

## Session on Lysias 1: Synopsis

Todd's (1996) six questions about a forensic speech: who wrote it? who was the speaker? who was the opponent? what was the date? under what legal procedure did it take place? what was the result?

E.g. Hyperides, *Against Diondas*, 335/4 or 334/3, defence against a charge of illegal legislation (γραφὴ παρανόμων), Hyperides won (see Carey, Edwards et al.)

### *Who wrote Lysias 1?*

Dover, *Lysias and the Corpus Lysiacum*: 'It is not easy to see why the speech *On the Killing of Eratosthenes* should appear in an anthology. It is lively and interesting, but not exceptional' (p. 2); speech 12, *Against Eratosthenes*, 'is the only speech which we can safely affirm to have been written in its entirety by Lysias and by him alone' (p. 193). His theory of the composite authorship of speeches, refuted by Usher

Is Lys. 1 a genuine speech from the period? Cf. Andokides 4, *Against Alkibiades*; Lysias 2, *Funeral Speech*. Lysias 1 composed by Lysias to instruct students (Perotti 1989-90) or to advertise his logographic skills (Porter 1997). Porter follows Carey: the characters portrayed in Lysias' speeches are dramatic creations, Euphiletos was a 'gullible cuckold' (cf. Semonides fr. 7.110-11; Ar. *Thesm.* 478ff.; Rutilius Rufus, *De figuris sententiarum et elocutionis* 1.21; Apuleius, *Met.* 9.16-25; Boccaccio, *Decameron* Day 7, Novels 2-8; Chaucer, the *Miller's Tale* in Chaucer). Trenkner: Lysias imitated the Greek novella; Porter shows affinities of the narrative with what he calls the 'comic adultery scenario'; Euphiletos ('beloved') and Eratosthenes ('vigorous in love'), but Euboulos, Demosthenes

How does Lys. 1 come down to us? Manuscript X (Palatinus Graecus 88), now in Heidelberg in Germany, from the late twelfth to early thirteenth century. Speeches 1 (HPTo) and 2 also in mss independent of X, but derive along with X from a hyparchetype

Inclusion of a speech in the *corpus Lysiacum* does not prove it was written by him: cf. corpus of Demosthenes contains Hegesippus and Apollodoros (e.g. 59, *Against Neaira*); Dem. 57, *Against Theokrines* contains hostile references to Demosthenes himself (35f., 41-44); Lysias 11, *Against Theomnestos II* is an epitome of speech 10

### *Who was the speaker?*

Often we do not know the name of the speaker, but at 1.16 the old woman addresses him as Euphiletos. A common name in Athens (cf. And. 1.35, 61-4; Is. 12; ps.-Dem. 59.25; Thuc. 3.86.1; numerous inscriptions), but no patronymic or demotic; a number of Euphiletos families were very wealthy, e.g. Euphiletos son of Simon in the *Neaira*

speech, from Lysis family of the deme Aixone, mentioned by Plato in *Lysis*. Our Euphiletos is seemingly a poor farmer, so how did he afford Lysias' fee?

*Who was the opponent?*

Victim: Eratosthenes (cf. 1.4, 16, 19, 23, 40, 43, title of the speech in mss)

1.16: Eratosthenes of Oe (?east of Sphettos and north of Koropi, as Traill); Oe in tribe Oineis, like Eratosthenes of speech 12. Only two men of this name known to us from classical Athens: the same person (as Kirchner)? But no allusion to the tyrant and cf. νεανίσκος (1.37), tyrant was trierarch in 411 (12.42) can hardly be called a 'young man' in 403 (?), despite arguments of Avery. Perhaps a younger relative of the tyrant. This might explain why Lysias wanted to defend Euphiletos?

But prosecutor's name unknown, probably a relative (cf. old nurse in ps.-Dem. 47)

*What was the date?*

External: Antiphon's defence speech in 411 (Thuk. 8.68)

Internal: e.g. Hyp. *Against Diondas*; Isaïos 6.14 (52 years since Sicilian expedition, so 365/4 or 364/3)

But no external or internal evidence for Lys. 1, unless πάτριον (1.30) is a vague reference to Amnesty of 403/2 (*Ath. Pol.* 39.5) which specified that homicide trials were to be held κατὰ τὰ πάτρια; or if Agoratos being caught in adultery (Lys. 13.68) can be 'read as a reference back to this case' (Todd 43 n. 1) in c. 399. Todd: trial can only be placed 'within the career dates of Lysias' (i.e. 403-c. 380), though speech 20, *For Polystratos*, is 410 or 409 (if genuine Lysias)

*Under what legal procedure did it take place?*

δίκη φόνου, but justifiable homicide (cf. Dem. 23.53-56; *Ath. Pol.* 57.3; ?= law of Drakon, *IG* i<sup>3</sup>, 104), heard by Delphinion (Dem. 23.74) not Areios Pagos (cf. 1.30, 'the court of the Areios Pagos ... has expressly decreed', not 'you, the Areios Pagos, have expressly decreed'); sanctuary of Delphinian Apollo near Olympieion (Pausanias 1.19.1); two references to a woman swearing or offering to swear an oath before an arbitrator at the Delphinion concerning the paternity of her children (Is. 12.9; Dem. 40.11)

Magistrate: archon Basileus (*Ath. Pol.* 57); assigned trial to Delphinion after three *prodikasiai* (Antiphon 6.42), automatically after Euphiletos' plea of justification (as Loomis)?

Judges: fifty-one *ephetai*, members of the Areios Pagos (?)

Prosecution argued that Eratosthenes was snatched from the street and had taken refuge at hearth (1.27), plus Euphiletos sent slave girl to fetch Eratosthenes (1.37); so is Euphiletos'

story completely made up? Todd recalls (*G&R* p. 174) what he learned from Paul Millett, ‘disregard anything the orator says which might benefit his case; only believe the *obiter dicta* (i.e. incidental remarks) which he happens to mention in passing’. If Basileus was free to decide the court, why did he not send the case to the Areios Pagos?

*What was the result?*

Unknown, as very often (but cf. Andokides 1; Isaios 6, ‘Khairestratos son of Phanostratos in *IG ii<sup>2</sup>* 2825, line 11, not ‘son of Philoktemon’; Dem. 39 and 40; Aischines 3 versus Demosthenes 18)

Good speeches do not always win (as Dem. 39). Was this an unusual case? Cf. Lys. frgs 62, *On the Killing of Akhilleides*, and 298, *Defence against Philon concerning the Killing of Theokleides*. 425 speeches survived under Lysias’ name, of which Dionysios of Halikarnassos and Kaikilos of Kale Akte pronounced 233 genuine, and Lysias was said to have lost only two of them (ps.-Plutarch, *Life of Lysias* 836a)

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