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Demosthenes

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DEMOSTHENES
AGAINST ANDROTION
AND
AGAINST TIMOCRATES.

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DEMOSTHENES
AGAINST ANDROTION
AND
AGAINST TIMOCRATES

WITH
INTRODUCTIONS AND ENGLISH NOTES

BY
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1882

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DEMOSTRATIONS

AGAINST ADOPTION

AND

AGAINST TEMPERANCE

AND

PROSECUTION AND EXAMINATION

OF THE

Cambridge:

PRINTED BY C. J. CLAY, M.A. AND SON,

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CVIVS . MORBO . INTERRVPTVM

INTER . DESIDERIA . SVPERSTITVM . ABSOLVTVM

NVNC . TANDEM . PRODIT

OPVSCVLVM.

PREFACE.

OF the two Speeches included in this volume, the shorter, *Against Androtion*, has never yet been separately edited in England. The only separate edition of it appeared just fifty years ago in Germany, that of C. H. Funkhaenel, with Latin notes, Leipzig, 1832. The other and longer speech, *Against Timocrates*, has not been separately edited at all; though its composite character, and the uncertainty how far in its extant form it corresponds with the speech actually delivered, have given it a prominent place in recent critical discussions. A tolerably clear field is thus open, it has been thought, for an edition with an English commentary; and the close connexion of the two speeches both in subject-matter and treatment, extending even to the repetition of whole passages with only slight alterations, has suggested the dual arrangement here adopted. It is proposed that the twin speeches now published shall be followed, as soon as other tasks permit, by the *Aristocrates*, a speech of equal importance and

equally (it might be said unaccountably) neglected in this country.

A further inducement to the selection of these speeches has been the desire to familiarise the English student with their many rich illustrations of the principles and practice of Attic Law. This is a subject to which the Editor has been led to devote special attention in connexion with the new edition, now preparing, of Dr William Smith's *Dictionary of Antiquities*. Had the available English aids to this study been more recent than they are, they could not compete in freshness and interest with the exploration of the original sources in writings which are not only perfect models of Attic style and forensic acumen, but examples, taken from real life, of causes that have actually been fought out in Attic law-courts¹. The Editor is not without hope that this book may fall into the hands of men who, while they have become trained lawyers, have not lost all their interest in their early studies, especially on kindred subjects. To such men it is possible that some of the analogies (whether by way of comparison or contrast) with English law, here ventured on by one who has only studied that law as a citizen, may appear fanciful or overstrained. From such men he will thankfully accept correction.

¹ 'It is not from mere dictionaries of antiquities, nor from lexicons, however good, that such questions and practices of the Attic law can be fully understood.' Paley and Sandys, *Pref. to Select Private Orations*, pt. I.

At the suggestion of the Syndics of the University Press the same general plan has been adopted, with some modifications, as in the *Select Private Orations* of Messrs Paley and Sandys. This has involved the selection of Dindorf's text in the Teubner series, taken from his third and latest edition (1855). Those teachers who may wish to place the text only in the hands of their class will thus be enabled to do so at a trifling cost¹. The editions of which the various readings are given, are (1) the Zurich edition of Baiter and Sauppe, 1850, (2) Bekker's last or stereotype edition, 1854, and (3) that of Benseler, 1861. Within the limits of these texts the true reading, it is believed, will (except in the few corrupt passages where the MSS. fail us) generally be found. Benseler himself gives in his foot-notes a collation of the Zurich text (for which his symbol is BS = Baiter and Sauppe, in this edition Z), Bekker's Berlin edition of 1824 (B), his stereotyped text of 1854 (b), and Dindorf (D). These foot-notes have proved of material aid in the preparation of the list of various readings here given, but have not been implicitly followed: the Zurich text, which also notes its own variations from Bekker's Berlin edition, has been collated independently. It has not been thought necessary to go thirty years further back, and give the readings of either of Bekker's early editions, Oxford, 1822, and

¹ The Teubner text of Demosthenes and the other orators may be obtained in parts as well as volumes. The Androtion is in Vol. II. pt. I., the Timocrates in part II. of the same volume.

Berlin, 1824. As a textual critic, Bekker deserves especially to be judged by his latest and best work. Those who are familiar with his text of Plato, which he never revised, will know how much he left to be done by later editors in the way of selections from his own vast apparatus of various readings, and discriminating deference to the best MSS.: other authors, such as Thucydides and Demosthenes, he went on polishing and improving until he had arrived at his final results, and then stereotyped them. It is not denied that Bekker, in the text as here exhibited, is too often carried away by excessive admiration for the Parisian MS. Σ (or S); several instances are pointed out in the notes; but he is at least more independent than the Zurich editors; and the best corrective of the occasional vagaries of both texts is, in my opinion, the judgment of Dindorf, more robust and self-reliant still¹. Apart, therefore, from the convenience of the Teubner series for general use, Dindorf's edition, though not, as Messrs Paley and Sandys point out, claiming the authority of a *textus receptus*, is perhaps the nearest approach to it². Benseler's text is a curiosity, but it has nevertheless been thought worth

¹ Instances of Dindorf's happy audacity occur T. 31, where he alone retains ἄδειαν τοῦ μή τι παθεῖν in place of the tasteless τοῦ τι παθεῖν: T. 141 πλεῖν: T. 152 ταύτη: T. 156 δὴ for ἄν. In one or two places regard for Attic usage has compelled me to protest against the reading of all four editors: e.g. ἀνέσχεσθε A. 68 for the ἠνέσχεσθε of old edd., including the Oxford Bekker, and all MSS. except Σ.

² The new edition by H. Weil unfortunately stops, at present, just short of these speeches: the two volumes published extend as far as Or. XXI.

preserving. After the humorous protest of Shilleto's preface to the *de Falsa Legatione*, it might be thought that the Zurich editors could hardly be outdone in devotion to MS. Σ: but Benseler has accomplished this feat. Of his few notes, no small proportion is occupied in finding reasons, more or less ingenious, for following Σ when it leads him like an *ignis fatuus* into a quagmire¹.

In two passages there has seemed to be sufficient reason for departing from Dindorf's text. One of these is in T. § 59, where Dindorf has omitted the concluding words of the "law" which, like other recent scholars, he brackets as an interpolation. The more closely I examine these inserted documents, the less reason I see either to correct their Greek or to bring their statements into harmony with what we learn from other sources. It may be doubted whether some Germans have not gone too far in acknowledging even a partial admixture of genuine material independently of the speech itself. It seems best, therefore, to let the text stand for what it is worth, as it appears in the MSS. and all other editions. The other passage, T. § 195, is one of thirteen in which Dindorf has followed Σ, sometimes with the support of other MSS., in reading *αἰσχροκερδίαν* for *αἰσχροκέρδειαν*. It is of course possible that Demosthenes may have used, for reasons known to himself, a form so contrary to analogy, and that Σ may here represent a genuine tradition: but the editors most devoted

¹ Examples of this occur A. 70, 78, T. 9, 110.

to Σ have shrunk from this conclusion, and Dindorf again stands alone.

In the Notes my object, like that of my predecessors, has been to afford full help without unduly encouraging "the less industrious sort." With this view some pains have been taken in so arranging the matter that the commentary may be read through and not merely referred to. The intention, at least, has been to give an explanation of every real difficulty, in one way or another but not always in the same way, to those who will be at the trouble of looking for it. The abstracts at the beginning of each paragraph have, as in the *Select Private Orations*, been utilised for this purpose: and a hint thus conveyed has often been substituted for more literal renderings in the notes. There is still, I believe, in some quarters a prejudice against full explanatory notes, under the idea that the student should be left as much as possible to quarry his own materials. The Germans, who cannot be suspected of wishing to encourage slovenly methods of study, have lately in their school and college editions set us the example of liberal help in the vernacular¹: while both the English Universities have of late given full sanction to this treatment of ancient authors. The chief and, I hold, amply sufficient reason for thus facilitating the acquirement of scholarship is the immense pressure of modern subjects and consequent limitation of the time which can be devoted to classics. In

¹ As e.g. Stein's *Herodotus* and Classen's *Thucydides*.

the days of a narrower curriculum, lads of the right sort might safely be encouraged to bestow long hours on the Latin writings of the great critics, or on notes so framed as merely to excite curiosity without satisfying it. If the amount of quartz to be crushed was large in proportion to the gold to be extracted, the exercise itself was healthy and bracing. Such studies are now unavoidably relegated to the time—if that time ever arrives—when the work of the specialist has succeeded that of general education.

For the same reason, the old prejudice against the use of translations has become considerably modified of late, especially in the case of authors read only by the more advanced students. It has been assumed, therefore, that the excellent translation of the late Charles Rann Kennedy will be in the hands of many, if not most, of the readers of this book: and it has been thought possible occasionally to improve upon his renderings. His version is indeed nearly perfect of its kind, as Mr Sandys has called it: but it is the work of a most consummate scholar, as well as of a very able lawyer, produced under great pressure of time and consequent liability to oversights¹. It has been compared throughout with Benseler's translation, to

¹ Besides the valuable appendixes to Mr Kennedy's complete translation in five vols., his earlier volume of *Select Speeches* (the five Guardian Speeches), 1841, contains an important series of notes on Attic law, not reprinted in the collective edition, and dating from a time when aids to this study were almost non-existent in England.

which some of the corrections are due. The German version is naturally the more leisurely performance : it is the work of a man whose whole life was given (as Mr Kennedy's was not) to philological studies. Yet the comparison is not, on the whole, to the disadvantage of our countryman, whose judgment often strikes me as superior to Benseler's in the choice of conflicting interpretations. I can scarcely venture to criticise German style ; but apart from its great accuracy Benseler's translation appears to me to be both picturesque and suggestive, and I have sometimes quoted from it.

The Orators have been specially reperused for the purposes of this volume and of kindred studies ; and it is hoped that something appreciable in amount has been added to the illustrative quotations which, like the *edicta translaticia* of the Roman praetors, have been handed on as common material from one Variorum edition to another. This will be found to be more particularly the case with the *Timocrates*, the industry of Funkhaenel having already done so much for the *Androtion*. The aim has been to illustrate Demosthenes as much as possible from himself ; his self-laudations are checked by the invectives of Aeschines, Deinarchus, and Hypereides ; among the other orators Andocides, Lysias, and Isaeus are especially valuable as sources of Attic law ; and he sometimes pays Isocrates the compliment of imitating him. The Orators are quoted uniformly from

the editions in the Teubner series. To the sections (§§) of this series, which are those of Bekker's Berlin edition, have been added, in the case of Demosthenes, the usually cited pages (Reiske's). In referring to the less voluminous orators, or to the two speeches contained in this book, the pages are omitted¹. The Dramatists are cited from the fifth edition of Dindorf's *Poetae Scenici*, 1869; Grote's *History* from the eight-volume edition of 1862 (earlier and later are in twelve). Other editions do not require to be specified, or are included in the Select List of Books appended to this Preface.

The grammatical references are mostly to Madvig's *Syntax*, translated by Browne, and to Prof. W. W. Goodwin's *Moods and Tenses*, both works remarkable for their common-sense treatment of syntactical questions²: sometimes to the larger materials of Jelf, after Kühner.

¹ The sections of the Berlin edition are now invariably used in foreign books of reference, e.g. Pauly, or Daremberg and Saglio, and latterly in this country as well, e.g. by Paley and Sandys. English scholars of the last generation, such as Thirlwall and Grote in their histories, Shilleto in his *de Falsa Legatione*, followed the more minute subdivisions of the Oxford Bekker: and as Shilleto's book is in the hands of most students of Demosthenes, I have usually given the double reference in quoting from that speech, e.g. F. L. p. 413 § 230=255. In these cases the higher number is Shilleto's (=Oxford), the lower Teubner's (=Berlin).

² No one, it is to be hoped, now believes that *εἰ σου στερηθῶ* Soph. Oed. Col. 1443 occupies a 'category of modality' between *εἰ στερηθείην* and *ἤν στερηθῶ*: see note on T. § 39.

I am indebted to the kindness of my friend Mr Sandys, Public Orator in the University, for the loan of some valuable tracts on Greek Law and the knowledge of others.

W. W.

LONDON,
October, 1882.

ERRATA.

The following are believed to be the only ones which affect the sense: they may be thought worth correcting with the pen before using the book:

In A. § 34, note on *φενακίζειν*, line 7 from end should read 'φενακ. τι and φενακ. τινά τι are rarer.'

In T. § 169, first note, line 2, read 'from one of us common folk.'

SELECT LIST OF EDITIONS, DISSERTATIONS AND BOOKS OF REFERENCE

ON THE TWO SPEECHES INCLUDED IN THIS VOLUME.

TEXTS.

(1) *J. G. BAITER and H. SAUPPE. Oratores Attici*; in one volume 4to, Zurich, 1850. (2) *IMM. BEKKER. Demosthenis Orationes*; stereotyped edition, 8vo. Leipzig, 1854. [Earlier editions, not here referred to, Oxford, 1822, and Berlin, 1824]. (3) *W. DINDORF. Demosthenis Orationes, editio tertia correctior*; (Teubner) Leipzig, 1855 [reprinted in subsequent years and apparently stereotyped. Impressions of different dates show the same misprints. Earlier editions, not here referred to, Leipzig, 1825, Oxford, 1846]. (4) *G. E. BENSELER. Demosthenes' Werke. Griechisch und Deutsch, mit kritischen und erklärenden Anmerkungen, 10ter Theil, Reden gegen Androtion und Timokrates*, Leipzig, 1861. [His acknowledged work, though without his name in the title-page.]

COMMENTARIES.

I. GENERAL.

(1) *G. H. SCHAEFER. Apparatus criticus ad Demosthenem*; London, 1824-7. [After Reiske. This is the "variorum" edition usually to be met with in this country. There is another by G. S. Dobson, London, 1828, xvi. vols.] (2) *W. DINDORF. Demosthenes ex recensione Gulielmi Dindorfi*; Oxford (1849), Vol. vi. *Annotationes interpretum ad Or. 20—26.* (3) *WHISTON, R. Demosthenes, with an English Commentary* [in Long and Maclean's *Bibliotheca Classica. Unfinished*; vol. II. (1868) contains Or. XIX—XXVI.].

II. SPECIAL.

C. H. FUNKHAENEL. Demosthenis Oratio in Androtionem; Leipzig, 1832.

LEXICOGRAPHY AND TEXTUAL CRITICISM.

(1) *HARPOCRATION. λέξεις τῶν δέκα ῥητόρων*, ed. W. Dindorf; Oxford, 1853. (2) *T. MITCHELL (after Reiske). Indices Graecitatis in Oratores Atticos*; 2 vols. Oxford, 1828. [Uniform with the Oxford edition of Bekker's *Oratores Attici*]. *Index Graecitatis Isocraticae*; Oxford, 1828. [Uniform with the above]. (3) *P. P. DOBREE. Adversaria; cura Scholefield*; Cambridge, 1833 (ed. Wagner, Leipzig, 1875). (4) *C. G. COBET. (a) Variarum Lectiones. Editio secunda auctior*, Leyden, 1873. (b) *Novae Lectiones*; Leyden, 1858. (c) *Miscellanea Critica*; Leyden, 1876. (5) *J. N. MADVIG. Adversaria Critica*; vol. I. In *Scriptores Graecos*; Copenhagen, 1871.

DEMOSTHENIC LITERATURE.

I. GENERAL.

(1) *ARNOLD SCHAEFER*. *Demosthenes und seine Zeit*. 3 vols., esp. vol. I. ch. 3, pp. 308—353 and vol. III. part 2, Beilagen, pp. 63—65, Leipzig, 1856—58. (2) *F. BLASS*. *Die Attische Beredsamkeit*, 3te Abtheilung, 1ter Abschnitt. Demosthenes, esp. pp. 226—231, 244—251, Leipzig, 1877. (3) *R. C. JEBB*. *The Attic Orators from Antiphon to Isaeus*. 2 vols., London, 1876. [Demosthenes only incidentally]. (4) *S. H. BUTCHER*. *Demosthenes* [in *Classical Writers*, ed. by J. R. Green], London, 1881. (5) *J. P. MAHAFFY*. (a) *History of Classical Greek Literature*, London, 1880. Vol. II. (Prose Authors), esp. ch. 11 (Demosthenes) and 12 (Contemporary Orators). (b) *Social Life in Greece*, ed. 3, London, 1877. [Drawn largely from the Private Orations].

II. SPECIAL.

(1) *C. L. BLUME*. *Prolegom. ad Dem. orationem Timocrateam tria capita priora*, Berlin, 1823, pp. 48. [An inaugural dissertation on the Panathenaea of § 26; now out of print. Some others of the following tracts I have been unable to get a sight of, but think it best to make the list as complete as possible. All the periodicals here mentioned have been consulted]. (2) *C. H. FUNKHAENEL*. *Symbolae criticae in Demosthen.* iv. in Orat. c. Timocratem. In *Zeitschrift für die Alterthumsw.* 1842, pp. 311—316. [Superseded by later editions]. (3) *T. H. DYER*. *On a passage in Dem.'s Oration against Timocrates*. In *Classical Museum*, II. 119—121, London, 1845. [Proposes a transposition of § 5, placing it before §§ 3 and 4. But this will not remove the difficulties of the first 16 §§: see *Introd.*] (4) *A. WESTERMANN*. (a) *Untersuchungen über die in die Attische Redner eingelegten Urkunden*. pp. 136, Leipzig, 1850. (b) *Commentatio de iurisiurandi iudicium Atheniensium formula quae exstat in Demosthenis oratione in Timocratem*. Pars I. pp. 20, II. pp. 16, III. pp. 14, Leipzig, 1858—9. [Three Academical Programmes. Westermann's criticism led the way to the total rejection of the authenticity of the "inserted documents"]. (5) *F. K. HERTLEIN*. *Coniecturen zu Griech. Prosaikern*. Wertheim, 1862. [Programme of a Lyceum. Among the passages are Androt. § 37 and Timocr. § 16]. (6) *RUD. DAHMS*. (a) *Studia Demosthenica* (zur Rede gegen Timokrates), pp. 40, Berlin, 1866. [Programme]. (b) *Emendationes Demosthenicae*. In the *Jahrbücher für classische Philologie*, vol. 93, pp. 674—8, Leipzig (Teubner), 1866. [The following are the conjectures best worth notice: Androt. § 33, ταῦτά δίκαια (for ταῦτα), Timocr. § 201 πάντες οἱ ἄν που (for ὄσαν που). The last is a decided improvement]. (7) *J. B. TÉLFY*. *Das προσκατάβλημα* (Timocr. §§ 96—98). In *Philologus* 1860, vol. XVI. pp. 365—368. [An improbable suggestion that προσκατάβλημα was an extra percentage paid by the farmers of the revenue]. (8) *H. FROHBERGER*. *Annotationes ad oratores Atticos*. In *Philologus* 1870, vol. 29, pp. 633—5. [Wishes to read οὐκ ἀποκρύψομαι T. § 200, retaining ἀποτρέφομαι in §§ 1, 104].

GREEK LAW.

- (1) J. B. TÉLFY. *Corpus Iuris Attici*. Pesth, 1868.
 (2) G. F. SCHOEMANN. *De Comitii Atheniensium*. Halle, 1819. (*On the Assemblies of the Athenians*, transl. by F. A. P., Cambridge, 1838.) [Quoted by the pages of the original, which are also marked in the English edition]. (b) *Griechische Alterthümer*, 3rd ed. Berlin, 1871. Vol. I. (the State) transl. by E. G. Hardy and J. S. Mann, London, 1880. Vol. II. preparing. (c) MEIER and SCHOEMANN. *Der Attische Process*. Halle, 1824. [A new edition by H. Lipsius, much needed, is now coming out in parts. One part only has appeared]. (3) A. BOECKH. *Die Staatshaltung der Athener*, 2nd ed. 1851. (*Public Economy of Athens*: translated from the 1st German ed. by Sir George Cornwall Lewis, 2nd ed., London, 1842.) [This is the edition referred to; the 2nd Germ. ed. was translated by Lamb, Boston, U. S., 1857]. (4) K. F. HERMANN. *Griechische Staatsalterthümer*. 3rd ed. Heidelberg, 1841. (5) C. R. KENNEDY. (a) *Notes* (pp. 124—283) to *Transl. of Select Speeches*, London, 1841. [A scarce and valuable book; the notes are not reprinted in the collective edition]. (b) *The Orations of Dem.* translated with notes and dissertations. 5 vols. London, 1880. (6) V. CUCHEVAL. *Étude sur les Tribunaux Athéniens et les Plaidoyers Civils de Démosthène*, par Victor Cucheval, Professeur au Lycée Bonaparte. Paris (Durand), 1863. (7) G. PERROT. *Essai sur le Droit Public d'Athènes*. Ouvrage couronné par l'Académie Française. Paris (Thorin), 1869.

Also articles in the following Dictionaries of Antiquities:

- (8) AUG. PAULY. *Real-Encyclopädie der classischen Alterthumswissenschaft*. 6 vols. in 8 parts, Stuttgart, 1837—56. [A new edition on an enlarged scale of vol. I. A—B, Stuttgart, 1864. Greek Law mostly by Ant. Westermann].
 (9) W. SMITH. *Dictionary of Gr. and Rom. Antiq.*, 2nd ed. London, 1848, reprinted in subsequent years. [Greek Law mostly by C. R. Kennedy, J. S. Mansfield, R. Whiston. A new edition preparing. Joint Editor, W. Wayte].
 (10) DAREMBERG and SAGLIO. *Dictionnaire des Antiquités Grecques et Romaines*, parts 1—6, A—CAS, pp. 1—960, Paris (Hachette), 1873—9. [Greek Law by E. Caillemer. The publication of this magnificent work is unfortunately suspended].

MSS. OF DEMOSTHENES CONTAINING OR. XXII. AND OR. XXIV.

Σ (or S) in the Paris Library (No. 2934), on parchment, *forma maxima*; century X. "Primae quidem classis unus superest Parisinus S." Dindorf. Praef. ed. Oxon. p. vi. By far the best, and now recognised as the proper basis of the text; for limitations to this doctrine, see the Preface.

F. *Marcianus* 416, in the Library of St Mark at Venice, on parchment, *forma maxima*; century XI. The best ms. of the second group or family (Dindorf, *ubi supra*) but closely followed by B.

Υ (or Y) MS., Par. 2935: on parchment, *forma maxima*.

Ω (or O). In the Jesuits' Library at Antwerp (No. 43), on paper, *forma maxima*. The nearest approach to Σ, according to Bekker.

k. MS. Par. 2998: on cotton paper (*bombycinus*), *forma quadrata*; century XIV. Closely approaches A¹.

r. MS. Par. 2936: on parchment, *forma maxima*; century XIII.

s. MS. Par. 2940: on cotton paper (*bombycinus*), *forma quadrata*. Agrees generally with A¹ and k.

t. MS. Par. 2294: on parchment.

v. In the Paris Library (MS. Coislin. 339), on parchment.

β^m. [*i.e.* the second of eight mss. named after Morel, the Paris printer of the 16th century, and collated by Lambinus]. MS. Par. 2993.

ε^m. [fifth in the Morel series]. MS. Par. 3000.

A¹. *Augustanus primus*, formerly at Augsburg (*Augusta Vin-delicorum*), now in the Royal Library at Munich (No. 485), on thick parchment, *paene quadratus*. Reiske made it the basis of his edition, and assigned it to century X. or XI.: Dindorf says XI., the Zurich editors XII. The principal ms. of the third or most widely-diffused group: see k and s.

B. *Bavaricus*, at Munich (No. 85), on cotton paper (*bombycinus*), *forma maxima*; century XIII. Shares with F the primacy of the second class.

γρ. A contraction for γράφεται, the note of various readings.

Of the above mss., t, β^m and ε^m contain the Androtion but not the Timocrates.

As a general rule, only those various readings are noticed which have found favour with one of the four editors whose texts are collated. But in one or two instances attention has been called to neglected readings: and the mistakes and eccentricities of Σ have been freely exposed as a warning against excessive deference to its authority.



INTRODUCTION

TO

OR. XXII.

ΚΑΤΑ ΑΝΔΡΟΤΙΩΝΟΣ.

THE speech against Androtion, B.C. 355, marks a distinct stage both in the outward career and the intellectual growth of the orator, as his earliest forensic speech¹ in a public cause², and the first in which he shows the full maturity of his powers. It precedes by a year his first recorded appearance as an adviser of the people in a strictly political harangue³, the speech *περὶ τῶν συμμοριῶν* (B.C. 354). But we see already the transition from the private practice of the *λογόγραφος* to the public status of the *ρήτωρ* or politician. The *γραφὴ παρανόμων* or indictment for an unconstitutional proposal formed a meeting-point between law and politics; the elastic state of the law favoured the decision of legal questions on party grounds; and, as at various periods of English history, political differences found their natural arena in the law-courts.

¹ λόγος δικανικός.

² δημόσιος.

³ συμβουλευτικός.

Into this arena Demosthenes now descended as a trained combatant. According to the most probable date of his birth he would now be just twenty-nine years of age¹. His entrance into public life (marked by A. Schaefer and Blass as the second period of his career) coincides with the disastrous close of the Social War. The revived naval supremacy had been again lost; the orators of the peace party were discredited; and Demosthenes came forward as the advocate of an imperial policy. His position was already apart from that of all the rest². Eubulus the leading orator of this party, and Phocion who lent it respectability³, had their opponents among the other orators: and Demosthenes was ready to avail himself of help from any quarter against the predominant majority. But his quarrel was with the entire system, not merely with individual politicians; all were alike responsible for the abuses of the Theoric fund⁴, for the fatal stimulus given to the pleasure-loving, home-keeping instincts of the Athenian people, and to their dislike of personal service; all alike, in his view, fattened on the public plunder⁵. Demosthenes had to educate, not his party, but his countrymen. Hence his repeated allusions to the glories of the past; to the days when "the public

¹ His birth is fixed with tolerable certainty at B.C. 384, *i.e.* either in the last months of Ol. 98, 4, the archonship of Dexitheus, or the first of Ol. 99, 1, the archonship of Diotrepes. The Androtionea belongs to the early part of Ol. 106, 2, the archonship of Callistratus (not the orator, see § 66 n.), *i.e.* July or August 355. Androtion's motion to crown the senate was at the close of the old year, the trial at the beginning of the new. It is important to remember that the Athenian year began at the first new moon after the summer solstice, or, speaking roughly, about July.

² § 37 n.

³ Grote, ch. 87, viii. 32.

⁴ Timocr. § 134.

⁵ Androt. §§ 65—68.

service was the only holiday¹ to the Athenians whose degenerate descendants would now neither fight themselves nor pay others to fight for them². He does not, like many opposition speakers, confine himself to negative criticism. In this speech, and in others of the same group "against bad legislation," the Leptines, the Timocrates, he is the exponent of a formed policy. "Even when he is writing for others, himself remaining behind the scenes, the voice is still that of Demosthenes. His strong personality, his sincerity of conviction, breaks through dramatic disguises³."

Androtion, the defendant on this occasion, had been a prominent politician for thirty years⁴. That he must have been advanced in life is clear not merely from this circumstance, but from what we are told of his associates Glauketes and Melanopus⁵ and of his father Andron. The latter is certainly to be identified with the Andron, son of Androtion, who is named among the σοφοὶ assembled in the house of Callias, Plat. Protag. 315 c (comp. Gorg. 487 B), and who must have been already a grown man at the breaking-out of the Peloponnesian war⁶. The political example set by Andron to his son was not edifying. Having himself taken part in the government of the Four Hundred, B.C. 411, he came forward as the accuser of Antiphon and Archeptolemus, who were made scapegoats for the rest, and actually moved the decree by

¹ Thueyd. I. 70, § 9, μήτε ἑορτὴν ἄλλο τι ἡγεῖσθαι ἢ τὸ τὰ δέοντα πρᾶξαι.

² §§ 12—16, 76—78.

³ Prof. Butcher, p. 31.

⁴ § 66.

⁵ T. § 125 ff.

⁶ "The Protagoras points to the 87th Olympiad, B.C. 432—429:" Prof. Brandis, quoted in my note on Protag. 327 D.

which they were executed as traitors¹. According to Demosthenes, he was imprisoned for debts to the State and passed *πολλὰς πεντετηρίδας* in prison²; he broke his prison, not returning when let out on parole for a festival³; and, having failed to discharge his obligations at his death, left an inheritance of Atimia to his son, from which Androtion had never purged himself⁴. But this charge, as well as another presently to be noticed, is supported by no evidence: it is even ridiculous to see Demosthenes attempting to throw the burden of proof upon the defendant⁵.

Androtion had been trained in the school of Isocrates, and became an accomplished public speaker⁶. Demosthenes himself, though he adopts a sneering tone, is a witness to his oratorical ability⁷. He took an active part in matters of finance, and acquired the confidence of the people, though in his case the arts of the demagogue appear to have been combined with no small amount of the personal insolence of a born oligarch. In the bad times of the Social War he brought forward a scheme of his own for replenishing the exhausted treasury⁸: he induced the people to appoint an extraordinary commission of ten

¹ Vit. x. Orat. p. 833 E. Harpocrat. s. v. *Ἀνδρων*.

² T. § 125, where see note on the qualification with which this statement must be accepted.

³ A. §§ 56, 68.

⁴ A. §§ 33, 34.

⁵ § 34.

⁶ Suidas s. v. : *Ἀνδροτίων Ἀνδρωνος Ἀθηναῖος, ῥήτωρ καὶ δημαγωγός, μαθητῆς Ἰσοκράτους* : a scholium on § 4 of the speech *ἔστι γὰρ οὗτος τῶν Ἰσοκράτους μαθητῶν ἐπίσημος* : Zosimus in his life of Isocrates, p. 257 ed. Westerm. : and several passages of the rhetorician Hermogenes, all quoted by A. Schaefer i. 316 n. and Westermann ap. Pauly.

⁷ A. § 4, *ἔστι γὰρ, ὡς ἄνδρες Ἀθηναῖοι, τεχνίτης τοῦ λέγειν, καὶ πάντα τὸν βίον ἐσχόλακεν ἐνὶ τούτῳ*, compared with T. § 158.

⁸ *διὰ τὸν καιρὸν ὅς ἦν τότε*, § 49 n.

members, none of them regular officers of the revenue, to collect all outstanding arrears of the property-taxes (*εἰσφοραὶ*) voted since the archonship of Nausinicus (B.C. 378-7)¹. He put himself at the head of this commission, Timocrates being his most active subordinate: and the proceedings of this pair of worthies furnish several lively passages common to the two speeches². Their extraordinary powers lasted for a year; the services of other authorities were placed at their disposal, so that the Eleven imprisoned at their bidding, the Apodectae exacted payment, and the public slaves kept the accounts³. Of fourteen talents of property-tax in arrear, seven were recovered (A. § 44), or only five according to the later version (T. § 162); and this at the cost of an enormous amount of friction and unpopularity⁴. Androtion, however, retained his influence with the people, tolerant as usual of irregularities and even of oppression when the interests of an empty exchequer were at stake; and not long afterwards, being probably *ταμίαι τῆς θεοῦ* or one of the treasurers of the Acropolis and all its contents, he procured a decree which gave him extraordinary powers for dealing with the sacred treasures⁵. The *στέφανοι*, golden crowns pre-

¹ A. Schaefer i. 317 makes them the arrears of Nausinicus' year only: the reasons for preferring Grote's view are given in the note on § 44.

² A. §§ 47 ff. T. §§ 160 ff.

³ τὸν δημόσιον παρεῖναι προσέγραψεν, A. § 70, which explains τοὺς ὑπηρέτας, T. § 162.

⁴ A. §§ 59—64.

⁵ The expression *ταμίαι ad hoc* in the note on A. § 70 requires a slight modification. The *ταμίαι τῆς θεοῦ* were probably chosen by lot, and responsible for the safe keeping of the treasures, but without discretionary power as to dealing with them (compare T. § 136 n.): Androtion, as an active bustling politician, separated himself from his colleagues and got the vote passed which empowered him to melt down the crowns.

sented to Athens by grateful allies, and now hanging in the Acropolis, were then thrown into the melting-pot, on the plea that they were "coming to pieces¹," and recast as *φιάλαι* or paterae: the whole operation was left in Androtion's hands, without check or audit of accounts². We next find Androtion as a *βουλευτής* or member of the Senate of Five Hundred; and it was in this capacity that he proposed the complimentary vote to the Senate which gave rise to the present prosecution.

At the close of the Athenian year it was usual for the people to vote an honorary crown to the outgoing senators as an acknowledgement that they had discharged the duties of their office honourably and efficiently³. The "crown" must have been of altogether insignificant value, apart from the fact that there were 500 claimants: but, like a modern "vote of thanks," it was taken as a matter of course, and the omission of it would be a marked slight. This year, however, Ol. 106, 1, B.C. 356-5, the senate was accused of having neglected an important duty. It was required every year to build a certain number of new triremes⁴; and if it failed to do so it was forbidden by a special law to ask for the customary annual compliment. The proper number had not been built this year: and the excuse alleged was, that the treasurer of the ship-builders (*ὁ ταμίας τῶν τριηροποιῶν*) had run away with two and a half talents of the public money⁵.

¹ τὰ φύλλα ἀπορρεῖν, § 69 and note.

² αὐτὸς ῥήτωρ χρυσοχόος ταμίας ἀντιγραφεὺς γέγονεν, A. § 70 and n.

³ καλῶς βουλευσαί, § 12.

⁴ Twenty according to Diod. xi. 43; Benseler, *Einl.* p. 9.

⁵ On the question of the senate's responsibility for this officer, see § 17 n. It is usually assumed that no ships at all had been built: but the sum named (about £600) is clearly only a fraction of what the Athenians must have been spending upon their navy

This, it was argued, was a misfortune¹ for which it would be cruel to put a stigma upon 500 honest citizens. Androtion accordingly moved a decree in their favour, awarding them a crown as usual and saying nothing of the unbuilt triremes. The motion was carried in spite of the opposition of Meidias and others²; and Androtion was then indicted for an illegal proposal (*παρὰ νόμων*) by Euctemon and Diodorus, two men who had private injuries to revenge. Euctemon, apparently the older of the two, had spoken first: and Demosthenes wrote the present speech for Diodorus, who "followed on the same side." The "counts of the indictment," as they would now be called, were four in number: (1) that the requisite number of ships had not been built: (2) that Androtion's proposal was not approved beforehand by the senate³: (3) that he had led an infamous life, which subjected him to the penalty of *Atimia* or disfranchisement: (4) that he was again disqualified, as having neglected to pay the debt due from his father to the State at his decease. No evidence is brought forward on either of the latter charges; both were probably unfounded; and Androtion might well complain that such points were raised against him indirectly, instead of being made the subject of regular indictments. Demosthenes' attempt to meet this answer beforehand is, like some of his arguments in the

during a time of war, and quite inadequate to provide even the rough hulls of 20 triremes. If the number fell short by five or six or even less, it is quite in keeping with the tone of the prosecution, which throughout insists on the strict letter of the law, to argue that the law had not been complied with, and suppress all details. The words of § 8 *μη ποιησαμένη τῇ βουλῇ τὰς τριήρεις* (cf. §§ 10, 17), may easily bear that meaning, the article expressing the full, well-known, or legal number, like *αἱ ἀπαγωγαί*, T. § 113 n.

¹ *ἀτύχημα*, § 17.

² § 10.

³ By a *προβούλευμα*.

Timocratea, absurdly sophistical¹; and may have contributed to the adverse verdict.

The form of the speech is determined by its character as a *δευτερολογία*, or subsidiary to the main accusation. There is no complete statement of the case for the prosecution; that has been already made by Euctemon, and "the second speaker assumes the right to a freer handling." Without any regular proem Diodorus begins with an explanation of his motive in coming forward as a prosecutor: he has as great or even greater personal wrongs to avenge than Euctemon (§§ 1—3)². All that is known of Androtion should prepare the jury for a quibbling and sophistical defence (§ 4). The speaker then goes on to anticipate the arguments which the defendant will probably have recourse to. He will maintain, it is alleged, that in this instance the Probouleuma was not required either (1) by law, because the case is exceptional, or (2) by precedent, because the preliminary vote has not been enforced in practice. To this it is replied, that (1) there are no exceptions to the legal rule, and (2) that it is time that bad precedents should give way to the letter of the law (§§ 5—7). There can be no doubt that the practice had been as Androtion alleged: and there is great disingenuousness in the way in which the contrary is suggested³. A third excuse will be, that the senate did not ask for their reward, but the people decreed it to them unasked. In answer to this it is urged that putting the question to the vote by the Proedri and Epistates, i.e. by men who were necessarily members of the senate, was

¹ On (3) §§ 28, 29 : on (4) § 34.

² This is in order to anticipate a charge of *συκοφαντία* : see § 3, note on *ἀμύνεσθαι*.

³ *ἐγὰ δ' οἶμαι μὲν οὐχὶ λέγειν αὐτὸν ἀλήθειαν* (1. ἀληθῆ), *μᾶλλον δὲ οἶδα σαφῶς*, § 6.

in itself an act of asking; and further, that the unofficial members had gone about canvassing for votes and complaining of the hardship of depriving them of the usual compliment (§§ 8—11). He next insists on the paramount importance of naval supremacy to Athens, as a reason why the senate should be held to the letter of its duties in the matter of the triremes (§§ 12—16). If it is alleged that the frauds of the treasurer could not fairly be visited upon the senate, the answer is, that the public interest requires that no excuses, good or bad, be admitted¹: and further, that in this case the senate really was responsible for the acts of its own subordinate (§§ 17—20).

Next follows the question as to the defendant's immoral life. He may urge in reply that the question ought to have been raised directly by way of impeachment, with the usual securities against malicious prosecution, and not by innuendo as a mere collateral issue. The rejoinder to this is, as has already been noticed, one of the weak points of the speech (§§ 21—24). In other matters the Athenian law allows the prosecution a wide choice as to modes of procedure. *It is for the accused to prove his innocence*, not to dictate the particular remedy to be set in motion against him (§§ 25—29). The ground of the law of Hetairisis is next explained: men of infamous life cannot be well affected to democracy, and must attempt either to corrupt or to deceive the people (§§ 30—32). With regard to the other disqualification of Atimia inherited from his father, *the burden of proof rests with Androtion, that his father did not die in debt to the state* (§§ 33, 34). The feelings of the senators ought to count for nothing when the public interest is concerned.

¹ We are reminded of Wellington's saying, that "those who are good at excuses are seldom good for anything else."

They have themselves to thank for it, if by abdicating their own functions and submitting to be ruled by professional speakers they have incurred a formal censure: in fact so splendid an opportunity of getting rid of "the orators" ought not to be missed, and is alone enough to justify a conviction (§§ 35—39).

The speaker now passes from what Androtion may be expected to say to what others may urge on his behalf. That he will be defended by men who are either members of the censured body or responsible for the loss by embezzlement is a matter of course: but neither they nor the "respectable"¹ Archias are disinterested on this occasion (§§ 38—41). By a somewhat abrupt transition, he then returns once more to a last argument of Androtion's: that, by undertaking to collect the arrears, he had voluntarily incurred unpopularity for the good of the public (§§ 42—46). The first part of the speech, mainly occupied, as we have seen, with conjectures as to the probable line of the defence, here comes to an end.

The orator now announces his intention of passing in review the whole of Androtion's political career, and begins with a vigorous invective against his conduct in the much vaunted collection of the arrears of property-tax². The point is first argued with reference to the case of Euctemon (§§ 47—50), then more generally; and Androtion's conduct is compared to that of the Thirty (§§ 51—55). Instances of his outrageous behaviour are quoted (§§ 56—58); the amount of offence given is contrasted with the paltriness of the results, and shown, by

¹ ἐπιεικής, § 40 n.

² ἐφ' ᾧ μέγιστον φρονεῖ, τὴν τῶν χρημάτων εἴσπραξιν, § 47. This second part of the speech is repeated almost exactly in the Timocratea, §§ 160—186, and its presence there forms one of the critical difficulties of that speech: see the next Introduction.

the example of Satyrus, not to be inseparable from the discharge of these unpopular duties (§§ 59—64). So far from being a patriot and reformer, he has been, during his thirty years of public life, identified with the existing system and all its abuses (§§ 65—68). The concluding paragraph (§§ 69—78) deals with an exploit of Androtion's which he claimed as one of his services to the state, his melting down of the votive golden crowns and recasting them as paterae or bowls; this is shown up in its true colours as an act of gross fraud, from the want of proper supervision in carrying it out, and of extreme bad taste, since the treasures were nothing in themselves, everything in the associations connected with them. This last thought leads up to a short peroration of singular beauty and force, in which it is urged that Athens has always preferred glory to gold, though Androtion is ignorant of the fact; and that the handling of sacred things by a man who has led such a life as his is in itself an outrage against the traditions of old Athenian piety (§§ 76—78).

The Androtionea in a moderate compass affords a good specimen of the varied excellences of the orator; and it is further interesting as the earliest work of his maturity. It exhibits in large measure the "rhetoric fused with logic in the white heat of passion" to which later critics gave the name of *δεινότης*, and which they regarded as characteristic of Demosthenes beyond all other speakers. It has likewise a full share of his faults, which are those of Greek oratory in general, unfairness in argument and virulence in abuse. In scurrility, indeed, this speech and the Timocratea are left far behind by the two great speeches against Aeschines. Demosthenes did not, unfortunately, acquire self-respect on this point, or what would now be called the feelings of a gentleman, as he

grew older; though his later speeches seem to show a growth in that intellectual self-respect which restrains a man from uttering the most transparent nonsense for an immediate object¹. The least attractive feature in the present speech is the perpetual straining of unfair points against the accused. Androtion was no doubt a corrupt and greedy politician, and his acquittal may have proved nothing more than that his influence with the people was undiminished, that the clique of professional orators² stood by one of their own order, and that the friends of the outgoing senators mustered strong upon the jury. But, more probably, he was acquitted on the merits of his case. The principal charge, that relating to the ships, was, as has been shown, most likely exaggerated; the senate's previous consent to a vote of compliment to itself was a mere matter of form, and in practice had almost certainly been omitted; while the two charges, one of them of a peculiarly odious nature, on which it was sought to prove Androtion disqualified from speaking in public, would have been relevant only if backed up by legal decisions. In these last, and in the equally irrelevant abuse which forms the staple of the speech from § 47 onward, we may well believe that the orator overshot his mark.

It would, however, be a great mistake to see in Demosthenes only the hired speech-writer, the unsuccessful abettor of Diodorus' schemes of private vengeance, the unscrupulous verdict-getter "abusing the other side" in the consciousness of a bad case. The politician is here inseparable from the advocate; and politics have not yet ceased to be a war in which almost everything is accounted fair that promises to damage the enemy. A strongly

¹ See note pp. 155-6, and T. § 85 n., § 88 n.

² *οἱ συνεστηκότες ῥήτορες*, A. § 37.

intrenched system of abuses has to be assailed; threatened interests are banded together for mutual support. Demosthenes is already a reformer aiming at definite objects, with a definite ideal before him of what Athens ought to be. In striking at Androtion he is striking at "the system:" and he does not scruple to use for his purposes the aid of objectionable people who happened for the moment to share his likes and dislikes; to screen himself behind vindictive prosecutors like Diodorus and (as it would seem on at least one occasion) Apollodorus the son of Pasion¹; and to play on the weaknesses of Athenian juries.

This commingling of legal and political issues was greatly assisted by the fact that, while every full Athenian citizen was a legislator, an immense proportion of the whole number were also Dicasts, i.e. jurymen and something more, determining questions of law as well as of fact². It was, therefore, an everyday occurrence for an Athenian to combine in his own person the functions of a member of Parliament, a judge and a juror. The extreme elasticity (already hinted at) of the *γραφὴ παρανόμων* was the expression of this fact. Whatever dis-

¹ The evidence for the genuineness of the First Speech against Stephanus is too strong to be resisted: and by far the most probable explanation of Demosthenes' conduct in turning against Phormio, a client whom he had formerly defended, and exposing himself to the taunt of Aeschines (*de F. L.* § 165) is that which ascribes it to a strong political motive (Blass, p. 32, who is followed by Sandys, *Introd. to Select Private Orations*, pt. ii. p. xlv, and by Mahaffy, *Gr. Lit.* II. 337).

² It is not certain whether any system of rotation was combined with the *κλήρος* or lot, so as to make every citizen a dicast in his turn: if it were so, the turn would come about once in three years, allowing for the many public officers who were ineligible, and for other causes of exclusion. On the number of Athenian citizens, see A. § 35 n.

pleased him, a component unit in the Sovereign Demos, in any of his three capacities, might be brought under the provisions of this law. As a legislator he expected to be relieved from the consequences of his own hasty acts: if on reflection he discovered that he had been led astray, the proposer of the law must be punished, Demos himself was irresponsible. As an interpreter of the law, he required it to be intelligible to plain men; to be without ambiguities or contradictions. To guard against repugnant laws, it was not enough to repeal the old law by an enacting clause inserted in the new: the ground must first be cleared by the total repeal of the former, a proceeding which no doubt made it easier for legislators, acting without the guidance of trained lawyers, to judge of proposed amendments in the law. Lastly, as a dicast he gave his verdict on the proposer of a law, and thus implicitly on the law itself, for which in another capacity he might himself have voted. We have not yet exhausted the curious aspects of the *γραφὴ παρανόμων*. Like other despotic sovereigns, the Athenian people claimed a "dispensing power" of overriding the law upon occasion: and their advisers, the professional statesmen or orators, were as such the "keepers of the royal conscience," and liable to severe punishment if their master's conscience subsequently reproached him with what he had done at their bidding. Thus the Athenians no sooner repented of their judicial murder of the six generals after Arginusæ, than they directed a prosecution of those who had advised it¹. From another point of view, the sovereignty of Demos was so far constitutional that his ministers were liable to be turned out by a "vote of want of confidence." The dominant clique of orators might be discredited if one of their laws were overthrown; still more, if one of their

¹ ἐψηφίσαντο...προβολὰς αὐτῶν εἶναι, Xen. Hellen. i. vii. 35.

number were punished; and the capital sentence was usually demanded¹. Thus attacks ostensibly directed against measures were really aimed at men; the dicastery with its immense numbers was swayed by the passions of the assembly; and verdicts were openly demanded upon political grounds. No law was beyond the reach of this mode of indictment. However carefully all constitutional forms had been observed, it might be assailed on the vague charge of "inexpediency²;" though after the time limit³ of a year the author of the law could not be punished. The *γραφὴ παρανόμων* lay, therefore, not merely against unconstitutional but against bad legislation in general; and any law might be pronounced "bad" against which a majority, however small, could be obtained in a court where the last thing expected of the jurors was to leave their politics behind them⁴. The motives of Demosthenes in undertaking these prosecutions thus stand in a clear light⁵.

¹ Such phrases as *τρίς οὐχ ἅπαξ τεθνάναι ἄξιος* occur with unpleasant frequency in these two speeches.

² *μη ἐπιτήδειον*, T. § 33.

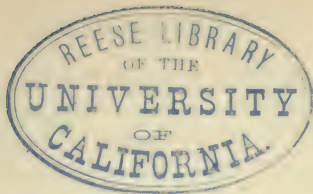
³ *προθεσμία*, sc. *ἡμέρα*.

⁴ We thus get the point of Aristophon's boast (see T. § 11 n.) that he had been impeached *παρανόμων* 75 times and invariably acquitted. He neither gloried in breaking the law with impunity, nor denounced the prosecutions as uniformly frivolous and vexatious; his meaning is, that he had always been on the winning side in politics.

⁵ It is in such passages as the following that we see most clearly the real Demosthenes behind the mask of advocacy, and already in marked opposition to the other orators: A. § 37, *εἰ δὲ γενήσεται τοῦτο καὶ τῶν ἠθάδων καὶ συνεστηκότων ῥητόρων ἀπαλλαγέσθε, ὄψεσθε, ὦ ἄνδρες Ἀθηναῖοι, πάνθ' ἃ προσήκει γιγνόμενα, ὥστ' εἰ μηδένοσ ἀλλοῦ ἐνεκα, διὰ ταῦτα καταψηφιστέον*. T. § 123, *Ἄξιον τοίνυν καὶ τοῦτ' εἰπεῖν, ὅσον ὑμεῖσ διαφέρετε, ὦ ἄνδρες δικασταί, μεγαλοφροσύνη τῶν ῥητόρων...* and so on to the end of § 124. Again, in T. § 157 it is argued that many public men (*πολλοὶ τῶν πολιτενομένων*) will stand by Timocrates, not for his sake but for their own.

The speech against Androtion has provoked none of the destructive criticism which plays so large a part in Demosthenic literature. Neither its genuineness, nor, with quite insignificant exceptions, its substantial integrity, have ever been disputed. The only doubtful passages are in § 20, where the suspicion that some words have dropt out is as old as Harpocration, but the lacuna need not be, as Cobet thinks, an extensive one; in § 67, where there is a probable interpolation (but only of a few words) from the parallel passage in the Timocratea; and in § 74, where an entire section has almost certainly been interpolated from the same source¹.

¹ See the notes on each passage.



INTRODUCTION

TO

OR. XXIV.

ΚΑΤΑ ΤΙΜΟΚΡΑΤΟΥΣ.

THIS speech is so closely connected with the preceding, that there is room for some surprise at the traditional arrangement by which the two are separated in our copies¹. We take up the history of Androtion at the point where the previous speech leaves it. It must have been within a few weeks of his acquittal, some time, therefore, in the autumn of 355, that Androtion, Melanopus, and Glauketes were sent as ambassadors to Mausolus, prince of Caria². The occasion of the embassy, if we may trust a statement of the Scholiast which probably rests

¹ Libanius begins his argument with the words *Διδώροσ μὲν κἀντραῦθα ὁ κατήγορος*, as if no Aristocratea had come between.

² The date of this embassy can be fixed within very narrow limits, more precisely than I have given it in the note on T. § 12. It was almost certainly after the end of the Social War: and the peace was concluded before the close of the archonship of Elpines, Ol. 106, 1, not later, that is, than midsummer 355. The decree of Androtion, and the subsequent trial, must belong to the first weeks of the archonship of Callistratus, say July and August; and the embassy would doubtless be timed to go and return before navigation closed for the winter. The higher limit is indicated by A. Schaefer, i. 330; the lower, the improbability of a winter voyage, has not been pointed out before.

on ancient tradition, was to complain of the intrigues by which Mausolus was endeavouring, in the interest of the Persian king, to overthrow the democratic governments in the islands of Chios, Cos, and Rhodes, so recently at war with Athens¹. The envoys were despatched on board a trireme commanded by Archebius and Lysitheides². On their way they fell in with a merchant vessel from Naucratis in Egypt, and took her to Athens as a prize for adjudication. Egypt was now, as it had been for many years, in a state of chronic revolt against Persia³: and the Athenians under the stress of the Social War, anxious to maintain friendly relations with the Persian court, had observed a strict neutrality⁴. At an earlier period they had been actively helping the insurgents. The Athenians, whose substitute for an admiralty court seems to have been the popular assembly, endorsed this piece of sharp practice by condemning the vessel as lawful prize⁵; on the technical ground, it would seem, that as friends of the King they were enemies of his rebellious subjects. They might well think the step likely to aid their negotiations with Mausolus and, through him, with Artaxerxes: but apart from this, the state of their exchequer, now at its lowest ebb, supplied an ever-pre-

¹ Die Nachricht, wenn auch etwas getrübt, scheint auf alter Ueberlieferung zu beruhen. A. Schaefer *l. c.* The words of the scholium are καταδουλώσασθαι αὐτῷ (τῷ βασιλεῖ) τὰς γ' ταύτας νήσους: this would be by substituting oligarchies relying on foreign support for the popular governments.

² On the *συντριηραρχία* or joint command in its various forms see *Dict. Antiq.* s. v. *Trierarchia*, pp. 1159 b, 1160 a.

³ Reconquered after 60 years of intermittent warfare, B. C. 346-5, Grote VIII. 172.

⁴ The first words of the Second Argument, Πολέμου τυγχάνοντος Αθηναίοις πρὸς βασιλέα, are of no authority.

⁵ See note § 12, ἀπεχειροτονήσαθ' ὑμεῖς μὴ φίλια εἶναι.

sent motive: and the appeal of the owners was disregarded. The proceeds, or at least the greater part of them, should have come into the treasury: but after some considerable time no payment had been made. One of the periodical overhauls of the Athenian finances, by the appointment of a commission of inquiry¹, now took place on the motion of the aged orator Aristophon: all persons were invited to give information against those who concealed, or were privy to the concealment of, confiscated property and other state debts. Euctemon, the late unsuccessful prosecutor of Androtion, now denounced Archebius and Lysitheides as not having accounted for prize-money to the amount of nine and a half talents (about £2300). When the matter came before the people, the three ambassadors had the grace to admit that they, and not the trierarchs, were in possession of the money: but as the latter were legally responsible, it was decreed that payment should be exacted from them, and that a *διαδικασία* should decide the question of liability as between them and the ambassadors. This was on the motion of Euctemon, against whom Androtion and his friends immediately brought a *γραφὴ παρανόμων* but failed to obtain a verdict. Popularity did not count for much when a treasury claim, especially a just one, was at stake: and on this occasion the ring of orators was divided against itself. The elderly defendants were probably men of expensive habits, and they did not find it convenient to produce the nine and a half talents. Their shifts to put off the evil day were at length exhausted. In the summer of B.C. 353, after retaining the balance for nearly two years, they had only the alternative of immediate payment or of being adjudged defaulters².

¹ *ζητητάι*, § 11 n.

² § 26 n. : Blass, p. 244. Their *ὀφελλημα* or simple indebtedness would be converted into an *ὀφλημα* or "judgment debt."

Timocrates, the present defendant, now interposed on their behalf with the law against which the prosecution is directed. Several persons of this name are mentioned by Demosthenes. The one now before us is doubtless different from the archon of Ol. 104, 1, B.C. 364—3, the year of Demosthenes' suit against his guardians¹: but it has been proposed to identify him with the Timocrates who appears as a witness for Boeotus in the second speech (the Dowry), and who is mentioned as of the same age with Boeotus himself². Timocrates was a man of mature years and a practised politician, who had often before drawn decrees for hire³; but he had still a father living, and was clearly much younger than Androtion⁴. He was also without Androtion's influence: he had been associated with him in his exaction of arrears⁵ and in the melting of the crowns⁶, but in both capacities as a subordinate rather than as a colleague on equal footing. His public morality seems to have been such as to fit him for the part of jackal to Androtion⁷: what is said against his private character⁸, as against his master's, may well have been gossip unsupported by evidence. Dirt-flinging came as natural to Demosthenes as it did to Greek orators in general.

¹ The archon is perhaps the same man with the first husband of Onetor's sister, who afterwards married Aphobus: 1. Onet. *passim*.

² Boeot. de Dot. p. 1017, § 28, p. 1026, § 59. A. Schaefer, to whom this remark is due, adds very justly that Timocrates must have been somewhat older than Boeotus (III. 2, App. p. 218). The latter was still a young man at the date of the first speech against him, about 350.

³ § 66, *πάλαι γὰρ μισθοῦ καὶ γράφων καὶ νόμους εἰσφέρων ὤπται.*

⁴ T. § 200: A. 66 compared with T. 173.

⁵ T. § 166.

⁶ T. § 182.

⁷ *προσαγωγεὺς*, § 161.

⁸ §§ 200—203.

The decree of Timocrates provided that if any state debtor had been sentenced by a court, in pursuance of any law or decree, to imprisonment in addition to making good the debt, it should be lawful for himself or any one else on his behalf to give bail for the specified amount¹: that he should be allowed till the ninth prytany, the last but one of the year, to discharge the debt: that if it were still owing, he should be imprisoned and the property of his sureties confiscated². In the first assembly of the new year, on the 11th of Hecatombaeon, he got a confederate named Epicrates to propose that a jury of Nomothetae should be summoned for the next day, under the pretext that sufficient funds had not been voted for the celebration of the Panathenaea with due splendour: and on the 12th the bill was smuggled through notwithstanding a public holiday for the feast of the Kronia, and in defiance, as the prosecution contend, of many other provisions against hasty legislation. The defendants would thus have secured nearly another year's delay; but the law was immediately impeached by Diodorus and Euctemon, who on this occasion changed places, Diodorus making the first or main speech and again having recourse to Demosthenes to write it for him. The trial came on, according to A. Schaefer and Blass, about the beginning of 352, or within six months of the law of Timocrates against which the attack is directed³.

¹ It is argued in § 82 that these expressions, τὸ γεγραμμένον and δ' ὠφλε, were designed to deprive the treasury of forfeitures for overdue payments.

² In the explanation of ἐνάτη πρυτανεία § 15 n. I have since found that I was anticipated by Benseler; an der neunten Prytanie d. i. der vorletzten des Jahres, *Einl.* p. 76. The older commentators take no notice of the point.

³ In the archonship of Eudemus or, more correctly, Thudemus, Ol. 106, 4. The heading κατὰ Τιμοκράτους (not πρὸς Τιμοκράτην) and

Like the former speech, the Timocratea has been reckoned as a masterpiece both by ancient and modern critics. The rhetor Theon¹ in particular notes it as a perfect model of the way in which a bad law should be attacked. But, however masterly as a forensic argument, it does not show to the greatest advantage as a work of literary art. We miss something both of the orderly arrangement and the finished workmanship of the Androtionea. The orator has now a much better case than before; but, on the other hand, as chief accuser he is responsible for proving the whole case; he can no longer, as in the *δευτερολογία*, select a few points here and there for simple and effective treatment. Demosthenes is true to the old-fashioned legal maxim of "admitting nothing" that comes from the other side. There is neither the reality nor (as in many modern speeches) the affectation of candour; Timocrates is never once right by accident; his law is noxious from the first syllable to the last²; there is not a single redeeming feature in his private character or in that of the associates for whose benefit he introduced this law. On each of these points the proof is repeated again and again. The intricacy of the speech is a quality which it shares with others of the greater speeches; and what has been said of these by Prof. Mahaffy is equally applicable to the Timocratea: "Demosthenes' method of treating a large subject at full length was not that of an

the repeated demands for exemplary punishment show that the person of the defendant is attacked, and not merely his law; the *προθεσμία* or time limit of a year had not expired. Hence it is quite impossible that the law can have been proposed at the Greater Panathenaea of 354: and the note on § 26 might have been put more strongly.

¹ *Progymn.* pp. 150, 166 ed. Walz, quoted by A. Schaefer i. 348.

² § 70.

orderly succession of heads. We see from his imperfect *Meidiana*, from his perfect speeches *against Aristocrates* and *on the Crown*, that his aim was to keep the whole subject all the time before his audience, by means of rapid turns, ingenious retrogressions and anticipations, and constant recapitulations¹." Of itself, therefore, this intricacy would be no proof that Demosthenes had not given his final touches to the work. It is different, however, when we come to the repetition of the long passage from the *Androtionea*, the only instance of the kind in the entire Demosthenic collection². It is of course possible that Demosthenes may have used, simply for convenience, material which he had worked up on a previous occasion to a high degree of polish. But of all the explanations which have been suggested to account for his thus repeating himself, the strangest surely is that of Lord Brougham, that the Athenians had so keen an appreciation of brilliant oratory as an intellectual treat, that they liked it all the better on a second hearing³. Most readers will think the passage, as here repeated, too long a digression from the main subject of the speech, the prosecution of Timocrates; and this, notwithstanding the verbal cleverness with which it has been adapted to its new surroundings⁴. It is not to be wondered at, therefore, that others besides Benseler have suspected interpolation in this part of the speech. Other

¹ *Gr. Lit.* II. 327.

² §§ 160—186. For the very different case of the Fourth Philippic, see Mahaffy, p. 323.

³ I am unfortunately unable to recover the reference to this passage.

⁴ His cleverness has however failed the adapter, whoever he was, in T. § 175, a flat and obscure substitution for A. § 68: see the note there.

considerations, indicating a want either of (1) uniformity of style or (2) unity of treatment in different parts of the speech, point to the same conclusion.

(1) The verbal structure of the Timocratea has been examined with great minuteness by Benseler, first in his tract *de hiatu in Demosthenis orationibus* (Freiburg 1848), afterwards in the Introduction to his edition (1861). The fifty sections §§ 110—159 immediately preceding the extracts from the Androtionea, when tested by Benseler's method, yield some remarkable results. They contain no fewer than 100 instances of the sort of hiatus usually avoided by Demosthenes, as against 10 in the remainder of the speech¹. Hence he assumed that these sections could not have been written by Demosthenes: and as he also saw, what can hardly be denied, that the transition in § 187 is exceedingly ill managed, he came to the conclusion that the entire portion comprised between §§ 110 and 186 is a huge interpolation² made up, first, from another speech for the same prosecution, possibly that of Euctemon, and secondly from that against Androtion with slight alteration. But the best critics, A. Schaefer and Blass, whose conclusions differ from one another only in minor particulars, find in the disputed §§ 110—159 no evidence of an inferior hand, but merely the rough workmanship of Demosthenes himself³. As has been remarked in the note on § 187, scarcely any of the matter of the

¹ Benseler says in the remaining 140 §§, i.e. §§ 1—109 and 187—218, but excluding from the computation §§ 160—186, mainly taken from the Androtionea.

² Including also the first words of § 187 *καὶ περὶ μὲν τούτου κατὰ σχολὴν· ἃ δὲ Τιμοκράτει συννερεῖ, πολλὰ λέγειν ἔτι πρὸς τούτοις ἔχων παύσομαι*. This sentence has difficulties of its own: see the note.

³ It cannot be supposed that either Isocrates or Demosthenes could have brought their published speeches within the rules (very

speech, taken section by section, seems unworthy of Demosthenes: and we cannot hesitate to prefer this less sweeping excision to that of Benseler. It will be observed, however, that both suppositions are equally fatal to the absolute integrity of the speech: i.e. to the notion that the MS. can have been handed over by Demosthenes in its present form to Diodorus, the man who was to speak it. And this argument is powerfully reinforced by another consideration than that of style and manner.

(2) The speech unquestionably begins by assuming that the ambassadors have not paid the money claimed by the State: that the vengeance of Diodorus is to be gratified by compelling Androtion, his old enemy, to disgorge his plunder, as well as by the repeal of Timocrates' law, and, if possible, the punishment of its author. Nothing inconsistent with this assumption is found all through the disputed portions of the speech §§ 110—186; the non-payment is distinctly implied in §§ 117—118, where the question of imprisonment is argued, not in the abstract, but with reference to the liability of Androtion and his colleagues. But in §§ 187—189 it is admitted by the prosecution that the claim has been satisfied; and from thence to the end all that is said is consistent with this admission. The first half of the speech, §§ 1—109, in general points the same way: the arguments of §§ 17—109 are not directed to this particular case: but in the introductory §§ 1—16 we find conflicting expressions.

different in the case of the two men, see § 72 n.) which they had respectively laid down for the avoidance of hiatus and unrhythmical combinations of syllables, without an immense amount of elaboration. This polish Isocrates, who had nothing better to do, was always ready to give: Demosthenes, the man of affairs, only occasionally when he prepared a speech for publication.

The non-payment is at first clearly presupposed¹: but before we get to the end of the short statement of facts in §§ 11—16 the situation is altered². Hence A. Schaefer and Blass have been led to the conclusion that we have here two recensions of the speech; that when Demosthenes first drafted it the state debt was still unpaid; that before the trial came on he had to rewrite it owing to the ambassadors having refunded³. The repetitions from the Androtion, if inserted by Demosthenes at all (a point discussed further on), thus clearly belonged to the earlier recension only. When the change of plan became necessary, the first sketch, “full of vigorous sallies against Androtion and his colleagues⁴,” may have been complete in substance, but had not yet received the final polishing: the *hiatus valde deflendi* of §§ 110—159 are thus suffi-

¹ § 2 ἵνα...μὴ...καταθῶσι, subjunctive not optative: § 8 βουλομένη δ' ἂν...τούτον παθεῖν ὧν ἄξιός ἐστιν, i.e. Androtion, who can be touched in no other way, must be made to pay: § 9 Τιμοκράτης τῶν ἱερῶν μὲν χρημάτων τοὺς θεοὺς, τῶν ὀσίων δὲ τὴν πόλιν ἀποστερεῖ and so below καθίστησι, both verbs in the present (Blass).

² τῶν μὲν γὰρ χρημάτων δραχμὴν οὐ κατέθηκαν ὑμῖν, § 16: where see note.

³ Benseler, *Einl.* p. 82, claims for himself the discovery of a “foreign element” in the speech, and mentions A. Schaefer and Voemel as having followed him. He merely proposed, however, the excision of §§ 110—186: the theory of a double recension, which accounts much more satisfactorily for the origin of §§ 110—159, was first struck out by A. Schaefer, and further proofs supplied by Blass. If we assume, with A. Schaefer, that the prosecution was at first directed quite as much against the ambassadors as against Timocrates himself, the motive of Diodorus in undertaking it is more clearly explained. But when the debt was paid Androtion no longer afforded a mark for the openly proclaimed vengeance of Diodorus: Diodoros, des Demosthenes Schützling, könnte nun seinem Hauptfeinde nicht mehr beikommen, A. Schaefer III. 2. 65.

⁴ Voll wirksamer Ausfälle gegen A. und seine Genossen, Schaefer, *l. c.*

ciently accounted for. The difference of style corresponds exactly with the altered point of view: for it is precisely these sections which cannot have been spoken under the circumstances of the actual trial, after the debt had been discharged. Whether any portion of the speech as finally corrected and delivered has been lost in the process, by which the two recensions of it were fused into that which has come down to us, is not easy to decide. Benseler, thinking only of interpolations by another hand, not of a rewriting by Demosthenes himself, imagines that by simply bracketing §§ 110—186 (and § 187 down to the word *παύσομαι*) he has restored the integrity of the speech. And Blass so far agrees with him, that he thinks the second recension may have consisted of §§ 1—109 and 187—218 with not more than a single connecting sentence now lost¹. Schaefer merely expresses an opinion that the second recension was shorter than the first, and carefully completed in all its parts.

It can hardly be supposed that this amalgamation² was the work of Demosthenes himself. Our two great authorities express themselves somewhat differently, but their conclusions are substantially the same. A. Schaefer is the more explicit of the two: "either Diodorus put the speech in circulation in its present form through hatred to Androtion, or some one else took pains to render it as complete as possible, so that no part of Demosthenes' sketch might be lost" (III. 2. 65). Blass reminds us that there was a *δευτερολογία* to follow, and that thus the replies to objections and the epilogue may not seem too short; and adds that the entire manuscript of Demosthenes

¹ Es genügte zur Ueberleitung zwischen 109 (110) und 187 ein Satz des Inhalts: ich wundre mich, was er zur Vertheidigung sagen wird. Blass, p. 249.

² *Contaminatio* as Terence would have called it.

was "edited" (he does not hint by whom) in such a way as to give the appearance of unity to the two combined recensions (p. 249). Without venturing to dogmatise, we may further point out that the editorship of Diodorus seems highly probable on more than one ground. That Demosthenes himself should really have employed a second time the passages which had been spoken on the previous trial seems very unlikely¹: and no mere literary collector would have had sufficient motive for inserting them here. But Diodorus might well wish to give as many people as possible the opportunity of reading invectives so damaging to Androtion; and the two speeches were almost certainly his own property, over which the paid logographer could claim no further control².

As the result of the foregoing discussion, the component parts of the Speech may be thus briefly characterised. I. §§ 1—109 belong to the second recension: the payment of the money is in general presupposed, though with some inconsistencies (already pointed out) in the first 16 sections, as though the two different proems had been insufficiently welded together³: the diction is polished up to the usual smoothness of Demosthenes in his finished speeches. II. §§ 110—159 belong to the first recension. Non-payment is presupposed throughout: and the style

¹ It is only right to mention, as a point the other way, that the parallel section A. 74=T. 182 seems more in its place in the latter speech: see the note in A.

² The probability that speeches in private suits became the property of the client, is noticed both by Prof. Mahaffy *Gr. Lit.* II. 305, and by Prof. Butcher, *Demosth.* p. 139 n.

³ The state of these opening §§ furnishes perhaps the strongest reason against attributing the fusion to Demosthenes. The present editor, at least, cannot believe him to have been responsible for such slovenly workmanship.

remains comparatively in the rough. III. §§ 160—186, repeated from the *Androtionea* with slight alterations, either belong to the first recension or (more probably) to neither: the question of finish does not come in here. IV. §§ 187 to end belong to the second recension: the payment is once more presupposed and the diction has received its final touches¹.

“What was the result of the prosecution we are not informed. We can scarcely conceive, indeed, that it failed altogether, for the arguments of Demosthenes seem conclusive as to the illegality and inexpediency of the law against which they were directed. But as the demands of the State had been previously satisfied by the payment of the prize-money, the original subject in dispute, we may conjecture, as Demosthenes appears to have expected (§ 218), that Timocrates was not severely punished either in purse or person².” *Androtion* henceforth drops out of history: it seems that he quitted Athens not long afterwards, retired to Megara, and there wrote his historical work, the *Atthis*, in the enforced leisure of banishment³.

¹ Owing to the complexity and the repetitions of this Speech, it has not been thought necessary to give in this place an analysis of its contents, as was done in the Introduction to the companion speech. The reader who desires to follow the tortuous course of the argument is referred to the abstracts prefixed to each paragraph of the commentary: they may be read consecutively in order to get a general view of its drift.

² These sentences are borrowed from Mr Whiston's Introduction. In going over the same ground with a still living English editor, I have, I trust, been especially careful in acknowledging every note or remark for which I have been indebted to him.

³ Welches der Erfolg der Sache war wird nicht überliefert; doch verliess A. nicht lange darauf, wie es scheint, Athen und zog sich nach Megara zurück, wo er, wie *Plut. de exil. c. 14, p. 605 C.* berichtet, in der Musse der Verbannung sein Geschichtswerk niederschrieb. Westermann ap. Pauly 1. ed. 2, s. v. *Androtion*.

The identity of the historian with the orator is almost certain¹. The Ἀτθίς was an historical or rather “anti-quarian and annalistic”² account of Attica from the earliest times. The number of books of which it consisted is uncertain: the twelfth is cited by Harpocration (s.v. Ἀμφίπολις). It is not a little remarkable, as bearing on the question of identity, that the extant quotations from this work just cover the period of Androtion’s political career, and a few more years which he may have passed in exile: the latest event noticed is the διαψήφισις in the archonship of Archias, Ol. 108, 3, B.C. 346—5³. If he died

¹ For it are A. Schaefer i. 351, who replies to the objections of C. Müller and others, the German writers generally (see Schaefer’s references), Whiston, and most positively Westermann *l. c.* *Dass der Geschichtschreiber A. von dem Redner und Staatsmann verschieden sei...ist schwerlich richtig*, says the latter. Against it Ruhken, Dindorf in his introductory notes to the Androtionea, C. Müller, Pref. to *Fragm. Hist. Graec.* i. p. lxxxiii., and Siebelis, whose argument from style is controverted by Müller himself.

² Whiston, after Donaldson, *Gr. Lit.* i. 229.

³ Harpocration s. v. διαψήφισις: printed by Müller as fr. 133 of Philochorus. The fragments of the Ἀτθίς are in Müller i. p. 371—377. I have read these fragments, and must demur to the inference drawn from two of them by Mr Whiston as to the untrustworthiness of Androtion as a writer. In Pausan. vi. 7, the words εἰ δὲ τὸν ὄντα εἶπεν Ἀνδροτίων λόγον must mean “if he is right in this particular instance,” and convey no imputation upon his general character. The other case is more palpable. Aelian V. H. viii. 6 says: Ταῦτα Ἀνδροτίων λέγει, εἰ τῷ πιστὸς [ὑπὲρ τῆς ἀγραμματίας καὶ ἀπαιδεσίας Θρακῶν τεκμηριῶσαι]. The meaning of course is, “if he is sufficient authority to prove the illiterateness of the Thracians:” Mr Whiston’s quotation stops short of the words in brackets. To none would the unqualified phrase εἰ τῷ πιστὸς be more applicable than to Aelian himself. That the Thracians were unable to read and write he evidently thought a statement so startling as to require special attestation; an opinion more creditable to the general diffusion of “elementary education” in the Graeco-Roman world of his time than to his own good sense.

before Chaeroneia he may be pronounced *felix opportunitate mortis*.

It remains to say a few words as to the view taken, in the Introduction and Notes, of the Athenian character and, in particular, of that of Demosthenes. A close examination of the workings of Athenian law-courts cannot fail to bring into relief some of the weak points of the national character: and when I find Demosthenes descending to arts of which even the less respectable lawyers of the present day would be ashamed, I cannot suppress the fact. But I should be sorry to be thought wanting in generous appreciation either of Athens or of Demosthenes. If it were not that men's minds, in judging of Greek democracy, are under the influence of modern political prejudices, no one who had studied the condition of mankind at different periods of history could doubt that the Athenian community was, on the whole, the happiest that ever rested upon a basis of slavery. That the free joyous old Greek life attained its climax among the fully enfranchised citizens, with their round of varied political and intellectual excitements, even the least favourable critics admit. That the unenfranchised aliens, whether ξένοι or μέτοικοι, were better treated than elsewhere, is shown by the marked preference which they displayed for Athens, above all Greek cities, as a place of residence and of business. And Athenian slavery, with its inevitable dark side, will compare favourably with the same institution at Rome, or as practised by Christian nations in the New World. While we study, in the Orators, the mingled legal and political issues fought out in Athenian courts, we do well to remember the very late growth of the spirit of justice and humanity in

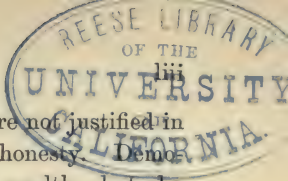
modern procedure. The rage of faction, and the judicial murders in which it sometimes expended itself, were, more excusably, no worse at Athens than in the England of 200 years ago. The Athenians were to our notions strangely indifferent to human life; but their capital punishments were far less revolting than those of Europe generally one hundred years ago. Their ideas in matters of political economy were scarcely more rudimentary than some that crop up even in that oasis in a protectionist desert, the England of to-day¹.

I am even more unwilling to be suspected of injustice towards Demosthenes, as I am not carried away by the current of recent opinion which in this country has turned against him, and has been supported with remarkable literary ability. The view which commended itself to minds at once so robust and so dispassionate as those of Thirlwall and Grote may yet prevail over the depreciatory criticism of the Messrs. Simcox and Prof. Mahaffy. In the former more especially we seem to recognise a readiness to accept any evidence when a great reputation is to be ruined, and something too much of triumphant iconoclasm². Because Niebuhr injudiciously

¹ Some comparisons on these and similar points will be found in the notes: e.g. T. 76, 125, 127, 140, 212.

² Prof. Mahaffy, it is some comfort to observe, does not countenance the charges against Demosthenes' private morals, and indeed gives weighty reasons against doing so: p. 351 n. The Professor, I venture to think, seems to hold and certainly suggests to his readers a more favourable estimate in the bulk of his chapter on Demosthenes than in the sentence or two in which he declares his adhesion to the views of Messrs Simcox. Having had occasion to differ in opinion with Prof. Mahaffy on this one point, I gladly express my concurrence with his views on two other questions, on both of which he has had to encounter much adverse criticism. (i) While fully sharing his admiration for the great works of A. Schaefer and Blass, I rejoice that he has raised his

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pronounced him "almost a saint," we are not justified in denying him the possession of common honesty. Demosthenes undoubtedly amassed great wealth, but by methods which the morality of his day sanctioned. In an age when selfishness was not yet sufficiently recognised as a vice, he lived simply and gave away largely. If he

protest against the scepticism which the former writer carried to an extreme, and from which the latter shows only a slight reaction. Schaefer had reduced the number of genuine speeches to twenty-nine: Blass raises it to thirty-three. I agree with Prof. Mahaffy in thinking that ultimately a much larger number will be acknowledged. If speeches can be proved on internal grounds to be earlier than Demosthenes, like the *Callippus*, or later, like the *Dionysodorus* (a doubtful instance after all), well and good: but I hold with Prof. Mahaffy that we are not entitled to reject, on grounds of style, and still less of dishonesty in the argument, works which commended themselves to the fastidious critical taste of Dionysius. (ii) In his *Social Life in Greece* Prof. Mahaffy, as is well known, places the Greeks on a lower level, especially as regards honesty, truthfulness, and public spirit, than is claimed for them by more thorough-going admirers. Here also it appears to me that he is right. At the last moment while these sheets are passing through the press, I observe in the *Academy*, Oct. 21, 1882 a review of Herr Schmidt's work on the Ethics of the Ancient Greeks. The reviewer thinks this last and most learned German investigator strongly opposed to Prof. Mahaffy's views: but he makes the following admissions. (1) That the Greeks were "wanting in appreciation of the duty of man to man, as such, and were disposed to consider the rules of war applicable to the relations of individuals of different families:" (2) that they were not remarkable for family affection: (3) he would be glad to hear (Herr Schmidt apparently having said nothing) what the Greeks thought of commercial dishonesty: (4) Aristotle testifies in his *Politics* to the difficulty in getting magistrates who would face odium by enforcing sentences against their fellow-citizens: (5) Greek practice in morals fell a good deal short of Greek theory. I think Prof. Mahaffy here gets all that he wants in the way of concession. No one has denied that Plato and Aristotle erected on their several bases sufficiently high systems of morality. But a still higher system may coexist with grave faults in a national character.

took the money of Harpalus, a charge which after the recent strengthening of the case against him¹ we would by no means deny, so pure a patriot as Algernon Sidney accepted a pension from Louis XIV. Had the motives of Demosthenes throughout his career not been pure in the main, he could have had no inducement to place himself in marked opposition to the other orators: he would have hunted with the pack, and this notoriously he did not do. When the day of trial came, his unpopularity and isolation served to point the malice of his enemies.

As an advocate he was, we have seen, in no respect in advance of his time. The courts and assemblies of Athens were no schools of stainless honour, of gentleman-like feeling, of scrupulousness in argument, of decent reticence in language. On a wide historic retrospect, we may place Demosthenes on a level with the noblest patriots of all times. We may believe, without credulity, that the author of the Speech on the Crown was as incapable of selling his country as Chatham or Peel. But when we turn to the forensic side of Attic oratory, we feel how much has been gained by modern culture and by Christian morality. The true "glory of Themis" has unquestionably risen higher among the countrymen of a Cockburn and a Coleridge, or of a Berryer and a Dufaure, than among the countrymen of Themistocles.

¹ By the discovery of the Hypereides papyri: see Mahaffy ii. 373 f.



ΚΑΤΑ ΑΝΔΡΟΤΙΩΝΟΣ ΠΑΡΑΝΟΜΩΝ.

ΛΙΒΑΝΙΟΤ ΤΠΟΘΕΣΙΣ.

Δύο ἦσαν ἐν Ἀθήναις βουλαί, ἡ μὲν διηνεκῆς, ἡ ἐν Ἀρείῳ πάγῳ περὶ τε φόνων ἐκουσίων καὶ τραυμάτων καὶ τοιούτων τινῶν δικάζουσα, ἑτέρα δὲ ἡ τὰ πολιτικὰ πράττουσα· αὕτη δὲ κατ' ἐνιαυτὸν ἡμείβετο, ἐκ πεντακοσίων ἀνδρῶν τῶν τὴν βουλευτικὴν ἡλικίαν ἀγόντων συνισταμένη. νόμος δὲ ἦν ἐπιτάττων τῇ βουλῇ ταύτῃ ποιεῖσθαι τριήρεις καινὰς, εἰ δὲ μὴ ποιήσῃται, κωλύων αὐτὴν αἰτεῖν παρὰ τοῦ δήμου δωρεάν. νῦν τοίνυν ἡ μὲν βουλή τὰς τριήρεις οὐκ ἐποίησατο, Ἀνδροτίων δὲ γέγραφεν ἐν τῷ δήμῳ ψήφισμα στεφάνωσαι τὴν βουλήν. ἐπὶ τούτῳ παρανόμων κρίνεται,

Argument. Δύο...βουλαί] The distinction between a judicial body (δικάζουσα) such as the Court of Areiopagus, and a Council of State (τὰ πολιτικὰ πράττουσα) like the Senate of Five Hundred, was less clearly marked in ancient times: hence the common term βουλή is applied to both.

διηνεκῆς] 'perpetual,' because its members were elected for life; opp. to κληρωτῆ κατ' ἐνιαυτόν.

τραυμάτων] *Dict. Antiq.* s.v. Traumatos ek Pronoias Graphé.

βουλευτικὴν ἡλικίαν] Thirty, as for the ἡλιασταί. See the Heliastic Oath, *Timocr.* § 150.

ἐποίησατο ... γέγραφεν] The confusion of aorist and perfect in late Greek is noticed by Mr Paley on the Arguments to the speeches πρὸς Φορμίωνα, p. 906, and ὑπὲρ Φορμίωνος, p. 943. So προεῖρηκε below unless we may say that Euctemon *has* opened the case and now Diodorus 'follows on the same side' (ἐπαγωνίζεται).

παρανόμων] *Dict. Antiq.* s.v. Paranomon Graphé.

κατηγορούντων αὐτοῦ δύο ἐχθρῶν, Εὐκτῆμονος καὶ Διοδώρου. καὶ προείρηκε μὲν ὁ Εὐκτῆμων, δεύτερος δὲ ὁ Διόδωρος ἐπαγωνίζεται τούτῳ τῷ λόγῳ. φασὶ δὲ οἱ κατήγοροι πρῶτον μὲν ἀπροβούλευτον εἶναι τὸ ψήφισμα (νόμου γὰρ κελεύοντος μὴ πρότερον εἰς τὸν δῆμον ψήφισμα ἐκφέρειν, πρὶν ἐν τῇ βουλῇ δοκιμασθεῖν, τὸν Ἀνδροτίωνα παρὰ τούτον τὸν νόμον ἀπροβούλευτον εἰσενεγκεῖν τὴν γνώμην), δεύτερον δὲ ὑπεναντίον ἐκείνῳ τῷ νόμῳ τῷ κελεύοντι μὴ ποιησαμένην τὴν βουλήν τὰς τριήρεις μὴ αἰτεῖν δωρεάν· εἰ γὰρ αἰτεῖν οὐκ ἔξεστι, δῆλον ὡς οὐδὲ τὸ δοῦναι συγκε- 588
χώρηται. τούτους μὲν εἰς τὸ πρᾶγμα τοὺς νόμους· παρέχονται δὲ καὶ κατὰ τοῦ προσώπου δύο, τὸν τῆς ἑταιρήσεως καὶ τὸν τῶν ὀφειλόντων τῷ δημοσίῳ, καὶ φασὶ τὸν Ἀνδροτίωνα κατὰ ἀμφοτέρους ἄτιμον εἶναι· καὶ γὰρ πεπορνεῦσθαι καὶ χρέος πατρῶον ὀφείλειν τῇ πόλει.

ΕΤΕΡΑ ΤΠΟΘΕΣΙΣ.

Διάφοροι παρ' Ἀθηναίοις ὑπῆρχον ἀρχαί, ὧν αἱ μὲν κληρωταί, αἱ δὲ χειροτονηταί, αἱ δὲ αἵρεταί. καὶ κληρωταί μὲν αἱ κατὰ κληῖρον γινόμεναι, ὡς αἱ τῶν δικαστῶν, χειροτονηταί δὲ αἱ κατὰ χειροτονίαν τοῦ δήμου γινόμεναι, ὡς αἱ τῶν στρατηγῶν, αἵρεταί δὲ αἱ

ἀπροβούλευτον] See § 5.
κελεύοντι...μὴ αἰτεῖν] A classical writer would have said ἀπαγορεύοντι μὴ αἰτεῖν.
εἰς τὸ πρᾶγμα...κατὰ τοῦ προσώπου] 'bearing on the case,' 'against the person' of Andro- tion.

Second Argument. The remark of Taylor, that this argument is 'illustre' (i.e. a chief source of our information) on the Senate of Five Hundred,

must not blind us to its many defects of style and misstatements of fact. Ἀντιδιαστολή for 'contradistinction,' ὑποπίπτειν 'to consist of,' προλαβόντος 'previous,' εἰσιέναι ἐν τῷ δήμῳ for εἰς τὸν δῆμον, all savour of grammarians' Greek.

αἵρεται] There is no real difference, as Boeckh and others have pointed out, between this and χειροτονηταί.

κατὰ αἵρεσιν, ὡς αἱ τῶν χορηγῶν. τούτων μία ἦν τῶν κληρωτῶν ἢ βουλῇ τῶν πεντακοσίων. τῶν πεντακοσίων δὲ εἵπομεν πρὸς ἀντιδιαστολήν τῆς ἐν Ἀρείῳ πάγῳ. εἰσὶ δὲ τούτων διαφοραὶ τρεῖς. καὶ πρώτη ἐστὶ τὸ τῆν τῶν πεντακοσίων τὰ δημόσια πράγματα διοικεῖν, τὴν δὲ ἐν Ἀρείῳ πάγῳ τὰ φονικὰ μόνον. εἰ δέ τις εἴποι ὅτι καὶ αὕτη δημόσια διώκει, λέγομεν ὅτι, ἡνίκα μεγίστη ἀνάγκη ἐγένετο, τότε μόνον περὶ δημοσίων συνήγето. δευτέρα διαφορὰ, ὅτι ἡ μὲν τῶν πεντακοσίων ἀριθμῷ ὑποπίπτει ὠρισμένῳ, ἡ δὲ ἀορίστῳ. ὡς γὰρ τινες τῶν ῥητόρων λέγουσι, κατ' ἔτος οἱ ἐννέα ἄρχοντες αὐτῇ προσετίθεντο· ὡς δέ τινες, ὅτι οἱ ἐξ μόνου θεσμοθέται. ἦσαν γὰρ ἐξ θεσμοθέται, οἱ περὶ ἐταιρήσεως δικάζοντες. ἦσαν δὲ καὶ ἄλλοι τρεῖς, εἰς ἐπώνυμος, ἐξ οὗ καὶ ὁ ἐνιαυτὸς ἐπώνυμος ὠνομάζετο, δεύτερος ὁ βασιλεὺς, ὁ τὰ τῶν ὀρφανῶν καὶ ἀσεβειῶν διοικῶν, τρίτος ὁ πολέμαρχος, ὁ τῶν πολεμικῶν ἐπιμελούμενος. οἱ δὲ θε- 589 σμοθέται ἐνιαυτὸν μόνον ἦρχον, πρὸ τῆς ἀρχῆς κρινόμενοι περὶ τοῦ προλαβόντος παντὸς βίου. καὶ εἰ μὲν εὐρέθησαν ἐν πᾶσι δίκαιοι, ἦρχον τὸν ἐνιαυτόν. εἶτα πάλιν μετὰ τὸν ἐνιαυτὸν ἐκρίνοντο, εἰ καλῶς ἐν αὐτῷ ἦρξαν· καὶ εἰ δικαίως ὤφθησαν ἄρξαντες, προσετίθεντο τῇ βουλῇ τῶν Ἀρειοπαγιδῶν. καὶ διὰ τοῦτο

ὡς δέ τινες, ὅτι] The ὅτι is superfluous after ὡς, but, as Schaefer observes, a similar laxity or confusion between two constructions is not uncommon even in classical writers. The name Thesmothetae seems to have been sometimes applied to all the nine Archons, and not merely to the six juniors: hence the rather confused state-

ments here and below, p. 589, l. 1. The δοκιμασία (πρὸ τῆς ἀρχῆς κρινόμενοι) and εὐθῦναι (εἰ καλῶς ἦρξαν) obviously refer to the whole nine.

τὰ τῶν ὀρφανῶν καὶ ἀσεβειῶν] A mistake as regards the former. The Eponymus, and not the Basileus, was the guardian of orphans and heiresses (ἐπίκληροι). *Dict. Antiq.* s.v. Archon.

οὐχ ὑπέπιπτον ἀριθμῶ. εἰ δὲ μὴ, ἐξεβάλλοντο. τρίτη διαφορά, ὅτι ἡ μὲν τῶν πεντακοσίων κατ' ἐνιαυτὸν διεδέχετο, ἡ δὲ τῶν Ἀρειοπαγιτῶν ἦν ἀδιάδοχος· εἰ μὴ γάρ τις ἤμαρτε μεγάλως, οὐκ ἐξεβάλλετο. ἐπειδὴ δὲ οὐ πρόκειται ἡμῖν περὶ τῆς ἐν Ἀρείῳ πάγῳ βουλῆς, ἀλλὰ περὶ τῶν πεντακοσίων, ἀναγκαῖον μαθεῖν ἡμᾶς πῶς ἦρχεν. ἰστέον ὅτι οὐκ ἐψήφίζον οἱ Ἀθηναῖοι τοὺς μῆνας κατὰ τὸν ἡλιακὸν δρόμον, ὡς ἡμεῖς, ἀλλὰ κατὰ τὸν σεληνιακόν. κατὰ γὰρ τὸν ἡλιακὸν ἔχει ὁ ἐνιαυτὸς ἡμέρας τριακοσίας ἐξήκοντα πέντε, ὥστε συμβαίνει ἔχειν τὸν μῆνα ἡμέρας τριάκοντα καὶ τρίτον καὶ δωδέκατον. δεκάκις γὰρ τριάκοντα τριακόσια, δις τριάκοντα ἐξήκοντα· λοιπὰ πέντε. τὸ τρίτον τῶν δώδεκα τέσσαρα· λοιπὴ μία. δωδέκατον δὲ τῆς μιᾶς δύο ἐστί. κατὰ δὲ τὸν σεληνιακὸν δρόμον ὁ ἐνιαυτὸς ἔχει τριακοσίας πεντήκοντα τέσσαρας, ὥστε συμβαίνει τὸν μῆνα ἔχειν ἡμέρας εἰκοσιεννέα ἡμισυ. δεκάκις γὰρ εἴκοσι διακόσια, δις εἴκοσι τεσσαράκοντα, δεκάκις ἐννέα ἐννευήκοντα, δις ἐννέα δεκαοκτώ, καὶ τὸ ἡμισυ τῶν δώδεκα ἕξ. ὥστε ὁμοῦ εἶναι ἡμέρας τριακοσίας πεντήκοντα τέσσαρας, ὑπολείπεσθαι δὲ κατὰ τὸν ἡλιακὸν δρόμον ἡμέρας ἕνδεκα, ἃς Ἀθηναῖοι κατὰ τριετίαν συνάγοντες ἐποιοῦν τὸν ἐμβόλιμον μῆνα τριάκοντα τριῶν ἡμερῶν. ἔχει γοῦν 590 ὁ ἐνιαυτὸς κατὰ τὸν σεληνιακὸν δρόμον τριακοσίας πεντήκοντα τέσσαρας ἡμέρας. καὶ τὰς μὲν δ' ἡμέρας

ἀριθμῶ] i.e. ἀριθμῶ ὠρισμένῳ, expressed above. As R. W. points out, the subject of ὑπέπιπτον is οἱ Ἀρειοπαγίται, that of ἐξεβάλλοντο is οἱ θεσμοθέται.

τρίτον καὶ δωδέκατον] The Greek way of expressing $\frac{5}{12}$. The five days over and above 360 are supposed to be divided

equally among the twelve months.

τὸν ἐμβόλιμον μῆνα. It is not worth while to correct in detail this writer's statements about the mode of intercalation. It is enough to refer to *Dict. Antiq.* s.v. Calendar (Greek).

ἐκάλουν οἱ Ἀθηναῖοι ἀρχαιρεσίας· ἐν αἷς ἄναρχος ἢ Ἀττικὴ ἦν. ἐν ταύταις προεβάλλοντο τοὺς ἄρχοντας. ἦρχον οὖν οἱ πεντακόσιοι τὰς τριακοσίας πεντήκοντα ἡμέρας. ἀλλ' ἐπειδὴ πολλοὶ ἦσαν καὶ δυσχερῶς ἦνυον τὰ πράγματα, διεῖλον ἑαυτοὺς εἰς δέκα μερίδας κατὰ τὰς φυλάς, ἀνὰ πεντήκοντα· τοσοῦτους γὰρ ἐκάστη φυλὴ προεβάλλετο. ὥστε συνέβαινε τοὺς πεντήκοντα ἄρχειν τῶν ἄλλων ἀνὰ τριάκοντα πέντε ἡμέρας. αὐταὶ γὰρ αἱ τριάκοντα πέντε ἡμέραι εἰσὶ τὸ δέκατον μέρος τοῦ ἐνιαυτοῦ· δεκάκις γὰρ τριάκοντα τριακόσια, πεντάκις δέκα πεντήκοντα. ἀλλ' ἐπειδὴ πάλιν οἱ πεντήκοντα πολλοὶ ἦσαν εἰς τὸ ἄρχειν ἅμα, οἱ δέκα κατὰ κλῆρον μίαν ἡμέραν τῶν ἑπτὰ, ὁμοίως δὲ ἕκαστος τῶν ἄλλων ἀπὸ κλήρου ἦρχε τὴν ἑαυτοῦ ἡμέραν, ἄχρις οὗ πληρωθῶσιν αἱ ἑπτὰ ἡμέραι. καὶ συνέβαινε τοῖς ἀρχουσι τρεῖς μὴ ἄρχειν. ἕκαστος δὲ ἀρχων ἐν μιᾷ ἡμέρᾳ ἐκαλεῖτο ἐπιστάτης. διὰ τί δὲ μίαν μόνην ἦρχεν; ἐπειδὴ αὐτὸς τὰς κλειῖς τῆς ἀκροπόλεως ἐπιστεύετο, καὶ πάντα τὰ χρήματα τῆς πόλεως. ἵν' οὖν μὴ ἐρασθῆ τυραννίδος, διὰ τοῦτο μίαν ἡμέραν ἐποίουν αὐτὸν ἄρξει. ἰστέον δ' ὅτι οἱ μὲν πεντήκοντα ἐκαλοῦντο πρυτάνεις, οἱ δὲ δέκα πρόεδροι, ὁ δὲ εἰς ἐπιστάτης. μετιτέον δὲ ἐπὶ τὴν ὑπόθεσιν τοῦ προκειμένου λόγου.

Ἔθος ἦν τὴν βουλὴν τῶν πεντακοσίων λαμβάνουσαν χρήματα ἀπὸ τοῦ δήμου καινὰς τριήρεις ποι-

ἀναρχος] Here too, as Funkhaenel puts it, 'Scholiasta somniat.' We learn from Harporation (s.v. πρυτανεία, quoting Aristotle) that some of the Prytanies consisted of 35, others of 36 days; and Schoemann has further proved that the four supernumerary days were given

to the tribes which came last in order (Assemblies, p. xvi.).

μίαν ἡμέραν τῶν ἑπτὰ] In reality the ten proedri presided for seven days, not for one day in seven. On this whole subject of the Prytany and its divisions compare *Dict. Antiq.* s.v. Boulé.

εἶν. νόμος δὲ ἦν τὴν βουλὴν τὴν δόξασαν τῷ δήμῳ
καλῶς βεβουλευκέναι στεφανοῦσθαι. αὕτη οὖν ἡ 591
βουλὴ, περὶ ἧς ὁ λόγος, λαβοῦσα τὰ χρήματα ἐκ τοῦ
δήμου τὰς τριῆρεις οὐκ ἐποίησεν, ἐδόκει δ' εἰς τὰ ἄλλα
πάντα καλῶς βεβουλευκέναι. ὁ γοῦν Ἀνδροτίων ὁ
ρήτωρ, προστάτης ὢν ταύτης τῆς βουλῆς, ἔγραψε
ψηφισμα στεφανωθῆναι τὴν βουλήν. τούτου ἐλά-
βοντο τοῦ ψηφίσματος ὡς παρανόμως γραφέντος
Εὐκτῆμων καὶ Διόδωρος, ἐχθροὶ ὄντες τοῦ Ἀνδροτί-
ωνος. ἔστιν οὖν ἡ στάσις πραγματικὴ ἔγγραφος,
ἐπίσκεψις μέλλοντος χρόνου, εἰ δεῖ τόδε ποιῆσαι ἢ
εἰ δεῖ τόδε δοῦναι ἢ μή. καὶ ἐπειδὴ πρὸς τὴν στάσιν
τοῦ λόγου συμβάλλεται ὑμῖν τὸ μαθεῖν τὰς δικαιο-
λογίας, φέρε πρῶτον τὰς τῶν κατηγορῶν ἐξετάσωμεν.
Εὐκτῆμων οὖν καὶ Διόδωρος ἐπιλαμβάνονται κατὰ
τέσσαρας νόμους τοῦ ψηφίσματος, ὧν πρῶτός ἐστιν,
ἀπροβούλευτον ψηφισμα μὴ εἰσιέναι ἐν τῷ δήμῳ.
ἐπειδὴ γὰρ πολὺς ἦν ὁ δῆμος καὶ πολλάκις παρε-
κρούετο, μὴ νοῶν εἰ ἔχει ἐμφωλεύουσαν κακουργίαν,
πρῶτον παρεπέμπετο εἰς τὴν βουλήν τῶν πεντα-
κοσίων, καὶ αὕτη ἠρεῦνα, εἰ ἔχει βλάβην τινὰ ἢ
κακουργίαν, καὶ οὕτως εἰσήγετο εἰς τὸν δῆμον. ἔδει
οὖν αὐτὸν πρῶτον εἰσενέγκαι τὸ ψηφισμα εἰς τὴν

προστάτης] 'A leading man,'
R. W. rightly after Schaefer.

ἡ στάσις] 'The question
(*status* Quintil. iii. 6. 1, quoted
by Shilleto on F. L. Argument)
turns on matters of fact con-
tained in writings:' in the pre-
sent instance, on the construc-
tion of certain laws. For the
different kinds of *στάσεις* Er-
nesti, *Lex. Technol.* s.v. *Ποιότης*,
may be consulted: but the tech-
nicalities of the writers on the

anatomy of rhetoric are not ne-
cessary either to the study or
the literary enjoyment of the
Orators.

εἰ ἔχει] *sc.* τὸ ψηφισμα, with
this writer's usual carelessness
as to the subjects of his verbs.
So below *ἐφοβεῖτο μὴ διαφωνηθῆ*
is 'Androtion feared lest his
motion should be opposed:' a
late sense of this verb found in
Dion. Hal. The alteration to
διαφωνηθῆ seems unnecessary.

βουλήν. οὐκ εἰσήνεγκε δὲ, ἐπειδὴ νεωστὶ ἄρξασα ἦν ἡ βουλή, καὶ ἐφοβεῖτο μὴ διαφθουρηθῆ^α. ἕκαστος γὰρ τὸν πρὸ αὐτοῦ θέλει δείξαι κακῶς ἄρξαντα. δεύτερος νόμος, τὴν βουλήν τὴν ποιήσασαν τὰς τριήρεις αἰτεῖν τὴν δωρεάν. τρίτος νόμος, τὸν ἡταιρηκότα μὴ πολιτεύεσθαι· Ἄνδροτίων ἄρα, ὃς ἡταίρηκεν, οὐκ ὄφειλε πολιτεύεσθαι. τέταρτος νόμος, τὸν ἐποφείλοντα τῷ δημοσίῳ μὴ πολιτεύεσθαι· σὺ δὲ, ὦ Ἄνδροτίων, ὀφείλεις· οὐκ ἄρα δεῖ σε πολιτεύεσθαι. εἴπωμεν δὲ 592 καὶ τὰς τοῦ φεύγοντος δικαιολογίας. ὁ τοίνυν Ἄνδροτίων πρὸς τὸν πρῶτον νόμον ἔθει ἀγωνίζεται· λέγει γὰρ ὅτι ἔθος ἐκράτησεν ἀπροβούλευτον ψήφισμα εἰσάγεσθαι ἐν τῷ δήμῳ. πρὸς δὲ τὸν δεύτερον ἀντινομικῶς· παραφέρει γὰρ καὶ αὐτὸς ἕτερον νόμον λέγοντα τὴν βουλήν, ἐὰν δόξη καλῶς βεβουλευκέναι ἐν τῷ δήμῳ, στεφανοῦσθαι. πρὸς δὲ τοὺς ἄλλους δύο παραγραφικῶς ἀγωνίζεται, λέγων ὅτι ἄρτι οὐκ ὄφειλε κρίνεσθαι περὶ τούτων.

Τινὲς δ' ἐπεχείρησαν τοῦτον τὸν λόγον εἰπεῖν πραγματικὴν πρὸς ἀντινομίαν, λέγοντες ὅτι “ἰδοὺ καὶ “ἐνταῦθα δύο νόμοι μάχονται ἀλλήλοις ἐκ περι-“στάσεως, ὧν ὁ εἷς παραβέβασται διὰ τὸ κυρωθῆναι

^a διαφωρηθῆ Bekk. Bens. cum libris.

τὴν ποιήσασαν... αἰτεῖν] In good Greek the meaning would be brought out more clearly by ποιήσασαν (without τὴν) εἶτα (tum demum, only when it had built ships) αἰτεῖν. Or it might be expressed as in § 11 of the speech.

παραγραφικῶς] By way of παραγραφῆ, demurrer or bill of exceptions.

πραγματικὴν πρὸς ἀντινομίαν] The distinction here drawn is again not of much real importance. The (στάσις) πραγματικῆ

πρὸς ἀντινομίαν would imply a difficulty arising as to the course to be pursued when it is seen that two laws are in (real or seeming) contradiction to one another: the μόνη ἀντινομία of the text is the difficulty of proving the legality of some deed which has actually been done.

ἐκ περιστάσεως] ‘owing to a circumstance,’ i.e. τὸ μὴ ποιῆσαι τὰς τριήρεις, as Jerome Wolf explains it.

παραβέβασται] We find παραβεβασμένους in the pseudo-

“τὸν ἕτερον.” ἀλλὰ λέγομεν ὅτι ἐν τῇ πραγματικῇ τῇ πρὸς ἀντινομίαν οὐδέτερος παραβαίνεται, ἀλλὰ σκοποῦμεν ποῖον δεῖ παραβαθῆναι. ἐν δὲ τῷ παρόντι λόγῳ οὐχ οὕτως· ὁ εἷς γὰρ τῶν νόμων παραβέβασται, ὁ λέγων τὴν βουλήν τὴν μὴ ποιήσασαν τὰς τριήρεις μὴ αἰτεῖν δωρεάν. τοῦτο δὲ οὐκ ἴδιον πραγματικῆς τῆς πρὸς ἀντινομίαν, ἀλλὰ μόνης ἀντινομίας.

Ἰστέον δὲ ὅτι, ἠνίκα δύο ὦσι κατήγοροι, ὧν ὁ μὲν εἷς νεώτερος, ὁ δὲ ἕτερος πρεσβύτερος, οὗτος λαμβάνει τὴν πρωτολογίαν κατὰ τιμὴν, ὥσπερ καὶ ἐνταῦθα ὁ Εὐκτῆμων ἔλαβε τὴν πρωτολογίαν ὡς πρεσβύτερος, καὶ εἶπε τὰ προοίμια καὶ τὴν κατάστασιν καὶ μέρος τι τῶν ἀγώνων. ὁ δὲ Διόδωρος, ἰδιώτης ὢν, ἔλαβεν ἀπὸ τοῦ Δημοσθένους τὸν παρόντα λόγον. καὶ ἔστι δευτερολογία, ἔχει δὲ ἂν παρέλιπεν ὁ Εὐκτῆμων.

“Ὅπερ Εὐκτῆμων, ὧ ἄνδρες δικασταὶ, παθὼν ὑπ’ 593

Demosthenic speech (probably by Hegesippus) *περὶ τῶν πρὸς Ἀλέξανδρον συνθηκῶν*, p. 214 § 12: *παραβεβάσθαι*, Thucyd. i. 123. The aorist form *παραβαθῆναι* below is quoted from Thucyd. iii. 67, iv. 123.

ἠνίκα δύο ὦσι] It is hardly worth while to call attention to the omission of *ἂν* in such poor and late Greek.

§§ 1—3. The prosecutor Diodorus, following Euctemon ‘upon the same side,’ is urged by a like motive of revenge against Androtion, and upon even stronger grounds. *Euctemon has been wronged in purse and by unmerited dismissal from office; but I, Diodorus, by a*

trumped-up charge of parricide, which, if sustained, would have rendered life intolerable to me. This charge, moreover, was not brought fairly against me, so as to be tried on its merits, but in the indirect form of a prosecution for impiety against my uncle, for having associated with me; a parricide forsooth! Androtion’s attempt failed signally: so far from my being acquitted by a narrow majority, he did not obtain a fifth part of the votes. With your help and that of other enlightened juries, I shall pay him off in his own coin on this and on all possible future occasions. I shall say no more for the present of what is

Ἄνδροτίωνος κακῶς ἅμα τῇ τε πόλει βοηθεῖν οἶεται δεῖν καὶ δίκην ὑπὲρ αὐτοῦ λαβεῖν, τοῦτο καὶ γὰρ πειράσομαι ποιεῖν, ἐὰν ἄρα οἶός τε ᾖ. συμβέβηκε δὲ πολλὰ καὶ δεινὰ καὶ παρὰ πάντας τοὺς νόμους Εὐκτῆμονος ὑβρισμένου ἐλάττω ταῦτ' εἶναι τῶν ἐμοὶ γεγενημένων δι' Ἄνδροτίωνος πραγμάτων. οὗτος μὲν γε εἰς χρήματα καὶ τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν ἐπεβουλεύθη· ἐμὲ δὲ οὐδ' ἂν ἐδέξατο τῶν ὄντων ἀνθρώπων οὐδὲ εἷς, εἰ τὰ κατασκευασθέντα ὑπὸ τούτου παρ' ὑμῖν ἐπιστεύθη. αἰτιασάμενος γάρ με ἂ καὶ λέγειν ἂν ὀκνήσειέ τις, εἰ μὴ τύχοι προσόμοιος ὦν τούτῳ, τὸν πατέρα ὡς ἀπέκτονα ἐγὼ τὸν ἐμαυτοῦ, καὶ κατασκευάσας ἀσεβείας γραφὴν οὐκ ἐπ' ἐμὲ, ἀλλ' ἐπὶ τὸν

personal to myself: but as to the particular question now awaiting your verdict, and the many acts of the defendant, throughout a long political career, which have been injurious to the public interest, I shall touch briefly on points which Euctemon has omitted.

§ 1. "Ὅπερ Εὐκτῆμων—βοηθεῖν οἶεται δεῖν] A blending of two modes of expression (1) ὡςπερ οἶεται δεῖν, (2) ὅπερ ποιεῖ οἰόμενος δεῖν. The περ in ὅπερ, as R. W. remarks, gives additional emphasis—'just as.'—βοηθεῖν 'seek justice for.'

τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν] The Scholiast Ulpian renders this by ἐκβέβληται τῆς ἀρχῆς καὶ τῆς ἀπαιτήσεως τῶν εἰσφορῶν. So Jerome Wolf (A.D. 1572), 'honore vestro per iniuriam deiicere. Hoc loco non significat in exilium eicci.' This explanation of the oldest commentators has been rightly recalled by A. Schaefer and Benseler, in place of the traditional 'driven into exile.' The treatment of Euctemon by Androtion is related

below § 48, where καταλύσας ψηφίσματι 'having procured a decree for his deposition' (from the office of ἐκλογεὺς) is correlative to ἐκπεσεῖν here, and where there is no mention of banishment. Nor is it necessary to restrict ἐκπίπτειν to that sense, though of course a very common one: it may mean 'to be ejected from property,' as in Pantaen. p. 968 § 6 τῆς μισθώσεως: or 'driven from the stage,' as in the scathing sarcasm of de Cor. p. 315 § 265 ἐτριταγωνίστεις, ἐγὼ δ' ἐθεώρουν· ἐξέπιπτες, ἐγὼ δ' ἐσύριττον.

§ 2. καὶ λέγειν ἂν] κἄν λέγειν, Cobet, *Misc. Crit.* p. 520. This is one of his Procrustean rules.

κατασκευάσας ἀσεβείας γραφὴν] In a bad sense κατασκ. is more frequently applied to persons, meaning either (1) to misrepresent, as in I. Steph. p. 1126 § 82, c. Conon, p. 1261 § 14, or (2) to suborn false witnesses, as c. Callicl. p. 1272 § 1, p. 1281 § 34.

θεῖόν μου, γράψας ἀσεβεῖν ἐμοὶ συνιόντα εἰς ταῦτό
 ὡς πεπονηκότι ταῦτα, εἰς ἀγῶνα κατέστησεν, ὃν εἰ
 συνέβη τότε ἀλῶναι, τίς ἂν ἀθλιώτερα ἐμοῦ πεπονθὼς
 ἦν ὑπὸ τούτου; τίς γὰρ ἂν ἢ φίλος ἢ ξένος εἰς ταυτό
 ποτ' ἐλθεῖν ἠθέλησεν ἐμοί; τίς δ' ἂν εἶασε πόλις
 που παρ' ἑαυτῇ γενέσθαι τὸν τὸ τοιοῦτ'^a ἀσέβημα
 3 δοκοῦντα εἰργάσθαι; οὐκ ἔστιν οὐδεμία. ἐγὼ τοίνυν
 ταῦτα μὲν οὐ παρὰ μικρὸν ἀγωνιζόμενος παρ' ὑμῖν
 ἀπελυσάμην, ἀλλ' ὥστε τὸ πέμπτον μέρος μὴ λαβεῖν 594
 τοῦτον τῶν ψήφων· τοῦτον δὲ μεθ' ὑμῶν πειράσομαι
 καὶ νῦν καὶ τὸν ἄλλον ἅπαντα ἀμύνεσθαι χρόνον.

^a τὸν τοιοῦτο Bekk.

τὸν θεῖόν μου] Certainly not to be identified with Euctemon, as Reiske and Funkhaenel somewhat oddly thought. There is no mention of ἀσέβεια among the charges against Euctemon in § 48.

εἰς ταῦτό ὡς] Dindorf should have followed Bekker and G. H. Schaefer in reading ταυτὸν ὡς, avoiding the hiatus. So below τὸ τοιοῦτον ἀσέβημα is a better correction of the MSS. τοιοῦτο or τὸ τοιοῦτο (Σ) than τοιοῦτ' ἀσέβημα. These passages are referred to by Cobet *Nov. Lect.* p. 436, who also corrects in the present speech § 75 τοσοῦτον ἀπέχει for τοσοῦτ' ἀπέχει, in *Aristocr.* p. 656 § 108 τοσοῦτον ἀπέχουσι, again in *Timocr.* § 183 τοσοῦτον ἀπέχει. The copyists seem to have fancied that the *v* in such words was only admissible in poetry.

§ 3. παρὰ μικρόν] This usage of παρὰ is to be distinguished from the common phrase παρ' ὀλίγον = ὀλίγου δεῖν, ὀλίγου, μικροῦ, 'within a little.' Two passages cited by Reiske are exactly

parallel: *Aristocr.* p. 688 § 205, παρὰ τρεῖς μὲν ἀφείσαν ψήφους τὸ μὴ θανάτῳ ζημιώσαι: *Timocr.* § 138 μικροῦ μὲν ἀπεκτείνετε, χρημάτων δὲ πολλῶν αὐτοῦ ἀντιτιμωμένοι παρ' ὀλίγας ψήφους ἐτιμῆσατε ('accepted the defendant's ἀντιτίμησις or counter proposal,' a better reading than ἠτιμώσατε, 'inflicted the minor penalty of Atimia'). [Add to these instances *Hyperid. pro Euxen.* col. 39. 2, καὶ οὗτος ἐν τούτῳ τῷ δικαστηρίῳ παρὰ δύο ψήφους ἀπέφυγε.] But in further quoting *Or.* xvii. p. 217 § 22, ὁ παρ' ἐλάχιστον ἐποίησεν αὐτοὺς ἀφαιρεθῆναι δικαίως τὴν κατὰ θάλατταν ἡγεμονίαν, he obscures the distinction between the two idioms, 'just hitting,' and 'narrowly missing.'

πέμπτον μέρος] With the usual consequences: *Timocr.* § 7 ὦφλε χελίας to which would be added partial Atimia, viz. disqualification from bringing a similar charge (of ἀσέβεια) in future.

ἀμύνεσθαι] The Greek view of revenge is expressed in *Isocr.*

καὶ περὶ μὲν τῶν ἰδίῳν ἔχων ἔτι πολλὰ λέγειν ἑάσω·
 περὶ δ' ὧν οἴσεται τὴν ψῆφον νυνὶ καὶ περὶ ὧν οὗτος
 δημοσίᾳ πεπολιτευμένος οὐκ ὀλίγα ὑμᾶς ἔβλαψεν, ἃ
 μοι παραλιπεῖν Εὐκτῆμων ἐδόκει, βέλτιον δ' ὑμᾶς
 ἀκούσαι, ταῦτα διεξελλθεῖν ἐν βραχέσι πειράσομαι.
 4 ἐγὼ γὰρ εἰ μὲν ἑώρων τινὰ ἀπλήν τούτῳ περὶ ὧν
 φεύγει πρὸς ὑμᾶς οὔσαν ἀπολογία, οὐκ ἂν ἐποιοῦ-
 μην περὶ αὐτῶν^b μνείαν οὐδεμίαν. νῦν δ' οἶδα σαφῶς
 ὅτι οὗτος ἀπλοῦν μὲν οὐδὲ δίκαιον οὐδὲν ἂν εἰπεῖν
 ἔχοι, ἔξαπατᾶν δ' ὑμᾶς πειράσεται πλάττων καὶ
 παράγων πρὸς ἕκαστα τούτων κακούργους λόγους.

^b αὐτῆς Z Bens. cum libris praeter r.

ad Demon. § 26 ὅμως αἰσχροὺν νόμιζε τῶν ἐχθρῶν νικᾶσθαι ταῖς κακοποιαῖς καὶ τῶν φίλων ἠτῶσθαι ταῖς εὐεργεσίαις. Comp. Demosth. c. Nicostr. p. 1246 § 1, with Mr Sandys' notes on both passages. This objectionable feature in Athenian litigation is especially conspicuous in the series of speeches delivered (and some probably composed) by Apollodorus. The climax of repulsiveness is reached in that against Neaera; the speaker demands that a miserable old woman, the reputed wife of his enemy Stephanus, shall be sold as a slave in pursuance of a law which forbade marriage between an Athenian citizen and a foreigner (ἐὰν ἀνδρὶ Ἀθηναίῳ ξένη ξυνοικῆ, πεπῶσθαι ταύτην).

δημοσίᾳ] Join with ἔβλαψεν, not with πεπολιτευμένος. A man cannot be said πολιτεύεσθαι ἰδίᾳ or δημοσίᾳ.

§ 4. Plan of the speech: conjectural anticipation of A.'s line of defence. There will be nothing honest or straightforward

in his reply: he will just try to deceive you, men of the jury, by dishonest arguments invented to meet the various charges. For he is an artist in speech, having done nothing else during his 30 years of public life (§ 66).

πλάττων καὶ παράγων] All difficulty is avoided if with Reiske we may translate παράγων 'afferens' and make λόγους the object of both verbs. But this sense of παράγειν (corresponding to a well-known use of παρέρχομαι) seems confined to persons, e.g. de Cor. p. 285 § 170, ἀπήγγειλαν οἱ πρυτάνεις τὰ προσηγγελμένα ἑαυτοῖς καὶ τὸν ἦκοντα παρήγαγον (comp. II. Aristog. p. 805 § 17): and it seems better to supply ὑμᾶς after παράγων with the meaning most frequent in the Orators of 'deceiving, leading astray': cf. § 34 φενακίζειν καὶ παράγειν. The position of παράγων will then be accounted for, as R. W. has seen, by its coming in as an afterthought. Dobree well compares Nausim. p. 987 § 9 τοῦτο γὰρ πλάττουσιν οὔτοι καὶ παρά-

ἔστι γὰρ, ὧ ἄνδρες Ἀθηναῖοι, τεχνίτης τοῦ λέγειν, καὶ πάντα τὸν βίον ἐσχόλακεν ἐνὶ τούτῳ. ὑπὲρ οὖν τοῦ μὴ παρακρουσθέντας ὑμᾶς ἐναντία μὲν τοῖς ὁμομοσμένοις πεισθῆναι ψηφίσασθαι, ἀφεῖναι δὲ τοῦτον ὃν ὑμῖν πολλῶν ἔνεκα ἄξιον κολάσαι, προσέχετε τὸν νοῦν οἷς ἐρῶ, ἵν' ἀκούσαντες ἐμοῦ πρὸς ἕκαστον τῶν ὑπὸ τούτου ῥηθησομένων ἔχηθ' ὑπολαμβάνειν ἂν δεῖ.

5 Ἔστι γὰρ εἷς μὲν ὃν οἶεται τεχνικῶς ἔχειν αὐτῷ

^c ἐν Bens. cum libris.

γοῦσι, but wished unnecessarily to transpose the verbs here, παράγων καὶ πλάττων. Cobet, *Misc. Crit.* l. c., brackets καὶ παράγων as a dittographia of πλάττων.

ἐσχόλακεν ἐνὶ τούτῳ] This correction of Reiske's for ἐν τούτῳ is adopted by almost all recent editors. It cannot indeed be said that σχολάζειν ἐν τινὶ would be inadmissible: we have in Xenophon (*Mem.* iii. 6. 6 and elsewhere) σχολάζειν πρὸς τι, and in later authors, σχ. ἐπί, or πρὸς τινι (cf. Liddell and Scott). But Dindorf rightly urges the much greater appropriateness of the simple dative, Lat. *vacare rei*, to 'devote one's time' to anything. Benseler, who alone defends ἐν τούτῳ, thinks the expression more contemptuous, as if it meant 'he has wasted his time in the pursuit.' I cannot but think this fanciful: σχολάζειν does not imply spending time idly or uselessly, and no cultivated Athenian, least of all Demosthenes, would reckon oratory among the 'studiis ignobilis oti.'

ὁμομοσμένοις] There is good reason for thinking that the true Attic form is ὁμομοσμένοις.

'The question of the insertion of sigma before the terminations of the perfect passive is one of great difficulty: occasionally verse establishes the true form, as in the case of ὄμνημι—τοῦτὶ τὸ πρᾶγμα παντόθεν ξυνομῶμοιαι, *Ar. Lysistr.* 1007: ὁμῶμοιαι γὰρ ὄρκος ἐκθεῶν μέγας, *Aesch. Agam.* 1284. But the untrustworthiness of MSS. is demonstrated by the circumstance that as soon as the support of metre is withdrawn, the sigma appears—εὐ νῦν τόδ' ἴστε, Ζεὺς ὁμῶμοσται πατῆρ [*Eurip.*] *Rhes.* 816. In *Demosth.* 505. 29 [*Lept.* § 159] it is only the best manuscript (Paris Σ) which has retained the primitive hand ἐν ἡ γέγραπται καὶ ὁμῶμοσται.' Rutherford, *New Phrygischus*, p. 97. So ἀληλεμένος, ἐλληλαμένος are well attested. Cf. *Timocr.* § 175.

ἔχηθ' ὑπολαμβάνειν] Not 'that you may know what to think,' but 'may be able to give the right answer,' as in §§ 10, 23, 34. Benseler wavers between the two meanings, giving here 'zu wissen, was Ihr davon zu halten habt,' and in § 23 'dann entgegnet ihm nur.'

§§ 5—7. *Androtion will maintain, in the first place (and this*

λόγος περὶ τοῦ ἀπροβουλευτοῦ. νόμος ἐστὶ, φησὶν, ἂν ἀξίως ἢ βουλὴ δοκῇ βουλευσαί δωρεῆς, δίδοναι τὸν δῆμον τὴν δωρεάν αὐτῇ. ταῦτ' ἐπήρετο, φησὶν, ὁ ἐπιστάτης, διεχειροτόνησεν ὁ δῆμος, ἔδοξεν. οὐδὲν δεῖ, φησὶ, προβουλευματος ἐνταῦθα· κατὰ γὰρ νόμον ἦν τὰ γιγνόμενα. ἐγὼ δ' αὐτὸ τούναντίον οἶμαι, νομίζω δὲ καὶ ὑμῖν συνδόξειν, περὶ τούτων τὰ προβουλευματα ἐκφέρειν μόνων περὶ ὧν κελεύουσιν οἱ νόμοι, 595 ἐπεὶ περὶ ὧν γε μὴ κεῖνται νόμοι οὐδὲ γράφειν τὴν

argument he thinks an ingenious one for his own case) that the omission of the Probouleuma is not contrary to law in this (exceptional) instance. The law says that if the Senate have discharged their duties in a manner worthy of compliment, the people shall give them a complimentary reward. Well, the chairman put the question; the people voted; it was carried. It was according to law, and therefore there was no need of a Probouleuma. My answer to this is, that the rule of submitting all resolutions to the senate for approval applies to lawful, not to unlawful propositions: for illegal motions are not to be made at all. Secondly, he will argue that his conduct, if not according to law, was at least according to precedent. The senate had never gone through the farce of approving beforehand a compliment to itself. In reply to this, I doubt or rather I deny the fact asserted; but even if it were true, the question is not about the practice, but about the law. The law must be enforced; a beginning must be made; and why not now?

§ 5. τοῦ ἀπροβουλευτοῦ] Funkhaenel cites from Bekker's *Anec-*

dota p. 440 the gloss 'Ἀπροβουλευτον τὸ μὴ πρότερον εἰς τὴν βουλήν, ἀλλ' εὐθὺς εἰς τὸν δῆμον εἰσαχθὲν ψήφισμα. οὕτω Δημοσθένης. The argument which, we must remember, is not Androtion's own, but put into his mouth by the counsel for the prosecution merely in order to be torn to tatters, with a sneer at his fancied admiration of his own cleverness (ὄν οἴεται τεχνικῶς ἔχειν αὐτῷ), appears to be founded on the omission of all reference to a *προβούλευμα* in the letter of the law. To this it is of course a sufficient answer on the technical point, that the sanction of the senate was an invariable prerequisite to any motion before the Demos, and did not need to be recited in drafting a law.

ταῦτ' ἐπήρετο] The question put by the Epistates was whether the senate deserved the customary reward, not, as G. H. Schaefer thought, 'de argumente legis.'

ἐκφέρειν] 'That the movers (τοὺς γράφοντας) bring up their resolutions of the senate:' hence the article before *προβουλευματα*.

μὴ κεῖνται] 'do not apply:' 'upon a question that is not lawfully open,' K. This must

6 ἀρχὴν προσήκει οὐδὲ ἐν δήπου. φήσει τοίνυν τοῦτον ἀπάσας τὸν τρόπον εἰληφέναι τὰς βουλὰς, ὅσαι πώποτ' ἔχουσι παρ' ὑμῶν δωρεὰν, καὶ οὐδεμιᾶ γεγενησθαι προβούλευμα πώποτε. ἐγὼ δ' οἶμαι μὲν οὐχὶ λέγειν αὐτὸν ἀλήθειαν^d, μᾶλλον δὲ οἶδα σαφῶς· οὐ μὴν ἀλλ' εἰ τοῦτο τοιοῦτ' ἐστὶ τὰ μάλιστα, ὁ νόμος δὲ λέγει τάναντία, οὐχ, ὅτι πολλάκις ἡμάρτηται δήπου πρότερον, διὰ τοῦτ' ἐπέξαμαρτητέον ἐστὶ καὶ νῦν, ἀλλὰ τούναντίον ἀρκτέον, ὡς ὁ νόμος κελεύει, τὰ τοι-

^d ἀληθῆ Bekk. Bens. v. not.

be the sense; yet the words merely imply that the laws are silent, not that they prohibit: and we should have expected a stronger phrase. Reiske saw this, and observes; 'Sententia postulat ἀπαγορεύουσιν αὐτ οὐκ ἐῶσιν οἱ νόμοι.'

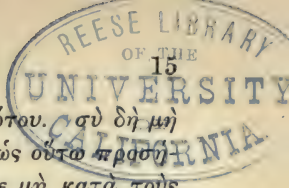
τὴν ἀρχὴν] 'omnino,' § 32.

§ 6. φήσει τοίνυν] Neither Kennedy nor Benseler express this particle in their translations; it is not inferential but copulative, 'moreover,' and serves to introduce Androtion's second presumed argument—that from custom. Comp. § 8 Περὶ τοίνυν... This must be pronounced the weakest point of the case for the prosecution. With the advocate's instinct of 'admitting nothing,' the orator 'thinks, or rather is certain'—not venturing on an unqualified denial—that a statement is untrue which must have been within the knowledge of every one of his hearers, and which Androtion would not have dared to make unless it were true.

λέγειν αὐτὸν ἀλήθειαν] Benseler observes with reason that neither Demosth. nor any other orator ever says λέγειν ἀλήθειαν,

but λέγειν τὴν ἀλήθειαν. The reading ἀληθῆ, retained by Bekker, Benseler, and Cobet *Misc. Crit.* l. c., is supported by the rhetorician Apsines, ed. Spengel, i. 372 and 375. 'Scribatur ἀλθῆ' is Cobet's remark, accounting for the two readings.

ἀρκτέον ὡς ὁ νόμος κελεύει] "This argument is repeated in partly the same words in the *Aristocratea*, p. 653 [§ 98]. It is cited with praise by Quintilian, v. 14, and Aulus Gellius, x. 19. It touches a question which frequently arises, both in courts of judicature and elsewhere, how far and in what manner it is right to punish people for unlawful or vicious practices, which have long been tolerated or connived at. It is urged on the one hand 'how hard it would be that a man should suffer for doing what hundreds had done before him with impunity:' to which it is replied 'we must begin with some one; it is necessary to make an example, else the thing will go on for ever,' and the like." C. R. Kennedy: who further points out that the same line of reasoning occurs in Cic.



7 αὐτὰ ποιεῖν ἀναγκάζειν ἀπὸ σοῦ πρώτου. σὺ δὲ μὴ λέγε ὡς γέγονε τοῦτο πολλάκις, ἀλλ' ὡς οὕτω προσήκει γίνεσθαι. οὐ γὰρ εἶ τι πώποτε μὴ κατὰ τοὺς νόμους ἐπράχθη, σὺ δὲ τοῦτ' ἐμιμήσω, διὰ τοῦτ' ἀποφύγοις^ο ἂν δικαίως, ἀλλὰ πολλῶ μᾶλλον ἀλίσκοιο· ὥσπερ γὰρ εἶ τις ἐκείνων προήλω, σὺ τὰδ' οὐκ ἂν ἔγραφας, οὕτως, ἂν σὺ νῦν δίκην δῶς, ἄλλος οὐ γράψει.

8 Περὶ τοίνυν τοῦ νόμου τοῦ διαρρήδην οὐκ ἐῶντος ἐξεῖναι μὴ ποιησαμένη τῇ βουλῇ τὰς τριήρεις αἰτῆσαι

^ο ἀποφύγοις Z Bekk. Bens. cum ΣΤΩ.

Verr. ii. iii. 88 (205 ff.), and in the Duke's speech in *Measure for Measure*, Act i. sc. 4. The 'other side' might have appealed to the obvious rule of equity, that when the reins of discipline are to be tightened some notice should be given.

§ 7. ἀποφύγοις] This is the best supported reading: but ἀποφεύγοις corresponds better with ἀλίσκοιο following.

§§ 8—11. Androtion's third assumed argument. He will admit that the law expressly forbids the senate to ask for their reward if they have built no ships; but—observe his impudence—he says it nowhere prevents the people from granting it. If he gave it at their request, he admits he has made an illegal motion: but if, omitting all mention of the ships, he proposes to crown them on other grounds, he denies that there is any illegality in this. To this your answer is an easy one, first that the Proedri and their chairman the Epistates, in putting the question to the people, did what was equivalent to asking. Men who were not asking, or at least

expecting something for themselves, should not have put the question at all. Besides, the conduct of the senate was at that very moment being arraigned, and its members besought you not to deprive them of the usual compliment: which again looks very like asking for it. Once more, as I will prove to you, the very wording of the law shows that, when the asking is forbidden, the granting is at least as strongly prohibited. The motive of the law is, that the people may not be misled or deceived.

§ 8. οὐκ ἐῶντος ἐξεῖναι] The expression savours of tautology, but is justified by Funkhaenel from c. Neaer. p. 1381 § 106 καὶ ὕστερον οὐκ ἐᾶ (ὁ ῥήτωρ) γίνεσθαι Ἀθηναίων ἐξεῖναι, and p. 1384 § 113 ἂν ἀδειαν λάβωσι τοῦ ἐξεῖναι. Add ii. Steph. p. 1132 § 12 οἱ γε νόμοι ἀπαγορεύουσι μὴδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θείναι. As Schweighaeuser observes (Lex. Herod. s. v.) the correlatives κελεύειν and οὐκ ἐᾶν do not commonly imply authority to 'command' or 'forbid.' They are often used of advice tendered to a superior,

τὴν δωρεάν, ἄξιόν ἐστιν ἀκοῦσαι τὴν ἀπολογίαν ἣν ποιήσεται, καὶ θεωρήσαι τὴν ἀναίδειαν τοῦ τρόπου δι' ὧν ἐγχειρεῖ λέγειν. ὁ νόμος, φησὶν, οὐκ ἔα τὴν βουλήν αἰτῆσαι τὴν δωρεάν, εἰ μὴ ποιήσῃται τὰς τριήρεις ὁμολογῶ. δοῦναι δὲ[†] οὐδαμοῦ, φησὶ, κωλύει τὸν δῆμον. ἐγὼ δὴ εἰ^ε μὲν ἔδωκ' αἰτούσῃ, παρὰ τὸν νόμον εἶρηκα· εἰ δὲ μὴ πεποιήμαι μνείαν περὶ τῶν νεῶν ἐν ὄλῳ τῷ ψηφίσματι, ἀλλ' ἕτερόν τι λέγω δι' ἃ τὴν βουλήν
 9 στεφανῶ, πῶς παρὰ τὸν νόμον εἶρηκα; ἔστι δὴ^h πρὸς 596
 ταῦτ' οὐ χαλεπὸν τὰ δίκαια ὑμῖν ἀντειπεῖν, ὅτι πρῶτον μὲν οἱ προεδρεύοντες τῆς βουλῆς καὶ ὁ ταῦτ' ἐπιψηφίζων ἐπιστάτης ἡρώτων καὶ διαχειροτουίαν ἐδίδοσαν, ὅτῳ δοκεῖ δωρεᾶς ἀξίως ἢ βουλήν βεβουλευκέναι καὶ ὅτῳ μὴ· καίτοι τοὺς γε μὴ αἰτοῦντας μὴδὲ λαβεῖν ἀξιούντας τὴν ἀρχὴν οὐδ' ἐπερωτᾶν προσῆκεν.

[†] δ' Bens.

^ε εἰ Bekk. Bens.

^h δὲ Z Bekk. *cum libris*.

and not necessarily accepted, as e. g. by a minister to a despotic prince, a constitutional statesman to the people, or a slave to his master. Herod. v. 36, 3 (Hecataeus to the Milesians) πρῶτα μὲν οὐκ ἔα πόλεμον βασιλεῖ τῶν Περσῶν ἀναίρεσθαι... ἐπεὶ τε δὲ οὐκ ἔπειθε, δεῦτερα συνεβούλευε. Thucyd. i. 127, 3 (Pericles to the Athenians) οὐκ εἶα ὑπέλκειν, ἀλλ' εἰς τὸν πόλεμον ὤρμα. Thucyd. i. 133 (the Argilian slave to Pausanias), οὐκ ἐῶντος ὀργίζεσθαι, 'begging him not to be angry.'

τοῦ τρόπου] The character of Androtion, as inferred from what he attempts to urge (δι' ὧν ἐγχειρεῖ λέγειν): not of the argument itself. But below, § 11, τὸν τρόπον τοῦ νόμου is the form or wording of the law, a rather different sense. The coolness of the assumption is increased by the presents ἐγχειρεῖ and

φησὶ. A. is described as actually saying what it is pretended he will say. Cobet, in support of Dobree's conjecture ἐξ ὧν, observes that ἐξ and διὰ are often confounded. *Misc. Crit.* l. c.

εἶρηκα] In the technical sense of λέγειν, 'moved.'

§ 9. οἱ προεδρεύοντες—ἐπιστάτης] The functions of the Proedri and Epistates are explained in *Dict. Antiq.* s. v. Boulé. Compare Schoemann, *Antiq.* p. 377; K. F. Hermann, *Staatsalterth.* § 127. Kennedy's 'Committee of Council' is a modernism somewhat too suggestive of ritualist prosecutions and educational minutes.

μηδὲ λαβεῖν ἀξιούντας] 'expecting or claiming to receive,' a phrase evidently designed to meet the legal quibble that they had not *asked*. The senate, like modern waiters, did not 'ask

- 10 πρὸς τοίνυν τούτοις ἔστιν ἃ Μειδίου κατηγοροῦντος τῆς βουλῆς καὶ ἄλλων τινῶν, ἀναπηδῶντες οἱ βουλευταὶ ἐδέοντο μὴ σφῶς ἀφελῆσθαι τὴν δωρεάν. καὶ ταῦτα οὐ παρ' ἐμοῦ δεῖ πυθέσθαι τοὺς δικάζοντας ὑμᾶς, ἀλλ' αὐτοὶ παρόντες ἴστε ἐν τῷ δήμῳ γενόμενα. ὥσθ' ὅταν μὲν μὴ φῆ τὴν βουλήν αἰτεῖν, ταῦθ' ὑπολαμβάνετε· ὅτι δὲ οὐδὲ τὸν δῆμον ἐᾷ διδόναι μὴ ποιησαμένη¹ τὰς ναῦς ὁ νόμος, καὶ τοῦτ' ἐπιδειξω.
- 11 διὰ ταῦτα γὰρ, ὦ ἄνδρες Ἀθηναῖοι, τοῦτον ἔχει τὸν τρόπον ὁ νόμος, μὴ ἐξεῖναι τῇ βουλῇ μὴ ποιησαμένη τὰς τριήρεις αἰτῆσαι τὴν δωρεάν, ἵνα μηδὲ πεισθῆναι

¹ ποιησαμένοις Bens. cum ΣΦῚrstv.

for' but 'expected' the customary 'tip.' With less than his usual point, K. translates 'asked or demanded.' As R. W. remarks, the orator here meets one piece of sophistry by another. The Proedri and Epistates were not responsible for the questions they put to the vote, unless it were that of rehabilitating an ἄτιμος (Timocr. § 50): the γραφὴ παρανόμων did not lie against them, but against the propounder of the decree.

§ 10. ἔστιν ἃ Μειδίου κατηγοροῦντος] 'When Midias and some others brought certain charges against the senate.' K's rendering, 'there were charges preferred,' might mislead the student into thinking that ἔστιν was the principal verb: of course ἔστιν ἃ=ἐνια, 'some.' The older commentators puzzled themselves with the question whether the words καὶ ἄλλων τινῶν were to be joined with Μειδίου or with τῆς βουλῆς: but it is obvious that the senate was the only object of attack. The place of καὶ ἄλλων τινῶν in the sentence may be the result

of an afterthought: comp. note on § 4, πλάττων καὶ παράγων.

ἀναπηδῶντες] Not 'starting to their feet,' as men might do on hearing themselves attacked without the right of reply, but 'springing upon the Bema' when their turn came to speak. Timocr. § 13 ἀναπηδήσας Ἄνδροτίων καὶ Γλαυκέτης καὶ Μελάνωπος...ἐβῶν, ἠγανάκτουν, ἐλοιδοροῦντο. Aeschin. Ctes. § 173 ἀνεπήδησεν ἐπὶ τὸ βῆμα. cf. Timarch. § 71.

τοὺς δικάζοντας ὑμᾶς] 'You jurors,' K.

§ 11. μὴ ἐξεῖναι—τὴν δωρεάν] Cobet in his trenchant way brackets these words as a useless repetition from § 8: τοῦτον will then refer, as usual, to what goes before (*Misc. Crit.* p. 520). From a literary point of view this is an improvement; but if we bear in mind that the speech was addressed to a jury, we shall be inclined to give Demosth. credit for repeating himself without verbal tautology.

ἵνα μηδὲ—ἐπὶ τῷ δήμῳ] 'that it may be impossible for the people to be misled or deceived.'

μηδ' ἐξαπατηθῆναι γένοιτ' ἐπὶ τῷ δήμῳ. οὐ γὰρ ᾤετο δεῖν ὁ τιθεὶς τὸν νόμον ἐπὶ τῇ τῶν λεγόντων δυνάμει τὸ πρᾶγμα καταστήσαι, ἀλλ' ὁ δίκαιον ἦν εὔρεῖν ἅμα καὶ συμφέρον τῷ δήμῳ, νόμῳ τετάχθαι. τὰς τριήρεις οὐ πεποιήσαι; μὴ τοίνυν αἴτει τὴν δωρεάν. ὅπου δ' αἰτεῖν οὐκ ἐᾷ, πῶς οὐ σφόδρα γε δοῦναι κωλύει;

- 12' Ἄξιον τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, κάκεινο ἐξετάσαι, τί δήποτε, ἂν τᾶλλα πάντα ἢ βουλή καλῶς βουλευσῆ καὶ μηδεὶς ἔχῃ μηδὲν ἐγκαλέσαι, τὰς δὲ τριήρεις μὴ ποιήσῃται, τὴν δωρεάν οὐκ ἔξεστιν αἰτῆσαι. εὐρήσετε γὰρ τοῦτο τὸ ἰσχυρὸν ὑπὲρ τοῦ δήμου 597

πεισθῆναι, like ἀναπεισθῆναι, in a bad sense, persuaded against their better judgment; ἐπὶ τῷ δήμῳ as ἐπὶ τῇ τῶν λεγόντων δυνάμει below, 'in the power of' and so 'depending upon' the intelligence of the people, the ability of the framers of motions.

§§ 12—16. The case of the triremes further considered. Paramount importance of naval supremacy to Athens. It is worth while further to inquire how it comes that, even if the senate have performed all their other duties creditably and no one has any complaint against them, still, if they have not built ships, it is unlawful to ask for their reward. All that is most glorious in the history of Athens has been achieved at times when our navy was in first-rate condition; all our greatest reverses have arisen from the want of a fleet. To take an example of the former from old times, it was when we had abandoned the city and were cooped up in Salamis that our immortal naval victory

delivered not merely ourselves, but the other Greeks. And quite recently we relieved Euboea in three days and forced the Theban invaders of the island to surrender. On the other hand, in the last fatal years of the Peloponnesian war, after the disaster in Sicily we were not forced to surrender until we had lost our fleet at Aegospotami. Nor are later instances wanting. You remember, in our last war with the Lacedaemonians, when it was thought that we were not prepared to send out an expedition, the city was threatened with famine. No sooner had we put to sea than we obtained peace on our own terms. You have therefore justly made this an indispensable condition of the senate receiving its reward. Well, in spite of all this, the defendant is fully persuaded that he has the right to move and propose what he pleases, even if no new ships have been built.

§ 12. τοῦτο τὸ ἰσχυρὸν] 'that this stringent enactment is for the people's good.' K.

κείμενον. οἶμαι γὰρ ἂν μηδένα ἀντειπεῖν ὡς οὐχ, ὅσα πρόποτε τῇ πόλει γέγονεν ἢ νῦν ἔστιν ἀγαθὰ ἢ θάτερα, ἵνα μηδὲν εἶπω φλαῦρον, ἐκ τῆς τῶν τριήρων
 13 τὰ μὲν κτήσεως, τὰ δ' ἀπουσίας γέγονεν. οἶον πολλὰ μὲν ἂν τις ἔχοι λέγειν καὶ παλαιὰ καὶ καινὰ· ἀ δ' οὖν πᾶσι μάλιστ' ἀκούσαι γνώριμα, τοῦτο μὲν, εἰ βούλεσθε, οἱ τὰ προπύλαια καὶ τὸν παρθενῶνα οἰκοδομήσαντες ἐκεῖνοι καὶ τᾶλλα ἀπὸ τῶν βαρβάρων ἱερὰ κοσμήσαντες, ἐφ' οἷς φιλοτιμούμεθα πάντες εἰκότως, ἵστε^k δήπου τοῦτο ἀκοῆ, ὅτι τὴν πόλιν ἐκλι-

^k ἵστε γὰρ Z Bens. cum Σ etc.

θάτερα] = κακά, by a not uncommon euphemism. Funkhaenel compares de Cor. p. 269 § 128 καλῶν ἢ μὴ τοιούτων, and p. 298 § 212, where τῶν ὡς ἐτέρως συμβάντων is the opposite of τῶν δεόντων. Bentley on Phalaris ch. ix. (*Works*, i. 266 ed. Dyce) quotes δαίμων ἕτερος from Pind. Pyth. v. 62, and Callim. Fragm. 91, but thinks the expression only poetical: for this he is criticised by Valckenaer *Diatr.* p. 112, who refers (among others) to one of these passages in Demosthenes.

ἵνα μηδὲν εἶπω φλαῦρον] The phrase φλαῦρόν τι λέγειν usually means to say something depreciating or disparaging, as in *Lept.* p. 461 § 13 οὐκ οἶδα οὐδὲ λέγω φλαῦρον οὐδὲν οὐδὲ σύνοδα, p. 488 § 102 οὐδὲν γὰρ φλαῦρον ἐρῶ σέ, *Mid.* p. 581 § 208 περὶ ὧν οὐδὲν ἂν εἶποιμι πρὸς ὑμᾶς φλαῦρον ἐγώ. Shilleto de F. L. p. 427 § 270=306 quotes from Photius (p. 650, 19 ed. Porson) the distinction φλαῦρον μὲν ἔστι τὸ μικρὸν κακόν, φαῦλον δὲ τὸ μέγα and proceeds to show that this distinction is not always maintained, since φλαῦρος is used of serious as

well as of trifling evils. Comp. *Aristocr.* p. 651 § 92, *Timocr.* §§ 127, 158. Here K. rightly translates 'that I may avoid words of evil omen.'

§ 13. πᾶσι μάλιστ' ἀκούσαι γνώριμα] 'Familiar to all ears.' Comp. de *Symmor.* p. 189 § 40 ὥστε καὶ γνώριμα καὶ πιστὰ αὐτῶ τῶν ἀπαγγελλόντων ἀκούειν ἔσται. See also *Timocr.* § 68 πᾶσι γνωρίμως.

τοῦτο μὲν] *Herm.* on *Viger*, p. 702 (Schaefer).

εἰ βούλεσθε] 'to take this example,' G. H. Schaefer. The phrase εἰ δὲ βούλει is common in Plato in a sense approaching the present, but with easily distinguishable shades of meaning: see the Editor's note on *Protag.* 320 A.

οἱ τὰ προπύλαια καὶ τὸν παρθενῶνα οἰκοδομήσαντες] The two great ornaments of Periclean Athens, here ascribed to the men of Salamis, are in reality later by at least a generation. The Parthenon was finished B.C. 438: the Propylaea were then immediately begun, and completed in five years, ending about 432, very shortly before the Peloponnesian war.

πόντες καὶ κατακλεισθέντες εἰς Σαλαμίνα, ἐκ τοῦ
 τριήρεις ἔχειν πάντα μὲν τὰ σφέτερα αὐτῶν καὶ τὴν
 πόλιν, τῇ ναυμαχίᾳ νικήσαντες, ἔσωσαν, πολλῶν δὲ
 καὶ μεγάλων ἀγαθῶν τοῖς ἄλλοις Ἕλλησι κατέστη-
 14 δύνναι. εἶεν· ἀλλ' ἐκεῖνα μὲν ἀρχαῖα καὶ παλαιά.
 ἀλλ' ἂ πάντες ἐοράκατε, ἴσθ' ὅτι πρῶην Εὐβοεῦσιν
 ἡμερῶν τριῶν ἐβοηθήσατε καὶ Θηβαίους ὑποσπόν-

κατακλεισθέντες] Cobet, *Var. Lect.* p. 159 lays down the rule on the authority of the grammarians that in the older Attic the forms κλήω etc. (perf. pass. κέκλημαι not κέκλειμαι or κέκλεισμαι) are alone correct. These forms are now completely established in the Tragedians and Thucydides, and are beginning to be recognised in writers of the next generation. Thus Cobet observes that where the best (or as he would say the least bad) MSS. do not give 'certa exempla' they at least show 'manifesta vestigia' of such forms: and Dindorf now corrects everywhere -ῆ- in Aristophanes e.g. *Av.* 1262, *Ecclesiaz.* 355, 420. As to Plato, Dr Thompson decides for 'the so-called Atticists against the MSS.', (Preface to *Phaedrus*, p. viii. and note on 251 D). So far as I have been able to discover, the variants in the text of Demosth. show no 'clear traces' of the older forms; in *I.* *Aristog.* p. 778 § 28 Bekk. and *Dind.* read *κεκλειμένης* (*κεκλιμένης* Σ), and so in *II.* *Olynth.* p. 22 § 16 *κεκλειμένων* on slight MS. authority. Cobet would everywhere restore *κέκλημαι* for *κέκλειμαι* or *-εῖσμαι* *in vitiis libris*.

οὐδ' ὁ χρόνος] Cobet compares *I.* *Aristog.* p. 799 § 97 ὡν

οὐδ' ὁ χρόνος τὴν μνήμην ἠφάνικεν. As he observes, the phrase used is οὐδεὶς χρόνος referring to future time [*οὐδεὶς χρόνος ἐξαλείψει* etc.] οὐδ' ὁ χρόνος of the past.

§ 14. ἀρχαῖα καὶ παλαιά] παλαιός follows ἀρχαῖος in a more or less contemptuous sense, 'trite' or 'timeworn.' But in *Lys. c.* *Andoc.* § 51 κατὰ τὸ νόμιμον τὸ παλαιὸν καὶ ἀρχαῖον seems to mean 'the good or time-honoured old custom.'

ἀλλ' ἂ πάντες ἐοράκατε, ἴσθ' ὅτι] Cobet, *Nov. Lect.* p. 228, writes 'repono ἀλλὰ πάντες et ἐοράκατε excidit,' an emendation which carries with it more probability than many of the critic's ingenious conjectures. The construction thus comes out more simply and neatly. Returning to the point in *Misc. Crit.* p. 521, he adds that ἐοράκατε does not fit well with καὶ Θηβαίους ὑποσπόνδους ἀπεπέψατε. The form ἐόρακα, like κλήω for κλείω, rests more on the authority of grammatical tradition than of extant MSS.; but there are indications in the latter. See Shilleto's critical notes de F. L. §§ 119, 195, where he notices it as Dindorf's reading but does not follow suit himself.

πρῶην Εὐβοεῦσιν ἡμερῶν τριῶν ἐβοηθήσατε] πρῶην 'the other

δους ἀπεπέμψατε. ἄρ' οὖν ταύτ' ἐπράξατ' ἂν οὕτως
 ὀξέως, εἰ μὴ ναῦς εἶχετε καινὰς ἐν αἷς ἐβοηθήσατε;
 ἀλλ' οὐκ ἂν ἐδύνασθε. ἄλλα πολλὰ ἔχοι τις ἂν
 εἰπεῖν ἂ τῇ πόλει γέγονεν ἐκ τοῦ ταύτας κατεσκευά-
 15 σθαι καλῶς ἀγαθὰ. εἶεν· ἐκ δὲ τοῦ κακῶς πόσα
 δεινά; τὰ μὲν πολλὰ ἐάσω· ἀλλ' ἐπὶ τοῦ Δεκελεικοῦ
 πολέμου (τῶν γὰρ ἀρχαίων ἐν, ὃ πάντες ἐμοῦ μᾶλλον
 ἐπίστασθε, ἵπομνήσω) πολλῶν καὶ δεινῶν ἀτυχη-

day' means here three years before, B.C. 353 (Benseler says 357). This success in Euboea was a bright spot in the otherwise disastrous Social War: the facts are in Grote ch. 86 (vii. 649—651 ed. 1862). Timotheus was commander, but a body of mercenaries under Chares contributed to the Athenian victory (c. Aristoer. p. 678 § 173). Aeschines (Ctes. § 85) allows five days for the landing in Euboea, thirty days for the surrender of the Thebans and complete reduction of the island. 'Yet it seems,' Grote adds, 'not clear that the success was so easy and rapid as the orators are so fond of asserting. However, their boast, often afterwards repeated, [as e.g. Dem. de Cor. p. 259 § 99,] is so far well founded, that Athens fully accomplished her object, rescued the Euboeans from Thebes, and received the testimonial of their gratitude in the form of a golden wreath dedicated in the Athenian Acropolis.' We shall hear more of this and other golden wreaths in the course of the present speech: see especially § 72. For the genitive of time *ἡμερῶν τριῶν* cf. Jelf, *Synt.* § 523, Madvig, *Synt.* § 66. A good example is Soph.

Philoct. 821 τὸν ἄνδρ' εἰκεν ὕ-
 πνος οὐ μακροῦ χρόνου | ἔξειν.

§ 15. ἐπὶ τοῦ Δεκελεικοῦ πολέμου] 'That which Thucydides terms the nineteenth spring of the Peloponnesian war, but which other historians call the beginning of the Deceleian war.' Grote, ch. 60 *init.* (v. 252), referring to Diod. xiii. 8. The name Δεκελεικὸς πόλεμος occurs de Cor. p. 258 § 96, c. Eubul. p. 1304 § 18; cf. Mid. p. 562 § 146; Isocr. de Pace § 102. The hollow truce called the peace of Nicias now came openly to an end, when the Lacedaemonians fortified Decelea at the suggestion of Alcibiades (Thucyd. vii. 18) and continued to harass Athens from it (*ἐπιτερίζειν*) till the close of the war. It was about 14 miles north of Athens, on an outlying spur of Mount Parnes. At the very moment of this invasion, the Athenians sent out their second great armament under Demosthenes to the siege of Syracuse, and a smaller squadron of 30 triremes under Charicles to annoy the coasts of Peloponnesus.

πολλῶν ἀτυχημάτων] After the disaster in Sicily (B.C. 413, September) the Athenians in spite of revolutions at home

μάτων συμβάντων τῇ πόλει οὐ πρότερον τῷ πολέμῳ παρέστησαν, πρὶν τὸ ναυτικὸν αὐτῶν ἀπώλετο. 598 καὶ τί δεῖ τὰ παλαιὰ λέγειν; τὸν τελευταῖον γὰρ ἴστε, τὸν πρὸς Λακεδαιμονίους πόλεμον, ὅτε μὲν ἰαυῆς οὐκ ἔδοκέετε ἀποστεῖλαι δυνήσεσθαι, πῶς δῖε-κειθ' ἡ πόλις. ἴστε ὀρόβους ὄντας ὠλίους. ἐπειδὴ

(the Four Hundred, 411) still showed a bold front to the coalition, and won the naval victories of Cynossema (411, the last important event recorded by Thucydides, viii. 104), Cyzicus (410), and Arginusae (406). Immediately upon the loss of the fleet without striking a blow at Aegospotami (405), Athens was closely invested by Lysander.

παρέστησαν] 'were reduced to submission.' There does not appear to be another example of this sense: but it answers exactly to the transitive use of παραστήσασθαι, so common in Thucydides and found also in Demosth. (i. Olynth. p. 14 § 18 Ὀλυνθον παραστήσεται), and is noticed by the grammarians. The gloss παρέστησαν ἐνίκησαν in Bekk. *Anecd.* p. 289, 15, found also with the addition of Δημοσθένης in Etym. M. p. 653, 1, is corrected ἐνίκηθησαν. The subject of παρέστησαν, as R. W. notes, is πολῖται implied in τῇ πόλει.

τὸν πρὸς Λακεδαιμονίους πόλεμον] Sphodrias, the Spartan harmost, made his unjustifiable attempt to seize the Peiræus in time of peace, and the Spartans, on the demand of Athens, brought him to trial for this act of piracy. His condemnation was regarded as certain: but he was unexpectedly

acquitted by the influence of Agesilaus. Athens immediately allied herself with Thebes and declared war against Sparta, B.C. 378 (Grote, ch. 77, vii. 89): and the whole period down to the peace of May 371, just before the battle of Leuctra (Grote, p. 145) is here included; no regard being had to the abortive peace of 374, broken off almost as soon as it was made (id. p. 123). As Benseler observes, the Scholiast is wrong in limiting it to the Corcyraean war of 373: for the main incident here alluded to is the naval victory of Chabrias off Naxos, which opened the way for the corn-ships to reach Athens and averted the danger of famine; and this belongs to the earlier period of the war (September 376). The corn-ships were waiting at Geraestus in Euboea, afraid to double Cape Sunium while the Saronic Gulf was commanded by the Lacedaemonian fleet. Xen. Hellen. v. iv. 61.

ὀρόβους ὄντας ὠλίους] ὄροβος 'vetch,' of which another form is ἐρέβ-ινθος 'chick-pea,' contains the same root as Lat. *ervum*, Germ. *Erbse*. Curtius, Etym. p. 346 i. 429 E. T.—ὠλίους does not imply that they were 'dear,' but simply 'exposed for sale:' G. H. Schaefer. In ordinary times they were scarcely regarded as human food.

16 δ' ἀπεστείλατε, εἰρήνης ἐτύχετε ὅποιας τινὸς ἐβού-
 λεσθε. ὥστε δικαίως, ὡ ἄνδρες Ἀθηναῖοι, τηλικαύ-
 την ἐχουσῶν ῥοπήν ἐφ' ἑκάτερα τῶν τριήρων, τοῦτον
 ὄρον τεθείκατε τῇ βουλῇ, πότερ' αὐτὴν δεῖ λαβεῖν τὴν
 δωρεάν ἢ οὐ. εἰ γὰρ πάντα τᾶλλα διοικήσειε¹ καλῶς,
 δι' ὧν δὲ τὸ τ' ἐξ ἀρχῆς ταῦτ' ἐκτησάμεθα καὶ νῦν
 σώζομεν, ταύτας μὴ ποιήσαιοτο, τὰς τριήρεις λέγω,
 οὐδὲν ἐκείνων ὄφελος· τὴν γὰρ τῶν ὄλων σωτηρίαν
 πρῶτον ὑπάρχειν δεῖ παρεσκευασμένην τῷ δήμῳ.
 οὗτος τοίνυν εἰς τοῦτ' ἐλήλυθε τοῦ νομίζειν αὐτῷ καὶ
 λέγειν καὶ γράφειν ἐξεῖναι πᾶν ὃ τι ἂν βούληται,
 ὥστε βεβουλευκυίας μὲν τᾶλλα ὄν τρόπον ὑμεῖς
 ἀκούετε τῆς βουλῆς, οὐ πεποιημένης δὲ τὰς τριήρεις,
 γέγραφε δοῦναι τὴν δωρεάν.

17 Καὶ ταῦτα μὲν ὡς οὐ παρὰ τὸν νόμον ἐστίν, οὗτ'

¹ διοικήσει Bens. cum ΣΤΩkrs.

§ 16. ὄρον τεθείκατε] So ὄροι τῶν ἀγαθῶν καὶ κανόνες, 'tests and standards of everything good,' de Cor. p. 324 § 296. A slightly different sense in Mid. p. 548 § 105 ἓνα ὄρον θέμενος παντὶ τρόπῳ με ἀνελεῖν, 'having but one object in view', = τέλος.

τὰς τριήρεις λέγω] Cobet again brackets, *Misc. Crit.* p. 521. He will not hear of statements being brought down to the level of the meanest capacity: cf. § 11.

παρασκευασμένην τῷ δήμῳ] 'secured for the people' K. And similarly Bensele's version.

εἰς τοῦτ' ἐλήλυθε τοῦ νομίζειν] The genitive after εἰς τοῦτο is much more commonly a substantive than a verb; we say εἰς τοῦτο μανίας, τόλμης, ἀνασχυντίας. A parallel instance is however quoted from Plato, *Meno* 84 A, Ἐννοεῖς αὖ, ὡ Μένων, οὐ ἐστὶν ἡδὴ βαδίζων δδε τοῦ ἀναμι-

μῆσκεσθαι, 'what advances he has made in his power of recollection.'

βεβουλευκυίας] as in §§ 5, 9, 'discharged its functions.'

§§ 17—20. Anticipation of the defence that the senate was not responsible for the defalcations of its subordinate officer. *I hear however that the defendant will urge that the senate is not to blame, but that the treasurer of the shipbuilders ran away with two talents and a half, and the thing has been a misfortune. To this I reply, first, that it is not usual to reward misfortunes: and further, that he is advancing two pleas which are mutually inconsistent. Androtion is on the horns of a dilemma. If the reward has not been given contrary to law, what need is there of an excuse? By urging an excuse for the senate, he in effect admits that the*

ἂν οὗτος ἔχοι λέγειν οὐθ' ὑμεῖς πεισθείητ' ἄν^m.
ἀκούω δ' αὐτὸν τοιοῦτον ἐρεῖν τιὰ ἐν ὑμῖν λόγον,
ὡς οὐχ ἡ βουλή γέγονεν αἰτία τοῦ μὴ πεποιῆσθαι
τὰς ναῦς, ἀλλ' ὁ τῶν τριηροποιῶν ταμίας ἀποδρὰς
ᾧχετο ἔχων πένθ' ἡμιτάλαντα, καὶ τὸ πρᾶγμα ἀτύ-

^m ἂν om. Z Bekk. Bens. cum ΣΤΩρ.

law has been broken. But on grounds of public policy it is your duty to admit no excuses. If you once begin a system of admitting excuses, you will get nothing done. Once more, I will prove to you that the senate is responsible for the failure to build ships, for the defaulting treasurer was the man of its own choice. If it made a bad choice it must take the consequences.

§ 17. ὁ τῶν τριηροποιῶν ταμίας] Little is known of the τριηροποιοί, who indeed appear not to be mentioned elsewhere. It may be inferred, however, from the fact that the senate was responsible for the prescribed annual addition to the fleet, that they were appointed by it, either as a committee of the Bouleutae themselves, or as a subordinate body (Boeckh, *P. E.* p. 249: *Dict. Antiq.* s. v. 'navis,' *sub init.*). We learn from Aeschin. Timarch. § 111, that the senate might justly be deprived of its δωρεὰ (the honorary reward here in question) owing to the misconduct of any of its members, since it had the power to get rid of them by the mode of expulsion termed ἐκφυλλοφορία. In another passage of the same orator, the τριηροποιοί appear to be classed with the τερχοποιοί as an ἀρχὴ αἰρετῆ, and as charged with distributing the building of the ships among the ten tribes Otesiph. § 30 ἐπειδὴν δ' ἀφέλη τις

τοὺς ὑπὸ τοῦ δήμου κεχειροτονημένους καὶ τοὺς κληρωτοὺς ἀρχοντας, καταλείπεται, οὓς αἱ φυλαὶ καὶ αἱ τριττύες καὶ οἱ δήμοι ἐξ ἑαυτῶν αἰροῦνται τὰ δημόσια χρήματα διαχειρίζειν, τοῦτους αἰρετοὺς ἀρχοντας εἶναι, τοῦτο δὲ γίνεσθαι, ὅταν, ὡσπερ νῦν, ἐπιταχθῆ τι ταῖς φυλαῖς, ἢ τάφρους ἐξεργάζεσθαι ἢ τριήρεις ναυπηγεῖσθαι. If this passage stood alone, we should certainly infer that the τριηροποιοί were chosen by the tribes; but the clearly proved responsibility of the senate in the matter seems to prove the contrary. They may have been ten in number, one for each tribe: and either chose their own treasurer or had one chosen for them by the senate, whose responsibility for its delegated authority was thus maintained. The information in Boeckh and in K. F. Hermann (*Staatsalterth.* §§ 126, 161) is extremely meagre, and the above is offered as an attempt at explanation, taking the few known facts into account. On the Athenian State Treasurer and the various subordinate collectors of revenues, see *Publ. Econ.* book II. ch. vi.

ᾧχετο] Equivalent to αἴτιος ἦν ὅς ᾧχετο, a condensed expression like the opening words of the speech, ὅπερ Εὐκτῆμων... οἴεται δεῖν. Funkhaenel compares *Mid.* p. 584 § 218 οὐ γὰρ ἐκ πολιτικῆς αἰτίας, οὐδ' ὡσπερ

χημα συμβέβηκεν. ἐγὼ δὲ πρῶτον μὲν αὐτὸ τοῦτο θαυμάζω, εἰ στεφανοῦν ἐπὶ τοῖς ἡτυχημένοις ἡξίου τὴν βουλὴν· τῶν κατορθουμένων γὰρ ἔγωγε ἡγοῦμην ἔργων τὰς τοιαύτας ὀρίσθαι τιμὰς· ἔπειτα δὲⁿ καὶ
18 κείνο ἔτι βούλομαι φράσαι πρὸς ὑμᾶς. οὐ φημι δίκαιον εἶναι περὶ ἀμφοῖν λέγειν, ὡς οὐ παρὰ τὸν 599

ⁿ δὲ om. Bens.

Ἄριστοφῶν ἀποδοὺς τοὺς στεφάνους ἔλυσε τὴν προβολήν, ἀλλ' ἐξ ὕβρεως... κρίνεται and Aristocr. p. 688 § 203. For examples from Plato, see the Editor's note (after Heindorf) on Protag. 341 a.

πένθ' ἡμιτάλαντα] 'Two and a half talents,' as K. has rightly given it in his Argument to this speech: but in his text he translates 'four and a half,' which would be πέμπτον ἡμιτάλαντον. Curiously enough, he has made the same slip in pro Phorm. p. 956 § 38, as is there pointed out by Mr Sandys. In so distinguished a scholar such oversights are but an indication of the haste with which he worked.

ἐπὶ τοῖς ἡτυχημένοις] 'for misfortune' K., R. W. 'for this failure' Dobree, which at least does more justice to the article. So Benseler, 'seines Missgeschicks halber.' I hardly think that Androtion is ironically represented as voting a crown to the senate *for* (i. e. because of) their misfortune; and prefer to render 'after such a fiasco,' or 'when they had made such a mess of it.' In other words, ἐπὶ expresses here sequence in time rather than causality: but in § 69 ἐπὶ τοῦτοις... τεθνάναι the causal notion is more prominent. Paley on Aesch. Pers. 527 ἐπίσταμαι μὲν ὡς ἐπ' ἐξειργασμένοις observes: 'In this expression ἐπὶ does not

so much signify *after* or *consequent upon*, as *on* or *with*, i. e. it refers to the state of affairs at the time of the action.' It would be safer, I think, to say that ἐπὶ may also mean 'on' or 'with.' Demosth. i. Steph. p. 1126 § 81 Mr Paley himself translates τεθνάναι ἐπ' ἐιργασμένοις '[to be put to death] for what you have done.'

ἔπειτα δὲ κακείνο ἔτι] The grammars lay down the rule that πρῶτον μὲν is usually followed by ἔπειτα without δέ. I notice Benseler's reading ἔπειτα κακείν' ἔτι for the sake of the curious statistics he has collected: 'Out of 97 places in Demosthenes where ἔπειτα follows πρῶτον μὲν or πρῶτον, there is only one (Callicles p. 1278 § 22) where *all* mss. insert δέ after ἔπειτα, and only two (the present passage and Phaenipp. p. 1041 § 9) where it is found in cod. r.'

§ 18. περὶ ἀμφοῖν] Androtion is made to plead at once 'no excuse needed' (because the law has not been broken) and 'a good excuse' (because the senate in their collective capacity were not to blame). The prosecution contends that he must take his choice between the two lines of defence. In English law it is no uncommon thing to see a claim for debt resisted by pleas both of 'payment' and 'never indebted.'

νόμον ἢ δωρεὰ δέδοται, καὶ ὡς οὐ διὰ τὴν βουλήν οὐκ εἰσὶν αἱ τριήρεις. εἰ μὲν γὰρ διδόναι καὶ μὴ ποιησαμένη προσήκει, τί τοῦτο δεῖ λέγειν, δι' ὄντινα δήποτε οὐ πεποιήνται; εἰ δ' οὐκ ἔξεστι, τί μᾶλλον, ἂν διὰ τὸν δεῖνα ἢ τὸν δεῖνα ἐπιδείξῃ μὴ πεποιη-
 19 μένας, ἐκείνη προσήκε λαβεῖν; χωρὶς δὲ τούτων ἔμοιγε δοκοῦσιν αἴρεσιν ὑμῖν οἱ τοιοῦτοι λόγοι διδόναι, πότερ' οἴεσθε δεῖν προφάσεις καὶ λόγους ἀκούειν τῶν ἀδικούντων ὑμᾶς ἢ ναῦς κεκτῆσθαι. εἰ μὲν γὰρ τούτου ταῦτ' ἀποδέξεσθε, ἔσται δῆλον ἀπάσαις ταῖς βουλαῖς ὅτι δεῖ πρόφασιν πιθανὴν ἐξευρεῖν πρὸς ὑμᾶς, οὐχὶ τριήρεις ποιήσασθαι· ἐκ δὲ τούτου τὰ μὲν χρήματα ἀναλωθήσεται, ναῦς δὲ οὐχ ἔξετε ὑμεῖς.
 20 εἰ δ' ὡς ὁ νόμος λέγει καὶ δεῖ τοὺς ὁμωμοκότας, πικρῶς καὶ ἀπλῶς τὰς μὲν προφάσεις ἀνέλητε, φανῆτε δὲ ἀφηρημένοι τὴν δωρεάν ὅτι τὰς ναῦς οὐ πεποιήνται, πάντες, ὧ ἄνδρες Ἀθηναῖοι, πεποιημένας ὑμῖν παραδώσουσι τὰς τριήρεις, πάντα τᾶλλα παρ'

εἰ δ' οὐκ ἔξεστι] 'If (as is the fact) it is not lawful, why should the senate have received its reward any the more, because Androtion can show that it was owing to this or that person that ships were never built?' εἰ οὐ does not merely present the alternative, as εἰ μὴ would have done, but inclines the balance towards it. The phrase recurs in Timocr. § 53. For προσήκει, the force of which is preserved in the version above, there is an ill-supported variant προσήκει, an easier reading doubtless due to a 'corrector.' Cf. § 23, προσήκεν ἐπαγγέλλειν ἡμῖν.

§ 19. From the legal question the speaker now turns to the public interest, which will be best served by a general rule that

no excuses are to be admitted.

τούτου ταῦτ' ἀποδέξεσθε] 'if you are going to stand this from the defendant.' ἀποδέχεσθαι, to accept (1) a statement, and so to 'allow' a man to make it (2) an opinion, and so to 'agree.' The latter is the almost constant sense in Plato: see on Protag. 324 c. 337 c. Usually with the gen. of the person only: the acc. is added, as here, in 1. Aphob. p. 832 § 59, πῶς ἀποδέξασθαι τι προσήκει τούτων λεγόντων;

§ 20. πικρῶς καὶ ἀπλῶς] 'you proceed sternly and strictly to overrule excuses and let it be seen that you have withheld the reward.' Κ. ἀπλῶς implies 'standing no nonsense': 'schlechtweg,' Benseler; 'absolutely,' R. W.

ὑμῖν ἑορακότες ἀσθενέστερα τοῦ νόμου γεγεννημένα. ὅτι τοίνυν οὐδ' αἴτιος ἄλλος οὐδεὶς ἀνθρώπων ἐστὶ τοῦ μὴ πεποιῆσθαι τὰς ναῦς, τοῦτο σαφῶς ὑμῖν ἐπιδείξω· ἀνελοῦσα γὰρ ἡ βουλή τὸν νόμον τοῦτον ἐχειροτόνησεν αὐτήν^ο.

ο αὐτῇ Z Bens. cum FTΩt.

ἀνελοῦσα γὰρ ἡ βουλή] The difficulty of this passage was felt in ancient times. Harpocration and the writer in Bekk. *Anecd.* p. 397 both notice the various readings αὐτῇ and αὐτήν, the former further suspecting that some words have been lost (ἀσαφῶς δ' αὐτοῦ ἔχοντος καὶ ἔλλειπῶς, ἄλλοι ἄλλως ἐξηγοῦνται). The Scholiast Ulpian also points out that τοῦτον may be joined with τὸν νόμον, or taken separately; and explains ἐχειροτόνησε by ἐστεφάνωσε. We are thus led to two main lines of interpretation. G. H. Schaefer, reading αὐτήν, explains as follows: 'The senate, when it set aside this law (that the crown was dependent on its having built ships as well as discharged other duties) voted itself guilty. Its conduct was a proof, as the speaker says just before, that it was αἴτιος τοῦ μὴ πεποιῆσθαι τὰς ναῦς, for otherwise it would have laid the blame upon the really guilty person (the treasurer). This is, in the main, the view of Funkhaenel, of Martin Mohr in a programme (Colon, 1845) specially devoted to this passage, of Dindorf, and of Kennedy in his translation and notes: and they mostly agree in Schaefer's suggestion to read αὐτῇ αὐτήν. But χειροτονεῖν can hardly mean either to vote itself guilty or to vote itself the crown, as the

Scholiast took it: and there is something forced in the whole sense of the passage thus understood, hardly in keeping with σαφῶς ἐπιδείξω. The other explanation adopts the reading αὐτῇ, for which there is good MS. authority, and separates τοῦτον from τὸν νόμον. Benseler, partly following some of the older commentators, translates thus: 'The senate (council), which made the law null and void, chose this man (the treasurer) for itself.' In other words, 'I will prove to you the responsibility of the senate: for this very senate which acted thus illegally had (previously) chosen the defaulter for its treasurer (and so was liable for his malversation).' This at least preserves the usual meaning of χειροτονεῖν, and is certainly preferable to the alternative rendering, though not, I think, free from difficulty: the proper Greek for 'Der Rath, der das Gesetz null und nichtig machte' (Benseler's version), would be ἡ βουλή ἢ ἀνελοῦσα τὸν νόμον. The Scholiast and Jerome Wolf explained τοῦτον ἐχειροτόνησεν αὐτῇ 'chose Androtrion for its champion: 'Jurinus was the first to refer τοῦτον to the treasurer. The Zurich editors, in deserting their favourite Σ, appear to have interpreted the passage in much the same way as Benseler; Kennedy and Whis-

21 Ἔτι τοίνυν ἐπιχειρεῖ λέγειν περὶ τοῦ τῆς ἐταιρήσεως νόμου, ὡς ὑβρίζομεν ἡμεῖς καὶ βλασφημίας οὐχὶ προσηκούσας κατ' αὐτοῦ ποιούμεθα. καὶ φησὶ δεῖν ἡμᾶς, εἴπερ ἐπιστεύομεν εἶναι ταῦτ' ἀληθῆ, πρὸς τοὺς θεσμοθέτας ἀπαντᾶν, ἵν' ἐκεῖ περὶ χιλιῶν ἐκινδυνεύομεν, εἰ καταψευδόμενοι ταῦτ' ἐφαινόμεθα· νῦν

ton both think it corrupt: as does Cobet, *Misc. Crit.* p. 522, who suspects an extensive *lacuna*.

§§ 21—24. Androtion's expected defence to the charge of profligacy. *He will say that all this is mere insult and calumny: that if we believed in the truth of the charges we ought to have raised the question directly by an impeachment for immorality, so as to risk a thousand drachmas in case we were proved to be false accusers. We reply on both points: first, we do not merely accuse, we are prepared to prove. Proof must in some cases rest upon circumstantial evidence, or upon probabilities, not on ocular demonstration, but ours is not one of these cases; we have a witness furnished with documentary evidence and who has made himself responsible for his testimony. And secondly, we mean to bring such an impeachment in due course; but we are within our rights in now referring to the law. For the question is predominantly one of illegality: and we show, with perfect propriety, that you have not only moved an unlawful decree, but led an unlawful life.*

§ 21. τοῦ τῆς ἐταιρήσεως νόμου] As Androtion was undoubtedly acquitted (Timocr. § 8), we may hope that this odious charge was without foundation.

Aeschines procured the condemnation of Timarchus on a *γραφὴ ἐταιρήσεως*, and so 'put out of the way' (*ἀνήρηκε*, Demosth. F. L. § 2) one of his principal accusers in the matter of the Embassy. The substance of the law is given in Timarch. §§ 19, 20, and what professes to be the text of it, really compiled from the two preceding sections, in § 21. As regards the penalty, the orator's vague expression τὰ μέγιστα ἐπιτίμια ἐπέθηκεν is there particularised into θανάτῳ ζημιούσθω. That such cases belonged to the jurisdiction of the Thesmothetae we know only from the present passage. It is to be observed that the action did not lie against the immorality itself, but against the exercise of public functions, political or religious, by those who had been guilty of it. Cf. *Dict. Antiq.* s. v. Hetaireseos Graphé.

ἵν' ἐκεῖ περὶ χιλιῶν ἐκινδυνεύομεν] For the final conjunctions *ἵνα*, ὡς, ὅπως with past tenses of the indicative, see Madvig's *Synt.* § 131: Goodwin, *Moods and Tenses*, § 44, 3: and a note on Protag. 335 c. So below § 28 ἵν' ἐκινδύνευσεν περὶ χιλιῶν. Timocr. § 48 ἵν' ἐδόκει. On this penalty for frivolous prosecutions, compare further, § 26 ἀπαγε· ἐν χιλιαῖς δ' ὁ κίνδυνος and note on τὸ

δὲ φενακίζειν αἰτίας καὶ λοιδορίας κενὰς ποιουμένους, 600
 22 καὶ ἐνοχλεῖν οὐ δικασταῖς τούτων οὖσιν ὑμῖν. ἐγὼ
 δ' οἶμαι δεῖν ὑμᾶς πρῶτον μὲν ἐκείνο λογίζεσθαι
 παρ' ὑμῖν αὐτοῖς, ὅτι πάμπολυ λοιδορία τε καὶ αἰτία
 κεχωρισμένον ἐστὶν ἐλέγχου. αἰτία μὲν γὰρ ἐστίν,
 ὅταν τις ψιλῶ χρησάμενος λόγῳ μὴ παράσχηται
 πίστιν ὧν λέγει, ἔλεγχος δὲ, ὅταν ὧν ἂν εἶπη τις
 καὶ τὰληθῆς ὁμοῦ δεῖξῃ. ἔστι τοίνυν ἀνάγκη τοὺς
 ἐλέγχοντας ἢ τεκμήρια δεικνύναι δι' ὧν ἐμφανιοῦσι
 τὸ πιστὸν ὑμῖν, ἢ τὰ εἰκότα φράζειν, ἢ μάρτυρας
 παρέχεσθαι· οὐ γὰρ οἶόν τ' ἐνίων αὐτόπτας ὑμᾶς^p
 ἐστὶ καταστήσαι, ἀλλ' ἐὰν ἐπιδεικνῆ τὶς τι τούτων,

^p ὑμᾶς om. Z Bens. cum Σ.

πέμπτον μέρος, above § 3.—ἐκεῖ
 =in that court, before the
 Thesmothetae.

ἐφαινόμεθα] Joined to a parti-
 ciple, should be translated 'were
 proved to be' false accusers:
 not 'were thought,' or 'appear-
 ed.'

§ 22. πρῶτον μὲν] Introduc-
 ing the answer to Androtion's
 first objection, that there was
 no foundation for these charges.
 The corresponding *επειτα*, as
 G. H. Schaefer notices, is im-
 plied in *ὅταν δ' ὅτι πρὸς τοὺς*
θεσμοθέτας προσῆκεν ἐπαγγέ-
λειν, the transition to his sec-
 ond objection.

ὅταν τις ψιλῶ χρησάμενος λό-
 γῳ] 'When a man makes a
 bare statement without furnish-
 ing any grounds for believing
 him:' i. Aphob. p. 830 § 54
ψιλῶ λόγῳ χρησάμενος ὡς πιστευ-
θησόμενος δι' ἐκείνων. So in Plat.
 Phaedr. 262 c, *ψιλῶς πως λέγο-*
μεν, οὐκ ἔχοντες ἱκανὰ παραδείγ-
ματα, where Dr Thompson gives
 other meanings of *ψιλὸς λόγος*
 in Plato, e.g. Theaet. 165 a, ψι-

λῶν λόγων=abstract dialectics,
 but in Laws, II. 669 d, *λόγοι*
ψιλοὶ are 'prose,' as distin-
 guished from metrical compo-
 sition.

πίστιν ὧν λέγει] *πίστιν* is
 here any sort of proof or evi-
 dence, including *τεκμήρια*, *εἰκό-*
τα, *μάρτυρας*, and distinct from
τὸ πιστὸν below='credibility.'
 Demosthenes *τεκμήριον*, 'cir-
 cumstantial evidence' is of course
 quite different from Aristotle's
 'certain or necessary sign' (Rhet.
 I. 2 § 16, with Cope's *Introduc-*
tion, p. 161). For *εἰκότα*, com-
 pare Cic. de Inv. I. 29 (46):
Probabile autem est id, quod
fere solet fieri, aut quod in opi-
nione positum est, aut quod
habet in se ad haec quandam
similitudinem, sive id falsum
est sive verum.

αὐτόπτας ὑμᾶς ἐστὶ καταστή-
 σαι] This is certainly one of
 the places where MS. Σ alone
 outweighs the authority of all
 the rest. To say that *in some*
cases the jury could not be
 made eye-witnesses is little

ικανὸν νομίζετε ἔλεγχον ἔχειν ὑμεῖς εἰκότως τῆς ἀλη-
 23 θείας ἐκάστοτε. ἡμεῖς τοίνυν οὐκ ἐκ λόγων εἰκότων
 οὐδὲ^α τεκμηρίων, ἀλλὰ παρ' οὗ μάλιστα δίκην ἔστι
 λαβεῖν τούτῳ, ταῦτ' ἐπιδείκνυμεν, ἄνδρα παρεσχη-
 κότα γραμματεῖον, ἐν ᾧ τὰ τούτῳ βεβιωμένα ἔνεστιν,
 ὃς αὐτὸν ὑπεύθυνον ποιήσας μαρτυρεῖ ταῦτα. ὥσθ'
 ὅταν μὲν λοιδορίαν ταῦτα καὶ αἰτίαν εἶναι φῆ, ὑπο-
 λαμβάνεθ' ὡς ταῦτα μὲν ἔστιν ἔλεγχος, ἃ δ' οὗτος
 ποιεῖ, ταῦτα λοιδορία καὶ αἰτία· ὅταν δ' ὅτι πρὸς
 τοὺς θεσμοθέτας προσῆκεν ἐπαγγέλλειν ἡμῖν, ἐκεῖνο
 ὑπολαμβάνετε, ὅτι καὶ τοῦτο ποιήσομεν καὶ νῦν

^α οὐδ' ἐκ Z Bekk. cum libris praeter Σ.

better than nonsense: the meaning of course is, that in some cases (he might have said πολλῶν for ἐνίων) ocular demonstration is altogether impossible.

§ 23. δίκην ἔστι λαβεῖν τούτῳ] The argument here is well illustrated by Arist. Rhet. i. 15 § 17. The side which has εἰκότα but no witnesses is there recommended to urge that probabilities cannot be bribed to deceive the judges, or convicted of false witness (ψευδομαρτυριῶν): the side which has witnesses, while the other side has not, to argue that probabilities are not responsible (liable to trial and penalty) like witnesses, and therefore less to be trusted (ἔχοντι δὲ πρὸς μὴ ἔχοντα, ὅτι οὐχ ὑπόδικα τὰ εἰκότα, καὶ ὅτι οὐδὲν ἂν ἔδει μαρτυριῶν, εἰ τὰ εἰκότα ἱκανὸν ἦν θεωρῆσαι). Diodorus has a witness, ὃς αὐτὸν ὑπεύθυνον ποιήσας μαρτυρεῖ ταῦτα, i.e. is liable to a γραφή ψευδομαρτυριῶν. Cross-examination, in the modern sense, was little practised in the Athenian courts: written evidence (γραμματεῖον

here) was preferred to oral.

ἄνδρα παρεσχηκότα γραμματεῖον] The construction here is scarcely grammatical, and Bekker, with the proviso 'si quid mutandum,' suggests ἀνδρὸς παρεσχηκότος. But G. H. Schaefer well observes, in a note which contains a lesson often needed by conjectural critics: 'Videndum tamen ne hoc pacto non librariorum sed ipsum scriptorem corrigamus, qui fortasse haec verba, quum referre deberet ad παρ' οὗ, rettulit ad verbum proxime antecedens ἐπιδείκνυμεν' cuiusmodi inflexiones constructionis notandae, non corrigendae videntur.'

ἃ δ' οὗτος ποιεῖ] To be understood, I think, of A.'s charges against Euctemon and Diodorus; not, with Reiske and Dindorf, of his repelling the accusations against himself. The latter could hardly be called λοιδορία καὶ αἰτία.

προσῆκεν ἐπαγγέλλειν] 'We ought to have proceeded by way of denunciation' (ἐπαγγελία § 29).

24 προσηκόντως περὶ τοῦ νόμου λέγομεν. εἰ μὲν γὰρ ἄλλον τινὰ ἀγῶνα ἀγωνιζομένου σου ταῦτα κατηγοροῦμεν, δικαίως ἂν ἡγανάκτεις· εἰ δ' ὁ μὲν νῦν ἐνεστηκῶς ἀγῶν ἐστὶ παρανόμων, οἱ νόμοι δ' οὐκ ἐῶσι λέγειν οὐδὲ τὰ ἔννομα τοὺς οὕτω βεβιωκότας, ἡμεῖς δ' ἐπιδείκνυμεν οὐ μόνον εἰρηκότα αὐτὸν παράνομα, ἀλλὰ καὶ βεβιωκότα παρανόμως, πῶς οὐχὶ 601 προσήκει λέγειν περὶ τούτου τοῦ νόμου, δι' οὗ ταῦτα ἐλέγχεται;

25 Καὶ μὴν κάκεινό γε δεῖ μαθεῖν ὑμᾶς, ὅτι τοὺς νόμους ὁ τιθεὶς τούτους Σόλων καὶ τῶν ἄλλων τοὺς πολλοὺς, οὐδὲν ὅμοιος ὦν τούτῳ νομοθέτης, οὐχ ἐνὶ ἔδωκε[†] τρόπῳ περὶ τῶν ἀδικημάτων ἐκάστων λαμβάνειν δίκην τοῖς βουλομένοις παρὰ τῶν ἀδικούντων, ἀλλὰ πολλαχῶς. ἦδει γὰρ, οἶμαι, τοῦθ', ὅτι τοὺς

[†] δέδωκε Bens. cum Ωkst et edd. vett.

προσηκόντως περὶ τοῦ νόμου] 'That we are properly referring to the law' against *εταίρησις*.

§ 24. εἰ...οὐκ ἐῶσι] οὐκ ἔαν is a single notion = ἀπαγορεύειν, and therefore οὐ regularly follows εἰ. Comp. on § 18 εἰ δ' οὐκ ἔξεστι.

ταῦτα] 'This criminality' of Androtion's.

§§ 25—29. But once more, that we ought to have proceeded against him in one way, and not in another, is contrary to the whole spirit of Athenian legislation. The law allows a variety of remedies for every sort of wrong: some by criminal prosecution, others again by way of civil action: and this because men vary so much in their power of taking care of themselves. Take, for example, the different modes of redress open to a man

who has been robbed; or the various ways of prosecuting in a case of impiety. It is for the accused to prove his innocence, not to dictate the mode of procedure against him. In like manner, Androtion, don't imagine that you are to escape punishment because we have brought a *γραφὴ παρανόμων* when we might have laid an *ἐπαγγελία*: if we forbear to prosecute you in all the ways which the laws allow, be thankful to us for those we omit.

§ 25. ὁ τιθεὶς] An imperfect participle, as is shown by *ἔδωκε* and *ἦδει* following.

οὐδὲν ὅμοιος ὦν τούτῳ νομοθέτης] This sarcasm recurs Timocr. §§ 103, 106. Comp. below § 73, *fin.* ὁμοίον γε, οὐ γάρ; 1. Steph. p. 1118 § 56 "Ὅμοίος γε ὁ Δεινίας.

ἐν τῇ πόλει γενέσθαι πάντας ὁμοίως⁸ ἢ δεινούς ἢ θρασεῖς ἢ μετρίους οὐκ ἂν εἶη. εἰ μὲν οὖν, ὡς τοῖς μετρίοις δίκην ἐξαρκέσει λαβεῖν, οὕτω τοὺς νόμους θήσει, μετ' ἀδείας ἔσσεσθαι πολλοὺς πονηροὺς ἡγήετο, εἰ δ' ὡς τοῖς θρασέσι καὶ δυνατοῖς λέγειν, τοὺς ἰδιώτας οὐ δυνήσεσθαι τὸν αὐτὸν τούτοις τρόπον
26 λαμβάνειν δίκην. δεῖν δ' ἔφετο μηδένα ἀποστερεῖσθαι

⁸ ὁμοίους Z Bekk.

δεινός] 'Clever,' = δυνατοῖς λέγειν, below: joined with θρασὺς also in § 31. Comp. the fuller expression οὕτως ὦν θρασὺς καὶ λέγειν δεινός, § 66. In all these passages we have καὶ, not ἢ: and Cobet approves of Dobree's conjecture ὁμοίως δεινούς καὶ θρασεῖς, omitting ἢ μετρίους. In Eurip. Bacch. 270-1, θρασὺς δὲ δυνατὸς καὶ λέγειν οἷός τ' ἀνὴρ, δυνατὸς can hardly be anything but a gloss on οἷός τε: and Dr Badham ingeniously conjectures θρασὺς δ' ἐν ἀστοῖς. Plato is fond of joining σοφὸς καὶ δεινός: see on Protag. 341 v. Opposed to δεινός ἢ θρασεῖς, μέτριος includes both intellect, 'simple, unsophisticated,' and temper, 'quiet, well-behaved.' On ἰδιώτης, 'the layman, as distinguished from the member of a learned profession or the specialist (ἐπαῖων), here of course the man unversed in public speaking, opposed to δυνατοῖς λέγειν, cf. Protag. 312 v, Dr Thompson on Gorg. 455 v.

§ 26. A *locus classicus* on Attic procedure in case of felony (κακουργία), deserving a careful comparison with the νόμοι κλοπῆς κ.τ.λ. (not the actual text of the law but, in this instance at least, compiled from authentic materials) in Timocr. § 105,

and the orator's account in the same speech, §§ 113, 114.

The democratic spirit of Athenian legislation aimed at effecting a real equality of rich and poor before the law, by the variety of remedies it provided against the wrong-doer; and further, as we learn from the present passage, sought to neutralise the advantages of bodily strength, pugnacity and readiness of speech.

We find here (1) ἀπαγωγή, (2) ἐφήγησις, (3) γραφή or public indictment, (4) δίκη or a private suit for restitution of the stolen goods with compensation. To these might have been added ἐνδειξις which, though properly an 'information' against one who, being ἄτιμος, obtained an office or usurped a right from which he was disqualified, was likewise used in a more general sense (cf. Schoemann, *Assemblies*, p. 177). For fuller details the student is necessarily referred to *Dict. Antiq.* s. vv.: we may here indicate the main distinctions between these several processes. In ἀπαγωγή the complainant took upon himself the responsibility of the arrest without previous legal steps, and incurred the risk of resistance



τοῦ δίκης τυχεῖν, ὡς ἕκαστος δύναται πῶς οὖν
 ἔσται τοῦτο; ἐὰν πολλὰς ὁδοὺς δῶ δια τῶν νόμων
 ἐπὶ τοὺς ἡδίκηκότας, οἷον τῆς κλοπῆς. ἔρρωσαι καὶ
 σαυτῷ πιστεύεις· ἀπαγε· ἐν χιλίαις δ' ὁ κίνδυνος.
 ἀσθενέστερος εἶ· τοῖς ἄρχουσιν ἐφηγοῦ· τοῦτο ποιή-
 27 σουσιν ἐκεῖνοι. φοβεῖ καὶ τοῦτο· γράφου. κατα-
 μέμφει σεαυτὸν καὶ πένης ὧν οὐκ ἂν ἔχοις χιλίας

and of forfeiting 1000 drachmas. In ἐφήγησις the proceedings were still summary, though less so than in the former case: the prosecutor applied first to the magistrate and conducted him and his officers to the spot where the capture was to be effected. In ἐνδειξις a written information (also called ἐνδειξις) was laid before the magistrate, whose duty it then became to arrest or hold to bail the accused.

Prof. Jebb in a note to *Attic Orators* i. 57 appears to doubt altogether this technical use of ἀπαγωγή. He writes: 'The terms ἐνδειξις κακουργίας and ἀπαγωγή κακουργίας do not denote two different processes, but two parts of the same process. "Ἐνδειξις was the laying of information against a person not yet apprehended: ἀπαγωγή was the act of apprehending him.' Unquestionably we are not required to assign the technical meaning to every passage where the words ἀπάγειν or ἀπαγωγή occur; but that ἀπαγωγή did not merely denote arrest following information, but, as a law-term, was applied to a summary process especially directed against offenders caught *flagrante delicto* (ἐπ' αὐτοφώρῳ), is not only the natural inference from the present passage, but supported by the express testi-

mony of the grammarians (Harpocration, Hesychius, Suidas, Bekk. *Anecd.* i. 200, 414) and the judgment of modern writers (Schoemann in his latest work the *Antiquities* as well as in *Att. Process*, Westermann in Pauly's *Real-Encycl.* ed. 2, Caillemier in Daremberg and Saglio). See further c. Conon. p. 1256 § 1 ἐνοχος...τῇ τῶν λαπόδων ἀπαγωγῇ καὶ τῇ τῆς ὑβρεως γραφῇ, where Mr Sandys does not question the received view. The passage in Lys. c. Agorat. §§ 85—6 deals with a case in which ἀπαγωγή followed ἐνδειξις, but by no means proves that this was always the rule.

The well-known distinction between δίκη and γραφή calls for no particular remark: it may, however, be noticed that the δίκη or private action was not necessarily before a Diactetes as in the text; it might also be before a court, probably that of the Thesmothetae (Meier, *Att. Process*, p. 67).

τοῖς ἄρχουσιν ἐφηγοῦ] According to the usual meaning of ἡγεῖσθαι with a dative, 'guide' the magistrates' or 'show them the way' to the spot. The term ἄρχων is not limited to the nine: ἐφήγησις might be carried out by the Thesmothetae, or still more frequently by the Eleven (οἱ ἔνδεκα).

§ 27. καταμέμφει σεαυτὸν]

ἐκτίσαι· δικάζου κλοπῆς πρὸς δαιτητῆν, καὶ οὐ κινδυνεύσεις. τούτων[†] οὐδέν ἐστι τὸ αὐτό. τῆς ἀσεβείας κατὰ ταῦτὰ ἔστιν ἀπάγειν, γράφεσθαι, δικά-

[†] Z Bekk. [οὐδέτερον βούλει τούτων; γράφου. κατοκνεῖς καὶ ταύτην; ἐφηγοῦ] *cum libris*.

The sense of 'blaming' or 'finding fault with' passes into that of 'distrusting' or 'feeling a want of confidence.' So in the youthful oration III. Aphob. p. 844 § 1 he says κατώκνον ἂν τὴν ἔμαντοῦ καταμεμφόμενος ἡλικίαν. In Eurip. Hec. 885, 1184 the simple verb μέμφομαι bears the same meaning: but in Hel. 31 Ἦρα δὲ μεμφθεῖσ' οὐνεκ' οὐ νικᾷ θεὰς it is 'dissatisfied, disappointed,' a somewhat different sense. Liddell and Scott do not notice these usages.

δαιτητῆν] In a δίκη κλοπῆς only the public arbitrators appointed by lot (κληρωτοὶ) can be intended: the private arbitrators chosen by mutual agreement between the parties (αἰρετοὶ) and implying a more or less friendly suit, are not to be thought of. On the whole subject of the Diaetetae, the exhaustive treatise of Hudtwalcker, *Ueber die Diäteten*, 1812, has left little to be corrected by later scholars: and it is closely followed by Mr Whiston in his carefully-written article in *Dict. Antiq.* Something, however, is to be gleaned from K. F. Hermann (*Staatsalterth.* § 145), Schoemann (*Antiq.* pp. 471—3), Westermann, in the *Transactions of the Saxon Academy of Sciences*, I. 438, and especially Perrot (*Essai sur le droit Public d'Athènes*, pp. 284—309). The question of their number still remains doubtful, notwithstanding some important light thrown

upon it of late years. Ulpian had stated it at 440, i.e. 44 from each tribe (ἦσαν δὲ τέσσαρες καὶ τεσσαράκοντα καθ' ἐκάστην φυλὴν, scholia on Demosth. Mid. p. 542 § 86). This number seems unnecessarily large: the orators often mention only one arbitrator in each case: and an easy correction of Ulpian's words was suggested—ἦσαν δὲ τεσσαράκοντα, τέσσαρες καθ' ἐκάστην φυλὴν, making the total number 40. This conclusion has again been disturbed. An inscription of about B.C. 325 (first published in Ross, *Demen von Attika* p. 22, also in Rhangabé's collection, no. 1163) names the Diaetetae who had actually served in that year, and had been rewarded with a crown. The numbers mentioned from the different tribes vary between 16 in the Cecropis and 3 in the Pandionis, in all 104 names. If, as is probable, an equal number was chosen from each tribe, there must have been at least 160 of them. The fact that not all the Diaetetae of the year are commemorated in the inscription is easily explicable: those who were most in request would be summoned oftenest, some perhaps not at all (Schoemann, Perrot p. 292).

τῆς ἀσεβείας] The list here given does not exhaust all the forms of prosecution for this offence. Besides ἀπαγωγὴ and ἀσεβείας γραφή, the accuser might proceed by ἐνδείξεις (Andoc.

ζεσθαι πρὸς Εὐμολπίδας, φράζειν πρὸς τὸν βασιλέα. περὶ τῶν ἄλλων ἀπάντων τὸν αὐτὸν τρόπον σχεδόν.
 28 εἰ δὴ τις ὡς μὲν οὐχὶ κακοῦργός ἐστι μὴ λέγοι, ἢ ὡς 602
 οὐκ ἀσεβῆς, ἢ ὅ τι δήποτ' εἴη δι' ὃ κρίνοιτο, διὰ ταῦτα
 δ' ἐκφεύγειν ἀξιοίη, εἰ μὲν ἀπηγγέμενος εἴη, διότι πρὸς
 διαιτητὴν ἐξῆν αὐτῷ λαχεῖν καὶ γράφεσθαι χρῆν^ν, εἰ
 δὲ πρὸς διαιτητῇ φεύγοι, ὅτι χρῆν σε ἀπάγειν, ἕν'

^ν χρῆν om. Z.

de Myst. § 8 and *passim*) προβολή (Liban. Argum. Mid. p. 509), or εἰσαγγελία (Andoc. de Myst. § 43). Of the latter class was the indictment of Alcibiades, preserved by Plutarch Alcib. 22 (εἰσήγγειλεν): compare Grote ch. 58 (v. 183). The two other courses, δικάζεσθαι πρὸς Εὐμολπίδας and φράζειν πρὸς τὸν βασιλέα, are mentioned only in the present passage. It may safely be assumed that the latter was a device, like those just referred to in the case of κλοπή, for the protection of the diffident accuser: by denouncing an act of impiety to the king-archon, he might escape responsibility for himself, and leave it to that magistrate to take up the charge or not. Funkhaenel (*Prolegom.* p. 27) seems right in explaining φράζειν as a *delatio* merely, not, with Meier, as an *actio*. It is clear also that δικάζεσθαι πρὸς Εὐμολπίδας applied to the profanation of the Eleusinian mysteries, of which the family of the Eumolpidae were hereditary guardians. Caillemer further conjectures that the action of the Eumolpidae was confined to 'spiritual censures' (des peines religieuses, telles que l'exclusion des mystères ou la privation du titre d'initié, sans in-

fluer sur l'état civil et politique du coupable); and that the other sacred family, the Kerykes, possessed the same authority (ap. Daremberg and Saglio, s.v. Asebeias Graphé). That the two processes might become practically identical appears from a scholium quoted by Dindorf: ὁ γὰρ βασιλεὺς ἐπεμελεῖτο τῶν ἱερῶν πραγμάτων καὶ ἐπῆγε τὰς τῆς ἀσεβείας γραφὰς πρὸς τοὺς Εὐμολπίδας. An important passage on the Eumolpidae is Lys. c. Andoc. § 10: the laws of which they were the ἐξηγηταὶ or expounders, were unwritten, and of immemorial antiquity.

§ 28. πρὸς διαιτητὴν—λαχεῖν] sc. δίκην, expressed in Neaer. p. 1378 § 98 οἱ Πλαταιεῖς λαγχάνουσι δίκην τοῖς Λακεδαιμονίοις εἰς τοὺς Ἀμφικτύονας: more usually omitted, as here and Mid. p. 554 § 120. In Nausim. p. 985 §§ 1, 2 we have both phrases within a few lines: adv. Everg. et Mnesib. p. 1160 § 69 the construction is the same as here, πρὸς τὸν βασιλέα μὴ λαγχάνειν. Funkhaenel, who collects these passages, wrongly adds to them π. Steph. p. 1136 § 23 ὑμῶν τοὺς λαχόντας where it is used of the jury, not the prosecutor.

πρὸς διαιτητῇ φεύγοι] The change of case after πρὸς should

- ἐκινδύνευες περὶ χιλιῶν, γέλως ἂν εἶη δήπουθεν. οὐ γὰρ τὸν γε μηδὲν πεποιηκότα δεῖ περὶ τοῦ τρόπου ὄντινα χρῆ διδόναι δίκην ἀντιλέγειν, ἀλλ' ὡς οὐ πε-
- 29 ποίηκεν ἐπιδεικνύναι. τὸν αὐτὸν δὴ τρόπον, Ἀνδροτίων, καὶ σὺ μὴ διὰ ταῦτα οἴου σοι προσήκειν μὴ δοῦναι δίκην, εἰ γράφεις ἡταιρηκῶς, ὅτι καὶ πρὸς τοὺς θεσμοθέτας ἔσθ' ἡμῖν ἐπαγγελία· ἀλλ' ἢ δεῖξον οὐ πεποιηκότα ταῦτα σεαυτὸν, ἢ δίκην ὑπεχε ὦν γέγραφάς τι τοιοῦτος ὦν· οὐ γὰρ ἔξεστί σοι. εἰ δέ σε μὴ πάντας, ὅσους οἱ νόμοι διδῶσι, τρόπους τιμωρούμεθα, χάριν ἡμῖν ὦν παραλείπομεν ἐκείνων ἔχε, μὴ διὰ ταῦτ' ἀξίου μηδένα τρόπον δοῦναι^x δίκην.
- 30 Ἄξιον τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, καὶ τὸν θέντα

^x δοῦναι τρόπον *Bens. cum Σ.*

be noticed. The reading of two inferior mss. *δαιτητήν* could only mean 'fly for refuge' to an arbitrator: the sense required is, 'if he were defending an action before' an arbitrator.

Ἦν ἐκινδύνευες] § 21, note.

τὸν γε μηδὲν πεποιηκότα] Indefinitely, 'one who has done nothing' wrong: and so = 'the defendant, if he be innocent.'

§ 29. *εἰ γράφεις ἡταιρηκῶς*] 'if you move decrees (*ψηφίσματα*) after having committed infamous crime,' K. The distinction between *γράφειν* and *γράφεσθαι* is important in these four §§.

ἐπαγγελία] *Dict. Antiq. s. v.* and compare § 23 *ἐπαγγέλλειν*.

ὦν γέγραφάς τι] A mixed construction, expressing that A. deserved punishment (1) for what he had proposed (because illegal), (2) for proposing anything at all (because disqualified). *ms. Σ* has here preserved (with one other) the more difficult but undoubtedly true reading; the mass

of inferior copies give *εἰ γέγραφάς τι*, which expresses only (2). Cobet's correction, *ὦν γέγραφας omitting τι*, expresses only (1), and has not the merit of ingenuity. *Comp. § 33 οὐκ ἔωντα γράφειν σέ, οὐδ' ἄ τοῖς ἄλλοις ἔξεστι, τὸν νόμον.*

ὦν παραλείπομεν ἐκείνων] Not = *ἐκείνων ὦν παραλείπομεν*, but 'be thankful for all that we omit, out of those (possible) ways': *ἐκ τοῦ ἐκείνων τῶν τρόπων ἀριθμοῦ*, *Reiske.*

§§ 30—32. Conclusion of the argument on the law of *ἐταιρησις*. Motive of the legislator in enacting it. *The author of this law was thinking much more of the constitution than of the immediate subject of any law that he was passing. If he had wished to punish such men, he might have devised many severer penalties; and he thought it no hardship to silence them, for most of you Athenians, who are at liberty to move decrees, do not avail*

τὸν νόμον ἐξετάσαι Σόλωνα, καὶ θεάσασθαι ὅσῃν πρόνοιαν ἐποιεῖτο ἐν ἅπασιν οἷς ἐτίθει νόμοις τῆς πολιτείας, καὶ ὅσῳ περὶ τούτου μᾶλλον ἐσπούδαζεν ἢ περὶ τοῦ πράγματος ὃ τιθείη τὸν νόμον. πολλαχόθεν μὲν οὖν ἂν τις ἴδοι τούτο, οὐχ ἥκιστα δ' ἐκ τούτου τοῦ νόμου, μήτε λέγειν μήτε γράφειν ἐξεῖναι τοῖς ἡταιρηκόσιν. ἑώρα γὰρ ἐκεῖνο, ὅτι τοῖς πολλοῖς ὑμῶν ἐξὸν λέγειν οὐ λέγετε, ὥστε τοῦτ' οὐδὲν ἡγεῖτο βαρὺ, καὶ πόλλ' ἂν εἶχεν, εἴ γε κολλάζειν ἐβούλετο

31 τούτους, χαλεπώτερα θεῖναι. ἀλλ' οὐ τοῦτ' ἐσπούδασεν, ἀλλὰ ταῦτα ἀπεῖπεν ὑπὲρ ὑμῶν καὶ τῆς πολιτείας. ἦδει γὰρ, ἦδει τοῖς αἰσχροῦς βεβιωκόσιν 603 ἀπασῶν οὖσαν ἐναντιωτάτην πολιτείαν ἐν ἧ πᾶσιν ἔξεστι λέγειν κάκεῖνων οὐελῖδη. ἔστι δ' αὕτη τίς; δημοκρατία. οὐκουν ἐνόμιζεν ἀσφαλές, εἴ ποτε συμβήσεται γενέσθαι συχνοὺς ἀνθρώπους κατὰ τοὺς αὐτοὺς

ἢ πράγματος αὐτοῦ Z Bekk.

yourselves of the privilege, but he felt that men of immoral lives could not be well affected to the democratic constitution; they would naturally prefer an oligarchy, where it is not allowable to speak ill of the rulers. His object was, therefore, to prevent such persons from corrupting the people and bringing it down to their own level: or from betraying it into blundering counsels.

§ 30. ἐξετάσαι Σόλωνα] 'to look into the character of S.' The revered name of Solon is as usual attached to democratic legislation, which must really have dated from the time of Cleisthenes or Pericles.

τῆς πολιτείας] Harpocration: Πολιτεία ἰδίως εἰώθασι χρῆσθαι οἱ ῥήτορες ἐπὶ τῆς δημοκρατίας. Sometimes 'republics' generally

as opposed to arbitrary government, as in 1. Olynth. p. 10 § 5 ὅλως ἄπιστον, οἶμαι, ταῖς πολιτείαις ἢ τυραννίς: sometimes democratic republics in general, as in de Rhod. Lib. p. 196 § 20 τοὺς τὰς πολιτείας καταλύοντας καὶ μεθιστάντας εἰς ὀλιγαρχίαν: but in the mouth of an Athenian most naturally 'the constitution,' = τὸν δῆμον § 32.

περὶ τούτου] i. e. τῆς πολιτείας, as in 11. Olynth. p. 22 § 15 ὁ μὲν δόξης ἐπιθυμεῖ καὶ τούτο ἐξήλωκε, with more in Jelf, *Synt.* § 311, Obs. 2, Madvig, *Synt.* § 99 a.

§ 31. ταῦτα ἀπεῖπεν] 'he imposed the disabilities I speak of,' K. It is difficult not to believe that Demosthenes wrote ταῦτ' ἀπεῖπεν, as Benseler has silently corrected.

χρόνους εἰπεῖν μὲν δεινούς καὶ θρασεῖς, τοιούτων δ'
 32 ὄνειδῶν καὶ κακῶν μεστούς· πολλὰ γὰρ ἂν τὸν δῆμον
 ὑπ' αὐτῶν ὑπαχθέντα ἐξαμαρτεῖν, κἀκείνους ἦτοι
 καταλύσαι γ' ἂν πειρᾶσθαι τὸ παράπαν τὸν δῆμον
 (ἐν γὰρ ταῖς ὀλιγαρχίαις, οὐδ' ἂν ὧσιν ἔτ' Ἀνδροτίω-
 νός τινες αἰσχίον βεβιωκότες, οὐκ ἔστι λέγειν κακῶς
 τοὺς ἄρχοντας) ἢ προάγειν ἂν ὡς πονηροτάτους
 εἶναι, ἢ ὡς ὁμοιότατοι σφίσιν ὧσι. τὴν οὖν ἀρχὴν
 τοῖς τοιούτοις ἀπέειπε μὴ μετέχειν τοῦ συμβουλευεῖν,
 ἵνα μὴ φενακισθεῖς ὁ δῆμος ἐξαμάρτοι μηδέν. ὦν
 ὀλιγορήσας ὁ καλὸς κἀγαθὸς οὗτος οὐ μόνον ᾤετο
 δεῖν λέγειν καὶ γράφειν οὐκ ἐξόν, ἀλλὰ καὶ παρὰ
 τοὺς νόμους ταῦτα ποιεῖν.

33 Περὶ μὲν τοίνυν τοῦ νόμου, καθ' ὃν ὠφληκίτος
 αὐτοῦ τοῦ πατρὸς τῷ δημοσίῳ χρήματα καὶ οὐκ ἐκτε-

εἰπεῖν μὲν δεινούς] G. H. Schaefer notes this as a refinement (*reconditior*) on the usual δεινούς λέγων, cf. § 25, Lept. p. 502 § 150 οὐδένοσ ἦττον, ὧ ἄνδρες Ἀθηναῖοι, τῶν λεγόντων δεινός εἰπεῖν, de Symmor. p. 180 § 8.

§ 32. τὴν οὖν ἀρχὴν] § 5.

ἵνα μὴ] The reading of Τ Ω κ τ ἵνα δὴ μὴ is rather attractive, if the ms. authority for it were higher. Funkhaenel approves it.

ὁ καλὸς κἀγαθὸς οὗτος] Ironically, 'this honourable man.' So in § 47 where A.'s political antecedents are to be held up to scorn. Cobet, *Var. Lect.* p. 71, remarks on καλὸς κἀγαθός, πολλὰ κἀγαθὰ and the like, as a 'perpetua crasis'; i.e. καλὸς κἀγαθός wherever found in the mss. is to be corrected as absolutely inadmissible.

ᾤετο δεῖν] Like the English equivalent 'thought proper,' this is used of an *impropriety*. Mid. p. 561 § 143 βδελυρὸς καὶ ὑβρι-

στῆς ᾤετο δεῖν εἶναι. Below, §§ 56, 63, Timocr. § 65 ἤξιωσεν.

§§ 33, 34. The argument of §§ 25—29, that it is not for the defendant to dictate the mode of procedure against him, applied to another point in the case. *With regard to his responsibility for his father's debts to the public, which debars him from speaking while they remain unpaid, he may say that we ought to have proceeded by way of denunciation (ἐνδειξις). All in good time: we shall do so one day; but meanwhile the burden of proof lies upon you, Androtion. Prove that your father was not adjudged a defaulter, or that he got out of prison not by running away but by satisfying the debt. You know that by law you inherit his disabilities in such cases.*

These, men of the jury, should be your answers if he makes any attempt to deceive you and lead you astray.

τικότητος οὐκ ἔξεστι λέγειν οὐδὲ γράφειν τούτῳ, ταῦτα δίκαια λέγειν ἂν ἔχοιτε εἰκότως, εἰάν φῆ δεῖν ἡμᾶς αὐτὸν² ἐνδεικνύναι. τότε γὰρ τοῦτο ποιήσομεν, οὐ μὰ Δι' οὐχὶ νῦν, ἡνίκα δεῖ σε ἐτέρων ὧν ἀδικεῖς δοῦναι λόγον, ἀλλ' ὅταν ἦ προσῆκον ἐκ τοῦ νόμου. καὶ νῦν δὲ δεικνυμεν³ οὐκ ἐῶντα γράφειν σε, οὐδ' ἂ τοῖς ἄλλοις
 34 ἔξεστι, τὸν νόμον. ὡς οὖν οὐκ ὤφλεν ὁ πατήρ σου, τοῦτ' ἐπίδειξον, ἢ ὡς οὐκ ἀποδρὰς ἐξηλθεν ἐκ τοῦ δεσμοτηρίου, ἀλλὰ τὰ χρήματα ἐκτίσας. εἰ δὲ μὴ ταῦθ' ἔξεις δεικνύναι, οὐκ ἐξὸν γέγραφας· κληρονόμον γάρ σε καθίστησιν ὁ νόμος τῆς ἀτιμίας τῆς τοῦ πα-

² αὐτὸν om. Z. Bekk. Bens. cum Σ.

³ δεικνυμεν δὲ Z Bens. cum Στ.

§ 33. ταῦτα δίκαια] Benseler and R. W., after Jerome Wolf, rightly take this of what follows: 'these are the answers which you might reasonably make.' Funkhaenel attempts to prove that the words refer to οὐκ ἔξεστι λέγειν οὐδὲ γράφειν: quoted, to my surprise, with approbation by Dindorf.

δεῖν ἡμᾶς ἐνδεικνύναι] The verb used absolutely for laying an ἐνδειξις. So Theocrin. p. 1337 § 45 γράφασθαι, φαίνειν, ἐνδεικνύειν 'proceed by way of γραφή, φάσις, ἐνδειξις.'

τότε γὰρ τοῦτο ποιήσομεν] Compare the end of § 23 for the same argument in almost the same words.

καὶ νῦν δὲ δεικνυμεν] The Zurich Editors and Benseler are most likely right in reading καὶ νῦν δεικνυμεν δὲ with ms. Σ. It is quite the usage of Demosthenes to put a verb emphatically between καὶ and δέ; III. Olynth. p. 32 § 15 καὶ πρᾶξαι δὲ δυνήσεσθε νῦν: III. Phil. p. 129 § 70 ἐγὼ νῆ Δι' ἐρῶ, καὶ γράψω δὲ 'and what is more.'

§ 34. ὤφλεν] Not merely 'owed money' (ὀφείλειν) but 'had a decree out against him, was inscribed in the public accounts as a defaulter.' We say ὀφείλειν χρήματα, but ὀφλισκάνειν, ὀφλεῖν δίκην. The distinction is rightly noted by G. H. Schaefer on Timocr. § 50.

δεικνύναι] Most MSS. including Σ read δεικνύειν, retained by the Zurich editors and Benseler and probably written by Demosth. for the sake of variety. Dindorf leaves δεικνύειν unaltered, Timocr. §§ 35, 66, 68. Cobet, however, lays down the rule against such forms, *Var. Lect.* p. 317: 'δεικνύειν, δεικνύω, ὀμνύω et similia sequiora sunt et sub Menandri aetatem propullularunt.'

κληρονόμον ... τῆς ἀτιμίας] *Dict. Antiq.* s. v. Atimia, and Boeckh, *P. E.* p. 391. Atimia was not usually inherited except by the children of public debtors, among whom Cimon the son of Miltiades is a well-known instance. The harshness with which the law might

τρὸς, ὄντι δ' ἀτίμῳ σοι λέγειν οὐ προσήκεν οὐδὲ γρά- 604
φειν. καὶ περὶ μὲν τῶν νόμων, οὓς παρεγραψάμεθ',
οἶμαι δεῖν ὑμᾶς, ἂν τι φενακίζειν ἐγχειρῆ καὶ παρά-
γειν οὗτος, ταῦθ' ὑπολαμβάνειν, ἃ διεξελέλυθα ἐγώ.

35 Εἰσὶ δὲ καὶ περὶ τῶν ἄλλων αὐτῷ λόγοι πρὸς τὸ

be enforced is vividly depicted in the opening of the speech against Neaera, p. 1347 §§ 5—8. The law of Timocrates, against which the Timocritea is directed, was expressly designed to mitigate the rigour with which public debtors were treated, and will afford an opportunity for the fuller discussion of this question. See Timocr. §§ 45, 50, 54.

παρεγραψάμεθα] 'which we have cited against him,' K. who adds in a note: 'the laws which Androtion violated by his decree, which we have copied out and exhibited in court in juxtaposition with his decree.' So in de Cor. p. 263 § 111 τῶν παραγεγραμμένων νόμων of the laws hung up on a table (σανίδιον) by the side of Ctesiphon's decree for the judges to compare. From this primary sense of παραγράφειν, to write as it were in parallel columns, we get the technical usage of παραγραφή, a 'bill of exceptions, demurrer, or special plea' in bar to an action, with the phrases παραγραφήν διδόναι (c. Phorm. p. 912 § 17) or παραγράφεσθαι (c. Locr. p. 939 § 45). The high legal authority of Mr Mansfield (in *Dict. Antiq.* s. v. Paragraphe) is against the correctness of the word 'demurrer,' by which παραγραφή is commonly translated: according to him 'special plea' is, in English law, the more exact equivalent.

ἂν τι φενακίζειν ἐγχειρῆ καὶ

παράγειν] We may join τι with ἐγχειρῆ, and supply ὑμᾶς with φενακίζειν καὶ παράγειν: there is none of the difficulty which was noticed on § 4 πλάττων καὶ παράγων. Φενακίζειν τινὰ is the usual construction, as in the next §; φενακ. and φενακ. τινά τι are rarer, but occur de F. L. p. 362 § 66=74 τίς ὁ ταῦτα φενακίστας; and p. 363 § 72=81 ὧν πεφενάκιε τὴν πόλιν. See Shilleto's *Annot. Crit.* on the former passage.

§§ 35—37. *But, it will be urged, if you condemn Androtion you will put a stigma upon the whole senate by depriving them of the customary compliment. To this, I answer (1) that, even if it were so, the disappointment of 500 men at missing a reward, which after all they have not deserved, ought not to weigh against the interests of the state, and the opportunity of reading a useful lesson to the citizens at large. But further (2) I am prepared to maintain that the discredit does not attach to the senate as a body or to its 'silent members,' but only to Androtion and the other mischief-making orators who manage the senate as they please. And even granting for the sake of argument that the whole body is not upon its trial, it is (3) much more your interest to convict than to acquit. If you acquit, the senate will be still, as it is now, ruled by the professional speakers:*

φενακίζειν ὑμᾶς εὖ μεμηχανημένοι, περὶ ὧν βέλτιον ὑμᾶς προακοῦσαι. ἔστι γὰρ εἰς αὐτῷ τοιοῦτος, μὴ πεντακοσίους ὑμῶν αὐτῶν ἀφελέσθαι τὴν δωρεὰν μηδὲ ὀνειδεῖ περιβαλεῖν· ἐκείνων ὁ ἀγὼν, οὐκ ἐμός. ἐγὼ δ' εἰ μὲν ἐμέλλετε ἀφαιρήσεσθαι τούτους μόνον, ἄλλο δὲ μηδὲν ὠφελήσειν τὴν πόλιν, οὐδὲν ἂ ὑμᾶς σφόδρα σπουδάζειν ἠξίουν· εἰ δὲ τῷ τούτο ποιῆσαι πλείους ἢ μυρίους τοὺς ἄλλους πολίτας βελτίους

but if you condemn, the ordinary members will no longer leave everything to these self-elected leaders, whose misconduct has cost the senate its crown: they will take the trouble to think for themselves, and advise for the best. It is sufficient reason to justify a conviction, if it only enables you to get rid of the Orators!

§ 35. ἀφελέσθαι... περιβαλεῖν] The reading ἀφέλησθε... περιβάλητε (γρ. Σ.) no doubt arose out of the return to the direct construction in ἐκείνων ὁ ἀγὼν, οὐκ ἐμός: 'They are upon their trial,' says Androtion, 'and not I.' But the blending of the two constructions in one sentence is not unusual. Dindorf compares, after Funkhaenel, Xen. Cyrop. i. iv. 28 ἐνταῦθα δὴ τὸν Κύρον γελάσαι τε ἐκ τῶν πρόσθεν δακρύων καὶ εἰπεῖν αὐτῷ ἀπίοντα θαρρεῖν, ὅτι πάρεσται αὐτοῖς ὀλίγον χρόνου ὥστε ὄραν σοὶ ἔξεσται κἂν βούλη ἀσκαρδαμυκτί: where however L. Dindorf reads ὄραν ἔξεσται κἂν βούληται. There are several instances in the Greek of the N. T. e.g. Acts i. 4 περιμένειν τὴν ἐπαγγελίαν τοῦ πατρὸς ἣν ἠκούσατέ μου.

εἰ μὲν ἐμέλλετε ἀφαιρήσεσθαι τούτους μόνον] 'if your only object were to deprive them;' not τούτους μόνον, 'them only.'

πλείους ἢ μυρίους] The statement in the not Demosthenic, but certainly contemporary speech (perhaps by Hyperides) i. Aristog. p. 785 § 51 εἰσὶν ὁμοῦ δισμύριοι πάντες Ἀθηναῖοι, is well supported by other testimony: and Reiske accordingly wished to read δισμυρίους here. In this, however, he has had no one to agree with him; strict accuracy was not required; and 'more than 10,000' is quite enough to point Demosthenes' argument. Besides, μυρίοι (paroxytone in this sense, according to the grammarians) is the usual Greek word for an indefinitely large number, Lat. *sescenti*. The evidence as to the number of citizens is collected and criticised by Boeckh in his chapter on the population of Attica (*P. E.* i. vii, especially pp. 32—35). Omitting Cæcrops and the times before Cleisthenes as prehistoric we get the figures 19,000, including those who were rejected on a scrutiny, in a census of B.C. 445, 19,000 in the time of Lycurgus (contemporary with Demosthenes; for twelve years, probably B.C. 342—330, what we might call Chancellor of the Exchequer, ταμίης ὁ ἐπὶ τῇ διοικήσει, to the Athenian state, Mahaffy *Gr. Lit.* ii. p. 366): 21,000 in a doubtful census

εἶναι προτρέψετε, πόσω κάλλιον τοσούτους παρασκευάσαι χρηστούς ἢ πεντακοσίοις ἀδίκως χαρίσασθαι; 36 ὡς δ' οὐδ' ἔστιν ἀπάσης τὸ πρᾶγμα τῆς βουλῆς, ἀλλὰ τινῶν, οἵπερ εἰσὶν αἴτιοι τῶν κακῶν, καὶ Ἄνδροτίωνος, ἔχω λέγειν. τῷ γάρ ἐστιν ὄνειδος, εἰ σιωπῶντος αὐτοῦ καὶ μηδὲν γράφοντος, ἴσως δὲ οὐδὲ τὰ πολλὰ εἰς τὸ βουλευτήριον εἰσιόντος, μὴ λάβοι ἢ βουλή τὸν στέφανον; οὐδενὶ δῆπουθεν, ἀλλὰ τοῦ γράφοντος καὶ πολιτευομένου καὶ πείθοντος ἂ βούλοιτο τὴν βου-

under Antipater 323: the same number better attested under Demetrius Phalereus 309: 20,000 fighting men in a genuine writing of Plato, Critias 112 D (referring to mythic times, but no doubt expressing Plato's opinion as to his own): all in substantial agreement with the author of the speech against Aristogiton. On the other hand there was, as Boeckh puts it, a 'customary assumption' in the absence of exact data that the number of citizens was half as much again, or about 30,000. For this he quotes Herodotus v. 97 where the statement is put into the mouth of Aristagoras who, however, had a motive for exaggeration; Aristoph. Eccl. 1132, a comic passage to which there is a set-off in Wasps 709 δύο μυριάδε: and Pseudo-Plat. Axiochus 369 A, where the whole 30,000 are ridiculously represented as all present together at the condemnation of the six generals (τριμυρίων ἐκκλησιαζόντων).

τοσούτους παρασκευάσαι χρηστούς] χρηστούς is attributive: 'to make so many persons honest,' not 'so many honest men.' The sense approaches that of σωφρονίζεω, to bring a

person to a sense of his situation, read him a useful lesson.

§ 36. τινῶν οἵπερ εἰσὶν αἴτιοι] The class of professional politicians, comp. §§ 38, 67, 74.

τῷ γάρ ἐστιν ὄνειδος εἰ...μὴ λάβοι] For the interchange of the indicative, expressing fact or certainty, with the optative expressing hypothesis or mere probability, see Jelf, *Synt.* § 802, 6, Madvig, *Synt.* § 130, or a note on Protag. 335 A. Here the refusal of the crown, though it has actually happened, is put as a supposed case (μὴ λάβοι); but the stigma follows from the refusal as a necessary consequence (ἔστιν). In Goodwin, *Moods and Tenses*, § 70, 2, it is remarked that the indicative and optative in such cases seem to be interchanged without apparent reason.

οὐδενὶ...τοῦ γράφοντος] The Greeks say indifferently ὄνειδος τινὸς and ὄνειδος τινί, and the love of variety so characteristic of Greek style accounts for the change of construction here.

βούλοιτο] Naturally follows the mood of λάβοι. We might take γράφοντος, &c., as imperfect participles, 'used to move decrees:' but the former is, I think, preferable.

λήν· διὰ γὰρ τούτους ἀνάξια τοῦ στεφανωθῆναι
 37 βεβούλευκεν. οὐ μὴν ἀλλ' εἰ καὶ τὰ μάλιστα πά-
 σης ἔσθ' ὁ ἀγὼν τῆς βουλῆς, ὅσῳ συμφέρεται μᾶλλον
 ὑμῖν καταγνοῦσιν ἢ μὴ θεάσασθε. εἰ μὲν ἀπογνώ-
 σεσθε, ἐπὶ τοῖς λέγουσι τὸ βουλευτήριον ἔσται, ἐὰν δὲ
 καταγνώτε, ἐπὶ τοῖς ἰδιώταις· ἑορακότες γὰρ οἱ πολ-
 λοὶ διὰ τὴν τῶν λεγόντων πονηρίαν τὴνδ' ἀφηρη-
 μένην τὴν βουλήν τὸν στέφανον, οὐχὶ προήσονται 605
 τούτοις τὰς πράξεις, ἀλλὰ τὰ βέλτιστ' ἐροῦσιν αὐ-

διὰ γὰρ τούτους] 'It was owing to these men (A. and his associates) that the administration of the senate has not been worthy of a crown.' βεβούλευκεν, sc. ἡ βουλή, as in § 16.

§ 37. οὐ μὴν ἀλλὰ] 'Not but that,' is here somewhat unusually followed by an imperative θεάσασθε. The orator probably had in his mind οὐ μὴν ἀλλὰ μᾶλλον συμφέρεται, then altered the expression to the more vivid ὅσῳ μᾶλλον συμφέρεται θεάσασθε. K. translates 'however.'

καταγνοῦσιν] For the participle with συμφέρεται, Schaefer compares Herod. viii. 87, ἔδοξε οἱ τότε ποιῆσαι, τὸ καὶ συνήεικε ποιησάσῃ. Add Soph. Oed. Tyr. 316 φρονεῖν ὡς δεινὸν ἔνθα μὴ τέλη | λύει φρονούντι. Lys. Or. 25 § 27, οἷς οὐδὲ ἄπαξ ἔλυσιτέλησε πειθομένους. [Plat.] i. Alcib. 113 D, σκοποῦσιν ὀπότερα συνοίσει πράξασιν, and again, πολλοῖς δὴ ἔλυσιτέλησεν ἀδικήσασιν μέγαλα ἀδικήματα. (From Jelf, *Synt.*, § 691, who however, is not happy in his explanation.) In this class of phrases the participle is more forcible than the infinitive: as Stein well puts it in his note on the passage in Herodotus, it expresses the reflex

action (*Doppelwirkung*) of the deed when done: in the present instance, not merely, 'it is your interest to condemn' (καταγνώσκειν), but 'when you have condemned (καταγνοῦσιν) you will reap the benefit of it.' The low moral tone of the passage shows us Demosth. at his worst: the jury who sit to dispense justice are openly invited to give a verdict in accordance with interest. It is πρᾶγμα ῥάδιον (below, § 42).

ἐπὶ τοῖς ἰδιώταις] 'It (the senate-house) will be ruled by the ordinary (or 'silent') members, opposed to οἱ λέγοντες, οἱ ῥήτορες. In de Fals. Leg. p. 346, § 17=19, τὸ γὰρ βουλευτήριον μεστὸν ἦν ἰδιωτῶν, they are) (βουλευταί, and Shilleto quotes Aeschin. Ctes. § 125, μεταστησάμενος τοὺς ἰδιώτας, 'having ordered strangers to withdraw.' Another usage of ἰδιώτης was noticed above on § 25. Again, in Nicostr. p. 1247, § 2, it is 'the individual,' as distinguished from the state.

προήσονται τούτοις τὰς πράξεις] Comp. F. L. p. 391 § 161=178, τὰ ἐν Θράκῃ προειμένοι, 'leaving matters in Thrace to take their course.' Another sense of προῖσθαι, common in Demosthenes, is to 'risk or lend'

τοί. εἰ δὲ γενήσεται τοῦτο καὶ τῶν ἠθάδων καὶ συν-
εστηκότων^b ῥητόρων ἀπαλλαγέσθε, ὄψεσθε, ὧ
ἄνδρες Ἀθηναῖοι, πάνθ' ἃ προσήκει γιγνόμενα. ὥστ'
εἰ μηδενὸς ἄλλου ἔνεκα, διὰ ταῦτα καταψηφιστέον.

38 Ὁ τοίνυν ἔτερον δεῖ μὴ λαθεῖν ὑμᾶς, ἀκούσατε.
ἴσως ἀναβήσεται καὶ συνερεῖ τῇ βουλῇ Φίλιππος καὶ
Ἀντιγένης καὶ ὁ ἀντιγραφεὺς καὶ τινες ἄλλοι, οἵπερ

^b παρεστηκότων Z Bens. cum ΣΤΩστν.

money, the hazardous nature of ancient commerce suggesting the notion of 'throwing it away.' So pro Phorm. p. 946 § 6, τοὺς ἄλλους χρῆστας οἷς προειμένος ἦν. Dionysodor. §§ 2, 48, 50.

τῶν ἠθάδων καὶ συνεστηκότων ῥητόρων] If this reading is right, the meaning will be 'the old confederacy of orators' as R. W. translates: *συνεστ.* 'banded together.' There is, however, good MS. authority for *παρεστηκότων*, nearly = *παρόντων*, 'the old set of orators always on the spot' (*bei der Hande*, Benseler): and this I rather prefer. Thus early in his career, Demosthenes is already in marked opposition to 'the other orators.'—*ἠθὰς* is the only form in poetry, *ἔθὰς* more usual in prose: see Shilleto on Thucyd. ii. 44 § 3, where he has not failed to notice the double reading of Σ in the present passage.

§§ 38—41. The speaker now passes from Androtion's presumed defence of himself to the pleas which others may be expected to urge in his behalf. And first,

§§ 38, 39. *Those who, as leading members of the senate now under censure, or as auditors of the public accounts, are responsible for the loss by embezzlement, will no doubt speak in*

favour of Androtion and of the senate. But it is themselves that they will really be defending. If you acquit him, you will be granting an indemnity to all his accomplices; you will never be able to bring any one of them to justice. Resent their interference as that of men who are trying to deceive you in their own interest.

§ 38. ἀναβήσεται καὶ συνερεῖ] 'Will mount the Bema and plead the cause of the senate:' the verb as usual agreeing with the nearest subject Φίλιππος though τινὲς ἄλλοι are included. The present of *συνερεῖ* is *συναγορεύω* (de Rhod. Lib. p. 194 § 15, Polyel. p. 1207 § 6), or *συνηγورῶ* (de Cor. Trierarch. p. 1232 § 16, 1233 § 18), agreeably to the rule laid down by Cobet, *Var. Lect.* pp. 35—39. Compare his *Nov. Lect.* p. 778, Sandys on Demosth. Callicles, p. 1273 § 4.—Nothing is known of the men here mentioned.

ὁ ἀντιγραφεὺς] The short account of the ἀντιγραφεῖς, checking-clerks, *contrarotulatores*, *contrôleurs*, in *Dict. Antiq.* s.v. Grammateus, may be supplemented by some additional particulars from Caillémer's article 'Antigraphis' in Daremberg and Saglio.

It seems to have been a rule

ἐκεῖ δι' ἑαυτῶν εἶχον μετὰ τούτου τὸ βουλευτήριον καὶ τούτων τῶν κακῶν εἰσιν αἴτιοι. δεῖ δὴ πάντας ὑμᾶς γινώσκειν ὅτι τούτοις ἐστὶ μὲν ἡ πρόφασις τῆς συνηγορίας τῇ βουλῇ βοηθεῖν, τῇ δ' ἀληθείᾳ ὑπὲρ αὐτῶν ἀγωνιοῦνται καὶ τῶν εὐθυνῶν, ἃς αὐτοὺς προσήκει 39 δοῦναι τῶν πεπραγμένων. ἔχει γὰρ οὕτως. ἂν μὲν ἀπογνώτε τὴν γραφὴν ταύτην, ἅπαντές εἰσιν ἀπηλλα-

in all Athenian finance, municipal and national, that wherever there was a *ταμίης*, dispenser, treasurer, or paymaster, there was by his side an *ἀντιγραφεὺς* to check his expenditure. Thus it is proved by inscriptions that there was an *ἀντιγραφεὺς* to each deme: and a general in the field disposed of his own military chest subject to a like control (Demosth. *de Chers.* p. 101 § 47, where, however, the word *ἀντιγραφεὺς* does not occur). Of the two chief officers who bore this name, the *ἀντιγραφεὺς τῆς διοικήσεως* attached to the principal finance minister (see on Lycurgus, above § 35 *n.*), and the *ἀντιγραφεὺς τῆς βουλῆς*, the latter must here be meant. I find it impossible to agree with Boeckh (*P. E.* bk. II. note 162), that Harpocration is mistaken, and that the present passage relates to subordinate checking-clerks; or that there were three principal *ἀντιγραφεῖς* as Boeckh also states (*P. E.* p. 186), on the authority of Suidas, who has confounded the *ἀντιγραφεὺς* with the *γραμματεὺς*, or secretary of the senate, who prefixed his name to its decrees: or that there was only one, as Schoemann seems to hold in his latest work (*Antiq.* p. 378, note 4). It seems clear that the

ἀντιγραφεὺς was distinguished from the *γραμματεὺς*, by checking financial matters only, not proceedings generally: and that Harpocration is right when he says, quoting good authorities: *Διπτοὶ δὲ ἦσαν ἀντιγραφεῖς, ὁ μὲν τῆς διοικήσεως, ὡς φησι Φιλόχορος, ὁ δὲ τῆς βουλῆς, ὡς Ἀριστοτέλης ἐν Ἀθηναίων πολιτείᾳ.*

ὅπερ ἐκεῖ—τὸ βουλευτήριον] 'Who then with the defendant used to manage the senate-house.' It is agreed that ἐκεῖ here = τότε, a sense of which I cannot find another undoubted example: Soph. *Philoct.* 395, and Eurip. *Ion.* 546, 554, have been quoted, but all three passages may be explained otherwise: see Mr Paley's notes on each. 'ἐκεῖ καὶ ἐπὶ χρόνου τάσσεσθαι, docetur *Anecd.* Bekk. p. 188, init.' G. H. Schaefer.—Demosth. says several times δι' ἑαυτοῦ ἔχειν for 'to hold in one's hands': Funkhaenel adduces de Rhod. Lib. p. 194 § 14, δι' αὐτῶν εἶχον τὴν πόλιν. Olympiod. p. 1171, § 15, τὸ ἀργύριον τοῦθ' ἅπαν εἶχεν αὐτὸς δι' ἑαυτοῦ ὁ ἄνθρωπος. de Cor. Trierarch. p. 1234 § 22, πάντα δι' αὐτῶν ποιοῦνται (not to be construed as if it were ποιοῦσιν).

§ 39. ἂν μὲν ἀπογνώτε] Here, to 'dismiss' the impeachment, τὴν γραφὴν: more usually to 'acquit' the defendant, *c.* genit. pers. like καταγινώσκειν.

γμένοι καὶ δίκην οὐδεὶς οὐδεμίαν μὴ δῶ· τίς γὰρ ἔτ' ἂν καταψηφίσαιτο ἐκείνων, τὴν βουλήν ὑμῶν ἐστεφανώκωτων, ἧς οὗτοι προέστασαν; εἰ δὲ καταγνώτε, πρῶτον μὲν τὰ εὖορκα ἔσεσθ' ἐψηφισμένοι, εἴτ' ἐπὶ ταῖς εὐθύναις ἕκαστον τούτων λαμβάνοντες, ὅς μὲν ἂν ὑμῖν ἀδικεῖν δοκῆ, κολάσετε, ὅς δ' ἂν μὴ, τότ' ἀφήσετε. μὴ οὖν ὡς ὑπὲρ τῆς βουλῆς λεγόντων καὶ τῶν πολλῶν ἀκούετε, ἀλλ' ὡς ὑπὲρ αὐτῶν παρακρουόμενοις ὀργίζεσθε.

40 Ἐπι τοίνυν Ἀρχίαν οἶμαι τὸν Χολαργέα (καὶ γὰρ οὗτος ἐβούλευε πέρυσιν) ὡς ἐπιεικῆ δεήσεσθαι καὶ συν-

Compare [Demosth.] Theocrin. p. 1327 § 17, οὐ καλῶς ἔχει ταύτην ἀπογιγνώσκειν τὴν ἔνδειξιν: on the other hand, ἀπογινῶναι τῆς δίκης, c. Phorm. p. 913 § 22, p. 920 § 45, *Anecd.* Bekk. p. 183, 24: Ἀπογιγνώσκειν ἀφείναι τῶν ἐγκλημάτων.

κολάσετε] The active form, as always in the Orators; κολάσομαι Xenophon, Plato: contr. κολῶμαι, apparently only in Aristophanes. "The quotations of fut. act. will show that Hemsterhuis and Porson were quite wrong in asserting that 'the Attics use only the mid. fut. of this verb,' and that Buttmann, Passow, and even Poppo are scarcely right in calling the mid. fut. 'usitator.'" Veitch, s. v.

καὶ τῶν πολλῶν] Of course to be joined with ὑπὲρ τῆς βουλῆς: *et populi*, as Jerome Wolf and Kennedy; rather than *maximae partis senatus*, as Jurinus, Funkhaenel, Dindorf.

§§ 40, 41. *Archias also, a member of last year's senate, who poses as an honest man, will probably intercede for Androtion.*

But you can ask him a few pertinent questions. If he justifies the conduct of the senate, what becomes of his character for honesty? if his advice was not listened to, what can he say for his colleagues? if he held his tongue, he connived at their proceedings.

§ 40. τὸν Χολαργέα] His deme was Χόλαργος or Χολαργία, of the tribe Acamantis. The names of the demotae occur much oftener than those of the demes, both in authors and inscriptions: hence there is often an uncertainty about the latter.

ἐπιεικῆ] In Demosth. 'honest, well-principled, respectable,' c. Phorm. p. 915 § 30 ἵν' ἐπιεικεῖς δοκῶσιν εἶναι περὶ τὰ συμβόλαια, *Laecrit.* p. 925 § 7 οἰόμενος εἶναι ἐπιεικεῖς ἀνθρώπους καὶ οἰοὶ περ προσεποιούντο καὶ ἔφασαν εἶναι: in both these instances of commercial honesty. Theocrin. p. 1343 § 66 ἐπιεικῆ δόξαν ἔχων ἐτελεύτησεν of general respectability. In Plato still more indeterminate, simply = ἀγαθός, as I have noted on Protag. 336 d. Adv. ἐπιεικῶς 'tolerably,' both

ερεῖν αὐτοῖς. ἐγὼ δ' οἶμαι δεῖν^ο ὡδί πως ἀκούειν Ἄρχιου, ἐρωτᾶν αὐτὸν ταῦτα, ἃ κατηγοροῦνται τῆς βουλῆς, πότερ' αὐτῷ δοκεῖ καλῶς ἔχειν ἢ κακῶς· κὰν μὲν φῆ καλῶς, μηκέτι τὸν νοῦν ὡς ἐπιεικεῖ προσέχειν, ἂν δὲ κακῶς, τί δὴ ταῦτ' εἶα φάσκων
606
41 ἐπιεικῆς εἶναι, πάλιν αὐτὸν ἐρωτᾶτε. κὰν μὲν ἐναντία λέγειν φῆ, μηδένα δ' αὐτῷ πείθεσθαι, ἄτοπον δήπου νῦν λέγειν ὑπὲρ τῆς τὰ βέλτιστα οὐχὶ πειθομένης ἑαυτῷ βουλῆς· ἂν δὲ σιωπᾶν, πῶς οὐκ ἀδίκει, εἰ παρὸν ἐξαμαρτάνειν μέλλοντας ἀποτρέπειν τοῦτο μὲν οὐκ ἐποίει, νῦν δὲ λέγειν τολμᾶ ὡς δεῖ τοὺς τοσαῦτα κακὰ εἰργασμένους στεφανῶσαι;

42 Οἶμαι τοίνυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν λόγων, ὅτι ταῦτα πάντ' αὐτῷ διὰ τὰς εἰσπράξεις γέγονεν, ἅς ὑπὲρ ὑμῶν ὀλίγους εἰσπραῖσαι φήσει πολλὰ χρήματ' ἀναιδῶς οὐ τιθέντας. καὶ κατηγορή-

^ο add ὑμᾶς Z Bekk.

in Plato and the Orators, Shil-
leto, de F. L. p. 450 § 340 =
392.

δεῖν ὡδί πως ἀκούειν Ἄρχιου] 'You ought, I think, when you hear Archias, to do something of this sort.' Dindorf and Benseler here follow Σ in omitting ὑμᾶς, which even the Zurich editors retain.

ἐρωτᾶν...ἐρωτᾶτε] The construction changed for the sake of variety: see above § 36. The argument is ingenious but sophistical: the charges against the senate (ἃ κατηγοροῦνται τῆς βουλῆς) are assumed as proved.

§ 41. ἐναντία λέγειν] Of course an imperfect infinitive, though Funkhaenel goes out of his way to deny the fact: cf. § 25. The reading ἀντιλέγειν has slight MS. authority, but is preferred by Cobet, *Nov. Lect.*

p. 523, and is certainly neater. MENANTIAETEIN passes easily into MENENANTIAETEIN.

§§ 42—46. As a last argument, Androtion will represent himself as a martyr to public spirit. He had charged himself with the unpopular task of collecting arrears of property tax: hence all this has come upon him. If you convict him, he will argue, nobody who does not like it need pay taxes at all. But reflect, first, that this is not the question which you are sworn to try: and secondly, that the paltry amount of seven talents that he has recovered for you is nothing compared with the question whether the laws are to be in force.

§ 42. ὀλίγους...πολλὰ χρήματα] ὀλίγους, for which Jerome Wolf

σει τούτων, πρᾶγμα ῥάδιον, οἶμαι, διαπραξάμενος, τῶν μὴ τιθέντων τὰς εἰσφορὰς, καὶ φήσει πᾶσαν ἄδειαν ἔσεσθαι τοῦ μὴ τιθέναι τὰς εἰσφορὰς, εἰ
 43 καταψηφιεῖσθε αὐτοῦ^α. ὑμεῖς δ', ὧ ἄνδρες Ἀθηναῖοι, πρῶτον μὲν ἐκεῖνο ἐνθυμείσθε, ὅτι οὐ περὶ τούτων δικάσειν ὁμωμόκατε, ἀλλ' εἰ κατὰ τοὺς νόμους τὸ ψήφισμα εἶπεν, εἴθ' ὅτι πάνδεινόν ἐστι, κατηγορίαν ποιούμενον ὡς ἀδικοῦσί τινες τὴν πόλιν, αὐτὸν ἀξιοῦν ὧν ἀδικεῖ μειζόνων ὄντων μὴ δοῦναι δίκην· πολὺ γὰρ δήπου μείζον ἐστ' ἀδίκημα γράφειν
 44 παρὰ τοὺς νόμους ἢ τὴν εἰσφορὰν μὴ τιθέναι. ὅτι τοίνυν οὐδ' εἰ φανερώς ἔμελλεν ἀλόγτος τούτου μηδεὶς εἰσοίσειν μηδ' ἐθελήσειν εἰσπράττειν, οὐδ' οὕτως ἀποψηφιστέον, ἐκ τῶνδε γνώσεσθε. ὑμῖν παρὰ τὰς εἰσφορὰς τὰς ἀπὸ Ναυσινίκου, παρ' ἴσως τάλαντα

^α καταψηφιεῖσθε αὐτοῦ Ζ. καταψηφιεῖσθ' αὐτοῦ Bens.

proposed *ἐνλοις*, is not said in disparagement of A.'s services, as G. H. Schaefer imagined: for Benseler rightly points out that the words are put into his own mouth (*φήσει*). The argument that a few rich and unscrupulous men were not ashamed to withhold large sums due to the public, and to persecute him for compelling them to disgorge, A. thought likely to weigh with an Athenian jury, always ready to suspect oligarchical insolence. Hence also *πρᾶγμα ῥάδιον*.

διαπραξάμενος] Dobree corrects *διαπραττόμενος* and brackets *τῶν μὴ τιθέντων τὰς εἰσφορὰς*. Cobet, who approves of both changes, remarks on Dindorf's neglect of Dobree, 'quo nemo melior Demostheni interpret et emendator obtigit.' Dobree is, of course, a man after Cobet's

own heart as a contemner of the MSS.: but in the present case I believe them to be right.

ἄδειαν...τοῦ μὴ τιθέναι] 'impunity for non-payment' of the property-tax. In Timocr. § 31 *ἄδειον τοῦ μὴ τι παθεῖν ἀηδὲς ἢ δεινὸν* there is a different shade of meaning; *ἄδεια* is referred to the penalty, not the offence, 'exemption from unpleasant or serious consequences.' For the legal sense of *ἄδεια*, 'a vote of the people promising indemnity,' see *Dict. Antiq.* s. v.

§ 43. *πάνδεινον...κατηγορίαν ποιούμενον...αὐτὸν ἀξιοῦν*] 'it is monstrous in one who complains of others wronging the state to expect to escape punishment himself.'

§ 44. *παρὰ τὰς εἰσφορὰς τὰς ἀπὸ Ναυσινίκου*] 'Upon all the [property] taxes from the time of Nausinicus,' K. rightly. Παρὰ

τριακόσια ἢ μικρῶ πλείω, ἔλλειμμα^ο τέτταρα καὶ δέκα ἐστὶ τάλαντα, ὧν ἑπτὰ[†] οὗτος εἰσέπραξεν, ἐγὼ 607 δὲ τίθημι ἅπαντα. ἐπὶ μὲν δὴ τοὺς ἐκόντας τιθέντας οὐ δεῖσθε Ἀνδροτίωνος, ἐπὶ δὲ τοὺς ἐλλείποντας. 45 ἔστι τοίνυν ὑμῖν νυνὶ σκεπτέον εἰ τοσούτου τιμᾶσθε τὴν πολιτείαν καὶ τοὺς κειμένους νόμους καὶ τὸ εὐορκεῖν· εἰ γὰρ ἀποψηφιεύσθε τούτου φανερώς οὕτω

^ο ἔλλειμματα Z Bens. cum libris praeter k.

[†] ἑπτὰ τάλαντα Z Bens. cum ΣΤΩkrs.

expresses proportion,—‘according to,’ Jelf § 636, iii. k. quoting Lept. p. 467 § 32 *παρὰ τὰς τριάκοντα μυριάδας δίδωσιν ὑμῖν μυρίους μεδίμνους*, ‘on every 300,000 bushels gives you 10,000.’ [Demosth.] Erot. p. 1402 § 4 *παρὰ τοὺς χρωμένους τὸ πλεῖστον διαλλαττόντων*, ‘(circumstances) differing according to the use made of them.’ Thucyd. viii. 29. 2 *παρὰ πέντε ναῦς* is however wrongly referred to this head, and translated ‘for every five ships’; the meaning is *within* five ships, i.e. allowing pay for five ships over, 60 when there were really only 55. (Classen’s acute handling of this difficult passage is well worth study.)

The archonship of Nausinicus falls B.C. 378—7 (the Athenian year beginning in July) at the breaking out of the war called in § 15 ‘the last war with the Lacedaemonians.’ The *εἰσφορά* was then remodelled and the *συμμορίαὶ* introduced for the first time. Boeckh treats this subject at great length in *P. E.* book iv. chs. vii.—ix.: the results are given more clearly, as well as concisely, in *Dict. Antiq.* s.v. *Eisphora*. Compare also Grote ch. 77 (vii. p. 100 ff.). Schoemann, *Antiq.* p. 457 f. The

present passage is discussed by Grote, in opposition to Boeckh, in an excellent note (vii. p. 102 ed. 1862). Boeckh thought that the whole 300 talents here mentioned were levied in the single year of Nausinicus’ archonship: this looks, as Grote observes, as if he adopted the reading *ἐπὶ Νausινίκου* (Taylor’s conjecture, approved by Reiske). Grote on the other hand gives good reasons for his opinion that ‘a total sum of 300 talents or thereabouts, had been levied (or called for) by all the various property taxes imposed from the archonship of Nausinicus down to the date of the speech,’ a period of about 23 years. This, it must be added, is the only admissible rendering of *ἀπό*.

ἐγὼ δὲ τίθημι ἅπαντα] ‘I will assume however that he levied the whole.’ In Timocr. § 162, where the argument is precisely similar, the amount of arrears collected by Androtion and his associates (*οὔτοι*, including Timocrates himself) is reduced to five talents.

§ 45. *εἰ τοσούτου τιμᾶσθε*] ‘Whether you value the constitution and the established laws and the observance of your oaths at this (miserable) price of 7 or even 14 talents.’

παρὰ τοὺς νόμους εἰρηκότος, δόξετε πᾶσι τὰ χρήματα ταῦτα ἀντὶ τῶν νόμων καὶ τῆς εὐορκίας ἡρῆσθαι. ἂ οὐδ' ἂν εἰ παρ' ἑαυτοῦ δοίη τις ὑμῖν, λαβεῖν ἄξιον, 46 μὴ τί γε ἐφ' ᾧ ἑτέρους εἰσπράττειν. ὥσθ' ὅταν ταῦτα λέγη, μέμνησθε τῶν ὄρκων καὶ τὴν γραφὴν ἐνθυμείσθε, ὅτι νῦν οὐ περὶ πράξεως εἰσφορῶν ἐστὶν, ἀλλ' εἰ δεῖ κυρίους εἶναι τοὺς νόμους. καὶ περὶ τούτων μὲν, ὃν τρόπον ὑμᾶς ἀπαγαγὼν ἀπὸ τοῦ νόμου παρακρούεσθαι ζητήσῃ, καὶ ἂ πρὸς ταῦθ'

ἂ οὐδ' ἂν εἰ] i.e. ἂ οὐδ' ἂν ἄξιον (εἴη) λαβεῖν, εἰ κ.τ.λ. An elliptical construction common with *kān* εἰ, ὥσπερ ἂν εἰ. Comp. on Protag. 328 A.

παρ' ἑαυτοῦ] 'out of his own pocket' (§ 48), an allusion to the *ἐπιδόσεις* or voluntary contributions with which the necessities of the state were met in times of pressure. For these see Boeckh, *P. E.* book iv. ch. 17, or *Dict. Antiq.* s. v. *Epidoseis*, where examples are given. The most striking instance is perhaps that of Demosthenes himself, who besides other liturgies (like the choregia well known through the Speech against Midias) 'gave on different occasions three trimemes, and also at one time eight talents, to which he afterwards added three more for the building of the walls, one talent after the battle of Chaeroneia, and another for the purchase of corn.' Boeckh, p. 587. Besides this, his ransoming of Athenian prisoners in Macedonia is noticed with complacency by himself, de Fals. Leg. p. 394 §§ 169, 170 (=186, 187 R. S.): with ridicule by Aeschines, de F. L. § 100.

μὴ τί γε] Sc. εἰ δοίη, 'much less, assuredly, on condition of

collecting it from others.' For this use of *μὴ τι*, generally followed by *γε* and often also by *δή*, see Jelf *Synt.* § 762, Madvig *Synt.* § 212. The principle is the same as that of *οὐχ ὅτι, μὴ ὅτι*, i.e. *οὐ λέγω ὅτι, μὴ λέγε (λέγειν) ὅτι*. The phrase recurs § 53 extr. de F. L. p. 383 § 137 = 150.

§ 46. *περὶ πράξεως εἰσφορῶν*] 'the question is not about the exaction of property taxes,' for which he used *εἰσπραξις, εἰσπράττειν* above. So in a *συγγραφὴ* or agreement ap. Demosth. Lacrit. p. 926 § 12 *ἔστω ἡ πρᾶξις τοῖς δανείσασσι* 'it shall be lawful for the lenders to levy the amount by execution:'. Dionysodor. p. 1296 § 45 *τὴν δὲ πρᾶξιν εἶναι καὶ ἐξ ἑνὸς καὶ ἐξ ἀμφοῖν*, 'the borrowers shall be jointly and severally liable.'

ἀπὸ τοῦ νόμου] The law 'de senatucoronando': Funkhaenel, Benseler.

πρὸς ταῦθ'] 'in reply to this:'. 'when he urges these points,' R. W.

§§ 47—78. Second main division of the speech. Androtion's assumed line of defence has now been disposed of, and the orator proceeds to an arraignment of his whole political career. Al-

ὕμᾱς μνημονεύοντας μὴ ἐπιτρέπειν προσήκει, πολλὰ λέγειν ἔχων ἔτι, καὶ ταῦθ' ἱκανὰ εἶναι νομίζων, εἴσω.

47 Βούλομαι δὲ καὶ τὰ πολιτεύματα ἐξετάσαι τοῦ καλοῦ κάγαθοῦ τούτου, δι' ὧν οὐκ ἔσθ' ὅ τι τῶν δεινοτάτων ἑλλιπῶν^ε φανήσεται· καὶ γὰρ ἀναιδιῇ καὶ θρασύν καὶ κλέπτῃν καὶ ὑπερήφανον καὶ πάντα μᾶλλον ἢ ἐν δημοκρατίᾳ πολιτεύεσθαι ἐπιτήδειον ὄντ' αὐτὸν δείξω^η. καὶ πρῶτον μὲν, ἐφ' ᾧ μέγιστον φρονεῖ, τὴν τῶν χρημάτων εἴσπραξιν ἐξετάσωμεν

^ε ἑλλείπων Z Bekk. Bens. cum ΣΦΤΩstv.

^η ἀποδείξω Z Bekk. cum Frt.

most the whole of these sections is repeated in the Timocrates: and they fall naturally into two subordinate divisions. (i) The collection of arrears due to the state, for which he takes credit as a public benefactor, was really a display of brutality and dishonesty worthy of the worst times of oligarchical oppression (§§ 47—68); (ii) and the rest of his acts are of a piece with it, especially his treatment of the sacred utensils. By melting down the golden crowns presented to the state, and recasting them as paterae or cups, he not only obliterated inscriptions commemorative of the glories of Athens, and the gratitude of our allies, but opened the door to the grossest fraud and waste of the precious metal (§§ 69—78).

§§ 47—50. *I will prove him to have stopped short of nothing that is atrocious: that by his shameless robberies and his overbearing conduct he is anything but fit to be a statesman in a democracy. Witness his treatment of Euctemon, whom he falsely accused of retaining balances due*

to you, got you to depose him from the office of collector to which he had been chosen by lot, and crept into his place—with what object you will soon see.

§ 47. τὰ πολιτεύματα—τούτου] 'to examine the political conduct of this worthy fellow' K. or 'honourable man,' καλὸς κάγαθος as in § 32. It has been remarked (on § 23) that cross-examination was little known at Athens: hence, probably, the free resort to the διαβολὴ τοῦ προσώπου as the Scholiast calls it, or abuse of the other side. Cicero's invectives against Gabinius and Piso, the consuls who allowed him to be banished, are well-known examples of the Roman license in public speaking. Compared with 'cross-examination to character,' pushed to the lengths it has lately been in English courts, the ancient practice may be pronounced the milder form of torture.

καὶ πρῶτον μὲν] This passage, ending with εἰς τὸ δεσμοτήριον ἔλκεσθαι in the middle of § 56, is repeated with a few verbal alterations in Timocr. §§ 160—168.

αὐτοῦ, μὴ τῇ τούτου προσέχοντες ἀλαζονείᾳ τὸν νοῦν, ἀλλὰ τὸ πρᾶγμα, οἷον γέγονε τῇ ἀληθείᾳ, σκο-
 48 ποῦντες. οὗτος Εὐκτῆμονα φήσας τὰς ὑμετέρας ἔχειν
 εἰσφορὰς, καὶ τοῦτ' ἐξελέγξειν ἢ παρ' ἑαυτοῦ κατα-
 θήσειν ὑποσχόμενος¹, καταλύσας ψηφίσματι κλη- 608

¹ ὑποσχόμενος om. Z cum pr. Σ. Ita Cob. Misc. Crit. pp. 524, 531.

§ 48. παρ' ἑαυτοῦ καταθήσειν] An appeal to the cupidity of his hearers which was not likely to fail of its object, especially in those times. With all their dread of *συκοφαντία*, and hatred of the person of the informer, the Athenians were ready to listen to any proposal which promised to fill the public treasury, so large a portion of which, under the forms of the *δικαστικόν*, *θεωρικόν*, and *μισθὸς ἐκκλησιαστικός*, flowed into their own pockets. Whether it was a charge of malversation against a high official, or of concealment of property to the most trifling amount against a state debtor of the poorer class, they were ready to receive any statement of claim (*ἀπογραφὴ*) which might lead to fines and confiscations. The speech against Nicostratus affords a good illustration of the latter class: cf. *Dict. Antiq.* s. v. *ἀπογραφή*. The extreme severity of the Athenian laws against any usurpation of the privileges of a citizen by the *ἄτιμοι*, or by aliens, whether *ξένοι* or *μέτοικοι*, had a like origin. Hence also the jealousy with which the lists of its citizens were revised by the members of each deme. The strongest case on record appears to be that of Pyrrhus, a member of the noble family of the Eteobutadae, who was prosecuted by *ἐνδείξις* for acting as a dicast when under disfranchisement,

and actually put to death, though the crime was committed under stress of poverty (Demosth. Mid. p. 573 § 182). The sovereign people, a democracy within itself, was a close corporation as regarded outsiders, and 'the fewer the better cheer' was one of its ruling principles. And like many tyrants recorded in history, it treated informers as favourites who were to be first encouraged in oppression on condition of sharing their gains, and then squeezed dry, with much show of virtuous indignation and the reality of a double profit. On this weak side of the Athenian character C. R. Kennedy has some good remarks, *Dict. Antiq.* s. v. *Sycophantes*.

The tendency to encourage prosecutions was likely to be at its height when the revenue was at its lowest: and the period of the 105th and 106th Olympiads (B.C. 360—353), within which this speech falls, was that of the greatest impoverishment of the Athenian treasury (Boeckh, *P. E.* p. 435). To this period belong the remodelling of the trierarchy in 358, by which the smaller fry no longer escaped through the meshes of the financial net: and the law of Leptines about 357-6 (opposed, unsuccessfully as it would seem, by Demosthenes in his great speech), which for the sake of an insignificant increase of

ρωτὴν ἀρχὴν ἐπὶ τῇ προφάσει ταύτῃ ἐπὶ τὴν εἴσπρα-
ξιν παρέδν. δημηγορίας δ' ἐπὶ τούτοις ποιούμενος,
ὡς ἔστι τριῶν αἴρεσις^k, ἣ τὰ πομπεία κατακόπτειν

^k add ὑμῶν Bekk, cum libris praeter pr. Σ.

revenue abolished exemptions to which the public faith was pledged.

καταλύσας ψηφίσματι κληρωτὴν ἀρχὴν] Explained already on τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν § 1 n. The κληρωτὴ ἀρχή is that of ἐκλογεῖς, as to which there is but little information. The word ἐκλογεῖς appears to occur among classical writers only in a fragment of Lysias (Reiske's *Index*, not in L. and S.): but it is noticed by Harpocration and Suidas, and the equivalent phrase *οἱ ἐκλέγοντες* occurs c. Timocr. §§ 40, 144, *οἱ εἰσπράττοντες* c. Polycl. p. 1209 § 10. The ἐκλογεῖς are probably to be distinguished from the διαγραφεῖς, who kept the lists analogous to our rate-books; and from the ἐπιγραφεῖς or assessors (if the latter name was not rather confined to the tribute from the allies, and had nothing to do with internal taxation). It appears from the grammarians that there were various kinds of ἐκλογεῖς or collectors: (1) extraordinary, appointed when the tribute (φόρος) fell into arrears, to supplement the action of the Hellenotamiae, its regular administrators: these were taken from the richer classes, and could not, therefore, have been a κληρωτὴ ἀρχή (Boeckh, *P. E.* p. 156-7): (2) ordinary, who collected the εἰσφορά under the ἡγεμόνες τῶν συμμοριῶν (Westermann *ap.* Pauly, s. v. ἐκλογεῖς). It was doubtless an office of the latter class, open to all fully enfran-

chised citizens by lot, without reference to the amount of their property, that Euctemon held.

It is impossible not to agree with Prof. Mahaffy (*Social Life in Greece*, passim) as to the proneness of the Greeks, not excepting the Athenians, to dishonesty and especially to the embezzlement of public money: see further, notes on Timocr. §§ 79, 193. In the absence of property qualification implied by a κληρωτὴ ἀρχή the safeguards against this were (1) as in modern times, the giving of security: *οἱ ἐγγυώμενοι* are joined with *οἱ ἐκλέγοντες* Timocr. *ll. cc.*: (2) the readiness of the Athenians to inflict capital punishment for slight offences against property, not tempered (as in England in the early part of the present century) by any reluctance on the part of juries to convict.

παρέδν] So de Cor. p. 252 § 79 ἐκείνος εἰς Πελοπόννησον παρεδύετο, Philip 'was trying to creep into the Peloponnese,' establish a footing there. Aeschin. Ctes. § 37 τοιοῦτον ἔθος παραδέδυκεν εἰς τὴν ὑμῶν πολιτείαν.

τριῶν αἴρεσις] The 'three courses' offered by Androtion to the choice of the Athenians are to break up (and melt down) the sacred plate, to have a new εἰσφορά, or to demand payment of those in arrear. With τοὺς ὀφείλοντας supply τὰς εἰσφοράς understood from εἰσφέρειν: the double accusative is expressed

ἡ πάλιν εἰσφέρειν ἢ τοὺς ὀφείλοντας εἰσπράττειν,
 49 αἰρουμένων εἰκότως ὑμῶν τοὺς ὀφείλοντας εἰσπράτ-
 τειν, ταῖς ὑποσχέσεσι κατέχων, καὶ διὰ τὸν καιρὸν
 ὃς ἦν τότε ἔχων ἐξουσίαν, τοῖς μὲν κειμένοις νόμοις
 περὶ τούτων οὐκ ᾤετο δεῖν χρῆσθαι οὐδ', εἰ μὴ τού-
 τους ἐνόμιζεν ἱκανοὺς, ἑτέρους τιθέναι, ψηφίσματα
 δ' εἶπεν ἐν ὑμῖν δεινὰ καὶ παράνομα, δι' ὧν ἡργολάβει
 καὶ πολλὰ τῶν ὑμετέρων κέκλοφε, τοὺς ἔνδεκα γρά-
 50 ψας ἀκολουθεῖν μεθ' ἑαυτοῦ. εἰτ' ἔχων τούτους ἤγευ
 ἐπὶ τὰς τῶν πολιτῶν οἰκίας. καὶ τὸν μὲν Εὐκτῆμονα,
 ὃν εἰσπράξειν ἢ καταθήσειν αὐτὸς ἔφη τὰς εἰσφορὰς,
 οὐδὲν εἶχεν ἐλέγχειν περὶ τούτων, ὑμᾶς δ' εἰσέ-
 πραττεν, ὥσπερ οὐ διὰ τὴν Εὐκτῆμονος ἔχθραν ἐπὶ
 51 ταῦτα ἐλθὼν, ἀλλὰ διὰ τὴν ὑμετέραν. καὶ μηδεὶς

in § 50.—Πομπεῖα, vessels carried in the procession (πομπή) at the Panathenaea: hence in § 74 the goddess herself is said to have been despoiled. The building in which they were kept was called πομπεῖον: it was used for other purposes, c. Phorm. p. 918 § 39.

This passage is enough to prove, if other proof were wanting, that the εἰσφορὰ was an extraordinary contribution levied at irregular intervals: it supports, therefore, Grote's explanation of the τριακόσια τάλαντα § 44, as against the notions that they were either (1) levied in one year or (2) spread over the whole 23 years.

§ 49. τοὺς ὀφείλοντας εἰσπράττειν] τὸ τοὺς Cobet here and || Timocr.

ταῖς ὑποσχέσεσι κατέχων] K. translates somewhat vaguely 'as he had won you by his promises.' κατέχων is rather 'holding you down' and so 'under his thumb,'

completely in his power, ready to follow his dictation, much like δι' ἑαυτῶν εἶχον § 38.

διὰ τὸν καιρὸν] 'because of the crisis,' circumstances of the time; doubtless referring to the Social War (see note on last section).

ἡργολάβει . κέκλοφε] 'he made a job for himself and has largely plundered you' K. Rather 'made jobs.' The imperfect expresses the continuous character of the frauds upon which A. fattened.

τοὺς ἔνδεκα γράψας]. 'putting in a clause that the Eleven should accompany him' implied a coercion bill of a very stringent character: 'ut qui non solveret, statim in vincula daretur,' Funkhaenel. Cf. *Dict. Antiq.* s. v. Hendeca.

§§ 51—55. From the case of Euctemon the orator passes to the general character of Androtion's exactions, expanding the brief statement in § 47 that his conduct was unworthy of a

ὑπολαμβάνέτω με λέγειν ὡς οὐ χρῆν εἰσπράττειν τοὺς ὀφείλοντας. χρῆν γάρ. ἀλλὰ πῶς; ὡς ὁ νόμος κελεύει, τῶν ἄλλων ἕνεκα· τοῦτο γάρ ἐστι δημοτικόν. οὐ γὰρ τοσοῦτον, ὧ ἄνδρες Ἀθηναῖοι, τοσοῦτων χρημάτων τοῦτον τὸν τρόπον εἰσπραχθέντων ὀφέλησθε, ὅσον ἐξημίωσθε τοιούτων ἐθῶν εἰς τὴν πολιτείαν εἰσαγομένων. εἰ γὰρ ἐθέλοιτ' ἕξετάσαι τίνος ἕνεκα μᾶλλον ἂν τις ἔλοιτο ἐν δημοκρατίᾳ ζῆν ἢ ἐν ὀλιγαρχίᾳ, τοῦτ' ἂν εὔροιτε προχειρότατον, ὅτι πάντα πραότερ' ἐστὶν ἐν δημο-
 52 κρατίᾳ. ὅτι μὲν τοίνυν τῆς ὅπου βούλεσθε ὀλι- 609
 γαρχίας οὗτος ἀσελγέστερος γέγονε, παραλείψω.

¹ ἐθέλει' Z Bekk. Bens. θέλει' ΣΤΩης.

democratic statesman. On the contrary it recalls the days of the Thirty, the worst in Athenian history; or rather A. surpassed them in brutality, and treated free citizens worse than slaves.

§ 51. ὡς οὐ χρῆν] 'that payment ought not to have been exacted.' K. omits to mark the tense. The speaker is obliged to argue that the habitual practice of the sovereign people must be right in the main, however much one may criticise it in detail.

τῶν ἄλλων ἕνεκα] 'for the good of the rest': 'of the community in general, not of any particular individual who might happen to be interested,' R. W. Benseler alone takes ἄλλων as neuter, 'on all other accounts.' Cobet *Misc. Crit.* p. 524 writes: 'Quid sit autem τῶν ἄλλων ἕνεκα neque intelligi neque emendare possum.'

τοσοῦτων χρημάτων] The argument of § 45 is repeated: and τοσοῦτων is 'such paltry sums,'

tantula summa, G. H. Schaefer.

§ 52. ἀσελγέστερος] In the orators ἀσελγής, originally perhaps 'untamed' (θέλω), is applied to 'outrageous' conduct in general, either in the direction of (1) brutality, or (2) licentiousness, the usual meaning in later Greek, as in the N. T. For (1) we have Auct. iv. Phil. p. 131 § 2 ἡ μὲν οὖν ἀσελγεία καὶ πλεονεξία, ἣ πρὸς ἅπαντας ἀνθρώπους Φίλιππος χρῆται. Mid. p. 521 § 19 τὰ μὲν οὖν εἰς ἐμὲ καὶ τοὺς φυλέτας ἡσελγημένα of the behaviour of Midias in the theatre: ib. p. 534 § 60 of others more scrupulous than Midias ἅπας τις ὤκνει τῆς ἀσελγείας ταύτης αὐτόχειρ ὀφθῆναι γιγνόμενος. Hyperid. pro Euxen. col. 39, 7 Φιλοκράτη τὸν Ἀγνούσιον, ὃς θρασύτατα καὶ ἀσελγέστατα τῇ πολιτείᾳ κέχρηται For (2) II. Olynth. p. 23 § 19 οὐδ' ἐνθάδε πάντες ἀπήλαινον ὡς πολλὰ τῶν θαυματοποιῶν ἀσελγέστερους ὄντας, Καλλιαν ἐκείνον τὸν δημόσιον καὶ τοιούτους ἀνθρώπους, μίμους γελοίων καὶ ποιητὰς αἰ-

ἀλλὰ παρ' ἡμῖν πότε πώποτε δεινότατα ἐν τῇ πόλει γέγονεν; ἐπὶ τῶν τριάκοντα, πάντες ἂν εἴποιτε. τότε τοίνυν, ὡς ἔστιν ἀκούειν, οὐδεὶς ἔστιν ὅστις ἀπεστερεῖτο τοῦ σωθῆναι, ὅστις ἑαυτὸν οἴκοι κρύψειεν, ἀλλὰ τοῦτο κατηγοροῦμεν τῶν τριάκοντα, ὅτι τοὺς ἐκ τῆς ἀγορᾶς ἀδίκως ἀπήγον. οὗτος^m τοίνυν τοσαύτην ὑπερβολὴν ἐποιήσατο ἐκείνων τῆς αὐτοῦ βδελυρίας ὥστ' ἐν δημοκρατία πολιτευόμενος τὴν ἰδίαν οἰκίαν ἐκάστῳ δεσμωτήριον καθίστη, τοὺς

53 ἔνδεκα ἄγων ἐπὶ τὰς οἰκίας. καίτοι, ὧ ἄνδρες Ἀθηναῖοι, τί οἴεσθε, ὁπότ' ἄνθρωπος πένης, ἢ καὶ πλούσιος, πολλὰ δ' ἀνηλωκὸς καὶ τιν' ἴσως τρόπον εἰκότως οὐκ εὐπορῶν ἀργυρίου, ἢ τέγος ὡς τοὺς γείτονας ὑπερβαίνοι ἢ ὑποδύοιτο ὑπὸ κλίνην ὑπὲρ τοῦ μὴ τὸ

^m οὗτος! Z Bekk.

σχρῶν ἀσμάτων κ. τ. λ. Contr. Phorm. p. 958 § 45 ζῆς ἀσελγῶς ὥστε τοὺς ἀπαντῶντας αἰσθάνεσθαι. The former is evidently the meaning here.

πότε πώποτε] Cobet corrects πότε τῶν πώποτε here and || Timocr. 163, comparing ib. § 16 νόμῳ τῶν πώποτε ἐν ὑμῖν τεθέντων αἰσχίστῳ καὶ δεινοτάτῳ. The constructions are not really parallel, and the addition of the article does not remove, but introduces a harshness.

οὐδεὶς ἔστιν ὅστις ἀπεστερεῖτο τοῦ σωθῆναι] The misdeeds of the Thirty are here extenuated in order to set off those of Androtion. Lysias tells a different tale, c. Eratosth. *passim*, and especially § 8 διαλαβόντες δὲ τὰς οἰκίας ἐβάδιζον καὶ ἐμὲ μὲν ξένους ἐστιῶντα κατέλαβον: cf. c. Agerat. §§ 35—38. In reality, the Thirty selected for

their victims not merely the prominent democratic leaders, but any whose wealth tempted their rapacity. The constitutional maxim that 'an Englishman's house is his castle' was perhaps more strongly asserted in days when the real liberties of the people were less secure than now. I am not aware of any other passage in the Orators where the same assertion is made as to the Athenian law.

τοσαύτην ὑπερβολὴν—βδελυρίας] The sense of this is plain: = τοσοῦτον ὑπερέβαλε τῇ αὐτοῦ βδελυρία τὴν ἐκείνων. The construction has been felt as a difficulty, and no precisely similar passage has been adduced: it may be said that ἐκείνων is gen. after the compound of ὑπὲρ, βδελυρίας after the noun ὑπερβολήν.

σῶμα ἀλοὺς εἰς τὸ δεσμωτήριον ἔλκεσθαι, ἢ ἄλλα ἀσχημονοίη, ἀ δούλων, οὐκ ἐλευθέρων ἐστὶν ἔργα, καὶ ταῦθ' ὑπὸ τῆς αὐτοῦ γυναικὸς ὀρώτο ποιῶν, ἣν ὡς ἐλεύθερος ἠγγυήσατο καὶ τῆς πόλεως πολίτης, ὁ δὲ τούτων αἴτιος Ἀνδροτίων εἶη, ὃν οὐδ' ὑπὲρ αὐτοῦ δίκην λαμβάνειν εἶα τὰ πεπραγμένα καὶ βε-
 54 βιωμένα, μὴ τί γ' ὑπὲρ τῆς πόλεως; καίτοι εἴ τις ἔροιτοⁿ αὐτὸν, τὰς εἰσφορὰς πότερον τὰ κτήματα ἢ τὰ σώματα ὀφείλει, τὰ κτήματα φήσειεν ἂν, εἴπερ ἀληθῆ λέγειν βούλοιο· ἀπὸ γὰρ τούτων εἰσφέρομεν. τίνος οὖν ἔνεκα ἀφίεις τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας καὶ ταῦτ' ἀπογράφειν, ἔδεις καὶ ὕβριζες πολίτας ἀνθρώπους καὶ τοὺς ταλαιπώρους μετοίκους, οἷς ὕβριστικώτερον ἢ τοῖς οἰκέταις τοῖς σαυτοῦ κέχρη-
ⁿ ἔροιτ' Bens.

§ 53. τὸ σῶμα] 'Additum est, ne ἀλοὺς sensu judiciali intelligatur.' G. H. Schaefer: i. e. ἀλοὺς means simply 'caught,' not 'convicted.' This note of Schaefer's answers by anticipation Cobet's proposal to strike out τὸ σῶμα.

ἢ ἄλλα ἀσχημονοίη] 'or commit other improprieties' K. It is rather, 'or be otherwise humiliated,' seen in an undignified plight; not what he *does*, but the unseemliness of his *situation*.

ἠγγυήσατο] The distinction of ἐγγυᾶν and ἐγγυᾶσθαι is brought out in Lex ap. Demosth. II. Steph. p. 1134 § 18 ἣν ἂν ἐγγυήσῃ ἐπὶ δικαίοις δάμαρτα εἶναι ἢ πατὴρ ἢ ἀδελφὸς ὁμοπάτωρ compared with c. Eubul. p. 1311 § 41 ἐγγυᾶται ὁ πατὴρ τὴν μητέρα τὴν ἐμὴν παρὰ τοῦ ἀδελφοῦ αὐτῆς.

οὐδ' ὑπὲρ αὐτοῦ] If he were ἄπιμος, as he deserves to be, his

mouth would be shut: he would have no *locus standi* before the courts.

§ 54. δημεύειν...ἀπογράφειν] 'sequestering lands and houses, and scheduling them' ['sequestering' K. somewhat oddly for a lawyer]. *Dict. Antiq.* s. v. Apographe, and § 48 n.

ὕβριστικώτερον ἢ τοῖς οἰκέταις] 'Even more marked than this abandonment of arms was the strong feeling about ὕβρις, as they called it, about personal violence, which they would not allow even towards slaves... Hence any man, whether concerned [interested?] in the outrage or not, was allowed to prosecute the offender.' Mahaffy's *Social Life in Greece*, ed. 3, p. 390: where further illustrations are given from Aeschin. Timarch. § 17, Isocr. c. Lochit. (Or. 20, *passim*), Demosth. c. Nicostr. p. 1251 § 16, and the tract on the Athenian Polity

55 σαι; καὶ μὴν εἰ ἐθέλοιτε^ο σκέψασθαι τί δούλον ἢ 610
 ἐλεύθερον εἶναι διαφέρει, τοῦτο μέγιστον ἂν εὔροιτε,
 ὅτι τοῖς μὲν δούλοις τὸ σῶμα τῶν ἀδικημάτων ἀπάν-
 των ὑπεύθυνόν ἐστι, τοῖς δ' ἐλευθέροις, κἂν τὰ μέ-
 γιστα ἀτυχῶσιν^ρ, τοῦτό γ' ἔνεστι σῶσαι· εἰς χρήματα
 γὰρ τὴν^α δίκην περὶ τῶν πλείστων παρὰ τούτων
 προσήκει λαμβάνειν. ὁ δὲ τούναντίον εἰς τὰ σώματα,
 56 ὥσπερ ἀνδραπόδοις, ἐποίησατο^γ τὰς τιμωρίας. οὔτω

^ο ἐθέλετε Z Bens. θέλετε B.
 ἀδικούντες Bekk. Illud ΣΤΩς.
^ρ ἐποιεῖτο Z Bekk. Bens. cum Σr.

^ρ μέγιστα τύχωσιν
^α τὴν om. Bens., cum ΣΑΥΩkrs.

(in Xenophon's works, c. i. § 10). The statement of Demosthenes (Mid. p. 529 § 46) that a ὑβρεως γραφή protected the persons of slaves as well as of freemen, is probably to be understood with limitation to the particular kind of ὑβρις referred to by Aeschines l. c. Compare *Dict. Antiq.* s.v. Hybreos Graphé. For the darker side of the treatment of slaves, see Prof. Mahaffy's work, p. 243.

§ 55. κἂν τὰ μέγιστα ἀτυχῶσιν] A much better reading than μέγιστα τύχωσιν ἀδικούντες, but it should be written, with Benseler and Cobet, μέγιστ' ἀτυχῶσιν. The hiatus of α before α is intolerable. Like the euphemistic use of 'wanted' and 'being in trouble' by our policemen and others, ἀτυχεῖν had special reference at Athens to ἀτιμία. A passage in Mid. p. 533 §§ 58—60 is interesting for the feeling it displays on this point. Demosthenes first apologises for naming men in public and alluding to their misfortunes: παραιτήσομαι δ' ὑμᾶς μηδὲν ἀχθεσθῆναι μοι, ἐὰν ἐπὶ συμφοραῖς τινῶν γεγονότων ὀνομαστὶ μνησθῶ, where Butt-

mann notes 'ἐπὶ συμφοραῖς γεγονότες sunt ἠτιμημένοι' [he should have said ἠτιμωμένοι]. He then mentions the cases of Sannio a chorus trainer (οὗτος ἀστρατείας ἤλω καὶ κέχρηται συμφορᾷ. τοῦτον μετὰ τὴν ἀτυχίαν ταύτην...) and Aristides a member of a chorus who had once been its coryphaeus (ἠτυχηκῶς τι καὶ οὗτος τοιοῦτον). It appears that the rival Choregi might legally have objected to the employment of these men: and they were strongly tempted to do so, for, as Demosth. observes, if you deprive it of its leader the rest of the chorus is ruined (οἰχεται). But they refrained from pressing their objection, involving, as it would have done, the arrest of the defendants: partly, no doubt, from humanity, but chiefly, as Demosth. insists, from regard to the sacred character of the festival: they thus serve to point a moral against Midias, who was no choregus engaged in an expensive and jealous contest, but a private man. Compare below § 2 τὰς ἰδίας συμφορὰς ὀνειδίξεν καὶ προφέρειν ἐκάστω. Timocr. §§ 132, 200.

§§ 56—58. *Though the son*

δ' αἰσχροῦς καὶ πλεονεκτικῶς ἔσχε πρὸς ὑμᾶς ὥστε τὸν μὲν ἑαυτοῦ πατέρα ᾤετο δεῖν, δημοσίᾳ δεθέντα ἐπὶ χρήμασιν ἐν τῷ δεσμοτηρίῳ, μήτε ἀποδόντα ταῦτα μήτε κριθέντα ἀποδρᾶναι, τῶν δ' ἄλλων πολιτῶν τὸν μὴ δυνάμενον τὰ ἑαυτοῦ θείναι οἴκοθεν εἰς τὸ δεσμοπήριον ἔλκεσθαι. εἶπ' ἐπὶ τούτοις, ὡς ὀτιοῦν ἐξὸν ἑαυτῷ ποιεῖν, Σινώπην προσηνεχύραζε καὶ Φα-

of a man who had broken prison and escaped the payment of his just debts, Androtion does not hesitate to bring false and cruel charges of indebtedness to the state against innocent persons.

§ 56. The rhetorical antithesis here is extremely well worked out, and shows the early maturity of *δενότης* in the young orator. Andron, the father of Androtion (1) escapes from a prison (2) in which he has actually been incarcerated (3) by public authority, *δημοσίᾳ δεθέντα* (4) for debts really due to the treasury (*ἐπὶ χρήμασι* sc. *κοινῶς*, supplied by Reiske). Androtion (1) drags to a prison (2) from their own homes (3) without authority (4) people who have not the means of paying what they never owed (*τὰ ἑαυτοῦ* explained by *μηδὲν ὀφειλόντων* below). It is implied, on the one hand, that it is worse to break prison than to escape from custody before one has reached the prison (hence *ἐν τῷ δεσμοτηρίῳ* is added to *δεθέντα*): on the other, that dragging men from their homes (*οἴκοθεν*) is worse than mere unlawful detention. Compare Quintilian's analysis (VIII. 4, § 8) of the way in which Cicero heightens the effect in II. Phil. 25 § 63: *Per se deforme, vel non in coetu, vomere*: in coetu, etiam non

populi: *populi*, etiam non *Romani*: vel, si nullum negotium gereret: vel, si non *publicum*: vel, si non *magister equitum*.

ᾤετο δεῖν...ἀποδρᾶναι] 'allowed to escape' K. But the words need not imply that A. had either assisted or connived at the escape; they may mean merely that the son of a man who had escaped from prison might be expected to show some feeling for prisoners. On *ᾤετο δεῖν*, § 32 n.

μήτε ἀποδόντα...μήτε κριθέντα] There were two lawful modes of terminating his imprisonment: by paying the claim without disputing it, or by standing his trial and obtaining an acquittal. Andron chose neither. The first extract from this passage in the Timocrates ends with this sentence; *ἔλκεσθαι* is there expanded into *ἀχθέντα ὑφ' ἑαυτοῦ δεδέσθαι*.

προσηνεχύραζε] In Timocr. § 197 these oppressive proceedings are further described; Androtion, and his associate Timocrates, distraint upon the fixtures, furniture, and slaves of their victims: *μηδένα πάποτ' ἐλεῆσαι, ἀλλὰ θύρας ἀφαιρεῖν καὶ στρώμαθ' ὑποσπᾶν καὶ διακόνον, ἧ τις ἐχρήματο, ταύτην ἐνεχυράζειν*. The usage of *ἐνεχυράζειν* (the compound *προσενεχ.* occurs only here) appears to vary between (1) the

57 νοστράτην, ἀνθρώπους πόρνas, οὐ μέντοι^s ὀφειλούσας εἰσφοράs. καίτοι εἴ τισιν ἄρα δοκοῦσιν ἐπιτήδειαι ἐκείναι παθεῖν, ἀλλὰ τὸ πρᾶγμα γε οὐκ ἐπιτήδειον γίγνεσθαι, τηλικούτό τινας φρονεῖν διὰ καιρὸν ὥστε βαδίζειν ἐπ' οἰκίας καὶ σκεύη φέρειν μηδὲν ὀφειλόν-

^s μέντοι γε Σ Bekk. μέντοι γ' Bens.

acc. of the person distrained upon, and (2) the acc. of the property seized. In the passage just cited from the Timocrates it is clearly the latter: ἡ διάκονος must be a female slave who is part of the property. So in Aeschin. Ctes. § 21 ἐνεχυράζει ὁ νομοθέτης τὰς οὐσίας τὰς τῶν ὑπευθύνων, ἕως ἂν λόγον ἀποδώσι τῇ πόλει. In Mid. p. 518 § 10 μὴ ἐξείναι μήτε ἐνεχυράσαι μήτε λαμβάνειν ἕτερον ἑτέρου, and c. Everg. p. 1163 § 79 εἰ δ' ἐμοὶ ὠργίσθητε ὅτι ἐνεχυράσων ἦλθον ἐπὶ τὴν οἰκίαν τοῦ Θεοφήμου, the construction is (apparently) absolute: 'to take pledges,' not 'to take in pledge.' In the present passage K. is unquestionably right in giving (1) as the meaning, 'he distrained upon Sinope and Phanostrata, women of the town certainly, but not owing any property-tax.' Had they been slaves, seized in payment of a state demand, the hardship (according to Athenian notions) would have been upon their master, not themselves.

ἀνθρώπους πόρνas] The fem. ἡ ἀνθρωπος, like the conventional English use of 'a person' for one who does not rank as a 'lady,' is applied to women of the lower classes generally, whether bond or free. L. and S. remark that it is used 'contemptuously, of female slaves.' In reality the expression implies

pity quite as often as contempt, and as it is not noticed in the index to Demosthenes, it may be worth while to cite some passages where it is certainly applied (as here) to free persons. In Dem. de Fals. Leg. pp. 402—3 §§ 197—8 (= 218, 220 R. S.) the victim of the outrage of which Demosth. (falsely it would seem) accuses Aeschines is called ἡ ἀνθρωπος; yet she was a respectable married woman, ἐλευθέραν καὶ σώφρονα § 196, the wife of Aristophanes of Olynthus, Aeschin. de F. L. § 154. Again the μέτοικος whom Aristogiton cruelly tried to sell as a slave, but who was proved to be free, is ἡ ἀνθρωπος I. Aristogit. p. 787 § 57.

§ 57. παθεῖν] absolutely, 'fit to be harshly treated.' The aorist is used, as he is speaking of this particular case; in the next sentence the application is general, and he says πᾶσχειν.

τηλικούτο τινας φρονεῖν διὰ καιρὸν] 'that persons should be so insolent upon opportunity offered: because of the opportunity which tempted them to violence.

σκεύη φέρειν] would generally mean 'to carry baggage,' for which Xenophon's usual word is σκευοφορεῖν: the context shows that the sense here is to 'carry away furniture,' of which στρώμαθ' ὑποσπᾶν Timocr. l. c. is a particular instance.



- των ἀνθρώπων. πολλὰ γὰρ ἂν τις ἴδοι πολλοὺς ἐπιτηδεῖους ὄντας[†] πάσχειν καὶ πεπονθῆναι. ἀλλ' οὐ ταῦτα λέγουσιν οἱ νόμοι οὐδὲ τὰ τῆς πολιτείας ἔθη, ἀ φυλακτέον ὑμῖν· ἀλλ' ἔνεστιν ἔλεος, συγγνώμη, 58 πᾶνθ' ὅσα προσήκει τοῖς ἐλευθέροις. ὦν οὗτος ἀπάντων εἰκότως οὐ μετέχει τῇ φύσει οὐδὲ τῇ παιδείᾳ· πολλὰ γὰρ ὑβρισταὶ καὶ προπετηλάκισται συνῶν οὐκ ἀγαπῶσιν αὐτὸν[‡] ἀνθρώποις, ἀλλὰ δοῦναι 611 μισθὸν δυναμένοις· ὦν προσήκέ σοι τὴν ὀργὴν οὐκ εἰς τῶν πολιτῶν τὸν τυχόντα ἀφιέναι οὐδ' εἰς τὰς ὁμοτέχνους πόρνas, ἀλλ' εἰς τὸν τοῦτον τὸν τρόπον σε θρέψαντα.
- 59 Ταῦτα τοίνυν ὡς μὲν οὐ δεινὰ καὶ παρὰ πάντας τοὺς νόμους οὐχ ἔξει λέγειν οὗτος· οὕτω δ' ἐστὶν ἀναιδὴς ὥστ' ἐν τῷ δήμῳ, προάγωνas ἀεὶ κατασκευάζων αὐτῷ τῆσδε τῆς γραφῆς, ἐτόλμα λέγειν ὡς ὑπὲρ ὑμῶν καὶ δι' ὑμᾶς ἐχθροὺς ἐφ' ἑαυτὸν εἴλκυσε καὶ

[†] om. Bens. cum ΣΤΩrs.

[‡] αὐτὸν Σ Bekk. Bens. cum ΣΤΩrs.

§ 58. τὰς ὁμοτέχνους πόρνas] Whatever we may think of the good taste of this passage, there can be no question as to its δεινότης—telling force of expression. It is difficult to agree with Cobet (*Misc. Crit.* p. 525) that this δεινότης is improved by the omission of πόρνas.

§§ 59—64. Restatement and expansion of the argument in § 42, as to the cause of Androtion's unpopularity. *It is not, as he pretends, because he has discharged an invidious duty in a patriotic spirit: but because he 'added insult to injury' in his mode of collecting the tax. And the proof by contrary is, that Satyrus, who collected a much*

larger sum for the navy estimates, incurred no unpopularity, as he gave no offence by his manner of levying it. The jury, if by their verdict they shield from punishment such callousness and dishonesty as Androtion's, will be thought to resemble him.

§ 59. προάγωνas ἀεὶ κατασκευάζων] 'striving always to anticipate his defence to this indictment, he dared repeatedly (ἐτόλμα) to say,' &c. Modern edd. accent the word προάγων, the older προαγών. The Scholiast Ulpian explains: Προαγώνες εἰσι λόγοι οἱ προευνρεπίζοντες ἡμῖν τῶν δικαστῶν τὴν ἀκοήν· ἀγὼν γὰρ ἡ κρίσις.

νῦν ἐν τοῖς ἐσχάτοις ἐστὶ κινδύνοις. ἐγὼ δ' ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, βούλομαι δεῖξαι τοῦτον οὔτε πεπονθότα οὐδ' ὁτιοῦν κακὸν οὔτε μέλλοντα πάσχειν οὐδὲν δι' ὧν ὑπὲρ ὑμῶν ἔπραξε, διὰ μέντοι τὴν αὐτοῦ βδελυρίαν καὶ θεοισεχθρίαν πεπονθότα μὲν μέχρι τῆσδε τῆς ἡμέρας οὐδὲν, πεισόμενον δ', ἂν τὰ δίκαια
 60 ποιῆτε ὑμεῖς. σκέψασθε γὰρ ὡδί. τί ποθ' ὑμῖν οὗτος ὑπέσχετο καὶ τί ποιεῖν αὐτὸν ἐχειροτονήσασθ' ὑμεῖς; χρήματα εἰσπράττειν. ἄλλο δὲ πρὸς τούτῳ τί ποιεῖν; οὐδὲ ἔν. φέρε δὴ καθ' ἕκαστον ὑπομνήσω τὴν εἰσπραξιν ὑμᾶς. οὗτος εἰσέπραξε Λεπτίνην τὸν ἐκ Κοίλης τέτταρας καὶ τριάκοντα δραχμὰς, καὶ Θεόξενον τὸν Ἀλωπεκῆθεν δραχμὰς ἑβδομήκοντα καὶ μικρόν τι πρὸς, καὶ τὸν Εὐφῆρου Καλλικράτην καὶ τὸν Τελέστου νεανίσκον· οὐκ ἔχω γὰρ τοῦνομα εἰπεῖν· σχεδὸν δὲ πάντας, οὓς εἰσέπραξεν, ἵνα μὴ καθ' ἕκαστον λέγω, οὐκ οἶδ' εἴ τινα ὑπὲρ μνᾶν ὀφεί-

θεοισεχθρίαν] The various readings show that MS. Σ has here almost alone escaped interpolation. It is proper to write *θεοὶς ἐχθρὸς* as two words, *θεοισεχθρία* as one, like *καλὸς κάγαθός* but *καλοκαγαθία*: Cobet, *Nov. Lect.* p. 394, Sandys on Isocr. Paneg. § 79. The word being a rare one, *-εχθρίαν* was confused with the adj. *ἐχθράν*, and *αισχροκέρδειαν* supplied to make sense: cf. Timocr. § 195. In Aristoph. Vesp. 418 *θεοισεχθρίαν*, variously corrupted in the MSS., was first restored by Bentley, according to Dindorf; after him by Dobree *Advers.* i. 198.

§ 60. *Λεπτίνην τὸν ἐκ Κοίλης*] Whether this was the Leptines against whose law Demosth. made his famous speech is un-

certain. In a naval inscription in Boeckh pp. 377—8, mention is made of this Leptines in connexion with his heir, who was among the trierarchs about B.C. 345—342; *Λεπτίνου ἐκ Κοίλης Ὀνομακλῆς Ἐκαλήθεν*.

μικρόν τι πρὸς] G. H. Schaefer compares for this phrase i. Phil. p. 47 § 28 *τάλαντα ἐνενήκοντα καὶ μικρόν τι πρὸς*: and for τὸν Τελέστου νεανίσκον, Plat. Gorg. 418 π τὸν Πυριλάμπου νεανίαν. The amounts levied from Callicrates son of Eupherus (or Euphemus) and 'the young son of Telestus' are not mentioned.

εἴ τινα ὑπὲρ μνᾶν] Boeckh *P. E.* p. 531 has some remarks on the number of persons required to make up Androtion's seven talents by such small contributions: and R. W. aptly points

61 λοντα. πότερ' οὖν οἴεσθε τούτων ἕκαστον μισεῖν
καὶ πολεμεῖν αὐτῷ διὰ τὴν εἰσφορὰν ταύτην, ἢ τὸν 612
μὲν αὐτῶν, ὅτι πάντων ἀκούοντων ὑμῶν ἐν τῷ δήμῳ
δοῦλον ἔφη καὶ ἐκ δούλων εἶναι καὶ προσήκειν αὐτῷ
τὸ ἕκτον μέρος εἰσφέρειν μετὰ τῶν μετοίκων, τῷ δὲ^x
παῖδας ἐκ πόρνης εἶναι, τοῦ δὲ τὸν πατέρα ἡταιρη-
κέναι, τοῦ δὲ τὴν μητέρα πεπορνεῦσθαι, τὸν δὲ ἀπο-
γράφειν ὅσα ὑφείλετο ἐξ ἀρχῆς, τὸν δὲ τὸ δεῖνα,
τὸν δὲ ὁμοῦ ῥητὰ καὶ ἄρρητα κακὰ, ἐξῆς ἅπαντας ;
62 ἐγὼ μὲν γὰρ οἶδ' ὅτι πάντες, εἰς οὓς ἐπαρώνησεν

^x ὅτι Bens. cum libris. Illud e coni. Reiskii.

out that *ὄλιγους* in § 42 may be inaccurately used by Demosth. in his wish to disparage the services of Androtion.

§ 61. τὸν μὲν αὐτῶν, ὅτι] The construction is changed, as Kennedy observes in a note, and indicates by the turn given to the sentence in his translation: instead of τῷ δὲ παῖδας...εἶναι we should have expected τὸν δὲ, ὅτι ἔφη...εἶναι. 'Or rather for different reasons: one, because he said—another he declared had children.'

τὸ ἕκτον μέρος εἰσφέρειν] The *εἰσφορὰ* was of the nature of a graduated property (not income) tax; and the division into classes and corresponding rates of taxation have been made out with great probability by Boeckh *P. E.* p. 519: cf. *Dict. Antiq.* s. v. *Eisphora*. First class, above twelve talents, one-fifth reckoned as taxable; second, six to twelve talents, one-sixth; third, two to six talents, one-eighth; fourth, 25 minae to two talents, one-tenth. If, as appears from the present passage, the resident aliens returned uniformly, like citizens of the second class, a

sixth part of their property as taxable, the poorer classes among them would be much more heavily rated than citizens of equal fortune. Very few aliens, it is probable, could have possessed a *first* class property, and so have gained by this arrangement.

ἐξ ἀρχῆς] The older critics and translators understood this of the plunder of 'office': G. H. Schaefer first saw that it simply meant 'from the beginning' of his career, and has been universally followed.

τὸν δὲ τὸ δεῖνα] 'another he said this and that about; another he abused by wholesale; and so on with all.' K. Compare de Cor. p. 268 § 122 *βοᾶς ῥητὰ καὶ ἄρρητα ὀνομάζων, ὥσπερ ἐξ ἀμάξης*, Mid. p. 540 § 79 *τὴν μητέρα κάμει καὶ πάντας ἡμᾶς ῥητὰ καὶ ἄρρητα κακὰ ἐξείπον*. On certain abusive terms expressly denounced as 'actionable,' see *Dict. Antiq.* s. v. *Aporrheta*.

§ 62. εἰς οὓς ἐπαρώνησεν] 'against whom he so intemperately conducted himself.' K. preserving the metaphor. Demosth. says below *τῇ σπαντοῦ προπετεία καὶ θρασύτητι*. We need not

οὗτος, τὴν μὲν εἰσφορὰν ἕκαστος ἀναγκαῖον ἀνάλωμα ὑπελάμβανεν εἶναι, τοιαῦτα^γ δ' ἀτιμασθεῖς καὶ προπηλακισθεῖς χαλεπῶς ἐνήνοχεν. κάκεινο οἶδα. ὅτι χρήματα εἰσπράττειν τοῦτον ἐχειροτονήσαθ' ὑμεῖς, οὐχὶ τὰς ἰδίας συμφορὰς ὀνειδίζειν καὶ προφέρειν ἕκαστῳ. εἴτε γὰρ ἦσαν ἀληθεῖς, οὐ σοὶ ῥητέαι (πολλὰ γὰρ ἡμῶν ἕκαστος οὐχ ὡς βούλεται πράττει)· εἴτε μὴ προσηκούσας κατεσκευάζες, πῶς οὐχ ὅτιοῦν
 63 ἂν πάθοις δικαίως; ἔτι τοίνυν ἐκ τοῦδ' ἀκριβέστερον γνῶσεσθε ὅτι μισεῖ τοῦτον ἕκαστος οὐ διὰ τὴν εἰσπραξιν, ἀλλ' ὑπὲρ ὧν ὑβρίσθη καὶ ἐπαρφηθή. Σάτυρος γὰρ ὁ τῶν νεωρίων ἐπιμελητῆς οὐχ ἑπτὰ τάλαντα εἰσέπραξεν ὑμῖν, ἀλλὰ τέτταρα καὶ τριά-

γ ταῦτα Z Bekk. Bens. cum ΣΤΩρα^m.

think of actual intoxication: Mr Paley observes on c. Conon. p. 1257 § 4 'πάροιθος and παροινεῖν mean, not to be intoxicated,' but 'to be abusive over one's cups:' and here, it may be added, apply to violence like that of a man in his cups, though not alcoholic in its origin. Mr Sandys on Isocr. Demon. § 30 and on Demosth. c. Conon. l. c. points out, in correction of Liddell and Scott, that παροινεῖν is never used transitively in the active voice (παροινεῖν εἰς τινα, not παροινεῖν τινά): but like many other intransitive verbs it has a passive. So in the next section we find ὑβρίσθη καὶ ἐπαρφηθή: and in de Fals. Leg. p. 403 § 198=220 ἀπώλετ' ἂν παροινουμένη, 'the victim of his drunken frolic' R. S.

χρήματα εἰσπράττειν τοῦτον ἐχειροτονήσαθ' ὑμεῖς] = ἵνα χρήματα εἰσπράττοι. Donalds. Gr. p. 598.

εἴτε γὰρ ἦσαν ἀληθεῖς, οὐ σοὶ

ῥητέαι] 'The greater the truth the greater the libel' was a maxim of English law until Lord Campbell's Act of 1843. 'Sect. 6 of that Act allows, on an indictment or information for a defamatory libel, a plea that it was true and that its publication was for the public benefit.' P. Vernon Smith, *English Inst.* p. 64.

πολλὰ ... πράττει] 'fares in many respects,' intransitive. Not to be confused with πολλὰ ποιεῖν, or with the phrase πολλὰ πράττειν 'to be a busybody.'

§ 63. ὁ τῶν νεωρίων ἐπιμελητῆς] *Dict. Antiq.* s.v. Epimeletae, no. 5. The duty of the ἐπιμεληταὶ in relation to the σκευή, 'tackling' or 'naval stores' generally, is well brought out in [Demosth.] c. Everg. et Mnesib. p. 1145 §§ 20—22 especially ὀθόνια καὶ στυππεῖα καὶ σχοῖνια, οἷς κατασκευάζεται τριηρης.

κοντα τοὺς αὐτοὺς τούτους ἀνθρώπους, ἐξ ὧν παρέ-
 θηκε τὰ σκεύη ταῖς ἐκπλευσάσαις ναυσίν· καὶ οὐτ'
 ἐκείνος διὰ ταῦτα οὐδένα ἐχθρὸν αὐτῷ φησὶν εἶναι,
 οὔτε τῶν εἰσπραχθέντων οὐδεὶς ἐκείνῳ πολεμεῖ.
 εἰκότως· ὁ μὲν γὰρ τὸ προστεταγμένον, οἶμαι, διε-
 πρᾶττετο, σὺ δὲ τῇ σαυτοῦ προπετεία καὶ θρασύτητι
 λαβῶν ἐξουσίαν πόλλ' ἀνηλωκότας εἰς τὴν πόλιν 613
 ἀνθρώπους καὶ σοῦ βελτίους καὶ ἐκ βελτιόνων ψευ-
 δέσι καὶ χαλεποῖς ὀνειδέσιν ἄου δεῖν περιβάλλειν.
 64 εἴτα ταῦθ' οὔτοι πεισθῶσιν ὑπὲρ αὐτῶν σε ποιεῖν,
 καὶ τὰ τῆς σῆς ἀναισθησίας καὶ πονηρίας ἔργα ἐφ'
 αὐτοὺς ἀναδέξωνται; ἀλλὰ μισεῖν δικαιοτέρον διὰ
 ταῦτά σε ὀφείλουσιν ἢ σώζειν. τὸν γὰρ ὑπὲρ πόλεως
 πρᾶττοντά τι δεῖ τὸ τῆς πόλεως ἦθος μιμῆσθαι, καὶ²
 σώζειν ὑμῶν τοὺς τοιούτους, ὧ ἄνδρες Ἀθηναῖοι, προσ-
 ἤκει, καὶ μισεῖν τοὺς οἴοσπερ³ οὗτος. ὡς ἐκείνο

² καὶ δὴ Z Bekk. Bens. cum ΣΩ.

³ οἴοσπερ Z Bens. cum ΣFT v. not.

βελτίους καὶ ἐκ βελτιόνων] 'of better character and better family.' So in Herod. ii. 143 § 5 Πῖρωμιν ἐκ Πιρώμιος is 'a man and the son of a man,' as opposed to god or hero. Aristoph. Eq. 185—6 μῶν ἐκ καλῶν εἰ κάγαθῶν; ΑΛ. μὰ τοὺς θεοὺς | εἰ μὴ 'κ πονηρῶν γ': where I observe that Dindorf omits to credit Elmsley with the correction εἰ μὴ 'κ for εἰμ' ἐκ of the MSS.

§ 64. ἀναισθησίας καὶ πονηρίας] 'take upon themselves (make themselves responsible for) the acts of your callousness and dishonesty: ἀναισθησίας referring to his insults, πονηρίας to his unjust exactions. K. somewhat loosely translates 'wickedness and brutality.' The reading ἀναισχυρίας has not found favour with the editors, but

is preferred on internal grounds by Cobet, *Misc. Crit.* p. 526.

σώζειν] 'support, protect, countenance:' here opposed to μισεῖν, more usually to ἀπολλύ-ναι. 'The form with ι σώζω, thoroughly discussed by Usener in Fleckeisen's *Jahrb.* 1865, p. 238 f., is established by the Heracleian Tables (*κατεσώζαμεν* Stud. iv. 428), by Attic inscriptions of a very early date and by grammarians. Of course σώζειν can only have come from σωίζω.' Curtius, *Gk. Verb.* p. 523, E. T. In other words, σώζω is formed from adj. σώος (in the best Attic σώος, Timocr. § 106 n.) like καθαρίζω from καθαρός, σωφρονίζω from σώφρων.

τοὺς οἴοσπερ οὗτος] The best MSS., rightly followed by the Zurich editors, Benseler, and

εἰδόσι μὲν ἴσως, ὅμως δὲ ἐρῶ· ὁποίους τινὰς ἂν φαίνησθε ἀγαπῶντες καὶ σώζοντες, τούτοις ὅμοιοι δόξεται εἶναι.

65 Ὅτι τοίνυν ὅλως οὐδὲ τὴν εἰσπραξιν αὐτὴν ὑπὲρ ὑμῶν πεποιήται, καὶ τοῦτο αὐτίκα δὴ μάλα ὑμῖν δῆλον^b ποιήσω. εἰ γὰρ τις ἔροιτο αὐτὸν πότεροι αὐτῷ δοκοῦσιν ἀδικεῖν μᾶλλον τὴν πόλιν, οἱ γεωργοῦντες καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεία ἀναλώματα καὶ λειτουργίας ἐτέρας ἔλλελοι-

^b μάλ' ἡμῶν δῆλον Bens. μάλα δῆλον ὑμῖν Z Bekk.

Cobet, *Var. Lect.* p. 551, *Misc. Crit.* p. 526, preserve the attraction of οἰοσπερ=τοιούτους οἰοσπερ. Compare § 77 οὐδ' οἰοσπερ σὺ χρώμενοι συμβούλοις, with the parallel passage of the Timocrates § 185. In the last instance the case is even stronger: all MSS. exhibit οἰοσπερ, which Bekker (followed by Dindorf) corrected as though it were a solecism. G. H. Schaefer, who had defended this attraction in his notes on Bos' *Ellipses*, writes here 'Nondum poenitet illa scripsisse, etsi meum mecum Dindorfium dissensisse vidi.'

§§ 65—78. The remainder of the speech, with the exception of a paragraph or two, is repeated in Timocr. §§ 172—186.

§§ 65—68. *His pretence of public spirit is easily exposed: for while levying arrears of taxes on men for whose shortcomings there was often the excuse of inability to pay, he has done nothing, in a long political career, for the repression of much more serious offences. The public treasury has been robbed of much larger sums, the contributions of our allies and of those who pay*

their taxes readily. Many generals and orators have been brought to justice for these peculations: you, Androtion, never took your place as the accuser of any of these, never expressed indignation at the way the state was being fleeced. The fact is (here the speaker again turns to the jury) that Androtion, and men like him, are accomplices with such offenders and share largely in their illicit gains. He is one of that class of delinquents himself: he has treated you with contempt, in fact worse than slaves. Now is your opportunity to make an example of him.

§ 65. αὐτίκα δὴ μάλα] The strengthening of αὐτίκα either by δὴ or μάλα is common both in Plato and the Orators. The doubly emphatic αὐτίκα δὴ μάλα occurs also Timocr. §§ 32, 172, 208, 1. Aristog. p. 778 § 29: and it appears from Shilleto's *Annot. Crit.* on de Fals. Leg. p. 346 § 18 that there is good MS. authority for the phrase in at least two or three other passages where it has not yet found its way into the printed texts. Cf. on Timocr. § 111.

πότες εἰσφορὰν, ἢ οἱ τὰ τῶν ἐβελησάντων εἰσενεγκεῖν
 χρήματα καὶ τὰ παρὰ τῶν συμμάχων κλέπτουτες καὶ
 ἀπολλύντες, οὐκ ἂν εἰς τοῦτο τόλμης δῆπου^ο, καίπερ
 ὦν ἀναιδῆς, ἔλθοι ὥστε φῆσαι τοὺς τὰ ἑαυτῶν μὴ
 εἰσφέροντας μᾶλλον ἀδικεῖν ἢ τοὺς τὰ κοινὰ ὑφαιρου-
 66 μένους. τίνος οὖν ἔνεκα, ὧ βδελυρῆ, ἐτῶν ὄντων
 πλειόνων ἢ τριάκοντα ἀφ' οὗ σὺ πολιτεύει, καὶ ἐν
 τούτῳ τῷ χρόνῳ πολλῶν μὲν στρατηγῶν ἡδικοκτότων
 τὴν πόλιν, πολλῶν δὲ ῥητόρων, οἳ παρὰ τουτοισὶ

^ο δῆπου τόλμης Z Bekk. *Illud* Σ.

οἱ τὰ τῶν ἐβελησάντων...κλέπ-
 τουτες καὶ ἀπολλύντες] K.'s ren-
 dering, 'those who plunder your
 allies and destroy the means of
 people willing to pay the tax,'
 contains several inaccuracies.
 It should rather be 'those who
 plunder and waste the money of
 people who have readily paid their
 property-tax, and that which
 comes from the allies.' There
 is, I think, no reference to the
 levying of requisitions or other
 ways of forcible extortion: the
 money embezzled is that which
 has already come into the trea-
 sury, not that which is 'fructi-
 fying in the pockets' of the
 people: and it comes from two
 main sources, the property-tax
 (εἰσφορὰ) paid by the citizens
 and the tribute (φόρος) paid by
 the allies. τῶν ἐβελησάντων
 εἰσενεγκεῖν means simply those
 who are not in arrear, opposed
 to ἄλλελοιπότες.

§ 66. πολλῶν μὲν στρατηγῶν
 ...πολλῶν δὲ ῥητόρων] The most
 conspicuous example of an ora-
 tor so prosecuted during the 30
 years ending B. C. 355 is that
 of Callistratus, whose execution
 had taken place the year before,
 356. He had been capitally
 condemned in 361 for his share

in the loss of Oropus (366): had
 gone into exile, but had ventured
 to return. The prosecutions of
 Timotheus (acquitted 373, con-
 victed and went into exile 358)
 and of Iphicrates (acquitted 358,
 but not afterwards employed)
 had deprived Athens of her best
 generals: at the close of the
 Social War (356—5) the com-
 mand was entrusted to the brave
 but incapable and profligate
 Chares. In commenting on one
 of these transactions Grote is
 rather too indulgent to 'the
 terrible difficulties which the
 Grecian generals now experience
 in procuring money from Athens
 (or from other cities in whose
 service they are acting) for pay-
 ment of their troops...and which
 will be found yet more painfully
 felt as we advance forward in the
 history' (ch. 77, vii. 132). The
 truth is more plainly stated by
 a writer in *Dict. Biogr.* s. v.
 Chares, who speaks of 'the
 miserable system then prevail-
 ing, when the citizens of Athens
 would neither fight their own
 battles nor pay the men who
 fought them, and her command-
 ers had to support their mer-
 cenaries as best they could.' It
 is, in fact, 'making war pay for

κέκρινται, ὧν οἱ μὲν τεθνᾶσιν ἐφ' οἷς ἡδίκουν, οἱ δ' ὑποχωρήσαντες^a φεύγουσιν, οὐδενὸς πώποτε ἐξητάσθης κατήγορος, οὐδ' ἀγανακτῶν ὠφθης ὑπὲρ ὧν ἡ πόλις^b 614 πᾶσχοι^c, οὕτως ὧν θρασὺς καὶ λέγειν δεινός, ἀλλ' 67 ἐνταῦθ' ἐφάνης κηδεμῶν ὧν^d, οὗ σε πολλοὺς ἔδει κακῶς ποιῆσαι; βούλεσθε, ὦ ἄνδρες Ἀθηναῖοι, τὸ τούτων αἴτιον ἐγὼ ὑμῖν εἶπω; ὅτι τούτων^e μὲν μετέχει ὧν ἀδικοῦσιν ὑμᾶς τινές, ἀπὸ δὲ τῶν εἰσπραττομένων ὑφαιρείται· δι' ἀπληστίαν δὲ τρόπων διχόθεν καρπούται τὴν πόλιν. οὔτε γὰρ ῥᾶον πολλοῖς καὶ μικρὰ^h

^a ἀποχ. Bens. cum ΣΦΤΩστν.

^z κηδεμῶν ἡμῶν ὧν Bekk.

^h τὰ μικρὰ Bekk. Bens. cum Σ.

^o πᾶσχοι solus Dind. v. not.

^z v. not.

κατὰ μικρὰ Z cum Fkr.

itself' with considerably less success than in the case of the French revolutionary armies.

οὐδενὸς πώποτε ἐξητάσθης κατήγορος] Bekker inserts τούτων from one MS. and the parallel passage in the Timocrates. Harpocration: 'Ἐξετάζεσθαι ἀντὶ τοῦ ὀραῖσθαι, Δημοσθένης κατὰ Στεφάνου (p. 1121 § 66 φιλοτιμούμενον ἐξετάζεσθαι 'to show oneself a man of public spirit') καὶ ἐν τῷ κατ' Ἀνδροτιῶνος. He might have added περὶ τοῦ Στεφάνου: de Cor. p. 286 § 173 καὶ λέγων καὶ γράφων ἐξηταζόμεν τὰ δέονθ' ὑπὲρ ὑμῶν, 'proved, found on inquiry:' *ib.* p. 294 § 197 τοῦτο πεποιηκὸς ἐπὶ τοῖς συμβάσιν ἐξητάσαι. Other usages of ἐξετάζειν are discussed by Mr Sandys on i. Steph. p. 1124 § 76.

πᾶσχοι] MSS. πᾶσχει. 'Equidem malim πᾶσχοι' Bekk., which Dindorf has adopted without comment and quite unnecessarily. The Attic writers by no means rigidly conform to the rules for the 'sequence of tenses:' Xenophon is perhaps the most regular. On the interchange of

ind. and opt. in dependent sentences cf. Madvig, *Synt.* § 130, b: Goodwin, *Moods and Tenses*, § 70, 2: and a note on Protag. 335 A.

θρασὺς καὶ λέγειν δεινός] § 25 n. Omitted in || Timocr.

§ 67. ὅτι τούτων μὲν] The MSS. here show signs of interpolation from || Timocr., giving mostly the plurals μετέχουσιν...ὑφαιρούνται...καρποῦνται: and Benseler cuts matters short by reading τῶν μὲν ὑφαιρείται and omitting the intervening words. Cobet, conservative for once, agrees with Dindorf's reading in the text, *Misc. Crit.* p. 532.

οὔτε γὰρ ῥᾶον] 'For it is not more agreeable to quarrel with a large number of petty offenders than with a small number of great ones, and surely it is not more like a friend of the people to notice the crimes of the many than those of the few.' K. Androtion therefore, if an honest man, might more naturally be expected to prosecute generals and orators than poor people in arrear with their taxes.

ἀδικούσιν ἀπεχθάνεσθαι ἢ ὀλίγοις καὶ μεγάλα, οὔτε δημοτικώτερον δήπου τὰ τῶν πολλῶν ἀδικήματα ὄραν ἢ τὰ τῶν ὀλίγων. ἀλλὰ τοῦτ' αἴτιον οὐγὼ λέγω. τῶν μὲν οἶδεν ἑαυτὸν ὄντα, τῶν ἀδικούντων, ὑμᾶς δ' οὐδενὸς ἀξίους ἠγήσατο· διὸ τοῦτον ἐχρήσατο τὸν
 68 τρόπον ὑμῖν. εἰ γὰρ ἀνδραπόδων πόλις, ἀλλὰ μὴ τῶν ἄρχειν ἐτέρων ἀξιούντων ὠμολογεῖτε εἶναι, οὐκ ἂν, ὦ ἄνδρες Ἀθηναῖοι, τὰς ὑβρεῖς ἀνέσχεσθε τὰς ταύτου, ἅς κατὰ τὴν ἀγορὰν ὑβριζεν, ὁμοῦ μετοίκους, Ἀθηναίους, δέων, ἀπάγων, βοῶν ἐν ταῖς ἐκκλησίαις, ἐπὶ τοῦ βήματος, δούλους καὶ ἐκ δούλων καλῶν αὐτοῦ βελτίους καὶ ἐκ βελτιόνων, ἐρωτῶν εἰ μάτην τὸ δεσμοτήριον ὠκοδομήθη. καταφαίην ἂν ἔγωγε, εἴ γ' ὁ πατὴρ ὁ σὸς ᾤχετο αὐτόθεν αὐταῖς πέδαις ἐξορχησά-

τῶν μὲν οἶδεν] From here to the end of § 68 is not repeated in || Timocr., which begins again at Ἀλλὰ νῆ Δία.

§ 68. ὠμολογεῖτε...ἀνέσχεσθε...ὑβριζεν] Each of these tenses has its significance. 'If you (now) acknowledged...you would not have endured (in the past) the insults he (repeatedly) offered.' Writing ἀνέσχεσθε with a single augment is certainly deferring too much to the sole authority of MS. Σ: all the others retain the usual Attic form ἠνέσχεσθε.

δέων] Cobet names this passage (*Nov. Lect.* pp. 528—9) as one of many where he corrects δῶν &c. In *Misc. Crit.* p. 526 he repeats the correction with the remark 'Dicam de his formis alio loco,' apparently forgetting what he had said before. His rule could not be put more neatly than it is by Shilleto on Thucyd. i. 6, 3 ἀναδούμενοι: 'δέω (bind) and compounds invariably

are contracted. Thus τὸ δοῦν (literal) is distinguished from τὸ δέον (metaphorical).' In Plat. Crat. 419 A we have δέον καὶ ὠφέλιμον καὶ λυσιτελοῦν καὶ κερδάλεον contrasted with τὸ δὲ ἴσχυον καὶ δοῦν ψεγόμενον. *Ib.* 421 C τὸ ἰδὼν καὶ τὸ ῥέον καὶ τὸ δοῦν. In Protag. 321 B the restoration of ὑποδῶν for ὑπὸ πόδων has greatly improved the sense of the passage.

καταφαίην ἂν ἔγωγε] 'Yes, I should say it was, when your father went dancing off with his fetters [rather, as R. W., 'fetters and all'] at the procession of the Dionysia.' K. who adds in a note (from the scholiast Ulpian) that 'at this time the prisoners were let out of gaol to enjoy themselves, and that Androtion's father availed himself of the privilege to escape.' Instead of ἀποδρᾶς, ἐξορχησάμενος is humorously substituted, in allusion to the dancing at the festival (G. H. Schaefer).

μενος Διονυσίων τῇ πομπῇ. ἄλλα δὲ ὅσα ὕβρικεν οὐδ' ἂν ἔχοι τις εἰπεῖν· τοσαῦτα τὸ πλῆθος ἐστίν. ὧν ἀθρόων ἄξιον λαβόντας δίκην τήμερον παράδειγμα ποιῆσαι τοῖς ἄλλοις, ἵν' ὦσι μετριώτεροι.

69 Ἄλλα νῆ Δία ταῦτα μὲν¹ τοιοῦτός ἐστιν, ἐν οἷς πεπολίτευται, ἄλλα δ' ἔσθ' ἂ καλῶς διώκῃκεν· ἀλλὰ^k τ' ἄλλ' οὕτω προσελήλυθε πάντα πρὸς ὑμᾶς ὥστε ἡκι- 615

¹ μὲν om. Z cum ΣΤΩς, sed in Σ μὲν ab antiqua manu additum.

^k ἀλλὰ καὶ Bens. cum Σkr || Timocr.

§§ 69—78. *The melting down of the crowns, and recasting them as paterae, for which Androtion and his friend Timocrates are jointly responsible, is an act of gross fraud, since there was no proper control over the gold during the process (70, 71). And whereas the inscriptions upon them commemorated the gratitude of our allies, or Athenian victories (72), Androtion has obliterated these and put his own disgusting name in their place (73). In so doing, he and his accomplice have committed three disgraceful crimes; the goddess they have sacrilegiously despoiled of her crowns: in the state they have extinguished the glory accruing from those deeds, of which the crowns while they existed were a memorial: the dedicators they have robbed of no small honour, the credit of being grateful for obligations. And they take credit for all this (74). Again, A. has the tasteless vulgarity not to see that crowns are a token of merit, gold plate in any other form a merely ostentatious display of wealth (75). In his blindness he fails to perceive that the Athenian people have always preferred glory to riches: their splendour is displayed in their temples and*

arsenals, not by the gold in their vaults. Their imperishable treasures are the remembrance of their great deeds, a fame that will never die (76, 77). How completely you, the Athenians of to-day, have degenerated from your ancestors, is sufficiently proved by the fact that Androtion, of all people in the world, has been chosen for a sacred function as repairer of the Panathenaic vessels (78).

§ 69. Ἄλλα νῆ Δία] Demosthenes' favourite phrase in introducing a bit of irony. In Plato sometimes ἀλλὰ δὴ, Lat. *at enim* or simply *at*.

τοιοῦτός ἐστιν] τοιοῦτοι γεγονόσιν || Timocr. and so throughout with the change to plural forms. The general meaning of this opening sentence, with its ταῦτα μὲν opposed to ἄλλα δὲ, is well brought out in K.'s free translation: 'But perhaps, notwithstanding these political faults, there are other things which he has managed creditably.' Nay, on the contrary (ἀλλά)...

οὕτω προσελήλυθε πάντα πρὸς ὑμᾶς] προσέρχομαι is not here = προσφέρομαι 'to behave' (G. H. Schaefer, Dindorf, Kennedy), but, as Shilleto points out on Fals. Leg. § 2, is equivalent to πεπολίτευται in the preceding

στα ἐν οἷς ἀκηκόατε ἄξιός ἐστι μισεῖσθαι. τί γὰρ βούλεσθε εἶπω; τὰ πομπεία ὡς ἐπεσκεύασε, καὶ τὴν τῶν στεφάνων καθαίρεισιν, ἢ τὴν τῶν φιαλῶν ποίησιν τὴν καλήν; ἀλλ' ἐπὶ τούτοις γ', εἰ καὶ μηδὲν ἄλλο ἀδικῶν ἔτυχε τὴν πόλιν, τρίς, οὐχ ἅπαξ τεθνάναι δίκαιος ὧν φανεῖται· καὶ γὰρ ἱεροσυλία καὶ ἀσεβεία καὶ κλοπῇ καὶ πᾶσι τοῖς δεινοτάτοις ἐστὶν ἔνοχος.

70 τὰ μὲν οὖν πόλλ' ὧν λέγων ὑμᾶς ἐφενάκιζε παραλείψω· φήσας δὲ ἀπορρεῖν τὰ φύλλα τῶν στεφάνων

sentence: his whole political life (πάντα) is distinguished from a particular part of it (ταῦτα). So in Fals. Leg. l. c. ὅσοι πρὸς τὰ κοινὰ δικάως προσέρχονται, and p. 373 § 99 = 114 ἐπειδὴν τις ἐαυτὸν πείσας δύνασθαι προσέλθῃ. Compare the Lat. 'ad rempublicam accedere,' Cic. Rose. Am. i. § 3, in Verr. Act. ii. i. 12 § 33.

ἤκιστα ἐν οἷς ἀκηκόατε] 'that what you have heard are the smallest grounds for detesting him.' ἐφ' οἷς would certainly be better Greek, and accordingly Cobet *Misc. Crit.* p. 527 assumes that Demosth. must have written it so, here and in || Timocr.

τὰ πομπεία ὡς ἐπεσκεύασε] § 48 n. ἐπισκευάζειν 'to repair' (especially to *refit* a ship, always distinguished from παρασκευάζειν *to fit out* originally) is euphemistically put for κατακόπτειν 'to break up.'

τὴν τῶν φιαλῶν ποίησιν τὴν καλήν] 'his famous manufacture of the plates' K.: but only an approximate rendering of φιαλῶν is possible. For the broad, flat, saucer shape of the φιάλη, see illustrations in *Dict. Antiq.* s. v. Patera. In modern works on art the word 'patera' is generally left untranslated

for want of an exact equivalent. In Rev. xvi. Luther's *Schalen*, 'cups,' comes nearer to the original than the 'vials' of the E. V.: and it is the word used by Benseler in translating Demosthenes. In the Revised Version 'bowls' is substituted for 'vials:' and is perhaps the best word that could be used here.

τοῖς δεινοτάτοις ἐστὶν ἔνοχος] ἔνοχος in the Orators, joined to a dative, means (1) 'liable to' a punishment, as de Fals. Leg. p. 404 § 201 = 223 ταῖς ἀραῖς ἔνοχος: Lys. i. Alcib. § 9 πάσαις ταῖς κειμέναις ζημίαις ἔνοχος: or (2) 'chargeable with, guilty of' a crime, as here and Antiph. Or. i. § 11 ἔνοχοι τῷ φόνῳ. The instances quoted for a genitive seem to disappear on examination: in Demosth. de Cor. Trierarch. p. 1229 § 4 ἔνοχοι δεσμῶ is now read, and in Lys. i. Alcib. § 5 ἔνοχος λιπσταξίου οὐδὲ δειλίας the dative may easily be supplied.

§ 70. φήσας δ' ἀπορρεῖν τὰ φύλλα] For Androtion to be able to allege this, however absurdly, some at least of the crowns could not have been of solid gold, but must have resembled the 'wreath' lately offered to an English Prime

καὶ σαπροὺς εἶναι διὰ τὸν χρόνον, ὥσπερ ἴων ἢ ρόδων ὄντας, ἀλλ' οὐ χρυσοῦ, συγχωνεύειν ἔπεισεν. κατ' ἐπὶ μὲν ταῖς εἰσφοραῖς τὸν δημόσιον παρεῖναι προσέγραψεν ὡς δὴ¹ δίκαιος ὦν, ὦν ἕκαστος ἀντιγραφεὺς ἐμελλεν ἔσεσθαι τῶν εἰσενεγκόντων· ἐπὶ τοῖς στεφάνοις δ', οὓς κατέκοπτεν, οὐχὶ προσήγαγε ταὐτὸ δίκαιον τοῦτο, ἀλλ' αὐτὸς ῥήτωρ^m, χρυσοχόος, ταμίας, ἀντι-
 71 γραφεὺς γέγονεν. καὶ μὴν εἰ μὲν ἅπαντ' ἤξιός, ὅσα πράττεις τῇ πόλει, σαυτῷ πιστεύειν, οὐκ ἂν ὁμοίως κλέπτῃς ὦν ἐφωρῷ· νῦν δ' ἐπὶ ταῖς εἰσφοραῖς ὁ δίκαιόν ἐσθ' ὀρίσας, μὴ σοὶ πιστεύειν, ἀλλὰ τοῖς ἑαυτῆς δούλοις τὴν πόλιν, ὅπότε ἄλλο τι πράττων καὶ χρήματα κινῶν ἱερά, ὦν ἔνια οὐδ' ἐπὶ τῆς ἡμετέρας γενεᾶς ἀνετέθη, μὴ προσγραφάμενος τὴν αὐτὴν φυλακὴν ἦνπερ ἐπὶⁿ τῶν εἰσφορῶν φαίνει, οὐκ εὐδηλον δι' ἃ

¹ ὡς ἂν Bens. cum ΣΤΩς.

^m ὁ ῥήτωρ Bens. cum Σ.

ⁿ ἦν περὶ Ζ Bekk. Bens. cum ΣΤ.

Minister and declined by him.

τὸν δημόσιον παρεῖναι προσέγραψεν] 'added a clause that the public slave should be present,' not 'officer' as K. We read immediately afterwards, μὴ σοὶ πιστεύειν ἀλλὰ τοῖς ἑαυτῆς δούλοις τὴν πόλιν. The δημόσιοι were employed, among other duties, as ἀντιγραφεῖς or checking-clerks. Comp. de Fals. Leg. p. 381 § 129=142: *Dict. Antiq.* s. v. Demosii.

ὡς δὴ δίκαιος ὦν] Benseler alone follows Σ (*auf allen Vieren*) in the pointless reading ἂν for δὴ. The latter is here most appropriate. For the readiness with which AN and ΔΗ are confused, see Cobet *Nov. Lect.* pp. 501, 549. Another instance occurs Timocr. § 156.

ῥήτωρ, χρυσοχόος, ταμίας, ἀντιγραφεὺς] It was remarked on

§ 38 that wherever there was a ταμίας there was also an ἀντιγραφεὺς to check his accounts. Here Androtion carries a decree that the crowns shall be melted, superintends the process himself, sends in what accounts he pleases to the state, and allows no one else to check them. I cannot think, with Benseler, that ταμίας because it stands alone can only mean the State-treasurer or 'Chancellor of the Exchequer' (§ 35 n.). I understand it as ταμίας *ad hoc*: the humour of the passage lies in A. usurping all these functions, not of course without some formal authority, but by procuring hasty votes of the people which, when seen in their true light, laid him open to a γραφὴ παρανόμων. Cf. § 76 *fin.* πάντων γράψεις καταχωνεύειν.

§ 71. μὴ προσγραφάμενος...

72 τοῦτ' ἐποίησας; ἐγὼ μὲν οἶμαι. καὶ μὴν, ὦ ἄνδρες Ἀθηναῖοι, καὶ κατὰ παντὸς τοῦ χρόνου σκέψασθε ὡς καλὰ καὶ ζηλωτὰ ἐπιγράμματα τῆς πόλεως ἀνελὼν ὡς ἄσεβῆ καὶ δεινὰ ἀντεπιγέγραφεν. οἶμαι γὰρ ὑμᾶς ἅπαντας ὄραν ὑπὸ τῶν στεφάνων ταῖς χοινικίσι κάτω- 616
θεν γεγραμμένα "οἱ σύμμαχοι τὸν δῆμον ἀνδραγαθίας ἕνεκα καὶ δικαιοσύνης" ἢ "οἱ σύμμαχοι ἀριστεῖον τῆ^ο Ἀθηναία," ἢ κατὰ πόλεις "οἱ δεῖνες τὸν δῆμον, σωθέντες ὑπὸ τοῦ δήμου," οἷον "Εὐβοεῖς ἐλευθερωθέντες ἐστεφάνωσαν^p τὸν δῆμον" [ἐπεγέγραπτό που^q], πάλιν "Κόνων ἀπὸ τῆς ναυμαχίας τῆς πρὸς Λακεδαιμονίους." τοιαῦτα γὰρ ἦν τὰ τῶν στεφάνων ἐπι-
73 γράμματα. ταῦτα μὲν τοίνυν, ἂ ζῆλον πολὺν εἶχε καὶ φιλοτιμίαν ὑμῖν, ἠφάνισται καθαιρεθέντων τῶν στεφάνων· ἐπὶ ταῖς φιάλαις δ' ἄς ἀντ' ἐκείνων ἐποιήσατο ὑμῖν ὁ πόρνος οὗτος^r, "Ἀνδροτίωνος ἐπιμελου-

^o τῆ om. Bekk. cum Σ.

^p [ἐστεφάνωσαν] Bens.

^q om. Z Bekk. Bens.

^r ὁ πόρνος οὗτος om. Z Cob. cum pr. Σ.

φαίνει] Not 'you appear' but 'are found not to have introduced the same safeguards.' § 21 n.

§ 72. χοινικίσι] From the resemblance of shape to the measure so called, the name *χοίνικες* was applied to rings or shackles for the legs, as in Aristoph. Plut. 276 αἱ κνήμαι δὲ σοὶ βοῶσιν | Ἴουδ' ἰού, τὰς χοίνικας καὶ τὰς πέδας ποθοῦσαι, and in the scurrilous passage about the parents of Aeschines, de Cor. p. 270 § 129 χοίνικας παχείας ἔχων καὶ ξύλον. Hence χοινικίδες here and || Timocr. are the rings which served as stands for the crowns.

Κόνων ἀπὸ τῆς ναυμαχίας] The battle of Cnidus, B.C. 394. || Timocr. adds Χαβρίας ἀπὸ τῆς ἐν Νάξῳ ναυμαχίας, the battle in

B.C. 376, alluded to § 15 above.

§ 73. ἂ ζῆλον—καὶ φιλοτιμίαν] 'which brought you so much admiration and honour.' I do not think that 'emulation' (K.) is here intended. Demosth. says of his own crown, de Cor. p. 267 § 120 οὕτω σκαιὸς εἶ καὶ ἀναίσθητος, Αἰσχίνῃ, ὥστ' οὐ δύνασαι λογίσασθαι ὅτι τῷ μὲν στεφανουμένῳ τὸν αὐτὸν ἔχει ζῆλον ὁ στέφανος, ὅπου ἂν ἀναρρηθῆ, τοῦ δὲ τῶν στεφανούντων ἕνεκα συμφέροντος ἐν τῷ θεάτρῳ γίγνεται τὸ κήρυγμα: where the glory of the recipient and the emulation his rewards kindle are clearly contrasted, and ζῆλος is applied to the former. For φιλοτιμία nearly = τιμῆ, below §§ 74, 75, Timocr. § 91 πολλὰς φιλοτιμίας περιαιρεῖται τῆς πόλεως.

“μένου ἐποιήθησαν⁸” ἐπιγέγραπται· καὶ οὐ τὸ σῶμα ἡταιρηκότος οὐκ ἐῶσιν οἱ νόμοι εἰς τὰ ἱερά εἰσιέναι, τούτου τοῦνομα ἐν τοῖς ἱεροῖς ἐπὶ τῶν φιαλῶν γεγραμμένον ἐστίν. ὅμοιόν γε, οὐ γάρ; τοῦτο τοῖς προτέροις ἐπιγράμμασιν, ἢ φιλοτιμίαν ἴσην ἔχον ὑμῖν.

74 τρία⁹ τοίνυν ἐκ τούτου τὰ δεινότατ’ ἄν τις ἴδοι πεπραγμέν’ αὐτοῖς. τὴν μὲν γὰρ θεὸν τοὺς στεφάνους σεσυλήκασι· τῆς πόλεως δὲ τὸν ζῆλον ἠφανίσκασι τὸν ἐκ τῶν ἔργων, ὧν ὑπόμνημα ἦσαν ὄντες οἱ στέφανοι· τοὺς δ’ ἀναθέντας δόξαν οὐ μικρὰν ἀφήρηται, τὸ δοκεῖν ὧν ἂν εὐπάθωσιν ἐθέλειν μεμνησθαι. καὶ τοιαῦτα καὶ τοσαῦτα τὸ πλήθος κακὰ εἰργασμένοι εἰς τοῦτο ἅμα ἀναισθησίας καὶ τόλμης προεληλύθασιν ὥστε μέμνηται τούτων ὡς καλῶς αὐτοῖς⁷ διωκημένων, ὥσθ’ ὁ μὲν οἶεται δι’ ἐκείνον ὑφ’ ὑμῶν σωθήσεσθαι,

⁸ ἐποιήθησαν om. Z Bekk. Bens. || Timocr.

⁹ § 74 uncis incl. Bekk.

⁷ αὐτοῖς Bens.

ἐποιήθησαν] Omitted in || Timocr. and here, I think, better away. See various readings.

ὅμοιόν γε, οὐ γάρ;] Timocr. §§ 106, 181.

§ 74. Timocrates has not been mentioned in this speech, though Androtion, who was doubtless a far more important person, figures largely in the Timocratea. The sudden transition to the plural is therefore, it must be admitted, somewhat awkward: and there is much plausibility in the notion (first started by Emperius in his observations on Dion Chrysostom) that this § is wrongly inserted here from || Timocr. It is bracketed by Bekker in his later edition, Sauppe, and Benseler: rejected by Cobet *Misc. Crit.* p. 528—30. The latter follows Dobree in denouncing the words

ὥστε μέμνηται—διωκημένων as doubly spurious, an interpolation of an interpolation: ὥστε μέμνηται was first written as a dittographia of ὥσθ’ ὁ μὲν οἶεται, ‘deinde reliqua addita ob sensum.’

τὸν ζῆλον...τὸν ἐκ τῶν ἔργων] ‘The glory resulting from those actions, of which’ &c., not ‘an emulation fostered by deeds.’

δόξαν...τὸ δοκεῖν] For this combination Funkhaenel compares de Pace p. 62 § 22 τὴν δόξαν τοῦ πολέμου τοῦ δοκεῖν δι’ αὐτὸν (Φίλιππον) κρίσιν εὐληφέναι: and de Symmor. p. 178 § 1 τοῦ δοκεῖν εὐ λέγειν δόξαν ἐκφέρονται (where however Dind. now reads τοῦ δύνασθαι λέγειν with MS. Σ).

ὁ μὲν οἶεται δι’ ἐκείνον] i.e. Androtion thinks that he will be acquitted by you, owing to

ὁ δὲ παρακάθηται καὶ οὐ καταδύεται τοῖς πεπραγμέ-
 75 νοις. οὕτω δ' οὐ μόνον εἰς χρήματα ἀναιδῆς, ἀλλὰ
 καὶ σκαιός ἐστιν, ὥστ' οὐκ οἶδεν ἐκείνο, ὅτι στέφανοι
 μὲν εἰσιν ἀρετῆς σημεῖον, φιάλαι δὲ καὶ τὰ τοιαῦτα 617
 πλούτου, καὶ στέφανος μὲν ἅπας, κὰν μικρὸς ᾗ, τὴν
 ἴσην φιλοτιμίαν ἔχει τῷ μεγάλῳ, ἐκπώματα δ' ἢ θυ-
 μιότηρια, ἃ μὲν ὑπερβάλλη τῷ πλήθει, πλούτου τινα

the influence of Timocrates, while T. calmly sits by and does not sink into the earth for shame at his performances. *Anecd.* Bekk. p. 151, 22: καταδύομαι ἀντὶ τοῦ αἰσχύνομαι, δοτικῆ: i.e. followed by a dative, as here τοῖς πεπραγμένοις. I agree with Benseler and Cobet that this is making too much of Timocrates, a 'mere subordinate' (*ein blosser Gehülfe*) of A. In || Timocr. the positions are reversed: Timocrates is on his trial (ὁ μὲν), and Androtion (who by this time has already been acquitted on the present charge, and is perhaps more insolent than ever) is his powerful supporter: and the passage is thus in its right place.

§ 75. σκαιός] See the quotation from de Cor. § 120 in § 73 n.: 'stupid,' K. 'narrow-minded' (*bornirt*), Benseler.

ἃ μὲν ὑπερβάλλη τῷ πλήθει] There are two ways in which this and the corresponding clause ἐὰν δ' ἐπὶ μικροῖς τις σεμνύνηται may be taken. G. H. Schaefer, Funkhaenel, Dindorf, and Benseler seem to agree in thinking that both clauses refer to 'gold plate' only, of which 'drinking-cups' and 'censers' are taken as common types. These, if of a certain massiveness, πλούτου τινα δόξαν προσε-
 τρήφατο τοῖς κερτημένοις (trans-

lated below): but if a man prides himself upon small ones, so far from obtaining any credit on that account, he is thought to be ἀπειρόκαλος, wanting in taste. Thus πλήθει=μεγέθει, as Schaefer observes, a point on which there need be no difficulty. But surely this is not the notion which a cultivated Athenian would have formed of ἀπειροκαλία. To him the ἀπειρόκαλος was the man devoid of a true feeling for art, the 'Philistine,' the man who could not 'live up to' the works of Phidias and Ictinus. He would have applied the name to the vulgar rich man with his heavy gold plate as readily as to the silly man who aped wealth upon a small scale. The Greeks were singularly free from that worship of gold and jewels for their own sake, and apart from artistic merit or other associations (such as those of the crowns which Androtion had broken up), which has marked the Oriental mind from the earliest dawn of its literature to the days of 'Endymion.'

The preferable explanation is, with K. and R. W., to understand μικροῖς of 'small matters.' Cups and censers, if exceedingly numerous, cover their possessor with a certain showy varnish of wealth ('wohl ihre

δόξαν προσετρίψατο τοῖς κεκτημένοις, ἐὰν δ' ἐπὶ μικροῖς τις σεμνύνηται, τοσοῦτ' ἀπέχει τοῦ τιμῆς τινὸς διὰ ταῦτα τυχεῖν ὥστ' ἀπειρόκαλος πρὸς ἔδοξεν^x εἶναι. οὗτος τοίνυν ἀνελὼν τὰ τῆς δόξης κτήματα, τὰ τοῦ 76 πλούτου πεποιήται μικρὰ καὶ οὐχ ὑμῶν ἄξια. καὶ οὐδ' ἐκεῖν' εἶδεν, ὅτι πρὸς μὲν χρημάτων κτήσιν οὐδεπώποτε ὁ δῆμος ἐσπούδασε, πρὸς δὲ δόξης ὡς οὐδὲ πρὸς ἐν τῶν ἄλλων. τεκμήριον δέ' χρήματα μὲν γὰρ πλείστα τῶν Ἑλλήνων ποτὲ σχῶν ἅπανθ' ὑπὲρ φιλοτιμίας ἀνήλωσεν, εἰσφέρων δ' ἐκ τῶν ἰδίων οὐδένα πώποτε^y κίνδυνον ὑπὲρ δόξης ἐξέστη. ἀφ' ὧν κτήματα ἀθάνατα αὐτῷ περίεστι, τὰ μὲν τῶν ἔργων ἢ μνήμη,

^x v. not.^y πώποτε om. Z Bekk. Bens. cum ΣΦΤΩstv.

Besitzer mit einem gewissen glänzenden Firniss von Wohlhabenheit umgeben,' Benseler): but whether more or fewer, they are but small matters, and the man who prides himself upon them is ἀπειρόκαλος. Andro- tion, therefore, has shown 'tasteless vulgarity' in melting down the wreaths, with their glorious associations, and turning them into vessels which are only so much bullion.

τοσοῦτ' ἀπέχει] Rather τοσοῦτον ἀπέχει, § 2η.

πρὸς ἔδοξεν] Dindorf alone prints this as two words: but if with the MSS. we write προσέδοξεν, the preposition must still be taken separately. Other similar instances are Pantaen. p. 981 § 49 προσατιμῶσαι (where see Sandys): Boeot. de Nom. p. 1001 § 23 προσμισεῖν: Callicl. p. 1280 § 29 προσσυκοφαντοῦσιν. I own that I prefer Dindorf's way of writing all these passages *divisim*.

§ 76. τεκμήριον δέ] This sentence, down to ἐξέστη, occurs with some variations in Lept. p. 460 § 10. The allusion in χρήματα πλείστα ποτὲ σχῶν is doubtless to the times of Pericles: the history of the Olympieion, not finished till the time of Hadrian, shows that after the outbreak of the Peloponnesian war Athens had little to spend on art and architecture.

οὐδένα πώποτε κίνδυνον—ἐξέστη] The best MSS. all omit πώποτε here, though in || Leptines there is no variety of reading. For ἐξέστη with acc. compare, besides || Lept., de Cor. p. 331 § 319 οὐδένα ἐξίσταμαι 'I avoid no one:' where Drake aptly points out that ἐξίσταμαι takes accus. where φεύγω might be used, dat. where εἶκω, and compares Soph. Aj. 82 φρονούντα γὰρ νιν οὐκ ἂν ἐξέστην δκνῷ. In Latin *excedere egredi evadere* are all found with an accus.

τὰ δὲ τῶν ἀναθημάτων τῶν ἐπ' ἐκείνοις σταθέντων τὸ κάλλος, προπύλαια ταῦτα, ὁ παρθενῶν, στοαὶ, νεώσοικοι, οὐκ ἀμφορίσκοι δύο οὐδὲ χρυσίδες τέτταρες ἢ τρεῖς, ἄγουσά ἐκάστη μνᾶν, ἄς, ὅταν σοι δοκῇ, σὺ 77 πάλιν γράψεις καταχωνεύειν. οὐ γὰρ αὐτοὺς δεκατεύοντες, οὐδ' ἂ κατάρασαιτ' ἂν οἱ ἐχθροὶ ποιοῦντες, διπλᾶς πράττοντες τὰς εἰσφορὰς, ταῦτ' ἀνέθεσαν, οὐδ' οἴοσπερ^α σὺ χρώμενοι συμβούλοις ἐπολιτεύοντο, ἀλλὰ τοὺς ἐχθροὺς κρατοῦντες, καὶ ἂ πᾶς τις ἂν εὖ φρονῶν εὔξαιτο, τὴν πόλιν εἰς ὁμόνοιαν ἄγοντες, ἀθάνατον κλέος αὐτῶν λελοίπασι, τοὺς ἐπιτηδεύοντας^α οἶα σοὶ 78 βεβίωται τῆς ἀγορᾶς εἶργοντες. ὑμεῖς δ' εἰς τοῦτ', ὧ 618 ἄνδρες Ἀθηναῖοι, προήχθητ' εὐηθείας καὶ ῥαθυμίας

^α οἴοσπερ Z Bens. cum libris.

^α ἐπιτηδεύσαντας Z Bekk. Bens. cum ΣΤΩς et corr. F.

τῶν ἀναθημάτων—τὸ κάλλος] 'the splendour of the (sacred) edifices raised to commemorate them:' ἀνάθημα in a rare sense of the temple itself, usually of its contents, i.e. votive offerings.

ἀμφορίσκοι δύο] 'A pair of little jars, or three or four golden saucers each weighing a mina' K.—τέτταρες ἢ τρεῖς, with the smaller number last, = 'four, or perhaps only three.'—χρυσίδες is explained as = φιάλη in the grammarians (Harpocrat., Bekk. *Anecd.* 316, 14). Benseiler treats it as a diminutive (*Schälchen*); his word for ἀμφορίσκοι (*Henkelkrügelchen*) preserves the notion of a vessel with handles always conveyed by ἀμφορεὺς (= ἀμφιφορεὺς, ἀμφι and φέρειν). For the sense of ἄγειν compare Timocr. § 129 τὸν ἀκινᾶκην τὸν Μαρδονίου, ὃς ἦγε τριακοσίουσ δαρεικούσ: c. Timoth. p. 1193 § 32 πείθει αὐ-

τὸν ὁ πατήρ ὁ ἐμὸς τιμὴν ἀπολαβεῖν τῶν φιαλῶν, ὅσον ἦγον αὶ φιάλαι.

§ 77. δεκατεύοντες] The property tax was an εἰκοστή or 5 per cent. upon the taxable capital (*Dict. Antiq.* s.v. Eisphora). This, when doubled by Androtion's exactions, became a δεκάτη or tithe.

οἴοσπερ σὺ] § 64 n.

τὴν πόλιν εἰς ὁμόνοιαν ἄγοντες] Whereas the tendency of A.'s proceedings was to excite discontent and opposition.

τῆς ἀγορᾶς εἶργοντες] The Atimia, denounced against such immorality as Androtion was accused of, disqualified from speaking in the public assemblies. There is no reference to buying and selling in the market-place: no *aquae et ignis interdicio*. Cf. Timocr. §§ 60, 103.

§ 78. εὐηθείας καὶ ῥαθυμίας] Der Stumpfsinn und der Sorg-

ὥστ' οὐδὲ τοιαῦτα ἔχοντες παραδείγματα ταῦτα μι-
μείσθε, ἀλλ' Ἀνδροτίων ὑμῖν πομπείων ἐπισκευαστῆς,
Ἀνδροτίων, ὦ γῆ καὶ θεοί. καὶ τοῦτ' ἀσέβημα ἔλατ-
τον τίνος ἠγείσθε; ἐγὼ μὲν γὰρ οἶμαι δεῖν τὸν εἰς ἱερά
εἰσιόντα καὶ χερνίβων καὶ κανῶν ἀψόμενον καὶ τῆς
πρὸς τοὺς θεοὺς ἐπιμελείας προστάτην ἐσόμενον οὐχὶ
προειρημένον^b. ἡμερῶν ἀριθμὸν ἀγνεύειν, ἀλλὰ τὸν
βίον ἠγνευκέναι τοιούτων ἐπιτηδευμάτων οἷα τούτῳ
βεβίωται.

^b -ων Bens. cum libris.

losigkeit, 'stupidity and care-
lessness.' This bit of plain
speaking was, it will be remem-
bered, to be uttered by Diodorus,
not by the young author of the
speech.

πομπείων ἐπισκευαστῆς] § 69 n.

Ἀνδροτίων, ὦ γῆ καὶ θεοί] For
the stinging repetition (Epana-
diplosis, Blass p. 153) of the
man's name, comp. Aristocr.
p. 690 § 210 καὶ Χαρίδημον εἰ
χρῆ φρουρεῖν βουλευέται; Χαρί-
δημον; οἶμοι. 'Often quoted,'
says Prof. Mahaffy *Gr. Lit.* II.
347 n.

καὶ τοῦτ' ἀσέβημα ἔλαττον τίνος
ἠγείσθε;] Sic resolvendum:
τούτο τίνος ἀσεβήματος ἔλαττον
ἀσεβημα ἠγείσθε; G. H. Schae-
fer.

χερνίβων] The doubt is as
old as Harpocration whether
this is from χερνίβον the vessel
or χερνίψ the holy water. The

Scholiast takes it of the former:
οὐ τοῦ ὕδατος ἀλλὰ τῶν ἀγγείων,
and so Benseler. K. understands
it of the latter: but the point is
unimportant. For κανῶν see
Dict. Antiq. s.v. Canephoros.

προειρημένον ἡμερῶν ἀριθμὸν]
Reiske's correction for προειρη-
μένων, received by all editors
except Benseler. This critic
argues ingeniously that not
merely the number of days, but
the particular days for cere-
monial purity were prescribed:
and defends the reading of the
MSS. On the other hand, the
tendency of copyists to make
every word agree with the near-
est to it, and irrespective of
the sense, is a well known and
fruitful source of error. In
|| Timocr. the best MSS. read
τακτὸν, the rest as here προει-
ρημένων.

ΚΑΤΑ ΤΙΜΟΚΡΑΤΟΥΣ.

ΛΙΒΑΝΙΟΥ ΤΠΟΘΕΣΙΣ.

Διόδωρος μὲν κἀνταῦθα ὁ κατήγορος· κατηγορεῖ δὲ νόμου μάλα φιλανθρώπου, διόπερ ἀπὸ τῆς αἰτίας καὶ τῆς τοῦ γεγραφότος γνώμης διαβάλλειν αὐτὸν πειρᾶται. ἔστι δ' ὁ νόμος ὁ τοῦ Τιμοκράτους τοιοῦτος, εἴ τιμι Ἀθηναίων ἐπ' ὀφλήματι δημοσίῳ προστετίμηται δεσμοῦ ἢ καὶ τὸ λοιπὸν προστιμηθείη, ἐξεῖναι αὐτῷ ἢ ἄλλῳ ὑπὲρ αὐτοῦ ἐγγυητὰς καταστήσαντι τοῦ ὀφλήματος, οὓς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐντὸς ῥητῆς προθεσμίας ἐκτίσειν, ἀφείσθαι τοῦ δεσμοῦ· ἐὰν δὲ ἐπιστάντος τοῦ χρόνου μὴ ἐκτισθῇ τὸ ὀφλημα, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δὲ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. τοῦτον αἰτιῶνται τὸν νόμον ὁ κατήγορος οὐχ ὑπὲρ τοῦ κοινοῦ γεγράφθαι, ἀλλ' ὑπὲρ Ἀνδροτίωνος καὶ Γλαυκέτου καὶ Μελανώπου. οὗτοι γάρ, φησὶ, πεμφθέντες εἰς Καρίαν πρεσβευταὶ καὶ πλείοντες ἐν τριήρει, περιπεσόντες Ναυκρατίταις ἀνθρώποις ἐμπόροις, ἀφείλοντο αὐτῶν τὰ χρήματα. εἶθ' οἱ Ναυκρατίται μὲν ἐλθόν-

Argument. κἀνταῦθα] As well as against Androtion. Did these two speeches stand together in Libanius' copies?

τῆς αἰτίας] 'the motive' of the law, nearly = τῆς τοῦ γεγραφότος

γνώμης, 'the intention of its proposer.'

προθεσμίας] *Dict. Antiq.* s. v. Prothesmia.

πρεσβευταὶ] See § 12 of the speech.

τες Ἀθήναζε τὸν δῆμον ἰκέτευον, ὁ δὲ δῆμος ἔγνω πολέμια εἶναι τὰ χρήματα, καὶ μὴ δεῖν ἀποδοθῆναι τοῖς ἐμπόροις. τούτων δὲ οὕτω γενομένων Ἀρχέβιος καὶ Λυσιθείδης οἱ τριήραρχοι τῆς νεῶς, ἐφ' ἧς ἔπλεον οἱ περὶ τὸν Ἀνδροτίωνα, εἰσεπράττοντο τὰ χρήματα. ὡς δὲ ἐκείνοι μὲν οὐκ ἐφάνησαν ἔχοντες αὐτὰ, οἱ ⁶⁹⁵ πρεσβευταὶ δὲ ὠμολόγουν ἔχειν αὐτὰ, καὶ ἔδει πᾶν χρῆμα καταβάλλειν ἢ τοῖς νόμοις ὑποπίπτειν τοῖς τῶν ὀφειλόντων τὰ δημόσια, διὰ τοῦτο, φησὶ, τοῦτον τὸν νόμον Τιμοκράτης βοηθοῦντὰ ἐκείνοις ἔθηκεν. ὁ μέντοι Τιμοκράτης ἐκτετικένας φησὶ τὰ χρήματα τοὺς περὶ Ἀνδροτίωνα, καὶ δῆλον ἐντεῦθεν εἶναι ὡς οὐκ ἐκείνων ἔνεκα τὸν νόμον εἰσέφερεν αὐτός. κατηγορεῖ δὲ ὁ Διόδωρος καὶ ἄλλο τοῦ νόμου· τὴν τε γὰρ θέσιν αὐτοῦ μέμφεται ὡς γεγονυῖαν παρὰ τοὺς νόμους, καὶ ὑπεναντίον εἶναι τοῖς ἀρχαίοις φησὶ, καὶ ἀσύμφορον τοῖς κοινοῖς ἐπιδείκνυσιν.

ΕΤΕΡΑ ΤΥΠΟΘΕΣΙΣ.

Πολέμου τυγχάνοντος Ἀθηναίοις πρὸς βασιλέα, κατὰ τοῦτον τὸν χρόνον ἐγράφη ψήφισμα σῦλα πλοίων πολεμίων εἶναι καὶ γίνεσθαι τὰ τιμήματα

οὐκ ἐφάνησαν ἔχοντες] Libanius probably means, as a classical writer would have meant, 'were proved not to have' the money, not 'did not appear.' Androt. § 21 n. But in the best Greek we should not find πᾶν χρῆμα for πάντα, 'everything.'

παρὰ τοὺς νόμους... ὑπεναντίον... ἀσύμφορον] So in the Androtion, A.'s motion to crown the senate is attacked on the same three grounds as (1) illegal, liable to a γραφή παρανόμων; (2) a violent subversion of established

constitutional rules; (3) impolitic.

Second Argument. This writer's Greek, and his judgment also, are greatly inferior to that of Libanius.

ἐγράφη ψήφισμα] As if the decree had been made for the occasion, and the destruction of the enemy's commerce were not a regular incident of naval warfare! The use of τῶν κλοπῶν for 'the captures' shows a want of command of the language.

σῦλα πλοίων] 'that the enemy's

τῶν κλοπῶν δημόσια. Μαύσωλος, τῆς Καρίας σα-
 τράπης, τὰς πέραν νήσους ἠδίκηει. κατεβῶν οἱ
 βλαπτόμενοι, καὶ τοὺς Ἀθηναίους ἐπεκαλοῦντο.
 ἔδοξε διὰ πρέσβειων τέως αἰτιάσασθαι τὸν Κᾶρα.
 πέμπουσιν οὖν Ἀνδροτίωνα καὶ Μελάνωπον καὶ
 Γλαυκέτην πρὸς τὸν ἄρχοντα Καρίας Μαύσωλον,
 τὸν τῆς Ἀρτεμισίας ἄνδρα καὶ ἀδελφὸν, ὡς ἀδικοῦντα
 τὰς νήσους αἰτιασομένους, καὶ βασιλεῖ χαριζόμενον,
 δι' ὃν κακῶς ἐποίει τοὺς Ἕλληνας. οὗτοι νηὶ περι-
 τυχόντες Ναυκρατικῇ Αἰγύπτια ἐχούσῃ φορτία
 (διεκόμιζον δὲ τούτους τοὺς πρέσβεις Ἀρχέβιος καὶ
 Λυσιθείδης τριήραρχοι) κατάγουσιν εἰς τὸν Πειραιᾶ
 τὴν ὀλκάδα. καὶ λόγων γενομένων τοῖς Αἰγυπτίοις
 πρὸς τὸν δῆμον καὶ ἰκετείας, οὐδὲν ἦττον ἐκρίθη τὰ 696
 χρήματα εἶναι δημόσια ὡς πολεμίων ὄντων τῶν Αἰ-
 γυπτίων. νόμου δὲ προστάττοντος τὸν χρησάμενον
 δημοσίοις χρήμασιν ἐπ' ἐνιαυτὸν ὅλον διπλάσια ταῦτα
 διδόναι, κατασχόντες οἱ πρέσβεις οὗτοι τάλαντα ἐννέα
 καὶ τριάκοντα μνᾶς τῶν ἀπεμποληθέντων φορτίων ἐκ
 τῆς νεῶς ὑπεύθυνοι ἐγίνοντο τῷ δημοσίῳ καὶ τῷ δι-
 πλασίῳ. σπανιότητος δὲ χρημάτων κατασχούσης
 τὸν δῆμον, Ἀριστοφῶν τις δημαγωγὸς ἔγραψε ψή-
 φισμα ἐλέσθαι ζητητὰς τῶν ὀφειλόντων τῇ πόλει καὶ
 ἀποπειρωμένων διαλαθεῖν, καὶ τούτους μηνύειν. ἐμή-
 νυσεν Εὐκτῆμων ὁ πρὸς Ἀνδροτίωνα μικρῷ πρόσθεν

vessels should be lawful prizes, and the proceeds of the captures after valuation become the property of the State.' R. W. The form *σύλαι* 'right of seizure, reprisals,' is to be distinguished from *σύλα*, prizes or captured property. It occurs c. Lacrit. p. 927 § 13, p. 931 § 26.

τὰς πέραν νήσους] 'opposite' or 'adjacent' islands, not 'be-

yond.' The Scholiast mentions Cos and Rhodes, and (less accurately) Chios.

τῷ διπλασίῳ] G. H. Schaefer suggested τοῦ διπλασίου. So below l. 20 Bekker points out that ὀφειλον ought to be ὀφλον, and p. 697. 18 ἀλλ' οὖν γε τοῦ μὴ ought to be ἀλλ' οὖν τοῦ γε μὴ. But it seems hardly worth while to correct this writer's Greek.

ἀγωνισάμενος, νυνὶ δὲ πρὸς Τιμοκράτην, ἔχειν Ἀρχέβιον καὶ Λυσιθείδην ἐκ τῆς Αἰγυπτίας ὀλκάδος τάλαντα ἑννέα καὶ τριάκοντα μνᾶς. ἔγραψε δὲ δηλονότι φεύγων μὲν τὴν ἐκ τοῦ προφανοῦς πρὸς Ἀνδροτίωνα μάχην, διὰ δὲ τῆς τῶν τριηράρχων μνήμης οὐδὲν ἦττον ἐπιβουλεύων τῷ Ἀνδροτίωνι. διαδικασίας δὲ γενομένης τοῖς πρέσβεσι πρὸς τοὺς τριηράρχους, ἦττήθησαν οἱ πρέσβεις καὶ ὄφειλον τὰ χρήματα. προστάττοντος δὲ νόμου τὸν ὀφείλοντα ἐπὶ τοῦ δευτέρου ἐνιαυτοῦ δεδέσθαι, ἕως ἂν ἐκτίσῃ, ἔμελλον τῷ δεσμῷ καὶ οἱ πρέσβεις καθυποβάλλεσθαι. ἐν δὲ τῷ καιρῷ τούτῳ ἀρχομένου τοῦ δευτέρου ἐνιαυτοῦ, ἐν ᾧ καὶ δεθῆναι τοὺς πρέσβεις ἐχρήν, ἔγραψε Τιμοκράτης νόμον τοιοῦτον, εἴ τιμι τῶν ὀφειλόντων τῷ δημοσίῳ δεσμοῦ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα καὶ τὸ λοιπὸν προστιμηθῆ, ἐξεῖναι αὐτῷ καταστήσαντι τρεῖς ἐγγυητὰς ἢ μὴν ἐκτίσειν, οὓς ἂν ὁ δῆμος χειρο- 697
τονήσῃ, ἀφίεσθαι τοῦ δεσμοῦ· ἐὰν δὲ μὴ ἐκτίσῃ αὐτὸς ἢ οἱ ἐγγυηταί, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δὲ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. τούτου τοῦ νόμου γραφὴν ἀπηνέγκαντο Διόδωρος καὶ Εὐκτῆμων ὡς παρανόμου καὶ ἀδίκου καὶ ἀσυμφόρου. Ἀνδροτίων δὲ καὶ Γλαυκέτης καὶ Μελάνωπος, συνιέντες δι' αὐτοὺς γεγενῆσθαι τὴν γραφὴν, καταβάλλουσιν ἑννέα τάλαντα καὶ τριάκοντα μνᾶς, ἴσως μὲν οὐκ ἂν καταβαλόντες, εἰ μὴ τὴν γραφὴν ἐπέδωσαν οἱ κατήγοροι, ὅμως δ' οὖν κατέβαλον. κατηγορεῖ τοίνυν Εὐκτῆμων

διαδικασίας] See § 13 of the Speech.

ἐπὶ τοῦ δευτέρου ἐνιαυτοῦ] Boeckh points out that the writer, whom he inadvertently calls Libanius, has confused the actual law with the proposal of Timocrates, *P. E.* book iii. note

159. In reality a state debtor, whether farmer of the taxes or not, might be imprisoned at any time in certain circumstances; Schoemann, *Antiq.* p. 451 E. T. The point will be further discussed in the notes to the Speech (see §§ 2, 39 f., 50).

καὶ Διόδωρος, φάσκοντες μὲν διὰ τοὺς πρέσβεις γε-
γράφθαι τὸν νόμον· εἰ δὲ καὶ ἐξέτισαν ἐν τῷ μεταξὺ
χρόνῳ, δεδομένης τῆς γραφῆς τοῦτο ἐποίησαν, ὥστε
τὴν προαίρεσιν τοῦ νομοθέτου ὑπαιτίαν εἶναι. οὐδὲν
δὲ ἦττον ἐξετάζει τὸν νόμον ὁ ῥήτωρ ὡς καὶ κατ' ἄλλον
τρόπον ἔχοντα κακῶς· καὶ γὰρ παρανόμως τεθεῖσθαι
φησι καὶ ὑπεναντίως ἔχειν τοῖς νόμοις, καὶ ἄλλως
ἀδικεῖν καὶ βλάπτειν, δι' ὧν προστάττει, τὴν πόλιν.
διὰ ταῦτα γοῦν καὶ αἱ ὑποθέσεις τοῦ λόγου δύο, μία
μὲν ὅτι διὰ τοὺς πρέσβεις γέγραπται, ἑτέρα δὲ ὅτι
ὑπεναντίως τοῖς νόμοις καὶ ἐπιζήμιος καὶ ἄδικος.
ὥστε εἰ ἐδύνατο ἐκφυγεῖν ὁ Τιμοκράτης τὴν αἰτίαν
τοῦ μὴ διὰ τοὺς πρέσβεις γεγραφέναι, ἀλλ' οὖν γε τοῦ
μὴ πονηρὸν εἶναι οὐ διαφεύξεται. ἐδύνατο μὲν γὰρ
τοῦ νομοθέτου κατηγορεῖν ὁ Διόδωρος, ὅτι πονηρὸν
ἔγραψε νόμον καὶ ὑπεναντίον τοῖς νόμοις, καὶ ἤρκεσεν
ἂν αὐτῷ πρὸς ὑπόθεσιν ταῦτα· νῦν δὲ καὶ τὴν κατὰ 698
τῶν πρέσβειων προσείληφε διαβολῆς ἕνεκα τοῦ νομο-
θέτου. ἡ μὲν οὖν ὑπόθεσις τῆς αἰτίας, δι' ἣν ἔθηκε
τὸν νόμον, στοχαστική· ζητεῖται γὰρ εἰ διὰ τοὺς
πρέσβεις ἔθηκεν ἢ οὐ· ἡ δὲ κατὰ τὸν νόμον πραγ-
ματική· καθόλου γὰρ πᾶσα κατηγορία ῥητοῦ πραγ-
ματικὴν ἀπεργάζεται στάσιν. ῥητοῦ δὲ λέγω οὐκ ἐξ
οὐπερ ἕτερόν τι ζητεῖται, ὥσπερ ἐν στοχασμῷ, οὐδὲ

ὥστε τὴν προαίρεσιν] 'so that
the purpose of the mover of the
law was (equally) blameworthy.'
In Attic writers ὁ νομοθέτης would
hardly mean any one but Solon,
νομοθεταὶ the legislative com-
mittee selected from the He-
liastic body (see § 21): here it
should have been τοῦ τὸν νόμον
γράψαντος, as in § 28.

αἱ ὑποθέσεις τοῦ λόγου δύο]
'the questions argued in the
speech are two, one (of motive)

that the law was proposed for
the benefit of the ambassadors,
the other (of fact) that it is
illegal, hurtful in its effects, and
unjust.' Compare the end of
Libanius' Argument. The for-
mer is the ὑπόθεσις τῆς αἰτίας,
and as such a matter of con-
jecture(στοχαστική): for the latter
see the next note.

πᾶσα κατηγορία..στάσιν]'every
charge against a written docu-
ment (in English law, 'of re-

τοῦ ἀναφερομένου εἰς τέχνην καὶ ἐξουσίαν, ὥσπερ ἐν ἀντιλήψει. ἐκεῖ μὲν ἐπὶ τοῖς ἐκβεβηκόσιν ἢ κρίσις, ἐν δὲ τῇ πραγματικῇ ἐπὶ μέλλουσι. καὶ δεῖ γεγράφθαι τὸ ῥητὸν ἐν νόμοις καὶ ἐν ψηφίσμασιν. ἔστι τοίνυν τούτου τοῦ λόγου κεφάλαια τέσσαρα, ἐν μὲν τὸ νόμιμον, ὃ διήρηται διχῆ, εἷς τε τὸ πρόσωπον καὶ εἷς τὸ πρᾶγμα, τουτέστιν εἰς αὐτὸν τὸν νόμον, ὅπως ἐναντίος ἐστὶ τοῖς νόμοις, δεύτερον τὸ δίκαιον, τρίτον τὸ συμφέρον, ὅτι ἐπιζήμιος, τέταρτον τὸ δυνατὸν, ὅτι καὶ ἀδυνάτους ἐπιτάττει πράξεις. ἡ κρινομένη οὖν ὑπόθεσις ἐστὶν αὕτη ἢ ἐν τοῖς κεφαλαίοις. τὴν γὰρ κατὰ τῶν πρέσβων ὑπόθεσιν ἐν τῇ καταστάσει καὶ παρεκβάσει τέθεικε διαβολῆς ἕνεκα δηλονότι. ἐπειδὴ γὰρ ὁ νόμος δοκεῖ φιλανθρωπότητος εἶναι, τῶν δεσμῶν ἀφιεῖς, τούτου ἕνεκα ἀντέθηκε πλεῖστα μὲν καὶ ἄλλα, μάλιστα δὲ τὰ δύο ταῦτα, τὴν τε ὑπόθεσιν τὴν κατὰ τοὺς πρέσβεις, ἵνα τῇ ὑπονοίᾳ ταύτῃ τὸν ἀκροατὴν ἐν ὑποψίᾳ δούς κατὰ τοῦ ἀντιδίκου πείσῃ ὡς τὸν νόμον δι' αἰσχροκέρδειαν τεθεικῆτος ὑπὲρ ῥητόρων καὶ πολιτευομένων, ἀρπάσαι τὰ κοινὰ προαιρουμένων, καὶ τὸ 699 ἀσύμφορον, ἐν ᾧ ἀποστερήσαι τὴν πόλιν ἀπάντων τῶν ὀφλημάτων βούλεται· καὶ τὸ ἄδικον, ἐν ᾧ ὅτι ἀναξίοις δεσμώταις τὴν χάριν δίδωσι. πρὸς δὲ τὸ δυνατὸν, ὅτι εἰ καὶ ἐβουλόμεθα, οὐκ ἦν δυνατόν· ἀναιροῦνται γὰρ τῆς πολιτείας οἱ κανόνες. μὴ ἀγνωθῶμεν δὲ ὅτι τὸ μὲν νόμιμον κεφάλαιον ἐντελέστατα

cord') raises a question of fact.' For στάσις cf. note on Androt. Argum. p. 596. 8, where ἔγγραφος corresponds to ῥητὸν here.

ἀντιλήψει] 'objection.'

καταστάσει] 'statement of the case.'

τὸ μὲν νόμιμον κεφάλαιον] The most sensible remark which this grammarian has yet made: 'the

legal argument is worked out very completely,' because it is the strong point: the other and weaker pleas are purposely jumbled together. In the Crown, on the contrary, the question of law is the weak point of the orator's defence; and it is carefully hidden away in the middle of the speech, and lost in the

εἴργασται, τὸ δὲ δίκαιον καὶ τὸ συμφέρον καὶ τὸ δυνατὸν ἀλλήλοις συμπλέκεται. καὶ τὸ μὲν συμφέρον ἐν τούτοις ἐστὶ τὸ προηγούμενον, κατασκευάζεται δὲ διὰ τε τοῦ δικαίου καὶ τοῦ ἀδίκου καὶ τοῦ ἀδυνάτου· πᾶν γὰρ ἀδικον καὶ ἀσύμφορον. τῷ δ' αὐτῷ καὶ περὶ τοῦ ἀδυνάτου βιάζεται χρῆσθαι λόγῳ· ὃ γὰρ ἀδύνατόν φησι, τοῦτο δὴ καὶ ἀσύμφορον. καὶ ἐπειδὴ Τιμοκράτης πολὺς ἐστὶ τῇ φιλανθρωπία τοῦ νόμου χρώμενος, αὕτη δὲ ἐπὶ τὸ δίκαιον ἀναφέροίτο ἂν, διὰ τοῦτο Δημοσθένης πανταχοῦ τῷ ἀσυμφόρῳ κέχρηται, δεικνὺς ἐπιβλαβῆ καὶ ἐπιζήμιον τυγχάνοντα τῇ πόλει τὸν νόμον.

Τοῦ μὲν ἀγῶνος, ὃ ἄνδρες δικασταὶ, τοῦ παρόντος 700 οὐδ' ἂν αὐτὸν οἶμαι Τιμοκράτην εἰπεῖν ὡς αἰτιὸς ἐστὶν ἄλλος τις αὐτῷ πλὴν αὐτὸς αὐτῷ. χρημάτων γὰρ οὐκ ὀλίγων ἀποστερηῆσαι βουλόμενος τὴν πόλιν, παρὰ πάντας τοὺς νόμους νόμον εἰσήνεγκεν οὔτ' ἐπιτήδειον οὔτε δίκαιον, ὃ ἄνδρες δικασταί· ὅς τὰ μὲν ἄλλ' ὅσα λυμανεῖται καὶ χεῖρον ἔχειν τὰ κοινὰ ποιήσῃ, κύριος εἰ γενήσεται, τάχα δὴ καθ' ἕκαστον ἀκούοντες ἐμοῦ μαθήσεσθε, ἐν δ', ὃ μέγιστον ἔχω καὶ προχειρότατον 2 πρὸς ὑμᾶς εἰπεῖν, οὐκ ἀποτρέψομαι· τὴν γὰρ ὑμετέραν blaze of splendid rhetoric.

[§§ 1—16. Introductory]. §§ 1—5. Exordium: demerits of Timocrates (διαβολὴ τοῦ προσώπου, Schol.) §§ 1—3: public importance of the case (αὔξῃσις τοῦ πράγματος), §§ 4, 5.

§ 1. *Timocrates has only himself to thank for this prosecution. From purely selfish motives he introduced a law in violation of all the existing laws which was neither expedient nor just, and the effect of which, if it is allowed to pass, will be immense pecuniary loss to the state.*

Τοῦ μὲν ἀγῶνος] The Scholiast observes that this μὲν has no δὲ corresponding to it. It is in reality repeated at τὸ μὲν οὖν πρῶγμα (end of § 5) and answered by Ἴνα δ' ὑμῶν μηδεὶς θαναμάζῃ.

ἀποτρέψομαι] 'hesitate, shrink from:' a better reading than ἀποκρύψομαι (γρ.Σρ). G. H. Schaefer compares the concluding words of Prooem. 23, p. 1434: κἂν ὑμεῖς μὴ πεισθῆτε, οὐκ ἀποτρέψομαι λέγειν. Cf. below, §§ 104, 200, where there is the same variety of reading.

ψῆφον, ἣν ὁμωμοκότες περὶ πάντων φέρετε, λύει καὶ ποιεῖ τοῦ μηδενὸς ἀξίαν ὁ τουτουὶ νόμος, οὐχ ἵνα κοινή τι τὴν πόλιν ὠφελήσῃ (πῶς γάρ; ὅς γε, ἂν δοκεῖ συνεχεῖν τὴν πολιτείαν, τὰ δικαστήρια, ταῦτα ἄκυρα ποιεῖ τῶν προστιμημάτων τῶν^a ἐπὶ τοῖς ἀδικήμασιν ἐκ τῶν νόμων ὠρισμένων) ἀλλ' ἵνα τῶν πολλὸν χρόνον ὑμῶς τινὲς ἐκκεκαρπωμένων καὶ πολλὰ τῶν ὑμετέρων διηρπακότων μηδ' ἂν κλέπτοντες φανερώς ἐλήφθησαν κατα-
3 θῶσι. καὶ τοσούτῳ ῥᾶόν ἐστιν ἰδίᾳ τινὰς θεραπεύειν

^a *om.* Z v. *not.*

§ 2. *The most obvious objection to T.'s law is, that it deprives the courts of the (discretionary) power of awarding further penalties for wrongful acts. Not for the sake of any advantage to the state, that is impossible, but that the clique of those who fatten upon your plunder may not be compelled to disgorge.*

τῶν προστιμημάτων τῶν ἐπὶ] The reading is greatly improved by the addition of the second τῶν, showing that the construction is ἄκυρα τῶν προστιμημάτων, 'unable to enforce their aggravations of punishment' (Strafverschärfungen, Benseler) as in §§ 79, 102, 191: therwise τῶν προστ...ὠρισμένων would be a rather awkward gen. absolute. The Athenian law allowed the state debtor thirty days to find the money before execution was levied, and provided that the amount should be doubled after the ninth Prytany. In the interval there was a discretionary power to imprison where default was to be feared, vested in the law-courts according to Demosthenes: Schoemann says in the Council (Senate), *Antiq.* p. 451. The subst. *προστιμημα* seems to

occur only here and in the grammarians Pollux and Harpocration: I prefer the rendering 'additional penalty' to the simple 'penalty' (K.). According to Reiske, *Ind. Dem.* s. v., *προστιμᾶν* may 'often' be understood in the same sense as *τιμᾶν*: but he fails to prove this. His most plausible instance is in § 103 of this Speech, *εἰάν τις ἀλφῶ κλοπῆς καὶ μὴ τιμηθῆ θανάτου, προστιμᾶν αὐτῷ δέσμον*: where however see note.

κλέπτοντες φανερώς ἐλήφθησαν] The allusion is not to the capture of enemies' property, called *κλοπῆ* at the beginning of the Second Argument; but to the fact that the ambassadors admitted the possession of the money (below, § 13 n.).

§ 3. *His task has been easier than mine: he has been bribed to bring in his law, and what is more, paid beforehand; while I stand up for your rights, not only without hope of reward, but at the risk of losing 1000 drachmas.*

θεραπεύειν] 'pay court to,' K. Rather perhaps 'study the interests of,' 'watch for opportunities of aiding:' as in *de Cor.*

ἢ τῶν ὑμετέρων δικαίων^b προϊστασθαι ὥστε οὗτος μὲν
 ἔχει παρ' ἐκείνων ἀργύριον καὶ οὐ πρότερον τούτου
 εἰσήνεγκεν ὑπὲρ αὐτῶν τὸν νόμον, ἐμοὶ δ' ἐν χιλίαις 701
 ὑπὲρ ὑμῶν ὁ κίνδυνος· τοσοῦτον ἀπέχω τοῦ λαβεῖν
 4 τι παρ' ὑμῶν. εἰώθασι μὲν οὖν οἱ πολλοὶ τῶν πράτ-
 τειν τι προαιρουμένων τῶν κοινῶν λέγειν ὡς ταῦθ'
 ὑμῖν σπουδαιότατ' ἐστὶ καὶ μάλιστα ἄξιον προσέχειν
 τούτοις, ὑπὲρ ὧν ἂν αὐτοὶ τυγχάνωσι ποιούμενοι τοὺς
 λόγους. ἐγὼ δ', εἴπερ τινὶ τούτο καὶ ἄλλῳ προση-
 κόντως εἴρηται, νομίζω κάμοι νῦν ἀρμόττειν εἰπεῖν.
 5 τῶν γὰρ ὄντων ἀγαθῶν τῇ πόλει καὶ τοῦ δημοκρα-
 τουμένην καὶ ἐλευθέραν εἶναι ὡς ἄλλο τι τῶν νόμων
 αἰτιώτερόν ἐστιν, οὐδ' ἂν ἓνα εἰπεῖν οἶμαι. περὶ
 τοίνυν αὐτοῦ τούτου νῦν ὑμῖν ἐστὶ, πότερον δεῖ τοὺς
 μὲν ἄλλους νόμους οὓς ἐπὶ τοῖς ἀδικούσι τὴν πόλιν
 ὑμεῖς ἀνεγράψατε, ἀκύρους εἶναι, τόνδε δὲ κύριον, ἢ

^b δικαίως Bens. cum Sr.

p. 332 § 322, τὰς τιμὰς, τὰς δυ-
 ναστείας, τὰς εὐδοξίας τῆς πα-
 τριδος θεραπεύειν, ταύτας ἀξίζει·
 and de F. L. p. 411 § 226 = 250,
 τοῖς τὰ Φιλίππου πράγμαθ' ἡρη-
 μένοις θεραπεύειν.

ἐν χιλίαις] Androt. §§ 26, 28.
 Below, § 7.

τοσοῦτον ἀπέχω] Androt. §
 2 n.

§§ 4, 5. *When, in accord-
 ance with the usual practice of
 public men, I insist upon the
 importance of the matter in
 hand, this is no mere figure of
 speech; for we all attribute our
 freedom and prosperity to the
 law, and the question now be-
 fore you is, whether all the other
 statutes against public offenders
 are to be invalidated, and this
 one to be established, or this
 to be repealed and the others to*

remain in force.

§ 4. εἰώθασι μὲν οὖν] Com-
 pare the opening words of Isocr.
 Or. 3 de Pace: "Ἀπαντες μὲν
 εἰώθασιν οἱ παριόντες ἐνθάδε ταῦτα
 μέγιστα φάσκειν εἶναι καὶ μάλιστα
 σπουδῆς ἀξία τῇ πόλει, περὶ ὧν
 ἂν αὐτοὶ μέλλωσι συμβουλευέσειν
 οὐ μὴν ἀλλ' εἰ καὶ περὶ ἄλλων
 τινῶν πραγμάτων ἤρμοσε τοιαῦτα
 προειπεῖν, δοκεῖ μοι πρέπειν καὶ
 περὶ τῶν νῦν παρόντων ἐντεῦθεν
 ποιήσασθαι τὴν ἀρχήν." If these
 passages stood alone, the re-
 semblance is no more than may
 be expected in an oratorical
 commonplace: but Funkhaenel
 (in *Zeitschr. für Alterthumsw.*
 1837 p. 487) has collected several
 instances in which it is
 clear that Demosth. imitated
 the older orator.

§ 5. ἀνεγράψατε] In the

τοῦναντίον τοῦτον μὲν λῦσαι, κατὰ χῶραν δὲ μένειν τοὺς ἄλλους ἔαν. τὸ μὲν οὖν πρᾶγμα, περὶ οὗ δεῖ νῦν ὑμᾶς γνῶναι, ὡς ἐν κεφαλαίῳ τις ἂν εἴποι, τοῦτ' ἐστίν.

- 6 "Ἴνα δ' ὑμῶν μηδεὶς θαυμάζη τί δὴ ποτ' ἐγὼ μετρίως, ὡς γ' ἑμαυτὸν πείθω, τὸν ἄλλον χρόνον βεβιωκῶς νῦν ἐν ἀγῶσι καὶ γραφαῖς δημοσίαις ἐξετάζομαι, βούλομαι μικρὰ πρὸς ὑμᾶς εἰπεῖν· ἔσται δὲ ταῦτ' οὐκ ἄπο^ο τοῦ πράγματος. ἐγὼ γὰρ, ὧ ἄνδρες Ἀθηναῖοι, προσέκρουσ' ἀνθρώπῳ πονηρῷ καὶ φιλαπεχθήμονι καὶ θεοῖς ἐχθρῷ, ᾧ τελευτῶσα ὄλη προσέκρουσεν
7 ἡ πόλις, Ἀνδροτίωνα λέγω. καὶ τοσοῦτῳ δεινότερα

^ο ἀπὸ Z Bekk.

literal sense, 'written up' in some public place, as the laws of Solon were on the *ἄξονες* or *κύρβεις* (*Dict. Antiq.* s. v. *Axones*). Cf. below § 23, *ἀναγράψας εἰς λεύκωμα*.

τὸ μὲν οὖν πρᾶγμα... τοῦτ' ἐστίν] 'Well, this is the case:' μὲν repeated from τοῦ μὲν ἀγῶνος § 1, and answered immediately by *ἴνα δέ*.

§§ 6—8. *Motives of the prosecution: Androtion has not yet been punished for the wrongs he has done the state, nor satisfied my revenge for his private injuries.*

§ 6. "Ἴνα δ' ὑμῶν μηδεὶς θαυμάζη] The Scholiast here points out the resemblance to the opening words of Isocr. Or. 6 Archidamus: see on § 4. The thought is again a commonplace likely to be frequently repeated: the apology, namely, of a quiet man for venturing on the unaccustomed rôle of a public prosecutor.

μετρίως] Androt. § 25 n.

ἑμαυτὸν πείθω] Lat. *mihi per-*

suasum habeo, here and Plat. Gorg. 453 b, has a sense (to be persuaded, i.e. to hold firmly an opinion) clearly distinguishable from that of *πέπεισμαι* (to be persuaded to do something). For the latter cf. Thucyd. v. 40 § 2, *τοὺς γὰρ Βοιωτοὺς ᾤοντο πεπεισθαι ὑπὸ Λακεδαιμονίων τό τε Πάνακτον καθελεῖν*.

ἐξετάζομαι] 'appear.' Androt. § 66 n. Below, § 173.

ἄπο τοῦ πράγματος] 'foreign to the matter,' 'irrelevant' K.: like *ἄπο σκοποῦ*, 'wide of the mark.' In this sense the correct accentuation is *ἄπο*, preserved here by the best MSS. The point is discussed in G. H. Schaefer's *Meletemata Critica*, p. 51.

ἐγὼ γὰρ, ὧ ἄνδρες] 'You must know, men of Athens, I came into collision with a vile, quarrelsome, abominable fellow' K. A well-known use of *γὰρ* at the beginning of a narrative: 'the fact is.'—*θεοῖς ἐχθρῷ*, Androt. § 59.

'Ἀνδροτίωνα λέγω] Some

Εὐκτήμονος ἠδικήθην ὑπ' αὐτοῦ ὥσθ' ὁ μὲν ^{Εὐκτήμονος}
 εἰς χρήματ' ἔσθ' ἂ κακῶς ἔπαθεν, ἐγὼ δ', εἰ ^{κατὰ}
 θωσεν ἐκεῖνος ἦν ἐπ' ἔμ' ἦλθεν ὁδόν, οὐχ ὅτι τῶν 702
 ὄντων ἂν^d ἀπεστερήμην, ἀλλ' οὐδ' ἂν ἔξην, οὐδ' ὁ
 κοινὸν ἅπασιν ἐστίν, ἀπαλλαγῆναι τοῦ βίου, ῥάδιον

^d ἂν om. Z Bekk. Bens. cum Σ.

critics have wished to introduce Ἀνδροτίωνι: and G. H. Schaefer takes the dative for choice wherever MSS. differ, comparing de Chers. p. 96 § 24, καὶ παρ' ὧν ἂν ἕκαστοι δύνωνται, τούτων τῶν τὴν Ἀσίαν ἐχόντων λέγω, χρήματα λαμβάνουσιν, and a passage in the Prooemia, no. 50 p. 1457. Here, however, there is no variety of reading: and in doubtful cases Schaefer's preference would now hardly be sustained. All recent editors, with Dindorf at their head, agree in adopting Πολυνείκη for Πολυνείκει in Aesch. Theb. 658, Ἐριβοίαν for Ἐριβοία in Soph. Aj. 569; in the former case with, in the latter without, MS. authority: though Lobeck on the latter passage argues with his usual copious learning in favour of the dative.

§ 7. καὶ τοσοῦτω δεινότερα] The same statement occurs in nearly the same words at the beginning of the Androtion, §§ 1, 2.

εἰς χρήματ' ἔσθ' ἂ] 'suffered, it is true (μὲν) some pecuniary damage: whereas I' &c. K. again omits to give the force of ἔσθ' ἂ: cf. Androt. § 10 n.

ἀπεστερήμην] ἀπεστερήθην MS. Σ: but this is undoubtedly a correction of the rarer pluperfect. Cobet remarks, *Nov. Lect.* p. 524: 'nulla nisi apud Graeculos utra sit verior lectio

potest esse controversia.'

ἔξην] This form of the imperfect for ἔζων is given by all MSS. in the present passage (the only one cited by Veitch s.v. ζᾶω), and as a variant in Eurip. Alcest. 295, 651. There is no doubt that it is incorrect, and formed by a false analogy from the 2nd and 3rd persons ἔξης, ἔξη. This was seen by the author of the *Etymologicum Magnum* p. 413. 8, who observes: πλάνης οὖν γενομένης ἐγένετο πρῶτον πρόσωπον ἔξην προσθέσει τοῦ ν ἀπὸ τοῦ τρίτου προσώπου; and while believing that Euripides had written ἔξην, adds ὥφειλεν εἶναι ἔζων. The only question is, does this error proceed from the writers themselves or from later copyists? Cobet, in his full and interesting discussion of the point (*Nov. Lect.* pp. 524—5), declares emphatically that the 'antiqui' were incapable of such a mistake, and that only 'Graeculi' and 'sequiores' could have perpetrated it. Modern languages abound with false analogies: that the finer linguistic instincts of the Greeks could never have been misled by them, it is easier to assume than to prove.

ἀπαλλαγῆναι τοῦ βίου] As a parricide he would have been held accursed in death, as in life.

ἦν ἂν μοι^ο. αἰτιασάμενος γάρ με ἂ καὶ λέγειν ἂν τις ὀκνήσειεν εἶ φρονῶν, τὸν ἐμαυτοῦ πατέρα ὡς ἀπέκτονα, ἀσεβείας γραφὴν κατασκευάσας εἰς ἀγῶνα κατέστησεν. ἐν δὲ τούτῳ τὸ πέμπτον μέρος τῶν ψήφων οὐ μεταλαβὼν ὧφλε χιλίας, ἐγὼ δ', ὥσπερ ἦν δίκαιον, μάλιστα μὲν διὰ τοὺς θεοὺς, ἔπειτα δὲ καὶ διὰ τοὺς δι-
 8 κάζοντας[†] ὑμῶν ἐσώθη. τὸν δὲ εἰς τοιαῦτα καταστήσαντά μ' ἀδίκως ἀδιάλλακτον ἐχθρὸν ἠγούμην. ἰδὼν δ' ἠδικηκότα κοινῇ πᾶσαν τὴν πόλιν καὶ περὶ τὴν εἴσπραξιν τῶν εἰσφορῶν καὶ περὶ τὴν ποίησιν τῶν πομπείων, καὶ χρήματα πολλὰ τῆς θεοῦ καὶ τῶν ἐπωνύμων καὶ^ε τῆς πόλεως ἔχοντα καὶ οὐκ ἀποδι-

^ο ἐμοί Bekk.

[†] δικαστὰς Z Bekk. cum ΣΦΤΩ et γρ r.

^ε καὶ om. Bekk.

εἶ φρονῶν] Expressed in || Androt. by εἰ μὴ τύχοι προσόμοιος ὦν τούτῳ. Some of these variants in the parallel passages are amusing, and some ingenious.

ἀσεβείας γραφὴν κατασκευάσας] In || Androt. (where see note on κατασκ.) it is οὐκ ἐπ' ἐμέ, ἀλλ' ἐπὶ τὸν θεῖόν μου.

τὸ πέμπτον μέρος... ὧφλε χιλίας] By the Athenian laws which provided this penalty for litigiousness and frivolous accusations, a distinction was maintained between public and private causes. In the former, a uniform sum of 1000 drachmas was imposed as a fine: in the latter, when damages were sought to be recovered, the penalty was a sixth part of the claim (τρίμημα, Lat. *litis aestimatio*), or one obolus in a drachma, hence called ἐπωβελία. The rule as to the fifth part of the votes was the same for both cases, *Dict. Antiq.* s. v. Epo-

belia.

τοὺς δικάζοντας ὑμῶν] This must mean 'those of you (the jurors he is now addressing) who were on the former jury': δικάζοντας being an imperfect participle (Androt. § 25 n). In Androt. § 10 the present time only is referred to: and there it is τοὺς δικάζοντας ὑμᾶς.

§ 8. τὴν εἴσπραξιν τῶν εἰσφορῶν] His oppressive exactions in reference to the property-tax are related at large Androt. §§ 48—64.

τὴν ποίησιν τῶν πομπείων] Androt. § 69 ff. 'The manufacture of the sacred utensils' includes of course the melting down of the στέφανοι and recasting them as φιάλαι.

τῆς θεοῦ καὶ τῶν ἐπωνύμων] These would both be included in the ἱερὰ χρήματα of the next §, while τῆς πόλεως would correspond to the ὄσια. Hence there is no occasion to suspect καὶ before τῆς πόλεως with Bekker

δόντα, ἦλθον ἐπ' αὐτὸν μετ' Εὐκτῆμονος, ἡγούμενος ἀρμόττοντ' εἰληφέναι καιρὸν τοῦ βοθηθῆσαί θ' ἅμα τῇ πόλει καὶ τιμωρίαν ὑπὲρ ὧν ἐπεπόνθειν λαβεῖν. βουλοίμην δ' ἂν ἐμέ τε τυχεῖν ὧν βούλομαι τοῦτόν τε παθεῖν ὧν ἄξιός ἐστι. τοῦ δὲ πράγματος οὐκέτ' ὄντος ἀμφισβητησίμου, ἀλλὰ πρῶτον μὲν τῆς^h βουλῆς κατεγνωκυίας, εἶτα τοῦ δήμου μίαν ἡμέραν ὄλην ἐπὶ τούτοις αὐτοῖς ἀναλώσαντος, πρὸς δὲ τούτοις

^h τῆς om. Bekk. Bens.

in his first edition, or (with Dobree) the whole phrase καὶ τῆς πόλεως.—For ἐπινύμων, below § 18 n.

βοθηθῆσαι...τῇ πόλει] Androt. § 1.

βουλοίμην δ' ἂν] Like the corresponding English 'I could wish,' is only a less direct and more modest phrase for βούλομαι. So in Plat. Protag. 333 β ἀξιῶν αὐτῷ τε ἐξεῖναι διαλέγεσθαι ἔπως βούλεται, καὶ σοὶ ὅπως ἂν αὐτὸν σὺ βούλη (more polite than ὅπως βούλει). Had the sense been 'I wish I had accomplished my object, and that the defendant had suffered,' &c. we should have had ἐβουλόμην ἂν. But though the result of the former trial is not directly stated, it is no less plainly hinted at: and had the charge of ἐταίρησις been brought home, Androtion could not have been appointed ambassador and the present case would never have arisen. Androtion has been acquitted, and Diodorus is fulfilling his threat, καὶ νῦν καὶ τὸν ἄλλον ἅπαντα ἀμύνεσθαι χρόνον (Androt. § 3).

§§ 9, 10. When Androtion and his accomplices had exhausted every artifice to evade payment of what he owed the state, Timo-

crates interposed on their behalf with a law which enables any one who pleases to plunder the treasury with impunity. Our only remedy is to impeach the law and endeavour to repeal it.

§ 9. τοῦ δὲ πράγματος] 'The case being clear' as to A.'s appropriation of public money. Schaefer justly denies that there is any undue abruptness here, as some have thought.

τῆς βουλῆς] The senate had decided by προβούλευμα (like our grand juries) that there was a *prima facie* case against the defendants and that the trial should proceed. Most MSS., including the best, omit the article before βουλῆς and are followed by Bekker and Benseler. The latter gives the meaning as 'one of the two councils': an instance of his following Σ first and trying to find a justification afterwards. MS. authority must here yield to the sense of Attic usage: no Athenian could have confused the functions of the Senate and the Areiopagus, any more than an Englishman could write 'the budget was introduced in one of the two Houses of Parliament.'

δικαστηρίοι δὺοῖν εἰς ἓνα καὶ χιλίους ἐψηφισμένων, ἐνούσης δὲ οὐδεμιᾶς ἔτ' ἀποστροφῆς τοῦ μὴ τὰ χρήματ' ἔχειν ὑμᾶς, Τιμοκράτης οὕτωσὶ τοσοῦθ' ὑπερείδεν ἅπαντα τὰ πράγματα ὥστε τίθησι τουτουὶ τὸν νόμον, δι' οὗ τῶν ἱερῶν μὲν χρημάτων τοὺς θεοὺς, τῶν ὀσίων δὲ τὴν πόλιν ἀποστερεῖ, ἄκυρα δὲ τὰ γνω- 703
σθένθ' ὑπὸ τῆς βουλῆς καὶ τοῦ δήμου καὶ τοῦ δικαστηρίου καθίστησιν, ἄδειαν δὲ τὰ κοινὰ διαρπάξιν τῷ
10 βουλομένῳ πεποίηκεν. ὑπὲρ δὲ τούτων ἀπάντων

δικαστηρίων δὺοῖν] Not 'two courts' or juries, but a single jury composed of two divisions of the Heliastic court. The whole number of 6000 Dicasts was divided into ten sections of 500 each, so that 1000 remained over, in order, when necessary, to serve for the filling of vacancies in the sections.

εἰς ἓνα καὶ χιλίους] The number on a jury was always uneven, and if we find 200 or 2000 dicasts mentioned, we are to assume that the round numbers only are given instead of 201 or 2001. These figures may be taken as the extreme limits of an Athenian jury: the most usual number appears to have been 501, at least in the Heliaea, the most dignified of the courts: but Pollux tells us that actions for sums under 1000 drachmas were tried before 201, for larger sums before 401 judges. The higher figures mentioned in the text are supported by Harpocration s. v. ἡλιαία: συνήσαν οἱ μὲν χίλιοι ἐκ δὺοῖν δικαστηρίων, οἱ δὲ χίλιοι πεντακόσιοι ἐκ τριῶν (an instance of the use of round numbers, omitting the odd figure). All the known examples from ancient authors were collected in Meier and Schoemann's

Attischer Process, pp. 138—140: but fresh light has been thrown upon the subject by inscriptions, and Schoemann in his later work, the *Antiquities*, modified some of his former conclusions. Compare Schoemann, *Antiq.* p. 474 ff. and Perrot, *Essai sur le Droit Public d'Athènes*, pp. 242—247.—ἐψηφισμένων with δικαστηρίων, an enallage not uncommon with the dual number.

τοσοῦθ' ὑπερείδεν] 'treated all the proceedings with such contempt.' Some MSS. read τοσοῦτον, which seems preferable: but this passage is not among those noticed by Cobet (cf. *Androt.* § 2 n.).

ἀποστερεῖ.....καθίστησιν] As other passages (cf. §§ 16, 189) imply that the prize-money had at last been disgorged by the ambassadors, it has been thought that we have here traces of a double recension of the Speech (Blass, III. p. 244 ff.). We might, however, explain these presents, as well as πεποίηκεν below, of the permanent effect of Timocrates' law, if suffered to remain unrepealed; 'he deprives the gods...invalidates the decisions of the council...and has enabled any one that pleases to plunder the state with impunity.' So K.

λύσειν εὐρίσκομεν ταύτην οὖσαν μόνην, εἰ γραψάμενοι τὸν νόμον καὶ εἰσαγαγόντες εἰς ὑμᾶς λύσαι δυναίμεθα. ἐξ ἀρχῆς οὖν ἐν βραχέσι τὰ πραχθέντα δίειμι πρὸς ὑμᾶς, ἵνα μᾶλλον μάθητε καὶ παρακολουθήσητε τοῖς περὶ τὸν νόμον αὐτὸν ἀδικήμασιν.

11 Ψήφισμα εἶπεν ἐν ὑμῖν Ἀριστοφῶν ἐλέσθαι ζητη-

§ 10. γραψάμενοι τὸν νόμον] The title of the speech, κατὰ Τιμοκράτους, shows that not merely the law was impeached but its author personally: on the other hand we have πρὸς Λεπτίνην, the speech against the law of Leptines, cf. § 33.

εἰσαγαγόντες εἰς ὑμᾶς] 'bring it before you' K. Rather 'into this court.' εἰσάγειν, εἰσαγωγή, εἰσαγώγιμος are all technical law-terms: cf. § 14.

δίειμι] Cobet *Var. Lect.* p. 307 gives the following rules for the Attic forms from ἐρχομαι and its compounds. Fut. εἶμι never ἐλεύσομαι. Imperf. ἦα (after Menander ἦειν) never ἤρχομην. Imper. ἴθι not ἔρχου. Part. ὄν not ἐρχόμενος. Such forms as ἐλήλυθα and ἤλθον, the same Ἀττικῶς and Ἑλληνικῶς, did not mislead the copyists.

§§ 11—16. Fuller statement of the circumstances of the passing of Timocrates' law. *On occasion of a general inquiry into State debts, information was laid that Archebius and Lysitheides, who had been trierarchs, had not yet accounted for the possession of nine talents and a half of prize money which in law belonged to the state. Androtion, Glauketes and Melanopus thereupon took the responsibility upon themselves: they had been sailing as ambassadors on board the trireme which made the capture, and they owned to*

the possession of the sum claimed. It was very reasonably proposed that the state should exact the money from the trierarchs, and that a Diadicasia should determine the question of liability as between them and the ambassadors. It was at this point, when Androtion and his associates had exhausted every other means of delay, that Timocrates came to their aid with his law—the law which we now impeach. Its immediate effect was that the conspirators did not pay a single drachma at the time: but its permanent effects, if it is allowed to stand unrepealed, will be both disastrous and disgraceful, securing practical impunity for frauds against the treasury.

§ 11. ἐν ὑμῖν] §§ 16, 25.

Ἀριστοφῶν] Of the deme Azenia, eminent for his oratorical talents, his restless activity as a politician, and his longevity. According to A. Schaefer i. 162 he was born some years before the Peloponnesian war, and only retired from the Bema about Ol. 107, 1 (B.C. 352—1, a year after the date of this speech). His long life must have nearly coincided with that of Isocrates, born 436; but it was even longer, as we read that he completed 100 years all but a month (Schol. on Aeschin. Timarch. § 64 ἐπεβίωσε μέντοι ὁ Ἀριστοφῶν ῥ' ἔτη παρὰ μῆνα). Demosth. calls him δευδὸς λέγειν, Lept.

τὰς, εἰ δέ τις οἶδέ τινα ἢ τῶν ἱερῶν ἢ τῶν ὀσίων χρημάτων ἔχοντά τι τῆς πόλεως, μηνύειν πρὸς τούτους. μετὰ ταῦτ' ἐμήνυσεν Εὐκτῆμων ἔχειν Ἀρχέβιον καὶ Λυσιθείδην τριηραρχήσαντας χρήματα Ναυκρατικὰ, τίμημα τάλαντα ἑννέα καὶ τριάκοντα μνᾶς. προσῆλθε τῇ βουλῇ, προβούλευμ' ἐγράφη. μετὰ ταῦτα γενομένης ἐκκλησίας προὔχειροτόνησεν ὁ δῆμος. 12 ἀναστὰς Εὐκτῆμων ἔλεγεν ἄλλα τε πολλὰ καὶ διεξῆλθε πρὸς ὑμᾶς ὡς ἔλαβεν ἢ τριήρης τὸ πλοῖον

p. 501 § 146, and alludes to him in many other passages (see Dindorf's Index Historicus). For his stormy career cf. Aeschin. Ctes. § 194: he used to boast (ἐτόλμα σεμνύνεσθαι) that he had been impeached *παρανόμων* 75 times and always acquitted.

ζητητὰς] *Dict. Antiq.* s. v. Zetetae. This passage well brings out the character of these 'inquisitors' or 'commissioners of inquiry' as an occasional or extraordinary office, not a regular magistracy. A period of chronic deficits was likely to lead to their appointment: cf. Androt. § 48 n.

Ἀρχέβιον καὶ Λυσιθείδην] The name Archebius of Lamptra occurs in Boeckh's Naval Inscriptions as trierarch in B.C. 373 and as still alive in 342: the latter is doubtless identical with the Lysitheides of Mid. p. 565 § 157 (as *πλουσιώτατος* he would be likely to be a trierarch) and of Callipp. p. 1240 § 14.

χρήματα Ναυκρατικὰ] 'the proceeds of a cargo from Naucratis.' Naucratis was on the westernmost (Canopic) mouth of the Nile, but its exact site is unknown. Having been opened to Greek trade by king Amasis, it long continued the only

Egyptian port available for foreigners. Herod. ii. 179.

προσῆλθε τῇ βουλῇ] 'the matter came before the senate,' as Benseler: rather than 'he communicated with the council' K. προβούλευμ' ἐγράφη, 'an order of council was drawn up.'

προὔχειροτόνησεν] 'voted for further consideration' R. W. or 'to go into the matter' Benseler. This sense of the word is not noticed in L. and S. On προβούλευμα and προχειροτονιας see *Dict. Antiq.* s. v. Boulé.

§ 12. ἔλαβεν ἢ τριήρης τὸ πλοῖον] πλοῖον is, as usual, a merchant ship *ναὺς στρογγύλη* as distinguished from a *ναὺς μακρὰ* or ship of war. Mr Whiston in his Introduction observes: 'The capture, so far as we can make out, seems to have been an act of piracy.' It was at least a piece of sharp practice. Egypt was at this time in revolt from Persia, and Athens had just been induced by the instances of Artaxerxes III. to abstain from actively aiding his rebellious subjects. The ambassadors may have thought the objects of their mission to Mausolus likely to be forwarded by an act which would not be displeasing to his

ἡ Μελάνωπον ἄγουσα καὶ Γλαυκέτην καὶ Ἀνδροτίωνα
πρεσβευτὰς ὡς Μαύσωλον, ὡς ἔθεσαν τὴν ἰκετηρίαν
ὧν ἦν τὰ χρήματα ἄνθρωποι¹, ὡς ἀπεχειροτονήσαθ'

¹ ἄνθρωποι libri et Edd. ante Bekkerum.

overlord the king of Persia: and after the ship had been 'condemned' as 'lawful prize,' they had the further satisfaction of keeping the proceeds in their own pockets. The opening words of the Second Argument, *πολέμου τυγχάνοντος Ἀθηναίους πρὸς βασιλέα*, give an inexact view of the political situation.

Μελάνωπον καὶ Γλαυκέτην] These men and their surroundings are described below §§ 125, 126 with abundance of sarcastic detail.

πρεσβευτὰς] The rule that *πρέσβεις* is used as the plural of *πρεσβευτής* appears to have been an Attic refinement, to which even in the best age writers less careful of their style might fail to conform. We do not find *πρεσβευταί*, for instance, in the purist Isocrates; and the present passage (not noticed in Reiske's Index) is perhaps the only one in Demosthenes: but we find it in Andocides (de Pace, last §) and Deinarchus (c. Demosth. §§ 20, 82). The examples formerly quoted from Thucydides (viii. 77 and 86) are now bracketed as glosses (Classen).

ὡς Μαύσωλον] This is the prince whose famous Mausoleum we are beginning to know better through Mr Newton's explorations. On his coins the name is spelt ΜΑΤΣΩΛΛΟΣ. Demosth. speaks of him after his death as having been the prime mover in the Social War of 358—355 B. C.: de Rhod. Lib. p. 191 § 3 *ἠτιάσαντο μὲν γὰρ*

ἡμᾶς ἐπιβουλεύειν αὐτοῖς Χίλοι καὶ Βυζάντιοι καὶ Ῥόδιοι, καὶ διὰ τὰυτα συνέστησαν ἐφ' ἡμᾶς τὸν τελευταῖον τουτονὶ πόλεμον φανησεται δ' ὁ μὲν πρυτανεύσας τὰυτα καὶ πείσας Μαύσωλος. Compare Grote, ch. 86, (vii. 654). The date of the embassy is fixed at 355, the last year of the war: Mausolus himself not being at open war with Athens, but acting a double part with a view to his own aggrandisement.

ἔθεσαν τὴν ἰκετηρίαν] 'how the people to whom the cargo belonged presented their petition' K. It is literally 'placed the suppliant bough' (*ἐρίοστεπτον κλάδον*, Aesch. Suppl. 22, *ramos vitta comptos*, Verg. Aen. viii. 128) upon the altar (*ἰκετηρία κείται ἐπὶ τοῦ βωμοῦ*, Andoc. de Myst. § 112: the whole passage from § 110 is a curious illustration of the subject). In Aeschin. c. Timarch. § 104 we have *ἰκετηρίαν θέντος εἰς τὴν βουλὴν ὑπὲρ τοῦ μισθοῦ*: id. de Fals. Leg. § 15 *ἰκετηρίαν θέντες οἱ οἰκέοι ἐδέοντο ὑμῶν* (where Dind. and Benseler omit *ἐν τῷ δήμῳ* with the best MSS.): Demosth. de Cor. p. 262 § 107 *οὐχ ἰκετηρίαν ἔθηκε τριήραρχος οὐδεὶς ὡς ἀδικούμενος*. Below, § 53.

ὡς ἀπεχειροτονήσαθ' ὑμεῖς] *ἀποχειροτονεῖν* is to 'vote away' from a man (1) an accusation, i. e. acquit him, c. Mid. p. 583 § 214: (2) an office, i. e. depose or supersede him, c. Aristocr. p. 676 § 167, Deinarch. c. Philocl. § 15: and so to reject pro-

ὑμεῖς μὴ φίλια εἶναι. τότε ἀνέμνησεν ὑμᾶς, τοὺς νόμους ἀνέγνω, καθ' οὓς τοῦτον τὸν τρόπον πραχθέντων τῆς πόλεως γίγνεται τὰ χρήματα. ἐδόκει δίκαια
 13 λέγειν ὑμῖν ἄπασι. ἀναπηδήσας Ἀνδροτίων καὶ Γλαυκέτης καὶ Μελάνωπος^k (καὶ ταῦτα^l σκοπεῖτε 704 ἂν ἀληθῆ λέγω) ἐβόων, ἠγανάκτουν, ἐλοιδοροῦντο, ἀπέλυον τοὺς τριηράρχους, [ἔχειν ὠμολόγουν^m], παρ' ἑαυτοῖς ζητεῖν ἠξίου τὰ χρήματα. ταῦτ' ἀκου-

^k [καὶ Μελάνωπος] Bens. ^l ταῦτα Z Bekk. Bens. cum ΣΤΩρ.
^m sine uncis Z Bekk. Bens.

posed sureties as insufficient, below § 85: (3) as here, property, Lat. *abjudicare*, 'condemned it in the prize court as enemy's goods.' The emphatic ὑμεῖς seems to imply a popular vote, not a dicastery: the probable results to neutral goods may be easily imagined.

τότε ἀνέμνησεν ὑμᾶς] These words are certainly a little abrupt as they stand, but I do not think that Benseler improves matters by striking out the full stop and connecting them with ὡς ἀπεχειροτονήσατε. A slight correction, following some traces in the MSS., is τότε ἀνέμνησεν ὑμᾶς τοὺς νόμους οὓς ἀνέγνω: the relative may easily have been lost by homoeoteleuton. A still neater one is simply to omit ἀνέγνω, as added by some one who did not know that ἀναμνήσκω could be joined to a double accusative. This is Madvig's correction, *Advers. Crit.* i. 460: he compares Xen. *Anab.* iii. 2 § 11 ἀναμνήσω ὑμᾶς καὶ τοὺς τῶν προγόνων κινδύνους [Demosth.] c. *Timoth.* p. 1185 § 1 ἐπειδὴν ὑμᾶς ἀναμνήσω τὸν τε καιρὸν κ.τ.λ. I have little doubt that this conjecture is right: it

was suggested to Madvig by his pupil Nutzhorn, a promising scholar cut off by an early death.

The orator is said to read the laws when he bids the clerk read them: comp. *Mid.* p. 517 § 10, where βούλομαι ἀναγνῶναι is followed by the usual formula Λέγε τὸν νόμον, and below § 48.

πραχθέντων] This rather obvious gen. abs. gave trouble to some of the earlier editors: 'things having been done in this way, the money belongs to the state.'

§ 13. ἀναπηδήσας] *Androt.* § 10 n.

σκοπεῖτε ἂν ἀληθῆ λέγω] As he is appealing to their recollections of a past fact, we should expect *ei ἀληθῆ λέγω*.

ἀπέλυον] 'exonerated.' The words ἔχειν ὠμολόγουν are bracketed by Dind. after Dobree, who thought they might have crept in from Libanius' *Argument* p. 695 init. However we decide this point, παρ' ἑαυτοῖς must go with ζητεῖν: 'desired that the inquisitors should look to them for the money,' seek it in their possession: not of course = παρ' ἑαυτῶν, seek it from them.

σάντων ὑμῶν, ἐπειδὴ ποτ' ἐπαύσανθ' οὔτοι βοῶντες, ἔδωκε γνώμην Εὐκτῆμων ὡς δυνατὸν δικαιοτάτην, ὑμᾶς μὲν εἰσπράττειν τοὺς τριηράρχους, ἐκείνοις δ' εἶναι περὶ αὐτῶν εἰς τοὺς ἔχοντας ἀναφορὰν· ἐὰν δ' ἀμφισβητηταί τι, ποιεῖν διαδικασίαν, τὸν δ' ἡττη-
 14 θέντα τοῦτον ὀφείλειν τῇ πόλει. γράφονται τὸ ψήφισμα· εἰς ὑμᾶς εἰσῆλθεν· ἵνα συντέμω, κατὰ τοὺς νόμους ἔδοξεν εἰρηῆσθαι καὶ ἀπέφυγεν. ἐνταῦθα τί προσῆκεν; τὰ μὲν χρήματ' ἔχειν τὴν πόλιν, τὸν δ' ἀποστεροῦντα κολάζειν· νόμου δ' οὐδ' ὀτιοῦν οὐδενὸς δῆπου προσέδει. μέχρι μὲν δὴ τούτων οὐδὲν ἠδίκησθ' ὑπὸ Τιμοκράτους τουτουί. μετὰ ταῦτα δὲ πάντ' ἀνεδέξατο ἐφ' ἑαυτὸν τὰ προειρημένα, καὶ πάντα ἠδίκημένοι φανήσεσθ' ὑπὸ τούτου· ταῖς γὰρ ἐκείνων τέχναις καὶ πανουργίαις μισθώσας αὐτὸν καὶ παρασχῶν ὑπηρετήν ἐφ' αὐτὸν ἤγαγε τὰδικήματα, ὡς ἐγώ

ἔδωκε γνώμην... δικαιοτάτην] γνώμην διδόναι is rare for ἀποφαίνεσθαι or λέγειν. δικαιοτάτην is here objective, 'perfectly fair and reasonable:' in Boeot. de Nom. p. 1006 § 40 γνώμη τῇ δικαιοτάτῃ δικάσειν ὁμωμόκατε it is subjective, 'to the best of your knowledge and belief.'

ἀναφορὰν] 'recourse:' a rather different sense from that in de Cor. p. 301 § 219 ἀναφορὰν εἴ τι γένοιτο 'a resource, shift, if anything went wrong:' or in Aeschin. Fals. Leg. § 104 τὴν εἰς τὸ ἀφανὲς ἀναφορὰν 'recourse to concealment.'

διαδικασίαν] *Dict. Antiq.* s. v. The State merely required that payment should be made, leaving it to the parties to settle among themselves upon whom the loss should fall. We may here translate 'try the question of ownership.'

§ 14. γράφονται] 'They indict the decree; it came into court; to cut the matter short, it was considered to have been moved legally, and the verdict was in its favour.' K. εἰσέρχεσθαι as a law term is correlative to εἰσάγειν § 10.

ἀνεδέξατο ἐφ' ἑαυτὸν] 'Took everything which I have mentioned upon himself;' nearly = ἐφ' αὐτὸν ἤγαγε τὰδικήματα below.

ὑπηρετήν] Max Müller has connected this word with the root *ar* to plough, *Lect. on Science of Lang.* i. p. 254, quoted by R. W. Curtius shows cause in favour of the traditional derivation from *er* to row, the root of ἐρέσσειν, τριήρης, πεντηκόντ-ερ-ος and of Eng. *oar*. "The *Pet. Dict.* [Sanskrit, by Böhtlingk and Roth] compares with ὑπ-ηρ-ε-τη-ς, Skt. *ar-*

15 σαφῶς ὑμῖν ἐπιδείξω. ἀνάγκη δὲ πρῶτον ὑπομνήσαι τοὺς χρόνους ὑμᾶς καὶ τὸν καιρὸν ἐν ᾧ τίθησι τὸν νόμον· καὶ γὰρ ὑβριστικῶς προσκεχλευακῶς^α ὑμᾶς φανήσεται. ἦν μὲν γὰρ σκιροφοριῶν μὴν ἐν ᾧ τὰς γραφὰς ἤπτηντο ἐκεῖνοι τὰς κατὰ τοῦ Εὐκτήμονος, μισθωσάμενοι δὲ τοῦτον καὶ οὐδὲ παρεσκευασμένοι τὰ δίκαια ποιεῖν ὑμῖν κατὰ τὴν ἀγορὰν λογοποιούς 705 καθίεσαν ὡς ἀπλᾶ μὲν ἔτοιμοι τὰ χρήματ' ἐκτίνειν,

^α προσκεχλευακῶς Z Bekk. Bens.

a-ti-s servant, help. This meaning suits well enough the wider sense of ὑπηρέτης, but not the narrower 'oarsman,' which the word with its derivatives certainly has. Hence *ar-a-ti-s* may have been derived directly from the fundamental notion of going, striving [he further compares *δρα*, root of *δράω*], ὑπηρέτης on Greek soil immediately from that of rowing." *Gr. Etym.* p. 344 = I. 428 E. T.

§ 15. τοὺς χρόνους...τὸν καιρὸν] 'the dates...the occasion:' 'die Zeit und die Umstände' (circumstances) Benseler. R. W. refers to Aristocr. p. 666 § 141 ἐν τισι καιροῖς καὶ χρόνοις, and c. Neaer. p. 1357 § 35, where χρόνος is explained by the mention of the archon, καιρός by ἐν ᾧ ἐπολεμεῖθ' ὑμεῖς.

προσκεχλευακῶς] The best MSS. here give προσκεχλευακῶς, a preferable reading as the double compound was more likely to be altered. Dindorf here stands alone.

σκιροφοριῶν] The last month of the Attic year, ending with the summer solstice (May—June). It seems probable that 'the screw' was then put on in order that the year's accounts might be made up,

There is an important passage in Andoc. de Myst. § 73 ἡ μὲν ἔκτισις ἦν ἐπὶ τῆς ἐνάτης πρυτανείας, εἰ δὲ μὴ, διπλάσιον ὀφείλειν καὶ τὰ κτήματα αὐτῶν πεπράσθαι. The authority of Andocides does not stand high as to matters of fact, but on the point of law he is at least more trustworthy than the document quoted below §§ 39, 40. It has not been explained, so far as I am aware, whether the 'ninth Prytany' was to be reckoned from the time the debt was adjudged, or meant the particular time of year. Taken together, these passages clearly point to the latter conclusion. The nine prytanies would correspond approximately to the first eleven months of the year: the tenth would include the month Scirophorion and the last few days of Thargelion: and it was then, I believe, that the State's demands became peremptory.—ἐκεῖνοι] Androtion and the other ambassadors.

λογοποιούς καθίεσαν] 'they sent persons down into the Agora to spread a report:' a rare sense of λογοποιούς, but it occurs Theophr. Char. 8 (6), and λογοποιεῖν is common enough, e.g. Mid. p. 578 § 198 περιῶν ἐλογο-

16 διπλᾶ δὲ οὐ δυνήσονται. ἦν δὲ ταύτ' ἐνέδρα μετὰ χλευασίας καὶ κατασκευασμὸς ὑπὲρ τοῦ λαθεῖν τόνδε τὸν νόμον τεθέντα. μαρτυρεῖ δ' ὅτι ταύθ' οὕτως ἔχει τοῦργον αὐτό· τῶν μὲν γὰρ χρημάτων ἐκείνοις τοῖς χρόνοις δραχμὴν οὐ κατέθηκαν ὑμῖν, νόμῳ δ' ἐνὶ πλείστοις^ο τοὺς ὑπάρχοντας ἀκύρους ἐποίησαν, καὶ τούτῳ τῶν πώποτε ἐν ὑμῖν τεθέντων αἰσχίστῳ καὶ δεινοτάτῳ.

17 Βούλομαι δὴ μικρὰ διεξελθὼν περὶ τῶν κειμένων νόμων, καθ' οὓς εἰσιν αἱ τοιαῖδε γραφαὶ, περὶ αὐτοῦ τοῦ νόμου λέγειν ὃν γέγραμμαι· γενήσεσθε γὰρ εὐμαθέστεροι πρὸς τὰ λοιπὰ ταῦτα προακούσαντες. ἔστιν, ὧ ἄνδρες Ἀθηναῖοι, ἐν τοῖς οὖσι νόμοις ἡμῖν κυρίους

^ο πλείους Z Bekk. Bens. cum libris.

ποίει. Λογοποιὸς usually means (1) an historian, Ἐκαταῖος ὁ λογοποιὸς Herod. ii. 143; (2) a speech-writer, like Demosthenes himself.

§ 16. ἐνέδρα μετὰ χλευασίας] 'an impudent conspiracy' K., 'a trap, in which they tried to catch you,' as Benseler explains it.—κατασκευασμὸς, Androt. § 2 n.

ἐκείνοις τοῖς χρόνοις] 'in all that time [such is the force of the plural] they had not paid you a drachma:' rather than 'did not pay,' as K. It is admitted that the money had now been paid (cf. § 189 n.).

πλείστοις] A correction of Dobree's, silently adopted by Dindorf. The Zurich editors suggest πάντα as more in accordance with the usage of Demosth.

ἐν ὑμῖν] Below, § 211.

§§ 17—19. I will first state briefly the rules which govern new legislation, any breach of

which renders the proposer liable to impeachment (γραφὴ παρανόμων). Timocrates has broken not one, but all of these rules: I must therefore take the charges one by one, and speak separately of each. But first the laws embodying these rules shall be read: you will then see that he complied with none of the legal requirements.

§ 17. γέγραμμαι] The middle sense of the verb here is followed in the course of a few lines by examples of the passive (γεγραμμένος) and active (γράφαντα).

ἐν τοῖς—κυρίοις] There is here a redundancy of expression, emphasizing the inexcusableness of T.'s conduct: 'in the existing laws, in force among us, is clearly and accurately defined everything which is required to be done in the case of laws about to be proposed.' So K., nearly.

- διωρισμένα ἀκριβῶς καὶ σαφῶς πάνθ' ὅσα δεῖ ποιεῖν
 18 περὶ τῶν μελλόντων τεθήσεσθαι νόμων. καὶ πρῶτον
 μὲν ἀπάντων χρόνος ἐστὶ γεγραμμένος, ἐν ᾧ προσήκει
 νομοθετεῖν· εἴτ' οὐδὲ τόθ' ὡς ἂν ἐκάστω δοκῇ δέδωκε
 τοῦτο πράττειν, ἀλλὰ προστάττει πρῶτον μὲν ἐκ-
 θεῖναι πρόσθεν τῶν ἐπωνύμων γράψαντα σκοπεῖν τῷ
 βουλομένῳ, μετὰ ταῦτ' ἐπὶ πᾶσι τὸν αὐτὸν νόμον
 τιθέναι κελεύει, πρὸς τούτοις λύειν τοὺς ἐναντίους,
 ἀλλὰ περὶ ὧν οὐδὲν ἴσως ὑμᾶς κατεπείγει νῦν
 ἀκοῦσαι. ἂν δέ τις τούτων ἐν παραβῆ, τῷ βουλο-
 19 μένῳ δίδωσι γράφεσθαι. εἰ μὲν οὖν μὴ πᾶσιν ἦν
 ἔνοχος τούτοις Τιμοκράτης καὶ παρὰ πάντα ταῦτ'
 εἰσηγηόχαι τὸν νόμον, ἐν ἂν αὐτοῦ τις ἐποιεῖτο κατη-

§ 18. δέδωκε...προστάττει] It is easy to supply ὁ νομοθέτης. The indirect turn of the phrase may be preserved by translating 'it is not permitted'... 'it is enjoined.'

ἐκθεῖναι] Another 'locus classicus' on Athenian legislation is Aeschin. Ctes. §§ 37—39, where we find the same provisions for exhibiting the new law in writing before the statues of the Eponymi (ἀναγεγραφότας ἐν σανίσιν, cf. below § 23 ἀναγράφας εἰς λεύκωμα), and for repealing inconsistent laws. In Demosth. Lept. p. 485 § 94 a further guarantee for publicity is mentioned: ἐκθεῖναι πρόσθε τῶν ἐπωνύμων καὶ τῷ γραμματεῖ παραδοῦναι, τούτων δ' ἐν ταῖς ἐκκλησίαις ἀναγιγνώσκειν, ἕν ἑκάστος ὑμῶν πολλάκις καὶ κατὰ σχολὴν σκεψάμενος ἂν ἦ καὶ δίκαια καὶ συμφέροντα, ταῦτα νομοθετῆ. The statues of the heroes, after whom the ten tribes were named, stood in the Cerameicus near the Tholos (Paus. i. 5 § 1: Wolf,

Proleg. Lept. p. 133).

ἐπὶ πᾶσι τὸν αὐτὸν] 'applying to,' whether 'for' or 'against.' Cf. §§ 59, 135, 159. The few exceptions to this rule were fenced in by additional safeguards. 'Privilegia,' whether against an individual ('bills of pains and penalties') or in his favour, required to be passed by 6000 of the people in assembly, voting secretly. Of the former class, ostracism is a well-known example: of the latter may be instanced the naturalisation of foreigners (c. Neaer. p. 1375 § 89), and the restitution of civic rights to the ἄτιμοι, below § 45 ff. Demosth. enlarges upon this topic below, §§ 59, 60.

τῷ βουλομένῳ δίδωσι γράφεσθαι] The full phrase is τῷ βουλομένῳ, οἷς ἔξεστι, i. e. qualified by age (twenty) and not disqualified by Atimia. Below, § 105.

§ 19. παρὰ πάντα—τὸν νόμον] 'if he had violated all these con-

γόρημα, ὃ τι δήποτε τοῦτ' ἦν· νῦν δ' ἀνάγκη καθ' ἕκαστον χωρὶς περὶ ἑκάστου διελόμενον λέγειν. πρῶτον μὲν οὖν, ὅπερ ἠδίκησε πρῶτον, τοῦτ' ἐρῶ, ὡς παρὰ πάντας τοὺς νόμους ἐνομοθέτει, εἶτα τῶν ἄλλων ἐξῆς ὃ τι ἂν βουλομένοις ὑμῖν ἀκούειν ἦ. καὶ μοι λαβέ τουτουσὶ τοὺς νόμους καὶ ἀνάγνωθι· φανήσεται γὰρ τούτων οὐδὲν πεποιηκώς. προσέχετε, ᾧ ἄνδρες δικασταί, τὸν νοῦν ἀναγιγνωσκομένοις τοῖς νόμοις.

ΕΠΙΧΕΙΡΟΤΟΝΙΑ^P ΝΟΜΩΝ.

20 [Ἐπὶ δὲ τῆς πρώτης πρυτανείας τῇ ἐνδεκάτῃ ἐν τῷ

^P ΕΠΙ ΧΕΙΡΟΤΟΝΙΑΝ Bens. cum Σ.

ditions in introducing his law' K. rightly, preserving the force of the article.

διελόμενον] 'H. I. idem valet quod διελόντα' Dind. In this sense of 'distinguishing' the active is more common, as in Aristocr. p. 637 § 54, i. Aphob. p. 817 § 12 χωρὶς ἕκαστον διελεῖν. We find, however, Plato employing διαιρεῖν and διαιρεῖσθαι indiscriminately in the sense usual with him, of 'explaining,' Protag. 314 B. 339 A.

ὡς παρὰ πάντας] Madvig *Advers. Crit.* i. 460 suggests ᾧν for ὡς: but the text yields a sufficiently good sense. That T.'s law is contrary to the existing laws is not the only objection to it; there are others grounded on its ill effects, and these are referred to in τῶν ἄλλων.

τουτουσί] 'Pointing to them in the hands of the officer' R. W.

§§ 20—23. *Revision of the laws.* These §§ profess to be the actual laws which the speaker has just called upon the clerk to read. But like the other documents inserted in various speeches of Demosthe-

nes, they are now universally acknowledged not to be genuine. There are, however, degrees of spuriousness according as the documents have been compiled from ancient and authentic materials by well-informed writers, or by late and ignorant grammarians deriving, in some instances, all their information from the context. Dindorf follows Franke and Westermann in regarding the present §§ as belonging to the better class, and in the main founded upon ancient authorities (compare §§ 27, 33, 39—40): but it must be admitted that they are very clumsily put together, and contain unmeaning repetitions and irrelevancies. These will be pointed out in detail. The notion of Taylor, that the document contains extracts from the laws as they were actually read to the court, and that this circumstance is sufficient to account for their fragmentary character, is much too favourable to it.

§ 20. Ἐπὶ δὲ τῆς πρώτης πρυτανείας] This may have been

δήμῳ, ἐπειδὴν εὐξήται ὁ κήρυξ, ἐπιχειροτοσίαν ποιεῖν τῶν νόμων, πρῶτον μὲν περὶ τῶν βουλευτικῶν, δεύτερον δὲ τῶν κοινῶν, εἶτα οἱ κείνται τοῖς ἐννέα ἄρχουσιν, εἶτα τῶν ἄλλων ἀρχῶν. ἢ δ' ἐπιχειροτοσία^α ἔστω ἢ προτέρα, ὅτῳ δοκοῦσιν ἀρκεῖν οἱ νόμοι οἱ βουλευτικοὶ, ἢ δ' ὑστέρᾳ, ὅτῳ μὴ δοκοῦσιν· εἶτα τῶν κοινῶν κατὰ ταῦτά. τὴν δ' ἐπιχειροτοσίαν εἶναι

^α χειροτοσία Bens. cum Σ.

a mere inference (though probably a correct one) from the orator's words in § 26. The κύρια ἐκκλησίαι were held on the eleventh, twentieth, and thirtieth days of each prytany: hence the 11th of Hecatombaeon would be the first assembly of the first prytany of the year.

ἐπιχειροτοσίαν ποιεῖν] 'The question shall be put to the vote about the laws' whether they are to be confirmed as they stand, or to be revised. The legislative formula, expressed in Latin by the third person imperative, in Greek varies between the imperative (δεδόχθω, cf. εἰσαγόντων, ἀνώντων § 22) and the infinitive (δεδοχθαι, cf. ποιεῖν, χρηματίζειν § 21). Hence it is hardly necessary to supply with Reiske δεῖ τοὺς πρυτάνεις: but the latter part of his note gives the sense of ἐπιχειροτοσία more accurately than some later interpreters: 'danto prytanes concioni facultatem leges veteres suffragio suo confirmandi.' Those who voted for the confirmation of the law as it stood were said ἐπιχειροτονεῖν, those who thought it needed revision, ἀποχειροτονεῖν: the division on this question is διαχειροτοσία, below § 25. So with regard to the ἐπιχειροτοσία τῶν ἀρχῶν or

vote taken on the conduct of magistrates in the first assembly of each prytany: cf. *Dict. Antiq.* s. v. Cheirotonia.

βουλευτικῶν] 'those which concern the senate,' opp. to κοινῶν, of general application. A distinction, as it seems to me, more likely to have been drawn by a grammarian than by business-like Athenian legislators. And in the words which follow εἶτα οἱ κείνται κ.τ.λ. there is a tolerably evident confusion between ἐπιχειροτοσία τῶν νόμων and ἐπιχ. τῶν ἀρχῶν. On the whole I suspect that the authenticity of the matter of this document, apart from its defects of form, has been rated too highly by the writers just referred to.

ἢ δ' ἐπιχειροτοσία] The right reading is certainly ἢ δὲ χειροτοσία, 'the first question put to the vote.' So Benseler after MS. Σ: cf. Westerm. i. 16 (Abhandlungen). The first question is, in effect, 'Does any one wish to introduce a bill to amend any law?' If there was no answer, the second question need not be put at all.

τὴν δ' ἐπιχειροτοσίαν] 'A clause which seems mere surplusage, with no reference to the orator's argument.' R. W.

21 τῶν νόμων κατὰ τοὺς νόμους τοὺς κειμένους. εἰ δὲ
 τινες τῶν νόμων τῶν κειμένων ἀποχειροτονηθῶσι,
 τοὺς πρυτάνεις, ἐφ' ὧν ἂν ἡ ἐπιχειροτονία γένηται,
 ποιεῖν περὶ τῶν ἀποχειροτονηθέντων τὴν τελευταίαν
 τῶν τριῶν ἐκκλησιῶν· τοὺς δὲ προέδρους, οἳ ἂν
 τύχῃσι προεδρεύοντες* ἐν ταύτῃ τῇ ἐκκλησίᾳ, χρημα-

* παρεδρ. Bens. cum Σ.

It is impossible that such a platitude can ever have formed part of the law.

§ 21. ἐφ' ὧν ἂν ἡ ἐπιχειροτονία] K.'s version, 'in whose term of office the *condemnation* shall have taken place,' follows an inferior reading *ἀποχειροτονία*. 'Vote' is the rendering of the text: 'in deren Amtszeit die Abstimmung fällt,' Benseler.

ποιεῖν] 'shall appoint (§ 20 n.) the last of three assemblies (of the current prytany) for the consideration of the laws denounced.'

προεδρεύοντες] It is just possible that the 'falsarius' in his admiration of legal tautology may have written this: but *παρεδρεύοντες* seems every way more probable: it is the reading of the best MSS. and, of the two, the more likely to have been altered by the copyists. The traditional account of the Proedri and Epistates has been corrected by recent scholarship. 'The statement of some later authors of slight authority that ten proedri at a time were chosen from the Prytanes for seven days, and from among them the Epistates, finds no confirmation from more trustworthy sources' (Schoemann, *Antiq.* p. 377). But, at some period between 378 and 369 B. C. the following arrange-

ment was introduced: 'the Epistates of the Prytanes chose by lot one proedrus out of each of the remaining Phylae or sections of the Council, and therefore nine Proedri in all, of whom one served as president in the full sittings of the Council, as well as in the Popular Assembly, and was likewise called Epistates' (*ibid.* cf. p. 382). The following points should be noted in correction of the common account: (1) There were not two classes of proedri, one of ten members, the other of nine: but one of nine only. (2) Two officers, not one, bore the name of Epistates: the Epistates of the Prytanes, and the Epistates of the nine Proedri. (3) The former was chosen by lot directly from the fifty Prytanes: not by a double process, as one of ten Proedri. It is easy to see that when the *ἐπιστάτης τῶν προέδρων* (Aeschin. Ctes. § 39) had become confused with the *ἐπιστάτης τῶν πρυτάνεων* or Epistates properly so called, the result would be (a) the notion of 10 proedri as a subdivision of the 50 prytanes: (b) when it was discovered that the proedri must be distinct from the prytanes, as representing the other nine (non-presiding) tribes,

τίξειν ἐπάναγκες πρώτον μετὰ τὰ ἱερά περὶ τῶν νομοθετῶν, καθ' ὃ τι καθεδοῦνται, καὶ περὶ τοῦ⁸ ἀργυρίου, ὁπόθεν τοῖς νομοθέταις ἔσται· τοὺς δὲ νομοθέτας εἶναι ἐκ τῶν ὁμωμοκότων τὸν ἡλιαστικὸν
 22 ὄρκον. εἰάν δ' οἱ πρυτάνεις μὴ ποιῶσι κατὰ τὰ γεγραμμένα τὴν ἐκκλησίαν ἢ οἱ πρόεδροι μὴ χρηματίσωσι κατὰ τὰ γεγραμμένα[†], ὀφείλουν τῶν μὲν πρυτάνεων ἕκαστον χιλίας δραχμὰς ἱεράς τῇ Ἀθηνᾷ, τῶν 707 δὲ προέδρων ἕκαστος ὀφειλέτω τετταράκοντα δραχμὰς ἱεράς τῇ Ἀθηνᾷ. καὶ ἔνδειξις αὐτῶν ἔστω πρὸς τοὺς θεσμοθέτας, καθάπερ εἰάν τις ἄρχῃ ὀφείλων τῷ

* τοῦ *om.* Z Bekk. Bens. cum ΣΦΤΩ.

† κατὰ τὰ γεγρ. *om.* Bekk.

the further notion that there were two distinct sets of proedri. To return to the text: the nine proedri may well have been, as Benseler remarks, a sort of 'assessors' (πάρεδρος, παρεδρεύειν) to the prytanes: while the phrase οἱ ἄν τύχῳσι expresses the fact of their election by lot.

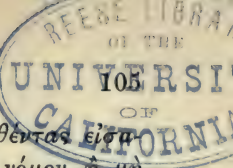
χρηματίζειν] In the usual sense of the word, 'to bring forward a measure in the Ecclesia,' corresponding to *referre* in Latin: cf. Shilleto on F. L. p. 430 § 278=317.

περὶ τῶν νομοθετῶν] 'concerning the law-revisers, in what manner they shall hold their session, and how their pay is to be provided' K., cf. *Dict. Antiq.* s. v. Nomothetes. The passage throws light on the constitution both of the Nomothetae and the Heliastae. The former were not a permanent committee of the latter, but were chosen for the nonce, when the (third) Ecclesia had ruled that a given law was to be re-

vised: the number seems to have varied according to the importance of the law under criticism (below § 27 n.). They were chosen from among those who 'had sworn the Heliastic oath' (cf. below, §§ 58, 149—151): hence we learn that the oath was administered, not to each jury as it was impanelled, but once for all to the whole body of the Heliastae at the beginning of each year.

§ 22. ὀφείλειν ... ὀφειλέτω] 'shall forfeit,' § 20 n. So ἐνδειξις αὐτῶν ἔστω, 'an information shall lie against them:': τοὺς ἐνδειχθέντας — ἀνιόντων, 'shall bring the parties informed against into court according to law, or they shall lose their promotion to the Areiopagus' K. For the rule of admission to the Areiopagus compare the Argument to the Androtion, p. 589, 6.

εἰάν τις ἄρχῃ ὀφείλων] This was the offence against which ἐνδειξις was more especially directed. *Comp. Dict. Antiq.* s. v.



δημοσίῳ· οἱ δὲ θεσμοθέται τοὺς ἐνδειχθέντας εἰσα-
 γόντων εἰς τὸ δικαστήριον κατὰ τὸν νόμον ἢ μὴ
 ἀνιόντων εἰς Ἄρειον πάγον, ὡς καταλύοντες τὴν
 23 ἐπανόρθωσιν τῶν νόμων. πρὸ δὲ τῆς ἐκκλησίας ὁ
 βουλόμενος Ἀθηναίων ἐκτιθέτω πρόσθεν τῶν ἐπωνύ-
 μων γράψας τοὺς νόμους οὓς ἂν τιθῆ, ὅπως ἂν πρὸς
 τὸ πλῆθος τῶν τεθέντων νόμων ψηφίσηται ὁ δῆ-
 μος περὶ τοῦ χρόνου τοῖς νομοθέταις. ὁ δὲ τιθεὶς τὸν
 καινὸν νόμον, ἀναγράφας εἰς λεύκωμα, ἐκτιθέτω
 πρόσθεν τῶν ἐπωνύμων ὀσημέραι, ἕως ἂν ἡ ἐκκλησία
 γένηται. αἰρεῖσθαι δὲ καὶ τοὺς συναπολογησομένους

† ἢ om. Bekk. Bens. cum libris.

Endeixis: and for the attitude of the Athenians towards state debtors, Androt. § 48 n.

καταλύοντες] 'making the amendment of the laws null and void' by their obstructiveness.

§ 23. ἐκτιθέτω πρόσθεν τῶν ἐπωνύμων] § 18 n. That the sentences in which this clause is repeated could not have formed parts of the same law, was seen by Taylor, and after him by Westermann, Benseler, and Whiston. The attempt of H. Schelling to distinguish them as applying (1) to proposals of new legislation by individual citizens, (2) to laws already referred by ἐπιχειροτομία to the Nomothetae, passed by them, and now awaiting their final ratification by the assembly, has not found favour with his countrymen. As Benseler remarks, the 'white board' must have been in use on both occasions.

ἡ ἐκκλησία] The article is added from a conjecture of Dobree's, and seems necessary to the sense. — ψηφίσηται] 'may determine what time shall be

allowed for the law-revisers' K.

τοὺς συναπολογησομένους] The name συνήγοροι (below § 26) or σύνδικοι (Lept. p. 501 § 146) was given to several classes of persons appointed to speak on behalf of the public, and holding what we might term a government brief. We find them here and Lept. l.c. appointed to argue in defence of the laws which it was proposed to repeal: conducting the prosecution in cases of Eisangelia, and then usually ten in number, and also called κατήγοροι (*Dict. Antiq.* s. v. Eisangelia). For other purposes the number varied: thus we have four σύνδικοι defending the law against the proposal of Leptines. They were not a permanent body, but were chosen for each occasion: and they are to be distinguished from the συνήγοροι κληρωτοί, of whom there were also ten, who aided the Logistae in auditing the public accounts (Schoemann, *Assemblies*, p. 108: Westermann, ap. Pauly s. v. συνήγοροι).

τὸν δῆμον τοῖς νόμοις, οἳ ἂν ἐν τοῖς νομοθέταις λύωνται, πέντε ἄνδρας ἐξ Ἀθηναίων ἀπάντων, τῇ ἐνδεκάτῃ τοῦ ἑκατομβαιῶνος μηνός.]

- 24 Οὗτοι πάντες οἱ νόμοι κεῖνται πολὺν ἤδη χρόνον, ὧ ἄνδρες δικασταὶ, καὶ πείραν αὐτῶν πολλακίς δεδώκασι, ὅτι συμφέροντες ὑμῖν εἰσι, καὶ οὐδεὶς πώποτε ἀντεῖπε μὴ οὐ καλῶς ἔχειν αὐτούς. εἰκότως· οὐδὲν γὰρ ὠμὸν οὐδὲ βίαιον οὐδ' ὀλιγαρχικὸν προστάττουσι, ἀλλὰ τούναντίον πάντα φιλανθρώπως καὶ δημο-
25 τικῶς φράζουσι πράττειν. καὶ πρῶτον μὲν ἐφ' ὑμῖν ἐποίησαν διαχειροτονίαν, πότερον εἰσοιστέος ἐστὶ νόμος καινὸς ἢ δοκοῦσιν ἀρκεῖν οἱ κείμενοι· μετὰ ταῦτα δ' ἂν χειροτονήσητε^x εἰσφέρειν, οὐκ εὐθύς τιθέναι

^x χειροτονήτε *Z cum Sr.* χειροτονήτ' *Bens.*

τῇ ἐνδεκάτῃ τοῦ ἑκατομβαιῶνος μηνός] That the *συνήγοροι* who were to defend the old laws should be chosen at the very first assembly of the year, before it was known what amendments would be proposed, and which of them would pass the preliminary stage and reach the *Nomothetae*, is justly regarded as a very suspicious circumstance by Westermann, Franke, and others. The more closely this document is examined, the less will it appear even to be compiled out of genuine materials.

§§ 24—27. *These laws are of long standing and of proved expediency: there is nothing arbitrary or oligarchical in their provisions: nothing but what is temperate and breathes the spirit of our popular institutions. They provide ample safeguards for the leisurely consideration of every proposed new law. But Timocrates complied with none of*

*these rules: he neither gave his law the required publicity, nor invited discussion, nor waited for any of the prescribed periods. He smuggled his law through on the very next day: the words of the decree appointing *Nomothetae* for the occasion are sufficient to prove that the whole affair was a conspiracy of Timocrates and his associates.*

§ 24. *φράζουσι πράττειν*] Nearly = *προστάττουσιν* above: but the use of *φράζειν* for *κελεύειν* is extremely rare in prose.

§ 25. *ἐφ' ὑμῖν*] The *διαχειροτονία* (§ 20 n.) really belonged to the people in Ecclesia assembled: Demosth. here assigns it to the jury he is addressing by a complimentary turn of phrase not unfrequent in the Orators. *Comp.* § 11, *Ψήφισμ' εἶπεν ἐν ὑμῖν Ἀριστοφῶν.*

χειροτονήσητε εἰσφέρειν] *Benseler* is almost certainly right in avoiding the hiatus: on the

προσέταξαν, ἀλλὰ τὴν τρίτην ἀπέδειξαν ἐκκλησίαν, καὶ οὐδ' ἐν ταύτῃ τιθέσθαι δεδωκάσιν, ἀλλὰ σκέψασθαι καθ' ὅ τι τοὺς νομοθέτας καθιεῖτε. ἐν δὲ τῷ μεταξὺ 708 χρόνῳ τούτῳ προσέταξαν τοῖς βουλομένοις εἰσφέρειν ἐκτιθέσθαι τοὺς νόμους πρόσθεν τῶν ἐπωνύμων, ἵν' ὁ βουλόμενος σκέψηται, κἂν ἀσύμφορον ὑμῖν κατίδη τι, 26 φράση καὶ κατὰ σχολὴν ἀντεῖπη. τούτων μέντοι τοσούτων ὄντων οὐδὲν πεποίηκε Τιμοκράτης οὐτοσί· οὔτε γὰρ ἐξέθηκε τὸν νόμον, οὔτ' ἔδωκεν, εἴ τις ἐβούλετο ἀναγνοὺς ἀντειπεῖν, οὔτ' ἀνέμεινε οὐδένα τῶν τεταγμένων χρόνων ἐν τοῖς νόμοις, ἀλλὰ τῆς ἐκκλησίας, ἐν ᾗ τοὺς νόμους ἐπεχειροτονήσατε, οὔσης ἑνδεκάτῃ⁵ τοῦ ἑκατομβαιῶνος μηνός, δωδεκάτῃ τὸν νόμον εἰσήνεγκεν, εὐθύς τῇ ὑστεραίᾳ, καὶ ταύτ' ὄντων Κρονίων καὶ διὰ ταύτ' ἀφειμένης τῆς βουλῆς, διαπραξάμενος μετὰ τῶν ὑμῖν ἐπιβουλευόντων καθίξεσθαι νομοθέτας διὰ ψηφίσματος ἐπὶ τῇ τῶν Παναθηναίων

⁵ ἐνδεκάτης libri. Illud e conii. Hieron. Wolfii.

other hand, the aorist is more appropriate than the present in reference to a single vote.

καθ' ὅ τι τοὺς νομοθέτας καθιεῖτε] 'on what terms you will appoint the session of the law-revisers' K. Correlative to the expression καθ' ὅ τι καθεδοῦνται in § 21, which is most likely fabricated from the present passage.

§ 26. τῶν τεταγμένων χρόνων] Explained by τὴν τελευταίαν τῶν τριῶν ἐκκλησιῶν § 21, τὴν τρίτην ἀπέδειξαν ἐκκλησίαν § 25. The legal interval would be nearly three weeks (Hecatombaeon 11—30, see § 20).

Κρονίων] The festival of Kronos (Saturn) on the 12th of Hecatombaeon, *Dict. Antiq.* s. v. — ἀφειμένης, 'discharged

from attendance' because of the holiday. Cf. § 29 ἀπάντων ὑμῶν ἀγόντων ἱερομηνίαν.

Παναθηναίων] The question whether these were the Greater or Lesser Panathenaea is of some interest in connexion with the chronology of this speech. The Greater Panathenaea were held every four years (a πεντητηρίς) in the third year of each Olympiad, and lasted twelve days, Hecatombaeon 17—28. In other years the Lesser Panathenaea were held at the same season: it is probable, though not certain, that they also lasted twelve days (*Dict. Antiq.* s. v.). Now the date of this speech is some time in the archonship of Eudemus (or Thudemus, according to Blass

27 προφάσει. βούλομαι δ' ὑμῖν τὸ ψήφισμ' αὐτὸ ἀναγνώσαι τὸ νικῆσαν, ἵν' εἰδῆθ'^z ὅτι πάντα συνταξάμενοι καὶ οὐδὲν ἀπὸ ταυτομάτου τούτων ἔπραττον. λαβὲ τὸ ψήφισμ' αὐτοῖς καὶ^a ἀναγίγνωσκε σύ.

ΨΗΦΙΣΜΑ.

[Ἐπὶ τῆς Πανδιονίδος πρώτης, ἑνδεκάτῃ τῆς

^z ἰδηθ' Z Bekk. Bens cum Σ.

^a καὶ om. Bens. cum ΣFrv.

p. 244) Ol. 106, 4, B.C. 353—2. There were Greater Panathenaea in the archonship of Diotimus, at the beginning of Ol. 106, 3, July 354. If the Greater are intended, upwards of a year must have elapsed between the law of Timocrates and Diodorus' prosecution of it. According to Benseler, the point was rightly decided in favour of the Lesser (i.e. July 353) by Blume in his prolegomena. I have not been able to consult Blume's tract, an inaugural dissertation at Berlin, 1823; but I presume his argument is based upon the improbability of so long a delay. Blass, who does not allude to the Panathenaea, gives by implication the same date when he remarks that 'at the end of Ol. 106, 3 (=summer of 353) matters had gone so far that Androtion and his colleagues had only the alternatives of immediate payment or of being adjudged defaulters.' Clinton discusses the question without arriving at a definite conclusion, F. H. II. 334.

§ 27. συνταξάμενοι] opp. to ἀπὸ ταυτομάτου, 'everything by deliberate contrivance, and nothing on the spur of the moment.'

λαβὲ τὸ ψήφισμ' αὐτοῖς] (To the clerk) 'For the information of the jury, take the decree and read it:' αὐτοῖς is to be joined (as a dat. commodi) to λαβὲ, not to ἀναγίγνωσκε. A commoner phrase in Demosth. is λαβέ μοι, 'please take.' Benseler follows Σ and some other MSS. in omitting καὶ, and justifies the abruptness of ἀναγίγνωσκε σύ by other instances: he translates 'Nimm ihnen das Decret her. Lies es.'

Ἐπὶ τῆς Πανδιονίδος πρώτης] This psephisma is evidently a clumsy forgery. Several eccentricities of phrase or statement are noticed by Benseler: (1) ἐπὶ τῆς Π. πρώτης should be ἐπὶ τῆς Π. φυλῆς πρώτης πρυτανευούσης, implying that the Pandionid tribe had drawn by lot the first prytany this year: (2) συννομοθετεῖν δὲ καὶ τὴν βουλὴν is inconsistent with ἀφεμένης τῆς βουλῆς in the preceding section: (3) it was not the Prytanes, but the Thesmothetae, who presided over the framing of new laws [as indeed the name suggests, θεσμός=νόμος]: (4) the absence of the usual introductory formulas, examples of which are given in Schoemann, *Antiq.* p. 386. Another argument, in

πρυτανείας, Ἐπικράτης εἶπεν, ὅπως ἂν τὰ ἱερά θύηται καὶ ἡ^b διοικήσεις ἱκανῆ γένηται καὶ εἴ τινος ἐνδεῖ πρὸς τὰ Παναθήναια διοικηθῆ, τοὺς πρυτάνεις τοὺς τῆς Πανδιονίδος καθίσει νομοθέτας αὐριον, τοὺς δὲ νομοθέτας εἶναι ἕνα καὶ χιλίους ἐκ τῶν ὁμωμοκότων, συννομοθετεῖν δὲ καὶ τὴν βουλήν.]

^b καὶ πῶς ἡ Bens. cum Sr.

which I am unable to follow Benseler, will be noticed further on.

Ἐπικράτης] This is the reading of all modern Edd. since Taylor, supported by most of the MSS. and the scholiast Ulpian. Dindorf rightly insists that copyists were likely enough to substitute the name of Timocrates for the obscure Epicrates, while the latter name could not have found its way into the MSS. unless it were the genuine reading. Ulpian's remark is: ἔγραψεν ὁ Ἐπικράτης, φίλος τοῦ Τιμοκράτους...εἰ γὰρ καὶ τὰ δύο ἐποίησεν ὁ Τιμοκράτης, ὑποπτος ἂν ἐγίνετο. The expressions μετὰ τῶν ὑμῖν ἐπιβουλευόντων § 26 and ὁ γράφων § 28 also point to another person than Timocrates as the mover of the decree.

ὅπως ἂν] 'In order that the sacrifices may be offered, that the ways and means may be sufficient' K. As R. W. has pointed out, the sense of διοικήσεις passes by an easy transition from 'administration' to 'revenues.' So the Finance Minister is ὁ ἐπὶ τῇ διοικήσει, Androt. § 35 n.

ἕνα καὶ χιλίους] Benseler finds additional proof of the spuriousness of this document in the fact that the number of Nomothetae is mentioned: 1001 being

the usual number, he argues, need not have been specified. It would be safer to say that the real number of the Nomothetae is unknown; and it is pretty certain that it was not uniform. The statement of Pollux, that there were 1000 of them, is untrustworthy, and in all probability based only upon the present passage (Wolf, *Proleg. Lept.* p. 135, Schoemann, *Assemblies*, p. 257). The only other text bearing upon the question is Andoc. de Myst. § 84, whence F. A. Wolf assumes the number 500 as the normal one, and thinks it was doubled on this occasion. But instead of ἡ βουλή καὶ οἱ νομοθέται οἱ πεντακόσιοι Blass now reads ἡ βουλή οἱ πεντακόσιοι καὶ οἱ νομοθέται, the context showing that the two councils require to be distinguished, ἡ βουλή οἱ πεντακόσιοι and ἡ βουλή ἡ ἐξ Ἀρείου πάγου. Schoemann in his latest work (*Antiq.* p. 388) admits that the number of the Nomothetae varied with the importance of the laws under consideration, though he accepts the decree now before us without remark as an example. If we bear in mind that the Nomothetae were not merely chosen from among the Heliasts, but sat like a jury for the trial of the new law, which had its prosecuting and

28 Ἐνεθυμήθητ' ὁ ἀναγιγνωσκομένου τοῦ ψηφίσματος ὡς τεχνικῶς ὁ γράφων αὐτὸ τὴν διοίκησιν καὶ τὸ 709 τῆς ἑορτῆς προστησάμενος κατεπείλων, ἀνελὼν τὸν ἐκ τῶν νόμων χρόνον, αὐτὸς ἔγραψεν αὔριον νομοθετεῖν,

^c ἐνεθυμήθητ' Bekk. Bens. cum libris.

defending counsel as in a regular law-suit, it will seem probable that the numbers varied within much the same limits as those of ordinary juries, from 201 upwards (above, § 9 n.). Here, I have little doubt that the number was suggested to the compiler of the document by the passage in § 9 δικαστηρίου δυοῖν εἰς ἓνα καὶ χιλίους ἐψηφισμένων.

§§ 28—31. Comments on the decree of Epicrates. *The real object of the conspirators was disguised under a pretended zeal for the due splendour of the festival. When a jury of Nomothetae had been obtained, not a word more was said about 'ways and means' and 'Panathenaea,' but Timocrates proceeded quietly to pass his illegal decree. It was too bad, that the rules against over-hasty legislation should be suspended by his unconstitutional motion. It was even worse, it was nothing less than cruel, that advantage should have been taken of a public holiday to inflict an injury, not upon a chance individual, but upon the whole state—by overthrowing its fundamental laws.*

§ 28. Ἐνεθυμήθητ'] This conjecture of Jerome Wolf's for ἐνεθυμήθητ' has been adopted by all modern editors except Bekker and Benseler. The imperfect participle ἀναγιγνωσκομένου can only mean 'while the decree was being read:' and all sense of

grammatical propriety is against joining this to an imperative. As Reiske tersely puts it 'imperativus non quadrat.' Mr Whiston points out, after Reiske, that by asserting that the judges had given attention to the document while reading, the orator adroitly pays them a compliment likely to conciliate their favour. K. however translates 'Observe in the reading of the decree,' and justifies the imperative in a note, 'notwithstanding that it is disapproved by so many commentators. It is a loose way of saying, "Observe how artfully it appears from the decree" &c. And similarly Benseler: 'Entnehmt aus dem vorgelesenen Decret.'

ὁ γράφων] Clearly different from Τιμοκράτους οὐτοσί. The reading Ἐπικράτης in the last section is thus confirmed.

τὴν διοίκησιν...κατεπείλων] 'under pretext of financial arrangements and the urgency of the festival.' K. slightly corrected. τὸ κατεπείλων is not merely the 'wants' of the festival as regards money (already sufficiently expressed by διοίκησιν), but the urgency in point of time, the plea of which was made an excuse for hurried legislation: cf. § 18 οὐδὲν ἴσως ὑμᾶς κατεπείλει νῦν ἀκοῦσαι.

ἀνελὼν τὸν ἐκ τῶν νόμων χρόνον] 'setting aside (rather than as K., 'without adverting to') the time prescribed by law;' i.e. the

οὐ μὰ Δί' οὐχ ἴν' ὡς κάλλιστα γένοιτό τι τῶν περὶ τὴν
 ἑορτὴν (οὐδὲ γὰρ ἦν ὑπόλοιπον οὐδ' ἀδιοίκητον οὐ-
 δέν), ἀλλ' ἵνα μὴ προαισθομένου μηδεὸς ἀνθρώπων
 μηδ' ἀντειπόντος τεθείη καὶ γένοιτο κύριος αὐτοῖς ὅδε
 29 ὁ νῦν ἀγωνιζόμενος νόμος. τεκμήριον δέ· καθιζομέ-
 νων γὰρ τῶν νομοθετῶν περὶ μὲν τούτων^α, τῆς διοική-
 σεως καὶ τῶν Παναθηναίων, οὔτε χεῖρονα οὔτε βελτίω
 νόμον οὐδέν' εἰσήνεγκεν οὐδεὶς, περὶ δὲ ὧν οὔτε τὸ
 ψήφισμα ἐκέλευεν οἷ τε νόμοι κωλύουσι, Τιμοκράτης
 οὔτοσὶ κατὰ πολλὴν ἡσυχίαν ἐνομοθέτει, κυριώτερον
 μὲν νομίσας τὸν ἐκ τοῦ ψηφίσματος ἢ τὸν ἐν τοῖς νό-
 μοις εἰρημένον χρόνον, οὐδ' ὅτιοῦν δὲ φοβηθεὶς εἰ
 ἀπάντων ὑμῶν ἀγόντων ἱερομηνίαν, καὶ νόμου κειμέ-
 νου μῆτ' ἰδίᾳ μῆτε κοινῇ μηδὲν ἀλλήλους ἀδικεῖν ἐν
 τούτῳ τῷ χρόνῳ, μηδὲ χρηματίζειν ὅ τι ἂν μὴ περὶ

^α τῶν γεγραμμένων τούτων Bekk. cum libris praeter Σ.

third assembly of the current
 prytany, §§ 21, 25, τὸν τεταγμέ-
 νον χρόνον § 26. Comp. Androt.
 § 20 ἀνελοῦσα ἡ βουλή τὸν νόμον.

ἵνα μὴ προαισθομένου] Madvig
Advers. Crit. i. p. 461 objects
 that μὴ thus placed would ne-
 cessarily negative τεθείη, which,
 as he observes, is contrary to
 the sense. He therefore pro-
 poses to strike out μῆ. Other
 scholars are content to take it
 as a repeated negative, μὴ προ-
 αισθομένου μηδέος.

ὁ νῦν ἀγωνιζόμενος] 'which is
 now upon its trial:' not, of
 course, to be translated as a
 passive.

§ 29. περὶ μὲν τούτων] An-
 other instance where MS. Σ
 stands alone in expunging a
 manifest gloss: cf. Androt. § 59
 n.

κατὰ πολλὴν ἡσυχίαν] 'quite

at his ease' R. W.: 'in aller
 Ruhe' Benseler. The expres-
 sion is, I think, humorous, re-
 ferring to the coolness of the
 man and the secrecy with which
 his bill was smuggled through,
 rather than to the orderliness
 of the assembly in which it
 passed.

κυριώτερον] 'of more author-
 ity.'—τὸν ἐκ τοῦ ψηφίσματος=
 αἴριον: τὸν ἐν τοῖς νόμοις εἰρημέ-
 νον, 19 days at least, cf. § 26.

ἱερομηνίαν] ἱερομηνία is (1) the
 'sacred month' of the four great
 games during which, as in the
treuga Dei of the medieval
 Church, hostilities were for-
 bidden: (2) any 'holy day' or
 high festival, on which all pri-
 vate enmities and consequent
 molestation were required to
 cease.

χρηματίζειν] Here in the gen-

τῆς ἑορτῆς ἤ, αὐτὸς οὐχ ἓνα τὸν τυχόντα, ἀλλ' ὅλην
 30 ἀδικῶν φανήσεται τὴν πόλιν. καίτοι πῶς οὐ δεινὸν
 εἰδότα μὲν τοὺς νόμους, ὧν ὀλίγῳ πρότερον πάντες
 ἠκούσατε, κυρίους ὄντας, εἰδότα δ' οὐκ ἐῶνθ' ἕτερον
 νόμον ψήφισμα οὐδὲν, οὐδ' ἂν ἔννομον ἤ, νόμον
 κυριώτερον εἶναι, γράψαι καὶ θεῖναι νόμον ὑμῖν κατὰ
 ψήφισμα, ὃ καὶ αὐτὸ παρὰ τοὺς νόμους εἰρημένον
 31 ἦδει; ἢ πῶς οὐ σχέτλιον τὴν μὲν πόλιν αὐτὴν ἐκάστῳ
 ἡμῶν δεδωκένας ἀδειαν τοῦ μή^ο τι παθεῖν ἀηδὲς ἢ
 δεινὸν ἐν τούτῳ τῷ χρόνῳ ποιήσασαν ἱερομνησίαν,
 αὐτὴν δὲ μὴ τετυχηκένας ταύτης τῆς ἀσφαλείας παρὰ 710
 Τιμοκράτους, ἀλλ' ἐν αὐτῇ τῇ ἱερομνησίᾳ τὰ μέγιστ'
 ἠδικῆσθαι; τί γὰρ ἂν τις μείζον ἠδίκησεν ἰδιώτης
 ἀνὴρ ἢ καταλύων τοὺς νόμους αὐτῆς, δι' ὧν οἰκεῖται;

^ο μή om. Z Bekk. Bens.

eral sense of 'transacting business:' to be distinguished from the technical legal meaning of § 22, which however is the more common in the Attic writers.

§ 30. γράψαι καὶ θεῖναι] 'frame and propose a law in pursuance of a decree.' K.

§ 31. ἀδειαν τοῦ μή τι παθεῖν] The usual idiom. Omitting μή because in Σ it is only added by a later hand is a very rash proceeding. Demosth. would at least have written τοῦ παθεῖν τι: and Dindorf shows his superiority of judgment in retaining the common reading.

§§ 32—38. Timocrates has not only treated with contempt all the rules and safeguards which fence in new legislation, by passing his law with only one day's notice, and on a holiday: he has also carried a law which contradicts an existing law, and has not taken the proper consti-

tutional course of first repealing the latter (32). The established law is next reviewed (33), praised for its democratic tendency (34) and care for tender consciences (35). The legislator had provided for the utmost publicity in view of any change, thereby making the people guardians of their own laws. And it is no sufficient answer to this, to say that the bad law may be indicted: we want prevention, not cure, and the legislator provides for this by blocking up the first approaches to illegality, and making it difficult for conspirators to stir a step (36, 37). Timocrates has done his best to expunge all these safeguards from the statute-book: his law is, so to speak, contrary not to one but to all the existing laws: it strikes at the very roots of the constitution (38).

32 "Οτι μὲν τοίνυν οὐδὲν ὦν προσῆκέ τε καὶ κελεύουσιν οἱ νόμοι πεπολήκειν, εἰς τὰ προειρημένα τις σκοπῶν ἂν γνῶνῃ. ὅτι δ' οὐ μόνον κατὰ τοῦτ' ἀδικεῖ, εἰ παραβὰς τὸν χρόνον τὸν ἐκ τῶν νόμων καὶ τὸ βουλευσασθαι καὶ σκέψασθαι περὶ τούτων ὑμᾶς παντελῶς ἀνελὼν οὔσης ἱερομηνίας ἐνομοθέτει, ἀλλὰ καὶ κατ' ἐκεῖνο, ὅτι πᾶσιν ἐναντίον εἰσενήνοχε τοῖς οὔσι νόμοις, αὐτίκα δὴ μάλ' ἀκριβῶς μαθήσεσθε. ἀνάγνωθι δέ μοι λαβὼν τουτονὶ πρῶτον τὸν νόμον, ὃς διαρρήδην οὐκ ἐᾷ νόμον οὐδένα ἐναντίον εἰσφέρειν, ἐὰν δέ τις εἰσφέρειν, γράφεσθαι κελεύει. ἀναγίνωσκε.

§ 32. κατὰ τοῦτ' ἀδικεῖ, εἰ] In the corresponding clause we have κατ' ἐκεῖνο, ὅτι with the usual love of variety (Androt. § 36 n.). The use of εἰ=ὅτι is almost confined to verbs which express some mental emotion (§ 197 n.: Jelf, *Synt.* § 804, 9), such as θαυμάζειν, ἀγαπᾶν, δεῖνὸν ποιεῖσθαι &c. and the present is probably a solitary instance with ἀδικεῖν. The most common construction of ἀδικεῖν is with a participle, as in ἀδικεῖ Σωκράτης οὐς μὲν ἢ πόλις νομίζει θεοὺς οὐ νομίζων, Xen. Memor. init. We should also expect ἀδικεῖ τοῦτο with the *accus. cognati* to express 'his offence consists in this:' the addition of κατὰ is pleonastic, and rare in prose. This 'expletive' use of κατὰ, as well as of other prepositions, is noticed as a mannerism of Sophocles by Prof. Lewis Campbell in his Introduction p. 27 (*Essay on Language of Soph.* § 19): his examples are Oed. Tyr. 1087 κατὰ γνώμαν Ἴδρις and Trach. 102 ὦ κράτιστέων κατ'

ἔμμα.

αὐτίκα δὴ μάλ'] Androt.

§ 65 n.

ἐναντίον] 'The policy of the Athenian lawgiver was not to allow two inconsistent laws to remain together in his code; and there was no such thing among the Athenians as repealing a statute by implication.' K. What to us seems so obvious, the introduction into the new law of a clause 'So-and-so is hereby repealed,' must have been less easy for the Greeks in the absence of a convenient mode of reference such as modern legislation, even when so amorphous as the English, invariably supplies.

γράφεσθαι κελεύει] γράφεσθαι is of course the middle voice, 'to impeach or indict.' 'Requires that it should be indicted' is K.'s translation. The indictment, however, lay equally against the law itself and the proposer (ἐὰν τις εἰσφέρειν): cf. § 10 n. γραψάμενοι τὸν νόμον.

ΝΟΜΟΣ.

33 [Τῶν δὲ νόμων τῶν κειμένων μὴ ἐξεῖναι λύσαι μηδένα, ἐὰν μὴ ἐν νομοθέταις. τότε δ' ἐξεῖναι τῷ βουλομένῳ Ἀθηναίων λύειν, ἕτερον τιθέντι ἀνθ' ὅτου ἀν λύῃ. διαχειροτονίαν δὲ ποιεῖν τοὺς προέδρους περὶ τούτων τῶν νόμων, πρῶτον μὲν περὶ τοῦ κειμένου, εἰ δοκεῖ ἐπιτήδειος εἶναι τῷ δήμῳ τῷ Ἀθηναίων ἢ οὐ, ἔπειτα περὶ τοῦ τιθεμένου. ὁπότερον δ' ἀν χειροτονήσωσιν οἱ νομοθέται, τοῦτον κύριον^ε εἶναι. ἐναντίον δὲ νόμον μὴ ἐξεῖναι τιθέναι τῶν νόμων τῶν κειμένων μηδενί. ἐὰν δέ τις λύσας τινὰ τῶν νόμων τῶν κειμένων ἕτερον ἀντιθῆ μὴ ἐπιτήδειον τῷ δήμῳ τῷ Ἀθηναίων ἢ^ς ἐναντίον τῶν κειμένων τῶν, τὰς γραφὰς

^ε τὸν κύριον Z Bens. cum Σ.

^ς ἢ om. Bens. cum prΣ.

§ 33. ΝΟΜΟΣ. There is no reason to think this document any more genuine than those previously considered: though it has been held (see § 20 *n.*) to be composed out of genuine materials.

ἐν νομοθέταις] 'before a jury of Nomothetae.' We have seen that there might be more than one such jury impanelled, §§ 21 *n.*, 27 *n.* The rendering of the English and German translators, 'before the Nomothetae,' is inexact.

διαχειροτονίαν] §§ 20 *n.*, 25 *n.* τοὺς προέδρους] The Proedri are here introduced instead of the Thesmothetae, as the Prytanes were in the psephism of § 27, by a confusion between the Ecclesia and the law-courts.

ἐναντίον τῶν κειμένων τῶν] The case here supposed is evidently that, after the repeal of a given law on the ground of repugnancy has been carried by the pro-

poser of the new law, other laws not contemplated by him are subsequently discovered to be inconsistent with his new legislation: a further ground for a γραφή παρανόμων. We need not be surprised that the previous sanction of the Nomothetae did not exempt the proposer from indictment: there is no reason to doubt the statement that he might be impeached on the vague charge that the law was 'contrary to public policy' (μὴ ἐπιτήδειον) as well as on more definite grounds: but after the time limit of a year (προθεσμία) the law only, and not the proposer, was liable to prosecution. The sovereign people was unwilling to recognise any limit to its power of taking all executive and legislative authority into its own hands, and suspending constitutional checks: but it was well aware of its own fallibility, and

εἶναι κατ' αὐτοῦ κατὰ τὸν νόμον ὃς κεῖται, εἴαν τις μὴ 711
ἐπιτήδειον θῆ νόμον.]

- 34 Ἦκούσατε μὲν τοῦ νόμου· πολλῶν δὲ καλῶς κει-
μένων νόμων τῇ πόλει οὐδενὸς ἦττον ἠγοῦμαι καὶ
τοῦτον ἀξίως ἐπαίνου γεγράφθαι. σκέψασθε γὰρ ὡς
δικαίως καὶ σφόδρα ὑπὲρ τοῦ δήμου κεῖται. οὐκ ἐᾶ
τοῖς ὑπάρχουσι νόμοις ἐναντίον εἰσφέρειν, εἴαν μὴ
λύση τὸν πρότερον κείμενον. τίνος ἔνεκα; πρῶτον
μὲν ἵν' ὑμῖν ἐξῆ τὰ δίκαια ψηφίζεσθαι μετ' εὐσεβείας.
35 εἰ γὰρ εἶησαν δύο τινὲς ἐναντιοὶ νόμοι, καὶ τινες

distrustful of the professional politicians whom yet it had to follow as its advisers. Hence the large and indefinite powers with which this indictment was armed: it was a *τιμητὸς ἀγών*, and any punishment might be inflicted at the discretion of the Dicastery (*Dict. Antiq.* s.v. *Paranomon Graphé*).

In the present passage the two cases of (a) inexpedient and (b) contradictory laws are not distinguished as clearly as they must have been in the text of a genuine law.

ὃς κεῖται] Not = τὸν νόμον τὸν κείμενον, but the words are to be joined closely to εἴαν τις μὴ ἐπιτήδειον θῆ νόμον, like our phrase 'according to the statutes in that case made and provided.'

§ 34. ὑπὲρ τοῦ δήμου] A legal system in which difficulties of interpretation are likely to occur implies the existence of a body of skilled lawyers: the Athenian laws were intended to be administered by plain men, and their framers therefore endeavoured (without success it would seem) to avoid all ambiguities. This arrangement is praised as 'in the interest of

the democracy:' for similar compliments cf. ὑμεῖς οἱ πολλοὶ § 37: ἐφ' ὑμῖν ἐποίησαν διαχειροτονίαν § 25.

πρῶτον μὲν] 'Quod ei respondet ἔπειτα, latet in formula εἰ πρὸς τοῦτω v. 15.' G. H. Schaefer. Compare the note § 1 on the opening words of the speech, τοῦ μὲν ἀγῶνος κ.τ.λ.

μετ' εὐσεβείας] 'To give a just verdict with a safe conscience' may not seem a difficult matter. But it is casuistically argued that if laws are repugnant no possible verdict can be conscientious, for it must violate one or the other of these laws, and both are equally binding.

§ 35. εἶησαν] εἶεν is of course much more common: 'nam Attici veteres non εἶημεν εἴητε εἶησαν dixerunt, sed εἶμεν εἴτε εἶεν,' *Dind. Praef. Poet. Scen.* ed. 5, p. iii. We find however εἶησαν as early as Thucyd. i. 9 § 5 (passed over without remark both by Shilleto and Classen): γνολήσαν Demosth. *Apatur.* p. 897 § 15.—ἀξιοῖ, again, is a less Attic form: two inferior MSS. read ἀξιοίη.

ἀντίδικοι παρ' ὑμῖν ἀγωνίζονται ἢ περὶ δημοσίων ἢ περὶ ἰδίων πραγμάτων, ἀξιοῖ δ' ἑκάτερος νικᾶν μὴ τὸν αὐτὸν δεικνύων νόμον, οὐτ' ἀμφοτέροις ἐνὶ δήπου ψηφίσασθαι· πῶς γάρ; οὔτε θατέρῳ ψηφίζομένους εὐορκεῖν· παρὰ γὰρ τὸν ἐναντίον, ὄντα δ' ὁμοίως 36 κύριον, ἢ γνώσις συμβαίνει. τοῦτό τ' οὖν ὑπὲρ ὑμῶν φυλαττόμενος ταῦτα προεῖπε καὶ ἔτι πρὸς τούτῳ βουλόμενος φύλακας ὑμᾶς τῶν νόμων καταστήσαι· ἦδει γὰρ ἐκεῖνο, ὅτι τὰς ἄλλας ἀς γέγραφεν αὐτῶν φυλακὰς ἔστι πολλαχῆ διακρούσασθαι. τοὺς συνηγόρους, οὓς χειροτονεῖτε, δύναιτ' ἂν πείσαι τις σιωπᾶν. ἐκτιθέναί κελεύει τοῦ προειδέναί πάντας· τάχ' ἂν, εἰ τύχοι, τοὺς μὲν ἀντειπόντας ἂν, εἰ^h προαίσθιοιτο,

^h εἰ μὴ Bens. *cum libris*.

δεικνύων] Androt. § 34 n.

ἢ γνώσις συμβαίνει] 'the result of the decision is contrary to' (παρὰ)...

§ 36. τοῦτό τ' οὖν... διακρούσασθαι] 'Against such a mischief the legislator provided by this clause. But he had a further motive in it. He wished to make you guardians of the laws; for he knew that the other safeguards which he has provided for them there are various ways of eluding.' This is K.'s rendering: and it is a good example of the advantage often gained by breaking up a Greek (or Latin) period into short English sentences (§ 138 n.).

τοὺς συνηγόρους] Called τοὺς συναπολογησομένους above § 23, where see the note. The addition of the words οὓς χειροτονεῖτε helps to prove that they were (as there stated) not a permanent body, but chosen for the nonce.

δύναιτ' ἂν πείσαι τις σιωπᾶν]

The Greeks, and especially the Athenians, sought refuge in numbers from their habitual distrust of individuals: hence their monster juries whether of dicasts (§ 9 n.) or nomothetae (§ 27 n.). These *συνήγοροι* or *σύνδικοι*, a small body of advocates retained to defend the existing law (Lept. p. 501 § 146), are supposed to be capable of selling their cause to the innovators.—*ἐκθεῖναι*, § 18 n.

τοῦ προειδέναί πάντας] The genitive expresses the 'final cause' (to the end that, in order that): comp. Thucyd. i. 4 τοῦ τὰς προσόδους μᾶλλον λέναι αὐτῷ (accus. and inf.), id. viii. 14 τοῦ μὴ ἐξάγγελτοι γενέσθαι (simple inf.). Other examples in Jelf, *Synt.* § 492. 2, Madvig, *Synt.* 170 c. Rem.

τάχ' ἂν, εἰ τύχοι] This passage is not without difficulty; but Benseler has, on the whole, successfully vindicated the readings of the MSS. against the

37 λάθοι, οἱ δ' οὐδὲν προσέχοντες ἀναγνοῖεν¹ ἄν. ἀλλὰ γράψασθαι νῆ Δί' ἕκαστον ἔστιν, ὃ κἀγὼ νυνὶ πεποίηκα· κἀνταῦθ', ἂν^κ ἀπαλλάξῃ τις¹ τὸν ἐπιστάντα,

¹ ἀγνοοῖεν Bens. cum libris praeter FA.

^κ κἀν ἐνταῦθ' Bekk. Bens. cum ΣΦΥΩvs.

¹ τις om. Z Bekk. Bens. cum ΣF.

alterations approved by Bekker and Dindorf and even by the Zurich editors. It is at first sight easier to read *εἰ προαίσθοντο*, omitting *μὴ*, and to connect the clause *εἰ προαίσθοντο* with *τοὺς ἀντειπόντας ἄν*. But *μὴ* is in all the MSS.: and if we join *εἰ μὴ προαίσθοντο* with *λάθοι*, it is easy to supply *εἰ προαίσθοντο* with *τοὺς ἀντειπόντας ἄν*. The sense will then be: 'It may possibly happen that persons who, with previous notice, would have opposed the law, without such notice may fail to detect its bearing (*λάθοι*): while others through inattention may be ignorant of the whole matter' (reading with Σ and most MSS. *ἀγνοοῖεν* for the *ἀναγνοῖεν* of the Editors). If *ἀναγνοῖεν* be retained, the latter clause will mean that 'the notice will be read only by those who care nothing about it:' a good enough meaning in itself, but the authority of the MSS. is, I think, decisive in favour of *ἀγνοοῖεν* which, as rendered above, yields an equally good sense.

§ 37. ἀλλὰ...νῆ Δία] 'But it may be said:' of an objection introduced only to be refuted: cf. Androt. § 69.

ἂν ἀπαλλάξῃ τις] 'Yes; but if a man gets rid of the prosecutor, the state is still cheated.' K. The notion of 'ridding oneself of' a thing is more usually expressed by *ἀπαλλάττεσθαι τι*

νός: but *ἀπαλλάττειν τι* is found in a hardly distinguishable sense, 'get him to leave one alone,' Lat. *amovere*, as adv. Phorm. p. 914 § 22 *τοὺς δανείσαντας ἀπήλλαξεν*: Isae. Dicaeog. § 28 *ἀπαλλάσσειν τοὺς χρήστας*. Here, therefore, it is practically equivalent to *πεῖσαι σιωπᾶν* in the last section. So Harpocration s. v. *ἀφείλ καὶ ἀπαλλάξας*: *ἀπαλλάξας, ὅταν πείσῃ τὸν ἐγκαλοῦντα ἀποστῆναι καὶ μηκέτι ἐγκαλεῖν*. The word is, however, more frequently used of the creditor giving a 'release and discharge' than of the debtor satisfying his claims: see Mr Paley on pro Phorm. p. 952 § 25. —The best MSS. read *κἀν ἐνταῦθ'*, and ΣF omit *τις*: whence Dindorf conjectures *ἀπαλλάξῃς*, comparing i. Phil. p. 51 § 40, where he has restored *πατάξῃς* from Σ, the other MSS. reading *πατάξῃ τις*. Benseler follows the Zurich Editors in simply omitting *τις*, but expresses it in his very picturesque translation: 'wenn man hier den, der einem zu Leibe geht, sich vom Halse schaffen kann.' If the authority of Σ is to decide this point, the ellipse of *τις*, common enough in poetry, may be justified by several examples in Plato: comp. Jelf, *Synt.* § 373 b.—For the sense of *τὸν ἐπιστάντα* R. W. compares Aeschin. Ctes. § 79 *Δημοσθένῃς δ' ἐπέστη τῶν ἄλλων κατήγορος*.

ἡ πόλις παρακέκρουσται. τίς οὖν μόνη φυλακὴ καὶ δικαία καὶ βέβαιος τῶν νόμων; ὑμεῖς οἱ πολλοί· οὔτε γὰρ τὸ γνῶναι καὶ δοκιμάσαι τὸ βέλτιστον ἐξελέσθαι δύναιτ' ἂν ὑμῶν οὐδὲ εἰς^m, οὔτε ἀπαλλάξας καὶ δια- 712 φθείρας πείσαι τὸν χεῖρω θέσθαι νόμον ἀντὶ τοῦ

38 κρείττονος. διὰ ταῦτα πάντα ἐφ' ἐκάστην ἀπαντᾷ τὴν ὁδὸν τῶν ἀδικημάτων, κωλύων καὶ οὐκ ἐὼν βαδίζειν τοὺς ἐπιβουλευοντας ὑμῖν. ταῦτα πάντα Τιμοκράτης, οὔτω καλῶς καὶ δικαίως κείμενα, ἠφάνισεν, ἐξήλειψεν, ὅσον ἦν ἐπὶ τούτῳ, καὶ νόμον εἰσήνεγκεν ἅπασιν ἐναντίον ὡς ἔπος εἰπεῖν τοῖς οὔσιν, οὐ παραναγνοὺς, οὐ λύσας, οὐ δοὺς αἴρεσιν, οὐκ ἄλλο ποιήσας οὐδὲν τῶν προσηκόντων.

39 Ὡς μὲν οὖν ἔνοχος τῇ γραφῇ καθέστηκεν, ἐναντίον εἰσηνηνοχῶς τοῖς οὔσι νόμοις, οἶμαι πάντας ὑμᾶς ἠσθῆσθαι· ἵνα δ' εἰδῆτε παρ' οἴους νόμους οἶον οὗτος

^m οὐδεὶς Bens. cum Σ.

ὑμεῖς οἱ πολλοί] The jury are identified with the Athenian people in their assembly, as in § 25.

ἀπαλλάξας καὶ διαφθείρας] As G. H. Schaefer points out in his technical language, 'corruption' particularises the general notion of 'getting out of the way.' I cannot think, with R. W., that ἀπαλλάξας conveys any notion of intimidating as distinguished from corrupting: and I own to a faint suspicion that the words καὶ διαφθείρας may be a gloss.

These last two sections are an amusing bit of clap-trap, and exhibit Demosthenes playing upon the Athenian dread of collusion and betrayal of their interests. 'Four or five *συνήγοροι* may be "got at" and induced to report in favour of a

bad law; a single prosecutor may be "squared;" but no one could ever hope to "get at" or "square" you, the great heart of the nation,' &c., &c.

§ 38. εἰσήνεγκεν ἅπασιν] The word ἀπαίσιον, found only in inferior MSS. and old editions, but retained by Bekker within brackets, is clearly an accidental repetition of ἅπασιν, as G. H. Schaefer was the first to observe.

παραναγνοὺς] Correlative to the use of παραγράφειν Androt. § 34, where see note.

§§ 39—41. *Proof that the law of Timocrates is contrary to existing laws.* This proof is worked out in detail in many succeeding sections, down to § 67.

§ 39. παρ' οἴους νόμους] παρὰ is 'contrary to,' as in § 35: not

εἰσήνεγκεν, ἀναγνώσεται πρῶτον ὑμῖν τῶν τούτων νόμον, εἶτα τοὺς ἄλλους, οἷς οὗτος ἐναντίος ἐστίν. ἀναγίγνωσκε.

NOMOS.

[Ἐπὶ τῆς Πανδιονίδος πρώτηςⁿ, δωδεκάτη τῆς πρυτανείας, Τιμοκράτης εἶπε, καὶ εἴ τιμι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ, εἶναι

ⁿ πρώτης σπ. Bens. cum ΣF.

‘in comparison with,’ as in παραναγνοὺς just before. K. neatly renders ‘what sort of a law he has introduced, and what sort of laws he has violated:’ and so Benseler, ‘was für ein Gesetz und in Widerspruch mit welchen Gesetzen.’

[Ἐπὶ τῆς Πανδιονίδος πρώτης] The incorrectness of this phrase was pointed out on § 27. The document is admitted on all hands to be spurious, altogether composed, according to Westermann and Dindorf, from the speech itself; and it seems hardly worth while to improve its Greek by omitting πρώτης, as Benseler does after Σ and one or two other MSS.

[δωδεκάτη τῆς πρυτανείας] The compiler found this date in the genuine words of Demosth. himself, § 26.

εἰ ... προστετίμηται ... ἢ ... προστιμηθῆ] A correction in one MS. προστιμηθείη indicates a consciousness on the part of the transcriber that the subjunctive after εἰ was unusual. But G. H. Schaefer, while noticing this construction as σολοικοφανῆς, points out that the indicative and subjunctive are

often thus joined in legal formulas: and the subjunctive is clearly right as a note of future time. The phrase recurs §§ 72, 79, 93, cf. § 207 n. To express ‘if any person has been or shall hereafter be condemned,’ Attic law did not think it necessary to repeat εἰ after εἰ: and there are well-known instances in the older writers, such as Thucydides and Sophocles, of εἰ with the subjunctive. See Jelf, *Synt.* § 854. 1. Obs. 1. Madvig *Synt.* § 125, Rem. 2. Campbell’s Sophocles, *Essay* § 27 p. 42. Madvig says ‘in the Attic poets (except in the choral odes) or in prose (except in the archaic phraseology of law) there are no examples of this.’ That legal language tolerated archaisms appears from the present passage and below § 42 (ἀρχεῖν for ἀρχεσθαι): but in his other assertions Madvig seems to overlook Soph. Oed. Col. 1443 εἰ σου στερηθῶ, where no one proposes to read ἦν, and Thucyd. vi. 21 § 1 εἰ ξυστώσω (‘the only, but not doubtful instance in Thucyd.’ Classen).—For προστιμῶν as always implying an ‘additional’ penalty, above § 2 n.

αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστήσαι τοῦ ὀφλήματος^ο, οὓς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐκτίσειν τὸ ἀργύριον ὃ ὤφλε. τοὺς δὲ προέδρους ἐπιχειροτονεῖν ἐπάναγκες, ὅταν τις καθιστάναι βούληται.
 40 τῷ δὲ καταστήσαντι τοὺς ἐγγυητὰς, ἐὰν ἀποδιδῶ τῇ πόλει τὸ ἀργύριον ἐφ' ᾧ^ρ κατέστησε τοὺς ἐγγυητὰς, ἀφείσθαι τῶν δεσμῶν^α. ἐὰν δὲ μὴ καταβάλλῃ τὸ ἀργύριον ἢ αὐτὸς ἢ οἱ ἐγγυηταὶ ἐπὶ τῆς ἐνάτης πρυ- 713
 τανείας, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δὲ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. περὶ δὲ τῶν ὠνουμένων τὰ τέλη καὶ τῶν ἐγγυωμένων καὶ ἐκλεγόντων,

^ο ὀφειλήματος Z cum Σr. ^ρ οἷς Bens. cum ΣFv.

^α τὸν δεσμὸν Bens. cum TΩr et pr. Σ.

[ἐγγυητὰς καταστήσαι] The usual phrase for 'to put in bail' from Herodotus (I. 196) downward. See below § 55.

[ὀφλήματος] None but the Zurich Editors have followed Σ in reading ὀφειλήματος: the technical term ὀφλημα, 'judgment debt,' τὸ ἐκ καταδίκης, is much more suited to a legal document, and so ὤφλεν following. See on Androt. § 34, below § 50.

[οὓς ἂν ὁ δῆμος χειροτονήσῃ] The sureties were of course not to be 'elected' but to be 'approved' by the people. Their names would be submitted (doubtless one by one) to a χειροτονία for approval.

[ἐπιχειροτονεῖν ἐπάναγκες] 'the Proedri shall be bound to put the question to the vote.' In the use of ἐπιχ. for the regular term ἐπιψηφίζεω Benseler finds a note of spuriousness. The same suspicion attaches to ἐπιχειροτονίαν διδόναι § 50: but in § 84 ἐπιχειροτονεῖν occurs in the genuine words of Demosth.

§ 40. τῷ δὲ καταστήσαντι]

The construction of this dative is the same as that of αὐτῷ ἢ ἄλλῳ above: i. e. we must supply not merely εἶπε from the opening words of the decree, but εἶναι (in the sense of ἐξεῖναι). G. H. Schaefer, who thought this too harsh, approves either of Lambinus' conjecture τὸν δὲ καταστήσαντα, or of the reading of some MSS. τὸν δεσμὸν. If the words occurred in the 'law' only, we might suspect their genuineness: but they recur without alteration in the text of Demosthenes, below § 86.

[ἐπὶ τῆς ἐνάτης πρυτανείας.] The explanation of this phrase already given (§ 15 n.) is confirmed by the present passage. In the last or tenth prytany of the year all grace was at an end, and the State proceeded to levy execution.

[περὶ δὲ τῶν ὠνουμένων] The statement here is in accordance with the words of Demosth. himself in the next section. To have touched the stringent enactments whereby punctual pay-

καὶ τῶν τὰ μισθώσιμα μισθουμένων καὶ τῶν ἐγγυωμένων[†], τὰς πράξεις εἶναι τῇ πόλει κατὰ τοὺς νόμους τοὺς κειμένους. ἐὰν δ' ἐπὶ τῆς ἐνάτης πρυτανείας ὄφλη, τοῦ ὑστέρου ἐνιαυτοῦ ἐπὶ τῆς ἐνάτης ἢ δεκάτης πρυτανείας ἐκτίνειν.]

41 Ἄκηκόατε μὲν τοῦ νόμου, μνημονεύετε δ' ἐξ αὐτοῦ μοι πρῶτον μὲν τὸ καὶ εἴ τιμι τῶν ὀφειλόντων δεσμοῦ προστετίμηται ἢ τὸ λοιπὸν προστιμηθῆ, ἔπειθ' ὅτι πλὴν περὶ τῶν τελωνῶν καὶ περὶ τῶν μισθουμένων,

[†] τῶν ἐγγυωμένων om. Bens. cum ΣΤΩkrs.

ment of the ordinary revenues was secured, would have alarmed the people: and so the law of Timocrates, which was virtually (though not avowedly) a *privilegium* for the benefit of Androtion and his friends, takes care specially to except those revenues from its operation. Three classes of persons are here mentioned in connexion with the regular taxes: the τελῶναι; the ἐκλογεῖς, collectors not merely of unfarmed revenues such as the tribute (φόρος) of the allies, but of the farmed taxes under the τελῶναι; and the lessees of the leaseable revenues, i.e. public lands and especially mines. Each of these classes of persons was required to find sureties: and Dobree certainly improves the passage by striking out ἐγγυωμένων καὶ before ἐκλεγοντων, and referring καὶ τῶν ἐγγυωμένων once for all to the three classes: comp. below § 59. On the Athenian system of raising taxes in general, see Boeckh *P. E.* book III. ch. 8: on the ἐκλογεῖς, note on Androt. § 48.

τὰς πράξεις εἶναι] For πράξεις = εἰσπραξίς, Androt. § 46 n. The

plural occurs only here: it is natural enough in an enumeration of different branches of revenue and the processes by which they were to be recovered.

ἐὰν δ' ἐπὶ τῆς ἐνάτης] This is altogether incredible, as was seen by Dobree who accepted the rest of the law as genuine. The compiler seems to have thought it hard that those against whom judgment was given at the end of the financial year should not have the same grace as other people. But so long a delay is 'not to be thought of' (Benseler): and the expression ἐνάτης ἢ δεκάτης is too vague for the language of a law. See also below § 93 n.

§ 41. μνημονεύετε δ' ἐξ αὐτοῦ μοι] 'Pray remark these parts of it—first, the words "if any" &c.' K. Two objections to the law of Timocrates are here singled out to be enlarged upon in succeeding sections; (1) its retrospective action; (2) its partiality towards particular classes of state debtors.

προστιμηθῆ] § 39 n. The subjunctive is here without variation in the MSS.

καὶ ὅσοι ταῦτα ἐγγυῶνται, χρῆσθαι κελεύει τῷ νόμῳ. ὅλος μὲν γάρ^β ἐστὶν ἅπασιν ἐναντίος τοῖς οὖσι, μάλιστα δὲ τούτῳ^γ. γνῶσεσθε δὲ τοὺς νόμους ἀκούοντες αὐτούς. λέγε^δ.

NOMOS.

42 [Διοκλῆς εἶπε τοὺς νόμους τοὺς πρὸ Εὐκλείδου τεθέντας ἐν δημοκρατία, καὶ ὅσοι ἐπ' Εὐκλείδου ἐτέθησαν καὶ εἰσὶν ἀναγεγραμμένοι, κυρίους εἶναι.

^β μὲν γάρ om. Z Bens. cum pr. Σ.

^γ ταῦτα Bekk. cum libris praeter Σ.

^δ γνῶσεσθε δ' ἀκούοντες. Λέγε τοὺς νόμους αὐτοῖς, λέγε Bekk.

§§ 42—44. First objection. The existing law is recited, which provides that *new laws shall come into force from the day on which they are passed, unless a date is expressly mentioned for their operation to commence. In the latter case, the beginning of the next year is commonly prescribed. Retrospective action is unheard of. Timocrates should have repealed this law before proposing his own; as it is, he has thrown everything into confusion.*

§ 42. πρὸ Εὐκλείδου] In the archonship of Eucleides, B. C. 403, the first year of the restored democracy, a revision of the laws was decreed on the motion of Tisamenus, whose psephisma is quoted at length in Andoc. de Myst. §§ 83, 84. A small body of special Nomothetae appointed by the Senate and called also ἀναγραφεῖς (perhaps to distinguish them from the ordinary Nomothetae, Jebb, Att. Or. i. 224 n.) were directed to report within one month to the Senate and the larger body of the Nomothetae. (The reading of this passage of Ando-

cides, bearing upon the number of the Nomothetae, has already been discussed § 27 n.). The work of the revising commission included the restoration of the old laws, among which those of Draco (θεσμοί) and Solon (νόμοι) are specially mentioned, as well as the new legislation of the year (here called ἐπ' Εὐκλείδου). The delays of some of these ἀναγραφεῖς in failing to report form the subject of the curious speech of Lysias against Nicomachus, who was the principal delinquent. We need not be surprised at any inconsistencies between the real decree of Tisamenus and the pretended law of Diocles, nor attempt to reconcile them.

ἐν δημοκρατία) Because the acts of the Thirty, as well as those of the Four Hundred in 411, were expressly excluded: cf. below § 56. There had been a similar commission in 410, of which Nicomachus had also been a member, in order to purify the laws from the oligarchic taint.

ἀναγεγραμμένοι] Andoc. l. c. mentions two such processes: the

τοὺς δὲ μετ' Εὐκλείδην τεθέντας καὶ τὸ λοιπὸν τιθε-
 μένους κυρίους εἶναι ἀπὸ τῆς ἡμέρας ἧς ἕκαστος
 ἐτέθη, πλὴν εἴ τῳ προσγέγραπται χρόνος ὄντινα δεῖ
 ἄρχειν. ἐπιγράψαι δὲ τοῖς μὲν νῦν κειμένοις τὸν
 γραμματέα τῆς βουλῆς τριάκοντα ἡμερῶν· τὸ δὲ

temporary, ἀναγράφοντες ἐν σα-
 νίσειν ἐκτιθέντων πρὸς τοὺς ἐπω-
 νίμους σκοπεῖν τῷ βουλομένῳ:
 the permanent, εἴτ' ἀναγράψαι
 ἐν τῇ στοᾷ τούτους τῶν νόμων οἱ
 ἂν δοκιμασθῶσιν (§ 82). The
 latter is of course here intended.

πλὴν εἴ τῳ προσγέγραπται]
 'except when a law has a clause
 added.' Cf. Androt. § 71.

ὄντινα δεῖ ἄρχειν] The mean-
 ing of this is undoubted, 'to fix
 the period from which it is to
 come into operation;' but the
 construction is explained in two
 very different ways. (1) Taylor,
 G. H. Schaefer, and Whiston
 supply ἄρχοντα with ὄντινα, 'who
 is to be the archon,' ἄρχειν =
 ἄρχοντα εἶναι. (2) Jurinus, Do-
 bree, Dindorf and Benseler sup-
 ply χρόνον, 'at what time it
 is to begin,' ἄρχειν = ἄρχεσθαι.
 Common sense is clearly in fa-
 vour of (2); and but for a ten-
 dency, not yet extinct, to fancy
 that 'refined' scholarship con-
 sists in preferring the far-fetched
 to the obvious, it is difficult to
 imagine how (1) can ever have
 found favour. The words of
 Demosth. in the next section,
 τοῦτῳ δὲ τὸν γεγραμμένον ἄρχειν,
 and in § 44 τὸν γεγραμμένον χρό-
 νον, clearly point to χρόνον as
 the noun to be supplied; and
 the orator further tells us that
 the beginning of the next year
 (archonship) was often the time
 prescribed. But the phrase 'in
 whose archonship' would only
 be natural if there were a possi-

bility of two or more years in-
 tervening between the passing
 of the law and its taking effect;
 and this of course is not to be
 thought of. Once more, though
past time was naturally dated
 by archonships, it would be ab-
 surd to say 'in whose archon-
 ship' if 'next year' were meant:
 the election of an archon might
 still be unsettled only two days
 before his year of office began,
 as we see in the case of Evan-
 dros (cf. Jebb *Att. Or.* i. 242,
 below § 138 n.). The only ar-
 gument for (1) is that, in literary
 Attic prose, ἄρχειν can hardly be
 found for ἄρχεσθαι; but the ex-
 ceptions are significant, and
 just such as prove the rule. We
 have already seen (§ 39) that
 legal prose may differ from lite-
 rary in points of grammar: so
 may legal and diplomatic prose
 in a preference for antique
 forms. We find accordingly in
 treaties, Thucyd. iv. 118 § 12
 τὴν ἐκεχειρίαν εἶναι ἐνιαυτὸν, ἄρ-
 χειν δὲ τήνδε τὴν ἡμέραν: ib. v.
 19 init. Ἄρχει δὲ τῶν σπονδῶν
 ἔφορος Πλειστόλας, i. e. 'his
 ephoralty marks the beginning
 of the truce,' the day being
 added.

ἐπιγράψαι δὲ] 'and the secre-
 tary of the senate shall affix his
 mark to the laws which are now
 established within thirty days,'
 ἐπιγράψαι is thus distinguished
 from ἀνα- and προς-

τὸν γραμματέα τῆς βουλῆς] Lex
 ap. de Cor. p. 238 § 38, *Dict.*

λοιπὸν, ὃς ἂν τυγχάνῃ γραμματεῦν, προσγραφέτω παραχρῆμα τὸν νόμον κύριον εἶναι ἀπὸ τῆς ἡμέρας ἧς ἐτέθη.]

- 43 Καλῶς ἐχόντων τῶν νόμων, ὧ ἄνδρες δικασταί, 714 τῶν ὑπαρχόντων, ὅδε ὁ νῦν ἀναγνωσθεὶς νόμος ὡσπερὲν διώρισε καὶ βεβαιότερους ἐποίησεν αὐτοὺς. κελεύει γὰρ ἕκαστον ἀφ' ἧς ἡμέρας ἐτέθη κύριον εἶναι, πλὴν εἴ τῳ χρόνος προσγέγραπται, τούτῳ δὲ τὸν γεγραμμένον ἄρχειν. διὰ τί; ὅτι πολλοῖς τῶν νόμων προσεγέγραπτο "τὸν δὲ νόμον εἶναι κύριον τόνδ' ἀπὸ τοῦ μετὰ τὸν νῦν ἄρχοντα." ὕστερον δὲ γράφων ὁ τιθεὶς ἐπὶ τούτοις τόνδε τὸν νόμον, τὸν ἀνεγνωσμένον, οὐκ ἐνόμιζε δίκαιον εἶναι τοὺς αὐτοὺς τῶν νόμων ἀναγεγραμμένους ὕστερον ἢ ἐτέθησαν κυρίους εἶναι ἀνενεγκεῖν ἐπὶ τὴν ἡμέραν, ἀφ' ἧς ἐτέθησαν, καὶ πρότερον ποιῆσαι κυρίους ἢ ὁ θεὸς ἕκαστον ἠξίωσεν.
- 44 τούτῳ μέντοι τῷ νόμῳ σκέψασθε ὡς ἐναντίος ἐστὶν

Antiq. s.v. *Grammateus*.—*τριάκοντα ἡμερῶν*, *Androt.* § 14 n.

§ 43. ὕστερον δὲ γράφων] *Diocles*, who framed after these laws (ἐπὶ τούτοις referring to the laws just described as post-dated to the next year, πολλοῖς...προσεγέγραπτο) that which has just been read, in a later enactment (ὕστερον γράφων) did not think it right that any subsequent legislation of a retroactive character should be introduced (i.e. passed a law prohibiting it). The translators in general do not clearly distinguish the three groups of laws here mentioned: (1) pre-existing laws, (2) the declaratory act recited in § 42, (3) a later law of the same author, the provisions of which are explained in the text.

τοὺς αὐτοὺς τῶν νόμων] 'that

statutes which themselves contained a postponing clause (*ἀναγεγραμμένους ὕστερον ἢ ἐτέθησαν κυρίους εἶναι*) should be carried back to the day of their enactment, and made to come into force before their respective authors desired.' *K.* ἀναγεγραμμένοι is not here as in the last section, 'inscribed' on boards or columns, but 'bearing an inscription.' There is slight MS. authority for *γεγραμμένους*, which *Dobree* and *Schaefer* preferred.

§ 44. The law expressly forbade the date, at which any enactment came into force, to be moved back even for a definite period; much more for an indefinite one; as it is by the words 'if any person has been condemned.' The reasoning

ὄν οὗτος τέθεικεν. ὁ μὲν γε κελεύει τὸν γεγραμμένον χρόνον ἢ τὴν ἡμέραν ἀφ' ἧς ἂν τεθῆ κυρίαν εἶναι· ὁ δ' ἔγραψεν “καὶ^z εἴ τιμι προστετίμηται” περὶ τῶν παρεληλυθότων λέγων. καὶ οὐδὲ τοῦθ' ὥρισεν, ἄρχοντα προσγράψας ἀφ' οὗ, ἀλλὰ πεποίηκεν οὐ μόνον πρὸ τῆς ἡμέρας ἐν ἧ τέθεικε κύριον τὸν νόμον, ἀλλὰ καὶ πρὸ τοῦ γενέσθαι τινὰ ἡμῶν· ἀόριστον γὰρ ἅπαντα τὸν παρεληλυθότα προσπεριείληφε χρόνον. καίτοι χρῆν σε, ὦ Τιμόκρατες, ἢ τοῦτον μὴ γράφειν ἢ ἐκεῖνον λύειν, οὐχ, ἵνα ὁ βούλει σὺ γένηται, πάντα τὰ πράγματα συνταράξαι. λέγε ἄλλον νόμον.

^z καὶ om. Z cum S.

here is rather absurdly sophistical: the notions of an amnesty, or of a mitigation of statutory penalties, were sufficiently familiar to the Athenians. Yet it is repeated § 74, where see note.

κυρίαν] Referring to ἡμέραν. As the laws are κύριοι, in force, so the date of their coming into force is κυρία, fixed by lawful authority. The phrase κυρία ἡμέρη for ‘an appointed day’ is common in Herodotus: so κυρία ἐκκλησία, the regular or fixed assembly, opp. σύγκλητος.

ἐν ἧ τέθεικε] The Greek has here a distinction which is missed in English. In the phrases ἀφ' ἧς ἐτέθησαν, ἀφ' ἧς ἂν τεθῆ above, the law itself was said to take effect ‘on and after’ (ἀπὸ) a given day. Here the legislator is the subject of the verb, who can only be said to carry the law ‘on’ (ἐν) such a day.

προσπεριείληφε] ‘has further included.’ Below, §§ 83, 209. Among classical authors it would seem that the word occurs only in this speech.

§§ 45—55. Second objection (see § 41) to the law of Timocrates: its partiality towards particular classes of state debtors. By Athenian law, no remission or extension of time can be granted to such persons, except under the most stringent conditions: and these Timocrates has systematically violated. Three distinct laws (or perhaps consecutive portions of the same law, see §§ 49 extr. 53 extr.) are recited and commented on. The first (§ 45) provides that *no proposal to restore an atimos, or release a public debtor or admit him to composition with the state, shall be brought in at all unless permission has first been granted by not less than 6000 Athenians, voting by ballot. Not only was this decree of Timocrates introduced without leave, but it was ‘rushed through’ in indecent and illegal haste, at a time and in a place most favourable to clandestine legislation.* By the second recited enactment (§ 50) even the right of petition is denied to state

ΝΟΜΟΣ.

- 45 [Μηδὲ περὶ τῶν ἀτίμων, ὅπως χρῆ ἐπιτίμους αὐ-
 τοὺς εἶναι, μηδὲ περὶ τῶν ὀφειλόντων τοῖς θεοῖς ἢ τῷ 715
 δημοσίῳ τῷ Ἀθηναίων περὶ ἀφέσεως τοῦ ὀφλήματος
 ἢ τάξεως, εἰ μὴ ψηφισαμένων Ἀθηναίων τὴν ἄδειαν
 πρῶτον μὴ ἔλαττον ἑξακισχιλίων, οἷς ἂν δόξη κρύ-
 βδην ψηφίζομένοις. τότε δ' ἐξεῖναι χρηματίζειν καθ'
 ὅ τι ἂν τῇ βουλῇ καὶ τῷ δήμῳ δοκῇ.]
46. Ἄλλος οὗτος νόμος, οὐκ ἔων περὶ τῶν ἀτίμων

τ τῶν Z Bens. cum ΣΤρsv.

debtors or their friends on their behalf. *This regulation (the orator explains) is rendered necessary by the too indulgent temper of the Athenian people: they are obliged, as a matter of principle, to deny themselves the luxury of listening to appeals to their feelings. But these men, driven to insolence by their fears, and at their wits' end, have not even the grace to petition: they presume to dictate: they take away from the State all the discretionary power which it now possesses of enforcing its claims. Lastly (§ 54) the existing law forbids appeals or new trials, in all cases where there has been a judgment in a suit, an account once audited, or a question of ownership decided, and that either by the verdict of a jury or privately by arbitration. Timocrates is so elaborately and amusingly illegal all round that his law reads like a deposition drawn by himself to prove his own guilt.*

§ 45. ΝΟΜΟΣ. This 'law' is entirely compiled from the next section, with a few explanatory additions. The latter will

here be chiefly noticed: the expressions which come from Demosth. himself will be discussed in their proper place.

[Μηδὲ περὶ τῶν ἀτίμων] 'Nor concerning the disfranchised shall it be lawful to put the question for restoration of their franchise.' The words ὅπως χρῆ ἐπιτίμους αὐτοὺς εἶναι are added, correctly as regards the sense, by the compiler. For the legislative infinitive comp. § 20 n.: for χρηματίζειν § 21 n.

[τοῖς θεοῖς ἢ τῷ δημοσίῳ] Demosth. says simply τῶν ὀφειλόντων. The distinction is an important one, as we learn from § 111: the forfeiture being twofold for debts due to the treasury, tenfold to the gods.

[οἷς ἂν δόξη κρύβδην ψηφίζομένοις] A genuine legal formula is here added: the phrase occurs in the speech against Neaera p. 1375 § 89; cf. Andoc. de Myst. § 37. On the ballot as essential to *privilegia*, or laws affecting individuals, §§ 18 n., 59 n.

[καθ' ὅ τι ἂν...δοκῇ] Equivalent to ὡς ἂν in § 47: for a similar use of καθ' ὅ τι see §§ 21, 25.

οὐδὲ τῶν ὀφειλόντων λέγειν οὐδὲ χρηματίζειν περὶ ἀφέσεως τῶν ὀφλημάτων οὐδὲ τάξεως, ἂν μὴ τῆς ἀδείας δοθείσης, καὶ ταύτης μὴ ἔλαττον ἢ ἑξακισχιλίων ψηφισαμένων. οὗτος δ' ἔγραψεν ἄντικρυς, καὶ εἴ τιμι τῶν ὀφειλόντων δεσμοῦ προστετίμηται, εἶναι τὴν ἀφесιν πορισαμένῳ τοὺς ἐγγυήσομένους, οὐ προτεθέντος οὐδενὸς περὶ τούτων, οὐδὲ δοθείσης
 47 ἀδείας λέγειν. καὶ ὁ μὲν νόμος, οὐδ' ἐπειδὰν τὴν ἀδειαν εὔρηταί τις, ἔδωκεν ὡς ἂν βούληται πράττειν, ἀλλ' ὡς ἂν τῇ βουλῇ καὶ τῷ δήμῳ δοκῇ· τῷ δ' οὐκ ἀπέχρησε τοῦτ' ἀδικεῖν μόνον, εἰ μὴ δοθείσης τῆς ἀδείας λέγει καὶ νόμον εἰσφέρει περὶ τούτων, ἀλλὰ καὶ προσέτι οὐκ εἰς τὴν βουλήν, οὐκ εἰς τὸν δῆμον εἰπὼν περὶ τούτων οὐδὲν, ἐν παραβύστῳ, τῆς βουλῆς

§ 46. τάξεως] 'composition' K. 'part payment' of the debt: ἵνα μέρος μὲν καταβάλῃ, τὸ δὲ ἄλλο συγχωρηθῇ (*be excused*), Schol. This sense of τάξις does not seem to occur elsewhere: in Plato, Laws 844 B, which has been quoted as parallel, the meaning is rather 'a fixed quantity' of water where the supply is limited.

τῆς ἀδείας δοθείσης] From the sense of fearlessness or impunity comes that of permission, especially in the form of a bill of indemnity granted beforehand to enable a person to exercise a privilege not belonging to his *status*. Atimoi, resident aliens, and slaves, all in short who did not enjoy full citizenship, were the classes of persons for whom this preliminary vote was required. See *Dict. Antiq.* s.v. Adeia. In Androt. § 25 and above § 31 ἀδεια is used in an ordinary, not a legal sense.

οὐ προτεθέντος οὐδενὸς] 'With-

out having made any previous proposal;' not simply 'any proposal.' The double process, first obtaining permission and then making the substantive motion, was of the essence of Athenian procedure in these cases, i.e. whenever the State was asked to forego any of its rights against individuals.

§ 47. εἰ μὴ...λέγει] μὴ of course goes with δοθείσης, not with εἰ: 'that he makes a motion without leave.' On εἰ=ὄτι, § 32 n.

εἰς τὴν βουλήν...εἰς τὸν δῆμον] Not a mere substitute for ἐν τῇ βουλῇ, &c. but as Jelf, *Synt.* § 625 'in the sense of *coram*, but with the notion of direction towards the object, as if it were reached or arrived at.' His examples are the present passage and Plat. Menex. 232 A, οἱ πατέρες...πολλὰ καὶ κατὰ ἀπεφῆναντο εἰς πάντας ἀνθρώπους.

ἐν παραβύστῳ] The Παράβυστον is known as one of the

μὲν ἀφειμένης, τῶν δ' ἄλλων διὰ τὴν ἑορτὴν ἱερομη-
 48 νίαν ἀγόντων, λάθρα νόμον εἰσήνεγκεν. καίτοι χρῆν
 σε, ὦ Τιμόκρατες, εἰδότα τὸν νόμον τόνδε ὄν ἀνέγων,
 εἴ τι δίκαιον ἐβούλου πράττειν, πρῶτον μὲν πρόσδοον
 γράψασθαι πρὸς τὴν βουλὴν, εἶτα τῷ δήμῳ διαλε-
 χθῆναι, καὶ τόθ' * οὕτως, εἰ πᾶσιν Ἀθηναίοις ἐδόκει,
 γράφειν καὶ νομοθετεῖν περὶ τούτων, καὶ τότε τοὺς
 χρόνους ἀναμείναντα τοὺς ἐκ τῶν νόμων, ἵνα τοῦτον 716
 τὸν τρόπον πράττων, εἰ καὶ τις ἐπεχείρει δεικνύειν
 οὐκ ἐπιτήδειον ὄντα τῇ πόλει τὸν νόμον, μὴ οὖν ἐπι-
 βουλεύειν γ' ἐδόκεις, ἀλλὰ γνώμῃ διαμαρτῶν ἀπο-

* κᾶθ' Z Bekk. Bens. cum Σ.

obscurer law-courts, so named as being 'stuffed away' in a remote part of the city (ἐν ἀφανεί τῆς πόλεως, Pausan. i. 28. 8). According to Pollux (viii. 8. 121) the Eleven presided in it, and there was one court called the μέσον Παράβυστον and another the μεῖζον Παράβυστον; but Schoemann in his latest work (*Antiq.* p. 476) reckons the Μεῖζον and the Μέσον as proper names of courts distinct from the Παράβυστον. Here the phrase is usually explained, after the Scholiast, as=λάθρα, 'in a hole and corner' as we say. Benseler, however, thinks it not improbable that, as it was a holiday and secrecy was desired, the Nomothetae may really have met on this occasion in the Παράβυστον. And λάθρα is expressed below: which, though Dobree wanted to cut it out as a gloss on ἐν παραβύστω, is in all the MSS. and seems necessary for the rounding off of the sentence.

ἀφειμένης] § 26 n.—ἱερομηνίαν] § 29 n.

§ 48. ἀνέγων] Of course through the γραμματεὺς or clerk: cf. § 12 n.

πρόσδοον γράψασθαι] 'to petition the council for an audience' K. or better 'to have obtained a written permission to appear' R. W. A rare sense of both words, at least in the Orators. The illustrations quoted are Isocr. Areop. § 16 τὴν πρόσδοον ἀπεγραψάμην and the last section of the same speech τὴν τε πρόσδοον ἐποιησάμην καὶ τοὺς λόγους εἶρηκα τούτους. In these instances the middle is causal and means 'to procure a written answer' (of course in reply to a written application, but that is not expressed).

τοὺς χρόνους ἀναμείναντα] At least 19 days, from the first assembly of the month till the third: §§ 21 n., 26 n.

ἵνα...ἐδόκεις] Androt. §§ 21 n., 28.

δεικνύειν] Androt. § 34 n. Above, § 35.

μὴ οὖν...γε] οὖν followed by γε is nearly=the compound γοῦν. The same may be said

49 τυχεῖν. νῦν δὲ τῷ λάθρᾳ καὶ ταχὺ καὶ παρὰ τοὺς νόμους ἐμβαλεῖν τὸν νόμον εἰς τοὺς νόμους καὶ μὴ θεῖναι πᾶσαν ἀφήρησαι σαυτοῦ τὴν συγγνώμην· τοῖς γὰρ ἄκουσιν ἁμαρτοῦσι μέτεστι συγγνώμης, οὐ τοῖς ἐπιβουλεύσασιν, ὃ σὺ νῦν εἴληψαι ποιῶν. ἀλλὰ γὰρ αὐτίκα ἐρῶ περὶ τούτων. νῦν δ' ἀναγίγνωσκε τὸν ἐξῆς νόμον.

NOMOS.

50 [Ἐὰν δέ τις ἰκετεύῃ ἐν τῇ βουλῇ ἢ ἐν τῷ δήμῳ περὶ ὧν δικαστήριον ἢ ἡ βουλή ἢ ὁ δῆμος κατέγνω, εἰάν μὲν αὐτὸς ὁ ὀφλῶν ἰκετεύῃ πρὶν ἐκτίσαι, ἐνδειξιν

of the combination ἀλλ' οὖν in certain cases where ἀλλὰ appears to be redundant, as in Aeschin. Ctes. § 86 τοὺς μὲν πρώτους χρόνους ἀλλ' οὖν προσεποιούνηθ' ὑμῖν εἶναι φίλοι; 'during the first period, at any rate, they pretended to be your friends.'

§ 49. τῷ...ἐμβαλεῖν...καὶ μὴ θεῖναι] 'by foisting your law into the statute-book, instead of passing it' in the regular way. Or as K.: 'I will not say passing, but foisting &c.'

εἴληψαι] This unusual word occurs also in Deinarch. c. Demosth. § 103.

τὸν ἐξῆς νόμον] The Scholiast remarks, rightly it would seem, that the law in the next section is (he should have said, purports to be) a continuation of that in § 45. Cf. § 53 τὸν μετὰ τοῦτον ἐφεξῆς.

§ 50. NOMOS. So far as it is compiled from genuine materials, this 'law' is an important authority for our knowledge of the process called Endeixis. So jealous was the Athenian people of any 'contempt' (in

the legal sense) of its sovereign decrees, that it was made an offence even to petition for relief from a fine or a judgment-debt. Till it was discharged the debtor laboured under an at least partial disqualification: and any attempt to exercise political rights or hold office laid him open to this prosecution. If he wished to prove that the sentence ought to be reversed, or that money was due to him from the state, he had first to gain a *locus standi* for his petition by a literal compliance with the decree of the dicastery, senate, or assembly as the case might be (*ποιεῖν τὰ δίκαια σιγῆ*, below § 52).

ὁ ὀφλῶν] For the distinction between *ὀφλῶν* and *ὀφείλων* comp. Androt. § 34 n., above § 39 n. Reiske not knowing this wished here to read *ὀφείλων* against all MSS.: for which he is corrected by G. H. Schaefer. The latter refers to two passages in the speech against Theocrines: p. 1328 § 21 τὸν νόμον τὸν ἀπ' ἐκείνης κελεύοντα τῆς ἡμέρας ὀφείλειν, ἀφ' ἧς ἂν ὀφλῃ, and nearly the

εἶναι αὐτοῦ, καθάπερ εἰάν τις ὀφείλων τῷ δημοσίῳ ἠλιάζεται· εἰάν δ' ἄλλος ὑπὲρ τοῦ ὠφληκότος ἰκετεύῃ πρὶν ἐκτίσαι, δημοσία ἔστω αὐτοῦ ἢ οὐσία ἅπασα. εἰάν δέ τις τῶν προέδρων δῶ τινὶ τὴν ἐπιχειροτονίαν, ἢ αὐτῷ τῷ ὠφληκότι ἢ ἄλλῳ ὑπὲρ ἐκείνου, πρὶν ἐκτίσαι, ἄτιμος ἔστω.]

51 "Ἔστι μὲν ἔργον, ὃ ἄνδρες δικασταὶ, εἰ περὶ^a πάντων τῶν νόμων, οἷς οὗτος ἐναντίον εἰσενήνοχεν, ἐροῦμεν· ἄξιον δ', εἰ περὶ τοῦ καὶ ἄλλου, καὶ περὶ τοῦδε ὄν νῦν ἀνέγνω διελθεῖν. ὁ γὰρ τὸν νόμον τοῦτον, ὃ ἄνδρες Ἀθηναῖοι, θεῖς ἤδει τὴν φιλανθρωπίαν καὶ τὴν πραότητα τὴν ὑμετέραν, καὶ διὰ ταύτην ἐώρα περὶ πολλῶν ὑμᾶς ἐκόντας ἤδη ποτὲ μεγάλα ζημιω-

^a εἴπερ περὶ Bekk. Illud ΣΤΩρ.

same words p. 1337 § 49. We see from these the summary character of Athenian legislation: no period of grace in which to find the money, at least after judgment had been given, but immediate loss of civic rights until it was paid.

ἠλιάζεται]=δικάζη, as ἠλιαία is often synonymous with δικαστήριον. The word is quoted from Lysias by Harpocration, and occurs several times in Aristophanes. On the spirit of this enactment, and the case of a poor man capitally punished for earning a few obols as a dicast, see the note on Androt. § 48.

δῶ...τὴν ἐπιχειροτονίαν]=ἐπιχειροτονεῖν § 39. This sense of the word betrays the grammarian: 'to put the question' is properly ἐπιψηφίζειν (Androt. § 9; below, § 54). The subst. ἐπιψηφισίς is not found in classical writers. The Attic usage of ἐπιχειροτομία (§ 20 ff.) is

limited to the phrases ἐπιχ. τῶν νόμων and ἐπιχ. τῶν ἀρχῶν.

ἄτιμος ἔστω] It was only in this case that the Proedri were made responsible for the questions they put to the vote: in other cases the remedy was a γραφὴ παρανόμων against the proposer of the law, Androt. § 9 n.

§ 51. "Ἔστι μὲν ἔργον] 'It would be a job:' 'I should have enough to do:' 'Es ist eine schwere Ausgabe,' Benseler: rather than as K. 'it would be tedious.'

περὶ πολλῶν..ἤδη ποτὲ] 'dadurch schon in so manchen Fällen' Benseler: 'that by reason of it you had on so many occasions before then submitted to serious loss' K. This usage of περὶ is rather uncommon: a tolerably near parallel is Plat. Gorg. 467 D "Ἄλλο τι οὖν οὕτω καὶ περὶ πάντων; 'is it not so in all cases?' quod attinet ad omnia, Heindorf.

- 52 θέντας. βουλόμενος δὴ μηδεμίαν πρόφασιν τοῦ τὰ κοινὰ κακῶς ἔχειν ὑπολιπεῖν, τοὺς μετὰ τῶν νόμων 717 κρίσει καὶ δικαστηρίῳ μὴ δίκαια ποιεῖν ἐγνωσμένους οὐκ ᾤετο δεῖν τῆς εὐηθείας τῆς ὑμετέρας ἀπολαύειν, τὸ δεῖσθαι καὶ μετὰ συμφορᾶς ἰκετεύειν ἔχοντας ἀφορμὴν, ἀλλ' ὅλως ἀπεῖπε μὴτ' αὐτῷ μὴτ' ἄλλω μηδενὶ μὴθ' ἰκετεύειν μήτε λέγειν ὑπὲρ τῶν τοιούτων,
- 53 ἀλλὰ ποιεῖν τὰ δίκαια σιγῇ. εἰ τοίνυν τις ἔροιθ' ὑμᾶς ποτέροις μᾶλλον ἂν εἰκότως ποιήσαιθ' ὅτιοῦν, τοῖς δεομένοις ἢ τοῖς ἐπιτάττουσιν, οἶδ' ὅτι φήσαιτ' ἂν τοῖς δεομένοις· τὸ μὲν γὰρ χρηστῶν, τὸ δ' ἀνάν-

§ 52. τοῦ τὰ κοινὰ κακῶς ἔχειν] 'for the public interest suffering:' i. e. the finances, which alone are the subject of the laws discussed in §§ 45—55.

τοὺς μετὰ τῶν νόμων...ἐγνωσμένους] 'who in accordance with law, after a regular trial and by the sentence of a court have been convicted of misconduct.' We might also translate κρίσει καὶ δικαστηρίῳ as a hendiadys, 'by the verdict of a jury.'

εὐηθείας] 'good-nature,' is the φιλανθρωπία and πραότης of the last section regarded from a contemptuous point of view, Androt. § 78. Ascribed to Athenian juries, i. Aristog. p. 773 § 12 ἀπὸ τῆς συνήθους εὐηθείας εἰσεληλυθότες καθεδέισθε, 'if you come into court and take your seats in your usual easy temper:' joined to ἀπολαύειν, Aeschin. Timarch. § 56, ἀπολελαυκῶς, ὡς λέγεται, τῆς ἐκείνου εὐηθείας, 'having made a profit out of it.'

ποιεῖν τὰ δίκαια] 'to comply with the law,' on pain of being punished for contempt. The affirmative verb is supplied from

the negative ἀπέπε: cf. Soph. Oed. Tyr. 236 τὸν ἀνδρ' ἀπανδῶ τοῦτον—μὴτ' εἰσδέχεσθαι μήτε προσφωνεῖν τινὰ | ὠθεῖν δ' ἀπ' οἴκων πάντας: and other examples in Jelf, *Synt.* § 895, 9, Madvig, *Synt.* § 213.

§ 53. ποτέροις...ὅτιοῦν] 'for which class of persons you would be more likely to do anything,' dat. commodi.

τὸ μὲν γὰρ χρηστῶν, τὸ δ' ἀνάνδρων] i. e. τὸ μὲν γὰρ δεῖσθαι χρηστῶν, τὸ δ' ἐπιτάττειν ἀνάνδρων. I should not take χρηστῶν as 'kind-hearted' K. 'gutherzigen' Benseler, but rather 'honest, conscientious,' comparing Fals. Leg. p. 390 § 157 = 173 οὐδ' ἀναγκασθέντ' αὐτῶν οὐδένα δεῖ δοκεῖν χρηστὸν εἶναι τῆμερον: ib. p. 430 § 277 = 315 ἐφ' ἡμισείᾳ χρηστὸν 'half honest.' It is nearly = μέτριος, 'law-abiding,' Androt. § 25 n. The connexion of ideas between cowardice' and 'dictation' (ἐπιτάττειν) is not quite obvious: the meaning apparently is, that fear of the consequences of their actions urges men to override the laws.

δρων ἀνθρώπων ἔργον ἐστίν. οὐκοῦν οἱ νόμοι μὲν ἅπαντες προστάττουσιν ἅ χρῆ ποιεῖν, οἱ τιθέντες δὲ τὰς ἰκετηρίας δέονται. εἰ τοίνυν ἰκετεύειν οὐκ ἔξεστιν, ἦ που νόμον γ' ἐπίταγμα ἔχοντα εἰσφέρειν; ἐγὼ μὲν οὐκ οἶμαι. καὶ γὰρ αἰσχροὺν περὶ ὧν μηδὲ χαρίζεσθαι δεῖν ὑπειλήφατε, περὶ τούτων ἀκόντων ὑμῶν εἶναι ἅ τινες βούλονταιπραχθῆναι.

Λέγε τὸν μετὰ τούτου ἐφεξῆς.

NOMOS.

54) [Ὅσων δίκη πρότερον ἐγένετο ἢ εὐθυνα ἢ διαδι-

οἱ τιθέντες δὲ τὰς ἰκετηρίας] Above, § 12 *n.* The placing the suppliant bough might even sometimes be a capital crime, Andoc. de Myst. § 110.

εἰ...οὐκ ἔξεστιν] Androt. § 18 *n.*

ἦ που...εἰσφέρειν;] 'can it be permitted to introduce a law, which implies command?' The argument of §§ 45—55 is summed up in these words and in the following, *περὶ ὧν μηδὲ χαρίζεσθαι δεῖν ὑπειλήφατε*, 'in cases where you have deemed it right to abstain even from acts of grace.' The denial of the right of petition, when a judgment had once been pronounced, involved *à fortiori* the rejection of what would now be called 'relief bills,' of which the law of Timocrates was a glaring instance.

οἶμαι] A silent correction of Dindorf's: the MSS. and the other critical editions read *ολομαι*. Cf. §§ 68, 72.

τὸν μετὰ τούτου ἐφεξῆς] § 49 *n.*

§ 54. Here, as in § 50, the substance of the 'law' is compiled from Demosth. himself in the context, with the irrelevant

and even nonsensical addition *μηδὲ κατηγορεῖν ἐώντων κ.τ.λ.*

[Ὅσων δίκη πρότερον ἐγένετο] In Athenian law there was little opportunity for bringing appeals properly so called: the verdict of the dicasts was generally final and irrevocable: the same issue could not be raised again, except in an indirect manner. The exceptions may be classed as a 'motion for a new trial' (*δίκη ἀνάδικος, ἀναδικία, παλινδικεῖν*) and an appeal in the stricter sense (*ἔφεσις*).

The former was granted (1) if the prosecutor had gained a verdict by default (*ἐρήμην λαγχάνειν*), and the defendant could prove that such default was not owing to his negligence; in which case he was said *ἐρήμην ἀντιλαχεῖν*, Demosth. c. Zenoth. p. 889 § 27. (2) If the loser convicted his opponent's witnesses by a *δίκη ψευδομαρτυριῶν*, he might next proceed against the principal himself by a *δίκη κακοτεχνιῶν* for subornation of perjury ([Demosth.] c. Everg. et Mnesib. p. 1139 § 1, c. Timoth. p. 1201 § 56): and if again successful, might ob-

κασία περί του ἐν δικαστηρίῳ, ἢ ἰδίᾳ ἢ δημοσίᾳ, ἢ τὸ δημόσιον ἀπέδοτο, μὴ εἰσάγειν περὶ τούτων εἰς τὸ δικαστήριον μηδ' ἐπιψηφίζειν τῶν ἀρχόντων μηδένα, μηδὲ κατηγορεῖν ἐόντων ἃ οὐκ ἔωσιν οἱ νόμοι.]

55 Τιμοκράτης τοίνυν, ὥσπερ μαρτυρίαν ὦν ἀδικεῖ γράφων, εὐθὺς ἀρχόμενος τοῦ νόμου τάναντία ἔθηκε

tain a rehearing of the original suit.

The appeal called *ἔφεσις* was allowed only in the following cases: (1) From a decision of the public arbitrators (*δαιτητῆαι κληρωτοί*): (2) From a *διαψήφισις* or decision of a man's *δημόται* adverse to his rights of citizenship: (3) From an *ἐπιβολή* or fine summarily imposed by a magistrate; but not from the *τιμημα* or fine assessed by a jury: (4) In the *δίκαι ἀπὸ συμβόλων*, when one of the parties was a citizen of a foreign state, between which and Athens the agreement called *σύμβολα* existed. The accounts we have of these appeals, mostly derived from Pollux, are by no means clear.

(Condensed, with some corrections, from *Dict. Antiq.* s. v. *Appellatio* (*Greek*). See further details under the respective headings: *Pseudomartyrion*, *Kakotechnion* (the latter also in *Daremberg and Saglio*), *Diaetetae*, *Diapsephisis*, *Epibole*, *Dikai apo Symbolon*: and comp. *Sandys'* *Introd. to i. and ii. Steph. in Demosth. part ii.*)

εἰθυνα] This word is rare in the singular, especially in the technical sense of 'examination on quitting office,' 'audit of accounts.' We find however in *Lys. Or. xxv. § 30* πολλὰς δὲ ἀρχὰς ἀρχοντες οὐδεμιᾶς εὐθύνῃ

διδόσιν: and in *Aeschin. Ctes. § 17* εἰ μὴ τις ἐστὶν εὐνοίας εὐθυνα. The forms *εὐθύνῃ* (plur. *εὐθύναι*) or *εἰθυνα* (plur. *εἰθυναί*) are deemed equally good by *Shilleto on Fals. Leg. p. 346 § 52*: *Dindorf* and the *Zurich Editors* prefer the latter without absolutely rejecting the other. Hence, in the passages just cited, *Dind.* leaves *εὐθύνῃν* in *Lysias* where all MSS. agree, but reads *εἰθυνα* in *Aeschines* from one corrected MS. The *Scholiast* likewise favours *εἰθυνα*: *περὶ δὲ τοῦ τόνου τῆς εὐθύνῃς ἤδη εἴπομεν ὅτι προπαροξύνεται.*

διαδικασία] Above, § 12 n. *ἢ τὸ δημόσιον*] i. e. *ἢ ὅσα τὸ δημόσιον ἀπέδοτο*. The cases in which a rehearing is here refused are (1) judgment in an ordinary suit, *δίκη*: (2) the case of an outgoing magistrate, declared by the *εἰθυνοί* or auditors to owe monies to the State: (3) questions of ownership: (4) sales by the treasury. These last would refer to confiscated property (*οὐσία δημοσία* § 50): no action would lie against the purchaser of such: the State's having ordered the sale would constitute a 'parliamentary title,' so to speak.

μὴ εἰσάγειν] §§ 10, 14: for the construction, §§ 20, 45.

μηδ' ἐπιψηφίζειν] § 50 n.

τούτοις. ὁ μὲν γε οὐκ ἔᾶ περιὶ ὧν ἂν ἄπαξ γινῶ δικαστήριον πάλιν χρηματίζειν· ὁ δ' ἔγραψε, καὶ εἴ τιμι προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα, τὸν δῆμον τούτῳ χρηματίζειν, ὅπως ἂ μὲν ἔγνω τὸ δικαστήριον 718 λυθήσεται, καταστήσει δ' ἐγγυητὰς ὁ ὀφλῶν. καὶ ὁ μὲν νόμος μηδ' ἐπιψηφίζειν φησὶ τῶν ἀρχόντων παρὰ ταῦτα μηδένα· ὁ δ' ἔγραψε τοῖς προέδροις ἐπάν-αγκες, εἴαν τις καθιστῆ, προσάγειν, καὶ προσέγραψεν “ὅπότ' ἂν τις βούληται.”

§ 55. *χρηματίζειν*] As applied to the presiding magistrates, this word has been explained §§ 21 n., 45. The phrase τὸν δῆμον τούτῳ *χρηματίζειν* is unusual, but merely extends the same notion: ‘the people shall deal with the matter on his behalf.’ K.

ὅπως ἂ μὲν ἔγνω] ‘so that the decision of the court may be reversed, and the accused party may put in bail.’ K. nearly. MS. Σ with some others reads *καταστήσει*: but usage, and *λυθήσεται* preceding, are decisive in favour of the future. On this question, generally referred to as ‘Dawes’s canon,’ see Jelf, *Synt.* § 812, Madvig, *Synt.* § 123. Cobet *Var. Lect.* p. 108 will not hear of the aor. subj. even as an exception, but it must be admitted that there are passages, such as Plato, *Protag.* 313 c, where all MSS. are against him.—ὁ ὀφλῶν] § 50 n.

ἔγραψε...προσάγειν] ‘provided (inserted a clause to the effect) that the Proedri shall present the bail’ to the people for approval. Dobree wanted to read τούς προέδροις, as in § 39: if such uniformity were required, the usage of Demosth. himself is to be preferred to that of the

interpolator of these documents.

§§ 56—58. *The law of Timocrates sets aside decisions of the courts which have already been carried out. It thus not merely introduces a dangerous confusion into the administration of the laws, but insults the honest juries of constitutional times by treating them precisely like the hated Thirty, whose acts were declared null and void.*

The common-sense objections to retroactive legislation had been already stated in §§ 42—44; in their present form they are merely *ad invidiam* arguments intended to prejudice the jury. Demosthenes must have seen clearly the difference between the revolutionary enactments which unsettle the relations of property, and the mere proposal that a certain class of debtors to the State should be treated less harshly, and that this measure of relief should include those already indebted. But it did not suit him to rest his case solely on its merits; we are reminded of the words of the Second Argument, τὸ μὲν νόμιμον κεφάλαιον ἐντελέστατα εἰργασται, τὸ δὲ δίκαιον καὶ τὸ σύμφερον καὶ τὸ δυνατόν ἀλλήλοις συμπλέκεται (p. 699, 5).

56 Λέγ' ἕτερον νόμον.

NOMOS.

[Τὰς δίκας καὶ τὰς διαίτας, ὅσαι ἐγένοντο ἐπὶ τοῖς νόμοις ἐν δημοκρατουμένη τῇ πόλει, κυρίας εἶναι.]

Οὐ φησι Τιμοκράτης, οὐκουν ὀπόσοις γ' ἂν δεσμοῦ προστιμηθῇ.

Λέγει.

NOMOS.

[Ὅποσα δ' ἐπὶ τῶν τριάκοντ' ἐπράχθη ἢ δίκη ἐδικάσθη, ἢ ἰδία ἢ δημοσία, ἄκυρα εἶναι.]

57 Ἐπίσχεσ. εἶπέ μοι, τί δεινότατον πάντες ἂν ἀκούσαντες φήσαίτε καὶ^b μάλιστ' ἂν ἀπεύξαισθε; οὐχὶ ταῦτα τὰ πράγματα, ἅπερ ἦν ἐπὶ τῶν τριάκοντα, μὴ γενέσθαι; ἔγωγ' οἶμαι. ὁ γοῦν νόμος οὕτοσιν εὐ-

^b καὶ τί Bekk. cum γρ. Σ.

§ 56. ἐν δημοκρατουμένη τῇ πόλει] Opp. to ἐπὶ τῶν τριάκοντα, and probably also to the earlier oligarchy of 411. Comp. §§ 42 n. 76 n.

ἐπράχθη] 'voted' (bestimmt) rather than 'done' expresses the meaning of this word. The reference is to the 'acta' as the Romans would have called them or judicial decrees of the Thirty: i.e. mostly to the executions and confiscations decreed by a packed assembly at their bidding.

ἢ δίκη] Our law-compiler is here not happy in his Greek. Reiske explains this by ὀπόση δίκη; but in Attic we should expect ὀπόσαι δίκαι or εἴ τις δίκη.

§ 57. ἀκούσαντες] 'When you heard' (that law read, like ἐνεθυμήθητ' ἀναγιγνωσκόμενον τοῦ ψηφίσματος § 28), 'what would

you (naturally) declare to be the most monstrous thing?' The very mention of the Thirty would remind an Athenian audience that this was the bitterest passage in their history. This is substantially Benseler's explanation (die Ihr das gehört) and seems more exact than K.'s 'what would you say was the most dreadful thing you ever heard?'

μὴ γενέσθαι] μὴ is added because of ἀπεύξαισθε: 'deprecate the repetition of.' K. rightly. So in the next sentence ἀπέειπε ... μὴ κύρια εἶναι: above § 31 ἄδειαν τοῦ μὴ τι παθεῖν.

ὁ γοῦν νόμος οὕτοσιν] γοῦν explains ἔγωγ' οἶμαι. 'I think so; at least this seems to be the meaning of the law' &c.

λαβούμενος, ὡς ἐμοὶ δοκεῖ, τὸ τοιοῦτον ἀπέειπε τὰ
πραχθέντα ἐπ' ἐκείνων μὴ κύρια εἶναι. οὐτοσὶ τοί-
νυν τὴν αὐτὴν κατέγνω παρανομίαν τῶν ἐπὶ τῆς δη-
μοκρατίας πεπραγμένων, ἥνπερ τῶν ἐπ' ἐκείνων ὑμεῖς·
58 ὁμοίως γοῦν ἄκυρα ποιεῖ. καίτοι τί φήσομεν, ὃ
ἄνδρες Ἀθηναῖοι, τοῦτον κύριον τὸν νόμον ἐάσαντες
γενέσθαι; πότερον τὰ δικαστήρια, ἃ δημοκρατου-
μένης τῆς πόλεως ἐκ τῶν ὁμωμοκότων πληροῦται,
ταῦτ' ἀδικήματα τοῖς ἐπὶ τῶν τριάκοντα ἀδικεῖν;
καὶ πῶς οὐ δεινόν; ἀλλὰ δικαίως ἐψηφίσθαι; τίνος
οὖν ἔνεκα τὸν λύσοντα ταῦτα νόμον θέσθαι φήσομεν;
πλὴν εἰ τοῦτό τις εἴποι, μανέντες· ἄλλο γὰρ οὐκ 719
ἔστιν εἰπεῖν.

ἐύλαβούμενος.....τὸ τοιοῦτον]
'providing against such a con-
tingency' K.

οὐτοσὶ τοίνυν] οὐτοσὶ is now
the defendant Timocrates, not
the law.

κατέγνω] 'imputed the same
illegality.' According to De-
mosthenes, T. had *implicitly*
set aside *all* judicial decisions
by reversing *some*.

§ 58. ἐάσαντες] 'if we allow'
...The confirmation of T.'s law
would depend on the result of
the present trial.

ἐκ τῶν ὁμωμοκότων πληροῦται]
'are impanelled from among
those who have sworn (the He-
liastic oath):' not simply 'of
sworn men.' Comp. § 21 n. :
§§ 149—151. Benseler, who is
usually careful in noticing the
variations of MSS. and Edd.,
here reads κληροῦται without re-
mark: not accidentally, as is
shewn by his version 'durch
Loos besetzt werden.' If the
reading of all the MSS. (πλη-
ροῦτε in Σ is no real variant,
§ 85 n.) needed any justification,

it might be found in § 92 δικα-
στήρια πληροῦτε.

ἐψηφίσθαι] δικαστήρια is the
subject both of ἀδικεῖν and of
ἐψηφίσθαι: 'shall we say that
they commit the same crimes
as under the Thirty (whose ac-
complices in guilt they were) or
that they have given just ver-
dicts?'

θέσθαι φήσομεν] The subject
of θέσθαι being the same as of
φήσομεν is not expressed. 'If
so, what reason shall we assign
for passing a law to rescind
their judgments? unless we
were to say it was an act of
madness.' K. nearly. With μα-
νέντες supply ἐθέμεθα, not θέ-
σθαι which would require μανέν-
τας after εἴποι τις ἄν.

§§ 59, 60. The argument
against *privilegia*, just touched
upon in § 18 ἐπὶ πᾶσι τὸν αὐτὸν
νόμον τιθέναι κελεύει, re-stated
and amplified. *The law forbids
the proposal of any statute not
applying to all Athenians, un-
less by the votes of 6000 citizens,
taken by ballot. The very word-*

59 Λέγ' ἄλλον νόμον.

ΝΟΜΟΣ.

[Μηδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θεῖναι, εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσι Ἀθηναίοις τιθῆ^c, ἢ ψηφισαμένων μὴ ἔλαττον ἐξακισχιλίων, οἷς ἂν δόξη κρύβδην ψηφίζομένοις.]

Οὐκ εἶ νόμον ἀλλ' ἢ τὸν αὐτὸν τιθέσθαι κατὰ τῶν πολιτῶν πάντων, καλῶς καὶ δημοτικῶς λέγων.

^c ἢ om. libri. ἢ—ψηφίζομένοις om. Dind.

ing of this decree of Timocrates shows that he has not complied with the enactment: he excepts by name the farmers of taxes, the lessees of the revenue, and their sureties. There is no pretence that such persons are the greatest offenders, the least deserving of relief from the law of imprisonment. Your proposal stands disclosed for what it is: a barefaced attempt to favour peculators, or rather open plunderers, of the public money.

§ 59. τιθῆ, ἢ ψηφισαμένων] See the various readings. Dindorf's excision of the latter part of this document is certainly too bold: and (though as a rule adhering to his text) I have here followed the other recent Editors in retaining the passage as it stands in the MSS. with Reiske's very slight correction. It is true that in Aristocr. p. 649 § 86 the law is quoted without the additional words: and that Demosth. did not need to cite them, perhaps was not likely to cite them (as weakening the force of his argument) for his present purpose. But we have to bear in mind, not what the clerk was likely to have read at the

bidding of Demosthenes (which, it is now admitted, no one really knows) but what the compiler of these 'laws' thought fit to insert in the text of his author, as his own notion of what had been read. Similar clauses are found in the law of § 45, and however irrelevant, may very well have been inserted here. Without some correction, however, the reading of the MSS. yields no sense: it fails to mark the distinction between the general rule and the exceptional *privilegium*. The author of the 'Leges Atticae,' Samuel Petit, proposed to insert εἰ μὴ before ψηφισαμένων, as in Andoc. de Myst. § 87 where the law is quoted εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσι Ἀθηναίοις, εἰ μὴ ἐξακισχιλίοις δόξη κρύβδην ψηφισαμένοις. Reiske's correction accounts best for the reading of the MSS. as ἢ might so easily have dropt out after τιθῆ: otherwise the inelegant repetition of εἰ μὴ may be defended by § 45 and Andoc. l. c.

κατὰ τῶν πολιτῶν πάντων]= ἐπὶ πᾶσι Ἀθηναίοις above, 'applying to.' For this use of κατὰ comp. π. Phil. p. 68 § 9 δ κατ

ὥσπερ γὰρ τῆς ἄλλης πολιτείας ἴσον μέτεστιν ἑκάστῳ, οὕτω καὶ τούτων ἴσον μετέχειν ἕκαστον ἀξιοί. δι' οὓς μὲν τοίνυν οὗτος εἰσέφερε τὸν νόμον^d, ὑμεῖς οὐδὲν ἐμοῦ χεῖρον γιγνώσκετε· ἄνευ δὲ τούτων αὐτὸς ὠμολόγησε μὴ ἐπὶ πᾶσι τὸν αὐτὸν τεθεικέναι, πλὴν περὶ τῶν τελωνῶν καὶ τῶν μισθουμένων καὶ τῶν τούτων ἐγγυητῶν χρῆσθαι προσγράψας τῷ νόμῳ. οὐκοῦν ὁπότ' εἰσὶ τινες οὓς ἀφορίζεις, οὐκ ἂν ἔτι
60 εἴης ἐπὶ πᾶσι τὸν αὐτὸν τεθεικώς. καὶ μὴν οὐδ' ἐκεῖνό γ' ἂν εἴποις, ὡς ὅσοις δεσμοῦ προστιμᾶται, τούτων μάλιστα ἢ τὰ μέγιστα ἀδικοῦσιν οἱ τελῶναι. ὥστε μόνοις αὐτοῖς μὴ μεταδοῦναι τοῦ νόμου. πολὺ γὰρ δήπου μᾶλλον οἱ προδιδόντες τι τῶν κοινῶν, οἱ τοὺς γονέας κακοῦντες, οἱ μὴ καθαρὰς τὰς χεῖρας

^d τὸν νόμον *om.* Ζ *cum* ΣΑΖ *et pr.* κ τὴν Dindorfii operae.

μέγιστόν ἐστι καθ' ὑμῶν ἐγκώμιον: Aeschin. Ctes. § 50 οἱ κατὰ Δημοσθένους ἔπαινοι. Jelf, *Synt.* § 628, 2.

καλῶς καὶ δημοτικῶς] Above § 34 δικαίως καὶ σφόδρα ὑπὲρ τοῦ δήμου. Below § 69.—ἄνευ δὲ τούτων] 'and besides:' cf. Aristocr. p. 657 § 112.

τελωνῶν....μισθουμένων....ἐγγυητῶν] Compare § 40, where a further class of revenue officers, the ἐκλογεῖς or ἐκλέγοντες are mentioned, and μισθουμένων is expanded into τῶν τὰ μισθώσιμα μισθουμένων.

§ 60. οἱ προδιδόντες τι τῶν κοινῶν] How vague these charges might be is well shown in C. R. K.'s article 'Prodosia' in *Dict. Antiq.* The punishment was usually death: but we find below § 127 καὶ προδοσίας γε ἀλοῦς τρία τάλαντα ἀπέτισε.

τοὺς γονέας κακοῦντες] *Dict. Antiq.* s. v. 'Kakosis.' If we

may trust Andocides, those found guilty of *κάκωσις γονέων* were among a large class of offenders of whom he says οὗτοι πάντες ἄτιμοι ἦσαν τὰ σώματα, τὰ δὲ χρήματα εἶχον, de *Myst.* § 74. And this Atimia involved exclusion from the Agora, below § 103, Androt. § 77.

μὴ καθαρὰς τὰς χεῖρας] Homicide, even when purely accidental or excusable, was regarded in the religious point of view as a pollution of the city and territory of Athens, and required ceremonial expiation: a principle common to the Hebrew and other ancient codes. The *φονικαὶ δίκαι* will be fully treated in the notes to the speech against Aristocrates, of which they form an important portion: for the present it will be enough to refer to *Dict. Antiq.* s. v. 'Phonos;' and for later views, Schoemann *Antiq.* pp. 467—471.

ἔχοντες, εἰσιόντες δ' εἰς τὴν ἀγορὰν, ἀδικοῦσιν. οἷς ἅπασιν οἱ μὲν ὑπάρχοντες νόμοι δεσμὸν προλέγουσιν, ὁ δὲ σὸς λελύσθαι δίδωσιν. ἀλλ' ἐνταῦθα πάλιν καταμηνύεις ὑπὲρ ὧν ἐτίθεις· διὰ γὰρ τὸ μὴ τελωνήσαντας ὀφείλειν αὐτοὺς, ἀλλὰ κλέψαντας, μᾶλλον δ' ἀρπάσαντας τὰ χρήματα, διὰ τοῦτ' οὐκ ἐφρόντισας, οἶμαι, τῶν τελωνῶν.

61 Πολλοὺς δ' ἂν τις ἔχοι νόμους ἔτι καὶ καλῶς 720 ἔχοντας δεικνύναι, οἷς πᾶσιν ἐναντίος ἐστὶν ὃν οὗτος τέθεικεν. ἀλλ' ἴσως ἐγὼ μὲν, εἰ περὶ πάντων ἐρῶ, ἐξωσθήσομαι περὶ τοῦ μηδ' ἐπιτήδειον ὅλως ὑμῖν εἶναι τὸν νόμον εἰπεῖν, ὑμῖν δ' ὁμοίως ἔνοχος φανεῖται τῇ γραφῇ, καὶ εἰ ἐνὶ τῶν ὄντων νόμων ἐναντίος ἐστίν. πῶς οὖν μοι δοκεῖ; τοὺς μὲν ἄλλους ἔαν, περὶ δ' οὗ

λελύσθαι δίδωσιν] 'grants an immediate release.' The perf. infin. implies the continuance of the action as well as its suddenness: such prisoners are to be, and to remain, released. So Thucyd. i. 87 § 6 ἡ διαγνώμη τῆς ἐκκλησίας τοῦ τὰς σπονδὰς λελύσθαι. Comp. Jelf, *Synt.* § 399, 2: Madvig, *Synt.* § 171 Rem. 1. Goodwin, *Moods and Tenses*, § 18, 3.

ὑπὲρ ὧν ἐτίθεις] 'in whose interests you proposed' the law: like δι' οὗ οὗτος εἰσέφερε in the last section.

§§ 61—65. *Time would fail me to speak of all the laws to which that of Timocrates is repugnant. I will take but one more example, a law formerly passed by himself, which will make him his own accuser. In it he increased the stringency of the proceedings in cases of impeachment (εἰσαγγελία), and provided that those sentenced to a fine should be imprisoned until it was paid. Such inconsistency*

shows that he would do anything for the sake of gain, and is utterly shameless. He deserves the penalty of malefactors who confess their guilt, that he should be punished without trial: for the repugnancy of his two laws with one another amounts to a confession of guilt.

§ 61. ἐξωσθήσομαι ... εἰπεῖν] The usual construction would be τοῦ μη εἰπεῖν: and the simple infinitive is especially rare after the passive voice. The examples with κατέχειν, κωλύειν and the like, in Jelf, *Synt.* § 664, and the passage quoted here by G. H. Schaefer, *Soph. Aj.* 69 ἐγὼ γὰρ ὀμμάτων ἀποστρόφους | αὐγὰς ἀπείρω σὴν πρόσοψιν εἰσιδεῖν, are for this reason not exactly parallel.

περὶ τοῦ...εἶναι] 'on its being contrary to public policy,' as in §§ 1, 33, 48, 68 := ὡς καὶ μέγαλ' ἂν βλάβητοι just below.

πῶς οὖν μοι δοκεῖ] 'What course then shall I take?' K.

πρότερον ποτ' αὐτὸς οὗτος^ο ἔθηκε νόμου διελθόντ' ἐπ' ἐκεῖνο ἵεναι τὸ μέρος τῆς κατηγορίας ἤδη, ὡς καὶ με-
 62 γάλ' ἂν βλάβητοι γενόμενος κύριος τὴν πόλιν. τὸ μὲν οὖν τοῖς τῶν ἄλλων ἐναντίον εἰσενηνοχῆναι νόμον δεινὸν μὲν, ἀλλ' ἄλλου δεῖται κατηγοροῦ· τὸ δὲ τῷ ὑφ' ἑαυτοῦ[†] πρότερον κειμένῳ νόμῳ τὰναντία θεῖναι, τοῦτ' ἤδη ποιεῖ κατήγορον αὐτὸν αὐτοῦ γεγενῆσθαι. ἴν' οὖν τοῦτ' εἰδῆτε γιγνόμενον, ἀναγνώσεται τὸν νόμον ὑμῖν αὐτὸν ὃν οὗτος ἔθηκεν· ἐγὼ δὲ σιωπήσομαι. λέγε.

NOMOS.

63 [Τιμοκράτης εἶπεν, ὅποσοι Ἀθηναίων κατ' εἰσαγγελίαν ἐκ τῆς βουλῆς ἢ νῦν εἰσιν ἐν τῷ δεσμοτηρίῳ

^ο οὗτος *om.* Z Bekk. *cum* Σ *et pr.* Υ.

[†] τὸ δ' αὐτοῦ Z Bens. *cum* Σ.

§ 62. τὸ μὲν οὖν...κατηγόρου] 'Now to have introduced a law contrary to the laws of (passed by) other men, is a great offence, yet it requires another party for accuser.' K. nearly.

ἀναγνώσεται] § 12 n.

§ 63. κατ' εἰσαγγελίαν] The commonly received meaning of this term is 'an impeachment before the senate or the assembly of the people for all extraordinary crimes committed against the state, and for which there was no special law provided.' But it is not easy to reconcile this very general language concerning the ἀγραφα δημόσια ἀδικήματα (Pollux viii. 51) with the νόμος εἰσαγγελτικὸς of the text, of Pollux *l.c.* and of the Lexicon Rhetoricum Cantabrigiense s. v. εἰσαγγελία, a law which is described as limiting the term to certain specified offences or at least classes

of offences. Our knowledge of the recorded cases of εἰσαγγελία has been greatly increased of late by the discovery of the papyri of Hyperides; and the subject has been exhaustively discussed by Dr Herman Hager in the *Journal of Philology*, iv. pp. 74—112. The classes as defined by the law may be grouped as follows: (1) An *Eisangelia καταλύσεως τοῦ δήμου*, (2) *προδοσίας*, (3) for giving bad advice to the people [only against a *ρήτωρ* or professed public man, not against an *ιδιώτης*], (4) *ἐάν τις ἀδικῆ περὶ τὰ ἐν τοῖς νεωροῖς*, apparently a special form of *προδοσία* designed to hedge in with additional safeguards the all-important maritime defences of Athens. To these Dr Hager adds (5) *Eisangelia* for offences against the commercial laws, of which last sort the following examples are adduced. (i.) A

ἢ τὸ λοιπὸν κατατεθῶσι, καὶ μὴ παραδοθῆ ἢ κατάγνωσις αὐτῶν τοῖς θεσμοθέταις ὑπὸ τοῦ γραμματέως τοῦ κατὰ πρυτανείαν κατὰ τὸν εἰσαγγελτικὸν νόμον, δεδόχθαι^ε εἰσάγειν τοὺς ἔνδεκα εἰς τὸ δικαστήριον

^ε *add. τοῖς θεσμοθέταις Z Bens. cum libris.*

man was punished capitally *εἰσαγγελθεὶς ἐν τῷ δήμῳ* for raising a second mortgage upon the same property (*ἐπιδεδανεισμένος*, Demosth. c. Phorm. p. 922 § 50): (ii.) The 22nd Oration of Lysias, *κατὰ τῶν σιτοπωλῶν*, is an *Eisangelia* against 'forestallers and regraters' who had bought up more than 50 *φορμοὶ* at one time, exemplifying, it may be added, all the fallacies which prevailed until very recently on the subject of the corn trade. Several of the cases on record do not at first sight come under any one of the above heads: and Dr Hager's conclusion is 'that *εἰσαγγελία* was applied to crimes enumerated in the *νόμος εἰσαγγελτικός*, but also to all other crimes which' by a legal fiction could be brought under that law (*l. c.* p. 78). When we consider the extreme elasticity of the terms *κατάλυσις τοῦ δήμου* and *προδοσία* at Athens, it is clear that prosecutors need never have been at a loss.

The traditional statement adopted from the grammarians by most modern writers, that the prosecutor in a case of *εἰσαγγελία* was exempt from penalty if he failed to obtain a fifth part of the votes, requires some modification. Cases occur (e.g. *de Cor.* p. 310 § 250) in which *εἰσαγγελία* is mentioned in connexion with *τὸ μέρος τῶν ψήφων*: and it seems probable that at least between Ol. 107

and 110, 3 (B. C. 352—338) the impunity of the prosecutor was abolished. It is even doubtful whether it was ever revived: the speech of Hyperides in defence of Euxenippus implies, without stating, that it did not then exist (about 330). Hager, *l. c.* p. 112.

Two other kinds of *Eisangelia* are noticed in the ancient authorities and in *Dict. Antiq.* s.v.: the *εἰσαγγελία κακώσεων* and the *εἰσαγγελία διατηρῶν*. These, however, were of less importance and our information about them is somewhat meagre.

ὁπόσοι...εἰσὶν...ἢ...κατατεθῶσι] On this change of construction cf. § 39 n.

τοῦ γραμματέως] The *γραμματεὺς κατὰ πρυτανείαν* was one of the three *γραμματεῖς* who were real state-officers and not mere clerks. He always belonged to a different prytany from that which was in power. *Dict. Antiq.* s.v.

δεδόχθαι] § 20 n. The words *τοῖς θεσμοθέταις* (see various readings) cannot have formed part of the original laws even if they were really written by the 'law-concocter' (*Gesetzfabrikant*). The explanation of G. H. Schaefer, followed in Kennedy's and Benseler's versions, 'the Eleven shall bring them into court before the Thesmothetae,' is neither good Greek nor consistent with what we know of

τριακονθ^h ἡμερῶν ἀφ' ἧς ἂν παραλάβωσιν, ἐὰν μὴ
 τι δημοσίᾳ κωλύη, ἐὰν δὲ μὴ, ὅταν πρῶτον οἶον τ' ἦ.
 κατηγορεῖν δ' Ἀθηναίων τὸν βουλόμενον οἷς ἔξεστιν.
 ἐὰν δ' ἄλῳ, τιμάτω ἢ ἡλιαία περὶ αὐτοῦ ὅ τι ἂν δοκῇ
 ἄξιός εἶναι παθεῖν ἢ ἀποτίσαι. ἐὰν δ' ἀργυρίου
 τιμηθῇ, δεδέσθω ἕωςⁱ ἂν ἐκτίσῃ ὅ τι ἂν αὐτοῦ κατα- 721
 γνωσθῇ.]

^h ἐντὸς τριακονθ' Z Bekk. Bens. cum libris.

ⁱ τέως Z Bekk. Bens. τε ἕω ΣAkrS τε ὡς v.

the office of the ἕνδεκα. The latter were, first and principally, executive officers into whose custody those condemned before the Thesmothetae or other judges were committed for punishment, usually capital. They had further, in some cases, an original jurisdiction (ἡγεμονία δικαστηρίου), presiding as judges over a trial. But that they should have acted as promoters of suits in other courts is contrary to all ancient testimonies, and scarcely conceivable. Taylor thought that the reading should be τοὺς θεσμοθέτας, a gloss upon τοὺς ἕνδεκα by some one who did not know of the judicial functions of the Eleven: Dindorf more simply regards the words as accidentally repeated from two lines above. His excision of ἐντὸς^h is likewise a concession to classical usage, which may or may not have been observed by the compiler (cf. ἡμερῶν τριῶν Androt. § 14 n.).

ἐὰν μὴ τι δημοσίᾳ κωλύη] 'if the state of public business does not prevent it' K.

τὸν βουλόμενον οἷς ἔξεστιν] 'any Athenian who pleases, not being disqualified' by atimia, nonage, &c.

παθεῖν ἢ ἀποτίσαι] These words are often joined to express 'fines or any other penalties,' cf. Plato, Apol. 36 B τί ἀξιός εἰμι παθεῖν ἢ ἀποτίσαι, ὅ τι μαθὼν ἐν τῷ βίῳ οὐχ ἡσυχίαν ἦγον; below, § 105.

ἀργυρίου τιμηθῇ] Impersonal, with the dative to be supplied: as in § 39 εἰ τι...προστέτιμηται. §§ 103, 105.

ἕως] The various readings here show that the copyists felt the difficulty of τέως standing for the proper relative form ἕως. The question as to the admissibility of this sense of τέως in Attic Greek is discussed by Buttman Ind. Mid. s.v. τέως, where all the passages from the Orators are collected, and by Shilleto on F. L. p. 446 § 374. The latter in his second and subsequent editions follows the authority of Dindorf against the MSS., and writes ἕως: but he mentions with some approbation Buttman's conjecture, that perhaps in all these cases we ought to read τέως, ἕως. It is easier to believe that this redundant phrase belonged to legal language than to the literary style of Demosth.

64 Ἄκούετε, ὦ ἄνδρες δικασταί; λέγε αὐτοῖς αὐτὸ τοῦτο πάλιν.

ΝΟΜΟΣ.

[Ἐὰν δ' ἀργυρίου τιμηθῆ, δεδέσθω ἕως ἂν ἐκτίσῃ.]

Πέπαυσο. ἔστιν οὖν ὅπως ἂν ἐναντιώτερα τις δύο θείη τοῦ δεδέσθαι, ἕως ἂν ἐκτίσῃσι, τοὺς ἀλόντας, καὶ τοῦ καθιστάναι τοὺς αὐτοὺς τούτους ἐγγυητὰς, ἀλλὰ μὴ δεῖν; ταῦτα τοίνυν κατηγορεῖ Τιμοκράτης Τιμοκράτους, οὐ Διόδωρος, οὐδ' ἄλλος ὑμῶν οὐδεὶς 65 τοσοῦτων ὄντων τὸ πλῆθος. καίτοι τίνος ἂν ὑμῖν ἀποσχέσθαι δοκεῖ λήμματος ἢ τί ποιεῖν ἂν ὀκνήσαι κέρδους ἕνεκα, ὅστις ἐναντία αὐτὸς αὐτῷ νομοθετεῖν ἠξίωσεν, οὐδὲ τοῖς ἄλλοις τῶν νόμων ἐόντων; ἐμοὶ μὲν γὰρ ἕνεκ' ἀναιδείας ὁ τοιοῦτος δοκεῖ πᾶν ἂν ἐτοίμως ἔργον ποιῆσαι. ὥσπερ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τῶν περὶ τᾶλλα κακούργων τοὺς ὁμολογούντας ἄνευ κρίσεως κολάζειν οἱ νόμοι κελεύουσιν, οὕτω δίκαιον καὶ τούτου^k, ἐπειδὴ τοὺς νόμους κακουργῶν εἴληπται, μὴ δόντας λόγον μηδ' ἐβελήσαντας ἀκούσαι καταψηφίσασθαι· ὁμολόγηκε γὰρ [θατέρῳ^l] τῷ προτέρῳ νόμῳ ἐναντίον τόνδε τιθεῖς^m ἀδικεῖν.

^k τοῦτον Z Bens. cum libris.

^l θάτερον sine uncis Z Bekk. Bens.

^m [τῷ τιθεῖς] Bens. ἐναντίον om. Z.

§ 64. τοῦ καθιστάναι] The change of subjects is noteworthy: 'that these same persons (τοὺς αὐτοὺς τούτους=τοὺς ἀλόντας) should put in bail, and that one should not imprison them' (instead of δεδέσθαι, that they should not be imprisoned).

§ 65. ἠξίωσεν] 'thought proper,' like ᾤετο δεῖν Androt. § 32 n.

τοῖς ἄλλοις] sc. ἐναντία νομοθετεῖν. As we have seen, this

was provided for by the repeal (λύειν) beforehand of any laws which would be at variance with new legislation. §§ 18, 32, 33.

ἕνεκ' ἀναιδείας] 'so far as impudence goes,' Lat. *quod attinet ad*, cf. Lept. p. 461 § 14 οὐδὲ γὰρ εἰ πάνυ χρηστός ἐσθ', ὡς ἐμοῦ γ' ἕνεκα ἔστω, βελτίων ἐστὶ τῆς πόλεως τὸ ἦθος: 'as I am willing to admit that he is,' *esto, per me licet*.

θατέρῳ] The MSS. vary be-

66 "Οτι μὲν τοίνυν καὶ παρὰ τούτους τοὺς νόμους καὶ παρὰ τοὺς προειρημένους, καὶ μικροῦ δέω παρὰ πάνταςⁿ εἰπεῖν τοὺς ὄντας ἐν τῇ πόλει, τέθεικε τὸν νόμον, οἶμαι δῆλον ἅπασιν ὑμῖν εἶναι. θαυμάζω δ' αὐτοῦ τι ποτε καὶ τολμήσει λέγειν περὶ τούτων. οὔτε γὰρ ὡς οὐκ ἐναντίος ἔσθ' ὁ νόμος τοῖς ἄλλοις δεικνύειν ἔξει, οὔθ' ὡς δι' ἀπειρίαν ἰδιώτην αὐτὸν ὄντα τοῦτ' ἔλαθε 722 δύναιτ' ἂν πείσαι· πάλαι γὰρ μισθοῦ καὶ γράφων καὶ 67 νόμους εἰσφέρων ὥπται. καὶ μὴν οὐδ' ἐκεῖνό γ' ἐνεστιν αὐτῷ, ἀδίκημα μὲν εἶναι τὸ πρᾶγμα ὁμολογήσαι, συγγνώμης δὲ τυχεῖν ἀξιούν· οὐ γὰρ ἄκων οὐδ' ὑπὲρ ἠτυχηκότων οὐδ' ὑπὲρ συγγενῶν καὶ ἀναγκαίων αὐ-

ⁿ παρ' ἅπαντας Z Bekk. Bens. cum Σ.

tween *θατέρῳ* and *θάτερον*. Benseler reads *θάτερον ἀδικεῖν*, bracketing the intervening words: Dindorf's correction is much less violent and gives the best sense. Of course, if *θάτερον ἀδικεῖν*, 'to offend on one of two points,' be right, the rest must come out; but, as it seems to me, there is no real dilemma.

§§ 66, 67. The proofs (from § 39 onward) that Timocrates' law is contrary to the existing law, are summed up with two remarks. (1) *He cannot plead inexperience, as though he were a private man: for he has long been known as a professional politician framing decrees for hire.* (2) *Neither can he confess and plead extenuating circumstances: his illegalities were committed for the benefit of most undeserving persons, who had no claim on his compassion.*

§ 66. *θαυμάζω δ' αὐτοῦ τί*] A construction more common in Plato than in the Orators: see a note on Protag. 329 c.

δεικνύειν] Androt. § 34 n. Above, § 35. It may be observed, as against Cobet's Procrustean rule, that here and in § 68 *δεικνύειν* would leave a hiatus.

ὥπται] The old Attic form of the perf. pass. *ᾠμαι* is found in Aesch. Prom. 998: *ᾠψαι* in one place of Demosthenes (de Cor. p. 314 § 263). The later Attic *ἔωραμαι* is more frequent: i. Steph. p. 1121 § 66, c. Conon. p. 1262 § 16, cf. *προεώραται* ib. § 19.

§ 67. *συγγενῶν καὶ ἀναγκαίων*] The same phrase occurs de Fals. Leg. p. 434 § 290=332: and *ἀναγκαῖοι* is perhaps = *φίλοι*, and to be distinguished from *συγγενεῖς*, 'verwandter oder irgend befreundeter Leute,' Benseler: but there can be no objection to K.'s rendering, 'relations and connexions.' For elsewhere we have such expressions as *τὰ τῆς συγγενείας ἀναγκαῖα*, 'the strong ties of kindred,' i. Steph. p. 1118 § 54: and Leochar. p. 1088 § 26

τῷ τεθεικῶς φαίνεται τὸν νόμον, ἀλλ' ἐκῶν ὑπὲρ μεγάλα ἡδικηκότων ὑμᾶς, οὐδὲν προσηκόντων αὐτῷ, πλὴν εἰ συγγενεῖς ὑπολαμβάνειν φησὶ τοὺς μισθουμένους αὐτόν.

68 Ὡς τοίνυν οὐδ' ἐπιτήδειον νόμον ὑμῖν οὐδὲ συμφέροντ' εἰσενήνοχε, τοῦτ' ἤδη πειράσομαι νυνὶ δεικνύειν. οἶμαι ἅπαντας^ο ἂν^ρ ὑμᾶς ὁμολογήσαι δεῖν τὸν

^ο οἶμαι ἅπαντας Z Bekk. οἶμαι δὴ πάντας Bens.

^ρ ἂν om. Z cum Σ.

τὴν ἀναγκαιοσάτην συγγένειαν εἴχομεν, ὄντες ἀνεψιαδοὶ ἐκείνῳ. This last passage is a good illustration of the clannishness of ancient life: 'second cousins' are spoken of as 'very near relations.'

αὐτῷ...αὐτῷ...αὐτόν] Shilleto's rule (Preface to F. L.) to write αὐτῷ whenever the pronoun refers either to the primary or secondary subject, would require the reflexive form throughout this passage. Benseler somewhat inconsistently writes ἀναγκαίων αὐτῷ but προσηκόντων αὐτῷ and τοὺς μισθουμένους αὐτόν: there can be no possible distinction here, and the reflexive would be best in all three cases.

§§ 68—107. Proof that the law of Timocrates is bad in itself—improper and inexpedient. This argument is first stated briefly in the next four sections, then worked out in detail.

§§ 68—71. *The requirements of a good law are that it should (1) be drawn simply and intelligibly, (2) should not prescribe impossibilities, (3) should allow no indulgence to wrong-doers. If it is a feature of a popular government that the laws should be lenient, that can only mean that they should be lenient to*

those about to be tried, not to those who have been convicted. Judged by this test, T.'s law offends on every point, and is bad from beginning to end.

§ 68. δεικνύειν] § 66 n. It would take a good deal to persuade one that Demosth. could have written NTNI δεικΝΤΝΑΙ.

οἶμαι ἅπαντας ἂν ὑμᾶς] See the various readings; οἶμαι is again as in § 53 the tacit correction of Dindorf. I own that I prefer οἶμαι δὴ πάντας to οἶμαι ἅπαντας: the insertion of δὴ has in its favour, as Benseler remarks, the hiatus, the Scholiast, and the usage of Isocrates in similar passages, e. g. Antid. § 79 οἶμαι δὴ πάντας ἂν ὁμολογήσαι. The Zurich editors in striking out ἂν have carried deference to Σ much too far: it is clear that the transcribers of this and some other MSS. omitted ἂν as unnecessary, because they hastily concluded that ὁμολογήσαι went with δεῖν. Of course the real construction is δεῖν γεγράφθαι: 'I think, then (δὴ), that you will admit that a law ought to be drawn' &c. Madvig *Advers. Crit.* i. 174 n. reads ὁμολογήσειν, accepting the omission of ἂν. But why not let well alone?

ὀρθῶς ἔχοντα νόμον καὶ συνοίσειν μέλλοντα τῷ
 πλήθει πρῶτον μὲν ἀπλῶς καὶ πᾶσι γνωρίμως γε-
 γράφθαι, καὶ μὴ τῷ μὲν εἶναι ταυτὶ περὶ αὐτοῦ νομί-
 ζειν, τῷ δὲ ταυτί. ἔπειτ' εἶναι δυνατὰς τὰς πράξεις,
 ἃς δεῖ γίγνεσθαι διὰ τοῦ νόμου· εἰ γὰρ αὐτὸ καλῶς μὲν
 69 ἔχοι, μὴ δυνατὸν δέ τι φράζει, εὐχῆς, οὐ νόμου δια-
 πρᾶττοιτ' ἂν ἔργον. πρὸς δὲ τούτοις μηδεὶν τῶν
 ἀδικούντων φαίνεσθαι μηδεμίαν διδόντα ῥαστώνην.
 εἰ γὰρ δημοτικόν τις ὑπέιληφε τὸ πρᾶους εἶναι τοὺς
 νόμους, τίσι τούτοις προσεξεταζέτω, κἄνπερ ὀρθῶς
 βούληται σκοπεῖν, εὐρήσει τοῖς κρίνεσθαι μέλλουσιν,
 οὐ τοῖς ἐξεληλεγμένοις· ἐν μὲν γὰρ τοῖς ἄδηλον εἶ-
 τις ἔστ' ἀδίκως διαβεβλημένος, τοῖς δὲ οὐδὲ λόγος
 70 λείπεται τὸ μὴ οὐ πονηροῖς εἶναι. τούτων τοίνυν ὧν
 διεξελέλυθ' ἐγὼ νῦν οὐδ' ὅτιοῦν οὗτος ἔχων ὁ νόμος
 φανήσεται, τάναντία δ' ἐξῆς πάντα. πολλαχόθεν
 μὲν οὖν ἂν τις ἔχοι τοῦτο διδάσκειν, μάλιστα δὲ τὸν 723
 νόμον αὐτὸν ὃν τέθεικε διεξιῶν. ἔστι γὰρ οὐ τὸ μὲν

πᾶσι γνωρίμως] Editions before Bekker read with most MSS. πᾶσιν ὁμοίως γνωρίμως. Here the authority of Σ has been rightly followed in rejecting an interpolation. Cf. Androt. § 13 n.

καὶ μὴ τῷ μὲν εἶναι] 'it should be impossible for one man to put this construction upon it, and another that.' K.

διαπρᾶττοιτ' ἂν ἔργον] 'it would be trying to do the work.' διαπρᾶττεσθαι is a favourite word with Demosthenes: the active seems unknown to Attic prose.

§ 69. ῥαστώνην] 'indulgence, alleviation.' So de Cor. p. 301 § 219 of the shifty tactics of the orators ὑπέλειπε γὰρ αὐτῶν ἕκαστος ἅμα μὲν ῥαστώνην, ἅμα δ', εἰ

τι γένοιτ', ἀναφορὰν: 'tried to leave himself some way of lightening his labours and some resource in difficulties.'

δημοτικόν] §§ 34, 59.

τίσι τούτοις προσεξεταζέτω] 'let him further inquire to whom' the laws are to be lenient: or 'in whose case,' 'beiwem' Benseler; τίνες οὗτοι οἷς πρᾶοι εἰσιν, G. H. Schaefer.

§ 70. τάναντία δ' ἐξῆς πάντα] 'the opposite in every particular.' ἐξῆς, 'in order,' refers to the detailed proofs that not one of the qualities of a good law will be found in it.

πολλαχόθεν] = πολλαχῆ, from many points of view, and so in many ways, 'auf vielfacher Art.'

αὐτοῦ καλῶς κείμενον, τὸ δὲ ἡμαρτημένον, ἀλλ' ὄλος ἐξ ἀρχῆς, ἀπὸ τῆς πρώτης συλλαβῆς μέχρι τῆς τελευ-
71 ταίας, ἐφ' ὑμῖν κεῖται. λαβὲ δ' αὐτοῖς τὴν γραφὴν
αὐτὴν, καὶ μέχρι τοῦ πρώτου μέρους ἀνάγνωθι τὸν νόμον· ῥᾶστα γὰρ οὕτως ἐγὼ τε διδάξω καὶ ὑμεῖς μαθήσεσθ' ἃ λέγω.

ΝΟΜΟΣ.

[Ἐπὶ τῆς Πανδιονίδος πρώτης πρυτανείας δω-
δεκάτη^a, τῶν προέδρων ἐπεψήφισεν Ἀριστοκλῆς
Μυρρινούσιος, Τιμοκράτης εἶπε, καὶ εἴ τιτι τῶν ὀφει-

^a δωδεκάτη om. Bens.

ἐφ' ὑμῖν κεῖται] 'it is directed against you, to your disadvantage;' as in Aristocr. p. 665 § 137: a rather rare usage. Joined to a dative of the person ἐπι means mostly 'in the power of,' as ἐφ' ὑμῖν § 25, sometimes 'applying to,' as ἐπι πᾶσι τὸν αὐτὸν § 18; otherwise 'with a view to,' as ἐπι κακῶ, or 'on condition of' anything, as ἐπι τούτῳ, ἐφ' ᾧ. Cf. Jelf, *Synt.* § 634.

§ 71. λαβὲ δ' αὐτοῖς τὴν γραφὴν] For αὐτοῖς see § 27 n. τὴν γραφὴν is simply 'the document' (handing it) = τὸν νόμον: not as K. 'the indictment.'

πρώτης πρυτανείας δωδεκάτη] In §§ 27, 39 πρώτης, ἐνδεκάτη (δωδεκάτη) τῆς πρυτανείας: where see the notes.

τῶν προέδρων ... Μυρρινούσιος] This clause is added here: the rest of the 'law' is copied exactly from § 39. As the deme Μυρρινούσιος was of the presiding tribe Pandionis, and the proedri belonged to the nine non-presiding tribes (§ 21 n.), Meier ingeniously conjectured that we

ought to read ἐκ Μυρρινούττης, Μυρρινούττα being a deme of the tribe Aegeis. (It is worth noticing that Μυρρινούττα, equally with Μυρρινούσιος, would naturally form Μυρρινούσιος as its demotic name: hence for the sake of distinction ἐκ Μυρρινούττης was used, as ἐκ Κεραμίων, of Κεραμεῖς or Κεραμεικός, to prevent confusion with κεραμεύς a potter.) Dindorf approves Meier's conjecture; but it will not save the credit of the document: the mention either of Prytanes or Proedri in a court of Nomothetae is fatal to its genuineness, as has been seen on §§ 27, 33.

Supposing, however, that he was right in giving the form of a Psephisma in the Ecclesia, the law-compiler has at least hit upon the correct form for the date of this speech. Examples both of the earlier and later model are given by Schoemann, *Antiq.* p. 386: and the earliest inscription in Boeckh, in which the latter is followed, is of B.C. 355.

λόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ, εἶναι αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστήσαι.]

72 Ἐπίσχεσ· αὐτίκα γὰρ καθ' ἕκαστον ἀναγνώσει[†].
τουτὶ πάντων, ὧ ἄνδρες δικασταί, τῶν γεγραμμένων
ἐν τῷ νόμῳ σχεδόν ἐστι δεινότατον. οἶμαι γὰρ οὐδὲ
ἓνα[‡] ἄνθρωπον[‡] ἄλλον τολμῆσαι, νόμον εἰσφέροντα ἐπὶ

[†] ἀναγνώση Ζ cum libris praeter Ω, ἀναγνωσθῆ Bens.

[‡] οὐδένα Ζ, οὐδ' ἓν Bens. [‡] ἀνθρώπων Bekk.

§§ 72—76. Mischievous effects of a law which reopens cases already decided, and so introduces uncertainty into the working of the judicial system. *What should we think of a man who, after suffering the defendant's law to be confirmed, should propose a decree, not only that no one should be bailed out in future, but that those who had put in bail according to that law should be deprived of the benefit of their bail? Now in reality retrospective remission of punishment is just as bad as retrospective penal legislation (72—74). What is the distinctive principle that makes constitutional government differ from oligarchy? The supremacy of law, not of individual wills. But the defendant, legislating while our state is still democratic, gives his own will a force above the verdicts of juries (75, 76).*

§ 72. ἀναγνώσει] We should rather expect ἀναγνώσεται: the speaker as a rule addresses the clerk only with the formal order to 'read' or 'stop reading,' and any explanatory remarks are usually made to the court. As a matter of fact this law is read no further by the clerk, but is quoted clause by clause and

analysed by the orator himself. Schaefer's explanation, that the orator carried away by the current of his ideas (*fervere dicendi abreptus*) forgets himself, is generally accepted. It does not satisfy Benseler, who writes from his own conjecture ἀναγνωσθῆ: a use of the subjunctive which I confess myself unable to explain.

οἶμαι γὰρ οὐδὲ ἓνα ἄνθρωπον ἄλλον] There is considerable variety of reading here. Dindorf alone writes on principle οἶμαι for οἴομαι (§§ 53, 68): Bekker's ἀνθρώπων rests on a single MS. 'correctus F.' For οὐδένα of the best MSS. most recent editors introduce the more emphatic form: but Benseler as the author of a treatise on hiatus writes οὐδ' ἓν ἄνθρωπον. Once for all, it may be as well to state that Demosth. does not avoid hiatus with the pedantic care of an Isocrates: as Prof. Jebb puts it, 'he knew how to hit the mean' (*Att. Or.* II. 67). The very rare exceptions in Isocrates are enumerated in Sandys' note on Paneg. § 143.

I notice that five MSS. (not Σ) read μηδένα, in order to remark that after verbs of thinking the negative is almost inva-

τῷ χρῆσθαι τοὺς πολίτας αὐτῷ, τὰς κατὰ τοὺς πρότερον κυρίου νόμους κρίσεις γεγενημένας ἐπιχειρήσαι λύειν. τοῦτο τοίνυν οὕτως Τιμοκράτης ἀναιδῶς καὶ οὐδ' ἀποκρυφάμενος πεποιήκε, γράψας διαρρήδην “καὶ εἴ τιμι τῶν ὀφειλόντων τῷ δημοσίῳ προστείνεται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ.” περὶ μὲν δὴ τῶν μελλόντων εἴ τι δίκαιον ἔπεισεν ὑμᾶς, οὐκ ἂν ἠδίκηι· περὶ δ' ὧν δικαστήριον ἔγνωκε καὶ τέλος ἔσχηκε, πῶς οὐ δεινὰ ποιεῖ 724

riably ὀφ. This point is touched upon in my note on Plat. Protag. 317 A, where however, as in most grammars, it is not put strongly enough (Madvig, *Synt.* § 205, Jelf, *Synt.* § 745).

τολμῆσαι] ‘ever dared,’ rather than as K. ‘would dare,’ which would require ἄν.

οὐδ' ἀποκρυφάμενος] ‘not even disguising it: without so much as an attempt at concealment.’ ἀποκρύπτεσθαι is far more common than the active forms: in π. Aphob. p. 836 § 3 we find οὐκ ἀποκέκρυπται in the transitive sense.

§ 73. ἔπεισεν...ἠδίκηι] In these conditional sentences, the aor. ind. refers to past time, the imperf. to present: ‘if he had persuaded you to a just course with respect to future cases, he would not (now) be in the wrong.’

καὶ τέλος ἔσχηκε] The full construction here would be περὶ τούτων ἃ (acc.) δικαστήριον ἔγνωκε καὶ ἃ (nom.) τέλος ἔσχηκε. This is not, therefore, simply an instance of the rather rare attraction of the nominative: but after the usual attraction of the acc. another relative has to be supplied in the nom. case. Examples of the attracted no-

minative are discussed in Jelf, *Synt.* § 822, obs. 4, and in Cope on Arist. Rhet. i. 5 § 11 διὰ τὸ μηδὲν ἔχειν ὧν τὸ γῆρας λωβᾶται. Thus Herod. i. 78 οὐδὲν κω εἰδότες τῶν ἦν περὶ Σάρδεις τε καὶ αὐτὸν Κροῖσον. Instances of attraction, if at all exceptional, require careful discrimination in order to classify them aright. Each of the above-quoted authorities gives corrected explanations of doubtful or misunderstood passages: neither has entirely escaped error himself. Jelf cites as an attracted nominative Xen. Hell. i. 2 § 1 τῷ δ' ἄλλω ἔτει ᾧ ἦν Ὀλυμπιάς: but he omits the following words, ἧ προστεθείσα ξυνωρίς ἐνίκα Εὐαγόρου Ἡλείου. It is clear that Ὀλυμπιάς is not Olympic year or Olympiad, but Olympic games: and the meaning is, “the new year, in which was the 93rd Olympic contest, wherein the ‘additional’ or ‘extra’ chariot of Evagoras was victorious:” the sense of προστεθείσα here is not given by the lexicons. Cope also instances Plat. Protag. 334 c ἐν τούτοις οἷς μέλλει ἔδεσθαι as if ἔδεσθαι were passive, ‘things which are going to be eaten:’ what is really noticeable is the

νόμον εισφέρων δι' οὗ ταῦτα λυθήσεται; ὥσπερ ἂν εἴ τις ἑάσας κύριον τὸν τούτου γενέσθαι νόμον γράψειεν ἕτερον τοιόνδε “καὶ εἴ τινες, ὠφληκότες χρήματα καὶ δεσμοῦ προστετιμημένον αὐτοῖς, ἐγγυητὰς κατέστησαν κατὰ τὸν νόμον, μὴ εἶναι τὴν διεγγύησιν αὐτοῖς, μηδὲ τὸ λοιπὸν ἐξεγγυᾶν μηδένα.”

74 ἄλλ' οὔτε ταῦτα ποιήσειεν ἂν οὐδεὶς ὑγιαίνων, οἶμαι, σύ τ' ἐκεῖνα λύων ἠδίκηεις, χρῆν γὰρ αὐτὸν, εἰ τὸ

transition from the plural to the singular, the subject of μέλλει being supplied from τοῖς ἀσθενοῦσιν above. These passages seem to me instructive enough to be worth putting in their true light, though at the cost of a slight digression.

ὠφληκότες ... προστετιμημένον αὐτοῖς] ‘having been adjudged debtors (Androt. § 34 n.) and had the further penalty of imprisonment (in addition to paying the debt, § 2 n.) pronounced against them.’

διεγγύησιν ... ἐξεγγυᾶν] The various derivatives from ἐγγύη are discussed in Meier and Schoemann, *Att. Process* p. 521: διεγγύησις, it is remarked, is much the same as ἐξεγγύησις (§ 77). Ἐξεγγυᾶν is ‘to bail out, release on bail:’ κατεγγυᾶν ‘to hold to bail.’ For διεγγύησιν several MSS. read ἐγγύησιν, which G. H. Schaefer preferred but no editor has adopted; indeed the simple form ἐγγύησις seems to occur only in the sense of ‘betrothal,’ for which see Schoemann, *Antiq.* p. 356, Androt. § 53 n.

§ 74. ὑγιαίνων] Here ‘sane’ opposed to *μαϊνόμενος*. More usually = εἰς φρονῶν, of good sense or right judgment, as in *Fals. Leg.* p. 434 § 289 = 331

οὐδὲ φοβεῖ με Φίλιππος, ἂν τὰ παρ' ὑμῶν ὑγιαίνῃ. In the *Speech on the Chersonese* p. 98 § 36 the orator plays on the two senses of physical and mental health: ὑμῶν οἴκοι μερόντων, σχολὴν ἀγόντων, ὑγιαίνόντων (εἰ δὴ τοὺς τὰ τοιαῦτα ποιούντας ὑγιαίνειν φήσαιεν). Unless I am mistaken ὑγιαίνειν is not found, like ὑγιής, in a moral sense to express ‘honesty’ or, more often, ‘dishonesty’ (οὐδὲν, μηδὲν γιείεις).

σύ... αὐτὸν] Both pronouns of course refer to Timocrates: an unusually abrupt change from the direct to the oblique. ‘He ought, if he thought the step a just one, to have passed his law in reference to the future: not to have mixed up future offences with the past, certain with uncertain, and then prescribe the same judgment for all.’ The fallacy of this argument has already been pointed out on §§ 56—58. Modern legislation, when it has once concluded that a given penalty is too severe, feels the equity of mitigating sentences that are running their course: Demosth. argues, as though any such mitigation were as bad as the rescinding of contracts, and created the same sense of insecurity. Above, § 44 n.

πρᾶγμα ἐνόμιζε δίκαιον, ἐπὶ τοῖς ὕστερον γενησομένοις θεῖναι τὸν νόμον, καὶ μὴ συνενεγκόντα εἰς ταὐτὸ τὰ μέλλοντα τοῖς παρεληλυθόσι καὶ τὰ μὴ δῆλα τοῖς φανεροῖς ἀδικήμασιν εἶτ' ἐπὶ πᾶσι γράψαι τὴν αὐτὴν γνώμην. πῶς γὰρ οὐ δεινὸν τῶν αὐτῶν ἡξιωκέναι δικαίων τοὺς ἐξεληλεγμένους ἀδικούντας τὴν πόλιν πρότερον καὶ τοὺς μὴδ' εἰ κρίσεως ἄξιον ἐργάσονται τι δήλους;

75 Καὶ μὴν κακείθεν ἴδοι τις ἂν ὡς δεινὸν πεποίηκε τὸ θεῖναι περὶ τῶν παρεληλυθότων τὸν νόμον, εἰ λογίσαιτο παρ' αὐτῷ τί ποτ' ἐστὶν ᾧ νόμος ὀλιγαρχίας διαφέρει, καὶ τί δὴ ποθ' οἱ μὲν ὑπὸ νόμων ἐθέλοντες ἄρχεσθαι σῶφρονες καὶ χρηστοὶ^v νομίζονται, οἱ δ'

^v πολῖται add Z Bens. [πολίται] Bekk.

δικαίων] 'rights,' rather than as K. 'measure of justice.' The orator would not argue that they ought to have less than justice. But he introduces a further paralogism in order to magnify the guilt of Timocrates. On the one side he sets 'those who have been previously convicted of crimes against the state,' on the other, 'persons of whom it is not yet known whether they will ever do anything worthy of trial,' when they are, *ex hypothesi*, in process of being tried, though not yet convicted. Demosth. has really a good case in this speech, and he does not improve it by the unfair points he tries to make.

§ 75. ὡς δεινὸν πεποίηκε] 'what a monstrous thing he has done in giving his (τὸν) law a retrospective action.'

νόμος ὀλιγαρχίας διαφέρει] Jerome Wolf, followed by Taylor, wanted to read δῆμος instead of νόμος, correctly no doubt as re-

gards the sense, but with a strange want of perception of Demosthenes' mode of approaching a jury. In this and the next section, ὀλιγαρχία is three times opposed to νόμος or νόμοι, once to ἐν δημοκρατουμένη τῇ πόλει. The speaker is indirectly, but in a way likely to catch the favour of an Athenian audience, begging the question that constitutional government is not to be had outside a democracy. In Livy II. 1 the note of the republic, as distinct from the regal period, is defined as 'imperia legum potentiora quam hominum:' Demosth. further narrows the empire of law to a democratic republic.

σῶφρονες καὶ χρηστοὶ] The two words go to make up the notion of 'law-abiding:' compare a note on § 53, where χρηστοὶ and ἀνανδροὶ were similarly opposed. Benseler's 'verständige brave Leute,' though spirited, is not very exact.

76 ὑπὸ τῶν ὀλιγαρχιῶν ἄνδρῳι καὶ δοῦλοι. εὖροι γὰρ ἂν ὡς ἀληθῶς τοῦτο προχειρότατον, ὅτι τῶν μὲν ἐν ταῖς ὀλιγαρχίαις ἕκαστος καὶ τὰ πεπραγμένα λῦσαι καὶ περὶ τῶν μελλόντων ἂν αὐτῷ δοκῆ προστάξει κύριός ἐστιν, οἱ δὲ νόμοι περὶ τῶν μελλόντων ἂν χρῆ γίγνεσθαι φράζουσι, μετὰ τοῦ πείσαι τεθέντες ὡς συνοίσουσι τοῖς χρωμένοις. Τιμοκράτης τοίνυν ἐν δημοκρατουμένῃ τῇ πόλει νομοθετῶν τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν εἰς τὸν αὐτοῦ νόμον μετήνεγκε, καὶ 725

§ 76. ἕκαστος...κύριός ἐστιν] 'every man has the right;' with a tacit reference to the claims of 'might.' Kennedy's note here shows a clear perception of the speaker's drift:—'That is, there is no law to prevent him. What the orator says is not to be understood (as Schaefer thinks) of the rulers only. Every man has the right, if he can only enforce it. By putting it in this way the orator makes the contrast between oligarchy and democracy the more striking. In the former there is no law, and therefore no security either for the past or the future.'

Athens was no doubt the best governed state in Greece, and the most on its guard against oligarchical insolence: yet the examples of Alcibiades, Midias, and Conon (in Demosth. Or. 54) show the spirit of wild self-assertion which was ever ready to break out. The conduct of the French nobility, towards their inferiors and among themselves, till quelled by the 'Grands Jours' in the early part of Louis XIV.'s reign, affords a more modern instance. The characters of Rodrigo and the Innominato, in Manzoni's *Promessi Sposi*, show that even the foreign

despotism of Spain failed to check the 'prepotenza' of the Lombard nobles in the seventeenth century. The upper classes of England in the last century were perhaps equally insensible to any public opinion but that of their own order (Trevelyan's 'Early Life of Fox,' *passim*): but they belonged to a more law-abiding race.

μετὰ τοῦ πείσαι] 'being enacted on condition of persuading the people that they will benefit those who live under them.' It is easy to supply the object of πείσαι from τοῖς χρωμένοις: in a free country the legislators are identical with οἱ χρωμένοι, and no law can be carried without persuading them: hence μετὰ, 'with,' expresses the inseparable condition of all legislation. Kennedy's 'under the persuasion' is rather misleading.

ἐν δημοκρατουμένῃ τῇ πόλει] Not 'in a democratical state,' but 'while the state is constitutionally governed,' § 56 n.

τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν] As the opposite of ἐν δημοκρ. τῇ πόλει this may mean (1) definitely, 'the injustice inherited from oligarchic times,' or (2) generalising the article, 'the iniquity naturally resulting from

περὶ τῶν παρεληλυθότων αὐτὸν κυριώτερον τῶν καταγόντων δικαστῶν ἤξιωσε ποιῆσαι.

77 Καὶ οὐ τοῦτο μόνον πεποίηκεν ὑβριστικὸν, ἀλλὰ καὶ γέγραπται, ἢ τὸ λοιπὸν ἐάν τινι προστιμηθῆ δεσμοῦ, εἶναι καταστήσαντι τοὺς ἐγγυητάς, ἢ μὴν ἐκτίσειν, ἀφείσθαι. καίτοι χρῆν αὐτὸν, εἰ τὸ δεδέσθαι δεινὸν ἠγείτο, μηδενὶ προστιμᾶν ὅς ἂν ὑμῖν ἐγγυητάς καθιστῆ δεσμοῦ νομοθετῆσαι, μὴ προλαβόντα κατεγνωκότας ὑμᾶς τὸν δεσμὸν μηδ' ἐχθρῶς

oligarchies,' 'die Uebelstände aus Oligarchien' Benseler, or (3) by a common Greek idiom be equivalent to ἐν τῇ ὀλιγαρχίᾳ (G. H. Schaefer). The first of these seems best suited to the context.

§§ 77, 78. A further element of uncertainty introduced by the defendant's law, and a further proof of his insolence. *Not only will causes already decided be thrown into confusion, but in future no one will know whether the verdict of a jury may not be set aside by the mere vote of persons not on their oath. If you, the jury, think that effect ought to be given to your verdicts, you must refuse your sanction to this law.*

§ 77. γέγραπται] This, the reading of the best MSS., is now universally accepted. The sense is of course passive, 'a clause is inserted.' The other reading γέγραφεν is evidently a correction in order to avoid the change of the subject.

μηδενὶ ... νομοθετῆσαι] The meaning is plain, but the order of these words more involved than is usual with Demosthenes: χρῆν...νομοθετῆσαι μηδενὶ προστιμᾶν δεσμοῦ, 'he ought to

have carried a law to sentence no one to imprisonment as a further penalty,' i. e. to abolish imprisonment in the case of those who put in bail.

μη προλαβόντα] *μη*, according to a frequent usage of ἀλλ' οὐ, καὶ οὐ, ἀλλὰ *μη*, καὶ *μη*, marks the divergence of two alternatives, and may be translated 'instead of.' The past participle followed by an adverb (usually εἶτα, here *τηνικαῦτα*) like Lat. *tum demum*, expresses a sharp contrast of time, 'then, and not before.' We may translate, then, 'instead of waiting till you had passed the sentence of imprisonment, and till the person convicted had become irritated against you, and afterwards bailing out the accused.' It is invidiously argued that Timocrates, whose real motive was simply to get his friends out of a scrape, had deliberately brought on his motion in a form calculated to annoy and humiliate the Athenian people by ostentatiously reversing their decrees, and to make as much mischief as possible by the ungracious way in which relief is granted.

διατεθέντα πρὸς ὑμᾶς τὸν ἡλωκότα τηνικαῦτα ποιεῖν τὴν ἐξεγγύησιν. νυνὶ δ', ὥσπερ ἐνδεικνύμενος ὅτι, καὶ ὑμῖν δοκῆ δεδέσθαι τινὰ, αὐτὸς ἀφήσει, τοῦτον 78 τὸν τρόπον τὸν νόμον εἰσήνεγκεν. ἄρ' οὖν τῷ δοκεῖ συμφέρειν τῇ πόλει τοιοῦτος νόμος ὃς δικαστηρίου γνώσεως αὐτὸς κυριώτερος ἔσται καὶ τὰς ὑπὸ τῶν ὁμωμοκότων γνώσεις τοῖς ἀνωμότοις προστάξει λύειν; ἐγὼ μὲν οὐκ οἶμαι. φαίνεται τοίνυν ὁ τούτου νόμος ταῦτ' ἔχων ἀμφοτέρα. ὥστ' εἴπερ ὑμῶν ἐκάστω

ἡλωκότα] The question between the forms ἡλωκα and ἐάλωκα is better left to the MSS. rather than, as by Dindorf, reduced to a uniform rule. In the present speech MSS. and editors give without variation ἡλωκα here and §§ 84, 105, ἐάλωκα §§ 112, 137: Dindorf alone corrects the two latter passages. In some places the MSS. vary, or show corrections: e.g. Fals. Leg. p. 397 § 179=198. Veitch s.v. ἀλίσκομαι affords ample materials for judging of the general Attic usage. In Demosthenes, according to Bekker and the Zurich Editors, who follow the MSS., ἐάλωκα occurs more frequently in the proportion of about eighteen times to eight: in the other Orators the same form prevails exclusively. When to this is added the fact, that Thucydides and Plato write uniformly ἐάλωκα, it is irrational to argue that ἡλωκα 'belongs to the stricter Atticism.' Veitch well remarks that 'we find it most frequently in those authors that are least shy of an Ionic or a common form,' instancing Herodotus and Xenophon. The latter uses both forms indiscriminately in the

same work, the Cyropaedia, and thus contributes nothing towards the solution of the question.

While on the subject of ἀλίσκομαι I may be allowed to express my surprise that no notice has been taken of the singularity of the long *ā* in Aristoph. Vesp. 355 ὄρε Νάξος ἐάλω. Other examples in verse show everywhere *ā*: and rather than believe, on the strength of this one passage, that the vowel is really common, I think it much more probable that Aristophanes for once allowed himself to write ἐάλλω, as it is now admitted he wrote κνυοκεφάλω in Eq. 416.

τηνικαῦτα] ἡνίκα, πηνίκα; τηνίκα are not simply 'when' and 'then' of time in general, but strictly of the time of day only. In Plato τηνικάδε is 'so early,' Protog. 310 B, Crito 43 A: and τηνικαῦτα here might very well be rendered by the familiar English 'at that time of day,' preserving the figurative expression.

§ 78. φαίνεται — ἀμφοτέρα] 'Both these consequences, it is plain, are involved in the defendant's law.' K. rightly. Cf. Androt. § 21 n.

εἴπερ ὑμῶν ἐκάστω μέλει τι] 'If, as I assume to be the fact,

μέλει τι τῆς πολιτείας καὶ δεῖν οἶεται κυρίαν εἶναι τὴν αὐτοῦ γνώμην περὶ ὧν ἂν ὁμωμοκῶς ψηφίσηται, λυτέος καὶ οὐκ ἐατέος^x ὁ τοιοῦτος νόμος κύριος νυνὶ γενέσθαι.

^x add οὔτος Z Bens. cum Σ.

each one of you has some regard for the constitution.' The force of *ἐπερ* is well pointed out by R. W.

§§ 79—101. Effects of the law of Timocrates on the finances of Athens. *It will allow the most absolute impunity to defaulters* (§§ 79—90): *in time of war it will render prompt military action, for which ready money is the first requisite, impossible, and so endanger both the glory and the safety of the state* (§§ 91—95): *even in time of peace it will induce national bankruptcy* (§§ 96—101). These three heads are again briefly summarized in § 102, (i) τοῖς ἀδικούσι τὰ κοινὰ δίδωσιν ἄδειαν, (ii) τὰς ὑπὲρ τῆς πόλεως στρατίας λυμαίνεται, (iii) τὴν διοίκησιν καταλύει.

The frequent captiousness of the speaker's arguments has been already noticed (§§ 56, 74): and several passages in these sections seem, at first sight, not merely uncandid but nonsensical. We can scarcely imagine the lowest of Old Bailey advocates or the most foolish of platform orators resorting to such transparent fallacies as that of § 85, that by putting up a succession of 'men of straw' the debtor might escape without either paying or going to prison: or that of § 88, that because the law of Timocrates has provided no penalty for not offering bail, therefore a man has

only to omit doing so to escape scot-free. But Demosthenes knew his audience: and he is here approaching the Athenians on their weak side. He appeals not merely to their chronic hunger for fines and forfeitures, now at its height owing to the impoverished state of the exchequer (cf. Androt. § 48 n.), but to their furious jealousy of being overreached, which was by no means incompatible with the secret resolve of each man to defraud the state if he could (Androt. § 48, last note. Below, § 193). The mental attitude of modern Italians towards the tax-gatherer has been defined by a close observer among their own countrymen, Mr Gallenga, as 'Only fools pay.' The Athenian shared this feeling: and while he read his neighbour's heart in his own, determined that the gratification of it should, as far as possible, be confined to himself. (On the low standard of honesty among the Greeks, see Mahaffy's *Social Life in Greece*, p. 122 ff. (ed. 3): on the unscrupulousness of the Athenian Demos as to the ways and means of replenishing the treasury, p. 399 n., where a strong passage of Lysias, c. Nicom. § 22, is quoted).

A comparison of the earlier with the later speeches will, I think, support the conclusion that Demosth. outgrew this tempta-

79 Οὐ τοίνυν ἀπέχρησεν αὐτῷ τὰ δικαστήρια ἄκυρα ποιῆσαι τῶν προστιμημάτων, ἀλλ' οὐδὲ ἂ δίκαια ὠρίσατο αὐτὸς ἐν τῷ νόμῳ καὶ προσέταξε τοῖς ὠφληκόσιν, οὐδὲ ταῦτα ἀπλῶς οὐδὲ ἀδόλως φανήσεται γεγραφῶς, ἀλλ' ὡς ἂν μάλιστα τις ὑμᾶς ἐξαπατήσαι καὶ παρακρούσασθαι βουλόμενος. σκέψασθε γὰρ ὡς γέγραφεν. Τιμοκράτης εἶπε, φησὶ, καὶ εἴ τι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ 726 νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ, εἶναι αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκεῖνου ἐγγυητὰς καταστήσαι, οὓς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐκτίσειν. 80 ἐνθυμείσθ' ἀπὸ τοῦ δικαστηρίου καὶ τῆς καταγνώσεως οἱ διεπήδησεν. ἐπὶ τὸν δῆμον, ἐκκλέπτων

tion to practise on the gullibility of an Athenian jury and try how much they would swallow. The most glaring examples of unfairness occur in these two speeches belonging to an early stage of his career. At thirty he had almost fully matured the powers which had been called into such precocious exercise in his actions against his guardians: at a later period, together with a mellowed ripeness of intellect, we seem to discern a higher sense of self-respect, at least as regards the utterance of transparent fallacies. In the license of invective pushed to the extreme of bad taste, his greatest speeches, the Embassy and the Crown, are unfortunately the worst offenders. That he could have been here deceived by his own arguments is not to be thought of: like his enemy Midias, though in another way, he 'indulges in youthful insolence' (*νεανιεύεται*, p. 520 § 18, p. 536 § 69).

§§ 79—81. *Timocrates provides that the state debtor sentenced to imprisonment may put in such bail as the people shall approve: thereby ruinously undermining the jurisdiction of the courts. And as he nowhere directs the debtor to be imprisoned until he has put in his bail, it is clear that his only object was to ensure the escape of criminals condemned in due course of law.*

§ 79. ὡς ἂν...βουλόμενος] i. e. ὡς ἂν γράφοι τις...βουλόμενος, 'as one would draw them who wished to deceive and defraud you as much as possible.'

εἴ...προστετίμηται...ἢ...προστιμηθῆ] §§ 39 n., 93.

§ 80. ἐκκλέπτων] 'stealing away the guilty party'—'rescuing him by stealth'—'and preventing his delivery to the Eleven.' As R. W. remarks, it is almost impossible to express ἐκκλέπτων by one word as applied to both its objects, ἡδίκηκότα and παράδοσιν.

τὸν ἡδίκηκότα καὶ τὴν παράδοσιν αὐτοῦ τὴν τοῖς ἔνδεκα. τίς γὰρ ἀρχὴ παραδώσει τὸν ὀφλόντα; τίς τῶν ἔνδεκα παραλήψεται; κελεύοντος μὲν τοῦ νόμου^γ τούτου ἐν τῷ δήμῳ καθιστάναι τοὺς ἐγγνητάς, ἀδυνάτου δ' ὄντος αὐθημερὸν ἐκκλησίαν ἅμα καὶ δικαστήριον γενέσθαι, οὐδαμοῦ δ' ἐπιτάττοντος φυλάττειν
 81 ἕως^z ἂν καταστήσῃ τοὺς ἐγγνητάς. καίτοι τί ποτ' ἦν δι' ὃ προσγράψαι σαφῶς ὥκνησε “τὴν δ' ἀρχὴν τὸν ὀφλόντα φυλάττειν ἕως ἂν καταστήσῃ τοὺς ἐγγνητάς;” πότερ' οὐχὶ δίκαιον; εὖ οἶδ' ὅτι πάντες ἂν φήσαιτε. ἀλλ' ἐναντίον ἦν τινὲ τοῦτο νόμῳ; οὐκ, ἀλλὰ μόνον κατὰ τοὺς νόμους. τί ποτ' οὖν ἦν; οὐδὲν ἂν ἄλλο τις εὔροι πλὴν ὅτι οὐχ ὅπως δώσουσι δίκην ὧν ἂν ὑμεῖς καταγνώτε ἐσκόπει, ἀλλ' ὅπως μή.
 82 Εἶτα πῶς γέγραπται μετὰ ταῦτα; καθιστάναι

^γ τοῦ νόμου *om.* Z Bens. *cum* Σ.

^z v. § 63. *τε ἕως Σ, τε ἕως Ar 8, τέως ἕως k. Ita § 81.*

ἀδυνάτου δ' ὄντος] For the obvious reason that every Athenian dicast must, as a fully privileged citizen, also have a vote in the Ecclesia.

οὐδαμοῦ δ' ἐπιτάττοντος] As if bail were a new invention at Athens, and had never been heard of before the law of Timocrates! Such shallow sophistry would be almost incredible in a man of Demosthenes' intellect and character but for the reasons just alleged.

ἕως] See various readings, and compare § 63 n.

§ 81. πάντες ἂν φήσαιτε] *ἂν* is omitted in Dindorf's text, apparently by a printer's error. It is of course absolutely required by grammar.

μόνον κατὰ τοὺς νόμους] ‘The only legal clause’ in Timocrates' bill.

ὧν ἂν ὑμεῖς καταγνώτε] The phrase *διδόναι δίκην τινός* is so familiar that it may be as well to point out that *ὧν* is masculine and refers to the subject of *δώσουσι*: ‘that those whom you condemn should pay the penalty.’

§§ 82, 83. Another piece of treachery in the wording of his decree. *By saying the money instead of the legal penalty, and which he was sentenced to pay instead of which becomes due, he deprives the treasury of all the customary forfeitures for overdue payments, viz. twofold for civil purposes and tenfold for religious.*

§ 82. γέγραπται] § 17 n. Here of course passive: ‘how is it worded?’ or as K. ‘how does it go on after that?’

τοὺς ἐγγυητὰς ἢ μὴν ἐκτίσειν τὸ ἀργύριον ὃ ὤφλεν. ἐνταυθὶ πάλιν τῶν μὲν^α ἱερῶν χρημάτων τὴν δεκαπλασίαν ὑφῆρηται, τῶν δ' ὀσίων, ὀπόσων ἐν τῷ^β νόμῳ διπλασιάζεται, τὸ ἥμισυ. πῶς δὴ τοῦτο ποιεῖ; γράψας ἀντὶ μὲν τοῦ τιμήματος τὸ ἀργύριον, ἀντὶ δὲ 83 τοῦ τὸ γιγνόμενον, ὃ ὤφλεν. διαφέρει δὲ τί; εἰ μὲν ἔγραψε καθιστάναι τοὺς ἐγγυητὰς ἢ μὴν ἐκτίσειν τὸ τίμημα τὸ γιγνόμενον, προσπεριειλήφει τοὺς νόμους ἀν, καθ' οὓς τὰ μὲν δεκαπλᾶ, τὰ δὲ καὶ διπλᾶ γίνε- 727 ται τῶν ὀφλημάτων ὥστ' ἐκ τούτων ἦν ἀνάγκη τοῖς ὀφλοῦσι τὸ γεγραμμένον τ' ἐκτίνειν καὶ τὰς ἐκ τῶν νόμων προσούσας ζημίας καταβάλλειν. νῦν δὲ^ο τῷ γράψαι "τὴν κατάστασιν εἶναι τῶν ἐγγυητῶν ἢ μὴν ἐκτίσειν τὸ ἀργύριον ὃ ὤφλεν" ἐκ τῆς λήξεως καὶ τῶν γραμμάτων, ἐφ' οἷς ἕκαστος εἰσήχθη, ποιεῖ τὴν ἔκτισιν, ἐν οἷς πᾶσιν ἀπλοῦν, ὃ τις ὤφλεν, ἀργύριον γέγραπται.

^α μὲν om. Z Bens. cum Σ.

^β τῷ om. Bens. cum Σ.

^ο νῦν δ' ἐν Z Bens. cum Σ.

ἀντὶ μὲν τοῦ τιμήματος... ὃ ὤφλεν] 'Had the orator not been led by the love of change of construction so sought after in Greek authors, he would have written ἀντὶ μὲν τοῦ 'τὸ τίμημα.' Shilleto on F. L. p. 391 § 159=176. On this 'love of variety' see also Androt. § 36 n. Above, § 32 n. K. somewhat weakens the force of the passage by translating ὃ ὤφλε throughout 'which he owed:' it is really 'which he was adjudged to pay,' an ὀφλημα not an ὀφειλημα, § 39 n.

§ 83. προσπεριειλήφει] §§ 44 n., 209.

τὰ μὲν δεκαπλᾶ, τὰ δὲ καὶ διπλᾶ] Explained § 111, τῶν μὲν ὀσίων τῆς διπλασίας, τῶν ἱερῶν δὲ τῆς δεκαπλασίας.

τὸ γεγραμμένον] 'the sum set down in the plaint or written charge,' ἐκ τῆς λήξεως καὶ τῶν γραμμάτων ἐφ' οἷς ἕκαστος εἰσήχθη as it is explained below: opp. to τὸ γιγνόμενον, 'that which accrues.' In the law as it stands τὸ γεγραμμένον was likely enough, according to the practice in Athenian courts, to be construed as including τὸ γιγνόμενον: but it suits Demosth. to make the worst of every phrase in the obnoxious document.

ἐν οἷς πᾶσιν... γέγραπται] πᾶσιν refers to the customary wording of such plaints: 'in which the simple sum for which judgment had been given is always inserted.' So K. nearly.

84 Μετὰ ταῦτα τοίνυν τηλικούτο πρᾶγμα ἀνελὼν ἐν τῇ τῶν ῥημάτων μεταθέσει προσέγραψε “ τοὺς δὲ προέδρους ἐπιχειροτονεῖν ἐπάναγκες, ὅταν τις καθιστάται βούληται,” παρὰ πάντα^a τὸν νόμον οἰόμενος δεῖν σώζειν τὸν ἡδικηκότα καὶ τὸν ἐν ὑμῖν ἡλωκότα. δούς γὰρ ὅταν βούληται τὴν κατάστασιν αὐτῷ τῶν ἐγγυητῶν, ἐπ’ ἐκείνῳ πεποίηκε μηδέποτ’ ἐκτίσαι μηδὲ
85 δεθῆναι. τίς γὰρ οὐ ποριεῖται φαύλους ἀνθρώπους, οὓς ὅταν ὑμεῖς ἀποχειροτονήσητε ἀπαλλάξεται^o; ἐὰν γάρ τις ὡς οὐ καθιστάντα τοὺς ἐγγυητὰς ἀξιοῖ δεδέσθαι, φήσει καὶ καθιστάναι καὶ καταστήσειν, καὶ

^a παρ’ ἅπαντα Z Bens. cum Σ.

^o ἀπαλλάσσονται Z Bens. cum ΣFv.

§§ 84, 85. *By the clause that ‘the Proedri shall be bound to put the question to the vote,’ he has put it in the debtor’s power never to go to prison. He has only to set up ‘men of straw,’ and on their rejection by you to declare that he is putting in bail and means to put them in again, and so on ad infinitum.*

§ 84. τηλικούτο πρᾶγμα ἀνελὼν] ‘Well then, having cleared so much out of the way by the change in the wording, he added a clause.’ By writing ἀντὶ μὲν τοῦ τιμήματος τὸ ἀργύριον, &c. (§ 82) he had ‘knocked off’ the twofold and tenfold penalties. For the sense of ἀνελεῖν cf. Androt. § 20 n.

ἐπιχειροτονεῖν ἀπάναγκες] Supposing the law to be in other respects unobjectionable, this provision might be necessary to prevent its benevolent intentions from being frustrated by personal spite. But the speaker evidently wishes his hearers to confuse it with a restriction on their right to reject the bail

tendered.

§ 85. ἀπαλλάξεται] An easy correction of Reiske’s adopted by nearly all editors: most MSS. having ἀπαλλάξετε, and the confusion of ε and αι, pronounced alike in post-classical times, being perpetual. The Zurich edd. and Benseler follow Σ in reading ἀπαλλάσσονται and refer it to φαύλους ἀνθρώπους: ‘nothing happens to the rejected bail.’ Apart from the harshness of the attraction of the nominative (for οἱ ἀπαλλάσσονται) this sense appears much less suitable. Cobet *Nov. Lect.* p. 243 restores the futurum exactum ἀπηλλάξεται here and in Lept. p. 465 § 28. ‘Non ἀπαλλάξεται, id est ἀπεισιν, abibit, sententia postulat, sed liberatus erit id est ἀπηλλάξεται.’ This is not improbable, and is favoured by the perfect infinitives which follow, δεδέσθαι ‘be kept in custody,’ ἀφεῖσθαι τοῦ δεσμοῦ, ‘be and remain released.’ Comp. § 60 n.

δείξει τὸν τούτου νόμον, ὃς καθιστάναι μὲν ὅταν βούληται κελεύει, φυλάττειν δὲ τέως οὐ λέγει, οὐδ', ἂν ἀποχειροτονηθῆ' ὑμεῖς τοὺς ἐγγυητὰς, προστάττει δεδέσθαι, ἀλλ' ὡς ἀληθῶς ὥσπερ ἀλεξιφάρμακόν ἐστι τοῖς ἀδικεῖν βουλομένοις.

86 Τῷ δὲ καταστήσαντι, φησὶ, τοὺς ἐγγυητὰς, εἰὰ ἀποδιδῶ τῇ πόλει τὸ ἀργύριον ἐφ' ᾧ κατέστησε τοὺς ἐγγυητὰς, ἀφείσθαι τοῦ δεσμοῦ[†]. πάλιν ἐνταῦθ' ἐπέμεινεν ἐπὶ τοῦ κακουργήματος ὃ μικρῷ πρότερον εἶπον, καὶ οὐκ ἐπελάθετο, οὐδ' ἔγραψε τὸ τίμημα τὸ γιγνόμενον, ἀλλὰ τὸ ἀργύριον ὃ ὤφλεν, εἰὰ ἀποδιδῶ, ἀφείσθαι τοῦ δεσμοῦ.

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87 Ἐὰν δὲ μὴ καταβάλη τ' ἀργύριον ἢ αὐτὸς ἢ οἱ ἐγγυηταὶ ἐπὶ τῆς ἐνάτης πρυτανείας, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δ' ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. ἐν δὲ τῷ τελευταίῳ τούτῳ παντελῶς αὐτὸς αὐτοῦ κατήγορος, ὡς ἀδικεῖ, γεγωνὸς φανήσεται. οὐ γὰρ ὅλως τὸ δεδέσθαι τινὰ τῶν πολιτῶν αἰσχρὸν ἢ

[†] ἐφ' ᾧ—δεσμοῦ om. Z Bens. cum ΑΤΩκrs et pr. Σ.

φυλάττειν δὲ τέως οὐ λέγει] The absurdity of this quibble is pointed out by the old commentator Jerome Wolf. As a sound English lawyer, Kennedy observes: 'Assuming that, according to the true construction of the statute, bail might be offered more than once; still, after failing to justify bail, the party would have to go to prison in the mean time, until he found other bail.'

ἀλεξιφάρμακον] 'a sovereign remedy, antidote.' So in Plato, Laws XII. 957D, the written law is, in the eye of the judge, ἀλεξιφάρμακον τῶν ἄλλων λόγων, preserving his mind from being

biased by witnesses or counsel.

§ 86. The objection already urged in § 82 is repeated.

τῷ δὲ καταστήσαντι] For the construction of the dative, § 40 n.

ἐπέμεινεν ἐπὶ τοῦ κακουργήματος] 'persisted in the artifice,' as K. The mere repetition of the words is treated as a fresh offence.

§ 87. His proposed remedy, imprisonment after the ninth prytany, and confiscating the property of the bail, is illusory, and is meant to be. The bird will have flown.

ἐνάτης πρυτανείας] §§ 15 n., 40 n.

δεινὸν νομίσας ἀπέειπε μὴ δεῖν, ἀλλὰ τὸν καιρὸν, ἐν ᾧ τὸν ἠδίκηκότα ἐνῆν παρόντα λαβεῖν, ἐκκλέψας τοῦνομα μὲν^ε τῆς τιμωρίας ἔλιπε τοῖς ἀδικουμένοις ὑμῖν, τὸ δ' ἔργον ἀφείλετο. καὶ παρ' ἀκόντων ἔδωκεν ἄφεσιν τοῖς τὰ ὑμέτερα ἀξιούσιν ἔχειν βία, καὶ μόνον οὐ προσέγραψε δίκην ἐξεῖναι λαχεῖν αὐτῷ κατὰ τῶν δικαστῶν τῶν προστιμησάντων τοῦ δεσμοῦ.

88 Ὁ δὲ, πολλῶν ὄντων καὶ δεινῶν ὧν ἐν τῷ νόμῳ τέθεικε, μάλιστ' ἀξιὸν ἐστ' ἀγανακτῆσαι, βούλομαι πρὸς ὑμᾶς εἰπεῖν. δι' ὅλου γὰρ τοῦ νόμου τῷ καταστήσαντι τοὺς ἐγγυητὰς ἅπαντα λέγει, τῷ δὲ μὴ καθιστάντι μήτε βελτίους μήτε χείρους, μηδ'^h ὅλως προσέχοντι τὸν νοῦν ὑμῖν, οὐδεμίαν οὔτε δίκην οὔτε τιμωρίαν προσγέγραφεν, ἀλλ' ἄδειαν πεποίηκε τοσαύτην ὅσην οἶόν τε γενέσθαι πλείστην. καὶ γὰρ τὸν χρό-

^ε μὲν om. Z cum pro Σ. ^h μήθ' libri. Illud e conii. Frankii.

ἀπέειπε μὴ δεῖν] 'he forbade imprisonment.' § 57 n.

τὸν καιρὸν ἐκκλέψας] 'after robbing you, cheating you out of the (only) favourable opportunity.' Cf. ἐκκλέπτων, § 80 n.

τιμωρίας] 'redress,' as K., i.e. recouping themselves (τιμωρεῖν ἑαυτοῖς) rather than punishing the offender (τιμωρεῖσθαι τὸν ἀδικούντα).

παρ' ἀκόντων ἔδωκεν ἄφεσιν] 'granted a discharge from you against your will': ὑμῶν supplied from ὑμέτερα.

μόνον οὐ προσέγραψε] 'all but added a clause.' While he was about it, he might as well have done so: it would not have been much more impudent.

§§ 88—90. The orator winds up his objections under this head with a climax, the most sophistical of all. *He has provided no penalty for not putting*

in bail: therefore a man has only to do nothing, and take no notice of your decrees, to escape scot-free. To sum up the objections to his law, it unsettles all that has been done in the past: it gives efficacy to the verdicts of juries with one hand, and takes it away with the other: it restores the franchise to debtors who have not satisfied their obligations. It places you, the Athenian people, in a ridiculous position: Critias himself could have done no worse.

§ 88. οὔτε δίκην οὔτε τιμωρίαν] δίκην is here 'action,' 'way of bringing him to justice,' not 'penalty' as K.

ἄδειαν...πλείστην] 'has created the most complete impunity that can be' K., who adds: 'this objection is more clearly captious than the former, which fell under Wolf's animadversion.'

νον ὃν διώρισε, τὴν ἐνάτην πρυτανείαν, τῷ καταστή-
 89 σαντι λέγει τοὺς ἐγγυητάς. γνολή δ' ἂν τις ἐκείθεν
 προσέγραψε δημοσίαν εἶναι τὴν οὐσίαν τὴν τῶν
 ἐγγυητῶν, ἂν μὴ τις ἐκτίσῃ τοῦ δὲ μὴ καταστήσαν-
 τος οὐκ ἔνι δῆπουθεν ὑπάρχειν ἐγγυητάς. καὶ τοῖς
 μὲν προέδροις, οἳ κεκληρωμένοι καθίζουσιν ἐξ ὑμῶν,
 ἐπάναγκες ἐποίησεν, ὅταν καθιστῆ τις, δέχεσθαι
 τοῖς δ' ἀδικοῦσι τὴν πόλιν οὐδεμίαν προσέγραφεν
 ἀνάγκην, ἀλλ' ὥσπερ εὐεργέταις αἴρεσιν αὐτοῖς ἔδω- 729
 κεν εἰ χρῆ δοῦναι δίκην ἢ μῆ.

90 Καίτοι πῶς ἂν ἀσυμφωρότερος ὑμῖν τούτου γέ-
 νοιτο νόμος ἢ κάκιον ἔχων; ὃς πρῶτον μὲν περὶ τῶν
 ἐκ τοῦ παρεληλυθότος χρόνου κριθέντων ἐναντία τοῖς
 ὑφ' ὑμῶν ἐγνωσμένοις προστάττει, δεύτερον δὲ περὶ
 τῶν μελλόντων κριθήσεσθαι προστιμᾶν κελεύων τοὺς
 δικαστὰς τοὺς ὁμωμοκότας ἄκυρα τὰ προστιμήματα
 ποιεῖ, πρὸς δὲ τούτοις ἐπιτίμους τοὺς ὀφείλοντας οὐ
 τὰ προσήκοντα ἐκτίνοντας καθίστησιν, ὅλως δ' ἐπι-
 δείκνυσι μάτην ὀμνύντας, τιμῶντας, δικάζοντας, ὀργι-
 ζομένους, ἅπαντα ποιοῦντας ὑμᾶς. ἐγὼ μὲν γὰρ, εἰ
 Κριτίας ὁ γενόμενος τῶν τριάκοντ' εἰσέφερε τὸν νό-
 μον, οὐκ ἂν ἄλλον τρόπον οἶμαι γράψαντ' εἰσενεγκεῖν
 ἢ τοῦτον.

For surely a man who had never offered bail would not have the benefit of the statute of Timocrates, but would remain subject to the old law.'

§ 89. οἳ κεκληρωμένοι καθίζουσιν ἐξ ὑμῶν] 'who sit as chosen by lot from among you'; the jury (ὑμεῖς) are treated as a fraction of the people, as in §§ 11, 25. On the mode of nominating the proedri see § 21 n.

δέχεσθαι] Artfully substituted for ἐπιχειροτονεῖν (§ 84) in order

to suggest that the people's rights are being invaded.

§ 90. ἐπιδείκνυσι μάτην ὀμνύντας] K.'s rendering of these participles is worth the attention of the student; 'exhibits you as persons whose oaths, whose assessments, whose verdicts, whose punishments, all of whose acts are ineffectual.'

ὁ γενόμενος τῶν τριάκοντα] The Thirty are named in §§ 42, 56-7, alluded to in § 76: where see notes.

91 "Οτι τοίνυν ὅλην συγχεῖ τὴν πολιτείαν καὶ κατα-
 λύει πάντα τὰ πράγμαθ' ὁ νόμος, καὶ πολλὰς φιλοτι-
 μίας περιαιρεῖται τῆς πόλεως, καὶ τοῦτο ῥαδίως ὑμᾶς
 νομίζω μαθήσεσθαι. ἴστε γὰρ δήπου τοῦθ', ὅτι σώζε-
 ται πολλάκις ἡμῶν ἢ πόλις διὰ τὰς στρατείας καὶ
 τὰς ναυτικὰς καὶ τὰς πεζὰς, καὶ πολλὰ καὶ καλὰ
 92 πολλάκις ἤδη διεπράξασθε καὶ σώσαντές τινας καὶ
 τιμωρησάμενοι καὶ διαλλάξαντες. πῶς οὖν; ἀνάγκη
 τὰ τοιαῦτα διοικεῖν ἐστὶ διὰ ψηφισμάτων καὶ νόμων
 τοῖς μὲν εἰσφέρειν ἐπιτάττοντας, τοὺς δὲ τριηραρχεῖν
 κελεύοντας, τοὺς δὲ πλεῖν, τοὺς δ' ἕκαστα ποιεῖν ὧν
 δεῖ. οὐκοῦν ταῦθ' ὅπως γίγνηται, δικαστήρια πλη-
 ροῦτε καὶ καταγιγνώσκετε δεσμὸν τῶν ἀκοσμοῦντων.
 σκέψασθε δὴ τὸν τοῦ καλοῦ κάγαθοῦ τούτου νόμον,

§§ 91—95. *This law deranges our whole political system, especially in time of war: and robs Athens of her most cherished distinctions. Our imperial position depends upon prompt military action, and that again upon the power of the State to enforce instant obedience to its demands, whether for personal service or war-taxes. Neither our allies, our enemies, nor the occasions of war will wait for such leisurely preparation as will alone be possible, when no one need pay anything till the last month of the year. We may think ourselves lucky, if while all goes well and we are weighted by no such absurd enactment, we are never behindhand with our enemies. The extreme penalty of the law would not be too great for the author of such a decree.*

§ 91. φιλοτιμίας] Androt. § 73 n., 75.
 στρατείας] Many MSS., but

not the best, read *στρατιὰς* as in § 93. It is a well-known rule that *στρατιὰ* sometimes = *στρατεία*, but *στρατεία* never = *στρατιὰ*. In the latter passage there does not appear to be any variety of reading.

καὶ σώσαντές τινας] 'either in rescuing people or punishing or mediating.' K.

§ 92. διοικεῖν] 'administer, carry out,' with especial reference to financial arrangements: see § 27 n., § 93.

εἰσφέρειν] In the technical sense of property tax: Androt. § 61 n.

δικαστήρια πληροῦτε] Like *πληροῦν ναῦν* 'to man a ship,' this means 'to impanel juries,' not to fill the courts with defendants.

ἀκοσμοῦντων] 'refractory.' 'Widerhaarigen,' Benseler.

καλοῦ κάγαθοῦ] Androt. § 32 n., § 47 n. — *λυμναίνεται*, §§ 95, 102.

- 93 ὡς λυμαίνεται ταῦτα καὶ διαφθείρει. γέγραπται γὰρ δήπου ἐν τῷ νόμῳ αὐτοῦ, καὶ εἴ τιμι τῶν ὀφει- 730
 λόντων προστετίμηται δεσμοῦ ἢ καὶ τὸ λοιπὸν προσ-
 τιμηθῆ, εἶναι καταστήσαντι ἐγγυητὰς, ἢ μὴν ἐπὶ
 τῆς ἐνάτης πρυτανείας ἐκτίσειν τὸ ἀργύριον, ἀφείσθαι
 τοῦ δεσμοῦ. τίς οὖν πόρος ἔσται; τίς ἀποσταλή-
 σεται τρόπον ἢ στρατιά; πῶς τὰ χρήματα εἰσπράξο-
 μεν¹, εἰάν ἕκαστος ὀφλισκάνων ἐγγυητὰς καθιστῆ
 κατὰ τὸν τούτου νόμον, ἀλλὰ μὴ τὸ προσῆκον ποιῆ;
 94 ἐροῦμεν νῆ Δία τοῖς Ἑλλησι “Τιμοκράτους νόμος
 “ἐστὶ παρ’ ἡμῖν ἀναμείνατ’ οὖν τὴν ἐνάτην πρυτα-
 “νείαν· εἶτα τότε^k ἔξιμεν” τοῦτο γὰρ λοιπόν. ἂν δ’
 ὑπὲρ ὑμῶν¹ αὐτῶν ἀμύνεσθαι δέη, ἀρὰ γ’ οἴεσθε τοὺς
 ἐχθροὺς τὰς τῶν παρ’ ἡμῖν πονηρῶν διαδύσεις καὶ
 κακουργίας ἀναμενεῖν; ἢ τὴν πόλιν, αὐτὴν ἐμποδίζον-
 τας νόμους εἰ θήσεται καὶ τὰναντία τῶν συμφερόν-
 των λέγοντας, δυνήσεσθαι τι ποιῆσαι τῶν δεόντων;
 95 ἀλλ’ ἀγαπητὸν, ὦ ἄνδρες Ἀθηναῖοι, εἰ πάντων καλῶς
 ἐχόντων ἡμῖν, καὶ μηδενὸς ὄντος τοιοῦτου νόμου,
 κρατοῦμεν τῶν ἐχθρῶν καὶ ταῖς ὀξύτησι δυναίμεθα

¹ εἰσπράξωμεν Bens. cum Σ.^k εἶτά ποτ’ Ζ Bens. cum Σ.¹ ἡμῶν Ζ Bekk. Bens. cum ΣFTΩ v.

§ 93. εἰ...προστετίμηται...ἢ...
 προστιμηθῆ] §§ 39 n., 79.
 τὰ χρήματα εἰσπράξωμεν] An-
 drot. § 60.

ἀλλὰ μὴ τὸ προσῆκον ποιῆ] ‘in-
 stead of doing his duty.’ § 77 n.

§ 94. εἶτα τότε^k ἔξιμεν] The
reconditior lectio of Σ, the Zu-
 rich editors and Benseler, εἶτά
 ποτ’ ἔξιμεν, is not improbably
 right, though against all the
 other MSS.

ὑμῶν] The evidence clearly
 preponderates in favour of ἡ-
 μῶν.

ἀναμενεῖν] The future is re-

quired, and is adopted by all
 modern Edd. Bekker says ‘Li-
 bri ἀναμείνειν’: but Benseler
 and the Zurich editors cite the
 true reading as in ‘Σ corr’: as
 does Dindorf, Praef. p. xliii.

§ 95. ταῖς ὀξύτησι] Like και-
 ροῖς, this is evidently to be taken
 with ἀκολουθεῖν: ‘keep pace with
 sudden emergencies,’ as K. He
 notices, however, that the French
 translator Auger took it as an
 instrumental dative: ‘par la
 promptitude de nos prépara-
 tifs.’

καὶ τοῖς τοῦ πολέμου καιροῖς ἀκολουθεῖν καὶ μηδενὸς ὑστερίζειν. ἀλλὰ μὴν εἰ φαίνει τοιοῦτον τεθεικῶς νόμον, ὃς τὰ τοιαῦτα λυμαίνεται δι' ὧν ἡ πόλις καὶ σεμνὴ καὶ λαμπρὰ παρὰ πᾶσι καθέστηκε, πῶς οὐχὶ δικαίως ὄτιοῦν ἂν πάθοις ;

96 Ἔτι τοῖνον, ᾧ ἄνδρες Ἀθηναῖοι, τὴν διοίκησιν ἀναιρεῖ, τὴν θ' ἱερὰν καὶ τὴν ὀσίαν. ὡς δὲ, ἐγὼ φράσω. ἔστιν ὑμῖν κύριος νόμος, καλῶς εἶπερ τις καὶ ἄλλος κείμενος, τοὺς ἔχοντας τὰ τε ἱερὰ καὶ τὰ ὄσια χρήματα καταβάλλειν εἰς τὸ βουλευτήριον, εἰ

φαίνει...τεθεικῶς] 'you are seen to have passed,' not 'you appear.' So Benseler, rightly. Cf. Androt. § 21 n.

σεμνὴ καὶ λαμπρὰ...καθέστηκε] 'has become respected and honoured': 'geachtet und berühmt,' Benseler.

§§ 96—101. *Once more, the law of Timocrates ruins (not merely our imperial policy, but) our whole finances, both sacred and civil. The ordinary revenues derived from taxes do not suffice: we must look sharply to the so-called 'extra payments.' These are now enforced by the summary process applied to the farmers of the revenue, i.e. by imprisonment: if this wholesome pressure be removed, as it is by your law, accumulated deficits, bankruptcy, and dissolution stare us in the face. I suppose you think THE PEOPLE, the senate and the courts can go unpaid; but you took pay yourself for proposing this law. You did not venture to disturb the existing enactments as regards farmers of taxes: you ought at least to have added a clause providing that debts from other defaulters, now recovered under those laws,*

should continue to be so recovered. But this is precisely what, to serve your friends, you did not do: and the consequences are &c. &c. [The repetition here becomes somewhat wearisome.]

§ 96. ἔστιν ὑμῖν κύριος...κείμενος] 'You have a law in force, and a good one too, if ever there was one such': 'there is no better existing' is K.'s less literal rendering. Comp. above, § 4, εἶπερ τινὶ τοῦτο καὶ ἄλλω προσηκόντως εἴρηται, νομίζω καμοὶ νῦν ἀρμόττειν εἰπεῖν. Jelf, § 895. 2.

τοὺς ἔχοντας τὰ τε ἱερὰ καὶ τὰ ὄσια] The class of public debtors, to which Androtion and his associates belonged, is here distinguished from two other classes. A man could not be imprisoned merely for being in arrear (ὑπερήμερος) with taxes, even with the εἰσφορὰ or extraordinary contribution (Boeckh, P. E. p. 386). Here the principle was laid down, that his property and not his person was responsible: though, as the notes to the next section will show, the practice in bad times was not quite on a level with the theory. The legal reme-

δὲ μὴ, τὴν βουλὴν αὐτοὺς εἰσπράττειν χρωμένην τοῖς
 97 νόμοις τοῖς τελωνικοῖς. διὰ τοίνυν τοῦ νόμου τούτου
 διοικεῖται τὰ κοινὰ τὰ γὰρ εἰς τὰς ἐκκλησίας καὶ 731
 τὰς θυσίας καὶ τὴν βουλὴν καὶ τοὺς ἰππέας καὶ
 τᾶλλα χρήματ' ἀναλισκόμενα, οὗτός ἐσθ' ὁ νόμος ὁ
 ποιῶν προσευπορεῖσθαι. οὐ γὰρ ὄντων ἱκανῶν τῶν

dies were τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας καὶ ταῦτ' ἀπογράφειν (Androt. §§ 54—5): and it was made a charge against Androtion on the former occasion that, having undertaken the collection of arrears for the state, he dragged men off to prison, which was illegal even in the case of resident aliens (ἔδεις καὶ ὑβριζες πολίτας ἀνθρώπους καὶ τοὺς τάλαιπῶρους μετόικους, *ibid.*): apart from the fact that in many instances nothing was really due, and his conduct was wantonly oppressive and extortionate (*ib.* §§ 56—58). Another and much more stringent rule was applied to all who were directly concerned in the collection of taxes, the classes enumerated in §§ 40, 144 of the present speech: these, as the senate-house was the place where their payments were made, the moment they fell into arrear might be imprisoned at the discretion of the senate (Boeckh, *P. E.* pp. 338, 340). Androtion and his colleagues in the embassy were not τελῶναι, but they held in their hands public balances for which they had not accounted, viz. the prize-money from the sale of the condemned ship: as such they came under the νόμοι τελωνικοὶ, and were liable to imprisonment until Timocrates passed his *privilegium* in their favour.

τοῖς νόμοις τοῖς τελωνικοῖς] Loosely rendered in Boeckh (*l. c.* p. 337) 'laws of the custom duties,' and in L. and S. 'the excise and custom laws': much more accurately by the English and German translators, 'the statutes which relate to the farmers of taxes,' 'den Gesetzen über die Zollpächter.' They were not *περὶ τὰ τέλη*, but *περὶ τοὺς τελῶνας*: smuggling, for instance, though punished severely and capriciously, would not come under the νόμοι τελωνικοὶ, though connivance at smuggling on the part of a τελῶνης doubtless might. One of their principal provisions was that of the senator's oath in § 144 with regard to the imprisonment of persons connected with the revenue.

§ 97. τοίνυν] Exactly our 'Well, then,' at the beginning of a sentence: a connecting particle with the slightest possible shade of inferential meaning.

προσευπορεῖσθαι] The common reading *προεπι.* rests only on inferior MSS. and is not required: 'more fully provided' yields just as good a sense as 'provided beforehand.' On *εὐπορεῖν* and its compounds cf. Sandys on *pro Phorm.* p. 962 § 57.

οὐ γὰρ ὄντων ἱκανῶν] The 'chronic deficits' of the period, especially during the Social War, have been already noticed

ἐκ τῶν τελῶν χρημάτων τῇ διοικήσει, τὰ προσκατα-
 βλήματ' ὀνομαζόμενα διὰ τὸν τοῦ νόμου τούτου
 98 φόβον καταβάλλεται. πῶς οὖν οὐχ ἅπαντ' ἀνάγκη
 καταλυθῆναι τὰ τῆς πόλεως, ὅταν αἱ μὲν τῶν τελῶν
 καταβολαὶ μὴ ἴκαναὶ ᾧσι^m τῇ διοικήσει, ἀλλ' ἐνδέη
 πολλῶν, καὶ μηδὲ ταῦτα ἀλλ' ἢ περὶ λήγοντα
 τὸν ἐνιαυτὸν ἢ λαβεῖν, τὰ δὲ προσκαταβλήματα
 τοὺς μὴ τιθέντας μὴ κυρία ἦⁿ ἢ βουλή μηδὲ τὰ
 δικαστήρια δῆσαι, ἀλλὰ καθιστῶσιν ἐγγυητὰς ἄχρι
 99 τῆς ἐνάτης πρυτανείας; τὰς δ' ὀκτὼ τί ποιήσομεν;
 εἰπέ, Τιμόκρατες· οὐ σὺνιμεν καὶ βουλευσόμεθα, ἐάν τι

^m [ᾧσι] Bens. *e. conī.*

ⁿ μηδ' Bens. *e. conī.* Voem.

(Androt. § 48 n.; above, § 79 n.): and the hungriness of the exchequer at such times showed itself in very unscrupulous proceedings. Thus, traps were laid for the resident aliens in order to bring them under the law (Boeckh, *P. E.* p. 394): steps were taken, through the courts, to transfer men from the more favoured to the less favoured categories—to convert an ὀφείλων or ὑπερήμερος into an ὀφλών (Androt. § 34 n.; above, §§ 39, 50), and then to exact forfeitures, such as those described in § 82: informations and prosecutions, which might be purely malicious, were encouraged (*Lys. c. Nicom.* § 22). This brings us to

τὰ προσκαταβλήματ' ὀνομαζόμενα] 'the so-called extra payments': doubtless a euphemism for the fines and forfeitures just noticed. It is even possible that Demosth. in his use of ὀνομαζόμενα is indulging in a little grim humour at the expense of the 'peculiar institutions' by which the state 'conveyed' the

property of individuals into the public chest. The earlier writers were perplexed by these προσκαταβλήματα, here clearly distinguished from αἱ τῶν τελῶν καταβολαὶ in the next §. Even Boeckh professes himself unable to explain why they should be called 'additional' (*l. c.* pp. 343—4). The explanation given is that of A. Schaefer (*Demosthenes*, i. 342) adopted also by Schoemann (*Antiq.* p. 451 n.) and by Mr Whiston in an excursus on the present passage.

§ 98. ἐνδέη πολλῶν] 'Scilicet ἢ διοικήσεις,' R. W. Really, of course, τῇ διοικήσει, if the subject of an impersonal verb needs to be expressed: 'when there is a large deficit, which cannot be made up till towards the close of the year, and the senate and courts are not authorised to imprison those who do not pay up the fines which have accrued'... So K. nearly.

§ 99. οὐ σὺνιμεν καὶ βουλευσόμεθα] 'Shall we cease to meet and deliberate in case of need? If so, shall we still be

δέη; εἴτ' ἔτι δημοκρατησόμεθα; οὐ δικάσει τὰ δικαστήρια τὰ τε ἴδια καὶ τὰ δημόσια; καὶ τίς ὑπάρξει τοῖς ἀδικουμένοις ἀσφάλεια; οὐκ εἴσεισιν ἢ βουλή καὶ διοικήσει τὰ ἐκ τῶν νόμων; καὶ τί λοιπὸν ἔσθ' ἡμῖν ἀλλ' ἢ καταλελύσθαι; ἀλλὰ νῆ Δί', ἀμισθὶ ταῦτα ποιήσομεν; καὶ πῶς οὐ δεινὸν, εἰ διὰ τὸν νόμον, ὃν σὺ τέθεικας μισθὸν λαβῶν, ἀμισθος ὁ δῆμος
 100 καὶ ἡ βουλή καὶ τὰ δικαστήρια ἔσται; χρῆν γὰρ τοῦτό γέ σε, ὦ Τιμόκρατες, προσγράψαι τῷ νόμῳ, ὅπερ ἐποίεις κατὰ τῶν τελωνῶν καὶ τῶν ἐγγυητῶν,^ο “καὶ εἰ κατὰ τινῶν ἐν ἄλλῳ τινὶ νόμῳ ἢ ψηφίσματι “τὰς αὐτὰς εἴρηται πράξεις ὧν ὀφείλουσιν εἶναι, ἀς “περὶ τῶν τελωνῶν, καὶ κατὰ τούτων εἶναι τὰς
 101 “πράξεις κατὰ τοὺς ὑπάρχοντας νόμους.” νῦν δὲ κύκλῳ 732 φεύγων τοὺς νόμους τοὺς τελωνικοὺς, ὅτι τὸ ψήφισμα τὸ Εὐκτῆμονος εἴρηκε πράττειν τοὺς ὀφληκότας κατὰ

^ο v. not.

living under a free government? (δημοκρατησόμεθα, cf. § 75 n., νόμος ὀλιγαρχίας διαφέρει.)

εἴσεισιν] Distinguished from σίνιμεν above: the people meeting in the Pnyx are said συνέρχεσθαι, the senate in their covered Bouleuterion εἰσέρχεσθαι.

διοικήσει τὰ ἐκ νόμων] ‘transact their constitutional business,’ K. Rather, I think, ‘administer the legal revenues’: it seems better to give a consistent sense to διοικεῖν and διοίκησις throughout these §§.

ἀμισθος ὁ δῆμος] An argument likely to be the most telling of all with the jury: cf. § 95.

§ 100. Timocrates had known better than to alarm the people by tampering with the laws relating to the farmers of taxes: had he been an honest man, he would have extended this provi-

sion to all debts which under the existing law were recovered in the same way.

κατὰ τῶν τελωνῶν] ‘against,’ ‘gegen,’ Benseler: but compare § 59 n. In § 40 the law-compiler writes περὶ throughout. The words τὰς πράξεις κατὰ τοὺς ὑπάρχοντας νόμους, as repeated after ἐγγυητῶν, as well as at the end of the sentence, are bracketed by G. H. Schaefer, expunged by all recent editors.

§ 101. κύκλῳ φεύγων] ‘carefully avoiding,’ as K.: ‘going out of his way to avoid them,’ ‘giving them a wide berth.’

τὸ ψήφισμα τὸ Εὐκτῆμονος] The decree called by the speaker γνώμη δικαιοσύνη in § 13, that the prize-money should be exacted from the trierarchs, and that a διαδικασία should decide the question of liability as be-

τούτους τοὺς νόμους, διὰ ταῦτ' οὐ προσέγραψε τούτο, ἐκ δὲ τούτου τοῦ τρόπου τὴν μὲν ὑπάρχουσαν τιμωρίαν λύσας κατὰ τῶν τὰ τῆς πόλεως ἐχόντων, ἑτέραν δ' οὐ προσγράψας^p πάντα τὰ πράγματ' ἀναιρεῖ, δήμον, ἰππέας, βουλὴν, ἱερά, ὅσια· ἀνθ' ὧν, ἄνπερ ὑμεῖς, ὦ ἄνδρες Ἀθηναῖοι, σωφρονήτε, κολασθεῖς καὶ δοὺς ἀξίαν δίκην τοῖς ἄλλοις παράδειγμα γενήσεται μὴ τιθέναι τοιούτους νόμους.

102 Οὐ τοίνυν μόνον τὰ δικαστήρια ἄκυρα ποιεῖ τῶν προστιμημάτων, ἀλλὰ καὶ τοῖς ἀδικούσι τὰ κοινὰ δίδωσιν ἄδειαν, τὰς ὑπὲρ τῆς πόλεως στρατείας λυμαίνεται, τὴν διοίκησιν καταλύει, τοῖς κακούργοις καὶ τοῖς πατραλοῖαις καὶ τοῖς ἀστρατεύοις βοη-

^p γράψας Z Bekk. Bens. cum Σ.

tween them and the ambassadors: a decree unsuccessfully impeached by the partisans of Androton, § 14.

πράττει τοὺς ὠφληκώτας] The full construction is *πράττει τινά τι*: the accus. rei is here omitted.—*τιμωρίαν*, as in § 87, 'redress against defaulters' rather than 'punishment.'

§§ 102—107. Besides the ruinous impunity accorded to public debtors, T.'s law abolishes, by parity of reasoning, the punishment of imprisonment now in force against other criminals, such as those guilty of theft, ill-treatment of parents, or neglect of military service. Unlike Solon, whose legislation improves both the living and the unborn, you put a premium on crime: for the benefit of thieves, unnatural children, and shirkers, you propose laws to our disadvantage.

§ 102. The sentence down to *καταλύει* is a brief summary of

the effects of T.'s law upon the finances (cf. argument, §§ 79—101). There is no doubt, therefore, that Dobree improves the passage by transposing *ἀλλὰ καὶ* after *καταλύει*, where the orator turns to its effect upon other classes of criminals (*ἀλλὰ καὶ τοῖς κακούργοις κ.τ.λ.*): but no editor has ventured to introduce the alteration into the text.

πατραλοῖαις] It is quite in Demosthenes' way to use the most offensive term, and to insinuate what he does not venture directly to assert, that Timocrates was tampering with the laws relating to murder and parricide. But *πατραλοῖαις* (*ἀλοάω*, to thresh corn) means indifferently one who 'strikes,' or 'slays' a parent: the German 'schlagen,' and the by-forms 'thresh, thrash,' illustrate the double meaning. Comp. Aristoph. Ran. 149 *ἢ μητέρ' ἠλόησεν, ἢ πατρός γνάθον | ἐπάταξεν, ἢ πτόρκον ὄρκον ὤμοσεν*, with vv.

θοῦντα τέθεικε τὸν νόμον. τὰς γὰρ ὑπαρχούσας ἐκ
 103 τῶν νῦν κυρίων νόμων τιμωρίας καταλύει. λεγόντων
 γὰρ τῶν νόμων οὓς ἔθηκε Σόλων, οὐδὲν ὅμοιος ὦν
 τούτῳ νομοθέτης, εἴαν τις ἀλῶ κλοπῆς καὶ μὴ τιμηθῆ
 θανάτου, προστιμᾶν αὐτῷ δεσμὸν, καὶ εἴαν τις ἀλοῦς
 τῆς κακώσεως τῶν γονέων εἰς τὴν ἀγορὰν ἐμβάλλη,
 δεδέσθαι, κἂν ἀστρατείας τις ὄφλη καὶ τι τῶν αὐτῶν

274—276 of the same play: ΔΙ. κατείδες οὖν που τοὺς πατραλοίας αὐτόθι | καὶ τοὺς ἐπιόρκους, οὓς ἔλεγεν ἡμῖν; ΞΑ. σὺ δ' οὐ; | ΔΙ. νῆ τὸν Ποσειδῶ ἴγωγε, καὶ νυνὶ γ' ὀρώ: where the last line is spoken at the audience, whom Aristophanes did not mean even in jest to accuse of anything worse than 'assault and battery.' Hence K.'s rendering 'persons who strike their fathers,' is better than Benseler's 'Vatermörder.' In common sense and fairness, T.'s decree had left these and all other laws, except those relating to public debtors, just where it found them.

§ 103. Σόλων] The same comparison occurs Androt. §§ 25, 30, below §§ 106, 113.

μη τιμηθῆ θανάτου] τιμηθῆ is of course impersonal, 'if a sentence of death be not passed.' Cf. §§ 39, 63 n., 105.

προστιμᾶν αὐτῷ δεσμὸν] On § 2 I have argued against the notion that προστιμᾶν can ever be simply = τιμᾶν: and I see no difficulty in bringing the present passage under the rule. The imprisonment was 'in addition to' the restitution, twofold or tenfold as the case might be prescribed by the law itself in § 105. There is slight MS. authority for δεσμοῦ, which Taylor wished to introduce as more usual: G. H. Schaefer

points out that both constructions are right, instancing δεσμὸν in § 114.

τῆς κακώσεως τῶν γονέων] On Atimia for this offence, § 60 n.

εἰς τὴν ἀγορὰν ἐμβάλλη] Sc. ἐαυτὸν 'intrude,' the regular phrase for an Atimos presuming to enter the Ecclesia as a citizen. Exclusion from the Agora did not imply that he was 'boycotted' in the market: cf. Androt. § 77. Above, § 60 n. Aesch. c. Timarch. § 164, τίς γὰρ οὐκ ἐρεῖ 'ἔπειτα ἐμβάλλεις εἰς τὴν ἀγορὰν ἢ στεφανοὶ ἢ πράτεις τι τῶν αὐτῶν ἡμῖν'; id. de F. L. § 148, οὐ καθαρὸς ὦν τὰς χεῖρας εἰς τὴν ἀγορὰν ἐμβάλλεις. Lycurg. c. Leocr. § 5 εἰς τὴν ἀγορὰν ἐμβάλλοντα καὶ τῶν κοινῶν ἱερῶν μετέχοντα. This intransitive use is not noticed in Reiske's Index.

κἂν ἀστρατείας τις ὄφλη] 'If a man be fined for desertion' K. but this is hardly accurate. The γραφή ἀστρατείας, for failing to join the colours on being summoned by the general, is to be distinguished from the γραφή λιποστρατίου, λιποταξίου (these, and not λιπ. are the correct forms) for desertion or leaving the ranks after having joined (*Dict. Antiq.* s. vv.). A more correct rendering will therefore be 'convicted of failing to serve.' In § 119 we have

τοῖς ἐπιτίμοις ποιῆ, καὶ τοῦτον δεδέσθαι, Τιμοκράτης ἄπασι τούτοις ἄδειαν ποιεῖ, τῇ καταστάσει τῶν
 104 ἐγγυητῶν τὸν δεσμὸν ἀφαιρῶν. ὥστ' ἔμοιγε δοκεῖ (καὶ γὰρ εἰ φορτικώτερον εἶναι τὸ ῥηθησόμενον δόξει, λέξω καὶ οὐκ ἀποτρέψομαι) κατὰ τοῦτο αὐτὸ ἄξιον αὐτὸν εἶναι θανάτῳ ζημιῶσαι, ἵν' ἐν "Αἰδου τοῖς ἀσεβέσι θῆ τούτον τὸν νόμον, ἡμᾶς δὲ τοὺς ζῶντας τοῖσδε τοῖς ὀσίοις καὶ δικαίοις ἐᾶ τὸ λοιπὸν χρῆσθαι. ἀνάγνωθι 733 δὲ καὶ τούτους τοὺς νόμους.

both expressions: τοῖς ἀστρατείοις, τοῖς λιποῦσι τὴν τάξιν. The punishment for ἀστρατεία appears to have been ἀτιμία only, of a very stringent character especially as regards exclusion from sacred rites, but without a fine. In the passage of Andoc. de Myst. § 74, already cited § 60 n., ἀστρατεία is joined with κάκωσις γονέων as coming under the same rule of Atimia. For the ceremonial exclusion compare the preceding note on εἰς τὴν ἀγορὰν ἐμβάλλειν, and add Aeschin. Ctes. § 176 ὁ μὲν τοίνον νομοθέτης τὸν ἀστράτευτον καὶ τὸν λιπόντα τὴν τάξιν ἔξω τῶν περιρραντηρίων τῆς ἀγορᾶς ἐξείργει. The two speeches of Lysias against the younger Alcibiades are entitled λιποταξίου and ἀστρατείας respectively: and the law of military offences is discussed with reference to these by Prof. Jebb, *Att. Or.* i. 256 ff. καὶ τι τῶν αὐτῶν τοῖς ἐπιτίμοις ποιῆ] Cf. Aeschin. Timarch. § 164, cited in the last note but one. The Atimos, trespassing upon the preserves of the full citizens, laid himself open to

ἐνδειξις (above § 50) and might even be punished capitally (Androt. § 48 n.).

τῇ καταστάσει τῶν ἐγγυητῶν] 'by the putting in of bail.' Hitherto we have had only the verb καθιστάναι.

§ 104. φορτικώτερον] Demosth. might well apologise for 'vulgarity' here, as he does de Pace p. 57 § 4 οὕτως ἠγοῦμαι φορτικὸν καὶ ἐπαχθὲς ὥστε ἀνάγκην οἶσαν ὀρῶν ὅμως ἀποκρῶ. Mr Whiston in a note on the latter passage suggests that φορτικός in this sense 'originally meant and expressed the characteristics of porters and low fellows employed in carrying burdens.' But in that case the termination -ικός, expressive of aptitude, must have been attached to a verbal root. In reality what is coarse and vulgar is φορτικὸν καὶ ἐπαχθὲς, apt to be a burden and a nuisance to more refined natures.

οὐκ ἀποτρέψομαι] § 1 n. The variant ἀποκρύψομαι has here scarcely any support from the MSS.

ΝΟΜΟΙ ΚΛΟΠΗΣ, ΚΑΚΩΣΕΩΣ ΓΟΝΕΩΝ,
ΑΣΤΡΑΤΕΙΑΣ.

105 [Ὅτι ἂν τις ἀπολέσῃ, εἰάν μὲν αὐτὸ λάβῃ, τὴν διπλασίαν καταδικάζειν, εἰάν δὲ μὴ, τὴν δεκαπλασίαν

§ 105. ΝΟΜΟΙ] The authority of these 'laws' does not as a whole stand higher than that of other similar documents already considered: though they contain some genuine phrases not derived from the context. One thing is clear, that they could never have stood together as portions of a single law: such subjects as *κάρκωσις γονέων* and *ἀστρατεία* could not have been introduced parenthetically in the midst of the *νόμοι κλοπῆς*. Benseler further points out that *δεκαπλάσιον* is 'unheard-of', and contradicted by § 114, where the twofold restitution is alone mentioned (see further in the note below): it must be a mistake of the compiler, who was thinking of the tenfold penalty in cases of sacrilege (cf. § 83). Besides this, *προστιμᾶσθαι τὸν βουλόμενον*, 'any one may propose the additional penalty', is a very confused mode of expression in the text of a law: and *ἠλωκῶς* first means 'arrested' (*ertappt*) and then is followed by *εἰάν δ' ἀλωῖ*, 'if he be found guilty.' I do not follow Benseler in his objections to *πρὸς τοῖς ἐπαιτίοις* and *ὁ βουλόμενος οἷς ἕξεστιν*: but the above are surely enough to determine the character of the document.

λάβῃ] Here equivalent to *ἀπολάβῃ*, 'recover': a sense of the word for which there does not seem to be any classical authority.

τὴν διπλασίαν καταδικάζειν] sc. *τοῦ κλέπτου*, 'the court shall sentence the thief to pay the double value': but this highly condensed expression is much more like the abstract of a law than the law itself. On the infinitive in enacting clauses, above § 20 n.

τὴν δεκαπλασίαν] Heraldus the old commentator on Petit's *Leges Atticae* saw the absurdity of this, and proposed *διπλασίαν*: it is only surprising that modern scholars like Meier, Platner, and Schoemann should have failed to see it. H. Schelling *de Solonis legibus*, followed by Dindorf and Whiston, gives the reasons for the change. (1) There is no due proportion between the twofold restitution when the thing stolen was recovered, and the tenfold, in addition to other punishment (*πρὸς τοῖς ἐπαιτίοις*) when it was not. (2) Aulus Gellius (ix. 18) observes: 'Solon sua lege in fures non (ut antea Dracon) mortis, sed dupli poena vindicandum existimavit.' (3) It is implicitly contradicted by the orator himself in § 114. Mr Whiston further shows that the Roman law was in general contented with a twofold penalty: and so, it may be added, was the Hebrew (Exod. xxii. 1—9, with some exceptions as in *v.* 1). The matter is simple enough when it is once admitted that we are not correcting the text

πρὸς τοῖς ἐπαιτίοις. δεδέσθαι δ' ἐν τῇ ποδοκάκκη τὸν πόδα πένθ' ἡμέρας καὶ νύκτας ἴσας, εἰὰν προστιμήσῃ ἢ ἡλιαία. προστιμᾶσθαι δὲ τὸν βουλόμενον, ὅταν περὶ τοῦ τιμήματος ᾖ. εἰὰν δὲ τις ἀπαχθῇ τῶν γονέων κακώσεως ἡλωκῶς ἢ ἀστρατείας, ἢ^α προειρη-

^α ἢ om. Z cum F.

of our author, but the mistake of a grammarian, and that the origin of his mistake is clear, viz. a confusion with the case of sacrilege in § 82.

πρὸς τοῖς ἐπαιτίοις] τὰ μέντοι προστιμήματα Σόλων ἐπαίτια καλεῖ Pollux VIII. 22. ἔστι μὲν τινα ἐν τοῖς νόμοις ὠρισμένα κατὰ τῶν ἀδικούντων, ὡσπερ ἡ ἐπιβελία παρ' Ἰσάλῃ ἐν τῷ κατὰ Διοκλέους· ἔστι δὲ καὶ ἄλλα ἃ προστιμᾶται τὸ δικαστήριον, ὡς δεικνυσι Δημοσθένης ἐν τῷ κατὰ Τιμοκράτους Harpocrat. s.v. Cf. note on τῶν προστιμημάτων § 2.

δεδέσθαι δ' ἐν τῇ ποδοκάκκη τὸν πόδα] The law-compiler is here at one with the orator (§ 114) as to the fact that the προστίμημα in cases of theft was limited to five days' imprisonment, involving the shame of public exposure (ὅπως ὀρῶεν ἅπαντες αὐτὸν δεδεμένον), while the infliction of it was left to the discretion of the court (τιμῆσαι δ' ἐξεῖναι τῷ δικαστηρίῳ). But instead of δεσμὸν he has the expression in the text, which he got from a genuine law of Solon preserved by Lys. c. Theomn. § 16. In this curious passage Lysias explains: ἢ δὲ ποδοκάκκη ταυτό [surely it should be ταυτόν] ἔστιν, ὃ Θεόμνηστε, ὃ νῦν καλεῖται ἐν τῷ εὐλύφῃ δεδέσθαι: and gives as further examples of archaic words in the old laws, ἐπιπορκεῖν in the sense of ὀμνύναι, δρασκάζειν = ἀποδιδράσκειν, ἀπίλλειν = ἀποκλείειν, ἀρ-

γύριον στάσιμον for money bearing interest, πεφασμένως = φανερώς, πολεῖσθαι = βαδίζειν, ολκεῖς = θεράπων, πολλὰ δὲ τοιαῦτα καὶ ἄλλα ἔστιν, he adds. The Scholiast here discusses two etymologies for ποδοκάκκη: ἤτοι παρεμβεβλημένου τοῦ ἐτέρου κ̄ ποδῶν τις κάκωσις οὔσα, ἢ κατὰ συγκοπήν, ὡς Δίδυμος, οἶον ποδοκατόχη. The former is favoured by L. and S.: the latter is most probably right.

ὅταν περὶ τοῦ τιμήματος ᾖ] 'when the question of a penal sentence is before the court.'

εἰὰν δὲ τις ἀπαχθῇ] So far as the writer understood what he was saying, he was evidently thinking of the ἀπαγωγή in its technical sense of summary arrest (Androt. § 26 n.). But in fact the different stages of the process are hopelessly confused: ἡλωκῶς 'arrested' might perhaps be justified by Androt. § 53 τὸ σῶμα ἀλοῦς εἰς τὸ δεσμοτήριον ἔλκεσθαι, if it were not followed by εἰὰν δ' ἄλῳ in the more usual sense.

ἢ προειρημένον] 'or for entering where he has no business to enter after notice of exclusion from legal privileges,' i.e. especially from the Agora and from sacred rites, § 103 n.—τῶν νόμων should of course be τῶν νομίμων, as Salmasius and others after him have pointed out: but it is not necessary to correct this grammarian's Greek.

μένον αὐτῷ τῶν νόμων εἶργεσθαι εἰσιὼν ὅποι μὴ χρῆ, δησάντων αὐτὸν οἱ ἔνδεκα καὶ εἰσαγόντων εἰς τὴν ἡλιαίαν, κατηγορεῖτω δὲ ὁ βουλόμενος οἷς ἔξεστιν. εἰάν δ' ἀλφ, τιμάτω ἢ ἡλιαία ὅ τι χρῆ παθεῖν αὐτὸν ἢ ἀποτίσαι. εἰάν δ' ἀργυρίου τιμηθῆ, δεδέσθω ἕως ἂν ἐκτίσῃ.]

106 "Ομοίός γε, οὐ γάρ[†]; ὧ ἄνδρες Ἀθηναῖοι, Σόλων νομοθέτης καὶ Τιμοκράτης. ὁ μὲν γε καὶ τοὺς ὄντας βελτίους ποιεῖ καὶ τοὺς μέλλοντας ἔσεσθαι· ὁ δὲ καὶ τοῖς γεγεννημένοις πονηροῖς, ὅπως μὴ δώσουσι δίκην, ὁδὸν δείκνυσι, καὶ τοῖς οὖσιν ὅπως ἄδεια γενήσεται κακουργεῖν εὕρισκει, καὶ τοῖς μέλλουσιν ἔσεσθαι, τοὺς ἐξ ἀπάντων τῶν χρόνων πονηροὺς, ὅπως ἔσονται σῶ

[†] οὐ γάρ; *om.* Z Bekk. Bens. v. *not.*

εἰσαγόντων] § 10 n.—ὁ βουλό-
μενος οἷς ἔξεστιν] § 18 n.

παθεῖν ἢ ἀποτίσαι] § 63 n.

εἰάν δ' ἀργυρίου τιμηθῆ] §§ 39,
63 n., 103.

§ 106. "Ομοίός γε, οὐ γάρ;]
See various readings. The insertion of οὐ γάρ rests on a marginal note in Σ (λείπει οὐ γάρ); on Aristides ix. p. 359 ed. Walz: and on a parallel passage in Androt. § 73. For the comparison with Solon, § 103 n.

τοῖς γεγεννημένοις...τοῖς οὖσιν...
τοῖς μέλλουσιν] Past, present, and future criminals are all brought in to swell the indictment against the obnoxious law.

σῶ] Dindorf alone corrects thus for the σῶοι of MSS. and editions; and he is undoubtedly right. The Attics wrote this word consistently as a monosyllable: and though the tendency of copyists was, as usual, to obliterate such forms in fa-

vour of the common Greek σῶος, they have occasionally survived in the best MSS. (cf. Cobet, *Nov. Lect.* p. 418). Thus in Plat. Critias 111 c editors now read, after Bekker, σᾶ for σῶα from one good MS. Dindorf has restored σᾶ in de Cor. Triararch. p. 1231 § 10, but has left σῶα in c. Everg. et Mnesib. p. 1145 § 20: perhaps on the ground that the latter speech is not by Demosthenes. There does not appear to be another example of the nom. plur in the orators: but the acc. plur. σῶς for σῶους is preserved in several passages, e.g. de Pace p. 61 § 17, de Cherson. p. 93 § 16, de F. L. p. 364 § 75 (=84 Shilleto, who makes no remark. In the two former of these passages it is inadvertently described in L. and S. as nom. plur.). Σῶν as neuter sing. = σῶον is found in nearly all MSS. c. Lept. p. 500 § 142, and as accus. fem. = σῶαν

107 καὶ μηδὲν πείσονται, παρασκευάζων. καίτοι τίν' ἂν ἀξίαν δόξης δίκην ἢ τί σὺ παθὼν ἂν τὰ προσήκουτ' εἴης πεπονθῶς, ὅς, τὰ μὲν ἄλλα ἐῶ, ἀλλὰ τοὺς τῷ γῆρα βοηθοὺς λυμαίνει, οἳ καὶ ζῶντας ἀναγκάζουσι τοὺς παῖδας τοὺς γονέας τρέφειν, καὶ ἐπειδὰν ἀποθάνωσιν, ὅπως τῶν νομιζομένων τύχωσι, παρασκευάζουσιν; ἢ πῶς οὐ κάκιστος ἀπάντων ἀνθρώπων δικαίως 734 ἂν νομίζοιο, ὅστις, ὃ κατάρατε, περὶ πλείονος φαίνει τοὺς κλέπτας καὶ τοὺς κακούργους καὶ τοὺς ἀστρατεύτους τῆς πατρίδος ποιούμενος, καὶ διὰ τούτους καθ' ἡμῶν νόμον τίθησ^α;

108 Βούλομαι τοίνυν ὑμῖν, ἃ ὑπεσχόμην ἐν ἀρχῇ τοῦ λόγου, ἀπολογίσασθαι πεπονηκότα ἑμαυτόν. ἔφην γὰρ αὐτὸν ἐξελέγξειν κατὰ πάντα ἔνοχον ὄντα τῇ γραφῇ, πρῶτον μὲν παρὰ τοὺς νόμους νομοθετοῦντα, δεύτερον δὲ ὑπεναντία τοῖς οὖσι νόμοις γεγραφότα,

^a τιθείς Cobet N. L. p. 699.

in a respectable minority c. Mid. p. 572 § 177. The monosyllabic forms are well attested in Attic verse, where the metre has often preserved them from corruption: σῶς Soph. Oed. Col. 1210, Eur. Cycl. 294 (in the latter passage feminine): σᾶ neut. plur. id. fr. 762 Dind., σῶν Aristoph. Lysistr. 488.

§ 107. τοὺς τῷ γῆρα βοηθοὺς] Of course νόμους is meant, but it is not necessary to insert the word either before or after λυμαίνει, as has been proposed.

ὅπως τύχωσι] In the last § we had ὅπως three times followed by a future: but no one proposes here to read ὅπως τεύξονται. The rule is, I believe, correctly stated on Plat. Protag. 313 c, that ὅπως should not be joined to an aorist 'of the same

form as the future.'

§§ 108, 109. A short recapitulation of the points already proved against the law of Timocrates: he did not comply with the rules which forbid hasty legislation (§§ 24—27), nor begin by repealing contradictory laws (§§ 32—38). As to the bad consequences of the law, the speaker need not remind his hearers of what he has only just done saying.

§ 108. ἀπολογίσασθαι] This reading for ἀπολογήσασθαι rests only on one corrected MS., but is well supported by grammarians and required by the sense: 'to recapitulate.' *Anecd. Bekk.* p. 430, 15. 'Απολογίσασθαι—τὸ ἐπεξελεθεῖν ἔκαστα. Zonaras p. 266 gives the same gloss, and adds: οὕτω Δημοσθένους.

τρίτον δὲ τοιαῦτα δι' ὧν βλάπτει τὴν πόλιν. οὐκοῦν ἠκούσατε τῶν νόμων, ἃ κελεύουσι ποιεῖν τὸν τιθέντα νόμον καινόν· καὶ πάλιν ὑμᾶς ἐδίδαξα ὅτι τούτων
 109 οὐδ' ὅτιοῦν ἐποίησεν οὗτος. καὶ μὴν κακείνων ἠκούετε τῶν νόμων οἷς ἐναντίος ὧν ἐφαίνεθ' ὁ τούτου· καὶ τούτους ὅτι πρὶν λῦσαι τόνδε τέθεικεν ἐπίστασθε. ἀλλὰ μὴν ὅτι γ' οὐκ ἐπιτήδειος, ἀκηκόατε· ἄρτι γὰρ λέγων ἐπαυσάμην. οὐκοῦν κατὰ πάντ' ἀδικεῖ φανερώς, καὶ οὐδὲν ἔσθ' ὅ τι φροντίσας οὐδ' εὐλαβηθεὶς φαίνεται, ἀλλ' ἔμοιγε δοκεῖ, κἂν εἰ πρὸς τούτοις ἄλλο τι μὴ ποιεῖν ἐγγέγραπτο ἐν τοῖς οὖσι νόμοις, κἂν τοῦτο ποιῆσαι.

110 Πανταχόθεν μὲν τοίνυν δῆλός ἐσθ' ὅτι ταῦτ' ἔγραψεν ἐπιβουλεύσας, καὶ[†] μετὰ τοῦ βουλεύσασθαι

[†] καὶ om. Bens. cum ΣΦΥΩ r.

τοιαῦτα] Like *ὑπεναντία*, is governed by *γεγραφότα*.

ἃ κελεύουσι] 'what they require a man proposing a new law to do.' K.

§ 109. οὐκοῦν κατὰ πάντ'] 'In every way therefore it is plain that he has done wrong, in everything has he been reckless and unscrupulous.' So K.: we may translate the last clause more literally, 'he has clearly shown no care or caution.'

κἂν εἰ πρὸς τούτοις] 'Even if (καὶ εἰ) there had been a further prohibition in the existing laws against doing anything else, he would have done this also (καὶ τοῦτο ποιῆσαι ἂν)': for the mere pleasure of breaking the law it would seem. The first ἂν serves merely to prepare the mind for the conditional character of the sentence, and like the second is referred to ποιῆσαι. See Jelf, §§ 430, 432, and a note on

Plat. Protag. 311 b.

§ 110. On the question of interpolation in this part of the Speech, see the Introduction.

§§ 110—121. *Timocrates, who had not hitherto, when himself a tax-gatherer, shown any compassion for the burdens of the poor, has now suddenly come out as a humanitarian and philanthropist: only he selects the least deserving as the objects of his sympathy.*

§ 110. *The law is all of a piece, and never once right by accident: everything is of malice prepense, nothing through error of judgment.*

ἐπιβουλεύσας ... βουλεύσασθαι] The compound expresses the sinister intent (ἐπί τινι against or to the injury of some one): the simple verb the deliberateness of the act, opp. to γνώμης διαμαρτών. The repetition of ἐπιβουλ. and βουλ. inelegant at

ταυτ' ἀδικεῖν καὶ οὐ γνώμη διαμαρτῶν, μάλιστα δ' ἐκ τοῦ πάντα τὸν νόμον μέχρι τῆς ὑστάτης συλλαβῆς τοιοῦτον εἶναι· οὐδὲ γὰρ οὐδ' ἄκων οὐδὲν ἔθηκεν ὀρθῶς ἔχον, οὐδ' ὡς ὑμῖν ἔμελλε λυσιτελήσειν. πῶς οὖν οὐκ εἰκὸς μισεῖν καὶ τιμωρεῖσθαι τοῦτον ὅστις τοῦ μὲν δήμου ἠδίκημένου ἠμέλησεν, ὑπὲρ δὲ τῶν ἠδικηκότων καὶ ὕστερον ἀδικησόντων τοὺς νόμους ἔθηκεν; θαυμάζω δ', ὧ ἄνδρες δικασταὶ, τῆς ἀναιδείας αὐτοῦ τὸ, ἠνίκα μὲν ἦρχεν αὐτὸς μετ' Ἀνδροτίωνος, τὸν ἔλεον τοῦτον ἐπὶ τῷ πλήθει τῷ ὑμετέρῳ μὴ ποιή- 735

† ἀδικεῖν Bens. cum ΣF et corr. v.

best becomes absolutely insufferable if the two verbs are to be put in the same clause; but Benseler 'auf allen Vieren' before Σ has printed ἐπιβουλεύσας μετὰ τοῦ βουλεύσασθαι ταυτ' ἀδικεῖν.

οὐδὲ γὰρ—ἔχον] 'for not even unwittingly (rather than unwillingly) did he insert any right provision' (into this law, as the aor. ἔθηκε shows: not of the whole course of his career as a legislator).

δήμου ἠδίκημένου] The 'wrongs of the people' probably include both oppression of the poor and frauds on the public treasury.

καὶ ὕστερον ἀδικησόντων] 'past and future criminals' 'früherer und künftiger verbrecher,' Benseler. This is also R. W.'s rendering, and it is more in accordance with § 106 than K.'s 'who had already done wrong and intend to do it again.'

§ 111. Contrast of his former and present conduct.

θαυμάζω δ'] The common phrase θαυμάζειν τι τινός (Jelf Synt. § 495, Madvig, Synt. § 61 b) is here refined upon: the

construction is θαυμάζω τῆς ἀναιδείας (αὐτοῦ) τὸ μὴ ποιήσασθαι (ἔλεον), θεῖναι δὲ (τὸν νόμον). 'The point about his impudence that most astonishes me is this, that though when he was himself the colleague of Androtion he'... 'yet when'...

ἠνίκα μὲν ἦρχεν αὐτὸς] The office is that of ἐκλογεὺς, from which Androtion had ousted Euctemon and taken his place, Androt. § 48, where see the notes.

τὸν ἔλεον τοῦτον—μὴ ποιήσασθαι] 'he did not feel this compassion for the mass of you citizens.' I am not aware of another instance of ἔλεον ποιέσθαι=ἐλεεῖν, but the case comes under the rule broadly stated by Shilleto (on F. L. p. 370 § 103 ὁργῆν ποιέσθαι), that 'any verb in Greek may be resolved into the cognate substantive with ποιέσθαι.' In Mid. p. 582 § 212 παρ' αὐτῶν τὰς χάριτας ποιῶνται is something more than a mere periphrasis for χαρίζονται: it means rather 'that they may make their presents at their own expense, when they think proper

σασθαι, τῷ ἀπειρηκότι τὰ ἑαυτοῦ χρήματ' εἰσφέρου-
 τι, ἐπειδὴ δ' Ἀνδροτίωνα ἔδει ἅ πάλαι ὑφῆρητο τῆς
 πόλεως χρήματα καταθεῖναι, τὰ μὲν ἱερά, τὰ δ' ὕσια,
 τότε θεῖναι τὸν νόμον ἐπ' ἀποστερήσει τῶν μὲν ὁσίων
 τῆς διπλασίας, τῶν ἱερῶν δὲ τῆς δεκαπλασίας. καὶ
 οὕτω πρὸς τὸ πλῆθος τὸ ὑμέτερον προσενήνεκται
 ὁ αὐτίκα μάλα ὑπὲρ τοῦ δήμου φήσων τὸν νόμον
 112 τοῦτον θεῖναι. δικαίως δ' ἂν ἐμοὶ δοκεῖ παθεῖν
 ὀτιοῦν, ἕστις οἶεται δεῖν, εἰ μὲν τις ἀγορανόμος ἢ

to make them.' Cf. Androt. § 45 n. on παρ' ἑαυτοῦ. There is plausibility in Sauppe's conjecture τούτω applying to the two men: Σ τούτωι, F τοῦτων.

τῷ ἀπειρηκότι—εἰσφέρουσι] 'exhausted with contributing its own monies,' as R. W. The participle is rather unusual for τῷ εἰσφέρειν: cf. Bremi on Aeschin. Ctes. § 10.

ἐπειδὴ δ' Ἀνδροτίωνα] 'yet when A. had to pay the sums which he had long ago filched from the state...he (T.) proposed his law with the object of defrauding you' &c.

τῶν μὲν ὁσίων...τῶν ἱερῶν δέ] Here we have doubtless (and more clearly put than in § 83) the real provisions of the Athenian law of forfeitures, which we have seen confused by the law-compiler in § 105. G. H. Schaefer calls attention to the varied order of μὲν and δέ.

προσενήνεκται] The phrase προσφέρεσθαι πρὸς τινα 'to behave towards a person' is common enough in Attic prose (cf. Paley and Sandys on Boeot. de Dot. p. 1020 § 40): the perf. pass. in this sense is rare, and perhaps unexampled. We have, however, in i. Aphob. p. 814

§ 4 μητέρα πεντήκοντα μνᾶς εἰς τὸν οἶκον εἰσηνεγεμένην.

αὐτίκα μάλα] αὐτίκα δὴ μάλα Fv. cf. Androt. § 65 n.

§ 112. Cruel inconsistency of T.'s treatment of poor and rich defaulters.

ἀγορανόμος] On these 'clerks of the market' see *Dict. Antiq.* s. v. Agoranomi. Caillemer in Daremberg and Saglio s. v. gives the same facts, with the addition of a list of states proved by inscriptions lately discovered to have had public officers with the same name. That they were a κληρωτὴ ἀρχὴ rests on the present passage and is highly probable in itself: but the generally accepted statement that they carried whips, though with the proviso that their power of summary chastisement was limited to foreigners and slaves, seems to me improbable, as unlike what we know of Athenian police regulations. The Scholiast indeed on Aristoph. Ach. 724 says τὸ γὰρ παλαιὸν φραγγέλαις ἔτυπτον οἱ λογισταὶ τοὺς τῆς ἀγορᾶς, having previously explained ἀγορανόμους as οὓς νῦν λογιστὰς καλοῦμεν. But he probably took his author's fun too literally; Dicaeopolis in the play says

ἀστυνόμος ἢ δικαστῆς κατὰ δήμους γενόμενος κλοπῆς ἐν ταῖς εὐθύναις ἤλωκεν^x, ἄνθρωπος πένης καὶ ἰδιώτης

^x ἐάλωκεν omnes praeter Dindorfium. v. not. § 77.

that in his model market the poor Megarians and the foreigners are to have free trade with him, not with Lamachus and the war-party, and three whips are to be ἀγορανόμοι and keep off συκοφάνται and ‘birds of a like feather’ (φασιανολί). A Byzantine writer, who lived when degrading punishments were the rule, could not understand the sense of personal dignity of the old Athenians who, like modern Frenchmen, could tolerate shooting a soldier but not flogging him. Plato’s enactment of corporal punishment for cheating in the market (πληγαῖς μὲν καὶ δεσμοῖς δούλον καὶ ξένον, Laws vi. 764 b) can hardly be accepted as genuine Attic legislation in the face of the absurdly minute provisions of VIII. 849—50, and the rule of a stripe for every drachma’s worth in cases of adulteration XI. 917 D, which is simply what he would like to prescribe in order to teach his citizens honesty. Schoemann in his latest work gives full details as to the Agoranomi, but makes no mention as to the whips (*Antiq.* p. 416). Pollux x. 177 describes the κύφων as a wooden collar φ τὸν ἀνχένα ἐνθέντα ἔδει μαστιγοῦσθαι τὸν περὶ τὴν ἀγορὰν κακουροῦντα. It is impossible to believe that this punishment was inflicted on free Athenians.

We learn from Lys. Or. 22 § 16 that the ἀγορανόμοι had no control over the sale of corn, for which the σιτοφύλακες were appointed.

ἀστυνόμος] ‘overseers of the

streets,’ charged with preserving order as well as cleanliness: *Dict. Antiq.* s. v. ‘Astynomi’; Schoemann, *Antiq.* p. 416. Caillemet again gives a list of places where inscriptions bearing the name ἀστυνόμοι have been found (ap. Daremberg and Saglio, s. v.).

δικαστῆς κατὰ δήμους] These ‘district judges’ are identified with the τετταράκοντα of Demosth. c. Pantaen. p. 976 § 33, but are scarcely mentioned under either name except by the grammarians. Schoemann casts a doubt on the statement of the text that they were chosen by lot, *Antiq.* p. 473 n.: but one of his authorities, the *Lexicon Seguerianum*, contradicts itself (pp. 306. 15 and 310. 21). His giving the number as sixty is apparently a slip: the texts agree that there were originally thirty, and that they were increased to forty after the archonship of Eucleides, B. C. 403. On the other hand Schoemann has given the right explanation of the words ἀκτία καὶ τὰ τῶν βιαιῶν in Pantaen. l. c. as ‘assaults of minor importance.’ (So Teuffel in Pauly s. v. τεσσαράκοντα, ‘nichtpeinliche Injurienklagen’). Kennedy cannot be right in including ‘charges of rape,’ App. I. p. 506. It is incredible that men whose jurisdiction in small cases was limited to the value of ten drachmas (*Bagatellsachen*, Teuffel l. c.) should have tried an offence, which the Athenian law, like the English, regarded as capital. Compare *Dict. Antiq.* s. v. Hoi Tettaraconta.

καὶ πολλῶν ἄπειρος καὶ κληρωτὴν ἀρχὴν ἄρξας, τούτῳ μὲν τὴν δεκαπλασίαν εἶναι, καὶ νόμον οὐδένα τοῖς τοιούτοις ἐπικουροῦντα τίθησιν· εἰ δέ τινες πρέσβεις αἰρεθέντες ὑπὸ τοῦ δήμου, πλούσιοι ὄντες, ὑφείλοντο χρήματα πολλὰ, τὰ μὲν ἱερά, τὰ δ' ὄσια, καὶ εἶχον χρόνον πολὺν, τούτοις ὅπως μηδὲν πείσονται μῆθ' ὧν οἱ νόμοι μῆθ' ὧν τὰ ψηφίσματα προσ-
 113 τάττει, μάλ' ἀκριβῶς εὖρεν. καίτοι γ' ὁ Σόλων, ὃ ἄνδρες δικασταί, ᾧ οὐδ' ἂν αὐτὸς Τιμοκράτης φῆσαι ὅμοιος νομοθέτης εἶναι, οὐχ ὅπως ἀσφαλῶς κακουργήσουσι φαίνεται παρασκευάζων τοῖς τοιούτοις, ἀλλ' ὅπως ἢ μὴ ἀδικήσουσιν ἢ δώσουσι δίκην ἀξίαν, καὶ νόμον εἰσήνεγκεν, εἰ μὲν τις μεθ' ἡμέραν ὑπὲρ πεντή-

τὴν δεκαπλασίαν] Demosth. of course takes an extreme case, as throughout the speech he strains every point against the defendant. It is not easy to see how any one of the officers just mentioned was likely to owe money to the temples.

ὅπως μηδὲν πείσονται... μάλ' ἀκριβῶς εὖρεν] 'took great pains to provide that they should suffer none of the penalties.' Observe the change of tense—τίθησιν of his public life in general, εὖρεν of this particular decree.

§§ 113—116. *Solon's legislation contrasted with that of Timocrates.*

§ 113. ὁ Σόλων] § 103 n. The form of this trite sarcasm is here varied.

φῆσαι ὅμοιος] We should expect φήσειεν, as in Androt. § 54, if only to avoid the hiatus: but Benseler has shown that this part of the speech from § 110 exhibits much less than Demosthenes' usual care on this point,

Einl. p. 81. This need not prove that the disputed portions are not by him, but merely, as Blass holds, that they had not received his final touches and were roughly put together, when perhaps the case had ceased to interest him.

οὐχ ὅπως—τοῖς τοιούτοις] The order of course is οὐ φαίνεται παρασκευάζων τοῖς τοιούτοις ὅπως ἀσφαλῶς κακουργήσουσι, 'we do not see him (Androt. § 21 n.) providing for such persons the means of committing crime with impunity': and the idiomatic use of οὐχ ὅπως = *non modo non*, 'so far from,' is here out of place, though it has misled some editors: cf. § 153 n.

εἰ μὲν τις μεθ' ἡμέραν] On the νόμοι κλοπῆς cf. Androt. §§ 26, 27, above § 105, with the notes. The three passages furnish the substance of the article 'Klopes Dike' in *Dict. Antiq.* As usual, the orator's text is far clearer and more self-consistent than the compiled document of § 105.

κοντα δραχμὰς κλέπτοι, ἀπαγωγὴν πρὸς τοὺς ἔνδεκ' εἶναι, εἰ δέ τις νύκτωρ ὀτιοῦν κλέπτοι, τοῦτον ἐξεῖναι 736 καὶ ἀποκτεῖναι καὶ τρῶσαι διώκοντα καὶ ἀπαγαγεῖν τοῖς ἔνδεκ', εἰ βούλοιο. τῷ δ' ἀλόντι ὧν αἱ ἀπαγωγαί εἰσιν, οὐκ ἐγγυητὰς καταστήσαντι ἔκτισιν 114 εἶναι τῶν κλεμμάτων, ἀλλὰ θάνατον τὴν ζημίαν. καὶ εἴ τις γ' ἐκ Λυκείου ἢ ἐξ Ἀκαδημείας ἢ ἐκ Κυννοσάρ-

It is a curious coincidence that the 50 drachmas which mark the limit between ordinary and aggravated cases should be almost identical (in intrinsic value, not of course in purchasing power) with the 40 shillings which until recently constituted a capital felony in English law. As regards the distinction between *μεθ' ἡμέραν* and *νύκτωρ*, the Athenians had the advantage over our (still existing) hard-and-fast rule of 9 P.M. to 6 A.M. of having no clocks, and of being always able to see the natural phenomena of sunrise and sunset.

Another distinction, that between *μεθ' ἡμέραν* 'by day' and *καθ' ἡμέραν* 'daily,' might appear elementary: but in the scurrilous passage of *de Cor.* p. 270 § 129 we have, as is well known, an instance of *μεθήμερινός* 'diurnus' taking the place of *καθημερινός* 'quotidianus.'

ἀπαγαγεῖν τοῖς ἔνδεκα] A rare construction for *πρὸς τοὺς ἔνδεκα*: elsewhere we have *ἀπ. ὡς τοὺς θεσμοθέτας* c. *Aristocr.* p. 630 § 32, *εἰς τὸ δεσμοτήριον* *ib.* p. 647 § 80: or absolutely, *Androt.* § 26 *ἀπαγε* § 27 *τῆς ἀσεβείας ἀπάγειν*. The *ἀπαγωγή* here intended can hardly be any other than the summary arrest at the risk of the prosecutor, the existence of which has been maintained on *Androt.* § 26.

εἰ βούλοιο] 'at the option of the party' K. It is amusing to see the Scholiast explaining to which of the parties this option belonged.

τῷ δ' ἀλόντι] 'any one convicted of the crimes for which these arrests are allowed': the article marks off *ἀπαγωγαι* as a technical term.

οὐκ ἐγγυητὰς καταστήσαντι] Of course a sneer at *Androtion* and the others relieved by T.'s decree, as though they were on a level with common thieves. The construction is *οὐκ ἐνομοθέτησεν* or *οὐκ εἶπεν* (G. H. Schaefer): the infinitive would here require *μή*.

§ 114. *ἐκ Λυκείου*] The three great public gymnasia of Athens were all without the fortifications, but immediately adjoining them. The Lyceum lay due east of the city: the Academy to the N.W. just beyond the outer *Cerameicus*; the *Cynosarges* to the N.E. close to the foot of Mount *Lycabettus*, and a little to the N. of the Lyceum (see the map of Athens in *Dict. Geogr.* Vol. I. between pp. 272—3). As *Benseler* observes; the words *ἐκ γυμνασίων* show that the smaller or private gymnasia were protected by the same laws as the three great ones. The principle, that crime for which there are especial facilities must be repressed by severer punish-

γους ἰμάτιον ἢ ληκύθιον ἢ ἄλλο τι φαυλότατον ἢ τῶν^γ σκευῶν τι τῶν ἐκ τῶν γυμνασίων ὑφέλοιτο ἢ ἐκ τῶν λιμένων, ὑπὲρ δέκα δραχμὰς, καὶ τούτοις θάνατον ἐνομοθέτησεν εἶναι τὴν ζημίαν. εἰ δέ τις ἰδίαν δίκην κλοπῆς ἀλοίη, ὑπάρχειν μὲν αὐτῷ διπλάσιον ἀποτίσαι τὸ τιμηθὲν, προστιμῆσαι δ' ἐξεῖναι τῷ δικαστηρίῳ πρὸς τῷ ἀργυρίῳ δεσμὸν τῷ κλέπτῃ, πένθ' ἡμέρας καὶ νύκτας^z, ὅπως ὀρῶεν ἅπαντες αὐτὸν δεδεμένον. καὶ τούτων ὀλίγῳ πρότερον ἠκούσατε

^γ ἢ ἐκ τῶν Bens. cum ΣΥΩρ.

^z add ἴσας Z Bens.

ments, is not unknown to modern legislation.

[ἰμάτιον] This is ἡ τῶν λωποδυτῶν ἀπαγωγή, 'the Apagoge (in its technical sense) or summary arrest which is the well-known punishment of clothes-stealers,' of c. Conon. p. 1256 § 1, where see Sandys.

[σκευῶν] Here the 'utensils' of the gymnasia, of which the ληκύθιον or oil-cruet is taken as a sample, the 'stores' of the ports. Another familiar usage of τὰ σκεύη is for the 'properties' of the theatre, including the dresses; as in v. 12 of the Frogs, and elsewhere in Aristoph.

[ὑπὲρ δέκα δραχμὰς] This sum marks the inferior limit of *ordinary* theft, as 50 drachmas the superior: below it are the merely trifling offences of which alone, as we have seen, the κατὰ δήμους δικασταὶ could take cognisance. So English law formerly divided robbery into petty larceny, grand larceny, and felony. The best modern Edd., and K.'s translation, place a comma at λιμένων, thus connecting the clause ὑπὲρ δέκα δραχμὰς with both γυμνασίων

and λιμένων. This seems better than to punctuate at ὑφέλοιτο and make the smallest thefts from the gymnasia capital felonies. Property in exposed situations might be thought sufficiently protected, if stealing it to the amount of 'ordinary' thefts were punished as 'aggravated' theft.

[ἰδίαν δίκην] The safe remedy for the poor man, who could not afford 1000 drachmas in case of failure, in Androt. § 27: δικάζου κλοπῆς πρὸς διαιτητὴν, καὶ οὐ κινδυνεύσεις.

[ὑπάρχειν μὲν αὐτῷ] 'he should be required': depending, like εἶναι preceding, upon ἐνομοθέτησεν.

[προστιμῆσαι...πρὸς τῷ ἀργυρίῳ] A good instance of the proper and, as has been contended, the only meaning of προστιμᾶν, 'to impose an additional penalty': cf. §§ 2, 103. The latter passage will also illustrate δεσμὸν, for the more usual δεσμοῦ.

[πένθ' ἡμέρας καὶ νύκτας] See the various readings. In § 105 the MSS. and Edd. give νύκτας ἴσας without variation.

[ὅπως ὀρῶεν...δεδεμένον] = δεδεσθαι ἐν τῇ ποδοκάκῃ τὸν πόδα,

- 115 τῶν νόμων. ᾧετο γὰρ δεῖν τὸν γε τὰ αἰσχροῦ ἔργα^a
 ἐργαζόμενον μὴ ἂν ὑφείλετο μόνον ἀποδόντα ἀπηλ-
 λάχθαι (πολλοὶ γὰρ ἂν αὐτῷ ἐδόκουν οὕτω γ' οἱ
 κλέπται ἔσεσθαι, εἰ μέλλοιεν λαθόντες μὲν ἔξειν, μὴ
 λαθόντες δ' αὐτὰ μόνον καταθήσειν ἂν ὑφείλοντο^b),
 ἀλλὰ ταῦτα μὲν διπλάσια καταθεῖναι, δεθέντα δὲ
 πρὸς τούτῳ τῷ τιμήματι ἐν αἰσχύνη ἤδη ζῆν τὸν
 ἄλλον βίον. ἀλλ' οὐ Τιμοκράτης, ἀλλ' ὅπως ἀπλᾶ
 μὲν, ἂν δεῖ διπλάσια, καταθήσουσι παρεσκεύασε, μηδ'
 116 ὅτιοῦν δ' ἐπιτίμιον ἔσται πρὸς τούτοις. καὶ οὐκ ἀπέ-
 χρησεν ὑπὲρ τῶν μελλόντων αὐτῷ ταῦτ' ἀδικεῖν,
 ἀλλὰ καὶ εἴ τις ἄρ' ἠδίκηκώς^c κεκολασμένος ἦν, καὶ
 τοῦτον ἀφήκεν. καίτοι ἔγωγ' ᾧμην δεῖν τὸν νομοθε- 737
 τοῦντα περὶ τῶν μελλόντων ἔσεσθαι, οἷα δεῖ γίγνε-

^a ἔργα om. Bekk. *Ilud* ΣΤΩρ.

^b ἂν ὑφείλοντο om. Z Bekk. Bens. cum ΣΤΩ.

^c add καὶ Z Bekk. Bens. cum *libris plerisque omnibus*.

§ 105. Otherwise δεδέσθαι would of course simply mean 'to be put in prison.'

§ 115. τὰ αἰσχροῦ ἔργα] ἔργα before ἐργαζόμενον might with equal probability be omitted, if genuine, or inserted, if absent. In such a case the authority of Σ., supported by other good MSS., goes a long way; and the δεινότης of the passage, most will think, is improved by the addition.

ἀπηλλάχθαι] cf. λελύσθαι, § 60 n.: ἀπαλλάξεται (or ἀπηλλάξεται?) § 85 n.

πολλοὶ.....οἱ κλέπται] 'the thieves, he thought, would in that case (οὕτω) be numerous enough': preserving the force of the article in translation. As ἂν is never joined to a future infinitive, the construction is ἐδόκουν ἂν, treating the sup-

posed case as non-existent: cf. Jelf, *Synt.* § 424. 1. Madvig *Synt.* § 117.

εἰ μέλλοιεν...ὑφείλοντο] 'if they could keep their plunder when not found out, and being found out had only to refund it.' So K. very nearly.

ἐπιτίμιον]=ἐπαίτιον § 105, or the more usual προστίμημα.

§ 116. αὐτῷ] goes with ἀπέχρησεν, ταῦτα with ἀδικεῖν, 'he was not contented with acting thus unjustly.' Cf. § 79 ἀπέχρησεν αὐτῷ.

κεκολασμένος ἦν] Not 'had been punished (and was free),' but 'had been sentenced (and was now undergoing punishment).'

ᾧμην] 'I used to think,' i.e. as K. 'I always imagined'; not simply 'I thought' (aor.).

οἷα δεῖ] 'what men's actions

σθαι καὶ ὡς ἕκαστα ἔχειν, καὶ τὰς τιμωρίας ὅποίας
 τινὰς ἐφ' ἑκάστοις δεῖ τοῖς ἀδικήμασιν εἶναι, περὶ
 τούτων νομοθετεῖν. τοῦτο γὰρ ἐστὶ τὸ ἐφ' ἅπασιν
 τοῖς πολίταις κοινὸς τοὺς νόμους τιθέναι. τὸ δὲ
 περὶ τῶν γεγυότων πραγμάτων νόμους γράφειν οὐ
 νομοθετεῖν ἐστίν, ἀλλὰ τοὺς ἀδικοῦντας σώζειν. σκο-
 117 πείτε δ', ὡς ἀληθῆ λέγω, ἐκ τωνδὶ. εἰ μὲν γὰρ
 Εὐκτῆμων ἦλω τὴν τῶν παρανόμων γραφὴν, οὐκ ἂν
 ἔθθηκε τοῦτον τὸν νόμον ὁ Τιμοκράτης, οὐδ' ἂν ἐδεῖτο
 ἢ πόλις τούτου τοῦ νόμου, ἀλλ' ἐξήρκει ἂν αὐτοῖς
 ἀπεστερηκόσι τὴν πόλιν τὰ χρήματα τῶν ἄλλων
 μὴ φροντίζειν. νῦν δ', ἐπειδὴ ἀπέφυγε, τὸ μὲν ὑμέτε-
 ρον δόγμα καὶ τὴν τοῦ δικαστηρίου ψῆφον καὶ τοὺς
 ἄλλους νόμους ἀκίρους οἶεται δεῖν εἶναι, αὐτὸν δὲ καὶ
 118 τὸν αὐτοῦ νόμον κύριον. καίτοι, ὦ Τιμόκρατες, οἱ

should be, and how everything should be regulated.' R. W. τὰς τιμωρίας ὅποίας τινὰς is more forcible as well as more elegant than ὅποίας τινὰς τὰς τιμωρίας (exquisitior verborum ordo, G. H. Schaefer): and περὶ τούτων is merely an emphatic repetition (epanalepsis) of περὶ τῶν μελλόντων ἔσεσθαι.

κοινὸς τοὺς νόμους τιθέναι] 'to enact the laws impartially': like πολλοὶ...οἱ κλέπται in the last section.

§§ 117-119. *Real motives of Timocrates: Attic law gives large discretionary powers to juries in awarding punishment: Timocrates would deprive them of these powers for the benefit of the vilest criminals.*

§ 117. εἰ μὲν γὰρ Εὐκτῆμων ἦλω] His decree is described § 13, and again referred to in § 101: the unsuccessful im-

peachment of it, § 14.

οὐδ' ἂν ἐδεῖτο] 'the state would not have wanted the law:' a smart way of saying that T. and his friends would never have found out that it was wanted: 'they would have been content, after robbing the state of its money, to let everything else alone.'

ἀπέφυγε] The subject is here Euctemon: in § 14 it was Euctemon's law (κατὰ τοὺς νόμους ἔδοξεν εἰρήσθαι καὶ ἀπέφυγε). That of οἶεται is of course Timocrates.

ὑμέτερον δόγμα] The jury are once more identified with the Ecclesia which passed Euctemon's decree (cf. §§ 11, 16): the 'verdict of the court' will include both the acquittal of Euctemon and the condemnation of Androtion and his colleagues.

μὲν ὄντες ἡμῖν κύριοι νόμοι τουτουσὶ ποιούσι κυρίους ἀπάντων, καὶ διδῶσιν αὐτοῖς ἀκούσασιν, ὅποιον ἂν τι νομίζωσι τὸ ἀδίκημα, τοιαύτη περὶ τοῦ ἡδικηκότος χρῆσθαι τῇ ὀργῇ, μέγα μεγάλη, μικρὸν μικρᾶ. ὅταν γὰρ ἢ ὁ τι χρῆ παθεῖν ἢ ἀποτίσαι, τὸ^a τιμᾶν ἐπὶ τούτοις γίνεται. σὺ τοίνυν τὸ παθεῖν ἀφαιρεῖς τὸν δεσμὸν ἀφιεῖς· καὶ ταῦτα τίσι; τοῖς κλέπταις, τοῖς ἱεροσύλοις, τοῖς πατραλοῖαις, τοῖς ἀνδροφόνοις, τοῖς ἀστρατεύτοις, τοῖς λιποῦσι τὰς τάξεις· τούτους γὰρ πάντας σῶξεις τῷ νόμῳ. καίτοι ὅστις ἐν δημοκρατίᾳ νομοθε-

^a τὸ om. Bens. cum pr. Σ.

§ 118. κύριοι νόμοι...τουτουσὶ ...κυρίους] Forcibly contrasted with αὐτὸν δὲ καὶ τὸν αὐτοῦ νόμον κύριον above. T. claims that his law and his personal will shall prevail: instead of that, it is the existing laws (ὄντες=κείμενοι) which are constitutionally in force, and they give the control of everything to the jury.

καὶ διδῶσιν ... μικρὸν μικρᾶ] 'and empower them, after hearing the case, to deal more or less rigorously with the offender according to the character (in their opinion) of his offence.' So K., and a literal rendering is hardly possible. According to the common punctuation, the construction of μέγα μεγάλη, μικρὸν μικρᾶ must be supplied from ὅποιον ἂν τι νομίζωσι τὸ ἀδίκημα, and is equivalent to ἐὰν μὲν μέγα νομίζωσι, μεγάλη (χρῆσθαι τῇ ὀργῇ) ἐὰν δὲ μικρὸν, μικρᾶ. Another pointing is favoured by Bekker and Benseler: μέγα; μεγάλη, μικρὸν; μικρᾶ. 'Is it great? then (their anger is great,)' &c. This seems to me too jerky for Demosthenes' style.

ὅταν γὰρ ἢ ὁ τι χρῆ] The reading of the best MSS.; 'for when the question is what penalty, corporal or pecuniary, is to be imposed, the assessment of it is vested in the jury.' The older reading, ὅταν γὰρ ἢ τὸ τί χρῆ... would mean 'when the expression (or formula) occurs.' παθεῖν ἢ ἀποτίσαι, §§ 63 n., 105.

§ 119. τὸ παθεῖν ἀφαιρεῖς] You take away the παθεῖν, and leave only the ἀποτίσαι, which is not enough.

τοῖς κλέπταις κ.τ.λ.] We have had this fallacy once already, § 102 ff., where see notes. I think it unlikely that Demosth. should have reiterated so bad an argument, though he may have used it once: an additional reason for suspecting interpolation in this part of the speech.

τοῖς ἀστρατεύτοις, τοῖς λιποῦσι τὰς τάξεις] On this distinction see § 103 n. The MSS. are pretty equally divided between λείπουσι and λιποῦσι: the present participle, which is also the reading of Σ, seems more suitable.

τῶν μὴθ' ὑπὲρ τῶν ἱερῶν μὴθ' ὑπὲρ τοῦ δήμου νομοθετεῖ,
 ἀλλ' ὑπὲρ ὧν εἶπον ἀρτίως, πῶς οὐ δίκαιός ἐστι τῆς
 120 ἐσχάτης τιμωρίας τυχεῖν; οὐ γὰρ δὴ ἐρεῖ γε ὡς τοὺς 738
 τοιούτους οὐ καὶ προσήκει καὶ οἱ νόμοι κελεύουσι
 ταῖς μεγίσταις τιμωρίαις ἐνόχους εἶναι, οὐδ' ὡς οὗτοι,
 ὑπὲρ ὧν εὔρηκε τὸν νόμον, οὐ καὶ κλέπται καὶ ἱερόσυ-
 λοὶ εἶσι, τὰ μὲν ἱερά, τὰς δεκάτας τῆς θεοῦ καὶ τὰς
 πεντηκοστὰς τῶν ἄλλων θεῶν, σεσυληκότες καὶ ἀντὶ
 τοῦ ἀποδοῦναι αὐτοὶ ἔχοντες, τὰ δ' ὅσια, ἃ ἐγίγνετο
 ὑμέτερα, κεκλοφότες. διαφέρει δὲ τοσοῦτον αὐτῶν
 ἢ ἱεροσυλία τῶν ἄλλων, ὅτι τὴν ἀρχὴν οὐδὲ ἀνήνεγα-

πῶς οὐ δίκαιός ἐστι] πῶς οὐχὶ
 δίκαιως ὅτι οὖν ἂν πάθους § 95
 extr. and elsewhere. Of this
 sentiment, also, we have a little
 too much in these speeches.

§§ 120, 121. *Androtion and his colleagues have committed not merely robberies but the worst of sacrilege; their madness would seem to be a judgment from the goddess herself, like the fate of those who mutilated the statue of Victory.*

§ 120. εὔρηκε τὸν νόμον] 'He has invented, devised this precious law of his.' The true reading, instead of the impossible εἴρηκε which is never found with νόμον, is preserved by Σ and another (corrected) MS. and has carried conviction to the minds of all critics.

τὰς δεκάτας] 'Minerva of the Parthenon received the tithe of the plunder, and of captures, and also of certain fines; while others were paid to the temples without any deduction, together with the tithe either of all or a large proportion of confiscated property. The tithes of Minerva are mentioned in connexion with the fiftieths of other gods,

and of the heroes of the tribes (ἐπώνυμοι); the latter were probably similar percentages, and must not be confounded with the custom duty of the fiftieth" Boeckh *P. E.* p. 328. He might have added that these δεκάται are also not to be confounded with the δεκάτη or tithe of land, or with tolls or taxes of ten per cent. like that mentioned in *Xen. Hell.* i. 2. § 22, τὴν δεκάτην ἐξέλεγον τῶν ἐκ τοῦ Πόντου πλοίων. For the tithe of the spoils of war Boeckh refers to § 129 below, ἀποστερῶν τὰς ἀπὸ τῶν ὑμετέρων πολεμίων δεκάτας: and to *Lys. c. Polystrat.* § 24 ἐληϊζόμην... ὥστε τῇ θεῷ τε τὰς δεκάτας ἐξαίρεθῆναι πλεόν ἢ τριάκοντα μνᾶς καὶ τοῖς στρατιώταις εἰς σωτηρίαν. As to another passage he appears to be mistaken: in *Andoc. de Myst.* § 133 ἀρχῶνης ἐγένετο τῆς πεντηκοστῆς τρίτον ἔτος can only refer to the two per cent. import duty. Cf. *Harpocrat. s. v. δεκατεύειν*: *Phot. s. v. ἀδεκατεύτους*: *Dict. Antiq. s. v. 'Decumae.'*

τὴν ἀρχὴν οὐδὲ ἀνήνεγκαν] 'that they never brought the

121 *καν εἰς τὴν ἀκρόπολιν, δέον αὐτούς. οἶμαι δὲ νῆ τὸν Δία τὸν Ὀλύμπιον, ὃ ἄνδρες δικασταί, οὐκ ἀπὸ ταυτομάτου τὴν ἕβριν καὶ τὴν ὑπερηφανίαν ἐπελθεῖν Ἀνδροτίωνι, ἀλλ' ὑπὸ τῆς θεοῦ ἐπιπεμφθεῖσαν, ἴν', ὡσπερ οἱ τὰ ἀκρωτήρια τῆς Νίκης περικόψαντες ἀπώλουντο αὐτοὶ ὑφ' αὐτῶν, οὕτω καὶ οὗτοι αὐτοὶ αὐτοῖς δικαζόμενοι ἀπόλουντο, καὶ τὰ χρήματα καταθεῖεν δεκαπλάσια κατὰ τοὺς νόμους ἢ δεθεῖεν.*

122 *Βούλομαι δ' ὑμῖν, ὃ μεταξὺ λέγων περὶ τούτων ἐνεθυμήθην, εἰπεῖν περὶ οὗ τέθεικε νόμου, παράδοξόν*

money into the Acropolis at all, when they were bound to do so.' Why this was worse sacrilege than taking it out of the treasury does not appear.

§ 121. ἀπὸ ταυτομάτου] 'by accident' K. 'zufällig' Benseler: opp. to ἐπιπεμφθεῖσαν, 'the result of judicial blindness.'

τὰ ἀκρωτήρια τῆς Νίκης] These men had 'mutilated' (cf. Mid. p. 562 § 147 τοὺς Ἐρμῆς περιέκοπτεν) the chryselephantine statue of Victory by cutting off the golden ornaments or 'extremities.' It seems hardly worth while to raise the question whether ἀκρωτήρια could mean 'wings' as the Scholiast explains it: the reference is, almost certainly, not to the temple of Niké Apteros, still extant in good preservation, but to the figure of Victory held in the hand of the great statue of Athena. Nothing further is known of the incident.

ἀπώλουντο αὐτοὶ ὑφ' αὐτῶν] The Scholiast in telling the story throws no light upon the meaning of this expression: he merely repeats the words. K. translates 'perished by their own hands': it is not necessary to infer suicide, and we get a

closer parallel to the case of Androtion and his associates if, with Benseler, we suppose that they quarrelled over the division of the spoil and so were brought to justice.

δικαζόμενοι] The reading of the inferior MSS. διαδικαζόμενοι would imply that they were ruined by the διαδικασία (§ 13) which determined the question of liability as between them and the trierarchs. But this would not account for the tenfold forfeiture. The text is rightly rendered by K. and Benseler: 'by litigating among themselves,' 'dass sie durch ihre eignen Prozesse stürzen möchten.'

§ 122. A pretended afterthought. *Why did Timocrates pointedly except all connected with the farming of taxes from the operation of his law?* This is a repetition of the argument of §§ 59, 60: and the real reason was, as we have seen, that the Athenians would not have stood any weakening of their hold over the τελῶναι and their sureties.

παράδοξόν τι] The well-supported variant παράλογόν (AΩ Trks and γρ. ΣF) would mean

τι, θαυμαστὸν ἤλικον. οὗτος γὰρ, ὃ ἄνδρες δικασταί, τοῖς μὲν τὰ τέλη ὠνούμενοις ἔγραψε τὰς τιμωρίας εἶναι, εἰ μὴ καταβάλοιεν τὰ χρήματα, κατὰ τοὺς νόμους τοὺς προτέρους, ἐν οἷς καὶ ὁ δεσμὸς καὶ ἡ διπλασία γέγραπται ἀνθρώποις, οἱ διὰ τὸ ζημιουῖσθαι ἐπὶ τῇ ὥνῃ ἄκοντες ἔμελλον τὴν πόλιν ἀδικήσειν· τοῖς δ' ὑφαιρουμένοις τὰ τῆς πόλεως καὶ ἱεροσυλοῦσι τὰ τῆς θεοῦ τὸν δεσμὸν ἀφείλεν. καίτοι^ο εἰ μὲν ἐλάττω τούτους ἀδικεῖν ἐκείνων νομίσαι φήσεις, ἀνάγκη μαίνεσθαι σε ὁμολογεῖν, εἰ δὲ μείζω νομίζων, ὥσπερ ἔστιν, 739 ἐκείνα τὰδικήματα τοὺς μὲν ἀφίης[†], τοὺς δὲ μὴ, οὐκ ἤδη δῆλος εἰ πεπρακὼς τὸ πρᾶγμα τούτοις;

123 "Αξιον τοίνυν καὶ τοῦτ' εἰπεῖν, ὅσον ὑμεῖς διαφέρετε, ὃ ἄνδρες δικασταί, μεγαλοφροσύνη τῶν ῥητόρων. ὑμεῖς μὲν γε τὰ ἐπὶ τῷ πλήθει νενομοθετημένα

^ο καὶ Z cum Σ (*qui tamen καίτοι in γρ*).

[†] ἀφίεις Z Bens. ἀφίεις Cobet.

precisely the same thing. The two words are joined together by the author of i. Aristog. p. 780 § 32 ἐκ δὲ τοῦ παραδόξου καὶ παραλόγου.

θαυμαστὸν ἤλικον] 'something extraordinary, wonderfully so' R. W. rightly: Lat. *mirum quantum*. As Shilleto points out de F. L. p. 368 § 87=98 ὡς θαυμάσι' ἤλικα πεισόμενοι, θαυμαστὸν is practically adverbial. Cf. ib. p. 348 § 24=27.

διὰ τὸ ζημιουῖσθαι ἐπὶ τῇ ὥνῃ] 'owing to -losses upon their biddings or contracts' as τελωῖναι. K. gives the general sense: 'by having made a bad bargain.'

τούτους...ἐκείνων...ἐκείνα τὰδικήματα] The meaning is quite clear, but the use of the pronouns rather tortuous, ἐκείνα being=τὰ τούτων, not τὰ ἐκεί-

νων. On change of pronouns referring to the same person, compare notes on Plat. Protag. 310 D, 318 C.

δῆλος εἰ πεπρακὼς] 'is it not plain that you have sold your services to them for a bribe?'

§§ 123—138. Timocrates' law is for the benefit of notoriously undeserving and worthless men. Examples of better men who have been punished, while the men who have bribed the defendant are to get off.

§ 123. Athenian law does not spare the poor who offend, however sorely tempted, much less the rich: but (§ 124) these orators show the hatred of upstarts for the class from which they sprang.

τὰ ἐπὶ τῷ πλήθει νενομοθετημένα δεινὰ] 'the severe enactments against the multitude':

δεινὰ, ἐάν τις ἢ διχόθεν μισθοφορῇ ἢ ὀφείλων τῷ δημοσίῳ ἐκκλησιάσῃ ἢ δικάσῃ ἢ ἄλλο τι ποιῇ ὧν οἱ νόμοι ἀπαγορεύουσιν, οὐ λύτετε, καὶ ταύτ' εἰδότες ὅτι διὰ πενίαν ἂν^ε ποιήσειεν ὁ τούτων τι ποιῶν, οὐδὲ νόμους τοιούτους τίθεσθ', ὅπως ἐξουσία ἔσται^h ἕξαμαρτεῖν, ἀλλὰ τούναντίον ὅπως μὴ οὔτοι δ', ὅπως οἱ τὰ αἰσχιστα καὶ τὰ δεινότατα ποιοῦντες δίκην μὴⁱ²⁴ δώσουσιν. εἶτα προπηλακίζουσιν ὑμᾶς ἰδίᾳ τοῖς λόγοις, ὡς αὐτοὶ καλοὶ κάγαθοὶ, πονηρῶν καὶ ἀχαρίστων οἰκετῶν τρόπους ἔχοντες. καὶ γὰρ ἐκείνων, ὧ ἄνδρες δικασταί, ὅσοι ἂν ἐλεύθεροι γένωνται, οὐ τῆς ἐλευθερίας χάριν ἔχουσι τοῖς δεσπότηταις, ἀλλὰ μισοῦσι μάλιστα πάντων¹ ἀνθρώπων, ὅτι συνίσασιν αὐτοῖς δουλεύσασιν. οὕτω δὴ καὶ οὔτοι οἱ ῥήτορες

^ε ἂν om. Bens. cum libris. Illud e conii. Bekk.

^h ἔσται αὐτοῖς Z. ¹ πάντων om. Z Bekk. Bens. cum Σ.

the sense of ἐπι, 'applying to' (§ 59 n.) passes imperceptibly into that of 'against.' The last corrector of Σ has ἐπι τῶν πλουσίων, manifestly against the sense; one among many examples which prove that Σ does not merely represent the best tradition of the Demosthenic text, but has often been injudiciously corrected. — διχόθεν] 'from both sides.'

ὀφείλων τῷ δημοσίῳ ἐκκλησιάσῃ] The spirit which prompted this legislation has been indicated in a note on Androt. § 48.

λύετε] 'repeal,' as § 38 and elsewhere. κωλύετε is a bad correction.

διὰ πενίαν ἂν ποιήσειεν] ἂν, which might easily have dropt out after πενίαν, was first added by Bekker. Benseler unsuccess-

fully attempts to defend the MS. reading.

§ 124. καὶ γὰρ ἐκείνων] i.e. not οἰκετῶν in general, but πονηρῶν καὶ ἀχαρίστων οἰκ. Gratitude on the part of freedmen was not only the rule, but was enforced by law through the δίκη ἀποστασίου: see *Dict. Antiq.* s. v. 'Apostasiou Diké.'

μάλιστα πάντων ἀνθρώπων] If πάντων is omitted (see various readings) μάλιστα ἀνθρώπων should be written, as μάλιστα is almost always elided. Dindorf approves the omission in his note (ed. Oxon.) but retains the common reading in his text (Teubner, 1831). He refers to Pantaen. p. 980 § 49 μσηθείης ἂν δικαιοτάτ' ἀνθρώπων. Benseler gives further references which abundantly justify the reading of Σ.

οὐκ ἀγαπῶσιν ἐκ πενήτων πλούσιοι ἀπὸ τῆς πόλεως γιγνόμενοι, ἀλλὰ καὶ προπηλακίζουσι τὸ πλῆθος, ὅτι σύνοιδεν αὐτῶν ἐκάστοις^k τὰ ἐν τῇ πενίᾳ καὶ νεότητι ἐπιτηδεύματα.

125 Ἄλλὰ νῆ Δί', αἰσχρὸν ἴσως ἦν Ἀνδροτίωνα δεθῆναι ἢ Γλαυκέτην ἢ Μελάνωπον· οὐ μὰ τὸν Δί', ὧ ἄνδρες δικασταί, ἀλλὰ πολὺ αἰσχίον¹ τὴν πόλιν ἀδικουμένην καὶ ὑβριζομένην μὴ λαβεῖν δίκην καὶ ὑπὲρ τῆς θεοῦ καὶ ὑπὲρ αὐτῆς. ἐπεὶ Ἀνδροτίωνί γε πότερα οὐ πατρῶον τὸ δεδέσθαι; ἀλλ' αὐτοὶ ἴστε πολ- 740
λὰς πεντετηρίδας ἐν τῷ δεσμοτηρίῳ διατρίψαντα τὸν

^k ἕκαστος Bens. cum ΣFv.

¹ αἰσχρὸν Bens. cum Σ.

οὐκ ἀγαπῶσιν... γιγνόμενοι] 'are not content with raising themselves' from poverty to wealth: rather than 'with having been raised' (γενόμενοι).

ἀπὸ τῆς πόλεως] 'at the expense of the state,' and so, as K. translates, 'through their political career.' ἀπὸ often expresses what people live on, or draw their supplies from: 1. Phil. p. 49 § 34 ἀπὸ τῶν ὑμετέρων ὑμῖν πολεμεί συμμάχων. Thucyd. i. 81 § 4 τὰς προσόδους ἀφαιρήσομεν ἀφ' ὧν τὸ ναυτικὸν τρέφουσι. So in the phrases ζῆν, διαζῆν ἀπὸ τινος, for which see the Lexicons: Shilleto on Argum. F. L. notices as exceptional Plato, Laws III. 679 A ἢ δὴ τὸ πλεῖστον διέζων 'quum ἀφ' ἧς in more usurpetur.' Compare Cobet, *Nov. Lect.* p. 573.

τὰ ἐν τῇ πενίᾳ—ἐπιτηδεύματα] 'how each of them used to live in his younger and humbler days' K. very neatly.

§§ 125—130. *Origin and character of Androtion, Glauketes, and Melanopus: none surely can have deserved imprisonment*

more than these men, who forsooth will be held up to us as men whom it would be monstrous to imprison.

§ 125. Ἄλλὰ νῆ Δί'] Androt. § 69 n.

πολὺ αἰσχίον] Benseler's attempt to make out a case for the reading of Σ is very forced. He says αἰσχρὸν is used substantively; but such a phrase as αἰσχρὸν καὶ δεινὸν ποιεῖν in Isocr. Panath. § 203 and Demosth. c. Aristocr. § 143 does not bring us much nearer the pretended use of πολὺ αἰσχρὸν for μέγα θνείδος.

πατρῶον τὸ δεδέσθαι] 'is not imprisonment an inheritance from his father?' The humour of the passage suggests also the ironical rendering, 'an hereditary distinction'; see the next note. For the fact, cf. Androt. §§ 56, 68.

πολλὰς πεντετηρίδας] There is surely comic exaggeration here, even when we remember that πεντετηρίς is a period of four years, not five. Nothing is more certain than that long

πατέρ' αὐτοῦ καὶ ἀποδράντα, ἀλλ' οὐκ ἀφεθέντα.

imprisonment was practically unknown to the Greeks, especially to the Athenians; they had neither the appliances in the shape of walls and bars, nor were they willing to incur the expense. Imprisonment before trial was common enough, but would not last long. After trial it was employed either (1) as a way of 'putting on the screw' to extract payment, in which it was generally successful, or (2) as a public stigma put upon disgraceful offences (§§ 105, 114), or (3) it preceded execution. In this last case, owing to the insecurity of the building (*οἴκημα*), the prisoner was chained, and was under the special custody of the Eleven. It is altogether improbable that Androtion's father had spent so much as four consecutive years within the walls of a prison.

The Scholiast saw the exaggeration of this statement, and says that Demosth. did not mean it literally (*ἀπλῶς*), but used the plural for the singular *ad invidiam* (*ἐπὶ τὸ ἐπαχθέστερον φέρων τὸν λόγον*). In the words *κατὰ πέντε ἔτη ἤγετο τὰ Παναθήναια, τότε δὲ ἐξῆν ἀφεῖσθαι τοὺς δεσμώτας διὰ τὴν πανήγυριν*, the Schol. appears to have confused two distinct things: a holiday like that at the Dionysia, when the prisoners were let out on parole during the festival (Androt. § 68), and an amnesty or kind of sabbatical year, involving their entire discharge. We have no evidence whatever that such a rule existed in connexion with the Greater Panathenaea (§ 26 n.); and even if there were, the statement that A.'s father

'spent many quinquennial periods in prison' is not explained by saying that he 'once got the benefit of a quinquennial emptying of gaols.' The fact is that a tone of banter runs through the whole passage.

The late Greek form *πενταετηρίδας* is here found only in one inferior MS. The texts of some other writers have been less fortunate than that of Demosthenes; but the true forms of the compounds of *πέντε* and of other numerals are proved against the MSS. by the incorruptible evidence of metre and inscriptions, and are insisted upon by Phrynichus. (See Lobeck, p. 412 ff. or better still Rutherford, p. 489; Cobet *Var. Lect.* p. 248.)

ἀποδράντα] In Androt. § 68 it was *ἐξορχησάμενος*, an additional comic touch: A.'s father broke his parole after the Dionysiac holiday. This custom must have rested on a well-grounded assumption that an Athenian citizen would prefer a prison to exile (for of course, if he escaped, he could not remain in the country); and is a further proof that the imprisonment was neither of long duration nor very painful while it lasted (cf. § 131). The contrast between an Athenian and an English prison (and execution) is drawn out to the disadvantage of the latter by Prof. Mahaffy, *Social Life in Greece*, p. 265 ff. Elsewhere, however, he does not disguise the fact that the avoidance of certain repulsive features of our modern practice was accompanied by a singular indifference to human life. A state which

- 126 ἀλλὰ διὰ τὰ ἐπιτηδεύματα τὰ ἐν τῇ ἡλικίᾳ; ἀλλὰ καὶ διὰ ταῦτα δεδέσθαι αὐτῷ οὐχ ἦττον προσήκει ἢ δι' ἅπερ ὑφείλετο. ἢ ὅτι εἰσῆει εἰς τὴν ἀγορὰν οὐκ ἐξὸν αὐτῷ, καὶ ἐκ ταύτης τοὺς σωφρόνως βεβιωκότας αὐτὸς ἦγεν εἰς τὸ δεσμοτήριον; ἀλλὰ Μελάνωπος δεινὸν νῆ Δί' ἐστὶν εἰ δεθῆσεσθαι νῦν ἔμελλεν' ἀλλὰ περὶ μὲν τοῦ πατρὸς αὐτοῦ οὐδὲν ἂν φλαῦρον εἴποιμι,
- 127 οὐδ' εἰ πάνυ πόλλ' ἔχω περὶ κλοπῆς λέγειν, ἀλλ' ἔστω ἐμοὶ ἐκεῖνός γε τοιοῦτος οἶον ἂν Τιμοκράτης αὐτὸν ἐγκωμιάσειεν. ἀλλ' εἰ χρηστοῦ πατρὸς ἂν

punished capitally the usurpation of the franchise by a non-voter (Androt. § 48 n.) was clearly at no loss to dispose of its 'criminal classes.'

§ 126. τὰ ἐπιτηδεύματα τὰ ἐν τῇ ἡλικίᾳ] Ironically, in reference to the charge of ἐταίρησις, Androt. §§ 21, 29, 73.—δι' ἅπερ ὑφείλετο 'because of his peculations.'

εἰσῆει εἰς τὴν ἀγορὰν οὐκ ἐξὸν αὐτῷ] As ἡταιρικῶς he was or deserved to be ἀτιμος, and therefore excluded from the ἀγορά. Cf. εἰς τὴν ἀγορὰν ἐμβάλλῃ, above § 103' n.

ἦγεν εἰς τὸ δεσμοτήριον] His acts of oppression detailed in Androt. §§ 52, 56.

Μελάνωπος] Nothing is known of him except what may be gathered from the present passage, and one additional fact recorded by Harpocration s.v. that he was the brother-in-law (κηδεστής) of the orator Diophantus. It has been thought improbable that he was the son of the well-known general in the Peloponnesian war, killed at Mantinea in 418 (Thucyd. v. 74): and Droysen (quoted by Benseler) thought that his father was to be identified with a

Laches mentioned by Lysias (adv. Simon. § 45) as general in 392, and himself a son of the more famous Laches. But Benseler argues that as Androtion, Melanopus and Glauketes were all three old men, he may after all have been the son of a man who lost his life 65 years before. The father was evidently a man of some note, and Demosth. 'will not speak a word against him, though he might say a good deal about certain thieveries.' Now the elder Laches was the son of Melanopus, of the deme Aexonae; he was recalled B.C. 426 from the command in Sicily, where he had made a 'pot of money' (σίμβλον χρημάτων Aristoph. Vesp. 241) for which he was to be prosecuted by Cleon: and he is almost certainly the Λάβης Αἰξωνεύς impeached by the κύων Κυδαθηναίεὺς (i.e. Cleon) for 'devouring the Sicilian cheese all to himself' (ib. 895 ff). The point is well brought out in *Dict. Biogr.* s.v. 'Laches'; and the received view is probably the right one.

§ 127. οἶον ἂν...ἐγκωμιάσειεν] 'For all that I have to say, let the father be as excellent a man

πονηρὸς καὶ κλέπτῃς ἦν καὶ προδοσίας γε ἄλους τρία
τάλαντα ἀπέτισε, καὶ συνέδρου γενομένου κλοπῆν
αὐτοῦ τὸ δικαστήριον κατέγνω καὶ δεκαπλάσιον ἀπέ-
τισε, καὶ παρεπρέσβεύσατο εἰς Αἴγυπτον, καὶ τοὺς
ἀδελφούς τοὺς ἑαυτοῦ ἠδίκηει, οὐ τοσοῦτῳ μᾶλλον
αὐτὸν ἔδει δεδέσθαι, εἰ χρηστοῦ πατρὸς ὦν τοιοῦτος

as Timocrates would make him out,' K. But there is further, I think, an insinuation of 'extravagant praise' or 'puffery' in ἐγκωμάσειεν, which Benseler accordingly translates 'herausstreichen,' 'puff him off.' Athenian custom allowed the merits of a parent to be urged on a trial, as it put up with the less relevant appeal of the weeping children of the accused. Such claims did not, however, count for much when the people were really exasperated. If we condemn the Athenians for the fate of the younger Pericles, one of the six generals at Arginusae, we may be reminded that Admiral Byng was himself the son of a man who had won his peerage in the same profession.

καὶ προδοσίας γε ἄλους τρία
τάλαντα ἀπέτισε] One of the passages which prove that 'treason' was not always capitally punished. In [Demosth.] c. Theocrit. extr. we read of a fine of ten talents for the same offence. The law of προδοσία was extremely elastic: *Dict. Antiq.* s.v. 'Prodosia.'

καὶ συνέδρου γενομένου] 'when he had been a member of congress;' i. e. of the congress of allies, held under the new arrangement after B.C. 377 upon more equitable principles as regards the dependent states. *Dict. Antiq.* s.v. 'Synedri.'

This is K.'s rendering of the word when it occurs below § 150: and he would have done better to translate it so here, instead of 'when he was his colleague.' It is not likely that Melanopus' frauds were tried in the same court in which they had been committed. The monies he had misapplied were clearly sacred, as is shown by the δεκαπλάσιον: and Benseler thinks that he had been one of the 'assessors' (*Beisitzer*) to the archon Basileus in a case of sacrilege, who, he declares, were also called *σύνεδροι*. He gives no proofs; and in this sense we should rather expect *πάρεδρος*. The peculations, on the other hand, may very easily have been connected with some temple, like that at Delos, belonging to the allies.

παρεπρέσβεύσατο εἰς Αἴγυπτον] 'he betrayed his duty on an embassy to Egypt.' This was not the occasion mentioned in § 12, when he was ambassador to Mausolus in Caria. In this sense *πρέσβευειν* is commonly used: while *πρέσβυεσθαι* the 'causal' middle is 'to send an embassy, cause ambassadors to go:' like *διδάσκειν, διδάσκεισθαι*. Hence the form *οἱ παραπρέσβυοντες* de F. L. p. 401 § 191=211 is more regular than that now before us. We find, however, *παραπρέσβυῆται* in Plato, *Laws* xii. 941 a.

ἦν; οἶμαι γὰρ ἔγωγ', εἴπερ τῷ ὄντι χρηστὸς ἦν Λάχης καὶ φιλόπολις, ὑπ' αὐτοῦ ἂν ἐκείνου δεθῆναι αὐτὸν τοιοῦτόν γ' ὄντα καὶ οὕτως αἰσχροῖς ὀνειδέσει περιβάλλοντ' ἐκείνον. καὶ τοῦτον μὲν δὴ ἐῶμεν,
 128 Γλαυκέτην δὲ σκεψώμεθα. οὐχ οὗτός ἐστιν ὁ πρῶτον μὲν εἰς Δεκέλειαν αὐτομολήσας, κἀκεῖθεν ὀρμώμενος καταθέων καὶ φέρων καὶ ἄγων ὑμᾶς; ἀλλὰ πάντες ἴστε ταῦτα. καὶ ὁ ἀπὸ μὲν τῶν ὑμετέρων παίδων καὶ γυναικῶν καὶ τῶν ἄλλων χρημάτων, ὅσα λάβοι, 741

ὀνειδέσει περιβάλλοντα] 'putting such a stigma' upon his father; 'involving him in such disgrace.' The phrase occurs Androt. § 35, 63.

§ 128. εἰς Δεκέλειαν αὐτομολήσας] Unlike his fellows, Glauketes is unknown to the classical dictionaries. If he was really old enough to have deserted in the Δεκελεικὸς πόλεμος (Androt. § 15 n.) of B.C. 413—404, the chronological difficulty is even greater than in the case of Melanopus, who may have been an infant at the time of his father's death in 418. According to one account, preserved by the Scholiast, he did not desert, but was taken prisoner.

κἀκεῖθεν ὀρμώμενος] 'and making it his head-quarters sallied thence to overrun and plunder you.' The phrase ἄγειν καὶ φέρειν is more commonly followed by the name of the country, not of its inhabitants; and K. is perhaps right in translating ὑμᾶς 'the country.' On the charge thus recklessly levelled A. Schaefer very sensibly remarks: 'Whether Glauketes reached the Spartan camp as a deserter or a prisoner of war, he can hardly have taken part in the hostilities against his coun-

trymen' (Demosth. i. 329, note 3).

καὶ ὁ ἀπὸ μὲν] 'and is not he the man who,' &c. In this sentence οὐχ οὗτός ἐστιν is to be repeated, as G. H. Schaefer remarks, placing a note of interrogation at δαρεικοῦς, which Dindorf approves. The first question is answered by ἀλλὰ πάντες ἴστε ταῦτα: the second by ἀλλὰ ταῦτά γ' οὕτω περιφανῆ. Other skilfully balanced antitheses are pointed out by Mr Whiston: 'with τῶν ὑμετέρων παίδων is contrasted τῶν ὑμετέρων πολεμίων: with ἐκεῖ τῷ ἀρμωστῇ, τὴν δέ γ' ἐνθάδε θεὸν, the last especially striking and invidious.' A somewhat similar passage equally well worked out has been noticed Androt. § 56 n.

τῶν ἄλλων χρημάτων] To avoid such an expression as 'your other property' following 'your children and your wives,' we might translate according to a well-known idiom 'your property as well.' This use of ἄλλος is not unfrequent in Plato, and is sometimes absolutely necessary to the sense: Gorg. 473 c τῶν πολιτῶν καὶ τῶν ἄλλων ξένων: ib. 480 d αὐτοῦ καὶ τῶν ἄλλων οἰκείων: Tim. 76 d γυναικες καὶ τᾶλλα θηρία (!). But

129 δεκάτας ἐκεῖ τῷ ἀρμοστῇ κατατιθεῖς τούτων ἀκριβῶς, τὴν δέ γ' ἐνθάδε θεὸν, πρεσβευτῆς ἀξιωθείς εἶναι ὑφ' ὑμῶν, ἀποστερῶν τὰς ἀπὸ τῶν ὑμετέρων πολεμίων δεκάτας, ἔπειτα ταμιεύσας ἐν ἀκροπόλει τὰριστεῖα τῆς πόλεως, ἃ^m ἔλαβεν ἀπὸ τῶν βαρβάρων, ὑφηρεημένος

^m ἃ om. Bens. cum Σ.

to include wives and children under χρήματα was not really strange to the Athenian mind, any more than to the Oriental. There is high primitive authority for reckoning a man's 'wife' as simply the first item in the contents of his 'house.'

ἐκεῖ τῷ ἀρμοστῇ] The hardest of the Peiraeus after the surrender of Athens; the name would not be applied to the commander of the garrison at Decelea. It thus becomes less easy to fix the exact time to which Demosthenes is referring: probably he does not fix it himself, but seizes the opportunity of bringing in the obnoxious word ἀρμοστής.

§ 129. ταμιεύσας ἐν ἀκροπόλει] 'when he was treasurer in the Acropolis:' *Dict. Antiq.* s. v. 'Tamias.' ταμιεύειν = ταμίας εἶναι naturally takes a genitive like βασιλεύειν: thus we have in *Mid.* p. 570 § 173 τῆς παράλου ταμιεύσας. L. and S. cannot be right in joining τὰριστεῖα to ταμιεύσας, as if these particular objects were under his care: he was ταμίας τῆς θεοῦ, i. e. of the Acropolis and all that it contained. There is, I believe, only one certain example in prose of ταμιεύειν with acc. = διοικεῖν, *Lys. Or.* 21 § 14 τῶν τὰ τῆς πόλεως ὑμῖν ταμιευόντων: in other passages it has been taken thus, but may (and I think ought to) be otherwise explained. These are *Lys.*

de Bonis Aristoph. § 40 ὁς ἐφύλαττεν αὐτῷ καὶ ἐταμίευσεν πάντα τὰ ἐν Κύπρῳ: *Plat. Rep.* v. 465 D τὰ δὲ...ταμιεύειν παραδόντες. In the former passage πάντα may be joined to ἐφύλαττε, the words καὶ ἐταμίευσεν coming in as an afterthought (cf. *Androt.* § 4 n. πλάττων καὶ παράγων). In the latter, the construction of course is, τὰ δὲ παραδόντες ὥστε ταμιεύειν. It is important, when occasion offers, to justify the general rules of Greek verb-formation: one of the broadest of these is that verbs in -εύω are intransitive, and any apparent exceptions should be narrowly watched. ματεύω is (1) not derived from a noun (2) not a prose word: *μαστεύω* in *Xenophon I* leave to the tender mercies of Mr Gunion Rutherford (*New Phryn.* p. 171).

ἃ ἔλαβεν ἀπὸ τῶν βαρβάρων] Benseler alone shows his devotion to MS. Σ by leaving out ἃ. This reading undoubtedly originated in a desire to furnish the sentence with a principal verb, which at present it is without. Demosth. could not possibly have written τὰριστεῖα τῆς πόλεως ἔλαβεν ἀπὸ τῶν βαρβάρων in the sense 'took away the trophies of the state, won from the barbarians:' he would not have used ἔλαβεν in this sense, and he must have said τὰ ἀπὸ τῶν βαρβάρων. It is evident that τὰριστεῖα goes with ὁ ὑφηρεημένος, as K. and R. W. took it.

ἐξ ἀκροπόλεως, τὸν τε δίφρον τὸν ἀργυρόποδα καὶ τὸν ἀκινάκην τὸν Μαρδονίου, ὃς ἦγε τριακοσίους δαρεικούς; ἀλλὰ ταῦτά γ' οὕτω περιφανῆ ἔστιν ὥστε πάντας ἀνθρώπους εἰδέναι. ἀλλὰ τᾶλλα οὐ βίαιος; 130 ὡς οὐδεὶς ἀνθρώπων. εἶτα φείσασθαί τινος αὐτῶν ἄξιόν ἐστιν, ὥστε διὰ τούτους ἢ τῶν δεκατῶν τῶνⁿ τῆς θεοῦ ἀμελήσαι ἢ τῆς διπλασίας τῶν ὀσίων χρημάτων, ἢ τὸν τούτους πειρώμενον σώζειν μὴ τιμωρήσασθαι; καὶ τί κωλύσει ἅπαντας εἶναι πονηροὺς, ὧ ἄνδρες δικασταί, εἰ διὰ ταῦτα πλέον ἔξουσιν; ἐγὼ μὲν γὰρ οἶμαι οὐδέν.

ⁿ τῶν om. Z Bekk. Bens. cum ΣFvB.

τὸν τε δίφρον τὸν ἀργυρόποδα] According to the Scholiast, the throne of Xerxes from which he witnessed the battle of Salamis. ἀκινάκην] The short straight Persian 'sword,' figured in *Dict. Antiq.* s. v. from the bas-reliefs of Persepolis. The common renderings 'scimitar' and 'dagger' (as K.) are less accurate.

ὃς ἦγε τριακοσίους δαρεικούς] 'which weighed 300 darics.' K. by an oversight translates 'was worth:' in Androt. § 76 he has given it rightly (see the note there). The daric being somewhat heavier than the sovereign, we have upwards of 80 ounces Troy for the weight of the metal: rather too much for a 'dagger.' This trophy was shown to Pausanias (i. 27, 1): whether it was found again, or had never been stolen, or miraculously reappeared like the *Sainte Ampoule* at the coronation of Charles X., it is hardly worth while to inquire.

βίαιος] 'violent:' ready to use force, and take the law into his own hands, rather than as K. 'brutal.'

§ 130. τῶν δεκατῶν τῶν τῆς

θεοῦ] See the various readings. The omission is rather favoured by § 120: the repetition -τῶν τῶν cuts both ways.

τῆς διπλασιασίων ὀσίων] § 111 n. τὸν τούτους πειρώμενον σώζειν] The return to Timocrates and his law, after this digression upon the three ambassadors, is managed in a way that shows the skilled rhetorician.

πλέον ἔξουσιν] 'if they are to profit by their rascality' (πονηρία): an idiomatic use of πλέον ἔχειν, cf. below § 209. K. should not have indulged in the literalism 'if they get more by it.'

§§ 131—138. Examples of wholesome severity in recent time, measured out to less serious offenders. *The indignation of these men at the prospect of imprisonment is absurd, if you think how common that punishment is, and to whom it is applied* (131, 132). *In the old times men of high previous reputation were imprisoned, in spite of their former services* (133). *Names mentioned of cases under the restored democracy: these men knew that the law did not allow them to put in*

131 Μὴ τοίνυν αὐτοὶ διδάσκετε, ἀλλὰ τιμωρεῖσθε.
καὶ μὴ ἔατε ἀγανακτεῖν, εἰ δεθῆσονται ἔχοντες τὰ
ὑμέτερα, ἀλλ' ἄγετ' αὐτοὺς ὑπὸ τοὺς νόμους· οὐδὲ
γὰρ οἱ τῆς ξενίας ἀλισκόμενοι ἀγανακτοῦσιν ἐν τῷ
οἰκῆματι τούτῳ ὄντες, ἕως ἂν τῶν ψευδομαρτυριῶν
132 ἐγγυητὰς καταστήσαντες περιέμναι. ἔδοξε γὰρ τῇ
πόλει ἀπιστεῖν αὐτοῖς, καὶ οὐκ ᾤετο δεῖν διακρου-
σθῆναι τῆς τιμωρίας δι' ἐγγυητῶν καταστάσεως, ἀλλ'

bail, and submitted cheerfully (134—136). *To wish to bail out Androtion and his fellows is to insult your common sense, and to put a premium on sacrilege* (137). *Lastly, let me remind you of cases in which such offences were visited with death, or narrowly escaped it* (138).

§ 131. διδάσκετε] sc. τὸ πονηροῦς εἶναι, through your ill-timed leniency.

οἱ τῆς ξενίας ἀλισκόμενοι] 'those who are by way of being convicted as aliens' by a ξενίας γραφή, for which see *Dict. Antiq.* s. v. The present ἀλισκόμενοι implies that the conviction has not reached its final stage, but is subject to an appeal.

ἐν τῷ οἰκῆματι τούτῳ] It has been thought from the use of τούτῳ that the prison was visible from the dicastery, but this inference seems to me very doubtful. In reality ἐν τῷ οἰκ. τούτῳ is 'in the building in question,' i. e. ἐν τῷ δεσμωτηρίῳ supplied from δεθῆσονται. The secondary senses of οἰκῆμα are well illustrated in L. and S.: for that = δεσμωτήριον cf. below §§ 135, 136, c. Zenoth. p. 890 § 29, c. Dionysodor. p. 1284 § 4, with Mr Paley's note on the latter passage.

ἕως ἂν τῶν ψευδομαρτυριῶν

ἀγωνίσωνται] 'till after the trial for false testimony' in which they are prosecutors. In cases of ξενία an appeal was allowed on the ground that the witnesses were perjured, but pending such appeal the convicted party had to remain in prison.

μένουσι] Here the sense of μένειν seems to shade off into that of ὑπομένειν: 'they bear it patiently and do not think that they ought (to be allowed) to go about on giving bail.' In the next section the usual sense of each verb is clearly distinguished.

§ 132. ἀπιστεῖν] The penalty being slavery with forfeiture of goods, the terror of exile, so effective in keeping citizens to their bail (§ 125 n.), would afford no adequate security.

διακρουσθῆναι τῆς τιμωρίας] The 1 aor. pass. of middle verbs is almost always passive in meaning; and the right rendering is 'she (the State) considered that she ought not to be cheated out of her vengeance,' with Reiske's Index, K., and Benseler, rather than as L. and S. 'that they ought not to escape punishment.' On διακρούεσθαι comp. Shilleto on F. L. §§ 37, 185. παρακρούεσθαι bears nearly the same sense, and is

ἐνταῦθα μένειν αὐτοὺς οὐ καὶ ἄλλοι πολλοὶ τῶν πολιτῶν. καίτοι καὶ ἐπὶ χρήμασιν ἤδη τινὲς^ο ἐδέθησαν καὶ ἐπὶ κρίσεσιν, ἀλλ' ὅμως ὑπέμενον. ἀηδὲς μὲν οὖν ἴσως ἐστὶν ὀνομαστὶ περὶ τινῶν μεμνησθαι, ἀναγκαῖον δὲ παρεξετάσαι αὐτοὺς παρὰ τούτους.

133 τοὺς μὲν οὖν πρὸ Εὐκλείδου ἄρχοντος ἑάσω καὶ τοὺς 742 σφόδρα παλαιούς. καίτοι κατὰ τοὺς χρόνους οὐς^ρ ἕκαστοι αὐτῶν ἦσαν, πολλοῦ ἄξιοι δοκοῦντες γεννησθαι τὸν ἔμπροσθεν χρόνον ὅμως^α ἰσχυρᾶς παρὰ τοῦ δήμου ὀργῆς ἐτύγχανον ἐπὶ τοῖς ὕστερον γιγνομένοις ἀδικήμασιν· οὐ γὰρ χρόνον τινὰ δικαίους ᾤετο δεῖν αὐτοὺς ἢ πόλις εἶναι, εἶτα κλέπτας, ἀλλὰ περὶ γε τὰ κοινὰ ἀεὶ δικαίους· ἐδόκει γὰρ τὸν ἔμπροσθεν χρόνον οὐ φύσει, ἀλλ' ἐπιβουλεύων, τοῦ πιστευθῆναι,

^ο τινὲς *om.* Bens. *cum* ΣΑΩΤkr.

^ρ καθ' οὓς Z Bekk.

^α ὁμοίως Z Bens. *cum* Σ.

frequent in Demosth. e.g. Androt. § 39, above § 37.

ἀηδὲς ... ὀνομαστὶ ... μεμνησθαι] ἀηδὲς is here as nearly as possible = ἐπίφθονον, of an unpleasant, invidious duty. Cf. Mid. p. 533 § 58 *παραιτήσομαι δ' ὑμᾶς μηδὲν ἀχθεσθῆναί μοι, εἰάν ἐπὶ συμφοραῖς τινῶν γεγονότων ὀνομαστὶ μνησθῶ.* On the other hand, ἀηδὲς of persons is one who wilfully makes himself disagreeable or 'nasty:' c. Everg. et Mnes. p. 1147 § 28 *πρὶν μὲν εἰσαχθῆναι εἰς τὸ δικαστήριον ἦν ἀηδὲς.* For the habit of apologising for naming men in public, Androt. § 55, below § 200.

§ 133. πρὸ Εὐκλείδου] Above, § 42 n. To Demosthenes, the recent history of Athens began with the restored (and since unbroken) democracy. In Androt. § 16 we have seen the war of Decelea called *ἐν τῶν ἀρχαίων.*

τοὺς σφόδρα παλαιούς] Among these the instance of Miltiades is conspicuous, Grote, ch. 36 (III. 312 ff.). The remarks on pp. 319—20 on the 'usual temper of Athenian dikasts in estimating previous services,' and on the 'tendency of eminent Greeks to be corrupted by success,' are well worth reading in connexion with the present section.

ἰσχυρᾶς ... ἀδικήμασιν] 'met with great severity from the people for their subsequent offences.'

ἐπιβουλεύων, τοῦ πιστευθῆναι] = ἕνεκα τοῦ πιστευθῆναι or ἵνα πιστευθῆεν. On this gen. of the cause or aim of the action, see Madvig, *Synt.* § 170 (more satisfactory than Jelf). ἐπιβουλεύων is 'with a sinister design,' not simply 'by design.' The notion is a peculiarly Greek one, and surprising in a people

134 δίκαιος γεγονέναι ὁ τοιοῦτος ἄνθρωπος. ἀλλὰ μετ' Εὐκλείδην ἄρχοντα, ὃ ἄνδρες δικασταί, πρῶτον μὲν Θρασύβουλον τὸν Κολλυτέα πάντες μέμνησθε δις δεθέντα καὶ κριθέντα ἀμφοτέρας τὰς κρίσεις ἐν τῷ δήμῳ· καίτοι τῶν ἐκ Πειραιῶς καὶ ἀπὸ Φυλῆς οἶτος ἦν. ἔπειτα Φιλέψιον τὸν Λαμπτρέα. ἔπειτα Ἀγύρ-

who had before them so many examples of the real nature and workings of ambition.

§ 134. Θρασύβουλον τὸν Κολλυτέα] *Dict. Biogr.* Thrasymbulus, no. 5. This namesake and associate of the more eminent Thrasymbulus (no. 4, ὁ Λύκου, Στεριεύς) is usually distinguished by the name of his deme, omitted in the case of the other. He may easily have been identical with the son of Thraso, who procured the removal of Alcibiades from his command after the battle of Notium (no. 3): and, as Dindorf and Clinton hold, with the Thrasymbulus mentioned among *ρήτορες ἐνδοξοὶ καὶ μέγαλοι* de Cor. p. 301 § 219. The great Thrasymbulus had also a son of the same name, whose condemnation to a fine of ten talents affords Demosth. another example, together with a descendant of 'Harmodius and Aristogiton' (!), of the impartiality of Athenian justice, de F. L. p. 431 § 280=320. Another Thrasymbulus of Collytus is mentioned as an ambassador to Thebes in Aeschin. Ctes. § 138: he must have been a contemporary of Aeschines and Demosthenes, and clearly different from the man now before us.—The form *Κολλυτεὺς* is attested only by Σ, *Κολλυτεὺς* by the MSS. of other authors besides Demosth. This is just a case where inscriptions help us: and

those printed in Ross's *Demen von Attika* and Rhangabé's *Antiquités Helléniques* (about six in all) agree in the form *Κολλυτεὺς*.

κριθέντα ἀμφοτέρας τὰς κρίσεις] 'condemned on both occasions.' For *κρίνειν* = *κατακρίνειν* cf. [Demosth.] *περὶ τῶν πρὸς Ἀλέξανδρον* p. 215 § 12 *τοὺς μὲν κεκριμένους ἐν τοῖς δικαστηρίοις ἀφιέντες*: de Cor. Trierarch. p. 1230 § 9 *θανάτου κρίναντες*.

τῶν ἐκ Πειραιῶς καὶ ἀπὸ Φυλῆς] This became a stock phrase for the liberators of Athens from the Thirty. The seizure of Phyle by Thrasymbulus is first mentioned Xen. Hell. II. 4 § 2: the night march to the Peiræus, the next step in the recovery of the city, *ibid.* § 10. Xenophon observes the same distinction of prepositions as the present passage: the same men are called *οἱ ἀπὸ Φυλῆς* §§ 10, 12, and after they had established themselves *οἱ ἐκ τοῦ Πειραιῶς* §§ 25, 26. (In the intervening §§ 19, 23 *οἱ ἐν Πειραιεῖ* are those who held the place in the oligarchical interest against the liberators.) Compare Grote ch. 65, Vol. v. p. 585, where the passages related to Phyle are collected in a note.

Φιλέψιον τὸν Λαμπτρέα] The man is not mentioned elsewhere: his deme Lamptra was also that of Archebius the trierarch, § 11 *n.*

Ἀγύρριον τὸν Κολλυτέα] It

ριον τὸν Κολλυτέα, ἄνδρα[†] χρηστὸν καὶ δημοτικὸν
καὶ περὶ τὸ πλῆθος τὸ ὑμέτερον πολλὰ σπουδάσαντα·
135 ἀλλ' ὅμως τοὺς νόμους ᾤετο δεῖν καὶ αὐτὸς ἐκείνος
ὁμοίως, ὥσπερ ἐπὶ τοῖς ἀδυνάτοις, οὕτω καὶ ἐφ'
ἑαυτῷ ἰσχύειν, καὶ ἐγένετο ἐν τῷ οἰκῆματι τούτῳ
πολλὰ ἔτη, ἕως τὰ χρήματα ἀπέτισεν ἃ ἔδοξε τῆς
πόλεως ὄντα ἔχειν· καὶ ἐπ' ἐκείνῳ Καλλίστρατος
δυνάμενος καὶ ἀδελφιδοῦς ὦν αὐτοῦ οὐκ ἐτίθει νό-
μους. καὶ Μυρωνίδης ὁ Ἀρχίνου υἱὸς τοῦ καταλα-

[†] ἄνδρα καὶ Z Bens. cum ΣΤΩρ.

suits Demosthenes' argument to represent him as 'an honest man, and one of popular sympathies;' *δημαγωγῶν οὗτος οὐκ ἀφανῆς*, Harpocrat. s. v. The nature of his debts to the public may be gathered from Andoc. de Myst. § 133, where he is described ironically as *καλὸς κάγαθός* and as an *ἀρχώνης*, or chief among the *τελώναι*, driving hard bargains with the treasury. If he was really the originator of the distribution of the Theoric fund among the people, as Harpocration states, and increased the *μισθὸς ἐκκλησιαστικὸς* to three obols (*Dict. Biogr.* s. v.), he might well be called *περὶ τὸ πλῆθος τὸ ὑμέτερον πολλὰ σπουδάσαντα*.

§ 135. ἐπὶ τοῖς ἀδυνάτοις] 'in the case of the uninfluential' or humble. A more usual sense is that of 'invalids' or infirm paupers, for which see *Dict. Antiq.* s. v. 'Adynati.'

ἐγένετο...πολλὰ ἔτη] Doubtless an exaggeration, like *πολλὰς πεντετηρίδας* § 125, where see the note.

ἐπ' ἐκείνῳ] K. translates 'in his favour,' having just rendered the word 'against.' The sense 'applying to,' as in § 18,

59, covers both these meanings.

Καλλίστρατος] The well-known orator, son of Callicrates of Aphidna (no. 4 in *Dict. Biogr.*). His fate has been already touched upon, Androt. § 66 n. He was nephew of Agyrrhius by the mother's side, as Benseler rightly infers: as his brother's son he would of course have been of the same deme.

καὶ Μυρωνίδης ὁ Ἀρχίνου] We must supply *ἐγένετο ἐν οἰκῆματι τούτῳ*. Nothing further is recorded of this Myronides: his father is a man of whom we would gladly know more. It is remarked in *Dict. Biogr.* s. v. Archinus, with reference to the present passage: 'Although the name of Archinus is obscured in history by that of Thrasybulus, yet we have every reason for believing that he was a better and a greater man.' The same writer (Mr Elder) makes the probable suggestion, in which he is followed by R. W., that he may have been the son of Myronides who won the battle of Oenophyta in b. c. 456, and that this Myronides may have been named after his grandfather according to the very common custom (s. v. Myronides).

βύντος Φυλὴν καὶ μετὰ γε τοὺς θεοὺς αἰτιωτάτου
 ὄντος τῆς καθόδου τῷ δήμῳ καὶ ἄλλα πολλὰ καὶ
 καλὰ πεπολιτευμένοι καὶ ἐστρατηγηκότες πολλάκις.
 136 ἀλλ' ὅμως ἅπαντες οὗτοι ὑπέμενον τοὺς νόμους. καὶ οἱ
 ταμίαι ἐφ' ὧν ὁ Ὀπισθόδομος ἐνεπρήσθη, καὶ οἱ τῶν 743
 τῆς θεοῦ καὶ οἱ τῶν ἄλλων θεῶν, ἐν τῷ οἰκίματι
 τούτῳ ἦσαν, ἕως ἢ κρίσις αὐτοῖς ἐγένετο. καὶ οἱ
 περὶ τὸν σίτον ἀδικεῖν δόξαντες, καὶ ἄλλοι πολλοὶ,
 ὧ ἄνδρες δικασταὶ, πάντες βελτίους Ἀνδροτίωνος
 137 ὄντες. εἶτα τούτοις μὲν ἔδει κυρίου τοὺς πάλαι

§ 136. ταμίαι...οἱ τῶν τῆς θεοῦ] sc. χρημάτων, and so = ἐν ἀκροπόλει § 129. The phrase occurs in a law ap. Demosth. c. Macart. p. 1075 § 71.

ὁ Ὀπισθόδομος] Unquestionably the inner or western cella of the Parthenon itself, though other temples of Athena have been suggested (Boeckh, *P. E.* p. 441 f.). The existing structure of the Parthenon bears, it is believed, no traces of rebuilding after a fire: but the damage may after all have been slight, as ἐνεπρήσθη need only imply 'set on fire' not 'burnt down' (κατακαυθέν, Thucyd. iv. 30 § 2: ἀφθέντα καὶ καταφλεχθέντα ib. 133 § 2). The conflagration is not mentioned elsewhere: the account of it by the Scholiast Ulpian is amusing, if of doubtful authenticity. The ταμίαι, he tells us, had lent the sacred treasure to the bankers on their own account: the banks subsequently broke (ἔστυχεν ὕστερον ἀνατραπήναι τὰς τραπέζας), and the ταμίαι set the temple on fire in the hope of concealing the transaction! If we may trust the author of the speech περὶ συντάξεως, the Athenians, on any suggestion that the trea-

tures of the Opisthodomos had been tampered with, forgot their usual humanity (ἀνέφξαν δήπου πρῶντων τὸν Ὀπισθόδομον...μαστιγοῦν, στρεβλοῦν πάντες ἐβῶων, λέγοντες τὸν δῆμον καταλύεσθαι, p. 170 § 14).

ἕως ἢ κρίσις αὐτοῖς ἐγένετο] This is quite natural. But 'penal servitude,' and the Bastilles or state prisons of arbitrary governments in modern times, were, I repeat, unknown to the Athenians.

περὶ τὸν σίτον ἀδικεῖν] i.e. by 'forestalling and regrating,' as to which the political economy of the Athenians was as backward as that of modern Europe, including England, until quite recent times. See Lys. Or. 22 κατὰ τῶν σιτοπωλῶν passim, and especially § 6, τὸν νόμον δὲ ἀπαγορεύει μηδὲνα τῶν ἐν τῇ πόλει πλείω σίτον πεντήκοντα φορμῶν συννωεῖσθαι. Also Boeckh *P. E.* bk. i. c. 15, who observes in note 375 that the φορμὸς was probably not very different from the medimnus. The penalty was death; as also εἰ τις οἰκῶν Ἀθήνησιν ἄλλοσε ποι σιτηγήσειεν ἢ εἰς τὸ Ἀττικὸν ἐμπόριον, Demosth. adv. Phorm. p. 918 § 37, adv. Locr. p. 941 § 50, Lyeurg.

κειμένους νόμους εἶναι, καὶ δεδωκέναι δίκην αὐτοὺς κατὰ τοὺς ὑπάρχοντας νόμους· δι' Ἀνδροτίωνα δὲ καὶ Γλαυκέτην καὶ Μελάνωπον καινὸν δεῖ γενέσθαι νόμον, τοὺς ἠλωκότας⁸ καὶ ψήφῳ κεκριμένους κατὰ τοὺς πάλαι κειμένους νόμους καὶ δόξαντας ἔχειν ἱερά χρήματα καὶ ὄσια; εἴτ' οὐ καταγέλαστος δόξει ἢ πόλις εἶναι, εἰ τοῖς ἱεροσύλοις, ὅπως σωθήσονται, 138 νόμον φανεῖται τιθεμένη; ἔγωγ' οἶμαι. μὴ τοίνυν ἐάσητε ὑμᾶς αὐτοὺς ὑβρίζεσθαι μηδὲ τὴν πόλιν, ἀλλὰ μνησθέντες ὅτι Εὐδήμον τὸν Κυδαθηναῖα^t νόμον δόξαντα θείναι οὐκ ἐπιτήδειον, οὐ πάλαι, ἀλλ'

⁸ διὰ τοὺς ἐαλωκότας Z Bekk. Bens. cum libris.

^t -αῖα Z Bekk.

c. Leocr. § 27. Boeckh, whose book was first published in 1817, calls these restrictions 'judicious,' *P. E.* p. 81. Prof. Mahaffy, *Social Life in Greece* p. 403 ff., criticises the Athenian corn laws in the true spirit of political economy. Comp. above, § 63 n.

§ 137. δεδωκέναι δίκην] The perf. inf. is rare after ἔδει, which like *debebam*, *oportebat* usually takes the pres. inf. of past events; but it serves to mark the time more distinctly: 'was it right that the old-established laws should be in operation for these persons—that they should have suffered punishment.' K.

κατὰ τοὺς ὑπάρχοντας νόμους] These words are certainly superfluous, as Dobree argues, after τοὺς κειμένους νόμους. But tautology is not unfrequently a form of emphasis; and the phrase is repeated a third time below.

τοὺς ἠλωκότας] The MSS. agree in διὰ τοὺς ἐαλωκότας. Dindorf alone among editors follows Dobree in expunging

διὰ, and writes ἠλωκότας according to his invariable rule. Above, § 77.

§ 138. μὴ τοίνυν ἐάσητε...μνησθέντες...ταύτην τὴν ὀργὴν καὶ νῦν ἐπὶ τουτοῖσι λάβετε] This long sentence is rightly broken up into three by K. 'Do not then allow yourselves or the commonwealth to be insulted. Remember that, &c. Bear this in mind, and show the same spirit now against the defendant.' Above, § 36 n.

Κυδαθηναῖα] This, the true Attic form, is found in no MS., but *Κυδαθηναία* the reading of Σ and one other is a vestige of it. Cobet lays down the rule in several passages of his *Var. Lect.*: in p. 326 he writes 'Apolonius Dyscolus de Pron. p. 126 Bekk. Ἀττικοὶ Εὐβοᾶς φασίν, at non in Codd. nostris:' cf. pp. 124, 154. The form *Πειραιᾶ* is regularly preserved by the copyists; but they seem to have thought this word exceptional, and in the genitive vary between *Πειραιέως* and *Πειραιῶς*, whereas the rule of contraction

ἐπ' Εὐάνδρου ἄρχοντος, ἀπεκτείνετε, καὶ Φίλιππον τὸν Φιλίππου τοῦ ναυκλήρου υἱὸν μικροῦ μὲν ἀπεκτείνετε, χρημάτων δὲ πολλῶν αὐτοῦ ἐκείνου ἀντιτιμωμένου παρ' ὀλίγας ψήφους ἐτιμήσατε^v, ταύτην τὴν ὀργὴν καὶ νῦν ἐπὶ τουτοῦ λάβετε, ἐκείνο πρὸς τούτους ἄπασιν ἐνθυμηθέντες, τί ποτ' ἂν ἐπάθετε

^v ἠτιμώσατε Bekk. *cum libris praeter S.*

is general for nouns in *εὖς praecedente vocali*.

ἐπ' Εὐάνδρου ἄρχοντος] Ol. 99, 3 = B.C. 382—1. The mutilated speech of Lysias against Evander, Or. 26, was written for a speaker who attempted to prove on the *δοκιμασία* that he was ineligible. The Athenian constitution, like the American in presidential elections, provided a 'reserve man;' Leodamas drew the first lot, Evander *ἐπέλαχε*: the former was rejected on the scrutiny, Evander though opposed was successful. Cf. Jebb, *Att. Or.* i. 242.

Φίλιππον τὸν Φιλίππου τοῦ ναυκλήρου] The father is mentioned in the speech adv. Timoth. p. 1188 § 14 ff.

παρ' ὀλίγας ψήφους ἐτιμήσατε] It is not too much to say that the reading here preserved by MS. Σ *contra mundum* is the only one which explains the whole passage clearly and consistently. The sense of παρ' ὀλίγας ψήφους has been established on Androt. § 3 and is the key to the rest. Having mentioned the case of Eudemus who was actually put to death, the orator goes on to that of Philip, who very nearly (*μικροῦ*) underwent the same penalty. When the defendant offered to pay a heavy fine as an alternative (*ἀντιτιμωμένον*) 'you by a

narrow majority assessed the penalty (at the sum named by him).' So Benseler: 'mit geringer Mehrheit um eine grosse Summe strafet.' This usage of παρ' ὀλίγας once misunderstood, ἐτιμήσατε was sure to be altered. According to the reading ἠτιμώσατε, the choice of the jury lay between *Atimia* demanded by the prosecutor and the sum offered by the defendant; 'you were within a few votes of disfranchising him.' The fact that the defendant's proposal was accepted remains the same; but upon this view what becomes of *μικροῦ μὲν ἀπεκτείνετε*?

G. H. Schaefer read ἐτιμήσατε, but from not perceiving the sense of παρ' ὀλίγας has missed the meaning of the passage: 'per pauca suffragia stetit *quominus* ingenti pecunia reus multaretur;' whereas the fine was carried. It is a well-known rule of Attic law that the jury had to choose one or other of the two propositions of the plaintiff and defendant, and were not at liberty to mediate between them. Hence the latter would in general fear to irritate his judges, as Socrates did, by putting the damages too low (Plato, *Apol.* 38 B; Xen. *Apol.* § 23). This rule is well discussed by Kennedy, *App.* xii. to *Select Speeches*; he shows that

ὑπὸ τούτου αὐτοῦ, εἰ οὗτος εἰς ὧν ἐπρέσβευεν ὑπὲρ ὑμῶν. οἶμαι γὰρ τοιοῦτον οὐδὲν εἶναι ὅτου ἂν ἀπέσχετο. ὁρᾶτε δὲ τὴν διάνοιαν αὐτοῦ· ὁ γὰρ νόμος, ὃν ἐτόλμησε θεῖναι, τὸν τρόπον αὐτοῦ δείκνυσιν.

139 Βούλομαι δ' ὑμῖν, ὦ ἄνδρες δικασταί, ἐν Λοκροῖς ὡς νομοθετοῦσι διηγῆσασθαι· οὐδὲν γὰρ χείρους ἔσθε παραδείγμα τι ἀκηκούτες, ἄλλως τε καὶ ᾧ πόλις 744

it was rendered necessary by the immense numbers of Athenian juries. It prevailed also in civil actions, which however might be settled at any moment by arrangement between the parties even after the trial had begun.

ἐπρέσβευεν] The reading of three of the minor MSS. and of the Scholiast ἐπρέσβουσεν is worth more attention than it has received. The sense required is 'if he had been your ambassador,' not 'if he were now:' and it is in keeping with ἐπάθετε. On εἰς ὧν it is worth noticing that such a contingency never in fact occurred: we never read of a single ambassador, at least from Athens. There were always at least two, sometimes, as in the embassy to Philip, immortalised by Demosthenes and Aeschines, as many as ten. According to a story told by Plutarch, de Garrul. p. 511 A, king Demetrius (apparently Poliorceetes) expressed surprise at receiving only a single ambassador from Sparta: the laconic answer was, "Ἐνα ποτὶ ἔνα. But in Thucyd. ii. 67 the Spartan embassy to Persia consists of three envoys, besides representatives of their allies.

τοιοῦτον οὐδὲν εἶναι] The order of these three words va-

ries in the MSS., but all preserve τοιοῦτον as the neuter form. Cf. Androt. § 2 n.

§§ 139—143. *The well-known story illustrating the permanence of the laws (of Zaleucus) at Locri in Italy, contrasted with the incessant legislative changes at Athens, under the influence of the orators and for their sole benefit.*

§ 139. ἄλλως τε καὶ ᾧ] i.e. παραδείγματι, 'especially an example which a well-governed state follows.' The good government of Locri is attested by Pindar, Ol. x. 17 νέμει γὰρ Ἀτρέκεια πόλιν Λοκρῶν Ζεφυρίων, and by Plato, Tim. 20 A Τιμαίος τε γὰρ ὅδε, εὐνομοτάτης ὦν πόλεως τῆς ἐν Ἰταλίᾳ Λοκρίδος. It need hardly be said that the spirit of Zaleucus was as different as possible from that of Bentham: 'order' in the sense of Metternich and the Czar Nicholas, not individual happiness, is what is meant by εὐνομία. His laws were severe (Ζαλευκῶν νόμος· ἐπὶ τῶν ἀποτόμων, Zenob. Cent. iv. 10, also in Diogenian. Cent. iv. 94) and anti-commercial (Λοκρῶν συνθήκαι, Zenob. Cent. v. 4). The date 660 B. C. for this legislation, given by Eusebius, is accepted by Clinton F. H. sub anno: the foundation of the city was perhaps fifty years earlier.

εὐνομουμένη χρῆται. ἐκεῖ γὰρ οὕτως οἴονται δεῖν τοῖς πάλαι κειμένοις χρῆσθαι^x νόμοις καὶ τὰ πάτρια περιστέλλειν καὶ μὴ πρὸς τὰς βουλήσεις μηδὲ πρὸς τὰς διαδύσεις^y τῶν ἀδικημάτων^z νομοθετεῖσθαι, ὥστ' εἴαν τις βούληται νόμον καινὸν τιθέναι, ἐν βρόχῳ τὸν τράχηλον ἔχων νομοθετεῖ, καὶ ἐὺν μὲν δόξῃ καλὸς καὶ χρήσιμος εἶναι ὁ νόμος, ζῆ^δ ὁ τιθεὶς καὶ ἀπέρχεται, εἰ
140 δὲ μὴ, τέθνηκεν ἐπισπασθέντος τοῦ βρόχου. καὶ γὰρ τοὶ καινοὺς μὲν οὐ τολμῶσι τίθεσθαι νόμους^a, τοῖς δὲ πάλαι κειμένοις ἀκριβῶς χρῶνται. ἐν^b πολλοῖς δὲ πάνυ ἔτεσιν, ὧ ἄνδρες δικασταὶ, εἰς λέγεται παρ' αὐτοῖς νόμος καινὸς τεθῆναι. ὄντος γὰρ αὐτόθι νό-

^x χρῆσασθαι Z cum Σ. ^y διαλύσεις Bens. cum ΣFTΩρν. ^z ἀδικησάντων Bekk. e coni. Saupp. ^a νόμους om. Z Bekk. Bens. cum ΣksA'. ^b καὶ ἐν Z Bens. cum Σ.

οὕτως οἴονται] 'so strong is their conviction,' R. W., 'steht der Grundsatz so fest,' Benseler.

τὰ πάτρια περιστέλλειν] 'that they ought to cherish their hereditary institutions, and that there should be no legislation to please individuals or for easy compromise with crime.' For the sense of περιστέλλειν cf. pro Phorm. p. 958 § 47 κοσμεῖν καὶ περιστέλλειν explained by Paley and Sandys. There can be little doubt that νομοθετεῖσθαι is passive and impersonal: as a dep. middle it is not found in the Orators, and is rare in Plato (Rep. III. 398 B, Laws V. 736 C).

The rendering just given follows Benseler in preferring the reading διαλύσεις for διαδύσεις, as not only supported by Σ and most MSS. (a point of minor importance when the difference is only between Λ and Δ), but in every way more appropriate. As might be expected, the words are constantly interchanged in

the MSS. as in § 94 above, where τῶν παρ' ἡμῶν πονηρῶν διαδύσεις 'shifts' or 'evasions,' is the right word as applied to persons, διαλύσεις an ill-supported variant. Hence Sauppe, whom Bekker follows in his last edition, conjectured ἀδικησάντων for ἀδικημάτων in the present passage. This is unnecessary, since διαλύσεις τῶν ἀδικημάτων here yields an excellent sense: διάλυσις is used of any settlement or compromise, especially upon amicable terms, as of a reconciliation between enemies, c. Mid. p. 553 § 119; a composition of a money claim, c. Nausim. p. 988 § 13, c. Spud. p. 1032 § 16.

τέθνηκεν] 'the noose is drawn to, and he dies at once,' 'is a dead man.' On this use of the perfect see Madvig, *Synt.* § 171: and a note on Plat. Protag. 328 B.

§ 140. ἀκριβῶς χρῶνται] 'keep strictly to.' In omitting νόμους, the Zurich Editors and

μου, εἰάν τις ὀφθαλμὸν ἐκκόψῃ, ἀντεκκόψαι παρα-
 σχεῖν τὸν ἑαυτοῦ, καὶ οὐ χρημάτων τιμήσεως οὐδε-
 μιᾶς, ἀπειλήσαι τις λέγεται ἐχθρὸς ἐχθρῷ ἕνα ἔχοντι
 141 ὀφθαλμὸν ὅτι αὐτοῦ ἐκκόψει τούτον τὸν ἕνα. γενο-
 μένης δὲ ταύτης τῆς ἀπειλῆς χαλεπῶς ἐνεγκῶν ὁ
 ἑτερόφθαλμος, καὶ ἡγούμενος ἀβίωτον αὐτῷ εἶναι τὸν
 βίον τούτο παθόντι, λέγεται τολμῆσαι νόμον εἰσε-
 νεγκεῖν, εἰάν τις ἕνα ἔχοντος ὀφθαλμὸν ἐκκόψῃ, ἄμφω
 ἀντεκκόψαι παρασχεῖν, ἵνα τῇ ἴσῃ συμφορᾷ ἀμφο-
 142 θέσθαι τὸν νόμον ἐν πλείν ἢ διακοσίοις ἔτεσιν. οἱ

Benseler as usual follow Σ more closely than Bekker and Dindorf.

ἀντεκκόψαι παρασχεῖν τὸν ἑαυτοῦ] ‘he should allow his own eye to be knocked out in return.’ For the act. infin. after παρασχεῖν in this sense cf. Thucyd. viii. 50 § 5 ὅτι ὄλον τὸ στρατεύμα τὸ τῶν Ἀθηναίων ἐτόίμος εἶη παρασχεῖν αὐτοῖς διαφθεῖραι. Violent blinding is always expressed by ἐκκόπτειν: the phrase in Demosth. c. Conon. p. 1269 § 39 Ἀριστοκράτην τὸν τοὺς ὀφθαλμοὺς διεφθαρμένον was formerly quoted in illustration of the καρανιστῆρες ὀφθαλμωρύχοι of Aesch. Eum. 186, but is now rightly explained of a man who had bad or diseased eyes. Such a law could never have obtained in the more civilized parts of Greece: these and all other mutilations were regarded as Oriental, utterly abhorrent to Greek manners.

οὐ χρημάτων τιμήσεως οὐδεμιᾶς] sc. οὐσης, which is easily supplied from ὄντος above.

§ 141. ὁ ἑτερόφθαλμος] The story told by Aelian, V. H. xiii. 24, whether true or not, shows the curious notions held in an-

cient times as to literal compliance with the law. According to this, the penalty of adultery was the loss of the eyes: and the son of Zaleucus having become liable to this penalty, the father submitted to the loss of one eye that his son might not be utterly blind. The same story is told by Valerius Maximus, v. 5 § 3.

αὐτῷ εἶναι τὸν βίον] The varying order of these words in the MSS. may justify a suspicion that τὸν βίον was originally absent, and ἀβίωτον used absolutely as in Eur. Ion 670 ἀβίωτον ἡμῶν. Both constructions were in use; ἀβίωτον εἶναι μοι πεποίηκε τὸν βίον Aristoph. Plut. 969, κατακονὰ μὲν οὖν ἀβίωτος βίου Eur. Hipp. 821, ἀβίωτος βίου τύχα id. 867.

τούτο παθόντι] The participle of course expresses an ‘if:’ the assault had not yet been committed.

ἐν πλείν ἢ διακοσίοις ἔτεσιν] πλέον Σ, πλείσιν ceteri. The Attic form πλείν (before ἦ) is well known to readers of Aristophanes and the Comic Fragments, where it has been protected by the metre, but has

δὲ παρ' ἡμῖν ῥήτορες, ὧ ἄνδρες δικασταί, πρῶτον μὲν ὅσοι μῆνες μικροῦ δέουσι νομοθετεῖν τὰ αὐτοῖς συμφέροντα, ἔπειτ' αὐτοὶ μὲν τοὺς ἰδιώτας εἰς τὸ δεσμητήριον ἄγουσιν, ὅταν ἄρχωσιν, ἐφ' ἑαυτοῖς δ' οὐκ οἴονται δεῖν ταῦτ' εἶναι· ἔπειτα τοὺς μὲν τοῦ Σόλωνος νόμους, τοὺς πάλαι δεδοκιμασμένους, 745 οὓς οἱ πρόγονοι ἔθεντο, λύουσιν αὐτοὶ, τοῖς δ' ἑαυτῶν, οὓς ἐπ' ἀδικίᾳ τῆς πόλεως τιθέασιν, χρῆσθαι ὑμᾶς οἴονται δεῖν. εἰ οὖν μὴ τιμωρήσεσθε τούτους, οὐκ ἂν φθάνοι τὸ πλῆθος τούτοις τοῖς θηρίοις δουλεῦον. εὔ

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disappeared from prose, as Cobet tells us *Var. Lect.* p. 237, *Nov. Lect.* p. 622, except in one passage of a single manuscript. This is Demosth. de F. L. p. 413 § 230=255, where Σ alone has preserved πλεῖν ἢ μυρίους. Acting on this hint, Dindorf has 'raised the standard' (*signum sustulit*) of revolt against the MSS. and has corrected many passages in Demosth. of which Cobet gives a list: c. Lept. p. 503 § 152 πλεῖν ἢ ἄπαξ, c. Mid. p. 570 § 173 πλεῖν ἢ πέντε τάλαντα, c. Aristocr. p. 657 § 10 πλεῖν ἢ τριακόσια τάλαντα, p. 669 § 149 πλεῖν ἢ τρία ἔτη (*scribendum τρι' ἔτη* Cobet) and seven other passages in the private orations. Πλέον (*πλεῖον*, πλεῖν) and ἔλαττον (*μείον*) are used indeclinably before all cases: we have here an example with the dative, and one with genitive II. Aphob. p. 841 § 18 πλεῖν ἢ δέκα τάλαντων.—διακοσίοις ἔτεσιν need not be taken to imply that no more than 200 years had elapsed between Zaleucus and Demosthenes: see above.

§ 142. ὅσοι μῆνες] Jerome Wolf observes that this is like ὅσαι ἡμέραι, usually written ὅσημέραι. G. H. Schaefer adds

ὅποσα (ὅσα L. Dindorf) ἔτη Xen. Rep. Ath. 3 § 4, which Cobet writes also as one word ὀσέτη, *Nov. Lect.* p. 747. In Horace's *quotquot eunt dies* a verb is supplied.

μικροῦ δέουσι νομοθετεῖν] *Androt.* § 68 n. The personal use of δέω (*want*) is not very rare except in the 2nd sing. δεῖς. The expression is equivalent to 'they are passing laws almost every month.'

ἐφ' ἑαυτοῖς δὲ... τοῦτ' εἶναι] 'though against themselves they do not think it right that this same principle should hold,' R. W., 'do not choose the same measure of justice to be applied to themselves,' K.

λύουσιν αὐτοῖ] 'repeal of their own authority.' §§ 38, 123.

§ 143. οὐκ ἂν φθάνοι... δουλεῦον] 'it will not be long before they become the slaves of these monsters,' cf. I. Aristog. p. 782 § 40 ὥστ' οὐκ ἂν φθάνοι κατακοπτόμενος. φθάνειν with a negative is used of that which when it takes place will not take place too soon (*Madvig, Synt.* § 177 Rem. 6). The third person occurs in several passages of the orators: Demosth. c. Macart. p. 1073 § 69 οὐκ ἐφθη

δ' ἴστε, ὧ ἄνδρες δικασταὶ, ὅτι ἐὰν μὲν σφόδρ' ὀργί-
 ζησθε, ἦττον ἀσελγανοῦσιν, ἂν δὲ μὴ, πολλοὺς τοὺς
 ἀσελγεῖς εὐρήσετε καὶ τοὺς ὑβρίζοντας ὑμᾶς ἐπὶ τῇ
 τοῦ φιλοτιμείσθαι προφάσει.

144 "Ἴνα δὲ καὶ περὶ ἐκείνου εἶπω τοῦ νόμου, ὧ ἄνδρες
 δικασταὶ, ὧ ἀκούω μέλλειν παραδείγματι χρῆσθαι
 τοῦτον καὶ φήσειν ἀκόλουθον αὐτῷ τεθεικέναι, ἐν ᾧ
 ἐνι "οὐδὲ δῆσω Ἀθηναίων οὐδένα, ὃς ἂν ἐγγυητὰς

Θεόπομπος τὴν ἐπιδικασίαν ποιη-
 σάμενος...καὶ ἐνεδείξατο, 'he had
 no sooner made good his claim
 to the inheritance than he show-
 ed (by bad husbandry) that he
 did not think it really his own.'
 c. Theocrin. p. 1319 § 65 οὐ γὰρ
 ἐφθῆ μοι συμβᾶσα ἢ ἀτυχία, καὶ
 εὐθύς...τούτων τινὲς.. ἐπεχειρή-
 σαν διαφορῆσαι τᾶνδοθεν. Isocr.
 Paneg. § 86 οἱ δ' οὐκ ἐφθασαν
 πυθόμενοι...καὶ...ἦκον ἡμῖν ἀμ-
 νύντες. Evag. § 53 οὐκ ἐφθασαν
 ἀλλήλοις πλησιάσαντες καὶ περὶ
 πλείονος ἐποιήσαντο σφᾶς αὐτούς.
 The second person in the phrase
 οὐκ ἂν φθάνοις 'you cannot do
 it too soon' and so, equivalent
 to an imperative, 'do it at once,'
 is common in the tragedians:
 Mr Whiston on the present pas-
 sage refers to Eur. Alc. 662,
 Heracl. 720, Troad. 456. A
 prose example is Xen. Mem. II.
 3 § 11 οὐκ ἂν φθάνοις λέγων εἴ
 τι ἦσθησθαί με φίλτρον ἐπιστά-
 μενον.

The word *θηρίον* is freely ap-
 plied by the orators in invectives:
 Demosth. c. Phorm. extr.,
 c. Laerit. p. 925 § 8. Aeschin.
 de F. L. § 20, c. Ctes. § 182.
 Cicero goes a step further in
 the use of the vocative case:
 his speech against Piso, in its
 present defective condition, be-
 gins with the words 'Iamne vi-
 des, belua, iamne sentis...?'

ἐπὶ τῇ τοῦ φιλοτιμείσθαι προ-
 φάσει] 'under the pretence of
 zeal in your service,' K., 'of
 patriotic ambition,' Benseler
 more literally.

§§ 144—151. *Anticipation of
 an objection which he hears Ti-
 moocrates is about to make—that
 his law is in accordance with
 Athenian maxims respecting per-
 sonal freedom and aversion to
 arbitrary imprisonment, as shown
 by an existing law in which the
 words occur 'Nor will I im-
 prison any Athenian who shall
 put in three substantial sureties,
 except in cases of treason-
 able conspiracy, or default on
 the part of tax-farmers.'* *The
 clause is really found in the oath
 taken by members of the Senate,
 and its object is to check oppres-
 sive action by those in authority
 against untried prisoners, lest
 they should be at a disadvantage
 in preparing their defence. It
 does not refer to those tried
 and convicted, as may easily be
 proved by reading the Oath of
 the Heliasts. [The oath is read.]
 You don't find here, men of the
 jury, 'Nor will I put any
 Athenian in bondage.'*

§ 144. *παραδείγματι χρῆσθαι
 ...τεθεικέναι* 'to quote for a pre-
 cedent, and say that he has
 proposed his own in conformity
 with it,' K.

“ τρεῖς καθιστῆ τὸ αὐτὸ τέλος τελούοντας, πλὴν ἑάν
 “ τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ
 “ δήμου συνιῶν ἀλῶ, ἢ τέλος τι^ο πριάμενος ἢ ἐγγυη-
 “ σάμενος ἢ ἐκλέγων μὴ καταβάλλῃ,” ἀκούσατέ μου
 145 καὶ περὶ τούτου· οὐ γὰρ ἐρῶ ὅτι αὐτὸς Ἀνδροτίων
 ἦγεν εἰς τὸ δεσμωτήριον καὶ ἔδει τούτου κειμένου τοῦ
 νόμου, ἀλλ’ ἐφ’ οἷς κεῖται ὁ νόμος οὗτος, διδάξω ὑμᾶς.
 οὗτος γὰρ, ὃ ἄνδρες δικασταὶ, οὐκ ἐπὶ τοῖς κεκριμέ-
 νοις καὶ ἠγωνισμένοις κεῖται, ἀλλ’ ἐπὶ τοῖς ἀκρίτοις,

^ο τι om. Z. Bekk. Bens. cum ΣFv.

τὸ αὐτὸ τέλος τελούοντας] sc. αὐτῶ, of the same class with himself, and therefore paying according to the same valuation: a safeguard against putting in ‘men of straw,’ the φαίλους ἀνθρώπους of § 85. This is doubtless said in reference to the classes into which the citizens were divided in the archonship of Nausinicus, when the εἰσφορὰ was placed upon a new footing, and the συμμορίαι introduced. For fuller details see references, Androt. § 44 n. I do not think the Scholiast was guilty of the absurdity which Mr Whiston imputes to him, of taking the passage to mean that the collective property of the three sureties was to be equal to that of the defendant. His words are τῶν τριῶν ἐγγυητῶν ἐχόντων τὴν ἴσην οὐσίαν ἐκείνῳ ᾧ περ ἐγγυῶνται: his meaning would have been clearer if he had said ἐχόντων ἐκάστου, but I believe he understood the expression in the same sense in which modern scholars have taken it.

συνιῶν ἀλῶ] ‘is discovered in a conspiracy,’ R. W., or perhaps ‘arrested,’ as in Androt. § 53. Cf. above § 105 n. This is better

than the rendering of K. and Benseler, ‘convicted of conspiracy,’ ‘schuldig befunden.’ As Schoemann pointed out, the context clearly shows that the reference is to untried prisoners: and G. H. Schaefer, in objecting to this ‘Sed ἀλῶναι, quod sciam, non dicitur ἀκριτος,’ unquestionably narrows too much the usage of the verb.

ἢ τέλος τι πριάμενος] Once more, as in § 40, we have the three classes of persons connected with the farming of taxes and, as such, liable to special penalties. On ἐκλέγων see also Androt. § 48 n.

§ 145. οὐ γὰρ ἐρῶ... νόμου] ‘I will say nothing (though I might) of Androtion’s taking people to prison and putting them in bonds notwithstanding this law,’ K. with whom the German translator agrees, ‘in Fesseln legte.’ Rather, I should say, ‘arrested and imprisoned’: ἦγεν is = ἀπῆγεν, but ἔδει need not by any means imply chains or fetters. The facts are related Androt. §§ 54—56.

ἐφ’ οἷς] masculine, ‘to what persons the law applies.’ §§ 18, 59, 135.

κεκριμένοις καὶ ἠγωνισμένοις]

ἵνα μὴ διὰ τὸ δεδέσθαι χειῖρον ἀναγκάζονται ἀγωνί-
 ζεσθαι ἢ καὶ παντάπασιν ἀπαράσκευοι εἶεν. οὐτοσὶ
 δὲ, ἃ ἐπὶ τοῖς ἀκρίτοις κείται, ὡς περὶ ἀπάντων
 146 εἰρημένα μέλλει πρὸς ὑμᾶς λέγειν. ὡς δὲ σαφῶς
 γνώσεσθε ὅτι ἀληθῆ λέγω, ἐγὼ ὑμῖν ἐρῶ. οὔτε γὰρ
 ἂν, ὧ ἄνδρες δικασταί, ἐξῆν ὑμῖν τιμᾶν ὅ τι χρῆ πα-
 θεῖν ἢ ἀποτίσαι (ἐν γὰρ τῷ παθεῖν καὶ ὁ δεσμός ἐνι
 οὐκ ἂν οὖν ἐξῆν δεσμοῦ τιμῆσαι), οὔθ' ὅσων ἐνδειξίς 746
 ἐστὶν ἢ ἀπαγωγῆ, προσεγγέγραπτο ἂν ἐν τοῖς νόμοις
 “ τὸν δ' ἐνδειχθέντα ἢ ἀπαχθέντα δησάντων οἱ ἔνδεκα
 “ ἐν τῷ ξύλῳ,” εἶπερ μὴ ἐξῆν ἄλλους ἢ τοὺς ἐπὶ προ-
 δοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιόν-
 147 τας δῆσαι. νῦν δὲ ταῦθ' ὑμῖν τεκμήρια ἔστω ὅτι
 ἔξεστι δῆσαι· παντελῶς γὰρ ἤδη ἄκυρ' ἂν ἦν τὰ
 τιμήματα. ἔπειτα δ', ὧ ἄνδρες δικασταί, τοῦτο τὸ

‘tried and sentenced.’ ἀγωνί-
 ζεσθαι below is ‘proceed to their
 trial’ as defendants, whereas
 in § 131 it was said of prose-
 cutors.

μέλλει πρὸς ὑμᾶς λέγειν] For
 conjectures as to the line which
 the defence is going to take,
 compare Androt. § 8 τὴν ἀπολο-
 γίαν ἣν ποιήσεται, § 42 οἴμαι τοί-
 νυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι
 τῶν λόγων.

§ 146. ὡς δὲ σαφῶς γνώσεσθε]
 ‘I will show you how you may
 convince yourselves of the truth
 of my statement.’

οὔτε γὰρ ἂν] γὰρ must often
 be construed with reference to
 a suppressed clause. ‘For if
 the defendant’s contention (viz.
 that imprisonment was foreign
 to the spirit of Attic law) had
 been true, the familiar phrase
 “penalty corporal or pecuni-
 ary” (παθεῖν ἢ ἀποτίσαι, § 63 n.)

would be simply unmeaning;
 for in imprisonment the notion
 of a corporal penalty is in-
 cluded.’ The jury is said τιμᾶν,
 to fix, assess, or award a pun-
 ishment; hence τιμᾶσθαι of the
 plaintiff who ‘demands’ that
 a penalty shall be fixed is one
 among the many examples of a
 causal middle, like διδάσκειν δι-
 δάσκεισθαι, δανείζειν δανείζεσθαι,
 and so on.

ἐνδειξίς ἐστὶν ἢ ἀπαγωγῆ] An-
 drot. § 26 n.

δησάντων] § 10 n.

ἐν τῷ ξύλῳ] = ἐν τῇ ποδοκάκκῃ,
 § 105 n.

§ 147. παντελῶς γὰρ...τὰ τι-
 μήματα] ‘for otherwise your pe-
 nal sentences would have been
 wholly null and void,’ i.e. εἰ μὴ
 ἐξῆν δῆσαι, the suppressed clause
 indicated by γὰρ. Dobree’s
 conjecture δῆ (=‘you know’)
 for ἤδη is noticed by the Editors,

γράμμα αὐτὸ μὲν καθ' αὐτὸ οὐκ ἔστι νόμος, τὸ “οὐδὲ
 “δῆσω Ἀθηναίων οὐδένα,” ἐν δὲ τῷ ὅρκῳ τῷ βουλευ-
 τικῷ γέγραπται, ἵνα μὴ συνιστάμενοι οἱ ῥήτορες οἱ
 ἐν τῇ βουλῇ δεσμὸν κατὰ τινος τῶν πολιτῶν λέγοιεν.
 148 ἄκυρον οὖν τοῦ δήσαι τὴν βουλὴν ποιῶν ὁ^d Σόλων
 τοῦτο πρὸς τὸν ὅρκον τὸν βουλευτικὸν προσέγραψεν,
 ἀλλ' οὐ πρὸς τὸν ὑμέτερον· ἀπάντων γὰρ κυριώτα-
 τον ᾤετο δεῖν εἶναι τὸ δικαστήριον, καὶ ὅτι γνοίη,
 τοῦτο πάσχειν τὸν ἀλόντα. ἀναγνώσεται δ' ὑμῖν αὐ-
 τοῦ τούτου ἕνεκα τὸν τῶν ἡλιαστῶν^e ὅρκον. λέγει σὺ.

“ΟΡΚΟΣ ἩΛΙΑΣΤΩΝ.

149 [Ψηφιοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα

^d ὁ *om.* Z *cum* Σ.

^e δικαστῶν Z Bekk. Bens. *cum* Σ.

but no one has introduced it into the text: ἤδη (= ‘at once’) may well be used here to express the immediate result, as Mr Whiston has explained it.

συνιστάμενοι] ‘combining,’ nearly = συνιδόντων ‘conspiring.’ Cf. τῶν ἡθάρων καὶ συνεστηκότων ῥητόρων, Androt. § 37 n. — λέγοιεν ‘move, propose.’

§ 148. προσέγραψεν] ‘inserted the clause.’ The middle προσγραψάμενος has the same meaning, Androt. § 71. In the distinction between βουλευτικὸν and ὑμέτερον = δικαστικὸν or ἡλιαστικὸν lies the point of the orator’s reply to the argument of Timocrates.

§ 149. “ΟΡΚΟΣ ἩΛΙΑΣΤΩΝ] This, the last document inserted in the body of the speech, is not more genuine than those already considered: and Westermann devoted three programmes (Leipzig, 1859) to the exposure of its mistakes. From these Benseler extracts the following notes of

forgery: (1) The absence of the clause *περὶ ὧν ἂν νόμοι μὴ ᾔσι, γνώμη τῇ δικαιοσύνη κρινεῖν*, i.e. according to honour and conscience. That these words were included, is attested by c. Lept. p. 492 § 118, c. Aristocr. p. 652 § 96, Boeot. de Nom. p. 1006 § 40, c. Eubul. p. 1318 § 63. Cf. Pollux viii. 122 ὁ δ’ ὄρκος ἦν τῶν δικαστῶν περὶ ὧν νόμοι εἰσὶ, ψηφιεῖσθαι κατὰ τοὺς νόμους, περὶ δὲ ὧν μὴ εἰσὶ, γνώμη τῇ δικαιοσύνη. (2) The insertion of the absurd and unhistorical phrase ‘not to vote tyranny,’ as if tyranny could be ‘voted’ in Athens or in any other Greek state. (3) Incorrect expressions, e.g. *διαψηφιοῦμαι* with *περὶ αὐτοῦ* and not in the technical sense of *διαψήφισις, ταύτη τῇ ἡμέρᾳ* for *τῇ αὐτῇ ἡμέρᾳ* [but perhaps the writer may not have meant this], *ἐπόμνυμαι* for *ἐπόμνυμι*, *πολλὰ καλὰ καὶ ἀγαθὰ* for *πολλὰ κάγαθὰ* [the two last are doubtful readings]. (4) The last clause ex-

τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων, καὶ τύραννον οὐ ψηφιοῦμαι εἶναι οὐδ' ὀλιγαρχίαν· οὐδ' εἴαν τις καταλύῃ τὸν δῆμον τὸν Ἀθηναίων ἢ λέγῃ ἢ ἐπιψηφίξῃ παρὰ ταῦτα, οὐ πείσομαι· οὐδὲ τῶν χρεῶν τῶν ἰδίων ἀποκοπὰς οὐδὲ γῆς ἀναδασμὸν τῆς Ἀθηναίων οὐδ' οἰκιῶν. οὐδὲ τοὺς φεύγοντας κατάξω, οὐδὲ ὧν θάνατος

pressed in the infin., ἐπομύναι, ἐπαρᾶσθαι: and a mistake in the names of the gods sworn by, Ποσειδῶ when it should have been Ἀπόλλω πατρῶν. Allowing for the possible captiousness of some of these objections, the broad fact remains that these documents, as a series, must stand or fall together; and it is abundantly proved that the orators did not, as a rule, include in their published speeches the laws or other documents which they caused to be read. Perrot, *Essai sur le Droit Publique d'Athènes* p. 240 n., observes that Schoemann in his *Antiquities*, 1855, had anticipated Westermann's conclusion. In his early work *Attische Process* p. 135 he had accepted the Oath as genuine.

παρὰ ταῦτα] This is best taken generally, with Whiston, 'in contravention of this,' i.e. of the principles involved in the previous declaration: not supplying τὰ ψηφίσματα from ψηφιοῦμαι (Matthiae), nor yet τὴν πολιτείαν as implied in τὸν δῆμον (G. H. Schaefer, Schoemann, Kennedy).

πέισομαι] 'consent' or 'acquiesce,' from πείθεσθαι: cf. Eurip. Heracl. 104 πόντια γὰρ Δίκα τὰδ' οὐ πείσεται, rightly explained by Paley. That πάσχειν cannot = εἶναι, it would be hardly

necessary to prove if even eminent scholars had not gone astray. A passage in Herod. iv. 119 was formerly quoted in illustration of this word: ἦν μέντοι ἐπὶ καὶ ἐπὶ τὴν ἡμετέραν ἄρξην τε ἀδικέων, καὶ ἡμεῖς οὐ πεισόμεθα, where πεισόμεθα, if genuine, must come from πάσχω. But it is now admitted to be corrupt: various conjectures are given in Bähr's and Stein's notes, the most probable being Bekker's περιοψόμεθα approved by Cobet *Var. Lect.* p. 284. It is odd to find Bähr, after mentioning several of these corrections, defending πεισόμεθα by reference to the present passage of the Timocratea. Wesseling and Valckenaer (1763) already found it intolerable. It is of course the ambiguous form πείσομαι that is misleading, as well as the analogy of 'patior' and 'suffer;' no one would expect to find ἔπαθε for εἶασε, nor has any instance of it been produced.

χρεῶν ἀποκοπὰς...γῆς ἀναδασμὸν] These two 'notes' of revolutionary times are constantly coupled together, e.g. [Demosth.] Or. xvii. § 15. In Andoc. de Myst. § 88 we have δίκαι ἀνάδικοι 'appeals' along with χρεῶν ἀποκοπὰ.

οὐδὲ τοὺς φεύγοντας] The clauses 'not to bring back those in exile or under sentence of

κατέγνωσται, οὐδὲ τοὺς μένοντας ἐξελῶ παρὰ τοὺς νόμους τοὺς κειμένους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς οὐτ' αὐτὸς ἐγὼ οὐτ' ἄλλον οὐδένα ἐάσω· οὐδ' ἀρχὴν καταστήσω ὥστ' 747 ἀρχεῖν ὑπεύθυνον ὄντα ἑτέρας ἀρχῆς, καὶ τῶν ἐννέα ἀρχόντων καὶ τοῦ ἱερομνήμονος καὶ ὅσαι μετὰ τῶν ἐννέα ἀρχόντων κυμαίνονται ταύτη τῇ ἡμέρᾳ, καὶ κήρυκος καὶ πρεσβείας καὶ συνέδρων· οὐδὲ δις τὴν

death nor expel those who are here resident' appear in the words of the speech itself, § 153. These were ordinary incidents of the struggles between oligarchy and democracy in any Greek state, e.g. Megara in the time of Theognis or Coreyra in the early years of the Peloponnesian war.

§ 150. οὐδ' ἀρχὴν καταστήσω] As long as the compiler confines himself to generalities, 'Nor will I appoint any one to an office who has still to render his accounts for another office,' he is on safe ground; but we get into difficulties with the names. The Hieromnemon, or principal representative at the Amphictyonic council (*Dict. Antiq.* s.v.) is mentioned out of his natural order; he would more properly be classed with the κήρυκες and σύνεδροι.—καταστήσω is not strictly 'appoint,' as the officers here mentioned were elected by lot (κυμαίνονται), but their δοκιμασία was tried before a jury.

κυμαίνονται] Xen. Mem. i. 2 § 9 of the charges against Socrates; λέγων ὡς μωρὸν εἶη τοὺς μὲν τῆς πόλεως ἀρχοντας ἀπὸ κῆρυκος καθιστάναι, κυβερνήτη δὲ μηδένα ἐθέλειν χρῆσθαι κυμαεντῶ. The verb appears to occur only

here: the κύαμος or lot is to be distinguished from the ballot (κρύβδην ψηφίζεσθαι).

ταύτη τῇ ἡμέρᾳ] With such a writer the question between ταύτη, τῇ ἡμ. and τῇ αὐτῇ ἡμ. is not historically important. He may have thought that all these offices were filled up by lot 'on the same day:' or that the Heliast first entered upon his duties on the day of the election of magistrates, and so swore to scrutinise faithfully all who should be elected 'on this day.' The Heliast took the oath once for all at the beginning of his year of office (above §§ 21, 58). The case of Evander on his δοκιμασία for the archonship (§ 138 n.) was heard on the last day but one of the outgoing year; it is not likely, therefore, that it was tried before Heliasts who had just been sworn in.

καὶ κήρυκος καὶ πρεσβείας καὶ συνέδρων] These words as they stand do not seem to be capable of any rational explanation. To take πρεσβείας = πρεσβευτοῦ or πρέσβειων between two concrete nouns involves great harshness; and there would still remain the absurdity of supposing that ambassadors were chosen by lot among the annual magis-

αὐτὴν ἀρχὴν τὸν αὐτὸν ἄνδρα, οὐδὲ δύο ἀρχὰς ἄρξαι
τὸν αὐτὸν ἐν τῷ αὐτῷ ἐνιαυτῷ· οὐδὲ δῶρα δέξομαι
τῆς ἡλιάσεως ἕνεκα οὐτ' αὐτὸς ἐγὼ οὐτ' ἄλλος ἐμοὶ
οὐτ' ἄλλη εἰδότος ἐμοῦ, οὔτε τέχνη οὔτε μηχανῆ
151 οὐδεμιᾶ. καὶ γέγονα οὐκ ἔλαττον ἢ τριάκοντ' ἔτη.
καὶ ἀκροάσομαι τοῦ τε^f κατηγοροῦ καὶ τοῦ ἀπολογοῦ-
μένου ὁμοίως ἀμφοῖν, καὶ διαψηφιοῦμαι περὶ αὐτοῦ

^f τε om. Z Bekk. Bens. cum Σ.

trates, and before it was known what embassies would be wanted. We know that, in fact, they were chosen by vote of the Ecclesia as occasion demanded, and (the Athenians not being devoid of common sense) for their personal qualifications. To get over this difficulty, Reiske proposes to translate the words 'heralds (*praecones*) whether of embassies or of synedri:' making the words refer to two distinct classes of *κήρυκες*. This sense would be badly expressed, and not much more satisfactory; it is safer to conclude that the writer did not know his own meaning.

The *κήρυκες* were of various kinds (1) mere 'criers' in the market, a poor and despised class working hard for small gains: Demosth. c. Leochar. p. 1081 § 4 διατελεῖ γὰρ ἐν Πειραιεῖ κηρύττων· τοῦτο δ' ἔστιν οὐ μόνον ἀπορίας ἀνθρωπίνης τεκμήριον, ἀλλὰ καὶ ἀσχολίας τῆς ἐπὶ τὸ πραγματεύεσθαι ἀνάγκη γὰρ ἡμερεῖν ἐν τῇ ἀγορᾷ τὸν τοιοῦτον. (2) ὑπηρέται or underlings of the magistrates, *κήρυξ ἀρχοντος Corp. Inscript.* No. 181, 182; *κήρυξ βούλης τῆς ἐξ' Ἀρείου πάγου*, *ibid.* No. 180, 181; and others. (3) Of a higher rank were the *κήρυξ τῆς βουλῆς καὶ τοῦ δήμου*,

and the *ιεροκῆρυξ* of the Eleusinian mysteries.

συνέδρων] § 127 n.

οὐτ' ἄλλος ἐμοὶ οὐτ' ἄλλη] 'nor shall any other man or woman accept a bribe on my account with my knowledge.' K. In good Greek this would be ὑπὲρ ἐμοῦ: there is a well-known poetical use of the dative after *δέχεσθαι* in the sense 'at the hands of,' and so = 'from.'

§ 151. *τριάκοντ' ἔτη*] The Athenian citizen, coming of age at 18, served in the home army for two years as a *περίπολος*, and enjoyed the franchise in the Ecclesia at 20. Ten years more were to elapse before he became eligible as a dicast.

καὶ ἀκροάσομαι] The jurors are reminded of this clause of the oath in the opening words of Aeschin. de F. L. and Demosth. de Cor.

διαψηφιοῦμαι... ἢ διώξις ἦ] 'I will decide strictly on the question of the suit:' on that exact question (*περὶ αὐτοῦ*) and no other. The simple verb *ψηφιοῦμαι* is required: cf. *Dict. Antiq.* s. v. 'Diapsephisis.'

ἐπομνύμαι] This correction of Bekker's avoids the improper use of the middle voice (§ 149 n.), and brings the construction into conformity with *ἐπαράσθαι*.

οὐ ἂν ἡ δίωξις ἦ^g. ἐπομύναι^h Δία, Ποσειδῶⁱ, Δήμητρα, καὶ ἐπαρᾶσθαι ἐξώλειαν ἑαυτῷ καὶ οἰκίᾳ τῇ ἑαυτοῦ, εἴ τι τούτων παραβαῖνοι, εὐορκούντι δὲ πολλὰ κάγαθὰ^k εἶναι.]

Ἐνταῦθ' οὐκ ἔνι, ὧ ἄνδρες δικασταί, “οὐδὲ δῆσω “Ἀθηναίων οὐδένα.” τὰ γὰρ κρίνοντα τὰς κρίσεις ἀπάσας τὰ δικαστήριά ἐστιν, οἷς ἐξουσία ἐστὶ καὶ δεσμὸν καὶ ἄλλο ὅ τι ἂν^l βούλωνται καταγιγνώσκειν.

152 Ὡς μὲν οὖν ἔξεστιν ὑμῖν δεσμὸν καταγιγνώσκειν, ταύτη^m ἐπιδείκνυμι· ὡς δὲⁿ τὰ δεδικασμένα ἄκυρα

^g ἦ ἡ δίωξις Z Bekk. *Illud* Σ.

^h ἐπόμνυμαι Z Bekk. Bens.

cum libris.

ⁱ Ποσειδῶνα Z Bens. *cum* Σ.

^k καλὰ καὶ ἀγαθὰ

Bens. *cum* Σ.

^l ἄλλ' ὅ τι ἂν Z, ἄλλο τι ὅ ἂν Bens. *cum* Σ.

^m ταῦτ' Z Bekk. Bens. *cum libris praeter* F.

ⁿ ὡς δὲ καὶ Z

Bens. *cum* ΣFvB.

But it is clear that these infinitives could have formed no part of the oath itself: they belong to the law which imposed it.

Δία, Ποσειδῶ, Δήμητρα] ‘Quod tradit Pollux paullulum ab hoc loco differt: ὤμνον δ' ἐν Ἀρδῆττῳ Ἀπόλλω πατρῶον καὶ Δήμητρα καὶ Δία βασιλέα. In Bekk. *Anecd.* p. 443, 31 *iusjurandum Heliastarum* “Ἡλιον habet loco Neptuni.” H. Schelling de Solonis legibus p. 35 quoted by Dindorf.

πολλὰ κάγαθὰ] The reading of Σ, πολλὰ καλὰ καὶ ἀγαθὰ (see various readings) introduces one of the phrases to which Benseker himself objects (§ 149 n.). Yet he goes out of his way to adopt it, alone among editors.

τὰ γὰρ κρίνοντα] ‘It is the courts that decide all questions that are brought to trial.’

§§ 152—154. *Any undermining of the powers of the*

courts will not merely lead to a perversion of justice, but be highly dangerous politically. If what has been decreed by verdict may be rescinded by a new law, where is the thing to end? Any other bulwark of the constitution may be subverted by a like process. In the oligarchical revolutions of former times, the first step was to deprive the dicasteries of their power and abolish the indictments for illegal measures. Circumstances may have altered: the constitution may be on a firmer footing: but the only safe thing to do is to crush all such attempts in the bud.

§ 152. ταύτη ἐπιδείκνυμι] See the various readings. We may say here that ταύτη is what Demosthenes either wrote or ought to have written: but the evidence is all in favour of the less attractive reading ταῦτ'. Dindorf shows, as usual, ‘the courage of his opinions.’

ποιεῖν καὶ δεινὸν καὶ ἀνόσιόν ἐστι καὶ δήμου κατά-
 λυσις, πάντα ἂν οἶμαι ὁμολογήσαι. ἡ γὰρ πόλις
 ἡμῶν, ὧ ἄνδρες δικασταί, νόμοις καὶ ψηφίσμασι
 διοικεῖται. εἰ δὴ τις τὰ ψήφω κεκριμένα νόμῳ καινῷ
 λύσει, τί πέρασ ἔσται; ἢ πῶς τοῦτον δίκαιόν ἐστι
 νόμον προσαγορεύειν, ἀλλ' οὐκ ἀνομίαν; ἢ πῶς οὐ
 τῆς μεγίστης ὀργῆς ὁ τοιοῦτος νομοθέτης ἄξιός ἐστιν;
 153 ἐγὼ μὲν γὰρ τῶν ἐσχάτων νομίζω, οὐχ ὅτι τοῦτον
 μόνον τὸν νόμον ἔθηκεν, ἀλλ' ὅτι καὶ τοῖς ἄλλοις 748
 ὁδὸν δείκνυσι καὶ περὶ δικαστηρίων καταλύσεως καὶ
 περὶ τῶν φευγόντων καθόδου καὶ περὶ τῶν ἄλλων
 τῶν δεινοτάτων. τί γὰρ κωλύει, ὧ ἄνδρες δικασταί,
 εἰ οὗτος χαίρων ἀπαλλάξει ὁ τοιοῦτος νόμον τιθεὶς,

τὰ δεδικασμένα ἄκυρα ποιεῖν] That the setting aside of judicial decisions would introduce uncertainty into all the relations of life was argued in §§ 72—78. He now approaches the question from the political side, not without some repetitions of previous arguments.

νόμοις καὶ ψηφίσμασι] The distinction is explained in *Dict. Antiq.* s.v. 'Nomothetes.' 'The mere resolution of the people in assembly was a ψήφισμα, and only remained in force a year, like a decree of the Senate. Nothing was a law that did not pass the ordeal of the νομοθέται, ἀνομίαν] 'a breach of law' as R. W. and Benseler, rather than the abstract 'lawlessness.'

§ 153. τῶν ἐσχάτων] This reading of Σ is undoubtedly right: τὰ ἐσχάτα is a regular phrase for capital punishment, e.g. *Lys. c. Andoc.* § 13 τὰ ἐσχάτα πείσεται, c. *Agorat.* § 60 τὰ ἐσχάτα παθεῖν. The Attics say ἐσχάτη τιμωρία, as § 119, but μεγίστη ὀργή, not ἐσχάτη.

οὐχ ὅτι τοῦτον μόνον] i.e. οὐ μόνον ὅτι τοῦτον, cf. οὐχ ὅπως § 113 n.

δικαστηρίων καταλύσεως] A rare phrase for τὰ δικαστήρια (or δεδικασμένα) ἄκυρα ποιεῖν. We scarcely find κατάλυσις in the orators except with δήμον: an exception, however, is c. *Polycl.* p. 1209 § 11 τριήρους γὰρ ὁμολογεῖται κατάλυσις εἶναι, the 'ruin' of it.

χαίρων ἀπαλλάξει] For the intransitive sense 'come off, get off' comp. *de Cor.* p. 246 § 65 χεῖρον ἡμῶν ἀπηλλάχασιν. *Aeschin. de F. L.* § 38 Δημοσθένην τὸν οὕτω καταγελάστως ἀπαλλάξαντα, c. *Ctes.* § 158 οὕτε πόλις γὰρ οὐτ' ἰδιώτης ἀνὴρ οὐδεὶς πώποτε καλῶς ἀπήλλαξε Δημοσθένει συμβούλῳ χρησάμενος.

τιθεὶς] The present participle marks the stage which the law of Timocrates had reached (not being yet out of danger) better than *theis*, and has been rightly received: cf. § 131 οἱ τῆς ξενίας ἀλισκόμενοι.

ἕτερον φανῆναι ἄλλο τι τῶν τῆς πόλεως ἰσχυροτάτων καταλύοντα νόμῳ καινῷ; ἐγὼ μὲν γὰρ οἶμαι
 154 οὐδέν. ἀκούω δ' ἔγωγε καὶ τὸ πρότερον οὕτω καταλυθῆναι τὴν δημοκρατίαν, παρανόμων πρῶτον γραφῶν καταλυθεισῶν καὶ τῶν δικαστηρίων ἀκύρων γενομένων. ἴσως μὲν οὖν ἂν τις ὑπολάβοι ὅτι οὐχ ὁμοίων ὄντων τῶν πραγμάτων νῦν καὶ τότε λέγω περὶ καταλύσεως τοῦ δήμου. ἀλλ' οὐδὲ σπέρμα δεῖ

§ 154. ἀκούω δ' ἔγωγε] The orator is doubtless thinking of his favourite historian's account of the Revolution of 411, when to abolish the γραφή παρανόμων was the first step of the συγγραφεῖς or oligarchical legislators. Thucyd. viii. 67 ἐσήνεγκαν οἱ ξυγγραφῆς ἄλλο μὲν οὐδέν, αὐτὸ δὲ τοῦτο, ἐξεῖναι μὲν Ἀθηναίων ἀνειπεῖν γνώμην ἣν ἂν τις βούληται ἣν δὲ τις τὸν εἰπόντα ἢ γράψῃται παρανόμων ἢ ἄλλῳ τῷ τρόπῳ βλάβῃ, μεγάλας ζημίας ἐπέθεσαν. Compare Grote's remarks, ch. 62 (v. 384).

καὶ τῶν δικαστηρίων...γενομένων] καὶ does not denote a separate step in the process. The abolition of the γραφή παρανόμων was in itself the removal of the check upon constitutional changes exercised by the courts.

οὐχ ὁμοίων...νῦν καὶ τότε] At the date of this speech Athens had now enjoyed fifty years of democratic government (B.C. 403—353) undisturbed by reactionist conspiracies: and her constitutional freedom lasted as long as her political independence. Among the causes of this happy result we shall not be wrong in reckoning the wise humanity of the restored democracy towards the men of the Second Oligarchy, as compared not merely with the habitual

cruelty of Greek factions but with the conduct of the same party a few years before. Unlike the counter-revolution of 411, when Antiphon and the other leading oligarchs were put to death, the archonship of Eucleides had left behind it no bitter memories. But further, this softening of manners was itself the effect of a common calamity: the loss of empire had sobered all classes. The policy which had exterminated Melos (416) and had nearly exterminated Mytilene (427) had been tried and had failed: the terrible sufferings of the siege and the dark times of the Thirty had left behind them a craving for repose. The spirit of the new time is well expressed in the speech of Thrasybulus at the end of the second Hellenic (ii. 4 §§ 40—43): and even the unpatriotic Xenophon cannot refuse his tribute of admiration (καὶ ὀμῶσαντες ὄρκους ἢ μὴν μὴ μνησικακήσειν, ἔτι καὶ νῦν ὁμοῦτε πολιτεύονται καὶ τοῖς ὄρκοις ἐμμένει ὁ δῆμος). When, after ten years (Cnidus 394), Athens had recovered from her exhaustion and once more held up her head, the lessons of adversity were not forgotten, though all else was: an 'amnesty' in the best sense of the word.

καταβάλλειν ἐν τῇ πόλει οὐδένα, ὃ ἄνδρες δικασταί, τοιοῦτων πραγμάτων, οὐδ' εἰ μὴ πω ἂν ἐκφύοι, ἀλλὰ καὶ ὁ τὸν ἐγχειροῦντα λέγειν ἢ ποιεῖν τι τοιοῦτον δίκην δίδοναι.

155 Ὅτι τοίνυν καὶ τέχνη κακῶς ἐνεχείρησε ποιεῖν ὑμᾶς, ἄξιόν ἐστιν ἀκοῦσαι. ὄρων γὰρ ἐκάστοτε πάντας, καὶ τοὺς πολιτευομένους καὶ τοὺς ἰδιώτας, τοὺς

ο καὶ om. Z Bekk. Bens. cum Σ.

εἰ μὴ πω ἂν ἐκφύοι] When ἂν follows εἰ there is usually a reference to a further condition, either expressed, as in Demosth. de F. L. p. 395 § 172=190 where εἰ ἐπρέσβευσ' ἂν refers to εἰ μὴ διὰ τὸ τούτους βούλεσθαι σῶσαι (if I would have gone on the embassy but for my wish &c.), or implied, as in Plat. Prot. 329 B ἐγὼ εἶπερ ἄλλω τῷ ἀνθρώπων πειθοίμην ἂν (supposing him to say so) καὶ σοὶ πειθομαι. In the present case the further condition does not mean more than 'if perhaps,' 'if it should happen so:' 'no man ought ever to sow the seed of such things in the commonwealth, even if it should so happen that it has not sprung up as yet.' Cf. Jelf, Synt. § 860.

§§ 155—159. *I will prove to you that he carried this law with no honest intent. He took advantage of your regard for 'law' as such, to bring forward and pass that which in reality is no law (§ 156). Had he allowed you to see this in its true light, no magistrate could have put it to the vote. But he proposed it, relying on the support of the other orators. You will see them come forward as one man, not that they care for Timocrates, but because they think it for*

their own interest as a body (§ 157). He has talked of it himself, avowing his motives in the most cynically impudent manner: Androtion, he said, had got up at his leisure such arguments on every point, that no harm could come to him (Timocrates) from this impeachment (§ 158). I am astonished at the impudence of them both: and so will you be, when you have heard what I am going to tell you about the way these two men have gone on together. You are not likely to have heard it before, unless you were present at the former trial, when Euctemon prosecuted Androtion.

§ 155. τέχνη] 'of malice aforethought,' opp. to ἀπλῶς § 157: 'by craft' K.: 'auf eine raffinirte Art' Benseler: but I do not think either of these quite exact.—κακῶς of course goes with ποιεῖν.—ἄξιόν ἐστιν ἀκοῦσαι, 'it is right that you should hear,' 'well that you should be informed.'

τοὺς πολιτευομένους] The distinction between πολιτεύειν and πολιτεύεσθαι is hardly brought out with sufficient clearness in L. and S. πολιτεύειν = πολιτῆς εἶναι, to live under a government: πολιτεύεσθαι = πολιτικὸς εἶναι, to be a public man, take part in the government.

νόμους, τῶν τῆς πόλεως ἀγαθῶν αἰτίους ὑπολαμβάνον-
 νοντας, ἐσκόπει πῶς λήσει τούτους καταλύσας, κὰν
 ἄρα ληφθῆ τοῦτο ποιῶν, μὴ δόξει δεινὸν μηδ' ἀναιδὲς
 156 μὴδὲν εἰργάσθαι. εὗρεν οὖν τοῦτο ὃ πεποίηκε, νό-
 μῳ τοὺς νόμους καταλύσαι, ἵνα τὰδικήματ' αὐτοῦ τὸ
 τῆς σωτηρίας ὄνομ' ἔχῃ. οἳ τε γὰρ σώζοντες τὴν
 πόλιν εἰσὶ νόμοι, ὅν τε οὗτος ἔθηκεν οὐδὲν ἐκείνοις
 τῶν αὐτῶν ἔχοντα, νόμος. τὴν μὲν οὖν τοῦ ὀνόματος
 φιλανθρωπίαν, ὅτι ταύτην δὴ^p μάλιστα προσίεσθε,
 κατείδε· τὴν δὲ χρείαν, ὅτι τὰναντία ἔχουσα φανή- 749
 157 σεται, παρείδε. φέρε γὰρ πρὸς Διὸς, ἔστιν ὅστις ἂν
 ἦ πρόεδρος ποτ' ἐπεψήφισεν ἢ πρύτανις τούτων τι

^p ἂν Z Bekk. Bens. cum libris.

ἐσκόπει πῶς λήσει] In this construction ὅπως is far more common: but there is no variety of reading. — κὰν ἄρα ‘and if after all.’

§ 156. ἵνα τὰδικήματ' αὐτοῦ] ‘that his misdeeds may have the name of salutary measures,’ K. very neatly.

ἔχοντα] attracted to the case of ὄν, though really belonging to another clause: this which he passed, and which has nothing in common with them, is (also) a ‘law.’

τὴν μὲν οὖν... παρείδε] ‘The kindly sound of the name “law” he clearly saw that you thoroughly like: that in actual practice it will be shown to have very different qualities, he disregarded.’

ταύτην δὴ μάλιστα προσίεσθε] The better MSS. read ἂν... προσίεσθε: but there is no place here for the imperf. ind. with ἂν, ‘you would like it’ if things were otherwise: it is a fact that you do like it. The reading of

the inferior MSS. ἂν... προσείεσθε, followed by Dobree and others (including Shilleto on F. L. p. 363 § 80, Madvig *Advers. Crit.* i. 461), is less objectionable but still not satisfactory. The change of AN into ΔH (Androt. § 70 n.) is so slight that it is best to accept Dindorf's conjecture and take προσίεσθε as a present. Προσίεσθαι with accus. takes for its subject either the thing which pleases a person or the person who is pleased with a thing: cf. Aristoph. *Eq.* 359 ἐν δ' οὐ προσίεται με with Vesp. 742 τοῦτ' οὐ δύναται με προσέσθαι and Eurip. *El.* 622 προσηκάμην τὸ ῥηθέν. For the sense of χρεία, ‘working’ or ‘practice’ as opp. to theory or previous calculation, cf. c. Aristocr. p. 668 § 148 αἱ ἀναγκαῖαι χρεῖαι τοῦ τοῦ τι πρακτέον ἢ μὴ λογισμοῦ ἀναιροῦσιν ἅπαντας.

§ 157. ἢ πρόεδρος ποτ' ἐπεψήφισεν ἢ πρύτανις] The ἐπιψήφισις of the πρόεδροι or πρυτάνεις

τῶν ἐν τῷ νόμῳ γεγραμμένων; ἐγὼ μὲν οὐδέν' ἂν οἶμαι. πῶς οὖν τοῦθ' ὑπέδν; νόμον ἔθετο ὄνομα τοῖς αὐτοῦ κακουργήμασιν. οὐ γὰρ ἀπλῶς, οὐδ' ὅπως ἔτυχον, ποιούσι κακῶς ὑμᾶς, ἀλλ' ἐσκεμμένως καὶ τοῦτ' αὐτὸ πράττοντες, οὐχ οὔτοι μόνον, ἀλλὰ πολλοὶ τῶν πολιτευομένων, οἱ τούτῳ παριόντες αὐτίκα δὴ μάλα συναπολογήσονται, οὐ μὰ Δί' οὐ Τιμοκράτει χαρίσασθαι βουλόμενοι, πόθεν; ἀλλ' αὐτῷ συμφέρειν ἕκαστος ἠγούμενος τὸν νόμον. ὥσπερ τοίνυν οὔτοι σφίσιν αὐτοῖς βοηθοῦσιν ἐφ' ὑμᾶς, οὔτω δεῖ καὶ
 158 ὑμᾶς ὑμῖν αὐτοῖς βοηθεῖν. καίτοι ἀνερωτῶντός τινος αὐτὸν ὅτου ἔνεκα τοιαῦτ' ἠθέλησε γράφειν, καὶ διεξιόντος ὡς χαλεπὸν τὸν ἀγῶνα ὑπολαμβάνοι τόνδε, τετυφῶσθαι^α τὸν ταῦτα λέγοντ' ἔφη· συμπάρεσσεσθαι γὰρ Ἀνδροτίωνα ἑαυτῷ, καὶ τοιούτους λόγους σχολὴν ἄγοντα ἐσκέφθαι περὶ πάντων ὥστ' εὖ εἰδέναι

^α τετυφλῶσθαι Z cum ΣΥ.

was in the assembly, when the law first came on as a ψήφισμα (§ 152 n.): for it to become a νόμος, it must pass a jury of νομοθέται with a θεσμοθέτης presiding, §§ 27 n., 33 n.

πῶς οὖν τοῦθ' ὑπέδν;] 'how then did he slip through it?' 'Wie wusste er nun hier durchzuschlüpfen?' Benseler.

ὅπως ἔτυχον] 'accidentally:' ἔτυχον with the personal subject οἱ ῥήτορες is better than the vaguer ἔτυχε. The phrase is often a euphemism for what is bad: cf. Shilleto on F. L. p. 428 § 272=309.

ἐσκεμμένως καὶ τοῦτ' αὐτὸ πράττοντες] 'deliberately, and making it their business.' ἐσκεμμένως, of malice aforethought, = τέχνη § 155.

τούτῳ παριόντες... συναπολογήσονται] 'will immediately come

forward and assist T. in his defence:' αὐτίκα δὴ μάλα, Androt. § 65 n. : above, § 32.

πόθεν;] 'why should they?' parenthetical,—'that is not very likely' K.

§ 158. διεξιόντος—τόνδε] 'telling him at length what a serious contest this was that he had engaged in.' διεξιέναι implies some fulness of detail.

τετυφῶσθαι] 'The speaker, he said, was mad.' K. We find *μαίνομαι καὶ τετύφωμαι* joined de F. L. p. 409 § 219—241, where Shilleto quotes Harporation: *τετύφωμαι ἀντὶ τοῦ ἐμβεβρόντημαι*, ξξω τῶν φρενῶν γέγονα, and the latter refers to de Cor. p. 229 § 11 οὐχ οὔτω τετύφωμαι.

σχολὴν ἄγοντα] Benseler suggestively translates 'in seiner Studirstube,' 'in his study.'

159 ὅτι οὐδὲν αὐτῷ γενήσοιτο φλαῦρον ἀπὸ τῆς γραφῆς
 τῆσδε. καὶ δῆτα καὶ τεθαύμακα τὴν ἀναισχυντίαν
 τὴν τούτου τε[†] κάκεινου, τοῦ μὲν, εἰ καλεῖ, τοῦ δ', εἰ
 πάρεισι καὶ συναπολογήσεται. μαρτυρία γὰρ δήπου
 φανερὰ γενήσεται πᾶσιν ὑμῖν ὅτι τὸν νόμον τούτου
 ἔνεκ' ἐτίθει, ἀλλ' οὐκ ἐπὶ πᾶσι τὸν αὐτόν. ὅμως δὲ
 καὶ περὶ τῶν ἐκείνῳ πεπολιτευμένων ὑμᾶς μικρὰ
 βέλτιόν ἐστιν ἀκοῦσαι, καὶ τούτων ταῦτα, ὧν κεκοι-
 νώνηκεν οὗτος καὶ δι' ἃ τοῦτον οὐδὲν ἦττον ἐκείνου
 δικαίως ἂν μισοῖτε. λέξω δ' οὐδὲν ὧν ἀκηκόαθ' 750
 ὑμεῖς, εἰ μὴ τινες ἄρα ἐπὶ τοῖς Εὐκτῆμονι γιγνομένοις
 ἀγῶσι παρήσαν.

[†] τε om. Z Bens. cum ΣFv.

φλαῦρον] In the orators usu-
 ally with λέγειν or εἰπεῖν, a sense
 illustrated on Androt. § 12: but
 sometimes of harm, bad news,
 or misfortune. Mid. p. 579 §
 203 αὐ δὲ τι φλαῦρον (ἀπαγγελθῆ
 τῇ πόλει), opp. τοι τι τῶν δέοντων.
 Aristocr. p. 651 § 92 ἢ γε πόλις
 φλαῦρον οὐδὲν πείσεται κατὰ τὸ
 ψήφισμα τοῦτο.

§ 159. τούτου τε κάκεινου]
 τούτου, the immediate defend-
 ant Timocrates: ἐκείνου, An-
 drotion: but below τούτου ἔνεκα
 is A.—καλεῖ is of course future,
 as shown by πάρεισι καὶ συνα-
 πολογήσεται.

ἐπὶ πᾶσι τὸν αὐτόν] § 18 n.

καὶ τούτων ταῦτα] 'and those
 of them in particular,' i.e. of
 Androtion's public acts, τῶν
 ἐκείνῳ πεπολιτευμένων.

τοῖς Εὐκτῆμονι γιγνομένοις ἀ-
 γῶσι] The plural, as two trials
 are referred to: (1) the γραφή
 παρανόμων against Euctemon by
 Androtion and his friends (above
 § 14, γράφονται τὸ ψήφισμα):
 (2) the trial of Androtion, in

which Euctemon was plaintiff,
 and Diodorus the speaker of
 the Androtionea followed on the
 same side (Androt. init.).—γιγνο-
 μένοις imperf. part.

§§ 160—186. An exposure of
 the whole political career of
 Androtion, as Timocrates' chief
 friend and partner in guilt:
 mostly repeated from Androt.
 § 47 to the end, but with occa-
 sional verbal changes to suit the
 altered circumstances of the
 case. In the Timocratea, §§
 160—168 follow closely Androt.
 §§ 47—56 down to the words
 εἰς τὸ δεσμοκτήριον ἔλκεσθαι:
 §§ 167—171 are a shorter sub-
 stitution for Androt. §§ 57—64
 beginning with the story of
 Sinope and Phanostrata at the
 end of § 56: Timocr. §§ 172
 —186 are again reproduced,
 with the exception of a few
 sentences, from Androt. §§ 65
 —78. On the question of these
 repetitions as affecting the in-
 tegrity of the speech, see In-
 trod. The differences in the

160 Καὶ πρῶτον μὲν, ἐφ' ᾧ μέγιστον φρονεῖ, τὴν τῶν χρημάτων εἰσπραξιν ἐξετάσωμεν αὐτοῦ, ἣν μετὰ τούτου τοῦ χρηστοῦ πάντα εἰσέπραξεν ὑμᾶς. αἰτιασάμενος γὰρ Εὐκτῆμονα τὰς ὑμετέρας ἔχειν εἰσφοράς, καὶ τοῦτ' ἐξελέγξειν ἢ παρ' ἑαυτοῦ καταθήσειν ὑποσχόμενος, καταλύσας ψηφίσματι κληρωτὴν ἀρχὴν ἐπὶ τῇ προφάσει ταύτῃ ἐπὶ τὴν εἰσπραξιν παρέδν, καὶ τούτον προὔβαλετο, εἰπὼν τὴν τοῦ σώ-

161 ματος ἀρρωστίαν, ἴν', ἔφη, συνδιοικῆ μοι. δημηγο-

parallel passages are pointed out as they occur: but the explanatory notes are not repeated from the former speech.

§§ 160—169. *Androtion as a collector of taxes: his treatment of Euctemon, whom he falsely accused of retaining balances due to you, got you to depose him from the office of ἐκλογεὺς to which he had been chosen by lot, and crept into his place (160). He abused the powers that he had obtained from you for calling in arrears of taxes (161): so that the example of his conduct did harm out of all proportion to the gains of the treasury (162). Such conduct recalls the days of the Thirty, the worst in Athenian history (163, 164): or rather Androtion surpassed them in brutality (165), and treated free citizens worse than slaves (166, 167). Yet his own father had been a defaulter to the state, and had escaped from the prison to which the son consigned innocent persons (168). Timocrates, his associate in these exactions, would not have taken bail from his victims for a single day: he imprisoned them without trial. Yet now he is for bailing out men who have been tried and sentenced.*

§ 160. ἣν μετὰ τούτου τοῦ χρηστοῦ... ὑμᾶς] Inserted here in order to connect Timocrates more closely with the acts of Androtion. In the parallel passage Androt. § 47 we have μὴ τῇ τούτου προσέχοντες ἀλαζονεῖα τὸν νοῦν, ἀλλὰ τὸ πρᾶγμα, οἷον γέγονε τῇ ἀληθείᾳ, σκοποῦντες.

αἰτιασάμενος γὰρ Εὐκτῆμονα] || Androt. § 48 οὗτος Εὐκτῆμονα φήσας.

καὶ τούτον προὔβαλετο... συνδιοικῆ μοι] Again bringing into relief the complicity of the present defendant: in || Androt. the sentence ends with παρέδν. —προὔβαλετο is here simply 'proposed,' 'put forward,' as in Boeot. de Dot. p. 1021 § 44 δν οὗτος προὔβαλετο διαιτητήν. With the genitive the verb expresses the notion of an excuse, shelter, or disguise, as in Mid. p. 560 § 139 τούτου προβέβληται Πολύευκτος. (But in Mid. p. 579 § 200 Μειδίας Ἀναγυράσιος προβέβληται it is passive, 'becomes a candidate.')

Comp. πρόβλημα, 1 Steph. p. 1122 § 69, with Mr Sandys' note.

εἰπὼν τὴν τοῦ σώματος ἀρρωστίαν] 'on the plea of ill-health.'

§ 161. δημηγορίαν] In || Androt. all MSS. have δημηγορίας,

ρίαν δ' ἐπὶ τούτοις ποιούμενος, ὡς ἔστι τριῶν αἵρεσις⁸, ἢ τὰ πομπεία κατακόπτειν ἢ πάλιν εἰσφέρειν ἢ τοὺς ὀφείλοντας εἰσπράττειν, αἴρουμένων εἰκότως ὑμῶν τοὺς ὀφείλοντας εἰσπράττειν, ταῖς ὑποσχέσεσι κατέχων καὶ διὰ τὸν καιρὸν ὃς ἦν τότε ἔχων ἔξουσίαν, τοῖς μὲν κειμένοις νόμοις περὶ τούτων οὐκ ᾔετο δεῖν χρῆσθαι οὐδ', εἰ μὴ τούτους ἐνόμιζεν ἰκανοὺς, ἐτέρους τιθέναι, ψηφίσματα δ' εἶπεν ἐν ὑμῖν δεινὰ καὶ παράνομα, δι' ὧν ἡργολάβει, προσαγωγῇ τούτῳ
 162 χρώμενος τῶν λημμάτων. καὶ πολλὰ τῶν ὑμετέρων κέκλοφε μετὰ τούτου[†], γράψας τοὺς ἔνδεκα καὶ τοὺς ἀποδέκτας καὶ τοὺς ὑπηρέτας ἀκολουθεῖν μεθ' αὐτοῦ. εἶτ' ἔχων τούτους ἦγεν ἐπὶ τὰς ὑμετέρας οἰκίας, καὶ σὺ, ὦ Τιμόκρατες, συνηκολούθεις, μόνος τῶν συναρχόντων δέκα ὄντων. καὶ μηδεὶς ὑπολαμβανέτω με 751

⁸ *add.* ὑμῖν Bekk. *cum libris praeter* ΣksA¹.

[†] τούτο Z *cum* Σ.

and perhaps it should not have been altered here on the sole authority of Σ. Cobet, indeed, thinks otherwise, and reads *δημγορίαν* in both places. But more than one speech may well have been required to carry all the points here mentioned.

προσαγωγῇ τούτῳ χρώμενος τῶν λημμάτων] 'making use of the defendant as a provider of his gains,' 'jackal' L. and S. This clause is not in || Androt.; and the rare word *προσαγωγῆς* seems post-classical, or at least un-Attic (*ποταγωγίδες* in Sicilian Doric is cited from Arist. Pol. vii. § 7). As Mr Whiston points out, its use here might be alleged in support of Benseler's view, that §§ 110—186, including the repetitions from the Androtionea, are interpolated. The interpolator would natu-

rally introduce little 'tags' (two of which have been noticed in the last section) in order to show the relevancy of his insertions to the case of Timocrates now before the court.

§ 162. *καὶ πολλὰ τῶν ὑμετέρων*] Condensed in || Androt. § 49, where the sentence runs *δι' ὧν ἡργολάβει καὶ πολλὰ τῶν ὑμετέρων κέκλοφε, τοὺς ἔνδεκα γράψας ἀκολουθεῖν μεθ' αὐτοῦ· εἶτ' ἔχων τούτους ἦγεν ἐπὶ τὰς τῶν πολιτῶν οἰκίας.*

ἀποδέκτας] 'receivers,' introduced by Cleisthenes in the place of the ancient *κωλακρέται* or *κωλαγρέται*. Below, § 197. Aeschin. Ctes. § 25. *Dict. Antiq.* s. v. 'Apodectae.'

καὶ σὺ, ὦ Τιμόκρατες...δέκα ὄντων] Substituted for a passage in || Androt. § 50, *καὶ τὸν μὲν Εὐκτῆμονα...διὰ τὴν ὑμετέραν.*

λέγειν ὡς οὐ χρῆν εἰσπράττειν τοὺς ὀφείλοντας. χρῆν γάρ. ἀλλὰ πῶς; ὡς ὁ νόμος ἀγορεύει, τῶν ἄλλων ἕνεκα· τοῦτο γάρ ἐστι δημοτικόν. οὐ γὰρ τοσοῦτον, ὃ ἄνδρες Ἀθηναῖοι, πέντε ταλάντων ὑμῖν, ὧν οὗτοι τότ' εἰσέπραξαν, τεθέντων ὠφέλησθε, ὅσον βέβλαφθε τοιούτων ἐθῶν εἰς τὴν πολιτείαν εἰσαγο-

163 μένων. εἰ γὰρ ἐθέλοιτ' ὅτι ἐξετάσαι τίνος ἕνεκα μᾶλλον ἂν τις ἔλοιτο ἐν δημοκρατίᾳ ζῆν ἢ ἐν ὀλιγαρχίᾳ, τοῦτ' ἂν εὔροιτε προχειρότατον, ὅτι πάντα πραότερά ἐστιν^x ἐν δημοκρατίᾳ. ὅτι μὲν τοίνυν τῆς ὅπου βούλεσθε ὀλιγαρχίας πολλῶ ἀσελγέστερα καὶ δεινότερα ἐποιοῦν οὗτοι, παραλείψω· ἀλλὰ παρ' ἡμῖν πότε πώποτε δεινότατα ἐν τῇ πόλει γέγονεν; εὐ οἶδ' ὅτι

164 ἐπὶ τῶν τριάκονθ' ἅπαντες ἂν εἶποιτε. τότε τοίνυν, ὡς ἔστιν ἀκούειν, οὐδεὶς ἔστιν ὅστις ἀπεστερεῖτο τοῦ σωθῆναι, ὅστις ἑαυτὸν οἴκοι κρύψειεν, ἀλλ' αὐτὸ τοῦτο κατηγοροῦσι τῶν τριάκοντα, ὅτι τοὺς ἐκ τῆς ἀγορᾶς ἀδίκως ἀπήγον. οὗτοι τοίνυν τοσαύτην ὑπερβολὴν ἐποίησαντο ἐκείνων τῆς αὐτῶν πονηρίας ὥστ'

^v ἐθέλειτ' Z Bekk. Bens. θέλειτ' Σ.

^x ἐστὶν om Z. Bekk. cum Σ. *Iidem* ἐν τῇ δημ.

ἀγορεύει] κελεύει || Androt. without variation, and some inferior MSS. here. The latter have doubtless been altered into conformity with the parallel passage; but I do not think this argument applies to *δημηγορίας* in the last section.

πέντε ταλάντων.....τεθέντων] || Androt. § 51 τοσοῦτων χρημάτων τοῦτον τὸν τρόπον εἰσπραχθέντων, and ἐξημίωσθε for βέβλαφθε. In Androt. § 44 the arrears thus collected are put at seven talents.

§ 163. εἰ γὰρ ἐθέλοιτ'] Both here and in || Androt. Σ reads

θέλειτ' ἐξετάσαι. Dindorf in his last edition reverts to the common reading in both passages.

πολλῶ ἀσελγέστερα ... οὗτοι] Adapted to fit both men from οὗτος ἀσελγέστερος γέγονε || Androt. where see note on ἀσελγής.

εὐ οἶδ' ὅτι] om. || Androt.— τριάκονθ' ἅπαντες] τριάκοντα, πάντες from || Androt. is less well supported, but sounds better at least to my ear.

§ 164. ἀλλ' αὐτὸ τοῦτο κατηγοροῦσι] || Androt. § 52 ἀλλὰ τοῦτο κατηγοροῦμεν.

οὗτοι...ἐποίησαντο] || Androt.

ἐν δημοκρατία πολιτευόμενοι τὴν ἰδίαν οἰκίαν ἐκάστω
 δεσμωτήριον καθίστασαν, τοὺς ἔνδεκ' ἄγοντες ἐπὶ τὰς
 165 οἰκίας. καίτοι, ὧ ἄνδρες Ἀθηναῖοι, τί οἴεσθε, ὅπότε
 ἄνθρωπος πένης, ἢ καὶ πλούσιος, πολλὰ δ' ἀνηλω-
 κῶς καὶ τιν' ἴσως τρόπον εἰκότως οὐκ εὐπορῶν ἀργυ-
 ρίου, μὴ μόνον εἰς τὴν ἀγορὰν φοβοῖτ' ἐμβαλεῖν,
 ἀλλὰ μηδ' οἴκοι μένειν ἀσφαλὲς ἡγοῖτο, ὁ δὲ τούτων
 αἴτιος Ἀνδροτίων εἶη, ὃν οὐδ' ὑπὲρ αὐτοῦ δίκην ἐᾶ
 λαβεῖν τὰ πεπραγμένα καὶ βεβιωμένα, μὴ τί γ' ὑπὲρ
 166 τῆς πόλεως εἰσπράττειν εἰσφοράς; καίτοι εἴ τις
 ἔροιτ' αὐτὸν ἢ σέ, ὧ Τιμόκρατες, τὸν ἐπαινέτην τού- 752
 των καὶ συνεργὸν, τὰς εἰσφοράς πότερον τὰ κτήματα
 ἢ τὰ σώματα ὀφείλει, τὰ κτήματα φήσαιτ' ἂν, εὔπερ
 ἀληθῆ λέγειν βούλοισθε· ἀπὸ γὰρ τούτων εἰσφέρο-
 μεν. τίνος οὖν ἔνεκ', ὧ κάκιστοι πάντων ἀνθρώπων,
 ἀφέντες τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας, καὶ
 ταῦτ' ἀπογράφειν, ἐδεῖτε καὶ ὑβρίζετε πολίτας ἀν-
 θρώπους καὶ τοὺς τάλαιπῶρους μετοίκους, οἷς ὑβρι-
 στικώτερον ὑμεῖς ἢ τοῖς οἰκέταις τοῖς ὑμετέροις αὐ-
 167 τῶν ἐχρήσθε; καὶ μὴν εἰ ἐθέλοιτε² σκέψασθαι παρ'

¹ δικασταὶ Z Bekk. *Illud* ΣΑΩkr et || Androt.

² θέλετε Z Bekk. Bens. θέλετε Σ.

in the singular οὗτος...ἐποίησατο and so τῆς αὐτοῦ βδελυρίας for τῆς αὐτῶν πονηρίας...πολιτευόμενος...καθίστη...τοὺς ἔνδεκ' ἄγων.

§ 165. μὴ μόνον...ἀσφαλὲς ἡγοῖτο] || Androt. § 53 more at length: ἢ τέγος ὡς τοὺς γείτονας ὑπερβαῖνοι ἢ ὑποδοῦοι' ὑπὸ κλίνην ὑπὲρ τοῦ μὴ τὸ σῶμ' ἀλοῦς εἰς τὸ δεσμωτήριον ἔλκεσθαι, ἢ ἄλλ' ἀσχημονοίη, ἃ δούλων, οὐκ ἐλευθέρων ἐστὶν ἔργα, καὶ ταῦθ' ὑπὸ τῆς γυναικὸς ὀρώτω ποιῶν, ἣν ὡς ἐλεύθερος ἡγγυήσατο καὶ τῆς πόλεως πολίτης.

εἰσπράττειν εἰσφοράς] Omitted in || Androt.

§ 166. ἢ σέ, ὧ Τιμόκρατες...συνεργὸν] Omitted in || Androt. § 54.

φήσαιτ' ἂν...βούλοισθε] || Androt. φήσειεν ἂν...βούλοίτο.

ἐδεῖτε καὶ ὑβρίζετε] Again the plural in order to include Timocrates. || Androt. ἔδεις καὶ ὑβρίζεις: and so οἷς ὑβριστικώτερον ἢ τοῖς οἰκέταις τοῖς σαυτοῦ κέχρησαι.

§ 167. εἰ ἐθέλοιτε] So Dindorf here and in || Androt. § 55 for θέλετε, in this instance

ὑμῖν αὐτοῖς, ὃ ἄνδρες δικασταί, τί δούλον ἢ ἐλεύθερον
 εἶναι διαφέρει, τοῦτο μέγιστον ἂν εὔροιτε, ὅτι τοῖς
 μὲν δούλοις τὸ σῶμα τῶν ἀδικημάτων ἀπάντων
 ὑπεύθυνόν ἐστι, τοῖς δ' ἐλευθέροις ὕστατον τοῦτο
 προσήκει κολάζειν. οἱ δὲ τούναντίον εἰς τὰ σῶμαθ',
 168 ὡσπερ ἀνδραπόδοις, ἐποίησαντο τὰς τιμωρίας. οὔτω
 δ' ἀνίσως καὶ πλεονεκτικῶς ἔσχε πρὸς ὑμᾶς Ἀνδρο-
 τίων ὥστε τὸν μὲν αὐτοῦ πατέρα φέτο δεῖν, δημοσίᾳ
 δεθέντα ἐπὶ χρήμασιν ἐν τῷ δεσμοτηρίῳ, μῆτ' ἀπο-
 δόντα ταῦτα μῆτε κριθέντ' ἀποδρᾶναι, τῶν δ' ἄλλων
 πολιτῶν τὸν μὴ δυνάμενον τὰ ἑαυτοῦ θείναι οἴκοθεν
 169 εἰς τὸ δεσμοτήριον ἀχθέντα ὑφ' ἑαυτοῦ δεδέσθαι. καὶ
 Τιμοκράτης τῶν μὲν πολλῶν ἡμῶν τότε, ὅτε τὴν
 διπλασίαν εἰσέπραττεν, οὐδ' ἂν παρ' ἐνὸς λαβεῖν
 ἠθέλησεν ἐγγυητὰς, μὴ μέχρι τῆς ἐνάτης πρυτανείας,
 ἀλλ' οὐδεμιᾶς^a ἡμέρας, ἀλλ' ἢ διπλᾶ τὰ χρήματ' ἔδει

^a ἀλλὰ μιᾶς Z Bens. ἀλλ' οὐδὲ μιᾶς Bekk.

against the weight of evidence.
Cf. § 163.

παρ' ὑμῖν...δικασταί] Omitted
in || Androt.

ὕστατον τοῦτο προσήκει κολάζειν] || Androt. κἂν τὰ μέγιστ' ἀτυχῶσι, τοῦτό γ' ἔνεστι σώσαι· εἰς χρήματα γὰρ τὴν δίκην περὶ τῶν πλείστων παρὰ τούτων προσήκει λαμβανεῖν. Cobet acutely remarks that the orator felt he had gone too far, since capital punishment of free citizens was common enough; and accordingly, in repeating himself, puts in ὕστατον as a saving clause (*Misc. Crit.* p. 532).

οἱ δὲ...ἐποίησαντο] In || of Androtion only, ὁ δὲ...ἐποιεῖτο.

§ 168. ἀνίσως] αἰσχροῦς || Androt. § 56. Ἀνδροτίων omitted as there unnecessary.

ἀχθέντα ὑφ' ἑαυτοῦ δεδέσθαι]

|| Androt. ἔλκεσθαι. Here for the present the repetition comes to an end.

§ 169. τῶν μὲν πολλῶν ἡμῶν ...παρ' ἐνὸς] 'from one of no common folk.' Invidiously contrasted with the professional politicians (*ρήτορες*), who would stand by one another.

ὅτε τὴν διπλασίαν εἰσέπραττεν] 'in the cases when he levied the double amount:' the imperf. marks a repeated action. διπλασίαν, § 111 n.

μὴ μέχρι] μὴ ὅτι, as G. H. Schaefer observes, would be more usual, but the meaning is the same: 'ne forte putes.'

ἀλλ' οὐδεμιᾶς] It certainly seems better to write *divisim*, with Bekker and the old editors, ἀλλ' οὐδὲ μιᾶς. To omit οὐδὲ, with Σ, Benseler and Z,

καταβάλλειν ἢ παραχρῆμα δεδέσθαι. παρεδίδου δ' οὔτος τοῖς ἔνδεκα τὸν οὐκ ὠφληκότα ἐν τῷ δικαστηρίῳ. νῦν δ' ὅπως ὧν ἂν ὑμεῖς καταγνώτε ἄδετοι περῖ 753
 ρίασιν, ὑπεύθυνον αὐτὸν ποιήσας νόμον εἰσενεγκεῖν ἐτόλμησεν.

170 Ἄλλ' ὅμως κάκεῖνα καὶ τάδε φήσουσιν ὑπὲρ ὑμῶν πράττειν. εἶτα ταῦθ' ὑμεῖς ἀναδέξεσθε ὑπὲρ ὑμῶν πεπραῆχθαι, καὶ τὰ τῆς τούτων θρασύτητος καὶ πονηρίας ἔργα πρῶως οἴσετε; ἀλλὰ μισεῖν ὀφείλετε τοὺς τοιούτους, ὧ ἄνδρες Ἀθηναῖοι, μᾶλλον ἢ σώζειν. τὸν γὰρ ὑπὲρ τῆς πόλεως πράττοντά τι καὶ πρῶον ὑμῶν τευξόμενον τὸ τῆς πόλεως ἦθος ἔχοντα δεῖ 171
 φαίνεσθαι. τοῦτο δ' ἐστὶ τί; τοὺς ἀσθενεῖς ἐλεεῖν, τοῖς ἰσχυροῖς καὶ δυναμένοις μὴ ἐπιτρέπειν ὑβρίζειν, οὐ τοὺς μὲν πολλοὺς ὠμῶς μεταχειρίζεσθαι, κολακεύειν δὲ τὸν ἀεὶ τι δύνασθαι δοκοῦντα. ὃ σὺ ποιεῖς, ὧ Τιμόκρατες· δι' ἃ πολλῶ μᾶλλον ἂν εἰκότως μὴ

sounds very poor. δεδέσθαι, § 60 n.

τὸν οὐκ ὠφληκότα] opp. to ὧν ἂν ὑμεῖς καταγνώτε.

ὅπως.....περῖασι] Several MSS., though not the best, read περιώσω. As Cobet notes, *Nov. Lect.* p. 515, the copyists were prone to alter the future after ὅπως into the subjunctive: or they may not have known that περιῖασι is future.

ὑπεύθυνον αὐτὸν ποιήσας] 'he has dared to introduce a law and to make himself responsible for it.'

§§ 170, 171. *Timocrates, and those whose cause he has taken up, will say that they are acting for your good. But such a plea, and the appeal for mercy grounded upon it, ought only to be listened to in the case of men who*

show that they have in them the spirit of the Athenian constitution. That spirit is to pity the weak, to repress the strong and powerful; the exact opposite of theirs.

§ 170. κάκεῖνα καὶ τάδε] 'both on this and the former occasion;' as oppressive exactors, and now in reference to this law.

ἀναδέξεσθε...πεπραῆχθαι] 'will you then admit that such things have been done?' K. ἀλλὰ 'nay on the contrary.' On σώζειν opp. to μισεῖν, *Androt.* § 64 n.

πρῶον ὑμῶν τευξόμενον] 'who would experience your clemency.' K.

§ 171. τὸν ἀεὶ τι δύνασθαι δοκοῦντα] 'those who appear from time to time to possess influence.' K.

ἐθελήσαντες^b ἀκοῦσαι σοῦ θάνατον καταψηφίσαινθ' οὔτοι ἢ δι' Ἀνδροτίων' ἀφείσαν^c.

172 "Οτι τοίνυν οὐδὲ τὴν εἰσπραξιν αὐτὴν ὑπὲρ ὑμῶν πεποιήνται, καὶ τοῦτ' αὐτίκα δὴ μάλα ὑμῖν δῆλον ποιήσω. εἰ γάρ τις ἔροιτο αὐτοὺς πότεροι αὐτοῖς δοκοῦσιν ἀδικεῖν μᾶλλον τὴν πόλιν, οἱ γεωργοῦντες καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεῖα ἀναλώματα καὶ λειτουργίας ἐτέρας ἔλλελοιπότες εἰσφορὰν^d, ἢ οἱ τὰ τῶν ἐθελησάντων εἰσενεγκεῖν χρήματα καὶ τὰ παρὰ τῶν συμμάχων κλέπτουντες καὶ ἀπολ-

^b 'θελήσαντες Z Bens. ^c ἀφείσαν Z Bekk. Bens. v. not.

^d εἰσφορὰς Z Bekk. Bens. cum Σ.

θάνατον καταψηφίσαινθ'] Cf. § 95 extr. ὁτιοῦν ἂν πάθοις; § 119 extr. τῆς ἐσχάτης τιμωρίας τυχεῖν.

ἀφείσαν] There is no thoroughly satisfactory reading here. Good Attic requires the optative, and ἀφείην as the form of it: Dindorf follows one MS. 'correctus v.,' all other MSS. and edd. agreeing in ἀφείσαν; and Shilleto approves (on F. L. p. 363 § 71=80). I do not see how the imperfect is to be justified here, even if we were to omit διὰ and translate 'acquitted Androtion' on the former trial. Cf. § 8 n. It is worth noting that according to the late (and modern) Greek pronunciation, ἀφείσαν and ἀφείησαν are undistinguishable, having the same accent.

§§ 172-175. *Their pretence of public spirit is easily exposed; for while levying arrears of taxes on men for whose shortcomings there was often the excuse of inability, they have done nothing in their political careers for the repression of much more serious offences. The public treasury*

has been robbed of much larger sums, the contributions of our allies and of those who pay their taxes readily. Many generals and orators have been brought to justice for these peculations: neither of you two has ever appeared as the accuser of any of these, never expressed indignation at the way the state was being fleeced (173). The fact is (turning to the jury) that Androtion and men like him are accomplices with such offenders and share largely in their illicit gains (174). You ought to punish such men when you catch them, whether the time that has since elapsed be long or short. If you show leniency now, you will be thought to have acted from passion and not from justice, when you compelled them to disgorge the money (175).

§ 172. This section follows Androt. § 65 *verbatim* with only the necessary changes from the singular to the plural: πεποιήνται for πεποιήται, αὐτοὺς πότερον αὐτοῖς for αὐτὸν πότερον αὐτῷ, ὄντες ἀναιδεῖς ἔλθοιεν for ὧν ἀναιδῆς ἔλθοι.

λύντες, οὐκ ἂν εἰς τοῦτο δήπου τόλμης, καίπερ ὄντες
 ἀναιδεῖς, ἔλθοιεν ὥστε φῆσαι τοὺς τὰ ἑαυτῶν μὴ
 εἰσφέροντας μᾶλλον ἀδικεῖν ἢ τοὺς τὰ κοινὰ ὑφαιρου-
 173 μένους. τίνος οὖν ἕνεκ', ὃ Τιμόκρατες καὶ Ἀνδρο-
 τίων, ἐτῶν ὄντων πλειόνων ἢ τριάκοντα ἀφ' οὗ ὅ γε 754
 ἕτερος ὑμῶν πολιτεύεται, καὶ ἐν τούτῳ τῷ χρόνῳ
 πολλῶν μὲν στρατηγῶν ἡδίκηκότων τὴν πόλιν, πολ-
 λῶν δὲ ῥητόρων, οἳ παρὰ τουτοισὶ κέκρινται, ὧν οἱ
 μὲν τεθνᾶσιν ἐφ' οἷς ἡδίκουν, οἱ δ' ὑποχωρήσαντες
 ἄχοντο καταγνόντες αὐτῶν, οὐδενὸς πώποτε τούτων
 ἐξητάσθη κατήγορος ὑμῶν οὐδέτερος, οὐδ' ἀγανακτῶν
 ὥφθη ὑπὲρ ὧν ἡ πόλις πάσχει^ο, ἀλλ' ἐνταῦθ' ἐφανηθ'
 174 ἡμῶν κηδόμενοι, οὗ πολλοὺς ἔδει κακῶς ποιῆσαι; βού-
 λεσθε, ὦ ἄνδρες Ἀθηναῖοι, τὸ τούτων αἴτιον ἐγὼ ὑμῖν
 εἶπω; ὅτι τούτων μὲν μετέχουσιν ὧν ἀδικοῦσιν ὑμᾶς
 τινές; ἀπὸ δὲ τῶν εἰσπραττομένων ὑφαιροῦνται· δι'
 ἀπληστίαν δὲ τρόπων διχόθεν καρποῦνται τὴν πόλιν.
 οὔτε γὰρ ῥᾶον πολλοῖς καὶ[†] μικρὰ ἀδικοῦσιν ἀπε-
 χθάνεσθαι ἢ ὀλίγοις καὶ μεγάλα, οὔτε δημοτικώτερον
 δήπου τὰ τῶν πολλῶν ἀδικήμαθ' ὄραν ἢ τὰ τῶν

^ο πάσχει Z Bens. cum ΣFuB.

[†] add κατὰ Z Bekk. Bens.

§ 173. The invective of Androt. § 66 is ingeniously made to fit two persons.

ὦ Τιμόκρατες καὶ Ἀνδρότιων]

|| Androt. ὦ βδελυρέ.

ὅ γε ἕτερος ὑμῶν πολιτεύεται]

|| Androt. σὺ πολιτεύει. Hence

it may be inferred that Timocrates was much younger than Androtion; or if the passage be not genuine, the writer wished to avoid committing himself to any statement about T.'s age at this time, of which he knew nothing. For ὑποχωρήσαντες ὥχοντο καταγνόντες αὐτῶν || Androt. has ἀποχωρήσαντες φεύ-

γουσι: then ἐξητάσθης ὥφθη...

ἀλλ' ἐνταῦθ' ἐφάνθη'] || Androt. οὕτως ὧν θρασὺς καὶ λέγειν δεινός, ἀλλ' ἐνταῦθ' ἐφάνης κηδεμῶν ὧν οὗ σε πολλοὺς ἔδει κακῶς ποιῆσαι.

§ 174. Verbatim from Androt. § 67 with the usual changes: μετέχουσιν ... ὑφαιροῦνται ... καρποῦνται for μετέχει... ὑφαιρεῖται... καρποῦται. According to Benseler, however, the text of || Androt. has been altered into greater conformity with the present passage than it originally exhibited: see the note there.

175 ὀλίγων. ἀλλὰ τοῦτ' αἴτιον οὐγὼ λέγω. δεῖ τοίνυν ὑμᾶς ταῦτα λογιζομένους^κ, καὶ μεμνημένους ὧν ἂν ἕκαστος ἀμάρτη, κολάζειν, ὅταν λάβητέ τινα, καὶ μὴ τὸν χρόνον, εἰ πολὺς ἔστ' ἀπ' ἐκείνου, σκοπεῖν, ἀλλ' εἰ ταῦτ' ἐποίουν. ὡς εἰ νῦν πρῶως οἴσεται ἔφ' οἷς τότε ἠγανακτεῖτε, δόξετ' ὀργιζόμενοι κατεγνωκέναι τὰ χρήματα τούτων, οὐκ ἀδικούμενοι. τῶν μὲν γὰρ ὀργιζομένων ἔστιν ὀξέως τι κακὸν τὸν λελυπηκότ' ἐργάσασθαι, τῶν δὲ ἀδικουμένων, ὅταν ποθ' ὑφ' αὐτοῖς^η λάβωσι τὸν ἠδίκηκότα, τότε τιμωρήσασθαι. οὐκ οὖν

^κ λογιζομένους Z Bekk. Bens. cum Σ.

^η ὑπ' αὐτοῖς Z Bekk. Bens.

§ 175. A weaker substitution for § 68 of the Androtion, with its touches of vigorous humour. The platitudes of this section, and the obscurity of its allusions—for the difficulty of deciding what transaction is alluded to in *κατεγνωκέναι τὰ χρήματα τούτων* is in strong contrast with the generally clear presentment of facts in both speeches—unquestionably seem to point to Benseler's conclusion that this part of the speech has been interpolated.

εἰ ταῦτ' ἐποίουν] 'whether they were guilty of these things,' *ἐποίουν* is used, not *ἐποίησαν*, as a series of acts is intended.

ὡς εἰ νῦν...ἐφ' οἷς τότε] To what does *τότε* refer? Reiske thought, to the former action of Euctemon (and Diodorus) against Androtion. But there is reason to think he was acquitted on that trial (above § 8): and even if it were not so, I fully agree with Mr Whiston that the argument is not logical or relevant: that Timocrates' offence in proposing the law is 'not the same as, nor even in

pari materia with, the acts which had previously caused the indignation in question.' See the next note.

δόξετ' ὀργιζόμενοι...οὐκ ἀδικούμενοι] 'it will be thought that you condemned these men in those sums of money because you were angry, not because you were injured.' *κατεγνωκέναι τὰ χρήματα τούτων* clearly refers to the same event as *τότε*: and this is, I think, the decree of Euctemon mentioned in § 13, the effect of which had been that Androtion, Melampus and Glauketes, after having exhausted every subterfuge, were ultimately compelled to refund the prize-money taken on board the trireme (*χρήματα Ναυκρατικά*, § 11). Even so, the argument does not seem worthy of Demosthenes: but, on the other hand, we have seen abundant proofs that he was not particular as to the logical exactness of any argument which was likely to weigh with a jury who heard it only once: and he may have used it.

δεῖ δοκεῖν νῦν μαλακισθέντας τότε τῶν ὁμωμοσμένων ὄρκων ἀμελήσαντας ὑμῖν αὐτοῖς χαρίσασθαι παρὰ τὸ δίκαιον, ἀλλὰ μισεῖν καὶ μηδ' ἀνέχεσθαι φωνὴν μήτε 755
τούτου μήτ' ἐκείνου, τοιαῦτα πεπολιτευμένων.

- 176 Ἄλλὰ νῆ Δία ταῦτα μόνον τοιοῦτοι γεγόνασιν ἐν οἷς πεπολίτευνται, ἄλλα δ' ἔσθ' ἂ καλῶς διωκῆκασι· ἀλλὰ καὶ τᾶλλα οὕτω προσεληλύθασι πρὸς ὑμᾶς ὥσθ' ἤκιστα ἐν οἷς ἀκηκόατε ἄξιόν ἐστι μισεῖν αὐτούς. τί γὰρ βούλεσθε εἶπω; τὰ πομπεῖα ὡς ἐπεσκευάκασι, καὶ τὴν τῶν στεφάνων καθαίρεσιν, ἢ τὴν
177 τῶν φιαλῶν ποίησιν τὴν καλήν; ἀλλ' ἐπὶ τούτοις γ', εἰ μηδὲν ἄλλο ἠδίκουν τὴν πόλιν, τρῖς, οὐχ ἅπαξ τεθνάναι δικαίως ἂν μοι δοκοῦσι· καὶ γὰρ ἱεροσυλία καὶ ἀσεβεία καὶ κλοπῇ καὶ πᾶσι τοῖς δεινοτάτοις εἰσὶν ἔνοχοι. τὰ μὲν οὖν πόλλ' ὧν λέγων ἐφενάκιζεν ὑμᾶς Ἄνδροτίων παραλείψω· φήσας δ' ἀπορρεῖν τὰ φύλλα

νῦν μαλακισθέντας] 'by your present leniency.'—ὁμωμοσμένων, Androt. § 4 n.

ὑμῖν αὐτοῖς χαρίσασθαι] Not as K. 'gave way to your feelings,' implying pity: but as R. W. 'gratified your passions,' i. e. your avarice. The temptation to which they would be thought to have yielded was that of voting invariably in favour of treasury claims, right or wrong (Androt. § 48 n.). Hyperides pays an adroit, but I fear undeserved compliment to an Athenian jury, when he pronounces it impossible that they should entertain any other thought than that of the guilt or innocence of the accused. Polyeuctus, the prosecutor of Euxenippus, had repeatedly made invidious allusions to the wealth of the defendant, with

insinuations that it was ill-gotten: in ignorance, observes the counsel for the defence, of the fact that οὔτε δῆμος ἐστὶν οὐδὲ εἰς ἐν τῇ οἰκουμένη οὔτε μύναρχος οὔτε ἔθνος μεγαλοψυχότερον τοῦ δήμου τοῦ Ἀθηναίων, τοὺς δὲ συκοφαντούμενους τῶν πολιτῶν ἢ καθ' ἓνα ἢ ἄθροος οὐ προίεται ἀλλὰ βοηθεῖ (pro Eux. col. 42, 43).

§§ 176—186. In these sections the verbal correspondence is almost exact: the few alterations are noted.

§ 176. || Androt. § 69 ταῦτα μὲν τοιοῦτός ἐστιν, ἐν οἷς πεπολίτευνται... διώκηκεν... προσελήλυθε... ἐπεσκεύασε.

§§ 177, 178. || Androt. §§ 69, 70 εἰ καὶ μηδὲν ἄλλο ἀδικῶν ἔτυχε... δίκαιος ὧν φανέεται... ἐστὶν ἔνοχος... ἐφενάκιζεν ὑμᾶς Ἄνδροτίων.

τῶν στεφάνων καὶ σαπρὸς εἶναι διὰ τὸν χρόνον, ὡσπερ ἴων ἢ ρόδων ὄντας, ἀλλ' οὐ χρυσίου, συγχω-
 νεύειν ἔπεισεν. αἶρεθεῖς δ' ἐπὶ ταῦτα προσείλετο
 178 τοῦτον τὸν πάντων τῶν κακῶν κοινωνόν. κατ' ἐπὶ
 μὲν ταῖς εἰσφοραῖς τὸν δημόσιον παρέιναι προσέγρα-
 ψεν ὡς δὴ δίκαιος ὢν, ὧν ἕκαστος ἀντιγραφεὺς
 ἔμελλεν ἔσσεσθαι τῶν εἰσενεγκόντων· ἐπὶ τοῖς στε-
 φάνοις δ', οὓς κατέκοπτεν, οὐχὶ προσήγαγε ταῦτὸ
 δίκαιον τοῦτο, ἀλλ' αὐτὸς ῥήτωρ, χρυσοχόος, ταμίας,
 179 ἀντιγραφεὺς γέγονεν. καὶ μὴν εἰ μὲν ἅπαντ' ἡξίους,
 ὅσα πράττεις τῇ πόλει, σαυτῷ πιστεύειν, οὐκ ἂν
 ὁμοίως κλέπτῃς ὧν ἐφωρῶ· νῦν δ' ἐπὶ ταῖς εἰσφοραῖς
 ὁ δίκαιόν ἐσθ' ὀρίσας, μὴ σοὶ πιστεύειν, ἀλλὰ τοῖς
 αὐτῆς δούλοις τὴν πόλιν, ὅπότ' ἄλλο τι πράττων καὶ
 χρήματα κινῶν ἱερά, ὧν ἔνια οὐδ' ἐπὶ τῆς ἡμετέρας 756
 γενεᾶς ἀνετέθη, μὴ προσγράψάμενος τὴν αὐτὴν φυ-
 λακὴν ἥνπερ ἐπὶ τῶν εἰσφορῶν φαίνει, οὐκ ἤδη δῆλον
 180 δι' ὃ τοῦτ' ἐποίησας; ἐγὼ μὲν οἶμαι. καὶ μὴν, ὦ
 ἄνδρες Ἀθηναῖοι, καὶ κατὰ παντὸς¹ τοῦ χρόνου σκέ-
 ψασθε ὡς καλὰ καὶ ζηλωτὰ ἐπιγράμματα τῆς πόλεως
 ἀνελὼν ὡς ἀσεβῆ καὶ δεινὰ ἀντεπέγραψεν. οἶμαι
 γὰρ ὑμᾶς ἅπαντας ὄραν ὑπὸ τῶν στεφάνων ταῖς χοι-
 νικίσι κάτωθεν γεγραμμένα “ οἱ σύμμαχοι τὸν δῆμον^k
 “ ἀνδραγαθίας ἔνεκ' ἐστεφάνωσαν¹ καὶ δικαιοσύνης”
 ἢ “ οἱ σύμμαχοι ἀριστεῖον τῇ Ἀθηναίᾳ ἀνέθεσαν” ἢ

¹ καθ' ἅπαντος Z Bekk. Bens. cum Σ.

^k add τὸν Ἀθηναίων Z Bekk. Illud Σ. ¹ [ἐστεφάνωσαν] Bekk.

αἶρεθεῖς δ' ἐπὶ ταῦτα—κοινωνόν] Omitted in || Androt., but needed here to connect T. with A.'s misdeeds.

§ 179. || Androt. § 71 τοῖς αὐτῆς δούλοις...οὐκ εὐδῆλον δι' ἄ.

§ 180. || Androt. § 72 ἀντε-

πιπέγραψεν... ἀνδραγαθίας ἔνεκα καὶ δικαιοσύνης...τῇ Ἀθηναίᾳ om. ἀνέθεσαν...τὸν δῆμον om. ἐστεφάνωσαν...[ἐπεπέγραπτό που]...om. Χαβρίας ἀπὸ τῆς ἐν Νάξῳ ναυμαχίας.

κατὰ πόλεις “οἱ δεῖνες^m τὸν δῆμον ἐστεφάνωσαν
 “σωθέντες ὑπὸ τοῦ δήμου,” οἷον “Εὐβοεῖς ἐλευθερω-
 “θέντες ἐστεφάνωσαν τὸν δῆμον” ἐπεγέγραπτό που,
 πάλιν “Κόνων ἀπὸ τῆς ναυμαχίας τῆς πρὸς Λακε-
 “δαιμονίους,” “Χαβρίας ἀπὸ τῆς ἐν Νάξῳ ναυμα-
 181 χίας.” τοιαῦτα γὰρ ἦν τὰ τῶν στεφάνων ἐπιγράμ-
 ματα. ταῦτα μὲν τοίνυν, ἃ πρότερον ζῆλον πολὺν
 εἶχε καὶ φιλοτιμίαν ὑμῖν, ἠφάνισται καθαιρεθέντων
 τῶν στεφάνων· ἐπὶ δὲ ταῖς φιάλαις, ἃς ἀντ’ ἐκεί-
 νων ἐποιήσατο ὑμῖν ὁ πόρνος οὗτος, “Ἀνδροτιώ-
 “νος ἐπιμελουμένου ἐποιήθησανⁿ” ἐπιγέγραπται, καὶ
 οὗ τὸ σῶμα ἠτairηκότος οὐκ ἐώσιν οἱ νόμοι εἰς
 τὰ ἱερὰ εἰσιέναι, τούτου τοῦνομα ἐν τοῖς ἱεροῖς ἐπὶ
 τῶν φιαλῶν γεγραμμένον ἐστίν. ὅμοιον γε, οὐ γάρ;
 τοῦτο τοῖς προτέροις ἐπιγράμμασιν, ἢ φιλοτιμίαν
 182 ἴσην ἔχον ὑμῖν. τρία τοίνυν ἐκ τούτου^o τὰ δεινότατ’
 ἂν τις ἴδοι πεπραγμέν’ αὐτοῖς. τὴν μὲν γὰρ θεὸν
 τοὺς στεφάνους σεσυλήκασιν· τῆς πόλεως δὲ^p τὸν 757
 ζῆλον ἠφανίκασιν τὸν ἐκ τῶν ἔργων, ὧν ὑπόμνημα
 ἦσαν ὄντες οἱ στέφανοι· τοὺς δ’ ἀναθέντας δόξαν οὐ
 μικρὰν ἀφήρηνται, τὸ δοκεῖν ὧν ἂν εὖ πάθωσιν ἐθέ-
 λειν μεμνήσθαι. καὶ τοιαῦτα καὶ τοσαῦτα τὸ πλή-
 θος κακὰ εἰργασμένοι εἰς τοῦτ’ ἀναισθησίας καὶ
 τόλμης προεληλύθασιν ὥσθ’ ὁ μὲν οἶεται δι’ ἐκείνον
 183 ὑφ’ ὑμῶν σωθήσεσθαι, ὁ δὲ παρακάθηται καὶ οὐ
 καταδύεται τοῖς πεπραγμένοις. οὕτω δ’ οὐ μόνον εἰς

^m οἱ τινες Z Bekk. Bens. cum ΣΤΩρ.

ⁿ ἐποιήθησαν om. Z Bekk. Bens. cum Σ. ^o τοῦτων Bekk.

^p τῆς δὲ πόλεως Z Bekk. Bens. cum Σ.

§ 181. || Androt. § 73 om.
 πρότερον... ἐπὶ ταῖς φιάλαις δ’...

§ 182. || Androt. § 74 corre-
 sponds to a letter.

§ 183. || Androt. § 75 εἰς
 χρήματα ἀναιδῆς [though on the
 whole the hiatus is more fre-
 quent in this speech: see on

χρήματ' ἀναιδῆς, ἀλλὰ καὶ σκαιός ἐστιν ὥστ' οὐκ
 οἶδεν ἐκεῖνο, ὅτι στέφανοι μὲν εἰσιν ἀρετῆς σημεῖον,
 φιάλαι δὲ καὶ τὰ τοιαῦτα πλούτου, καὶ στέφανος
 μὲν ἅπας, κἂν μικρὸς ᾖ, τὴν ἴσην φιλοτιμίαν ἔχει
 τῷ μεγάλῳ, ἐκπώματα δ' ἢ θυμιατήρια ἢ τὰ τοιαῦτα
 κτήματα, εἰάν μὲν ὑπερβάλλῃ τῷ πλήθει, πλούτου
 τινὰ δόξαν προσετρίψατο τοῖς κεκτημένοις, εἰάν δ' ἐπὶ
 μικροῖς σεμνύνηται τις, τοσοῦτ' ἀπέχει τοῦ τιμῆς
 τινὸς διὰ ταῦτα τυχεῖν ὥστ' ἀπειρόκαλος πρὸς
 ἔδοξεν¹ εἶναι. οὗτος τοίνυν ἀνελὼν τὰ τῆς δόξης
 κτήματα τὰ τοῦ πλούτου πεποιήται μικρὰ καὶ ἀνάξια
 184 ἕμων. καὶ οὐδ' ἐκεῖν' εἶδεν, ὅτι πρὸς μὲν χρημάτων
 κτήσιν οὐδεπώποτε ὁ δῆμος ἐσπούδασε, πρὸς δὲ δόξης
 ὡς οὐδὲ πρὸς ἓν τῶν ἄλλων. τεκμήριον δέ· χρή-
 ματα μὲν γὰρ πλείστα τῶν Ἑλλήνων ποτὲ σχῶν
 ἅπανθ' ὑπὲρ φιλοτιμίας ἀνήλωσεν, ὑπὲρ δὲ δόξης
 εἰσφέρων ἐκ τῶν ἰδίων οὐδένα πώποτε κίνδυνον ἐξέ-
 στη. ἀφ' ὧν κτήματ' ἀθάνατ' αὐτῷ περίεστι, τὰ μὲν
 τῶν ἔργων ἢ μνήμη, τὰ δὲ τῶν ἀναθημάτων τῶν ἐπ'
 ἐκείνοις σταθέντων τὸ κάλλος, προπύλαια ταῦτα, ὁ 758
 παρθενῶν, στοαὶ, νεώσοικοι, οὐκ ἀμφορίσκοι δύο οὐδὲ
 χρυσίδες τέτταρες ἢ τρεῖς, ἄγουσα ἐκάστη μῶν, ἄς,
 185 ὅταν σοι δοκῇ, πάλιν γράψεις καταχωνεύειν². οὐ
 γὰρ ἑαυτοὺς δεκατεύοντες, οὐδ' ἂ καταράσαιντ' ἂν οἱ
 ἐχθροὶ ποιοῦντες, διπλᾶς πράττοντες τὰς εἰσφορὰς,
 ταῦτ' ἀνέθεσαν, οὐδ' οἴοσπερ³ σὺ χρώμενοι συμβου-

¹ προσέδοξεν Z Bekk. Bens. cum libris.

² ἄς...καταχωνεύειν om. Z Bekk. Bens. cum ΣkrSA' et pr. T.

³ οἴοισπερ Z Bens. cum libris.

§ 113]...ἂν μὲν...καὶ οὐχ ἕμων
 ἄξια.— τοσοῦτ' ἀπέχει, Androt.
 § 2 n.

§ 184. || Androt. § 76 εἰσφέ-
 ρειν δ' ἐκ τῶν ἰδίων οὐδένα πώ-
 ποτε κίνδυνον ὑπὲρ δόξης ἐξέστη...

κτήματα ἀθάνατα αὐτῷ [two bad
 hiatus]...σὺ πάλιν.

§ 185. || Androt. § 77 οὐ γὰρ
 αὐτοὺς.

οὐδ' οἴοσπερ σὺ] Here all MSS.
 preserve the true reading οἴοισ-

λοις ἐπολιτεύοντο, ἀλλὰ τοὺς ἐχθροὺς κρατοῦντες, καὶ ἂ πᾶς τις ἂν εὖ φρονῶν εὐξαιτο, τὴν πόλιν εἰς ὁμόνοιαν ἄγοντες, ἀθάνατον κλέος αὐτῶν λελοίπασι, τοὺς ἐπιτηδεύοντας οἷά σοι βεβίωται τῆς ἀγορᾶς
 186 εἴργοντες. ὑμεῖς δ' εἰς τοσοῦτον, ὧ ἄνδρες Ἀθηναῖοι, προήχθητ' εὐθείας καὶ ῥαθυμίας ὥστ' οὐδὲ τοιαῦτ' ἔχοντες παραδείγματα ταῦτα μιμείσθε, ἀλλ' Ἀνδροτίων ὑμῖν πομπείων ἐπισκευαστῆς, Ἀνδροτίων, ὧ γῆ καὶ θεοί. καὶ τοῦτ' ἀσέβημα ἔλαττον τίνος ἠγεῖσθε; ἐγὼ μὲν γὰρ ἠγοῦμαι δεῖν τὸν εἰς ἱερὰ εἰσιόντα καὶ χερνίβων καὶ κανῶν ἀψόμενον, καὶ τῆς πρὸς τοὺς θεοὺς ἐπιμελείας προστάτην ἐσόμενον οὐχὶ τακτὸν ἡμερῶν ἀριθμὸν ἀγνεύειν, ἀλλὰ τὸν βίον ἠγνευκέναι τοιούτων ἐπιτηδευμάτων οἷα τούτῳ βεβίωται.

† προήχθε Bens. cum Σ.

περ, wrongly altered from conjecture. Androt. § 64 n.

§ 186. Androt. § 78 εἰς τοῦτ' ὧ ἄνδρες...τοιαῦτα ἔχοντες...προειρημένον ἡμερῶν ἀριθμὸν.

§§ 187—189. *I might say much more of Androtion and his expected defence of Timocrates: but I will not pursue that subject. To return to Timocrates: he says, I am told, that the three ambassadors have paid the money, and as they have satisfied the demands of justice, it would be cruel to convict him. But it is not open to him to argue in this way: it only lands him in a dilemma. If he proposed his law for the benefit of these men, that is of itself illegal: the law must be the same for all citizens. If for the general good, the fact that these men have paid is irrelevant: it must be shown that*

the law is expedient and right. This is just the point that the prosecution deny, and which the jury are now called to decide.

§ 187. We have now reached the last of the critical points discussed in the Introduction, as to the *series juncturae* of this Speech. According to Benseler, as has been seen, the genuine speech is resumed after an extensive interpolation, beginning with § 110, including the whole of the extracts from the Androtion §§ 160—186, and ending only with the first sentence of this section, as παύσομαι. According to Blass's more conservative criticism, agreeing, except in a few minor points, with that of A. Schaefer, the break here is merely that between portions of the first and of the second recension, each

187 Καὶ περὶ μὲν τούτου^v κατὰ σχολήν· ἃ δὲ Τιμοκράτει συνερεῖ, πολλὰ λέγειν ἔτι πρὸς τούτοις ἔχων παύσομαι. οἶδα δ' ὅτι, ὡς μὲν οὐκ ἀσύμφορος ὑμῖν ἐστὶν ὁ νόμος καὶ παρὰ πάντας τοὺς νόμους εἰσηνεγμένους καὶ κατὰ πάντ' ἀδίκως ἔχων, οὐχ ἔξει

^v τούτων Bekk. cum libris praeter Σ.

proceeding from the hand of Demosth. but wanting his final touches.

καὶ περὶ μὲν τούτου κατὰ σχολήν] τούτου referring to Androtion, the reading of Σ, is less vague and unsatisfactory than τούτων: but at best the passage is disjointed enough, and the transition very ill-managed. We have just heard a long invective against Androtion, repeated from the former speech: and now the orator says that he will return to the subject 'by and by,' or 'at leisure.' The difficulty of the phrase κατὰ σχολήν may be partly got over, by adopting, with Whiston, a suggestion of Sauppe's, *περὶ μὲν τούτου καὶ τῶν κατὰ σχολήν*, and connecting τὰ κατὰ σχολήν with τοιοῦτους λόγους σχολήν ἄγοντα ἐσκέφθαι § 158: a sneer at the 'elaborate' speech on which Timocrates is counting for his acquittal. But this reading in itself involves the acknowledgment of a serious corruption of the text: and the abruptness of the passage is still very harsh and, in my opinion, unlike the real work of Demosth. We are not bound to determine precisely the limits of the spurious passages, if we say that, while we do not accept the whole of Benseler's sweeping excision, the conclusion is forced upon us that in this speech we find work

which, after making every allowance for Demosthenes' want of interest in it after the trial had ended, cannot be supposed to have been published by him in its present shape. As Blass himself admits, passages which imply that the money had not been paid are mixed up almost inextricably with others like the present, which plainly assert the contrary. This want of coherence had been remarked even in ancient times: *τινὲς λέγουσιν ἐκ τούτου νομίζεσθαι τὸν λόγον ἀσύστατον*, is the remark of the Scholiast on *ἐκτέτισται τὰ χρήματα*. There is not, in the entire Demosthenic collection, another example of a long extract of several pages repeated from a previous speech—the case of the Fourth Philippic is quite different—nor of a speech in which the existence of two recensions is so clearly proved by contradictions as to one of the leading points of the case, the payment or non-payment of the money by the ambassadors. Scarcely any of the matter of the speech, taken section by section, seems unworthy of Demosthenes: but the effect of the whole is to give an impression of confused arrangement which we cannot suppose to have proceeded from him. The conclusion seems to be that there were really two distinct speeches, or

λέγειν· ἀκούω δ' αὐτὸν λέγειν ὡς ἐκτέτισται τὰ χρήματα Ἀνδροτίωνι καὶ Γλαυκέτῃ καὶ Μελανώπῳ, καὶ ὅτι δεινότατ' ἂν πάθοι πάντων ἀνθρώπων, εἰ πεποιηκότων ἐκείνων τὰ δίκαια, ὑπὲρ ὧν αὐτὸς αἰτίαν ἔχει 759
 188 θείναι τὸν νόμον, μηδὲν ἤττον αὐτὸς ἀλίσκεϊτο. ἐγὼ δὲ τὸν λόγον ἠγούμαι τοῦτον οὐδὲ καθ' ἕν λέγειν ἐνεῖναι τούτῳ. εἰ μὲν γὰρ ὑπὲρ τούτων, οὓς τὰ προσήκοντα φῆς πεποιηθέναι, θείναι τὸν νόμον ὁμολογεῖς, κατ' ἐκείνο προσήκει σε ἀλίσκεσθαι φανερώς, ὅτι μὴ τιθέναι νόμον, εἰ μὴ τὸν αὐτὸν ἐπὶ πᾶσι τοῖς πολίταις, ἀντικρυσ οἱ κύριοι νόμοι λέγουσι, καθ' οὓς οὗτοι
 189 δικάσειν ὁμωμόκασιν. εἰ δὲ τοῦ πᾶσι συμφέροντος ἕνεκα ταῦτα νομοθετῆσαι φήσεις, μὴ λέγε τὴν ἔκτισιν τὴν τούτων· οὐδὲν γὰρ κοινωνεῖ τῷ νόμῳ τῷδε· ἀλλ' ὡς ἐπιτήδειός ἐστι καὶ καλῶς ἔχων ὁ νόμος, τοῦτο δίδασκε. τοῦτο γάρ ἐσθ' ὑπὲρ οὗ σὺ μὲν εἰσενεγκεῖν φῆς, ἐγὼ δὲ γέγραμμαι τὰναντία φάσκων, κρῖναι δὲ προσήκει τουτουσί. καίτοι καὶ τοῦτ' οὐκ ἀπορήσαιμ'

a new recension of the speech owing to the turn taken by affairs: but that the welding of these two speeches into one is not to be ascribed to Demosthenes himself.

ἐκτέτισται τὰ χρήματα Ἀνδροτίωνι] The dative of the agent (for ὑπό τινος) is almost confined to the perf. pass. With the participle of that tense it is the usual construction, e.g. τῶν σοὶ πεπραγμένων Demosth. F. L. p. 434 § 291=333 would almost always take the place of τῶν ὑπὸ σοῦ πεπραγμένων: with the indicative both constructions are found. Cf. Madvig, *Synt.* § 38.

πεποιηκότων...τὰ δίκαια] 'have satisfied the demands of justice,' K. Perhaps rather, 'have

complied with the law,' as in § 52 ποιεῖν τὰ δίκαια σιγῆ. So in the next section τὰ προσήκοντα φῆς πεποιηθέναι.

αἰτίαν ἔχει] This is the usual passive of αἰτιάσθαι: the only tense of the verb used passively is the aor. ἠτιάθην, and that very rarely: Thucyd. viii. 68 § 2, Xen. Hell. ii. 1 § 32.

§ 188. μὴ τιθέναι...λέγουσι] 'the existing laws expressly forbid.' In this sense λέγειν with a negative is rare, ἀπαγορεύειν is far more common; or as in Androt. § 8 διαρρήδην οὐκ ἔαν.

§ 189. ἐγὼ δὲ γέγραμμαι] 'whereas I have impeached it and assert the contrary,' that it is οὐκ ἐπιτήδειος, contrary to public policy.

ἂν δεῖξαι, πάντα μᾶλλον ἢ κατὰ τοὺς νόμους πεποιη-
μένους τὴν ἔκτισιν ἐκείνους τὴν τῶν χρημάτων· ἀλλὰ
μὴ περὶ τούτων ὑμῶν οἰσόντων τὴν ψῆφον, τί δεῖ
ταῦτα λέγοντα ἐνοχλεῖν με νυνί;

190 Οἶμαι τοίνυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν
λόγων, ὡς δεινὰ ἂν πάθοι, εἰ γράψας ὅπως Ἀθηναίων
μηδεὶς δεθήσεται αὐτὸς πείσεται τι κακὸν, καὶ ὅτι
τοὺς νόμους ὡς πραοτάτους καὶ μετριωτάτους εἶναι
ὑπὲρ τῶν ἀδυνάτων μάλιστ' ἐστίν. πρὸς δὴ τοὺς
τοιούτους λόγους βέλτιον προακηκοέναι^x μικρὰ πάν-

191 τας ὑμᾶς, ἵν' ἦττον ἐξαπατᾶσθε. ὅταν μὲν γὰρ λέγη,
ὅπως μηδεὶς δεθήσεται Ἀθηναίων, μὴ λανθανέτω
ψευδόμενος ὑμᾶς. οὐ γὰρ τοῦτο τέθεικεν, ἀλλ' ὅπως 760
ὑμεῖς ἄκυροι τῶν προστιμημάτων ἔσεσθε· καὶ τὴν

^x ἀκηκοέναι Bens. cum Σ.

πάντα μᾶλλον...τῶν χρημάτων]
'that the payment which those
men have made is anything but
a payment according to law.'

§§ 190—193. *Again, he is raising a false issue when he tries to pose as the martyr of humane and popular legislation, and says that the humbler classes are those who benefit most by lenient laws. When he states the object of his law to be 'that no Athenian may be imprisoned,' this is false: for his real object is that you may lose the power to inflict additional penalties. Don't let him pick out for quotation these expressions in his law which sound most humane, but do you judge it as a whole (191). There are two classes of things to which the laws of all states have reference: the acts and contracts of private persons, and the conduct of*

public men (192). It is your interest that the former class of laws should be framed with mildness and humanity, but that those which concern our public duties should be stringent and severe: for then you will suffer the least amount of wrong from your statesmen (193).

§ 190. ἀδυνάτων] § 135 n.

προακηκοέναι] 'that you should at once hear beforehand.' § 60 n.

§ 191. λέγη, ὅπως] 'when he says the words "in order that no Athenian may be imprisoned:"' or γράψαι or τεθεικέναι may be supplied.

λανθανέτω ψευδόμενος ὑμᾶς] i.e. λανθανέτω ὑμᾶς. ψεύδουμαι with acc.=ἐξαπατᾶν is almost confined to poetry: there is an example in Xenophon, but that is not saying much.—προστιμημάτων, § 2 n.

μεθ' ὄρκου καὶ λόγου καὶ κρίσεως ψῆφον ἐνηνεγμένην ἀνάδικον καθίστησιν. μὴ δὴ ταῦθ' ὑμῖν τῶν ἐκ τοῦ νόμου ῥημάτων ἐκλέξας λεγέτω, ἢ φιλανθρωπότατ' ἐστὶν ἀκοῦσαι· ἀλλ' ὅλον δεικνύτω τὸν νόμον ἐξῆς, καὶ τὰ συμβαίνοντ' ἐξ αὐτοῦ σκοπεῖν ἐάτω. εὐρήσετε γὰρ ταῦτ' ὄντα ἢ ἐγώ^γ λέγω, καὶ οὐχ ἅ φησιν
 192 οὗτος. ἀλλὰ μὴν πρὸς γε τὸ τοῖς πολλοῖς συμφέρειν τοὺς νόμους πράους καὶ μετρίους εἶναι τάδε χρὴ σκοπεῖν. ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, δύο εἶδη, περὶ ὧν εἰσὶν οἱ νόμοι κατὰ πάσας^β τὰς πόλεις· ὧν τὸ μὲν ἐστὶ, δι' ὧν χρώμεθα ἀλλήλοις καὶ συναλλάττομεν καὶ περὶ τῶν ἰδίων ἢ χρὴ ποιεῖν διωρίσμεθα καὶ ζῶμεν ὅλως τὰ πρὸς ἡμᾶς αὐτοὺς, τὸ δ', ὃν τρόπον δεῖ τῷ κοινῷ τῆς πόλεως ἕνα ἕκαστον ἡμῶν χρῆσθαι, ἂν πολιτεύεσθαι βούληται καὶ φῆ κήδεσθαι τῆς πό-
 193 λεως. ἐκείνους μὲν τοίνυν τοὺς νόμους, τοὺς περὶ

^γ ταῦτα ἢ ἐγώ Z cum Σ. ταῦθ' ἀγὼ Bens.

^β καθ' ἀπάσας Z Bekk. Bens. cum ΣFv.

μεθ' ὄρκου καὶ λόγου καὶ κρίσεως] 'upon oath, and after argument and trial.'

ἀνάδικον καθίστησιν] 'he renders subject to an appeal.' § 54 n. and *Dict. Antiq.* s. v. 'Appellatio' (Greek).

§ 192. δύο εἶδη] 'there are two classes of things with which the laws deal' R. W. This is more precise than 'to which the laws have reference,' which would be περὶ ἅ.

δι' ὧν χρώμεθα] i. e. ὧν (εἰδῶν) τὸ μὲν ἐστὶ περὶ ὧν εἰσὶν οἱ νόμοι δι' ὧν χρώμεθα: the second ὧν refers not to εἶδη but to οἱ νόμοι. The passage is well rendered by R. W.: 'the first are the subject of the laws by which we regulate our intercourse and

contracts with one another, and define our obligations in private matters, and generally our relations to each other in life; the second (of those which) determine the nature of the obligations which each of us owes to the state, if he would be a public man and professes to care for the state.' For συναλλάττειν 'to contract' cf. I. Onet. p. 867 § 12 τοιοῦτο πρᾶγμα συναλλάττων, and συνάλλαγμα below § 213.

διωρίσμεθα] The middle of this verb is far more common than the active in the Orators, but the perf. mid. διώρισμαι is rare. We find in II. Onet. p. 877 § 8 δισχιλίω μὲν ὠρισμένους τὴν οἰκίαν, ταλάντου δὲ τὸ χωρίον.

τῶν ἰδίων, ἠπίως κείσθαι καὶ φιλανθρωπῶς ὑπὲρ τῶν πολλῶν ἐστὶ· τούσδε δὲ τοὺς περὶ τῶν πρὸς τὸ δημόσιον τὸνναντίον, ἰσχυρῶς καὶ χαλεπῶς ἔχειν ὑπὲρ ὑμῶν ἐστίν· οὕτω γὰρ ἂν ἤκισθ' οἱ πολιτευόμενοι τοὺς πολλοὺς ὑμᾶς ἀδικοῖεν. ὅταν δὴ τούτῳ τῷ λόγῳ χρῆται, ἐπὶ ταῦτα ἀπαντᾶτε, ὅτι τοὺς νόμους οὐκ ἐκείνους τοὺς ὑπὲρ ὑμῶν πρᾶους ποιεῖ, ἀλλὰ τούσδε οἱ τοῖς πολιτευομένοις φόβον παρέχουσιν.

194 Πολλὰ δ' ἂν τις ἔχοι λέγειν, εἰ καθ' ἕκαστον ὧν ἔρεϊ δεικνύναι βούλοιο φενακισμοῦ καὶ παρακρού-

§ 193. οὕτω γὰρ ἂν...ἀδικοῖεν] A characteristic passage: this deep distrust of public men goes down to the very roots of Athenian life. On the prevailing dishonesty which in some degree justified it, see above § 79 n.

ἐπὶ ταῦτα ἀπαντᾶτε] 'meet him with this reply,' cf. § 38 ἐφ' ἑκάστην ἀπαντᾶ τὴν ὁδὸν τῶν ἀδικημάτων. A still nearer parallel is Mid. p. 563 § 151 (of the friends of Midias) οὐκ ἐτόλμων λέγειν, ἐπὶ ταῦτα δ' ἀπήντων, 'had recourse to this argument in his defence.'

ἐκείνους] 'the former class,' τούσδε 'the latter.'

§§ 194—199. Of the many points as to which he will try to deceive you I will mention only one. Just see if he can convince you that retroactive legislation respecting what has been judicially settled can ever be right (194). If, as is probable, you feel that it cannot, then consider what alone can have induced him to propose such a law. Nothing but the most abominable avarice (195). He cannot say that it was out of compassion for Androtion and

his fellows: for their own conduct was such as to excite indignation rather than pity, and he is not so remarkably kind and gentle after all (196), as is proved by the acts of oppression of which he was guilty as the colleague and accomplice of Androtion during their year of office (197). He should rather have had pity upon you, from whom he and Androtion have exacted double payments while themselves not contributing anything to the property tax (198). He and Androtion entered their accounts alone, not with their colleagues, so confident were they of impunity. And he has no interest forsooth, no personal object to serve, when he incurs your hatred and introduces laws contrary to all the rest, nay even to a former law of his own (199).

§ 194. φενακισμοῦ καὶ παρακρούσεως] Comp. below § 209, Aristocr. p. 656 § 107 ἐφενακίσθητε καὶ παρεκρούσθητε. The verbs are favourites with Demosth. (Androt. § 34 n.): the substantives are rare, but φενακισμὸς occurs de Pace p. 59 § 10, παράκρουσις Aristocr. p. 679 § 175.

σεως ἔνεκα ῥηθησόμενα. ἀλλὰ τὰ μὲν πολλὰ παρήσω, κεφάλαιον δ' ὑμῖν ὁ μνημονεύσετε ἐρῶ. σκοπεῖτ' 761 ἐν ἅπασιν τοῖς λόγοις, ὅπόσους ἂν λέγη, εἴ τι δυνήσεται τοιοῦτον εἰπεῖν, δι' οὗ διδάξει ὡς ἔστι δίκαιον τὸν τιθέντα νόμον ταῦτ' ἀποσπάζειν περὶ τῶν παρεληλυθότων καὶ πρότερον τέλος ἐσχηκότων ποιεῖν καὶ περὶ τῶν μελλόντων γενήσεσθαι· πάντων γὰρ ὄντων αἰσχυρῶν καὶ δεινῶν τῶν γεγραμμένων ἐν τῷ νόμῳ, τοῦτο δεινότατον καὶ μάλιστα παράνομον γέγραπται.

195 εἰ δὲ μήθ' οὗτος μήτ' ἄλλος μηδεὶς τοῦτο^a δυνήσεται δεῖξαι, εἰδέναι χρῆ^b σαφῶς φενακίζομένους^c, καὶ λογίζεσθαι πρὸς ὑμᾶς αὐτοὺς ἐκ τίνος ποτ' ἐπήλθε τούτῳ τοιαῦτα νομοθετεῖν. οὐ προῖκα, ὡς Τιμόκρατες, πόθεν; οὐδ' ὀλίγου δεῖ τοῦτον ἔθικας τὸν νόμον· οὐδεμίαν γὰρ ἂν εἰπεῖν ἔχοις ἄλλην πρόφασιν, δι' ἣν τοιοῦτον ἐπήρθη εἰσενεγκεῖν νόμον, ἢ τὴν σαυτοῦ

^a τοῦτο post εἰ δὲ transp. Z Bekk.

^b add καὶ συνίεναι Z Bekk. om. ΣΑΥΩκrs. ^c add ὑμᾶς Z Bekk.

περὶ τῶν παρεληλυθότων] This argument is now getting rather threadbare: we have had it already §§ 42—44, 56—58, 72—76. For the phraseology cf. § 73 περὶ δ' ὧν δικαστήριον ἔγνων καὶ τέλος ἔσχηκε.

§ 195. πόθεν;] interjected as in § 157.

οὐδ' ὀλίγου δεῖ] Here and in two other passages, pro Megalop. p. 206 § 16 and F. L. p. 399 § 184=204, the meaning 'far from it' is expressed by this phrase instead of the much more common οὐδὲ πολλοῦ δεῖ (de reb. in Chers. p. 100 § 42, de F. L. p. 350 § 30=33 and elsewhere). The old commentators (as Jerome Wolf) explained the former class of passages by οὐδ' ὀλίγου δεῖ, ἀλλὰ πολλοῦ: and were perplexed by the οὐδὲ be-

fore πολλοῦ in the latter. It will be found that in all these passages a negative has preceded: the distinction is that in οὐδὲ πολλοῦ δεῖ the οὐδὲ does not negative what follows, but merely repeats the previous negation: whereas in οὐδ' ὀλίγου δεῖ the οὐδὲ does really negative ὀλίγου. I cannot think with Shilleto (on F. L. § 204) that the presence or absence of γε would render the meaning doubtful: as he observes, 'οὐ δὲ (i. e. οὐ καὶ) ὀλίγου γε δεῖ is precisely equivalent to πολλοῦ γε καὶ δεῖ.' It is curious that the use of πολλοστὸς and ὀλιγοστὸς has occasioned a similar difficulty: see the next section.

ἐπήρθη] 'you were led on, induced, encouraged' to bring

θεοῖς ἐχθρὰν αἰσχροκέρδειαν· οὔτε γὰρ συγγενῆς
 οὔτ' οἰκείος οὔτ' ἀναγκαῖος ἦν σοι τούτων οὔδεις,
 196 οὐδ' ^d ἐκεῖν' ἂν ἔχοις εἰπεῖν, ὡς ἐλεήσας δεινὰ πάσχον-
 τας ἀνθρώπους εἴλου διὰ ταῦτα βοηθεῖν αὐτοῖς. οὔτε
 γὰρ τὸ ^e τὰ τούτων πολλοστῶ χρόνῳ μόλις ἄκοντας,

^d οὔτ' Z Bens. Bekk. cum ΣFTrB.

^e τὸ om. Z Bekk. Bens. cum ΣTkrsv.

in this law: 'veranlasst' Benseler. In K.'s rendering, 'pretext for introducing such a bill,' this word is not expressed.

θεοῖς ἐχθρὰν αἰσχροκέρδειαν] It is from this passage that θεοισεχθρίαν Androt. § 59 (where see the note) has been altered in most MSS. There are no various readings here, except that Σ writes, as elsewhere, αἰσχροκερδῖαν: and this form, though contrary to analogy, has been accepted by Dindorf (Praef. ed. § p. xxviii). Cobet *Misc. Crit.* p. 25 wishes to read θεοισεχθρίαν here in conformity with || Androt.: but there can be no necessity for this.

οὔτε γὰρ συγγενῆς οὔτ' οἰκείος οὔτ' ἀναγκαῖος] 'either a relative or a connexion or an intimate friend' K. 'Ein Verwandter oder Bekannter von dir oder stand dir irgendetwie nahe' Benseler. Compare above συγγενῶν καὶ οἰκείων § 67 n.

§ 196. τὰ τούτων] sc. χρήματα, apparently the money of the jury as representing the state. This is Reiske's explanation, approved by Dindorf: cf. in the next section *τούτων*. Benseler's version takes no notice of *τούτων*. In Nicostr. p. 1254 §§ 26, 27 we have ἀμφισβητοῦντος τῶν ὑμετέρων of a claim not yet proved on behalf of the state: cf. above § 175 n.

πολλοστῶ χρόνῳ] πολλοστὸς has two meanings which at first sight appear contradictory. (1) One out of many, and so small in proportion to the whole; as a fraction with a large denominator is a small fraction. This is the usual sense, found generally but not always with μέρος or μέροςιον: as in iii. Phil. p. 117 § 25 ἐλάττονα ἐστίν... ἀλλ' οὐδὲ πολλοστὸν μέρος τούτων ἐκεῖνα. c. Macart. p. 1052 § 9 ἀλλ' οὐδ' ἀπολογήσασθαι μοι ἐξεγένετο οὐδὲ πολλοστὸν μέρος ὧν κατεψεύδοντο ἡμῶν: 'the smallest part.' (2) As applied to time, only in πολλοστῶ χρόνῳ 'after a long time,' 'so long after it was due' K. The phrase occurs also c. Eubul. p. 1304 § 18 πρὸς τοὺς οἰκείους ἐσώθη δεῦρο πολλοστῶ χρόνῳ: and Aristoph. Pac. 559. Reiske was struck with the difficulty of reconciling the two meanings: 'hic non minuit, sed auget.' On this G. H. Schaefer remarks that it always implies number, 'ut semper sit ἀξητικόν, nunquam μειωτικόν;' and here it means 'at one moment out of many,' implying many moments or, in other words, a long time. This usage was probably poetical in its origin: besides the line of Aristophanes, it will be observed that the passage just quoted from the Eubulides reads as a fragment of an iambic

ἐν τρισὶν ἐξελεγχθέντας δικαστηρίοις, κατατιθέναι, τοῦθ' ἡγήσω τὸ δεινὰ πάσχειν εἶναι· ποιεῖν γάρ ἐστι τοῦτό γε δεινὰ, καὶ παροξύνειε μᾶλλον ἂν τινα μισεῖν ἢ προτρέψειεν ἐλεεῖν· οὔτ' ἄλλως πρᾶος καὶ φιλάνθρωπος σύ τις τῶν ἄλλων διαφόρως ὦν ἐλεεῖς αὐτούς·
 197 οὐ γάρ ἐστι τῆς αὐτῆς ψυχῆς Ἀνδροτίωνα μὲν καὶ Μελάνωπον καὶ Γλαυκέτην^f ἐλεεῖν, ἂ κλέψαντες εἶχον εἰ καταθήσουσι, τουτωνὶ δὲ τοσοῦτων ὄντων καὶ τῶν ἄλλων πολιτῶν, ὧν ἐπὶ τὰς οἰκίας ἐβάδιζες σὺ 762 τοὺς ἔνδεκα καὶ τοὺς ἀποδέκτας ἔχων καὶ τοὺς ὑπηρέτας, μηδένα πώποτ' ἐλεῆσαι, ἀλλὰ θύρας ἀφαιρεῖν καὶ στρώμαθ' ὑποσπᾶν καὶ διάκονον, εἴ τις^g ἐχρήτο,

^f Γλαυκέτην καὶ Μελάνωπον Bekk. cum libris praeter ΣFv.

^g ἢ τις Bens. cum ΣAFrs.

verse. It is found only in the dative case: a writer would naturally say πολλὸν χρόνον, not πολλοστὸν, of the *duration* of a long time, but πολλοστῶ when a *particular moment* of that long time was intended. It seems however that Soph. Antig. 625 πρᾶσσει δ' ὀλιγοστὸν χρόνον ἐκτὸς ἄτας is a bold extension of this poetic usage from the point of time to its duration. The more we realise Sophocles' love of artificial expression, the less, I think, shall we be inclined to desert the MSS. in favour of the commonplace ὀλιγιστον.

μόλις ἄκουτας] These words add to the rhetorical δεινότης of the passage: they paid the money (1) at the latest possible moment (2) after making many difficulties and (3) with the worst possible grace.

ἐν τρισὶν ἐξελεγχθέντας δικαστηρίοις] The προβούλευμα of the senate, the ψήφισμα of the people, and the verdict of the

dicastery, are each reckoned as a judicial decree affirming the liability of Androtion and his fellows. So A. Schaefer i. 332 n., followed by Benseler and Whiston.

ποιεῖν γάρ ἐστι τοῦτό γε δεινὰ] ποιεῖν is emphatically opposed to πάσχειν: 'it was cruel conduct you mean, not cruel treatment.'

§ 197. ἂ κλέψαντες εἶχον εἰ καταθήσουσι] 'for having to refund what they had embezzled and were still keeping.' After ἐλεεῖν, as after θαναμάζειν, εἰ implies no 'if' but points to a fact: cf. § 32 n.

ἀποδέκτας] § 162 n.

θύρας...ὑποσπᾶν] 'to have torn off their doors and dragged the bed-clothes from under them.' Cf. Androt. § 56 and the phrase σκεπή φέρειν § 57. It seems from the mention of doors that not only furniture but fixtures might be seized under a distraint at Athens.

- ταύτην ἐνεχυράζειν· ἂ σὺ πάντ' ἐποίεις ἐνιαυτὸν
 198 ὅλον μετ' Ἀνδροτίωνος. πολλῶ γὰρ δήπου σχετλι-
 ῶτερ' ἐπάσχεθ' ὑμεῖς, καὶ πολὺ μᾶλλον ἂν εἰκότως
 ἦλέεις τούτους, οἳ δι' ὑμᾶς, ὧ κατάρατε, τοὺς λέγον-
 τας οὐδ' ὀτιοῦν εἰσφέροντες παύονται. καὶ οὐκ ἀπό-
 χρη τοῦτ', ἀλλὰ καὶ διπλᾶ πράττονται, καὶ ταῦθ'
 ὑπὸ σοῦ καὶ Ἀνδροτίωνος, οἳ μίαν εἰσφορὰν^h οὐδε-
 199 πώποτ' εἰσηγηθήκατε. τηλικούτο τοίνυν ἐφρόνησεν
 οὗτος ὡς ἄρ' οὐδὲ δίκην τούτων οὐδεμίαν δώσων, ὥστε

^h μίαν εἰσφορὰν, μίαν Z Bens. cum Σ.

διάκονον.....ἐνεχυράζειν] For the acc. with ἐνεχυράζειν see note on Androt. *l. c.* Slaves were among the first 'cattle' or 'chattels' distrained upon: the argument in Or. 53 πρὸς Νικόστρατον περὶ ἀνδραπόδων ἀπογραφῆς Ἀρεθουσίου turns upon a schedule or inventory (ἀπογραφή) in which two slaves are stated to be the property of Arethusius, and therefore liable to confiscation as a partial payment of his debt to the public treasury, while Nicostratus the brother of Arethusius has collusively claimed them as his own, a case of 'concealment of effects in bankruptcy.' There can be no doubt that ἐχρήτο is rightly explained as 'used with a double meaning, or at any rate euphemistically for a plainer term = πησιάζειν' (R. W.). I do not think, however, that the Scholiast is right in referring under this head to the case of Sinope and Phanostrata in Androt. *l. c.*: they appear to have been free women whose goods, not persons had been seized (ἀνθρώπους πόρνas, οὐ μέντοι ὀφειλούσας εἰσφοράs). The MS. authority is decisive in favour of ἢ τις ἐχρή-

το, which yields exactly the same sense as εἴ τις.

ἐνιαυτὸν ὅλον] The year in which they held the office of ἐκλογεῖς, § 160 and || Androt.

§ 198. ὑμεῖς...ἦλέεις τούτους...ὑμᾶς...τοὺς λέγοντας] Through these rapid changes of pronoun the meaning is plain: 'you, the Athenian people, were much worse treated:' 'you, Timocrates, had much more reason to pity your countrymen, who through *you orators* have no respite from payment of property-tax.'

διπλᾶ πράττονται] 'they are made to pay double.' 'To exact' is either πράττειν or πράττεσθαι indiscriminately: and the verb, which in the active voice takes a double accusative (πράττειν τινά τι) is regularly joined to a single accusative when used passively. The same statement occurs above § 185 and || Androt., διπλᾶs πράττοντες τὰs εἰσφοράs.

§ 199. τηλικούτο...ἐφρόνησεν] 'such was his self-confidence,' 'Selbstvertrauen,' Benseler. τηλικούτο φρονεῖν is precisely = οὕτω μέγα φρονεῖν.

μόνος δέκα τῶν συναρχόντων ὄντων κοινῇ τὸν λόγον ἐγγράψαι μετ' Ἀνδροτίωνος ἐτόλμησε· προῖκα γάρ, οὐδὲν ὠφελούμενος, ὑμῖν Τιμοκράτης ἀπεχθάνεται καὶ νόμους εἰσφέρει πᾶσιν ἐναντίους, τὸ τελευταῖον δὲ καὶ αὐτοῦ νόμῳ προτέρῳ, ὃ μὰ τὴν Ἀθηναῖαν οὐδ' ὑμᾶς οἶμαι λανθάνειν.

200 Ὁ τοίνυν ἔμοιγε δοκεῖ μάλιστ' ἄξιον ὀργῆς εἶναι, φράσω καὶ οὐκ ἀποτρέψομαι, ὅτι ταῦτ' ὦ ἄνδρες Ἀθηναῖοι, πρᾶττων ἐπ' ἀργυρίῳ, καὶ προηρημένος ὡς ἀληθῶς μισθαρνεῖν, οὐκ εἰς ἂ καὶ συγγνώμην ἀκούσας ἂν τις ἔσχε, ταῦτ' ἀναλίσκει. ταῦτα δ' ἐστὶ τί; ὁ πατήρ, ὦ ἄνδρες δικασταί, ὁ τούτου τῷ δημο-

τὸν λόγον ἐγγράψαι] 'to enter his account' of the monies he had collected in the public books of the Logistae. So Aeschin. Ctes. § 20 ἐγγράφειν πρὸς τοὺς λογιστὰς ὁ νόμος κελεύει λόγον. More commonly ἐγγράφειν is simply 'to register' a debt or fine, c. Nicostr. p. 1251 § 14 ἐγγράφει τῷ δημοσίῳ (in the treasury), where examples are collected in Sandys' note. Timocrates was not afraid to make common cause with Androtion, when their colleagues (as is implied) had kept aloof from their exactions.

προῖκα γάρ, οὐδὲν ὠφελούμενος] And yet you are asked to believe that he incurs your hatred gratuitously, for no personal gain.

αὐτοῦ νόμῳ προτέρῳ] Above, §§ 62, 63.

§§ 200—203. *He has taken up the trade of a hireling, and makes no good use of the money: what he has gained basely he spends selfishly. He suffers his own father to languish under Atimia, which he will one day inherit himself, rather than pay*

a small sum to restore him to his civic rights (201): he is the betrayer of his sister's honour (202). If you do not put him to death, you will be thought to like his pettifogging actions and the trouble he gives you, and to have no desire to be rid of scoundrels (203).

§ 200. ἀποτρέψομαι] §§ 1 n., 104 n. Here Σ alone preserves the better reading.

προηρημένος] 'though he has made it his set purpose (προαιρεσις). Generally with accus. προαιρεῖσθαι τι: for the infin. compare c. Dionysodor. p. 1297 § 48 πολλοὶ τῶν κατὰ θάλατταν ἐργάζεσθαι προαιρουμένων (whereas in § 1 he had said τὴν ἐργασίαν προηρημένος). Isocr. Phil. § 77 τούτοις ἐπιβουλεύων, ὑπὲρ ὧν ὁ πρόγονος αὐτοῦ προελετο κινδυνεύειν.

οὐκ εἰς ἂ...ταῦτ' ἀναλίσκει] There is no probability in Dobree's conjecture τοῦτ' ἀναλίσκει. The order is εἰς ταῦτα ἂ ἀκούσας τις συγγνώμην ἂν ἔσχε, and καὶ emphasizes συγγνώμην.

ὁ πατήρ] This favours the inference already drawn from

σίῳ ὀφείλει· καὶ οὐκ ὄνειδίζων ἐκείνῳ λέγω, ἀλλ'
 201 ἀναγκαζόμενος· καὶ οὗτος ὁ χρηστὸς περιορᾷ. καίτοι
 ὅστις μέλλων κληρονομήσειν τῆς ἀτιμίας, ἂν ἐκείνός
 τι πάθῃ, μὴ οἶεται δεῖν ἐκτίσαι, ἀλλὰ κερδαίνειν, ὃν
 ἐκείνος ζῆ χρόνον, ἀξιοῖ τοῦτο τὸ κέρδος, τίνος ἂν ὑμῖν
 ἀποσχέσθαι δοκεῖ; καὶ τὸν μὲν πατέρα οὗτ' ἐλεεῖς 763
 οὔτε δεινὰ σοι δοκεῖ πάσχειν, εἰ σοῦ λαμβάνοντος
 καὶ χρηματιζομένου ἀπὸ τῶν εἰσφορῶν ὧν εἰσέ-
 πραπτες, ἀπὸ τῶν¹ ψηφισμάτων ὧν γράφεις, ἀφ' ὧν
 εἰσφέρεις νόμων, διὰ μικρὸν ἀργύριον μὴ μετέχει τῆς
 202 πόλεως, ἐτέρους δ' ἐλεῆσαι τινὰς φήσ; ἀλλὰ νῆ Δία
 τὴν ἀδελφὴν καλῶς διώκηκεν. ἀλλ' εἰ καὶ μηδὲν

¹ τῶν *om.* Bens. *cum* Σν.

Androt. § 66 compared with Timocr. § 173, that Timocrates was much younger than Androtion.

οὐκ ὄνειδίζων ἐκείνῳ λέγω] It was usual to apologise when alluding to the 'misfortunes' of those who had been convicted, other than the immediate objects of attack. So in Mid. p. 533 § 58 οὐ γὰρ ὄνειδίσει μὰ τοὺς θεοὺς οὐδενὶ δυσχερὲς οὐδὲν βουλόμενος τοῦτο ποιήσω, when he is about to mention the Atimia of Sannio (κέχρηται συμφορᾷ): cf. Androt. §§ 55 *n.*, 62, above § 132.

καὶ οὗτος ὁ χρηστὸς περιορᾷ] 'and yet this worthy person allows him to remain so.' χρηστὸς ironical, § 160.

§ 201. κληρονομήσειν τῆς ἀτιμίας] Androt. § 34 *n.*

ἂν ἐκείνός τι πάθῃ] 'should anything happen to his father:' a euphemism as in Latin and English.

μὴ οἶεται] The relative ὅστις here = *ei*, and is therefore fol-

lowed by μὴ, not οὐ.

κερδαίνειν... τοῦτο τὸ κέρδος] 'to enjoy what it would cost him' (to pay his father's debt).

λαμβάνοντος καὶ χρηματιζομένου] 'while you help yourself and make money:' the usual sense of χρηματίζεσθαι middle. Pro Phorn. p. 593 § 30 ἀπὸ τοῦ χρηματίζεσθαι καὶ ἐτέρων πλείω κτήσασθαι. So χρηματιστῆς a money-maker, economist, Boeot. de Nom. p. 1002 § 25 τίς ἦν χρηματιστῆς ὁ πατήρ (where τίς = ποῖός τις. For χρηματίζεω active, §§ 21 *n.*, 45, 55.

διὰ μικρὸν ἀργύριον] 'for,' i.e. 'for want of.' Schaefer compares Aristoph. Plut. 147 ἔγωγέ τοι διὰ μικρὸν ἀργυρίδιον | δοῦλος γεγένημαι διὰ τὸ μὴ πλουτεῖν ἴσως: where Dobree had referred to the present passage.

§ 202. ἀλλὰ νῆ Δία... καλῶς διώκηκεν] Both phrases occur Androt. § 69 and above § 176. For διώκηκεν with acc. of person, 'has managed her affairs nicely,' Dindorf compares Isae-

ἄλλο ἡδίκηει, κατὰ τοῦτ' ἄξιός ἐστ' ἀπολωλέναι· πέπρακε γὰρ αὐτήν, οὐκ ἐκδέδωκε. τῶν γὰρ ὑμετέρων ἐχθρῶν ἐνὶ Κερκυραίῳ τινὶ τῶν νῦν ἐχόντων τὴν πόλιν, καταλύοντι παρ' αὐτῷ ὅτε δεῦρο πρεσβεῖοι, καὶ βουλευθέντι λαβεῖν αὐτήν (ἐξ οὗ δὲ τρόπου, παραλείψω) λαβὼν ἀργύριον δέδωκε· καὶ νῦν ἐστὶν ἐν
 203 Κερκύρα. ὅς οὖν τὴν μὲν ἀδελφὴν ἐπ' ἐξαγωγῇ φησὶ^κ μὲν ἐκδοῦναι, πέπρακε δὲ τῷ ἔργῳ, τὸν δὲ αὐτοῦ πατέρα οὕτω γηροτροφεῖ, κολακεύει δὲ καὶ μισθοῦ γράφει καὶ πολιτεύεται, τοῦτον ὑμεῖς λαβόντες οὐκ ἀποκτενεῖτε; δόξετε ἄρα, ὦ ἄνδρες Ἀθηναῖοι, κρίσεις βούλεσθαι καὶ πράγματ' ἔχειν, ἀλλ' οὐκ ἀπηλλάχθαι τῶν πονηρῶν.

^κ φήσκει Z Bekk. Bens. cum Σ.

us Or. 7 (Apollodor.) § 6 αὐτὸν δ' ἐκείνον οὕτω διέκρησεν ἐπιτροπέων ὥστε τριῶν αὐτῷ ταλάντων δίκην ὀφλεῖν.

εἰ καὶ μηδὲν ἄλλο ἡδίκηει] 'even if he were guilty of nothing else:' the imperf. expresses the abiding guilt. 'If he had committed no other crime' would be ἡδίκησεν.

ὑμετέρων ἐχθρῶν ἐνὶ] Since the year 361 the oligarchs had had the upper hand at Coreyra, and the island had quitted the Athenian alliance. They were not at war (πολέμοι), but politically hostile (ἐχθροί).

καταλύοντι... πρεσβεῖοι] 'who used to lodge at his house whenever he came here as ambassador.' The optative 'of indefinite frequency' shows that the man came more than once: and καταλύοντι is therefore an imperf. participle.

§ 203. ἐπ' ἐξαγωγῇ... ἐκδοῦναι] The giving in marriage of an Athenian woman to a fo-

reigner was itself illegal, as K. points out, referring to *Dict. Antiq.* s. v. 'Exagoges Diké.' For the corresponding law against the marriage of a citizen with a foreign woman, Androt. § 3 n. Aristogiton is likewise accused of selling his sister (perhaps an illegitimate half-sister): θυγατέρα δ' ἐκείνης ὁπωσδήποτε γενομένην (ἐῷ γὰρ τοῦτο), ἀλλ' ἀδελφὴν γε, ἐπ' ἐξαγωγῇ ἀπέδοτο I. Aristog. p. 787 § 55.

κολακεύει... πολιτεύεται] μισθοῦ belongs to πολιτεύεται as well as to γράφει: 'is a hanger-on (is the *âme damnée* of such people as Androtion, does their dirty work) and a hireling decree-drawer and politician.'

ἀπηλλάχθαι] The full meaning of the perf. infin. is 'to be at once and for ever quit:' § 60 n. So ἀφείσθαι in § 207.

§§ 204—209. *The man who passes a bad law is worse than a thief or common criminal. The thief injures only his victims,*

- 204 Καὶ μὴν ὅτι μὲν προσήκει πάντας κολάζειν τοὺς ἀδικούντας, εὖ οἶδ' ὅτι πάντες ἂν, εἴ τις ἔροιτο, φήσαιτε· ὅσῳ δὲ μάλιστα τοῦτον, ὅς νόμον εἰσηγήνοχεν ἐπὶ βλάβῃ τοῦ πλήθους, ἐγὼ πειράσομαι διδάξαι. τῶν μὲν γὰρ κλεπτῶν καὶ λωποδυτῶν καὶ τὰ τοιαῦτα κακουργούντων ἕκαστος πρῶτον μὲν ὡς ἀληθῶς τὸν ἐντυχόντ' ἀδικεῖ, καὶ οὐκ ἂν οἷός τ' εἴη πάντας ἐκδύειν οὐδὲ τὰ πάντων ὑφέλεσθαι, εἴτα καταισχύνει
- 205 τὴν αὐτοῦ δόξαν καὶ τὸν βίον μόνον. εἰ δέ τις εἰσφέρει νόμον ἐξ οὗ τοῖς ὑμᾶς βουλομένοις ἀδικεῖν ἢ πᾶσα ἐξουσία καὶ ἄδεια γενήσεται, οὗτος ὅλην 764 ἀδικεῖ τὴν πόλιν καὶ καταισχύνει πάντας· νόμος γὰρ αἰσχροὺς ὅταν κύριος ᾖ, τῆς πόλεως ὄνειδός ἐστι τῆς θεμένης, καὶ βλάπτει πάντας ὅσοι περ ἂν αὐτῷ χρῶνται. τὸν οὖν καὶ βλάπτειν ὑμᾶς καὶ δόξης

and disgraces only himself: but the author of a law which gives impunity to crime both injures and disgraces the whole people (205). The first step in a revolution is usually the opening of prisons (206). I am not afraid of the defendant's overthrowing your government: but remember, he has taken this revolutionary step (207). What would your feelings be, if you heard a yell at this moment which announced that the scum of your gaols had broken loose, and if Timocrates were the author of the mischief? Surely he would be hurried to execution without even a hearing (208). Well, his law not merely opens the prisons, but as good as pulls them down, and the courts of justice with them: for it renders both useless (209).

§ 204. λωποδυτῶν] See on § 114 ἱμάτων ἢ ληκύθιον...ἐκ τῶν γυμνασίων ὑφέλοιτο.

πρῶτον μὲν...ἀδικεῖ] 'in the first place he really injures only the man who falls in his way,' τὸν ἐντυχόντα opp. to πάντας. Ὁ ἐντυχῶν is 'the first comer,' Isae. Or. 3 (Pyrrhus) § 61, Or. 9 (Astyph.) § 12.

ἐκδύειν] A word appropriate enough to λωποδύται; but here perhaps opp. to ὑφέλεσθαι of stripping with violence, as in Conon. p. 1259 § 8 ἐμοὶ περιπεσόντες τὸ μὲν πρῶτον ἐξέδυσαν.

§ 205. ἢ πᾶσα ἐξουσία καὶ ἄδεια] 'complete license and impunity.' ἐξουσία is rare of unlawful authority; but compare Aeschin. Timarch. § 108 τοῦτον αὐτὸν λαβόντα ἄδειαν καὶ ἐξουσίαν καὶ ἀρχὴν τίς ἂν ἐλπίζειν ἀπολελοιπέναι τι τῶν ἀσελγεστάτων ἔργων; For ἄδεια in this sense, Androt. § 25, above § 102. —κύριος ᾖ 'is in force.'

αὐτῷ χρῶνται] 'live under it.' §§ 139, 140 and elsewhere.

ἀναπιμπλάναι φαύλης ἐπιχειροῦντα, τοῦτον οὐ τιμω-
 206 ρήσεσθε λαβόντες; καὶ τί φήσετε; γνοίη δ' ἄν τις
 οὕτω μάλισθ' ἠλικά πράγματα συσκευάσας γέγρα-
 φεν αὐτὸν, καὶ ταῦθ' ὡς ὑπεναντία τῇ καθεστῶσῃ
 πολιτείᾳ, εἰ λογίσαιτο ὅτι πάντες, ὅταν που κατα-
 λύοντες τὸν δῆμον πράγμασιν ἐγχειρῶσι νεωτέροις,
 τοῦτο ποιοῦσι πρῶτον ἀπάντων, ἔλυσαν τοὺς πρότε-
 ρον νόμῳ δι' ἀμαρτίαν τινὰ ταύτην ὑπέχοντας τὴν
 207 δίκην. πῶς οὖν οὐκ ἄξιος οὗτος, εἰ δυνατὸν, τρίς, οὐχ
 ἅπαξ ἀπολωλέναι, ὃς εἷς ὢν καὶ οὐ δήπου μέλλων
 καταλύειν ὑμᾶς, ἀλλὰ τούναντίον αὐτὸς ἐν ὑμῖν, ἂν
 τὰ δίκαια καὶ τὰ προσήκοντα ποιῆτε, ἀπολέσθαι,

δόξης ἀναπιμπλάναι φαύλης] 'cover you with infamy.' Cf. Lept. p. 466 § 28 τῆς δὲ γ' αἰσχύνης ὄλην ἀναπιμπλησι τὴν πόλιν, quoted by R. W.

§ 206. ἠλικά πράγματα συσκευάσας] 'with what deep designs he framed this law.' συσκευάζειν is properly 'to pack up,' Lat. *convasare*; the literal sense occurs Plat. Theaet. 175 ε στρωματόδεσμον μὴ ἐπιστάμενος συσκευάσασθαι. In the Orators the use of the verb is metaphorical, and found in all three voices: active here and Fals. Leg. p. 358 § 54=61 ἅπαντα ταῦτα εἰς ἐν ψήφισμα κατεσκευάσαν: passive, ib. p. 365 § 76=86 ἡ πᾶσα ἀπάτη καὶ τέχνη συνσκευάσθη τοῦ περὶ Φωκίας ὀλέθρου: middle, ib. p. 438 § 303=346 ὁ συσκευάζεσθαι τὴν Ἑλλάδα καὶ Πελοπόννησον Φίλιππον βοῶν, 'forming them into a combination against you,' and Plato l. c.

ὅταν που] 'wherever.' G. H. Schaefer observes that που=*alicubi*, i. e. in any democratic government; ὅταν που will therefore=*sicubi*.

πράγμασιν ἐγχειρῶσι νεωτέροις] Exactly = *rebus novis studere*, 'to aim at a revolution:' in this sense νεώτερόν τι πράττειν is common, as well as νεωτερίζειν, but ἐγχειρεῖν does not seem to occur elsewhere.

ἔλυσαν] This aorist, following the presents ἐγχειρῶσι and ποιοῦσι, is rightly rendered as a present by K. Thus used it expresses what is wont to happen, Jelf, *Synt.* § 402. 1; Madvig, *Synt.* § 111 a. Benseler less correctly turns all the verbs into the past tense.

ταύτην ὑπέχοντας τὴν δίκην] 'those who are undergoing this punishment:' as in δοῦναι δίκην.

§ 207. μέλλων καταλύειν... ἀπολέσθαι] The reading of the best secondary MSS. καταλύσειν and ἀπολείσθαι ought certainly to be followed here. Cobet, who sometimes repeats himself, notices this point twice over, *Nov. Lect.* p. 780 and *Misc. Crit.* p. 558: adding that it ought to have been restored *in vitis libris*. Without dogmatizing with Phrynichus and Cobet on this point, it may be

ὅμως ἐμιμήσατο τοῦτο τὰ δίκημα, καὶ διὰ τοῦ νόμου
 λύνει ἠξίωσεν οὓς δέδεκε τὰ δικαστήρια, γράψας
 ἀναιδῶς, εἴ τιμι προστετίμηται δεσμοῦ κἂν τὸ λοιπόν
 208 τιμι προστιμήσητε, τοῦτον ἀφείσθαι. καὶ μὴν εἰ¹
 αὐτίκα δὴ μάλα κραυγὴν ἀκούσατε πρὸς τῷ δικα-
 στηρίῳ, εἴτ' εἴποι τις ὡς ἀνέφκται τὸ δεσμωτήριον, οἱ
 δὲ δεσμῶται φεύγουσιν, οὐδεὶς οὔτε γέρων οὔτ' ὀλί-
 γωρος οὔτως^m ὅστις οὐχὶ βοηθήσειεν ἂν καθ' ὅσον
 δύναται. εἰ δὲ δὴ τις εἴποι παρελθὼν ὡς ὁ τούτους
 209 ἀπαχθεὶς θανάτῳ ζημιωθείη. νῦν τοίνυν ἔχετε, ὦ

¹ εἴ τις *et* ποx ἀκούσαι Bens. *cum* Fv.

^m add ἐστὶν Z Bekk. *om.* ΣΑΩkrs Bens.

ⁿ ἀφίεις Z Bekk. *Illud* Σ *et* Longin.

remarked that in prose at least there is always a strong presumption in favour of the future after μέλλω. In verse a greater latitude was naturally allowed: yet Mr Rutherford's careful examination shows that the exceptions amount to no more than four per cent. of the whole in Comedy, and somewhat more in Tragedy (*New Phryn.* p. 420 ff.). Lobeck, who devotes an appendix to the constructions of μέλλω, argues in favour of admitting the pres. and aor. in prose as well (*Phryn.* p. 745 ff.).

κἂν...προστιμήσητε] We have here the strict grammatical construction instead of ἤ...προστιμηθῆ as in §§ 39, 72, 79, 93. An explanation of the apparent solecism has been suggested in the note on § 39: Cobet wishes to alter all the rest into conformity with the present passage, reading everywhere κἂν (*Misc. Crit.* p. 549).

§ 208. This appeal to the imagination of his hearers has

been much admired by critics ancient and modern, beginning with the author of the treatise *περὶ ὕψους*, c. 15 § 9 (ed. Weiske). Kennedy has quoted his remarks from a French translation: it may be as well to give the words of the original. Τί οὖν ἡ ῥητορικὴ φαντασία δύναται; Πολλὰ μὲν ἴσως καὶ ἄλλα τοῖς λόγοις ἐναγώνια καὶ ἐμπαθῆ προσεισφέρει· κατακιρναμένη μέντοι ταῖς πραγματικαῖς ἐπιχειρήσεσιν, οὐ πείθει τὸν ἀκροατὴν μόνον, ἀλλὰ καὶ δουλοῦται. The writer then quotes the entire section, probably from memory as there are a few verbal differences.

αὐτίκα δὴ μάλα] Androt. § 65 n.

ὀλίγωρος] 'indifferent.' The pseudo-Longinus gives these words as οὐδεὶς οὔτως, οὔτε γέρων οὔτε νέος, ὀλίγωρός ἐστιν: the condensed expression of the text is much more forcible.

§ 209. ἔχετε] 'you have him in your power.'

ἄνδρες Ἀθηναῖοι, τοῦτον, ὃς οὐχὶ λάθρα πεποιήκε τοῦτο, ἀλλὰ φενακίσας καὶ παρακρουσόμενος ὑμᾶς^ο νόμον τέθεικε^ν φανερώς, ὃς οὐκ ἀνοίγνυσι τὸ δεσμο- 765 τήριον, ἀλλὰ καθαιρεῖ, προσπεριείληφε δὲ καὶ τὰ δικαστήρια. τίς γὰρ ἢ τούτων ἢ ἐκείνων χρεία, ὅταν οἷς τετίμηται δεσμοῦ λύωνται, κἂν τὸ λοιπὸν τιμῆ-σῆτέ τω, μηδὲν ὑμῖν ἢ πλεόν;

210 Δεῖ τοίνυν ὑμᾶς κάκεινο σκοπεῖν, ὅτι πολλοὶ τῶν Ἑλλήνων πολλάκις εἰσὶν ἐψηφισμένοι τοῖς νόμοις χρῆσθαι τοῖς ὑμετέροις, ἐφ' ᾧ φιλοτιμεῖσθε ὑμεῖς, εἰκότως· ὃ γὰρ εἰπεῖν τινά φασιν ἐν ὑμῖν, ἀληθὲς εἶναί μοι δοκεῖ, ὅτι τοὺς νόμους ἅπαντες ὑπειλήφασιν, ὅσοι σωφρονοῦσι, τρόπους τῆς πόλεως. χρῆ τοίνυν σπουδάξειν ὅπως ὡς^α βέλτιστοι δόξουσιν εἶναι, καὶ τοὺς λυμαιομένους καὶ διαστρέφοντας αὐτοὺς κολάζειν, ὡς εἰ καταρραθυμήσετε, τῆς φιλοτιμίας τε^τ

^ο ὑμᾶς om. Z.

^α ὡς om. Bens. cum ΣFv.

^ρ ἔθηκε Z cum Σ.

^τ om. Z Bekk. Bens. cum Σ.

φενακίσας καὶ παρακρουσόμενος] § 194 n.

προσπεριείληφε] §§ 44 n., 83. —πλεόν, § 130 n.

§§ 210, 211. You justly pride yourselves on the fact that many Greek states have adopted your laws: and in the laws sensible people look for the character of a state. You must take care not to lose by remissness the distinction you now enjoy. You honour the authors of good legislation, like Draco and Solon, even if there is no other public service that you can attribute to them: a reason for punishing this man, who legislates to abolish the penalty that he is conscious of having deserved.

§ 210. ἐν ὑμῖν] 'a saying in this court that I have heard of,' K.: but ὑμῖν may be simply, as

it often is, the Athenian people (§ 211 n.).

τοὺς λυμαιομένους καὶ διαστρέφοντας] 'those who corrupt and impair them.'

καταρραθυμήσετε] Rightly given in L. and S. as an active verb, 'lose or miss from carelessness:' not simply 'be weak or careless' (ῥαθυμεῖν). Cf. I. Phil. p. 42 § 7 τὰ κατερραθυμημένα πάλιν λήψεσθε. Xen. Hell. vi. 2 § 39 μήτε καταρραθυμῶν μήτε καταμελῶν φαίνεσθαι μηδέν, 'spoiling nothing either by supineness or carelessness;' an interesting passage on the military character of Iphicrates. This sense of κατὰ in compounds is discussed by Cobet, Nov. Lect. p. 574 f.

φιλοτιμίας] Androt. § 73 n.

ταύτης ἀποστερήσεσθε καὶ κατὰ τῆς πόλεως δόξαν
 211 οὐ χρηστὴν ποιήσετε. καὶ μὴν εἰ Σόλωνα καὶ Δρά-
 κοντα δικαίως ἐπαινεῖτε, οὐκ ἂν ἔχοντες εἰπεῖν οὐδε-
 τέρου κοινὸν εὐεργέτημ' οὐδὲν πλὴν ὅτι συμφέροντας
 ἔθηκαν καὶ καλῶς ἔχοντας νόμους, δίκαιον δήπου καὶ
 τοῖς ὑπεναντίως τιθεῖσιν ἐκείνοις ὀργίλως ἔχοντας
 καὶ κολάζοντας φαίνεσθαι. οἶδα δὲ Τιμοκράτην, ὅτι
 τὸν νόμον εἰσενήνοχε τοῦτον οὐχ ἥκισθ' ὑπὲρ αὐτοῦ
 πολλὰ γὰρ ἠγεῖτο πολιτεύεσθαι παρ' ὑμῖν ἄξια
 δεσμοῦ.

212 Βούλομαι τοίνυν ὑμῖν κακείνο διηγήσασθαι, ὃ
 φασί ποτ' εἰπεῖν Σόλωνα κατηγοροῦντα νόμον τινὸς

§ 211. οὐκ ἂν ἔχοντες] 'Sub-
 audi etiamsi velitis s. si quis
 vos interroget.' G. H. Schaefer.
 This would in Greek be εἰ βού-
 λοισθε or εἰ τις ἔροίτο: the par-
 ticipule with ἂν if replaced by
 a finite verb would be οὐκ ἂν
 ἔχοιτε. Madvig, *Synt.* § 184.

ὑπεναντίως...ἐκείνοις] 'in the
 contrary spirit to theirs,' i.e. to
 Draco and Solon, not ἐκείνοις
 τοῖς νόμοις. The two ancient
 legislators are mentioned in
 order of dignity, not of time.
 The reading of Σ, τεθεῖσιν, is
 one of that copyist's ingenious
 blunders which ought to protect
 us from delusions concerning
 him: as if the Athenians were
 not merely to be angry with,
 but to punish, the laws them-
 selves and not the authors of
 them!

πολλὰ γὰρ...δεσμοῦ] 'for he
 thought that many of his poli-
 tical acts among you deserved
 imprisonment.' These speeches
 abound in expressions like παρ'
 ὑμῖν, ἐν ὑμῖν, appealing to the
 consciousness of a free people,
 by which the immediate hearers

are reminded that they repre-
 sent their countrymen as a
 body (above, §§ 11, 16, 25, 37,
 89, 117). So at Rome. How
 much the grand epitaph of Sci-
 pio Barbatus gains in impres-
 siveness by a similar touch:
 'Consol Censor Aidilis qui
 fuit apud vos.' (Imitated in the
 inscription written by Baron
 Bunsen for Dr Arnold's monu-
 ment at Rugby, 'Christum prae-
 dicavit apud vos').

§§ 212—214. *Apropos of So-
 lon, I will tell you of a saying at-
 tributed to him. He once asked
 a jury if they thought it right
 to punish a man with death for
 debasing the coin: when they
 assented, he argued that cor-
 rupting the law, the coinage of
 the state, was a worse crime than
 debasing money invented for the
 private dealings of ordinary ci-
 tizens (213). He added that
 many states had debased their
 coin and been none the worse for
 it, but no people who suffered
 their laws to be corrupted had
 long escaped national decay
 (214).*

οὐκ ἐπιτήδειον θέντος. λέγεται γὰρ τοῖς δικασταῖς αὐτὸν εἰπεῖν, ἐπειδὴ τᾶλλα κατηγορήσεν, ὅτι νόμος ἐστὶν ἀπάσαις ὡς ἔπος εἰπεῖν ταῖς πόλεσιν, εἴαν τις τὸ νόμισμα διαφθείρῃ, θάνατον τὴν ζημίαν εἶναι. ἐπερωτήσας δὲ εἰ δίκαιος αὐτοῖς καὶ καλῶς ἔχων ὁ νόμος φαίνεται, ἐπειδὴ φῆσαι τοὺς δικαστὰς, εἰπεῖν ὅτι αὐτὸς ἡγεῖται ἀργύριον μὲν νόμισμ' εἶναι τῶν ἰδίων συναλλαγμάτων ἔνεκα τοῖς ἰδιώταις εὐρημένον, τοὺς δὲ νόμους ἡγοῖτο^s νόμισμα τῆς πόλεως εἶναι. δεῖν δὲ τοὺς δικαστὰς πολλῶ μᾶλλον, εἴ τις ὁ τῆς

^s ἡγεῖται Bens. ἡγεῖτο Σκρsv.

§ 212. ἀπάσαις...ταῖς πόλεσιν] This was true until recently of modern civilised states: and sometimes with aggravations of the death penalty unknown to the sensitive Athenians. In England coining was not 'felony' but 'petty treason:' the difference this made was that men were drawn on a hurdle to the gallows, women were burnt at the stake. In France also, before the Revolution, it is stated that burning was the punishment of coiners.

ἐπερωτήσας] After λέγεται αὐτὸν εἰπεῖν we should expect ἐπερωτήσαντα, but the construction passes for a moment from the oblique to the direct, to return immediately to the former in ἐπειδὴ φῆσαι...εἰπεῖν.

ἐπειδὴ δὲ φῆσαι] For ἐπει, ἐπειδὴ with infin. in oratio obliqua, Madvig, *Synt.* § 163: on relatives in general with infin. ib. § 169. The form of the Platonic dialogues, in which conversations are so often reported by one of the interlocutors, naturally lends itself to long-continued oblique construction: among these the Symposium

affords, perhaps, the most striking examples.

§ 213. συναλλαγμάτων] For the distinction between συμβόλαιον συνάλλαγμα and συνθήκη see Kennedy in *Dict. Antiq.* s.v. 'Symbolaeon:' cf. note on συναλλάττειν § 192.

τοῖς ἰδιώταις εὐρημένον] Supposing this anecdote to be genuine, we have here an illustration of the low estimate of commerce in Greek life. But on this it may be observed that in the great days of Athens the commercial spirit became much more developed: and that Solon, who had himself depreciated the coinage in the interest of debtors, was not a good judge of the importance of 'hard money.' We know, however, that his remedial legislation did not fail of its object. The *χρεῶν ἀποκοπαί* (§ 149 n.) were heard of no more at Athens, the money standard was never again depreciated, and the general feeling was one of high respect for the sanctity of contracts. Compare Grote, ch. xi. (ii. 310, ed. 1862).

πόλεως ἐστὶ νόμισμα, τοῦτο διαφθείρει καὶ παράση-
 μον εἰσφέρει, μισεῖν καὶ κολάζειν, ἢ εἴ τις ἐκεῖνο
 214 ὁ τῶν ἰδιωτῶν ἐστίν. προσθεῖναι δὲ τεκμήριον τοῦ
 καὶ μείζον εἶναι τὰδίκημα τὸ τοὺς νόμους διαφθείρειν
 ἢ τὸ ἀργύριον, ὅτι ἀργυρίῳ μὲν πολλαὶ τῶν πόλεων
 καὶ φανερώς πρὸς χαλκὸν καὶ μόλυβδον κεκραμένῳ
 χρώμεναι σώζονται καὶ οὐδ' ὅτιοῦν παρὰ τοῦτο πά-
 σχουσι, νόμοις δὲ πονηροῖς χρώμενοι καὶ διαφθεί-
 ρεσθαι τοὺς ὄντας ἐώντες οὐδένας πώποτ' ἐσώθησαν.
 ταύτη μέντοι τῇ κατηγορίᾳ Τιμοκράτης ἔνοχος καθέ-
 στηκε νυνὶ, καὶ δικαίως ἂν ὑφ' ὑμῶν τοῦ προσήκουτος
 τύχοι τιμήματος.

§ 214. φανερώς... κεκραμένῳ] The Greeks did not, like many French kings and some English, *secretly* alloy their silver coin with base metal, and so render it unavailable for foreign trade while giving it a forced currency at home. One hundred Solonian drachmas contained no more silver than 73 of the old: but the change was effected by reducing the size of the coin, not the purity of the metal. The Athenian money was ever after the best in Greece, and much in request throughout the Hellenic world (Xen. de Vect. 3 § 2. The Πόροι, a work of Xenophon's old age, is not far removed in date from the Androtionea of Demosthenes. We are apt to forget the overlapping of these two distinguished careers).

χρώμεναι σώζονται] K. translates 'by openly using... saved themselves from ruin.' I do not think the bad money and the escape from ruin stand to one another in the relation of cause and effect; and prefer to

render, 'though they use... get safe out of it:' σώζεσθαι is opp. to ἀπόλλυσθαι, and so nearly = οὐδ' ὅτιοῦν πάσχοῦσι.

οὐδένας πώποτ' ἐσώθησαν] 'no state had escaped decline.' The plural οὐδένας appears to be always used, in prose, of aggregates or bodies of men, never of a plurality of individuals. See a good note of Shilleto's on Fals. Leg. p. 362 § 66=74 τοιαῦτα πεπονθότας οἷα οὐδένας ἄλλοι τῶν Ἑλλήνων (which he translates 'no other nation'). *ib.* p. 350 § 31—35 οὐδένας πρέσβεις. 1. Aphob. p. 815 § 7 τῶν πώποτ' ἐπιτροπευσάντων οὐδένας ('no sets of ambassadors, guardians'). A somewhat doubtful instance to the contrary is in Hyperid. Epitaph. col. 13, 22 οὐδένας οὐτως οἰκείου οὐδὲ πιστοτέρους ὑμῖν of Harmodius and Aristogiton. In poetry the meaning is less restricted: Eur. Androm. 700 ὄντες οὐδένας = 'being nobodies.'

§§ 215—217. All authors of bad legislation ought to be punished, and that in proportion to the importance of the laws they

215 Χρῆ μὲν οὖν πᾶσιν ὀργίλως ἔχειν, ὅσοι τιθέασι νόμους αἰσχροὺς καὶ πονηροὺς, μάλιστα δὲ τούτοις οἱ τοὺς τοιούτους τῶν νόμων διαφθείρουσι, δι' ὧν ἔστιν ἢ μικρὰν ἢ μεγάλην εἶναι τὴν πόλιν. εἰσὶ δ' οὗτοι τίνες; οἳ τε τοὺς ἀδικοῦντας τιμωρούμενοι καὶ ὅσοι
216 τοῖς ἐπιεικέσι τιμὰς τινὰς[†] διδῶσιν. εἰ γὰρ ἅπαντες προθυμηθεῖεν ποιεῖν ἀγαθόν τι τὸ κοινόν, τὰς τιμὰς καὶ τὰς δωρεὰς τὰς ὑπὲρ τούτων ζηλώσαντες, καὶ πάντες ἀποσταίεν τοῦ κακουργεῖν [ἢ κακόν τι πράττειν][‡], τὰς βλάβας καὶ τὰς ζημίας τὰς ἐπὶ τούτοις κειμένας φοβηθέντες, ἔσθ' ὅ τι κωλύει τὴν πόλιν

[†] τινὰς om. Z Bekk. cum libris praeter Fv. v. not.

[‡] sine uncis Z Bens.

corrupt. The most important laws are those which punish wrong-doers and confer certain distinctions on the well-conducted. If all Athenians 'lived up to' our existing laws, what would not Athens be, with her vast material resources (216)? If on the other hand we suffered the laws to become as bad as Timocrates would make them, twice those resources would be useless for any great purpose.

§ 215. δι' ὧν ἔστιν] 'upon which it depends whether' &c.

τοῖς ἐπιεικέσι... διδῶσιν] The reading of Σ τιμὰς τινὰς is rightly accepted by Dindorf and Benseler. That the laws ought to reward virtue is a platitude, and at the same time a very doubtful proposition: that they ought 'to confer certain distinctions on the law-abiding' is more definite and less open to dispute. —ἐπιεικῆς nearly = μέτριος, Androt. § 25 n.

§ 216. ζηλώσαντες] 'through striving zealously after;' or as K. 'from an ambition to win.'

Cf. Lept. p. 500 § 14 τοῦτ' ἐστὶ τὸ ἐπιτηδεύμα ζηλούντων ἀρετὴν. ib. p. 504 § 154 τὰς ἐπὶ ταῖς εὐεργεσίαις δωρεὰς ζηλώσαντες. The latter passage, occurring in the peroration of the Leptinea, bears a close resemblance to this and the preceding section.

ἢ κακόν τι πράττειν] Reiske was the first to bracket these words, and has been followed by nearly all editors. Benseler alone justifies the tautology on the ground that κακουργεῖν bears a technical meaning, 'to commit a felony' (such as murder and the more serious cases of robbery, which were capitally punished, Androt. § 26 n.), while κακόν τι πράττειν (= ἐξαμαρτάνειν Androt. § 41) is applied to slighter offences. But out of a multitude of references he has not produced a single instance of κακόν τι πράττειν for ποιεῖν or (more commonly) ἐργάζεσθαι. The parallel passage just noted (Lept. § 154) has κακόν τι ποιεῖν without κακουργεῖν, whence the text has probably been patched.

μεγίστην εἶναι; οὐ τριήρεις ὅσας οὐδεμία πόλις Ἑλληνὶς κέκτηται; οὐχ ὀπλίτας; οὐχ ἰππέας; οὐ προσόδους; οὐ τόπους^x; οὐ λιμένας; ταῦτα δὲ^y πάντα 767
 τί σῶζει καὶ συνέχει; οἱ νόμοι· κατὰ γὰρ τούτους οὔσης τῆς πολιτείας ἔστι ταῦτα χρήσιμα τῷ κοινῷ.
 217 εἰ δὲ τούναντίον γένοιτο τοῖς χρηστοῖς μὲν μηδ' ὅτι οὖν πλέον, τοῖς δ' ἀδικούσιν ἄδεια ὄσσην Τιμοκράτης γέγραφε, πόση ταραχὴ γένοιτ' ἂν εἰκότως; εὐ γὰρ ἴσθ' ὅτι τούτων ὧν διεξήλθον κτημάτων, οὐδ' εἰ δις γένοιθ' ὅσα νῦν ἔστιν, οὐδ' ὅτι οὖν ἂν ὄφελος εἴη. οὔτος τοίνυν ἐν τούτῳ τῷ νόμῳ φαίνεται κακῶς ἐπι-

^x τόπον Z Bens. cum Σ.

^y δὴ Bens. cum Σ.

τόπους] 'posts' in the military sense: for which, however, the usual word is χωρία. Σ alone reads τόπον, which Benseler adopts, explaining it of 'a commanding position.' There is a close parallel in iv. Phil. p. 135 § 10 τῶν δ' Ἀθηναίων λιμένων ... καὶ τοσοῦτων προσόδων καὶ τόπου καὶ δόξης. That speech is now universally admitted to be a fabrication: but among the genuine works we find i. Phil. p. 48 § 31 τὸν τόπον τῆς χώρας πρὸς ἣν πολεμεῖτε: Fals. Leg. p. 367 § 84=95 τὴν ἀπὸ τοῦ τόπου καὶ τῶν πραγμάτων αὐτῶν ὑπάρχουσαν ἀσφάλειαν τῇ πόλει. Another passage referred to by Benseler, F. L. p. 413 § 230=255 ὄλον τόπον καὶ πλεῖν ἢ μυρίου ὀπλίτας... ὅπως ἀλχάλωτοι γένωνται Φιλίππῳ συμπαρεσκεύασεν seems to me to cut the other way and help to justify the use of τόπος as=χωρίον, 'a fortified place.' On the whole however I incline to think that Σ has preserved the true reading.

ταῦτα δέ] In an interroga-

tive sentence this is preferable to ταῦτα δὴ (see various readings).

§ 217. ἄδεια ὄσσην Τιμοκράτης γέγραφε] 'as complete impunity as T. has provided' by his law.

εὐ γὰρ ἴσθ' ὅτι] K. takes ἴστε as imperative, Benseler as indicative. I think the former is right.

ἐν τούτῳ τῷ νόμῳ] These words, unless the text is corrupt, must be explained as by Kennedy and Benseler, 'in that department of law which provides for the punishment of criminals,' 'grade in dem Punkte zu schwächen, wonach es Strafen giebt.' They would naturally refer, however, to the law of Timocrates: and the older scholars have proposed various bold emendations to make them do so: οὐκ εἰσὶν Lambinus, ἄκυροι εἰσὶν Jurinus, φροῦδοι εἰσὶν Reiske. The very slight correction of Sauppe, ἐν τούτῳ τῶν νόμων, justifies the rendering given above, and is in other respects highly probable. N

χειρῶν ὑμᾶς ποιεῖν, δι' οὗ τοῖς ἀδικεῖν ἐπιχειροῦσιν εἰσὶν αἱ τιμωρίαι.

- 218 Πάντων οὖν ἔνεκα τῶν εἰρημένων ἄξιον ὀργισθῆναι καὶ κολάσαι καὶ παράδειγμα ποιῆσαι τοῦτον² τοῖς ἄλλοις· ὡς τὸ πράως ἔχειν τοῖς τοιούτοις, καὶ καταψηφίζεσθαι μὲν, ὀλίγου δὲ τιμᾶν, ἐθίζειν καὶ προδιδάσκειν ἔστ' ἀδικεῖν ὑμᾶς ὡς πλείστους.

² τοῦτον om. Z Bens. cum Σks.

expressed by a line above the preceding vowel has often dropt out: cf. Cobet, *Nov. Lect.* p. 530 f.

φαίνεται.....ἐπιχειρῶν] 'it is shewn that the defendant is attempting' K. 'Offenbar unternimmt es dieser Mensch' Benseler. Cf. An̄rot. § 21 n.

§ 218. *Final appeal to the jury, not merely to convict but*

to award exemplary punishment.

παράδειγμα ποιῆσαι τοῦτον] See various readings. It is as easy to supply from the context an accus. after ποιῆσαι as a dative after ὀργισθῆναι: and Benseler may be right in omitting τοῦτον.

ὀλίγου δὲ τιμᾶν] Like δεσμῶν τιμᾶν § 39 and elsewhere.

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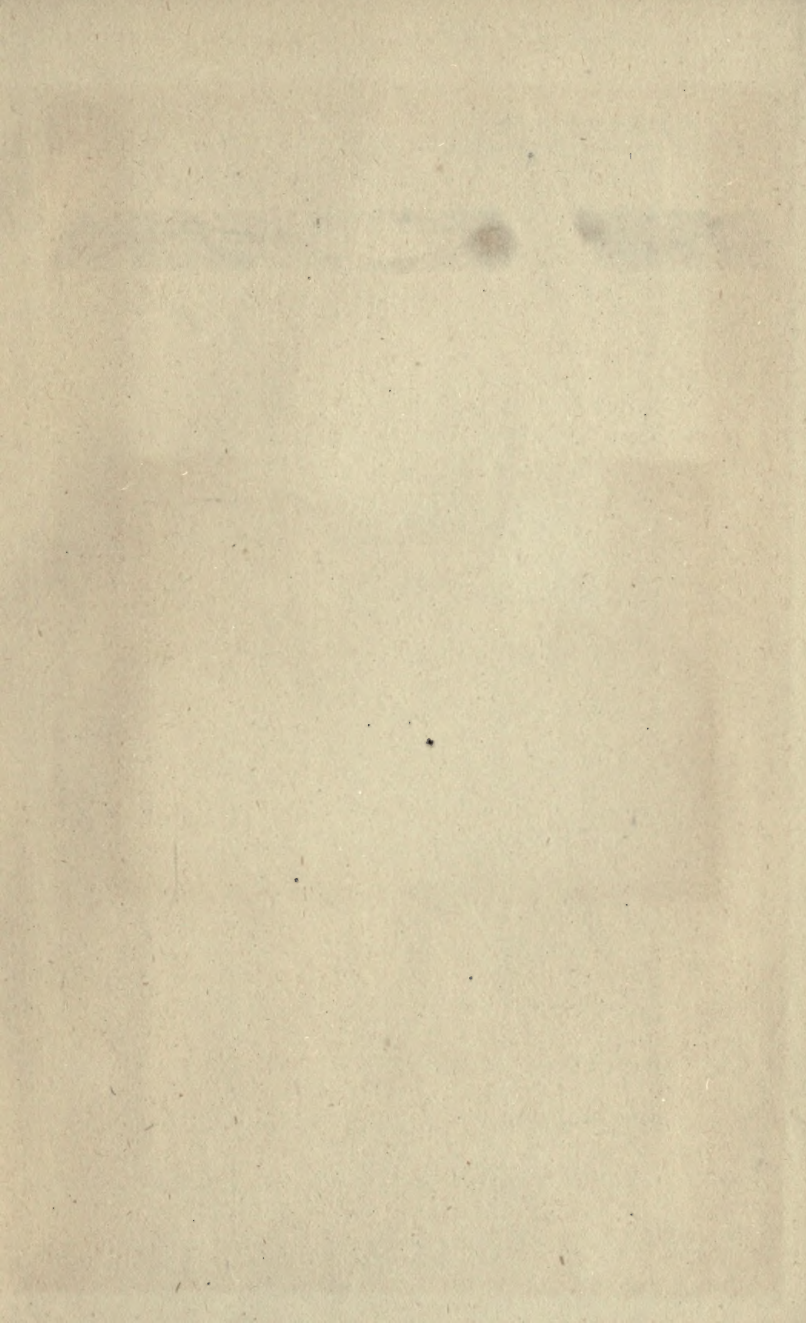
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