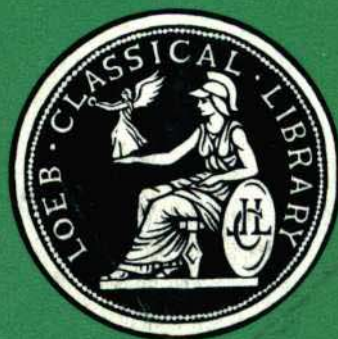


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LYSIAS



Translated by
W. R. M. LAMB

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WITH AN ENGLISH TRANSLATION BY

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P R E F A C E

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

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

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GENERAL INTRODUCTION

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

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

^b Collected in the *Lives of the Ten Orators*, a work formerly attributed to Plutarch.

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

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

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

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

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

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

* viii. 68.

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

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Athenian commanders for neglecting to rescue the men from the disabled vessels. Lysander obtained fresh support from Cyrus, and dealt the final blow to Athenian power at Aegospotami (405). Starvation and submission quickly followed ; Attica and Salamis were all that remained of the wide Athenian Empire, and the Long Walls were demolished (404). With Lysander's aid the oligarchs formed a small government of thirty men, who held absolute and ruthless sway over the unhappy city for about eight months.

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

^a This status was that of an "isoteles."

^b XII. *Against Eratosthenes*.

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

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deprecates the harsh, disruptive policy of Sparta. He seems to have died some eight years later, having lived to the age of eighty.

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

^a 230 e-234 c. More probably a Platonic parody of sophistic disquisition than an actual work of Lysias.

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adulterer's intrigue in a citizen's house, and amorous rivals brawling in the streets (I., III., IV.); the profligacy of the young Alcibiades (XIV., XV.); and quiet, industrious persons resisting the attacks of venal slanderers (VII., XXIV.). These and many other notable additions to our knowledge of the ordinary life of the ancient world are the outcome of the peculiar gifts and principles which Lysias brought to the practice of his profession.

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

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

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

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

^a See preceding note.

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

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

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

^a *De Garrulitate*, 5.

^b *Oxyrhynchus Papyri*, Grenfell and Hunt, 1919.

See above, p. xiv. ^c xii. 551. ^d Cf. XXI. 20 n., p. 467.

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

^a Cf. VI. 20, p. 127.

^c xlii. 611.

^b *De Demosthene*, 11.

^d Cf. XXXII. 24, p. 675.

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