί, ἀλλὰ περὶ τῆς τῶν ἐργῶν διανοίας, καὶ πάντας εἰδέναι ὧτι ὁπόσοι2 ἀπεκτόνασι τινας, καὶ ἀνδρο- φόνοι τῶν αὐτῶν ἔσοι, καὶ ὁσοὶ ἀνδροφόνοι τινός, καὶ ἀπεκτόνασι τοῦτον. πολὺ γὰρ ἄν ἐργον ἐῃ τῷ νομοθέτῃ πάντα γράφειν τὰ ὀνόματα, ὡσα τὴν αὐτὴν δύναμιν ἔχει· ἀλλὰ περὶ ἐνὸς εἰπὼν περὶ πάντων ἐδήλωσεν. οὐ γὰρ δήποτε ἐὰν μὲν τις πατραλοίαν ἡ μητραλοίαν καλῇ σε,3 ὑπόδικος

1 ἐφασκεν Taylor: ἐφασκον mss.
2 ὁπόσο Stephanus: ὁποίοι mss.
3 καλῇ σε Markland: καλέσῃ mss.
XI. AGAINST THEOMNESTUS, II

(An Abstract of the preceding Speech, made perhaps as late as 200 a.d.)

That he asserted that I had killed my father is in the knowledge of many of you, and they are my witnesses. But that I have not done it is evident; for I am thirty-two years old, and this is the twentieth year since your return to the city. You see, then, that I was twelve years old when my father was put to death by the Thirty, so that I did not even know what an oligarchy was, nor was I capable of defending my father. Nor, again, was his property a motive for my having designs upon him; for my elder brother got everything, and left us destitute.

Perhaps he will say that it is not among the forbidden things to say a man has killed his father, since the law does not prohibit this, but disallows the word "murderer." But I think our dispute ought not to be over mere terms, but over the intention shown in acts, and that everyone knows that all who have killed others are murderers of those same persons, and those who are murderers of another have killed that man. For it would be too great a task for the lawgiver to write all the terms that have the same meaning: he preferred to mention one which should indicate all. I presume it cannot be that, if anyone who calls you a father-beater or a
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έστιν, ἓν δὲ τις τὴν τεκοῦσαν ἥ τὸν φυτεύσαντα
5 τύπτειν φή Emperius: τύπτοι mss.

1 ἀξίσμοις ἔσται. καὶ ἐάν2 τις εἴπῃ
2 ἐὰν Hermann: εἰ mss.

ρύφασσιν, ἀλλοίς ἐσται: τὸν γὰρ νόμον, ἐὰν τις εἴπῃ ἀποβεβληκέναι τὴν ἀσπίδα, ἐστὶν τάττειν,
3 ἐξέδυε τίνος Emperius: ἐξω θέμενος mss.

ἀλλ' οὖκ ἂν τις ρύφα σφῆναυτήν. ὁμοίως δ' ἂν καὶ
tῶν ἐνδέκα γενόμενοι οὖκ ἂν ἀπεδέχοι τὸν ἀπ-
4 τιμωρεῖσθαι Baiter et Sauppe: τιμωρεῖν mss.

αγόμενον, ὅτι θυμάσθην ἐξέδυε τίνος3 ἥ τὸν χιτω-
5 ἀξιοῦν Taylor: ἀξιοῦν mss.

6 μή λιπτοῦσιν ὑνομαζένι. οὐδ' εἰ τις
6 ἀκοῦσαι add. Baiter et Sauppe.

παῖδ' ἐξῆγεν, ὡς ἀνδραποδίστην· καὶ αὐτὸς μὲν
dικάσω κακηγορίας τῷ εἰπόντι σε ρύφα τὴν
7 ἀκοῦσαι Baiter et Sauppe: ἀκοῦσαι mss.

ἀποβεβληκέναι. πῶς οὖν οὐ δευνόν,
7 ἀκούσω Taylor: ἀκούσω mss.

ἐάν μὲν τις σὲ εἴπῃ, τοὺς νόμους ἐκλαμβάνειν
8 ἀκοῦσω add. Markland.

οὕτως ὡσπερ ἐγὼ νῦν, καὶ τιμωρεῖσθαι4 τοὺς
8 ἄν add. Markland.

ἐξήρουσι, ἐὰν δ' αὐτὸς εἴπης, οὐκ ἀξιοῦν5 δοῦναι
9 ἀκοῦσαι add. Baiter et Sauppe.

7 δίκην; βοηθήσατε οὖν μοι, ἐνθυμούμενοι ὅτι μειζόν
9 ἄντων οὐτορ᾽ τοῖς ἀναπόθετοι ἡ τὴν ἀσπίδα ρύφαι.
10 τῶν τιμωρεῖσθαι Baiter et Sauppe: τιμωρεῖν mss.

ἐγὼ γοῦν δεξαίμην ἄν5 πάσας ἀποβεβληκέναι ἡ τοιαύτην γνώμην περὶ τὸν
10 ἀκοῦσω Taylor: ἀκοῦσω mss.

πατέρα ἐξείν. καίτοι5 γε τοῦτον μὲν ἐώρακα
11 ἐν ἄνθροπον δίκην παρ᾽
12 τιμωρεῖσθαι Baiter et Sauppe: τιμωρεῖν mss.

ποιοῦντα, ὡς καὶ υμεῖς ἵστε, αὐτὸς δ' ἐσωσα τὴν
12 ἄντων οὐτοί τοῖς ἀποβεβληκέναι ἡ τὴν ἀσπίδα.
13 τίτω τικτοι τὰ ὁπλα σώσατι δικάξομαι;
14 τίτω τικτοι τὰ ὁπλα σώσατι δικάξομαι;
mother-beater is liable to a penalty, at the same time a person who says that you strike your male or female parent is to escape punishment. So, if someone calls a man a shield-caster, he is to be immune, since the law imposes a penalty for saying that a man has thrown away his shield, but not for saying he has cast it. Similarly, if you were one of the Eleven, you would not accept a prisoner arrested for stripping a man of his cloak or his shirt, unless he were given the name of clothes-stealer. Nor, if someone abducted a child, would you accept him as a kidnapper. Now you have yourself taken proceedings for slander against the person who said you had cast your shield: yet it is not so written in the law, but the phrase is "saying a man has thrown it away." How monstrous, then, that if such a thing is said about you, you should make play with the laws in the way I am doing now, and should be avenged on your enemies; but if you say such a thing yourself, you should claim to escape punishment! I ask you, therefore, gentlemen, to protect me, reflecting that it is a greater injury to be accused of killing one's father than of having cast one's shield. I, for one, would rather admit to having thrown away any number than to entertaining such thoughts regarding my father. Yet I have seen this man acting in the way that you know, while I myself saved my shield. So on what ground should I fail to get redress from him? What imputation stands against me? That I have been correctly spoken of? No, not even yourselves can say so. That the defendant is a better man? No, not even himself can claim this. That having thrown away my arms I am suing

8 καίτοι Contius : καί mss.
9 βελτίων οὗτος Sluiter : βελτίωνος οὗτος mss.
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9 μὴ δὴ κακῶς ἀκούοντα τὰ προσήκοντα ἐλέειτε, μηδ' ὑβρίζοντι τε καὶ λέγοντι παρὰ τοὺς νόμους συγγνώμην ἔχετε, καὶ ταῦτα εἰς ἄνδρα δὲ πολλὰς μὲν στρατηγίας ἐστρατήγηκε, πολλοὺς δὲ μεθ' ὑμῶν ἴκνωνυμους1 κεκινήσε νευκεν, καὶ οὔτε τοῖς πολεμίοις ὑποχείριος γέγονεν οὐθ' ὑμῖν εὔθυναν ἄφλεν, ἐβδομήκοντα δ' ἐτῶν ὡς ἐπ'2 ὁλιγαρχίας ἐτελεύτησε διὰ τὴν ὑμετέραν εὔνοιαν. ἀξίον δὲ

10 ὁργιοθήκαι ὑπὲρ αὐτοῦ· τὶ γὰρ ἂν τούτου ἀναρότερον ἀκούσειν, εἰ τεθνηκῶς ὑπὸ τῶν ἑχθρῶν αἰτίαν ἔχου ὑπὸ τῶν τέκνων ἀνηρρήθαι; οὐ τῆς ἀρετῆς τὰ μνημεῖα πρὸς τοῖς ὑμετέροις ἱεροὶς ἀνάκειται, τῆς δὲ τούτων κακίας πρὸς τοῖς τῶν πολεμίων.

11 Ἔρει δὲ ὡς ὁργιοθήκαι εὐρηκεν. ὑμεῖς δ' ἐνθυμεῖσθε ὅτι ὁ νομοθέτης οὐδεμίαν συγγνώμην ὀργὴ δίδωσιν, ἀλλὰ ζημιῶν τὸν λέγοντα, ἐὰν μὴ ἀποδεικνύῃ ἀληθῆ. ἐγὼ δὲ δίς περὶ τούτου μεμαρτύρηκα· οὐ γὰρ ἦδη ὅτι ὑμεῖς τοὺς μὲν ἴδόντας3 τιμωρεῖσθε, τοὺς δὲ ἀποβαλοῦσι συγγνώμην ἔχετε.

12 δέομαι οὖν καταψηφίσασθαι αὐτοῦ. νυνὶ γὰρ διώκω μὲν κακηγορίας, τῆ δ' αὐτῆς ψήφου φόνου φεύγω τοῦ πατρῶς, οὐ μείζων ἄγων οὐκ ἂν γένοιτό μου, ὁς μόνος δοκιμασθεὶς τοῖς τρίκαλον ἐπεξήλθον ἐν Ἀρείῳ πάγῳ. ῥοθηθησατ' οὖν κακεῖνῳ καμοί.
a man who saved his? This is not the story that has been dispersed over the city. Do not, then, pity him for obloquy that he deserves, nor forgive him for outrages and expressions whereby he has broken the laws, especially in regard to a man who has held many generalships and shared many of your perils; who has neither fallen into the hands of the enemy nor been convicted by you at the audit of his service, and who at the age of seventy lost his life under the oligarchy for loyalty to you. There is good cause to feel anger on his account: for what more distressing repute could he have than this,—after being slain by his enemies to bear the reproach of having been destroyed by his children? The memorials of his valour are hanging in your temples, while those of these people's baseness are seen in the temples of the enemy.

He will say that he has made the statement in a fit of anger. But your reflection on this must be that the lawgiver grants no indulgence to anger; he punishes the speaker, unless he proves the truth of his words. I have borne witness twice in regard to this man: for I was not aware that you punished the persons who had seen the deed, but pardoned those who had done the throwing away. I therefore request you to condemn him. For although at this moment I am prosecuting for slander, yet at the same casting of your vote I am prosecuted for murdering my father: no trial could be more serious for me than this; and I alone, when certified of age, indicted the Thirty before the Areopagus. Vindicate, therefore, both my father and me.

* The speaker's father.
XII. AGAINST ERATOSTHENES

INTRODUCTION

This speech, the most important of the extant works of Lysias, is full of interest alike to the student of revolutionary movements and to the amateur of literary art. Its traditional title records that it was "spoken by Lysias himself," and there is no reason to doubt this fact. For a short period after the restoration of the democracy in 404 B.C. he enjoyed the citizenship; and it is possible that even when deprived of this status, and reduced to that of an "isoteles" or alien with certain rights, he was still able to come forward with an inculmination at the public inquiry, held before an ordinary court composed of citizens, into the acts of a retired official. Eratosthenes, the defendant, had been active in the cause of oligarchy in 411 B.C., when amid the troubles that followed the Sicilian disaster the government of Athens was controlled by a Council of Four Hundred. The democracy was soon afterwards restored, and Athens recovered some of her power by the victory of Arginusae (406); but in 405 she was crushed to impotence by the Spartan victory at Aegospotami, and in the following year she lay under the crippling domination of thirty oligarchs established by the aid of Sparta. Eratosthenes
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was one of the Thirty, and through this speech we get a vivid impression, first of their dealings with private persons whom they decided to put out of the way, and then of the general tenor of their conduct in the possession of power. The object of Lysias is to discredit the character and administration of Eratosthenes, although the latter is seeking to ingratiate himself with the people and to regain the full status of a citizen on the grounds of his general moderation and his sympathy with Theramenes.

After a brief introduction (1-3) Lysias gives his personal reasons for making the accusation, by recounting how the Thirty determined to obtain funds by putting a number of wealthy persons to death and seizing their property. Lysias and his brother Polemarchus were two of the selected victims: the former contrived to escape with his life, but the latter was executed and buried with haste and indignity; in spite of their good services to the State, their property was abstracted by the Thirty (4-22). Some argument follows on the responsibility of Eratosthenes, who says that he arrested Polemarchus through fear of the Thirty, but opposed the unjust execution of the brothers. Yet it is unlikely that he would have been chosen to arrest them if he had really been known to be opposed to their execution; and the arrest was made in the open street, where he was under no necessity of carrying out the order, and might rather have warned Polemarchus of his danger. Eratosthenes is convicted out of his own mouth, and instead of having any public services to plead in extenuation, he is an associate of those who brought the final humiliations upon the city (23-41).

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The speech then proceeds to a historical review of the agencies and aids by which the Thirty rose, held sway, and fell. Eratosthenes and Critias, with three others, were set up irregularly by the political clubs as “overseers” with absolute powers, and soon the number of these governors was enlarged to thirty. Eratosthenes belonged to the more moderate section of them led by Theramenes, who shortly succumbed to the extremist attacks of Critias: thereafter Eratosthenes joined the Thirty in their most cruel excesses, including the murder of Polemarchus already related. But in September 404 the democratic party under Thrasybulus seized Phyle, a commanding position near Athens: they succeeded in repelling the oligarchs and increasing their own strength. The Thirty, anxious to secure a place of refuge, went to Eleusis, captured 300 of the citizens, whom they afterwards put to death, and made themselves masters of the place. Thrasybulus then forced an entrance into the Peiraeus, and occupied it with over 1000 men. A series of struggles ensued, in the last of which Critias was killed. After some negotiations the Thirty were deposed and, with the exception of Pheidon and Eratosthenes, withdrew finally to Eleusis: their place was taken in Athens by ten magistrates or commissioners who were expected to make terms with the democrats (42-55). But, instead of doing this, they sought the aid of Sparta against the growing forces in the Peiraeus. Pheidon then showed himself to be as bad as Eratosthenes, and no credit to his friend, as the latter claims, by seeking a new lease of power in opposition both to the Thirty and to the democracy. By the courage of some loyal men the Spartan
menace was averted, and an arrangement was made for an amnesty (from which the Thirty were excluded) and a general restoration of confiscated property (56-61).

The conduct of Theramenes, the other man with whom Eratosthenes was specially associated, is next described. He was first a promoter of oligarchy in 411 B.C., and revealed then his shifty and treacherous character. After Aegospotami (405) he arranged the humiliating terms of peace with Sparta, purposely crippling Athens so as to facilitate the ascendency of the Thirty. Thus he twice enslaved Athens (62-78). It is time now to decide on the punishment of Eratosthenes, whose illegal condemnation of others might fairly be visited with a condemnation equally illegal. The extreme penalty is not severe enough for him and his children. He is so audacious as to appear now before those who have been his victims: he must either despise them, or trust in the support of other ill-disposed persons who have schemes of their own. His witnesses should not think that the past troubles and dangers have been so soon forgotten. If they say that he was the least harmful of the Thirty, that does not lessen their corporate villainy (79-91).

Members of the two parties—of the town and of the Peiraeus—are then addressed separately, and reminded of their respective grievances against the Thirty. The former were involved in a dreadful strife against their own people, and got only a share in the shame of the tyranny. As to the latter, a picture is drawn of the awful consequences that would have resulted from the defeat of the democrats in the last struggles for their return to Athens.
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But the facts are sufficient in themselves, if they are but felt in their full reality: judgement must be given with a proper sense of the injuries done to the temples, the arsenals, and the dead,—who may be listening even now, and expecting their vengeance (92-100).

What verdict was given is unknown, but it is probable that owing to the strong support always accorded to Theramenes during his life and to his friends after his death, and also because of the general tendency towards pacification, Eratosthenes was acquitted. The trial or inquiry at which the speech was delivered evidently took place shortly after the amnesty had been ordained by Sparta (end of 403).

The speech is remarkable for the range of its eloquence. The opening sentences of rather ordinary preface are cast in a formal mould derived from the lessons of Gorgias. The vivid narrative of the arrest and death of Polemarchus is given in a simple, running style, and there is little attempt at pathos. It is when Lysias turns to the public concernment with the proceedings of the Thirty that he brings all the strength of a well-rounded and resonant style to the task of arousing national indignation against the tyrants, and shows himself a masterly pleader in representing the wrongs and sufferings of the average man.
ΧΙΙ. ΚΑΤΑ ΕΡΑΤΟΣΘΕΝΟΥΣ
ΤΟΥ ΓΕΝΟΜΕΝΟΥ ΤΩΝ ΤΡΙΑΚΟΝΤΑ,
ΟΝ ΑΥΤΟΣ ΕΙΠΕ ΛΥΣΙΑΣ

1 Οὐκ ἀρξασθαί μοι δοκεῖ ἀπορον εἶναι, ὦ ἄνδρες δικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι τοιαῦτα αὐτοῖς τὸ μέγεθος καὶ τοσαῦτα τὸ πλῆθος εἰργασται, ὥστε μήτ' ἂν ψευδόμενον δεινότερα τῶν ύπαρχόντων κατηγορήσαι, μήτε τάληθη βουλόμενον εἰπεῖν ἀπαντα. δύνασθαι, ἀλλ' ἀνάγκη ἡ τῶν κατ-

2 ὑγορον ἀπειπεῖν ἡ τῶν χρόνων ἐπιλείψειν. τοῦναυτίον δὲ μοι δοκούμεν πείσεσθαι ἡ ἐν τῷ πρὸ τοῦ χρόνῳ. πρότερον μὲν γάρ ἐδει τὴν ἐχθραν τοὺς κατηγοροῦντας ἐπιδείξει, ἢτις εἰῃ πρὸς τοὺς φεύγοντας. νυνὶ δὲ παρὰ τῶν φευγόντων χρὴ πυνθάνεσθαι ἢτις ἢν αὐτοῖς πρὸς τὴν πόλιν ἐχθρα, ἀνθ' ὅτου τοιαῦτα ἐτόλμησαν εἰς αὐτὴν ἐξαμαρτάνειν. οὐ μέντοι ὡς ὦν κἐχων οἰκείας ἐχθρας καὶ συμφορᾶς τοὺς λόγους ποιοῦμαι, ἀλλ' ὡς ἀπασι πολλῆς ἀφθονίας οὐσῆς ὑπὲρ τῶν ἱδίων ἡ ὑπὲρ τῶν δημοσίων ὀργίζεσθαι.

3 ἐγὼ μὲν οὖν, ὦ ἄνδρες δικασταί, οὔτ' ἐμαυτοῦ πώποτε οὔτε ἀλλότρια πράγματα πράξας νῦν ἦνάγκαισαι ὑπὸ τῶν γεγενημένων τούτων κατηγορεῖν, ὅστε πολλάκις εἰς πολλὴν ἀθυμίαν κατέστην, μὴ 226
XII. AGAINST ERATOSTHENES, WHO HAD BEEN ONE OF THE THIRTY: SPOKEN BY LYSIAS HIMSELF

The difficulty that faces me, gentlemen of the jury, is not in beginning my accusation, but in bringing my speech to an end: so enormous, so numerous are the acts they have committed, that neither could lying avail one to accuse them of things more monstrous than the actual facts, nor with every desire to speak mere truth could one tell the whole; of necessity either the accuser must be tired out or his time must run short. It seems to me that our positions will be the reverse of what they were in former times: for previously the accusers had to explain their enmity towards the defendants; but in the present case inquiry must be made of the defendants as to the motive of their enmity towards the city in committing such audacious offences against her. It is not, indeed, from any lack of private enmities and sufferings that I make these remarks, but because of the abundant reasons that all of us have for anger on personal grounds, or in the interest of the public. Now as for myself, gentlemen, having never engaged in any suit either on my own account or on that of others, I have now been compelled by what has occurred to accuse this man: hence I have been often overcome with a great feeling of despondency,
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dià tìn ἀπειρίαν ἀναξίως καὶ ἀδυνάτως ὑπὲρ τοῦ ἀδελφοῦ καὶ ἐμαυτοῦ τὴν κατηγορίαν ποιήσομαι. οἵμως δὲ πειράσομαι ὑμᾶς ἐξ ἀρχῆς ὡς ἂν δύνωμαι δι᾽ ἐλαχίστων διδάξαι.

4 Ὑμίως πατὴρ Κέφαλος ἐπείσθη μὲν ὑπὸ Περικλέους εἰς ταύτην τὴν γῆν ἀφικέσθαι, ἔτη δὲ τριάκοντα ψήκησε, καὶ οὐδεὶς πώποτε οὔτε ἡμεῖς οὔτε ἐκεῖνος δίκην οὔτε ἐδικασάμεθα οὔτε ἐφύγομεν, ἀλλὰ οὕτως ὑκούμεν δημοκρατούμενοι ὡστε μήτε εἰς τοὺς ἄλλους ἕξαμαρτάνειν μήτε ὑπὸ τῶν ἄλλων ἀδικεῖσθαι. ἐπειδὴ δ᾽ οἱ τριάκοντα ποιηροὶ [μὲν]¹ καὶ συνκοφάνται οὔτε εἰς τὴν ἀρχὴν κατέστησαν, φάσκοντες χρῆναι τῶν ἀδίκων καθαρὰν ποιῆσαι τὴν πόλιν καὶ τοὺς λοιποὺς πολίτας ἐπὶ ἀρετὴν καὶ δικαιοσύνην τραπέσθαι, [καὶ]² τοιαῦτα λέγοντες οὐ τοιαύτα ποιεῖν ἐτὸλμων, ὡς ἐγὼ περὶ τῶν ἐμαυτοῦ πρώτων εἰπὼν καὶ περὶ τῶν ὑμετέρων ἀναμνῆσαι 6 πειράσομαι. Θεόγυν γὰρ καὶ Πεισών ἔλεγον ἐν τοῖς τριάκοντα περὶ τῶν μετοίκων, ὡς εἰέν τινες τῇ πολιτείᾳ ἀχθόμενοι· καλλιστὴν οὖν εἶναι πρόφασιν τιμωρεῖσθαι μὲν δοκεῖν, τῶ δ᾽ ἐργὸν χρηματίζεσθαι· πάντως δὲ τὴν μὲν πόλιν πένεσθαι³ τὴν <δ᾽>⁴ ἀρχὴν δεῖσθαι χρημάτων. καὶ τοὺς ἀκούοντας οὐ χαλέπως ἐπείθουν· ἀποκτυνύναι μὲν γὰρ ἄνθρωπος περὶ οὐδενὸς ἥγουντο, λαμβάνειν δὲ χρήματα περὶ πολλοῦ ἐποιοῦντο. ἐδοξεῖν οὖν αὐτοῖς δέκα συλλαβεῖν, τούτων δὲ δύο πένητας, ἢν αὐτοῖς ἢ πρὸς τοὺς ἄλλους ἀπολογία, ὡς οὖν χρημάτων ἕνεκα ταῦτα πέπρακται, ἄλλα συμφέροντα τῇ


* From Syracuse.
from a fear lest my inexperience might cause me to fail in making a worthy and able accusation on my brother's and on my own behalf. Nevertheless I will try to inform you of the matter from the beginning, as briefly as I can.

My father Cephalus was induced by Pericles to come to this country, and dwelt in it for thirty years: never did he, any more than we, appear as either prosecutor or defendant in any case whatever, but our life under the democracy was such as to avoid any offence against our fellows and any wrong at their hands. When the Thirty, by the evil arts of slander-mongers, were established in the government, and declared that the city must be purged of unjust men and the rest of the citizens inclined to virtue and justice, despite these professions they had the effrontery to discard them in practice, as I shall endeavour to remind you by speaking first of my own concerns, and then of yours. Theognis and Peison stated before the Thirty that among the resident aliens there were some who were embittered against their administration, and that therefore they had an excellent pretext for appearing to punish while in reality making money; in any case, the State was impoverished, and the government needed funds. They had no difficulty in persuading their hearers, for those men thought nothing of putting people to death, but a great deal of getting money. So they resolved to seize ten, of whom two should be poor men, that they might face the rest with the excuse that the thing had not been done for the sake of money,

\[ \text{i.e., his sons, Polemarchus, Lysias and Euthydemus.} \]

\[ \text{Two of the Thirty.} \]
8 πεποιηκότες. διαλαβόντες δὲ τὰς οἰκίας ἐβάδιζον· καὶ ἐμὲ μὲν ἔξενοις ἐστιώντα κατέλαβον, οὕς ἐξ- 
ελάσαντες Πείσωνι με παραδιδόσιν: οἱ δὲ ἄλλοι εἰς τὸ ἐργαστήριον ἐλθόντες τὰ ἀνδρόποδα ἀπεγρά- 
φοντο. ἐγὼ δὲ Πείσωνα μὲν ἦρωτι εἰ βούλοιτο 
με σῶσαι χρήματα λαβῶν. ὁ δ’ ἐφασκεν, εἰ πολλὰ 
eἰη, εἰπὼν οὖν ὅτι τάλαντον ἀργυρίου ἔτομος εἰην 
δοῦναι: ὁ δ’ ὡμολόγησε ταῦτα ποησεῖν. ὑπιστά- 
μην μὲν οὖν ὅτι οὕτε θεοὺς οὔτ’ ἀνθρώπους νομίζει, ὁμοὶ δ’ ἐκ τῶν παρόντων ἐδόκει μοι ἀναγκαῖο- 
tατον εἰναι πίστιν παρ’ αὐτοῦ λαβεῖν. ἐπειδὴ δὲ ὡμοσεν, ἐξολειαν ἔαυτῷ καὶ τοῖς παισίν ἐπαρώ- 
μενος, λαβὼν τὸ τάλαντον μὲ σώσειν, εἰσελθὼν εἰς 
τὸ δωμάτιον τὴν κιβωτόν ἀνοίγωμι. Πείσων δ’ 
αἰσθόμενος εἰσέρχεται, καὶ ἰδὼν τὰ ἐνότα καλεί 
tῶν ὑπηρετῶν δύο, καὶ τὰ ἐν τῇ κιβωτῷ λαβεῖν 
11 ἐκέλευσεν. ἐπεὶ δὲ οὐχ ὅσον ὡμολόγητο εἰχεν, 
ὁ ἄνδρες δικασταί, ἄλλα τρία τάλαντα ἀργυρίου 
καὶ τετρακοσίους κυκληνοὺς καὶ ἐκατόν δαρεικοῦς1 
καὶ φίλας ἀργυρᾶς τέτταρας, ἐδεόμην αὐτοῦ 
12 ἐφόδια μοι δοῦναι, ὁ δ’ ἀγαπήσεως με ἐφασκεν, εἰ 
τὸ σῶμα σώσω. ἐξισόνι δ’ ἐμοὶ καὶ Πείσωνι 
ἐπιτυγχάνει Μηλαβίος τε καὶ Μνησιβείδης ἐκ τοῦ 
ἐργαστήριον ἀπιόντες, καὶ καταλαμβάνουσι πρὸς 
αὐταῖς ταῖς θύραις, καὶ ἑρωτῶσιν ὅποι βαδίζομεν: 
ὁ δ’ ἐφασκεν εἰς [τὰ]2 τοῦ ἀδελφοῦ τοῦ ἐμοῦ, ἦν 
καὶ τὰ ἐν ἐκείνῃ τῇ οἰκίᾳ σκέψηται. ἐκείνον μὲν 

1 δαρεικοῦς Maussac: καρικοῦς mss. 
2 τὰ del. Scheibe.

Where Lysias and his brother carried on the manufacture of arms.

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but had been brought about in the interest of the State, just as if they had taken some ordinary reasonable action. They apportioned the houses amongst them, and began their visits: they found me entertaining guests, and after driving these out they handed me over to Peison. The others went to the factory and proceeded to make a list of the slaves. I asked Peison if he would save me for a price: he assented, on condition that it was a high one. So I said that I was prepared to give him a talent of silver, and he agreed to my proposal. I knew well, indeed, that he had no regard either for gods or for men; but still, in the circumstances, I thought it imperative to get him pledged. When he had sworn, invoking annihilation upon himself and his children if he did not save me on receipt of the talent, I went into my bedroom and opened the money-chest. Peison noticed it and came in; on seeing its contents he called two of his underlings and bade them take what was in the chest. Since he now had, instead of the agreed amount, gentlemen, three talents of silver, four hundred cyzicenes, a hundred darics and four silver cups, I begged him to give me money for my journey; but he declared that I should be glad enough to save my skin. As Peison and I were coming out, we were met by Melobius and Mnesitheides, who were on their way from the factory: they lighted upon us just at the door, and asked where we were going. Peison declared that he was off to my brother’s, for the purpose of examining the property in that house also. So they bade him go his way, but told

b A stater of Cyzicus was a coin equal to 28 Attic drachmae, and a Persian daric was one of slightly less value.

Two of the Thirty.
σὺν ἐκέλευνον βαδίζειν, ἐμὲ δὲ μεθ’ αὐτῶν ἀκολου-
θεῖν εἰς Δαμνίππου. Πεῖσων δὲ προσελθὼν σιγὰν
μοι παρεκελεύετο καὶ θαρρεῖν, ὡς ἦξων ἐκείσε. καταλαμβάνομεν δὲ αὐτῶθι Θεόγνην ἔτερον φυλάτ-
tουτα· ὥς παραδόντες ἐμὲ πάλιν ψιχοντο. ἐν
τοιούτῳ δ’ οίνη μου κυνδυνεύειν ἔδοκει, ως τοῦ γε
ἀποθανεῖν ὑπάρχοντος ἧδη. καλέσας δὲ Δάμνιπ-
pου λέγω πρὸς αὐτὸν τάδε, "ἐπιτήδειος μὲν μοι
τυγχάνεις ὦν, ἢκω δ’ εἰς τὴν σήν οἰκίαν, ἄδικῶ δ’
οὖδέν, χρημάτων δ’ ἐνεκα ἀπόλλυμαι. σὺ οὖν
ταῦτα πάσχοντι μοι πρῶτυμον παράσχον τὴν σεα-
τοῦ δύναμιν εἰς τὴν ἐμὴν σωτηρίαν." δ’ ὑπ-
έσχετο ταῦτα ποιήσειν. ἔδοκει δ’ αὐτῷ βέλτιον εἶναι
πρὸς Θεόγνην μυηθῆναι: ἡγεῖτο γὰρ ἀπαν ποιήσειν

15 αὐτόν, εἰ τις ἀργύριον διδοῖ. ἐκείνου δὲ διαλεγο-
μένου Θεόγνιδι (ἐμπειρὸς γὰρ ὄν ἐτύγχανον τῆς
οἰκίας, καὶ ἤδη ὅτι ἀμφιθυρος εἰπή) ἔδοκει μοι
ταῦτη πειρᾶσθαι σωθῆναι, ἐνθυμομένως ὅτι, ἐὰν
μὲν λάθω, σωθῆσομαι, ἐὰν δὲ ληφθῶ, ἡγοῦμη μὲν,
eἰ Θεόγνης εἰπ̇ πεπεισμένος ὑπὸ τοῦ Δαμνίππου
χρήματα λαβεῖν, ούδὲν ἔττον ἀφεθῆσθαι, εἰ δὲ

16 μὴ, ὡμοίως ἀποθανεῖσθαι. ταῦτα διανοθεῖς ἐφευ-
γον, ἐκείνων ἐπὶ τῇ αὐλείῳ θύρα τῆν φυλακὴν
πουμενών· τριῶν δὲ θυρῶν οὐσῶν, ἂς ἐεὶ μὲ
dιελθεῖν, ἀπασάν ἀνεωμέναι ἐτυχον. ἀφικόμενος
dὲ εἰς 'Αρχανεω τοῦ ναυκλήρου ἐκείνου πέμπῳ εἰς
ἀστυ, πευσόμενον περὶ τοῦ ἀδελφοῦ· ἦκων δὲ
ἐλεγεν ὅτι 'Ἐρατοθένης αὐτὸν ἐν τῇ ὅδῃ λαβών
17 εἰς τὸ δεσμωτήριον ἀπαγάγοι. καὶ ἐγὼ τοιαῦτα

* The front door, or gate on the street, opening into the courtyard.

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me to follow along with them to Damnippus's house. Peison came up and urged me to keep silent and have no fear, as he was coming on to that place. There we found Theognis guarding some others; they handed me over to him, and went off again. Situated as I was, I decided to take a risk, since death was already my portion. I called Damnippus and said to him: "You are in friendly relations with me, and I have come into your house; I have done no wrong, but am being destroyed for the sake of my money. In my great trouble, lend your own zealous efforts for my salvation." He promised to do so; and he decided that he had better mention it to Theognis, as he believed that he would do anything for an offer of money. While he was in conversation with Theognis—I happened to be familiar with the house, and knew that it had doors front and back—I decided to try this means of saving myself, reflecting that, if I should be unobserved, I should be saved; while, if I were caught, I expected that, should Theognis be induced by Damnippus to take money, I should get off none the less, but should he not, I should be put to death just the same. With these conclusions I took to flight, while they were keeping guard over the courtyard door: there were three doors for me to pass through, and they all chanced to be open. I reached the house of Archeneos the ship-captain, and sent him into town to inquire after my brother: on his return he told me that Eratosthenes had arrested him in the street and taken him off to prison. Thus apprised of his fate, I sailed

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*b* Probably these divided the courtyard from the inner court, the inner court from the garden, and the garden from the back street.
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πεπυσμένος τῆς ἐπιούσης νυκτὸς διέπλευσα Μέγαράδε. Πολεμάρξῳ δὲ παρήγγειλαν οἱ τριάκοντα τοῦτον ἔκεινων εἰθυμένον παράγγελμα, πίνειν κόνειον, πρὶν τὴν αἰτίαν εἰπεῖν δὲ ἡντίνα ἔμελλεν ἀποθανεῖσθαι. οὔτω πολλοῦ ἔδέχγε κριθήναι καὶ ἀπολογήσασθαι. καὶ ἐπειδὴ ἀπεφέρετο ἐκ τοῦ δεσμωτηρίου τεθνεός, τριῶν ἡμῶν οἰκίων οὐσῶν <ἐξ> ὑδεμιᾶς εἰσαν ἐξενεχθῆναι, ἀλλὰ κλεισίων μισθωσάμενοι προΰθεντο αὐτόν. καὶ πολλῶν οὖν ἵματίων αὐτοῦσιν οὔθεν ἔδοσαν εἰς τὴν ταφὴν, ἀλλὰ τῶν φίλων ὁ μὲν ἴματιον, ὁ δὲ προσκεφάλαιον, ὁ δὲ ὁ τι ἐκαστὸς ἐτύχειν ἔδωκεν εἰς τὴν ἐκείνου ταφῆν. καὶ ἔχοντες μὲν ἐπτακοσίας ἀσπίδας τῶν ἠμετέρων, ἔχοντες δὲ ἀργύριον καὶ χρυσίον τοσσοῦτον, ἤλκον ὅ καὶ κόσμον καὶ ἐπιπλα καὶ ἴματια γναυικεία ὡσα οὐδεπώποτε ὅντο κτήσεσθαι, καὶ ἀνδράποδα εἰκοσι καὶ ἐκατον, ὅν τὰ μὲν βέλτιστα ἐλαβον, τὰ δὲ λοιπὰ εἰς τὸ δημόσιον ἀπέδοσαν, εἰς τοσαύτην ἀπληστίαν καὶ αἰσχροκέρδειαν ἀφίκοντο καὶ τοῦ τρόπου τοῦ αὐτῶν ἀπὸδειξεν ἐποίησαν. τῆς γὰρ Πολεμάρξου γναυικὸς χρυσοῦς ἐλακτήρας, οὐς ἔχουσα ἐτύγχανεν, ὅτε τὸ πρῶτον ἠλθεν εἰς τὴν οἰκίαν Μήλασιον ἐκ τῶν ὅτων ἐξείλτο. καὶ οὔδε κατὰ τὸ ἐλάχιστον μέρος τῆς οὐσίας ἐλέος παρ' αὐτῶν ἐτυγχάνομεν. ἀλλ' οὔτως εἰς ἡμᾶς διὰ τὰ χρήματα ἐξημάρτανον, ὥσπερ ἄν ἐτεροὶ μεγάλων ἀδικημάτων ὁργὴν ἔχοντες, οὐ τούτων ἄξιοις γε ὄντας τῇ πόλει, ἀλλὰ πάσας <μὲν> τὰς χορηγιὰς

1 τοῦτο Fritzche: τὸ ὅπ' mss.
2 ἐξ add. Cobet.
3 γε ὄντας add.: ἔχοντας mss.

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AGAİNS T ER AT O St HENES, 17-20

across on the following night to Megara. Polemarchus received from the Thirty their accustomed order to drink hemlock, with no statement made as to the reason for his execution: so far did he come short of being tried and defending himself. And when he was being brought away dead from the prison, although we had three houses amongst us, they did not permit his funeral to be conducted from any of them, but they hired a small hut in which to lay him out. We had plenty of cloaks, yet they refused our request of one for the funeral; but our friends gave either a cloak, or a pillow, or whatever each had to spare, for his interment. They had seven hundred shields of ours, they had all that silver and gold, with copper, jewellery, furniture and women's apparel beyond what they had ever expected to get; also a hundred and twenty slaves, of whom they took the ablest, delivering the rest to the Treasury; and yet to what extremes of insatiable greed for gain did they go, in this revelation that they made of their personal character! For some twisted gold earrings, which Polemarchus's wife chanced to have, were taken out of her ears by Melobius as soon as ever he entered the house. And not even in respect of the smallest fraction of our property did we find any mercy at their hands; but our wealth impelled them to act as injuriously towards us as others might from anger aroused by grievous wrongs. This was not the treatment that we deserved at the city's hands, when we had produced all our dramas for the festivals, and contributed to

\[\text{Referring to the expensive duty, imposed on wealthy citizens, of equipping a chorus for a dramatic performance.}\]

\(\mu\epsilon\nu\) add. Reiske. 235
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χορηγήσαντας, πολλάς δ' εἰσφοράς εἰσενεγκώντας, κοσμίους δ' ἡμᾶς αὐτοὺς παρέχοντας καὶ πάν τὸ προσταττόμενον ποιοῦντας, ἔχθρον δ' οὐδένα κεκτημένους, πολλοὺς δ' Ἀθηναίων ἐκ τῶν πολεμίων λυσαμένους τοιούτων ἤξιωσαν οὐχ ὁμοίως μετ' 21 οἰκοῦντας ὁσπέρ αὐτοὶ ἐπολιτεύοντο. οὕτω γὰρ πολλοὺς μὲν τῶν πολιτῶν εἷς τοὺς πολεμίους εξῆλασαν, πολλοὺς δ' ἀδίκως ἀποκτείναντες ἀτάφους ἐποίησαν, πολλοὺς δ' ἐπιτίμους ὄντας ἀτίμους [τῆς πόλεως] κατέστησαν, πολλῶν δὲ θυγατέρας μελ- 22 λούσας εἰκδίδοσθαι ἐκώλυσαν. καὶ εἰς τοσοῦτον εἰς τόλμης ἀφιγμένοι ὡσθ' ἦκουσιν ἀπολογησόμενοι, καὶ λέγουσιν ὡς οὐδὲν κακῶν οὐδ' αἰσχρὸν εἰργα- σμένοι εἰσίν. ἐγὼ δ' ἐβουλόμην ἂν αὐτοὺς ἀληθῆ λέγειν· μετὴν γὰρ καὶ ἐμοὶ τούτου τάγμαθον οὐκ 23 ἐλάχιστον μέρος. νῦν δὲ οὕτε πρὸς τὴν πόλιν αὐτοῖς τοιαύτα ὑπάρχει οὕτε πρὸς ἐμέ· τὸν ἄδελ- φὸν γὰρ μου, ὁσπέρ καὶ πρότερον ἐπιτομευκότερον τῷ Ἐρατο- σθένει ἀπέκτεινεν, οὕτε αὐτοῦ ἑδία ἀδικούμενος οὕτε εἰς τὴν πόλιν ὀρῶν ἐξαμαρτάνοντα, ἀλλὰ τῇ ἑαυτοῦ 24 παρανομίᾳ προθύμως ἐξυπηρετῶν. ἀναβιβασά- μενος δ' αὐτοῦ βουλομαι ἐρέσθαι, ὡς ἄνδρες δικα- σταί. τοιαύτην γὰρ γνώμην ἔχω· ἐπὶ μὲν τῇ τού- του ὕφελείᾳ καὶ πρὸς ἔτερον περὶ τούτου δια- λέγεσθαι ἁσέβες εἶναι νομίζω, ἐπὶ δὲ τῇ τούτου βλάβη καὶ πρὸς αὐτὸν τούτου ὀσίον καὶ ἐυσεβές. ἀνάβηθι οὖν μοι καὶ ἀπόκριναι, ὡς τι ἄν σε ἐρωτῆ. 25 Ἀπήγαγες Πολέμαρχον ἢ οὐ; Τὰ ύπὸ τῶν

1 εἰσενεγκώντα Markland: εἰσενεγκώντα mss.
2 τῆς πόλεως del. Markland.

*Property-taxes were levied in times of war or other emergenceney.*

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AGAINST ERATOSTHENES, 20–25

many special levies; when we showed ourselves men of orderly life, and performed every duty laid upon us; when we had made not a single enemy, but had ransomed many Athenians from the foe. Such was their reward to us for behaving as resident aliens far otherwise than they did as citizens! For they sent many of the citizens into exile with the enemy; they unjustly put many of them to death, and then deprived them of burial; many who had full civic rights they excluded from the citizenship; the daughters of many they debarred from being given in marriage. And they have carried audacity to such a pitch that they come here ready to defend themselves, and state that they are guilty of no vile or shameful action. I myself could have wished that their statement were true; for my own share in that benefit would not have been of the smallest. But in fact they have nothing of the sort to show in regard either to the city or to me: my brother, as I said before, was put to death by Eratosthenes, who was neither suffering under any private wrong himself, nor found him offending against the State, but eagerly sought to gratify his own lawless passions. I propose to put him up on the daïs and question him, gentlemen of the jury. For my feeling is this: even to discuss this man with another for his profit I consider to be an impiety, but even to address this man himself, when it is for his hurt, I regard as a holy and pious action. So mount the daïs, please, and answer the questions I put to you.

Did you arrest Polemarchus or not?—I was acting

b There was risk of pollution in addressing an unpurified murderer; cf. Aeschyl. Eumen. 448, Eurip. Orestes 75.
άρχόντων προσταχθέντα δεδιως ἐποίουν. Ησθα δ' ἐν τῷ βουλευτηρίῳ, οτὲ οἱ λόγοι ἐγίγνοντο περὶ ἡμῶν; Η. Πότερον συνηγόρευες τοῖς κελεύονσιν ἀποκτεῖναι ἡ ἀντέλεγες; Ἀντέλεγον. Ἰνα μὴ ἀποθάνωμεν; Ἰνα μὴ ἀποθάνητε. Ἡγούμενος ἡμᾶς ἀδικα πάσχειν ἢ δίκαια; Ἀδικα.

26 Εἰτ', ὁ σχετικώστατε πάντων, ἀντέλεγες μὲν ἢ ἑαυτῷ σώσειας, συνελάμβανες δὲ ἢν ἀποκτείνης; καὶ οτὲ μὲν τὸ πλῆθος ἦν ὑμῶν κύριον τῆς σωτηρίας τῆς ἡμετέρας, ἀντιλέγεν φης τοῖς βουλομένοις ἡμᾶς ἀπολέσαι, ἑπείδη δὲ ἐπὶ σοὶ μόνῳ ἐγένετο καὶ σώσαι Πολέμαρχον καὶ μή, εἰς τὸ δεσμωτηρίον ἀπῆγαγες; εἰτ' ὅτι μὲν, ὡς φης, ἀντειπὼν οὐδὲν ὦφέλησας, ἀξιοὶς χρήστος νομίζεσθαι, ὡτι δὲ συλλαβῶν ἀπέκτεινας, οὐκ [ὁι] ἐμοὶ καὶ τοιούτῳ δοῦναι δίκην;

27 Καὶ μήν οὖντε τούτο εἰκὸς αὐτῷ πιστεῦειν, ἐπερ ἄληθὴ λέγει φάσκων ἀντειπέν, ὡς αὐτῷ προσ-ετάξθη. οὐ γὰρ δὴπο ἐν τοῖς μεταίκοις πίστων παρ' αὐτοῦ ἐλάμβανον. ἑπείτα τῷ ἢπτον εἰκὸς ἢν προσταχθῆναι ἢ ὅστις ἀντειπῶν ἐκ τούτων ἀποδεδείγματο τίνα ἀρίθμησιν καὶ γνώμην ἀποδεδείγματο; τίνα γὰρ εἰκὸς ἢν ἢπτον ταῦτα ὑπηρετῆσαι ἢ τὸν ἀντειπόντα οἶς ἔκεινοι ἐμβοῦλοντο πραξάθηναι; ἔτι δε τοῖς μὲν ἄλλοις Ἀδραίοις ἱκανῇ μοι δοκεῖ πρόφασις εἶναι τῶν γεγενημένων εἰς τοὺς τριάκοντα ἀναφέρειν τὴν αἰτίαν αὐτοὺς δε τοὺς τριάκοντα, ἐὰν εἰς σφᾶς

1 οἱ del. Madvig. 2 προσεταχθη Reiske: ἐτάχθη mss. 3 ἢπτον Canter: πίστω mss.

* After such opposition, they would surely test him by ordering him to arrest a citizen of standing.
on the orders of the government, from fear.—Were you in the Council-chamber when the statements were being made about us?—I was.—Did you speak in support or in opposition of those who were urging the death sentence?—In opposition.—You were against taking our lives?—Against taking your lives.—In the belief that our fate was unjust, or just?—That it was unjust.

So then, most abandoned of mankind, you spoke in opposition to save us, but you helped in our arrest to put us to death! And when our salvation depended on the majority of your body, you assert that you spoke in opposition to those who sought our destruction; but when it rested with you alone to save Polemarchus or not, you arrested him and put him in prison. So then, because you failed to help him, as you say, by your speech in opposition, you claim to be accounted a good citizen, while for having apprehended him and put him to death you are not to give satisfaction to me and to this court!

And further, supposing he is truthful in asserting that he spoke in opposition, observe that there is no reason to credit his plea that he acted under orders. For I presume it was not where the resident aliens were concerned that they were going to put him to the proof. And then, who was less likely to be given such orders than the man who was found to have spoken in opposition to what they wanted done? For who was likely to be less active in this service than the man who spoke in opposition to the object that they had at heart? Again, the rest of the Athenians have a sufficient excuse, in my opinion, for attributing to the Thirty the responsibility for what has taken place; but if
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αὐτοῦς ἀναφέρωσι, πῶς ὑμᾶς εἰκὸς ἀποδέχεσθαι; 29 εἰ μὲν γὰρ τις ἦν ἐν τῇ πόλει ἀρχὴ ἱσχυρό-

tέρα [αὑτῆς],1 ὅφ' ἦς αὐτῷ προσετάττετο παρὰ 

tὸ δίκαιον ἀνθρώπους ἀπολλύναι, ἵστως ἂν εἰκότως 

αὐτῷ συγγνώμην εἴχετε· νῦν δὲ παρὰ τοῦ2 ποτε 

cαὶ λήφησθε δίκην, εἴπερ ἔξεσται τοῖς τριάκοντα 

λέγειν ὅτι τὰ ὑπὸ τῶν τριάκοντα προσταχθέντα 

30 ἐποίον; καὶ μὲν δὴ ὦκ ἐν τῇ οἰκίᾳ ἅλλ' ἐν τῇ 

όδῷ, σῴζειν τε αὐτοὺς καὶ τὰ τούτων ἐφησισμένα 

παρόν,3 συλλαβῶν ἀπήγαγεν. ὑμεῖς δὲ πᾶσιν4 

ὁργίζεσθε, ὥσπερ εἰ σᾶς οἰκίας ἦλθον τὰς ὑμετέρας 

ἑτησιν ποιοῦμενοι ἡ ὑμῶν ἡ τῶν ὑμετέρων των. 

31 καίτοι εἰ χρὴ τοῖς5 διὰ τὴν ἑαυτῶν σωτηρίαν 

[123] ἑτέρους ἀπολύσασι συγγνώμην ἔχειν, ἐκείνοις ἂν 

dικαιότερον ἔχοιτε· κίνδυνος γὰρ ἦν πειμβείσι μὴ 

ἐλθεῖν καὶ καταλαβοῦσιν ἐξάρνοις γενέσθαι. τῷ 

dὲ Ἕρατοσθένει ἐξῆν ἐιπείν ὅτι οὐκ ἀπήντησεν, 

ἐπείτα ὅτι οὐκ ἐδεῖν ταῦτα γὰρ οὐτ' ἔλεγχον οὐτὲ 

βάσανον εἴχεν, ὥστε μηδ' ὑπὸ τῶν ἑχθρῶν βουλο-

32 μέσων οἶν τ' εἶναι ἐξελεγχθῆναι. χρήν δὲ σε, ὥ 

Ἅρατοσθένει, εἴπερ ἡσθα χρηστός, πολὺ μάλλον 

tοῖς μέλλουσιν ἀδίκως ἀποθανεῖσθαι μηνυτὴν 

gενέσθαι ἢ τοὺς ἀδίκους ἀπολογμένους συλλαμ-

βάνειν. νῦν δὲ σοῦ τὰ ἔργα φανερὰ γεγένηται οὐχ 

ὡς ἀνιομένου ἅλλ' ὡς ἤδομένου τοῖς γιγνομένοις, 

33 ὥστε τούσδε ἐκ τῶν ἔργων χρὴ μάλλον ἡ ἐκ τῶν 

1 αὑτῆς del. Dobree. 
2 παρὰ τοῦ Canter: παρ' αὐτοῦ MSS. 
3 σῴζεων te et paròν Sauppe: σῴζων et ὅν MSS. 
4 πᾶσιν Reiske: πάντες MSS. 
5 τοῖς Reiske: τούτοις MSS.

* i.e., he could have let him escape there without any breach of the orders of the Thirty; but the people feel anger even
the Thirty actually attribute it to themselves, how can you reasonably accept that? For had there been some stronger authority in the city, whose orders were given him to destroy people in defiance of justice, you might perhaps have some reason for pARDoning him; but whom, in fact, will you ever punish, if the Thirty are to be allowed to state that they merely carried out the orders of the Thirty? Besides, it was not in his house, but in the street, where he was free to leave both him and the decrees of the Thirty intact, that he apprehended him and took him off to prison. You feel anger against everyone who entered your houses in search either of yourselves or of some member of your household; yet, if there is to be pardon for those who have destroyed others to save themselves, you would be more justified in pARDoning these intruders; for it was dangerous for them not to go where they were sent, and to deny that they had found the victims there. But Eratosthenes was free to say that he had not met his man, or else that he had not seen him: for these were statements that did not admit of either disproof or inquisition; so that not even his enemies, however they might wish it, could have convicted him. If in truth, Eratosthenes, you had been a good citizen, you ought far rather to have acted as an informant to those who were destined to an unjust death than to have laid hands on those who were to be unjustly destroyed. But the fact is that your deeds clearly reveal the man who, instead of feeling pain, took pleasure in what was being done; so that this court should take its verdict from your deeds, not against those who sought their victims indoors, where there was little possibility of conniving at their escape.
Λύσιας

λόγων τὴν ψήφον φέρειν, ἃ ἵσασι γεγενημένα τῶν
tότε λεγομένων τεκμήρια λαμβάνονται, ἐπειδή
μάρτυρας περὶ αὐτῶν οὐχ οἴον τε παρασχέσθαι.
οὐ γὰρ μόνον ἦμιν παρεῖναι οὐκ ἔξην, ἀλλὰ οὔδε
παρ᾽ αὐτοῖς εἶναι, ὡστε ἐπὶ τούτοις ἔστι πάντα τὰ
κακὰ εἰργασμένοις τὴν πόλιν πάντα τάγαθα περὶ
ἀυτῶν λέγειν. τούτῳ μέντοι οὐ φεύγω, ἀλλὰ
ὀμολογῶ σοι, εἰ βούλει, ἀντείπειν. θαυμάζω δὲ
τί ἂν ποτ' ἐποίησας συνεπών, ὅποτε ἀντείπειν
φάσκων ἀπέκτεινας Πολέμαρχον.

Φέρε δὴ, τί ἂν, εἰ καὶ ἄδελφοι ὄντες ἐτύχετε
αὐτοῦ ἢ καὶ υἱὸς; ἀπεισήφισασθε; δεῖ γὰρ, ὅ ἂνδρες
δικασταί, Ἐρατοσθένην δυοῖν θάτερον ἀποδείξαι,
ἤ ὅσ οὐκ ἀπήγαγεν αὐτὸν, ἡ ὄσ δικαίως τούτον ἐπραξέν.
ὁντος δὲ ὀμολόγηκεν ἄδικως συλλαβεῖν,
ὥστε ῥαδίαν ὑμῖν τὴν διαψήφισιν περὶ αὐτοῦ

35 πεποίηκε. καὶ μὲν δὴ πολλοὶ καὶ τῶν ἀστῶν καὶ
tῶν ἔξων ἡκουσιν εἰσόμενοι τίνα γνώμην περὶ
tούτων ἐξετε. ἄν οἱ μὲν ὑμέτεροι ὄντες πολῖται
μαθῶντες ἀπῖσαν ὅτι ἢ δίκην δώσουσιν ὅων
ἀν ἐξαμάρτωσιν, ἢ πράξαντες μὲν ὅν ἐφεύροντα
τύραννοι τῆς πόλεως ἔσονται, δυστυχήσαντες δὲ
tὸ ἴσον ὑμῖν ἔξονυ. ὅσοι δὲ ἐξένοι ἐπιδημοῦσιν,
εἰσονται πότερον ἄδικως τοὺς τρίακοντα ἐκκηρύτ
tουσιν ἐκ τῶν πόλεως ἢ δικαίως. εἰ γὰρ δὴ αὐτοῖς
οἱ κακῶς πεπονθότες λαβῶντες ἀφήσοντι, ἢ ποῦ
σφᾶς <γ'> ἂν αὐτοὺς ἡγήσονται περιέργους ὑπὲρ

1 γ' add. Fuhr.

*a* By stating that he spoke against it.
from your words. They should take what they know to have been done as evidence of what was said at the time, since it is not possible to produce witnesses of the latter. For we were restricted, not merely from attending their councils, but even from staying at home; and thus they have the licence, after doing all possible evil to the city, to say all possible good about themselves. That one point, however, I do not contest: I admit, if you like, that you spoke in opposition. But I wonder what in the world you would have done if you had spoken in favour, when in spite of your alleged opposition you put Polemarchus to death.

Now I would ask the court, even supposing that you had happened to be brothers or sons of this man, what would you have done? acquitted him? For, gentlemen, Eratosthenes is bound to prove one of two things,—either that he did not arrest him, or that he did so with justice. But he has admitted that he laid hands on him unjustly, so that he has made your voting on himself an easy matter. And besides, many foreigners as well as townsfolk have come here to know what is to be your judgement on these men. The latter sort, your fellow-citizens, will have learnt before they leave, either that they will be punished for their offences, or that, if they succeed in their aims, they will be despots of the city, but, if they are disappointed, will be on an equality with you. As for all the foreigners who are staying in town, they will know whether they are acting unjustly or justly in banning the Thirty from their cities. For if the very people who have suffered injury from them are to let them go when they have hold of them, of course they will consider it a waste of pains on their
36 ὑμῶν θηρουμένοις, οὐκ οὖν δεινὸν εἰ τοὺς μὲν στρατηγοὺς, οἱ ἐνίκων ναυμαχοῦντες, ὅτε δὲ καὶ χειμώνα ὑμὶν οὐκ οἴοι τ' ἐφασαν εἶναι τοὺς ἐκ τῆς θαλάττης ἀνελέσθαι, θανάτῳ ἐξημιώσατε, ἥγοιμενοι χρὴνα τῇ τῶν τεθνεῶτων ἀρετῇ παρ' ἐκείνων δίκην λαβεῖν, τούτους δὲ, οὐ διὶῶται μὲν ὄντες καθ' ὅσον ἐδύναντο ἐποίησαν ἤττηθηναι ναυμαχοῦντας, ἐπειδὴ δὲ εἰς τὴν ἀρχὴν κατέστησαν, ὁμολογοῦσιν ἐκόντες πολλοὺς τῶν πολιτῶν ἅκριτος ἀποκτινώναι, οὐκ ἂν χρὴ αὐτοὺς καὶ τοὺς παῖδας ὡς ὑμῶν ταῖς ἐσχάταις ζημίαις κολάξεσθαι;

37 Ἐγὼ τοίνυν, ὃ ἀνδρὲς δικασταί, ἡξίουν ἵκανά εἶναι τὰ κατηγορημένα· μέχρι γὰρ τούτου νομίζω χρήναι κατηγορεῖν, ἔως ἂν θανάτου δόξη τῷ φεύγοντι ἄξια εἰργάσθαι. ταῦτην γὰρ ἔσχάτην δίκην δυνάμεθα παρ' αὐτῶν λαβεῖν. ἢς τ' οὖν οἴοι τ' δεῖ πολλὰ κατηγορεῖν τοιούτων ἄνδρῶν, οἱ οὖν ὑπὲρ ἐνὸς ἐκάστου τῶν πεπραγμένων διὶ ἀποθανόντες δίκην δοῦναι δύναντ' ἂν ἡξίαν.¹

38 οὖ γὰρ δη ὡς ὅδε τούτο αὐτῷ προσήκει ποιῆσαι, ὁπερ ἐν τῇ δε τῇ πόλει εὐθυμένου ἐστὶ, πρὸς μὲν τὰ κατηγορημένα μηδὲν ἀπολογεῖσθαι, περὶ δὲ σφῶν αὐτῶν ἑτέρα λέγοντες ἐνίοτε ἐξαπατῶσιν, ὡμὶν ἀποδεικνύσιν ώς στρατιῶται ἄγαθοί εἰσιν, ἡ ὡς πολλαὶ τῶν πολεμίων ναὸς ἔλαβον τρηρ- αρχήσαντες, ἡ δ' πόλεις πολεμίας οὔσας φιλάς ἐποίησαν· ἐπεὶ κελεύετε αὐτὸν ἀποδείξαι ὅπου τοσοῦτος τῶν πολεμίων ἀπέκτειναν οὕσα τῶν

¹ ἡξίαν add. Frohberger. ² ἡ add. Markland.

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1 At Arginusae, 406 B.C.
2 It was suspected that both at Arginusae and at Aegos-
own part to keep watch on your behalf. And how monstrous it would be, when you have punished with death the commanders who won the victory at sea—a—they said that a storm prevented them from picking up the men in the water, but you felt that you must make them give satisfaction to the valour of the dead—if these men, who as ordinary persons used their utmost endeavours towards your defeat in the sea-fights, and then, once established in power, admit that of their own free will they put to death many of the citizens without a trial,—if these men, I say, and their children are not to be visited by you with the extreme penalty of the law!

Now I, gentlemen, might almost claim that the accusations you have heard are sufficient: for I consider that an accuser ought to go no further than to show that the defendant has committed acts that merit death; since this is the extreme penalty that we have power to inflict upon him. So I doubt if there is any need to prolong one’s accusation of such men as these; for not even if they underwent two deaths for each one of their deeds could they pay the penalty in full measure. And note that he cannot even resort to the expedient, so habitual among our citizens, of saying nothing to answer the counts of the accusation, but making other statements about themselves which at times deceive you; they represent to you that they are good soldiers, or have taken many vessels of the enemy while in command of war-ships, or have won over cities from hostility to friendship. Why, only tell him to point out where they killed as many of our enemies as they have of potami members of the oligarchic party had been working for the defeat of Athens by Sparta.
LYSIAS

πολιτῶν, ἡ ναῦς ὁποῖα τοσαῦτας ἐλαβον ὅσα αὐτὸι παρέδοσαν, ἡ πόλιν ἣντων τοιαύτῃ προσεκτήσαντο
40 οίαν τὴν ὑμετέραν κατεδούλωσαντο. ἀλλὰ γὰρ ὁπλα τῶν πολεμίων <τοσαῦτα> ἐσκύλευσαν ὅσα περ ὑμῶν ἀφεῖλοντο, ἀλλὰ τείχῃ τοιαύτα εἶλον οἶα
[124] τῆς ἐαυτῶν πατρίδος κατέσκαψαν; οἴτινες καὶ τὰ περὶ τὴν Ἀττικὴν φρούρια καθείλον, καὶ ήμῖν ἐδήλωσαν ὅτι οὐδὲ τὸν Πειραιᾶ Λακεδαίμονίων προστατητῶν περιείλον, ἀλλ' ὁτι ἐαυτοῖς τὴν ἀρχὴν οὕτω βεβαιοτέραν ἐνόμιζον εἶναι.

41 Πολλάκις οὖν ἐθαύμασα τῆς τόλμης τῶν λεγόντων ὑπὲρ αὐτοῦ,3 πλὴν ὅταν ἐνθυμηθὼ ὅτι τῶν αὐτῶν ἐστιν αὐτούς τε πάντα τὰ κακὰ ἐργάζεσθαι καὶ τοὺς τοιούτους ἐπανεῖν. οὐ γὰρ νῦν πρῶτον τὸν ὑμετέρῳ πλήθει τὰ ἐναντία ἐπραξέν, ἀλλὰ καὶ ἐπὶ τῶν τετρακοσίων ἐν τῷ στρατοπέδῳ ὀλυγαρχίαν καθιστᾷ ἐφευγεν ἐξ ἕλλησπόντου τριήμαρχος καταλιπὼν τὴν ναῦν, μετὰ Ἰατροκλέους καὶ ἑτέρων, ὡν τὰ ὁνόματα οὐδὲν δέομαι λέγειν. ἀφικόμενος δὲ δεύρῳ τάναντι τοῖς βουλομένοις δημοκρατίαν εἶναι ἐπραττε. καὶ τούτων μάρτυρας ἦμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

43 Τὸν μὲν τοὺν μεταξὺ βίου αὐτοῦ παρῆσω. ἐπειδὴ δὲ ἡ ναυμαχία καὶ ἡ συμφορὰ τῇ πόλει ἐγένετο, δημοκρατίας ἐτί οὖσα, ὅθεν τῆς στάσεως ἦρξαν, πέντε ἄνδρες ἐφοροὶ κατέστησαν ύπὸ τῶν καλουμένων ἐταίρων, συναγωγεῖς μὲν τῶν πολιτῶν,

1 τοσαῦτα add. Reiske. 2 ὁτι ἐαυτοῖς Sluiter: ois αυτοῖς mss. 3 αὐτῷ Dobree: αὐτῶν mss.

a 411 b.c. b The battle of Aegospotami, in 405 b.c. c In imitation of the “Ephors,” who were the five chief magistrates of Sparta.
our citizens, or where they took as many ships as they themselves surrendered, or what city they won over to compare with yours which they enslaved. Nay, indeed, did they despoil the enemy of as many arms as they stripped from you? Did they capture fortifications to compare with those of their own country which they razed to the ground? They are the men who pulled down the forts around Attica, and made it evident to you that even in dismantling the Peiraeus they were not obeying the injunctions of the Lacedaemonians, but were thinking to make their own authority the more secure.

I have often wondered, therefore, at the audacity of those who speak in his defence, except when I reflect that the same men who commit every sort of crime are wont also to commend those who act in a similar way. For this is not the first occasion of his working in opposition to your people: in the time of the Four Hundred also, seeking to establish an oligarchy in the army, he abandoned the war-ship which he was commanding and fled from the Hellespont with Iatrocles and others whose names I have no call to mention. On his arrival here he worked in opposition to those who were promoting a democracy. I will present you with witnesses to these facts.

Witnesses

Now his life in the interval I will here pass over: but when the sea-fight took place, with the disaster that befell the city, and while we still had a democracy (at this point they started the sedition), five men were set up as overseers by the so-called "club-men," to be organizers of the citizens as well as chiefs.
LYSIAS

ἄρχοντες δὲ τῶν συνωμοτῶν, ἐναντία δὲ τῷ ὑμετέρῳ πλήθει πράττοντες ὁν ὉΕρατοσθένης καὶ

41 Ἐρασίδας ἤσαν. οὐδεὶς δὲ φυλάρχους τε ἐπὶ τὰς φυλὰς "κατέστησαν, καὶ ὁ τι δέοι χειροτονεῖσθαι καὶ οὕστως χρεία "άρχειν παρῆγγελλον, καὶ εἰ τι ἀλλο πράττειν βούλουστο, κύριοι ἤσαν: οὕτως οὐχ ὑπὸ τῶν πολεμίων μόνον ἀλλὰ καὶ ὑπὸ τούτων πολιτῶν ὄντων ἐπεβουλεύεσθε ὅπως μήτ' ἀγαθῶν
45 μηδὲν ψηφιεσθε" τολλῶν τε ἐνδείξεις ἐσεσθε. τούτῳ γὰρ καλῶς 1 ἠπισταντο, ὅτι ἄλλως μὲν οὐχ οἷοι τε ἐσοιται περιγενέσθαι, κακῶς δὲ πραττόντων δυνησθαι: καὶ υμᾶς ἠγοϊτο τῶν παρόντων κακῶν ἐπιθυμοῦντες ἀπαλλαγῆναι περὶ τῶν μελλόντων
46 οὐκ ἐνθυμήσεσθαι. ως τούς τῶν εἰρόρων ἐγένετο, μάρτυρας υμῶν παρέξομαι, οὐ τοὺς τότε συμπράττοντας (οὐ γὰρ ἀν δυναῖμην), ἀλλὰ τοὺς αὐτοὺς

47 ὉΕρατοσθένους ἀκούσαντας. καίτοι εἰ ἐσωφρόνουν κατεμαρτύρουν ἀν αὐτῶν, καὶ τοὺς διδασκάλους τῶν σφετέρων ἀμαρτημάτων σφόδρ' ἀν ἐκόλαξον, καὶ τοὺς ὄρκους, εἰ ἐσωφρόνουν, οὐκ ἄν ἐπὶ μὲν τοῖς τῶν πολιτῶν κακοῖς πιστοὺς ἐνόμιζον, ἐπὶ δὲ τοῖς τῆς πόλεως ἀγαθοῖς ῥαδίως παρέβαινον. πρὸς μὲν οὖν τούτους τοσάτα λέγω, τοὺς δὲ μάρτυράς μοι κάλει. καὶ υμεῖς ἀνάβητε.

ΜΑΡΤΥΡΕΣ

48 Τῶν μὲν μαρτύρων ἀκηκόατε. τὸ δὲ τελευταῖον εἰς τὴν ἀρχὴν καταστὰσ ἀγαθοῦ μὲν οὐδενὸς μετέσχεν, ἀλλῶν δὲ πολλῶν. καίτοι εἶπερ ἦν

1 φυλὰς Taylor: φυλακάς mss. 2 χρεία Bekker: χρή mss.
3 ψηφιεσθε Cobet: ψηφίσησθε, ψηφίσεσθε mss.
4 καλῶς Frohberger: καὶ mss.

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of the conspirators and opponents of your commonwealth; and among these were Eratosthenes and Critias. They placed tribal governors over the tribes, and directed what measures should be passed by their votes and who were to be magistrates; and they had absolute powers for any other steps that they chose to take. Thus by the plotting, not merely of your enemies, but even of these your fellow-citizens, you were at once prevented from passing any useful measure and reduced to a serious scarcity. For they knew perfectly well that in other conditions they could not get the upper hand, but that if you were in distress they would succeed. And they supposed that in your eagerness to be relieved of your actual hardships you would give no thought to those that were to follow. Now, to show that he was one of the overseers, I will offer you witnesses; not the men who then acted with him,—for I could not do that,—but those who heard it from Eratosthenes himself: yet truly, if they\(^a\) were sensible, they would be bearing witness against those persons, and would severely punish their instructors in transgression; and as for their oaths, if they were sensible they would not have held them as binding to the detriment of the citizens, and would not so have made light of breaking those oaths for the advantage of the city. So much then, I would say in regard to them: now call my witnesses. Go up on the daïs.

**Witnesses**

You have heard the witnesses. Finally, when he was established in power, he had a hand in no good work, but in much that was otherwise. Yet, if he

\(^a\) *i.e.*, the accomplices of Eratosthenes.
LYSIAS

άνήρ ἀγαθὸς, ἔχρην αὐτὸν ἑπτὼν μὲν μὴ παρανόμως ἄρχεν, ἔπειτα τῇ βουλῇ μηνυτὴν γίγνεσθαι περὶ τῶν εἰσαγγελιῶν ἀπασῶν, ὅτι ψευδεῖς εἶεν, καὶ Βάτραχος καὶ Λισχυλίδης οὐ τάληθη μηνύνουσιν, ἀλλὰ τὰ ὑπὸ τῶν τριάκοντα πλασθέντα εἰσαγγέλλουσι, συγκεκριμένα ἐπὶ τῇ τῶν πολιτῶν

49 βλάβη. καὶ μὲν δὴ, ὡς ἄνδρες δικασταί, ὅσοι κακόνοι ἦσαν τῷ ὑμετέρῳ πλήθει, οὐδὲν ἐλαττον ἐξὸν σωπώντες· ἔτεροι γὰρ ἦσαν οἱ λέγοντες καὶ πράττοντες ὃν οὐχ οἰόν τ' ἦν μείζω κακὰ γενέσθαι τῇ πόλει. ὅποσοι δ' εὖνοι φασίν εἶναι, πῶς οὐκ ἐνταῦθα ἔδειξαν, αὐτοὶ τε τὰ βέλτιστα λέγοντες καὶ τοὺς ἐξαμαρτάνοντας ἀποτρέποντες;

50 "Ἰσως δ' ἂν ἔχοι εἰπεῖν ὅτι ἐδεδοικεί, καὶ ὑμῶν τοῦτο ἐνίοις ἴκανόν ἔσται. ὅπως τοῖνυν μὴ φανήσεται ἐν τῷ λόγῳ τοῖς τριάκοντα ἐναντιούμενοι· εἰ δὲ μὴ, ἐνταυθὸν δῆλος ἔσται ὅτι ἐκεῖνα τε αὐτῷ ἡρεσκε, καὶ τοσοῦτον ἔδύνατο ὁστε ἐναντιούμενοι μηδὲν κακὸν παθεῖν ὑπ' αὐτῶν. χρῆν δ' αὐτὸν ὑπὲρ τῆς ὑμετέρας σωτηρίας ταύτην τὴν προθυμίαν ἔχειν, ἀλλὰ μὴ ὑπὲρ Θηραμένους, ὃς ἐὶς ὑμᾶς πολλὰ ἔξημαρτεν. ἀλλ' οὗτος τὴν μὲν

51 πόλιν ἔχθραν ἐνόμιζεν εἶναι, τοὺς δ' ὑμετέρους ἐχθροὺς φίλους, ὡς ἀμφότερα ταῦτα ἐγὼ πολλοῖς τεκμηρίοις παραστήσω, καὶ τὰς πρὸς ἄλληλους διαφορὰς οὐχ ὑπὲρ ὑμῶν ἀλλ' ὑπὲρ ἐαυτῶν γιγνομένας, ὁπότεροι τὰ πράγματα ἐπιλέξουσι καὶ τῆς

52 πόλεως ἀρξούσιν. εἰ' γὰρ ὑπὲρ τῶν ἄδικομένων

1 αὐτὸν Bekker: ἀν mss.
2 τὰ πράγματα Gebauer: ταῦτα mss.
3 el Schott: καὶ mss.

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was really a good man, it behoved him in the first place to decline unconstitutional powers, or else to lay information before the Council exposing the falsity of all the impeachments, and showing that Batrachus and Aeschylides, so far from giving true information, were producing as impeachments the fabrications of the Thirty, devised for the injury of the citizens. Furthermore, gentlemen, anyone who was ill-disposed towards your people lost nothing by holding his peace: for there were other men to speak and do things of the utmost possible detriment to the city. As for the men who say they are well-disposed, how is it that they did not show it at the moment, by speaking themselves to the most salutary purpose and deterring those who were bent on mischief?

He could say, perhaps, that he was afraid, and to some of you this plea will be satisfactory. Then he must take care that he is not found to have opposed the Thirty in discussion: otherwise the fact will declare him an approver of their conduct who was, moreover, so influential that his opposition would bring him to no harm at their hands. He ought to have shown this zeal in the interest rather of your safety than of Theramenes, who has committed numerous offences against you. No, this man considered the city his enemy, and your enemies his friends; both of these points I will maintain by many evidences, showing that their mutual disputes were not concerned with your advantage but with their own, in the contest of their two parties as to which should have the administration and control the city. For if their quarrel had been in the cause of those who had suffered wrong,

\footnote{i.e., the extremists led by Critias, and the moderates led by Theramenes.}
In the autumn of 404 B.C., Phyle commanded the road from Thebes to Athens, about twelve miles from the latter.
at what moment could a ruler have more gloriously displayed his own loyalty than on the seizure of Phyle by Thrasybulus? But, instead of offering or bringing some aid to the men at Phyle, he went with his partners in power to Salamis and Eleusis, and haled to prison three hundred of the citizens, and by a single resolution condemned them all to death.

After we had come to the Peiraeus, and the communications had taken place, and the negotiations were in progress for our reconciliation, we were in good hopes on either side of a settlement between us, as both parties made evident. For the Peiraeus party, having got the upper hand, allowed the others to move off: these went into the town, drove out the Thirty except Pheidon and Eratosthenes, and appointed their bitterest enemies as leaders, judging that the same men might fairly be expected to feel both hate for the Thirty and love for the party of the Peiraeus. Now among these were Pheidon, Hippocles, and Epichares of the district of Lamptra, with others who were thought to be most opposed to Charicles and Critias and their club: but as soon as they in their turn were raised to power, they set up a far sharper dissension and warfare between the parties of the town and of the Peiraeus, and thereby revealed in all clearness that their faction was not working for the Peiraeus party nor for those who were being unjustly destroyed; and that their vexa-

\[b\] An illegality like that of the condemnation of the generals after Arginusae. The law required that each accused person should be voted on separately.

\[c\] The ten chief magistrates appointed after the expulsion of the Thirty to arrange terms with Thrasybulus and the democrats; but they only tried to win credit with Sparta.
Lysias

The members of the court are treated as representatives of the popular cause.

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tion lay, not in those who had been or were about
to be put to death, but in those who had greater
power or were more speedily enriched. For having got
hold of their offices and the city they made war on both
sides,—on the Thirty who had wrought every kind
of evil, and on you who had suffered it in every way.
And yet one thing was clear to all men,—that if the
exile of the Thirty was just, yours\(^a\) was unjust; while
if yours was just, that of the Thirty was unjust: for it
was not as answerable for some other acts that they
were banished from the city, but simply for these.
It ought therefore to be a matter for the deepest
resentment that Pheidon, after being chosen to re-
concile and restore you, joined in the same courses
as Eratosthenes and, working on the same plan, was
ready enough to injure the superior members of his
party by means of you, but unwilling to restore the
city to you who were in unjust exile: he went to
Lacedaemon, and urged them to march out, insinu-
ating that the city would be falling into the hands of
the Boeotians, with other statements calculated to
induce them. Finding that he could not achieve
this,—whether because the sacred signs impeded,
or because the people themselves did not desire it,—
he borrowed a hundred talents for the purpose of
hiring auxiliaries, and asked for Lysander to be their
leader, as one who was both a strong supporter of the
oligarchy and a bitter foe of the city, and who felt
a special hatred towards the party of the Peiraeus.
Bent on our city’s destruction, they hired all and
sundry, and were enlisting the aid of cities and finally
that of the Lacedaemonians and as many of their
allies as they could prevail upon; and thus they were
preparing, not to reconcile, but to destroy the city,
LYSIAS

ei μη δι’ ἀνδρας ἀγαθούς, οἵς ὑμεῖς δηλώσατε παρὰ τῶν ἐχθρῶν δίκην λαβόντες, ὧτι καὶ ἐκεῖνοι χάριν ἀποδώσετε. ταῦτα δὲ ἐπίστασθε μὲν καὶ αὐτοί, καὶ <οὐκ>² οἶδ’ ὦ τι δεί μάρτυρας παρασχέσθαι· ὑμως δὲ· ἐγὼ τε γὰρ δέομαι ἀναπαύσασθαι, ὑμῶν τ' ἐνίοις ἢδιον ὡς πλείστων τοὺς αὐτοὺς λόγους ἀκούειν.

ΜΑΡΤΥΡΕΣ

62 Φέρε δὴ καὶ περὶ Θηραμένους ὡς ἂν δύνωμαι διὰ βραχυτάτων διδάξω. δέομαι δ' ὑμῶν ἀκούσαι ὑπέρ τ' ἐμαυτοῦ καὶ τῆς πόλεως, καὶ μηδενὶ τοῦτο παραστή, ὡς Ἐρατοσθένους κινδυνεύοντος Θηραμένους κατηγορῶ. πυθάνομαι γὰρ ταῦτα ἀπολογήσεσθαι αὐτόν, ὦτι ἐκεῖνω³ φίλος ἢν καὶ τῶν αὐτῶν ἔργων μετείχε. καὶ τοι σφόδρ' ἂν αὐτὸν [126] οἵμα τα Θεμιστοκλέους πολιτεύμενον προσποιεῖσθαι πράττειν ὅπως οἰκοδομηθῆσεται τὰ τείχη, ὅπτε καὶ μετὰ Θηραμένους ὅπως καθαιρεθῆσεται. οὐ γὰρ μοι δοκοῦσιν ἵσον ἄξιοι γεγενήσθαι. δ' μὲν γὰρ Λακεδαιμονίων ἀκόντων ὕκοδόμησεν αὐτά, οὕτως δὲ τοὺς πολίτας ἐξαπατήσας

64 καθελε. περιέστηκεν οὖν τῇ πόλει τούναντιν ἢ ὡς εἰκὸς ἢν. ἄξιον μὲν γὰρ ἢν⁴ καὶ τοὺς φίλους τοὺς Ἐραμένους προσαπολωλέναι, πλὴν εἰ τις ἐτύγχανεν ἐκείνῳ τάναντια πράττων νῦν δὲ ὅρω τὰς τε ἀπολογίας εἰς ἐκείνων ἀναφερομένας, τοὺς τ' ἐκείνων συνόντας τιμάσθαι πειρωμένους, ὥσπερ πολλῶν ἀγαθῶν αἰτίου ἀλλ' οὐ μεγάλων


* i.e., how eagerly he would have claimed participation in 256
had it not been for some loyal men, to whom I bid you declare, by exacting requital from your enemies, that they no less will get your grateful reward. But these facts you comprehend of yourselves, and I doubt if I need provide any witnesses. Some, however, I will; for not only am I in need of a rest, but some of you will prefer to hear the same statements from as many persons as possible.

Witnesses

By your leave, I will inform you also about Theramenes, as briefly as I can. I request you to listen, both in my own interest, and in that of the city; and one thing let no one imagine,—that I am accusing Theramenes when it is Eratosthenes who is on his trial. For I am told that he will plead in defence that he was that man's friend, and took part in the same acts. Why, I suppose, if he had been in the government with Themistocles he would have been loud in claiming that he worked for the construction of the walls, when he claims that he worked with Theramenes for their demolition! For I do not see that there is any parity of merit between them. The one constructed the walls against the wish of the Lacedaemonians, whereas the other demolished them by beguilement of the citizens. Thus the reverse of what was to be expected has overtaken the city. For the friends of Theramenes deserved no less to perish with him, except such as might be found acting in opposition to him: but here I see them referring their defence to him, and we have his associates attempting to win credit as though he had been the author of the great work of Themistocles, if he is now to seek shelter even in the discredit of helping Theramenes to destroy it!
LYSIAS

65 κακῶν γεγενημένου. ὁς πρῶτον μὲν τῆς προ-
τέρας ὀλιγαρχίας αἰτιώτατος ἐγένετο, πείσας
ュー τὴν ἐπὶ τῶν τετρακοσίων πολιτείαν ἔλεσθαι.
καὶ ὁ μὲν πατήρ αὐτοῦ τῶν προβούλων ὁν ταύτ’
ἐπράττεν, αὐτὸς δὲ δοκῶν εὐνουστάτος εἶναι τοῖς
66 πράγμασι στρατηγὸς ὑπ’ αὐτῶν ἡρέθη. καὶ ἔως
μὲν ἑτμάτο, πιστῶν έαυτὸν [τῇ πόλει] παρείχεν,
ἐπειδὴ δὲ Πείσανδρον μὲν καὶ Κάλλασχρον καὶ
ἐτέρους ἑώρα προτέρους αὐτοῦ γιγνομένους, τὸ δὲ
67 ύμέτερον πλῆθος οὐκέτι βουλόμενον τοὺτων ἀκρο-
σθαί, τὸτ’ ἦδη διὰ τε τὸν πρὸς ἑκείνους φθόνον καὶ
τὸ παρ’ ύμῶν δέος μετέσχε τῶν Ἀριστοκράτων
ἐργῶν. βουλόμενος δὲ τῷ ύμέτερῳ πλήθει δοκεῖν
πιστὸς εἶναι Ἀντιφόντα καὶ Ἀρχεπτόλεμον φιλ-
tάτους ὄντας αὐτῶν κατηγορῶν ἀπέκτεινεν, εἰς
τοσοῦτον δὲ κακίας ἤλθεν, ὡστε ἀμα μὲν διὰ τὴν
πρὸς ἑκείνους πίστιν ύμᾶς κατεδουλώσατο, διὰ δὲ
68 τὴν πρὸς ύμᾶς τοὺς φίλους ἀπώλεσε. τιμώμενος
δὲ καὶ τῶν μεγίστων ἀξιούμενος, αὐτὸς ἐπαγγειλ-
μένος σώσειν τὴν πόλιν αὐτὸς ἀπώλεσε, φάσκων
πράγμα παρηκίνα μέγα καὶ πολλοῦ ἀξίων. ὅπ-
έσχετο δὲ εἰρήνην ποιήσειν μήτε ὁμηρά δους μήτε
τὰ τείχη καθελῶν μήτε τὰς ναύς παραδοῦσί: ταῦτα
dὲ εἰπεῖν μὲν οὐδεῦ ἡθέλησεν, ἐκέλευσε δὲ αὐτῶν
69 πιστεύειν. ὡμεῖς δὲ, ὥς ἀνδρεὶς Ἀθηναῖοι, πρατ-
tούσης μὲν τῆς ἐν Ἀρέω πάγῳ βουλῆς σωτηρία,ν
ἀντιλεγόντων ὅμως πολλῶν Ἡηραμενεί, εἰδότες δὲ
ὅτι οἱ μὲν ἄλλοι ἀνθρωποὶ τῶν πολεμίων ἕνεκα
τάπορρητα ποιοῦνται, ἔκείνους δ’ ἐν τοῖς αὐτοῦ
πολίταις οὐκ ἡθέλησεν εἰπεῖν ταῦτ’ ἀ πρὸς τοὺς

1 αἰτιοῦ ... γεγενημένου Bekker: αἰτίουs .. γεγενημένου
mss.

2 αὐτῶν Sauppe: αὐτοῦ mss.

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many benefits, and not of grievous injuries. He, first of all, was chiefly responsible for the former oligarchy, by having prompted your choice of the government of the Four Hundred. His father, who was one of the Commissioners, was active in the same direction, while he himself, being regarded as a strong supporter of the system, was appointed general by the party. So long as he found favour, he showed himself loyal; but when he saw Peisander, Callaeschrus and others getting in advance of him, and your people no longer disposed to hearken to them, immediately his jealousy of them, combined with his fear of you, threw him into co-operation with Aristocrates. Desiring to be reputed loyal to your people, he accused Antiphon and Archeptolemus, his best friends, and had them put to death; and such was the depth of his villainy that, to make credit with those men, he enslaved you, while also, to make credit with you, he destroyed his friends. Held in favour and the highest estimation, he who by his own choice offered to save the city, by his own choice destroyed it, asserting that he had discovered a capital and most valuable expedient. He undertook to arrange a peace without giving any hostages or demolishing the walls or surrendering the ships: he would tell nobody what it was, but bade them trust him. And you, men of Athens, while the Council of the Areopagus were working for your safety, and many voices were heard in opposition to Theramenes, were aware that, though other people keep secrets to baffle the enemy, he refused to mention amongst his own fellow-

\( ^a \) After the disaster in Sicily, 412 B.C.
\( ^b \) Ten persons specially appointed to revise the constitution.
\( ^c \) i.e., the oligarchs.

\( ^d \) τη πόλει del. Dobree. \( ^e \) σωτήριa Markland: σωτηριαν mss.
πολεμίων εμελλέν ἐρεῖν, ὡμοι ἐπετρέφατε αὐτῷ πατρίδα καὶ παῖδας καὶ γυναικας καὶ ύμᾶς αὐτούς.

70 ὁ δὲ ὃν μὲν ὑπέσχετο οὐδὲν ἐπραξεν, οὕτως δὲ ἐνετεθύμητο ὡς χρή μικράν καὶ ἀσθενή γενέσθαι τὴν πόλιν, ὡστε περὶ ὃν οὔδες πῶποτε οὔτε τῶν πολεμίων ἐμνήσθη οὔτε τῶν πολιτῶν ήλπισε, ταῦθ' ὑμᾶς ἔπεισε πράξαι, οὕχ ὑπὸ Δακε-
δαιμονίων ἀναγκαζόμενος, ἀλλ' αὐτὸς ἐκείνος ἐπαγγελλόμενος, τοῦ τε Πειραιῶς τὰ τείχη περι-
ελεῖν καὶ τὴν ὑπάρχουσαν πολιτείαν καταλῦσαι, εὗ εἰδὼς ὅτι, εἰ μὴ πασῶν τῶν ἐλπίδων ἀπο-
στερηθήσετο, ταχεῖαν παρ' αὐτοῦ τὴν τιμωρίαν

71 κομιεῖοθε. καὶ τὸ τελευταῖον, ὃ ἄνδρες δικασταί,
οὐ πρότερον εἰσε τὴν ἐκκλησίαν γενέσθαι, ἔως ὁ λεγόμενος ὑπ' ἐκείνων καὶ ὑπ' αὐτοῦ ἐτηρήθη, καὶ μετεπέμψατο μὲν τὰς μετὰ Δυσάν-
δρον ναῦς ἐκ Σάμου, ἐπεδήμησε δὲ τὸ τῶν πολεμίων

72 στρατόπεδον. τότε δὲ τούτων ὑπαρχόντων, καὶ παρόντος Δυσάνδρου καὶ Φιλοχάρους καὶ Μιλτιά-
δου, περὶ τῆς πολιτείας τῆς ἐκκλησίαν ἐποίου, ἣν μήτε ρήτωρ αὐτοῖς μηδεὶς ἐναιτιοῦτο μηδὲ δια-
πείλοιτο ὑμεῖς τε μὴ τὰ τῆς πόλει συμφέροντα ἔλοιπε, ἀλλὰ τάκεινοι δοκοῦντα ψηφίσαισθε.

73 ἀναστὰς δὲ Θηραμένης ἐκέλευσεν υμᾶς τρίακοντα ἀνδράσιν ἐπιτρέψαι τὴν πόλιν καὶ τὴν πολιτεία
χρῆσθαι τὴν Δρακοντίδης ἀπέφαινεν. ὑμεῖς δ' ὡμοι καὶ οὕτω διακειμένοι ἔθορυβεῖτε ως οὐ ποιησοῦντες ταῦτα· ἐγγυνώσκετε γὰρ ὅτι περὶ δου-

eίας καὶ ἔλευθερίας ἐν ἐκείνῃ τῇ ἡμέρᾳ ἦκ-

74 κλησιάζετε. Θηραμένης δὲ, ὃ ἄνδρες δικασταί,

1 αὐτὸς Canter: αὐτὸς mss.
2 ἐκείνων Markland: ἐκείνου mss.
AGAInst eratosthenes, 69–74

citizens what he was going to tell the enemy: yet nevertheless you entrusted to him your country, your children, your wives and yourselves. Not one of the things that he undertook did he perform, but was so intent on his object of subduing and crippling the city that he induced you to do things which none of the enemy had ever mentioned nor any of the citizens had expected: under no compulsion from the Lacedaemonians, but of his own accord, he promised them the dismantling of the Peiraeus walls and the subversion of the established constitution; for well he knew that, if you were not utterly bereft of your hopes, you would be quick to retaliate upon him. Finally, gentlemen, he kept the Assembly from meeting until the moment dictated by the enemy had been carefully watched for by him, and he had sent for Lysander’s ships from Samos, and the enemy’s forces were quartered in the town. And now, with matters thus arranged, and in the presence of Lysander, Philochares and Miltiades, a they called the Assembly to a debate on the constitution, when no orator could either oppose them or awe them with threats, while you, instead of choosing the course most advantageous to the city, could only vote in favour of their views. Theramenes arose, and bade you entrust the city to thirty men, and apply the system propounded by Dracontides. b But you, notwithstanding your awkward plight, showed by your uproar that you would not do as he proposed; for you realized that you were choosing between slavery and freedom in the Assembly that day. Theramenes.

a These last two shared with Lysander the command of the Spartan fleet. b Who himself became one of the Thirty.

\[a \delta\text{πειλόι} \text{το} \ \text{Cobet: } \delta\text{πειλόι} \text{το miss.}\]
[127] (καὶ τούτων ὑμᾶς αὐτοὺς μάρτυρας παρέξομαι) εἶπεν ὅτι οὐδὲν αὐτῷ μέλοι τοῦ ὑμετέρου θορύβου, ἐπειδή πολλοὺς μὲν Ἀθηναίων εἶδεῖ τοὺς τὰ ὁμοία πράττοντας αὐτῷ, δοκοῦντα δὲ Λυσάνδρῳ καὶ Λακεδαιμονίωις λέγοι. μετ' ἐκείνων δὲ Λύσανδρος ἀναστάς ἄλλα τε πολλὰ εἶπε καὶ ὅτι παρασπόνδους ὑμᾶς ἔχοι, καὶ ὅτι οὐ περὶ πολιτείας ὑμῶν ἔσται ἄλλα περὶ σωτηρίας, εἰ μὴ ποιήσει τ' ἀ

75 Ἐθραμένης κελεύει. τῶν δ' ἐν τῇ ἐκκλησίᾳ ὅσοι ἀνδρεῖς ἁγαθοὶ ἦσαν, γυνότες τὴν παρασκευὴν καὶ τὴν ἀνάγκην, οἱ μὲν αὐτοῦ μένοντες ἦσυχιὰν ἦγον, οἱ δὲ ὥχοντο ἀπιόντες, τούτῳ γοῦν σφίζοντες αὐτοῖς συνειδότες, ὅτι οὐδὲν κακὸν τῇ πόλει ἐφισάντο· ὅλοι δὲ τινες καὶ πονηροὶ καὶ κακῶς βουλεύομενοι τὰ προσταχθέντα ἐχειροτόνησαν.

76 παρήγγελτο γὰρ αὐτοῖς δέκα μὲν οὐς Ἐθραμένης ἀπέδειξε χειροτονήσαι, δέκα δὲ οὕς οἱ καθεσθηκότες ἔφοροι κελεύοντες, δέκα δ' ἐκ τῶν παρόντων· οὕτω γὰρ τὴν ὑμετέραν ἀσθένειαν ἐωρῶν καὶ τὴν αὐτῶν δύναμιν ἥπισταντο, ὥστε πρότερον ἤδεσαν

77 τὰ μέλλοντα ἐν τῇ ἐκκλησίᾳ πραχθῆσθαι. ταῦτα δὲ οὐκ ἔμοι δεῖ πιστεῖσαι, ἄλλα ἐκεῖνοι· πάντα γὰρ τὰ ὑπ' ἐμοῦ εἰρημένα ἐν τῇ βουλῇ ἀπολογούμενος ἐλεγεν, οἰνείδιζων μὲν τοῖς φεύγουσιν, ὅτι δ' αὐτῶν κατέλθοιεν, οὐδὲν φροντιζόντων Λακεδαιμονίων, οἰνείδιζων δὲ τοῖς τῆς πολιτείας μετέχονσιν, ὅτι πάντων τῶν πεπραγμένων τοῖς εἰρημένοις τρόποις

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1 ποιήσει Cobet: ποιήσαι mss.
2 παρήγγελτο Cobet: παρηγγέλλετο mss.
3 φροντιζόντων Dobree: φροντίζων δὲ τῶν mss.
 AGAINST ERATOSTHENES, 74-77

gentlemen (I shall cite your own selves as witnesses to this), said that he cared nothing for your uproar, since he knew of many Athenians who were promoting the same kind of scheme as himself, and that his advice had the approval of Lysander and the Lacedaemonians. After him Lysander arose and said, when he had spoken at some length, that he held you guilty of breaking the truce, and that it must be a question, not of your constitution, but of your lives, if you refused to do as Theramenes demanded. Then all the good citizens in the Assembly, perceiving the plot that had been hatched for their compulsion, either remained there and kept quiet, or took themselves off, conscious at least of this,—that they had voted nothing harmful to the city. But some few, of base nature and evil purpose, raised their hands in favour of the commands that had been given. For the order had been passed to them that they were to elect ten men whom Theramenes had indicated, ten more whom the overseers, just appointed, demanded, and ten from amongst those present. They were so aware of your weakness, and so sure of their own power, that they knew beforehand what would be transacted in the Assembly. For this you should rely, not on my word, but on that of Theramenes; since everything that I have mentioned was stated by him in his defence before the Council, when he reproached the exiles with the fact that they owed their restoration to him, and not to any consideration shown by the Lacedaemonians, and reproached also his partners in the government with this,—that although he had been himself responsible for all

* When he was accused by Critias, because of his moderate counsels, of being a traitor to the policy of the Thirty.

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Το ειμιν αυτοις αιτιος γεγενημενος τοιούτων τυγχανοι, πολλας πιστεις αυτοις έργω δεδωκως καὶ 78 παρ’ εκείνων ορκους ειληφώς. καὶ τοσοιτων καὶ ετέρων κακων καὶ αισχρων καὶ παλαι καὶ νεωστι καὶ μικρων καὶ μεγαλων αιτιον γεγενημενου τολμησουσιν αυτους φιλους οντας αποφανειν, ουχ υπερ ουμων αποθαυνοντος Θηραμενους άλλ’ υπερ της αυτου πονηρίας, καὶ δικαιως μεν εν ολιγαρχια ηικην δοντος (ηδη γαρ αυτην κατελυσε), δικαιως δ’ αν εν δημοκρατια δις γαρ υμας κατεδουλωσατο, των μεν παροντων καταφρονων, των δε αποντων επιθυμων, καὶ τω καλλιστω ονοματε χρωμενος δεινοτατων έργων διδασκαλος καταστας.

79 Περι μεν τοινυν Θηραμενους ικανα μοι εστι τα κατηγορημενα. ηκει δ’ υμων εκεινος ο καιρος, εν ω δει συγγυρων και έλεον μη ειναι εν τας ημετεραις γυναις, αλλα παρα ‘Ερατοσθενους και των τουτων συναρχοντων διην λαβειν, μηδε μαχομενους μεν ειναι των πολεμιων, 80 ψηφιζομενους δε ηπτους των εχθρων. μηδ’ αν φασι μελλειν πραξειν πλειω χαριν αυτως ιστε, η ων έποιησαν οργιζομενες μηδ’ απατησι μεν τοις τριακοντα εμπολεινετε, παροντας δ’ αφιτες μηδε της τυχης, η τουτους παρεδωκε τη πολει, κακιον υμων αετως βοηθησητε.

81 Κατηγορηται δη Έρατοσθενους και των τουτων

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1 aitov γεγενημενον Reiske: aitioi γεγενημενοi MSS.
2 μεν add. Contius.
3 κατηγορηται Bake: κατηγορειτε MSS.

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a i.e., people who speak in his favour.
b First by supporting the Four Hundred, and then by joining the Thirty.
c Democracy.
d Oligarchy.
that had been transacted in the manner that I have described, he was treated in this fashion,—he who had given them many pledges by his actions, and to whom they were plighted by their oaths. And it is for this man, responsible as we find him for all these and other injuries and ignominy, late as well as early, great as well as small, that they are going to have the audacity to proclaim their friendship; for Theramenes, who has suffered death, not as your champion, but as the victim of his own baseness, and has been justly punished under the oligarchy—he had already caused its ruin—as he would justly have been under the democracy. Twice over did he enslave you, despising what was present, and longing for what was absent, and, while giving them the fairest name, setting himself up as instructor in most monstrous acts.

Well, I have dealt sufficiently with Theramenes in my accusation. You now have reached the moment in which your thoughts must have no room for pardon or for pity; when you must punish Eratosthenes and his partners in power. You should not show your superiority to the city’s foes in your fighting merely to show your inferiority to your own enemies in your voting. Nor must you feel more gratitude to them for what they say that they mean to do than anger for what they have done; nor, while taking your measures against the Thirty in their absence, acquit them in their presence; nor in your own rescue be more lax than Fortune, who has delivered these men into the hands of the city.

Such is the accusation against Eratosthenes and

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* i.e., his pretext of “government by the best.”

† At Eleusis.
φίλων, οίς τάς ἀπολογίας ἀνοίσει καὶ μεθ' ὧν αὐτῷ ταῦτα πέπρακται. ὁ μέντοι ἄγων οὐκ ἔξ ᾗσον τῇ πόλει καὶ Ἐρατοσθένει ὦντος μὲν γὰρ κατηγοροῦν καὶ δικαστής αὐτὸς ἢν τῶν κρυμομένων, ἦμείς δὲ νυνὶ εἰς κατηγορίαν καὶ ἀπολογίαν καθέσταμεν. καὶ οὖντοι μὲν τοὺς οὐδὲν ἀδικούντας ἀκρίτους ἀπέκτειναν, ὑμεῖς δὲ τοὺς ἀπολέσαντας τὴν πόλιν κατὰ τὸν νόμον ἀξιωτείς κρίνειν, παρ' ὃν οὐδ' ἄν παρανόμως βουλόμενοι δίκην λαμβάνειν ἀξίαν τῶν ἀδικημάτων ἃν τὴν πόλιν ἡδικήκασι λάβοιτε. τῇ γὰρ ἄν παθόντες δίκην τὴν ἀξίαν εἴησαν τῶν ἔργων δεδωκότες; πότερον εἰ αὐτοὺς ἀποκτείνατε καὶ τοὺς παίδας αὐτῶν, ἰκανὴν ἃν τοῦ φόνου δίκην λάβοιμεν, ὃν οὖντοι πατέρας καὶ ὑμεῖς καὶ ἀδελφοὺς ἀκρίτους ἀπέκτειναν; ἀλλὰ εἰ τὰ χρήματα τὰ φανερὰ δημεύσατε, καὶ καλὸς ἂν ἔχοι ἡ τῇ πόλει, ἡς οὖντο πολλὰ εἰλήφασιν, ἡ τοῖς ἵδιώταις, ὥν <τὰς> ὀἰκίας ἐξεπόρθησαν; ἐπειδὴ τοῖνυν πάντα ποιοῦντες δίκην παρ' αὐτῶν <τὴν ἀξίαν> οὐκ ἂν δύνασθε λάβειν, πῶς οὖν αἰσχρὸν ὑμῖν καὶ ἣντινοῦ διολίπετιν, ἡμῶν ἐπικαλοῦτο [128] παρὰ τούτων λαμβάνειν;

Πάν ό' ἂν μοι δοκεὶ τολμήσαι, ὅστις νυνὶ οὐχ ἔτερων ὄντων τῶν δικαστῶν ἄλλ' αὐτῶν τῶν κακῶς πεποιθῶν, ἤκει ἀπολογισμόμενος πρὸς αὐτοὺς τοὺς μάρτυρας τῆς τούτου ποιηρίας· τοσοῦτον ἢ ὑμῶν καταπεφρονήκεν ἢ ἔτεροις πεπίστευκεν. ὃν ἀμφοτέρων ἄξιον ἐπιμελήθηναι, ἐνθυμομένους ὅτι

1 καὶ Dobree: καὶ τοι mss.
2 δημεύσατε Reiske: δημεύσετε mss.
3 τὰς add. Scheibe.
4 τὴν ἀξίαν add. Gebauer.
5 δύνασθε Bekker: δύνησθε mss.
AGAINST ERATOSTHENES, 81–85

those friends of his, on whom he will fall back in his defence, as his abettors in these practices. Yet it is an unequal contest between the city and Eratosthenes: for whereas he was at once accuser and judge of the persons brought to trial, we to-day are parties engaged in accusation and defence. And whereas these men put people to death untried who were guilty of no wrong, you think fit to try according to law the persons who destroyed the city, and whose punishment by you, even if unlawfully devised, would still be inadequate to the wrongs that they have committed against the city. For what would they have to suffer, if their punishment should be adequate to their actions? If you put them and their children to death, should we sufficiently punish them for the murder of our fathers, sons and brothers whom they put to death untried? Or again, if you confiscated their material property, would this be compensation either to the city for all that they have taken from her, or to individuals for the houses that they pillaged? Since therefore, whatever you might do, you could not exact from them an adequate penalty, would it not be shameful of you to disallow any possible sort of penalty that a man might desire to exact from these persons?

But, I believe, he would have the audacity for anything, when he has come here to-day, before judges who are no other than the very persons who have been maltreated, to submit his defence to the actual witnesses of the man’s own villainy: so profound is either the contempt that he has conceived for you or the confidence that he has placed in others. For both possibilities you ought to be on the watch,
οὔτ' ἂν ἔκεινα ἐδύναντο1 ποιεῖν μὴ ἐτέρων συμπραττόντων οὔτ' ἂν νῦν ἐπεχείρησαν ἔλθεῖν μὴ ὑπὸ τῶν αὐτῶν οἴκων εὐθέσσεθαι, οὐ οὐ τοῦτος ἢκουσι βοηθήσουτε, ἀλλὰ ἡγούμενοι πολλὴν ἄδειαν σφῖσιν ἐσεθαί τῶν <τε>2 πεπραγμένων καὶ τοῦ λοιποῦ ποιεῖν ὅ τι ἂν βούλωνται, εἰ τοὺς μεγίστους κακῶν αἰτίους λαβόντες ἀφίσετε. ἀλλὰ καὶ τῶν συνεροῦντων3 αὐτοῖς ἄξιον θαυμάξειν, πότερον ὡς καλοὶ κἀγαθοὶ αἰτήσονται, τὴν αὐτῶν ἀρετὴν πλείωνος ἄξιαν ἀποφαίνοντες τῆς <τούτων>4 πονηρίας· ἐβουλόμην μὲν ἀὐτοὺς οὔτω προθύμους εἶναι σφίξειν τὴν πόλιν, ὡσπερ οὐτοὶ ἀπολλύναι5· ἢ ἃς δεινοὶ λέγειν ἀπολογήσονται καὶ τὰ τούτων ἔργα πολλοῦ ἄξια ἀποφανοῦσιν. ἀλλ' οὐχ ὑπὲρ ὃμών οὐδεὶς αὐτῶν οὐδὲ τὰ δίκαια πώποτε ἐπεχείρησεν εἰπεῖν.

87 Ἀλλὰ τοὺς μάρτυρας ἄξιοι ἰδεῖν, οἱ τοῦτοι μαρτυροῦντες αὐτῶν κατηγοροῦσι, σφόδρα ἐπιλήσμονας καὶ εὐθείας νομίζοντες ὑμᾶς εἶναι, εἰ διὰ μὲν τοῦ ισιάτου πλήθους ἄδειας ἡγοῦνται τοὺς τριάκοντα σώσειν, διὰ δὲ Ἐρασσιάλειν καὶ τοὺς συνάρχοντας αὐτοῦ δεινὸν ἢν καὶ τῶν τεθνεώτων εἴπ' ἐκφορὰν ἔλθεῖν. καὶ τοὺς οὖν, πάντως καὶ σωθέντες καὶ δύναμις τὴν πόλιν ἀπολέσαν: ἐκείνοι δὲ, οὑς οὖν ὑπόλεον, τελευτήσατε τῶν βίων πέρας έχουσι τῆς παρὰ τῶν ἔχθρῶν τειμωρίας. οὐκ οὖν δεινὸν εἰ τῶν μὲν αἰδίκως τεθνεώτων οἱ φίλοι συναπώλυντο, αὐτοῖς δὲ τοῖς τὴν πόλιν

1 ἐδύναντο Markland: δύναιντο mss.
2 te add. Reiske.
3 συνεροῦντων Reiske: ξενεροῦντων mss.
4 τούτων add. Markland.
reflecting that, as they would have been unable to do what they did without the co-operation of others, so they would not now have ventured into court unless they expected to be saved by those same persons; who have come here, not to support these men, but in the belief that there will be a general indemnity alike for their past actions and for whatever they may want to do in the future, if you let slip from your grasp the authors of our direst misery. But you may well wonder, besides, whether those who intend to take their part will petition you in the character of loyal gentlemen, making out that their own merit outweighs the villainy of these men,—though I could have wished them as zealous for the salvation of the State as these men were for its destruction,—or whether they will rely on their skilful oratory for putting in a defence and making out that the actions of their friends are estimable. Yet on your behalf not one of them has ever attempted to mention merely your just rights.

Now it is worth observing how the witnesses, in testifying for these men, accuse themselves: they take you to be singularly forgetful and simple, if they believe that by means of you, the people, they will save the Thirty with impunity, when owing to Eratosthenes and his partners in power it was dangerous even to conduct funerals of the dead. Yet these men, if they escape, will be able again to destroy the city; whereas those whom they destroyed, having lost their lives, can no longer look for satisfaction from their enemies. Then is it not monstrous that the friends of those who have been unjustly put to death were destroyed with them, and yet the
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ἀπολέσασι δήπου ἐπ' ἐκφορὰν πολλοὶ ἡξουσιν,
89 ὅποτε βοηθεῖν τοσοῦτοι παρασκευάζονται; καὶ
μὲν δὴ πολλῷ ρᾴδιν ἡγοῦμαι εἶναι ὑπὲρ ὧν ὑμεῖς
ἐπάσχετε ἀντειπεῖν, ἢ ὑπὲρ ὧν οὗτοι πεποιήκασιν
ἀπολογήσασθαι. καίτοι λέγουσιν ὡς Ἐρατοσθένει
ἐλάχιστα τῶν τριάκοντα κακὰ εἴργασται, καὶ διὰ
τοῦτο αὐτὸν ἤξιοῦν σωθῆναι· ὅτι δὲ τῶν ἄλλων
90 Ἕλληνων πλείστα εἰς ὑμᾶς ἐξημάρτηκεν, οὐκ ὠἴονται
χρῆναι αὐτὸν ἀπολέσθαι; ὑμεῖς δὲ δείξατε ἢντυπα
gνώμην ἔχετε περὶ τῶν πραγμάτων. εἰ
μὲν γὰρ τούτου καταψηφιεῖσθε, δήλοι ἔσεσθε ὡς
ὀργιζόμενοι τοῖς πεπραγμένοις· εἰ δὲ ἀποψηφιεῖσθε,
ὅθεν ἔσεσθε τῶν αὐτῶν ἐργῶν ἐπιλυμηταί τούτους
όντες, καὶ οὐχ ἔχετε λέγειν ὅτι τὰ ὑπὸ τῶν τριά-
κοντα προσταχθέντα ἐποιεῖτε· νυνὶ μὲν γὰρ οὐδὲ
 eius ὑμᾶς ἀναγκάζει παρὰ τὴν ὑμετέραν γνώμην
ψηφίζεσθαι. 2 ὥστε συμβουλεύω μὴ τούτων ἀπο-
ψηφισμένους ὑμῶν αὐτῶν καταψηφίσασθαι. μηδὲ
οἷς ἐσθε κρύβην τὴν ψήφον εἶναι· φανερὰν γὰρ τῇ
πόλει τὴν ὑμετέραν γνώμην ποιῆσετε.

92 Βούλομαι δὲ ὄλιγα ἐκατέρως ἀναμνήσας κατα-
βαίνειν, τοὺς τε ἐξ ἀστεώς καὶ τοὺς ἐκ Πειραιῶς,
ίνα τὰς ὑμῖν διὰ τούτων γεγενημένας συμφορὰς
παραδείγματα ἔχοντες τὴν ψήφον φέρητε. καὶ
πρῶτον μὲν ὅσοι ἐξ ἀστεώς ἔστε, σκέψασθε ὅτι
ὑπὸ τούτων οὕτω σφόδρα ἰήρξεσθε, ὥστε ἀδελφοῖς
καὶ ὑέσι καὶ πολίταις ἡμαγκάζεσθε πολέμεων
tοιοῦτον πόλεμον, ἐν δὲ ἠτηθέντες μὲν τοῖς
93 νικήσας τὸ ἵσον ἔχετε, νικήσαντες δ' ἂν τοῦτοις

1 δήπου Sauppe: ἦπον mss.
2 ψηφίζεσθαι Bekker: ἀποψηφίζεσθαι mss.
very men who destroyed the city will have many people, I imagine, to conduct their funerals, since so many are making efforts to shield them? Moreover, I am sure it was far easier to speak in opposition to them on the subject of your sufferings than it is now in defence of what they have done. We are told, indeed, that of the Thirty Eratosthenes has done the least harm, and it is claimed that on this ground he should escape; but is it not felt that for having committed more offences against you than all the other Greeks he ought to be destroyed? It is for you to show what view you take of those practices. If you condemn this man, you will declare your indignation at the things that have been done; but if you acquit him, you will be recognized as aspirants to the same conduct as theirs, and you will be unable to say that you were carrying out the injunctions of the Thirty, since nobody to-day is compelling you to vote against your judgement. So I counsel you not to condemn yourselves by acquitting them. Nor should you suppose that your voting is in secret; for you will make your judgement manifest to the city.

But before I step down, I desire to recall a few facts to the minds of both parties—that of the town and that of the Peiraeus—in order that you may take warning from the disasters brought upon you through the agency of these men, before you give your vote. In the first place, all you of the town party should consider that you were so oppressed by the rule of these men that you were compelled to wage against your brothers, your sons and your fellow-citizens a strange warfare in which your defeat has given you equal rights with the victors, whereas your victory would have made you the slaves of these men. They
έδουλεύετε. καὶ τοὺς ἰδίους οὐκευς οὕτω μὲν [ἂν] ἐκ τῶν πραγμάτων μεγάλους ἐκτήσαντο, ὑμεῖς δὲ διὰ τῶν πρὸς ἄλληλους πόλεμον ἠλάττους ἔχετε: συνωφελείσθαι μὲν γὰρ ὑμᾶς οὐκ ἦξιοιν, συνδιαβάλλεσθαι δὲ ἡμάγκαζον, εἰς τοσοῦτον ὑπεροφίας ἐλθόντες ὡστε οὗ τῶν ἁγαθῶν κοινοῦμενοι πιστοὺς ὑμᾶς ἐκτώντο, ἀλλὰ τῶν ὁνειδῶν μεταδιδόντες εὖνοις ὠντο εἶναι. ἀνθ’ ὅν ὑμεῖς νῦν ἐν τῷ θαρραλέῳ ὄντες, καθ’ ὅσον δύνασθε, καὶ ὑπὲρ ὑμῶν αὐτῶν καὶ ὑπὲρ τῶν ἐκ Πειραιῶς τιμωρήσεισθαι ἐνθυμηθέντες μὲν ὅτι ὑπὸ τούτων πονηροτάτων ὄντων ἡρχεσθε, ἐνθυμηθέντες δὲ ὅτι μετ’ ἀνδρῶν νῦν ἁρίστων πολιτεύεσθε καὶ τοῖς πολέμιοις μάχεσθε καὶ περὶ τῆς πόλεως βουλεύεσθε, ἀναμνησθέντες δὲ τῶν ἐπικούρων, οὐς οὕτωι φύλακας τῆς σφετέρας ἀρχῆς καὶ τῆς ὑμετέρας δουλείας εἰς τὴν ἀκρόπολιν κατέστησαν. καὶ πρὸς ὑμᾶς μὲν ἐτὶ πολλῶν ὄντων εἶπεῖν τοσαύτα λέγω. ὅσοι δ’ ἐκ Πειραιῶς ἐστε, πρῶτον μὲν τῶν ὄπλων ἀναμνήσθητε, ὅτι πολλὰς μάχας ἐν τῇ ἀλλοτρίᾳ μαχεσάμενοι οὐχ ὑπὸ τῶν πολεμιῶν ἄλλω ὑπὸ τούτων εἰρήνης οὔσης ἀφηρέθητε τὰ ὁπλα, ἐπειδ’ ὅτι ἐξεκηρύχθητε μὲν ἐκ τῆς πόλεως, ἂν ὑμῖν οἱ πατέρες παρέδωσαν, φεύγοντας δὲ ὑμᾶς ἐκ τῶν πόλεων ἐξῆτούντο. ἀνθ’ ὅν ὀργίσθητε μὲν ἀσπερ ὀτ’ ἐφεύγετε, ἀναμνήσθητε δὲ καὶ τῶν ἄλλων κακῶν ἀ πεπόνθατε ὑπ’ αὐτῶν, οἷς τοὺς μὲν ἐκ τῆς ἀγορᾶς τοὺς δ’ ἐκ τῶν ιερῶν συναρπάζοντες

1 ἂν del. Baiter.
2 πονηροτάτων Reiske: πονηροτέρων mss.
3 σφετέρας Markland: ὑμετέρας mss.
4 ἐξῆτούντο Contius: ἐξητούντο mss.
have enlarged their private establishments by means of their public conduct, while you find yours reduced by your warfare against each other: for they did not permit you to share their advantages, though they compelled you to share their ill-fame; and they carried disdain so far that, instead of enlisting your fidelity by a communication of their benefits, they thought to ensure your sympathy by a partnership in their scandals. In return, now that you feel secure, go to the limit of your powers, on your own behalf as on that of the Peiraeus party, in taking your vengeance. Reflect that in these men you found the most villainous of rulers; reflect that you now have the best men with you in tenure of our civic rights, in fighting the enemy, and in deliberating on affairs of State; and remember the auxiliaries whose men stationed in the Acropolis as guardians of their dominion and of your slavery. I have much else to say to you, but I will say no more. And all you of the Peiraeus party, remember first the matter of the arms,—how after fighting many battles on foreign soil you were deprived of your arms, not by the enemy, but by these men, in a time of peace; and next, that you were formally banished from the city which your fathers bequeathed to you, and when you were in exile they demanded your persons from the various cities. In return you should feel the same anger as when you were exiles, and remember besides the other injuries that you suffered from these men, who with violent hands snatched some from the market-place, and some from the temples, and put

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"The guard of 700 mercenary troops sent in by Sparta to assist the Thirty."
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βιαίως ἀπέκτειναν,1 τοὺς δὲ ἀπὸ τέκνων καὶ γονέων καὶ γυναικῶν ἀφέλκοντες2 φονέας αὐτῶν ἥναγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομίζο-
μένης εἰσαγαν τυχεῖν, ἤγομένου τὴν αὐτῶν ἁρχήν
βεβαιοτέραν εἶναι τῆς παρὰ τῶν θεῶν τιμωρίας.

97 ὀσοὶ δὲ τὸν θάνατον διέφυγον, πολλαχοῦ κυν-
δυνεύσαντες καὶ εἰς πολλὰς πόλεις πλανηθέντες καὶ πανταχόθεν ἐκκηρυττόμενοι, ἐνδεεὶς ὄντες
tῶν ἐπιτηδείων, οἱ μὲν ἐν πολεμίᾳ τῇ πατρίδι
tοὺς παῖδας καταλείποντες, οἱ δ' ἐν ἐξέη γῆ,
pολλῶν ἐναντιομένων ἤλθετε εἰς τὸν Πειραιᾶ.
pολλῶν δὲ καὶ μεγάλων κυνδύνων ὑπαρξάντων ἀν-
δρες ἀγαθοὶ γενόμενοι τοὺς μὲν ἡλευθερώσατε, τοὺς
98 δ' εἰς τὴν πατρίδα κατηγάγετε. εἰ δὲ ἑυστυ-
χήσατε καὶ τούτων ἡμᾶρτετε, αὐτοὶ μὲν ἂν δεί-
sαντες ἐφεύγετε μὴ πάθητε τουαῦτα οἷα καὶ πρό-
tερον, καὶ οὔτ' ἣν ἱερὰ οὔτε βομβὸς ὑμᾶς ἄδικο-
μένους διὰ τοὺς τοῦτων τρόπους ὀφέλησαν, ἃ καὶ
tοὺς ἀδικοῦσί σωτήρια γίγνεται: οἱ δὲ παῖδες
ὕμων, ὅσοι μὲν ἐνθάδε ἤσαν, ὑπὸ τούτων ἃν
ὐβρίζοντο, οἱ δ' ἐπὶ ἐξέης μικρῶν ἃν ἔνεκα συμ-
βολαίων ἐδουλευον ἐρημία τῶν ἐπικουρησάντων.

99 Ἄλλα γὰρ ὅτα ἡ μέλλοντα ἔσεσθαι βουλομαί
λέγειν, τὰ πραχθέντα ὑπὸ τούτων οὐ δυνάμενος
eἰπεῖν. οὐδὲ γὰρ ἐνὸς κατηγόρου οὐδὲ δυοῦ ἔργον
ἐστίν, ἀλλὰ πολλῶν. ὦμως δὲ τῆς ἐμῆς προθυμίας
<οὔδέν>3 ἠλλελειπται, ὑπὲρ <τε>4 τῶν ἱερῶν, ἃ
οὕτω τὰ μὲν ἀπέδουτο τὰ δ' εἰςόντες ἐμίαινον,
ὑπὲρ τε τῆς πόλεως, ἢν μικρὰν ἐποίουν, ὑπὲρ τε
tῶν νεωρίων, ἃ καθεῖλον, καὶ ὑπὲρ τῶν τεθνεῶτων,

1 ἀπέκτειναν Reiske: ἀπέκτεινον mss.
2 ἀφέλκοντες Reiske: ἀφελόντες mss.

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them to death; while others they tore from their children, their parents and their wives, and compelled to self-slaughter, and then did not even allow them to be given the customary burial, conceiving their own authority to be proof against the vengeance of Heaven. As many as escaped death encountered danger in many places, and wandered to many cities, and were banished from each refuge: in want of subsistence, having left behind you your children either in your native land, now turned hostile, or else on foreign soil, you came, despite many adversities, to the Peiraeus. Beset by many great perils, you proved yourselves men of true valour, and liberated one party while restoring the other to their native land. If you had been unfortunate, and had failed of these achievements, in your turn you would have gone into exile through fear of more afflictions like the past, and owing to the methods of these men you would have found no shelter from your wrongs in either temples or altars, where even wrongdoers are secure. Of your children, as many as were here would have been foully assaulted by these men, while those in foreign parts would have been enslaved for petty debts, cut off from all possible assistance. But I have no wish to speak of things that might have befallen, when I find myself unable to recount what these men have actually done: that is a task, not for one accuser, nor for two, but for many. Nevertheless, of zeal on my part there has been no lack in defence of the temples which these men have either sold or defiled by their presence; in defence of the city which they abased; on behalf of the arsenals, which they demolished; and on behalf of the dead, whom

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3 oὐδὲν add. Canter. 4 τε add. Sauppe.
οὶς ύμεῖς, ἐπειδὴ ζῶσιν ἐπαρίστηκας οὐκ ἐδύνασθε, 100 ἀποθανοῦσι βοηθήσατε. οἶμαι δ᾽ αὐτούς ἡμῶν1 τε ἀκροάσθαι καὶ ύμᾶς εἰσεσθαί τὴν ψήφῳν φέ- ροντας, ἡγουμένους, ὅσοι μὲν ἂν τούτων ἀπο- ψηφίσησθε, αὐτῶν θάνατον κατεψηφισμένους ἐσεσθαί,2 ὅσοι δ᾽ ἂν παρὰ τούτων δίκην λάβωσιν, ὑπὲρ αὐτῶν τιμωρίας πεποιημένους.
Παύσομαί κατηγορῶν. ἀκηκόατε, ἐωράκατε, πεπόνθατε, ἔχετε· δικάξετε.

1 ἡμῶν Auger: ύμῶν mss.
2 κατεψηφισμένους ἐσεσθαί Kuyser: καταψηφισθαί mss.
you were unable to protect in life, and must therefore vindicate in death. I fancy that they are listening to us, and will know you by the vote that you give; they will feel that those of you who acquit these men will have passed sentence of death on them, while those who inflict the merited penalty will have acted as their avengers.

I will here conclude my accusation. You have heard, you have seen, you have suffered; you have the guilty: give judgement.
XIII. AGAINST AGORATUS: IN PURSUANCE OF A WRIT

INTRODUCTION

Agoratus, a man of servile birth, had contrived to obtain certain privileges,—not amounting, however, to those of full citizenship, as he pretended,—by claiming to have had a hand in killing Phrynichus, one of the Four Hundred, in 411 B.C. During the next seven years he had practised the vile trade of informer: in 404 especially, when the humiliating peace was procured from Sparta by Theramenes, he was employed by the Thirty Oligarchs to incriminate those citizens who appeared to be thwarting their plans by objecting to the severity of the Spartan conditions. The arrangement made with Agoratus was that he should be accused of conspiring with a number of others against the peace, but should assist the repressive measures of his masters by denouncing his alleged associates, while thus securing immunity for himself. He was accused by Theocritus, and some of the Council went down to the Peiraeus to arrest him: he played his part by taking sanctuary at the altar of Artemis in Munichia. Some friends or interested persons offered him an easy means of escape by sea, and their company on the voyage; but he declined their offer, and denounced these same
AGAINST AGORATUS

persons, and also some of the generals and commanders. He and his victims were all put in prison, and the peace with Sparta was finally agreed.

The government was immediately seized by the Thirty, and the prisoners were brought to trial; not before a full popular "court of two thousand" (§ 35), as had been decreed by the Council at the time of their arrest, but before the new Council, which was entirely subservient to the Thirty. They were all condemned to death, except Agoratus, who was banished. Towards the end of the year (404) he joined the democrats under Thrasybulus at Phyle; but both then and in their subsequent advance upon Athens they would have nothing to do with him. Some five or six years later, under the restored democracy,—this must be about 399 B.C., the year of Socrates' trial,—he is accused of the murder of Dionysodorus, one of the victims of the Thirty, and probably one of the generals or commanders. The prosecutor is the cousin and brother-in-law of Dionysodorus, though the writ of arrest was in the name of a brother, Dionysius.

Historically the interest of the speech is similar to that of the accusation of Eratosthenes; but it differs in confining itself to a personal demand for vengeance upon the murderer of the speaker's relative: thus the historical allusions are only incidental and subsidiary to the main appeal for private satisfaction. The excuse offered for bringing this suit for "murder" so long after the crime had been committed, and in spite of the amnesty ordained at the restoration of the democracy, is that another man, Menestratus, long after he had similarly assisted in the crimes of the Thirty, had been condemned and executed for

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murder by the people. The summary arrest of Agoratus appears to have been possible solely because he was not in possession of full civic rights: but even so, the Eleven insisted on the insertion of the words "taken in the act" in the writ against him. The prosecution accordingly has to justify the action by making out that Agoratus's deposition of the names of his victims before the people amounted to his being caught in the act of their murder. It is interesting to observe how Lysias deals with this obvious difficulty.

The first half of the speech (1-48) gives a full and lively account of the conduct of Agoratus as an agent of the Thirty: frequently, without attempt at proof, it charges all the calamities of the State on his sinister activities. Emphasis is laid on the pathetic end of Dionysodorus and his companions in misfortune (39-42), and also on the glaring fact that Agoratus, when he might have made his escape with ease from Munichia, chose to remain and denounce the persons indicted by the Thirty: the inference is that his life had been promised him beforehand as the price of his depositions.

The latter half (49-97) consists of arguments—which in some cases are hardly more than assertions—against the defendant's plea that he was compelled to act as he did (49-63); then, an attack on his personal character (64-82), with special reference to his pretended part in the assassination of Phrynichus; and then some further argument on the legality of prosecuting after so great a lapse of time (83-84), and on the accuser's claim that Agoratus was duly "taken in the act" (85-87) and is not protected by the amnesty (88-90). On this last
point the speaker resorts to the patent sophism that
an amnesty made between two parties cannot hold
between two members of the same party. He con-
cludes with a strong appeal to resentment against
the Thirty and their infamous tool, and to sympathy
for their dead victims (91-97).
ΧΙΙ. ΚΑΤΑ ΑΓΟΡΑΤΟΥ ΕΝΔΕΙΞΕΩΣ

1 Προσήκει μὲν, ὃ ἄνδρες δικασταί, πᾶσιν ὑμῖν τιμωρεῖν ὑπὲρ τῶν ἄνδρῶν ὃι ἀπέδανον εὖνοι ὄντες τῷ πλήθει τῷ ὑμετέρῳ, προσήκει δὲ κάμοι οὐχ ἤκιστα: κηδεστής γὰρ μοι ἦν Διονυσόδωρος καὶ ἀνεψιός. τυγχάνει ὅτι ἐμοὶ ἡ αὐτῇ ἔχθρα πρὸς Ἀγόρατον τούτοι καὶ τῷ πλῆθει τῷ ὑμετέρῳ ὑπάρχουσα: ἐπραξὲ γὰρ οὗτος τοιαῦτα, δι' ἄυπ' ἐμοὶ νῦν ἐκκόσως μισεῖται, ὑπὸ τε ὑμῶν, ἐὰν θεὸς ἐθέλῃ, δικαίως τιμωρηθήσεται. Διονυσόδωρον γὰρ τὸν κηδεστὴν τὸν ἐμὸν καὶ ἔτερους πολλοὺς, ὃν ὅτι τὰ ὄνόματα ἀκούσεσθε, ἄνδρας ὄντας ἀγαθοὺς περὶ τὸ πλῆθος τὸ ὑμετέρου, ἐπὶ τῶν τριάκοντα ἀπέκτεινε, μηνυτὴς κατ' ἐκείνων γενόμενος. ποιήσας δὲ ταύτα ἐμὲ μὲν ἱδία καὶ ἐκαστὸν τῶν προσηκόντων μεγάλα ἐξημίσσε, τὴν δὲ πόλιν κοινῆ πᾶσαν τοιούτων ἄνδρῶν ἀποστέρησας οὐ

3 μικρά, ὃς ἔγω νομίζω, ἐβλαψεν. ἐγὼ οὖν, ἄνδρες δικασταί, δίκαιον καὶ ὁσιον ἤγονμαι εἶναι καὶ ἐμοὶ καὶ ὑμῖν ἀπαισί τιμωρεῖσθαι καθ' ὅσον ἐκαστὸς δύναται: καὶ ποιοῦσι ταῦτα νομίζω ἦμῖν καὶ παρὰ θεῶν καὶ παρ' ἄνθρωπων ἁμείνων ἂν γίγνεσθαι. δεὶ δ' ὑμᾶς, ὃ ἄνδρες Ἀθηναῖοι, ἐξ ἀρχῆς τῶν πραγμάτων ἀπάντων ἀκούσαι, ἵνα

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1 ὃ add. Markland.
XIII. AGAINST AGORATUS: IN PURSUANCE OF A WRIT

It is the duty of you all, gentlemen of the jury, to avenge the men who were put to death as supporters of your democracy, and it is also my duty in particular; for Dionysodorus was my brother-in-law and cousin. It happens, therefore, that I share with your democracy the same settled animosity against the defendant, Agoratus; the acts that he has committed are of a kind to give me good reason to hate him to-day, and justification to you for the penalty which, by Heaven’s will, you are to impose on him. For Dionysodorus, my brother-in-law, and many others whose names you shall be duly told,—all loyal friends of your democracy,—were done to death by him in the time of the Thirty, through his act in informing against them. By this conduct he inflicted not only grievous losses on me and each of their relatives as individuals, but serious injuries—so I consider—on the whole city at large, by depriving it of men of that character. I therefore, gentlemen, consider it an act of justice and piety in all of you as well as myself to take vengeance as far as each of us is able; and I think we should stand better both with the gods and with mankind if we did so. You must hear the whole of the circumstances, gentlemen, from the beginning, in order that
LYSIAS

eἰδήτε πρώτον μὲν ὃ τρόπῳ ύμῖν ἡ δημοκρατία κατελύθη καὶ ὑφ' ὤτου, ἐπειτα ὃ τρόπῳ οἱ ἄνδρες ὑπ' Ἀγοράτου ἀπέθανον, καὶ δὴ ὁ τι 
ἀποθηκευμένου μέλλοντες ἐπέσκηψαν ἀπαντα γὰρ ταῦτα ἀκριβῶς ἀν μαθόντες ἦδιον καὶ ὁσίωτερον Ἀγοράτου 
tουτοῦ καταψήφισθε. ὃθεν οὖν ἦμεις τε ῥάστα 
διδάξομεν καὶ ὑμεῖς μαθήσεσθε, ἐντεῦθεν ὑμῖν ἀρξομαὶ διηγεῖσθαι.

5 Ἐπειδὴ γὰρ αἱ νῆσεις αἱ ὑμέτεραι διεφθάρησαν καὶ τὰ πράγματα <τὰ>ς ἐν τῇ πόλει ἀσθενεύστερα ἐγεγένητο, οὐ πολλῷ χρόνῳ ύστερον αἱ τε νῆσε 
αἱ Λακεδαιμονίων ἐπὶ τὸν Πειραιᾶ ἀφικνοῦνται, καὶ ἀμα λόγου πρὸς Λακεδαιμονίους περὶ τῆς 
6 εἰρήνης ἐγίγνοντο. ἐν δὲ τῷ χρόνῳ τούτῳ οἱ βουλόμενοι νεώτερα πράγματα ἐν τῇ πόλει γί 
γνεσθαι ἐπεβουλευον, νομίζοντες κάλλιστον καιρὸν εἰληφέναι καὶ μάλιστ' ἀν ἐν τῷ τότε χρόνῳ 
tα πράγματα, ὡς αὐτοὶ ἐβουλοῦντο, καταστήσασθαι.

7 ἤγοντο δὲ οὔδεν ἄλλο σφίσων ἔμποδῶν εἶναι ἡ 
tους τοὺς δήμους προεστηκότας καὶ τοὺς στρατη 
γοῦντας καὶ ταξιαρχοῦντας. τούτους οὖν ἐβουλοῦντο 
ἀμῶς γὲ πως ἐκποδῶν ποιήσασθαι, ἢν ῥαδίως 
ἀ βουλοῦντο διαπράττοντο. πρώτον μὲν οὖν 
8 Κλεοφόντι ἐπέθεντο ἐκ τρόπου τοιοῦτον. ὅτε 
γὰρ ἡ πρώτη ἐκκλησία περὶ τῆς εἰρήνης ἐγίγνετο καὶ 
οἱ παρὰ Λακεδαιμονίων ἦκοντες ἑλέγον ἐφ' 
οῖς ἔτοιμοι εἶδεν τὴν εἰρήνην ποιεῖσθαι Λακεδαι 
μόνιοι, εἰ κατασκαφεῖ τῶν τειχῶν τῶν μακρῶν 
ἐπὶ δέκα στάδια ἐκατέρου, τότε ὑμεῖς τε, ὃ ἄνδρες

1 ὃ ὁ τ α Taylor: διότι mss.
2 τὰ add. Sauppe.
3 ἀν add. Auger.
AGAINST AGORATUS, 4-8

you may know, first, in what manner your democracy was dissolved, and by whom; second, in what manner those men were done to death by Agoratus; and further, what injunction they gave when they were about to die. For when you have been accurately informed of all these things you will with the more pleasure and piety condemn this man Agoratus. I shall therefore start my relation at a point from which it will be easiest both for me to explain and for you to understand.

When your ships had been destroyed a and the resources of the city had been enfeebled, the ships of the Lacedaemonians arrived soon after at the Peiraeus, and negotiations for peace were made at once with the Lacedaemonians. At this moment those who desired to have a revolution in the State were busy with their plots, conceiving that they had found an excellent opportunity, and that this was the very moment for them to arrange the government according to their own desire. The only obstacles that they saw in their path were the leaders of the popular party and the generals and commanders. These they consequently sought to clear out of their way by fair means or foul, in order that they might achieve their ends with ease. So they began with an attack on Cleophon b in the following manner. When the first Assembly was held on the question of peace, and the emissaries of the Lacedaemonians stated the terms on which the Lacedaemonians were prepared to make peace,—on condition that the Long Walls were demolished, each to the extent of ten stades,—you then refused,

a At Aegospotami, 405 b.c.
b A democratic and anti-Spartan orator.
ΛΥΣΙΑΣ

Ἀθηναίοι, οὐκ ἴνεσχεσθε ἀκούσαντες περὶ τῶν τειχῶν τῆς κατασκαφῆς, Κλεοφῶν τε ὑπὲρ ὑμῶν πάντων ἀναστὰς ἀντεῖπεν ὡς οὐδεὶς τρόπῳ οἶνον 9 τε ἐν ποιεῖν ταῦτα. μετὰ δὲ ταῦτα Ὁηραμένης, ἐπιβουλεύων τῷ πλὴθει τῷ ὑμετέρῳ, ἀναστὰς λέγει ὅτι, ἐὰν αὐτὸν ἠλησθέ περὶ τῆς εἰρήνης προσβευτὴν αὐτοκράτορα, ποιήσει ὦστε μήτε τῶν τειχῶν διελεῖν μήτε ἀλλο τῆν πόλιν ἐλαττώσαι μηδέν. οἰοντο δὲ καὶ ἀλλο τι ἁγαθὸν παρὰ

10 Λακεδαίμονίων τῇ πόλει εὐρήσειθαι. πεισθέντες δὲ ὑμεῖς εἰλεσθε ἐκείνων προσβευτὴν αὐτοκράτορα, ὅν τῷ προτέρῳ ἔτει στρατηγὸν χειροτονηθέντα ἀπεδοκιμάσατε, οὐ νομίζοντες εὖν οἴναι τῷ πλήθει τῷ ὑμετέρῳ. ἐκείνος μὲν οὖν ἐλθὼν εἰς Λακεδαίμονα ἐμενεν ἐκεῖ πολὺν χρόνον, καταληπτῶν ὑμᾶς πολυρκουμένους, εἰδὼς τὸ ὑμετέρον πλῆθος ἐν ἀπορία ἐχόμενον καὶ διὰ τὸν πόλεμον καὶ τὰ κακά τοὺς πολλοὺς τῶν ἐπίτηδείων ἐνδείσι οὖντας, νομίζων, εἰ διαθείη ὑμᾶς [ἀπόρως]1 ὁσπερ διέθηκεν, ἀσμένως ὀποιαντινὸν ἔθελήσαι ἃν εἰρήνη ποι-

12 ἴσασθαι. οἱ δ' ἐνθάδε ὑπομένοντες καὶ ἐπιβουλεύοντες καταλῦσαι τὴν δημοκρατίαν εἰς ἁγῶνα Κλεοφῶντα καθιστάσι, πρόφασιν μὲν ὅτι οὐκ ἔλθεν εἰς τὰ ὁπλα ἀναπαυσόμενος, τὸ δ' ἀληθεῖς ὅτι ἀντεῖπεν ὑπὲρ ὑμῶν μὴ καθαίρειν τὰ τείχη. ἐκείνως μὲν οὖν δικαστήριον παρασκεύασαντας καὶ ἐσελθόντες οἱ βουλόμενοι ὀλυγαρχιὰν κατα-

13 Ὁηραμένης δὲ ὑπετερον ἀφικνεῖται ἐκ Λακεδαϊμονος.

1 ἀπόρως del. Kayser.

* An examination of officers and magistrates between 286
men of Athens, to stomach what you had heard as to the demolition of the walls, and Cleophon arose and protested on behalf of you all that by no means could the thing be done. After that Theramenes, who was plotting against your democracy, arose and said that, if you would appoint him an ambassador to treat for peace with a free hand, he would arrange that there should be neither a breach made in the walls nor any other abasement of the city; and that he thought he would contrive even to get from the Lacedaemonians some additional boon for the city. You were persuaded, and appointed as an ambassador with a free hand the man whom in the previous year, after his election to the generalship, you had rejected on his scrutiny, because you judged him disloyal to your democracy. Well, he went to Lacedaemon and stayed there a long time, though he had left you here in a state of siege, and knew that your population was in desperate straits, as owing to the war and its distresses the majority must be in want of the necessaries of life. But he thought that, if he should reduce you to the condition to which he in fact reduced you, you would be only too glad to make peace on any sort of terms. The others remained here, with the design of subverting the democracy: they brought Cleophon to trial, on the pretext that he did not go to the camp for his night’s rest, but really because he had spoken on your behalf against the destruction of the walls. So they packed a jury for his trial, and these promoters of oligarchy appeared before the court and had him put to death on that pretext. Theramenes arrived later from Lacedaemon, their election in spring and their assumption of office after midsummer.
LYSIAS

προσιόντες δ’ αὐτῷ τῶν τε στρατηγῶν1 τινες καὶ
[131] τῶν ταξιάρχων, ὄν ἣν Ἐσμυρναῖκα καὶ Διονυσο-

δωρος, καὶ ἄλλοι τινές τῶν πολιτῶν εὑνοοῦντες

ὑμῶν, ὅς γ’ ἐδήλωσαν ύστερον, ἡγανάκτουν σφόδρα.

ηλθε γὰρ φέρων εἰρήνην τοιαύτην, ἢν ἡμεῖς ἔργῳ

μαθόντες ἐγνωμεν· πολλοὺς γὰρ τῶν πολιτῶν καὶ

14 ἀγαθοὺς ἀπωλέσαμεν, καὶ αὐτοὶ ύπὸ τῶν τριάκοντα

ἐξηλάθημεν. ἐνὴ2 γὰρ ἀντὶ μὲν τοῦ ἐπὶ δέκα

στάδια τῶν μακρῶν τειχῶν διελεῖν ὅλα τὰ μακρὰ

τείχη διασκάψαι, ἀντὶ δὲ τοῦ ἄλλο τὸ ἄγαθον τῇ

πόλει εὑρέσατε τάς τε νάυς παραδοῦναι [τοῖς

Λακεδαίμονίοις]3 καὶ τὸ περὶ τὸν Πειραιὰ τεῖχος

15 περιελείν. ὅρωντες δὲ οὕτω οἱ ἄνδρες ὅνόματι

μὲν εἰρήνην λεγομένην, τῷ δ’ ἔργῳ τὴν δημοκρατίαν

καταλυμένην, οὐκ ἔφασαν ἐπιτρέψειν ταῦτα γε-

νέσθαι, οὐκ ἔλεοῦντες, οἱ ἄνδρες Ἀθηναίοι, τὰ

τείχη, εἰ πεσεῖται, οὐδὲ κηδόμενοι τῶν νεών, εἰ

Λακεδαίμονίοις παραδοθήσονται (οὐδὲν γὰρ αὐτοῖς

16 τούτων πλέον ἡ ύμῶν ἐκάστῳ προσήκεν), ἀλλ’

αἰσθόμενοι ἐκ τοῦ τρόπου τούτου τὸ ύμετέρον

πλῆθος καταλυθησόμενον, οὐδ’, ὡς ἐναῖ τινες,

οὐκ ἐπιθυμοῦντες εἰρήνην γίγνεσθαι, ἀλλὰ βου-

λόμενοι βελτίω ταύτης εἰρήνην τῷ δήμῳ τῷ

1 Ἀθηναίων ποιήσασθαι. ἐνόμιζον δὲ δυνήσεσθαι,

καὶ ἔπραξαν ἄν ταῦτα, εἰ μὴ ὑπ’ Ἀγοράτου

17 τούτου ἀπώλοντο. γινοῦσ’ δὲ ταῦτα Θηραμένης

καὶ οἱ ἄλλοι οἱ ἐπιθυμεύοντες ύμῶν, ὅτι εἰ ἐναὶ τινες

οἱ κωλύσουσι τὸν δήμου καταλυθὴν καὶ ἐναντιῶ-

1 στρατηγῶν Markland: στρατηγῶν mss.
2 ἐνὴ Halbertsma: ἑν mss.
3 τοῖς Λακεδαίμονίοις del. Fuhr.
4 τῷ Fuhr: τῶν mss.

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Then some of the generals and commanders—among them Strombichides\(^a\) and Dionysodorus, and some other citizens, who were loyal to you, as indeed they showed later—went to him and protested strongly. For he came bringing a peace whose nature we learnt through the lessons of experience, since we lost a great number of worthy citizens, and ourselves were banished by the Thirty. Instead its terms required the razing of the Long Walls in their entirety; and instead of his contriving to get some additional boon for the city, we were to surrender our ships and dismantle the wall around the Peiraeus. These men perceived that, although nominally we had the promise of peace, in actual fact it was the dissolution of the democracy, and they refused to authorize such a proceeding: their motive was not pity, men of Athens, for the walls that were to come down, or regret for the fleet that was to be surrendered to the Lacedaemonians,—for they had no closer concern in these than each one of you,—but they could see that this would be the means of subverting your democracy; nor were they lacking, as some declare, in eagerness for the conclusion of peace, but they desired to arrange a better peace than this for the Athenian people. They believed that they would be able to do it, and they would have succeeded, had they not been destroyed by this man Agoratus. Theramenes and the others who were intriguing against you took note of the fact that there were some men proposing to prevent the subversion of the democracy and to make a stand for the defence

\(^a\) An Athenian general at the close of the Peloponnesian War; cf. Thucydides viii. 15, 30, 62.
σονται περὶ τῆς ἑλευθερίας, εἶλοντο, πρὶν τὴν ἐκκλησίαν τὴν περὶ τῆς εἰρήνης γενέσθαι, τούτους πρῶτον εἰς διαβολάς καὶ κυνοῦνσις καταστήσατε, ἵνα μηδεὶς ἐκεῖ ὑπὲρ τοῦ ὑμετέρου πλῆθους ἀντιλέγοι. ἐπιβουλήν ὁ περὶ τοιαύτην ἐπιβουλεύσατο.

18 πείθουσι γὰρ Ἀγόρατον τούτου μηνιδῆν κατὰ τῶν στρατηγῶν καὶ τῶν ταξιάρχων γενέσθαι, οὐ συνειδότα ἐκεῖνοι, ὥς ἄνδρες Ἀθηναίοι, οὐδέν (οὐ γὰρ δήπου ἐκεῖνοι ὑμῖν ἀνόητο ἢσαν καὶ ἄφιλοι, ὡστε περὶ τηλικούτων ἂν πραγμάτων πράττοντες Ἀγόρατον ὡς πιστὸν καὶ εὐνουχικοῦ, δοῦλον καὶ ἐκ δούλων ὄντα, παρεκάλεσαν), ἀλλ’ ἐδόκει αὐτῶς ὑμῖν ἐπιτίθεει, εἶναι μηνιδῆς.

19 ἐβουλὸντο οὖν ἂκοντα δοκεῖν αὐτοῦ καὶ μὴ ἂκοντα μηνιδῆν, ὅπως πιστοτέρα ἡ μηνιδῆς φαίνοιτο.1 ὥς δὲ ἐκῶν ἐμήνυσε, καὶ ὑμᾶς οἶμαι ἐκ τῶν πεπραγμένων αἰσθήσεσθαι. εἰσπέμπονυσι2 γὰρ εἰς τὴν Βουλὴν [τὴν πρὸ τῶν τριάκοντα Βουλεύουσαν]3 Θεόκριτον τὸν τοῦ Ἑλαφοστίκτου καλούμενον· ὁ δὲ Θεόκριτος ὑμῖν ἐταῖρος ἢν τῷ Ἀγοράτῳ καὶ ἐπιτίθεεις.4 ἢ δὲ βουλὴ ἢ πρὸ τῶν τριάκοντα βουλεύουσα διεφθαρτο καὶ ὄλγαρχια ἐπεθύμει, ὡς ὑστεραίως, μάλιστα. τεκμήριον δὲ· οἱ γὰρ πολλοὶ ὁς εἰς ἐκείνης τῆς βουλῆς τῆς ὑστεραίως βουλῆς τῆς ὑστεραίως βουλῆς5 ἐπὶ τῶν τριάκοντα ἐβουλεύουν. τοῦ δ’ ἐνεκα ταῦτα λέγω ὑμῖν; ἢ’ εἰδήτε, ὅτι τὰ ψη-φίσματα τὰ ἐκείνης τῆς βουλῆς οὐκ ἐπ’ ἐνοίᾳ τῇ ὑμετέρᾳ ἀλλ’ ἐπὶ καταλύσει τοῦ δήμου

1 πιστοτέρα ἡ μηνιδῆς φαίνοιτο Francken: πιστοτέρα ὑμῖν ὑπο-φαίνοιτο mss. 2 εἰσπέμπονυσι Dobree: εἰσπέμπουσι mss. 3 τὴν . . . βουλεύουσαν del. Sluiter. 4 oii add. Scheibe. 5 ὑστεραίως Taylor: ὑμετέρας mss.

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of freedom; so they resolved, before the Assembly met to consider the peace, to involve these men first in calumnious prosecutions, in order that there should be none to take up the defence of your people at the meeting. Now, let me tell you the scheme that they laid. They persuaded Agoratus here to act as informer against the generals and commanders; not that he was their accomplice, men of Athens, in any way,—for I presume they were not so foolish and friendless that for such important business they would have called in Agoratus, born and bred a slave, as their trusty ally; they rather regarded him as a serviceable informer. Their desire was that he should seem to inform unwillingly, instead of willingly, so that the information should appear more trustworthy. But he gave it willingly, as I think you will perceive for yourselves from what has since occurred. For they sent into the Council Theocritus, the man called "the son of Elaphostictus": this Theocritus was a comrade and intimate of Agoratus. The Council which held session before the time of the Thirty had been corrupted, and its appetite for oligarchy, as you know, was very keen. For proof of it you have the fact that the majority of that Council had seats in the subsequent Council under the Thirty. And what is my reason for making these remarks to you? That you may know that the decrees issued by that Council were all designed, not in loyalty to you, but for the subversion of your

"Deermark"; from some birth-mark or tattoo, indicating a foreign or servile origin.

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6 τὴν add. Markland. 7 τὰ add. Bekker. 8 οὐκ ἐπ' Foertsch: οὐκέτι mss.
LYSIAS

τοῦ ὑμετέρου ἀπαντά ἐγένετο, καὶ ὃς τοιούτοις
21 οὐσιν αὐτοῖς τὸν νοῦν προσέχητε. εἰσελθὼν δὲ
εἰς ταύτην τὴν βουλήν ἐν ἀπορρήτῳ Θεόκριτος
μνῄσκει ὅτι συγκεκριμένοι τοῖς
tότε καθισταμένοις πράγμασι. Τὰ μὲν οὖν ὄνομα
ταύτην ἐφή αὐτῶν ἑρείν καθ’ ἐκαστὸν. ὅρκους τε γὰρ
ὅμωμοικέναι τοὺς αὐτοὺς ἐκεῖνοι, καὶ εἶναι ἑτέρους
οἱ ἔρουσι τὰ ὄνοματα, αὐτοῖς δὲ οὐκ ἁν ποτὲ ποιήσαι
22 ταῦτα. καὶ τοιοῦτοι εἰ μὴ ἐκ παρασκεύης ἔμμυκεν,
pῶς οὐκ ἂν ἡνάγκασεν ἡ βουλὴ εἰπεῖν τὰ ὄνομα
Θεόκριτον καὶ μὴ ἀνώνυμον τὴν μήνυσιν ποιήσασθαι; νυνὶ δὲ τούτῳ τῷ ὕψισμα ψηφίζεται. 2

ΨΗΦΙΣΜΑ

23 Ἐπειδὴ τούτων τούτῳ τῷ ὕψισμα ἐφηφίσθη,
catέρχονται ἐπὶ τὸν Ὀγόρατον εἰς τὸν Πειραιᾶ οἱ
αἱρεθέντες τῶν βουλευτῶν, καὶ περιτυχόντες αὐτῶ
ἐν ἀγορᾷ ἐξήτον ἄγειν. παραγενόμενος δὲ Νικίας
καὶ Νικώμην καὶ ἄλλοι τωσί, ὀρῶντες τὰ πράγ-
[132] ματα οὖχ οία βέλτιστα ἐν τῇ πόλει ὄντα, ἄγειν μὲν
tὸν Ὀγόρατον οὐκ ἐβασαν προήσεθαι, ἀφηρῶντο
dὲ καὶ ἡγουνότω καὶ ὁμολόγουν παρέξεν εἰς τὴν
24 βουλήν. γραμμάμενοι δὲ οἱ βουλευταὶ τὰ ὄνομα
tῶν ἐγγυωμένων καὶ κωλυόντων, ἀπίστες ώχοντο
eἰς ἄστυ. ο δὲ Ὀγόρατος καὶ οἱ ἐγγυηται καθ-
ίζουσιν ἐπὶ τὸν βωμὸν Μουνιχίασιν: ἐπειδή δὲ
eκάθισαν, ἐβουλεύοντο τῷ χρῆ ποιεῖν. εἰδοκει οὖν
tοῖς ἐγγυηταῖς καὶ τοῖς ἄλλοις ἀπασιν ἐκποιῶν ποιή-
σασθαί τὸν Ὀγόρατον ὃς τάχυστα, καὶ παρορμίσαν-

1 ἐγένετο Markland: ἐλέγετο mss.
2 ψηφίζεται Schiebe: ψηφίσετε, ψηφίσατο mss.
3 αἱρεθέντες Reiske: διαϊρεθέντες mss.
4 ποιήσασθαι Foertsch: ποιήσατι mss.

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democracy, and that you may study them as thus exposed. Theocritus entered this Council, and behind closed doors he informed them that certain persons were combining to oppose the system then being instituted. He declined, however, to give their several names, as he was bound by the same oaths as they were, and there were others who would give the names: he would never do it himself. Yet, if his information was not laid by arrangement, surely the Council could have compelled Theocritus to give the names, instead of laying the information with no names given. But in fact, here is the decree that they voted:

DECREE

Now when this decree had been passed, the councillors appointed for the purpose went down to the Peiræus to find Agoratus: they lighted on him in the market, and sought to take him off. On the spot were Nicias, Nicomenes and some others, who, seeing that the business was not going very successfully in the city, refused to allow Agoratus to be taken: they were for releasing him and giving bail, and undertook to produce him before the Council. The councillors, having duly noted the names of those who tendered bail and stopped the arrest, went off to town. Then Agoratus and his sureties seated themselves at the altar on Munichia. Seated there, they debated the question of what should be done. The sureties and everyone else were of opinion that they should get Agoratus out of the way as quickly as possible, and having brought two

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a Ordering the arrest of Agoratus.
b The citadel on the east side of the Peiræus, containing an altar of Artemis.
25 τες δύο πλοία [Μουνιχίασων] ἔδεοντο αὐτοῦ παντὶ τρόπῳ ἀπελθεῖν Ἀθήνηθεν, καὶ αὐτοὶ ἔφασαν συνεκπλευσεῖσθαι, ἐως τὰ πράγματα κατασταίη, λέγοντες ὅτι, εἰ κομισθεῖ εἰς τὴν βουλήν, βασανιζόμενος ἵως ἀναγκασθῆσεται ὁνόματα εἰπεῖν Ἀθηναίων ὅπ ἂν ὑποβάλλωσιν οἱ βουλόμενοι κακὸν
26 τι ἐν τῇ πόλει ἐργάζεσθαι. ταῦτα ἐκεῖνων διεο-
μένων καὶ παρασκευασάντων πλοία καὶ αὐτῶν ἑτοίμων ὄντων συνεκπλεῖν, οὐκ ἦθελησε πείθεσθαι αὐτοῖς Ἀγόρατος οὕτος. καὶ τού, ὃ Ἀγόρατε, εἰ ἡ τί σοι ἢν παρεσκευασμένον καὶ ἐπίστευες μηδὲν κακὸν πείσεσθαι, πῶς οὐκ ἂν ὡς καὶ πλοῖων παρεσκευασμένων καὶ τῶν ἐγγυητῶν ἑτοίμων ὄντων σοι συνεκπλεῖν; ἔτι γὰρ οἷόν τε σοι ἢν, καὶ οὕτω
27 ἡ βουλή σοιν ἐκράτει. ἀλλὰ μὲν ἡ ὡς οἷς ὁμοία γε σοι καὶ ἐκείνους ὑπῆρχε. πρῶτων μὲν γὰρ Ἀθηναίοι ἦσαν ὡστε οὐκ ἐδέδισαν βασανισθῆ-
ναι: ἐπείτα πατρίδα σφετέραν αὐτῶν καταλιπόντες ἑτοῖμοι ἦσαν συνεκπλεῖν μετὰ σοῦ, ἤγισαμενοί ταῦτα μᾶλλον λυσιτελεῖν ἢ τῶν πολιτῶν πολλοὺς καὶ ἁγαθοὺς ὑπὸ σοῦ ἀδίκως ἀπολέσθαι. σοὶ δὲ πρῶτων μὲν κύδνυνος ἢ βασανισθῆναι ὑπομείνοντι,
28 ἐπείτα οὐ πατρίδα ἀν σαυτοῦ ἀπέλιπες· ὡστ' ἐκ παντὸς τρόπου σοι μᾶλλον ἢ ἐκείνους ἐκπλεῦσαι συνέφερεν, εἰ μὴ τί ἢν ὃ ἐπίστευες. νῦν δὲ ἄκων μὲν προσποιεῖ, ἐκὼν δὲ πολλοὺς καὶ ἁγαθοὺς Ἀθηναίων ἀπέκτεινας. ως δὲ παρεσκευάσθῃ

1 Μουνιχίασων del. Dobree.
2 γὰρ Mehler: γε mss. 3 ὡς δὲ Taylor: ὡστε mss.
 AGAINST AGORATUS, 25-28

vessels alongside they begged him at all costs to quit Athens, and said that they would themselves accompany him on the voyage until affairs should get settled; they argued that if he were brought up before the Council he would be put to the torture, and would perhaps be compelled to give the names of such Athenians as might be suggested by those who were bent on working some mischief in the city. Although they thus entreated him, and had provided vessels, and were ready themselves to accompany him on the voyage, this man Agoratus refused to take their advice. And yet, Agoratus, unless there had been some prearrangement with you, such as to assure you that you would come to no harm, how could you have failed to make off, when there were vessels provided, and your sureties were ready to accompany you on the voyage? It was still possible for you: the Council had not yet got you in their hands. Nay, indeed, you were not in nearly so good a case as your friends: in the first place, they were Athenians, and so were not in fear of being tortured; and in the second, they were ready to resign their own native land and go on the voyage with you, because they felt that there was more to be gained by this than by your unjust destruction of a large number of good citizens. But you, first of all, were in danger of being tortured if you stayed where you were; and secondly, you would not have been parting from your own native land. So in every view it was more to your interest to go on a voyage than it was to theirs, unless you had something to give you assurance. But now you pretend that you acted unwillingly, though you willingly put to death a large number of good Athenians. To show how all that I have recounted
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ἀπαντᾷ ἃ ἐγὼ λέγω, καὶ μάρτυρες εἰσὶ καὶ αὐτὸ τὸ ψῆφισμά σου τὸν τῆς βουλῆς καταμαρτυρήσει.

<ΜΑΡΤΥΡΕΣ>². ΨΗΦΙΣΜΑ

29 Ἐπειδὴ τοῖνυν τοῦτο τὸ ψῆφισμα ἐψηφίσθη καὶ ἦλθον οἱ ἐκ τῆς βουλῆς Μουνιχίαζε, ἐκών ἀνέστη Ἀγόρατος ἀπὸ τοῦ βωμοῦ· καίτοι νῦν γε βία φησίν ἀφαιρεθήναι. Ἐπειδῆ δὲ εἰς τὴν βουλήν ἐκομίσθησαν, ἀπογράφει Ἀγόρατος πρῶτον μὲν τῶν αὐτοῦ ἐγγυητῶν τὰ ὀνόματα, ἔπειτα τῶν στρατηγῶν καὶ τῶν ταξιάρχων, ἔπειτα δὲ καὶ ἀλλων τινῶν πολιτῶν. ἡ δὲ ἁρχὴ αὐτῆς τοῦ παντὸς κακοῦ ἐγένετο. ὡς δὲ ἀπέγραφε τὰ ὀνόματα, ὁμιαὶ μὲν καὶ αὐτὸν ὀμολογήσειν· εἰ δὲ μὴ, ἐπ' αὐτοφώρῳ ἐγὼ αὐτὸν ἔξελέγξω. ἀπόκριναι δὴ μοι.

ΕΡΩΤΗΣΙΣ

31 Ἐβούλουτο τοῖνυν, ὡς ἄνδρες δικασταί, ἐτι πλειώνων αὐτῶν τὰ ὀνόματα ἀπογράφαι· οὕτω ἔρρωτο ἡ βουλὴ κακῶν τι ἐργάξεσθαι [αὐτῶν]' ὥστε οὐκ ἔδοκει αὐτοῖς ἀπαντᾶ τάληθη πως κατηγορηκέναι. τούτως μὲν οὖν ἀπαντᾶς ἐκῶν ἀπογράφει, οὐδεμιᾶς αὐτῶ ἀνάγκης οὕσης. [μετὰ τούτῳ προσαπογράφει ἐτέρους τῶν πολιτῶν.]

32 Ἐπειδῆ δὲ ἡ ἐκκλησία Μουνιχίασιν ἐν τῷ θεάτρῳ ἐγένετο, οὕτω οὕτω διόρδα τινὲς ἐπεμελοῦντο ὅπως καὶ ἐν τῷ δήμῳ περὶ τῶν στρατηγῶν καὶ τῶν ταξι-άρχων μῆνυσις γένειτο (περὶ δὲ τῶν ἄλλων ἀπ-έχρη ἐν τῇ βουλῇ [μῆνυσις] μόνη γεγενημενη), ὥστε καὶ ἐκεῖ παράγονσιν <αὐτῶν> εἰς τὸν δήμον.

¹ σοῦ τὸ Reiske: οὕτω, τοῦτο mss.

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was done by prearrangement; I have witnesses; and the very decree of the Council will testify against you.

**Witnesses. Decree**

Now when this decree had been passed, and the councillors had arrived at Munichia, Agoratus of his own free will arose from the altar: yet he now says that he was taken away by force. When they were brought up before the Council, Agoratus deposed first the names of his sureties, then those of the generals and commanders, and then those of some other citizens. This was the beginning of the whole trouble. That he deposed the names, I think he himself will admit: failing that, I shall convict him as taken in the act. So answer me.

**Interrogation**

Now, they wanted him, gentlemen of the jury, to depose the names of yet more people; so firmly determined were the Council to work some mischief that they would not believe that he had yet given them the whole truth in his accusation. Well, he willingly deposed against all those men, with no compulsion upon him. When the Assembly met in the theatre at Munichia, some were so extremely anxious to have information laid before the people also in regard to the generals and commanders—as to the others, it was enough to have had it laid before the Council only—that they brought him up there also, before

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2 μάρτυρες add. Markland.
3 αὐτόν Taylor: αὐτοὶ mss. 4 αὐτὸν del. Gernet et Bizos.
5 μετὰ . . . πολιτῶν del. Dobree.
6 μήνυσι τοῖς del. Bremi.
7 μονῇ Frohberger: μὲν ἡ, ἡ mss. 8 αὐτὸν add. Gebauer.
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καὶ μοι ἀπόκριναι, ὦ Ἀγόρατε, ὅπως ὅρισι ἐν ἔξαρχων γενήσεσθαι ἐν ἀναντίον Ἀθηναίων ἀπάντησιν ἐποίησας.

ΕΡΩΤΗΣΕΙΣ

33 Ὅμολογεῖ μὲν καὶ αὐτὸς, ὅμως δὲ καὶ τὰ ψηφίσματα ὑμῖν τοῦ δῆμου ἀναγνώστει.

ΨΗΦΙΣΜΑΤΑ

"Οτι μὲν ἀπέγραψεν Ἀγόρατος οὔτος τῶν ἀνδρῶν ἐκεῖνων τὰ ὅνοματα, καὶ τὰ ἐν τῇ βουλῇ καὶ τὰ ἐν τῷ δήμῳ, καὶ ἔστι φονεὺς ἐκεῖνων, σχεδόν τι οἱ μᾶς ἐπίστασθαι ὡς τοῖν ἀπάντησιν τῶν κακῶν αὐτίκως τῇ πόλει ἐγένετο καὶ οὐδ' ὑφ' ἐνός αὐτοῦ προσήκει ἐλεεῖσθαι, ἐγὼ οἴμαι

34 ὑμῖν ἐν κεφαλαίοις ἀποδείξειν. ἔπειδὴ γὰρ ἐκεῖνοι

[133] συλληφθέντες ἐδέθησαν, τότε καὶ ὁ Ἀὐσάνδρος εἰς τοὺς ὁμείρας τοὺς ὑμετέρους εἰςπέλευσε, καὶ αἱ νῆες αἱ ὑμετέραι Λακεδαίμονίους παρεδόθησαν, καὶ τὰ τεῖχη κατεσκάφη, καὶ3 οἱ τριάκοντα κατέστησαν, καὶ τι οὐ τῶν δεινῶν τῇ πόλει ἐγένετο.

35 ἔπειδὴ τοῖν ποιῆσαι κειμένης εὐθέως κρίσιν τοῖς ἀνάρασι τούτοις ἐποίουν ἐν τῇ βουλῇ, οἱ δὲ δήμος "ἐν τῷ δικαστηρίῳ ἐν δυσχλίοις" ἐψήφιστο.5 καὶ μοι ἀνάγνωσθι τὸ ψήφισμα.

ΨΗΦΙΣΜΑ

36 Εἴ μὲν οὖν ἐν τῷ δικαστηρίῳ ἐκρίνοντο, ὑβάλων ἀν ἐσφυζοῦτο ἀπαντεῖς γὰρ ἡδη ἐγνωκότες ἠτε οὐ

1 γενήσεσθαι Markland: γενέσθαι mss.
2 ψηφίσματα Reiske.
κατεσκάφη καὶ Reiske: κατεσκάφη mss.
4 τι οὐ τῶν δεινῶν Sauppe: τοιοῦτον δεινῶν mss.
5 ἐψήφιστο Naber: ἐψήφισατο mss.
the people. Now answer me, Agoratus: you will not, I suppose, deny what you did in the presence of all the Athenians.

**INTERROGATION**

He admits it himself; but however, the secretary shall read the decrees of the people to you.

**Decrees**

That this man Agoratus deposed the names of those men, both before the Council and before the people, and that he is their murderer, I believe you understand well enough. My further point, that he was the author of all the city’s troubles, and does not deserve to be pitied by anybody, I think I can make plain to you in summary fashion. For it was just when those persons had been arrested and imprisoned that Lysander sailed into your harbours, that your ships were surrendered to the Lacedaemonians, that the walls were demolished, that the Thirty were established, and that every conceivable misery befell the city. And then, as soon as the Thirty were established, they promptly brought these men to trial before the Council; whereas the people had decreed that it should be “before the court of two thousand.”a Please read the decree.

**Decree**

Now if they had been tried before the proper court, they would have easily escaped harm; for by that time you were all apprised of the evil plight of

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*a Composed of four of the twelve panels, each consisting of 500 jurors, which were appointed for the formation of the ordinary courts each year. A court of so large a size was only formed for cases of special importance.
LYSIAS

ἦν κακοὶ ἡ πόλις, ἐν ὦ οὐδὲν ἔτι ὧφελεῖν ἐδύνασθεν

τῶν δ'/ εἰς τὴν βουλὴν αὐτοὺς τὴν ἔπι τῶν τριάκοντα εἰσάγουσιν. ἦ δὲ κρίσις τουαύτη ἐγίγνετο, οίαν καὶ

37 ὑμεῖς αὐτοὶ ἐπίστασθε. οἱ μὲν γὰρ τριάκοντα ἐκάθηντο ἐπὶ τῶν βαθρῶν, οὐ μὲν οἱ πρωτάνεις καθέζονται· δύο δὲ τράπεζαι ἐν τῷ πρόσθεν τῶν τριάκοντα ἐκείσθην· τὴν δὲ ψήφον οὐκ εἰς καδίσκους ἀλλὰ φανερὰν ἐπὶ τὰς τραπέζας ταύτας ἔδει τίθεσθαι, τὴν μὲν καθαυροῦσαν ἐπὶ τὴν ύστεραν . . . , ὡστε ἐκ τίνος τρόπου ἐμελλέ τις αὐτῶν σωθήσεσθαι;

38 ἐνὶ δὲ λόγῳ, ὃσοι εἰς τὸ βουλευτήριον [ἐπὶ τῶν τριάκοντα]1 ἐσήλθον κριθησόμενοι, ἀπάντων θάνατος κατεγιγνώσκετο καὶ οὐδενὸς ἀπεσφήσαντο, πλὴν 'Αγοράτου τοῦτοι· τοῦτον δὲ ἀφέσαν ὡς εὐεργέτην ὄντα· ἵνα δὲ εἰδήτε ὡς πολλοὶ ὑπὸ τοῦτοῦ τεθνάσι, βούλομαι ὑμῖν τὰ ὀνόματα αὐτῶν ἄναγνωσί.

ONOMATA

39 Ἐπειδὴ τούνων, ὃ ἀνδρεῖς δικασταί, θάνατος αὐτῶν κατεγιγνώσκη καὶ ἔδει αὐτοὺς ἀποθησκέων, μεταπέμπονται εἰς τὸ δεσμωτήριον ὃ μὲν ἄδελφην, ὣ δὲ μητέρα, ὣ δὲ γυναῖκα, ὣ δ' ἡ τῆς ἦν ἑκάστῳ αὐτῶν προσήκουσα, ἵνα τὰ ὑστάτα ἀσπασάμενοι

40 τους αὐτῶν οὕτω τῶν βίων τελευτήσειαν. καὶ δὴ καὶ Διωνυσόδωρος μεταπέμπεται τὴν ἄδελφην τὴν ἐμὴν εἰς τὸ δεσμωτήριον, γυναίκα ἐαυτοῦ οὖσαν. πυθομένη δ' ἐκεῖνη ἀφικνεῖται, μέλαν τε ἴματιον

41 ἡμιφιεσμένη . . . , ὡς εἰκὸς ἦν ἐπὶ τῷ ἀνδρὶ αὐτῆς τουαύτη συμφορὰ κεχρημένη. ἐναντίον δὲ τῆς ἄδελφῆς τῆς ἐμῆς Διωνυσόδωρος τὰ τε οἴκεια

1 ἐπὶ τῶν τριάκοντα del. Sauppe.
the city, though you were unable at that stage to be of further service to her. But as it was, they were brought before the Council which sat under the Thirty. And the trial was conducted in a manner that you yourselves well know: the Thirty were seated on the benches which are now the seats of the presiding magistrates; two tables were set before the Thirty, and the vote had to be deposited, not in urns, but openly on these tables,—the condemning vote on the further one —so what possible chance of escape had any of them? In a word, all those who had entered that Council chamber for their trial were condemned to death: not one was acquitted, except this man Agoratus; him they let off, as being a "benefactor." And in order that you may know of the large number done to death by this man, I propose to read you their names.

Names

Now, when sentence of death, gentlemen, had been passed on them, and they had to die, each of them sent for his sister, or his mother, or his wife, or any female relative that he had, to see them in the prison, in order that they might take the last farewell of their people before they should end their days. In particular, Dionysodorus sent for my sister—she was his wife—to see him in the prison. On receiving the message she came, dressed in a black cloak as was natural in view of the sad fate that had befallen her husband. In the presence of my sister, Diony-

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* Cf. above, § 20.
* i.e., nearest to the Thirty. The text here has a short gap.
* Some words describing another sign of mourning seem to be missing here.
LYSIAS

τὰ αὐτοῦ διέθετο ὃπως αὑτῷ ἐδόκει, καὶ περὶ Ἀγοράτου τούτου ἔλεγεν ὅτι «οἱ» αὐτίος ἢν τοῦ θανάτου, καὶ ἐπέσκηπτεν ἔμοι καὶ Διονυσίω
42 τούτῳ, τῷ ἄδελφῳ τῷ αὐτοῦ, καὶ τοῖς φίλοις πάσι τιμωρεῖν ὑπὲρ αὐτοῦ Ἀγορατον καὶ τῇ γυναικὶ τῇ αὐτοῦ ἐπέσκηπτε, νομίζων αὐτὴν κνεῖν ἐξ αὐτοῦ, ἐὰν γένηται αὐτῇ παιδίων, φράζει τῷ γενομένῳ ὅτι τὸν πατέρα αὐτοῦ Ἀγορατος ἀπ-έκτεινε, καὶ κελεύειν τιμωρεῖν ὑπὲρ αὐτοῦ ὡς φονέα ὁντα. ὡς οὖν ἀληθῆ λέγω, μάρτυρας τούτων παρέξωμαι.

ΜΑΡΤΥΡΕΣ

Οὗτοι μὲν τοίς, ὃ ἄνδρες Ἀθηναίοι, ὑπ’ Ἀγοράτου ἀπογραφέντες ἀπέθανον. ἐπειδὴ δὲ τούτους ἐκποδὼν ἐπούσαντο οἱ τριάκοντα, σχεδὸν οἴμαι ὃμισ ἐπίστασθαι ὡς πολλά καὶ δεινὰ μετὰ ταῦτα τῇ πόλει ἐγένετο· ὅν οὗτος ἀπάντων αὐτίος ἐστὶν ἀποκτείνας ἐκεῖνος. ἀνιμῶμεν μὲν οὖν ὑπο-44 μιμήσικων τὰς γεγενημένας συμφορὰς τῇ πόλει, ἀνάγκη δ’ ἐστίν, ὃ ἄνδρες δικασταί, ἐν τῷ παρόντι καιρῷ, ἐν εἰδήτε ὡς σφόδρα ὑμῖν ἐλεεῖν προσήκει Ἀγορατον. ἴστε μὲν γὰρ τοὺς ἐκ Σαλαμῖνως τῶν πολιτῶν κομισθέντας, οἴοι ἦσαν καὶ ὁσοί, καὶ οὐκ ὀλέθρῳ ὑπὸ τῶν τριάκοντα ἀπώλοντο. ἴστε δὲ τοὺς ἐξ Ἑλευσίνως, ὡς πολλοὶ ταύτῃ τῇ συμφο-ρᾷ ἔχρησαντο· μέμνησθε δὲ καὶ τοὺς ἐνθάδε διὰ45 τὰς ἰδίας ἔχθρας ἀπαγομένους εἰς τὸ δεσμωτήριον· οἱ οὖν ὃν κακὸν τὴν πόλιν ποιήσαντες ἦναγκάζοντο αἰσχίστω καὶ ἀκλεεστάτῳ ὀλέθρῳ ἀπόλλυσθαι, οἱ μὲν γονέας [σφετέρους αὐτῶν]3 πρεσβύτας

1 οἱ add. Westermann.
2 ἐπειδὴ Fuhr: ἐπεί mss.
3 σφετέρους αὐτῶν del. Dobree.
AGAINST AGORATUS, 41-45

sodorus, after disposing of his personal property as he thought fit, referred to this man Agoratus as responsible for his death, and charged me and Dionysius his brother here, and all his friends to execute his vengeance upon Agoratus; and he charged his wife, believing her to be with child by him, that if she should bear a son she should tell the child that Agoratus had taken his father's life, and should bid him execute his father's vengeance on the man for his murder. To show the truth of what I state, I will produce witnesses to these facts.

WITNESSES

So then these persons, men of Athens, lost their lives through the depositions of Agoratus. But after the Thirty had cleared them out of their way, you know well enough, I imagine, what a multitude of miseries next befell the city; and for all of them this man, by taking those people's lives, was responsible. It gives me pain, indeed, to recall the calamities that have befallen the city, but it is a necessity, gentlemen of the jury, at the present moment, so that you may know how richly Agoratus deserves your pity! For you know the character and number of the citizens who were brought away from Salamis, and the way in which they were destroyed by the Thirty. You know what a great number of the people of Eleusis shared that calamity. You remember also our people here who were haled to prison on account of private enmities; and who, having done no harm to the city, were compelled to perish by the most shameful, the most infamous, of deaths. Some left elderly parents behind them, who were

\(^a\) Cf. XII. 52.
καταλπόντες, οἱ ἡλπιζον ὑπὸ τῶν σφετέρων αὐτῶν
[134] παίδων γηροτροφηθέντες, ἐπειδή τελευτήσειαν τὸν
βίον, ταφήσεσθαι, οἱ δὲ ἀδελφᾶς ἀνεκδότους, οἱ
46 δὲ παῖδας μικροὺς πολλῆς ἐτί θεραπείας δεομένους·
οὐς, ὃ ἄνδρες δικασταί, ποιαν τινὰ οὖσθε γνώμην
περὶ τοῦτον ἔχειν, ἢ ποιαν τινὰ ἂν ψήφον θέσθαι,
ei ἔπ’ ἐκείνους γένουτο, ἀποστερηθέντας διὰ τοῦτον
τῶν ἡδίστων; ἔτι δὲ τὰ τείχη ὡς κατεσκάφη
καὶ αἱ νῆσι τοῖς πολεμίοις παρεδόθησαν καὶ <τὰ>¹
νεώρα καθηρέθη καὶ Δακεδαιμόνιοι τὴν ἀκρόπολιν
ἡμῶν εἶχου καὶ ἢ δύναμις ἀπασα τῆς πόλεως
47 παρελύθη, ὡστε μὴ δεν διαφέρειν τῆς ἐλαχιστοῦ
πόλεως τῆς πόλιν. πρὸς δὲ τούτοις τὰς ἁδίας
<ουσίας>² ἀπωλέσατε, καὶ τὸ τελευταῖον συλλήβδην
ἀπαντες ὑπὸ τῶν τριάκοντα ἐκ τῆς πατρίδος
ἐξηλάθητε. ταῦτα ἐκεῖνοι οἱ ἀγαθοὶ ἄνδρες αἰθό-
48 μενοι οὐκ ἐφασαν ἐπιτρέψειν³ τῆν εἰρήνην, ὃ
ἄνδρες δικασταί, ποιησασθαι οὖσα σὺ, Ἀγόρατε,
βουλομένους ἁγαθόν τι πράξαι τῇ πολεί ἀπέκτεινας,
μηνύσας αὐτοὺς [τῇ πόλει]⁴ ἐπιβουλευέων τῷ πλήθει
τῷ ὑμετέρῳ, καὶ αἰτίος εἰ ἀπάντων τῇ πόλει τῶν
κακῶν τῶν γεγενημένων. νῦν οὖν μνησθέντες καὶ
τῶν ἱδίων ἐκαστος δυστυχημάτων καὶ τῶν κοινῶν
49 τῆς πόλεως τιμωρεῖσθε τὸν αἰτίον τούτων.

Θαυμάζω δ’ ἔγγυς, ὃ ἄνδρες δικασταί, δ’ τι
ποτε τολμήσει πρὸς υμᾶς ἀπολογείσθαι· δει γὰρ
αὐτὸν ἀποδείξαι ὡς οὐ κατεμίνυσε τῶν ἄνδρῶν
τούτων οὐδ’ αἰτίος αὐτοῖς ἐστὶ τοῦ θανάτου, δ’ οὐκ
50 ἂν δύνατο οὐδέποτε ἀποδείξαι. πρῶτον μὲν γὰρ

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¹ τὰ add. Reiske.
² οὐσίας Aldus.
³ ἐπιτρέψειν Dobree: ἐπιτρέψαι mss.
AGAINST AGORATUS, 45–50

expecting to be supported in their old age by their own children and, when they should end their days, to be laid by them in the grave; others left sisters unwedded, and others little children who still required much tendance. What sort of feelings, gentlemen, do you think are theirs towards this man, or what kind of vote would they give, if it rested with them, when by his act they have been deprived of their best comforts? You recollect, again, how the walls were demolished, the ships surrendered to the enemy, the arsenals destroyed, our Acropolis occupied by the Lacedaemonians, and the whole strength of the city crippled, so that our city was sunk to a level with the smallest in the world! And besides all this, you lost your private possessions and finally, at one swoop, you were all expelled by the Thirty from your native land. Impressed with these perils, those loyal citizens, gentlemen, refused their assent to the conditions of peace, and you, Agoratus, because they sought to do the State some service, brought about their death by laying information that they were intriguing against our democracy; and you are responsible for all the troubles that have befallen the city. So now let each of you remember the misfortunes caused both to individuals and to the common weal of the city, and take vengeance on their author.

I am wondering myself, gentlemen, what he will be bold enough to say to you in his defence. For he must show that he did not lay information against these men, and so is not responsible for their death; but this he could never contrive to show. In the

* ῥηγ πολει del. Jacobs. 305*
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tα ψηφίσματα αύτοι τα ἐκ τῆς βουλῆς καὶ ἐτοίμασαν τού δήμου καταμαρτυρεῖ, διαρρήκτης ἀγορεύοντα "περὶ ἃν Ἀγόρατος κατείρηκεν." Ἐπειτα ἡ κρίσις, ἢν ἐκρίθη ἐπὶ τῶν τριάκοντα καὶ ἀφείθη, διαρρήκτης λέγει, "διότι" φησιν "ἐδοξε τάληθῃ εἰςαγγεῖλαι." καὶ μοι ἀνάγνωσθι.

ΨΗΦΙΣΜΑΤΑ. ΓΝΩΣΙΣ. [ΓΡΑΦΑΙ]2

51 'Ως μὲν οὖν οὐκ ἀπέγραψεν, οὔτε τρόπῳ δύνατ' ἢν ἀποδεῖξαι: δεῖ τούν τούτων ἃτιν ώς δικαιώς ἐμὴν αὐτῶν τούτων ἀποφαίνειν, ὅρων αὐτοῦ δνηρᾶ καὶ οὐκ ἐπιτήδεια τῷ δήμῳ τῷ ὑμετέρῳ πράττοντας. οἶομαι δ' οὐδ' ἂν τούτῳ αὐτῶν ἑπιχειρήσαι ἀποδείξαι. οὔ γὰρ δῆπον, εἰ τι κακὸν τὸν δήμον τὸν Ἀθηναίων εἰργάσαντο, οἱ τριάκοντα, δεδιότες μὴ καταλυθεῖν ἃν' ὁ δῆμος, τιμωροῦντες ὑπὲρ τοῦ δήμου ἄν αὐτοὺς ἀπέκτειναν, ἀλλ' οἶμαι πολὺ τοῦνατιν τοῦτον.

52 Ἀλλ' ἵσως φησει ἄκων τοσαῦτα κακὰ ἐργάσασθαι. ἐγὼ δ' οὐκ οἶμαι, ὡς ἄνδρες δικασταί, οὐδ' εάν τις ὑμᾶς ὡς μάλιστα ἄκων μεγάλα κακὰ ἐργάσηται, ὅν μὴ οἶον τε γενέσθαι ἐστὶν ὑπερβολὴν, οὐ τούτῳ ἐνεκα οὐ δειν ὑμᾶς ἀμώνεσθαι. εἰτα δὲ καὶ ἐκείνων μέμνησθε, ὅτι ἐξῆν Ἀγόρατῳ τούτῳ, πρὸς τὴν βουλῆν κομισθήναι, ὅτ' ἐπὶ τοῦ βωμοῦ ἐκάθητο Μουσικάσι, σωθήσει: καὶ γὰρ πλοῦν παρεσκευάστῳ καὶ 'οἱ ἐγκυνητι ἐτοιμοὶ ἴσον συναπίειναι. καίτοι εἰ ἐκείνοις ἐπίθου καὶ ἡθέλησας ἐκπλευσάι

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1 το add. Cobet. 2 γραφαι del. Westermann. 3 καταλυθεῖν ἃν Markland: καταλυθεῖσαν mss. 4 oi add. Markland. 5 ἐπίθου Cobet: ἐπείδου mss.

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AGAINST AGORATUS, 50-53

first place, we have as witnesses against him the decrees issued by the Council, and that of the people, stating expressly—"in regard to those whom Agoratus has denounced." In the second place, the judgement passed on him when he was acquitted under the Thirty says expressly—"inasmuch as his report has been approved as true." Read them, please.

Decrees. Decision

Well then, that he did not make the deposition, he can find no means of showing; he must therefore prove that he was justified in giving that information, because he saw them criminally working against the interest of your people. But he will not attempt to show this either, I believe. For, I presume, if it had been the people of Athens on whom they had inflicted some injury, the Thirty would never, in fear of the people's rule being subverted, have put them to death to vindicate the cause of the people; no, I conceive they would have done very much the opposite.

But perhaps he will say that he committed all these wrongful acts against his will. My own opinion, gentlemen, is that, however much against his will a man may have done you a wrong so great that it cannot be exceeded, this is no reason why you should not protect yourselves. And then, there are some further facts that you must remember: it was open to this man Agoratus, before he was brought up at the Council, and while he was seated at the altar in Munichia, to escape in safety; for vessels had been provided, and his sureties were ready to depart with him. And indeed, sir, had you taken their advice

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μετ' ἐκείνων, οὔτ' ἄν ἐκών οὔτε ἅκων τοσοῦτος
Ἄθηναιῶν ἀπέκτεινας· νῦν δὲ πεισθεὶς υφ᾽ ὧν τότε
ἐπείσθης, εἰ τῶν στρατηγῶν καὶ τῶν ταξιάρχων
τὰ ὀνόματα μόνον εἶποις, μέγα τι θάνατος παρ᾽ αὐτῶν
διαπράξεσθαι. οὗκοι τούτοι ἔνεκα δεὶ σε παρ᾽
ημῶν συγγνώμης τυός τυχεῖν, ἐπεὶ οὔδε ἐκεῖνοι
παρὰ σοῦ οὐδεμίας ἔτυχον, οὔς σὺ ἀπέκτεινας.

54 καὶ Ἰππίας μὴν ὁ Θάσιος καὶ Ξενοφῶν ὁ Κουριέως,
οἱ ἐπὶ τῇ αὐτῇ αὐτία τούτῳ ὑπὸ τῆς βουλῆς μετ-
επέμφθησαν, οὕτωι μὲν ἀπέθανον, ὁ μὲν στρεβλωθεὶς,
Ξενοφῶν, ὁ δὲ Ἰππίας οὔτω . . . , διότι οὐκ ἄξιοι
ἐδόκουν τοῖς τριάκοντα σωτηρίας εἶναι (οὐδένα
γὰρ Ἀθηναίων ἁπόλλυσαν). Ἀγόρατος δὲ ἀφείθη,
διότι ἔδοκει ἐκεῖνοι τὰ ἡδίστα πεποιηκέναι.

55 'Ακοών δ' αὐτῶν καὶ εἰς Μενεστράτον ἀναφέρειν
ti περὶ τῶν ἀπογραφῶν1 τούτων. τὸ δὲ τοῦ Μενε-
στράτου πράγμα τοιοῦτον ἐγένετο. ὁ Μενέστρατος
135 οὕτως ἀπεγράφη ὑπὸ τοῦ Ἀγοράτου καὶ συλ-
λήθεὶς ἐδέδετο· 'Αγνόδωρος δ' ἦν Ἀμφιτροπαῖος,
δημότης τοῦ Μενεστράτου, Κριτίων κηδεστῆς τοῦ
τῶν τριάκοντα. οὕτως οὖν, ὅτε ἡ ἐκκλησία Μουν-
χίαν ἐν τῷ θεάτρῳ ἐγίγνετο, ἀμα μὲν βουλόμενος
τοῦ Μενέστρατον σωθῆναι, ἢμα δὲ ὡς πλείστους
ἀπογραφέας ἀπολέσθαι, παράγει αὐτῶν εἰς τὸν
δήμον, καὶ εὑρίσκονται2 αὐτῷ κατὰ τὸ ψήφισμα
τοῦτο ἀδειαν.

1 ἀπογραφῶν August: γραφῶν mss.
2 εὑρίσκονται Reiske: εὐρίσκων τε mss.

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a In the south of Cyprus.
b A short gap is left in the text.
and consented to sail away with your friends, neither willingly nor unwillingly would you have taken the lives of so many Athenians. But the fact is that, seduced by certain persons who then made it worth your while, you had only to mention the names of the generals and commanders, and you could count on obtaining a handsome reward from them. So I see no reason there for your receiving any indulgence from us, since those men received none either from you, when you took their lives. And Hippias of Thasos, and Xenophon of Curium, who were summoned by the Council on the same charge as this man, were put to death,—the one, Xenophon, after suffering on the rack, the other, Hippias, in the manner . . . ; because in the eyes of the Thirty they did not deserve to be saved,—they had not destroyed one Athenian! But Agoratus was let off, because in their eyes he had done what was most agreeable to them.

I am told that he attributes these depositions in part to Menestratus. But the affair of Menestratus was like this: Menestratus was informed against by Agoratus, and was arrested and put in prison. Hagnodorus of Amphitrope, a fellow-townsmen of Menestratus, was a kinsman of Critias, one of the Thirty. Well, when the Assembly was being held in the theatre at Munichia, this man, with the double aim of saving the life of Menestratus and of causing, by means of depositions, the destruction of as many people as possible, brought him before the people, when they contrived to give him impunity under the following decree.

A township or district in the south of Attica, containing some of the silver mines.
LYSIAS

ΨΗΦΙΣΜΑ

56 Ἐπειδῆ δὲ τοῦτο τὸ ψῆφισμα ἐγένετο, μηνύει ὁ Μενέστρατος καὶ προσαπογράφει ἑτέρους τῶν πολιτῶν. τοῦτον μέντοι οἱ μὲν τριάκοντα ἀφείσαν ὥσπερ Ἀγόρατον τούτου, δόξαντα τάληθρη εἰσαγγείλαι, ὑμεῖς δὲ πολλῷ χρόνῳ ὑστερον λαβόντες ἐν δικαστηρίῳ ὡς ἄνδροφόνον ὄντα, θάνατον δικαίως καταψηφισάμενοι τῷ δημίῳ1 παρεδότε καὶ ἀπετυμπανίσθη. καίτοι εἰ ἐκεῖνοι ἀπέθανεν, ἢ που Ἀγόρατος γε δικαίως ἀποθανεῖται, ὃς γε2 τὸν τε Μενέστρατον ἀπογράψας αἵτιος ἐκεῖνω ἐστὶ τοῦ θανάτου, καὶ τοῖς ὑπὸ Μενεστράτου ἀπογραφεῖς τίς αἵτιωτερος ἢ ὁ εἰς τοιαύτην ἀνάγκην ἐκεῖνον καταστήσας;

57 Ἀνόμοιος δὲ μοι δοκεῖ Ἀριστοφάνεις γενέσθαι τῷ Χολλείδῃ, ὃς ἐγγυητῆς τότε τοῦτον ἐγένετο καὶ τὰ πλοῖα παρασκευάζασας Μουνίκλασιν ἐτοιμὸς ἢν συνεκπελεῖν μετὰ τοῦτου. καὶ τὸ γε ἐπ’ ἐκεῖνον εἶναι ἐσώθης, καὶ οὔτ’ ἃν Ἡθηναιῶν οὐδέναι ἀπώλεσας οὔτ’ ἃν αὐτὸς ὡς εἰς τοῖς τοιοῦτοις κυνδύνοις κατέστησιν νῦν δὲ καὶ τὸν σωτῆρα τὸν σαυτοῦ ἐτολμησάς ἀπογράψαι, καὶ ἀπογράψας ἀπέκτεινας3 καὶ ἐκεῖνον καὶ τοὺς ἄλλους ἐγγυητᾶς. τοῦτον μὲν τοι ὃς οὐ καθαρῶς4 Ἡθηναιῶν ὅτι ἐβούλοντο τινὲς βασανισθῆναι, καὶ τοῦτο τὸ ψῆφισμα τὸν δημίου αἰαπείθουσι ψηφίζεσθαι.

1 δημίω Schott: δημῶ mss. 2 δς γε Toup: ὡστε mss. 3 ἀπέκτεινας add. Jacobs. 4 καθαρῶς Taylor: καλῶς mss.

a This mode of execution, formerly understood to be “cudgelling to death,” seems to have been something similar to crucifixion. See Gernet et Bizos, ad loc.

510
As soon as this decree had been passed, Menestratus turned informer, and added some more names of citizens to those already deposed. The Thirty, of course, let him off as they did Agoratus here, accepting his report as true: but you long afterwards had him before you in court as an actual murderer, and justly condemned him to death; you handed him over to the executioner, and he suffered death on the plank. But, if that man was put to death, surely Agoratus will be put to death with justice; for since he deposed against Menestratus he is responsible for his death, while, as to those who were deposed against by Menestratus, who is more responsible than the man who placed him under the necessity of such a step? And his behaviour was, I consider, quite unlike that of Aristophanes of Cholleis, who went surety for him at that time, provided the vessels at Munichia, and was ready to accompany him on the voyage. Thus, so far as it lay with him, you were saved, and then you would neither have destroyed any Athenian nor have brought your own self into such serious dangers. But no: you not only had the face to depose against your own deliverer, but by making your deposition you sent both him and your other sureties to their death. Some, indeed, desired that Aristophanes should be put to the torture, as one who was not of pure Athenian stock, and they prevailed on the people to pass the following decree.

* A district on the south side of Mt. Hymettus. The point in what follows is that even his surety Aristophanes, when faced with death as a result of Agoratus's treachery, refused to save himself by denouncing good citizens.
60 Μετὰ τούτῳ τοίνυν προσιόντες τῷ Ἀριστοφάνει
οἱ πράττοντες τότε τὰ πράγματα ἐδέοντο αὐτοῦ
kateipein καὶ σφόξεσθαι, καὶ μὴ κινδυνεύειν ἀγωνι-
sάμενον τῆς Ἕβενίας τὰ ἔσχατα παθεῖν. ὦ δὲ οὐκ
ἔφη οὐδέποτε· οὕτω χρῆστος ἦν καὶ περὶ τοὺς
dedeméνους καὶ περὶ τὸν ὄρμον τὸν Ἀθηναίων,
wōste εἶλετο μᾶλλον ἀποθανεῖν ἡ κατειπεῖν καὶ
61 ἀδύκως τινάς ἀπολέσαι. ἐκέινος μὲν τοῖνυν καὶ
ὑπὸ σοῦ ἀπολλύμενοι τοιοῦτοι ἐγένετο [καὶ
Ἐνοφῶν ὁ στρεβλωθεὶς καὶ Ἰππίας ὁ Θάσιος]·
οὐ δὲ οὐδὲν τοῖς ἀνδράσιν ἐκέινοις συνειδώς,
pieisteis δὲ ὡς σὺ γε, ἐὰν ἐκέινοι ἀπόλωνται,
μεθεξεῖς τῆς τότε3 πολιτείας καθισταμένης, ἀπ-
ἐγραφας3 καὶ ἀπέκτεινας Ἀθηναίων πολλοὺς καὶ
ἀγαθοὺς.
62 Βουλομαί δ’ ὑμῖν, ὦ ἄνδρες δικασταί, ἐπιδεῖξαι
οἰων ἀνδρῶν ὑπ’ Ἀγοράτου ἀπεστέρησθε. εἰ μὲν
οὖν οὐ πολλοὶ ἦσαν, καθ’ ἐκαστὸν ἂν περὶ αὐτῶν
ἠκούσε, νῦν δὲ συνιηθῆν ἐκεῖ πάντων. οἱ μὲν
γὰρ στρατηγήσαντες ὑμῖν πολλάκις μελέω τὴν
πόλιν τοὺς διαδεχομένους στρατηγοὺς παρεδίδοσαν.
63 οἱ δ’ ἔτερας μεγάλας ἀρχὰς ἀρξαντες καὶ τρη-
ραρχίας πολλάς τριμαρχήσαντες οὐδεπόσποτε ὡς
ὑμῖν οὐδεμίαν αὐτὰν αἰσχρὰν ἔσχον. οἱ δ’ αὐτῶν
περιγενόμενοι καὶ σωθέντες, οὐς οὕτως μὲν ἀπ-
ἐκτεινὸς ὑμῶν4 καὶ θάνατος αὐτῶν κατεγνώσθη,
ἡ δὲ τούχη καὶ ὁ δαίμον περιποίησε, φυγόντες
[γὰρ]5 εὐθείᾳ καὶ οὐκ συνιηθέντες οὐδὲ ὑπο-

1 Θάσιος del. Dobree. 2 τότε Markland: τε mss.
3 ἀπεγραφας Fuhr: ἀπεγράφης mss.
4 ὑμῶν Lipsius: ὑμᾶς mss. 5 γὰρ del. Reiske.
Well, after that the persons who then had control of affairs came to Aristophanes and appealed to him to save himself by a denunciation, and not to run the risk of the extreme penalty by standing his trial on the count of alien birth. But he said—"Never!" Such was his loyalty both to the men who had been imprisoned and to the Athenian people that he chose to suffer death rather than denounce and destroy anyone unjustly. So this was the character shown by that man, even when you were bringing him to destruction; and you, when you knew nothing against those persons, but had been seduced with the promise to you of a share in the government then being established if they should be destroyed, made your deposition and sent to their death a large number of good Athenians.

But I wish now, gentlemen of the jury, to represent to you the character of the men of whom Agoratus has bereft you. Had they been merely a few, one might mention them to you separately; but, as it is, I must cover them all in one brief account. Some had served you several times as generals, and then had handed on the city with added greatness to their successors in authority; some had held other high offices, and had borne the expense of many naval equipments: never before had they met with any disgraceful censure from you. Some of them survived, by having got away in safety; though this man sent them to their death none the less, and they were condemned to die: but fortune and providence delivered them. They fled the city, instead of being arrested and awaiting their trial;
μείναντες τὴν κρίσιν, κατελθόντες ἀπὸ Φυλῆς τιμῶνται ύπ’ ὑμῶν ὡς ἄνδρες ἀγαθοὶ ὑμεῖς.

64 Τούτους μέντοι τοιούτους ὄντας Ἀγόρατος τοὺς μὲν ἀπέκτεινε, τοὺς δὲ φυγάδας ἐντεῦθεν ἐποίησε, τίς ὃν αὐτός; δεῖ γὰρ ὑμᾶς εἰδέναι ὅτι δοῦλος καὶ ἐκ δούλων ἐστίν, ἵνα εἰδήτε όιός ὃν ὑμᾶς ἐλυμαίνετο. τοινώι μὲν γὰρ πατήρ ἢν Εὐμάρης, ἐγένετο δὲ ὁ Εὐμάρης οὗτος Νικοκλέους καὶ Ἀντικλέους. καὶ μοι ἀνάβητε μάρτυρες.

ΜΑΡΤΥΡΕΣ

65 [67] Ἱσαυ τοῖς ν ὁτοι, ὡς ἄνδρες δικασταῖ, τέτταρες ἀδελφοί. τοῦτων εἰς μὲν ὁ πρεσβύτατος ἐν Σικελίᾳ παραφρυκτωρεύόμενος τοῖς πολεμίοις ληφθεὶς ὑπὸ Λαμάχου ἀπετυμπανίσθη· ὁ δὲ ἔτερος εἰς Κόρινθον μὲν ἐντεῦθεν ἄνδράποδον ἐξῆγαγεν, ἐκεῖθεν δὲ παιδίσκην αὔτος ἐξάγων ἀλίσκεται, καὶ ἐν τῷ δεσμωτηρίῳ δεδεμένος ἀπέθανε· τόν δὲ

66 [68] τρίτον Φαινιππίδης ἐνθάδε λυποδύτην ἀπῆγαγε, καὶ υμεῖς κρίναντες αὐτὸν ἐν τῷ δικαστηρίῳ καὶ καταγνόντες αὐτοῦ θάνατον ἀποτυμπανίσαι παρέδοτε. ὡς δὲ ἄληθῆ λέγω, καὶ αὐτὸν οἶμαι ὁμολογήσεως τούτων καὶ μάρτυρας παρεξόμεθα.

ΜΑΡΤΥΡΕΣ

67 [65] Τὰλλα' τοινν, ὡς ἄνδρες δικασταί, ὅσα κακὰ καὶ αἰσχρὰ καὶ τούτω καὶ τοῖς τοῦτον ἀδελφοῖς ἐπιτετήδευτα, πολὺ ἄν ἐν ἑα ἑργον λέγειν. περὶ δὲ

1 πρεσβύτατος Bake: πρεσβύτερος mss.
2 ἐνθάδε Markland: ἐνθέντε mss.

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they have returned from the exile of Phyle, and are
honoured by you as worthy men.

Such, you see, was the character of these men whom
Agoratus either did to death or sent into exile from
the city. And who, then, is he? You must know
that he is a slave born and bred, so that you may
know what manner of man it was that grossly mal-
treated you. For the defendant’s father was Eumares,
and this Eumares was the property of Nicocles and
Anticles. Come forward, please, witnesses.

WITNESSES

Now Agoratus, gentlemen, had three brothers.
One of them, the eldest, was caught in Sicily making
traitorous signals to the enemy, and by Lamachus’s
order he was executed on the plank. The second
abducted a slave from our city to Corinth, and again
was taken abducting a girl from a household there:
he was cast into prison and put to death. The
third was arrested here by Phaenippides as a foot-
pad, and you tried him in your court: you con-
demned him to death, and consigned him to execution
on the plank. The truth of my statements will, I
think, be admitted even by this man himself, and
we shall produce witnesses to support them.

WITNESSES

Now, to tell of all the other injuries and infamies,
gentlemen, which have been the practice of this man
and his brothers would be a lengthy task. As to his

a §§ 67 and 68 are here placed before §§ 65 and 66, as
suggested by some editors.
LYSIAS

συκοφαντίας, ὅσας οὖτος ἢ δίκας ἰδίας συκοφαντῶν ἐδικάζετο ἢ γραφᾶς ὅσας ἐγράφετο ἢ ἀπογραφᾶς ἀπέγραφεν, οὐδὲν με δεῖ καθ’ ἐκαστον λέγειν· συνελήφθην γὰρ ὑμεῖς ἀπαντες καὶ ἐν τῷ [136] δήμῳ καὶ ἐν τῷ δικαστηρίῳ συκοφαντίας αὐτοῦ 68[66] κατέγνωτε καὶ ὁφλεν¹ ὑμῖν μυρίας δραχμᾶς, ὥστε τοῦτο μὲν ἰκανῶς² ὑπὸ ὑμῶν ἀπάντων μεμαρτύρηται. γυναῖκας τοῖς τῶν πολιτῶν τούτοις ὃν μοιχεύεις καὶ διαφθείρεις ἑλευθέρας ἑπεχείρησε, καὶ ἐλήφθη μοιχὸς· καὶ τοῦτον θάνατος ἦ ζημία ἐστίν. ὦς δὲ ἀληθῆ λέγω, μάρτυρας κάλει.

ΜΑΡΤΥΡΕΣ

69 Πῶς οὖν οὐχ ἀπασι προσήκει ὑμῖν τούτου καταψηφίζοσθαι; εἰ γὰρ τούτων ἐκαστὸς δὴ ἐν ἀμαρτημα θανάτου ἢξιώθη, ἢ ποιοῦ γε πολλὰ ἐξημαρτυρηκότος καὶ δημοσία εἰς τὴν πόλιν καὶ ἤδη εἰς ἐκαστὸν ὑμῶν, ἢν ἐκαστὸν ἀμαρτήματος ἐν τοῖς νόμοις θάνατος ἦ ζημία ἐστί, δεὶ ὑμᾶς σφόδρα θάνατον αὐτοῦ καταψηφίζοσθαι.

70 Λέξει δὲ, ὃς ἀνδρες δικασταὶ, καὶ ἐξαπατήσαι ὑμᾶς περάσεται, ὡς ἐπὶ τῶν τετρακοσίων Φρύνιχος ἀπέκτεινε, καὶ ἀντὶ τούτου φησιν αὐτοῦ Ἀθηναίου τὸν δήμον ποιήσασθαι, ψευδόμενος, ὃς ἀνδρες δικασταὶ· οὔτε γὰρ Φρύνιχον ἀπέκτεινεν 71 οὔτε Ἀθηναίον αὐτοῦ ὁ δήμος ἐποίησατο. Φρυνίχῳ γάρ, ὃς ἀνδρες δικασταὶ, κοινὴ Ἐρασύβουλος τε ὁ Καλυδώνιος καὶ Ἀπολλόδωρος ὁ Μεγαρεὺς ἐπεβούλευσαν· ἐπεθεὶ δὲ ἐπετυχέτην αὐτῷ βαδίζοντι, ὁ μὲν Ἐρασύβουλος τύππει τὸν Φρύνιχον καὶ

¹ ὁφλεν Sauppe: ὁφλῆσεν mss.
² ἰκανῶς Bekker: κακῶς mss.
AGAINST AGORATUS, 67–71

trade of slander in all the private suits that he brought, or in the various impeachments and depositions that he made, there is no need for me to speak in detail. To sum the whole, you all in the Assembly, and likewise in the law-court, convicted him of venal slander and made him pay a fine of ten thousand drachmae; so that this point has been sufficiently attested by your whole body. Then again, he attempted, with a character like that, to debauch and defile free-born wives of our citizens, and was taken in adultery; and for that the penalty is death. Call witnesses to the truth of my words.

Witnesses

Then is it not clearly a duty upon you all to convict this man? For if each of the brothers was thought deserving of death for a single offence, surely the man who, both publicly against the city and privately against each of you, has committed many offences, for each of which the penalty under our laws is death, must by all means be condemned to death by you.

He will say, gentlemen, attempting to deceive you, that in the time of the Four Hundred a he killed Phrynichus, b and in reward for this, he asserts, the people made him an Athenian citizen. But he lies, gentlemen. For neither did he kill Phrynichus, nor did the people make him an Athenian citizen. It was Thrasybulus of Calydon and Apollodorus of Megara, gentlemen, who combined in a plot against Phrynichus: they lighted on him as he was out walking, and Thrasybulus struck Phrynichus, knock-

a 411 B.C.; cf. XII. 42.
b A prominent member of the Four Hundred; cf. Thucydides, viii. 92.
LYSIAS

καταβάλλει πατάξας, ὁ δὲ Ἀπολλόδωρος οὐχ ἡφαστο ἀλλ' ἐν τούτῳ κραυγὴ γίγνεται καὶ ὠχοντο φεύγοντες. Ἄγορατος δὲ οὕτοι οὔτε παρεκλήθη οὔτε παρεγένετο οὔτε οἶδε τοῦ πράγματος οὐδὲν. ὃς δὲ ἀληθὴ λέγω, αὐτὸ ύμῖν τὸ ψῆφισμα δηλώσει.

ΨΗΦΙΣΜΑ

72 Ὅτι μὲν οὐκ ἀπέκτεινε Φρύνιχον, εἷς αὐτοῦ τοῦ ψῆφισματος δῆλου. οὐδαμοῦ γὰρ ἐστὶν Ἀγοράτου Ἀθηναίοις εἶναι ὥσπερ Ὀρασύβουλον [καὶ Ἀπολλόδωρον]. καὶ τοι ἐπὶ ἀπέκτεινε Φρύνιχον, ἔδει αὐτῶν ἐν τῇ αὐτῇ στήλῃ, ἵνα περὶ Ὀρασύβουλον [καὶ Ἀπολλόδωρον] Ἀθηναίοις πεποιημένον ἑγγεγράφθαι. τὰ μέντοι οὐνόματα διαπράττονται σφῶν αὐτῶν, δόντες ἀργύρων τῷ ρήτορι, προσγραφήναι εἰς τὴν στήλην ὡς εὐεργέτας ὄντας. καὶ ὃς ἀληθὴ λέγω, τοῦτο τὸ ψῆφισμα ἑλέγξει.

ΨΗΦΙΣΜΑ

73 Οὕτω μέντοι οὕτοι πολὺ ύμῶν κατεφρόνει, ὡστε οὐκ ὁν Ὀθηναῖος καὶ ἐδίκαζε καὶ ἠκκλησίαζε καὶ γραφας τὰς εἰς ἄνθρωπων ἐγράφητο, ἐπιγραφόμενος Ἀναγυράσιος, εἴναι. ἐπείτα δὲ καὶ ἐτερον μέγα τεκμήριον ὡς οὐκ ὅπετε Ἀπολλόδωρον Φρύνιχον, δι' ὅ Ἀθηναίος φησι γεγενήθαι. ὁ Φρύνιχος γὰρ οὔτος τοὺς τετρακοσίους κατέστησεν ἐπειδὴ δ' ἐκείνος ἀπέθανεν, οἱ πολλοὶ τῶν τετρα-74 κοσίων ἐφύγον. πότερον οὖν δοκοῦσιν ύμῶν οἱ

1 καὶ Ἀπολλόδωρον del. Roehl.
2 ἑγγεγράφθαι add. Thalheim.
3 ἅν del. Contius.
4 ὃ Sauppe: ὅν mss.
ing him down with the blow; but Apollodorus did not touch him. Meanwhile an outcry arose, and they ran off and disappeared. But Agoratus here was neither invited to join them nor was present at the deed, nor does he know anything of the matter. The truth of my statement will be shown you by the decree itself.

**Decree**

That he did not kill Phrynichus is clear from the decree itself: for nowhere do we find “that Agoratus be an Athenian,” as in the case of Thrasybulus. If, however, he had killed Phrynichus, he ought to appear as having been made an Athenian in the inscription on the same slab as Thrasybulus does; though some do contrive, by bribing the proposer, to have their own names added to the tablet as “benefactors.” The truth of my words will be proved by this decree.

**Decree**

But yet, this man had so much contempt for you that although he was not an Athenian he took his seat in the law-court, and in the Assembly, and made impeachments of every conceivable kind, giving in his name with the addition—“of Anagyra.” And besides, I have further good evidence against his having killed Phrynichus,—an act for which he claims to have been made an Athenian: this Phrynichus established the Four Hundred; after his death, most of the Four Hundred fled. Do you then

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*These were decrees passed by the people in gratitude to the slayers of Phrynichus, who were granted full civic rights in the form “That so-and-so be an Athenian.”

* A district on the west coast of Attica.
LYSIAS

τριάκοντα καὶ ἡ βουλὴ ἡ τότε1 βουλεύουσα, οὐ αὖ-
τοι ἦσαν ἀπαντεῖς τῶν τετρακοσίων τῶν φυγῶντων,
ἀφείναι ἂν λαβόντες τὸν Φρύνιχον ἀποκτείναντα, ἡ
τιμωρήσασθαι ὑπὲρ Φρύνιχου καὶ τῆς φυγῆς ἢς
75 αὐτοὶ ἀφύγον; ἐγὼ μὲν οἷμαι τιμωρεῖσθαι ἂν. εἰ
μὲν οὖν μὴ ἀποκτείνας προσποιεῖται, ὡς ἐγὼ φημὶ,
ἀδικεῖ2· εἰ δὲ ἀμφισβητεῖς καὶ φῆς Φρύνιχον ἀπο-
κτείναι, δῆλον ὅτι μείζω τὸν δήμον τὸν Ἀθηναίων
κακὰ ποιήσας τὴν ὑπὲρ Φρύνιχου αὐτίαν πρὸς τοὺς
τριάκοντα ἀπελύσω· οὐδέποτε γὰρ πείεσις οὐδένα
[137] ἀνθρώπων ὡς Φρύνιχον ἀποκτείνας ἀφείθης ἂν ὑπὸ
tῶν τριάκοντα, εἰ μὴ μεγάλα τὸν δήμον τὸν Ἀθη-
76 ναίων καὶ ἀνήκεστα κακὰ εἰργάσω. ἐὰν μὲν οὖν
φάσκῃ Φρύνιχον ἀποκτείναι, τούτων μέμησθε καὶ
tούτον τιμωρεῖσθε ἂνθ’ ὧν ἐποίησεν· ἐὰν δ’ οὐ
φάσκῃ, ἔρεσθε αὐτὸν δ’ ὃ τι φησίν Ἀθηναίος
ποιηθήναι. ἐὰν δὲ μὴ ἔχη ἀποδείξει, τιμωρεῖσθε
αὐτὸν ὅτι καὶ ἐδίκαζε3 καὶ ἰκκλησίαζε καὶ ἐσυκο-
φάντει πολλοὺς ὡς Ἀθηναίος τοῦνομα ἐπιγρα-
φόμενος.
77 Ἀκούω δὲ αὐτὸν παρασκευάζεσθαι ἀπολογεῖ-
σθαι, ὡς ἐπὶ Φυλῆν τε ὀξεῖτο καὶ συγκατῆλθεν ἀπὸ
Φυλῆς, καὶ τούτο μέγιστον ἀγώνισμα εἶναι. ἐγέ-
νετο δὲ τοιούτων ἦλθεν οὕτος ἐπὶ Φυλῆν· καίτοι
πῶς ἄν γένοιτο ἀνθρώπος μιαρώτερος; ὥστε
εἰδὼς ὅτι εἰς τινές ἐπὶ Φυλῆ τῶν ὑπὸ τούτου
ἐκπεπτωκῶτων ἐτόλμησεν ἐλθεῖν ὡς τούτους.
78 ἐπειδὴ δὲ εἴδον αὐτῶν τάχυστα, συλλαβόντες

1 ἡ τότε Cobet: ὦτ’ ἐπὶ τῶν λ MSS.
2 ὡς ἐγὼ φημὶ, ἀδικεῖ Gebauer: ἀδικεῖ, ὡς ἐγὼ φημὶ MSS.
3 ἐδίκαζε Taylor: ἐδίκαζετο MSS.

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believe that the Thirty and the Council in session at that time, who were themselves all members of the Four Hundred who had fled, would have let off the slayer of Phrynichus when they had hold of him, instead of taking vengeance on him for Phrynichus and the exile they had suffered? In my opinion, they would have taken vengeance on him. Now, if he is pretending, as I assert, to be the slayer of Phrynichus when he is not, he is guilty there; while if you, sir, dispute this, and declare that you did kill Phrynichus, it is evident that you must have done yet greater injuries to the Athenian people so as to redeem, in the eyes of the Thirty, the blame for Phrynichus’s death. For you will never persuade anyone at all that after killing Phrynichus you would have been let off by the Thirty, unless you had inflicted great and irreemovable injuries upon the Athenian people. Hence, if he asserts that he killed Phrynichus, remember my words and take vengeance on this man for what he has done: if he disclaims it, ask him on what grounds he alleges that he was made an Athenian. If he fails to prove it, punish him for making use of his assumed title of Athenian to sit in both law-court and Assembly, and to bring slanderous charges against so many persons.

I am told that he is concocting for his defence the plea that he went off to Phyle, and was in the party that returned from Phyle, and that this is the mainstay of his case. But the facts were as I shall relate. This man did go to Phyle; yet, could there be an example of more abject vileness? For he knew that at Phyle there were some of those who had been banished by him, and he had the face to approach them! As soon as they saw him they laid hold of
ΛΥΣΙΑΣ

αγοσιν ἄντικρυς ὡς ἀποκτενοῦντες, οὕτε καὶ τοὺς ἅλλους ἀπέσφαττον, εἳ τινα ληστὴν ἢ κακοὐργον συλλάβοιες. στρατηγῶν δὲ "Ἄνυτος [ἐπὶ Φυλὴν]" οὐκ ἔφη χρὴναι ποιεῖν αὐτοὺς ταῦτα, λέγων ὅτι <οὔπω> οὕτω διακέουστο, ἢστε τιμωρεῖσθαί τινας τῶν ἔχθρων, ἀλλὰ νῦν μὲν δεῖν αὐτοὺς ἡσυχίαν ἐχεῖν. εἰ δὲ ποτὲ οὐκαδε κατέλθοις, τότε καὶ τιμωρήσουσι τοὺς ἀδικοῦντας.

79 ταῦτα λέγων αὐτὸς ἐγένετο τοῦ ἀποφυγεῖν τούτον ἐπὶ Φυλῆν ἀνάγκη δὲ ἴνα στρατηγοῦ ἄνδρος ἀκρωτοῦ, εἴτε ἔμελλον σωθῆσεσθαι. ἀλλ' ἐτερονοοῦστε γὰρ συσστήσας τοὺς ὦδείς φανήσεται οὔτε σύσκηνος γενόμενοι οὐτε <ὁ> ταξιάρχος εἰς τὴν φυλῆν κατατάξας, ἀλλ' ὦστερ ἀληθηρίῳ ὦδείς ἄνθρωπων αὐτῷ διελέγετο. καὶ μοι κάλει τὸν ταξιάρχον.

ΜΑΡΤΥΡΙΑ

80 Ἐπειδὴ δὲ <αἰ> διαλλαγαὶ πρὸς ἅλληλους ἐγένεντο καὶ ἐπεμψαν οἱ [πολῖται]: ἐκ Πειραιῶς τὴν πομπὴν εἰς πόλιν, ἥγειτο μὲν Ἀἴσιμος [τῶν πολιτῶν], οὕτος δὲ οὔτω τολμηρὸς καὶ ἐκεῖ ἐγένετο συνήκολουθεί γὰρ λαβών τὰ ὀπλα καὶ συνέσπεμπε τὴν πομπὴν μετὰ τῶν ὀπλιτῶν πρὸς τὸ ἀστυν. 81 Ἐπειδὴ δὲ πρὸς ταῖς πύλαις ἦσαν καὶ ἐθεντο τὰ ὀπλα, πρὶν εἰσινεῖ εἰς τὸ ἀστυν, ὅ μὲν Ἀἴσιμος αἰσθανότατι καὶ προσελθὼν τὴν τε ἀσπίδα αὐτοῦ λαβών ἔρρυμε, καὶ ἀπιέναι ἐκέλευσεν ἐς κόρακας

1 ἐπὶ Φυλὴν del. Dobree. 2 οὔπω add. Stephanus.
3 ὁ add. Sauppe. 4 αἰ add. Dobree.
5 πολῖται del. Dobree. 6 ἀν ὀπλιτῶν del. Sauppe.
7 ἐκεῖ Brulart: ἐκεῖνο ,τότε MSS.
him and dragged him straight away to be killed in the place where they executed ordinary pirates or robbers that fell into their hands. Anytus, who was the general, said that they ought not to do that, on the ground that they were not yet in a position to punish certain of their enemies: at that moment they should rather keep quiet. If ever they returned home, they would then proceed to punish the guilty. By that speech he was the cause of this man’s escape at Phyle: it was necessary to obey a man in the position of general, if they were to preserve themselves. Nay, further, you will find no one who has shared either this man’s table or his tent, nor did the commander assign him a place in his tribe; to all he was a polluted person with whom they would not talk. Please call the commander.

Evidence

When they had reached their mutual agreement, and the Peiraeus party made their procession to the citadel, they were led by Aesimus; but there too this man showed similar audacity. For he followed along under arms, joining in the procession with the heavy-armed men to the city. But when they were close to the gates, and grounded arms before entering the city, Aesimus perceived him and went up to him, seized his shield, and flung it away, with the order—

a There was one “taxiarch” for each of the ten tribes, whose ranks were formed by him.

b i.e., to the temple of Athene on the Acropolis.

8 ὀπλιτῶν Dobree: πολιτῶν mss.
9 θυλαῖς Palmer: φυλαῖς mss.
LYSIAS

[ἐκ τῶν πολιτῶν.]¹ οὐ γὰρ ἐφη δεῖν ἄνδροφόνον αὐτὸν ὄντα συμπέμπευν τὴν πομπὴν τῇ Ἀθηνᾷ, τούτω τῷ τρόπῳ ὑπὸ Αἰσίμου ἀπηλάθη. ὡς δ’ ἀληθῆ λέγω, μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

82 Τούτω τῷ τρόπῳ, ὦ ἄνδρες δικασταί, καὶ ἐπὶ Φυλῆ καὶ ἐν Πειραιᾷ πρὸς τοὺς ὀπλίτας διέκειτο· οὐδεὶς γὰρ αὐτῷ διελέγετο ὡς ἄνδροφόνος ὄντι, τοῦτο μὴ ἀποθανεῖν Ἀυτοῦ ἐγένετο αὐτῷ ἀιτίος. ἐὰν οὖν τῇ ἐπὶ Φυλῆν ὁδῷ ἀπολογία χρῆται, ὑπολαμβάνειν χρῆ ἐὰν Ἀυτοῦ αὐτῷ ἐγένετο αἰτίος μὴ ἀποθανεῖν ἑτοίμων δυνῶν τιμωρεῖθαι, καὶ ἐρρυθεῖν αὐτὸν Αἰσίμος τὴν ἁστίδα καὶ οὖκ εἶα [μετὰ τῶν πολιτῶν]² συμπέμπεσεν³ τὴν πομπήν, [καὶ εἰ τις αὐτὸν ταξίαρχος εἰς τάξιν τινὰ κατέταξε].⁴

83 Μήτε οὖν ταύτα αὐτοῦ ἀποδέχεσθε, μήτε ἐὰν λέγῃ ὅτι πολλῷ χρόνῳ ὑστερον τιμωροῦμεθα. οὐ γὰρ οἶμαι οὐδεμίαν τῶν τοιούτων ἀδικημάτων προδεσμῶν εἶναι, ἀλλ’ ἔγω μὲν οἶμαι, εἰτ’ εὐθὺς εἰτε χρόνῳ τις τιμωρεῖται, τοῦτον δεῖν ἀποδεικ- 84 νύναι ὡς οὐ πεποίηκε περὶ ὃν ἔστιν ἡ αἰτία. οὕτως τοῖν ποτότο ἀποφαινέτω, ἡ ὡς οὐκ ἀπέκτεινεν ἐκεῖνος ἡ ὑς δικαίως, κακὸν τι ποιοῦντας τὸν δήμουν τὸν Ἀθηναίων. εἰ δὲ πάλαι δέον τιμωρεῖσθαι ὑστερον ἡμεῖς τιμωροῦμεθα, τὸν χρόνον κερδαίνει ὅν ἔζη οὐ προσήκον αὐτῷ, οἱ δὲ ἄνδρες ὑπὸ τούτου οὐδὲν ἢ ττων τεθνήκασιν.

¹ κ τῶν πολιτῶν del. Naber.
² μετὰ τῶν πολιτῶν del. Sauppe.
³ συμπέμπεσεν Fuhr: πέμπεσεν mss.
⁴ καὶ . . . κατέταξε del. Halbertsma.
AGAINST AGORATUS, 81–84

"Now, you go to hell! A murderer like you must not join in the procession to Athene." This was the way in which he was driven off by Aesimus; and I will produce witnesses to the truth of my statement.

WITNESSES

These were the real relations, gentlemen, that he had with the heavy-armed troops, both at Phyle and in the Peiraeus. Nobody would speak to him, as a known murderer, and Anytus was the cause of his escape from death. If, therefore, he makes use of his journey to Phyle as a plea in his defence, you must retort with the question whether Anytus was the cause of his escape from death when they were ready to do justice upon him, and whether Aesimus flung away his shield and forbade him to join in the procession.

You must not accept that plea from him, nor this one either, if he should urge it,—that we are exacting the penalty a long time after the offence. For I do not think there is any statute of limitations for such crimes as his: my opinion rather is that, whether brought to his account immediately or after some time, this man must prove that he has not done the things that form the subject of the charge. Let him therefore satisfy us, either that he did not cause the death of those men, or that he did so with justice because they were doing a mischief to the Athenian people. But if we are late in punishing where we ought to have punished long ago, he is a gainer by the time in which he lived illicitly, while those men have none the less suffered death by his act.

* See note on VII. 17.
85 Ἀκούω δ' αὐτὸν καὶ τοῦτον ἐπιχυρίζεσθαι, ὅτι "ἐπ' αὐτοφώρῳ" τῇ ἀπαγωγῇ ἐπιγέγραπται, διὸ τῶν ἐγώ οἷμαι εὐθείαστατον ὡς εἰ μὲν τὸ ἐπ' αὐτοφώρῳ μὴ προσεγγραπτο, ἐνοχὸς ἄν
[138] ὁν τῇ ἀπαγωγῇ. διότι δὲ τοῦτο προσεγγραπται, ἐνοχὸς ὁν
3 ῥαστῶνυ τινὰ οἶεται αὐτῷ εἶναι. τοῦτο δὲ οὐδὲν ἄλλο ἢ ένικεν ἣ ὁμολογεῖν ἀποκτεῖναι, 
5 μη ἐπ' αὐτοφώρῳ δὲ, καὶ περὶ τοῦτον δια-
χυρίζεσθαι, ὥσπερ, εἰ μη ἐπ' αὐτοφώρῳ μὲν, 
7 ἀπέκτεινε δὲ, τοῦτον ἑνεκα δέον αὐτὸν σώζεσθαι.
8 ὁκοῦσι δ' ἐμοιγε οἱ ἐνδεκα οἱ παραδεξάμενοι τὴν ἀπαγωγὴν ταύτην, οὐκ ἑλμοιν άγοράτῳ 
9 συμπράπτεμεν καὶ τότε διαχυρίζομεν, ἀφόδρα 
10 ὁμῶς ποιῆσαι Διονύσιον τὴν ἀπαγωγὴν ἀπάγοντ
11 ἀναγκάζοντες τὸ γε ἐπ' αὐτο-
12 φώρῳ ἢ πῶς οὐκ ἄν εἰη <ος> πρῶτον μὲν ἐναντίων πιεντακοσίων [ἐν τῇ βουλῇ], εἶτα πάλιν ἐναντίον άθηναίων ἀπάντων [ἐν τῷ δήμῳ] ἀπογράφας τινὰς ἀποκτείνει καὶ αἰτίος γένοιτο 
13 τοῦ θανάτου; οὐ γὰρ δήποτε τοῦτο μόνον οὐκ
14 τοῖο ἐπ' αὐτοφώρῳ, ἐὰν τῇ ἄγω 
15 η μαχαίρα πατάγας καταβάλῃ, ἐπεὶ ἐκ γε τοῦ σοῦ 
16 λόγου οὐδεὶς φανή-
17 σεται ἀποκτείνας τοὺς ἀνδρας οὐς σῦ 
18 ἀπέγραφας· οὐτε γὰρ ἐπάταξεν αὐτοῦς οὐδεὶς οὔτ' ἀπέσφαξεν, 
19 ἀλλ' ἀναγκασθέντες ὑπὸ τῆς σῆς ἀπογραφῆς 
20 ἀπέθανον. οὐκ οὖν <ος> αἰτίων τοῦ θανάτου, οὕτως ἐπ' αὐτοφώρῳ ἑστὶ· τίς οὖν ἄλλος αἰτίος ἢ σὺ
3 ἐνοχὸς οὐν del. Dobree.
4 οὐδὲν ἄλλο Sauppe: οὐδὲν ἄλλο mss. 5 οὐκ ἑκ. Taylor.
6 καὶ τότε διαχυρίζομεν Kocks: τότε καὶ διαχυρίζομενοι mss.
7 ἀπάγοντ' Falk: ἀπάγειν mss. 8 τὸ γε Sluiter: τὸ mss.
9 πῶς οὐκ ἄν εἰη Sauppe: ὅποι ἄν ἣ mss.
I am told that he also takes his stand on the plea that the words "in the act" appear in the warrant for arrest; but this, I consider, is utter imbecility. So, without the addition of the words "in the act," he would be liable to the arrest; but just because the words have been added, he thinks he can extricate himself! This simply amounts, it would seem, to an admission that he has killed, but has not been taken in the act; and to insist on that is to imply that, if he was not taken in the act, but did the killing, he ought therefore to escape. But, in my view, the Eleven who authorized this arrest, without a thought of supporting Agoratus's plea,—on which he was even then insisting,—were quite correct in compelling Dionysius, who carried out the summary arrest, to add the words "in the act": surely that must be so, in dealing with a man who, first before five hundred, and then again before the whole body of the Athenians, made depositions whereby he took the lives of some of them, and thus was responsible for their death. For you cannot of course suppose that "in the act" only applies to a man felled with the stroke of a club or a dagger; since, by your argument, nobody will be found to have actually killed the men against whom you deposed. For no one either struck them or assassinated them, but your deposition had the effect of compelling them to die. Then is not the author of their death a person caught "in the act"? Now, who can be that author but you, who

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\( ^{a} \) By a draught of hemlock.
LYSIAS

απογράφασις; ὡστε πῶς οὐκ ἐπ' αὐτοφώρῳ οὖ εἰ δ' ἀποκτείνας;

88 Πυνθάνωμαι δ' αὐτὸν καὶ περὶ τῶν ὀρκῶν καὶ περὶ τῶν συνθηκῶν μέλλεων λέγειν, ὡς παρὰ τοὺς ὀρκοὺς καὶ τὰς συνθήκας ἀγωνιζεῖται ἃς συνεθέμεθα πρὸς τοὺς ἐν ἀστεὶ οἱ ἐν [τῷ] τε Πειραιεὶ. σχεδὸν μὲν οὖν τούτους ἰσχυριζόμενος ὁμολογεῖ ἀνδροφόνος εἶναι ἐμποδῶν γοῦν ἡ ὀρκοὺς ἡ συνθήκας ἡ χρόνον ἢ <τὸ> ἐπ' αὐτοφώρῳ [τι] τυποῦσιν εἰς τῶν ἀυτῶν πράγματα εἰ ὑμὶν δὲ τῶν πράγματα εἰς τῶν πρῶτον ἀγωνιεῖσθαι. ὑμῖν δὲ, ὡς ἀνδρεῖς δικασταί, οὐ προσήκει περὶ τούτων ἀποδέχεσθαι ἀλλ' ὡς οὖν ἀπέγραψαν οὐδὲ οἱ ἀνδρεῖς τεθνᾶσι, περὶ τούτων κελεύετε αὐτῶν ἀπολογεῖσθαι. ἐπείτα τοὺς ὀρκοὺς καὶ τὰς συνθήκας οὐδὲν ἡγοῦμαι προσήκειν ἡμῖν πρὸς τούτον. οἱ γὰρ ὀρκοὶ τοῖς ἐν ἀστεὶ πρὸς τοὺς ἐν Πειραιεὶ γεγένηται. εἰ μὲν οὖν οὕτως μὲν ἐν ἀστεὶ ἡμεῖς δ' ἐν Πειραιεὶ ἦμεν, εἰχον ἢ παντὸς ἁγιεῖς αὐτῷ αἱ συνθήκαιν δέ καὶ οὕτως ἐν Πειραιεὶ ἦν καὶ ἤγοι καὶ Διωνύσιος καὶ οὕτως ἀπαντές οἱ τούτων τιμωροῦμεν, ὡστε οὐκ εἰσὶν ἡμῖν ἐμποδῶν <οὐδὲν>. οὐδένα γὰρ ὀρκον οἱ ἐν Πειραιεὶ τοῖς ἐν Πειραιεὶ ὠμοσαν.

91 Ἐκ παντὸς δὲ τρόπου ἐμοῦ γιὰ ὁκεῖ οὐχ ἐνὸς θανάτου ἄξιος εἶναι, ὡστε φησί μὲν ἐπὶ τοῦ ἰδίου <πεποιηθόθαι>, τὸν δὲ ἰδίουν, ὅν αὐτὸς φῆσιν πατέρα αὐτοῦ εἶναι, φαίνεται κακῶςα, καθυφεῖς 10


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made the depositions? So clearly you, who killed them, have been caught in the act.

I understand that he intends to refer to the oaths and agreements, and will tell us that his prosecution is a violation of the oaths and agreements that we of the Peiraeus contracted with the party of the town. Well, if he takes his stand on these, he practically admits that he is a murderer: at least, he makes an objection of oaths, or agreements, or lapse of time, or the words "in the act"; but in itself the case affords him no confidence of success in his trial. Your duty, gentlemen of the jury, is to reject these arguments: you must bid him direct his defence to these questions—Did he make no depositions? Are those men not dead? Besides, I consider that the oaths and agreements in no way affect our position regarding this man. For the oaths have been taken between the parties of the town and of the Peiraeus. If, indeed, he was in the town while we were in the Peiraeus, the agreements would have been something for him to count upon; but the truth is that he was in the Peiraeus, like me and Dionysius and all these persons who are for punishing the man, so that we are faced with no objection there. For there was no oath taken between the men of the Peiraeus and the men of the Peiraeus.

In every view, I consider, he deserves more deaths than one; for the same man who says that the people have made him one of them is found to have injured the people whom he himself calls his father, by treacherously sapping the resources that they had

a Providing an amnesty for all except the Thirty, the Eleven who executed their orders, and their ten commissioners in the Peiraeus.
καὶ προδοὺς ἐξ ὧν ἐκεῖνος μεῖζων καὶ ἱσχυρότερος ἐγίγνετο. ὅστις οὖν τὸν τε γόνον πατέρα τὸν αὐτοῦ ἔτυπτε καὶ οὐδὲν παρεῖχε τῶν ἐπιτηδείων, τὸν τε ποιητὸν πατέρα ἀφείλετο δ' ἦν ὑπάρχοντα ἐκείνῳ ἀγαθά, πῶς οὐ καὶ διὰ τοῦτο κατὰ τῶν τῆς κακώσεως νόμων ἄξιος ἐστὶ θανάτῳ ζημιωθῆναι;

92 Προσήκει δ' ὑμῖν, ὡς ἄνδρες δικασταί, ἀπασι τιμωρεῖν ὑπὲρ ἐκείνων τῶν ἄνδρῶν ὁμοίως ἄσπερ ἡμῶν ἐν ἐκάστῳ. ἀποθνησκοντες γὰρ [ὑμῖν] ἐπέσκηψαν καὶ ἡμῖν καὶ τοῖς φίλοις ἀπασι τιμωρεῖν ὑπὲρ σφῶν αὐτῶν Ἀγόρατον τουτούν ὡς φονεὰ ὄντα, καὶ κακῶς ποιεῖν καθ' ὅσον ἀν ἐμβραχὺ ἐκαστος δύνηται. εἰ τοίνυν τι ἐκεῖνοι ἀγαθὸν τὴν πόλιν ἢ τὸ πλῆθος τὸ ὑμέτερον φανερὸν εἰς πεποιηκότες, ὡς καὶ αὐτοὶ ὑμεῖς ὀμολογεῖτε, ἀνάγκη ὑμᾶς ἐστὶ πάντας ἐκεῖνοις φίλους καὶ ἐπιτηδείους εἰναι, ὡστε οὐδὲν μᾶλλον ἡμῖν ἢ καὶ ὑμῖν ἐνὶ ἐκάστῳ ἐπέσκηψαν. οὖκ οὖν οὔτε οὕτω συν οὔτε νόμιμον ὑμῖν ἐστιν ἀνεῖναι Ἀγόρατον τουτούς. ὑμεῖς τοίνυν, ὡς ἄνδρες Ἀθηναίοι, νῦν δὴ, ἐπεὶ ἐν τῷ τότε χρόνῳ, ἐν ὡς ἐκεῖνοι ἀπέθνησκον, οὐχ οἰοί τε ἢστε ἐπαρκέσαι διὰ τὰ πράγματα τὰ περι- εστηκότα, νυνί, ἐν ὡς δύνασθε, τιμωρήσατε τὸν ἐκείνων φονέα. ἐνθυμεῖσθε δ', ὡς ἄνδρες Ἀθηναίοι, ὅπως μὴ πάντων ἔργον σχετικώτατον ἐργάσησθε.

93 [139] εἰ γὰρ ἀποψηφιεῖσθε Ἀγόρατον τουτού, οὐ μόνον τούτο διαπράττεσθε, ἀλλὰ καὶ ἐκεῖνων τῶν ἄν- δρῶν, οὓς ὀμολογεῖτε ὑμῖν εὐνούς εἰναι, τῇ αὐτῇ ψήφῳ ταύτῃ θανάτον καταψηφίζεσθε· ἀπολύουντες γὰρ τὸν αἰτιόν ὃντα ἐκεῖνος τοῦ θανάτου οὐδὲν

1 κατὰ Emperius: καὶ διὰ miss.
2 ὑμῖν del. Sauppe.
for advancing their greatness and strength. Therefore, the man who struck his own natural father and denied him all necessaries of life, he who robbed his adoptive father of the means that he possessed is certainly, on this one score, as provided by the law of such maltreatment, deserving of the penalty of death.\footnote{\S \num{91} appears to be a rhetorical expansion by a later hand.}

It is the duty of you all, gentlemen, as it is of each one of us, to avenge those men. For it was their dying injunction both to us and to all their friends, that we should avenge them on this man Agoratus as their murderer, and do him, in a word, all the injury of which each of us is capable. Now, if they have manifestly done some good service to the city or your democracy, as you yourselves acknowledge, it must follow that you all are friends and intimates of theirs, so that they enjoined this on each of you no less than on us. Hence it would be impious as well as illegal for you to absolve this man Agoratus. And now it is for you, men of Athens, to-day,—since at that moment when they were to die you were unable to come to their aid because of the embarrasments of your situation,—to-day, when you are able, to punish their murderer. And take heed, men of Athens, lest you commit the most abominable act of all. For if you acquit this man Agoratus, your action does not stop there, but by that same vote you condemn to death those men whom you acknowledge as your supporters. By releasing the author of their death you simply decide that they

\footnote{3} φίλοις Sauppe: ἄλλοις mss.
\footnote{4} εἰς βραχὺ Dobree: βραχὺ mss.
\footnote{5} περιεστηκότα Markland: παρεστηκότα mss.
όλλο γιγνώσκετε ἡ ἐκείνους δικαίως ὑπὸ τούτου τεθηκέναι. καὶ οὕτως ἂν δεινότατα πάντων πάθοιεν, εἰ οἷς ἐπέσκηπτον ἐκείνοι ὡς φίλοις οὖσι τιμωρείν ὑπὲρ αὐτῶν, οὕτω ομόψηφοι κατ' ἐκείνων
95 τῶν ἄνδρῶν τοῖς τριάκοντα γενόμενται. μηδαμῶς, ὃ ἂνδρες δικασταὶ, πρὸς θεῶν Ὀλυμπίων, μήτε τέχνῃ μήτε μηχανῇ μηδεμᾶ θάνατον ἐκείνων τῶν ἄνδρῶν καταψηφίσσαντες, οἱ πολλὰ κἀγαθὰ ὑμᾶς ποιήσαντες διὰ ταῦτα ὑπὸ τῶν τριάκοντα καὶ Ἀγοράτου τοιτοὶ ἀπέθανον. ἀναμνησθέντες οὖν ἀπάντων τῶν δεινῶν, καὶ τῶν κοινῶν τῇ πόλει καὶ τῶν ἠδών, ὃσα ἐκάστῳ ἐγένετο ἔπειδὴ ἐκεῖνοι οἱ ἂνδρες ἐτελεύτησαν, τιμωρήσατε τὸν αὐτὸν τούτων. ἀποδέδεικται δ' ὑμῖν [ἀπαντά]¹ καὶ ἐκ τῶν ψηφισμάτων καὶ ἐκ τῶν ἀπογραφῶν καὶ ἐκ τῶν ἄλλων ἀπάντων Ἀγόρατος ὃν αὐτοῖς αὕτιος τοῦ θανάτου.
96 Ἔτι δὲ καὶ προσήκει ὑμῖν ἐναντία τοῖς τριάκοντα ψηφίζεσθαι: ὃν μὲν τοῖς ἐκείνοι θάνατον κατέγνωσαν, ὑμεῖς ἀποψηφίσασθε: ὃν δ' ἐκεῖνοι θάνατον οὐ κατέγνωσαν, ὑμεῖς καταψηφίσασθε.² οἱ τριάκοντα τοῖς τῶν μὲν ἄνδρῶν τούτων, οἱ ἢσαν ψηφίσανοι φίλοι, θάνατον κατέγνωσαν, ὃν δεῖ ὑμᾶς ἀποψηφίζεσθαι: Ἀγοράτου δὲ ἀπεψηφίσαντο, διότι ἐδόκει προθύμως τούτοις ἀπολλύναι· οὐ
97 προσήκει καταψηφίζεσθαι. ἐὰν οὖν τὰ ἐναντία τοῖς τριάκοντα ψηφίζεσθε, πρῶτον μὲν οὐχ ὀμόψηφοι <τοῖς ἐχθροῖς>³ γίγνεσθε, ἔπειτα τοῖς ψηφίσανας αὐτῶν φίλοις τετιμωρηκότες ἔσεσθε, ἔπειτα τοῖς πᾶσιν ἄνθρωποις δόξετε δίκαια καὶ ὅσια ψηφίζασθαι.
have been justly put to death by him. And thus the most awful of all fates would be theirs, if those whom they charged to avenge them as their friends should support with their votes the motion of the Thirty against those men. In the name of the Olympian gods, gentlemen of the jury, let neither art nor craft induce you to condemn those men to death who precisely for their many good services to you were put to death by the Thirty and by Agoratus here. Remember all the horrors, both those that smote the State as a whole and those that each of us felt in private, when those men lost their lives, and punish the author of them all. It has been made plain to you, alike from the decrees, the depositions and all the rest, that Agoratus is the author of their death.

Furthermore, it behoves you to vote in opposition to the Thirty: you must therefore acquit the men whom they condemned to death; and you must convict those whom they did not so condemn. Now, the Thirty condemned to death these men, who were your friends, and these you ought to acquit. Agoratus they acquitted, because he was found zealous for their destruction: him you ought to convict. If, therefore, you vote in opposition to the Thirty, first of all, you are not supporting your enemies with your votes; next, you will have avenged your own friends; and last, you will be held by all the world to have given a just and a pious vote.

1 ἀπαντα del. Taylor.
2 καταψηφίσασθε Fuhr: καταγινώσκετε MSS.
3 τοῖς ἐχθροῖς add. Francken.
XIV. AND XV. AGAINST ALCIBIADES

(i.) FOR DESERTING THE RANKS
(ii.) FOR REFUSAL OF MILITARY SERVICE

INTRODUCTION

Alcibiades the Younger, who is prosecuted in these two speeches, was probably born in 416 B.C., a year before his father's disgrace and banishment from Athens. At the time of this trial (395 B.C.), which followed immediately on the successful—though bloodless—expedition from Athens to assist the Thebans against the Spartans at Haliartus in Boeotia, the accused was about twenty-one years old. It is not necessary, or even possible, to believe all that the prosecution has to tell of the young man's villainies: he could have been no more than eleven years old when he went to Thrace, as alleged, to betray his father (405 B.C.). Nevertheless we can be fairly confident that the general picture of his character here presented is correct; for it may be presumed to agree on the whole with facts that were within the knowledge of the court. Even Isocrates (XVI. On the Chariot-team), in defending him against another charge, can find nothing to say in favour of his personal qualities.
 AGAINST ALCIBIADES

The son appears to have been even more vicious than the father, and to have lacked any redeeming spark of genius, or any charm that could rouse more than ordinary carnal desire (cf. XIV. § 26). He also lacked money; but in spite of all, the glamour of his father’s name seems to have gained him the support of some influential people, among whom were the generals who are mentioned as coming forward in his defence.

Athenian law provided for the punishment of three sorts of military crime,—refusal of service, desertion from the ranks, and cowardice. The first two of these are frequently mentioned in antiquity. "Cowardice" was probably another name for the statutory crime of "throwing away one's shield" (cf. X. Against Theomnestus): sometimes no clear distinction was drawn between "refusal of service" and "desertion"; thus the two speeches now before us, although obviously composed for the same trial, have been handed down with the different headings of "desertion" and "refusal of service." Alcibiades might have been arraigned for another legal offence,—the fraud of serving in the cavalry without having passed the requisite scrutiny of character, means and training. This offence, of course, carried with it the stigma of cowardice, as service was pleasanter and safer in the cavalry than in the infantry: but the prosecution prefers to bring the more serious charges of "desertion" and "refusal of service," and relies largely on raking up the disgraceful record of the detested father's career.

The son is accused before a court-martial of soldiers presided over by generals. The penalty involved is the loss of civic rights and also, if the text of § 9 is
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sound, the confiscation of property. The two speeches are supplementary to the first and main accusation by an unknown person named Archestratides, whose speech has not been preserved.

No. XIV. begins with a statement of the speaker's personal hatred of the accused, inherited from his own father (1-3). He then discusses the laws on refusal of service, desertion and cowardice, and shows how Alcibiades is guilty of each form of offence, and that his service in the cavalry was itself irregular (4-10). His punishment is necessary in the interests of discipline and the prestige of the State: the court must remember their own high standard of duty (11-15). Neither the defendant's youth nor his parentage should command any sympathy. The pleas of his relatives—who failed to keep him in the right path—and of high officials—who should rather support the cause of order—should all be disregarded (16-22). The despicable life and character of the accused are enough to condemn him (23-29). His father's infamous career, which caused the ruin of Athens, should also be remembered (30-40). The family as a whole is utterly detestable, and this young man is the most worthless and contemptible of his breed. Much more might have been told against him: the court must stand by the oaths that they have taken and do their duty (41-47).

No. XV. appeals first to the generals who are supporting the accused, and protests against their preposterous action. It is unlikely that they could have enrolled Alcibiades in the cavalry as they assert that they did; if they did so, it was grossly irregular (1-8). Although the law is severe, it must be enforced as strictly as any order of battle (9-12).
AGAINST ALCIBIADES

There can be little doubt that both of these speeches were composed by Lysias. It has been suggested that a certain elegance of style in XIV. (especially in §§ 12 and 13) may be due to a desire to emulate a skilled speech-writer—perhaps Isocrates—who composed the defence of Alcibiades.

a Gernet et Bizos, i. p. 223.
XIV. ΚΑΤΑ ΑΛΚΙΒΙΑΔΟΥ ΑΙΠΟΤΑΞΙΟΥ

1 Ἡ γνώμαι μὲν, ὡς ἄνδρες δικασταῖ, οὐδεμίαν ύμᾶς ποθεῶν ἀκούσαί πρόφασιν παρὰ τῶν βουλομένων Ἀλκιβιάδου κατηγορεῶν τοιούτων γὰρ πολίτην ἐαυτὸν ἐξ ἀρχῆς παρέσχεν, ὡστε καὶ εἰ μὴ τις ἴδια ἀδικοῦμενος ὑπ' αὐτῶν τυγχάνει, οὐδὲν ἢττον προσήκει ἕκ τῶν ἄλλων ἐπιτηδευμάτων ἐχθρὸν 2 αὐτὸν ἕγειρθαί. οὐ γὰρ μικρὰ τὰ ἀμαρτήματα οὐδὲ συγγνώμης ἀξία, οὕτως ἐλπίδα παρέχοντα ὡς ἐσταί τοῦ λοιποῦ βελτίων, ἀλλ' οὔτω πεπραγμένα καὶ εἰς τοσοῦτον κακίας ἀφιγμένα, ὡστ' ἐπ' ἐνίοις 1 ὁν οὕτοις φιλοτιμεῖται <καὶ> 2 τοὺς ἐχθροὺς αἰ- σχύνεσθαι. ἐγὼ μὲντοι, ὡς ἄνδρες δικασταῖ, καὶ πρότερον πρὸς τοὺς πατέρας ἢμῖν διαφορᾶς ὑπ- αρχούσης, καὶ πάλαι τούτων ποιημένης ἡγούμενος, καὶ νῦν ὑπ' αὐτῶν πεποιθός κακῶς, πειράσομαι ὑπέρ 3 πάντων τῶν πεπραγμένων μεθ' ύμῶν αὐτὸν 3 τιμωρήσασθαι. περὶ μὲν οὖν τῶν ἄλλων Ἀρχε- στρατίδης ἴκανῶς κατηγόρησε· καὶ γὰρ τοὺς νόμους ἐπεδείξε καὶ μάρτυρας πάντων παρέσχετο· ὥσα δ' οὕτος παραλέλοιπεν, ἔγω καθ' ἐκαστον ύμᾶς διδάξων. [ἀνάγνωσθι δὲ μοι τὸν νόμον.

1 ἐπ' ἐνίοις Reiske: ἐπιπηκτοῖς mss.
2 καὶ add. Jacobs.
I do not believe, gentlemen of the jury, that you desire to hear any excuse for the action of those who have resolved to accuse Alcibiades: for from the outset he has shown himself so unworthy of the citizenship that it is the duty of anyone, even in the absence of a personal wrong suffered at his hands, to regard him none the less as an enemy because of the general tenor of his life. His offences are not slight or entitled to indulgence, nor do they offer a hope of his reform in the future: they have been committed in such a manner, and have carried villainy to such lengths, that even his enemies feel ashamed for some of the things on which he prides himself. Yet I, gentlemen, since our fathers were previously at feud, and since my long-standing sense of his rascally character has now been increased by maltreatment at his hands, will try with your aid to make him pay the penalty for all that he has done. The main indictment has been sufficiently delivered by Archedrastides; for he has exhibited the laws and produced witnesses to everything. But on certain points that he has omitted I will give you particular information.

3 πουρδν Reiske: ποτερον, εχθρον mss. 4 υπερ Frohberger: ηπι mss.
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4 Εἰκὸς τοίνυν ἀρωτίν, ὡς ἀνδρεὶς δικασταί, ἐξ οὗ τὴν εἰρήνην ἐποιησάμεθα, πρῶτον περὶ τοῦτων νυνὶ δικαζόμεθα μὴ μονὸν δικαστάς ἀλλὰ καὶ νομοθέτας αὐτούς γενέσθαι, εὖ εἰδότας ὅτι, ὅπως ἂν ὑμεῖς νυνὶ περὶ αὐτῶν γνώτε, οὕτω καὶ τὸν ἄλλον χρόνον ἢ πόλις αὐτοῖς χρήσεται. δοκεῖ δὲ μοι καὶ πολίτων χρηστοῦ καὶ δικαστοῦ δικαίου ἔργον εἶναι ταύτη τοὺς νόμους διαλαμβάνειν, ὅτι εἰς τὸν λοιπὸν χρόνον μέλλει συνοίησιν τῇ πόλει.

5 τολμῶσι γάρ τινες λέγειν ὡς οὐδεὶς ἐνοχὸς ἐστὶν λιποταξίου οὐδὲ δειλίας· μάχην γὰρ οὐδεμίαν γεγονέναι, τὸν δὲ νόμον κελεύειν, ἐὰν τις λήπῃ τὴν τάξιν εἰς τοῦτον δειλίας ἕνεκα, μαχομένων τῶν ἄλλων, περὶ τοῦτον τοὺς στρατιώτας δικάζειν. ὡς νόμος οὐ περὶ τοῦτων κελεύει μόνον, ἄλλα καὶ ὁπόσοι ἂν μὴ παρῶσιν ἐν τῇ πεζῇ στρατιᾷ. ἀνάγνωσθι μοι τὸν νόμον.

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6 Ἀκούστε, ὡς ἀνδρεὶς δικασταί, ὅτι περὶ ἀμφότερων κεῖται, καὶ ὅσοι ἂν μάχης ὀφθής εἰς τοὺς πίσω ἀναχωρήσωσι, καὶ ὅσοι ἂν ἐν τῇ πεζῇ στρατιᾷ μὴ παρῶσι. σκέψασθε δὲ τίνες εἰσὶν οὗς δεῖ παρεῖναι. οὐχ οὕτως ἂν τὴν ἡλικίαν ταύτην ἔχωσιν; οὐχ οὐς ἂν οἱ στρατηγοὶ καταλέξωσιν;

7 ήγούμαι δ’, ὅς ἀνδρεὶς δικασταί, ὅλω τῷ νόμῳ μόνον αὐτὸν τῶν πολιτῶν ἐνοχὸν εἶναι· ἀστρατείας μὲν γὰρ δικαίως ἂν αὐτὸν ἀληθεύει, ὅτι καταλεγεῖσ ὀπλίτης² οὐκ ἐξῆλθε μεθ’ ύμων, λιποταξίου δὲ,

¹ ἀνάγνωσθι . . . νόμος del. Bake.
² ὀπλίτης Stephanus: ὁ πατήρ cod. Pal.

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Now it is reasonable, gentlemen of the jury, that men who are now trying such a case for the first time since we settled the peace\(^a\) should act not merely as jurors, but in fact as law-makers. For you know well that your decision upon these cases will determine the attitude of the city towards them for all time. And it is the duty, in my opinion, alike of a loyal citizen and of a just juror to put such constructions on the laws as are likely to be of benefit to the city in the future. For some are bold enough to assert that nobody can be chargeable with desertion or cowardice, since no battle has taken place; that the law merely provides for a court-martial on anyone who, from cowardice, has deserted the ranks and retreated while the rest were fighting. But the provisions of the law apply not only to such a case, but also to that of anyone who fails to appear in the infantry lines. Please read the law.

**Law**

You hear, gentlemen, how it covers both alike,—those who retreat to the rear during battle, and those who do not appear in the infantry lines. And consider who they are that are bound to appear. Are they not all persons who have reached the proper age? Are they not those whom the generals have enrolled? I believe, gentlemen, that he is the one citizen who is liable to the full scope of the law: for he would with justice be convicted of refusing duty, because after being enrolled as a foot-soldier he did not march out with you; of desertion, because he

\(^a\) *i.e.*, the peace of 404 B.C., which ended the Peloponnesian War.

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\(^a\) \textit{έξηλθέ} Reiske: \textit{επέξηλθε} mss.
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ὁτι ἐν τῷ ἀλλών ἐαυτοῦ τάξαί, δελίας δέ, ὡτι δεῖν αὐτοῦ μετὰ τῶν ὀπλιτῶν κυνδυνεύειν ἵππευείν εἴλετο. 8 καὶ τού φασίν αὐτοῦ ταιτην τὴν ἀπολογίαν ποιήσαθαι, ὡς ἐπειδὴ περ ἵππευεν, οὐδὲν ἤδεικε τὴν πόλιν. ἐγὼ δ’ ἤγοῦμαι διὰ τοῦτ’ ὑμᾶς δικαίως ἃν αὐτῷ ὀργίζεσθαι, ὅτι τοῦ νόμου κελεύντος, ἐὰν τις ἄδοκιμαστὸς ἵππευῃ, ἄτιμον εἶναι, ἐτόλμησεν ἄδοκιμαστὸς ἵππευείν. καὶ μοι ἀνάγνωσθι τὸν νόμον.

NOMOS

9 Ὑποταταχίοι εἰς τούτ’ ῥῆθε πονηρίας, καὶ οὕτως ὑμῶν κατεφρόνησε καὶ τοὺς πολέμιους ἔδεισε καὶ ἵππευεν ἐπεθύμησε καὶ τῶν νόμων οὐκ ἐφρόντισεν, ὥστε οὐδὲν αὐτῷ τούτων τῶν κυνδύων ἐμέλησεν, ἀλλ’ ἐβουλήθη καὶ ἄτιμος εἶναι καὶ τὰ χρήματ’ αὐτοῦ δημευθῆναι καὶ πάσαις ταῖς κειμέναις ζημίαις ἔνοχος γενέσθαι μᾶλλον ἢ μετὰ τῶν πολιτῶν εἶναι 10 καὶ ὀπλιθής γενέσθαι. καὶ ἔτερον μὲν οὐδεπώποτε ὀπλιτεύσαντες, ἵππευοντες δὲ τὸν ἀλλὸν χρόνον καὶ πολλὰ κακὰ τῶν πολέμιων πεποιηκότες, οὐκ ἐτόλμησαν ἐπὶ τοὺς ἵππους ἀναβήσει, δεδότες ὑμᾶς καὶ τὸν νόμον οὕτῳ γὰρ ἦσαν παρεσκευασμένοι, οὐχ ὡς ἀπολογμένης τῆς πόλεως, ἀλλ’ ὡς σωθησομένης καὶ μεγάλης ἐσομένης καὶ τιμωρησομένης τοὺς ἀδικούντας. Ἀλκιβιάδης δ’ ἐτόλμησεν ἀνα-

1 λιποτατιοι . . ἐν τῷ add. Dobree.
2 δειν αὐτὸν Schott: δει ἐκαστον mss.
3 ὀπλιτῶν Stephanus: πολιτῶν mss.
4 ἵππευοντες δε Emperius: ἵππου ὑπτε ὑτε δε, ἐφιπποι δὲ ὑπτε mss.

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alone of the whole force did not present himself for the formation of the ranks; and of cowardice, because, when it was his duty to share the danger with the infantry, he chose to serve in the cavalry. They say, indeed, that he will resort to the defence that, since he was in the cavalry, he was doing no wrong to the State. But in my opinion you would find just cause for indignation against him in the fact that, although the law provides that anyone who serves in the cavalry without having passed his scrutiny \(^a\) shall be disfranchised, he had the audacity to serve in the cavalry without having passed his scrutiny. Now, please, read the law.

**Law**

This man, then, carried roguery to such a length, and was so contemptuous of you and so timorous of the enemy, so desirous of serving in the cavalry and so heedless of our laws, that he recked nought of the risks involved, and preferred the prospect of being disfranchised, having his property confiscated and being liable to all the statutory penalties, to that of taking his place with the citizens and serving as an infantryman. There were others who had never before served in the infantry, but had always been cavalrymen and had inflicted many losses on the enemy: yet they did not venture to mount their horses, from fear of you and of the law. For they had shaped their plans on the prospect, not of the city's destruction, but of its deliverance, its ascendancy and its retaliation upon wrongdoers. But Alcibiades was rash enough to mount, though he

\(^a\) Held by the Council in order to maintain a high class of manhood in the cavalry.
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βῆμα, οὕτε εὖνοις ὃν τῷ πλῆθει οὕτε πρῶτερον ἔπευσας οὕτε νῦν ἔπιστάμενος οὕτε ὑφ' ὑμῶν δοκιμασθείς, ὡς οὐκ ἔξεσομενον τῇ πόλει δίκην παρὰ τῶν ἀδικοῦντων λαμβάνειν. ἐνθυμηθήναι δὲ χρῆ ὅτι, εἰ ἔξεσται ὁ τι ἂν τις βούληται ποιεῖν, οὐδὲν ὀφελος νόμους κείσθαι ἡ ὑμᾶς συλλέγεσθαι ἡ στρατηγοῦς αἱρεῖσθαι. θαυμάζω δὲ, ὡς ἄνδρες δικασταί, εἶ τις άξιοὶ, ἐὰν μὲν τις προσιόντων τῶν πολεμίων τῆς πρώτης τάξεως τεταγμένος τῆς δευτέρας γένηται, τούτου μὲν δειλᾶν καταψηφίζεσθαι, ἐὰν δὲ τις ἐν τοῖς ὀπλίταις τεταγμένος ἐν τοῖς ἑπευσάμενον ἀναφαίη, τούτῳ συγγνώμην ἤχεν. καὶ μὲν δὴ, ὡς ἄνδρες δικασταί, ἠγούμαι δικάξειν ὑμᾶς οὐ μόνον τῶν ἐξαμαρτανόντων ἔνεκα, ἀλλ' ἦνα καὶ τοὺς ἀλλοὺς τῶν ἀκοσμοῦντων σωφρονεστέρους ποιήτε. ἐὰν μὲν τοῖνυν τοὺς ἁγνωτάς κολάζητε, οὐδεὶς ἔσται τῶν ἀλλων βελτῶν. οὐδεὶς γὰρ ἔσεται τὰ ὑπ' ὑμῶν καταψηφισθέντα· ἐὰν δὲ τοὺς ἐπιφανεστάτους τῶν ἐξαμαρτανόντων τιμωρήσει, πάντες πεῦσονται. ὡστε τούτῳ παραδείγματι χρώμενοι βελτίων ἔσονται οἱ πολίται. ἐὰν τοῖνυν τοῦτον καταψηφίσησθε, οὐ μόνον οἱ ἐν τῇ πόλει εὑσονται, ἀλλὰ καὶ οἱ σύμμαχοι αἰσθήσονται καὶ οἱ πολέμιοι πεῦσονται, καὶ ἠγήσονται πολὺ πλείωνος ἄξιον εἶναι τὴν πόλιν, ἐὰν ὅρωσον ἐπὶ τοῖς τοιούτοις τῶν ἀμαρτημάτων μάλιστ' ὑμᾶς ὀργίζομένους καὶ μηδεμιᾶς συγγνώμης τοὺς ἀκοσμοῦντας ἐν τῷ πολέμῳ τυγχάνοντας. ἐνθυμεῖσθε δ', ὡς ἄνδρες δικασταί, ὅτι τῶν στρατιωτῶν οἱ μὲν κάμνοντες ἐτύγχανον, οἱ δὲ ἐνδεικτείς ὄντες τῶν ἐπιτηδείων, καὶ ἡδέως ἂν οἱ μὲν ἐν ταῖς πόλεσι καταμείναντες ἔθεραπευόντο, οἱ δὲ οἶκοι ἀπελθόντες τῶν οἰκείων

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is no supporter of the people, nor had seen service in the cavalry before, nor is qualified for it now, nor had passed your scrutiny: he presumed that the city would be without the power to do justice upon wrongdoers. You must reflect that, if men are to be permitted to do whatever they please, it is useless to have your code of laws, your Assemblies, or your election of generals. And I wonder, gentlemen, at anyone considering it right, when a man has retired, at the approach of the enemy, from his post in the first rank to a place in the second, to convict him of cowardice, and then, if a man has appeared in the cavalry when his post was in the infantry, to grant him a pardon! And besides, gentlemen, I conceive that your judgement is given, not merely with a view to the offenders, but also for the reformation of all other insubordinate persons. Now, if you punish men who are unknown, not one among the rest will be improved; for nobody will know the sentences that you have passed: but if you inflict the penalty on the most conspicuous offenders, everyone will be apprised, and so the citizens, with this example before them, will be improved. Again, if you condemn this man, not only will the people of our city know, but our allies also will take notice and our enemies will be informed; and they will hold our city in much higher regard if they see that you are especially indignant at this kind of offence, and that those who are insubordinate in war obtain no pardon. And reflect, gentlemen, that some of the soldiers were sick, while others lacked the necessaries of life, and that the former would have been glad to remain for treatment in their cities, and the latter to retire home and attend to their own affairs; others would
[141] ἐπεμέλειαν τοῦ, οἱ δὲ ψυλλὶς ἐστρατεύοντο, οἱ δὲ εἴν τοῖς
15 ἵππεσιν ἐκκυνδυνον· ἀλλὰ ὡμοὶ οὐκ ἐτολμάτε ἀπολιπεῖν τὰς τάξεις οὐδὲ τάρεστα ὑμῖν αὐτοῖς αἱρεῖσθαι ἀλλὰ πολὺ μᾶλλον ἐφοβεῖσθε τοὺς τῆς πόλεως νόμους ἢ τὸν πρὸς τοὺς πολεμίους κίνδυνον. ὅτι χρῆ μεμνημένους ὑμᾶς νυνὶ τῆν ψῆφον φέρεν, καὶ πάσιν φανερὸν ποιεῖν ὅτι 'Αθηναίων οἱ μὴ βουλό-μενοι τοῖς πολεμίοις μάχεσθαι ψφ' ὑμῶν κακῶς πείσονται.
16 Ἡγούμαι δὲ, ὦ ἄνδρες δικασταί, περὶ μὲν τοῦ νόμου καὶ αὐτοῦ τοῦ πράγματος οὐχ ἔξειν αὐτούς ὁ τι λέξουσι· ἀναβαίνοντες δ' ὑμᾶς ἐξαντήσονται καὶ ἀντιβολήσουσιν, οὐκ ἀξιοῦντες τοῦ Ἀλκιβιάδου νέος τοσαύτης δειλίων καταγωνών, ὡς ἐκείνον πολλὰν ἄγαθών ἀλλ' οὐχὶ πολλῶν κακῶν αἵτων γεγενημένοιν ὃν εἰ τηλυκοῦτον ὑπάντη ἀπεκτείνατε, ὅτε πρῶτον εἰς ὑμᾶς ἐλάβετε ἐξαμαρτάνοντα, οὐκ ἐν ἑγεννότοι εὐμφοραῖ τοσαύτη τῇ πόλει. δεινῶν δὲ μοι δοκεῖ, ὦ ἄνδρες δικασταί, εἰλαί, εἰ αὐτοῦ μὲν ἐκείνου θάνατον κατέγινατε, τοῦ δὲ υἱὸν ἄδι-
κοῦντος δ' ἐκείνου ἀποβηθεικείθη, ὃς αὐτῶς μὲν οὐκ ἐτόλμα μεθ' ὑμῶν μάχεσθαι, δ' ἐν πατήρ αὐτοῦ μετὰ τῶν πολεμίων ἥξιον στρατεύεσθαι. καὶ ὅτε μὲν παῖς ὅν τῇ ὄποιος ἄν ὁποῖος τις ἔσται, διὰ τὰ τοῦ πατρὸς ἀμαρτήματα ὀλίγου τοῖς ἐνδεκὰ παρεδόθη· ἐπείδῃ δὲ πρὸς τοῖς ἐκείνων πεπραγ-
μένοις ἐπίστασθαι καὶ τὴν τοῦτον πονηρίαν, διὰ τὸν ἑναὶ ἐλεεῖν αὐτῶν ἀξιώσετε; οὐκ οὖν δεινῶν, ὥ ἄνδρες δικασταί, τούτους μὲν οὐτῶς εὐτυχεῖς εἰναι ὡστ', ἐπειδὰν ἐξαμαρτάνοντες ληφθῶσι, διὰ τὸ

1 ψιλοὶ Contius: ψιλοὶ mss.
2 ὅν Markland: ὅν, ἕν καὶ mss.
AGAINST ALCIBIADES, I. 14–18

have liked to serve as light-armed troops, or else to take their risk with the cavalry. But still, you did not venture to desert your ranks or choose what was most agreeable to yourselves, but were far more afraid of the city's laws than of the danger of meeting the foe. All this you should remember when you give your vote to-day, and so make evident to all that any Athenians who do not wish to do battle with the enemy will suffer sorely at your hands.

I believe, gentlemen, that on the point of law and on the actual fact they will have nothing to say; but they will stand up here to beg him off and plead with you, claiming that you ought not to convict of such utter cowardice the son of Alcibiades, since that person has been the source of so many benefits,—instead of so much harm! Nay, if you had put that man to death at this man's age, the first time that you caught him offending against you, the city would have escaped her great disasters. And I feel it will be extraordinary, gentlemen, if, after condemning that person himself to death, you acquit on his account the son with guilt upon him,—this son who had not the courage himself to fight in your ranks, and whose father thought fit to march in those of the enemy. When this person, as a child, had not yet shown what kind of man he would be, he came near being handed over to the Eleven on account of his father's offences; and now that you are acquainted with the roguery which this man has added to his father's exploits, will you think proper to pity him on his father's account? Is it not monstrous, gentlemen, that these people should be so fortunate, when taken in transgression, as to come off safe on account of their birth,

* The officers appointed to execute condemned criminals.
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αὐτῶν γένος σφίζονται, ἡμᾶς δὲ, εἰ ἐδυστυχήσαμεν
dιὰ τοὺς οὐτως ἀτακτοῦντας, μηδένα ἂν δύνασθαι
παρὰ τῶν πολεμίων ἐξαιτήσασθαι μηδὲ διὰ τὰς τῶν
19 προγόνων ἄρετάς; καὶ τοῖς πολλαί καὶ μεγάλας καὶ
ὑπὲρ ἀπάντων τῶν 'Ελλήνων γεγόνας, καὶ οὐδὲν
ομοια τοῖς υπὸ τοῦτων περὶ τήν πόλιν πεπραγ-
μένοις, ὃ ἀνδρες δικασταί. εἰ δὲ ἐκεῖνοι δοκοῦσι
βελτίως εἶναι σφίζοντες τοὺς φίλους, δῆλον ὅτι
καὶ ὡμεῖς ἀμείνους δόξετε εἶναι τιμωρούμενοι τοὺς
20 ἔχθροις. ἄξιω δ', ὃ ἀνδρες δικασταί, ἐὰν μὲν τινὲς
τῶν συγγενῶν αὐτῶν ἐξαιτῶνται, ὀργίζεσθαι ὅτι
τούτου μὲν οὐκ ἐπεχείρησαν δεηθῆναι (ἡ δεηθέντες
οὐκ ἐδύναντο εὑρέσθαι) ποιεῖν τὰ υπὸ τῆς πόλεως
προστατόμενα, ὑμᾶς δὲ πεθεὶν πειρόμενοι ὡς οὐ
21 χρὴ παρὰ τῶν ἀδικοῦντων δίκην λαμβάνειν· ἐὰν δὲ
tīnes τῶν ἀρχόντων βοηθῶσιν αὐτῷ ἐπίδειξιν μὲν
tῆς ἑαυτῶν δυνάμεως ποιούμενοι, φιλοτιμούμενοι
de ὅτι καὶ τοὺς φανερῶς ἡμαρτηκότας σφίξειν
dύνανται, ὑμᾶς [δε]1 χρὴ ὑπολαμβάνειν πρῶτον
μὲν ὅτι, εἰ πάντες Ἀλκιβιάδη ὄμοιοι ἐγένοντο,
οὐδὲν ἂν ἐδει τῶν στρατηγῶν2 (οὐδὲ γὰρ ἄν 3
ἐίχον ὅτου ἡγοῦντο), ἔπειθ' ὅτι πολὺ μᾶλλον αὐτῶν
προσήκει τῶν λιπόντων τὴν τάξιν κατηγορεῖν ἡ
ὑπὲρ τῶν τοιούτων ἀπολογείσθαι. τίς γὰρ ἐστὶν
ἔλπὶς τοὺς ἄλλους ἐθελήσει ποιεῖν τὰ υπὸ τῶν
22 στρατηγῶν προστατόμενα, ὅταν αὐτοὶ οὕτωι τοὺς
ἀκοσμοῦντας σφίξει πειρόμενοι; ἐγὼ τοῖς ἄξιω,
ἐὰν μὲν ἀποδείξωσιν οἱ λέγοντες καὶ αὐτούμενοι
ὑπὲρ Ἀλκιβιάδου ὃς ἐστρατεύσατο ἐν τοῖς ὀπλί-
tαις ἢ ὃς ἦπεινε4 δεδοκιμασμένος, ἀποψηφίσασθαι:

1 δὲ del. Cobet.
2 τῶν στρατηγῶν Reiske: τοῦ στρατηγῶν MSS.
while we, if we had met with misfortune as a result of their insubordination, would be unable to retrieve a single man from the enemy even on the plea of your ancestors' high achievements? And yet these have been numerous, important and advantageous to all the Greeks, and utterly unlike the conduct of these men towards the city, gentlemen of the jury. If they are more valued for trying to save their friends, clearly you on your part will be more honoured for seeking to punish your enemies.

And I expect you, gentlemen, if some of his relatives attempt to beg him off, to be indignant that they were not at pains to entreat him—or, having entreated, were unable to prevail on him—to do what the city enjoined, but are endeavouring to persuade you that you should not punish wrongdoers. If, again, some of the magistrates come to his support, so as to make a display of their own power, and to enjoy the glory of being able to save even obvious offenders, you ought to observe, in the first place, that if everyone had shown the same character as Alcibiades there would have been no need of our generals,—for they would have had nobody to lead,—and secondly, that it is much more their duty to accuse deserters from the ranks than to speak in defence of such creatures. For what hope can we have that the others will comply with the orders issued by the generals, when these lend their authority to the attempt to save the insubordinate? Now, my claim is this: if those who speak as intercessors for Alcibiades can prove that he has been on service in the infantry, or was a cavalryman duly approved on scrutiny, he should be

\[3 \text{ add. Baiter.}\]
\[4 \text{ ἵππευ Markland: ἵππευειν mss.}\]
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ὲὰν δὲ μηδὲν ἔχοντες δίκαιον κελεύσων αὐτοῖς χαρίζεσθαι,1 μεμνήσθαι χρὴ ὅτι διδάσκουσιν ὑμᾶς ἐπιορκεῖν καὶ τοῖς νόμοις μὴ πείθεσθαι, καὶ ὅτι λαῖν προθύμως τοῖς ἄδικοις βοηθοῦντες πολλοὺς τῶν αὐτῶν ἔργων ἐπιθυμεῖν ποιῆσουσι.

23 Θαυμάζω δὲ μάλιστα, ὃ ἄνδρες δικασταί, εἰ τις ὑμῶν τὸν Ἀλκηβιάδην ἀξιώσει διὰ μὲν τοὺς βοηθοῦντας σῷζεσθαι, διὰ δὲ τὴν αὐτοῦ ποιημαίν μὴ ἀπολέσθαι. Ἦς ἄξιον ὑμᾶς ἀκούσαι, ὅπειρα ἐπιστησθέντως ὅτι οὗτοι ἀν' εἰκότως αὐτοῦ ἀποψηφίζοσθε, ὡς ταῦτα μὲν ἡμαρτηκότος, τὰ δὲ ἄλλα πολίτων ἥρεσιν γεγενημένων· ἐκ γὰρ τῶν ἄλλων τῶν τούτων πεπαγμένων δικαίως ἄν αὐτοῦ βάναυσον καταψηφίζοσθε. προσήκει δ' ὑμῖν περὶ αὐτῶν [142] εἰδέναι· ἐπειδὴ γὰρ καὶ τῶν ἀπολογουμένων ἀποδέχεσθε λεγόντων τὰς σφετέρας αὐτῶν ἁρετὰς καὶ τὰς τῶν προγόνων εὐρεγείας, εἰκός ὑμᾶς καὶ τῶν κατηγόρων ἀκροάσθαι, ἐὰν ἀποφαίνωσι τὸν φεύγοντας πολλὰ εἰς ὑμᾶς ἡμαρτηκότος καὶ τῶς προγόνους αὐτῶν πολλῶν κακῶν αἰτίους γεγενεμένους. οὕτως γὰρ παῖς μὲν ὁν παρ᾽ Ἀρχεδήμῳ τῷ γλάμων, <τῷ> 2 οὐκ ὁλίγα τῶν ὑμετέρων υψηλομένων, πολλῶν ὀρόντων ἐπίνεν3 ὑπὸ τῷ αὐτῷ ἰματίῳ4 κατακεκύμενος, ἐκόμισε <δὲ>5 μεθ' ἓμεραν, ἀνησυχοῦσαν ἑχὼν, μμοῦμενοι τοὺς οἰμοῦντος προγόνους, καὶ ἠγούμενοι οὐκ ἂν δύνασθαι πρεσβύτεροι ἑνα, καὶ λαμπρὸς γενέσθαι, εἰ μὴ

1 αὐτοῖς χαρίζεσθαι Dobree: αὐτοῖ δργίζεσθαι MSS. 2 τῷ add. Reiske.
3 ἐπίνεν Reiske: ἐτὶ μὲν, νυκτὸς τῇ MSS.
4 αὐτῷ ἰματίῳ Taylor: αὐτοματι, αὐτῷ ὀλκήματι MSS.
5 δὲ add. Reiske.

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acquitted; but if, for want of any justification, they demand a favour for themselves, you should remember that they are teaching you to break your oath and disobey the laws, and that their excessive zeal in the support of wrongdoers will make many people aspire to the same conduct.

What surprises me most of all, gentlemen, is that any of you can think it right that Alcibiades should be saved on account of his supporters, instead of perishing on account of his villainy. And of that you ought to be told, so that you may understand how unreasonable it would be for you to acquit him on the ground that, though guilty of these offences, in all else he had shown himself a loyal citizen. For the rest of his actions would justify you in condemning him to death. It is your duty to be informed of them; for you allow those speaking in defence to discourse on their own merits and on the services rendered by their ancestors, and therefore it is fair that you should listen also to accusers when they expose the many crimes that the defendants have committed against you, and the many evils that their ancestors have brought about. When this man was a child, he was seen by a number of people at the house of Archedemus the Blear-eyed, who had embezzled not a little of your property, drinking the while he lay at length under the same cloak; he carried on his revels till daylight, keeping a mistress when he was under age, and imitating his ancestors, in the belief that he would not achieve distinction in his later years unless he could show himself an utter rascal.

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26 νέος ὃν πονηρότατος δόξει εἶναι. μετεπέμφθη δ' ὑπὸ Ἀλκιβιάδου, ἐπειδὴ φανερῶς ἐξημάρτανε. καίτοι ποιῶν τινα χρή αὐτὸν ύφ' ὑμῶν νομίζεσθαι εἶναι, ὅστις κάκεινω τουαίτ' ἐπιτηδεύων διεβέβλητο ὅς τοὺς ἄλλους ταῦτ' ἐδίδασκε; μετὰ Θεοτίμου δὲ ἐπιβουλεύσας τῷ πατρὶ Ὁρνοὺς προῦδωκεν. ὁ δὲ παραλαβὼν τὸ χωρίον πρότερον μὲν ὑβρίζεν αὐτὸν ὁρᾶν ὡντα, τελευτῶν δὲ ὅσος ἀργύριον

27 εἰσεπράπτετο. ὁ δὲ πατήρ αὐτὸν οὕτως ἔμισει σφόδρα, ἥστ' οὐδ' ἀποθανόντος ἐφασκε τὰ ὅστα κομίσασθαι. τελευτήσαντος δ' ἐκείνου ἔρασθης γενόμενος Ἀρχεβιάδης αὐτὸν ἔλύσατο. οὐ πολλῷ δὲ χρόνῳ ύστερον κατακυβεύσας τὰ ὅντα, ἐκ Δευκής ἀκτής ὅρμῳ μενον τοὺς φίλους

28 κατεπόντιζεν. ὅσα μὲν οὖν, ὃ ἄνδρες δικασταί, ἡ εἰς τοὺς πολίτας ἡ εἰς τοὺς εἴε τοὺς εἶναι ἡ περὶ τοὺς αὐτῶν οἰκείους ἡ περὶ τοὺς ἄλλους ἡμάρτηκε, μακρὸν ἂν εἰη λέγειν. Ἰππόνικος δὲ πολλοὺς παρακάλεσας ἐξεπεμψε τὴν αὐτοῦ γυναῖκα, φάσκων τοῦτον οὐχ ὡς ἀδελφὸν αὐτῆς ἀλλ' ὡς ἄνδρα

29 ἐκείνης εἰς τὴν οἰκίαν εἰσέναι τὴν αὐτοῦ. καὶ τοιαύθ' ἡμαρτηκότι καὶ οὕτω δεινὰ καὶ πολλὰ καὶ μεγάλα πεποιηκότι οὔτε τῶν γεγενημένων αὐτῶ μελεί οὔτε τῶν μελλόντων ἐσεθαι, ἀλλ' ὅν ' ἐδει κοσμώσατο εἵνα τῶν πολιτῶν, ἀπολογίαν ποιούμενον τὸν ἕαυτοι βίον τῶν τοῦ πατρὸς ἁμαρτημάτων, οὕτως έτέρους ὑβρίζει πιερᾶται,

1 οὐδ' ἃν Reiske: οὐδὲ mss.
2 οἰνους ... . εἴε τοὺς transp. Frohberger.
3 οὐχ ὡς Contius: ὡς οὐκ mss.
4 μελεί Kayser: μεταμελεί mss.
5 ἀλλ' ἃν Reiske: ἃν μᾶλλον mss.

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in his youth. He was sent for by Alcibiades, since his outrageous conduct was becoming notorious. And indeed, what ought you to think of the character of the man whose practices were such as to discredit him even in the eyes of the great ringleader in those ways? He conspired with Theotimus against his father, and betrayed Orni to him: but he, when he had gained possession of the stronghold, after abusing him in the flower of youth, ended by imprisoning him and holding him to ransom. But his father felt so deep a hatred of him that he declared that even though he should die he would not recover his bones. When his father was dead Archebiades, who had become his lover, obtained his release. Not long afterwards, having diced away his fortune, he took ship at White Cliff, and attempted to drown his friends at sea. Well, to relate all the offences that he has committed, gentlemen, either against the citizens, or against foreigners, or in his dealings with his own relations or with ordinary people, would be a lengthy affair; but Hipponicus assembled a number of witnesses and put away his wife, stating that this man had been entering his house, not as her brother, but as her husband. And after committing offences of this sort, and being guilty of such a number of monstrous and grievous crimes, he is heedless alike of the past and of the future; when he ought to have been the most orderly of citizens, so as to excuse by his own life the offences of his father, he attempts to outrage

a His father, then an exile in the Thracian Chersonese.
b One of the residences of Alcibiades in the Chersonese.
c 404 B.C.
d On the Propontis.
• This was the only formality required for a divorce.
LYSIAS

ώσπερ δυνάμεινος ἄν πολλοῖστὸν μέρος τῶν ὄνειδῶν
τῶν ἐαυτῷ προσηκοῦντων τοῖς ἄλλοις μεταδοῦναι,
30 καὶ ταῦθ᾽ ὡς ὄν Ἄλκιβιάδου, ὃς ἐπεισε μὲν
ДЕκέλειαν Λακεδαιμονίους ἐπιτευχίσας, ἐπὶ δὲ τὰς
νῆσους ἀποστῆσας ἔπλευσε, διδάσκαλος δὲ τῶν
τῆς πόλεως κακῶν ἐγένετο, πλεονάκις δὲ μετὰ
tῶν ἐχθρῶν ἔπι τὴν πατρίδα ἑστρατεύσατο ἡ μετὰ
tῶν πολιτῶν ἐπ᾽ ἐκεῖνους. ἄνθ᾽ ὃν καὶ ὧμῖν καὶ
tοῖς μέλλουσιν ἔσεσθαι τιμωρεῖσθαι προσήκει ὄντων
31 λαμβάνετε τούτων. καίτοι σφόδρα εἴθισται λέγειν
ὡς οὐκ εἰκός ἔστι τοῦ μὲν πατέρα αὐτοῦ κατ-
ελθόντα δωρεάς παρὰ τοῦ δήμου λαβεῖν, τούτων δ᾽
ἀδίκως διὰ τὴν φυγὴν τὴν ἐκείνου διαβεβληθαι.
ἐμοὶ δὲ δοκεῖ δεινὸν εἶναι, εἰ τὰς μὲν δωρεὰς
αὐτοῦ ἀφείλεσθε ὡς οὐ δικαίως δεδωκότες, τού-
tου δὲ ἀδικούντος ἀποψηφιέσθε ὡς τοῦ πατρὸς
χρηστοῦ περὶ τὴν πόλιν γεγενημένου.
32 Καὶ μὲν δή, ὁ ἄνδρες δικασταί, ἀλλων τε πολλῶν
ἀξίων ἔνεκα αὐτοῦ καταψηφίσασθαι, καὶ ὡς ταῖς
ὑμετέραις ἁρεταῖς χρήται παραδείγμασι περὶ τῆς
ἐαυτοῦ πονηρίας. τολμᾶ γὰρ λέγειν ὡς Ἄλκι-
βιάδης οὐδὲν δεινὸν εὑργασται ἐπὶ τὴν πατρίδα
33 στρατεύσας· καὶ γὰρ ὑμᾶς φεύγοντας Φυλῆν
catatabei καὶ δείδο τεμεῖν καὶ πρὸς τὰ τείχη
προσβαλεῖν, καὶ ταῦτα ποιῶντας οὐκ ὁνειδος
τοῖς παισὶ καταλιπεῖν, ἀλλὰ τυμήν παρὰ πᾶσιν
ἀνθρώπων κτίσασθαι, ὡς τῶν αὐτῶν ὄντας ἀξίους
ὁσοὶ φυγόντες μετὰ τῶν πολεμῶν ἐπὶ τὴν χώραν

1 τῶν ὄνειδῶν Markland: τῶν εἰδῶν cod. Pal.
2 στρατεύσας Markland: στρατεύσασθαι mss.

* In Attica, 413 B.C.
+ In 407 B.C., when he was welcomed back to a brief
AGAINST ALCIBIADES, I. 29-33

others, as though he might succeed in imparting to his neighbours some tiny share of his own store of infamies,—and that, too, when he is the son of Alcibiades, who induced the Lacedaemonians to fortify Decelea, a who sailed to rouse the islands to revolt, who became a promoter of mischief to our city, and who marched more often in the ranks of the enemy against his native land than in those of his fellow-citizens against them! For those actions it is your duty, as it is also of those who are to come after you, to take vengeance on anyone of this family who falls into your hands. Yet it is a constant habit of his to say that it is unfair, when his father on returning home received gifts from the people, b that he should find himself unjustly discredited on account of his father's exile. But in my opinion it would be monstrous if, after depriving the father of those gifts as having been unjustly bestowed, you should acquit this man, though a wrongdoer, on the ground of good service done to the city by his father.

And then, gentlemen of the jury, besides other abundant reasons for which he ought to be convicted, there is the fact that he takes your valorous conduct as a precedent to justify his own baseness. For he has the audacity to say that Alcibiades has done nothing outrageous in marching against his native land, since you in your exile occupied Phyle, cut down trees and assaulted the walls, and by these acts of yours, instead of bequeathing disgrace to your children, you won honour in the eyes of all the world; as though there were no difference in the deserts of men who used their exile to march in the ranks of the enemy popularity on the strength of his friendship with the Persian satrap Tissaphernes.
LYSIAS

ἐστράτευσαν, καὶ ὅσοι κατήσαν Λακεδαιμονίων
34 ἐχόντων τὴν πόλιν. καὶ μὲν δὴ πᾶσιν ἢγοῦμαι
δῆλον εἶναι ὅτι οὗτοι μὲν ἔξητον κατέναι ὅς τὴν
μὲν τῆς θαλάττης ἀρχὴν Λακεδαιμονίως παρα-
δώσοντες, αὐτοὶ δὲ ὤμων ἄρξοντες. τὸ δὲ ἅμετέρον
πλῆθος κατελθὼν τοὺς μὲν πολεμίους ἐξήλασε,
tῶν δὲ πολιτῶν καὶ τοὺς βουλομένους δουλεύειν

[143] ἡλευθέρωσεν ὅστ' οὖχ ὁμοίων τῶν ἔργων ἀμ-
35 φοτέρως γεγενημένων τοὺς λόγους ποιεῖται. ἀλλ' ὁμώς τοσούτων συμφορῶν καὶ οὗτος αὐτῷ μεγάλων
ὑπαρχουσῶν ἐπὶ τῇ τοῦ πατρὸς ποιηρία φιλο-
tιμεῖται, καὶ λέγει ὅσ τοῦς ἐκεῖνος μέγα ἐξύνατο,
ὡστε τῇ πόλει πάντων <τῶν>1 κακῶν αὐτίως
γεγένηται. καὶ τοῖς οὗτοι ἄπειρος τῆς ἐαυτοῦ
πατρίδος, ὦς οὖκ ἂν βουλόμενος εἶναι ποιηρὸς
εἰσηγησάτο μὲν τοὺς πολεμίους ἀ ἡρὶ καταλαβεῖν
τῶν χωρίων, δηλώσει δ' ἂν ἂ κακῶς φυλάττεται
τῶν φρουρίων, διδάξει δ' ἂν ἂ ποιηρῶς ἔχει τῶν
πραγμάτων, μηνύσει δ' ἂν τοὺς βουλομένους
36 ἀφιστασθαι τῶν συμμάχων; οὐ γὰρ δὴ ποιεῖν, ὅτε
μὲν ἐφιευγε, δια τῇ δύναμιν κακῶς οἶος τ' ἂν
ποιεῖν τὴν πόλιν, ἐπειδὴ ἂν ὄμως ἔξαπατήσας κατ-
ήλθε καὶ πολλῶν ήρξε τρίήρων, οὔτε τοὺς πολεμίους
ἐξύνατο ἐκ τῆς χώρας ἐκβάλειν, οὔτε Χίους οὔς
ἀπέστησε πάλιν φίλους ποιήσατο, οὔτε ἀλλο οὐδὲν
37 ἀγαθὸν ὄμως ἐργάσασθαι. ὅστ' οὖν χαλεπὸν γινόμαι
ὅτι Ἀλκιβιάδης δυνάμει μὲν οὖδὲν τῶν ἄλλων
dιέφερε, ποιηρία δὲ τῶν πολιτῶν πρῶτος ἦν. ἂ
μὲν γὰρ ἦδει τῶν ἅμετέρων κακῶς ἔχοντα, μηνυτῆς
αὐτῶν2 Λακεδαιμονίως ἐγένετο· ἐπειδὴ δ' ἔδει

1 τῶν add. Cobet. 9 αὐτῶν Markland: αὐτοῖς mss.

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against their country, and those who strove for their return while the Lacedaemonians held the city! And again, I think it must be obvious to all that these others sought to return that they might surrender the command of the sea to the Lacedaemonians, and gain the command of you for themselves; whereas your democracy, on its return, expelled the enemy and liberated even those of our citizens who desired to be slaves. So that there is no such parallel between the actions of the two parties as he seeks to draw. But despite the many grievous disasters that are upon his head he prides himself on his father's villainy, and tells us that the man was so mighty that he has been the author of all the troubles that have befallen our city. And yet, what man is there so ignorant of his own country's affairs that cannot, if he chooses to be a villain, inform the enemy of the positions that ought to be occupied, point out the forts that are ill-guarded, instruct them in the weaknesses of the State, and indicate the allies who desire to secede? a For if during his exile it was his power that enabled him to injure the city, how was it that, having obtained his return by deceiving you and being in command of many ships of war, he had not power enough to expel the enemy from our land or to regain for you the friendship of the Chians whom he had alienated, or to do you any other useful service? Thus there is no difficulty in concluding that on the score of power he had no particular advantage, but that in foul play he stood first of his fellows. For he took upon him to indicate to the Lacedaemonians the points in your affairs which he knew to be in a bad way; but, when

a Cf. the treachery of Alcibiades recorded by Thucydides, viii. 6. 12.
LYSIAS

αὐτὸν στρατηγεῖν, οὐδὲν κακὸν ποιεῖν ἑκεῖνος ἐδύνατο, ἀλλὰ ὑποσχόμενος δι' ἑαυτὸν παρέξειν βασιλέα χρήματα, πλεῖν ἢ διακόσια τάλαντα τῆς 38 πόλεως ύφείλετο. καὶ οὕτω πολλὰ ἐνόμιζεν εἰς ὑμᾶς ἥμαρτηκέναι, ὥστε λέγειν δυνάμενος καὶ φίλων ὄντων καὶ χρήματα κεκτημένος ὑπέδοτ' ἐλθὼν εὐθύνας ἐτόλμησε δοῦναι, ἀλλὰ φυγὴν αὐτοῦ καταγνοῦς καὶ Θράκης καὶ πάσης πόλεως ἐβούλετο πολιτὸς γενέσθαι μᾶλλον ἢ τῆς πατρίδος εἰναι τῆς ἑαυτοῦ. καὶ τὸ τελευταῖον, ὃ ἀνδρεῖς δικασταί, ὑπερβολῆν ποιησάμενος τῆς προτέρας ποιηρίας ἐτόλμησε τὰς ναύς Λυσάνδρῳ μετὰ Ἀθημάντου 39 πρόδοναι. ὥστε εἰ τις ὑμῶν ἢ τοὺς τεθνεώτας ἐν <τῇ>¹ ναυμαχία ἔλεει, ἢ ύπὲρ τῶν δουλευσάντων τοῖς πολεμίοις αἰσχύνεται, ἢ τῶν τειχῶν καθηρημένων ἄγανακτεί, ἢ Λακεδαιμονίους μισεῖ, ἢ τοῖς τριάκοντα ὀργίζεται, τούτων ἀπάντων χρὴ τὸν τούτων πατέρα αὐτοῦ ἢγείσθαι, καὶ ἐνθυμηθῆναι ὅτι Ἀλκιβιάδην μὲν τὸν πρόπαππον αὐτοῦ καὶ τὸν πατρὸς πρὸς μητρὸς <πάππον>². Μεγακλέα οἱ ἕμετεροι πρόγονοι διὸς ἄμφοτέρως ἐξωστράκισαν, τοῦ δὲ πατρὸς αὐτοῦ οἱ πρεσβυτέροι ὑμῶν θάνατον κατ- 40 ἔγνωσαν, ὥστε νῦν χρὴ ἡγησαμένοις πατρικῶν ἐξήρω τούτων εἶναι τῇ πόλει καταψηφίσσασθαι, καὶ μήτε ἔλον μήτε συγγνώμην μήτε χάριν μηδεμίαν περὶ πλείονος ποιήσασθαι τῶν νόμων τῶν κειμένων καὶ τῶν ὀρκῶν οὓς ὠμόσατε.

¹ τῇ add. Reiske. ² πάππον add. Sauppe.

a The fact rather is that Alcibiades tried to warn the Athenian commanders of the danger of their being surprised at Aegospotami (405 B.C.).

b The famous Alcibiades was the son of Cleinias (son of 358
he had the duty of holding the command, he was powerless to do them any harm. After undertaking that, for his sake, the king would provide us with money, he embezzled more than two hundred talents of our city’s funds. So sensible was he of his numerous offences against you that, for all his power of speech, his friends, and his acquisition of wealth, he never once ventured to come under an inquiry, but condemned himself to exile, and preferred to become a citizen of Thrace and any sort of city rather than belong to his own native land. Finally, gentlemen, he outdid his former villainy by daring, with Adeimantus, to surrender the ships to Lysander.  
So, if anyone among you feels pity for those who lost their lives in the sea-fight, or is ashamed for those who were enslaved by the enemy, or resents the destruction of the walls, or hates the Lacedaemonians, or feels anger against the Thirty, he should hold this man’s father responsible for all these things, and reflect that it was Alcibiades, his great-grandfather, and Megacles, his father’s grandfather on the mother’s side, whom your ancestors ostracized, both of them twice, and that the older among you have condemned his father to death. Wherefore you ought now to condemn this man as one whom you have judged to be a hereditary enemy of the city, and to set neither pity nor forgiveness nor any favour above the established laws and the oaths that you have sworn.

Alcibiades, opponent of the Peisistratids, 510 B.C.), and Deinomache (daughter of Megacles, supporter of the Peisistratid party, 486 B.C.). The people once a year could vote for the expulsion of one citizen from the city, by writing his name on a potsherd (βυτρακων).
LYSIAS

41 Σκέψασθαι δὲ χρή, ὡς ἄνδρες δικαστῇ, διὰ τὸ ἀν τις τοιούτων ἄνδρῶν φεύσαιτο; πότερον ὡς πρὸς μὲν τὴν πόλιν δεδυστυχήκασιν, ἀλλὰς δὲ κόσμιοι εἰσὶ καὶ σωφρόνοις βεβιώκασιν; οὐχ οἱ μὲν πολλοὶ αὐτῶν ἤταιρήκασιν, οἱ δὲ ἀδελφαῖς συγγεγόνασι, τοῖς δ' ἐκ θυγατέρων παῖδες γεγο

42 νασιν, οἱ δὲ μυστήρια πεποιήκασι καὶ τοὺς Ἑρμᾶς περικεκόφασι καὶ περὶ πάντας τοὺς θεους ἱστεβήκασι καὶ εἰς ἀπασαν τὴν πόλιν ἡμαρτήκασιν, ἀδίκως καὶ παρανόμως καὶ πρὸς τοὺς ἄλλους πολιτευόμενοι καὶ πρὸς σφάς αὐτῶς διακεῖμενοι, οὐδεμιᾶς τόλμησαν ἀπεχόμενοι, οὐδ' ἔργον δεινοῦ ἀπειρο γεγενημένοι; ἀλλὰ καὶ πεπόθασιν καὶ πεποιή

κασιν ἀπαντά. οὔτω γὰρ διάκεινται, ὡς' ἐπὶ μὲν τοῖς καλοῖς αἰσχύνεσθαι, ἐπὶ δὲ τοῖς κακοῖς

43 φιλοτιμεῖσθαι. καὶ μὲν δή, ὡς ἄνδρες δικασταί, ἥδη τινῶν ἀπεφθησάσθε ἀδικεῖν μὲν νομίσαντες, οἴζομενοι δ' εἰς τὸ λοιπὸν χρησίμους ὑμῖν ἔσεσθαι. τις οὖν ἐλπὶς ὑπὸ τούτοι τι ἁγιόθν πείσεσθαι τὴν πόλιν, ὃν ὑμεῖς, ὡς μὲν οὐδενὸς ἀξίος ἔστω, ἐπειδὰν ἀπολογήται, εἴσεσθε, ὡς δὲ πονηρός ἔστω

44 ἐκ τῶν ἄλλων ἐπιτηθεμένων ἑσθησθε2; ἄλλα μὲν δὴ οὐδ' ἄν ἐξελθὼν ἐκ τῆς πόλεως οὐδὲν [141] δύνατο κακὸν ὑμᾶς ἐργάσασθαι, δειλὸς ὡς καὶ πένης καὶ πράττειν ἀδύνατος καὶ τοῖς οἰκείοις διάφορος καὶ ὑπὸ τῶν ἄλλων μισοῦμενος. ὡς' ἐπο

45 οὐδὲ τούτων ἔνεκα αὐτῶν ἄξιον φιλάττεσθαι, ἄλλα πολὺ μάλλον παράδειγμα ποιῆσαι καὶ τοῖς ἄλλοις καὶ τοῖς τούτων φίλοις, οἱ τὰ μὲν προσταττόμενα ποιεῖν οὐκ ἔθελον, τοιούτων δ' ἔργον ἐπιθυμοῦσιν,

1 διακεῖμενοι . . . πολιτευόμενοι mss.: transp. Bekker.
2 ἑσθησθε Dobree: εἴσεσθε mss.
And you should ask yourselves, gentlemen, what reason you could have for sparing such men as these. Is it because, unfortunate though their public career has been, they are otherwise orderly persons, who have lived sober lives? Have not most of them been whoring, while some have lain with their sisters, and others have had children by their daughters; others, again, have performed Mysteries, mutilated the Hermae, and committed profanity against all the gods and offences against the whole city, showing injustice and illegality alike in their public treatment of their fellow-men and in their behaviour to each other, refraining from no audacity, and unversed in no outrageous practice? Indeed, there is nothing that they have been spared, or have spared. For their propensity is to be ashamed of what is honourable, and to glory in what is base. It is true, gentlemen, you have acquitted ere now some persons though you held them guilty, because you supposed that they would be useful to you in the future. Well, what hope is there that the city will derive any benefit from this man, whom you will know for the worthless wretch he is, when he makes his defence, and whose villainy you have learnt from the general tenor of his life? But, what is more, even if he left the city he could do you no harm, craven and pauper that he is, with no ability for business, at feud with his own folk and hated by everyone else. So neither is there any reason here to be careful of him: far rather should you make him serve as an example for all people, and particularly his friends, who refuse to do what is enjoined on them, who aspire to
καὶ περὶ τῶν σφετέρων αὐτῶν κακῶς βουλευσάμενοι περὶ τῶν ύμετέρων δημηγοροῦσιν.

46 Ἕγε μὲν οὖν ὡς ἐδυνάμην ἄριστα κατηγόρηκα, ἐπίστημαί δ' ὅτι οἱ μὲν ἄλλοι τῶν ἀκροωμένων θαυμάζουσιν, ὅπως ποθ' οὕτως ἀκριβῶς ἐδυνήθην ἐξευρέω τὰ τούτων ἁμαρτήματα, οὔτος δὲ μου καταγελά, ὅτι οὔδε πολλοστὸν μέρος ἑϊρήκα τῶν τούτων ὑπαρχόντων κακῶν. ὑμεῖς οὖν καὶ τὰ εἰρημένα καὶ τὰ παραλειμμένα ἀναλογισάμενοι πολὺ μᾶλλον αὐτοῦ καταψηφίσασθε, ἐνθυμηθέντες ὅτι ἐνοχὸς μὲν ἐστὶ τῇ γραφῇ, μεγάλη δ' εὐτυχία τὸ τοιοῦτον πολιτῶν ἀπαλλαγῆναι τῇ πόλει. ἀνάγνωθι δ' αὐτοῖς τοὺς νόμους καὶ τοὺς ὄρκους καὶ τὴν γραφήν καὶ τούτων μεμνημένους ψηφίσονται τὰ δίκαια.

NOMOI. ΟΡΚΟΙ. ΓΡΑΦΗ.

1 τῇ add. Markland.
similar conduct, and who, misguided in their own concerns, harangue you upon yours.

Now, I have made my accusation to the best of my ability. I am well aware that the rest of my hearers are wondering how I could have discovered the offences of these men with such precision, yet the accused is deriding me for having told but the smallest fraction of the crimes that lie at their door. You have therefore to reckon in with what has been told the tale of what has been omitted, and to be all the more for condemning him; you must reflect that he is liable to the charge preferred, and that it is a great blessing to the State that it should be relieved of this sort of citizen. Read them the laws, the oaths and the charge preferred: bearing these in mind, they will vote what is just.

Laws: Oaths: Charge.

* i.e., the jurors.
XV. ΚΑΤΑ ΑΛΚΙΒΙΑΔΟΥ ΑΣΤΡΑΤΕΙΑΣ

1 Ἐγὼ μὲν, ὡς ἀνδρεὶς δικασταί, καὶ ὑμᾶς αὐτοῦμαι τὰ δίκαια ψηφίσασθαι, καὶ τῶν στρατηγῶν δέομαι, ἐπεῖ καὶ ἐν τῇ ἄλλῃ ἀρχῇ πολλοῦ ἄξιοι τῇ πόλει γεγόνασι, καὶ τῶν τῆς ἀστρατείας γραφῶν κοινοὺς εἶναι τῷ τε διώκοντι καὶ τῷ φεύγοντι, καὶ μὴ βοηθοῦντας ὃ ἂν βούλωνται πᾶσαι προθυμίαν ἔχειν
2 παρὰ τὸ δίκαιον υμᾶς ψηφίσασθαι, ἐνθυμομένους ὅτι σφόδρ' ἂν ἡγανακτεῖτε, εἰ <ἐν> τῇ ὑμετέρᾳ δοκιμασίᾳ οἱ θεσμοθέται ἀναβάντες υμῶν ἐδέοντο καταψηφίσασθαι, ἡγούμενοι δεῖν ἐναι εἰ οἱ τιθέντες τὸν ἄγωνα καὶ τὴν ψῆφον διδόντες παρακελεύονται τῶν μὲν μὴ <καταψηφίζεσθαι τῶν ὑπὲρ> 3 καταψηφίζεσθαι. τί δ' ἂν αὐσχιον ἔθος ἢ δεινότερον πράγμα τούτον <ἐν> τῇ πόλει γένοιτο, εἰ τολμήσει οὐ μὲν ἄρχων ἐν ταῖς τῶν ἑπικλήρων δίκαιων ἀντιβολέων καὶ ἱκετεύων τοὺς δικαστὰς οὐ τι ἂν βούληται πραχθῆναι, οὐ δὲ πολέμαρχος καὶ οἱ ἑιδεκα δεήσονται ἐν ταῖς δίκαιως ταῖς ψῆφ' ἔναυτῶν 4 εἰσαγομέναις, ὦσπερ καὶ νῦν; χρῆ τοίνυν καὶ ὑπὲρ υμῶν αὐτῶν τὴν αὐτήν γνώμην ἔχειν, ἐν-

1 ἐν add. Reiske. 2 διδόντες Taylor: διαδιδόντες mss. 3 καταψηφίζεσθαι τῶν ὑπὲρ add. Baiter et Sauppe. 4 ἐν add. Frohberger. 5 ἐν ταῖς Reiske: ἐμβάς mss.
XV. AGAINST ALCIBIADES: FOR REFUSAL OF MILITARY SERVICE

I not only request you, gentlemen of the jury, to vote what is just, but I beg the generals, as they have in all else used their authority to the great advantage of the State, to be impartial also in suits for evasion of military duty, treating prosecutor and defendant alike; and not to be so intent on supporting some favourite of their own as to make every endeavour that your vote shall be given against justice. Reflect how deeply aggrieved you a would be if during your scrutiny the recorders should mount the dais to request that the vote should go against you: it would strike you as monstrous that those who ordered the suit and put the question should recommend that votes be given against some men, and not given against others. What custom could be more shameful, what proceeding more monstrous, in our city than to have the magistrate making bold, in suits concerning heiresses, to implore and beseech the judges that the matter be settled as he may prefer, or to have the war-archon and the Eleven making requests, in the suits authorized by themselves, like that in the present case? You ought, therefore, to have just the same feeling in regard to yourselves;

a The speaker now addresses the generals, who had to submit to a scrutiny on their appointment.
The six junior archons had charge of the text of the laws and the general supervision of the law-courts and certain classes of trials.

\textit{i.e.}, that they enrolled Alcibiades in the cavalry, as being favourably disposed to him.

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against Alcibiades, II. 4-8

you should reflect that to give your support from personal motives to a man accused of evading military service will be exactly the same as if some of these officers a should put in a request while they are actually putting the question. And consider, gentlemen, if you have not found sufficient proof that none of the commanders in the army up to that time was a supporter of Alcibiades. For if their statement b is true, they ought to have cited Pamphilus c for depriving the city of a horseman by taking away his horse; to have mulcted the squadron-commander for expelling Alcibiades from the squadron to the confusion of the order they had settled; and to have instructed the commander to erase his name from the roll of the infantry. But in fact they did nothing of the sort: while he was in the army, they suffered him to be grossly insulted by all, and left to serve among the mounted archers d; but now that you have to do justice upon the guilty, they obligingly testify that he has taken that rank by their orders. But I say it is monstrous, gentlemen, that although the generals themselves, who have been duly elected by the people, would not dare to take command of us before they had passed their scrutiny in compliance with the laws, Alcibiades should dare to take his rank from them in violation of the laws of our city. And it is monstrous also, in my opinion, gentlemen, that whereas it is not in their power to take a man at their own pleasure from the cavalymen who have passed scrutiny, and enrol him in the infantry, it should be in their power to pass a man at their pleasure from the infantry into the cavalry without

a Pamphilus was probably a cavalry commander.

b Light troops of inferior quality, used for skirmishing.
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άνδρες δικασταί, οίντες κύριοι πολλών βουλομένων μηδένα τῶν ἄλλων ἔπευειν εἴσασιν, οὐκ ἂν δικαίως χαρίζοισθε αὐτοῖς· εἰ δ' ἀκυροὶ οίντες ὀμολογήσουσιν τάξαι, ἐνθυμεῖσθαι χρῆ ὅτι ὁμωμόκατε τὰ δίκαια γνώσεσθαι, ἀλλ' οὖν ὃ τι ἂν οὕτωι κελεύσωι ψηφι- εῖσθαι, ὡστε οὐδένα χρῆ τῶν δεομένων περὶ πλείον ποιεῖσθαι. καὶ μὲν δὴ, ὃ άνδρες δικασταί, εἰ τώ δοκεῖ μεγάλη ἡ ζημια1 εἰναι καὶ λίων ἴσχυρὸς ὁ νόμος, μεμνήσθαι χρῆ ὅτι οὐ νομοθετήσουσιν περὶ αὐτῶν ἢκετε, ἀλλὰ κατὰ τοὺς κεμένους νόμους ψηφιούμενοι, οὐδὲ τοὺς ἀδικοῦντας ἐλεήσουσιν, ἀλλὰ πολὺ μᾶλλον αὐτοῖς ὄργιοιμενοι καὶ ὅλῃ τῇ πόλει βοηθήσουσιν, εὑ εἰδότες ὅτι ὑπὲρ τῶν παρεληλυθῶν ὀλίγους τιμωρησάμενοι πολλοὺς ποιήσετε κοσμιωτέρους

10 ἐν τοῖς μέλλονσι κυδυνεύειν. χρῆ δὲ, ὃ άνδρες δικασταί, ὃσπερ οὕτως ἀμελήσας τῆς πόλεως τὴν αὐτοῦ σωτηρίαν ἐσκέψατο, οὕτως ὑμᾶς ἀμελήσαν- τας τοῦτον τῇ πόλει τὰ βέλτιστα ψηφίσασθαι, ἀλλὰς τε καὶ ὄρκους ὀμομοκότας καὶ περὶ Ἀλκι- βιάδου μέλλοντας ψηφίσασθαι, ὃς ἐὰν ὑμᾶς ἐξ- ἀπατήσῃ, καταγελῶν τῆς πόλεως ἄπεισων· οὐ γὰρ δὴ χάριν γε ὑμῶν ἀποδώσει τῇ ψῆφῳ κριβδήν εὑ παθῶν, ὁς τῶν φίλων τοὺς φανερῶς αὐτῶν εὑ

11 ποιήσαντας κακῶς ποιεῖ. ὑμεῖς οὖν, ὃ άνδρες δικασταί, τὰς τούτων δεήσεις περὶ ἐλάττωνος2 <τῶν νόμων>3 ποιησάμενοι τὰ δίκαια ψηφίσασθε. ἀποδείκται δὲ καταλειγείς εἰς τοὺς ὀπλίτας καὶ λιπῶν τὴν τάξιν καὶ τῶν νόμων κωλυόντων ἀδοκι-

1 μεγάλη η ἰημια Reiske: μεγάλης ἰημιας mss.
2 ἐλάττωνος Markland: ἐλάττωνων mss.
3 τῶν νόμων add. P. Müller.

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scrutiny. Now, gentlemen, if they were entitled so to act, and allowed none of the many others who so desired to serve in the cavalry, you would not be justified in obliging them; but if they admit that they were not entitled to rank him as they have done, you should reflect that you have sworn to decide according to justice, and not to vote in compliance with these men; and so you ought not to have more regard for any of these suitors than for yourselves and your oaths. Moreover, gentlemen, if any of you thinks the penalty a heavy one and the law too severe, he should remember that you have come here, not to legislate on these affairs, but to vote in accordance with the established laws; not to pity the guilty, but much rather to be angry with them and to be protectors of the whole State. For you know well that by punishing a few for what has been done in the past you will improve the discipline of many among those who have to face danger in the future. And, gentlemen, just as this person has disregarded the State to provide for his own safety, so you should disregard him in voting what is best for the State; especially since you have sworn oaths and have to vote on Alcibiades, who, if he is able to deceive you, will go away mocking at the city. For he will show you no gratitude for the benefit covertly gained from your vote, since he repays with injury the open assistance of any of his friends. You therefore, gentlemen, must have less regard for the requests of these persons than for the laws, and give the vote that is just. It has been proved that he was enrolled in the infantry, that he deserted the ranks, that despite the prohibition of the laws he served in the
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μαστος ἵππεύσας, καὶ περὶ ὧν οἱ νόμοι διαρρήδην
οὔτε στρατηγὸν οὔτε ἵππαρχον οὔτε ἄλλον οὐδένα
κυριότερον ἐκείνων ἀποδεικνύονσι, περὶ τούτων
12 ἰδιώτης ὃν τὴν ἐξουσίαν αὐτῷ δεδωκός. ἔγὼ μὲν
οὖν καὶ φίλω ὃντι Ἀρχεστρατίδη βοηθῶν, καὶ
Ἀλκιβιάδην ἑχθρὸν ὅντα ἑμαυτῷ τιμωροῦμενος,
δέομαι τὰ δίκαια ψηφίσασθαι. ὑμᾶς δὲ χρῆ τὴν
αὐτὴν γνώμην ἐχοντας τὴν ψῆφον φέρειν, ἢνπερ
ὅτε ᾧσθε πρὸς τοὺς πολεμίους διακινδυνεύσειν.

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AGAINST ALCIBIADES, II. 11–12

cavalry without passing the scrutiny, and that in respect of matters in which the laws expressly declare that neither general nor brigadier nor anyone else can override their authority he, a private person, has given himself a free hand. Now I, as seeking to support my friend Archestratides, and to punish my own enemy Alcibiades, request you to give the vote that is just. You should have the same feelings in recording that vote as when you were expecting your supreme ordeal in face of the enemy.
XVI. BEFORE THE COUNCIL: IN DEFENCE OF MANTITHEUS AT HIS SCRUTINY

INTRODUCTION

This short speech is admirably adapted to the character of a young, gallant and ingenuous man who appears to have been elected a member of the Council, but who has to pass the usual public scrutiny before he can take his seat. At this inquiry he has been accused of service in the cavalry during the reign of the Thirty oligarchs in 401–403 B.C.; and, although some persons who have thus served have been allowed to take their seats on the Council, the feeling of the restored democracy against anyone who can be shown to have actively supported the oligarchs is sufficiently bitter to jeopardize his case. Apparently the general amnesty which was arranged after the return of the democrats does not apply: each case is tried on its own merits; and it must be remembered that the knights, or cavalrymen, were always noted for their aristocratic or oligarchic sympathies, and that their active support of the Thirty had made them particularly odious to the democracy.

On the point of fact, Mantitheus states that he was
not in the cavalry or in Athens at all during the reign of the Thirty, except for a few days before they were driven out by the victorious democrats. To the charge that his name is on the roll of cavalrmen he replies that this record is quite worthless for such a purpose: names are frequently added or removed at anybody's pleasure. More significant by far is the list of those cavalrmen who are required to return to the Treasury the allowances made to them for their equipment: this list, drawn up regularly by the tribal officers, nowhere shows his name.

Not content with this disproof of the specific charge brought against him, Mantitheus proceeds to give a general account of his life and conduct. He shows a confident pride in his private behaviour, his military career and his political ambitions. For the last of these he gaily affects to apologize, but only to remind his hearers of the Athenians' affection for those who evince a proper public spirit. The very abruptness with which he ends his speech is in keeping with his bluff, inapprehensive personality. The occasion of the scrutiny was probably some two or three years after the battle of Coronea (394 B.C.) and before the death of Thrasybulus (389 B.C.), to whom a reference appears to be made in the contemptuous remark on "the fine fellow of Steiria" (§ 15).
XVI. EN BOYΛΗΙ
ΜΑΝΤΙΘΕΩΙ ΔΟΚΙΜΑΖΟΜΕΝΩΙ ΑΠΟΛΟΓΙΑ

1 Εἰ μὴ συνήδη, ὁ βουλὴ, τοῖς κατηγόροις βουλομένοις ἐκ παντὸς τρόπου κακῶς ἐμὲ ποιεῖν, πολλὴν ἄν αὐτοῖς χάριν εἰχον ταύτης τῆς κατηγορίας· ἦγοῦμαι γὰρ τοῖς ἀδίκως διαβεβλημένοις τούτους εἶναι μεγίστων ἁγαθῶν αὐτίους, οὕτως ἄν αὐτοὺς ἀναγκάζωσιν εἰς ἔλεγχον τῶν αὐτοῖς βεβιωμένων καταστῆναι. ἐγὼ γὰρ οὕτω σφόδρα ἐμαυτῷ πιστεύω, ὦστε ἐλπίζω καὶ εἰ τις πρός με τυγχάνησι ἀηδῶς ἡ κακῶς διακείμενος, ἐπειδὰν ἐμοὶ λέγοντος ἀκούσῃ περὶ τῶν πεπραγμένων, μεταμελήσειν αὐτῷ καὶ πολὺ βελτίων µε εἰς τὸν λοιπὸν χρόνον ἡγήσεσθαι. ἀξιῶ δὲ, ὁ βουλὴ, ἐὰν μὲν τοῦτο μόνον ὑμῖν ἐπιδείξω, ὡς εὑροὺς εἰµὶ τοῖς καθεστηκόσι πράγμασι καὶ ὡς ἦνάγκασαι τῶν αὐτῶν κινδύνων μετέχειν ὑµῖν, µηδὲν πῶ µοι πλέον εἶναι· εὰν δὲ φαίνωμαι ἄλλα µετρίως βεβιωκὼς καὶ πολὺ παρὰ τὴν δόξαν καὶ παρὰ τοὺς λόγους τοὺς τῶν ἑχθρῶν, δέοµαι ὑµῶν ἐµὲ µὲν δοκιµάζειν, τούτους δὲ ἤγεισθαι χείρος εἶναι. πρῶτον δὲ ἀποδείξω ὡς ὁ ἐπίπεποιν ὦν ἐπεδήμουν ἐπί τῶν τριάκοντα, οὐδὲ μετέσχον τῆς τῶν πολιτείας.

2 Ἡμᾶς γὰρ ὁ πατὴρ πρὸ τῆς ἐν Ἑλλησπόντῳ

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XVI. BEFORE THE COUNCIL: IN DEFENCE OF MANTITHEUS AT HIS SCRUTINY

If I were not conscious, gentlemen of the Council, that my accusers are seeking every possible means of injuring me, I should feel most grateful to them for this accusation; since I consider that the victims of unjust slander have the greatest service rendered to them by anyone who will compel them to undergo an examination of the record of their lives. For I have so strong a confidence in myself that, if there is anyone who is inclined to dislike me, I hope that when he has heard me speak of my conduct in the past he will change his mind, and will think much better of me in the future. Now, gentlemen, I make no claim to special merit, if I merely make plain to you that I am a supporter of the existing constitution and have been compelled to take my own share in your dangers: but if I am found to have lived, in all other respects, a regular life, quite contrary to the opinion and statements of my enemies, I request you to pass me through and to think the worse of these persons. I will begin by showing that I did not serve in the cavalry or reside here under the Thirty, and that I had no hand in the government of that time.

Our father, before the disaster at the Hellespont,\(^a\)

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\(^{a}\) At Aegospotami, 405 B.C.

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\(^{1}\) ἡ κακῶς del. Reiske. \(^{2}\) καὶ add. Reiske.

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συμφόρας ὡς Σάτυρον τὸν ἐν τῷ Πόντῳ δι' [146] αἰτησομένους ἐξέπεμψε, καὶ οὔτε τῶν τειχῶν καθαιρουμένων ἀπεδημοῦμεν. ότε μεθισταμένης τῆς πολιτείας, ἀλλὰ ἠλθομεν πρὶν τοὺς ἀπὸ Φυλῆς εἰς τὸν Πειραιῶν κατελθεῖν πρῶτον πένθος ἡμέραις. 5 καὶ οὕτω ήμᾶς εἰκὸς ἢ ἐν τούτῳ καθορὸν ἀφιγμένους ἐπιθυμεῖν μετέχειν τῶν ἀλλοτρίων κυνδύων, οὔτε ἐκεῖνοι φαίνονται τοιαύτην γνώμην ἔχοντες ὡστε καὶ τοῖς ἀποδημοῦσι καὶ τοῖς μηδεν ἐξαμαρτάνοντι μεταδιδόναι τῆς πολιτείας, ἀλλὰ μᾶλλον ἡτίμαζον καὶ τοὺς συγκαταλύσαντας τὸν 6 δήμον. ἔπειτα δὲ ἐκ μὲν τοῦ σανδίου τοὺς ἱππεύσαντας σκοπεῖν εὐθῆς ἐστιν. ἐν τούτῳ γὰρ πολλοὶ μὲν τῶν ὁμολογοῦντων ἱππεύεσθαι ὑπὲρ ἑστιν, ἐνοι δὲ τῶν ἀποδημοῦντων ἐγγεγραμμένοι εἰσίν. ἐκεῖνος δ' ἐστὶν ἠλεγχος μέγιστος ἐπειδὴ γὰρ κατήλθετε, ἐνθεύσασθε τοὺς φυλάρχους ἀπενεγκεῖν τοὺς ἱππεύσαντας, ἵνα τὰς κατα- 7 στάσεις ἀναπράξητε παρ' αὐτῶν. ἐμὲ τούτων οὐδεὶς ἄν ἀποδείξειν οὔτε ἀπενεχθέντα ὑπὸ τῶν φυλάρχων οὔτε παραδοθέντα τοῖς συνδικοῖς οὔτε κατάστασιν καταβαλόντα. 2 καὶ οὗτοι πάσι βάσιν τοῦτο γινόμεναι, ὅτι 3 ἀναγκαίον ἢ τοῖς φυλάρχοις, εἰ μὴ ἀποδείξειν τοὺς ἑχοντας τὰς καταστάσεις, αὐτῶς ἐξημουθᾶν. ὡστε πολὺ ἂν δικαιοτέρου ἐκείνου τοῖς γράμμασιν ἢ τούτοις πιστεύοιτε· ἐκ μὲν γὰρ τούτων βάσιν ἢν ἐξαλειφθῆναι τῷ βουλο- 1 ἐπεδημοῦμεν add. Kayser. 2 καταβαλόντα Bake: παραλαβόντα mss. 3 ὅτι Kayser: οὗτοι mss.

a At Panticapaeum in the east corner of the Tauric Chersonese (Crimea), capital of the Kingdom of Bosphorus, which exported corn to Athens.
had sent us abroad to live at the court of Satyrus, on the Pontus; we were not residing in Athens either when the walls were being demolished or when the constitution was being changed; we came here five days before the people at Phyle returned to the Peiraeus. Surely it was not to be expected that, having arrived at such a moment, we should want to share in dangers that concerned others; while obviously the Thirty were in no mind to share the government with men who were residing abroad and were guilty of no crime: they were rather disfranchising even the men who had helped them to overthrow the democracy. Moreover, to refer to the register for those who served in the cavalry is puerile: for it does not include many of those who admit that they served, while some who were absent abroad are on the list. But the strongest proof lies in the fact that, after you had returned, you voted that the tribal officers should make out a list of those who had served in the cavalry, so that you might recover the allowances from them. Well, nobody will be able to show that I was either put on the list by the tribal officers or reported to the Revenue Commission or made to refund an allowance: yet it is within the knowledge of all that the tribal officers were under the necessity, if they failed to show who had the allowances, of bearing the loss themselves. Hence you would be far more justified in relying on these lists than on the register: for anyone who wished could easily have his name erased from the latter; but in the former

\[b\] In the spring of 404 B.C.
\[c\] In May, 403 B.C.
\[d\] Granted by the State for the provision of equipment. The argument is that this return is more satisfactory evidence for ascertaining who served and who did not.
LYSIAS

μένω, ἐν ἑκείνοις δὲ τοὺς ἰππεύσαντας ἀναγκαῖον

8 ἢν ὑπὸ τῶν φυλάρχων ἀπενεχθῆναι. ἐτί δὲ, ὦ
βουλή, εἶτε ἰππευσα, οὐκ ἂν ἦ ἐξαρνω ως δεινὸν
τι πεποιηκώς, ἀλλ' ἦξίουν, ἀποδείξας ως οὐδεὶς
ὑπ' ἐμοὶ τῶν πολιτῶν κακῶς πέπνυθε, δοκιμάζε-
σθαί. ὡρῶ δὲ καὶ υμᾶς ταύτη τῇ γνώμῃ χρω-
μένου, καὶ πολλοὺς μὲν τῶν τότε ἰππεύσαντων
βουλεύοντας, πολλοὺς δ' αὐτῶν στρατηγοὺς καὶ
ἵππαρχους κεχερωτονημένους. ὡστε μηδὲν δι' ἄλλο
με' ἤγείσθε ταύτην ποιεῖσθαι τὴν ἀπολογίαν,
ἢ ὅτι περιφανῶς ἐτὸλμησάν μου καταψεύσασθαι.
ἀνάβηθι δὲ μοι καὶ μαρτύρησον.

ΜΑΡΤΥΡΙΑ

9 Περὶ μὲν τοῖνυν αὐτῆς τῆς αἰτίας οὐκ οἶδ' ὦ τι
dεὶ πλείω λέγειν' δοκεῖ δὲ μοι, ὦ βουλή, ἐν μὲν
toίς ἄλλοις ἀγώσι περὶ αὐτῶν μόνων τῶν κατ-
ηγορημένων προσήκειν ἀπολογεῖσθαι, ἐν δὲ ταῖς
δοκιμασίαις δίκαιον εἶναι παντὸς τοῦ βίου λόγον
διδόναι. δέομαι οὖν υμῶν μετ' εὐνοίας ἀκροά-
sασθαί μου. ποιήσομαι δὲ τὴν ἀπολογίαν ὡς ἂν
δύνωμαι διὰ βραχυτάτων.

10 Ἔγὼ γὰρ πρῶτον μὲν, οὐσίας μοι οὐ πολλῆς
καταλευθείσης διὰ τὰς συμφορὰς καὶ τὰς τοῦ
πατρὸς καὶ τὰς τῆς πόλεως, δύο μὲν ἄδελφας
ἐξεδωκα ἐπιδούσι τριάκοντα μᾶς ἐκατέρα, πρὸς
τὸν ἄδελφον δ' οὔτως ἐνεμαίμην ὡστ' ἔκεινον
πλέον ὀμολογεῖν ἔχειν ἐμοὶ τῶν πατρῶν, καὶ
πρὸς τοὺς ἄλλους ἀπαντᾶς οὔτως βεβίωκα ὡστε
μηδεπώποτε μοι μηδὲ πρὸς ἑνα μηδὲν ἤγκλημα

1 ὡστε μηδὲν δι' ἄλλο με Taylor: ὡστ' εἰ μηδὲν διαβάλλομαι

MSS.

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the tribal officers were obliged to record those who had served. Besides, gentlemen, if I had served, I should not deny it as though I had done something monstrous: I should merely claim, after showing that no citizen had suffered injury by my act, to pass the scrutiny. And I see that you also take this view, and that many of those who served then in the cavalry are on the Council, while many others have been elected generals and brigadiers. You must therefore conclude that my only reason for making this defence is that they have dared thus openly to attack me with a falsehood. Mount the daîs, please, and bear witness.

Testimony

Now, as regards the charge itself, I do not see what more there is to say. But it seems to me, gentlemen, that although in other trials one ought to confine one's defence to the actual points of the accusation, in the case of scrutinies one has a right to render an account of one's whole life. I request you, therefore, to give me a favourable hearing: I will make my defence as briefly as I can.

In the first place, although but little property had been bequeathed to me, owing to the disasters that had befallen both my father and the city, I bestowed two sisters in marriage, with a dowry of thirty minae apiece; to my brother I allowed such a portion as made him acknowledge that he had got a larger share of our patrimony than I had; and towards everyone else my behaviour has been such that never to this day has a single person shown any grievance

2 αὐτῆς Frohberger: ταυτῆς mss.
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11 γενέσθαι. καὶ τὰ μὲν ἔδια οὕτως διώκηκα· περὶ δὲ τῶν κοινῶν μοι μέγιστον ἡγοῦμαι τεκμήριον εἶναι τῆς ἐμῆς ἐπιεικείας, ὅτι τῶν νεωτέρων ὁσοὶ περὶ κύβους ἢ πότους ἢ [περὶ]1 τὰς τοιαύτας ἀκολο- σίας τυγχάνουσι τὰς διατριβὰς ποιοῦμενοι, πάντας αὐτοὺς ὀψεσθὲ μοι διαφόρους ὄντας, καὶ πλείστα τούτους περὶ ἐμὸν λογοποιοῦντας καὶ ψευδομένους. καίτοι δὴλον ὅτι, εἰ τῶν αὐτῶν ἐπεθυμοῦμεν, οὐκ ἂν τοιαύτην γνώμην εἰχον περὶ ἐμὸν. ἔτι δ’, ὥς βουλὴ, οὔδεις ἂν ἀποδείξει περὶ ἐμὸν δύνατο οὔτε δίκην ἀισχρὰν οὔτε γραφὴν οὔτε εἰσαγγελίαν γεγενημένην· καίτοι ἐτέρους ὀρᾶτε πολλάκις εἰς τοὺς τοιούτους ἀγώνας καθεστηκότας. πρὸς τοῖς τὰς στρατείας καὶ τοὺς κινδύνους τοὺς πρὸς τοὺς πολεμίους σκέφασθε οἴδον ἐμαυτὸν παρέχω τῇ πόλει. πρῶτον μὲν γάρ, ὅτε τὴν συμμαχιὰν ἐποιήσασθε πρὸς [τοὺς]2 Βοιωτοὺς καὶ εἰς Ἀλίαρτον ἔδει βοηθεῖν, ὑπὸ Ὄρθοβούλου κατειλεγμένου ἐπιπεῦειν, ἐπειδὴ πάντας ἐώρων τοὺς μὲν ἐπιπεῦουσιν ἀσφάλειαν εἶναι δεῖν νομίζοντας, τοὺς δ’ ὀπλίτας κινδύνον ἡγούμενους, ἐτέρων ἀναβάντων ἐπὶ τοὺς [147] ἐπίπους ἀδοκιμάστων παρὰ τῶν νόμων ἐγὼ προσελθὼν ἐφην τῷ Ὄρθοβούλῳ ἐξαλεξώμει με ἐκ τοῦ καταλόγου, ἡγούμενος αἰσχρὸν εἶναι τοῦ πλῆθους μέλλοντος κινδυνεύειν ἀδειὰν ἐμαυτῷ παρα- σκευάζοντα στρατεύεσθαι. καὶ μοι ἀνάβηθι, Ὅρ- θόβουλε.

ΜΑΡΤΥΡΙΑ

14 Συλλεγέντων τοίων τῶν δημοτῶν πρὸ τῆς ἔξοδου, εἶδος αὐτῶν ἐνίοτος πολῖτας μὲν χρηστοὺς

1 περὶ del. Fuhr. 2 τοὺς del. Pertz.
against me. So much for the tenor of my private life: with regard to public matters, I hold that the strongest proof I can give of my decorous conduct is the fact that all the younger set who are found to take their diversion in dice or drink or the like dissipations are, as you will observe, at feud with me, and are most prolific in lying tales about me. It is obvious, surely, that if we were at one in our desires they would not regard me with such feelings. And moreover, gentlemen, nobody will be able to prove that I have ever been cited in a disgraceful private suit, or in public proceedings, or in a special impeachment; yet you see others frequently involved in such trials. Again, as regards campaigns and dangers in face of the enemy, observe how I discharge my duty to the State. First of all, when you made your alliance with the Boeotians, and we had to go to the relief of Haliartus,\(^a\) I had been enrolled by Orthobulus for service in the cavalry: I saw that it was everyone's opinion that, whereas the cavalry were assured of safety, the infantry would have to face danger; so, while others mounted on horseback illegally, without having passed the scrutiny, I went up to Orthobulus and told him to strike me off the roll, as I thought it shameful, while the majority were to face danger, to take the field with precaution for my own security. Come forward, please, Orthobulus.

**Testimony**

Now, when the townsmen had assembled together before their setting out, as I knew that some among

\(^a\) See XIV., Introduction, p. 334.
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οντας καὶ προθύμους, ἐφοδιῶν δὲ ἀποροῦντας, εἰπον ὅτι χρῆ τοὺς ἔχοντας παρέχειν τὰ ἐπιτήδεια τοῖς ἀπόρως διακεμένοις. καὶ οὐ μόνον τοῦτο συνεβούλευον τοῖς ἄλλοις, ἀλλὰ καὶ αὐτὸς ἔδωκα δυνῶν ἀνδρῶν τριάκοντα δραχμὰς ἐκατέρω, οὐχ ὡς πολλὰ κεκτημένος, ἀλλ' ἵνα παράδειγμα τοῦτο τοῖς ἄλλοις γένηται. καὶ μοι ἀνάβητε.

ΜΑΡΤΥΡΕΣ

15 Μετὰ ταῦτα τοῖνυν, ὦ βουλή, εἰς Κόρινθον ἐξόδου γενομένης καὶ πάντων προειδότων ὧτι δεήσει κυνδυνεύειν, ἐτέρων ἀναδυομένων ἐγὼ διεπραξάμην ὡστε τῆς πρώτης τεταγμένος μάχεσθαι τοῖς πολεμίοις. καὶ μάλιστα τῆς ἡμετέρας φυλῆς δυστυχήσασης, καὶ πλείστων ἐναποθανόντων ὑστερος ἀνεχώρησα τοῦ σεμνοῦ Στειρώδος τοῦ πάσων ἀνθρώπους δειλίαν ὑνειδικότος. καὶ οὖ πολλαὶς ἡμέραις ὑστερον μετὰ ταῦτα εἰς Κόρινθω χωρίων ἱσχυρῶν κατειλημμένων, ὡστε τοὺς πολεμίους μὴ δύνασθαι παριέναι, Ἀγησιλάοι δὲ εἰς τὴν Βοιωτίαν ἐμβαλόντος ὑψηφισμένων τῶν ἄρχοντων ἀποχωρίσατα τάξεις αἰτίνες βοηθήσουν, φοβομένων ἀπάντων (εἰκότως, ὦ βουλή· δεινῶν γὰρ ἢν ἀγαπητῶς ὅλγων πρότερον σεσωμένους ἐφ' ἐτερον κύνδυνον ένεα) προσελθὼν ἐγὼ τῶν ταξίαρχοι ἐκέλευον ἀκληρωτὶ τὴν ἡμετέραν τάξιν πέμπειν.

16 ὅστ' εἰ τίνες ὑμῶν ὁργίζονται τοῖς τὰ μὲν τῆς πόλεως ἄξιοὺς πράττειν, ἐκ δὲ τῶν κυνδύνων ἀποδιδράσκουσιν, οὐκ ἂν δικαιῶς περὶ ἐμοῦ τὴν γνωμὴν ταῦτην ἔχοιει· οὐ γὰρ μόνον τὰ προσ-

1 ἐναποθανόντων Markland: ἐνθανάτων mss.
2 παριέναι Herbst: προσελθαί mss.

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them, though true and ardent patriots, lacked means for expenses of service, I said that the well-to-do ought to provide what was necessary for those in needy circumstances. Not only did I recommend this to the others, but I myself gave thirty drachmae each to two men; not as being a person of great possessions, but to set a good example to the others. Come forward, please.

Witnesses

Then after that, gentlemen, there was the expedition to Corinth; and everyone knew beforehand that it must be a dangerous affair. Some were trying to shirk their duty, but I contrived to have myself posted in the front rank for our battle with the enemy. Our tribe had the worst fortune, and suffered the heaviest losses among its own men: I retired from the field later than the fine fellow of Steiria who has been reproaching everybody with cowardice. Not many days after this event some strong posts in Corinth had been occupied, to prevent the passage of the enemy: when Agesilaus had forced his way into Boeotia, the commanders decided to detach some battalions to the rescue; everyone felt afraid (with some reason, gentlemen; for it was a serious thing, when they had just previously felt the relief of getting off in safety, to face a fresh danger), but I went to the commander and urged him to dispatch our battalion without drawing lots. So if any of you are incensed against those who claim the management of the city's affairs and yet evade its dangers, you can have no right to regard me with any such feeling; for I not

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a 394 B.C.

b Probably Thrasybulus: Steiria was a township on the east coast of Attica.
LYSIAS

tαττόμενα ἐποίουν προθύμως, ἀλλὰ καὶ κυν- 
δυνεῦεν ἐτόλμων, καὶ ταῦτ' ἐποίουν ὦν ὡς ὦν 
δευνὸν ἥγομένος εἶναι Λακεδαιμονίοις μάχεσθαι,
ἀλ' ἓνα, εἰ ποτὲ ἄδικως εἰς κύνδυνον καθιστάμην,
διὰ ταῦτα βελτίων ὑφ' ὑμῶν νομιζόμενος ἀπάντων 
τῶν δικαίων τυχανομι. καὶ μοι ἀνάβητε τούτων 
μάρτυρες.

ΜΑΡΤΥΡΕΣ

18 Τῶν τούτων ἄλλων στρατεύων καὶ φρουρῶν οὐδε-
μᾶς ἀπελεύθην πώποτε, ἀλλὰ πάντα τὸν χρόνον 
διατετέλεκα μετὰ τῶν πρῶτων μὲν τὰς ἐξόδους 
ποιούμενος, μετὰ τῶν τελευταίων δὲ ἄναχωρῶν.
καίτοι χρή τοὺς φιλοτήμως καὶ κοσμίως πολιτευ-
μένους ἐκ τῶν τοιούτων σκοπεῖν, ἀλλ' οὐκ εἰ τις 
κομᾶ,1 διὰ τούτο μισεῖν. τὰ μὲν γὰρ τοιαύτα 
ἐπιτηθεύματα οὔτε τοὺς ἱδιώτας οὔτε τὸ κοινὸν 
τῆς πόλεως βλάπτει, ἐκ δὲ τῶν κυνδυνεύειν ἑθε-
λόντων πρὸς τοὺς πολεμίους ἀπαντεῖς ὑμέας ὡφε-

19 λείπθε. ὡστε οὐκ ἄξιον ἀπ' ὑμεῖς, ὦ βουλή,
οὔτε φιλεῖν οὔτε μισεῖν οὐδένα, ἀλλ' ἐκ τῶν ἐργῶν 
σκοπεῖν. πολλοὶ μὲν γὰρ μικρὸν διαλεγόμενοι καὶ
κοσμίως ἀμπεχόμενοι2 μεγάλων κακῶν αἰτίων γεγο-
νασιν, ἐτεροὶ δὲ τῶν τοιούτων ἀμελοῦντες πολλὰ 
κάγαθά ὑμᾶς εἰσιν εἰργασμένοι.

20 Ἡδὴ δὲ τινῶν ἃσθομιν, ὦ βουλή, καὶ διὰ ταῦτα 
ἀχθομένων μοι, ὅτι νεώτερος ὄν ἐπεχείρησα 
λέγειν ἐν τῷ δήμῳ. ἐγὼ δὲ τὸ μὲν πρῶτον ἡμα-
κάσθην ὑπὲρ τῶν ἐμαυτοῦ πραγμάτων δημηγορῆσαι,

1 κομᾶ Hamaker: τολμᾶ mss.
2 ἀμπεχόμενοι Dobree: ἀπερχόμενοι mss.
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only carried out my orders with zeal, but I was also forward to face danger. I acted in this way, not because I did not think it a serious thing to do battle with the Lacedaemonians, but in order that, if ever I should be involved in an unjust prosecution, the better opinion that you would form of me on this account might avail to secure me the full measure of my rights. Now let the witnesses to this come forward, please.

**Witnesses**

In every other campaign or outpost I have never once failed in my duty, but have adhered throughout to my rule of marching out in the first rank and retreating in the last. Surely it is by such conduct that one ought to judge who are the aspiring and orderly subjects of the State, and not to take the fact of a man’s wearing his hair long\(^a\) as a reason for hating him; for such habits as this do no harm either to private persons or to the public weal, while it is from those who are ready to face danger before the enemy that you all derive advantage. Hence it is not fair, gentlemen, to like or dislike any man because of his appearance, but rather to judge him by his actions; for many who gossip little, and are sober in dress have been the cause of grievous mischief, while others who are careless of such things have done you many a valuable service.

I have had occasion to observe, gentlemen, that some people are annoyed with me merely for attempting at too early an age to speak before the people. But, in the first place, I was compelled to speak in public to protect my own interests; and

\(^a\) An aristocratic fashion among the class of knights.
LYSIAS

Επειτα μέντοι καὶ ἐμαυτῷ δοκῶ φιλοτιμότερον διατεθήναι τοῦ δέοντος, ἂμα μὲν τῶν προγόνων ἐνθυμούμενος, ὅτι οὐδὲν πέπαυνται τὰ τῆς πόλεως πράττοντες, ἂμα δὲ ύμᾶς ὄρων (τὰ γὰρ ἀληθῆ χρῆ λέγειν) τοὺς τοιούτους μόνους <τινὸς> ἀξίους νομίζοντας εἶναι, ὥστε ὄρων ύμᾶς ταῦτην τήν γνώμην ἐχοντας τίς οὐκ ἂν ἔπαρθεὶ πράττειν καὶ λέγειν ὑπὲρ τῆς πόλεως; ἐτὶ δὲ τί ἂν τοῖς τοιοῦτοις ἄχθοισθε; οὐ γὰρ ἐτεροὶ περὶ αὐτῶν κριταὶ εἰσιν, ἀλλὰ ύμεῖς.

1 τὰ Dobree: τῶν mss.
2 τοὺς τοιούτους Francken: τοῦτοις mss.
indeed, in the second, I do feel that my tendency has been unduly enterprising: for in reflecting on my ancestors, and how they have continually taken part in the administration, I had you also in my view—I must tell you the truth—as attaching no value to any but men of that stamp. So who, on seeing you so minded, would not be stimulated to work and speak for the benefit of the State? Moreover, how could you be annoyed with such people? For it is you, and none else, who are judges of their worth.

3 ῥυὸς add. Dobree.
XVII. ON THE PROPERTY OF ERATON: AGAINST THE TREASURY

INTRODUCTION

This speech is the only example that we have of Lysias's skill in dealing with a disputed claim to property: it is brief and direct, relying mainly on points of fact established by witnesses and records. The speaker's grandfather lent two talents to Eraton, who died, and whose three sons, Erasiphon, Eraton and Erasistratus, inherited the debt but discontinued payment of the interest. The speaker's father then took proceedings against Erasistratus, the only one of the debtors who was living in Attica, for the whole debt, and in 401-400 B.C. he obtained a judgement awarding him the property of Erasistratus. Difficulties appear to have arisen at this point: perhaps the inheritance of the three brothers remained undivided. The speaker, after his father's death, took possession of some of Erasistratus's property at Sphettus, and tried to establish a claim to some more at Cieynna; but here he was frustrated by Erasiphon's relatives, who first demurred that the case was laid before the wrong court, and then, apparently, contrived delays when
it came before the right one. What was more, the State intervened and, for some unknown reason, confiscated the whole estate as bequeathed to the three brothers, including the part of Erasistratus' property which the speaker had been holding for some time; and he now takes proceedings against the Treasury, not for the whole, but for only a third: the case is heard before an ordinary court, presided over or assisted by the Revenue Commissioners.

Prudence, no doubt, in such a trial prompted the claimant to reduce his demand so considerably as to ask for only the property of Erasistratus which had been adjudged to his father; but he naturally takes credit to himself for his public-spirited relinquishment of two thirds of his rightful dues to the State. Nay, the part that he claims is only worth one eighth, on his estimate, of the sum which his grandfather originally lent to the elder Eraton.

The date of the action is probably 397 B.C., about three years after the archonship of Xenaenetus (401-400 B.C.). The title here given to the speech is a substitution by Hoelscher for the obviously erroneous one in the manuscripts.
ΠΕΡΙ ΤΩΝ ΕΡΑΤΩΝ ΧΡΗΜΑΤΩΝ·
ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ  

1 Ἰωσ τινές ὑμῶν, ὦ ἄνδρες δικασταί, διὰ τὸ βουλεύσας με ἄξιον εἶναι τινος ἤροῦνται καὶ εἶπειν ἂν μᾶλλον ἐτέρου δύνασθαι: ἐγὼ δὲ τοσοῦτον δέων περὶ τῶν μη προσηκόντων ἴκανός εἶναι λέγειν, ὥστε δέδοικα μή, καὶ περὶ ὧν ἀναγκαῖον μοι ἐστι λέγειν, ἀδύνατος ὑμᾶς τὰ δέοντα εἶπεῖν. οὐομα μὲν ὑμῖν, εάν πάντα διηγήσωμαι τὰ πεπραγμένα ἡμῖν πρὸς Ἐράτωνα καὶ τοὺς ἑκεῖνον παίδας, βαδίζως ἐξ αὐτῶν ὑμᾶς εὐρήσειν ἀ προσήκει σκέψασθαι περὶ ταύτης τῆς διαδικασίας. ἐξ ἀρχῆς ὑμῖν ἀκούσατε.

2 Ἐράτων ὃ Ἐρασιφωίτος πατὴρ ἐδανείσατο παρὰ τοῦ ἐμοῦ πάππου τάλαντα δύο. ὅτι μὲν ὑμῖν ἔλαβε τάργύριον καὶ ως τοσοῦτον γε ἐδεήθη δανείσασθαι, [καὶ] ὅ ἐναντίον ἐδόθη, μάρτυρας ὑμᾶν παρέξομαι. ἂ δ' ἐχρήσατο αὐτῷ καὶ ὅσα ὑφελήθη, οἱ μᾶλλον τοῦ ἐμοῦ εἰδότες καὶ παραγεγενημένοι οίς ἑκεῖνος ἔπραττε διηγήσονται ὑμῖν καὶ μαρτυρήσουσι. καὶ μοι κάλει μάρτυρας.

ΜΑΡΤΥΡΕΣ

3 Ἔως τοῖνυν ὃ Ἐράτων ἐξή, τοὺς τοῦ τόκους ἀπελαμβάνομεν καὶ τάλλα τὰ συγκείμενα· ἐπειδὴ δὲ πρὸς τὸ δημοσίουν περὶ τῶν Ἐράτωνος χρημάτων Hoelscher: Δημοσίων ἀδικημάτων miss. καὶ del. Hude.
XVII. ON THE PROPERTY OF ERATON:
AGAINST THE TREASURY

Perhaps some of you, gentlemen of the jury, suppose that, since I desire to be a person of some account, I must be able to excel others in speaking: but, so far from my being competent to speak on matters that do not concern myself, I fear that, even on matters of which I am obliged to speak, I may be unable to say what is needful. I believe, however, that if I can give you the full story of our dealings with Eraton and his children, you will easily form therefrom a proper judgement on the claim now put forward. So let me tell it you from the beginning.

Eraton, father of Erasiphon, borrowed from my grandfather two talents. To show that he received this money, and that it was the amount of the loan that he requested, I will produce to you witnesses before whom the money was paid. As to the use that he made of it, and the profit that he got, those who know better than I, as having been in touch with his business, will relate and testify it to you. Please call witnesses.

Witnesses

Now as long as Eraton was alive, we duly received our interest and the terms of agreement were kept;

3 ἀπελάμβανομεν Hertlein: ἀπελάμβανον ἐγὼ mss.
LYSIAS

ετελεύτησε καταλιπτών υός τρεῖς, Ἑρασιφῶντα καὶ 'Εράτωνα καὶ 'Ερασίστρατον, οὕτως ουδέν ἔτι ἦμιν τῶν δικαίων ἐποίουν. ἐν μὲν οὖν τῷ πολέμῳ, διότι οὐκ ἦσαν δικαί, οὐ δυνατοὶ ἦμεν παρ’ αὐτῶν ἄ ὥφειλον πράξασθαι. ἔπειδη δὲ εἰρήνη ἐγένετο, ὅτε περ πρῶτον αἱ ἀστικαὶ δίκαι ἐδικαζοντο, λαχῶν ὁ πατὴρ παινὸς τοῦ συμβολαίου 'Ερασίστρατω, ὁσπερ μόνος τῶν ἀδελφῶν ἐπεδήμει, κατεδικάσατο ἐπὶ Ἑπεινέτου ἀρχοντος. μάρτυρας δὲ καὶ τοῦτων παρέξομαι ὑμῖν. καὶ μοι κάλει μάρτυρας.

ΜΑΡΤΥΡΕΣ

4. Ὅτι μὲν τὰ 'Εράτωνος δικαίως ἐν ἡμέτερα εἴη, ἐκ τούτων ῥάδων εἰδέναι, ὅτι δὲ πάντα δημεύεται, εἷς αὐτῶν <τῶν> ἀπογράφων τρεῖς γάρ καὶ τέταρτες ἐκαστά ἀπογεγράφωσι. καίτοι τούτο γε παντὶ εὐγνωστὸν, ὅτι οὐκ ἂν παρέλποιν, εἰ τι ἀλλό τῶν 'Εράτωνος οἴον τε ἦν δημεύειν, οἱ πάντα τὰ 'Εράτωνος ἀπογράφοντες καὶ ἄ ἐγώ2 πολὺν ἦδη χρόνον κέκτημαι. ὡς μὲν οὖν ἦμιν οὐδ᾿ ἐπέρωθεν εἰσπράξασθαι οἴον τε, ἐὰν ύμεῖσ ταῦτα 5 δημεύσητε, εὐγνωστόν μοι δοκεῖ εἶναι. ὡς δὲ τὴν ἀμφισβητήσῃ ἐποιησάμην πρὸς τε ὑμᾶς καὶ τοὺς ἰδιώτας, ἔτι ἀκούσατε. ἔως μὲν γὰρ ἦμιν οἱ 'Ερασιφῶντος ὁικεῖοι τούτων τῶν χρημάτων ἠμφισβήτησον, ἀπαντὰ ἡξίουν ἐμὰ εἶναι, διότι ὑπὲρ ἀπαντὸς τοῦ χρεὼς ἀντιδικῶν πρὸς τὸν πατέρα ὁ 'Ερασίστρατος ἦττήθη. καὶ τὰ μὲν Σφηττὸι ἦδη

1 τῶν add. Reiske.
2 καὶ ἄ ἐγὼ Reiske: καὶ λέγω, ἐγὼ δὲ mss.

The time of the struggle between the thirty oligarchs and the democracy, 404-403 B.C.

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but when he died, leaving three sons—Erasiphon, Eraton and Erasistratus,—these persons ceased to give us our rightful dues. During the war,\(^a\) of course, as there were no suits at law, we were unable to make them pay what they owed; but when peace was made, as soon as civil suits began to be tried, my father got permission to proceed against Erasistratus for the whole debt, as he alone of the brothers was resident here, and obtained a verdict against him in the archonship of Xenaenetus.\(^b\) I will produce to you witnesses of these facts also. Please call witnesses.

**Witnesses**

That the property of Eraton should of right be ours is easily understood from these statements, but that the whole is being confiscated appears from the actual inventories; for these have been compiled in detail by three and even four persons. Surely it is obvious to everyone that they would not have omitted any other property of Eraton's available for confiscation, when they were entering all the property of Eraton, including even the part that has belonged to me for a long time past. Well, that it is not possible for us to recover anything even from the other side, once you have confiscated this property, I consider obvious; but now let me tell you how I have treated you,\(^c\) as distinct from private persons, in the conduct of this dispute. As long as the relatives of Erasiphon were contesting this property, I claimed the whole as mine, because Erasistratus lost his case when he pleaded against my father's suit for the whole debt; and for the last three years I have let out the prop-

\(^{b}\) 401–400 B.C.

\(^{c}\) The jury are addressed as representing the State.
τρία ἐτη μεμίσθωκα, τῶν δὲ Κικυννοῦ καὶ τῆς οἰκίας ἑδικαζόμην τοῖς ἔχουσιν. πέρυσι μὲν οὖν διεγράφαντο μου τὰς δίκας, ἔμποροι φάσκοντες εἶναι· νῦν δὲ λαχόντος ἐν τῷ Γαμηλίων μηνὶ οἴ
6 ναυτοδίκαι οὐκ ἐξεδίκασαν. ἐπειδὴ γὰρ τὰ Ἐρασιφῶντος ἰδιεῖσθαι ἐδοξεῖν, ἀφεῖς τῇ πόλει τῷ δύο μέρει τὰ Ἐρασιστράτου ἀξίω μοι ψηφισθήναι, διότι ταῦτά γε ἣδη καὶ πρότερον ἐγνώκατε ἡμέτερα εἶναι. ἀφιείσαν μοι οὖν ἐμαυτῷ τὸ τρίτον μέρος τῆς ἐκείσων οὐσίας οὐ τὴν ἀκρίβειαν ἐπισκεψάμενος, ἀλλὰ πολλῷ πλέον ἡ τῶν δύο μέρει
7 τῶν ἰδιοσύνων ὑπολιπτῶν. Ῥάδιον δὲ γνώναι ἐκ τοῦ τιμήματος τοῦ ἐπιγεγραμμένου τοῖς χρήμασιν. ἅπαντα μὲν γὰρ πλείονος ἡ ταλάντου τετίμηται, ὥν δὲ ἐγὼ ἀμφισβήτω τῷ μὲν πέντε μνᾶς τῷ δὲ χιλίας δραχμὰς ἐπιγραφήμαι· καὶ εἰ πλείονος ἄξιά ἐστιν ἡ τοσοῦτον, ἀποκηρυχθέντων τὸ περιττὸν
8 ἡ πόλις λήψεται. ἦν οὖν εἰδήτε ὅτι ταῦτα ἄληθή ἐστι, μάρτυρας ὑμῖν παρέξομαι πρῶτον μὲν τοὺς μεμισθωμένους παρ’ ἐμοῦ τὸ Σφηττοῦ χωρίον,

[119] ἐπείτα τοῦ Κικυννοῦ τοὺς γείτονας, οἱ ἴδοινὲς ἢμᾶς ἣδη τρία ἐτη ἀμφισβητῶντας, ἐτι δε τοὺς τε πέρυσιν ἅρξαντας, πρὸς οὓς αἰ δίκαι ἠλήξησαν,
9 καὶ τοὺς νῦν ναυτοδίκας. ἀναγνωσθήσονται δὲ ὑμῖν καὶ αὐταὶ αἱ ἀπογραφαὶ· ἐκ τούτων γὰρ μᾶλυστα γνῶσεσθε ὅτι οὔτε νεωστὶ ταῦτα τὰ χρή-

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a A township of the tribe Acamantis in the south of Attica.
b As such they could only be tried before a nautical court.
c December-January.
d One at Sphettus and one at Cieynna.
e A talent was 6000 drachmae, and a mina 100 drachmae.
ON THE PROPERTY OF ERATON, 5-9

ery at Sphettus, but over the property at Cicynna and the house there I was at law with the occupiers. Last year, however, they got my suit quashed by alleging that they were sea-traders; but at present, although I was permitted to bring proceedings in the month of Gamelion, the nautical court has not decided the case. Now that you have seen fit to confiscate the property of Erasiphon, I relinquish two thirds to the State, and claim that the property of Erasistratus be adjudged to me, because it is this property that your previous decision has already made ours. So I have limited my share to one-third of their property, making no exact calculation, but leaving much more than two-thirds to the Treasury. This is easily concluded from the valuation which has been attached to the schedule of the property. For they have valued the whole at more than a talent, whereas to one of the properties for which I am suing I attached five minae, and to the other a thousand drachmae: if they are worth more than those amounts, the surplus after they have been sold by auction will go to the State. And to convince you of the truth of this I will produce to you, as witnesses, first the persons who rented from me the estate at Sphettus, then the neighbours of the place at Cicynna, who know that we have been contesting it for the last three years, and next the magistrates of last year, before whom the suits were authorized to be heard, and the present judges of the nautical court. You will also have these inventories read to you: for they above all will convince you that our claim to this property is no recent matter,

He asks for a value of 15 minae—one eighth of the two talents originally lent to Eraton.
LYSIAS

ματα ἀξιοῦμεν ἡμέτερα εἶναι, οὐτε νυνὶ τῶ δημοσίω
πλείονων ἀμφισβητοῦμεν ἢ τῶ ἐμπροσθεν χρόνω
τοῖς ἰδιωταῖς. καὶ μοι κάλει μάρτυρας.

ΜΑΡΤΥΡΕΣ

10 "Ὅτι μέν, ὃ ἀνδρεὶς δικασταί, οὐ παρὰ τὸ δίκαιον
ἀξιῶ μοι ψηφίσασθαι τὸ διαδίκασμα, ἄλλ' αὐτὸς
τῇ πόλει πολλὰ τῶν ἐμαυτοῦ ἁφεῖς τούτο ἀξιῶ
μοι ἀποδοθῆναι, ἀποδέδεικται. ἦδη δὲ μοι δοκεῖ
δίκαιον εἶναι καὶ δειγθῆναι ὑμῶν τε καὶ τῶν
συνδίκων ἐναντίον ὑμῶν.
ON THE PROPERTY OF ERATON, 9–10

and also that to-day we are contesting with the Treasury an amount that compares favourably with that which we formerly contested with private persons. Please call witnesses.

WITNESSES

That there is no injustice, gentlemen, in my claiming your verdict on the property in question, but rather that I have relinquished to the State a great part of my own property before claiming this restoration, has been clearly proved. And now I deem it just to lay my request before you and also before the Commissioners of Revenue in your presence.

* Of Revenue.
XVIII. ON THE CONFISCATION OF THE PROPERTY OF THE BROTHER OF NICIAS: PERORATION

INTRODUCTION

Nicias, the Athenian general who was made immortal by the malice of fate and the genius of Thucydides, had two brothers, Eucrates and Diognetus. The former of these, like the officer Dionysodorus of whom we hear in the speech Against Agoratus (XIII.), was put to death by the Thirty in 404 B.C. for opposing the establishment of an oligarchy; the latter returned to Athens with the democrats in 403, but died not long afterwards. In or about the year 396, during the time of peace which preceded the Corinthian War (cf. 15), the two sons of Eucrates, having reached an age when they could perform the usual duties of wealthy citizens (21), had to defend themselves at law against a second attempt by a man named Poliochus to obtain a verdict for the confiscation of their patrimony—"the property of the brother of Nicias." The first attempt had been made when they were still minors, shortly after the restoration of the democracy: on this occasion their case is pleaded by the elder of the two. Per-
PROPERTY OF NICIAS' BROTHER

haps the allegation was that their father had embezzled or mismanaged some public funds: we find that the Commissioners of Revenue are prominently concerned in the trial (26); and if the suit is successful, the sons of Eucrates stand to lose not only their inheritance, but their civic rights as well (1). We possess here only the concluding part of a speech—perhaps all that Lysias composed—in defence of the elder brother; and as the appeal throughout is to feeling rather than to reason we have but few facts on which to build our conjectures as to the precise position of the matter at issue.

The speaker first recalls the character and services of his uncles Nicias and Diognetus and his father Eucrates, and draws a pathetic picture of Diognetus bringing him and his brother and an infant grandson of Nicias to Pausanias and imploring his protection against the Thirty (1-12). He then discourses on the inconsistency of approving now the confiscation which was disallowed before, and on the disruptive influence of confiscation in the body politic; it also wastes the resources of the people through its dissipation by the successful prosecutors (who are awarded a large share of the property confiscated), when it might be benefiting the State through the public spirit of its rightful owners (13-23). The defendants are orphans who have no one to support their plea: they claim the sympathy due to the relatives of men who have suffered in the cause of democracy, and pray that they may be saved from ruin (21-27).
ΧVIII. ΠΕΡΙ ΤΗΣ ΔΗΜΕΥΣΕΩΣ <ΤΩΝ> ΤΟΥ ΝΙΚΙΟΥ ΑΔΕΛΦΟΥ ΕΠΙΛΟΓΟΣ

1 Ἐνθυμήθητε τούτων, ὦ ἄνδρες δικασταὶ, οὗτοι τινες ὁμοίως πολίται καὶ αὐτοὶ καὶ ὃν προσήκοντες ἄδικοίμενοι ἄξιοίμεν ἐλεεύθαι ὡς ὑμῶν καὶ τῶν δικαίων τυγχάνειν· οὐ γὰρ μόνον περὶ τῆς οὐσίας ἀγωνιζόμεθα, ἀλλὰ καὶ περὶ τῆς πολιτείας, εἰ χρὴ δημοκρατουμένης τῆς πολεως ἡμῖν μετεῖναι.

2 ἀναμνήσθητε. ἔκεινος γὰρ ὁ σάμα μὲν τῇ ἑαυτοῦ γνώμη χρώμενος ὑπὲρ τοῦ πλῆθους τοῦ ἑμετέρου ἐπραξε, πανταχοῦ φανήσεται πολλῶν μὲν καὶ ἀγαθῶν αὐτίων τῇ πόλει γεγενημένοις, πλείστα δὲ καὶ μέγιστα κακὰ τοὺς πολεμίους εἰργασμένοις· ὅσα δὲ οὐ βουλόμενος ἀλλ’ ἅκων ἡγακάσθη ποιήσαι, τῶν μὲν κακῶν οὐκ ἐλάχιστον αὐτὸς μετέσχε μέρος, τὴν δ’ αὐτίαν τῆς συμφορᾶς οἱ πείσαντες υἱός δικαίως ἄν ἔχοιεν, ἐπεὶ τὴν γε πρὸς ὑμᾶς εὐνοιαν καὶ τὴν ἀρετὴν <τῆν>4 αὐτοῦ ἐν ταῖς εὐτυχίαις ταῖς ὑμετέραις καὶ ταῖς δυστυχίαις ταῖς τῶν ἐχθρῶν ἐπεδείξατο5· στρατηγῶν γὰρ πολλὰς μὲν πόλεις εἷλε, πολλὰ δὲ καὶ καλὰ

XVIII. ON THE CONFISCATION OF THE PROPERTY OF THE BROTHER OF NICIAS:
PERORATION

Now you must reflect, gentlemen of the jury, on the character that we bear as citizens ourselves, and also on the family of which we come, when we claim your pity for the wrongs that we have suffered and an award of our rights. For we are contending, not merely for our property, but for our citizenship as well: we must know whether we are to have our portion in the democracy of our city. So first let me remind you of our uncle, Nicias: in all that he did for your common weal while using his own judgement, he will be found everywhere to have been the author of many benefits to the State, and to have inflicted a great number of grievous injuries on the enemy; but in all that he was compelled to do, not of his own wish but against his will, he bore no slight part of the injuries himself, while the responsibility for the disaster ought in fairness to lie with those who persuaded you, seeing that of his own loyalty to you and of his merit he afforded proof in your successes and your enemies' failures. For as your general, he took many cities, and many were the

*a The reference is to the Sicilian expedition in 415 B.C., which Nicias had opposed; cf. Thucydides, vi. 8 ff.
κατὰ τῶν πολεμίων ἐστησε τρόπαια, ὥν καθ’ ἐν
4 ἐκαστὸν πολὺ ἃν ἔργου εἴη λέγειν. Εὐκράτης
tοῦν, ἅδελφὸς μὲν ὃν ἐκεῖνον, πατὴρ δ’ ἐμὸς,
ηδὴ τῆς τελευταίας ναυμαχίας γεγενημένης φα-
νερὰν ἐπεδείξατο τὴν εὐνοιαν ἢν εἴχε περὶ τὸ ἔθος
tὸ ύμετέρον ἑπτημένων γαρ ἐν <τῇ> 1 ναυμαχίας
strarηγος ύφ’ ὑμῶν ἱημένος καὶ παρακαλοῦμενος
μετέχειν τῆς ὀλιγαρχίας υπὸ τῶν ἐπιβουλευόντων
5 τῷ πλήθει, οὐκ ἠθέλησεν αὐτοῖς πείθεσθαι, ἐν
tοιούτῳ καιρῷ ληφθεῖς ἐν ὑ δ’ οἱ πλείστοι τῶν
ἀνθρώπων καὶ μεταβάλλονται πρὸς τὰ παρόντα
cαὶ ταῖς τύχαις εἴκουσι, δυστυχοῦντος τοῦ δῆμου,
οὐκ ἀπελαυνόμενος τῆς πολιτείας οὐδ’ ὅδ’ ἔχθρας
ὑπαρχούσης πρὸς ἀρξεῖν μέλλοντας, ἀλλ’ ἐξὸν
αὐτῷ καὶ τῶν τριάκοντα γενέσθαι καὶ μηδείος
ἐλαττὸν δύνασθαι, μᾶλλον εἰλετο πράττων ὑπὲρ
tῆς ύμετέρας σωτηρίας ἀπολέσθαι η ἐπιδεὶν <τὸ> 2
teίχη καθαιρούμενα καὶ τὰς ναῦς τοῖς πολεμίοις
παραδιδομένας καὶ τὸ ύμετέρον πλῆθος κατα-
6 δεδουλωμένον, καὶ οὐ πολλῷ χρόνῳ ύστερον
Νικήρατος, ἀνεφίς ὃν ἐμὸς καὶ υὸς Νικίων,
εὔνους ὃν τῷ ύμετέρῳ πλήθει, συλληφθεῖς ὑπὸ
tῶν τριάκοντα ἀπέθανεν, οὔτε γένει οὔτε οὐσία
οὐθ’ ἡλικία δοκῶν ἀνάξιος εἰναι τῆς πολιτείας
μετασχείν· ἀλλὰ τοιαῦτα ἐνομίζετο 3 τὰ ύπάρχοντα
αὐτῷ πρὸς τὸ ύμετέρον πλῆθος εἶναι καὶ διὰ τοὺς
προγόνους καὶ αὐτῶν, ὥστε οὐκ ἄν ποθ’ ἐτέρας
7 ἐπιθυμήσας πολιτείας. συνήδεσαν γαρ ἄπασιν αὐ-
tοῖς υπὸ τῆς πόλεως 4 τιμωμένοις, καὶ πολλαχοῦ

1 τῇ add. Reiske. 2 τὰ add. Markland.
3 ἐνομίζετο Baiter: εὖνὶζε mss.
4 πόλεως Dobree: πολιτείας mss.
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splendid trophies of the foe's defeats that he set up; to mention them severally would be wearisome. Now Eucrates, his brother, who was my father, just after the last sea-fight\(^a\) had taken place, gave signal evidence of his loyal devotion to your democracy. For after our defeat in the sea-fight he was elected general by you and, although invited to take part in the oligarchy by those who were plotting against the people, he refused to listen to them. He was involved in the kind of crisis\(^b\) in which the majority of men not only shift about according to circumstances, but also yield to the vagaries of fortune. The democracy was faced with failure; he was not being driven out of public life, nor did he nurse any private enmity against those who were about to be the rulers. And yet, although it was open to him to become one of the Thirty and to have as much power as any man, he chose rather to perish in working for your safety than to endure the sight of the demolition of the walls, the surrender of the ships to the enemy and the enslavement of your people. And, not long after that, Niceratus, who was my cousin and Nicias's son, and a loyal supporter of your democracy, was arrested and put to death by the Thirty: neither his birth nor his means nor his age could be thought to disqualify him for a part in the government; but it was supposed that he was in such high credit with your democracy on his own account as well as on that of his ancestors that he could never be zealous for a different government. For they were conscious of the honour in which the whole family were held by the city, and how they had faced danger on your

\(^a\) At Aegospotami, 405 B.C.

\(^b\) The oligarchic revolution of the Thirty, 401 B.C.
μὲν ὑπὲρ ὑμῶν κεκυδυνευκόσι, μεγάλας δ’ εἰς-
[150] φορὰς εἰσενήνυχσί καὶ λελητουργηκόσι κάλλιστα,
καὶ τῶν ἄλλων οὐδενὸς πῶς τ’ ἀποστάσιν ὄν ἡ
πόλις αὐτοῖς προσέταξεν, ἀλλὰ προθύμως λητουρ-
8 γοσί. καίτοι τίνες ἂν ὑμῶν ἔηθαν δυστυχέστεροι,
εἰ ἐν μὲν τῇ ὁλιγαρχίᾳ ἀποθνήσκομεν εὕνην ὄντες
τῷ πλήθει, ἐν δὲ τῇ δημοκρατίᾳ ὡς κακόνοι ὄντες
9 τῷ πλήθει ἀποστερούμεθα τῶν ὄντων; καὶ μὲν δὴ,
ὅ τι άνδρες δικαστάν, καὶ Διόγνητις διαβληθεὶς μὲν
ὑπὸ τῶν συκοφαντῶν φεύγων ὦχετο, μετ’ ὁλίγων
δὲ τῶν ἐκπεπτωκότων οὖτ’ ἐπὶ τὴν πόλιν ἐστρα-
τεύσατο οὖτ’ εἰς Δεκέλειαν ἀφίκετο. οὐδ’ ἔστω
ὅτου κακοῦ αἰτίου οὔτε φεύγων οὔτε κατελθὼν τῷ
ὑμετέρῳ πλήθει γεγένηται, ἀλλ’ εἰς τοῦτ’ ἀρετῆς
ήλθεν ὦστε μᾶλλον ὠργίζετο τοῖς εἰς ὑμᾶς ἕμαρ-
τηκόσιν ἡ τοῖς αὐτῶ τῆς καθόδου αἰτίους γεγε-
νημένοις. 2 χάριν ἢδει. καὶ ἀρχὴν μὲν οὐδεμι-
ήξεν ἐν τῇ ὁλιγαρχίᾳ ἐπειδὴ δὲ τάχιστα ἠλθοῦ
εἰς τὴν Ἀκαδημίαν Λακεδαιμόνιοι καὶ Παυ-
σανίας, λαβὼν τὸν Νικηράτου καὶ ἕμας παίδας
ὄντας, ἐκεῖνον μὲν κατέδηκεν ἐπὶ τοῖς γόνασι τοῖς
Παυσανίῳ, ἕμας δὲ παραστησάμενος ἐλεγεν πρὸς
ἐκεῖνον καὶ τοὺς ἄλλους τοὺς παρόντας οὕτα εὕμεν
πεπονθότες καὶ οὕτως τύχαις κεχρημένου, καὶ ἦξίον
Παυσανίαν βοηθῆσαι καὶ διὰ τὴν φιλίαν καὶ διὰ
τὴν ξενίαν τὴν ὑπάρχουσαν, καὶ τιμωρόν γενέσθαι
10 τῶν εἰς ἕμας ἕμαρτηκότων. ὰθεν Παυσανίας
ήξετο εὕνους εἶναι τῷ δήμῳ, παράδειγμα ποιοῦ-
µενος πρὸς τοὺς ἄλλους Λακεδαιμόνιος τὰς
猁ετέρας συμφορὰς τῆς τῶν τριάκοντα ποιηρῶν,
δῆλον γὰρ ἅπασι τοῖς ἔλθοσιν Πελοποννησίων
1 κακόνοι Markland: κακοὶ mss. 2 χάριν ἢδει add. Cobet.
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behalf in many places, and had made many large contributions to your funds, and had most nobly performed their public services; how they had never once evaded any of the other duties enjoined on them by the State, but had eagerly discharged them all. I ask you, whose misfortune can surpass ours, if under the oligarchy we are put to death for showing loyalty to the people, and under the democracy we are stripped of our property as being disloyal to the people? Furthermore, gentlemen, Diognetus was so slandered by base informers that he went away into exile, and was one of the few of the banished who neither took the field against the city nor came to Decelea; nor has he been the author of any sort of injury to your people either in exile or after his return, but he carried principle to such a point that he was rather incensed with those who had offended against you than grateful to those who had been the authors of his recall. He held no office under the oligarchy: but, as soon as the Lacedaemonians and Pausanias had arrived at the Academy, he took the son of Niceratus and us, who were children, and laying him on the knees of Pausanias, and setting us by his side, he told Pausanias and the others present the tale of our sufferings and the fate that had befallen us, and called on Pausanias to succour us in virtue of our bonds both of friendship and of hospitality, and to do vengeance upon those who had maltreated us. The result was that Pausanias began to be favourable to the people, holding up our calamities to the Lacedaemonians as an example of the villainy of the Thirty. For it had become evident to all the Peloi-

\[a\] Where the Spartans kept a strangle-hold on Attica, and welcomed exiled oligarchs from Athens.
LYSIAS


dεγεγένητο, ὅτι οὐ τοὺς ποιησάμενος τῶν πολιτῶν ἀπέκτεινο, ἀλλ᾽ οῖς μάλιστα προσήκον καὶ διὰ γένος καὶ διὰ πλοῦτον καὶ διὰ τὴν ἄλλην ἀρετὴν
tιμᾶσθαι. οὕτω δ᾽ ἥλεούμεθα καὶ πάσι δεινὰ ἑδοκοῦμεν πεποιθέναι, ὥστε Παυσανίας τὰ μὲν
παρὰ τῶν τριάκοντα ξένων οὐκ ἠθέλησε λαβεῖν, τὰ δὲ παρ᾽ ἡμῶν ἐδέξατο. καὶ τοῖς δεινοῖς, ὦ ἄνδρες
dικασταί, ὑπὸ μὲν τῶν πολεμίων παῖδας ἡμᾶς ὑμῖν ἔλεε οὐδεὶς, ὥστε οὐκ ἴμων, ὥς ἄνδρες δικασταί, τοιούτους
gεγεννήμενους τῶν ὑμῶν ἀποστερεῖσθαι, ὃν οἱ
πατέρες ὑπὲρ τῆς δημοκρατίας ἀπέθανον.

13 Εὐ δ᾽ ὁδ᾽, ὦ ἄνδρες δικασταί, ὅτι περὶ πλείστου
ἀν ποιήσαμεν Πολύγονος τοῦτον τὸν ἄγωνα κατορθώ-
sαι, ἤγοιμονος αὐτῷ καλὴν εἶναι τὴν ἐπιδείξειν¹ καὶ
πρὸς τοὺς πολίτας καὶ τοὺς ἑτέρους, ὦτι Ἀθήνηι το-
σόντον δύνασθαι, ὥστε ἡμῖν τοὺς αὐτούς, περὶ ὁ
ὄρκους ὀμωμόκατε, ὑμῖν αὐτοῖς τὰ ἐναντία ποιεῖν
ψηφίζεσθαι. πάντες γὰρ εἰσόνται ὅτι τὸτε μὲν
χλίας δραχμαῖς ἔξημιῶσατε² τὸν βουλόμενον τὴν
ἡμετέραν γῆν δημοσίαν ποιήσαι, νυνὶ δὲ κελεύων
δημεύεται νενίκηκε, καὶ περὶ τούτων δὴ ἀμφοτέρων
Ἀθηναίοι, παρὰ νόμον³ φεύγοντος τοῦ αὐτοῦ ἀν-
dρός, τἀναντία σφάλμα αὐτοῖς ἐφηφίσαντο. οὐκ οὖν
αὐχρόν, εἰ ὁ μὲν Λακεδαιμονίους συνέθεσθε βε-
βαίοστε, ὥς ἄντως ἐφηφίσασθε οὕτω βαδίσ
dιαλύστε, καὶ τὰς μὲν πρὸς ἐκεῖνους συνθήκας
cυρίας ποιήσετε, τὰς δὲ πρὸς αὐτοὺς ἀκύρους;

¹ ἐπιδείξειν Dobree: ἀπόδειξειν mss.
² ἔξημιῶσατε Markland: ἔξημιῶσε mss.
³ παρὰ νόμον Taylor: παρανόμων mss.

* Gifts were offered as tokens of a friendly welcome.

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ponnesians who had come that they were putting to death, not the most villainous of the citizens, but those who were especially deserving of honour on account of their birth, their wealth and their general excellence. Such was the pity felt for us, and such an impression of our grievous sufferings was made on everyone, that Pausanias rejected the hospitable offerings of the Thirty, and accepted ours. Surely it will be strange, gentlemen of the jury, if after being pitied as children by the enemy who had come to succour the oligarchy we, who have proved ourselves the men we are, should be stripped of our property by you, gentlemen, whose fathers gave their lives for the democracy!

I am well aware, gentlemen, that Poliochus would value most highly his success in this trial, since he would regard it as a fine demonstration to citizens and strangers alike that he has sufficient power in Athens to make you vote in contradiction of your own selves on the very question in which you have sworn to do your duty. For everyone will know that formerly you punished with a fine of a thousand drachmae the man who proposed that our land should be confiscated, and yet that to-day he has prevailed with his demand for its confiscation; and that in these two suits, in which the same man was illegally prosecuted, the Athenians voted in contradiction of themselves. Would it not then be disgraceful of you, after confirming your agreements with the Lacedaemonians, to shatter so lightly what you have voted on your own account, and to make valid your covenants with them, but invalidate those that you

\[b\] Inflicted on a prosecutor who failed to obtain a fifth of the judges' votes.
καὶ τοὺς μὲν ἄλλους Ἑλλησιν ὀργίζεσθε, εἰ τις Δακεδαιμονίους ὑμῶν περὶ πλείονος ποιεῖται, ὑμεῖς δ’ αὐτοὶ φανήσεσθε πιστῶτερον πρὸς ἐκεῖνους ἢ πρὸς ὑμᾶς αὐτοὺς διακείμενοι; ἄξιον δὲ μάλιστ’ ἀγανακτήσαι 6 οτι οὕτως ἤδη οἱ τὰ τῆς πόλεως πράττοντες διάκεινται, ὥστ’ οὐχ ὃ τι ἂν τῇ πολεὶ βέλτιστον ἦ, τούτο οἱ ρήτορες λέγουσιν, ἀλλ’ ἀφ’ ὅν ἂν αὐτοὶ κερδαίνειν μέλλωσι, ταύτα ὑμεῖς

17 πηφίζεσθε. καὶ εἰ μὲν τῷ ύμετέρῳ πλήθει συνέφερε τοὺς μὲν ἔχειν τὰ αὐτῶν, τῶν δὲ ἀδίκως δεδημεύσαι τὴν οὐσίαν, εἰκότως ἂν ἠμελεῖτε τῶν ψ’ ἡμῶν λεγομένων: νυνὶ δὲ πάντες ἂν ὀμολογήσατε ὀμόνοιαν μέγιστον ἀγαθὸν εἶναι πόλει, στάσιν δὲ πάντων κακῶν αἰτίαν, διαφέρεσθαι δὲ πρὸς ἀλλήλους ἐκ τῶν τοιούτων μάλιστ’, εάν οἱ μὲν τῶν ἀλλοτρίων ἐπιθυμούσι, οἱ δ’ ἐκ τῶν οὐντὼν ἑκπίπτονσι. καὶ ταῦθ’ ὑμεῖς ἐγνώτε νεωτὶ κατελθόντες, ὀρθῶς βουλεύομενοι. ἐτί γὰρ ἐμεμνησθεὶς τῶν γεγενημένων συμφορῶν, καὶ τοῖς θεσις εἰς ὀμόνοιαν ἤχεσθε καταστῆναι τὴν πόλιν μᾶλλον ἢ ἔπι τιμωρίαν τῶν παραληθηθότων τραπεμένων 4 τὴν μὲν πόλιν στασιάζας, τοὺς δὲ λέγοντας ταχέως πλούτησαι. καὶ τοίς πλείων συγγνώμη μνησικακείνι νεωτὶ κατεληθῆσαι, ἐτὶ τῆς ὀργῆς οὐσίας προσφάτου, ἢ τοσοῦτῳ χρόνῳ ύστερον ἐπὶ τιμωρίαν τῶν παραληθηθότων τραπέσθαι, ὑπὸ τοιούτων πιεσθέντας οἱ ἐν ἄστει μείναντες ταύτην

1 ὀργίζεσθε Cobet: ὀργίζοισθε MSS.
2 μάλιστ’ ἀγανακτήσαι Dobree: μάλιστα φθονήσαι MSS.
3 μὲν add. Bekker.
4 τραπεμένων Hude: τραπεμένοι MSS.
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have made with yourselves? You are incensed with any other Greeks who value the Lacedaemonians more than you; and will you show in your own disposition more fidelity to them than to yourselves? But what calls for the highest indignation is that the disposition of men in public life to-day is such that the orators do not propose what will be most beneficial to the city, but it is for proposals which must bring profit to them that you give your votes.\(^a\)

Now, if it were to the advantage of your people that, while some kept their own, others had to suffer the unjust confiscation of their property, you would have some reason to neglect our arguments: but in fact you must all acknowledge that unanimity is the greatest boon to a city, while faction is the cause of all evils; and that mutual dissensions chiefly arise from the desire of some for what is not theirs, and the ejection of others from what they have. This was your conclusion shortly after your return, and your reasoning was sound; for you still remembered the disasters that had occurred, and you prayed to the gods to restore the city to unanimity rather than permit the pursuit of vengeance for what was overpast to lead to faction in the city and the rapid enrichment of the speech-makers. And yet it would have been more pardonable to show resentment shortly after you had returned, while your anger was freshly kindled, than to pursue so belated a vengeance for what is overpast at the bidding of men who, after remaining in the city, conceive that they

\(^a\) The law awarded three-quarters of a property confiscated to the person who brought the action for its confiscation; cf. § 20 below.
υμῖν ὦνται διδόναι πίστιν τῆς αὐτῶν εὐνοίας, ἐτέρους κακοὺς ποιοῦντες, ἀλλ’ οὐ σφάς αὐτοὺς χρηστοὺς παρέχοντες, καὶ νυνὶ τῶν τῆς πόλεως ἐυτυχῶν ἀπολαύοντες, ἀλλ’ οὐ πρῶτερον τῶν ὑμετέρων κυδώνων μετέχοντες.

20 Ἐπεὶ μὲν ἔωράτε, ὦ ἄνδρες δικασταί, σφιζόμενα τῇ πόλει τὰ ὑπὸ τούτων δημενόμενα, συγγνώμην ἄν εἴχομεν. νῦν δ’ ἐπίστασθε ὅτι τὰ μὲν αὐτῶν ὑπὸ τούτων ἀφανίζεται, τὰ δὲ πολλοὶ ἀξία οίντα ὀλίγου πιπράσκεται. ἐὰν δ’ ἐμοὶ πείθησθε, οὐκ ἐλάττω ἀπ’ αὐτῶν ὑμεῖς ὑφεληθήσεσθε ἡ ἡμεῖς οἱ κεκτημένοι, ἐπεὶ καὶ νυνὶ Διόνυστος καὶ ἐγὼ καὶ ὁ ἀδελφὸς ἐκ μᾶς οὐκίσας τρεῖς ὑπερ τριηραχοῦμεν, καὶ ὅταν ἡ πόλις δέχεται χρημάτων, ἀπὸ τούτων ὑμῖν εἰσφέρομεν. ὥς οὖν ἡμῖν ταύτη τῇ γνώμῃ χρωμένων, καὶ τῶν προγόνων τῶν ἡμετέρων τοιούτων γεγενημένων, φειδεσθε ἡμῶν. οὐδεν γὰρ ἂν ἡμᾶς κωλύοι, ὦ ἄνδρες δικασταί, ἀθλιωτάτους εἴναι, ἐπὶ μὲν τῶν τριάκοντα ὀρφαιοὺς καταλειψάντας, ἐν δὲ τῇ δημοκρατίᾳ τῶν ὑπερ χρημάτων, οἷς ἡ τύχη παρεδώκεν ὡστε ἐτι ἡμᾶς παίδας ὑπαίτες, ἐπὶ τὴν Παυσανίου σκηνὴν ἐλθόντας βοηθήσα τῷ πλήθει. καὶ τοιούτων ἡμῖν ὑπεραχόντων εἰς τίνα ἄν ἐβουλήθημεν δικαστάς κατα-φυγεὶν; οὐκ εἰς τοὺς οὕτως πολυευμένους, ὑπὲρ ἢς πολυτείας καὶ ὁ πατὴρ καὶ οἱ προσήκοντες ἡμῖν ἀπέθανον. νῦν τοῖνυν ταύτην ἀνθ’ ἄπαντων ἀπειτοῦμεν ὑμῖς τῆς χάριν, μὴ περιδεῦν ἡμῖς ἀπόρως διατεθέντας μηδ’ εἴδεις τῶν ἐπιτηδείων γενομένους, μηδὲ τὴν τῶν προγόνων εὐδαιμονίαν καταλύσαι, ἀλλὰ πολὺ μᾶλλον παράδειγμα ποιή-1 ἀθλιωτάτους Stephanus: ἀθλιοθέτους mss.

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give you a pledge of their own loyalty when they make bad subjects of their fellows instead of showing themselves good ones, and who to-day reap the fruits of the city's successes without having previously shared your perils.

And if you saw, gentlemen, that the property confiscated by these men was being secured for the State, we should forgive them; but the fact is, as you well know, that some of it is melting away in their hands, while the rest, though of great value, is being sold off cheap. Yet, if you will take my advice, you will receive no less profit from it than we, the owners. For at this moment Diomnestus, my brother and I, three of one household, are equipping warships, and when the State requires money we raise a special contribution on these properties. Since, then, we are of this way of thinking, and our ancestors have evinced the same character, spare us. Else we should have no escape, gentlemen, from the most miserable plight: after being left orphans in the time of the Thirty we should be stripped of our property under the democracy,—we, to whom fortune vouchsafed that, as mere children, we should succour the people by going to the tent of Pausanias! Having such a record behind us, with what judges would we have chosen to take refuge? Surely with those who support a constitution for which both our father and our kinsmen gave their lives. And so to-day this is the sole return that we ask of you for all that we have done,—that you do not suffer us to be reduced to destitution or left in want of bare necessaries, and that you do not ruin the prosperity that was our ancestors', but much rather give an example to those

2 ἡς πολιτείας Taylor: τῆς πολιτείας ἡς mss.
σαί τοῖς βουλομένοις τὴν πόλιν εὗ ποιεῖν, οἵων ὑμῶν ἐν τοῖς κινδύνοις τεύξονται.

24 Ὁυκ ἔχω, ὦ ἀνδρεῖς δικασταῖ, οὕστινας δεησο-μένους ὑπὲρ ἡμῶν ἀναβιβάσομαι τῶν γὰρ προσ-ηκόντων οἱ μὲν ἀνδρας ἀγαθοὺς αὐτοὺς παρα-σχόντες καὶ μεγάλην τὴν πόλιν ποιοῦντες ἐν τῷ πολέμῳ τεθνάσων, οἱ δ' ὑπὲρ τῆς δημοκρατίας καὶ τῆς ὑμετέρας ἐλευθερίας ὑπὸ τῶν τριάκοντα κύ-νειον πίστες, ὥστε τῆς ἐρήμιας ὑμετέρας αἰτια-γεγόνασιν αἱ τε τῶν προσηκόντων ἄρεται καὶ αἱ τῆς πόλεως συμφοραί. ὃν ἀξιόν ὑμᾶς ἐνθυμηθέν--τας προθύμως ἡμῖν βοηθήσαι, ἡγησαμένους τούτους ἀν ἐν δημοκρατίᾳ δικαίως εὑ πάσχειν ὑπ' ὑμῶν, οὐπερ ἐν ὀλιγαρχίᾳ τῶν συμφορῶν μετέσχον

26 τὸ μέρος. ἀξιῶ δὲ καὶ τούτους τοὺς συνδίκους εὑνόν ἡμῖν εἶναι, ἐκείνοι τοῦ χρόνου μνημένας, ὡστ' ἐκ τῆς πατρίδος ἐκπεπτωκότες καὶ τὰς οὐσίας ἀπολωλεκότες ἀνδρας ἀρίστους ἐνομίζετ' εἶναι τοὺς ὑπὲρ ὑμῶν ἀποθησκοντας, καὶ τοῖς θεοῖς ἡνχεσθε

27 δυνηθήναι χάριν τοῖς εἰς ἐκεῖνων ἀποδοῦναι. ἡμεῖς τοῦν, υἱός οντες καὶ συγγενεῖς τῶν ὑπὲρ τῆς ἐλευθερίας προκεκυνδυνεύκοτων, ἀπαιτοῦμεν ὑμᾶς νυνι ταύτην τὴν χάριν, καὶ ἀξιοῦμεν μὴ ἀδίκως ἡμᾶς ἀπολέσαι, ἀλλὰ πολὺ μάλλον βοηθεῖν τοὺς τῶν αὐτῶν μετασχοῦσι συμφορῶν. ἐγὼ μὲν οὖν καὶ δέομαι καὶ ἀντιβολῶ καὶ ἰκετεύω, καὶ τούτων παρ' ὑμῶν τυγχάνειν ἄξιον εἰς γὰρ περὶ μικρῶν κινδυνεύσωμεν, ἀλλὰ περὶ τῶν οὐντὼν ἀπάντησω.
who desire to do the State good service of the treatment that they will receive from you in times of danger.

I have nobody, gentlemen, whom I can put up here to plead on our behalf: for some of my kinsmen, after giving proof of their valour in promoting the greatness of the city, have perished in the war; others, in the defence of the democracy and of your freedom, have drunk hemlock under the Thirty. We therefore owe our isolation to the merits of our kinsmen and the calamities of the State. Bearing all this in mind, you ought to succour us, judging those to be rightful recipients of your favours under democracy who bore their share of calamity under oligarchy. I also call upon the Commissioners here to be kind to us: let them remember that time when, expelled from your native land and deprived of your property, you esteemed most highly the men who gave their lives for you, and you prayed to the gods that you might be able to show your gratitude to their children. So we, sons and relatives of those who have been foremost to meet danger in the cause of freedom, ask this return of your gratitude to-day, and call upon you not to ruin us unjustly, but much rather to succour those who have shared in the common calamities. Now I beg and beseech and implore you to grant us what we claim. For it is no slight matter that we have at stake: it is the whole of our possessions.
XIX. ON THE PROPERTY OF ARISTOPHANES: AGAINST THE TREASURY

INTRODUCTION

Nicophemus, father of the Aristophanes whose property is here in question, was an able staff-officer and friend of Conon in the naval operations which recovered for Athens, during the years 398–387 B.C., some degree of her former authority over the Greek islands and the cities of Asia. From 405 B.C. Conon and Nicophemus made their home in Cyprus, where Evagoras, King of Salamis, became a valuable ally of Athens. Aristophanes, like Conon's son Timotheus, resided at Athens; and he married a sister of the present speaker. He also showed himself a man of great energy and public spirit: for in 393 he went on Conon's suggestion to Syracuse, with the object of drawing away its ruler, Dionysius, from his connexion with Sparta to friendship with Evagoras. In 390 he went on an expedition from Athens to assist Evagoras against Persia: this affair, however, was a failure, and it seems probable that the Athenians had some special reason for resentment against the organizers of the expedition—Nicophemus and Aristophanes; for they were both summarily exe-
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cuted and their property was confiscated. It is to be noted that the speaker laments the harsh treatment meted out to them, but that he does not attempt either to establish their innocence of the guilt charged against them or to dispute the validity of the confiscation itself (7-8); although, as appears from Harpocration, a Lysias had previously written a speech against the proposer of this latter penalty. At any rate, the amount of the property, when confiscated, was found to be much less than had been generally expected (11, 45 foll.), and the father-in-law of Aristophanes, who was acting as the guardian of his daughter and her three children, was accused of withholding some part of it. He died before he could be brought to trial, and the prosecution was then directed against his only son, the brother-in-law of Aristophanes, who speaks here before a court presided over by the Commissioners of the Treasury. The date of the trial appears (50) to have been 388 or 387 B.C., and the defence opens with a warning against the insidious peril of slander and the prejudice likely to be caused by the present scarcity of money.

The speaker bases his argument—which is to show how small the property was—mainly on the probabilities that his father was not the kind of man to withhold money due to the State; that the public spirit of Aristophanes led him to spend so much on the ordinary duties of a wealthy citizen that there can be but little of his fortune remaining; that Nicophemus, having been a subordinate of Conon, and having kept his gains in Cyprus, cannot have bequeathed much to Aristophanes; and that it is

a s.v. χιτρον.
a common experience to find that a man’s fortune is much smaller than it has been reported to be during his life.

The speech provides a fine example of Lysias’s tact in handling a case that is endangered by the popular prejudice against men who have made money on service abroad during a time of financial stringency at home. As Jebb has remarked, “there is consummate art in the sketch of his (the speaker’s) father, the quiet citizen of the old school, and of Aristophanes, the adventurous patriot of the new.”
XIX. ΥΠΕΡ ΤΩΝ ΑΡΙΣΤΟΦΑΝΟΥΣ ΧΡΗΜΑΤΩΝ, ΠΡΟΣ ΤΟ ΔΗΜΟΣΙΟΝ

1 Πολλήν μοι ἀποριάν παρέχει ὁ ἄγων οὕτως, ὃ ἄνδρες δικασταί, ὅταν ἑνθυμηθέν ὅτι, ἐὰν ἔγώ μὲν μὴ νῦν εὖ εἴπω, οὐ μόνον ἐγὼ ἄλλα καὶ ὁ πατήρ δόξει ἄδικος εἶναι καὶ τῶν ὄντων ἀπάντων στερή-

σομαί. ἀνάγκη οὖν, εἴ καὶ μὴ δεινὸς πρὸς ταῦτα πέφυκα, βοηθεῖν τῷ πατρὶ καὶ ἐμαυτῷ οὕτως ὅτι

2 ἂν δύνωμαι. τὴν μὲν οὖν παρασκευὴν καὶ <τὴν>¹

προθυμίαν τῶν ἔχοντων ὅρατε, καὶ οὐδὲν δεῖ περὶ
tοῦτων λέγειν· τὴν δ' ἐμὴν ἀπειρίαν πάντες ἱσασθεν, ὥσοι ἔμε γιγνώσκουσιν. αἰτήσομαι οὖν ὑμᾶς
dίκαια καὶ ῥάδια χαρίσασθαι, ἄνευ ὀργῆς καὶ ἡμῶν

3 ἀκούσαι, ὥσπερ <καὶ>² τῶν κατηγόρων. ἀνάγκη
gὰρ τὸν ἀπολογοῦμενον, καὶ ἐξ ὑσοῦ ἀκροάσθε, ἔλαττον ἔχειν. οἳ μὲν γὰρ ἐκ πολλοῦ χρόνου
ἐπιβουλεύοντες, αὐτοὶ ἄνευ κινδύνων ὄντες, τὴν
catēgōrion ἐποίησαντο, ἡμεῖς δὲ ἀγωνιζόμεθα

μετὰ δέος καὶ διαβολής καὶ κινδύνου <τοῦ>³

megístou. εἰκός οὖν ὑμᾶς εὐνοιαν πλείω ἔχειν

4 τοῖς ἀπολογουμένοις. οἴμαι γὰρ πάντας υμᾶς
eidéin ὅτι πολλοὶ ἦδη πολλά καὶ δεινὰ κατηγορή-
santes παραχρῆμα εξηλέγχθησαν ψευδόμενοι οὕτω

XIX. ON THE PROPERTY OF ARISTOPHANES: AGAINST THE TREASURY

I find myself greatly embarrassed by this trial, gentlemen of the jury, when I consider that if I fail to speak with effect to-day not only I but my father besides will be held to be guilty, and I shall be deprived of the whole of my possessions. It is necessary therefore, even if I have no natural aptitude for the task, to defend my father and myself as best I can. You see, of course, the artifice and the alacrity of my enemies; of these there is no need to speak; whereas everyone who knows me is aware of my inexperience. I shall therefore beg of you the just and easy favour of hearing us with the same absence of anger as when you listened to our accusers. For the man who speaks in his defence, even if you give him an impartial hearing, must needs be at a disadvantage: those people have laid their schemes long before, and without any danger to themselves have delivered their accusation; whereas we are contending amid fear and slander and the gravest danger. It is reasonable, therefore, that you should feel more kindness for those who are making their defence. For I think you all know that there have been many cases in the past of men bringing forward a number of formidable accusations, who have been convicted then and there of lying on such clear evidence.
φανερῶς, ὡστε ὑπὸ πάντων τῶν παραγενομένων μισηθέντες ἀπελθεῖν. οἱ δὲ αὐτοί μαρτυρήσαντες τὰ ἰεύνη καὶ ἀδίκως ἀπολέσαντες ἀνθρώπους ἔλαβον· ἵνακαν οὐδὲν ἢν πλέον τοῖσε πεπονθόσιν. ὅτι οὖν τοιαύτα πολλὰ γεγένηται, ὡς ἐγὼ ἀκούω, εἰκὸς ὑμᾶς, ὡς ἄνδρες δικασταί, μὴπο τοὺς τῶν κατηγόρων λόγους ἤγεισθαί πιστοὺς, πρὶν ἂν καὶ ἦμείς ἐξημερεῖμεν. ἀκούω γὰρ ἐγώγη, καὶ ὑμῶν δὲ τοὺς πολλοὺς οἴμαι εἰδέναι, ὅτι πάντων δεινότατον ἔστι διαβολή. μάλιστα δὲ τοῦτο ἔχοι ἂν τις ἰδεῖν, ὅταν πολλοὶ ἐπὶ τῇ αὐτῇ αἰτίᾳ εἰς ἁγώνα καταστῶσιν. ὡς γὰρ ἔπλο τὸ πολὺ οἰ τελευταίοι κρυνόμενοι σώζονται· πεπαυμένου γὰρ τῆς ὀργῆς αὐτῶν ἀκροασθεί, καὶ τοὺς ἐλέγχους ἢδη ἐθέλουσε ἀποδέχεσθε.

7 Ἐνθυμεῖσθε οὖν ὅτι Νικόφημος καὶ Ἀριστο-φάνης ἄκρυτοι ἀπέθανον, πρὶν παραγενόσθαι τινά αὐτοῖς ἐλεγχομένοις ὡς ἡδίκουν. οὐδεὶς γὰρ οὐδὲ εἴδειν ἐκεῖνους μετὰ τὴν σύλληψιν· οὐδὲ γὰρ θάψαι τὰ σῶματα αὐτῶν ἀπέδοσαν, ἀλλ' οὔτω δεινή ἡ συμφορὰ γεγένηται ὡστε πρὸς τοὺς ἄλλους καὶ τοῦτον ἐστέρηνται. ἀλλὰ ταῦτα μὲν ἐάσω: οὐδὲν γὰρ ἂν περαινούμε. πολὺ δὲ ἀθλιώτεροι δοκοῦσι μοι οἱ παῖδες οἱ Ἀριστοφάνους· οὐδένα γὰρ οὕτ' ἵδια οὔτε δημοσία ἡδικηκότες οὐ μόνον τὰ πατρῷα ἀπολωλέκασι παρὰ τοὺς νόμους τοὺς ὑμέτερους, ἀλλὰ καὶ ἡ ὑπόλοιπος ἐλπὶς ἢν, ἀπὸ <τῶν> τοῦ

1 ὑπὸ πάντων τῶν παραγενομένων Dobree: ὑπὲρ πάντων τῶν
2 ἰδείν Contius: δεινότατον mss.
3 oúde Dobree: οὐ γὰρ mss.
4 ἡ add. Reiske.
5 απὸ τῶν Halbertsman: ὑπὸ mss.
that they left the court detested by all who had been present; while others again, after bearing false witness and causing people to be unjustly put to death, have been condemned too late for it to be of any use to their victims. So, when many cases of this sort have occurred, as I am told, it is reasonable that you, gentlemen, should wait till we have had our say before you accept the statements of our accusers as trustworthy. I myself am told, and I think most of you know also, that slander is the most dangerous thing on earth. This is especially to be observed when a number of persons are brought to trial on the same charge. For, as a rule, the last to be judged are let off, since your anger has then ceased, and as you listen to them you willingly admit their disproofs.a

Reflect therefore that Nicophemus and Aristophanes were put to death without trial,b before anyone could come to their aid as the proof of their guilt was being made out. For nobody even saw them again after their arrest, since their bodies were not even delivered for burial: so awful has their calamity been that, in addition to the rest, they have suffered this privation also. But from that business I will now pass, as I can do no good there. Far more miserable, in my opinion, are the children of Aristophanes: for, having done no wrong to anyone in either private or public affairs, not only have they been bereft of their patrimony in violation of your laws, but their one remaining hope, of being reared

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a The slanderer has the art of raising indignation against his victims: if there is time for this to cool down, the falsity of his charges is exposed.

b On a summary impeachment allowed in special cases of treason or embezzlement.
πάππου ἐκτραφήναι, ἐν οὗτῳ δεινῷ καθέστηκεν.
9 ἐτὶ δ’ ἡμεῖς ἐστερημένοι μὲν κηδεστῶν, ἐστερημένοι δὲ τῆς προικός, παιδάρια δὲ τρία ἡγακασμένοι τρέφεν, προσέτι συκοφαντούμεθα καὶ κυνδυνεύομεν περὶ δὴν οἱ πρόγονοι ἡμῶν κατέλιπον κτησάμενοι ἐκ τοῦ δικαίου. καίτοι, ὃ ἄνδρες δικασταί, ὃ ἐμὸς πατήρ ἐν ἀπαντὶ τῷ βιῷ πλεῖω ἐτὶ τὴν πόλιν ἀνήλωσεν ἣ ἐδικαῖον καὶ τοὺς οἰκείους, διπλάσια δὴ ἢ νῦν ἐστὶν ἡμῖν, ὡς ἔγω
10 λογιζομένῳ αὐτῷ πολλάκις παρεγετόμην. μὴ οὖν προκαταγγυνώσκετε ἀδικίαι τοῦ εἰς αὐτὸν μὲν μικρὰ δαπανῶντος, ἡμῖν δὲ πολλὰ καθ’ ἔκαστον τὸν ἐναντίον, ἀλλ’ ὅσοι καὶ τὰ πατρώα καὶ ἐάν τι ποθὲν λάβωσιν, εἰς τὰς αἰσχίστας ἢδονὰς εἰθίς μένοι εἰςὶν ἀναλίσκεις. χαλεπὸν μὲν οὖν, ὃ ἄνδρες δικασταί, ἀπολογεῖοντας πρὸς δόξαν ἣν ἐνοικεῖ ἐχουσί περὶ τῆς Νικοφήμου οὕσις, καὶ σπάνιν ἄργυρίων ἢ νῦν ἐστὶν ἐν τῇ πόλει, καὶ τοῦ ἄγανος πρὸς τὸ δημόσιον ὄντος· ὦμοι δὲ καὶ τούτων ὑπαρχόντων ῥαδίως γνώσεσθε ὅτι οὐκ ἀληθῆ ἐστὶ τὰ κατηγορημένα. δέομαι δ’ ὑμῶν πάση τέχνη καὶ μηχανῇ μετ’ εὐνοίας ἀκροασαμένους ἡμῶν διὰ τέλους ὑπὲ καὶ ἤμων ἄριστον καὶ εὐορκοταται νομίζῃ τε εἶναι, τούτῳ ψηφίσασθαι.

11 [153] Πρώτων μὲν οὖν, ὃ τρόπῳ κηδεσταὶ ἡμῶν ἐγένοντο, διδάξω ύμᾶς. στρατηγῶν γὰρ Κόνων περὶ Πελοπόννησου, τριμπραχῆσαντι τῷ ἐμῷ πατρὶ πάλαι φίλος γεγενημένος, ἐδείηθη δοῦναι τῇν ἐμὴν ἀδελφὴν αὐτοῦντι τῷ ἤπει τῷ Νικοφήμου.

1 ἐμὴν add. Taylor.

a Of the speaker’s sister; cf. 32 below.

b The family of Aristophanes.
with the means of their grandfather, has been placed in this serious predicament. Moreover we, bereft of our kinsfolk, bereft of the dowry, and compelled to rear three small children, are attacked besides by base informers, and are in danger of losing what our ancestors bequeathed to us after they had acquired it by honest means. Yet, gentlemen, my father in all his life spent more on the State than on himself and his family,—twice the amount that we have now, as he often reckoned in my presence. So you must not rashly convict of guilt the man who spent little on himself, but a great deal on you each year; you ought rather to condemn all those persons who have made a habit of squandering both their patrimony and whatever they can get from elsewhere on the most disgraceful pleasures. It is difficult indeed, gentlemen, to defend oneself against an impression which some people have received of the property of Nicophemus, and in face of a scarcity of money that is now felt in the city, and when our contention is against the Treasury. Nevertheless, even in these circumstances, you will easily perceive that the accusations are not true; and I request you with all the insistence in my power to give us a kindly hearing to the end, and to deliver the verdict that you may esteem best for you and most agreeable to your oaths.

Now I will inform you, in the first place, of the way in which they became connected with us. Conon, who was in command of operations around the Peloponnesse, and who had formed a friendship long before with my father when he equipped a warship, requested him to bestow my sister on her suitor, the son of

393 B.C., when he succeeded in re-establishing some strongholds of the Athenians on the coasts of Laconia.
13 ὁ δὲ ὄρων αὐτοῦς ὑπὲρ ἑκείνου τε πεπιστευμένους γεγονότας τε ἐπιεικεῖς τῇ ἔπεις εἶν γε τῷ τότε χρόνῳ ἄρέσκοντας, ἐπεισθῇ δοῦναι, οὐκ εἰδὼς τὴν ἐσομενήν διαβολήν, ἀλλ' ὅτε καὶ ὑμῶν ὀστισοῦν ἂν ἑκείνοις ἡξίωσε κηδεσθῆ γενέσθαι, ἐπεί ὅτι γε ὦ χρημάτων ἑνέκα, βάδιον γνώναι ἐκ τοῦ βίου
14 παντὸς καὶ τῶν ἐργῶν τῶν τοῦ πατρός. ἑκείνος γὰρ ὅτ' ἦν ἐν τῇ ἡλικίᾳ, παρόν μετὰ πολλῶν χρημάτων γῆμαί αὖλην, τὴν ἐμὴν μήτερα ἐλαβεν οὔδεν ἐπιφερομένην, ὅτι δὲ Ἐξωφώντος ἦν θυγάτηρ τοῦ Εὐρηπίδου υέος, ὅσ ὦ μόνον ἵδια χρηστὸς ἐδόκει εἶναι, ἀλλὰ καὶ στρατηγεῖν αὐτόν ἡξιώσατε,
15 ὡς ἐγὼ ἄκοινῳ. τὰς τοιών ἐμῶς ἀδελφὰς ἐδελόντων τινῶν λαβεῖν ἀπροίκους πάνυ πλουσίων οὐκ ἐδοκεῖ, ὅτι ἐδόκουν κάκιον γεγονέναι, ἀλλὰ τὴν μὲν Ψιλομήλῳ τῷ Παιανεῖ, ὅν οἱ πολλοὶ βελτίων ἤγονται, εἶναι ἡ πλουσιώτερον, τὴν δὲ πένητι γεγενημένω οὐ διὰ κακίαν, ἀδελφιδῶ δὲ ὅντι Φαίδρῳ <τῷ> 3 Μυρρυνοῦσῳ, ἐπιδοὺς τεττα-16 σάντα μνάς, καὶ ὅτ' Ἀριστοφάνει τὸ ἴσον. πρὸς δὲ τούτοις ἐμοὶ πολλὴν ἐξὸν πάνυ προίκα λαβεῖν ἐλάπτω συνεβούλευσέν, ὥστε εὑ ἐιδέναι ὅτι κηδεστὰς χρησιμοῦν κοσμίοις καὶ σώφροσι. καὶ νῦν ἔχω γυναῖκα τὴν Κριτοδήμου θυγατέρα τοῦ Ἀλωπεκῆδεν, ὡς ὑπὸ Λακεδαιμονίων ἀπέθανεν,

1 te add. Reiske.
2 ὅντι Φαίδρῳ Taylor: φαίδρῳ ὅντι mss.
3 τῷ add. Dobree.
4 κατ' Sauppe: καὶ mss.

a So far there were no signs of their later disloyalty.
b One of the Athenian generals to whom the Potidaeans surrendered in 430 B.C. He was killed in a fight with the Chalcidians in Thrace, 429 B.C. (cf. Thucydides, ii. 70, 79).
Nicophemus. My father, finding that these people had been accredited by Conon, and were of proved respectability and—at that time at least—in the good graces of the city, was persuaded to bestow her: he did not know the slander that was to follow. It was a time when anyone among you would have deemed it desirable to be connected with them; for it was not done for the sake of money, as you may readily judge from my father's whole life and conduct. When he was of age, he had the chance of marrying another woman with a great fortune; but he took my mother without a portion, merely because she was a daughter of Xenophon, son of Euripides, a man not only known for his private virtues but also deemed worthy by you of holding high command, so I am told. Again, my sisters he refused to certain very wealthy men who were willing to take them without dowries, because he judged them to be of inferior birth: he preferred to bestow one upon Philomelus of Paenia, whom most men regard as an honourable rather than a wealthy man, and the other upon a man who was reduced to poverty by no misdemeanour,—his nephew, Phaedrus of Myrrhinous,—and with her a dowry of forty minae; and he later gave her to Aristophanes with the same sum. Besides doing this, when I could have obtained a great fortune he advised me to take a lesser one, so long as I felt sure of allying myself with people of an orderly and self-respecting character. So now I am married to the daughter of Critodemus of Alopece, who was killed by the Lacedaemonians after the sea-

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6 A township of Attica.

4 The same person who appears in Plato's Phaedrus and Symposium.
LYSIAS

17 ὅτε ἡ ναυμαχία ἐγένετο ἐν Ἐλλησπόντῳ. καὶ τοι, ὃς ἁνδρὲς δικαισταῖ, ὅστις αὐτὸς τε ἄνευ χρημάτων ἔγγει τῶν τε θυγατέρων πολὺ ἀργύριον ἐπέδωκε τῷ τε ὑπὲὶ ὀλίγην προίκα ἐλαβε, πῶς οὐκ εἰκοὺς περὶ τούτου πιστεύειν ὅποι ἕνεκα χρημάτων τούτους κηδεστῆς ἐγένετο;

18 Ἀλλὰ μὴν ὃ γε Ἀριστοφάνης ἥδη ἔχων τὴν γυναῖκα ὅτι πολλοῖς ἂν μᾶλλον ἐχρῆτο ἡ τῷ ἐμῷ πατρί, ῥάδιον γνώναι. ἢ τε γὰρ ἥλικια πολὺ διάφορος, ἢ τε φύσις ἐτὶ πλέον ἐκεῖνον1 μὲν γὰρ ἢν τὰ ἐαυτοῦ πράττειν, Ἀριστοφάνης δὲ οὐ μόνον τῶν ἰδίων ἀλλὰ καὶ τῶν κοινῶν ἐβούλετο ἐπιμελεῖσθαι, καὶ εἴ τι ἢν αὐτῷ ἀργύριον, ἀνήλωσεν ἑπιθυμών τιμᾶσθαι. γνώσεσθε δὲ ὃτι ἀληθῆ λέγω ἐξ αὐτῶν ὃν ἐκεῖνος ἐπραττε. πρῶτον μὲν γὰρ βουλομένου Κόνωνος πέμπτεν τὰ ἐὰς Σικελίαν, ὥστε ὑποσταί μετὰ Εὐνόμου, Διονυσίου2 φιλοὺ ὄντος καὶ ἔξουν, τὸ πλῆθος τὸ υμέτερον πλέοστα ἀγαθὰ πεποιηκότος, ὥσ τε ἐγὼ ἀκήκοα τῶν ἐν

19 Πειραιεί παραγενομένων. ἦσαν δ' ἐλπίδες τοῦ πλοῦ πείσαι Διονύσιον κηδεστὴν μὲν γενέσθαι Εὐαγόρα, πολέμιον δὲ Λακεδαιμονίοις, φίλον δὲ καὶ σύμμαχον τῇ πόλει τῇ ύμετέρᾳ. καὶ ταῦτ' ἐπραττον πολλῶν κινδύνων ὑπαρχόντων πρὸς τὴν θάλατταν τὰς πολεμίους, καὶ ἐπείσαν Διονύσιον μὴ πέμψῃ τριήρεις ὅσ τότε παρεσκευάσατο

20 Ἐκεῖνον Heldmann: ἐκείνῳ mss.

2 Διονυσίου Sauppe: καὶ Διονυσίου mss.

* At Aegospotami, 405 B.C. After surprising the Athenian fleet (there was practically no “sea-fight”) Lysander executed 3000 Athenians who were captured.

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fight at the Hellespont. Now I submit, gentlemen of the jury, that a man who has himself married a portionless woman, who has bestowed large sums with his two daughters, and who has accepted a small dowry for his son, ought surely in reason to be credited with allying himself to these people without a thought of money.

Nay, more, Aristophanes, although he was now married, must have preferred to be intimate with many people rather than my father, as may readily be conceived. For there was a great difference both in his age and still more in his nature. It was my father's way to mind his own business; whereas Aristophanes sought to concern himself not only with private but also with public affairs, and whatever money he had he spent in the pursuit of glory. You will perceive the truth of what I say from his actual conduct. First, when Conon wanted to send someone to Sicily, he offered himself and went off with Eunomus, who was a friend and guest of Dionysius, and who had rendered a great many services to your people, as I have been told by those who were with him at the Peiraeus. The voyage was undertaken in hopes of persuading Dionysius to connect himself by marriage with Evagoras, and to become an enemy of the Lacedaemonians and a friend and ally of your city. This they set out to do amid many dangers arising from the sea and from the enemy, and they prevailed on Dionysius not to send some warships which he had then prepared for the Lacedaemonians.

*In 393 B.C., to undermine the friendship between Dionysius, despot of Syracuse, and the Spartans, who had helped him to attain his power in 406 B.C.*

*Despot of Salamis in Cyprus, and steady friend of Athens.*
LYSIAS

21 Λακεδαιμονίοις. μετὰ δὲ ταύτα ἐπειδὴ οἱ πρέσβεις ἤμοι έκ Κύπρου ἐπὶ τὴν βοήθειαν, οὐδὲν ἐνέλιπε προθυμίας σπεύδων. ὑμεῖς δὲ <δέκα>¹ τριήμερες αὐτοῖς ἔδοτε καὶ τάλλα ἐφηφίσασθε, ἀργυρίου δ᾽ εἰς τὸν ἀπόστολον ἠπόρουν. ὁλίγα μὲν γὰρ ἢλθον ἔχοντες χρήματα, πολλῶν δὲ προσεδήθησαν. οὐ γὰρ μόνον εἰς τὰς ναῦς, ἀλλὰ καὶ πελταστὰς ἐμπαθόσαντο καὶ 22 ὀπλα ἐπρίαντο. Ἀριστοφάνης [δ᾽]² οὖν τῶν χρημάτων τὰ μὲν πλεῖστα αὐτὸς παρέσχεν· ἐπειδὴ δὲ οὖχ ἤκαν ἢν, τοὺς φίλους ἐπείθε δεόμενος καὶ ἐγγυώμενος, καὶ τοῦ ἀδελφοῦ τοῦ ὀμοπατρίου ἀποκείμενας παρ᾽ αὐτῷ τετταράκοντα μνᾶς λαβὼν [154] κατεχρήσατο. τῇ δὲ προτεραίᾳ ἢ ἀνήγετο, εἰσελθὼν ὡς τὸν πατέρα τὸν ἔμον ἐκέλευσε χρῆσαι ὅ τι εἰῆ ἀργυρίουν. προσδείχα γὰρ ἐφ᾽ πρὸς τὸν μισθὸν τοῖς πελτασταῖς. ἦσαν δ᾽ ἢμῶν ἐνδον ἐπτὰ μναῖ. 23 ὁ δὲ καὶ ταύτας λαβὼν κατεχρήσατο. τίνα γὰρ οἴεσθε, ὦ ἄνδρες δικασταί, φιλότιμοι μὲν οὖν, ἐπιστολῶν δ᾽ αὐτῷ ἥκουσών παρὰ τοῦ πατρὸς μηδένος³ ἀπορήσειν ἐν Κύπρῳ, ἣρημένον δὲ προσβευτὴν καὶ μέλλοντα πλείω ὡς Εὐαγόραν, ὑπολιπέσθαι ἄν τι τῶν ὄντων, ἀλλ᾽ οὖν ἢ ἢν δυνατός πάντα παρασχόντα χαρίσασθαι ἐκείνω τε καὶ κομισσάσθαι μὴ ἐλάττω; ὡς τοῖν ταύτ᾽ ἐστὶν ἀληθῆ, κάλει μοι Εὐνομον.

ΜΑΡΤΥΡΙΑ

<Kάλει μοι καὶ τοὺς ἄλλους μάρτυρας.

¹ δέκα add. Westermann. ² δ᾽ del. Frohberger. ³ μηδένος Markland: μηδὲν mss.
ON THE PROPERTY OF ARISTOPHANES, 21–23

Next, when the envoys had arrived from Cyprus to procure our assistance, his ardent energy knew no bounds. You had granted them ten warships, and had voted all the material, but they were in need of money for the dispatch of the fleet. They had brought but scanty funds with them, and they required a great deal more: for they had to hire not only men to work the ships but light infantry also, and to purchase arms. Well, it was Aristophanes who personally supplied most of their funds: as he had not enough, he persuaded his friends with entreaties and guarantees, and he took forty minae which he had in deposit at his house for his brother on the father's side, and applied the money to that purpose. The day before he put to sea, he called on my father and pressed him for the loan of such money as he had; for some more was required, he said, to pay the light infantry. We had seven minae in the house: he took these and applied them also. What man, think you, who was ambitious of glory, and was receiving letters from his father that told him he would lack for nothing in Cyprus, and had been elected ambassador and was about to sail to Evagoras, would have left behind anything that he possessed, and not have rather gratified that ruler by supplying everything that he could, with a view to a handsome return? Now, to show the truth of all this, please call Eunomus.

Testimony

Please call the other witnesses also.

* Against the Persians.

* ἐν Κύπρῳ Markland: ἐκ Κύπρου mss.
* οὐχ & ἢν Bekker: οὐκ εἰην mss.
LYSIAS

ΜΑΡΤΤΡΕΣ 1

24 Τῶν μὲν μαρτύρων ἀκούετε, οὐ μόνον ὅτι ἔχρησαν τὸ ἀργύριον 2 ἐκείνου δεηθέντος, ἀλλὰ καὶ ὅτι ἀπειλήφθησιν ἐκομίσθη γὰρ αὐτοῖς ἐπὶ τῆς τριήμης. Ὁ Ράδιον μὲν οὖν ἐκ τῶν εἰρημένων γνῶναι ὅτι τοιούτων καιρῶν συμπεσόντων οὐδενὸς ἄν εἴφεσατο 25 τῶν ἑαυτοῦ· δὲ μέγιστον τεκμήριον· Δήμος γὰρ ὁ Πυριλάμπους, τρημαρχῶν εἰς Κύπρον, ἐδεήθη μου προσελθεὶν αὐτῷ, λέγων ὅτι ἔλαβεν <μὲν> 3 σύμβολον παρὰ βασιλέως τοῦ μεγάλου φιάλην χρυσῆν, δίωσε δὲ ὁ Ἀριστοφάνης, λαβὼν 4 έκκαίδεκα μνάς ἐπὶ αὐτῇ, ἐν ἔχοι αναλίσκειν εἰς τὴν τριήμην· ἐπειδὴ δὲ εἰς Κύπρον ἀφίκοιτο, λύσεσθαι ἀποδοὺς εἰκοσι μνάς· πολλῶν γὰρ ἀγαθῶν καὶ ἄλλων χρημάτων εὐπορήσειν διὰ τὸ σύμβολον ἐν 26 πάσῃ τῇ ἡπείρῳ· ὁ Ἀριστοφάνης τούτων ἀκούων μὲν ταῦτα Δήμου, δεομένου δ' ἐμοῦ, μέλλων δ' ἄξειν <τὸ> 5 χρυσίον, τέτταρας δὲ μνάς τόκου λήψεσθαι, οὐκ ἔφη εἰναι, ἀλλὰ ὠμνὺν καὶ προσ- δεδανείσθαι τοῖς ἐξένοις ἄλλοθεν, ἐπειδὴ ἦδος 6 <ἂν> 6 ἀνθρώπων ἄγειν τε εὐθὺς ἐκεῖνο τὸ σύμβολον 27 καὶ χαρίσασθαι ἡμῖν ἃ ἐδεόμεθα. ὡς δὲ ταῦτ' ἐστὶν ἀληθῆ, μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΤΡΕΣ

"Ὅτι μὲν τούτων οὐ κατέλιπεν ὁ Ἀριστοφάνης ἀργύριον οὐδὲ χρυσίον, Ράδιον γνῶναι ἐκ τῶν εἰρημένων καὶ μεμαρτυρημένων· χαλκώματα δὲ σύμμεικτα οὐ

1 κάλει ... μαρτυρεῖ suppl. Westermann.
2 ἀργύριον add. Reiske.
3 μὲν add. Sauppe.
4 δίωσε δ' ὁ Ἀριστοφάνης λαβὼν Sauppe: ὡς ὁ Ἀριστοφάνην λαβὼν mss.
5 τὸ add. Sauppe.
6 ἄν add. Markland.

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You hear them testify, not only that they lent the money at his request, but also that they have been repaid; for it was conveyed to them in the warship. Well now, it is easily concluded from my argument that in such emergencies he was not likely to spare his own resources. But the strongest evidence is this: Demus, son of Pyrilampes, who was equipping a warship for Cyprus, requested me to go to Aristophanes; he said he had received a gold cup as a credential from the Great King, and would give it to Aristophanes in pledge for sixteen minae, so as to have means for equipping his warship; when he got to Cyprus, he would redeem it with a payment of twenty minae, since on the strength of that credential he would then obtain plenty of goods and also money all over the continent. Then Aristophanes, on hearing this proposal from Demus and a request from me,—although he was to have the gold cup in his hands and receive four minae as interest,—said that it was impossible, and he swore that he had already gone elsewhere to borrow more for these foreigners; since, but for that, nobody alive, he declared, would have been more delighted than he to take that credential forthwith and to comply with our request. To show the truth of this, I will produce to you witnesses.

So then, that Aristophanes did not leave any silver or gold is easily concluded from what I have stated and from these testimonies. Of fine bronze

\[a\] This Demus had been famous in youth for his beauty, cf. Aristophanes, \textit{Wasps}, 98, Plato, \textit{Gorgias}, 481\ d, 513\ b.

\[b\] Containing an admixture of gold or silver.
LYSIAS

πολλὰ ἐκέκτητο, ἀλλὰ καὶ θ’ εἰστὶ τοὺς παρ’ Εὐ-

αγόρου πρεσβεύοντας, αἰτησάμενος ἐχρῆσατο. ὅ

δὲ κατέλυπεν, ἀναγνώσεται ύμῖν.

ΑΠΟΓΡΑΦΗ ΧΑΛΚΩΜΑΤΩΝ

28 "Ἰσως ἐνίοις ύμῶν, ὡς ἀνδρες δικασταί, δοκεῖ ὁλίγα εἶναι. ἀλλ’ ἐκεῖνο ἐνθυμεῖτο, ὅτι <αὐτῷ> [πρὶν Νικοφήμῳ ἢ καὶ Ἀριστοφάνει] πρὶν τὴν ναυμαχίαν νικῆσαι <Κόνωνα> γῆ μὲν οὐκ ἢν ἀλλ’ ἢ χωρίδιον μικρὸν ’Ῥαμνοῦντι. ἐγένετο δ’

29 <ἡ> ναυμαχία ἐπ’ Ἐυβουλίδου ἅρχοντος. ἐν οὖν τέταρσιν ἡ πέντε ἔτεσι, πρότερον μὴ υπαρχούσης οὐσίας, χαλεπῶν, ὡς ἀνδρες δικασταί, τραγῳδοῖς τε διὸς χορηγῆσαι, ὑπὲρ αὐτοῦ τε καὶ τοῦ πατρός, καὶ τρία ἐτη συνεχῶς τριμηραχῆσαι, εἰσφοράς τε πολλὰς εἰσενημοχέναι, οὐκίαν τε πεντήκοντα μνών πρία-

σθαι, γῆς τε πλέον ἢ τριακόσια πλέθρα κτῆσασθαι. ἔτι δὲ πρὸς τούτους οὐέσθε χρῆναι ἐπιπλα πολλὰ καταλεύσειν; ἀλλ’ οὖν’ οἱ πάλαι πλοῦσιοι δοκούντες εἶναι ἄξια λόγου ἔχοιν αὖ ἐξενεγκεῖν· ἐνίοτε γὰρ οὐκ ἔστιν, οὖν’ εάν τις πάνυ ἐπιθυμη, πρίασθαι τοιαῦτα <ἀ> κτησαμένων εἰς τὸν λοιπὸν

31 χρόνων ἡδονῆν ἢν παρέχοι. ἀλλὰ τὸδε σκοπεῖτε· τῶν ἄλλων, ὡσε μετεύσατε <τὰ> χρήματα, οὐχ ὑπὸς σκεύης ἀπέδουσθε, ἀλλὰ καὶ αἱ θύραι ἀπὸ τῶν οἰκιμάτων ἀφηρπάσθησαν· ἡμεῖς δὲ ἐδή δε-

2 αὐτῷ add. Fuhr.
3 πρὶν . . . Ἀριστοφάνει del. Sluiter.
4 Κόνωνα add. Bekker.
5 ἡ add. Reiske.
6 Εὐβουλίδου Meursius: εὐβοιλίδου mss.
7 δὶς χρό. Reiske: διαχρό. mss.

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plate he possessed but little: when he was entertaining the envoys of Evagoras, he had to use what he could borrow. The list of the pieces that he left shall be read to you.

INVENTORY OF BRONZE PLATE

Perhaps to some of you, gentlemen of the jury, they appear few: but bear in mind the fact that before Conon won his victory at sea, Aristophanes had no land except a small plot at Rhamnus. Now the sea-fight occurred in the archonship of Eubulides; and in four or five years it was a difficult thing, gentlemen, when he had no wealth to start with, to be twice a producer of tragedies, on his father's account as well as his own; to equip a warship for three years in succession; to have been a contributor to special levies on many occasions; to purchase a house for fifty minae; and to acquire more than three hundred plethra of land. Do you suppose that, besides doing all this, he must have left many personal effects? Why, even people credited with long-established wealth may fail to produce any that are of value: for at times, however much one may desire it, one cannot buy things of the sort that, once acquired, will be a permanent source of pleasure. Again, consider this: in all other cases where you have confiscated the property, not merely have you had no sale of furniture, but even the doors were torn away from the apartments; whereas

* At Cnidus, 394 B.C.        b A district of Attica.
  c Amounting to about 80 acres.

8 oieσθε Reiske: oieσθαι mss.
9 & add. Taylor.      10 τὰ add. Sauppe.

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δημευμένων καὶ ἐξεληλυθεῖας τῆς ἐμῆς ἀδελφῆς φύλακα κατεστήσαμεν <ἐν> τῇ ἐρήμῃ ὠθία, ἵνα μῆτε θυρώματα μῆτε ἀγγεία μῆτε ἄλλο μηδὲν ἀπόλοιπο. ἐπιπλα δὲ ἀπεφαινέτο τοῖς βυζίων δραχμῶν, ὡσα οὐδενὸς πώποτ' ἐλάβετε. πρὸς δὲ τούτοις καὶ πρότερον πρὸς τοὺς συνδίκους καὶ νῦν ἔθελομεν πίστιν δούναι, ἦτις ἐστὶ μεγίστη τοῖς ἀνθρώποις, μηδὲν ἐκεῖνοι τῶν Ἀριστοφάνους χρημάτων, ἐνοφείλομεν δὲ τῇ προίκᾳ τῆς ἀδελφῆς καὶ ἐπτὰ μνάς ἂς ὤχετο λαβῶν παρὰ τοῦ πατρὸς τοῦ ἐμοῦ. πῶς ἂν οὖν εἰς ἀνθρωποὶ ἀθλιῶτεροι, ή εἰ τὰ σφέτερ' αὐτῶν ἀπολωλεκτότες δοκοίειν τάκείνων ἐκείνων; ο δὲ πάντων δεινότατον, τὴν [155] ἀδελφὴν ὑποδέξασθαι παίδια ἔχουσαν πολλά, καὶ ταῦτα τρέφειοι, μηδ' αὐτοὺς ἔχοντας μηδέν, ἐάν ἠμεῖς τὰ ὄντ' ἀφέλησθε.

34 Φέρε πρὸς θεῶν 'Ολυμπίων: οὐτώ γὰρ σκοπεῖτε, ὡς ἄνδρεσ ἤ δικασταί. εἰ τις ὑμῶν ἐτυχε δοὺς Τιμοθέω τῷ Κόνωνος τὴν θυγατέρα ἡ τὴν ἀδελφήν, καὶ ἐκείνου ἀποδημήσαντος καὶ ἐν διαβολῇ γενομένου ἐδημεύθη ἢ οὐσία, καὶ μὴ ἐγένετο τῇ πόλει πραθέντων ἀπάντων τέτταρα τάλαντα ἀργυρίου, διὰ τοῦτο ἥξιούτε ἂν τοὺς ἐκείνου καὶ τοὺς προσήκοντας ἀπολέσθαι, ὅτι οὐδὲ πολλοστόν μέρος τῆς ὁδὸς τῆς παρ' ὑμῖν ἐφανὴ τὰ χρήματα; ἀλλὰ μὴν τούτῳ πάντες ἐπίστασθε Κόνωνα μὲν ἄρχοντα,

1 ἐν add. Emperius. 2 ἐρήμῃ P. Müller: ἐμὴ MSS.
3 ἀπεφαίνετο Pertz: ἀπεφαίνετο MSS.
4 μηδὲν Westermann: μὴ MSS.
5 ἐνοφείλεσθαι Bekker: ἐνοφείλεσθαι MSS.
6 ἄνδρες add. Fuhr.

* A friend of Isocrates, and an important Athenian
we, as soon as the confiscation was declared and my sister had left the place, posted a guard in the deserted house, in order that neither door-timber nor utensils nor anything else might be lost. Personal effects were realized to the value of over a thousand drachmae,—more than you had received of any previous person. Moreover, we now repeat our former offer to pledge ourselves to the Commissioners, in the most binding terms available to man, that we hold no part of Aristophanes' estate, but are owed from it the dowry of my sister and seven minae which he got from my father at his departure. Could human beings have a more miserable fate than to lose their own property, and then to be supposed to hold that of the mulcted party? And the greatest hardship of all for us will be that, having taken charge of my sister and her many children, we must rear them with no means available even for ourselves, if you deprive us of what we now have.

I adjure you, by the Olympian gods, gentlemen, just consider it in this way: suppose that one of you had happened to bestow his daughter or his sister on Timotheus, a son of Conon, and during his absence abroad Conon was involved in some slander and his estate was confiscated, and the city received from the sale of the whole something less than four talents of silver. Would you think it right that his children and relatives should be ruined merely because the property had turned out to be but a trifling fraction of the amount at which it stood in your estimation? But of course you are all aware that Conon held the commander and statesman, c. 380–352 B.C. His father Conon, like Aristophanes' father Nicophemus, resided and died in Cyprus.
Νικόφημου δὲ ποιοῦντα ὁ τι ἐκεῖνος προστάττοι, τῶν οὖν ωφελείων Κόνωνα εἰκὸς πολλοστὸν μέρος ἀλλω των μεταδίδοναι, ὡστ' εἰ οἶονται πολλά γενέσθαι Νικόφήμω, ὀμολογήσειν ἃν τὰ Κόνων
36 νος εἶναι πλεῖν ἥ δεκαπλάσια. ἔτι δὲ φαίνονται οὐδὲν πώποτε διενεχθέντες, ὡστ' εἰκὸς καὶ περὶ τῶν χρημάτων ταῦτα γνώναι, ἵκανα μὲν ἐνθάδε τῷ ὑεὶ ἐκάτερον καταλιπεῖν, τὰ δὲ ἄλλα παρ' αὐτῶς ἔχειν· ἢ γὰρ Κόνων μὲν ύστερ ἐν Κύπρῳ καὶ γνήφη, Νικόφημω δὲ γνινή καὶ θυγάτηρ, ἵγουντο δὲ καὶ τὰ ἐκεῖ ὁμοίως² σφίσιν εἶναι σὰ³ ὁσπερ καὶ τὰ 37 ἐνθάδε. πρὸς δὲ τούτοις ἐνθυμεῖσθε ὅτι καὶ εἰ τὶς μὴ κτησάμενος ἀλλὰ παρὰ τοῦ πατρὸς παραλαβὼν τοῖς παισὶ διένειμεν, οὐκ ἐλάχιστα ἃν αὐτῷ ὑπέλιπε· βούλονται γὰρ πάντες ύπὸ τῶν παιδῶν θεραπεύεσθαι ἐχοντες χρήματα μᾶλλον ἡ ἐκείνων δεῖσθαι ἀποροῦντες.

38 Νῦν τοῖνυν εἰ δημεύσατε⁴ τὰ τοῦ Τιμοθέου, — ὁ μὴ γένοιτο, εἰ μὴ τι μέλλει μέγα ἁγαθὸν ἐσεθαί τῇ πόλει,— ἐλάττω δὲ ἐξ αὐτῶν λάβοιτ' ἡ ἃ⁵ ἐκ τῶν Ἀριστοφάνους γεγένηται, τούτου ἔνεκα ἥξιοῦτε ἃν τοὺς ἀναγκαίους τοὺς ἐκείνου τὰ σφέτερ' αὐτῶν ἀπολέσαι; ἀλλ' οὐκ εἰκὸς, ὡ ἄνδρες δικασταί· ὁ 39 γὰρ Κόνωνος θάνατος καὶ αἱ διαθήκαι, ἂς διεθετο ἐν Κύπρῳ, σαφῶς ἐδήλωσαν ὃτι πολλοστὸν μέρος ἢν τὰ χρήματα ὅν ὑμεῖς προσεδοκάτε τῇ μὲν γὰρ Ἀθηναία⁶ καθιέρωσεν εἰς ἀναθήματα καὶ

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1 ἃν add. Emperius.  2 ὁμοίως Reiske: ὁμοὶος mss.
3 ὁμοίως Cobet: ὁμοὶος mss.  4 δημεύσατε Reiske: δημεύσετε mss.
5 Λάβοιτ' ἢ ἃ Fuhr: ἅ λάβοι τῇ, ἅ λάβοιτε ὡς καὶ mss.  6 Ἀθηναία Fuhr: Ἀθηναία mss.

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a In Athens.  b In Cyprus.
command, and Nicophemus carried out his instructions. Now it is probable that Conon allotted to others but a small proportion of his prizes; so that if it be thought that Nicophemus’s gains were great, it must be allowed that Conon’s were more than ten times greater. Furthermore, there is no evidence of any dispute having occurred between them; so probably in regard to money they agreed in deciding that each should leave his son with a competence here, while keeping the rest in his own hands. For Conon had a son and a wife in Cyprus, and Nicophemus a wife and a daughter, and they also felt that their property there was just as safe as their property here. Besides, you have to consider that, even if a man had distributed among his sons what he had not acquired but inherited from his father, he would have reserved a goodly share for himself; for everyone would rather be courted by his children as a man of means than beg of them as a needy person.

So, in this case, if you should confiscate the property of Timotheus,—which Heaven forbid, unless some great benefit is to accrue to the State,—and you should receive a less amount from it than has been derived from that of Aristophanes, would this give you any good reason for thinking that his relatives should lose what belongs to them? No, it is not reasonable, gentlemen of the jury: for Conon’s death and the dispositions made under his will in Cyprus have clearly shown that his fortune was but a small fraction of what you were expecting. He dedicated five thousand staters in offerings to Athene.

c Still more would this be the case if, like Conon’s, his wealth had been acquired by his public services.

d The Attic stater was a gold coin equal to 20 drachmae.
τῷ Ἀπόλλωνι εἰς Δελφοὺς πεντακισχιλίους στατήρας. τῷ δὲ ἀδελφῷ τῷ ἑαυτοῦ, ὃς ἐφίλαττεν αὐτῷ καὶ ἐταμίευε πάντα τὰ ἐν Κύπρῳ, ἔδωκεν ὡς μυρίας δραχμάς, τῷ δὲ ἀδελφῷ τρία τάλαντα· τὰ δὲ λοιπὰ τῷ υἱῷ κατέλησε, τάλαντα ἐπτακαίδεκα. τούτων δὲ κεφαλαίων τι γίγνεται περὶ τετταράκοντα τάλαντα. καὶ οὐδεὶς οἶδον τε εἰσεύθην ὅτι διηρήσθη ἡ ὡς οὐ δικαίως ἀπεφάνθη; αὐτὸς γὰρ ἐν τῇ νόσῳ ὃν εὗ φρονοῦν διέθετο. ⁵ καὶ μοι κάλει τούτων μάρτυρας.

ΜΑΡΤΤΡΕΣ

42 Ἀλλὰ μὴν ὡστισοῦν, ὡς ἀνδρεῖς δικασταῖ, πρὶν ἀμφότερα δὴλα γενέσθαι, πολλοστὸν μέρος τὰ Νικοφήμου τῶν Κόινων χρημάτων ὑήθη ἣν εἶναι. Ἀριστοφάνης τοῖνυν γῆν μὲν καὶ οἰκίαιν ἐκτίθετο πλεῖν ἵπτεν ταλάντων, κατεχορῆγησεν δὲ ὑπὲρ αὐτοῦ καὶ τοῦ πατρὸς πεντακισχιλίας δραχμάς, τριημπρόχων δὲ ἀνήλωσεν ἄγων ὄρκον ταλάντων μιᾶς. εἰςενηγεῖται δὲ ὑπὲρ ἀμφοτέρων οὐκ ἐλαττον μινών τετταράκοντα. εἰς δὲ τῶν ἐπὶ Σικελίας πλοῦν ἀνήλωσεν ἐκατὸν μιᾶς. εἰς δὲ τῶν ἄποστολον τῶν τριήρων, ὅτε οἱ Κύπροι ἠθεῖον καὶ ἔδοτε αὐτοῖς τὰς ἑκά ναῦς καὶ τῶν πελταστῶν τὴν μίσθωσιν καὶ τῶν ὀπλῶν τὴν ὑπὲρ τρισμυρίας δραχμάς. καὶ τούτων κεφαλαίων πάντων γίγνεται μικροῦ λείποντος πεντεκαίδεκα τάλαντα. ὡστε οὐκ ἂν εἰκότως ἡμᾶς αἰτιώσθη, ἐπεὶ τῶν Κόινων, τῶν ὀμολογουμένων

¹ διέθετο Taylor: ἡθετο mss.
² οἰκίαι Markland: οὐίαι mss.
³ κατεχορ. Reiske: καὶ έχορ. mss.
⁴ ἐπὶ Σικελίας Hertlein: ἐν Σικελία mss.
⁵ διέθετο Taylor: ἡθετο mss.
⁶ οἰκίαι Markland: οὐίαι mss.
⁷ κατεχορ. Reiske: καὶ έχορ. mss.
⁸ ἐπὶ Σικελίας Hertlein: ἐν Σικελία mss.
and to Apollo at Delphi; to his nephew, who acted as guardian and manager of all his property in Cyprus, he gave about ten thousand drachmae; to his brother three talents; and to his son he left the rest,—seventeen talents. The round total of these sums amounts to about forty talents. And nobody can say that there was malversation, or that the accounts were not fairly rendered: for he made his dispositions himself in his illness, while his mind was sound. Please call witnesses to this.

WITNESSES

Why, surely anyone, gentlemen, before the amounts of the two had been revealed, would have thought that the property of Nicophemus was a mere fraction of that of Conon. Now, Aristophanes had acquired a house with land for more than five talents, had produced dramas on his own account and on his father’s at a cost of five thousand drachmae, and had spent eighty minae on equipping warships; on account of the two, no less than forty minae have been contributed to special levies; for the Sicilian expedition he spent a hundred minae, and for commissioning the warships, when the Cypriots came and you gave them the ten vessels, he supplied thirty thousand drachmae to pay the light infantry and purchase their arms. The total of all these sums amounts to little short of fifteen talents. Hence you can have no reason to lay blame on us, since the property of Conon, which is admitted to have been

\[\begin{align*}
50 \text{ minae.} & \quad 1 \text{ talent and } 20 \text{ minae.} \\
1 \text{ talent and } 40 \text{ minae.} & \quad 5 \text{ talents.}
\end{align*}\]

5 ναύς Taylor: ναῦς mss.
6 αἰτιῶσθε Dobree: αἰτιᾶσθε mss. 7 ἐπεὶ Reiske: ἐπὶ mss.
δικαίως ἀποφαίωθημαι ὑπ' αὐτοῦ ἐκείνου, πολλαπλασίων δοκοῦτων πλεῖν ἢ τρίτον μέρος φαίνεται τὰ Ἀριστοφάνους. καὶ οὐ προσλογιζόμεθα ὅσα αὐτὸς ἐν Κύπρῳ ἔσχε Νικόφημος, οὕτως αὐτῷ ἐκεῖ γυναῖκος καὶ θυγατρός.

45 Ἐγὼ μὲν <οὐν>1 οὐκ ἄξιω, ὡς ἄνδρες δικασταί, οὕτω πολλὰ καὶ μεγάλα τεκμήρια παρασχομένους ἴμας ἀπολέσθαι ἄδικως. ἀκήκοα γὰρ ἔγωγε καὶ τοῦ πατρὸς καὶ ἀλλών πρεσβυτέρων, ὅτι οὐ νῦν μόνον ἀλλὰ καὶ ἐν τῷ ἐμπρόσθεν χρόνῳ πολλῶν ἐφεύσθη τῆς οὐσίας, οἱ2 ξύντες μὲν πλούτεων ἐδόκουν, ἀποθανόντες δὲ πολὺ παρὰ τὴν δόξαν τὴν ὑμετέραν ἐφάνησαν. αὐτίκα Ἰσχομάχῳ, ἔως ἐξη, πάντες ὄντος εἶναι πλεῖν ἢ ἐξομήκοντα τάλαντα, ὡς ἐγὼ ἀκούω. ἐνεμάσθην δὲ τῷ υἱῷ οὐδὲ δέκα τάλαντα ἐκάτερος3 ἀποθανόντος. Στεφάνῳ δὲ τῷ Θάλλων ἐλέγετο εἶναι πλεῖν ἢ πεντήκοντα τάλαντα,4 ἀποθανόντος δὲ ἡ οὐσία ἐφάνη περὶ ἐνδεκα τάλαντα.

47 ὁ τούτων Νικίων οἶκος προσεδοκάτο εἶναι οὐκ ἐλαττὼν ἡ ἐκατόν ταλάντων, καὶ τούτων τὰ πολλά ἐδούν [ἡμ].5 Νικήρατος δὲ ὅτι ἀπέθνησεν, ἀργύριον μὲν ἡ χρυσίον οὖν ἀυτὸς ἐφη καταλείπειν οὐδέν, ἀλλὰ τῆς οὐσίας ἤν κατέλιπε τῷ υἱῷ, οὐ πλείονος ἄξια ἐστὶν ἡ τεττάρων καὶ δέκα ταλάντων. Καλλίας τούτων ὁ Ἰππονίκου, ὡς νεωστὶ ἐτεθήκη οἱ πατήρ, [ὅς]6 πλείστα τῶν Ἐλλήνων ἐδόκει κεκτησθαι, καὶ ὡς φασί, διακοσίων ταλάντων ἐτησίματο <τὰ>7 αὐτοῦ ὁ πάππος, τὸ δὲ

1 oὐν add. Markland.
2 oτ' Taylor: καὶ mss.
3 ἐκάτερος Dohree: ἐκατέρω mss.
4 ταλάντων Reiske: ταλάντων mss.
5 ἤν del. Scheibe.

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fairly accounted for by the owner himself, and was thought to be many times more than that of Aristophanes, is found to be less than thrice the amount of his. And we are omitting from the calculation all that Nicophemus held himself in Cyprus, where he had a wife and a daughter.

I claim, therefore, gentlemen of the jury, that after having produced such an abundance of weighty proofs we ought not to be unjustly ruined. I have been told by my father and other elderly people that you have had similar experiences in the past of being deceived in the fortunes of many men who were supposed to be wealthy while they lived, but whose death showed your supposition to be wide of the mark. For example, Ischomachus during his life was considered by everyone to own more than seventy talents, as I am told: his two sons, on his death, had less than ten talents to divide between them. Stephanus, son of Thallus, was reported to own more than fifty talents; but when he died his fortune was found to be about eleven talents. Again, the estate of Nicias was expected to be not less than a hundred talents,—most of it in his house; but when Niceratus a was dying, he said that he in his turn was not leaving any silver or gold, and the property that he left to his son is worth no more than fourteen talents. Then Callias, b son of Hipponicus, just after his father's death, was thought to have more in his possession than any other Greek, and the story goes that his grandfather valued his own property at two hundred

a Son of Nicias; cf. above, XVIII., On the Confiscation of the Property of the brother of Nicias.

b A wealthy patron of Sophists; cf. Plato, Protagoras.

6 δς del. Baiter et Sauppe. 7 τὰ add. Scheibe.
τούτου νῦν ἡμιμα οὔτε δυοῖν ταλάντων ἔστι. Κλεοφώντα δὲ πάντες ἕστε, ὅτι πολλὰ ἐτή διεχείρισε τὰ τῆς πόλεως πάντα καὶ προσεδοκάτο πάνυ πολλὰ ἐκ τῆς ἀρχῆς ἔχειν· ἀποθανόντος δὲ αὐτοῦ οὐδαμοῦ δῆλα τὰ χρήματα, ἀλλὰ καὶ οἱ προσήκοντες καὶ οἱ κηδεσταί, παρ’ οἷς ἅν κατέλυσεν, ὁμολογομένως πένητές εἰσί. φαινόμεθα δὴ καὶ τῶν ἀρχαιοπλούτων πολὺ ἐμεπισμενοί καὶ τῶν νεωστὶ ἐν δόξῃ γεγενημένων. αὐτίον δὲ μου δοκεῖ εἶναι, ὅτι ραδίως τινὲς τολμῶσι λέγειν ὡς ὁ δείνα ἔχει τάλαντα πολλὰ ἐκ τῆς ἀρχῆς. καὶ ὁσα μὲν περὶ τεθνεώτων λέγουσιν, οὐ πάνω θαυμάζω (οὐ γὰρ ὑπὸ γε ἐκείνων ἐξελεγκθεῖν ἂν), ἀλλ’ ὁσα τῶντων ἐπιχειροῦσι καταβευδεσθαι.

50 αὐτοὶ γὰρ ἐναγχος ἠκούσετε ἐν τῇ ἐκκλησίᾳ, ὡς Διότιμος ἔχοι τάλαντα τεπταράκοντα πλεῖω ἢ ὁσα αὐτὸς ὁμολόγει παρὰ τῶν ναυκλήρων καὶ εἰμπόρων καὶ τάυτα, ἐπειδὴ ἦλθεν, ἐκείνου ἀπογράφοντο καὶ χαλεπῶς φέροντο ὅτι ἀπὸν διεβάλετο, οὐδεὶς ἐξήλεγξε, δεομένης μὲν τῆς πόλεως χρημάτων, ἐθέλοντος δὲ ἐκείνου λογίσασθαι. ἐνθυμεῖσθε τούνοι οὖν ἄν ἐγένετο, εἰ Ἀθηναῖων ἀπάντων ἀκηκοότων ὅτι τεπταράκοντα τάλαντα ἔχοι Διότιμος, εἴτα ἐπαθεῖ τι πρὶν καταπλεῦσαι δεύρο. εἴτα οἱ προσήκοντες ἄν αὐτοῦ ἐν κυνόνω ἦσαν τῷ μεγίστῳ, εἴ ἔδει αὐτοὺς πρὸς τοσαῦτῃ διαβολήν ἀπολογεῖσθαι, μὴ εἰδότας μηδὲν τῶν

1 τὸ δὲ τούτου νῦν Westermann: τὸ τὲ τούτου τοῖνυν, τὸ τούτου τοῖνυν mss.
2 ἄν add. Emperius.
3 ἐμεπισμενοί edd.: ἐμπολημενοί mss.
4 πρὶν Stephanus: πλὴν mss.

* Cf. above, XIII. 7, p. 285 n.
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talents; yet his ratable property stands to-day at less than two talents. And you all know how Cleophon for many years had all the affairs of the State in his hands, and was expected to have got a great deal by his office; but when he died this money was nowhere to be found, and moreover his relatives both by blood and by marriage, in whose hands he would have left it, are admittedly poor people. So it is evident that we have been greatly deceived both in men of hereditary riches and in those who have recently gained a name for wealth. The cause of this, in my opinion, is that people make light of stating that such an one has got many talents by his office. As to the common statements about dead people, I am not so much surprised, since there is no disproof to fear from them; but what of the lies with which they assail the living? Why, you yourselves were told of late in the Assembly that Diotimus had got forty talents more from the ship-masters and merchants than he himself admitted; and when he rendered an account on his return, and was indignant at being slandered in his absence, nobody put that matter to the proof, although the State was in need of money, and he was ready to show his accounts. Just imagine what the position would have been if, after all the Athenians had been told that Diotimus had forty talents, something had then happened to him before he reached our shores. His relatives would then have been in the gravest danger, if they had been obliged to defend themselves against that monstrous slander without any knowledge of the

\footnote{An Athenian general, 388–387 B.C.}

\footnote{In return for the protection given them in their business by the general.}

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πεπραγμένων. αὐτοῖς οὖν εἰς καὶ ὑμῖν πολλῶν ἡ Ἔιον ψευσθῆναι καὶ δὴ ἀδίκως γέ τινας ἀπολέσθαι οἱ βαδίως2 τολμῶντες ψεύδεσθαι καὶ συκοφαντεῖν ἀνθρώπους ἐπιθυμοῦντες. ἐπεὶ οὖραὶ ὑμᾶς εἶδέναι ὅτι Ἁλκιβιάδης τέτταρα ἦ πέντε ἐπεὶ ἐφεξῆς ἐστρατήγη ἐπικρατῶν καὶ νεικηκὼς Ἀλκεδαμούνιος, καὶ διπλάσια ἑκέινω ἥξιον αἱ πόλεις διδόναι ἡ ἄλλω τινὶ τῶν στρατηγῶν, ὡστε ῥόντο εἶναι τινὲς αὐτῷ πλεῖν ἡ ἐκατον τάλαντα. οὐ δ' ἀποθανὼν ἐδήλωσεν ὅτι οὐκ ἄληθῆ ταῦτα ἦν· ἐλάττων γὰρ οὕσιν κατέλυε τοῖς παισὶν ἡ αὐτὸς παρὰ τῶν ἐπιπροσεπάντων παρέλαβεν.

53 Ὅσι μὲν οὖν καὶ ἐν τῷ ἐμπροσθέν χρόνῳ τοιαῦτα ἐγένετο, ῥάδιον γνώναι· φασὶ δὲ καὶ τοὺς ἀρίστους καὶ σοφωτάτους μάλιστα ἐθέλενε μεταγγιγνώσκεν. εἰ οὖν δοκούμεν εἰκότα λέγειν καὶ ἱκανὰ τεκμήρια παρέχεσθαι, ὥς ἀνδρεὺς δικασταί, πάση τέχνη καὶ μηχανή ἐλεύσατε· ὅσον ἡμεῖς τῆς μὲν διαβολῆς οὕτω μεγάλης οὕσης αἰ τροφεοδοκῶμεν κρατήσειν μετά τοῦ ἄληθος· οὐκ ἐν μηδεὶ τρόπῳ ἐθελησάντων πεισθήναι οὐδ' ἐλπίς οὐδεμία σωτηρίας εἴδοκεν 54 ἡμῖν εἰναι. ἀλλ' ἐν τοῖς Ἐλυμπίσι, ὥς ἀνδρεὺς δικασταί, βούλεσθε ἡμᾶς δικαίως σώσαι μᾶλλον ἡ ἀδίκως ἀπολέσαι, καὶ πιστεύετε τούτοις ἄληθῆ λέγειν, οὐ δὲ καὶ σωπήσετε ἐν ἀπαντί τῷ βίῳ παρέχωσι σώφρονας σφᾶς αὐτοὺς καὶ δικαίους.

55 Περὶ μὲν οὖν αὐτῆς τῆς γραφῆς, καὶ ὥ τρόπῳ κηδεσταί ἡμῖν ἐγένοντο, καὶ ὅτι οὐκ ἐξήκρει τὰ

1 ὅν Scheibe: ὅνa mss.
2 ἀπολέσθαι τοῖς βαδίως Kayser: ὅδο. ἀπ. οἱ mss.

411–407 π.Χ.

b He was murdered in Phrygia, 404 π.Χ.

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facts of the case. So, for your being deceived in many people even now, and indeed for the ruin that some have unjustly incurred, you have to thank those who make light of telling lies and are bent on bringing malicious charges against their fellows. For I suppose you know that Alcibiades held command for four or five years in succession, keeping the upper hand and winning victories over the Lacedaemonians: the cities thought well to give him twice as much as any other commander, so that some people supposed that he had more than a hundred talents. But when he died he left evidence that this was not true: for he bequeathed a smaller fortune to his children than he had inherited himself from his guardians.

Well now, that such things were common in former times is easily judged. But they say that it is the best and wisest men who are most willing to change their minds. If, therefore, our statements are deemed to be reasonable and the proofs that we have adduced satisfactory, gentlemen of the jury, show your pity by all manner of means. For, grievous as was the weight of this slander, we always expected to conquer with the help of truth: but if you should altogether refuse to entertain our plea, we felt ourselves without a single hope of deliverance. Ah, by the Olympian gods, gentlemen, choose rather to deliver us with justice than to ruin us with injustice; and believe that those men speak the truth who, though keeping silent, show themselves throughout their lives self-respecting and just.

In regard to the charge itself, and the manner in which they became our kinsmen, and the fact that Aristophanes’ means were not sufficient for the
LYSIAS

etskívov ei's tôn ekplouv, allá kai ùs allóthén

[157] prosedéanévastó akhícóste kai meumartúrhtai úmín' perí dé ëmuavtov braxéa boúlomai úmín eipseín. ëgú gár eítì gégonów ëdò tríaékonta ou'te tò patrí ou'dèn páwpo te anteîppon, ou'te tòw politów oundeís mou ënekaîlésevn, ëggús te oûkíwv tìs ágoráv ou'te pró diástetirìw ou'te prós boúleu'thriw ëfðhvn ou'depòpotè, prín tautnh tìn sympforávn gen'ésthai.

56 perí mév ou'n émuavtov tosaúta légo, perí dé toû patróv, èpeudh ëmospèr adikou'tos aí kategoríai gegénhntai, synggúmínhn èxhtè, eán légov Í án-
hìswen eí' s tìn pólw kai eí' s toûs fílous' ou gár fílotímías ènêka allá tekmîrion pòwúmenos òti ou toû autóv èstw ándròs ãneu ánaghkhs tè polllà ãnalískein kai metá kíndwun toû meugóstou èpí-

57 thumíhsaì èxein tì tôn kouwn. eí'si dé twies ou' proanalískontes ou' mónon toûtòv ènêka all' ína árxein ùf' ùmóin ñzwðhténtes diplássia kómísowntai. ò toûwv èmòs pat'hèr árchein mé'n ou'depeówptè èpethúmphse, tás dé xorhýías ápásas ke xorhýghke, tetrignráhke dé èpptákís, eísoforàs dé polllás kai megalás eíseñhnoxe'n. ína dé eídhtè kai ùméis, kath' èkásthn ãnagúnwstei.

DIHITOTRGIAI

58 'Akoúste, ò ãndres diástatì, tò plèthos. pevth-
konta gár ètì èstìn ðsa' ó pat'hèr kai tois'1 xrhímási kai tò sw'mati òh' polèi eílpitourgei. èn ou'n tòsu'w chrónw dòkoúntà tì eì' árkhìs èxein ou'de-

1 kai tois' Sluiter: autós mss.

a Some men spend money to earn a good name for public spirit: it is spent, not for that end alone, but as a specula-

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expedition, but were supplemented by loans from others, you have heard our statements and testimonies: I propose next to tell you briefly about myself. I am now thirty years old, and never yet have I either had a dispute with my father or been the subject of a complaint from any citizen; and although I live near the market-place, I have never once been seen in either law-court or council-chamber until I met with this misfortune. So much let me say regarding myself: as to my father, since he has been treated as guilty in these accusations, forgive me if I mention what he has spent on the city and on his friends; I do this, not for mere vainglory, but to bring in as evidence the fact that the same man cannot both spend a great deal without compulsion and covet some of the public property at the gravest risk. There are, indeed, persons who spend money in advance, not with that sole object, but to obtain a return of twice the amount from the appointments which you consider them to have earned. Now, not once did my father seek office, but he has discharged every duty in the production of dramas, has equipped a warship seven times, and has made numerous large contributions to special levies. That you on your part may be apprised of this, the record shall be read in detail.

Public Services

You hear, gentlemen of the jury, the whole series. For as many as fifty years my father performed services to the State, both with his purse and with his person. In all that time, with his reputation for ancestral wealth, he is not likely to have shunned any
LYSIAS

μίαν εἰκὸς δαπάνην πεφευγέναι. ὅμως δὲ καὶ μάρτυρας ἕμιν παρέξομαι.

ΜΑΡΤΥΡΕΣ

59 Τούτων συμπάντων κεφάλαιόν ἐστιν ἐννέα τάλαντα καὶ δισχίλια δραχμαί. ἔτι τοῖνυν καὶ ἴδια τισὶ τῶν πολιτῶν ἀποροῦσι συνεξέδωκε θυγατέρας καὶ ἀδελφάς, τοὺς δ' ἐλύσατο ἐκ τῶν πολεμίων, τοῖς δ' εἰς ταφὴν παρεῖχεν ἀργύριον. καὶ ταῦτ' ἐποίει γηγούμενος εἶναι ἀνδρός ἀγαθοῦ ὠφελεῖν τοὺς φίλους, καὶ εἰ μηδεῖς μέλλοι εἴσεσθαι νῦν δὲ πρέπον ἐστὶ καὶ ὑμᾶς ἀκούσαί μου. καὶ μοι κάλει τὸν καὶ τὸν.

ΜΑΡΤΥΡΕΣ

60 Τῶν μὲν οὖν μαρτύρων ἀκηκόατε· ἐνθυμεῖσθε δὲ ὅτι ὁλίγον μὲν [οὖν]¹ χρόνον δύνατ' ἂν τις πλάσασθαι τὸν τρόπον τὸν αὐτοῦ, ἐν ἐβδομήκοντα δὲ ἔσεσιν οὐδ' ἂν εἰς λάθοι πονηροῖς ὄν. τῷ τοῖνυν πατρὶ τῷ ἐμῷ ἄλλα μὲν ἂν τις ἑχοὶ ἐπικαλέσαι ὡς, εἰς χρήματα δὲ οὐδείς οὐδὲ τῶν ἑχθρῶν ἑτὸλμησε πώποτε. οὐκοῦν ἄξιον τοῖς τῶν κατηγόρων λόγοις πιστεῦσαι μάλλον ἡ τοῖς ἑργοῖς, ἅ ἐπράξθη ἐν ἀπαντὶ τῷ βίῳ, καὶ τῷ χρόνῳ, ὅν ὑμεῖς² σαφέστατον ἐλεγχον τὸν ἀληθοῦς νομίσατε. εἰ γὰρ μὴ ἦν τοιοῦτος, οὐκ ἂν ἐκ πολλῶν ὁλίγα κατέλιπεν, ἑπεὶ εἰ νῦν γε ἐξαπατηθῆνετε ὑπὸ τούτων καὶ δημεῦσαι ἦμῶν τὴν οὐσίαν, οὐδὲ δύο τάλαντα λάβοιτ' ἂν. ᾧστε οὐ μόνον πρὸς τῶν καὶ εἰς χρημάτων λόγον λυσιτελεῖ μάλλον ὑμῖν ἀποφημίσασθαι· πολὺ γὰρ πλείων

¹ οὖν om. Aldus. ² ὁν ὑμεῖς Reiske: ὁ νῦν eis mss.
expense. However, I will strengthen the case for you with witnesses.

WITNESSES

The sum total of them all is nine talents and two thousand drachmae. In addition, he also joined privately in portioning daughters and sisters of certain needy citizens: there were men whom he ransomed from the enemy, and others for whose funerals he provided money. He acted in this way because he conceived it to be the part of a good man to assist his friends, even if nobody was to know: but at this moment it is fitting that you should hear of it from me. Please call this and that person.

WITNESSES

Well then, you have heard the witnesses; and now reflect that, although one might be able to adopt a feigned character for a short time, nobody in the world could keep his baseness secret for seventy years. Now, there are things for which it might perhaps be possible to reproach my father; but on the score of money there is no one, even among his enemies, who has ever dared to do so. It is not fair, then, to credit our accusers' words rather than the deeds that marked his whole life, or than time, which you are to regard as the clearest test of truth. If he had been of another stamp, he would not have left but a small remnant of his estate; for if you should now be utterly deceived by these people, and should confiscate our property, you would receive less than two talents. So not only with a view to repute, but also in respect of money, it is more to your advantage to acquit us; for you will get far
LYSIAS

62 ὡφεληθήσεσθ', ἐὰν ἡμεῖς ἔχωμεν. σκοπεῖτε δὲ ἐκ τοῦ παρεληλυθοτος χρόνου, ὅσα φαίνεται ἀνηλωμένα εἰς τὴν πόλιν· καὶ νῦν ἀπὸ τῶν ὑπο-
λοίπων τριήμαρχῶν μὲν ἐγώ, τριήμαρχῶν δὲ ὁ πατήρ ἀπέθανεν, πειράσομαι δ', ὦσπερ καὶ ἐκεῖνον ἐώρων, ὅλιγα κατὰ μικρὸν παρασκευά-
σασθαι εἰς τὰς κοινὰς ὠφελείας· ὦστε τῶ γ', ἑργῶ πάλαι τῆς πόλεως· ταῦτ' ἐστὶ, καὶ οὕτ' ἐγὼ ἀφηρημένος ἀδικεῖσθαι οἴγοσομαι, ὕμιν τε πλείονς
63 οὕτως αἱ ὠφελείαι ἡ εἰ δημεύσαστε. πρὸς δὲ τούτοις ἄξιοι ἐνθυμηθήναι οἴαν φύσω εἰχεν ὁ πατήρ. ὅσα γὰρ ἐξω τῶν ἀναγκαίων ἐπεθύμησεν ἀναλίσκειν, πάντα φανήσεται τοιαύτα ὅθεν καὶ τῇ πόλει τιμῇ ἐμελλεν ἐσεθαί. αὐτίκα ὅτε ἐπέευν, οὐ μόνον ἔποιος ἐκτήσατο λαμπροῖς ἀλλὰ καὶ ἀθληταῖς ἐνίκησεν Ἰσθμοὶ καὶ Νεμέα, ὦστε τὴν πόλιν κηρυχθῆναι καὶ αὐτὸν στεφανωθῆναι.

64 δέομαι οὖν ὑμᾶς, ὦ ἀνδρεῖς δικασταί, καὶ τούτων καὶ τῶν ἄλλων μεμνημένους ἀπάντων τῶν εἰρη-
μένων βοηθεῖν ἡμῖν καὶ μὴ περιδεῖν ὕπο τῶν ἐχθρῶν ἀναπεθέντας· καὶ ταῦτα ποιοῦντες τὰ τε δίκαια ψηφιεῖσθε καὶ ὕμιν αὐτοῖς τὰ συμφέροντα.

1 καὶ Scheibe: eι mss.
2 τῆς πόλεως add. Dobree.
3 ἀθληταῖς Taylor: ἀθλητᾶς, ἀθλητᾶς καὶ mss.
more benefit if we keep it. Consider, as you survey the time that is past, all that is found to have been spent on the city: at this moment, too, I am equipping a warship from the residue; my father was equipping one when he died, and I will try to do what I saw him doing, and raise, by degrees, some little sums for the public services. Thus in reality it continues to be the property of the State, and while I shall not be feeling the wrong of having been deprived of it, you will have in this way more benefits than you would get by its confiscation. Moreover, you would do well to reflect on the kind of nature that my father possessed. In every single case where he desired to spend beyond what was necessary, it will be found that it was something designed to bring honour to the city also. For instance, when he was in the cavalry, he not only procured handsome mounts, but also won victories with race-horses at the Isthmus and Nemea, so that the city was proclaimed, and he himself was crowned. I therefore beg you, gentlemen of the jury, to remember these things, and also everything else that has been stated, and to support us, and not to suffer us to be annihilated by our enemies. In taking this course you will be voting what is just and also advantageous to yourselves.
XX. FOR POLYSTRATUS

INTRODUCTION

The distress and perplexity into which Athens was thrown by the hideous failure of the expeditions to Sicily resulted in an oligarchical revolution, by which the whole administration was placed in the hands of a Council of Four Hundred: the Assembly was reduced to a nominal body of Five Thousand selected citizens, which was only to be summoned at the pleasure of the Four Hundred (411 B.C.). Within four months Euboea revolted, and food supplies were cut off: but in the following year the Athenian fleet inflicted a crushing defeat on the Spartans and Persians at Cyzicus in the Propontis; the oligarchs in Athens were finally discredited, and the old democracy was restored. Polystratus, the elderly man who is defended in this speech by one of his sons, had been appointed registrar by the Four Hundred for the enrolment of the Five Thousand. He appears to have been moderate in his views, and to have acted throughout against his will: he placed as many as nine thousand on the list, and after holding a seat on the Council for only eight days he went to Eretria in Euboea, where he took part in engagements at sea which immediately preceded the overthrow of the oligarchs. On his return to
Athens he found himself under the shadow of his oligarchical connexion, and was prosecuted both on this ground and for definite acts against the democracy. In his first trial he was condemned to pay a heavy fine; he appears to have paid it, and to have thus impoverished himself and his family. He was prosecuted again, probably in 410, and on similar charges as before: if convicted, he would be unable to pay another fine, and consequently both he and his three sons would be deprived of their civic rights. The eldest son here speaks for him: the lack of clear arrangement and the awkwardness of the style seem to indicate that the speech is the young man's or the family's own production. However it may have come to be included among the works of Lysias, who started his professional practice some years later, its lack of art serves to show us how he may have got the suggestion of writing speeches for inexperienced litigants.
Ου μοι δοκεὶ χρῆναι ὧργίζεσθαι ὑμᾶς τῷ ὀνόματι τῷ τῶν τετρακοσίων, ἀλλὰ τοῖς ἑργοῖς ἐνίων. οἱ μὲν γὰρ ἐπιβουλεύσαντες ἤσαν αὐτῶν, οἱ δ' ἰνα μήτε τὴν πόλιν μηδὲν κακὸν ἐργάσαντο μήθ᾽ ὑμῶν μηδένα, ἀλλ' εὖνοι ὄντες εἰσῆλθον εἰς τὸ βουλευτήριον, ὥν εἰς ὃν οὗτοι τυγχάνει Πολύ-

2 οὗτος γὰρ ἤρεθη μὲν ὑπὸ τῶν φυλετῶν ὡς χρηστὸς ὥς ἀνήρ καὶ περὶ τοὺς δημότας καὶ περὶ τὸ πλῆθος τὸ ὑμέτερον κατηγοροῦσι δὲ αὐτοῦ ὃς οὐκ εὖνοι ἤτο τῷ πλῆθει τῷ ὑμετέρῳ, αἱρεθεὶς ὑπὸ τῶν φυλετῶν, οἱ ἀριστὶ ἃν διαγνοῖεν περὶ σφῶν αὐτῶν ὁποτέ τινές εἰσι. οὗτος δὲ τίνος ἣν ἑνεκα ὀλυναρχίας ἐπεθύμησε; πότερον ὡς ἠλικίαν ἔχει λέγων τι διαπράττεσθαι παρ' ὑμῖν, ἃ τῷ σώματι πιστεύων, ἵνα ὑβρίζοι εἰς τῶν ὑμετέρων τινά; ἀλλ' ὄρατε αὐτοῦ τὴν ἠλικίαν, ἢ καὶ τοὺς ἄλλους ἰκανοὺς ἐστίν ἀποτρέπειν τούτων. οὕτως μὲν οὗν ἀτιμοὶ ὃν, κακὸν τι ἑργασάμενος ἐν τῷ πρόσθεν χρόνῳ, ἑτέρας πολιτείας ἐπεθύμησε, διὰ τὰ πρόσθεν ἀμαρτήματα αὐτοῦ ἑνεκ' ἃν ἐπράττε
tούτῳ δὲ τοιοῦτον οὐδὲν ἡμάρτητο, ὥστε αὐτοῦ ἑνεκά μισεῖν τὸ πλῆθος τὸ ὑμετέρου, ἢ τῶν παιδών.
XX. FOR POLYSTRATUS

In my opinion it is not the name of the Four Hundred that should incense you, but the actions of some of their number. For there were some who had insidious designs: but the rest were resolved to do no harm either to the city or to any amongst you; they entered the Council-chamber with loyal thoughts, and the defendant, Polystratus, is one of that section. He was chosen by his tribesmen for the soundness of his views in regard to his township and also towards your people: yet they accuse him of disloyalty to your people, after he has been chosen by his tribesmen, who can best discern the character of this or that person amongst them. And what reason could he have had for courting an oligarchy? Because he was of an age to achieve success amongst you as a speaker, or because he had such bodily strength as might encourage him to commit an outrage on any of your people? But you see of what age he is: it is one that fits him rather to restrain others from such proceedings. To be sure, if a man has been disfranchised for some misdemeanor in the past, and so has courted a change in the constitution, he may be led by his past offences to seek his personal interest; but this man had committed no such offence as might lead him to hate your people in his own interest or in that of his children. One of these
LYSIAS

ὅ μὲν γὰρ ἐν Σικελίᾳ ἦν, οἷ δὲ ἐν Βουωτοῖς· ὡστε μηδὲ τούτων ἑνεκα ἐτέρας πολιτείας ἐπιθυμήσαι

5 [διὰ τὰ πρόσθεν ἁμαρτήματα]. καὶ κατηγοροῦσι μὲν αὐτοῦ ὡς πολλᾶς ἀρχὰς ἦρξεν, ἀποδείξαι δὲ οὐδεὶς οἷος τέ ἐστιν ὡς οὐ καλῶς ἦρξεν. ἐγὼ δ' ἡγούμαι οὗ τούτους ἀδικείν ἐν τοῖς πράγμασιν ἐκεῖνοι, ἀλλ' εἴ τις ὅλιγας ἀρξας ἀρχὰς μὴ τὰ ἁμαρτα ἦρξε τῇ πόλει. οὐ γὰρ οἱ καλῶς ἀρχοντες

6 προδίδοσαν τὴν πόλιν, ἀλλ' οἱ μὴ δικαίως. οὕτως δὲ πρῶτον μὲν ἀρξας ἐν Ὀρωπῷ οὔτε προδιώκε ὁυθ'2 ἐτέραν πολιτείαν κατέστησε, τῶν ἀλλων ἀπάντων δοσι ἢρχουν καταπροδότων τὰ πράγματα. οἱ δ' οὔχ ὑπέμειναν, καταγνώντες σφὸν αὐτῶν ἀδικεῖν. δ' ὁ δὲ ἡγούμενος μηδὲν ἡδικηκέναι δίκην

7 δίδωσι. καὶ τοὺς μὲν ἀδικοῦντας οἱ κατηγοροί ἐκκλέπτονσιν, ἀργύριον λαμβάνοντες· παρ' αὐτὸ δ' ἀν μὴ κερδαίνωσιν, ἀδικοῦντας ἀποφαίνουσι. καὶ ὁμοίας τὰς κατηγορίας ποιοῦνται τῶν τε εἰσόντων γνώμην τινὰ ἐν τῇ βουλῇ καὶ τῶν μη. οὕτως δὲ οοὐδὲ γνώμην οὐδεμίαν εἴπε περὶ τοῦ ὑμετέρου

8 πλῆθους. ἐγώ δ' ἡγούμαί ἄξιοις εἶναι τούτους μηδὲν πάσχειν υφ' ύμῶν κακοῦ, εἰ ύμῶν μὲν εὔνοι ἤσαν, ἐκεῖνοι δὲ <οὐκ>3 ἀπηχθάνοντο. τῶν γὰρ λεγόντων ἐναντία ἐκεῖνοι οἱ μὲν ἔφευγον οἱ δὲ ἀπέθνησαν, ὥστ' εἰ τις καὶ ἐβούλετο ἐναντιοῦσαί ύπερ ύμῶν, τὸ δέος καὶ ὁ φόνος4 τῶν πεποιθήστων

9 ἀπέτρεπε πάντας. ὡστε οἱ πολλοὶ πάντα ἀπηγήγησκον5 αὐτῶν· τοὺς μὲν γὰρ ἐξήλαυνον αὐτῶν, τοὺς δὲ ἀπεκτύνσαν. οἱ δὲ ἐκεῖνων ἐμελλον

1 δ.ἀ... ἁμαρτήματα om. plerique codd.
2 οὐθ' Taylor: καὶ mss.
3 οὐκ add. Brulart.
4 φόνος Reiske: φόβος mss.
5 ἀπηγήγησκον
was in Sicily; the others were in Bocotia; so it was no interest of theirs that he should court a change in the constitution. They do accuse him of having held many magistracies, but nobody is able to show that he was a bad magistrate. My own opinion is that it is not men of his character who are guilty of wrong in such situations, but some holder of a few offices who has not held them for the best advantage of the city. For our city was not betrayed by her good magistrates, but by her dishonest ones. This man, first of all, as a magistrate in Oropus, neither betrayed you nor set up a new constitution when everyone else in office utterly betrayed their trust. They did not stay for the reckoning, thus convicting themselves of guilt; whereas he, feeling himself innocent, comes up for punishment! The guilty are smuggled out by their accusers in return for payment; but those from whom they can get no profit they expose as guilty. They make similar accusations against those who have proposed some motion in the Council and against those who have not. But this man has not even proposed one motion regarding your people; and I presume that these persons deserve no ill-treatment at your hands on the ground that, while they were loyal to you, they did not incur the enmity of that party. For those who spoke in opposition to them were either exiled or put to death, so that whoever did aspire to oppose them in your interest was invariably deterred by fright or by the slaughter of their victims. Hence in most cases they completely lost heart, since those who were not banished were executed. Those among them

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a On the north coast of Attica.  
b The oligarchs.

c άπεγένωσκον Dobree: ἐγένωσκον mss.
άκροασθαί καὶ μηδὲν ἐπιβουλεύειν μηδὲ ἐξαγγέλ-λειν, τοῦτος ἄν καθίσταντο. ὡστε οὐκ ἄν βαδίως
μετέστη ἂν ὑμῖν ἡ πολιτεία. οὕκουν δίκαιοι εἰσιν,
διὸν ὑμῖν εἰνοὶ ἠσαν, τοῦτων δίκην διδόναι. δεινὸν
dὲ μοι δοκεῖ εἰναι, εἰ τοῖς εἰποῦσι περὶ τὸ πλήθος
tὸ ύμέτερον μὴ τὰ ἀριστα δὲ μηδὲν εἰπὼν ταύτα
pείσεται, καὶ ἐν μὲν ἐβδομήκοντα ἔτεσιν οὐδὲν
ἐξήμαρτεν εἰς ὑμᾶς, ἐν ὅκτω δὲ ἡμέραις· καὶ οἱ
μὲν τὸν βίον ἀπαντὰ πονηροὶ ὄντες χρηστοὶ ἐν
tῷ λογιστηρίῳ γεγένηται, πείσαντες τοὺς κατ-
ηγόρους, οἱ δὲ ἀεὶ ὑμῖν χρηστοὶ ἠσαν, οὕτω πο-
νηροὶ.
11 Καίτοι ἐν γε ταῖς πρότεροι κατηγορίαις τὰ τε
ἄλλα κατηγόρησαν ψευδῆ τοῦ πατρός, καὶ συγγενῆ
Φρύνιχον αὐτοῦ εἶναι ἐφήσαν. καίτοι εἰ τις
βουλεῖται, ἐν τῷ λόγῳ τῷ ἐμῷ μαρτυρησάτω ὡς
[159] ἀναγκαίον ὄντα Φρύνίχως. ἄλλα γὰρ ψευδῆ κατ-
ηγόρουν. ἄλλα μὴν οὗτ' ἐκ παιδείας φίλος ἦν
αὐτῷ· δὲ μὲν γὰρ ἐν ἀγρῷ πένης ὡς ἐποίμαινεν,
12 δὲ πατήρ ἐν τῷ ἀστεὶ ἐπαιδεύετο. καὶ ἐπειδὴ
ἀνὴρ ἐγένετο, δὲ μὲν ἐγεώργη, δ' ἐλθὼν εἰς τὸ
ἀστυ ἐσυκοβάντες, ὡστε μηδὲν ὀμολογεῖν τῷ
τρόπῳ τῷ ἄλληλων. καὶ ὅτ' ἐξέτυε τῷ δημοσίως,
οὐκ εἰσήγειτεν αὐτῷ τὸ ἀργύριον· καίτοι ἐν τοῖς
τουστοῖς μάλιστα δηλοῦσιν οἱ ἄν φιλοὶ ὅσιν. εἰ
δ' ἦν δημότης, οὐ δίκαιος διὰ τοῦτο βλάπτεσθαί
13 ἐστιν ὁ πατήρ, εἰ μὴ καὶ ὑμεῖς ἀδικεῖτε, ὅτι ὑμῶν

a An active member of the oligarchy of Four Hundred
(411 b.c.); cf. XIII., Against Agoratus, 70, p. 317.
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who engaged to obey and refrain from plotting and reporting, they placed in power. Thus a change of government would have been no easy thing for you. It is not fair, then, to punish people for matters in which they showed their loyalty to you. And I consider it monstrous that the same treatment meted out to those who proposed measures concerning your people that were not to its highest advantage should also be applied to the man who proposed nothing, and who in seventy years has committed no offence against you, but did so in eight days! Those who spent their whole lives in knavery have appeared as honest men before the auditors, because they have tampered with their accusers; while those who were always honest towards you—they are the knaves.

Now, in their previous prosecution, among other lying charges that they made against my father, they stated that Phrynichus was a relation of his. Well, let anyone, if he pleases, bear witness, in the time allowed for my speech, that there was kinship with Phrynichus. But, of course, their accusation was a lie. Nor, indeed, was he a friend of his by upbringing; for Phrynichus was a poor man, and kept sheep in the fields, while my father was being educated in town. On attaining manhood he looked after his farm, while Phrynichus came to town and became a slander-monger; so that the characters of the two were not at all compatible. And when Phrynichus had to pay a fine to the Treasury, my father did not bring him his contribution of money: yet it is in such cases that we see the best proof of a man's friends. If he was of the same township, that is no reason why my father deserves to suffer,—unless you also are guilty because he is your fellow-citizen.
LYSIAS

έστι πολίτης. πῶς δ' ἂν γένοιτο δημοτικότερος, ἢ ὅστις ὑμῶν ψηφισμένων πεντακισχιλίοις παρα-
δοῦναι τὰ πράγματα καταλογεύσων ὧν ἐνακισχιλίους
cατέλεξεν, ἵνα μηδεὶς αὐτῷ διάφορος εἰη τῶν
dημοτῶν, ἀλλ' ἵνα τὸν μὲν θουλόμενον ἐγγράφοι,1
εἰ δὲ τοῦ μη ὁδὸν τ' εἰη, χαρίζοιτο. καίτοι οὐχ
οἳ ἂν πλείους τοὺς2 πολίτας ποιῶσιν, οὗτοι κατα-
λύσωσι τὸν δήμον, ἀλλ' οἳ ἂν ἐκ πλειόνων ἐλάττους.

14 οὗτος δὲ οὔτε ὁμόσαι ἠ'θελεν οὔτε καταλέγειν,
ἀλλ' αὐτὸν ἡμᾶς ψηφισάντων εἰπεῖσαν ἐπιβάλλοντες καὶ
ἔμμοιστες. εἶπεί δὲ ἡμαγκάθις καὶ ἁμὸσε τὸν
ὄρκον, ὅτι ποιήσας εἰσελθὼν εἰς τὸ βουλευτήριον
ἐξέπλει εἰς Ἐρέτριαν, καὶ ἔδοκει ἐκεῖ τὴν ψυχήν
οὐ πονηρὸς εἶναι ἐν ταῖς ναυμαχίαις, καὶ τετρω-
μένος δεύρ ἦλθε, καὶ ἦδη μετεπεπτώκει τὰ
πράγματα. καὶ οὗτος μὲν οὔτε εἶπὼν γνώμην
οὐδεμίαν, οὔτε πλέον ὅτι ἡμερῶν ἔλθων εἰς τὸ
βουλευτήριον ὥφλε χρήματα τοσαῦτα· τῶν δ'
eἰπόντων ὑμῶν τάναντια καὶ διὰ τέλους ἐν τῷ

1Βουλευτήριῳ οὐν τῶν πολλοί ἀποπεθεύόμει. καὶ οὐ
φθονὼν τοῦτος λέγω, ἀλλ' ἡμᾶς ἠλεῶν· οἱ μὲν
γὰρ δοκοῦντες ἀδικεῖν ἐξητημένοι εἰςὶν ὑπὸ τῶν
ὑμῶν προθύμων ἐν τοῖς πράγμασι γενομένων, οἱ
δ' ἡδικηκότες ἐκπραίμενοι τοὺς κατηγόρους οὐδ'3
ἔδοξαν ἀδικεῖν. πῶς [ἂν]4 οὖν οὐκ ἂν δεῖνα πάγοιν-

15καὶ κατηγοροῦσι μὲν τῶν τετρακοσίων,
ὅτι ἦσαν κακοί· καίτοι ὑμεῖς αὐτοὶ πεισθέντες
ὑπὸ τούτων παρέδωκε τοῖς πεντακισχιλίοις, καὶ εἰ
αὐτοὶ τοσοῦτοι ὑντες ἐπείσθητε, ἐνα ἐκαστον τῶν

1 ἐγγράφοι Dobree: γράφῃ mss.
2 πλείους τοὺς Dobree: πλείοτους mss.
3 οὐδ' Dobree: οὐδὲν mss. 4 ἂν del. Markland.

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Where could you find a better friend of the people than the man who, after you had decreed that the government be entrusted to Five Thousand, proceeded as Registrar to make a list of nine thousand, his purpose being to risk no quarrel with any of his townsmen, but to enter the names of anyone who wished to be included; and then, if in some cases there was a disability, to do it as a favour. Well, the democracy is not upset by those who increase the number of the citizens, but by those who reduce it. He was unwilling either to take the oath or to make up the list: they compelled him by the imposition of fines and penalties. When he was thus compelled, and had taken the oath, after sitting for only eight days in Council he took ship to Eretria,\(^a\) and in the sea-fights there he showed no craven heart: he came home wounded, just when the revolution had taken place. And this man, who had neither proposed any motion nor sat in Council for more than eight days, was sentenced to pay that large sum, while many of those who had spoken in opposition to you, and had continued in Council throughout, have been acquitted. I speak not in envy of their case, but in pity for ours: some who were thought guilty have been begged off by persons whose administration evinced their zeal in your cause; others who were guilty bought off their accusers, and were not so much as thought guilty. Our plight, therefore, would be quite monstrous. They accuse the Four Hundred of criminal conduct: yet you were yourselves persuaded by them to hand over the government to the Five Thousand, and if you, being so many yourselves, were persuaded, why should not each one of the Four

\(^a\) On the coast of Euboea, opposite the north coast of Attica.
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tetraakosión ou xhrén peiosthýnai; ἀλλ' oúx oútoi
adikóskws, ἀλλ' ouí Ímás ephíaptónw kai kakósws
épóíoun. oútós δ' en pollois ñhloí Ímwn <eupow
kai>1 ouden, eí pére ti neustepíreíew vbluleto eis tó
úmetéron plýðos, ouí ēn pot' én ókto ñméaraís.
17 eisclówv eis tó bouleutérimo, ἤχετο ékpleón. ἀλλ'
eípov an tis òti kerdaínein épísthymwv éxépleuvn,
wspeper évnoi ñrpaxov kai éferon. oudei sw toûv an
eípov ti ópws2 tów úmetéron ñcxei, allá pánta
mállon kathnoródws ñ eis thn árkhín. kai oi kañ-
ðgoroi tòte mév ouðamè ñvnoi õntes ñfaiýnto tò
dímí ouddè ébôðhounv. ñvó de ñníka àutós ñautó ñu-
noústatós ès tôn ñdímos, bothóúsvi tò mév ànomati
18 Ímwn, tò de érgwv ñphiwv àutois. kai ñh aua-
mázeite, ñ anðres díkastrai, òti tòsaúta ñfle
xhmata. épímuon vàr àutón labóntes àutóv te
kai Ímwn kathnoróntes èilov. tò mév vàr ou'd
èi tis èixe márturían, èixe márturtein diá tò déos
to tów katnghórwv, tòis de kai tà ñevhdh dédoukótes
ëmarstúropwv. ñ deivá y' ñn3 páthoumen, ñ anðres
19 díkastrai, eí tòus mén ouí ouíous te õntas éxaðnous
èinai mì ouí xhmíata èxhein Ímwn, tòoutous mén
áfète anðrí ñxaiotuménwv, ñmín de àutois te prô-
thýmios gecenémènous peri tò plýðos tò ñmetéron,
kai tòù patròs ou'dèn Ímás ñdikéktos, ou ñarí-
eÝhe. kai eí mén énèv tis ìlhôn Ímás ñ xhmíata
ñtei ñ èvphýteis ñanagráfhài ñzíou, èdote àn
àutów ñmín de ouí ðwstete ñmás àutois èpítímous

1 eúpònw kai add. P. Müller.
2 tì ópws Scheibe: tis ñpws, ópws tì mss.
3 y' ñv Stephanus: ñyav, ñv mss.
Hundred have yielded likewise? Nay, it is not these who are guilty, but the men who were deceiving you to your hurt. The defendant shows his loyalty to you by this fact among many,—that, if he did have revolutionary designs upon your people, he would never have taken ship and gone off within eight days of taking his seat in Council. But, it might be said, he took ship in the quest of gain, like some people who went raiding and robbing. Well, nobody can cite any case of his keeping property of yours: no, they accuse him of anything rather than his use of his office. The prosecution at the time in no way showed their loyalty to the democracy, nor supported it; but now that the democracy is its own most loyal friend, their support is given nominally to you, but actually to themselves. And do not be surprised, gentlemen of the jury, that he was fined such a large sum. For they found him without support, and obtained his conviction by accusations brought against both him and us. For, in his case, even if a man had evidence to give in his favour, he was prevented by the terror inspired by the accusers, whereas, in theirs, men were ready, through terror, to give even false evidence for them. How monstrous, gentlemen, would be our fate if, although the men who are unable to deny their possession of your money are acquitted by you on the intercession of a friend, we who have shown our personal zeal in your people’s cause, and whose father, too, has done you no wrong, are not to obtain your grace! If some foreigner had come and either asked you for money or claimed to be recorded as your benefactor, you would have granted his request; and will you not grant to us, that we ourselves should have civic
20 ὑμῖν γενέσθαι; εἰ δὲ τινες κακόνοι ἐγένοντο εἰς τὰ ὑμετέρα πράγματα ἡ γνώμην μὴ ἐπιτηδείαν ἔσον, οὐχ οἱ ἀπόντες¹ τούτων αἰτίων εἰσι, ἐπεὶ καὶ τοὺς παρόντας ὑμεῖς ἀπελύσατε. οὐδὲ γὰρ εἰ τις τῶν ἐνθάδε μὴ τὰ ἀριστά λέγων πεῖθε ὑμᾶς, οὐχ ὑμεῖς 21 ἐστε αἰτιοί, ἀλλ' ὡς ἐξαπατῶν ὑμᾶς. ἐκεῖνοι δὲ σφῶν αὐτῶν προκαταγνώντες ἀδικεῖν οἴχονται, [160] ἦνα μὴ δοῖεν δίκην καὶ εἰ τινες ἄλλοι ἀδικοῦσιν, ἦττον μὲν ἐκεῖνων, ἀδικοῦσι δὲ, τὸ δέος αὐτοὺς ποιεῖ τὸ τα ὑμετέρον καὶ τὸ τῶν κατηγόρων μὴ ἐπιδημεῖν ἀλλὰ στρατεύεσθαι, ἦν ἡ ὑμᾶς πραο-
22 τέρους ποιῶν ἡ τοῦτος πείθωσιν. οὖτος δὲ ὑμῖν δίκην δέδωκεν, οὐδὲν ὑμᾶς ἀδικῶν, εὑρὸς μετὰ τὰ πράγματα, ὅτε ὑμεῖς τὸ μάλιστα ἐμέμηνθε τῶν γενομένων καὶ οὗτος ἐλεγχθῆσεθαι ἐμελλε, πιστεύων αὐτῷ μηδὲν ἰμαρτῆσαι ἀλλ' ἀγωνιζόθαι εὔ μετὰ τοῦ δικαίου. ὡς δ' ἦν δημοτικός, ἐγὼ 23 ὑμῖν ἀποδέεξω. πρῶτον μὲν γὰρ ὅσων οὐδεμᾶς στρατεύσας ἀπελεύθη, ἀλλ' ἐστρατεύσατο, ὡς συν-
eιδότες ἂν εἴποιεν οἱ δημῶται· καὶ εἴδον αὐτῷ τὴν οὐσίαν ἄφανθα καταστήσαντι μηδὲν ὑμᾶς ὁφελεῖν, εἴλετο μᾶλλον συνειδέναι ὑμᾶς, ἦν' εἰ καὶ βούλιοι κακὸς εἶναι, μὴ ἐξείη² αὐτῷ, ἀλλ' εἰσφέροι τε τὰς εἰσφορὰς καὶ λητοργοῖ. καὶ ἦμᾶς παρεσκεύασεν, 24 ὡς ἂν τῇ πόλει ὁφελείμωτατοι ἐημεν. καὶ ἐμὲ μὲν εἰς Σικελίαν ἐξέπεμψεν, υμῖν δ' οὐκ ἦ... . , ὡστ' εἰδέναι τοὺς ἵππεας, οἷος ἦ τὴν ψυχὴν, ἔως

¹ ἀπόντες Taylor: ἀπαντες mss.
² ἐξείη Dobree: ἐξή mss.
³ lacunam indicavit Markland.

α The revolutionaries.
6 A gap occurs here in the text.
rights among you? If there have been cases of disloyalty to your government or of the proposal of an improper motion, it is not the absent who are to blame for these things, since you have absolved even those who were present. For, even when one of our citizens here persuades you with mischievous advice, it is not you who are to blame, but your deceiver. But those men,\(^a\) convicting themselves of guilt in advance, have taken themselves off in order to escape punishment: while any others who were guilty,—though in a less degree than they, but still guilty,—are moved by their fear at once of you and of their accusers to take the field instead of staying at home, in order that they may either mollify you or prevail on them. The defendant, having done you no wrong, has submitted himself to justice immediately after those events, when your memory of what occurred was freshest, and he could best be put to the proof: he trusted in his own innocence and in the success which justice would award him in his trial. That he was a friend of the people, I will prove to you. First of all, how many were the campaigns in which he served without once shirking his duty, can be told, from personal knowledge, by his fellow-townsmen. Then, when he might well have put his fortune away out of sight and refused to help you, he preferred that you should have cognizance of it, in order that, even if he chose to play the knave, he could have no chance, but must contribute to the special levies and perform his public services. He also placed us in a position to be most helpful to the State. He sent me away to Sicily, but I was not \(...\)\(^b\) to you; so the cavalry should know what kind of spirit I showed as long as

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to [trans. note: ?] στρατόπεδον σῶν ἥν ἐπειδὴ δὲ διεφθάρη καὶ ἀνεσώθην εἰς Κατάνην, ἐλήξομην ὁρμώμενος ἐντεῦθεν καὶ τοὺς πολεμίους κακῶς ἐποίουν, ὡστε τῇ θεῷ τε τὰς δεκάτας ἐξαιρεθήναι πλέον ἡ τριάκοντα μιᾶς καὶ τοῖς στρατιώταις εἰς σωτηρίαν, 25 ὅσοι ἐν τοῖς πολεμίοις ἦσαν. καὶ ἐπειδὴ Καταναίων ἦν γακαζὼν ἵππευεν, ἤππευον καὶ οὐδενὸς οὖδ' ἐνταῦθα κυνόντων ἀπελευόμην, ὡστ' εἰδέναι ἀπαντᾷ ὁδος ἦν τῇ θυρή ἵππευν τε καὶ ὀπλιστεύων. <δων> 2 ὑμῖν τους μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ

26 Ἀκηκόατε μὲν τῶν μαρτύρων, ὦ ἄνδρες δικασταῖοι, ὅσο δ' εἰμὶ περὶ τὸ ὑμέτερον πλῆθος, ἐγὼ ὑμῖν ἀποδείξω. ἀφικομένου γὰρ ἐκεῖσε Συρακουσίου ὀρκικοῦ ἑχοντος καὶ ἐτοίμου ὄντος ὀρκοῦν καὶ προσιόντος πρὸς ἑνά ἐκαστὸν τῶν ἐκεῖ ὄντων, ἀντείπον εὐθὺς αὐτῷ, καὶ ἔλθων ὡς Τυδέα δηγουόμην ταῦτα, καὶ σύλλογον ἔποιει, καὶ λόγοι οὐκ ὀλίγοι ἦσαν. ὅπερ δ' οὖν ἐγὼ ἐίπον, καλῶ μάρτυρας.

ΜΑΡΤΥΡΕΣ

27 Σκέβασθε δὴ καὶ τοῦ πατρὸς τῆς ἑπιστολῆς, ἥν ἐδωκεν ἀποδοῦναι ἐμοὶ, πότερα τῷ ὑμετέρῳ πλήθει ἀγαθὰ ἐνήν 3 ἡ οὐ. τὰ τε γὰρ οἰκεία ἐνεγέγραπτο, καὶ ἐτι, ὅτε καλῶς ἦχοι τὰ ἐν Σικελίᾳ,

1 ἐλήξομην Contius: ἔπιζομην mss.
2 ἐν add. Stephanus.
3 ἐνήν Francken: ἔν mss.

* On the east coast of Sicily.

b Presumably Athene.
the army was safe: but when it was destroyed and I escaped to Catana, I used that town as a base for depredations by which I harried the enemy, so that from the spoil more than thirty minae were apportioned as the tithe for the goddess and enough to deliver all the soldiers who were in the hands of the enemy. And when the Cataneans compelled me to serve in the cavalry, I did so, and shirked no danger there either; so that everyone must know what kind of spirit I showed on service both with the cavalry and with the infantry. I will provide you with my witnesses to these facts.

Witnesses

You have heard the witnesses, gentlemen of the jury. As to my disposition towards your people, I will make it plain to you. A Syracusan had arrived in that place with a form of oath, and was ready to administer it, and was approaching the people of the place one by one: I at once spoke against him, and went and reported the matter to Tydeus; he summoned an Assembly, and there were speeches not a few. However, I will call witnesses to what I said myself.

Witnesses

Consider now the letter from my father, which he arranged to be conveyed to me, and say whether its contents were of good or evil import to your people. In it he had written concerning our domestic affairs, and further, that when things were going well in

Apparently this man pretended that he had been commissioned by the magistrates to enlist troops.
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ήκειν. καίτοι ταύτα ύμίν συνέφερε καὶ τοίς ἐκεῖ.
ὡστ' εἰ μὴ εὖνοις ἢν τῇ πόλει καὶ ύμίν, οὐκ ἂν
ποτε τοιαῦτα ἐπέστελλεν.

28 Ἄλλα μήν καὶ τῶν ἀδελφῶν τὸν νεώτατον, óδος
εἰς ύμᾶς ἐστιν, ἕγω ἀποδείξω. καταδρομῆς γὰρ
γενομένης τῶν φυγάδων, οὐκ ὃς ὁ μόνον ἐνθάδε ὁ
τι αἰών ἢ σαν κακὸν εἰργάζοντο, ἀλλὰ καὶ ἀπὸ
tοῦ τεῖχους ἐφερον καὶ ἤγον ύμᾶς, ἔξελάσας ἐκ tῶν
ἀλλων ἵππεων ἐνα ἀπέκτεινεν. ὃν ύμίν αὐτοὺς
μάρτυρας τοὺς παραγενομένους παρέξομαι.

ΜΑΡΤΥΡΕΣ

29 Τὸν δὲ πρεσβύτατον ἀδελφὸν αὐτοὶ οἱ συ-
στατευμένοι ἵσασιν, οὕτως μετὰ Λέοντος ἢ
τε ἐν Ἔλλησπόντῳ, ὡστε νομίζειν μηδενὸς ἢττον εἶ
ἄνθρώπων τὴν ψυχὴν. καὶ μοι ἀναβητε δεύρο.

ΜΑΡΤΥΡΕΣ

30 Πῶς οὖν οὐ χρῆ χάριν παρ' ύμῶν ἀπολαμβάνειν,
εἰ τοιοῦτοί ἐσμεν; ἀλλ' ὃν μὲν ὁ πατὴρ δια-
βεβληται εἰς ύμᾶς, δικαίως τούτων δει ἡμᾶς ἐνεκα
ἀπολέσθαι, [δι'] 3 ὃν δὲ πρόθυμοι εἰς τὴν πόλιν
γεγενήμεθα, μηδεμίαν ὥφελειαν γενέσθαι; ἀλλ' οὐ
dίκαιον. ἀλλ' εἰ διὰ τὴν τούτων διαβολὴν δει
ἡμᾶς <τι>4 πάσχειν, δίκαιοι ἐσμεν διὰ τὴν ἡμετέ-
31 ραν προθυμίαν τούτων τε σῶσαι καὶ ἡμᾶς. οὐ γὰρ
δὴ5 ἡμεῖς χρημάτων γε ἐνεκα, ἵνα λάβομεν, εἰ
ὑμᾶς ἐποιοῦμεν, ἀλλ' ἵνα, εἰ ποτε κίνδυνος εὐη

1 οἱ add. Taylor.
2 metà Leontos Wilamowitz: ἐνθάδε ὃντες mss.
3 δι' del. Dobree.
4 τι add. Wilamowitz.
5 δὴ Dobree: ἄν mss.

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Sicily I should return. Now surely your interests and those of the people there were the same; so, if he had not been loyal to the State and to you, he would never have sent such a letter.

Then again, as to my youngest brother, I will inform you of his disposition towards you. When a descent was made on us by the returning exiles, who not only wreaked here whatever damage they could, but also raided and harried you from their fortress, he galloped out from the cavalry ranks and killed one of them. As witnesses to this I will produce to you the actual men who were present at the affair.

Witnesses

Of my eldest brother enough is known by his actual comrades in the campaign,—by any of you who were with Leon at the Hellespont,—for him to be accounted the equal of any man in spirit. Please come up here.

Witnesses

How, then, should we not obtain our reward from you, with such characters as those? Is our destruction to be justified by the slanders by which my father has been traduced to you, and are we to reap no benefit from the zeal that we have shown in the city’s service? Nay, there would be no justice in it. Supposing that we ought to suffer on account of the slander aimed at him, we deserve, on account of that zeal of ours, to save both him and ourselves. For indeed it was not for the sake of money that we might get that we sought your good; our purpose was that, if we found ourselves in trouble, we might

* Probably (with the Spartans) at Decelea in Attica.
LYSIAS

...
be saved by this plea, and might obtain our due reward at your hands. And for the sake of other people also you ought to be so disposed, recognizing that, whenever zeal is shown in your service, your support will be not merely for us,—for even before making any request you have proved our attitude towards you,—but you will make the others more zealous by your bestowal of merited favour in every case of service rendered to you. And avoid giving any kind of confirmation to those who repeat the most wicked of all sayings,—that ill-treated men have better memories than the well-treated. For who will keep a loyal heart, if those who harm you are to be preferred to those who help you? What you have to do, gentlemen, is this: your decision is to be taken on us, and not on our estate. For so long as there was peace, we had a material fortune and our father was skilful in his farming; but after the invasion of the enemy, we were deprived of the whole of it. So this was the very reason why we were zealous in your service: we knew that we had no funds from which we could pay a fine, but that our personal zeal in your service entitles us to get some recompense. And yet we find, gentlemen, that when someone puts forward his children with sobs and lamentations you take pity on the children for the disfranchisement that they will owe to him; and you overlook the fathers' transgressions on account of the children, of whom you cannot yet tell whether they will grow up to be good citizens or bad. But of us you can tell that we have zealously worked in your service, and that our father is clear of any transgression. Thus you are far more justified in
ρασθε, τούτοις χαρίσασθαι, ἢ οὐς οὐκ ἢ ποιοὶ
τινες ἐσονται. πεπόνθαμεν δὲ τοῦ ναντίον τοῖς
άλλοις ἀνθρώποις. οἱ μὲν γὰρ ἄλλοι τοὺς παιδάς
παραστησάμενοι ἐξαιτοῦνται ὑμᾶς, ἡμεῖς δὲ τὸν
πατέρα τουτού καὶ ἡμᾶς ἐξαιτούμεθα, μὴ ἡμᾶς
ἀντὶ μὲν ἐπιτήμων ἀτίμως ποιήσητε, ἀντὶ δὲ
πολιτῶν ἀπόλιδας. ἀλλὰ ἐλεήσατε καὶ τὸν πατέρα
gέροντα ὄντα καὶ ἡμᾶς. εἰ δὲ ἡμᾶς ἀδίκως ἀπ-
ολέιτε, πῶς ἢ οὗτος ἡμῖν ἡδέως συνέσται ἡ ἡμεῖς
ἀλλήλοις ἐν τῷ αὐτῷ, ὄντες ὑμῶν τε ἀνάξιοι καὶ
τῆς πόλεως; ἀλλ' ὑμῶν δεόμεθα τρεῖς ὄντες
ἐάσαι ἡμᾶς ἐπὶ προθυμοτέρους γενέσθαι. δεόμεθα
οὖν ὑμῶν πρὸς τῶν ὑπαρχόντων ἁγαθῶν ἐκάστων,
ὁτι μὲν εἰῶν ὑεῖς, τούτων ἕνεκα ἐλεήσαι, ὡστὶς
δ' ἡμῖν ἡλικιώτης τυγχάνει ἢ τῷ πατρί, ἐλεή-
σαντας ἀποψηφίσασθαι: καὶ μὴ ἡμᾶς βουλομένους
ἐν ποιεῖν τὴν πόλιν ὑμεῖς κωλύσητε. δεινὰ δ' ἄν
πάθοιμεν, εἰ ὑπὸ τῶν πολεμίων μὲν ἐσώθημεν, οὐς
εἰκὸς ἢν διακωλύειν μὴ σώζεσθαι, παρ' ὑμῶν δὲ
μηδὲ εὐρησόμεθα τὸ σωθῆναι.

1 δ' add. Stephanus.
showing favour to those whose work you have tested than to those of whom you cannot tell how they will shape in the future. And our position is the contrary of that of other people: for others seek your indulgence by producing their children; but we seek it by producing our father here and ourselves, begging you not to deprive us of the rights that we now enjoy, and so leave us, your fellow-citizens, without a city. Nay, pity both our father in his old age, and us. If you ruin us unjustly, what pleasure will there be for him in our society, or for us in company with each other, when we are unworthy both of you and of the city? But all three of us beseech you to let us give yet greater proofs of our zeal. We beseech you, then, in the name of all that each of you holds dear,—if any have sons, pity us for their sake; if any is our equal, or our father's, in age, pity us and acquit us. And do not let your act frustrate our purpose of rendering service to the State. Dreadful would be our lot if, from the enemy, who might fairly have denied us safety, we yet obtained safety, but at your hands we shall fail to find salvation.
XXI. DEFENCE AGAINST A CHARGE OF TAKING Bribes: Undesignated

INTRODUCTION

This speech, like that composed for the son of Eucrates (XVIII.), is only the conclusion of a defence of which the main and more direct argumentation does not appear. In the present piece we have merely the pleader's general justification of his personal character, so that it is not easy to determine exactly what the accusation was. In 16 the defendant implies that he is charged with retaining public money; but in 21 he begs the court not to condemn him for taking bribes, and it is this latter charge that has been attached to the piece as its title. It seems most probable that, at the usual rendering of accounts after tenure of a State office, he has been definitely accused of corruption, and has to meet a further insinuation of embezzlement. The penalty that he would incur, if found guilty, is probably a fine amounting to many times the sum or sums alleged to have been misappropriated by him: this fine he would be quite unable to pay in full, and both he and his children would consequently be deprived of their civic rights. At several points he dwells on the wretchedness of their plight, should they be unsuccessful in their present defence (11, 14, 25).

The pleader attained the adult age of eighteen in 411–410 B.C. (1): he was therefore born in 429–428.
ON A CHARGE OF TAKING Bribes

He gives an exact account of his public services down to the year 404–403, so that we may place the date of the present action in 403–402, and fix his age now at twenty-six. In these eight years of his early manhood he has spent over ten talents on the public services which were incumbent on wealthy citizens, although less than a quarter of this expenditure would have been the normal amount. When he undertook the charge of a warship, the confidence shown by Alcibiades (of whom he is careful to state his personal dislike) proved the thoroughness of his equipment, and his vessel was one of the twelve which got away safe from the disaster at Aegospotami (405 B.C.). Instead of a positive reward for all these services, he only claims to be left in possession of his property. After the perils he has encountered in defence of the city, it is unlikely that he would take bribes to the detriment of the State. He ends with an appeal for pity towards his wife and children.

Among the interesting points of the speech are the enumeration of the sums spent by the defendant on his various public services, which included dramatic and choric performances, the equipment and conduct of war vessels, naval and athletic contests and religious missions and processions; a the remark in 13 on the exhaustion of the Treasury funds; and altogether, the skilful way in which Lysias has characterized the generous spirit of the young man, who is proud of his lavish expenditure on public ceremonies and entertainments at a time when the State is impoverished, and who expects the just reward of acquittal.

a Amounting in all to 636 minae or 10½ talents,—a sum of a value between £2000 and £3000.
XXI. ΑΠΟΛΟΓΙΑ ΔΩΡΟΔΟΚΙΑΣ
ΑΠΑΡΑΣΗΜΟΣ

1 Περὶ μὲν τῶν κατηγορημένων, ὁ ἀνδρεῖς δικασταὶ, ἵκανῶς ύμῖν ἀποδὲδεικται ἀκοῦσαι δὲ καὶ
περὶ τῶν ἄλλων ύμᾶς ἄξιῶ, ἵν' ἐπιστηθῇ περὶ οὗν1 τῶν οὐν ἐμοὶ ψηφιεῖσθε. ἐγὼ γὰρ ἐδοκιμάσθην μὲν ἐπὶ Θεοπόμπου ἄρχοντος, καταστάς δὲ
χορηγὸς τραγῳδοῖς ἀνήλωσα τριάκοντα μνᾶς καὶ τρίτω μηνὶ Θαργηλίους νυκῆσας ἀνδρικῶς χορῷ
δισχιλίας δραχμᾶς, ἐπὶ δὲ Γλαυκίππου ἄρχοντός εἰς πυρριχίστας Παναθηναίοις τοῖς μεγάλοις ὀκτα-
2 κοσίας. ἔτι δ' ἀνδράσι χορηγῶν εἰς Διονύσια ἐπὶ
tοῦ αὐτοῦ ἄρχοντός εἰκῆςα, καὶ ἀνήλωσα σὺν τῇ
tοῦ τρίποδος ἀναθέσει πεντακισχιλίας δραχμᾶς, καὶ
ἐπὶ Διοκλέους Παναθηναίοις τοῖς μικροῖς κυκλῶν
χορῷ τριάκοσίας. τὸν δὲ μεταξὺ χρόνον ἔτριηρ-
3 ἄρχουν ἐπὶ τῇ ἔτη, καὶ εἰς τάλαντα ἀνήλωσα. καὶ
tοσαύτας δαπάνας δαπανῶμεν καὶ καθ' ἥμεραν
ὑπὲρ ύμῶν κινδυνεύων καὶ ἀποδημῶν, ὦμος εἰσ-
φορᾶς τὴν μὲν τριάκοντα μνᾶς τὴν δὲ τετρα-

1 οὗν Markland: ὅτου mss.

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a By the Council, in his eighteenth year: cf. X., Against Theominestus, 1. 31, p. 213.

b 411–410 B.C.

c At the festival of Apollo and Artemis, held in the month Thargelion (May-June).

d 410–409 B.C.

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XXI. DEFENCE AGAINST A CHARGE OF TAKING BRIBES: UNDESIGNATED

In regard to the counts of the accusation, gentlemen of the jury, you have been sufficiently informed; but I must ask your attention also for what has yet to be added, so that you may understand what kind of person I am before you give your verdict upon me. I was certified of age in the archonship of Theopompus: appointed to produce tragic drama, I spent thirty minae and two months later, at the Thargelia, two thousand drachmae, when I won a victory with a male chorus; and in the archonship of Glauceippus, at the Great Panathenae, eight hundred drachmae on pyrrhic dancers. Besides, I won a victory with a male chorus at the Dionysia under the same archon, and spent on it, including the dedication of the tripod, five thousand drachmae; then, in the time of Diocles, three hundred on a cyclic chorus at the Little Panathenaeae. In the meantime, for seven years I equipped warships, at a cost of six talents. Although I have borne all these expenses, and have faced daily peril in your service abroad, I have nevertheless made contributions—one of thirty minae and another of four thousand drachmae—to special

The pyrrhic was a kind of war-dance. \( ^{b} 409-408 \) B.C. A circular or dithyrambic chorus, usually associated with the worship of Dionysus.
κυσχιλίας δραχμάς εἰςενήνοχα. ἐπειδὴ δὲ κατ-
έπλευσα ἐπὶ Ἀλεξίου ἄρχοντος, εὐθὺς ἐγγυμασι-
ἀρχον εἰς Προμήθεια, καὶ ἐνίκων ἀναλώσας δώδεκα
μνᾶς. καὶ ὦστερον κατέστην χορηγὸς παιδικῷ
χορῷ καὶ ἀνήλωσα πλέον ἡ πεντεκαίδεκα μνᾶς.
ἐπὶ δὲ Εὐκλείδου ἄρχοντος κωμῳδοῖς χορηγῶν
Κηφισοδώρῳ ἐνίκων, καὶ ἀνήλωσα σὺν τῇ τῆς
σκευῆς ἀναθέσει ἐκκαίδεκα μνᾶς, καὶ Παναθηναίοις
τοῖς μικροῖς ἐχορήγουν πυρρηχισταῖς ἀγενεῖοι, καὶ
5 ἀνήλωσα ἑπτὰ μνᾶς. νενίκηκα δὲ τριήρει μὲν
ἀμιλλώμενοι ἐπὶ Σουνίω, ἀναλώσας πεντεκαίδεκα
μνᾶς. χωρὶς δὲ ἄρχιθεωρίας καὶ Ἑρημηρίας καὶ ἀλλὰ
tοιάτα, εἰς ἃ ἐμοὶ δεδαπάνηται πλέον ἡ
τριάκοντα μναί. καὶ τούτων ὧν κατέλεξα, εἰ
ἐβουλόμην κατὰ τὰ γεγραμμένα ἐν τῷ νόμῳ
λητουργεῖν, οὐδὲν τὸ τέταρτον μέρος ἀνήλωσα.
6 τὸν δὲ χρόνον ὅπως ἐτρυπαρχοῦσι, ἡ ναὸς ἄριστα μοι
ἐπλεί παντὸς τοῦ στρατοπέδου. τεκμηρίων δὲ
τούτων ύμῶν μέγιστον ἐρωτ. πρῶτον μὲν γὰρ
Ἀλκιβιάδης, ὃν ἐγὼ περὶ πολλοῦ ἃν ἐποιησάμην
μὴ συμπλεῖν μοι, οὔτε φίλος ὃν οὔτε συγγενής
7 οὔτε φυλέτης ἐπλεί ἐπὶ τῆς ἐμῆς νεώς. καὶ τοῖς
ὑμῶν ὅμως οἰμαί εἰδέναι ὡτὶ στρατηγὸς ὃν, ὃ ἐξῆν
ποιεῖν ὁ τὸ ἐβούλετο, οὔκ ὃν τοτε ἀνέβη ἐπὶ ἅλλην
ναὸν εἰ μὴ τὴν ἄριστα πλέουσαν, μέλλων αὐτὸς
κυδνυσεῖσιν. ἐπειδὴ δὲ ἐκεῖνος μὲν ὑμεῖς

1 Κηφισοδώρῳ Clinton: Κηφισοδότῳ mss.

a 405–404 B.C.
b Torch-races were held in honour of Prometheus.
c 404–403 B.C.
d A promontory in the south of Attica, on which there
was a temple of Poseidon.

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levies. As soon as I returned to these shores, in the archonship of Alexias,\(^a\) I was producing games for the Promethea,\(^b\) and won a victory after spending twelve minae. Then, later, I was appointed to produce a chorus of children, and spent more than fifteen minae. In the archonship of Eucleides\(^c\) I produced comic drama for Cephisodorus and won a victory, spending on it, with the dedication of the equipment, sixteen minae; and at the Little Panathenaea I produced a chorus of beardless pyrrhic dancers, and spent seven minae.

I have won a victory with a warship in the race at Sunium,\(^d\) spending fifteen minae; and besides I had the conduct of sacred missions and ceremonial processions\(^e\) and other duties of the sort, for which my expenses have come to more than thirty minae. Of these sums that I have enumerated, had I chosen to limit my public services to the letter of the law, I should have spent not one quarter. During the time when I had charge of a warship, my vessel was the best found in the whole armament. And I will tell you the surest evidence of that fact: at first Alcibiades,—I would have given a great deal to prevent his sailing with me, as he was neither my friend nor my relative nor a member of my tribe,—was aboard my ship. Now I am sure you must be aware that, being a commander who was free to do as he pleased, he would never have gone aboard any but the best found vessel, when he was himself to have his part in the danger. When you removed

\(^a\) In this case, of maidens of the best families, who at the Panathenaea carried the sacred robe and other holy objects as offerings to Athene.
8 ἐπαύσατε τὴς ἀρχῆς, τοὺς δὲ μετὰ Ὄρασύλλου δέκα εἴλεσθε, οὕτωι πάντες ἐβούλοντο ἐπὶ τῆς ἐμῆς νεῶς πλείων, ἀνέβη μέντοι πολλῶν λοιδοριῶν αὐτοῖς γενομένων Ἀρχεόστρατος ὁ Φρεάρριος· ἀποθανόντος δὲ τούτου ἐν Μυτιλήνῃ ἸΕρασίνιδης μετ’ ἐμοῦ συνέπλει. καίτοι οὕτω παρεσκευασμένην τριήρη πόσα οἴσθε ἀνηλωκέναι χρῆ.

9 ματα; ἣ πόσα τοὺς πολεμίους εἰργάσθαι κακά; ἣ πόσα τὴν πόλιν εὗ πεποιηκέναι· τεκμήριον δὲ τούτου μέγιστον· ὅτε γὰρ ἐν τῇ τελευταίᾳ ναυμαχίᾳ αἱ νῆς διεθάργασαν, οὐδενὸς μοι συμπλέοντος στρατηγοῦ (ίνα καὶ τούτου μνῆσθω, ἐπειδὴ καὶ τοῖς1 τριηράρχοις ὑργίσθητε διὰ τὴν γενομένην συμφοραν) ἔγω τὴν τε ἐμαυτῶν ναῦν ἐκόμισα καὶ τὴν Ναυσιμάχου τοῦ Φαληρέως

10 ἐσώσα. καὶ ταῦτα οὕκ ἀπὸ τύχης ἐγίγνετο, ἀλλ’ ἀπὸ παρασκευῆς τῆς ἐμῆς· εἰχον γὰρ χρήμασι πείσας κυβερνήτην Φαντίαν ἀπαντά τὸν χρόνον, ὅς ἐδόκει τῶν Ἑλλήνων ἀριστος εἶναι, παρεσκευασμένην δὲ καὶ τὸ πλήρωμα πρὸς ἐκεῖνον καὶ τὴν ἄλλην ὑπηρεσίαν ἀκόλουθον. καὶ ταῦθ’ ὅτι ἀληθῆ λέγω, πάντες ἐπιστάσθηκε, δὸςοι ἐτυγχάνετε ὄντες ἐκεῖ τῶν στρατιωτῶν. κάλεσον δὲ καὶ Ναυσίμαχον.2

ΜΑΡΤΥΡΙΑ

11 Αἱ μὲν τοῖνυν σωθεῖσαι τῶν νεῶν δώδεκα ἤσαν· ἐγὼ δ’ ὑμῖν δύο ἐκόμισα, τὴν ἐμαυτῶ καὶ τὴν Ναυσίμαχου τριήρη.

Καὶ οὕτω πολλοὺς κυνδύνους ὑπὲρ ὑμῶν κεκινδυ-

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1 καὶ τοῖς Markland: δὲ τοῖς, τοῖς MSS.
2 Ναυσίμαχον Schott: Ναυσίμαχον MSS.
ON A CHARGE OF TAKING Bribes, 8-11

those men from the command, and selected the ten of whom Thrasyllus was one, these all wanted to sail on my ship; though, after much wrangling amongst them, it was Archestratus of Phrearhe who came aboard. After his death at Mytilene, Erasinides sailed with me. I ask you, how much money do you think that a warship so well furnished must have cost me? How much harm did it do to the enemy, and how much benefit to the city? The best proof is this: at the time when our ships were destroyed in the last sea-fight, and I had no commander on board with me,—I may mention this, as your anger on account of the disaster that occurred was shown even against those who had charge of the warships,—I not only brought away my own vessel, but I also saved that of Nausimachus of Phalerum. And all this was the result, not of chance, but of my arrangements: for by making it worth his while I secured as my pilot for the whole time Phantias, who was esteemed the best in Greece; and I also provided such a crew and complement of oarsmen as were suitable for him. That these statements of mine are true is fully known to all of you who were in the forces over there. But call Nausimachus to support them.

Evidence

So the vessels that were saved were twelve in number; and two were brought away for you by myself,—my own warship, and that of Nausimachus. After so many dangers encountered in your defence,

a A district of Attica.
b At Aegospotami, 405 B.C.
νευκώς καὶ τοσοῦτα ἀγαθὰ εἰργασμένος τὴν πόλιν, νυνὶ δέομαι οὐ δωρεάν ὤσπερ ἄτομα αἰνί ποιήσαι τὰς παρὰς τούτων παρ’ Ἵμων λαβεῖν, ἀλλὰ μὴ στερηθῆναι τῶν ἐμαυτοῦ, ἤγοιμενος καὶ ὑμῖν αἰσχρὸν εἶναι παρὰ τε ἐκόντος
12 ἐμοῦ καὶ παρ’ ἀκοντος λαμβάνειν. καὶ οὐ τοσοῦτον μοι μέλει εἰ με δεῖ τὰ ὅντα ἀπολέσαι: ἀλλ’ οὐκ ἂν δεξαίμην ὑβρισθῆναι, οὔτε παραστήναι τοῖς διαδυομένοις τὰς λητουργίας ἐμοὶ μὲν ἀχάριστα εἶναι τὰ εἰς ὑμᾶς ἀνηλωμένα, ἐκείνους δὲ δοκεῖν ὤρθως βεβουλεύσθαι ὅτι ὑμῖν οὔδεν προεύται τῶν σφετέρων αὐτῶν. ἐὰν οὖν ἐμοὶ πεισθῇ, τὰ τε δίκαια ψηφιεῖσθαι καὶ τὰ λυσιτελοῦντα ὑμῖν αὐτοῖς αἱρῆναι.

13 σεσθε. ὃ ρατε γάρ, ὃ άνδρες δικασταί, τὰ προσιόντα τῇ πόλει ως όλιγα ἐστί, καὶ ταῦτα ως ὑπὸ τῶν ἐφεστηκότων ἀρπάζεται: ὥστε ἄξιον ταύτην ἥγεισθαι πρόσοδον βεβαιοτάθην τῇ πόλει, τὰς οὐσίας τῶν ἐθελόντων λητουργεῖν. ἦν οὖν εὔβουλεύσησθε, οὔθεν ἤττον ἐπιμελήσεσθε τῶν ἀμετέρων χρημάτων ἢ τῶν ἴδιων τῶν ὑμετέρων αὐτῶν,

14 εἰδοτες ὅτι ἐξετε πᾶσι χρῆσθαι τοῖς ἀμετέροις ὦσπερ καὶ πρότερον οὕμαι δὲ πάντας ωμῶς ἐπίστασθαι ὅτι τῶν ἐμῶν ἐγὼ πολὺ βελτίων ὑμῖν ἐσομαι ταμίας τῶν τὰ τῆς πόλεως ὑμῖν ταμιευόντων. ἦν δ’ ἐμὲ πένητα ποιήσετε, καὶ ὑμᾶς αὐτοὺς ἀδικήσετε. ἐτεροὶ δὲ καὶ ταῦτα διανεμοῦνται, ὦσπερ καὶ τάλλα.

15 "Αξίων δὲ ἐστὶν ἐνθυμηθῆναι ὅτι πολὺ μᾶλλον [163] ὑμῖν προσήκει τῶν ὑμετέρων ἐμοὶ διδόναι ἢ τῶν ἐμῶν ἐμοὶ ἀμφισβητῆσαι, καὶ πένητα γενόμενον ἐλεήσαι μᾶλλον ἢ πλουτοῦντι φθονῆσαι, καὶ τοῖς θεοῖς εὐχεσθαι τοὺς ἄλλους εἶναι τοιοῦτος πολίτας,

1 προσώπα Reiske: προσώπα mss.
and after all the services that I have rendered to the city, I now request, not a boon for my reward, as others do, but that I be not deprived of my own property; for I consider it a disgrace to you also, to take it both with my will and against my will. I do not mind so much having to lose my possessions; but I could not put up with an outrage, and the impression that it must produce on those who shirk their public services,—that while I get no credit for what I have spent on you, they prove to have been rightly advised in giving up to you no part of their own property. Now, if you will admit my plea, you will both vote what is just and choose what is to your own advantage. Do but observe, gentlemen of the jury, how slender are the revenues of the State, and how even these are pilfered by their appointed guardians: you ought, therefore, to see the surest revenue for the State in the fortunes of those who are willing to perform public services. So, if you are well advised, you will take as great care of our property as of your own personal possessions, knowing that you will be able to avail yourselves of all that we have, as you were in the past. And I think you are all aware that you will find me far superior, as controller of my property, to those who control for you the property of the State: whereas, if you impoverish me, you will wrong yourselves besides; others will divide it up amongst them, as they do the rest.

You ought also to consider that it is far more fitting for you to give me of what is yours than to dispute my claim to what is mine, and to pity me if I am impoverished than to envy me my wealth: you should pray Heaven that the others may be as good
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16 ἰνα τῶν μὲν ὑμετέρων¹ <μή>² ἐπιθυμήσωσι, τὰ
dὲ σφέτερα αὐτῶν εἰς ὑμᾶς ἀναλίσκοσθων. ἡγοῦμαι
d', ὡ ἀνδρεῖς δικασταί (καὶ μηδεὶς ὑμῶν ἀχθεσθῇ),
pολὺ ἄν δικαιότερον ὑμᾶς ὑπὸ τῶν ξητήτων
ἀπογραφῆναι τὰ ἐμὰ ἔχειν, ἡ ἐμὲ νυνὶ κινδυνεύειν
ὡς τοῦ δημοσίου χρήματα ἐχοντα. τοιοῦτον γὰρ
ἐμαυτὸν τῇ πόλει παρέχω, ὡστε ἰδία μὲν τῶν
<ὄντων>³ φείδομαι, δημοσία δὲ λητουργῶν ἠδομαι,
καὶ οὐκ ἐπὶ τοῖς περιοῦσι μέγα φρονῶ, ἀλλ' ἐπὶ
17 τοὺς εἰς ὑμᾶς ἀνηλωμένους, ἡγούμενος τούτων μὲν
αὐτὸς αἰτίως εἶναι, τὴν δ' οὐσίαν ἔτερους μοι κατα-
λιπεῖν, καὶ διὰ ταύτην μὲν ὑπὸ τῶν ἔχθρῶν ἀδίκως
συκοφαντεῖσθαι, δι' ἐκείνα δὲ ύφ' ύμῶν δικαίως
σώζεσθαι. ὡστ' οὐκ ἂν εἰκότως ἔτεροι μὲ ἐξητή-
σαντο παρ' ὑμῶν, ἀλλὰ καὶ εἰ τις τῶν ἐμῶν φίλων
tοιοῦτον ἁγώνα ἥγωνίζετο, ὑμᾶς ἂν ἤξιον ἐμοὶ
δοῦναι τὴν χάριν, καὶ εἰ παρ' ἄλλοις ἐκινδύνευον,
18 ὑμᾶς εἶναι τοὺς δεομένους ὑπὲρ ἐμοῦ. <οὺ γὰρ
ἀν>¹ τοῖς ὑπὲρ ἔχοι τις, ὡς πολλὰς ἀρχὰς
ἀρέσα ἐκ τῶν ὑμετέρων ωφέλημαι, ἡ ὡς αἰσχρὰς
δίκας δεδικασμαί, ἡ ὡς αἰσχροῦ τις αἰτίος εἰμί,
ἡ ός τὰς τῆς πόλεως συμφορὰς ἀσμένως εἶδον
ὑπὲρ ἀπάντων δὲ καὶ <τῶν> ἰδίων καὶ τῶν
dημοσίων οὗτως ἡγοῦμαι μοι πεπολιτεύσθαι καὶ
ὑμᾶς εἰδέναι, ὡστε οὐδὲν δεϊν ἰδίων με ἀπολογήσασθαι
19 περὶ αὐτῶν. δέομαι οὖν ὑμῶν, ὡ ἀνδρεῖς δικασταί,
τὴν αὐτὴν νῦν περὶ ἐμοῦ γνώμην ἔχειν ἤπερ καὶ
ἐν τῷ τέως χρόνῳ, καὶ μὴ μόνον τῶν δημοσίων
λητουργῶν μεμνήσθαι, ἀλλὰ τῶν ἰδίων ἐπι-

¹ ὑμετέρων Dobree: ἐτέρων mss.
² μή add. Contius.
³ ὑπότων add. Markland.
⁴ οὐ γὰρ ἤض add. Dobree.
⁵ τῶν add. Bekker.
⁶ δεὶν Reiske: δεὶ mss.

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ON A CHARGE OF TAKING BRIBES, 15-19

citizens, so that, instead of coveting your money, they may spend their own on you. In my opinion, gentlemen,—and let none of you take it ill,—there would be far more justice in your being declared by the Commissioners to be holding my property than in my being prosecuted now for holding Treasury funds. For my attitude towards the State is shown by the fact that, while I am frugal in the private use of my means, I delight in the discharge of my public duties: I take a pride, not in the residue that is left to me, but in the amounts that I have spent on you; for I regard the latter as my own achievement, whereas my fortune was bequeathed to me by others, and if on account of this I unjustly incur the venal slander of my enemies, those expenses have justly earned my salvation at your hands. There is no good reason, therefore, why others should have interceded with you on my behalf; and indeed, if any of my friends had been involved in a similar suit, I might expect you to show me your gratitude; and if I were being tried before another court I should look to you as the petitioners in my defence. For it can never be alleged that I have profited at your expense by the tenure of many offices, or that I have been the subject of disgraceful suits, or that I am guilty of any disgraceful act, or that I saw with delight the disasters of the city. In all my dealings, both private and public, I believe that I have shown such a character as a citizen, in a manner so well known to you, that I have no need to justify myself in those respects. I therefore request you, gentlemen of the jury, to hold the same opinion of me now as you have held hitherto, and not only to remember my public services to the State, but also to bear in
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τηδευμάτων ἐνθυμεῖσθαι, ἡγουμένους ταύτην εἶναι
[τὴν]1 ηλιόποργίαν ἐπιπονωτάτην, διὰ τέλους τὸν
πάντα χρόνον κόσμων εἶναι καὶ σώφρονα καὶ μήθ',
ὑφ' ἤδονῆς ἥττηθηναι μήθ' ὑπὸ κέρδους ἐπαρθῆναι,
ἀλλὰ τοιοῦτον παρασχεῖν έαυτὸν ὡστε μηδένα
tῶν πολιτῶν μήτε μέμψασθαι μήτε δίκην τολμῆσαι
προσκαλέσασθαι.

20 Οὕκοιν αξίων, ὦ ἄνδρες δικασταί, πειθομένους
κατηγόρους τοιούτους ἐμοῦ καταψηφίσασθαι, οἱ
περὶ ἀσεβείας μὲν ἀγωνιζόμενοι τηλικοῦτοι γε-
γόνασιν, οὐκ ἂν δυνάμενοι δ' ὑπὲρ τῶν σφετέρων
ἀμαρτημάτων ἀπολογήσασθαι ἐτέρων κατηγορεῖν
tολμῶσι. καὶ ὦν Κυνηγίας οὐτὸ διακείμενος
πλείους στρατείας ἐστράτευται, οὕτωι περὶ τῶν
τῆς πόλεως ἀγανακτοῦσι. καὶ εἰ δὲν ἡ πόλις
eυδαίμον ἔσται, οὐ συμβάλλονται, πάντα δὲ
ποιοῦσιν ὑπὸς ὑμεῖς τοῖς εὐ πεποιηκόσων ὄργι-
21 οθῆσεσθε. οὕτωι μὲν οὖν, ὦ ἄνδρες δικασταί, ἐν
tῷ δήμῳ κατείποιεν υμῶν τὰ σφέτερ' αὐτῶν
ἐπιτηθεύματα οὐ γὰρ ἄν ἔχοιμι ὃ τι τούτου μείζον
αὐτοῖς εὐξαίμην κακόν· ἐγὼ δ' υμῶν δέομαι καὶ
ἰκετεύω καὶ ἀντιβολῷ μὴ καταγώναι δωροδοκίαν
ἐμοῦ, μηδ' ἡγήσασθαι τοσαῦτα χρήματα εἶναι,
<δι'>2 ὥς βουληθείην ἂν τι κακὸν τῇ πόλει
22 γενέσθαι. μανοίμην γὰρ <ἀν>,3 ὦ ἄνδρες δικα-
σταί, εἰ τὴν μὲν πατρίων οὐσίαν φιλοτιμοῦμενος
eἰς υμᾶς ἀναλίσκομι, ἐπὶ δὲ τῷ τῆς πόλεως
κακῷ παρὰ τῶν ἄλλων δωροδοκοῦν. ἕγὼ μὲν
οὖν, ὦ ἄνδρες δικασταί, οὐκ οἶδ' οὐσίνας ἢ υμᾶς
ἐβουλήθην περὶ ἐμοῦ δικαστᾶς γενέσθαι, εἴπερ χρὴ

1 τὴν del. Dobree.

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mind my private propensities. Consider that the most onerous of public services is to maintain throughout one's life an orderly and self-respecting behaviour, neither overcome by pleasure nor elated by gain, but evincing such a character that one is free from complaint or the thought of a prosecution in the mind of any fellow-citizen.

It is therefore unfair, gentlemen, that you should condemn me in deference to such accusers as these, who have gone this length in contesting the charge of their own impiety, and then, as they could never clear themselves of their own offences, they have the hardihood to accuse others. Nay, Cinesias, with the character that we know, has served in more campaigns than these men, who now show indignation at the city's plight! They make no contribution to any scheme for raising the fortunes of the city, but do their utmost to incense you against your benefactors. Rather is it to be wished that they, gentlemen, might recount their own proceedings to you in Assembly; for I could not find a worse fate to invoke upon them. On my own part, I request, I beseech, I supplicate you not to condemn me for venality, nor to believe that any amount of money could make me wish any ill to befall the city. For I should be a madman, gentlemen, if, after spending my patrimony upon you in the pursuit of distinction, I accepted bribes from others with the aim of injuring the State. I indeed, gentlemen, cannot think what judges I should prefer to you for the trial of my case, if one ought really to pray that the

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* A notorious coward; see Introd. p. xviii.

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8 δι' add. Reiske. 3 ἀν add. Bekker.
τους εὖ πεπονθότας περὶ τῶν εὖ πεποιηκότων
23 εὔχεσθαι τὴν ψήφον φέρειν. καὶ μὲν δὴ, ὃ ἀνδρεῖς
dικασταί, (ἐπιθυμῶ γὰρ καὶ τούτων μηνόθηναι)
ουδεπώποτε λητουργεῖν ὑπὲρ ύμῶν δέον <δεινὸν
ήγούμην>, εἰ τοσοῦτω πενεστέρους τοὺς παῖδας
catalείψω, ἀλλὰ πολὺ μάλλον εἰ μὴ προθύμως
24 ποιήσω τὰ προσταχθέντα: οὔδ' εἰ ποτε κινδυ-
νεύσεων ἐν ταῖς ναυμαχίαις μέλλομι, οὐδεπότ' 
ήλεγκτα οὔδ' ἐδάκρυσα οὔδ' ἐμνήσθην γυναίκος
οὐδὲ παῖδων τῶν ἐμαυτοῦ, οὔδ' ἴγνομην δεινὸν
einai ei telευτήσας ὑπὲρ τῆς πατρίδος τῶν βίων ὀρφανοὺς καὶ πατρὸς ἀπεστερημένους αὐτοὺς
[164] catalείψω, ἀλλὰ πολὺ μάλλον εἰ σωθεῖσι αἰσχρῶς 
25 ὁνείδη καὶ ἐμαυτῷ καὶ ἐκείνοις περιάψω. ἀνθ' 
ἂν ὑμᾶς ἀπαιτῶ νῦν τὴν χάριν, καὶ ἄξιῶ, ἐν τοῖς 
κινδύνοις ἐμοὶ τοιαύτην περὶ ύμῶν γνώμην ἐχοντος,
ὑμᾶς νυνὶ ἐν τῷ θαρραλέω ὀντας ἐμὲ καὶ τοὺς 
paῖδας τούτους περὶ πολλοῦ ποιήσασθαι, ἴγνο-
μένους ἴμιν μὲν δεινὸν ὑμῖν δὲ αἰσχρὸν εἶναι, εἰ 
ἀναγκασθησόμεθα ἐπὶ τοιαύτας αἰτίαις ἄτιμοι 
γενέσθαι, ἡ στερηθέντες τῶν ὑπαρχόντων πείητας 
einai καὶ πολλῶν ἐνδεείς ὀντες περιέναι, ἀνάξια 
mēν ὑμῶν αὐτῶν πεπονθότες, ἀνάξια δὲ τῶν εἰς 
ὑμᾶς ὑπηργημένων. μηδαμῶς, ὃ ἀνδρεῖς δικασταί:
ἀλλ' ἀποφημισάμενοι τοιούτοις ἴμιν χρῆσθε πολί-
tais oφιστερ ἐν τῷ πρόσθεν χρόνῳ.

benefited should give decision upon their benefactors. Furthermore, gentlemen,—for this is a point that I am anxious to mention,—never once when I had to perform a public service in your aid did I consider it a hardship that I should leave my children so much the poorer, but much rather that I should fail in the zealous discharge of my obligations. Nor, whenever I was about to risk my life in our sea-fights, did I once pity or bewail or mention my wife or my children, nor think it hard that, if I lost my life in my country’s cause, I should leave them orphaned and bereft of their father; but hard indeed it would be if I should save myself by a shameful act and fasten reproach on them as well as myself. In return I ask from you the grace that I deserve, and I expect that, since I have shown such regard for you in times of danger, you in your present security will set a high value on me and these children, considering that it will be as disgraceful to you as terrible to us if we are to be compelled on such charges as these to lose our citizenship, or to be deprived of our present resources, and thus impoverished, and to wander about in sore straits and in a plight unworthy of ourselves and unworthy also of the services that you have received. Let it not be so, gentlemen of the jury, but decide on our acquittal, and continue to find in us the self-same kind of citizens as you have done in the past.
XXII. AGAINST THE CORN-DEALERS

INTRODUCTION

This plain, business-like speech gives us an intimate glimpse of the anxiety felt by the Athenians over their food supply about the end of the Corinthian War (386 B.C.). The importation of corn from Cyprus had become more and more irregular owing to the Persian appropriation of that island; and although the importers fixed the wholesale price as they pleased, the people had to regard their activities with complacence, and vented their feelings, when the price rose, upon the retail dealers. These men, for the most part resident aliens, worked in concert together as a guild, and their operations were subject to the control of special officers of the State, who had to enforce certain definite regulations. One of these was that no dealer could charge more than an obol above the cost-price for each "medimnus" (about a bushel and a half); another, which sought to prevent a monopoly of a large stock, forbade any dealer to purchase more than fifty "medimni" at a time. Before the present hearing of the case in a court of law, the defendants have been accused in the Council of having purchased more than the permitted amount of corn. The Council appears at this time to have
AGAINST THE CORN-DEALERS

had no legal power of inflicting the death penalty prescribed for this offence: the members, however, seem to have been on the point of handing over the accused—who admitted the fact—for execution, under the influence of a wave of popular indignation. But the present speaker opposed this impulse of the Council, and induced his fellow-members to let the case take a normal course. At the preliminary hearing before the Council, as no one else would do so, he preferred the accusation. He did this, he tells us, to clear himself of any suspicion of abetting the dealers, and to show that he acted solely through regard for the law and in the public interest. The result was that the case was sent for trial by an ordinary court, before whom he delivers the present accusation.

When one of the dealers is interrogated, he admits having bought more than the legal amount, but pleads that he did so on the suggestion of the magistrates concerned. The speaker then shows that this plea is untrue, and even if it were true, it would not justify the breach of the law. If the dealers say that they were acting in the public interest, to secure a good supply of corn at a low price, he points to the fact that they committed the further offence of raising the price in one day by as much as a drachma, to the disadvantage of the public. The latter part of the speech (13-22) emphasizes the impudent rapacity of the dealers, who trade on the misfortunes of the city: "in time of peace they become our besiegers" (15). An additional reason for condemning them is that they confess to having combined against the importers, who ought to be defended from their malpractices (21).
XXII. KATA TON SITOPOLAQN

1 Πολλοὶ μοι προσεληλύθασιν, ὃ ἄνδρες δικασταί, θαυμάζοντες ὅτι ἐγὼ τῶν σιτοπωλῶν ἐν τῇ βουλῇ κατηγόρουν, καὶ λέγοντες ὅτι ὑμεῖς, εἰ ὦς μᾶλλον αὐτοὺς ἄδικεῖν ἠγείροντες, οὐδὲν ἦττον καὶ τοὺς περὶ τούτων λόγους ποιομένους συκοφαντεῖν νομίζετε.  οὗν οὖν ἡνάγκασμι κατηγορεῖν αὐτῶν, περὶ τούτων πρῶτον εἰπεῖν βούλομαι.

2 Ἐπειδὴ γὰρ οἱ προτάνεις ἀπέδοσαν εἰς τὴν βουλὴν περὶ αὐτῶν, οὕτως ὕργισθήσαν αὐτοῖς, ὥστε ἐλεγόν τινες τῶν ῥητόρων ὡς ἀκρίτους αὐτοὺς χρή τοῖς ἐνδεκα παραδοῦναι θανάτῳ ἐξημώσαι. ἕγον-μενος δὲ ἐγὼ δεινὸν εἶναι τοιαῦτα ἐθίζεσθαι ποιεῖν τὴν βουλήν, ἀναστὰς εἰπὼν ὅτι μοι δοκοῖ κρίνειν τοὺς σιτοπώλας κατὰ τὸν νόμον, νομίζων, εἰ μέν εἰσιν ἄξια θανάτου εἰργασμένου, ὡμᾶς οὐδὲν ἦττον ἥμων γνώσεσθαι τὰ δίκαια, εἰ δὲ μηδὲν ἄδικον ταῦτα, οὐ δεῖν αὐτοὺς ἀκρίτους ἀπολωλεῖν.

3 Πεισθείσης δὲ τῆς βουλῆς ταύτα, διαβάλλεις ἐπε- έχειρον με λέγοντες ὡς ἐγὼ σωτηρίας ἐνεκα τῆς τῶν σιτοπωλῶν τοὺς λόγους τούτους ἐποιούμην. πρὸς μὲν οὖν τὴν βουλήν, ὅτι οὖν αὐτοῖς ἡ κρίσις,

α i.e., men who, knowing the dealers were unpopular, brought charges against them hoping to be bought off. Cf. note, p. 518.

b Fifty of the five hundred members of the Council,

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XXII. AGAINST THE CORN-DEALERS

Many people have come to me, gentlemen of the jury, in surprise at my accusing the corn-dealers in the Council, and telling me that you, however sure you are of their guilt, none the less regard those who deliver speeches about them as slander-mongers. I therefore propose to speak first of the grounds on which I have found it necessary to accuse them.

When the Committee of the time brought up their case before the Council, the anger felt against them was such that some of the orators said that they ought to be handed over without trial to the Eleven, for the penalty of death. But I, thinking it monstrous that the Council should get into the way of such practice, rose and said that in my opinion we ought to try the corn-dealers in accordance with the law; for I thought that if they had committed acts deserving of death you would be no less able than we to come to a just decision, while, if they were not guilty, they ought not to perish without trial. After the Council adopted this view, attempts were made to discredit me by saying that I hoped to save the corn-dealers by these remarks. Now before the Council, when the case came up for their hearing, I justified appointed for the management of the Assembly during a tenth part of the year. e i.e., the Council.

As a preliminary to the trial proper.
LYSIAS

ērgw ἀπελογησάμην τῶν γὰρ ἄλλων ἦσυχίαν ἀγώντων ἀναστὰς αὐτῶν κατηγόρουν, καὶ πᾶσι φανερῶν ἐποίησα ὅτι οὐχ ὑπέρ τούτων ἔλεγον.

4 ἀλλὰ τοῖς νόμοις τοῖς κεμένοις ἐβοήθουν. ἤρξάμην μὲν οὖν τούτων ἔνεκα, δεδιώς τὰς αἰτίας· αἰσχρὸν δὲ ἦγομαι πρότερον παύσασθαι, πρὶν ἂν ὑμεῖς περὶ αὐτῶν ὦ τι ἀν βούλησθε ψηφίσῃσθε.

5 Καὶ πρῶτον μὲν ἀνάβητε. εἴπε σοῦ ἐμοὶ, μέτοικος εἶ; Ναὶ. Μετουκεῖς δὲ πότερον ὡς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσων ὦ τι ἀν βούλῃ; Ἡς πεισόμενος. Ἀλλο τι οὖν ἢ ἀξίοις ἀποθανεῖν, εἴ τι πεποίηκας παρὰ τοὺς νόμους, ἢ π’ ὡς θάνατος ἢ ζημία; Ἐγώγη. Ἀποκριναί δὴ μου, εἰ ὡμολογεῖς πλεῖον σῖτον συμπρίασθαι πεντήκοντα φορμῶν, ὃν ὦ νόμος ἐξεῖναι κελεύει. Ἐγὼ τῶν ἀρχόντων κελεύντων συνεπράμην.

6 Ἐάν μὲν τοῖνυν ἀποδείξῃ, ὃς ἀνδρεὶς δικασταί, ὡς ἐστι νόμος ὃς κελεύει τοὺς σιτοπώλας συνωνείσθαι τῶν σῖτον, ἐὰν οἱ ἄρχοντες κελεύσωσιν, ἀποψηφίσασθε· εἰ δὲ μὴ, δικαιοὶ ὑμᾶς καταψηφίσασθαι. ὑμεῖς γὰρ ὑμῖν παρεσχόμεθα τὸν νόμον, ὃς ἀπαγορεύει μηδένα τῶν ἐν τῇ πόλει πλείῳ σῖτον πεντήκοντα φορμῶν συνωνείσθαι.

7 Χρῆν μὲν τοῖνυν, ὃς ἀνδρεὶς δικασταί, ἵκανὴν εἶναι ταύτην τὴν κατηγορίαν, ἔπειδη οὕτος μὲν ὡμολογεῖ συμπρίασθαι, ὃ δὲ νόμος ἀπαγορεύσων φαίνεται, ὑμεῖς δὲ κατὰ τοὺς νόμους ὀμωμόκατε ψηφιεῖσθαι· ὡμος δ’ ἦνα πεισθήτε ὦτι καὶ κατὰ τῶν ἀρχόντων ψεύδονται, ἀνάγκῃ καὶ μακρότερον

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1 δὲ, quod est in mss. pone δεδώς, post αἰσχρὸν transp. Dobree.
2 ἢ αξίοις Reiske: ἀξίοις ἢ mss.
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AGAINST THE CORN-DEALERS, 3-7

myself in a practical way: while the rest kept quiet, I rose and accused these men, and made it evident to all that my remarks were not made in their defence, but in support of the established laws. Well, these were my reasons for beginning my task, in fear of those incriminations; but I consider it would be disgraceful to leave off before you have given such verdict upon them as you may prefer.

So, first of all, go up on the daïs. Tell me, sir, are you a resident alien? Yes. Do you reside as an alien to obey the city's laws, or to do just as you please? To obey. Must you not, then, expect to be put to death, if you have committed a breach of the laws for which death is the penalty? I must. Then answer me: do you acknowledge that you bought up corn in excess of the fifty measures which the law sets as the limit? I bought it up on an order from the magistrates.

Well now, gentlemen, if he proves that there is a law which orders the corn-dealers to buy up the corn on an order from the magistrates, acquit him: if not, it is just that you should condemn him. For we have produced to you the law which forbids anyone in the city to buy up corn in excess of fifty measures.

This accusation of mine should have sufficed, gentlemen of the jury, since this man acknowledges that he bought up the corn, while the law clearly forbids him to do so; and you have sworn to decide in accordance with the laws. Nevertheless, in order that you may be convinced that they are actually traducing the magistrates, it is necessary to speak

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\footnote{One of the corn-dealers is made to go up on the "bema" and is questioned. \textit{Cf. XII. 25, p. 237; XIII. 30, p. 297.}}

\footnote{A "basket" or measure was about a bushel and a half.}
LYSIAS

8 εἶπεν περὶ αὐτῶν. ἐπειδὴ γὰρ οὖν τὴν αὐτὴν εἰς ἐκείνους ἀνέφερον, παρακαλέσαντες τοὺς ἄρχον-

tας ἤρωτῶμεν. καὶ οἱ μὲν δύο οὐδὲν ἔφασαν εἰδέναι τοῦ πράγματος, Ἄνυτος δὲ ἔλεγεν ὡς τούτοις προτέρους κειμένοις, ἐπειδὴ τίμιος ἦν οὗτος.

165 τούτων ὑπερβαλλόντων ἄλληλους καὶ πρὸς σφᾶς αὐτοὺς μαχομένων συμβουλεύσειες αὐτοῖς παύσα-

σθαι φιλονικούσιν, ἡγούμενος συμφέρειν ὡμίν τοῖς παρὰ τούτων ἄνωμένους ὡς ἀξιώτατον τούτους πρίασθαι· δεῖν γὰρ αὐτοὺς ὁβολῷ μόνον πωλεῖν

9 τιμιώτερον, ὡς τοῖνυν οὐ συμπραμμένους κατα-

θέσθαι ἐκέλευεν αὐτούς, ἀλλὰ μὴ ἄλληλους ἄντ-

ωνείσθαι συνεβούλευεν, αὐτοῖν ὡμίν "Ἄνυτον μάρτυρα παρέξομαι.

ΜΑΡΤΥΡΙΑ

Καὶ [ὡς] 1 οὖτος μὲν ἐπὶ τῆς προτέρας βουλῆς τούτων εἴπε τοὺς λόγους, οὗτοι δέ ἐπὶ τῆς δε 2 συνοικομένου φαίνονται.

10 Ὁτι μὲν τοῖνυν οὐχ ὑπὸ τῶν ἀρχόντων κελευσθέν-

τες συνεπρίαντο τὸν σῖτον, ἀκηκόας· ἡγοῦμαι δὲ, ἐὰν ὡς μάλιστα περὶ τούτων ἄληθῆ λέγωσιν, οὕτως ἕπερ αὐτῶν αὐτοὺς ἀπολογήσεσθαι, ἀλλὰ τούτων καθηγορήσεως· περὶ γὰρ ὤν εἰσὶ νόμοι διαρρήδην γεγραμμένοι, πῶς οὗ χρῆ διδόναι δίκην καὶ τοὺς μὴ πεθομένους καὶ τοὺς κελεύοντας τούτοις τα-

ναντία πράττειν;

11 Ἀλλὰ γὰρ, ὥς ἀνδρες δικασταί, οὐομαί αὐτοὺς ἐπὶ μὲν τούτον τὸν λόγον οὐκ ἔλευσεσθαί· ὦσως δὲ ἔρουσιν, ὡσπερ καὶ ἐν τῇ βουλῇ, ὦσ ἐπ' εὐνοίᾳ

1 ὡς del. Pluygers.
2 ἐπὶ τῆς δε Bekker: ἐπιτηδεῖς, ἐξεπιτηδεῖς mss.

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of them at some greater length. For since these men shifted the blame on to them, we called the magistrates before us and questioned them. Two of them denied any knowledge of the matter; but Anytus stated that in the previous winter, as the corn was dear, and these men were outbidding each other and fighting amongst themselves, he had advised them to cease their competition, judging it beneficial to you, their customers, that they should purchase at as reasonable a price as possible: for they were bound, in selling, to add no more than an obol to the price. Now, that he did not order them to buy up the corn for holding in store, but only advised them not to buy against each other, I will produce to you Anytus himself as witness.

**Testimonies**

These statements were made by him in the time of the former Council, whereas these men evidently bought up the corn in the time of the present one.

So now you have heard that it was not on an order from the magistrates that they bought up the corn; yet, in my opinion, however true their statements may be on these points, they will not be clearing themselves, but only accusing the magistrates. For where we have laws expressly drafted for the case, surely punishment should fall alike on those who disobey them and on those who order an infringement of them.

But in fact, gentlemen of the jury, I believe they will not have recourse to this argument, but will repeat, perhaps, what they said before the Council,—

\[a\] *i.e.*, until the price was raised to their advantage.
τῆς πόλεως συνευνοούντο τὸν σῖτον, ὅπως ἄξιωτατον ὑμῖν πωλοῦεν. μέγιστον δ' ὑμῖν ἐρῶ καὶ
12 περιφανεῖστατον τεκμήριον ὅτι ζευδόνται ἐχρὴν γὰρ αὐτούς, ἐπερ ὑμῶν ἔνεκα ἐπραττον ταῦτα,
φαίνεσθαι τῆς αὐτῆς τιμῆς πολλὰς ἡμέρας πωλοῦντας, ἐως ὅ συνευνημένος αὐτοὺς ἐπέλιπε· νῦν δ' ἐνιοτε τῆς αὐτῆς ἡμέρας ἐπώλουν δραχμὴ τιμωτερον, ὥσπερ κατὰ μεδίμνον συνωνύμενοι. καὶ
13 τούτων ὑμᾶς μάρτυρας παρέχομαι. δεινὸν δὲ μοι δοκεῖ εἶναι, εἰ ὅταν μὲν εἰσφορὰν εἰσενεγκεῖν
dέη, ἂν πάντες εἰσεσθαί μέλλουσιν, οὐκ ἐθέλουσιν, ἀλλὰ πενίαν προφασίζονται, ἐφ' ὅις δὲ θάνατὸς
ἐστιν ἡ ζημία καὶ λαθεὶν αὐτοῖς συνεφερε, ταῦτα ἐπ εὐνοία φασὶ τῇ ἡμετέρᾳ παρανομῆσαι. καίτοι
πάντες ἐπίστασθε ὅτι τούτων ἡκιστα προσήκει
14 τουούτους ποιεῖσθαι λόγους. τἀναντία γὰρ αὐτοῖς καὶ τοῖς ἀλλοίς συμφέρει τότε γὰρ πλείστα
erδαίνουσιν, ὅταν κακοῦ τινος ἀπαγγελθέντος τῇ
tολει τίμιον τὸν σῖτον πωλῶσιν. οὗτοι δ' ἂσμενοι
tάς συμφορὰς τὰς ἡμετέρας ὀρῶσιν, ὡστε τὰς μὲν
πρότεροι τῶν ἄλλων πυρθάνοντας, τὰς δ' αὐτοῖς
λογοποιοῦσιν, ἡ τὰς ναῦς διεθάρθαι τὰς ἐν τῷ
Πόντῳ ἢ ὑπὸ Λακεδαιμονίων ἐκπλεούσας συν-
εληφθαί, ἢ τὰ ἐμπόρια κεκληθῆσαι, ἢ τὰς σπονδὰς
μέλλειν ἀπορρηθῆσθαι, καὶ εἰς τοῦτ' ἔχθρας
15 ἐληφθάσιν, ὡστ' ἐν τοῖς αὐτοῖς καίροῖς ἐπι-
βουλεύουσιν ὑμῖν, ἐν οὗσπερ οἱ πολέμουι. ὅταν γὰρ
μάλιστα σῖτον τυγχάνητε δεόμενοι, ἀναπάξουσιν

1 αὐτοὶ Markland: οὗτοι mss.
2 τοῖς αὐτοῖς Cobet: τούτοι τοῖς mss.

a i.e., six times the legal profit on each measure.
that it was in kindness to the city that they bought up the corn, so that they might sell it to you at as reasonable a price as possible. But I will give you a very strong and signal proof that they are lying. If they were doing this for your benefit, they ought to have been found selling it at the same price for a number of days, until the stock that they had bought up was exhausted. But in fact they were selling at a profit of a drachma \(^a\) several times in the same day, as though they were buying by the medimnus \(^b\) at a time. I adduce you as witnesses of this. And it seems to me a strange thing that, when they have to contribute to a special levy of which everyone is to have knowledge, they refuse, making poverty their pretext; but illegal acts, for which death is the penalty, and in which secrecy was important to them,—these they assert that they committed in kindness to you. Yet you are all aware that they are the last persons to whom such statements are appropriate. For their interests are the opposite of other men’s: they make most profit when, on some bad news reaching the city, they sell their corn at a high price. And they are so delighted to see your disasters that they either get news of them in advance of anyone else, or fabricate the rumour themselves; now it is the loss of your ships in the Black Sea, now the capture of vessels on their outward voyage by the Lacedaemonians, now the blockade of your trading ports, or the impending rupture of the truce; and they have carried their enmity to such lengths that they choose the same critical moments as your foes to overreach you. For, just when you find yourselves worst off for corn, these persons snap it up and

\(^{a}\) About the same as the phormus in § 5.

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οὖτοι καὶ οὐκ ἔθελουσι πωλεῖν, ἵνα μὴ περὶ τῆς πολύς διαφερομένα, ἀλλ' ἀγαπῶμεν ἐὰν ὁποσοῦν προέμενοι παρ' αὐτῶν ἀπέλθωμεν. ὡστ' ἐνίοτε εἰρήνης οὕσης ὧπο τούτων πολιορκοῦμεθα.

16 οὔτως δὲ πάλαι περὶ τῆς τούτων πανομορφίας καὶ κακονοίας ὲ τόλις ἐγνωκεν, ώστ' ἐπὶ μὲν τοῖς ἄλλοις ὦνιοις ἀπασί, τοὺς ἀγορανόμους φύλακας κατεστήσατε, ἐπὶ δὲ παύτῃ μονή τῇ τεχνῇ χωρίς αὐτοφύλακας ἀποκληρουῦτε καὶ πολλάκις ἤδη παρ' ἑκείνων πολιτῶν ὤντων δίκην τῇ μεγίστῃ ἐλάβετε, ὅτι οὐκ οἴοι τ' ἠραν τῆς τούτων ποινιάς ἐπικράτησαι. καίτοι τι χρή αὐτοὺς τοὺς ἀδικοῦντας ύπ' υμῶν πάσχειν, ὅποτε καὶ τοὺς οὐ δυναμένους φυλάττεις ἀποκτείνετε;

17 Ἑνθυμείσθαι δὲ χρῆ ὅτι ἀδύνατον ύμῖν ἐστιν ἀποψηφίσασθαι. εἰ γὰρ ἀπωγνώσεσθε ὁμολογούντων αὐτῶν ἐπὶ τοὺς ἐμπόρους συνίστασθαι, δόξεθ' ύμεῖς ἐπιβουλεύειν τοῖς εἰσπλέουσιν. εἰ μὲν γὰρ ἄλλην τινὰ ἁπολογίαν ἐποιούντο, οὔδεὶς ἂν ἔχε ὅτι ἀποψηφισαμένους ἐπίτιμαν· ἐφ' ύμῖν γὰρ ὁποτέρους βούλεσθε πιστεύειν· νῦν δὲ πῶς οὐ δεινὰ ἂν δοξαίτε ποιεῖν, εἰ τῶν ὁμολογοῦντας παρανομεῖν ἀζημίως ἀφήσετε; ἀναμνήσθητε δὲ, ὦ ἄνδρες δικασταῖ, ὅτι πολλῶν ἤδη ἐχόντων ταύτην τὴν αἰτίαν, ἀρνομένων δὲ καὶ μάρτυρας παραχωμένων, θάνατον κατέγνωτε, πιστοτέρους ἠγιασμένους τοὺς τῶν κατηγόρων λόγους. καίτοι πῶς ἂν οὐ θαυμαστὸν εἴη, εἰ περὶ τῶν αὐτῶν ἁμαρτημάτων δικάζοντες μᾶλλον ἐπιθυμείτε παρὰ τῶν ἀρνομένων δίκην λαμβάνειν; καὶ μὲν δή, ὦ άνδρες δικασταῖ, πᾶσων ἠγιασμενοί λαφέρον εἰναι ὅτι οἱ περὶ τῶν τοιοῦτων

1 ἀρνομένων δὲ Fuhr: λαμβάνειν mss.

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AGAINST THE CORN-DEALERS, 15-19

refuse to sell it, in order to prevent our disputing about the price: we are to be glad enough if we come away from them with a purchase made at any price, however high. And thus at times, although there is peace, we are besieged by these men. So long is it now that the city has been convinced of their knavery and disaffection that, while for the sale of all other commodities you have appointed the market-clerks as controllers, for this trade alone you elect special corn-controllers by lot; and often you have been known to inflict the extreme penalty on those officials, who were citizens, for having failed to defeat the villainy of these men. Now, what should be your treatment of the actual offenders, when you put to death even those who are unable to control them?

You should reflect that it is impossible for you to vote an acquittal. For if you reject the charge, when they admit that they are combining against the traders, you will be regarded as aiming a blow at the importers. If they were putting up some other defence, nobody could censure a verdict for acquittal; for it rests with you to choose which side you are to believe. But, as matters stand, your action cannot but be thought extraordinary, if you dismiss unpunished those who confess to breaking the law. Remember, gentlemen of the jury, that many in the past have met this charge with denial, and have produced witnesses; yet you have condemned them to death because you gave more credence to the statements of their accusers. But surely it would be astounding if, in passing judgement on the same offences, you are more eager to punish those who deny! And, moreover, gentlemen, I conceive it is obvious to you all that suits of this kind are of the
άγώνες κοινότατοι τυχάνουσιν οίντες τοίς ἐν τῇ πόλει, ὡστε πεύσονται ἡμίνα γνώμην περὶ αὐτῶν ἔχετε, ήγούμενοι, ἕαν μὲν θάνατον τούτων καταγινώσκατε, κοσμιωτέρους ἔσεσθαί τοὺς λοιπούς· ἕαν δὲ ἄξιμιόν ἀφῆτε, πολλὴν ἄδειαν αὐτοῖς ἐψηφίσατε. 20 σμένοι ἔσεσθε ποιεῖν ὁ τι ἂν βούλωνται. χρὴ δὲ, ὡς ἀνδρεῖς δικασταί, μὴ μόνον τῶν παρεληλυθότων ἐνεκα αὐτοὺς κολάξειν, ἀλλὰ καὶ παραδείγματος ἐνεκα τῶν μελλόντων ἔσεσθαι· οὔτω γὰρ ἔσονται μόνις ἄνεκτοί· ἐνθυμεῖσθε δὲ ὅτι ἐκ ταύτης τῆς τέχνης πλείστοι περὶ τοῦ σώματός εἰσιν ἡγούμενοι καὶ οὔτω μεγάλα ἐξ αὐτῆς ὠφελοῦνται, ὡστε μᾶλλον αἴροῦνται καθ’ ἐκάστην ἥμεραν περὶ τῆς ἰσχύος κινδυνεύειν ἣ παύεσθαι παρ’ ὑμῶν ἄδικως 21 κερδαίωντες. καὶ μὲν δὴ οὖν ἐὰν ἀντιβολῶσιν ὑμᾶς καὶ ἵκτεύσωσιν, δικαίως ἂν αὐτοὺς ἔλεγχατε, ἀλλὰ μᾶλλον τῶν τε πολιτῶν ὑν διὰ τὴν τούτων πονηρίαν ἀπεθνησκον, καὶ τοὺς ἐμπόρους ἐφ’ οὐσ’ οὗτοι συνέστησαν· οἷς ὑμεῖς χαριεῖσθε καὶ προθυμοτέρους ποιήσετε, δίκην παρὰ τούτων λαμβάνοντες. εἰ δὲ μή, τῶν αὐτοὺς ὁσεῖσθε γνώμην ἐξειν, ἐπειδὰν πῦθωνται ὦτι τῶν κατήλων οἱ τοῖς εἰσπλέουσιν ὁμολόγησαν ἐπιβουλεύειν, ἀπεψήφισασθε; 22 οὐκ οὖν ὁ τι δεῖ πλείον λέγειν· περὶ μὲν γὰρ τῶν ἄλλων τῶν ἀδικοῦντων, ὅτε δικαζόμεθα, δεῖ παρὰ τῶν κατηγόρων πυθόσθαι, τῆν δὲ τούτων πονηρίαν ἀπαντεῖ ἐπιστασθε. ἕαν οὖν τούτων καταψήφισσθε, τά τε δίκαια ποιήσετε καὶ ἀξιώτερον τὸν σίτον ὑνήσεσθε· εἰ δὲ μή, τιμώτερον.
closest concern to the people of our city; and hence they will inquire what view you take of such matters, in the belief that, if you condemn these men to death, the rest will be brought to better order; while if you dismiss them unpunished, you will have voted them full licence to do just as they please. You must chastise them, gentlemen, not only on account of the past, but also to give an example for the future: even so these people will be barely tolerable. Consider that great numbers in this business have been tried for their lives: so much profit do they make by it that they choose rather to risk death every day than to cease making illicit gain out of you. Nay, more, not even if they implore and beseech you, would you be justified in taking pity on them: far rather ought you to pity those of our citizens who perished by their villainy, and the traders against whom they have combined. These you will gratify and render more zealous by punishing the accused. Otherwise, what do you suppose their feelings will be, when they learn that you have acquitted the retailers who confessed to overreaching the importers?

I do not see what more there is to say: when suits against other malefactors are heard, you have to get your information from the accusers; whereas the villainy of these men is understood by you all. So, if you convict them, you will both do justice and buy your corn at a fairer price: otherwise, it will be dearer.

1 τούτων Kayser: αὐτῶν mss.
2 οἷς Taylor: οἷς mss.
3 παρὰ τούτων Taylor: παρ’ αὐτῶν mss.
4 εἰσπλέουσιν Reiske: ἐκπλέουσιν mss.
XXIII. AGAINST PANCELEON, SHOWING THAT HE WAS NOT A PLATAEAN

INTRODUCTION

The speaker here is answering, in the few minutes allotted to him by the court, the special plea by which the defendant, Panceleon, had demurred to the jurisdiction of the Polemarch, before whom he had been charged as a resident alien with some unknown offence. His special plea (ἀντιγραφή) alleged that he was a Plataean by birth, and could therefore claim the rights of an Athenian citizen: he also called himself a townsman of Decelea in Attica. The speaker explains, by means of a rapid narrative, why this plea should be rejected. He tells how he made inquiries among people belonging to Decelea; the only information he could get concerning Panceleon was from one man, who said that a slave of this name, who seemed to be like the defendant, had run away from him. Not long after, the accuser saw Panceleon being arrested as the slave of Nicomedes: but his friends gave security for producing him next day, when his brother would vindicate him as a freeman. But when the speaker went to see this done, instead of any attempt to vindicate him, two persons claimed
AGAINST PANCLEON

him as their slave. Thereupon his friends carried him off by force, thus showing that he and they knew him to be a slave. Again, on being prosecuted by Aristodicus, Pacleon had made the same plea against the jurisdiction of the Polemarch: but this time it had been decided that he was not a Plataean, and although he had accused the witness of falsehood he went no further, was convicted, failed to pay the sum required by the judgement, and took refuge in Thebes, which (until 387 B.C.) was bitterly hostile to Plataeans.

The speech, which is certainly the work of Lysias, was probably delivered some little time before 387 B.C. The narrative part (2-11) gives us some vivid glimpses of daily life in the streets of Athens: the rather hurried conclusion (12-16) states the inferences from the facts already adduced, and deals a final blow at the pretension of Pacleon by mentioning his flight to Thebes.
XXIII. ΚΑΤΑ ΠΑΓΚΛΕΩΝΟΣ ΟΤΙ ΟΥΚ ΗΝ ΠΛΑΤΑΙΕΥΣ

1 Πολλὰ μὲν λέγειν, ὦ άνδρες δικασταί, περὶ τουτοῦ τοῦ πράγματος οὔτε ἂν δυναῖμην οὔτε μοι δοκεῖ δεῖν, ὡς δὲ ὅρθως τὴν δίκην ἔλαχον τούτῳ Παγκλέωνι οὐκ ὄντι Πλαταίει, τοῦτο ὑμῖν πειράσομαι ἀποδείξαι.

2 Ὡς γὰρ ἀδικῶν με πολὺν χρόνον οὐκ ἐπαύετο, ἐλθὼν ἐπὶ τὸ γναφεῖον, ἐν ὧν εἰργάζετο, προσκαλεσάμην αὐτὸν πρὸς τὸν πολέμαρχον, νομίζων μέτοικον εἶναι. εἰπόντος δὲ τούτῳ ὅτι Πλαταίεις εἰῆν, ἡρόμην ὁπόθεν δημοτεύοιτο, παρανέσαντός τινος τῶν παρῶν προσκαλέσασθαι καὶ πρὸς τὴν φυλῆν, ἦστινος εἶναι σκήπτοιτο. ἐπειδὴ δὲ ἀπεκρίνατο ὅτι Δεκελείόθεν, προσκαλεσάμενος αὐτὸν

3 καὶ πρὸς τοὺς τῇ Ἰπποθωντίδι δικάζοντας, ἐλθὼν ἐπὶ τὸ κουρέιον τὸ παρὰ τοὺς Ἑρμᾶς, οἱ Δεκελειεῖς προσφοίτωσιν, ἡρώτων, οὔς τε ἐξευρίσκομην Δεκελειεῖων ἐπυνθανόμην ἐν τινα γυγνώσκοιεν Δεκελείόθεν δημοτεύομεν Παγκλέωνα. ἐπειδὴ δὲ οὐδεὶς ἐφασκεν γυγνώσκων αὐτῶν, πυθόμενος ὅτι

1 ὅποθεν Markland: ὥποτε mss.
XXIII. AGAINST PANCLEON, SHOWING THAT HE WAS NOT A PLATAEAN

To speak at length upon this matter, gentlemen of the jury, is both beyond my powers and, to my mind, unnecessary; but that I am correct in obtaining leave for my suit against this man Panceleon as being no Plataean, I will attempt to prove to you.

As he continued to injure me for a long time, I went to the fuller's where he was working and summoned him before the Polemarch, supposing him to be a resident alien. On his stating that he was a Plataean, I asked to what township he belonged, since one of my witnesses there advised me to summon him also before the court of the tribe of which he might pretend to be a member. When he replied "to Decelea," I summoned him before the court of the tribe Hippothontis; I then went and asked at the barber's in the street of the Hermæ, where the Deceleans resort, and I inquired of such Deceleans as I could discover if they knew a certain Panceleon belonging to the township of Decelea. As nobody spoke to knowing him, and I learnt that he was then

a The third archon, who had to decide whether proceedings should be taken against an alien.
b These figures stood in a covered way beside the marketplace.
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καὶ ἑτέρας δίκας τὰς μὲν φεύγοι τὰς δ' ὠφλήκοι παρὰ τῷ πολεμάρχῳ, ἔλαχον καὶ ἐγώ.

4 Ἡρώτων μὲν οὖν ὑμῖν Δεκελεῖων οὕς ἡρόμην μάρτυρας παρέξομαι, ἐπείτα δὲ καὶ τῶν ἄλλων τῶν λαχοῦτων τε δίκας αὐτῶν πρὸς τὸν πολέμαρχον καὶ καταδικασμένων, ὥσι τυγχάνουσι παρόντες. καὶ μοι ἐπιλαβεὶ τὸ ὤδωρ.

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5 Ἐκ μὲν τούτων πεισθεὶς πρὸς τὸν πολέμαρχον αὐτῷ τῇ δίκῃ ἔλαχον. ἐπειδὴ δὲ μοι αὐτὴν ἀντ- [167] εὐγράφατο μὴ εἰσαγώγημον εἶναι, περὶ πολλοῦ ποιούμενος μηδενὶ δόξαι ὑπρίζειν βουλέσθαι μᾶλλον ἡ δίκην λαβεῖν ἢ ἡδικήθην, ἤρωτον μὲν Εὐθύκριτον, ὃν ἀπεβαίναν τὲ Πλαταίων ἐγγενέσθαι καὶ μάλιστα φόμην εἰδέναι, ἡρόμην εἰ τινα γιγνώσκοι Ἰππαρμοδώρου ὑπὸ Παγκλέωνα Πλαταίεα.

6 ἐπείτα δὲ, ἐπειδὴ ἐκεῖνος ἀπεκρίνατο μοι ὧτι τὸν Ἰππαρμοδώρον μὲν γιγνώσκοι, ὧν δὲ ἐκεῖνῳ οὐδένα οὔτε Παγκλέωνα οὔτε ἄλλον οὐδένα εἰδείη ὡντα, ἤρωτον δὴ καὶ τῶν ἄλλων ὅσοις ἦδη Πλαταιέας ὡντας. πάντες οὖν ἄγνοοιτες τὸ ὄνομα αὐτοῦ, ἄκριβεστατα ἂν ἐφασάν με πυθέσθαι ἔλθόντα εἰς τὸν χλωρὸν τυρόν τῇ ἐνη καὶ νέας ταύτῃ γὰρ τῇ ἡμέρᾳ τοῦ μηνὸς ἐκάστου ἐκείσε συλ-

7 λέγεσθαι τούς Πλαταιέας. ἐλθὼν οὖν εἰς τὸν τυρών ταύτῃ τῇ ἡμέρᾳ ἐπισυνανόμην αὐτῶν, εἰ τινα γιγνώσκων Παγκλέωνα πολίτην σφέτερον. καὶ οἱ μὲν ἄλλοι οὐκ ἐφασαν γιγνώσκειν, εἰς δὲ τις εἰπεν ὅτι τῶν μὲν πολιτῶν οὐδενὶ εἰδείη τοῦτο ὧν τὸ

* Which ran from a globe, measuring the time allotted to
AGAINST PANCLEON, 3-7

a defendant in some other suits before the Polemarch, and had been cast in some, I took proceedings on my own part.

So now, in the first place, I will produce to you as witnesses some Deceleans whom I questioned, and after them the other persons who have taken proceedings against him before the Polemarch and have obtained a conviction,—as many as chance to be present. Please stop the water.²

Witnesses

Relying on this evidence I took proceedings against him before the Polemarch: but he then put in a special plea against the admissibility of my suit; and as I felt it important to avoid any imputation of oppressive aims, instead of a desire to get satisfaction for my wrongs, I first asked Euthycritus, whom I knew as the oldest citizen of Plataea and whom I supposed to be best informed, whether he knew a certain Pacleon, son of Hipparmodorus, a Plataean. Then, on his answering me that he knew Hipparmodorus, but was not aware of his having any son, either Pacleon or any other, I went on to ask all the other persons whom I knew as Plataeans. Well, they were all ignorant of his name; but they told me that I should get the most definite information if I went to the fresh-cheese market on the last day of the month: for on that day in each month the Plataeans collected there. So I went on that day to the cheese market and inquired of the people if they knew a certain Pacleon, their fellow-citizen. They all denied knowledge of him, except one who said that, although he knew no citizen of that name, there was the speaker, and was stopped during the reading or speaking of evidence.
ΠΑΥΚΛΕΩΝΑ, τήν τε ἣλυκίαν λέγων τήν τούτων καὶ τήν τέχνην ἢ ὀϋτος χρῆται. ταῦτ' οὖν ὡς ἀληθῆ ἐστι, τόν τε Εὐθύκριτον, δὲν πρῶτον ἥρομην, καὶ τῶν ἄλλων Πλαταίεων ὅσοις προσῆλθον, καὶ τόν ὃς ἑφθεῖστής τούτου εἶναι, μάρτυρας παρέξομαι. καὶ μοι ἐπιλαβεῖ τὸ ὕδωρ.

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1 αὔριον Rauchenstein: ἀγορᾶν mss.
AGAINST PANCLEON, 7-11

a slave of his own called Pacleon, who had deserted, and he told me his age and his business, which is that of this man. To show the truth of all this, I will produce as witnesses Euthycritus whom I questioned first, all the other Plataeans to whom I applied, and the man who said he was this person's master. So please stop the water.

WITNESSES

Well then, not many days later, I saw this man Pacleon being arrested by Nicomedes, who has testified to being his master; and I went up to them, desiring to know what it could be that was going to be done with him. So, when they had ceased fighting, some of his witnesses said that he had a brother who would vindicate him as a freeman: on this understanding they gave security for producing him on the morrow, and departed and went their way. On the following day, in view of the present special plea and the suit itself, I decided that I ought to appear there with witnesses, in order that I might know the man who was to vindicate him, and what plea he would urge for his discharge. Now, as regards the condition on which security was taken for his release, neither a brother nor anyone else appeared; but a woman asserted that he was her slave, in dispute of Nicomedes' claim, and she said that she would not allow him to be arrested. Well, to recount all that was spoken in that place would make this a long story; but with such violence did his supporters and the man himself behave that, while Nicomedes on his part, and the woman on hers, were both willing to let him go if somebody should either vindicate him as a freeman or arrest him on
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"In certain disputes the evidence itself sufficed for the
 AGAINST PANCLEON, 11–14

the claim of owning him as a slave, they did nothing of the sort, but carried him off and departed. Now, to prove that security was taken for him on that condition the day before, and that they then carried him off with them by force, I will produce to you witnesses. So please stop the water.

WITNESSES

It is easy, then, to make sure that even Pancelon himself, far from regarding himself as a Plataean, does not suppose himself to be even a freeman. For when a man has chosen, on being carried off by force, to make his own associates liable to action for assault rather than to be vindicated as a freeman by legal process and to get damages from those who were arresting him, nobody can have difficulty in perceiving that he was so conscious of his being a slave that he was afraid to provide guarantors and to face a trial concerning his civil status.

Now, that he is far from being a Plataean, I think you perceive pretty clearly from these statements; and that even the man himself, who is most fully aware of his own position, did not expect you to believe that he was a Plataean, will be readily impressed on you by his own conduct. For in his counter-deposition at the proceedings brought against him by Aristodicus, here present, when he contended that his case did not lie before the Polemarch, he was declared on evidence a not to be a Plataean. But although he denounced this witness, he did not pursue the matter, but allowed Aristodicus to obtain a verdict against him. And when he failed to pay on decision, unless the convicted person could incriminate the witness: the first step to this was a denunciation (ἐπισκηψις).

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dè ύπερήμερος ἐγένετο, ἐξέτισε τὴν δίκην, καθ’ ὁτι ἔπειθε. καὶ τούτων, ὡς ἄληθῆ ἦστι, μάρτυρας ἐγὼ παρέξομαι ὑμῖν. καὶ μοι ἐπίλαβε τὸ ύδωρ.

ΜΑΡΤΥΡΕΣ

15 Πρὶν τοίνυν ταῦτα ὀμολογηθῆναι αὐτῷ, δεδώσ[168] τὸν Ἀριστόδικον μεταστὰς ἐντεῦθεν Θήβηςι μετῴκει. καὶ τοιοῦτοι οἴμαι εἰδέναι ὑμᾶς ὅτι εἰπερ ἦν Πλαταίεις, πανταχοῦ μᾶλλον ἡ Θήβησιν εἰκός ἦν αὐτὸν μετοικῆσαι. ὡς οὖν ὥςκε <ἐκεῖ>¹ πολὺν χρόνον, τούτων ὑμῖν μάρτυρας παρέξομαι. καὶ μοι ἐπίλαβε τὸ ύδωρ.

ΜΑΡΤΥΡΕΣ

16 Ἐξαρκεῖν μοι νομίζω τὰ εἰρημένα, ὡς ἄνδρες δικασταὶ· ἐὰν γὰρ διαμηνυμονεύῃσθε, οἶδ’ ὅτι τὰ τε δίκαια καὶ τάληθῆ ψηφιεῖσθε, ὃ καὶ² ἐγὼ ὑμῶν δέομαι.

¹ ἐκεῖ add. Markland.
² ἢ καὶ Wilamowitz: καὶ ἢ μss.
the appointed date, he discharged the debt on such terms as he could arrange. To prove the truth of all this, I will produce to you witnesses. So please stop the water.

Witnesses

Now, before making this agreement with him, he had removed from the city through fear of Aristodicus, and was living as an alien in Thebes. But I think you understand that, if he was a Plataean, he might be expected to live as an alien anywhere rather than in Thebes. Well, to prove that he lived there a long time, I will produce to you witnesses. So please stop the water.

Witnesses

I consider, gentlemen of the jury, that the statements I have made are sufficient. For if you will bear the whole of them in mind, I know that you will give the just and true decision, which is all I ask of you.
XXIV. ON THE REFUSAL OF A PENSION TO THE INVALID

INTRODUCTION

Every year the Council of Athens examined the claims of disabled persons who, if they could show that they were incapable of work and had insufficient means of support, were entitled by law to a pension from the State. An obol a day was the statutory amount at the time of this speech, which was probably delivered some little time after the restoration of the democracy in 403 B.C. At this annual inquiry any citizen could challenge the claims made by an applicant, and after hearing the latter's defence the Council decided whether a pension was to be continued or awarded. In the present case, a man of feeble health, who is just able to carry on some little business requiring his attendance on customers at various distances from his dwelling, argues forcibly and, at times, with sarcasm, against the statements of someone who has accused him of not being officially classed as disabled, of not being poor, and of showing a presumptuous and disorderly character. The speaker declares that the motive of the attack on him is personal envy, and relates the difficulties that he finds in carrying on even his meager
ON THE REFUSAL OF A PENSION

business (5-9); he then turns to the accusation that he has the insolence to ride horses, and shows that, being unable to afford a mule, he occasionally borrows a horse from a friend, so that he may get about more easily than when he limps on two sticks. He asks the Council if they are going to class him as able-bodied, and so make him eligible for the archonship (10-14). Lastly, he is too poor and old to indulge in reckless outrage: that suggestion of his adversary must be some sort of joke (15-18). If his little shop is described as a rogues' rendezvous, why not say the same of any other place where men meet for business or talk? To deprive an invalid of his pension, when his character is blameless and he has shown himself a good democrat, would be an intolerable act of injustice (19-27).

This speech displays in a remarkable degree the sympathy which enabled Lysias to enter into the humble way of life of a small, struggling tradesman, who has to conceal his uneasy sense of being able to do a certain amount of work under the brave air of a crippled man who is making a hard fight for existence. His case was probably on the border-line, and we may well feel, as many of the Council must have felt, that we should like to hear something more definite about his business and himself.
XXIV. [ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ]¹ ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΥΝΑΤΩΙ ΑΡΓΥΡΙΟΝ²

1 Οὐ πολλοῦ δέω χάριν ἔχειν, ὁ βουλή, τῷ κατηγόρῳ, ὅτι μοι παρεσκεύασέ τὸν ἀγώνα τούτον. πρότερον γὰρ οὐκ ἔχων πρόφασιν ἐφ' ἢς τοῦ βίου λόγον δοίην, νυν διὰ τοῦτον ἐύληφα. καὶ πειράσομαι τῷ λόγῳ τούτον μὲν ἐπιδείξαι ψευδόμενον, ἐμαυτὸν δὲ βεβιωκότα μέχρι τῆς τῆς ἡμέρας ἐπαίνου μᾶλλον ἄξιον ἡ φθόνου. διὰ γὰρ οὔθεν ἄλλο μοι δοκεῖ παρασκεύασαι τόνδε μοι τὸν

2 κύνδυνον οὕτως ἡ διὰ φθόνου. καίτοι ὡστε τοὺς φθονεῖς οὕς οἱ ἄλλοι ἐλεόνοι, τίνος ἂν ύμῖν ὁ τοιοῦτος ἀποσχέσθαι δοκεῖ πονηρίας; εἰ μὲν γὰρ ἑνεκα χρημάτων με συκοφάντει—εἰ δ' ὡς ἐχθρὸν ἐαυτοῦ με τιμωρεῖται, ψεύδεται: διὰ γὰρ τῆν πονηρίαν αὐτοῦ οὕτε φίλῳ οὐτε ἐχθρῷ πώποτε

3 ἐχρησάμην αὐτῷ. ἤδη τοῖςCAP, ὃ βουλή, δὴ λός ἐστι φθονῶν, ὅτι τοιαύτη κεχρημένος συμφορά τούτου βελτίων εἰμὶ πολίτης. καὶ γὰρ οἴμαι δεῖν, ὃ βουλή, τὰ τοῦ σώματος δυστυχήματα τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν λάσθαι, [καλὸς].³ εἰ γὰρ ἐξ

¹ πρὸς τὴν εἰσαγγελίαν del. Lipsius.
² περὶ τοῦ ἄδυνατον Harpocratian.
³ καλὸς del. Cobet.

¹ A poor man like the speaker was not the natural prey of a 518
XXIV. ON THE REFUSAL OF A PENSION
TO THE INVALID

I can almost find it in me to be grateful to my accuser, gentlemen of the Council, for having involved me in these proceedings. For previously I had no excuse for rendering an account of my life; but now, owing to this man, I have got one. So I will try to show you in my speech that this man is lying, and that my own life until this day has been deserving of praise rather than envy; for it is merely from envy, in my opinion, that he has involved me in this ordeal. But I ask you, if a man envies those whom other people pity, from what villainy do you think such a person would refrain? Is it possible that he hopes to get money by slandering me? And if he makes me out an enemy on whom he seeks to be avenged, he lies; for his villainy has always kept me from having any dealings with him either as a friend or as an enemy. So now, gentlemen, it is clear that he envies me because, although I have to bear this sore misfortune, I am a better citizen than he is. For indeed I consider, gentlemen, that one ought to remedy the afflictions of the body with the activities of the spirit; for if I am to keep my thoughts and the slander-monger, who would hope to be bought off by a wealthy defendant.
LYSIAS

τόσον τῇ συμφορᾷ καὶ τῇ διάνοιαν ἔξω καὶ τῶν ἄλλων βίων διάξω, τί τούτων διαίσω;

4 Περὶ μὲν οὖν τούτων τοσαύτα μοι εἰρήσθω· ὑπὲρ ὁν δὲ μοι προσήκει λέγειν, ὡς ἂν οἴον τε διὰ βραχυτάτων ἐρῶ. φησὶ γὰρ ὁ κατηγορος οὐ δικαίως με λαμβάνει τὸ παρὰ τῆς πόλεως ἀργύριον καὶ γὰρ τῷ σώματι δύνασθαι καὶ οὐκ εἶναι τῶν ἀδυνάτων, καὶ τέχνην ἐπίστασθαι τοιαύτην

5 ὥστε καὶ ἄνευ τοῦ διδομένου τούτων ζῆν, καὶ τεκμηρίους χρῆται τῆς μὲν τοῦ σώματος ρώμης, ὅτι ἐπὶ τοὺς ὑπον αναβαίνω, τῆς δ' ἐν τῇ τέχνῃ εὐπορίας, ὅτι δύναμαι συνεῖναι δυναμένους ἀνθρώπους ἀναλίσκειν. τῆς μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἔμοι βίων, οἷος τιγχάνει, πάντας ὑμᾶς οἴομαι γιγνώσκειν· ὡμοί δὲ κάγω

6 διὰ βραχέων ἐρῶ. ἐμοὶ γὰρ ὁ μὲν πατήρ κατέλιπεν οὐδὲν, τὴν δὲ μητέρα τελευτήσασαν πέπαυμαι τρέφων τρίτων ἐτος τούτων, παῖδες δὲ μοι οὖπω εἰσὶν οὐ μεθεραπεύσοντες. τέχνην δὲ κέκτημαι βραχέα δυναμένην ὀφελεῖν, ἢν αὐτὸς μὲν ἦδη χαλέπως ἑργάζομαι, τὸν διαδεξόμενον δ' αὐτὴν οὖπω δύναμαι κτῆσασθαι. πρόσοδος δὲ μοι οὐκ ἐστιν ἄλλῃ πλὴν ταύτῃς, ἢ τ' ἀφέλησθε με, κινδυνεύσαμι' ἃν ὑπὸ τῇ δυσχερεστάτῃ γενέσθαι

7 τυχῆς. μὴ τοίνυν, ἐπειδὴ γε ἐστιν, ὡ βουλή, σῶσαι με δικαίως, ἀπολέσῃ ἄδικως· μηδὲ τ' ἅνετέρῳ καὶ μᾶλλον ἐρρωμένω οὔτε ἔδοτε, πρεσβύτερον καὶ ἀσθενέστερον γιγνόμενον ἀφέλησθε· μηδὲ πρότερον καὶ περὶ τοὺς οὖν ἔχοντας κακὸν ἔλεημονεστάτοι δοκοῦντες εἶναι νυνὶ διὰ τούτων τοὺς καὶ τοῖς ἐκ—

1 ἦν Contius: ἦς mss.
2 τοὺς καὶ Reiske: καὶ τοὺς mss.

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ON THE REFUSAL OF A PENSION, 3-7

general tenor of my life on the level of my misfortune, how shall I be distinguished from this man?

Well, in regard to those matters, let these few words of mine suffice: I will now speak as briefly as I can on the points with which I am here concerned. My accuser says that I have no right to receive my civil pension, because I am able-bodied and not classed as disabled, and because I am skilled in a trade which would enable me to live without this grant. In proof of my bodily strength, he instances that I mount on horseback; of the affluence arising from my trade, that I am able to associate with people who have means to spend. Now, as to the affluence from my trade and the nature of my livelihood in general, I think you are all acquainted with these: I will, however, make some brief remarks of my own. My father left me nothing, and I have only ceased supporting my mother on her decease two years ago; while as yet I have no children to take care of me. I possess a trade that can give me but slight assistance: I already find difficulty in carrying it on myself, and as yet I am unable to procure someone to relieve me of the work. I have no other income besides this dole, and if you deprive me of it I might be in danger of finding myself in the most grievous plight. Do not, therefore, gentlemen, when you can save me justly, ruin me unjustly; what you granted me when I was younger and stronger, do not take from me when I am growing older and weaker; nor, with your previous reputation for showing the utmost compassion even towards those who are in no trouble, be moved now by this man to deal harshly

* He means a slave who would learn the business and carry it on for him.
LYSIAS

θροίς ἐλευνοῦς ὄντας ἀγρίως ἀποδέξησθε μηδ' ἐμὲ
tολμήσαντες ἀδικήσαι καὶ τοὺς ἄλλους τοὺς ὁμοίως
8 ἐμοὶ διακειμένους ἀθυμήσαι ποιήστε. καὶ γὰρ
ἂν ἄτοπον εἴη, ὦ βούλη, εἰ ὅτε μὲν ἀπλὴ μοι ἢ
συμφορά, τότε μὲν φαινομὴν λαμβάνων τὸ ἀργύ-
ριον τούτο, γὰρ εἴπειδή καὶ γῆρας καὶ νόσου καὶ
τὰ τούτοις ἐπόμενα1 κακὰ προσγίγνεται μοι, τότε
9 ἀφαίρεθείην. δοκεῖ δὲ μοι τῆς πενίας τῆς ἐμῆς
tὸ μέγεθος ὁ κατήγορος ἂν ἐπιδείξαι σαφέστατα
μόνος ἀνθρώπων. εἰ γὰρ ἐγὼ κατασταθέος χορηγὸς
tραγῳδοῖς προκαλεσαίμην2 αὐτοὺς εἰς ἀντίδοσιν,
δεκάκιος ἂν ἔλοιπο χορηγῆσαι μᾶλλον ἢ ἀντιδοῦναι
ἀπαξ. καὶ πῶς οὐ δευόν ἐστὶν νῦν μὲν κατηγορεῖν
ὡς διὰ πολλὴν εὐπορίαν εἰς ἴσον δύναμιν συνεῖναι
toῖς πλουσιωτάτοις, εἰ δὲ ὦν ἐγὼ λέγω τοὺς τι
gενόμενοι, τοιούτον εἶναι; καὶ τί3 πονηρότερον;
10 Περὶ δὲ τῆς ἐμῆς ἕπικης, ἢς οὕτως ἐτόλμησε
μηνηθῆναι πρὸς ὑμᾶς, οὔτε τὴν τύχην δείσας οὔτε
ὑμᾶς αἰσχυνθεῖς, οὐ πολὺς ὁ λόγος. ἐγὼ γὰρ, ὦ
βούλη, πάντας οἷμαι τοὺς ἐχοντάς τι δυστύχημα
tοῦτο4 ζητεῖν καὶ τοῦτο φιλοσοφεῖν, ὅπως ὡς
ἀλυπότατα μεταχειριοῦντα τὸ συμβεβηκὸς πάθος.
ὡν εἰς ἐγώ, καὶ περιπετευκὼς τοιαύτη συμφορὰ
tαύτην ἐμαυτῷ ῥαστώτην ἐξηγῆσαι εἰς τὰς ὁδοὺς
11 τὰς μακροτέρας τῶν ἀναγκαίων. ὃς δὲ μέγιστον,
ὡ βούλη, τεκμήριον ὦτι διὰ τὴν συμφορὰν ἄλλ᾿
οὐ διὰ τὴν ὑβριν, ὡς οὕτως φησιν, ἐπὶ τοὺς ἑποὺς

1 ἐπόμενα Reiske: ἐχόμενα MSS.
2 προκαλεσαίμην Reiske: προσκαλεσαίμην MSS.
3 τί Halm: ἐτί MSS.
4 τοῦτο Stephanus: τοιοῦτο, τοιούτο ῥαστώτην τινα MSS.

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with those who are objects of pity even to their enemies; nor, by having the heart to wrong me, cause everyone else in my situation to despond. And indeed, how extraordinary the case would be, gentlemen! When my misfortune was but simple, I am found to have been receiving this pension; but now, when old age, diseases, and the ills that attend on them are added to my trouble, I am to be deprived of it! The depth of my poverty, I believe, can be revealed more clearly by my accuser than by anyone else on earth. For if I were charged with the duty of producing tragic drama, and should challenge him to an exchange of property, he would prefer being the producer ten times over to making the exchange once. Surely it is monstrous that he should now accuse me of having such great affluence that I can consort on equal terms with the wealthiest people, while, in the event of such a thing as I have suggested, he should behave as he does. Why, what could be more villainous?

As to my horsemanship, which he has dared to mention to you, feeling neither awe of fortune nor shame before you, there is not much to tell. For I, gentlemen, am of opinion that all who suffer from some affliction make it their single aim and constant study to manage the condition that has befallen them with the least amount of discomfort. I am such an one, and in the misfortune that has stricken me I have devised this facility for myself on the longer journeys that I find necessary. But the strongest proof, gentlemen, of the fact that I mount horses because of my misfortune, and not from insolence, as this man alleges, is this: if I were a man of

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*See note on III. 20, p. 80.*
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άναβαινω [ράδιόν ἐστι μαθεών]1· εἰ γὰρ ἐκεκτήμην οὐσίαν, ἐπ' ἀστράβης ἄν ωχούμην, ἀλλ' ὁυκ ἐπὶ τοὺς ἀλλοτρίους ἵππους ἀνέβαινον· νυνὶ δ' ἐπειδὴ τοιοῦτον οὐ δύναμαι κτήσασθαι, τοῖς ἀλλοτρίους ἵππους ἀναγκάζομαι χρήσαται πολλάκις. καὶ τοι πῶς οὐκ ἀτοπὸν ἐστίν, ὦ βουλή, τούτον ἂν; εἰ μὲν ἐπ' ἀστράβης ὀχούμενον ἑώρα με, σιωπάν (τί γὰρ ἂν καὶ ἐλεγεν;), ὦτι δ' ἐπὶ τοὺς ἀττικούς ἵππους ἀναβαίνω, πειράσθαι πεῖθεν ὑμᾶς ὡς δυνατός εἰμι3; καὶ ὦτι μὲν δυσφοβῶς κακτηρίαν χρώμαν, τῶν ἀλλων μιᾶ χρωμένων, μὴ κατηγορεῖν ὡς καὶ τούτο τῶν δυναμένων ἐστίν· ὦτι δ' ἐπὶ τοὺς ἵππους ἀναβαίνω, τεκμηρίω χρήσαται πρὸς ὑμᾶς ὡς εἰμὶ τῶν δυναμένων; οὐς ἐγὼ διὰ τὴν αὐτὴν αἰτίαν ἀμφοτέροις χρώμαι.

13 Τοσοῦτον δὲ διενήνωξεν ἀνασχυντία τῶν ἀπάντων ἀνθρώπων, ὥστε ὑμᾶς πειράται πεῖθεν, τοσοῦτος ὄντας εἰς ὄν, ὡς οὐκ εἰμὶ τῶν ἀ-δυνάτων ἐγώ. καὶ τοι ἐπὶ τούτο πεῖσε τινὰς ὑμῶν, ὦ βουλή, τί με καλύει κληροῦσθαι τῶν ἐννέα ἀρχόντων, καὶ ὑμᾶς ἐμοῦ μὲν ἀφελέσθαι τὸν ὀμβολὸν ὡς ἐγκαίνιοντος, τούτω δὲ ψηφίσασθαι πάντας ὡς ἀναπήρως; οὐ γὰρ δῆπον τὸν αὐτὸν ὑμεῖς μὲν ὡς δυναμένον ἀφαιρήσεσθε τὸ διδόμενον, οὐ δὲ θεσμοθετεί1· ὃς ἀδύνατον ἴνα κληρονομεῖν. 14 ὀπαθεῖς τούτῳ τὴν αὐτὴν ἐχεῖτε γνώμην, οὐθ' ὄντος εὔ ποιῶν. ὦ μὲν γὰρ ὄσπερ ἐπικλήρου τῆς συμφορᾶς ὡς ἀμφισβητήσων ἢκει καὶ πειράται πεῖθεν ὑμᾶς ὡς

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1 Ῥάδιον ἐστι μαθεών del. Scheibe.
2 ἐν Weidner: αὐτὸν mss.
3 εἰμὶ Kayser: εἶν mss.
4 θεσμοθετεῖ add. Frohberger.
ON THE REFUSAL OF A PENSION, 11-14

means, I should ride on a saddled mule, and would not mount other men's horses. But in fact, as I am unable to acquire anything of the sort, I am compelled, now and again, to use other men's horses. Well, I ask you, gentlemen, is it not extraordinary that, if he saw me riding on a saddled mule, he would hold his peace,—for what could he say?—and then, because I mount borrowed horses, he should try to persuade you that I am able-bodied; and that my using two sticks, while others use one, should not be argued by him against me as a sign of being able-bodied, but my mounting horses should be advanced by him as a proof to you that I am able-bodied? For I use both aids for the same reason.

So utterly has he surpassed the whole human race in impudence that he tries with his single voice to persuade you all that I am not classed as disabled. Yet if he should persuade any of you on this point, gentlemen, what hinders me from drawing a lot for election as one of the nine archons, and you from depriving me of my obol as having sound health, and voting it unanimously to this man as being a cripple? For surely, after you have deprived a man of the grant as being able-bodied, the law-officers are not going to debar this same person, as being disabled, from drawing a lot! Nay, indeed, you are not of the same opinion as he is, nor is he either, and rightly so. For he has come here to dispute over my misfortune as if over an heiress, and he tries to persuade you that I am not the sort of

a It would be natural for a cripple to ride about on a cheaply hired mule, if only he could afford it.

b The archons were appointed by lot from all the citizens, rich or poor, except, apparently, those who were formally classed as infirm.
LYSIAS

οὐκ ἐμὴ τοιοῦτος οἶνον ὑμεῖς ὡρᾶτε πάντες· ὑμεῖς δὲ (δ' τῶν εὐ φρονοῦντων ἔργον ἔστι) μᾶλλον πιστεύετε τοῖς ὑμετέροις αὐτῶν ὁφθαλμοῖς ἢ τοῖς τούτων λόγοις.

15 Λέγει δ' ὡς ὑβριστής εἰμὶ καὶ βίαιος καὶ λίαν ἀσελγῶς διακείμενος, ὁσπερ εἰ φοβερῶς όνομάσει, μέλλων ἀληθῆ λέγειν, ἀλλ' οὐκ, ἐὰν πάνω πραόνως [μηδε πειδήται],1 ταῦτα ποιήσων. ἐγὼ δ' ὑμᾶς, ὦ βουλή, σαφῶς οἴμαι δεῖν διαγιγνώσκειν οἷς τ' ἐγχωρεῖ τοῖς ἀνθρώπων ὑβρισταῖς εἶναι

16 καὶ οἷς οὐ προσήκει. οὐ γάρ <τοὺς>2 πενομένους καὶ λίαν ἀπόρως διακείμενους ὑβρίζειν εἰκός, ἀλλὰ τοὺς πολλῶς πλείω τῶν ἀναγκαῖων κεκτημένους· οὐδὲ τοὺς ἀδυνάτους τοῖς σώμασιν ὄντας, ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὐτῶν ρώμαις· οὐδὲ τοὺς ἥδη προβεβηκότας τῇ ἡλικίᾳ, ἀλλὰ τοὺς ἐτὶ νέους καὶ νέαις ταῖς διανοίαις χρωμένους. οἱ μὲν γὰρ πλούσιοι τοῖς χρήμασιν ἐξωνοῦνται τοὺς κυνύνουσι, οἱ δὲ πένητες ὑπὸ τῆς παρούσης ἀπορίας σωφρονεῖν ἀναγκάζονται· καὶ οἱ μὲν νέοι συγγνώμης ἀξιώνται τυγχάνειν παρὰ τῶν πρεσβυτέρων, τοῖς δὲ πρεσβυτέροις3 ἐξημαρτάνουσιν ὁμοίως ἐπιτιμῶσιν ἀμφότεροι· καὶ τοῖς μὲν ἱσχυροῖς ἐγχωρεῖ ἡμῶν αὐτοῖς πάσχοσιν, οὕς ἀν βουληθῶσιν, ὑβρίζειν, τοῖς δὲ ἀσθενεῖσιν οὐκ ἐστιν οὔτε ὑβρικόμενοι ἀμώνεσθαι τοὺς ὑπάρξαντας οὔτε ὑβρίζειν βουλομένους περιγίγνεσθαι τῶν ἀδικουμένων. ἂντε μοι ἄκα τότε ὁ κατήγορος εἴπειν περὶ τῆς ἐμῆς ὑβρεῖς οὐ σπουδάζων, ἀλλὰ παῖζων, οὔτε ὑμᾶς πείσαι βουλομένους ὡς εἰμὶ τοιοῦτος, ἀλλ' ἐμὲ κωμῳδεῖν βουλομένους, ὡσπερ τι καλὸν ποιῶν.

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man that you all see me to be; but you—as is incumbent on men of good sense—have rather to believe your own eyes than this person's words.

He says that I am insolent, savage, and utterly abandoned in my behaviour, as though he needed the use of terrifying terms to speak the truth, and could not do it in quite gentle language. But I expect you, gentlemen, to distinguish clearly between those people who are at liberty to be insolent and those who are debarred from it. For insolence is not likely to be shown by poor men labouring in the utmost indigence, but by those who possess far more than the necessaries of life; nor by men disabled in body, but by those who have most reason to rely on their own strength; nor by those already advanced in years, but by those who are still young and have a youthful turn of mind. For the wealthy purchase with their money escape from the risks that they run, whereas the poor are compelled to moderation by the pressure of their want. The young are held to merit indulgence from their elders; but if their elders are guilty of offence, both ages unite in reproaching them. The strong are at liberty to insult whomsoever they will with impunity, but the weak are unable either to beat off their aggressors when insulted, or to get the better of their victims if they choose to insult. Hence it seems to me that my accuser was not serious in speaking of my insolence, but was only jesting: his purpose was, not to persuade you that such is my nature, but to set me in a comic light, as a fine stroke of fancy.

\[\text{\textsuperscript{1}μηδὲ ψεδῶται del. Kayser.} \]
\[\text{\textsuperscript{2}τοὺς add. Reiske.} \]
\[\text{\textsuperscript{3}πρεσβυτέροις Frohberger: ἐτέροις mss.} \]
"Ετι δὲ καὶ συλλέγεσθαι φησιν ἀνθρώπους ὡς ἐμὲ ποιηροὺς καὶ πολλοὺς, οἱ τὰ μὲν ἐαυτῶν ἀνηλώκασι, τοῖς δὲ τὰ σφέτερα σφίζειν βουλομένους ἐπιβουλεύουσιν. ὑμεῖς δὲ ἐνθυμήθητε πάντες ὅτι ταῦτα λέγων οὐδὲν ἐμοῦ κατηγορεῖ μᾶλλον ἢ τῶν ἄλλων ὅσοι τέχνας ἔχουσιν οὔτε τῶν ὃς ἐμὲ εἰσίοντον μᾶλλον ἢ τῶν ὃς τοὺς ἄλλους δῆμι-20 ουργοὺς. ἔκαστος γὰρ ὑμῶν εὐθυστα προσφοιτάν ὁ μὲν πρὸς μυροτάλλου, ὁ δὲ πρὸς κουρεῖν, ὁ δὲ πρὸς σκυτοτομεῖν, ὁ δ' ὅποι ἄν τύχῃ, καὶ πλεῖ-στοι μὲν ὡς τοὺς ἐγγυτάτω τῆς ἀγορᾶς κατ-εσκευασμένους, ἐλάχιστοι δὲ ὡς τοὺς πλείστον ἀπέχουσα αὐτῆς· ὥστ' εἴ τις ὑμῶν ποιηριάν καταγνώσεται τῶν ὃς ἐμὲ εἰσίοντων, δὴλον ὅτι καὶ τῶν παρὰ τοὺς ἄλλους διατρίβοντων· εἴ δὲ κακεῖνων, ἀπάντων Ἀθηναίων· ἀπαντεῖς γὰρ εὐθύ-σθε προσφοιτάν καὶ διατρίβειν ἀμοῦ1 γέ που.

21 Ἀλλὰ γὰρ οὐκ οἶδ' ὧ τι δεὶ λίαν με ἄκριβῶς ἀπο-λογούμενον πρὸς ἐν ἔκαστον ὑμῶν τῶν εἰρημένων ἐνοχλεῖν πλεῖώ χρόνων. εἴ γὰρ ὑπὲρ τῶν μεγίστων εἰρήκα, τί δεὶ περὶ τῶν φαύλων ὡμοίως τούτω2 σπουδάζειν; εἴγω δ' ὑμῶν, ὦ βουλή, δέομαι πάντων τὴν αὐτὴν ἔχειν περὶ ἐμοῦ διάνοιαν,

22 ἦμπερ καὶ πρότερον. μηδ' οὖ μόνον3 μεταλαβεῖν ἐδωκέν ἡ τύχη μοι τῶν ἐν τῇ πατρίδι, τούτου διὰ τούτου ἀποστερήσητέ με· μηδ' ἰ πάλαι κουρ̄ πάντες ἔδοτε μοι, νῦν οὔτος εἰς ὧν πείσῃ πάλιν ὑμᾶς ἀφελέσθαι. ἐπειδ' γὰρ, ὦ βουλή, τῶν μεγίστων [ἀρχῶν]4 ὁ δαίμων ἀπεστέρησεν ἡμᾶς,

1 ἀμοῦ Bekker: ἀλλοῦ mss.
2 φαύλων ὡμοίως τούτω Dobree: ὡμοίως τούτω φαύλων mss.
3 μόνον Markland: μόνον mss. 4 ἀρχῶν del. Frohberger.
ON THE REFUSAL OF A PENSION, 19–22

He further asserts that my shop is the meeting-place of a number of rogues who have spent their own money and hatch plots against those who wish to preserve theirs. But you must all take note that these statements of his are no more accusations against me than against anyone else who has a trade, nor against those who visit my shop any more than those who frequent other men of business. For each of you is in the habit of paying a call at either a perfumer’s or a barber’s or a shoemaker’s shop, or wherever he may chance to go,—in most cases, it is to the tradesmen who have set up nearest the marketplace, and in fewest, to those who are farthest from it. So if any of you should brand with roguery the men who visit my shop, clearly you must do the same to those who pass their time in the shops of others; and if to them, to all the Athenians: for you are all in the habit of paying a call and passing your time at some shop or other.

But really I see no need for me to be so very particular in rebutting each one of the statements that he has made, and to weary you any longer. For if I have argued the principal points, what need is there to dwell seriously on trifles in the same way as he does? But I beg you all, gentlemen of the Council, to hold the same views concerning me as you have held till now. Do not be led by this man to deprive me of the sole benefit in my country of which fortune has granted me a share, nor let this one person prevail on you to withdraw now what you all agreed to grant me in the past. For, gentlemen, since Heaven had deprived us of the chiefest things, the city voted

\[a\] The speaker here solemnly appeals for himself as one of an unfortunate class.

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7. πόλις ἡμῶν ἐψηφίσατο τοῦτο τὸ ἀργύριον, ἡγουμένη κοινὰς εἶναι τὰς τύχας τοῖς ἀπασί καὶ 23 τῶν κακῶν καὶ τῶν ἀγαθῶν. πώς οὖν οὐκ ἂν δειλαιώτατος1 εἶην, εἰ τῶν μὲν καλλίστων καὶ μεγίστων διὰ τὴν συμφορὰν ἀπεστερημένος εἶην, ἄ δ’ ἡ πόλις ἐδοκεῖ προνοηθείσα τῶν οὔτως δια- κειμένων, διὰ τὸν κατήγορον ἀφαιρεθεῖν; μηδα- μός, ὃ βουλή, ταύτη θήσει τὴν ψήφον. διὰ τ’ 24 γὰρ ἀν καὶ τύχοιμι τοιούτων ὑμῶν; πότερον ὅτι δ’ ἐμὲ τις εἰς ἀγώνα πῶς ποτὲ καταστὰς ἀπώλεσε τὴν οὔσιαν; ἀλλ’ οὖδ’ ἂν εἰς ἀποδείξειν. ἀλλ’ ὅτι πολυπράγμων εἰμὶ καὶ θρασύς καὶ φιλαπ- 25 εχθήμων; ἀλλ’ οὐ τοιαύτας ἀφορμαίς τοῦ βίου πρὸς τὰ τοιαῦτα τυχανῶν χρῶμενος. ἀλλ’ ὅτι λίαν ὑβριστὴς καὶ βίαιος; ἀλλ’ οὖδ’ ἂν αὐτὸς φῆσειν, εἰ μὴ βουλότι καὶ τοῦτο ψεύδεσθαι τοῖς ἄλλοις ὁμοίως. ἀλλ’ ὅτι ἐπὶ τῶν τριάκοντα 26 γενόμενος ἐν δυνάμει κακῶς ἐποίησα πολλοὺς τῶν πολιτῶν; ἀλλὰ μετὰ τοῦ ὑμετέρου πλῆθους ἐφυγον εἰς Χαλκίδα [τὴν ἐπ’ Εὐρίπῳ],2 καὶ ἔζον μοι μετ’ ἐκείνων ἄδεως πολιτεύεσθαι, μεθ’ ὑμῶν εἰλόμην μὴ τοίνυν, ὃ βουλή, μηδὲν ἡμαρτηκὼς ὁμοίων4 ὑμῶν τύχοιμι τοῖς πολλά ἡδικηκόσιν, ἀλλὰ τὴν αὐτὴν ψήφον θέσθε περὶ ἐμοῦ ταῖς ἄλλαις βουλαῖς, ἀναμνησθέντες ὅτι οὔτε χρήματα διαχειρίσας τῆς πόλεως δίδωμι λόγον αὐτῶν, οὔτε ἀρχὴν ἀρξάς οὐδεμίαν εὐθύνας ὑπέχω νῦν αὐτῆς, ἀλλὰ περὶ ὁβολοῦ μόνον ποιοῦμαι τοὺς

1 δειλαιώτατος Markland: δικαιώτατος mss.  
2 τὴν ἐπ’ Εὐρίπῳ del. Frohberger.  
3 ἀπελθῶν Baeker: ἀπάντων mss.  
4 ὁμοίων Contius: ὁμοίως mss.

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us this pension, regarding the chances of evil and of good as the same for all alike. Surely I should be the most miserable of creatures if, after being deprived by my misfortune of the fairest and greatest things, the accuser should cause me the loss of that which the city bestowed in her thoughtful care for men in my situation. No, no, gentlemen; you must not vote that way. And why should I find you thus inclined? Because anyone has ever been brought to trial at my instance and lost his fortune? There is nobody who can prove it. Well, is it that I am a busybody, a hot-head, a seeker of quarrels? That is not the sort of use I happen to make of such means of subsistence as I have. That I am grossly insolent and savage? Even he would not allege this himself, except he should wish to add one more to the series of his lies. Or that I was in power at the time of the Thirty, and oppressed a great number of the citizens? But I went into exile with your people to Chalcis,\textsuperscript{a} and when I was free to live secure as a citizen with those persons\textsuperscript{b} I chose to depart and share your perils. I therefore ask you, gentlemen of the Council, not to treat me, a man who has committed no offence, in the same way as those who are guilty of numerous wrongs, but to give the same vote as the other Councils\textsuperscript{c} did on my case, remembering that I am neither rendering an account of State moneys placed in my charge, nor undergoing now an inquiry into my past proceedings in any office, but that the subject of this speech of mine is merely an obol. In

\textsuperscript{a} In Euboea, 404 B.C.
\textsuperscript{b} \textit{i.e.}, the Thirty.
\textsuperscript{c} \textit{i.e.}, the Councils of previous years by which he had been certified as infirm.
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27 λόγους. καὶ οὕτως ὑμεῖς μὲν τὰ δίκαια γνώσεσθε πάντες, ἕγὼ δὲ τούτων ὑμῖν τυχὼν ἐξώ τὴν χάριν, οὕτως δὲ τοῦ λοιποῦ μαθήσεται μὴ τοῖς ἀσθενετέροις ἐπιβουλεύειν ἀλλὰ τῶν ὑμῶν αὐτῷ περιγίγνεσθαι.
this way you will all give the decision that is just, while I, in return for that, will feel duly grateful to you; and this man will learn in the future not to scheme against those who are weaker than himself, but only to overreach his equals.
XXV. DEFENCE AGAINST A CHARGE OF SUBVERTING THE DEMOCRACY

INTRODUCTION

The person for whom this speech was written does not appear, as the probably spurious title would indicate, to have been formally charged with treason against the democracy: he makes no reference to any definite punishment awaiting him if he should lose his case; he is evidently concerned merely to show that he was not an active supporter of the Thirty, and to claim enjoyment of the full rights of a citizen (3, 14). We may conclude, therefore, that he is defending himself against information laid before an ordinary court, in which he is undergoing a scrutiny of his past conduct before qualifying for some public office.

We have seen, in connexion with the speech Against Erastosthenes (XII.), that the Thirty and their oligarchical friends retired to Eleusis after the restoration of the democracy in 403 B.C. Three years later the Athenian people, still haunted by suspicions and fears of oligarchical intrigue, attacked Eleusis, captured and put to death its leading officers, and made terms of reconciliation with the remaining oligarchs. It would seem that this speech was
delivered shortly after that final consolidation of the democracy, about 399 B.C., and also that, in spite of the amnesty which had been arranged, and which was honourably observed on the whole, any man who had remained in the city during the Terror of the Thirty was still exposed to disparagement and the threat of political disability. The speaker has clearly been inclined to sympathize with the oligarchs, but he has held no office under the Thirty, and had no seat on their subservient Council. He maintains that it was not to his interest to support oligarchy (1-11); that he has served the Athenian people as a loyal citizen (12-13); and that he only stayed in the city to preserve his property (18). He returns continually to the point that he was innocent of any wrongdoing under the Thirty, and reminds the democracy of its hopes and professions of concord (27). He ends with a denunciation of scheming and revengeful persons who carry the methods of oligarchy into the newly recovered freedom of the democracy, and create disunion by making malicious attacks on innocent citizens (28-34).

The speech is vigorously written, but not strong in arrangement nor specially brilliant in style. Perhaps Lysias, who composed his own oration Against Erato-sthenes with such force of argument and pathos, could summon only a moderate warmth for his defence of this time-serving citizen. The conclusion of the speech is missing through the loss of eight pages of the Palatine manuscript, which contained also a whole speech, Against Nicides, and the beginning of the next that we possess, On the Scrutiny of Evandros (XXVI.).
1 Ὄμων μὲν πολλὴν συγγνώμην ἔχω, ὡς ἄνδρες δικασταί, ἀκούσοι τοιούτων λόγων καὶ ἀναμιμνησκομένοι τῶν γεγοςκομένων, ὡμοίως ἀπασιν ὀργίζεσθαι τοῖς ἐν ἀστεὶ μείνασι· τῶν δὲ κατηγόρων θαυμάζω, οἷς ἀμελοῦντες τῶν οἰκείων τῶν ἀλλοτρίων ἐπιμελοῦνται, εἰ¹ σαφῶς εἰδότες τοὺς μηδὲν² ἀδικοῦντας καὶ τοὺς πολλὰ ἐξημαρτηκότας ζητοῦσι [κερδαίνειν η]³ ὑμᾶς πείθειν περὶ ἀπαντῶν
2 ὑμῶν τῆς γνώμης ταὐτῆς ἐχειν. εἰ μὲν οὖν οἶονται, ὡς ὑπὸ τῶν τριάκοντα γεγένηται τῇ πόλει, ἐμοὶ κατηγορηκέναι, ἀδυνάτους αὐτοὺς ἥγομαι λέγειν· οὔτε γὰρ πολλοστὸν μέρος τῶν ἑκείνων πεπραγμένων εἰρήκασιν· εἰ δὲ ὡς ἐμοὶ τὶ προσήκον περὶ αὐτῶν ποιοῦντες τοὺς λόγους, ἀποδείξεως τούτως μὲν ἀπαντᾶ⁵ ψευδομένους, ἐμαυτὸν δὲ τοιούτων ὁντα οἴσσερ ἄν τῶν ἐκ Πειραιῶς <ὁλ> βέλτιστος
3 ἐν ἀστεὶ μείνας ἐγένετο. δέομαι δ’ ὑμῶν, ὡς ἄνδρες δικασταί, μὴ τὴν αὐτὴν γνώμην ἐχειν τοῖς συκοφάνταις. τούτων μὲν γὰρ ἔρχον ἐστὶ καὶ τοὺς μηδὲν ἡμαρτηκότας εἰς αἰτίαν καθιστάναι (ἐκ τοιοῦτων γὰρ ἂν τάλιστα χρηματίζωντο),

¹ εἰ Reiske: οἱ mss. ² μηδὲν Reiske: μὲν mss.
³ κερδαίνειν η del. Dobree.
⁴ ὡσ Herwerden: α mss.
⁵ ἀπαντά Stephanus: ἀπαντας mss. ⁶ ὁ add. Reiske.
XXV. DEFENCE AGAINST A CHARGE OF SUBVERTING THE DEMOCRACY

I can find full excuse for you, gentlemen of the jury, if on hearing such statements and remembering past events you are equally incensed against all those who remained in the city. But I am surprised at my accusers: they neglect their own concerns to attend to those of others, and now, though they know for certain who are guilty of nothing and who have committed many offences, they seek to persuade you into holding this same opinion about us all. Now, if they conceive that they have charged me with everything that the city has suffered at the hands of the Thirty, I consider them to be speakers of no ability; for they have not mentioned so much as a small fraction of what has been perpetrated by those men. But if their statements imply that I had any connexion with those things, I shall prove that their words are nothing but lies, and that on my part I behaved as the best citizen in the Peiraeus would have done, if he had remained in the city. I beg you, gentlemen, not to share the views of the slander-mongers. Their business is to inculpate even those who have committed no offence,—for it is out of them especially that they would make money,\(^a\)—while

\(^a\) An inoffensive, peaceable man would usually prefer paying an informer blackmail to undergoing the trouble and risk of a legal action. *Cf.* Xenophon, *Mem.* ii. 9. 1.
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υμέτερον δὲ τοὺς μηδὲν ἀδικοῦσιν ἐξ ἱσον τῆς πολιτείας μεταδιδόναι. οὕτω γὰρ ἂν τοὺς καθ-
εστηκόσι πράγμασι πλείστους συμμάχους ἔχοινε.

4 ἀξιῶ δὲ, ὦ ἀνδρεῖς δικασταί, ἐάνπερ φανὼ1 συμ-
φορᾶς μὲν μηδεμίας αἰτίως γεγενημένος, πολλὰ
dὲ κἀγαθὰ εἰργασμένος τὴν πόλιν καὶ τῷ σώματι
cαὶ τοῖς χρήμασι, ταῦτα γοῦν μοι παρ’ ὑμῶν
ὑπάρχειν, ὃν οὐ μόνον τοὺς εὐ πεποιηκότας ἄλλα
καὶ τοὺς μηδὲν ἀδικοῦντας τυγχάνειν δικαίων ἐστι.

5 μέγα μὲν οὖν ἡγοῦμαι <μοι>2 τεκμήριον εἶναι,
ὅτι, εἴπερ εὐδύνατο οἱ κατηγοροὶ ἴδια με ἀδικοῦντα
ἐξελέγχαι, οὐκ ἂν τὰ τῶν τριάκοντα ἀμαρτήματα
ἐμοὶ κατηγόρουν, οὐδ’ ἂν ἤλεγχεν ὑπὲρ τῶν
ἐκείνων πεπραγμένων ἐτέρους διαβάλλειν, ἄλλ’
aυτοὺς τοὺς ἀδικοῦντας τιμωρεῖσθαι: νῦν δὲ
νομίζουσι τὴν πρὸς ἐκείνους ὄργην ἰκανὴν εἶναι
cαὶ τοὺς μηδὲν κακὸν εἰργασμένους ἀπολέσαι.

6 ἐγὼ δὲ οὖχ ἡγοῦμαι δίκαιον εἶναι οὔτε εἰ τινὲς τῇ
πόλει πολλῶν ἀγαθῶν αἰτίως γεγενημένας, ἄλλους
tυνὰς ὑπὲρ τοὺς τυμήν ἢ χάρων κομίσασθαι παρ’
ὑμῶν, οὔτ’ εἰ τινὲς πολλὰ κακὰ εἰργασμένου εἰσόν,
eἰκότως ἂν δι’ ἐκείνους τοὺς μηδὲν ἀδικοῦντας
ὁνείδους καὶ διαβολῆς τυγχάνειν· ἰκανοὶ γὰρ οἱ
ὑπάρχοντες ἐχθροὶ τῇ πόλει καὶ μέγα κέρδος
νομίζοντες εἶναι τοὺς ἀδίκως ἐν ταῖς διαβολαῖς
καθεστηκότας.

7 Πειράσομαι δ’ ὑμᾶς διδάξαι, οὐς ἡγοῦμαι τῶν
πολιτῶν προσήκειν ὀλιγαρχίας ἐπιθυμεῖν καὶ <οὗς>3
dημοκρατίας. έκ τοῦτον γὰρ καὶ ὑμεῖς γνώσεσθε,

1 ἐάνπερ φανὼ Dobree εάν ἀποφανώ MSS.

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yours is to allow an equal enjoyment of civic rights to those who have done no wrong; for in this way you will secure to the established constitution the greatest number of allies. And I claim, gentlemen, if I am found to have been the cause of none of our disasters, but rather to have performed many services to the State with both my person and my purse, that at any rate I should have that support from you which is the just desert, not merely of those who have served you well, but also of those who have done you no wrong. Now, I consider that I have a strong justification in the fact that, if my accusers were able to convict me of wrongdoing in private life, they would not charge me with the misdeeds of the Thirty: they would not see occasion to traduce others on the score of what those persons have perpetrated, but only to requite the actual wrongdoers. But in fact they conceive that your resentment against those men is sufficient to involve in their ruin those who have done no harm at all. I, however, hold that, just as it would be unfair, when some men have been the source of many benefits to the city, to let others carry off the reward of your honours or your thanks, so it is unreasonable, when some have continually done you harm, that their acts should bring reproach and slander upon those who have done no wrong. The city has enough enemies already existing, who count it a great gain to have people brought up on slanderous charges.

I will now try to explain to you who of the citizens are inclined, in my view, to court oligarchy, and who democracy. This will serve as a basis both for your

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8 μοι add. Frohberger. 9 οὐδ add. Contius.
κάγω περὶ ἐμαυτοῦ τὴν ἀπολογίαν ποιῆσομαι, ἀποφαίνων ὡς οὔτε εὖ ἡν ἐν δημοκρατίᾳ οὔτε εὖ ἦν ἐν ὁλιγαρχίᾳ πεποίηκα, οὐδὲν μοι προσήκον 8 κακόνουν εἶναι τῷ πλῆθει τῷ ύμετέρῳ. πρῶτον μὲν οὖν ἐνθυμηθήμασι χρή ὅτι οὔτεις ἐστιν ἀνθρώπων φύσει οὔτε ὁλιγαρχικὸς οὔτε δημοκρατικὸς, ἀλλ' ἢτις ἢν ἐκάστως πολιτείᾳ συμφέρῃ, ταύτην προθυμεῖται καθεστάναι1. ὥστε οὐκ ἐλάχιστον ἐν ὑμῖν ἐστὶ μέρος ὡς πλείστους ἐπιθυμείν τῶν παρόντων νῦν πραγμάτων. καὶ ταύτα ὅτι οὗτοι ἔχει, οὐ χαλεπῶς ἢ τῶν πρώτον γεγεννηµένων μαθήσεθε. σκέψαις γάρ, ὡς ἄνδρες δικασταί, τοὺς προστάντας ἀμφότέρων <τῶν>2 πολιτείων, ὡς καὶ Πεισανδρὸς καὶ οὐκ ἢτις ἢν ἐκάστως δημαγωγοῖ, ἐπειδὴ πολλὰ εἰς ὑμᾶς ἐξήμαρτον, τὰς περὶ τούτων δείσαντες τιμωρίας τὴν πρότεραν ὁλιγαρχίαν κατέστησαν, πολλοὶ δὲ τῶν τετρακοσίων μετὰ τῶν ἢκ Πειραιῶς συγκατήλθον, ἐνοί δὲ τῶν ἢκαῖνος ἢκβαλόντων αὐτοῖς3 τῶν τριάκοντα ἐγένοντο; [172] εἰσὶ δὲ οὕτως τῶν Ἑλεοσύναδε ἀπογραφαμένων, ἐξελθόντες μεθ' ὑμῶν, ἐπολιόρκουν τοὺς4 μεθ' αὕτως τῶν. οὕκουν χαλεπόν γνώναι, ὡς ἄνδρες δικασταί, ὅτι οὐ περὶ πολιτείας εἰσὶν αἱ πρὸς ἀλλήλους διαφόραι, ἀλλ' περὶ τῶν ἰδίων συμφερόντων ἐκάστως. ὑμᾶς οὖν χρή ἢ τούτων δοκιμάζειν τοὺς πολίτας, σκοποῦντας μὲν ὡς ἢσαν ἐν τῇ δημοκρατίᾳ πεπολιτευμένοι, ξητοῦντας δὲ εἴ τις αὐτοῖς ἐγίγνετο ὁφέλεια τῶν πραγμάτων μεταπεσότων; οὕτως

1 καθεστάναι Fuhr: καθεστάναι mss.
2 τῶν add. Reiske.
3 αὐτῶς Brulart: αὐτοῖς mss.
4 ἐπολιόρκουν τοὺς Scheibe: ἐπολιόρκοντο mss.

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decision and for the defence that I shall offer for myself; for I shall make it evident that neither under
the democracy nor under the oligarchy has my con-
duct suggested any inclination to be disloyal to your
people. Now, first of all, you should reflect that no
human being is naturally either an oligarch or a
democrat: whatever constitution a man finds advan-
tageous to himself, he is eager to see that one estab-
lished; so it largely depends on you whether the
present system finds an abundance of supporters.
That this is the truth, you will have no difficulty in
deducing from the events of the past. For consider,
gentlemen of the jury, how many times the leaders
of both governments a changed sides. Did not
Phrynichus, Peisander and their fellow-demagogues,
when they had committed many offences against you,
proceed, in fear of the requital that they deserved,
to establish the first oligarchy? And did not many
of the Four Hundred, again, join in the return of the
Peiraeus party, while some, on the other hand, who
had helped in the expulsion of the Four Hundred,
actually appeared among the Thirty? Some, too,
of those who had enlisted for Eleusis marched out
with you to besiege their own comrades! There
is thus no difficulty in concluding, gentlemen,
that the questions dividing men are concerned, not
with politics, but with their personal advantage.
You should therefore apply this test in the probation
of your citizens: examine their use of the citizen-
ship under the democracy, and inquire whether
they stood to benefit by a change in the government.

a The oligarchy of the Four Hundred and the despotism
of the Thirty.

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γάρ ἂν δικαιοτάτην <τὴν>¹ κρίσιν περὶ αὐτῶν

11 ποιοῦσθε. ἐγὼ τοὺς ἡγοῦμαι, ὅσοι μὲν ἐν τῇ
dημοκρατίᾳ ἀτιμοὶ ἦσαν [εὐθύνας δεδωκότες]² ή
tῶν ὀντων ἀπεστερημένοι ή ἄλλη τυί συμφορά
tοιαύτῃ κεχρημένοι, προσήκειν αὐτοῖς ἑτέρας
ἐπιθυμεῖν πολιτείας, ἐλπίζοντας τὴν μεταβολὴν
ωφελείαν τινα αὐτοῖς ἐσεσθαι ὅσοι δὲ τὸν ὅμοιν
πολλὰ κάγαθα εἰργασμένοι εἰσί, κακὸν δὲ μηδὲν
πῶποτε, ὅφειλεν δὲ αὐτοῖς χάριν κομίσασθαι
παρ’ ὑμῶν μᾶλλον ἡ δοῦναι δίκην τῶν πεπραγ-
μένων, οὐκ ἄξιον τὰς κατὰ τοὺς ἁποδέχεσθαι
dιαβόλας, οὗτοι έαν πάντες οἱ τὰ τῆς πόλεως
πράττοντες ὀλγιαρχικοὶς αὐτοὺς φάσκωσιν εἶναι.

12 Ἐμοὶ τούς, ὡς ἄνδρες δικασταί, οὔτ’ ἴδια οὔτε
δημοσία συμφορά ἐν ἑκεῖνῳ τῷ χρόνῳ οὐδεμία
πῶποτε ἐγένετο, ἀνθ’ ἠστινος ἄν προθυμούμενος
tῶν παρόντων κακῶν ἀπαλλαγῆναι ἑτέρων ἔπ-
εθύμουν πραγμάτων. τετραπαρχηκα³ τε⁴ γὰρ πεν-
τάκις, καὶ τετράκις νειαυμαχίκα, καὶ εἰσφορᾶς
ἐν τῷ πολέμῳ πολλὰς εἰσενήνοχα, καὶ τῶλα
13 λελητούργηκα οὐδενὸς χείρον τῶν πολιτῶν. καίτοι
diὰ τοῦτο πλείω τῶν ὑπὸ τῆς πόλεως προσ-
tαττομένων ἐδαπανώμην, ἃν καὶ βελτίων υφ’ υμῶν
νομιζόμην, καὶ εἰ ποῦ μοῖ τις συμφορά γένοιτο,
ἀμείνων ἀγωνιζόμην. ὅν ἐν τῇ ὀλγιαρχίᾳ ἀπάντων
ἀπεστεροῦμην οὐ γὰρ τοὺς τῷ πλῆθει ἀγαθοῦ
tινος αἰτίως γεγενημένους χάριτος παρ’ αὐτῶν
ἡξίουν τυγχάνειν, ἀλλὰ τοὺς πλείστα κακὰ υμᾶς
eἰργασμένους εἰς τὰς τιμᾶς καθίστασαν, ὡς ταύτην

¹ τὴν add. Rauchenstein.
² εὐθύνας δεδωκότες del. Francken.
³ τετραπαρχηκα Scheibe: ἑτεραπαρχηκα MSS.
In this way you will most justly form your decision upon them. Now, in my opinion, all those who had been disfranchised under the democracy, or deprived of their property, or subjected to any other misfortune of the sort, were bound to desire a different system, in the hope that the change would be some benefit to themselves. But in the case of those who have done the people many good services, and never a single hurt, and who deserve your grateful favours instead of punishment for what they have achieved, it is not fair to harbour the slanders aimed at them, not even if all who have charge of public affairs allege that they favour oligarchy.

Now I, gentlemen of the jury, never suffered any misfortune during that time, either private or public, which could lead me, through eagerness to be relieved of present ills, to court a change in our system. I have equipped a warship five times, fought in four sea-battles, contributed to many war levies, and performed my other public services as amply as any citizen. But my purpose in spending more than was enjoined upon me by the city was to raise myself the higher in your opinion, so that if any misfortune should chance to befall me I might defend myself on better terms. Of all this credit I was deprived under the oligarchy; for instead of regarding those who had bestowed some benefit on the people as worthy recipients of their favours, they placed in positions of honour the men who had done you most harm, as though this were a pledge by which they

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a The six years between the restoration of the democracy in 410 B.C. and the tyranny of the Thirty in 404 B.C.

4 τε Gebauer: μὲν mss.

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παρ’ ἡμῶν πίστιν εἰληφότες, ἂ χρή πάντας ἐνθυμομένους μη τοῖς τούτων λόγοις πιστεύειν, ἀλλὰ [καὶ] ἐκ τῶν ἐργῶν σκοπεῖν ἡ ἐκάστῳ τυγ-
χάνει πεπραγμένα. ἐγώ γὰρ, ὡς ἄνδρες δικασταί, οὔτε [ἐπὶ]2 τῶν τετρακοσίων ἐγενόμην· ἢ τῶν κατηγόρων ὁ βουλόμενος παρελθὼν ἐλεγξάτω·
οὐ τοῖνοι οὐδ’ ἐπειδὴ οἱ τριάκοντα3 κατέστησαν, οὐδεὶς με ἀποδείξει οὔτε βουλεύσαντα οὔτε ἄρχην οὐδεμίαν ἀρξαντα. καίτοι εἰ μὲν ἐξόν μοι ἀρχεῖν
μῆ ἐβουλόμην, ὃὔ ὑμῶν νυνὶ τιμᾶσθαι δίκαιος εἰμι· εἰ δὲ οἱ τότε δυνάμενοι μῆ ἦξιον μοι μετα-
διδόναι τῶν πραγμάτων, πῶς ἂν φανερώτερον ἢ
οὕτως ψευδομένους ἀποδείξαμι τοὺς κατηγόρους;

15 Ἡτι τοῖνοι, ὡς ἄνδρες δικασταί, καὶ ἐκ τῶν ἀλλών τῶν ἐμοὶ πεπραγμένων ἄξιον σκέψασθαι. ἐγὼ γὰρ τοιοῦτον ἐμαυτὸν ἐν ταῖς τῆς πόλεως
συμφοραῖς παρέσχον ὡστε, εἰ πάντες τὴν αὐτὴν γνώμην ἔσχον ἐμοί, μηδένα ἂν ὑμῶν μηδεμιὰ
χρῆσθαι συμφορὰ. ὑπ’ ἐμοῦ γὰρ ἐν τῇ ὁλιγαρχίᾳ
οὗτε ἀπαχθεῖσα οὐδεὶς φανήσεται, οὔτε τῶν ἑχθρῶν
οὐδεὶς τετυμωρημένος, οὔτε τῶν φίλων εὗ πεπον-

θῶς (καὶ τοῦτο μὲν οὐκ ἄξιον θαυμάζειν· εὗ μὲν
γὰρ ποιεῖν ἐν ἐκεῖνῳ τῷ χρόνῳ χαλεπὸν ἦν,
ἐξαμαρτάνειν δὲ τῷ βουλομένῳ ῥάδιον). οὐ τοῖνοι
οὐδ’ εἰς τὸν κατάλογον Ἀθηναίων καταλέξας
οὐδένα φανήσησαι, οὐδὲ δίαταν καταδιατησά-
μενος οὐδενός, οὐδὲ πλουσιώτερος ἐκ τῶν ύμετέρων
γεγονός συμφορῶν. καίτοι εἰ τοῖς τῶν γεγενη-

1 και del. Emperius. 2 ἐπὶ del. Markland. 3 οἱ τριάκοντα Markland: οἴδε mss.
held us bound. You ought all to reflect on those facts and refuse to believe the statements of these men: you should rather judge each person by the record of his actions.

For I, gentlemen, was not one of the Four Hundred: I challenge anyone who wishes amongst my accusers to come forward and convict me of this. Neither, again, will anyone prove that, when the Thirty were established, I sat on the Council or held any office. Surely, if I chose not to hold office when I could have done so, I deserve to be honoured by you to-day. If, on their part, the men who were in power at that time preferred not to give me a place in the government, could I find a more signal proof than this of the falsehood of my accusers?

Furthermore, gentlemen of the jury, you ought also to take account of the rest of my conduct. For amid the misfortunes of the city my behaviour was such that, if everyone had been of one mind with me, not one of you would have experience of a single misfortune. I had no hand during the oligarchy, you will find, either in the arrest of anybody, or in taking vengeance upon any of my enemies, or in conferring a favour on any of my friends,—and in that there is nothing to wonder at, for at that time it was difficult to confer favours, though an act of mischief was easy for anyone who wished. Again, you will find that I did not place the name of a single Athenian on the black list, or obtain a decree of arbitration against anyone, or enrich myself by means of your misfortunes. Yet surely, if you are incensed against the authors

a The Thirty drew up a list of citizens, other than the privileged 3000, who were suspected of opposing or disapproving the violent measures of the cabal.
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μένων κακῶν αἰτίοις ὁργίζεσθε, ἕκος καὶ τοὺς μηδεν ἠμαρτηκότας βελτίους υφί μῦμον νομίζεσθαί. 17 καὶ μὲν δὴ, ὡς ἄνδρες δικασταί, μεγίστην ἡγοῦμαι περὶ ἐμαυτοῦ τῇ δημοκρατίᾳ πίστιν δεδωκέναι. ὡστὶς γὰρ τότε οὐδὲν ἐξήμαρτον οὕτως πολλῆς δεδομένης ἐξουσίας, ἢ ποὺ νῦν σφόδρα προ-
θυμηθήσομαι χρήστος εἶναι, εὖ εἰδὼς ὅτι, ἐὰν ἀδικῶ, παραχρῆμα δώσω δίκην. ἀλλὰ γὰρ το-
άτην διὰ τέλους γνώμην ἔχω, ὥστε ἐν [173] ὀλυγαρχίᾳ μὲν μὴ ἐπιθυμεῖν τῶν ἄλλων ἀλλοτρίων, ἐν δημοκρατίᾳ δὲ τὰ ὄντα προθύμως εἰς ύμᾶς ἀναλίσκειν.

18 Ἡγοῦμαι δὲ, ὡς ἄνδρες δικασταί, ὡς ἀν δικαίως ύμάς μισεῖν τοὺς ἐν τῇ ὀλυγαρχίᾳ μηδεν πεπο-
νθότας κακῶν, ἐξὸν ὀργίζεσθαι τοῖς εἰς τὸ πλῆθος ἐξήμαρτηκόσιν, οὐδὲ τοὺς μὴ φυγόντας ἐχθροὺς νομίζειν, ἀλλὰ τοὺς ύμᾶς ἐκβαλόντας, οὐδὲ τοὺς προθυμουεῖν τὰ ἐαυτῶν σῶσαι, ἀλλὰ τοὺς τὰ τῶν ἄλλων ἄφηρημένους, οὐδὲ οἱ τῆς σφετέρας αὐτῶν σωτηρίας ἐνεκα ἔμεναν ἐν τῷ ἀστεί, ἀλλ’ οὕτως ἐτέρους ἀπολέσαι βουλόμενου μετέχον 
tῶν πραγμάτων. εἰ δὲ οἶδεθε χρῆναι, οὔς ἐκεῖνον παρέλιπον ἀδικοῦντες, ύμεῖς ἀπολέσαι, οὐδές τῶν πολιτῶν ὑπολειφθήσεται. 2

19 Σκοπεῖν δὲ χρή καὶ ἐκ τῶνδε, ὡς ἄνδρες δικασταί. πάντες γὰρ ἐπίστασθε ὅτι ἐν τῇ προτέρᾳ δημο-
κρατίᾳ τῶν τὰ τῆς πόλεως πραττόντων πολλοί μὲν 
tὰ δημόσια ἐκλεπτον, ἐνιοὶ δὲ ἐπὶ τοὺς ἡμετέρους ἐδωροδόκουν, οἱ δὲ συκοφάντοιντες τοὺς συμ-
μάχους ἀφίστασαν. καὶ εἰ μὲν οἱ τριάκοντα

1 ὁργίζοντας Αλδο. ὁργίζοντας Μ. Μ
2 ὑπολειφθήσεται Ναπν: ἀπολειφθήσεται Μ.
of your past troubles, it is reasonable that those who have done no mischief should stand the higher in your opinion. And indeed, gentlemen of the jury, I consider that I have given the democracy the strongest pledge of my attachment. For if I did no mischief at that time, when ample licence for it was allowed, surely I shall now make every effort to be a good citizen in the full knowledge that, if I am guilty of wrong, I shall incur immediate punishment. But in fact I have continually held to this resolve,—under an oligarchy, not to covet the property of others, and under a democracy, to spend my own upon you with zeal.

I consider, gentlemen, that you would not be justified in hating those who have suffered nothing under the oligarchy, when you can indulge your wrath against those who have done your people mischief; or in regarding as enemies those who did not go into exile instead of those who expelled you, or those who were anxious to save their own property instead of those who stripped others of theirs, or those who stayed in the city with a view to their own safety instead of those who took part in the government for the purpose of destroying others. If you think it your duty to destroy the men whom they passed over, not one of the citizens will be left to us.

You ought also to take account of this further point, gentlemen of the jury: you are all aware that under the previous democracy there were many in the ministry who robbed the Treasury; while some accepted bribes at your expense, and others by malicious informations estranged your allies. Now,

\[\text{For this kind of mischief-making cf. Isocrates, }\textit{On the Exchange of Property, 318.}\]
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tóutous móvous étsumwroúnto, ándras áγadous kai ἵμείς ἂν αὐτοὺς ἤγείσθε· νῦν δὲ, ὅτε ὑπὲρ τῶν ἐκείνων ἡμαρτήματων ὁ πλῆθος κακῶς ποιεῖν ἔξειν, ἡγανακτεῖτε, ἡγούμενοι δεινῶν εἶναι ἃ τῶν ὀλίγων ἀδικήματα πάση τῇ πόλει κοινά
20 γένεσθαι. οὐ τοῖςν ἄξιον χρήσθαι τούτοις, οῖς ἐκείνους ἐωράτε ἐξαμαρτάνοντας, οὔδὲ ἃ πάσχοντες ἄδικα ἐνομίζετε πάσχειν, ὅταν ἔτερους ποιήτε, δίκαια ἡγεῖσθαι, ἀλλὰ τὴν αὐτὴν κατελθόντες περὶ ὑμῶν γνώμην ἔχετε, ἢπνερ φεύγοντες περὶ ὑμῶν αὐτῶν εἶχετε· ἐκ τούτων γὰρ καὶ ὁμόνοιαν πλείστην ποιήσετε, καὶ ἡ πόλις ἔσται μεγίστη, καὶ τοῖς ἐχθροῖς ἀνιαρότατα ψηφιεῖσθε.

21 Ἐνθυμηθῆναι δὲ χρή, ὡς ἄνδρες δικασταί, καὶ τῶν ἐπὶ τῶν τριάκοντα γεγενημένων, ἵνα τὰ τῶν ἐχθρῶν ἁμαρτήματα ἁμείουν ὧμᾶς ποιήσῃ περὶ τῶν ὑμετέρων αὐτῶν βουλεύσασθαι. ὅτε μὲν γὰρ ἀκούοντες τοὺς ἐν ἂστει τὴν αὐτὴν γνώμην ἔχειν, μικρὰς ἐλπίδας εἶχετε τῆς καθόδου, ἡγούμενοι τὴν ὑμετέραν ὁμόνοιαν μέγιστον κακὸν εἶναι τῇ
22 ὑμετέρα φυγῇ ἐπειδὴ δὲ ἐπινυθάνεσθε¹ τοὺς μὲν τρισχίλιους στασιάζοντας, τοὺς δὲ ἄλλους πολίτας ἐκ τοῦ ἄστεως² ἐκκεκηρυγμένους, τοὺς δὲ τριάκοντα μὴ τὴν αὐτὴν γνώμην ἔχοντας, πλείους δ’ ὡντας τοὺς ὑπὲρ ὑμῶν δεδίότας ἢ τοὺς ὑμῶν πολεμοῦντας, τότ’ ἰδῇ καὶ κατιέναι προσεδοκᾶτε καὶ παρὰ τῶν ἐχθρῶν λήψεσθαι δύκην. ταύτα γὰρ τοῖς θεοῖς ἡγεσεῖ, ἀπερ ἐκείνους ἐωράτε ποιοῦντας, ἡγούμενοι διὰ τὴν τῶν τριάκοντα

1 ἐπινυθάνεσθε Markland: πυνθάνοις mss.
2 ἐκ τοῦ ἄστεως pone στασιάζοντας hue transp. Fuhr.

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if the Thirty had kept their punishments for these cases, you would have held them yourselves to be honest men: but when in fact you found them deliberately oppressing the people because of the offences of those persons, you were indignant; for you considered it monstrous that the crimes of the few should be spread over the whole city. It is not right, therefore, that you should resort to those offences which you saw them committing, or regard those deeds, which you deemed unjust when done to you, as just when you do them to others. No: let your feeling towards us after your restoration be the same as you had towards yourselves in your exile; for by this means you will produce the utmost harmony amongst us, the power of the city will be at its highest, and you will vote for what will be most distressing to your enemies.

And you should reflect, gentlemen, on the events that have occurred under the Thirty, in order that the errors of your enemies may lead you to take better counsel on your own affairs. For as often as you heard that the people in the city were all of one mind, you had but slight hopes of your return, judging that our concord was the worst of signs for your exile: but as soon as you had tidings that the Three Thousand were divided by faction, that the rest of the citizens had been publicly banned from the city, that the Thirty were not all of one mind, and that those who had fears for you outnumbered those who were making war on you, you immediately began to look forward to your return and the punishment of your enemies. For it was your prayer to the gods that those men should do the things that you saw them doing, since you believed that the villainy of the Thirty would be far more useful for
πονηρίαν πολὺ μάλλον σωθήσεσθαι ἢ διὰ τῆς τῶν
23 φευγόντων δύναμιν κατιέναι. χρὴ τοίνυν, δὲ ἄνδρες
dικασταὶ, τοῖς πρότερον γεγενημένοις παραδείγ-
μασί χρωμένους βουλεύσεσθαι περὶ τῶν μελλόντων
ἐσεθαι, καὶ τούτους ἥγεισθαι δημοτικωτάτους,
οὔτες ὁμονοεῖν ὑμᾶς βουλόμενοι τοῖς ὅρκοις καὶ
ταῖς συνθήκαις ἐμμένουσι, νομίζοντες καὶ τῆς
πόλεως ταύτην ἐκανώτατην εἶναι σωτηρίαν καὶ
tῶν ἐχθρῶν μεγίστην τιμωρίαν· οὔδεν γὰρ ἃν ἐὴ
αὐτοῖς χαλεπώτερον τούτων, ἢ πυνθάνεσθαι μὲν
ὕμᾶς μετέχοντας τῶν πραγμάτων, αἰσθάνεσθαι
dὲ οὕτως διακειμένους τοὺς πολίτας ὠσπερ μηδενὸς
24 ἐγκλήματος πρὸς ἀλλήλους γεγενημένου. χρὴ δὲ
eἰδέναι, δὲ ἄνδρες δικασταὶ, ὅτι οἱ φεύγοντες τῶν
ἄλλων πολιτῶν ὡς πλείστους καὶ διαβεβλήθησαν
καὶ ἡττικῶθαί βούλονται, ἐλπίζοντες τοὺς ὑφ’
ὕμῶν ἀδικουμένους ἑαυτοῖς ἐσεθαι συμμάχους,
tοὺς δὲ συκοφάντας εὐδοκιμεῖν δέξαι τ’ ἃν παρ’
ὕμῖν καὶ μέγα δύνασθαι ἐν τῇ πόλει· τὴν γὰρ
tούτων πονηρίαν ἑαυτῶν ἠγοῦνται σωτηρίαν.
25 "Αξίων δὲ μνησθῆναι καὶ 1 τῶν μετὰ τοὺς τεταρ-
κοσίους πραγμάτων· εἴ γὰρ ἔσεσθε ὅτι, ἃ μὲν
οὕτοι συμβουλεύοντες, οὔτε ἐχθρὸς ὑμῖν ἐλυσι-
tέλησεν, ἃ ὁ ἐγὼ παρανώ, ἀμφοτέρας ἢ ἡ ταῖς
[174] πολιτείας συμφέρει. ὦτε γὰρ Ἐπιγένη καὶ
Δημοφάνη καὶ Κλεισθένη ἱδία μὲν καρπωσα-
μένους τὰς τῆς πόλεως συμφόρας, δημοσία δὲ
26 οὔτας μεγίστων κακῶν αἰτίως. εἰῶν μὲν γὰρ
ἐπεισαν ὑμᾶς ἀκρίτων θάνατον καταψηφίσασθαι,
pολλῶν δὲ ἄδικως δημεῦσαι τὰς οὐσίας, τοὺς δὲ
ἐξελάσαι καὶ ἀτιμῶσαι τῶν πολιτῶν· τοιούτοι γὰρ
1 καὶ add. Baiter.
your salvation than the resources of the exiles for your return. You ought therefore, gentlemen, to take the events of the past as your example in resolving on the future course of things, and to account those men the best democrats who, desiring your concord, abide by their oaths and covenants, because they hold this to be the most effective safeguard of the city and the severest punishment of her enemies. For nothing could be more vexatious to them than to learn that we are taking part in the government and to perceive at the same time that the citizens are behaving as though they had never had any fault to find with each other. And you should know, gentlemen, that the exiles desire to see the greatest possible number of their fellow-citizens not merely slandered but disfranchised; since they hope that the men who are wronged by you will be their allies, and they would gladly have the venal informers standing high in your esteem and influential in the city. For they judge the villainy of those creatures to be their own safeguard.

You will do well to remember also the events that followed the rule of the Four Hundred\(^a\); for you will fully realize that the measures advised by these men have never brought you any advantage, while those that I recommend have always profited both parties in the State. You know that Epigenes, Demophanes and Cleisthenes, while reaping their personal gains from the city’s misfortunes, have inflicted the heaviest losses on the public weal. For they prevailed on you to condemn several men to death without trial, to confiscate unjustly the property of many more, and to banish and disfranchise other

\(^a\) June-September, 411 B.C.
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ὁσαν ὡστε τοὺς μὲν ἡμαρτηκότας ἀργύριον λαμβάνοντες ἀφίεναι, τοὺς δὲ μηδὲν ἡδικηκότας εἰς ὑμᾶς εἰσίοντες ἀπολλύναι. καὶ οὐ πρῶτον ἐπαύσαντο, ἐως τὴν μὲν πόλιν εἰς στάσεις καὶ τὰς μεγίστας συμφορὰς κατέστησαν, αὐτοὶ δὲ ἐκ 27 πενήτων πλούσιοι ἐγένοντο. ὑμεῖς δὲ οὖτως διετέθητε ὡστε τοὺς μὲν φεύγοντας κατεδέξασθε, τοὺς δὲ ἀτίμους ἐπιτίμους ἐποιήσατε, τοῖς δὲ ἄλλοις περὶ ὀμονοίας ὀρκους ὠμνυτε· τελευτῶντες δὲ ἦδιον ἀν τοὺς ἐν τῇ δημοκρατίᾳ συνοφαντοῦντας ἑτερωρήσασθε ἡ τοὺς ἀρξαντας ἐν τῇ ὁλιγαρχίᾳ. καὶ εἰκότως, ὃ ἀνδρες δικασταί· πασὶ γὰρ ἥδη φανερὸν ἐστιν ὅτι διὰ τοὺς μὲν ἀδίκως πολιτευομένους ἐν τῇ ὁλιγαρχίᾳ δημοκρατία γίγνεται, διὰ δὲ τοὺς ἐν τῇ δημοκρατίᾳ συνοφαντοῦντας ὁλιγαρχία δὴς κατέστη. ὡστε οὐκ ἄξιον τούτων πολλάκις χρῆσθαι συμβούλιοι, ὅτι οὐδὲ ἀπαξ ἐλυσιτέλησε 28 πιθομένοις. σκέψασθαι δὲ χρὴ ὅτι καὶ τῶν ἐκ Πειραιῶς οἱ μεγίστην δόξαν ἔχοντες καὶ μάλιστα κεκινωνευκότες καὶ πλείστα ὑμᾶς ἀγαθὰ εἰργασμένοι πολλάκις ἢδη τῷ ὑμετέρῳ πλήθει διεκελεύσαντο 1 τοῖς ὀρκοῖς καὶ ταῖς συνθήκαις ἐμμένειν, ἥγοιμενοι ταῦταν δημοκρατίας εἶναι φυλακῆν· τοῖς μὲν γὰρ ἄστεως ὑπὲρ τῶν παρεληλυθότων ἀδειαν ποιήσειν, τοῖς δὲ ἐκ Πειραιῶς οὖτως πλείστον ἄν 2 χρόνον τὴν πολιτείαν παραμεῖναι. 29 οἰς ὑμεῖς πολὺ ἂν δικαιότερον πιστεύσοψτε ἡ τούτως, οἱ φεύγοντες μὲν δὲ ἐτέρους ἐσώθησαν, κατ-

1 διεκελεύσαντο Taylor: διελύσαντο mss.
2 άν add. Gebauer.
citizens; since they were capable of taking money for the release of offenders, and of appearing before you to effect the ruin of the innocent. They did not stop until they had involved the city in seditions and the gravest disasters, while raising themselves from poverty to wealth. But your temper moved you to welcome back the exiles, to reinstate the disfranchised in their rights, and to bind yourselves by oaths to concord with the rest. At the end of it all, you would have been more pleased to punish those who traded in slander under the democracy than those who held office under the oligarchy. And with good reason, gentlemen: for it is manifest now to all that the unjust acts of rulers in an oligarchy produce democracy, whereas the trade of slanderers in the democracy has twice led to the establishment of oligarchy. It is not right, therefore, to hearken many times to the counsels of men whose advice has not even once resulted in your profit.

And you should consider that, in the Peiraeus party, those who are in highest repute, who have run the greatest risk, and who have rendered you the most services, had often before exhorted your people to abide by their oaths and covenants, since they held this to be the bulwark of democracy: for they felt that it would give the party of the town immunity from the consequences of the past, and the party of the Peiraeus an assurance of the most lasting permanence of the constitution. For these are the men whom you would be far more justified in trusting than those who, as exiles, owed their deliverance to others and, now that they have returned, are taking up the

a Those who had remained in Athens under the Thirty were for long held in suspicion by the restored democrats.
έλθόντες δὲ συκοφαντείν ἐπιχειροῦσιν. ἦγοῦμαι δὲ, ὦ άνδρες δικασταί, τοὺς μὲν τὴν αὐτὴν γνώμην ἔχοντας ἐμοὶ τῶν ἐν ἄστει μεινάντων φανεροὺς γεγενήσθαι καὶ ἐν ὀλιγαρχία καὶ ἐν δημοκρατία.

30 ὅποιοι τινές εἰσι πολίται τούτων δ' άξιον θαυμάζειν, ὁ τι ἂν ἐποίησαν, εἴ τις αὐτοὺς ἐισασε τῶν τριάκοντα γενέσθαι, οἱ νῦν δημοκρατίας οὖσις ταύτα ἐκείνοις πράττουσι, καὶ ταχέως μὲν ἐκ πενήτων πλούσιοι γεγένηται, πολλὰς δὲ ἄρχας ἀρχοντες οὐδεμιᾶς εὐθύνην διδάσασιν, ἀλλ' ἀντί μὲν ὀμονοίας ὑποσίαν πρὸς ἀλλήλους πεποιήκασιν, ἀντὶ δὲ εἰρήνης πόλεμον κατηγγέλκασι, διὰ τούτους

31 δὲ ἀπιστοὶ τοῖς Ἑλλήσι γεγενήμεθα. καὶ το- σούτων κακῶν καὶ ἐτέρων πολλῶν οίντες αὐτοὶ, καὶ οὐδὲν διαφέροντες τῶν τριάκοντα πλήν ὅτι ἐκείνοι μὲν ὀλιγαρχίας οὖσις ἐπεθύμουν ὄντες οὗτοι, οὗτοι δὲ καὶ δημοκρατίας τῶν αὐτῶν ὄντες ἐκείνοι, ὁμως1 οὐνται χρήναι οὕτως ῥαδίως δὴ ἃν βούλωνται κακῶς ποιεῖν, ὀσπερ τῶν μὲν ἀλλων ἀδικοῦντων, ἀριστοὶ δὲ άνδρες αὐτοὶ γε- 32 γενημένοι (καὶ τούτων μὲν οὐκ άξιον θαυμάζειν, ὑμῶν δὲ, ὅτι οἴσθε μὲν δημοκρατίαν εἶναι, γί- γνεται δὲ ὅ τι ἂν οὗτοι βούλωνται, καὶ δίκην δι- δόσων οὐχ οἱ τὸ ύμετέρον πλῆθος ἀδικοῦντες, ἀλλ' οἱ τὰ σφέτερα αὐτῶν μὴ διδόντες). καὶ δεξιώντ' ἀν μικράν εἶναι τὴν πόλιν μᾶλλον ἡ δ' ἀλλούς

33 μεγάλην καὶ ἐλευθέραν, ἠγούμενοι νῦν μὲν διὰ τοὺς ἐκ Πειραιῶς κακῶν ποιεῖν αὐτοὶς ἐξεῖναι ποιεῖν ὅ τι ἂν βούλωνται, ἐὰν δ' ύστερον ὑμῶν δι' ἐτέρων

1 ὁμος Reiske: ὁμοις mss.
slanderer's trade. In my opinion, gentlemen of the jury, those among our people remaining in the city who shared my views have clearly proved, both under oligarchy and under democracy, what manner of citizens they are. But the men who give us good cause to wonder what they would have done if they had been allowed to join the Thirty are the men who now, in a democracy, imitate those rulers; who have made a rapid advance from poverty to wealth, and who hold a number of offices without rendering an account of any; who instead of concord have created mutual suspicion, and who have declared war instead of peace; and who have caused us to be distrusted by the Greeks. Authors of all these troubles and of many more besides, and differing no whit from the Thirty,—save that the latter pursued the same ends as theirs during an oligarchy, while these men follow their example in a democracy,—they yet make it their business to maltreat in this light fashion any person they may wish, as though everyone else were guilty, and they had proved themselves men of the highest virtue. (Nay, it is not so much they who give cause for wonder as you, who suppose that there is a democracy, whereas things are done just as they please, and punishment falls, not on those who have injured your people, but on those who refuse to yield their own possessions.) And they would sooner have the city diminished than raised to greatness and freedom by others: they consider that their perils in the Peiraeus give them licence now to do just as they please, while, if later on you obtain deliverance through others, they themselves will be
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σωτήρια γένηται, αυτοὶ μὲν καταλύσεσθαι, ἕκείνους δὲ μεῖξον δυνήσεσθαι. ὥστε τὸ αὐτὸ πάντες ἐμποδῶν εἰσίν, ἐὰν τι δὲ ἄλλων ἀγαθὸν υἱὸν φαίνηται. τούτο μὲν οὖν οὐ χαλεπὸν τῷ βουλομένῳ κατανοῆσαι· αυτοὶ τε γὰρ οὐκ ἐπιθυμοῦσι λανθάνειν, ἀλλ' αἰσχύνονται μὴ δοκοῦντες εἶναι πονηροί, ὡμεῖς τε τὰ μὲν αὐτοὶ ὅρατέ τὰ δ' ἐτέρων πολλῶν ἥκοντε. ὡμεῖς δὲ, ὥς ἄνδρες δικασταί, δίκαιον μὲν ἡγούμεθ' εἶναι πρὸς πάντας ὑμᾶς τοὺς πολίτας ταῖς συνθήκαις καὶ τοῖς ὁρκοῖς ἐμμένειν, ὡμοὶ δὲ, ὅταν μὲν ὄδωμεν τοὺς τῶν κακῶν αἰτίους δίκην διδόντας, τῶν τότε περὶ υἱὸς γεγενημένων μεμιμημένοι συγγνώμην ἔχομεν, ὅταν δὲ φανερὸ γέννησθε τοὺς μηδὲν αἰτίους εἰς ἵσου τοῖς ἀδικοῖς τιμωρούμενοι, τῇ αὐτῇ ψήφῳ πάντας ὑμᾶς εἰς ὑποψίαν καταστήσετε.  

1 αὐτοὶ μὲν καταλύσεσθαι Herwerden: αὐτοῖς μὲν ἐπιλύσεσθαι, τούτους μὲν ἐπιλύσασθαι mss.  
2 -ψιὰν καταστήσετε supplevit Francken.
swept away, and those others will be advanced in power. So they combine to obstruct any efforts that others may make for your benefit.\textsuperscript{a} Now, as for this purpose of theirs, it is not hard, for anyone who wishes, to detect it: for they are not anxious to hide themselves, but are rather ashamed not to be reputed villains; while you partly see the mischief for yourselves, and partly hear it from many other persons. As for us, gentlemen, we consider that you are bound by your duty towards all the citizens to abide by your covenants and your oaths: nevertheless, when we see justice done upon the authors of your troubles, we remember your former experiences, and condone you; but when you show yourselves openly chastising the innocent along with the guilty, by the same vote you will be involving us all in suspicion.\textsuperscript{b} . . .

\textsuperscript{a} The text is very uncertain here.
\textsuperscript{b} The speaker seems to be accusing the democratic leaders of persecuting citizens who had shown oligarchic sympathies and who ought now to be protected by the oaths of concord that had been sworn by the two parties.
XXVI. ON THE SCRUTINY OF EVANDROS

INTRODUCTION

The first part of this speech, now lost, contained the particular charges and testimonies made against Evandros, who is undergoing a scrutiny of his life and character in order to qualify for the archonship in the place of Leodamas, who has been rejected on a scrutiny by the Council. The accusation, as we now possess it, consists mainly of answers to statements which the speaker expects Evandros to make in his defence. The case is heard before the Council on the last day but one of the second year of the 99th Olympiad (about the middle of 382 B.C.); and as the last day was devoted to a festival in honour of Zeus the Saviour, at which the king-archon and other archons officiated, there was no time left for an appeal, and one of the chief magistrates would be missing at the ceremony if Evandros were rejected. It would appear that, as an archon of his name is recorded to have held office in the following year, he succeeded in passing the scrutiny; also that the speaker is a friend of Leodamas, and is actuated by bitter resentment against Evandros's supporter, Thrasybulus of

See above, p. 535.
ON THE SCRUTINY OF EVANDROS

Collytus, who had obtained the rejection of Leonidas. This animosity is masked under a general appeal to the popular feeling against men of oligarchical sympathies who shared in the oppressions of the Thirty; though it breaks out more openly at the end in definite charges against Thrasybulus (23).

This very outburst tends to show that Lysias, although he gladly undertook to compose this accusation of one of the oligarchs whom he detested, felt that the case against Evandros was not a strong one, or at least not definite enough to induce the Council to leave one of the archonships vacant for the ceremonies of the next day. He cannot even help admitting that under the democracy Evandros has shown himself in every way a model citizen (3-5): his protestations that this should not count in his favour, and that scrutinies were invented principally for the exclusion of oligarchs from office (9), do not carry conviction to us, and must have carried still less to the Council, who were doubtless weary of the constant anti-oligarchic bickering which had marked the interval of twenty years since the amnesty. Nor can those of them who had been moderate oligarchs have been much impressed by the flattering argument into which the speaker is hastily led,—that men of their persuasion have given better proof of their loyalty than even the democrats who fought their way back at Phyle and the Peiraeus (17).

° A district in the city of Athens. This is not the Thrasybulus (of Steiria) who was prominent as leader of the Democrats, 411-388 B.C.
XXVI. ΠΕΡΙ ΤΗΣ ΕΥΑΝΔΡΟΥ ΔΟΚΙΜΑΣΙΑΣ

1... οὐδ’ ἢγούμενος ἀκριβῆ νῦν τὴν δοκιμασίαν αὐτοῦς διὰ τὸν χρόνον ποιήσεσθαι, ἐπεὶ σύνοισθα πολλὰ καὶ δεινὰ εἰς αὐτοὺς ἐξημαρτηκώς, ὥν ἐπιλεξθῆσαι καὶ οὖν ἀναμνησθῆσθαι ἐνίους αὐτῶν νομίζεις. ὦ δὴ ἐγώγε καὶ ἀγανακτῶ, εἰ ταύτῃ τῇ ἐλπίδι εἰς ὑμᾶς ἦκει πιστεύων, ῥωσπερ ἀλλων μὲν τινων ὄντων τῶν ἡδικημένων, ἐτέρων δὲ τῶν ταύτα διαψηφιομένων, ἀλλ’ οὐκ ἀμφότερα τῶν αὐτῶν καὶ πεπονθῶν καὶ ἀκουσμένων.

2 αὐτοὶ δὲ τούτων ὑμεῖς ἐστε: οὐ γὰρ ἐνθυμεῖσθε ὅτι οὗτοι μὲν, ὅτε ἡ πόλις ὑπὸ [τῶν]¹ Λακεδαιμονίων ἦρχετο, οὐδὲ τῆς αὐτῆς δουλείας ὑμῖν μεταδοῦναι ἤξιωσαν, ἀλλὰ καὶ τῆς πόλεως ἐξῆλασαν· ὑμεῖς δὲ ἐλευθέραν αὐτὴν ποιήσαντες οὐ μόνον τῆς ἐλευθερίας αὐτοὺς ἀλλὰ καὶ τοῦ δικάζειν καὶ τοῦ ἐκκλησίαζειν περὶ τῶν κοινῶν μετέδοτε, ὥστε εἰκὸς ὑμῶν ταύτῃ τῇν εὐθείαν κατα-

3 γιγνώσκουσιν. ὃν εἰς οὗτος ὃν οὐκ ἀγαπᾶ εἴ τις αὐτοῦν ἐὰν τούτων μετέχειν, ἀλλὰ καὶ πρὶν ἔκεισι δύναται δίκην πάλιν ἀρχεῖν ἀξιοὶ. καὶ νυνί αὐτὸν ἀκούω ὑπὲρ μὲν² τῶν αὐτοῦ κατηγορομένων³

¹ τῶν del. Pertz.
² ἀκοῦω ὑπὲρ μὲν Rauchenstein: ἀκούομεν ὑπὲρ mss.
³ τῶν αὐτοῦ κατηγορομένων Baiter: ὃν αὐτὸν κατηγοροῦμεν

ἐν, ὃν αὐτοῦ κατηγοροῦμεν οὗ mss.

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XXVI. ON THE SCRUTINY OF EVANDROS

... nor expecting that now, after this lapse of time, they will be strict in their scrutiny, since you are conscious of having committed many grievous offences against them; but these, you believe, some of them have forgotten, and will not even recall them to mind. Well, for my part I am quite indignant that he should come before you in the confidence of this hope, as though the persons whom he had wronged were different and distinct from those who are to give their verdict on these matters, and as though it were not the same people that have been his victims and are also to be his hearers. It is yourselves who are responsible for this: for you do not bear in mind that these men, when the city was subject to the Lacedaemonians, did not vouchsafe you a share even in the common slavery, but actually expelled you from the city; while you, after setting her free, made them partakers, not only in that freedom, but also in the judicature and in the public business of the Assembly. They have some reason, then, for thus convicting you of fatuity. This man is one of them, and he is not content to be allowed to share these rights, but claims as well, before paying the penalty for those actions, to hold office once more.

I am informed that to-day he will make but a
διὰ βραχέων ἀπολογήσεσθαι, ἐπισύροντα τὰ πράγματα καὶ διακλέπτοντα τῇ ἀπολογίᾳ τὴν κατηγορίαν, λέξεων δὲ ὡς πολλὰ εἰς τὴν πόλιν ἀνηλώκασι καὶ φιλοτίμως λελητουργήκασι καὶ νίκας πολλὰς καὶ καλὰς ἐν δημοκρατίᾳ νεικήκασι, καὶ ὅτι αὐτὸς κόσμιος ἐστὶ καὶ οὐχ ὁρᾶται ποιῶν ἄτεροι ἐνταῦθα τολμῶσιν, ἀλλὰ τὰ ἑαυτοῦ πράττειν ἃξιοὶ. ἔγω δὲ πρὸς τούτους τοὺς λόγους οὐ χαλεπὸν οἴμαι ἀντεπεῖν· πρὸς μὲν τὰς λητουργίας, ὅτι κρείττων ἢν ὁ πατὴρ αὐτοῦ μὴ λητουργήσας η τοσάτα τῶν ἑαυτοῦ ἀναλώσας· διὰ γὰρ ταῦτα πιστευθεὶς ὑπὸ τοῦ δήμου κατέλυσε τὴν δημοκρατίαν, ὥστ' εἶναι ταῦτα τὰ ἔργα ἀειμνηστότερα. 5 ἡ τὰ ἐκ τῶν λητουργιῶν αὐτῷ ἀναθήματα· πρὸς δὲ τὴν ἡσυχώτητα τὴν τοῦτον, ὅτι οὐ νῦν δὲι αὐτὸν ἐξετάζειν εἰ σῶφρων ἑστίν, ὅτ' αὐτὸν οὐκ ἐξετίν ἀσελγαίνειν, ἀλλ' ἐκείνον τὸν χρόνον σκοπεῖν, ἐν οὐ ἑξὼν ὀποτέρως ἐβούλετο ζῆν εἰλετο παρανόμως πολιτευθήναι. τοῦ μὲν γὰρ νῦν μηδὲν ἐξαμαρτάνειν οἱ κωλύσαντες αὐτοῖς, τῶν δὲ τότε γενομένων ὁ τοῦτο τρόπος καὶ οἱ τοῦτο ἐπιτρέπειν ἄξιοντες. ὥστ' ἔαν ἐκ τούτων δοκιμάζεσθαι ἃξιοὶ, ταῦτα χρῆ ὑπολαμβάνειν, μὴ εὐθεῖεις αὐτῷ εἶναι δοκήτε. 6 Ἶην δὲ καὶ ἐπὶ τοιὸντε λόγον τράπωνται, ὡς ὁ χρόνος οὐκ ἐγχωρεῖ ἄλλον ἀποκληρωσάι, ἀλλὰ ἀνάγκη, ἦν αὐτὸν ἀποδοκιμάσατε, ἄθυτα τὰ πάτρια ἱερὰ γίγνεσθαι, τἀ' ἐνθυμήθητε, ὅτι πάλαι ὁ χρόνος ὅδη γαρ εἰρήλυθεν. ἦ γὰρ αὐριον

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*a In dramatic or athletic contests.
*b In the temples at Athens, Delphi, etc.

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brief reply to the charges brought against him, skimming over the facts and shuffling off the accusation with his defence; and he will tell how he and his family have spent a great amount on the State, have performed public services with ardent zeal, and have won many brilliant victories under the democracy; that he himself is an orderly person, and is not seen acting as others of our people venture to act, but prefers to mind his own business. But I find no difficulty in countering those statements. As regards the public services, I say that his father would have done better not to perform them than to spend so much of his substance: for it was on account of this that he won the confidence of the people and overthrew the democracy; and so our memory of these deeds must be more abiding than of the offerings he has set up in record of those services. As to his love of quiet, I say that we ought not to investigate his sobriety to-day, when there is no chance for him to be licentious: we should rather examine that period in which, being free to choose either way of life, he preferred to mark his citizenship by illegal acts. For the fact of his committing no offences now is due to those who have prevented him; but what he did then was owing to the man's character and to those who vouchsafed him a free hand. So that if he claims to pass the scrutiny on this score, you should form this conception of the case, if you would not seem fatuous in his sight.

And if they have recourse to the further argument that time does not allow of your electing another man, and that his failure to pass your scrutiny must inevitably leave the ancestral sacrifices unperformed, you should reflect that the time has already long gone
LYSIAS

ήμέρα μόνη λοιπή τοῦ ἐναυτοῦ ἐστιν, ἐν δὲ ταύτῃ
tῶν Διω τῶν σωτηρίω θυσία γίγνεται, δικαστήριον
dὲ παρὰ τοὺς νόμους ἀδύνατον1 πληρωθῆναι. εἰ
dὲ ταύτα πάνθ' οὕτος ὡστε γενέσθαι διαπέρακ-
tαι, τί προσδοκήσαι <δεὶ>2 δοκιμασθέντ' αὐτὸν
ποιήσειν, εἰ τὴν ἐξιούσαν ἀρχὴν πέπεικεν αὐτοῦ
ἐνεκα παρανομήσαι; ἃρ' ἄν ὀλίγα τοιαῦτα ἐν
tῶ ἐναυτῷ διαπρᾶξασθαι; ἢγὼ μὲν γὰρ ὦκ ἄν
όμαι. ἔστι δ' ἦμων ὑπὸ τοῦτο μόνον σκεπτέον,
ἀλλὰ καὶ πότερον εὐσεβέστερον τὸν βασιλέα καὶ
tοὺς συνάρχοντας τὰ ὑπὲρ τοῦ μέλλοντος ἀρξεῖν
ἱερὰ θύσαι, ὅσ καὶ πρότερον Ἰδῆ γεγένηται, ἢ καὶ
tούτων, ὅν οὐδὲ καθαρὸν εἶναι τὰς χεῖρας οἱ εἰδότες
μεμαρτυρήκασι, καὶ πότερον ὑμεῖς ὁμόσατε εἰς
τὴν ἀρχὴν ἀδοκίμαστον καταστήσειν, ἡ δοκι-
μάσαντες τὸν ἄξιον τῆς ἀρχῆς στεφανώσειν.

[176] ταύτα γὰρ σκοπεῖσθε· κάκείνο 'δὲ'3 ἐνθυμεῖσθε,
οτι ο θεὶς τῶν περὶ τῶν δοκιμασιῶν νόμον οὐχ
ηκιστα [περὶ]4 τῶν ἐν ὀλιγοποιίας ἀρξάντων ἐνεκα
ἐθηκέν, ἢγοιμενος δεινὸν εἶναι, εἰ δι' οὗ ἡ δημο-
κρατία κατελύσετο, οὔτοι ἐν αὐτῇ τῇ πολιτείᾳ πάλιν
ἀρξουσι, καὶ κύριοι γενήσονται τῶν νόμων καὶ
tῆς πόλεως, ἡν πρότερον παραλαβόντες5 οὕτως
αἰσχρῶς καὶ δεινῶς ἐλωβήσαντο. ὡστ' οὔκ ἄξιον
τῆς δοκιμασίας ὀλγυώρως ἐκεῖν, οὔδε μικρὸν
ἡγομένους τὸ πράγμα μὴ φροντίζειν αὐτής, ἀλλὰ
ϕυλάττειν· ὡς ἐν τῷ ἐκαστὸν δικαίως ἀρχεῖν ἡ τε

1 ἀδύνατον Contius: δινατον, οὐ δινατον mss.
5 παραλαβόντες Markland: προλαβόντες mss.

* Apparently the law forbade any court to sit on that
day.
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by. For to-morrow is the last remaining day of the year, and on that day a sacrifice is offered to Zeus the Saviour, when it is impossible to complete a panel of jurymen in defiance of the laws. If all these difficulties are the contrivance of this man, what are we to expect, when once he has passed the scrutiny, of the man who will have persuaded the outgoing magistrates to commit an illegality in his interest? Will he contrive just a few things of this sort in the course of a year? For my part, I think not. But you have to consider, not this question alone, but whether piety is better served by the sacrifices on behalf of the future magistrate being offered by the king-archon and his fellow-magistrates,—as has in fact been done in the past,—or by this man, whom those who know about him have testified to be not even without stained hands; and whether you have sworn to install a magistrate who has not passed the scrutiny or, after holding the scrutiny, to crown the man who is worthy of the office? That is what you have to consider. Reflect also on the fact that the author of the law concerning scrutinies had chiefly in view the magistrates of the oligarchy; for he thought it monstrous that the men responsible for the overthrow of the democracy should regain office under that very constitution, and get control over the laws and over the city of which they had formerly taken charge only to maim her with such shameful and terrible injuries. Hence it is not right to be careless of the scrutiny, or to make it of so slight account as to ignore it: no, you should keep guard over it; for on the just title of each magistrate depends the

b Probably referring to murders committed in compliance with the violent measures of the Thirty.
πολιτεία καὶ τὸ ἄλλο πλῆθος τὸ ὑμέτερον σύζεται

10 καὶ μὲν δὴ βουλεύσων νυνὶ ἐδοκιμάζετο καὶ ὡς ἵππευκῶτος αὐτοῦ ἔπε τῶν τριάκοντα τούνομα· ἐν ταῖς σανύσις ἐνεγέραπτο, καὶ ἀνευ κατηγόρου ἂν αὐτὸν ἀπεδοκιμάζετε· νῦν δὲ, ὅτε μὴ μόνον ἵππευκώς μηδὲ βεβουλευκώς, άλλα καὶ εἰς τὸ πλῆθος ἔξημαρτηκὼς φαίνεται, οὐκ ἄν ἄτοπον ποιήσατε, εἰ μὴ τὴν αὐτὴν γνώμην ἔχοντες περὶ

11 αὐτοῦ φανείσθε; καὶ μὲν δὴ βουλεύσω γε δοκιμασθεὶς πεντακοσιοστὸς ὡς μετὰ τῶν ἄλλων ἐνιαυτὸν ἂν μόνον ἐβουλευσεν, ὥστε καὶ εἴ τι ἐν τούτῳ τῷ χρόνῳ ἔξαμαρτάνεις ἐβούλετο, βαδίσως ἂν ὑπὸ τῶν ἄλλων ἐκωλύετο. ταύτης δὲ τῆς ἀρχῆς ἀξιούμενος αὐτὸς καθ' αὐτὸν ἄρξει, καὶ μετὰ τῆς ἐν Ἀρείῳ πάγῳ βουλῆς τὸν ἀπαντα χρόνον τῶν

12 μεγάστων κύριος γενήσεται. ὡστε ὑμῖν καθήκεν περὶ ταύτης τῆς ἀρχῆς ἀκριβεστέραν τὴν δοκιμασίαν ἢ περὶ τῶν ἄλλων ἀρχῶν ποιείσθαι. εἰ δὲ μὴ, πῶς οἴσθηκε τὸ ἄλλο πλῆθος τῶν πολιτῶν διακείσεσθαι, ὅταν οἰσθώμενα, ὅπως πολὺς πολύτις ἀρχῆς ἡξιωμένου; καὶ φόνου δίκας δικάζοντα, ὅν ἐδει αὐτὸν ὑπὸ τῆς ἐν Ἀρείῳ πάγῳ βουλῆς κρίνεσθαι; καὶ πρὸς τούτως ἵδωσιν ἐστεφανωμένου, καὶ ἑπικλήρων καὶ ὀρφανῶν κύριον γεγενημένου, ὅν ἐνώς αὐτὸς ὑπὸ τῆς ὀρφανίας αὐτοῦ

13 γεγένηται; ἄρα οὐκ ὁδει τὸ αὐτοὺς χαλεπῶς διακείσεσθαι καὶ υμᾶς αὐτῶν αὐτοὺς ἠγάλλεσθαι, ὅταν

1 καὶ add. P. Müller. 2 τοῦνόμα Reiske: ἁρμα mss. 3 φανείσθε Taylor: φανοῦσθε mss. 4 ἀξιούμενος ... ἄρξει Thalheim: ἀξιοὺ μόνος ... ἄρχει mss. 5 γενήσεται Thalheim: τε γενέσθαι, γενέσθαι mss.
safety of the government and of your whole people. Suppose that he were now under scrutiny for admission to the Council, and he had his name registered on the tablets as having served in the cavalry under the Thirty: even without an accuser you would reject him. And now, when he is found, not merely to have served in the cavalry and on the Council, but to have also committed offences against the people, will it not be strange behaviour on your part not to show that you have the same feelings towards him? Besides, had he qualified for the Council, he would have held his seat as one in a body of five hundred, for a year only; so that, if in that period he had wished to commit an offence, he would have been easily prevented by the others. But, if he is approved for this office, he will hold it all by himself, and as a member of the Council of the Areopagus he will obtain control over the most important matters for an unlimited time. It therefore behoves you to be stricter in your scrutiny for this office than for any other one. Else, what do you suppose will be the attitude of the great body of the citizens, when they become aware that the man who ought to have been punished for his offences has been approved by you for this high post; when they find a man judging murder cases who should have been tried himself by the Council of the Areopagus; and when, moreover, they see him crowned and established in control of heiresses and orphans, whose bereavement, in some cases, he has himself brought about? Do you not think they will show a resentful temper, and will hold

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\[\text{\textsuperscript{a} The gravest criminal charges, and cases of sacrilege, were brought before the ancient court of the Areopagus.}\]

\textit{\textsuperscript{b} \text{oùk\ Stephanus}; \text{oùv mss.}}
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gένωνται ἐν ἐκείνοις τοῖς χρόνοις, ἐν οἷς αὐτῶν πολο
λοι ἐις τὸ δεσμωτήριον ἀπήγγετο καὶ ἀκριτοὶ ὑπὸ
tοῦτων ἀπώλυντο καὶ φεύγειν τὴν σφετέραν
αὐτῶν ἡγαγκαζοῦτο; κάκεινο πρὸς ἐνθυμηθῶσιν,
ὅτι ὁ αὐτὸς οὗτος ἄνὴρ [Ὀρασύβουλος]
αὐτὸς γεγένηται Λεωδάμαντά τε ἀποδοκιμασθῆναι καὶ
τούτων δοκιμασθῆναι, τοῦ μὲν κατήγορος γενό-
μενος, ὑπὲρ τοῦτον δὲ ἀπολογήσασθαι παρα-
σκευασάμενος, ὅς πῶς πρὸς τὴν πόλιν διάκειται
καὶ πόσων αὐτίως αὐτῇ κακῶν γεγένηται; ἢ
πιθόμενοι πῶς ἂν οἴεθε διαβληθῆναι; τότε μὲν
γὰρ ὡμᾶς φόντο οργισθέντας Λεωδάμαντα ἀποδοκι-
mάσαι ἔαν δὲ τούτον δοκιμάσητε, εὐ εἰσονται ὅτι
οὐ δικαία γνώμη περὶ αὐτοῦ κέχρησθε. ἦστι δὲ
τούτως μὲν πρὸς ὑμᾶς ἁγῶν, ὑμῖν δὲ πρὸς ἄπασαν
tὴν πόλιν, ἢ σκοτείναι τίνα ὑμεῖς γνώμην περὶ
αὐτῆς ἔξετε. καὶ μηδεῖς ὑμῶν ἡγεῖσθω με Λεωδά-
mαντι χαριζόμενον κατηγορεῖν Ἐυάνδρου, ὅτι φίλος
ὡν τυγχάνει, ἀλλ' ὑπὲρ ὑμῶν καὶ τῆς πόλεως προ-
νοούμενον. ῥάδιον δ' ἐξ αὐτοῦ τοῦ πράγματος μα-
θεῖν. Λεωδάμαντι γὰρ συμφέρει τούτων δοκιμα-
σθῆναι, οὗτω γὰρ ὑμεῖς μάλιστα διαβληθήσεσθε,
καὶ δόξετε ἀντὶ δημοτικῶν ἀνθρώπων ὀλυγαρχικοὺς
εἰς τὰς ἀρχὰς καθιστάναι. ὑμῖν δὲ τόνδε ἀπο-
dοκιμάσαι, δόξετε γὰρ κάκεινον δικαίως [ἂν] ἀπο-
dοκιμάσαι. ἐὰν δὲ μηδὲ τόνδε, οὐδ' ἐκεῖνον δικαίως.

Καίτοιγε αὐτῶν ἀκούω λέξεων ὡς ὁ περὶ αὐτοῦ
μόνον ἡ δοκιμασία ἐστίν, ἀλλὰ περὶ πάντων τῶν ἐν

1 Ὀρασύβουλος del. Kayser.
2 ὅς πῶς Ilude: ὅπως, ὅς ὅπως MSS.
3 διάκειται Scaliger; διακεῖται, διέκειτο MSS.
4 τούτων Markland: αὐτῶν MSS.
you responsible for it all, when they put themselves back in those former times, in which many of them were haled to prison and destroyed without trial by these men, or compelled to flee their own country; and when they further reflect that this same person, who has brought about the rejection of Leodamas, has caused this man to qualify, by acting as accuser of the former and undertaking the defence of the latter? And what is the attitude of Evandros towards the city? How many troubles has he brought upon her? Again, if you heed his words, what ill odour must you expect to incur! For, in the former case, they supposed it was anger that caused you to reject Leodamas; but if you approve this man, they will be convinced that you have given an unjust sentence on the other. These men are on their trial before you; but you are on yours before the whole city, which is watching even now to see what view you will take of her. Let none of you imagine that I am accusing Evandros to oblige Leodamas, because he is a friend of mine: no, it is only from my solicitude for you and for the city. This you may easily apprehend from the actual circumstances. For it is to Leodamas’s interest that this man should be approved, since that would most surely discredit you, and give you the repute of placing oligarchs instead of democrats in the magistracy; but it is to your interest to reject this man, for you will get the credit of having acted justly also in rejecting the other. But if you do not reject this man, you will appear to have been unjust in the other case also.

And yet, I am told, he will assert that this scrutiny affects, not merely him, but all those who remained

5 àv del. Dobree.
āstei meivántων, kai toustå ὀρκους kai tās συν-θήκας ύμας ὑπομνήσεων, ὡς ἐκ τούτων προσληψόμενον αὐτῶν δοκιμαστάς τοὺς ἐν ἀστεί μεινάντας. ἐγὼ δ' ὑπέρ τοῦ πλήθους βραχέα πρὸς αὐτὸν εἰπεῖν βοῦλομαι, ὅτι ὁ δῆμος οὗ τὴν αὐτῆς γνώμην ἔχει περὶ πάντων τῶν ἐν ἀστεί μεινάντων, ἀλλὰ [177] περὶ μὲν τῶν τουαῦτα ἐξαμαρτανόντων οἳ ἐγὼ 17 φημὶ δεὶν, περὶ δὲ τῶν ἀλλῶν τὴν ἐναντίαν. τεκ-μηρίων δ' οὐ γὰρ ἐλαττὸν τούτοις ἡ πόλις τετι-μηκε τῶν ἐπὶ Φυλῆν ἐλθόντων καὶ τῶν Πειραιᾶ καταλαβόντων. εἰκότως τοὺς μὲν γὰρ ἵππους ὁποῖοι τινες ἐν δημοκρατίᾳ μόνῃ γεγένηται, ὁποῖοι δ' ἄν τινες ἐν ολιγαρχίᾳ γένοιτο, οὕτω πεῖ-ραν εἰλήφασιν παρὰ δὲ τούτων ἐκατέρας τῆς πολιτείας ἰκανὴν βάσανον ἔχουσιν, ὡστ' εἰκότως 18 πιστεύειν. καὶ ἰγνόται γε διὰ μὲν τοὺς τοιού-τους συλληψθέντας τότε ἁποθανεῖν, διὰ δὲ τοὺς ἄλλους [τοὺς συλληψθέντας] ἑκφυγεῖν, ἐπεὶ εἰ γε τῆν αὐτῆς γνώμην ἀπαντεῖς ἔσχον, οὔτ' ἄν φυγῇ οὔτ' ἄν κάθοδος οὔτ' ἀλλο οὐδὲν ἄν τῶν γεγεν- 
19 μένων τῇ πόλει συνέβη. ἀλλὰ καὶ δ' ἀλογον δοκεῖ ἐναι παρά τισιν, ὅπως ποτὲ πολλοὶ ὄντες ὑπ' ὁλίγων τῶν ἐν Πειραιᾷ ἡπτήθησαν, οὐδαμόθεν ἀλλοθεν ἢ ἐκ τῆς τούτων προνοίας γεγένηται· οὔτοι γὰρ εἰλοντο μετὰ τῶν κατελθόντων πολιτεύεσθαι μᾶλλον ἢ μετὰ τῶν τριάκοντα Λακεδαι- 20 μονίων δουλεύειν. τοιγάρτοι ἀντὶ τούτων αὐτοὺς

1 ἐλαττὸν τούτοις Lipsius: ἐλάττους τούτων MSS.
2 τοὺς συλληψθέντας del. Halbertsma.
3 δ Stephanus: τὸ mss.

a i.e., not to cherish enmity against the party of the town.

b i.e., with severity.

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in the city, and he will remind you of your oaths and covenants in the hope that he will thus contrive to enlist the men who remained in the city to aid him in this scrutiny. But I desire, on behalf of the people, to give him this brief reply: the people do not take the same view of all those who remained in the city, but regard those who commit offences like his with the feelings that I say they ought, while towards the rest they feel the opposite. The proof of this is that the latter have received no less honour from the city than those who marched on Phyle and got possession of the Peiraeus. And with good reason: for the character of these last is known to them only as shown under democracy, and they have not yet made trial of what it would be under oligarchy; whereas they have had sufficient test of those others under each kind of government to give grounds for confidence. They consider that the arrests and executions were due to the defendant and his like, whereas the escapes were owing to the other citizens: in fact, if all had been of the same mind as they, neither exile nor restoration nor any other of the events that have occurred would have befallen the city. As to the further point which some find unaccountable,—how it was that their large numbers were worsted by the little band of the Peiraeus,—this can only be attributed to the prudent policy of those citizens; for they chose to concert a government with the restored exiles rather than an enslavement to the Lacedaemonians with the Thirty. It is therefore they, not these persons, whom the

\* The more liberal-minded of the party of the town have been tried by the test of oligarchy as well as that of democracy, and deserve the full benefit of the reconciliation.
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ο δήμως ταῖς μεγίσταις τιμαῖς τετίμηκεν, ἵππαρ-χεῖν καὶ στρατηγεῖαν καὶ πρεσβεύειν ὕπερ αὐτῶν αἴρομενον καὶ οὐδὲποτε αὐτοῖς μετεμελήσαν. καὶ διὰ μὲν γε τοὺς πολλὰν ἐξαμαρτόντας τὰς δοκιμασίας εἶναι ἐφηφίσαντο, διὰ δὲ τοὺς μηδὲν τοιοῦτον πράξαντας τὰς συνθήκας ἐποιήσαντο. τοσαυτά σοι ἐγὼ ὑπὲρ τοῦ δήμου ἀποκρίνομαι.

21 Ἔμετερον δὴ ἔργον ἐστίν, ὡς ἀνδρεῖς Βουλευταῖ, σκέψασθαι τοπέρῳ ἂν πιθῶμενοι περὶ τῆς δοκιμασίας ταύτης ἤμεινον βουλεύσασθε, πότερον ἐμοὶ ἢ Ἡρασωβοῦλῳ, ὥς αὐτῶς ἀπολογήσεται. περὶ μὲν οὖν ἐμοὶ ἢ τοῦ πατρὸς ἢ τῶν προγόνων οὐδὲν οὗτος εἶπεν ἐξεῖ εἰς μισοδημίαν. οὔτε γὰρ ως ὄλγαρχίας μετέσχον (ὤστερον γὰρ τῶν χρόνων τούτων ἀνὴρ εἶναι ἐδοκιμάσθην), οὔθ' ὡς ὁ πατήρ (πρὸ γὰρ τῶν στάσεων πολὺ ἐν Σικελία ἀρχων

22 ἐπελεύσθησεν). οὔθ' ὡς οἱ πρόγονοι ὑπὸ τοῖς τυράννοις ἐγένοντο· στασιάζοντες γὰρ πρὸς αὐτοὺς τὸν ἀπαντὰ χρόνον διετέλεσαν. ἀλλὰ μὲν δὴ οὐδὲ τὴν οὐσίαν ἡμᾶς ἐν τῷ πολέμῳ φήσει κτήσασθαι, εἰς δὲ τὴν πόλιν οὐδὲν ἀνηλωκέναι· πάν γὰρ τούναντίον, ἐν εἰρήνῃ μὲν ὄγνοι κοντάλαντος ἡμῶν ὁ οἰκος ἐγένετο, εἰς δὲ τὴν τῆς πόλεως σωτηρίαν ἐν

23 τῷ πολέμῳ ἀπασ ἀνηλώθη. ἐγὼ δὲ περὶ τούτου τρία ἔξω εἶπειν τηλικαίτα τὸ μέγεθος, ὡστ' ἄξιον εἶναι ἕκαστον ἔργον θανάτου· πρῶτον μὲν ὅτι τὴν ἐν Βοιωτίᾳ πολιτείαν χρήματα λαβὼν μετέστησε καὶ τῆς συμμαχίας ἡμᾶς ταύτης ἀπεστέρησεν, ἐπειτα ὅτι τὰς ναῦς προῦδωκε καὶ τὴν πόλιν περὶ

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1 πολλὰ Reiske: πολλῶν mss.
2 τοσαυτά σοι Reiske: τοιαύτα οίας mss.

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* In his eighteenth year.  
b Thrasybulus.
people have distinguished with the highest honours, appointing them to cavalry commands, generalships and embassies in their service; and they have never repented of it. Those who had committed numerous offences caused them to decree the institution of scrutinies; those who had done nothing of the sort, to make their covenants. So much for my reply to you on behalf of the people.

It is your business, gentlemen of the Council, to inquire whether you will reach a better decision in the matter of this scrutiny by listening to me or to Thrasybulus, who will defend this man. Well, concerning myself or my father or my ancestors he will have nothing to allege that points to hatred of the people. For he cannot say that I took part in the oligarchy, as I underwent the scrutiny for manhood at a later date than that; or that my father did either, since he died while holding command in Sicily, long before those seditions; or that my ancestors were subject to the despots, for they continually persisted in raising rebellion against them. Nor yet will he assert that we acquired our fortune in the war, and have spent nothing on the city: quite the contrary, our estate during the peace amounted to eighty talents, and the whole of it was spent in the war on the deliverance of the city. But on my part I shall be able to tell of this person three things so grave in their enormity that each deed is worthy of death. First, for payment received, he raised a revolution in Boeotia, and deprived us of that alliance; second, he surrendered our ships and con-

\[\text{ON THE SCRUTINY OF EVANDROS, 20–23}\]

\[\text{For the influence which this Thrasybulus attained at Thebes cf. Aeschines, Against Ctesiphon, 138.}\]

\[\text{In a fight at the Hellespont, 387 B.C. Cf. Xenophon, Hellenica, v. 1. 27.}\]
24 σωτηρίας βουλεύεσθαι πεποίηκεν, ἐπείτα ὅτι παρὰ τῶν αἰχμαλώτων, οὕς αὐτὸς ἀπώλεσε, τριάκοντα μνᾶς ἐσυκοφάντησεν, οὐ φάσκων αὐτοὺς λύσεσθαι, εἰ μὴ τοῦτο αὐτῷ παρὰ σφῶν αὐτῶν παράσχοιεν. συνειδότες οὖν ἡμῶν ἕκατέρῳ τόν βίον, πρὸς τάῦτα βουλεύεσθε ὁποτέρω χρῆ πιστεύειν περὶ τῆς Εὐάνδρου δοκιμασίας, καὶ οὕτως οὐκ ἐξαμαρτήσεθε.

1 ἕκατέρῳ Reiske: ἕκατέρων mss.
fronted the city with the problem of its safety; and last, from the prisoners of war, whose loss he himself had caused, he extracted a bribe of thirty minae, by declaring that he would not obtain their release unless they supplied him with this sum from their own pockets. So now you are acquainted with the life of each of us: decide accordingly which of us two you ought to believe regarding the scrutiny of Evandros, and by so doing you will avoid mistake.
XXVII. AGAINST EPICRATES AND HIS FELLOW-ENVOYS: SUPPLEMENTARY

INTRODUCTION

This short speech is designed as a supplement to the main accusation, which has already been delivered. Its title, *Against Epicrates*, appears to have been wrongly amplified by a grammarian, Theodorus, who added the words "*and his Fellow-envoys*"; for there is no mention of an embassy anywhere in the speech, except in the first sentence, where the same addition has probably been made in order to justify the title. And as we read on, it becomes clear that the accused man was an important Treasury official who was charged with embezzlement, either when he had to render his account of his tenure of office, or by means of a public impeachment. It has been plausibly suggested that Theodorus had in mind the decree of the people which, we learn from Demosthenes,\(^a\) condemned to death Epicrates (perhaps the same man as the subject of this speech) and his fellow-envoys for not following their instructions.

We gather from the general terms in which this accusation is couched that a public man of wealth

\(^a\) *De Falsa Legatione*, 276-277.
AGAINST EPICRATES

and influence, who is known as an able speaker, has been accused of embezzling State funds and of taking bribes: if convicted, he can be sentenced to death, and this extreme penalty is demanded by the prosecution. The date of the trial or inquiry is probably about 390 B.C., during the Corinthian War. The speech has a terse and business-like vigour.
Κατηγορηται μεν, ο δ' ἄνδρες Ἄθηναιοι, Ἐπικράτους ἴκανα καὶ τῶν συμπρεσβευτῶν ἐνυμείσθαι δὲ χρὴ ὅτι πολλάκις ἥκουσατε τούτων λεγόντων, ὅποτε βουλουτό τινα ἀδίκως ἀπολέσαι, ὅτι, εἰ μὴ καταψηφιεῖσθε ὅπως αὐτοί κελεύσουσιν, ἐπιλέψει2 ὑμᾶς ἡ μισθοφορά. καὶ νῦν οὔδὲν ἴττον ἐνδείκτι[178] οίκτε τὸ μὲν πάθος3 καὶ ἡ αἰσχύνη διὰ τούτων ὑμῶν γίγνεται, ἡ δὲ ωφέλεια τούτως· πεπείρανται γὰρ ὅτι, ὅποταν οὕτω καὶ οἱ τούτων λόγοι δοκῶσων αὐτοῖς οἶναι ψηφιεῖσθαι ὑμᾶς παρὰ τὸ δίκαιον, ῥαδίως παρὰ τῶν ἀδικουόντων χρήματα λαμβάνουσι.

3 καὶ τὸν τίνα χρὴ ἑλπίδα ἐχειν σωτηρίας, ὅποταν ἐν χρήμασιν ἢ καὶ σωθήναι τῇ πόλει καὶ μή, ταῦτα δὲ οὕτω, φύλακες ύφ᾽ ὑμῶν καταστάντες, οἱ τῶν ἀδικουόντων κολασταί, κλέπτωσι τε καὶ καταδωροδοκῶσι; καὶ οὐ νῦν πρῶτον ὄφθησαν ἀδικουόντες, ἀλλὰ καὶ πρότερον ἦδη δώρων ἐκρί-4 θησαν. <δ>4 καὶ ὑμῖν ἔχω ἐπικαλεσάτε ὅτι τοῦ αὐτοῦ ἀδικήματος Ὁνομάσαντος μὲν κατεψηφί-σασθε, τούτου δὲ ἀπεψήφισασθε, τοῦ αὐτοῦ ἄνδρος

1 ὡς Θεοδώρος om. index, del. Bekker.
2 ἐπιλέψει Reiske: ὑπολείψει mss.
3 πάθος Foerstch: πλήθος mss. 4 δ add. Halbertsma.

The allusion is to the three obols paid daily to each juryman. The expenses of the judicature were usually 578.
XXVII. AGAINST EPICRATES AND HIS FELLOW-ENVOYS: SUPPLEMENTARY

The accusations that have been made, men of Athens, against Epicrates and his fellow-envoys are sufficient: but you should bear in mind the assertion that you have often heard from the mouths of these men, whenever they sought to ruin somebody unjustly,—that, unless you make the convictions that they demand, your stipends will not be forthcoming.¹ They are none the less deficient to-day; so that through their act the suffering and the disgrace fall to you, and the profit to them.² For they have found by experiment that, whenever they and their speeches seem likely to induce you to give your votes against justice, they easily obtain money from the guilty parties. Yet what hope of safety can be ours, when the preservation or the ruin of the city depends on money, and when these men,—the guardians that you have set up, your chastisers of the guilty,—both rob you and do anything for bribes? And this is not the first time that they have been caught in criminal acts: they have been tried before now for taking bribes. And here I have to reproach you for having convicted Onomasas ³ and acquitted this man of the same crime, although it was the same covered by the income from fines and confiscations, and in a time of financial stress this evil alarm might plausibly be raised. Cf. Aristophanes, Knights, 1359.

¹ The text here is very uncertain.
² Nothing is known of this person.
άπαντων κατηγοροῦντος καὶ τῶν αὐτῶν κατα-
μαρτυροῦντων, οἱ οὖχ ἐτέρων ἦκουσαν, ἀλλὰ αὐτοὶ
ήσαν οἱ περὶ τῶν χρήματων καὶ τῶν διώρων πρὸς
τούτους πράττοντες. καίτοι τοῦτο ἄπαντες ἐπι-
στασθεὶς, ὅτι οὐχ ὅταν τοὺς μὴ δυναμένους λέγειν
κολάξητε, τότε ἐσται παράδειγμα τοῦ μὴ ὑμᾶς
ἀδικεῖν, ἀλλὰ ὅπως παρὰ τῶν δυναμένων δίκην
λαμβάνητε, τότε πάντες παύσονται ἐπιχειροῦντες
6 εἰς ὑμᾶς ἐξαμαρτάνειν. νῦν δὴ ἀσφαλῶς αὐτοῖς
ἐχει τὰ ψιμέτερα κλέπτειν. εὰν μὲν γὰρ λάθωσιν,
ἀδεώς αὐτοῖς ἐξουσι χρῆσθαι εὰν δὲ ὀφθασιν, ἡ
μέρει τῶν ἀδικημάτων τῶν κύνδυνον ἐξεπρίαντο, ἡ
 eius ἀγώνα καταστάντες τῇ αὐτῶν δυνάμει ἐσώθη-
σαν. νῦν τούτων, ὥς ἄνδρες δικασταί, παράδειγμα
ποιήσετε τοῖς ἄλλοις δικαίοις εἶναι, παρὰ τούτων
7 δίκην λαβόντες. ἦκουσι δὲ πάντες οἱ τὰ τῆς
πόλεως πράττοντες οὐχ ἦμῶν ἀκροασόμενοι, ἀλλὰ
ὑμᾶς εἰσόμενοι ἦντινα γνώμην περὶ τῶν ἀδικοῦντων
ἐξετε. ὡστ' εἰ μὲν ἀποψηφιεῖσθε τούτων, οὐδὲν
deuν δόξει αὐτοῖς εἶναι ὑμᾶς ἐξαπατήσαντας ἐκ
tῶν ψυμέτερων ωφελείσθαι· εὰν δὲ καταπῆψαντας
θανάτου τιμήσητε, τῇ αὐτῇ ψήφῳ τοὺς τε ἄλλους
κοσμομετέρους ποιήσετε ἡ νῦν εἰσι, καὶ παρὰ τούτων
8 δίκην εἰληφότες ἔσεσθε. ἦγομαι δ', ὥς ἄνδρες
Ἀθηναῖοι, οὔτ' εἰ μὴ προθέντες αὐτοῖς κρίσιν, ἦ
ἀπολογομενέων μὴ ἐθελήσατε ἁκοῦσαι, κατα-
ψηφιεσμένοι τῶν ἐχάτων τιμήσατε, οὐκ ἂν
ἀκρίτους αὐτοὺς ἀπολωλέναι, ἀλλὰ τὴν προσ-
ήκουσαν δίκην δεδωκέναι. οὐ γὰρ οὕτω ἀκρίτοι
eἰσι, περὶ ὅν ἂν ὑμεῖς εἰδότες τὰ πραχθέντα
ψηφίσησθε, ἀλλ' οἴτινες ἂν ὑπὸ τῶν ἐχθρῶν δια-
person who accused them all, and they were opposed by the same witnesses; who had not been told by others, but were the very persons who arranged with these men about the money and the gifts. Yet you are all aware that it is not by chastising men who are not able to speak that you will make an example to deter men from wronging you, but that by doing justice upon those who are able you will cause everyone to cease attempting to commit offences against you. But at present they find it quite safe to rob you. For if they are not detected, they will be able to enjoy their booty without fear; while if they are caught, they either buy off the prosecution with part of their ill-gotten gains, or save themselves, on being brought to trial, by their own ability. So this is the moment, gentlemen of the jury, for you to make an example that will ensure the honesty of the rest, by doing justice upon these men. All who are in the administration of the State have come here, not to listen to us, but to know what view you will take of the guilty. Hence if you acquit these men, they will think that there is nothing to fear from deceiving you and making a profit at your expense; but if you condemn them, and sentence them to death, by that same vote you will make the rest more orderly than they are now, and you will have done justice upon these men. And I conceive, men of Athens, that even if you decided, without putting them on trial or consenting to hear their defence, to condemn them to the extreme penalty, they would not have perished unjudged, but would have paid the suitable penalty. For those men are not unjudged on whom you have given your verdict with a knowledge of the acts that have been committed, but only those who,
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βληθέντες περι ὃν ὑμεῖς μὴ ἴστε, ἀκροάσεως μὴ τύχωσι. τοῦτων δὲ τὰ μὲν πράγματα κατηγορεῖς,
9 ὑμεῖς δὲ καταμαρτυροῦμεν· καὶ οὐ τοῦτο δέδοικα, ὥς ἐὰν ἀκροάσθε αὐτῶν ἀποψηφιέσθη. ἅλλ' οὖκ ἂν ἦγοιμαι αὐτοὺς δίκην ἀξίαν δεδωκέναι, εἰ ἀκροασάμενοι αὐτῶν καταψηφίσασθε. πῶς γάρ, ὡς ἄνδρες δικασταί, οἷς οὐδὲ ταυτὰ καὶ ὑμῖν συμφέρει; οὕτως μὲν γὰρ ἐν τῷ πολέμῳ ἐκ πενήτων πλούσιοι γεγόνασιν ἐκ τῶν ὑμετέρων, ὑμεῖς δὲ
10 διὰ τούτους πένητας. καίτοι οὐ ταῦτα ἀγαθῶν δημαγωγῶν ἔστι, τὰ ὑμέτερα ἐν ταῖς ὑμετέραις συμφοραῖς λαμβάνειν, ἀλλὰ τὰ ἐαυτῶν ὑμῖν διδόναι. καὶ γάρ τοι εἰς τοσοῦτον ἦκομεν, ὡσθ' οἱ πρότεροι ἐν τῇ εἰρήνῃ οὐδὲ σφάς αὐτοὺς ἑδύναντο τρέφειν, νῦν ὑμῖν εἰσφοράς εἰσφέρουσι καὶ χορηγοῦσι καὶ
11 οἰκίας μεγάλας οἰκοῦσι. καίτοι ἔτεροις ὑμεῖς ἔστων ὅτε τὰ πατρίῳ κεκτημένους ταῦτα ποιοῦσιν ἐφθονεῖς· νῦν δ' οὕτως ἡ πόλις διάκειται, ὡστε οὐκέτι ὃν οὕτω κλέπτουσιν ὀργίζεσθε, ἀλλ' ἂν αὐτοὶ λαμβάνετε χάριν ἴστε, ὡσπερ ὑμεῖς τὰ τούτων μισθοφοροῦντες, ἀλλ' οὐ τούτων τὰ ὑμετέρα
12 κλεπτόντων. τὸ δὲ πάντων ὑπερφυεστάτων, ὅτι ἐν μὲν τοῖς ἵδιοις οἱ ἄδικούμενοι δακρύσωσι καὶ ἔλευσόι εἰσιν, ἐν δὲ τοῖς δημοσίοις οἱ μὲν ἄδικούντες ἔλευσοι, ὑμεῖς δ' οἱ ἄδικούμενοι ἔλεείτε. καὶ νῦν ὑσως ποιήσουσιν ἄπερ καὶ πρότερον ἐξαγαγοῦντες εἰδομένου καὶ δημόσια καὶ φίλου, κλαίουντες ἐξαίτεισθαι αὐτοὺς παρ' ὑμῶν. ἐγὼ δ' οὕτως ἀξίω γενέσθαι εἰ μὲν ἄδικεῖν τούτους μηδὲν

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1 οἱ add. Contius.

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traded by their enemies in matters of which you have no knowledge, fail to get a hearing. These men are accused by the facts: we are merely the witnesses against them. I have no fear that, if you hear them, you will acquit them; but I consider that they would not have paid the penalty they deserved if you condemned them only after having heard them. Could it be so, gentlemen, when they have not even the same interests as you? During the war these men have advanced themselves from poverty to wealth at your expense, while you are in poverty because of them. Yet surely it is the duty of true leaders of the people not to take your property in the stress of your misfortunes, but to give their own property to you. And here we have come to such a pass that those who formerly, in the period of peace, were unable even to support themselves, are now contributing to your special levies, producing dramas and dwelling in great houses. Yet there was a time when you begrudged others the doing of these things with the means inherited from their fathers; whereas now the city is in such a plight that you are no longer incensed by the thefts of these people, but are thankful for what you can obtain for yourselves, as though it were you who were in their pay, and not they who were robbing you! Most preposterous of all, while in private suits it is the wronged who weep and arouse pity, in public suits it is the wrongdoers who arouse pity, and you, the wronged, who pity them. So now, perhaps, fellow-townsmen and friends, in their old habitual way, will cry out and implore you to spare them. But, in my view, the proper course is this: if they believe these men to be free from guilt, let
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νομίζομεν, ἀποδεῖξαντας ώς ψευδή τὰ κατηγορημένα, οὔτως πείθειν ὑμᾶς ἀποψήφισασθαί· εἰ δὲ νομίσαντες ἀδικεῖν αἰτήσονται, δῆλον ὅτι τοῖς ἀδικοῦσιν εὑνούστεροί εἰσιν ἡ ὑμῖν τοῖς ἀδικομένοις, ὥστ' οὐ χάριτος ἄξιοι τιχεῖν ἄλλα
14 τιμωρίας, ὁπόταν ὑμεῖς δύνησθε. ἔτι δὲ τοὺς αὐτοὺς ἢγείσθαι χρῆ καὶ τῶν κατηγόρων σφόδρα δεδεήσθαι,1 νομίζομεν πολὺ ἀν θάττων παρ' ἦμῶν ὀλίγων ὄντων ταύτην τὴν χάριν λαμβάνειν ἡ παρ' ὑμῶν, ἔτι δὲ ρᾶν ἄλλους τινὰς <τὰ>2 ὑμετέρα
15 καταχαρίζεσθαι ἡ ὑμᾶς αὐτοὺς γε. ἦμεῖς μὲν τοίνυν οὐκ ἡθελήσαμεν προδοῦναι, ἄξιοῦμεν δὲ μηδ' ὑμᾶς, ἐνθυμομενούσιν ὅτι σφόδρ' ἄν ἦμῶν ὑγιέσθη καὶ ἐτιμωρεῖσθε, ὅπον παρεπίπτομεν, ώς εἰκός τοὺς ἀδικοῦντας, εἰ ἦμεῖς παρὰ τούτων ἡ χρήματα λαβόντες ἡ ἄλλῳ τινὶ τρόπῳ διηλάγμεν. καίτοι εἰ τοῖς μὴ δυκαίως ἐπεξιοῦσιν ὑγιέσθη, ἡ ποὺ σφόδρα χρῆ αὐτοὺς τοὺς ἀδι-
16 κοῦντας τιμωρεῖσθαι. νῦν τοῖνυν, ὦ ἄνδρες δικασταί, καταψήφισάμενοι 'Επικράτους τῶν ἐσχάτων τιμήσατε,3 καὶ μή, ὦστερ ἐν τῷ τέως χρόνῳ εὐθυμενοί ἐστε, ἐπειδὰν καταψήφισάμενοι ἐξελέγξητε τοὺς ἀδικοῦντας, ἐν τῷ τιμήσατε ἀξιόμοιοι ἄφιετε, ἐξηθαν, οὐ δίκην παρὰ τῶν ἀδικοῦντων λαμβάνοντες, ὦστερ τοῦ ὀνείδους ἀλλ' οὐ τῆς ξημίας αὐτοῖς μέλον, εὖ εἰδότες ὅτι ἐν μὲν τῇ ψήφῳ οὔδεν ἄλλο ποιεῖτε ἡ ὀνείδιζετε τοῖς ἀδικοῦσιν, ἐν δὲ τῷ τιμήσατε τιμωρεῖσθε τοὺς ἐξαμαρτάνοντας.

1 δεδηςθαί P. Müller: δεήσεσθαί MSS.
2 τὰ add. Aldus.
3 τιμήσατε Stephanus: τιμωρήσατε MSS.
them prove that the accusations are false, and so persuade you to acquit them; but if they are going to beg them off in the belief that they are guilty, it is plain that they have more consideration for the wrongdoers than for you, the wronged; so that they do not deserve to get indulgence, but punishment, as soon as you can inflict it. Besides, you may take it that these same persons have plied the prosecution with urgent requests, supposing that they would obtain this indulgence more quickly from our small number than from you, and also that other hands would be readier than your own to make a present of your property. Now, we have refused to be traitors, and we expect no less of you: reflect that you would be highly incensed with us, and would punish us when we fell in your way, as criminals deserve, had we come to terms with these men, either by taking payment or by any other means. Yet if you are incensed with those who do not go through with their suit as justice requires, surely you are bound to punish the actual offenders. So now, gentlemen of the jury, after condemning Epicrates you must sentence him to the extreme penalty. Do not take the course, to which you have hitherto been accustomed, of convicting the guilty by an adverse verdict, and then letting them go unscathed when you come to the sentence: this procures you the enmity, not the punishment, of the guilty, as though it were the disgrace, and not the penalty, that gave them concern. For you are well aware that by your verdict you merely disgrace the guilty, but that by your sentence you exact vengeance for the crimes that they commit.
XXVIII. AGAINST ERGOCLES: SUPPLEMENTARY

INTRODUCTION

This is another short speech delivered by a public prosecutor in support of a detailed accusation which has already been presented. In 389 B.C. Ergocles accompanied Thrasybulus, the hero of the democratic victory in 403 B.C., on a naval expedition along the coast of Asia Minor. Thrasybulus's orders were to assert the authority of Athens over the various cities and collect tribute. He went first to the Hellespont, levied money from the Thracian cities and secured the friendship of the prince Seuthes. Although ordered to return and render account of the funds that he had obtained, he sailed on to Byzantium, where he occupied the town and revived its democracy and its alliance with Athens, and then proceeded to raise contributions from the cities along the coast of Asia Minor. At Aspendus the people, resenting an outrage committed by his men, attacked and killed him with some others of his party.

The Athenians, though doubtless gratified by the general success of the expedition, had been growing suspicious of this prolonged process of money-raising: it is probable that rumours of oppressive measures
AGAINST ERGOLES

and embezzlement had reached them from time to time. Hearing now of the sudden and inglorious end of Thrasybulus, they recalled the fleet, which had set out forty strong, and they were exasperated at finding only a miserable remnant of battered vessels. Their anger was concentrated upon Ergocles, who on his recall was impeached before the Assembly, and found guilty of treason, embezzlement and taking bribes. Brought up again before the Assembly at which the present speech was delivered, he was condemned to death and his property was confiscated (388 B.C.).

The speech is marked by the same business-like brevity as we saw in the preceding one Against Epicerates, though its appeals to feeling are couched in somewhat ampler and more balanced phrases. A picture is drawn of Ergocles oppressing citizens of friendly cities, pocketing public moneys, and letting the fleet fall into decay. Thrasybulus did well to die just then: his colleagues are trying to save themselves by bribery. Ergocles may claim that he has shown himself a good democrat, but his conduct has been worse than that of the Thirty. Greece, and Ionian cities like Halicarnassus, must have the satisfaction of seeing the punishment of their betrayers.
Τὰ μὲν κατηγορημένα ούτως ἐστὶ πολλὰ καὶ
dεινά, ὡδ άνδρες Ἀθηναῖοι, ὡστε οὐκ ἂν μοι δοκεῖ
dύνασθαι Ἐργοκλῆς ύπὲρ ἕνος ἐκάστου τῶν πε-
πραγμένων αὐτῶ πολλάκις ἀποθανόν δοῦναι δίκην
ἀξίαν τῷ ύμετέρῳ πλῆθει. καὶ γὰρ πόλεις προ-
δεδωκός φαίνεται, καὶ προξένους καὶ πολίτας
ὑμετέρους ἡδικηκός, καὶ ἐκ πένητος ἐκ τῶν

1 Ἐπιθυμοῦντες. οἷμαι δ’ ἐγώγη πάντας ἄν

2 εἶστι πολλά καὶ δεινά, ὡδ άλλοι, ὡστε οὐκ ἂν ἂν
dοκέω δυνασθαι Ἐργοκλῆς ύπὲρ ἕνος ἐκάστου τῶν πε-
πραγμένων αὐτῶ πολλάκις ἀποθανόν δοῦναι δίκην
ἀξίαν τῷ ύμετέρῳ πλῆθει. καὶ γὰρ πόλεις προ-
δεδωκός φαίνεται, καὶ προξένους καὶ πολίτας
ὑμετέρους ἡδικηκός, καὶ ἐκ πένητος ἐκ τῶν

3 Ἀθηναῖοι, ἐπὶ τοῖς τοιούτοις ὀργίζεσθαι καὶ γὰρ
δὴ δεινόν ἂν εὖ ἐσθεν, εἰ νῦν μὲν οὕτως αὐτοὶ πιεζό-
μενοι ταῖς εἰσφοραῖς συγγνώμην τοῖς κλέπτοισι
καὶ τοῖς δωροδοκοῦσιν ἔχοντε, ἐν δὲ τῷ τέως
χρόνῳ, καὶ τῶν οὐκών τῶν ύμετέρων μεγάλων
οὐτων καὶ τῶν δημοσίων προσόδων μεγάλων
οὐσῶν, θανάτῳ ἐκολάζετε τοὺς τῶν ύμετέρων

4 ἐπιθυμοῦντες. οἷμαι δ’ ἐγώγη πάντας ἄν

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The counts of the accusation are so many and so grave, men of Athens, that not even were he put to death a number of times for each one of his acts would Ergocles be able, in my opinion, to give your people due satisfaction. For it is evident that he has betrayed cities, wronged your representatives and your citizens, and advanced himself from poverty to wealth at your expense. Now tell me, how can you forgive these persons, when you see the fleet that they commanded breaking up for want of money and dwindling in numbers,\(^a\) while these men, who were poor and needy on sailing out, have so quickly acquired the largest fortune in the city? It is your duty, therefore, men of Athens, to show indignation at such conduct. And indeed it would be strange if now, when you are yourselves thus oppressed by the special levies, you should forgive men who embezzle and take bribes; and yet heretofore, when your estates were ample and the public revenue was ample too, those who coveted your property you punished with death. I think you will all agree that, if Thrasybulus had proposed to you that he should

\(^a\) Diodorus Siculus (xiv. 94) mentions a storm in which Thrasybulus lost 23 warships.
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λετο τριήρεις ἔχων ἐκπλεύσεσθαι καὶ ταύτας παλαιὰς ἀντὶ καὶνῶν παραδώσειν, καὶ τοὺς μὲν κυνύνους υμετέρους ὑσσεθαι τὰς δὲ ωφελειῶν τῶν αὐτοῦ φίλων, καὶ ύμᾶς μὲν διὰ τὰς εἰσφορὰς πενεστέρους ἀποδείξειν. Ἕργοκλέα δὲ καὶ τοὺς κόλακας τοὺς αὐτοῦ πλουσιωτάτους τῶν πολιτῶν ποιήσεων, οὐδένα ἂν ύμῶν ἐπιτρέψῃ τὰς ναὸς ἔκεινον ἔχοντα 5 ἐκπλεύσαι, ἀλλὰς τε ἐπειδὴ, ὡς τάξιστα ὑμεῖς ἐφηβίσασθε τὰ χρήματα ἀπογράψαι τὰ ἐκ τῶν πόλεων εἰλημμένα καὶ τοὺς ἁρχοντας τοὺς μετ᾽ ἔκεινου καταπλεῖν εὐθύνας δώσοντας, Ἕργοκλῆς ἐλεγεν ὡς ἡδη συνκοφαντεῖτε καὶ τῶν ἁρχαίων νόμων ἐπιθυμεῖτε, καὶ Ἁθανασίους συνεβούλευεν[180] Βυζάντιον καταλαβεῖν καὶ τὰς ναὸς ἔχειν καὶ τὴν 6 Σειόθου θυγατέρα γαμεῖν ὡς “ίνα αὐτῶν ἐκκόψης” ἔφη “τὰς συνκοφαντίας, ποίησεις γὰρ αὐτοὺς οὐκ ἐπι- βουλεύοντας σοι καθῆσθαι καὶ τοῖς σοῖς φίλοις, ἀλλὰ περὶ αὐτῶν δεδεῖναι.” οὕτως, ὡς ἄνδρες Ἀθηναῖοι, ἐπειδὴ τάξιστα ἐνεπέπληντο καὶ <τῶν> 3 ύμετέρων ἀπέλαυσαν ἀλλοτρίους τῆς πόλεως 7 αὐτοὺς ἡγήσαντο. ἀμα γὰρ πλουτοῦσι καὶ ύμᾶς μισοῦσι, καὶ οὐκέτι ὡς ἀρξόμενοι παρασκευά- ζονται ἀλλ᾽ ὡς ύμῶν ἀρξοντες, καὶ δεδοτες ὑπὲρ δὲν ἀφήρηται ἐτοιμοί εἰσι καὶ χωρία κατα- λαμβάνει καὶ ὀλγαρχίαν καθιστάναι καὶ πάντα πράττειν ὅπως ὑμεῖς ἐν τοῖς δεινοτάτοις κυνύνοις καὶ ἐκάστην ἡμέραν ἐσέσθε. οὕτως γὰρ ἤγοινται οὐκέτι τοῖς σφετέροις αὐτῶν ἀμαρτήμασι τὸν νοῦν ύμᾶς προσέξειν, ἀλλ᾽ ὑπὲρ ύμῶν αὐτῶν καὶ τῆς πόλεως ὀρρωδοῦντας ἱσυχίαν πρὸς τοὺς ἐξειν.

1 ὡς Hude: καὶ mss. 2 τῶν add. Aldus.
3 αμα Reiske: ἀλλά mss.

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sail out with warships which he was to deliver up worn out instead of new; that the dangers were to be yours, while the benefits would accrue to his own friends; and that he would reduce you to worse poverty owing to the levies, but would make Ergocles and his other admirators the wealthiest men in the city,—not one of you would have given the man permission to sail out with your ships. And to make matters worse, as soon as you had decreed that an inventory be made of the sums obtained from the cities, and that his fellow-commanders should sail home to undergo their audit, Ergocles said that there you were at your slander-mongering and hankering after the ancient laws, and he advised Thrasybulus to occupy Byzantium, keep the ships, and marry Seuthes' daughter: “by this means,” he told him, "you will cut short their slander-mongering; for you will cause them not to sit still, plotting against you and your friends, but to be full of fear for themselves.”

So far did they go, men of Athens,—as soon as they had gorged themselves and were regaled with your possessions,—in regarding themselves as alien to the city. No sooner are they rich than they hate you; they plan thenceforth, not to be your subjects, but to be your rulers, and, apprehensive for the fruits of their depredations, they are ready to occupy strongholds, establish an oligarchy, and seek every means of exposing you, day after day, to the most awful dangers. The result will be, they expect, that you will cease paying attention to their particular offences and, in terror for yourselves and for the city, will leave them

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a Which regulated the collection of tribute from the states subject to Athens down to the time of the Peloponnesian War.  
b A prince of Thrace friendly to Thrasybulus.
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8 Ὄρασύβουλος μὲν ὦν, ὁ ἄνδρες Ἀθηναῖοι, (οὐδὲν γὰρ δεῖ περὶ αὐτοῦ πλείω λέγειν) καλῶς ἐποίησεν οὔτως τελευτήσας τὸν βίον· οὐ γὰρ ἔδει αὐτὸν οὔτε καὶ τοιούτους ἔργοις ἐπιβουλεύοντα, οὔθ' ὑφ' ὑμῶν ἀποθανεῖν ἤδη τι δοκοῦντα ὑμᾶς ἄγαθον πεποιηκέναι, ἀλλὰ τοιούτω τρόπῳ τῆς πόλεως ἀπαλλαγῆναι. ὅρω δ' αὐτοῦς διὰ τὴν πρώην ἐκκλησίαν οὐκέτι φειδομένους τῶν χρημάτων, ἀλλ' ἰωνομένους τὰς αὐτῶν ψυχὰς καὶ παρὰ τῶν λεγόντων καὶ παρὰ τῶν ἔχθρων καὶ παρὰ τῶν πρυτάνεων, καὶ πολλοὺς Ἀθηναίων ἀργυρίων διαφθείροντας, ὑπὲρ ὑμᾶς ἐξιόν ἐστιν ἀπολογοῦσας παρὰ τούτου νῦν δίκην λαβοῦσιν, καὶ πάσιν ἀνθρώποις ἐπιδειξαὶ ὅτι οὐκ ἐστὶ τοσαῦτα χρήματα, ὅπερ ὑμῖν ἠττήσεσθε ὡστε μὴ τιμωρεῖσθαί τους ἀδικοῦντας.

9 ἐνθυμεῖσθε γὰρ, ὡς ἄνδρες Ἀθηναῖοι, ὅτι οὐκ Ἐργοκλῆς μόνος κρίνεται, ἀλλὰ καὶ ἡ πόλις ὅλη. νυνὶ γὰρ τοῖς ἄρχουσι τοῖς ὑμετέροις ἐπιδείξετε πότερον χρή δικαίους εἶναι, ἢ ὡς πλείστα τῶν ὑμετέρων ύφελομένους τῷ αὐτῷ τρόπῳ τὴν σωτηρίαν παρασκευάζεσθαι, ὑπὲρ ὑμῶν νῦν πειρώντας.

10 καίτοι εὖ εἰδέναι χρή, ὡς ἄνδρες Ἀθηναῖοι: ὅστις ἐν τοσαύτη ἀπορίᾳ τῶν υμετέρων πραγμάτων ἡ πόλεις προδίδοσιν ἡ χρήματα κλέπτειν ἡ ὑποροδοκεῖν ἂξιον, οὕτος καὶ τὰ τείχη καὶ τὰς ναὸς τῶν πολεμίων παραδίδοσι καὶ ὑλιγαρχίαν ἐκ δημοκρατίας καθίστησιν· ὡστ' οὕτω ἂξιον ὑμῖν τῆς τούτων παρασκευῆς ἤττᾶσθαι, ἀλλὰ παράδειγμα πᾶσιν ἀνθρώποις ποιῆσαι καὶ μήτε κέρδος μήτε ἔλεον

1 Ἀθηναῖος Schott: δικασταὶ mss.

He was killed in a riot at Aspendus, 389–388 B.C.
in peace. Now, as for Thrasybulus, men of Athens, —for there is no need to say more about him,—he did well to end his life as he did: for it was not right for him either to live in the prosecution of such schemes or to suffer death at your hands with his repute of having served you well in the past, but rather to settle his account with the city in that sort of way. But the others, I see, in consequence of the Assembly that was held two days ago, are no longer sparing their money, but are purchasing their lives from the speakers, from their enemies, and from the Committee, and are corrupting numerous Athenians with hard cash. It is your duty to clear yourselves of that suspicion by punishing this man to-day, and to make it plain to all people that there is no sum large enough to overcome you in your purpose of exacting requital from the guilty. For you must reflect, men of Athens, that it is not Ergocles alone, but the whole city as well, that is on trial. To-day you are to demonstrate to your officers whether they ought to be upright or, after abstracting as much of your property as they can, to compass their salvation by the same means as these men are now applying. Well, of one thing you may be assured, men of Athens: whoever in this serious stringency of your affairs either betrays your cities or decides to steal your money or receive bribes, is the very man to surrender your walls and your ships to the enemy, and to establish oligarchy in place of democracy. It is not right, then, that you should be mastered by their devices: you should rather make an example for all men to see, and regard neither profit nor pity nor

\[ ^{b} \text{When Ergocles had been voted guilty.} \]
\[ ^{c} \text{See XXII., Against the Corn-Dealers, 2, and note, p. 492.} \]
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μήτ’ ἄλλο μηδεν περὶ πλείονος ποιήσασθαι τῆς τούτων τιμωρίας.

12 Οἰμαι δ’ Ἕρωκλεά, ὡς ἄνδρες Ἀθηναίοι, περὶ μὲν Ἀλκαριάσσον καὶ περὶ τῆς ἀρχῆς καὶ περὶ τῶν αὐτῶ πεπραγμένων οὐκ ἔπιχειρήσεις ἀπολογεῖσθαι, ἐρεῖν δὲ ὡς ἀπὸ Ψυλῆς κατῆλθε καὶ ὡς δημοτικὸς ἐστὶ καὶ ὡς τῶν κυνήγιων τῶν ἴμετέρων μετέσχει. ἐγὼ δὲ, ὡς ἄνδρες Ἀθηναίοι, οὐ γὰρ τοιαύτην γνώμην ἔχω περὶ τῶν τοιούτων ἀλλ’ ὅσοι μὲν ἐλευθερίας καὶ τοῦ δικαίου ἐπιθυμοῦντες καὶ τοὺς νόμους Ἰσχύειν2 βουλόμενοι καὶ τοὺς ἄδικοντας μισοῦντες τῶν ἴμετέρων κυνὴγιῶν μετέσχον, οὐ πονηροὺς εἶναι πολίτας, οὔτε ἄδικως τούτοις φημί ἃν εἶναι ὑπὸ λόγον τὴν ἐκείνων φυγήν· ὅσοι δὲ κατελθόντες ἐν δημοκρατίᾳ τὸ μὲν ἴμετέρων πλῆθος ἄδικοισί, τοὺς δὲ ἱδίους οὐκουσ ἢκ τῶν ἴμετέρων μεγάλους ποιοῦσι, πολὺ μᾶλλον αὐτοῖς προσήκει ὁργίζεσθαι ἢ τοῖς τριάκοντα. οἱ μὲν γὰρ ἐπὶ τοῦτ’ ἐχειροτονήθησαν, ἵνα κακῶς, εἴ πη δύναντο, ὑμᾶς ποιήσειν· τούτοις δ’ ὑμᾶς αὐτοὺς ἐπετρέπατε, ὅσοι μεγάλην καὶ ἐλευθέραν τὴν πόλιν ποιῆσαν· ὃν ὑμῖν οὐδέν ἀποβῆκεν, ἀλλὰ τὸ ἐπὶ τούτου εἶναι ἐν τοῖς δεινοτάτοις κυνήγιοι καθεστήκατε, ὥστε πολὺ ἄν δικαιοτερον ὑμᾶς αὐτοὺς ἢ τούτους ἔλεοῦτε, καὶ τοὺς ἴμετέρους παίδας καὶ γυναικάς, ὅτι ὑπὸ τοιοῦτων ἄνδρων λυμαίνεσθε. ὅταν γὰρ ἡγησόμεθα σωτηρίας ἀντειλήθθαι, δεινότερα ὑπὸ τῶν ἴμετέρων ἀρχῶν- 

15 τῶν πάχομεν ἡ ὑπὸ τῶν πολεμιῶν. καίτοι πάντες ἐπίστασθε ὅτι οὐδεμία ἐλπὶς σωτηρίας ὑμῖν δυστυχήσασιν. ὥστε ἄξιον ὑμᾶς παρακλειεσθα-

1 οὐ add. Aldus.
2 Ἰσχύειν Markland: Ἰσχείν mss.

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aught else as more important than the punishment of these men.

I do not suppose, men of Athens, that in regard to Halicarnassus and his command and his own proceedings Ergocles will attempt any justification, but that he will state that he returned from Phyle, that he is a democrat, and that he bore his share in your dangers. But I, men of Athens, do not view the position in that sort of way. Those who, longing for liberty and justice, desiring the maintenance of the laws and hating wrongdoers, shared in your dangers, I do not regard as bad citizens, nor would it be unfair, I say, that the exile of that party should be reckoned into their account. But those who, after their return, do injury to your people under a democracy, and enlarge their private properties at your expense, deserve to feel your wrath far more than the Thirty. The latter were elected for the very purpose of doing you harm by any available means, whereas you have entrusted yourselves to these men in order that they may promote the greatness and freedom of the city. Nothing of the sort have you secured: so far as they could, they have involved you in the most awful dangers; and hence you would be far more justified in pitying yourselves, your children and your wives than these men, when you think of the ravages that you suffer at such hands as theirs. For, just when we are convinced that we have salvation in our grasp, we meet with more terrible treatment from our officers than from the enemy. Of course you all understand that you have no hope of salvation if you undergo a reverse.\(^a\) You

\(^a\) With the democrats in 403 B.C.

\(^b\) The reference is to the depletion of the Treasury.
μένους ὑμῖν αὐτοῖς παρὰ τούτων νυνὶ τὴν μεγίστην δίκην λαβεῖν, καὶ τοῖς ἄλλοις Ἕλλησιν ἐπιδείξαι ὡς τοὺς ἀδικοῦντας τιμωρεῖσθε, καὶ τοὺς ύμετέρους ἀρχοντας βελτίως ποιήσετε. ἐγὼ μὲν οὖν ταῦτ' ὑμῖν παρακελεύομαι· ὑμᾶς δὲ χρῆ εἰδέναι ὅτι, ἐὰν μὲν ἐμοὶ πεισθῆτε, εὖ περὶ αὐτῶν βουλεύσεσθε, εἰ δὲ μὴ, χείροσι τοῖς ἄλλοις πολίταις χρῆσεσθε. ἔτι δέ, ὦ ἄνδρες Ἀθηναίοι, ἐὰν αὐτῶν ἀποψηφίσησθε, οὐδεμίαν ὑμῖν εἴσουται χάριν, ἀλλὰ τοῖς ἀνθρωποῖς καὶ τοῖς χρήμασιν οἰς ὑφήρρηται· ὅστε τὴν μὲν ἔχθραν ὑμῖν αὐτοῖς καταλείψετε, τῆς δὲ σωτηρίας ἐκείνους εἴσουται χάριν. καὶ μὲν δὴ, ὦ ἄνδρες Ἀθηναίοι, καὶ Ἀλκαρνασσεῖς καὶ οἱ ἄλλοι οἱ ὑπὸ τούτων ἡδυκημένοι, ἐὰν μὲν παρὰ τούτων τὴν μεγίστην δίκην λάβητε, νομιμοῦσιν ὑπὸ τούτων μὲν ἀπολωλέναι, ὑμᾶς δὲ αὐτοῖς βεβοηθηκέναι· ἐὰν δὲ τούτους σώσητε, ἡγήσονται καὶ ὑμᾶς ὁμογενῶμονας γεγονέναι τοῖς αὐτοῖς προδεδουκόσιν. ὡστ' ἀξίον τούτων ἀπάντων ἐνθυμηθέντας ἀμα ὅς τε φίλοις τοῖς ὑμετέροις ἀποδοῦναι χάριν καὶ παρὰ τῶν ἀδικοῦντων τὴν δίκην λαβεῖν.
ought therefore to exhort yourselves to impose on these men to-day the extreme penalty, and to make it evident to the rest of Greece that you punish the guilty and mean to reform your officers. This, at least, is my own exhortation to you; and you should know that, if you take my advice, you will decide wisely for yourselves, but if not, you will find the rest of the citizens more unruly. Besides, men of Athens, if you acquit them, they will not be thankful to you, but to their expenditure and to the funds that they have embezzled; so that, while you endow yourselves with their enmity, they will thank those means for their salvation. Furthermore, men of Athens, both the people of Halicarnassus and the other victims of these men, if you inflict the extreme penalty upon them, will feel that, although they have been ruined by these persons, they have been vindicated by you; but if you save their lives, they will suppose that you have put yourselves in accord with their betrayers. So, bearing all these points in mind, you ought by the same act to show your gratitude to your friends and to do justice upon the guilty.
XXIX. AGAINST PHILOCRATES: SUPPLEMENTARY

INTRODUCTION

This little speech made by a prosecutor deals with a writ which has been issued against Philocrates, an associate of Ergocles, who probably has now been put to death, and whose property has been confiscated. A sum of thirty talents, however, was missing from that ill-gotten fortune, and Philocrates, who had sailed as purser in charge of one of the warships commanded by Thrasybulus and Ergocles, is charged with keeping back this money from the State. The speech merely adds certain considerations to an accusation that has already been made, nor can it be said to tell very strongly against Philocrates. The argument that the absence of other accusers shows that the defendant has been using the money in question to buy them off is not impressive: he may just as well be innocent. Again, the assertion that Philocrates was in the confidence of Ergocles is not substantiated in any way; and the conclusion merely calls for the severest punishment upon him as a peculator of public funds. The date of the hearing is 388 B.C.

* See the preceding speech, XXVIII., Against Ergocles.
XXIX. ΚΑΤΑ ΦΙΛΌΚΡΑΤΟΥΣ ΕΠΙΛΟΓΟΣ

1 Ὁ μὲν ἀγὼν οὖτος, ὃς ἄνδρες δικασταί, ἐρημότεροι γεγένηται ἡ ἐγὼ προσεδόκων. πολλοὶ γὰρ ἦσαν οἱ ἀπειλοῦντες καὶ οἱ φάσκοντες Φιλοκράτους κατηγορήσεις· ὃν οὐδεὶς νῦν φαίνεται. οἱ κάμοι δοκεῖ οὖν ἐλλαττῶν εἶναι τεκμήριον τῆς ἀπογραφῆς ὅτι ἀληθῆς οὖσα τυγχάνει· εἰ γὰρ μὴ πολλά τῶν Ἑργοκλέους εἶχε χρημάτων, οὐκ ἂν οὕτως

2 οἷός τ' ἢν ἀπαλλάξῃ τοὺς κατηγόρους. ἐγὼ δὲ, ὃς ἄνδρες δικασταί, πάντας ὑμᾶς ἡγοῦμαι εἰδέναι ὅτι Ἑργοκλέους διὰ τοῦτο ὑμεῖς θάνατον κατεχειροτονήσατε, ὅτι κακῶς διαθεῖς τὰ τῆς πόλεως πλέον ἡ τριάκοντα ταλάντων οὐσίαν ἐκτήσατο. καὶ τούτων τῶν χρημάτων οὖθεν ἐν τῇ πόλει φαίνεται. καίτοι ποί χρή τραπέσθω ἡ ποῦ ξητήσαι τὰ χρήματα; εἰ γὰρ παρὰ τοὺς κηδεσταῖς καὶ οἷς ἐκεῖνοι οἰκείσται ἀνθρώπων ἐχρῆτο μὴ φανήσεται,

3 χαλεπῶς παρὰ τοῖς ἐχθροῖς εὑρεθῆσεται. τίνα δὲ Ἑργοκλῆς περὶ πλείονος Φιλοκράτους ἐποιεῖτο, ἢ πρὸς τίν’ ἀνθρώπων διέκειτο οἰκείστερον; οὐ τῶν μὲν ύμετέρων ὀπλιτῶν1 αὐτὸν ἐξῆγαγε, τῶν

1 ὀπλιτῶν Taylor: πολιτῶν mss.
XXIX. AGAINST PHILOCRATES:
SUPPLEMENTARY

In this action, gentlemen of the jury, we have had more default of accusers than I expected. There were many persons who made threats and declared that they would accuse Philocrates; but not one of them is forthcoming at the moment. This fact, in my opinion, is a signal proof that the terms of the writ a are correct. For if the defendant were not in possession of a great part of Ergocles' money, he would not be so successful in getting rid of his accusers. But I expect, gentlemen, that you are all aware that the reason why you voted for the death-sentence upon Ergocles was because his misappropriation of public funds had procured him a fortune of more than thirty talents. Of that money not a sign is to be found in the city. Yet whither should we turn, where are we to look, for the money? For if it cannot be found in the hands of his relatives and the persons with whom he was most intimately associated, we shall have a hard task to discover it in the hands of his enemies. And whom did Ergocles value more than Philocrates, or with what man alive had he more intimate relations? Did he not pick him from amongst your infantry for service abroad, and make

a For the recovery of money unlawfully withheld from the State; cf. IX., For the Soldier, p. 182.
δ' αὐτοῦ χρημάτων ταμίαν ἐποίησε, καὶ τὸ τελευ-
ταῖον τριήμαρξον αὐτὸν κατέστησε; καὶ τοιούτων ἐκ
οἱ μὲν τὸις ὑπόσας ἔχοντες ὀλοφύρωται τριή-
ράρχοῦτες, οὗτοι δὲ οὐδὲν πρότερον κεκτημένος
ἐν ἐκείνῳ τῷ χρόνῳ ἐθελοντὶς ὑπέστη ταύτην τὴν
λητουργίαν, οὐκοῦν δὴ οὐχ ὡς ἐγκατθησόμενον
αὐτὸν τριήμαρξον κατέστησεν, ἀλλ' ὡς ὕφε-
ληθησόμενον καὶ φυλάξοντα τὰ αὐτοῦ χρήματα,
οὐκ ἔχων ὅτι χρὴ μᾶλλον τούτου πιστεύσαι.
5 ἡγούμαι δὲ, ὡς ἄνδρες δικασταί, Φιλοκράτει δύο
ἐκεῖναι καὶ μόνας ἀπολογίας προσήκειν γὰρ αὐτῷ
ἀποδείξαι ἢ ἐτέρους ἔχοντας τὰ Ἐργοκλέους
χρήματα, ἢ ἀδίκως ἀπολωλότα ἐκεῖνον καὶ οὐδὲν
ὑφηρημένον τῶν ὑμετέρων οὐδὲ διδωροδοκηκότα
ἐδὲ τούτων μηδέτερον ποιήσει, διδόχθαι κατα-
ψηφίζεσθαι, καὶ μὴ τοῖς μὲν παρὰ τῶν ἄλλων
λαμβάνουσιν ὀργίζεσθαι, τοῖς δὲ τὰ υμετέρ
αὐτῶν ἔχονσι συγγνώμην ἔχειν.
6 Τις δ' οὖκ οἴδεν Ἀθηναίων τρία τάλαντα περὶ
[182] Ἐργοκλέως μεσεγγυηθέντα τοῖς λέγοντιν, εἰ
δύναντο αὐτὸν σώσαι [καὶ μὴ κατηγορεῖν]; οἱ
ἐπειδὴ ἐώρων τὴν υμετέραν ὀργὴν τιμωρεῖσθαι
βουλομένην, ἴσχυρὸν ἦγον καὶ οὐκ ἐτόλμων σφάς
αὐτοὺς φανεροὺς ποιῆσαι. καὶ τὸ μὲν πρῶτον
ὀντος οὐ κομιζόμενος παρ' αὐτῶν τὰ χρήματα
7 μὴν ὕστερος ἐφ' ἦν τῇ πόλει· ἐπειδὴ δὲ καὶ ταῦτα ἀπ-
ειληφει καὶ τῶν ἄλλων τῶν ἐκείνων κύριος γεγέ-
νητοι, εἰς τοῦτο τόλμησε ἐλήλυθεν, ὡστε μάρτυρας
πεπόρισται οἱ μαρτυρήσουσιν αὐτῷ ὡς ἄν ἐχθ-
ροῦσος ἀπάντων ἀνθρώπων Ἐργοκλεί. καὶ τοιοῦ ὀφει
αν αὐτόν, ὡς ἄνδρες δικασταί, εἰς τοῦτο μανίας
1 διδόχθαι Markland: δέδοκται mss.
AGAINST PHILOCRATES, 3-7

him his purser, and finally appoint him to equip a warship? How very strange that, whereas men of property lament that they have to equip warships, this man, who was previously possessed of nothing, at that time volunteered this public service! So it was not to penalize him that he appointed him to equip a warship, but to let him profit by it and also keep guard over his own funds, since he had nobody whom he could trust above this man. I conceive, gentlemen of the jury, that Philocrates can defend himself in two ways, and in two only: he must prove either that Ergocles' money is held by others; or that he was put to death unjustly, having embezzled none of your property, and having taken no bribes. If he can do neither of these things, I say that his condemnation is decided, and also that, if you are indignant with those who take money from other people, you ought not to pardon those who are in possession of your own.

Who in Athens does not know that three talents were deposited for the speakers in aid of Ergocles, if they should succeed in saving him? When they saw your wrath intent on vengeance, they kept quiet and did not dare to expose themselves. Philocrates, when at first he failed to recover this money from them, said that he would inform against them in public. But when he had both got the money back and obtained control of the rest of the man's property, he had the audacity to procure witnesses who would support him by testifying that he was the bitterest enemy on earth to Ergocles. Yet can you imagine, gentlemen, that he would have been so utterly insane as to volunteer to equip a warship

2 καὶ μὴ κατηγορεῖν del. Dobree.
LYSIAS

ἀφικέσθαι, ὡστε Ὄρασυβούλου στρατηγοῦντος καὶ Ἐργοκλέους αὐτῷ διαφερομένου ἑθελοντὴν ὑποστήναι τριήμαρχον; πῶς γὰρ ἂν θάττον ἀπώλετο, ἢ πῶς ἂν μᾶλλον ἐπηρεάζετο;

8 Περὶ μὲν οὖν τούτων ἵκανα τα ἐιρημένα· ἐγὼ δὲ ὑμᾶς ἀξίω ὑμῖν αὐτοῖς βοηθήσαμε, καὶ πολὺ μᾶλλον τοὺς ἀδικοῦντας τιμωρεῖσθαι ἢ τοὺς τὰ τῆς πόλεως ἔχοντας ἔλευσον ἤγείσθαι. οὐδὲν γὰρ τῶν αὐτοῦ καταθῆσαι, ἀλλὰ τὰ ὑμέτερα ὑμῖν αὐτοῖς ἀποδώσει,

9 καὶ πολλῷ πλεῖον αὐτῷ τούτων περιέσται. καὶ γὰρ ἂν καὶ δεινὸν εἴη, ὃ ἄνδρες δικασταί, εἴ τοῖς μὲν μὴ δυναμένοις τὰ σφέτερ' αὐτῶν εἰσφέρεις ὀργίζοισθε καὶ τὰς οὐσίας αὐτῶν ὡς ἀδικοῦντων δημεύοιτε, τοὺς δὲ τὰ ὑμέτερα αὐτῶν ἔχοντας μὴ τιμωροῖσθε, ἀλλὰ τῶν τε χρημάτων ἀποστεροῦσθε

10 καὶ τούτοις χαλεπωτέρους ἐχθροὺς ἔχουτε. ἔως γὰρ ἂν τὰ ὑμέτερα ἔχοντες σφίσων αὐτοῖς συνειδῶσιν, οὐδέποτε ὑμῖν παύσονται κακονοῦντες, νομίζοντες τὰς τῆς πόλεως δυστυχίας μόνας ἀπαλλαγῆν εἶναι τῶν πρὸς αὐτοὺς πραγμάτων.

11 'Ἡγούμαι δ', ὃ ἄνδρες δικασταί, οὐ μόνον περὶ χρημάτων αὐτῷ προσήκειν ἀγωνίζεσθαι, ἀλλὰ καὶ περὶ τοῦ σώματος κινδυνεῖσιν. καὶ γὰρ ἂν καὶ δεινὸν εἴη, εἰ οἱ μὲν τὰ τῶν ἱδωτῶν ἀπολλύμενα τοῖς κλέπταις συνειδῶτες τοῖς αὐτοῖς ἐνέχοντο, οὕτως δὲ τὰ τῆς πόλεως Ἐργοκλεῖ συνειδῶς κλέπτοντι καὶ ἐπὶ τοὺς ὑμέτεροις δωροδοκοῦντι μὴ τῆς αὐτῆς τιμωρίας τυγχάνων, ἀλλὰ ἄθλα λάβοι τὴν ὑπ' ἐκείνου καταλειφθείσαν οὐσίαν ἀντὶ τῆς αὐτοῦ

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a Cf. Plato, Laws, xii. 955 b.
while Thrasybulus was in command and Ergocles was on bad terms with him? How could he have come more swiftly by his ruin, or have exposed himself more to maltreatment?

Well now, enough has been said on those matters: but I call upon you to vindicate yourselves and to be much more prompt to punish the guilty than to feel pity for those who are keeping the property of the State. He will relinquish nothing that belongs to him, but only restore what is your own; and a much larger amount will be left over for him. And indeed it would be strange, gentlemen of the jury, that you should be incensed with those who are unable to pay their contributions to the special levies from their own means, and should confiscate their estates on the ground of default, but yet should decline to punish those who are keeping your own property, when you are not only to be deprived of your money but also to be more sorely troubled by their enmity. For as long as they are conscious of keeping your property they will never desist from their malignity towards you, since they will believe that only the calamities of the city can relieve them of their embarrassments.

I consider, gentlemen of the jury, that the issue involved in his case ought to be not merely one of money, but that his life also should be at stake. For it would be a strange thing, when those who connive with the thieves in a private larceny are to be subject to the same penalty, that this man, conniving with Ergocles in a theft of the city’s property and receiving bribes at your expense, should not incur the same punishment, but should win the fortune left by his accomplice as a prize for his own wickedness.
LYSIAS

πονηρίας. ἂξιοι δ' ύμῶν εἰσιν ὀργῆς, ὡς ἀνδρεσ
dikastai. οὗτοι γάρ, ὡτε Ἕργοκλῆς ἐκρίνετο,
ἐν τῷ δήμῳ περιόντες ἔλεγον ὅσ πεντακόσιοι
μὲν αὐτοῖς εἴησαν1 ἐκ τοῦ Πειραιῶς δεδεκασμένοι,
ἐξακόσιοι δὲ καὶ χίλιοι ἐκ τοῦ ἀστεως· μᾶλλον δὲ
προσεποιοῦντο πιστεύειν τοῖς χρήμασιν ἢ δεδιέναι
τὰ αὐτῶν ἀμαρτήματα. ἐκεῖ μὲν οὖν ἐπεδείξατε
αὐτοῖς, ἐὰν δὲ εὗ φρονήτε, καὶ νυνὶ τοῦτο φανερὸν
πᾶσιν ἀνθρώποις ποιήσετε, ὅτι οὐκ ἔστι τοσαῦτα
χρήματα ἡ ύμᾶς, οὔς ἂν λαμβάνῃ τἀδικοῦντας,
ἀποτρέψει τιμωρεῖσθαι, καὶ μηδεμίαν αὐτοῖς ἄδειαν
dώσετε τὰ ύμέτερα αὐτῶν διαρπάξουσι καὶ κλέ-
πτοσιν. ἐγὼ μὲν οὖν ταῦτα ύμῶν παραίνω. πάντες
gὰρ ἐπίστασθε ὅτι Ἕργοκλῆς χρηματιούμενος ἄλλ
οὐ πρὸς ύμᾶς φιλοτιμησόμενος ἐξέπλευσε, καὶ
οὐδεὶς ἄλλος ἔχει τὰ χρήματα ἡ οὕτως. ἐὰν οὖν
σωφρονήτε, τὰ ύμέτερ' αὐτῶν κομμεῖσθε.

1 εἴησαν Stephanus: οὗ ἴησαν, ἴησαν mss.
These men deserve your wrath, gentlemen of the jury. For when Ergocles was on his trial, they went about among the people saying that they had bribed five hundred of the Peiraeus party and sixteen hundred of the party of the city. They professed to rely on their money rather than to fear the results of their own misdeeds. Well, in that case you plainly showed them,—and if you are well advised you will make it clear likewise to all men to-day,—that there is no sum of money large enough to deflect you from the punishment of those whom you may take in the act of wrongdoing, and that by no means will you permit them to pillage and steal your property with impunity. This, then, is the counsel that I give you. You all understand that Ergocles sailed out to make money, not to gain credit with you, and that this man and no other is keeping his money. So if you are prudent you will recover what is your own.
XXX. AGAINST NICOMACHUS

INTRODUCTION

After the deposition of the Council of Four Hundred in 411 B.C. the government of Athens was entrusted to a body of Five Thousand whose principles stood half-way between oligarchy and democracy. A Commission of Nomothetae or Lawgivers was appointed to revise the constitution: an important part of this work was to produce a new copy of the old laws of Solon from the wooden tablets or "pillars" on which they were inscribed, making good the omissions caused by accidental defacement and bringing the language, the values of fines and other matters into uniformity with later enactments and with current usage. The work appears to have continued during the last struggles of the Athenian democracy with Sparta and Persia. Suspended during the rule of the Thirty oligarchs (Sept. 404–May 403), it was started again by a decree proposed by Teisamenus in 403. In the first period (410–404) Nicomachus held a post on or under the Commission as "transcriber" of the laws affecting secular matters: though appointed for a term of four months, we are told, he held office for the whole of the six years. His right to the citizenship, and therefore to

* Cf. Thucydides, viii. 97
his office, appears to have been doubtful; but the allegation of his servile birth is not clearly substantiated by his accuser. When the constitution was revived in 403, he was appointed for the same important work, but this time his duty was the revision of the laws relating to religious ceremonial. He had been in exile during the rule of the Thirty, and had returned in good odour with the restored democracy. Again, it is here alleged, he exceeded his allotted time of one month, and after four years he is accused (399 B.C.) of refusing, as he had also refused after his former term of six years ending in 404, to render any account of his office. The case is heard before the ten Logistae whose duty was to investigate the proceedings of special officers.

It cannot be said that the speech against Nicomachus, which appears to be the leading one of several for the prosecution, makes out a strong case for his condemnation. It states first that his father was a public slave, that he was taken late into his tribal division (phratria), and was employed as an under-clerk to a magistrate. He was made a “transcriber” of the laws, and managed to hold his office for six years without submitting to an audit of his proceedings, which were grossly corrupt and injurious to the State (1-6). If he tries to discredit the accuser by connecting him with the oligarchs, not only is this a vile slander, but he himself showed his oligarchical leanings by forging a law which assisted the oligarchs in getting rid of a dangerous critic of their acts, Cleophon (405 B.C.). His involuntary eclipse under the Thirty cannot count against his deliberate crimes (7-16). Nicomachus will tax his accuser with impiety for protesting against some new sacrifices
required by his new version of the laws: but this enlargement of his has caused the neglect of the ancestral rites ordained by Solon, and has involved the State in excessive expense. This again has led to unscrupulous confiscation in aid of the Treasury. He deserves the extreme penalty of death, and will be an example to other corrupt, though eloquent, officers (17-25). Nicomachus has no merits, either of his own or of his ancestors, to plead for him. It is a strange aberration in the people that they have entrusted such a man with such a duty. The accusers have resisted the tempting advances of his friends: the court must be similarly firm in doing justice upon him (26-35).

There is no definite reason for excluding this speech from the genuine works of Lysias, who may well have felt ill at ease in attacking a man, like himself, of obscure birth, but of evident ability, and of an established character that had survived the most perturbing years in Athenian history.
ΚΑΤΑ ΝΙΚΟΜΑΧΟΥ [ΓΡΑΜΜΑΤΕΩΣ ΕΥΘΥΝΩΝ ΚΑΤΗΓΟΡΙΑΙ]

1 Ἡδῆ, ὃ ἀνδρεὶς δικασταί, των᾽ ἐς κρίσιν κατα- στάντες ἀδικεῖν μὲν ἐδοξαζ. ἀποφαίνοντες δὲ τὰς τῶν προγόνων ἀρετὰς καὶ τὰς σφετέρας αὐτῶν εὐεργεσίας συγγνώμης ἔτυχον παρ᾽ ὑμῶν. ἐπειδὴ τοίνυν καὶ τῶν ἀπολογουμένων ἀποδέχεσθε, ἐὰν τῇ ἀγαθοῖν φαίνονται τὴν πόλιν πεποιηκότες, ἅξιον καὶ τῶν κατηγόρων ὑμᾶς ἀκρόασασθαι, ἐὰν ἀπο- φαίνωσί τους φεύγοντας πάλαι πονηροὺς ὄντας.

2 ὅτι μὲν τοίνυν ὁ πατὴρ ὁ Νικομάχος δημόσιος ἦν, καὶ οἶα νέος ὃν ὑστος ἐπετήδευσε, καὶ ὅσα ἐτῆ γεγονός εἰς τοὺς φράτερας εἰσήχθη, πολὺ ἂν ἔργον εἰη λέγειν· ἐπειδὴ δὲ τῶν νόμων ἀναγραφεῖς ἐγένετο, τίς οὐκ οἶδεν οἰα τὴν πόλιν ἐλκυμνατο; προσταχθεῖν γὰρ αὐτῷ τεττάρων μηνῶν ἀναγράφας τοὺς νόμους τοὺς Σόλωνος, ἀντὶ μὲν Σόλωνος αὐτὸν νομοθέτην κατέστησεν, ἀντὶ δὲ τεττάρων μηνῶν ἔξετη τῇν ἀρχῇν ἐποιῆσατο, καθ᾽ ἐκάστην δὲ ἡμέραν ἀργύριον λαμβάνων τοὺς μὲν ἐνέγραφε 3 τοὺς δὲ ἐξήλευθεν. εἰς τούτο δὲ κατέστησεν ὡς τε ἐκ τῆς τούτου χειρὸς ἐταμιεύμεθα τοὺς νόμους καὶ οἱ ἀντίδικοι ἐπὶ τοὺς δικαστηρίους ἐναντίον

1 ἑρμαμπάτεως εὐθυνῶν κατηγορία del. Thalheim.
2 ἑταμιεύμεθα Dobree: τεταμιεύμεθα mss.
XXX. AGAINST NICOMACHUS

There have been cases, gentlemen of the jury, of persons who, when brought to trial, have appeared to be guilty, but who, on showing forth their ancestors' virtues and their own benefactions, have obtained your pardon. Since, therefore, you are satisfied with the plea of the defendants, if they are shown to have done some service to the State, it is fair that you should also listen to the accusers, if they show forth a long course of villainy in the accused. Now, to tell how Nicomachus's father was a public slave, and what were the man's own occupations in his youth, and at what age he was admitted to his clan, would be a lengthy affair: but when he became a commissioner for transcribing the laws, it is common knowledge what outrages he committed on the city. For although ordered to transcribe and set up publicly the laws of Solon within four months, he usurped the place of Solon as lawgiver, extended his office over six years instead of four months, and day by day, in return for payment, he inserted some laws and erased others. We were brought to such a pass that we had our laws dispensed to us from his hands, and parties to suits produced opposite laws in the courts,

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\( a \) Owned by the State and employed in the police and other public services.

\( b \) A subdivision of the tribe, to which admission was usually obtained in infancy.
LYSIAS

παρείχοντο, ἀμφότεροι παρὰ Νικομᾶχου φάσκοντες εἰληφέναι. ἑπιβαλλόντων δὲ τῶν ἄρχοντων ἐπι-
βολὰς καὶ εἰσαγόντων εἰς τὸ δικαστήριον οὐκ
ήθέλησε παραδοῦναι τοὺς νόμους· ἀλλὰ πρότερον
ἡ πόλις εἰς τὰς μεγίστας συμφορὰς κατέστη, πρὶν
τοῦτον ἀπαλλαγῆναι τῆς ἄρχης καὶ τῶν πεπραγ-
μένων εὐθύναις ὑποσχεῖν. καὶ γὰρ τοι, ὦ ἄνδρες
dικασταί, ἐπειδὴ ἐκεῖνων δίκην οὐ δέδωκεν, ὁμοίαν
καὶ νῦν τὴν ἄρχην κατεστήσατο, ὡστὶς πρῶτον
μὲν τέτταρα ἐὰν ἀνέγραψην, ἐξὸν αὐτῷ τριάκοντα
ήμερῶν ἀπαλλαγῆναι· ἐπεὶ τίμωσαι διωρισμένον εἰς
ὁν ἐδει ἀναγράφειν, αὐτὸν ἀπάντων κυρίων ἐποιήσατο,
καὶ ὁσα ὀυδείς πώποτε2 διαχειρίσας3 μόνος
5 ὁσὸς τῶν ἄρξαντων εὐθύνας οὐκ ἐδωκεν, ἀλλʼ οἱ
μὲν ἄλλοι τῆς αὐτῶν ἄρχης κατὰ πρωτανεῖαν λόγον
ἀποφέρουσι,4 σὺ δὲ, ὦ Νικόμαχε, οὐδὲ τεττάρων
ἐτῶν ἡξίωσας ἐγγράψαι, ἀλλὰ μόνῳ σοὶ τῶν
πολιτῶν ἐξεῖναι νομίζεις ἄρχειν πολὺν χρόνον,
καὶ μὴτε εὐθύνας διδόναι μὴτε τοῖς ψηφίσμασι
πείθεσθαι μὴτε τῶν νόμων φροντίζειν, ἀλλὰ τὰ
μὲν ἐγγράφεις τὰ δʼ ἐξαλείψεις, καὶ εἰς τοῦτο
ἥβρεως ἤκεις ὡστε σαυτοῦ νομίζεις εἶναι τὰ τῆς
6 πόλεως, αὐτὸς δημόσιος ὄν. ὑμᾶς τοῖνυν χρή,
ὁ ἄνδρες δικασταί, ἀναμνησθέντας καὶ τῶν προ-
γόνων τῶν Νικόμαχου, οὕτως ἤσαν, καὶ ὁσοὶ
ὡς ἀχαρίστως ὑμῖν προσενήκεται παρανομήσας,

1 ὁμοίαν Schott: ὀποίαν mss.
2 οὐδείς πώποτε add. Francken.
3 διαχειρίσας Contius: χειρίσας mss.
4 ἀποφέρουσι Schoell: ἀναφέρουσι mss.

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AGAINT NICOMACHUS, 3-6

both sides asserting that they had obtained them from Nicomachus. When the magistrates imposed summary fines on him, and brought him up in court, he refused to hand over the laws: nay, the city was already involved in the gravest disasters, and still he had not been relieved of his office, nor had submitted to an audit of his proceedings. And observe, gentlemen, how, having suffered no punishment for that conduct, he has now turned his new office to similar account: first, he has been transcribing for four years, when he could have discharged his duty in thirty days; and second, although he had definite orders as to the texts that he had to transcribe, he assumed supreme authority over the whole code, and after handling more business than anyone had ever done before he is the only person who has held office without submitting to an audit. Everyone else, with each new presidency, renders an account of his office; but you, Nicomachus, have not deigned to show your accounts for as much as four years; you, alone of the citizens, claim licence to hold office for a lengthy period, without either submitting to an audit, or obeying the decrees, or respecting the laws: you insert this, and erase that, and carry insolence to such a pitch that you regard the State's property as yours, who are yourself its slave! It is your duty, therefore, gentlemen of the jury, to remember what was the ancestry of Nicomachus, and also how ungrateful has been his treatment of you with his

a Every 35 days the presidency of the Council and the Assembly was taken over by a committee of 50 representatives of the 10 tribes. Magistrates on going out of office submitted their accounts to a board of 10 auditors (λογασταί) appointed by the Council, and some minor officers changed with each “presidency.” Cf. above, pp. 492, 593.

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κολάσαι αὐτῶν, καὶ ἐπειδὴ ἐνὸς ἐκάστου δίκην οὐκ εἰλήφατε, νῦν ὑπὲρ ἀπάντων γοῦν τὴν τιμωρίαν ποιῆσασθαί.

7 Ἡσιως δὲ, ὦ άνδρες δικασταί, ἐπειδὰν περὶ αὐτοῦ μηδὲν δύνηται ἀπολογεῖσθαι, ἐμὲ διαβάλλειν πειράστε. τότε δὲ περὶ τῶν ἐμῶν τούτων ἀξιῶν πιστεύειν ομᾶς, ὅπως ἀπολογίας ἐμοὶ δοθεῖσθε μὴ δύνωμαι ψευδόμενον αὐτὸν ἔξελέγξαι. εἴπερ δὲ ἂρα ἐπιχειρή λέγειν ἀπερ ἐν τῇ βουλῇ, ὡς ἔγω τῶν τετρακοσίων ἐγενόμην, ἐνθυμεῖσθε ὅτι ἐκ τῶν τοιαύτα λεγόντων τῶν τετρακοσίων πλεῖν ἥ χίλιοι γενήσονται καὶ γὰρ τοὺς ἔτο παῖδας ὄντας ἐν ἑκεῖνω τῷ χρόνῳ καὶ τοὺς ἀποδημοῦντας ὦ διαβάλλειν βουλόμενοι ταῦτα λοιδοροῦσιν. ἔγω δὲ οὕτω πολλοῦ ἐδέχασα τῶν τετρακοσίων γενέσθαι, ὡστε οὐδὲ τῶν πεντακισχίλιων κατελέγνη. δεινών δὲ μοι δοκεῖ εἶναι ὅτι, εἰ μὲν περὶ ἱδίων συμβολαίων ἀγωνιζόμενοι οὕτω φανερῶς ἐξήλεγχον αὐτὸν ἀδικοῦντα, οὐδ' ἂν αὐτὸς ἥξισοι τοιαύτα ἀπολογούμενος ἀποφεύγειν, νυνὶ δὲ περὶ τῶν τῆς πόλεως κρινόμενος οὐήσεται χρῆναι ἐμοὶ κατηγορῶν οὐν μὴ δοῦναι δίκην.

8 Ἡσιως δὲ εἶναι δαμαστόν νομίζω Νικόμαχον ἐτέρως ἀδίκως μηνησικαίνοι ἄξιον, ὅν ἔγω ἐπι-βουλεύοντα τῷ πλῆθει ἄποδειξι. καὶ μοι ἀκοῦσατε δίκαιον γὰρ, ὦ άνδρες δικασταί, περὶ τῶν τοιούτων ἀνθρώπων τὰς τοιαύτας κατηγορίας ἀποδέχεσθαι, οἴτωσ τότε συγκατάλυσαντες τὸν δήμον νυνὶ δημοτικοὶ φασιν εἶναι. ἐπειδὴ γὰρ

[184] πόλεως κρινόμενος οὐήσεται χρῆναι ἐμοὶ κατηγορῶν οὐν μὴ δοῦναι δίκην.

9 Ἡσιως δὲ εἶναι δαμαστόν νομίζω Νικόμαχον ἐτέρως ἀδίκως μηνησικαίνοι ἄξιον, ὅν ἔγω ἐπι-βουλεύοντα τῷ πλῆθει ἄποδειξι. καὶ μοι ἀκοῦσατε δίκαιον γὰρ, ὦ άνδρες δικασταί, περὶ τῶν τοιούτων ἀνθρώπων τὰς τοιαύτας κατηγορίας ἀποδέχεσθαι, οἴτωσ τότε συγκατάλυσαντες τὸν δήμον νυνὶ δημοτικοὶ φασιν εἶναι. ἐπειδὴ γὰρ

1 τούτω Reiske: τούτω τότε, τότε mss.
2 τετρακοσίων . . . πεντακισχίλιων Taylor: τριακοσίων . . .
3 τρισχίλιων mss.
4 εἶναι Reuss: οἴμαι mss.

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AGAINST NICOMACHUS, 6-10

illegal acts, and to punish him: so, since you have not made him pay the penalty for each one of them, exact requital now, at any rate, for them all.

It may be, gentlemen, that, failing to find a plea for his own defence, he will try to slander me: but I would ask you only to credit this man's account of my life when, on having to defend myself, I fail to convict him of falsehood. If by chance he should venture on a repetition of what he stated before the Council,—that I was one of the Four Hundred,—reflect that on the basis of such statements as this the Four Hundred will number more than a thousand; for on those who were still but children at that time, or were not residing here, this aspersion is commonly cast by persons of slanderous intent. But for my part, so far was I from being one of the Four Hundred that I was not even included in the list of the Five Thousand. And I consider it monstrous that, although in a suit concerning private contracts, had I convicted him as plainly as here of wrongdoing, he would not even himself have expected to obtain an acquittal by resorting to such a defence, he now, on his trial for matters of public interest, is to count on escaping punishment at your hands by accusing me.

Moreover, I find it astonishing that Nicomachus should think fit to stir up resentment against others in this criminal way, when I mean to prove that he hatched mischief against the people. And now listen to me; for it is justifiable, gentlemen of the jury, to admit such accusations in the case of men who, having combined at that time to subvert the democracy, would represent themselves to-day as democrats. After the
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άπολομένων τῶν νεῶν ἡ μετάστασις ἐπράττετο, Κλεοφῶν τὴν βουλὴν ἐλοιδόρει, φάσκων συνεστάναι καὶ <οὐ> Τά βέλτιστα βουλεύειν τῇ πόλει. Σάτυρος δ’ ὁ Κήφισιεύς βουλεύων ἔπεισε τὴν βουλὴν δῆσαντας αὐτὸν παραδόναι δικαστηρίῳ.

11 οἱ δὲ βουλόμενοι αὐτὸν ἀπολέσαι, δεδιότες μὴ οὐκ ἀποκτείνωσιν ἐν τῷ δικαστηρίῳ, πείθοντι Νικόμαχον νόμον ἀποδείξαι ὡς χρῆ καὶ τὴν βουλὴν συνδικάζειν. καὶ ὁ πάντων οὕτως πονηρότατος οὕτως φανερῶς συνεστασιάσει, ὡστε τῇ ἡμέρᾳ ἦ

12 ἡ κρίσις ἐγένετο ἀποδείξαι τὸν νόμον. Κλεοφῶντος τοίνυν, ὃ ἄνδρες δικασταί, ἔτερα μὲν ἄν τις έχοι κατηγορήσαι τούτο δὲ παρὰ πάντων ὁμολογεῖται, ὅτι οἱ καταλύοντες τὸν δήμον ἐκείνον ἐβούλοντο μάλιστα τῶν πολιτῶν ἐκποδῶν γενέσθαι, καὶ ὅτι Σάτυρος καὶ Χρέμων ὁ τῶν τριάκοντα γενόμενοι οὐχ ὑπὲρ ὠμῶν ὁργιζόμενοι Κλεοφῶντος κατηγόρον, ἀλλ’ ἵνα ἐκείνον ἀποκτείναντες αὐτὸν ἴμας

13 κακῶς ποιώσι. καὶ ταῦτα διεπράξαντο διὰ τὸν νόμον ὃν Νικόμαχος ἀπέδειξεν. εἰκὸς τοίνυν, ὃ ἄνδρες δικασταί, ἐνθυμεῖται καὶ ὅπως ὠμῶν ἐνόμιζον Κλεοφῶντα κακὸν πολίτην εἶναι, ὅτι καὶ τῶν ἐν τῇ ὀλυγαρχίᾳ ἀποθανόντων ἱσως τῆς ἡν πονηρός, ἀλλ’ ὄμως καὶ διὰ τοὺς τοιούτους ὀργίζεσθε τοὺς τριάκοντα, ὅτι οὐ τῶν ἀδικημάτων

14 ἔνεκα ἀλλὰ κατὰ στάσιν αὐτοὺς ἀπέκτειναν. εἰὼν οὖν πρὸς ταῦτα ἀπολογητήν, τοσοῦτον μέμνησθε,

1 οὐ add. Contius.
2 Νικόμαχον Palmer: Νικομαχίδην mss.
3 Χρέμων Schott: Κλεοφῶν mss.

a At Legasportami, 405 B.C.
6 See XIII., Against Agoratus, 7, note, p. 285.

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AGAINST NICOMACHUS, 10–14

loss of our ships, when the revolution was being arranged, Cleophon reviled the Council, declaring that it was in conspiracy and was not seeking the best interests of the State. Satyrus of Cephisia, one of the Council, persuaded them to arrest him and hand him over to the court. Those who wished to do away with him, fearing that they would fail of a death-sentence in the law-court, persuaded Nicomachus to exhibit a law requiring the Council to partake in the trial as assessors. And this man, the worst of villains, was so open in his support of the plot that on the day of the trial he exhibited the law. Now against Cleophon, gentlemen of the jury, one might have other accusations to urge; but one thing is admitted on all sides,—that the subverters of the democracy desired to get him out of their way more than any other of the citizens, and that Satyrus and Chremon, who were members of the Thirty, accused Cleophon, not from any anger at your fate, but in order that, having put that man to death, they might injure you yourselves. And they achieved their end because of the law which Nicomachus exhibited. Now you may reasonably reflect, gentlemen,—even those of you who thought Cleophon to be a bad citizen,—that, although among those who perished under the oligarchy there were perhaps one or two villains, yet it was on account of even such sufferers that you were incensed against the Thirty, as having put them to death, not for their crimes, but for motives of party. If, therefore, he tries to rebut this charge, you have merely to remember that he

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a i.e., with the oligarchs.

b An Attic township about 9 miles north-east of Athens.

c Mainly consisting of oligarchs, and so likely to condemn Cleophon.
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οτι εν τοιούτω καρώ τον νόμον ἀπεδείξεν ἐν ὃ ἢ
πολιτεία μεθίστατο, καὶ τούτως χαριζόμενος οἱ τὸν
dήμον κατέλυσαν, καὶ ταύτην τὴν βουλήν συν-
dικάζειν ἐποίησεν ἐν ὃ Σάτυρος μὲν καὶ Χρέμων
μέγιστον ἐδύναντο, Στρομβιχίδης δὲ καὶ Καλλιά-
δῆς καὶ ἕτεροι πολλοί καὶ καλοὶ κάγαθοι τῶν
πολιτῶν ἀπώλυντο.

15 Καὶ περὶ τούτων ουδένα ἂν ἐποιησάμην λόγον, εἰ
μὴ ἢσθανόμην αὐτῶν ὡς δημοτικὸν οὔτα πειρασόμε-
nουὶ παρὰ τὸ δίκαιον σώζεσθαι, καὶ τῆς εὐνοίας τῆς
εἰς τὸ πλήθος τεκμηρίω χρησάμενον ὅτι ἔφυγεν.
ἐγὼ δὲ καὶ ἑτέρους ἂν ἔχομι ἐπιδείξαι τῶν συγ-
kαταλυσάντων τὸν δήμον τοὺς μὲν ἀπθανόντας,
toὺς δὲ φυγόντας τε καὶ οὐ μετασχόντας τῆς
16 πολιτείας, ὡστε ουδένα εἰκὸς αὐτῶ τοῦτον ὑπό-
λογον γενέσθαι. τοῦ μὲν γὰρ ὑμᾶς φυγεῖν μέρος
τι καὶ οὕτος συνεβάλετο, τοῦ δὲ τούτον κατελθεῖν
tὸ πλήθος τὸ ὑμέτερον αὐτὸν ἔγενετο. ἔτι δὲ
καὶ δεινόν, εἰ ὃν μὲν ἄκων ἐπαθε χάριν αὐτῷ
εἰσέσθη, ὃν δ' ἐκὼν ἐξήμαρτε μηδεμίαν τιμωρίαν
ποιήσεθε.

17 Πυθάνομαι δὲ αὐτῶν λέγειν ὡς ἀσεβῶ καταλύσων
τὰς θυσίας. ἐγὼ δ' εἰ μὲν νόμους ἐπίθην περὶ τῆς
ἀναγραφῆς, ἤγουμιν ἂν ἐξεῖναι Νικομάχῳ τοιαῦτα
ἐπείν περὶ ἐμοῦ· νῦν δὲ τοῖς κοινοῖς καὶ κειμένοις
ἀξιῶ τούτον πείθεσθαι. θαυμάζω δὲ εἰ μὴ ἐν-
θυμεῖται, ὅταν ἐμὲ φάσκῃ ἀσεβεῖν λέγοντα ὃς χρῆ

1 πειρασόμενον Weijers: πειράσεσθαι mss.

* See XIII., Against Agoratus, 13, note, p. 289.
* The speaker seems to mean: “If I, like Nicomachus,
were using the opportunities of a transcriber for the purpose
of unauthorized ‘law-making,’ he might reasonably accuse
exhibited the law at that very moment when the revolution was being effected, with the aim of gratifying those who had subverted the democracy; and that he included as assessors at the trial that Council in which Satyrus and Chremon had the chief influence, and which put to death Strombichides, a Calliades and a number of loyal and upright citizens.

I should have made no reference to these events had I not learnt that he was going to attempt, by posing as a democrat, to save himself in despite of justice, and that he would produce his exile as a proof of his attachment to the people. But I on my part could point out others among those who combined to subvert the democracy who were either put to death or exiled and debarred from the citizenship, so that he cannot expect to get any credit on that account. For while this man did contribute his share to your exile, he owed his return to you, the people. And besides, it would be monstrous if you should feel grateful to him for what he underwent against his will, but should exact no requital for his voluntary offences.

I am informed that he alleges that I am guilty of impiety in seeking to abolish the sacrifices. But if it were I who were law-making over this transcription of our code, I should take it to be open to Nicomachus to make such a statement about me. But in fact I am merely claiming that he should obey the code established and patent to all b; and I am surprised at his not observing that, when he taxes me with me of some such innovation as 'abolishing sacrifices'; whereas I merely demand that he shall adhere to the established code, about which there is no doubt or secrecy.'
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θύεων τὰς θυσίας τὰς ἐκ τῶν κύρβεων καὶ τῶν στηλῶν ¹ κατὰ τὰς συγγραφάς, ὅτι καὶ τής πόλεως κατηγορεῖ· ταῦτα γὰρ ὡμείς ἐψηφίσασθε. ἔπειτα εἰ ταῦτα νομίζεις δεινά, ἥ ποι σφόδρα ἐκεῖνος ἤγει

18 ἀδικεῖν, οἶ τὰ ἐκ τῶν κύρβεων μόνον ἔθυον. καὶ τού, ὥ ἀνδρες δικασταί, περὶ εὐσεβείας οὐ παρὰ Νικομάχου χρὴ μανθάνειν, ἀλλ' ἐκ τῶν γεγενημένων σκοπεῖν. οἱ τοίνυν πρόγονοι τὰ ἐκ τῶν κύρβεων θύοντες μεγίστην καὶ εὐδαιμονεστάτην τῶν 'Ελληνίδων τὴν πόλιν παρέδοσαν, ὥστε ἄξιον ἠμῶν τὰς αὐτὰς ἐκεῖνος θυσίας ποιεῖσθαι, καὶ εἰ μηδὲν δι' ἄλλο, τῆς τύχης ἕνεκα τῆς ἕξ ἐκεῖνων τῶν ἱερῶν γεγενημένης. πῶς δ' ἂν τις εὐσεβέστερος γένοιτο ἐμοῦ, ὡστὶς ἄξιω πρῶτον μὲν κατὰ τὰ πάτρια θύειν, ἔπειτα ἀ μᾶλλον συμφέρει τῇ πόλει, ἐτὶ δὲ ἀ ὁ δήμος ἐψηφίσατο καὶ δυνησόμεθα δαπανᾶν ἐκ τῶν προσιόντων χρημάτων; σὺ δὲ, ὡ Νικόμαχε, τούτων τάναντια πεποίηκας· ἀναγράφας γὰρ πλείω τῶν προσταχθέντων αὐτὸς γεγένησαι τὰ προσίοντα χρήματα εἰς ταῦτα μὲν ἀναλίσκεσθαι, ἐν δὲ ταῖς πατρίοις θυσίαις ἐπι-

19 20 λείπειν. αὐτίκα πέρυσιν ἱερὰ ἄθυτα τριῶν ταλάντων γεγένηται τῶν ἐν ταῖς κύρβεσι γεγραμμένων. καὶ οὖχ οἶν τε εἶπεῖν ὡς οὐχ ἴκανα ἦν ἁ τ ἂ προσῆλθε τῇ πόλει· εἰ γὰρ οὗτος μὴ πλείω ἀνέγραψεν ἐξ ταλάντωις, εἰς τε τὰς θυσίας τὰς πατρίους ἂν

¹ στηλῶν Taylor: εὐπλων, δηλων mss.
² ἢν ἂ Markland: εἶναι mss.

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impiety for saying that we ought to perform the sacrifices named in the tablets and pillars as directed in the regulations, he is accusing the city as well: for they are what you have decreed. And then, sir, if you feel these to be hard words, surely you must attribute grievous guilt to those citizens who used to sacrifice solely in accordance with the tablets. But of course, gentlemen of the jury, we are not to be instructed in piety by Nicomachus, but are rather to be guided by the ways of the past. Now our ancestors, by sacrificing in accordance with the tablets, have handed down to us a city superior in greatness and prosperity to any other in Greece; so that it behoves us to perform the same sacrifices as they did, if for no other reason than that of the success which has resulted from those rites. And how could a man show greater piety than mine, when I demand, first that our sacrifices be performed according to our ancestral rules, and second that they be those which tend to promote the interests of the city, and finally those which the people have decreed and which we shall be able to afford out of the public revenue? But you, Nicomachus, have done the opposite of this: by entering in your copy a greater number than had been ordained you have caused the public revenue to be expended on these, and hence to be deficient for our ancestral offerings. For example, last year some sacrifices, costing three talents, were in abeyance, though they were among those inscribed on the tablets. And it cannot be said that the revenues of the State were insufficient; for if this man had not entered sacrifices to an excess amounting to six talents, there would have been enough for our ancestral offerings, and moreover
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εξήρκεσε καὶ τρία τάλαντα ἀν περιεγένετο τῇ πόλει. περὶ δὲ τῶν εἰρημένων καὶ μάρτυρας ύμῖν παρέξομαι.

ΜΑΡΤΥΡΕΣ

21 Ἐνθυμεῖσθε τοῖνυν, ὦ ἄνδρες δικασταί, ὅτι, ὅταν μὲν κατὰ τὰς συγγραφὰς ποιῶμεν, ἀπαντὰ τὰ πάτρια θύεται, ἐπειδὰν δὲ κατὰ τὰς στήλας ἂς οὗτος ἀνέγραψε, πολλὰ τῶν ἔρων καταλύεται. κἂν τούτοις ὁ ἐρόσυλος περιτρέχει, λέγων ὡς εὐσέβειαν ἄλλη ὡς εὐτέλειαν ἀνέγραψε· καὶ εἰ μὴ ταῦτα ὑμῖν ἀρέσκει, ἐξαλείφεις κελεύει, καὶ ἐκ τούτων οἴεται πείθειν ὡς οὐδὲν ἄδικεῖ· ὅσ ἐν δυοῖν μὲν ἐτοῖν πλείω ἤδη τοῦ δέοντος δῶδεκα ταλάντοις ἀνήλωσε, παρ᾽ ἑκαστὸν δὲ τῶν ἐνιαυτῶν ἐπεχείρησεν ἐξ ταλάντους τὴν πόλιν ζημιῶσαι, καὶ ταῦτα ὅρων αὐτὴν ἀποροοῦσιν χρημάτων καὶ Λακεδαιμονίους μὲν ἀπειλοῦντας, ὅταν μὴ ἀποπέμψωμεν αὐτοῖς τὰ χρήματα, Βουθαύνοις δὲ σύλας ποιουμένους, ὅτι οὐ δυνάμεθα δύο τάλαντα ἀποδοῦναι, τοὺς δὲ νεωσοίκους ἐκλείσατος· οἱ δῆλοις δὲ ὁτι ἡ βουλὴ ἢ ἡ ἁείς βουλεύουσα, ὅταν μὲν ἐχὶ ἰκανὰ χρήματα εἰς διοίκησιν, οὐδὲν ἐξαμαρτάνειν, ὅταν δὲ εἰς ἀπορίαν καταστῇ, ἀναγκάζεται εἰσαγγελίας δεχθαι καὶ δημεύειν τὰ τῶν πολιτῶν καὶ τῶν ῥητόρων τοῖς πονηρότατα λέγουσι πείθεσθαι. χρὴ τοῖνυν, ὦ ἄνδρες δικασταί, μὴ τοῖς βουλεύουσιν ἐκάστοτε ὀργίζεσθαι, ἀλλὰ τοῖς εἰς τοιαύτας ἀπορίας καθ-

1 κἂν Hude: καὶ mss. 3 καὶ add. Taylor. 21 Ἐνθυμεῖσθε τοῖνυν, ὦ ἄνδρες δικασταί, μὴ τοῖς βουλεύουσιν ἐκάστοτε ὀργίζεσθαι, ἀλλὰ τοῖς εἰς τοιαύτας ἀπορίας καθ-

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the State would have had a surplus of three talents. In support of these statements I will add the evidence of witnesses.

WITNESSES

Reflect, therefore, gentlemen of the jury, that when we proceed in accordance with the regulations, all the ancestral offerings are made; but when we are guided by the pillars as copied by this man, numerous rites are abolished. Whereupon the sacrilegious wretch runs about saying that his transcription was piety and not parsimony, and that if you do not approve of his work you had better erase it by this means he thinks to persuade you of his innocence. Yet in two years he has managed to spend twelve talents more than was necessary, and has endeavoured to mulct the State in a sum of six talents each year,—and that too when he saw her in difficulties for money, the Lacedaemonians threatening us if we failed to remit them their payments, the Boeotians taking reprisals because we could not refund two talents, and the shipping sheds and the walls falling to pieces; when he knew that the Council for the time being is not led into error if it has sufficient means for the administration, but is forced in a time of difficulty to accept impeachments, to confiscate the property of our citizens, and to be swayed by the most unprincipled of its orators! You ought therefore, gentlemen, to be incensed, not with those who happen to be on the Council, but with those who reduce the State to these awful straits.

* i.e., some of the “ancestral rites” are dropped because the necessary funds have to be spent on the rites that he has foisted into the code.
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ιστάσι τήν πόλιν. προσέχουσιν ἐὰν τῶν νοῶν οἱ βουλόμενοι τὰ κοινὰ κλέπτειν, ὅπως Νικόμαχος ἀγωνιεῖται: ὅσι υμεῖς, ἡμεῖς τοῦτον τιμωρήσεσθε, πολλὴν ἀδειαν πούσσετε: ἡμεῖς δὲ καταψηφισάμενοι τῶν ἑσχάτων αὐτῶν τιμήσητε, τῇ αὐτῇ ψήφῳ τοὺς τε ἄλλους βελτίως πούσσετε καὶ παρὰ τοῦτον

24 δίκην εἰληφότες ἐσεσθε. ἐπιστάσσετε δὲ, ὅ άνδρες δικασταί, ὅτι παράδειγμα τοῖς ἄλλοις ἐσται μὴ τολμάν εἰς υμᾶς ἐξαμαρτάνειν οὐχ ὅταν τοὺς ἀδυνάτους εἰπεῖν κολάζητε, ἀλλ’ ὅταν παρὰ τῶν δυναμένων λέγειν δίκην λαμβάνητε. τίς οὖν τῶν ἐν τῇ πόλει ἐπιτηδείωτερος Νικομάχου δοῦναι δίκην; τίς ἐλάττω τὴν πόλιν ἀγαθὰ πεποίηκεν

25 ἡ πλείω ἡδίκηκεν; ὃς καὶ τῶν ὅσιων καὶ τῶν ἵερῶν ἀναγραφεῖς γενόμενοι εἰς ἀμφότερα ταῦτα ἡμάρτηκεν. ἀναμνήσθητε δὲ ὅτι πολλοὺς ἢδη τῶν πολιτῶν ἐπὶ κλοπῆς χρημάτων ἀπεκτέινατε. κατ’ οἶκοι μὲν τοσοῦτον μόνον υμᾶς ἐβλαφαὶ ὅσον ἐν τῷ παρόντι, οὕτω δ’ ἐπὶ τῇ τῶν νόμων ἀναγραφῇ [καὶ τῶν ἵερῶν]2 δώρα λαμβάνοντες εἰς ἀπαίτα τῶν χρόνων τῆς πόλις ζημιοῦσι.

26 Διὰ τί δ’ ἄν τις ἀποψηφίσατο τοῦτο; πότερον ὡς άνδρὸς ἀγαθοῦ πρὸς τοὺς πολεμίους καὶ πολλαῖς μάχαις καὶ ναυμαχίαις παραγεγενημένος; ἀλλὰ ὅτε υμεῖς ἐκδυναμοῦσατε ἐκπλέοντες, οὕτος αὐτοῦ μένων τοὺς Σόλωνος νόμους ἐλυμαίνετο. ἀλλ’ ὅτι χρήματα δεδαπάνηκε καὶ πολλάς εἰσφοράς εἴσενήκοξεν; ἀλλ’ οὕτως υμῖν τῶν αὐτοῦ τι ἐπέδωκεν, ἀλλὰ τῶν ὑμετέρων πολλὰ ψήφηται. ἢδη γάρ τυχε καὶ διὰ

1 ὁδ add. Sauppe.
2 καὶ τῶν ἵερῶν del. Francken.

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And the men who seek to rob the public purse are watching closely to see how Nicomachus will fare in these proceedings. If you do not punish him, you will grant them absolute licence; but if you condemn him and award him your heaviest sentence, by the same vote you will reform the rest, and will have done justice upon this man. Understand, gentlemen of the jury, that it will be an example to the rest, and will deter them from committing offences against you, if instead of punishing unskilful speakers you exact requital from the skilful. And from whom amongst our citizens could it be more suitably exacted than from Nicomachus? Who has rendered less service or done more wrong to the city? Appointed to transcribe our code of duties, secular and sacred, he has offended against both. Remember that ere now you have put many of the citizens to death for peculation: yet the injury that they had done you was only for the passing moment, whereas these men, by taking bribes for the version that they made of our laws, damage the city for all time.

And what reason is there for acquitting this man? Because he has taken a brave man’s part in many battles by land and sea against the enemy? But while you were facing danger on naval expeditions, this man stayed at home and corrupted the laws of Solon. Or because he has disbursed money and contributed to numerous levies? But, so far from bestowing anything of his own upon you, he has embezzled a vast amount of your property. Or because of his ancestors? For this has been a reason

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The speaker enlarges the crime of the accused by suggesting that there are others practising or attempting the same thing.
LYSIAS

τούτο συγγνώμης ἐτυχον παρ’ ύμων. ἀλλὰ τούτῳ γε προσήκει διὰ μὲν αὐτὸν τεθνάναι, διὰ δὲ τοὺς προγόνους πεπράσθαι. ἀλλ’ ὡς, ἔαν νῦν [186] αὐτοῦ φεύγῃ, ἀδύσις ἀποδώσει τὰς χάριτας; οὐδ’ ἄν πρότερον μετέλαβε παρ’ ύμῶν ἀγαθῶν μέμνηται. καὶ τοῖς ἀντὶ μὲν δούλου πολίτης γεγένηται, ἀντὶ δὲ πτωχοῦ πλούσιος, ἀντὶ δὲ ὑπο-28 γραμματέως νομοθέτης. ὁ καὶ ύμῶν ἔχου ἂν τις κατηγορήσαι, ὅτι οἱ μὲν πρόγονοι νομοθέτας ἤροον-το Σόλωνα καὶ Θεομοστοκλέα καὶ Περικλέα, ἡγού-μενοι τοιούτους ἔσεσθαι τοὺς νόμους οἰκείερ ἂν ὅσιν οἱ τιθέντες, ὑμεῖς δὲ Τεισαμενὸν τὸν Μη-χανίωνος καὶ Νικόμαχον καὶ ἐτέρους ἀνθρώπους ὑπογραμματέας· καὶ τὰς μὲν ἁρχὰς ὑπὸ τῶν τοιούτων ἡγεῖσθε διαφθείρεσθαι, αὐτοῖς δὲ τού-29 τοῖς πιστεύετε. ὃ δὲ πάντων δεινότατον ὑπο-γραμματεύεσθαι μὲν οὐκ ἔξεστι διὸ τὸν αὐτὸν τῇ ἁρχῇ τῇ αὐτῇ, περὶ δὲ τῶν μεγίστων τοὺς αὐτοὺς ἐάτε πολὺν χρόνον κυρίους εἶναι. καὶ τὸ τελευταῖον Νικόμαχον ἐξέσθε ἀναγράφειν τὰ πάτρια, ὃ κατὰ 30 πατέρα τῆς πόλεως οὐ προσήκει· καὶ ὅν ἐδέξι ὑπὸ τοῦ δήμου κρίνεσθαι, οὕτος τὸν δήμου συγκατα-λύσας φαίνεται. νῦν τοῖνυν ύμῶν μεταμελησάτω τῶν πεπραγμένων, καὶ μη ὑπὸ τούτων ἀεὶ κακῶς πάσχοντες ἀνέχεσθε, μηδὲ ἵδια μὲν ὑπειδίζετε τοῖς ἄδικοισιν, ἐπειδὰν δ’ ἐξῆ δίκην παρ’ αὐτῶν λαμ-βάνειν, ἀποψηφίζεσθε.

1 ὑπὸ Markland: ὑπὲρ mss.

* Being of servile birth, he has no right to the citizenship, and should be sold in the slave-market.

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in the past for some men obtaining your pardon. But if this man deserves to be put to death on his own account, he ought to be sold on account of his ancestors. Or is it that, if you spare him now, he will repay your favours hereafter? He does not even remember the benefits in which you allowed him to share before. And yet from a slave he has become a citizen, and has exchanged beggary for wealth and the position of under-clerk for that of lawgiver! And here one might even make it an accusation against you that, whereas your ancestors chose as lawgivers Solon, Themistocles and Pericles, in the belief that the laws would accord with the character of their makers, you have chosen Teisamenus, son of Mechanion, and Nicomachus, and other persons who were under-clerks; and although you feel that the magistracy is depraved by people of this sort, it is just these men who have your confidence. Most extraordinary of all, though it is not permissible for the same man to act twice as under-clerk to the same magistracy, you authorize the same persons to have control over the most important affairs for a long period. And, to crown all, you have chosen Nicomachus for the transcription of our ancestral rites, when on the father's side he has no connexion with the State; and the man who ought to have been tried by the people is found to have joined in destroying the people. To-day, therefore, you must repent of the things that you have done, and refuse to endure continual maltreatment from these men. You reprobate the guilty in private: do not acquit them when you are free to punish them.

b Who proposed the decree that the laws should be revised.
31 Καὶ περὶ μὲν τούτων ἵκανα μοι τὰ εἰρημένα·
περὶ δὲ τῶν ἐξαιτησομένων βραχέα πρὸς ὑμᾶς εἶπεῖν ὑπόλομαι. παρεσκευασμένοι γὰρ τινὲς εἰσὶ καὶ τῶν φίλων καὶ τῶν τὰ τῆς πόλεως πραττόντων δείσθαι ὑπὲρ αὐτοῦ· ὃν ἐγὼ ἡγοῦμαι ἐνίοις προσήκειν ὑπὲρ τῶν ἐαυτοῖς πεπραγμένων ἀπολογεῖσθαι πολὺ μᾶλλον ἢ τοὺς ἄδικοντας
32 σῶζειν προαιρεῖσθαι. δεινὸν δὲ μοι δοκεῖ εἶναι, ὅ ἀνδρεῖς δικασταί, εἰ τούτου μὲν ἐνὸς ὅντως καὶ οὐδὲν ὑπὸ τῆς πόλεως ἡδικημένου οὐκ ἐπεχείρησαν δεῖσθαι [ὡς χρῆ]² παύσασθαι εἰς ὑμᾶς ἐξαμαρτάνοντα, ὑμᾶς δὲ τοσοῦτος ὅντας καὶ ἡδικημένους ὑπὸ τούτου «πείθειν»³ ξητήσουσιν ὡς οὐ χρῆ
33 δίκην παρ’ αὐτοῦ λαμβάνειν. χρῆ τοῖς, ὡσπερ δὴ⁴ τούτους ὅρατε προθύμως σῶζοντας τοὺς φίλους, οὕτως καὶ υμᾶς τοὺς ἐξόρους τιμωρεῖσθαι, εὐ εἰδότας ὅτι τούτους πρῶτους ἀνδρεῖς ἀμεῖνος δόξετε εἶναι, ἐὰν παρὰ τῶν ἄδικοντων δίκην λαμβάνετε. ἐνθυμεῖσθε δὲ ὅτι [οὔτε Νικόμαχος]⁵ οὐδὲ τῶν αὐτησομένων οὐδέις τοσαῦτα ἀγαθὰ πεποίηκε τὴν πόλιν, ὥσα οὕτως ἡδίκηκεν, ὥστε πολὺ μᾶλλον υμῖν προσήκει τιμωρεῖσθαι ἢ τούτοις
34 βοηθεῖν. εὗ δ’ εἰδέναι χρῆ τοὺς αὐτοὺς τούτους, ὅτι πολλὰ δεηθέντες τῶν κατηγόρων ἡμᾶς μὲν οὐδαμῶς ἔπεισαν, τὴν δὲ ὑμετέραν ψῆφον καταπειράσοντες εἰσεληλύθασιν εἰς τὸ δικαστήριον, καὶ ἐλπίζουσιν υμᾶς ἐξαπατῆσαντες ἀδειαν εἰς τὸν λοιπὸν χρόνων λήψεσθαι τοῦ ποιεῖν ὃ τι ἂν βοῦ-
35 λωται. ἡμεῖς μὲν τοῖν υἱὰν ὅπλησαμεν ύπὸ τούτων αξιούμενοι πεισθῆναι, τὸ δὲ αὐτὸ τοῦτο

1 γάρ add. Reiske. 2 ὡς χρῆ del. Dobree. 3 πείθειν add. Contius. 4 δὴ Cobet: αὐ MSS.

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On these matters I have now said enough: but in regard to those who propose to beg him off I would make to you a few remarks. Some of his friends and some members of the government have arranged to intercede for him: several of them, in my opinion, ought much rather to defend their own acts than engage to save the guilty. But it seems to me an extraordinary thing, gentlemen of the jury, that, when he was but one man, in no way wronged by the State, they made no attempt at requiring him to desist from his offences against you, but should seek to persuade you, who are so many and have been wronged by him, that you should not do justice upon him. You ought therefore to show on your part the same zeal, with which you see them working to save their friends, in punishing your enemies, fully assured that they will be the first to think the better of you for exacting the penalty from the guilty. Reflect that not a single one of those who will plead for him has done as much service as this man has done wrong to the State, and that therefore it is much more your duty to punish than it is theirs to succour. You must also know for certain that these same men have plied the prosecution with many appeals, but have utterly failed to persuade us: it is to make a base attempt on your vote that they have entered the court, and they are hoping to deceive you, and so obtain licence to act as they please in the future. Now we, having refused to be swayed by the inducements of their appeal, exhort you to show the same spirit and, instead of

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5 οὔτε Νικόμαχος del. Dobree.
5 οὔδε Westermann: οὔτε mss.
παρακαλούμεν <ψμᾶς>¹ μὴ πρὸ τῆς κρίσεως μισο- 
πονηρεῖν, ἀλλ’ ἐν τῇ κρίσει τιμωρεῖσθαι τοὺς 
τὴν ύμετέραν νομοθεσίαν ἀφανίζοντας: οὕτως γὰρ 
ἐννόμως διοικηθῆσεται τὰ κατὰ τὴν πολιτείαν 
πάντα.

¹ ψμᾶς add. Markland.
merely detesting wickedness before it is brought to trial, to make this trial your means of punishing those who nullify your legislation. For thus everything connected with public affairs will be administered in accordance with the laws.
XXXI. AGAINST PHILON, ON HIS SCRUTINY

INTRODUCTION

Like the speeches in defence of Mantitheus (XVI.) and against Evandros (XXVI.), this accusation of Philon is concerned with the scrutiny of persons who have been elected to public office (in this case, membership of the Council), and whose life and character must be formally approved before they can enter on their functions. As the election was by lot, this inquiry was of great importance to the State, and charges of many different kinds could be preferred by objectors. The present case is heard by the Council, and the accuser is one of its members. He bases his attack on three main grounds: Philon has shown himself a bad citizen, by taking no part in the struggle between the oligarchs and the democrats in 403 B.C.; as a resident alien at Oropus, in the extreme north of Attica, he took advantage of the turmoil of the times to rob the country people of the little that they had; and his mother's distrust of his character shows that he was an undutiful son.

It is to be remarked, on the first of these points, that Philon's defence is represented to be that, if it had been criminal to take a neutral attitude in a time of civil strife, there would have been a law expressly 634
AGAINST PHILON

formulated on the matter; and the speaker’s retort is that the absence of the law is due to the inconceivable depth of such baseness. As there is no reference to the old law of Solon against neutrality in civil broils, we must conclude that it had been either lost and forgotten in the course of time, or else definitely repealed.

The speech appears to have been delivered only a short time after the restoration of the democracy in 403 B.C. Its manner has a dignified formality which is stern and determined, but will not stoop to forced or petty recriminations. The main points are established by particular evidence, which is followed in each case by some reasoned comment. The artificial balance of the style in many places suggests that the work is among the earliest composed by Lysias after he started his career as a professional speech-writer.
XXXI. ΚΑΤΑ ΦΙΛΩΝΟΣ ΔΟΚΙΜΑΣΙΑΣ

1 "Ωμην μὲν, ὦ βουλή, οὐκ ἂν ποτ’ εἰς τούτῳ τόλμησε Φίλων· ἀφικέσθαι, ὥστε ἔθελήσαι εἰς ὑμᾶς ἑλθείν δοκιμασθησόμενον· ἐπειδὴ δὲ οὐχ ἐν τῷ μόνῳ ἀλλὰ πολλὰ τολμηρός ἐστιν, ἐγὼ δὲ ὀμόσασ τοσοῦτον εἰς τὸ βουλευτήριον τὰ βέλτιστα βουλεύσειν τῇ πόλει, ἔνεστὶ τῇ ἄρκτῳ ἄποφανεῖν εἰ τίς τίνα οἴδε τῶν λαχόντων ἀνεπιτήδειον ὄντα βουλεύειν, ἐγὼ τὴν καὶ τούτῳ Φίλωνος ποιήσομαι κατηγορίαν, οὐ μέντοι γε ἰδίαν ἐχθραν οὐδεμίαν μεταπορευόμενον, οὐδὲ τῷ δύνασθαι καὶ εἰσβῆναι λέγειν ἐν υἱόν ἑπαρθείς, ἀλλὰ τῷ πλήθει τῶν ἀμαρτημάτων αὐτοῖ πιστεύων, καὶ τοῖς ὑμοῖς σε ἐμμένειν ἀξίων. γνώσεσθε μὲν οὖν ὅτι οὐκ ἀπὸ ᾧσθα παρασκευής ἐγὼ τε τούτον ἐλέγξω οἴδος ἐστί, καὶ οὗτος ἐπεχείρησε πονηρὸς εἶναι ὁμοιὸ <δ’> εἰ τι ἐγὼ ἐλλειποίμι τῷ λόγῳ τῆς κατηγορίας, οὐκ ἂν δίκαιος εἰς ὄφος διὰ τοῦτο ὀφεληθηκαί, ἀλλὰ μᾶλλον, ὃ τι ἢκανέως διδαξαίμι, ἐκ τούτων ἀποδοκιμασθήκαί. ἐνδεῶς μὲν γὰρ διὰ τὴν ἀπειρίαν πάντων τῶν τούτω πεπραγμένων, ἢκανέως δὲ διὰ τὴν περὶ αὐτῶν

1 eis Cobet: ως mss.
2 βουλευτήριον Bekker: δικαστήριον mss.
3 βουλεύσειν Frohberger: συμβουλεύσειν mss.
4 δ’ add. Markland.
XXXI. AGAINST PHILON, ON HIS SCRUTINY

I did not suppose, gentlemen of the Council, that Philon would ever carry audacity to the point of consenting to appear before you in order to pass a scrutiny. But since he is audacious, not in one instance only, but in many, and I have taken oath before entering the Council-chamber that my counsel would be for the best advantage of the State, and as the terms of that oath require us to expose any person appointed by lot whom we know to be unsuitable for service on the Council, I shall deliver the accusation against this man Philon: I am not, however, pursuing any private feud, nor am I prompted by my ability or practice in speaking before you, but I merely rely on the multitude of his offences, and feel bound to abide by the oaths that I have sworn. Now you will recognize that the contest will be an unequal one: my resources will not be so ample for showing up his character as his were for contriving his villainies. Nevertheless, if I should not altogether discharge my part in speaking to the accusation, it would not be right that he should benefit by that, but rather that he should be rejected on the score of any points that I can demonstrate to your satisfac-

For my speech will be found defective only on account of my imperfect acquaintance with the whole of his actions, but adequate on account of the vile-
LYSIAS

κακίαν εἰρηκὼς ἂν εἶην. ἄξιῶ δὲ καὶ ὑμῶν οἷ-
tines δυνατώτεροι ἐμοῦ εἰσὶ λέγειν,1 ἀποφήμαι μεῖζω ὁντα αὐτοῦ τὰ ἀμαρτήματα, καὶ ἐξ ὧν ἂν ἐγὼ ὑπολίπω,2 πάλιν αὐτοὺς περὶ ὧν ᾧσαί κατ-
gορησαί Φίλωνος· οὐ γὰρ ἐκ τῶν ὑπ’ ἐμοῦ <μόνου>3
λεγομένων δεῖ ὑμᾶς περὶ αὐτοῦ ὅποιος ἔστι
σκέψισθαι.

5 Ἑγὼ γὰρ οὗκ ἀλλοὺς τινὰς φημὶ δίκαιον εἰναι
βουλεύειν περὶ ἡμῶν, ἡ τοὺς πρὸς τῶ ἐναι πολίτας
καὶ ἑπιθυμοῦντας τούτου. τοῦτος μὲν γὰρ μεγάλα
tὰ διαφέροντα ἐστὶν εὗ τε πρᾶττειν τήν πόλιν
τήνδε καὶ ἀνεπιτηδείως διὰ τὸ ἀναγκαῖον σφίσιν
αὐτοῖς ἡγεῖσθαι εἰναι μετέχειν τὸ μέρος τῶν

6 δεινῶν, ὥσπερ καὶ τῶν ἀγαθῶν μετέχουσι· ὅσοι δὲ
φύσει μὲν πολίται εἰσὶ, γνώμη δὲ χρῶνται ὡς
πᾶσα γῇ πατρίς αὐτοῖς ἐστὶν ἐν ἂν τὰ ἐπιτήδεια
ἐχων, οὕτω δὴλοι εἰσιν ὅτι καὶ4 παρέντες τὸ τῆς
πόλεως κοινῶν ἀγαθὸν ἐπὶ τὸ ἑαυτῶν ὤδιον κέρδος
ἐλθοῦν διὰ τὸ μή τὴν πόλιν ἅλλα τὴν οὔσιαν

7 πατρίδα ἑαυτοῖς ἡγεῖσθαι. ἤγω τοῖνυν ἀποφανῦ-
Ϝίλωνα τοντονί περὶ πλεῖονος ποιησάμενον τὴν
ἰδίαν ἀσφάλειαν ἡ τὸν κοινῶν τῆς πόλεως κύδυνον,
καὶ ἡγησάμενον κρεῖττον εἰναι αὐτοῦ ἀκυδύνως
τὸν βίον διάγει ἡ τὴν πόλιν σώζειν ὁμοίως τοῖς
ἀλλοῖς πολίταις κυδυνεῦοντα.

8 Οὔτος γὰρ, ὦ βουλή, ὅτε ἡ συμφορὰ τῇ πόλει
ὅν (ἣ ἐγὼ, καθ’ ὅσον ἀναγκάζομαι, κατὰ τοσοῦτον
μέμνημαι), ἐκκεκηρυγμένοι εκ τοῦ ἀστεως ύπὸ
tῶν τριάκοντα μετὰ τοῦ ἀλλον πλήθους τῶν
πολιτῶν τέως μὲν ὕκει ἐν ἀγρῷ, ἐπειδὴ δὲ οἶ ἀπὸ
Φυλῆς κατηθθῶν εἰς τὸν Πειραιᾶ, καὶ οὐ μόνον οἱ

1 λέγειν Reiske: λόγῳ mss.
ness of all his ways. And I also call upon those among you who may have more ability in speaking than I to amplify my exposure of his offences, and to make use of any points that I omit for accusing Philon, in your turn, of offences known to you. For it is not from my sole statement that you ought to form your views of his character.

What I say is that only those have the right to sit in Council on our concerns who, besides holding the citizenship, have their hearts set upon it. For to them it makes a great difference whether this city is prosperous or unsuccessful, because they consider themselves obliged to bear their share in her calamities as they also share in her advantages. But those who, though citizens by birth, adopt the view that any country in which they have their business is their fatherland, are evidently men who would even abandon the public interest of their city to seek their private gain, because they regard their fortune, not the city, as their fatherland. Now I will demonstrate that Philon here has set his private safety above the public danger of the city, and has held it preferable to pass his life without danger to himself rather than save the city by sharing her dangers with the rest of the citizens.

For this man, gentlemen of the Council, in the midst of the city's disaster (which I only touch upon so far as I am forced to do so), was banned from the town by the Thirty along with the main body of the citizens, and for a while he lived in the country: but when the party of Phyle returned to the Peiraeus,

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2 ἐπολίπω Hirschig: ἐπολιπωμαί mss.
3 μόνον add. Frohberger.
4 κὰν Dryander: ἀν mss.
LYSIAS

ἐκ τῶν ἀγρῶν ἄλλα καὶ οἱ ἐκ τῆς ὑπεροπίας οἱ
μὲν εἰς τὸ ἄστυ οἱ δ’ εἰς τὸν Πειραιά συνελέγοντο,
καὶ καθ’ ὅσον ἐκαστὸς οὖς τ’ ἦν, κατὰ τοσοῦτον
ἐβοήθει τῇ πατρίδι, τὰ ἐναντία ἀπασὶ τοῖς ἄλλοις
πολίταις ἐποίησε· συσκευασάμενοι γὰρ τὰ ἐαυτοῦ
ἐνθέντες εἰς τὴν ὑπεροπίαν ἐξώκησε, καὶ ἐν Ὄρωπῳ
μετοίκιοι κατατιθέαν ἐπὶ προστάτων ὢκεὶ βου-
ληθείς παρ’ ἐκείνοις μετοικεῖν μᾶλλον ἥ μὲν
ήμων πολίτης εἶναι. οὐ τούτων οὐδ’ ἀσπερ ἐνοὶ
τίνες τῶν πολιτῶν μετέβαλοντο, ἐπειδὴ ἐὼρως
τοὺς ἀπὸ Φυλῆς ἐν οἷς ἐπραττόν εὐτυχοῦντας, οὐδὲ
τούτων τι τῶν εὐτυχημάτων ἥξισθε μετασχεῖν,
ἐπὶ κατεργασάμενος μᾶλλον ἐλθεῖν βουλόμενος ἢ
συγκατελθεῖν κατεργασάμενος τι τῶν τῇ κοινῇ
πολιτείᾳ συμφερόντων· οὐ γὰρ ἤλθεν εἰς τὸν
Πειραιὰ, οὐδ’ ἔστων ὅπου ἐαυτὸν ἠμῖν τάξαι
10 παρέσχεν. καίτοιγε3 ὅστις εὐτυχοῦντας ὀρῶν
ήμας4 ἐτόλμα προδιδόναι, τί ποτε ως μὴ ἐβου-
λόμεθα γε πράττοντας ἐποίησεν ἀν; ὅσοι μὲν
τοῖν ἕλει συμφορὰς ἑδίας οὐ μετέσχον τῶν τότε
γενομένων τῇ πόλει κυνόνων, συγγνώμης τινὸς
ἀξιοὶ εἰς τυχεῖν· οὐδὲν γὰρ οὐδὲν ἐκούσαν
11 δυστύχημα γίγνεται· ὅσοι δὲ γνώμη τοῦτο ἐπρα-
ζαν, οὐδεμιᾶς συγγνώμης ἀξιοὶ εἰς· οὐ γὰρ διὰ
dυστυχίαν ἀλλὰ δ’ ἐπιβουλή ἐποίησαν αὐτό. καθέστηκε
dὲ τ’ ἔθος δίκαιον πάσοις ἀνθρώποις
tῶν αὐτῶν ἀδικημάτων μάλιστα ὀργίζεσθαι τοῖς
μάλιστα δυναμένοις μὴ ἀδικεῖν, τοῖς δὲ πένησιν
ἡ ἀδυνάτως τῷ σώματι συγγνώμην ἔχειν διὰ τὸ

1 ἐνθέντε Bekker: ἐνθάδε mss.
2 οὐ γὰρ Weidner: οὐδ’ mss.
3 καίτοιγε Scheibe: καὶ γὰρ mss.

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and the people, not only from the country, but from over the border, assembled together, partly in the town and partly in the Peiraeus, and when each to the extent of his powers came to the rescue of his fatherland, Philon’s conduct was the opposite of that shown by the rest of the citizens. For he packed up all his belongings and left the city to live beyond the border, at Oropus, where he paid the aliens’ tax and resided under the protection of a patron, since he preferred the life of an alien among those people to citizenship with us. And so he would not even do as some citizens did, who turned about when they saw the party of Phyle succeeding in their efforts; he did not even think fit to take any share in these successes, but chose to come when the business was achieved rather than join in the return after achieving something for the advantage of the common wealth. For he did not come to the Peiraeus, nor is there any instance of his having placed himself at your disposal. But I ask you, if on seeing us successful he did not shrink from betraying us, what must he have done to us, had we failed of our object? Now those who were prevented by private calamities from sharing the dangers that then beset the city deserve some indulgence: for misfortune befalls no man of his own will. But those who acted thus by design merit no indulgence, since their conduct was due not to mishap, but to policy. It is a custom accepted as just among all mankind that in face of the same crimes we should be most incensed with those men who are most able to avoid criminal action, but should be indulgent to the poor or disabled because

4 ἑμᾶς Taylor: ὑμᾶς mss
LYSIAS

12 Ἦγείσθαι ἀκοινας αὐτῶς ἀμαρτάνειν. οὕτος τοῖνυν οὐδεμίας συγγνώμης ἁξίος ἐστὶ τυχεῖν· οὔτε γὰρ τῷ σώματι ἀδύνατος ἢν ταλαιπωρεῖν, ὡς [158] καὶ ὑμεῖς ὄρατε, οὔτε τῇ οὐσίᾳ ἀποροσ ἱτητουργεῖν, ὡς ἐγὼ ἀποδεῖξα. ὡστις οὐν οὕσον δυνατός ἡν ὑπελεῖν, τοσοῦτον κακὸς ἢν, πῶς οὐκ ἂν
13 εἰκότως ὑπὸ πάντων ὑμῶν μισοῖτο; ἀλλὰ μὴν οὕδ' ἀπεκθήσεσθε γε τῶν πολιτῶν οὐδενὶ τούτον ἀποδοκιμάσαντες, ὡσὶν οὖ τι' τοὺς ἑτέρους ἀλλ' ἀμφότερον φανερὸς ἐστὶ προδοῦν, ὥστε μῆτε τοῖς ἐν τῷ ἀστεὶ γενομένοις φίλον προσήκευν εἶναι τούτον (οὐ γὰρ ἥξισθεν ὡς αὐτοὺς ἐλθὼν κυν- δυνεύοντας), μῆτε τοῖς τὸν Πειραιᾶ καταλαβοῦσιν· οὐδὲ γὰρ τούτοις ἡθέλησε συγκατελθεῖν, καὶ 14 ταῦτα ὡς φησὶ καὶ ἀστῶς γενόμενοι. εἰ μέντοι τι μέρος περίστι τῶν πολιτῶν ὁ τι τῶν αὐτῶν μετέσχη τούτων πραγμάτων, μετ' ἐκείνων, εάν ποτε (ὁ μὴ γένοιτο) λάβωσι τὴν πόλιν, βουλεύειν ἀξιοῦται.

'Ως οὖν ὄψιν τε ἐν Ὀρωπῳ ἐπὶ προστάτου καὶ ἐκέκτητο ἵκανήν οὐσίαν καὶ οὔτ' ἐν τῷ Πειραιᾷ οὔτ' ἐν τῷ ἀστεὶ ἔθετο τὰ ὁπλα, ἵνα εἰδῆτε ὅτι ταῦτα πρῶτον ἀληθῆ λέγω, ἀκούσατε τῶν μαρτύ- ρων.

ΜΑΡΤΥΡΕΣ

15 Ὑπολείπεται τοῖνυν αὐτῶ λέγειν ὡς τῷ μὲν σώματι δι' ἀσθενεῖαν τινα γενομένην ἀδύνατος κατέστη βοηθήσαι εἰς τὸν Πειραιᾶ, ἀπὸ δὲ τῶν ὑπαρχόντων ἐπαγγειλάμενος αὐτῶς ἡ χρήματ'

1 δι' add. Taylor. 2 οὗ τι Sauppe: οὔτ' εἰ mss.

The text here is very doubtful. The meaning seems to
we regard their offences as involuntary. This man, therefore, deserves no indulgence; for neither was he disabled and thus unfit for hardship, as you see for yourselves, nor did he lack means for the public services, as I shall establish. If, then, he was as backward as he was able to help, how should he not be hated with good reason by you all? Nor indeed will you incur the enmity of any of the citizens if you reject him; for it is by no means one party, but both, that he has manifestly betrayed, so that he can claim friendship neither with those who were in the town (for he did not think fit to stand by them in their peril), nor with those who occupied the Peiraeus, since he did not consent to return even with them; and that, too, when he was, as he asserts, a townsman! But if there yet remains a party of the citizens that had a share in his proceedings, if ever—may Heaven forfend it!—they get the city into their hands, let him claim his seat on the Council with them. 

Well, that he lived at Oropus under the protection of a patron, that he possessed ample means, and yet stood to arms neither in the Peiraeus nor in the town, are my first contentions: to make sure of their truth, hear the witnesses.

WITNESSES

So now it remains for him to state that owing to some infirmity that befell him he was incapacitated from assisting the party in the Peiraeus, but that he offered to spend his own resources either in contribute that he claims to be a citizen in the fullest sense, yet has not shown any of the feelings of a citizen. He and any associates of his are utterly disloyal.
LYSIAS

eἰσενεγκεῖν εἰς τὸ πλῆθος τὸ ύμέτερον ἡ ὀπλίσαι
tινὰς τῶν ἑαυτοῦ δημοτῶν, ὁσπερ καὶ ἄλλοι
πολλοὶ τῶν πολιτῶν αὐτοῖς οὐ δυνάμενοι λῃστορ-
16 γεῖν τοῖς σώμασιν. ἦν οὖν μὴ ἐγγένηται αὐτῶ
ψευσαμένω εξαπατηθῆσαι, καὶ περὶ τούτων ἤδη
σαφῶς ὑμῖν ἀποδείξω, ἐπειδή ύστερον οὐκ ἔξεσται
μοι παρελθόντι ἑνθάδ' ἐλέγχειν αὐτὸν. καὶ μοι
κάλει Διότιμον τόν Ἀχαρνέα καὶ τοὺς αἰρεθέντας
μετ' αὐτοῦ τοὺς δημότας ὀπλίσαι ἀπὸ τῶν εἰσ-
enευχθέντων χρημάτων.

MARTYRIA TΩΝ AIPEΘΕΝΤΩΝ META ΔΙΟΤΙΜΟΥ

17 Οὕτως τούναυ ὑπὼς ὥφελησε τὴν πόλιν ἐν
tοιούτῳ καιρῷ καὶ τοιαύτῃ καταστάσει διενοήθη,
ἀλλ’ ὑπὸς τὶ κερδανεί ἀπὸ τῶν ύμετέρων συμ-
φορῶν παρεσκευάσατο· ὑμρώμενος γὰρ ἐξ Ὡρωποῦ,
tοτὲ μὲν αὐτῶς μόνοις, τοτὲ δ’ ἕτεροις ἑγούμενος
18 οἷς τὰ ύμετέρα δυστυχήματα εὐτυχήματα ἐγεγόνει,
περιων κατὰ τοὺς ἄγρους καὶ εὐτυχιανὸς τῶν
πολιτῶν τῶν πρεσβυτάτων, οἱ κατέμεναν ἐν τοῖς
dήμοις ὅλιγα μὲν τῶν ἐπιπτηδείων ἔχοντες, ἀναγ-
καία δὲ, εἰὼν μὲν ὄντες τῷ πλῆθει, ἀδύνατοι δὲ
ὑπὸ τῆς ἥλικιας βοθείαν, τούτους ἀφηρεῖτο τὰ
ὑπάρχοντα, περὶ πλείονος ποιούμενος αὐτὸς μικρὰ
κερδαίνειν ἡ ἐκείνης μηδὲν ἀδικεῖν· οἱ νῦν αὐτῶν
d’ αὐτὸ τοῦτο ὑπὲρ ὅδι τε ἐστὶν ἐπεξελθεῖν ἄπαντες,
d’ ὁσπερ καὶ τότε ἀδύνατοι τῇ πόλει βοθεῖν ἡσαν.
19 οὐ μέντοι τοῦτον γε χρή διὰ τὴν ἐκείνων ἀδυναμίαν
dιὸ ὥφεληθήναι, τότε τ’ 2 ἀφελόμενον ἀ εἴχον, νῦν

1 Διότιμον τὸν Frohberger: αὐτὸν Διότιμον MSS.
2 τότε τ’ Reiske: τὸ τε MSS.
buting to your people's funds or in arming some of his fellow-townsmen as infantry, after the example of many other citizens who were unable to give their loyal services in person. Now, to preclude him from deceiving you with lies, I will give you clear information at once on these points also, since I shall not be at liberty afterwards to come forward in this place and expose him. Please call Diotimus of Acharnae and those who were appointed with him to arm the towns- men as infantry from the funds then contributed.

**Evidence of Diotimus and Those Appointed with Him**

So this man had no intention of aiding the city in such a moment, in such a position of her affairs; his purpose was to make a profit out of your disasters. For he set out from Oropus, going sometimes alone and sometimes at the head of others who took your misfortunes as so much good fortune, and so traversed the countryside: where he met with the most elderly citizens who had stayed behind in their townships with scanty supplies that barely sufficed them,—men who were attached to the democracy, but unable owing to their age to give it their support,—he stripped them of their resources, thinking it more important to make his own petty gains than to spare them injury. It is not possible for all these to prosecute him to-day, from the very same cause that disabled them from supporting the city: yet this man ought not to benefit twice from their disability, and be helped thereby to pass your present scrutiny as

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a The principal township of Attica, 7 miles north of Athens.
LYSIAS

te dokimasaθénta υφ' υμών· ἄλλα καὶ ὅστισοιν
paragaγένηται τῶν ἀδικηθέντων, μέγα αὐτὸ ἡγή-
σαθε εἶναι, καὶ τούτον ὑπερμισήσατε, ὡστὶς
ἐτόλμησεν, οἷς ἔτεροι διδόναι παρ' ἑαυτῶι τι
προηροῦτο διὰ τήν ἀπορίαν οἰκτίραντες αὐτοὺς,
tούτων ἀφαιρεῖσθαι τὰ υπάρχοντα. κάλει μοι
touς μάρτυρας.

ΜΑΡΤΥΡΕΣ

20 Ὁυ τοῖνυν ἐγγυη σίδα1 ὃ τι υμᾶς διαφερόντως
dei γιγνώσκειν περὶ αὐτοῦ ἢ οἱ οἶκειοι γιγνώ-
sκουσι· τοιαύτα γὰρ ἐστιν, ὅστ' εἰ καὶ μηδεν
αὐτῷ ἄλλο ἥμαρτητο, διὰ μόνα ταύτα δίκαιον2
eῖναι ἀποδοκιμασθήναι. οἵα μὲν οὖν ξῶσαι ἢ
μήτηρ αὐτοῦ κατηγόρει, παρήσων· εἴ ὃν ἐπ' 
τελευτώσα τὸν βίον διεπράζατο τεκμαιρομένοι
ράδιον ἐστιν υμῖν γνώναι ὅποιος τίς ἢν περὶ

21 αὐτῆιν. ἐκεῖνη γὰρ τοῦτῳ μὲν ἣπιστήσεν ἀπο-
θανοῦσαν ἑαυτὴν ἐπιτρέψαι, Ἀντιφάνει δὲ οὐδὲν
προσήκουσα πιστεύσασα ἐδωκεν εἰς τὴν ἑαυτῆς
ταφὴν τρεῖς μνᾶς ἁργυρίου, παραλυοῦσα τούτον
ὑὸν ὄντα ἑαυτῆς. ἄρα δήλον ὅτι εὐ ἦδει αὐτὸν
οὐδὲ διὰ τὸ προσήκειν αὐτῇ τὰ δέοντα ἄν ποιή-

22 σαντα; καίτοι εἰ μήτηρ, ἡ πέφυκε καὶ ἀδικου-
μένη ὑπὸ τῶν ἑαυτῆς παιδῶν μάλιστα ἀνέχοντα
καὶ μήκ'3 ὡφελομένη μεγάλα ἔχειν ἡγεῖσθαι
diὰ τὸ εὐνοία τὸν ἑλέγχο τὰ γιγνόμενα

[189] δοκιμάζειν, ἐνόμιζε τοῦτον κἂν ἀπὸ τεθνεώσης
φέρειν ἑαυτῆς, τί χρή υμᾶς περὶ αὐτοῦ διανοη-
19 θῆναι; ὡστὶς γὰρ περὶ τοὺς ἑαυτοῦ ἀναγκαίους
τοιαύτα ἀμαρτάνει ἀμαρτήματα, τί ἄν περὶ γε

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1 οἴδα marg. Ald.: ἢδη, οἴμαι mss.
2 δίκαιον Empirius: ἰκανὸν mss.
he was before to rob them of what they had. Nay, if but a single one of those whom he has wronged appears in court, make much of it, and utterly detest this man, who could bring himself to strip of their resources those on whom other men, out of pity for their straits, freely bestowed something from their own. Pray call the witnesses.

Witnesses

Well now, I do not see how your judgement of him should differ from that of his own people; for the facts are of such a nature that, even if he had committed no other offence, they would alone justify his rejection. The strange things of which his mother accused him while she was alive I will pass over; but on the evidence of the measures that she took at the close of her life you can easily judge how he treated her. She demurred to committing herself to his care after her death, but as she had confidence in Antiphanes, who was no connexion of hers, she gave him three minae of silver for her burial, ignoring this man, who was her own son. Obviously, of course, she was convinced that he would not perform the last duties even on the ground of his relationship. Now I ask you, if a mother,—who is naturally most willing to tolerate even an injury at the hands of her own children, and who counts little benefits as great gains because she assesses their behaviour by affection rather than logic,—believed that this man would seek his profit from her even in death, what should be your feeling about him? For when a man commits such offences in regard to his own relations,

3 μικρό Wakefield: μηδέ mss.
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toûς ἀλλοτρίους ποιήσειν; ὡς οὖν καὶ ταῦτ’ ἀληθῆ ἔστιν, ἀκούσατε αὐτοῦ τοῦ λαβόντος τὸ ἀργύριον καὶ θάψαντος αὐτῆς.

ΜΑΡΤΥΡΙΑ

24 Τί <ἀν>1 οὖν βουληθέντες ὡμεῖς τούτων δοκιμάσατε; πότερον ὡς οὐχ ἡμαρτηκότα; ἀλλὰ τὰ μέγιστα περὶ τὴν πατρίδα ἡδίκηκεν· ἀλλ’ ὡς ἔσται βελτίων; τουγάρτου πρότερον βελτίων γενόμενος περὶ τὴν πόλιν ὑπέρτουν βουλεύειν ἀξιοῦτω, φανερὸν τι ἁγαθὸν ὄσπερ τότε κακὸν ποιήσας. σωφρονέστερον γὰρ ἐστὶν ὑπέρτουν πᾶσι τῶν ἔργων τὰς χάριτας ἀποδιδόναι· δεινὸν γὰρ ἐμοιγε δοκεῖ εἶναι, εἰ ἔξ ὁν μὲν ἡδὴ ἡμαρτηκε μηδέποτε τιμωρηθήσεται, ἔξ ὁν δὲ μέλλει εἰ 25 ποιήσεων ἡδὴ τετιμήσεται. ἀλλ’ ἀρα ἵνα βελτίως ὡς γὰρ πολίται ὑμών ἄπαντας ὁμοίως τιμώμενοι, διὰ τοῦτο δοκιμαστέος ἐστὶν; ἀλλὰ κύνδυνος καὶ τοὺς χρηστούς, ἐὰν αἰσθάνωνται ὁμοίως τοῖς ποιηταῖς τιμώμενοι, παύσεσθαι τῶν χρηστῶν ἐπιτηθεματῶν, τῶν αὐτῶν ἡγομένως εἶναι τούς τε κακοὺς τιμᾶν καὶ τῶν ἁγαθῶν

26 ἀμνησμονείν· ἀξιόν δὲ καὶ τόδε ἐνθυμηθήναι, ὅτι εἰ μὲν τις φρούριον τι προούδωκεν ἡ ναῦν ἡ στρατόπεδον τι, ἐν ὦ μέρος τι ἐτύγχανε τῶν πολιτῶν ὁν, ταῖς ἐσχάταις ἂν ζημίας ἐξημιοῦτο, οὕτως δὲ προδοὺς ὅλην τὴν πόλιν οὐχ ὅπως <μὴ>2 τιμωρηθήσεται ἀλλὰ καὶ ὅπως τιμήσεται3 παρασκευάζεται. καίτοι δικαίως γ’ ἂν, ὡστε φανερῶς ὄσπερ ὅπως προούδωκε τὴν ἐλευθερίαν, οὐ περὶ

1 ἀν add. Bekker.
2 μὴ add. Reiske.
3 ἀλλὰ καὶ ὅπως τιμήσεται (τιμήσεται Cobet) add. Reiske.

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what would he do in regard to strangers? To prove that these also are true facts, hear the statement of the actual person who received the money and buried her.

Evidence

What inducement, then, could you have for approving this man? Because he has committed no offence? But he is guilty of the gravest crimes against his country. Or do you think he will reform? Then, I say, let him reform first in his bearing towards the city, and claim a seat on the Council later, when he has done her a service as signal as the wrong that he did her before. The saner course is to recompense everyone for his services after they have been performed; for I consider it monstrous that for the offences which he has already committed he is never to pay the penalty, but for the benefits which he intends to confer he is to be already possessed of honour. Or is it to make the citizens better when they see all men honoured alike,—is this why he is to be approved? But the danger is that good men, when they observe that they and the bad are honoured alike, will desist from their good behaviour, expecting that the same persons who honour the wicked may well be forgetful of the virtuous. And this further point is worthy of your attention,—that whereas anyone who had betrayed a fort or a ship or an army which happened to have in it some part of our people, would be visited with the extreme penalty, this man, who has betrayed the whole city, is planning not merely to escape requital but even to obtain honour! But surely anyone who has betrayed liberty in the flagrant manner of this man deserves to be faced with a judgement awarding
τοῦ βουλεύειν ἄλλα περὶ τοῦ δουλεύειν καὶ τῆς μεγίστης τιμωρίας ἀγωνίζοιτο.  

27 Ἀκούω δὲ αὐτῶν λέγειν ὡς, εἰ τι ἢν ἀδίκημα τὸ μὴ παραγενέσθαι ἐν ἐκείνῳ τῷ καιρῷ, νόμος ἄν ἐκείτο περὶ αὐτοῦ διαρρήκτην, ὥσπερ καὶ περὶ τῶν ἄλλων ἀδικημάτων. οὐ γὰρ οἶτει ύμᾶς γνώσεσθαι ὅτι διὰ τὸ μέγεθος τοῦ ἀδικήματος ὀυδεὶς περὶ αὐτοῦ ἔγραφη νόμος. τις γὰρ ἂν ποτὲ ῥήτωρ ἐνεθυμήθη ἢ νομοθέτης ἂλπισεν ἀμαρτήσεσθαι τινα

28 τῶν πολιτῶν τοσαῦτην ἀμαρτίαν; οὐ γὰρ ἂν δῆτον, εἰ μὲν τις λίπου τὴν τάξιν μὴ αὐτῆς τῆς πόλεως ἐν κυνδύνῳ οὕτης ἀλλ' ἔτερους εἰς τοῦτο καθιστάσης, ἐτέθη νόμος ὡς μεγάλα ἀδικοῦντος, εἰ δὲ τις αὐτῆς τῆς πόλεως ἐν κυνδύνῳ οὕτης λίποι τὴν πόλιν αὐτῆ, οὐκ ἂν ἄρα ἐτέθη. σφόδρα γ' ἂν, εἰ τις ὑφήθη τινὰ τῶν πολιτῶν ἀμαρτήσεσθαι

29 τι τοιοῦτον ποτε. τις δ' οὖκ ἂν εἰκότως ἐπι-
τιμήσειεν ύμῖν, εἰ τοὺς μετοίκους μέν, ὅτι οὐ κατὰ τὸ προσήκον ἐαυτοῦ ἐβοήθησαν τῷ δήμῳ, ἐτι-
μήσατε ἄξιως τῆς πόλεως, τούτον δὲ, ὅτι παρὰ τὸ προσήκον ἐαυτῷ προύδωκε τὴν πόλιν, μὴ κολά-
σετε, εἰ μὴ γε ἄλλω τινὶ μείζονι, τῇ γε παρούσῃ

30 ἀτμία; ἀναμνήσθητε δὲ δι' ὧ τι ποτὲ τοὺς ἀγα-
θοὺς ἄνδρας γενομένους περὶ τὴν πόλιν τιμάτε καὶ τοὺς κακοὺς ἀτιμάζετε. ἐδείχθη γὰρ ἀμφότερα ταῦτα οὐ τῶν γεγενημένων μᾶλλον τι ἐνεκα ἢ τῶν γενησομένων, ὥς ἄγαθοι προθυμῶνται γίγνε-

1 τιμωρίας Dobree, ἀγωνίζοιτο Rauchenstein: ἀπορίας ἐκκλη-
σιάσεται, ἐκκλησιάζοιτο miss.

a i.e., we are to suppose, forsooth, that desertion is a crime only when the city is so far from being in danger as to be at war with another city.

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Against Philon, 26-30

him, not a seat on the Council, but slavery and the heaviest punishment.

He argues, so I am told, that, if it was a crime to absent himself at that crisis, we should have had a law expressly dealing with it, as in the case of all other crimes. He does not expect you to perceive that the gravity of the crime was the reason why no law was proposed to deal with it. For what orator would ever have conceived, or lawgiver have anticipated, that any of the citizens would be guilty of so grave an offence? So, I suppose, if one should desert one's post when the city itself was not in danger, but was rather endangering another people, a law would have been made condemning that as a grievous crime; but if one deserted the city itself when the city itself was in danger, we should have had no law against this! Certainly we should, if there had been a thought that any of the citizens would ever commit such a crime. Not a man but would have reason to rebuke you, gentlemen, if, after honouring in a manner worthy of the city our resident aliens for having supported the democracy beyond the requirements of their duty, you are not going to inflict on this man, for having betrayed the city in violation of his duty, if not some heavier punishment of another kind, at least the dishonour which you hold over him to-day. Recall to your minds what reason you can have for honouring those who have proved themselves good servants of the State and for dishonouring those who serve her ill. In either case the distinction has been made not so much for the sake of those who have come into the world, as of those who are yet to come, in order that they may strive to become
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σθαὶ ἐκ παρασκευῆς, κακοὶ δὲ μηδὲ ἐξ ἐνός τρόπου ἐπιχειρῶσιν. ἔτι δὲ ἐνθυμήθητε ποιῶν ἄν ὑμῶν δοκεῖ οὗτος ὁρκῶν φροντίσαι, ὃς ἔργῳ τοὺς πατρίους θεοὺς προοδοκεῖν; ἥ πώς ἂν χρηστὸν τι βουλεύσαι περὶ τῆς πολιτείας, ὃς οὐδὲ ἐλευθερῶσαι τὴν πατρίδα ἐβουλήθη; ἥ ποίᾳ ἂν ἀπόρρητα τηρῆσαι, ὃς οὐδέ τὰ προειρημένα ποιῆσαι ἤξιωσε; πώς δὴ εἰκὸς ἐστι τοῦτον, ὃς οὐδὲ τελευταῖος ἐπὶ τοὺς κινδύνους ἦλθε, πρότερον τῶν κατεργασαμένων καὶ οὗτω νῦν τιμηθῆναι; σχέτλιον δ’ ἂν εἰη, εἰ οὗτος μὲν ἄπαντας τοὺς πολίτας περὶ οὖν ἡγήσατο, ὑμεῖς δὲ τοῦτον ἕνα οὖν μὴ ἀποδοκιμάσατε. ὅρω δὲ τυνάς οἱ νῦν μὲν τοῦτυ παρασκευάζονται βοηθεῖν καὶ δεῖσθαι υμῶν, ἐπειδὴ ἔμε οὐκ ἐδύναντο πεῖσαι· τότε δὲ, ὅτα νοὶ κινδύνοι μὲν ὑμῖν καὶ οἱ μέγιστοι ἀγώνες ἦσαν, τὰ δὲ ἅθλα αὐτὴ ἡ πολιτεία ἐκεῖτο, καὶ ἔδει οὐ μόνον περὶ τοῦ βουλευεῦν ἄλλα καὶ περὶ τῆς ἐλευθερίας ἀγωνίζεσθαι, τότε οὐκ ἐδέοντο αὐτοῦ βοηθῆσαι καὶ υμῖν καὶ κοινῇ τῇ πόλει, καὶ μὴ προδοῦναι μήτε τὴν πατρίδα μήτε τὴν βουλὴν, ἢς νῦν ἄξιοὶ τυχεῖν οὐ μετὸν αὐτῶ, ἀλλὰ ὑμῶν γε κατεργασαμένων. μόνος δη, ὁ βουλής, δικαῖως οὖν ἂν ἀγανακτοίῃ μῇ τυχών οὐ γὰρ υμεῖς νῦν αὐτὸν ἀτιμάζετε, ἀλλ’ αὐτὸς αὐτὸν τότε ἀπεστέρησεν, ὅτε οὐκ ἤξιωσεν, ὅσπερ νῦν προθύμως κληρωσόμενος ἦλθε, καὶ τότε διαμαχούμενος περὶ αὐτῆς καταστῆσαι μεθ’ υμῶν.

34 Ἐκανά μοι δ’ νομίζω εἰρήσθαι, καίτοι πολλά γε

1 νῦν τιμηθῆναι Gebauer: συντιμηθῆναι mss.
2 ἀγωνίζεσθαι Frohberger: βουλευθῆναι, βουλεύσθαι mss.
3 μοι Reiske: μὲν mss.
worthy by studious effort, and in no single direction may attempt to be base. Reflect, moreover, on this: what kind of oaths do you think he would regard, when by his act he has betrayed his ancestral gods? Or how could he give good counsel on our State affairs, when he did not even desire to liberate his country? Or what secrets would he keep, when he did not even choose to obey public orders? How can it be suitable that this man, who was not even the last to come at the call of danger, should be placed in front of those who achieved our success, to receive this honour to-day? It would be deplorable if he, who accounted the whole body of our citizens as nothing, should not in his single person be disqualified by you. I see certain persons who are preparing to-day to support him and to plead with you, since they were not able to seduce me; but in those days of your dangers and sorest struggles, when the constitution itself was at stake and you had to contend not merely for seats on the Council but for freedom itself, they did not plead with him then to support both you and the commonwealth, and to betray neither his country nor the Council, to which he now demands admission without any right, since our success was achieved by others. He alone, gentlemen of the Council, will have no fair cause for complaint if he is not admitted: for it is not you who are debarring him from honour to-day; it is he who deprived himself of it, at the time when he declined to come, with a zeal such as brought him now for the drawing of the lots, to take his stand with you then as a champion of the Council.

I believe that what I have said is sufficient; and
παραλιπών· ἄλλα πιστεύω υμᾶς καὶ ἀνευ τούτων αὐτούς¹ τὰ συμφέροντα τῇ πόλει γνώσεσθαι. οὐ γὰρ ἄλλοις τισίν ὑμᾶς δεῖ περὶ τῶν ἀξίων ὁντων βουλεύειν τεκμηρίους χρῆσθαι ἡ υμῖν αὐτοῖς, ὁποῖοι τινες ὅντες αὐτοὶ περὶ τὴν πόλιν ἐδοκιμάσθητε. ἐστὶ γὰρ τὰ τούτου ἐπιτηδεύματα καὶ παραδείγματα καὶ πάσης δημοκρατίας ἀλλότρια.

¹ αὐτοῖς Reiske: αὐτῶν mss.
² καὶ ἄν Anon. Taylori: καὶ ἄν mss.
yet there are many things that I have omitted. But I am confident that even without these you will make for yourselves the decision that is best for the city. To judge of those who are worthy to sit on the Council you need no other test than yourselves, and the civic character which enabled you to pass your own scrutiny. For this man's conduct sets up a standard that is novel and foreign to all democracy.
XXXII. AGAINST DIOGEITON

INTRODUCTION

This interesting portion of a speech has been preserved to us by Dionysius of Halicarnassus, who quotes it and two other pieces to illustrate the various excellences that he has pointed out in the work of Lysias. He introduces this piece, as an example of skill in forensic speech-writing, with the following summary:

"Diodotus, one of those who were enrolled to serve under Thrasylus in the Peloponnesian War, as he was about to sail to Asia in the archonship of Glauceippus, and had children of tender age, made a will whereby he left as their guardian his own brother, Diogeiton, who was also at once an uncle and a grandfather of the children. Now he himself was killed in a battle at Ephesus; then Diogeiton, having had the management of the whole of the orphans' estate, and from a very large sum having nothing to show in his account as remaining to them, is accused by one of the youths, now certified to be of age, of misconduct of guardianship. The charge

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a Who taught and wrote as a rhetorician and critic at Rome during the reign of Augustus.
b De Lysia, 23, 25, 27.
c 410–409 B.C.
d 409 B.C.

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against him is delivered by the husband of his daughter's daughter, who is also the youths’ sister.”

During the minority of his wards, a guardian had practically a free hand in the administration of their estate. When, however, one of them had been certified to be of age (eighteen) after the usual inquiry or scrutiny, and found evidence of dishonesty in his guardian's administration, it was open to him to take proceedings before the archon-in-chief. This has been done in the present case, and we have here the first part of the speech delivered by a brother-in-law of three aggrieved wards in support of the suit of the eldest of them, a youth who has just come of age. We meet with a similar prosecution in the three speeches of Demosthenes against Aphobus; but it is to the credit of Lysias's skill, in writing an accusation for someone else, that his direct appeal to feeling—so important in a law-court then as now—is perhaps more effective than the elaborate incriminations composed by the young and brilliant Demosthenes for himself. And we learn from Photius\(^a\) that the speech *Against Diogeiton* was especially admired in ancient times. Dionysius dwells at some length on the merits of the exordium or prefatory part (1-3), commending its tact in arousing the sympathetic interest of the court in the orphans and in their defender. He leaves the easy and vivid narrative (4-18), and the well-ordered “proof” or exposure of Diogeiton's guilt (19-29), to speak for themselves.

Although the speech, so far as it goes, is admirably clear and impresses its purport with increasing effect as it proceeds, there are certain points in the exposition which may call for remark. When the orphans

\(^a\) Cod. 262.
are informed by Diogeiton that the money left them by their father has run out and that the elder boy must now shift for himself, the speaker tells first how in their consternation and distress they brought their mother to him and implored his aid; then how, at her intreaty, he confronted Diogeiton with her and her friends; and he boldly adds dramatic life to the scene by quoting her indignant expostulation at some length (12-13, 15-17). Instead of amplifying her remarks, the speaker merely makes brief mention of their effect upon the company (18). He proceeds to explain the way in which Diogeiton has manipulated the trust to his own advantage and to the ruin of his wards.

With regard to the accounts of the estate, the speaker claims that Diogeiton received five talents in deposit (5), that seven talents and forty minae were invested in bottomry, and also two thousand drachmae (twenty minae) in the Chersonese (6): these make a total of thirteen talents. At first Diogeiton said that he had only received twenty minae and thirty staters (9), or twenty-eight minae and forty drachmae, the very sum which had been given by Diodotus to his wife at his departure, and which she had then handed over to Diogeiton (6, 15). The wife, who married again after Diodotus's death, declares that Diogeiton has received the deposit of five talents,

\[a\] These very common and lucrative investments were the basis of the maritime commerce of Athens. The shipper borrowed money for his undertaking, agreeing to repay it if he was successful: the risks of navigation, piracy, etc. were great, and the interest paid was high—one-eighth for short, one-third for long voyages, and the security comprised the ship, cargo and profits, which could be distrained by the lender in case of non-payment.

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has recovered the loans on bottomry (seven talents and forty minae) and a mortgage of one talent and forty minae, and also holds twenty minae and the investment of twenty minae in the Chersonese (13-15). The total of these is fifteen talents. It appears therefore that, if the text of the speaker's statement (6) had survived complete, it would mention the mortgage and the twenty minae. The speaker proceeds to state that Diogeiton has at length confessed to holding a sum of seven talents and forty minae (20-28), but makes out that the expenses on account of the children have amounted to eight talents and ten minae (20): he has also paid fifty minae (instead of sixty minae, or a talent) as a dowry for the mother (6, 8), and has to find a dowry, which ought to be a talent, for the daughter (6). The speaker, having already given instances of improper charges made on the estate, undertakes to show that, even assuming that Diogeiton had only, as he says, seven talents and forty minae, and ignoring income received from investments, he has grossly exaggerated the expenses of the children. To begin with, their maintenance and attendance cannot have cost more than a thousand drachmae a year, which in eight years would amount to one talent and twenty minae (28-29). At this point Dionysius has broken off his quotation of the speech. Since Diodotus was killed in 409 B.C., the trial must have taken place in 400 B.C., allowing for the eight years of Diogeiton's guardianship and some months of discussions and other preparations for the trial. Thus it was two or three years later than the scrutiny of Philon (XXXI.).

\* 1 talent and 40 minae + 20 minae = 2 talents.

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XXXII. ΚΑΤΑ ΔΙΟΓΕΙΤΟΝΟΣ

[498] 1 Εἰ μὲν μὴ μεγάλα ἢν τὰ διαφέροντα, ὡς ἄνδρες
dικασταῖ, οὐκ ἂν ποτε εἰς ὑμᾶς εἰσελθεὶν τοὺς
eἰσα, νομίζων αἰσχρότον εἶναι πρὸς τοὺς οἰκεῖους
dιαφέρεσθαι, εἰδὼς τε ὅτι οὐ μόνον οἱ ἀδικοῦντες
χείρους ὑμῖν εἶναι δοκοῦσιν, ἄλλα καὶ οἴτινες ἂν
ἐλαττον ὑπὸ τῶν προσηκόντων ἔχοντες ἀνέχεσθαι
μὴ δύνωνται· ἐπειδὴ μέντοι, ὡς ἄνδρες δικασταί,
pολλῶν χρημάτων ἀπεστέρηται καὶ πολλὰ καὶ
[499] δεινὰ πεπονθότες ὑφ᾽ ὁν ἡκιστα ἐχρήν, ἐπ᾽ ἐμὲ
κηδεστὴν ὄντα κατέφυγον, ἀνάγκη μοι γεγένηται
2 εἰπεῖν ὑπὲρ αὐτῶν. ἔχω δὲ τούτων μὲν ἀδελφήν,
Διογείτονος δὲ θυγατρίδην, καὶ πολλὰ δεηθεὶς
ἀμφοτέρων τὸ μὲν πρῶτον ἐπεισά τοῖς φίλοις
ἐπιτρέψαν δίαιταν, περὶ πολλοῦ ποιούμενος τα
τούτων πράγματα μηδένα τῶν ἄλλων εἰδέναι·
ἐπειδὴ δὲ Διογείτων ἀ φανερῶς ἔχων ἐξήλεγχετο,
περὶ τούτων οὔδεν τῶν αὐτοῦ φίλων ἔτολμα
πείδεσθαι, ἀλλ᾽ ἐβουλήθη καὶ φεύγειν δίκας καὶ
μὴ οὕσας διώκειν καὶ ὑπομεῖναι τοὺς ἐσχάτους
κινδύνους μᾶλλον ἡ τὰ δίκαια ποιήσας ἀπηλλάχθαι
3 τῶν πρὸς τούτοις ἐγκλημάτων, ὑμῶν δέομαι, ἔαν
μὲν ἀποδείξῃς οὕτως αἰσχρῶς αὐτοῦς ἐπιτετροπευ-
μένους ὑπὸ τοῦ πάππου ὡς οὔδεις πώποτε ὑπὸ
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If the matters in dispute were not important, gentlemen of the jury, I should never have allowed these persons to appear before you; for I regard a dispute with one’s relations as most disgraceful, and I know that you reprobate not merely those who are guilty of wrong, but also anyone who is unable to tolerate the sharp practice of a kinsman. But, gentlemen, since they have been robbed of a great sum of money and, after suffering numerous outrages from those who should have been the last to act in such a way, have sought refuge in me, their brother-in-law, I find it incumbent on me to speak for them. I am married to their sister, a child of Diogeiton’s daughter; and after many appeals I at first prevailed on both parties to submit the case to the arbitration of their friends, as I held it most desirable that their affairs should not be known to anyone else. But since Diogeiton would not allow himself to be advised by any of his own friends regarding the property which he was plainly convicted of holding, but preferred to be prosecuted, to sue against the validity of judgements, and to encounter the utmost risks, rather than do the just thing which would relieve him of all their complaints, I intreat you, if I prove that the guardianship of their grandfather has been conducted more disgracefully than any heretofore held in the city by
ΛΥΣΙΑΣ

tῶν οὐδὲν προσηκόντων ἐν τῇ πόλει, βοηθεῖν αὐτοῦς τὰ δίκαια, εἰ δὲ μῆ, τούτῳ μὲν ἄπαντα πιστεύειν, ἢμᾶς δὲ εἰς τὸν λοιπὸν χρόνον ἥγεσθαι χείρους εἶναι. ἐξ ἄρχης δ' ὑμᾶς περὶ αὐτῶν διδάξαι πειράσομαι.

500 Ἀδελφοί ἴσων, ὦ ἄνδρες δικασταί, Διόδοτος καὶ Διογενίται ὁμοπάτριοι καὶ ὁμομήτριοι, καὶ τὴν μὲν ἁφανῆ οὕσιαν ἐνείμαντο, τῆς δὲ φανερὰς ἐκουσάμενοι. ἐγρασαμένου δὲ Διοδότου καὶ ἕμπορίαν πολλὰ χρήματα πείθει αὐτὸν Διογενίτων λαβεῖν τὴν ἐαυτοῦ θυγατέρα, ἢπερ ἢν αὐτῷ μόνῃ. 5 καὶ γίγνονται αὐτῷ υἱὲ δύο καὶ θυγάτηρ. χρόνῳ δὲ ἕστερον καταλεγές Διόδοτος [μετὰ Θρασύλλου] τῶν ὀπλιτῶν, καλέσας τὴν ἐαυτοῦ γυναῖκα, ἀδελφίδην οὕσαν, καὶ τὸν ἐκείνης μὲν πατέρα, αὐτοῦ δὲ κηδεστὴν καὶ ἀδελφὸν [ὁμοπάτριον], πάπποι δὲ τῶν παιδίων καὶ θείου, ἡγούμενος διὰ ταῦτας τὰς ἀναγκαίοττας οὐδενὶ μᾶλλον προσήκειν δικαίω

503 περὶ τοὺς αὐτοῦ παῖδας γενέσθαι, διαθήκην αὐτῷ δίδωσι καὶ πέντε τάλαντα ἄργυρίου παρακατα-
6 θήκην· ναυτικὰ δὲ ἀπέδειξεν ἐκδεδομένα ἑπτά τάλαντα καὶ τετταράκοντα μιᾶς . . . . , δισχυλιᾶς

504 δὲ ὀφειλομένας ἐν Χερρονήσῳ. ἐπέσκηψε δὲ, εάν τι πάθη, τάλαντον μὲν ἐπιδοῦναι τῇ γυναικὶ καὶ
tὰ ἐν τῷ δωματίῳ δοῦναι, τάλαντον δὲ τῇ θυγατρί. κατέλιπε δὲ 5 καὶ εἴκοσι μιᾶς τῇ γυναικὶ καὶ
tὰ τριάκοντα στατήρας Κυζικηνοῦς. ταῦτα δὲ πράξας καὶ οὐκ οὐκ ἀντίγραφα καταλιπῶν ὥχετo στρατευσο-
510 μενος μετὰ Θρασύλλου. ἀποθανόντος δὲ ἐκεῖνον

1 μετὰ Θρασύλλου del. Wilamowitz.
2 ὁμοπάτριον del. Herwerden.

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persons who had no bond of relationship, to give them the support of justice: otherwise, believe this man entirely, and reprobate us henceforward. I will now try to inform you on the matter from the beginning.

Diodotus and Diogeiton, gentlemen of the jury, were brothers born of the same father and mother, and they had divided between them the personal estate, but held the real property in partnership. When Diodotus had made a large fortune in shipping business, Diogeiton induced him to marry the one daughter that he had, and two sons and a daughter were born to him. Some time later, when Diodotus was enrolled for infantry service, he summoned his wife, who was his niece, and her father, who was also his father-in-law and his brother, and grandfather and uncle of the little ones, as he felt that owing to these connexions there was nobody more bound to act justly by his children: he then gave him a will and five talents of silver in deposit; and he also produced an account of his loans on bottomry, amounting to seven talents and forty minae... and two thousand drachmae invested in the Chersonese. He charged him, in case anything should happen to himself, to dower his wife and his daughter with a talent each, and to give his wife the contents of the room; he also bequeathed to his wife twenty minae and thirty staters of Cyzicus. Having made these arrangements and left duplicate deeds in his house, he went to serve abroad with Thrasyllus. He was

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3 δικαίως περὶ τῶν αὐτῶν Sauppe: καὶ ὀσπέρ τοῦ αὐτοῦ MSS.
4 Lacunam indic. Sauppe.
5 δὲ add. Reiske.
ἐν Ἐφέσῳ Διογείτων «τέως» μὲν τὴν¹ θυγατέρα ἔκρυπτε τὸν θάνατον τοῦ ἄνδρός, καὶ τὰ γράμματα λαμβάνει ἀ κατέλυπε σεσημασμένα, φάσκων τὰ ναυτικὰ χρήματα δεῖν ἐκ τούτων τῶν γραμματείων κομίσασθαι. ἔπειδὴ δὲ χρόνῳ ἐδήλωσε τὸν θάνατον αὐτοῖς καὶ ἐποίησαν τὰ νομιζόμενα, τὸν μὲν πρώτον ἐναυτὸν ἐν Πειραιαῖς διητώντο. ἀπαντά γὰρ αὐτοῦ κατελέπινπτο τὰ ἐπιτήδεια. ἐκείνων δὲ ἐπιλεπόντων τοὺς μὲν παίδας εἰς ἁστυ ἀναπέμπει, τὴν δὲ μητέρα αὐτῶν ἐκδίδοσιν ἐπίδους πεντάκιστος χιλίας δραχμάς, χιλίας ἐλαττῶν ὁ ἀνήρ αὐτῆς ἐδώκεν. ὅγδοῦ δὲ ἐτείκεν ὁ δοκιμασθέντος μετὰ ταῦτα τοῦ πρεσβυτέρου τοῦ μειρακίου, καλέσας αὐτοὺς ἔπει Διογείτων, ὅτι καταλήπταν αὐτοῖς ὁ πατὴρ εἶκοσι μνᾶς ἀργυρίου καὶ τριάκοντα στατήρας. "ἐγὼ ὁ δὲ πολλὰ τῶν ἐμαυτοῦ δεδαπάνηκα εἰς τὴν ύμετέραν τροφὴν. καὶ ἔως μὲν εἰχον, οὐδὲν μοι διέφερεν· νων δὲ καὶ αὐτὸς ἀπόρως διάκειμαι. σὺ ὁ δὲ, ἐπειδὴ δεδοκίμαζε καὶ ἀνήρ γεγένεσθαι, σκόπει αὐτὸς ἢ δὴ πόθεν ἐξεις τὰ ἐπιτήδεια." ταύτ' ἀκούσαντες ἐκπεπληγμένοι καὶ δακρύσαντες ὄχοντο πρὸς τὴν μητέρα, καὶ παραλαβόντες ἐκεῖνην ἦκον πρὸς ἐμέ, οὐκτρώς ὑπὸ τοῦ πάθους διακειμένοι καὶ ἀθλίως ἐκπεπτωκότες, κλάοντες καὶ παρακαλοῦντες μὲ μὴ περιμεῖν αὐτοὺς ἀποστερηθέντας τῶν πατρῶν μηδ' εἰς πτωχείαν καταστάνοι, υβρισμένους υφ᾽ ὁν ἡκίστα ἔχρην, ἀλλὰ βοηθήσαι καὶ τῆς ἀδελφῆς ἔνεκα καὶ σφῶν αὐτῶν. πολλὰ τέως μὲν τὴν Wilamowitz: τὴν μὲν mss.
 AGAINST DIOGEITON, 7-11

killed at Ephesus: for a time Diogeiton concealed from his daughter the death of her husband, and took possession of the deeds which he had left under seal, alleging that these documents were needed for recovering the sums lent on bottomry. When at length he informed them of the death, and they had done what is customary, they lived for the first year in the Peiraeus, as all their provisions had been left there. But when these began to give out, he sent up the children to the city, and gave their mother in marriage with a dowry of five thousand drachmae,—a thousand less than her husband had given her. Seven years later the elder of the boys was certified to be of age; when Diogeiton summoned them, and said that their father had left them twenty minae of silver and thirty staters, adding,—“Now I have spent a great deal of my own money on your support: so long as I had the means, I did not mind; but at this moment I too am in difficulties myself. You, therefore, since you have been certified and have attained manhood, must henceforth contrive to provide for yourself.” On hearing these words they went away, aghast and weeping, to their mother, and brought her along with them to me. It was pitiful to see how they suffered from the blow: the poor wretches, turned out of doors, wept aloud and besought me not to allow them to be deprived of their patrimony and reduced to beggary by the last persons who ought to have committed this outrage upon them, but to give my best aid, for their sister’s sake as well as their own.

the funeral feast, sacrifices offered on the third and ninth days, and mourning with black garments and shaven heads for thirty days.

* In his eighteenth year: cf. X. 31, p. 213.
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ἀν εὐθέλειν, ὅσον πένθος ἐν τῇ ἐμῇ οἰκίᾳ ἦν ἐν ἐκείνῳ τῷ χρόνῳ. τελευτῶσα δὲ ἡ μήτηρ αὐτῶν ἤλεθολει μὲ καὶ ἤκέτευσε συναγαγεῖν αὐτῆς τὸν πατέρα καὶ τοὺς φίλους, εἰποῦσά ὦτι, εἰ καὶ μὴ πρότερον εἴθοσται λέγειν ἐν ἀιδράσι, τὸ μέγεθος αὐτῆς ἀναγκάσει τῶν συμφορῶν περὶ τῶν σφητέρων

12 κακῶν δηλώσαι πάντα πρὸς ἡμᾶς. ἐλθὼν δ' ἐγὼ ἡγανάκτων μὲν πρὸς Ἑγήμονα τὸν ἐχοντα τὴν τούτου θυγατέρα, λόγους δ' ἐποιούμην πρὸς τοὺς ἄλλους ἐπιτηδείους, ἥξιον δὲ τούτον εἰς ἐλεγχον ἱέναι περὶ τῶν χρημάτων.1 Διογείτων δὲ τὸ μὲν πρῶτον οὐκ ἠθέλε, τελευτῶν δὲ ὑπὸ τῶν φίλων

[507] ἡγανάκτησε. ἐπειδὴ δὲ συνήλθομεν, ἤρετο αὐτὸν ἡ γυνη, τίνα ποτὲ ψυχήν ἔχων ἄξιον περὶ τῶν παίδων τοιαύτη γνώμη χρήσατι, "ἀδελφὸς μὲν ὁν τοῦ πατρὸς αὐτῶν, πατὴρ δ' ἐμὸς, θείος δὲ αὐτοῖς

13 καὶ πάππος. καὶ εἰ μηδένα ἁνθρώπους ἃσχύνων,

[508] τοὺς θεοὺς ἔχρησι σε" φησι "δεδιέναι ὅσ ἐλάβες μὲν, ὦτ' ἐκεῖνος ἐξέπλητο,2 πέντε τάλαντα παρ' αὐτοῦ παρακαταθήκην. καὶ περὶ τούτων ἐγὼ ἐθέλω τοὺς παίδας παραστησάμενη καὶ τοῦτον καὶ τοὺς ύστερον ἐμαυτὴ γενομένους ὁμόσαι ὅπου ἀν αὐτῶς λέγησ. καίτοι οὐχ οὕτως ἐγὼ εἰμι ἄθλια, οὐδ' οὕτω περὶ πολλοῦ ποιοῦμαι χρήματα, ὡστ' ἐπιορκύσασα κατὰ τῶν παίδων τῶν ἐμαυτῆς τὸν βίον καταλιπεῖν, ἀδίκως δὲ ἀφελέοθαι τὴν τοῦ πατρὸς οὐσίαν." ἔτι τοῖς ἔξηλεγχεν αὐτῶν ἐπτὰ τάλαντα κεκομισμένον ναυτικά καὶ τετρακισχιλίας

[509] δραχμάς, καὶ τούτων τὰ γράμματα ἀπέδειξεν. ἐν

1 χρημάτων Halbertsma: πραγμάτων mss.
2 ἐξέπλητο Taylor: ἐξέλητο mss.
Of the mourning that filled my house at that time it would take long to tell. In the end, their mother implored and entreated me to assemble her father and friends together, saying that even though she had not before been accustomed to speak in the presence of men, the severity of their misfortunes would compel her to give us a full account of their hardships. I went first and expressed my indignation to Hegemon, the husband of this man's daughter; I then discussed the matter with the other relations; and I called upon this man to allow his handling of the money to be investigated. Diogeiton at first refused, but finally he was compelled by his friends. When we held our meeting, the mother asked him what heart he could have, that he thought fit to take such measures with the children, "when you are their father's brother," she said, "and my father, and their uncle and grandfather. Even if you felt no shame before any man, you ought to have feared the gods. For you received from him, when he went on the expedition, five talents in deposit. I offer to swear to the truth of this on the lives of my children, both these and those since born to me, in any place that you yourself may name. Yet I am not so abject, or so fond of money, as to take leave of life after perjuring myself on the lives of my own children, and to appropriate unjustly my father's estate." And she convicted him further of having recovered seven talents and four thousand drachmae of bottomry loans, and she produced the record of these; for she showed that in the course

\[a \ i.e., \ in \ some \ temple.\]
γὰρ τῇ διουκίσαι, ὅτε ἐκ Κολλυτοῦ διψάκετο εἰς τὴν Φαίδρου οἰκίαν, τοὺς παιδὰς ἐπιτυχόντας ἐκβεβλήσατο 15 μένω τῷ βιβλίῳ ἐνεγκεῖν πρὸς αὐτήν. ἀπέφηνε δὲ αὐτὸν μνάς κεκοιμισμένων ἐγγεῖως 1 ἐπὶ τόκω δεδανεισμένας, καὶ ἔτερας διασχίλιας δραχμῶν καὶ ἔπιπλα πολλοῦ άξιάς φοιτᾶν δὲ καὶ σίτου αὐτοῦ ἐκ Χερεννῆσον καθ' ἐκαστὸν ἐνιαυτὸν. "Επείτα οὐ ἐτόλμησας ἐφη " εἰπεῖν, ἔχων τοσαῦτα χρήματα, ὡς διασχίλιας δραχμῶς ὁ τούτων πατήρ κατέλυπε καὶ τριάκοντα στατήρας ἀπέρ ἐμοὶ καταλειφθέντα ἐκείνων τελευτήσαντος ἐγώ σοι ἐδωκα; καὶ ἐκβάλλειν τούτους ἡξίωσας θυγατριδοῦς οντας ἐκ τῆς οἰκίας τῆς αὐτῶν ἐν τριβωνίως, ἀνυποδήτους, οὐ μετὰ ἀκολούθου, οὐ μετὰ στρωμάτων, οὐ μετὰ ἴματιων, οὐ μετὰ τῶν ἐπίπλων ἄδικα πατήρ αὐτοῖς κατέλυπεν, οὔδε μετὰ τῶν παρακαταθηκῶν ἀς ἐκείνος παρὰ σοὶ κατέθετο. καὶ νῦν τοὺς μὲν ἐκ τῆς μητρινᾶς τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν εὐδαιμονιάς οντας καὶ ταύτα μὲν καλῶς ποιεῖς; τοὺς δὲ ἐμοῦ ἀδικεῖς, οὐς ἀτίμους ἐκ τῆς οἰκίας ἐκβαλὼν ἀντὶ πλουσίων πτωχοὺς ἀποδείξας προθυμεῖ. καὶ ἐπὶ τοιούτως ἔργοις οὗτοι θεοὺς φοβεῖ, οὕτε ἐμὲ τὴν συνεδυναμαί αἰσχύνη, οὕτε τοῦ ἀδελφοῦ μέμνησας, ἀλλὰ πάντας ἡμᾶς περὶ ἐλάττων ποιεῖ χρημάτων." τότε μὲν οὖν, ὃ ἀνδρὲς δικασταί, πολλῶν καὶ δεινῶν ύπὸ τῆς γυναικὸς ῥήθεντων οὗτω διετέθημεν πάντες οἱ παρόντες ύπὸ τῶν τούτω πεπραγμένων καὶ τῶν

1 αὐτήν Reiske: ταύτην mss.
2 ἐγγείφ Naber: ἐγγείους, ἐγγύους mss.

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a A district to the north of the Acropolis.
of his removal from Collytus to the house of Phaedrus the children had happened upon the register, which had been mislaid, and had brought it to her. She also proved that he had recovered a hundred minae which had been lent at interest on land mortgages, besides two thousand drachmae and some furniture of great value; and that corn came in to them every year from the Chersonese. "After that," she said, "you had the audacity to state, when you had so much money in your possession, that their father bequeathed them two thousand drachmae and thirty staters,—just the amount that was bequeathed to me, and that I gave you after his decease! And you thought fit to turn these, the children of your daughter, out of their own house, in worn-out clothes, without shoes or attendant or bedding or cloaks; without the furniture which their father bequeathed to them, and without the money which he had deposited with you. And now you are bringing up the children you have had by my stepmother in all the comforts of affluence; and you are quite right in that: but you are wronging mine, whom you ejected from the house in dishonour, and whom you are intent on turning from persons of ample means into beggars. And over proceedings of this sort you feel neither fear of the gods nor shame before me who am cognizant of the facts, nor are you mindful of your brother, but you put money before us all." Thereupon, gentlemen of the jury, after hearing all the severe things spoken by the mother, the whole company of us there were so affected by this man's conduct and by her state-

Where evidently the 2000 drachmae invested by Diodotus (see 6) brought in an annual supply of corn as interest.
LYSIAS

λόγων τῶν ἐκείνης, ὁρῶντες μὲν τοὺς παίδας, οὐκ ἦσαν πεποιθότες, ἀναμμενομένοι δὲ τοῦ ἀποθανόντος, ὡς ἀνάξιον τῆς οὐσίας τῶν ἐπίτροπων κατέλυτεν, ἐνθυμοῦμενοι δὲ ὡς χαλεπὸν ἐξευρέων ὅτω χρῆ περὶ τῶν ἐαυτὸν πιστεύσαι, ὡστε, ὃ ἀνδρεῖς δικασταί, μηδένα τῶν παρόντων δύνασθαι φθέγξασθαι, ἀλλὰ καὶ δακρύνοντας μὴ ἦττον τῶν πεποιθότων ἀπίστος οὖχεσθαι σιωπῆ.

Πρώτον μὲν οὖν τούτων ἀνάβητέ μοι μάρτυρες.

ΜΑΡΤΥΡΕΣ

19 Ἀξιῶ τοῖς, ὃ ἀνδρεῖς δικασταί, τῶν λογισμῶν προσέχειν τῶν νυν, ἵνα τοὺς μεν νεανίσκους διὰ τὸ μέγεθος τῶν συμφορῶν ἐλεήσῃτε, τούτον δὲ ἀπασί τοῖς πολέμαις ἄξιον ὀργῆς ἡγήσῃτε. εἰς τοσαύτην γὰρ ὑποβίαιν Διογείτων πάντας ἀνθρώπους πρὸς ἀλλήλους καθίζητεν, ὡστε μήτε ἔστητες μήτε ἀποθησάκετος οὕτως μᾶλλον τοῖς οἰκειοτάτοισ ἢ τοῖς ἑρθόστοις πιστεῦειν· διὸ ἐπολύμησε τὰ μὲν ἔξαριν γενέσθαι, τὰ δὲ τελευτῶν ὄμολογήσας ἔχειν, εἰς δύο παίδας καὶ ἀδελφὴν λήμμα καὶ ἀνάλωμα ἐν ὁκτὼ ἔτεσιν ἐπτὰ τάλαντα

[513] ἀργυρίων καὶ ἐπτακωσχιλίας δραχμὰς ἀποδέξαί. καὶ εἰς τούτο ὡθὲν ἀνασχυντέας, ὡστε οὐκ ἔχων ἀπο τρέψει τὰ ἄμαχα, εἰς ὄψιν μὲν δυοῖν παιδίου καὶ ἀδελφὴν πέντε ὀβολοὺς τῆς ἡμέρας ἐλογίζετο, εἰς ὑποδήματα δὲ καὶ εἰς γναφεῖον [ἵματια] καὶ εἰς κουρέως κατὰ μήνα οὐκ ἦν αὐτῷ

1 ἔχειν Reiske: ἔλειν mss. 2 ἵματια del. Reiske.

a At this period the daily cost of food for an adult could 670
ments,—when we saw how the children had been treated, and recalled the dead man to mind and how unworthy was the guardian he had left in charge of his estate, and reflected how hard it is to find a person who can be trusted with one's affairs,—that nobody, gentlemen, among us there was able to utter a word: we could only weep as sadly as the sufferers, and go our ways in silence.

Now, first, will you come forward, witnesses, to support what I say.

Witnesses

Well, gentlemen of the jury, I ask that due attention be given to this reckoning, in order that you may take pity on the young people for the depth of their misfortune, and may consider that this man deserves the anger of everyone in the city. For Diogeiton is reducing all men to such a state of suspicion towards their fellows that neither living nor dying can they place any more confidence in their nearest relations than in their bitterest enemies; since he has had the face to deny one part of his debt and, after finally confessing to the rest, to make out a sum of seven talents of silver and seven thousand drachmae as receipts and expenses on account of two boys and their sister during eight years. So gross is his impudence that, not knowing under what headings to enter the sums spent, he reckoned for the viands of the two young boys and their sister five obols a day: for shoes, laundry and hairdressing he reckoned at one obol: in the present case, for the food (other than cereal) of three children, the charge of five obols is at least twice what it should be. A more reasonable scale is suggested by the speaker at 28 below.
οὐδὲ κατ’ ἐνιαυτὸν γεγραμμένα, συλλήβδην δὲ παντὸς τοῦ χρόνου πλεῖν ἥ τάλαντον ἀργυρίου.

21 εἰς δὲ τὸ μνήμα τοῦ πατρὸς οὐκ ἀναλώσας πέντε καὶ ἐκκοσι μιᾶς ἐκ πεντακισχιλίων δραχμῶν, τὸ μὲν ἦμισυ αὐτῷ τίθησι, <τὸ δὲ> τούτοις λελόγισαι.ἀ

εἰς Διονύσιο οὐκ, ἢ ἄνδρες δικασταί, (οὐκ ἄτοπον γάρ μοι δοκεῖ καὶ περὶ τούτου μνησθῆναι) ἐκκαίδεκα δραχμῶν ἀπέφημεν ἐωνῆμένων ἀρνίων, καὶ τούτων τὰ ὁκτὼ δραχμὰς ἐλογίζετο τοῖς παισίν ἐφ’ ἢ ἡμεῖς οὐκ ἦκιστα ὁργώσθημεν.

[514] οὐτως, ἢ ἄνδρες, ἐν ταῖς μεγάλαις θημίαις ἐνίοτε οὐχ ἦττον τὰ μικρά λυπέτ εἰς οἷς ἀδικουμένους· λίαν γάρ φανερὰν τὴν πονηρίαν τῶν ἀδίκουντων ἐπι-

22 δείκνυσιν. εἰς τούν τὰς ἄλλας ἔφιτας καὶ θυσίας ἐλογίσατο αὐτοῖς πλεῖν ἢ τετρακισχιλίας δραχμὰς ἀνηλώμενας, ἐτέρα τε παμπληθῇ, ἢ πρὸς τὸ κεφάλαιον συνελογίζετο, ὡσπερ διὰ τοῦτο ἐπιτροπος τῶν παιδίων καταλειφθείς, ὡν γράμματα αὐτοῖς ἀντὶ τῶν χρημάτων ἀποδείξειν καὶ πενεστάτους ἀντὶ πλουσίων ἀποφήμει, καὶ ἢν, εἰ μέν τις αὐτοῖς πατρικὸς ἔχθρος ἢν, ἐκεῖνον μὲν ἐπιλαθώνται, τῷ δ’ ἐπιτρόπῳ τῶν πατρῶν ἀπεστερημένοι πολεμῶσι.

23 καὶ τοις εἰ ἐφούλετο δίκαιος εἰναι περὶ τοῦς παιδὰς, εἴην αὐτῷ κατὰ τοὺς νόμους, οἱ κεῖται περὶ τῶν ὀρθῶν καὶ τοῖς ἀδικοῦσι τῶν ἐπιτρόπων καὶ τοῖς δυναμένοις, μισθώσα τὸν οἶκον ἀπηλλαγμένον

1 αὐτῷ τίθησι τὸ δὲ τούτοις λελόγισαι Reiske: αὐτῶν τίθησι τούτοις λελογίσαι, λελόγισαι MSS.

2 τῷ δ’ ἐπιτρόπῳ Frohberger: τῷ δ’ ἐπι, τὸν δ’ ἐπι, ἐπεὶ MSS.

a Having stated that the tomb cost 50 minae (5000 drachmae), he undertook to pay half of this himself, and 672
kept no monthly or yearly account, but he shows it inclusively, for the whole period, as more than a talent of silver. For the father's tomb, though he did not spend twenty-five minae of the five thousand drachmae shown, he charges half this sum to himself, and has entered half against them.\(^a\) Then for the Dionysia,\(^b\) gentlemen of the jury,—I do not think it irrelevant to mention this also,—he showed sixteen drachmae as the price of a lamb, and charged eight of these drachmae to the children: this entry especially roused our anger.\(^c\) And so it is, gentlemen: in the midst of heavy losses the sufferers of wrong are sometimes wounded as much by little things; for these expose in so very clear a light the wickedness of the wrongdoer. Then for the other festivals and sacrifices he charged to their account an expenditure of more than four thousand drachmae; and he added a multitude of things which he counted in to make up his total, as though he had been named in the will as guardian of the children merely in order that he might show them figures instead of the money, and reduce them from wealth to utter poverty, and that they might forget whatever ancestral enemy they might have, to wage war on their guardian for stripping them of their patrimony! But yet, had he wished to act justly by the children, he was free to act in accordance with the laws which deal with orphans for the guidance of incapable as well as capable guardians: he might have farmed out the charge the other half to the children's estate: but this latter half covered the actual cost.

\(^a\) Orphans' estates were not required to contribute to the offerings at the State festivals.

\(^b\) Orphans' estates were not required to contribute to the offerings at the State festivals.

\(^c\) Here again the actual cost was probably no more than the half-share charged to the children.
LYSIAS

πολλῶν πραγμάτων, ἢ γῆν πριάμενον ἐκ τῶν
[515] προσιόντων τοὺς παῖδας τρέφειν καὶ ὀπότερα
toῦτων ἐποίησεν, οὐδενὸς ἂν ἤττον Ἀθηναίων
πλούσιοι ἄραν. νῦν δὲ μοι δοκεῖ ὑδετάποτε
diανοηθῆναι ὡς φανερὰν καταστήσων τὴν οὕσιαν,
ἀλλ’ ὂς αὐτὸς ἔξων τὰ τοῦτων, ἤγομένους δὲν
tὴν αὐτοῦ ποιηρίαν κληρονόμοι εἶναι τῶν τού
24 τεθνεώτος χρημάτων. ὦ ἄνδρες ὡς ὑπὸ συντριπτραχῶν
Ἀλέξιδι τῷ Ἀριστοδίκου, φάσκων δυὸν δεσύσας
πεντήκοντα μνᾶς ἐκείνῳ συμβαλέσθαι, τὸ ἣμισὺ
toῦτοις ὀρφανοῖς οὐσὶ λελόγισται, ὡς ἡ πόλις
οὐ μόνον παῖδας ὅντος ἀτελεῖς ἐποίησεν, ἀλλὰ καὶ
ἐπειδὰν δοκιμασθῶσιν ἐναντίῳ ἀφῆκεν ἄπασῶν
τῶν λῃτουργίων. οὔτος δὲ πάππος ὑπὸ παρὰ τοὺς
νόμους τῆς ἑαυτοῦ τριμπραχίας παρὰ τῶν θυγα-
25 τριδῶν τὸ ἴμισὺ πράττεται. καὶ ἄποπέμψας εἰς
tῶν Ἀθηρίαν ὀλκάδα δυὸν ταλάντου, ὅτε μὲν
ἀπέστελλεν, ἔλεγεν πρὸς τὴν μητέρα αὐτῶν ὅτι
[516] τῶν παῖδων ὃ κύνδυνος εἰς, ἐπειδὴ δὲ ἑσώθη καὶ
ἐδιπλασιάσει, αὐτοῦ τὴν ἐμπορίαν ἐφασκεν εἶναι.
καὶ τοῦ εἰ μὲν τᾶς ζημίας τοῦτων ἀποδείξει, τὰ
dὲ σωθέντα τῶν χρημάτων αὐτὸς ἔξει, ὅποι μὲν
ἀνήλωται τὰ χρήματα, οὐ χαλεπῶς εἰς τὸν λόγον
ἐγγράψει, ραδίως δὲ ἐκ τῶν ἄλλοτρῶν αὐτὸς
26 πλουτήσει. καὶ ἐκαστὸν μὲν ὅν, ὁ ἄνδρες ὡς ὑπὸ συντριπτραχῶν
δικασταὶ, πολὺ ἄν ἐργον εἰς πρὸς ύμᾶς λογίζεσθαι·

1 ἄνδρες add. Herwerden.
2 τοῦτοι Dobree: τοῦτων, τοῦτων τοῖς mss.

a It was unlawful for a guardian to venture a ward’s money in bottomry, and the Adriatic was notoriously perilous for navigation.

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estate and so got rid of a load of cares, or have purchased land and used the income for the children's support; whichever course he had taken, they would have been as rich as anyone in Athens. But the fact is, in my opinion, that at no time has he had any notion of turning their fortune into real estate, but has meant to keep their property for himself, assuming that his own wickedness ought to be heir of the wealth of the deceased. Most monstrous of all, gentlemen of the jury, he asserts that in sharing with Alexis, son of Aristodicus, the service of equipping a warship, he paid a contribution of forty-eight minae, and has entered half of this against these orphan children, whom the State has not only exempted during their childhood, but has freed from all public services for a year after they have been certified to be of age. Yet he, their grandfather, illegally exacts from his daughter's children one half of his expenses in equipping a warship! Again, he dispatched to the Adriatic a cargo of two talents' value, and told their mother, at the moment of its sailing, that it was at the risk of the children; but when it went safely through and the value was doubled, he declared that the venture was his. But if he is to lay the losses to their charge, and keep the successful gains for himself, he will have no difficulty in making the account show on what the money has been spent, while he will find it easy to enrich himself from the money of others. To set the reckoning before you in detail, gentlemen of the jury, would be a lengthy affair; but when with

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*Hume (Essay on the Populousness of Ancient Nations) has remarked on the fact that a profit of 100 per cent on such a venture does not seem to have been thought extraordinary.*
LYSIAS

ἐπειδὴ δὲ μόλις παρ’ αὐτοῦ παρέλαβον τὰ γράμματα, μάρτυρας ἔχων ἡρώτων Ἀριστόδικον τὸν ἄδελφον τὸν Ἀλέξιδος (αὐτὸς γὰρ ἔτυγχανε τετελευτηκός), εἰ δ’ λόγος αὐτῷ εἴη ὁ τῆς τριήμερος ἀρχίς. ὦ δὲ ἐφασκεν εἶναι, καὶ ἐλθόντες οὐκαδεν ἦρομεν Διογείτονα τέτταρας καὶ εἶκοσι μνᾶς.

27 ἐκείνω συμβεβλημένον εἰς τὴν τριήμερον. οὕτως δὲ ἀπέδειξε δυοῖν δεοῦσας πεντῆκοντα μνᾶς ἄνηλωκέναι, ὧστε τούτοις λελογίσθαι ὅσοντερ ὁλον [517] τὸ ἀνάλωμα αὐτῷ γεγένηται. καίτοι τι αὐτὸν οὔσθε πεποιηκέναι περὶ ὧν οὐδείς αὐτῷ σύνοιδεν ἀλλ’ αὐτὸς μόνος διεχείριζεν, ὅ τ’ ἐτέρων ἐπράξθη καὶ οὐ χαλεπὸν ἢν περὶ τούτων πυθέσθαι, ἐτὸλμησε ψευσάμενος τέτταρας καὶ εἶκοσι μνᾶς τούς αὐτοῦ θυγατριδοὺς ἦμισθαμ; καὶ μοι ἀνάβητε τούτων μάρτυρες.

ΜΆΡΤΥΡΕΣ

28 Τῶν μὲν μαρτύρων ἀκηκόατε, ὡς ἀνδρεσ ἡ δικασταί: ἐγώ δ’ ὅσα τελευτῶν ὁμολόγησεν ἔχειν αὐτὸς χρήματα, ἔπτα τάλαντα καὶ τετταράκοντα μνᾶς, ἐκ τούτων αὐτῷ λογιοῦμαι, πρόσοδον μὲν οὐδεμίαν ἀποφαίνων, ἀπὸ δ’ τῶν ὑπαρχόντων ἀναλίσκων, καὶ θῆσον ὅσον οὐδεὶς πώποτ’ ἐν τῇ πόλει, εἰς δύο παίδας καὶ ἄδελφην καὶ παιδαγωγὸν καὶ θεράπαναν χιλίας δραχμᾶς ἐκάστου ἐναυτοῦ, 29 μικρῷ ἐλαττὸν ἡ τρεῖς δραχμὰς τῆς ἡμέρας· ἐν ὀκτὼ αὐταὶ ἔτεσι γίγνονται ὁκτακισχίλια δραχμαί.

1 ὁ add. Herwerden.
2 ἀνδρεσ add. Herwerden.

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some trouble I had got him to hand over the balance-sheet, in the presence of witnesses I asked Aristodicus, brother of Alexis,—the latter being now dead,—whether he had the account for the equipment of a warship. He told me that he had, and we went to his house and found that Diogeiton had paid Alexis a contribution of twenty-four minae towards equipping the warship. But the expenditure that he showed was forty-eight minae, so that the children have been charged exactly the total of what he has spent.\(^a\) Now, what do you suppose he has done in cases of which nobody else has had cognizance, and where he managed the business alone, when in those which were conducted through others and of which information could easily be obtained he did not shrink from falsehood in mulcting his own daughter’s children to an amount of twenty-four minae? Please come forward, witnesses, in support of this.

**Witnesses**

You have heard the witnesses, gentlemen of the jury. I will now base my reckoning against him on the sum which he did eventually confess to holding,—seven talents and forty minae: not counting in any income, I will put down, as spent out of capital, a larger amount than anyone in the city has ever spent,—for two boys and their sister, an attendant and a maid, a thousand drachmae a year, a little less than three drachmae a day.\(^b\) For eight years, that

\(^a\) Again the whole of his actual contribution (24 minae) has been charged to the children’s estate, as a half-share of an exaggerated total.

\(^b\) Cf. a similar estimate in Demosthenes, *Against Aphobus*, I. 36.
LYSIAS


1 τῶν ἐπτὰ ταλάντων del. Markland.
amounts to eight thousand drachmae; and we can show a balance of six talents and twenty minae. For he will not be able to show that he has either had losses by pirates, or met with failure or paid off debts...
XXXIII. OLYMPIC ORATION

INTRODUCTION

Dionysius of Halicarnassus\(^a\) quotes this first portion of a speech to show the powers of Lysias in the "epideictic" or "exhibition" style. He gives the following summary:

"Among his works is a 'panegyric' (or festival) speech, in which he urges the Greeks, assembled for the Olympic festival, to dethrone Dionysius the despot and liberate Sicily, and to begin hostilities there and then by pillaging the despot's tent, which was adorned with gold and purple and other riches in plenty. For Dionysius had sent special envoys\(^b\) to the festival with a sacrifice to offer to the god, and the envoys' lodging in the precincts was on such a magnificent and costly scale as to advance the despot in the admiration of Greece. Such is the purport of the speech; he begins his composition as follows."

Our good fortune in having the piece preserved by Dionysius is increased by the details which Diodorus Siculus\(^c\) has given in his account of the occasion, which he fixes in the first year of the 98th Olympiad (388 B.C.), a year before the Corinthian War was ended

\(^{a}\) De Lysia, 29-30.
\(^{b}\) See note on VI. Against Andocides, 5, p. 119.
\(^{c}\) xiv. 105.
OLYMPIC ORATION

by the Peace of Antalcidas (387–386). Dionysius of Syracuse sent his brother Thearides with a splendid deputation to perform a sacrifice on his behalf: they had gold-embroidered tents to house them in the sacred precinct, a four-horse chariot to compete in the races, and professional reciters to deliver poems composed by the despot himself. Intended to impress the assembled Greeks with his wealth and power, this brilliant demonstration was met by a direct and forcible appeal from Lysias for united action against the two great oppressors of Greece,—Dionysius, "tyrant" of Syracuse, and Artaxerxes, king of Persia. In the latter part of his speech, which has not survived, he seems to have called upon the assembly, now wrought up to a high pitch of indignation, to strip the prince's tent of its golden and other ornaments. This sacrilegious violence was prevented, and indeed it does not appear that Lysias's eloquence resulted in any practical union of the Greek cities: but it did help to create a general feeling of aversion for Sparta's policy of aiding and abetting the foreign enemies of Greece.

Since 405 B.C. Dionysius had reigned with absolute power at Syracuse. In 398–397 and 392 he had fought the Carthaginians and had succeeded in driving them into the western corner of the island and establishing his own rule over all the rest; in 389–387 he was asserting his authority in the south of Italy. In 387 he sent twenty warships to aid the Spartan Antalcidas in dealing the stroke at the Hellespont which induced Athens to accept "the King's Peace." His arbitrary power and his drastic methods of increasing it were odious to Greek democracy, and there was good reason to suspect him of combining with Artaxerxes
in a scheme for subduing the whole of Greece. It is on these feelings of hate and fear that Lysias relies for the success of his appeal in support of liberty. After a pious reference to Heracles, as the founder of the Olympic festival, he tells the assembly that he proposes, not to join in the usual contest of rhetorical skill, but to speak frankly to the Greeks of their sorry plight and their bounden duty (1-6). He then makes a vigorous attack on the policy of Sparta, while praising Sparta herself for her stalwart valour and conservative principles, and expressing the hope that she will lead the Greeks to victory over their oppressors. Debarred at Athens, as a resident alien, from public speech, he seizes the opportunity allowed him at Olympia of arousing hostility against the unscrupulous master of his native city, Syracuse, and of his Sicilian compatriots. As if to mark the sudden boldness of his attempt, the plain directness of his manner stands in striking contrast to the elaborate style employed by Gorgias in the same place some years before (408 B.C.) and by Isocrates later (380 B.C.). As a rule, according to Dionysius of Halicarnassus, Lysias was inclined to be languid and insufficiently stirring in his show-pieces, as compared with Isocrates. Here, however, his effort is specially sustained by his personal feeling and a practical purpose.

The date given by Diodorus Siculus, 388 B.C., has been disputed by Grote, Freeman and other authorities, who think it unlikely that such compliments could have been paid to Sparta when Athens, Corinth and Thebes were at war with her, and that the feeling expressed against Persia as the oppressor of some

* De Lysia, 28.
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Greek cities is more intelligible after the King's Peace, which made the Asiatic Greeks subject to Persia. It has been proposed, therefore, to place the speech in 384 B.C., the first year of the next Olympiad. But in 6 we have a probable reference to the Corinthian War as still proceeding, which strengthens the presumption that the date given by Diodorus (388) is correct.
XXXIII. ὉΛΥΜΠΙΑΚΟΣ

1 Ἀλλων τε πολλῶν καὶ καλῶν ἔργων ἐνεκα, ὃ άνδρες, ἀξίου Ἡρακλέους μεμνήσθαι, καὶ ὅτι τόνδε τὸν ἀγώνα πρῶτος συνήγειρε δὲ εὑνοιαν τῆς Ἐλλάδος. ἐν μὲν γὰρ τῷ τέως χρόνῳ ἄλλοτρίως
2 αἱ πόλεις πρὸς ἀλλήλας διέκειστο. ἐπειδὴ δὲ ἐκεῖνος τοὺς τυράννους ἔπαυσε καὶ τοὺς ὑβρίζοντας ἐκώλυσεν, ἀγώνα μὲν σωμάτων ἐποίησε, φιλοτιμίαν <δὲ>¹ πλούτου, γνώμης δὲ ἐπίδειξιν ἐν τῷ καλλίστῳ τῆς Ἐλλάδος, ἵνα τούτων ἀπάντων ἐνεκα εἰς τὸ αὐτὸ συνελθομεν, τὰ μὲν ὑψόμενοι, τὰ δὲ ἀκουσόμενοι. ἡγήσατο γὰρ τὸν ἐνθάδε σύλλογον
[521] ἀρχήν γενήσεσθαι² τοῖς Ἐλλησι τῆς πρὸς ἀλλήλους
3 φιλίας. ἐκεῖνος μὲν οὖν ταῦθ' ὑφηγήσατο, ἐγὼ δὲ ἥκω οὐ μικρολογησόμενος οὐδὲ περὶ τῶν ὀνομάτων μαχούμενος. ἠγούμαι γὰρ ταύτα ἐργα μὲν εἶναι σοφιστῶν³ λιαν ἀχρήστων⁴ καὶ σφόδρα βίων ἰδιομένων, ἀνδρὸς δὲ ἀγαθοῦ καὶ πολίτου πολλοῦ αξίου περὶ τῶν μεγίστων συμβουλευέων, ὅρων οὕτως αἰσχρῶς διακειμένην τὴν Ἐλλάδα, καὶ πολλὰ μὲν αὐτῆς ὑπὸ τῷ βαρβάρῳ, πολλὰς δὲ πόλεις ὑπὸ τυράννων ἀναστάτους γεγενημένας.
4 καὶ ταύτα εἰ μὲν δὲ ἀσθενεῖαν ἐπάσχομεν, στέργειν

¹ δὲ add. Aldus.
² γενήσεσθαι Markland: γενέσθαι mss.

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Among many noble feats, gentlemen, for which it is right to remember Heracles, we ought to recall the fact that he was the first, in his affection for the Greeks, to convene this contest. For previously the cities regarded each other as strangers. But he, when he had crushed despotism and arrested outrage, founded a contest of bodily strength, a challenge of wealth, and a display of intelligence in the fairest part of Greece, that we might meet together for all these enjoyments alike of our eyes and of our ears, because he judged that our assembly here would be a beginning of mutual amity amongst the Greeks. The project of it, then, was his; and so I have not come here to talk trivialities or to wrangle over words: I take that to be the business of utterly futile professors in straits for a livelihood; but I think it behoves a man of principle and civic worth to be giving his counsel on the weightiest questions, when I see Greece in this shameful plight, with many parts of her held subject by the foreigner, and many of her cities ravaged by despots.a Now if these afflictions were due to weakness, it would be necessary to

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3 αὐθεστὼν Markland: σοφά τῶν, σοφῶν τῶν mss.
4 ἀχρήστων Markland: χρηστῶν mss.
LYSIAS

δὲν ἦν ἀνάγκη τὴν τύχην· ἐπειδὴ δὲ διὰ στάσιν καὶ τὴν πρὸς ἀλλήλους φιλονικίαν, πῶς οὐκ ἂξιον τῶν μὲν παύσασθαι τὰ δὲ κωλύσαι, εἰδότας ότι φιλονικεῖν μὲν ἦστιν εὔ πραττόντων, γνώναι δὲ τὰ βέλτιστα τῶν οίων ἡμῶν; ὥρωμεν γὰρ τοὺς κινδύνους καὶ μεγάλους καὶ πανταχόθεν περιεστηκότας· ἐπίστασθε δὲ ὦτι ἡ μὲν ἁρχὴ τῶν κρατοῦντων τῆς θαλάττης, τῶν δὲ χρημάτων βασιλεῖσ ταμίας, τὰ δὲ τῶν Ἐλλήνων σώματα τῶν δασανάσθαι δυναμένων, ναὸς δὲ πολλὰς <μὲν> αὐτὸς κέκτησαι, πολλὰς δὲ τῶν τύραννος τῆς Σικυ-6

λίας. ὡστε ἂξιον τῶν μὲν πρὸς ἀλλήλους πόλεμον καταθέσαι, τῇ δ' αὐτῇ γνώμῃ χρωμένους τῆς σωτηρίας ἀντέχεσθαι, καὶ περὶ μὲν τῶν παρ-εληλυθότων αἰσχύνεσθαι, περὶ δὲ τῶν μελλόντων ἔσεθαι δεδιέναι, καὶ πρὸς τοὺς προγόνους ἀμιλ-λᾶσθαι, οἱ τοὺς μὲν βαρβάρους ἐποίησαν τῆς ἀλλοτρίας ἐπιθυμοῦντας τῆς σφετέρας αὐτῶν στερεῖσθαι, τοὺς δὲ τυράννους ἐξελάσαντες κοινῷ 7 ἀπασὶ τὴν ἐλευθερίαν κατέστησαν. θαυμάζω δὲ Ὁκεδαμονίους πάντων μάλιστα, τίνι ποτὲ γνώμῃ χρώμενοι καμομένη τὴν Ἐλλάδα περιορώσων, ἡγεμόνες ὄντες τῶν Ἐλλήνων οὐκ ἄδικως, καὶ διὰ τὴν ἐμφυτον ἀρέτην καὶ διὰ τὴν πρὸς τὸν πόλεμον ἐπιστήμην, μόνου δὲ οἰκούντες ἀπόρθητοι καὶ ἀτείχιστοι καὶ ἀστασίαστοι καὶ ἀήττητοι καὶ τρόποις ἀεὶ τοῖς αὐτοῖς χρώμενοι· ὥς ἔνεκα ἐλπὶς ἀθάνατον τὴν ἐλευθερίαν αὐτοὺς κεκτῆσαι, καὶ ἐν τοῖς παρεληλυθόσι κινδύνους σωτηρίας γενομένους τῆς Ἐλλάδος περὶ τῶν μελλόντων προσφᾶσθαι.

1 οἶων ἡμῶν Thalheim: αὐτῶν mss. 2 μὲν add. Reiske.

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acquiesce in our fate: but since they are due to faction and mutual rivalry, surely we ought to desist from the one and arrest the other, knowing that, if rivalry befits the prosperous, the most prudent views befit people in a position like ours. For we see both the gravity of our dangers and their imminence on every side: you are aware that empire is for those who command the sea, that the King\textsuperscript{a} has control of the money, that the Greeks are in thrall to those who are able to spend it, that our master possesses many ships, and that the despot of Sicily\textsuperscript{b} has many also. We ought therefore to relinquish our mutual warfare, and with a single purpose in our hearts to secure our salvation; to feel shame for past events and fear for those that lie in the future, and to compete with our ancestors, by whom the foreigner, in grasping at the land of others, was deprived of his own, and who expelled the despots and established freedom for all in common. But I wonder at the Lacedaemonians most of all: what can be their policy in tolerating the devastation of Greece, when they are leaders of the Greeks by the just claims alike of their inborn valour and their martial science, and when they alone have their dwelling-places unravaged though unwalled and, strangers to faction and defeat, observe always the same rules of life? Wherefore it may be expected that the liberty they possess will never die, and that having achieved the salvation of Greece in her past dangers they are providing

\textsuperscript{a} Artaxerxes II., who reigned 405-362 B.C.
\textsuperscript{b} Dionysius I. of Syracuse, who reigned 405-367 B.C.
LYSIAS

8 οὖ τοίνυν ὁ ἐπίων καίρος τοῦ παρόντος βελτίων·

[525] οὐ γὰρ ἀλλοτρίας δεὶ τὰς τῶν ἀπολωλότων συμφορὰς νομίζειν ἄλλη οἰκείας, οὐδὲ ἀναμείναι, ἐὼς ἂν ἐπ' αὐτοὺς ἡμᾶς αἱ δυνάμεις ἀμφοτέρων ἐλθωσιν, ἄλλη ἐὼς ἐτὶ ἔξεστι, τὴν τούτων ὑβριν ἑκάστην τόν τούτων ὑβριν ἑκάστην. τίς γὰρ οὐκ ἂν ἀγανακτήσειν ὅρων ἐν τῷ πρὸς ἄλληλους πολέμως μεγάλους αὐτοὺς γεγενημένους; ὅτι οὐ μόνον αἰσχρῶν ὄντων ἄλλα καὶ δεινῶν, τοῖς μὲν μεγάλα ἡμαρτηκόσιν ἐξουσία γεγένηται τῶν πεπραγμένων, τοῖς δὲ Ἐλλησσιν οὐδεμία αὐτῶν τιμωρία . . .

1 ἀγανακτήσειν ὅρων Baiter: ἐνορῶν mss.
against those that are to come. Now the future will bring no better opportunity than the present. We ought to view the disasters of those who have been crushed, not as the concern of others, but as our own: let us not wait for the forces of both our foes to advance upon ourselves, but while there is yet time let us arrest their outrage. For who would not be mortified to see how they have grown strong through our mutual warfare? Those incidents, no less awful than disgraceful, have empowered our dire oppressors to do what they have done, and have hindered the Greeks from taking vengeance for their wrongs . . .
XXXIV. AGAINST THE SUBVERSION OF THE ANCESTRAL CONSTITUTION OF ATHENS

INTRODUCTION

This portion of a speech is quoted by Dionysius of Halicarnassus as a good specimen of Lysias's deliberative style, and he introduces it with the following summary:

"The people had returned from the Peiraeus and voted for reconciliation with the party of the town and for an amnesty in regard to all that had passed; but there was a fear lest the populace might repeat their outrages on the affluent class through the recovery of their ancient liberties, and this point was much debated. Phormisius, one of those who had returned along with the people, introduced a resolution that, while the exiles might return, the citizenship should be bestowed only on those of them who possessed land: the Lacedaemonians were also in favour of the measure. The passing of this decree would have meant the exclusion of about five thousand Athenians from civic rights; and, to prevent this, Lysias wrote the following speech for

*a i.e., the citizens banished by the Thirty must, for the most part, be content with their restoration.
LYSIAS

some man of distinction and political standing. Whether indeed it was delivered at the time is uncertain; its composition is at all events adapted to actual debate."

The occasion, then, is evidently in the autumn of 403 B.C., when the iniquitous rule of the Thirty had been ended by the courageous energy of the democrats, and a settlement agreeable to all the citizens except the Thirty and their most active supporters was being arranged. A general amnesty was agreed on and, as we have noted in the speech Against Nicomachus, the ancient laws of Athens were being revised and properly codified. At this moment a proposal was made by Phormisius that the possession of civic rights should be confined to those who had landed property. This man, like Theramenes and Socrates, belonged to the intermediate group who were opposed to extremists of either kind and favoured a limited democracy; but he had been prudent or fortunate enough to preserve both his life and his wealth, and had supported the democrats in the Peiraeus. The oligarchical tendency of his proposal shows that there must have been a fairly widespread feeling against absolute democracy; but it was defeated, and the character of the opposition is well illustrated by this speech which Lysias composed for a citizen of good family, ample means, and a sound sense of the practical advantages of granting to all citizens alike a voice and an interest in the affairs of the State. Though Sparta was understood to favour the proposal of Phormisius, he gives reasons for thinking that she will not venture to support it by force (6-9).

a XXX. and Introduction, pp. 610 ff.
Dionysius, while expressing a doubt as to the actual delivery of the speech, points out that its style—which is plain and vigorous rather than carefully polished—shows that it was designed for use in a real debate. Perhaps Phormisius's proposal was so ill received that no formal opposition was necessary, and the undelivered speech was circulated as an eloquent expression of the popular feeling. It appears from 4 that the discussion took place at an Assembly which was limited to citizens of a certain wealth: fortunately for the peace and welfare of Athens, this Assembly could acknowledge the claims of ordinary men who had helped to expel the despots, and it rejected the unworthy proposal of Phormisius.
XXXIV. ΠΕΡΙ ΤΟΥ ΜΗ ΚΑΤΑΛΥΣΑΙ ΤΗΝ ΠΑΤΡΙΟΝ ΠΟΛΙΤΕΙΑΝ ΑΘΗΝΗΣΙ

1 Ὅτε ἐνομίζομεν, ὦ Ἀθηναῖοι, τὰς γεγενημένας συμφορὰς ἵκανα μνημεία τῇ πόλει καταλείφθαι, ὡστε μὴ ἂν τοὺς ἐπιγγυνομένους ἑτέρας πολιτείας ἐπιθυμεῖν, τότε δὴ οὔτοι τοὺς κακῶς πεποιθότας καὶ ἀμφοτέρων πεπειραμένους ἐξαπατήσαε ἤτοιος τοῖς αὐτοῖς ψηφίσμασιν, οἴσπερ καὶ πρότερον δῆς ἡδή. ¹ καὶ τούτων μὲν οὐ θαυμάζω, ὡμῶν δὲ τῶν ἀκρωμένων, ὅτι πάντων ἐστὶ ² ἐπιληψιονέστατοι ἡ πάσχειν ἐτοιμότατοι κακῶς ὑπὸ τοιούτων ἄνδρῶν, οἱ τῇ μὲν τύχῃ τῶν Πειραιῶν πραγμάτων μετέσχον, τῇ δὲ γνώμῃ τῶν ἕξ ἀστεως. καίτου τί ἐδει φεύγοντας κατελθεῖν, εἰ χειροτονοῦντες ὑμᾶς αὐτοὺς ³ καταδουλώσεσθε; ἐγὼ μὲν οὖν, ὦ Ἀθηναῖοι,

2 [528] οὔτε οὐσίαν, ⁵ οὔτε γένει ἀπελαυνόμενος, ἀλλὰ ἀμφότερα τῶν ἀντιλεγόντων πρὸτερος ὡν, ἡγοῦμαι ταῦτην μόνην σωτηρίαν εἶναι τῇ πόλει, ἅπασαν Ἀθηναίους τῆς πολιτείας μετεῖναι, ἐπεὶ οὔτε καὶ τὰ τείχη καὶ τὰς νάος καὶ [τὰ] ⁴ χρήματα καὶ συμμάχους ἐκτησάμεθα, οὐχ ὅπως τινὰ Ἀθηναίου ἀπ-


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XXXIV. AGAINST THE SUBVERSION OF
THE ANCESTRAL CONSTITUTION OF
ATHENS

At the very moment when we were supposing, men of Athens, that the disasters that have befallen her have left behind them sufficient reminders to the city to prevent even our descendants from desiring a change of constitution, these men are seeking to deceive us, after our grievous sufferings and our experience of both systems, with the selfsame decrees with which they have tricked us twice before. It is not at them that I wonder, but at you who listen to them, for being the most forgetful of mankind, or the readiest to suffer injury from such men as these; who shared by mere chance in the operations at the Peiraeus, but whose feelings were with the party of the town. What, I ask, was the object of returning from your exile, if by your votes you are to enslave yourselves? Now I, men of Athens, am not debarred on account either of means or of birth, but in both respects have the advantage of my opponents; and I consider that the only deliverance for the city is to let all Athenians share the citizenship. For when we possessed our walls, our ships, and money and allies, far from proposing to exclude any Athenian,
 Lyons

οὕσομέν ἔδει λόγω, ἀλλὰ καὶ Ὑμεῖσιν ἐπιγαμίαν ἐποιοῦμεθα. νῦν δὲ καὶ τοὺς ὑπάρχοντας πολλάς
4 ἀπελώμεν; οὐκ, εἶν ἔμοιγε πίθησθε, οὐδὲ μετὰ τῶν τειχῶν καὶ ταῦτα ἡμῶν αὐτῶν περαιρησόμεθα,
ὅπλας πολλοὺς καὶ ὑπέας καὶ τοξότας, ὃς ὑμεῖς ἀντεχόμενοι βεβαιῶς δημοκρατήσεσθε, τών δὲ ἐχθρῶν πλέων ἐπικρατήσετε, ὑφελμύτεροι δὲ τοῖς συμμάχοις ἐσεθε. ἐπίστασθε γὰρ ἐν ταῖς ἐφ’ ἡμῶν ὀλιγαρχίαις γεγενημέναις [καὶ] οὐ τοὺς γῆν κεκτημένους ἔχοντας τὴν πόλιν, ἀλλὰ πολλοὺς
5 ἐκπεσόντας, οὐς ὁ δήμος καταγαγὼν ὑμῖν μὲν τὴν ὑμετέραν ἀπέδωκεν, αὐτὸς δὲ ταῦτας οὐκ ἐτόλμησε μετασχεῖν. ὡστ’, εἶν ἔμοιγε πίθησθε, οὐ τοὺς ἐνεργήτας, καθὸ δύνασθε, τῆς πατρίδος ἀποστερήσετε, οὐδὲ τοὺς λόγους πιστοτέρους τῶν ἔργων οὐδὲ τὰ μέλλοντα τῶν γεγενημένων νομεῖτε, ἀλλὰς τε καὶ μεμνημένοι τῶν περὶ τῆς ὀλιγαρχίας μαχομένων, οὐ τῶν μὲν λόγω τῶν δήμων πολεμοῦσι, τῶν δὲ ἔργων τῶν ὑμετέρων ἐπιθυμοῦσι. ἀπερ
5 κτήσοντα, ὅταν ὑμᾶς ἐρήμους συμμάχων λάβωσιν. 6 Ἔιτα τοιούτων ἡμῖν ὑπαρχόντων ἐρωτῶν τίς
[530] ἐσται σωτηρία τῆς πόλεως, εἰ μὴ ποιήσομεν <ἀ> Λακεδαίμονι τε κελεύσωσιν; ἢγὼ δὲ τούτους εἰπεῖν ἀξίω, τί τω πλῆθει περιγενήσεται, εἰ ποιήσομεν ἅ ἐκεῖνοι προστάτουσιν; εἰ δὲ μὴ, πολὺ κάλλιον μαχομένους ἀποθηνήσκειν ἡ φανερῶς ἡμῶν αὐτῶν

1 ἀπώθοσεν Baiter: ποιήσωμεν mss.
2 πίθησθε Cobet: πιθάωμεθα, πιθάωμεθα mss.
3 ἐν add. Reiske.
4 καὶ del. Taylor.
5 ἀπερ Stephanus: ἀπο-, ἀπερ mss.
6 τοιούτων Baiter: τοῖς τῶν mss.
7 ἐρωτώσι Markland: ἐρωσι mss.

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we actually granted the right of marriage to the Euboeans. Shall we debar to-day even our existing citizens? No, if you will be advised by me; nor, after losing our walls, shall we denude ourselves of our forces,—large numbers of our infantry, our cavalry and our archers: for, if you hold fast to these, you will make your democracy secure, will be more victorious over your enemies, and will be more useful to your allies. You are well aware that in the previous oligarchies of our time it was not the possessors of land who controlled the city: many of them were put to death, and many were expelled from the city; and the people, after recalling them, restored your city to you, but did not venture to participate in it themselves. Thus, if you take my advice, you will not be depriving your benefactors, so far as you may, of their native land, nor be placing more confidence in words than in deeds, in the future than in the past, especially if you remember the champions of oligarchy, who in speech make war on the people, but in fact are aiming at your property; and this they will acquire when they find you destitute of allies.

And then they ask us, when such is our plight, what deliverance there can be for the city, unless we do as the Lacedaemonians demand. But I call upon them to tell us what profit will accrue to the people if we obey their orders. If we do not, it will be far nobler to die fighting than to pass a manifest sentence

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\[a\] Normally the marriage tie was only recognized as between persons of Athenian birth.  
\[b\] *i.e.*, they pretend to be battling with the principle of democracy, but are really busy with robbery.

\[8\] *<a> Λακεδαίμονιοι Stephanus: Λακεδαίμονίοις mss.*
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7 θάνατον καταψηφίσασθαι. ἤγονοι γάρ, έαν μὲν πείσω, ἀμφότεροις κοινῶν εἶναι τὸν κίνδυνον... θάνατον καταψηφίσασθαι. ἤγονοι γάρ, έαν μὲν πείσω, ἀμφότεροις κοινῶν εἶναι τὸν κίνδυνον...

8 δὲ οὔδε τρισχιλίους ὄντας. ὡςις γάρ ἐκεῖνοι ὁτι, κἂν πολλάκις εἰς τὴν τούτων ἐμβάλσωσι, πολλάκις αὐτοῖς ἀπαντήσονται ὀπλα λαβόντες, ἡστε οὐ καλὸς αὐτοῖς ὁ κίνδυνος δοκεῖ εἶναι, ἡστε μὲν νυκῆσωσι, τούτως μὴ φασὶν τῶν ὑπαρχόντων ἀγαθῶν ἀποστερήσαι· ὡσῶ δ' ἀν ᾑμεῖνον πράττωσι, τοσοῦτω τῇ ἡττηθῶσι, σφάσαντες αὐτοῖς τῶν ὑπαρχόντων ἀγαθῶν ἀποστερήσασθαι, ὡσὶν δ' ἦν ἀμεινον πράττωσι, τοσοῦτω <ἡττον> εἰπιθυμούσι κινδυνεύειν. εἰχομεν δε, ὡ 'Ἀθηναίοι, καὶ ἡμεῖς ταύτην τὴν γνώμην, ὅτε τῶν 'Ελλήνων ἥρχομεν, καὶ ἐδοκούμεν καλῶς βουλεύσονται περιορώσεις μὲν τὴν χώραν τεμνο-

10 τὰς ἐλπίδας τῆς σωτηρίας. ἀλλὰ γάρ χρὴ ἀναμνη-
σθέντας ὅτι ἡγημονικῷς ἀδικουμένους βοηθή-
σαντες ἐν τῇ ἀληθείᾳ πολλὰ τρόπαια τῶν πολεμίων ἐστήσαμεν, ἀνδρὰς ἀγαθοὺς περὶ τῆς πατρίδος καὶ ἡμῶν αὐτῶν γίγνεσθαι, πιστεύοντας μὲν τοῖς Θεοῖς καὶ ἐλπίζοντας ἐπὶ τὸ δίκαιον μετὰ τῶν ἀδικου-

1 μένων ἐξεσθαι. δεινῶν γάρ ἀν εἰη, ὡ 'Ἀθηναίοι,
of death upon ourselves. For I believe that if I can persuade you, the danger will be common to both sides.... And I observe the same attitude in both the Argives and the Mantineans, each inhabiting their own land,—the former bordering on the Lacedaemonians, the latter dwelling near them; in the one case, their number is no greater than ours, in the other it is less than three thousand. For their enemies know that, often as they may invade the territories of these peoples, as often will they march out to oppose them under arms, so that they see no glory in the venture: if they should be victorious, they could not enslave them, and if they should be defeated, they must deprive themselves of the advantages that they already possess. The more they prosper, the less is their appetite for risk. We also, men of Athens, held these views, when we had command over the Greeks; and we deemed it a wise course to suffer our land to be ravaged without feeling obliged to fight in its defence. For our interest lay in neglecting a few things in order to conserve many advantages. But to-day, when the fortune of battle has deprived us of all these, and our native land is all that is left to us, we know that only this venture holds out hopes of our deliverance. But surely we ought to remember that heretofore, when we have gone to the support of others who were victims of injury, we have set up many a trophy over our foes on alien soil, and so ought now to act as valiant defenders of our country and of ourselves: let us trust in the gods, and hope that they will stand for justice on the side of the injured. Strange indeed

* There is probably a gap here in the text.
LYSIAS

εἴ, δότε μὲν ἐφεύγομεν, ἐμαχόμεθα Λακεδαιμονίοις ἢν κατέλθωμεν, κατελθόντες δὲ φευξόμεθα, ἢν μὴ μαχώμεθα. οὐκ οὖν αἰσχρὸν εἴ εἰς τούτο κακίας ἦξομεν, ὥστε οἱ μὲν πρόγονοι καὶ ύπὲρ τῆς τῶν ἄλλων ἐλευθερίας διεκκυδάνευον, ὑμεῖς δὲ οὐδὲ ύπὲρ τῆς ύμετέρας αὐτῶν τολμᾶτε πολεμεῖν; . . .
would it be, men of Athens, if after fighting the Lacedaemonians, in the time of our exile, to achieve our return, we should take to flight, when we have returned, to avoid fighting! And will it not be shameful if we sink to such a depth of baseness that, whereas our ancestors risked their all merely for the freedom of their neighbours, you do not dare even to make war for your own? . . .
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