

EVERYDAY LIFE IN ATHENS AFTER THE PELOPONNESIAN WAR
UNDER THE TYRANNY OF THE SO-CALLED 'THIRTY'

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It is the intention of this investigation to draw a picture of the so called everyday-life in Athens in the years after the Peloponnesian war, after 404/3, when the thirty tyrants were appointed by the Spartans as rulers over Athens.¹

We know what happened to many of the Athenian citizens in this period because we possess a lot of law-speeches written by Lysias and other ghost-writers who wrote speeches in defence of accused individuals. I want to start by referring to Lysias life and to some of the law-cases he probably had taken care by writing speeches in defence of accused persons who apparently were his clients.

As far as we know Lysias was born in 459 B.C. His father's name was Kephalos, who originated from Syrakus and was invited by Perikles to settle down in Athens as a so called μέτοικος, somebody who had the right to live in Athens as a foreign resident. Kephalos is also very well known as the host who in the first book of Plato's Republic invited some philosophers to his house, where they started the discussions about finding out the best way of ruling a country. So even Platon had built him up as a very cultivated figure in Athens during the Periclean era. Apparently Kephalos and his family became quite respectable and rich during the war because he founded a factory for weapons and shields. His two sons, Lysias and Polemarchos, went in the age of about 15 to the colony Thurii in South Italy where they shared in the foundation of a political centre based on the democratic principles as they were practiced in Athens. This place seemed to be a kind of cultural centre where rhetoric and philosophy were taught, at least we know that also Gorgias and Herodotus joined this place for some time. But after the unsuccessful ending of the expedition

¹ See Xenophon, *Hellenica* II, 3.

to Sicily by the Athenians Thurii could no longer be protected by the party of the Athenians and driven out by those people who collaborated with Sparta, Lysias and his friends had to leave Thurii again and they returned to Athens, where Lysias apparently founded a school for students of rhetoric. That was in 412 B.C. Right after the war Athens was ruled by the so called 'Thirty', an oligarchic system established by Sparta who did not care very much about justice: they only wanted to become rich and so they were after the money of the well-off families, and the family of Kephalos was one of them, especially the sons of Kephalos, the brothers Polemarchos and Lysias. We know all that from the description Xenophon gave in his book 'Hellenica' in which the last chapter of the Pelopponesian war was reported.

Eratosthenes who was one of the Thirty picked up Lysias' brother, Polemarchos on the street, arrested him in order to put him into prison where he was condemned to death without an ordinary accusation before the court. Lysias himself would have met the same fate as his brother — he was about to be caught as well as his brother by the members of the powerful Thirty — but he succeeded in escaping at the last minute to Megara and thus saved his life. But after Democracy was restored in the autumn of 404 Lysias came back to Athens and accused Eratosthenes, the man who arrested his brother Polemarchos, of being guilty of the death of his brother Polemarchos. Eratosthenes did not leave Athens — unlike most of the other collaborators with the thirty tyrants who escaped to Eleusis after their rulership was removed and replaced by a democratic government. Perhaps he felt rather safe, but nevertheless he was accused by Lysias.

This speech of Lysias is remarkable in a double sense: First it is the only speech Lysias delivered himself as a speaker in front of the court — all the other speeches were given by defendants for whom he wrote the apology. And second: Lysias spoke in order to accuse someone else in his own interest — or at least in the interest of his dead brother. And this speech is also the source of all the information we have got about the private life of the family of Kephalos.

A. Lysias' own case

This most famous speech (Lysias, XII) is entitled in the manuscript:

Κατὰ Ἐρασθένους τοῦ γενομένου τῶν τριάκοντα, ὃν αὐτὸς εἶπε
Λυσίας.

The first three paragraphs of his speech are a kind of general introduction where he shows what kind of ἀπορία he experiences by trying to find words suitable for the incredible nature of the crimes he is about to describe. At the

beginning he introduces the philosophical term ἀπορία as it was very well known in his days and used by Plato in his early dialogues. But he modifies its semantic meaning by referring it to the question whether or not words and language are able to cover in a convenient way the extremities of reality — as for instance in his case the extremity of injustice and criminal actions undertaken in the days of the 'Thirty'. He claims that neither by lying nor by telling the truth can the describing words cover what really happened.²

And in the second part of the opening-chapter of his speech against Eratosthenes he tries to show that this case is different from all the other cases, because between him, the accuser, and Eratosthenes, the accused person, no individual hostility exists — Eratosthenes is not his personal enemy, but the state is offended by the activities of the accused person — and the idea of justice. Then he starts what usually in these law-speeches is called the διήγησις, the narrative part of the speech. He tells the story of his personal background and that of his family — how his father Kephalos was invited by Perikles to settle down in Athens and how the thirty tyrants after having taken over started especially their activities against the rich foreign residents — like the family of Lysias — in order to confiscate the family-wealth — under the pretense of conspiracy against the government. It draws a picture of the inner affairs in Athens in these months.³

There we find the program of the thirty which is based on what even in our century is very well known as political purge, i.e. to remove people under the pretense of being an enemy of the state — in reality because they are not wanted. The reason in the case of the Thirty is shown by Lysias in the following paragraph:

Θέογνις γὰρ καὶ Πείσων ἔλεγον ἐν τοῖς τριάκοντα περὶ τῶν μετοίκων, ὡς εἶέν τινες τῇ πολιτείᾳ ἐχθόμενοι · καλλίστην οὖν εἶναι πρόφασιν τιμωρεῖσθαι μὲν δοκεῖν, τῷ δ' ἔργῳ χρηματίζεσθαι · πάντως δὲ τὴν μὲν πόλιν πένεσθαι τὴν δ' ἀρχὴν δεῖσθαι χρημάτων. καὶ τοὺς ἀκούοντες οὐ χαλεπῶς ἐπειθον· ἀποκτινύνουσι μὲν γὰρ ἀνθρώπους περὶ οὐδενός ἡγοῦντο, λαμβάνειν δὲ χρήματα περὶ πολλοῦ ἐποιοῦντο. ἔδοξεν οὖν αὐτοῖς δέκα συλλαβεῖν, τούτων δὲ δύο πένητας, ἵνα αὐτοῖς πρὸς τοὺς ἄλλους ἀπολογία, ὡς οὐ χρημάτων ἕνεκα ταῦτα πέπρακται, ἀλλὰ συμφέροντα τῇ πολιτείᾳ γεγένηται, ὥσπερ τι τῶν ἄλλων εὐλόγως πεποιηκότες (Lysias, XII,6 – 8).

This last statement is very important: Lysias claims that decisions of course should be made on the basis of rationality (ὥσπερ τι τῶν ἄλλων εὐλόγως πεποιηκότες), but rational thinking can also be manipulated by some arranged

² See Lysias XII,1.

³ See Lysias XII,5.

preconditions — as for instance the fact that they have always chosen 2 poor people out of 10 rich ones who were listed to be imprisoned and exterminated. In the following paragraphs Lysias starts telling the story of his own fate. He also, like his brother Polemarchos, was arrested in his house where he just was about to host some of his friends: First his guests had to leave immediately — and then it became clear, that one of the Thirty, Peison, wanted to arrest him. Then this meant for Lysias, that he was facing the threat of being killed — the same fate as his brother Polemarchos was. So he asked Peison to save him in case he would give him some money.

...ἐγὼ δὲ Πείσωνα μὲν ἡρώτων εἰ βούλοιτό με σῶσαι χρήματα λαβεῖν ὁ δ' ἔφασκεν, εἰ πολλὰ εἶη. εἶπον οὖν ὅτι τάλαντον ἀργυρίου ἔτοιμος εἶην δοῦναι· ὁ δ' ὠμολόγησε ταῦτα ποιήσειν (Lysias XII,9).

But afterwards when Lysias went to his bedroom and opened his money-chest, Peison followed him and asked two of his soldiers to take all the money which was in the money-box. — And what followed reads like a criminal-story: Lysias was arrested and brought to another house, where he was told to wait, but from which place he could escape in a moment when nobody watched him carefully, because he knew a secret exit in the house he was brought to, and fortunately the back-door was not closed, so he could save his life.

It is not known whether Lysias succeeded with his inquiry against Eratosthenes; probably not, because among the jury were still some friends of Eratosthenes from the old days of their tyranny and they might have done everything to save him as an old comrade; but the speech shows how people like foreign residents as the family of Kephalos had been treated in Athens under the rulership of the Thirty.

B. Political 'Hearings'

The political life in Athens after democracy was restored in 404 was very much ruled by what was called: δοκιμασία. In case a man was chosen by the vote of the citizens to be appointed for a higher political position — like a member of the council, whose public reputation was not the best, he could be accused by any member of the council of not being worthy to take up this appointment. We have two examples for such law-cases which were called δοκιμασία-cases: Lysias XXXI is entitled Κατὰ Φίλωνος δοκιμασίας.

Here a man called Philon was elected to become a member of the council, but he was accused on the ground of his behaviour as a citizen towards the state, and as a son in his behaviour towards his mother. He apparently lacked the degree of political responsibility and reputation which was the precondition for becoming a man of political influence.

The speaker — apparently himself a member of the council — remembers the oath he had sworn when he entered his appointment, to feel responsible of such a kind that he never may allow a man of bad public and individual reputation to entering the council.⁴ Then the speaker gives a definition of what a politician should be like when he continues:

Ἐγὼ γὰρ οὐκ ἄλλους τινὰς φημι δίκαιον εἶναι βουλευεῖν περὶ ἡμῶν, ἢ τοὺς πρὸς τῷ εἶναι πολίτας καὶ ἐπιθυμοῦντας τούτου. τούτοις μὲν γὰρ μεγάλα τὰ διαφέροντά ἐστιν εὐ τε πράττειν τὴν πόλιν τήνδε καὶ ἀνεπιτηδείως διὰ τὸ ἀναγκαῖον σφίσις αὐτοῖς ἡγεῖσθαι εἶναι μετέχειν τὸ μέρος τῶν δεινῶν, ὥσπερ καὶ τῶν ἀγαθῶν μετέχουσι.

Ὅσοι δὲ φύσει μὲν πολῖται εἰσι, γνώμη δὲ χρῶνται ὡς πᾶσα γῆ πατρὶς αὐτοῖς ἐστὶν ἐν ἧ ᾧ τὰ ἐπιτήδεια ἔχουσιν, οὗτοι δῆλοι εἰσιν ὅτι κἂν παρέντες τὸ τῆς πόλεως κοινὸν ἀγαθὸν ἐπὶ τὸ ἑαυτῶν ἰδιον κέρδος ἔλθοιεν διὰ τὸ μὴ πόλιν ἀλλὰ τὴν οὐσίαν πατρίδα ἑαυτοῖς ἡγεῖσθαι.

Ἐγὼ τοίνυν ἀποφανῶ Φίλωνα τουτονὶ περὶ πλείονος ποιησάμενον τὴν ἰδίαν ἀσφάλειαν ἢ τὸν κοινὸν τῆς πόλεως κίνδυνον, καὶ ἡγησάμενον κρεῖττον εἶναι αὐτὸν ἀκινδύνως τὸν βίον διάγειν ἢ τὴν πόλιν σώζειν ὁμοίως τοῖς ἄλλοις πολίταις κινδυνεύοντα. (Lys. XXXI, 5 – 7).

There are three points of which Philon is accused. First: He did not join the national army when he was supposed to do so during the war. Second: His mother was so mistreated by him that she — shortly before she died — did not ask him to carry out her burial — but somebody else, because she did not trust him any longer — and third: He succeeded in exploiting old men in order to enrich himself.

It is not quite certain, whether or not the speaker succeeded with his vote of mistrust. But the case shows that it was apparently quite common to discriminate against someone already chosen for a high political appointment on the ground of bad moral behaviour as a private man and as a citizen.

Another law-case of a similar kind has been transmitted where someone who had been chosen for a political appointment defended himself because there was some doubt about his political integrity. It is Lysias XXV and it is entitled:

Δήμου καταλύσεως ἀπολογία.

As a matter of fact the speaker tries to defend himself against the suspicion of having collaborated with the Thirty in the year of their tyranny. So his po-

⁴ See Lysias XXXI, 1 – 2.

litical past had become a matter of investigation. From this case we learn that many Athenians who stayed in Athens during the rulership of the Thirty became suspicious afterwards when the old democratic system was installed again. The speech was probably delivered about 399 B.C., shortly after the final consolidation of democracy, and in spite of the amnesty which had been arranged, and which was honourable observed on the whole. Any man who had remained in the city during the terror of the Thirty was still exposed to the threat of political liability.

C. The Money-Depot

Now let us turn to another, more private activity which can also be considered as the result of the political affairs after the Peloponesian war. There is the case of a man, who left Athens when the Thirty took power but he did not want to take all his money with him into exile. So he made a deposition to a kind of banker to keep his money as a deposit-account until he came back when times were more peaceful.

Here we have an example of the more private consequences of the political changes after the Peloponesian war. We have this speech written by Isocrates (speech number XXI) and it was already in ancient times an example for the best way of arranging arguments and composing an accusation. It is as a matter of fact a speech of accusation and the speaker is not the accuser himself, but somebody else. Normally in Attic law the person who was involved in a law-case had to speak himself, but in this rare case there seemed to be a special allowance of the judges that one of his friends or a kind of confident person may have spoken instead of the accuser himself, because the person himself apparently had some difficulty to do so, to make use of the spoken word. The case for the accuser was also very difficult, because he could not name any witness or written document in his favour. So the decision in this case depended on the speech to the judges only. What happened was shortly explained by the following happening: A man called Nikias escaped from Athens in order to save his life and his money — but before he left he delivered his money — three talent of silver — to Euthynous, who was even one of his relatives, to keep it for him. But when he came back after democracy was restored again, and when he went to Euthynous to get his money back, he was given only two talents of silver instead of three.

This case especially was very difficult because there was no witness whatsoever. His statement opposed the statement of the accused person — and it is not certain in which way the jury decided it.

The main argument of the accuser however is based on the political situation in which the crime was committed and he draws a very vivid picture of what kind of justice was practiced at that time. In paragraph 11 we read:

Ὁ δὲ μέγιστον τεκμήριον καὶ πρὸς ἅπαντα ἰκανόν· ὅτε γὰρ τὸ ἐγκλημα ἐγένετο, ὀλιγαρχία καθειστήκει, ἐν ἧ οὕτως ἐκάτερος αὐτῶν διέκειτο, ὥστε Νικίας μὲν, εἰ καὶ τὸν ἄλλον χρόνον εἴθιστο συκιφαντεῖν, τότε ἂν ἐπαύσατο, Εὐθύνοους δὲ, καὶ εἰ μὴδὲ πώποτε διενοήθη ἀδικεῖν, τότε ἂν ἐπῆρθη.⁵

And then follows the description of the way justice was practiced in that time:

Ὁ μὲν γὰρ διὰ τὰ ἀμαρτήματα ἐτιμάτο, ὁ δὲ διὰ τὰ χρήματα ἐπεβουλεύετο. Πάντες γὰρ ἐπίστασθε ὅτι ἐν ἐκείνῳ τῷ χρόνῳ δεινότερον ἦν πλουτεῖν ἢ ἀδικεῖν· οἱ μὲν γὰρ τὰ ἀλλότρια ἐλάμβανον, οἱ δὲ τὰ σφέτερ' αὐτῶν ἀπώλλυον. Ἐφ' οἷς γὰρ ἦν ἡ πόλις, οὐ τοὺς ἀμαρτάνοντες ἐτιμωροῦντο, ἀλλὰ τοὺς ἔχοντας ἀφηροῦντο καὶ ἡγοῦντο τοὺς μὲν ἀδικοῦντας πιστοῦς, τοὺς δὲ πλουτοῦντας ἐχθροῦς.⁶

D. Commercial and economical affairs

Now let us turn to another affair of everyday life in Athens after the war: It concerns the corn dealer and, although the political situation of the time is also involved in some way, the case also draws a picture of the commercial-life in Athens.

Athens was a city where corn always had to be imported, because there were only rocks and stones where nothing could grow. So big ships came from the East, from Asia Minor and Egypt to the harbour of Piraeus with corn — and a special group of corn-dealers (mostly μέτοικοι, people who were foreign residents, comparable to the so called modern 'Guest-worker') bought the corn from the importer and sold it to the shops in the city. — They were kinds of in-between-dealers. In the times of the Peloponnesian war sometimes these corn-ships could not be in Athens in time — partly because of the war and partly because of heavy sea-storms and the corn-dealer who had stockpiled plenty of corn became kind of monopoly in corn and could make a lot of money by dictating the prices at such times. So the Athenian government created a law that each of these corn-dealers was allowed to buy from the importer only a certain, restricted amount of corn. In Lysias XXII we find a law case where the corn-dealer had bought more than they had been allowed by the law, some of them had exceeded the restriction given by the city enormously. In this case the speaker is a high-ranking administrator, a so called Prytanis, in modern terms — so to speak — the state-secretary who turned out to be a man of democratic principles, as we soon will see.

⁵ See Isocr. XXI,11.

⁶ See Isocr. XXI,12.

The committee of the city-state being informed about the fact that the corn-dealer had exceeded his limit in buying more corn than was permitted by the law, wanted to sentence them to death straight away — without any hearing in an ordinary law-case. This shows that this affair must have happened not long after the tyranny of the Thirty was over, because death-sentences at that time were usually only an act of administration. Our speaker however was opposing to this practice and he demanded an ordinary law-case and a public accusation before the jury of the court. But in so doing he became himself under suspicion- and in order to oppose this suspicion he was the man who accused the corn-dealer himself in order to show that he wanted justice on the basis of a decision made by the jury of the court.

But by trying to convince the council to open an ordinary trial against the corn-dealer the speaker himself came under suspicion because people believed that he wanted to save the corn-dealers from being punished:

πεισθείσης δὲ τῆς βουλῆς ταῦτα, διαβάλλειν ἐπεχείρουν με λέγοντες ὡς ἐγὼ σωτηρίας ἔνεκα τῆς τῶν σιτοπωλῶν τοὺς λόγους τούτους ἐποίησάμην (Lysias XXII,3).

But when this point was reported to the council as a preliminary point to the trial nobody — except the speaker — said anything. So he comes to the end of his preliminary introduction by saying:

ἡρξάμην μὲν οὖν τούτων ἔνεκα, δεδιὼς τὰς αἰτίας αἰσχρὸν δ' ἡγοῦμαι πρότερον παύσασθαι, πρὶν ἂν ὑμεῖς περὶ αὐτῶν ὅ τι ἂν βούλησθε ψηφίσησθε (Lysias XXII,4).

It is quite obvious that the speaker is a man of democratic principles — speaking to a committee still influenced by members who represent the oligarchic system of the past: The Death penalty without trial.

On the other hand it is astonishing that, when the proposition was made that the corn-dealer should be accused, nobody else stood up to accuse them except him. Most interesting indeed is the cross-examination which follows and when it became clear that the corn-dealer also belonged to the kind of population in Athens who were only foreign-residents, that means μέτοικοι, as Lysias himself and his family was as well. The hearing is also part of the speech and runs as follows:

Καὶ πρῶτον μὲν ἀνάβητε. εἰπέ σὺ μοί, μέτοικος εἶ; Ναί Μετοικεῖς δὲ πρότερον ὡς πεισόμενος τοῖς νόμοις τοῖς τῆς πόλεως, ἢ ὡς ποιήσων ὅ τι ἂν βούλη; — Ὡς πεισόμενος. — Ἄλλο τι οὖν ἢ ἀξιοῖς ἀποθανεῖν, εἴ τι πεποίηκας παρὰ τοὺς νόμους, ἐφ' οἷς θάνατος ἢ ζημία; Ἐγῶγε. — Ἀπόκριναι δὴ μοι, εἰ ὁμολογεῖς πλείω σῖτον συμπρίασθαι

πεντήκοντα φορμῶν, ὧν νόμος ἐξεῖναι κελεύει. — Ἐγὼ τῶν ἀρχόντων κελευόντων συνεπριάμην (Lysias XXII,5).

So far the hearing of the corn-dealer. On the surface it looks like the case is quite clear: The corn-dealer — a foreign resident — did commit a crime by buying more corn than the government had allowed by law. He admitted also that he knew that death will be the penalty for this kind of crime — but he defends himself by making the statement, that he had got the private licence for this from the magistrate. This is the only excuse. And the speaker answered that when someone commits a crime even asked for by somebody else — like the magistrate — it still is a crime and has to be punished according to the law.⁷

It is interesting also that the speaker did not ask all the magistrates directly to come to witness themselves. He only tells the jury that he had asked the magistrates about this matter and nobody remembered being in contact with the corn-dealer — except one man called Anytos who apparently later gave a statement to the jury; he admits that he had some conversations with the corn-dealer about their business, but of course not in the sense the corn-dealer told the jury about: to have been encouraged by him to buy more than the law allows.

The speaker feels at least obliged to refer to the very strong point of the defense the corn-dealer had brought forward — and the speaker had apparently spoken to the magistrates already before so that he is now able just to report the result of his investigation. But it seems a little bit strange that he, the speaker, had already questioned the magistrates about this matter before. This means that he had known about this point of the defendant even before they had raised this point in the court. So he continues as follows:

καὶ γὰρ δύο οὐδὲν ἔφασαν εἰδέναι τοῦ πράγματος, Ἄνυτος δ' ἔλεγεν ὡς τοῦ προτέρου χειμῶνος, ἐπειδὴ τίμιος ἦν ὁ σῖτος, τούτων ὑπερβαλλόντων ἀλλήλους καὶ πρὸς σφᾶς αὐτοὺς μαχομένων συμβουλεύσειεν αὐτοῖς παύσασθαι φιλονικοῦσιν, ἡγούμενος συμφέρειν ὑμῖν τοῖς παρὰ τούτων ὠνουμένοις ὡς ἀξιότατον τούτους πρίασθαι (Lysias XXII,8).

What Anytos here really said was nothing of any importance. We learn that there was a price-competition between the dealers — and we learn also that Anytos discussed this point with them in order to keep the price of corn on as low a level as possible. And as we learn from the next sentence there was a price-restriction as well ordered by the government: The corn-dealer should not add more than one Obolus to the price they have paid themselves:

...δεῖν οὖν αὐτοὺς ὀβόλω μόνον πωλεῖν τιμιώτερον. (XXII,8)

⁷ See Lysias XXII,7

This shows also that the price-policy in Athens was very much controlled by the government — and it seemed that the commercial import companies were probably under the control of the Athenian citizens and that the work in this field was done totally by foreign residents (μέτοικοι) occasional workers from abroad who occupy jobs not very much wanted by the inhabitants and full-citizens.

Behind the whole case whose surface looks quite clean there lies the suspicion that the magistrates may have really offered the corn-dealer the possibility to buy more than was restricted by the law — under the condition that they wanted to share with the corn-dealer the profit when they sold the corn for extra high prices in case of some delay because of the war or because of a sea-storm.

E. Some social problems

Next I want to turn to another problem which came up as a law-case, a social problem so to speak. There is a speech (Lysias XXIV) with the title:

πρὸς τὴν εἰσαγγελίαν περὶ τοῦ μὴ διδόνθαι τῷ ἀδυνάτῳ ἀργύριον.

This shows that the Athenian government provided soldiers who were injured during the war, a state-pension of one obolus. A man who had the privilege of getting this kind of invalid-pension was seen being invited to meals by rich people — and even riding a horse etc. so that the big power of envy (φθόνος) was the reason he was accused of getting his pension without needing it and a case was opened where he should lose this privilege at the end. So Lysias wrote a speech for him that he delivered to the jury — it is quite a funny speech and it shows that Lysias was very much acquainted with the sophistic-socratic way of arguing. The speaker starts by saying:

Οὐ πολλοῦ δέω χάριν ἔχειν, ὦ βουλή, τῷ κατηγορῶ, ὅτι μοι παρασκευάσατε τὸν ἀγῶνα τουτονί. Πρότερον γὰρ οὐκ ἔχων πρόφασιν ἐφ' ἧς τοῦ βίου λόγον δοίην, νυνὶ διὰ τοῦτον εἴληφα (Lysias XXIV,1).

He starts saying that he is almost grateful to his accuser for having prepared for him this law-case of an εἰσαγγελία, because until now he did not have the opportunity to speak about himself in public. (An εἰσαγγελία is an accusation in the Athenian council for some public offence or interest). The way he uses the language is interesting: λόγον διδόναι is an expression the platonic Socrates used in the early dialogues of Plato very often in the sense of 'to render an account', or 'to give evidence for yourself'. Then he continues:

καὶ πειράσομαι τῷ λόγῳ τοῦτον μὲν ἐπιδεδῆσαι ψευδόμενον, ἐμαυτὸν δὲ βεβιωκότα μέχρι τῆσδε τῆς ἡμέρας ἐπαίνου μάλλον ἄξιον ἢ φθόνου· διὰ γὰρ οὐδὲν ἄλλο μοι δοκεῖ παρασκευάσαι τόνδε μοι τὸν κίνδυνον οὗτος ἢ διὰ φθόνου (Lysias XXIV,1).

The philosophical background of this speech becomes still more evident: the speaker is using the term 'lie' in the sense of not speaking the truth, and then another opposition follows in his train of thought with the opposition of envy ($\phi\theta\acute{o}\nu\omicron\varsigma$) and praise ($\acute{\epsilon}\pi\alpha\iota\nu\omicron\varsigma$). Then he continues by referring to another opposition of terms by saying:

καίτοι ὅστις τούτοις φθονεῖ οὐς ἄλλοι ἔλεοῦσι, τίνας ἂν ὑμῖν ὁ τοιοῦτος ἀποσχέσθαι δοκεῖ πονηρίας (Lysias XXIV,2).

He takes up the term $\phi\theta\acute{o}\nu\omicron\varsigma$ and brings it into opposition to the term $\acute{\epsilon}\lambda\epsilon\omicron\varsigma$, which leads him consequently to the characteristic behaviour of wickedness ($\pi\omicron\nu\eta\rho\acute{\iota}\alpha$).

So the whole introduction of the speech is built on the moral values which are the basic ideas of the moral discussions as far as they are dealt with by Plato in his early Socratic dialogues: Starting from the idea of $\lambda\acute{o}\gamma\omicron\nu$ διδόναι he comes to the opposition of $\psi\epsilon\acute{\upsilon}\delta\omicron\varsigma$ (ly) and $\acute{\alpha}\lambda\eta\theta\epsilon\iota\alpha$ (truth). Taking up the term $\acute{\alpha}\lambda\eta\theta\epsilon\iota\alpha$ he refers to his own praise ($\acute{\epsilon}\pi\alpha\iota\nu\omicron\varsigma$), whereas he rejects the feeling of $\phi\theta\acute{o}\nu\omicron\varsigma$ as far as his own person is concerned. His individual truth is that he considers himself much more as an object of pity ($\acute{\epsilon}\lambda\epsilon\omicron\varsigma$) than an object of envy ($\phi\theta\acute{o}\nu\omicron\varsigma$).

In the following line he refers again to the opposition of 'truth' ($\acute{\alpha}\lambda\eta\theta\epsilon\iota\alpha$) and 'lie' ($\psi\epsilon\acute{\upsilon}\delta\omicron\varsigma$) by using the term $\sigma\upsilon\kappa\omicron\phi\alpha\nu\tau\epsilon\acute{\iota}\nu$, which means trying to bring a false accusation against somebody:

εἰ μὲν γὰρ ἔνεκα χρημάτων με συκοφαντεῖ, εἰ δ' ὡς ἐχθρὸν ἑαυτοῦ με τιμωρεῖται, ψεύδεται. διὰ γὰρ τὴν πονηρίαν αὐτοῦ οὔτε φίλω οὔτε ἐχθρῷ πώποτε ἐχρησάμην αὐτῷ (Lysias XXIV,2).

This is a very important 'topos' in all law speeches, to prove that not any personal, individual relationship exists between the two opponents — and he gives as one reason for his indifference the bad character of his opponent which is ruled by envy.

At the end of his introductory passage he refers to another opposition very well known in early platonic dialogues as well, the opposition of the Body ($\sigma\acute{\omega}\mu\alpha$) and the soul ($\psi\upsilon\chi\acute{\eta}$):

ἤδη τοίνυν, ᾧ βουλή, δῆλός ἐστι φθονῶν, ὅτι τοιαύτη κεκρημένος συμφορᾷ τούτου βελτίων εἰμι πολίτης. καὶ γὰρ οἶμαι δεῖν, ᾧ βουλή, τὰ τοῦ σώματος δυστυχήματα τοῖς τῆς ψυχῆς ἐπιτηδεύμασιν ἰᾶσθαι (καλῶς). εἰ γὰρ ἐξ ἴσου τῆ συμφορᾷ καὶ τὴν διάνοιαν ἔξω καὶ τὸν ἄλλον βίον διάξω, τί τούτου διοίσω (Lysias XXIV,3).

The idea behind this passage is the platonic key term of $\acute{\epsilon}\gamma\kappa\rho\acute{\alpha}\tau\epsilon\iota\alpha$, the ability of ruling the emotions and bad feelings, to keep yourself, your „I", free

from being possessed by these instincts which form what he called 'the bad character' *πονηρία*.

After the speaker had introduced himself as a man of high moral qualities on the basis of philosophical training, representing this kind of freedom which keeps people free from all systematic and fixed prejudices, he continues to tell his life-story and the law-case he is involved in by his accuser. So he continues:

Περὶ μὲν οὖν τούτων τοσαῦτα μοι εἰρήσθω ὑπὲρ δέ μοι προσήκει λέγειν, ὡς ἂν οἷόν τε διὰ βραχυτάτων ἐρῶ (Lysias XXIV,4).

φησὶ γὰρ ὁ κατήγορος οὐ δικαίως με λαμβάνειν τὸ παρὰ τῆς πόλεως ἀργύριον· καὶ γὰρ τῷ σώματι δύνασθαι καὶ οὐκ εἶναι τῶν ἀδυνάτων, καὶ τέχνη ἐπίστασθαι τοιαύτην ὥστε καὶ ἄνευ τοῦ διδομένου τούτου ζῆν. καὶ τεκμηρίοις χρῆται τῆς μὲν τοῦ σώματος ῥώμης, ὅτι ἐπὶ τοὺς ἵππους ἀναβαίνω, τῆς δ' ἐν τῇ τέχνῃ εὐπορίας, ὅτι δύναμαι συνεῖναι δυναμένοις ἀνθρώποις ἀναλίσκειν (Lysias XXIV,4 – 5).

Then he continues talking about his individual life-quality. The next sentence shows that Athens apparently was a small place so that everybody knew everybody else very well. He must have been a well known man within the community of the city, because he says:

τὴν μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἐμὸν βίον, οἷος τυγχάνει, πάντας ὑμᾶς οἶομαι γινώσκειν· ὅμως δὲ καὶ γὰρ διὰ βραχέων ἐρῶ. ἐμοὶ γὰρ ὁ μὲν πατήρ κατέλιπεν οὐδέν, τὴν δὲ μητέρα τελευτήσασαν πέπαυμαι τρέφων τρίτον ἔτος τουτί, παῖδες δέ μοι οὐπω εἰσὶν οἳ με θεραπεύσουσι. τέχνην δὲ κέκτημαι βραχέα δυναμένην ὠφελεῖν, ἣν αὐτὸς μὲν ἤδη χαλεπῶς ἐργάζομαι, τὸν διαδεξόμενον δ' αὐτὴν οὐπω δύναμαι κτήσασθαι (Lysias XXIV,5 – 6).

This passage shows that the speaker may have been a craftsman who had a small business down town in Athens, not big enough to make his living because he is probably unable to work there in the same way as someone who is healthy and strong. And in the following passage he says that he would not be able to make his living without the pension granted him by the state. I just want to pick up one or two passages of his speech where he refers to a very specific background which was characteristic of the rules and laws in Athens at that time. There is for instance the passage about the way people wanted to avoid being charged with the duty of producing a tragic drama by the exchange of their property with another citizen who would take care of this business instead. He says:

δοκεῖ δέ μοι τῆς πενίας τῆς ἐμῆς τὸ μέγεθος ὁ κατήγορος ἂν ἐπιδειξοίαι σαφέστατα μόνος ἀνθρώπων. εἰ γὰρ ἐγὼ κατασταθεὶς χορηγὸς

τραγωδοῖς προκαλεσαίμην αὐτὸν εἰς ἀντίδοσιν, δεκάκις ἂν ἔλοιτο χορηγήσαι μᾶλλον ἢ ἀντιδοῦναι ἅπαξ (Lysias XXIV,9).

The way the speaker is aware of how to use language we have seen already in his introduction. But this habit runs quite through the whole speech. For instance we read in paragraph 10 when he tries to oppose to the item of being able to mount horses and to make use of them the following sentence:

Περὶ δὲ τῆς ἐμῆς ἰπικῆς, ἧς οὗτος ἐτόλμησε μνησθῆναι πρὸς ὑμᾶς, οὔτε τὴν τύχην δείσας οὔτε ὑμᾶς αἰσχυνθείς, οὐ πολὺς ὁ λόγος. ἐγὼ γάρ, ὦ βουλή, πάντα οἶμαι τοὺς ἔχοντάς τι δυστύχημα τοῦτο ζητεῖν καὶ τοῦτο φιλοσοφεῖν, ὅπως ὡς ἀλυπτότατα μεταχειριοῦνται τὸ συμβεβηκὸς πάθος (Lysias XXIV,10).

In this passage we have first of all the very old and traditional opposition of Fear and shame (δείσας and αἰσχυνθείς), then we find the opposition of Suffering, i.e. πάθος (δυστύχημα) and 'to avoid pain' (ἀλυπία), and last but not least we find the expression συμβεβηκός (which is a key term in late Plato and early Aristotle) used in connection with τύχη. This shows again the quasi-philosophical background of the speaker.

Another passage deals much more with the moral-ethical aspect in a social context, when the speaker says:

...Λέγω δ' ὡς ὑβριστῆς εἰμι καὶ βίαιος καὶ λίαν ἀσελγῶς διακειμένος, ὥσπερ, εἰ φοβερῶς ὀνομάσειε, μέλλων ἀληθῆ λέγειν, ἀλλ' οὐκ ἂν πάνυ πραόνως ταῦτα ποιήσω. Ἐγὼ δ' ὑμᾶς, ὦ βουλή, σαφῶς οἶμαι δεῖν διαγινώσκειν οἷς τ' ἐγγωρεῖ τῶν ἀνθρώπων ὑβρισταῖς εἶναι καὶ οἷς οὐ προσήκει (Lysias XXIV,15).

And then he continues, combining the ethical-moral aspect with the social one when he says:

οὐ γὰρ τοὺς πενομένους καὶ λίαν ἀπόρως διακειμένους ὑβρίζειν εἰκός, ἀλλὰ τοὺς πολλῶ πλείω τῶν ἀναγκαίων κεκτημένους· οὐδὲ τοὺς ἀδυνάτους τοῖς σώμασιν ὄντας, ἀλλὰ τοὺς μάλιστα πιστεύοντας ταῖς αὐτῶν ῥώμασι· οὐδὲ τοὺς ἤδη προβεβηκότας τῇ ἡλικίᾳ, ἀλλὰ τοὺς ἔτι νέους καὶ νέαις διανοίαις χρωμένους. οἱ μὲν γὰρ πλούσιοι τοῖς χρήμασι ἐξωνοῦνται τοὺς κινδύνους, οἱ δὲ πένητες ὑπὸ τῆς παρούσης ἀπορίας σωφρονεῖν ἀναγκάζονται · ... (Lysias XXIV,16 – 17).

He argues that in bad times poor people live much more according to the ethical principles of society than the rich ones — and because he considers himself a poor man he wants to show that he is a man of trustworthiness.

Now let us have a last glimpse at the end of his speech, where he tries to

defend himself from being accused of preferring bad company and spoilt people. In paragraph 19sq. we read:

Ἔτι δὲ καὶ συλλέγεσθαί φησιν ἀνθρώπους ὡς ἐμὲ πονηροὺς καὶ πολλοὺς, οἳ τὰ μὲν ἑαυτῶν ἀνηλώκασιν, τοῖς δὲ τὰ σφέτερα σφίζειν βουλομένοις ἐπιβουλεύουσιν. ἡμεῖς δὲ ἐνθυμήθητε πάντες ὅτι ταῦτα λέγων οὐδὲν ἐμοῦ κατηγορεῖ μᾶλλον ἢ τῶν ἄλλων ὅσοι τέχνας ἔχουσιν, οὐδὲ τῶν ὡς ἐμὲ εἰσιόντων μᾶλλον ἢ τῶν ὡς τοὺς ἄλλους δημιουργοὺς (Lysias XXIV,19).

Ἐκαστος γὰρ ὑμῶν εἴθισται προσφοιτᾶν ὁ μὲν πρὸς μυροπώλιον ὁ δὲ πρὸς κουρεῖον, ὁ δὲ πρὸς σκυτοτομεῖον, ὁ δ' ὅποι ἂν τύχη. καὶ πλείστοι μὲν ὡς τοὺς ἐγγυτάτω τῆς ἀγορᾶς κατασκευασμένους, ἐλάχιστοι δὲ ὡς τοὺς πλείστον ἀπέχοντας αὐτῆς (Lysias XXIV,20).

Here the speaker argues by generalizing the habits of the citizens and he follows this line of argument, when he continues. So we have seen that the speaker argues in the very sophisticated way he probably could have learned in one of these places where philosophy and rhetoric was taught in Athens. The injury of his body may have been the reason that he had time enough for this kind of study. It is not certain how the gentlemen of the jury had decided this case, but I incline to suppose that he may have succeeded in convincing the jury of his being still a poor man who deserved the state pension of one obolus a month.

F. Some private affairs — like adultery, murder cases and the charge of physical injury

Now let us turn to another case of a more private character. A man is accused of having committed a murder — and he certainly will be considered as innocent at the end of the law case (Lysias I): Ὑπὲρ τοῦ Ἐρατοσθένους φόνου ἀπολογία.

The speaker is probably one of these small farmers in Athens who had to spend all day long working in the fields, coming home in the evening very tired, and falling asleep immediately after. I would like to refer to some passages in his speech which shows another part of the everyday life in Athens of average people. Maybe Menander and other comic writers had chosen some of these cases also as the background plot of their plays and comedies. The speaker is accused of having committed a murder, he killed a man who was in bed with his wife. The circumstances of this action are very interesting because they throw some light to the social life of the time. He opens his speech by saying that the member of the Jury would have acted in the same way as he did in the same situation. Then he tells the jury his personal background.

Ἐγὼ γάρ, ὦ Ἀθηναῖοι, ἐπειδὴ ἔδοξέ μοι γῆμαι καὶ γυναῖκα ἡγαγόμεν εἰς τὴν οἰκίαν, τὸν μὲν ἄλλον χρόνον οὕτω διεκείμην ὥστε μήτε λυπεῖν μήτε λίσαν ἐπ' ἐκείνη εἶναι ὅ τι ἂν ἐθέλη ποιεῖν, ἐφύλαττον τε ὡς οἶόν τε ἦν, καὶ προσεῖχον τὸν νοῦν ὥσπερ εἰκὸς ἦν. ἐπειδὴ δέ μοι παιδίον γίγνεται, ἐπίστευον ἤδη καὶ πάντα τὰ ἔμαντοῦ ἐκείνη παρέδωκα, ἡγοῦμενος ταύτην οἰκειότητα μεγίστην εἶναι (Lysias I,6).

This passage already shows the social rank of the women in Athens. She is not even mentioned by name. She is rather possessed by the man like any other object. There is not the slightest hint of a romantic love story whatsoever, there is only the rational decision that there is a time in life when it may be good for the man to marry, i.e. to take a woman into his house in order to produce children. Then he continues his report:

ἐν μὲν οὖν τῷ πρώτῳ χρόνῳ, ὦ Ἀθηναῖοι, πασῶν ἦν βελτίστη, καὶ γὰρ οἰκονόμος δεινὴ καὶ φειδωλὸς (ἀγαθὴ) καὶ ἀκριβῶς πάντα διοικοῦσα· ἐπειδὴ δέ μοι ἡ μήτηρ ἐτελεύτησε, πάντων τῶν κακῶν ἀποθανοῦσα αἰτία μοι γέγενηται. ἐπ' ἐκφορὰν γὰρ αὐτῇ ἀκολουθήσασα ἡ ἐμὴ γυνὴ ὑπὸ τούτου τοῦ ἀνθρώπου ὀφθείσα, χρόνῳ διαφθείρεται. ἐπιτηρῶν γὰρ τὴν θεραπείαν τὴν εἰς τὴν ἀγορὰν βαδίζουσιν καὶ λόγους προσφέρων ἀπώλεσεν αὐτήν (Lysias I,7 – 8).

This passage is very interesting because it introduces the one key term of this law case which every now and then occurs in this speech and which is — as it turns out later — one of the key terms of the specific passage of the Draconic laws which are concerned with adultery and rape: διαφθεῖρειν and ἀπόλλυμι.

A little bit later he was informed about the adultery of his wife by a land-lady in the neighbourhood who was the former mistress of the lover of his wife. And there we find another cultural habit of the time: Slaves and servants very often knew more than their master, and standing between two opposite parties they worked together with one party for their own profit. But when the other party found out about it they very often were tortured until they told the truth. This is here also the case: Euphiletos — this is the name of the speaker — tortured his servant girl until she confessed that there is a lover very often visiting her Lady and that she even had worked with her together to keep this relationship as a secret from him. But after having confessed to him everything she now is ready to work with him to show him the proof of the fact of adultery. Everything is arranged so that witnesses are also present and at the moment when in front of these witnesses Eratosthenes and his wife were found naked in the bed Euphiletos did what he considered as his duty, he killed the lover of his wife in front of the persons present. It is also interesting to follow the consequences of the Draconic law which was read aloud in front of the public and commented on by the speaker as follows:

Ἄκούετε, ὦ ἄνδρες, ὅτι αὐτῷ δικαστηρίῳ τῷ ἐξ Ἀρείου πάγου, ὃ καὶ πατριὸν ἐστὶ καὶ ἐφ' ἡμῶν ἀποδέδοται τοῦ φόνου τὰς δίκας δικάζειν, διαρρήδην εἴρηται τούτου μὴ καταγνώσκειν φόνον, ὃς ἂν ἐπὶ δάμαρτι τῇ ἑαυτοῦ μοιχὸν λάβων ταύτην τὴν τιμωρίαν ποιήσῃται (Lysias I,30).

And after the following paragraph was read to the Jury, which concerned the case that a woman or a boy might have been raped by somebody, Euphiletos, the speaker continued his comment as follows:

Ἄκούετε, ὦ ἄνδρες, ὅτι κελεύει, ἐὰν τις ἄνθρωπον ἐλεύθερον ἢ παῖδα αἰσχύνῃ βία, διπλὴν τὴν βλάβην ὀφείλειν· ἐὰν δὲ γυναῖκα, ἐφ' αἷσπερ ἀποκτείνειν ἔξεστιν, ἐν τοῖς αὐτοῖς ἐνέχεσθαι· (Lysias I,32).

And in the following passage he gives the reason for this Draconic law practice on the psychological ground which makes an enormous difference between an act of violence and an act of persuasion:

οὕτως, ὦ ἄνδρες, τοὺς βιαζομένους ἐλάττονος ζημίας ἀξίους ἡγήσατο εἶναι ἢ τοὺς πειθόντας· τῶν μὲν γὰρ θανάτου κατέγνω, τοῖς δὲ διπλὴν ἐποίησε τὴν βλάβην, ἡγούμενος τοὺς μὲν διαπραττομένους βία ὑπὸ τῶν βιασθέντων μισεῖσθαι, τοὺς δὲ πείσαντας οὕτως αὐτῶν τὰς ψυχὰς διαφθεῖρειν, ὥστ' οἰκειοτέρας αὐτοῖς ποιεῖν τὰς ἀλλοτρίας γυναῖκας ἢ τοῖς ἀνδράσι, καὶ πᾶσαν ἐπέκειναι τὴν οἰκίαν γεγονέναι, καὶ τοὺς παῖδας ἀδήλους εἶναι ὀπότερων τυγχάνουσιν ὄντες, τῶν ἀνδρῶν ἢ τῶν μοιχῶν (Lysias I,32 – 33).

The reasons for this law practice — as logical as it might be — sound in our times a bit peculiar, because to seduce a married woman was seen like to destroy her soul (τὰς ψυχὰς φθεῖρειν) and was considered as a much more severe crime than just raping a married woman (αἰσχύνειν βία). Because raping only produces the feeling of hate, a result which never could touch the soul of a woman, whereas seduction by love was punished by the death penalty.

There is another law case of the kind of private affair I want to refer finally. It is a case of physical injury and the speech (Lysias III) tells this event. It is entitled: πρὸς Σίμωνι Ἀπολογία.

The speaker — a person not called by name — is accused by a man called Simon of physical injury. Physical injury was judged nearly in the same way as a murder, and the accused person — in case he was found guilty — could be exiled and his property confiscated by the state. The accuser as well as the defendant are already old men and they have in common that they loved the same young boy, called Theodotos from Plataiai.

Simon, the accuser, had tried many times to use violence against his antagonist and had thrown stones at him, the accused person on the other hand had

only tried to defend himself — but the whole story happened already four years ago — and now Simon is trying to prosecute him in court. The speaker himself in his opening remarks tells the jury that he himself would have had much more reason to open a trial because of physical injury against Simon, but he hesitated to do it, because he would have felt ashamed because of the subject of this quarrel, which was as a matter of fact a homosexual love story. He says:

...μόλιστα δ' ἀγανακτῶ, ὃ βουλή, ὅτι περὶ τοιούτων πραγμάτων εἰπεῖν ἀναγκασθήσομαι πρὸς ὑμᾶς, ὑπὲρ ὧν ἐγὼ αἰσχυρόμενος, εἰ μέλλοιεν πολλοὶ μοι συνείσεσθαι, ἡνεσχόμεν ἄδικούμενος. ἐπειδὴ δὲ Σίμων με εἰς τοιαύτην ἀνάγκην κατέστησεν, οὐδὲν ἀποκρυψάμενος ἅπαντα διηγῆσομαι πρὸς ὑμᾶς τὰ πράγματα (Lysias III,3).

The speaker shows himself as caught in a kind of embarrassment, what in ancient Athens was called an ἀπορία but in order not to be sentenced to exile and to the loss of his property, he had to defend himself, *nolens volens*. And then follows an individual confession of the speaker which is quite moving when he continues:

ἀξιῶ δέ, ὃ βουλή, εἰ μὲν ἄδικῶ, μηδεμίαν συγγνώμην τυγχάνειν· ἐὰν δὲ περὶ τούτων ἀποδείξω ὡς οὐκ ἔνοχός εἰμι οἷς Σίμων διωμόσατο, ἄλλως δὲ ὑμῖν φαίνομαι παρὰ τὴν ἡλικίαν τὴν ἐμαυτοῦ ἀνοητότερον πρὸς τὸ μειράκιον διατεθεῖς, αἰτοῦμαι ὑμᾶς μηδὲν με χεῖρω νομίζειν, εἰδότας ὅτι ἐπιθυμήσοι μὲν ἅπαντες ἀνθρώποις ἔνεστι, οὗτος ὁ βέλτιστος ἂν εἴη καὶ σωφρονέστατος, ὅστις κοσμιώτατα τὰς συμφορὰς φέρειν δύναται.

(If I would be considered as guilty, I expect to get no forgiveness, but if I prove my innocence in these matters Simon has sworn an oath about, you otherwise may be consider my passion for the boy too incomprehensible for a man of my age and I ask you not to think the worse of me for that, since you know that there is an irresistible instinct or drive for desire built into all mankind and that such a man may be considered as the best and most temperate who is able to carry his misfortune in the most charming way.)

It shows that a homosexual relationship at that time between old men and young boys was probably very common, but nevertheless it was not considered as honourable by the society and it was a matter of shame, when somebody was forced to confess it.⁸

Turku

⁸The main ideas of this article formed part of a lecture I delivered at the Finnish Institute at Athens on the 10th of January 1994. I want to express my gratitude to Prof. Gunnar af Hällström, the director of the Institute, for the invitation and his generous hospitality.