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THE AUTOBIOGRAPHICAL SPEECHES OF LYSIAS AND THE BIOGRAPHICAL TRADITION

Four biographies of the orator Lysias, son of Cephalus, have survived from antiquity: Dionysius of Halicarnassus (*De Lysia* 1), ps.-Plutarch (*Vitae Decem Oratorum* 835C–836D), Suda (s. v. Λυσίας), and Photius (*Bibliotheca* codex 262). Of the four works, the account of ps.-Plutarch with its emphasis on precise dates contains the greatest amount of detail though all share a close affinity with one another. U. SCHINDEL¹ in his investigation of the Lysias biographies has demonstrated that the ps.-Plutarch version, dependent upon the compilations of Hellenistic grammarians, derives ultimately from more trustworthy sources: the *Respublica* and *Phaedrus* of Plato, ps.-Demosthenes *Katà Neairas*, the *Historiae* of Timaeus of Tauromenium, and most importantly the autobiographical speeches of Lysias. The bulk of the biographical material that can be gleaned from these speeches concerns the period of Lysias' life from the installation of the Thirty

¹ Untersuchungen zur Biographie des Redners Lysias, RhM 110 (1967) 32–52.

Tyrants to the restoration of the democracy and the years immediately thereafter. It is my purpose to examine the political status of Lysias during this period by placing the autobiographical works in their proper sequence, and then to attempt to date these speeches more precisely.

We may classify as autobiographical those speeches which were composed by Lysias himself for actions in which he was personally involved, whether or not he was speaking in his own persona. Four works may be so categorized: the *Katà 'Eratostθένους* (XII) is the only extant in its entirety, the *Πρὸς 'Ιπποθέρησιν* exists only in tantalizing but informative fragments², the *ὁ ὑπὲρ τοῦ ψηφίσματος ὃ ἐγράψατο Ἀρχίνος*³ and the *Περὶ τῶν ἰδίων εὐεργεσιῶν*⁴ are little more than mere titles and are only surmised to have included biographical references.

The speech against Eratosthenes has been handed down to us with the postscript *τοῦ γενομένου τῶν τριάκοντα, ὃν αὐτὸς εἶπε Λυσίας*; and it is the sole speech which we are able to assume with some assurance that he delivered himself. And it may be securely identified with the speech that ps.-Plutarch describes *κατὰ τῶν τριάκοντα* (836B)⁵. Lysias poignantly narrates the arrest and execution of his brother Polemarchus at the hands of the Thirty (16–17), his own detention by members of the oligarchy (8–15), his daring escape from the house of Damnippos (16) and his subsequent flight to Megara (17), and the seizure of the family's assets (19). In addition we learn of Lysias' arrival in the Piraeus after the battle at Munychia when negotiations were in progress between the Piraeus Party and the City Party (53).

The speech against Hippotherses was not spoken by Lysias himself since he is consistently referred to in the third person (e. g., lines 36, 43, 79, etc.). The scraps of this work contain an enumeration of his benefactions during his exile (lines 165–170)⁶, and confirm that he had joined the forces of Thrasyboulus in the Piraeus (lines 11–12) during the negotiations with the City Party subsequent to the battle at Munychia and had participated in the triumphant return of the democrats to Athens (lines 36–38). Ps.-Plutarch is the only source for the speech which Lysias wrote on behalf of the citizenship decree proposed by Thrasyboulus after the return of the exiles, which Archinus sought to overturn by a *γραφὴ παρανόμων*. It is doubtful whether Lysias would have delivered this speech before the Assembly when his own

² B. P. GRENFELL and A. S. HUNT, *Oxyrhynchus Papyri* XIII (London 1919) no. 1606, frags. 1–6. L. GERNET and M. BIZOS, *Lysias: discours I–XV, XVI–XXXV et fragments* (Paris 1924 1926) frag. I.

³ Ps.-Plutarch 836 A–B.

⁴ Harpocration, s. v. Κεῖοι, μεταπύργιον, Φηγαῖοι.

⁵ U. WILAMOWITZ, *Aristoteles und Athen* II (Berlin 1893) 218–19. F. BLASS, *Die attische Beredsamkeit* I² (Leipzig 1887) 359.

⁶ Restored with certainty from ps.-Plutarch (835F) by GRENFELL–HUNT (POxy XIII 70).

status as a new citizen was being challenged; it was probably composed for a prominent citizen, perhaps Thrasyboulus himself⁷. Harpocration cites several words at random from a Lysianic speech entitled Περὶ τῶν ἰδίων εὐεργεσιῶν which is likely to have included interesting biographical material though the circumstances of its delivery and the speaker remain a mystery to us.

The most important event of Lysias' life during this period is not directly attested by the words of the orator himself. Thrasyboulus, upon the restoration of the democracy, authored a decree which granted citizenship to all who returned from the Piraeus (Arist., *Ath. Pol.* 40.2, Aeschin. III.195, and *POxy*, XV, no. 1800, frags. 4–7, lines 3–10); but according to other ancient sources (ps.-Plut. 836A–B and Phot., *Bibl. codex* 262), Thrasyboulus proposed a special measure bestowing πολιτεία upon Lysias. It was revoked, however, by Archinus through a γραφή παρανόμων because it was ἀπροβούλευτον. It seems certain that Lysias was comprehended in the general decree since he had been present in the Piraeus, but that the compiler-biographers deduced wrongly from his inclusion that it was promulgated expressly for him. In all likelihood this information originated with Lysias himself since the remainder of our knowledge about him at this time can be traced to his own writings.

Which speech could have incorporated such material? Lysias XII must be excluded from the outset since it is extant in its entirety and keeps silent on this issue. Prior to the discovery of the *Against Hippotherses*, the *Against Archinus* and the *On His Own Benefactions* had often been thought to be alternative names for the same speech and the source for Lysias' benefactions during his exile⁸. The rationale for this equation had been that, in defending the decree, Lysias would have had an appropriate occasion for recounting his services to Athens. If we accept this identification, it implies that the measure conferring citizenship upon Lysias was *ad hominem* rather than πᾶσι τοῖς ἐκ Πειραιῶος συγκατελθοῦσι as Aristotle reports (*Ath. Pol.* 40.2). Thus these speeches must be evaluated separately. The *Against Archinus*, though it may be a source for Lysias' inclusion in this measure, may not be the source for the

⁷ H. SAUPPE (*Oratores Attici* II [Turici 1850] 187) believes that Lysias himself delivered the speech; but BLASS (I² 359–60) and GERNET–BIZOS (II 232, n. 1) hold the opposite opinion.

⁸ SAUPPE (II 187) and BLASS (I² 350, 359–60) identify the *On His Own Benefactions* with the *Against Archinus*. J. H. LIPSIUS (*Das attische Recht und Rechtsverfahren* [Leipzig 1905] 384, n. 35) makes this association, but considers it a personal apology in the form of a speech. Cf. *infra* n. 28. GERNET–BIZOS (II 232), however, speculate that the *Against Hippotherses* and the *On His Own Benefactions* are in fact the same speech; but Harpocration mentions them as separate speeches: *Against Hippotherses* (s. v. ἀφανῆς οὐσία καὶ φανερά, Ἰερώνυμος), *On His Own Benefactions* (*supra* n. 4). K. J. DOVER (*Lysias and the Corpus Lysiacum*, Sather Classical Lectures XXXIX, [Berkeley 1968] 40–41) prefers the former as the ultimate source of the secondary biographical evidence. It is possible that Lysias included the same biographical data in both speeches.

cancellation of the decree since it was composed in response to the legal challenge of Archinus. Furthermore, it is improbable that in a speech of broad appeal to the city delivered by a leading citizen, Lysias would specify his own cause; but it is more plausible that he would compose a dignified speech void of special interest conforming to the rank of the speaker, analogous to the *Against the Subversion of the Ancestral Constitution* (XXXIV). The *On His Own Benefactions* must remain a possibility because nothing is known about it beyond a few scattered words. The *Against Hippotherses* almost certainly contained this information about Lysias' short-lived citizenship. The whole tenor of the speech suggests this. In it Lysias contrasts his sufferings and services to the state as a metic with Hippotherses' deplorable conduct as a citizen (lines 140–206). And in return for his benefactions, he has received no recompense: ἀντί τ[ο]ύτων οὐδὲ μίαν χ[ά]ριν οὐδὲ δωρεάν παρ' ὑμῖν κεκόμισται (lines 171–173), which may be an allusion to the annulment of the citizenship proposal, a subject which he may have mentioned earlier in the speech. The *Against Hippotherses* appears to be the most likely of the four autobiographical works to have had an account of Lysias' brief citizenship from which the grammarians falsely concluded that Thrasyboulus had proposed a special decree for Lysias alone.

What was the political status of Lysias when the democracy had been restored and his grant of citizenship had been revoked? Immediately after his description of the annulment of Thrasyboulus' decree, ps.-Plutarch informs us that Lysias lived the remainder of his life as an ἰσοτελής: καὶ οὕτως ἀπελαθεῖς τῆς πολιτείας τὸν λοιπὸν ὤκησε χρόνον ἰσοτελῆς ὢν (836A). But when was this ἰσοτέλεια bestowed? M. FEYEL⁹ contends that this passage is incomprehensible unless Lysias had been awarded this privilege prior to 403 B.C. and proposes that it was conferred as a reward for his ἀπικτισμός during the party strife at Thurii. P. CLOCHÉ¹⁰ and G. ΜΑΤΗΙΕΥ¹¹, on the contrary, point to the ambiguity of this passage and caution that it is impossible to deduce with certainty whether Lysias attained ἰσοτέλεια before or after 403 B.C. WILAMOWITZ¹², approaching the problem from a different direction, believes that Cephalus and his sons possessed property and therefore had been granted the right of ἐγκτησις with the result that the γραφή παρανόμων of Archinus could only have reduced Lysias to his former status of ἰσοτελής. His assertion, however, may be considered invalid on two counts. Subsequent scholars have demonstrated that ἰσοτέλεια, strictly speaking, meant equality of taxation; and that ἐγκτησις was not its necessary

⁹ Sur quelques inscriptions attiques et ioniennes de la première moitié du IV^e siècle, *RevPhil* 71 (1945) 158–61.

¹⁰ La restauration démocratique à Athènes en 403 avant J.-C. (Paris 1915) 465, n. 1.

¹¹ La réorganisation du corps civique athénien à la fin du V^e siècle, *REG* 40 (1927) 95–96.

¹² Demotika der attischen Metoiken I, *Hermes* 22 (1887) 117, n. 1. BLASS, I² 346.

concomitant although both were often granted simultaneously¹³. The passages which imply that the family of Cephalus held property (τριῶν ἡμῖν οἰκιῶν, *Lys.* XII.18 and ἡμεῖν οὖν οἴκαδε εἰς τοῦ Πολεμάρχου, *Pl., Resp.* 328b) are inconclusive; for it is equally possible that they merely rented several houses. Furthermore, a passage in the *Against Hippotherses* is interpreted as contradicting the notion that Lysias was possessed of ἔγκτησις; οὗτος οὔτε γῆν [οὔ]τ' οἰκίαν κεκτημένος (lines 43–44)¹⁴. Consequently neither the notice in ps.-Plutarch nor the right to own property which has been imputed to Cephalus and his sons may be invoked to ascertain the time when Lysias became ἰσοτελής.

An investigation of the sequence of the autobiographical speeches may provide a starting point for the solution to the problem of the political status of Lysias after the return of the democracy and after his brief tenure as an Athenian citizen.

It is difficult to fix the precise date of the *Against Eratosthenes*. Two criteria have been commonly applied in order to determine its exact date: supposed chronological references contained in the speech itself, and the type of action for which the speech was composed. Critics have been almost unanimous in their judgment that it was delivered in 403 B.C., either soon after the restoration of the democracy or at the end of the year¹⁵. In support of their supposition, several passages are cited; but when these references are inspected closely, they yield only ambiguous results and may point to any date after the return of the democracy, either before the elimination of the oligarchs from Eleusis or afterwards. Following his discussion of

¹³ J. PECIRKA, *The Formula for the Grant of Enktesis in Attic Inscriptions* (Prague 1966) 26. H. HOMMEL, s. v. μέτοικοι, *RE* 15 A (1932) 1422. J. H. LIPSIIUS, *Lysias' Rede gegen Hippotherses und das attische Metoikenrecht*, *Ber. Sächs Akad. Wiss.* 71 (1919) 6–7. M. CLERC (*Les métèques athéniens* [Paris 1893] 206–207) and A. R. W. HARRISON (*The Law of Athens: The Family and Property* [Oxford 1968] 237) concur that ἔγκτησις was not automatically awarded with ἰσοτέλεια, but they also believe that Lysias and Polemarchus held both privileges prior to the establishment of the Thirty.

¹⁴ MATHIEU, *REG* 40 (1927) 96. T. REINACH, *Le plaidoyer de Lysias contre Hippothersès*, *REG* 32 (1919) 444–45. GERNET-BIZOS (*II* 230, n. 4) construe Hippotherses as the subject of this phrase although οὗτος throughout the speech refers to Lysias.

¹⁵ W. R. LAMB, *Lysias*, *Loeb Classical Library*, (London 1930) 225. GERNET-BIZOS, I 159. CLOCHÉ, *La rest.* 309–10. C. D. ADAMS, *Lysias: Selected Speeches* (New York 1905, repr. 1970) 40, 43. R. RAUCHENSTEIN and K. FUHR, *Ausgewählte Reden des Lysias* (Berlin 1899) 18. H. FROBERGER-T. THALHEIM, *Ausgewählte Reden des Lysias* (Leipzig 1895) 16. CLERC, 109. WILAMOWITZ, *Arist. u. Ath.* II 221. BLASS, I² 542–43. E. S. SHUCKBURGH, *Lysias: Orationes XVI* (London 1887, repr. 1967) xxxiii–xxxiv. R. RAUCHENSTEIN (*Über das Ende der Dreißig in Athen*, *Philologus* 10 [1855] 596–600) believed that Eratosthenes went on trial after the expulsion of the oligarchs from Eleusis. He thought, however, that the Eleusis episode was of short duration, and that the amnesty was concluded afterwards. With the discovery of the *Ath. Pol.*, his arguments were invalidated.

Theramenes, Lysias makes the statement: μηδ' ἀποῦσι μὲν τοῖς τριάκοντα ἐπιβουλεύετε, παρόντας δ' ἀφήτε (80), which has often been construed as an allusion to the Thirty at their haven in Eleusis. Had he desired to refer specifically to the tyrants and their supporters at Eleusis, he could have simply added the qualification ἐν Ἐλευσίῃ. Thus this passage only conveys the information that some members of the Thirty were not present in Athens at the time of the speech's delivery (cf., 33, 46), and may consequently refer to the situation before or after the expulsion of the tyrants from Eleusis. Later on in his address to the City Party, Lysias declares: μετ' ἀνδρῶν νῦν ἀρίστων πολιτεύεσθε καὶ τοῖς πολεμίοις μάχεσθε καὶ περὶ τῆς πόλεως βουλευέσθε (94). The πολέμοι are commonly considered to be the Thirty and their followers, but once again the vagueness of the phrase does not permit us to make the identification with any assurance. Instead its import seems to be general, not pointing to a particular state of affairs but to a return to the *status quo*: »with the best men now you enjoy the citizenship, and you fight the enemy (in contrast to τοῖς ἐκ Πειραιέως or ἀλλήλοισι), and you (rather than the Thirty) deliberate about the affairs of the city.« The expression at the beginning of this sentence, ὑμεῖς νῦν ἐν τῷ θαρραλέῳ ὄντες, may refer to the sense of security felt after the threat at Eleusis had been removed¹⁶. The fact that Lysias has appealed to the City Party and the Piraeus Party individually has been taken to show that the speech was given shortly after the renewal of the democracy, since that would have been the most logical time to make such distinctions¹⁷. It may be argued, on the contrary, that the period immediately after the return of the exiles from the Piraeus would have been the least appropriate moment to underscore the city's division, but rather to emphasize feelings of reunion and harmony. Furthermore, only after a certain amount of time had elapsed, when the cohesiveness of the citizen body had been achieved again and the wounds were not so fresh, would it serve a purpose to address each faction separately in order to rekindle the memory of past horrors and recall vividly how each side suffered under the Thirty. It is therefore impossible to extract unequivocal chronological information from the speech itself.

On what occasion did Lysias deliver this speech and for what type of trial did he compose it? The majority of critics have supposed that Eratosthenes,

¹⁶ XII. 35, ὅσοι δὲ ξένοι ἐπιδημοῦσιν, εἰσονται πότερον ἀδίκως τοὺς τριάκοντα ἐκκηρύττουσιν ἐκ τῶν πόλεων ἢ δικαίως, might also indicate a post-Eleusis date. Would the Thirty have been banned from the cities of Greece while Eleusis remained their stronghold? It seems far more likely that such measures would have been taken only after the oligarchs and their supporters had been expelled from Eleusis when they were seeking refuge outside Attica.

¹⁷ Cf. Xen., *Hell.* III. v. 8–10. The Theban ambassadors, addressing the Athenians in 395 B.C., still distinguish a City Party and a Piraeus Party.

subsequent to the restoration of the democracy, submitted his εὔθυναί¹⁸ in accordance with the συνθήκαι which ordained: τῶν δὲ παρεληλυθότων μηδενὶ πρὸς μηδένα μνησικακεῖν ἐξεῖναι πλὴν πρὸς τοὺς τριάκοντα καὶ τοὺς δέκα καὶ τοὺς ἔνδεκα καὶ τοὺς τοῦ Πειραιέως, μηδὲ πρὸς τοὺς ἐὰν διδῶσιν εὔθυνας (Arist., *Ath. Pol.* 39. 6). WILAMOWITZ in particular collects references from the speech in which Lysias implies that not only Eratosthenes but also other members of the Thirty and their subordinates are on trial (21–22, 37–40, 79, 81). He cites passages by which he hopes to establish that they appeared of their own volition in order to render their accounts¹⁹. The evidence, however, hardly justifies this conclusion. The most salient objection to this theory is the political status of Lysias. There is no reason to assume that a non-citizen at this time had the right to intervene at εὔθυναί²⁰; or that this trial occurred during the brief period when Lysias enjoyed citizenship²¹, if indeed a citizen whose status was under dispute had recourse to the courts at all. A far more plausible explanation for the lengthy elaboration on the oligarchs and the rhetorical association of Eratosthenes with his συνάρχοντες

¹⁸ U. KAHRSTEDT, *Staatsgebiet und Staatsangehörige in Athen* (Stuttgart 1934) 301. HOMMEL, 1429. LAMB, 221. GERNET-BIZOS, I 157. CLOCHE, *La rest.* 310–312. ADAMS, 40. LIPSIUS, *Att. Recht* 106, n. 209. RAUCHENSTEIN-FUHR, 18. FROHBERGER-THALHEIM, 15. CLERC, 110–111. WILAMOWITZ, *Arist. u. Ath.* II 218–220. BLASS, I² 541–542.

RAUCHENSTEIN (Philologus 10 [1855] 597–598) believes that Lysias initiated a δίχη φοινικῆ out of a pious obligation to avenge his brother's death. This supposition raises the question of the tribunal before which the case was brought (Palladion, Delphinion, Areopagus) which cannot be determined from the text. In addition the issue of Lysias' legal capability as a non-citizen, whether or not he could undertake such an action against a citizen, is pertinent here. FROHBERGER-THALHEIM (15) object to this notion on account of a provision of the amnesty whereby cases of direct murder are to be tried according to ancestral law (Arist., *Ath. Pol.* 39, 5); but there is no mention of cases involving indirect murder. Consequently they assume that cases of indirect murder were forbidden by the amnesty, and that the charge preferred against Eratosthenes would have fallen under that category. In the *Against Agoratus* (XIII. 85–87) Lysias is found defending an extended meaning of αὐτοχειρία, and he may have proceeded against Eratosthenes under such an expanded definition. Furthermore, as CLOCHE (*La rest.* 311) points out, it is hardly likely that the Thirty would have been liable to lawsuits for all kinds of crimes with the exception of indirect murder. In any event, if the charge against Eratosthenes is murder, direct or indirect, it offers no assistance in deciding the date of the speech.

¹⁹ XII. 22, 84, especially ἤκουσιν ἀπολογησόμενοι and ἤκει ἀπολογησόμενος. It seems impossible to determine from these expressions whether Eratosthenes is appearing voluntarily or is answering a charge.

²⁰ KAHRSTEDT, 301. HOMMEL, 1429. GERNET-BIZOS, I 157, n. 2. LIPSIUS, *Att. Recht* 106, n. 209. WILAMOWITZ, *Arist. u. Ath.* II 219–220. They presume that a metic could interfere at εὔθυναί if he had been directly affected by the conduct of the official. The basis for their hypothesis derives solely from their presupposition that the *Against Eratosthenes* represents such an action, but there is no other contemporary evidence to support this theory.

²¹ CLERC (109–111) believes that the submission of accounts is a political act; and that Lysias, as a non-citizen, could not demand an accounting. Therefore the speech must have been delivered during the short interval when he was a citizen.

may be set forth. In essence Lysias is performing a deception. After a discreet narration of the circumstances surrounding his brother's death and his own misadventures, he devotes his greatest energies to denunciation of the acts of the Thirty committed against the citizenry of Athens. Mention of the fact that the sons of Cephalus were metics of Sicilian origin is meticulously shunned throughout, perhaps because this information might predispose a jury comprised wholly of Athenian citizens in favor of an Athenian defendant²². The excursus on the villainy of Theramenes (62–78) is apparently intended to debunk the myth that had grown up around him as the mildest of the tyrants and to counteract the eulogies of his life that were current, and therefore to deflect Eratosthenes' claims of moderation as a member of the Thirty by his association with Theramenes and to incriminate him further. In order to prejudice the jury and divert them from the tenuousness of his proofs, Lysias, conscious of the weakness of his case, elects to shift the emphasis of his attack from Eratosthenes' complicity in the murder of Polemarchus to his affiliation with the Thirty and their crimes. In this way we can best account for the frequent and purposeful indistinction between Eratosthenes as an individual and as a member of the oligarchs. Since it is known that Eratosthenes remained in the city after the deposition of the tyrants (54), we may suppose that he wished to offer his accounts as quickly as possible so that he might avoid legal entanglements and live peacefully in the city; but in lieu of concrete evidence, we cannot connect this speech with a probable submission of εὔθυναί. Thus the speech does not help us to determine decisively its legal context or to draw chronological inferences therefrom.

The speech against Hippotherses is equally difficult to date with precision, though we may postulate with greater assurance the type of suit for which it was written. Its full title is Πρὸς Ἴπποθέρσην ὑπὲρ τῆς θεραπαίνης. GRENPELL and HUNT conjectured that Lysias was attempting to recover some property which contained land and houses that Hippotherses had bought from the Thirty; but when Hippotherses had refused to yield this οὐσία without compensation, Lysias proceeded against him through the agency of the θεράπεινα in order to eject him from the property. The dispute terminated in his prosecution in the form of a δίχη ἐξούλης²³. T. REINACH set forth a more logical interpretation²⁴. He construes the ὑπὲρ of the title as having the sense of περί, »concerning the slave girl«; and concludes that after Lysias had returned to the city, he reclaimed one of his slaves sold by the tyrants. In turn

²² DOVER (40–41) reminds us that at the end of the fifth century Sicilian origin was a liability at Athens.

²³ POxy XIII 49–50. GERNET-BIZOS (II 226–229) agree, though with some modifications.

²⁴ REG 32 (1919) 443–447. A. KÖRTE, *ArchP* 7 (1923) 157. LIPSIUS, *Ber. Sächs. Akad. Wiss.* 71 (1919) 4–5.

Hippotherses, the purchaser, has initiated a δίκη βλάβης in order to recover her. Unfortunately the knowledge of the kind of lawsuit involved does not help us with the speech's date. The phrase, μ[ε]ϊστον νυνὶ φρονεῖ τῶν τ[ε]υχῶν οἰκοδομημένων [ἢ τῶν] τότε καθηρημένων (lines 195 – 197), has been quoted by commentators to date the speech to shortly after 394 B. C. when Conon had rebuilt the walls²⁵; yet GRENFELL and HUNT would place it soon after the restoration of the democracy in 403 or 402 B. C. They argue convincingly that the expression is a genitive absolute and has the general meaning that Hippotherses felt more pride in the demolition than in the building of the walls²⁶. Consequently it is not possible to pinpoint with accuracy the date of this process.

The *Against Hippotherses*, although it does not provide any absolute chronological information, does shed invaluable light upon the relative sequence of the autobiographical speeches. It occupies a middle position among these works. From the ancient sources we learn that Thrasyboulus' citizenship decree was proposed soon after the return of the democracy in 403 B. C., and it follows that the speech against Archinus in support of the decree must be ascribed to that time. If we are correct in interpreting ἀντὶ τ[ο]ύτου οὐδὲ μίαν χ[ά]ριν οὐδὲ δωρεάν παρ' ὑμῖν κεκόμισται (lines 171 – 173) as referring to the reversal of this measure, it may be safely assumed that the speech against Hippotherses was delivered after Lysias' brief tenure as a citizen. Lines 175 – 181 offer strong indications that the *Against Hippotherses* preceded the *Against Eratosthenes* and the *On His Own Benefactions*. The speaker claims that Lysias upon his return neither aggrieved any citizen, κατελθὼν δὲ οὐδὲνα πώ[π]οτε Ἀθηναίων ἐλύπη[σε]ν, nor censured the faults of others, οὔτε περὶ τῶν ἀλλ[ο]τριῶν ὀνειδίζων ἀμαρ[τη]μάτων. Certainly these remarks could not have been made with any expectation of credibility, had Lysias XII antedated it; for a speech against one of the Thirty would have been attended with great publicity and notoriety and would have been unlikely to fade rapidly from the public consciousness. Unless we believe Lysias capable of such bold disingenuousness²⁷, it is an inescapable conclusion that the action against Eratosthenes took place after this speech. The speaker also declares that Lysias has never mentioned his benefactions previously, οὔτε περὶ τῶν αὐτοῦ ἀ[ν]αμνηστικῶν εὐεργ[εσι]ῶν, so that the *On His Own Benefactions* must have been delivered later than this speech, though we

²⁵ KAHRSTEDT, 303. KÖRTE, ArchP 7 (1923) 156. LIPSIUS, Ber. Sächs. Akad. Wiss. 71 (1919) 2–3.

²⁶ POxy XIII 70–71. They cite as parallels: καίτοι σφόδρ' ἂν αὐτὸν οἶμαι μετὰ Θεμιστοκλέους πολιτευόμενον προσποιεῖσθαι πράττειν ὅπως οἰκοδομηθήσεται τὰ τείχη, ὁπότε καὶ μετὰ Θηραμένους ὅπως καθαιρεθήσεται (Lys. XII. 63) and ἡ τῶν τείχων καθηρημένων ἀγανακτεῖ (Lys. XIV. 39).

²⁷ KÖRTE (ArchP 7 [1923] 158) believes this to be the case.

cannot proceed further and date it in relation to the *Against Eratosthenes*²⁸. Thus it is possible to arrive at the following relative chronology of the autobiographical works: *Against Archinus*, *Against Hippotherses*, and either *Against Eratosthenes* or *On His Own Benefactions*.

It has already been observed that the *Against Hippotherses* was not spoken by Lysias himself, but by a third person whom we cannot identify from the speech. What is the relationship between this individual and Lysias? Scholarly opinion is divided on the question of the identity of the speaker between a συνήγορος and a προστάτης. Those scholars who maintain the former view contend that Lysias either entrusted the case to an advocate; or that he gave the first speech which answered the charges in full, and that this speech represents an advocate reiterating the supporting arguments²⁹. They are operating, however, on the assumption that Lysias possessed the legal capability of appearing in court, which is in turn predicated on their belief that the action against Eratosthenes had already taken place; but as we have seen, there is good reason to believe in the priority of this case. Other scholars, on the contrary, point to the thoroughness of the defense and claim that such meticulous detail would scarcely have been appropriate for a συνήγορος, had Lysias spoken first. In view of his oratorical skills and the importance to him of the issues raised in this speech, this matter would not have been handed over to an advocate unless he were legally prohibited from pleading in court. Thus J. H. LIPSIUS deduced from this speech that Lysias was represented by his patron in this suit³⁰. Although the role of the προστάτης relative to the μέτοικος has been vigorously debated, it seems probable that in the fifth and early fourth centuries the metic was debarred from appearing in court by himself, but could only do so through the agency of his patron; and that sometime later in the fourth century the patron's presence was no longer demanded³¹. In contrast Lysias delivered the *Against Eratosthenes*, and there is no trace whatsoever of a προστάτης in this speech. Consequently it is to be inferred that an alteration in his status has occurred subsequent to the *Against Hippotherses*, for he has acquired the right to plead in court without a patron.

What could have happened in the interval to enable Lysias to appear in court in his own persona? We would suggest that this is the period in which he

²⁸ GRENFELL-HUNT, POxy XIII 70. They conclude from lines 177 – 179 that the *On His Own Benefactions* cannot be identified with the *Against Archinus* because, if Lysias has not mentioned his services previously, the former speech postdates and the latter antedates the *Against Hippotherses*.

²⁹ SCHINDEL, RhM 110 (1967) 35, n. 13. HOMMEL, 1444. GERNET-BIZOS, II 226, n. 2. REINACH, REG 32 (1919) 444, n. 1.

³⁰ Ber. Sächs. Akad. Wiss. 71 (1919) 5. HARRISON, 191. KAHRSTEDT, 302–303. KÖRTE, ArchP 7 (1923) 157.

³¹ For a detailed summary of the scholarship on this controversy with full bibliography, see: HARRISON, 189–193.

received his grant of *ισοτέλεια*, and would further propose that he was among the beneficiaries of *IG* II², 10³². Although the particulars are open to dispute, it has been clearly established that this measure rewarded the non-citizens who faithfully supported the democratic forces in their struggles against the oligarchs. There is general agreement that this decree should be dated to the archonship of Xenainetos (401/0 B. C.)³³. Early attempts to associate *IG* II², 10 with the Archinus decree mentioned by Aeschines (III, 187) which rewarded the citizen heroes of Phyle³⁴ were disproved with the discovery of that very inscription³⁵. Others have attributed the impetus for *IG* II², 10 to the party of Archinus³⁶ or to Thrasyboulus in a second and successful motion to compensate his supporters after the failure of his citizenship decree³⁷. Yet we must confess with MATHIEU that the name of the individual who put forth this proposal has disappeared, and that he must remain anonymous³⁸. The greatest controversy regarding this inscription has centered upon the identity of the people to be honored and the privileges which they are to be accorded. One set of scholars construes this decree as having a limited scope and conferring citizenship only upon those metics who both *συνκατήλθον ἀπὸ Φυλῆς*

³² PECIRKA, 25–26. I. GLUSKINA, Les métèques d' Athènes dans la lutte pour le rétablissement de la démocratie à la fin du V^e siècle avant notre ère (in Russian), *VDI* 64 (1958) 70–89. D. HERWARD, New Fragments of *IG* II², 10. *BSA* 47 (1952) 102–117. FLYEL, *RevPhil* 71 (1945) 116–124. MATHIEU, *REG* 40 (1927) 84–94. G. DESANCTIS, *Atene e i suoi liberatori*, *Scritti Minora* I (Rome 1966, repr. from *RivFC* N.S. 1 [1923]) 121–138. P. FOUART, Un décret athénien relatif aux combattants de Phylé, *MémAcInscr* 42 (1922) 323–355. A. WILHELM, Fünf Beschlüsse der Athener, *ÖJh* 21–22 (1922–1924) 159–171. W. KOLBE, Das Ehrendekret für die Retter der Demokratie, *Klio* 17 (1921) 242–248. P. CLOCHÉ, Le décret de 401/0 en l' honneur des métèques, *REG* 30 (1917) 384–408. CLOCHÉ, *La rest.* 459–476. A. KORTE, Zu dem Ehrendekret für die Phylekämpfer, *AthMitt* 25 (1900) 392–397. H. VON PROTT, Das Psephisma des Archinus, *AthMitt* 25 (1900) 34–39. E. ZIEBARTH, Inschriften aus Athen, *AthMitt* 23 (1898) 27–34.

³³ GLUSKINA, *VDI* 64 (1958) 70. MATHIEU, *REG* 40 (1927) 91–92. DESANCTIS, I 133. FOUART, *MémAcInscr* 42 (1922) 329. WILHELM, *ÖJh* 21–22 (1922–1924) 159. KOLBE, *Klio* 17 (1921) 246–247. CLOCHÉ, *La rest.* 463–464. KORTE, *AthMitt* 25 (1900) 394–396. ZIEBARTH, *AthMitt* 23 (1898) 32. HERWARD (*BSA* 47 [1952] 112–113) and VON PROTT (*AthMitt* 25 [1900] 37–38) restore Pythodoros as the archon. This, however, cannot be since the *διαλλαγὰί* (line 8) took place later in the archonship of Euclides according to Aristotle (*Ath. Pol.* 39, 1). Therefore Xenainetos is restored in line 2 as the archon.

³⁴ WILHELM, *ÖJh* 21–22 (1922–1924) 165–171. VON PROTT, *AthMitt* 25 (1900) 36–37. ZIEBARTH, *AthMitt* 23 (1898) 30–31.

³⁵ A. E. RAUBITSCHKE, The Heroes of Phyle, *Hesperia* 10 (1941) 284–295. W. PEEK, Griechische Epigramme III, *AthMitt* 66 (1941) 47–49. RAUBITSCHKE (286) conjectures that *IG* II², 10 is Thrasyboulus' citizenship decree and dates it to 403/402 B. C. Besides the impossibility of the date, it is unlikely that a proposal which was being challenged was inscribed before its legality was determined.

³⁶ KOLBE, *Klio* 17 (1921) 242–243. KORTE, *AthMitt* 25 (1900) 392–394.

³⁷ DESANCTIS, I 137–138. CLOCHÉ, *REG* 30 (1917) 403–406.

³⁸ *REG* 40 (1927) 93–94.

(line 4) and *συνεμάχησαν δὲ τὴν μάχην τὴν Μονιχίαισιν* (line 7)³⁹. The opposite viewpoint has been taken by others who conclude that different rewards are being given to different groups⁴⁰. They discern two categories of recipients: the metics who joined Thrasyboulus at Phyle receive citizenship, and the remainder who either fought at Munychia or arrived in the Piraeus afterwards while the negotiations with the men of the city were being carried on (*ὅ]τε αἱ διαλλαγὰί ἐγένοντο*, line 8) are presented with lesser honors. The latter interpretation seems to have been corroborated by the publication of two additional fragments found on Aigina⁴¹. One of the new fragments contains a heading before the name of the tribe into which some of the beneficiaries were to be enrolled: *οἶδε παρέμ[ενον τῶ]ι ἐμ Πειραιεῖ δ[ήμ]ωι* (lines 79–80). If this restoration is correct, it suggests that this phrase ought to be restored in the text of the decree in line 8 extending the definition of those who are to benefit from this measure: *ἴσοι δὲ παρέμενον τῶι ἐμ Πειραιεῖ δ[ήμ]ωι ὅ]τε αἱ διαλλαγὰί ἐγένοντο καὶ ἐποίον τὰ προστατ[τόμενα]*. Furthermore, it would substantiate the theory that the recipients are classified according to their particular services; and that the metics who assembled in the Piraeus after the battle at Munychia are recognized as well.

The nature of the recompense awarded to the two groups encompassed in the second category has been variously debated. Prompted by Xenophon's statement in the *Hellenica* that Thrasyboulus promised *ισοτέλεια* to the non-citizens in the Piraeus⁴², ZIEBARTH first restored it in line 9; and his opinion has won acceptance among those critics who acknowledge that there are two distinct categories of honorees⁴³. In order to fill the remainder of the lacuna preceding *ἐγγύησιν*, commentators have restored other privileges such as *ἐγκτησις γῆς καὶ οἰκίας*⁴⁴. It does not seem unreasonable to postulate that *τὸς δέ* (line 9) introduces a clause which increases the benefits already granted, but whose formula for conferral differs from the preceding one in

³⁹ MATHIEU, *REG* 40 (1927) 88. DESANCTIS, I 128–131. CLOCHÉ, *REG* 30 (1917) 387, 392. VON PROTT, *AthMitt* 25 (1900) 37.

⁴⁰ FOUART, *MémAcInscr* 42 (1922) 348–349. WILHELM, *ÖJh* 21–22 (1922–1924) 161–163. KOLBE, *Klio* 17 (1921) 243–245. KORTE, *AthMitt* 25 (1900) 394. ZIEBARTH, *AthMitt* 23 (1898) 31–32.

⁴¹ HERWARD, *BSA* 47 (1952) 102–117.

⁴² II, iv, 25, οἵτινες συμπολεμήσειαν, καὶ εἰ ξένοι εἴεν, ἰσοτέλειαν ἔσσεσθαι. Xenophon does not record Thrasyboulus' citizenship proposal and its cancellation. Is it possible that, writing later, he became confused and considered what was in fact awarded to the ξένοι in 401/400 B. C. to be the fulfillment of a promise made by Thrasyboulus in the Piraeus?

⁴³ *AthMitt* 23 (1898) 32. GLUSKINA, *VDI* 64 (1958) 71. HERWARD, *BSA* 47 (1952) 111–112. FOUART, *MémAcInscr* 42 (1922) 348–349. WILHELM, *ÖJh* 21–22 (1922–1924) 161–163. KOLBE, *Klio* 17 (1921) 243–245.

⁴⁴ KOLBE, *Klio* 17 (1921) 245. GLUSKINA (*VDI* 64 [1958] 81–85) prefers *ἐγκτησις τοῦ ἐπιγρ[αμ]ῆς*; PECIRKA (25–26) says that the condition of the inscription does not permit a definitive conclusion.

that it demands that the recipients be referred to in the accusative as the subject of a following infinitive rather than in the dative with εἶναι⁴⁵. As proof that ἰσοτέλεια did not automatically guarantee access to the courts on an equal footing with citizens, LIPSIVS⁴⁶ cites the decree on behalf of the Acarnanians who fought with the Athenians at Chaironeia (*IG II²*, 237, lines 26–27): κα[ί] διδόναι αὐτοῦς δίκα[ς καὶ λαμβάνειν κα]θ[ά]περ Ἰθ[ε]ρ Ἀθηναῖο[ι]. This expression satisfies the requirement of a subject accusative, and it is not improbable in itself that the members of the second category named in *IG II²*, 10, receive this right as well. Therefore we restore: τὸς δὲ [διδόναι δίκα[ς καὶ λαμβάνειν κα]θ[ά]περ Ἀθηναῖο[ι] (lines 9–10).

As we have noted, Lysias himself informs us that he arrived in the Piraeus while the διαλλαγαί were taking place after the battle at Munychia. Accordingly it stands to reason that, since he was among those who παρέμενον τῷ ἔμ Πειραιεῖ δήμῳ, he was qualified to receive the privileges presented to the second category of beneficiaries in *IG II²*, 10 among which, if our deductions are correct, were ἰσοτέλεια and διδόναι δίκα[ς καὶ λαμβάνειν κα]θ[ά]περ Ἀθηναῖο[ι]⁴⁷. Thus it is possible to associate Lysias' ἰσοτέλεια with this decree and date it to 401/0 B.C. In addition a ready explanation is available to account for the discrepancy in his legal capability which we observed earlier. In the interim between the *Against Hippotherses* and the *Against Eratosthenes*, under the provisions of this decree, Lysias acquired the right to plead in court without the intervention of his patron.

IG II², 10 offers little help in dating absolutely the sequence of the autobiographical works although it is possible to place this decree relative to these speeches. The speech against Archinus may be dated from its historical context to 403 B.C., shortly after the restoration of the democracy; and the *Against Hippotherses* must, on internal evidence, postdate the speech but antedate the decree, because Lysias had not yet attained the right to appear in court independently of his patron. The *Against Eratosthenes* has to come after the enactment of *IG II²*, 10; but we cannot safely proceed further. Since this decree is not mentioned by the ancient sources, it cannot be decided with certainty whether it precedes the flight of the oligarchs from Eleusis or not; and consequently neither the precise date nor the circumstances under which the speech against Eratosthenes was delivered can be determined. Yet it appears doubtful whether such a measure would have been approved until the

⁴⁵ We conclude from Ἀθηναῖοις (line 9) that the formula εἶναι plus the dative was used to bestow the first series of rewards.

⁴⁶ Ber. Sächs. Akad. Wiss. 71 (1919) 6, 9.

⁴⁷ FEYEL (RevPhil 71 [1945] 158–160), KÖRTE (AthMitt 25 [1900] 397), and ZIEBARTH (AthMitt 23 [1898] 32) contend that Lysias was already ἰσοτέλης by the date of this decree. ΚΟΙΒΕ (Κηφ 17 [1921] 247–248) argues that as a mere metic, he already possessed ἐγκτησις; but that his ἰσοτέλεια is to be connected with this measure.

threat which the Thirty and their satellites posed had been eliminated and the πόλις had been completely reunited. In fact, it may have been promulgated just after the Eleusis episode in order to offset in part, with a limited number of new citizens and a more stable foreign population whose democratic loyalties were unquestionable, the influx of citizens with oligarchical sympathies⁴⁸. Lysias probably proceeded against Eratosthenes soon after he acquired independent access to the courts, but he must have found himself in a quandary. Although he could prosecute now, would he be able to find a receptive jury? Once the menace at Eleusis had been neutralized and the reintegration of the city had been achieved, any lawsuit which attempted to recount the horrors of the recent past must have been considered divisive and must have met a hostile reception. In recognition of the weakness of his proofs, his only hope was to try to bisect the citizen body into its old factions and to remind them of their individual sufferings under the oligarchy. We should not wonder at his lengthy and vitriolic treatment of the Thirty, for he had been frustrated in his hopes for citizenship and had been unable for two years to obtain justice for the egregious wrongs that had been committed against him. The *On His Own Benefactions* is more difficult to assess. As we have demonstrated, it must postdate the *Against Hippotherses*; and the title implies that it was spoken by Lysias himself. The biographical tradition does not present a time suitable for the delivery of such a speech, but we may suggest one occasion when it would have been appropriate. When Archinus proposed his motion honoring the citizen heroes of Phyle, he insisted that the Council scrutinize the number of men eligible for the reward (Aeschin. III, 187). It does not appear unreasonable to extrapolate from this a similar scrutiny process for the provisions of *IG II²*, 10 where the claims of the metics who applied for the benefits conferred by this measure could be validated. At just such a δοκιμασία we might imagine Lysias describing his benefactions on behalf of the exiled democrats and his arrival in the Piraeus.

A final problem requires at least an attempt at solution. What is the ultimate source of ps.-Plutarch's information concerning the ἰσοτέλεια of Lysias? Three possibilities suggest themselves. The compiler upon whom ps.-Plutarch depended may wrongly have inferred, as some modern scholars have done, that Lysias possessed ἐγκτησις and therefore ἰσοτέλεια; or he may have culled the information from one of the autobiographical works. If so, the *On His Own Benefactions* is the only possibility since the *Against Archinus* and the *Against Hippotherses* were delivered earlier than *IG II²*, 10; and the *Against Eratosthenes* does not mention it. The most likely source is Timaeus of Tauromenium. Cicero says of Lysias (*Brut.*, 16, 63): *est enim Atticus, quoniam certe Athenis et natus et mortuus et functus omni civium*

⁴⁸ MATHIEU, REG 40 (1927) 93–94. CLOCHÉ, REG 30 (1917) 405–406.

munere, quamquam Timaeus eum quasi Licinia et Mucia lege repetit Syracusas. From this passage we may presume that Timaeus discussed the ἰσοτέλεια of Lysias, but emphasized his non-Athenian parentage and reclaimed him for the native city of his ancestors.

In 401/0 B. C. Lysias acquired ἰσοτέλεια and access to the courts through the passage of IG II², 10. Prior to this decree, he composed a speech for a prominent citizen in defense of Thrasyboulus' citizenship proposal and in opposition to Archinus' attempt to overturn it. A little later, when Lysias was being sued by Hippotherses, he wrote a speech in his own defense which was spoken by his patron since he was prevented as a metic from appearing in court by himself. Once the decree had been approved, however, at the scrutiny he delivered the *On His Own Benefactions* which recounted his services to the democratic forces during their exile and affirmed his eligibility to receive the benefits awarded by this measure. It was only then, after he had obtained the right to plead in court without the intervention of a patron, that he was able to proceed against Eratosthenes.

Athens

THOMAS C. LOENING

LYSIAS 12,37: AN UNEXPLAINED CASE OF κακοφωνία

How many possible positions are there for the modal particle ἄν in a sentence such as πάντα ἄν ἔγραψεν? And which one would you choose?

At the beginning of the first chapter of his slim but highly readable book on Greek word order DOVER answers the first of these questions¹. He takes this pilot sentence from (Demetrius') *De elocutione* 256, and (p. 2) surveys the range of positions in it that are theoretically possible for ἄν. He shows that if we take the words πάντ' ἄν ἔγραψεν as an expression complete in itself, there are, mathematically, six possible ways of arranging these three words, although two of them must be discarded out-of-hand (namely (i) ἄν πάντ' ἔγραψεν and (ii) ἄν ἔγραψε πάντα) since ἄν cannot take the leading position in a sentence. If, on the other hand, we ask ourselves which position(s) a Classical Greek prose writer might prefer, (iii) πάντ' ἄν ἔγραψεν would take the lead followed by (iv) ἔγραψεν ἄν πάντα (i. e., in both instances ἄν is in second position; in positive statements ἄν normally² follows the leading

¹ *Greek Word Order*, Cambridge 1960. For a comprehensive bibliography on ἄν see DOVER, pp. ix–xiii, particularly the works of FRAENKEL and WACKERNAGEL.

² For the fallacy of equating 'statistically normal' with 'natural' see DOVER, *GWO*, p. 5.

mobile word of its clause)³. Simple instinct would probably lead most Greek scholars to concur with this and to select (iii) as the most attractive choice (for the obvious reason that their instinct has been acquired through many years of reading Greek), and this choice seems to be supported *e silentio* by Demetrius (for the sake of convenience I shall refer to the author of *De elocutione* by this name), since this is the position he treats as the norm. However, each of these two alternatives (i. e., (iii) and (iv)) lends itself to a further variation, namely (v) πάντ' ἔγραψεν ἄν and (vi) ἔγραψε πάντ' ἄν – that is to say, (v) and (vi), in which ἄν takes the last position, should be regarded as deviations from (iii) and (iv) respectively. As regards (vi), which is a variant of (iv), the second most frequent choice, it should be stated at once that this order of the words is extremely rare⁴. But instances of (v) do occur, though very seldom; πάντ' ἔγραψεν ἄν is a highly sophisticated and deliberate deviation from the norm, and its occurrence in a Classical Greek prose writer of some stylistic ambition should occasion a more startled reaction than merely a raised eyebrow.

When Demetrius refers to πάντ' ἔγραψεν ἄν (256) he is citing it as an example of κακοφωνία; another instance of this device is παρεγένετο οὐχὶ instead of οὐ παρεγένετο. According to Demetrius, κακοφωνία δεινότητα ποιῆι (255), and Demetrius' understanding of δεινότης seems to differ from that of other rhetoricians; to him δεινότης is a stylistic means, or rather, a stylistic effect of considerable force, which should make the hearer react with great surprise and amazement. Other devices which may be used to create δεινότης are asyndeton (269) and hiatus (299).

Some ten years ago DOVER published a book on the *Corpus Lysiacum* in which he discussed the authenticity of the speeches ascribed to Lysias⁵. With the support of some internal (stylistic) and external criteria he reached the conclusion that the only unquestionably authentic Lysianic speech is the twelfth Oration, i. e., the famous speech composed by Lysias against Eratosthenes in 403. As one of the Thirty Eratosthenes had arrested Lysias' brother Polemarchus and had handed him over to be executed. After the fall of the Thirty Lysias impeached Eratosthenes, and in his speech he launched a vehement attack not only on Eratosthenes, his brother's murderer, but on the entire junta and its rule of terror.

In his discussion of various stylistic criteria that are capable of objective analysis DOVER touches on the position of ἄν in this speech and comes to the conclusion that in every case it conforms with what may be described as normal Greek usage – but with one very remarkable exception. In 37 Lysias

³ For the distribution of postpositives and mobile words (in this case objects and verbs) relevant to the quoted example see DOVER, *GWO*, pp. 9, 14–15, 25, 28 (πᾶς), and 31.

⁴ »... if we search for an example ... our search will be long« (DOVER, *GWO*, p. 2).

⁵ *Lysias and the Corpus Lysiacum*, Berkeley/Los Angeles 1968 (= Sather Classical Lectures 39).



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